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## Weeping for the res publica

### Tears in Roman political culture

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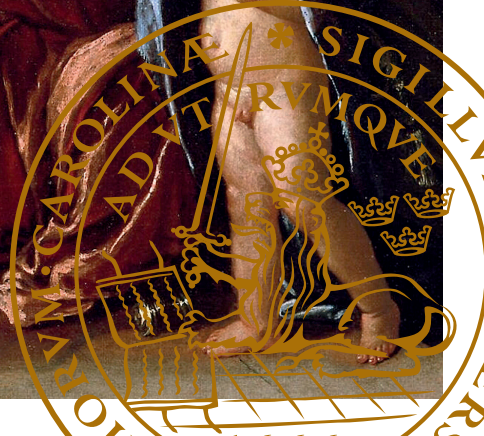


# Weeping for the *res publica*

## Tears in Roman political culture

JOHAN VEKSELIUS

DEPARTMENT OF ARCHAEOLOGY AND ANCIENT HISTORY | LUND UNIVERSITY



# Weeping for the *res publica*

Tears in Roman political culture

Johan Vekselius



**LUND**  
UNIVERSITY

DOCTORAL DISSERTATION

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<p>Abstract:</p> <p>This study explores the significance of tears and weeping in the political culture of ancient Rome during the Late Republic and Early Empire. Using a “dramaturgical metaphor,” it investigates the representation of weeping in different literary genres. The thesis stresses the theatricality that characterized Roman public life. Romans assumed roles associated with different weeping behaviors. One conclusion is that there was no universal script for Roman tears. Instead, the study demonstrates that the function and meaning of tears varied according to historical context. Such contexts include mourning, the law court, and the exercise and expression of power in various political settings. The study also argues the importance of genre and author for the representation of emotions and tears.</p> <p>The study argues the existence of two paradigms for weeping: one appreciative of weeping, the other valuing self-control. The two paradigms are found in different genres and represented options for historical behaviors. Tears articulated the importance of the family and social virtues such as <i>pietas</i>, <i>fides</i>, <i>clementia</i>, and <i>civilitas</i>. Conversely, by not weeping a Roman could convey <i>virtus</i>, <i>gravitas</i>, and <i>maiestas</i>. A mourning elite Roman faced a tradeoff. He needed to show that he could cope with the proper self-control, which was a mark of the dominant group. At the same time, a Roman should convey that he was he was a man of feeling by weeping. The study also considers the question of the change over time and argues that both self-control and extrovert weeping were available as responses to the autocracy of the Empire. Tears of mourning could be used politically to incite the crowd emotionally against opponents. This subversive potential of tears led them at times to be prohibited.</p> <p>The Roman law court was lachrymose. The rhetorical manuals recommended tears and orators wept without much censure. Romans shed tears in the law court aiming to elicit <i>misericordia</i> and to invoke <i>clementia</i>. Literature represents high-status Romans such as emperors, generals, senators, and magistrates as weeping in front of their followers when their authority was questioned, assumed, or rejected. Such tears sought to establish consensus and <i>fides</i> between groups of different status.</p> <p>Several famous Roman generals followed a Greek literary motif and wept at the moment of victory for a variety of reasons: the ephemeral nature of victory and everything human, the fickleness of fortune, dire forebodings for himself and Rome, the piteous state of the fallen, and perhaps joy.</p> <p>Tears’ problematic relationship with sincerity is also explored. Tears not only express emotions but also communicate emotional sincerity—even as they might be taken as being insincere. To be understood as sincere a Roman needed to weep intensely, something that increased the stakes and his humiliation if he was understood as being insincere. Literature depicts “bad emperors” as feigning tears or forcing their subjects to weep or hide their emotions. This can be read as a literary characterization of a broken political culture. A good emperor, meanwhile, showed concern for his subjects by tears and wept with them and allowed them to shed tears freely. The study argues that the need to adjust faces and weeping according to the autocrat’s sentiments could well reflect historical realities. The appropriateness of tears depended on a complex interplay between contexts, gender, and status. In general, weeping for family, friends, and <i>the res publica</i> was called for.</p>		
Key words: ANCIENT ROME, POLITICAL CULTURE, EMPIRE, EMPEROR, IMPERIAL, REPUBLIC, TEARS, WEEPING, MOURNING, PITY, DIPLOMACY, VIRTUS, PIETAS, FIDES, CLEMENTIA, EMOTIONS, HISTORY, HISTORIOGRAPHY, ORATORY, RHETORIC , LATIN, CICERO, SENECA, TACITUS, LIVY		
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# Weeping for the *res publica*

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*Johan Vekselius*, March 2018.



## *Chapter 1.*

# Approaching Roman Tears

## Introduction

### Aims and the Object of Study

Why is Julius Caesar said to have wept in front of his soldiers after crossing the Rubicon, and Scipio Aemilianus as he beheld the destruction of Carthage? How should we understand the criticism leveled against Tiberius' refusal to weep after the death of his nephew (and adopted son) Germanicus? Why was the Roman law court flooded with tears? What was the significance of Pliny the Younger's praise of Trajan's tears? And why could grandees be praised for their excessive tears by Statius and be criticized for similar tears by Seneca?

This study engages with these cases and many more in pursuit of the meanings and outcomes of tears in Roman political culture during the Republic and Early Empire. This ambition raises several questions. What did tears communicate? Which social practices, emotions, values, and virtues was crying associated with, and why? Moreover, which political outcomes did weeping effect? To this end, the study must inquire into when, where, how, why, and to what effect Romans shed tears. The study's aim is to argue tears' political significance by demonstrating how crying mattered in the political sphere, but also conversely, how the political sphere was significant for the shedding of tears. To be more specific, this study aims to cast further light on and define the "performative side" of Roman political culture, in contrast to the legal and formalistic side, by demonstrating how weeping interacted with status, identity, values, virtues, mentalities, and practices to bring about political outcomes. Furthermore, the study aims to demonstrate how the meanings, outcomes, and reception of tears varied both according to the historical and literary context as well as over time.<sup>1</sup>

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<sup>1</sup> Ebersole 2000 underlines the complexity that must be accounted for in the study of tears.



The study covers a time period from the Middle Republic to the Early Empire. This period spans roughly 200 BC to AD 200 and allows us to assess the question of historical change and how the significance of tears might have changed with the political system. What will be in focus here is the political culture of the city of Rome and its elites, and relevant sources will include literary works from all genres that can elucidate Roman tears.<sup>2</sup> Such sources will be both Latin and Greek: not only were many of the works that narrate Roman history written in Greek, but the Roman elite itself was bilingual and versed in both literary cultures, with Greek literary genres and models significantly affecting the development of Latin literature.

## Tears in Literature and History

Whose attitudes and practices are reflected when we read about tears in ancient literature?<sup>3</sup> The historical subject's or the author's? An event represented in a text is relayed through the double "filter" of the author and the literary genre. This circumstance makes it difficult to determine if perceived differences between historical events are indications of diachronic change, or if we are to understand them as functions of author and genre, or if similarities between historical events in texts by different authors are due to literary conventions hiding differences. Taken together, this calls for a systematic and comprehensive approach. Whenever possible, we need to study both similar and different types of weeping events in different genres and in texts by different writers, as well as similar and different types of crying episodes in the same genre and in texts by the same writer. Thus, we can understand the "distorting lenses" by controlling for tendencies both in the historical context and in different genres and literary careers.

It is not on the level of individual instances that this study claims validity. It is futile to try to establish if someone did weep at a given occasion some two thousand years ago. There are no criteria by which to determine what is historical "reality" and what is literary fiction or to decide the relation between reality and

---

<sup>2</sup> Cf. Beard 2014, 85–95, for a discussion about what is Roman and Greek in her study of Roman laughter.

<sup>3</sup> Sanders 2012a provides a useful discussion on the potential and problems with using literature in the study of emotions in ancient Greece. For a general introduction to the methodology for the study of emotions in ancient history, see Chaniotis 2012b; Chaniotis & Ducrey 2013b; Cairns & Nelis 2017b; concerning epigraphy, see Chaniotis 2012c; for archaeology see, Masséglia 2012. On methodological problems in the study of Roman tears, see now Hagen 2017, 55–65.

representation in individual instances of tears.<sup>4</sup> However, if the same types of tears can be found in different time periods and among different writers, and are shed by different historical actors, the argument can be made that we are dealing with a cultural pattern. Consequently, this study works with the premise that we can gainfully investigate types of weeping. In a given situation, there was a logic (or competing logics) that determined the appropriateness of tears and that we can analyze.

## The Terminology of Tears

If we are to understand Roman tears, we need understand the terms the Latin and Greek authors themselves used.<sup>5</sup> To start with, we can make a distinction between crying on the one hand and tears on the other. The former is a complex psychosomatic behavior that involves facial and bodily movements, sounds like sobbing and sighs, and changed breathing.<sup>6</sup> The latter, tears, are drops of fluid that one typically sheds when weeping, though tears can be shed without being understood as crying.

The vocabulary of tears and weeping is rather limited. *Lacrima/lacrimare* (“a tear/to shed tears”) and *flere* (“to weep, cry”) in Latin, and δάκρυον/δακρύω (“a tear/to shed tears”) and κλαίω (“to weep/cry”) in Greek, together with their cognates and derivatives, account for most occurrences of tears and weeping. Less frequent in Latin is *plorare* (“to cry and weep,” often with a sense that the crying is loud). A complication is that Greek and Latin use these terms in a transitive sense as well, that is, “to lament/bewail/weep/shed tears for something or somebody.”<sup>7</sup> In such instances, it might be difficult to ascertain if we should imagine that tears were shed or not. Tears of joy are typically rendered by the *lacrim-/δάκρυ* stems because *flere/κλαίω/plorare* are expressions of grief with a sense of voiced complaint and bitterness, and tend to be inappropriate for tears of

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<sup>4</sup> Cf. de Libero 2009; Hagen 2017, 59.

<sup>5</sup> For a discussion of the problems with terminology in the context of Roman laughter, see Beard 2014, chap. 4. For the terminology of Greek laughter, see Halliwell 2008, 520–529, and on Greek and Roman anger, see Harris 2001, chap. 3. See Panagl 2009, for an overview of the vocabulary of tears and weeping (as well of smile and laughter) in the Indo-European languages.

<sup>6</sup> See Kappas 2009, 422–423; Vingerhoets, Bylsma & Rottenberg 2009, 439, for English definitions of tears and weeping.

<sup>7</sup> Cf. Hall 2014, 107–109.

joy.<sup>8</sup> The terms for weeping and tears are often used interchangeably by ancient authors for stylistic variation, which is why it is not worthwhile to further pursue terminological distinctions.

This study focuses on tears and weeping, which is why grief in general, ritual grief, mourning, and lamentation are of secondary significance, something that also holds true for terms that express such concepts. In Latin, such terms include *plangere*, *plangor*, *planctus*, *lugere*, *luctus*, *queror*, *lamentatio*, *lamenta*, *gemitus*, *gemo*, and *squalor*, and corresponding terms in Greek are πενθέω, πένθος, γοάω, γόος, θρηνέω, θρήνος, ὀδύρομαι, κωκύω, and κόπτομαι. Such terms tend to refer to more general expressions of pain and grief or to ritual lamentation as part of mourning and funeral rituals.<sup>9</sup> These terms tend to be more “ritual” than “emotional,”<sup>10</sup> and do not directly refer to tears, even though they might imply tears. Even if the ambition of this study is to concentrate on the tears rather than on grief and mourning, it will sometimes prove impossible to untangle tears from descriptions of mourning, grief, and pity. Tears can be used as metonyms for emotions,<sup>11</sup> whereas intense mourning and sorrow may implicate tears even though they are not explicitly mentioned.<sup>12</sup> Programmatic statements cannot solve such conundrums. Only by close-reading texts can we establish what kind of behavior they are likely to refer to. Another way of addressing this problem is to work mainly with texts that explicitly mention tears.

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<sup>8</sup> Stated by Panagl 2009, 530, concerning Latin, but which holds true for Greek as well.

<sup>9</sup> On the terminology (and its development) of Greek lamentation and tears, see Alexiou 1974; Arnould 1990, 143–153; Derderian 2001; Suter 2009, 60–61; Hagen 2017, 64–65.

<sup>10</sup> A stance adopted by Lateiner 2009a; de Libero 2009; Suter 2009. Cf. Ebersole 2000, 213–215.

<sup>11</sup> On emotional expressions as metonyms, see Cairns 2013; 2017, 56–58; Cairns & Nelis 2017b, 15–17. The terms “emotion” and “feeling” are used interchangeably in this study. There is no scholarly consensus of the definitions of the terms and how they relate to each other, see Rosenwein 2016, 7–8. Cf. Eckert 2016, following Scherer 2005, who contends the importance of making a distinction between the terms.

<sup>12</sup> On “implicit emotions,” see Sternberg 2005b; Sanders 2012a, 160–161; 2012b; 2016a, 17; Rubinstein 2013.

# Roman Political Culture

## The Roman Republic

The following will outline the significant characteristics of the political culture of both the Republic and Imperial Rome as a background. An office-holding aristocracy dominated the Roman Republic, whose members populated the Senate, and from which civil, religious, and military office holders were drawn.<sup>13</sup> Formal sovereignty may have rested with the *populus* who legislated in assemblies and who elected magistrates and thus bestowed membership and honors on the Senate.<sup>14</sup> There has been considerable debate about the extent of “popular power” and democracy in the Republic.<sup>15</sup> Without taking a firm position in this debate, it is evident that the social, religious, political, military, and economic spheres—in short, the political and civic structures and the affairs that constituted the *res publica*—were in the power of the office-holding aristocracy, who were the only ones that could act and speak as individuals in the political sphere.<sup>16</sup>

Scholarship on the political culture of the Republic has emphasized its “performative” side, in contrast to its formalistic side.<sup>17</sup> Status and power had to be performed in front of audiences to acquire meaning. Rituals and ceremonies persuaded audiences, achieved and articulated consensus and conflict, enacted status, and brought about political outcomes. The elite performed in front of audiences when they deliberated with their peers in the Senate, convened and spoke before a crowd in a *contio*, performed religious rituals as priests, or pleaded in the law court. It was as an orator the elite Roman addressed his fellow Romans,

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<sup>13</sup> For the character of the Roman Republic, perceptive discussions with broad overviews over the vast scholarship on the subject can be found in Meier 1980; Jehne 2006; Hölkeskamp 2010; 2017. Flower 2010 offers a thought-provoking reading of the essence of the Roman Republic by way of a new periodization.

<sup>14</sup> On the Republican “constitution,” see Lintott 1999; North 2006; Mouritsen 2010.

<sup>15</sup> See Hodgson 2017, for a monograph on the *res publica* as a concept during the Late Republic and Early Empire.

<sup>16</sup> Millar 1984; 1986; 1989; 1995; 1998; 2002, and Wiseman 1994; 1995; 1998; 2008; 2009, have put forth arguments for the formal and practical power of the plebs. For the competing and more traditional view that underlines the power of the office-holding aristocracy, see North 1990a; 1990b; Harris 1990; Jehne 1995; 2006; Yacobsen 1999; 2004; 2006; Hölkeskamp 2000b; 2004a; 2004b; 2010; 2017; Flaig 2003a; Mouritsen 2001; 2010; Morstein-Marx 2004; 2013.

<sup>17</sup> On spectacles, see for example Marshall 1984; Flower 2004; Hölkeskamp 2011; 2017, chap. 6–7.

and the spoken word, and consequently oratory and rhetoric, was of great significance.<sup>18</sup> Acknowledging the significance of eloquence, we must remember that gesture, dress, and manners—such as walking—were significant communicative acts in Roman culture.<sup>19</sup>

Spectacles functioned as communication within the elite and between the elite and the crowd. Performances communicated values and virtues both within the Roman power system and to society as a whole. Such performances fostered communal cohesiveness and consensus through the participation of the elite and the crowd.<sup>20</sup> Consensus was critical for social cohesion in and between groups, such as the Senate, the *equites*, the plebs, the soldiers, and later the emperor and his family. A consensus for a Roman statesman and his propagated cause lent him *dignitas* and *auctoritas*. Consensus provided both a means and an aim to persuade and to achieve political results. A crowd needed the ordered participation of different status and age groups in Roman society to represent a “proper” consensus.<sup>21</sup> Predictably, the political value of consensus made it contested goods. The significance of consensus often entailed conflict about which persons and interests it should include. An orator’s aim was to build a consensus around his own person and interests and relate it to communal values so that only deviant outcasts could be represented to be outside it.<sup>22</sup>

The crowd was an important political factor during both the Republic and the Empire. Roman (and Greek) authors used a range of words like *populus*, *plebs*, *multitudo*, *turba*, and *vulgus* for terms such as the people, multitude, crowd, and

---

<sup>18</sup> The importance of oratory during the Republic has been the subject of many recent studies. The edited volume of Steel & van der Blom 2013 offers diverse perspectives (and an extensive bibliography), while highlighting the significance of speech and oratory in Late Republican Rome. More specifically, see Hölkeskamp 1995; 2004a, chap. 8; 2013; 2017; David 2006; Bell 2013; Jehne 2013; Steel 2013a; 2013b; Vasaly 2013. Closely related to the importance of oratory, the *contio* and its relationship to popular power has been the subject of scholarly attention, see Pina Polo 1996; 2013; Mouritsen 2001; 2010; 2013; Morstein-Marx 2004; 2013; Jacobsen 2004; Sumi 2005; Bücher 2006, 29–34; Flower 2013; Russell 2013; Tan 2013; Hölkeskamp 2017, chap. 6.

<sup>19</sup> On gesture in ancient Rome, see Aldrete 1999; Corbeill 2004. On walking in Roman culture, see Corbeill 2004, chap. 4; O’Sullivan 2011; Östenberg 2015.

<sup>20</sup> The importance of consensus is well established, see for example Hellegouarc’h 1963, 121–127, 358–360; Lind 1986, 67–73; Griffin 1991; Hölkeskamp 1993; 2004a; 2004b, chap. 1; 2010; 2011; 2013; 2017, chap. 6; Jehne 1995; 2000; Flaig 1995; 2003a; Morstein-Marx 2004; 2013; Sumi 2005; Stem 2006; Kaster 2009.

<sup>21</sup> Morstein-Marx 2004; Sumi 2005, 16–46, 264; 2011; Kaster 2009; Östenberg 2015, 18, 20–22.

<sup>22</sup> The dangers of being outside a consensus is made clear by Corbeill 1996; Flaig 2003a; Kaster 2009. Hammar 2013 demonstrates how Roman orators cast their opponents as deviant violators of Roman norms.



the mob. These terms had more or less positive or negative connotations. Ancient authors are inconsistent in their usage of the terms, sometimes for stylistic reasons, at times to indicate a value judgment, and occasionally to make distinctions regarding the composition of a crowd.<sup>23</sup> When translating these words, this study most often preserves the sense used by ancient authors, otherwise using the “crowd” or “audience.” Although it is almost impossible to determine the composition of different crowds, the terms typically refer to non-elite Romans, even though elite Romans might be members of a crowd. Furthermore, a characteristic of crowds is that their members are nameless and anonymous.<sup>24</sup> In practice, a common tactic was for the orator to define his crowd as large and constituted by the genuine *populus Romanus* in its stratified subdivisions (magistrates, senators, *equites*, plebs, etc.) while the opponent’s crowd was denounced as a small and illegitimate mob made up by a random rabble of hired slaves, brigands, and gladiators.<sup>25</sup>

## The Empire

The establishment of the Principate meant both continuity and change.<sup>26</sup> The emperor took control over the *res publica* and wielded an authority that ultimately rested on his military and economic power. The Senate and other Republican institutions lived on and granted status and hierarchy to the elite and the emperor. Senators still served as civic magistrates and as officers in the army. The plebs might have lost their legislative and elective functions but still legitimized the emperor by acclaiming him.<sup>27</sup>

Three groups stand out as politically significant in relation to the emperor: the plebs in Rome, the army (in particular the praetorians), and the Senate.<sup>28</sup> Consensus between the emperor and these groups was of crucial importance. The emperor needed to display a degree of respect and affection for them, although the various groups had different and sometimes conflicting demands on their

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<sup>23</sup> Hellegouarc’h 1963, 506–518; Yavetz 1969a, 7–8, 141–155; Vanderbroeck 1987, chap. 2; Aldrete 1999, 85–86; Tatum 1999; Hammar 2015, 82.

<sup>24</sup> Hammar 2015, 84.

<sup>25</sup> Concisely put by Russell 2016b, 188–190, who refers to the longer discussions of Hölkeskamp 1995 (= 2004, chap. 8); 2013; Morstein-Marx 2004, chap. 4.

<sup>26</sup> See Winterling 2009, for a theoretical model of the transition from Republic to Empire.

<sup>27</sup> Aldrete 1999, 132–133, 147–159, discusses the legitimization of emperors by acclamation.

<sup>28</sup> The importance of these three groups is argued by Flaig 1992 (condensed in case-studies in 2003b; 2010). See also Veyne 1990, chap. 4; Griffin 1991; Aldrete 1999, 149–156.

emperor and competed against each other for his affection:<sup>29</sup> the soldiers wanted a competent general who affirmed their prestige in the political system;<sup>30</sup> the urban plebs wanted a good “father” with a sense of justice, who cared for and loved them as he was present in Rome among them and shared their joys and sorrows;<sup>31</sup> and finally, the Senate wanted to be honored and consulted as the senior institution, and that the emperor displayed that he was not (too) aloof to his senatorial peers.<sup>32</sup> The emperor himself wanted to be loved by his subjects, to use the words of Paul Veyne, and he needed the acceptance of these groups to survive, as evidenced by the high ratio of murdered emperors.<sup>33</sup> To face all these different expectations together with the inherent ambiguities of his multiple roles put a tremendous and sometimes outright maddening pressure on the emperor’s person.<sup>34</sup>

A facade of Republican institutions cloaked the emperor’s power base, namely, his control over the military and financial resources.<sup>35</sup> The Senate enjoyed status and power even as it disempowered itself by affirming the dominance of the emperor. These relationships created a gap between a veil of Republican ideology and the realities of power in a military monarchy. The Imperial court and its ceremonies subsumed Republican institutions.<sup>36</sup> A consequence of this was ambiguous communication between emperor and subjects, most importantly between the emperor and his Senate.<sup>37</sup> Simplified, it can be said that the emperor acted as if the Republic lived on while latently wielding power, while the Senate and other

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<sup>29</sup> Yavetz 1969a, 114–116, 139; Veyne 1990, chap. 4 (esp. 398, 406, 414–416); Flaig 1992; Goddard 1994.

<sup>30</sup> Veyne 1990, 334–343; Flaig 1992, 132–207, 451–519; Goddard 1994.

<sup>31</sup> Yavetz 1969a; Veyne 1990, 398–403, 414–416; Griffin 1991; Flaig 1992, 38–93; Goddard 1994.

<sup>32</sup> Veyne 1990, chap. 4 (esp. 356–358, 403–414); Flaig 1992, 94–131. Cf. Rudich 1993; 1997. On the Imperial Senate, see Talbert 1984.

<sup>33</sup> Veyne 1990, 398, 406, 414–416. Flaig 1992 has argued that the emperor’s position is better understood in terms of acceptance rather than legitimacy. On the emperor’s lack of legitimacy and need of acceptance, see also Winterling 2009, chap. 5–6.

<sup>34</sup> Small wonder that emperors lost their minds and went (or at least seemed) crazy. Veyne 1990, 409–413, discusses emperors’ madness from a “sociological” perspective. Yavetz 1996 discusses Gaius’ “Imperial madness” in ancient and modern historiography. Winterling 2009, chap. 6, contextualizes the madness of Gaius (also a recurring topic in Winterling’s biography (2011) of that emperor). Sidwell 2010 surveys previous scholarship and concludes that the search for the “mad” Gaius is futile.

<sup>35</sup> Winterling 2009 offers a theoretical perspective on the “double-nature” of the Principate.

<sup>36</sup> Sumi 2005, chap. 9; 2011. Cf. Winterling 1997; 2009, chap. 5.

<sup>37</sup> Winterling 2009, 111–113, 115, 158.

Republican institutions acted as if the Republic lived on while obeying the emperor. These mentalities and practices were labeled *dissimulatio*. The problem for the aristocracy was to figure out the emperor's "real" will, and for the emperor to discover the real, rather than the acted, acceptance of his rule.<sup>38</sup> It follows with *dissimulatio* that emotions, thoughts, and sentiments were hidden and pretended so as not to expose the realities of an autocrat and a subjected traditional elite.<sup>39</sup>

## Virtues and Values

The Roman political system lacked clear performance criteria, like unemployment numbers, GDP growth, and crime rates, by which to evaluate whether magistrates and emperors were good or bad at their jobs. This lack of unambiguous performance criteria is one reason form and manner mattered more than deed and substance—or in the words of Zvi Yavetz, the *quomodo* was more important than the *quod*.<sup>40</sup> To take the most obvious example, the emperor expressed and claimed authority by displaying superiority in virtue relative to the significant groups. Given that tears formed part of the communication in the political system, we should expect that tears should translate into virtues, with virtue here understood as a desirable moral and ethical quality.<sup>41</sup> We shall soon see that virtues could be emotional in the manner they were expressed, described, and experienced.

Another consequence of the importance of form and manner in Roman political culture was the elite's adaptation of a communicative style that served to "ritually" reduce or hide differences of status. This manner has in scholarship been termed *levitas popularis*, joviality, *comes/comitas*, and *civilitas*.<sup>42</sup> During the Republic, this

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<sup>38</sup> Winterling 2009, 112.

<sup>39</sup> On the literary and behavioral consequences of the ambiguousness of the Principate and its relationship to *dissimulatio*, see Rudich 1993; 1997; 2015; Bartsch 1994; 2012; O'Gorman 2000, 78–96; Roller 2001; Corbeill 2004, chap. 5; Winterling 2009 (esp. 111–113).

<sup>40</sup> Yavetz 1969a, 101, 105–106, 109, 111, n. 2; 1983, 213. For the evaluation of the emperor by virtues rather than by concrete performance criteria, see Wallace-Hadrill 1983, 149–151. The display of the emperor is a topic in Veyne 1990, chap. 4. On the emperor's use of coins to communicate virtues, see Noreña 2001.

<sup>41</sup> Cf. Krasser 2009; Hagen 2017, chap. 5.

<sup>42</sup> Jehne 2000, 214–217, uses joviality (*Jovialität* in German) but also considers *comes/comitas* (Bücher 2006, 45–46, also employs joviality). Yavetz 1965; 1969a, 51–53, *passim*; 1969b, 560; Manning 1975 use the term *levitas (popularis)*. On Imperial *civilitas*, see Wallace-Hadrill 1982; 1983, 162–166. On *comes*, see Griffin 1991, 37; Goddard 1994; Santoro L'Hoir 2006, 133–136. *Civilitas* might be best known as an Imperial virtue, while joviality and *levitas popularis* are more Republican concepts. Be that as it may, I will not use different terms for different periods for what is analytically more or less the same phenomenon. I opt for *civilitas* since it

manner meant that the office-holding aristocracy displayed respect and deference toward the people while maintaining a difference of status. During the Empire, this leveling manner was critical for the emperor and the Imperial family in their relationships with the Senate and the people. The emperor needed to display respect as a *primus inter pares* toward his senatorial peers, and a certain civility—to call it “folksy” would perhaps push it too far—relative to the plebs. This study uses *civilitas* as an analytical concept that encompasses *comes*, *comitas*, *levitas popularis*, and joviality. I will argue that tears could express *civilitas* in the interaction between the elite and the non-elite.

A *vir* needed to give evidence of his status and manliness, his manly virtue, his *virtus*.<sup>43</sup> From as early as we can tell, *virtus* had connotations with military valor, physical prowess, and bravery. In civic life *virtus* meant enduring personal and political misfortune, like bereavement or exile, as became a man. A Roman needed to perform *virtus* in front of the Roman community so that it could redeem *virtus* with *dignitas*, *gloria*, and *honor*.<sup>44</sup> *Virtus* was closely related to *fortitudo*/*fortis* (manly bravery and strength) and *firmitudo* (firmness and strength of mind and character).<sup>45</sup> *Virtus* can be said to encompass these two virtues, which is why this study subsumes them under *virtus*. *Virtus* was also related to a range of other “manly” virtues, such as *gravitas* (the virtue of possessing importance, seriousness, and gravity), *maiestas* (majesty, a kind of successor virtue to *gravitas*, but with stronger connotations to the dignity of office and power), *auctoritas* (authority), and *dignitas* (dignity and social standing).<sup>46</sup>

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captures the manner’s quality as a virtue. On leveling manners in the Hellenistic world, see Chaniotis 1997, 233–240; 2013, 79. Cf. Arnould 1990, chap. 6.

<sup>43</sup> On *virtus* and aristocratic *ethos*, see for example Hellegouarc’h 1963 (esp. 242–251, 476–483); Earl 1967; Eisenhut 1973; Harris 1979; 2006; Lind 1979; 1986; 1989; 1992; MacMullen 1984; Rosenstein 1990; 2006; Vidén 1993, 110–121; Galinsky 1996, chap. 3; Lintott 1999, 164–176; Roller 2001; McDonnell 2006a; Edwards 2007, 41–45, 90–98; Morgan 2007; Hölkeskamp 2017.

<sup>44</sup> On the need for *virtus* to be performed and made visible, see Edwards 1999; 2007, 144–160; Barton 2001, 58–61; Wilcox 2005b, 271–272; 2006; McDonnell 2006a.

<sup>45</sup> Hellegouarc’h 1963, 247–251, 290–294, 494; Lind 1992, 21–24; McDonnell 2006a, 60–61.

<sup>46</sup> On *gravitas*, see Hellegouarc’h 1963, 279–290; Lind 1979, 34–38; Wagenvoort 1980 [1952], 39–58. On *maiestas*, see Drexler 1956; Gundel 1963; Hellegouarc’h 1963, 314–320; Bauman 1967; Wagenvoort 1980 [1952], 39–58; Lind 1986, 52–56. Lind 1979, 34–36; 1986, 52, argues that *maiestas* gradually substituted *gravitas*. On *auctoritas*, see Hellegouarc’h 1963, 295–336; Lind 1979, 29–34. On *dignitas*, see Hellegouarc’h 1963, 388–420; Lind 1979, 22–29. On these virtues, see also Morgan 2007 (who at length discusses popular morality in Roman culture).

*Virtus* became more ethical and abstract during the Late Republic and Early Empire and came close to meaning “personal excellence.”<sup>47</sup> With the establishment of the Principate, the emperor took control over the customary career paths and limited the traditional elite’s opportunities to display traditional *virtus* in service of the *res publica*. In response, Roman aristocrats could turn inward and internalize virtue and express a virtue that was independent of political recognition. The establishment of autocracy can thus partly explain the popularity of Stoicism among the elite in Imperial Rome.<sup>48</sup> Losing external power, this elite turned inward, and facing death and other personal hardships in a Stoic manner became one avenue for *virtus*. In what amounts to a small paradox, however, Roman Stoics like Seneca still took for granted that deeds of *virtus* had audiences.<sup>49</sup> Thus, like traditional *virtus*, Stoic and ethical *virtus* stood in demand of acknowledgement, albeit not necessarily the same political recognition that was possible during the Republic. Stoicism thus redefined the traditional virtues.<sup>50</sup> The main relevance of *virtus* and related virtues, like *gravitas* and *maiestas*, in this study is that a member of the elite could express them by not weeping in public when in distress and instead persisting in service of the *res publica*.

*Pietas*, *fides*, and *clementia* were relational and emotional virtues that could be expressed and appealed to by tears. *Pietas* was the virtue of loyalty to authority, that is, the dutiful conduct, devotion, reverence, and affection toward the gods, the state, parents, kin, and benefactors.<sup>51</sup> *Fides* meant something like reciprocal loyalty, devotion, and trustworthiness in relationships.<sup>52</sup> *Clementia* was associated

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<sup>47</sup> McDonnell 2006a.

<sup>48</sup> On Stoicism, politics, and the “Stoic opposition,” see MacMullen 1966, chap. 2; Brunt 1975; Griffin 1984, 171–177; Shaw 1985; Rutherford 1989, 59–80; Edwards 1997; 1999, 255–256, 262; 2007, 90–98; Roller 2001, chap. 2. Stoicism is a recurrent theme in the studies of Rudich 1993; 1997, on dissidence in Neronian Rome.

<sup>49</sup> Hijmans 1966; Rosenmeyer 1989, 47–48; Edwards 1999; 2002, 382–384, 392; 2007, 144–160; Roller 2001, 78–97; Santoro L’Hoir 2006, 215. Cf. McDonnell 2006a, 385–389.

<sup>50</sup> Roller 2001, chap. 2; Edwards 2009.

<sup>51</sup> On *pietas*, see Hellegouarc’h 1963, 276–279; Earl 1967, 68–69, 76–77; Weinstock 1971, 248–259; Wagenvoort 1980 [1924], 1–20; Lind 1992, 15–21; Vidén 1993, 130; Saller 1994, 105–114, 130–131; Galinsky 1996, 82, 86–88; Roller 2001, 26–54; Morgan 2007. *Pietas* might emerge in literary sources as an obligation for men, but when we gain insight into the relations within a family, like we do in Cicero’s corpus, *pietas* is explicitly ascribed to Roman women as well, and that without any further comments, see for example Cic. *Fam.* 8.3; 155.1; 166; 248.6; *Att.* 228; *Clu.* 12, 194. See also Sen. *Marc.* 1.2–3; *Helv.* 2.4, 4.2, 16.1, 16.7, 18.8.

<sup>52</sup> On *fides*, see Hellegouarc’h 1963, 23–35, 37–41, 275–276; Earl 1967, 33, 45, 76–77, 83; Lind 1989, 5–13; Hölkeskamp 2004a, chap. 4. (= 2000a); Morgan 2013. On the relationship between *fides* and *pietas*, see Lind 1989, 8–10; 1992, 16; Hölkeskamp 2004a, 108; Morgan 2007.



with power and was the virtue of treating the subjected or an offender better than he deserved.<sup>53</sup>

Summing up, Roman tears need to be situated in a political culture that was performative. The importance of form and manner is one reason not to get dragged into questions about emotional content and what a Roman “really” felt when he wept. Instead, what is relevant is how tears and crying expressed virtue and were related to status, manners, forms, and appearances in political communication in a way that persuaded, created consensuses, and affected outcomes. This theatricality of Roman political culture calls for a dramaturgical approach.

## The Dramaturgical Metaphor

### The Framework in Outline

This study’s main theoretical framework derives from Ervin Goffman’s *The Presentation of Self in Everyday Life* (1959). Goffman studies interaction in modern Western everyday social life by likening it to the theater. For Goffman, social interaction takes place on stages before audiences as in the theater. Accordingly, besides performers (also called actors and co-actors) there are observers, who constitute an audience. The distinction between actor and audience is fluid and relative, depending on perspective, time, and place. A performer in one situation can be the audience in another, and vice versa.

Goffman calls the pre-established pattern of action that unfolds during a performance a *part* or *routine*,<sup>54</sup> but this study prefers *script* because the term seems better suited to a study of political culture and because it is used in scholarship on the history of emotions.<sup>55</sup> A performer might follow the script or deviate from it. From Goffman’s perspective, a deviation is seen as a threat to the performance’s

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<sup>53</sup> On *clementia*, see Weinstock 1971, 233–243; Wallace-Hadrill 1983, 158–162; Konstan 2001, 97–104; 2005b; Griffin 2003; Dowling 2006; Morgan 2007; Braund 2009; 2012, 100–103.

<sup>54</sup> Goffman 1959, 16.

<sup>55</sup> Ebersole 2000 uses “script” in his article on methodology for the study of tears in the history of religions. Kaster 2005 elucidates the emotional lives of Romans with “scripts,” while Chaniotis 2015 writes about “emotional scripts” in diplomacy. We can extend Goffman’s definition with the addition that a script represents the instructions for the proper enactment of a role in a given situation, that is, what is allowed, prohibited, and expected.

coherence and is likely to carry adverse social consequences. I would underline that this is the area of friction between the performer's intention and agency on the one hand, and the social structure, represented by the script, on the other. A change of the performance that does not adhere to the script could alter its significance and add meaning to it.<sup>56</sup>

Social interaction is set in a physical context, a *stage*. The stage has a front area, a front stage, that is exposed to an audience and that includes furniture, backdrop, decor, physical layout, and stage props. The backstage, by contrast, is where the performers might step out of their roles and be "themselves" outside the audience's view. The stage is typically a distinct physical space, but during a procession the stage moves, with streets and buildings forming its backdrop. Moreover, the same stage can be the location for different performances, and the same performance can be staged in various settings. Thus, performances and stages can allude to each other.<sup>57</sup>

Within the concept of the front, with the distinction that it is a *personal front*, Goffman refers to the expressive equipment associated with the performer. The personal front is divided in appearance and manner.<sup>58</sup> *Appearance* communicates the social status of the performer and includes the props and paraphernalia, such as dress, tools, and the insignia of office, but also sex, age, and other personal characteristics. *Manner*, including demeanor, refers to stimuli that provide information about the role the performer is about to play.

Goffman briefly outlines directive and dramatic dominance, two concepts related to power and status.<sup>59</sup> *Directive dominance* concerns who has the power to stage and direct the play. *Dramatic dominance* is about who enjoys the audience's attention and plays the lead role. The possession of dramatic dominance might be a socially privileged position as in grand political ceremonies and the like, but it might also be wielded by performers of low or ambiguous status.

Fundamental for Goffman's approach is that performers try to control the impression others make of them. This "appearance management" can be achieved by adjusting appearance, manner, setting, and script. Correspondingly, a performer tries to get correct information about other performers to get his own performance right. Functional interaction demands that actors agree about *the*

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<sup>56</sup> Cf. Althoff 2003, 188–199, as cited by Hagen 2017, 45–46.

<sup>57</sup> On the concepts of front stage and backstage, see Goffman 1959, 22–30, 106–130, who uses the word "region" rather than "stage."

<sup>58</sup> Goffman 1959, 23–30.

<sup>59</sup> Goffman 1959, 97–104.

*definition of the situation*, that is, which roles, performances, and scripts should be staged. Once established, Goffman calls such a temporary agreement a *working consensus*.<sup>60</sup> Misunderstandings and failures to comply with the script typically compromise interaction and often mean loss of face. Furthermore, Goffman argues that performers have an inclination to offer idealized impressions of themselves and that a performance tends to express values accredited in society by giving a condensed and value-loaded version of reality.<sup>61</sup> An investigation into tearful performances should consequently inform us about Roman cultural values.

## Emotional Sociology

The script for crying and tears is likely to depend on status, identity, and membership in social groups.<sup>62</sup> This can be understood with Pierre Bourdieu's concept of *habitus*, which is a system of dispositions that the individual acquires from his position in different fields of society.<sup>63</sup> A habitus provides the individual with outlooks, mentalities, practices, gestures, values, feelings, and so on. A habitus expresses identity and status and is the kit that constitutes an identity. Gender and socio-economic and cultural status often demarcate different habitus from each other.

A complementary approach to that of habitus of looking at how emotional displays relate to status and social groups is Barbara Rosenwein's concept *emotional communities*. Emotional communities are "systems of feeling," which consist of the evaluations social groups make about others' emotions, and "the modes of emotional expression they expect, tolerate, and deplore."<sup>64</sup> As an analytical concept, emotional communities promise to be useful. It invites us to make distinctions in the historical context and concentrate on what was "going on" emotionally in Roman political culture. Emotional communities are arguably a particularly good fit for Roman culture, seeing how stratified it was in different groups that were ascribed varying degrees of emotionality and proneness to tears. In particular episodes, differing emotional responses can define groups and opinions and signal conflict and consensus. Both habitus and emotional

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<sup>60</sup> Goffman 1959, 9–10.

<sup>61</sup> Goffman 1959, 34–51.

<sup>62</sup> Cf. Ebersole 2000, 224–225.

<sup>63</sup> As outlined by Bourdieu 1984; 1990; 1997; 2001.

<sup>64</sup> Rosenwein 2001; 2002; 2006; 2010a; 2010b; 2016. The quotation is from Rosenwein 2002, 842 (see also 2010a, 832; 2016, 3–10). Emotional communities have the social group as its chief object of study, habitus the individual.

communities induce us to focus on the fact that groups held different attitudes toward emotions and their display and that group membership could be expressed and ascribed by these differences. That individuals and groups adjust their emotional behavior and attitudes relative to each other and social phenomena helps explain why norms and attitudes toward emotions and their expressions change over time as social groups change, emerge, or disappear.<sup>65</sup>

## The Dramaturgical Metaphor and Rome

Some words need to be said about the methodological implications of the dramaturgical metaphor for this study. The empirical chapters correspond to defined situations, or stages, where tears formed part of scripted behaviors: mourning, legal cases, and when authority and power were exercised or at stake in military or political settings. Most important is the ambition to lay bare the scripts relevant for tears and their outcomes when Romans wept in the rituals and ceremonies (understood in a wide sense) in Roman culture. Because this study is concerned with power and status, we need to inquire into who enjoyed directive and dramatic dominance in different performances. The concepts of front stage and backstage offer a way to avoid the categorization of phenomena as public or private, as well as the problematic modern connotations of these notions.<sup>66</sup>

The dramaturgical approach encourages the study to avoid speculating about which emotions were “real” or “true.” Instead, the Roman audience and the author of the text determine what is true or false, honest or mendacious.<sup>67</sup> Just because tears might be ritualized or scripted—that is socially expected—does not mean that they are less “true,” or less meaningful, for the study of a political culture.<sup>68</sup> On the contrary, the scripted nature of Roman political culture contributes to defining it. Accordingly, this study investigates the attitudes held by groups toward weeping and is not concerned with inquiring about what Romans “really” felt.<sup>69</sup> Of course, I consider it highly relevant to establish which emotions Romans related to tears in various contexts and whether audiences

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<sup>65</sup> Rosenwein 2016, 318–321.

<sup>66</sup> For discussions on public and private in Rome in relation to the modern concepts, see Riggsby 1997; 1999b; Treggiari 1998; Winterling 2005; 2009, chap. 4; Russell 2016a, chap. 1–2.

<sup>67</sup> Cf. Goffman 1959, 70–76.

<sup>68</sup> Cf. Ebersole 2000, 212–215; Hagen 2017, 59–61.

<sup>69</sup> This means that the study is concerned with emotionology (the logic, conventions, and norms governing emotional displays) rather than emotional content and what was felt, according to the terminology of Stearns & Stearns 1985.

assessed tears as true or false in a given situation, since this influenced their reception and effect.

Arguably, Goffman's dramaturgical metaphor is an even better fit for the Roman political culture than for modern social life. "The elaborate ceremonies that occurred in the arenas and streets of the city [of Rome] were, in essence, theatrical performances that were often as carefully choreographed as any drama of the stage," as Gary Aldrete has noted.<sup>70</sup> The likeness of (political) life to the theater was not lost on the ancients either. The empirical chapters will make clear that ancient authors, not least historians, used metaphors, structures, terminology, and content from the theater. According to Suetonius, both Augustus and Nero in their last words likened themselves with actors.<sup>71</sup> Cassius Dio has Maecenas saying to Augustus that he would live as though in a theater with the whole world as spectators.<sup>72</sup> Marcus Aurelius could write that the royal courts of Hadrian, Antoninus Pius, Philip, Alexander, and Croesus were all the same, only that different actors played the parts.<sup>73</sup> Cicero compared the *contio* with the stage and the Forum with a theater.<sup>74</sup> When Cicero wished that his friend L. Luceius would write a history of his consulship, he argued that a focus on the Catilinarian conspiracy would make it better and seem like a play.<sup>75</sup> Cicero could cast Marc Antony as a beggar-turned-rich and a *miles gloriosus* in his *Orationes Philippicae*,<sup>76</sup> while the *Pro Caelio* plays on the comedy,<sup>77</sup> a genre that also permeates the *Pro Roscio Amerino*.<sup>78</sup> Francesca Santoro L'Hoir has dedicated a monograph to arguing that tragedy influenced Tacitus' *Annales* and that Tacitus consciously uses dramaturgical vocabulary, themes, and structures to guide his readers.<sup>79</sup> Staying with Tacitus, Anthony J. Woodman has argued that the historian cast the

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<sup>70</sup> Aldrete 1999, 169–171 (see also 158–159). Similarly, Veyne 1990, 383–386, vividly likens the city of Rome to a stage-like Imperial court, while Hölkeskamp 2011; 2013, relates Late Republican political culture to the theater.

<sup>71</sup> Suet. *Aug.* 99; *Ner.* 49.

<sup>72</sup> Cass. Dio 52.34.2–3; Millar 1964, 102–118.

<sup>73</sup> M. Aur. *Med.* 10.27; Rutherford 1989, 164–167, 175–176; Woodman 1993, 119–120.

<sup>74</sup> Cic. *Amic.* 97; *De or.* 2.238; *Brut.* 6.

<sup>75</sup> Cic. *Fam.* 22.2, 22.6; Woodman 1993, 105.

<sup>76</sup> Laidlaw 1960, 63; Sussman 1994.

<sup>77</sup> Geffcken 1973 is the classic study on comedy in the *Pro Caelio*, but see also Riggsby 1999a, 97–105; Leigh 2004a. Hall 2014 uses the theater as a heuristic tool in his study of Cicero's forensic activity and with "judicial theater" understands all nonverbal devices (props and gestures) that Cicero employed in forensic settings.

<sup>78</sup> Vasaly 1985.

<sup>79</sup> Santoro L'Hoir 2006.

Pisonian conspiracy against Nero like as a drama,<sup>80</sup> while Ulrich Schmitzer has made a similar reading of the poisoning of Britannicus.<sup>81</sup> More generally, Shadi Bartsch in *Actors in the audience* has likewise argued that the interaction between emperor and subjects during the Principate, mainly during Nero's reign, was like a theater in which the audience might become actors and the actors audience.<sup>82</sup> The theater, chiefly tragedy, influenced Plutarch's *Lives*, and Plutarch is at times explicit in equating his narrative with drama.<sup>83</sup> Peter Wiseman has in several works argued that the historical drama influenced Roman historiography.<sup>84</sup> To take one example, Wiseman has suggested that a historical play inspired Plutarch's narrative of the episodes surrounding the death of C. Gracchus.<sup>85</sup> Seneca and other Roman Stoics, both as writers and as historical subjects, had a penchant for associating life, dying, and death with the theater.<sup>86</sup> For Lucian in the *Nigrinus*, for example, the city of Rome was not just filled with physical theaters, it was like a theater, a scene on which Romans played their roles in a milieu characterized by unreality.<sup>87</sup> Finally, Geoffrey Sumi has explored the role played by of mime-actors in the Roman funeral and argued the theatrical nature of the ritual.<sup>88</sup>

Indeed, political life was at the same time similar to, and influenced by, the theater. Roman political life was theatrical, and drama was culturally significant. It makes sense that a literature shaped by the drama narrated a theatrical political culture. Furthermore, the Roman theater was itself a political arena where the crowd could communicate their opinions and feelings to their elite.<sup>89</sup> As we notice, the relationships between historical events, historical writing, and drama

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<sup>80</sup> Woodman 1993.

<sup>81</sup> Schmitzer 2005.

<sup>82</sup> Bartsch 1994; 2012. On Nero as actor-emperor, see for example Manning 1975; Edwards 1993, 134–136; 1994; 2007, 159–160.

<sup>83</sup> Plut. *Ages.* 23; *Demet.* 53. On Plutarch and the drama, see de Lacy 1952; Mossman 1988; 1992; 2014; Pelling 1988, 21–22.

<sup>84</sup> Wiseman 1994; 1995; 1998; 2008; 2009.

<sup>85</sup> Wiseman 1998, chap. 5; Beness & Hillard 2001.

<sup>86</sup> Hijmans 1966; Brunt 1975; Shaw 1985; Rosenmeyer 1989, 47–48; Edwards 2002; 2007, 144–160; Santoro L'Hoir 2006, 204–220; Bartsch 2015; Littlewood 2015.

<sup>87</sup> Jones 1986, 84–87; Swain 1996, 315–319; Whitmarsh 2001, 265–279; Maciver 2017, 69–72.

<sup>88</sup> Sumi 2002b.

<sup>89</sup> On the theater and Roman politics, see for example Laidlaw 1960; MacMullen 1966, 170–172; Yavetz 1969a, 22–24; Cameron 1976, chap. 7; Nicolet 1980, 361–373; Edwards 1993, chap. 3; 1994; 2002; Woodman 1993, 107–109; Bartsch 1994; 2012; Flaig 1995, 118–124; 2003a, 237–242; Aldrete 1999, 104–106.

(fiction) are entangled.<sup>90</sup> Edith Hall's approach to this conundrum is inspiring, as she engages with how the Attic drama interacted reciprocally with a range of cultural, political, judicial, and social institutions in Classical Athens.<sup>91</sup> Most stimulating is her reading of how the courtroom can be read according to a dramaturgical metaphor, while the theater influenced historical practices in the court.<sup>92</sup> Moreover, scholarship has demonstrated that orators and actors in Rome drew on the same vocabulary of gestures and that the audience could interpret a gesture from one domain in another.<sup>93</sup>

How should the reasons for this theatricality be understood? To start with, an audience was always close at hand in Rome, whose mode of interaction was that of a face-to-face society, characteristic of a city-state.<sup>94</sup> Elite Romans frequently performed their different roles on the "front stage" before discerning audiences.<sup>95</sup> Gary Aldrete has argued that theatricality became more pronounced with time as the city of Rome grew and became linguistically more diverse with an influx of slaves and foreigners.<sup>96</sup> This development meant that the "simple" spoken word was not enough, which is why an orator needed gestures and an extrovert theatricality with fixed (scripted) meaning to communicate with large and heterogeneous crowds. It should be added that the city-state character of political life in Rome also meant that the audience was a co-performer as well as an observer in spectacles (just think of elections, *contiones*, trials, games, shows, and processions).<sup>97</sup>

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<sup>90</sup> Not mentioning the religious significance of the theater, on which see Edwards 1993, 107–109.

<sup>91</sup> Hall 2006. On theatrically in Classical Greece, see also Ober 1989, 152–155; Ober & Strauss 1990; Csapo & Slater 1995. Theatrically in the Hellenistic period is discussed by Chaniotis 1997; 2009; 2013. Theatrically in the Second Sophist is examined by Connolly 2001; Kuhn 2012, 302–306.

<sup>92</sup> Hall 2006, chap. 12.

<sup>93</sup> Aldrete 1999, 27, 50–67. The relationship between the orator and the actor is discussed in detail below 135–142.

<sup>94</sup> Corbeill 2004, 150; Hölkeskamp 2011; 2017, 95–101.

<sup>95</sup> Cf. Barton 1999; 2001; Corbeill 2004, chap. 5; Kaster 2005, on the significance of the face in Roman culture.

<sup>96</sup> Aldrete 1999, 73–84.

<sup>97</sup> Hölkeskamp 2011.

# Tears in Texts

## The Literary Theory Approach

This study has a “historical” focus as it examines tears in Roman political culture. However, the tears this study examines are parts of literary works, that is, texts. And in texts, tears can function as literary devices to characterize circumstances and protagonists and to arouse *pathos* in readers.<sup>98</sup> Accordingly, tears in texts conform to the conventions of various genres and authorial styles. From this, a range of questions arises: How did tears signal character? Which semantic values did tears carry? Moreover, to what means did authors use weeping in their works? This study leans on a methodology drawn from literary theory to deal with questions like these and how author and genre shape the narration of historical events. Specifically, four concepts outlined in detail by Peter Rabinowitz—notice, signification, configuration, and coherence—will provide this study with tools to better account for the occurrence and manifestation (the when, where, and why) of tears in texts.<sup>99</sup>

According to Rabinowitz, *notice* is the way a text highlights important elements to the reader.<sup>100</sup> Noticed elements are typically unusual or unexpected and prohibit a coherent reading of the narrative. Places in the text where conventions and expectations are important include the beginning and the end of narratives and sections. *Signification* is the meaning given to the noticed element.<sup>101</sup> Individually, signified elements tend to be ambiguous and not memorable. It is the sum of the noticed elements within a particular theme or range that creates a framework of significations, called *configuration*.<sup>102</sup> Authors assume that readers will (try to) interpret the meaning, while readers assume that the text has a

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<sup>98</sup> Polyb. 2.56.6–11 famously criticized his predecessor Phylarchus for his tearful descriptions of the sack of cities. At 4.54.1–6, 15.25.9, 39.2, however, Polybius himself employs similar techniques to bring *pathos* to his narrative. For discussions, see Arnould 1990, 264; MacMullen 2003, 13–20; Lateiner 2009a, 124–125; Chaniotis 2013, 56, 59, 73–79; Marincola 2013. Pl. *Resp.* 3.388 had earlier criticized the effect that tears and mourning in Homer and tragedy had on audiences. Plato’s hostility to weeping is discussed by Arnould 1990, 203–207; van Wees 1998, 16–18; Föllinger 2009, 32; Suter 2009, 69–70, 79–80; Baumgarten 2009. Cf. Lateiner 1977, on *pathos* in Thucydides.

<sup>99</sup> This section owes much to the Bale’s (2015, 102–105) adaption of Rabinowitz 1987.

<sup>100</sup> Rabinowitz 1987, chap. 2.

<sup>101</sup> Rabinowitz 1987, chap. 3.

<sup>102</sup> Rabinowitz 1987, chap. 4.



meaning. *Coherence* is the sense a text makes as a whole; it is the text's logical consistency and the end-product of configuration.<sup>103</sup> Author and genre are important aspects of coherence that help a reader to understand a text by guiding expectations and providing a framework for interpretation. The external world can be seen as another intertext that guides interpretation. Of course, the external world is critical for genres like historiography and biography that make claims to truth. However, historical tradition and cultural memory still constrain what weeping behavior might be allowed with "poetic license" in fictional genres.<sup>104</sup>

## Working with the Literary Theory Approach

Tears matter and are noticed both in real life and in texts. Tears are expressive and communicate the intensity of emotions such as sadness, pity, joy, and anger, as well as sincerity and personal involvement—unless the weeper is being manipulative, in which case the tears are no less intriguing. Tears carry a strong notice value and signal meaning to readers according to conventions and expectations. For example, if a man is represented as weeping, he might stereotypically be characterized as soft and feminine, while he was strong and masculine if he checked his tears. Tears are useful in literature, and this means that we must approach tears systematically so that we can configure them in a coherent narrative. We must also account for how genres represent tears according to conventions that aim to stir the emotions of readers.<sup>105</sup> For this study, we must keep in mind the emotional impact on the reader that the author and genre aim at, because it might function as a distorting lens when we attempt to identify norms for weeping.

How then, do the two models—the dramaturgical metaphor and the literary approach—cohere? According to the dramaturgical metaphor, a historical performer is expected to follow his script in a manner consistent with his status, identity, and roles, and the expectations of his co-performers and audiences. A

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<sup>103</sup> Rabinowitz 1987, chap. 5.

<sup>104</sup> To give but one example, historical tradition constrains Silius Italicus' idealized account (*Pun.* 14.665–678) of Marcellus' tears at the sack of Syracuse, on which, see Burck 1984, 50–60. On the competing traditions about Marcellus, see Carawan 1985; Jaeger 2003; Flower 2003; McDonnell 2006b.

<sup>105</sup> On genre and the emotional effects on readers, see Munteanu 2011b, 1–9; 2017. On genre and laughter, see Halliwell 1991; 2008; On poetry, see Halliwell 2017a. On satire in Juvenal, see Keane 2015. On "tragic historiography," see Walbank 1938; 1955; 1960; Marincola 2013. On emotions and genre in historiography, see MacMullen 2003; Chanotis 2013; Tamiolaki 2013; Damon 2017.

failure to be coherent—to cry when one should not, or not to cry when one should—would for a reader of a text describing such an event qualify as a notice. A reader would try to understand the significance of this notice in a way that is coherent with the text’s characteristics and the historical circumstances described in the narrative. To the modern interpreter, the coherence of a narrative corroborates the validity of the historical cultural patterns—the script—that this study investigates.<sup>106</sup> Deviations from the script are signs of notice. The author can use negatively denoted deviation to reinforce the validity of a script. However, a deviation can also signal either change to the script or the existence of alternative scripts. Thus, the interpreter must treat aberrations from the expected script with prudence and special attention.

We can identify another overlap between the models. It was earlier stated that performances were idealized and expressed values accredited in society. Conversely, Latin authors made use of *exempla*, exemplary stories of behavior that in condensed form expressed sanctioned virtues.<sup>107</sup> Literary *exempla*, in turn, could affect behavior, which again created further *exempla*.<sup>108</sup> The tendency of both performers and literature to express and replicate idealized behaviors means that the reader of ancient literature should expect to encounter recurring and idealized performances that express approved mentalities, behaviors, and virtues. With time and repetition, these performances became *topoi*, conventionalized literary motifs and models.<sup>109</sup> As observed by Levi Lind, in a different context, such idealization reflected the “incorrigible tendency of Romans to mingle moral ideas with political practice and to confuse both with actual historical events and results.”<sup>110</sup> This tendency toward idealization can be harnessed to the study’s advantage since it articulates attitudes prevalent in Rome. Isak Hammar has argued that “‘revisions’ of texts representing historical events should make them more culturally coherent, not less.”<sup>111</sup> Indeed, it is beside the point that this idealization

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<sup>106</sup> Cf. Hagen 2017, 272–273, 318–319, who argues that historical behavioral patterns are reflected in literature and that *topoi* represent possible patterns of behavior for historical actors.

<sup>107</sup> On *exemplum*, see D’Arms 1972; Lind 1979, 11–15, 48–58; Hölkeskamp 1996; 2004a, chap. 6; 2017, 183–188; David 1998; Habinek 1998, chap. 2; Chaplin 2000; Stemmler 2000; Roller 2004; 2010; Kraus 2005; Bücher 2006; Stem 2007; Morgan 2007, chap. 5; Langlands 2011; 2014a; 2014b; Gunderson 2014.

<sup>108</sup> Roller 2004; Cairns 2017b, 11, observe the dynamic relationship between literature and readers/audiences. Habinek 1998, chap. 2, associates the development of Latin literature with the significance of *exempla* for the dominant aristocracy.

<sup>109</sup> Here *topos* is used in the wide “modern” sense as in Curtius 1948.

<sup>110</sup> Lind 1979, 11.

<sup>111</sup> Hammar 2013, 48–50, who is writing about Cicero’s speeches, but the argument extends to other genres as well.

might hamper our ability to establish what “really” did happen in particular episodes: the object of study is cultural patterns, not the historicity of individual instances.<sup>112</sup>

## Tears in Previous Scholarship

In 1980 Ramsay MacMullen wrote the following in a short notice titled “Romans in tears”:

“No doubt in some nineteenth-century commentary on Cicero’s speeches there is a learned essay on displays of feeling by Romans, but I have not discovered it. The history of manners is in our century entirely out of fashion. Without knowledge of manners, however, we cannot picture people in action in the mind’s eye, and our reconstruction of event and motive will be to that extent false.”<sup>113</sup>

These words were written at the time of the “rediscovery” of Norbert Elias’ great work on the history of manners,<sup>114</sup> and before the interest in performativity and emotions had taken hold in classical studies. In recent decades, manners and not least emotions have received ever greater attention in the humanities, including classics and ancient history.<sup>115</sup> It is ancient history and classics that constitute the intended readership of this study and whose scholarship this study interacts with, in particular the subfield that is the study of the political culture of ancient Rome.

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<sup>112</sup> Cf. Leigh 1995, 207, who contends that the display of scars was a rhetorical gesture employed in popular rhetoric in Roman political culture, and that it was not merely a literary *topos*, even if we cannot verify the historicity of individual instances of the act.

<sup>113</sup> MacMullen 1980, 254.

<sup>114</sup> Elias 1939.

<sup>115</sup> Cairns & Nelis 2017b provide a brief introduction to the state and history of scholarship on ancient emotions. Cf. Chaniotis 2012b. Major monographs include Cairns 1993 (Greek shame); Corbeill 1996 (Roman humor and laughter); Barton 1999; 2001 (Roman shame and the blush); Harris 2001 (ancient anger); Konstan 2001 (pity); 2006 (Greek emotions); Kaster 2005 (Roman shame); Halliwell 2008 (Greek laughter, briefer in Halliwell 1991, see also 2017b); Caston 2012 (jealousy); Beard 2014 (Roman humor and laughter); Hagen 2017 (Roman tears). Among edited works Chaniotis 2012a; Chaniotis & Ducrey 2013a, stand out thanks to their diversity of materials and methods. Recent and comprehensive are also Sanders & Johncock 2016; Cairns & Nelis 2017a. Cf. Braund & Gill 1997 (the passions in Roman thought and literature). Narrower in focus are: Desclos 2000 (Greek laughter); Konstan & Rutter 2003 (envy, spite, and jealousy); Braund & Most 2004 (ancient anger); Sternberg 2005a (Greek pity); Fögen 2009 (Greek and Roman tears); Munteanu 2011a (emotions, genre, and gender); Caston & Kaster 2016 (hope, joy, and affection); Lateiner & Spatharas 2016 (disgust); Alexiou & Cairns 2017 (Greek laughter and tears in antiquity and after).

Rather than locating the study relative to an array of scholarly approaches, something that would amount to a study on its own, previous scholarship will be engaged when relevant, and this section will outline the study's position relative to the most pertinent scholarship.

Margaret Alexiou initiated in 1974 what has now become a substantial body of work on Greek mourning and lamentation.<sup>116</sup> Tears' association with mourning and lamentation, and the cultural affinity between Greece and Rome, make this scholarship relevant for the present study. Scholarship on Greek mourning makes clear for us that Greek tears of mourning were gendered. However, less clear is the degree to which tears were gendered, something that seems to differ both between genres and across time. This observation underlines the diligence necessary if we want to argue historical change when differences in literary representations of emotions might be due to changing generic conventions rather than historical change. The scholarship on Greek tears has also argued that women's roles in mourning provided them a "voice" by which to demand vengeance and affect the male spheres of law and politics. Darja Šterbenc Erker has built on this observation in the Roman context and argued the political significance of Roman women's mourning.<sup>117</sup> Šterbenc Erker's scholarship invites us to investigate mourning's political significance and the different roles played by women and men with an eye to tears.

Scholarship on *consolationes* (consolatory literature) has afforded tears direct and indirect attention that has demonstrated that while Romans faced ambiguous expectations to mourning behavior, emotional self-control was an overriding concern.<sup>118</sup> I want to highlight the work of Amanda Wilcox, who situates Ciceronian and Senecan *consolationes* in their political, cultural, and social contexts.<sup>119</sup> Wilcox demonstrates how important gender, status, and audiences were for the appropriateness of tears in mourning. Margaret Graver builds on Wilcox and reads Cicero's representation of his mourning of Tullia against the

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<sup>116</sup> Alexiou 1974; Monsacré 1984; Arnould 1990; Holst-Warhaft 1992; Segal 1992; van Wees 1998; Derderian 2001; Suter 2008; 2009; Föllinger 2009.

<sup>117</sup> Šterbenc Erker 2009. Cf. Šterbenc Erker 2011. On female mourning in ancient Rome, see also Mustakallio 2003; 2013; Corbeill 2004, chap. 3.

<sup>118</sup> Scholarship on *consolationes* includes Kassel 1958; Johann 1968; Manning 1974; 1981; Scourfield 1993; 2013; Wilson 1997; 2013; Graver 2002; 2009; Wilcox 2005a; 2005b; 2006; 2012, chap. 2–3, 8; Schorn 2009; Baltussen 2013a; 2013b; McAuley 2015, chap. 4.

<sup>119</sup> Wilcox 2005a; 2005b; 2006; 2012, chap. 2–3, 8.

immediate political situation and argues that Cicero used his emotionality politically as an excuse not be seen in Rome.<sup>120</sup>

I will draw on the works of Stefan Schorn, Valery Hope, Anna McCullough, and Jean-Michel Hulls and argue that an “excessive” emotionality in mourning that expressed *pietas*, *fides*, and the family became a path to distinction for the traditional elite during the Imperial period.<sup>121</sup> Similarly, Natalie Kampen has argued that Herodes Atticus’ excessive mourning expressed the importance of his family relationships, while it could allude to emotional heroes such as Alexander the Great and Achilles.<sup>122</sup> This book will lean on this scholarship and argue that we can identify two possible paradigms for tears of mourning, one allowing and appreciative of emotions, and the other valuing self-control. This coheres with Dominique Arnould’s observation that two paradigms co-existed in Greek literature:<sup>123</sup> one philosophical, in the Platonic, Stoic, and Epicurean traditions that valued emotional restraint, the other Homeric and tearful, as found in poetry, “tragic history,” and the novel.<sup>124</sup> It is important to underline that it is Arnould’s wide scope that allows her to draw such conclusions.

Tears in the law court actualize rhetoric and oratory, two genres that have seen an immense output of specialized research. Noteworthy examples of such scholarship include James May and Jakob Wisse and their work on *ethos* and *pathos*, respectively. They, among other things, brings out the complexities of the relationship between rhetorical theory and oratorical practice.<sup>125</sup> John Hall and Judith Hagen have in their respective works made clear that tears were both frequently shed by orators and recommended by rhetors.<sup>126</sup> Significant is Hall’s observation that tears were acceptable when they expressed a sense of solidarity with family and friends and that the orator argued the strength of these relationships as he wept.<sup>127</sup> More work remains to be done on tears in the Roman court, however. First, a more comprehensive investigation of who wept in court, for what reason, and to what effect is lacking. The question of “why” Romans

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<sup>120</sup> Graver 2017.

<sup>121</sup> Schorn 2009; Hope 2011; McCullough 2011; Hulls 2011.

<sup>122</sup> Kampen 2009, chap. 3.

<sup>123</sup> Arnould 1990, 259–269.

<sup>124</sup> Apuleius’ *Metamorphoses* and Heliodorus’ *Aethiopica*, respectively, suggest the continuity of this weepy paradigm throughout the second and third centuries AD, on tears in these novels, see Lateiner 2009b; 2015.

<sup>125</sup> May 1979; 1981; 1988; 1995; 2001; 2002; Wisse 1989; 1995; 2002a; 2002b; 2007; 2013.

<sup>126</sup> Hall 2014, chap. 4; Hagen 2016, 200–203; 2017, 67–82. Cf. Leigh 2004b.

<sup>127</sup> Hall 2014, chap. 4.

wept highlights the need to investigate the relationship between tears and *misericordia* (pity), which together with anger was the most important emotion in forensic oratory.<sup>128</sup> Other topics that stand to gain from further discussion concern the appropriateness and sincerity of tears in the law court.

Egon Flaig has explored how political and military leaders shed tears in authority crises. Tears persuaded followers and opponents by fostering emotional closeness that established consensus and *fides* between different parties.<sup>129</sup> In connection with this, we can observe that Sarah Rey has argued that high-status men could weep without humiliating themselves in contrast to women and low-status persons.<sup>130</sup> Helmut Krasser builds on Flaig as he reads a poem by Statius (*Silv.* 2.5) and argues that the tears of the emperor in the amphitheater expressed consensus and Imperial *misericordia*.<sup>131</sup> That Krasser situates tears in the exercise of power and communication by way of virtues is instructive for this study.

The motif of the victor as weeping actualizes a distinct body of scholarship. Scholars have demonstrated how the Romans appropriated a Greek gesture, an appropriation that participated in a variety of discourses:<sup>132</sup> the ephemeral nature of power and fortune, the relationship between Roman and Greek cultural identity, and between individuals, cities, states, and history. Impressive as this scholarship is, it stands to gain from a comprehensive treatment that relates the tears of victory to other types of tears and to Roman political culture.

At the time this study was completed, Judith Hagen published *Die Tränen der Mächtigen und die Macht der Tränen* (2017), a study about tears in Imperial historiography (including Christian late antiquity), although she devotes some attention to Late Republican tears. Hagen's work is impressively comprehensive and covers topics discussed in this book, mainly in chapters 3 and 5. The main difference between our approaches is that Hagen draws on emotional history and ritual theory as her main perspectives, while I rely on political culture and the dramaturgical metaphor. Hagen assumes and argues for a historical continuity,

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<sup>128</sup> Konstan 2001; 2006, chap. 10, are essential for discussions on pity.

<sup>129</sup> Flaig 2003a, 99–122. Cf. Hagen 2017.

<sup>130</sup> Rey 2015.

<sup>131</sup> Krasser 2009.

<sup>132</sup> For overviews of this topic, see Astin 1967, 282–287; Momigliano 1975, 22–25; de Romilly 1977, 8–9; Walbank 1979, 722–725; Hornblower 1981, 102–106; Henrichs 1995, 250–254; Gehrke 1996, 536–537; Rossi 2000; Zahrnt 2002, 94; Jaeger 2003, 230–234; Champion 2004, 159; Pelling 2005, 297–300; Marincola 2005; Levene 2006, 87–92; Rood 2007, 181; Guelfucci 2009; McGing 2010, 52–58; Miles 2010, 346–347; Baronowski 2011, 153, 209, n. 3; Grethlein 2013, 261–262; Wiater 2016, 257–265; Hagen 2017, 293–301.

while I argue for diachronic change. I also stress the importance of literary genre. As we will see, Hagen's approach vindicates many of the findings of this study, and I have attempted to take her arguments into account, though reasons of time have prevented me from doing so fully.

## Methodology and Working Process

This study deals with tears shed in different time periods and historical contexts, by persons of different status and gender. Authors active in various genres relay these tears to us. This complexity demands a comprehensive approach that synthesizes the findings of several genres, writers, and historical contexts to make sense of both the particular and the more general, without oversimplification. One such method that enables clarity while allowing for distinctions is close-readings of a series of weeping episodes that are different but related. Rather than establish a "standard scenario" or a "typical" weeping script, a range of examples of the same type will therefore be studied to understand and discuss similarities and differences.

For this study, I initially read ancient texts and relevant scholarship and then searched for occurrences of tears and weeping in databases, which led to the identification of weeping situations.<sup>133</sup> These situations form the basis of this book's chapters. The next step was again to review the scholarly literature and search for tears, this time on the basis of the understanding established by the preliminary studies and structured by the chapters' topics.

This study has not ransacked every literary work for tears, nor has it studied every teardrop shed by mourners, frightened ambassadors, desperate defendants, impassioned orators, or sad emperors. There has been no ambition to establish a corpus of tears, and with good reason: tears are everywhere in ancient literature, and the sheer number of tears that would be needed to be harvested, compiled, and analyzed is overwhelming. Moreover, in some instances, it can be hard to establish where to draw the line and define what amounts to an occurrence of weeping and tears. In other words, it would be hard to establish which instances

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<sup>133</sup> *Diogenes* was utilized for searches in ancient texts collected from the *Packard Humanities Institute (PHI) Latin Texts* and the *Thesaurus Linguae Graecae (TLG)* corpora for Latin and Greek, respectively. Thanks to the digitalization of the Loeb series, it was possible to complement the study with searches based on English terms. Most abbreviations for ancient authors and texts follow those in the *Oxford Classical Dictionary* (4<sup>th</sup> ed., 2012). Journals are abbreviated as in the *American Journal of Archaeology*.

to include or exclude in a corpus. In most of the cases, however, the context makes it clear if the author wanted us to imagine that tears had been shed or not. Translations and interpretations of Greek and Latin texts are mainly based on those in the Loeb series and are modified when necessary. When I reproduce Latin and Greek texts in English, I will be close to the ancient language in order to capture its original meaning.

## Outline of the Book

The study starts with what arguably is the most intuitive occasion for tears and ends with the one that is most culturally specific: thus, chapter 2, drawing on *consolationes* and poetry, establishes scripts for tears of mourning for the elite; chapter 3, drawing on historiography and biography, investigates how Romans made political use of tears of mourning; chapter 4, drawing on rhetoric and forensic oratory, makes sense of tears in the lachrymose law court; and finally, chapter 5, drawing on historiography, biography, and epideictic oratory, explores tears shed on the stages of authority and power and engages with the tears of generals, senators, and emperors, as well as some tears shed before them. Chapter 6 sums up the most important themes and results of the study, such as how representations of weeping varied according to the given author, genre, and era, how tears related to the paradigms of self-control and emotionality, how crying was used to express and negotiate power, and how it was appropriate to weep for the *res publica*.





## Chapter 2.

# The Virtues of Tears of Mourning

## The Theater of Mourning

### Introduction

The most obvious occasion for shedding tears is in mourning as an expression of grief. But how such tears should be shed, how audiences evaluated them, and how they were given meaning are culturally specific. The aim of this chapter is to identify “scripts” for tears of mourning, argue their significance in Roman political culture, and examine how the establishment of the Empire affected mourning. The use of tears of mourning in Roman politics will subsequently be the object of study in chapter 3.

This chapter works extensively with *consolationes*, texts written for the alleviation of grief and the halting of mourning.<sup>134</sup> The death of a loved one typically caused the affliction, but it could also be political hardships such as exile. The “philosophical” *consolationes* of Seneca and Cicero feature prominently. Cicero contributes with his correspondence with Rome’s elite and the philosophical tract *Tusculanae disputationes*,<sup>135</sup> Seneca mainly with the *Consolatio ad Marciam*, *Consolatio ad Polybium*, *Consolatio ad Helviam*, and two letters from the *Epistulae*

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<sup>134</sup> On *consolationes* as a genre, see Scourfield 2013. For scholarship on *consolationes*, see above 33–34.

<sup>135</sup> On Cicero’s consolatory letters, see Erskine 1997, 36–37; Hutchinson 1998, chap. 3; Treggiari 1998; Wilcox 2005a; 2005b; 2012, chap. 2–3; Graver 2017, 199–202. On Cicero’s correspondence during his exile, see Hutchinson 1998, chap. 2. For references to *consolationes* occasioned by Cicero’s exile, see Wilcox 2012, 181, n. 1. On Cicero’s “Roman exile,” see Cohen 2007. On the emotions in the *Tusculanae disputationes*, see Erskine 1997; Graver 2002; 2017; Altman 2009; Caston 2015.

*morales*, 63 and 99.<sup>136</sup> Poetic consolatory works visited include the pseudo-Ovidian *Consolatio ad Liviam*<sup>137</sup> and the consolatory poems of Statius' *Silvae*.<sup>138</sup>

If we want to use the *consolationes* to understand tears of mourning in Roman political culture, we must understand the genre's basic characteristics. Texts written in a consolatory mode follow conventions in both form and content.<sup>139</sup> It was commonplace to write that death is not an evil, that the deceased felt nothing or was in a joyful place, that human life is short regardless of its length, that life is not worth living in the present circumstances, that the mourner's grief would sadden the deceased, that the mourner should care about the living rather than the dead, and that the mourner should continue with his public activity and maintain his status (and manliness). We can find texts written in a consolatory mode in different genres; biography, historiography, philosophical tracts, letters, and epitaphs. The most important division is that between philosophical and poetic *consolationes*. Philosophical *consolationes* were more prohibitive of mourning and tended to focus on the deceased, while poetic *consolationes* were more allowing of emotionality and celebrated and commemorated the emotions of the mourner and his relationship with the deceased.<sup>140</sup>

We should observe that *consolationes* typically had a philosophical slant, normally a Stoic one, that might conflict with Roman culture and moral traditions. Philosophical *consolationes* carry an inherent tension between the norms they propagate and the emotional behavior they criticize and try to alleviate. The mourner typically weeps excessively and violates norms that the consoler reinforces through a *consolatio*. Though we might question whether *consolationes* were representative of actual behavior, *consolationes* were situated in and engage with Roman culture.<sup>141</sup> Stoicism was embedded in Roman society and culture and

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<sup>136</sup> Manning 1974 discusses Seneca's consolatory writings within the genre's tradition; Wilson 2013 situates Seneca's consolatory works within his overall literary output; Manning 1981 deals with the *Consolatio ad Marciam*; McAuley 2015, chap. 4, with the *Consolatio ad Helviam*; Wilcox 2006 discusses both the *Consolatio ad Marciam* and *Consolatio ad Helviam*; Wilcox 2012, chap. 8, treats *Epistula* 63; and *Epistula* 99 is discussed by Wilson 1997; Graver 2009.

<sup>137</sup> On the *Consolatio ad Liviam*, see Schoonhoven 1992; Jenkins 2009.

<sup>138</sup> The relevant poems are Stat. *Silv.* 2.1, 2.6, 3.3, 5.1, 5.3, 5.5.

<sup>139</sup> On stock themes in *consolationes*, see for example Kassel 1958; Manning 1981; Wilson 1997; 2013, 97–104; Graver 2009; Hulls 2011; Wilcox 2012, 181, n. 2. On Stoic strategies for *consolationes*, see Graver 2002; 2007, 196–201.

<sup>140</sup> On the difference between philosophical and poetic *consolationes*, see Manning 1981, 42; Markus 2004; Gibson 2006, xxxii–xxxiv; Hope 2011, 107–108; McCullough 2011, 186–187; Scourfield 2013.

<sup>141</sup> Schorn 2009 discusses the *Consolatio ad uxorem* and the discrepancy between the mourning behavior that Plutarch asserts for his wife and that of other women.

was not a reform agenda on a social and cultural level, even if it called on the individual to develop his own virtue.<sup>142</sup> We must also remember that Stoicism was the dominant philosophical school of the Late Republic and Early Empire and not an isolated sect on the fringes of society and that its tenets were significant for the elite.

A source of bias concerns authors active in other genres, like biography and historiography. These authors frequently used norms and conventions that typically called for self-control in their narratives and portrayal of character. An author could make protagonists conform to or deviate from expectations of tears and represent this positively or negatively. An author's description and judgment of behaviors can thus inform us about the scripts for tears of mourning. But if we are to understand how author and genre interact with attitudes toward tears of mourning, we need a comprehensive approach that engages with several authors and genres.<sup>143</sup>

## The Scenes of Mourning

The Roman mourner was cast much like an actor on the front stage in front of audiences. To take one example, Cicero in a letter to the mourning M. Junius Brutus reminded the bereaved of his obligation to display self-control since he performed on the stage (*scaena*) with almost the whole world watching as an audience.<sup>144</sup> Indeed, Roman culture offered many scenes for mourning. Women traditionally tended the dead and lamented their relatives, as vividly exemplified by Agrippina the Elder and Fulvia in the next chapter. Men were responsible for commemorating the deceased and paraded the *imagines* and delivered the funeral oration.<sup>145</sup> This oration was delivered by a male relative, or a magistrate in the case

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<sup>142</sup> As shown by Edwards 1997; 1999; 2009; Habinek 1998, chap. 7; Roller 2001, chap. 2; Bartsch 2009; Ker 2009; Wilson 2013, 109–110.

<sup>143</sup> Hope 2011 discusses how different genres represent Livia's mourning. Compared to Hope, my scope is more comprehensive as she is concerned almost exclusively with Livia. Scholarship has otherwise tended to concentrate on gender, status, an episode, an issue, or a particular work in isolation.

<sup>144</sup> Cic. *Ad Brut.* 18.2.

<sup>145</sup> On the gendered nature of the funeral and mourning in Rome, see Hopkins 1983, 218, 226; Vidén 1993, 110–116, 120; Graver 2002, 111; Mustakallio 2003; 2013; Corbeill 2004, chap. 3; Wilcox 2006; Šterbenc Erker 2009; 2011; Hope 2011, 94–104; Hagen 2017, 190–194. On the importance of ancestor masks (*imagines*), funeral orations, and the commemoration of the dead, see Flower 1996, chap. 5; 2006; Flaig 2003a, chap. 3; Šterbenc Erker 2011, 50–54; Noy 2011, 7–13. The *locus classicus* is Polyb. 6.53–6.54. Kierdorf 1980 is a useful book-length study of the funeral oration. On the funeral oration, see also Sumi 2005, 41–45; Schultze

of a public funeral, and was an occasion for male tears. The funeral pyre was likewise an emotional moment. A Roman in mourning could assume *squalor*, the appearance and manner of mourning.<sup>146</sup> In *squalor* the hair and beard were unkempt, the dress dark and dirty. As we will see repeatedly throughout this study, *squalor* and tears were closely related.

## The Scripts for Tears of Mourning

Tears of mourning were gendered. Female mourning was physically expressive and extrovert. Women let their hair loose, beat their breasts, and lamented loudly, and male authors deemed such behavior to be immoderate.<sup>147</sup> In *Epistula* 63, Seneca refers to ancestral legislation that limited women's mourning to ten months, whereas no law was thought necessary for men since it was not honorable (*nullum honestum*) for them to mourn. Still, Seneca could argue that even if admitted this right to mourn for a prolonged period, not even weak women (*mulierculae*) shed tears for a whole month at the pyre.<sup>148</sup> In the *Consolatio ad Helviam*, Seneca contends that the excuse of being a woman did not apply to his mother Helvia because her life had been tougher (*fortior*) and because she lacked all female vices (*omnia muliebria vitia afuerunt*), so that her gender gave her no

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2011. Tac. *Ger.* 27, on the mourning habits of the Germanic peoples, is suggestive of Roman norms: The German funeral lacked ambition and ostentation. Tears and laments were brief, while sorrow remained. Mourning was a task for women, while men ought to remember (*Lamenta ac lacrimas cito, dolorem et tristitiam tarde ponunt. Feminis lugere honestum est, viris meminisse*). Sen. *Ep.* 99 voices the norm that men ought not to mourn but remember the dead. Plut. *Mor. Quaest. Rom.* 14 states that Roman parents were honored as gods by their sons and mourned by their daughters. On mime-actors in the Roman funeral, see Sumi 2002b.

<sup>146</sup> On *squalor*, see Quint. *Inst.* 6.1.30–33; Lintott 1968, 16–21; Flaig 2003a, 101–104, 107–109, 118; Bablitz 2007, 84; Hall 2014, chap. 2, and below 88–91, 117.

<sup>147</sup> That women's mourning was perceived as excessive is indicated already in the Twelve Tables, whose origin dates back to the middle of the fifth century BC. Table 10.4 limits the luxuriousness of funerals in an apparent attempt to curb aristocratic competition. Among the regulations was a limit of the number of mourners with paraphernalia. More importantly for the present purpose, it also prohibited women from tearing their cheeks and wailing loudly. For discussions, see Hopkins 1983, 218; Flower 1996, 118–120; Mustakallio 2003, 87–88; 2013, 243–244; Šterbenc Erker 2009, 137; 2011, 42. Mustakallio 2003, 93–94; 2013, 244, brings to attention that according to Livy 22.7.7–14, 22.55.3, 22.56.4–5, the Senate decided to limit female mourning to 30 days after the disaster at Cannae because women in mourning could not perform religious rites and thus threatened Rome's relationship with the gods.

<sup>148</sup> Sen. *Ep.* 63.13. The legislation is also part of the argument at *Helv.* 16.1 and is said to go back to Numa according to Plut. *Num.* 12. For discussions, see Mustakallio 2003, 88; Corbeil 2004, 75–76; Schorn 2009, 340; Šterbenc Erker 2009, 135–137; 2011, 54–55.

right to womanly tears (*feminarum lacrimis*).<sup>149</sup> Seneca mentions the right conceded to women to weep immoderately, albeit not limitlessly, as a compromise with the stubbornness of female grief.<sup>150</sup> That different norms applied for men and women is clear from a decree issued after Augustus' death, cited by Cassius Dio, who writes that men mourned for a few days, women for a whole year.<sup>151</sup>

A Roman man should not mourn like a woman. Instead, he valued action in his struggle with grief. We can view Seneca's frequent use of military metaphors in his *consolationes* through a prism that valued *virtus* through activity and engagement.<sup>152</sup> This active combat with emotions worked on two interrelated levels: a *vir* should not only conquer grief through conscious acts, he should also remain busy and visible in political life. Cicero exhorted a certain Titius that the character he displayed in public and private required him to maintain his *gravitas* and *constantia*. Cicero continues admonishing Titius that since even a weak-minded woman (*imbecillo mulier animo*) ceased her mourning with time, a man should anticipate with reasoned decision (*consilio*) a limit to his grief that time would eventually bring.<sup>153</sup> In *Epistula* 99, Seneca writes that nothing was more stupid than to seek a reputation for sadness and to allow tears (*stultius vero nihil est quam famam captare tristitiae et lacrimas adprobare*).<sup>154</sup> Even though Seneca is generally hostile to tears in *Epistula* 99, he allows for two types of tears in the letter: those tears that overwhelmed the mourner immediately, and the tears of joy one shed remembering the deceased.<sup>155</sup>

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<sup>149</sup> Sen. *Helv.* 16.2, 16.5. The same argument is made at *Marc.* 1.5. On women's proneness to tears in Seneca, see *Marc.* 1.1, 7.3, 11.1; *Helv.* 3.2; *N. Q.* 4a.pref.16.

<sup>150</sup> Sen. *Helv.* 16.1.

<sup>151</sup> Cass. Dio 56.43.1.

<sup>152</sup> See for example Sen. *Helv.* 1.1, 2.1–4.1, 5.5, 15.4, 17.2; *Polyb.* 15.5; *Marc.* 1.2, 1.5, 9.2–4, 14.3; *De ira* 1.11.5; *Ep.* 99.32. Cf. Cic. *Tusc.* 2.38, 2.48, 2.50, 2.54. On the military metaphor, see Edwards 1999; 2007, 93–97; Wilcox 2006; Bartsch 2009, 203–204; Wilson 2013, 109–110; Armisen-Marchetti 2015, 153; Bartsch 2015, 193.

<sup>153</sup> Cic. *Fam.* 187.5–6; Hutchinson 1998, 50–59; Wilcox 2005a, 240–243. Cf. *Fam.* 248.6; *Ad Brut.* 18.2. Seneca makes a similar argument at *Marc.* 7.1–2; *Polyb.* 4, 8.5–6; *Ep.* 63.1–13, 99.1–3, 16–18, 21. Cicero treats the diminishing of grief with time from a theoretical perspective at *Tusc.* 3.52–3.54, 3.74; Graver 2002, 107, 118.

<sup>154</sup> Sen. *Ep.* 99.18.

<sup>155</sup> Sen. *Ep.* 99.18–19. The two kinds of tears are discussed by Graver 2007, 101 (see also 76, 78, 89–91, 95–96); 2009; Konstan 2017, 239. Cf. Graver 2002, ix–xxiii. *Epistula* 99 is a peculiar text with an uncompromising and rough tone. Wilson 1997 (see also 2013, 95–97) argues that its form and content indicate that it is a kind of “mock-*consolatio*,” a philosophical play on the genre, while Graver 2009 argues that *παρηγορία*, philosophical frank speech, is compatible with both the content and tone of the letter.

Typically, then, tears should be shed by men but in controlled moderation. Indeed, to weep without limiting it by conscious effort could constitute a failure of manhood by which the man was *muliebris*, *effeminatus*, and *mollis*.<sup>156</sup> In *Epistula* 63, Seneca states that one might be excused for bursting into tears, provided that they did not flow in excess and that they were repressed by one's own effort (*nobis autem ignosci potest prolapsis ad lacrimas, si non nimiae decucurrerunt, si ipsi illas repressimus*), and that weeping of moderate intensity was appropriate when mourning a friend: one should neither have dry eyes nor let the tears flow (*nec sicci sint oculi amisso amico nec fluant*), and that shedding tears was called for and not wailing (*lacrimandum est, non plorandum*).<sup>157</sup> In the *Consolatio ad Polybium*, Seneca urges Polybius not to weep beyond appropriateness (*non licet tibi flere immodice*).<sup>158</sup> In the *Consolatio ad Helviam*, Seneca contends that the desirable was a compromise and that to indulge in grief and tears was foolish, but to not feel any affliction equaled *inhumanitas*. A tempered mean (*temperamentum*) between *pietas* and *ratio* was the ideal.<sup>159</sup> Indeed, a mourning *vir* faced conflicting demands. In *Epistula* 99, Seneca writes that a man, who was seen to be strong (*fortis*) in mourning, failed to display *pietas* and was savage (*efferatus*). On the other hand, if he was seen to be emotional and extrovert—the mourner is pictured as collapsing and clinging to the dead—he was effeminate and weak (*effeminatum...enervem*).<sup>160</sup> Likewise, in the *Consolatio ad Polybium*, Seneca argues that bereavement should not be carried with softness and a womanlike manner (*molliter et effeminata*), as it was unmanly (*non est viri*). On the other hand, to feel nothing was inhumane.<sup>161</sup>

In sum, then, Romans expected tears as affectionate displays of *pietas*. However, audiences could associate tears with emotionality and a lack of self-control, which could be thought of as soft and womanlike, while self-control conveyed manly virtues such as *virtus* and *gravitas*. Conversely, not to shed tears, not to express

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<sup>156</sup> On *mollis/molliter*, see Edwards 1993, chap. 2, who discusses *molliter* in the context of feminization, while Vidén 1993, 111–112, 115–120, 137–138, discusses the terms in relation to femininity and lack of self-control. The association between softness, femininity, and lack of self-control is a theme in Cic. *Tusc.*, see 1.95, 2.27, 2.36, 2.48, 2.50, 2.52, 3.13, 4.38, 5.4, 5.78. For further examples, see Cic. *Ad Brut.* 18.1; Sall. *Iug.* 82; Sen. *Polyb.* 17.2; *Ep.* 82.2, 99.1–2. Cf. Juv. 15.131–134. Cf. Hagen 2017, 306–309.

<sup>157</sup> Sen. *Ep.* 63.1 (see also 12–13).

<sup>158</sup> Sen. *Polyb.* 6.4.

<sup>159</sup> Sen. *Helv.* 16.1.

<sup>160</sup> Sen. *Ep.* 99.17. Observe the importance of the audience and that the act of seeing as *videt* is repeated. Cf. *Marc.* 4.1, 7.1–2.

<sup>161</sup> Sen. *Polyb.* 17.2.

*pietas*, could be considered as a heartless violation of social obligations. I therefore argue that the ideal solution was controlled emotionality: tears should be of moderate intensity and duration but subdued in an intentional act of reason.

## Criticism Against Acted Tears

Audiences expected a mourner to follow the script and weep. That tears were expected, however, meant that a weeper might be suspected of responding to expectations rather than expressing “true” emotions. This type of criticism was something of a trope in philosophically influenced literature. We have already encountered this when the mourner’s tears are judged by others, most clearly in *Epistula* 99. In that letter, Seneca also bemoans people who wept only when there was an audience present, while they were quiet when alone.<sup>162</sup> Later in *Epistula* 99, Seneca uses a dramaturgical metaphor as he contrasts the scene of mourning (*lugentium scaena*) with true emotions (*veris adfectibus*).<sup>163</sup> Similarly, in *Epistula* 63, Seneca claims that the reason people wept without moderation (*inmodici fletus*) was that tears testified to their loss and emotional state before audiences.<sup>164</sup> In the same letter, Seneca claims that someone who mourned and wept for a long time was either simulating or stupid (*simulatus aut stultus*).<sup>165</sup>

Likewise, in the *De tranquillitate animi*, Seneca maintains that it was a vain show of *humanitas* to weep and adopt a face (*frontem... fingere*) because someone buried a son, while it was right to display sorrow that accorded to nature rather than convention and audience expectations. Seneca continues that many shed tears to make a show out of them, but that their eyes were dry in the absence of a spectator (*plerique enim lacrimas fundunt, ut ostendant, et totiens siccos oculos habent, quotiens spectator defuit*). Seneca thought it misguided that it was deemed disgraceful not to weep when everyone else was, and concludes that the evil of depending on others had gone so far that grief (*dolor*), which was the most natural thing, had become an object of simulation.<sup>166</sup> We conclude this section with the observation that Cicero makes a similar argument in the *Tusculanae disputationes* where he, from an essentially Stoic position, considers mourning and tears as something

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<sup>162</sup> Sen. *Ep.* 99.16–18.

<sup>163</sup> Sen. *Ep.* 99.21.

<sup>164</sup> Sen. *Ep.* 63.2, 10. Wilcox 2012, 166–170, discusses the public eye in *Epistula* 63.

<sup>165</sup> Sen. *Ep.* 63.13.

<sup>166</sup> Sen. *De tranq. Anim.* 15.6. That mourners respond to audience expectations is a theme also in Mart. 1.33, 4.58, two poems addressed to women.



shameful and feminizing that responded to social convention rather than to nature.<sup>167</sup>

## Self-control and the Performance of Elite Status

### Status and Audience

The Roman public scrutinized how their elite endured crises and whether they coped with the appropriate self-control.<sup>168</sup> In what follows, some examples of exhortations to elite Romans to display self-control after bereavement will illustrate how mourning offered the elite scenes upon which they could affirm status by displaying emotional restraint. After that, I will contrast the exhortations with some embarrassing failures of self-control after political hardships.

The first episode takes us back to the letter of consolation that Cicero sent to Brutus after the suicide of his wife Porcia.<sup>169</sup> At its beginning, Cicero reminds Brutus of an earlier letter that Brutus had sent to Cicero after the death of Tullia, wherein Brutus had written that Cicero had displayed more softness than behooved a man (*cum enim mollius tibi ferre viderer quam deceret virum*). Pointing out moreover that Brutus had written that people should not admonish another's grief yet prove unable to cope themselves, Cicero makes the same argument to Brutus. Cicero thereafter reminds Brutus that he should serve the people and the stage (*tibi nunc populo et scaenae, ut dicitur, serviendum est*) and that the eyes of almost all the people watched him (*paene gentium coniecti oculi sint*). Brutus should make his audience stronger and braver and could not afford to be seen as broken (*minime decet propter quem fortiores ceteri sumus eum ipsum animo debilitatum videri*), so that even if moderation in grief was recommendable for all, it was a necessity for Brutus. Thus, the political situation, the mourner's status,

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<sup>167</sup> Cic. *Tusc.* 2.31–32, 2.43, 2.47–2.50, 2.54–59, 3.13, 3.36, 3.70–71, 4.61. On mourning, emotions, and gender in the *Tusculanae disputationes*, see Erskine 1997; Graver 2002; 2017; Caston 2015. Cf. Altman 2009, who argues that Cicero propagates “womanly humanism” between the lines in the *Tusculanae disputationes*.

<sup>168</sup> Prescendi 1995; Wilcox 2005b; Graver 2017.

<sup>169</sup> Cic. *Ad Brut.* 18. On the consolatory correspondence between Cicero and Brutus, see *Brut.* 11–13; *Att.* 250.1, 251.4, 276.1. In *Att.* 310, Cicero writes that a letter from Brutus had been sensible and friendly, but that it had cost him *multas lacrimas*. For scholarship, see Hutchinson 1998, 59–62; Wilcox 2005a, 249–253; 2012, 55–58.

and the correspondingly large audience demanded a performance to the level of an *exemplum virtutis* from Brutus.

The next example is drawn from the Early Empire and Seneca's *Consolatio ad Polybium*, whose addressee mourned a brother.<sup>170</sup> Polybius held a prominent position close to Claudius in the Imperial administration. Polybius' status meant that his eyes were watched (*observantur oculi*) by audiences who scrutinized whether he coped with adversity in a manly manner (*an et adversas possis viriliter ferre*) and Seneca urged him to sustain his prominent role (*magnam... personam*). While other could conceal their feelings, Polybius could keep nothing secret (*nullum secretum*). The emperor and Polybius' own literary studies had elevated him to a high status (*altiores ordinem*), so that nothing low became him (*nihil te plebeium decet*). Polybius needed to be *viriliter*, and a failure would be base and womanish (*humile ac muliebre*).

Similarly, the pseudo-Ovidian *Consolatio ad Liviam* urges Livia, who was mourning her son Drusus the Elder, to remember the different standards that applied to the *vulgus* and the elite and that her status as a member of the Imperial family carried with it certain obligations.<sup>171</sup> She drew the ears and eyes (*oculos auresque trahis*) of audiences, from whom she could not conceal her utterances (*nec vox missa potest principis ore tegi*), which is why Livia must remain unbroken and above her grief as an example of virtue.

Audiences expected displays of self-control from the elite and judged whether they coped with grief in a manner worthy of their status.<sup>172</sup> I will now build on this observation and illustrate how failures to cope with political distress amounted to softness and femininity. One example is represented by Q. Caecilius Metellus

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<sup>170</sup> Sen. *Polyb.* 6.1–2.

<sup>171</sup> [Ov.] *Liv.* 347–356; Schoonhoven 1992, ad loc.

<sup>172</sup> Elite Romans performed many roles under the scrutiny of audiences, something that might have circumscribed their ability for self-determination of action. Barton 2001, 160–161, argues that “the greater the authority one aspired to give one’s word, the more formalized, the more circumscribed, the more choreographed one’s speech and behavior needed to be... Roman speech and gesture could only be free... when they were inconsequential.” Cf. Sen. *Clem.* 1.8.1–2, on the need for a ruler to restrain anger and display *clementia*: “You think that it is a serious matter to deprive kings of the right of free speech, which belongs to the humblest man. ‘That,’ you say, ‘is servitude, not sovereignty.’ What? Are you not aware that the sovereignty is ours, the servitude yours? Far different is the position of those who escape notice in a crowd that they do not overtop, whose virtues must struggle long in order to be seen, whose vices keep under the cover of obscurity; but the words and deeds of such as you are caught up by rumor, and, consequently, none should be more concerned about the character of their reputation than those who, no matter what reputation they may deserve, are sure to have a great one.”

Numidicus, a censor and leader of the *optimates*. According to Sallust, Numidicus wept and spoke without moderation (*neque lacrimas tenere neque moderari linguam*) when his political opponent Marius took over the command of the war against Jugurtha. Sallust comments that Metellus, otherwise a great man, now was *molliter* in distress.<sup>173</sup> The ability to talk uninterrupted under distress was a demonstration of self-control that will be encountered several times throughout this study.<sup>174</sup>

Another example is related by Seneca in the *De constantia sapientis*. A Fidus Cornelius had suffered insults in the Senate with a composed face (*frontis illi firmitas constitit*). However, when he was called a plucked ostrich, the senators saw Fidus weeping (*flentem vidimus*) and bursting into tears (*lacrimae prociderunt*). Seneca concludes that such is the weakness of the mind when reason leaves (*tanta animorum inbecillitas est, ubi ratio discessit*).<sup>175</sup> According to Suetonius, the emperor Claudius committed a similar failure of self-control before the Senate. Claudius, scared of a man wielding a knife close to him while sacrificing, summoned the Senate in terror and shed tears bewailing his lot (*lacrimisque et vociferatione miseratus est condicionem suam*).<sup>176</sup> In this case, tears are part of the characterization of Claudius as feeble and weak in mind.<sup>177</sup> The importance of withstanding abuse and pressure before audiences is evident also from a letter from Cicero to his brother Quintus. In the letter, Cicero relates how Clodius had been abused in the Senate so that he was unable to control his mind, speech, and face (*ut neque mente nec lingua neque ore consisteret*).<sup>178</sup>

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<sup>173</sup> Sall. *Iug.* 82.3

<sup>174</sup> In chap. 4, we will see how Cicero repeatedly was unable to continue to speak in the courtroom because of his tears. Cf. Sen. *Clem.* 1.9.4, where Augustus weighs anger against *clementia*, while groaning and speaking irregularly. Suet. *Tib.* 23 narrates an uncharacteristic failure of self-control by Tiberius when he groaned loudly as if overcome by grief (*velut impar dolori congemuit*) when he addressed the Senate after Augustus' death (Drusus the Younger finished the speech).

<sup>175</sup> Sen. *Constant.* 17.1.

<sup>176</sup> Suet. *Claud.* 36. Cf. Rey 2015, 234. Hagen 2017, 86–87, 155–156, connects Claudius' tears with his threat to resign at *Claud.* 35 and suggests that Claudius urged the Senate to improve his security.

<sup>177</sup> Beard 2014, 133, brings to attention Claudius' lack of self-control when he failed to control his laughter when reciting his historiographic work in front a large audience, see Suet. *Claud.* 41. Nero, according to Suet. *Ner.* 49, displayed a lack of self-control by weeping and lamenting before his death, while Hadrian wept like a woman (*muliebriter fleuit*) after the death of Antinous, according to SHA *Hadr.* 14.

<sup>178</sup> Cic. *QFr.* 7.2.

## Exemplary Examples

A loss was an “opportunity”—how perverse it well might sound—for the Roman to rise to the occasion and express distinction by displaying extraordinary self-control in front of audiences.<sup>179</sup> Margaret Graver has recently shrewdly observed how Julius Caesar made an *exemplum* of himself after he lost his daughter Julia.<sup>180</sup> Caesar had received the news of her death while he was in Britain and mourned for only two days before he resumed his campaign. Q. Cicero, who served on Caesar’s staff, approved of Caesar’s self-control in a letter to his brother Marcus, who replied that he was pleased that Caesar coped with his loss with *virtus* and *gravitas*.<sup>181</sup> Caesar’s restraint became an *exemplum* later used by Seneca and Tacitus.<sup>182</sup> Indeed, Roman historical tradition offers a range of *exempla* that coped with bereavement and expressed virtue by displaying perseverance in service of the *res publica*.<sup>183</sup> Among those are M. Horatius Pulvillus and L. Aemilius Paulus, who each expressed more self-control than expected and restrained their tears after the loss of sons.<sup>184</sup> The following sections investigate how their self-control was expressed and received.

### M. Horatius Pulvillus

The behavior of the legendary M. Horatius Pulvillus in 509 BC constitutes a textbook example of how to cope with bereavement.<sup>185</sup> Pulvillus was dedicating the Capitoline temple when he received the news of the death of his son. According to Valerius Maximus, Pulvillus made no interruption; he ordered the body to be buried without him and did not change his face from public religiosity

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<sup>179</sup> As observed by Wilcox 2005a, 252–253; 2012, 57.

<sup>180</sup> Graver 2017, 195.

<sup>181</sup> Cic. *QFr.* 26.3.

<sup>182</sup> Sen. *Marc.* 14.3; Tac. *Ann.* 3.6; Woodman & Martin 1996, 107–108; Graver 2017, 195.

<sup>183</sup> Cic. *Amic.* 9–10; *Att.* 263.2; *Fam.* 249.1–2; *Tusc.* 3.70; Val. Max. 5.10; Sen. *Helv.* 2.3–3.2, 16.6–7; *Polyb.* 14.4–16.4; *Marc.* 12.6–16.4; *Ep.* 99.6.

<sup>184</sup> Mourning fathers is discussed by Prescendi 1995.

<sup>185</sup> For different accounts of the episode, see Cic. *Dom.* 139; Livy 2.8.5–8; Val. Max. 5.10.1; Sen. *Marc.* 13.1–2; Plut. *Publ.* 14; Cass. Dio 3.13; August. *De civ.* 5; Jer. *Ep.* 60.5. On Valerius Maximus’ version, see Bloomer 1992, 65–77, who also discusses the relationship between the different versions. In a Greek version of the story, Xenophon continued to sacrifice despite learning that his son Gryllus had fallen at Mantinea in 362 BC, see Val. Max. 5.10.ext.2; Sen. *Marc.* 13.1. Cf. Plut. *Clem.* 22, for a similar performance by Cleomenes III after the death of a daughter.

to private sorrow, not to seem to have performed the role (*pars*) of the father rather than that of the priest.<sup>186</sup> Christina Clark has observed that the Pulvillus episode is a particularly good example of self-control since formal utterances in religious rituals had to be performed perfectly without stumbling.<sup>187</sup> Furthermore, the manner in which Pulvillus wept is ideal as described in Seneca's version, with Pulvillus lamenting tearfully a few times after returning home (*implevit oculos et aliquas voces flebiles misit*).<sup>188</sup> After the funeral, Pulvillus resumed the face he had had on the Capitoline. Pulvillus thus expressed a father's *pietas* with tears, but tears that were subordinated to his self-control and devotion to the *res publica*.

## L. Aemilius Paulus

L. Aemilius Paulus was a celebrated example of *virtus*, not only as a victor in the Third Macedonian War, but also for how he coped with the loss of two sons at the time of his triumph over Perseus of Macedonia in 167 BC. Cicero refers to Paulus' self-control on more than one occasion; Paulus emerges as a beacon of Roman virtue in Livy; Valerius Maximus holds Paulus as the most famous representative of a most happy father who suddenly became most miserable; Seneca uses Paulus as an *exemplum* in the *Consolatio ad Marciam*; and Plutarch counts him among the fairest of examples.<sup>189</sup>

The triumph was a celebration of the greatness, power, and expansion of Rome, as well as of the triumphator's personal accomplishments. In his triumph, Paulus used the tensions between the winner and the vanquished, between the public and the personal, and between self-control and emotionality.<sup>190</sup> For while the triumph celebrated Paulus' achievements for the *res publica*, it was preceded by the death of one of his two remaining sons, while the other one died days later.<sup>191</sup> Plutarch narrates how the king Perseus and his children were led in the triumphal

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<sup>186</sup> Val. Max. 5.10.1.

<sup>187</sup> Clark 2009, 165–166.

<sup>188</sup> Sen. *Marc.* 13.2. Wilcox 2006, 88–92, observes Seneca's role as audience when he narrates Pulvillus' private emotionality.

<sup>189</sup> Cic. *Fam.* 249.1–2; *Amic.* 9–10; *Tusc.* 3.70; Val. Max. 5.10.2; Sen. *Marc.* 13.3–4; Plut. *Aem.* 1.

<sup>190</sup> On Paulus' triumph, see esp. Plut. *Aem.* 32–36, but see also Diod. Sic. 31.8.9–13; Livy 45.41.9–11; Val. Max. 5.10.2; Sen. *Ep.* 13.3–4. On the juxtaposition between Paulus and Perseus in the triumph, see Pelling 2005, 297–300; Levene 2006, 97–101; Östenberg 2009, 131–137.

<sup>191</sup> Diod. Sic. 31.11.1; Livy 45.41.8–12; Plut. *Aem.* 36.

procession.<sup>192</sup> The Macedonians in care of the royal children wept and instructed them to do likewise. Perseus donned *squalor* and his friends followed and looked at him in tears. Though the Roman audience hardly noticed Perseus, they did shed many tears for the innocent and unknowing children. Perseus' self-centered attempts to arouse pity using tears are a foil to the statesmanlike Paulus. Plutarch emphasizes Paulus' impressive appearance and manner as the ritual's focal point and Livy lauds his *maiestas*.<sup>193</sup> Plutarch writes that the crowd shared Paulus' grief and shuddered at the cruelty of fortune that had hit such a great house, which now mixed lamentations and tears with victory paeans and triumphs.<sup>194</sup>

After the triumph and the death of his remaining son, Paulus addressed the Roman people and gave an account of his *res gestae*.<sup>195</sup> Valerius Maximus emphasizes the strength of spirit (*robore animi*) Paulus displayed in the speech,<sup>196</sup> in which he proclaimed that the personal disaster was the price he was willing to pay for the well-being of the *res publica*.<sup>197</sup> Approvingly, Plutarch presents Paulus' performance as an attempt to instill *virtus* and *fortitudo* (ἀνδρεία and θαρσαλέοτη) in his audience.<sup>198</sup> Livy concludes that Paulus' self-control made a far greater impression on his audience's minds than if he had miserably bewailed his fate (*haec tanto dicta animo magis confudere audientium animos quam si miserabiliter orbitatem suam deflendo locutus esset*).<sup>199</sup>

Pulvillus and Paulus coped with the loss of sons with sustained political activity and visibility at the pinnacle of power. They displayed self-control by speaking without weeping, shunning the private sphere. They thus demonstrated self-control and status while steadfastly serving the *res publica*. Seeing that these cases

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<sup>192</sup> Plut. *Aem.* 33–34. Quint. *Inst.* 6.1.47 writes that children who did not understand their plight were inducing of *miser cordia* in the law court. The use of children to arouse pity in the Roman law court is discussed below in chap. 4.

<sup>193</sup> Plut. *Aem.* 34; Livy 45.40.4 (cf. 44.41.1). Levene 2006, 97–101, underlines the significance of seeing and spectacle in Livy's account of the episode.

<sup>194</sup> Plut. *Aem.* 35.

<sup>195</sup> Diod. Sic. 31.11; Livy 45.41; Val. Max. 5.10.2; Sen. *Ep.* 13.3–4; Plut. *Aem.* 36.

<sup>196</sup> Val. Max. 5.10.2.

<sup>197</sup> Plut. *Aem.* 36 suggests the confusion between the spheres when he comments that the bad was hidden by good, the private by the public (τοῖς ἀγαθοῖς τὰ φαῦλα καὶ τὰ οἰκεῖα τοῖς δημοσίοις ἐναφανισθέντα). On Paulus' interpretation that his own bereavements were the price he paid for the well-being of the *res publica*, see Wilcox 2005a, 274–276.

<sup>198</sup> Plut. *Aem.* 36.

<sup>199</sup> Livy 45.42.1. Cf. Diod. Sic. 31.11.3.

are similar and repeatedly cited as exemplars in literary tradition, I maintain that we are dealing with a cultural pattern that expresses an ideal.

## Elite Women at the Intersection of Gender and Status

Roman elite women in mourning faced conflicting expectations of whether to express self-control and claim *virtus* by being elite and visible, or to weep as was expected of women. One further question is whether women who behaved like men should be understood as transgressive of gender boundaries or as transcending their gender. I will explore these issues by considering a range of female exemplars.

A pithy Late Republican *exemplum* used by Seneca in his *Consolatio ad Marciam* is Rutilia. In an act of *pietas*, Rutilia had followed her son, C. Aurelius Cotta (*cos.* 75 BC), into exile in 91 BC. When Cotta later died after his recall, Rutilia bravely (*fortiter*) clung to his corpse and nobody saw her shedding tears after the funeral (*nec quisquam lacrimas eius post elatum filium notavit*).<sup>200</sup> For Seneca, Rutilia demonstrated *virtus* and *pietas* during her son's exile and *prudentia* after his death when she did not persist in pointless grief. It might be significant that Rutilia was the sister of the Stoic P. Rutilius Rufus and that C. Cotta spoke in defense of his principled uncle when Rutilius was prosecuted in a trial made famous for Rutilius' Stoic refusal to make an emotional appeal.<sup>201</sup>

Another elite woman, Cornelia, the daughter of P. Cornelius Scipio Africanus and mother of the Gracchi, refused to mourn her famous sons.<sup>202</sup> According to Seneca, Cornelia instead consoled her crying friends.<sup>203</sup> Plutarch writes that Cornelia kept holding dinners for notables and impressed them when she talked about her father Africanus, but was most remarkable when she spoke of her sons without grief and tears (ἀπενθῆς καὶ ἀδάκρυτος).<sup>204</sup> Plutarch praises her as noble and great in spirit but informs us that people thought of her as having lost her mind because of old age or the extent of her sorrows. Plutarch, though, thought that such people

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<sup>200</sup> Sen. *Helv.* 16.7; McAuley 2015, 194–198. On the political circumstances surrounding the exile of C. Aurelius Cotta, see Gruen 1968, chap. 8. Note how external evaluation by an audience is significant for the Stoic Seneca.

<sup>201</sup> See below 112–113.

<sup>202</sup> Val. Max. 4.4.pref; Sen. *Marc.* 16.3; *Helv.* 16.6; Plut. *C. Gracch.* 19; Parker 1998, 169; Dixon 2007, 56–58; Schorn 2009, 360; McAuley 2015, 39–40, 194–198.

<sup>203</sup> Sen. *Helv.* 16.6.

<sup>204</sup> Plut. *C. Gracch.* 19.

did not understand how good birth and education could alleviate grief.<sup>205</sup> Audiences arguably criticized Cornelia because she did not express the *pietas* expected of a mother. Instead, aspects of her status—lineage, character, and education—governed her behavior, not her gender. Cornelia, like Rutilia, followed another script than that expected of women. Should such behavior be understood as transcending or transgressive? We can address that question better by turning to Livia.

Livia was both addressed a *consolatio*, the pseudo-Ovidian *Consolatio ad Liviam*, and used as an *exemplum* by Seneca in the *Consolatio ad Marciam*. In the latter, Seneca casts Livia as a paradigm of female mourning for Livia's friend Marcia, who had lost a son.<sup>206</sup> Seneca narrates how Livia's son Drusus the Elder had died while on campaign in Germany in 9 BC. Augustus and Livia had traveled from Rome to meet the funeral train on its way to Rome. Livia then mourned at the pyres in the villages as the funeral train made its way through Italy. Thomas Jenkins has argued that Livia "reaffirmed her mother- and womanhood in every town in Italy as she performed her gender [by mourning] in a traditional, non-threatening way."<sup>207</sup> Seneca's description of the manner in which Livia halted her grief is suggestive, writing that Livia at the same time buried both her son and her grief in Rome (*simul et illum et dolorem suum posuit*).<sup>208</sup> Livia's mourning thus coheres with the ideal that emotionality should be demonstrated but checked by a conscious effort of self-control rather than by the passing of time. Seneca claims that Livia acted so because it would be disrespectful to Augustus and unfair to Tiberius if she would have continued to mourn in Rome. It was thus in Rome that Livia subordinated her (biological and social) roles relative to Augustus and Tiberius as a wife and a mother, and thus avoided upsetting the sociopolitical order of the *res publica*.<sup>209</sup> Afterward, Livia went on with life and commemorated Drusus by commissioning statues and talking about him (like Cornelia had

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<sup>205</sup> Plut. *C. Gracch.* 19. Sen. *Helv.* 15.1 praises the intellectual companionship Seneca shared with his mother Helvia, an activity by which Helvia transcended her gender according to McAuley 2015, 186–187.

<sup>206</sup> Sen. *Marc.* 3.1–2; Manning 1981, ad loc. Drusus' death and the subsequent events are narrated by Cass. Dio 55.2.1–3. See also [Ov.] *Liv.* 86–90. On Seneca's use of Livia (and Octavia), see also Vidén 1993, 133–134; Wilcox 2006, 81–87; Hope 2011, 97–101; McAuley 2015, 196–197. Cf. Brännstedt 2015, 38–39; 2016, 53–58. On Tiberius' mourning of his brother, see below 70, 94–95.

<sup>207</sup> Jenkins 2009, 4.

<sup>208</sup> Sen. *Marc.* 3.2; Jenkins 2009, 4.

<sup>209</sup> Sen. *Marc.* 3.2. Cf. Wilcox 2006, 85–87; Hope 2011, 99–101.



spoken about the Gracchi).<sup>210</sup> Seneca employs Augustus' sister Octavia as a foil to Livia in the *Consolatio ad Marciam*. Octavia had with Marcellus lost a son and heir to the throne, like Livia had with Drusus. In contrast to Livia, however, Seneca's Octavia conformed to the female stereotype. She mourned excessively and failed to limit her weeping and laments (*nullum finem per omne vitae suae tempus flendi gemendique fecit*) and was not seen in Rome and did not accept commemorations that would further the memory of her son.<sup>211</sup>

While Livia's emotional self-control is a primary theme of the *Consolatio ad Marciam*, the pseudo-Ovidian *Consolatio ad Liviam* allows for and even celebrates Livia's many tears,<sup>212</sup> even though toward the end of the poem, as we saw above, Livia is exhorted to display a self-control appropriate for her status.<sup>213</sup> Jenkins has argued that a theme in the *Consolatio ad Liviam* is the attempt to reconcile Livia's exceptional status with expectations of female mourning.<sup>214</sup> These expectations Jenkins deems Republican, and argues that the Imperial family created new statuses for elite women. One consequence of this was the conflation of what Jenkins terms "private mourning and public performance."<sup>215</sup> Though it is surely correct that the Imperial family's "private" mourning was "public," this was the case already for elite women during the Republic, although the Principate put the women of the Imperial family in a greater spotlight. Whatever the political system in Rome, women tended to enjoy dramatic dominance as the focus of rituals and ceremonies that celebrated their families.

Seneca's consolatory exhortations to Helvia and Marcia can be read as examples to reading audiences since these *consolationes* praised the mourning women and were circulated in circles wider than the consoler and the consoled.<sup>216</sup> We have already seen Seneca's praise of his mother, while he at the beginning of the *Consolatio ad Marciam* praises Marcia for how she earlier had coped with the death of her father, the historian A. Cremutius Cordus, whom Sejanus had forced to commit suicide. Marcia had first shed tears in public (*fudistique lacrimas palam*), thereafter silenced her groans (*gemitus devorasti*), and that without disguising her

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<sup>210</sup> Sen. *Marc.* 3.2.

<sup>211</sup> Sen. *Marc.* 2.4.

<sup>212</sup> Livia is in tears at [Ov.] *Liv.* 8, 119–120, 165, 427, 466–468. On the emotionality of the *Consolatio ad Liviam*, see Manning 1981, 42; Hope 2011, 101–103.

<sup>213</sup> [Ov.] *Liv.* 345–356. Discussed above 47.

<sup>214</sup> Jenkins 2009.

<sup>215</sup> Jenkins 2009, 1.

<sup>216</sup> On the act of publication and the intended readership of Senecan *consolationes*, see Habinek 1998, chap. 7; Hope 2011, 97; Wilson 2013, 112–116; McAuley 2015, 199.

grief with a smiling face.<sup>217</sup> Marcia's self-control was real and honest. Thus, Marcia followed the script in an exemplary manner and conveyed *pietas* and commemorated her father with tears in front of spectators. After that, Marcia displayed self-control worthy of her status and character by stopping her tears, and then later furthered her father's memory by preserving his writings.<sup>218</sup>

## Transgressive or Transcending Women?

Though Seneca at times suggests that women were endowed with the same natural capacity for self-control as men, the overbearing weight of the evidence indicates that he associates women with excessive tears.<sup>219</sup> Exhortations to elite women often argued that they should not behave like "ordinary" women.<sup>220</sup> Accordingly, women could by virtue of their self-control be exemplary and exceptional rather than typical. Elite women thus transcended their gender. They become more and better than women, or as Mairéad McAuley puts it, "honorary men."<sup>221</sup> In contrast, a man who controlled his tears merely affirmed that he was a man and not a woman.

Even exceptional women were defined in relation to their male relatives, such as Cornelia, the mother of the Gracchi and daughter of Africanus, Livia, the mother of Drusus and Tiberius and Augustus' wife, and Rutilia, the mother of Cotta. As mourners, they were cast in family roles and most importantly as mothers. Female exemplars could express manly virtues, but in a manner that was reactive, reproductive, and subordinated to men.<sup>222</sup> They reproduced Rome and the *res publica* not only biologically, but also socially, by displaying *fides* and *pietas*, being seen and by conversing about their male relatives, who they ideally made exemplars of.<sup>223</sup>

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<sup>217</sup> Sen. *Marc.* 1.2. Cf. Manning 1981, ad 1.3.

<sup>218</sup> Sen. *Marc.* 1.3–4.

<sup>219</sup> Sen. *Marc.* 7.3–4, 16.1; Manning 1973, 171; 1981, 42; Vidén 1993, chap. 5; McAuley 2015, 185–198.

<sup>220</sup> See above 42–44; Vidén 110–116.

<sup>221</sup> McAuley 2015, 194, 197. Cf. Manning 1973, 172; Vidén 1993, chap. 5.

<sup>222</sup> Parker 1998, 163–169; Wilcox 2006; McAuley 2015, chap. 4 (esp. 194–198).

<sup>223</sup> Wilcox 2006, 83–87, makes this observation about Livia, but Cornelia at Plut. *C. Gracch.* 19 is an even better example. Cf. Hagen 2017, 165–170, who has demonstrated that women's tears are frequently portrayed positively in Plutarch's *Lives*, as expressions of loyalty (*fides* and *pietas*) to their male kin, often in farewell scenes.

Women who displayed self-control did not draw much criticism. Instead, women attracted more disapproval when they conformed to gendered stereotypes and were excessively emotional and threatened the *res publica*, like Seneca's Octavia. She failed to reproduce Rome with her never-ending tears. In contrast, Seneca praised his mother Helvia because she did not suffer from the female lack of self-control, and that she did not try to wield political influence through her sons—unlike other mothers.<sup>224</sup> That is, she did not suffer from *muliebris impotentia*, namely, a womanly lack of self-control coupled with a lack of appreciation and respect for women's proper station in private and political life.<sup>225</sup> In chapter 3, I will contend that women's tears could affect political outcomes.<sup>226</sup>

## The No-Show and Cicero's Predicament after Tullia's Death

What happened when a mourner was not seen as expected? Cicero's response to Tullia's death in 45 BC provides a case study to this question. Cicero grieved Tullia intensely and would not participate in political life in Rome.<sup>227</sup> As Cicero kept a low profile at his country estates, questions and criticism mounted from his peers, who wondered whether Cicero could not control his grief.<sup>228</sup> In response to a letter from Atticus, Cicero writes that he spent his days hiding in the woods, not talking to anyone but his books, battling outbursts of weeping.<sup>229</sup> Another letter suggests that Atticus had reproached Cicero for not having displayed his strength of mind (*putas oportere pervideri iam animi mei firmitatem*). Cicero's response makes clear that he was concerned that his peers might think that he was broken and weak in spirit (*si qui me fractum esse animo et debilitatum putant*) and

<sup>224</sup> Sen. *Helv.* 14.2–3; McAuley 2015, 185. Cf. Vidén 1993, 123–124.

<sup>225</sup> On *muliebris impotentia*, see McCullough 1984, 104–109, 111–114; Vidén 1993, 123–124; Santoro L'Hoir 1994; 2006, chap. 3. Hagen 2017, 170–190, discusses Cleopatra's tearful manipulations at Plut. *Ant.* 53, 82–83; Cass. Dio 51.11–13, as well as the lachrymose machinations of Imperial women at Tac. *Ann.* 4.52–53 (Agrippina the Elder, who without success, tearfully begs Tiberius to be allowed to remarry) and *Ann.* 14.1 (Poppaea by means of tears tries to persuade Nero to divorce Octavia and marry her and to break with Agrippina the Younger).

<sup>226</sup> See also Šterbenc Erker 2009.

<sup>227</sup> On Cicero's grief and literary activity after Tullia's death, see Erskine 1997; Hutchinson 1998, 62–77; Treggiari 1998, 18–22; Graver 2002, xi–xv; 2017, 199–202; Wilcox 2005a, 244–253; 2005b; 2012, 51–63; Baltussen 2013b.

<sup>228</sup> Cic. *Att.* 252.1. Cicero's mourning is a topic in several letters to Atticus (250, 251, 252, 253, 254, 255, 257, 258, 259, 260, 261, 262, 263, 265, 267, 268, 274, 275, 276, 277, 279, 281) and in some to his friends (248, 249, 250, 251, 252).

<sup>229</sup> Cic. *Att.* 252.1.

he replied that he occupied himself with writing on philosophical matters.<sup>230</sup> In another letter Cicero responds to Atticus, who had warned Cicero that his mourning threatened his *gratia* and *auctoritas*: Cicero again pointed to the many pages he wrote.<sup>231</sup> For Cicero, his literary output made evident that he had the appropriate strength of character, even though he in his letters to Atticus repeatedly complained that writing did not make him feel any better.<sup>232</sup> It is also clear that Cicero was bothered by the knowledge that his honorable activity lacked an audience so that his peers could know of his self-control.

Literary activity as evidence for self-control is a theme also in a letter L. Lucceius wrote to Cicero in which he was surprised not to have seen him in Rome, but that he might excuse Cicero if he had devoted himself to his literary pursuits. Conversely, if Cicero had given in to tears and sadness (*lacrimis ac tristitiae*), Lucceius felt obliged to intervene.<sup>233</sup> Another correspondent, Ser. Sulpicius Rufus, reprimanded Cicero and closed his letter stating that the only quality Cicero lacked was the ability to bear misfortune.<sup>234</sup> Cicero replied Sulpicius that he could not find comfort in service to the *res publica*, unlike other prominent bereaved Romans.<sup>235</sup> Instead, Cicero's audience in Rome was found waiting for a performance of self-control, while Cicero lingered on the backstage, a behavior that implied excessive emotionality and that he was unfit to function in political life.<sup>236</sup>

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<sup>230</sup> Cic. *Att.* 279.1–2.

<sup>231</sup> Cic. *Att.* 281.2.

<sup>232</sup> Cic. *Att.* 251.3, 258.1, 260.5, 262.2, 267.2, 278.1, 279.1, 281.2; Graver 2002, xiii–xiv; Baltussen 2013b, 77–83.

<sup>233</sup> Cic. *Fam.* 251.1–2; Wilcox 2005a, 244–246; 2005b, 267; 2012, 58–60. Cicero replies in *Fam.* 252. This exchange can be seen as continuation of an earlier one in which Cicero (*Fam.* 201) had consoled Lucceius some 20 years earlier.

<sup>234</sup> Cic. *Fam.* 248; Kassel 1958, 98–103; Hutchinson 1998, 65–77; Treggiari 1998, 19–20; Wilcox 2005a, 246–249; 2005b, 278–282; 2012, 51–55.

<sup>235</sup> Cic. *Fam.* 249; Hutchinson 1998, 75–77; Treggiari 1998, 20; Graver 2002, ad 3.70; Wilcox 2005b, 268–269, 279–282; 2012, 53–54. The list of exemplars recurs at Cic. *Tusc.* 3.70. Cicero, like Caesar in Julia, but unlike the Roman exemplars he actually cites, had lost a daughter and not a son.

<sup>236</sup> Cf. Cic. *Fam.* 177.

## The Textual Scene and Reception

Amanda Wilcox has argued that Cicero tried to create a “textual stage” by his literary activities with his readers as an audience for his self-control.<sup>237</sup> It is debatable whether his strategy (if it was, in fact, that) was successful—the ancient reception of Cicero as a person suggests perhaps not. Livy’s epitaph of Cicero as preserved by Seneca the Elder in the *Suasoriae* states that Cicero bore none of the disasters he suffered as became a man, except his death.<sup>238</sup> Plutarch writes that Cicero’s friends came together after Tullia’s death to comfort the bereaved, whose grief was excessive.<sup>239</sup> Cassius Dio disliked Cicero and used his failure to demonstrate self-control during his exile as a way to characterize him negatively. Dio has a certain Philiscus, a philosopher, reprimanding the lamenting exile for being womanlike (γυναικείως) and asserted that he expected an educated and experienced man like Cicero not to be so soft (μαλακίζομαι).<sup>240</sup> I argue that the example of Cicero illustrates the importance of self-control during crises as a test and an assessment of character, both during an individual’s lifetime and in his subsequent reception.<sup>241</sup>

## The Empire and the Appreciation of Tears

### The Transition to Empire

Amanda Wilcox, recently followed by Margaret Graver, has suggested that Cicero would or could not be seen in Rome after Tullia’s death because of the political circumstances and his compromised relationship with Caesar at the time.<sup>242</sup> A similar predicament arguably became something of a structural condition for the traditional elite during the Empire. The customary political, military, and

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<sup>237</sup> Wilcox 2005b, 282–285. Cf. Graver 2002, xiii–xiv.

<sup>238</sup> Sen. *Suas.* 6.22. C. Asinius Pollio’s assessment of Cicero is similar at *Suas.* 6.24.

<sup>239</sup> Plut. *Cic.* 41.

<sup>240</sup> Cass. Dio 38.18.1–30.1; Millar 1964, 49–51; Hall 2014, 102.

<sup>241</sup> For Plutarch’s assessment of character in his *Lives* it was of great significance whether his protagonists coped with distress without tears, on which see Schorn 2009, 351–361. Cf. Hall 2013, on Cicero’s handling of his public image when facing political crises.

<sup>242</sup> Wilcox 2005b (see also 2005a, 244–253; 2012, 51–63) argues that Cicero felt unable to participate in public life in Rome. Graver 2017 contends that Cicero used his excessive emotionality politically as an excuse for not showing up in Rome after Caesar’s victories.

oratorical means for amassing and expressing *virtus* were now in the hands of the emperor. I argue that in response to the establishment of the Principate, “emotional communities” changed and new ones emerged.

When the traditional elite lost its ability to display *virtus* in the political domain, they could turn inward to the personal and familial sphere. One such response was to express “internal power” and *virtus* through self-control. We can view the popularity of Stoicism as an emotional community that flourished partly as a response to autocracy.<sup>243</sup> *Virtus* thus internalized could, in theory, be achieved without communal recognition. In practice, though, the Roman elite still wanted audiences who confirmed their virtue, even though it might lack political significance.

I will argue that an alternative mourning script became viable during the Empire. This script called for tears as part of an “excessive” and extrovert emotionality. This script represented an increased appreciation of *pietas*, *fides*, and familial relationships, and constituted an alternative avenue to manliness and distinction. The argument is chiefly based on two bodies of scholarly work: one represented by Stefan Schorn, Valery Hope, Anna McCullough, and Jean-Michel Hulls, who, largely independent of each other, have identified a change of attitudes toward mourning during the Principate, mainly on the basis of their readings of Statius’ *Silvae*, and the other constituted by Natalie Kampen, who has examined Herodes Atticus’ immoderate mourning.<sup>244</sup> Neither body of scholarship concentrates on tears, but their contributions can gainfully be related to each other in the context of weeping.

## Evidence for Extrovert Excess

The *Silvae* is a collection of occasional poetry Statius composed for his affluent patrons during Domitian’s reign. Bereavements prompted some of the poems, and these “consolatory” poems praise extrovert and immoderate mourning and

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<sup>243</sup> Cf. above 21.

<sup>244</sup> Kampen 2009; Schorn 2009, 342–344; McCullough 2011; Hope 2011, 111–115; Hulls 2011. Cf. Bernstein 2005, who explores the “status inconsistency” of the bereaved Melior’s foster son in *Silv.* 2.1, and Asso. 2010, who argues that Statius breaks with the paradigm for a consolation in his treatment of sex, gender, and status in the same poem. Cf. Gibson 2006, who observes that excessive grief is commemorated, celebrated, and sometimes encouraged in the *Silvae*, and reads the poems from a “functional” perspective, that is, that the described excess makes the addressee feel better or celebrates relationships.

tears. This section will discuss first the extrovert visibility of Statius' weepers and then their excess.

Audiences and visibility were significant for Statius' extrovert mourners. To Flavius Abascantus, a powerful Imperial freedman, who mourned his wife, Statius wrote that his mourning would serve as a good example for public benefit (*bona exempla... publice*).<sup>245</sup> Statius claims that the emperor Domitian appreciatively beheld Abascantus,<sup>246</sup> and that all eyes in Rome watched him during the funeral.<sup>247</sup> An Ateius Melior's mourning after a foster son is praised as a *spectaculum* for the *Urbs*.<sup>248</sup> Statius invites the goddess *Pietas* herself to witness and praise Claudius Etruscus' pious weeping (*pios fletus*).<sup>249</sup> Etruscus is praised for his *pietas* and true tears, which Statius claims were rare at the time (*cum lugeret veris (quod iam rarissimum est) lacrimis*).<sup>250</sup> I would argue that this statement is to be understood as an implicit criticism against the extrovert mourning practiced by others without sincere feeling, something that Seneca criticized as we saw above.<sup>251</sup> Statius also asserts that his own groans (*gemitus*) after his own deceased father were seen by his companions and widowed mother, who saw an *exemplum* in his grief.<sup>252</sup> To sum up, mourning and tears in these poems were meant to be seen by audiences—the emperor, family members, and the whole city—who verified and celebrated the tears and sometimes labeled them as exemplary.

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<sup>245</sup> Stat. *Silv.* 5.pref.1–2.

<sup>246</sup> Stat. *Silv.* 5.1.37–42.

<sup>247</sup> Stat. *Silv.* 5.1.216–221. At 5.1.20–21, Statius claims that the spectators shed tears for Abascantus' sake.

<sup>248</sup> Stat. *Silv.* 2.1.20. At 2.1.173–175, Statius writes that the biological parents to Melior's foster son were stunned when they beheld Melior's mourning. Martial also dedicated two epigrams (6.28, 6.29) to Melior's loss. In 6.28 Martial celebrates the lavish funeral at which all Rome sorrowed (*tota qui cecidit dolente Roma*).

<sup>249</sup> Stat. *Silv.* 3.3.7 (see also 3.3.8–12).

<sup>250</sup> Stat. *Silv.* 3.pref.16–17.

<sup>251</sup> Hulls 2011, 152–153, entertains the possibility that *Silv.* 3.pref.16–17 criticizes the doublespeak and dissimulation characteristic of Domitianic Rome but instead understands it as a mild rebuke of Etruscus' excessive mourning. I point to *Silv.* 5.3.239–244, where Statius compares his mother's true grief with the simulated piety (*ficta pietate*) of women in Egyptian cults who wept and mourned at strangers' funerals. This suggests that Statius is critical of mourning that lacked an emotional and relational basis. When Statius praises excessive and extrovert mourning, he does so by celebrating the relationship between the mourner and the mourned.

<sup>252</sup> Stat. *Silv.* 5.3.262–263. A repetition of *videt* reinforces the importance of seeing. Statius' mother had mourned her husband similarly (5.3.239–241) and was now emulated by Statius.

Statius' mourners were not only extrovert; they also shed tears in excess. Statius writes that Abascantus wept, tore his clothes, and lamented his wife more than his servants did and that he would have taken his life if not for his devotion to Domitian.<sup>253</sup> Furthermore, Abascantus' grief was physical—his face and hair changed—as if he was burying a son.<sup>254</sup> McCullough points out that Abascantus' grief would traditionally be understood as feminine.<sup>255</sup> Claudius Etruscus' mourning was similarly womanlike, as he wept for his father as if he mourned a young wife or a son.<sup>256</sup> Statius approves of Flavius Ursus' tears for a slave and argues that it would be cruel to limit mourning because of the status of the deceased.<sup>257</sup> Statius also commends Atedius Melior's mourning, which outdid that of the parents of his foster son.<sup>258</sup> Statius likewise assents to that Melior's tears broke the normal limits, and argues that no one should forbid his weeping.<sup>259</sup> Statius himself shed tears for more than a month after the funeral of a foster son and admits that his tears were excessive beyond decency.<sup>260</sup> Grieving his own father, Statius wished that the deceased accept his tears like no other parent.<sup>261</sup> Statius compares Etruscus' mourning of that man's father with his own mourning after his own father, when he wept prostrating at the pyre.<sup>262</sup> To sum up, Statius' mourners were not only extrovert but also explicitly excessive in their grief, often competitively so.<sup>263</sup>

Statius' celebration of excessive mourning does stand out, but we can observe a similar appreciation of emotional excess in other works as well. Before

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<sup>253</sup> Stat. *Silv.* 5.1.20–21, 5.1.205–208; McCullough 2011, 184, 188.

<sup>254</sup> Stat. *Silv.* 5.1.216–220.

<sup>255</sup> McCullough 2011, 182–184.

<sup>256</sup> Stat. *Silv.* 3.3.8–12; Hulls 2011, 153–154. Cf. McCullough 2011, 190, n. 31, regarding 3.3.176–177. Mart. 7.40 also writes about Etruscus' excess and that whoever saw Etruscus' tears (*aspexit lacrimas*) would have thought that his father had died untimely (and not, as was the case, of old age).

<sup>257</sup> Stat. *Silv.* 2.6.1–2, 12–14. At the end of poem, however, Statius (2.6.85–105), urges Flavius to limit his tears for it was, after all, a slave he grieved.

<sup>258</sup> Stat. *Silv.* 2.1.23–25, 173–175. In other words, Melior mourned even more intensely than the mother. On the effeminate character of Melior's grief, see Asso 2010, 666–667.

<sup>259</sup> Stat. *Silv.* 2.1.14–16, 2.1.34–35. Cf. 5.5.60–61 and the permissive attitude of [Ov.] *Liv.* 7–12, on which see Schoonhoven 1992, 4, 90–92.

<sup>260</sup> Stat. *Silv.* 5.5.18–27, 56–57. Statius' grief was even more excessive given that it was not his own child he mourned (5.5.11). In the same poem (58–61), Statius called it cruelty to criticize tears and to pronounce laws to limit grieving.

<sup>261</sup> Stat. *Silv.* 5.3.46.

<sup>262</sup> Stat. *Silv.* 3.3.39–40.

<sup>263</sup> At *Silv.* 5.5.18–22, Statius challenges other mourners to a contest of tears.



admonishing Livia to observe self-control, the *Consolatio ad Liviam* at length celebrates Livia's and other's mourning of Drusus the Elder.<sup>264</sup> Pliny the Younger suggests the historicity of such excessiveness in a pair of letters where he complains about M. Aquilius Regulus, who had lost a son. In the first letter, Pliny writes that Regulus mourned like a madman (*luget insane*) and that his behavior was not grief but a show of grief (*nec dolor erat ille, sed ostentatio doloris*). Regulus' mourning was extrovert and Pliny claims that it disturbed the whole city.<sup>265</sup> In the second letter, Pliny complains that Regulus had recited a biography of his son in front of a huge crowd and that he disseminated the work to Italy and the provinces and asked town-councils to read it in public. Pliny finds fault with the excessive character of Regulus, who had set his mind on excess and to mourn like no other (*luget ut nemo*).<sup>266</sup>

Even if the mourning in the *Silvae* to some degree is to be understood as a reflection of changing literary aesthetics in Flavian Rome, as argued by Donka Markus, the poet must have had a constituency that approved of the way they were represented in his poems.<sup>267</sup> And even though we can never be sure if Statius' mourners really did weep as they are described, there was a logic to these "excessive" tears if we situate them in the political culture of Imperial Rome. Anna McCullough understands this mourning behavior as part of the expression of conjugal love and *pietas* and argues that the behavior might also communicate *pietas* toward Domitian, who was beholden to this virtue.<sup>268</sup> Indeed, I would suspect that an autocrat with tendencies of paranoia would appreciate demonstrations of *fides* and *pietas* rather than *virtus*, which could be subversive.<sup>269</sup> The Principate had changed both the scene and the cast for the display of status.

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<sup>264</sup> See above 54; Manning 1981, 42; Markus 2004, 127–129.

<sup>265</sup> Plin. *Ep.* 4.2.

<sup>266</sup> Plin. *Ep.* 4.7.

<sup>267</sup> Markus 2004, 124. Cf. Manning 1981, 42, who has argued that a permissive attitude toward emotionality in poetic consolations accounts for the many tears in the *Silvae*. We can compare the *Silvae* with Statius' lachrymose epic *Thebaid*. Markus 2004 has shown that both the *Silvae* and the *Thebaid* are allowing and indulging in tears and mourning. It is perhaps telling that Juvenal (7.82–83) labeled Statius' epic as feminine (*amicae Thebaidos*), perhaps intimating excessive emotionality, as suggested by Markus 2004, 132.

<sup>268</sup> McCullough 2011, 186–188. But see Hulls 2011, 170–171, who in reading *Silv.* 3.3 argues that the bereaved Erruscus overestimates the importance of "familial *pietas*" toward his father relative to Imperial *clementia* and obedience to the emperor.

<sup>269</sup> Hardie 1983, 185–187, reads *Silv.* 5.1 as a celebration of Abascantus' *fides* toward Domitian. Hardie observes that Abascantus was *ab epistulis* and as such a high-level freedman in the Imperial administration at the time of the poem's composition in AD 95, a time of political insecurity. Cf. Asso 2010, 688.

The Imperial family's significance and visibility may have induced others to imitate it by articulating the significance of their own families through mourning in the public eye.<sup>270</sup> The grandee could now express distinction through extrovert mourning of family members that displayed *pietas* and *fides* and accentuated the importance of the elite family, rather than *virtus* through spectacular deeds of individual valor. Incidentally, the intensity of mourning in the *Silvae* articulates the strength of *pietas* and *fides* in different relationships and thus their relative significance: the emperor was most important, then sons, followed by wives and old fathers, and with slaves at the bottom of the hierarchy, while the status of freedmen was ambiguous.<sup>271</sup>

## The Excesses of Herodes Atticus

We now turn to Herodes Atticus, another man who articulated the significance of his family members through mourning. Herodes Atticus was an Athenian aristocrat and politician, a Roman senator and consul, a friend of the emperor Antoninus Pius and tutor of the young Marcus Aurelius and Lucius Verus, a wealthy celebrity, and a prominent figure in the Second Sophistic. Herodes suffered many bereavements of family and kin and repeatedly displayed an immoderate emotionality, even a Homeric grief, as will be argued here.<sup>272</sup>

After Herodes lost his first-born son, Marcus Aurelius wrote in AD 144 or 145 to M. Cornelius Fronto that Herodes was unable to cope with equanimity (*id Herodes non aequo animo fert*).<sup>273</sup> Consequently, Fronto sent Herodes a letter of consolation. In what remains of the letter, Fronto admonishes Herodes that it was unbecoming for a man of education not to cope in a composed manner.<sup>274</sup> Herodes later honored an unnamed deceased child with an inscription, in which

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<sup>270</sup> Cf. McCullough 2011, 186–188.

<sup>271</sup> Bernstein 2005; Asso 2010, explore the ambiguousness of status in Domitianic Rome by reading *Silv.* 2.1.

<sup>272</sup> For a biography of Herodes Atticus, see Ameling 1983a; 1983b. Mourning is a tellingly large topic in Ameling's chapter (1983a, 95–117) on Herodes Atticus' private life. This section on Herodes Atticus expands on Kampen 2009.

<sup>273</sup> Fronto *Ep. Ad M. Caes.* 1.6 (Naber p. 13); Ameling 1983a, 80–81, 96–97.

<sup>274</sup> Fronto *Ep. Graec.* 3 (Naber p. 213).

Herodes gives his grief a Homeric intensity by claiming that he grew his hair for a year before he sacrificed it to the dead.<sup>275</sup>

According to Philostratus, Herodes' acquittal when prosecuted for the murder of his wife Regilla in AD 157 was helped by his extraordinary mourning, for which his enemies accused him of pretense.<sup>276</sup> Herodes persisted in mourning Regilla to the extreme, and a philosopher urged him to regain self-control and not risk his reputation. A reluctant Herodes desisted, afraid of becoming a joke among wise men.<sup>277</sup> Herodes honored Regilla with poetry preserved in honorary inscriptions that conveyed his grief and loss in Homeric-mythological themes.<sup>278</sup>

Philostratus writes that Herodes lay on the ground, beating it and crying after the death of his daughter Elpnike in AD 165 and that, also at that time, a philosopher admonished Herodes to restrain himself.<sup>279</sup> Furthermore, the Cynic philosopher Demonax, the eponymous protagonist of a work by Lucian, ridiculed Herodes' sorrow over his foster son Polydeukion as excessive and somewhat insincere.<sup>280</sup> Herodes commemorated Polydeukion as a hero and established games in his honor in a Homeric fashion.<sup>281</sup> Aulus Gellius relates an anecdote of how Herodes spoke against a Stoic who criticized him for coping with the loss of a young man (likely Polydeukion) in a manner that lacked wisdom and manliness.<sup>282</sup> Herodes replied that emotions could be useful and that it was misguided to do away with them as the Stoics wanted. This episode is interesting as it evinces a discourse between the two paradigms, one emotional, the other tending to self-control. Herodes could be ostentatious in mourning even when it was not a member of his family that had died. Philostratus thought the tears that Herodes shed during his funeral oration over a teacher were noteworthy since Herodes had earlier ridiculed the deceased, whose death was not untimely.<sup>283</sup>

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<sup>275</sup> Ameling 1983a, 98; 1983b, no. 140. Achilles cut his hair after Patroclus' death, see Hom. *Il.* 23.135–136, 141. Alexander did likewise mourning Hephaestion, see Plut. *Alex.* 72; Arr. *Anab.* 7.14; Ael. *VH.* 7.8.

<sup>276</sup> Philostr. *VS* 2.556; Kampen 2009, 69.

<sup>277</sup> Philostr. *VS* 2.557; Ameling 1983a, 100–107; Kampen 2009, 69–70. Cf. Luc. *Demon.* 33.

<sup>278</sup> Ameling 1983a, 101, 105–107; 1983b, no. 99, 146.

<sup>279</sup> Philostr. *VS* 2.578; Ameling 1983a, 112–113; Kampen 2009, 69.

<sup>280</sup> Luc. *Demon.* 24, 33; Ameling 1983a, 114–117; Kampen 2009, 70.

<sup>281</sup> Ameling 1983a, 117; 1983b, no. 122.

<sup>282</sup> Aul. Gell. *NA.* 19.12.3; Ameling 1983a, 116–117.

<sup>283</sup> Philostr. *VS* 2.545. Herodes displayed a lack of self-control on other occasions as well. For example, Philostr. *VS* 2.561 narrates how Herodes was called before Marcus Aurelius, who was to settle a conflict between Herodes and the Athenians. Herodes launched angry invectives

Although Statius' weepers behaved similarly, Herodes was, in contrast to them, criticized rather than praised for his tears. Both authors and internal audiences (often philosophers) deemed Herodes' mourning to be immoderate. Even so, Herodes seems to have been deliberately excessive. So why did Herodes mourn without moderation? Kampen suggests that Herodes expressed familial and kinship relationships through mourning.<sup>284</sup> In Latin that translates to the expression of *pietas* and *fides*, the same virtues that Statius' mourners conveyed. Furthermore, Kampen points to the identity of Herodes as a sophist: excess and grandeur were part of his *persona*, also in mourning. Statius' mourners and Pliny's Regulus also emerge as rich, opulent, and ready to squander great wealth in commemoration of their losses.<sup>285</sup>

Kampen intriguingly suggests that Herodes' mourning alluded to Greek heroic models:<sup>286</sup> Achilles, for example, lay on the ground and wept for Patroclus without moderation,<sup>287</sup> and Alexander the Great in turn imitated Achilles when he mourned and wept for Hephaestion.<sup>288</sup> Alexander had also earlier wept, laying on the floor, after he had Cleitus killed in drunken anger.<sup>289</sup> Alexander, like Herodes later, was then rebuked by a philosopher.<sup>290</sup> Not only heroes from a heroic past could offer models for Herodes. Kampen draws on Caroline Vout, who argues that Herodes fashioned his mourning of Polydeukion after Hadrian's mourning of Antinous.<sup>291</sup> Hadrian was then said by the *Historia Augusta* to have wept like a woman (*muliebritur flevit*).<sup>292</sup> Herodes' mourning could thus allude to a series of excessive mourners and their affective relationships with male protégés. It is likely no coincidence that Achilles, Alexander, Hadrian, and Herodes were all known to

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against the emperor and made no use of his skill in oratory, as would a man in control of himself, according to Philostratus. Conversely, the Athenians' speech drew tears from Marcus Aurelius, see below 179.

<sup>284</sup> Kampen 2009, 79–80.

<sup>285</sup> Stat. *Silv.* 2.1.69–76, 2.1.157–162, 3.3.33–39, 3.3.198–202, 3.3.211–213; Plin. *Ep.* 4.2, 4.7; Bernstein 2005, 273; Asso 2010, 676–678, 691; Hulls 2011, 160.

<sup>286</sup> Kampen 2009, 80–81.

<sup>287</sup> Hom. *Il.* 23.225.

<sup>288</sup> Plut. *Alex.* 72; Arr. *Anab.* 7.14; Ael. *VH.* 7.8; Kampen 2009, 79–80.

<sup>289</sup> Plut. *Alex.* 52. At Arr. *Anab.* 4.9, Alexander is crying in his bed after the murder. Drunken anger was a standard token of a lack of self-control. On Alexander's anger, see Harris 2001, 235–237.

<sup>290</sup> Plut. *Alex.* 52. See also Arr. *Anab.* 4.9.

<sup>291</sup> Kampen 2009, 80–81; Vout 2005.

<sup>292</sup> SHA *Hadr.* 14.

have been temperamental.<sup>293</sup> Walter Ameling has observed the Homeric-heroic themes in Herodes' mourning and suggested that Herodes was an emotional and sensitive man who utilized the literary genre to channel his emotions.<sup>294</sup> Indeed, the type of emotional excess that Herodes evinced might express an alternative conception of what it meant to be an elite man, an ideal that was heroic, emotional, and of Greek origin. We can note that scholars have observed that the celebration of excessive and never-ending mourning in the *Silvae* gives the poems and the mourners a mythological, epic, and heroic character,<sup>295</sup> and that Statius employs these themes to represent and authorize excessive grief.<sup>296</sup> Works in the epic genre are often extraordinarily lachrymose, from Homer to Latin epics such as Vergil's *Aeneid*, Lucan's *Bellum civile*, Statius' *Thebaid*, and Silius Italicus' *Punica*.<sup>297</sup> In fact, I argue that Statius' mourners and Herodes can be said to claim membership in an emotional community of heroes that existed across time and space, identified by excessively emotional displays on an epic scale.

Herodes lacked a fixed position in the political system and was thus relatively free from social and political constraints, which is why he could be provocative. This holds true, albeit on a smaller scale, for Statius' mourners as well. Obviously, they did not risk their careers by their excess seeing as Domitian is represented as appreciating their emotionality. Advancement did not necessarily depend on the public demonstration of traditional *virtus* but on Imperial favor.<sup>298</sup> If one was unable to claim *virtus* through the holding of public office, another set of virtues—*pietas* and *fides*, expressions of familial affection—expressed another conception of manhood. Since these were virtues of devotion and loyalty, they might well be appreciated and encouraged by the emperor.

Like Statius' weepers, Herodes' mourning articulated his family while expressing differences between the relationships within it. This is evident as Herodes grieved Polydeukion more than he mourned other family members.<sup>299</sup> Excessive

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<sup>293</sup> On Hadrian's anger, see Harris 2001, 256–257. On Herodes' anger, see Harris 2001, 227–228. Knight 2016 discusses *ira Caesaris* as a means of social control.

<sup>294</sup> Ameling 1983a, 117.

<sup>295</sup> Markus 2004; Gibson 2006, xlii–1.

<sup>296</sup> Asso 2010 (esp. 682).

<sup>297</sup> On tears in Homer, see Monsacré 1984; Arnould 1990; Föllinger 2009; in the *Aeneid*, see Rieks 1970; and in the *Thebaid*, see Markus 2004.

<sup>298</sup> As argued by McCullough 2011, 186–188; Hulls 2011, 163–164, 170–171; Hope 2011, 111–115.

<sup>299</sup> Kampen 2009 contends that differences in the intensity of Herodes' mourning of different persons are more apparent in material culture (statues and inscriptions) than in literary sources.

mourning not only celebrated the elite family, but it could also allude to the emperor and his family. The celebration of the Imperial family was a natural characteristic of a monarchy in which the *res publica* and the monarch became conflated.<sup>300</sup> What for others might be private backstage matters occurred for the emperor and his family on the public front stage. Thus, the emperor and his family could set an example for others to follow.

Perhaps surprisingly, Cato the Younger's grief over his brother, Q. Servilius Caepio, as told by Plutarch, suggests that the emotional paradigm was available also during the Republic.<sup>301</sup> Cato not only lamented intensely and was in deep grief (οὐ μόνον κλαυθμοῖ...βαρύτητι λύπης); he also squandered much money on the funeral, incense, and an altar. Plutarch comments that Romans thought Cato to have obeyed passion rather than Stoic philosophy, but he added that he thought that these critics did not understand how Cato's firmness was mixed with tenderness and affection. Like the excessive mourners encountered above, Cato mourned with both economic and emotional immoderation and was criticized for this. This excess of a paragon of Stoic virtue might seem puzzling. Drawing from the discussion above, I suggest that Cato expressed *pietas* and *fides*, as well as the significance of his family, in a manner that contemporaries could have understood as heroic. Moreover, the episode suggests that the emotional paradigm was available also during the Republic, but that it later flourished in response to the autocracy of the Empire.

In this section I have argued for the existence of an alternative weeping script that constituted another avenue for the expression and claim of manliness and status. This emotional script contrasted to that which expressed distinction through self-control in mourning. In this emotional paradigm, tears were intentionally excessive and visible. Even though the manner was in principle available during the Republic, old emotional communities arguably changed and new ones emerged in response to sociopolitical changes, most importantly the establishment of monarchy. Nevertheless, self-control in moments of loss and crises seems to have been the dominant paradigm also during the Empire. The emotional behaviors of Herodes, Regulus, and Statius' weepers were after all explicitly

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<sup>300</sup> On the conflation between the Imperial family and Rome/the *res publica* in the context of mourning, see Severy 2000 and chap. 3 below.

<sup>301</sup> Plut. *Cat. Min.* 11; Schorn 2009, 354–356; Hagen 2017, 197. Cato's (imagined) reaction to the death of Pompey was more Stoic as described at Luc. 5.50: the tidings of Pompey's defeat would draw tears even from the steadfast Cato (*et mala vel duri lacrimas motura Catonis*). Cf. Hagen 2017, 212–216.

labeled as excessive. To be excessive, they must be so relative to a norm that prescribed self-control and limits to tears.

## Concluding Discussion

### The Significance of Self-control

This chapter has argued that the dominant script for tears of mourning in Roman political culture valued self-control that communicated and affirmed *virtus* and *gravitas*, virtues that elite Romans made evident by sustained and visible service to the *res publica*. The elite claimed distinction through the display of these manly virtues. Still, Romans should shed tears as a social obligation and display *pietas* and *fides*. However, a *vir* should subdue his tears in a conscious act of self-control, which limited the intensity and duration of weeping. Tears of mourning were thus involved in a compromise. A mourner expressed one set of virtues at the expense of another. Failure to get the balance right meant that the mourner could be perceived either as inhumane and socially distant or as soft and womanlike. A compromise that tended toward self-control was desirable. Tacitus' father-in-law Agricola might represent such an ideal. Agricola carried the death of a son with neither ostentatious fortitude like most powerful men (*neque ut plerique fortium virorum ambitiose*) nor with the laments and grief of women (*neque per lamenta rursus ac maerorem muliebriter tulit*).<sup>302</sup> Instead, Agricola embarked on a military campaign. So, not unaffected, but with an emotionality subdued with self-control, the elite *vir* should ideally find solace in service of the *res publica*.

We might suspect that the literary sources to some degree overstate the importance of self-control, precisely because they are so concerned with arguing its importance. If lived experience conformed to literature, one might argue that the need to inculcate self-control need not have been so pronounced. This caveat, however, does not necessarily lessen the ideological importance of self-control. Furthermore, I argue that Cicero's preoccupation with self-control in his letters suggests that it was very much a concern for the elite.

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<sup>302</sup> Tac. *Agr.* 29; Hope 2011, 114–115.

## Mourning Tears and Political Change

This chapter has contended that the establishment of the Principate affected mourning. The emperor took control over the traditional career paths in the administration and the military, the traditional avenues for the aristocracy to claim virtue. The elite needed ways to complement communal and political recognition of martial valor as a mark of distinction. Accordingly, Stoicism that called for self-control in confronting personal misfortune can be understood as a response to autocracy.

The other weeping script that developed in response to the Principate took tears in mourning to the other extreme.<sup>303</sup> This paradigm called for excess and visibility in mourning as suggested by Statius' weepers, Pliny's Regulus, the *Consolatio ad Liviam*, and Herodes Atticus. Immoderate tears expressed *pietas* and *fides*, and articulated the importance of the relationship between the mourner and the mourned. This development meant that the family and its relationships became more crucial for the elite's claim to virtue. Extrovert mourning also alluded to the emperor and his family, whose mourning was a public spectacle. Another allusion might have been that to the *pathos* of a paradigm of emotional heroism that went back to Homer's epics.

The elites of the Empire could set themselves apart by mourning and weeping differently and "more" than others, regardless of whether virtue and distinction were claimed by checking tears or by shedding them in excess. One script's values came at the cost of the other's. In chapter 3, I will discuss how the self-controlled emperor Tiberius was perceived as lofty and socially distant because of his restraint in mourning, while we in this chapter saw how Herodes and Statius' weepers were considered excessive. How this tradeoff was evaluated depended to a large extent on the standing of the mourner relative to audiences and literary authors.

### Tears, Power, Status, and the *res publica*

Tears in mourning were related to power and status in Roman culture. A Roman *vir* could by his behavior in mourning set himself apart from other categories of

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<sup>303</sup> Hope 2011, 111–115, argues that Seneca's Stoic position, which called for self-control, represented a Republican ideal, while the emotionality represented by poetic *consolationes* was an Imperial development. I argue that self-control was called for during the Republic, while that the Empire saw both strict(er) self-control and excessive and extrovert emotionality as responses to autocracy. Both strategies claimed distinction by taking mourning to extremes in an agonistic culture.



lower status.<sup>304</sup> In *Epistula* 63, Seneca states that a loss afflicted women and uncultured and uneducated people more than men, cultured people, and the educated.<sup>305</sup> Self-control expressed distinction and was related to the notion of the good ruler and the power the master wielded over the slave.<sup>306</sup> The Roman elite man's self-control legitimized his moral, social, and political supremacy and his fitness to rule the family, the *res publica*, and by extension the world. Not to conform to this ideological construct threatened its legitimacy, which is why consolatory literature could chastise failures of members of the elite to display self-control.

Bourdieu in *Distinction* states that refusing to yield to nature “is the mark of dominant groups—who start with self-control.”<sup>307</sup> Indeed, it seems to be a rather stable trait in Western culture for members of the elite to identify themselves with self-restraint. I would like to illustrate this point by an episode from Seneca's *Consolatio ad Polybium*.<sup>308</sup> Seneca describes how Tiberius checked both his own and his army's tears after the death of his brother Drusus in Germany in AD 9. Tiberius thus brought back the army to the “Roman manner of mourning” (*morem Romani luctus*) since discipline needed to be displayed not only in combat but also in mourning. Seneca concludes that Tiberius would have been unable to wield power over others' tears and bring back discipline if he had been incapable to wield power over his own tears (*non potuisset ille lacrimas alienas compescere, nisi prius pressisset suas*). Observe how the “Roman manner of mourning” was associated with power and military might.

A similar association between self-control, power, and military imagery is voiced by Seneca in the *De ira*, in which he writes that Scipio Africanus conquered anger before he conquered Hannibal (*iram ante vicit quam Hannibalem*).<sup>309</sup> Using a similar imaginary in the *Consolatio ad Marciam*, Seneca writes that Caesar conquered the grief over his daughter Julia and resumed his campaign in Britain

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<sup>304</sup> On this argument in Senecan *consolationes*, see Wilson 1997, 59–60; McAuley 2015, 188–190. On the argument more generally, see Joshel & Murnaghan 1998, 15–16; Parker 1998, 170. Cf. Edwards 1999, 262, who argues that the Roman *vir* set himself apart by his capacity to display *virtus* by enduring pain.

<sup>305</sup> Sen. *Marc.* 7.3–4; Manning 1981, ad loc.; Hope 2011, 93–94; Šterbenc Erker 2011, 45. The enumeration recurs almost *verbatim* at [Plut.] *Cons. Ad Apoll.* 22.

<sup>306</sup> On the good ruler's self-control, see Harris 2001, chap. 10. On the master's power, see Edwards 2009, 154–159.

<sup>307</sup> Bourdieu 1984, 40 (see also 479).

<sup>308</sup> Sen. *Polyb.* 15.5.

<sup>309</sup> Sen. *De ira* 1.11.5.

as quickly as he was in the habit of conquering everything else.<sup>310</sup> And Cicero could write to his famously irate brother Quintus that it would be easy to control others in his province if he controlled himself.<sup>311</sup>

Against dominant groups, such as the office-holding aristocracy, and later the Imperial family and those connected to it, emerge countercultures.<sup>312</sup> We could with Barbara Rosenwein call such groups emotional communities. These groups had their habitus configured in opposition (or at least in relation) to the self-control of the dominant group. It was according to an ideal of restraint defined by Roman elite men that women, the non-elite, and non-Romans were understood as overly emotional.<sup>313</sup> Statius' mourners, Pliny's Regulus, and Herodes Atticus might be interpreted as instances of "countercultures." These excessive weepers intentionally violated prevailing norms to claim distinction and virtue. Likewise, we can interpret the Stoics and their restraint as an emotional community that thrived in response to the traditional elite's political marginalization relative to the emperor and his administration.

One episode from Petronius' *Satyricon* demonstrates the relationship between status and self-control. The *nouveau riche* freedman Trimalchio began to weep abundantly (*flere coepit ubertim*) when he described his tomb monument during a banquet. His family and slaves joined in the weeping lamentations in an overly tearful scene.<sup>314</sup> To weep copiously for one's own death, and even worse, at the mere thought of it, was far removed from the behavior expected of a Roman aristocrat. Petronius plays on the excessive emotionality of a man who had become rich but who had not appropriated "high culture." This is further suggested by his imagined tombstone over himself, which boasted that starting from scratch, Trimalchio had amassed a fortune of 30 million HS but that he had not once listened to a philosopher.<sup>315</sup> With Bourdieu, one could say that Trimalchio had accumulated economic capital but that he still lacked the cultural capital that was the mark of the traditional elite.

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<sup>310</sup> Sen. *Marc.* 14.3.

<sup>311</sup> Cic. *QFr.* 1.7.

<sup>312</sup> Scheer 2012, 217. "Emotional countercultures" from more recent periods include sentimentalists, romantics, and hippies.

<sup>313</sup> Cf. Corbeill 2004, chap. 4, who argues that elite Romans expressed status by their controlled and dignified manner of walking. This elite habitus was challenged during the Late Republic by other elite Romans who made a political statement by walking in a different manner.

<sup>314</sup> Petron. *Sat.* 72. Cf. Bernstein 2005, 266; Schulten 2005, 19.

<sup>315</sup> Petron. *Sat.* 71.

How (non-)weeping was received in Roman political culture depended not only on how the mourning related to norms and ideals. The weeper's position, standing, and popularity were of great significance. It was arguably decisive if it was in the interest of audiences to laud his tears or to label him a weeping hypocrite or as soft, or alternatively, if his self-control was understood as virtuous or as cold and distanced. Tears of mourning articulated a range of relationships between the mourned, the weeper, and the weeper's audiences, including authors. The next chapter looks at how tears of mourning could articulate and make these relationships instrumental in Roman politics.

### *Chapter 3.*

# The Political Use of Tears of Mourning

## Introduction

This chapter builds on the insights from chapter 2 and considers how elite Romans enacted the script for tears of mourning to achieve political outcomes. I will argue the significance of tears of mourning and investigate how political considerations affected elite tears and how audiences responded to such tears. The first part of the chapter contends that tears shed in funeral and mourning rituals could incite dramatic and violent political action with both concrete and symbolic effects. The second part focuses mainly on the Imperial period and how emperors responded to and made use of expectations of tears of mourning. The chapter finally explores how prohibitions against mourning could characterize an oppressive regime but also serve to substantiate the subversive potential of weeping.

## The Instrumental Use of Tears of Mourning

### Grief and the Gracchi

The discussion will open by reading and discussing, in a largely chronological order, several episodes from Republican and Imperial political culture in which tears of mourning were employed for political ends. We will start with the political use of mourning in episodes surrounding the Gracchi.

Ti. Gracchus was a *popularis* who was killed, mourned, and remembered for political purposes. Plutarch narrates in his *Life of Gaius Gracchus* that Tiberius'

younger brother Gaius increased his following and standing by bewailing his brother at every opportunity.<sup>316</sup> Quintilian writes that Gracchus by weeping for his brother (*in deflenda fratris nece*) moved the whole Roman people to tears (*totius populi Romani lacrimas concitasse*).<sup>317</sup> According to Cicero, even Gaius' enemies could not hold back their tears (*inimici ut lacrimas tenere non possent*), so strong was the *pathos* he could arouse.<sup>318</sup> In short, Gaius' mourning of Tiberius suggests that weeping in mourning was a political action.

Later in Plutarch's *Gaius Gracchus*, it is the Senate who lamented in front of the people. In 121 BC, C. Gracchus' supporters killed Q. Antyllus, one of the consul L. Opimius' lictors. In response, Opimius convened the Senate while others outside carried Antyllus' lacerated corpse on an uncovered bier through the Forum and past the Curia while lamenting and wailing (οἰμωγῇ χρώμενοι).<sup>319</sup> Opimius pretended to be surprised and led the senators out of the building and complained against the murder. An angry crowd was unimpressed by the lamenting Senate, which is why the senators went back to the Curia and granted the consuls the use of force to deal with Gracchus and his followers.<sup>320</sup> Given the bitter polarization of the situation, it seems likely that Opimius counted on his performance "failing" and further antagonizing his opponents. Hence, I argue, what Plutarch describes as the outcome suggests Opimius' intention, namely, to use the ritual to articulate and polarize the conflict and justify violence against his opponents.<sup>321</sup>

The senatorial enemies of the Gracchi prohibited the spouses of C. Gracchus and his associate M. Fulvius Flaccus from mourning their husbands.<sup>322</sup> This action arguably aimed at curtailing the use of the memory of the Gracchi as emotional rallying points for *populares*. Why this was an advisable course of action will be

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<sup>316</sup> Plut. *C. Gracch.* 3.

<sup>317</sup> Quint. *Inst.* 11.3.8.

<sup>318</sup> Cic. *De or.* 3.214. Cicero also refers to the political significance of Gaius' mourning at *Rab. Perd.* 14.

<sup>319</sup> Plut. *C. Gracch.* 14. The episode is discussed by Nippel 1988, 73–75; 1995, 58–59; Flaig 2003a, 140–141. Wiseman 1998, 52–59, followed by Beness & Hillard 2001, argues that the source for Plutarch's account is a historical drama.

<sup>320</sup> Plut. *C. Gracch.* 14. On the legitimization of the use of violence against C. Gracchus and his supporters, see Ungern-Sternberg von Pürkel 1970, 55–67 (who argues that Plutarch is apologetic for C. Gracchus).

<sup>321</sup> Flaig 2003a, 140–141, contends that Opimius used the mourning ritual to win over the people's support but that his attempt failed.

<sup>322</sup> Plut. *C. Gracch.* 17. Discussed by Nippel 1988, 85–87; 1995, 63–64; Bodel 1999, 45; Flower 2006, 76–80.

clearer as the following sections argues the effectiveness of tears of mourning in Roman politics.

## The Funeral of P. Clodius Pulcher

P. Clodius Pulcher was a notorious *popularis* who with the urban plebs as a power base violently altered the political landscape during the 50s BC.<sup>323</sup> Clodius was killed by Cicero's ally Milo in 52 BC in a skirmish on the Via Appia.<sup>324</sup> A bypassing senator brought the corpse to Clodius' house in Rome where it was laid out in the atrium. Asconius writes that a large crowd constituted of plebs of the lowest order and slaves gathered around the corpse in great sorrow (*infimaeque plebis et servorum maxima multitudo magno luctu corpus in atrio domus positum circumstetit*).<sup>325</sup> Clodius' widow, Fulvia, displayed the body's wounds and poured out lamentations (*effusa lamentatione*) and aroused the crowd against Milo. Under the direction of tribunes, T. Munatius Plancus and Q. Pompeius Rufus, an "ignorant mob" (*vulgus imperitum*) carried the corpse to the Forum and placed it naked on the Rostra. Cassius Dio describes how the tribunes held *contiones* and lamented (ὁδυρόμενοι) Clodius while castigating Milo.<sup>326</sup> The ritual thus amounted to a kind of public funeral because it was only in a *funus publicum* that a magistrate delivered the funeral oration.<sup>327</sup> These *contiones* further increased the crowd's hostility toward Milo.<sup>328</sup> Sex. Clodius, Clodius' scribe,<sup>329</sup> led a group that

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<sup>323</sup> For discussions of Clodius and his significance for Roman politics, see Gruen 1966; Vanderbroeck 1987; Nippel 1988, 108–144; 1995, 70–80; Sumi 1997; 2005; Tatum 1999; Morstein-Marx 2004; Tan 2013; Hammar 2015, 82–87; Russell 2016b.

<sup>324</sup> The episode is narrated in detail in Asconius' commentary on Cicero's *Pro Milone*, a speech that is discussed in the next chapter. Marshall 1985, 159–213, provides historical commentary on Asconius. The episode is also found at Cass. Dio 40.48–49; App. *B Civ.* 2.21. Scholarship on the episode include Vanderbroeck 1987, 168, 263–265; Nippel 1988, 128–135; 1995, 77–78; Sumi 1997; 2005, 43, 45, 50, 100, 157, 204, 261; Flaig 2003a, 141–143; 2009, 204–207; Šterbenc Erker 2009, 145–146; 2011, 51–52, 57; Hammar 2015, 82–87.

<sup>325</sup> Asc. *Mil.* 32–33. On the identity of Clodius' followers, see Vanderbroeck 1987, chap. 2; Sumi 1997, 87–92; Russell 2016b.

<sup>326</sup> Cass. Dio 40.49.1–2. See also Asc. *Mil.* 33; Sumi 1997, 98; Hammar 2015, 83. C. Sallustius Crispus, at the time a *popularis* tribune, also held a *contio*.

<sup>327</sup> Nippel 1988, 130; 1995, 77; Sumi 1997, 94–102; 2005, 43; Flaig 2003a, 141; 2009, 204–207; view Clodius' funeral as the inversion of the usual protocol. Cic. *Mil.* 86, writes that it was a rite *sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis, sine laudationibus, sine funere*.

<sup>328</sup> Asc. *Mil.* 33; Cass. Dio 40.49.1–2.

<sup>329</sup> On Sex. Clodius as an "intermediate leader," see Vanderbroeck 1987, 55; Nippel 1988, 133–135; 1995, 77.

carried the body to the Curia. They used the building's furniture to fuel the funeral pyre, burning down the Curia.<sup>330</sup> Though very concrete, the action was highly symbolical. It is evident in this episode how a "private" performance had political effects as mourners moved the corpse from the atrium to the Forum, the Rostra, and the Curia, loci of political life. Among the more immediate effects were the conviction of Milo and the election of Pompey as sole consul, two aims for the plebs and their tribunes.<sup>331</sup>

## Antony's Funeral Oration over Julius Caesar

Marc Antony, Fulvia's third husband, wept when he delivered the funeral oration over Julius Caesar in 44 BC, an oration laden with grave political import. There are two traditions about Antony's performance. In Suetonius' *Divus Julius*, Antony plays a rather conciliatory role.<sup>332</sup> The other version is described in some detail by Appian in the *Bellum civile*.<sup>333</sup> In Appian's version, Antony plays on the emotions to incite the crowd. Later in Appian's narrative, Antony admitted that he had intended to arouse the crowd with his laments against the conspirators.<sup>334</sup> Cicero later blamed Antony for instigating the crowd and with irony labeled the speech as a *pulchra laudatio*.<sup>335</sup> In my estimation, the sources suggest that Antony used tears with the intent to gather support against his enemies, or, at the very least, that this was an available strategy.<sup>336</sup>

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<sup>330</sup> Asc. *Mil.* 33; Nippel 1988, 129–131; 1995, 77; Flaig 2003a, 141–142; 2009, 204–207. On the symbolical significance of the Curia, see Bond 2015.

<sup>331</sup> Vanderbroeck 1987, 264–265; Nippel 1988, 131–135; 1995, 77–78; Sumi 1997, 99–102.

<sup>332</sup> According to Suet. *Iul.* 84, Antony held no eulogy, instead a herald read a senatorial edict enumerating the honors they had bestowed upon Caesar and the oath they had sworn him. Antony merely added a few words.

<sup>333</sup> On Caesar's funeral and Antony's oration, besides App. *B Civ.* 2.143–147 (discussed below), see Cic. *Att.* 364; *Phil.* 2.91; Livy *Per.* 116.6; Quint. *Inst.* 6.1.31; Plut. *Caes.* 68; *Ant.* 14; *Brut.* 20; Suet. *Iul.* 84; Cass. Dio 44.35–49; Deutsch 1928; Kennedy 1968b; Yavetz 1969a, 66–70; Weinstock 1971, 346–356; Kierdorf 1980, 102–103, 150–154; Nippel 1988, 146–147; 1995, 82–83; Flower 1996, 125–126; Sumi 2002b, 566–574, 582–583; 2005, 100–112, 120; Flaig 2009, 208–211; Wiseman 2009, 211–234; Lintott 2009, 80; Hall 2014, 134–140; Hagen 2017, 91–94.

<sup>334</sup> App. *B Civ.* 3.35.

<sup>335</sup> Cic. *Phil.* 2.91; Weinstock 1971, 351.

<sup>336</sup> Nippel 1988, 146–147; Sumi 2005, 100–112, 120; Flaig 2009, 208–211, argue that it was not Antony's intention to cause unrest and that the crowd acted on its own vocation. This demands that we disagree with Appian, Plutarch, and Cicero. See also below 82–83.

Describing an episode preceding Caesar's funeral, Appian writes that those seeking vengeance for Caesar turned to M. Aemilius Lepidus, a Caesarean who had been Caesar's *magister equitum*. Lepidus mounted the Rostra, groaned, and wept for a long time in plain sight of a crowd before he regained control over himself and spoke (καὶ ἐπὶ τὰ ἔμβολα παρελθὼν ἔστεινε καὶ ἔκλαιεν ἐν περιόπτῳ μέχρι πολλοῦ, ἀνενεγκὼν δέ ποτε εἶπεν). Appian's narrative suggests that Lepidus was successful in gathering support for himself by expressing *fides* and *pietas* toward Caesar.<sup>337</sup>

In a later session, the Senate reached a compromise that granted Caesar a public funeral.<sup>338</sup> L. Calpurnius Piso Caesoninus, Caesar's father-in-law, brought the corpse to the Forum and placed it on the Rostra. The crowd wailed and lamented loudly (οἰμωγὴ τε καὶ θρῆνος) and began to disagree with the amnesty granted the conspirators. Antony seized the opportunity and delivered an emotional funeral oration.<sup>339</sup> First, Antony turned his face toward Caesar's corpse and illustrated his speech with gestures full of pity and anger.<sup>340</sup> Appian writes that Antony performed like on stage (ὥς ἐπὶ σκηνῆς) and that he stirred up the crowd's emotions as he lamented and wept (ὠδύρετο καὶ ἔκλαιε) while he modulated his voice to express grief and was overtaken by passion (εὐφορώτατα δὲ ἐς τὸ πάθος).<sup>341</sup> Antony displayed Caesar's corpse with its wounds along with the bloody toga. The audience responded emotionally and mourned like a chorus together with Antony in grief and anger, and the body of Caesar was seemingly heard talking, as a wax image was raised and rotated, displaying the gashes from the stabbing. Once again, wounds triggered an emotional response, and the audience wailed loudly and ran amok in anger and grief (μανιωδῶς ὑπὸ ὀργῆς τε καὶ λύπης).<sup>342</sup> During these disturbances, Caesar's corpse was cremated in the Forum, and an attempt was made to burn down the Curia. As after Clodius' death, the mourning of a *popularis* was exploited to incite unrest and affect political action against opponents—the conspirators were forced to leave Rome. Antony (like Lepidus) used a controlled emotionality, expressed with laments and tears, to incite and wield power over an emotional crowd that lacked self-control.

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<sup>337</sup> App. *B Civ.* 2.131–132.

<sup>338</sup> App. *B Civ.* 2.135; Suet. *Iul.* 82, 84.

<sup>339</sup> Usually a male relative delivered the funeral oration. Sulla had been a previous exception, for which “the best orator of his age” delivered the oration, in all likelihood meaning Q. Lutatius Catulus, see App. *B Civ.* 2.106; Weinstock 1971, 349, 351.

<sup>340</sup> App. *B Civ.* 2.144.

<sup>341</sup> App. *B Civ.* 2.146.

<sup>342</sup> App. *B Civ.* 2.146–147. Quint. *Inst.* 6.1.31 describes the emotional effect of this action.



## The Mourning for Germanicus

We move now forward in time to AD 19 and the suspicious death in Syria of the immensely popular Germanicus, the adopted son of the emperor Tiberius.<sup>343</sup> Germanicus and his followers accused his rival Gn. Calpurnius Piso and his wife Plancina (although it seems unlikely that they were responsible for the death). As he succumbed to a mysterious illness, Germanicus urged those present to shed tears and avenge him.<sup>344</sup>

In our sources, there are accounts of wide-reaching and extreme grief, both in Rome and elsewhere as the news of Germanicus' death spread. Suetonius claims that people in Rome stoned temples, toppled altars, and threw household gods and newborns out of their houses, while barbarians ceased fighting and mourned.<sup>345</sup> Tacitus writes that barbarian kings mourned, while silence and laments reigned in Rome where public and private life was spontaneously closed down.<sup>346</sup> Both Tacitus and Suetonius provide a fascinating glimpse of the workings of communication and mass mourning.<sup>347</sup> Initially, the population in Rome was in grief after the report of Germanicus' illness, but when they later received the good—albeit incorrect—rumor about a recovery, they celebrated Germanicus as a savior. When the news that Germanicus had died reached Rome, neither consolation nor edict could check the grief.

As is clear, the death of Germanicus appears to us as an almost unbelievably emotional event. Henk Versnel has argued, by looking at comparanda in ancient cultures and anthropological scholarship, that the extreme grief after Germanicus may be historically accurate.<sup>348</sup> And even if not, Versnel thinks that the literary description of such mourning still reflects a society's ideological and psychological needs. Versnel argues that Germanicus was the most popular Imperial person in Roman history and that "messianic expectations" rested on him.<sup>349</sup> Such

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<sup>343</sup> The death of Germanicus and the surrounding events are narrated in detail at the end of book 2 and the beginning of book 3 of Tacitus' *Annales*. Other accounts include Suet. *Tib.* 52; *Calig.* 1–6; Cass. Dio 57.18.6–10.

<sup>344</sup> Tac. *Ann.* 2.71–72; Suet. *Calig.* 3.

<sup>345</sup> Suet. *Calig.* 5.

<sup>346</sup> Tac. *Ann.* 2.72, 2.82–83.

<sup>347</sup> Tac. *Ann.* 2.82; Suet. *Calig.* 6.

<sup>348</sup> Versnel 1980. Cf. Santoro L'Hoir 2006, 61–70, who notes the episode's theatrical qualities and reads it as part of a "Germanicus tragedy" in which Agrippina is modeled on Aeschylus' Electra. O'Gorman 2000, 74–77, understands Tacitus' Agrippina as an iconic woman in an iconic moment, looking toward the past, the present, and the future.

<sup>349</sup> Yavetz 1969a, 109–113; Versnel 1980, 542–555, 574–575.

expectations were particularly significant in a monarchy where the state and its regents became conflated.<sup>350</sup> The *pietas* and *fides* traditionally owed to the *res publica* became invested in its leaders. I would add that the funeral of Sulla foreshadowed this development, since that was a ceremony that legitimized the Sullan order by the participation of different groups.<sup>351</sup> At the same time, however, a vacuum had arisen, since the Sullan order depended on Sulla's authority. This kind of vacuum might engender emotional displays, not only to express the sense of loss, but also to create and reestablish order and community, as well as to express loyalty to the regime. Consequently, the conflation of royalty with the state, together with the "messianic expectations" that were prevalent during the Early Empire, led to intense emotional displays when members of the Imperial family died.<sup>352</sup> Versnel may be pushing his argument by taking Tacitus and Suetonius at their word a little too much when it comes to the emotional expressions after Germanicus' death and by relying too much on the validity of anthropological studies for Rome, but I nonetheless consider that he provides a sound understanding of the unprecedented mourning after Germanicus.

One implication of Versnel's argument is that Agrippina the Elder, Germanicus' widow (and the mother of the later emperor Gaius), had an audience that was large and receptive for emotional performances. Agrippina laid out Germanicus' corpse in the forum of Antioch on the Orontes. The corpse had marks her supporters saw as evidence of poison.<sup>353</sup> The emotional significance of this is suggested by Tiberius' later complaint that Piso's accusers spread falsehoods among the masses, while he questioned the intent of exposing Germanicus' body to the vulgar eye (*vulgi oculis*).<sup>354</sup> According to Tacitus, Agrippina, in mourning dress (*squalor*) and worn out with grief, boarded a ship carrying Germanicus' ashes and made her way to Rome.<sup>355</sup> A friend urged Piso to act and not be destroyed by

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<sup>350</sup> Cf. Sen. *Clem.* 1.4.3. On consensus and the conflation between monarch and *res publica* during the Principate, see also Severy 2000 (discussed below 85); Hodgson 2017, chap. 7.

<sup>351</sup> App. *B Civ.* 1.105–106; Plut. *Sull.* 38; Granius Licinianus 36.27; Weinstock 1978, 348–349; Flower 1996, 123–124; Sumi 2002a, 420–421, 428–432; 2005, 42–43, 109, 260; Šterbenc Erker 2009, 156–157; 2011, 49–50; Rey 2015, 238.

<sup>352</sup> Versnel 1980, 562–577. A complementary reading would be to use the concept of "cultural trauma" as conceptualized by Alexander 2004; Smelser 2004, to understand the mourning and the memory of Germanicus. I owe this idea to Eckert 2016, who uses the concept to understand the emotional memory of Sulla's proscriptions.

<sup>353</sup> Tac. *Ann.* 2.73.

<sup>354</sup> Tac. *Ann.* 3.12.

<sup>355</sup> Tac. *Ann.* 2.74–75 creates a contrast between the women. Piso's wife Plancina, who was in *squalor*, mourning a sister, now donned a garb of joy. On the juxtaposition between Agrippina and Plancina, see Goodyear 1981, ad 2.75.1; McCullough 1984, 104–108.

a lamenting Agrippina (*planctus Agrippinae*) and an ignorant mob (*vulgus imperitum*).<sup>356</sup> Agrippina, wild of grief and not knowing how to cope (*violenta luctu et nescia tolerandi*), rested on Corcyra in order to regain her composure.<sup>357</sup> Agrippina's ship was then rowed with funereal solemnity as it approached Brundisium. Agrippina left the ship with her gaze fixed on the ground, clasping the urn containing Germanicus' ashes. The people groaned with one voice (*idem omnium gemitus*) at this sight, and Tacitus writes that it was impossible to separate the laments of kin from that of strangers, and men's from that of women (*neque discerneres proximos alienos, virorum feminarumve planctus*). After that, the consuls, the Senate, and a large part of the people wept freely (*consules...et senatus ac magna pars populi viam complevere, disiecti et ut cuique libitum flentes*).<sup>358</sup> That men mourned like women, and that they wept freely, suggest the intensity of grief.<sup>359</sup> Thus, neither gender differences nor differences in status were upheld, and I argue that this "leveling" can be seen as an aspect of a communal consensus, an "emotional community," in crisis when performers of different status, belonging to different groups, expressed the same emotion.

Agrippina's mourning had political ramifications. It put pressure on Tiberius, who, in Tacitus' narrative, was unable to participate in the consensus of sorrow without being taken as dissimulating his joy.<sup>360</sup> Tiberius remained on the backstage and was criticized for this.<sup>361</sup> Indeed, as will I contend below, this episode might have forced Tiberius to adopt a policy of self-control and *maiestas*. A further consequence was that Piso became a scapegoat and committed suicide to preempt conviction, albeit for violations as a military commander and not for the murder of Germanicus.<sup>362</sup>

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<sup>356</sup> Tac. *Ann.* 2.77.

<sup>357</sup> Tac. *Ann.* 3.1.

<sup>358</sup> Tac. *Ann.* 3.1–2.

<sup>359</sup> Corbeill 2004, 76–77, notes that the absence of differences between the genders expresses the mourning's exceptional intensity. The abolition of differences of gender and status is a characteristic of liminal rites such as mourning, as pointed out by Versnel 1980, 581–587. Woodman & Martin 1996, 88–89, contrast the spontaneity of the weeping with the insincerity of Tiberius' reaction.

<sup>360</sup> Hagen 2017, 220, notes the absence of consensus between the emperor and his subjects.

<sup>361</sup> Tac. *Ann.* 3.2–3; Woodman & Martin 1996, 89–91.

<sup>362</sup> The *SCPP* (*Senatus Consultum de Cn. Pisone Patre*) preserves the *post mortem* sanctions directed against Piso. Potter & Damon 1999, is used for the *SCPP*. On the *SCPP*, cf. Eck, Caballos & Fernández 1996; Flower 1996, 25–31; 1998; 1999; 2006, 132–138; Talbert 1999; Bodel 1999; González 1999; Damon 1999; Champlin 1999; Severy 2000; Brännstedt 2016, 105–108. The *SCPP* forbade the women who traditionally would have mourned Piso from doing so, see *SCPP* 74; Flower 1996, 26–31; 1998, 158–160, 177–180; 2006, 135; Bodel 1999, 44–46;

## Agency and Power

The cases discussed above illustrate how tears of mourning, typically in staged “theatrical” performances, could have political consequences. C. Gracchus gathered sympathizers by lamenting his brother. Opimius’ lamentations polarized the situation. Clodius’ followers burned down the Curia and had Milo convicted and Pompey elected as sole consul. Antony (and Lepidus) shed tears and riled up the crowd against the conspirators, who were unable to remain in Rome. And Agrippina used mourning to gather support that pressured Tiberius and scapegoated Piso.

The cases of Fulvia and Agrippina highlight how women’s roles in mourning provided them with a stage from where they could influence politics, not least through calls for vengeance. Women calling for revenge in that manner had a legendary pedigree in Rome. After being violated by Tarquinius Superbus, Lucretia had wept and demanded vengeance before she took her life and was laid out with her wounds exposed.<sup>363</sup> Tears were also part of the call for revenge after Verginia had been killed by her father to protect her chastity from the rapturous

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Hagen 2017, 234–235. Prohibitions of mourning and tears are discussed below 99–103. Flower 1999, 180, notes that these sanctions created contrasts: Piso, who was pleased with Germanicus’ demise and did not mourn Germanicus, was himself not mourned. I observe Tacitus constructs a similar contrast between Germanicus and Tiberius; the latter was suspected of feeling joy and therefore refusing to mourn Germanicus. According to Tac. *Ann.* 6.50, the plebs rejoiced at the rumor of Tiberius’ death and the impending ascension of Germanicus’ son Gaius. When Tiberius died, the plebs, according to Suet. *Tib.* 75, wanted to throw Tiberius in the Tiber (*Tiberium in Tiberim*). On the relationship between the plebs and Tiberius, see Yavetz 1969a, 108–113; Eck 1995. The popular Germanicus and the unpopular Tiberius are otherwise juxtaposed both in ancient and in modern historiography, with Germanicus endowed with *civilitas* and *levitas* and Tiberius with *maiestas* and *gravitas*, see Daitz 1960, 48; Shotter 1968; Yavetz 1969a, 108–113; Goodyear 1972, 239–241; Versnel 1980, 543–545. McCullough 1984, chap. 2, sees parallels between Germanicus and Alexander, Marc Antony, Piso, Arminius, and Nero. Cf. Pelling 1993, 78–85, who argues that Germanicus can be read as a foil not only to Tiberius, but also to Augustus, Arminius, and Piso. Woodman 2015 argues that Tacitus alludes to L. Aemilius Paulus and Alexander the Great in his description of Germanicus’ Eastern tour in book 2 of the *Annales* (see also Goodyear 1981, 416–417). Santoro L’Hoir 2006, 95–97, sees a juxtaposition between Germanicus and his brother Claudius. On Germanicus’ *civilitas*, see Yavetz 1969a, 32, 36, 108–113; Versnel 1980, 543–546; Pelling 1993, 61–62, 70–71. Tiberius’ *maiestas* is discussed below.

<sup>363</sup> Cic. *Fin.* 2.66; Diod. Sic. 10.20–22; Dion. Hal. *Ant. Rom.* 4.66, 4.71, 4.76; Livy 1.57–60; Ovid *Fast.* 2.711–852; Val. Max. 6.1.1–2; Cass. Dio 2 (Zonar. 7.11); Nippel 1988, 129–130; Flaig 2009, 199–201; Schultze 2011, 87–88.

Appius Claudius in middle of fifth century BC.<sup>364</sup> Women's role in vengeance is further substantiated by the so-called *Laudatio Turiae*. This Late Republican inscription honors an elite wife for (among other things) having avenged her parents.<sup>365</sup> In the context of Greek mourning, Gary Ebersole argues that the emotional character of the mourning script gave women room to improvise.<sup>366</sup> This scope for action meant that a woman might mourn and weep excessively as though she was out of control so that she could transgress and demand revenge without reprisals. It was so that Fulvia could arouse her audience, while Agrippina made a protracted spectacle of her grief that resonated politically in Rome.<sup>367</sup> The two women successfully mustered support for themselves and anger and hatred against enemies, while their male supporters took political and judicial action.<sup>368</sup> The role women played in funeral and mourning rituals thus afforded them a spot in the limelight in a political culture otherwise dominated by men.<sup>369</sup>

Antony and Lepidus likewise behaved like they were overtaken by emotion. Appian is nonetheless explicit that they regained their self-control. This accords with what the script prescribes for men, namely, that some emotionality should be displayed for family and friends but that it must ultimately be consciously controlled. Thus, Lepidus and Antony embodied the script's ideal and how the

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<sup>364</sup> On the lachrymose struggles between Verginia and her father on one side and Appius Claudius on the other, see Livy 3.46.8, 3.47.8, 3.58.5; Dion. Hal. *Ant. Rom.* 11.35.3–4, 11.37.4–5, 11.40.2–3; Flaig 2009, 202–204.

<sup>365</sup> *ILS* 8393, 3–8. On the *Laudatio Turiae*, see Wistrand 1976; Kierdorf 1980, 33–48; Osgood 2014. On mourning women achieving political impact in Rome, see Mustakallio 2003; 2013; Šterbenc Erker 2009; 2011.

<sup>366</sup> Ebersole 2000, 243–244. Harris 2001, chap. 11, makes a similar observation in relation to women's anger (mainly Greek). Like female tears, female anger could have political uses and bestow women with agency. In fact, revenge is driven by anger, as well by pity and grief, so that tears and anger might be seen as two sides of the same emotional coin.

<sup>367</sup> Šterbenc Erker 2009, 145–146. Sumi 1997 contends that Fulvia's role was limited to arousing the crowd and that the crowds' initial reaction might have given her the impetus and that she merely saw it as an opportunity to be provocative. However, this goes against our sources, who ascribe agency to elite individuals supportive of Clodius. Nippel 1988, 133–135; 1995, 77, with the explicit support of Cic. *Mil.* 33, holds Sex. Clodius as mainly responsible for the violence after Clodius' death, with the tribunes as secondary figures.

<sup>368</sup> Flaig 2009, 205, observes in his discussion of the Clodius episode that the call for vengeance was a gendered social institution in which women acted in the family sphere, men in the political.

<sup>369</sup> Rey 2015, 230, argues that women's emotionality was ineffective but cites only one "historical" example, Tac. *Ann.* 6.49. The example from Apul. *Met.* 3.8 seems me to argue for the effectiveness of female tears of mourning. Cf. Šterbenc Erker 2009, 144–145; Lateiner 2009b, 278, 283, 285, and below 143.

Roman elite man commanded the emotionality of the non-elite by his controlled emotionality.

Geoffrey Sumi has argued that the crowd acted outside the elite performers' control in connection with the funerals of Clodius and Caesar.<sup>370</sup> According to Sumi's reading, the crowd used the "syntax and grammar" of the funeral and mourning rituals but manipulated the meaning of the rituals. Sumi argues that Fulvia might have engendered the crowd but that this crowd later ignored the commands of its "supposed leaders."<sup>371</sup> Likewise, in the case of Caesar's funeral, Sumi suggests that Antony merely wanted to honor Caesar's memory and that he did not intend to incite the crowd against the conspirators, but that the crowd was unintentionally ignited and took action into its own hands.<sup>372</sup> However, Sumi's reading lacks support in the sources, which I think are clear about the elite leadership in the turmoil surrounding Clodius' funeral. Moreover, regarding Caesar's funeral, both Appian and Cicero are explicit that Antony intentionally aroused the crowd against his opponents. Furthermore, from a letter by Cicero, it is evident that Atticus had warned that it would be the end of the conspirators' cause if they granted Caesar a public funeral,<sup>373</sup> which is why we can conclude that the political significance of the funeral was recognized before it was staged by Antony.<sup>374</sup>

## Mourning Tears and Consensus

Tears of mourning could create and express consensus. The elite could use weeping to affect the emotions of their audiences in order to arouse grief, anger, and pity. Tears and the (temporary and orchestrated) loss of self-control could be

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<sup>370</sup> Sumi 1997; 2005, 45, 100–112, 120.

<sup>371</sup> Sumi 1997, 102.

<sup>372</sup> Sumi 2005, 112. Similarly, Nippel 1988, 146–147; Flaig 2009, 208–211, downplay the role of Antony in the events that took place in connection with his funeral oration for Caesar. (However, both Nippel 1988, 133–135; 1995, 77, and Flaig 2009, 204–207, ascribe responsibility to elite *populares* and Fulvia for the aftermath of Clodius' death.) Cf. Sumi 2002b, 570–571, who entertains the possibility that a mime-actor improvised at Caesar's funeral ritual and incited the crowd.

<sup>373</sup> Cic. *Att.* 364.1.

<sup>374</sup> The question of intent and responsibility can be nuanced by the observation of Hammar 2015, 83–84, that the longer and more drawn out the narrative account of an event, and the more details we are given, the more complex and muddled the question of agency and responsibility for a given outcome.

contagious as tears drew tears.<sup>375</sup> Consequently, tears could communicate agreement between the elite performer and his audience and conflict with those who did not weep and who were outside the consensus. Mourning articulated the significance of the deceased and how he should be remembered by a group. Memory was important and often contested in Rome political culture.<sup>376</sup> To take the examples discussed above: How should the Gracchi be remembered? Was Caesar a tyrant? Was Clodius a brigand or a champion of the plebs? What was the significance of Germanicus and his death? Was Antyllus a martyr who deserved the Senate's tears or a simple henchman of an arrogant senatorial elite? Mourning responded to such questions and divergent emotional responses signaled conflict between groups.

The elite performer tried to articulate what we can term an “ad hoc emotional community,” following Angelos Chaniotis' adoption of Barbara Rosenwein's concept.<sup>377</sup> The concept refers to a temporary emotional community constituted in a given situation by a group (one that might dissolve when circumstances change). The concept is fitting in the Roman context since the elite performer tried to create a group in consensus by appealing to shared values. This group was identified by, and identified other groups by, emotional displays—for example if one wept or not.

Rome was ideally a community in emotional consensus in which all the various age and status groups expressed the same emotions. Something of the kind was seen in the mass mourning after Germanicus' death, as discussed above. The *Consolatio ad Liviam* similarly represents the community-wide grief after the death of Germanicus' father Drusus. The anonymous narrator describes the crowd (*turba*) as in tears because of what the loss of Drusus meant for the *res publica*.<sup>378</sup> The narrator identifies himself as an *eques*, and writes that different age groups and genders constituted a crowd that wept in equal *concordia* (*omnibus idem oculi, par est concordia flendi*).<sup>379</sup> Augustus shed tears when he delivered the funeral oration in a speech that was interrupted by his sorrow.<sup>380</sup> The narrator thereby

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<sup>375</sup> On contagious tears, see Sen. *Controv.* 9.6.8; Hor. *Ars P.* 99–111.

<sup>376</sup> On memory in Roman political culture, see Flower 2003; 2006.

<sup>377</sup> On “ad hoc emotional communities” in the Greek world, see Chaniotis 2011; 2012c; 2016.

<sup>378</sup> [Ov.] *Liv.* 199–210. Just earlier at *Liv.* 177–190 the city of Rome is represented as in mourning. On the mourning for Drusus, see also Livy *Per.* 142; Sen. *Polyb.* 15.5; Tac. *Ann.* 3.5; Cass. Dio 55.2.1–3.

<sup>379</sup> [Ov.] *Liv.* 199–204.

<sup>380</sup> [Ov.] *Liv.* 209–210. Augustus is in tears also at *Liv.* 63–72, 442, 466. For commentary, see Schoonhoven 1992, ad loc.

underlines both the importance of his own group, the *equites* and that of the wider consensus, which included the emperor himself.<sup>381</sup> Tears and participation in mourning expressed this agreement. Similarly, the *Senatus Consultum de Cn. Pisone Patre* (SCPP), a senatorial decree from AD 20 that details the *post mortem* sanctions against Piso, praises the mourning of the other constituent parts of Roman society, that is, the emperor, the members of the Imperial family, the *equites*, the plebs, and the soldiers.<sup>382</sup> Beth Severy has argued that the SCPP projects the image of a Rome in which consensus reigned within the Imperial family and between different groups and that mourning expressed *pietas* and *fides* toward the emperor and his family, which were conflated with the *res publica*.<sup>383</sup> That is, *pietas* and *fides* toward the emperor expressed loyalty to the state. Two further examples of communal consensus expressed by intense mourning can be cited. First, Suetonius' account of how the whole people mourned Titus like a family member (*non secus atque in domestico luctu maerentibus publice cunctis*), while the Senate spontaneously rushed to Titus' house at the news of his death.<sup>384</sup> Second, Aurelius Victor describes how the death of Marcus Aurelius stunned the city of Rome, while the Senate in *squalor* convened weeping in the Curia (*de eius morte nuntio Romam pervecto confusa luctu publico urbe senatus in curiam veste tetra amictus lacrimans convenit*). Aurelius Victor furthermore claims that there was a consensus that the deceased emperor had been deified like Romulus.<sup>385</sup> According to Herodian, the army and all the people in the Empire mourned and were in tears after Marcus Aurelius' death. Herodian is explicit that nobody feigned (οὐδεὶς ἐψεύδετο) their emotions.<sup>386</sup> Indeed, spontaneity suggests the sincerity of the mourning after both Titus and Marcus Aurelius. As the case was with the mourning after Drusus and Germanicus, these episodes convey the *SPQR* as an emotional community when the death of a monarch threatened political cohesion.<sup>387</sup>

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<sup>381</sup> Cf. Jenkins 2009, 10–11; Hope 2011, 103, on how the *Consolatio ad Liviam* expresses a consensus.

<sup>382</sup> SCPP 124–165. On the SCPP, see above 80–81.

<sup>383</sup> Severy 2000 argues that the *Tabula Siarensis* and the *Tabula Hebana*, inscriptions that preserve senatorial decrees detailing the honors voted to Germanicus, project a similar image of consensus, *fides*, and *pietas* within and with the Imperial family, which was conflated with the *res publica*.

<sup>384</sup> Suet. *Tit.* 11.

<sup>385</sup> Aur. Vict. *Caes.* 16.3–4; Hagen 2017, 83, 224.

<sup>386</sup> Hdn. 1.4.8; Hagen 2017, 224–225.

<sup>387</sup> Descriptions of mass mourning can be found in “annalistic history,” see for example Livy 2.7.4, 2.16.7–8; Dion. Hal. *Ant. Rom.* 8.66.2; Plut. *Publ.* 23; *Cor.* 39. Such narratives can be interpreted as expressing a consensus about the significance of the death and the deceased.



## Tears and the Crowd

Tears typically appealed to the plebs, as was the case in mourning after the Gracchi, Clodius, Caesar, and Germanicus. In the *In Verrem*, Cicero speaks about the emotions a son of a Gracchus or a Saturninus could stir in the ignorant multitude (*animos imperitae multitudinis commoverem*) in memory of the father.<sup>388</sup> *Optimates* could also make emotional appeals to the people, with Opimius' mourning of Antyllus as one example, and we will later encounter the optimate efforts to recall Numidicus, the elite support for Cicero in connection with his exile, and the senatorial attempts to hold consular elections in 56 BC. Regardless of *optimates* or *populares*, it was the elite politician, frequently in his capacity as an orator, who incited the non-elite crowd.<sup>389</sup> In general, however, even though those labeled *optimates* did utilize emotional tactics, it was predominantly associated with the *populares*, who more or less by definition relied on the crowd as a power base.<sup>390</sup> Furthermore, we can think of being a *popularis* as a manner that the elite Roman could adapt.<sup>391</sup> Notorious *populares* like the Gracchi, Saturninus, and Clodius relied on this manner consistently, while someone like Cicero, usually considered an optimate, could adapt it when opportune.<sup>392</sup>

Ancient authors repeatedly associated the “fickle” crowd with a lack of self-control and a volatile emotionality that could be manipulated by demagogues.<sup>393</sup> This perception is related to weeping since tears was a quintessential emotional tactic that could be harnessed to incite crowds. We have seen how Asconius expressed contempt for the crowd that was emotionally stirred up by Fulvia as he labeled them plebs of the lowest order and slaves (*infimaeque plebis et servorum*) and an ignorant crowd (*vulgus imperitum*).<sup>394</sup> The latter term was the same a friend used

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Šterbenc Erker 2009, 157–158, argues that such descriptions are best understood as reflections of the mourning practices of the Early Empire. On mourning in Dionysius of Halicarnassus, see Schultze 2011.

<sup>388</sup> Cic. *Verr.* 2.1.150.

<sup>389</sup> As noted by Hammar 2015.

<sup>390</sup> Lintott 1968, 19, in a discussion about *squalor* argues that the political use of mourning was stock-in-trade for the *populares*.

<sup>391</sup> On *populares* and *optimates* as categories, cf. Hellegouarc'h 1963, 501–505, 518–541; Seager 1972b; Morstein-Marx 2004, chap. 6–7; Tracy 2008–2009; Robb 2010.

<sup>392</sup> Morstein-Marx 2004, chap. 6.

<sup>393</sup> Yavetz 1969a, 5, n. 1, refers to occurrences of “the fickleness of the plebs.” Yavetz 1969b argues that the plebs were neither rational nor senseless and that the upper classes were at least as fickle as the plebs in reality. Cf. Hammar 2015.

<sup>394</sup> Asc. *Mil.* 32–33.

when warning Piso of the dangers of Agrippina's mourning, according to Tacitus,<sup>395</sup> who himself was no friend of the *vulgus*. Cicero provides a telling firsthand account of elite perceptions of non-elite emotionality in the *Pro Cluentio*. In this oration, Cicero describes how the people were lured by L. Quinctius' feigned lamentations (*fictis querimoniis*) to support a measure, only to be affected by the tears (*lacrimis commotus*) of C. Junius' son later on, so that they in a great uproar disowned that same measure.<sup>396</sup> Cicero concludes with an observation about how demagogues could manipulate the people's volatile emotionality.

Moving forward in time, Cassius Dio's experiences as a senator during the Year of the Five Emperors, AD 193, vividly illustrates the conditions for elite and non-elite emotionality. Dio writes that the senators assumed faces and concealed their emotions after the murder of the emperor Pertinax so that their grief should not be apparent for the new emperor Didius Julianus.<sup>397</sup> This behavior was in marked contrast to the crowd, who openly expressed anger and sadness. The people spoke freely and caused unrest, disturbed a sacrifice at the Curia, and occupied the Circus Maximus. Dio thus contrasts the self-control of the elite with the emotionality of the people. The necessities of survival explain the senators' response, for when Septimius Severus assumed power, all of Dio's senatorial peers dared to lament and shed tears (πάντες ἅμα ὠλοφυράμεθα καὶ πάντες ἐπεδακρύσαμεν) after Severus had delivered a belated funeral oration over Pertinax.<sup>398</sup> Judith Hagen has argued that the senators by their tears appeared as an emotional community in consensus with the emperor.<sup>399</sup> Indeed, I would highlight that the senators and the plebs are contrasted in these episodes by their different rules and norms for emotional displays, seeing that the plebs were expected to and could express their feelings, in contrast to the senators. I also argue that the elite displayed self-control not only to perform their status, for them it could also prove disastrous to express the wrong emotion in front of an autocrat. Senators were identifiable as individuals, something that members of the crowd

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<sup>395</sup> Tac. *Ann.* 2.77.

<sup>396</sup> Cic. *Clu.* 137–138. Cf. *Sest.* 85; Verg. *Aen.* 1.148–155; Hammar 2015, 85–86.

<sup>397</sup> Cass. Dio 74.13.2–5; Millar 1964, 137; Yavetz 1969a, 5. Cf. Beard 2014, 1–8, on how Cassius Dio (73.21.1–3) along with his senatorial peers, no doubt wisely, avoided laughing at Commodus in the Colosseum.

<sup>398</sup> Cass. Dio 75.4.5.1–2; Millar 1964, 139.

<sup>399</sup> Hagen 2017, 223.

by definition were not. As Fergus Millar comments, this was one way that the masses could wield power in Imperial Rome.<sup>400</sup>

## Tears and *squalor*

*Squalor*, the donning of the dress, appearance, and manner of mourning, was associated with tears.<sup>401</sup> *Squalor* expressed *luctus*, *pietas*, and *fides* and could be wielded politically to arouse *misericordia* (pity) for the mourner and *ira*, *invidia*, and *odium* against oppressive opponents.<sup>402</sup> If a large number adopted *squalor*, it could visually signal strength and protest against opponents that were held responsible for grievances.<sup>403</sup> *Squalor* often communicated helplessness relative to a superior adversary, against whom a Roman appealed for the people's support.<sup>404</sup> Like tears, Romans used this gesture of mourning in other contexts as well, such as in politics and the law court, which is why we revisit *squalor* in the following two chapters.

One episode related by Diodorus Siculus serves well to suggest the workings and potential of *squalor* and its relationship to tears. Diodorus narrates how L. Appuleius Saturninus, a radical *popularis*, faced charges for violating an embassy from Mithridates in 102 or 101 BC.<sup>405</sup> The details are fuzzy, but it seems that Saturninus was convicted by the Senate (or the Fetial College, the priestly *collegium* that oversaw questions of war and peace).<sup>406</sup> Saturninus donned *squalor*, let his beard and hair grow, and walked around the plebs. He fell at the knees of some, grasping the hands of others, and begged for their aid with tears (μετὰ δακρύων).<sup>407</sup> The plebs massed in thousands and Saturninus won an unexpected acquittal by his appeal to the people.<sup>408</sup>

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<sup>400</sup> Millar 1964, 137.

<sup>401</sup> On *squalor*, see Quint. *Inst.* 6.1.30–30; Lintott 1968, 16–21; Flaig 2003a, 99–110, 118; Bablitz 2007, 84, 123; Hall 2014, chap. 2, and below 117.

<sup>402</sup> Lintott 1968, 16–20, also discusses the “offensive” use of *squalor* by which a Roman could arouse ill will against enemies and diminish their *dignitas*.

<sup>403</sup> As argued by Hall 2014, 40–50.

<sup>404</sup> Flaig 2003a, 101–110.

<sup>405</sup> Diod. Sic. 36.15.

<sup>406</sup> Following Rich 2011, 199. Cf. Gruen 1968, 168–169; Alexander 1990, no. 74; Zollschan 2012, 133–134.

<sup>407</sup> Diod. Sic. 36.15.2–3. The right hand, and the grasping of it, was the symbol and physical manifestation of *fides*, see Hölkeskamp 2000a; 2004b, chap. 4; Flaig 2003a, 114–115.

<sup>408</sup> Diod. Sic. 36.15.3.

Appian tells of another episode that involves *squalor*, tears, and Saturninus. In cooperation with C. Marius, Saturninus had exiled the optimate leader Q. Caecilius Metellus Numidicus.<sup>409</sup> In response Metellus' son, Q. Caecilius Metellus Pius dressed in *squalor* and went around in tears (μετὰ δακρύων), falling on his knees begging citizens individually for his father's recall. Again, after Saturninus had been killed in a strife, the younger Metellus shed tears openly before the people (ἐν ὄψει τοῦ δήμου καὶ δακρύοντος).<sup>410</sup> It was not only Metelli who took to tears for Numidicus' sake. According to Cicero, members of the utmost elite, Luculli, Servilii, and Scipiones, assumed *squalor* and wept as they supplicated the people (*flentes ac sordidati populo Romano supplicaverunt*).<sup>411</sup> Cicero states that the *pietas* of Numidicus' son, the prayers of his relatives, the *squalor* of his younger adherents, and the tears of the elder moved the Roman people.<sup>412</sup> These supplications and the desire of people, who now wished the recall of Numidicus, were blocked by a tribune, P. Furius. The people became outraged at Furius' veto and lynched him when his magistracy was over.<sup>413</sup> According to Egon Flaig's reading of the episode, Furius paid the price for violating Roman core values—*pietas*, *fides*, and consensus—by his refusal to yield to the people.<sup>414</sup>

Ti. Gracchus' actions after his failed bid for reelection to the tribunate constitute a *popularis* example of *squalor* and tears. Appian writes that Tiberius walked around the Forum in *squalor* with his son and moved the crowd to great pity so that they in tears followed Tiberius to his house.<sup>415</sup> That tearful pleas and *squalor* were not to be left unnoticed is indicated by the *In Verrem*. Cicero describes how the elder Verres weeping beseeched one senator after another on his son's behalf, though without much success, for so strong were the Senate's feelings against Verres.<sup>416</sup> Similarly, Tacitus writes that Drusus Libo, when accused during Tiberius' reign, changed his dress to mourning and together with elite women circulated between the houses and pleaded with his wife's relatives to no effect.<sup>417</sup>

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<sup>409</sup> App. *B Civ.* 1.33; Lintott 1968, 19; Badian 1984, 130–140; Alexander 1990, 77; Flaig 2003a, 107–110, 118.

<sup>410</sup> App. *B Civ.* 1.33; Cass. Dio. 28.95.1. On the death of Saturninus, see Badian 1984.

<sup>411</sup> Cic. *Red. Sen.* 37.

<sup>412</sup> Cic. *Red. Pop.* 6.

<sup>413</sup> Val. Max. 8.1.damn.2; App. *B Civ.* 1.33; Cass. Dio. 28.95.3; Badian 1984, 130–134; Alexander 1990, no. 79.

<sup>414</sup> Flaig 2003a, 107–110.

<sup>415</sup> App. *B Civ.* 1.14–15; Lintott, 1968, 19; Flaig 2003a, 99–104; Hall 2014, 14–18.

<sup>416</sup> Cic. *Verr.* 2.2.95.

<sup>417</sup> Tac. *Ann.* 2.29.

Another episode that further demonstrates optimum use of *squalor* and tears is narrated by Cassius Dio and took place after the Luca conference in 56 BC. Pompey and Crassus and their supporters strived to delay the consular elections so they might be elected consuls after an *interregnum*. The senators assumed *squalor* in protest and gathered in the Forum. The consul Cn. Lentulus Marcellinus addressed the people, while the rest of the senators were in tears and groaned (ἐπιδακρύνοντες...ἐπιστένοντες) so that the crowd was profoundly dejected.<sup>418</sup> Valerius Maximus writes that the whole people (*universus populus*) loudly approved of Marcellinus' denouncement of Pompey.<sup>419</sup> Marcellinus' success was only momentary, however, because Clodius, who was working for Pompey, swayed the plebs again. It is worth noting that Dio states that Clodius did not dress in mourning,<sup>420</sup> something that signaled his non-participation in the emotional community that the senators expressed with their dress and tears.

Cicero's own experiences illustrate the risks associated with *squalor*. When Cicero was desperate to avoid a decision that would send him to exile in 58 BC, he dressed in *squalor* and beseeched the people, but to no avail as Clodius and his band ridiculed him for his attire and threw mud and stones at him. A humiliated Cicero later regretted his use of *squalor*.<sup>421</sup> The political meaning and function of *squalor* and tears can be further elucidated by other events surrounding Cicero's exile, as told in the speeches he delivered after his return. According to Cicero, all good people donned *squalor* to express pity and grief for him. That the consul A. Gabinius then forbade the senators to assume *squalor* on Cicero's behalf angered Cicero, who saw the senators' gesture as a great honor.<sup>422</sup> Also, Cicero claims that by forbidding *squalor*, tears were forbidden as well.<sup>423</sup> These episodes demonstrate how tears and *squalor* could express consensus between different groups for a cause

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<sup>418</sup> Cass. Dio 39.28.1–5; Lintott, 1968, 214; Vanderbroeck 1987, 254; Hagen 2017, 94.

<sup>419</sup> Val. Max. 6.2.6.

<sup>420</sup> Cass. Dio 39.29.1.

<sup>421</sup> Cic. *Att.* 60.5; Plut. *Cic.* 30; App. *B Civ.* 2.15; Hall 2014, 47–48.

<sup>422</sup> On *squalor* and other expressions of grief for Cicero's plight, see *Red. Sen.* 12, 17, 26–27; *Red. Pop.* 8, 13; *Pis.* 17–18; *Dom.* 55; *Sest.* 32–33; *Planc.* 87; Plut. *Cic.* 31; Cass. Dio 38.16.3; Lintott 1968, 20; Kaster 2006, ad 32; 2009, 313–314; Hall 2014, 45–46; Hodgson 2017, 146. Similar is also Cicero's description (*Dom.* 58.) of how he was escorted by the whole Senate and all men of worth in Rome who were weeping for his sake when he departed for his exile. On the consensus expressed in the episode, see Östenberg 2015, 18. See also how Cicero (*Red. Sen.* 12) describes the return of his brother Quintus from Asia, who was met with the tears and groans of the whole city (*tota obviam civitas cum lacrimis gemituque*).

<sup>423</sup> Cic. *Pis.* 18; *Red. Pop.* 13; *Planc.* 87.

or person.<sup>424</sup> In this case, *squalor* and tears expressed a consensus in the form of pity and grief for Cicero, as well as for the *res publica*, two entities Cicero rhetorically conflates in these episodes.<sup>425</sup>

Our final example of the use of *squalor* and tears concerns Fulvia. We have seen her mourning her husband Clodius, and she was married to Marc Antony at the time when he delivered his highly politicized funeral oration over Julius Caesar.<sup>426</sup> In 43 BC Fulvia supported Antony when the Senate deliberated whether to declare him a *hostis*, an enemy of the state. On the night before the meeting, Fulvia, along with Antony's mother, son, and other family members went around beseeching (ἱκετεύοντες) influential senators in their homes. In the morning, they dressed in *squalor* and fell to the feet of senators who made their way to the Curia. During the meeting, the women lamented and wailed (οἰμωγῇ καὶ ὀλολυγαῖς) outside the building.<sup>427</sup> Appian writes that this spectacle moved some of the senators and that Cicero was bothered by its effect, while L. Calpurnius Piso Caesoninus referred to their weeping (κλαίουσι) outside the Curia during his speech on behalf of Antony.<sup>428</sup>

*Squalor* and tears expressed grief, pity, *fides*, and *pietas* and could for political purposes register protest, helplessness, and suffering. The examples demonstrate that the maneuver was expected to be of consequence, but that failure could lead to ridicule. *Squalor* and weeping also allowed the family—including women and children—to play a part in politics, by displaying their loyalty to their male relatives and expressing their own plight if the male head of the family was to fall.

## Mourning Emperors

It was acceptable, even expected, that Roman elite men should shed tears, though with proper moderation while mourning friends and family. These expectations held true also for emperors. To take an example, Pliny the Younger in the

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<sup>424</sup> On consensus as a theme in the episodes surrounding Cicero's exile, see Lintott 1968, 20; Riggsby 2002, 182–184; Kaster 2009.

<sup>425</sup> On Cicero's conflation of himself and the *res publica* after his return from exile, see May 1988, chap. 4; Kaster 2009; Hodgson 2017, 141–154.

<sup>426</sup> Babcock 1965, 21; Sumi 1997, 96, n. 68; Hall 2014, 140, point out that Fulvia is associated with the mourning of both Clodius and Caesar.

<sup>427</sup> App. *B Civ.* 3.51; Hagen 2017, 89–90.

<sup>428</sup> App. *B Civ.* 3.58.

*Panegyricus* praises Trajan for shedding the tears that every son ought to shed (*lacrimis...filium decuit*) for Nerva.<sup>429</sup> Marcus Aurelius represents a more Stoic ideal. After narrating the death of his co-emperor Verus, the *Historia Augusta* praises Marcus Aurelius for that he always retained his tranquility and never changed his face out of joy nor grief as he was dedicated to Stoicism (*erat enim ipse tantae tranquillitatis ut vultum numquam mutaverit maerore vel gaudio, philosophiae deditus Stoicae*).<sup>430</sup> Marcus displayed restraint also after the death of his son Verus, whom he mourned for five days while conducting official work and refusing to declare public mourning so as not to cancel the *Ludi Capitolini*.<sup>431</sup> According to Cassius Dio, Marcus was in profound grief (ισχυρῶς πενθήσας) after the death of his wife but refused nonetheless to take a sort of consolatory revenge on those who had sided with the usurper Avidius Cassius.<sup>432</sup> Even if he did not tend his *civilitas* by mourning, Marcus Aurelius displayed statesmanship. He was emotionally moderate after the death of his fellow emperor, subordinated his sorrow after his son to public interests, and channeled his grief over his wife to *clementia* toward his enemies rather than letting his emotions punish them. The ideal emperor displayed both *pietas* and self-control in service of the *res publica*. The following section will further situate the tears of the mourning emperor in the political culture of Imperial Rome. One emperor whose mourning stands out and warrants a closer look is that of Tiberius, whose reign was a formative period of the Principate. Among other things, I will argue that Tiberius' reputation for emotional self-control was an aspect of his *maiestas* that he might have adopted out of political necessity. Tiberius also belongs to a range of "bad emperors," whom authors portray as feigning mourning and tears or prohibiting political opponents from mourning. I will argue that tears could be perceived as conflicting with an emperor's "true" sentiments and that the ability to ignore the script for tears of mourning was an expression of autocracy.

## Tiberius and the Politics of Self-control

Tiberius' inclination toward self-control constitutes a pattern throughout his life and can be discerned already in his behavior after the death of his brother Drusus the Elder in Germany in 9 BC. As discussed in chapter 2, Seneca in the *Consolatio ad Polybium* writes that Tiberius checked both his own and his army's tears in an

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<sup>429</sup> Plin. *Pan.* 11.1.

<sup>430</sup> SHA *Marc.* 16. On Marcus Aurelius' mourning, see Hagen 2017, 279–280.

<sup>431</sup> SHA *Marc.* 21.

<sup>432</sup> Cass. Dio 72.30.1.

episode that I argued related self-control with military might and power.<sup>433</sup> The most well-known occasion for Tiberius' concern for self-control is otherwise his refusal to mourn his adoptive son Germanicus. Tacitus writes that after Germanicus' death, the consuls, the Senate, and a large part of the people wept. In contrast, Tiberius and Livia refrained from appearing in public (*publico abstinere*), perhaps because they considered it beneath their *maiestas* to lament in public (*inferius maiestate sua rati si palam lamentarentur*).<sup>434</sup> Even if this was not Tacitus' preferred explanation, it is significant that the explanation was available. It indicates that Tiberius might have been worried that the display of grief, and thus tears, could hurt his *maiestas*. At the very least it makes clear that an association between self-control and *maiestas* existed in Roman culture. This episode also illustrates that the crowd expected that their elite was seen in mourning and the existence of a rift between the non-grieving Tiberius and the rest of Roman society who mourned. The discord continues as the crowd was disappointed by Germanicus' funeral, which they deemed underwhelming; it lacked the pomp of the funeral of Drusus the Elder, Germanicus' father, and the crowd missed the tears or, at the very least, the imitation of grief (*lacrimas vel doloris imitamenta*).<sup>435</sup>

The theme that associates self-control with power continues after Germanicus' funeral. Tiberius addressed his subjects in a pronouncement and admonished them to check their grief. In the edict, Tiberius proclaims that other *decora* were appropriate for leaders and an imperial people (*principibus viris et imperatori populo*) than for ordinary people and communities. Mourning was admissible for a period, but now they must fortify their spirit (*referendum iam animum ad firmitudinem*).<sup>436</sup> Tiberius cites Caesar and Augustus as examples of bereaved Romans who got on with life. Thereafter he reminds his fellow Romans of the

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<sup>433</sup> Sen. *Polyb.* 15.5.

<sup>434</sup> Tac. *Ann.* 3.2–3. Woodman & Martin 1996, 87–90. As narrator, Tacitus was of the opinion that Tiberius kept away because he knew that he could not dissimulate his joy over the death of the popular prince, see above 80–81. Cass. Dio 57.18.6 abbreviates the episode and states that Tiberius and Livia were happy with Germanicus' death, while everybody else grieved heavily (τοῦ δὲ δὴ Γερμανικοῦ τελευτήσαντος ὁ μὲν Τιβέριος καὶ ἡ Λιούια πάνυ ἡσθησαν, οἱ δὲ δὴ ἄλλοι πάντες δεινῶς ἐλυπήθησαν). On Tiberius and *maiestas*, see Yavetz 1969a, 108–113; Woodman & Martin 1996, 90; Schulten 2005.

<sup>435</sup> Tac. *Ann.* 3.5. Cf. Woodman & Martin 1996, 98–104. O'Gorman 2000, 67–68, 77, points out the allusions to the funerals of Drusus the Elder (*Ann.* 2.73) and Drusus the Younger (*Ann.* 4.9).

<sup>436</sup> Tac. *Ann.* 3.6. Cf. Woodman & Martin 1996, 104–107.



losses of generals, armies, and great houses, and that while statesmen were mortal, the *res publica* was eternal.<sup>437</sup>

Tiberius demonstrated less controversial self-control in the Senate in connection with the death of his son Drusus in AD 23. Tacitus writes that Tiberius showed up in the Senate despite Drusus' sickness and death. Tacitus offers as one explanation for Tiberius' behavior that he wanted to display his strength of spirit (*firmitudinem animi ostentare*).<sup>438</sup> This intent suggests that self-control was a gesture with political meaning. When the senators broke out in tears (*effusum in lacrimas senatum*), Tiberius suppressed the lamentation and continued his speech uninterrupted (*victo gemitu simul oratione continua erex*). The emperor admitted that he risked criticism for appearing in the Senate so soon after his loss and that he was expected to stay at home and not be seen. Tiberius goes on to state that the senators were not to be judged as weak (*imbecillitates*) because they wept. By asserting this, however, Tacitus' Tiberius indicates that the senators' tears could be perceived as a weakness. Tiberius explained that he had chosen a more brave and manly (*fortiora*) consolation by committing himself to the *res publica*. That the Senate responded to Tiberius with much weeping (*magno...fletu*) testifies to the performance's success and to Tiberius' power and status.<sup>439</sup>

According to Seneca in the *Consolatio ad Marciam*, Tiberius also displayed self-control when he delivered the funeral oration for his son Drusus: Tiberius did not change his face (*non flexit vultus*), while the Roman people wept (*flente populo Romano*) without any suggestion that their tears were contrived.<sup>440</sup> I underline that Tiberius, after Drusus' death, both in the Senate and during the funeral displayed self-control by his ability to talk despite his distress. Tiberius' performance after the death of his son Drusus is on the whole similar to that of Pulvillus, Paulus, Caesar, and Agricola, as discussed in chapter 2. Like these exemplars, Tiberius was affected by his loss but demonstrated self-control and persisted in service of the *res publica* in the public eye.

Different authors and genres had different takes on Tiberius and his self-control. The *Consolatio ad Liviam* describes Tiberius' mourning of his brother Drusus as decidedly more tearful than Seneca does. In an emotional scene, the poem describes Tiberius as weeping with a pale face over his dying brother, who saw his

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<sup>437</sup> Tac. *Ann.* 3.6. Cf. Woodman & Martin 1996, 107–110.

<sup>438</sup> Tac. *Ann.* 4.8. Cf. Hagen 2017, 84–85, who focuses on the senators' tears.

<sup>439</sup> Tac. *Ann.* 4.9. Tears as an audience response signaled oratorical success, as further argued in chap. 4.

<sup>440</sup> Sen. *Marc.* 15.3.

tears before he succumbed.<sup>441</sup> I argue that we are dealing with a difference of genre and purpose.<sup>442</sup> Poetic *consolationes* allow for grander emotional expressions and celebrates the affective relationship between the consoled and the deceased, while philosophical *consolationes* argue for self-control and tend to focus on the deceased. I observe, however, that it might be of significance that Tiberius is said to have been “unlike himself” (*dissimilemque sui*) when he wept in the *Consolatio ad Liviam*.<sup>443</sup>

Tacitus’ version of the funeral of Drusus the Younger differs from Seneca’s aforementioned description. According to Tacitus, the people and the Senate simulated grief by sounds and appearance (*habitum ac voces dolentum simulatione*) and disguised their joy for this setback for Tiberius’ house, while the emperor delivered the funeral oration.<sup>444</sup> So instead of focusing on Tiberius’ self-control, Tacitus creates a narrative in which there is a rift between an unpopular emperor and the rest of the Roman community. Seneca and Tacitus both use the expectations of weeping behavior in their descriptions of Tiberius’ mourning to further their literary ends, and in the process, they articulate norms for weeping for us. While Seneca lauds Tiberius’ self-control, political circumstances and considerations, as well as a personal apathy, affect Tacitus’ evaluation of Tiberius’ restraint.

Tiberius displayed self-control, or perhaps coldness, after the death of his mother Livia in AD 29. Mother and son had not been on good terms, and Tiberius accepted that Livia was given a public funeral, but nothing beyond that. He remained on Capri and did not deliver the funeral oration (Gaius, the later emperor did).<sup>445</sup>

The *Senatus Consultum de Cn. Pisone Patre* (SCPP) was delivered by the Senate at the wish of Tiberius in the aftermath of Germanicus’ death and was explicitly to

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<sup>441</sup> [Ov.] *Liv.* 86–90.

<sup>442</sup> Following Manning 1981, 42. Cf. Hope 2011, who observes that Livia’s emotionality is greater in the *Consolatio ad Liviam* than in the *Consolatio ad Marciam*, as well as her failure to mourn Germanicus in the *Annales*.

<sup>443</sup> [Ov.] *Liv.* 87. Cf. Corbeill 2004, 157–167, on Tiberius being like or unlike himself at other occasions.

<sup>444</sup> Tac. *Ann.* 4.12. That the crowd is described as secretly happy for this reversal for Tiberius’ house is an irony typical of Tacitus. This in a contrast to the aftermath of Germanicus’ death, as told by Tac. *Ann.* 3.2–5, when the people grieved before Germanicus’ funeral with heartfelt emotions, while Tiberius, a master dissembler, was not seen because he was unable to dissemble his joy.

<sup>445</sup> Tac. *Ann.* 5.1–2; Suet. *Tib.* 51; Cass. Dio 58.2.

be set up around the Empire at places with high visibility.<sup>446</sup> The decree thus reflects norms and ideals that Tiberius wanted to broadcast and that the Imperial elite cherished. It was also performative as it advertised the grief and the restraint of the Imperial family to audiences who could not otherwise see them in mourning. The *SCPP* not only outlines the *post mortem* punishments suffered by Cn. Calpurnius Piso, it also praises the mourning of the Imperial family, the soldiers, the *equites* and the plebs. In general, the mourners are praised for a *pietas* and grief that were tempered by a self-control appropriate for their status.

Most interestingly, the *SCPP* praises Tiberius for the *pietas* he made evident by signs of his grief, which was great, even, and often seen (*tant[i] et [t]am aequalis dolor[is] eius indicis totiens conspectis*).<sup>447</sup> The Senate even exhorts Tiberius to end his grief and restore not only his spirit, but also his face for the sake of public happiness (*debere eum finire dolorem ac restituere patriae suae non tantum animum, sed etiam voltum, qui publicae felicitati conveniret*).<sup>448</sup> That is, Tiberius' grief is represented as so great that he needed to regain his self-control for the sake of the *res publica*. Tiberius emerges as more emotional in the decree than in the literary tradition, and I think that different aims best account for this. On the one hand, authors like Tacitus (and Dio) were hostile toward Tiberius and used his reputation for emotional restraint to construct narratives in which the self-controlled emperor was distanced from Roman society. On the other hand, the Senate pronounced the decree at Tiberius' wish. Thus, it must reflect the projection that Tiberius wanted to create of *pietas* and consensus within the Imperial family.<sup>449</sup> For as Beth Severy has observed, the overall message of the *SCPP* is one in which consensus reigned within both the Imperial family and the Roman community at large, where different groups expressed *pietas* and *fides* toward the emperor and his family.<sup>450</sup> Thus, I argue that this epigraphic evidence corroborates the importance of the script that allowed for limited emotionality in mourning as long as it was subdued by self-control, while it prominently broadcasted the Imperial family's unity and preeminence.

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<sup>446</sup> *SCPP* 170–172.

<sup>447</sup> *SCPP* 124–126.

<sup>448</sup> *SCPP* 130–133.

<sup>449</sup> It might be of relevance that Tiberius felt obliged to state at *Tab. Siar.* 2b.16 that he was not dissimulating (*non dissumulare*) his homage to Germanicus. This statement might hint at contemporary concerns regarding the sincerity of Tiberius' affection for Germanicus. Cf. Woodman & Martin 1996, 89.

<sup>450</sup> Severy 2000.

Even bearing in mind the significance of genre and author in the representation of Tiberius' mourning, we can observe that Tiberius repeatedly displayed self-control throughout his life. Tiberius' restraint was also in all likelihood a character trait, but even if a trait, self-control formed part of an ideology that emphasized restraint as an expression and legitimization of power as discussed in chapter 2. I suggest that political considerations might have forced Tiberius to adopt, or at least accentuate, *maiestas*. To start with, his reluctance to grieve Germanicus might well have stemmed from Tiberius' enmity with the young prince and Agrippina. As historiography represents Tiberius, it would have been inopportune for him to weep for his rival given their hostility. To be consistent, Tiberius might have been compelled to adopt self-control and propagate *maiestas*—it would then have been unbecoming to grieve Drusus the Younger after not having mourned Germanicus four years earlier. Thus, Tiberius might have made a virtue of necessity, something that was then picked up and elaborated by authors in different ways, as Tiberius was a good example in *consolationes*, but deeply problematic in historiography. We must also remember that the Principate was in a formative phase under Tiberius and it is possible that he with *maiestas* tried to forge his conception of what it meant to be *princeps* and thus distinct from others.<sup>451</sup>

## Emperors and Problematic Tears

Other emperors of the Early Empire were not as concerned with their *maiestas* as Tiberius. Instead, they tended their *civilitas* and wept in front of and with the people and expressed virtues such as *pietas*, *fides*, and *clementia*, virtues expected and appreciated by the crowd. Such expectations come to light in how the people was disappointed by Tiberius not mourning Germanicus. According to the *Consolatio ad Liviam*, Augustus, who was known for his *civilitas*, repeatedly cried for family members.<sup>452</sup> The first emperor is said to have wept in mourning already as Octavian. According to Nicolaus Damascenus, Octavian burst into tears and laments in memory of and love for Julius Caesar when he received word of his

<sup>451</sup> Schulten 2005, 10, 20, argues that Tiberius, with his concern for self-control, might have been before his time and was more akin to the loftiness of emperors of the Late Roman Empire, who were trained to not express emotions. Cf. Hagen 2017, who sees a continuity throughout the Imperial period.

<sup>452</sup> [Ov.] *Liv.* 63–72, 209–210, 442, 466. The scripted nature of the Roman elite funeral and mourning also emerges in the account of Cass. Dio 56.43.1 of Augustus' own funeral. Dio states that many did not feel true grief at the time, but it later was experienced by all (τὸ δ' ἀληθὲς ἐν μὲν τῷ παραχρῆμα οὐ πολλοὶ ὕστερον δὲ πάντες ἔσχον).

murder (εἷς τε δάκρυα καὶ οἶκτον ὑπὸ μνήμης τάνδρὸς καὶ φιλοστοργίας ἔρρην).<sup>453</sup> Plutarch's claim that Octavian upon learning of Marc Antony's death retired to his tent to weep is more remarkable.<sup>454</sup>

Moving forward in time, Suetonius is explicit that a young Gaius attempted to increase his popularity among all kinds of people (*omni genere popularitatis*) and shed many tears (*cum plurimis lacrimis pro contione*) when he delivered the funeral oration for Tiberius.<sup>455</sup> If Gaius' tears for Tiberius were an attempt to express *civilitas*, his mourning for his beloved sister Drusilla was very different. According to Seneca, Gaius was not seen and did not attend her funeral but instead fled to a villa and spent his time gambling.<sup>456</sup> That is, Gaius remained on the "backstage" and was unable to cope with self-control. Suetonius writes that Gaius ruled that his subjects were not allowed to laugh, bath, or dine with their families during the period of mourning, while he himself left Rome for Campania and Syracuse.<sup>457</sup> Such was the behavior of an emperor who lacked self-control and was above social obligations and constraints.

It is unsurprising that historical tradition describes a theatrical and "bad emperor" like Nero as feigning mourning and tears. Cassius Dio describes how Nero and his mother Agrippina the Younger contrived grief (πενθεῖν προσεποιούντο) after the death of Claudius.<sup>458</sup> Another occasion for simulated tears was after Nero had murdered his mother. Tacitus narrates how Nero's friends together with locals in Campania (where the murder had taken place) visited temples and expressed joy. In a contrast of hypocrisy, Nero himself simulated grief and shed tears (*ipse diversa simulatione maestus...inlacrimans*).<sup>459</sup> The former expressed joy and responded to the expectations of their emperor, while the latter wept and

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<sup>453</sup> Nic. Dam. 51; Hagen 2017, 196–197.

<sup>454</sup> Plut. *Ant.* 78. See below 161.

<sup>455</sup> Suet. *Calig.* 15. On the insincerity of Gaius' tears, see Kierdorf 1980, 120; Rey 2015, 234; Hagen 2017, 90–91, 210–212. The crowd loved the young Gaius, see Philo *Leg.* 2–4; Suet. *Tib.* 75; *Calig.* 13–15; Cass. Dio 58.8.2, 59.4–7, 59.4.9; Yavetz 1969a, 17–18, 23, 113–118, 138–139; McCulloch 1984, 109–111, 135–136; Hurley 1989; Woodman & Martin 1996, 90; Flower 2006, 140, 319–320, n. 82; Winterling 2011, chap. 2.

<sup>456</sup> Sen. *Polyb.* 17.4.

<sup>457</sup> Suet. *Calig.* 24; Beard 2014, 134.

<sup>458</sup> Cass. Dio 61.35.2.

<sup>459</sup> Tac. *Ann.* 14.10. Corbeill 2004, 165, argues that the episode can be read as a reflection of the loss of trust in the face during the Principate, while Bartsch 1994, 20–22, reads the episode as an instance of Roman political culture turning into a proverbial theater during Nero's reign. See also Champlin 2003, 89–91; Hagen 2017, 207–208.

respected *pietas*. Thus, despite his obvious perversions, Nero is described as concerned about being perceived as fulfilling his obligations in mourning.

Cassius Dio writes that it resembled the theater (σκηνοποιία τινὶ εἰκοδός) when Domitian pretended (προσεποιεῖτο) to love his deceased brother Titus when he delivered the funeral oration in tears (μετὰ δακρύων).<sup>460</sup> That Domitian's tears can be seen as a characteristic of a broken political culture during autocracy is made clear as Dio immediately moves from the specific occasion of the mourning of Titus to more general conditions. For during Domitian's rule, it was unsafe to display grief and joy, according to Dio. Instead, faces needed to be assumed not to offend to the autocrat, insult his real opinion, or expose his pretense.<sup>461</sup> Later, the *Historia Augusta* portrays Caracalla as both histrionic and insincere when people thought it strange that Caracalla often wept at the mention of his brother Geta's name, or at the sight of one of Geta's statues or portraits.<sup>462</sup> We might think it a fitting end to Caracalla that the usurper Macrinus is said by Herodian to have pretended to weep and lament loudly over the emperor's corpse (ὀλοφύρεσθαί τε καὶ θρηνεῖν προσεποιεῖτο).<sup>463</sup>

The examples reviewed demonstrate how emperors responded to a script that expected tears as expressions of *pietas* and *fides*. The crowd not only expected elite mourning, it appreciated an elite who was among them, visible, and who shared their joys and sorrows and made a show of *civilitas*. Grief was such an occasion, tears such an expression. The more "popular-minded" emperors responded to these expectations and made a point of being seen shedding tears. At times, the script called for tears of mourning that conflicted with what audiences perceived as the emperor's real interest and emotions. In other words, these "bad emperors" were understood as not being in grief, but rather the opposite. As Tiberius learned, sometimes you are damned if you weep, damned if you do not.

## Forbidden Tears

We have noted that the subjects adjusted their emotional expressions not to offend "bad emperors," and throughout this chapter, I have argued that mourning was

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<sup>460</sup> Cass. Dio 67.2.6.

<sup>461</sup> Cass. Dio 67.2.7; Kierdorf 1980, 120; Hagen 2017, 208.

<sup>462</sup> SHA *Geta* 7; *M. Ant.* 3.

<sup>463</sup> Hdn. 4.14.7.

an act of remembrance that was effective in Roman political culture. This potency led it to be curtailed for political reasons. The forbidding of mourning had legendary precedents. Most famous is P. Horatius, who after having vanquished the Curiatii killed his sister Horatia. She had been engaged to one of the Curiatii and had shed tears for him, despite him being an enemy of Rome.<sup>464</sup> The prohibition of grieving was later related to a “package” of *post mortem* sanctions that could include the destruction of the sanctioned person’s house, banning the *gens* from furthering his name, erasing him in textual and visual media, and forbidding the display of his *imagines*.<sup>465</sup>

We have already noted that the widows of C. Gracchus and Flaccus were forbidden to mourn their husbands. That this was a politically sober action is suggested by the fact that C. Gracchus had himself successfully mourned his brother Tiberius for political purposes.<sup>466</sup> Germanicus enjoyed great popularity among the plebs and his memory was invoked by Agrippina, his brother Claudius, his son Gaius, and his grandson Nero.<sup>467</sup> The unrest after Pertinax’ death further demonstrates why it might be a practical idea to curb mourning to maintain order. Against this background, it is also clear why it was prudent of Tiberius to act in moderation after Augustus’ death. According to Tacitus, Tiberius excused the senators from carrying the bier to the pyre and warned the people not to repeat the excesses that had plagued Caesar’s funeral. Similar considerations for public order can explain the disappointing lack of pomp at Germanicus’ funeral.<sup>468</sup>

The political and ideological stakes in mourning emerge clearly in Cicero’s *Pro Rabirio perduellionis reo*. C. Rabirius was on trial in 63 BC for participation in the killing of the *popularis* L. Appuleius Saturninus some four decades earlier.<sup>469</sup> The

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<sup>464</sup> Livy 1.26.2–12; Dion. Hal. *Ant. Rom.* 3.21–22. P. Horatius and his father appealed to the people and was acquitted of the murder of Horatia after even more tears. Cf. de Libero 2009, 218; Hagen 2017, 241, n. 664.

<sup>465</sup> On Roman memory sanctions, see Flower 2006. On the historical tradition of memory sanctions in Early Rome, see Mustakallio 1994.

<sup>466</sup> See above 73–75.

<sup>467</sup> Yavetz 1969a, 31–32, 87, 120–121; Versnel 1980, 550–551; Hurley 1989; Osgood 2011, 30, 60.

<sup>468</sup> Tac. *Ann.* 1.8, 3.5; Goodyear 1972, 149–151; Flower 1996, 252; Bodet 1999, 49–50; Hope 2011, 107. Yavetz 1969a, 12, observes that the crowd was more subdued during the Principate since the emperor would not tolerate social disorder in Rome. According to Tac. *Ann.* 1.33, Germanicus had inherited his father Drusus’ popularity.

<sup>469</sup> On the trial against C. Rabirius, besides the *Pro Rabirio perduellionis reo*, see Suet. *Iul.* 12; Cass. Dio 37.26–27; Gruen 1968, 260; Ungern-Sternberg von Pürkel 1970, 81–85; Badian 1984, 140; Morstein-Marx 2004, 225–229; Flower 2006, 83; Brooke 2011, and below 122, 123–124.

Senate had at that time issued a *senatus consultum ultimum* against Saturninus that had been carried out by C. Marius and L. Valerius Flaccus, whom Rabirius had supported. After that, it was forbidden to mourn Saturninus. In his speech for Rabirius, Cicero relates how a C. Appuleius Decianus had been condemned to exile (in 98 or 97 BC) because he had lamented Saturninus as he incited the crowd against P. Furius (who had vetoed the recall of Numidicus, Saturninus' exiled enemy).<sup>470</sup> Sex. Titius was likewise exiled for keeping an *imago* of Saturninus.<sup>471</sup> Cicero argues that a Roman who so honored Saturninus' memory was unfit to be a citizen, since he thus tried to arouse the pity of the ignorant (*imperatorum misericordia*), who might be induced to imitate Saturninus, while T. Labienus, the prosecutor, had himself paraded Saturninus' *imago*, an action that in Cicero's argument placed him in a seditious and dangerous tradition.<sup>472</sup> Cicero constructs his argument as if the *maiores*, the senatorial leadership of 100 BC, along with their memory were on trial together with Rabirius. For Cicero, these men, along with their memory and tradition, enjoyed the support of all good Romans and represented what was good for the *res publica*, in opposition to the subversive memory of Saturninus.<sup>473</sup> This oration demonstrates how mourning and the nursing of memory were political actions that could create a consensus, an emotional community, around the deceased and his cherished values and beliefs. The political significance of mourning made it expedient for opponents to curtail it. Sanctions against mourning, remembrance, and tears were acts of exclusion. The social and political identity of the sanctioned person was destroyed and he was cast outside the (emotional) community articulated by the observance of *pietas* and *fides*. No good Roman should mourn an enemy and thus include him and his ideas in the community again. Indeed, here we can speak of emotional communities in a rather concrete sense, as groups defined by the emotional expressions they accepted, deplored, and forbade.

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<sup>470</sup> On Decianus' trial, see Cic. *Rab. Perd.* 24–25; *Flac.* 5, 77; Val. Max. 8.1.damn.2; Bauman 1967, 48; Gruen 1968, 188–190; Badian 1984, 130–132, 140; Alexander 1990, no. 81; Flower 2006, 83–84; Brooke 2011, 100. On Saturninus and Numidicus' exile, see above 89.

<sup>471</sup> Cic. *Rab. Perd.* 24–25; *De or.* 2.48, 2.253, 2.265; Val. Max. 8.1.damn.3; Bauman 1967, 47; Gruen 1968, 189–190; Badian 1984, 139–140; Alexander 1990, no. 80.

<sup>472</sup> Cic. *Rab. Perd.* 24–25. On the sanctions against Saturninus and their political dimensions, see Ungern-Sternberg von Pürkel 1970, 71–74; Badian 1984, 130–133; Morstein-Marx 2004, 225–229; Flower 2006, 81–85.

<sup>473</sup> Brooke 2011 reads the *Pro Rabirio perduellionis reo* as a contest between different versions of the past (that is, between different memories).



To curtail expressions of *pietas* and *fides* that were every Roman's due could amount to *crudelitas*.<sup>474</sup> Cicero could think of it as the mark of a tyrant.<sup>475</sup> Part of the cruelty of Sulla's proscriptions was that tears and laughter could prove fatal and that it was forbidden to mourn proscribed relatives.<sup>476</sup> Plutarch writes that a P. Silicius was added to the proscription lists of the triumvirs for shedding tears when they indicted Brutus.<sup>477</sup> The practice of prohibiting mourning continued during the Empire, as exemplified with the sanctions directed at Germanicus' enemy Piso, whom his female relatives were forbidden to mourn.<sup>478</sup> Tacitus writes that friends and relatives of those purged after the fall of Sejanus were forbidden to weep and that women were accused because of their tears (*ob lacrimas incusabantur*).<sup>479</sup> Writing under Augustus' reign, Dionysius of Halicarnassus could claim that Tarquinius Superbus, a legendary stock tyrant, denied his predecessor Servius Tullius a public funeral because he wanted to avoid an uprising before he had consolidated his rule.<sup>480</sup> This episode further demonstrates how the curtailment of mourning was a characteristic of tyranny that at the same time had pragmatic grounds.

Cassius Dio provides a vivid account of mourning prohibitions during an autocracy. Dio describes how relatives of those killed during the reign of Commodus (whom Dio disliked) were forbidden to mourn, but that his successor Pertinax (whom Dio liked) permitted them to shed tears.<sup>481</sup> Another "bad emperor," Caracalla, not only perverted his own mourning, as discussed above, he also perverted others' mourning. Dio narrates how Caracalla, in a manner not unlike that of Gaius, after his murder of Geta forbade their mother Julia Domna to mourn and weep for her son, and instead forced her to be happy and laugh.<sup>482</sup>

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<sup>474</sup> To prohibit tears of mourning was to prohibit *pietas* and *fides*. In Sen. *Controv.* 4.1 a man is accused of prohibiting the tears of a bereaved father and forcing him to dress for a feast rather than in *squalor*. On the unnaturalness of forbidding Romans to weep out of *misericordia*, see also *Controv.* 1.1.14.

<sup>475</sup> Cic. *Sest.* 32–33.

<sup>476</sup> Cass. Dio 33.109.16. Cf. Hagen 2017, 235.

<sup>477</sup> Plut. *Brut.* 27. Cf. Hagen 2017, 236.

<sup>478</sup> *SCPP* 74.

<sup>479</sup> Tac. *Ann.* 6.10. Cf. *Ann.* 6.19, 12.47; Suet. *Tib.* 61; Cass. Dio 58.16.6; Bodel 1999, 49–50; Hagen 2017, 236–237.

<sup>480</sup> Dion. Hal. *Ant. Rom.* 4.40.5; Schultze 2011, 81.

<sup>481</sup> Cass. Dio 75.5.3. Cf. above 87–88, on how the senators were later afraid to mourn Pertinax during the rule of Didius Julianus, but could weep freely for him during Septimius Severus' reign.

<sup>482</sup> Cass. Dio 77.2.5–6. Also narrated by Hdn. 4.4.2–4. Cf. Hagen 2017, 239.

According to the *Historia Augusta*, Caracalla considered killing his mother and other women because of their mourning and weeping.<sup>483</sup> Herodian claims that Caracalla had Cornificia (Marcus Aurelius' daughter and Commodus' sister) murdered because she wept with Julia Domna.<sup>484</sup>

To prohibit tears of mourning amounted to a prohibition of the expression of *pietas* and *fides*. It cast a Roman outside the bonds that held together families and society. Mourning expressed and furthered the memory of the deceased and his family. Given the importance of memory in Roman culture, memory sanctions were perceived as harsh, even cruel. But tears of mourning could threaten socio-political order and function as loci for subversive and violent action, which is why prohibitions of mourning can be seen as policy and not only as cruelty.

## Concluding Discussion

This chapter has argued that tears of mourning interacted with audience expectations and emotions to affect political outcomes. The crowd expected that their elite shed tears at the death of a prominent individual. The tears of disliked rulers could be taken as feigned and opportunistic, even when—or rather because—they responded to popular expectations. Authors praised the tears of individuals they approved of and found fault with the tears of those they disliked. In short, relationships mattered for tears of mourning, and tears made these relationships matter, even after death.

The scrutiny and the emotional atmosphere after the death of a high-ranking individual was ideal for a politician who wanted to make use of tears of mourning to stir the crowd to political action. Tears aroused tears and also grief and pity, which translated to support for the mourner and his cause and to anger and hatred toward opponents. An emotional consensus could thus be formed about the significance of a loss and the course of action it demanded. In addition to consensus, tears could both create and express societal discord, when some groups shed tears while others did not. Non-participation, or attempts to curb tears of mourning, communicated that there was a conflict of opinion about the significance of a death. Examples of such disputes are the crowd's angry reaction to the senators' mourning of Antyllus and the contrast Tacitus describes between

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<sup>483</sup> SHA *Geta* 7; *M. Ant.* 3.

<sup>484</sup> Hdn. 4.6.3. Cf. Cass. Dio 78.16.6a.

Tiberius' response to the death of Germanicus and that of the rest of the Roman community.

Ancient authors portray the non-elite as prone to excessive emotionality. Elite Romans such as Marc Antony, Lepidus, Fulvia, and Agrippina are represented as manipulating this non-elite emotionality for their own ends. It was the *populares* who were associated with the use of tears of mourning in attempts to shape public opinion and ignite political action. Still, a *popularis* belonged to the political elite, and the term can be thought of as a manner that the elite adopted in relation to the crowd. It might thus be more relevant to use elite and non-elite as categories and not make distinctions within the elite.

The elite perceived the crowd as overly emotional and claimed power by their superior self-control. I argue that the elite manipulation of the crowd's emotionality made evident in this chapter can be understood as an enactment of this ideology. Antony's funeral oration over Caesar is arguably the best example of this. Antony worked his audience by a tearful emotionality that aroused the crowd, who lost their self-control while Antony (presumably) regained control over himself. Condescending elite attitudes toward the crowd's emotionality and fickleness can be understood from the elite's claim to superiority and the subversive potential the "emotional" crowd could wield within the political system.

The potential of tears of mourning to inflame crowds and further the memory of political champions meant that it was not merely criticized. Tears of mourning could also be prohibited, as was the case with C. Gracchus and Saturninus. The wisdom of such prohibitions is evident from what happened when mourning got out of hand, for example after the deaths of Clodius, Caesar, and Pertinax, as well as from the use that C. Gracchus himself made of his brother's memory. At times, this lesson was acted on, with Tiberius' moderation at the funerals of Augustus and Germanicus as examples.

*Muliebris impotentia*, the notion that women lacked self-control and encroached on the male political sphere, was enacted in practice by Fulvia and Agrippina the Elder. As mourning widows, they exploited their emotionality and "family roles" for political gain in mourning and funeral rituals. They gathered and incited followers as part of agendas of vengeance. As with elite criticism of the emotionality of the plebs, criticism against women's tears is both an ideological claim to supremacy by men and a response to the disruptive potential of tears.

The non-elite expected their elite to display emotion and shed tears with them. The crowd appreciated this as an expression of *civilitas*. This appreciation of

weeping made it expedient and opportune for elite Romans to shed tears in front of crowds. Emperors thus expressed *pietas* toward predecessors and relatives, even if the expression did not necessarily match their (presumed) emotional states. Historiography describes “bad emperors,” such as Tiberius, Gaius, Nero, Domitian, Didius Julianus, and Caracalla as having problematic relationships with weeping, often simulating tears as impostors. Furthermore, in an autocracy like the Principate, the subjects might have to adapt their weeping behaviors so as not to upset the autocrat. Romans could understand “bad emperors” as subverting the natural and sociopolitical order as they contrived tears, perverted joy and grief, weeping and laughter, or controlled the tears of their subjects. A good emperor, meanwhile, like Trajan of Pliny’s *Panegyricus*, shed true tears for the right reasons and let their subjects weep freely (as will be further argued in chapter 5). *Mutatis mutandis*, what Mary Beard has argued for regarding laughter holds true for tears: a good emperor made benevolent jokes, laughed with his people, and could afford to be laughed at; he did not use laughter as a humiliating weapon, nor did he force or suppress his subjects’ “natural” laughter.<sup>485</sup>

Unease with the possible discrepancy between emotional expression and the emotion “really” felt has been touched upon, and it constitutes a major theme in the next chapter, in which we learn how Romans were instructed how to weep with sincerity in the law court. In a sense, we follow Fulvia, who used the mourning ritual to avenge Clodius and later wept in court and moved the audience against Milo.<sup>486</sup>

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<sup>485</sup> Beard 2014, 128–140.

<sup>486</sup> Asc. *Mil.* 40.



## Chapter 4.

# Tears in the Roman Law Court

## Introduction

### A Tearful Stage

In a sense, this chapter follows Clodius' widow Fulvia into the law court, where she acted as a witness against Milo, who was prosecuted for the murder of her husband. The weeping of Fulvia and her daughter Sempronia greatly moved the audience against Milo,<sup>487</sup> whom the court condemned to exile. Cicero spoke for Milo in the trial, but his speech was disturbed by the *Clodiani*, so that he spoke without his usual *constantia*.<sup>488</sup> According to Cicero's later published version of the speech, Milo refused to weep during the trial. Cicero emphasizes this refusal as noteworthy. While Cicero claims that he and the judges shed tears, Milo kept his face unchanged and his speech was uninterrupted.<sup>489</sup> Cicero himself was unable to continue his speech because of his tears (*neque enim prae lacrimis iam loqui possum*), even though Milo had forbidden that tears be used to plead his case.<sup>490</sup> However, Cicero did plead Milo's case with tears, as he did in many other speeches. Indeed, the abundance of tears shed in the Roman court-of-law is arguably one of its most striking characteristics. Weeping is also a recurring topic in the rhetorical manuals. The significance of tears in Roman forensic rhetoric and oratory is the main subject of this chapter.

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<sup>487</sup> Asc. *Mil.* 40.

<sup>488</sup> Plut. *Cic.* 35; Asc. *Mil.* 41–42; Cass. Dio 40.54.1–3; Marshall 1985, ad 42.1–2; Alexander 1990, no. 309. On the trial of Milo and assessments of Cicero's performance, see Settle 1963; Lintott 1974; Ruebel 1979; Crawford 1984, no. 72; Riggsby 1999a, 105–112; Dyck 2002; Steel 2005, 116–131; Fotheringham 2006; 2015; Tempest 2011, 144–150; Hall 2014, 60–61, 89–93.

<sup>489</sup> Cic. *Mil.* 92–95, 101.

<sup>490</sup> Cic. *Mil.* 105.

The courtroom was part of the social and political fabric in Rome.<sup>491</sup> The Roman courtroom was not a “room” as it was set in the open, typically in the Forum during the Republic. The increased judicial activity during the Empire necessitated the establishment of courts in the Imperial fora.<sup>492</sup> Multiple courts could be active at a given point of time, vying for the attention of passers-by. A magistrate, perhaps with a panel of judges, led the court. Litigants faced each other with the support of advocates who pleaded their cases, while friends and family provided support as witnesses or by their presence.

Economic, political, and symbolic capital were at stake in the court. For the accused, the financial and political consequences could be severe, with exile or capital punishment as feared outcomes. For advocates, prestige and status could be won or lost. It was not unusual for a young man to build his career by successful prosecutions. For men of standing, advocacy was a traditional act of patronage. The law courts were part of Rome’s political culture and populated by its political elite. Roman aristocrats were trained in eloquence and settled many of their conflicts in court, while political entities such as the people, the Senate, and the emperor could administer justice. That the Senate and the emperor could act as judicial bodies was a development of the Empire, along with a professionalization of judicial activity.<sup>493</sup> Taken together, we can expect that a similar cultural logic underpinned the court as did other “stages” of Roman culture.<sup>494</sup> However, to some degree, the law court had its own particular logic that afforded a substantial significance to tears.

The discussion in this chapter opens with a review of the sources used. A section then demonstrates the significance of tears in the Roman court by highlighting positive evaluations of tears in the rhetorical manuals and in Cicero’s speeches. After that, I will establish weeping scripts for different roles in the courtroom. Tears in the Roman court often aimed at arousing *misericordia*, which is why this emotion and its relationship to tears deserve careful attention. Finally, I will deal

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<sup>491</sup> On the context for Late Republican (forensic) oratory, see May 2002. On the context for forensic oratory during the Imperial period, see Bablitz 2007; 2011.

<sup>492</sup> Bablitz 2007, chap. 2, discusses the layout of the Roman court of law.

<sup>493</sup> On the Roman Senate in the capacity as a law court, see Talbert 1984, chap. 16, which also is valuable for the emperor’s judicial activities. Millar 1977 makes clear that the emperor spent much time administering law. Tears in relation to the emperor’s display of *clementia* will be discussed in the next chapter as an aspect of his power and virtues.

<sup>494</sup> A point made by Hall 2014, whose useful study of “Cicero’s judicial theater” covers similar ground as this chapter, but who in my opinion underestimates how the Roman court was a stage with its own particular logic within Roman culture.

with the complicated relationships between the orator and the actor, sincerity and tears.

## The Nature of the Sources and the Scope of the Chapter

This chapter deals principally with forensic oratory,<sup>495</sup> that is legal and judicial oratory aimed at persuading audiences, chiefly judges, of equity, truth, and right and wrong. Some attention is afforded to the other two rhetorical genres: deliberative (political oratory delivered in front of assemblies and meetings) and epideictic oratory (demonstrative oratory, ceremonial rhetoric praising or blaming someone). The rhetorical manuals are mostly concerned with the forensic and afford limited attention to the other genres, but the borders between genres were not set in stone.<sup>496</sup> A focus on forensic oratory with an eye to other genres seems reasonable.

Roman rhetoric and oratory had Greek predecessors.<sup>497</sup> That Greeks shed tears in the law courts is documented from the classical period, if not earlier.<sup>498</sup> Appeals to tears and pity were frequent enough to be parodied by Aristophanes.<sup>499</sup> Plato's Socrates in the *Apology* famously refused to parade his children and shed tears before the court.<sup>500</sup> However, tears were likely a longstanding feature of Roman culture as well. What is of interest for this study are Roman mentalities and practices, not origins.<sup>501</sup>

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<sup>495</sup> In the following, "oratory" refers to the practice of speaking, while "rhetoric" refers to the theory of oratory.

<sup>496</sup> On genres, see *Auct. Ad Her.* 1.2, 3.10–15; *Cic. Inv. Rhet.* 1.7, 2.176–178; *De or.* 1.141, 2.41–73, 2.241–248; *Orat.* 70–138; Leeman, Pinkster & Nelson 1985, 237–269; Wisse 2002a, 360; Fantham 2004, 135. The overlap between genres means that some judicial tears are treated in other chapters and some non-judicial tears are dealt with in this chapter.

<sup>497</sup> Kennedy 1994 provides a handy overview of Graeco-Roman rhetoric and oratory and its historical development. Cicero's *Brutus* makes for an entertaining survey of the history of Greek and Roman eloquence.

<sup>498</sup> On tears (and pity) in Attic oratory, see for example Arnould 1990, 68–71; Johnstone 1999, 114–115; Bers 2009, 77–98; Lateiner 2009a, 118–119. On laughter in the Attic law court, see Spatharas 2006; on "hostile emotions," see Sanders 2012b; on goodwill and friendliness, see Sanders 2016c; and on emotions more generally in Attic oratory, see Sanders 2016a, 13–17; 2016c.

<sup>499</sup> *Ar. Vesp.* 548–574, 975–984.

<sup>500</sup> *Pl. Ap.* 34c.

<sup>501</sup> Cf. Hall 2014, 12–13, 61–62, who downplays the significance of Greek practice and theory for Roman weeping in the court.



The speeches that constitute our sources in this chapter were written down after the fact. As such they are literary products and not word-for-word reproductions of what was said and done in court.<sup>502</sup> In fact, Cicero's orations were published with the intention to be circulated and admired. Despite this, recent scholarship tends to argue that the published version was rather faithful to the delivered speech.<sup>503</sup> The speeches should be believable to readers who not only had experience of the courtroom but even might have had first or second-hand knowledge of specific cases.<sup>504</sup> Against this background, I consider Cicero's speeches an excellent source for the significance of tears in the Roman court of law.

In addition to Cicero's speeches, the other main source for this chapter is the Latin rhetorical handbooks. The anonymous *Ad Herennium* is the earliest preserved specimen of the genre, only slightly earlier than Cicero's *De inventione rhetorica*. Cicero's other rhetorical works are the *De oratore*, *Topica*, *Partitiones oratoriae*, *Brutus*, and *Orator ad M. Brutum*. Quintilian's *Institutio oratoria* represents the Imperial period. These manuals were meant to be used and were not abstract exercises of Greek learning.<sup>505</sup> They have a good deal to say about tears and weeping,<sup>506</sup> arguably even more so if the manuals reflected oratorical practice rather than influenced it.<sup>507</sup> Furthermore, when the handbooks, Cicero's speeches, and other sources overlap, we can feel somewhat confident that we are dealing with cultural patterns and not literary imagination.

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<sup>502</sup> The *Pro Milone* was adjusted because the speech that Cicero actually did deliver was not up to his standards. Furthermore, Cicero did not deliver the second *actio* of the *In Verrem* nor the second Philippic, albeit he did publish them.

<sup>503</sup> See the concise argument by Riggsby 1999a, 78–84. Crawford 1984; 2002, discusses Cicero's publishing strategies and why he did and did not publish speeches. For overviews of assessments of the relationship between published and delivered versions, see Hammar 2013, 48–50; Hall 2014, 37–38.

<sup>504</sup> Evidence for Roman oratory is complemented with other sources. Noteworthy among them is Seneca the Elder's *Controversiae*, a collection of hypothetical judicial cases, which were argued from both sides in declamations. Even though hypothetical, these cases can illustrate expectations of behavior in the courtroom. On the *Controversiae* as a source, see Bablitz 2007, 2–3.

<sup>505</sup> Arena 2013. Cf. David 2006.

<sup>506</sup> Hall 2014, 11–13, 126, 155, argues that the (Republican) handbooks did not offer instruction for delivery and did not provide useful instructions for an orator who wished to employ tears. However, the *De oratore*, *Brutus*, and *Orator* (and later Quintilian) have quite a lot to say about tears and provide a rationale for weeping, not least by way of narrative descriptions of exemplary performances.

<sup>507</sup> Cf. Wisse 1989, 314–315.

This chapter deals mainly with tears shed in the law court and the instruction for such tears. However, references in court to tears shed outside of it are also of interest. Examples include when Cicero in court speaks about events surrounding his exile or the tears shed by Sicilians during Verres' stint on their island. Such tears are relevant since mentioning them was a rhetorical strategy aimed at influencing the judges.

## The Significance of Tears in the Law Court

This chapter will assert that tears shed in the Roman law court tended to be evaluated positively and that they were instrumental, albeit in a way that differs from tears shed in mourning. In contrast to mourning, the law court was not typically a stage on which self-control and virtue were expressed through self-control, that is, by not weeping in distress.<sup>508</sup> That Cicero praises Milo for displaying self-control in court is unusual. Still, Cicero himself wept so much that he must halt his speech.<sup>509</sup> Of course, Cicero did not understand his own tears as a sign of weakness. It is perhaps no coincidence that the *Pro Milone* was one of a few cases that Cicero lost and that he represents his client as refusing to weep during his speech.

### Tears in the *Pro Plancio*

In 54 BC Cicero delivered the *Pro Plancio*. In the oration Cicero answered M. Juventius Laterensis, the prosecutor, who had reproached Cicero for shedding but "a little tear" (*lacrimula*) at a trial undertaken some years earlier in defense of M. Cispus.<sup>510</sup> Laterensis thus implied that Cicero had been insincere at that trial and that it was a crocodile tear Cicero had shed. Laterensis in effect questioned the strength of the relationship between Cicero and his client and inferred that Cicero

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<sup>508</sup> Self-control, as in following a proper and measured decorum and performing the appropriate gestures, was obviously of the utmost importance for the orator, however. Narducci 2002a, 407, argues that the elite with a self-controlled speaking style expressed "social distance" (which translates to the expression of *gravitas*, *maiestas*, and *dignitas*).

<sup>509</sup> Cic. *Mil.* 101.

<sup>510</sup> Cic. *Planc.* 75–77; Alexander 1990, no. 293. On Cicero's unsuccessful defense of M. Cispus, see Crawford 1984, no. 57; Alexander 1990, no. 279; Hall 2014, 109, n. 36. On Laterensis' reproach of Cicero and Cicero's strategy, see Steel 2013a, 167–170. Hall 2014, 109–116, 124–126, argues that Laterensis chided Cicero for having made it a habit of weeping at trials.

had no reason to weep. Laterensis' argument implies that a close relationship between advocate and client would have made Cicero's tears appropriate. Cicero objected forcefully against Laterensis' attack by asserting that it was not only a little tear (*non modo lacrimulam*) that Laterensis had seen but an abundance of tears, weeping mixed with sighs (*sed multas lacrimas, et fletum cum singultu videre potuisti*). Cicero thereafter asked why he should not have expressed grief for Cispius, who had been moved by the tears of Cicero's kin during his exile, before he reminded Laterensis that he at the time had found Cicero's tears agreeable (*lacrimas meas gratas esse dicebas*).

The closure of the *Pro Plancio* is tearful. Cicero recalled the tears that also Plancius had shed during Cicero's exile, tears that Cicero now wanted to repay since he feared that to weep was the only thing he could do in such a desperate situation. He complained that he could only offer prayers, tears, and pity (*sed precibus, sed lacrimis, sed misericordia*).<sup>511</sup> Like in the *Pro Milone*, Cicero claimed that he was unable to continue his speech, not only because of his own tears but also due to those of the presiding magistrate and the jurors. These tears reminded Cicero of the tears that they earlier had shed so abundantly for his sake, something that gave him hope that the judges would save Plancius as they previously had preserved Cicero.<sup>512</sup> The *Pro Plancio* and the *Pro Milone* are two tearful speeches that suggest not only positive attitudes toward tears but also their prevalence and importance.<sup>513</sup>

## Expectations of Tears

The significance of emotional displays like tears is evident from the fact that it was noteworthy when they were not used. Cicero's interlocutor in the *De oratore*, Antonius, makes fun of P. Rutilius Rufus' (*cos.* 105) insistence of not using emotional appeals when he was accused.<sup>514</sup> Rutilius' defense was conducted as if

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<sup>511</sup> Cic. *Planc.* 99–102.

<sup>512</sup> Cic. *Planc.* 104.

<sup>513</sup> How common tears were is also suggested by Cic. *Att.* 90.4, where Cicero reports to Atticus how the defense had moved the judges with tears without indicating that the event was significant because of the tears.

<sup>514</sup> Cic. *De or.* 1.229–230. The episode is also given at Cic. *Brut.* 113–116; Val. Max. 2.10.5, 6.4.4; Cass. Dio 28.95. For commentary, see Gruen 1968, 205; Leeman, Pinkster & Nelson 1985, ad 1.229–230; Alexander 1990, no. 94; Kallet-Marx 1990; May 2002, 64; Fantham 2004, 43–44; Leigh 2004b, 129–130; Hall 2014, 32–33. On Valerius Maximus' positive assessment of Rutilius, see Bloomer 1992, 159.

set in Plato's Republic, according to Antonius: no one groaned, cried, was in pain, complained, stamped a foot, or made an appeal to the *res publica*—surely, Antonius continues, because they were afraid of being reported to the Stoics (Rutilius was a firm Stoic himself).<sup>515</sup> Cicero's Antonius thought that an innocent Rutilius had been needlessly exiled to the detriment of the *res publica* because of his refusal to make an emotional appeal.<sup>516</sup> Similarly, Plutarch thought that Milo was exiled because of his refusal to appeal for pity.<sup>517</sup> Aulus Gellius writes that P. Scipio Cornelius Aemilianus refused to don *squalor* when he was accused.<sup>518</sup> Moreover, Suetonius tells us that the members of *gens Claudia* out of aristocratic pride refused to don *squalor* and beg for mercy, even when facing capital charges before the people.<sup>519</sup> These examples suggest that tearful emotional appeals for pity were expected and that it was noteworthy when they were not made, and that a refusal to weep could be considered as a reason for a conviction.

## Tears in the Handbooks

The rhetorical handbooks suggest that mastery of tears—both by shedding them oneself and drawing the audience's tears—was a defining characteristic of the great orator.<sup>520</sup> In the *De oratore*, Cicero praises C. Gracchus' delivery, for it was of such quality that not even his enemies could hold back their tears (*inimici ut lacrimas tenere non possent*).<sup>521</sup> I observe that the ability to move one's enemies to tears emerges in literature as the orator's greatest achievement. In his *Brutus*, Cicero describes his ideal orator as one who could arouse great anger and indignation in a judge and even move him to tears (*qui ad fletum posset adducere*).<sup>522</sup> Similarly, Quintilian writes that the dominating eloquence was that of the orator who was

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<sup>515</sup> Cic. *De or.* 1.230. Cf. *Brut.* 114, 116. See also *Brut.* 278, where Cicero along similar lines criticizes M. Calidius, a famous Atticist orator, for not displaying emotions.

<sup>516</sup> For the sake of my argument here—that emotional displays were expected, but that they could be criticized—it does not matter if Cicero is mistaken about details in this trial as argued by Kallet-Marx 1990 or not, as held by Hall 2014, 32, n. 100.

<sup>517</sup> Plut. *Cic.* 35; Flaig 2003a, 118.

<sup>518</sup> Aul. Gell. *NA.* 3.4.1; Hall 2014, 50–51.

<sup>519</sup> Suet. *Tib.* 2. See Livy 2.61.5, for how an unconcerned Appius Claudius refused to dress in *squalor* when on trial before the people in 470 BC.

<sup>520</sup> Cic. *De or.* 1.245; *Brut.* 89–90, 188, 290, 322; Quint. *Inst.* 6.1.44–45, 6.2.7.

<sup>521</sup> Cic. *De or.* 3.214 (echoed at Quint. *Inst.* 11.3.8). Cf. Cic. *Sest.* 121; Tac. *Ann.* 11.2–3.

<sup>522</sup> Cic. *Brut.* 322 (see also 89–90, 188, 290).

able to move the judge to tears and anger.<sup>523</sup> Quintilian's orator of the third style, the "grand" and most emotional, should inspire anger and *misericordia* so that the judge turned pale and wept (*hoc dicente iudex pallescit et flebit*).<sup>524</sup> The verdict was obvious when the judge started crying (*fletus erupit*), which was the goal of perorations according to Quintilian.<sup>525</sup> It is also telling that Quintilian chose to highlight among his own qualities as an orator that he often was moved to tears.<sup>526</sup> The Elder Seneca could close his piece on C. Asinius Pollio by stating that Asinius burst into tears when he declaimed.<sup>527</sup>

However, tears were not without risk.<sup>528</sup> We saw how Laterensis could ridicule Cicero for his "little tear" (*lacrimula*). Quintilian holds tears as the emotion that was most effective for one of great talent, but that a feeble orator who failed to sway the judges suffered ridicule.<sup>529</sup> Elsewhere, Quintilian warns that raising tragic storms for small matters would be like putting Hercules' mask on a baby.<sup>530</sup> We can note that Pliny the Younger could write in a letter that the orator should be emotional and take chances for he could gain much by taking a risk.<sup>531</sup> To sum up, though not without risk, tears were significant and more often than not positively evaluated by rhetorical authorities and orators.

The rhetorical manuals offer performances that were paradigmatic. Perhaps the most illustrative case is found in the *De oratore*, where one of Cicero's interlocutors, M. Antonius Orator (*cos.* 99 BC, grandfather of the triumvir), argues for the importance of emotional appeals. Antonius recalls his defense of M'. Aquilius (*cos.* 101 BC) who had faced prosecution before a criminal court.<sup>532</sup>

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<sup>523</sup> Quint. *Inst.* 6.2.4.

<sup>524</sup> Quint. *Inst.* 12.10.62.

<sup>525</sup> Quint. *Inst.* 6.2.7.

<sup>526</sup> Quint. *Inst.* 6.2.36.

<sup>527</sup> Sen. *Controv.* 4.pref.11.

<sup>528</sup> On the risks involved in "judicial theatrics," see Hall 2014, 153–154, cautioning that Cicero might not be representative and that other orators might have eschewed emotional displays in the court of law. However, on balance the evidence from the law court and Roman culture in general, in my opinion, suggests that emotional displays were common and that Cicero was not that unrepresentative.

<sup>529</sup> Quint. *Inst.* 6.1.44–45. Incidentally, Quintilian here conflates tears with *misericordia*, the emotion that tears in the law court typically both expressed and aimed to stir.

<sup>530</sup> Quint. *Inst.* 6.1.36.

<sup>531</sup> Plin. *Ep.* 9.26 (esp. 26.2); Aldrete 1999, 71.

<sup>532</sup> Cic. *De or.* 2.194–196 (also mentioned at 2.124) is the most detailed account of the episode, which also is given at *Verr.* 2.5.3–4; *Flac.* 98; *Orat.* 228–229; *Livy Per.* 70.1–3; Alexander 1990, no. 84. The episode and its literary context is discussed by Gruen 1968, 194–195; Wisse

Antonius staged an emotional spectacle when he closed his speech. Aquilius was paraded in *squalor* afflicted, debilitated, and in sorrow (*hunc afflictum, debilitatum, maerentem*) and did not appeal himself.<sup>533</sup> Instead, Antonius tore away Aquilius' clothes and displayed the defendant's scars.<sup>534</sup> Antonius enjoyed the support from the benches of C. Marius, who had been Aquilius' consular colleague and whose tears now greatly added to the grief of Antonius' speech (*cum C. Marius maerorem orationis meae praesens ac sedens multum lacrimis suis adiuuaret*). Antonius himself spoke with great sorrow and tears and felt that the judges were greatly moved and won an acquittal. After having recounted the episode, Antonius in the dialogue urges his interlocutor P. Sulpicius Rufus to be wrathful, emotional, and tearful when speaking (*ut in dicendo irasci, ut dolere, ut flere possitis*).<sup>535</sup> Other than arguing for the use of emotions, a point that Cicero's Antonius makes is that the orator needed to experience the emotion he wanted to bring about in others, an issue I will return to later in this chapter. I must underline that it is remarkable that Antonius, Aquilius, and Marius—all *consulares* and men of whom self-control would have been expected under other circumstances—could be so emotional in the law court.

## The Script for Tears in the Law Court

The following looks in detail at the script for tears in the Roman law court and explores questions of who should weep and when, how, and why they should.

### When to Weep

The rhetorical manuals agree that tears should be shed during the appeal for *miser cordia* that closed the speech for the defense (*peroratio, miseratio, conquestio*,

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1989, 257–269; Leeman, Pinkster & Rabbie 1989, ad loc.; Narducci 1995; 1997, chap. 3; Fantham 2004, 25, 144–145; Hall 2014, 18–20; Hagen 2016, 200–203; 2017, 68–71.

<sup>533</sup> Cic. *De or.* 2.195. Hall 2014, 64, 77, 79, argues that this refusal to appeal himself meant that Aquilius' use of *squalor* merely expressed a protest, and neither grief nor despair. Nevertheless, Cicero's Antonius (*De or.* 2.195) is explicit that Aquilius was *afflictum, debilitatum, maerentem*.

<sup>534</sup> Cic. *De or.* 2.196. Cf. *Verr.* 2.5.3. On scars in Roman political culture, see Leigh 1995 (on Aquilius' scars, see 205–206); Flaig 2003a, chap. 6. Dyck 2001, 120–121, argues that Cicero imitated Antonius at Cic. *Rab. Perd.* 36

<sup>535</sup> Cic. *De or.* 2.196.

*epilogus*).<sup>536</sup> In agreement with this instruction, tears are often shed in the closure of many of Cicero's speeches.<sup>537</sup> We have already seen such tears in the *Pro Plancio*, *Pro Milone*, and in Antonius' defense of Aquilius. However, in both theory and practice, emotional appeals could be made whenever opportune in the speech.<sup>538</sup> One such example is that Cicero midway through the *Pro Caelio* wept so that his voice choked (*me dolor debilitat intercluditque vocem*) as he spoke about the death of Q. Caecilius Metellus Celer.<sup>539</sup>

## How to Weep?

How should one weep? Here the famous saying *nihil enim lacrima citius arescit*—nothing dries quicker than a tear—might come to mind. This dictum suggests that the reception of tears was unpredictable and that weeping should not be overdone, and is found in the *Ad Herennium*, Cicero's *De inventione rhetorica*, and in Quintilian.<sup>540</sup> Nonetheless, other evidence indicates that weeping should be intense and extrovert to be persuasive and be taken as sincere by audiences. We saw how Cicero in the *Pro Plancio* went out of his way to claim that he had shed an abundance of tears and not "a little tear."<sup>541</sup> The instances when tears choked Cicero also suggest the intensity of weeping.<sup>542</sup> In the defense of Aquilius, Antonius and Marius wept with great intensity, and Antonius later advised his less experienced interlocutor to be tearful when speaking.<sup>543</sup> Just before narrating that episode, Cicero's Antonius had argued that the advocate must experience the

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<sup>536</sup> *Auct. Ad Her.* 2.47–50; *Cic. Inv. Rhet.* 1.106–109; *Part. Or.* 15; *Orat.* 130–131; *Quint. Inst.* 4.1.28, 6.1–2, 11.3.170–173. For a solid discussion on the emotionality of *perorationes*, see Leon 1935.

<sup>537</sup> *Cic. Font.* 47–48; *Clu.* 201–202; *Mur.* 86–90; *Flac.* 106; *Planc.* 99–104; *Sest.* 144–146; *Mil.* 92–95, 101, 105; *Marcell.* 33. See also *Att.* 90.4. *Sull.* 90–92 is an unclear example, as Cicero speaks about the tears of Sulla and Sulla's father as well as his own grief, which made him unable to continue his speech. The mention of tears at *Sull.* 90–91 makes it reasonable to assume that Cicero should be thought of as shedding tears at *Sull.* 92 even though this is not explicitly stated. For a different opinion, see Hall 2014, 121–122.

<sup>538</sup> *Quint. Inst.* 4.1.27–29, 6.1.51. Cf. *Auct. Ad Her.* 2.47.

<sup>539</sup> *Cic. Cael.* 60; Hall 2014, 119–121. See also the *pathos* (but no explicit tears) at *Mur.* 55.

<sup>540</sup> *Auct. Ad Her.* 2.50; *Cic. Inv. Rhet.* 1.109; *Part. Or.* 57; *Quint. Inst.* 6.1.27–29. The saying might have derived from Greek comedy as Kellogg 1907 argues, and was perhaps not a strong rhetorical principle, as held by Hall 2014, 126. However, the saying is borne out by Pliny the Younger's (*Ep.* 2.11, discussed below 133–134) own experiences.

<sup>541</sup> *Cic. Planc.* 76–77.

<sup>542</sup> *Cic. Mil.* 105; *Cael.* 60; *Planc.* 104.

<sup>543</sup> *Cic. De or.* 2.196.

emotions he wished to instill in the judge and that the emotions needed to be visually stamped or branded on the advocate to reduce a judge to tears of *misericordia* (*ut ad fletum misericordiamque deducatur*).<sup>544</sup> Antonius maintains that it was possible for an orator to experience and express such emotions because of what was at stake in judicial and political settings, not least the orator's reputation for *dignitas* and *fides*. Similarly, Quintilian argues that an orator must shed tears if he wanted the judges to shed tears. To this end, Quintilian recommended that an orator use his imagination to take on the roles associated with the emotions he wanted to instill in his audience.<sup>545</sup> According to my understanding, the shedding of tears in the Roman law court was correspondingly intense, abundant, and vivid. To sway emotions, persuade, and draw tears from the jury, the counsel needed to prove that he experienced the same emotions that he wanted to arouse, and intense weeping provided such testimony.

It was common practice that the defendant assumed the appearance and manner of mourning, *squalor*, in which the dress was sordid, dark, and dirty while the hair and beard were unkempt. *Squalor* was closely associated with tears, and chapter 3 discussed how Saturninus escaped conviction by donning *squalor* and weeping.<sup>546</sup> Earlier in this chapter, we encountered Aquilius in *squalor*, and Cicero's Antonius underlines the emotional effect created by Aquilius' dress between his former success and his present plight.<sup>547</sup> This fall from fortune effectively elicited *misericordia*, as will be further elaborated below. More unusual was the "offensive" use of *squalor* by the prosecuting side, who could wield it to protest and arouse ill will against alleged perpetrators.<sup>548</sup>

## Who Wept?

Who wept? This question concerns relationships and is related to why and for whom someone wept. Courtroom tears were typically shed to arouse *misericordia*. Moreover, as will be argued, *misericordia* was a relational emotion that Romans felt for someone they kept a certain distance from but whom they still could

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<sup>544</sup> Cic. *De or.* 2.189–192; Leeman, Pinkster & Rabbie, 1989, ad loc.; Wisse 1989, 258–260.

<sup>545</sup> Quint. *Inst.* 6.2.26–36, 11.3.61–65; Leigh 2004b, 137–140; Hall 2014, 151–152.

<sup>546</sup> See above 88.

<sup>547</sup> Cic. *De or.* 2.195; Fantham 2004, 35.

<sup>548</sup> On the offensive use of *squalor*, see Cic. *Ver.* 2.1.151–152; Sen. *Controv.* 10.1; Lintott 1968, 16–20; Dyck 2001, 120; Hall 2014, 54–58.



identify with, but not typically oneself.<sup>549</sup> Tears in the law court usually centered on a defendant who risked being convicted, which is why it was generally the defense who made use of tears. Accordingly, we frequently encounter the defendant's family and kin weeping,<sup>550</sup> but also the defendant himself as well as his advocate, and more seldom the prosecuting side.

Ser. Sulpicius Galba's successful defense of himself provides an illustrative case of the use of the family. Galba did not contest his guilt when his enemies tried to bring him to trial in 149 BC for misconduct as praetor in Hispania Ulterior. Galba faced animosity but escaped a legal trial thanks to a tearful appeal to the people.<sup>551</sup> In the *De oratore*, Cicero describes how Galba moved the crowd to *misericordia* and weeping as he entrusted the people to protect his children while he hoisted his popular young foster son Q. Gallus on his shoulders.<sup>552</sup> In the *Brutus*, Galba tearfully appealed to the *fides* of the Roman people, while the tears of his foster son and the memory of that boy's natural father aroused *misericordia*.<sup>553</sup> According to Valerius Maximus, a weeping Galba declared his readiness to accept punishment and commended his children to the protection of the people, who were moved to acquit out of *misericordia* instead of justice.<sup>554</sup> Cicero's Antonius quotes Cato the Elder as having said that Galba would have gotten what he deserved if not for "the boys and the tears" (*pueris et lacrimis*).<sup>555</sup> In this case, concern for the children proved more significant for the Roman people than the crime.<sup>556</sup>

The handbooks discuss the parading of children (who were prone to tears) in court.<sup>557</sup> In the *Orator*, Cicero with pride describes how he lifted an infant in his arms during a *peroratio* and how he at another occasion instructed a noble defendant to hold up his son so that he filled the Forum with wailings and lamentations (*ut...sublato etiam filio parvo plangore et lamentatione completemus*

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<sup>549</sup> *Auct. Ad Her.* 2.50; Konstan 2001, 63–74, 79.

<sup>550</sup> Cf. Sen. *Controv.* 9.6.12.

<sup>551</sup> Gruen 1968, 12–13; Alexander 1990, no. 1; Flaig 2003a, 118–120; de Libero 2009, 215–216; Hall 2014, 8–10.

<sup>552</sup> Cic. *De or.* 1.227–228; Leeman, Pinkster & Nelson 1985, ad loc.

<sup>553</sup> Cic. *Brut.* 89–90.

<sup>554</sup> Val. Max. 8.1.absol.2 (see also 8.7.1). On Valerius Maximus' reliance on Cicero, see Bloomer 1992, 144.

<sup>555</sup> Cic. *De or.* 1.228.

<sup>556</sup> Flaig 2003a, 118–120.

<sup>557</sup> *Auct. Ad Her.* 2.50; Cic. *Inv. Rhet.* 1.107, 109, and the following pair of notes.

forum).<sup>558</sup> Quintilian has quite a lot to say about children in the court and charmingly relates how a prosecutor asked a boy why he wept, to which the boy replied that his *paedagogus* had pinched him.<sup>559</sup>

Father and son weeping for each other was a regular occurrence in the Roman court.<sup>560</sup> The lachrymose closure of the *Pro Flacco* is illustrative: Cicero begged the judges not to increase the grief of the young son by the father's tears nor to increase the father's sorrow by the son's weeping. The son then looked tearfully at Cicero, who was reminded of his own duty toward the father and asked the judges to pity both father and son.<sup>561</sup> This closure is exemplary: father and son wept for each other's sake, and not for their own, while Cicero, as counsel, tried to arouse *misericordia* by articulating the unjust consequences in the event of a conviction. In the *In Verrem*, Cicero describes a Sicilian father and a son weeping (in vain) for each other's sake, as they experienced Verres' maladministration.<sup>562</sup> Quintilian indicates the emotional impression of such performances when he asks if the image Cicero conjures up of father and son weeping for each other's sake did not move a reader to tears and anger.<sup>563</sup>

It was not only fathers and sons who wept in the courtroom.<sup>564</sup> In the *Pro Fonteio*, Cicero alludes to the tears of the defendant's sister, whom he paraded before the court together with her mother. Fonteius himself wept at the sight of his family members.<sup>565</sup> In the *Pro Marcello*, C. Marcellus fell at Caesar's feet, and shed tears for his exiled *frater* (cousin or brother) M. Marcellus. This while all other senators approached Caesar and begged and shed tears (*precibus et lacrimis*) on behalf of

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<sup>558</sup> Cic. *Orat.* 131.

<sup>559</sup> Quint. *Inst.* 6.1.41 (see also 4.1.28, 6.1.24, 6.1.30–31, 6.1.33–34, 6.1.41–42, 6.1.46–48, 11.3.173–174).

<sup>560</sup> Cic. *Flac.* 106. At *Sest.* 146, Cicero claims that Sestius' son's tears declared his *pietas* (*his lacrimis, qua sit pietate, declarat*). At *Cael.* 4, the father is in *squalor* but not explicitly described as in tears like the mother. See also *Cael.* 79–80, for father and son pleading for each other. *Sull.* 90–92 describes what perhaps is best characterized as a tearful atmosphere involving father and son (see above 116). On the effectiveness of a father's tears, see Sen. *Controv.* 7.7.7, 7.7.16–17, where such tears are said to be more effective than ambassadors for ransoming a son held captive.

<sup>561</sup> Cic. *Flac.* 106. Hall 2014, 84–85, argues that Flaccus refused to make emotional appeals in the court, but Cicero's reference to Flaccus' sorrow and tears might suggest otherwise.

<sup>562</sup> Cic. *Verr.* 2.1.76. Cf. 2.5.108–109.

<sup>563</sup> Quint. *Inst.* 4.2.114.

<sup>564</sup> For references to relatives in the law court in Quintilian, see Bablitz 2007, 236, n. 24. See also Aldrete 1999, 29–30.

<sup>565</sup> Cic. *Font.* 46–48.

M. Marcellus.<sup>566</sup> In the *Pro Caelio*, the defendant's mother shed tears that expressed a remarkable grief (*lacrimae matris incredibilisque maeror*) while the father was in *squalor*.<sup>567</sup> In the *Pro Ligario*, Cicero appealed to Caesar by alluding to Ligarius' brothers' tears, as well as an uncle's tears and *squalor*.<sup>568</sup> In the *Pro Scauro*, Scaurus' half-brother, Faustus Sulla, shed tears as he humbly spoke and moved the audience no less than what Scaurus himself had done (*is in laudatione multa humiliter et cum lacrimis locutus non minus audientes permovit quam Scaurus ipse permoverat*).<sup>569</sup> In the *Pro Cluentio*, Cicero refers to the tears of the defendant's townspeople as they gave evidence.<sup>570</sup> And finally, in the *In Verrem*, Cicero makes a reference to Sicilians who testified against Verres with tears, among them a mother and a grandmother to a dispossessed youngster.<sup>571</sup>

The parading of weeping relatives was so frequent that it could be parodied. Juvenal could write about a certain Basilus producing a weeping mother in the court (*quando licet Basilo fletem producere matrem*).<sup>572</sup> Commenting on the line, Leanne Bablitz points out that Juvenal might not only play on the frequency of weeping mothers in the Roman court, but also their sincerity—"produced" mothers are not necessarily understood as shedding heartfelt tears. Bablitz furthermore argues that the use of family and kin appealed to the significance of the family unit in Roman culture and that the prevalence of fathers and sons is arguably a reflection of the significance that Romans put on agnatic kinship relationships.<sup>573</sup> Consequently, I argue that the parading of weeping family members appealed to both *fides* and *pietas* as it made evident the pitiable consequences for the family in the case of an unfavorable decision. Moreover, I will later argue that as we are concerned with the elite, an appeal to the family played on concerns for the *res publica*, whose well-being depended on her prominent *gentes*.

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<sup>566</sup> Cic. *Marcell.* 10, 33; *Fam.* 203.3; Gotoff 2002, 224–225; Hall 2014, 93–94. Gotoff 1993, ad 10, points out the ambiguity created by *frater* potentially meaning both brother and first cousin and that M. Marcellus had both a brother C. Marcellus (*cos.* 49) and cousin C. Marcellus (*cos.* 50).

<sup>567</sup> Cic. *Cael.* 4.

<sup>568</sup> Cic. *Lig.* 32.

<sup>569</sup> Asc. *Scaur.* 28; Hall 2014, 132–133.

<sup>570</sup> Cic. *Clu.* 197.

<sup>571</sup> Cic. *Verr.* 2.1.93–94. Cf. Sen. *Controv.* 9.6, where a sister is weeping for her brother.

<sup>572</sup> Juv. 7.146.

<sup>573</sup> Bablitz 2007, 123–124.

The defendant could weep as well. Galba wept, as did Cluentius when he beseeched (*flens obsecrat*) the jury, while Fonteius shed tears, as mentioned, at the sight of his family.<sup>574</sup> The defendant in the *Pro Murena* donned *squalor* and was worn out by tears as he supplicated the judges for *misericordia* and *fides*.<sup>575</sup> Cicero also mentions the defendant's tears in the *Pro Flacco*.<sup>576</sup> Scaurus greatly moved the judges by *squalor* and tears (*magnopere iudices movit et squalore et lacrimis*), invoking his popularity, the games he gave as aedile, and the memory of his father.<sup>577</sup> However, sometimes it might have seemed inappropriate for a defendant to shed tears in court, for example when confronted with an absurd or groundless accusation. Another reason could be an unwillingness to humble oneself.<sup>578</sup> It is important to remember that *misericordia* was an emotion felt because of another's pain or plight, as will be argued below. It was more impressive if someone else wept for one's sake, or one wept for another's, rather than one wept for oneself, as we will see below.

The advocate could plead with his tears. Such tears were likely to be crucial if the defense wanted to make an emotional appeal even when family and friends of the client were unavailable.<sup>579</sup> Earlier we saw how Cicero and Quintilian paid attention to the many tears that the advocate should shed. We encountered the plentiful tears that Cicero shed in the *Pro Plancio* and the *Pro Milone*, and Antonius' tearful defense of Aquilius. Furthermore, in the lachrymose *peroratio* of the *Pro Sulla*, Cicero was so overcome with grief (*dolore animi*) that he interrupted his speech.<sup>580</sup> In the *Pro Caelio*, Cicero's weeping undermined his voice (*vocem meam fletu debilitavit*).<sup>581</sup> In the *Pro Rabirio Postumo*, Cicero claims that he repaid the tears that Rabirius had shed for him at the time of his exile, then comments

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<sup>574</sup> Cic. *Chu.* 201; *Font.* 48.

<sup>575</sup> Cic. *Mur.* 86–87.

<sup>576</sup> Cic. *Flac.* 106.

<sup>577</sup> Asc. *Scaur.* 20; Hall 2014, 132–133.

<sup>578</sup> Narducci 2002a, 407; Hall 2014, chap. 3, argue that aristocratic pride was a reason some defendants refused to beg in court. There is truth to this, but the refusal might at times have had more to do with how the defense wanted to portray the accusation as absurd, as in the *Pro Caelio* and *Pro Milone*. However, see Livy 2.61.5; Suet. *Tib.* 2, on the aristocratic pride of the gens Claudia, who refused to assume *squalor* and beg for mercy even when facing capital charges before the people. On Rutilius' refusal, see above 112–113.

<sup>579</sup> A point made by Hall 2014, chap. 4.

<sup>580</sup> Cic. *Sull.* 90–92.

<sup>581</sup> Cic. *Cael.* 60; Hall 2014, 119–121. Cf. Cass. Dio 8.36.5, on how the father of Q. Fabius Maximus Rullianus (Rullus) was unable to talk because of his tears when closing his speech in defense of his son.

on the weeping of many in the audience, before finally, grief weakened and choked his voice (*me dolor debilitat intercluditque vocem*).<sup>582</sup>

Jon Hall has drawn attention to the fact that when Cicero wept for a client, he did so as he argued the strength of the relationship between him and his client and of the services the client had rendered him.<sup>583</sup> The importance of relationships is why Cicero could call Milo a father to Cicero's children in the *peroratio* of the *Pro Milone*.<sup>584</sup> Cicero defended his tears in the *Pro Plancio* by arguing the strength of his relationship to the client,<sup>585</sup> while he styled himself as a lenient father to the defendant in the *Pro Caelio*.<sup>586</sup> Likewise, when Aquilius was on trial, it was Marius, his colleague in the consulship, and Antonius, himself an ally of Aquilius and Marius, who wept.<sup>587</sup> An advocate could thus shed tears when he aroused *miser cordia*, not only for his client but also, in a way, for himself, because he might be unable to render the *fides* and *pietas* he owed his client.

We can see Cicero himself attacking emotional insincerity by questioning a relationship on the opposing side in the *Pro Rabirio perduellionis reo*.<sup>588</sup> T. Labienus prosecuted Cicero's client Rabirius for the murder of L. Appuleius Saturninus and Labienus' uncle, who had been a supporter of Saturninus. The killings had taken place some 37 years earlier, and Labienus had never seen this uncle, yet somehow he mourned him more than C. Gracchus mourned his brother, Cicero notes satirically.<sup>589</sup> By questioning the strength of Labienus' relationship to his uncle, Cicero dismisses his grief as excessive and affected for political reasons. In effect, Cicero makes clear that it was a politically incited prosecution that had nothing to do with *pietas* and *fides*.

For a modern reader, it might seem strange that considerations for the welfare of fellow members of the elite proved more important than right and wrong and justice in a particular case.<sup>590</sup> To understand why it was so, I argue that we must observe that the orator often appealed to the significance of both his client and

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<sup>582</sup> Cic. *Rab. Post.* 47–48.

<sup>583</sup> Hall 2014, chap. 4.

<sup>584</sup> Cic. *Mil.* 99–104.

<sup>585</sup> Cic. *Planc.* 76–77, 98–104. On Cicero's argument of *ethos* and a relationship between himself and Plancius, see also May 1988, 116–126; Riggsby 2002, 178; Hall 2014, 109–116.

<sup>586</sup> Kennedy 1968a, 432–433; May 1988, 105–116; 1995.

<sup>587</sup> Cic. *De or.* 2.196; Hall 2014, 107.

<sup>588</sup> As argued by Brooke 2011, 101. The case is also discussed above 100–101 and below 123–124.

<sup>589</sup> Cic. *Rab. Perd.* 14.

<sup>590</sup> Cf. Leigh 2004b, 140.

himself for the *res publica*.<sup>591</sup> The preservation of the client was important for the orator who styled himself a patron. At the same time, the advocate could claim to himself be a client of the *res publica*.<sup>592</sup> This line of argument allowed the orator to use his own *auctoritas* as something that worked for the *res publica*, whose well-being was in turn constructed as being on trial alongside the client and the orator. The orator, his client, and the *res publica* were thus conflated. This conflation was helped by the rhetoric of advocacy, that is, that the advocate spoke on behalf of his client in the Roman court (in contrast to the Attic court, where the defendant typically spoke for himself).<sup>593</sup> Cicero uses this strategy repeatedly in the speeches he delivered after his return from exile.<sup>594</sup> Galba's display of his family arguably appealed to the importance of the reproduction of elite families for the *res publica*. Indeed, the significance of elite families, the *gentes*, for the reproduction of the *res publica* goes some way to explain the parading of family and kin in the courtroom. Thus, the advocate (and if he was successful, also his audience) might weep because of the importance of members of a political class that identified itself with the *res publica*. Moreover, to shed tears for the *res publica*, as Cicero claimed to do on more than one occasion,<sup>595</sup> was not merely appropriate, but statesmanlike.

The interest of the *res publica* was often close at hand in cases that involved the political elite. Andrew Riggsby has made clear that the criminal courts were set up to protect the *res publica* from crime, which is why an appeal to the good of the *res publica* often was appropriate in courts that dealt with cases of political or state interest.<sup>596</sup>

Eleanor Brooke has shown that Cicero in the *Pro Rabirio perduellionis reo* constructs his defense so that the senatorial leadership of 100 BC, who was responsible for the death of L. Appuleius Saturninus, was on trial together with

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<sup>591</sup> This is a common appeal, see Leon 1935, 37, n. 58; May 1981; 1988; Steel 2013a. The *Pro Milone* is an illustrative example of this tactic, see Dyck 1998; Riggsby 1999a, 105–112; Melchior 2008, 286–287; Tzounakas 2009, 130, 134. See also Stem 2006, on the *Pro Murena* where Cicero argues that the *res publica* needed the defendant's military ability because of the threat posed by Catiline.

<sup>592</sup> May 1981; 1988, chap. 4–5. Cf. Stem 2006, 214, on how Cicero justifies his defense (as a consul) of Murena (who was consul elect). Melchior 2008 argues that Cicero in the *Pro Milone* conflates himself with Milo, so that they became like twins in a one-to-one relationship rather than a hierarchical patron-client relationship.

<sup>593</sup> On the rhetoric of advocacy, see Kennedy 1968a; May 1979; 1981; 1988; 2001; 2002, 52–53.

<sup>594</sup> On Cicero's conflation of himself and the *res publica* after his return from exile, see May 1988, chap. 4; Dyck 1998, 240–241; Kaster 2009; Hodgson 2017, 141–154.

<sup>595</sup> Cic. *Sull.* 146–147; *Flac.* 104–106; *Cael.* 59–60, 80; *Marc.* 10–13, 33–34. See also *Planc.* 94.

<sup>596</sup> Riggsby 1999a (esp. 157–158); 2002, 189–193. Cf. Steel 2013a, 163.

Rabirius.<sup>597</sup> Consequently, Cicero assumes the role as heir to both the defendant and these *maiores*, so that the preservation of their memory becomes a personal issue for Cicero, as well as a matter on which hinged the well-being of the *res publica*. This line of reasoning is apparent when Antonius invoked the *res publica* when he argued the benefits that Aquilius had bestowed upon it as a general, earning an *ovatio*, and then made an appeal to the common interests of generals, as well as to good citizens and allies.<sup>598</sup> This reading—that the appeal to the *res publica* is the main thrust of Antonius’ argument—is supported by Cicero in the *In Verrem* when he tries to preempt an argument by Verres’ advocate Hortensius. Cicero warned the court that Hortensius would try to sidestep the question of guilt and argue that Verres, like Antonius earlier had defended Aquilius (Cicero mentions the case explicitly), was a great general who had served, and would continue serve, the *res publica* well in times of need.<sup>599</sup>

Appeals to the well-being of the *res publica* subordinated the issue of guilt in the particular case to that of a greater good, the welfare of the *res publica*.<sup>600</sup> In a sense, this line of reasoning was framed like one made in deliberative oratory, which considered advantage and self-interest from a forward-looking and strategic perspective, compared to forensic oratory’s concern with justice and with right and wrong in the past.<sup>601</sup> Examples of this kind of argument include when Cicero contends that the killing of Clodius was in the interest of the *res publica*,<sup>602</sup> that Galba’s children should not suffer despite their father’s guilt, and Cicero’s plea that the jury should preserve the defendant in the *Pro Plancio*.<sup>603</sup> Such arguments appealed to the jury’s self-interest, since their interests ought to be aligned with that of the *res publica*.

Even if it was most often the defense that made use tears, the prosecuting side could make use of weeping to arouse anger and hatred toward the defendant.<sup>604</sup>

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<sup>597</sup> Brooke 2011. See also Badian 1984, 126. On the *Pro Rabirio perduellionis reo*, see also above 100–101, 122.

<sup>598</sup> Cic. *De or.* 2.195–196.

<sup>599</sup> Cic. *Verr.* 2.5.3–4.

<sup>600</sup> Cf. Cic. *De or.* 3.120–121; *Orat.* 45–46; Quint. *Inst.* 3.5.14–15.

<sup>601</sup> On the “emotional” differences between forensic and deliberative oratory in Classical Athens, see Konstan 2001, 82; 2005a; 2006, 210; Sanders 2016b.

<sup>602</sup> Cic. *Mil.* 72–91. On the appeal to the good of the *res publica*, which Cicero calls *pars extra causam* in the *Pro Milone*, see May 1979; 1981; 1988, 135–139; 2001; Dyck 1998; Riggsby 1999a, 105–112; Fotheringham 2007; Wisse 2007; Melchior 2008; Tzounakas 2009.

<sup>603</sup> Steel 2013a, 169.

<sup>604</sup> Cf. Quint. *Inst.* 6.1.9, 6.1.18–20.

We have already seen how Fulvia and Sempronia wept and moved the spectators against Milo.<sup>605</sup> In the *Controversiae*, one lachrymose case involves a man taken to court for stalking the murderer of his son in *squalor* and tears.<sup>606</sup> He was taken to court because his use of *squalor* damaged the reputation of the murder (the stalker lacked the means to take the perpetrator to court). In the *In Verrem*, Cicero refers to the tears of Sicilians who had suffered during Verres' tenure on the island.<sup>607</sup> Another instance, which we will revisit below, involves a young M. Claudius Marcellus (*cos.* 196), who wept before the Senate when he successfully accused Capitolinus.<sup>608</sup>

Regardless of whether they were shed by the defense or the prosecution, tears were meant to arouse the jury's emotions and ideally to make them cry. Cicero managed to move the jury to tears in a number of cases.<sup>609</sup> The manuals likewise indicate that the jury's emotional reactions revealed their emotions and sentiments and hence their verdict. In his *Brutus*, Cicero writes that the great orator could make the spectators weep, whose verdict would be the same as the judges'.<sup>610</sup> Quintilian held that what was most important for the defense was the appeal for *misericordia*, which not only moved the judge but obliged him to reveal his feelings with his tears (*plurimum tamen valet miseratio, quae iudicem non flecti tantum cogit, sed motum quoque animi sui lacrimis confiteri*).<sup>611</sup> For Quintilian, the verdict was obvious when the judges burst into tears (*fletus erupit*).<sup>612</sup> The audience's tears signaled oratorical success and the skill of an orator in the court. A reader of Cicero's speeches or a similar text understood how powerful an orator was when he managed to draw tears from audiences. I contend, however, that the description of such tears would be hyperbole if judges did not in fact shed tears in court.

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<sup>605</sup> Asc. *Mil.* 40.

<sup>606</sup> Sen. *Controv.* 10.1.

<sup>607</sup> Cic. *Verr.* 2.1.93–94, 2.3.74, 2.5.109–110.

<sup>608</sup> Plut. *Marc.* 2.

<sup>609</sup> Cic. *Verr.* 2.5.172; *Planc.* 99–104; *Rab. Post.* 47–48; *Mil.* 92; *Att.* 90.4; *Orat.* 131.

<sup>610</sup> Cic. *Brut.* 188. See also *De or.* 2.188–196; *Brut.* 290, and above 113–114 for tears as audience response.

<sup>611</sup> Quint. *Inst.* 6.1.23–28. Cf. Hagen 2017, 73–74.

<sup>612</sup> Quint. *Inst.* 6.2.7.



# Tears and *misericordia*

## Definition

Up to this point, the focus has been on “form,” but if we are to account for the significance of tears in the Roman law court, we need to move further beyond the observation that tears were acceptable (and thus shed) and address their emotional content in greater detail. Together with anger, *misericordia* was the most significant emotion in the Roman law court. Tears induce *misericordia*, *misericordia* arouses tears, and tears can express *misericordia*. The relationship between tears and *misericordia* is dynamic and intertwined.<sup>613</sup> *Misericordia* is best translated with “pity,” but the ancient variety differs from “modern” pity.<sup>614</sup> *Misericordia* was culturally specific and has a “cultural logic” that warrants some consideration. This endeavor provides an understanding both to why tears were so significant in the Roman law court and to what was deemed worthy of tears. Furthermore, an understanding of *misericordia* illustrates the importance of emotions in oratory more generally.

In defining pity, the following draws on David Konstan’s work on pity from an Aristotelian understanding of the emotions.<sup>615</sup> Aristotle defines *misericordia* as a kind of pain that is felt for the apparent undeserved pain of someone who seems near.<sup>616</sup> The notion of proximity means that one prerequisite for the emotion was a certain degree of social closeness and distance between the pitier and the pitied.<sup>617</sup> One ought to be able to identify with and be similar to the pitied. At the same time, some distance was needed since too great an intimacy made it impossible to experience *misericordia*, given that the pain is felt for oneself in such cases, and one typically did not experience *misericordia* for oneself.

The most important prerequisite for *misericordia* was that the pain suffered by the pitied should be undeserved.<sup>618</sup> This prerequisite gives *misericordia* its cognitive

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<sup>613</sup> Pelling 2005, 286–287; Sternberg 2005b, 31–36.

<sup>614</sup> On the differences between modern and ancient pity, see Konstan 2001; 2006, chap. 10.

<sup>615</sup> Konstan 2001; 2005a, 51–52; 2006, chap. 10. The Greek terms for pity are ἔλεος and οἶκτος. The small semantic difference between the Greek terms might easily escape us, see Konstan 2001, 53–54; Sternberg 2005b, 22–24.

<sup>616</sup> Arist. *Rh.* 2.8. A similar definition is given at [Arist.] *Rh. Al.* 34.4–6, roughly contemporary with Aristotle, see Konstan 2006, 204–205.

<sup>617</sup> These distinctions are made explicit at Arist. *Rh.* 2.8.2–6; Konstan 2001, 60–72.

<sup>618</sup> Konstan 2001, *passim*.

character, a trait that it shares with ancient emotions in general according to an Aristotelian understanding of the emotions. “Cognitive” here means that rational assessments are made before an emotion is experienced and that the process of cognition is scripted so that several conditions must be fulfilled for an emotion to be experienced. To give one example, a sensory perception (of seeing someone suffer) is followed in turn by evaluation (is this suffering undeserved according to the present circumstances and prevailing norms and values?), the experience of emotion (*misericordia*), the appropriate expression of this emotion (tears), and finally action (voting for acquittal). As is evident, reason and emotion cannot be easily separated in an Aristotelian understanding of the emotions.<sup>619</sup> Reasoned assessments of circumstances and beliefs precede the expression of an emotion, which is why an emotion can be understood as an expression of reason.<sup>620</sup>

## The Validity of the Aristotelian Conception

Is an Aristotelian understanding of *misericordia* valid for the Graeco-Roman antiquity as a whole? Or at least until Christianity, when we can assume change occurred?<sup>621</sup> Konstan is affirmative and has demonstrated that a cognitive conception of *misericordia* is present across literary genres.<sup>622</sup> But is it not to be expected that an emotion varies between cultures and between individuals? Indeed, Konstan contends that in addition to the Aristotelian notion there existed a less theoretical understanding of pity as an unmediated response to suffering that did not consider whether the pitied deserved to suffer.<sup>623</sup> Konstan is of the opinion that these two conceptions coexisted in antiquity and that we may separate them for analytical purposes (as done here). Konstan’s reading can be further nuanced by the studies of Rachel Sternberg and Christopher Pelling, who

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<sup>619</sup> Cf. Arena 2013.

<sup>620</sup> The cognitive understanding of the emotions has formed the basis for recent scholarship on the emotional life of the ancients, with Kaster 2005 as an excellent example in the Roman context. The work of Konstan 2001; 2006, on Greek emotions based on Aristotle, paved the way for a cognitive understanding of ancient emotions more generally. The Aristotelian position, in a sense coupling emotion with reason, can, if we simplify matters, be contrasted with that of Plato, who instead saw emotion and reason as separate and conflicting entities. For a discussion of the differences between Plato and Aristotle in the context of tears, see Baumgarten 2009, while Fortenbaugh 2003 [1975], chap. 1, discusses the differences between the two philosophers in the context of emotions in general. Cairns 2017b, 8–11, has recently reviewed the impact of a cognitive understanding for the scholarship on ancient emotions.

<sup>621</sup> Konstan 2001, 105–106, 120–124, 127; Sternberg 2005b, 43–44, n. 8.

<sup>622</sup> Konstan 2001, *passim*.

<sup>623</sup> Konstan 2001, 48.

have shown that the importance of the prerequisites of merit and distance vary between authors.<sup>624</sup>

Despite variations and inconsistencies in how different authors conceptualized emotions like *misericordia*, the Aristotelian understanding captures essential characteristics of the emotion for our understanding of tears in Rome.<sup>625</sup> Scholarship has established that Cicero writes in an Aristotelian-Peripatetic tradition in the *De oratore*.<sup>626</sup> Cicero's interlocutor Antonius claims that it was another's misfortune—a misfortune that the pitier either had or could have experienced himself—that aroused *misericordia*. Furthermore, Antonius considers the grief at the tragic fall of a virtuous man as particularly conducive of *misericordia*.<sup>627</sup> Similarly, in the *Tusculanae disputationes*, Cicero understands *misericordia* as the distress that arises from a neighbor's undeserved harm since no one is moved to *misericordia* for the punishment of a murder or a traitor.<sup>628</sup> Also, Seneca and the Stoics subscribe to a cognitive understanding of *misericordia* (and other emotions) but go one step further than Aristotle by asserting that also the identification of the cause of the emotion, that is, the stimuli, and not only the assessment of merit, involved voluntary acts by reason.<sup>629</sup> To experience an emotion was an act of will for a Stoic, an act that could be controlled by the wise man.

In the *Ad Herennium*, the treatment of appeals to *misericordia* as part of the *peroratio* pithily brings together several aspects of the emotion and relates it to tears.<sup>630</sup> This manual recommends that an orator should arouse *misericordia* in audiences by recalling the fickleness of fortune and that a fall should be contrasted with former prosperity. The advocate should emphasize the pitiable consequences for the defendant's family and kin were he to lose the case. One should grieve for others, not for oneself, because self-pity was unbecoming. The orator should

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<sup>624</sup> Pelling 2005; Sternberg 2005b.

<sup>625</sup> Cf. Sternberg 2005b, 22, regarding Aristotle and Greek pity.

<sup>626</sup> On Cicero's Aristotelian influences, see Fortenbaugh 1988; 1989; 2003 [1975]; Wisse 1989; 2002a, 354–364; Fantham 2004; Arena 2013. For the present concern, it does not matter whether Cicero had direct access to Aristotle's works or if he had access to derivatives thereof.

<sup>627</sup> Cic. *De or.* 2.211. Cf. *Inv. Rhet.* 1.106–1.109. The importance of virtue for arousing *misericordia* is particular to Cicero, while his remarks about the audience's fear and past experience represent a development compared to Aristotle, according to Wisse 1989, 292–294.

<sup>628</sup> Cic. *Tusc.* 4.18; Graver 2002, ad loc.

<sup>629</sup> On Stoic emotions in general, see Graver 2007, on Senecan emotions, see Manning 1974; Konstan 2015; 2017. Sen. *De ira* 2.1.1–4 uses a “script” with preconditions for *ira* to be felt. On Seneca's attitudes toward pity, see below 131–133.

<sup>630</sup> *Auct. Ad Her.* 2.50.

demonstrate the good character of the pitied since the fall of a good man was particularly conducive to elicit *misericordia*. Finally, the *Ad Herennium* conflates *misericordia* with tears as it urges that the appeal for *misericordia* should be brief because tears dry quickly.

Some two centuries later Quintilian would similarly underscore the effect of contrasting former prosperity with present or future suffering and claim that the appeal to *misericordia* was the weightiest move an orator could make since it forced the judges to reveal their verdict with their tears.<sup>631</sup>

### Tears, *misericordia*, and Consensus

A successful orator persuaded the judges and made them feel, think, and act like he wanted. Tears and *misericordia* were both means and an end, intended to affect the judge's mind. Tears presupposed a judgment of whether *misericordia* was merited and thus implied that the judges acted in favor of the orator. This reasoning is evident in how Cicero interprets the tears the court shed in the *Pro Plancio*, as he argues that they ought to acquit Plancius because they wept as they had done when they earlier had favored Cicero.<sup>632</sup>

When an orator and his audience expressed the same emotion, we can talk about an emotional consensus that amounted to an “ad hoc emotional community” in Angelos Chaniotis' adaptation of Barbara Rosenwein's concept.<sup>633</sup> The orator appealed to Roman values and virtues. For example, the parading of children and fathers appealed to *pietas*, *fides*, and the importance of the family unit to the *res publica*. On the other side of the coin, opponents could be branded as deviant outcasts, as were the targets of Cicero's invective.<sup>634</sup> They were cast outside the consensus expressed by emotional displays. This exclusion was signaled by their failure to express the same emotions as right-thinking Romans. Instead, they prohibited emotional displays or tried to injure a defendant who was portrayed as an invaluable asset to the *res publica*.

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<sup>631</sup> Quint. *Inst.* 6.1.23–26.

<sup>632</sup> Cic. *Planc.* 99–104. Discussed above 111–112.

<sup>633</sup> See above 84 and below 171. Sanders 2012b, 362–363, understands the jurors in the Attic courtroom as constituting an emotional community.

<sup>634</sup> Hammar 2013.

Anthony Corbeill has demonstrated that laughter functioned in a similar way as tears in the Roman court.<sup>635</sup> The orator attempted to incite the audience's laughter against his opponent to define him as a deviant, while laughter thus also articulated and enforced social norms. In effect, an orator created an "ad hoc emotional community" (Corbeill does not use the term) that joined the orator and his audience by laughter. I argue that tears could function analogously and express consensus through emotional displays that included jurors by alluding to and reinforcing sanctioned norms and values, while opponents were excluded as immoral deviants.<sup>636</sup>

### Tearful Appeals to *misericordia* Criticized

Tearful appeals to *misericordia* could be controversial. It was troubling if *misericordia* was aroused for someone who did deserve to suffer and who by appeal to *misericordia* escaped justice. David Konstan has argued that there was a growing unease with appeals to *misericordia* from the Classical Greek period onward that is reflected in the rhetorical handbooks.<sup>637</sup> I will not chart such developments in great detail, but some of this unease and criticism will be accounted for since it has implications for attitudes toward tears.

Galba's successful defense provides a locus for criticism against misdirected pity. Valerius Maximus is explicit when he states that the Roman people judged too leniently when it let *misericordia* for Galba's children govern their decision to acquit.<sup>638</sup> Cicero's Antonius in the *De oratore* quotes Cato the Elder as saying that Galba would have gotten what he deserved if not for the "boys and the tears," and that P. Rutilius Rufus considered Galba's theatrical antics degrading.<sup>639</sup>

We encountered this Rutilius above when he was condemned because of his refusal to make an emotional appeal, seemingly out of Stoic principle.<sup>640</sup> Indeed,

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<sup>635</sup> Corbeill 1996. On exclusion and inclusion with laughter, see also Beard 2014, chap. 5. On deviance in Roman oratory, see Hammar 2013.

<sup>636</sup> I argue that tears were more including, while laughter were more excluding, since an orator with tears aimed at getting others to weep with him, while he tried to target and exclude opponents with laughter.

<sup>637</sup> Konstan 2001, 47–48.

<sup>638</sup> Val. Max. 8.1.absol.2.

<sup>639</sup> Cic. *De or.* 1.227–228.

<sup>640</sup> Dyck 1998, 227–233; Tzounakas 2009, 130–138, argue that Cicero represents Milo as a Stoic hero in the *Pro Milone*, while Hall 2014, 90, argues otherwise. That Milo's refusal was not out of philosophic principle is suggested by that he might have dressed in *squalor* for no less than

criticism against emotional strategies predictably came from philosophic quarters. Quintilian identifies two philosophical schools that criticized emotional displays in the law court: Peripatetics could think it morally wrong that emotions distracted the judge from truth and that it was unbecoming for a man to use the emotions as a strategy, while Stoics disagreed with the use of emotions like *miser cordia* because they considered every disturbance of the mind a weakness.<sup>641</sup> I will discuss some of this Stoic criticism of *miser cordia* because of its influence, not least by way of Cicero and Seneca. Throughout this discussion it should nevertheless be kept in mind, as Quintilian argues, that even philosophers would admit that emotional appeals were necessary if truth, justice, and the common good could not be secured by any other means.<sup>642</sup>

Cicero is critical of *miser cordia* in his stoically influenced *Tusculanae disputationes* and argues that *miser cordia* was at best unnecessary and should not bother the wise man.<sup>643</sup> This stance directly contradicts Cicero's position in his rhetorical and oratorical works. Jakob Wisse reconciles the *Tusculanae disputationes* with the permissive attitudes of Cicero's rhetorical works by arguing that Cicero was not addressing the wise man in the latter but the practical man, who would make use of emotions to win cases.<sup>644</sup> Indeed, *miser cordia* is at times close to being a virtue for Cicero, especially so in the Caesarean speeches (*Pro Marcello*, *Pro Ligario*, and *Pro rege Deiotaro*) where *miser cordia* is conflated with *clementia*.<sup>645</sup> It is likewise telling how Cicero in the *Pro Murena* argues for *miser cordia* to be shown for the defendant against the heartless rigidity of the Stoic Cato the Younger.<sup>646</sup> Similarly, in the *De clementia*, Seneca felt necessitated to defend the Stoic school

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two months when he was accused by Clodius in 56 BC, see Cic. *Sest.* 95, 144; *Vat.* 40–41; *QFr.* 7.1–2, 10.4; Cass. Dio 39.18–19; Alexander 1990, no. 266; Dyck 2000, 120; Hall 2014, 52, 60, 71–72 (who also notes that Milo dressed in *squalor* in support of M. Aemilius Scaurus in 54 BC, see Asc. *Scaur.* 28; Alexander 1990, no. 295).

<sup>641</sup> Quint. *Inst.* 5.pref.1, 6.1 (see also 2.17.26). On Stoic criticism against *miser cordia*, see below and Wisse 1989, 266–269; Konstan 2001, 6, 48, 113, 121–122; 2015, 179–181.

<sup>642</sup> Quint. *Inst.* 6.1.7 (see also 5.pref.1–3); Leigh 2004b, 125–134.

<sup>643</sup> Cic. *Tusc.* 3.20–21, 4.16, 4.18, 4.32, 4.46, 4.55–57; Graver 2002, ad loc.

<sup>644</sup> Wisse 1989, 266–269, argues that Cicero in the *Tusculanae Disputationes* criticizes the Peripatetics who Cicero at *Tusc.* 4.43 claims used and simulated emotions. Cf. Narducci 1995; 1997, chap. 7; Leigh 2004b, 131; Graver 2017, 199.

<sup>645</sup> Weinstock 1971, 233–240; Yavetz 1983, 174–175; May 1988, 140–148; Konstan 2001, 98–99; 2005b; Griffin 2003, 159–163; Braund 2009, 35–36; 2012, 100–103. On the Caesarian orations in general, see Gotoff 1993; 2002. On the *Pro Marcello*, see also Dugan 2013.

<sup>646</sup> Cic. *Mur.* 58–67, 74–77; May 1988, 6, 59–60, 64–67; Wisse 2002a, 331–332; Stem 2006; Graver 2017, 197–199.

against criticism that it was harsh and prohibited a ruler to experience and to act out of *misericordia*.<sup>647</sup>

Seneca's *De clementia* further illustrates the complexities of attitudes toward *misericordia* and tears from a philosophical perspective. In the second book of this work, Seneca sharply disagrees with *misericordia* and compares it unfavorably with *clementia*.<sup>648</sup> Seneca voices a similar criticism in the *De ira*, where he includes *misericordia* among the minor vices (*vitia leniora*) associated with milder persons.<sup>649</sup> Both the *De clementia* and the *De ira* represent a Stoic position whose overall argument is that one's reason should not be disturbed by emotions. Accordingly, Seneca argues that *misericordia* was a failure of a weak mind that was too easily perturbed by others' suffering and was induced to irrational actions.<sup>650</sup> It was natural for Romans who were influenced by Stoicism, such as Seneca and Rutilius, to read *misericordia* and tears in terms of self-control also in the context of justice. In the *De clementia*, Seneca associates the dangers of *misericordia* with tears as he writes that it was old and weak women who were moved by the tears (*lacrimis...moventur*) of the worst criminals and who would set them free if they could.<sup>651</sup> Seneca thus associates *misericordia* and tears with the cultural stereotype encountered in chapters 2 and 3, which relates tears with women and a lack of self-control. Instead, Seneca argues that one ought to bring relief to another's tears, but not add one's own (*succurret alienis lacrimis, non accedet*)—Seneca considered it a folly and a weakness to experience *misericordia* that was similar to that of lamenting loudly at a stranger's funeral.<sup>652</sup>

Seneca's definitions of *misericordia* and *clementia* in the *De clementia* are revealing: in his view, *misericordia* does not regard the cause but the condition of the pitied, that is, their suffering, while *clementia* is associated with reason as it regards the

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<sup>647</sup> Sen. *Clem.* 2.5.2; Konstan 2015, 180. Levene 1997, 128–129, has observed that *misericordia* in ancient historiography was positively perceived, while it was something negative in philosophy (mainly in Stoicism). Konstan 2001, 97, notes that Tacitus regarded *misericordia* with contempt, maybe because of his Stoicism.

<sup>648</sup> Sen. *Clem.* 2.3, 2.4.2–6.4.

<sup>649</sup> Sen. *De ira* 2.15.3. One can note that Seneca in the same work (2.3.2) claims that tears are not a sign of emotions or the mind but a disturbance of the body. On tears as a kind “pre-emotion” in Seneca, see Graver 2007, 76, 78, 89–91, 95–96, 101; 2009; Konstan 2017, 238–239.

<sup>650</sup> Sen. *Clem.* 2.4.2–6.4. On Seneca's treatment of *misericordia* and *clementia* in the *De clementia*, see Konstan 2001, 103–104; 2005b, 339; 2015, 179–181; Griffin 2003, 167–182; Dowling 2006, 195–209; Braund 2009, 30–44, 401–414; 2012, 103–106.

<sup>651</sup> Sen. *Clem.* 2.5.1.

<sup>652</sup> Sen. *Clem.* 2.6.2–4 thus gives voice to the requirement that there needed to be a social relationship for tears to be appropriate.

cause and whether the suffering was deserved.<sup>653</sup> Seneca is inconsistent when it comes to *miser cordia*, however, for he elsewhere in the same book explicitly defines *miser cordia* with the requirement that the suffering should be undeserved.<sup>654</sup> This would suggest that the *miser cordia* was not irrational, because it would require a judgment whether the suffering was deserved. To further add to the confusion, Seneca in book 1 of the *De clementia* advises *miser cordia* as part of a “policy” of *clementia* an emperor should adopt.<sup>655</sup> We could say that even though Seneca concedes that *miser cordia* involves judgment, he remains skeptical of the mind’s capacity to withstand the emotional impression and to act with moderation, which is why the emotion should be done away with completely.<sup>656</sup> At the very least, Seneca’s inconsistent treatment of *clementia* and *miser cordia* in the same work illustrates the challenges we face when we try to understand ancient emotions and their expressions “analytically.”

### The Limits of *miser cordia*

A letter of Pliny the Younger illustrates how two conceptions of *miser cordia*—one cognitive and considering whether the suffering was deserved, the other responding emotionally unmediated to pain without considering whether it was merited—could play out in one and the same episode.<sup>657</sup> Pliny recounts how he and Cornelius Tacitus (the historian) as prosecutors in the Senate faced a Catus Fronto, who, as an advocate skilled in moving his audience to tears, managed to fill the sails of his speech with the winds of *pathos* (*omniaque actionis suae vela vir movendarum lacrimarum peritissimus quodam velut vento miserationis implevit*). The oration was followed by arguments and clamors, but when the Senate had calmed down, it decided in favor of Pliny’s client. Pliny comments that experience

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<sup>653</sup> Sen. *Clem.* 2.5.1.

<sup>654</sup> Sen. *Clem.* 2.5.4.

<sup>655</sup> Sen. *Clem.* 1.1.4; Konstan, 2001, 103–104; Griffin 2003, 169–173. But see Braund 2009, 169–170, 400, who argues that Seneca maintains a difference between *clementia* and *miser cordia* in book 1 of the *De clementia*. Be that as it may, *miser cordia* is in book 1 something good, in book 2 something bad.

<sup>656</sup> A similar argument is made in Sen. *Ep.* 96.

<sup>657</sup> Pliny *Ep.* 2.11. On *miser cordia* in this episode, see Konstan 2001, 47–48.



shows that appeals to favor and *misericordia* first have a sharp and powerful effect, but which shortly thereafter is extinguished by reasoned assessments.<sup>658</sup>

The issue of guilt in relation to *misericordia* and *clementia* is not straightforward. David Konstan, albeit mainly in the context of Greek oratory, has argued that appeals to *misericordia* did not necessarily deflect the issue from justice, since such performances made clear the consequences of a conviction for the judges, who needed to be sure that they did not condemn an innocent person. Konstan points out that the pitied did not necessarily ask for mercy (*clemential/deprecatio*) since this implied guilt, something not inherent in a plea for *misericordia*.<sup>659</sup> Even so, an appeal for *misericordia* might obscure the issue of guilt, as Konstan also acknowledges.<sup>660</sup> In Galba's defense, appeals to *misericordia*, *pietas*, and *fides* superseded the question of guilt by making clear the adverse consequences for Galba's family,<sup>661</sup> and in extension for the *res publica*, in the event of a conviction. Cicero's speeches, on the whole, convey the distinct impression that the appeal to *misericordia* diverted the issue from guilt, and consequently from justice, to the consequences of a conviction for the defendant, his family and kin, the advocate, and (ultimately) the *res publica*. As argued above, this constituted a type of argument in which greater concerns superseded the issue of guilt. But this kind of argument does not necessarily include an (implicit) admission of guilt and a plea for mercy, because if the court established guilt, it typically had little leeway to set the punishment, which was fixed.<sup>662</sup> The question of guilt was instead sidestepped and pushed into the background rather than admitted.

Still, supplication, confession, and pleas for *clementia* and mercy are related to tears—or as Quintilian puts it, confession generates tears.<sup>663</sup> Recognition of guilt was related to *clementia*, a virtue that allowed the powerful to treat the guilty or otherwise offending person better or less harshly than they deserved or could have been treated. *Clementia*, like *misericordia*, was closely related and at times conflated with virtues and practices such as *humanitas*, *lenitas*, *mansuetudo*, *liberalitas*, *comitas*, *modestia*, *temperantia*, *magnitudo animi*, *modus*, *moderatio*,

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<sup>658</sup> Plin. *Ep.* 2.11.3–6. The episode might provide some validity to the saying that nothing dries faster than a tear, which is voiced at *Auct. Ad Her.* 2.50; Cic. *Inv. Rhet.* 1.109; *Part. Or.* 57; Quint. *Inst.* 6.1.27–29.

<sup>659</sup> Konstan 2001, 34–43.

<sup>660</sup> Konstan 2001, 43–47. Cf. Bablitz 2007, 123.

<sup>661</sup> Flaig 2003a, 118–120.

<sup>662</sup> On *deprecatio*, see *Auct. Ad Her.* 1.24, 2.23–26; Cic. *Inv. Rhet.* 2.104–105; Quint. *Inst.* 5.13.5–7, 6.1.24–25, 7.4.17–26.

<sup>663</sup> Quint. *Inst.* 4.2.77.

*ignoscere*, and *parcere*.<sup>664</sup> These values and practices expressed moderation, humanity, mildness, and leniency in the context of justice and power, and a Roman could appeal to and express them with tears. While *misericordia* and *clementia* were at times conflated, David Konstan has argued that *misericordia* is generally more of an emotion that is momentary and immediate and can be aroused, elicited, quenched, and diverted, while *clementia* as a virtue is more of a stable and habitual trait or manner.<sup>665</sup> The difference between *misericordia* and *clementia* took more solid form with the establishment of a permanent autocracy during the rule of Caesar and Augustus, when *clementia* was canonized as an Imperial virtue associated with the emperor's discretionary powers.<sup>666</sup> Confusion remained, though, as Seneca indicates in the *De clementia* when he writes that some people thought that *misericordia* was a virtue, while Seneca himself dismissed *misericordia* as an emotional vice.<sup>667</sup>

## Orators and Actors, Sincerity and Tears

### The Actor as Orator

We now return to the issue of sincerity and tears, a subject also discussed in chapters 3 and 5. While the preceding section principally explored philosophical

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<sup>664</sup> Hellegouarc'h 1963, 258–274; Weinstock 1971, 233–239; Yavetz 1983, 174–175; Konstan 2001, 91, 97–104, 119; 2005b, 341; Griffin 2003, 159–163; Dowling 2006, 3–8; Braund 2009, 30–40; 2012, 100–103. On the difference between *misericordia* and *clementia*, see Hellegouarc'h 1963, 261–263; Konstan 2001, 97–104; 2005b, 341–343; 2015, 180–181; Griffin 2003, 171–172; Dowling 2006, 6, 25; Braund 2009, 35, 169–170, 400–414; 2012, 100–103.

<sup>665</sup> Konstan 2001, 101–102; 2005b, 342–343; 2015, 180–181.

<sup>666</sup> On the historical development of *clementia*, see Dowling 2006; Braund 2009, 33–38. On the temple dedicated to *Clementia Caesaris*, see Plut. *Caes.* 57; App. *B Civ.* 2.106; Cass. Dio 44.6.4; Weinstock 1971, 233–234, 240–243, 308–309; Griffin 2003, 159–160; Konstan 2005b, 341–342; Dowling 2006, 27–28, 127, 153 (who argues that it was likely not built because it would have invited unfavorable comparisons between Caesar's *clementia* and Octavian's *crudelitas*); Braund 2009, 36–37, 182; 2012, 103. The Senate's awarding to Augustus of the *Clipeus virtutis*, a shield with four virtues (among them *clementia*), was important in this development, see *Res gestae* 34; Weinstock, 1971, 102, 229, 234–237, 247–248; Galinsky 1996, 80–90, 117, 204; Konstan 2001, 100; 2005b, 342; Griffin 2003, 165–166; Dowling 2006, 131–133, 158–159, 164–166, 177–178, 274; McDonnell 2006a, 385–387; Braund 2009, 31–32, 37, 184, 354; 2012, 104.

<sup>667</sup> Sen. *Clem.* 2.4.4.

attitudes toward *misericordia* and tears, the following takes us back to tears in oratory and politics. The main issue to explore is the orator's complicated affinity with the actor and thereby also with sincerity in the context of tears. The argument begins with a famous episode in the *Pro Sestio*.<sup>668</sup> In this speech, Cicero speaks at length in court about an event that had taken place outside it, namely, the shows staged by the consul P. Cornelius Lentulus Spinther when Cicero's return from exile was announced in 57 BC. Cicero claims that the audience at the shows declared its goodwill and *misericordia* for Cicero by shedding tears of joy (*lacrimantes gaudio*) when Lentulus took his seat, while Cicero's enemy Clodius almost caused the spectators to lose their self-control out of anger and hatred at the sight of him.<sup>669</sup> During the *togata*, a comedy in Roman dress, the comic actor humiliated Clodius and induced the audience to join in by chanting abuse. Thus, Clodius, whom Cicero had denounced as an "actor and an entertainer" (*actor et acroama*), was ultimately denigrated by real actors.<sup>670</sup>

The shows' tragedy is even more interesting as Cicero's friend, the actor Clodius Aesopus, put on quite a performance. Aesopus adapted the tragedy *Eurysaces* to fit Cicero's circumstances to arouse the audience. The actor used tears and weeping in this endeavor. Cicero tells us that Aesopus cried out of a fresh joy and with a grief mixed with longing after Cicero (*flens et recenti laetitia et mixto dolore ac desiderio mei*) in the play's beginning.<sup>671</sup> The actor later wept when he alluded to the destruction of Cicero's house and managed to get even Cicero's enemies to weep.<sup>672</sup> In the closure, the actor wept so much that he choked his voice with tears (*ut vox eius illa praeclara lacrimis impediretur*) while the audience lamented.<sup>673</sup> So much like an orator during a *peroratio*, Aesopus made his audience weep by shedding tears so copiously that he was unable to speak. In fact, I argue that Aesopus' performance is framed in structure and content as forensic speech in court, with the audience's tears as a sign of its success. Cicero interprets this as an expression of support for him shared by every right-thinking Roman.<sup>674</sup> Tears created and expressed a consensus, an ad hoc emotional community that

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<sup>668</sup> Cic. *Sest.* 115–124; Nicolet 1980, 367–373; Vanderbroeck 1987, 77–78, 246; Edwards 1993, 115–116; Bartsch 1994, 71–75; Flaig 1995, 118–124; 2003a, 239–241; Kaster 2006, ad loc.; 2009.

<sup>669</sup> Cic. *Sest.* 117.

<sup>670</sup> Cic. *Sest.* 116–118.

<sup>671</sup> Cic. *Sest.* 120.

<sup>672</sup> Cic. *Sest.* 121.

<sup>673</sup> Cic. *Sest.* 123.

<sup>674</sup> Kaster 2009 discusses how a consensus is created around Cicero in this episode.

vindicated Cicero. Only outcasts such as Clodius and associates were excluded, as evidenced by emotional expressions of anger and hatred directed against Clodius.

Cicero praises his actor friend Aesopus for the role he had played both in public life and on the stage (*semper partium in re publica tam quam in scaena optimarum*).<sup>675</sup> Indeed, politics were likened to the drama, and politics could be drawn into the theater, and the orator had great affinity with the actor.<sup>676</sup> Cicero twice in the episode claims that Aesopus did not merely act his emotions but that he in fact experienced them. First, Cicero states that Aesopus performed the genius of the playwright not only through his art but also through his own grief.<sup>677</sup> Acting is here something lesser compared to expressing experienced emotions. Subsequently, Cicero also claims that the audience took no notice of the acting but applauded the words of the playwright and the zeal of the actor.<sup>678</sup> That is, the audience ignored the acting; what mattered were the words of the playwright and the actor's involvement and sincerity. To perform another's emotions or emotions one did not experience—for example by way of tears—was to perform someone or something that one was not. To be exposed as such was humiliating, and Goffman would categorize such a person as an impostor.<sup>679</sup>

## The Orator as Actor

Indeed, the actor was an ambiguous social category in Rome, who could enjoy celebrity and status, while he was legally and morally an *infamis* like gladiators and prostitutes. Despite the difference in social standing between the orator and the actor, Roman oratory was in fact eerily close to stagecraft.<sup>680</sup> Like actors, orators performed roles in elaborated, scripted, and rehearsed performances with props on stages in front of assessing audiences. The rhetorical manuals are filled

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<sup>675</sup> Cic. *Sest.* 120.

<sup>676</sup> On Roman political culture and the theater, see above 25–28.

<sup>677</sup> Cic. *Sest.* 120; Kaster 2006, ad loc.

<sup>678</sup> Cic. *Sest.* 121.

<sup>679</sup> Goffman 1959, 235, writes: “In fact there is a sense in which the category of impostor...can be defined as a person who makes it impossible for his audience to be tactful about observed misrepresentation.”

<sup>680</sup> On the dubious status of the actor and his relationship with the elite orator, see Laidlaw 1960; Edwards 1993, chap. 3; 1994, 85; 1997; 2002, 380–381; Narducci 1995; 1997, chap. 3; Gleason 1995, 105–107, 114–116; Aldrete 1999, 12, 27, 50–73; Gunderson 2000, chap. 4; Fantham 2002; 2004, 143–146; Bell 2013, 174–176; Beard 2014, 119–120, 167; Hall 2014, 27–30.

with detailed instructions for “theatrical” gestures and performances.<sup>681</sup> Gary Aldrete has shown that actors in the theater and orators in the courtroom used the same gestures,<sup>682</sup> while the rhetorical handbooks struggle to make a distinction and distance the orator from the actor.<sup>683</sup> The affinity between the orator and the actor meant that the border between them was nervously guarded. The good orator represented the complete and good Roman man, the actor his opposite. An orator should perform like an actor, but was not allowed to be perceived as being an actor. This is evident as Quintilian draws heavily from the theater in his lengthy and detailed treatment of delivery and gesture, while he ultimately seems to recognize how much of an actor his orator has become, stating acerbically that he wants to educate dignified orators and not comic actors.<sup>684</sup> Erik Gunderson has observed a similar movement in the *De oratore* when Cicero’s interlocutor Crassus has given a long account of vocal delivery with examples from the theater, before he closes the section with a denouncement of acting.<sup>685</sup>

It is suggestive of the affinity between the stage and the court that the most renowned orators of antiquity are said to have trained with actors to master delivery. Demosthenes studied under actors,<sup>686</sup> while Cicero honed his skills together with his actor friends Q. Roscius Gallus and the aforementioned Aesopus.<sup>687</sup> Demosthenes’ rival Aeschines had been an actor before turning to oratory.<sup>688</sup> Cicero’s many quotations from and allusions to drama testify to his

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<sup>681</sup> *Auct. Ad Her.* 3.23–27; *Cic. De or.* 1.128–1.130, 1.156, 1.254, 2.34, 2.193–194, 2.233, 2.242, 2.274, 3.83–84, 3.102–103, 3.213–222; *Orat.* 14; *Brut.* 290; *Quint. Inst.* 6.26–36, 6.3.8, 10.1.65–1.72, 10.5.6, 11.3 (esp. 11.3.4–7, 11.3.73–74, 11.3.111–112, 11.3.178–184), 12.5.5.

<sup>682</sup> Aldrete 1999, 53–73.

<sup>683</sup> *Auct. ad Her.* 3.26; *Cic. De or.* 1.18, 1.118–119, 1.124–125, 1.128–1.132, 1.251, 1.258–259, 2.192–194, 2.237–252, 3.102–103, 3.213–228; *Quint. Inst.* 1.12–14, 6.3.8, 6.3.29, 6.3.46–47, 10.2.11, 11.3.88–91, 11.3.178–184; *Aul. Gell. NA.* 1.5.1–3; Austin 1960, 141–143, 173–175; Laidlaw 1960, 63–65; Leeman & Pinkster 1981, ad 1.118–119; Leeman, Pinkster, & Nelson 1985, ad 1.258–259; Leeman, Pinkster & Rabbie 1989, ad 2.192–194, 2.237–252; Edwards 1994, 85; Leeman, Pinkster & Wisse 1996, ad 3.83; Aldrete 1999, 12, 27, 53–54, 67–73; Gunderson 2000, chap. 4; Corbeill 2004, 114–116; Wisse, Winterbottom & Fantham 2008, ad 3.220; Hall 2014, 27–30.

<sup>684</sup> *Quint. Inst.* 11.3.1–189; Aldrete 1999, 71; Fantham 2002, 371–375. Cf. Gunderson 2000, 124–126.

<sup>685</sup> *Cic. De or.* 3.213–220; Gunderson 2000, 132–133; Wisse, Winterbottom & Fantham 2008, ad loc.

<sup>686</sup> *Quint. Inst.* 11.3.7; *Plut. Dem.* 7; Aldrete 1999, 67; Gunderson 2000, 120–124, 142.

<sup>687</sup> *Plut. Cic.* 5; *Macrob. Sat.* 3.14.11–12; Geffcken 1973, 7; Aldrete 1999, 67; Gunderson 2000, 141–142; Fantham 2002, 364–368.

<sup>688</sup> *Dem. De cor.* 262, 313; *Quint. Inst.* 2.17.12; Ober 1989, 154–155.

knowledge of the genre.<sup>689</sup> On the other side of the coin, Roscius and Aesopus are said to have attended court to observe when the skilled Q. Hortensius Hortalus spoke and Roscius wrote a book comparing the professions.<sup>690</sup>

Performances involving tears articulate the contradictory relationship between the orator and the actor and the matter of sincerity. Indeed, in the *De oratore*, Antonius insists that he had never tried to arouse an emotion that he was not experiencing himself at the time and that an orator should be more moved than his audience because of what was at stake and should have no need for simulation and tricks (*nihil ut opus sit simulatione et fallaciis*).<sup>691</sup> In conjunction with his retelling of his defense of Aquilius, Antonius underlines that he was not addressing the plight of a mythical hero nor acting the *persona* of another, but was instead the author of his own *persona* (*neque actor essem alienae personae, sed auctor meae*), later adding that he delivered the *peroratio* with his own tears (*non fuit haec sine meis lacrimis*).<sup>692</sup> Had he lacked this personal involvement, Antonius argues that he would have deserved ridicule rather than *misericordia*.

Thus, just like Aesopus the actor in the *Pro Sestio*, an orator should ideally experience *dolor* and *misericordia* when he wept. Nonetheless, it is notable that Cicero's Antonius felt obliged to repeatedly defend himself from the (unvoiced) suspicion that he was simulating emotions. This criticism might stem from Stoics or Atticist orators, who preferred a less emotional speaking style as proposed by Jakob Wisse.<sup>693</sup> Jon Hall instead suggests that Cicero responded to opposing orators, like Laterensis in the *Pro Plancio*, who ridiculed Cicero's emotional antics in order to damage his chances of winning in court.<sup>694</sup>

By raising the question of sincerity and insisting on his own, Antonius also gives voice to and increases the unease lingering over the orator's histrionics and sincerity.<sup>695</sup> Tears not only express emotions but also communicate emotional

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<sup>689</sup> Geffcken 1973, 7; Fantham 2004, 143–146. Cf. Laidlaw 1960.

<sup>690</sup> Val. Max. 8.10.absol.2; Macrobi. *Sat.* 3.14.12; Aldrete 1999, 70; Fantham 2002, 364; Bell 2013, 175.

<sup>691</sup> Cic. *De or.* 2.191.

<sup>692</sup> Cic. *De or.* 2.194–196.

<sup>693</sup> Wisse 1989, 263–268, 299; 1995, contends that Cicero responded to Stoic criticism but acknowledges that he might have answered reproaches from Atticist orators. It is clear that Cicero responded to Atticist criticism in the *Brutus* and *Orator*. Cf. Steel 1985, 131–136; Wisse 1995; 2002a, 364–368; 2002b, 389; Narducci 2002a, 408–412; Vasaly 2002, 82–87.

<sup>694</sup> Hall 2014, 141–143. Wisse 1989, 299, also briefly entertains the possibility that Cicero answered contemporary orators who thought Cicero's style overdone and insincere.

<sup>695</sup> Gunderson 2000, 142–143.

sincerity—even as they might be taken as being insincere. This conundrum creates a complicated relationship between the orator, tears, and sincerity that cannot be solved.<sup>696</sup> An orator might always be taken as an impostor by his audience, without any possibility to prove otherwise, other than insisting on his sincerity, as Cicero did in the *Pro Plancio* by arguing that he had wept intensely.<sup>697</sup> Indeed, it is telling that Cicero's Antonius closes the Aquilius episode in the *De oratore* by advising his interlocutor to be angry, indignant, and tearful in his oratory so as to be persuasive.<sup>698</sup> I contend that intensity of emotion signaled sincerity of emotion.

An orator needed to experience, or at least be perceived as experiencing, the emotion to persuade and arouse it in others. We saw how Cicero's Antonius argued that an orator must experience the emotions he expressed to be persuasive. In response to this claim, Crassus, another of Cicero's interlocutors in the *De oratore*, later in the dialogue argues that while sincerity and reality were better and more persuasive than the imitation of emotion, there were situations when the orator must simulate emotions.<sup>699</sup> The argument about emotional sincerity is present also in the *Orator*, where Cicero prides himself on his ability to arouse emotions in the *peroratio*, writing that this was due to his own feeling.<sup>700</sup> Cicero claims that he would not have been able to move audiences had this feeling been lacking, in much the same argument that his Antonius makes in the *De oratore*. Though Jakob Wisse is doubtless right that the sincerity of performance was a question of effectiveness,<sup>701</sup> I suggest that there was a significant moral dimension

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<sup>696</sup> Hall 2014, 143–144, argues that Cicero's Antonius does not prove that the orator experienced the emotions he displayed and that the fact that oratory dealt with “real” matters and persons rather than fictive ones (like actors did) does not prove that their emotional displays were sincere. Hall is of the opinion that Cicero thus disguises “the calculated nature of his judicial theatrics.” I would point out that one cannot prove that emotions are true, only that they are understood to be “true.” Furthermore, I propose that Cicero voices and responds to cultural expectations that the orator, unlike the actor, should be sincere.

<sup>697</sup> Cic. *Planc.* 76–77. See above 111–112.

<sup>698</sup> Cic. *De or.* 2.196.

<sup>699</sup> Cic. *De or.* 3.213–222. Cf. Wisse 1989, 197–198, 262–263; Narducci 1995; 1997, chap. 3; May & Wisse 2001, 291, n. 300; Wisse, Winterbottom & Fantham 2008, ad 3.215.

<sup>700</sup> Cic. *Orat.* 130–132.

<sup>701</sup> Wisse 1989, 262–263, 297–298; 2013, contends that the morally and politically good orator (during the Republic) not necessarily was a good orator in the technical sense, and that the immoral orator was not necessarily a bad orator in the technical sense (C. Gracchus being a case in point). However, Cic. *De or.* 3.55 associates the good orator with the morally good man, see Leeman, Pinkster & Wisse 1996, ad loc.; May & Wisse 2001, 239, n. 64; Wisse 2002a, 391–393. On Quintilian's association between the *vir bonus* and the outstanding orator, see Quint. *Inst.* 2 (esp. 2.20), 12.1, on which compare Winterbottom 1964; Walzer 2003; Leigh 2004b, 124–134.

to the question of sincerity. To be taken as an impostor was to lack integrity, be ridiculous, and pretend to be something one was not, mimicking the unreal instead of representing the real. To be exposed as such was eerily close to being an actor, something that had connotations of immorality in Roman culture.

Authorship lent legitimacy to performances. Cicero's Antonius in the *De oratore* tells of a tragic actor whose emotions were so strong that he was seemingly weeping behind his mask so that he seemed sincere to Antonius.<sup>702</sup> Commenting on this episode, Erik Gunderson argues that it was permissible for an actor to experience and express the emotions of the playwright as part of a legitimate performance. Thus, it was the author who guaranteed the sincerity of the actors' tears. The poet's emotions shined through the actor, just like Aesopus in the *Pro Sestio* expressed the playwright's emotions.<sup>703</sup> That authorship lent legitimacy afforded the orator validity because he delivered a speech that he had composed himself. This is why Antonius could claim that he was his own *auctor*: he was both author and performer (*auctor* can be used in both senses) of his speech, a speech that furthermore involved real issues and real people.

Quintilian, like Cicero, argues that the orator should experience the emotions he expressed.<sup>704</sup> Compared to Cicero, Quintilian seems more pragmatic and with fewer regrets about using technique and role-playing to arouse emotion in himself and others through *energeia*.<sup>705</sup> Thus, Quintilian could recommend that sincerity was created by imitated emotions that were associated with roles the orator performed. The difference between Cicero and Quintilian might represent a development that allowed for more theatricality, gestures, and role-playing in Roman oratory, both in practice and in theory. This development is evident if we compare the treatment of gesture in the manuals, in which we can see an increasing elaboration from the *Ad Herennium* to Quintilian.<sup>706</sup>

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<sup>702</sup> Cic. *De or.* 2.193–194 (echoed at Quint. *Inst.* 6.2.35).

<sup>703</sup> Gunderson 2000, 143–145. Cf. Fantham 2002, 362–364; 2004, 143. The complicated relationships between emotions, emotional displays, authors, texts, characters/protagonists, audiences, and readers come to the fore in Hor. *Ars P.* 101–103, and are discussed by Halliwell 2017a.

<sup>704</sup> Quint. *Inst.* 6.2.26–36, 11.3.5, 11.3.62, 11.3.182, 12.5.4; Gunderson 2000, 135–140.

<sup>705</sup> A contrast is evident if one compares Cic. *De or.* 2.185–216, 3.214–216, with Quint. *Inst.* 6.1–6.2. On this contrast see also Leigh 2004b, 137–140; Wisse, Winterbottom & Fantham 2008, ad 3.215; Hall 2014, 151–152. For Quintilian's use of roles in oratory, see *Inst.* 3.8.51–53, 6.1.25–27, 6.2.26–36, 10.1.65–72, 11.3.61–64, 11.3.111–112. On *energeia* and emotions in Quintilian, see Webb 1997; 2016.

<sup>706</sup> As observed by Aldrete 1999, 70–73.



It is important to consider genre and philosophical orientation, otherwise it might be surprising for a reader of Cicero's rhetorical manuals that the same author could argue in the *Tusculanae disputationes* that, in simulating emotions, the orator should be a better actor than an actor. In this Stoic work, it was unbecoming for the orator to experience real anger, though it brought no shame to simulate anger (*oratorem vero irasci minime decet, simulare non dedecet*).<sup>707</sup> Cicero goes on to deny that he himself was really angry when writing and delivering speeches, and that neither actors nor playwrights experienced emotions when performing or writing. This claim is both the opposite to and incompatible with what Cicero argues in both the *De oratore* and *Orator*.<sup>708</sup> Likewise, in the *De ira*, Seneca denies that an orator felt the emotions he expressed and claims that the orator—like the actor—aroused the emotions of audiences not by experienced emotions but by playing a role.<sup>709</sup> We might conclude that in Stoic thinking, it was preferable to simulate emotions rather than to experience them, while the opposite was truer or at least unproblematic in Roman oratorical practice.<sup>710</sup>

The rhetorical handbooks contained instructions for tears, while the handbooks with time called for a more extrovert and emotional delivery. Consequently, we should expect that tears became increasingly scripted and thus expected by audiences with time. This development could arguably conflict with the manuals' prescription that tears should correlate with experienced emotions. It might have been problematic that widely circulated manuals gave instructions for tears and that audiences expected tears, while at the same time there was a cultural expectation that these tears ought to represent "true" emotions. This development might be reflected in the growing unease with appeals for *miser cordia* that has been argued by David Konstan.<sup>711</sup> We can hypothesize that tears became conventionalized and that audiences lost faith in the sincerity of tears and appeals for *miser cordia*, even though it is hard to prove this argument.<sup>712</sup> Jon Hall has

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<sup>707</sup> Cic. *Tusc.* 4.55; Graver 2002, ad loc. Cicero here argues against the Peripatetics who he at *Tusc.* 4.43, claims recommended an orator to be angry, and if not, to simulate the emotion.

<sup>708</sup> Cic. *De or.* 2.189–196; *Brut.* 130–132; Laidlaw 1960, 57–58.

<sup>709</sup> Sen. *De ira* 2.17.1 writes about "performing the role of the angry man well" (*iratum bene agentes*) in front of assemblies and juries.

<sup>710</sup> Narducci 1995; 1997, chap. 3; 2002b, 435, suggests that the depression that he claims Cicero suffered from when he wrote the *Tusculanae disputationes* might have led him momentarily to reject all emotions. Perhaps so, but if Cicero rejected the emotions, he did so by writing from a Stoic position in a philosophical genre. Cf. Graver 2002, xi–ivx; 2017.

<sup>711</sup> See above 130.

<sup>712</sup> As argued by Konstan 2001, 47–48, and exemplified by Plin. *Ep.* 2.11, on which see above 133–134.

argued that such “conventionalization” was mitigated by the fact that weeping could be contested and that tears’ effectiveness could not be taken for granted.<sup>713</sup> But we should also keep in mind that Quintilian has less regrets about “acting emotions” than Cicero and that this could represent not only an increasing use of emotional strategies but also an increasing appreciation of emotional spectacles during the Empire. If so, I would argue that weeping in the law court attracted criticism as it became more prevalent and extrovert.

## Concluding Discussion

### Courtroom Tears

The rhetorical manuals recommend the use of tears, and it was a sign of the outstanding orator that he could master his own tears and make his audiences—even his enemies—weep. Both Quintilian and Cicero were proud of their tears. Related to this positive evaluation of tears was the circumstance that the law court was not typically an arena where *virtus* and *gravitas* were demonstrated by not shedding tears in the same way it was in mourning.

The mock-trial set in Hypata in the Roman Greece of Apuleius’ *Metamorphoses* suggests a cultural and temporal continuity in the use of tears in court settings. During the trial, the accused Lucius wept both at the beginning and at the end of his speech in defense as he appealed for *misericordia*. After that, it was the female relatives of the “victims” who shed many tears while dressed in *squalor* when they called for *misericordia* for themselves and vengeance against Lucius.<sup>714</sup>

Indeed, defendants, advocates, prosecutors, family and kin, judges, and spectators could all shed tears. It was typically the defense who wept during the closing arguments in an attempt to sway the emotions of the judges in their favor by arousing *misericordia* for the defendant. However, tears could be shed at any time during the speech and could be harnessed by the prosecution in attempts to arouse *misericordia* for the victim and hostile feelings against alleged perpetrators. The judges’ tears suggested a favorable decision but were no guarantee. The parading

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<sup>713</sup> Hall 2014, 48, 63, 70, 157, argues against what he terms the fallacy of convention by pointing out the risks involved in “theatrical” performances.

<sup>714</sup> Apul. *Met.* 3.4–8; Šterbenc Erker 2009, 144–145; Lateiner 2009b, 278, 283, 285. Cf. Rey 2015, 230.

of weeping family members, in particular fathers and sons, was particularly effective as it played on the significance of *fides*, *pietas*, and the family in Roman society. The advocate could argue that a relationship of *fides* and *pietas* existed between himself and the defendant. This relationship provided the advocate reason to shed tears to arouse *misericordia* not only for the defendant but also for himself as a patron. A further appeal was often made to the good of the *res publica* and the significance of its elite families. What was good or harmful for the state-bearing elite could easily be constructed as good or harmful for the *res publica*. Hence, if the advocate and his client belonged to the elite, their significance for the *res publica* could be represented in an appeal for *misericordia* as more important than the question of guilt in the particular case.

Weeping in forensic oratory was associated with *misericordia*. The cognitive character of this emotion and of ancient emotions generally, helps to explain the significance of emotional displays like tears in the Roman law court. Simply put, reasoned assessments preceded the experience of emotions and their expression, which is why it is difficult to separate reason from emotional expressions. Accordingly, the use of emotions (such as tears) could be considered both rational and legitimate.

Tearful appeals for *misericordia* could nonetheless be criticized. Tears could pervert the workings of justice if *misericordia* was aroused and acted upon for someone who did in fact deserve to suffer and be condemned. Criticism also came from a philosophical position, mainly a Stoic one, which disagreed with emotions in general and consequently also with their use in forensic oratory. This philosophic criticism seems to have been a minority view, even if a loud one.

Another controversy surrounded the affinity between the venerable elite orator and the shameful actor in the context of sincerity and tears. The orator was instructed like an actor and gestured and performed like one. This affinity meant that the border between the categories was guarded. The orator should ideally not “act” his emotions but should be taken as experiencing the emotion he expressed. Failing this, he risked being unmasked as an impostor and an actor. The fact that tears might be deemed insincere created further problems, not least since tears themselves were signs of the sincerity of the emotions they expressed. To claim sincerity, an orator needed to weep intensely and even passionately, and we see for example Cicero argue the sincerity of his tears by pointing to their intensity. In the Imperial period, there might have been a growing skepticism toward the use of tears that corresponded to an increasing theatricality of oratory. That tears were a dramatic gesture that could be contested might have mitigated this conventionalization.

## True and False, Good and Bad

Two cases actualize questions regarding change over time in relation to tears and political culture. Plutarch in his *Life of Marcellus* describes how M. Claudius Marcellus, later one of the heroes of the Second Punic War, impeached C. Scantinius Capitolinus in the Senate in 226 BC for violating Marcellus' son. Since Capitolinus denied the charges and there was no evidence, the Senate summoned the younger Marcellus (*cos.* 196). The senators saw the young Marcellus' blushes, tears, and unbounded indignation (παράγενομένου δ' ἰδόντες ἐρύθημα καὶ δάκρυον καὶ μεμιγμένον ἀπαύστῳ τῷ θυμουμένῳ τὸ αἰδούμενον).<sup>715</sup> Even though the youngster did not speak, the Senate asked for no more evidence and promptly condemned Capitolinus. The tears and the blushes told the story for the senators, who took this literally at face value as signifiers of truth.

Tacitus narrates a contrasting case during Claudius' reign. Messalina and L. Vitellius the Elder falsely accused D. Valerius Asiaticus before Claudius on capital charges. The Senate was shut out from the proceedings, which took place in the emperor's bedrooms. In his defense, Asiaticus managed to move Claudius deeply, and even to draw tears from Messalina.<sup>716</sup> When Claudius pondered an acquittal, Vitellius contrived weeping and argued for *misericordia* for Asiaticus. This perversely "generous" *misericordia* resulted in Vitellius suggesting that Claudius grant Asiaticus a choice of how to die. Tacitus drily concludes that Claudius, in the spirit of *clementia*, did make a ruling to that effect.<sup>717</sup>

In Plutarch's Roman Republic, true tears were shed and heeded in the proper place. In Tacitus' Principate tears were shed in a trial held at a perverse location (the bedrooms, not the Senate); justified tears did not affect the outcome, while Vitellius' treacherous tears aroused misguided *misericordia* and distorted the workings of justice. Plutarch and Tacitus write with different agendas and in different genres, but weeping was significant and affected outcomes with political ramifications in both cases. In a sound political culture, like Plutarch's Middle Republic, tears could be read and believed. In a pathological political culture, like Tacitus' Principate, tears were forced, feigned, and untrustworthy, while the emperor is characterized as weak-minded, dithering, and easily manipulated by

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<sup>715</sup> Plut. *Marc.* 2. Cf. Val. Max. 6.1.7.

<sup>716</sup> Tac. *Ann.* 11.2–3; Osgood 2011, 147–149. Hagen 2016, 203–206; 2017, 79–82, observes the episode's many ironies.

<sup>717</sup> Tac. *Ann.* 11.3.

both true and false tears.<sup>718</sup> Despite these differences, tears helped define the political culture in both episodes. The next chapter will further investigate the instrumental and symbolic uses of tears in Roman politics.

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<sup>718</sup> See above 48, on Suet. *Claud.* 36, when a frightened Claudius wept in front of the Senate and thus evinced that he lacked strength of mind and self-control. In Imperial Rome, the Senate and/or the emperor handled high-profile and politically important cases, something that further conflated the political and judicial scenes. This is a reason why the *clementia* of the emperor is treated in the next chapter.

## Chapter 5.

# Tears and Authority

## Introduction

This chapter examines tears shed by Roman magistrates, generals, aristocrats, and emperors, as well as some shed in front of them by others. It demonstrates that tears were significant in the exercise, expression, and representation of power and authority on stages like the Senate, *contiones*, games, shows, and international diplomacy. The literary genres that best illustrate these scenes are historiography and biography, but Pliny's *Panegyricus*, an epideictic oration, will also prove important.

The chapter follows a thematic outline. The first part discusses “diplomatic” tears of subjection shed by non-Romans during the expansion of the Republic. From the vanquished at a low level of power, the chapter moves to the Roman victors at its summit, whose virtuous tears alluded to a tradition of mythological and historical events. Between the vanquished and the victor, we find more complicated situations when authority was questioned, negotiated, assumed, or rejected with tears. The sincerity of tears has been a recurring topic in this study that will be revisited also in this chapter.

## Tears of Subjection in Diplomacy

### The Stage

Our sources contain a great many tears shed in subjection and supplication. One subset of such tears that I will take a closer look at are those shed in diplomacy.<sup>719</sup>

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<sup>719</sup> The term diplomacy here refers to the handling of relationships between one state (or a similar entity) and another such entity by way of representatives. Special mention must be made of the

The Senate was by tradition responsible for foreign affairs during the Republic. It received and dispatched *legati* and generals and deliberated foreign policy. Representatives for Rome were sent to foreign assemblies and royal courts or could meet with representatives from other states at conferences or in the field, often in conjunction with battles. The following discussion confines itself to the Republic since this period provides ample evidence for international encounters, without complicating matters with the emperor and his particular relationships with the cities and communities of the Empire and beyond.<sup>720</sup> Much of our evidence for Roman diplomatic meetings comes from the Hellenistic East during the period of expansion.<sup>721</sup> In these encounters, two diplomatic cultures met: that of the Greek cities and kingdoms, which made use of an elaborate rhetoric that had developed in the Eastern Mediterranean, and the Roman diplomatic culture, which was influenced by the Italic tradition of *fetiales* (a *collegium* of priests that dealt with questions of war and peace) and the concept of *iustum bellum*. This latter tradition, in combination with military supremacy, explains the Roman penchant for putting forth ultimatums rather than relying on mediation, arbitration, and negotiation in the handling of international affairs.<sup>722</sup> A scripted diplomatic language that people of different cultures and languages could understand bridged cultural and linguistic differences.<sup>723</sup> Emotional expressions such as tears and

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impressive work by Filippo Canali de Rossi, who in several volumes (1997; 2000; 2005; 2007; 2013; 2014; 2016; 2017) has collected and discussed instances of Roman diplomatic encounters during the Republic. Sadly, I have not had access to the later volumes, and in the earlier, I regret that the indices do not reliably cover the terms for tears and weeping.

<sup>720</sup> During the Empire, it is difficult to differentiate between diplomacy and Imperial administration. On diplomacy as administration, see Eck 2009. Millar 1977 demonstrates that the reception of embassies was perhaps the most important and time-consuming activity of an emperor. On the Imperial Senate and diplomacy, see Talbert 1984, chap. 14.

<sup>721</sup> As is evident from Torregaray Pagola 2013; Pina Polo 2013; Westall 2015, 23–26. Cf. Jehne 2009, who argues that the low number of Italian embassies to Rome in the second century BC can be understood from that diplomatic endeavors were not worth the effort and risk for Italic communities.

<sup>722</sup> On *fetiales*, *iustum bellum*, and Roman foreign affairs, see Rich 1976, 56–63, 105–107; 2011; Harris 1979, 166–175; Rüpke 1990, 97–124; Ager 2009; Jacobsen 2009; Torregaray Pagola 2013. While Romans disliked third-party intervention, they could accept mediation but not arbitration. For discussions on Rome and third-party intervention in diplomacy, see Eckstein 1988; Ager 2009. Rome did not humble itself even in crises, as is evident from the fact that Rome seldom ransomed prisoners; with time and when needed, however, Romans negotiated and displayed eloquence on the international scene. Cf. Torregaray Pagola 2013, 237–245.

<sup>723</sup> Chaniotis 2015.

anger were (relatively) easy to use and comprehend,<sup>724</sup> and we can expect that such emotional displays were appropriate for diplomatic interaction.

## Diplomatic Tears of Supplication

Diplomatic tears were typically shed in deliberative settings, which is why they often aroused emotions, but decisions were typically made after deliberation. Dionysius of Halicarnassus describes how during the Early Republic, Latin *legati* fell on their knees, holding olive branches while weeping in the Curia.<sup>725</sup> This supplication moved the Senate, though it was first after deliberation that it decided upon *clementia* and a renewed treaty.<sup>726</sup> Conversely, Petelia, an ally of Rome, sent envoys to the Senate and asked for help against Hannibal, but although the Petelian *legati* begged and wept (*preces lacrimaeque...flebiles*) and moved both the senators and the people to great *miser cordia*, this time the Senate decided after deliberation that Rome lacked the resources to help her ally.<sup>727</sup> Similarly, the petition of Iberian envoys, who in 195 BC wept and fell in front of a Roman consul's knees (*flentes ad genua consulis provolvuntur*), was rejected out of strategic considerations.<sup>728</sup> Appian narrates how Carthaginian envoys threw themselves on the ground weeping before Scipio Africanus in negotiations after the Roman victory at Zama, but Scipio judged them unworthy of sympathy and laid out harsh conditions.<sup>729</sup> Diodorus Siculus relates a similar episode from the Third Punic War when Carthaginian envoys threw themselves on the ground crying loudly in tears before the Senate (πάντων ῥιψάντων ἑαυτοὺς ἐπὶ τὴν γῆν καὶ πολὺν κλαυθμὸν μετὰ δακρύων προϊένων).<sup>730</sup> The senators were moved to pity but stood by the demand that Carthage should be transferred inland from the sea. In Appian's account of the same episode, the Carthaginians

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<sup>724</sup> Cf. Erskine 2015, on Polybius and Greek responses to Roman anger.

<sup>725</sup> Dion. Hal. *Ant. Rom.* 6.18. de Libero 2009, 214, in a discussion of foreign *legati* in Rome, points out that no tears are shed inside the Curia in Livy's *Ab urbe condita*. Instead, tears are shed outside the Curia, or in its vestibule. (It should be noted that the present study has seen that other authors describe tears in the Curia.) We can understand this circumstance from that foreign *legati* were typically confined to the *Graecostasis*, a platform near the Comitium, before being allowed inside the Curia. On the *Graecostasis*, see O'Connor 1904; Westall 2015, 31. Cf. Westall 2015, on the movement of ambassadors in the city of Rome.

<sup>726</sup> Dion. Hal. *Ant. Rom.* 6.18–21.

<sup>727</sup> Livy 23.20.4–6; Konstan 2001, 95–96; de Libero 2009, 217.

<sup>728</sup> Livy 34.11–12.

<sup>729</sup> App. *Pun.* 49–53.

<sup>730</sup> Diod. Sic. 32.6.3–4.



moved the Senate to tears (Ῥωμαίους...ἐπιδακρῦσαι) of pity at this sight of the mutability of human affairs (οἶκτος ἀνθρωπίνης μεταβολῆς).<sup>731</sup> The senators, however, kept their faces stern and stood by their demands. The Senate reached another principled decision when it refused to ransom Hannibal's Roman prisoners, despite the tears of their Roman kin in the vestibule of the Curia (*lacrimas in vestibulo curiae*).<sup>732</sup>

At times tears prevailed. Livy provides an entertaining account how in 189 BC Moagetes, tyrant of Cibyra, tempered the amount of money and grain demanded by the Roman consul C. Helvius. Moagetes dressed below his means, quibbled, prayed, and shed false tears (*per cavillationem, nunc precibus et simulatis lacrimis*).<sup>733</sup> Perhaps not without some success: Moagetes had offered 25 talents, the consul had demanded 500, and after his theatrics Moagetes paid 100 and a large amount of grain. During the wars with the Etruscans in the first quarter of the fourth century BC, envoys from Veii shed many tears (μετὰ πολλῶν δακρύων) in front of a Roman consul, who granted them a hearing in the Senate, according to Dionysus of Halicarnassus.<sup>734</sup> The men of the small Latin colony Sutrium in desperation appealed to Camillus for his assistance against their Etruscan enemies, while their women and children wept (*fletus mulierum ac puerorum*). Camillus replied that he would bring grief and tears (*luctum lacrimasque*) to their enemies.<sup>735</sup> In Plutarch, the Sutrini moved Camillus to pity and his soldiers to tears.<sup>736</sup> Even Punic tears could prove effective. After the Hannibalic War, Carthaginian envoys with tears aroused the Roman Senate's *miser cordia* and ill will against the Numidian king (*sub haec dicta lacrimantes procubuerunt stratique humi non sibi magis misericordiam quam regi invidiam conciliarunt*).<sup>737</sup> Ambassadors from Locri secured a hearing with tears when they claimed that their city had suffered injuries under the Roman commander. According to Livy, the Locrians wore *squalor* and brandished woolen bands and olive branches "in the Greek custom" (*ut Graecis mos est*) and fell on the ground before the consul's tribunal at the Comitium crying tearfully (*ante tribunal cum*

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<sup>731</sup> App. *Pun.* 81–82; Konstan 2001, 93–94. The Carthaginians shed tears also in Cassius Dio's version (Zonar. 9.26) of the episode.

<sup>732</sup> Livy 22.59.16. Tears are also shed in Appian's (*Hann.* 28) version of the episode.

<sup>733</sup> Livy 38.14.14. Cf. Polyb. 21.34.10, where Helvius is angry and the tyrant displayed his humility by dressing below his status and repudiating pomp.

<sup>734</sup> Dion. Hal. *Ant. Rom.* 9.17.1–2.

<sup>735</sup> Livy 6.3.4–5.

<sup>736</sup> Plut. *Cam.* 35.

<sup>737</sup> Livy 42.23.10.

*flebili vociferatione humi procubuerunt*).<sup>738</sup> Similarly, envoys of Abdera wept in front of the Curia (*flentes ante curiam*) and the Senate resolved that their city had been captured in an *iniustum bellum* by L. Hortensius.<sup>739</sup> In the middle of the fourth century, Capuan envoys moved the Roman Senate to support their city out of *misericordia*. The Capuan *legati* shed tears and reached out with their hands toward the consul (*manus ad consules tendentes, pleni lacrimarum*) in the Curia's vestibule as they surrendered their city (in a *deditio*) to Rome in order to protect it from the Samnites. The Senators were taken by the changing vicissitudes of the human lot (*commoti patres vice fortunarum humanarum*).<sup>740</sup> During the Hannibalic war, Capuans shed tears and appealed to a consul who was passing by their city to be allowed to present their case before the Senate, a request the consul granted after some hesitation.<sup>741</sup> Syracusans cried tearfully (*flebilesque voces*) when their conqueror M. Claudius Marcellus was assigned Sicily as his province during the Second Punic War.<sup>742</sup> The Sicilian envoys had just complained over Marcellus' capture of Syracuse in the Senate, so afraid of Marcellus' wrath, the *legati* in *squalor* beseeched senators in their homes. Talk reached the Senate and left Marcellus with little choice but to switch provinces with his colleague in the consulship.

Livy's account of the Third Macedonian War contains tears shed by the vanquished. As he surrendered, the Illyrian king Gentius shed tears profusely (*lacrimasque effusus*) in a *deditio* to the praetor L. Anicius Gallus, who treated the defeated king well.<sup>743</sup> As will be discussed later, the encounter between the vanquished Macedonian king Perseus (or his messengers) with his conqueror L. Aemilius Paulus was a tearful expression of Roman power.<sup>744</sup> In another well-known episode, a Rhodesian embassy wished to congratulate Rome for her victory over Macedonia, only to find out that an angry Senate did not consider Rhodes a friend of Rome anymore, because of its lukewarm support during the war.<sup>745</sup> In response, the ambassadors quickly donned *squalor* and beseeched with tears

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<sup>738</sup> Livy 29.16.6–7; Paul 1982, 152–153; Ziolkowski 1993, 70–72.

<sup>739</sup> Livy 43.4.7–13; Pina Polo 2013, 261–262.

<sup>740</sup> Livy 7.31.5–6.

<sup>741</sup> Livy 26.27.

<sup>742</sup> Livy 26.29.2–3.

<sup>743</sup> Livy 44.31.13–14.

<sup>744</sup> Livy 45.4.2–7.

<sup>745</sup> Livy 45.20.4–8. The episode is preserved also by Polyb. 29.19, 30.4–5; Diod. Sic. 31.5, whose accounts likewise mention tears and *squalor*. Cf. Gruen 1975; Ager 2009, 34–39, 43; Pina Polo 2013, 260–261.

senators in their homes (*ex templo veste sordida sumpta domos principum cum precibus ac lacrimis circumibant orantes*) and war was avoided only after a lengthy debate and further Rhodesian entreaties.<sup>746</sup>

Tears are shed in front of Caesar in his works, but he is not describing himself as shedding a tear.<sup>747</sup> In the *Bellum Gallicum*, a Gallic chief with many tears (*multis cum lacrimis*) prevailed with Caesar (who consoled him) to forego his enmity with his brother.<sup>748</sup> Helvetian messengers threw themselves at Caesar's feet and surrendered while weeping (*Qui cum...se...ad pedes proiecissent suppliciterque locuti flentes...*).<sup>749</sup> Later, Gallic chiefs threw themselves crying at Caesar's feet (*flentes Caesari ad pedes proiecerunt*) and still later wept immensely (*magno fletu*) when they petitioned for Caesar's assistance.<sup>750</sup> Caesar heeded these tears out of strategic considerations. However, he did not accommodate the Mandubii who wept as they begged (*flentes omnibus precibus orabant*) Caesar to take them up in his care.<sup>751</sup> Later, diplomatic tears occur twice in the *Bellum civile*, first as Massillians wept pitifully (*magna cum misericordia fletuque*) in front of Caesar's officers, who arranged a truce,<sup>752</sup> then as Caesar spared Pompeians who surrendered, throwing themselves on the ground and extending their hands while weeping (*passisque palmis proiecti ad terram flentes ab eo salutem petiverunt*).<sup>753</sup>

A series of personal encounters further illustrates how tears were shed during negotiations, often in conjunction with other gestures. In the pseudo-Caesarian *Bellum Africum*, Ptolemy XIII, Cleopatra's brother and husband, wept with a deceit "typical of his people," as he tried to work out a return to his palace. A not unmoved Caesar checked the young pharaoh's tears and released him. As Caesar

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<sup>746</sup> Livy 45.20.10, 45.21–25.

<sup>747</sup> Caesar does not weep in his own works, although other (later) testimony suggests that he did, for example when he beheld a statue of Alexander in Spain, according to Plut. *Caes.* 11 (without explicit tears at Suet. *Iul.* 7; Cass. Dio 37.52.2), later after he had crossed the Rubicon as described by Suet. *Iul.* 33, see below 168, and when he beheld the murdered Pompey, see below 161, 181–182, 189.

<sup>748</sup> *Caes. BGall.* 1.20–21.

<sup>749</sup> *Caes. BGall.* 1.27.

<sup>750</sup> *Caes. BGall.* 1.31–1.32.

<sup>751</sup> *Caes. BGall.* 3.78.

<sup>752</sup> *Caes. BCiv.* 3.12–13.

<sup>753</sup> *Caes. BCiv.* 3.98. Though this episode does not concern foreign nations, it can sort under diplomacy as it concerns rival claimants to power.

had predicted, Ptolemy resumed hostilities so quickly afterward that his tears seemed to have been shed out of joy.<sup>754</sup>

In Sallust's *Bellum Iugurthinum*, Volux, son of the Mauretanian king, begged with tears (*lacrumans orare*) L. Cornelius Sulla not to believe that he was acting on behalf of Jugurtha.<sup>755</sup> Volux suggested a course of action that Sulla then adopted due to necessity. Plutarch describes a later diplomatic episode involving Sulla. The famously ill-tempered Roman was angered by Mithridates VI Eupator's refusal to accept his terms. Mithridates' envoy Archelaus was frightened and entreated Sulla, trying to soften him by grasping his right hand while shedding tears (ὁ δὲ Ἀρχέλαος ἐδεῖτο τοῦ Σύλλα καὶ κατεπράυνε τὴν ὀργήν, ἀπτόμενος τῆς δεξιᾶς αὐτοῦ καὶ δακρύων). Archelaus mollified Sulla by promising to convince Mithridates to ratify the terms with his own life as a guarantee.<sup>756</sup>

Another diplomatic encounter involved another weeping Archelaus, this one representing Rhodes.<sup>757</sup> Like his namesake, Archelaus beseeched an irate Roman, C. Cassius Longinus, the tyrannicide. Archelaus took Cassius' right hand in the "familiar manner" and shed tears on it so that the Roman blushed and felt shame. Even though Cassius was moved, he withdrew his hand and delivered a harsh response.

This overview suggests that tears were shed by the weak and vanquished to invoke *misericordia*, *clementia*, and *fides*.<sup>758</sup> The Roman reputation for *misericordia* and *clementia* went hand-in-hand with the expansion of Roman claims of power,<sup>759</sup> and suggests that the tears of the vanquished had some effect. But the effect of deliberative tears was by no means certain since strategic considerations were likely involved on both sides. Compared to tears shed in the law court and forensic oratory, tears shed in international politics were part of deliberative oratory and were as such evaluated differently. The former typically assessed the past, right and wrong, or justice as understood in an immediate situation, while the latter considered instrumental advantage and practicalities from a more strategic and forward-looking perspective.<sup>760</sup> I would argue that tears in deliberative settings

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<sup>754</sup> Caes. *BAfr.* 24–25.

<sup>755</sup> Sall. *Iug.* 107.

<sup>756</sup> Plut. *Sull.* 23.

<sup>757</sup> App. *B Civ.* 4.67–70.

<sup>758</sup> Cf. Barton 2001, 142–146, on the Roman expectation of *fides* due to the vanquished and the supplicating.

<sup>759</sup> Konstan 2001, 93–96.

<sup>760</sup> Thus argues Konstan 2001, 82; 2005a; 2006, 210; Sanders 2016b, in the context of Classical Athens. Cf. Livy 44.45.8–12, on how Perseus by a tearful performance moved the assembly of

were important as a gesture of submission, supplication, and subjection. As such, weeping in diplomacy expressed power relations and was very much meant to be seen. Through her magistrates, Rome communicated power with anger, often with a sense of dissatisfaction with the subjected, who acknowledged this power relationship with tears and similar gestures of distress that expressed obedience. With their authority thus recognized, the Romans could be mollified and inclined toward *miser cordia* and *clementia* and establish a relationship of *fides* and *pietas*.<sup>761</sup>

## The Weeping Victor

Tears were not only part of the performance of the vanquished. Livy describes how Perseus after his defeat at Pydna in 168 BC sent *legati* who in tears and *squalor* (*flentes ac sordidatos*) approached L. Aemilius Paulus, who burst into tears (*inlacrimasse*) at the sight of them. According to Livy, Paulus wept for the lot of man because once a mighty king, wanting more, Perseus was now reduced to a mere suppliant.<sup>762</sup>

The victorious Paulus was but one in a range of weeping victors. In fact, it was surprisingly appropriate for Roman statesmen to weep over a defeated enemy—an individual, a kingdom, or a city. This motif has enjoyed attention in scholarship, though most treatments have used literary approaches on particular episodes and authors. A more comprehensive account for the weeping victor is called for, one that gives attention to a range of separate instances and versions and tries to situate these tears in Roman culture. The aim is to give an account of the motif and its development in general, without dwelling on individual episodes. I will outline the Greek background before turning to the Roman tears of victory.

### The Greek Precedents

The origin of the weeping victor is Greek and can be traced back to Achilles, who had shed tears when Priam beseeched him to hand over Hector's corpse in book

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Amphipolis to tears, but who still for their part wanted nothing to do with the king and his ill-fated war.

<sup>761</sup> On the Roman concern for *pietas* and *fides* in diplomacy, see Morgan 2013; Chaniotis 2015.

<sup>762</sup> Livy 45.4.2.

24 of the *Iliad*. In this scene, both men wept thinking of their bereavements.<sup>763</sup> Another precursor is found in book 7 of Herodotus' *Histories* when the Persian king Xerxes shed tears and declared himself blessed when he beheld his army and fleet at the Hellespont. Asked why, the king explained that he was moved by pity at the thought of the shortness of human life, for not one of his soldiers would be alive in a hundred years.<sup>764</sup> The renown of Xerxes' tears is reflected in that Latin authors mention them on several occasions.<sup>765</sup>

The Macedonian king Antigonus Gonatas shed tears of victory in 272 BC when his son Alcyoneus presented him with the head of his defeated foe, the king Pyrrhus. The account is preserved in Plutarch's *Pyrrhus* but likely goes back to Hieronymus of Cardia, who was a historian at the Antigonid court.<sup>766</sup> Plutarch writes that the king smote his son with his staff at the sight of Pyrrhus' head, covered his face, shed tears, and thought of his father and grandfather, who both as Hellenistic kings had experienced the mutability of fortune.<sup>767</sup> Another Hellenistic king who wept was Antiochus III. Achaesus, a usurper, had in 213 BC unexpectedly been captured and was presented to Antiochus. The king was surprised and dumbstruck for a long time at the sight of the bound prisoner and experienced sympathy before he burst into tears.<sup>768</sup> Polybius, as narrator, adduces his own opinion to these tears: the king saw how hard it was to guard against a reversal of fortune; related to royalty, Achaesus had been reduced from a position of power to that of a chained prisoner, whose whereabouts were unknown for anyone but those present.

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<sup>763</sup> Hom. *Il.* 24.507–517. Hornblower 1981, 104–105, followed by Rossi 2000, views the weeping Achilles as an archetype for the weeping victor that later weepers alluded to. According to such a reading, Achilles and Priam pondered the fickleness of fortune, the triviality of everything human, and the shifting nature of power. Cf. Marincola 2005, 221, n. 8, who argues that these themes are not explicitly articulated in the *Iliad*. We could make the argument, however, that these themes are implicitly available for readers and later authors.

<sup>764</sup> Hdt. 7.45–46.

<sup>765</sup> Val. Max. 9.13.ext.1; Sen. *Vit. Breuv.* 17.1–3; Plin. *Ep.* 3.7.13–14; Jer. *Ep.* 60.18. For Xerxes' tears as precursors to Scipio's tears at Carthage, see de Romilly 1977, 8–9; Flory 1978, 146, n. 2; Henrichs 1995, 253–254; Guelfucci 2009, 422. As antecedents to Marcellus' tears, see Jaeger 2003, 231, n. 67. On pity and Xerxes' tears, see Lateiner 2005, 77; Sternberg 2005b, 15, 22, 26. On the function of Xerxes' tears in Herodotus' narrative, see Arnould 1990, 184–186. Cf. Seaford 2017, 35.

<sup>766</sup> Hornblower 1981, 102–106.

<sup>767</sup> Plut. *Pyrrh.* 34. Cf. Marcus Aurelius' reaction who, according to SHA *Marc.* 25, was upset when he received the usurper Avidius Cassius' severed head.

<sup>768</sup> Polyb. 8.20.9–12; Walbank 1967, ad loc.; Momigliano 1975, 23; Rossi 2000, 58.

Allowing for some variation, we can outline a script that I will flesh out with Roman examples. A military leader beheld the defeated in a moment of victory or supremacy and pondered the fickleness of fortune and the rise and fall of powerful kingdoms, cities, or individuals. These tears marked a victory of historical importance as it was related to the transition of power. In literature, these tears could tragically foreshadow the fall of the weeper and his kingdom:<sup>769</sup> Achilles came closer to his fated death after killing Hector, Xerxes would soon lose his army, and Hellenistic monarchs were famously liable to experience the vicissitudes of fortune. With this script outlined, the stage is now set for Roman weeping victors.

## Roman Weeping Victors

The following will discuss the most famous Roman weeping victors: M. Claudius Marcellus, the above-mentioned L. Aemilius Paulus, and P. Cornelius Scipio Aemilianus. After that, I will elaborate the meanings of such tears together with further Roman examples that have been the subject of less scholarly attention.

Marcellus is represented as weeping when he captured Syracuse in 212 BC. Livy describes him bursting into tears partly because of joy, partly because he recalled the city's glorious past (*inlacrimasse dicitur partim gaudio tantae perpetratae rei, partim vetusta gloria urbis*) when he beheld the captured city.<sup>770</sup> Marcellus then displayed *clementia* and worked to ensure that the city should suffer as little as possible from the impending sack and plunder. Valerius Maximus writes that Marcellus was unable to refrain from weeping (*fletum cohibere non potuit*) as he looked down on the city from its walls and counts Marcellus as an example of *humanitas* and *clementia* since he treated Syracuse with *lenitas* as a gentle victor.<sup>771</sup> In Plutarch's version, Marcellus' officers congratulated him for his achievement, but he responded by shedding many tears (πολὺ δακρῦσα) pitying the city and did his utmost to spare it from the sack demanded by his soldiers.<sup>772</sup> In Silius Italicus' epic *Punica*, Marcellus beheld Syracuse from above, lamented his power

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<sup>769</sup> Hornblower 1981, 105–106.

<sup>770</sup> Livy 25.24.12. Marcellus' tears have been discussed from historiographical perspectives by Rossi 2000; Jaeger 2003, 230–234; Marincola 2005; Hagen 2017, 299–300. Ziolkowski 1993 discusses the reality and the representation of Roman sacks of cities. On some of the peculiarities of the sack of Syracuse, see Ziolkowski 1993. On *urbs capta* as a literary motif, see Paul 1982. Cf. Roth 2006, on Roman sieges in Livy.

<sup>771</sup> Val. Max. 5.1.4.4.

<sup>772</sup> Plut. *Marc.* 19.

to destroy it, and exercised mercy.<sup>773</sup> Similar are Augustine's versions, according to which Marcellus wept in anticipation of the violence that Syracuse would suffer, while he pitied the common lot of men and took measures to spare the city out of *moderatio* and *clementia*.<sup>774</sup>

Livy's account of L. Aemilius Paulus' tears at the sight of Perseus' *legati* has been mentioned above. To that account, we can add that Paulus' feeling of *misericordia* and presumably his tears stopped because Perseus styled himself king in the letter the weeping *legati* delivered.<sup>775</sup> Such haughty pride violated the script for a defeated king. As an aside, I can illustrate the proper way to play the vanquished with Herod the Great, who had supported Antony against Octavian. After his defeat, Herod presented himself not wearing his royal diadem and spoke in his own defense in front of Octavian, who then returned the diadem to Herod.<sup>776</sup> The defeated thus acknowledged his vanquished state and had appealed for *misericordia* and *clementia*, and by granting him this, the victor could express his own power and virtue.

Returning to Perseus, who misbehaved also in Plutarch's version of Paulus' tears.<sup>777</sup> Here Perseus in person approached Paulus, who rose from his seat and shed tears because he considered Perseus' fall to be unjust and caused by the volatility of fortune. Perseus threw himself to the ground and grasped the knees of Paulus and cried. Paulus could not stand this shameful behavior and proclaimed that this demonstrated that Perseus had in fact suffered what he deserved.

Paulus' son, P. Cornelius Scipio Aemilianus (who had been adopted by the Cornelii Scipiones) was famously also a weeping victor. The historian Polybius tutored Aemilianus and recorded his destruction of Carthage in 146 BC as an eyewitness.<sup>778</sup> Polybius' text has come to us in a fragmentary state. The passage describing Aemilianus' tears at Carthage is missing, but it is preserved in Diodorus

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<sup>773</sup> Sil. *Pun.* 14.665–678; Burck 1984, 50–60. When Marcellus shed tears at Syracuse in the *Punica* (676) it was for the killing of Archimedes.

<sup>774</sup> Aug. *Civ. Dei* 1.6, 3.14.

<sup>775</sup> Livy 45.4.2–6.

<sup>776</sup> Joseph. *Bj.* 1.20.1–3; *Ant.* 15.6–7. Cf. Millar 1977, 612–613.

<sup>777</sup> Plut. *Aem.* 26. Cf. Pelling 2005, 297–300; Levene 2006, 91–92.

<sup>778</sup> On Scipio's tears see Brink & Walbank 1954, 104; Scullard 1960, 61–62; Astin 1967, 282–287; Momigliano 1975, 22–25; de Romilly 1977, 8–9; Walbank 1979, 722–725; Henrichs 1995, 250–254; Gehrke 1996, 536–537; Zahrnt 2002, 94; Champion 2004, 159; Feeney 2007, 53–57; Rood 2007, 181; Gueffucci 2009; McGing 2010, 52–58; Miles 2010, 346–347; Baronowski 2011, 153, 209, n. 3; Grethlein 2013, 261–262; Wiater 2016, 257–265.



and Appian, who both in all likelihood relied on Polybius. In Diodorus' version, Aemilianus shed unfeigned tears (ἀπροσποιήτως ἐδάκρυνεν) when he saw the city in conflagration.<sup>779</sup> Asked why by Polybius, Aemilianus explained that he was thinking of the fickleness of fortune and that a similar fate might befall Rome, whereupon he cited a verse from the *Iliad* predicting that Troy and Priam would one day perish.<sup>780</sup> In Appian's more elaborate account, Aemilianus beheld the destruction of the city and reflected on its former greatness, the rise and fall of empires, before he shed tears and openly lamented the enemy (δακρῦσαι καὶ φανερός γενέσθαι κλαίων ὑπὲρ πολέμιων).<sup>781</sup> After that Aemilianus cited the verse from the *Iliad* about the fall of Troy and Priam. Asked about the meaning of this by Polybius, Aemilianus spoke about the whims of fate and what it might imply for Rome. In the fragmentary Polybian text, the historian praises Scipio in strong terms for thinking of his fatherland and the fickleness of fortune in the moment of his own victory and the enemies' disaster. For Polybius, this was statesmanship by the greatest and most perfect among men, most worthy of remembrance (ἀνδρός ἐστι μέγαλου καὶ τελείου καὶ συλλήβδην ἀξίου μνήμης).<sup>782</sup>

## Making History

The events that the generals wept for were history-making. Marcellus' capture of Syracuse, itself a great city, was one of the turning points in the Second Punic War and marked Roman power and a corresponding decline of Greek and Punic influence on Sicily.<sup>783</sup> At the time of Paulus' victory, Macedonia was the last of the great Hellenistic kingdoms that could offer Rome a credible military

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<sup>779</sup> Diod. Sic. 32.24.

<sup>780</sup> Hom. *Il.* 4.164–165, 6.448–449. The Homeric quotation is usually taken to have tragic consequences in that Rome, like Troy and Carthage, would fall one day, as it is uttered by Hector in book 6 of the *Iliad* (448–449). But the same quote is also uttered in book 4 (164–165) by Agamemnon in anticipation of a Greek victory. Thus, the quotation also brings a sense of a (Western) triumph to Scipio's tears. As a Roman, Aemilianus might identify with both Agamemnon as a general of the West conquering an Asiatic city, and with Hector as a Trojan (since Romans identified themselves with Trojans) foretelling the fall of his city. Consequently, Troy serves as a model for both Carthage and Rome. The Homeric quotation pithily captures the ambiguous meanings of the weeping victor. Cf. Feeney 2007, 54–55; Guelfucci 2009; Wiater 2016, 257–265.

<sup>781</sup> App. *Pun.* 132.

<sup>782</sup> Polyb. 38.21.

<sup>783</sup> On the significance of the capture of Syracuse, see Carawan 1985; Rossi 2000; Jaeger 2003; Marincola 2005; Feeney 2007, 44–53.

challenge, while the destruction of Carthage signaled Roman hegemony in the Western Mediterranean.<sup>784</sup> It is clear that the weeping victor shed tears at historically significant victories while he alluded to other such tears and events. Regardless whether we understand the tears as “historical” or as literary creations, they are constructed history, intended to carve out a place in history for the victory and the weeper. To this end, both historical performers and authors could use the script for the weeping victor. It could be employed by authors to allude to other authors and historical episodes and by historical performers to allude to other performers and authors. It is nigh on impossible, for example, to establish whether it was Aemilianus who imitated Marcellus, or Livy who imitated Polybius, or whether both performer and author imitated predecessors.<sup>785</sup> It is likewise possible that Polybius himself alluded to Hieronymus of Cardia, while both Polybius and Hieronymus might have alluded to the *Iliad* (and perhaps Herodotus) and so on.<sup>786</sup>

This study has worked with the assumption that tears are noteworthy. The weeping victor is perhaps the best example of how tears were utilized to highlight episodes and junctures in narratives. The tears of victory signal the importance of the episode to a reader not only because of the historical context they were shed in but also by their placement in the narrative since we often encounter weeping victors at the end of sections.<sup>787</sup> Polybius had originally intended to close his work with Paulus’ victory over Macedonia but carried his narrative forward to Aemilianus’ victory over Carthage.<sup>788</sup> Both events were occasions for tears, albeit the episodes are not preserved in Polybius’ fragmentary text. Hieronymus of Cardia likely closed his book with the tears of Antigonos.<sup>789</sup> Andreola Rossi, building on the work of Edwin Carawan, has shown that Livy adapted his

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<sup>784</sup> Purcell 1995 has argued that the destruction of Carthage in the Western Mediterranean was coordinated with the destruction of Corinth in the East in the same year in a “rhetorical” message that expressed the awesome extent and arrogant nature of Roman power. Cf. Feeney 2007, 52–59, on the symbolical significance of Carthage’s destruction.

<sup>785</sup> Cf. Feeney 2007, 54, who argues that Aemilianus imitated Marcellus, and Rossi 2000; Marincola 2005, who argue that Livy by Marcellus’ tears alluded to literary predecessors.

<sup>786</sup> Even though this study is not concerned with establishing historicity, we might note that some cases have better claims to historicity than others. Aemilianus’ tears were shed before Polybius, who was an eyewitness, while Plut. *Cam.* 5 transports the script for the weeping victor to the sack of Veii, an event that took place some 500 years before he was writing.

<sup>787</sup> Rossi 2000; Marincola 2005. Cf. Westall 2014, who discusses closures between history and literature as it relates to the Roman triumph, and Roberts, Dunn & Fowler 1997, on “classical closures” more generally.

<sup>788</sup> Polyb. 3.1–3, 39.8.

<sup>789</sup> Hornblower 1981, 102–106.

narrative so that Marcellus' tears at the capture of Syracuse mark a turning point for the war, Rome, and Marcellus alike, at the end of a pentad in the *Ab urbe condita*. Rossi, following Philip Stadter, also notes that Paulus' victory closes a pentad.<sup>790</sup>

The complexities of allusion and history-making can be illustrated with some further consideration of Scipio Aemilianus, who wept not only in the same manner as his father Paulus. Rather, there is a further layer of allusion to a "heroic" family continuity: Aemilianus' adoptive grandfather P. Cornelius Scipio Africanus (the Elder) is also said to have wept in victory. Polybius writes that Africanus the Elder started crying after his capture of New Carthage in 209 BC when he understood the danger that the attractive women of the allied tribes were in. Consequently, Africanus saw to it that they were safe.<sup>791</sup> According to Diodorus Siculus, Africanus wept as he beheld the defeated King Syphax of Numidia in 203 BC. Similar to how Achaeus was hauled in front of Antiochus some years earlier, Syphax was presented in chains before Africanus, who instantly burst into tears at the sight of the king (τὸ μὲν πρῶτον ἰδὼν τὸν ἄνδρα δεδεμένον ἐδάκρυσε), thinking of the king's former status and consequently treated the defeated humanely.<sup>792</sup> Indeed, a common theme for the tearful episodes involving Africanus is *clementia*, one that might have been self-fashioning on the part of Africanus.<sup>793</sup>

Returning to Scipio Aemilianus, we have seen that both his adoptive grandfather Africanus and his biological father Paulus also wept in victory. Donald Lateiner has suggested that "the weeping frequency could be an accident of our sources, but it might also have been an element of this powerful clan's idiosyncratic self-

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<sup>790</sup> Rossi 2000, 60, 63, following Stadter 1972, 291; Carawan 1985.

<sup>791</sup> Polyb. 10.18.13.

<sup>792</sup> Diod. Sic. 27.6. It is perhaps significant that Livy 45.7.2, 45.39.7, associates Perseus with Syphax. Both kings had together with their kingdoms suffered from the whims of fate and moved Roman generals (even though Africanus is not described as weeping at Livy 30.13.8, he was merely moved by the sight of the king). On the comparison, see Levene 2006, 89 (who does not discuss their tears). Walbank 1967, ad 8.20.9, argues in his commentary on Antiochus' weeping over Achaeus that the emotions expressed by the tears of victory did not alter policy. This is correct in a strict sense: the tears of victory were symbolical rather than instrumental. However, tears shed in connection with the exercise of *clementia* could be related to action. Africanus treated the women in New Carthage well and displayed *clementia* toward Syphax. Marcellus wept as he appreciated the cultural and historical importance of Syracuse and tried to preserve the city. Conversely, Paulus decided to treat Perseus less gently when the king demonstrated that he was unworthy of his tears.

<sup>793</sup> Ziolkowski 1993 argues that Polybius' account of Africanus' sack of New Carthage is idealized and served as propaganda for the Romans. I therefore argue that Africanus' tears were part of this idealization.

presentation.”<sup>794</sup> I would argue that there is logic behind the second suggestion since this type of tears worked by allusion. By alluding to his forefathers, Aemilianus furthered both their memories and his own reputation as their descendent. And if these noble weepers did not in fact create this allusion and self-presentation, historiography did so on their behalf.

Plutarch describes several of his Roman heroes as weeping victors at victories that made history.<sup>795</sup> Among them is Julius Caesar, who shed tears at the sight of the defeated Pompey’s head or signet ring.<sup>796</sup> In Plutarch’s version, Caesar is not pondering the fickleness of fortune but is mourning Pompey and regretting that he could not exercise *clementia* toward the defeated. Plutarch also narrates the similar tears of Octavian upon learning of Marc Antony’s death. Octavian then retired to his tent to weep for his former relative, colleague, and ally.<sup>797</sup> Plutarch portrays Octavian as concerned with his public image as he afterward read aloud letters that he thought made clear that he had been reasonable in contrast to the arrogant Antony.<sup>798</sup> The theme of the mutability of fortune is missing also in this episode. Instead, Plutarch employs tears in these two cases to bring closure to his narratives as he furnishes Pompey and Antony with tragic yet humane endings. We can also discern political considerations in that both Caesar and Octavian were concerned with demonstrating virtue by crying, even if Plutarch, in my opinion, does not depict their tears as insincere.

Plutarch uses the vagaries of fortune as a theme when he embellishes the Roman capture of Veii in 396 BC by making Camillus a weeping victor. Upon standing in a citadel and seeing the city about to fall, Camillus burst into tears and was congratulated by his officers—much like Marcellus at Syracuse in Plutarch’s

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<sup>794</sup> Lateiner 2009a, 105–106, 124 (who seems to confuse the elder and the younger Scipio).

<sup>795</sup> See below 162–163.

<sup>796</sup> Plut. *Pomp.* 80; *Caes.* 48. Caesar’s tears are also found at Livy *per.* 112.5; Val. Max. 5.1.10; Luc. 9.1010–1108; Cass. Dio 42.8; [Aur. Vict.] *De vir. ill.* 77.9; Eutrop. 6.21.3; Oros. 6.15.29, and are further discussed below 181–182, 189. The episode is given without the tears by App. *B Civ.* 2.90. Cf. Hagen 2017, 202–205, 293–298.

<sup>797</sup> Plut. *Ant.* 78. Hornblower 1981, 104, n. 98, mentions that Tarn 1931, 179–182, argues that Octavian imitated Antigonus Gonatas and his father Demetrius, and thus suggests that Plutarch (or the author that he drew on) used this theme to associate Octavian with Antigonus and Marc Antony with Pyrrhus. This reading is certainly possible, but there is a range of other Roman victors that Octavian’s tears can be thought to be alluding to, with Julius Caesar and his tears over Pompey close at hand. On Octavian’s tears, see also Pelling 1988, 309, who argues that there is little doubt that they were crocodile, while Lateiner 2009a, 110, n. 17, 132 is not so sure.

<sup>798</sup> Plut. *Ant.* 78. On Octavian’s tears and his political calculations, see Hagen 2017, 298–299.

version of that episode.<sup>799</sup> After that, Camillus prayed that any divine retribution caused by the Roman success should be inflicted upon him and not Rome. The prayer was answered as Camillus stumbled. Alluding to the same kind of thought, Livy, albeit not mentioning tears, makes Camillus ponder what the capture of Veii might entail for Rome since its rich war booty would arouse human envy.<sup>800</sup> A similar theme is present in Marcellus' capture of Syracuse, whose riches would adorn and Hellenize Rome, alter its identity, and lead to moral decline according to a historical tradition.<sup>801</sup> The destruction of Carthage was another moment in history that changed Rome according to a historical tradition because it allowed immorality, corruption, and arrogance to take hold in a Rome that lost its old ways in the absence of an external threat.<sup>802</sup> By ascribing tears to Camillus, Plutarch thereby labels the event as belonging to the same category of history-making victories as that of Marcellus at Syracuse and Aemilianus at Carthage.<sup>803</sup> Plutarch might even be alluding to Achilles' tears in the *Iliad*, adding a Homeric allusion to an episode that was already in an epic frame by lasting ten years, as did the siege of Troy.

We can note that Plutarch has a penchant for using the weeping victor. There are more weeping victors in Plutarch's *Parallel Lives* than in any other author.<sup>804</sup> We have already encountered Antigonus Gonatas, Camillus, Marcellus, Paulus, Caesar, and Octavian shedding tears as victors in the *Parallel Lives*, and more weeping victors can be added to this illustrious list. Eumenes wept over Craterus at the battle of the Hellespont in the Wars of the Diadochi in 321 BC.<sup>805</sup> L. Licinius Lucullus burst into tears in front of his staff when he failed to stop the

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<sup>799</sup> Plut. *Cam.* 5.

<sup>800</sup> Livy 5.21. See Miles 1986, 5–13; 1995, 79–88, on the booty's demoralizing effects.

<sup>801</sup> On the cultural influence of the spoils of Syracuse on Rome, see Polyb. 9.10; Livy 25.31.11, 25.40.1, 26.21.7–8; Plut. *Marc.* 19, 21; Gruen 1992, 94–103; Flower 2003, 45–47; McDonnell 2006b. On the spoils' connection to Marcellus' tears, see Rossi 2000, 61–63; Marincola 2005, 226–227; Feeney 2007, 54.

<sup>802</sup> Sall. *Cat.* 10.1; *Iug.* 41.1–5; *Hist.* 1.fr.10; Purcell 1995, 143; Feeney 2007, 54–55. On the association between the fall of Veii and that of Carthage, see Momigliano 1942, 112–113; Miles 1986, 7–8; 1995, 82–83.

<sup>803</sup> There are no tears in the other versions of the Roman sack of Veii (Dion. Hal. *Ant. Rom.* 12.12–14; Livy 5.21.14–15; Val. Max. 1.5.2; Cass. Dio (Zonar. 7.21)). Kraus 1994 discusses how Livy uses Homeric themes in his narration of the episode.

<sup>804</sup> Lateiner 2009a, 128–132, provides an overview of tears in Plutarch's *Parallel Lives*. Interestingly, more Roman than Greek tears are shed in the *Lives*, both in victory and otherwise.

<sup>805</sup> Plut. *Eum.* 7.

destruction of Amisus.<sup>806</sup> In like manner, Brutus wept when he was unable to prevent the citizens of Lycian Xanthus from burning down their city.<sup>807</sup> Moreover, Cato the Younger burst into tears for the sake of his fatherland at the sight of the fallen after the Pompeian victory at Dyrrhachium.<sup>808</sup>

Plutarch tends to contrast the weeping victor with the internal audience in the narrative. When Camillus and Marcellus wept in victory, they were surrounded by congratulating officers, Antigonus by his friends, Paulus by his staff while addressing Perseus, just as Lucullus wept and spoke in front of his aides-de-camp at Amisus, while Cato's tears can be read as a contrast to other Pompeians who clamored for another battle. Otherwise, in the *Parallel Lives*, such as in loss or distress, it was the audience that was in tears while the hero maintained his self-control.<sup>809</sup> Accordingly, the foil works in the opposite direction when Plutarch adopts the weeping victor: the weeper by his tears displayed a human sensibility and virtue in contrast to his less virtuous audience.

## A Hellenistic Motif and Roman Cultural Identity

To shed tears in victory expressed a Hellenistic attitude toward the ephemeral nature of all things human and the ups and downs of fortune, an outlook that was Greek, heroic, and tragic.<sup>810</sup> It was tragic not only in that it foreshadowed the fall of empires and cities, including Rome, but it could also foreshadow the fall of the weeper himself.<sup>811</sup> Marcellus' victory at Syracuse put him on a course that would ultimately cost him his life; literary tradition portrays Paulus as paying for his victory with the loss of his two sons; Caesar's victory and subsequent power cost him his life; and Plutarch's Camillus shouldered the fall himself by stumbling.

To weep for a reversal of fortune was a gesture with Greek (literary) connotations. However, chapter 4 argued that Romans had a cultural sensitivity to the visual

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<sup>806</sup> Plut. *Luc.* 19; Pelling 2005, 279; Tröster 2008, 37.

<sup>807</sup> Plut. *Brut.* 31.

<sup>808</sup> Plut. *Cat. Min.* 54.

<sup>809</sup> Cf. Lateiner 2009a, 128–129, on tears and Plutarch's protagonists, and Pelling 2005, 282, 307, n. 16, on characterization by audience response in Plutarch. See also Levene 2006, 91–92, on Plut. *Aem.* 26–27.

<sup>810</sup> Brink & Walbank 1954, 104; Scullard 1960, 61–62; Astin 1967, 282–287; de Romilly 1977, 8–9; Hornblower 1981, 104–106; Henrichs 1995, 250–254; Rossi 2000, 59–60; Marincola 2005, 221–223.

<sup>811</sup> Hornblower 1981, 105–106, elaborated by Rossi 2000, 60–63, in the context of Marcellus' tears.

experience of the fall of a great person as something profoundly moving and worthy of tears. The fall of cities was arguably even more lamentable, and Quintilian recommended orators to use the motif to arouse *pathos*.<sup>812</sup> An ancient tradition of laments for cities existed throughout antiquity and beyond.<sup>813</sup> The emotional impression of the fall of a city can be illustrated by Marcus Aurelius' reaction when he was moved to tears of *misericordia* by a letter composed by Aristides that lamented the destruction of Smyrna.<sup>814</sup> Moreover, Ammianus Marcellinus writes that Constantius II wept as he saw the ashes of Amida in AD 360 and that the emperor Julian two years later burst into tears as he beheld the destruction of Nicomedia.<sup>815</sup> Accordingly, it is not surprising that Romans appreciated the motif of the victor as weeping, both over a great person and over a city.

It is surely no coincidence that Africanus, Marcellus, Paulus, and Aemilianus were philhellenists and that they are represented as weeping victors.<sup>816</sup> The weeping victor can be thought of as a cultural appropriation in which the philhellenic Romans not only defeated the Hellenistic world militarily and politically but also mastered its culture. Scholars have made such a reading of Marcellus' tears at Syracuse.<sup>817</sup> Something similar can be said of Paulus and Perseus. Paulus knew how to behave like a cultured statesman and wept as a victor, while Perseus cried inappropriately for himself in defeat. This interpretation of Paulus' tears as a cultural appropriation is further borne out by what happens after the encounter. After Perseus had behaved shamefully, Paulus nonetheless congratulated him because he would enjoy Roman *clementia* and lectured the vanquished about the fickleness of fortune. Paulus addressed first in Greek Perseus, who was unable to

<sup>812</sup> Quint. *Inst.* 8.3.67–70; Papadogiannakis 2017, 193–194.

<sup>813</sup> Alexiou 1974, chap. 5. Hagen 2017, 287–292, discusses emperors' weeping for suffering cities in late antiquity. Cf. Papadogiannakis 2017, on laments for the fall of Jerusalem, and Angold 2017, on laments for the fall of Constantinople, both with further references.

<sup>814</sup> Philostr. *VS* 2.581; Millar 1977, 10, 423–424; Webb 1997, 114–117; 2016, 206–208; Kuhn 2012, 304; Hagen 2017, 303. The letter in question was Aristides *Or.* 19 (18, 20, and 21 are also emotional orations concerning Smyrna).

<sup>815</sup> Amm. Marc. 20.11.5, 22.9.4; de Libero 2009, 232; Hagen 2017, 291.

<sup>816</sup> Henrichs 1995 nicely illustrates the relationship between Scipio Aemilianus and Polybius with Horace's famous verse (*Epist.* 2.1.163–164) "the captive captured her wild victor and brought her arts into rustic Latium" (*Graecia capta ferum victorem cepit et artes intulit agresti Latio*). On philhellenism during the period of the Republic's expansion, see Gruen 1984, chap. 7; Gehrke 1996. On Marcellus' philhellenism, see Rossi 2002, 59; McDonnell 2006b.

<sup>817</sup> This reading is inspired by the work of Rossi 2000; Jaeger 2003; Marincola 2005, on Livy's narrative of Marcellus' tears. Between them, they argue that Livy appropriates Hellenistic historiography by himself employing the motif and ascribing it to a Roman conqueror of Greek culture. Cf. Henrichs 1995, on Hellenism and Scipio's tears at Carthage.

answer Paulus and wept, then his own Roman staff in Latin.<sup>818</sup> Arnaldo Momigliano has argued that even though Romans made use of translators in diplomacy, they often could speak Greek, while the Greeks tended not to be able to speak Latin.<sup>819</sup> According to Momigliano, this difference had had practical effects as Greeks could not understand the Romans and their thinking, in contrast to Romans who spoke and could think in Greek. I argue that tears were part of this Roman mastery of Hellenistic culture. Paulus militarily appropriated Hellenic culture, wept in a Hellenistic manner better than a Hellenistic monarch, and lectured a Hellenistic monarch in Greek on Hellenistic concepts. Paulus' tears should be read in conjunction with the subsequent self-control that he gave evidence for when his two sons died, again with the self-centered emotionality of Perseus as a foil.<sup>820</sup> Paulus thus merged the behavioral codes of the Roman elite man, which called for self-control for private matters in public, with the Hellenistic concept of the weeping victor that expressed a statesmanlike *pathos*. In so doing, Paulus expressed Roman mastery of the Hellenistic world militarily, politically, culturally, morally, and emotionally.

Hellenization and philhellenism is a theme also for Plutarch. The Greek biographer utilizes apologetically the motif of the weeping victor to protect his idealized image of his protagonists: Marcellus wept as he was unable to stop his soldiers from violently sacking the great city of Syracuse. Similar were the tears shed by Lucullus at Amisus and Brutus at Xanthus.<sup>821</sup> It is surely no coincidence that Marcellus, Lucullus, and Brutus are portrayed as philhellenes by Plutarch and that they shed tears as they were unable to prevent the destruction of Hellenistic or Hellenized cities.<sup>822</sup>

## Emperors Who Should Have Wept

Based on an understanding of the script for the weeping victor, I will suggest two occasions where emperors ought to have wept if they had been described as following the script. The first example is Nero and his behavior after the Great

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<sup>818</sup> Livy 45.8.1–7. The scene is discussed from a “metahistorical” perspective by Levene 2006, 87–92.

<sup>819</sup> Momigliano 1975, 38–39 (who does not make the connection between Paulus' tears and subsequent “lecture”).

<sup>820</sup> See above 50–51.

<sup>821</sup> See above 162–163.

<sup>822</sup> On Hellenic culture and Plutarch's Roman heroes, see Swain 1990; Tröster 2008, 27–47.



Fire of Rome.<sup>823</sup> If authors had been kinder to him, Nero would have been represented as shedding tears. Instead, Nero is playing the lyre and singing about the sack of Troy while from above beholding the city in conflagration.<sup>824</sup> Even Nero if not a victor, the script for the weeping victor seems relevant, as characteristics of this trope included Troy as a model for Rome and standing in a position of power and watching from above a city of empire being destroyed. If Nero, the “actor-emperor,” would have been represented as knowing how to play his part, he should have wept.

Another emperor who should have wept if he knew how to play his part was Vitellius as described by Tacitus in the *Historiae*.<sup>825</sup> After a bloody victory at Cremona in the civil wars after Nero, some of Vitellius’ soldiers shed tears out of *misericordia* at the sight of the fallen and for the fickleness of fortune. Tacitus emphasizes Vitellius’ folly by describing him as joyful and carried away by the moment and his success, unknowing of his impending fall. Vitellius’ weeping soldiers function as a foil, suggesting what would have been appropriate. Vitellius can also be contrasted with Roman weeping victors who appreciated the common humanity (or in this case the common Romanness!) of the enemy,<sup>826</sup> and understood that today’s victor could fall tomorrow—a lesson Vitellius soon would learn the hard way. We need not believe that these authors had the weeping victor in mind when they narrated the behaviors of Nero and Vitellius, but the narratives are situated in a culture in which it would have made sense for them to weep.

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<sup>823</sup> On the Great fire of Rome, see Tac. *Ann.* 15.38–44; Suet. *Ner.* 38; Cass. Dio 62.16–18; Hülsen 1909; Gyles 1947; Frazer 1966; Warmington 1969, 124; Manning 1975, 164–165; Griffin 1984, 132–133; Bohm 1986; Champlin 2003, 48–49, 121–126, 178–200.

<sup>824</sup> Tac. *Ann.* 15.39; Suet. *Ner.* 38; Cass. Dio 62.18.1. According to Tacitus, Nero performed on his private stage, Suetonius places Nero on the tower of Maecenas on the Esquiline, while Cassius Dio claims that Nero performed on the roof of the palace on the Palatine.

<sup>825</sup> Tac. *Hist.* 2.70.

<sup>826</sup> Cato the Younger’s tears after the Pompeian victory at Dyrrhachium suggest what would have been appropriate for Vitellius, see Plut. *Cat. Min.* 54, and above 163.

# Weeping Generals

## Crying in Crises

In this chapter, we have seen how tears expressed the subjection of the vanquished and the statesmanlike virtue of the victor. The remainder of the chapter investigates how tears could be shed in negotiation and compromise when authority was questioned, assumed, or rejected. First, I will consider a range of generals who wept in front of troublesome soldiers with the aim to restore or affirm authority.<sup>827</sup> Weeping generals are of interest since they are illustrative of the nature of authority in Rome, while authority over the military is of critical importance in any political system.

Appian narrates how the Senate had stripped L. Cornelius Cinna of his consulship and driven him from Rome in 87 BC. Cinna made his way to Capua with the intent of taking command over an army stationed there. In this situation Cinna's authority was in doubt, so he put on a carefully choreographed performance. In a *contio*, Cinna laid down his *fascēs*,<sup>828</sup> tore his clothes, descended from his chair, went out among the soldiers, threw himself on the ground, addressed the army, and shed tears.<sup>829</sup> The soldiers were moved to *miserīcordia* for Cinna and reversed his performance: they lifted him up, seated him on his curule chair, raised his *fascēs*, comforted him, and guaranteed their loyalty, whereupon Cinna's officers administered the military oath.

L. Licinius Lucullus struggled with mutinous soldiers in Asia Minor in 67 BC. Plutarch relates how the Roman general went from tent to tent, shed tears, and tried to grab the hands of his soldiers. Plutarch holds this as beneath Lucullus' dignity (παρ' ἄξιαν).<sup>830</sup> Although the soldiers rejected Lucullus' efforts at the time, a compromise was soon reached and the mutinous soldiers stayed for the

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<sup>827</sup> Weeping generals have been discussed by Flaig 2003a, 110–115, followed by Krasser 2009, 258–259; Hagen 2017, 210–227.

<sup>828</sup> App. *B Civ.* 1.65. Morstein-Marx 2011, 264–271, discusses the episode from the perspective of Cinna's legitimacy as a consul. On the symbolical significance of the *fascēs*, see Marshall 1984; Goltz 2000; Hölkeskamp 2011; 2017, 202–230; Syme 2016. Tears and the lowering of the *fascēs* are associated in Cassius Dio's (Zonar. 7.12) description of how P. Valerius Publicola displayed deference to the people in assembly by lowering the *fascēs*, looking sad, weeping, and by speaking with a low and quavering voice.

<sup>829</sup> App. *B Civ.* 1.65–66.

<sup>830</sup> Plut. *Luc.* 35. The episode is discussed by Veyne 1990, 217, 267, n. 46; Flaig 2003a, 110–115; Tröster 2008, 124; Hagen 2017, 116–118.

season. Plutarch also describes how Pompey wept on two occasions early in his career when he faced mutinous soldiers. First, while serving under his father, Pompey wept and threw himself on the ground at the camp's gate, daring the soldiers to trample him if they left.<sup>831</sup> On a later occasion, Pompey shed tears in his tent, threatening to kill himself.<sup>832</sup> After some ado, he prevailed in both situations.

Julius Caesar writes in the *Bellum civile* that M. Petreius, a Pompeian legate in Hispania, feared that his army would desert to Caesar. In response, Petreius went around his soldiers and wept as he beseeched them.<sup>833</sup> Petreius proved successful and *fides* was reaffirmed by the military oath. According to Suetonius, Julius Caesar wept, bared his chest, and successfully called upon the soldiers' *fides* after he had crossed the Rubicon.<sup>834</sup> Cato the Younger is said by Plutarch to have shed tears and begged with outstretched hands as he persuaded a contingent of cavalry to remain loyal in his struggles against the Caesareans outside Utica.

Accounts of generals weeping, throwing themselves on the ground, threatening to commit suicide, and humbling themselves can also be found in Tacitus' account of the mutinies in Pannonia and Germany after Augustus' death. In Pannonia, Q. Junius Blaesus tried to regain order by threatening to commit suicide, a threat that was ignored by the soldiers and not followed through.<sup>835</sup> In Germany, it was Germanicus who faced a series of mutinies.<sup>836</sup> Germanicus also threatened to commit suicide and responses were mixed: one soldier offered him his sword since it was sharper, while others felt shame.<sup>837</sup> Having restored order, Germanicus affirmed *fides* by administering the military oath.<sup>838</sup> When mutinies flared up again, Germanicus wept intensely (*multo cum fletu*) as he saw off Agrippina and his young son Gaius from a mutinous camp in a rather pathetic performance that

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<sup>831</sup> Plut. *Pomp.* 3. Cf. Hagen 2017, 103, 118–119.

<sup>832</sup> Plut. *Pomp.* 13. Cf. Flaig 2003a, 112–133; Hagen 2017, 103, 120.

<sup>833</sup> Caes. *BCiv.* 1.76. Cf. Hagen 2017, 102–103, 121, n. 229.

<sup>834</sup> Suet. *Iul.* 33. Cf. Krasser 2009, 258; Hagen 2017, 113–115.

<sup>835</sup> Tac. *Ann.* 1.18. Cf. Shotter 1968, 198; Goodyear 1972, ad loc.; Ross 1973, 212; Williams 1997, 48; O'Gorman 2000, 29–31.

<sup>836</sup> Brice 2015, 114–118, provides an “analytical” account of Germanicus' handling of the mutinies in Germany.

<sup>837</sup> Tac. *Ann.* 1.35. Cf. Shotter 1968, 197–198; Goodyear 1972, 261; Ross 1973, 215; McCulloch 1984, 89; Williams 1989, 144; Williams 1997, 53.

<sup>838</sup> Tac. *Ann.* 1.37.

proved effective and shamed the soldiers to order.<sup>839</sup> In the aftermath of the mutinies, Germanicus shed many tears (*plurimis cum lacrimis*) when some of the mutinous soldiers were indiscriminately massacred.<sup>840</sup> In a later episode in Germany, A. Caecina Severus, an Imperial legate, threw himself on the ground at the camp's gate, like Pompey had done earlier, and blocked the panicking soldiers from leaving when a battle had turned against the Romans.<sup>841</sup>

In Tacitus' *Historiae* there are a couple of incidents involving generals and tears during the civil wars after Nero. Mutinous soldiers pelted Fabius Valens with stones and went through his baggage and tent, which is why Valens disguised himself in a slave's clothes and hid.<sup>842</sup> The prefect of the camp helped quell the mutiny by forbidding the centurions to visit the soldiers, signal the trumpet, or give orders. The soldiers became confused, wept, and asked for forgivingness. Valens now surprisingly reappeared safe but in a sorry state and weeping and inspired joy, *misericordia*, and popularity. Similar to how Cinna's authority was ceremonially reaffirmed at Capua, the soldiers brought the eagles and carried him to the tribunal.<sup>843</sup>

In another incident, Flavian soldiers were angry with a legate, T. Ampius Flavianus.<sup>844</sup> Flavianus raised his hands in supplication, prostrated himself, and tore his clothes, while his chest and face shook with sobs (*supplicis manus tenderet humi plerumque stratus, lacera veste, pectus atque ora singultu quatens*). The soldiers did not trust Flavianus and did not recognize a relationship of *fides* and considered Flavianus' terror excessive and a sign of guilt. It was up to M. Antonius Primus, an experienced general, who we are told knew how to deal with soldiers, to restore order by threatening to take his life and by praying that the gods should favor the

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<sup>839</sup> Tac. *Ann.* 1.40–49. Cf. Shotter 1968, 198–199; Goodyear 1972, 239–241; Ross 1973, 216–217; McCulloch 1984, 191–193; Rutland 1987, 155–158; Williams 1997, 53–58; O'Gorman 2000, 69–73.

<sup>840</sup> Tac. *Ann.* 1.49. Santoro L'Hoir 2006, 136, argues that Germanicus imitates Alexander the Great by manipulating his soldiers using his tears and that such behavior was not worthy a "Roman dux." I argue that it was not necessarily manipulative for a general to weep, nor that it was a behavior that was necessarily received negatively in Roman culture. Instead, Germanicus' emotionality can be read as an aspect of his *civilitas* (or *levitas*), a trait that he shared with his grandfather Marc Antony, who also shared an emotional camaraderie with his soldiers. For the tearful relationship between Antony and his soldiers, see Plut. *Ant.* 43, 48, 67, 77. Cf. Hagen 2017, 104, 129–130.

<sup>841</sup> Tac. *Ann.* 1.66. Cf. Goodyear 1981, ad loc.

<sup>842</sup> Tac. *Hist.* 2.29. Cf. Williams 1997, 53; de Libero 2009, 223–224; Hagen 2017, 123–124.

<sup>843</sup> Tac. *Hist.* 2.29 comments that the mob (which soldiers were for Tacitus) always was immoderate (*vulgus...immodicum*).

<sup>844</sup> Tac. *Hist.* 3.10.

enemy. Arguably, Antonius shamed the soldiers into giving in so as not to be responsible for a military defeat and the demise of a competent general like him.

There are some examples of emperors weeping in front of soldiers, such as the tears shed by Vitellius as he tried to abdicate (discussed in detail in the next section). Suetonius claims that Nero's plan to quell the mutiny of Julius Vindex was to travel to the province and unarmed weep in front of the soldiers (*inermem se in conspectum exercituum proditurum nec quicquam aliud quam fleturum*).<sup>845</sup> Even though there is little doubt that Suetonius is portraying Nero as delusional and as a useless general, Nero's tears still conform to the script of the weeping general. Describing another crisis, Tacitus writes that Otho, contrary to his imperial dignity (*contra decus imperii*), stood on a couch and with appeals and tears barely managed to restrain his soldiers, who had intended to kill his guests at a banquet in Rome.<sup>846</sup> Much later, in AD 222, Heliogabalus just barely and with great difficulty, according to Cassius Dio, managed to quell rioting soldiers and praetorians by beseeching them, weeping, handing over some of his companions, and threatening suicide.<sup>847</sup>

Dionysius of Halicarnassus' retelling of an episode from Rome's war with Veii and the Etruscans in 480 BC contains elements that should be familiar by now.<sup>848</sup> The consuls did not trust the soldiers in the field, whose morale was low. The consul M. Fabius Vibulanus held a speech with tears flowing (ἐκχέοντος δάκρυα) in which he shamed some soldiers for cowardice and disobedience and praised others for bravery and loyalty. The speech was effective, and the army took the military oath in descending order, from consuls to rank-and-file.<sup>849</sup>

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<sup>845</sup> Suet. *Ner.* 43. Krasser 2009, 258, comments that Suetonius' intention was to discredit Nero as a general, but that the episode follows a pattern similar to other instances of weeping generals. Cf. Champlin 2003, 81–82; Hagen 2017, 120–121. I adduce that Nero's suggested action can be compared with that of Avidius Cassius who, according to SHA *Avid. Cass.* 4, quelled a violent mutiny by dressing down to a wrestler's loin-cloth and daring the soldiers to strike him. Avidius' fearlessness inspired fear and restored discipline.

<sup>846</sup> Tac. *Hist.* 1.82. *Decus imperii* is synonymous with *maiestas*. Similarly, at Plut. *Otho* 3, Otho also stood on a couch and “not without tears” sent the soldiers away.

<sup>847</sup> Cass. Dio 80.19.3–4.

<sup>848</sup> Dion. Hal. *Ant. Rom.* 9.7–10. The episode is given by Livy 2.45, albeit without tears.

<sup>849</sup> Dion. Hal. *Ant. Rom.* 9.10.1–6.

## *Fides*, Shame, and Popularity

Summing up these weeping generals, the common theme is that the generals shed tears to strengthen or affirm authority and *fides* in crises. *Fides* is evident as a theme when tears were followed by the grasping of hands and taking of oaths, which were performative manifestations of *fides*.<sup>850</sup> The tears are often accompanied by other gestures that exposed and humbled the general, such as being unarmed, tearing up his clothes, baring his chest, throwing himself on the ground, lowering the *fascēs*, addressing the soldiers individually, mingling among them and grasping their hands, beseeching them with outstretched hands, hiding, standing on a couch, dressing in a slave's clothes, and threatening to commit suicide.

The weeping general shamed the soldiers into yielding, by threatening that he as a commander with *imperium* would be humiliated because of their refusal to obey his authority. The weeping general put the onus on his soldiers, so it would be them who betrayed and embarrassed him, his office, and ultimately Rome. The weeping general thus put pressure on his soldiers from two directions: from above with formal authority, and from beneath as he begged the soldiers to remain loyal with tears and other gestures associated with supplication and humiliation. Egon Flaig, who builds on the brief observations of Paul Veyne on the episode involving Lucullus, argues that the general's tears increased the emotional closeness between the general and his soldiers at the cost of his self-control.<sup>851</sup> This closeness was "quasi-familial" and an aspect of the paternalistic character of authority in Roman culture. This closeness represented a decrease in social distance between general and soldiers, while an absolute differentiation of status (a weeping consul was still a consul, a soldier, still a soldier) was maintained. Accordingly, the general's tears created and articulated togetherness based on shared values between performers of different status.<sup>852</sup> Put differently, such tears achieved and expressed a common understanding that constituted a consensus, which we can categorize as an "ad hoc emotional community."<sup>853</sup> The general's tears can also be understood as a tool in a negotiation. The weeping general momentarily yielded some of his self-control and risked humiliation. This concession not only put pressure on his

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<sup>850</sup> On the grasping of hands as an expression of *fides*, see Hölkeskamp 2000a; 2004b, chap. 4; Flaig 2003a, 114–115. On the military oath, see Rüpke 1990, 76–96; Schuller 1995, 191–192; Brice 2015, 111–112, 117, 119. The oaths that the soldiers took for Vibulanus, Cinna, Petreius, and Germanicus are examples of what Rüpke 1990, 78–79, calls "Sondereid," an oath administered during exceptional circumstances.

<sup>851</sup> Veyne 1990, 217, 267, n. 46; Flaig 2003a, 113–114.

<sup>852</sup> Flaig 2003a, 110–115; Krasser 2009, 258.

<sup>853</sup> On ad hoc emotional communities, see above 84, 129–130.

soldiers to yield, it made it easier for them to do so since they received something in return. By his tears, the general acknowledged the soldiers' value for him. In a sense, the general used social capital in exchange for obedience and authority.

Nero, Lucullus, Otho, Valens, Flavianus, and Heliogabalus are described as humiliating themselves by their tearful performances. This humiliation is both a reflection and a consequence of their unpopularity.<sup>854</sup> Lucullus, Otho, Flavianus, and Heliogabalus were all disliked and struggled when they shed tears to reestablish *fides* and authority, while Nero's suggestion was ludicrous precisely because his standing in Suetonius' account was so weak that his plan would never work. Tears carried risk: success strengthened a general's authority and standing, while failure was deeply humiliating and likely meant a loss of authority that was all too obvious. The likes of Pompey, Caesar, and Germanicus could prevail with their tears in a large part thanks to their popularity. They were loved by their soldiers and could put their popularity to the test. Thus, tears could serve as an expression of the person, in a sense in contrast with the role.

### Vitellius' "Failed Resignation"

Although popularity and standing with the soldiers were critical for the success of tears, it was not the be-all and end-all for a weeping office holder. I will argue this by reading the tearful attempts of the unpopular Vitellius to abdicate as emperor in AD 69. Vitellius had suffered setbacks and had agreed with the Flavians to step down as emperor.<sup>855</sup> Both Suetonius and Tacitus narrate what happens next. According to Suetonius, Vitellius announced his resignation from the steps of the Palatine, but his soldiers rejected the resignation.<sup>856</sup> The next day, he made another attempt from the Rostra, in *squalor*, while shedding many tears (*multisquae cum lacrimis*). Both the soldiers and the plebs rejected the resignation and pledged their support to Vitellius, who renewed hostilities against the Flavians.

Tacitus writes that Vitellius in *squalor* descended with his family, surrounded by his tearful household, from the Palatine to a *contio* he had convened. Vitellius tried to commend his young son both to individual bystanders and to the whole assembly and asked for *misericordia* in a speech that was impeded by weeping (*fletu*

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<sup>854</sup> Flaig 2003a, 114, explains Lucullus' apparent failure by his unpopularity among his soldiers.

<sup>855</sup> The "failed resignation" of Vitellius is discussed by Flaig 1992, 564–568; Levene 1997, 141–142; de Libero 2009, 223; Hagen 2017, 155–159.

<sup>856</sup> Suet. *Vit.* 15.

*praepediente*).<sup>857</sup> Vitellius made clear his intention to abdicate for the sake of *res publica*, proclaiming that he would return to his brother's house, and not to the Palatine. As a further gesture of resignation, Vitellius offered his dagger to a consul.<sup>858</sup> The consul refused the dagger, and nor did the crowd accept the resignation, compelling Vitellius to make his way back to the Palatine.<sup>859</sup> A preliminary observation is that even if we are unable to establish Vitellius' intention—if his aim was to abdicate, or if it was a cunning way of testing and galvanizing support—his tears had the effect of affirming his authority in tearful interaction with significant groups: the people, soldiers, senators, and magistrates.<sup>860</sup>

A slightly earlier episode in Tacitus illuminates why Vitellius' resignation was rejected. When the emperor was losing support, he had tried to elicit *misericordia* with his face, voice, and tears (*vultu voce lacrimis misericordiam elicere*). Tacitus explains that these gestures worked because even if people disliked Vitellius as a person, they still felt sorry for the state of the Principate.<sup>861</sup> This episode helps to explain what happened when he later tried to abdicate. As suggested by David Levene, it was impossible to make a distinction between Vitellius the person and Vitellius the emperor.<sup>862</sup> Consequently, Vitellius' tears aroused *misericordia* for the emperor as an "office." Like with the weeping generals and their soldiers, in this case, the crowd in Rome would rather not humiliate their leader, and support for the office amounted to support for the man. I therefore argue that when Vitellius wept as he announced his resignation, he strengthened the support for his office and the role he played. A Roman could, even if he was unpopular, to a certain degree lean on his followers' unwillingness to humiliate his office and thus bring shame on themselves.

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<sup>857</sup> Tac. *Hist.* 3.68.

<sup>858</sup> Suet. *Vit.* 15 has Vitellius re-engaging in hostilities against the Flavians, killing Flavius Sabinus, and setting fire to the Capitoline temple before offering his dagger to a consul.

<sup>859</sup> Tac. *Hist.* 3.68.

<sup>860</sup> The Flavians accused Vitellius of pretense and a show of Imperial grandeur, see Tac. *Hist.* 3.70.

<sup>861</sup> Tac. *Hist.* 3.58.

<sup>862</sup> Levene 1997, 138–143, 148.



## Consensus, *civilitas*, and *clementia*

In chapter 3 I discussed how the Roman elite could convey *civilitas* and consensus by weeping in mourning. Though both the Republican elite and members of the Imperial house could display *civilitas*, the virtue is most distinguishable and significant for the emperor given the focus that rested upon him and the virtue's importance for his public image and relationships with other groups in Roman society. The emperor could express *civilitas* and try to balance, or perhaps rather hide, his autocratic position by letting go of some of his *maiestas* and *gravitas*. The following sections will study tears shed in political rituals by emperors who express *civilitas*, consensus, and *clementia*. I will first deal with tears shed at the acceptance and rejection of powers and honors. After that a section demonstrates how the emperor could display *clementia* and *civilitas* by weeping at spectacles. Finally, I will consider some problematic aspects of tears and revisit their relationship with subjection and sincerity.

### *Civilitas* and Praise: the Tears of Augustus and Trajan

Suetonius writes that the whole Roman society suddenly and in complete consensus wanted to award Augustus the honor of *pater patriae* in 2 BC.<sup>863</sup> Augustus first rejected a deputation from the plebs. A second attempt was declined in one of Rome's theaters. When Augustus finally did accept the honor, he did so in the Senate. Suetonius is explicit that after neither a decree nor acclamation (*neque decreto neque acclamatione*), Valerius Messala spoke with a mandate from the entire Senate (*mandantibus cunctis*). In response to Messala's speech, Augustus shed tears (*lacrimans*) and spoke about the consensus (*consensum vestrum*) he enjoyed.<sup>864</sup> So in addition to the tears and the explicit mention of consensus first on a society level, then in the Senate, and finally in Augustus' speech when he accepted the title, note that Suetonius underlines that the impetus to award Augustus the honor was spontaneous.

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<sup>863</sup> Suet. *Aug.* 58.

<sup>864</sup> Suet. *Aug.* 58. As Krasser 2009, 258, n. 12, notes, Augustus' tears were "a gesture of consensus at work." The importance of consensus within and between the orders in this episode is also evident in the *Res gestae* 35, where Augustus proclaims that he had received the title from *senatus et equester ordo et populus Romanus universus*. Cf. Yavetz 1984, 6, 13–14; Griffin 1991, 45–46; Hagen 2017, 88–89, 139–143.

Richard Talbert has suggested that Augustus shed tears in response to an acclamation by the Senate when he accepted the honor of *pater patriae*.<sup>865</sup> However, Suetonius is explicit that it was not an acclamation (*neque acclamatione*) that Augustus' tears responded to.<sup>866</sup> Be it as it may, an acclamation is here understood as a shouted and coordinated comment, positive or negative, by an audience.<sup>867</sup> An acclamation is by definition made in unison by a group and is consequently an expression of consensus among those participating.<sup>868</sup> This was particularly significant when the acclaiming group was understood as representing political entities such as the Senate or the people.<sup>869</sup>

Trajan, like Augustus, is said to have shed tears in response to senatorial praise. Trajan shed tears in Pliny's *Panegyricus*, an elaborated version of a speech of thanks addressed to Trajan in AD 100.<sup>870</sup> In the first instance, Pliny describes how the senators had acclaimed Trajan, who listened with tears and intense blushing. This demonstrated for Pliny that Trajan was aware that he was addressed as himself and not as *princeps* (*agnoscit enim sentitque sibi, non principi dici*).<sup>871</sup> In the second instance, the senators lost their self-control and acclaimed the emperor out of joy, something that Pliny considered as evidence for the acclamation's *fides*, its trustworthiness.<sup>872</sup> Trajan acknowledged the acclamation with tears, which Pliny explicitly labels as true (*veritate*). Pliny continues that the Senate saw Trajan's eyes wet and his face overcome with joy, while blushes gave expression to his *pudor*, that is, his sense of shame. The senators, says Pliny, hoped that the emperor would never have another reason (other than being moved by his subject's esteem) to shed tears. Pliny closes by rhetorically asking if the Senate seats ever had seen an emperor's tears, as they had seen the Senate's tears often enough.<sup>873</sup>

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<sup>865</sup> Talbert 1984, 298.

<sup>866</sup> Suet. *Aug.* 58.

<sup>867</sup> On acclamations in Rome, see esp. Aldrete 1999, chap. 4–5. See also Talbert 1984, 297–302; Ando 2000, 199–205. For acclamations during the Late Empire, see Wiemer 2004. On emotions and acclamations in the politics of Greek city-states, see Chanotis 2009; 2016, 102; Kuhn 2012; van Nijf 2013, 355–358.

<sup>868</sup> Bell 2013, 177, observes that the shouts of the plebs at *contiones* could be interpreted as a consensus for a political position.

<sup>869</sup> Aldrete 1999, 147–159. Cf. Ando 2000, 199–205.

<sup>870</sup> On the *Panegyricus*, see Bartsch 1994, chap. 5; 2012; Rees 2010; Gibson 2010, and the edited volumes Roche 2011; Rees 2012.

<sup>871</sup> Plin. *Pan.* 2.8.

<sup>872</sup> Plin. *Pan.* 73.1–4.

<sup>873</sup> Plin. *Pan.* 73.4–5.

Augustus and Trajan expressed *civilitas* with their tears, a virtue ascribed to both of them elsewhere in literature.<sup>874</sup> *Civilitas* expressed that they were part of Roman society, respected their subjects, and were not (too much) above them. For Pliny, Trajan's tears revealed the person behind the mask of the role of the *princeps*.<sup>875</sup> That is, Trajan was a person among persons and a senator among senators. Another performance of *civilitas* that Pliny praised Trajan for was *recusatio*,<sup>876</sup> the rejection of a title or an honor. And it was a *recusatio* that Augustus performed when he first rejected the honor of *pater patriae*.<sup>877</sup> So when Augustus wept and thus displayed *civilitas*, he did so after having expressed *civilitas* by rejecting the title just before.

Pliny ascribes tears to Trajan at other occasions as well. He praises the pious tears Trajan shed in mourning for Nerva.<sup>878</sup> Pliny also lauds Trajan for the tears he shed when he watched the departure of his former praetorian prefect, a friend whom Trajan allowed to retire and leave Rome.<sup>879</sup> These tears expressed the emperor's *liberalitas*, *amicitia*, and *fides*.<sup>880</sup> I must underline that Suetonius' *De vita Caesarum* and Pliny's *Panegyricus* clearly outline Imperial ideology with its virtues and vices,<sup>881</sup> and that I find it striking that tears can feature so prominently and positively in these texts.

## Antoninus Pius' Tears and the Threat of Resignation

In AD 138 Antoninus Pius used tears to persuade the Senate to grant divine honors to Hadrian, his adoptive father and predecessor. A drawn-out conflict

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<sup>874</sup> Yavetz 1969a, 99–102; Wallace-Hadrill 1982, 162–166; 1983; Braund 2012, 93–95.

Eutropius' (8.4–5) praise of Trajan's *civilitas* as that emperor's most important virtue is suggestive.

<sup>875</sup> Plin. *Pan.* 2.8. Barton 1999, 215; 2001, 230–231, uses Trajan's tears as an example when she argues that emotional displays like blushes and tears exposed the person behind the mask of the role.

<sup>876</sup> Braund 2012, 93–95.

<sup>877</sup> Wallace-Hadrill 1983, 163. On *recusatio* as an expression of *civilitas*, see Wallace-Hadrill 1982, 36–37. On weeping and *recusatio*, see Hagen 2017, 138–163.

<sup>878</sup> Plin. *Pan.* 11.1. See above 91–92.

<sup>879</sup> Plin. *Pan.* 86.5. Hall 2014, 103, observes this positive characterization of Trajan by means of these tears. For the historical context, see Millar 1977, 126.

<sup>880</sup> On women's tears in farewell scenes, see Hagen 2017, 257–260.

<sup>881</sup> Bartsch 1994, chap. 5; 2012, reads the *Panegyricus* as an expression of public ideology and discourse. Cf. Braund 2012. For Suetonius' *De vita Caesarum* as an expression of Imperial ideology, see Wallace-Hadrill 1983, chap. 7.

between emperor and Senate is abbreviated by Cassius Dio's epitomizer, who writes that Antoninus Pius shed tears and lamented (δακρύων καὶ ὀδυρόμενος), and threatened to reject the role as emperor if he did not get his will through.<sup>882</sup> The senators gave in after the speech out of respect for Antoninus, even if the soldiers stationed outside the Curia might have helped.

Antoninus' tears were not shed in supplication to arouse *miser cordia* for himself. The tears instead underlined the sincerity of his emotions, and more importantly, his threats. Still, we can read Antoninus' tears as a concession in that the senators got something in return if they yielded to him. On his side, the emperor risked humiliation if his tears were to fall flat. In a sense, Antoninus' tears expressed a decrease in social distance between emperor and Senate and that he was dependent on the senators—otherwise he would have no reason to weep. Harriet Flower concludes her reading (which does not mention the tears) of the episode that in the end a consensus was established in which Antoninus was seen as one of the senators.<sup>883</sup> So tears are again associated with consensus and *civilitas* in the context of the acceptance and rejection of titles and honors.

### *Civilitas* and *clementia* at the Spectacles

Emperors wept at spectacles in front of audiences, who appreciated such tears as expressions of *civilitas* and consensus. For example, Helmut Krasser has read Statius' *Silvae* 2.5 so that the tears Domitian shed in the amphitheater, when an Imperial lion had been embarrassingly killed, expressed *miser cordia* and restored consensus between emperor and the people.<sup>884</sup> Other examples include the popular Titus, who wept grievously in front of the people (*populo coram ubertim flevrat*) during games before his death.<sup>885</sup> Dio also preserves the episode and writes that Titus wept bitterly so that the whole people saw him (καταδακρύσας ὥστε πάντα τὸν δῆμον ἰδεῖν).<sup>886</sup> Titus was apparently bitter and wept because

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<sup>882</sup> Cass. Dio 70.1.2–3. The episode is discussed by Flower 2006, xxi, 270–275. Millar 1977, 351, observes that such senatorial opposition to the emperor was unusual. Cf. Hagen 2016, 207; 2017, 88, 155, who observes that Antoninus' tears expressed the importance of his demands.

<sup>883</sup> Flower 2006, xxi, 272–275.

<sup>884</sup> Krasser 2009.

<sup>885</sup> Suet. *Tit.* 10. Titus was praised for his *civilitas* and was portrayed as the ideal *princeps* at *Tit.* 8–10, something made evident by his presence and emotionality at spectacles, see Wallace-Hadrill 1983, 164; Aldrete 1999, 121–122, 124; Schulten 2005, 20–21. Cf. Tatum 2014.

<sup>886</sup> Cass. Dio 66.26.1.

he was about to die.<sup>887</sup> We can contrast the positive reception of Titus' tears with Trimalchio of Petronius' *Satyricon*, who is portrayed as ridiculous because he wept at the thought of his own death.<sup>888</sup> This contrast suggests the importance of the standing of the weeper in the eyes of both historical audiences and authors. We might interpret Titus as weeping not only to express *civilitas* but also for the sake of the *res publica* and for what would happen to it after his passing during the rule of his brother Domitian. This interpretation would make Titus' tears statesmanlike rather than self-centered.

Imperial tears could also express *clementia*.<sup>889</sup> *Clementia*, like its more emotional cousin *misericordia*, was related to *civilitas* in that the ruler demonstrated that he cared for his subjects by weeping for them.<sup>890</sup> We can cite a range of Imperial tears that expressed *clementia* and related qualities. Suetonius writes that Augustus shed tears over the necessity of condemning C. Cornelius Gallus, and complained that only he as emperor could not put a limit to what his anger could do to a friend.<sup>891</sup> Cassius Dio writes that Vespasian was overwhelmed by emotion and left the Senate in tears after a quarrel with Helvidius Priscus, who was arrested because he had insulted the emperor's *maiestas*.<sup>892</sup> The same emperor was moved to tears by the supplications of Epponina (Peponila), wife of the rebellious Julius Sabinus. Nonetheless, Vespasian condemned her along with her family as the gravity of treason could not be pardoned.<sup>893</sup> Likewise, Suetonius praises Vespasian for shedding tears for even those who suffered just punishment.<sup>894</sup> Similarly, according to the *Historia Augusta*, as a boy, Caracalla wept and turned his eyes away when convicted criminals were pitted against animals, tears the people thought lovable.<sup>895</sup> The *Historia Augusta* likewise claims that a young Gordian II

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<sup>887</sup> Cf. Hagen 2017, 315–318, who reads Titus' tears as a humane and tragic ending as part of a metaphor for "life as a theater."

<sup>888</sup> Petron. *Sat.* 71–72. See above 71–72.

<sup>889</sup> Krasser 2009; Hagen 2017, 96–97, 276–292, observe that tears shed at spectacles can express *clementia* and *misericordia*. *Clementia*, *misericordia*, and tears in forensic oratory are discussed above chap. 4. On *clementia* and the emperor, see Wallace-Hadrill 1983, 158–162; Galinsky 1996, 80–85, 117, 204; Griffin 2003, 165–182; Dowling 2006; Braund 2009, 37–38, 42–44; 2012, 100–106.

<sup>890</sup> See Braund 2009, 32, n. 105, who cites Suet. *Aug.* 51, where *clementia* and *civilitas* are spoken of together as a pairing (*clementiae civilitatisque*).

<sup>891</sup> Suet. *Aug.* 66. Cf. Hagen 2017, 283.

<sup>892</sup> Cass. Dio 65.12. Cf. MacMullen 1966, 55; Hagen 2017, 87–88, 284–285.

<sup>893</sup> Cass. Dio 65.16; Hagen 2017, 77–78.

<sup>894</sup> Suet. *Vesp.* 15.

<sup>895</sup> SHA *M. Ant.* 1. There seems to have been a troupe of being easily moved to tears when young, for later to be corrupted by power, or alternatively, have one's inborn cruelty be revealed by

was unable to check his tears when other boys were flogged.<sup>896</sup> Philostratus writes that Marcus Aurelius was moved to shed tears openly (δάκρυα φανερά) when the Athenians accused Herodes Atticus.<sup>897</sup> In these cases, the emperor made seemingly no attempt to hide his tears, but rather made a show out of them. These tears also seem to express a conflict between the emotions of the individual and the necessities of power associated with the emperor's role.

## Subjection and Sincerity: Tears and Ambiguous Communication

The positive characterization of the tears of Augustus and Trajan by Suetonius and Pliny, respectively, can be contrasted with how Tacitus describes the tears shed at Tiberius' ascension. The senators responded ambiguously to Augustus' death and the impending ascension of Tiberius. The more illustrious the senator, the greater his hypocrisy according to Tacitus: the senators composed their faces (*vultuque composito*) not to express undue happiness at the death of the former *princeps*, nor sadness at the arrival of the new, while their tears mixed with joy, regrets with adulation (*lacrimas, gaudium, questus, adulationem miscebant*).<sup>898</sup> A little later in the narrative, in the next meeting of the Senate, Tacitus has Tiberius simulating reluctance to assume Imperial power, despite having the powers collected to his person.<sup>899</sup> The senators were afraid that Tiberius might comprehend that they understood his simulated reluctance, so they poured out prayers, complaints, and tears not to upset Tiberius but rather to beseech him to assume power.<sup>900</sup> It seems like Tiberius attempted to perform a kind of *recusatio*, like Augustus did when he had hesitated before accepted the title of *pater patriae*. But the communication fails, as Tiberius does not play his role by displaying emotional closeness with the senators, like Augustus and Hadrian did in similar situations. Instead, the senators humiliate themselves further by their supplicating

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power. An earlier example is Sulla, who, according to Plut. *Sull.* 30, was easily moved to tears of pity (πρὸς οἶκτον ὑγρὸς, ὥστε ῥαδίως ἐπιδακρύειν) as a young man.

<sup>896</sup> SHA *Gord.* 18.

<sup>897</sup> Philostr. *VS* 2.561; Millar 1977, 4–5, 122–123.

<sup>898</sup> Tac. *Ann.* 1.7.

<sup>899</sup> On the confusion at Tiberius' ascension, see Tac. *Ann.* 1.7–14; Suet. *Tib.* 24–25; Goodyear ad loc.; Seager 1972a, chap. 3; Griffin 1995, 37–43; Aldrete 1999, 148–149; O'Gorman 2000, 86–89; Corbeill 2004, 159, 164; Pettinger 2012, chap. 9; Hagen 2017, 83, 136–137, 143–148. On the succession after Augustus more generally, see for example Bowersock 1984; Pettinger 2012; Seager 2013; Osgood 2013; Vout 2013.

<sup>900</sup> Tac. *Ann.* 1.11.

tears. Thus, instead of expressing *civilitas*, as a *recusatio* should, the episode exposes the Senate's subjection and the existence of a dysfunctional autocracy.

I argue that Tacitus used tears to describe the ambiguities of the Principate. At the time of Tiberius' ascension, neither the emperor nor the senators knew how roles should be performed, while the first transfer of power during the Principate was an unprecedented situation that accentuated uncertainties.<sup>901</sup> Miriam Griffin has argued that Tacitus uses Tiberius as a personification of the inherent contradictions of the Principate.<sup>902</sup> For Anthony Corbeill, Tacitus' narrative of Tiberius' accession illustrates the separation of facial expression from inner sentiment, a separation that characterized the Principate (principally under "bad emperors").<sup>903</sup> While Ellen O'Gorman understands Tiberius as a representation of Tacitus' text and the difficulties reading it.<sup>904</sup> Building on these interpretations, I suggest that Tacitus used tears to reflect the opacities of both the political system and Tiberius' person. One could say that these ambiguities were expressed through the prism of tears.<sup>905</sup> Tears are nonverbal and are given meaning depending on the situation and how roles with their scripts for behavior were expected to be performed. If contexts, roles, and scripts are unstable, unreliable, and contested, the same holds true for tears. Consequently, as we saw in chapter 3 in the context of mourning during the reigns of "bad emperors," false, forced, and suppressed tears can function as symbols in literature for a political culture characterized by doublespeak. We have encountered the association between (a bad) monarchy and false tears: the only feigned tears in Livy's *Ab urbe condita* are shed in monarchic settings, by Perseus of Macedonia (in a court intrigue) and Moagetes of Cibyra; Ptolemy XIII, a Hellenistic king, wept with "a deceit typical

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<sup>901</sup> The edited volume Gibson 2013 discusses the problem of succession during the Julio-Claudian period.

<sup>902</sup> Griffin 1995.

<sup>903</sup> Corbeill 2004, chap. 5.

<sup>904</sup> O'Gorman 2000, chap. 4.

<sup>905</sup> On Tiberius' character, see Cass. Dio. 57.1. Tacitus' (*Ann.* 3.22) description of Tiberius' manner and appearance at the trial of Aemilia Lepida is suggestive: Tiberius confused both the formal procedure and his looks to bewilder the audience in the Senate so that it was difficult to understand what he was thinking as he muddled the signs of *clementia* and anger. Although not mentioned, I suggest that tears are likely candidates to be these signs of *clementia*. On this episode see, Shotter 1966. On the difficulties of reading Tiberius' face and emotions, see also Tac. *Ann.* 2.28–29 (the trial of Piso), 3.15 (the trial of M. Scribonius Drusus Libo). For references to Tiberius' *dissimulatio*, see Woodman & Martin 1996, 89.

of his people” in the *Bellum Africum*; and forced, insincere, and withheld tears are characteristic of the Principate of Tacitus and Cassius Dio.<sup>906</sup>

The first part of this chapter made clear that it could be an expression of subjection when a person of a lower status wept before someone of higher status. This is how Pliny can be understood when he states that the Senate’s benches had seen the tears of senators but not of emperors. The senators’ tears in front of Tiberius expressed a similar subjection. Another episode that further illustrates humiliating senatorial subjection is told by Cassius Dio, who describes how Vitellius the Elder (father of the later emperor) had incurred the jealousy of Gaius. To save himself, the highly competent and prestigious Vitellius arranged his appearance below his rank and prostrated at the emperor’s feet weeping in tears (πρός τε τοὺς πόδας αὐτοῦ προσπεσὼν καὶ δάκρυσι κλαύσας).<sup>907</sup> Vitellius was successful and became one of the Gaius’ adulating associates.

The sincerity of tears can almost always be questioned. We can illustrate this by turning to tears discussed earlier in this chapter. It is telling that Diodorus Siculus felt the need to label Scipio Aemilianus’ tears at Carthage as unfeigned (ἀπροσποιήτως ἐδάκρυνεν).<sup>908</sup> This qualification suggests that Scipio’s tears could be understood as contrived if not labeled as true. It is likewise instructive how Caesar’s tears shed over Pompey were interpreted by different authors. In the *Periochae* of Livy, Caesar becomes enraged and burst into tears (*infensus est et inlacrimavit*) at the sight of Pompey’s ring.<sup>909</sup> There is no indication that Caesar’s tears were to be understood as insincere in Livy. Valerius Maximus is explicitly lauding Caesar’s weeping as an example of *humanitas* and *clementia* as he writes that Caesar changed the face from enmity to that of a father-in-law when he wept for Pompey.<sup>910</sup> Other authors were critical of Caesar’s tears. Lucan in the *Bellum civile* at length denounces Caesar’s tears as hiding his true feelings of joy while

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<sup>906</sup> de Libero 2009 surveys tears in Livy and Tacitus and concludes (215–216) that no Roman sheds false tears in the preserved parts of Livy. The tears of Moagetes (Livy 38.14.14) and Ptolemy (Caes. *BAfr.* 24) are discussed above 150 and 152–153, respectively. For Perseus’ false tears, see Livy 40.8.3.

<sup>907</sup> Cass. Dio 59.27.2–6. The Vitellii were apparently no strangers to tears as observed by de Libero 2009, 223–224. Above 145–146, we saw how this L. Vitellius the Elder wept as he persuaded Claudius to convict Asiaticus. In another episode, L. Vitellius the Younger shed tears in front of his brother, the emperor Vitellius and with success falsely informed against Junius Blaesus (a grandson of his namesake who tried to quench a mutiny by threatening to commit suicide in Pannonia in AD 14), see Tac. *Hist.* 3.38; Levene 1997, 136–137; Hagen 2017, 108. Above 172–173, we saw how the emperor Vitellius wept as he tried to abdicate.

<sup>908</sup> Diod. Sic. 32.24.

<sup>909</sup> Livy *Per.* 112.4.

<sup>910</sup> Val. Max. 5.1.10. Cf. Bloomer 1992, 211–212.



Caesar's Roman audience refused to join in with his feigned tears—instead, they hid their sorrow and displayed joy in an absurd scene.<sup>911</sup> Cassius Dio writes that Caesar shed tears and lamented, but was ridiculed for hypocrisy because he pretended to mourn Pompey and made a show of his grief.<sup>912</sup> Regardless of their historicity, Caesar's tears recurred in literature and were assessed differently, depending on the author's opinion of Caesar. The event is described in much the same way, but while the Caesar of Livy, Plutarch,<sup>913</sup> and Valerius Maximus shed sincere tears, the same tears for Dio and Lucan are signs of a despicable dishonesty. Again, we can observe how weeping functioned as a prism by which authors could characterize and evaluate protagonists.

Above, I discussed how the tears of Augustus and Trajan responded to senatorial praise. In both cases, the expression of acclaim is explicitly represented as spontaneous. An unintentional loss of self-control lent itself to be understood as sincere. Consequently, Suetonius and Pliny wanted to portray the praise as sincere rather than as insincere adulation, orchestrated with calculation. But the problem remains: how can one know that Pliny's praise is sincere when "bad emperors" had been similarly lauded?<sup>914</sup> Pliny himself claims that Nero had staged senatorial acclamations,<sup>915</sup> which is why Pliny must argue the sincere spontaneity of the senatorial acclamation of Trajan and label Trajan's responding tears as true. The same arguably holds true for Suetonius' portrayal of the sincere spontaneity of the praise of Augustus.

Emotional expressions should be involuntary and were as such tokens of sincerity.<sup>916</sup> But tears, like blushes, were understood as feigned during the reigns of "bad emperors." Domitian, the foil to Pliny's Trajan, was even said to have been able to control his own blushing,<sup>917</sup> the ultimate expression of misconducted self-control, characteristic of a political culture that was dysfunctional and riddled

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<sup>911</sup> Luc. 9.1011–1108.

<sup>912</sup> Cass. Dio 42.8. Hagen 2017, 202–206, discusses the insincerity of Caesar's tears in Cassius Dio and Lucan.

<sup>913</sup> On Plutarch's versions (*Pomp.* 80; *Caes.* 48) of Caesar's tears after Pompey, see above 161.

<sup>914</sup> Bartsch 1994, 169–185; 2012, 173–191. A positive virtue could be understood (ironically) as its opposite vice, or as the corresponding vice to that virtue.

<sup>915</sup> Plin. *Pan.* 54. See also Mart. 8.11. Cf. Petron. *Sat.* 60; Mart. 9.33; Aldrete 1999, 106–107.

<sup>916</sup> See for example the explicit spontaneity of the mourning after Titus and Marcus Aurelius, discussed above 85.

<sup>917</sup> On the Roman blush, see Barton 1999; 2001, 199–269; Corbeil 2004, 165. On Domitian's blushing, see Plin. *Pan.* 48.4–5; Tac. *Agr.* 42, 45; *Hist.* 4.40; Suet. *Dom.* 18. According to Sen. *Ep.* 11.7, so was the blush the only emotional expression that actors could not act at will (the blush is the topic of *Epistula* 11.)

with ambiguous communication. Such *dissimulatio* was inherent in the Principate, divorcing form and manner from content and matter, and emotional display from emotional content. In the *Panegyricus*, Pliny “collapsed” form and content so that communication and emotional expressions became readable and reliable, and corresponding to emotional content. Evidently, such praise ends up in a circular argument: the emperor is sincere because he is good and good because he is sincere and so on. However, by explicitly labeling tears as true, Pliny directs attention to their potential to be the opposite and thus articulates the uncertainty surrounding tears rather than solves it. (*Mutatis mutandis*, the same holds true for acclamations.) The distinction between true and false tears was, and remains, a subjective matter, not an objective fact. I am of the opinion that the anxiety with sincerity that we can see during autocracies reflects the subjects’ desire to be able to gauge the sentiments and emotions of the autocrat.

To sum up, the literary depiction of a political culture in which actors dissimulate, practice doublespeak, simulate tears, or weep out of subjection might be read either as a description of an “actual” political climate during an autocracy or as a literary characterization of an authoritarian system that suffers from dysfunctional communication. Conversely, the characterization of tears as true and sincere signals that a political system was sound and that roles and scripts were known to performers, who could read and trust each other’s faces (and tears), so that they were able to interact. The good ruler could afford to weep before his subjects and display his virtues and express a consensus between the ruler and the ruled. This is the idealized image that Pliny tries to project with Trajan’s “true” tears.

## Concluding Discussion

A theme throughout this chapter has been how tears expressed relationships of authority and status. The subjected could weep in front of the ruler, often in supplication, to symbolically express this relationship. This holds true both for senators relative to the emperor and for representatives from foreign states and cities in relation to Rome. Instrumentally, such tears could aim at invoking *clementia* or at arousing *misericordia*, to be spared or to obtain some other gain. For Roman senators, it was humiliating and beneath their rank to weep in subjection before an emperor, who was nominally a fellow senator. For the same reason, it would not do for a Roman representing Rome to weep in supplication before representatives of other states.

The expectation that it was the subjected who should weep made it all the more rhetorically striking when it was the mighty who did so. An emperor weeping in front of his subjects displayed *civilitas* and expressed that he was a person among persons, or more importantly, a senator among senators. Such displays pleased the emperor's fellow senators, who were sensitive to too obvious status differences between themselves and the emperor, while the plebs appreciated an emperor who was among them and shared their joys and sorrows. The ruler demonstrated that he cared for his fellow men and displayed *civilitas* by shedding tears out of *clementia* and *misericordia*. When the elite performer and his audience wept for the same reason, they expressed a consensus based on shared values, an emotional community between leaders and led, that is, between performers of different status.

Perhaps counterintuitively, *clementia* was a virtue that expressed self-control but could be expressed with tears. Indeed, Cicero in the *De inventione rhetorica* categorizes *clementia* as a subdivision of *temperantia*, a virtue best translated as "self-control."<sup>918</sup> In practice *clementia* should ensure the mild treatment of the sovereign's subjects and that he was not carried away by self-interest or anger but was moved by humane considerations beyond his own person and the immediate moment. One can perhaps say that *clementia* properly displayed was the "tempered mean," a *temperatio*, between self-control and emotionality.

The weeping victor encapsulated good qualities associated with tears as he was taken by the historical moment and could feel *misericordia* for the mutability of fortune and exercise *clementia* as a lenient victor. The tears of victory expressed a historical consciousness, either on the part of the weeper or the author narrating the event, and signaled the historical significance of the weeper and his victory by alluding to other weeping victors. The motif was Hellenistic and expressed Roman appropriation of Greek culture. By weeping in victory, Romans displayed their military, political, cultural, moral, and emotional mastery. When Scipio Aemilianus wept at Carthage, he did so in front of Polybius, the historian who had been directed to him by his biological father Paulus, who had himself wept as a victor in front of Perseus. The family connection between weeping victors reached even further back, to Aemilianus' adoptive grandfather Africanus the Elder, who had wept as a victor expressing *clementia* after victories at New Carthage and in North Africa. Tears thus served to express the prestige of this powerful and state-bearing family to posterity. As repeatedly suggested in previous chapters, it was acceptable for Romans to weep, not only for family and friends

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<sup>918</sup> Cic. *Inv. rhet.* 2.164; Griffin 2003, 170, n. 48; Dowling 2006, 18–19; Braund 2009, 32. The two other subdivisions of *temperantia* are *continentia* and *modestia*.

but also for the *res publica*. A reading of the weeping victors is that they wept for what their victories meant for Rome and the *res publica*, be it in victory over external enemies, as in the cases of Marcellus, Paulus, and Aemilianus, or internal, as in the cases of Cato, Caesar, and Octavian.

Tears could be shed by emperors and generals when authority was assumed, questioned, or affirmed. Such tears were often accompanied with gestures of supplication and humility. In a sense, a high-status individual supplicated from above. We can read such performances as a negotiation where the elite weeper by his tears gave up some of his social capital by losing some of his self-control in exchange for obedience. Such tears decreased the social distance between leaders and led while maintaining formal hierarchies. By weeping, a leader could create a situation in which his followers would be responsible for humiliating their superior along with his office, and by extension Rome, if they did not heed his tears, something Romans loathed doing. Tears were powerful, but disastrously humiliating if unheeded. As with the exercise of *clementia*, the weeping leader demonstrated that he cared for his followers. The desired outcome was consensus and *fides*, which in military contexts was performed by an oath, while acclamations could be an appropriate response in civil contexts.

A good man of high status, be it a general or an emperor, could afford tears. Tears expressed his respect for his fellow men and subjects, for the fallen, the defeated, and mortality. Such tears demanded high status to be rhetorically impressive. Tears shed by a person of low status did not “cost” much: a weeper of low status did not risk much since he did not have much to risk to begin with, which is why his tears were merely (further) subjecting and humiliating.

The Principate suffered from ambiguous roles and communication that led to *dissimulatio*, something that impacted weeping since tears are given meaning by the context. If roles and scripts are ambiguous, tears will be as well. Combined with tears’ importance for communication in the political system, this meant that tears could be used to characterize a political culture in different ways, something that has emerged not only in this chapter but also in chapters 3 and 4. Weeping was problematic during oppressive regimes when tears were curtailed, feigned, or forced to appease an autocrat. Such tears were unreliable, indecipherable, and unnatural to the Roman mind. During the rule of good emperors, tears were readable and could be trusted. A good emperor shed true tears with his Senate and people, whom he let weep freely without repercussions.

Tears, whether true or false, lend themselves to be understood as literary devices. Nonetheless, I argue that such characterizations do reflect historical attitudes toward how tears ought to work, and actually did work. There is good reason to

give some credence to the accounts of authors like Tacitus, Pliny, Suetonius, and Cassius Dio, who themselves interacted with emperors and moved in social groups who did so. Cicero's experiences during Caesar's domination can also be adduced. Together their experiences point to the need to display the proper manner and appearance in front of an autocrat. Especially the face and eyes, and thus tears (or their absence), were noticeable. I argue that the need to display the right face and the right emotions is characteristic of autocracies in general and that the preoccupation with sincerity during an autocracy is a reflection of the subject's inherent desire to be able to read the face of power.

## *Chapter 6.*

# Summary: Roman Tears

This chapter outlines and discusses the study's themes, highlights, and conclusions. Footnotes guide the reader to relevant discussions in this book.

## Theatrical Tears

The dramaturgical approach structured the study: from chapters corresponding to “stages” to the reading of different types of “plays” and “performances” and the establishment of the weeping “script” for different “roles” in certain situations. The dramaturgical metaphor offered a useful toolbox with terms and categories that helped identify patterns and relationships in an immensely large, rich, and dense textual material. Part of the reason the metaphor worked so well is that Roman culture was “performative” and that Romans themselves made sense of their lives and their world by likening it to the theater. This means that Roman categories and “realities” are easy to interpret and translate with the metaphor. One might argue that this is problematic as the interpreter might be “led by the sources.” To this objection, I reply that it is a strength that we are made further aware of the Roman penchant for the theatrical, while we are working with categories with validity in Roman culture. The approach captures how the Romans took on different roles and scripts depending on the context and situation, rather than there being a universal pattern for weeping. Indeed, one key conclusion is that there is no short answer to questions like “Did the Romans weep much?” A concise answer might be “yes, at least more in public than in today’s West,” to which it must be added, however, that “it’s complicated” and that “it depends.” The theatrical metaphor together with a comprehensive approach—covering several genres, authors, contexts, and individuals—has allowed the study to better understand what the appropriateness and significance of Roman tears depended upon.

## The Importance of Context

In his *Life of Pericles*, Plutarch describes how the Athenian statesman Pericles begged and tearfully won an acquittal for his lover Aspasia in the law court.<sup>919</sup> Plutarch does not comment on this conduct. Just a little later in the narrative, Pericles lost many of his family and friends to the plague. Plutarch praises him for his self-control because no one saw him weep.<sup>920</sup> But when Pericles' sole remaining son succumbed, he broke down, wailed, and shed many tears, even though he had never done such a thing in his life, according to Plutarch.<sup>921</sup> The tears that Pericles shed at the trial just earlier in the narrative do not come into Plutarch's equation. To shed tears in the law court to acquit his lover did not warrant a comment from the moralistic biographer. However, whether Pericles did so when his friends and family died was a test as well as an opportunity to express virtue. The example might be Greek, but the basic argument holds true for Rome as well. Mourning and political setbacks tested the self-control of the *vir*, while rhetorical manuals recommended tears and orators wept without much regret and censure in forensic oratory. The point I am arguing is that the significance and reception of tears varied between contexts, whether in mourning, court, politics, diplomacy, or military victory.

Since the study works with representations of tears in literature, we must also understand how the literary context interacts with tears. Of course, author and genre mattered greatly for the representation of tears. The significance of genre is apparent when we see how an author could be inconsistent in his attitude toward tears across genres. To take one example, Cicero is very restrictive toward tears when he speaks with a Stoic voice in the *Tusculanae disputationes* and rather restrictive in his consolatory letters, but breaks down and is overly emotional when he faced hardships like exile and the death of Tullia, while he is proud of his tears as an orator and could recommend weeping in his rhetorical works.<sup>922</sup> Another author with a large output is Seneca, who argues for a differing degree of emotional restraint in his philosophical writings depending on the argument he is making. Seneca is more critical of weeping in *Epistula* 99 than in his other *consolationes*. In *Epistula* 11 (which is not a consolatory letter), he disapproves of

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<sup>919</sup> Plut. *Per.* 32.

<sup>920</sup> Plut. *Per.* 36. On Pericles' grief, see Schorn 2009, 353–354; Hagen 2017, 197–198.

<sup>921</sup> Plut. *Per.* 36.

<sup>922</sup> Harris 2001, 210–211, has demonstrated that Cicero's stances toward anger are of a similar nature. Cicero is critical of anger in the *Tusculanae disputationes*, allows for anger as both a means and an end in oratory, and is at times venting anger in his letters.

tears in an argument that amounts to absolute emotional self-control made in opposition to a more moderate Peripatetic position. Conversely, Seneca's tragedies are emotional and tearful following the generic conventions of tragedy.<sup>923</sup>

How much the author influences the representation of tears becomes apparent when we investigate the representation of the tears of a controversial figure who is depicted by several authors and in several genres. One such example is Julius Caesar and the tears he is said to have shed over the dead Pompey.<sup>924</sup> Valerius Maximus praises Caesar's tears, and Plutarch and Livy are seemingly positive as well, while Lucan and Cassius Dio denounce Caesar's tears as deceitful calculation. However, these authors all describe Caesar's behavior similarly. What differs is whether the author represents the tears as sincere or not, something that depends on his estimation of Caesar. In effect, they utilize tears as a prism by which to characterize and evaluate Caesar.

Another figure who appeared frequently in the study is the emperor Tiberius. His weeping habits are treated differently in various genres and by different authors.<sup>925</sup> In his philosophical writings, Seneca uses Tiberius as an *exemplum* of self-control in mourning, while the poetic *Consolatio ad Liviam* celebrates Tiberius' tears after the death of his brother Drusus. Tacitus' treatment of Tiberius' self-control is more complex since it interacts with politics. He illustrates the conflicting demands that the establishment of monarchy put on the emperor and the traditional elite by ascribing Tiberius self-control and opacity. In Tacitus, Tiberius' refusal to mourn Germanicus represents a rift in Roman society between a non-mourning emperor on one side and the community-wide weeping on the other. More positive is his description of Tiberius' self-control in the Senate after his biological son Drusus' death.

This study can offer some illustrative observations on how authors could use tears. Livy tends not to comment on weeping and does not describe any Roman shedding false tears.<sup>926</sup> In contrast to Livy, Tacitus employs many tears to characterize the Principate's duplicities: true tears might be ignored, false tears heeded. Suetonius' interest in the interaction between emperor and other groups

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<sup>923</sup> On emotions in Seneca's tragedies, see Battistella & Nelis 2017; and now the edited volume Cairns & Nelis 2017c.

<sup>924</sup> See 161, 181–182.

<sup>925</sup> See 92–97, 179–180.

<sup>926</sup> de Libero 2009 reviews tears in Livy and Tacitus.



is reflected in how tears are often shed in communicative contexts in public life.<sup>927</sup> As a biographer, Plutarch uses tears to characterize his protagonists: either the protagonist expresses virtue with tears or strength of character by self-control, in both cases with an internal audience as a foil. Similarly, the *Historia Augusta*, another biographical work, utilizes tears to characterize protagonists.<sup>928</sup> Cassius Dio uses tears as an audience response to guide reader response to a protagonist's actions and as a tool by which to portray individuals and circumstances positively and negatively by true, false, or forced tears. Appian frames with tears the fall of Carthage and the crises of the Republic in tragic narratives. Julius Caesar portrays his enemies weeping in subjection to him in a manner that expresses his own power and success and allows him to respond with *clementia*. The list could go on, but the point is that authors used and assessed tears differently depending on the historical situation, the argument he was making, and the genre he was working in. The various tendencies of writers need to be understood in the execution of a study like this because tears were not shed and evaluated randomly. There was a logic, or rather several logics, to tears. The study's comprehensiveness made it possible to establish and discuss such "logics" or "paradigms" for weeping.

## Two Paradigms

This study supports a conclusion that the two paradigms Dominique Arnould identified in Greek culture also existed in Roman culture.<sup>929</sup> One "current" used and appreciated excessive and extrovert emotional displays such as tears. This paradigm is present in genres (or modes of writing) such as epic, tragedy, poetry, the novel, and tragic historiography. The other paradigm valued emotional self-control that could be expressed by a refusal to weep. This current traces its origins to the writings of Plato and is found in philosophical literature like philosophical tracts and *consolationes*, and in other texts that associate restraint with status, masculinity, and power. Arnould mainly approaches these currents as literary phenomena. This study further argues that these literary currents offered competing paradigms for historical behaviors in Rome.

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<sup>927</sup> Wallace-Hadrill 1983 demonstrates Suetonius' interest in the interaction between emperor and society.

<sup>928</sup> On tears in Plutarch, see Lateiner 2009, 128–132; Schorn 2009, 351–360.

<sup>929</sup> Arnould 1990, 259–269.

Self-control appears as the more stable and dominant paradigm in this study because the frequently voiced demands for self-restraint suggest this.<sup>930</sup> Self-control needed to be measured against something to be of value, which is why a *vir* should be afflicted by his loss (or whatever distressed him). He might therefore weep, but a conscious effort ought to limit his tears in intensity and duration. The Roman man should be in control of his tears, not the other way around: the exemplary heroes of the Republic expressed self-control, it is a concern in Cicero's epistolary corpus, and both Tacitus' father-in-law Agricola and the emperor Tiberius displayed restraint in grief. Education and philosophy taught elite Romans to cope with self-control, while Stoicism that called for restraint became increasingly influential during the Late Republic and the Early Empire. Moreover, that Romans who wept excessively were chastised for being too emotional presupposes a norm that called for self-control. On the other hand, the fact that literature so frequently voiced expectations of self-control might suggest that Romans were not as self-controlled in real life as literature might imply.

It follows a logic that self-control emerges as a mark of dominant groups. Ideologically, self-control legitimized differences of power and status by claiming that power over oneself was a requirement for power over others and nature.<sup>931</sup> The ideological importance of self-control for the legitimacy of the Roman elite provides an understanding for why elite individuals could be chastised in *consolationes* and similar literature for their failure to demonstrate the appropriate self-control in distress. Such shortcomings violated the *ethos* and the legitimacy of the dominant group. If an emperor or a member of the "aristocracy of office" was not in power over himself, how could he, and by extension his caste, wield power over others? Audiences must see and verify self-control for it to be of social and political value. This expectation of performative evidence for restraint coupled with the ideological importance of (service to) the *res publica* meant that a Roman ideally coped with grief by persisting by being seen as politically, military, or oratorically active. A failure to be seen as functioning aroused suspicions of excessive emotionality and that the Roman was unfit to govern.

Cicero's dilemma after the death of Tullia prefigures how it became problematic for the traditional elite to display *virtus* by persisting in service of the *res publica* during the autocracy of Empire.<sup>932</sup> A mourning Cicero did not participate in public life in Rome as expected by his peers. Instead, he stayed at his country-estates. Not only a lack of composure might be the reason for Cicero's absence from

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<sup>930</sup> See 42–58, 67–68.

<sup>931</sup> See 70–72.

<sup>932</sup> See 56–58.

Rome: his compromised political standing and relationship with Caesar might have prohibited him from showing up in Rome during Caesar's dominance. In any case, Cicero was not seen in Rome and failed to give evidence for his self-control. Instead, he turned to writing, an activity that he thought testified to his strength of mind.

Cicero's relationship with Caesar foreshadowed what became a structural condition for the traditional elite during the Imperial period. The advent of the emperor, his family, and his administration altered relationships within society and the political system, and the power and status of groups, as well as what we might term "the emotional economy" more generally. For the traditional elite, the Principate meant fewer opportunities to express *virtus* and claim *dignitas* through the holding of office. The autocrat took control over public life, and advancement and the awarding of *honos* became increasingly dependent on Imperial favor rather than the display of *virtus*. When the political mattered less and provided fewer opportunities for the expression of *virtus* and public distinction, the traditional elite could turn inward to the private sphere that they still could control.

One response to the autocracy was to express *fides*, *pietas*, and the significance of family and kin through intense and extrovert mourning and emotionality.<sup>933</sup> This private emotionality was publicly displayed in action that might have imitated and alluded to the Imperial family, whose funerals and mourning were public spectacles. Politically, *fides* and *pietas* were likely to be appreciated by emperors as signs of loyalty and obedience. Moreover, excessive emotionality resonated with epic Homeric-heroic connotations. To some degree, laudatory descriptions of excessive emotionality reflect literary aesthetics. Epic poetry and poetic *consolationes* were inherently emotional. Still, I argue that the literary descriptions of copious weeping during the Empire reflect a historical change if we situate these tears in Roman culture.

Stoicism offered a contrary response to autocracy and prized extreme self-control. In theory, the community did not need to verify Stoic *virtus*, and it was enough that the Stoic spectated himself. Still, Stoics seem to have taken the presence of an audience for granted, even though this audience could not offer the same political significance to virtue as was possible during the Republic. But even if Stoicism was socially and politically conservative, seeing as it argued for the acceptance of prevailing conditions and circumstances, it could be wielded subversively in politics as suggested by the so-called "Stoic opposition."

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<sup>933</sup> See 58–68.

The paradigms were in dialogue and configured in relation to each other. We must remember that what is deemed to constitute appropriate self-control and emotional excess are relative to the attitudes and behaviors of others. Authors and audiences could criticize tears for being theatrical and excessive.<sup>934</sup> This very criticism, in fact, suggests the existence of such “excessive” practices. On the other hand, poetic *consolationes* could explicitly question limits to tears.<sup>935</sup> Such criticisms argue for the relevance of both paradigms.

Rome was an agonistic culture and competition nursed extrovert performances. For the elite Roman, it was important to claim a distinction that audiences evaluated as desirable. At least during the Imperial period, a Roman could claim this distinction by either self-control or emotionality. Consequently, the reception of tears was unpredictable, one could say nonlinear. Groups could assess the same tears variously, depending on in which “discourse” they were shed and assessed. It mattered greatly if an author wrote about tears in a philosophic consolation, celebrated them in a poem with epic imaginary, evaluated character with tears in biography, or tried to make sense of them in political historiography. The opinions of authors and other audiences were obviously of importance for the valuation of tears. An excessive weeper could be understood as overly emotional (Cicero after Tullia’s death, Octavia in the *Consolatio ad Marciam*, Regulus in Pliny’s opinion, and Herodes Atticus) or as pious (epic heroes and Statius’ weepers). A self-controlled man could be taken as distanced and cold-hearted (Tiberius in Tacitus) or as a paradigm of manly virtue (Tiberius in Seneca).

Quintilian furnishes one final example that suggests both the significance of genre and historical change. Writing at the end of the first century AD, the rhetor dedicates the preface to book 6 of his *Institutio oratorio* (fittingly on the subject of perorations and emotions) to his grief and the tears he shed after the death of his wife and two sons. Quintilian displays no concern for self-control but writes about his grief and mourning and thus commemorates and celebrates the deceased and his relationship to them in the manner of the emotional paradigm. The episode can also be read in the literary context of the *Institutio oratorio* as part of Quintilian’s rhetorical teachings on how to arouse emotions.<sup>936</sup> Both mourning and the law court could call for “excessive” emotionality, even though the former occasion traditionally called for self-control.

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<sup>934</sup> See 45–46.

<sup>935</sup> See 61–66.

<sup>936</sup> See Leigh 2004b, who contrasts Quintilian’s grief with the self-control of L. Aemilius Paulus.

## A Different Logic: The Law Court

Indeed, in contrast to mourning, the Roman courtroom was typically not an arena where self-control was made evident and tested by not weeping. Instead, tears were surprisingly unproblematic and recommended in the law court. Rhetorical authorities like Cicero and Quintilian were proud of the tears they shed as orators and recommended weeping in their rhetorical works. The ability to weep and make others weep was a sign of an impressive oratorical skill. In fact, I argue that tears in forensic oratory belong to the paradigm that appreciated emotionality and *pathos*. It was only hardline Stoics and their like that adhered to the paradigm of self-control and refused emotional appeals. It is telling that, as literary tradition would have it, this insistence got them convicted.<sup>937</sup>

Romans shed tears in the law court aiming to elicit *misericordia* or to invoke *clementia*. The Aristotelian-cognitive character of ancient emotions that was valid in Rome meant that rational considerations and judgments preceded emotional expressions.<sup>938</sup> This cognitive character gave emotions a foundation of reason. Undeserved suffering aroused *misericordia* and it was legitimate to act on this emotion to remedy unjust suffering. *Misericordia* was associated with virtues such as *clementia* and *lenitas*, related to a humane and benign treatment of offenders.<sup>939</sup> But, while *misericordia* presumed innocence, *clementia* and *lenitas* tended to presume a guilt that should be pardoned. However, once guilt was established, crimes typically had fixed punishments with a limited leeway for a tempering of sentencing, which is why it often was preferable not to admit guilt and instead plead for *misericordia*.

Tearful appeals to *misericordia* often played on the adverse consequences a conviction would entail for the defendant's family and friends. The importance of elite families for the *res publica* was often implicit or explicit in such appeals.<sup>940</sup> The frequent invoking of the *res publica* was part of a strategy that sidestepped the question of guilt and reframed the trial as an issue about the common and greater good. This type of argument also appealed to the self-interest of the judges in a way that was akin to that of deliberative oratory that centered on instrumental

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<sup>937</sup> See 112–113.

<sup>938</sup> See 126–135.

<sup>939</sup> See 131–135.

<sup>940</sup> See 122–125.

and strategic advantage that looked toward the future, rather than forensic oratory's concern with right and wrong in the past.

The significance of *clementia*, a virtue that could be appealed to and expressed with tears, represents another development of the Principate.<sup>941</sup> The emperor (and to some degree the Senate) could act with discretion and display *clementia* toward offenders. The relationship between *clementia* and the power to absolve is one reason *clementia* became an Imperial virtue. This development is evidenced already in Cicero's Caesarian speeches in which Caesar displayed his power and virtue by responding to tearful appeals with *clementia*. Emperors later expressed *clementia* with tears at spectacles.<sup>942</sup> In diplomacy, representatives for subjected peoples and states often tearfully supplicated Roman representatives for *clementia* and *misericordia*.<sup>943</sup> The weeper thereby conveyed his subjected state and Rome its power to display or reject *clementia* and *misericordia*.

Tears could be controversial also in court.<sup>944</sup> There was a worry that tearful appeals could arouse *misericordia* for guilty people who really deserved to be punished. There was also criticism from philosophic quarters, mainly Stoics, who disagreed with emotions and their display in general and did so also in court. Atticist orators preferred restraint and also objected to emotional speaking styles.

## Emotional Communities: Consensus and Conflict

An orator, regardless of whether in court, in a *contio*, or in the Senate, aimed to establish what we with Barbara Rosenwein's concept can label as an emotional community. Emotional communities build on the assumption that groups identified themselves and other groups by different attitudes to emotions and emotional practices. In the law court, the orator typically appealed to values such as *fides*, *pietas*, *misericordia*, and to the *res publica*—concepts every right-thinking Roman should embrace. An emotional community ideally excluded opponents and labeled them as deviants, or even branded them as enemies of Rome, who disrespected Roman norms and values that the emotional community cherished.

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<sup>941</sup> See 131–135.

<sup>942</sup> See 177–179.

<sup>943</sup> See 147–154.

<sup>944</sup> See 130–134.

That the orator should create an emotional community is clear from the recommendations in rhetorical manuals stating that the orator should give visual evidence of the emotions that he wanted to arouse in his audience.<sup>945</sup> That is, to make a judge cry and persuade him of an argument, a pleader needed to weep and be understood as doing so sincerely. The successful orator managed to draw the tears of the judges, the extraordinary even from opponents. Literary descriptions of oratory support this, and Cicero and other orators are repeatedly represented as weeping and drawing tears. To a reader, the audience's crying signals the speaker's eloquence and skill. Read from a historical perspective, the successful orator's tears established an emotional community constituted by himself and his audience, most importantly the judges.

The Roman community was ideally one in harmony, where *concordia* and consensus reigned. Consensus was a basic Roman value that was ideologically significant and desirable on several levels: between different groups in the community, within groups, and in specific situations. Group identity and group relationships were important in a society that was famously stratified and very status conscious. Emotional expressions such as tears were particularly appropriate in order to manifest a consensus within and between groups since tears were (ideally) understood as spontaneous and sincere rather than as choreographed and false. One situation when tears expressed an agreement within and between groups was in mass mourning of statesmen, who during the Late Republic and the Principate became increasingly conflated with the *res publica*.<sup>946</sup> Mass mourning at the death of statesmen responded to a sense of loss and a lack of cohesion and order. Emotional expressions such as tears could express order, *fides*, *pietas*, and consensus within and between groups about their relationships and the significance of the loss that Rome had suffered.

Emotional communities offer a way to account for how groups in Roman society identified themselves and others by means of different degrees of emotionality. The elite man claimed status and power through superior self-control and by ascribing a volatile emotionality to other groups such as non-Romans, plebs, soldiers, slaves, and women. In this ideological construction, these groups were unable to restrain themselves and ought to be controlled by the Roman elite man. That is, the office-holding elite, both in civil and military spheres, legitimized their power and identified themselves through their control over their own and others' emotions. By letting go of their self-control and "amplifying" the expected

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<sup>945</sup> See 116–117, 137–141.

<sup>946</sup> See 73–80, 83–85.

script for mourning, elite Romans could excite the crowd's emotions.<sup>947</sup> Examples of such performances include Antony's funeral speech, the funeral and mourning of Clodius as it was staged by Fulvia and her allies, and Agrippina's grieving of Germanicus. These elite mourners successfully excited their predominantly non-elite audiences against enemies.

As a concept, emotional communities can be applied to understand conflicts. In mourning, different emotional responses to a death expressed different understandings of its significance. Examples include the rift evident between Tiberius and the rest of the Roman community in mourning Germanicus, the crowd's anger at the senatorial mourning of Antyllus, and the conflict about the meaning of the memory of *populares* such as the Gracchi, Saturninus, Clodius, and Caesar. These episodes also demonstrate the effectiveness of grieving tears in that they affected concrete political outcomes to the detriment of political opponents. The efficiency of "popular mourning" helps explain why the emotionality associated with demagogues, women, and the mob was criticized in literature and curtailed by legislation. A wish to avoid unrest explains to some degree why Tiberius limited the ostentatiousness of the funeral and mourning rituals after Augustus and Germanicus. In literature, such limitations could be constructed as malice and failures to display *pietas* and *fides*.

We can also view the Roman generals who wept in victory as asserting membership of an emotional community, constituted by weeping victors, among them Achilles and Hellenistic kings.<sup>948</sup> The list of Romans who are said to have cried in victory is illustrious: Scipio Africanus, L. Aemilius Paulus, Scipio Aemilianus, M. Claudius Marcellus, Lucullus, Cato the Younger, Brutus, Caesar, and Octavian. They wept at the moment of victory for a variety of reasons: the ephemeral nature of victory and everything human, the fickleness of fortune, dire forebodings for himself and Rome, the piteous state of the fallen, and perhaps joy. I must underline that tears were the defining expression of "membership" in this exclusive community of history-making victors.

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<sup>947</sup> See 73–83.

<sup>948</sup> See 154–166.



## Tears, Gender, and Status

The appropriateness, significance, and reception of tears depended on the weeper's status and gender, but the degree to which it did so varied. Tears were gendered, most obviously so in mourning and funeral rituals, where women shed tears as part of the extrovert and excessive emotionality expected of them. The association between women, mourning, and weeping held true throughout Graeco-Roman antiquity and far beyond. The association between women and excessive grief meant that weeping men ran the risk of being labeled as soft and effeminate. This risk is particularly evident with tears shed by men in mourning. The relationship between tears and femininity was weaker in other contexts, which is partly why it could be relatively unproblematic for a man to weep in the law court or deliberative settings such as in a *contio* or the Senate.

It is important to keep two thoughts in mind when it comes to tears and gender. Tears might be gendered, and they often are, but gender is not the only parameter that is significant for the reception of tears. A man ran the risk of being perceived as soft or feminine because of his tears, but his standing and popularity in the eyes of authors and audiences, along with the context, determined whether he was labeled as such.

We can exemplify the importance of standing with the contrasting reception of the tears of Petronius' *nouveau riche* Trimalchio and the emperor Titus. Trimalchio, along with his whole household, started crying at the mere thought of his death. His behavior was that of a man who had not acquired the cultural capital to go with his economic capital. Titus on the other hand wept profusely for his own imminent demise at games in front the assembled people. The literary context makes clear that Titus' tears were positively received. However, a writer hostile to Titus could easily have denoted the tears as signs of a self-centered lack of restraint that amounted to softness and femininity and as evidence that he was unfit as emperor.<sup>949</sup> We can further compare Titus' positive press with Suetonius' less generous assessment of Claudius' feeble weeping in front of the Senate,<sup>950</sup> and of Nero's tearful lamenting of his impending death,<sup>951</sup> or with how the *Historia Augusta* claims that Hadrian wept like a woman after the death of Antinous.<sup>952</sup>

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<sup>949</sup> See 71–72, 177–178. Cf. Hagen 2017, 303–318, on tears as indications of weakness making a person unfit as a ruler.

<sup>950</sup> Suet. *Claud.* 36. Cf. Suet. *Claud.* 41.

<sup>951</sup> Suet. *Ner.* 49.

<sup>952</sup> SHA *Hadr.* 14.

Elite women found themselves at an apparent intersection between gender and status.<sup>953</sup> They could face expectations of self-control due to their status, and of emotionality and tears because of their gender. Women, like Cornelia, Cotta's mother Rutilia, Livia, Helvia, and Marcia all displayed self-control and were exceptional *exempla* rather than representative of the potential of "ordinary" women. Extraordinary self-control was permissible for women if they subordinated themselves to their biological, social, and political roles. In practice, that meant subordination to their male relatives and the interests of the *res publica*. Instead, what elite Romans and authors perceived as dangerous was when women wielded emotionality in intrigues and vengeful mourning. Female emotionality that thus made a political impact was an instance of *muliebris impotentia*. That is when women who lacked self-control encroached on the male political arena. Another failure of women was to mourn and weep for too long, so that they failed to commemorate and further the memory of their male relatives, as did Seneca's Octavia in her mourning of Marcellus.

Surprisingly often, literature represents high-status Romans such as emperors, generals, and magistrates as weeping in front of their followers when their authority was questioned, assumed or rejected.<sup>954</sup> Such performances momentarily reduced the social distance between leader and led while maintaining absolute status difference (a consul was still a consul, a soldier still a soldier). We can understand this type of performance as a transaction that negotiated authority and status. The leader gave up some of his self-control (which can be thought of as social capital) in exchange for power and obedience, while the followers traded their obedience for tokens of their importance and their leader's respect for them. Here, as often in Roman politics, the weeper sought to establish consensus and *fides* between groups of different status. An elite Roman who relaxed his self-control and wept in front of Romans of lower status could thus express *civilitas* (or *levitas* or *comitas*). *Civilitas* to a degree overlapped with and could be an aspect of consensus, since *civilitas* articulated a relationship in which a person of power was seen as one among others and not as distanced.<sup>955</sup> Perhaps we can say that he was "folksy." Roman audiences appreciated when their superiors were emotional and wept in front of and with them. For this to work so that social distance could be reduced, however, there needed to be a distance and a differential of status and expectations of self-control to begin with. It is only those of high status who might not be expected to be folksy who can be folksy. Weeping Romans of low status

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<sup>953</sup> See 52–56.

<sup>954</sup> See 167–173.

<sup>955</sup> Cf. Goddard 1994.

merely conformed to expectations or further humiliated themselves. Something similar holds true for elite Romans whose status and authority were not acknowledged by their followers. The accounts of how Lucullus, Nero, Otho, and Heliogabalus struggled (or would struggle in the case of Nero) as weeping generals illustrate the importance that followers recognized and accepted the weeping leader's status and legitimacy. Rejected weepers were humiliated in two ways. First, the very act of shedding tears in supplication could be humiliating in itself, especially so because weeping typically was accompanied by other gestures of entreaty. Second, it could be even more humiliating if his authority and status were disrespected and denied even after he had humbled himself with tears. In contrast, a popular leader like Pompey, Julius Caesar, or Germanicus stood a good chance of being successful with his tears, given that much depended on whether his audience was well-disposed to him.

The case of the emperor Vitellius' "failed resignation", however, demonstrates that popularity was not the only factor that determined the success of tears.<sup>956</sup> Vitellius' tears at his failed attempt to abdicate as emperor strengthened his support despite his unpopularity. Romans felt pity for the "office" of the emperor and would not be responsible for it to be further humiliated despite loathing Vitellius as a person. This unwillingness to further disgrace a weeping office holder shamed his followers into respecting his authority so as not to bring shame on themselves by humiliating the office. If unheeded, such tears not only disgraced the office holder, but it could also embarrass his office and by extension Rome. This reasoning is applicable in cases in which magistrates and officers wept in crises of authority.

## Sincerity

The effectiveness and reception of tears hinged on their being understood as sincere. From both a practical and a moral perspective, a Roman should ideally experience the emotions he expressed with his tears or, in practical terms, be understood as doing so by relevant audiences. However, the sincerity of tears was not an objective fact. How tears were shed and the reason for what and for whom someone wept were critical for the assessment of sincerity. It was allowable to cry for family and friends in Roman culture whether in mourning, in the courtroom, or in politics—even a Stoic would allow tears for a dead friend. Conversely, shedding tears of mourning for strangers was inappropriate for anyone but female

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<sup>956</sup> See 172–173.

mourners. Likewise, an orator who shed tears for strangers or small matters in court exposed himself to ridicule or suspicion of insincerity. An orator, who pretended to be something or someone he was not, was eerily similar to an actor, an ambiguous category in Roman culture.<sup>957</sup> (One exception to this was the Stoics, who held it as a greater vice to be perturbed by emotions and weep than to simulate tears.) The need for a significant relationship for weeping to be appropriate is why we see Cicero in court argue the relationship with his client and the services the latter had bestowed upon him.<sup>958</sup> A strong relationship made it appropriate to weep and possible to make a persuasive emotional appeal for *misericordia*.

Tears not only express emotions but also signal their qualities, their intensity and sincerity. A Roman ought to weep with an extrovert passion to persuade and make evident that he truly experienced the emotion—that is, a Roman could claim sincerity by crying with intensity.<sup>959</sup> But to weep with intensity was a risky maneuver, for if the tears did not convince audiences of their sincerity, a weeper was further humiliated the more he wept.

The importance of sincerity becomes evident if we consider how tears were used to characterize and assess emperors and other elite Romans. Literature depicts “bad emperors” and non-Roman rulers as feigning tears or forcing their subjects to weep or hide their emotions. Such conduct was unnatural and the behavior of a tyrant. We can read the association between false, forced, and suppressed tears with a pathological autocracy as a literary characterization of a broken political culture where communication and faces could not be trusted. The opposite holds true for sincere tears and good emperors. A good emperor showed his concern for his subjects by tears and wept with them and allowed them to shed tears freely. This study has also argued that the need to adjust faces and weeping according to the autocrat’s interests and sentiments could well reflect historical realities.

Gary Ebersole has discussed what he understands as an increasing unease with tears during the Renaissance: true tears were a mark of the traditional elite, while deviant tears were shed by deviant persons and marked them out as such. Ebersole also quotes Shakespeare’s *Henry VI* as expressing the notion that while men restrained their tears, women learned to shed tears at will to manipulate others with them.<sup>960</sup> *Mutatis mutandis*, much the same holds true for the elite Roman

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<sup>957</sup> See 135–143.

<sup>958</sup> See 121–124.

<sup>959</sup> See 116–117.

<sup>960</sup> Ebersole 2000, 228–230.

man relative to other groups. A *vir* ought to control and check his tears and weep for the right thing, to do so otherwise was feminizing and dishonorable. Women, on the other hand, indulged in tears and would harness them to their advantage.

Ebersole also argues that tears became more problematic during the Renaissance with an increasing awareness that the social-self could be fashioned (in the sense of Foucault).<sup>961</sup> This knowledge was related to manuals that taught elite behavior. In effect, manuals made it possible for other groups to acquire the manner of the dominant group, which would then be a product of culture and socialization rather than a fact of innate nature. Among other things, handbooks taught social climbers how to weep like the elite. Questions of simulation and dissimulation thus became topics for discussion, while the dominant group's claim to rule by inherent quality and could now be questioned. I argue for an analogous development in ancient Rome as that sketched by Ebersole. *Consolationes* and rhetorical manuals provided instructions for elite attitudes and behavior, including the shedding of tears. In his consolations to Marcia and Helvia, Seneca at times makes arguments that virtue has a cultural rather than a natural basis.<sup>962</sup> The traditional categories would be upset if women could be taught *virtus* and self-control, something that women could express by not weeping as expected. A female capacity for *virtus* could threaten the traditional order that Roman men by nature were fit to rule by virtue of their superior self-control. This explains some of the unease and the paradoxes that are present in female exemplars who behaved with manly virtue. The way out of this conundrum is that manly women should not be regarded as typical of women's capacity for virtue. They were exceptional and used their virtue in service of their male relatives and the *res publica*.

The rhetorical manuals were arguably even more implicated in this development as they provided detailed instructions for the excellent orator and his education. These handbooks instructed when, how, and why an orator should weep. The rhetorical manuals indicate that forensic oratory became more "theatrical" and spectacular with time during the Republic and the Empire. Gestures became more extrovert, the details for delivery more detailed, and orators more emotional. This development ought to have conflicted with cultural expectations that tears should be sincere.<sup>963</sup> Both Cicero and Quintilian struggle with the written codification of oratorical instruction that brought forward the tension between instructed

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<sup>961</sup> Seneca and the self is a subject for the contributions of Bartsch & Wray 2009. Foucault 1986; 1988; 2005, engages with Seneca and the self.

<sup>962</sup> See 55–56.

<sup>963</sup> See 139–143. On the tension in the rhetorical manuals between the written codification of idealized behaviors and oratorical practice, see Gunderson 2000.

behavior and sincerity. But it seems to be less of a problem for Quintilian than for Cicero to take on emotions together with roles, which suggests that theatrical and spectacular tears came to be expected and appreciated, something that arguably mirrored an increasing cultural appreciation of spectacles in general during the Empire. This development indicates that Romans shed more tears with time, not only in court but also in mourning and deliberative settings.

## Weeping for the *res publica*

Most people can be expected to shed tears for family and friends, something that holds true today. More peculiar for the Roman political culture was the significance of the *res publica* for the appropriateness of tears. Romans frequently invoked the *res publica* both when they wept and when they refused to do so. In mourning, the bereaved Roman aristocrat might shed tears, but these tears ought to be limited in intensity and duration, and audiences expected to see him active in service of the *res publica*. As mentioned above, this enacted the elite's ideological claim to rule, both individually and collectively. A failure of the hegemonic group to cope with duress threatened both their claim to preeminence in the *res publica* as well as the *res publica* itself. A Roman might also weep "excessively" for the *res publica* as seen in the community-wide mass mourning after statesmen who were conflated with the state. Extrovert mourning for a statesman became an expression of consensus of support for the *res publica*. Roman advocates wept for the *res publica* in court as part of an argument centered on the significance of the client and the services he had rendered the *res publica*. The primary actors in court were members of the ruling aristocracy who identified themselves and their well-being with that of the *res publica*. A reading of the motif in which Roman generals wept in victory is that they did so for what their achievements meant for the *res publica* and Rome.

Indeed, what I find most striking is the positive connotation tears had when shed by statesmen, be it the tears that Cicero shed for his peers and the *res publica* in the law court, Scipio Aemilianus' weeping at the conflagration of Carthage that demonstrated to Polybius his supreme statesmanship, Suetonius' description of the tears of his good emperors, or Trajan's tears, which for Pliny evinced that the emperor was a most virtuous ruler. In cases like these, weeping was an expression of a sincere and personal involvement and a benevolent consideration that went beyond the weeper's person. Such tears testified that his interests truly aligned with that of his fellow Romans and the *res publica*.

## Tears and Roman Political Culture

Tears and weeping belong to the performative and “soft” side of Roman political culture that this study has helped to flesh out by investigating its emotional aspects. One finding is how closely tears and emotions were related to virtues in Roman culture. This relationship is most obvious for “social” virtues that expressed a concern for others like *pietas*, *fides*, *clementia*, *lenitas*, and *humanitas*. For example, *pietas*, grief, and tears are at times used interchangeably. To further complicate matters, *pietas* overlaps with *fides* (also an emotional virtue), while weeping and mourning can be used interchangeably to represent each other in texts. *Clementia* and *lenitas* repeatedly occur together with tears, while they often are conflated with the emotion *misericordia*. In short, weeping served as an emotional expression and as the performative manifestation of virtues. Given the performative character of Roman political culture, it stands to reason that virtues must be performed emotionally to be of social and political value. This association means that a virtue can be understood as an emotion, and vice versa. That emotional expressions such as tears were understood as sincere expressions of the person behind the mask lent them further significance in a culture where elite interaction meant taking on and performing roles. Of course, there was always a tension between expectations that tears should be sincere and that tears were anticipated in the performance of roles.

Moreover, “manly” virtues such as *virtus*, *gravitas*, *maiestas*, *constantia*, *dignitas*, and *temperantia* have an emotional component in that they could be expressed by emotional self-control. Like emotionality, restraint needed to be performed in the public eye to be of value. One performative manifestation of self-control was to be seen as not weeping while persisting in public life despite emotional distress. This study has argued that the Roman elite by weeping or not weeping navigated between these sets of social and manly virtues.

We can understand emotions, emotional expressions, and virtues as different sides of the same coin. The close relationship between emotional displays and virtues makes it hard to isolate the significance of a particular emotional display without a thorough understanding of the values and virtues it conveyed. The opposite holds true as well: we must appreciate the emotional connotations of virtues to understand the virtues themselves. I consider the relationship between emotions and virtues to be a fertile area for further study.<sup>964</sup> I suggest work on conceptualizing emotions, emotional displays, and virtues, both by themselves

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<sup>964</sup> Cf. Harris 2001; Krasser 2009; Morgan 2013; Hagen 2017, chap. 5.

and their interrelationship. Such projects entail engaging with problems like the degree to which virtues can be understood as emotions, the different relationships between given emotions and virtues, as well as change over time. This type of study will add to our understanding of virtues as much as to emotions and their display. Given the cultural and political significance of virtues, such an endeavor will further contribute to our understanding of Roman political culture. The broad approach applied in the present study proved advantageous, which is why it recommends itself to other projects. Thus, different genres, authors, historical situations, time periods, and historical individuals ought to be investigated in order to understand how different factors influence the representation of emotions and their display in texts.

Another venue for further work is the relationship between emotions and identity. Different identities and groups expressed themselves and were identified by various emotional practices and attitudes toward emotions. Most obviously, status was typically related to self-control, though a high-status person could make a rhetorical point by being emotional. Furthermore, I argued that the Principate gave rise to diverging responses to autocracy, one tending to emotionality, the other to self-control. It is my opinion that there is further and more detailed work to be done on emotional reactions to the autocracy of the Empire, for example on how senators experienced pride, fear, and anger, and how such emotions related to political action and change.<sup>965</sup> Another opportunity is to study the emotionality of the plebs, but perhaps with a different set of emotions and with a diachronic perspective that takes into account both the Republic and the Empire.

This study used Tiberius as an example of how the emperor tried to define his role in an ambiguous political milieu as he negotiated a range of, often conflicting, expectations of emotionality. Tiberius adopted a self-control that expressed *maiestas*, while other emperors of the Early Empire were more emotional and cultivated social virtues. I suggest a broader study of the emotionality of the emperor. Such an inquiry should take a broad approach by investigating a range of emperors and their portrayal in different genres and media, including inscriptions and statues. Regardless of the object of study and the approach employed, we should take into account the complex relationship between representation and reality and expect that virtues ought to be a major topic in any work on emotions in Roman political culture.

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<sup>965</sup> This idea is inspired by Reddy's (2001) work on the emotional background to the French revolution.



Ideally, of course, I would like to study the emotional interaction between different groups to be able to render an account of the “emotional economy” of ancient Rome that looks at the several emotional communities (such as plebs, soldiers, senators, the emperor and his family, men and women, Greeks, non-Romans, and so on) and their dynamic emotional interaction over time. It must be admitted that such an ambition is overwhelming as it is a complicated and challenging task to chart dynamic emotional interaction over time, but such a scope is needed if we are to understand historical change. Thus, while case studies demand less work and are easier carried through (and are better suited for conferences), what in my opinion is needed is broadly conceived book-length studies that can engage with and account for the subject’s complexity. Such an endeavor is worthwhile because regardless of perspective and method, in order to gain a better understanding of what was going on in Roman political culture we need to understand the role of emotions. Such an appreciation of emotions is imperative if we want to appreciate the lived experience of Romans and their motivations for different actions and to be able to account for the causes and consequences of historical events.<sup>966</sup> This study has hopefully added to our understanding of Roman tears and emotions and their relationships to politics and society—weeping could both be both the cause and the consequence of historical events. Roman tears mattered.

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<sup>966</sup> Cf. MacMullen 2003; Chaniotis 2012b.

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## Weeping for the *res publica*

Why is Julius Caesar said to have wept in front of his soldiers after crossing the Rubicon, and Scipio Aemilianus as he beheld the destruction of Carthage? How should we understand the criticism leveled against the emperor Tiberius' refusal to weep after the death of Germanicus? Why was the Roman law court flooded with tears? What was the significance of Pliny the Younger's praise of Trajan's tears? And why could elite Romans be praised for their excessive tears by Statius and criticized for similar tears by Seneca? In his doctoral thesis, Johan Vekselius engages with these cases and many more in pursuit of the function and meaning of tears in the political culture of ancient Rome during the Republic and Early Empire.