



Empire of glory  
Weberian paradigms and the complexities  
of authority in imperial Rome<sup>1</sup>

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**Abstract**

The 'princely', the system of government created by Augustus for imperial Rome, has puzzled ancient historians since the days of Theodor Mommsen. Mommsen, whose ancient history classes Max Weber attended, modelled the principate as a political system *sui generis*, which was, constitutionally, the continuation of the Roman Republic, but in which the ruler was, essentially, an illegitimate military dictator. Instead of applying the doctrines of classical legitimacy, this paper proposes that Weber's three types of legitimate authority better explain the complexities of the Roman Empire from Augustus to the 3rd century AD. While there were numerous elements of 'traditional' and 'legal' authority built into the principate, the individual rulers' legitimacy largely rested on 'charisma'. Individual 'charisma' could become hereditary: whole dynasties relied on 'charismatic' founding fathers, such as the Julio-Claudian (Augustus) and the Flavian (Vespasian) houses. With its intrinsic contradictions and the analytical difficulties it poses, the Roman principate is the ultimate testing ground for Weber's ideal types.

Keywords: charismatic authority, legal authority, legitimacy, Roman Empire, traditional authority.

On a chilly day in winter 27 BC, Gaius Julius Caesar *Divi filius* – Octavian, from this day onwards to be called Augustus – entered Senate House on the Roman Forum and addressed the hundreds of men assembled in the hall, the representatives of Rome's ancient ruling class, every single man full of expectations. In a carefully staged

1. In accordance with common practice in classical scholarship, the present paper uses some abbreviations the general reader will find unfamiliar: AE (*L'année épigraphique*), Cass. Dio (Cassius Dio, *Roman History*), CIL (*Corpus Inscriptionum Latinarum*), Dig. (Digestae), IG (*Inscriptiones Graecae*), Mon. Anc. (*Monumentum Ancyranum* = *Res gestae Divi Augusti*), Plin. hist. nat. (Pliny the Elder, *Natural History*), Suet. Claud. (Sueton, *Claudius*), Tac. ann. (Tacitus, *Annals*), Tac. dial. (Tacitus, *Dialogue on orators*), Tac. hist. (Tacitus, *Histories*), TAM (*Tituli Asiae Minoris*).

ceremony, the man who, just four years ago, had triumphed over his archrival, the co-triumvir Mark Antony, returned the extraordinary powers the triumvirs had usurped 16 years earlier. With this act of state, the Republic, this peculiar form of government that had evolved over centuries, but eventually had collapsed under the weight of the vast empire it had built, was 'restored'.<sup>2</sup>

### 1. *Approaching a political anomaly*

In his *res gestae*, his 'account of deeds', composed towards the end of his life and monumentalized, throughout the Empire, in the form of inscriptions, Augustus remarked that from this day on he 'took precedence of all in authority, but of power I possessed no more than those who were my colleagues in any magistracy'.<sup>3</sup> In strictly legal terms this is correct: there was no position, no 'office', the *princeps*, as Augustus liked to be called, could hold; the constitutional foundation of his de facto monarchic role was composed of two bundles of magisterial powers providing him, essentially, with the supreme command over the army and the power to summon, and preside over, the senate.<sup>4</sup>

Yet this is only half the truth. In fact, from his victory over Mark Antony at Actium in 31 BC onwards, Augustus had been the single most powerful man in the Roman state. The powers the Senate had conferred on him, in two batches in 27 and 23 BC, were limitless in space and, de facto, also in time, whereas the Republic had meticulously avoided the accumulation of unbound power in the hands of one man.<sup>5</sup> Hardly anybody in the new state created by Augustus dared to criticise, let alone challenge the ruler; those who did, were put to death or, like the poet Ovid, exiled.<sup>6</sup>

Oscillating between autocracy and formal constitutionalism, the Roman *principate* (as Theodor Mommsen called the political system

2. Cass. Dio 53.1-11.

3. Mon. Anc. 34 (*post id tempus praestiti omnibus auctoritate, potestatis autem nihil amplius habui quam qui fuerunt mihi quoque in magistratu conlegae*). The *tribunicia potestas* referred to the powers of the plebeian tribune, namely to summon and preside the Senate.

4. The bibliography on the settlement of the year 27 BC is vast. For reference see Salmon 1956: 457-58; Christ 1982: 256-58; Kienast 1982: 71-84; Levi 1994: 260-67; Bleicken 1998: 324-40; Bringmann/Schäfer 2002: 45-54; Kunkel/Schermaier 2005: 63-64; Schlange-Schöningh 2005: 86-90.

5. Ferrary 2010.

6. For an in-depth study of opposition against Augustus see Dettenhofer 2000.

erected by Augustus, the first *princeps*) was a morphological hybrid, the man on top, the Roman emperor, a political animal *sui generis*. Like so many rulers in history, he was the bearer of a power that was, in theory, universal, unlimited, both in space and substance.<sup>7</sup> And yet, grasping the role the emperor had in the Roman state is almost impossible, at least for the early Empire; he had no precise place in what could be regarded as its 'constitution'. No formal act of investiture introduced a new emperor and no law ruled as to who should succeed the deceased one. The curious role the *princeps*, the emperor, had in Roman society was deeply rooted in Roman history: one centrepiece of the consensus on which the *res publica*, the Roman state, had been built, was the demonization of monarchy. It was enshrined in the foundation myth of the Republic, which glorified the expulsion of Rome's last king, an Etruscan conveniently named Tarquinius Superbus ('Tarquin the Proud').

When Julius Caesar had eliminated his rival for absolute power, Pompey, in 48 BC, he reinvented a time-honoured republican institution, the dictatorship, an office originally designed for states of emergency and very different in meaning from modern notions of dictatorship. Unlike the republican dictators, Caesar had no intent to sooner or later abdicate this office. He had himself proclaimed dictator for 10 years in 47 and for lifetime (*dictator perpetuo*) in January or February 44 BC. Little more than one month later, Caesar was dead, slain by Senators who had looked through the republican disguise of his quasi-monarchic position in the Roman state; Senators who did not tolerate the monopoly of power Caesar had created for himself in their midst. The first attempt to establish sole rulership in Rome had been a terrific failure.<sup>8</sup>

Mindful of this failure, Octavian, Caesar's great nephew and adopted son, took a more cautious route, after he had defeated his last enemy, Mark Antony, in the Battle of Actium in 31 BC. For a few years, he simply relied on his control of the military. On January 27, when he appeared before the Senate, he 'returned' power to his fellow Senators. As a *quid pro quo*, he received (without actually holding the office of a proconsul) a proconsular *imperium*, which was effective throughout the Empire and which implicated, *de facto*, the supreme command over the army. He also received the honorific

7. Mehl 1990.

8. Meier 1980; Meier 1995: 430-86; Canfora 2001: 280-89; Baltrusch 2004: 157-58; Jehne 2010.

title of *Augustus* ('the sublime one'). Augustus, who henceforth had himself called *princeps* ('the first man'), continued to hold the consulship for some more years, before, in 23 BC, he laid down this office, once the Republic's key magistracy, in return for a second bundle of powers, the *tribunicia potestas*.

In contrast to Caesar, Augustus managed to survive. And not only that: his sole rule lasted, from Actium to his death in AD 14, for 44 years and transformed the Roman world for good. The formula Augustus presented to the Senators in January 27 was met with approval. Rome's old political elite could live with a sole ruler, as long as they could nourish the illusion that they were not Augustus' subjects but his social peers. They were ready to accept monarchy in anything but in name. The result was a political system, which was autocratic without being named as such, with a 'first man' who held no office but a bundle of individually conferred powers and Senators who were his subjects but preferred being called his 'friends'.<sup>9</sup>

The idiosyncratic form of government created by Augustus was the result of an historical asynchronism: the sacred traditions of the Roman Republic, grown in centuries, had to be tuned with the profoundly and abruptly changed political realities the recent period of crisis had brought about.<sup>10</sup> The paradox of a monarchy fluctuating between autocracy and constitutionalism, but with no real place in the constitution, has puzzled scholars since Theodor Mommsen's attempts to understand the working of the Roman state in strictly legalistic terms. 'All the *princeps*' actions lie within the perimeter of republican magistracies', Mommsen claimed in his lectures on Roman imperial history.<sup>11</sup> And: 'He does not stand above the laws, but the laws stand above him.'<sup>12</sup> To Mommsen, the principate, as he called the system created by Augustus, was, politically, the result of a revolutionary uprising, with the *princeps* as the agent of the people's

9. On the terms of communication between the emperor and the senators see the instructive study by Roller 2001.

10. This is the bottom line of the very lucid – and for the present topic seminal – investigation by Winterling 2001, esp. 106-107, and now Winterling 2009b: 9-33.

11. Mommsen 1992: 94 ('Alles, was der Princeps ausführt, bewegt sich im Kreise republikanischer Ämter'). The text, first published in 1992, is compiled from the transcripts of some of Mommsen's students. Faute de mieux, the lectures have to fill the gap left by the missing fourth volume of Mommsen's Roman History destined to cover the imperial period.

12. Mommsen 1992: 94 ('Er steht nicht über den Gesetzen, sondern die Gesetze stehen über ihm'). According to Mommsen, the princeps was not *legibus solutus*, but his power was *legibus circumscriptum* (defined by law) and hence constitutional.

sovereignty.<sup>13</sup> Constitutionally, however, Mommsen conceived the principate as the continuation of the Republic: a *Dyarchie* rather than a monarchy, in which the 'first man' held an extraordinary – and exceptionally powerful – magistracy, but had to share power with a likewise 'sovereign' Senate.<sup>14</sup> Yet even Mommsen had to accept that 'the new magistracy had such far-reaching powers that it almost touched omnipotence.'<sup>15</sup>

Mommsen's constitutionalist approach has left a deep mark on scholars' conceptions of the Roman Empire.<sup>16</sup> It has been revitalised in the past few decades and can now be deemed to be the new orthodoxy on the European continent.<sup>17</sup> On the other hand, Anglo-Saxon scholars (but others too) who are less concerned with legal implications and tend to be more 'pragmatic', take the act of state of 27 BC for an ingenious, but profoundly hypocritical orchestration, the 'restoration' of the Republic for a white lie designed to lull potential opponents from the ranks of Rome's senatorial aristocracy. To them, the principate was, under the thin veneer of constitutionalism, in essence an autocracy in the tradition of the Hellenistic monarchies, to some indeed a military dictatorship in disguise.<sup>18</sup>

Some twenty years ago, Egon Flaig put forward a modified version of this approach: sharing the conception of the Roman principate as a camouflaged military dictatorship and pointing to the (hardly disputed) fact that the rule of the individual *princeps* lacked all ingredients of classical legitimacy, Flaig suggested that the emperor was 'kept at the top' by the fact that (and only if) his rule was 'accepted' by the pressure-groups crucial for the running of the Roman Empire: the Senators, the military and the urban *plebs* of Rome. According to Flaig, an emperor could only survive when he managed to maintain a constant, positive dialogue with each of the three vital groups. Power in imperial Rome, in this view, depended to a considerable degree on negotiation. Did the emperor succeed

13. Mommsen 1907: 191 ('Ausfluß und Organ der Volkssouveränität'); Mommsen 1887, vol. 2.2: 748-49.

14. Mommsen 1887, vol. 3.2: 1265.

15. Mommsen 1992: 95 ('Allerdings hat die neue Magistratur eine so weite Kompetenz, daß sie an die Allmacht streift').

16. Schulz 1967; Heuß 1974; Castritius 1980; Castritius 1982.

17. Kunkel 1961; Bleicken 1981: 20-48; Jacques *et al.* 1990, *passim*; Bleicken 1998: 371-90; Kunkel/Schermaier 2005: 63-66.

18. See, for instance, Gelzer 1923; Premerstein 1937; De Martino 1951, vol. 4: 758-63; Béranger 1953; Wickert 1954: 2135-136; 2070; Christ 1982: 256-58; Wallace-Hadrill 1982: 47; Syme 2002: 324.

in advertising himself as a 'good' emperor, his rule was secure; if he failed in his self-representation, his acceptance was compromised and he was, more often than not, a dead man walking.<sup>19</sup>

Unfortunately, none of these interpretations leads us out of the dilemma. While there is considerable truth in each of them, they all fail to solve, what they identify as the problem: demonstrate the 'character', the 'true nature'<sup>20</sup> of the political system established by Augustus.<sup>21</sup> The pragmatists' approach cannot explain why Augustus and his successors spent so much effort on grounding their rule on the legal traditions of the Republic. The principate's constitutional base was obviously more than a camouflage for autocracy. Not accidentally did so many emperors woefully perish, after they had defied the principle of legal rule. Besides, there was really no need for a veneer: everybody in the Roman world, the Senators included, knew who held real power in the Empire. The 'restoration' of the Republic was not, or certainly not just, a white lie.

The constitutionalists' interpretation, vice versa, fails to explain the, at best, rudimentary legal framing of the emperor's position in the Roman state. A new emperor is proclaimed *imperator* by the army, while the Senate's approval was a sheer formality, with no real political effect. If the emperorship was a 'magistracy', as Mommsen calls it, why were there no formal criteria for eligibility? If it was a constitutional institution, why did no law rule as to how new emperors were made? Why was there no sign of an effective dynastic principle defending the sons of emperors against their rivals in times of crisis?<sup>22</sup>

Finally, Flaig's 'acceptance' model reduces the emperors' interaction with the relevant pressure-groups to the field of communication. By doing so, it grossly overemphasises self-representation, while it plays down 'real world' factors. This is tempting, as media of

19. Flaig 1997: 15-17. See also Flaig 1992: 176-207; Seelentag 2004: 17-21. Flaig's approach has caught relatively little attention, especially in the English-speaking world (but see Landon 2006: 55). In many ways similar is the approach by Veyne 2005: 36-40, who calls the Augustan settlement a 'compromis tacite' (ibid.: 39) between the emperor and the old, senatorial ruling class.

20. In Kunkel/Schermaier 2005: 63, we still read of 'Das Wesen des Prinzipats' (also the titles of Premerstein 1937; Kunkel 1961; Schulz 1967).

21. The shortcomings of both positions have been accentuated by Winterling 2001: 99.

22. No lesser man than Tacitus (ann. 1.49.4) remarked that, in principle, any senator was *capax imperii* ('capable of the empire'). According to Flaig 1997: 20, the dynastic principle was effective only as long as it was unchallenged.

imperial self-representation (such as coins, images and inscriptions) account for a substantial part of the evidence. However, the failure of such emperors as Nero, Commodus and the short-lived 'soldier emperors' of the 3rd century AD cannot be explained through their communicative shortcomings only.<sup>23</sup>

## 2. A Weberian way-out?

The Achilles' heel of Flaig's model as well as the pragmatists' and constitutionalists' conceptions is their claim to be universal, to give a holistic theory of the Roman Empire's political system. Given the multiple paradoxes of the principate, a more flexible, less monolithic approach may seem preferable. Such flexibility is automatically built into a methodology, which consciously operates with ideal types: an approach taking into account the utopian nature of the concepts we apply.<sup>24</sup>

As it happens, Weber himself provides us, in his *Three types of legitimate rule*, with some heuristic tools possessing the explanatory potential for tackling the principate's complexities without unduly reducing them: firstly, the traditional, charismatic and legal-bureaucratic sources of authority Weber outlines appear to mirror the various strands of power present in Roman society from the Republic onwards: powers rooted in legal *Satzung* as well as *Herkommen* and personal charisma. Secondly, since Weber's categories are ideal types, it is to be expected that the authority of the Roman emperor encompassed them all; what needs to be established is in what specific mixture and to what degree. The purpose of this essay will be, therefore, to identify the 'traditional', 'charismatic' and 'legal' components in the system constituted by the principate.

Curiously, no serious attempt has been made so far to employ Weber's sociology of authority for a systematic investigation of the political setup of the Roman Empire.<sup>25</sup> Its value for the Roman

23. On the third century crisis Sommer 2004a; Quet 2006; Hekster 2008; Johné 2008.

24. Weber 1956a: 235 ('In seiner begrifflichen Reinheit ist dieses Gedankenbild nirgends in der Wirklichkeit empirisch vorfindbar, es ist eine Utopie, und für die historische Arbeit erwächst die Aufgabe, in jedem einzelnen Falle festzustellen, wie nahe oder wie fern die Wirklichkeit jenem Idealbilde steht [...]').

25. There are rudiments of such an approach in Eich 2005, who exploits Weber's type of 'legal' rule for his investigation of administrative transformations in the 3rd century AD, in Veyne 1976, who draws upon Weber's model of *anstaltsmäßige Vergesellschaftung* (1976: 616) and especially in Ando 2000, who, in scrutinising the



period has repeatedly been disputed, most fervidly by those maintaining that the Roman Empire's political system is explainable in constitutional terms.<sup>26</sup> In a rather polemical essay, the American historian J.E. Landon has blamed—mostly unnamed—ancient historians for constructing 'strategies of legitimation', as though the Roman emperor had nothing better to do than 'busily working to "legitimate" himself'.<sup>27</sup> This criticism is partly justified, as, in recent years, classical scholars have—largely in response to the linguistic and iconic turns their discipline took—focussed too much on *representation* and *communication* of authority, whereas the actual *sources* of authority (or in Weber's words: the reasons why emperors stood a chance that their orders were carried out) have widely been ignored.<sup>28</sup>

But blaming Weber or an alleged Weberian strand in classical scholarship for such an obsession with media rather than sources of authority is missing the point: Weber does not teach us about purported 'strategies of legitimation'. His sociology of authority is about explaining why people follow orders, why they accept authority and what this authority is based upon. By having our own approach guided by ideal types, we can circumnavigate the pitfalls of dichotomic patterns of explanation with holistic pretensions. This being said, identifying Augustus' and his successors' authority as either 'legal', 'traditional' or 'charismatic' cannot be the purpose of a 'Weberian' analysis of authority in the Roman Empire. As Weber himself has pointed out, any historical *Herrschaft* relied on a combination of all three *Legitimitätsgründe*.<sup>29</sup> At best, a paper of the size and scope of the present one can identify some of the components of the Roman emperors' authority.

### 3. *By the book: the 'legal' dimension of authority*

According to Weber, 'legal' authority (*legale Herrschaft*) is based on the 'fundamental assumption' that any law can be arbitrarily created

factors that kept the Roman Empire stable, explicitly refers to the Weberian categories of legitimacy, in particular that of 'charisma'. For possible uses of the elements of Weber's sociology of authority for a study in the Roman Republic see Hatscher 2000, along with the critical review by Flaig 2004. See also the important paper by Gehrke 1982, who applies Weber's type of 'charismatic' rule to the Hellenistic kingdoms.

26. Bleicken 1972: 89-92; Landon 2006.

27. Landon 2006: 58-62.

28. See, for instance, Hekster 2002; Eich 2003; Weber/Zimmermann 2003; Seelentag 2004; Hekster 2009; Winterling 2009a. For a different, hands-on approach, Millar 1977; Millar 2004b; Millar 2004a.

29. Weber 1956b: 151. On Weber's concept of legitimacy Breuer 2000.

and altered through formally correct rulings.<sup>30</sup> Its purest form is 'bureaucratic' authority, with government agencies (*Behörden*) as its heteronomous branches. The administrative staff (*Verwaltungsstab*) is composed of officials (*Beamte*), the ones who take orders are companions (*Genossen*) or citizens (*Bürger*). They do not obey people but rules (*Regeln*), which are also binding for those who give orders. Typologically, these people as superiors (*Vorgesetzte*), legitimated through their matter-of-fact expertise (*sachliche Kompetenz*). Their service is professional (*Berufsarbeit*), the benchmarks of their judgement are considerations of utility (*Zweckmäßigkeit*sgesichtspunkte).<sup>31</sup>

The Roman Empire had no full-fledged bureaucracy in the modern sense. In the Republic, the magistrates, elected by the people, had hardly any administrative staff at their disposal. Administrative services, such as tax collection, were farmed out to private entrepreneurs (*publicani*). The magistrates, who were recruited from the nobility, Rome's traditional and highly exclusive *noblesse de robe*, had few subject-specific skills and did not get any training for the offices they held. The overall degree of professionalism in the Republic's administration was woefully low.<sup>32</sup>

This was about to change with Augustus' rise to sole power, but only gradually, slowly and by no means completely. The old magistracies continued to exist, but they were deprived of their powers and functionally reduced to conduits spitting out the personnel the emperors needed for the senatorial top jobs in the army and the provinces.<sup>33</sup> Little by little, new career paths were created for non-senatorial officials.<sup>34</sup> Expertise added to, but did not replace, status as a criterion for eligibility. A rudimentary central administration was established by Augustus and accommodated in his own private

30. Weber 1956b: 151 ('Grundvorstellung ist: daß beliebiges Recht durch formal korrekt gewillkürte Satzung geschaffen und abgeändert werden könne).

31. Weber 1956b: 151-54.

32. On qualification and (lack of) professionalism in the Republic Bleicken 1975: 120-38; Schiavone 1990; Kunkel/Witmann 1995: 52-64; Beck 2005: 31-62; Beck 2008. On the nobility as a (largely) hereditary aristocracy defined through social prestige and their de facto monopoly for the magistracies Gelzer 1962; Kloft 1998; Jehne 2000; Bleckmann 2002; Goldmann 2002; Hölkeskamp 2007. Against this now dominating view and in favour of a less coherent and secluded political leadership in the Republic Brunt 1982; Millar 1984; Millar 1986; Millar 1989; North 1990; Millar 1995; Millar 1998.

33. Birley 1953; Millar 1966; Talbert 1984b; Talbert 1984a; Eck 1991; Salmeri 1991.

34. Saller 1980; Brunt 1983; Talbert 1996.

house on the Palatine Hill in Rome. For the first time in Roman history, the men in charge were professionals who were qualified for their administrative jobs. But these men were slaves or freedmen (*liberti*), former slaves, who had belonged to Augustus and depended personally on the ruler. When first established, the central imperial administration looked like the management of a large private household.<sup>35</sup> And indeed the borders between 'public' and 'private' were often floating in Roman society.<sup>36</sup>

This rudimentary bureaucracy was hardly the *Verwaltungsstab* Weber had in mind as the backbone of 'legal' authority. Yet there were germs of meritocratic professionalism, which, in the course of three centuries, evolved into the most sophisticated bureaucratic body the world had ever seen so far. After the death of the emperor Claudius (AD 54), slaves and freedmen began to be replaced by civil servants, who were recruited from the ranks of the equestrian order, the second class of Rome's imperial elite, and had to go through formal education and a rigorous process of selection. Those slaves who continued to work for the emperor, were, from the mid-1st century AD onwards, no longer the personal property of any *one* emperor, but belonged, institutionally, to the ruling emperor.<sup>37</sup> Hence, civil servants were, on a personal level, less dependent on the emperor. To be sure, social status and patronage still mattered (and indeed they mattered more than skills and qualifications) and access to the higher ranks of administration depended solely on the emperor — but professionalism slowly gained ground. It was further boosted by the so-called Antonine Plague in the 160s and 170s and by protracted warfare in the same period, both of which carried with them a disproportionately high death toll among the upper echelons of society and fresh blood into the administrative and military elites.<sup>38</sup>

This facilitated careers such as the one of Publius Helvius Pertinax, who, in the 2nd century AD, rose from a humble translator to

35. Winterling 1997: 94-98; Winterling 1999: 48-57.

36. On 'public' and 'private' in republican and imperial Rome Gros 1990; Winterling 1997: 105-109; Winterling 2009b: 58-75. Like the emperor, high-ranking magistrates and officials, especially in the provinces, depended on their private staff (slaves, freedmen and friends). Some officials in Rome had publicly funded *scribae* (scribes), *accensi* (heralds) and other *apparitores* (clerks) at their disposal (Purcell 1983; Jacques *et al.* 1990: 60-61).

37. Winterling 1999: 108-10.

38. On professionalization, changes in the composition of the ruling classes and the impact of demography see Potter 2004: 66-82. The Antonine plague and its effects have been investigated by Duncan-Jones 1996.

Roman emperor (AD 193)<sup>39</sup>, and later, slightly less spectacular, but still impressive, the one of Marcus Gnaeus Licinius Rufinus, who, born as an equestrian in Lydia (Asia Minor), held numerous offices in the imperial administration and crowned his career with the consulship around AD 230.<sup>40</sup> Such men did not enter the imperial service being dark horses. They had gone through years of rigorous education, studying at one of the prestigious law schools. The most famous of these schools was the one established by Septimius Severus at Berytus (Beirut) in the province of Syria Phoenice (c. AD 197). The school attracted ambitious men from the entire Greek-speaking eastern half of the Empire. When they graduated, they almost invariably embarked on promising careers in the imperial civil service.<sup>41</sup>

The implementation of a formal education of, and essentially meritocratic career paths for, jurists substantially contributed to the Empire's gradual bureaucratization. It was preceded by the creation of a statutory framework for the principate, which, paradoxically, made the emperor's rule more legal and less bound by law at the same time. When Augustus had created the principate, the legal basis of his powers had been the bundles of magisterial competences the Senate had conferred on him. When the emperor Vespasian ascended the throne in AD 69, these packages were complemented by a law (*lex de imperio Vespasiani*) issued by the Senate and listing, point by point, the emperor's powers.<sup>42</sup>

The inscription with fragments of the *lex de imperio Vespasiani* is a somewhat mysterious and even contradictory document. On the one hand, the *lex* shows that Vespasian, in order to be a legitimate emperor, required the consensus of the people and the Senate, as expressed in this law. All his provisions predating the law (most notably the adoption of an imperial name and the admission of Vespasian's own henchmen to the Senate) were, *stricto sensu*, not covered by the law. But they had been issued and were effective. Accordingly, the law had to yield to political reality and declare that 'whatever before the passage of this law has been done, executed, decreed, ordered by Emperor Caesar Vespasian Augustus or by anyone at his order or mandate, these things shall be legal and valid,

39. Alföldy 1974; Lippold 1983.

40. TAM 5.2, no. 984-986; IG 10.2 (1), no. 142; AE 1949, no. 341; Herrmann 1997: 111. See Millar 1999.

41. Schemmel 1923; Wieacker 2006: 266-71; Schuol 2010.

42. CIL 6.930. Cf. Brunt 1977; Pabst 1989; Pabst 1997: 187-88; Pfeiffer 2009: 15-18.

just as if they had been done by the order of the people or of the plebs.<sup>43</sup>

The *lex* rules that, like his predecessors Augustus, Tiberius and Claudius, 'whatever he considers to be in accordance with the public advantage and the dignity of divine and human and public and private interests he shall have the right and the power to do and to execute.'<sup>44</sup> Also, like the three 'good' emperors before him, he should be unbound by certain laws passed by the people and Senate of Rome.<sup>45</sup> While the lawgiver clearly takes into account the effectively unlimited power the emperor had won with his successful usurpation, he does not write a blank cheque for Vespasian: his legal exemption is tied to conditions and limits. Even a century after Augustus' 'restoration' of the Republic, the *lex de imperio Vespasiani* is extremely scrupulous about the emperors, powers, which must be rooted in *gesetzten Regeln*.<sup>46</sup>

That other emperors employed similar legal constructions when they took power we may assume, but we cannot prove it. The *lex de imperio Vespasiani* is a singular document: no similar law – if there was any – has come upon us. Yet by the late 2nd century AD, little had survived of the binding powers of legal norms. Increasingly, the emperor became the personification of the law and the source of all justice. He acquired a de-facto monopoly in the creation of new laws and was, in the words of Ulpian (ca. AD 170–223), one of the leading jurists of his time, *legibus solutus* ('not bound by the laws'): 'what pleases the princeps to do, has the force of law.'<sup>47</sup>

As a result of both the increasing professionalization of the administration and the gradual legalization of the princeps' powers, the

43. CIL 6.930, § 8 (*utique quae ante hanc legem rogatam acta gesta | decreta imperata ab imperatore Caesare Vespasiano Aug[usto] | iussu mandatuue eius a quoque sunt, ea perinde iusta rata[sue] | sint, ac si populi plebisue iussu acta essent*).

44. CIL §6, the so-called discretionary clause (*utique quaecunque ex usu rei publicae maiestateque diuinarum | humanarum publicarum priuatarumque rerum esse | censebit, ei agere facere ius potestasque sit, ita uti diuo Aug[usto], Tiberioque Iulio Caesari Aug[usto], | Tiberioque Claudio Caesari | Aug[usto] Germanico fuit ; |*).

45. CIL §7 (*utique quibus legibus plebeius scitis scriptum fuit, ne diuus Aug[ustus], | Tiberiusue Iulius Caesar Aug[ustus], Tiberiusque Claudius Caesar Aug[ustus] | Germanicus tenerentur, iis legibus plebisque scitis imp[er]ator] Caesar | Vespasianus solutus sit ; quaeque ex quaque lege rogatione | diuum Aug[ustum], Tiberiumue Iulium Caesarem Aug[ustum], Tiberiumue | Claudium Caesarem Aug[ustum] Germanicum facere oportuit, | ea omnia imp[er]atori] Caesari Vespasiano Aug[usto] facere liceat ; |*).

46. Thus Pabst 1989: 182-84.

47. Dig. 1.4.1.1 (Ulpian).

Roman Empire's political system tended towards a higher degree of institutionalization: personal ties between the emperor and the magistrates, between the magistrates and their colleagues and staff, and between the emperor and his subjects in general were, bit by bit, replaced by legal frameworks and procedures. While the emperor himself became *legibus solutus*, the empire he ruled became, in Max Weber's terms, an 'enduring association' (*Vergesellschaftung*) of the highest level of institutionalisation (*Anstalt*), effectively anticipating, to a certain degree, the emergence of the state in the early modern period.<sup>48</sup>

#### 4. As the ancestors did: the 'traditional' dimension of authority

Institutionalization, from Augustus to the 3rd century AD, came at the expense of personal bonds, which had structured Roman society of old and were part and parcel of the Empire's republican heritage. This legacy was imbued with tradition. The Latin term for everything traditional was *mos maiorum*, the 'custom of the ancestors': a code of 'time-honored principles, traditional models and rules of appropriate conduct, of time-tested policies, regulations, and well-established practices'.<sup>49</sup>

Such a code fits rather neatly into the Weberian category of 'traditional' authority: like the *mos maiorum*, Weber's 'norms of tradition' (*Traditionsnormen*) constitute a set of rules resistant to innovation and confining the power of any political actor. When actors change the code, they describe their changes as the 'cognition' of an ancestral rule, which has always been effective (*'Erkenntnis' eines Satzes als 'von jeher geltend'*).<sup>50</sup> Under the auspices of tradition, authority is bound by the code and a certain 'sense of decency' (*Billigkeitsgefühl*), but by no formal rules. 'Ethical decency' (*materiale ethische Billigkeit*), justice and 'utilitarian expediency' (*utilitaristische Zweckmäßigkeit*) fill the gap left by the absence of formal law. The one who rules is the 'master' (*Herr*), the subordinates are 'subjects' (*Untertanen*). The administrative personnel are recruited from people, who are personally dependent on the ruler as members of his household, relatives, friends or personal vassals. Traditional authority tends to give the ruler a considerable scope of discretion. Its structure of governance is either 'paternalistic' (*patriarchalisch*) or 'corporate'

48. For a concise overview see Eich 2005: 379-83.

49. Hölkeskamp 2010: 17-18.

50. Weber 1956b: 154.

(*ständisch*). While, in paternalistic organisations, officials owe their jobs to pure arbitrariness on the master's part, the administrative hierarchy in corporate organisations mirrors the devolved structures of society as a whole. Administrative personnel hold their positions autonomously, in their own right (*kraft Eigenstellung*). Instead of discipline, the administration's functioning depends on tradition, privilege, goodwill and sense of honour.<sup>51</sup>

In Rome, codes of behaviour, institutions, social hierarchy and relations between people were enshrined in the *mos maiorum*. The, theoretically, unlimited power of the *pater familias*, the housefather as the head of the extended family, over all his dependents; the bilateral relationship between 'friends' (*amici*) or between 'patron' (*patronus*) on the one hand and 'client' (*cliens*) on the other; the obligations of reciprocity; the rules of political competition—all this was driven by the unwritten rules of the *mos maiorum*.<sup>52</sup> The iron principles directing the ways people behaved and interacted, principles such as mutual loyalty (*fides*), protection (*patrocinium*), dignity (*dignitas*), honour (*honor*), did not die with the Republic that had generated them in centuries. They survived and persisted in the Empire, which they shaped and overshadowed.

When Augustus organised his household (*domus*) as the rudimentary nucleus of an imperial bureaucracy, he did so in his capacity of *pater familias*, whose authority extended to the Empire no less than to his *domus*. Bonds of *patrocinium* tied his collaborators and indeed the whole imperial population to the ruler. In the ideal world of the 'restored' Republic, the Senators figured as Augustus' personal *amici*. When slaves and freedmen worked towards the emperor as specialists for all sorts of administrative functions, they could do so because there were personal ties of *fides* linking them to the 'first man'. These men were wheels in an—in Weberian terms—'paternalistic' machinery, totally dependent on an, essentially, despotic master.<sup>53</sup>

Quite similarly, the increasing number of members of the equestrian order serving in vital positions—men like Pontius Pilate, the procurator of Judaea known from the gospels—owed their jobs first and foremost to imperial favour. Yet unlike freedmen and slaves, these men had social status in their own right: they were eligible

51. Weber 1956b: 154-59.

52. Still fundamental is Gelzer 1962. Cf. Saller 1989; Kloft 1998.

53. Chantraine 1967; Weaver 1972; Winterling 1999: 108-15.

because they were members of the empire's social elite, not due to their being the emperor's creatures. If this was true for equestrian officials, it was more than ever true for Senators holding key positions in the army, the provincial and the empire's central administration. These men were tied together by an overwhelmingly strong *esprit de corps*: after all, it was from their ranks that the emperors came. The equestrians' and especially the Senators' presence in the imperial administration gave its organisation – to use Weber's word – a distinctly 'corporate' touch.

In times of crisis, such 'corporate' elements could put the empire's political stability at risk: the Empire's reliance on high-ranking, visible, socially privileged and partially autonomous officials who, in terms of their social prestige, could easily rival with the emperor himself, meant that there was, in theory, a huge reserve army of men who were, in Tacitus' words, *capaces imperii*.<sup>54</sup> Was the emperor's authority, for whatever reason, undermined, a Senatorial official – especially one in command of armies – could stand up to challenge the incumbent any moment. This happened, four times in a row, in AD 68/69, following Nero's death. A second cascade of usurpations shook the Empire in AD 193 after Commodus had been murdered. The fact that the principate, when established by Augustus, had to come to terms with the traditional, corporate elements of Roman society made it vulnerable to this particularly bloody way of passing the baton on.<sup>55</sup>

Despite the process of legalization and institutionalization the Empire underwent between the 1st century BC and the 3rd century AD, law did never fully tame the traditional components. Their tension-laden relationship was a tradition in itself: in the Roman Republic, the *mos maiorum* had co-existed with elements of legal authority since, with the laws of the *XII tabulae* ('Twelve Tables'), first attempts had been made to codify the inventory of unwritten, ancestral law.<sup>56</sup> The boundaries between the two spheres were often blurred, with large part of the 'constitution' remaining in an uncoded, customary state – similar to that of the modern British constitution. The Republic's institutions and the framework keeping them in place evolved over centuries, owing to the Roman society's ability to flexibly respond to changes and challenges. Yet the contemporaries

54. See above, n. 22.

55. Flaig 1992; Flaig 1997; Szidat 2010.

56. Wieacker 1967; Crifò 1972; D'Ippolito 1988. For traditional and religious elements in the *XII tabulae* see Rives 2002.



believed that the ways their institutions operated were unalterable, firmly entrenched in the *mos maiorum*.<sup>57</sup>

Romans liked to emulate great men of the past as role models (*exempla*). Hence, Roman history was full of *exempla*, and one, arguably the prime, purpose of studying history was to revitalize the *exempla* of an idealised past. In almost any instance could *exempla* be invoked. This explains why Augustus could—and had to—sell to the public the installation of the principate as a ‘restoration’ of the Republic: putting the Roman state under the protection of one man was, in this logic, not establishing a new order; it was returning to the sacred, ancestral principles of *mos maiorum* and doing what the *exempla* of the past had done. This was no sheer act of ‘propaganda’: rather, the *mos maiorum* was the only framework available for any act of constitutional innovation.<sup>58</sup> From here, the blatant conservatism of Augustus’ programme of government receives its meaning.<sup>59</sup>

The birth of the principate was not only represented, but, by most people who inhabited the Roman world, perceived as the return of an ancestral and better order after a century of civil war and unrest, the rebirth of a lost golden age: ‘Faith, Honour, ancient Modesty, / And Peace, and Virtue, spite of scorn, / Come back to earth; and Plenty, see, / With teeming horn’, the poet Horace wrote in a poem dedicated to the Secular Games of 17 BC—and most of his contemporaries will have emphatically agreed.<sup>60</sup> Yet, the glaring change Augustus’ reign had brought about did not go unnoticed by watchful observers. Tacitus, in the introduction to his major historical work, the *Annals*, refers to Augustus as the one who ‘gathered beneath his empire a world outworn by civil broils.’<sup>61</sup> The same Tacitus, in his *Dialogue on Orators* (*Dialogus de oratoribus*), compares both Roman states, old and new, having his discussant Maternus moan about the loss of freedom in the age of monarchy.<sup>62</sup>

57. On the importance of *mos maiorum* for the evolution of Roman law Behrends 2000: 21-24. Cf. Hölkeskamp 1996; Linke/Stemmler 2000.

58. Walter 2004: 411-17.

59. The most striking example being his laws on marriage, procreation and decency, which were aimed at restoring a long lost sense of morale and piety. Cf. Raditsa 1980; Kienast 1982: 137-41; Gardner 1986: 82-85; Bleicken 1999: 484-92; Wallace-Hadrill 2009; Dahlheim 2010: 223-24.

60. Hor. *carm. saec.* 57-60 (*iam Fides et Pax et Honor Pudorque / Priscus et neglecta redire Virtus / Audet, adparetque beata pleno / Copia cornu*)..

61. Tac. *ann.* 1.1. (*cuncta discordiis civilibus fessa nomine principis sub imperium accepit*).

62. Tac. *dial.* 27.

Despite scattered criticism, mostly off the records, the principate was doubtless a legitimate order, widely accepted throughout the Roman world. The reasons for this were manifold: firstly, after Augustus' long reign of almost 50 years, there was hardly any alternative; secondly, and more importantly, the principate could operate under the laws of the Republic. It was a legal order, with the capacity to evolve and adapt, through gradual institutionalization, to social and political change. Thirdly, and still more significantly, Augustus had managed to accurately fit the new system into the framework of time-honoured 'norms of tradition': namely the code of the *mos maiorum*, including the whole corpus of behavioural patterns, practices, customary laws and social ties that had evolved during the Republic.

#### 5. *Empire of glory: the 'charismatic' dimension of authority*

But this is not the whole story. The *mos maiorum's* continuity accounted for the much of the principate's legitimacy as such; but it played hardly any role in securing an individual emperor's legitimacy.<sup>63</sup> Laws like the *lex de imperio Vespasiani* enhanced an emperor's legitimacy, but they were obviously not its ultimate source. Vespasian was, quintessentially, a legitimate ruler before the *lex* was issued, and Augustus' legitimacy was undisputed long before that day in winter 27 BC, when he appeared before the Senate in order to 'return' his extraordinary powers. No pretender would have dared to challenge these two men, so powerful was their authority, their claim to rule over the Roman world.

Why so? The key to understanding the *arcanum imperii* of emperors like Augustus and Vespasian — both the founders of dynasties — lies in the supposedly harmless word *auctoritas* Augustus uses in his *res gestae* to describe the one element that set him apart from his fellow senatorial officials. While we have seen that Augustus was in fact privileged because he could accumulate and iterate the competences tied to numerous offices (which his colleagues could not), this legal privilege alone does not explain his unique position in the Roman state. The gap was filled with *auctoritas*, a concept only imperfectly translated with the English word 'authority': its meaning ranges from 'bearing', 'impact' over 'esteem' to 'mandate' and

63. The undeniable truth that the principate's and a princeps' legitimacy are two different things, has been accentuated by Flaig 1997: 16.

'competence'. Augustus' almost super-human *auctoritas* was the fruit of his achievements in the civil war: after all, it had been Augustus, who had defeated the murderers of Caesar, Sextus Pompey, Cleopatra and Mark Antony, all enemies of the Roman people, and then reconciled the Roman world.

The Weberian translation for *auctoritas* is simply 'charisma'. 'Charismatic' authority, according to Weber, is based on 'affectual devotion' (*affektuelle Hingabe*), with the 'leader' (*Führer*) as the one who gives and the 'disciple' (*Jünger*) as the one who follows orders. Personal allegiance is the prime criterion for the recruitment of administrative personnel: meritocratic principles are as irrelevant as status and rank. 'Charisma' is based on the belief in the leader's abilities and luck. It is attributed to, not innate in, the leader. Does he fail to live up to his followers' expectations, the leader's power is jeopardized. Constantly, he has to 'prove' himself (*sich bewähren*). 'Charismatic' authority does without rules, laws and rationales; its essence is 'belief': 'confidence' (*Vertrauen*) in the ruler's 'heroism' (*Heldentum*), magic abilities or 'epiphany' (*Offenbarung*). The most extreme manifestations of 'charismatic' leadership are the prophet, the demagogue and the war hero. 'Charismatic' authority thrives under exceptional circumstances: in times of war, civil war, migration, distress or religious awakening. Pure 'charismatic' leadership is strictly personal and depends on 'un-mundane' (*außeralltägliche, außerwerktägliche*) conditions. Accordingly, succession and routine are the most critical phases for any authority founded on 'charisma': when the bearer of 'charisma' dies or when the war is over, 'charismatic' leadership risks 'mundanization' (*Veralltäglichung*).

'Mundanization' can take three paths: 'charismatic' leadership is often superseded by (1) 'traditional' authority through 'traditionalization' (*Traditionalisierung*) of 'charismatic' rule – or (2) 'traditional' or 'legal' authority through the transformation of the 'disciples' into bureaucracies based on privilege, respectively professionalism and merit. Finally, (3) 'charisma' can itself go mundane, when the 'charisma' is handed down to subsequent generations by oracle, 'ritualistic objectification' (*rituelle Versachlichung*),<sup>64</sup> designation or 'inheritance' (*Erbcharisma*). Where 'charisma' becomes 'hereditary', it is turned into a matter of 'blood': the source of authority is tied to a family or dynasty and thus depersonalized. While leadership under the auspices of a 'mundanized' charisma becomes more

64. Through ritualistic and sacramental acts, such as anointment or coronation.

stable and reliable, it certainly looses in intensity: in effect, 'hereditary charisma' is a mere vestige of the original quality, in multiple ways compromised by 'tradition'.<sup>65</sup>

Roman society had long been immune to the temptations of 'charisma'. The aristocratic code of conduct of the Roman nobility, which, in the Republic, had regulated competition for power and offices, had also proscribed any cult of personality. The victorious general, when granted a triumphal procession by the Senate, lived his one day of semi-divineness. After that, he was just an ordinary Senator no different from his peers. This changed, when, in the 2nd century BC, the Republic became a world power waging expansionist wars throughout the Mediterranean. Roman generals acquired a taste for the limitless power of Hellenistic kings and became ever more reluctant to accept the limitations of the aristocratic code of behaviour. Slightly later, when, under Marius, the army structure underwent significant changes and unpropertied, landless have-nots were admitted to the legions as proletarian, semi-professional soldiers, these men's outright chiliastic hopes rested on their generals. Were they victorious and carried home shiploads of booty, it was in their power to lead their soldiers to a promised land of wealth and earthly happiness beyond any rational comprehension. Rome's most successful generals – men like Marius, Sulla, Pompey, Julius Caesar and Mark Antony – were soon to become quasi-messianic figures.<sup>66</sup>

Accordingly, the gateway through which 'charismatic' leadership found its way into Roman politics, was the military. More precisely: the relationship between a semi-professional (and in the Empire increasingly professional) post-Marian army and its senatorial supreme commanders. When Sulla, for the first time in recorded Roman history, seized Rome with force in order to reverse a plebiscite, the power of 'charismatic' leadership was revealed. The soldiers had taken Sulla's orders not only because they shared common material interests with the general; they had followed him in the first place because they believed in the man, his heroism and his genius.<sup>67</sup> In the strong ties between the soldiers and their general, older, 'traditional'

65. Weber 1956b: 159-66.

66. On the restructuring of the late republican army and its relationship with senatorial commanders see Christ 1984: 157-64; Vanderbroeck 1987; de Blois 2007; Rosenstein 2007.

67. Volkmann 1958; Keaveney 1982: 45-63; Levick 1982; Christ 2002: 78-82. The charismatic character of Sulla's leadership has been emphasized by Hatscher 2000: 106-51.

personal bonds of patronage merged with new, 'charismatic' elements. The relationship between the soldiers and the leader was based on bilateral reciprocity, which was, however, charged with 'irrational', 'affectual' momentum.

This did not change with the transition to monarchic leadership under Augustus. To the soldiers, Octavian-Augustus and all subsequent emperors were mainly their *imperatores*, their supreme military commanders — and as such, they were guarantors of victory, wealth and salvation. It did not matter that Augustus himself had a relatively low military profile.<sup>68</sup> In many respects, he was an anti-Sulla and an anti-Caesar. But he was Julius Caesar's adopted son and heir. And he was *Divi Filius*, the son of the deified Caesar and hence shareholder in his divineness. From the start of his political career, the unarmy Octavian associated himself with soldiers: official images represented Augustus in military gear; and later, when he was sole ruler, the triumphal procession became a privilege of the emperor and his close relatives.<sup>69</sup> First and foremost, Octavian, once he controlled Italy, immediately attended to the veterans' needs: Caesar's discharged soldiers were provided with landed property in Italy, land that had to be taken away from others before it could be redistributed. Meeting the soldiers' expectations, Octavian had delivered his part of the deal. By severely hurting thousands of Italian land holders, Octavian had strengthened the ties with his active soldiers, too: when it came to the golden handshake he owed to the soldiers, the message read, Octavian meant business. Again, much more was at stake than filthy lucre. For the soldiers, it was their intrinsic right to be looked after by the ruler: a deeply emotional affair.<sup>70</sup>

The 'charisma' of Octavian-Augustus did not only extend to soldiers and veterans. As the restorer of peace, stability and wealth after a century of civil war, he had, in the eyes of millions of people inhabiting Rome, Italy and the Empire, stood the test. He had

68. His victories were accomplished by others: Marcus Agrippa and his stepsons Tiberius and Drusus in the first place, while Octavian's major engagement as a military commander — at Philippi in late 42 BC — was not very glorious.

69. The Senator Lucius Cornelius Balbus was, in 19 BC, the last non-member of an imperial dynasty to celebrate a triumphal procession, for a victory in North Africa (Plin. hist. nat. 5.35).

70. On being discharged, soldiers received landed property until 13 BC. From then onwards, they were paid a gratuity of ca. 13 annual salaries in money. On the provisions for veterans, the importance of which is stressed by Augustus himself (Mon. Anc. 3, 15-16): Levi <sup>2</sup>1994: 145-51; Bleicken 1998: 182-89 and 555; Syme 2002: 352.

complied with their desires, which were shaped by a period of unrest and instability. The poet Virgil, in his famous 4th eclogue, written in the year 40 BC, gave expression to the chiliastic expectations of his time. He announces the birth of a child and the beginning of a new golden age: 'Now is come the last age of Cumaean song; the great line of the centuries begins anew. Now the Virgin returns, the reign of Saturn returns; now a new generation descends from heaven on high. Only do you, pure Lucina [the goddess Diana], smile on the birth of the child, under whom the iron brood shall at last cease and a golden race spring up throughout the world! Your own Apollo now is king!'<sup>71</sup>

We do not know, who the child was, whose birth Virgil heralds, but to contemporaries nine years on, after Octavian's victory at Actium, it must have been a plausible assumption that the golden age they had been longing for had finally come true. Who, if not the victorious Octavian, was the messianic figure they had been waiting for? He had brought about the 'last age of Cumaean song' – was he not worthy of Romans believing in his 'heroic power' (*Heldenkraft*), worthy of being followed, of being recognized as leader? The paradox of Augustus' charisma was, that he had, through utterly *extraordinary* achievements, restored an order, which was, by contemporaries, perceived as how it should be – and hence recovered an *ordinary* situation. Since 'charisma' lives on what is 'forever new' (*das ewig Neue*) and 'un-mundane' (*außerwerklich*), the restoration of peace and internal order created a potentially dangerous situation for a ruler whose authority relied, to a large extent, on precisely that 'charisma'.

For Augustus, there were two potential solutions. He could, after a few years of irregular rule, accentuate the 'traditional' and 'legal' sources of his authority. This he did the very day when he appeared before the Senate in order to 'restore' the Republic. And he could keep the memories of his extraordinary accomplishments alive and remind his subjects in regular intervals that the peace he had won was no matter of course, but indeed a historical singularity, which needed care and defence. As occasional reminders served the wars Augustus fought against those parts of the world unwilling to accept the yoke he imposed on them: in the Alps, in northwest Spain, on the

71. Verg. ecl. 4.4-10 (*ultima Cumaei venit iam carminis aetas; / magnus ab integro saeculorum nascitur ordo. / iam redit et Virgo, redeunt Saturnia regna, iam nova progenies caelo demittitur alto. / tu modo nascenti puero, quo ferrea primum / desinet ac toto surget gens aurea mundo, / casta fave Lucina; tuus iam regnat Apollo.*)

Danube and in Germany. In the east, with the Parthians, a favourable settlement was achieved without a war. But a 'victory' it was nonetheless, and as such it was celebrated by Augustan imagery [Augustus of Prima Porta].

More compelling still than the message of victory was the promise of peace.<sup>72</sup> The new age of peace Augustus had brought was officially inaugurated with the Secular Games (*ludi saeculares*) the princeps held in 17 BC. For this occasion Horace had composed his *carmen saeculare*. The Secular Games were a lavish and impressive celebration of Augustus' achievements, which lasted for 13 days and featured mass sacrifices to the Capitoline gods followed by gladiatorial games and chariot races – an unprecedented spectacle celebrating not only the absence of internal strife and unrest, but also the subjugation of the civilised world by Roman arms. Six years later, the *Ara Pacis Augustae*, the altar of the 'Augustan Peace', was vowed and constructed on the Campus Martius in the north of Rome. The altar, which was enclosed by a wall with rich relief decoration, was officially dedicated in 9 BC. The reliefs' imagery represented a religious procession attended by Augustus and his family along with allegoric personifications of peace, wealth and the city of Rome as well as scenes from Rome's mythical past. Despite its now fragmentary and reconstructed condition, the altar's visual programme still captivates the beholder. In a manner of speaking, its message perpetuated Augustus' achievements into a *longue durée*: the Augustan Peace, this centrepiece of the princeps' 'charismatic' authority, was literally carved in stone.<sup>73</sup>

Tiberius, Augustus' stepson, son-in-law and adopted son, could look back on a glamorous military career, when he succeeded the first princeps in AD 14. Besides, Tiberius had shared in the *tribunicia potestas* (since 6 BC) and the proconsular *imperium* (since AD 4), the main legal sources of Augustus' authority. This made the Senate's declaration inviting Tiberius to accept the emperorship a mere formality.<sup>74</sup> But more decisive than all this was the fact that he had been chosen for succession by Augustus himself. By this means, the older

72. On the Roman concept of peace, which was rather different from any modern notion, Zampaglione 1973, esp. 135-38 and 155-57.

73. On the *Ara Pacis*' figurative programme Moretti 1938; Weinstock 1960; Settis 1988; Capo 2006; Rossini 2006.

74. Tiberius had to be talked into accepting the imperial purple by the Senators, as Tac. ann. 1.11-12 reports. Such a behaviour – *recusatio imperii* – was expected from a new emperor and hence not surprising. Cf. Béranger 1948; Huttner 2004.

man's charisma was transferred to the younger one: this qualified him as the legitimate heir, in quite the same way Weber describes the working of *Erbcharisma*. The overwhelming prestige the founder of the principate had accumulated in his lifetime was attached to his family, the Julio-Claudians, now a proper dynasty: to generations of successors, whose claim to the empire appeared substantially more legitimate than the aspirations of potential, non-Julio-Claudian pretenders. Such was the advantage, that, when the Emperor Caligula was murdered after only four years in the purple in AD 41, an alternative candidate to his uncle Claudius, who was physically disabled and hardly a bearer of personal 'charisma', was not even considered. Caligula may have been a failure, but the dynasty's *Erbcharisma* lived on.<sup>75</sup>

Ironically, dynastic continuity was part of Rome's republican legacy, too. Republican aristocrats had handed down their circle of friends (and enemies), clients and political alliances from generation to generation. When Julius Caesar's testament was opened and his posthumous adoption of Octavian became known, it went without saying that the young man 'inherited' the loyalty of Caesar's soldiers, too. In Rome, multi-generations loyalty never took the shape of a full-fledged dynastic principle, but the notion that symbolic capital, 'charisma' included, could be hoarded by families was deeply entrenched in Roman mentality.<sup>76</sup>

However, like any symbolic capital, 'charisma' had an expiry date. The Julio-Claudian dynastic 'charisma' survived Caligula and it survived the crisis of Claudius' reign, who had been the target of a plot instigated by his own wife, Messalina.<sup>77</sup> When, under Nero, a new landslide of internal and external crises rolled over the empire, the reservoir of 'charisma' was exhausted at last. A dangerous plot backed by high-profile Senators, a revolt, by the Jews, against Roman rule in Palestine and a badly managed war with the Parthians over Armenia and the Near East and especially the emperor's behaviour, deemed unacceptable by his senatorial peers, undermined Nero's – and the dynasty's – reputation irreparably.<sup>78</sup> What was left of the Julio-Claudian's dynastic 'charisma'

75. Suet. Claud. 10. On the succession see Winterling 2003: 171-74.

76. Walter 2003. Walter 2004: 86-87, speaks of 'ancestral capital' (*Ahnenkapital*).

77. Tac. ann. 11.26-38; Suet. Claud. 26.2.

78. On the crisis on the eastern theatre Schur 1923; Momigliano 1931; Hammond 1934; Salvo 2008-2009; Sommer 2009. For a detailed description of the plot against Nero and its aftermath Tac. ann. 15.52-71.



did not suffice to save an emperor, whose ineptitude to live up to his subjects' expectations was blatant. For the first time in the Empire's history, the accession of a ruler from outside the Julio-Claudian family became a realistic option. It was now evident that the numerous Senators who had successfully commanded Rome's legions in the provinces, were, in Tacitus' words, *capaces imperii*. And, as the same Tacitus observed, 'an emperor could be made elsewhere than at Rome'.<sup>79</sup>

In the 18-months crisis that followed Nero's death in June 68, four pretenders fought for the ultimate prize: imperial power. They all shared roughly the same attributes: provincial governors with considerable military experience and standing, they combined prestige and the command of military resources with a pivotal position in influential aristocratic networks. Political fortune, prestige and being networked were the factors, on which a candidate's capacity for winning support and mobilizing armies critically depended. Galba, the first pretender, had allies and prestige, but made miserable political mistakes and was killed by his own Praetorian Guard; Otho, who was responsible for Galba's downfall, was shrewd but lacked the backing from the armies; Vitellius, the third usurper, had won over the large Rhine army, but was easily dwarfed by Vespasian when it came to military glory. In AD 67, Vespasian had been dispatched by Nero to settle the crisis in Judaea, and he had, by AD 69, practically accomplished his mission with remarkable determination. No Senator of the time could seriously compete with the military 'charisma' of the man, who had all but put down the Jewish Revolt, arguably the most dangerous uprising in the 1st century AD. Here, in Judaea, lay the reasons, why legion after legion flocked behind Vespasian; here he founded his legitimacy as a ruler.<sup>80</sup>

Like the *pax Augusta* by Augustus and the Julio-Claudians, the Judaeian victory was, henceforth, aggressively exploited by Flavian self-representation. This was hardly surprising. Like Augustus, Vespasian and his family had to cope with the dilemma of 'charismatic' authority: transforming personal 'charisma' into *Erbcharisma* came at a price: by attaching extraordinary achievements to a family tree, the 'charisma' was inevitably diluted; with time, exceptional

79. Tac. hist. 1.4.

80. On the 'year of the four emperors' see Sullivan 1953; Chilver 1957; Ferrill 1965; Grassl 1973; Greenhalgh 1975; Murison 1993; Wellesley 2000; Morgan 2006. By far the most comprehensive investigation in the Roman usurpation is Flaig 1992.

accomplishments lost their 'un-mundane' character and people began to take for granted the blessings that came from them. Remembrance had to be fostered by the authorities at all costs, through buildings, works of art and public festivities: two gigantic buildings, the Temple of Peace (*Templum Pacis*) and the Colosseum (*Amphitheatrum Flavium*) emblemized the glory of the Flavian dynasty.<sup>81</sup> While Vespasian had put down the Jewish Revolt in the Judean countryside, his elder son Titus<sup>82</sup> had gone down in history as the conqueror of Jerusalem. The second son, Domitian,<sup>83</sup> possessed no military record of his own, when he ascended the throne. In order to make good such a potentially lethal shortcoming, Domitian had built the Arch of Titus on the Roman Forum: the building, a landmark in the heart of ancient Rome, made Titus' triumph over the Jews visible and memorable for the generations to come.

Like the house of Augustus, Rome's second dynasty, the Flavians, was, first and foremost, founded on 'charisma'. And like the Julio-Claudian one, the Flavian 'charisma', slowly, but inevitably, faded away. In the relatively calm waters of the early imperial period, *Erbcharisma* turned out to be quite a strong resource countervailing the weakness of other, 'legal' and 'traditional', sources of legitimacy individual emperors possessed: even for those emperors, who clearly lacked in personal 'charisma'. Only in extreme cases did an established dynasty collapse, with Nero (AD 68), Domitian (AD 96) and again following the murder of Commodus (AD 192).

This changed, when, in the 3rd century AD, the external conditions framing the Empire rapidly deteriorated. While it became harder and harder for incumbent emperors to dispense the security, wealth and salvation their subjects expected from them, multiple front-lines created a multitude of military men, who were *capaces imperii* and hence destined to challenge the emperor at the first opportunity. The

81. The *Templum Pacis*, now largely lost, was dedicated in AD 75 to celebrate Vespasian's victory over the Jews. It accommodated much of the booty from Jerusalem and also a comprehensive collection of Greek art, symbolizing Rome's subjugation of the Mediterranean east. Cf. Bravi 2006; Bravi 2010. In the case of the *Amphitheatrum Flavium* even the location was fraught with symbolism: built in the depression between the Palatine Hill and the Oppius, it replaced Nero's megalomaniac palace, the 'Golden House' (*Domus Aurea*), thus returning to the public a piece of land once usurped by Nero.

82. Ruled AD 79–81.

83. Domitian (ruled AD 81–96) was Titus' younger brother, who became emperor following the older one's premature death.

strong military bias of the 'charismatic' component Augustus had built into the principate turned out to be almost lethal: avalanches of usurpations plunged the empire into chaos, from which it emerged only when emperors began to associate themselves with powerful deities. The discovery, by the emperors of the later 3rd century, of 'divine right' (*Gottesgnadentum*), another Weberian sub-category of 'charisma', led to the alliance between the Empire and Christianity – and thus opened a completely new chapter in the relationship between authority and legitimacy.<sup>84</sup>

### 6. Conclusion

While traditional approaches to the principate have attempted to reduce the intricacy of the Roman Empire's political system, a Weberian perspective accentuates its contradictions and complexities. Weber's three types of legitimate authority are ideal types and do not claim a location in real history. This being said, it is evident that the principate neither 'was' 'legal' nor 'traditional' or 'charismatic'. At best, the Roman emperors' authority featured 'legal', 'traditional' and 'charismatic' components – sources of legitimacy. Unlike Weber's ideal types, these sources were placed in the real world: legal acts, customs, norms and people believing in the 'mission' of their emperor.

Neither the principate as such nor any individual emperor depended solely on one component for legitimacy. The principate was legitimate and accordingly undisputed as Rome's system of government since the days of Augustus, because it (a) had substantially contributed to overcoming the period of civil war and terror that lay before its foundation, (b) blended smoothly with the *mos maiorum*, the Republic's moral framework of traditions and norms and (c) managed to create a legal foundation for the ruler, whose position was gradually transformed into an 'office' with clearly defined powers. These sources, which fed the principate with legitimacy, converged with the legitimizing components of Augustus' own, personal authority.

84. A potential forerunner of this development was the emperor Elegebalus, who, unsuccessfully, attempted to implement in Rome the cult of the eponymous local god from the Syrian town of Emesa. Cf. Optendrenk 1969; Turcan 1985; Pietrzykowski 1986; Frey 1989; Sommer 2004b. On the emperor Aurelian and his choice of Sol Invictus as a divine protector Cizek 1994; Watson 1999, 194-195; Berrens 2004, 89-126; White 2005. On the concept of *Gottesgnadentum* in the 3rd century Sommer 2004a: 114-22.

Neither Augustus nor the principate could afford to abandon any single of these elements. Since they persisted and the general conditions did not change much, there was no realistic alternative to the principate. Not even political sceptics like Tacitus seriously considered a return to the Republic.

Apart from the political system's generic legitimacy, two more levels of legitimacy must be separated: dynastic and individual. A family's claim to rule was legitimate, if it could boast a 'founding father', who had accomplished extraordinary, 'un-mundane' achievements: men like Augustus, Vespasian and, later in the 2nd century AD, Septimius Severus. Their individual 'charisma' became *Erbcharisma*, which, if in a diluted and slackened form, boosted their descendents' claim to the purple, effectively ruling others out, at least in the medium term. This was not a dynastic principle in the full sense of the word, rather a head start, which was given to emperors who had orderly succeeded their predecessors.

The legitimacy of individual emperors after Augustus was quite a different matter. Invoking *Erbcharisma* was not enough to stay in power. The legal foundation of an emperor's rule through Senate's decrees was a requirement, but hardly a sufficient source of legitimacy. Otherwise ephemeral emperors like Galba, Otho and Vitellius would have been in a much stronger position. Emperors had to prove that they were up to the job. They could excel in administration or, like the emperors of the Antonine dynasty in the 2nd century – who were, with the exception of Commodus, all adopted by their predecessors – claim that they had been selected, because they were best qualified for the purple. Most emperors simply waged war. Winning glory through military triumph seemed, at all times, the easiest and most promising path leading to individual 'charisma'.

It was, as the emperors of the 3rd century learned the hard way, also a tremendously perilous path. In the heated climate of 'military anarchy', one lost battle could cost an emperor all his reputation. Of the 21 emperors, who ruled between AD 235 and 284, 18 died from the hands of fellow Romans. Military 'charisma', to which the authority of so many emperors was tied, for good or for evil, was a powerful, but at the same time a very ephemeral resource. The Roman Empire was indeed an empire of glory – but it could, all of a sudden, turn into an empire of shame for those emperors, who fell from favour with their subjects.

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