



# The Measure of All Things: Natural Hierarchy in Roman Republican Thought

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*The Measure of All Things: Natural Hierarchy in Roman Republican Thought*

A dissertation presented

by

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to

The Department of the Classics

in partial fulfillment of the requirements

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*The Measure of All Things: Natural Hierarchy in Roman Republican Thought*Abstract

This work explores how writers of the late Roman Republic use the concept of nature rhetorically, in order to talk about and either reinforce or challenge social inequality. Comparisons between humans and animals receive special attention, since writers of that time often equate social status with natural status by assimilating certain classes of person to certain classes of animal. It is the aim of this study to clarify the ideology which supported the conflation of natural and social hierarchy, by explicating the role that nature was thought to play in creating and maintaining the inequality both between man and man, and between man and animal. In investigating this issue, this study also addresses the question of whether the Romans took a teleological view of human society, as they did of nature, and ultimately concludes that they did not. It proposes, rather, that the conceptual mechanism which naturalized social inequality, and which drove the assimilation of human to animal, was the belief that there is one, natural measure of worth and status for all creatures: utility to the human community.

Chapter 1 identifies some pertinent beliefs, commonly found in Republican texts, about nature, animals, humans, and the relationship of all three to each other. Chapter 2 considers whether these beliefs have a philosophical provenance, by discussing Aristotle's theory of natural slavery and Stoic views on the institution of slavery, and their possible relation to the ideas expressed in Roman sources. Chapter 3 returns to Republican texts, including popular oratory, and examines comparisons between domestic animals and humans in the treatment of slavery and wage-earning. Chapter 4 examines comparisons between wild animals and humans in discussions about violence and primitive peoples, and in political invective.

## Table of Contents

CHAPTER 1	
<u>Introduction</u>	1
Nature is teleological	8
It is natural for people and animals alike to promote human society	19
Human society and human social relationships are part of nature	33
Reason gives humans the power to act unnaturally	36
Because they lack reason, animals cannot act unnaturally	43
There are two major categories of animal, domestic and wild	53
Conclusions	62
CHAPTER 2	
<u>Natural Slaves: Aristotle and the Stoics on the Nature of Slavery</u>	75
The Theory	77
The Problems	103
Function-Based Comparisons	104
Conflict With Reality	121
Stoic Opposition	126
Conclusions	138
CHAPTER 3	
<u>Animal Slaves and Slave Animals: Republican Authors on the Nature of Slavery</u>	142
The Association of Slave and Herd Animal in Varro's <i>Res Rustica</i>	146
Nature as the Measure of Social Status	168
The Ideological Assimilation of Free Wage-Earners to Slaves	184
Fighting for Freedom and Humanity in Popular Oratory	200
Conclusions	225
CHAPTER 4	
<u>The Human Beast: Man's Savage Nature</u>	234
Violent Deeds and Bestial Minds in Cicero's <i>De Officiis</i>	236
Primitive Ferocity and Civilized Humanity in Cicero's <i>Pro Sestio</i>	254
Wild Animal Comparisons in Political Invective	272
Violators of Social Bonds	282
Enemies of the State	289
Tyrants	297
Summary	307
Conclusions	308
<u>Works Cited</u>	318

## CHAPTER 1

### Introduction

This work is about *natura*. I will not try to define *natura*, as the Romans understood it, nor will I focus exclusively on *natura* as a philosophical concept. I plan to explore the use of *natura* as a working idea, available for rhetorical manipulation, as potent and pervasive as any idea in Latin literature.

My interest in nature began when I undertook a study of comparisons between humans and animals in Roman oratory. I noticed that many such comparisons explicitly evoke the concept of nature, and I could not readily explain the role of nature in the likening of man to beast. In order to pursue this line of inquiry, I expanded the scope of my search, collecting similar comparisons in genres other than oratory. Since the various genres deal with different topics and concerns, they also employ different kinds of comparison. Gaining this larger perspective therefore led to another major observation: comparisons between man and animal are often class specific. Certain socio-economic classes tend to be equated with certain classes of animal. Slaves and plebs, for example, are assimilated to domestic animals. Criminals and tyrannical elites become wild animals.

These two aspects of the relevant texts – nature and class specificity – seemed to me to serve as unifying themes, as features shared by a number of passages that otherwise appear essentially different and unconnected. However, they were precisely the two features that I could not fully account for. I therefore made it the goal of this project to answer the following questions. What does human social status have to do with animals? And how is nature implicated in that association?

I initially focused my research on late Republican texts, simply because I had started out with the intention of studying certain phenomena in Ciceronian oratory, and wished to gather contemporary comparanda. Even after the scale of my study had expanded greatly, I eventually decided to maintain that focus. My survey will confine itself mostly to sources written within, or very shortly after, Cicero's lifetime. This is partly a matter of convenience. A dissertation does not provide sufficient space to trace the history of the pertinent concepts through all of Latin literature. By setting temporal, rather than generic, limits, I will be able to see how nature and man-animal comparisons are treated in different types of literature – an approach I believe is necessary for gaining a proper understanding of the matter. I have also concluded that, on this subject, the literature of the late Republic forms a logical unit for two reasons. It was a period rife with class tensions, and therefore produced literature that discussed those tensions; the resulting body of work is especially helpful for illuminating the discourse which is the object of this study. Moreover, although the various works use nature and animal comparisons in various ways to argue various points, they show a certain coherence in their underlying assumptions. It is my plan to identify and elucidate those assumptions: this book will be organized with a view to reconstructing a pattern of thought, never explicitly stated, but everywhere implied.

In order to clarify that pattern of thought, I have found it necessary to delve into philosophical works – particularly, but not exclusively, Cicero's philosophical works. This methodology may seem inconsistent with my professed goal, since I am not interested in theories of nature *per se*, but in the way that writers employ animals and nature to discuss human class distinctions. Such discussions inevitably serve the author's literary or persuasive ends, and must therefore be considered rhetorical, not philosophical, in character. Like any medium that aims at broad dissemination and mass persuasion, these texts rely on premises so deeply ingrained, so

taken for granted, that no author troubles to explain them in full. Moreover, the authors apparently felt that their respective audiences would be swayed by appeals to these tacitly understood beliefs. Thus, my primary objects of study are commonly held views, such as might be labeled “popular” rather than “intellectual” or “philosophical”. However, I have had to resort to philosophical texts precisely because the pertinent concepts are so widespread and entrenched that writers do not explicitly expound or defend them. Philosophy is the genre in which underlying ideas are identified, articulated, weighed, and either rejected or justified. While the conclusions of philosophers might not align with common cultural prejudices, there is always overlap and engagement between the two. I therefore looked into certain philosophical works, with all due respect for the difficulties involved, and was rewarded. Although the ideological framework which supports class-specific man-animal comparisons is not, in fact, a specifically philosophical one, my reading in philosophy provided insights which proved vital for elucidating that framework.

I am not the first to have utilized philosophical texts in conjunction with texts of other genres in order to reconstruct deep-seated cultural presuppositions. Nor am I even the first to take such an approach in reconstructing Roman views on nature. The following works are just such studies, and were especially helpful to me in my own endeavors. I owe each of the authors a debt both for their conclusions and for providing methodological models. Arthur Lovejoy and George Boas, in their classic book, *Primitivism and Related Ideas in Antiquity*,<sup>1</sup> explore the history of a trope that was prevalent in both Greek and Latin literature: that of describing the prehistory and cultural development of mankind, often as a way to make a point about the present. Because such discourses inevitably make assumptions or arguments about the best and

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<sup>1</sup> Lovejoy and Boas (1935).



most “natural” state of mankind, Lovejoy and Boas discuss conceptions of nature in antiquity. Mary Beagon has written two works about Pliny the Elder’s *Natural History*,<sup>2</sup> in which she considers Pliny’s thoughts on nature and their intellectual and cultural context. Due to the structure and emphasis of Pliny’s work, Beagon directs her own attention especially to man’s place within the natural world. Anthony Corbeill has also written two relevant books, *Controlling Laughter* and *Nature Embodied*,<sup>3</sup> the former is the only work in this list that deals primarily with the period which I am studying. Corbeill concerns himself mostly with the ways in which the human body was believed to interact with nature.

Though I risk oversimplifying complex issues, I would like to point out that each of the authors just mentioned essentially focuses on a certain relation: the relation between nature and man’s mode of living; the relation between nature and mankind as a collective entity; the relation between nature and man’s body. All of these topics have some bearing on the present study, but I am making it my own object to examine yet another relation in which nature plays a part: the relation between man and man. Although human-animal comparisons assume certain things about the standing of humans vis-à-vis nature at large, especially animals, they ultimately serve as a means to comment on status divisions within the human community. More specifically, then, I am exploring the relationship of inequality between man and man, in which nature is somehow involved. I hope to contribute to the study of Roman nature by determining precisely how it is involved in that relationship.

I will not confine myself in the course of this book to one definition of “nature” or “natural”. Those scholars who have studied the meaning of Latin *natura* have shown just how

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<sup>2</sup> Beagon (1992) and (2005).

<sup>3</sup> Corbeill (1996) and (2004).

misguided such an attempt would be. The *TLL* entry for *natura*, for example, occupies some thirty-three columns and is divided into numerous headings and subheadings.<sup>4</sup> Lovejoy and Boas compiled an appendix of some meanings of “nature” – Greek φύσις and Latin *natura* – to be found in ancient texts; although they admit that the list is not exhaustive, they identify sixty-six distinct meanings.<sup>5</sup> It is obvious that the signification of nature was no more fixed or univalent in Latin than it is in English, and my own usage will reflect that. I apologize for any linguistic imprecision or ambivalence that results, but we will see that imprecision and ambivalence are exactly the qualities that made nature a useful rhetorical concept in antiquity, to be exploited and manipulated as best suited the speaker’s purpose.

There is one salient aspect of Roman *natura* that requires acknowledgment and emphasis, since it plays a role in every passage that I will discuss: nature is normative. Nature as a coherent entity was conceived of in a number of ways: as a rational and self-aware divinity that controls the world, as a set of physical and metaphysical laws by which the world functions, or as a cosmic system that operates according to a preordained plan – to name just a few. There were, perhaps, as many individual conceptions of nature as there were individuals who discussed nature. Regardless of an author’s exact understanding of nature – if he even had a specific theory of nature – every author assumes that nature is a universal ordering principle, one which can be appealed to as a precedent and authority for what is objectively true, normal, and acceptable. The sources agree on this point. Precisely what was “natural”, or true, normal, and acceptable according to nature, was more open to debate.<sup>6</sup>

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<sup>4</sup> Hajdu, *TLL* s.v. *natura*, 9.1.156.62-9.1.189.7.

<sup>5</sup> Lovejoy and Boas (1935) 447-456.

<sup>6</sup> For a good overview of nature as norm in antiquity, see Lovejoy and Boas (1935).

The Roman habit of using nature as both model and proof of the norm owes much to the Hellenistic philosophical schools, all of which made nature the center of their doctrines and speculations, even if they disagreed about the nature of nature itself and what it mandated for human life.<sup>7</sup> This is not to say that the Romans did not have a native tradition concerning nature, or a native belief in the existence of a universal standard. As will be evident in what follows, many of the ideas expressed in Latin texts bear a marked resemblance to philosophical precepts, especially those of Stoicism, which was popular among the Roman elite of Cicero's day. However, these ostensibly philosophical concepts often appear outside of philosophical works. They turn up in contexts where the author is, theoretically, aiming his message at a widespread audience, not just a narrow intellectual elite. Often the speaker seems to presume the listeners' knowledge of and agreement with these notions. Sometimes they are embedded within a discourse that, taken in its entirety, does not conform to a philosophical position. These circumstances necessarily raise questions of provenance. Did a certain idea come into Roman discourse via Greek philosophy? Or did a particular piece of philosophical doctrine just happen to coincide with, and provide a theoretical basis for, commonly held views? To what extent is an author trying to convey a genuinely philosophical standpoint, and to what extent is he merely utilizing select concepts in order to reinforce his argumentative point? I leave it to others, in any given instance, to address those questions and disentangle the exact relationship between Greek philosophy and Roman texts. For my purposes, it is enough to note that the ideas I am about to discuss, whatever their origin and however they came into circulation, were evidently mainstream by Cicero's time – enough so that he and other writers could appeal to them in a wide variety of contexts to serve their own rhetorical ends.

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<sup>7</sup> The bibliography on nature in Hellenistic philosophy is as extensive as the bibliography on Hellenistic philosophy itself. For a good introduction to Hellenistic philosophy, and its tendency to make nature normative, see Algra et al. (1999).

I will now identify some of those ideas. I will not yet discuss comparisons between man and beast; that will come in later chapters. In this chapter, I will lay the groundwork for that discussion by indicating certain basic beliefs about mankind, animals, and nature that the comparisons take for granted. They are comprehensible and persuasive only if the audience members assume the views that I am about to elucidate.

To illustrate the pertinent assumptions, I have used passages from Cicero's philosophical corpus, which is the only place in Republican literature where they are stated in explicit terms. It is not my intention to thoroughly examine these passages or the thoughts contained within them. I will not talk about Cicero's possible sources or how closely he follows them. I do not claim that all Romans ascribed to these particular notions at all times; in fact, there were always alternate discourses. As I will soon show, for example, the comparisons depend on a teleological understanding of nature. Epicureanism rejected a teleological view of nature, and definitely had Roman devotees in Cicero's time, as evidenced by Lucretius' *De Rerum Natura*. Because many Epicurean tenets are essentially incompatible with the ideological framework which I am studying, Lucretius will be mostly absent from this book, as will other texts and authors which have no direct bearing on the matter at hand.

My focus is narrow: I aim to discover what man-animal comparisons have to say about human status divisions, and nature's role in creating and maintaining those divisions. In pursuing this investigation, I will identify the premises which an audience had to recognize in order for the comparisons to be understood and accomplish their persuasive purpose. For the sake of clarity, I have sought to distill those premises down to their most basic and essential forms. I would maintain, however, that I have not oversimplified them. Like any stock trope, the man-animal comparisons rely on just a few straightforward concepts. As we will see in later

chapters, complexity and sophistication in the application of this trope arises not from the underlying ideas, but from how the speaker manipulates those ideas within a given context.

### Nature is teleological

Teleology is the belief that everything in nature has been adapted to some end or purpose. Ancient texts most often espouse a more specific version of teleology: the lower orders of creation exist and have been adapted for the end or purpose of serving the higher orders. This view of natural purpose and design both assumes and manifests itself in another, related idea, that of a *scala naturae*. The premise that the lower serves the higher presupposes that there are, in fact, intrinsically lower and higher forms of being. This habit of hierarchizing natural entities culminates in the notion of a graded scale or hierarchy of life forms, wherein each level possesses everything that the lower levels do, as well as something extra; thus, each grade of being advances nearer to a state of perfection. The *scala naturae* is therefore a scale of type: each creature occupies a place on the scale by virtue of its intrinsic qualities. However, due to the prevalence of teleology in ancient thought, the Greco-Roman *scala naturae* is also a hierarchy of purpose or function. Because everything in nature has been formed for the sake of fulfilling a certain end, everything has been equipped by nature exactly to the extent that it is enabled to fulfill that end. There is, then, a direct correlation between type and function, since the former was believed to arise from the latter. Accordingly, the degree of a creature's innate perfection, and so its place on the great scale of nature, reflects the perfection of its purpose, and vice versa. We will soon see that this conception of a teleological scale of nature, whereby living beings are ranked by type and function, played an important role in how the Romans defined and rated animals.

In republican literature, the clearest, most succinct expression of this idea appears in Cicero's *De Natura Deorum*. In the second book, the interlocutor, Balbus, expounds and defends some central tenets of Stoic doctrine. The following passage forms part of his argument that the world is both animate and supremely rational:

*Atque etiam si a primis incohatisque naturis ad ultimas perfectasque volumus procedere, ad deorum naturam perveniamus necesse est. Prima enim animadvertimus a natura sustineri ea, quae gignantur e terra, quibus natura nihil tribuit amplius quam, ut ea alendo atque augendo tueretur. Bestiis autem sensum et motum dedit et cum quodam adpetitu accessum ad res salutare a pestiferis recessum, hoc homini amplius, quod addidit rationem, qua regerentur animi adpetitus, qui tum remitterentur, tum continerentur. Quartus autem est gradus et altissimus eorum, qui natura boni sapientesque gignuntur, quibus a principio innascitur ratio recta constansque, quae supra hominem putanda est deoque tribuenda, id est mundo, in quo necesse est perfectam illam atque absolutam inesse rationem. (2.33-34)*

And if we also wish to proceed from the first and most incomplete nature to the last and most perfect, we necessarily arrive at the nature of the gods. For we observe that those things which are produced from the earth are first sustained by nature, on which nature bestowed no more than to maintain them with nourishing and growing. However, to beasts nature gave sense and motion and, along with a kind of appetite, the power of approaching salutary things and withdrawing from harmful things. Nature granted this capacity more fully to man, because she added reason, by which the appetites of the mind are ruled, so that they might at one time be left unrestrained, at another be contained. The fourth and highest grade, moreover, consists of those beings who are born good and wise by nature, in whom right and consistent reason arises from the beginning. Such reason must be considered above mankind and attributed to a god, that is the world, in which there necessarily exists that perfect and absolute reason.<sup>8</sup>

The very first sentence indicates the teleological character of the subsequent comments, maintaining that it is possible to review classes of living being in a progression from less perfect to more perfect, each one endowed with some virtue that the previous lacks. The first, and lowest, class is plant life, on which nature has bestowed only the ability to take nourishment and grow. Animals have that ability, as well as sense, motion, and impulses that prompt them to approach and avoid helpful and harmful entities, respectively. In addition to those animal

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<sup>8</sup> All translations in this work are my own unless otherwise specified.

powers, humans enjoy reason. The world itself, the highest and most complete grade, possesses absolute, eternal, and perfect reason. The identification of reason as the highest faculty is noteworthy. The attribution of this quality to man and god alone is a common feature of teleological texts, and has two important consequences: it places mankind above all other mortal life forms, and it draws a hard line between man and god, on the one hand, and the rest of creation, on the other.

Because the speaker here wishes to establish the superior nature and rationality of the world, he deals mainly with the hierarchy of type inherent in the *scala naturae*, rather than that of purpose. However, in the course of his argument he does make a remark which illustrates how type corresponds to purpose:

*Neque enim est quicquam aliud praeter mundum quoui nihil absit quodque undique aptum atque perfectum expletumque sit omnibus suis numeris et partibus. Scite enim Chrysippus, ut clipei causa involucrum vaginam autem gladii, sic praeter mundum cetera omnia aliorum causa esse generata, ut eas fruges atque fructus, quos terra gignit, animantium causa, animantes autem hominum, ut eum vehendi causa, arandi bovem, venandi et custodiendi canem; ipse autem homo ortus est ad mundum contemplandum et imitandum — nullo modo perfectus, sed est quaedam particula perfecti. Sed mundus quoniam omnia complexus est neque est quicquam, quod non insit in eo, perfectus undique est; qui igitur potest ei desse id, quod est optimum? Nihil autem est mente et ratione melius; ergo haec mundo deesse non possunt. (2.37-38)*

Indeed there is nothing except the world from which nothing is absent, and which is in all respects suitable and perfect and full in all its numbers and parts. For, as Chrysippus nicely put it: as a shield-case is made for the sake of a shield, and as a sheath for the sake of a sword, thus everything else except the world has been generated for the sake of others things; for example, those fruits and crops which the earth produces have been generated for the sake of animals, and animals for the sake of humans – like the horse for carrying, the ox for plowing, and the dog for hunting and guarding. Moreover, man himself has arisen for contemplating and imitating the world. He is in no way perfect, but is a certain small part of the perfect. But since the world embraces all things, and there is not anything which is not in it, it is perfect in all respects. Therefore, how can that which is best be missing from it? Moreover, nothing is better than intelligence and reason; thus, these cannot be missing from the world.

In this passage, the speaker states the basic principal of teleology: everything in the world has been generated for a purpose, or, as he puts it, “for the sake of other things”. Although he does not say it explicitly, his comments imply that everything has been generated for the sake of higher, more perfect things. His examples make this clear: plants exist for the sake of the next level up on the scale, animals. Likewise, animals exist for the sake of their own superiors, mankind. Mankind itself exists, if not exactly for the sake of the world – for the world is complete unto itself and does not need them – then at least to appreciate the completion and perfection of that highest entity.

How does this prove Balbus’ main contention, that the world itself is indeed perfect and rational? The reasoning seems to be that everything in nature has been supplied with qualities and capabilities that allow it to fulfill its function – and only with qualities and capabilities that allow it to fulfill its function. Thus, limitations in purpose give rise to limitations in composition. Only an entity, then, which has not been created solely for the sake of a higher power can have no limitations, because it has not been formed for a limited purpose. The universe as a whole is such an entity, and therefore suffers no lack or deficiency in its composition. It is all-encompassing. Since perfect and complete, thus rational; if it lacked reason, it would not be perfect or complete.

Although the foregoing passage draws upon teleological concepts to comment on the nature of the world at large, it also hints at the consequences of teleology for animals. As I have pointed out, man was often presumed to be the highest of all earthly creatures due to his possession of reason. In the teleological scheme of nature, man’s superiority meant that all the lower creatures had been created for his sake. This assumption impacted how proponents of teleology viewed not just animals as a class, but also individual types of animals. When Cicero’s



interlocutor claims that animals have arisen for the sake of humans, he gives examples of creatures that meet human needs: horses exist for conveying man and his goods, oxen for plowing his fields, dogs for aiding in his hunts and guarding his property. Balbus' appeal to domestic animals is both an argument for teleology and an application of teleological principles. He both presumes and contends that these animals, because they each perform a certain task, were intended by nature for that task, and thus formed by nature in such a way as to fulfill that task. We see here the endpoint of the teleological doctrine which made humans the *raison d'être* of all other creatures: every living being of the lower orders has been designed to play the role in human life which it does in fact play.

This understanding animal life encapsulates the direct relation between function, type, and status that characterizes the teleological *scala naturae*. It also explains the tendency of ancient authors to identify and wholly define individual types of animal by the services they render for humans. Finally, it constitutes the most powerful argument employed in antiquity to justify the low standing and exploitation of animals. Since there was thought to be a direct correlation between type and purpose, a speaker could use either in order to make a point about the other. Thus, an animal's characteristics were adduced as proof that it was created solely for fulfilling a certain function in human life; likewise, its function in human life was adduced as proof that its characteristics were designed for that purpose. Composition and function were therefore mutually reinforcing arguments, and arguments that both ultimately reinforced the notion of animal inferiority. In teleological nature, the lower exists to serve the higher; moreover, limitations in purpose give rise to limitations in capacity. Therefore, if animals are lower life forms, then humans have a mandate from nature to use animals as they will. If animals exist to be used by humans, then they possess only those capacities which allow them to

fulfill that humble purpose, and so they are intrinsically lower than humans. The obvious circularity of this logic apparently did not detract from its appeal to ancient authors.

Later in Book 2 of the *De Natura Deorum* (154-161), there occur precisely the sort of arguments from type and function that were commonly deployed to support human exceptionalism and animal exploitation. The interlocutor has moved on from asserting that the world is rational, to asserting that the world, or the divine mind controlling the world, exercises providential care for humanity. Balbus introduces the subject by announcing that he will show that all things which are in the world and which humans utilize have been made for the sake of humans: *omnia, quae sint in hoc mundo, quibus utantur homines, hominum causa facta esse et parata*. To prove his point, he first contends that, clearly, the world itself has been created to serve as the common home of gods and men, because they alone employ reason and live by right and law: *solī enim ratione utentes iure ac lege vivunt*. Thus, everything in the world has been created for the use and enjoyment of men. Balbus is once again assuming a teleological model of nature, since he maintains that gods and humans are innately superior to everything else due to their possession of reason, and that everything else therefore exists to provide for these two higher categories. To defend this view, he proceeds to argue, among other things, that nature has generated plants solely for mankind, and that they benefit animals only incidentally. So far from plants, or anything, having been created for animals, animals themselves have been created for man: *tantumque abest, ut haec bestiarum etiam causa parata sint, ut ipsas bestias hominum gratia generatas esse videamus*.

In proving this contention about animal function, Balbus appeals to animal type. He runs through a list of animals which humans make use of and points out how, in each case, it is some innate feature which renders that animal useful to humans. The litany serves Balbus' purpose

because the link between an animal's inherent structure and its utility to man seems to indicate rational design on the part of nature, exercised for the benefit of humans. More importantly, for our own purposes, Balbus' argument illustrates how function was thought to determine an entity's intrinsic composition, since everything in nature has arisen specifically to fulfill a definite end. It also illustrates how this idea basically reduced the worth of animals to the sum of their useable parts.

Sheep, as Balbus maintains, have wool so that they may clothe man. Dogs' love for their masters, their hatred of intruders, and their amazing powers of smell clearly signify that they have been formed for aiding man in hunting and guarding his property. The backs of oxen have been fashioned for taking a load, their necks for bearing the yoke, and the strength of their shoulders and flanks for drawing a plow. Asses and mules have so many uses that their manifold utility could not possibly be an accident. Pigs exist to be eaten, and so nature has made them the most fecund of animals. Fish are also intended as food, as proven by how good they taste. The birds which the augurs watch for signs must have been made for the sake of augury, or else they could not fulfill that function. Balbus finds uses for wild beasts, too, obviously anticipating the objection that, so far from all animals benefitting man, some are actively harmful to him. Certain wild animals can be tamed and thus rendered serviceable, like elephants, and others yield important medicines. Balbus turns even the hostility of dangerous animals to advantage, claiming that hunting such beasts is a valuable form of training for warfare.

In the foregoing passage, as in the earlier one I discussed, the speaker's arguments from animals and teleology are deployed for a greater argumentative goal: to show, in the first instance, that the world is rational, and to show, in the second instance, that this rational divinity has formed the earth and all its contents for the good of man. The belief in divine design is a

defining feature of Stoic thought. Moreover, the hard line drawn between man and animal, the denial of reason to animals, and extreme anthropocentrism are all equally characteristic of Stoicism.<sup>9</sup> It is significant, though, that, in the passages I just examined, the interlocutor uses animals and teleology in order to make larger, more sweeping claims about the providential governance of the universe. This might suggest that he is utilizing points with which he assumes his audience will agree in order to defend more problematic ones; that would in turn suggest that he regards teleological precepts as widely recognized and commonly accepted, and the notion of divine design as less so. Indeed, the concept which concerns us, that of a teleological *scala naturae*, does not necessarily presuppose the Stoic theory of a rational and providential nature. Aristotle, for example, adopted teleological principles in explaining natural phenomena, but insisted that they do not presuppose intelligent design. Even he, however, owed something to preexisting ideas. The *scala naturae*, and all the individual assumptions which form its constituent elements, had a long history in the Greco-Roman world, easily predating both the Stoics and Aristotle.<sup>10</sup>

The tendency to regard man as discrete from and superior to all other animals, so far from being a Stoic or Aristotelian innovation, appears in the very earliest extant works of Greek literature.<sup>11</sup> This anthropocentric attitude manifests itself in an entire topos, sometimes referred to by modern scholars as the “man alone of the animals” topos, in which again and again Greek

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<sup>9</sup> For Stoic views on animals, see Dierauer (1977) 199-252 and Sorabji (1993).

<sup>10</sup> For some perspective on the longevity and ubiquity of the teleological ideas expressed in the *De Natura Deorum*, Pease’s commentary on that work (1958) is a good place to start. He provides extensive cross-references to other ancient texts, both Greek and Roman.

<sup>11</sup> For a concise introduction to the Greek anthropocentric view of man, and especially the idea that man alone is a rational animal, see Renehan (1981).

writers point out ways in which man is unique.<sup>12</sup> The most fundamental distinction between man and beast in Greek thinking was the ability to speak; the famous definition of man as the rational animal probably developed from that more basic distinction.<sup>13</sup> However the definition “man is the rational animal” developed, it antedates Plato and seems to have become common currency among all educated Greeks, belonging solely to no particular philosophical school. Likewise, teleology antedates Plato, and no particular philosophical school could lay sole claim to the concept, though it certainly had a philosophical flavor.<sup>14</sup> Since the Greeks were predisposed to view animals as lower life forms, and since they made use of animals, it is unsurprising that they saw them as both part of and proof of a teleologically ordered world – a world order encapsulated in the notion of the *scala naturae*.<sup>15</sup> As early as Xenophon, writers were using the structure of animals to support the idea that animals, along with everything else in nature, arose for a purpose, and, more specifically, that they arose for the purpose of serving the highest mortal entity, man (*Memorabilia* 1.4.2-14, 4.3.3-12).<sup>16</sup> Thus, the Stoics did not invent the teleological principles which interest us; rather, they consciously adopted a pre-existing set of related concepts. Even the argumentative strategy which Cicero puts into the mouth of his Stoic interlocutor was not uniquely Stoic, but was an inherited tradition.

It should be noted that not everyone agreed with the beliefs I have just outlined. I mentioned previously, for example, that the Epicureans espoused an antiteleological standpoint. Animals, too, had their champions: most famously, Plutarch took up the cause of animal

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<sup>12</sup> For the “man alone of the animals” topos, see Renehan (1981) 246-252.

<sup>13</sup> For speech as the primary difference between human and animal, see Heath (2005).

<sup>14</sup> For a concise history of teleology in antiquity, and a brief overview of the relevant texts, see Pease (1941).

<sup>15</sup> On the *scala naturae* in antiquity, see Lovejoy (1957) 24-66.

<sup>16</sup> For arguments from the structure of animals, see Dickerman (1909).

rationality in his *De sollertia animalium* and *Bruta animalia ratione uti*. I have already indicated that the discourse which I am studying assumes a teleological view of nature, and so I will not deal much with the opposing side of the debate. But what of animal rationality? One scholar who has written on Greek anthropocentrism maintains that it was the orthodox opinion among educated Greeks that animals were irrational; those who said otherwise, like Plutarch, were deliberately taking up a polemical stance against the standard position.<sup>17</sup> I cannot speak to Greek beliefs, but I can say that in Roman republican literature, those texts which concern us, authors sometimes express the idea that animals are irrational, as Cicero does in the passages above. I have never, however, come across a passage that claims the opposite. Moreover, many of the man-animal comparisons which I will examine obviously assume that animals are, if not completely irrational, at least so far behind humans in that regard that they do not, cannot, display the traits and behaviors that arise from and signify human rationality. None of the comparisons, on the other hand, imply that animals are rational. I therefore conclude that it was probably the general belief among educated Romans that animals are irrational; more importantly, it is definitely one of the premises upon which the man-animal comparisons depend. From this point forward, therefore, I will leave the debate on animal rationality alone, and proceed on the understanding that animals, as far as the relevant texts are concerned, lack reason.

The formulation “man is the rational animal” may have originated in Greek philosophy, but clearly, by Cicero’s day, it was simply common opinion, at least among the educated. Likewise, I maintain that teleology and the *scala naturae* had become general knowledge – not automatically accepted by all, of course, but instantly recognizable to all and, for many, unconsciously assumed rather than consciously weighed and adopted. This study does not

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<sup>17</sup> Renehan (1981) 245-246. For more about the ancient debate on animal rationality, see Dierauer (1977) and Sorabji (1993).

provide scope for exploring, among this complex of ideas, which might be authentically Roman, which are philosophical additions, and how the two strands of thought interact. I will say that, judging from the sheer prevalence of teleological views expressed in Roman texts, and the wide variety of genres in which they appear, any philosophical additions must have seemed to agree with common conceptions, or authors could not have utilized them as freely as they do. A person does not need a philosophical background to believe in the existence of a natural hierarchy, wherein gods are superior to men and men to animals, or to observe that humans speak while animals do not. Moreover, humans are prone to mistaking what is normal for what is natural, a tendency that could easily lead to the use of nature as a normative standard for human behavior. The same tendency could also prompt a person to suppose that it is natural for animals to serve humans, and that they are naturally suited to doing so, since they normally fulfill that function. Neither view depends on any particular theory of nature or creation. The more sophisticated doctrines developed by the philosophers – and teleology should probably be counted among them – elaborate on and combine these habits of thought, and were probably made plausible by the conventional notions which gave rise to them. No other explanation, I think, could account for the readiness with which writers draw upon teleological ideas, and assume the understanding and acceptance of the audience.

In later chapters, I will show that, in pursuing other argumentative and literary ends, Roman authors frequently employ the teleological concepts which I just discussed: animals constitute a lower order of being; they have been adapted by nature to fulfill a certain purpose, and that purpose is to serve the needs of their superiors, mankind; because they have been formed for that purpose, they have those capacities and only those capacities, which enable them to perform it; each animal, then, possesses an anatomy and behavioral pattern and set of abilities

suited to the role it plays in human life; no animal possesses faculties which would allow it to deviate from or surpass its natural function; the most notable deficiencies in animal composition are speech and reason, the very characteristics which elevate humans above other life forms. Any speaker who appealed to any of these concepts was not necessarily espousing a Stoic standpoint or the Stoic notion of a divine mind exercising providential governance of the universe. Rather, he was selectively utilizing ideas drawn from the orator's arsenal of widely held cultural presuppositions, of the sort which could be effectively deployed for persuasive ends. In the same way, Cicero's Stoic interlocutor used them to defend and endorse other, more sweeping philosophical arguments.

It is natural for people and animals alike to promote human society

If nature is teleological, and everything has been designed for a definite end, then what is the end of man? Since function and type are interrelated, fulfilling this unique human end should, theoretically, require the unique human attributes, speech and reason – just as an ox's purpose, drawing a plow, employs its great strength, and a dog's purpose, hunting, employs its special powers of smell. We saw a potential answer to this question in one of the *De Natura Deorum* passages above: man has been born with reason in order that he might contemplate and imitate the world. This is the Stoic formulation of the human end, which I will talk about in this section, along with some other, related Stoic conclusions. I include this discussion here because it will reveal two concepts which, as we will see in later chapters, play a crucial part in the Roman man-animal comparisons. Although the presence of these concepts in Roman texts is not necessarily attributable to Stoicism, the one discourse can help elucidate the other. The first relevant notion is the view that the human end, unlike the animal end, does not entail serving a higher order of being. The second: despite this fundamental difference in the purpose for which



they each exist, people and animals do share a certain natural role or function, the maintenance and promotion of human society.

These ideas and their implications form a major theme in Cicero's *De Officiis*, and two passages in particular are helpful in the present context. To understand the passages I am about to examine, it is first necessary to understand something of the *De Officiis* and the ethical system on which it is based. The book deals with Stoic ethics, and is modeled on a work entitled *Περὶ τοῦ καθήκοντος* by the Stoic Panaetius. The focus of this particular approach to Stoic ethics is the *καθῆκον*, or "appropriate action", which Cicero renders in Latin as *officium*.<sup>18</sup> In Stoic thought, appropriate human actions are those actions exercised in accordance with humanity's natural endowments, especially those which are unique to humanity. This concept is related to the Stoic premise that there is a *τέλος*, a goal or an end, to human life, which every individual should strive to realize; that end is to live in agreement with nature. Living in agreement with nature consists of observing the rational order of the universe, and trying to imitate and reproduce that order in one's own person and behavior. This approach to living best secures human happiness by enabling an individual to achieve the best possible order in his life. Such a life entails doing those things prompted by the drives and qualities implanted in man by nature, particularly reason. Thus, performing appropriate deeds, or deeds mandated by nature and reason, is an activity directed toward fulfilling the end of human life, because it simultaneously realizes nature's plan for the human animal, and reflects the order and harmony of the universe. It is also an activity directed toward fulfilling the rational nature of man, since appropriate

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<sup>18</sup> Dyck (1996) suggests the translation "appropriate action" for *καθῆκον* and *officium*. For his analysis of the two words, their use and meaning, see his introduction, especially pages 3-8.

conduct requires the rational scrutiny and comprehension of nature's order, and then the application of that knowledge in action.<sup>19</sup>

This view of human activity has important parallels to Stoic views on animal activity, as expressed in the *De Natura Deorum*. There, we saw that each animal was thought to have a specific end or purpose, which utilizes and corresponds to its peculiar traits and capacities. Here in the *De Officiis*, humans also have a specific end, which utilizes and corresponds to their peculiar traits and capacities. In both cases, nature has bestowed those traits and capacities for the performance of their particular end, and it is in accordance with nature to so use them. The similarities end there.

Despite the centrality of the *τέλος* in Stoic ethics, their formulation of the human *τέλος* is not teleological in the same way as their formulation of the animal *τέλος*. To understand the essential difference between them, it is helpful to distinguish between an “end” in the sense of an aim or goal, and an “end” in the sense of a purpose or function; the two can be, but are not necessarily, the same thing. The Stoics maintained that there is an end or goal to human life which all people ought to aim at, though many do not. Now, it is perhaps correct to say that the aim or goal of an ox's life is to live as nature has intended for an ox to live, and that such a life would best secure the ox's well-being. However, the Stoics claimed that, in the grand scheme of nature, the ox's life serves a greater purpose or function than the ox's well-being, which is to support mankind. In fact, serving this purpose does not necessarily guarantee or promote the well-being of every ox, since it is a purpose directed toward the welfare of a higher being, rather than the welfare of the ox. Thus, the specific form of teleology which the Stoics applied to

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<sup>19</sup> For an overview of Stoic ethics, see Striker (1991). My own account of Stoic ethics, throughout this section, follows hers. For useful commentary on the *De Officiis* itself, see Dyck (1996).

animals, as we have seen, held that there is a single purpose for which any given species exists, and that purpose is to supply the needs of a higher life form. Moreover, all members of the species do in fact fulfill that purpose. The Stoic definition of the human end differs in both respects. “Living in agreement with nature” in no way suggests that humans exist for the sake of their own superiors, the gods. It is an aim or goal directed toward securing an individual’s own best state and happiness, rather than a purpose directed toward enabling the existence or happiness of another, higher being. Like any goal it is not something that all achieve, or even try to achieve.

We have already seen the non-human and the human ends juxtaposed in one of the *De Natura Deorum* passages (2.37). To defend the contention that only the world is perfect, the Stoic interlocutor, quoting Chrysippus, points out that everything but the world has been created for something else; as I said before, this argument assumes that an entity with a limited purpose must have correspondingly limited capacities, and so cannot be perfect. He uses illustrative examples: plants have arisen for the sake of animals, animals for the sake of humans, and humans for contemplating and imitating the world: *ad mundum contemplandum et imitandum*. Plants and animals, then, exist only to cater to human needs. The speaker’s claim about humans, however, is different. Although he acknowledges that the world is a higher, more perfect entity than man, he does not imply that humans cater to the world’s needs; indeed, as a perfect entity, complete unto itself, the world has no needs. I have now discussed the fact that, to a Stoic, “contemplating and imitating the world”, or nature, is equivalent to living in agreement with nature. Thus, the interlocutor’s version of the human end represents a variation on the standard Stoic τέλος formulation. This side-by-side presentation of the animal and human ends clearly

shows the contrast between the two. Whereas animals exist to support humans, humans apparently exist only to realize their own rational potentiality.

The exceptionalism of the human τέλος, as described by the Stoics, has dire consequences for the standing of animals relative to people. The teleological idea that the lower serves the higher, if used consistently, would have placed humans above animals, but would still have been a source of kinship between them, since it would have reduced both to mere servants of a higher power. Instead, the peculiar human τέλος is an exception to the rule that the lower exists for the higher, and so further distances humans from animals. The special faculty of reason therefore gives man a special purpose. It does not quite set him apart from the natural order, but it does grant him a unique place in that order, making him more than just another link in the great chain of being.

Nonetheless, in exploring how a man is to live in agreement with nature and so fulfill the goal of human life, the Stoics posited one vital point of commonality between man and beast. To describe a natural human life, they had to identify those activities which accord with nature's plan for the human being – the καθήκοντα, *officia*, or appropriate actions, as I said before – and they concluded that one of those appropriate actions is to promote human society. Since the ultimate purpose of any animal is to promote human society, this particular καθήκον is a natural activity that people share with animals: both types of creature have a mandate from nature to serve the human community as a whole. As we will see in later chapters, this belief cannot have been confined to Stoic theory, because it plays a fundamental role in comparisons between man and animal, which appear outside of philosophical texts.

Two passages in the *De Officiis* illustrate the Stoic tendency to distance man from animal as far as possible, on the one hand, and to claim a common function for them both, on the other. The first of these passages occurs early in the first book (11-14), and it introduces some of the fundamental premises of the work. Cicero lists the essential differences between man and the other animals, in order to establish the sources of appropriate action. In keeping with Stoic doctrine, he maintains that appropriate actions arise from and are practiced in accordance with natural human drives and faculties. Before he moves on to the uniquely human drives and faculties, he begins with those that man shares with the lower animals: an instinct for self-preservation, for avoiding what seems harmful, for procuring everything necessary to sustain life, for reproduction, and for caring for their offspring. He then proclaims that what elevates men above the beasts is reason. These comments reflect the common teleological views which I discussed previously: each grade on the *scala naturae* possesses all of the endowments of the lower, as well as something extra which sets it apart and above. Thus, man shares certain traits with animals, but has a higher faculty, in addition. The defining human characteristic proposed here is the standard one: reason.

Having posited man's unique possession of reason, Cicero proceeds to identify the unique impulses and behaviors which are prompted and enabled by reason. He groups them into four basic categories, and these will form the four divisions of the work, since each gives rise to certain kinds of appropriate action. As Cicero describes the four rational, solely human forms of conduct, he engages in a variation on the "man is the only animal" trope. He takes care to stress at every turn that the forms of conduct under discussion are peculiar to humanity. At no point in the list does he claim that it is a natural human activity to serve the needs of a higher order, the gods. Cicero, then, goes out of his way to point out that the natural roles and aims of a human

being, and the activities which he must pursue to fulfill them, are quite distinct from those of the rest of creation.

Of the four human drives which Cicero ascribes to mankind, only one is of interest in the present context. He states, “The same nature, by the force of reason, associates human with human for the society of speech and life”: *eademque natura vi rationis hominem conciliat homini et ad orationis et vitae societatem.*” As evidence for and examples of this impulse toward social living, he first cites the love of offspring, then the tendency to meet in companies and form public assemblies, to provide for close associates, and to undertake the active business of life. This passage reflects the common ancient belief that man is by nature a social animal, and that his possession of speech and reason allows for and prompts him to the kind of behavior that makes cooperative society possible. Perhaps, though, we should take our cue from Aristotle and say more accurately that man is the political animal, as opposed to merely a social or gregarious animal (*Pol.* 1253a1-18). As Aristotle points out, there are other animals which congregate and pass their lives in groups. However, they are not political in the same way that humans are, because they do not engage in the division of labor, make the attendant distinctions in authority and status, or form the political superstructures that arise from and govern such complex organization. These constitute the truly unique and rational aspects of human sociability. If they are not explicitly recognized as such at the very beginning of the *De Officiis*, they are in the course of the work. Even with regard to the social instinct, then, humans are sharply differentiated from the other animals.

It is, however, the social instinct that ultimately provides the impetus for the one occupation which man shares with animal. In section 15, Cicero identifies the province of the appropriate actions which have their origin in sociability. They are concerned with and

exercised in “maintaining human society”: *in hominum societate tuenda*. Because man has a natural inclination toward congregation and political organization, it is in keeping with that inclination for him to try to preserve those entities. Since we know the Stoics believed that animals exist for the sake of supporting that same society, we might detect here a certain point of contact between man and animal, a naturally ordained goal or role or function shared between them. Cicero makes this connection a bit later, in the second of the passages which concern us:

*Sed quoniam, ut praeclare scriptum est a Platone, non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici, atque, ut placet Stoicis, quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium afferre mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem.*  
(1.22)

But since, as it was splendidly written by Plato, we are born not only for ourselves, but our homeland claims a part of our birth, and our friends a part, and since, as the Stoics hold, all things which are produced on earth are created for the use of humans, and humans, moreover, were generated for the sake of humans, so that they might themselves be able to benefit each other, in this we ought to follow nature as our leader: to contribute common services to the general good by the exchange of appropriate acts, by giving and receiving, then by our skills, our industry, and our abilities to bind the society of humans between humans.

Here, encapsulated in one sentence, is the crucial thought: just as all earthly goods have been created for the use of humans, so humans have been generated for the sake of other humans, so that they can benefit each other. Of course, according to Stoic thinking, the end of human life does not subsist in serving the community *per se*, but in each individual aiming toward the realization of his own personal potential and happiness by living in agreement with nature. However, a large part of pursuing that goal lies in promoting the human community, according to nature’s plan; thus, much of the *De Officiis* is concerned with the proper way to accomplish this and to interact with other people. For our own purposes, the philosophically

determined goal of human life, and its exact relationship to human altruism, does not matter so much as the basic premise that unites man and beast in one respect: nature intends both to benefit human society.

As we will see in later chapters, this notion of a natural role or function common to man and animal underlies many of the comparisons between the two, as well as some fundamental assumptions about human social inequality. The passage above reveals, too, that certain disparities that were thought to exist between man and animal in their pursuit of this shared function. We will also see in later chapters that these disparities play just as important a role in the comparisons as the similarity does. The differences lay in *how* animals and humans each benefit the community.

The first difference in how animals and humans serve society lay in the type of labor relation that subsists between man and animal, on the one hand, and man and man, on the other. In the *De Natura Deorum* the words *usus* and *utilitas* are employed frequently and prominently with regard to animals, in order to emphasize their status as creatures whose only purpose is to be useful to man. The words appear in *De Officiis* 1.22, as well, applied to both humans and animals, reflecting the fact that both are supposed to be serviceable to society according to nature's plan. We will encounter this emphasis on *usus* and *utilitas*, for both animals and humans, again and again in the man-animal comparisons. However, Cicero's exact wording here is significant. He says that all animals have been created for the use of man, *ad usum hominum omnia creari*, but that all people ought to contribute to the common utility by the exchange of appropriate acts, *debemus...communes utilitates in medium afferre mutatione officiorum*. Whereas animals apparently exist solely to be used by men, and are so used, it seems that for humans being useful is only an obligation that they should fulfill, and that through the exchange



of services. Cicero's portrayal of animal labor therefore suggests the one-sided exploitation of inferiors by their superiors, while his portrayal of human labor suggests mutual reciprocity between equals, performed voluntarily. Thus, Cicero makes an implicit distinction between exploitative and reciprocal service, animal and human utility. When he claims that man has been generated for the sake of man, he emphasizes the mutually beneficial and voluntary nature of this interdependence by appending an explanatory purpose clause. "Humans, moreover, were generated for the sake of humans, so that they might themselves be able to benefit each other": *homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent.*

In addition to participating in different types of labor arrangement, humans and animals differ in the type of service they render. In the *De Natura Deorum*, Cicero cites the physical structure of various animals as proof that nature has designed them to support mankind. This argument works because, in each case, the animal under discussion supplies some form of physical good or physical labor to the upkeep of human society; thus, the physical attribute that enables each animal to perform its particular physical task must be proof that nature intended it to fulfill that function. In *De Officiis* 1.22, by contrast, Cicero specifies that a person should contribute to the common good by binding together human society through the exchange of appropriate acts, through giving and receiving, through his skills, industry, and faculties. A human's addition to the common weal should therefore be essentially different from that of an animal: he is to ensure the cohesion of society by cementing social bonds, rather than cater to the community's physical needs by providing goods and labor. Moreover, this activity primarily employs his uniquely human rational capabilities, as opposed to physical ones of the sort that he shares with animals. The "exchange of appropriate acts", *mutatio officiorum*, must require reason, since the entire *De Officiis* is a rational exposition of how to perform them. "Giving and

receiving” suggests calculated interchange, and the word *ars* certainly implies an intellectual skill set. It appears, then, that a social contribution which befits a human utilizes precisely those capacities and behaviors which are made possible by reason.

In sum, Stoic doctrine, as presented by Cicero, posits a number of major differences between man and animal, as well as one crucial similarity, and attributes all of them to humanity’s sole possession of reason. With regard to the natural order of the universe, rationality grants mankind a special place in that order. Since, in the teleological scheme of nature, the lower has been created for the higher, man’s unique possession of the highest faculty means that all other earthly life forms exist for his sake; thus, the natural end or purpose of all animals is to serve mankind. However, because there is no order of being above man that requires his services, man’s only end or goal is to realize his own potential and happiness by contemplating and imitating nature. With regard to practical, everyday affairs, the special faculty of reason endows humanity with a distinct set of behaviors. Just as man and beast each have different capacities, so they each have different activities that they do or should perform, which utilize their own capacities and fulfill nature’s plan for each. The behaviors and activities which are peculiar to humans are those which arise from their peculiar human trait, reason; moreover, one such rational drive is the social instinct, which impels and enables people to live cooperatively and form complex social structures. It is therefore natural for individuals to strive to support the communities and institutions which their natural inclinations have prompted them to form.

In the urge to promote humanity lies the vital similarity between man and animal, the one that – as I will show – underlies the comparisons which are the object of this study. The point of likeness is not precisely a shared activity, but rather the goal of their activities: the ultimate

beneficiary of both human and animal actions, by natural design, is human society as a whole. Both types of being benefit society, though they do so in different ways, in accordance with their disparate powers and natural roles. Since animals are irrational creatures with nothing to offer but their bodies, and since their only purpose is to be used by man, their bodies are exploited by their superiors in order to provide physical goods and services. Humans, however, as equal associates in reason, born to help one another, ought to voluntarily direct their mental powers toward securing mutual benefit, and especially toward preserving and strengthening the bonds of human union. In this pursuit lies the uniquely rational contribution to society, and thus the social contribution most appropriate to a human.

I have talked about these particular Stoic ideas for two reasons. The first: to illustrate that the Stoics do not apply to humans, as they do to animals, the teleological principle that the lower exists to serve the higher. The question of whether the Romans took a teleological view of humans and human society will figure prominently in this study. The second: the passages which I have just examined display the same pattern as many of the man-animal comparisons. They make a hard distinction between humans and animals in practically all respects – behavior, mental powers, status, purpose – and yet simultaneously claim that the natural activities of both species secure the same outcome: the preservation of human society. The passages above, as products of Hellenistic philosophy, explicitly discuss the role of nature in this conception of the relationship between man and beast. As Stoic texts, in particular, they reveal what the most influential philosophical school of the time had to say on these matters, and the rationale behind those conclusions. The foregoing discussion will therefore help to clarify the reasoning behind the man-animal comparisons.

Having said all that, none of the basic premises which concern us here were confined to philosophical discourse, or necessarily required a rational, argumentative apparatus to be accepted and employed. I have already pointed out that it seems to have been a long-standing and common view that animals are irrational lower life forms, existing to supply man's needs. The idea that the end of human life is to live in agreement with nature, on the other hand, is obviously a philosophical formulation, its prevalence outside of philosophical contexts harder to gauge. However, the concept which is crucial to the present study – an individual ought to contribute to society – appears with great frequency throughout Roman literature. Roman sources also make distinctions with regard to how a being does and should contribute to society, just as the *De Officiis* distinguishes between animal and human contributions to society. So far from these concepts being philosophical in origin, they seem to have been established Roman notions. The existence of these cultural values might explain why Stoicism was so plausible and appealing to educated Roman elites. Because the Stoics held that benefitting society is naturally appropriate for human beings, their doctrine seemed to support the traditional Roman ideal of serving the *res publica*, validating this ideal on the basis of universal nature rather than mere local convention. We might imagine that Roman aristocrats, in particular, would find this aspect of Stoic doctrine attractive, since service to the state was a central feature of their self-definition and self-promotion. Thus, Stoicism probably does not account for the importance which the Romans attach to social utility, but it may be at least partially responsible for the tendency of Roman authors to associate social utility with nature. Throughout this study, I will examine passages which link the two concepts. We will see that these passages often display an imperfect melding of Stoic and Roman ideas, as the writers utilize *natura* in ways that do not concur with Stoicism or any other philosophical viewpoint.

In other chapters, I will talk about the emphasis which Roman texts place on usefulness to the state; animals were not the only ones expected to promote communal interests. Specifically, I will argue that the man-animal comparisons arise from a Roman tendency to apply utility to society as a common standard of evaluation for both man and animal; furthermore, that universal or “natural” standard was appealed to as the cause of and justification for human social inequality. For the moment, I will adduce just two passages to show that texts which are not strictly philosophical do indeed treat service to society as an intrinsic part of human life. These two passages, moreover, betray the phenomenon which will be so important to this study, that of measuring human worth by usefulness. This practice is a significant departure from the more egalitarian Stoic views which I just touched upon, and which I will discuss later at greater length. It therefore suggests that expecting humans to be useful, and judging them by their degree and type of usefulness, was a native Roman habit of thought.

In *Brutus* 254-257, Cicero maintains that a great orator contributes more to the prestige of the Roman people than a mediocre military leader. He admits that the commander is more useful, but insists that it is not how useful a man is that should be taken into consideration, but how much he is worth: *qua re non quantum quisque prosit, sed quanti quisque sit ponderandum est*. To illustrate his point, he makes a comparison to sculptors and roof builders. It was more important for the Athenians to have well-built roofs than a famous ivory statue of Minerva; nonetheless, it would be preferable to be Phidias than a master roofer. Cicero’s stance is clearly polemical, but the exact details of his argument are significant. The fact that he objects to usefulness as the sole measure of prestige indicates that the Romans generally recognized utility to society as a significant source of standing within the community. Moreover, his comparison

of various occupations, their utility and prestige value indicates that some tasks were regarded as more useful than others, and therefore more worthy of high standing.

The second passage comes from the *De Re Publica* (2.39-40). In it, Cicero describes in brief the composition of the centuriate assembly, and the rationale behind that system. The primary feature distinguishing the various classes of citizen is, of course, wealth. However, he also claims that a century composed of carpenters was added because of their very great usefulness to the city, *ad summum usum urbis*. Moreover, the rich are called *assidui* because they give money to the state, *ab asse dando*, and the poor *proletarii* because offspring, the progeny of the state, are expected from them: *proletarios nominavit, ut ex iis quasi proles, id est quasi progenies civitatis, expectari videretur*. These details suggest that another criterion played a role in class distinctions, alongside wealth: usefulness. The discussion about *assidui* and *proletarii* reveals a belief that the rich and the poor each contribute different things to the state. Therefore, their unequal political privileges reflect the fact that they benefit the state to different degrees, or at least in different ways. If this reading is correct, and if Cicero's account is any indication of how the Romans in general viewed their political system, then utility impacted not just informal standing and prestige, but also formal status. I will offer more examples of this phenomenon in future chapters. Emphasis on serving society, so far from being an obscure philosophical concept, imported from Greece, was built into the very political structure of Rome.

#### Human society and human social relationships are part of nature

Since I have just talked about man's special place in nature, about his natural purpose, about his natural social instinct, and about his natural obligation to promote society, it may seem redundant to point out that human society itself was believed to be natural. However, for a

modern audience, more accustomed to seeing human civilization as an entity separate from and harmful to the natural world, the idea perhaps requires explicit recognition.

In the teleological scheme of nature so often espoused by the ancients, everything in the world has arisen specifically to fulfill the function which it does in fact fulfill. I have shown how animals, which humans make use of, were thought to have been created for such use. Humans, who receive this service from the lower orders, and who are endowed with the highest faculties, speech and reason, enjoy these advantages by natural design. Thus, humans do not exist apart from nature. They form an intrinsic part of the same natural order as animals, the same hierarchy, the same universal design. They simply occupy a different place in that order. So much is obvious from what I discussed above, and this point will be vital to understanding the man-animal comparisons. There are two particular consequences of this view which will also prove significant. If nature has granted humans speech and reason and certain other capacities and drives, then the activities associated with those endowments must be natural, too. I explained above that ancient sources tend to treat social living and political organization as impulses implanted in man by nature, and made possible by his unique natural capacities. If nature intends for man to fashion complex societies, then it follows that civilization and its byproducts are elements of the natural world. Moreover, the individual social relations of which society is composed are also natural.

A passage in the *De Natura Deorum* shows that humanity and the products of its labor were considered an integral piece of the natural landscape (2.98-104). Cicero's Stoic interlocutor describes the universe in glorious terms in order to emphasize its wonder and beauty; this catalog of wonders is supposed to serve as proof that divine providence has created the whole. He includes the geographical features of the earth itself, its water, plants, and natural

resources, animals, the race of men, the works of men, the sea, the islands, coasts, and shores, marine animals, the air and sky, the sun and its regular orbit, the moon and planets and their orbits, and the stars. The list suggests that human civilization is as much a natural feature as anything else in the land, sea, or sky. The speaker's remarks about animals and humans further clarify some points about man's relation to nature:

*Quae vero et quam varia genera bestiarum vel cicurum vel ferarum, qui volucrum lapsus atque cantus, qui pecudum pastus, quae vita silvestrium. Quid iam de hominum genere dicam, qui quasi cultores terrae constituti non patiuntur eam nec inmanitate beluarum efferari nec stirpium asperitate vastari, quorumque operibus agri insulae litora collucent distincta tectis et urbibus. Quae si ut animis sic oculis videre possemus, nemo cunctam intuens terram de divina ratione dubitaret. (2.99)*

But what races of beast and how varied, both tame and wild! What flights and songs of birds! What pastures of cattle! What life of the forests! What should I now say about the race of men? Who, as appointed cultivators of the earth, suffer it neither to be made wild by the savagery of beasts nor to be ravaged by the roughness of shrubs, and by whose work the fields and islands and shores are resplendent, adorned with roofs and cities. If we were able to see these things with our eyes as with our minds, no one gazing upon the whole earth would doubt divine reason.

The first item of note in this passage is the distinction drawn between tame and wild animals. I will talk more about this distinction shortly, since it is one commonly made in Roman texts, and since it plays an important role in the man-animal comparisons. Here, it is enough to observe that animals are divided into those that live with and willingly serve mankind, and those that live away from humans. Likewise, space is demarcated into that dominated by humans, and that outside of the human domain. The speaker associates humans and their livestock with pastures and farmland, wild animals with the woods. He presents these two spaces and lifestyles as mutually exclusive and in competition, when he says that humans “suffer the land neither to be made wild by the savagery of beasts nor to be ravaged by the roughness of shrubs”. This adversarial model comes closer to how many modern Americans envision the relation between



human civilization and nature: two separate spheres, each vying with and encroaching upon the other. However, the Roman speaker treats both the domesticated and wild realms as two separate spheres *within* nature, each a piece of the glorious whole. Wild animals and forests are things to be marveled at, and human works actually adorn natural features. All should be attributed to the foresight of divine nature.

If human society as a conglomerate entity is a part of nature, then so too are the individual relationships of which it is comprised. We have already seen sufficient evidence for this view in the *De Officiis* passages discussed above, where the drive to forge social connections is explicitly identified as a natural human trait. Thus, preserving and strengthening individual social bonds, in order to preserve society as a whole, is regarded an appropriate action, or an action in agreement with nature. Accordingly, the entire *De Officiis* attests to the notion that social bonds exist by nature, and that a natural human life entails observing those bonds and the obligations which come with them: the book provides guidance in fulfilling this natural task by elucidating what is due to each type of relationship. Throughout this work, we will encounter many more texts which assume that certain inter-human relationships have been ordained by nature. We will encounter the corollary, as well, that neglecting or violating such relationships is *unnatural*. Of particular interest to this study will be the idea that relationships of inequality are part of the natural order, like any other social connection; the relation between master and slave, for example, was thought to be as natural as that between a farmer and his ox.

#### Reason gives humans the power to act unnaturally

I said near the beginning of this chapter that Roman sources and Hellenistic philosophy alike tend to treat nature as normative. The last two sections have provided examples of this

tendency. I have examined passages which presume that nature intends man to maintain a certain lifestyle: to contemplate and emulate the rational order of the universe, to forge social relationships, to form societies, to preserve and promote those interpersonal bonds through specific activities. This assumption underlies the prescriptive character of the *De Officiis*. The *De Officiis* lays down guidelines for correct or natural human behavior, an undertaking which presupposes that a natural standard of human conduct exists, and that it can be ascertained and described. Taking a normative view of human behavior raises a difficult question, however. If nature has designed humans to act in a certain way, then why does their behavior so frequently depart from that natural code of conduct? Ancient texts, including Stoic texts, often attribute this inconsistency to man's possession of reason. Although reason has been bestowed upon humanity by nature, and although it enables humans to live in agreement with nature, nevertheless, reason also makes humans capable of acting contrary to nature.

Cicero discusses the connection between reason and bad behavior in the third book of the *De Natura Deorum* (66-79). Here, an Academic Skeptic interlocutor argues against a central Stoic tenet: the idea that divine providence has created and ordered all things for the sake of man. In the previous book, the Stoic speaker adduced man's possession of reason as evidence for intelligent design, exercised on humanity's behalf. Thus, in refuting the notion of beneficent providence, the Academic attacks the premise that human rationality confirms its existence. He contends that reason is a negative rather than a positive quality, since – as the Stoics admit – it can lead to detrimental conduct. Because rationality causes more harm than good, it can hardly be considered a kindly and well-thought-out gift from a concerned deity. It therefore proves neither that nature cares for humanity, nor that nature possesses omniscient foresight.

To support his case, the Academic cites examples of crimes, from both tragedy and real life, and maintains that the perpetrators are perfectly rational; moreover *ratio* is actually required for the planning and execution of misdeeds. Although he does not explicitly call these activities unnatural, he does treat them as criminal and inherently wrong, thereby taking the position that they trespass against some objective standard of right and correct conduct. His targets, the Stoics, would certainly have identified these actions as contrary to nature, since they injure society, whereas nature mandates that an individual protect society. By ascribing such deviant and destructive behavior to reason, the Stoics made reason the source of all unnaturalness in human life, and so a source of evil in human life. That view seems to contradict the notion of a caring and all-knowing nature, bestowing reason on humans as a beneficial gift. The Academic speaker's argument exploits this apparent weakness in Stoic theory.

How could the Stoics and others make such conflicting claims about human rationality? The full answer lay in their psychological theory, and would require more detail than is necessary or desirable here.<sup>20</sup> I will, however, touch upon two of the pertinent concepts, since they will be important to this study. The first is the premise that man possesses only imperfect reason. We have already seen this idea expressed in another *De Natura Deorum* passage (2.33-34). When Cicero describes the *scala natura*, he states that man has *ratio*, but the fourth and highest grade, the world itself, has perfect and absolute *ratio*; because right and consistent reason, *ratio recta constansque*, exists in the world, the world is always good and wise by nature. From this declaration, the reader can surmise humanity's shortcoming: if only the world is endowed with perfect reason, then its inferiors, mankind, must be endowed with an imperfect

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<sup>20</sup> For a brief overview of Stoic psychology, see Long (1999). Pages 572-583 are especially helpful on the matter which concerns us here, human rationality and its relation to deviant or unnatural thought and behavior. For a brief overview of how this issue plays a part in Stoic ethics, see Inwood and Donini (1999) 690-714.

and limited rational capacity. If its perfect reason enables the world to be good and wise all the time, then humans, with their imperfect reason, cannot be good and wise all the time. The Stoics maintained that, due to this limitation, humans do not always employ right reason, *ratio recta*, which is reason in agreement with the absolute reason of nature. People can and often do misunderstand nature's intentions, failing to properly identify what is naturally good and desirable, on the one hand, and what is naturally bad and undesirable, on the other. Because faulty reason disagrees with the objectively and universally correct reason of nature, it represents a falling away from or deviance from nature.

The second Stoic belief about human rationality, which allows rationality to be the source of both good and bad behavior, is this: reason dictates a person's actions. If we return again to Cicero's description of the *scala naturae* (*De Nat. De.* 2.33-34), we see a brief encapsulation of the role of reason in human life. He says that animals have been endowed with desires or impulses, *appetitus*, which prompt them to approach salutary things and withdraw from harmful things; the reader is to understand that these natural impulses determine all animal behavior. He proceeds to assert that humans have such impulses, too, but also reason, "by which the appetites of the mind are ruled, so that they might at one time be left unrestrained, at another be contained": *qua regerentur animi appetitus, qui tum remitterentur, tum continerentur*. By this reckoning, reason supersedes natural impulses, exercising control over them and so ultimately exercising control over human actions. To put it another way, reason grants humans the power to judge for themselves what is best pursued or avoided, and to act or refrain from acting according to that judgment. Later eras would call this power "free will". However, the limitations and imperfections of human rationality make free will a mixed blessing. As I just indicated, it was believed that humans can and often do arrive at wrong and unnatural

conclusions. Because humans are not constrained to act in accordance with nature, but only in accordance with their own reason, such faulty conclusions lead to wrong and unnatural conduct.

According to the Stoics, then, reason is a double-edged sword, an ability employed for either good or bad purposes.<sup>21</sup> The Academic Skeptic of the *De Natura Deorum*, in refuting divine providence, draws attention to precisely this aspect of Stoic thought. He points out that right actions are indeed directed by reason, but so too are wrong ones. Throughout his argument, he distinguishes between good and bad reason, *bona ratio* and *mala ratio*; he also distinguishes between those who use reason well, *bene utentes*, and those who use it badly, perversely, or wickedly: *male utentes*, *perverse utentes*, *improbe utentes*. Why would a beneficent providence grant something that could be wielded to such dire effect? The Academic anticipates the standard Stoic response, which places the blame on men rather than the gods: just because humans employ their gifts incorrectly, does not mean that the gods have not made the best possible provision for mankind. He counters that a truly caring divinity, endowed with the perfect foresight of perfect reason, would have made all men good by bestowing a rational faculty of such a sort that it precluded vice and fault.

For our purposes, the passage discussed above is important not for its comments on providence, but for those about human rationality and actions. I have given only a rough account of Stoic thought in this regard, because Roman rhetorical texts do not usually concern themselves with the minutiae of philosophical theory, but just utilize the major concepts, in basic form. These concepts have some consequences which are also worth mentioning here, since they will play a significant role later in this study. First, it should be noted that, according to the

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<sup>21</sup> I have focused on the Stoics in this section because their ideas form the focus of the passage that I use to illustrate the relevant concepts. It should be noted, however, that the notion of reason as a double-edged sword was hardly peculiar to the Stoics. See, for example, Aristotle, *Politics* 1253a29-39.

ideological system just described, humans are the only creatures capable of acting contrary to nature. Animals have no reason, and thus no free will: they simply and inevitably follow the promptings of nature. The gods possess perfect reason, and so never deviate from nature; they always arrive at correct conclusions, and therefore act correctly.

In fact, humanity's unique capacity for unnaturalness accounts for the wide range of variation observable in human behavior. People conform to or deviate from right reason at different times, in different ways, to different degrees, depending on character, intelligence, and other variables – a circumstance which prompts different kinds of conduct. If all people consistently engaged in right reason, they would all be much alike, because there is only one right reason and one corresponding mode of right conduct: the absolute reason of divine nature. The following passage from Cicero's *De Legibus* encapsulates this idea. It forms part of an argument that nature has made all humans essentially the same, and attributes differences between humans to a twisting or turning away from the correct human standard set by nature. By implication, such departures from the ideal represent a form of unnaturalness. This unnatural perversion is portrayed as the result of bad education and weak intellect – which is to say, it is the result of faulty reason:<sup>22</sup>

*Nihil est enim unum uni tam simile, tam par, quam omnes inter nosmet ipsos sumus. Quodsi depravatio consuetudinum, si opinionum vanitas non imbecillitatem animorum torqueret et flecteret quocumque coepisset, sui nemo ipse tam similis esset quam omnes essent omnium.* (1.29)

For no one thing is so similar to another, so equal, as we all are to each other. But if the distortion of habits, the falsity of beliefs did not twist and turn the weakness of minds to wherever it is inclined, no one would be so similar to himself as all people would be similar to all others.

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<sup>22</sup> Although this passage comes from the Stoicizing *De Legibus*, the ideas which it expresses are not confined to philosophical texts, as I will show in chapter 4. Corbeill (1996) discusses this passage, as well, and argues that deviance from nature is a common theme in Roman invective (pgs. 30-35). For Roman authors on man's capacity for, and frequent perpetration of, unnatural behavior, see also Beagon (1992) and Wallace-Hadrill (1990).

The passage above alludes to “nature” and “reason” understood in their normative sense: as objective and universally valid standards for guiding and assessing human life. Moreover, since it presumes one natural standard for truly human thought and conduct, it hints at a normative understanding of humanity itself. Indeed, “human” sometimes does assume a normative meaning in ancient texts, in that those people can be considered more human who live closer to how nature intends a man to live. A “real” or perfect human is one who thinks and comports himself in agreement with natural reason, completely and at all times. Philosophical sources usually claim, however, that such people are rare or even nonexistent.

“Reason”, “nature”, and “human” can be merely descriptive, as well. It is significant that the Academic in the *De Natura Deorum*, despite talking at length about the faulty reason of people who behave unnaturally, never once claims that they lack rationality or humanity. When he distinguishes between good and bad reason, he invokes the normative connotation of *ratio*, since the distinction implies that there is an objectively correct form of reason, and one which deviates from it; however, bad reason is not an absence of reason. The speaker more often employs *ratio* in a descriptive manner, to designate the capacity for rational thought, whether it is exercised correctly or incorrectly. Moreover, it is a capacity that all people share, regardless of how they end up using it. He clearly regards even the worst offenders as human, no matter how much they depart from the ideal, natural model of human behavior. If the virtues arising from rationality are characteristic of humans, so too are the vices. In a descriptive sense, then, all people are endowed by nature with reason; since reason is the defining human feature, this means that all people are humans by nature. In a normative sense, very few people are perfectly natural humans, or humans who fulfill their rational potential by thinking and living in agreement with right reason. A Stoic would say that becoming such a human is an ideal to strive

for, accomplished only through education, effort, and a lifetime of contemplating and emulating nature.

In later chapters, I will show that the idea of deviance from nature, and descriptive and normative uses of “nature” and “human”, appear frequently outside of philosophical texts, and play a role in many man-animal comparisons. They appear so frequently, in fact, that we might conclude that the Romans had their own, native beliefs about natural criteria for human behavior, which made philosophical discourse on the subject seem especially plausible and easy to accept. Like the Stoics, Roman authors often assume that all people possess reason, and that all people therefore have the capacity to conform to or depart from a natural standard of human conduct. They treat wrongdoing, moreover, as a departure from that standard. Although they recognize that anybody, no matter how lowly or criminal, is rational and therefore technically human, they sometimes appeal to nature in its normative sense, too, in order to portray certain persons as unnatural and therefore not truly human.

Because they lack reason, animals cannot act unnaturally

I noted just now that only humans were believed to be capable of unnatural deeds, due to their possession of imperfect reason. Animals, who lack reason and therefore free will, cannot deviate from nature. Without rationality, they have no mechanism by which to foresee potential courses of action, weigh their desirability or undesirability, and make a decision. What, then, does direct animal behavior? Various philosophers arrived at different conclusions.<sup>23</sup> The Stoics, for example, maintained that animals are driven by innate impulses or desires, which prompt them to seek out things which are beneficial and avoid those which are harmful.

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<sup>23</sup> For ancient theories about animal drives and mental capabilities, see especially Sorabji (1993).



Regardless of what theory a person subscribed to, there seems to have been a general consensus, among both philosophers and other writers, that animals always obey the dictates of nature, and cannot do otherwise. The perception that animals have a special relationship to nature plays a crucial role in almost all of the texts which I will examine in the course of this study. Because it was thought that nature has a certain design for every animal, and every animal does in fact fulfill that intended design, referring to animals evoked certain natural values and behaviors. As a result, talking about animals was a way to talk about nature itself. This is true of almost all comparisons between humans and animals: comparing human to animal actually serves as a means of discussing humans and their relationship to nature.

In Cicero's *De Finibus*, there is a passage which comments on the practice of using animals as proof of nature's intentions, and, in so doing, alludes to the belief that animals do not depart from nature (2.32-33). A Stoic takes exception to the Epicurean belief that, by nature, pleasure is the highest good for man. Epicurus had apparently supported his case by appealing to the example of animals, which he regarded as "mirrors of nature": *a bestiis, quae putat esse specula naturae*. Epicurus' argumentative strategy reflects the trends which I mentioned in the previous paragraph. He assumes that animals lack reason, and are therefore motivated by something else. As this passage attests, Epicurus and his followers held that that something was sensory input, specifically pleasure and pain. This belief, as we will see, was common and not at all limited to philosophical theory. Moreover, his description of animals as "mirrors of nature" presupposes that animals inevitably act in accordance with nature, and on those grounds they may be used to discern nature's intentions. He therefore employs animals as evidence in an argument which is not about animals at all, but rather about humans and what is natural for them.

When the Stoic attacks Epicurus' conclusion, he does so by attacking Epicurus' use of animals as proof for what is natural in human life. Although he denies that animals can serve as models for humans, he does acknowledge that that they are never deviant, but always hold true to their natural type. He states:

*Bestiarum vero nullum iudicium puto. quamvis enim depravatae non sint, pravae tamen esse possunt. Ut bacillum aliud est inflexum et incurvatum de industria, aliud ita natum, sic ferarum natura non est illa quidem depravata mala disciplina, sed natura sua.*

I think that the judgment of beasts has no value. For, although they are not perverted, nevertheless, they can be wrong. As one stick has been bent and curved deliberately, but another has grown that way, thus the nature of wild animals is corrupt not indeed by bad education, but of its own nature.

The Stoic's point seems to be that, though animals conform to their natural design, their natures are inherently worse than those of humans, and so should not serve as a guide for human conduct. He compares their nature to a crooked stick because it deviates or departs from a naturally higher and more perfect nature, that of humanity. However, deviation only exists if animals are measured against a human standard; they do not deviate from their own nature, and they are formed exactly as divine nature has intended. That is what he means when he says that they are like sticks that have grown crooked of their own accord, and are imperfect of their own nature, *natura sua*. This portrayal of animal natures contrasts with his portrayal of flawed human natures, which he depicts as having been made crooked. In context, the image of the purposefully bent stick suggests unnaturalness. Unlike animals, people have the ability to live up to a more perfect natural standard, that of a fully natural human life, and nature means for them to do so. Therefore, if they are different from and worse than the norm, it cannot be said that they became that way by nature, in the same way that a stick grows crooked by nature, or an animal wild by nature. Rather, fault represents a violent deformation of human nature, caused by

bad education and whatever other circumstances prompt people to depart from right reason and naturally correct conduct.

It should be noted that the Stoics themselves often made arguments based on the evidence of animals. The speaker in the *De Finibus* takes issue with a particular instance of such argumentation, since it does not support a conclusion he agrees with. However, because he acknowledges that animals do conform to nature, he does not preclude the possibility of using animals as proof of other things. We have already seen examples of such arguments in the *De Natura Deorum* and *De Officiis*. In book 2 of the *De Natura Deorum*, for example, the Stoic interlocutor claims that animals, particularly their body parts and their usefulness to man, are confirmation of the teleological nature of the world. This persuasive strategy was not limited to philosophy, as this study will show.

The following two passages are examples of comparisons between human and animal, in which the animal represents a certain, fixed mode of natural conduct, and therefore serves to make a point about man and his relationship to nature. In these particular texts, the author is not arguing about the natural order of the whole world, or about humanity's place in the world, or the activities which are natural to him. Instead, the speaker assumes certain things about each of those topics, and expects the reader to recognize and agree with those assumptions. He utilizes this set of implied ideas to comment on certain individuals and their departure from the human norm. In the first instance, he targets Epicurus for believing that pleasure is the ultimate good according to nature, characterizing him as a man who "differs little from the judgment of beasts": *non multum differenti a iudicio ferarum* (Cic., *Tusc. Disp.* 5.73). A little later in the same work, the speaker repeats a quote from Aristotle about Sardanapalus, a very wealthy king of Syria whose tomb inscription celebrated the pleasures he had enjoyed in life. "What else would you

write on the tomb of an ox, not on that of a king?": *quid aliud, inquit Aristoteles, in bovis, non in regis sepulcro inscriberes* (Cic., *Tusc. Disp.* 5.101)? Now that we have indentified certain, common beliefs about man, animals, and nature, we can perceive them at work here, although they are never stated explicitly. In both cases, animals are associated with the pursuit of pleasure, and this pursuit forms the basis of comparison with the humans in question. The connection between animals and pleasure arises from the idea that they lack reason, and are therefore motivated solely by the promise of pleasure or the threat of pain. Both passages imply that there is or should be a difference between animal and human conduct, presumably because humans possess reason and thus the capacity to assess actions by other criteria than pleasure, and to engage in higher pursuits. Although Epicurus and Sardanapalus are definitely human, their characterization as animals signals that, in the speaker's view, they have departed from the correct standard of human behavior set by nature. Since animals are lower in the natural order than humans, and have a correspondingly worse nature, describing the men's character and conduct as animal-like is a criticism or even an insult.

It is significant that neither of the passages above actually contain the word *natura*, even though they are comprehensible only if the reader understands the underlying assumptions about nature. This is a common feature of man-animal comparisons, some of which explicitly mention nature, many of which do not. I contend, however, that they all implicitly invoke nature, appealing to the audience's preconceptions about nature in order to convey their message. So strong was the connection between animals and nature in the ancient mind, so deep-seated the associated concepts, that animals automatically called to mind certain views about the world generally regarded as true, and certain states, behaviors, or values generally believed to exist by nature. Animals and man-animal comparisons are therefore used in a wide variety of contexts,

without explanation or apology, as a means to argue larger points. Like any common, tried-and-true rhetorical trope, such passages tend to utilize a few basic and conventional ideas. Therein lies their persuasive force: they depend upon the audience recognizing and readily assenting to the premises alluded to. The speaker builds upon agreement with these statements in order to secure agreement with his larger, more tenuous claims. Thus, in Roman rhetorical texts, animals carry powerful but limited signification. Throughout this study, we will see how the ideas which I have outlined in this chapter occur again and again in various works, though they are often implicitly understood rather than explicitly discussed.

The two passages I have just examined reveal one natural trait regularly attributed to animals: pleasure-seeking. The two passages below reveal another: care for other members of their own species. These man-animal comparisons both have the same basic form and essentially make the same point, but whereas one elucidates the role that nature plays in this particular comparison, the other never mentions nature explicitly. Taken together, then, these two passages serve as an illustrative example of the phenomenon I mentioned in the last paragraph: because such comparisons utilize stock concepts about nature, animals, and humans, writers assume the audience's comprehension, and often do not use the word *natura* or explain their reasoning. The first text comes from Cicero's *De Amicitia*:

*Quod si hoc apparet in bestiis, volucris nantibus agrestibus, cicuribus feris, primum ut se ipsae diligant—id enim pariter cum omni animante nascitur—deinde, ut requirant atque appetant ad quas se applicent eiusdem generis animantis—idque faciant cum desiderio et cum quadam similitudine amoris humani—quanto id magis in homine fit natura, qui et se ipse diligit et alterum anquirat, cuius animum ita cum suo misceat, ut efficiat paene unum ex duobus! (81)*

But if this is apparent in beasts, flying, swimming, and land-bound, tame and wild, first, that they themselves love themselves – for that is born alike in every living creature – then, that they require and seek out animals of the same kind to which they may attach themselves – and they do that with longing and a certain resemblance of human love –

then how much more, by nature, does this occur in man, who both loves himself and seeks out another, whose mind he may so mingle with his own that he almost makes one out of two!

While the other man-animal comparisons that I have discussed so far emphasize the differences between man and animal, this one posits a similarity. There, animals typified a mode of conduct which the speaker maintained was natural to them, but not to humans; here, they typify a mode of conduct which is supposedly natural both to them and to humans. Thus, the example set by animals in this regard offers proof of how man is or should be by nature. Animals can be used in these contrasting ways – to represent how man should act, or how he should not act – because of a notion I talked about previously: animals and humans share certain drives and qualities, but humans possess something extra, reason, that sets them apart. Accordingly, some traits were generally regarded as common to both types of being. The traits peculiar to man were those arising from rationality, such as following natural reason rather than pleasure. This particular passage does not spell out every step of its underlying rationale, but it is still express enough for the reader to follow the reasoning fairly easily. Cicero emphasizes the ubiquity of a certain impulse among all living creatures, the impulse to seek out and enjoy companionship with other members of the same species. Since it is normal, he implies, it is therefore natural – as for animals, thus for humans. That assumption, normal thus natural, explains why he jumps from talking about all animals everywhere, to claiming that the same quality occurs in man by nature, *natura*. The insertion of the word *natura* also reminds the reader that humans have their own special endowments from nature. Cicero asserts that the drive for friendship is actually greater in humans than animals, a claim which arises from the idea that humans are naturally sociable to a greater degree than other animals, due to their possession of reason.

The following passage is identical to the one above in all of its essential features. It makes exactly the same point, on the basis of the same reasoning: since animals naturally feel fondness for other members of their species, so too do humans, only to a greater degree. It differs in two respects: instead of talking about the bond between friends, it targets the bond between parent and child. It is also far more condensed than the previous passage, providing no account of the author's rationale, and lacking the word *natura*. Cicero writes, "If wild beasts love their offspring, what affection should *we* have towards our children?": *Si ferae partus suos diligunt, qua nos in liberos nostros indulgentia esse debemus?* (*De Orat.* 168). This sentence comes from the *De Oratore*, and is used as an illustrative example of a certain rhetorical strategy, that of making deductive arguments from the similarity between two things. I have said that comparisons between humans and animals were a rhetorical trope, and here Cicero actually identifies this particular form of comparison as a standard argument. He is able to pare an entire line of reasoning down to this single sentence precisely because it is a trope. His audience would have been familiar with the relevant concepts and instantly formed the necessary logical connections; they probably would have been familiar with the argument itself, having heard it employed in other rhetorical works. Now that we know this was a formally recognized rhetorical topos, it is easy to see that the more elaborate passage from the *De Amicitia* is an application of this commonplace, embellished to fit its context. It is also clear that explicit reference to nature, and to assumptions about nature, were purely optional whenever the topos was employed. Just mentioning animals was enough to evoke the ideological framework that made this argument comprehensible and persuasive.

So far, I have discussed how Roman authors deploy animals, as a single class, in order to comment persuasively on humans and their relationship to nature. They also use individual

types of animals in the same way. In ancient thought, all animals share some natural features, such as the absence of reason, the pursuit of pleasure and avoidance of pain, and caring for their young and other members of their own species; later, we will see these ideas resurface again in other texts, a sign of how conventional they were. Animals, however, are obviously not all the same. The nature of an ox differs from that of a chicken, which differs from that of an eagle, which differs from that of a deer. Each species has features of its natural design that it shares with other creatures, and some that are unique to it. For that reason, just as animals in general exemplify certain natural qualities and behaviors, so each species exemplifies certain natural qualities and behaviors which are proper to it. Accordingly, just as authors can employ animals in general to remark upon what is or is not natural for humans, so they can employ individual species to the same purpose. The following passage from Cicero's *De Officiis* provides an example, "Deceit seems characteristic of a fox, violence of a lion; both are most unsuitable for a human": *fraus quasi vulpeculae, vis leonis videtur; utrumque homine alienissimum* (1.41). Cicero is not saying, of course, that humans never practice deceit or violence; rather, he is maintaining that, whereas those two activities are natural to the fox and lion, a human should not engage in them, because they do not accord with nature's intentions for humans.

The habit of associating particular species with particular traits has continued to the present day. The phrases "brave as a lion", "cunning as a fox", or "swift as a deer" would be equally at home in the mouth of an ancient Roman or a modern American. Because the habit is familiar, it is easy to read an instance in a Latin text without considering the assumptions that support it. In fact, in both contexts the custom arises from the same notion: animals always conform to natural type, while human behavior varies. This is why animals are such useful objects for comparison. The phrase "brave as a human" or "cunning as a human" would convey



no information, because people are obviously brave or cunning to different degrees. In contrast, “brave as a lion” calls to mind not a particular lion, with its own peculiar idiosyncrasies, but the stereotype of the lion, the quintessential pattern of lion conduct, which people imagine that all lions do actually display. For both Romans and Americans, then, such comparisons reflect the belief that all members of a particular animal species are more or less the same, because animals enjoy a special relationship with nature, never departing from what it dictates for them; the relationship between humans and nature, on the other hand, is far more complicated. It was no more necessary for a Roman speaker to explain this idea than it is for an American speaker. Like most of us, many Romans probably never devoted much conscious thought to the assumptions behind the convention of comparing man to animal, or questioned those assumptions, because they were so deeply ingrained. They simply formed part of the cultural and ideological background by which the Romans understood themselves, the world around them, and their place in that world.

Because comparisons between humans and animals inevitably depend on and invoke preconceptions about nature, I have been inclusive in choosing passages to examine in this study. My ultimate goal is to explore what such comparisons reveal about the perceived relation between nature and human social inequality; however, I cite comparisons that do not make explicit mention of nature. My analysis of these texts will reinforce the claims I have made in this section. In every case, animals represent a fixed value: a certain, defined complex of ideas about nature, or a certain, defined set of natural qualities and behaviors. Bringing up animals therefore serves as a way to draw upon these notions about nature, and to use them for commenting on human life. This literary tactic and the habit of thought which supports it both spring from the belief that animals lack reason and therefore do not deviate from nature.

Moreover, this tactic and the associated concepts seem to have been traditional by Cicero's day. As I will show, man-animal comparisons commonly function as just one standard rhetorical strategy employed among others, all directed toward proving a larger point. Like any rhetorical trope, they rely on only a few premises that must have been widely known and accepted, or else they would not have secured the recognition and ready assent of the audience.

There are two major categories of animal, domestic and wild

I have now discussed two types of comparison between man and animal: those in which humans are compared to animals in general, and those in which they are compared to a specific species of animal. There is a third type: those in which humans are compared to a particular class or category of animal. The third type initially inspired this research project, and it is mostly with the third type that this study will concern itself. Roman authors often compare certain classes of animal with certain classes of human. These, then, are the comparisons that display class specificity. For that reason, they are useful for exploring Roman views on social inequality, which manifested itself in legalized class divisions.

The Romans recognized two major categories of animal: domestic and wild. The division was so fundamental to how they perceived animals that they built it into their law codes (e.g. Gaius, *Inst.* 14a-16; *Dig.* 9.2.2.2 (Gaius)). They did not see the distinction as merely formal, however, but believed that nature had so differentiated between animals. Since they thought that nature had created animals for the use of humans, it is unsurprising that they defined the various types of animal according to their relationship to human society, and presumed that such classification was natural rather than conventional. In Roman thinking, domestic animals are those which live with humans, and voluntarily contribute goods and labor for human use, in

exchange for upkeep. Wild animals live apart from humans, and, if they contribute to human welfare at all, they must be forced to do so. They have to be hunted, for example, in order for man to obtain meat, medicines, and other goods derived from their bodies. In Latin texts, comments about domestic and wild animals generally reflect a teleological world view, in that they assume each type was designed to fulfill the function in human life which it does in fact fulfill; thus, each type possesses a nature which is suited to that function. Accordingly, domestic and wild animals have some intrinsically different features and behaviors, which correspond to their intrinsically different purposes and lifestyles. As a result, when writers employ domestic and wild animals to talk about nature, each class represents a different set of natural traits, states, or modes of conduct; because they represent distinct natural features, writers also compare them to distinct types of human. In order to make sense of such comparisons in later chapters, I will now identify the associations commonly attached to each kind of animal.

We have already encountered two passages in which Cicero, as he describes the natural order or enumerates nature's marvels, differentiates between wild and domestic animals; the context suggests that he regards the distinction as natural (*De Nat. De.* 2.99, 2.161; *De Amic.* 81). Another instance occurs in the *Tusculan Disputations* 5.38, where he argues that nature has made everything on earth perfect of its own kind. He illustrates his point by listing various types of animal, each of which has its own structure and habits of life. "Each of these," he says, "holding to its own function, since it is not able to cross into the lifestyle of a dissimilar being, abides by the law of nature": *atque earum quaeque suum tenens munus, cum in disparis animantis vitam transire non possit, manet in lege naturae*. This is an expression of the idea I discussed previously, that every animal has its own natural design and naturally designated behaviors, which it does not, cannot deviate from. To support the contention, Cicero cites the obvious fact

that different species of animals are different, and one will never engage in conduct that is peculiar to another, inappropriate for itself. He adduces the following examples: creatures which swim and live in water, creatures which fly and have access to the sky, which crawl, walk, wander alone, or congregate, wild creatures, tame creatures, and those which live within the earth. The inclusion of tame and wild animals in this list shows that Cicero believes the distinction between them to be as easily observable and incontrovertible as that between birds and fish: nature has obviously fashioned them to fulfill dissimilar roles and therefore assigned them dissimilar qualities. Moreover, his assertion that animals always stay true to type signals that he views it as impossible for a tame animal to act like a wild one, or a wild animal to act tame, just as it is impossible for a fish to fly or a snake walk on two legs.

Although the Epicurean Lucretius rejects the premise that nature is teleological, even he recognizes that wild and domestic animals are naturally discrete; in fact, he describes the difference between the two more clearly than any other republican author (*De Re. Nat.* 5.855-877). He portrays domestic animals as those that survive because they have some form of usefulness, *utilitas*, to man; in order to exploit these uses, humans protect such animals and provide them sustenance. Wild animals, by contrast, possess traits that allow them to survive on their own, without the aid of man. They therefore can and do live at their own will, or of their own accord: *sponte sua vivere*.

Lucretius, as an Epicurean, has an alternate theory for how and why these two kinds of creature arose, but Cicero, as usual, presents the teleological explanation. At *De Legibus* 1.25, he voices the notion that nature has made herd animals for human use. “Nature,” he claims, “has bestowed such a great abundance of things for the benefit and use of men that those things which are produced seem to have been given to us deliberately, not born by chance”: *itaque ad*

*hominum commoditates et usus tantam rerum ubertatem natura largita est, ut ea, quae gignuntur, donata consulto nobis, non fortuito nata videantur.* As proof of natural design, exercised for man's benefit, he mentions herd animals, which he regards as existing solely to supply human needs. "It is clear that some of them have been created for man to use, some to provide him with their products, some for him to eat": *pecudes, quod perspicuum sit, partim esse ad usum hominum, partim ad fructum, partim ad vescendum procreatas.*

Despite their differing views on nature, Lucretius and Cicero offer descriptions of herd animals that share the same emphasis: the animals' usefulness to man. The Lucretius passage contains two occurrences of the word *utilitas*, and the Cicero passage two occurrences of the word *usus*. In the latter, *commoditates* and *fructus* reinforce the emphasis. Thus, these two texts reflect the fact that utility was always the primary association evoked by herd animals; it completely dominates Roman discourse about them, almost to the exclusion of anything else. In later chapters, when I examine comparisons between humans and domestic animals, I will show that the notion of utility underlies all of them. Defining domestic animals wholly by their usefulness was perhaps inevitable given the low level of technology and production in the ancient world: in the absence of machines and synthetic materials, animal labor and products were absolutely essential to the existence of human society. It was to secure this labor and produce that humans bred, raised, and cared for domestic animals, and lived side-by-side with them in their everyday lives.<sup>24</sup>

Lucretius and Cicero reveal three other concepts which arise from the belief that domestic animals exist for the use of man; these related ideas, as we will see, also play a role in

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<sup>24</sup> To get some idea of the prevalence of animals in Roman life, and the many uses to which they were put, see especially Toynbee (1973).

man-herd animal comparisons. The first: domestic animals share the same space with humans and interact with them constantly. Neither author makes this point explicitly, nor would have needed to; it was simply a fact of ancient life. The implication is stronger in the Lucretius passage, which presents the human-herd animal relationship as a reciprocal one, in which each party supplies something that the other needs. This exchange of daily needs would have required close proximity and regular intercourse.

The notion of reciprocity is the second important concept: the benefit derived from the human-herd animal arrangement is not entirely one-sided. In exchange for their services, the animals are supplied with basic necessities. Lucretius even posits that domestic animals could not survive without humans, a common ancient assumption. However, the Romans recognized that the partnership between man and beast was an unequal one, in which humans took more than they gave. In a previous section, I discussed a passage which assumes that the relationship between humans and domestic animals is essentially exploitative (Cic., *De Off.* 1.22). The texts which I will study in later chapters all do the same.

That assumption also leads to the third significant concept: herd animals have been formed by nature for such exploitation. Cicero's passage, informed by teleological views, argues precisely this. The belief had consequences for how Roman understood and talked about the composition and behavior of domestic animals. Since, in the teleological scheme of things, everything has a nature suited to its purpose, and since the purpose of herd animals is to be exploited, they therefore have natures suited for being exploited. Accordingly, Latin writers often portray them as willing victims, as creatures which always acquiesce in their exploitation, which always obey their human masters. They simply cannot act otherwise, because nature has made them so and animals do not deviate from nature.

By contrast, wild animals live *sua sponte*, as Lucretius puts it. They can and do live separately from humans, caring for themselves and caring only about themselves and perhaps other members of their own species. Since nature has formed them for this independent lifestyle, they have natures adapted to this lifestyle and no other. Just as domestic animals cannot go wild, cannot live apart from humans, and cannot disobey, so wild animals cannot be tamed, cannot live with humans, and cannot obey of their own volition. It is this inherent and unalterable separateness that defines them. Romans did make use of some wild animals, for meat, medicines, furs, etc.; a very few, like elephants, could even be domesticated. Moreover, proponents of divine providence sometimes claimed that wild animals, too, serve human purposes, and are therefore proof that everything in nature has been created for man (e.g. Cic., *De Nat. De.* 2.161). However, utility was never a feature conventionally associated with wild animals. Rather, authors typically cast them as outsiders, as beings that always, inevitably live outside the bounds of human society, that are incompatible with it by their very natures.

It can safely be said that the Romans regarded wild animals as entirely asocial, to the extent that they subsist apart from and without the aid of human society. They often portray them as antisocial, as well, in that they actively harm human society. Cicero, for example, presents them as something that civilization must guard against (*Tusc. Disp.* 1.62), as noxious creatures that must be killed (*De Off.* 2.14), and as a source of destruction in human life (*De Off.* 2.16, 2.19). Violence is implicit in this characterization, and violence constitutes another major trait commonly attributed to wild animals. Writers frequently use them to exemplify the use of force – especially the socially unsanctioned use of force, because it was thought that wild animals often direct violence against human society, as in the Cicero passages cited above. Catullus 63 and Lucretius 5.925-1010 offer more elaborate and extended examples of passages

that connect animals with violence, specifically violence perpetrated against humans. At the end of Catullus 63, a lion attacks Attis (74-90). In the *De Rerum Natura*, Lucretius depicts prehistoric mankind as living in a state of continual warfare with wild beasts, attacking and being attacked, eating and being eaten in turn (5.966-69, 5.982-98).

Sometimes, writers also describe wild animals as habitually inflicting violence on each other (e.g. *Ad Herenn.* 2.29). When I examine human-wild animal comparisons in chapter 4, I will show that texts closely associate this internecine conflict with the assumption that wild animals are hostile loners who cannot live in peace together. As with everything about wild animals, this aspect of their behavior is assigned antisocial signification. Texts employ the irrational, violent unsociability of wild animals to serve as a contrast to correct human sociability, a hallmark of which is the peaceful settlement of disputes through the use of speech and reason.

Even the living space of wild animals reflects their antisocial, outsider status – another feature of their portrayal that sometimes plays a role in the comparisons. I said above that herd animals basically inhabited the same space as humans; due to this reality, and to the fact that they rendered vital services, they were regarded as an integral part of human life. Wild animals, on the other hand, are physically demarcated from human life. Writers often locate them in the sphere of nature that is exterior to and antagonistic toward the domesticated sphere. In a previous section, I examined a passage in the *De Natura Deorum* which distinguishes between the wild and domesticated realms of nature, each viewed as equally a part of the natural order, but inherently in conflict with each other (2.99). In this passage, Cicero asserts that mankind, as the appointed cultivators of the earth, do not suffer it to be made wild by the savagery of beasts: *qui quasi cultores terrae constituti non patiuntur eam nec immanitate beluarum efferari*. Here,



then, he conveys the idea that wild and human landscapes cannot coexist in the same spot; an area must be one type or the other, and the two types are always encroaching upon each other. Moreover, he identifies wild animals as an intrinsic part of that wild landscape which is always at variance with the human domain.

Lucretius differentiates between domestic and wild space, as well, and does so in a way that shows he too regards them as mutually exclusive and in competition. He also provides more specific information about the exact location and composition of domestic and wild spaces. In the relevant passage (*De Re. Nat.* 5.1361-1378), he treats human civilization as agricultural civilization; accordingly, it occupies the hills and fields and plains, which are amenable to agriculture. He describes these as expanding at the expense of the forests and mountains. “Day-by-day,” he writes, “humans were compelling the forests to recede to the mountains and to yield the place below to cultivated lands”: *inque dies magis in montem succedere silvas / cogebant infraque locum concedere cultis* (5.1370-71). Although he does not say that wild animals inhabit the uncultivated lands, he does equate such places with woods and mountains. Using those two entities to signify wild space seems to have been conventional, and it is therefore with woods and mountains that wild animals are generally linked. Cicero occasionally makes the connection (e.g. *Tusc. Disp.* 5.79), but, here again, Catullus 63 and Lucretius 5.927-1010 most clearly illustrate the association. In Catullus 63, Attis plunges into the forested mountains of Phrygia, which are portrayed as a hostile no-man’s land, and as the direct opposite of the civilized Greek homeland which he left behind. Twice the poem states that the forest is the haunt of wild beasts (52-54, 70-72). In Lucretius, prehistoric men live in the woods and mountains (5.945-57, 5.966-69; 5.992), and it is here that they wage their perpetual warfare with the beasts who share their forest home.

Just as animals were thought to occupy a different kind of space from humans, so they were thought to inhabit that space differently. Whereas authors seem to view an advanced, agricultural human lifestyle as settled and essentially stationary, they depict animals as engaging in a wandering way of life. Cicero sometimes applies the descriptor “wandering”, *vagus*, to wild animals (e.g. *Tusc. Disp.* 5.38, 5.79). Catullus 63 twice calls a wild animal “wandering” (72, 86), and Lucretius claims that prehistoric men “spent their lives in the manner of wide-wandering beasts”: *volgivago vitam tractabant more ferarum* (5.932). When I discuss human-wild animal comparisons in a later chapter, we will see that authors utilize the lone, forest-wandering lifestyle of wild animals as a point of contrast to civilized human social existence.

I have argued throughout this section that Roman texts define both domestic and wild animals by their relation to human society, and assign to them certain traits and behaviors which correspond to the part played by each in human life. In later chapters, I will show that the same consideration also determines what kinds of human they are compared to. Herd animals, whose natural function is to be exploited by people for useful labor and products, serve as a point of comparison for the class of humans who suffer the most extreme form of exploitation, slaves. Free persons are also likened to herd animals sometimes, but only if they are thought to behave in a servile manner, or to experience circumstances more befitting a slave than a free man. In fact, the association between slave and herd animal was so close, so widely recognized, so long-standing, that the two identities were understood in terms of one another. Just as ancient authors describe slaves as herd animals, so they often describe herd animals as slaves, their exploitation as a state of slavery, and their cooperative acquiescence as servility. Since domestic animals were believed to play that role and act that way by nature, they represent natural servitude in any

comparison: the slave that exists by nature, the slavery that has been ordained by nature, the servility that is inherent in certain natures.

Wild animals, as we have seen, were primarily regarded as asocial or even antisocial beings, which naturally live apart from human society and are sometimes violently hostile toward it. Thus, they commonly epitomize the outsider in Roman texts, and embody traits and behaviors that authors present as naturally oppositional to a truly human lifestyle. Accordingly, the people generally compared to wild animals are those perceived to be separate from and inimical to the human social order, for example: primitive peoples, barbarians, and criminals. Often, the people targeted are accused of perpetrating violence that is harmful to society.

When a text compares a natural slave to a human slave, what does it imply about the role of nature in human slavery? When a text compares a natural outcast to a human outcast, what does it imply about the role of nature in social exclusion? This study aims to answer those questions.

### Conclusions

Now that I have laid the groundwork by identifying some basic concepts about nature, humans, and animals, I will show how they play a role in comparisons between human and animal by examining one such comparison. In order to demonstrate that this trope and its underlying ideas are not limited to Cicero's philosophical texts, I have chosen a passage from a work that is neither philosophical nor by Cicero: Sallust's *Bellum Catilinae*. Since this passage opens the *Bellum Catilinae*, it also happens to be one of the most famous man-animal comparisons in republican literature:

*Omnis homines qui sese student praestare ceteris animalibus summa ope niti decet ne vitam silentio transeant veluti pecora, quae natura prona atque ventri oboedientia finxit. Sed nostra omnis vis in animo et corpore sita est; animi imperio, corporis servitio magis utimur; alterum nobis cum dis, alterum cum belvis commune est. Quo mihi rectius videtur ingeni quam virium opibus gloriam quaerere... (1.1-3)*

It behooves all men who desire to be superior to the other animals to strive with all their might not to pass through life in silence, like herd animals, which nature formed prone and obedient to the stomach. But all *our* power is situated in the mind and the body; we employ the command of the mind, the servitude, rather, of the body; one we have in common with the gods, the other with the beasts. Therefore it seems to me more correct to seek glory with the resources of the intellect rather than those of physical strength...

This text contains three references to animals, and the very first establishes that animals here serve as a negative point of comparison, as a behavioral model for humans to avoid – like they do in some of the texts I discussed previously. When Sallust specifies that he is describing a course of action for men “who desire to be superior to the other animals”, he asserts that humans can be and should be better than animals. Thus, like most ancient sources, he assumes that humans are innately better than all other earthly creatures. He even identifies the two attributes which set humans apart, the same attributes which ancient authors most commonly cite as the defining human traits: speech and reason. The contrast between human speech and animal speechlessness is implied when he links a life of silence to herd animals, and urges humans to pass their own lives otherwise. He explicitly contrasts human rationality with animal irrationality when he claims that humans share the servitude of the body, *corporis servitium*, with the beasts, but the command of the mind, *animi imperium*, with the gods. With this comment, he exemplifies the ancient habit of equating animals and their entire value with their bodies, but humans and gods with the highest faculty, reason. This remark also reflects a feature of the *scala naturae*, as it is presented by Greek and Roman writers. They tend to draw a hard line between man and animal on the basis of man’s possession of reason, thus ranging irrational

plants and animals together on the lower end of the scale, and humans and gods together on the upper end.

The phrase *corporis servitium* is significant, too, because it continues a theme established by the mention of herd animals, *pecora*. So far I have talked about the association of animals with their bodies and their lack of speech and reason, traits common to all animals, and therefore evoked by mention of any animal. Domestic animals, however, are a specific type of animal, and so call to mind a set of qualities specific to that category. I indicated above that they were generally regarded as slaves by nature, and thus used to talk about slavery. After he brings up herd animals, Sallust reinforces that servile connotation by employing the words *oboedientia* and *servitium*, both suggestive of slavery. In this way, he characterizes the animal state which humans should shun as somehow slavish. I claimed before that exploitation was the primary point of likeness between animal and human slavery, but Sallust here focuses on a different aspect of slavery, compulsory obedience to a higher power. The higher power in this instance is not a human master, but physical needs and cravings, as signaled by the phrases *ventri oboedientia* and *corporis servitio*. These remarks portray animals as inevitably, unavoidably subject to their desire for sensual gratification. This depiction alludes to ancient belief which I discussed earlier: in the absence of reason and free will, animals always act according to natural impulses, which prompt them to pursue things that cause bodily pleasure and avoid things that cause bodily pain.

I have now shown how all of Sallust's remarks about animals relate to ideas which I have described in this chapter; in fact, his remarks are only explicable if the reader understands them against that ideological background. Their full import is this: due to animals' lack of reason, they are constrained by their own natures to pursue bodily pleasure; they can do no better,

because they are not endowed with the capacities that would allow them to choose otherwise and engage in higher pursuits. Their automatic obedience to lowly physical drives, which deprives them of choice in directing their own lives, makes their existence a form of slavery, slavery to their own base instincts.

Sallust maintains that a herd animal's mode of existence is unbefitting for a human. I have already noted that he identifies speech and reason as the attributes which elevate humans above animals. However, for the reader to understand why reason should prompt people to live differently from animals, he or she has to assume certain things about reason and its consequences for human nature. Again, the relevant assumptions are among those which I discussed earlier in this chapter. To recognize them, we must first recognize that Sallust's characterization of animals sets two distinct elements in opposition to a rational human lifestyle: the pursuit of pleasure and the lack of choice. I previously examined other comparisons that compare human to animal on the basis of the former. In every instance, the rationale for rejecting pleasure-seeking in human life seems to be the same. As Sallust makes clear, the instinct to pursue bodily pleasure was thought to be hard-wired into animals, and to serve as the lone mechanism for guiding their actions. Like other authors, Sallust presents human *animus*, intelligence or reason, as an alternate and superior mechanism for determining behavior. Since it is naturally superior, and since it is the defining feature of human nature, it behooves every person to act in accordance with reason rather than bestial cravings for corporal gratification.

Lack of choice is also inconsistent with human life, according to Sallust, precisely because reason is a means for an individual to decide his own course of action. I indicated earlier in this chapter that reason was believed to confer the power of free will. Although the term "free will" had not been invented yet, Sallust casts the contrast between animal compulsion

and human choice as a slave vs. free dichotomy. Animals are constrained to obey certain urges and are thus enslaved to them. Humans are free from that constraint and so free to choose. More specifically, they are free to choose a better way of life than is available to animals.

When I discussed the relation between reason and free will previously, I pointed out that ancient authors tend to treat reason as a power that can be wielded for good or bad purposes. Human rationality has this dual capacity because it bestows free will, and because it is imperfect. People can and do arrive at incorrect conclusions about the best course of action, because their reason is imperfect. Since they have free will, they have the ability to act on these incorrect conclusions, thus engaging in incorrect behavior. Sallust acknowledges this danger, even as he portrays free will as a positive human quality that elevates humans above animals. In fact, this danger forms the focus of the entire passage. Sallust presumes that there are more and less correct forms of conduct, and that humans can choose which to follow. I have already established that animals serve as a negative behavioral model in this text. Sallust would not have to warn people away from that behavior, if they did not have the power to decide on the wrong lifestyle. When he specifies that he is recommending guidelines for “all humans who are eager to be superior to the other animals”, he implies that there are some people whose reasoning is so flawed that they do not even desire to raise themselves above the level of other animals. The word *decet* signals that there is a proper or fitting way to achieve the goal of acting like a human rather than an animal; by extension, there is an improper or unfitting way, which must be actively avoided. Sallust later reinforces the idea of alternate life paths, some more valid than others, which everyone must select from. He states that it “seems more correct”, *rectius videtur*, to seek glory through strength of mind rather than strength of body.

Sallust maintains that the lifestyle he advocates is better or more correct according to the objective standard of nature. I have argued in this chapter that animals alone were enough to evoke ideas about nature, but Sallust ensures the association by asserting that “nature formed” animals in a certain way, *natura finxit*. By implication, nature also formed human beings in a certain way, a different way from animals. Thus, by contrasting his proposed way of life with an animal way of life, he suggests that the life path he describes is the one nature means humans to pursue. Here again, Sallust utilizes concepts I talked about earlier. It is clear, for example, that he assumes a teleological scheme of nature. Nature has fashioned animals in such a way as to best fulfill their function as slaves to humans, a higher order of being. Nature has bestowed an extra faculty on humans that sets them apart and above. Since nature has endowed humans with a higher type, then it has equipped them to fulfill, and intends them to fulfill, a higher end or purpose. That natural end, according to Sallust, entails living in agreement with the unique human feature, reason, and utilizing it to its fullest extent.

Of course, Sallust also attributes deviance from nature to the possession of reason and free will. Thus, the passage draws upon both the descriptive and the normative connotations of “reason”, “nature”, and “human”, a phenomenon we encountered previously in the *De Natura Deorum* (3.66-79). In the descriptive sense, all people are humans by nature, regardless of how they use their rational capacity. When Sallust begins with the words “all humans who”, *omnis homines qui*, he marks those who desire to surpass animals as just one subset of *homines*; those who do not possess this desire are no less human for lacking it. Moreover, he claims that all people have *animus*, like the gods and unlike animals. The very fact that Sallust advocates for and warns against certain life paths presupposes that, regardless of which one a person decides to follow, he chooses that route by employing his rational human faculty of free will; warnings and



advice are worth giving precisely because every person has to make that selection. However, to the extent that Sallust presents one path as more correct and natural for humans, he appeals to “nature”, “reason”, and “human” in their normative senses. He maintains that right reason, or reason in agreement with nature, dictates a specific lifestyle for humans, which corresponds to nature’s plan for them; therefore, the more a person conforms to this natural standard of humanity, the more truly human he is and, by extension, the less animal-like. By this reckoning, anyone who chooses an alternate route is both less human and less natural. Later in the prologue, Sallust explicitly labels human pleasure-seeking as deviance from nature: he claims that, for some people, their body is a source of pleasure and their soul a burden, “contrary to nature”, *contra naturam* (2.8).

The theme of naturally right and wrong courses of action, established in the very first lines of the *Bellum Catilinae*, continues throughout the prologue.<sup>25</sup> Now that we have discussed the meaning of those first few lines, we can assess their role in the prologue. Having laid down that a correct and natural human life obeys and utilizes the power of the intellect, Sallust proceeds to claim that there are actually a number of naturally sanctioned ways to pursue such a life. “Amid the great abundance of options”, he says, “nature shows one path to one and another to another”: *sed in magna copia rerum aliud alii natura iter ostendit* (2.9). Writing history, he asserts, is one such valid path. In making this contention, he includes details of his own decision to write history. Thus, self-justification is the final endpoint of the argumentative trajectory set up by the initial man-animal comparison. In the wider context of the entire prologue, that comparison accomplishes two things. First, Sallust uses it to reject a particular pursuit on the grounds that it is utterly unnatural and inappropriate for a human; at the same time, he pinpoints

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<sup>25</sup> On the theme of choosing between alternate life paths in the prologue of the *Bellum Catilinae*, see especially Krebs (2008).

the single element that unites all those pursuits which are natural and appropriate. Once he has taken care of these items, he can and does move on to discussing the various legitimate pursuits. Second, the comparison serves as a means of rhetorical amplification. Through it, he invokes nature itself as an authority for his claims; in this way, he presents them as true not merely in his own opinion, or by convention, but according to the universal dictates of nature.

I have now shown how this particular man-animal comparison makes use of the ideas that I have identified and explored throughout this chapter. I would also like to draw attention to *how* Sallust uses this comparison and these ideas. At various points in this chapter, I have said that comparisons between human and animal are a rhetorical trope, employed for persuasive ends; that, although they refer to the relationship between nature and animals, they almost inevitably serve as a way to comment upon the relationship between nature and humans; that they rely upon a specific set of conventional notions; that, although these notions bear a resemblance to certain philosophical concepts, they do not necessarily conform to a philosophical position when taken together, or appear in texts that adopt a philosophical position. The passage I have just examined displays all of these features. The comparison certainly performs a rhetorical function, in that it constitutes just one argumentative point in a larger discourse, dedicated to proving something beyond what the comparison claims. The comparison itself might draw a contrast between people and animals, but it does not really aim to remark upon animals or their status vis-à-vis humans: the comparison exists in its given form in order to make an assertion about what is natural to human life. I believe that the ideas which support it must have been common cultural preconceptions; moreover, I believe the intended audience must have been used to encountering, not just similar concepts, but also similar comparisons. The text is incredibly dense; I have just devoted pages to working through and clarifying its underlying reasoning and assumptions.

Despite this complexity, the text offers no account of its own rationale; Sallust seems to take it for granted that his readers will readily supply the necessary background information, and make the necessary mental connections. This phenomenon is most easily explained if we view the passage as an unusually sophisticated application of a fairly ordinary rhetorical commonplace.

Despite the fact that I have illustrated many of the relevant concepts with texts from Cicero's philosophical corpus, one aspect of Sallust's man-animal comparison clearly marks it as unphilosophical in character. In the last sentence of the excerpt I provided, when he moves from the comparison itself to the conclusions which should be drawn from it, he writes, "Therefore it seems to me more correct to seek glory with the resources of the intellect than with those of physical strength". The telling detail is the notion of seeking glory, *gloriam quaerere*. The preceding comparison seems to indicate that a natural human life is one in agreement with reason, or, to put it another way, in pursuit of those things which right reason dictates that we should pursue. That idea is not far from the Stoic formulation I discussed, that the end of human life is living in agreement with nature. However, no Stoic or any other philosopher would have said that that end entails the pursuit of glory. The only previous detail in Sallust's text which anticipates his claim about glory is his admonition that humans should not pass their lives in silence. If glory is understood to consist of making a loud and lasting noise amongst men, then gaining glory could be viewed as the end or goal of human speech capacity. That was certainly not a philosophical concept, however, and it definitely cannot be said that Sallust is positing his own philosophical conclusion. He says nothing to defend the premise, or even prepare the reader to expect it. The thought seems surprising after the preceding comments about man and animal because it properly belongs to a different kind of discourse. Whereas the man-animal comparison, and the views expressed therein, would not be out of place in a philosophical text,

glory comes from the province of elite Roman values. We should not suppose from this circumstance that Sallust has clumsily placed something where it does not belong. It is proof, rather, that certain ideas about nature, which perhaps originated in philosophy, had become mainstream enough to command as much rhetorical potency as more traditional Roman concepts, like *gloria*. They therefore formed part of an author's rhetorical arsenal, available to be deployed in the cause of arguments and conclusions that were not remotely philosophical.

I have shown that the beginning of the *Bellum Catilinae* displays the same ideas and strategies that I have described throughout this chapter. I now propose that it also raises the same questions that I put forward at the beginning of the chapter. There, I noted that the tendency toward class specificity in man-animal comparisons suggests that nature was thought to play some role in human social inequality. But what role? The man-animal comparison I have just examined is not class specific in the sense that it compares a particular class of human to a particular class of animal; Sallust is talking about the general state of the whole human race. However, his comparison is class specific to the extent that, when he brings up animal slavery, he also evokes human slavery. I observed that he mentions herd animals, the natural slaves, in order to call to mind slavery and its associations. He then reinforces that imagery with the words *oboedientia* and *servitium*, vocabulary that could be used with equal correctness to discuss either animal or human slavery. Employing herd animals as a negative model works here precisely because slavery is a condition common to both animals and humans. If it were impossible for humans to fall into a servile state, then they would not have to strive to avoid it. Thus, when Sallust contrasts "real" humans with herd animals, the lowest class of animate being, he simultaneously contrasts them with slaves, the lowest class of human being. Because he presents the herd animal lifestyle and the human lifestyle as natural and naturally opposing modes of

existence, he simultaneously presents the slave lifestyle and the human lifestyle in the same light. It appears, then, that he views human slavery as in some way natural, and in some way different from a natural human way of life. Did Sallust see the institution as a part of the natural world order? Did he see slaves as naturally inferior to other types of human? His comparison implies that all people have rational capacity, and so have the capacity to pursue a slavish or a truly human life path, according to their choice. However, did he regard slaves as human at all? Or perhaps as just another form of domestic animal?

The passage I have just examined does not provide enough information to determine Sallust's thoughts on the matter, let alone those of other Romans. Before I turn to scrutinizing other relevant texts, I believe I can draw upon my findings in this chapter to refine my initial question, and so focus my study. I have argued that many Roman authors seem to assume a teleological view of nature, and that this view generated the other beliefs and associations commonly attached to animals. As I have discussed, a teleological worldview holds that nature has created the lower orders for the purpose of serving the higher; thus, each being has been specifically designed to fulfill the purpose which it does in fact fulfill. Limitations in purpose therefore lead to limitations in type. Consequently, everything in nature holds a rank according to its purpose and corresponding type, and the natural order forms a hierarchy often referred to as the *scala naturae*. Now the question begs to be asked: did the Romans take a teleological view of human society, as they did of nature?

It would make sense if the Romans did see their own social structure as a manifestation of the teleological world order. I pointed out in a previous section that the Romans considered human society and social relationships to be part of nature. Thus, it would take only a short leap of logic to arrive at the conclusion that the human social order is or should be an extension of the

natural order. By that reckoning, the natural hierarchy would be a paradigm for and justification of the social hierarchy. More than that, however, it would mean that the social hierarchy is part of the natural hierarchy, and that legal status distinctions do or should coincide with the natural distinctions of the *scala naturae*. To put it another way, legal status distinctions do or should coincide with distinctions in both purpose and type. If human society is teleological by nature, then the lower orders have been created for the purpose of serving the higher orders. Because they have been designed for this lower purpose, they possess a less perfect type. Therefore, the lower orders of humanity are innately inferior to the higher. According to this reasoning, social inequality is not merely formal, but reflects or should reflect the natural inequalities that exist between intrinsically different kinds of human. This view would provide a possible explanation for class specific man-animal comparisons. If some classes of people are less fully, perfectly human than others, then they are closer to animals. Moreover, if a certain class of human and a certain class of animal fulfill a similar purpose, then they should theoretically possess a similar nature.

I will now turn my attention to the comparisons themselves. My overall aim is to discover what the comparisons reveal about how the Romans perceived the role of nature in creating and maintaining human status divisions. However, my exploration will be guided by a more specific question, “Did the Romans believe that human society is teleological?” In the next chapter, I will discuss two potentially relevant philosophical backgrounds, Aristotle’s theory of natural slavery, and Stoic views on slavery. Although I ultimately conclude that Roman notions about social inequality do not wholly correspond to either philosophical position, nonetheless, the philosophical discourses help to clarify some important matters. In chapter 3, I will examine comparisons between domestic animals and the following classes of human: slaves, wage-

earners, and plebs. In chapter 4, I will examine comparisons between wild animals and these classes of human: practitioners of illicit violence, prehistoric men, and Roman elites accused of crimes.

## CHAPTER 2

### Natural Slaves: Aristotle and the Stoics on the Nature of Slavery

I have defined this work as a study of man-animal comparisons in Roman republican literature, directed toward answering a specific question: What do these comparisons reveal about how the Romans viewed the relationship between nature and human social inequality? More specifically, do they reflect a teleological understanding of human society? That is, do they reflect a belief that there are intrinsically different classes of human, each adapted by nature to fulfill a particular purpose in human life? Although my focus is republican literature, no discussion of this topic would be complete without reference to Aristotle's theory of natural slavery. In the first book of the *Politics*, he posits the existence of natural slaves, humans who, like domestic animals, are formed by nature for servitude (1253b14-1255b40). His argument is pertinent to both of this work's major concerns in that he applies teleological thought to humans, and he does so using comparisons between human and animal.

Aristotle's theory of natural slavery provides the most famous statement of the idea that there are naturally distinct subcategories of human, differentiated by purpose and type. In fact, the relevant passage is the only extant text from antiquity which discusses the concept at length, and supports it with sustained argumentation. If the Romans did believe that there were intrinsically different classes of human, naturally suited to fulfill different roles, and if that belief has a philosophical source, then Aristotle is that source. Even if the belief was a popular one and not philosophical in origin, nonetheless, scrutinizing the only philosophical treatment of the subject should help clarify the rationale behind this habit of thought. Conversely, if the Romans did not subscribe to the notion of innately distinct types of people, then we must first establish



the terms in which that concept was expressed and rationalized, in order to determine how it is incompatible with the views expressed in Roman texts. In this chapter, therefore, I will examine Aristotle's theory and assess its possible relation to Roman class discourse.

I just noted that the section of the *Politics* which expounds Aristotle's theory of natural slavery is the *locus classicus* for the idea that there are naturally distinct classes of human. It is also the *locus classicus* for the ancient practice of assimilating slaves to herd animals. I said in the previous chapter that the assimilation worked in both directions: the animals were regarded as natural slaves, and the slaves described as herd animals. This tendency hardly began with the Roman republic; the Greeks has a long tradition of such comparisons, as well. Among all the many texts that employ these comparisons, Aristotle's work holds a special status not just because the identification of slave with herd animal figures prominently, but also because it is the only passage from antiquity that does not simply assume some similarity between slave and domestic animal; rather, Aristotle's argument actively attempts to establish certain points of similarity between them. For this reason, modern scholars have sometimes cited Aristotle's theory as the origin of slave-herd animal comparisons in ancient texts. They make this claim, however, without identifying the exact grounds on which Aristotle likens slave to animal, or determining whether other authors employ the same basis of comparison. I hope to resolve those very issues. As I explore Aristotle's theory in this chapter, I will do so with a focus on his slave-animal comparisons. I will discuss how they fit into and support his teleological theory, but my ultimate goal is more expansive: I aim to discover whether his theory and comparisons did indeed influence, or even give rise to, the comparisons found in Roman texts.

At first glance, Aristotle's theory provides a plausible explanation for the many comparisons between slaves and domestic animals which appeal to nature: both categories were

thought to possess inherently servile traits, implanted by *natura* or φύσις. However, I will conclude by the end of this chapter that the theory does not account for the comparisons in Roman texts. I will first examine the argument itself, and then identify and discuss the three features which make it an unlikely foundation for most slave-herd animal comparisons. The first: Aristotle himself does not equate slaves with herd animals on the basis of his own theory. The similarity, according to him, lay not in their innate qualities, but in an external circumstance, their economic function. The second: his natural slave is characterized by certain mental qualities. These are so specific, so grounded in Aristotle's own psychological theory, that it is difficult to believe anyone would have recognized Aristotle's natural slave in a real person. The third: the very notion of a natural slave conflicts with Stoic tenets, which Roman authors were far more likely to espouse than Aristotle's ideas. These facts suggest that Aristotle's theory of natural slavery does not account for the identification of slaves with herd animals in republican literature. Moreover, there are indications that teleological theory in general, when applied to humans, was a problematic proposition in antiquity. Aristotle and the Stoics reveal another point of resemblance which was thought to exist between slave and domestic animal, and which more credibly explains the ancient tendency to assimilate the two: economic or productive function.

### The Theory

In the present context, I will not explore every detail of Aristotle's argument, nor consider how the doctrine of natural slavery relates to his views in other works. I will confine myself to the first book of the *Politics*, where he advances his defense of slavery. My treatment will deal primarily with the ways in which Aristotle likens slaves to herd animals, and the ways in which his argument invites, or does not invite, such comparisons. However, in order to

understand how and why he links slaves to domestic animals, it is first necessary to understand his theory of natural slavery.

The theory addresses not one issue, but two. Aristotle introduces his topic thus:

πρῶτον δὲ περὶ δεσπότου καὶ δούλου εἵπωμεν, ἵνα τὰ τε πρὸς τὴν ἀναγκαίαν χρείαν ἴδωμεν, κἄν εἴ τι πρὸς τὸ εἰδέναι περὶ αὐτῶν δυναίμεθα λαβεῖν βέλτιον τῶν νῦν ὑπολαμβανομένων. τοῖς μὲν γὰρ δοκεῖ ἐπιστήμη τέ τις εἶναι ἢ δεσποτεία, καὶ ἢ αὐτὴ οἰκονομία καὶ δεσποτεία καὶ πολιτικὴ καὶ βασιλική, καθάπερ εἵπομεν ἀρχόμενοι· τοῖς δὲ παρὰ φύσιν τὸ δεσπόζειν. νόμῳ γὰρ τὸν μὲν δοῦλον εἶναι τὸν δ' ἐλεύθερον, φύσει δ' οὐδὲν διαφέρειν. διόπερ οὐδὲ δίκαιον· βίαιον γάρ. (1253b14-23)<sup>26</sup>

We may first speak of master and slave, partly [for reasons of utility] in order to gather lessons bearing on the necessities of practical life, and partly [for reasons of theory] in order to discover whether we can attain any view, superior to those now generally held, which is likely to promote a scientific knowledge of the subject. There are some who hold that the exercise of authority over slaves is a form of science. They believe (as we said in the beginning) that the management of a household, the control of slaves, the authority of the statesman, and the rule of the monarch, are all the same. There are others, however, who regard the control of slaves by a master as contrary to nature. In their view the distinction of master and slave is due to law or convention; there is no natural difference between them: the relation of master and slave is based on force, and being so based has no warrant in justice.

The τοῖς μὲν and τοῖς δὲ mark the two subjects which Aristotle is about to investigate. Each position represents an extreme, which he proceeds to engage with; he concedes some truth to each view, but ultimately assumes a more moderate stance.<sup>27</sup> The first proposition has to do with differentiating the various forms of authority. Some people think δεσποτεία, or the power of a master over slaves, is a definite science, equating it with household management, statesmanship, and royal rule. Aristotle challenges this reasoning, exploring the exact nature of the master's control over his slaves. Eventually, he concludes that there is a kind of science or knowledge

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<sup>26</sup> All translations of the *Politics* have been taken from Barker (1946). For the text of the *Politics* I have used Newman (1887b), since Barker's translation is based on that edition. The edition now regarded as standard is Dreizehnter (1970). However, I have compared the relevant portions of text from both editions, and there are no significant differences.

<sup>27</sup> I owe this point to Newman (1887b) on Aristotle, *Politics* 1253b18 (p. 133-134).

associated with being a master, but it is of no particular importance. The master is master not because he possesses a certain knowledge, but because he possesses a certain character. Moreover, the science of mastership, such as it is, is not equivalent to the other types of rule (1255b16-40). This half of his inquiry need not concern us.

The other extreme prompts Aristotle to develop his theory of natural slavery. He refers to what appears to be a contemporary attack on the institution of slavery.<sup>28</sup> The critique, as expressed by Aristotle, takes issue with the master-slave relationship itself, rather than with the social and practical value of slavery, or the way it was practiced. Proponents of this view apparently criticized slavery on the grounds that the distinction between master and slave was conventional or artificial, and therefore unfair to the slave. Slaves, on the one hand, and free men, on the other, exist by law (νόμῳ); however, by nature (φύσει), they differ not at all – presumably meaning that they have no innate difference in character. If nature does not distinguish between them, then creating a distinction through enslavement is contrary to nature, *παρὰ φύσιν*. Therefore, to assume the superior role of master is not just (οὐδὲ δίκαιον), because it is based on force (βίαιον) rather than a real superiority in merit. The reference to force must allude to the fact that slaves were created through violence: most slaves were war captives or the descendants of war captives. Enslaving a defeated enemy was a traditional and accepted part of Mediterranean life, and could thus be justified with reference to νόμος, but the anonymous critics of slavery assume that φύσις is a higher authority than νόμος. According to the reasoning in this passage, the successful application of force does not confer the right to impose a change of status on another human being, even if convention declares otherwise. It is not just that the victim of violence be subjected to someone whom nature has made no better than himself.

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<sup>28</sup> On the critics of slavery, the nature of their criticisms, and Aristotle's response, see: Cambiano (1987), Newman (1887a) 139-158, Schlaifer (1936) 192-201. I found all three useful in formulating my own explanation.

It cannot be said that Aristotle designs his theory solely to meet these particular criticisms. He is not writing a treatise in defense of slavery. His comments on slaves arise from and form an integral part of his overall political theory. However, the fact that he introduces the topic with reference to the critics of slavery signals that he regards his own views as pertinent to the controversy. It may also indicate that the contemporary debate, and the assumptions which shaped it, influenced his own thoughts. His argument certainly seems to reflect the terms of that debate. He claims that the opposition targets the natural character of masters and slaves, and he himself does likewise. If he demonstrates that nature has in fact differentiated between the two types of people, slaves and free masters, then he will have answered the critics' objections. By adopting this approach, he tacitly accepts the premise that nature is a higher arbiter than law. The arrangement is fair and advantageous for all parties involved if, and only if, nature mandates it. To show that nature itself is responsible for the master-slave-distinction, he must – and does – conclude that there exists a certain class of humans formed by nature for subjection. Because they are so composed, it is just for them to serve a higher being, the man equipped by nature to be master.

This conception of the issue presupposes some relationship between what is just and what is natural, which perhaps needs to be clarified. Although Aristotle does not explicitly say it, he seems to hold a proportionate view of justice, whereby justice consists of each person receiving his due.<sup>29</sup> Domination is due to the master, and servitude to the slave, if the natural endowments of each make him deserving of that state. If both occupy the positions that are due to them according to their inherent capacities and deserts, then that is just. Since this understanding of justice depends on the intrinsic merits of the people involved, the justice or injustice of slavery

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<sup>29</sup> For Aristotle on proportionate justice, see especially Book 5 of *Nicomachean Ethics*, 1129a1-1138b11.

depends on whether there are naturally distinct types of people, some fit for one station, others for another. For this reason, Aristotle can present his theory, which postulates the existence of natural slaves and masters, as a defense of slavery as an institution, and thus as an answer to the critics of slavery. When he naturalizes the inequality of the master-slave relationship, he simultaneously upholds its justice – at least in cases where the slave is a natural slave, and the master a natural master. If these conditions are met, the enslavement of the one to the other is natural and just. Therefore slavery *per se* cannot be denounced, only those instances in which a member of the master-slave dichotomy is not naturally suited for his role.

Since the hypothetical slave by nature must possess qualities especially adapted to the life and role of a slave, Aristotle begins his argument by defining what a slave is:

τίς μὲν οὖν ἡ φύσις τοῦ δούλου καὶ τίς ἡ δύναμις, ἐκ τούτων δῆλον· ὁ γὰρ μὴ αὐτοῦ φύσει ἀλλ’ ἄλλου, ἄνθρωπος ὢν, οὗτος φύσει δοῦλός ἐστιν, ἄλλου δ’ ἐστὶν ἄνθρωπος, ὃς ἂν κτῆμα ἢ ἄνθρωπος ὢν, κτῆμα δὲ ὄργανον πρακτικὸν καὶ χωριστόν· πότερον δ’ ἐστὶ τίς φύσει τοιοῦτος ἢ οὐ, καὶ πότερον βέλτιον καὶ δίκαιόν τι διουλεύειν ἢ οὐ, ἀλλὰ πᾶσα δουλεία παρὰ φύσιν ἐστὶ, μετὰ ταῦτα σκεπτέον. (1254a13-20)

From these considerations we can see clearly what is the nature of the slave and what is his capacity. We attain these definitions – first, that “anybody who by his nature is not his own man, but another’s, is by his nature a slave”; secondly, that “anybody who, being a man, is an article of property, is another’s man”; and thirdly, that “an article of property is an instrument intended for the purpose of action and separable from its possessor”. We have next to consider whether there are, or are not, persons who are by nature such as are here defined; whether, in other words, there are persons for whom slavery is the better and just condition, or whether the reverse is the case and all slavery is contrary to nature.

Aristotle’s definition of the slave contains two significant features. The first is that he uses the word ἄνθρωπος three times to describe the slave. Clearly he believes that slaves are human, although he elsewhere compares them to herd animals. Secondly, it is important to note the slave’s essential feature: he is an ὄργανον, a tool or an instrument. Aristotle first characterizes

the slave as belonging to another, then clarifies by stating that a man belongs to another if he is a possession. That description in turn resolves itself into “an instrument for action separable from its owner.” There Aristotle stops, having reached the basic or fundamental definition of the slave: he is a tool. This is the designation which leads to the others. Because he is a tool, the slave is also a possession, and because he is a possession, he belongs to another.

These criteria have more to do with a slave’s δύναμις than his φύσις. Aristotle claims to be describing both when he defines the slave. Δύναμις, rendered as “capacity” above, perhaps carries the meaning of both personal capacity and functional capacity. As I will soon show, Aristotle makes personal merit dependent on function. The clearest expression of this concept comes at 1260a16-17, where he declares that all people must share in moral goodness (ἠθικαὶ ἀρεταί), “but only to the extent required for the discharge of his or her function”: ἀλλ’ ὅσον ἐκάστῳ πρὸς τὸ αὐτοῦ ἔργον.<sup>30</sup> The interrelationship between ἀρετή and ἔργον, excellence and work, explains why he conjoins δύναμις and φύσις when identifying the slave’s basic characteristic: a being’s functional role, or capacity for work, determines his or her nature, and vice-versa. This premise, of course, is teleology. To an audience familiar with teleological ideas, and with Aristotle’s thought in particular, his description of the slave’s working capacity might suggest something about the slave’s personal potential. Nonetheless, saying that a slave serves as the tool of another encapsulates his function; it does not immediately tell the reader anything about the slave’s nature, in the sense of his innate qualities.

Aristotle acknowledges this oversight in the very next sentence. He begins by stating that he must examine “whether or not anyone is such a person by nature.” This seems to expect a

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<sup>30</sup> For the idea that a person’s or thing’s virtue consists of performing its function well, see especially *Nicomachean Ethics* 1097b22-1098a20.

“yes” or “no” answer, which would presumably end the argument. He has already described what a slave is. If such a person can be shown to exist by nature, then Aristotle will have proved his point. Instead he presents the reader with another question, “whether or not it is better and just for anyone to be a slave.” As I explained before, the terms of the debate link the justness and advantageousness of slavery to the character of the slave: servitude is only fair and beneficial for him if nature has marked him out for slavery, making him different from and inferior to his master. However, Aristotle still has not discussed the character of the slave; he has only established what a slave does in his role as slave. Thus, when Aristotle asks “whether or not it is better and just for anyone to be a slave,” he is really asking what sort of person, if any, is naturally suited for that servile role.

This question sets up the next stage of his inquiry. Aristotle has just told us what it means to be a slave: to fulfill a certain function, which is to serve as the master’s tool. Now he has to determine the nature, or distinguishing feature, of a person fitted to fulfill that function, and only that function. This approach answers the critics’ objections, since it supposedly demonstrates that nature has fashioned certain people for slavery. It also aligns with Aristotle’s own teleological viewpoint, which holds that people are formed in such a way as to suit their proper function. Ultimately, Aristotle will decide that the defining quality of the servile human is a mental one. His argument culminates with a description of the natural slave’s mental composition; essentially, he draws a psychological profile of the person designed by nature to be a tool, and nothing more (1254b16-26).

In order to understand that psychological profile, and to understand what any of this has to do with animals, it is necessary to examine how Aristotle comes to define the slave as a tool. The first relevant passage occurs before his defense of slavery. Here, he identifies the most basic



form of human association: the οἶκος, or household (1252a24-b15). This section lays the foundation for the defense of slavery which will eventually follow. In it, he classifies the slave as a part of the household. Aristotle will extrapolate his definition of the slave from the role that slaves play in the household; by extension, he extrapolates the nature of the slave from this household function.

The household serves a vital purpose, as do the people and relationships which compose it. Straightaway the reader is told that “there must necessarily be a union or pairing of those who cannot exist without each other.” Those who cannot exist without each other are the male and the female, the master and the slave. From these two partnerships arises the household. The former must unite for the sake of reproduction, the latter for the sake of preservation, διὰ τὴν σωτηρίαν. In this context, σωτηρία probably does not mean “preservation” in the sense of “safety” or “self-defense”, so much as “provision for the daily necessities of life”<sup>31</sup> – a reading supported by a comment later in the same passage. Aristotle states that the household is instituted “for the satisfaction of daily needs”: εἰς πᾶσαν ἡμέραν.

Grounding the master-slave relationship in necessity has important consequences for Aristotle’s defense of slavery. The first, and most important, is that the alleged necessity of both positions leads Aristotle to regard them as natural. Here Aristotle has made the mistake of assuming that what is normal for his own society is natural, as well. Because Greeks of his time survived by organizing themselves into households characterized by a certain division of labor, he presumes that humanity has to survive in that particular way. If people subsist in a certain manner, of unavoidable necessity, then they must be formed by nature to do so. This is, in fact, the initial assumption that gives rise to Aristotle’s theory of natural slavery. Because he believes

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<sup>31</sup> I owe this point to Brunt (1993) 356.

that traditional household roles are necessary and natural, and because he takes a teleological view of nature, he supposes that distinct natural types must have arisen to fulfill those distinct natural roles.

Treating the master-slave relationship as needful also, conveniently, allows Aristotle to suppress its brutality. Since masters and slaves engage in a necessary partnership for survival, he can claim that they have the same interest: δεσπότη καὶ δούλω τὰυτό συμφέρει. Each without the other would perish. Aristotle never does mention the appalling treatment which some slaves experienced, never reckons with real world circumstances when he claims that the association of master and slave is just and beneficial for both. Surely many slaves suffered things which even a natural slave should not have to suffer. However, the identification of slavery as necessary, and therefore natural, lifts the discussion into the realm of the theoretical. If it is necessary and natural, then there must be certain natural conditions under which the arrangement is or *would be* just and beneficial for both parties. As I will discuss later, Aristotle's argument leaves serious doubt as to whether these conditions are ever met in real life. Nonetheless, his theory is logically cogent if the reader accepts, as he does, that slavery is necessary for human survival, and that entities are naturally adapted to their necessary functions.

To develop his line of reasoning, Aristotle must identify not just the necessary components of the household, but also the exact part played by each. When he proclaims that the various members of the household cannot live without each other, and that each pair unites for the sake of meeting some particular need, he implies that every one of them performs a specialized task. Aristotle does indeed proceed to allocate a distinctive function to each member, including the slave. He contends that male and female come together for the sake of reproduction; that conclusion is self-evident, as is the nature of each participant's role in the

reproductive process. No further explanation is forthcoming. However, he must refine on the vague σωτηρία which he identifies as the reason for the master-slave relationship. The natural ruler and master is one who is able to exercise forethought by virtue of his intelligence: τὸ μὲν γὰρ δυνάμενον τῆ διανοία προορᾶν ἄρχον φύσει καὶ δεσπόζον φύσει. The master's primary job, then, is an intellectual one. Presumably he exercises his foresight to make decisions and formulate plans for the household and its maintenance. His διανοία, or intelligence, seems to be the natural master's defining characteristic: it equips him to execute his function. Perhaps this is the quality that Aristotle has in mind when he later says that masters are masters because of their own endowment, not because of acquired knowledge (1255b20-21).

To the natural slave, on the other hand, Aristotle does not assign work requiring intelligence. The person destined by nature to be a slave is one capable of doing, by virtue of his bodily power, what his master devises: τὸ δὲ δυνάμενον τῷ σώματι ταῦτα ποιεῖν ἀρχόμενον καὶ φύσει δοῦλον. The slave's role is to execute the master's designs for the household by means of physical labor. Master and slave therefore represent each of the two steps necessary for carrying out an activity: planning and physical implementation. They combine their natural resources for household tasks, thereby securing provision for their daily needs. The reader now knows the special function of the slave, but not the special trait which qualifies the slave for that function, and only that function. Although Aristotle specifies that the slave performs his tasks by means of his σῶμα, his body, possessing a body is hardly unique to slaves.

As it happens, Aristotle's introduction to the household contains the first slave-herd animal comparison of the *Politics*. He approvingly quotes a line from Hesiod's *Works and Days*: "first house, and wife, and ox to draw the plow", οἶκον μὲν πρώτιστα γυναῖκά τε βοῶν τ' ἀροτῆρα (405). Aristotle treats the line as proof of his own contention, that the household is an

association of husband and wife, master and slave. In Hesiod's mention of wife and ox, Aristotle sees a reference to two essential components of the household, wife and slave. "For," he says, "oxen serve the poor in lieu of household slaves": ὁ γὰρ βοῦς ἀντ' οἰκέτου τοῖς πένησίν ἐστιν. This statement illustrates the point that I made in the previous chapter, that the ancients regarded domestic animals as slaves – though Aristotle does not say here that they are slaves by nature. So far, his treatment has told the reader only two things about human slaves: they are a necessary part of the household, and their proper function is physical labor. Here, he presents animal slaves as sharing these features. Hesiod has grouped the ox together with the οἶκος and wife, and Aristotle envisions the ox as taking the slave's place in a poor man's household. Thus the ox is characterized as a part of the household, just like its human counterpart. The fact that Hesiod's ox is for plowing shows that both he and Aristotle are thinking of the ox in its capacity as a draft animal, not as a meat animal. Therefore the ox and the slave also perform the same type of work, physical labor. Since members of the household are distinguished and defined according to their function, and since slaves and oxen fulfill the same function, Aristotle can treat the two as interchangeable units in the household. At this point, that is the extent of Aristotle's assimilation of slave to herd animal. He has not yet indicated any innate similarities.

By the end of his introduction to the household, Aristotle has identified the types of person who constitute the household, and differentiated them according to function. He has also said, more or less, that they themselves must differ from each other, since their functions differ. He asserts that the female and the slave are naturally distinguished from one another: φύσει μὲν οὖν διώρισται τὸ θῆλυ καὶ τὸ δοῦλον. Then he supports this announcement by claiming that nature makes each separate thing for a separate end: ἡ φύσις ποιεῖ...ἐν πρὸς ἓν. Nature does so because each instrument has the finest finish when it serves a single purpose and not a variety of

purposes: οὕτω γὰρ ἂν ἀποτελοῖτο κάλλιστα τῶν ὀργάνων ἕκαστον, μὴ πολλοῖς ἔργοις ἀλλ' ἐνὶ δουλεῦον. Although Aristotle does not explain exactly how females and slaves are dissimilar, he clearly insists that nature must have made them distinct, since they exist for distinct ends. This is both a statement and an application of Aristotle's teleological theory, which maintains that materials and organisms are fashioned by nature so as to best fulfill their function.<sup>32</sup> The vocabulary which he uses to express this idea is important. He chooses the image of a tool or instrument, an ὄργανον, designed for just one function, ἔργον. I discussed a passage above which links an individual's ἀρετή to his or her ἔργον. The recurrence of ἔργον here shows how central the concept is to Aristotle's thinking, and to the subject at hand. It will appear again prominently in his defense of slavery. The same is true of ὄργανον, which – as I pointed out – is the word that Aristotle ultimately employs to define the slave and his function.

Before moving on to Aristotle's treatment of slavery, it might be helpful to review the premises which he establishes in his remarks about the household. As I have explained, he regards the household as a necessary association of persons who cannot survive without each other. Their association is necessary because each fulfills some essential function. That association and those functions are natural, as well as necessary; since humans live in a particular way, perforce, to survive, then they must be adapted by nature to do so. This view arises from Aristotle's teleological theory, which also has consequences for the individual members of the household. He maintains that the various types of person which compose the household – male and female, master and slave – are or should be intrinsically different from one another, precisely because they all fulfill a certain necessary and natural function. Nature has formed each type to accommodate the role it must play. Two of the necessary types are master and slave. The

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<sup>32</sup> For Aristotle's teleological theory, see especially *Physics* 198b10-199b33.

master uses his intelligence to formulate plans for the household; this is his special purpose. The slave, like a herd animal, uses his body to carry out his master's plans. Thus, as matters stand when Aristotle passes on to a new subject, it appears that the slave's peculiar function, his ἔργον, is physical labor, performed at the master's behest. The reader is left in expectation of hearing what quality nature has bestowed upon the natural slave to make him suited for that task, and that task alone.

Aristotle, however, is not done with exploring the exact character of the slave's function. His final solution, which I discussed above, makes the slave a tool or instrument, and therefore a possession, of his master. From his conception of the slave as a manual laborer, working at his master's command, how does Aristotle arrive at the conclusion that the slave is a tool? The relevant passage occurs at (1253b23-1254a13), just after he introduces the debate on slavery. It is apparent straightaway that Aristotle had this discussion in mind when he wrote his comments about the household, since the words ὄργανον and ἔργον figure again prominently. He states, "just as each art which has a definite sphere must necessarily be furnished with the appropriate instruments if its function is to be discharged, so the same holds good in the sphere of household management": ὥσπερ δὲ ταῖς ὀρισμέναις τέχναις ἀναγκαῖον ἂν εἴη ὑπάρχειν τὰ οἰκεῖα ὄργανα, εἰ μέλλει ἀποτελεσθῆσθαι τὸ ἔργον, οὕτω καὶ τῶν οἰκονομικῶν. This remark recalls ideas established previously. An ὄργανον is an implement required for accomplishing some ἔργον. The notion of specialization is crucial here, as it was before: every art needs its own, suitable tools, τὰ οἰκεῖα ὄργανα. With τῶν οἰκονομικῶν, Aristotle again locates the discussion in the realm of the household. All this corresponds with what has gone before. From earlier comments, the reader might suppose that Aristotle is about to classify the slave as an implement for carrying out household labor. He does eventually specify that the slave is a tool for action,

πρᾶξις, rather than production, ποιήσις. Perhaps this distinction is prompted by the fact that Aristotle portrays slaves as engaged in bodily labor, which is a type of action. Nonetheless, he never actually mentions physical labor in this passage. It soon becomes clear that the slave's characterization as a tool is based on something else.

First we learn that some tools are inanimate and some animate: τῶν δ' ὀργάνων τὰ μὲν ἄψυχα τὰ δὲ ἔμψυχα. As examples, he offers a ship's rudder and its look-out man. The former is the pilot's inanimate tool, the latter his animate tool. Apparently, then, humans can be "animate tools". Although Aristotle does not bring up herd animals, presumably the same is true of them. They are certainly not inanimate, but there is no third category for them to occupy. Aristotle's division therefore reduces both humans and animals to tools, and groups them together as the same kind of tool. Slaves are not the only people who can be placed into this category. In the given example, there is no sign that the look-out man is a slave. Later in the passage, Aristotle will treat slaves and certain free men as parallel entities. He says that if inanimate tools could accomplish their work by themselves, master-craftsmen would have no need of assistants, and masters no need of slaves. Since he twice uses free professionals – look-out men and artisans – to clarify his argument, Aristotle clearly does not call slaves "tools" simply because they are slaves, nor is he commenting on the servile temperament. The designation "tool" or "instrument" serves as a way to describe a man's professional role, or the part he plays in any given activity. If a slave and a free worker can both be referred to as tools, then there must be some point of similarity between their respective functions.

In order to discover what that similarity is, it is necessary to consider the rudder and the look-out man, Aristotle's initial example of an inanimate and an animate tool. He writes, "the pilot, for instance, has an inanimate instrument in the rudder, and an animate instrument (for all

subordinates, in every art, are of the nature of instruments) in the look-out man”: οἷον τῷ κυβερνήτῃ ὁ μὲν οἴαξ ἄψυχον, ὁ δὲ πρῶτος ἔμψυχον (ὁ γὰρ ὑπηρέτης ἐν ὀργάνου εἶδει ταῖς τέχναις ἐστίν). Aristotle explains that the look-out man is an ὀργάνον because he is a ὑπηρέτης; every ὑπηρέτης is an ὀργάνον. Why is that so? Barker’s translation, given here, renders ὑπηρέτης as “subordinate”, although the *LSJ* offers “underling”, “servant”, “attendant”, and “assistant” as possible meanings. His choice emphasizes the disparity between look-out man and pilot, rather than the aid supplied by the one to the other. Barker has probably captured the essence of Aristotle’s thought, though the sense of assisting or lending aid is implied as well. The pilot presides over a certain task, which is steering the ship. He utilizes the rudder and the look-out man to perform actions which are vital to that task. Each is thus an implement deployed at the pilot’s discretion to fulfill a certain function, which in turn guarantees the success of a greater aim, that of safely guiding the ship. In this respect each is the pilot’s tool, intended for a specific function, used for accomplishing a certain work.

It is now clear why Aristotle can refer to the look-out man as both a ὑπηρέτης and an ὀργάνον. His conception of an ὀργάνον corresponds to the sense of “assistant” embedded in ὑπηρέτης, since an ὀργάνον assists the user in his work. The look-out man certainly assists the pilot in his work. Moreover, an assistant is subordinate to his manager or employer. So too does a tool submit to the authority of its wielder. The look-out man is no exception: he is at the pilot’s disposal and command. Every ὑπηρέτης, then, can be described as an ὀργάνον by virtue of two aspects of his role: he serves as a necessary implement for discharging a function, and he is subordinate to the director of whatever enterprise he is assisting with. Under those terms, the designation ὑπηρέτης, and by extension ὀργάνον, could be applied to any free worker employed or managed by another.



If a free man can be classified as the subordinate and tool of his employer, every slave must inevitably be classified so. Ὑπηρέτης is an apt descriptor for certain free workers because of two concepts implicit in the word, assistance and subordination. Those two concepts account for the slave's characterization as a ὕπηρέτης, as well. Slaves assist their master with the upkeep of the household, and are subordinate to his will in that matter. Assistance and subordination, then, are the points of functional similarity which lead Aristotle to categorize both slaves and free professionals in the same way, as ὕπηρέτης and ὄργανον.

I have identified Aristotle's reasons for defining the slave as an ὄργανον, a tool. It is now possible to assess how that portrayal of the slave's function relates to the earlier one, presented in Aristotle's introduction to the household. There, it appeared that the slave plays the role of manual laborer, working at his master's behest. The master exercises his intelligence to make plans and decisions for the household; the slave uses his body to execute those designs. This depiction of the slave's function has two parts: 1) physical labor 2) acting on the master's orders. Although the passage about human tools makes no mention of the first element, it does pick up on the second. In both sections, Aristotle casts the master as the manager of household affairs. Therefore slaves work at his direction, and therefore it can be said that they serve as his subordinates, assisting him in his enterprise. From this view of the matter arises the slave's status as a tool. Thus, calling the slave a tool does not depart from the premises previously laid down. It simply emphasizes one idea – “acting on the master's orders” – rather than the other – “physical labor”. The designation “tool” does not take into account the nature of the slave's activities; instead, it encapsulates the nature of the distinction between master and slave, superior and subordinate, manager and assistant. “Tool” and “manual laborer” are not conflicting capacities, or even separate ones, since every tool must discharge a specific function. The slave

is his master's tool for performing physical labor. In the final analysis, Aristotle's remarks about the household, and those about human tools, communicate one conception of the slave's proper role, expressed in two slightly different ways: acting as the master's tool for bodily labor is equivalent to doing bodily labor at the master's command.

Having at last defined the slave and the slave's function, Aristotle explains how nature has endowed the slave to make him suitable for that function. His discussion is full of references to domestic animals. Before I explore that passage, it might be helpful to revisit Aristotle's initial slave-herd animal comparison, and reconsider it in light of later comments. When introducing the household, he stated that the ox serves the poor man in place of a slave. I demonstrated that Aristotle conflated ox and slave on the basis of two points of similarity: they are both part of the household, and they both perform physical labor. I can now add a third similarity. I have just shown that, when defining the slave's function, Aristotle emphasizes the notion of subordination as much as manual labor. A slave works on his master's orders; thus, he serves as the master's tool for carrying out bodily labor. In order for the assimilation of slave and ox to be complete – and it has to be, because Aristotle treats them interchangeably – then the ox, too, must be a tool. It will become clear how easily herd animals fit this description, if we think of the ox and plow in terms of Aristotle's later example of tools. Just as the pilot employs the look-out man and the rudder as an animate and inanimate tool for steering the ship, so a farmer employs an ox and a plow, an animate tool and an inanimate one, for the purpose of plowing the field. A plow does not pull itself, nor an ox move into the traces and pull the plow of its own accord. The farmer brings the two entities together, deciding when and where to plow. The farmer single-handedly initiates and dictates the whole activity, and so the other two elements in the process are merely tools by which he accomplishes what is essentially *his* task.

It is now obvious why Aristotle brings domestic animals into his discussion of slaves. As I suggested in the previous chapter, and will continue to argue in this one, domestic animals served as a shorthand reference for slavery, because they were perceived as slaves by nature. They are an entire species destined and formed for servitude, down to the last member. In this particular context, however, they also stand for a more specific set of attributes. They exemplify the two characteristics which Aristotle claims are the defining features of the servile role: manual labor and subordination. Animals do not, cannot, engage in intellectual work; they have only their bodies, and so bodily labor, to offer. Moreover, herd animals do not, cannot, discharge their tasks under their own impetus, at their own discretion – any more than a hammer can. They act only under compulsion from the master. Thus they exist in a truly perfect state of subordination, always executing their master’s will, doing jobs that are necessary for his well-being. Thus they are the perfect animate tools, or, as we would say, perfect pieces of equipment – like modern tractors, which eventually replaced draft animals.

Because his two definitions are basically equivalent – slave as physical laborer and herd animal, and slave as tool and possession – Aristotle can revert back to one after establishing the other. Although he has just described the slave as a tool and a possession, he never applies the label “tool” when he finally talks about the mental composition of the natural slave. He does specify once that such a person “is capable of becoming the property of another”, but other than that, references to physical labor and herd animals predominate. The passage is worth quoting in full:

ὅσοι μὲν οὖν τοσοῦτον διεστᾶσιν ὅσον ψυχῇ σώματος καὶ ἄνθρωπος θηρίου (διάκεινται δὲ τοῦτον τὸν τρόπον, ὅσων ἐστὶν ἔργον ἢ τοῦ σώματος χρῆσις, καὶ τοῦτ’ ἔστ’ ἀπ’ αὐτῶν βέλτιστον), οὗτοι μὲν εἰσι φύσει δοῦλοι, οἷς βέλτιόν ἐστιν ἄρχεσθαι ταύτην τὴν ἀρχήν, εἴπερ καὶ τοῖς εἰρημένοις. ἔστι γὰρ φύσει δοῦλος ὁ δυνάμενος ἄλλου εἶναι (διὸ καὶ ἄλλου ἐστίν) καὶ ὁ κοινῶν λόγου τοσοῦτον ὅσον αἰσθάνεσθαι ἀλλὰ μὴ ἔχειν· τὰ γὰρ

ἄλλα ζῶα οὐ λόγου αἰσθανόμενα, ἀλλὰ παθήμασιν ὑπηρετεῖ. καὶ ἡ χρεῖα δὲ παραλλάττει μικρόν· ἢ γὰρ πρὸς τὰναγκαῖα τῷ σώματι βοήθεια γίνεται παρ' ἄμοιβῆς, παρά τε τῶν δούλων καὶ παρὰ τῶν ἡμέρων ζώων. (1254b16-26)

We may thus conclude that all men who differ from others as much as the body differs from the soul, or an animal from a man (and this is the case with all whose function is bodily service, and who produce their best when they supply such service) – all such are by nature slaves, and it is better for them, on the very same principle as in the other cases just mentioned, to be ruled by a master. A man is thus by nature a slave if he is capable of becoming (and this is the reason why he also actually becomes) the property of another, and if he participates in reason to the extent of apprehending it in another, though destitute of it himself. Herein he differs from animals, which do not apprehend reason, but simply obey their instincts. But the use which is made of the slave diverges but little from the use made of tame animals; both he and they supply their owner with bodily help in meeting his daily requirements.

Here, Aristotle finally identifies the innate quality that makes the natural slave suited for the servile role, and no other. As he makes his case, he touches upon all the major premises of his argument, and, at each point, he associates slaves and herd animals as closely as possible. He repeats that natural slaves 1) perform physical labor in service to the master 2) are subordinate to the master 3) have been made by nature specifically for that function. In the course of the passage, Aristotle maintains that each of these attributes are just as applicable to domestic animals as to slaves. However, despite going out of his way to establish the functional similarity between them, he concludes that human slaves do not possess the same nature as domestic animals.

The assimilation of slave and animal on the basis of physical labor is especially obvious and emphatic in this passage, clearly demonstrating the ideological entanglement of slaves, domestic animals, and bodies. Animals are in fact mentioned three times; likewise, the word σῶμα appears three times. From the very first sentence, the reason for connecting body, slave, and animal is obvious: the body links slaves and herd animals, because both engage in bodily labor. Aristotle begins, “We may thus conclude that all men who differ from others as much as

the body differs from the soul, or an animal from a man...” This statement groups animal, slave, and body together, in opposition to human and soul.

While stressing that both human and animal slaves are manual laborers, Aristotle reminds the reader that this role gives rise to their inherent characteristics. Who are these servile men, who differ from others as much as body from soul and animal from man? The answer is: “all those whose function (ἔργον) is bodily service (ἢ τοῦ σώματος χρῆσις), and who produce their best when they supply such service”. Here the crucial notion of function, ἔργον, resurfaces. The slave’s function determines his innate qualities, since nature has formed each thing so as to best fulfill its function. Thus, those “who produce their best” when they perform the servile function, must have been formed by nature in order to perform that function. What is this function appropriate to slaves? Use of the body (ἢ τοῦ σώματος χρῆσις). The reader is already prepared to identify this function with that of herd animals, since Aristotle grouped animal and body together in the very first sentence. The final sentence reinforces the association. He notes that the use (ἢ χρῆσις) made of slaves differs little from that of domestic animals. From both comes bodily help in meeting daily requirements: ἢ γὰρ πρὸς τὰναγκαῖα τῷ σώματι βοήθεια γίνεται παρ’ ἀμφοῖν.

The final sentence, in addition to reemphasizing physical activity, also alludes to the second feature that defines the servile state: subordination. The phrase τῷ σώματι refers to manual labor, and ἢ βοήθεια refers indirectly to Aristotle’s other description of the slave, slave as ὑπηρέτης and ὄργανον. That description, as I argued earlier, arises from the ideas of “assistance” and “subordination” implicit in ὑπηρέτης. Βοήθεια is a conceptual echo of ὑπηρέτης and ὄργανον, in that it too expresses the sense of “help” or “assistance” rendered to the master, and, by extension, of “subordination” to the master. Since Aristotle specifies that

βοήθεια is forthcoming from both slaves and animals, he is explicitly stating what the reader previously had to infer: the herd animal, like the slave, should be considered a ὑπηρέτης and an ὄργανον. This final sentence, then, completes the assimilation of slave and domestic animal on the basis of function. Aristotle has brought their respective roles into perfect alignment, maintaining that they in fact fulfill the same role in two major respects: they perform physical labor and they are subordinate to the master. He has argued, as well, that both types of creature have been formed by nature to play that part.

Aristotle only contrasts slave with herd animal when he discusses their mental capabilities. He writes, “A man is thus by nature a slave...if he participates in reason to the extent of apprehending it in another, though destitute of it himself. Herein he differs from animals, which do not apprehend reason, but simply obey their instincts”: ἔστι γὰρ φύσει δοῦλος...ὁ κοινωνῶν λόγου τοσοῦτον ὅσον αἰσθάνεσθαι ἀλλὰ μὴ ἔχειν. τὰ γὰρ ἄλλα ζῷα οὐ λόγῳ αἰσθανόμενα ἀλλὰ παθήμασιν ὑπηρετεῖ. At last, Aristotle has indicated the characteristic which makes a slave adapted by nature to his role. The fact that he differentiates between slave and herd animal in this one regard seems strange in a passage devoted to establishing the similarity between them. By his own reasoning, slaves and domestic animals should be virtually identical, since they discharge identical functions. Apparently, not even an apologist as determined as Aristotle could deny the evidence of his own eyes, and pretend that slaves were no more intelligent than animals. He grants slaves some share in reason, but none at all to animals.

Specifically, Aristotle claims that slaves participate in reason (λόγου) so far as to apprehend it (αἰσθάνεσθαι), but not to possess it (ἔχειν). What does that mean, and how does this mental profile equip the slave for his particular function? This characterization of the slave’s mental capacity can only be explained with reference to Aristotle’s own psychological

theory.<sup>33</sup> For our purposes, we need not inquire too closely into the details, or how a creature could possibly understand reason without actually having it. It is enough to form a rough idea of Aristotle's meaning from his comments in the *Politics* itself. Later in the text, he claims that "the slave is entirely without the faculty of deliberation": ὁ μὲν γὰρ δοῦλος ὅλως οὐκ ἔχει τὸ βουλευτικόν (1260a12). Elsewhere, he says that slaves and animals "have no share in...a life based on choice": διὰ τὸ μὴ μετέχειν...τοῦ ζῆν κατὰ προαίρεσιν (1280a33-34). From these remarks, we might safely conclude that the slave cannot deliberate for himself and thus arrive at a rational choice. Therefore he does not possess reason, to the extent that he is unable to produce the reasoned discourse that leads to an informed decision. According to Aristotle, however, he can "apprehend" reason. Aristotle must be suggesting that, although a slave cannot engage in rational discourse, he can comprehend it when it is directed at him by another. To put it another way, the slave lacks the δῖανοια, intelligence, which was identified as the peculiar characteristic of the master back in the introduction to the household. This attribute enables the master to "foresee", προορᾶν, presumably because he utilizes his intelligence to rationally assess a situation, and devise a response likely to ensure a positive outcome. A natural slave does not have this power, but he can understand his master's reasons and instructions well enough to recognize their wisdom, and execute them.

This mental profile does indeed correspond to the slave's function, as Aristotle has defined it. A slave's proper role requires him to implement his master's will by performing bodily labor. The natural slave's limited grasp of reason makes him exactly suited to both aspects of this task. He must earn his keep through physical labor, because he has nothing else to offer; his mental deficiency leaves him unable to make intellectual contributions. The same

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<sup>33</sup> On Aristotle's psychological theory, and its role in his theory of natural slavery, see Fortenbaugh (1977). For both an application and a critique of Fortenbaugh's interpretation, see Smith (1983).

deficiency renders him a perfect tool for implementing the master's will. Since he can comprehend his master's commands and their rationale, if it is explained to him, he is both receptive to those commands and capable of executing them. However, his intellectual shortcomings ensure that he will not exceed the purview of his station by formulating those orders for himself. The slave does not need to think for himself; his master thinks for him. Such an ability would be redundant in a slave, since he is constrained to obey his master anyway. It would even be undesirable, threatening to undo the master-slave relationship entirely. A high level of intelligence in the slave would potentially blur the distinction between master and slave, undermine the former's claim to authority over the latter, and incite the slave to dangerous levels of independence. The fact that Aristotle limits the intellectual capacity of the natural slave thus reflects the concerns of a slave owner, who had a vested interest in reinforcing the disparity between himself and his slaves as a means of maintaining his power over them. This biased perspective leads Aristotle to identify a mental defective as the person best equipped to fulfill the servile function. A human endowed with the ability to apprehend reason, but not to produce it, can carry out his assigned tasks with efficiency, but cannot challenge his state of subordination.

A person so composed is ill-furnished to live without a master. Because his own reasoning capabilities are impaired, the natural slave actually stands to benefit from his master's direction. This constitutes one, last similarity between slave and domestic animal. Aristotle declared in his introduction to the household that the association of master and slave is advantageous to both parties. They band together *διὰ τὴν σωτηρίαν*, for the sake of preservation, and cannot exist without each other. Since they cooperate to ensure mutual survival, the same thing benefits both. The word *σωτηρία* resurfaces in a comment about herd animals, thereby establishing another parallel between slave and animal. Both unite with the master for the sake



of some sort of σωτηρία. Aristotle states, “Tame animals have a better nature than wild, and it is better for all such animals that they should be ruled by man because they then get the benefit of preservation”: τὰ μὲν γὰρ ἡμεῖρα τῶν ἀργίων βελτίω τὴν φύσιν, τούτοις δὲ πᾶσι βέλτιον ἄρχεσθαι ὑπ’ ἀνθρώπου· τυγχάνει γὰρ σωτηρίας οὕτως (1254b10-13). Presumably σωτηρία, or “preservation”, in this instance means the same thing it did previously: the provision of daily needs.

To understand why the daily needs of animals and slaves are better provided for with a master than without, we must again consider the master’s contribution to the partnership between himself and his animal and human subjects. The sentence above specifies that it is better for tame animals “to be ruled by man” (ἄρχεσθαι ὑπ’ ἀνθρώπου); thus they procure σωτηρία. For the animal, then, σωτηρία is the result of being ruled, not of cooperating on an equal footing. This thought occurs in a section which argues that every whole has a ruling element (τὸ ἄρχον) and a ruled, or subject, element (τὸ ἀρχόμενον). In each case, it is natural (κατὰ φύσιν) and beneficial (συμφέρον) – for both the whole and the subject element – that the ruling element hold sway (1254b2-16). The man-animal relation is offered as an example. The entire argument culminates with the assertion that the same holds true for the master-slave relation. The concepts and language here echo those found in Aristotle’s earlier remarks, on the household. When he first speaks of the natural master and natural slave, he refers to them as the “ruler and ruled by nature”, ἄρχον δὲ καὶ ἀρχόμενον φύσει. In these two passages, then, Aristotle portrays both slave and herd animal as natural subject elements, who gain from their subordination to the natural ruling element, embodied by the master. By doing so, Aristotle indicates that both kinds of slave stand in the same relation to the master, and so profit from his rulership in the same way.

What does the master's rulership entail, and how does it promote the welfare of his subjects? When I discussed Aristotle's remarks on the household, I noted that he identifies intelligence, *διάνοια*, as the special attribute of the natural master, which grants him the special ability to foresee, *προορᾶν*; it is by virtue of this innate ability that the natural master is a natural ruler. We have seen that Aristotle's entire argument reflects this understanding of the master's capacities and purpose. He basically envisions the master as upper management: he is the director of the household enterprise, who uses his peculiar rational powers to make the best possible plans and decisions for the upkeep of the household. Slaves and herd animals must rely on their master to perform these duties, since, as entities not formed for rulership, they lack the rational capacity to do it themselves.

Because the master's role consists of planning and management, and the slave's role consists of physically implementing those designs, the distinction between ruling and being ruled amounts to a division of labor; Aristotle allots intellectual labor to the master, and manual labor to slaves and domestic animals. From this division of labor arises provision for the necessities of life. Each party in both pairs – master and human slave, master and animal slave – provides the other with something that he himself lacks. By pooling the mental resources of the master, and the physical resources of human and animal slave, together they accomplish whatever work is required for the upkeep of the household. It is vital to this process that the master have authority over all the participants, because his intelligent management makes the most of their working potential. I observed that herd animals do not carry out their jobs at their own instigation; their owner must compel them to perform the work. Likewise, the master must have control over the slave's activities. Because the natural slave cannot reason, any more than a herd animal, he cannot even determine how best to use his own body, any more than a herd animal can. For this

reason, it benefits slaves and animals alike to serve and obey the one who knows how to utilize them. Thus, their subordination, and the master's rule, is advantageous in that it guarantees necessary tasks are accomplished in the best possible way, thereby improving the standard of living for all involved.

I argued previously that the servitude of natural slaves, human and animal, was considered just because that condition accorded with their innate capacities and merits. We have now seen why their servitude was supposedly beneficial for them, as well: it maximized their material well-being. This point completes the assimilation of slave and herd animal on the basis of function. By Aristotle's reckoning, although the two are not mentally identical, they are identical in all the circumstances which pertain to their role in the household: the activities they perform, their subordination to the master, and now, finally, the return they secure by participating in that unequal partnership.

That is the sum of Aristotle's theory of natural slavery, as it relates to the conflation of slave and herd animal. The entire argument responds to contemporary critics of slavery, who apparently critiqued slavery on the grounds that the master-slave distinction is conventional rather than natural. Aristotle sets out to show that the distinction is natural in instances where the master and slave are both innately suited for their particular roles. In order to accomplish this goal, he has to describe what those roles consist of, and how nature has formed certain people especially for those roles. His teleological theory provides the ideological mechanism which allows him to posit the existence of these two, intrinsically different categories of human being, fashioned by nature for two different functions. Aristotle's teleology holds that every organism is constituted by nature in the way that best enables it to fulfill its function. Since masters and slaves do in fact perform necessary but distinct functions, natural masters and natural slaves must

exist, each constituted differently in order to suit their respective functions. The master's function is to make decisions and formulate plans for the household, using reason. The slave's function is to physically implement his master's plans, which amounts to serving as his master's tool for performing physical labor. This function has two aspects: bodily labor and subordination to the master. A person formed for that function possesses limited mental abilities. He can understand reason, and so execute his master's orders; however, he cannot reason for himself. Thus he must be told what to do, and has nothing to offer but his body. When nature has made someone in such a way, the distinction between master and slave is natural and just. The master-slave arrangement is beneficial, as well, even for the slave, because it optimizes his material welfare. The same is true of domestic animals, also fashioned by nature for precisely the same function. They are even more mentally deficient than human slaves, since they cannot comprehend reason at all. Therefore, they can do no better than to carry out bodily labor at the master's bidding.

### The Problems

Ostensibly, this theory offers a likely basis for the many slave-herd animal comparisons in the Greco-Roman textual record. As I discussed in the previous chapter, it seems to have been a common belief that domestic animals are natural slaves: because nature has made them for the purpose of serving mankind, they inevitably possess an inherently servile character. When Aristotle claims that human slaves, too, are slaves by nature, he locates them in the same conceptual category as herd animals. He also makes slaves equivalent to animals in several essentials. Aristotle maintains that both fulfill the same function, suffer a similar mental deficiency, and receive an identical benefit from their servitude. A comparison between the two

that invokes Aristotle's theory could therefore allude to the broader point of similarity, their shared status as natural slaves, or to any of the more specific points just mentioned.

We might think that ancient slave owners would embrace Aristotle's argument, since it justifies their power over and exploitation of slaves. In fact, there is reason to believe that the idea was never widely accepted at all; it certainly does not account for the majority of slave-herd animal comparisons. I have observed that Aristotle's theory not only assimilates slave and herd animal to the same category, "natural slave", but also establishes other, more specific points of likeness, all of which are related to function. As I will demonstrate, these functional similarities provide the grounds on which Aristotle assimilates slave to herd animal. Here is the first indicator that his theory does not underlie most slave-herd animal comparisons. He himself reveals – and utilizes – a basis of comparison which is both more fundamental and more conventional: productive function. I will also discuss the following two circumstances, which make his theory unlikely to have been adopted in antiquity, especially by the Romans, and thus unlikely to have inspired a phenomenon as widespread as the slave-herd animal comparisons. Aristotle's argument is more theoretical than practical. It is doubtful whether anyone familiar with ancient slavery would have found it applicable to reality. Moreover, the Stoics generally denied that any human is a slave by nature. Because Stoicism influenced the Romans far more than Aristotle, their opposition is likely to have limited the impact of Aristotle's theory among the Romans.

### Function-Based Comparisons

For the most part, Aristotle himself does not liken slave and domestic animal on the basis of his own theory. Almost all of his comparisons establish similarities in function, which are

external circumstances, separate from the personal character of those being compared. However, for us to safely conclude that a comparison makes use of his theory, it must clearly indicate that slaves and animals have some inherent feature in common. To say that both are natural slaves is to posit a shared character trait. If a slave or animal is a slave by nature, then nature has bestowed on him a certain character trait, or innate quality, that renders him fit for servitude. Yet, only twice does Aristotle make a statement that links slave and animal because of an innate quality. A close examination of both passages will reveal that, according to Aristotle's own theory, the inborn characteristics of slaves and animals do not precisely correspond. Thus, comparing them on the premise that both are natural slaves is problematic, even for Aristotle. He has better grounds for claiming that they perform the same function; that assertion, as I maintain, comments on the external circumstances associated with the servile role, rather than the character of the slave himself.

I will now show that functional similarity is the more basic and workable analogy, one which does not depend on Aristotle's theory, but actually gives rise to it. Moreover, the function supposedly shared by slave and herd animal, according to Aristotle, has two important features: it is an economic or productive function, and it is the function conventionally assigned to slaves and herd animals. I contend that, so far from Aristotle introducing the practice of slave-herd animal comparisons, a long-standing tradition of such comparisons, based on productive function, actually influenced him and shaped his theory. This understanding of the matter explains the prominence of the comparisons in his argument. He uses this common habit, and the common ideas associated with it, to support a more original notion: that of the teleologically adapted and mentally deficient slave by nature. Thus, Aristotle primarily employs the kind of

function-based slave-animal comparisons that were already standard by his day, and does so for rhetorical ends.

I have already touched upon one of the comparisons that seem to establish an inherent similarity between slave and herd animal. Shortly before he describes their reasoning capacities, or lack thereof, Aristotle says: “We may thus conclude that all men who differ from others as much as body differs from the soul, or an animal from a man...all such are by nature slaves” (1254b16-19). When I discussed this sentence earlier, I pointed out that it associates both slave and animal with the body, and so with bodily labor. It also suggests that slaves are intrinsically different from other humans and intrinsically like animals, since they “differ from others as much as...an animal from a man”. However, this is one of the many contradictions within Aristotle’s argument. By his own reasoning, natural slaves are not, in fact, as far below other humans as animals are. When he provides the psychological profile of a natural slave, he specifically contrasts the slave’s mental capabilities with those of animals: “He participates in reason to the extent of apprehending it in another, though destitute of it himself. Herein he differs from animals, who do not apprehend reason, but simply obey their instincts” (1254b22-24). While animals have no share in reason at all, natural slaves do “participate in reason”. Apparently, that is enough reason to make them human, albeit sub-standard humans, because Aristotle refers to slaves as ἄνθρωποι several times in the course of his argument, including three times in his definition of the slave (1254a13-20), as I indicated previously. Thus, even if he falls short of full human potential, the natural slave is not mentally equivalent to a herd animal. His mental deficiency certainly brings him much closer to the status of animal; nonetheless, the natural slave is neither completely human nor completely animal, but *sui generis*.<sup>34</sup> This means

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<sup>34</sup> I owe this point to Schlaifer (1936) 196.

that Aristotle's theory will not support a comparison that equates slaves with animals because of mental composition. The most that can be said is that both are mentally lacking, though in different ways. The fact that slaves and herd animals differ mentally constitutes, too, a strange feature in Aristotle's argument. He contends that both domestic animals and natural slaves are equipped by nature for precisely the same function, but, evidently, the one, natural trait that makes them so equipped is not the same for both.

There is a second passage which seemingly assimilates human to animal slave due to a shared innate quality. Having established that some humans, like animals, are slaves by nature, Aristotle says that such people, like animals, ought to be hunted and subdued (1256b15-26). Here again, though, he does not actually posit that slaves and herd animals have the same inherent traits; rather, he makes the comparison on the grounds that both types of slave perform and are naturally suited for the same role. He begins the thought by stating that plants exist to give subsistence to animals, and animals to give subsistence to men. Domestic animals serve for use (διὰ τὴν χρῆσιν) as well as for food, and even wild animals furnish food and other provisions. From these observations, Aristotle reaches the following conclusion. "Accordingly, as nature makes nothing purposeless or in vain, all animals must have been made by nature for the sake of men": εἰ οὖν ἡ φύσις μηδὲν μήτε ἀτελὲς ποιεῖ μήτε μάτην, ἀναγκαῖον τῶν ἀνθρώπων ἔνεκεν αὐτὰ πάντα πεποιηκέναι τὴν φύσιν. The word ἀτελὲς – from τέλος, "end" – shows that Aristotle's teleological theory is at work here. Animals provide for various human needs. Since they serve that end, and since nature makes everything for an end, animals must have been made specifically for the end which they do in fact serve. This is as close as Aristotle comes to saying explicitly that domestic animals are slaves by nature, though the assumption has been there all



along. Domestic animals exist by nature for the sake of men, and have been designed by nature for their use, διὰ τὴν χρῆσιν.

That attribute – designed by nature for use – is the one that animals share with humans in this passage; Aristotle is not necessarily claiming that some humans therefore are animals. The concept of “use”, χρῆσις, figured prominently in Aristotle’s discussion of the natural slave, presented as the primary feature that slaves and herd animals have in common. The natural slave’s function (ἔργον) is use of the body (ἢ τοῦ σώματος χρῆσις) (1254b18), and the use (ἢ χρείᾳ) made of the slave differs little from the use made of tame animals (1254b24). There, we learned that the natural slave’s proper function, for which he has been created, coincides with the use to which herd animals are put. Here, Aristotle finally confirms that animals, too, have been created by nature especially for that same use and function. If a natural slave is someone or something that nature has fashioned to discharge the servile function, then domestic animals match that description just as well as human slaves. The fact that both slaves and animals fit this description, and that they are both natural slaves as a result, forms the emphasis of this passage. Aristotle does not mention the particular qualities which make them suited to their function.

Because they are natural slaves – not because they are mentally identical – Aristotle proclaims that hunting both animals and servile humans is natural and just. “Hunting humans”, of course, would normally be referred to as “warfare”. Aristotle conflates hunting and warfare on the grounds that both are modes of acquisition. Once he has established this point, he says: “Hunting ought to be practiced – not only against wild animals, but also against human beings who are intended by nature to be ruled by others and refuse to obey that intention – because war of this order is naturally just”: ἡ γὰρ θηρευτικὴ...ἣ δεῖ χρῆσθαι πρὸς τε τὰ θηρία καὶ τῶν ἀνθρώπων ὅσοι πεφυκότες ἄρχεσθαι μὴ θέλουσιν, ὡς φύσει δίκαιον τοῦτον ὄντα τὸν πόλεμον.

This statement must be explained with reference to the preceding discussion on natural slavery. The entire argument assumes that slavery is just if, and only if, the master and slave are each innately suited to and deserving of their positions; on this, Aristotle and his anonymous opponents agree. Therefore, the master-slave distinction is just when the former is a ruler by nature, and the latter a subject by nature. The current passage also presumes that justice is proportionate. When Aristotle claims that it is just to hunt “human beings intended by nature to be ruled by others” (πεφυκότες ἄρχεσθαι), he surely refers to natural slaves, for whom subjection to the master’s rule is part of their natural function, and for whom such subjection is just, because it is their due. Since he identifies hunting and warfare as means of acquisition, he clearly imagines that hunting or warfare, when practiced against natural slaves, aims at acquiring slaves, rather than killing them. Thus, hunting or warring against natural slaves attempts to reduce them to the state that nature has intended for them, and which fits their inherent qualities. For this reason, a war of that type is natural and just. Natural, because directed toward compelling slaves to fulfill the function which nature has created them for. Just, because that is their appropriate lot.

By saying that hunting ought to be practiced against both wild animals and natural slaves, Aristotle makes it clear that the same argument applies to hunting animals as to hunting slaves. All animals, by Aristotle’s reckoning, exist to provide for men, and are therefore innately suited to fulfilling this purpose. If a wild animal is captured and domesticated for service, that is one way in which an animal can provide for humans. If a wild animal cannot be tamed, but is killed for meat or some other product, that too provides for humans. Either way, the application of force ensures that the animal performs its natural function and suffers the fate merited by its natural qualities – just as the application of force ensures that natural slaves perform their

function and receive their due. In both cases, that function entails meeting the needs of the natural ruler in some manner. The assertion, then, that it is just and natural to hunt both animals and natural slaves relies on the premise that both have been designed by nature for the same function. The exact details of the design, which render each party suited for their function, do not matter here.

By now it should be clear that mental likeness does not prompt Aristotle to compare slave and herd animal, and to do so repeatedly and emphatically throughout his argument; similar function does. Intellectual deficiency, in a general sense, renders each fit for the servile function, but they are not intellectually equivalent. Although he proposes that both lack full reasoning capacity, he still grants some reason to slaves, thus making them human, rather than mere animals. Apparently nature has equipped them in different ways for their role. After having established their respective psychological profiles, he drops the matter of mental composition. His next comparison, which asserts that both may be hunted justly, operates on the principle that both are slaves by nature, without addressing the mental traits that make them innately servile. By the terms of Aristotle's theory, they are both natural slaves because nature has formed them for the same, servile function, not because they are identical in all respects, or even with regard to their reasoning powers.

This view of the matter reveals the primary basis of comparison between slave and herd animal, the one that generates all others: function. For Aristotle to contend that nature has formed them for the same function, he must first suppose that they do, in fact, serve the same function. That view underlies the very first slave-herd animal comparison, in which Aristotle claims that the ox serves the poor man in place of a slave (1252b12). Ox and slave are interchangeable with regard to the function, or work, they perform in the household. Like the

rest of the premises established in Aristotle's introduction to the household, this function-based comparison helps set up the rest of his argument. It is from this supposed functional similarity that he extrapolates both his definition of the slave, and the psychological profile of the natural slave. As I have already pointed out, the initial assumption that gives rise to Aristotle's theory of natural slavery is the belief that slavery is necessary and therefore natural; since it is natural, then, by the terms of Aristotle's teleological theory, there must be a natural human type adapted to fulfill that role. Accordingly, he first sets out to delineate the natural slave's function – clearly with herd animals in mind, as the comparison with the ox reveals. After defining the slave's function, only then can Aristotle propose the psychological profile which would best enable a person to discharge that function. He fits the mind to the function, not the function to some preconceived notion of the slave's mental capabilities. Thus, the psychological profile is the result of Aristotle's procedure, and the natural slave's diminished mental capacity – which brings him closer to the level of an animal – is the endpoint of a long line of reasoning: a line of reasoning which begins with the premise that slaves fulfill the same natural function as domestic animals. The functional comparison is prior to the mental one, prior to all other points of comparison, and is therefore fundamental to Aristotle's whole argument.

Since, according to Aristotle's reasoning, function gives rise to innate qualities, the notion that slaves and animals perform the same function shapes his entire theory – and Aristotle is at pains to emphasize that fact. He decides that both carry out physical labor at the master's direction; because the master provides the rational element in that process, herd animals and natural slaves lack the ability to reason for themselves, having no need of it. This characterization of the slave's role brings his function perfectly – suspiciously – into alignment with that of a herd animal. Animals clearly offer only physical services, and possess inferior

intelligence; Aristotle has fairly secure grounds for pronouncing as he does on their function and powers. However, his description of the slave's function is more theoretical than realistic, in that many slaves surely had to exercise reason from time to time in executing their duties, and not all of them were engaged in manual labor. Aristotle – purposefully? – subscribes to a view of the slave's proper function that ignores observable reality, and in so doing, assimilates the slave's usefulness as closely as possible to that of an animal. If he then posits a rough psychological resemblance between the two, making them both mentally deficient, it is because their functional similarity calls for an innate similarity. Two entities designed by nature for the same purpose must have some trait in common, which equips each alike to serve that purpose. Aristotle thus appears to go out of his way to fit the slave's function to that of a domestic animal, with dire consequences for the intelligence and humanity of the slave.

It ought to be noted that the function shared by slaves and herd animals is essentially an economic, or productive, one. Because Aristotle locates both in the οἶκος, the role which he assigns to them is economic, in the strict sense. It is economic in the broad sense if we recognize that Aristotle is basically talking about productive function. Strangely, Aristotle insists that a slave is a tool for action, not for production (1254a1-6). I say “strangely”, because many servile activities must have aimed at production. As P.A. Brunt points out, it is difficult to see which slave services could not be brought under the heading of production.<sup>35</sup> I showed earlier that, when Aristotle claims that both master and slave derive σωτηρία from their relationship, σωτηρία means “provision for the daily necessities of life”. The daily necessities of life consist of goods that are necessary in order to live. If the master-slave relationship exists for the sake of σωτηρία, and σωτηρία subsists in producing necessary goods, then the relationship exists for

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<sup>35</sup> On the slave as a tool for action, and the seeming confusion of Aristotle's thoughts on this matter, see Brunt (1993) 386-8.

producing necessary goods. It could be that Aristotle identifies the proper purview of slaves as “action” because “production” is a kind of action, and therefore falls under that wider heading; thus, the activities of a slave could be understood to include production, among other things.<sup>36</sup> At any rate, the slave’s function, as he describes it, is essentially a productive or economic one, in our sense of those words. Even a service that does not result in a tangible product, such as cleaning, has a certain monetary, and so economic, value.

Aristotle’s emphasis on the slave’s subordination obscures the economic focus of his argument, since the notion of subordination seems to indicate a power relationship rather than an economic one. However, as I noted previously, it really signifies not so much the power disparity between master and slave, as the division of labor between them. The master uses his intellect to plan. The slave uses his body to implement that plan. Respectively, they represent the intellectual and physical aspects of one productive process, providing for the household. In this process, the plan is prior to the execution, and the executor must obey the planner. “Subordination” in this context therefore refers to the slave’s secondary role in production, as the executor of another man’s plans. It does not refer to the power relation specific to legal slavery, whereby a slave’s life is completely subject to the master’s power. This reading is borne out by the fact that Aristotle illustrates his point with examples that feature free men; he could not do so if he were thinking about slavery’s peculiar power dynamic. When he describes the slave as a tool – a description which entails the idea of subordination, as I said – he uses the look-out man as an example of an animate tool (1253b29). Later, he groups the assistants of master-craftsmen (τοῖς ἀρχιτέκτοσιν ὑπηρετῶν) together with slaves as types of animate tools (1253b38-1254a1).

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<sup>36</sup> The distinction between action and production, *πρᾶξις* and *ποίησις*, seems to lie in the end for which the activity is pursued. An action that has no end other than its own performance is a *πρᾶξις*, whereas an action that aims at yielding a tangible object, separate from the process of making it, is a *ποίησις*. For Aristotle on this distinction, see especially *Nicomachean Ethics* 1140b6-11. Even there, though, Aristotle does not explain the difference very carefully.

His reference to the assistants of “architects”, master-craftsmen, suggests a modern parallel. Construction workers, who realize the designs of architects, and who often take orders from foremen, perfectly fulfill Aristotle’s qualifications for tools and slaves. They perform manual labor on another’s orders, in order to execute the plans of another. We would have no trouble with classifying the construction worker’s professional role as an economic and productive one, and – given the exact correspondence between their job description and a slave’s – we should do the same for the role which Aristotle designates for slaves. Thus, when Aristotle defines the slave and his personal qualities according to function, he is doing so according to the slave’s economic or productive function. A productive function which domestic animals also serve.

Aristotle was probably not the first to characterize slaves by their productive function, and to see a similarity between slave and herd animal on that basis. He was certainly not the last. In the next chapter, I will demonstrate that Roman authors also assimilated one to the other because of productive function. This is not the place to explore the Greek tradition of comparing slaves to domestic animals, but I will point out that the habit of likening slaves to animals, and of emphasizing their use for physical labor, predates Aristotle’s theory of natural slavery. Tyrtaeus, for instance, a Spartan poet active in the seventh century B.C., wrote that the Messenians are “like asses worn out by great burdens”: ὅσπερ ὄνοι μεγάλοις ἄχθεσι τειρόμενοι (Paus. 4.14.4-5).<sup>37</sup> There are also instances in which authors assimilate slave and animal, without stating the basis of comparison, and others in which they speak of the slave as a manual laborer, without reference to herd animals. Xenophon, for example, twice compares slaves to animals (*Oec.* 13.9; *Cyrop.* 8.1.43-44). Demosthenes twice employs the word “body”, σῶμα, without an adjective to indicate the slave (24.167; 59.29), a usage which must surely arise from the notion that slaves

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<sup>37</sup> =West (1972) Tyrt. Fr. 6, pg. 153.

work with their bodies. By the fourth century, it was clearly common and acceptable, at least in literary works, to treat slaves as physical laborers, and as a category of humans analogous to animals. Since this is the case, we should not automatically look to Aristotle to explain any given slave-herd animal comparison. It is far more likely that widespread assumptions shaped his own ideas, than that he single-handedly invented those assumptions and put them into circulation.

I propose, in fact, that, in formulating his theory of natural slavery, Aristotle drew upon a pre-existing tradition of slave-herd animal comparisons, and that the prevalence of such comparisons in his argument serves a rhetorical purpose – just as the comparisons we saw in Cicero and Sallust draw on a tradition and serve a rhetorical purpose. I have already suggested that Aristotle models the slave's function on that performed by domestic animals – not entirely realistically. Why? Could he not have formulated a more nuanced definition of the role played by human slaves? As I said, he was probably influenced by common ideas, or generalizations, about slaves and their purpose, but that still does not explain why he goes out of his way to establish such a close correspondence between slave and herd animal. Human slaves are the topic under discussion, not animals, and no one would have denied that domestic animals provide bodily assistance, lack full human intelligence, and are seemingly formed for service to humans. However, animals are useful to Aristotle's argument precisely because there was a general consensus regarding their function, mental powers, and innate servility – just as animals are useful to Cicero and Sallust for the same reason.

There was no such consensus about the mental powers and innate servility of human slaves, which is why Aristotle employs animals to make his case. The critics of slavery attacked the institution on the very grounds that there is no intrinsic, or natural, difference between master



and slave. Apparently, it was not evident to everybody that slaves possessed sub-standard reasoning capabilities. It could be true – indeed, it seems likely – that the critics of slavery were assuming a polemical stance, and that Aristotle’s belief in innately substandard humans better reflects common prejudice. Even so, it requires an additional leap in logic to arrive at the conclusion that naturally inferior humans are also intended by nature to be slaves. Perhaps this too was a popular view, but the same cannot possibly be said for Aristotle’s particular variation on the idea of natural slaves. The average person would hardly have thought that some humans are teleologically adapted to the servile economic role by virtue of understanding reason without possessing it.

That is the unusual and non-obvious point that Aristotle has to make, and herd animals provide a means for doing so. I will now show that his use of man-animal comparisons suggests that they serve in a rhetorical capacity. He sets forth his least problematic premise, that human and animal slaves fulfill the same function – least problematic, because based upon popular preconceptions. Once he has established a similarity in function, he can more easily demonstrate that slaves and animals also share an innate similarity, connected to that function. Thus he assimilates their respective functions as much as possible, so that he can more convincingly assimilate their natural characteristics. He may do so simply to clarify and support his reasoning. If he believed his conclusions to be contentious, perhaps the comparisons are even meant to be persuasive. Either way, the close association of slaves with herd animals is an argumentative strategy.

The illustrative, or persuasive, end of Aristotle’s slave-herd animal comparisons is most obvious in the section which discusses the natural slave’s mental composition (1254b16-26). Despite the fact that he has thus far mentioned animals only once, in this brief space he compares

them to slaves three times, each time establishing some sort of similarity between the two. It is significant that the comparisons cluster around the conclusion that is both the culmination of Aristotle's defense of slavery, and his most debatable assertion. The psychological profile denies natural slaves the ability to reason, while still granting them some rational capacity. According to Aristotle's argument, this faulty reason makes a person a slave by nature; the existence of such people justifies the institution of slavery. The critics of slavery would have taken exception to the profile, because they did not believe that nature had so differentiated slave from master. The absence of such a distinction formed the grounds for their critique of slavery. This is the critical juncture of Aristotle's argument, the issue that the whole controversy turns upon. Even if he is not particularly concerned with answering the critics of slavery, the psychological profile is still the most problematic part of Aristotle's argument, in that it is the product of his own psychological and teleological theory. It does not represent a common conception of slaves' natural endowments. Here, then, if anywhere, he needs to support his thesis. He evidently chose to shore up his point by emphasizing the similarity between slaves and herd animals.

The first comparison introduces the passage, drawing attention to the slave-herd animal connection from the beginning, and readying the reader for the disclosure which is to follow. This is the comparison which talks about humans "who differ from others as much as body differs from the soul, or an animal from a man". I discussed earlier how this line posits a twofold likeness between natural slave and animal: function and some innate quality, as yet unspecified. Grouping slave, animal, and body together refers to their shared role as physical laborers. To say that some people differ from others as much as body from soul, or animal from man, is to imply that, like animals, such people somehow differ from other humans because of

that role. Aristotle states this point more explicitly when he continues: “(and this is the case with all whose function is bodily service, and who produce their best when they supply such service) – all such are by nature slaves”. Natural slaves are those who are suited by nature for a certain function, bodily service – just like domestic animals. Because they are so equipped, they differ from other humans – as animals do. Having called to mind the obvious (slaves and herd animals serve the same function), and having prepared the reader for the not-so-obvious consequence (nature has therefore fashioned both in a similar way, so that they may best fulfill that function), Aristotle finally launches his boldest, most original, and most dubious claim. Natural slaves participate in reason to the extent that they can apprehend it in another, but they do not possess reason themselves; in this regard they differ from animals, who cannot even apprehend reason. This statement both contrasts and likens slaves and animals. It contrasts them, in that it grants slaves some reason, and so a claim to humanity. However, even if they are not exactly alike, they are broadly similar in that both lack full reasoning capacity, and thus the capacity to reach full human potential. Aristotle’s next comment is telling. As soon as he has advanced his key proposition, he immediately rushes to remind the reader – again – that slaves and animals discharge the same function. Although he noted their shared function way back in his introduction to the household, and although he mentioned it just two sentences previously, he hammers the point home in the last sentence of his discussion of the natural slave’s mental capabilities, as an explanation and a defense for his doubtful claim. “But the use which is made of the slave diverges but little from the use made of tame animals; both he and they supply their owner with bodily help in meeting daily requirements”.

By repeating this more conventional proposition, Aristotle clearly means to reinforce his theory. If the reader believes that slaves and herd animals perform the same function, which

Aristotle treats as a given, then he should also believe the conclusion which Aristotle has extrapolated from that premise: since slaves and domestic animals fulfill the same function, natural slaves, like domestic animals, have been formed by nature specifically for that function. If the reader accepts this idea, then he should also believe that nature has endowed them both with some common characteristic which fits them for their function: lack of reasoning abilities. Thus, Aristotle's slave-herd animal comparisons reveal how common assumptions influenced his own thinking, but they also serve as a rhetorical strategy – in the same way that man-animal comparisons serve as a rhetorical strategy in Roman texts. He goes out of his way to emphasize the point of similarity which readers will most readily admit, because it was already widely recognized: function. Since Aristotle's theory is teleological, function provides both the impetus and the means for postulating further, innate similarities between slave and herd animal. In this way, Aristotle employs function-based comparisons between slave and animal in order to explicate and legitimize the concept of a substandard human being, one who is closer to the level of animals than a free man.

My examination of Aristotle's slave-herd animal comparisons has revealed two reasons to doubt that his theory accounts for such comparisons in later literature. The first: most of Aristotle's own comparisons do not depend upon his theory. Rather than positing an inherent, natural likeness between slave and domestic animal, most of his comparisons establish a similarity only with regard to productive function, and all of them involve productive function in some way. Perhaps I should not say that they "establish" a similarity, but that they "draw upon" a presumed similarity in productive function. Aristotle seems to be making use of a common belief when he claims that the proper function of slave and herd animal alike is bodily labor. He assumes agreement on this point, not even bothering to defend the claim, but simply repeating it

at key junctures in his argument. The other similarities which he proposes for slaves and animals, natural servility and mental deficiency, are extrapolated from the prior, function-based analogy. Because Aristotle himself attests to an alternate basis of comparison, we should at least hesitate to attribute any and every slave-herd animal comparison to his theory. Other, more basic grounds existed for comparing slaves and animals.

This is the second reason why Aristotle's theory is an unlikely origin for later comparisons: his own text indicates that his theory was unconventional. We do not know that his theory was ever widely accepted, and we should not presume that it was. Perhaps some notion of a human slave by nature did exist before Aristotle gave it a theoretical underpinning. If so, however, there was no universal consensus on that point. His reference to the critics of slavery reveals that they, at least, did not believe in a subsection of humanity, distinguished from the rest, marked out by their very composition for slavery. Even if most people accepted the concept of naturally substandard and servile humans, Aristotle's own view of the matter – that there are humans teleologically adapted for a certain economic role through the possession of a certain mental feature – was certainly peculiar to himself. In order to defend the existence of such a person, and to identify that person's distinctive feature, Aristotle has to construct an elaborate argumentative edifice. The logical hoops that he has to jump through suggests just how non-evident his conclusions are. That explains why he has to emphasize the more obvious functional similarity between slave and herd animal. Since he is trying to formulate and support the idea of a less intelligent, more animal-like type of human, the standard, function-based comparison is very much on his mind. It shapes his thoughts, but he also utilizes it to the fullest extent to make his argument plausible. Did he succeed? How plausible was his theory to an ancient Greek or Roman? Not very, apparently. The textual record contains very few explicit

references to slaves by nature. Unless we assume that all slave-herd animal comparisons spring from Aristotle's theory – and I maintain that we should not – then the doctrine of natural slavery does not seem to have been commonly adopted in antiquity.<sup>38</sup> Roman authors certainly do not make much use of it.

### Conflict With Reality

Aristotle's slave-herd animal comparisons indicate just how unique some of his conclusions were, and how far removed from common preconceptions. We can easily discover why they may not have been palatable to an ancient audience if we look beyond the text itself, and consider how well the theory corresponded, or appeared to correspond, to reality. In doing so, we will also discover why the idea of naturally differentiated people could not have inspired a phenomenon as prevalent, as culturally significant and pervasive, as the comparisons between slaves and herd animals. Although Aristotle's theory may satisfy the terms of his own arcane philosophical views, it is unlikely that anyone found the theory applicable to slavery as it was really practiced.

In one respect, Aristotle's argument itself reflects its potential conflict with reality: after describing the natural slave in theory, he fails to demonstrate that such a person actually exists. In fact, Aristotle might be said to establish the standards or conditions under which slavery might be justified, rather than providing an actual justification. He defends only the servitude of natural slave to natural master; in other words, he defends only master-slave relationships in which nature herself has made the distinction between the two types of person. Aristotle's description of the natural slave lays down the criteria which must be met in order for us to

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<sup>38</sup> Other scholars have noted that Aristotle's theory seems to have made little impression in antiquity. See, for example, de Ste. Croix (1981) 417, Garnsey (1996) 128, and Mouritsen (2011) 14.

conclude that nature has indeed distinguished a slave from his master. He offers no justification of slavery in which the slave is not a slave by nature. If there is no such person, then there is no justification for the institution as a whole.<sup>39</sup>

Although Aristotle does not demonstrate that such a person actually exists, it is no oversight on his part. He probably assumed that the existence of mentally inferior people was obvious, and did not feel the need to prove his claims. Twice he specifies that the irrational and naturally slavish humans of whom he speaks are the barbarians (*Pol.* 1252b5-12, 1255a24-40). These comments reflect contemporary Greek prejudices, and many of Aristotle's countrymen might have accepted his characterization of barbarians without demur.

Despite his conflation of slaves and barbarians, however, Aristotle himself admits that expectation and reality do not always align, and that identifying natural slaves can therefore be difficult. After he talks about the mental composition of the natural slave, he turns his attention to the slave's physical makeup. He maintains that nature intends to make the bodies of slaves and free men different, in order to reflect their different functions; however, the opposite often happens, slaves possessing bodies suitable for free men, and free men possessing bodies more suited to servile labor (1254b27-1254b39). If slaves so often lack the bodily traits which Aristotle deems appropriate, one wonders how many of them possess the appropriate mental traits. His assertions seem especially dubious when he himself draws attention to how hard they are to verify. He notes that "it is not as easy to see the beauty of the soul as it is to see that of the body" (1254b38-39). Conversely, it is not as easy to see the defects of the soul as it is to see the defects of the body. Exactly how are we supposed to determine who lacks reason, while still apprehending it? Aristotle never describes any observable attributes or behaviors that might help

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<sup>39</sup> I owe the points in this paragraph to Ambler (1987).

the reader to recognize a natural slave. Later, he even concedes that not all slaves are slaves by nature. (1255a3-b15). This amounts to an admission that conventional slavery does not always conform to natural slavery; thus, it is not always just and beneficial.

Given all this, how probable is it that most people, or any, ever saw a slave and decided that he was a natural slave, according to the exact criteria of Aristotle's theory? It would be impossible to ascertain the precise character and extent of a person's rational capacity; moreover, Aristotle's description of the natural slave's rational capacity is idiosyncratic, rooted in his own psychological theory. Not only is his theory far from obvious, but the history of Aristotelian reception makes it unlikely that later thinkers took it up. It is not even clear that Aristotle was widely read after his own time. The Hellenistic schools of philosophy, which so influenced Cicero and his contemporaries, tended to neglect Aristotle.<sup>40</sup> All these factors suggest that Aristotle's theory of natural slavery is an improbable provenance for slave-herd animal comparisons, which appear so frequently, and in so many different contexts, as to seem culturally ubiquitous.

Granted, Aristotle did not necessarily invent the idea of the natural slave, although he was the one who developed it into a doctrine. The basic idea probably had a life completely independent of the text of the *Politics*. People could easily have accepted and used the notion of a natural slave even if they were not acquainted with the details of Aristotle's argument. They could have labeled certain individuals as natural slaves on the grounds of innate servility or mental defects, without thinking through precisely what those qualities consist of. In a time and place where slavery was an everyday part of life and a long-standing tradition, it would be more surprising if slave owners did not believe slavery to be natural, and did not view their slaves as

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<sup>40</sup> Garnsey (1996) 128.



innately inferior. This is especially true since many slaves suffered a lack of education and other circumstances which would have put them at a disadvantage vis-à-vis free citizens, and so would have seemed to bear out the assumptions of slave owners. The habit of thought which naturalized slavery and degraded slaves clearly influenced Aristotle as he was formulating his theory and, combined with the typical Greek prejudice against barbarians, made his argument credible in his own eyes. If Aristotle had been more commonly read in antiquity, perhaps his theory would have seemed credible to other slave owners, as well, and been more widely embraced than appears to have been the case. Nonetheless, if most people were not familiar with the theoretical basis provided by Aristotle, we might still expect the concept of the natural slave to have been fairly normal and frequently utilized.

In fact, the literary record contains few references to natural slaves. As I will discuss in the next section, many Roman authors, following the Stoics, even reject the idea of natural slaves. Aristotle himself indicates a potential reason for the notion's apparent lack of popularity: as I said previously, he concedes that conventional slavery does not always align with natural slavery. That is, he recognizes that not all legal slaves are also slaves by nature, and not all slaves by nature are legal slaves. This observable mismatch between nature and convention would have curtailed the usefulness of natural slavery for talking about the institution as it was really practiced. It might also have led some to question whether natural slaves exist at all – as indeed seems to have happened.

The very concept of the natural slave must often have conflicted with the actual experience of slavery. Not all slaves were engaged in manual labor. Some were highly educated and performed tasks that clearly called for intelligent expertise, belying any impression that slaves were mentally deficient. Slaves ran away, revolted, or resisted in other ways,

demonstrating that they were not innately servile. Most importantly, changes in status between slave and free occurred frequently. Aristotle's theory maintains that the master-slave distinction is natural, but changes in status vividly illustrated the artificiality of that distinction. Roman law developed an entire branch for dealing with just such status changes. Because ancient slavery was not racially oriented, anyone could potentially become a slave through warfare, kidnapping, or piracy. In Aristotle's day, Greeks sometimes enslaved each other, as a result of wars between city states. The enslavement of fellow Greeks must have caused some unease. Not only did it elide the difference between master and slave, but it also reminded the slave owner that he himself might one day become the slave of another. Manumission, of course, entailed movement in the opposite direction, from slave to free.

The Roman institution of slavery, as it was practiced in Cicero's day, was particularly incompatible with Aristotle's theory. Romans were more likely than Greeks to entrust slaves with jobs that required a high degree of skill, responsibility, and initiative. We need only think of Cicero's slave secretary, Tiro. Recent slave uprisings had shown that some slaves were anything but passive, and that a slave owner's hold over his human chattel could be tenuous. Moreover, the boundary between slave and free was especially permeable at Rome. The ease and frequency with which it was crossed would have prevented any notion that it was natural or insurmountable. Changes of status, in both directions, occurred on a huge scale. Wars of conquest during the republican period resulted in a massive influx of newly made slaves – people who had been free until shortly before that, and who bore testimony to the swiftness with which fortune can reduce humans from one state to another. If the Romans created large numbers of slaves, they also freed large numbers of them. The exceptionally high rate of manumission seems to have been a unique feature of Roman culture, as was the fact that manumitted slaves

were actually enrolled into the citizen body. Essentially, the Roman state absorbed freedmen and their descendants into its own ranks. How could the Romans have done that, if they believed that their slaves were inherently servile?

All indicators suggest that Aristotle's theory of natural slavery never found much acceptance in antiquity, and thus probably did not inspire the common trope of comparing slaves to herd animals. The theory had little or no practical application, at least at Rome. The very notion of a natural slave was at variance with the ancient practice of slavery, in which the line between slave and free was fluid and permeable. The Roman habit of manumission constitutes the clearest example of this permeability. It therefore constitutes the strongest argument for rejecting Aristotle's theory as an explanation for slave-herd animal comparisons in Latin texts. Although it seems counterintuitive, the Romans frequently assimilated slaves to herd animals, despite their liberal manumission policies. Apparently their attitude toward slavery somehow accommodated both phenomena. Whatever the basis of comparison between slaves and domestic animals, it was almost certainly not natural slavery, an idea that was completely inconsistent with their manumission practices, and with other aspects of the institution.

### Stoic Opposition

Later, I will discuss the concept which prompted the Romans to assimilate slave to herd animal, yet coexisted with their manumission policies. As I have argued at length now, that concept is not Aristotle's theory of natural slavery. Before I pass on to the Roman comparisons, it might be helpful to consider the Stoic stance on slavery. The Romans no doubt harbored their own, native ideas about slavery, an institution that predated philosophy and affected all levels of society, including those that had no access to philosophical texts or training. It would therefore

be a mistake to expect a closely reasoned, philosophical explanation for the comparisons. Nonetheless, to the extent that philosophy affected the discourse on slavery at all, Stoicism seems to have been the predominant influence – a result, probably, of Stoicism’s popularity with upper class Romans. Stoicism therefore constitutes the relevant intellectual background against which to read passages about slavery; it also provides the final reason to reject natural slavery as the basis of slave-herd animal comparisons. There are no extant Stoic texts which explicitly engage with Aristotle’s theory, but certain key Stoic tenets are incompatible with the theory, and therefore implicitly contradict it. Roman authors frequently voice these same principles, thereby contradicting Aristotle’s theory themselves. They were thus far more likely to deny the theory of natural slavery than to espouse it.

Natural slavery did not entirely disappear from the literary record. Two passages from Cicero show that the idea was still in circulation during his day, and available for rhetorical use. In one speech, he claims that Jews and Syrians are peoples born to servitude: *Iudaeis et Syris, nationibus natis servituti* (*De Prov. Cons.* 10). In a fragment from Book 3 of the *De Re Publica*, he defends the justice of imperialism and slavery by asserting that some nations and individuals are naturally suited for subjection to others, and benefit from the arrangement (37). These passages are outliers, however. Elsewhere, Cicero himself expresses different views.

The alternate rhetoric seems to have ascribed the slave’s lot to fortune rather than to the slave’s own character. When Quintus Cicero wrote a letter to his brother on the subject of Tiro’s manumission, he described Tiro as a person “undeserving of that ill fortune”, *indignum illa fortuna*, implying that Tiro’s servitude was a stroke of bad luck which he did not deserve (*Fam.* 16.16.1). By that reasoning, Tiro’s manumission restored him to the state where he rightfully belonged. Attributing slavery to misfortune may have served as the ideological mechanism

which justified both manumission and the grant of citizenship to freedmen: many slaves had only come to their wretched lot through bad luck, and were worthy of a better status. Scholars generally link the “slavery as misfortune”, or “no man is born a slave”, trope to Stoic principles.<sup>41</sup> Stoicism certainly emphasized the role of chance in determining a person’s place in the world. It is impossible to say whether Stoicism introduced the idea to Roman parlance, or whether the Romans embraced the Stoic position all the more readily because it fit so well with their own preconceived notions.

Stoic views on slavery, as they stood in Cicero’s day and beyond, must be deduced partly from the Romans themselves, since earlier Stoic writings do not survive except in fragments.<sup>42</sup> It appears that the Stoics tended to focus on metaphorical, rather than legal, slavery. They maintained that the condition of legal slavery, like legal freedom, wealth or poverty, health or ill-health, was the result of fortune. Since it lies outside a person’s control, it is insignificant, and should be regarded as indifferent rather than good or bad. A human being does have control over his soul, specifically the reasoning faculty. A person who is truly free, in that he exercises free choice, lives in accordance with reason. A person who is truly servile does not live in accordance to reason, but slavishly obeys his desires and other negative impulses. Free choice and its opposite manifest themselves in a person’s reactions to the things beyond his control, including his status. A wise man’s social or legal status is simply something that he must bear, a part that he must play with reference to the dictates of reason. True slavery and true freedom are therefore states of mind, and do not necessarily correspond to legal slavery and freedom. This conclusion is succinctly expressed by the famous Stoic paradox: only the wise man is free, and

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<sup>41</sup> Garnsey (1996) 128.

<sup>42</sup> For an overview of slavery in Stoic thought, see Garnsey (1996) 128-152. I have based my own account on his. Brunt (1993) 381-384 also provides a useful discussion on this matter.

only the foolish man a slave. Accordingly, a wise slave is truly free, since he has a free soul. A foolish master is truly a slave, since he has a slavish soul.

Because the Stoics differentiate legal slavery from mental slavery, and because they admit that the two often fail to coincide, their views hardly justify slavery as it actually existed – but then, the same could be said of Aristotle’s theory. The two arguments are not necessarily incompatible. In Stoic thinking, does nature distinguish between different types of human being from birth? endowing some with foolish, irrational, servile minds, and others with wise, rational, independent minds? If so, then the Stoics basically advanced their own variation on the theory of natural slavery. Perhaps, in reality, wise men were unjustly enslaved, and foolish men unjustly free. Nonetheless, Stoic tenets could be used to justify the institution of slavery, if not the way it was currently practiced. Someone might claim that those destined to be foolish should be enslaved for their own good – like Aristotle’s natural slaves. Those destined to be wise should be the masters – like Aristotle’s natural masters.

However, the surviving texts contain no trace of such an argument. Rather than claiming that nature had created distinct categories of human being, the Stoics posited a natural kinship between all humans. All men have the same origin, all have rationality. Therefore all are related in nature, due to their common status as rational beings. Very few actually achieve perfect wisdom and the mental freedom it brings. Most people remain foolish and mentally slavish their whole lives. Nevertheless, since everyone is equipped with rationality, everyone has a chance at attaining wisdom. This is the point that stands in direct opposition to Aristotle’s theory of natural slavery. The Stoics granted to everyone a share in rationality, and thus the potential to progress toward full rationality. Aristotle’s theory denied reason to certain people, and the potential for improvement along with it.

Aristotle's fourth century opponents had criticized slavery on the grounds that there is no inherent difference between master and slave. The Stoics could have made the same argument on the basis of their own views, which also rejected the idea of an innate distinction between master and slave. There is no sign, however, that they ever followed through on their own logic to mount an attack against the practice of slavery. The reason for this is probably twofold. The Stoics took a providential view of nature, maintaining that the universe had been created according to a divine plan for the sake of man. Since slavery and other status distinctions were ubiquitous in the ancient world, the Stoics no doubt accepted them as part of the divine plan. The other explanation for their acquiescence lay in their habit of downplaying externals. Legal slavery, as a circumstance external to the soul, and therefore beyond an individual's control, is of no significance. Therefore the Stoics paid it little attention, as far as we can tell, and instead discussed the more important issue of mental slavery. A person could exercise control over his mind, whose condition mattered more than any outward condition. A wise soul would enable him to endure legal servitude, as well as other misfortunes beyond his power to change.<sup>43</sup>

Stoic beliefs actually support slavery more effectively than Aristotle's theory.<sup>44</sup> Natural slavery admits the possibility that some people are unjustly enslaved. It justifies slavery if, and only if, the person in servitude is a slave by nature. If it could be shown that natural slaves, as Aristotle defines them, do not exist, then his theory would in fact prove the injustice of the entire

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<sup>43</sup> On the Stoic tendency to view external circumstances as insignificant, and their consequent disregard for externals, see especially Bett (2012). Bett argues that the Stoics never developed a doctrine of human rights, in part because their identification of virtue as the only true good was incompatible with the development of such a doctrine. Since they maintained that external conditions make no difference to a person's true well-being, they had no reason to believe that all humans have a right to enjoy certain conditions. I will go further and point out that the Stoics had no strong motive to talk much at all about external conditions, like legal servitude and freedom, except to downplay their importance.

<sup>44</sup> I owe this point to Brunt (1993) 386, who makes the following observation about both Stoic and Christian views on slavery: "Anyone who could believe that slavery stemmed from God's will had a far more impregnable defense of it...than Aristotle had offered...To doubt [their doctrine] was to challenge belief in the rationality of the world or in the righteousness of God".

institution of slavery. In Stoic thought, on the other hand, the character of the slave, and the justice or injustice of his enslavement, do not matter. His enslavement has been ordained by fortune or fate; as a part of the natural order, it must be borne. To challenge that is to challenge the rational system of the universe, which is precisely what the wise man does not do. The wise man understands that nature has designated this part for him, and he plays it to the best of his ability. Stoic ideology therefore naturalizes slavery itself, even if it does not promote the concept of the natural slave; it also recommends that the individual resign himself to his slavery, and perform his servile role as well as possible.

When the Romans assumed a Stoic outlook on slavery, they were by no means rejecting slavery itself, even if they were rejecting the concept of natural slaves. The Stoic position on slavery let them have it both ways. The belief that servitude was the result of fortune, rather than personal qualities, reflected reality better than Aristotle's theory, and it worked well with the Romans' own liberal manumission practices. However, Stoicism caused slave owners no moral or intellectual discomfort, since it did not demand that anyone question the institution itself. Did the Stoics introduce new thoughts into common parlance, or did they simply develop a theoretical underpinning for views that already existed? Either way, literary texts definitely associate certain ideas with Stoicism. The following passages reject natural slavery, implicitly or explicitly, by emphasizing the likeness between all human beings, by attributing status to fortune, or by drawing on both of those concepts. In several cases, the context affirms the connection to Stoicism. This sampling shows how commonly these views were expressed in Roman literature, and it is by no means an exhaustive list.<sup>45</sup>

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<sup>45</sup> I owe most of these examples to Mouritsen (2011) 14, who provides a useful list.



Despite the fact that Cicero appeals to the theory of natural slavery in Book 3 of the *De Re Publica*, he adopts the opposite stance in its companion piece, the *De Legibus*. In the *De Re Publica*, he describes the ideal state; in the *De Legibus*, he describes the ideal laws of the ideal state. The *De Legibus* is an attempt to marry Roman civil law to universal law, a philosophical concept for which Cicero's principal source is Stoicism. It is in this context that he asserts the following: there is no difference in type between human beings, reason (*ratio*) is common to all, the capacity to learn is equal in everyone, and there is no one of any race who cannot attain to virtue (1.30). These Stoicizing claims directly contradict the idea of natural slaves, who would constitute a special category of subrational people. In the *De Officiis*, which is based loosely on a work by the Stoic Panaetius, Cicero refers to slavery as the "lowest condition and fortune", *infima condicio et fortuna* (1.41). Here, Cicero seems to ascribe slavery to fortune. Finally, Paradox 5 of his *Paradoxa Stoicorum* discusses the Stoic premise that only the wise man is free, and every foolish man is a slave. Cicero wishes to demonstrate that all foolish, wicked men are slaves, whatever their legal status or social rank. He never mentions the corollary, that even a slave can be a wise man, and therefore truly free. Nevertheless, accepting the one proposition means accepting the other, as well.

Clearly Cicero felt that he could make use of Stoic views on slavery, at least in his philosophical works. Since the passages above are from philosophical texts, it is difficult to say whether these ideas had popular currency. If, however, they had not already become commonplace by the end of the republic, they very soon would. The "no man is born a slave" trope seems to have been standard rhetorical stock in the early empire.

Seneca appeals to this trope, and to Stoic ideas in general, when he calls for more humane treatment of slaves. In *Epistle 47*, he enjoins masters to show friendliness toward their slaves

rather than cruelty, on the grounds that slaves spring from the same origin as other men, are equally subject to fortune, and may be free in spirit, while masters can have servile spirits. Seneca harps especially on the variability of fortune. At several points, he offers real-world examples in which some wealthy and powerful person became a slave, and other instances in which some slave arose to freedom, wealth, and power. He is alluding to the very real phenomenon of status change, thereby illustrating that status does not necessarily correspond to inner quality. Notably, Seneca never uses this observation to argue for the abolition of slavery, any more than other Stoics did. In conformity with the Stoic views I described earlier, he seems to regard slavery itself as natural and inevitable, even as he rejects the concept of natural slaves. He encapsulates this standpoint when he blames chance for afflicting some people with servile employment; at the same time, he dissociates such employment from their personal attributes. Speaking of muleteers and cowherds, he claims: “I will not value them by their services but by their character: each man gives himself his own character, but chance assigns his services”: *non ministeriis illos aestimabo, sed moribus. Sibi quisque dat mores, ministeria casus adsignat* (15).

This quote suggests something about the rationale behind Stoic views on slavery. I have translated *ministeria* as “services”, but could have used “work”, “occupation”, or “employment” instead. Whatever word is used to translate it, *ministeria* here denotes the offices performed by muleteers and cowherds, in their professional capacities as muleteers and cowherds. By referring to their offices, as opposed to their servitude, Seneca lays the stress on their work rather than their social and legal status. In this way, he portrays slavery almost as a job description. Muleteers and cowherds do certain jobs, and those jobs just happen to entail a condition of servitude. Perhaps it would be more accurate to say that, in each case, the employer-employee relationship takes the form of a master-slave relationship. Apparently it did not occur to Seneca

to separate the job from the slavery, the type of task from the type of economic exploitation. This failure to distinguish between the two might help to explain the readiness with which he and other Stoics accepted slavery, though espousing a doctrine of universal kinship. Muleteering and cowherding, like other functions fulfilled by slaves, were necessary jobs. If no one recognized a difference between the job and the slavery of its practitioners, then their slavery, like the job itself, seemed necessary, and therefore natural and unavoidable.

Here we see that there is indeed an important similarity between Aristotle's theory and Stoic views on slavery: both assume that slaves perform a necessary and natural economic function, and that slavery itself is therefore necessary and natural. However, while Aristotle concludes from this premise that there must be natural slaves, the Stoics go in the opposite direction. Treating slavery as a necessary economic arrangement does justify the institution on practical grounds, but it also allows the Stoics to describe the servile role as a mere job, rather than a physical projection of mental servility. Thus Seneca can draw on this reasoning to advocate for better working conditions for slave employees.

Seneca adopts the same approach in *De Beneficiis* 3.18.1-28.6 and cites another Stoic in the process, showing that this stance on slavery was not peculiar to him. In this passage, he insists that a slave can indeed bestow a benefit on his master. To argue his point he repeats the Stoic tenets which he utilized in *Epistle 47*: virtue is open to all (3.18.2), fortune, not character, determines a person's status (3.18.2), only the body is enslaved, not the mind (3.20.1-2), everyone springs from the same source (3.28.1). One method that he uses to dissociate slavery from personal quality is to cast the slave's role in a strictly economic light. He achieves this by quoting a definition devised by the Stoic Chrysippus. "The slave is a permanent wage-earner": *Servus, ut placet Chrysippo, perpetuus mercennarius est* (3.22.1). This formulation assimilates

the slave's function, and thus his condition, to that of a free laborer. Seneca's method shows that he views slavery as a certain form of employment, and so separate from a slave's inner life; at least, he tries to promote such a view. The fact that he quotes Chrysippus indicates that the Stoics had a prior history of representing slavery in this way.

In *Epistle 47* and the *De Beneficiis*, Seneca's deployment of Stoic concepts aims at persuasion. He calls for the practical application of Stoic ideals in order to reform the practice of slavery. His rhetorical strategy implies that he thought an appeal to Stoic ideals might be effective. Does this indicate they were widely accepted? Not necessarily, since Seneca, as a writer of philosophical texts, was in the business of promulgating Stoic beliefs. However, there is evidence which suggests that the Stoic position on slavery had in fact become a rhetorical trope by Seneca's day. The elder Seneca recalls a declamation in which someone argued the following: "No one is free, no one a slave, by nature; fortune later imposes these names on individuals" (*Contr.* 7.6.18). Seneca the Elder acknowledges the philosophical provenance of this thought, introducing the quote thusly: "Albucius also philosophized", *Albucius et philosophatus est*. Despite its philosophical pedigree, Albucius obviously felt that he could use the concept as a rhetorical commonplace. Petronius, too, inserts the "no man is born a slave" idea into his own work. He has Trimalchio say that slaves too are men (*homines*) who have drunk their mothers' milk, like everyone else, even if cruel fate has oppressed them (*Sat.* 71.1). Coming from the uneducated Trimalchio, who tends to ape his betters, this line has the air of a well-worn cliché. Although they were writing at a much later date, the jurists also voice the same notions, and thereby demonstrate that Stoic thinking did indeed impact general attitudes toward slavery, even beyond the pages of literature. Several times, jurists express the opinion that slavery is contrary to nature (*Inst.Just.* 1.2.2, 1.3.2; *Dig.* 1.5.4 (Florentinus), 12.6.64

(Tryphoninus), 50.17.32 (Ulpian)). Obviously their legal writings uphold the institution of slavery, and therefore do not treat slavery itself as contrary to the natural order of the universe. The assumption seems to be that nobody is born a slave by nature; thus enslavement is contrary to man's own natural condition.

Stoicism clearly influenced the Roman rhetoric of slavery more than Aristotle did. Their principles were utilized not just in literary texts, but in common parlance and eventually even in legal texts. Because Stoic tenets reject Aristotle's theory of natural slavery, many Roman authors, in adopting Stoic concepts, reject the theory as well. The salient points of Stoic slave theory might be summed up as follows. The condition of legal servitude, and in fact all worldly standing, is the result of fortune. This condition, like every circumstance external to the soul, should be viewed as insignificant and indifferent. True slavery and freedom are states of mind, which do not necessarily coincide with legal status. Everyone possesses the rational faculty; thus, everyone has the potential to learn, and to progress toward wisdom, virtue, and the attendant freedom of mind. This is the premise that directly contradicts Aristotle's theory of natural slavery. Aristotle's theory calls for a distinct subcategory of human being that lacks reason, and is therefore marked by nature for slavery. By granting rational capacity to all, the Stoics granted to all the capacity to become wise, and so become truly free. Nevertheless, although they did not subscribe to the concept of natural slaves, they naturalized slavery itself, treating it as an inescapable part of the divine plan. If Seneca can be taken as an indicator of Stoic views, then they may have represented slavery as an economic role, or form of employment. This reasoning turns slavery into a labor arrangement, one which is necessary for and so natural to human life, but which does not dictate the quality of the worker's character.

I have shown in this chapter that Aristotle also regarded slavery as a necessary and natural labor arrangement, but whereas the Stoics used this assumption to oppose the idea of the natural slave, the same assumption prompted Aristotle to postulate the existence of the natural slave. Why the difference? The answer is pertinent to this study, because it has to do with the application or non-application of teleological principles to humans and human society. I observed that Aristotle's teleological views give rise to and shape his theory of natural slavery. He presumes that the roles normally found in his society are natural, and so further supposes that there must be different types of people naturally adapted to fill those roles – just as different types of animals are adapted to fill the necessary roles which they play in human life. Thus, Aristotle develops the concept of naturally differentiated human types because he applies his teleological theory consistently, to humans and human society just as he does to any other part of nature.

The Stoics do not espouse the concept of different human types because they do not apply teleology to human society, despite, as we saw in the previous chapter, applying it to plants and animals. Unlike Aristotle, the Stoics took a providential view of nature, positing that the world was created for the sake of man according to a rational plan. In the last chapter, I discussed the fact that this belief granted man a special place in nature, with the result that normal teleological principles do not hold true for humanity. The Stoics do maintain that mankind has a natural end, for which it has been endowed by nature; however, that end does not entail serving a higher being through the performance of a certain function, as it does for the other animals. While the lower orders of creation all exist to support the higher orders, humans themselves do not exist for this reason, but only for the sake of realizing their own potentiality. We now see that, according to the Stoics, teleology does not apply within the ranks of human

society anymore than it does to humanity as a whole. Just as mankind is not formed to serve a higher kind of entity, so no individual, regardless of his employment or status, is formed to carry out a particular job or serve a higher kind of human. Thus, in Stoic thinking, humans' privileged status in the cosmos makes them the exception to the natural rule.

It would be perverse to take Aristotle's theory as the basis for slave-herd animal comparisons, when so many Roman authors make it a point to deny natural slavery, in accordance with Stoic precepts. By extension, it would be a mistake to simply assume that the Romans take a teleological stance on human society, when the Stoics rejected such a view. The Romans denied natural slavery – and, theoretically, human teleology along with it – yet still they assimilated slave to herd animal. Such comparisons need not have a philosophical background at all, or comply in any way with any philosophical position. Nonetheless, if the comparisons do reflect a certain, philosophical viewpoint, then that viewpoint is most likely a Stoic one. It is Stoicism that dominates the Roman discourse on slavery, and so it is with reference to Stoicism that we should first read the comparisons and other remarks about slavery. If the comparisons do depend on beliefs that are at all compatible with Stoicism, then we would expect some explanation for them other than the idea of teleologically differentiated human types.

### Conclusions

Aristotle's theory of natural slavery probably does not account for the Roman practice of assimilating slaves to herd animals, although it is the only known text from antiquity that argues for naturally discrete categories of human, according to teleological precepts. His theory maintains that the distinction between master and slave is natural, rather than merely legal or conventional. A natural master and natural slave are each constituted by nature so as to best

fulfill their respective functions. The slave's function is to serve as his master's tool for performing bodily labor. This function is essentially an economic or productive one. It describes the slave's role in the production of household goods and services: that of a subordinate laborer. Because the slave laborer works at the direction of his master, a person formed by nature for that function, and no other, lacks the capacity to formulate those directions for himself. A natural slave therefore possesses limited mental abilities. He can comprehend the reason of another, which is enough rationality to make him human; however, he cannot reason for himself. Domestic animals are natural slaves as well, in that nature has fashioned them for precisely the same function as human slaves. Animals are even more irrational than their human counterparts, since they do not apprehend reason at all. Thus, any comparison that takes Aristotle's theory as its basis would not claim that a human slave is an animal, nor assume an exact intellectual correspondence between human slave and animal slave. It would indicate that both have been formed by nature for the same function – manual labor, at the command of another – and that both therefore suffer a deficiency in rational capacity, though to a different extent. Such comparisons might exist. Two passages from Cicero demonstrate that the concept of natural slavery was still known in his day, and could therefore have inspired some comparisons. However, I have argued that we should not attribute all or even most of the slave-herd animal comparisons to the theory of natural slavery, for three reasons.

The first of these reasons: Aristotle's own comparisons do not rely on his theory. Instead, he links slave and herd animal because they fulfill the same productive function. When he does so, he is in fact making use of a popular assumption, or generalization: human slaves, like animal slaves, carry out physical labor. It is from this conception of the slave's proper function that Aristotle extrapolates the rest of his theory. He may even emphasize the functional



similarity between slave and animal as a persuasive strategy. He stresses the likeness between slave and herd animal that is commonly agreed upon, in order to make the idea of a substandard, animal-like human being more plausible. Since Aristotle himself uses a more basic, more conventional and less contentious basis of comparison, we should not automatically take his theory as an explanation for slave-herd animal comparisons. If his defense of slavery tells us to look anywhere for an explanation, it is to productive function.

Another reason to reject natural slavery as the source of the comparisons lay in its theoretical character. The argument is unlikely to have won much approval in antiquity, let alone to have inspired a trope as frequently employed as the comparisons. Aristotle does not seem to have been widely read after his own time. More to the point, his description of the natural slave probably did not seem consistent with reality. Slavery as it existed must often have contradicted the notion of a natural slave. In particular, changes of status regularly occurred – from free to slave, or from slave to free – demonstrating the artificiality of the distinction between master and slave. The fact that anyone could become a slave, or any slave a free man, belied the conclusion that there was an innate difference between master and slave.

Stoicism is one last factor that makes Aristotle's theory an improbable cause for the identification of slaves with herd animals. Roman writers often repeat Stoic views on slavery, far more often than they allude to natural slavery. Because these views oppose the idea of natural slavery, Roman writers, by extension, do as well. The Stoics considered slavery itself a part of the natural order of the universe. However, they held that every human being has been endowed with the rational faculty, and thus the potential to attain to wisdom and the true freedom of the soul. From this aspect of Stoic doctrine it is apparent that they did not apply teleological principles to human society, and therefore did not subscribe to the notion of

naturally differentiated human beings. Thus, according to them, no one is born to be a slave. Fortune alone is responsible for a person's worldly status. Given the frequency with which Roman authors voice these thoughts, it is difficult to believe that the same authors then assimilated slave to animal on the basis of Aristotle's – diametrically opposed – theory.

Although they seem to have rejected natural slavery, for the most part, and to have espoused Stoic principles with regard to slavery, nonetheless, the Romans persisted in equating slaves with domestic animals. This practice was not merely a literary trope, but a habit of thought central to how they conceptualized their social structure. The jurists may have pronounced that slavery is contrary to nature, but they also treated slaves as commodities analogous to domestic animals.<sup>46</sup> The equivalence of slave and herd animal was a belief so deep-seated that it was built into the law. Such comparisons, in any context, inevitably invoke nature – whether explicitly, or implicitly through the very act of referring to domestic animals, who were always regarded as slaves by nature. Free persons were sometimes likened to herd animals, as well. What was the point of similarity, if not some innately servile characteristic, implanted by nature? Although Aristotle might not provide the answer, he does point the way. He assimilates slave to herd animal on the basis of productive function. Seneca, too – a Roman and a Stoic – stresses the slave's economic or productive role. A close examination of some of the Roman comparisons will reveal that they also emphasize productive function, without necessarily positing that the people under discussion possess a corresponding type. However, Roman texts tend to define the slave's proper function differently from Aristotle: the relevant aspect of the servile role is not physical labor, nor subordination, as it is in the *Politics*.

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<sup>46</sup> e.g. *Dig.* 9.2.2 (Gaius), commenting on the *Lex Aquilia*. For a brief discussion of the law and the jurist's comments, see Bradley (2000) 111.

## CHAPTER 3

### Animal Slaves and Slave Animals: Republican Authors on the Nature of Slavery

In this chapter, I will examine comparisons between domestic animals and humans in Roman republican texts. Such comparisons are frequent, and are especially pertinent to the two questions which form the focus of this study. My primary question is: What role was nature believed to play in human social inequality? Herd animal comparisons, as I will show, are common features in discussions about status and inequality, because herd animals evoke associations of slavery, and Roman writers often talk about status in terms of slavery and its opposite, freedom. My other question is: Did the Romans take a teleological view of human society? If they did, then that would answer my first question. Herd animal comparisons provide the most obvious place to look for evidence of human teleology, since slaves were the people most often compared to animals. Because they were the lowest members of society, we would expect teleological principles to be applied to them, if they were applied to anyone. In that case, their assimilation to animals would reflect the idea that, like domestic animals, they have been formed for their servile role, and therefore have subhuman characteristics.

I have already argued that the Romans probably did not subscribe to human teleology, and that man-animal comparisons in Roman texts therefore do not arise from this concept. For that matter, such comparisons do not arise from, or correspond to, either of the philosophical positions which seem most likely to have influenced Roman views on slavery, Aristotle's theory of natural slavery and Stoicism. I must now support my previous conclusions by scrutinizing the Roman comparisons and determining what does, in fact, account for the likening of slave and herd animal in Roman thought. Although Aristotle and the Stoics are not responsible for the

Roman habit of assimilating slave to herd animal, they do suggest an approach to the problem. Perhaps the pertinent question is not, “In what way are slaves like animals?” Instead we should ask, “What feature do humans and herd animals share that makes them both slaves?” Aristotle treats slaves and domestic animals as interchangeable entities because they play the same economic role: they are subordinate laborers, whose proper function is to perform manual labor at the command of the master of the household. It is this proper function that defines slavery, and any human or animal that fulfills that function is a slave. “Subordinate laborer” is a job description that could apply to many free workers as well, which is precisely why Aristotle categorizes those men, too, as virtual slaves.

The Stoics, unlike Aristotle, went out of their way to combat the likening of slaves to animals. They emphasized the humanity of slaves and the kinship of all mankind, which arises from the shared possession of rationality. However, like Aristotle, they accepted the institution of slavery as an inevitable part of the natural order, and they also tended to identify productive role as the defining aspect of slavery. Even they might have admitted that human slaves and animal slaves play the same productive role.

Ancient philosophical positions on slavery have enjoyed their fair share of scholarship, but only one scholar has, to my knowledge, explored the common habit of equating slaves with herd animals: Keith Bradley, in his article “Animalizing the Slave”. Although he does not conclude, as I do, that productive role is the crucial point of similarity, his findings do agree with my own in one essential aspect: he recognizes that the primary point of comparison has nothing to do with innate character or capacities. Rather, he contends: “the association itself was due

above all to the tendency to categorize the slave as human, but animal-like, property”<sup>47</sup>. As proof, he adduces the *Lex Aquilia* and the Edict of the Aediles. The *Lex Aquilia* mandates: “If anyone shall have unlawfully killed a male or female slave belonging to another or a four-footed animal, whatever may be the highest value of that in that year, so much money is the condemned to give to the owner”; *si quis servum servam alienum alienam quadrupedem pecudem iniuria, quanti ea res fuit in diebus triginta proximis, tantum aes ero dare damnas esto*.<sup>48</sup> Commenting on this provision, Bradley writes, “It assumes that slaves and animals are commodities that by definition fall under the ownership of an *erūs* and that they are comparable commodities”.<sup>49</sup>

The notion of property is also prominent in the Edict of the Aediles, which deals with the sale of slaves, among other things. It provides that anyone selling a slave must disclose any disease or defect to the prospective buyer (*Dig.* 21.1.1.1 (Ulpian)). The same is required of those who sell beasts of burden, *iumenta* (*Dig.* 21.1.38 (Ulpian)). Ulpian states, “The reason for this edict is the same as that for the return of slaves. And in effect, the same applies as in respect of defects in or diseases of slaves, so that what we have said of them should be transferred to the present context” (*Dig.* 21.1.38.2-3).<sup>50</sup> Ulpian explicitly says that “the reason for this edict” is the same whether the object being sold is a slave or an animal. Clearly that reason is to protect buyers from dishonest sellers, so that they do not unknowingly acquire faulty property. Here again, slaves and herd animals are indeed treated as comparable commodities.

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<sup>47</sup> Bradley (2000) 111.

<sup>48</sup> I have used the reconstructed text and translation provided in Crawford (1996) 723-726. On reconstructing the original text, see Crawford (1996) 723-726 and Crook (1984). Only paraphrases of the *Lex Aquilia* have survived. See especially *Dig.* 9.2.2pr.-1 (Gaius) and Gaius, *Inst.* 3.210.

<sup>49</sup> Bradley (2000) 111.

<sup>50</sup> For the contents of the *Digest*, I have used the translation provided by Watson (1985) 614.

Bradley is clearly correct in stating that slaves and herd animals were regarded as analogous kinds of property. However, he is more interested in exploring the practical consequences of slave-herd animal assimilation than in identifying its causes. He devotes only one paragraph to the matter and discusses only the two laws mentioned above. He also does not take into consideration the fact that some free persons were commonly described as slaves and herd animals – most notably wage-earners and the plebs. In those cases, property cannot possibly be the pertinent idea. Wage-earners and plebs may have been socially disadvantaged, but nobody owned them. I will argue in this chapter that the idea of commodification does not, in fact, explain the comparisons found in literary sources – not the comparisons between slaves and herd animals, and certainly not the comparisons between free men and herd animals.

Although Bradley comes close to discovering the primary point of comparison, his mistake lies in focusing on what slaves and herd animals *are*, as opposed to what they *do*. In the course of this chapter, I will show that my own conclusions are actually compatible with his. I will argue that slaves are compared to herd animals on the grounds of a shared activity, and that this activity underlies the classification of both kinds of creature as property. The activity in question is their economic or productive role. Just as Aristotle does in the *Politics*, Roman sources generally assume that slaves and herd animals perform the same productive function; the Romans simply define that function differently from the way Aristotle does. I will further propose that function, or usefulness to the human community, is the concept that links social class to natural class, not just slave to herd animal. By examining the association of plebs and wage-earners with animals, I will begin to consider how this method of reckoning natural and social worth affected the standing of free persons, as well as slaves.

## The Association of Slave and Herd Animal in Varro's *Res Rustica*

Although my focus is on republican literature, and Varro's *Res Rustica* falls outside of that period by a small margin, I will begin my examination of Roman sources with that work. I believe it is safe to treat this work as representative of republican views for two reasons. First: Varro was a very old man when he wrote the *Res Rustica*, and had spent most of his many years under the Republic. Thus, the work should in some way reflect the ideology he experienced for the better part of a lifetime. Second: as I will make clear, the concepts expressed in this book also appear in various republican texts.

Recently, some scholars have seen in the *Res Rustica* more than just a technical treatise, arguing that Varro's handbook on farm management should be understood as covert political commentary, which targets the imperial regime. According to their reading, Varro's assimilation of human and animal is part of this agenda, since animals in the *Res Rustica* represent the Roman people.<sup>51</sup> If this interpretation is correct, then the circumstances of the post-republican, Augustan political reality did help shape the text, and the portrayal of man and animal, in particular. However, I hope to show that, where slaves and domestic animals are concerned, Varro's conflation of man with animal is completely in keeping with both the rhetoric and the laws of his time. As we have seen, it had long been a common practice in the ancient world to identify slaves with herd animals. Regardless of whether Varro meant to be critical or not, ironic or not, he made use of a well-established tradition of comparing slaves with herd animals, and developed that comparison more extensively than any of his contemporaries. For this reason, an examination of his work will prove to be especially fruitful in the present context: I will argue

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<sup>51</sup> e.g. Green (1997) and Kronenberg (2009).

throughout this chapter that the rationale and assumptions behind Varro's slave-herd animal comparisons actually underlie most such comparisons in the late republican corpus.

Any study of Roman man-animal comparisons would, in fact, be incomplete without reference to the *Res Rustica*, which provides some of the most (in)famous comparisons of slave and herd animal in all of Latin literature. The first book, which deals with *agri cultura* proper, categorizes both field hands and herd animals as tools, the former an *instrumentum vocale*, the latter an *instrumentum semivocale* (1.17.1). The second book, on the *res pastoricia*, actually classifies herdsmen as a type of *pecus* (2.1.12). I will now contend that these aspects of Varro's text do not indicate a belief in natural slavery, and therefore do not indicate a belief in human teleology. He clearly recognizes that slaves are human beings, and never suggests that their personal qualities make them bestial. Their resemblance to herd animals lay not in their innate characteristics, but in external factors, the circumstances of their servitude. In particular, Varro's conflation of man and beast depends on a perceived similarity in productive function. He treats herd animals as necessary participants in the human community, whose labor and produce are indispensable for agricultural civilization. In keeping with this view, he defines and hierarchizes the various domestic animals according to their usefulness for man. The assimilation of herd animal and slave arises from the fact that he assesses both groups by this one standard, their utility to human society. He therefore equates the two because they are useful in the exact same way: they produce profit for their masters.

I am not the first to claim that Varro's categories correspond to roles played in the agricultural process. His division of agricultural implements into three types of tool – man, animal, and inanimate object, *instrumentum vocale*, *semivocale*, and *mutum* (1.17.1) – has generated the most discussion about its source and significance. Did Varro adopt or invent this



classification? And what does it tell us about the ideology of ancient slavery? I follow those who have concluded that, regardless of its origin, this is not a moralizing statement on the nature of slavery. It is merely a convenient way to distinguish the components necessary for cultivating a field.<sup>52</sup> Varro actually offers another possible division of the same subject: men and the aids of men, *homines* and *adminicula hominum* (1.17.1). This method groups animals together with inanimate objects under the heading *adminicula*, which may explain why Varro goes on to provide the more precise three-fold division. It is important to note that both classification systems preserve the distinction between human and animal -- unlike, say, Aristotle's ὄργανα ἔμψυχα and ἄψυχα, which categorizes both men and animals as ὄργανα ἔμψυχα (*Pol.* 1253b23-1254a8).<sup>53</sup> After introducing the potential divisions, in the very next sentence Varro explicitly states that farm laborers are indeed human beings. He remarks, "all fields are cultivated by people, slaves or free men or both": *omnes agri coluntur hominibus servis aut liberis aut utrisque* (1.17.2). Next he specifies that the free men are either hired hands or poor people who till the land themselves with the help of their families. Here we learn that Varro does not just have slaves in mind when he speaks of the *instrumentum vocale*. Moreover, he does not necessarily think that these human instruments are owned or purchased, like a tool or herd animal. He includes free men who till their own land, whose labor is neither owned nor purchased by another. Since he does recognize the difference between man and animal, and the notion of ownership is not an issue, only one basis of comparison remains to explain the parallelism between human, herd animal, and tool, *instrumentum vocale*, *semivocale*, and *mutum*: all of them take part in the cultivation of fields. Thus, this particular coupling of man and beast relies wholly on their shared function in agricultural production.

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<sup>52</sup> e.g. Perl (1977) and Skydsgaard (1968) 15-17, 33-34, 35-36.

<sup>53</sup> I owe this point to Perl (1977) 425.

Even slaves, according to Varro, have qualities which herd animals lack, and must be treated accordingly. After establishing his threefold division, he launches into what can only be described as a use-and-care guide for agricultural slaves (1.17.3-7). His instructions focus on maximizing the amount of labor and profit which can be extracted from them, and in this respect resemble his instructions for any animal or piece of equipment. However, they aim to maximize productivity precisely by taking the slaves' human qualities into account. *Mancipia* should be neither too timid nor too bold, Varro declares. The men in charge of them should have some education, be dependable, experienced, older than their subordinates, and superior to them in knowledge; this will ensure that the farm hands respect them, follow their example, and understand why they are in charge. To keep order, words should be used rather than whips whenever possible. There should not be too many slaves from the same nation, since that is a source of domestic disputes. Foremen should be made more zealous by rewards, and be allowed to have a family so that they feel more invested in the farm. The master should show them consideration and respect, in order to earn their good will. The best of the farmhands should be consulted as well; that way, they do not feel despised by their master, and they will believe that he holds them in some esteem. They too can be made more eager for their work by generous treatment, and such treatment secures their friendly feeling towards the master, preventing ill will if they are punished or asked to perform a difficult task.

None of this advice could possibly apply to the keeping of animals. Every item acknowledges that slaves possess human attributes: emotions, language, education, relationships, loyalty, personal agency, self interest, intelligence, individual temperament. Varro's suggestions play on these attributes. Like any ox or mule, the slave's part was to work for his master. Unlike an ox or mule, the slave had certain qualities which had to be considered. The measures

listed in the *Res Rustica* seek to increase the output of field hands by exploiting their human tendencies. Their special traits were to be tended, appealed to, even manipulated, in order to promote an acceptance of and enthusiasm for their job. Varro's precepts for slave management therefore assign an economic role and status to the slave which is identical with that of a domestic animal, while simultaneously recognizing – and using – his humanity.

This proves to be a trend throughout the *Res Rustica*: where the assimilation of man and beast seems to be the most complete, that is precisely where the difference between them becomes most explicit. The second book equates slaves and herd animals in such a way that it is impossible to dismiss as a mere comparison, based on a certain occupational similarity. According to Varro's formulation, slave shepherds *are* herd animals. Near the beginning of the book, the *scientia pastoralis* is divided into nine parts, three categories each containing three members. The smaller herd animals: sheep, goats, pigs. The larger: cows, asses, horses. And those which do not themselves yield profit, but are born from or exist for the sake of those animals which do: mules, dogs, herdsmen (2.1.12). The text proceeds to address the science of animal husbandry according to these divisions. In keeping with their inclusion in the list of animals, herdsmen get their own use-and-care section (2.10.1-11), just like the rest of the animals, as well as the field hands in book one. Varro also includes a discussion on the breeding of herdsmen (2.1.25-26). Yet the opening paragraphs of book 2, where he sets out the *origo* and *dignitas* of the *res pastoricia* (2.1.1-10), give no sign that Varro is about to treat herdsmen as lowly animals. He maintains that in ancient times herdsmen were the most illustrious of men (2.1.6), and that the Roman people were sprung from shepherds (2.1.9-10). These do not sound like the claims of a man who regards herdsmen as innately bestial. Later, even as he talks about them as a form of livestock, he clearly thinks them human and does not denigrate their character.

In the passages where Varro addresses the topic of herdsmen, he employs some vocabulary that is appropriate to animals, some that is appropriate to humans. Thus the text creates parallelism between man and animal, as well as differentiation. At 2.1.25-26, one of the interlocutors asks how the speaker will maintain his original number of topic divisions, when neither breeding (*admissura*) nor the bearing of young (*fetura*) apply to humans or mules. He then concedes that perhaps they do apply to shepherds: “But I grant you that even in the case of humans (*in hominibus*) the ninefold division can be retained, because they have women (*mulieres*) in their houses in their winter quarters, some have them even in their summer quarters, and they think that this is useful in order that they may more easily keep the herdsmen with their herds; and by producing offspring (*puerperio*) they make the slave body larger and the cattle-raising more profitable.” *Admissura* and *fetura* are words more properly applied to livestock, and the breeding of shepherds is said to make the herd more profitable – as if their offspring increased the master’s herd, like calves or lambs. On the other hand, *hominibus* is used to designate shepherds, *mulieres* their females, and *puerperio* their reproduction -- all words specific to human beings. Moreover, the speaker gives another reason for keeping women with the herds, besides increasing the master’s holdings: it makes the shepherds more likely to stay with the herds. This directive is reminiscent of the instructions given in book 1 for field hands. It recognizes that the herdsmen have special human needs, and advises the master to fulfill those needs in order to ensure faithful service.

A similar phenomenon appears in the section devoted to the use and care of shepherds (2.10.1-11): Varro simultaneously treats them as both herd animals and human beings. Since they are a kind of animal, he covers topics which overlap with those discussed for other types of livestock. He talks about the number and kind of herdsmen to be kept, issues of purchase and

legal ownership, breeding, and the treatment of sickness. At the same time, however, he prescribes measures which arise from and appeal to the shepherds' human characteristics, just as he did for agricultural slaves in book 1. Also, he consistently refers to herdsmen with vocabulary which is appropriate only to people: *homo* (five times), *humanus*, *puer* (five times), *iuventus*, *puella*, *senis*, *mulier* (twice), *vir*, *mater*, *nutrex*, *mater familias*, *virgo*, *filius*. Twice he actually juxtaposes men with animals, indicating that, though somehow linked, they are definitely separate entities. Varro claims that the head-herdsman should see to the equipment "which is necessary for herd animal and herdsmen, especially for the sustenance of the men and the treatment of the animals": *quae pecori et pastoribus opus sunt, maxime ad victum hominum et ad medicinam pecudum* (2.10.5). Later, he says that the head-herdsman ought to have in writing "those things which pertain to the health of men and herd animal": *quae ad valitudinem pertinent hominum ac pecoris* (2.10.10). These two statements encapsulate Varro's tendency throughout book 2: *homo* and *pecus* are considered jointly, but clearly distinguished from one another.

It appears that the likening of slave and herd animal in the *Res Rustica* amounts to something more than mere comparison, but less than full assimilation. "Human" and "herd animal" are not mutually exclusive categories; slaves, or at least shepherds, are somehow both. If Varro's attitude were summarized, it might be said that he sees slaves as a human form of livestock. The question arises: How could Varro regard slaves as livestock, when he does not regard them as animals? The answer must lie partially in the fact that they belong to a master; they are as much his personal property as his herd animals are. But that is not necessarily the whole answer. Varro's threefold division in book 1 – *instrumentum vocale*, *semivocale*, and *mutum* – represents a coupling of man and beast similar to that in book 2: it places them together while also preserving the distinction between them. In that instance, as I have argued, Varro

does not make the comparison on the basis of ownership, since he includes free men under *instrumentum vocale*. It is possible that the conflation of shepherd and herd animal also has another explanation. In order to discover what it is, we must first consider herd animals on their own terms. Varro's text assigns certain characteristics to herd animals. A careful examination should reveal what those are, and which ones are supposedly shared with human shepherds.

I will start where Varro starts: with the history of herding. At the beginning of book 2, he sets the stage with a discussion of the *origo* and *dignitas* of the *res pastoricia* (2.1.1-10). Here he does not claim that herd animals are natural slaves. In fact, he maintains that they were once wild animals whom man captured and tamed; although, he does say that men tamed those animals "which they were able to" and "on account of their usefulness." Sheep, moreover, were the first to be domesticated, because of their usefulness and placidity, and because they are especially docile and most fit for the life of humans (2.1.4). All these comments could indicate that certain animals were destined by nature for man's use, and thus had temperaments amenable to subjugation. What is more clear – and more important for the present discussion – is Varro's emphasis on utility. He specifies that animals in general, and then sheep in particular, were tamed *propter utilitatem*. Like others in the ancient world, he too defines the herd animal according to its use for man. Despite their wild origins, domestic animals exist as domestic animals because humans have need of them. They live alongside man, are fed, trained, conditioned, cared for, and bred by man, in exchange for some form of good or labor. Whatever benefit a herd animal confers on humans, that benefit is the reason for its being.

There is a second major point to be taken from Varro's history of herding. The entire passage begins with the observation, "since it is necessary that both men and herd animals have always existed by nature...": *et homines et pecudes cum semper fuisse sit necesse natura* (2.1.3).

Here is another manifestation of the familiar pattern: Varro closely associates *homo* and *pecus* but recognizes the difference. In this case, however, he does not compare a particular group of people to animals; instead, all of humanity is linked to the race of herd beasts by no less a force than *natura*. The point of similarity may be their origin in nature, but Varro's account continues to weave together the fates of both creatures. He goes on to describe how human life progressed by certain stages down to the present day (2.1.3-5). First men lived off whatever the earth provided of its own accord. Then they came to the pastoral age, when they caught and trained wild animals for their use. This is an entire age defined by the burgeoning relationship between man and animal, proving to be a watershed moment for both species. Domestic animals, a human creation, came into being for the first time, and humans themselves began their march to civilization. The agricultural age is the third and last, the age to which Varro's own time belonged. His reconstruction follows logical necessity: agriculture had to come after the domestication of animals. Before the invention of tractors, farming was impossible without herd animals to plough the fields and haul heavy loads. I have already said that, according to Varro's thinking, herd animals exist for the use of man. It should now be added that they were not just useful, but absolutely essential for agricultural civilization – a fact which Varro tacitly acknowledges. They were thus indispensable participants in the human community, their lives inextricably bound up with those of humans. Herd animals depended on man for their care and protection, and man on herd animals for food production and a variety of other tasks. They both engaged in a partnership – albeit a lopsided one – to ensure mutual wellbeing.

The ideas which shape Varro's history of man and beast are consistent with the trends which I discussed in chapter 1. There, I noted that the Roman sources tend to treat domestic animals as a class of beings formed by nature to support mankind; since utility is the defining

feature of the class, utility generally dominates any discourse about herd animals. I observed, as well, that the arrangement between man and herd animals was considered natural, necessary, and mutually beneficial, though exploitative, too, since humans derive more benefit from it than the animal slaves who exist to serve them. These same concepts also determine how Varro talks about individual animals. This is especially apparent in his introduction to oxen (2.5.3-5). Here, Varro claims that “the cow ought to be in the highest standing among herd animals”: *nam bos in pecuaria maxima debet esse auctoritate*. The application of *auctoritas* to an animal is startling; shortly after, he also speaks of a *nobilem taurum* and the *maiestatem boum*. Whatever he means by *auctoritas* and *nobilis* and *maiestas* in this context, he obviously means to mark the cow as the most important and valuable of herd animals. He explains why. The ox is “man’s partner in rustic work and a servant of Ceres”: *hic socius hominum in rustico opere et Cereris minister*. The word *socius* expresses the notion of partnership and codependence between man and domestic animal. Varro immediately emphasizes the closeness of the relationship by pointing out that the ancients made it a capital offense to kill an ox. The label *Cereris minister* also alludes to the belief that herd animals exist *ad usum* and *propter utilitatem*. The cow has its high status because it is a *Cereris minister*, an essential participant in the agricultural process. Only oxen could plough heavy soil, which meant that, aside from humans, cattle played the most vital role in agricultural production – and thus in all of civilization.

Varro’s elevation of the ox reveals an important consequence of assessing herd animals by utility: they were hierarchized according to their function. The cow enjoyed the *maxima auctoritas* due to its all-important task, ploughing. The pig was evidently at the opposite end of the spectrum. Varro introduces swine with the claim that the Greeks call the pig ὕς, originally θῦς from the verb θῦειν, “to sacrifice”. He believes this label was inspired by the pig’s role as a



sacrificial victim (2.4.9). Straightaway, therefore, he identifies the pig with its use, even deriving its very name from that use. The pig's particular function was not deemed a very valuable one. Sacrifice usually served as a prelude to eating the victim, and Varro comments on the pig's status as a walking meal. "They say that the race of pigs was given as a gift by nature for feasting on; and so life was given to them instead of salt, in order to preserve the meat": *suillum pecus donatum ab natura dicunt ad epulandum; itaque iis animam datam esse proinde ac salem, quae servaret carnem*" (2.4.10). The joke was an old and oft-quoted one,<sup>54</sup> attributed by Cicero to the Stoic Chrysippus (*Nat. Deor.* 2.160), and by Clement of Alexandria to the Stoic Cleanthes (*Strom.* 7.34). It turns on the Stoic argument that the world and all its creatures exist for the sake of humans. If nature created the pig for man's use, and that use happens to be providing meat, then the purpose of the pig's life is to keep the meat fresh until the animal can be slaughtered and eaten. This is the only explicit reference in Varro to a teleological perspective and the natural slavery of animals. Whether or not he subscribed to those beliefs, the witticism must reflect a commonly held view of pigs; the line is repeated often enough in extant sources to suggest that it had popular currency. The attitude towards swine stands in direct contrast to the attitude towards oxen, killing which had once been a capital offense. Unlike the cow and every other kind of herd animal, the pig could not yield service or products repeatedly throughout its life. In a time and place where domestic animals were evaluated solely according to their utility, pigs were doomed to be held in poor esteem. They were completely useless until the moment they were killed.

Varro's use of the Stoic witticism about pigs calls to mind not only teleology, but also the related idea of a teleological *scala naturae*, wherein every creature is ranked according to both

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<sup>54</sup> cf. Cicero, *Nat. Deor.* 2.160, *De Fin.* 5.38; Pliny, *N.H.* 8.207; Clement of Alexandria, *Strom.* 7.34.

function and type. His comments about pigs and oxen suggest that, just as there are inherent inequalities in type and function between animals, humans, and gods, so there are inherent inequalities between species within the larger category “animals”. Pigs and oxen have different functions and so different types, adapted to fulfilling those functions. Therefore, they each occupy a different position on the scale of being, which corresponds to the importance and perfection of their respective functions and types. Only for pigs and oxen does Varro explicitly refer to an inter-species ranking system by establishing some sort of status vis-à-vis other kinds of herd animals. Although he does not compare whole species to each other, it is evident that he extends the function and type criteria of worth to every member of every herd animal species. He assumes that any animal is to be categorized and assessed by its function and the traits which enable it to fulfill that function. Horses, for example, carried out a variety of tasks in antiquity. Consequently, Varro notes that different horses are suited for different occupations; thus, they cannot all be judged and evaluated in the same way (2.7.15). In this model for appraising horses, they are divided into types according to their capacity for a certain function, and individuals of each type are assigned value according to their function and their ability to perform it. Varro’s remarks on this topic no doubt reflect actual practice, and do not necessarily presuppose a teleological scale of nature. However, actual practice in this case is compatible with teleological ideas. The evaluation of livestock was, perhaps, one of the traditional features of ancient culture that gave rise to philosophical doctrines of teleology, and made such doctrines seem plausible.

The evaluation of livestock, of course, entailed assigning a monetary value to animals. An emphasis on money, or, more precisely, on profit, constitutes one last element of Varro’s treatment of herd animals. Like every element of his treatment of herd animals, it is closely associated with domestic animals’ defining characteristic, their usefulness to humans. The

relationship between usefulness and profit is made clear when he discusses mules and hinnies. Straightaway he specifies which services they can and cannot perform. “Each is useful for work, neither brings a return from young”: *uterque eorum ad usum utilis, partu fructus neuter* (2.8.2). By substituting *fructus* for *ad usum utilis* in the second half of the sentence, this particular quote illustrates a crucial point: utility and profit, *usus* and *fructus*, were almost one and the same thing. The worth of an animal’s product or service was quantifiable in terms of monetary value. That fact explains why Varro occasionally quotes prices for certain kinds of animal. Several breeding asses of Reatine stock, he claims, had sold for three hundred or even four hundred thousand sesterces (2.8.3). The high sum reflects the perceived value of the animal’s function, breeding, along with its aptitude for that function. Apparently Reatine asses were considered the best of the best for breeding; therefore, they were the most expensive. By quoting this figure, Varro shows that he sees herding as a financial endeavor.

The close relationship between utility and profit had an important consequence for the perception and practice of herding, and even for the very definition of “domestic animal”. If herd animals exist in order to produce goods and services for man, or to help man produce goods, then the best possible management of the herd should maximize their productive potential. Since maximizing produce also maximized monetary return, the ultimate end of herding was to maximize the owner’s profit. This is precisely the aim which Varro outlines in his introduction to the *scientia pastoralis*. The interlocutor, Scrofa, says, “There is a science of preparing and pasturing the herd so that the greatest possible profit can be taken from them, from whom money itself takes its name; for the herd animal is the basis of all money”: *est scientia pecoris parandi ac pascendi, ut fructus quam possint maximi capiantur ex eo, a quibus ipsa pecunia nominata est, nam omnis pecuniae pecus fundamentum* (2.1.11). Scrofa’s definition of

the pastoral science shows how closely herd animals were associated with money-making in the Roman mind. The connection between herd and profit arose from the belief that domestic animals live solely for the use, and so the enrichment, of man. Apparently, then, a herd animal's proper function entailed not just being useful to man, but also profiting man. I have said throughout this work that the ancients tended to define domestic animals by their utility to mankind: they are a class of beings that exist to serve humans. Since it now appears that the Romans characterized herd animal utility in terms of profit, we should adjust the definition accordingly: domestic animals are a class of beings that exist to profit humans. This idea underlies the whole conception of the *Res Rustica* book 2, which describes how to secure the most monetary return from the herd.

Now that I have explored Varro's views on domestic animals, and produced a definition of "domestic animal" that more accurately reflects those views, we are in a better position to assess his comparisons between domestic animal and human. Before I move on to the assimilation of herdsmen to herd animals in book 2, I will briefly revisit the tripartite division in book 1: *instrumentum vocale*, *semivocale*, and *mutum*. I have argued that the basis of comparison between *instrumentum vocale* and *semivocale*, man and animal, is that fact that they serve the same use in agricultural production: they both cultivate fields. I will now show that profit also figures prominently in this comparison, since both man and animal are understood to serve the same use in an activity that ultimately aims at profit. Thus, the notion that herd animals are creatures who produce profit for their human masters is very much in evidence, and actually gives rise to the likening of human to animal. I will then contend that the herdsmen of book 2 are assimilated to animals on similar grounds: because they fulfill the same function as herd animals, which is to produce profit for their masters.

I have said that book 2 identifies the maximization of profit as its object. This is true for book 1, as well, which reveals that agriculture, like herding, was regarded as a profit-making enterprise. The character Stolo announces, “The farmer ought to aim at two goals, utility and pleasure. Utility strives for profit, pleasure for enjoyment”: *agricolae ad duas metas derigere debent, ad utilitatem et voluptatem. Utilitas quaerit fructum, voluptas delectationem* (2.4.1). Here, just as in book 2, Varro specifically links utility to profit. He then goes on to label utility, and thus profit, as the more important of the two goals. Accordingly, the instructions in book 1 all deal with increasing agricultural yield, as the instructions in book 2 deal with increasing the return from the herd.

Into this profit-driven context comes the description of agricultural laborers and herd animals as comparable types of tool. I argued previously that the designation *instrumentum* arises from their use in the cultivation of fields. This is in keeping with Varro’s later practice; throughout book 2, he always assesses domestic animals by their usefulness. Thus his attitude toward herd animals shows continuity from one book to the next. Unlike in book 2, he presents them as a mere aid to production, rather than a valuable product in their own right. Their reduced standing reflects the topic of book 1, which discusses the derivation of profit from *agricultura*. Book 1 therefore focuses on agricultural yield, strictly the produce of the field, and the profit derived from it. As Varro himself points out, herd animals only belong to this context to the extent that they assist in the field’s cultivation. Therefore they are cast as a means to an end, an *instrumentum*. That descriptor is a facile one, applied as a convenient organizing principle in a place where Varro does not intend to discuss herd animals on their own terms. The word elides the great worth of their service to the farmer, but it does accurately encapsulate the nature of herd animals’ involvement in generating agricultural profit. When the sale of crops, not of the

animals themselves, yields the profit, the animals simply play a part in producing the item which is the source of profit, rather than constituting a source of profit in their own right. Varro, then, depicts the exact role of domestic animals differently, depending on the source of profit and how they contribute to producing it. However, his portrayal of their proper function is consistent throughout his work, in that he always assumes that their every activity and their very existence have one ultimate end: the master's profit.

When Varro calls agricultural laborers, too, a kind of tool, he is claiming that they perform the same function as herd animals. These humans can also be considered *instrumenta* because, like the animals, they play a part in a profit-making enterprise. They are mere implements in the pursuit of profit, since they themselves are not the source of profit; rather, they serve as a means of generating the goods which are a source of profit. Therefore, the value of their labor, like that of herd animals, is subordinate to the value of the crops which they help raise. According to this interpretation, the shared feature which links man with beast is their manner of usefulness. Of course any comparison of man and animal in the *Res Rustica* must inevitably have use as its basis. What else is there? I have shown that Varro does not make such comparisons on the basis of intrinsic qualities; he conjoins human and domestic animal while still maintaining the fundamental distinction between the two species, and recognizing the uniquely human qualities of the people in question. That leaves utility alone to provide a possible explanation for the comparisons, since Varro never judges or even considers herd animals with reference to anything else; it is their very usefulness to mankind that defines them as domestic animals. Because utility is their only attribute, it is the only one they could possibly have in common with humans.

This point of commonality between man and beast at last provides an answer to my question, “On what grounds does Varro assimilate slave to herd animal?”. Ultimately, Varro does so for the same reason that Aristotle does. I have argued that Varro allots a specific form of utility to domestic animals: they work for their master’s gain. The value of their labor or produce exceeds what is spend on them. It is fulfilling this role, toiling for a human’s profit, that makes an animal a domestic animal. Varro is therefore similar to Aristotle in identifying the characteristic function of domestic animals as an economic or productive one, although the two authors describe that function differently. Aristotle focuses on the type of task they carry out: herd animals engage in physical labor at the master’s command. Varro’s formulation, however, emphasizes the exploitative aspect of the relationship between man and animal. I have observed that domestic animals were considered mankind’s partners in survival, but unequal partners. Since they are formed by nature to provide for human needs, humans rightly and naturally take the larger share of whatever the two species produce together for their mutual support. Regardless of what the exact function consists of, the fact that Varro and Aristotle identify economic function as the defining herd animal trait leads both to include certain humans in the category “herd animal”, because those humans display that defining trait. I pointed out in the last chapter that Aristotle assigns human slaves the same economic function as herd animals. Because the two types of creature both execute this essential function, he regards slaves as a type of herd animal and herd animals as a type of slave. I contend that a similar rationale underlies Varro’s conflation of herdsmen and herd animals in book 2 of the *Res Rustica*.

Varro includes slave herdsmen under the heading “herd animal” because they fulfill an equivalent economic role, that of producing profit for another. Shepherds are living creatures whose labor yields a return from the herd. Herd animals themselves are defined as living

creatures that yield a return. Since Varro classifies animal and human alike according to their productive function, and because herd animal and herdsman work together toward the same productive goal – return from the herd – they both belong to the same category. Moreover, as slaves, they both belong to the same owner. Given Varro’s emphasis on use and profit, however, ownership may not be the vital concept; rather, what matters is who produces use and profit for whom. Domestic animals, destined to serve man, yield goods and labor for man. In exchange they are given enough food and care to ensure their survival. Slave shepherds, too, worked not for their own enrichment, but for that of a human master. The master reaped whatever profit resulted from their labor; anything they kept for themselves, they kept only at the master’s sufferance. In this regard, any generosity on the master’s part really aimed at his own benefit. Varro recommends that slaves be granted incentives – more food, clothing, exemption from work, or cattle of their own to graze – in order that they “become more eager for their work,” *studiosiores ad opus fieri* (2.17.7). Just as, from the master’s point of view, herd animals received only what was necessary to prolong their lives and thus their labor, so shepherds received only what was necessary to secure their faithful and diligent service. The most important similarity between the two groups therefore lay in their economic role. The *Res Rustica* assumes that it is natural or inevitable for domestic animals to give and men to take. In that world order, any person who could take nothing for themselves, but had to constantly give to another, was as much herd animal as human.

Assimilation on the basis of productive function explains how Varro could label herdsmen as domestic animals while still acknowledging that they are innately human. It also explains how the Romans could build the equation of slave and domestic animal into law, although they did not necessarily believe that slaves had intrinsically animal-like qualities.



Earlier in this chapter, I mentioned Keith Bradley's theory, that the identification of slave with herd animal arose from the fact that they were both considered property; Bradley cites certain laws to support his point. I countered that, although slaves and domestic animals clearly were regarded as analogous forms of property, commodification alone cannot underlie the conflation of human and animal, since free persons were sometimes described as herd animals, as well. I have now found a possible solution which accounts for both phenomena, the legal commodification of slaves and the conceptual degradation of certain free persons. I have suggested that the primary grounds of comparison between slave and herd animal was their economic role, which entailed working for the profit of another. It was by virtue of performing this activity that they were property: a piece of property is an item subject to someone's use, and an owner is the person entitled to the item's use and produce. Thus, the legal classification of masters as owners, and of slaves and animals as property, represents the formalization of the economic relationship between the two parties, between the exploiter and the exploited. However, exploitation is perfectly possible outside of the master-slave relationship. Sometimes free persons participate in a labor arrangement that profits another more than themselves. Because this is true, such people technically meet the criterion – producing profit for another – that qualifies them for categorization as domestic animals, even though they have no owner and are not property. Later in this chapter, I will show that productive function does indeed drive the portrayal of certain classes of free person as herd animals.

Varro's text bears out the interpretation that slaves, or at least slave herdsmen, were considered a kind of herd animal because they profited their master in a similar way. Right after Scrofa, Varro's interlocutor, establishes that the aim of herding is profit, and that herd animals are the basis of all money (2.1.11), he divides herd animals into three groups: the smaller, the

larger, and those which are not kept for profit, but are born from or exist for the sake of the other groups. Shepherds belong to the third group, along with mules and dogs: *tertia pars est in pecuaria quae non parantur, ut ex iis capiatur fructus, sed propter eam aut ex ea sunt, mules, canes, pastores* (2.1.12). The insertion of *non parantur ut ex iis capiatur fructus* shows that Varro still defines this last category according to its potential for profit, even if the defining feature is a lack of such potential. Of course, mules were useful for work and could be sold for a profit. The final category in Varro's threefold division reflects the nature of his topic, not the intrinsic value of the animals. The *res pastoricia* strictly consists of making a profit by assembling and breeding a herd. Although breeding a mule could produce a profit, the mule itself could not increase the owner's stock by breeding, and thus could not yield a profit according to the terms of the *res pastoricia* proper.<sup>55</sup> The other two members of the third category, dogs and shepherds, could breed, but were not usually kept for that purpose – as another passage demonstrates. When Atticus points out that the divisions “breeding” and “bearing,” *admissura* and *fetura*, do not apply to mules, shepherds, and dogs, he then backtracks. He admits that they could technically apply to dogs and herdsmen, by whose offspring the herd becomes more profitable, *rem pecuariam fructuosiore* (2.1.25-26). His initial reaction shows that, although the young of dogs and shepherds were saleable objects and therefore a possible source of profit, they were not normally considered in that light. Since mules, dogs, and herdsmen did not directly augment the size and profitability of the herd, Varro portrays them as separate from the productive herd which is the object of his attention in book 2. Mules are cast as a product of the herd, *ex ea*, and herdsmen and dogs as accessories to it, *propter eam*.

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<sup>55</sup> I owe this point to Flach (1997) on Varro, *Res Rust.* 2.1.12 (p. 199).

As accessories to the herd, shepherds occupy a role in herding which is exactly analogous to that of field hands in agriculture: they are a means to an end. Their persons are not valuable in themselves, but their labor helps to produce something which is valuable. In both cases, their job makes them an integral part of a certain profit-making enterprise. Because animals perform a similar function in the same enterprise, they are assigned a status equivalent to that of the human laborers. In agriculture people and animals alike are tools, since they are merely aids necessary for a productive end separate from themselves, the crops of the field. The terms of the comparison shift along with Varro's economic viewpoint. In the herding business, the animals themselves are the productive end; as the source of profit, they cannot be reduced to mere *instrumenta* in the service of profit-making. Their change in status affects the standing of those men involved in their upkeep, since Varro evaluates both man and animal according to their productive role. In a context where they are raised for profit, herd animals might be defined as living beings that exist in order to yield a profit for their human masters. Herdsmen also fulfill the terms of this definition by caring for the herd, and thereby contributing to the master's profit; thus, they actually are herd animals in a certain sense. Farmhands and domestic animals, on the other hand, as fellow agricultural laborers, are merely parallel entities. They are accorded equal status, as well, whereas herdsmen have less value than other herd animals. The animals, unlike their human handlers, are intrinsically valuable; as Varro himself points out, herdsmen only exist for the sake of the value derived from the animals, *propter eam*. Whatever their moral worth as human beings, in terms of their economic output their worth is subordinate to that of the animals they raise, just as both farmhands and animals are secondary to the crops they raise. The utility- and profit-based assessment scheme therefore determines even the relative standing of man and animal. That fact explains why books 1 and 2 employ different man-animal comparisons, which

suggest different relationships between man and animal; the two comparisons are shaped by two different productive contexts.

The specifics of the comparisons vary according to Varro's economic focus and literary need; however, both arise from the same fundamental assumptions. They do not assume that field hands and shepherds are innately bestial or servile, and therefore do not assume a teleological view of human nature. In book 1 the likening of man and animal extends only to their role in agriculture; Varro still preserves the distinction between them by labeling one *instrumentum vocale* and the other *instrumentum semivocale*. Even herdsmen, though classified as a type of herd animal, are described with words appropriate only to people. Varro clearly recognizes their humanity. He subsumes them under the heading "herd animal" as a matter of organizational convenience, just as elsewhere he labels both men and animals as *instrumenta* as a matter of convenience. Since his topic is the maximization of profit, he shows no interest in the personal character of field hands and shepherds, just in their job. He engages with them only to the extent that they play necessary parts in agriculture and herding. Their jobs, or productive roles, are precisely those features which they share with domestic animals. The general pattern of Varro's man-animal comparisons reflect this specific point of similarity. They present man and animal as joint or parallel entities, while still distinguishing between them; thus, they recognize that man and animal perform the same function in the same profit-making enterprise, but possess different essential natures.

Varro's views on herd animals ultimately drive his assimilation of man and animal. According to his formulation, domestic animals were domesticated on account of their utility to humans. Because they provide essential goods and labor, they are vital participants in human society; because they receive care and upkeep in return, they could even be called the partners of

mankind. It is an unequal partnership, however, marked by the exploitation of one side by the other. Herd animals are a race created by nature and man in order to serve man, therefore existing solely for his use and – by a practical and conceptual extension – for his profit. Every member of every species of herd animal is defined, categorized, assessed, and hierarchized with reference to its potential usefulness and profitability. In this ideological context, it is not surprising to see herd animals likened to humans on the basis of their productive function. Since Varro assigns to domestic animals just that one attribute, utility, he can only make a comparison based on that one attribute. The surprising aspect of the comparisons, the assumption that determines their particular form, relates to humans, not animals. Varro apparently feels that he can evaluate people by the same standard which he applies to animals, and does so. He rates field hands and herdsman just as he does animals, according to their usefulness and profitability – despite acknowledging that they are biologically human, possessing all of the qualities which that entails. As a result of his assessment scheme, he downgrades their human status, reducing them to the same level as the herd animals which they work alongside.

#### Nature as the Measure of Social Status

It is now time to consider how Varro's man-animal comparisons might help us answer the question which is the focus of this study: how was nature thought to play a part in creating, maintaining, and legitimizing human social inequality? More specifically, did the Romans view human society as teleological? My reading of the *Res Rustica* indicates that the answer to the second question is "no"; at least, Varro does not apply teleological principles to humans in this particular work. A teleological outlook on society would suppose that the social hierarchy is a natural scale of both type and function, wherein the lower orders of human exist to support the higher, and therefore possess a type adapted to that function. Varro, however, does not imply

that slaves possess a special type adapted to their lowly function. He treats them, rather, as fully human, with all the traits and capacities which humanity entails. As I have just argued, he does not liken slave to animal on the basis of innate characteristics, but on the basis of an external circumstance, economic role. He does not, therefore, seem to presume that there are intrinsically different kinds of human, suited to specific roles in society.

Although nature's involvement in social inequality does not, apparently, include the teleological differentiation of humans, Varro does indicate that nature is involved somehow. *Natura* figures prominently in his comparisons. I have shown in earlier chapters that the ancients often regarded herd animals as natural slaves. Although Varro never explicitly says this, his treatment of herd animals is consistent with that belief. When he states that "both men and herd animals have always existed by nature" (2.1.3), he identifies both *homo* and *pecus* as "natural" categories of living being. When he claims that domestic animals exist for the use of man (2.1.4), he supposes that nature has created one type of living being for the sake of another; in other words, he takes a teleological view of nature. This assumption causes him to assess animals according to their usefulness to man – according to their natural destiny, their sole purpose for living – which in turn gives rise to his utility-based man-animal comparisons. Thus, whenever he compares man to animal, he implicitly refers to a natural and teleological hierarchy of species.

If the comparisons presuppose a teleological hierarchy of species, but not a teleological hierarchy of humans, then what, precisely, is the connection between the two hierarchies? I will now suggest a possible answer, which I believe explains the class-specific man-animal comparisons not only in Varro, but throughout republican literature. It also, I think, explains how nature was thought to play a role in social inequality. In this section, I will show that the

comparisons in Varro assume a certain connection between the natural and social hierarchies. In the rest of this work, I will show that comparisons in other authors depend on the same assumption; moreover, authors use this notion and man-animal comparisons as a way to talk about class inequality in general, not just the inequality between slaves and free persons. I contend that, although the Romans do not tend to espouse the idea that there are different human types, each formed to fulfill a certain function, they do treat function itself as a primary criterion of social status. Therefore, they do not apply to humans both of the standards of rank, function and type, which characterize the teleological hierarchy, but they do apply one of those standards to humans. This is the link between the natural and the social hierarchies, the shared feature which allows authors to compare and even equate the two. Varro and other writers presume that the worth of any creature is determined by its function within human society – or, to put it another way, by the manner in which and the degree to which it is useful to human society. Because they hold this to be true for man and animal alike, they often conflate the natural and social hierarchies into one natural scale of social value and standing, with the result that humans and animals who contribute to society in the same way can hold the same status. Thus, Roman authors treat utility to the human community as the natural measure of all social standing.

This method of reckoning status coincides with a belief which is expressed in the *De Officiis* (1.22), and which I discussed in chapter 1: nature intends both people and animals to contribute to the upkeep of human society. It is also consistent with another trend which I pointed out in the same section, that Roman sources tend to talk about social standing as if it reflects how useful a person is to the state, and in what way. In the *De Re Publica* (2.39-40), Cicero even implies that utility to the state plays a role in determining formal legal status, as well as informal prestige. The idea that it is natural for humans to promote society is a Stoic one; the

practice of assigning social standing according to utility is definitely not Stoic in origin. Perhaps the Stoics first introduced the former concept to Roman discourse; perhaps not, and Stoic ideas and native Roman ideals just happened to be similar in this regard, with the result that Stoicism was adopted all the more readily because of it. Either way, a belief that people are naturally obligated to serve society seems to have combined with the Roman concept of a utility-based social hierarchy, producing the view that such a hierarchy is natural.

It is easy to see how these ideas about human status could have interacted with ideas about animals and the *scala naturae*, to give rise to the notion that the scales of human and animal, social and natural status are one and the same. If the Romans were accustomed to think that there is a natural hierarchy of animals, ranked by their usefulness to human society, and if they traditionally recognized a hierarchy of humans, ranked by their usefulness to society, then the common measure of worth, usefulness, might well have prompted an analogy between the two hierarchies, or even an outright conflation of the two. The assumption that humans, like animals, are naturally supposed to serve society would have practically ensured such a conflation; to people who habitually assessed human worth in terms of utility, it would have suggested that utility is a natural standard of value for humans, as it is for animals. By this reasoning, the animal and human hierarchies are both natural, with the same natural criterion of value and standing. This view lends itself to the assumption that the two hierarchies actually comprise one, continuous scale of worth for animal and human, just as the *scala naturae* is one, continuous scale of inter-species worth.

Varro's assimilation of slave and herd animal displays this pattern of thought. As I noted in the previous section, the idea of a natural hierarchy wherein all animals are subordinate to humans, and individual types are ranked by their usefulness to humans, is very much in



evidence. Social status also plays a part in the text, in that Varro talks about slaves and “slave” is a human social status. Animals’ utility determines their worth to the human community, and so their standing, and the same is true for people. Varro defines servitude as an economic role, and this role or function dictates how he discusses and values slaves. Thus, Varro assesses man and animal by the same standard, which leads him to assign the same status to each. Because they fulfill a similar productive function, herd animals are a kind of slave, and slaves are a form of herd animal. This constitutes a conflation of natural and social status, since the social category “slave” is assimilated to the natural category “herd animal”, and the natural category “herd animal” is assimilated to the social category “slave”.

Varro also reveals one last assumption which may have contributed to the tendency to regard natural and social status as equivalent: herd animals are, in a limited way, members of the human community. I have observed that he treats domestic animals as natural slaves, as creatures destined by nature to serve man. That much we have seen elsewhere. However, he makes a point of recognizing their absolute necessity to man, as well. According to the *Res Rustica*, therefore, domestic animals are essential participants in the human community. They might even be considered partners, albeit unequal ones, since they engage in an exchange of vital services with their human masters. Only through cooperation between the two species can both survive. This circumstance might suggest that domestic animals are actually part of human society. If they are part of human society, then the natural category “herd animal” is a social category, too. Thus, the lowest member of the natural hierarchy, as a member of human society, is also the lowest member of the social hierarchy. Since “herd animal” is a social category, humans can belong to it, as well, if they meet the definitive criterion. Conversely, animals can belong to an ostensibly human social category, if they meet the definitive criterion. Because, as I

have argued, the definitive criterion for both “herd animal” and “slave” is the same – to be useful in a certain manner – a legal slave is automatically a type of herd animal, and a herd animal a type of slave. In this way, man and animal occupy the same position in society, with the result that the status “herd animal” and the status “slave” can be used interchangeably to denote one natural social position.

The equation of slave with herd animal – and, more broadly, the equation of the social and natural hierarchies – is reflected in the language used to describe animal and human status. I have pointed out that the ancients regarded herd animals as slaves; accordingly, they were often associated with the vocabulary of subservience, the same vocabulary which was applied to servile humans. I have also discussed the long tradition of likening slaves to herd animals. Aristotle’s theory of natural slavery, as I showed in the previous chapter, makes use of both conventions. We have now seen that Varro, too, draws upon both tendencies in the *Res Rustica*. The fact that the Romans defined slave and herd animal in terms of each other, and classified one as a form of the other, shows that they did not differentiate between the natural and the social as we do. They could not conceptualize either state without reference to the other. As a result, the language used to talk about the natural status of animals, and that employed for human social standing, are hopelessly entangled. In chapter 1, I examined the most famous republican example of this phenomenon: the prologue of the *Bellum Catilinae*. There, Sallust utilizes the imagery of domestic animals and of slavery in close conjunction, in order to comment on what is naturally appropriate and inappropriate for humans of free standing.

Varro also offers examples of this linguistic and conceptual entanglement. I have talked at length about the fact that he describes field hands and shepherds, who both occupied a very low socio-economic station, by comparing them to herd animals. The conflation works in the

opposite direction, as well: just as nature and animals inform the status of humans, so humans and society inform the ranking of animals. This occurs most clearly in the sections about pigs and oxen, whom Varro specifically locates within the hierarchy of herd animals. Pigs, he claims – quoting the old joke – were given by nature for feasting on; and so they were granted life instead of salt, to preserve the meat (2.4.10). As I explained before, the point here is that pigs provide humans with just one commodity, meat. Nature, then, created them for that one reason, in order to be killed and eaten. Until a pig can fulfill this destiny, the entire purpose of its life is to keep the meat fresh. Although the words “useless” and “worthless” never appear in the text, the joke assumes that a living pig is useless and therefore worthless. Cicero is more explicit: he actually applies the word “worthless” to swine. The proverbial uselessness of pigs no doubt prompted his characterization of Verres as a *nequam verres*, “worthless boar” (*Verrines* 2.1.121). Obviously a pig is neither useless nor worthless to itself. The designation “worthless pig” only makes sense if the pig is judged and ranked within the context of human society, according to its utility to humans. Its humble position is a kind of social status, in that it reflects the pig’s value to human society, as measured by the standards of that society. The pig is also inferior in relation to other herd animals, since utility determines the value and standing of them all. Furthermore, because the joke invokes *natura*, it attributes the pig’s lowliness to a natural order and plan. Thus, a brief witticism about pigs illustrates how men and animals, society and nature, are all subsumed into a single ranking system: to be worthless among herd animals, worthless to man, and worthless by nature, are all one and the same thing.

The equation of natural and social status is even more obvious in the passage about oxen, where Varro uses human social labels to indicate the value and standing of animals. He asserts that the ox is the *socius hominum* (2.5.3). Anything that can be a *socius* occupies, by definition,

a social category. He also calls the ox a *Cereris minister* (2.5.3). *Minister* normally refers to a human job and its attendant, servile status. Here, then, is an example of the language of human servitude, linked to an animal. Moreover, and more surprisingly, he attributes to cattle the *maxima auctoritas* among herd animals (2.5.3), as well as *maiestas* (2.5.4). He tags a bull *nobilis* (2.5.3). These are words usually associated with the aristocracy. To express the prestige of the most important animals, Varro has borrowed from the language of the Roman elite, who were the most important humans. The text therefore demonstrates the conceptual and verbal overlap between man and animal, social and natural. In this case words from the sphere of human social relations have been applied to an animal, as a way to emphasize the value of its natural function.

We might wonder whether the idea of a single scale of animal and human worth, graded according to utility, is unique to the *Res Rustica*, and so has no broader significance. Perhaps Varro's criteria for evaluating man and animal arise from his very specific literary agenda. The *Res Rustica* is a technical manual which explicitly states its aim: to maximize the profit derived from agricultural and pastoral enterprises. In such a context, of course everyone and everything is assigned value according to its productive capacity. However, there is a reason to suppose that Varro made use of available ideas, rather than inventing them: all of the most suggestive passages have parallels in other authors. He actually ascribes his history of the progress of civilization – from the hunter-gatherer stage, to the pastoral, to the agricultural – to a Greek author named Dicaearchus (2.1.3). Aside from that passage, my argument relies chiefly on Varro's assimilation of slave and herd animal. Such comparisons constitute the subject of this chapter; I have already demonstrated that there was a tradition of these comparisons in ancient literature, and I will continue to explore similar instances. I pointed out, too, that the pig

aphorism was an old joke, supposedly coined by a Stoic philosopher. Other Roman authors quote it as well,<sup>56</sup> and in the *Verrines* Cicero presents a variation on the thought. When he calls Verres a worthless pig (2.1.121), he not only assumes the worthlessness of pigs, but also likens a human being to a herd animal on the basis of utility. In this case the point of similarity between man and boar (aside from the name *verres*) is their utter uselessness to mankind. Cicero's comparison therefore displays the same pattern as Varro's: it assimilates man and animal and assigns them the same social value, because they both possess the same measure of utility to human society.

Although the oxen passage has no exact counterpart, its ideas are not unique to the *Res Rustica*. To my knowledge, *auctoritas*, *maiestas*, and *nobilis* are applied to cattle nowhere else in Roman literature. However, various authors describe the great value of the ox in terms that recall Varro's passage. Cicero asserts that men of the golden age never showed violence towards cattle, since cattle plow the earth. He further notes, "Such great utility was thought to be obtained from oxen, that it was considered a crime to eat their flesh": *tanta putabatur utilitas percipi e bubus, ut eorum visceribus vesci scelus haberetur* (*Nat. Deor.* 2.159). This claim resembles Varro's own, that it had once been considered a capital offense at Rome to kill an ox (*Res Rustica* 2.5.4). Cicero's reference to plowing also shows that he, like Varro, is thinking of the cow in its working, agricultural capacity, not as a meat animal. He even pinpoints *utilitas* as the attribute responsible for the cow's high status, something which is implicit in Varro's passage.

The concepts which figure in Varro and Cicero also appear in texts written after their lifetimes. Vergil expresses the same idea as Cicero, that golden age humans did not eat cattle

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<sup>56</sup> Cicero, *Nat. Deor.* 2.160, *De Fin.* 5.38; Pliny, *N.H.* 8.207; Clement of Alexandria, *Strom.* 7.34.

(*Georg.* 2.536-538). Ovid does not appeal to the norms or laws of some distant past, but actively intercedes on behalf of the cow's life (*Fast.* 4.412-416). He bids priests to spare oxen, so that they may plough and live and labor. He argues that a neck fit for the yoke must not be struck by the axe. Ovid, like Cicero and Varro before him, locates the ox's utility, and thus its value, in its labor, specifically in its ability to plough. Due to its usefulness as a laborer, the ox is worth more alive than dead, unlike swine. Ovid actually asks that "the idle pig", *ignavam suem*, be sacrificed instead of cattle. Here is a near match to Cicero's *nequam verres*, and the walking pork chops of the Stoic aphorism. According to Ovid, pigs are a better choice for sacrificial victim because they are inactive in life and so worthless, whereas a dead pig can provide a good meal. In this one, four-line passage, Ovid encapsulates Varro's most salient points about both cattle and pigs, and assesses them by their usefulness to humanity, just as Varro did.

Columella offers the closest parallel to Varro's passage (6 *praef.* 6-7) – predictably, since he too writes an agricultural manual, and actually cites Varro as a source. He divides domestic quadrupeds into two categories, one of which consists of animals procured "for partnership in our works", *in consortium operum*. Their use "takes part in our labor": *cuius usus nostri laboris est particeps*. These statements recall Varro's assertion that the ox is "the partner of men in rustic labor": *hic socius hominum in rustico opere* (*Res Rustica* 2.5.3). In fact, Columella proceeds to use almost the exact same phrase when he calls the ox "the most hardworking partner of man in agriculture": *laboriosissimus hominis socius in agricultura*. Because the ox has this status, he declares that it "ought to surpass the rest of the herd animals in honor": *ceteras pecudes bos honore superare debeat*. Although the word is *honor* rather than *auctoritas*, *maiestas*, or *nobilitas*, it constitutes another instance of elite vocabulary applied to an ox. It is followed by yet another, *veneratio*. Columella says that "veneration of the cow was so great

among the ancients, that it was just as much a capital crime to kill an ox as a citizen”: *cuius tanta fuit apud antiquos veneratio, ut tam capital esset bovem necuisse, quam civem*. This sentence also contains a comparison of man and animal: not between herd animal and slave, but between herd animal and citizen. The cow’s great utility elevates it to a rank above mere slave, to full participant in the Roman community.

In his *Natural History*, Pliny basically makes the same points, though in a more compressed manner (8.180). Again the term *socius* turns up to describe the ox’s role in farming. “We have this animal as a partner in labor and agriculture”: *socium enim laboris agrique culturae habemus hoc animal*. Again Pliny relates the fact that it had once been a capital crime to kill an ox. He claims that an actual case was recorded, in which a man was condemned for killing an ox simply for its meat, and was driven into exile “just as if he had killed his own farm-laborer”: *actusque in exilium tamquam colono suo interempto*. Pliny’s telling, like Columella’s, specifically likens a cow to a human. He uses *colonus* rather than *civis*, a choice which reflects the cow’s job as an agricultural worker. *Colonus* and ox are similar with respect to their productive function, and the degree to which that function benefits human society; they therefore enjoy the same status. The use of *colonus* brings Pliny’s man-animal comparison into exact alignment with Varro’s, which also equates ox with farm laborer on the basis of their shared role in the agricultural process.

The passages discussed above contain parallels to every thought which Varro expresses about oxen: their high value and prestige, derived from their great utility to humanity; how they contrast with the lowly pig; their status as partner of man; their equal standing with human laborers. Columella even describes cattle in language normally associated with the Roman elite. These views, and their underlying assumptions, are clearly not peculiar to the *Res Rustica*. It

could be true that later authors take their ideas from Varro; Columella and Pliny, in particular, no doubt did make use of the *Res Rustica*. Nonetheless, it is more likely that Varro drew upon an established practice, than that numerous authors decided to repeat concepts which he invented – especially when those concepts depend on so many other suppositions. Moreover, I will show in the rest of this work that the notions which I have explicated, and which underlie the foregoing passages, appear in other sources, as well, employed in a variety of contexts for a variety of purposes. They are too ubiquitous to be attributed to Varro, or to any one man.

So far, I have discussed the equation of natural and social status only as it pertains to slaves and herd animals. However, I propose, and will later show, that the phenomenon is not limited to slaves and herd animals. Rather, Roman sources assume the existence of one continuous scale of worth and status to which *all* humans and animals belong, wherein *every* creature is ranked according to the same criterion. In this concept lies the answer to my question, “What role was nature thought to play in human social inequality?” The belief in a natural standard of worth, common to all living beings, provides the conceptual mechanism by which social divisions could be construed as natural. The common standard is utility to human society. This method of reckoning reflects the anthropocentric view that human society is the highest earthly entity; it aligns, too, with the teleological view that everything on earth has been formed for the purpose of supporting human society. If everything in nature exists for the sake of man, then the end of everything in nature is to promote the human community. It is easy to see how analogy could have suggested that for humans, as well, contributing to the community is a natural goal, or even the highest natural goal; moreover, the same analogy suggests that individuals ought to be assessed by this activity, just as everything else in nature is assessed by its contributions to human society. Thus, service to the community becomes the final, the only



significant measure of the importance of any living being. It provides the link between social and natural status, which were not recognized as separate entities. Since nature itself has determined the universal yardstick, the supreme arbiter of all status, all status is natural. The resulting inequalities in status are therefore natural as well – both the inequality between man and animal, and the inequality between humans. Treating the standard of status as natural therefore naturalizes the social hierarchy itself, making it an intrinsic element of nature.

Varro shows that a natural social hierarchy need not entail the existence of humans who are naturally adapted for specific functions. He treats the very institution of slavery as natural, and the very category “slave”. His shepherds and farm hands just happen to occupy that category; their personal character has nothing to do with it. Domestic animals, on the other hand, were thought to be slaves by nature. In them the ancients believed they had a natural precedent for the human institution, a model designed and sanctified by the divine plan. Herd animals therefore serve as a shorthand reference to the condition and status of slavery. Those unlucky humans who found themselves in servitude were assimilated to domestic animals, the natural slaves. Because utility was the principal gauge of rank, it constituted the primary point of similarity between slave and herd animal. The *Res Rustica* measures utility by profit, and thus takes profit as the basic component of the servile state. Slaves were slaves – and so comparable to herd animals – because fortune had condemned them to a life of labor, producing profit not for themselves, but for a human master. If even slaves were not considered a special breed of human, innately suited for their lowly job, then it is unlikely that the Romans subscribed at all to the notion of teleologically differentiated human types.

Now that I have identified the role of nature in creating status, we are in a better position to determine the relationship of the relevant ideas to Aristotle’s theory of natural slavery and to

Stoicism. With regard to Aristotle, my analysis of the *Res Rustica* has borne out my conclusion in the last chapter, that the theory of natural slavery does not account for the assimilation of slave to herd animal in Roman texts. Some of the premises on which Aristotle bases his theory do appear in Roman sources, as well, though this fact probably does not signify that Aristotle introduced these concepts to common discourse; rather, it indicates that these premises were widespread assumptions, which influenced both Aristotle and Roman authors. Varro and Aristotle, for example, both treat slavery as an economic function, though they define that function differently. Aristotle focuses on what slaves do – perform manual labor at the behest of the master – whereas Varro focuses on for whom they do it: a slave is someone who works for the profit of another. Moreover, Varro, like Aristotle, supposes that slavery itself is a necessary and natural part of the world order. Unlike Aristotle, he does not conclude from this circumstance that there must be a special subset of humans naturally formed for that station. Although his comments on animals are not incompatible with a teleological view of nature, he does not apply those principles to humans.

In applying teleology to the lower animals, but not to humans, Varro is similar to the Stoics. In fact, Stoicism offers parallels to many of the concepts which play a part in the *Res Rustica*. As I have observed in previous chapters, the Stoics also regard slavery as a necessary and natural labor arrangement. More generally, they regard human society and the individual social relationships of which it is comprised as natural. This evidently includes relationships of inequality, since they consider the master-slave relationship to be natural. Claiming that the existing social order is natural does not amount to calculating status on the basis of utility, or advocating such a system. However, it does concur with the view that the social hierarchy is natural. Moreover, the Stoics hold that it is naturally appropriate for people to be useful to the

human community. Again, this is not precisely equivalent to the idea which concerns us, that utility to society is a natural criterion by which to evaluate humans; nonetheless, it agrees with the idea to that extent that, in order to take utility as a natural criterion of human value, a person must first assume that it is natural for humans to serve their communities.

I discussed these Stoic concepts in chapter 1. There, I argued that they became a part of the common discourse, and a part of the orator's stock of rhetorical commonplaces, because they were similar to, and so made plausible by, certain traditional ideas. Therefore, a speaker or writer could draw upon these philosophical notions, confident that they would be readily accepted as true by the audience. I think that we must see this model of selective usage at work whenever we encounter a passage in which an author employs ostensibly Stoic views to discuss human status. The idea of a utility-based hierarchy was definitely not Stoic in origin. As I pointed out in the last chapter, the Stoics hardly discuss social status at all. They also maintain that people in all walks of life are equally human, equally deserving of humane treatment, by virtue of their capacity for reason; because people do not differ in type, even a slave can be a wise man. This focus on innate, as opposed to outward worth, could be construed as inconsistent with the practice of deriving human value and status from utility. Having said that, there is nothing in Stoic doctrine that outright conflicts with the practice, or contradicts any of the assumptions which support it. I noted above that certain Stoic principles even seem to agree with and uphold some of those assumptions. Thus, a person talking about natural, utility-based social status could potentially reinforce his case by appealing to Stoic concepts, but he would not be espousing a Stoic viewpoint.

Since the ideological framework which I have elucidated has no exact philosophical counterpart, we must conclude that it is an authentically Roman way of thinking. The form that

this discourse took by Cicero's day was probably shaped, to some extent, by compatible philosophical ideas. Ultimately, however, the whole collection of related concepts, in its entirety, is a jumble of suppositions and analogies, taken for granted and never subjected to formal examination. Certain aspects of Roman culture, likewise taken for granted, no doubt contributed to the development of these ideas: most notably, the Romans' use of livestock and their traditional class structure. The pertinent notions, viewed together, do not represent a coherent system of belief, so much as a loose association of widely held assumptions that tend to work together. Because this is true, the discourse of natural social status is characterized by a broadness, flexibility, and credibility that makes it especially useful for rhetorical purposes.

Varro presents one such rhetorical handling of these broad ideas, utilizing them in a limited and conscious way. However, their scope and implications extend far beyond the matters with which the *Res Rustica* concerns itself. In the notion of a single, natural scale of status for all living beings, there exists a potential mechanism for understanding and discussing the entire structure of society. Varro's treatment of this concept is a rhetorical one in that it is tailored to serve a rhetorical goal – whether that goal was to create a simple technical manual, or to write covert political commentary. To what extent other writers make use of the concept, and how they do so, remain to be seen. For the rest of this work, I will explore the ways in which Roman authors employ the same assumptions in order to discuss both social classifications and society as a whole. For the rest of this chapter, I will consider, in particular, how Cicero and Sallust comment on the standing of free persons by utilizing the notion that “slave” is a natural social category. The ideas displayed in the *Res Rustica* are also present in those texts, and clearly subject to rhetorical manipulation.

## The Ideological Assimilation of Free Wage-Earners to Slaves

Cicero and Sallust wrote texts which, unlike the *Res Rustica*, are overtly political. They do not disguise their meaning with talk of shepherds and herd animals, or concern themselves with slaves and herd animals much at all. Their interests are the Roman state and its citizen body, the citizens' slavery or freedom, the citizens' humanity or lack of it. As a result, slaves and herd animals usually appear only as objects of comparison, in order to describe the state and status of citizens, usually the plebs. How could Sallust and Cicero describe free Romans in terms of domestic animals, when domestic animals necessarily implied servility? Cicero asserts that "other nations can bear servitude, but liberty is proper to the Roman people": *aliae nationes servitutem pati possunt, populi Romani est propria libertas*" (*Phil.* 6.19). According to him, it is the senate's task to safeguard and augment the *plebis libertas* (*Sest.* 137). These are not the claims of a man who attached an innately servile temperament to the Roman people. The *populus Romanus* were not legally slaves, either, to be owned and exploited like Varro's shepherds. Nonetheless, Varro's man-herd animal comparisons may clarify those in Cicero and Sallust. When he divides men and herd animals into the categories *instrumentum vocale* and *instrumentum semivocale*, he includes under the first heading not just slaves, but also free men – specifically *mercennarii* and poor farmers. In that instance, the similarity between herd animal and free man lay in their productive function. The same might be true for comparisons between herd animal and plebs.

Before I turn to Sallust's *Historiae* and Cicero's *De Re Publica*, I will examine *De Officiis* 1.150-151, a passage that discusses which occupations are acceptable, and which not, for a Roman gentleman. The text makes it clear that some professions carried the stigma of servility, even when practiced by free persons; it can therefore help to explain why free persons

are likened to slaves and herd animals, and what these comparisons have to do with nature. Scholars have always debated whether the passage has a Ciceronian or Panaetian origin, whether its intended audience was Greek or Roman, and whether it expresses Roman attitudes.<sup>57</sup> Regardless of its provenance, I hope to show that some of its ideas, at least, have parallels in other Roman texts, and reflect concepts which we have already seen in the *Res Rustica*. I will pay special attention to the hired wage-earner, the *mercennarius*, for several reasons. The text does not just imply a certain degree of servility, but actually equates *mercennarii* with slaves, although they were not legally assimilated to slaves.<sup>58</sup> Here, if anywhere, we should be able to discover how a legally free man can also be, conceptually, a slave. Moreover, Varro lumped *mercennarii* together with slaves under *instrumentum vocale*, and the idea of wage-earning plays an important part in the Sallust passage which I will analyze next.

The *De Officiis* reveals that the perceived “slavery” of *mercennarii* depends on their productive role, just as, in Varro, the similarity between slave and herd animal depends on productive role. The roles of both *mercennarii* and of actual slaves resemble that of herd animals, the “natural” slaves, who are destined to work for the benefit of man. The ideological degradation of wage-earners therefore illustrates how naturalizing slavery could affect the social standing of free persons: regardless of legal reality, a condition of servitude was thought to exist whenever the natural criterion for slavery was met. Since the natural criterion for slavery consisted of performing a certain productive role, anyone who performed that role occupied the same social space as slaves and herd animals. *Mercennarii* are assimilated to slaves – and by extension to herd animals – because their labor produces profit for others, not for themselves.

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<sup>57</sup> For a brief overview of this debate, see Dyck (1996) on Cicero, *De Officiis* 1.150-151 (pgs. 331-333). Dyck himself thinks that the passage is a Ciceronian insertion.

<sup>58</sup> Brunt (1980) 99-100 argues that, although upper-class writers regarded wage-earning as servile, *mercennarii* were not assimilated to slaves legally. At least, there is no evidence that they were.

Cicero's comments on *mercennarii* can only be understood in the context of the passage in which they appear. *De Officiis* 1.150-151 talks about "trades and means of livelihood, which ones are to be considered becoming to a free man, which ones are vulgar": *de artificiis et quaestibus, qui liberales habendi, qui sordidi sint*. This introduction immediately establishes the three major trends of the passage. The first: various professions are ranked according to the social esteem enjoyed by their practitioners. Although the text does not set up a strict hierarchy, with every occupation placed relative to the others, it does indicate levels or gradations in social status, as determined by occupation. *Mercennarii*, for example, are clearly very low on the social scale. Their wage itself is the reward of slavery: *est enim in illis ipsa merces auctoramentum servitutis*. Skilled professions – like medicine, architecture, and teaching – are honorable, but only for those "whose station they befit": *eae sunt iis, quorum ordini conveniunt, honestae*. Cicero makes agriculture the most prestigious money-making enterprise, claiming that "nothing is more worthy of a free man": *nihil homine libero dignius*. By implication, the landowner living off the proceeds of agriculture commands the most prestige among men.

The language with which Cicero describes social status points to the second significant trend in this passage: it connects social standing to personal liberty. The text is full of vocabulary that refers to freedom or its opposite state, servitude. The distinction which Cicero draws at the very beginning – livelihoods which are *liberales* or *sordidi* – expresses the contrast between reputable and disreputable professions in terms of what is suitable for a free man, and what is not. This phenomenon continues. The livelihood of wage-earners is *illiberalis*, and their wage is a reward of *servitus*. There is nothing *ingenuum* in a workshop. Those trades must not be approved, which are *ministrae* to sensual pleasures. Nothing is more worthy for a *homo liber* than agriculture. The fact that there are gradations of liberty, corresponding to gradations in

social status, is consistent with the Roman conception of *libertas*. As P.A. Brunt notes, “there could be degrees of freedom or servitude”.<sup>59</sup> The divisions in Cicero’s passage, between different levels of status and freedom, do not necessarily match legal divisions. A *mercennarius* was technically not a slave, and was no less free than a butcher with his own shop, or a teacher, whom Cicero ranks above both wage-earner and butcher. Rather, the inequalities reflect the amount of respect accorded to each profession, and liberty and social standing are measures of that respect.<sup>60</sup> The passage as whole demonstrates that free people could be ideologically, if not legally, degraded to the lowest social state, that of slaves.

The third important trend recalls Varro’s practice in the *Res Rustica*: the *De Officiis* passage gauges the status of an individual, and the degree of his freedom or servitude, by the role he plays in a productive, money-making process. Brunt has pointed out that the text specifically examines means of acquiring wealth, *quaestus*; Cicero’s topic is not professions *per se*, but professions as sources of enrichment.<sup>61</sup> He specifies that he is about to talk *de artificiis et quaestibus*, and then goes on to repeat the word *quaestus* three times throughout the passage. Agriculture is characterized as the best of all things “from which something is gained”: *ex quibus aliquid acquiritur*. Thus Cicero treats even agriculture, like any other source of income, as a profit-making enterprise – which is precisely what Varro does in the *Res Rustica*. In the *Res Rustica*, the emphasis on profit meant that productive function determined the standing of man and animal alike, and that servitude was defined as an economic relation between master and slave, not a power relation. The *De Officiis* shows that the same method of reckoning applied in

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<sup>59</sup> Brunt (1988) 287.

<sup>60</sup> cf. Dyck (1996) on Cicero, *De Officiis* 150-151 (pg. 331): “Our section deals not with choice of profession...but the amount of respect that representatives of various professions can claim in society”.

<sup>61</sup> Brunt (1973) 21, 28.



society at large, beyond the narrow confines of a farm. Cicero derives social standing from the way an individual makes money: that is, from the goods and services which an individual produces, in order to earn a living. Although other cultural assumptions play a part as well, the final criterion of status is a person's productive function, and the usefulness of that function for the community. Once, Cicero even employs the word *utilitas*, when he explains why skilled professions like teaching are respectable.

Since the passage emphasizes money-making and production, we ought to consider the "servitude" of *mercennarii* in terms of the economic aspects of wage-earning. This is especially true because *De Officiis* 1.150-151 has shown close parallels to the *Res Rustica*, and in that context the critical feature of slavery is an economic one. The exact wording of Cicero's comment about *mercennarii* also stresses money; he speaks of "means of livelihood" and "buying" and "wage". Here is what he says:

*Illiberales autem et sordidi quaestus mercennariorum omnium, quorum operae, non quorum artes emuntur; est enim in illis ipsa merces auctoramentum servitutis.*

Unbecoming to a free man and vulgar are the means of livelihood of all hirelings whose services, not whose skill, are bought; for in their case the wage itself is a reward of servitude.

Scholars usually attribute the poor reputation of wage-earning to the hired man's dependence on his employer.<sup>62</sup> That no doubt played a part, but is not the whole explanation. "Dependence" takes finances into account to a certain extent: the wage-earner depended on his employer to provide money. However, the idea of dependence refers more to the power disparity which existed between employer and employee, because the employer dispensed the

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<sup>62</sup> For bibliography on paid labor in Rome and the general disrepute in which it was held, see Diliberto (1981) 32 n. 89.

money. Cicero seems more concerned with buying and selling than with power. Another theory relies on his distinction between buying *operae* and buying *artes*; the two words in juxtaposition seem to refer to manual labor and skilled labor, respectively. The aversion to wage-earning therefore reflects the upper-class aversion to working with one's hands. Again, that must be part of the explanation, but not the whole. Other sources reveal that *mercennarii* need not be unskilled, manual laborers, and that selling even skilled labor for a wage carried a social stigma. Cornelius Nepos notes that Greeks held secretaries, *scribae*, in higher esteem than Romans did, since Romans considered secretaries to be *mercennarii* (*Eum.* 1.5). Quintilian claims that it is appropriate for forensic orators to accept monetary gifts of gratitude from their clients, but they must never collect a wage, *merces* (12.7.8-12). Although he never uses the word *mercennarii*, the appearance of *merces* implies that orators should not reduce themselves to mere wage-earners. He refers to such a practice as "selling one's work": *vendere operam*. In this instance, *opera* certainly does not refer to manual labor; moreover, Quintilian's argument demonstrates that even one of the most skilled and respected professions, forensic oratory, could be degraded when it was performed for a wage. I will examine this passage in more detail later. Here it is enough to note that Quintilian views the wage itself as demeaning, regardless of the nature of the work.

G.E.M. de Ste. Croix might come closest to the truth. He sees Cicero's *operae* and *artes* as a distinction between two different types of worker. The first is a general laborer, who hires himself out over a period of time for unskilled or partly skilled work. The other is what we might call a "contractor": someone who undertakes a specific task, usually requiring skill and the possession of some kind of equipment. The former, who is a *mercennarius* in the strict sense, does not sell his skill for a one-time job; rather, he sells "the general disposition of his labour

power”.<sup>63</sup> This view of the matter takes into account the economic dynamics of wage-earning, and also recalls Varro’s formulation of servitude in the *Res Rustica*.

In the *Res Rustica*, the most important aspect of slavery, and the one that made human slaves comparable to herd animals, lay in who produced for whom. Both slaves and herd animals, although they did receive upkeep in return, were ultimately enriching their masters. The master took the fruits of their labor for himself. An employer stood in the same economic relation to his *mercennarius* as a master to his slave or herd animal. By paying a wage, the employer became entitled to what de Ste. Croix calls “the general disposition” of the wage-earner’s “labour power”. To put it another way, the employer purchased the right to the wage-earner’s use and produce. This is what Cicero means when he says that the *operae* of hirelings are “bought”. Presumably the value of the hired man’s produce equaled, and often exceeded, the payment he received. Why bother to hire him, if the employer did not secure a return from the work performed? Thus, receiving a wage bound the *mercennarius*, like a slave, to labor for the profit of another man. Thus, as Cicero notes, “the wage itself is a reward of servitude”.<sup>64</sup>

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<sup>63</sup> de Ste. Croix (1981) 189, 198-199.

<sup>64</sup> Throughout my examination of *De Officiis* 1.150-151, I have rendered the phrase *auctoramentum servitutis* as “the reward of servitude”. In translating *auctoramentum* as “reward”, I have followed the *OLD* s.v. *auctoramentum*, 3. However, that translation probably does not convey the full import of the Latin. The *auctoramentum* was the oath by which free men became legally assimilated to slaves. Cicero’s use of the word to talk about the similarity between slaves and wage-earners is therefore very pointed. In order to gain a better understanding of the meaning of *auctoramentum* in this passage, I have consulted Diliberto’s book on the *auctoramentum* (1981), specifically his discussion about the relationship between the *auctoramentum* and the *locatio operarum*, the contract for hired work (pgs. 67-70). He concludes – on what seems to me to be insufficient grounds – that any contract for hired work was essentially an *auctoramentum* with two additional elements, wage and term limit. He contends that a contract for hired work was understood to put the hired man into a quasi-servile state, because it made him dependent upon and subject to his employer. Therefore such a contract accomplished the same thing as the *auctoramentum*, which was to establish a relation of domination and subjugation between the two parties involved. The *auctoramentum* by itself created the most extreme form of this relation, a master-slave relation, whereas a normal labor contract mitigated the relation by adding a wage and term limit. Diliberto’s interpretation depends on the assumption that wage-earning was thought to be akin to servitude because of the power disparity between employer and employee; however, I question the validity of that assumption. I have argued and will continue to argue that the primary point of similarity was believed to lie rather in the economic relation between master and slave, employer and employee,

Another passage in the *De Officiis* supports this reading. At 1.41, Cicero again equates *mercennarius* with slave:

*Est autem infima condicio et fortuna servorum, quibus non male praecipunt qui ita iubent uti, ut mercennariis: operam exigendam, iusta praebenda.*

The lowest condition and fortune is that of slaves. Those men advise well, who bid us to make use of slaves thus, as we do hired workers: work must be exacted, dues must be paid.

Cicero's recommendation addresses both moral and practical concerns. It comes in the course of a discussion about justice. Justice, he contends, is owed even to the most humble, who happen to be slaves. The quote above provides a guideline for treating slaves with justice, without ceding the master's right to their labor and produce. They must be forced to work, but they must be given their dues, *iusta*, in return. Other texts hint at what Cicero might have in mind when he says *iusta*. We have already seen what Varro proposes for the use and care of slaves. He suggests providing not only necessities, but even certain privileges and accommodations; however, these generous provisions aim at increasing the productivity of slaves. They are not a gesture of kindness on the master's part, but a stick-and-carrot method of getting the most work out of a human chattel. The precepts in *Res Rustica* books 1 and 2 are supposed to maximize agricultural profit; Varro was fully aware that the monetary return from well-treated slaves exceeded what was spent on them. Cato the Elder similarly focuses on profit in his own handbook of agriculture. Despite his infamous assertion that old and sick slaves should be sold (2.7), even he maintains that the *familia* ought to be kept warm and well-fed (5.2). No doubt his reasons for this attitude match Varro's. Cicero's *iusta*, if Varro and Cato are any guide,

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exploiter and exploited. If I am correct, then the connection between the *auctoramentum* and wage-earning, and so the meaning of *auctoramentum* in *De Officiis* 1.150, perhaps needs to be reassessed, though there is no space for such a study in this work.

definitely did not constitute full recompense for the value of a slave's work. The fact that the work of a *mercennarius* was likened to a slave's work, and his *iusta* to a slave's *iusta*, is telling. The principle that "work must be exacted" recognizes the employer's financial stake in the hireling's productivity. The conflation of *merces* with a slave's *iusta* shows that a wage was not thought to cover the full worth of a wage-earner's produce.

Two passages in Seneca make the connection between *mercennarius* and slave even more explicit. The first demonstrates that the Romans could and did distinguish between purchasing a thing and purchasing its use and produce. *De Beneficiis* 7.5.1-6.3 is devoted to drawing that very distinction. Seneca states that sometimes "one man is the owner of a thing, another of its use": *alter rei dominus est, alter usus*. To illustrate his point, he adduces several examples of rental arrangements. The landowner does not have a right to his tenant farmers' crops. The house owner cannot enter his tenant's rented apartment. The man who has rented a cart does not have to give the owner a ride. Finally, "you [the slave owner] will not take away your slave, my hireling": *nec servum tuum, mercennarium meum, abduces*. Here, Seneca imagines a scenario in which he has hired out another man's slave. The fact that this *mercennarius* is also a slave is immaterial. What matters is the difference between slave and hireling. The context makes it clear that the issue turns on right of possession versus right of use. When a master bought a slave, he bought both kinds of right over the slave. If he then rented the slave out, he ceded right of use to the renter. Seneca treats a *merces* as the purchase price, or rental fee, for right of use. A free *mercennarius*, then, was someone who sold the right to his use and produce; because another had this right over him, he was like a slave. He did not, however, sell his person; no one had possession of him. That was the primary contrast between slave and *mercennarius*. The language of the *De Officiis* reflects the distinction between right of possession and right of use,

when Cicero says of hirelings that their services are bought. He does not say that they themselves are bought.

The Romans knew, of course, that they were making a profit from the use of their slaves and wage-earners. This becomes clear in the other Seneca passage, in which he discusses whether it is possible for a slave to perform a *beneficium* for his master (*De Ben.* 3.18.1-28.6). Seneca claims that he can; others apparently said otherwise. They reasoned, according to Seneca, that a service is only a *beneficium*, when bestowed by someone who does not have to bestow it. However, a slave is a person “whose condition has placed him in such a position, that nothing he offers imposes a charge on his superior”: *quem condicio sua eo loco posuit, ut nihil eorum, quae praestat, imputet superiori*. This argument is further refined. A slave, claims Seneca’s opponent, cannot bestow a *beneficium* for the following reason. “He is not able to become his master’s creditor, if he gives him money. Otherwise he places his master under obligation every day”: *Quia non potest...creditor domini sui fieri, si pecuniam illi dederit. Alioqui cotidie dominum suum obligat*. The imaginary speaker then lists several jobs which slaves normally undertake for their masters. He ends with the declaration that a slave has no power to refuse any of these things; since he has to give them in any event, they cannot constitute *beneficia*. This entire case rests on the master’s right to the use and produce of his slave. The slave must provide his labor, and the master is entitled to the fruits of his slave’s labor, owing nothing in return except upkeep. Because everything the slave has or produces belongs to the master anyway, the master cannot be the slave’s debtor, or the slave his master’s creditor. A *beneficium* need not be a cash gift; it could be a favor performed. However, the interlocutor decides to clarify his point in terms of money. This choice shows an awareness that the slave’s services have a certain monetary value which ultimately enriches the master. The

relationship between master and slave could be construed as an essentially financial arrangement, in which the productive capacity of one side is exploited for the benefit of the other.

It is in response to this reasoning that Seneca presents his counter-attack. Despite the master's rights over a slave, he believes it possible for a slave to go above and beyond the call of duty, thereby bestowing a *beneficium* on his master. Here he introduces and espouses a view which he attributes to a Stoic philosopher. "A slave, according to Chrysippus, is a perpetual wage-earner. Just as a wage-earner gives a benefit when he supplies more than he contracted for, so a slave": *Servus, ut placet Chrysippo, perpetuus mercennarius est. Quemadmodum ille beneficium dat, ubi plus praestat, quam in quod operas locavit, sic servus.* I cited this quotation in the previous chapter as evidence that the Stoics viewed slavery as an economic role, though I did not discuss at the time how they defined that role. Given the context of this passage, there is only one way to understand the servile function as it is presented here: to produce profit for another. Like Varro and like Seneca's imagined opponent, Chrysippus presumes that a slave is someone constrained to offer his full services and their value to his master, for a minimal amount of recompense in the form of his upkeep. The equation of slave to *mercennarius* only works if a *mercennarius*, too, provides services to his employer whose value exceeds his fee. With this argument, Seneca continues to cast the debate in financial terms. The comparison works to the slave's advantage, and supports Seneca's point, because it limits what the slave owes to his master. A hireling might provide his employer with more than he receives in return, but his obligation to the employer is still circumscribed by what he contracts to do, and the amount of wage he collects. If a slave is a kind of *mercennarius*, then his obligation is finite as well. He is therefore capable of surpassing the bounds of what he must give, and so providing a *beneficium*.

I have taken much of my evidence for *mercennarii* from philosophical works by Seneca and Cicero, both heavily indebted to Stoicism. Seneca cites the Stoic Chrysippus for the idea that a slave is a *perpetuus mercennarius*, and scholars have seen this concept as the basis of Cicero's remarks in the *De Officiis*, whether he was influenced by Chrysippus directly or indirectly through Panaetius.<sup>65</sup> We might ask whether the attitudes expressed by Cicero and Seneca had any currency beyond philosophical theory. Varro's *Res Rustica* indicates that the Stoic definition of slavery, at least, appeared outside of strictly philosophical contexts. I have just shown that Stoic comments on wage-earning depend on the same assumption which underlies Varro's treatment of slaves: servitude is an economic arrangement in which one person works for the gain of another. We should probably conclude from this circumstance that common notions influenced both Varro and the Stoics; it is unlikely that philosophical precepts exercised much influence over how the Romans perceived and managed their agricultural business enterprises. Likewise, a passage in Quintilian suggests that the views on wage-earning which I just discussed reflect widespread cultural prejudices.

Although Quintilian occasionally appeals to philosophy, the relevant section concerns practical, professional ethics (12.7.8-12). Here he attempts to establish guidelines for the payment of forensic orators, obviously believing that the form which this payment takes will impact an orator's standing in society. Specifically, he addresses whether they should accept a fee. I referred to this passage earlier, as an instance in which a wage was felt to degrade skilled labor. It is now time to consider the exact nature of Quintilian's objection to wage-earning. The text is full of vocabulary that recalls the *De Officiis*. He starts with the claim that it is "most honorable" (*honestissimum*) and "most worthy of a liberal education" (*liberalibus*

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<sup>65</sup> Dyck (1996) on Cicero, *De Officiis* 1.41 (pg. 154), 1.150 (pg. 334).



*disciplinis...dignissimum*) to work for free. If anyone makes oratory a source of gain when he already has enough money, he lays himself open to the charge of vulgarity (*sordes*). The opposition between *liberalis* and *sordidus* dominates *De Officiis* 1.150-151, where it provides the standard by which Cicero assesses the various professions. Whatever is not *liberalis* is unworthy of a free man. In Quintilian, then, as in Cicero, the measure of a person's liberty is somehow implicated in his means of making money. "Means of making money", rather the profession itself, is the issue here, as it is in the *De Officiis*. When a man takes money for his oratory, Quintilian describes it as a *quaestus*, and an *adquirendi ratio*. Forensic oratory itself was, of course, a prestigious profession. As I pointed out before, the fact that even an orator could have this dilemma shows that a stigma attached to the *merces* itself.

The language of buying and selling predominates in this passage, as it does in the other texts which talk about *mercennarii*. Quintilian speaks of receiving a wage (*merces*), of selling work (*vendere operam*), of selling a service (*venire beneficium*), of having a price (*pretium*), of owing (*debet*). Ultimately, he concedes that an orator in need of funds may accept a client's gift of gratitude; on no account, however, must he accept a wage. The distinction seems meaningless, since the orator takes money from his client either way. Quintilian's reasoning becomes clear, however, if we recognize that a wage is the selling price for the right to a person's use and produce. That also explains all the vocabulary of buying and selling. A forensic orator usually performed his job not for his own sake, but in the service of others. Quintilian himself notes that it is hard for an orator to make money in any way except from his oratory, since "all his time is given to the business of others". If an orator were to charge a set fee, he would essentially sell his client the right to his service, whose worth exceeded the fee itself. The transaction therefore bound the orator to undertake labor that profited another more

than himself, which would be an arrangement akin to servitude. Quintilian's solution finds a way around this problem:

*Nihil ergo acquirere volet orator ultra quam satis erit, ac ne pauper quidem tamquam mercedem accipiet, sed mutua benivolentia utetur, cum sciet se tanto plus praestitisse: non enim, quia venire hoc beneficium non oportet, oportet perire: denique ut gratus sit ad eum magis pertinent qui debet.*

An orator will wish to make no more money than is enough, and not even a poor man will take it as a wage, but he will use mutual goodwill, when he knows that he has given so much more: for the service ought not go to waste, because it ought not to be sold: finally, that he be grateful pertains more to the man who owes.

By relying on *mutua benivolentia*, rather than exacting a fee, the orator ostensibly offers his labor for free. Because he does not sell the right to his work, he does not obligate himself to perform a task that is worth “so much more” than what he receives in return. Rather, he puts himself in the superior position of having obligated another. Since it is the client “who owes”, it behooves him to show his gratitude with a gift of cash. Quintilian's advice allows the orator to collect his money, while avoiding the odium of selling his services and becoming a *mercennarius*.

If Quintilian is any indication, working for a wage was felt to be degrading even among skilled professionals. It impinged upon the personal liberty of the wage-earner, and so diminished both his standing as a free man, and the amount of respect he could command in society. For a *mercennarius* in the strict sense – a general laborer who hired out his unskilled work – the stigma of wage-earning counted against him, as well as those of poverty and manual labor. They all combined to reduce his status to that of a virtual slave. He was not legally a slave, nor was an orator any less free before the eyes of the law, if he decided to accept a wage. “Status” here corresponds to the prestige, or lack thereof, accorded to a person by society at

large. The hireling's ideological assimilation to a slave resembles the assimilation of slave to herd animal: in each case, the sources conflate the two categories, while still recognizing a difference between them.

The explanation for this phenomenon lies in the point of similarity that drives the comparisons. In the *Res Rustica*, *De Officiis*, and other texts I have examined, the general emphasis is on money-making and its source, the production of goods and services. More specifically, money and production dominate comments about slaves and *mercennarii*, and indeed prove to be the link between them. Because somebody else owns the right to their use and produce, wage-earners and slaves both labor for somebody else's profit. They therefore have essentially the same role in the productive process, and play the same part in the acquisition of money: they work in order to provide themselves with a little, and someone else with more. In a cultural context that evaluated social standing in terms of utility, the status of *mercennarius* and that of *servus* were bound to overlap – to the detriment of the *mercennarius*. Wage-earning, a form of exploitation, was inevitably likened to slavery, the most perfect form of exploitation, which inflicted the deepest social disgrace.

In the background, serving as the perfect model of the perfect form of exploitation, was the herd animal: the *pecus*, basis of all *pecunia*, who was destined by nature to labor for and enrich man. The existence of this natural slave made slavery a natural criterion against which to judge any profession. Nature itself had established the servile function and allotted it to herd animals. Since a domestic animal was, by definition, an animal that served this natural purpose, any person who served the same purpose was a kind of domestic animal. Perhaps only legal slavery corresponded perfectly to that job description; nonetheless, an occupation was demeaning if it brought its practitioner closer to a servile state, and so closer to the level of a

herd animal. This is reflected in the language Cicero uses to assess professions in the *De Officiis*. He approves or disapproves of each one according to how *liberalis* it is, “suitable for a free man”. People like *mercennarii*, who were almost fully assimilated to slaves, risked losing not just their status as free men, but their status as men altogether. When Cicero claims that agriculture is most worthy of a free man, he includes the word *homo*: *nihil homine libero dignius*. If the reader does not realize what is at stake, the insertion of *homine* might seem like a pleonasm. In fact, its use is very pointed. Because slaves were so closely identified with herd animals, the distinction between free and slave was also a distinction between human and herd animal. Thus, the more free a person was, the more human he was. The *liber homo* who was not truly free was both less *liber* and less a *homo*.

A passage in Petronius’ *Satyricon* illustrates how a threat to liberty could be construed as a threat to human identity. A *mercennarius* named Corax takes exception to the heavy labor he is required to do. He protests:

“*Quid vos*” inquit “*iumentum me putatis esse aut lapidariam navem? Hominis operas locavi, non caballi. Nec minus liber sum quam vos, etiam si pauperem pater me reliquit.*” (117.11-12)

Do you think that I am some draft animal or ship for carrying stones? I contracted the work of a human, not of a pack horse. I am no less free than you, even if my father did leave me a poor man.

The *mercennarius* seems to believe that the nature of his work is more fitting for a herd animal, and that this fact has led others to view *him* as a herd animal. His fear is consistent with the tendency I have now traced through the *Res Rustica*, *De Officiis*, and other texts: job, or productive function, determines the status of man and animal alike. Because they both subsist on the same scale of social worth, they can be assimilated to each other, or occupy the same social

category, on the basis of shared function. Corax obviously connects herd animals with slavery, and their labor with servile labor, since he defiantly asserts that he is as free as anyone else. He also implies that he is only doing this job because he is poor, which indicates that he sees servile work as demeaning, just as Cicero does. In three short sentences, Corax's complaint demonstrates how entangled were the concepts of "slave" and "herd animal", on the one hand, and "free" and "human", on the other. It shows, too, that *mercennarii* were associated with the wrong end of the spectrum. Corax's wage-earning has put him in a position where he feels the need to defend his standing as both a *liber* and a *homo*.

The words have been put into this character's mouth by a wealthy, senatorial author, and might communicate specifically upper-class prejudices. It is impossible to know for sure whether *mercennarii* themselves, and other people of low station, shared these low views on wage-earning. A passage from Sallust may be suggestive, however. It makes use of the same ideas, and its context indicates that it might reflect the concerns of a plebeian audience. If so, then the plebs in general, like Corax the *mercennarius*, felt acutely that their liberty was at stake, and their status as human beings along with it.

#### Fighting for Freedom and Humanity in Popular Oratory

Scholars generally recognize that there was a distinctly popular brand of oratory practiced in republican Rome, a set of tropes and ideas utilized by those who were speaking before the assembled people and professing to champion their interests.<sup>66</sup> Such oratory tended to rail against the supposed slavery of the plebs; accordingly, the preeminent slogan was "freedom",

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<sup>66</sup> The bibliography on *optimates* and *populares* is huge. For a fairly recent and comprehensive overview of *popularis* rhetoric, see Morstein-Marx (2004) 204-240.

*libertas*.<sup>67</sup> If we assume that this rhetoric was meant to address the concerns and desires of the plebs, then we may deduce from the prevalence of *servitus* and *libertas* that they were concerned for their status as free men. I have argued at length now that the opposition between free and slave in Roman thought often resolved itself into the opposition between human and domestic animal, due to the perception that slaves and domestic animals have the same natural and social value. We might suspect, then, that the plebs, suffering anxiety over their freedom, worried about their standing as humans, as well. Certain texts indicate that this was indeed the case. There are four extant orations usually thought to exemplify the popular style of speaking.<sup>68</sup> One of them is a speech delivered by a tribune named Macer, as reported by Sallust in a fragment of the *Historiae* (3.34). In addition to taking *libertas* as its leitmotiv, it contains a prominent comparison between the plebs and herd animals. The comparison establishes some of the major topics of the speech, which are all closely entwined throughout the text with the theme of plebeian liberty. This oration is therefore the ideal text with which to consider why free citizens are likened to slaves and animals, and how nature is implicated in the comparison.

I contend that the passage draws upon the same conception of slavery that prompted Varro to assimilate slaves to herd animals, and Cicero to assimilate wage-earners to slaves. By extension, the speech reveals that the plebs shared in, or at least were aware of, the ideology that reduced free wage-earners to virtual slaves, and thus very nearly to animals. In fact, these ideas play a major role in the whole tradition of popular oratory; after I discuss their use in Macer's speech, I will trace their presence in other popular speeches.

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<sup>67</sup> For *libertas* as the leitmotiv of popular rhetoric, see especially Wirszubski (1950) 40-65, Hellegouarc'h (1963) 551-558, Brunt (1988) 330-350, and Morstein-Marx (2004) 217-222.

<sup>68</sup> Sallust, *Iug.* 31 (*Or. Memmi*), *Hist.* 1.55 (*Or. Lepidi*), *Hist.* 3.48 (*Or. Macri*); Cicero, *De Lege Agraria* 2.

Specifically, I will show that the primary point of comparison between plebs, on the one hand, and slaves and herd animals, on the other, is productive or economic role. Thus, as we have seen elsewhere, popular orations assume that the defining feature of slavery is determined not by law, but by nature. Despite their free legal status, the plebs perform the function naturally allotted to slave and herd animals, and so the plebs, too, are slaves and herd animals in a sense. In the other texts which I have examined, characterization as a slave or herd animal does not necessarily connote an innately servile temperament, and therefore does not presuppose the existence of teleologically differentiated human types; the designation describes a certain job and its attendant social status. Again, the same holds true for portrayals of the plebs in popular speeches, which make a point of contrasting the natural slavishness of herd animals with the plebs' naturally free and human character. With this tactic, the speakers protest the plebs' servitude. Although it may seem counterintuitive, popular rhetoric therefore combats plebeian slavery, but does so by employing the ideas which naturalize legal slavery.

The oration in which this trope figures most prominently was never actually delivered. Although a tribune named Macer did, apparently, deliver a speech to the people on the same subject, the version that survives is Sallust's reconstruction. It is impossible to say how closely Sallust has followed Macer's original speech; however, whether Macer really said something like this, or Sallust invented something appropriate to put into his mouth, the historical context guarantees that it reflects the kind of oratory intended to appeal to the plebs. C. Licinius Macer was tribune of the plebs in 73 B.C., and here he speaks to the assembled people, addressing them directly in the second-person plural. The matter at hand featured prominently in politics from 76 to 70 B.C.: the restoration of the legislative powers of the tribunate, which Sulla's constitutional reforms had removed. The tribunes would regain the right to initiate legislation in 70 B.C., but

in 73 Macer was one of those agitating for that very outcome. In his oration, he represents himself as the people's defender in this fight and exhorts them to force the issue through collective action.

Because the tribunate was always regarded as a bastion of plebeian freedom,<sup>69</sup> Macer could cast the curtailment of tribunician powers as a problem in which freedom itself was at stake. In keeping with *popularis* rhetoric, and the political circumstances, he does so. From the very outset (1-4), he establishes that Sulla has imposed slavery, *servitium*, on the plebs, a slavery currently maintained by the mastery, *dominatio*, of the nobles. Macer himself is encouraging the people to take the path which will lead to the recovery of their *libertas*. Although, in fighting alone for their rights, he has taken on a task impossible for one man, he has decided that defeat in the struggle for liberty is better for a brave man than not to have struggled at all. The language of slavery, mastery, and liberty continues throughout the oration. The idea of struggling for liberty, in particular, serves as a rallying point. It is significant that Macer immediately characterizes this struggle as something that befits a brave man, *fortis vir*. Since the contrast between free and slave was also a contrast between human and animal, the *vir* (male human) perhaps stands in opposition both to womanly weakness and to the slavishness of herd animals. What follows confirms that this is the case.

The next two sentences further explain the situation (5-6). Here, Macer describes the plebs' noble masters and the nature of the slavery they have imposed. We might expect the speaker to say more about the tribunician power and political rights, since that is the issue under

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<sup>69</sup> For the association of the tribunate with plebeian freedom, see Wirszubski (1950) 25-27, 50-52, and Brunt (1988) 324 n. 109.



discussion. Instead, he talks about how a few prominent men have taken possession of imperial holdings. It is in this context that Macer compares plebs to herd animals:

*Itaque omnes concessere iam in paucorum dominationem, qui per militare nomen aerarium, exercitus, regna, provincias occupavere et arcem habent ex spoliis vestris, cum interim more pecorum vos, multitudo, singulis habendos fruendosque praebetis, exuti omnibus quae maiores reliquere...*<sup>70</sup>

Therefore all have now yielded to the mastery of a few, who, under pretence of war, have seized the treasury, the armies, the kingdoms, and the provinces, and hold a stronghold from your spoils; in the meantime you, in the manner of herd animals, offer yourselves, a multitude, to individuals for use and enjoyment, after having been stripped of everything which your ancestors left you...

According to this passage, the supposed servitude of the plebs, and their likeness to herd animals, consist of two elements: economic exploitation, and their willingness to be so exploited. Even though Macer does not explicitly mention herd animals again, these two concepts are both fundamental to the rest of the speech. The idea of the domestic animal – the perfect, natural slave – therefore shapes his portrayal of the plebs' slavery and its opposite state, their freedom.

The fact that the matter involves money is signaled by several words: *aerarium*, *spoliis*, *habendos*, *fruendos*, *pecorum*. *Per militare nomen* and *spoliis* indicate that a particular kind of property is under scrutiny: that acquired through military action. The contents of the treasury, the armies, the kingdoms, and the provinces are all represented as spoils of war. Macer leaves no doubt about who is responsible for winning these possessions: plebeian soldiers. That is why he refers to the list of goods as “your spoils”, as spoils that properly belong to the people who fought for them. A few powerful men, however, have seized these goods. Thus the plebs can be said to offer themselves “for the use and enjoyment” of such men: the plebs' military labor, voluntarily undertaken, is enriching these individuals rather than the plebs themselves. Here, as

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<sup>70</sup> I have used Maurenbrecher's text (1891-1893) for all quotations from Sallust's *Historiae*. The translations are my own.

we have seen elsewhere, ideological servitude and mastery exist where there is a relationship of economic exploitation: one who works for the profit of another man is a slave, one who keeps the profit from another man's work is a master. If they were really free men, as opposed to slaves and herd animals, the plebs would be enjoying the fruits of their own labor.

It might seem strange that a speech ostensibly about legislative rights should harp on the fate of military spoils. Macer, however, calls the tribunician power “a weapon prepared by your ancestors for liberty”, *vis tribunicia, telum a maioribus libertati paratum* (12). This is hardly a unique thought; as I have already pointed out, the tribunate was always associated with the freedom of the plebs. Since the office existed in order to secure the plebs' liberty, any impingement on that liberty could be seen as the province of the tribunes. A skeptic might suspect that this offered a conveniently wide rhetorical umbrella for any politician seeking to win the favor of the plebs. In Sallust's version of the speech, Macer never does offer concrete details about the supposed theft of plebeian property, nor a plan for dealing with the problem. Perhaps his talk of public money is an allusion to – and promise of – reforms that involved the redistribution of state property, like the grain dole and agrarian legislation; such reforms were usually initiated by the tribunes of the plebs, utilizing the very power which Sulla's constitution had stripped from them. Thus the tribunes' legislative powers could be seen as a mechanism by which state money, acquired in war, made its way back to the people who had fought for it; in this way, the tribunate secured for the plebs an economic return from their own labor, and by extension secured their liberty. By this roundabout logic, never explicitly stated, the tribunes' lost legislative powers do have a connection to military spoils. Whatever his intentions, and however sincere he was, Macer clearly recognized the efficacy of this particular appeal, even when the disposal of government property was not strictly the matter at hand. He no doubt

realized that the issue of political rights was always more abstract, and of less immediate interest, than the question, *Where is my money?*

Economic exploitation is one aspect that the plebs have in common with herd animals, who are also slaves. The other similarity is the plebs' apparent acceptance of their exploitation, signaled by Macer's accusatory use of the word *praebetis*. The plebs actually yield themselves up for servitude, willingly going off to fight when it will not enrich them, passively letting other men take the profits. The comparison turns on the belief that herd animals are slaves by nature. They always accept their lot with passivity and willingly labor for the benefit of human masters, because they have no alternative; they serve and obey in accordance with inescapable, natural impulses. This idea appears prominently elsewhere in Sallust. As I explained in the first chapter, it plays a part in the prologue of the *Bellum Catilinae*. There, herd animals are employed as a negative model, an extreme to avoid, precisely because they have no choice but to behave slavishly. In the same work, Sallust has Catiline urge his troops to die fighting like men, rather than be captured and "slaughtered like herd animals": *neu capti potius sicuti pecora trucidemini quam virorum more pugnantes* (58.21). His remark assumes that domestic animals are characterized by a servility so extreme, they quietly acquiesce even in their own deaths. Macer suggests that the plebs are displaying just such acquiescence, which is the essential feature of the herd animal's natural character.

All three Sallustian passages, however – prologue, military harangue, and *contio* – offer an alternative to this brutish slavishness. The prologue maintains that a human can, should, must strive to be better than the beasts. Catiline tells his troops to fight to the bloody end so that might they die like men. Macer, too, exhorts his listeners *not* to behave in the manner of herd animals. In each case, Sallust is drawing upon a conception of human nature which I discussed in chapter

1, and which definitely does not entail human teleology. When the speaker calls upon his audience to decide between an animal and a human mode of conduct, he presumes that people, unlike animals, have a capacity for choice or free will. However, this capacity enables humans to choose wrongly, and so deviate from correct human behavior. The passages all identify the correct standard of human behavior for the audience, by portraying one form of conduct as proper to herd animals, and another as proper to humans. Thus, in every instance, Sallust simultaneously makes use of both a normative and a descriptive understanding of “humanity”. In the normative sense, the audience will be less human if they pick the option which the speaker warns them against, because that course of action is inconsistent with the norm of human behavior. In the descriptive sense, the audience members are all fully human in that they possess the uniquely human power for choice. Therefore, they all have the ability to adhere to the human norm and become “truly” human, if only they will choose rightly by acting as the speaker recommends.

In keeping with the pattern outlined above, Macer’s speech does not posit that the plebs are naturally slavish or subhuman; in fact, it asserts the opposite. The oration draws its persuasive and emotive power from the tension between the servile role forced upon the plebs, and their naturally free and human character. Precisely because they are not slaves or animals by nature, they can choose not to submit to treatment which is unsuitable for human beings; they can choose to reclaim a truly human living situation by rising up and taking what is rightfully theirs. Therefore the reference to herd animals is in fact a clarion call to action. The plebs’ noble masters have imposed upon them a condition of economic servitude, a condition equivalent to that of slavish herd animals. They will continue to be treated like animals, and resemble them in character, *if* they do not correctly utilize their human faculty of choice and

exercise their will to act. We see now why Macer claims that the struggle for liberty, even a losing one, befits a brave man, and why he later urges the plebs to remember and recreate the manly deeds, *virilia illa*, of their ancestors (15). The choice to resist, the will to freedom, the struggle itself is naturally appropriate to a man, utterly denied to a herd animal.

Although Macer only mentions herd animals once, the themes established in that one sentence continue throughout the speech. The negative example of the herd animal therefore remains very much in the foreground. Sections 14-16 dwell on the idea that the plebs are willingly submitting to their servitude, by supporting the designs of their self-appointed masters (like herd animals). Macer accuses his audience of having a weak spirit, *animus ignavus*, since they are not mindful of their liberty outside of the assembly. All the power is actually in their hands, he claims, because they can choose to carry out or not to carry out the very commands which are imposing their slavery. The plebs are putting such orders into effect by executing them, and are thus rushing to enact their own servitude (like herd animals). Since their slavery depends on their connivance, they could win their freedom simply by refusing to cooperate.

In sections 17-18, Macer further refines on his characterization of the plebs' slavery, and on his plan for ending it. Here, too, he describes their slavery in terms of economic exploitation. He begins: *iure gentium res repeto*, "I demand restitution according to the law of nations". This is the formula which was used by the *fetialis* to demand from a foreign state reparation for stolen goods or redress for an injury.<sup>71</sup> The demand for the return of stolen goods, aimed as it is at the domineering nobles, again voices the idea that all state holdings really belong to the plebs. The nobles who are enjoying these goods can be said to have stolen them from their rightful owners. The only remedy for the situation is for the plebs to get their money back. How does Macer

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<sup>71</sup> I owe this point to McGushin (1994), on Sallust, *Historiae* 3.34.17 (pg. 94).

propose they accomplish this? He advises that they no longer offer up their blood: *ne amplius sanguinem vestrum praebeatis censebo*. The reference to blood signals that he has military spoils in mind when he speaks of stolen goods. Since he specifies that the plebs shed their blood of their own accord, this might also be an implicit comparison to herd animals, who even die willingly for their masters' benefit. When he bids them to stop shedding their blood, Macer means that they should stop serving as soldiers. Let the nobles wage their wars alone, he urges, but "let danger and labor be absent for those who have no part of the profit": *absit periculum et labos, quibus nulla pars fructus est*. This last phrase expresses the character of the plebs' servitude explicitly and succinctly: they perform the labor of military service, but do not reap the profits. Macer's "no pay, no work" slogan calls to mind a modern labor strike, and that is essentially what he advocates. The nobles cannot carry out a war without plebeian soldiers. Soldiers who refuse to fight will not be paid, but neither will the nobles grow rich off their hardship.

Next, Macer admits that the plebs might be receiving some return for their work (19). He uses the concept of wage-earning, however, and its similarity to servitude, in order to make the point that they are still slaves, despite the paycheck. Although he never uses the word for wage, *merces*, the language of buying and selling makes his intention clear: "Unless by chance your services are paid for by that sudden grain law; a law by which they valued the liberty of all at five pecks each, which certainly cannot be more than a prison allowance", *nisi forte repentina ista frumentaria lege munia vestra pensantur; qua tamen quinque modis libertatem omnium aestimavere, qui profecto non amplius possunt alimentis carceris*. Macer proceeds to elaborate on the similarity between the grain allotment and prison rations, in order to emphasize the scantiness of the allotment. He is suggesting that the grain distribution does not nearly begin to

cover the entire sum of money acquired by the plebs through military conquest. Thus it is a form of payment for the plebs' military services, but one that falls far short of the full value of their labor. In that respect, the grain dole can be viewed as a wage – as animal fodder or slave upkeep, provided for the purpose of keeping the plebs alive and working for the enrichment of their masters. The plebs will only have true freedom if they recover the full amount of their earnings. This is the reasoning that prompts Macer to claim that the plebs' liberty has been valued and bought at five pecks per man: in exchange for those five pecks, every one of the plebs has traded his liberty, his right to enjoy the full fruits of his labor.

Macer continues with this line of thought (20). Even if the amount offered were large, he maintains, it would still be the price of slavery, *servitii pretium*. For the plebs to be deceived by this offering, and to feel gratitude for the theft of their own property, *vestrarum rerum iniuria*, would be an act of great sluggishness, *torpedo*. The phrase *servitii pretium* is reminiscent of Cicero's *auctoramentum servitutis*. Cicero explicitly states that a wage is the reward or recompense of slavery. By claiming that the grain dole is the price of slavery, Macer implicitly calls it a wage. That is, it is the buying price for the right to the plebs' use and produce, the value of which exceeds the wage itself. Even a large wage is nothing to be grateful for, since that money belongs to the plebs anyway – as well as the rest of the money produced by their labor, the money which is *not* being paid out to the plebs, the money which has been stolen from them using the grain dole as a blind. If Macer's speech does indeed represent the kind of oration that could have been spoken in an assembly of the people, then his audience must have been familiar with the rationale that assimilated wage-earning to slavery, and identified economic exploitation as the essential feature of both. He employs these concepts without spelling them out. They must also have been sensitive to the warning implied by use of the word *torpedo*.

Macer states here, as elsewhere, that the plebs are willingly submitting to their servitude through sheer sluggishness. Their position makes them like herd animals; their acquiescence in the situation will perfect the resemblance.

The conclusion of the speech emphasizes the ideas which I have traced throughout the text (26-27). Again Macer blames the plebs' dilemma on their own sluggishness, *torpedo*, as well as idleness, *ignavia*. In this case he treats the idleness itself as the wage for which they have sold the right to their profits. "You have exchanged everything for your present idleness, having reckoned your freedom abundant, doubtless because your backs are spared and you are allowed to go here and there, gifts of your rich masters": *cunctaque praesenti ignavia mutavistis, abunde libertatem rati, scilicet quia tergis abstinetur et huc ire licet atque illuc, munera ditium dominorum*. The sentence as a whole makes it clear that *ignavia* is supposed to suggest a wage, and that the defining feature of the plebs' servitude is economic exploitation. The phrases *tergis abstinetur* and *ire licet* refer to other aspects of slavery, corporal punishment and restriction of movement. Macer admits that the plebs are not suffering those particular features of servile life. They are only free from these indignities, however, because their rich masters permit it. The description of the masters as rich points to the phenomenon that has turned the noble-pleb relationship into a master-slave relationship: the nobles are growing wealthy off the plebs' labor, while the plebs themselves enjoy little or no monetary reward.

The final sentence of the speech touches upon all of the concepts initially introduced by Macer's comparison between plebs and herd animals. The sentence begins with, "thus you fight and conquer for the benefit of a few, plebs": *ita pugnatur et vincitur paucis, plebes*. By now his meaning, and its consequences, are obvious: the plebs' military service is enriching a few prominent men, and this arrangement constitutes slavery for the plebs. This slavery will be



strengthened day-by-day, he continues, “if indeed those men retain their mastery with greater care than you expend to regain your freedom”: *si quidem maiore cura dominationem illi retinuerint, quam vos repetiveritis libertatem*. The oration ends resoundingly on the word *libertas*. This final call for action reminds the audience that to be free is indeed an act as well as a legal status, a contested state that must be won and constantly defended. The will to wage this on-going battle, and to claim one’s own property in the process, resides in men, and this human possession ought not to be sold off for the paltry sum of a wage. To labor endlessly for the benefit of others, without protest, is the naturally appointed lot of herd beasts. Unless the plebs want to share that fate, they must exert themselves.

Macer’s concluding comments indicate which argument he, or Sallust, believed would have the greatest emotional impact. Although tribunician powers provide the occasion for the speech, Macer’s grand rhetorical finish never mentions the tribunate or political rights. He focuses instead on a matter which is not directly related, money, and characterizes freedom and slavery in terms of who is providing money for whom. No doubt the rhetorical effectiveness of this ploy derived partially from the financial self-interest of the audience; however, if that were the whole explanation, there would have been no need to obscure the financial incentive with talk of freedom. It is *libertas*, not *pecunia*, that literally has the last word. From Macer’s speech we get some sense of just how fragile freedom and human identity could be. I showed in my discussion about wage-earners that people could be ideologically assimilated to slaves even if they were legally free. Before that, I demonstrated that human slaves were ideologically and legally assimilated to herd animals, although the fact that they were human was still recognized, too. In each of these cases, as for the plebs in Macer’s speech, the conceptual degradation to a lower social category arose from economic or productive role. When a person’s status as a free

human being depended not on their innate qualities, but on how they earned a living, that standing was precisely as stable as their financial standing. For a poor pleb, possessing little or no financial security, hanging on near the bottom of the socio-economic ladder, the possibility of falling to the very bottom must have seemed all too probable. Perhaps, then, socio-economic precariousness lies at the heart of Macer's oration and the whole tradition of popular speaking, with its emphasis on liberty. This rhetoric appealed to the plebs' greed and their jealousy of social position, but, more importantly, it played on their fear.

Of course, it may be overreaching to extrapolate from just one speech that the plebs feared for their freedom, and to extrapolate from just one herd animal comparison that they feared for their very humanity. Because the evidence for *popularis* rhetoric is scanty, it is difficult to determine how prevalent these themes were; even if the evidence were more abundant, it would be impossible to say for certain how the plebs felt about anything. There are signs, however, that animal comparisons were a long-standing tradition in speeches delivered before the people..

The only extant herd animal comparison that I am aware of, besides Macer's, was delivered by a tribune of the plebs in the year 97 B.C. This tribune, Marcus Dronius, attacked a piece of sumptuary legislation from the rostra. He said, among other things: "Reins have been thrown upon you, citizens, which must in no way be borne. You have been bound and constrained by the bitter bond of slavery"; *freni sunt iniecti vobis, Quirites, nullo modo perpetiendi. alligati et constricti estis amaro vinculo servitutis* (Valerius Maximus 2.9.5)<sup>72</sup>. In this case, the relevant aspect of the plebs' "slavery" is restriction of their activities, not economic exploitation. Dronius' reference to the "reins" of slavery, however, illustrates how domestic

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<sup>72</sup> =Malcovati (1953) 68.1, pgs. 262-263.

animal vocabulary could always be utilized to evoke human servitude. The states of being a slave and of being a domestic animal were rhetorically interchangeable. Given the prevalence of the liberty vs. slavery opposition in surviving tribunician speeches, it seems probable that human vs. herd animal also cropped up on a regular basis.

A more precise parallel to Macer's comparison appears in Plutarch's life of Tiberius Gracchus. If Tiberius really did speak the words which Plutarch attributes to him, or something like them, then the habit of likening plebs to animals extends at least as far back as the Gracchi. The following is the relevant passage:

ὁ γὰρ Τιβέριος...δεινὸς ἦν καὶ ἄμαχος, ὅποτε τοῦ δήμου τῷ βήματι περικεχυμένον καταστάς λέγει περὶ τῶν πενήτων, ὡς τὰ μὲν θηρία τὰ τὴν Ἰταλίαν νεμόμενα καὶ φωλεὸν ἔχει καὶ κοιταῖόν ἐστιν αὐτῶν ἐκάστῳ καὶ καταδύσεις, τοῖς δὲ ὑπὲρ τῆς Ἰταλίας μαχομένοις καὶ ἀποθνήσκουσιν ἀέρος καὶ φωτός, ἄλλου δὲ οὐδενὸς μέτεστιν, ἀλλ' ἄοικοι καὶ ἀνίδρυτοι μετὰ τέκνων πλανῶνται καὶ γυναικῶν, οἱ δὲ αὐτοκράτορες ψεύδονται τοὺς στρατιώτας ἐν ταῖς μάχαις παρακαλοῦντες ὑπὲρ τάφων καὶ ἱερῶν ἀμύνεσθαι τοὺς πολεμίους· οὐδενὶ γὰρ ἐστιν οὐ βωμὸς πατρῶος, οὐκ ἡρίον προγονικὸν τῶν τοσοῦτων Ῥωμαίων, ἀλλ' ὑπὲρ ἀλλοτρίας τρυφῆς καὶ πλούτου πολεμοῦσι καὶ ἀποθνήσκουσι, κύριοι τῆς οἰκουμένης εἶναι λεγόμενοι, μίαν δὲ βῶλον ἰδίαν οὐκ ἔχοντες. (9.4-5)<sup>73</sup>

Tiberius...was eloquent and invincible when, with people crowding around the rostra, he took a stand and spoke about the poor, saying that the wild beasts dwelling in Italy each have a den and lair and hiding-places, but that the men fighting and dying for Italy have a share in the air and light, but in nothing else. They wander homeless and unsettled with their children and wives, and their commanders lie when they exhort soldiers in battle to defend tombs and shrines from the enemy: for not one of them has a hereditary altar, not one of so many Romans has an ancestral tomb, but they wage war and die for the luxury and wealth of others, and although they are said to be masters of the world, they do not have a single clod of earth for their own.

Although Tiberius compares the plebs to wild animals, τὰ θηρία, rather than herd animals, the same reasoning underlies this famous passage as underlies Macer's comparison. When Tiberius states that Roman soldiers “wage war and die for the luxury and wealth of others”, he

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<sup>73</sup> =Malcovati (1953) 34.13, pg. 149.

acknowledges that a successfully prosecuted war is a money-making enterprise. Like Macer, he claims that those who perform the actual labor are not securing any personal gain from this enterprise. Instead, their labor is enriching others. The unfair exploitation of military labor is precisely what prompts Macer to call the plebs slaves and, by extension, herd animals.

There is a difference between the two tribunes' arguments which accounts for Tiberius's use of wild animals rather than domestic animals. Macer admits that the plebs are getting some return for their labor, a paltry wage, in the form of the grain dole (a practice which the Gracchi introduced). Tiberius, on the other hand, maintains that the plebs are not receiving any return on their labor; in fact, they are being denuded of everything they own, including their homes. According to him, the plebs are suffering an exploitation and consequent dispossession so extreme that they do not retain even the basic necessities of life. When he says that they "have a share in the air and light, but in nothing else", he surely means to imply that they are barely subsisting. Even a slave or herd animal could expect to be provided with upkeep in exchange for his labor. Tiberius therefore likens the plebs to wild animals for this reason: they receive absolutely nothing from their exploiters, and so they do not participate in the partnership or reciprocal exchange between animal and master which is the defining feature of the herd animal state. Despite all their hard work and the riches it has yielded for their countrymen, they have even less than wild animals, who do not labor and who do not belong to the productive conglomerate which constitutes a state.

The speeches of Tiberius and Macer, as presented by Plutarch and Sallust, are the only texts I am aware of that explicitly employ animals to describe the plebs' economic condition; nonetheless, the idea of exploitation which drives the comparisons features prominently in other popular orations, and even in Sallust's historical analysis. At one point in the *Bellum*

*Jugurthinum*, he sums up the activities of the Gracchi: “they began to free the plebs and to expose the crimes of the few”; *vindicare plebem in libertatem et paucorum scelera patefacere coepere* (42.1). Exactly how did they champion the freedom of the plebs, and what were the crimes of the few? In the preceding section, Sallust provides the following specifics:

*Paucorum arbitrio belli domique agitabatur; penes eosdem aerarium provinciae magistratus gloriae triumphique erant; populus militia atque inopia urgebatur; praedas bellicas imperatores cum paucis diripiebant; interea parentes aut parvi liberi militum, uti quisque potentiori confinis erat, sedibus pellebantur.* (41.7-8)

Affairs at war and at home were carried out according to the will of a few, and the treasury, provinces, magistracies, glory, and triumphs were in the possession of the same men; the people were oppressed by military service and poverty, and their commanders were seizing the spoils of war and dividing them with a few others. Meanwhile the parents or small children of the soldiers, if they were the neighbors of a more powerful man, were driven from their homes.

This characterization of the Republic’s ills could have been taken directly from the Tiberius Gracchus fragment. The wild animal comparison is the only thing missing; the circumstances which prompt the comparison are all there. Since Sallust focuses on the nobility’s enrichment and the plebs’ impoverishment, he must refer, at least in part, to the Gracchi’s agrarian legislation when he speaks of their fight for the people’s liberty. By the reasoning which I have now traced through both Sallust and Plutarch, agrarian legislation, as well as other measures designed to redistribute wealth, merely returns state property to its rightful owners. Because such acts allow the people to enjoy the fruits of their own labors, they guarantee the people’s freedom.

Another passage in the *Bellum Jugurthinum* makes use of the same themes (31). It purports to be a speech delivered by Gaius Memmius, tribune of the plebs. In it, Memmius tries to rouse the plebs to action regarding the war in Numidia; its conduct had supposedly been

undermined by Roman officials in the pay of Jugurtha. This oration is one of the two tribunician speeches in Sallust; the other, of course, is Macer's speech. Although the historical events surrounding the two orations are different, and although neither speech is technically about the disposal of public goods, Sallust has Memmius employ essentially the same arguments as Macer. He does not explicitly compare the plebs to herd animals, but the similarity is virtually implied by his focus on the plebs' economic servitude.

Like Macer, Memmius starts by establishing that he is a defender of the people's liberty, though it is dangerous for him (31.1-7). This introduction ends with an ominous allusion to the fate of the Gracchi and their followers. He proceeds to characterize the Gracchi's efforts as an attempt to "restore to the plebs their own property"; *plebi sua restituere* (31.8). The neuter plural *sua* does not specify precisely what the Gracchi were trying to restore to the plebs, and could refer to political rights. However, the very next sentence shows that Memmius has something more tangible in mind. "In former years," he says, "you were silently indignant that the treasury was plundered, that kings and free peoples paid tribute to a few nobles, that the greatest glory and vast riches were in the possession of the same men. Nevertheless, they do not consider it enough to have undertaken these great crimes with impunity..." The nobles' crimes obviously consist of enriching themselves at the expense of the commonwealth; thus, when the Gracchi were trying to return the plebs' "own things" to them, they were trying to release state funds to their rightful owners, the Roman people. The theft of public, i.e. the people's, money forms a major theme throughout the oration. The nobles enjoy priesthoods, consulships, and triumphs as stolen goods (31.10). They have seized the republic and made everything honorable and dishonorable a source of gain (31.12). All things human and divine reside in the possession of a few (31.20). They extort money from the allies, betray the *auctoritas* of the senate and the

*imperium* of the Roman people to the enemy, and, in short, offer up the republic for sale at home and abroad (31.25).

Memmius does not treat the noble' misdeeds as mere embezzlement, but as a kind of domination over the plebs. In the midst of leveling his accusations, he frequently upbraids the plebs for passively accepting their slavery, in terms highly reminiscent of Macer's exhortations (31.11, 16, 17, 20, 22, 26). Two of these passages are especially illustrative of the issues at stake. In one instance, Memmius asks, "Slaves purchased with money do not put up with unjust rule from their masters; do *you*, citizens, born in power, tolerate slavery with a calm mind?": *servi aere parati iniusta imperia dominorum non perferunt; vos, Quirites, in imperio nati, aequo animo servitutem toleratis* (31.11)? I have argued throughout this chapter that the Romans did not automatically attribute servile natures to their slaves. Here, Memmius acknowledges that human slaves can and do sometimes choose to resist their state of servitude. Like Macer, Memmius uses the tension between servile conditions and free human will in order to urge the plebs to action. He suggests that the plebs are already suffering the conditions of slavery. To bear these circumstances with passivity would make them more slavish than people legally sold into slavery.

The other passage (31.20) shares an important feature with Tiberius' speech in Plutarch. Memmius talks about the recent period of domination by the nobles, in which "all things human and divine were in the possession of a few men". Meanwhile, the Roman people, although undefeated by enemies and rulers of the world, "considered it enough to retain the breath of life": *satis habebatis animam retinere*. For which of the plebs, asks Memmius, dared to refuse slavery? Not only does Memmius align master and slave with rich and poor, exploiter and exploited, but he claims that the people have been stripped of all but their very lives. This

portrayal of the plebs' extreme dispossession recalls Tiberius' Roman soldiers, who "have a share in air and light, but nothing else". Despite having conquered the known world, the plebs are barely subsisting.

Even Cicero utilizes the idea of plebeian economic exploitation when it suits him, which indicates that it was indeed a trope, and one with rhetorical currency. During his consulship, Cicero spoke against an agrarian law put forward by Publius Servilius Rullus, tribune of the plebs. The second of his speeches on the subject, *De Lege Agraria 2*, was delivered before the popular assembly. In this oration, Cicero had to convince the bill's ostensible beneficiaries, the Roman people, that the proposal was actually contrary to their interests. The sentiments expressed in this speech differ markedly from those normally found in Cicero's corpus, and it is generally supposed that, owing to his plebeian audience, he consciously adopted a popular persona and speaking style for this performance. In keeping with that strategy, he portrays the promise of land distribution as a ruse, one which will enable a few powerful men to enrich themselves at the expense of the plebs.

The main thrust of Cicero's argument is introduced in section 15, where he reveals the "true" aims of the bill's promulgators. These men, he claims, will be established as kings and masters of the treasury, the revenues, all the provinces, the entire republic, the kings, the free peoples, and, finally, the whole world. It is no accident that Cicero mentions the treasury and revenues first. In the next sentence, he begins with the money once more. He asserts that, in the proposed law, nothing is given to the citizens, but all things are gifted to certain men, that lands are held out before the Roman people while even their liberty is snatched from them, that the money of private individuals is augmented and public money drained, and that kings are set up in the state. This passage presents a familiar conjunction of thoughts: public funds seized, a few



powerful individuals enriched, the liberty of the Roman people threatened. Cicero proceeds to expand on the topic of *libertas* (16), again in a familiar manner. If, after hearing his speech, the citizens believe that a plot has been laid against their liberty, they should not hesitate to defend their freedom, obtained and handed down to them by the sweat and blood of their ancestors. Like Sallust's tribunes, Cicero urges the plebs to action, emphasizing the need for will and struggle with his reference to blood and sweat.

Near the end of the speech, Cicero asserts that the men behind the pernicious land bill will use their ill-gotten gains to raise military force against the Roman people (73-97). Nevertheless, I have now argued at length that any suggestion of economic exploitation was enough to imply servitude, and Cicero takes advantage of that association to its fullest extent. The bill apparently called for ten land commissioners, decemvirs, to raise funds by selling public property; once the funds had been raised, they were to purchase land in Italy on which to settle colonies of Roman citizens. Cicero devotes much of his oration to insisting that the decemvirs will pocket the proceeds from the sale of public property (35-62), neglecting to purchase the necessary land or to establish proper colonies (63-71). After making his case, Cicero concludes by posing the question, *quid pecuniae fiet?* What will become of the money? His final answer: "The decemvirs will hold all the money, not a field will be bought for you; after your revenues have been alienated from you, your allies harassed, and the kings and all the nations emptied, *those men will have the money, you will not have fields*"; *igitur pecuniam omnem decemviri tenebunt, vobis ager non emetur; vectigalibus abalienatis, sociis vexatis, regibus atque omnibus gentibus exinanitis illi pecunias habebunt, vos agros non habebitis* (72).

Throughout the speech, Cicero harps on the idea that the decemvirs will be making themselves rich off lands and revenues that rightfully belong to the Roman people. He

emphasizes his audience members' personal stake in those lands and revenues by repeatedly using "your" to describe state holdings: all your things, *vestra omnia* (25); your empire, *vestrum imperium* (35); your money, *vestra pecunia* (67, 80); your revenues, *vestra vectigalia* (33, 47, 56, 62). Like Tiberius Gracchus and Macer, he also reminds the plebs of why those goods properly belong to them: they, or their ancestors, won that property through military service (40, 49, 50, 69, 84).

Morstein-Marx has argued that there were no distinct political ideologies represented in speeches delivered before the people.<sup>74</sup> Rather, any politician who needed to speak before the assembly, regardless of his real views, would draw upon a stock set of popular themes in order to portray himself as the true friend of the Roman people and his opponent as a false friend, who secretly aimed to serve factional interests at the expense of the people. The choice presented from the rostra, then, was never a choice between competing ideas, but between competing politicians who all espoused the same ideas, at least in public. The winner was the one who did so more convincingly. Morstein-Marx adduces *De Lege Agraria 2* as an example of such ideological and rhetorical appropriation. My own analysis supports his thesis. I have identified a Roman tendency to see any kind of economic exploitation as a form of slavery. By that definition of slavery, a man reduced the plebs to slavery if he enriched himself with funds produced by their labor. Agrarian legislation was envisioned as a corrective for plebeian slavery, since it restored to the plebs the fruits of their own labor. When Cicero was faced with the difficult task of turning the people against agrarian legislation, he claimed that the promulgators really meant to...enrich themselves with funds produced by plebeian labor. Thus, he carefully cultivated his role as friend of the people by drawing on rhetoric pioneered by the Gracchi, the

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<sup>74</sup> Morstein-Marx (2004) 204-240.

original friends of the people. In order to attack a popular, tribunician measure, Cicero employed the very argument which tribunes traditionally used to promote popular measures.

The narrow rhetorical focus maintained in popular speeches, the limited scope of the ideas expressed, and the continued relevance of those ideas through time – from the days of Tiberius Gracchus to those of Cicero and Sallust – suggest that these speeches reflect the plebs' political concerns. Those concerns, moreover, were neither complicated nor many in number. The most pressing of them did not involve political rights – although those were a source of worry too – but something of more immediate and practical consequence: money. The discourse on this issue demonstrates an awareness on the part of the plebs that their own economic interests were often different from, and even in direct conflict with, those of the rich citizens who controlled the government and the military. Accordingly, the matter of wealth distribution resolved itself into a matter of class strife. As I have shown, orators portrayed this strife as a contest, not just between competing economic interests, but between the *libertas* of the plebs and the *dominatio* of the nobles.

As I have also shown, the connection between economic status, liberty, and domination lay in the Roman conception of slavery as a productive role. Any relationship in which one party produced, and the other took the produce, could be described as a slave-master relationship. This was potentially even more true for the plebs and nobles collectively than for individual wage-earners and employers. Because there were property qualifications for holding office, wealth enabled members of the ruling class to wield real power over the lower orders. Exercising official authority could entail more direct coercion, like passing legislation which curtailed certain activities, but it also meant having the all-important power of the purse. The magistrates, the senate, the generals – such men decided how much public money to dispense and to whom –

just as a master decided how much food to give to his slaves, and an employer decided how much to pay his wage-earners. A master, however, had a vested interest in keeping his slaves healthy and productive. A wage-earner could choose not to work for a particular individual, if the offered pay was not high enough to meet his needs. Tiberius Gracchus would have his listeners believe that the men in power were denying even survival rations to the plebs.

Since orators used animals to describe the plebs' economic slavery, presumably their target audience understood and shared in the assumptions that assimilated herd animals to slaves and slaves to herd animals. Slavery was thought to be a naturally occurring phenomenon, characterized first and foremost by economic exploitation. Thus, anyone who was exploited technically met the natural criterion for slavery, whether or not that exploitation was supported by law. Because utility to the human community naturally determined all status, all beings who were useful in this particular way held the same status. The plebs clearly understood that, by this method of reckoning, they belonged to the same social category as slaves and herd animals.

The orators' repeated warnings – do not act like slaves and animals, do not fall to their level, do not accept for yourselves the servile dehumanization which is imposed on them – imply a twofold desire in the plebs: to exact their dues from those of superior socio-economic standing, and to maintain their own superiority over social inferiors. This dual agenda highlights the fact that the concept of natural status was a two-edged sword. On the positive side (from a plebeian point of view), it ensured that there was always somebody to look down upon in the person of the legal slave. The notions which equated slave with animal justified the subordination of both. Certain economic circumstances may have suggested a likeness between pleb and slave, but in truth a free citizen was always free to resist those circumstances. Orators were reminding their audience of that truth when they held up the herd animal, the natural slave, as a behavioral model

to avoid. As human beings the plebs had the will to fight servitude, and as citizens they had social and legal support for that fight. Popular speakers urged the plebs to utilize those resources, so that they might sustain and maximize the difference between themselves and slaves. This rhetorical strategy both drew upon and reinforced the – supposedly natural – inequality between slave and citizen, while using it as a means to attack the inequality between poor and rich citizens.

The ideas manipulated by popular orators also had negative consequences for the plebs. These ideas may have located slaves at the lowest extreme of the social hierarchy, alongside herd animals, but the very same beliefs suggested the similarity between pleb and slave. In my discussion of wage-earners, I pointed out that the measure of a man's social prestige could be expressed in terms of the degree of his liberty or servitude. An individual's servitude need not have been literal to diminish the esteem which he could command in society. Some free persons, like wage-earners, were regarded as virtual slaves. There was therefore a real threat posed by the mere appearance of slavery. If we accept that popular oratory targeted issues sure to illicit a strong emotive response, then the plebs must have felt the degradation of their supposed slavery keenly. Their acceptance of an extralegal, natural criterion of slavery meant that, legal status aside, their standing as free citizens was always in danger. While the legal divide between slave and poor citizen was huge, the social divide seems to have been thin indeed.

That thin line could be rhetorically exploited to either side, depending on the views and aims of the orator. Those speaking before the people maintained that the plebs were being treated like slaves and animals, and that they must rise up and fight against this unjust servitude. However, Cicero's optimate discourse often reveals the opposing viewpoint: the plebs are treated like slaves and animals, and *they ought to be*. In the *De Re Publica*, the same concepts which

place slaves and animals at the very bottom of the social scale are employed, as well, to justify the low standing of poor citizens relative to rich citizens. Thus, the plebs were participants in an ideology which elevated them above nature's lowest members (barely), but which simultaneously naturalized their own social and political handicaps.

### Conclusions

The apparent contradictions within popular discourse, and between popular and optimate discourse, indicate that we should not expect perfect consistency when texts conflate social with natural status, human with non-human. The instances which I have examined – the assimilation of slaves, wage-earners, and plebs to herd animals – each rely on three basic notions: all beings belong to a single scale of worth and status; the universal or natural measure of worth is utility to the human community; because that measure of worth is universal, even members of different species can hold the same worth and therefore the same status. These ideas, broad though they are, manifested themselves in some specific patterns of thought – such as the persistent identification of certain people with herd animals. However, their very broadness ultimately meant that they could be used in various ways to support different, even opposing, points of view. Their use depended on who or what the speaker was talking about, how he defined the role of the relevant humans or animals, the usefulness he assigned to that role, and whether he was trying to reinforce or undermine the status quo. Popular oratory, intended to provoke a particular response in a particular audience, reflects the prejudices, fears, and goals of that class of people, which are not necessarily the products of logical cogitation.

To the extent that the concept of natural status has any theoretical background at all, it assumes a teleological theory of nature, which holds that the lower orders of creation are

naturally adapted to the purpose of serving the higher. This concept provides the only reasonable justification for assessing everything in nature according to its usefulness for humans: everything in nature exists in order to support the highest earthly entity, human society. Although Roman sources do not apply teleological principles to humans, as they do to animals, they do assess humans by that same standard, usefulness to society, and presume that that is a natural mode of assessment. This notion is compatible with a teleological view of nature, in that it arises from the premise that all things, *including people*, are intended by nature to promote human society. Thus, in Roman thinking, nature itself has established the benchmark by which both animal and human worth and status are to be measured, and status so determined has been naturally ordained. By this reckoning, the resulting inequalities in status are built into the world order. Moreover, the phenomenon which I have studied in this chapter, the linking of slave and domestic animal, presupposes that other things, as well, are naturally or inevitably occurring parts of the world order. Herd animals are naturally or inevitably slaves to mankind. They are naturally suited to slavery. Slavery itself is natural and unavoidable, and consists of fulfilling a role which, if lowly, is nonetheless necessary to the existence of human society.

Because Hellenistic philosophy made nature normative, some of these concepts found support there. Roman authors therefore could and did draw upon philosophical sources when discussing the relevant topics. Varro, for example, quotes the Stoic joke about pigs, and Cicero and Seneca adopt the Stoic view that slavery is a form of wage-earning. We should probably not suppose, however, that the Romans took all of their ideas about nature and society from Greek philosophy. While educated Romans were no doubt influenced in a general way by their philosophical reading, the texts I have examined suggest that borrowing could also be conscious

and selective. Certain philosophical notions were compatible with Roman cultural preconceptions, and were thus available for use if and when convenient.

This selective pattern of philosophical borrowing is evident in the Roman discourse on nature and status. Parts of the ideological framework which I am studying have parallels in philosophical doctrine, and so texts make an occasional nod to Stoicism; however, taken in its entirety, it does not conform to any particular philosophical system. The presence of these ideas in popular oratory suggests as much. It is one thing for Varro to include philosophical precepts in the *Res Rustica* or Cicero in the *De Officiis*; those works have intellectual pretensions and are clearly aimed at a wealthy and educated audience. It would be another thing entirely for a speaker to direct philosophical precepts towards the plebs at a popular assembly. If the popular orations which survive do in fact reflect the sorts of speeches which were delivered from the rostra, then they should reflect the sorts of beliefs which were commonly held, even among the illiterate poor. Accordingly, those orations do not employ the philosophical buzzword *natura*. They did not need to in order to access the relevant mode of thought. Who ever contemplated the nature of creation when he put a donkey to work or bought a slave off the auction block? The *Lex Aquilia* built the equation of slave and herd animal into the Roman legal system long before Greek philosophy had an impact on Roman law. Even on the Greek side, for that matter, popular preconceptions, which linked slave to animal on the basis of productive role, shaped Aristotle's theory of natural slavery, not the other way around. Moreover, humans often believe that their society reflects the natural order of things, even when they do not have a coherent theory of nature to justify that belief. I propose that the complex of ideas which naturalized social inequality was a long-standing and deep-seated habit of thought, a series of cultural assumptions never consciously adopted nor seriously questioned by most. These preconceived



notions may have influenced philosophical discourse, but they were certainly not its products. Precisely because they were not subject to formal scrutiny, they could be wielded with the flexibility and inconsistency which I have already commented upon.

There were alternate ideas in circulation, other ways to understand nature and its relationship to human society. Epicureanism, for example, denied that the universe had been created for mankind and developed its ethical system accordingly. Even Stoicism differed in some respects, although it did accept a teleological world view and cast slavery as a natural productive role. If Seneca's *Epistle 47* and *De Beneficiis* are any indication, then the Stoics went out of their way to oppose the assimilation of slaves to animals. More specifically, they objected to abusing slaves as if they were animals. They did this by emphasizing slaves' human qualities and thus their close kinship with their masters. This approach cut straight to the heart of the matter. It identified the major fallacy in placing certain humans on a social level with animals, and attempted to correct the attendant ethical problem: collapsing social categories tended to collapse the difference between slaves and animals entirely, with the result that slaves were treated like animals.

I have shown that the assimilation of slave to herd animal did not necessarily presuppose an innate similarity between slave and animal. Roman texts, probably echoing Stoic tenets, sometimes say explicitly that no man is born a slave by nature. However, that intellectual lip service coexisted with a darker reality. Seneca would not have penned *Epistle 47*, reminding slave owners of the common humanity of their slaves, if slave abuse were not widespread. Social worth is often confused with innate worth, and once certain people had been grouped with animals, it was easy to think that they were in fact animal-like. This is especially true because the association of specific kinds of people with specific kinds of animals depended upon a

teleological understanding of nature. As I have observed numerous times, the teleological hierarchy of species was a hierarchy of both function and type. Since the ancients tended to conflate this hierarchy with the social hierarchy on the basis of function, it would have been tempting to complete the analogy between the two by assuming that the social hierarchy was indeed a scale of type, as well as function; that there were indeed different kinds of human to fulfill different functions, just as there were different kinds of animals to fulfill different functions.

Aristotle's theory of natural slavery chronicles just such a mental leap. He starts from the notions that nature is teleological, and that slaves and herd animals perform the same function, and from those premises he extrapolates the existence of the natural slave, who is mentally akin to an animal. Given ancient ideas about nature, animals, and status, and the ubiquity of slavery, it is not surprising that Aristotle drew the conclusions expressed in the *Politics*. What is surprising is the fact that more people did not think as he did. The only explanation is that the idea of intrinsically different human types conflicted with the evidence of their own eyes. The Stoics were right: the concept of a slave by nature is inconsistent with reality. Although many of the ancients seem to have recognized this, that recognition did not put an end to the ingrained, thoughtless habit of contempt that downgraded the slave to an inferior type of human.

This customary disdain invested the slave-herd animal association with significance beyond its most basic meaning. In some texts, such as the *Res Rustica* and *Lex Aquilia*, the coupling of slave and herd animal invokes only the functional similarity between the two, and amounts to a mere job description, legal designation, or social classification. However, in his article "Animalizing the Slave", Keith Bradley demonstrates that the connection between slave and animal had real-life ramifications for both the practice of slavery and the slave's experience

of servitude.<sup>75</sup> Moreover, a kind of taint definitely attached to the person of the slave or former slave, an indelible stain of inferiority that set him apart from freeborn persons. Henrik Mouritsen, who devotes a chapter to the servile stigma,<sup>76</sup> tries to reconcile its existence with the fact that Roman sources generally reject the idea of a natural slave. He concludes that the very condition of servitude – especially the harsh treatment which the slave suffered – was thought to be degrading and to negatively impact the slave’s disposition. Mouritsen may be right, but it would probably be a mistake to insist on one, rational explanation for an unrationalized and conventional belief. Cicero often displays a similar bias, but against the plebs rather than slaves. He assigns near-animal status and attributes to poor citizens, without explaining why they are less capable of intelligent and moral behavior than wealthy citizens. His attitude simply reflects the tendency of a rich and politically privileged man to look down on the lower orders. If free citizens could be victims of such prejudice, so too could slaves.

Cicero’s contempt for the plebs is no different in its causes from the plebs’ own contempt for slaves. In each case, the socially superior party assumes innate superiority over social inferiors – for no particular reason other than bias. This habitual bias was convenient, since it justified social and legal advantages on moral grounds. The fear of slipping downwards on the social scale, which is so apparent in popular speeches, also gave everyone a vested interest in differentiating themselves as much as possible from those below them. This fearful, self-serving, and purely reflexive prejudice coexisted with the rational knowledge that wealth and profession, not innate worth, decided social and legal status. Thus, despite the impulse to connect social standing to moral standing, there remained an awareness that the two did not always coincide. A

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<sup>75</sup> Bradley (2000).

<sup>76</sup> Mouritsen (2011) 10-35.

person's station in life was ultimately a matter of luck. The fact that fortune, not character, determined status gave rise to an uncomfortable reality. Social inequality was an accepted part of life, and naturalized through the utility-based assessment scheme. However, there was no compelling reason to suppose that every individual was naturally suited to his rank, because there was no convincing or universally accepted ideology that differentiated between types of people. That is, there was no conventional belief in the teleological differentiation of human beings. Even if distinct types of people did exist, each intrinsically inclined toward a certain role and status, there was no mechanism to ensure that every person was settled in the station where he belonged according to his merits.

As far as civil concord was concerned, the lack of a strong discourse of human teleology was actually problematic. The apparent disjunction between natural status and natural type made class conflict endemic to human society. The capacities, ambitions, desires, and needs of any given person or group did not necessarily align with the position they occupied. Because there was no tradition of human teleology, telling them that they were inherently and inevitably deserving of their station, people did not necessarily resign themselves to their lot and its attendant disadvantages. Cicero might have believed that the plebs were practically animals and ought to be curbed accordingly, but popular oratory tells us that the plebs had different thoughts on the matter. Even as the elite applied political and ideological pressure from above, the plebs pushed back from below. Likewise, masters needed to keep their slaves cowed and productive, but slaves did not always accept their fate passively. Bradley points to resistance as a key theme in Apuleius' *Metamorphoses*, where the main character's transformation into an ass is paradigmatic of the animalization of the slave. The rest of the world might see him as an ass and a slave, but he retains his human mind and, with it, the ability to disobey when he deems it safe

or advantageous. His calculated acts of rebellion illustrate the truth that the animalization of the slave was never complete, because human slaves still had human mental capabilities.<sup>77</sup> Bradley's analysis concurs with my own observation: despite the existence of social classifications which conjoined human with animal, the Romans were well aware that any person remained essentially human and thus an unknown quantity. Social classifications were therefore contestable whenever there was a perceived discrepancy between social standing and inner worth. Although legalized social divisions gave rise to such contradictions and to bitter class conflict, nobody ever seems to have seriously considered eliminating them. Those divisions were, after all, thought to be a natural part of the world order.

In the next chapter, I will continue to explore how Roman authors treat social status as natural by likening human to non-human on the grounds of utility. Exploitation and herd animals are not the only standards against which to measure utility and status. Wild animals comprise a different category of being, one defined by separateness. They are natural outsiders, creatures that inevitably exist apart from the human community, and even violently oppose it. Accordingly, the notions of separateness and violence figure prominently in comparisons between wild animals and people. Although these comparisons employ the utility-based criterion of natural status, they differ from the herd animal comparisons in that they often state or imply that the people involved possess minds that match their animalistic behavior and status. How could authors make this claim, if, as I have just argued, the Romans did not subscribe to human teleology? I will continue to argue they did not accept teleological theory where humans are concerned: the comparisons do not assume that there is a special kind of human, innately disposed to act like wild animals. The answer lies elsewhere, and it sheds light on how the

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<sup>77</sup> Bradley (2000) 119-121.

Romans could reject human teleology, yet simultaneously maintain that some people – whether slaves or plebs or barbarians or criminals – are less human than others.

## CHAPTER 4

### The Human Beast: Man's Savage Nature

Throughout this chapter, I will continue to support my argument from the previous chapter: that Roman republican authors tend to assimilate certain classes of human to certain classes of animal on the grounds that they fulfill a similar function within the human community. This habit arises from the view that utility to society is a natural criterion of worth and status for both man and animal, and that man and animal can therefore hold the same status, if they are useful to society in the same way. This is the conceptual mechanism which allows Roman writers to treat status as natural, and, by extension, inequalities in status – both the inequalities between man and animal, and between man and man.

I will now show that comparisons between humans and wild animals, like those between humans and domestic animals, display this pattern of thought. The three major types of humans typically associated with wild animals are practitioners of illicit violence, primitive humans, and elites accused of crimes. Although I will touch upon Lucretius, most of the extant wild animal comparisons come from Cicero, and it is his use of such comparisons that I will primarily discuss. The majority of the comparisons belong to the realm of political invective, and portray Cicero's opponents as social isolates and public enemies; it is their alleged disruption of social life that places them on the same level as wild beasts, who are naturally separate from and hostile to human society. Although neither public enemies nor dangerous beasts can be said to benefit the human community, their very lack of usefulness and active harmfulness define both categories. Thus, wild animal comparisons apply the utility-based assessment scheme of natural

status, since they each posit that a human and a wild animal share the same social role – that of threat to society – and so share the same social status.

Wild animal comparisons do differ from herd animal comparisons in one respect. I devoted the previous two chapters to showing that the idea of natural slaves never enjoyed much currency at Rome and does not account for most herd animal comparisons. These comparisons often uphold the essential humanity of the people they target, likening them to animals on the basis of job alone. Their character and abilities have nothing to do with it. By contrast, comparisons between humans and wild animals almost always stress the innate animal ferocity of the person in question. In this way, they inevitably align a person's moral quality with his status, thereby implying that he merits his lowly position by virtue of his own actions and mental composition.

Does this aspect of the wild animal comparisons finally provide evidence for a teleological view of humans? I will contend that it does not: the texts do not suggest the existence of a separate category of humans, designed by nature to resemble and act like wild animals – any more than herd animal comparisons suggest the existence of natural slaves. Instead, they indicate that every human has the capacity for savage deeds. Since such deeds are similar to those of beasts, Roman authors often describe the urge to commit them as bestial. This phenomenon reflects not a reasoned discourse on human nature, but a loose analogy between human and animal minds, prompted by a shared behavior. Thus, the habit of linking bestial deeds to bestial minds reflects a broader tendency which I discussed in the previous chapter, that of matching inner qualities to outward behavior and status. In just such a way, the Romans assigned subhuman personalities to slaves because they performed the same job as herd animals; the Romans did this habitually, despite espousing the reasoned, philosophical idea that nature



does not so differentiate between humans. Wild animal comparisons therefore conform to the same pattern as herd animal comparisons, and reveal the same assumptions about the relationship between nature and human society.

Despite the parallels between wild animal and herd animal comparisons, my examination of wild animal comparisons will add something new to my discussion. I will propose that these comparisons, since they talk about the character and minds of their targets, reveal a certain assumption about human psychology. This assumption enabled Roman authors to reconcile a relatively egalitarian view of human nature with the habit of regarding some people as more or less human than others. The relevant idea is not the concept of teleologically differentiated human types, but another notion, which I introduced in chapter 1: all humans have the power to deviate from nature.

#### Violent Deeds and Bestial Minds in Cicero's *De Officiis*

Cicero's wild animal comparisons rely heavily on the association of wild animals with violence, an association which I discussed in Chapter One. Just as economic exploitation is the natural criterion which places humans on par with herd animals, so violence places them on par with wild animals. Before I turn to the rhetorical use of such comparisons in Cicero's oratory, it will be helpful to clarify some of his thoughts on violence, the animals and humans who commit violence, and how they and their violence fit into the natural scheme of things. The following discussion considers passages which explicitly compare animal and human violence; many of them happen to come from the *De Officiis*. Like Cicero's comments about wage-earners in the same work, I believe that his remarks on violence reflect broadly held Roman attitudes, even though the *De Officiis* is based on a Greek philosophical text. I therefore treat Cicero's words in

the *De Officiis* as an expression of his own views, in that they reflect his own compositional choices, regardless of intellectual provenance. To the extent that they are his views, they are also Roman views. In later parts of this chapter, I will show that the same assumptions play a part in Cicero's speeches, as well, in the form of human-wild animal comparisons. If he could utilize these concepts in speeches for persuasive ends, then presumably they had a place in the collective Roman consciousness.<sup>78</sup>

There are three major ideas which emerge from the *De Officiis* passages, and which underlie most wild animal comparisons in oratory. The first: a man acts like a wild beast if he perpetrates not just any violence, but specifically violence contrary to the interests of human society. The second: such anti-social behavior is indicative of a bestial, subhuman mind, because it shows a lack of rational control on the part of the perpetrator. The third: despite the fact that perpetrators of violence possess bestial, subhuman minds, they do not constitute a naturally distinct type of human. Rather, all humans are capable of bestial, unnatural conduct, which some manage to restrain while others do not.

Although Cicero intends wild animal comparisons to reflect badly on his targets, it should be noted that wild animals could represent admirable characteristics in ancient literature – despite, or perhaps because of, their inclination to violence. Some texts even maintain that animals are superior to mankind.<sup>79</sup> The most famous and lengthy of these is Plutarch's *Bruta Animalia Ratione Uti*, also known as the *Gryllus* (985d-992e). In it, one of Circe's Greeks-

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<sup>78</sup> See Dyck (1996) for a more philosophically-oriented commentary on the *De Officiis*. He discusses Cicero's sources, Cicero's own role in shaping and adding to the material inherited from Panaetius, and how the various views expressed in the *De Officiis* relate to Stoic theory. In preparing this chapter, I consulted Dyck's commentary myself, though it did not significantly affect my interpretation of the pertinent passages. Because his focus is very different from my own, his comments are mostly irrelevant to the present study.

<sup>79</sup> On the superiority of animals in Greek and Roman literature, see Lovejoy and Boas (1935) 389-420, which provides an overview of the relevant passages.

turned-swine has a conversation with Odysseus, and contends that being an animal is better than being a man. The pig, Gryllus, builds his argument on the premise that animals possess the same virtues as humans, and possess them in a more perfect form. While virtue in humans arises as a result of instruction and compulsion, in beasts it simply exists as a part of their natural make-up.

Gryllus claims a number of virtues for animals, but only one is really relevant to the Roman discourse: courage in battle, demonstrated by wild animals in their struggles against one another and against humans (987c-988e). The fact that Gryllus starts with this indicates how closely wild animals were associated with martial prowess in ancient thought. He lauds the valor and indomitable spirit with which they fight, even to the death. He attributes this fighting instinct to another, related characteristic, the impulse to avoid subjugation. A lion is never a slave to a lion, he says, because lions never ask for pity nor acknowledge defeat through cowardice. Even when wild animals have been captured alive through snares, they refuse food and water, preferring to die by thirst and hunger rather than submit to slavery. As support for his assertions about animal bravery, he points to the long-standing literary tradition of comparing warriors favorably to animals, a habit which manifests itself in epithets such as “wolf-minded”, “lion-hearted”, and “like a boar in valor”. This practice has come about due to a general consensus among men concerning the existence and superiority of animal fighting spirit.

An appreciation for animal fortitude appears even in Cicero. In a letter to a friend about Pompey’s games, he asks, “What pleasure can a cultivated man get out of seeing a weak human being torn to pieces by a powerful animal or a splendid animal transfixed by a hunting spear?”: *Sed quae potest homini esse politico delectatio cum aut homo imbecillus a valentissima bestia laniatur aut praeclara bestia venabulo transverberatur?* (Fam. 7.1.3). In the *Tusculan Disputations*, he holds wild animals up as models for the ability to scorn pain. “What of beasts?

Do they not endure cold and hunger and mountain-ranging, woodland courses and wanderings? Do they not fight for their offspring so fiercely that they take wounds and fear no attacks nor blows?": *Quid bestiae? Non frigus, non famem, non monti-vagos atque silvestres cursus lustrationesque patiuntur? Non pro suo partu ita propugnant, ut vulnera excipiant, nullos impetus, nullos ictus reformident?* (5.79). Twice he refers to wild animals' determined defense of their freedom, when he declares that nothing is sweeter than liberty for either men or beasts (*Leg. Agr.* 2.9; *De Rep.* 1.55).

At first glance, there seems to be a mismatch between the status of wild animals and their innate qualities, just as there could be a mismatch between the status and innate quality of a human slave. By the measure of human utility, wild animals are the lowest of animate beings, since they are not only unnecessary to human civilization, but even harmful to it. However, their personal characteristics commanded an admiration that the all-important, but servile, herd animals never enjoyed. What is more, ancient authors single out for praise the very two characteristics which render wild animals incompatible with and useless to human society: their propensity for violence and their resistance to taming. The explanation for this phenomenon no doubt lies at least partially in the harsh circumstances of life in antiquity. Although it was not a desirable contingency, it was often necessary to fight for life, property, or freedom. Where the threat of violence and slavery loomed as a very real possibility, the ferocity of wild animals could be perceived as an attractive trait. Theirs was a nature that simply *could not* show cowardice or submit.

With very few exceptions, late Republican texts use wild animals as exemplars of bad, not admirable, behavior. I have talked about the alternate, more positive tradition because it helps to clarify the negative. As the foregoing discussion indicates, violence itself was not

automatically objectionable. As I will now show, what mattered was the end to which violence was directed.

A passage in the *Pro Milone* offers an example of what Cicero construes to be acceptable violence. He has portrayed the fateful encounter between Milo and Clodius as a two-sided brawl in which Clodius was at fault: he sprang a trap, Milo merely met violence with violence in order to defend his life. Cicero invokes self-defense as a use of violence which is legitimate and naturally sanctioned, for both men and animals:

*Sin hoc et ratio doctis et necessitas barbaris et mos gentibus et feris natura ipsa praescipit ut omnem semper vim quacumque ope possent a corpore, a capite, a vita sua propulsarent, non potestis hoc facinus improbum iudicare quin simul iudicetis omnibus qui in latrones inciderint aut illorum telis aut vestris sententiis esse pereundum.* (30)

But if reason has ordained this to learned men, and necessity to barbarians, and custom to all nations, and nature itself to the beasts, that they are always to repel all violence by whatever means they can from their body, from their person, from their life, then you cannot judge that this action was wrong, without judging at the same time that all men who fall among bandits must perish, either by the bandits' weapons or by your verdict.

Here Cicero is appealing to the element of violent self-help which was always inherent, even encouraged, within Roman laws and customs.<sup>80</sup> As the passage implies, it was fully expected that a man apply force, if necessary, in order to meet aggression directed against his life, property, or freedom – a point that Cicero expounds upon at greater length elsewhere in the *Pro Milone*, citing well-known examples of legally justifiable violence (7-11). He contends that, since Milo acted in self-defense, the jury could not convict him without infringing the time-honored and perfectly natural principle of self-help.

Violence had a place, albeit a limited one, within the confines of society in the form of personal self-defense. Legitimate violence could also be directed outwards toward foreign

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<sup>80</sup> For Roman attitudes toward violent self-help and its place within the laws and constitution, see Lintott (1968).

enemies, in defense of the entire state. In the *De Officiis*, Cicero makes this point as well, again associating wild animals with violent response. “To mix heedlessly in the battle line and contend hand-to-hand with the enemy is a savage and beast-like kind of affair. But when the times and necessity demand it, we must fight it out by force and prefer death to slavery and disgrace”: *temere autem in acie versari et manu cum hoste conflagere immane quiddam et beluarum simile est; sed cum tempus necessitasque postulat, decertandum manu est et mors servituti turpitudinique anteponenda* (*De Off.* 1.81). In this instance, animals do not serve as a positive model; battle should be avoided as unbecoming a human. However, battle is sometimes unavoidable and should be undertaken in order to secure the safety, liberty, or standing of self and state.

As Cicero presents the matter, there is one major criterion which has to be fulfilled for violence to be compatible with human convention and human nature: social bonds must be preserved. When a man applies force strictly on his own behalf, it should be to protect himself or his own from an aggressor, who, by attacking, is disregarding the rules which regulate human interactions. Military force directed against a foreign threat protects an entire society, along with all the individual social bonds of which it is composed. An animal, on the other hand, fights only for itself and perhaps its offspring. It is unable to form a more complex and extensive social network, or utilize any means of conflict resolution except violence. Peaceful conflict resolution is one of the foundations of human civilization; it should be abandoned for violence only in the absence of other options. This, then, is the essential difference between illicit animal violence and licit human violence: the former serves as a ready means to secure selfish ends, the latter is a last resort, undertaken for the sake of the human community.

The distinction is implied in the following passage. Cicero has just stated that reason and speech are the first bonds of human society; because they enable teaching, learning, communication, discussion, and judgment, reason and speech reconcile men among themselves and join them together in natural fellowship. “In no other way,” he says, “are we farther from the nature of beasts. We often say that they have courage, like horses and lions, but we do not say that they have justice, equity, and goodness; for they are devoid of reason and speech”:  
*neque ulla re longius absumus a natura ferarum, in quibus inesse fortitudinem saepe dicimus, ut in equis, in leonibus, iustitiam, aequitatem, bonitatem non dicimus; sunt enim rationis et orationis expertes (De Off. 1.50).* Cicero stresses the primacy of uniquely human virtues, those arising from the use of speech and reason for the formation of social life. Fortitude in battle, when practiced by animals, is without moral value in Cicero’s reckoning; he maintains that they take no part in justice or goodness, regardless of what action they are engaged in. Since they are not endowed with human reason and social instinct, they can pursue no higher cause than the satisfaction of their impulses. Even human courage, which is downplayed here, apparently has little or no moral value unless it is ancillary to a greater moral end, human community.

Elsewhere in the *De Officiis*, Cicero explicitly says that the only morally correct violence is that which serves social utility, though he makes his point without referring to animals (62-63). He endorses the Stoic definition of courage, which describes *fortitudo* as “that virtue which fights for right”: *eam virtutem esse dicunt propugnantem pro aequitate*. He contrasts this selfless and praiseworthy battle with one waged for personal interest, which has nothing virtuous about it. “But that elevation of mind which is perceived in dangers and hardships, if it lacks justice and fights not for the common safety, but for its own advantage, is a vice”: *sed ea animi elatio, quae cernitur in periculis et laboribus, si iustitia vacat pugnatque non pro salute*

*communi, sed pro suis commodis, in vitio est.* Such self-serving bravery, continues Cicero, should be called *audacia* rather than *fortitudo*.

The passages above distinguish between more and less acceptable types of violence on the basis of the purposes for which it is perpetrated. They also display another characteristic which is prominent in comparisons between humans and wild animals: they link behavior to innate qualities. This link is made obvious by the abundance of words denoting personal characteristics, including: *fortitudo*, *iustitia*, *aequitas*, *bonitas*, *virtus*, *elatio animi*, *vitium*, and *audacia*. According to Cicero, the practice of virtues like *iustitia*, *aequitas*, *bonitas*, and *virtus* arise from specifically human mental attributes, that is, reason and speech. The absence of these virtues in animals can be attributed to their lack of mental capacity. *Fortitudo*, which manifests itself in the execution of a violent act, presents a problem precisely because it is a trait common to both animals and humans. Raw physical courage is an aspect of the bestial, unreasoning mind. To become a truly human excellence, it requires rational control and discretion in its application, so that it is applied only at appropriate times for appropriate and uniquely human ends. This logic explains the Roman tendency to associate acceptable violence with a well-regulated, human mind, and unacceptable violence with a brutish, subhuman mind.

Cicero encapsulates the relationship between human and animal mental states, correct and incorrect violence, in a single sentence. “Greatness of mind, if removed from human community and union, would be a kind of wildness and savagery”: *magnitudo animi remota communitate coniunctioneque humana feritas sit quaedam et immanitas* (*De Off.* 1.157). The words which I have here translated as wildness and savagery, *feritas*<sup>81</sup> and *immanitas*<sup>82</sup>, are

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<sup>81</sup> Bannier, *TLL* s.v. *feritas*. See 6.1.519.10-70 for *feritas* used of beasts, where the word denotes “the nature of a wild animal of the field or forest”: *natura ferae agrestis vel silvestris* (6.1.519.10). See 6.1.519.71-520.71 for *feritas* used of humans, where the word denotes “a way of life or of conduct similar to the conduct of wild animals”: *vitae, morum consuetudo consimilis moribus ferarum* (6.1.519.71).



properly used of animals and suggest animal savagery when applied metaphorically to humans. Cicero is therefore contrasting a specifically human quality, *magnitudo animi*, with a bestial one. The fact that he speaks of personal characteristics – *magnitudo animi*, *feritas*, *immanitas* – rather than particular behaviors, indicates that it is the mind itself which must be constrained by social concerns, the mind which can take on a bestial aspect. However, when the sentence is read in context, it becomes clear that he is also talking about the actions which spring from those mindsets. The sentence comes in the midst of an argument that the pursuit of knowledge is barren if not conjoined with a more important pursuit, maintaining human society. Knowledge, then, and the thirst for knowledge are only meaningful attributes if they produce a result that aids the human community. To support his point, Cicero adduces *magnitudo animi* as another seeming virtue that is no virtue at all if not directed toward promoting the common good. Thus, Cicero's comment ranges human courage on one side, along with social conscience and works which benefit human society; on the other side, animal courage, a lack of concern for others, and deeds which benefit no one but the doer.

The passage I have just examined juxtaposes *magnitudo animi* with *feritas*. In keeping with the rest of my discussion and with the most prominent theme in Roman wild animal comparisons, I focused on the sense of fighting courage implicit in *magnitudo animi*. However, the phrase has a wider array of possible meanings, a fact that is not irrelevant. The following passage indicates that fighting spirit is not the only human trait that amounts to mere animal savagery if not subject to rational constraint; rather, it is the whole person that must be checked and controlled by reason.

*Panaetius quidem Africanum, auditorem et familiarem suum, solitum ait dicere, "ut equos propter crebras contentiones proeliorum ferocitate exsultantes domitoribus tradere*

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<sup>82</sup> Labhardt, *TLL* s.v. *immanitas*. See 7.1.442.9-44 for *immanitas* used of animate creatures, both human and animal, where the word denotes savagery, inhumanity, or cruelty: *saevitia, inhumanitas, crudelitas* (7.1.442.9).

*soleant, ut iis facilioribus possint uti, sic homines secundis rebus effrenatos sibi praevidentes tamquam in gyrum rationis et doctrinae duci oportere, ut perspicerent rerum humanarum imbecillitatem varietatemque fortunae.*” (De Off. 1.90).

Panaetius relates that Africanus, his pupil and friend, used to say: “Just as, when horses run riot with ferocity on account of their frequent struggles in battle, their owners are accustomed to hand them over to trainers, so that they can make use of the horses more easily; so men, who through favorable circumstances have become unbridled and over confident, ought to be led into the training-ring, so to speak, of reason and learning, so that they may perceive the feebleness of human affairs and the fickleness of fortune.”

The choice of war-horse as an illustrative example is telling. Although technically a domestic animal, a war-horse could hardly be described as a placid slave, unwilling and unable by nature to fight its human exploiters. The word *ferocitas* suggests that its innate temper was closer to that of a wild animal, though not entirely wild. With proper training, it could be tamed and broken to human use. The comparison assumes that people possess a similar nature – an idea that accords with my own observations. In this chapter, I have shown and will continue to show that humans were believed to be characterized by animal savagery unless curbed by some civilizing influence. In the previous chapter, I demonstrated that the Romans often portrayed humans as herd animals, as well, though not necessarily on the basis of innate servility. For the practitioners of many occupations, playing a functional role in human society meant suffering a diminution of personal liberty, and therefore relegation to a status analogous to that of a herd animal. Thus, human behavior was thought to encompass both extremes, wildness and domesticity, and each extreme was described as an opposing kind of animal condition. Since some wild animals could be made obedient and useful, it was a short leap of logic to see the same phenomenon at work in humans. By analogy with the domestication of animals, the process that brought a person from one state to the other – from fierce and socially disruptive to

docile and socially serviceable – could be construed as a process of taming and training. Cicero’s comparison confirms that it was sometimes so construed.

The word *effrenati*, literally “unbridled” or “without a rein”, applied as it is to *homines*, extends the imagery of animal taming to humans. The description of the war-horse serves to identify the salient characteristic of such unbridled men, as well as what their taming consists of. Cicero specifies that training an overly ferocious war-horse aims to make it more tractable to human use. This indicates that *homines effrenati* are also unwilling or unable to cooperate peacefully with humans; their prescribed training should make them less self-serving and more serviceable to society. The fact that Cicero attributes their restiveness to prosperity, *secundae res*, signals that he has in mind especially men of high station, who have achieved an exceptional political position through some success. This is another recurrence of a notion that we have already seen at work: seemingly admirable qualities, like *fortitudo* and *magnitudo animi*, if not properly channeled, are actually bestial impulses that prompt the bearer to commit inhuman, antisocial acts. The underlying thought seems to be as follows: what sets one man above other men can also set him completely apart, if he is not careful to curb his ambitions and maintain ties with his fellow humans. He can achieve this by directing his superior virtues toward common interests, rather than his own. Cicero claims that *ratio* and *doctrina* are the moderating forces which figuratively throw the reins on runaway virtues. Because right reason dictates correct social behavior, and because the other virtues find their true expression only in service to society, they in fact constitute human virtues only when they obey reason. Thus reason can be said to tame or domesticate the human animal, rendering him fit to live in and serve the community. The man untamed by reason has nothing human about him; he does not live in accordance with the uniquely human trait, and his resulting actions isolate him from the human community.

This interpretation of the war-horse analogy suggests that those prone to antisocial behavior do not constitute a separate class of people. Rather, everyone has animal tendencies, everyone is capable of selfish violence, everyone needs to heed the taming influence of reason – even, or especially, those with the most human potential. We could take this as a purely philosophical position. Cicero explicitly cites Panaetius as his source, and I noted in chapter 2 that the Stoics did not subdivide the human race into distinct types. Cicero, however, claims that Panaetius is actually quoting Scipio Africanus. We do not have to believe the attribution, but we have no good reason to disbelieve it, either. There is evidence that many Romans held the same views, or were at least aware of them. The imagery of taming the human animal, for example, occurs with regularity throughout Cicero’s corpus. He often employs *effreno* and its various forms to negatively characterize people, their mental states, or their emotions.<sup>83</sup> Cicero was not the only one to utilize the taming theme; we saw a variation on it in the last chapter, from a popular speaker. The tribune Dronius, in order to warn the plebs against a restrictive piece of legislation, said that reins had been thrown on them (Valerius Maximus 2.9.5).<sup>84</sup> In this case the restraint and taming of humans is portrayed as negative, because the process has been taken to an extreme. The law, according to Dronius, did not aim to make the plebs socially functional, but to reduce them all the way to a state of servility. The ideas which I discussed above also drive the many wild animal comparisons found in late Republican oratory. If Cicero and other speakers believed that such tactics would be rhetorically effective, then presumably they reflect commonly held cultural prejudices.

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<sup>83</sup> Banner, *TLL* 5.2.201.27-71 s.v. *effreno*.

<sup>84</sup> =Malcovati (1953) 68.1, pgs. 262-263.

For the rest of this chapter, I will explore how attitudes toward human and animal violence are deployed for persuasive ends through the use of human-wild animal comparisons. Specifically, I will show that the comparisons found in rhetorical and oratorical sources operate on the same principles that I have identified in the *De Officiis* passages. Before I move on to those texts, I will consider briefly how the concepts that I have just elucidated fit into the ideological framework which is the subject of this dissertation. The general pattern of the wild animal comparisons and the assumptions behind them are consistent with what I have found elsewhere, in that they reveal a similar understanding of the relationship between nature and the human social hierarchy. Although I make broad claims given the slender amount of evidence I have examined so far in this chapter, in later sections I will specify how the new evidence supports my present conclusions.

Wild animal comparisons in oratory, like those I just examined, or like herd animal comparisons, reckon natural worth and standing, for both humans and animals, according to their usefulness for human society – or their lack of usefulness, in the case of wild animals. The fact that wild animals are violently hostile to humanity marks them as outsiders and as natural enemies to the human community; this status defines the very category “wild animal”. A person meets the natural criterion for that category if he commits violence against society, and thereby acquires the same status and value as a wild animal. As we have seen, “against society” is perhaps the more important half of this qualification. An act of violence can be necessary or even admirable if all other options have been exhausted, and if undertaken for unselfish and socially constructive reasons. The emphasis on social disruptiveness will continue in the rest of the comparisons I examine. In many instances, the disruption does occur through physical

violence. In some cases, however, “violence” consists of the disregard, severance, or perversion of some social bond, without the application of corporal force.

Cicero attributes both animal violence and illicit human violence to irrationality, and it is irrationality that characterizes a bestial mind, whether it belongs to a real beast or a beast in human form. Wild animals, who lack reason, do what they do simply by natural impulse, and have no choice. A human, on the other hand, should be guided by the uniquely human attribute, *ratio*. *Ratio* prompts people to live peaceably together and to conduct themselves in a way that preserves this human union; it therefore forbids violence which disturbs that union. Thus, a person who acts like a wild beast, raging against society, *must* have a correspondingly bestial, irrational mind. If he were ruled by human reason, he would not do such inhuman things. This line of thought explains why texts always associate animal ferocity with violent criminals, but do not automatically assign herd animal characteristics to slaves. A well-behaved slave interacts successfully with his fellow human beings and has a function and a place in the community, even if it is a lowly one. Because he is sociable and serviceable, he conforms to rational, human behavior, and so gives proof of his rational, human mind. A violent criminal, however, deviates from natural human behavior, which must indicate a deviation from natural human reason.

When certain persons, actions, and minds are labeled deviant or abnormal, the labeler presupposes that there is a norm that can be deviated from, a natural standard of conduct and mental composition. The habit of treating violent criminals as subhuman therefore presupposes natural design. The animals to whom they are likened supposedly possess certain traits and a certain status allotted to them by nature. Their subordinate status reflects the naturally ordained end of all things: to serve mankind. Nature has formed their innate qualities in such a way as to allow them to fulfill that purpose. The notion of a natural purpose and of natural qualities

extends to mankind, as well. Perpetrators of illicit violence have transgressed against the purpose of creation by harming the community. In so doing, they have also transgressed against the character implanted in humans by nature, which disposes each one to serve human society.

Although human-wild animal comparisons assume a natural purpose and a natural design for all things, they do not indicate that the Romans differentiated between humans on the basis of natural type. In that respect, the comparisons do not reflect a truly teleological viewpoint. Such a viewpoint does hold that everything in nature has been adapted for a specific purpose. More specifically, however, “teleological” denotes the belief that the lower orders of nature have been adapted for the purpose of serving the higher orders – a belief that the Romans do not seem to have applied to human social orders. I concluded in the previous chapter that the analogy between the teleological *scala naturae* and the human social hierarchy was imperfect. We have seen that various authors rank humans and animals alike according to how they fulfill a certain natural end, and some authors espouse the idea that society as a whole should fulfill a certain natural form; nonetheless, they do not say that socially inferior humans exist for the sake of their superiors, in the same way that the lower animals exist for the sake of humans. This fact helps to explain the Romans’ ambivalence about the intrinsic character of slaves. They had no intellectual impetus to define a naturally servile type, because they did not necessarily believe that nature had fashioned a distinct category of humans whose express purpose was serving another. In the case of violent criminals, authors insist that their innate qualities actually do correlate to their acts and status. What the texts do not suggest is that nature intentionally made a special subset of humans with criminal tendencies, in order that they might perpetrate violence as their natural function.

Unjustified violence against humans might be natural for a wild animal; it is unnatural for a man. Nature, which intends for people to live together in harmony, would hardly mar that union by designing a subcategory of humans dedicated to disrupting it. Nonetheless, people do exist who disrupt that human union, contrary to nature's intentions. How is that possible? I talked about the relevant concepts in chapter 1, and have already touched upon them in this discussion. In chapter 1 I noted that man was the only animal thought to be capable of unnatural acts, due to his possession of reason. Because reason confers the power to form judgments and to act upon those judgments, it essentially confers the power of free will. However, human reason is imperfect, which makes free will a double-edged sword. Humans often come to incorrect conclusions, and free will allows them to act upon those conclusions, resulting in incorrect behavior. Since nature itself has supposedly established the correct standard of human behavior, incorrect behavior amounts to unnatural behavior, or behavior that deviates from the natural standard. Likewise, there is a natural standard of correct reason, in that correct reason conforms to the universal reason of nature, and therefore prompts people to the kind of behavior that nature intends for humans. Thus, incorrect reason is unnatural, or reason that deviates from the natural standard. The idea that there is a natural, objectively valid and universally applicable mode of human reason and conduct led to normative and descriptive uses of both "reason" and "human". In a normative sense, those people who engage in right reason, and so act as humans are supposed to, are more truly human those who do not. In a descriptive sense, "reason" denotes rational capacity, not just right reason; because everyone possesses this capacity, everyone is human, regardless of how they end up using their rational powers. The possession of reasoning capabilities is in fact a prerequisite for unnatural behavior. Even the most deviant



person is therefore still human, since his deviance results from the misapplication of human intelligence to unnatural ends, not a lack of human intelligence.

The savagery of a violent criminal – directed, as it is, against society, the very entity which nature commands him to protect – represents just such a falling away from or perversion of natural conduct and reason. This concept is apparent in the wild animal comparisons examined above, and will continue to be prominent in the comparisons examined later. I have already observed that they treat antisocial violence as an activity unbecoming a human. I have observed, too, that they depict the mind of the perpetrator as irrational and bestial. We now see that this portrayal draws upon the normative senses of “human” and “reason”, by presenting the activity under discussion as an unacceptable departure from the natural standard of human behavior. The culprit’s irrationality does not consist in the absence of reason, as an animal’s does, but in the divergence from right reason. Since this divergence is itself made possible by rational capacity, a uniquely human feature, the animal imagery used to describe the criminal mind does not indicate that the person under discussion is innately subhuman. Rather, it marks him as inhuman, insofar as he deviates from the norm of human thought and conduct which has been established by nature. Later, I will consider texts that explicitly label criminals and their deeds as unnatural. Violent transgressors, then, do not constitute a separate class of naturally animal-like people, but rather a proof and fulfillment of man’s capacity for unnaturalness.

Detailed theories about *natura*, *ratio*, and human psychology properly belonged to philosophical treatises, although some of those ideas no doubt found their way into more mainstream discourse. The Stoic *De Officiis* indicates that violent wrongdoers do not belong to a separate natural category, but we might expect political and forensic oratory to claim otherwise. It was, after all, a common tactic to portray the opposition as uniquely aberrant, both in his

mental composition and in his violation of social norms. However, I will now turn my attention to oratory and demonstrate that the notions articulated in the *De Officiis* are at work here, as well. Even in invective, the bestial man falls short of constituting a class distinct from the rest of humanity, characterized by unique psychological traits.

Roman texts are more likely to explain the existence of savage men with reference to a view I discussed above: human beings need taming in order to live successfully in a community. Those who commit violence for selfish purposes are humans like any other in the descriptive sense, but they are untamed, and therefore do not conform to human norms. I will explore the rhetorical use of this notion in the next section, which will focus on the *Pro Sestio* 91-92. This passage and others depict primitive men as wild animals; some civilizing influence subjects them to the restraints of right reason, and only at that point do they start living like “real” humans. Implicit in this model of human progress is the assumption that all people have the potential to act either like humans or more like wild beasts. Animal behavior comes spontaneously to the untaught; truly rational, communal behavior is a learned behavior which has to be actively cultivated. Self-serving violence is therefore a common human failing, but one that everyone must strive to suppress.

After I discuss the *Pro Sestio*, I will examine invective passages. These display the pattern that I have been elucidating, in that they liken man to animal on the basis of illicit violence, and assign to the culprit a character to match his savage deeds. “Wild animal”, though, is just one label among a whole repertoire of stock rhetorical insults, all of which mark the target as an enemy to the public interest. There is no notion that the designation signifies a separate natural type, possessing its own consistent and well-defined psychological profile. The speakers

do not claim that their opponents are vicious by natural design; instead, they accuse them of unnaturalness.

### Primitive Ferocity and Civilized Humanity in Cicero's *Pro Sestio*

In *Pro Sestio* 91-92, Cicero employs many of the notions which I have just discussed. The passage contains an account of the social development of mankind, in which the earliest humans are portrayed as animal-like. I will now examine this text and others which treat uncivilized humans as animals. I will show that the trope of the primitive and ferocious man draws upon the ideas which I elucidated above, and serves as a means to deploy them for rhetorical ends. In the *Pro Sestio*, Cicero uses those ideas to characterize one act of violence as acceptable, another as unacceptable. He associates the former with civilized, truly human people, and the latter with primitive, bestial people. The assimilation of human to animal arises here, as we have seen elsewhere, from the fact that they perform the same social role: they both disrupt social life through the use of self-serving violence. Here, as elsewhere, the assimilation does not presuppose a subset of humans who are naturally like wild animals. Cicero draws instead upon the same concepts which appeared in the *De Officiis*: wildness and domestication, irrationality and rational restraint. In fact, his argument depends on the assumption that all humans at all times – whether in the prehistoric past or in the civilized present – have the potential to act either like animals or like humans, and have a choice in the matter.

The distinction between justified and unjustified violence is central to the whole premise of the *Pro Sestio*.<sup>85</sup> The speech represents Cicero's defense of Sestius, who was a tribune of the plebs in 57 B.C., and who was later brought to trial for his actions of that year. He was charged

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<sup>85</sup> See Kaster (2006) 1-41 for the background of the *Pro Sestio* and an analysis of Cicero's defense strategy.

under the *lex Plautia de vi*, which targeted public violence, or violence “against the republic”, *contra rem publicam*. It applied not to any act of violence, but to acts which could be construed as undermining the civic order as a whole.<sup>86</sup> The prosecutor accused Sestius of forming an armed gang, a point which Cicero never disputes. The real issue was the use to which that gang had been put. Did they, or did Sestius intend them to, perform violent deeds which were contrary to the public interest? In his speech, Cicero takes advantage of the vagueness inherent in the notion of *contra rem publicam* in order to construct a wide-ranging, politically-charged defense. The result is an oration whose content bears a notoriously loose relation to the matter under investigation. Of 147 sections, only 71-92 deal with the events of Sestius’ tribunate, but that entire segment is devoted to distinguishing between Clodius’ and Sestius’ violent undertakings. Cicero does not deny that Sestius applied force, but he maintains that it was an unavoidable and socially beneficial response to illicit force. Primitive men figure prominently in the argument.

Throughout this part of the speech, Cicero associates Sestius closely with Milo. According to Cicero, they both opposed Clodius, whose own gangs were engaged in overturning the republic through violence. Sestius and Milo raised their own armed forces only to protect themselves from Clodius. Their application of violence, as Cicero depicts it, therefore meets the criteria for acceptable violence which I identified previously. They were acting in self-defense and also in defense of the republic, since they were resisting the man who was threatening its very existence. Thus, they were fighting on behalf of social bonds which were under attack. This portrayal of Sestius’ actions places them within the bounds of what was generally considered to be justifiable use of force. It also addresses the exact terms of the charge against

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<sup>86</sup> For this interpretation of the *lex Plautia de vi*, see Lintott (1968) 107-24 and Riggsby (1999) 79-84.

him. If Sestius was committing violence for the benefit of the republic, he could hardly be said to have committed violence against the republic. The reference to beasts and primitive men comes at the very end of this portion of the speech, and so represents the culmination of and period to this particular line of thought. The first half of the passage runs as follows:

*Quis enim nostrum, iudices, ignorat ita naturam rerum tulisse ut quodam tempore homines nondum neque naturali neque civili iure descripto fusi per agros ac dispersi vagarentur, tantumque haberent quantum manu ac viribus per caedem ac vulnera aut eripere aut retinere potuissent? qui igitur primi virtute et consilio praestanti exstiterunt, ii perspecto genere humanae docilitatis atque ingeni dissipatos unum in locum congregarunt eosque ex feritate illa ad iustitiam atque ad mansuetudinem transduxerunt. tum res ad communem utilitatem, quas publicas appellamus, tum conventicula hominum, quae postea civitates nominatae sunt, tum domicilia coniuncta, quas urbis dicimus, invento et divino iure et humano moenibus saepserunt. Atque inter hanc vitam perpolitam humanitate et illam immanem nihil tam interest quam ius atque vis. Horum utro uti nolumus, altero est utendum...* (91-92)

For which of us, judges, does not know that the nature of things has progressed in this manner, that at a certain time, when neither natural nor civil law had been written down yet, humans wandered spread out and dispersed through the lands, and they possessed only so much as they were able to seize or retain by force and violence, through slaughter and wounds. Then those men who first stood out because of their preeminent virtue and counsel, when they had perceived the character of human docility and genius, gathered the scattered people into one place and led them from that state of wildness to a state of justice and tameness. Then, after they had established possessions and activities for common utility, which we call “public”, and associations of men, which were afterward named “states”, and assembled dwellings, which we call “cities”, and after divine and human law had been invented, they enclosed these things with walls. And between this way of life, refined by our distinctively human qualities, and that savage way of life there is no difference so great as the difference between law and violence. If we do not wish to use one of these, the other must be used...

From the very first sentence, Cicero conflates uncivilized men with beasts, and does so on the basis of violent behavior. Although he never explicitly mentions animals, he includes enough suggestive detail and vocabulary to ensure that his listeners make the connection. He starts by specifying that the earliest humans wandered scattered across the earth; I pointed out in earlier chapters that wild animals were associated with a wandering, solitary lifestyle, in direct

contrast to the settled, communal lifestyle enjoyed by humans. Cicero then moves on to the more pertinent item: ancient men conducted their affairs through physical force. I have spent this chapter demonstrating that violence was seen as a defining characteristic of wild animals, and as inappropriate to humans except under certain circumstances. The cumulative force of “wandering” and “violence” therefore prompts the audience to expect an account of bestial ferocity, set in opposition to civilized humanity – and that is precisely what follows. The undesirable state which mankind leaves behind is described as *feritas*, “wildness”, a word which, as I observed above, properly refers to the character of a wild animal. The feature which enables people to escape that animal condition is *docilitas*, and it is specifically labeled as *humana*, a human feature.

With a single sentence, Cicero sums up and distills the contrast he has been drawing. “And between this way of life, refined by our distinctively human qualities, and that savage way of life there is no difference so great as the difference between law and violence”: *atque inter hanc vitam perpolitam humanitate et illam immanem nihil tam interest quam ius atque vis*. I have already noted that, like *feritas*, *immanis* is a word suggestive of animal savagery. Cicero juxtaposes a lifestyle defined by such savagery with one defined by *humanitas*, “distinctly human qualities”.<sup>87</sup> As the reader has been led to expect by the first sentence, he now explicitly identifies the use of violence as the salient aspect of the primitive, bestial state. In keeping with the trend that I have been following throughout this chapter, a particular kind of violence marks

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<sup>87</sup> Kaster (2006) 310, commenting on *Pro Sestio* 92, suggests the translation “distinctively human qualities” for *humanitas*, literally “the quality of being human”. I have adopted Kaster’s translation because it emphasizes the fact that Cicero is ranging uniquely human traits on one side, against bestial traits on the other. Kaster has anticipated me in this observation. He writes: “If the life proper to *humanitas* is to law as the ‘monstrous’ (*immanis*) way of life is to violence – the homology implied here – it should in principle be possible to map that correspondence onto the distinction drawn just above, between knowing ‘justice and mildness’ and being in a ‘bestial state’ (*ecferitas*): ‘the quality of being human’, the law, and ‘justice and mildness’ would then all occupy one side of the division, and ‘justice and mildness’ would by implication be essential – *natural* – traits of ‘being human’, as opposed to the ‘monstrous’ and ‘bestial’ violence on the other side.”

both wild animals and wild, animal-like men: antisocial violence. Here, the violence of primitive people is socially disruptive in that it completely prevents the existence of a cooperative society. In order for human community to form and function, the habit of violence must be abandoned for peaceful conflict resolution through legal process.

Cicero's likening of primitive man to beast fits the pattern which I have been tracing for the last two chapters: the assimilation of a particular class of human to a particular type of animal depends primarily on a shared activity. The performance of this activity places both into the same natural and social category. Because prehistoric people behaved like animals – leading violent, solitary, wandering, and self-serving lives, inconsistent with a truly human social life – they actually were animals in a sense. Cicero assigns to them innate animal characteristics to the extent that he describes their lifestyle as bestial; words like *feritas* and *immanis*, which can be used of individuals, might prompt the reader to imagine that prehistoric men had savage minds to match their savage acts. However, Cicero definitely does not voice the idea that ancient humans were naturally and inevitably different from their civilized descendants. Instead, he utilizes the same imagery of taming and training which we saw in *De Officiis* 1.90. Prehistoric men were bestial in deed and thought not because they were naturally designed to be so, but because they knew no better; they eventually attained to a higher state because they possessed *docilitas*, the ability to be taught or trained. Their progress was an advance from *feritas*, a state of wildness, to *mansuetudo*, a state of tameness. *Mansuetudo* is a word that properly describes the state of domesticated animals; thus, applied to humans, it suggests that they underwent a process of domestication.<sup>88</sup> Cicero never explicitly says that this process entailed mental taming, the

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<sup>88</sup> Bömer, *TLL* s.v. *mansuetudo*. See 8.0.328.54-67 for *mansuetudo* in its strict sense, where the word denotes “the condition of animate beings who have been estranged from a state of wildness”: *de statu animantium a feritate desuefactorum*. The word is applied in this sense to wild animals which have been tamed, *ferae domitae*

restraint and training of the mind by right reason; nonetheless, it is implied. Prehistoric life evolved from a solitary, self-serving condition to a communal one, and communal interaction requires that everyone possess the capacity for reason, and that everyone obey natural reason, which dictates correct social behavior. Moreover, submission to the law is submission to a rational proceeding.

To understand the persuasive point of Cicero's argument it is in fact necessary to recognize that, in his version of human social development, prehistoric men do not differ intrinsically from civilized humans. Only that interpretation can explain the supposed relevance of primitive people to Sestius' case. After relating the triumphant advent of a truly human way of life, Cicero's account takes a dark turn. Regarding the humane rule of law and the bestial rule of violence, he says, "If we do not wish to use one of these, the other must be used": *Horum utro uti nolumus, altero est utendum*. The verbs in the present tense signal that, even in the civilized Roman state, a renewed reign of bestial violence is always a possibility. The fact that he employs *nolumus*, "we do not wish", suggests that the Romans' own desires and choices decide the matter. Just as the earliest people had the capacity for both animal and human behavior, and had to choose whether or not to follow the humanizing lead of their wisest members, so modern people possess the same dual capacity and must choose which to exercise. To put it another way, both primitive and civilized people possess reason, and therefore free will. Because they have the power of free will, they can choose to adhere to human norms, or to depart from them in a way that makes their behavior more akin to that of wild animals than that of humans. When Cicero explains the lesson to be learned from primitive men, he emphasizes this choice between two opposing modes of conduct. The following passage is section 92 in its entirety:

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(8.0.328.56-60), and to people who have been led from an uncultivated way of life to a cultivated one, *homines a vita inculta ad humanitatem perducti* (8.0.328.61-67).



*Atque inter hanc vitam perpolitam humanitate et illam immanem nihil tam interest quam ius atque vis. Horum utro uti nolumus, altero est utendum. vim volumus exstingui, ius valeat necesse est, id est iudicia, quibus omne ius continetur; iudicia displicent aut nulla sunt, vis dominetur necesse est. hoc vident omnes: Milo et vidit et fecit, ut ius experiretur, vim depelleret. altero uti voluit, ut virtus audaciam vinceret; altero usus necessario est, ne virtus ab audacia vinceretur. eademque ratio fuit Sesti, si minus in accusando—neque enim per omnis fuit idem fieri necesse—at certe in necessitate defendendae salutis suae praesidioque contra vim et manum comparando.*

And between this way of life, refined by our distinctively human qualities, and that savage way of life there is no difference so great as the difference between law and violence. If we do not wish to use one of these, the other must be used. If we wish violence to be extinguished, it is necessary that the law prevail, that is, the judicial process, which comprehends all law; if judicial process is displeasing or there is none, it is necessary that violence dominate. All see this: Milo both saw it and brought it about that he tried the law, he drove away violence. He wished to use the former, so that courage might overcome audacity; use of the latter was necessary, lest courage be overcome by audacity. Sestius' reasons were the same, if not in making a legal accusation – for there was no need for everyone to do the same thing – yet certainly in the necessity of defending his safety and in preparing a defense against violence and force.

The text portrays the choice between law and violence as one that is relevant to the present day and even to the present case: it was the very dilemma which Milo and Sestius had to face. According to the text, moreover, law and violence are the only available means for carrying out human interactions – a fact which posed a problem for Milo and Sestius. Although the passage does not explicitly say so, in context it is understood that Clodius engaged in the sort of unbridled, self-serving violence which we should associate with uncivilized men, and which rendered law and social life inoperative. In the absence of legal recourse, what were civilized, lawful, and restrained men like Milo and Sestius supposed to do when their lives were threatened? They turned, reluctantly, to the only other option, use of force. However, while Clodius' frenzy ushered in a new period of primitive brutality, Milo and Sestius managed to commit violence consistent with a humane, civilized way of life. They acted only in self-defense, which was always permissible, and only after exhausting other possibilities. Cicero

claims that Milo wanted to bring legal action against Clodius and tried to do so. This detail signals that he rationally and responsibly explored all avenues before resorting to the undesirable, but unavoidable, contingency of physical force. The qualities which Cicero assigns to Milo and Clodius respectively, *virtus* and *audacia*, reflect the difference in their goals and states of mind. In *De Officiis* 1.63, as I discussed previously, Cicero says that *fortitudo* directed toward personal rather than communal good is not really *fortitudo* at all, but *audacia*. In the *Pro Sestio*, *virtus* has replaced *fortitudo*, but the distinction between true courage in action and mere audacity is the same. Clodius is characterized by *audacia* because he perpetrates violence to gratify his own irrational and selfish whims. Milo's high-minded impulses, by contrast, are subject to correct reason and are therefore employed in the pursuit of correct, socially beneficial aims. He therefore displays *virtus* by fighting for a legitimate cause.

As the foregoing discussion indicates, Cicero's appeal to prehistoric humans ultimately represents just one more tactic designed to differentiate between Clodius, on the one hand, and Milo and Sestius, on the other. The vilification of the former depends on denouncing his violence, but the latter also employed violence. How could Cicero blacken the one while extolling the other? As he does throughout his account of Sestius' tribunate, Cicero here solves the difficulty by drawing on widely held ideas about what constitutes acceptable and unacceptable violence. Why, then, does he include the history of human social development, when he has already made his case with reference to recent events? I propose that the passage is a piece of rhetorical amplification, meant to accomplish three things which make it a fitting climax to the previous arguments.

I just touched upon the first goal. Cicero's sketch of human progress affirms that by nature there are, and always have been, two *and only two* methods for conducting human affairs.

Thus, Milo and Sestius did not undertake force frivolously; given the failure of the law, they simply had no other alternative. By portraying their dilemma as one that is fundamental to human history and the human condition, Cicero makes their cause about more than just the exigencies of the moment. It becomes a matter of universal principles.

The second aim of the passage is to establish that there was more at stake in the conflict than the interests of the actors. This is another way in which Cicero broadens the scope of the issues involved, elevating the affair above the level of a personal drama. In his depiction of human social evolution, the cohesion and operation of society depends on everyone submitting to the rule of law. However, because civilized humans are not much different from their savage ancestors, danger always menaces the community from within: anyone can decide to breach the mutual concord which binds people together, violating the agreed-upon laws and thereby threatening to undo the union of the community. Clodius was just such an individual, choosing to forgo law in favor of violence, to devastating effect. Cicero claims that legal process had entirely ceased to function due to Clodius' activities. Since Cicero specifies that law is the primary characteristic of a civilized state, and Clodius did away with law, he implies that Clodius single-handedly threw the republic into a condition of primitive chaos and violence. Clodius therefore had to be stopped, but not just to ensure the physical safety of certain individuals. He had to be stopped in order to prevent the backsliding of an entire society into primeval savagery.

The third aim of the passage follows directly from the second: having established that the fate of the state rested upon the outcome of the struggle with Clodius, Cicero can portray Milo and Sestius as saviors of the state. Since they opposed the man who was destroying the very bonds of society, their opposition served the cause of the republic. Thus, although Cicero is careful to assert that they prepared armed force purely out of self-defense, he aligns their

personal self-defense with the interests of the commonwealth. In this way, he maintains that their actions met the other criterion for the justifiable use of violence: they were protecting society itself. He makes the same point elsewhere in the *Pro Sestio*, but the particular details of the social history raise the stakes. Cicero represents the abolition of law and order as a descent into primitive bestiality. This strategy makes it clear to the audience that the dissolution of legal and social institutions endangers not just public entities; it also impacts their own standing as individuals by stripping them of their humanity. I have shown in previous chapters that human status was always under threat. Regardless of a person's inner quality, performing the duties of a herd animal diminished his standing as a human, since it placed him in the same social category as a herd animal. Likewise, the passage about primitive men demonstrates that the same method of reckoning applied when there was a perceived similarity to wild animals. Regardless of a person's innate capacity or inclinations, to live like a wild animal – without law or human communion – was to possess a rank equivalent to that of a wild animal. This, according to Cicero, is the lowly position that all would have been reduced to, if Milo and Sestius had not checked Clodius as he was negating law and social union. In this interpretation of the matter, Milo and Sestius become champions of the very humanity of every single Roman.

In his commentary on the *Pro Sestio*, Robert Kaster observes that sections 91-92 describe human nature in a way that is consistent with the Stoicizing views which Cicero expounds in his philosophical works.<sup>89</sup> I myself just argued that the ideas which underlie the passage correspond to certain ideas expressed in the *De Officiis*. I have also discussed, however, how this portion of the speech fits into a certain line of defense which is important to the *Pro Sestio* as a whole: it elaborates on notions that are prevalent throughout the oration, and furthers Cicero's objectives.

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<sup>89</sup> Kaster (2006) on Cicero, *Pro Sestio* 92, pg. 310.

It is therefore very much an organic part of his overall defense strategy, and not a piece esoteric learning dropped in merely to sound good. If he believed that the history of human social development would be an effective means of persuasion, then presumably he thought that the concepts contained therein would be familiar to and accepted by his Roman audience, or would at least seem plausible to them. I will now review some other texts which include the same model for human social progress, used for different ends. The model, as Cicero presents it, appears to have been a common rhetorical trope, which could be utilized in various contexts to support various argumentative points. Since that is the case, it is reasonable to suppose that other Romans shared in the assumptions implicit in the trope.

Accounts of human social development also appear in the *De Inventione* (1.2) and the *De Oratore* (1.33). In both cases, Cicero includes the narrative in order to praise oratory, claiming that it played an important role in the ascent from primitive savagery to civilized humanity. It was through eloquence that wise men first convinced people to come together and adopt a new mode of life. Despite the fact that these texts have a completely different aim and emphasis than the *Pro Sestio* passage, the constituent elements of the social history are almost the same in all three works. This fact suggests that Cicero was drawing upon a standard version, to which he made minor changes to suit his needs. The variant in the *De Oratore* is quite abbreviated and therefore missing some components which are present in the other two, but the longer *De Inventione* passage bears an especially close resemblance to the one in the *Pro Sestio*.

When he describes prehistoric life in the *De Inventione*, Cicero points out its similarity to the lifestyle of wild animals. He says that prehistoric men “wandered in the manner of beasts”: *bestiarum modo vagabantur*. He also maintains that they had no law, *ius*, and that they managed most things through physical force rather than rational thought: *nec ratione animi quicquam, sed*

*pleraque viribus corporis administrabant.* Despite their bestial mode of existence, Cicero denies that they were a naturally distinct type of human. Rather, he claims that they acted in that manner through error and ignorance, *propter errorem atque inscientiam.* The wise man who first brought them together and civilized them did so precisely because he observed that their present way of life was inconsistent with their innate capacities. “He recognized what material there was in the minds of men, and how great a fitness for the highest undertakings, if someone could draw it out and make it better through instruction”: *cognovit, quae materia esset et quanta ad maximas res opportunitas in animis inesset hominum, si quis eam posset elicere et praecipiendo meliorem reddere.*

According to this statement, primitive humans had the same rational mental composition as their more refined descendants; they simply needed a teacher to set them on the path to realizing right reason and thus their full human potential. Some apparently followed this teacher’s lead willingly, others did not. The text mentions those who objected on account of insolence, *propter insolentiam reclamantes,* and those who listened more eagerly, *studiosius audientes.* This detail reveals that everyone has a choice in the way they conduct their lives; that is, they have the free will granted by the possession of reason. They can decide to engage in the sort of violent, irrational actions that mark them as beasts, or they can embrace the principles that govern social behavior, thus becoming truly human in mind and deed as well as form. Cicero declares that the father of civilization settled the violently-inclined into useful occupations. Those more amenable to his message underwent an essential transformation, not just reforming their habits, but subjecting their minds to the restraint of right reason. Cicero expresses this inner development in the same terms that he later uses in the *Pro Sestio* and *De Officiis,* as a transition from wildness to tameness. The wise man, he says, “brought his listeners from a wild and

savage state to a mild and tame one”: *audientes ex feris et inmanibus mites reddidit et mansuetos*.

Cicero was not the only republican author to discuss the condition and progress of prehistoric humans. The longest and most developed such account appears in Lucretius, *De Rerum Natura* 5.925-1027. Lucretius’ version is far more complex, in both its execution and its ends, than any of Cicero’s, and there is no space here for more than a brief overview. In any case, Epicureanism, with its anti-teleological outlook, has nothing to do with the ideological framework which is the object of this study. It is sufficient to note that the topoi which Cicero employs in the *Pro Sestio* and elsewhere are also present in the *De Rerum Natura*. Neither Cicero nor Lucretius invented those topoi; they simply culled certain themes from a longstanding tradition of literary prehistories.<sup>90</sup>

I have already touched upon the relevant passage of the *De Rerum Natura* in chapter 1. It holds that the earliest humans were a kind of wild animal, since they acted like wild animals. As in Cicero’s texts, the similarity is established through a combination of explicit comparisons and suggestive details. Near the beginning, Lucretius informs the audience that primitive people “spent their lives in the manner of wide-wandering beasts”: *volgivago vitam tractabant more ferarum* (5.932). Throughout the text, it is emphasized that they did their wandering through mountains and woods. Because the Romans generally viewed a wandering lifestyle as proper to wild animals, and mountains and woods as their proper domain, this information probably would have been enough to evoke associations of animal savagery. Lucretius ensures the association by specifically characterizing mountains and forests as the haunt of animals. At lines 5.945-47,

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<sup>90</sup> For an overview of ancient prehistories, see especially Lovejoy and Boas (1935). For additional bibliography, see Campbell (2003), who provides commentary on Lucretius, *De Rerum Natura* 5.925-1027 (pgs. 179-283). He also supplies a table of themes found in ancient prehistories (pgs. 336-353).

the same mountain streams which call to humans also invite thirsty beasts, and at lines 5.970-71, men sleep naked on the forest floor “like bristly hogs”, *saetigeris pares subus*. Prehistoric men often encounter beasts in this shared abode, either hunting them down (5.966-69) or being hunted down in their turn (5.982-87, 990-93).

There is in fact nothing in this early manner of life to distinguish people from wild animals – certainly not their interaction with other humans. Even their mating is carried out through force (5.964). The absence of law and community constitutes another similarity to beasts, as it does in Cicero’s accounts. “They could not look to the common good, nor did they know how to use any customs and laws between themselves. Whatever plunder fortune had offered to each, that each man carried off, having been taught to live and flourish of his own accord”: *Nec commune bonum poterant spectare, neque ullis / moribus inter se scibant nec legibus uti. / Quod cuique obtulerat praedae fortuna, ferebat / sponte sua sibi quisque valere et vivere doctus* (5.958-961). The phrase *sponte sua*, used to define primitive behavior, appears in an earlier passage, in which Lucretius uses it to define the character of wild animals. Some animals, says Lucretius, have been given the means to live by themselves “of their own accord”, *sponte sua*. He places this category in opposition to that of domestic animals, who must be kept safe and fed by humans, but who provide some utility in return (5.871-874). In both instances, living *sponte sua* is contrasted with a life spent in mutual cooperation – whether the partners in this endeavor are man and man, or man and herd animal. The words “of their own accord”, *sponte sua*, therefore signal a complete lack of cooperation and interdependence, an existence that is solitary, unregulated, and self-serving. Thus, Lucretius portrays prehistoric men as in no way different from the beasts with which they share the forest. Both display the distinctive trait



of wild animals, living of their own accord, and that feature is incompatible with the distinctive human trait, living in a cooperative society.

Their asocial lifestyle might place them on par with beasts, but Lucretius makes it clear that – animal status notwithstanding – primitive men had as much innate potential for humanity as their civilized descendants. When he observes that they lived *sponte sua*, he explains that they had been taught to do so; also, they did not know how to use laws. The language is reminiscent of Cicero's *De Inventione* passage, where he attributes the habits of ancient men to error and ignorance. If his prehistoric people only needed a teacher in order to tap into their human qualities, perhaps the same is true of Lucretius' prehistoric people. In lines 5.1011-1027, communities form and people finally become differentiated from animals. As it happens, they do not have a wise or divinely inspired guide to initiate the process; they figure it out for themselves. Humans as a species discover how to use speech, and how to make shelter, clothing, and fire. Man and woman come together in cooperation for the sake of rearing children, and neighbor with neighbor for the sake of mutual protection. Thus, a general concord arises. If written laws are not yet established, a groundwork is laid, at least, for the rule of law: people learn to keep the agreements, *foedera*, which enable a communal and mutually beneficial lifestyle. In Lucretius' account, all this follows directly from the earliest, most primitive stage without a sharp break or a new and intrinsically different generation replacing the old. Because the first people are inherently human, they gradually manage to improve their lot.

A change in human character does occur during the transition from one phase of development to the next, but it amounts to no more than the taming which Cicero describes. Lucretius states that, when they saw their offspring, “then the human race first began to soften”: *tum genus humanum primum mollescere coepit* (5.1014). Moreover, children “easily broke the

proud spirit of their parents with their coaxings”: *puerique parentum / blanditiis facile ingenium fregere superbum* (5.1017-18). “Softening” and “breaking” differs from the taming imagery which Cicero employs, but the result is similar. The fact that Lucretius says “the human race”, *genus humanum*, began to soften indicates that he does indeed view prehistoric people, even before their softening, as human in the descriptive sense, with all the human capacity that entails. Their shift from a bestial to a human lifestyle reflects the dual capacity which is inherent in any person: to think and act either like an animal or like a true human. The softening and breaking represents the mental process by which they came to obey the promptings of their humane social instincts, in that same way that Cicero’s metaphor of taming or training represents the process by which people come to obey the promptings of natural reason.

Just as Cicero points out that some people choose not to submit to rational restraint, so too Lucretius acknowledges that some people do not conform to social necessity. He declares, “Nevertheless, concord could not be wholly brought about, but a good part, indeed a great part, kept their agreements with integrity”: *nec tamen omnimodis poterat concordia gigni, / sed bona magnaue pars servabat foedera caste* (5.1024-25). Imperfect concord and broken agreements mean that certain individuals did not adopt the human behaviors which make community and civilized living possible. Like Cicero, then, Lucretius holds that primeval savagery was due to ignorance; however, now that communal life and principles have been discovered, each individual decides whether to exercise animal selfishness or human sociableness.

Despite their disparate aims and philosophical leanings, both Cicero and Lucretius utilize the same set of ideas which appeared in the *De Officiis*, and which will also recur in invective passages. They assimilate man to wild animal on the basis of asocial or actively antisocial behavior, particularly violent behavior. Although violence is sometimes justifiable, unnecessary

violence is always antisocial, in that it replaces and prevents the peaceful methods of conflict resolution which make civilization possible. Occasionally, acts of violence are purposefully directed against the interests of society. Cicero and Lucretius do not identify such transgressors as a separate category of human, designed by nature to function differently from other humans. In the case of prehistoric people, their aggression and reclusiveness arises from ignorance of a better, more human way to live. It seems, then, that social traits are learned traits, which are perhaps difficult to master and maintain, despite the fact that they are natural to the human animal. Everyone, including a primitive person, has the capacity for them; most even have an inclination toward them. What differs from person to person is whether they have learned and yielded to rational, social principles, and to what extent. Cicero applies the label “taming” to this process of learning and yielding; Lucretius calls it softening. They do not explain why, in a civilized state, some people successfully adapt to a truly human, communal lifestyle while others do not, although what they do say is consistent with the idea that it is reasoning capabilities which enable human deviation. We might expect them to plead ignorance on behalf of the wrong-doers, since they allow that excuse for prehistoric men. However, Cicero, at least, is harsh in his denouncement of violent methods and the unrestrained minds that prompt them. He presents the recalcitrance of certain people as a choice, a willful deviation from an established and normal mode of conduct.

Cicero and Lucretius are not definitive guides to how the Romans understood human nature and development. Prehistoric life and progress were a recurring theme in ancient thought from early Greek literature through the Roman imperial period. By Cicero’s time, there were many different models and tropes available for an author to pick from and arrange as suited his rhetorical and intellectual needs. There is also no way to tell how closely these literary accounts

reflect the beliefs held by the average person. Nonetheless, Cicero and Lucretius evidently felt that the particular concepts which they utilize would resonate with their audience – even a courtroom audience, in Cicero’s case. In the next section, I will continue to explore how he deploys those concepts in forensic and political settings, by examining passages in which he portrays an opponent as a beast. He does not mention primitive men; invective had its own tradition, separate from speculation about human social evolution, with its own aims and emphases. Despite this, Cicero’s invective comparisons depend on the same attitudes about violence and human nature that I have been tracing throughout this chapter.

In addition to drawing upon the same ideas, the prehistories which I have just discussed also help to contextualize Cicero’s invective techniques by illuminating certain presuppositions about civilization. The prehistories are, after all, about social life, and invective targets people who have supposedly disrupted that life. The first relevant assumption is the belief that communities are necessary. Lucretius’ account is famously ambiguous about whether the advance from prehistoric savagery to modern refinement represents real progress or not. He does indicate, though, that cooperative associations, at least, are vital for the survival of humanity. He remarks that most people in the first settlements kept their agreements, or else the whole human race would have been destroyed right then: *sed bona magnaue pars servabat foedera caste; aut genus humanum iam tum foret omne peremptum* (5.1025-26). Cicero is not ambiguous at all, treating the state as an unalloyed good which it is a crime to undermine, and which must be preserved at any cost. The same line from Lucretius points to the second assumption: the communal existence upon which human lives depend is a precarious thing. All, or at least most, people must observe the mutual accord which binds individuals into a cohesive, cooperative whole, or the entire system breaks down, dragging the human race down with it. In

the *Pro Sestio*, Cicero indicates what can happen when even one person decides not to abide by that accord. A single bad man with resources completely negated the rule of law, which all must submit to in order for society to function; he thereby inaugurated a new reign of disordered and violent savagery. In his portrayal of these events and their instigator, Cicero reveals the third assumption which is pertinent to invective: since the wrong-doer behaves so by choice, he can be held culpable for his actions.

Given these three beliefs, it is no wonder that an orator could denounce an alleged criminal in such dramatic and extreme terms. As we will see, invective often depicted the target as a willful violator of social bonds and norms. As we just saw, such a violation was understood to have ramifications for the community at large, since those bonds and norms, taken collectively, constitute the force by which society adheres together. Thus, it was a small leap of logic to construe any infringement as a blow to the very fabric of society. Cicero takes advantage of this reasoning in order to describe his opponents as public enemies, their actions as deliberately harmful to the whole commonwealth. If the rhetoric by which he does so seems exaggerated, that is only because he intends it to match the enormity of the transgression: endangering the survival of Roman society, and by extension the lives and humanity of everyone in it.

### Wild Animal Comparisons in Political Invective

Scholars generally recognize that Roman invective sought to isolate the target.<sup>91</sup> The speaker or writer maintained that his opponent was separate from and inimical to society, both because he had undertaken actions contrary to the interests of society, and because his very

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<sup>91</sup> On the isolating tendencies of Roman invective, see especially Corbeill (1996); May (1988) 51-58, 148-161; May (1996).

personality was incompatible with a communal way of life. The orator bent on such character assassination had a ready store of rhetorical commonplaces to draw upon.<sup>92</sup> Depicting his foe as an animal was one of them.<sup>93</sup>

Like the discourse on slavery, which also employs frequent animal comparisons, invective shows a preoccupation with rank, character, and whether the two coincide.<sup>94</sup>

Understanding the interplay of rank and character in invective aids in understanding the animal

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<sup>92</sup> For a concise list of invective tropes, see especially Nisbet (1987) 192-197 and Craig (2004) 189-192. For a longer treatment of invective tropes, see Opelt (1965) 129-164. Each author has produced a slightly different list.

<sup>93</sup> On comparisons between man and animal in Roman invective, see especially Fantham (1972) 132-133, Opelt (1965) 143-145, Corbeill (1996) 85-95, and May (1996). Fantham merely notes that animal imagery can serve as a form of abuse in Ciceronian oratory, and cites some relevant passages. Opelt, in addition to listing relevant passages, observes that such abuse serves as a way to portray the target as a source of danger and disruption to the state, and to devalue him by denying his humanity. Corbeill discusses only Cicero's practice of punning on animal *cognomina*, an issue which I will not address here. For more on Corbeill, see notes 94 and 98 below. May conducts by far the most extensive exploration of wild animal comparisons in Ciceronian invective. He shows that Cicero characterizes adversaries as beasts or inhuman monsters in speeches throughout his career, and provides yet another useful list of such passages. He also anticipates some of my own conclusions. He maintains, for example, that Cicero's association of man with beast is not a mere rhetorical device, but a strategy essential to his line of argumentation. This strategy reflects a belief that the faculties of *ratio* and *oratio*, reason and speech, both elevate men above the beasts and serve as a bond linking all of humanity together. Accordingly, distinctly human virtues arise from the employment of reason and speech for the good of others and the community. Conversely, when someone, through the perversion of these faculties, attacks the community of justice and fellowship of society, his own humanity is diminished. In extreme cases, the culprit's humanity degenerates to the point that it is non-existent, and he becomes a veritable beast in human form. May might not identify violence to social bonds as the specific point of comparison between man and beast, but his "attacks on the community of justice and fellowship of society" (pg. 151) comes close. Moreover, May notes that the wrongdoer's actions, in Cicero's reckoning, have separated him from the community and made his elimination from the state necessary. Later, I will talk more about the isolating effect of wild animal comparisons and their role in persuading the audience to remove the target from the state. There is a major difference between my conclusions and May's, in that he does not explore the assumptions about nature and natural status categories which govern the comparisons.

<sup>94</sup> Scholars generally recognize that invective employs attacks on character as a means of isolating the target, and as proof of a specific charge. For *ad hominem* attacks as an isolating mechanism, see note 91 above; for *ad hominem* attacks as a form of evidence, see note 97 below. Corbeill (1996) makes the most extensive study of the role of rank in such attacks. He argues that invective, while isolating the target, simultaneously defines and affirms the values and standards of Rome's ruling elite. According to this reading, the target's otherness lies, at least partially, in his departure from this elite code; thus, in the process of alienating the target from all of society, invective necessarily undermines his elite standing, as well. I go a step further than Corbeill, in that I see certain invective texts as calls for formal status adjustment. Invective can fulfill this function in judicial and deliberative contexts, where the audience is being asked to take actions regarding a particular individual. In such instances, Cicero does not merely label the target as other – as un-aristocratic, un-civic, un-Roman, inhuman – because it is not enough to justify his proposed course of action. He portrays the target as an outsider who is actively hostile to society, and who must be officially cut off from the body politic. Cicero therefore aims not just to exclude the offender from the elite social category, but to show that he belongs in another category with its own defining traits.

comparisons deployed there. I noted in the last chapter that the Romans tended to assign negative traits to slaves and ex-slaves, and to assume that they were, on the whole, inferior to free men. The servile stigma arose from an impulse to essentialize formal status divisions. This irrational impulse or need coexisted with and often took precedence over a more rational observation: slaves were no different from other humans, and showed no signs of constituting a distinct natural class. Invective made use of both tendencies: the tendency to believe that social station reflects, or at least should reflect, inner quality, and the tendency to recognize, on occasion, that social station and inner quality do not necessarily align. In fact, invective often exploits the tension between the two modes of thought. The speaker asserts that a man's inner quality does not warrant his social station, and simultaneously appeals to the listeners' sense that the situation should be rectified, so that he does occupy his appropriate place in society. Most of Cicero's adversaries, for example, were elite citizens; theoretically, that meant they should possess a correspondingly high social and moral worth. Cicero undercuts their standing precisely by undercutting their social and moral worth. A man at odds with society, in his own mind and by his own deeds, could hardly be said to merit a lofty position in that society, by any means of reckoning. When he casts his enemies as self-made isolates, Cicero therefore implies that their status should be adjusted to match their lowly deserts.

In some cases, as in the *In Pisonem*, Cicero tried to diminish his foe's standing in the minds of the audience, if not in legal reality. In other cases, as in the *Catilinarians*, *Philippics*, and *Verrines*, a real change of rank was at stake.<sup>95</sup> He asserted that Catiline and Antony were

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<sup>95</sup> Riggsby (1997) 247-248 and Craig (2004) similarly distinguish between formal, free-standing invective of the type represented by the *In Pisonem*, and invective deployed in judicial or deliberative contexts, such as that found in the *Verrines*, *Catilinarians*, and *Philippics*. They maintain that, in the former case, invective is meant to inflict humiliation and loss of prestige on the target; in the latter case, invective serves as proof of a charge, in a situation where the audience must judge a question of fact and determine a course of action. They also conclude that free-standing invective was not meant to be believed, but reduced the target's *auctoritas* by the very fact that someone

public enemies, and urged his listeners to declare them so and deal with them accordingly. He brought Verres to trial on capital charges. If convicted, Verres would have been executed or, as actually happened, compelled to flee Rome into exile. Either way, he was formally removed from the Roman state, so that his official status corresponded to the outsider status which Cicero claimed was his due. The severity of the outcome that Cicero was trying to secure may have determined the virulence of his attacks on Catiline, Antony, and Verres. To justify their formal exclusion from the Roman state, he had to argue that they had already excluded themselves from communion with their fellow citizens, through their own actions and dispositions. In short, Cicero had to make the crime fit the punishment. To put it another way, he had to make the person fit the status.

Given this rhetorical strategy, it is unsurprising that wild animal comparisons appear frequently in invective passages. Cicero depicts his targets as hostile outcasts; with wild animal comparisons, he attempts to establish their likeness to the prototypical outcasts, those creatures hostile to human society by nature. We have already seen that beasts were associated with violence, and that antisocial violence often comprised the specific point of comparison between man and beast. This, too, serves Cicero's invective aims, since he seeks to undermine his victims' social stature by maintaining that they do violence to social bonds and accords.<sup>96</sup> In this context, Cicero is not interested in differentiating one form of violence from another, nor in

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would make such disrespectful claims publicly. Invective employed in judicial and deliberative oratory was more constrained by plausibility, because it actually served persuasive and probative purposes. Although Riggsby and Craig both focus on the differences between the two types of invective, it seems clear to me from their analyses that both types aimed at diminishing the target's status in some way. Free-standing invective effected the target's informal status, whereas invective deployed in judicial and deliberative contexts, if successful in swaying the audience, could bring about a change in formal status as part of the penalty imposed on the convicted man.

<sup>96</sup> I will shortly examine some of the wild animal comparisons in Cicero's invective, and demonstrate that the specific point of comparison is violence against social bonds and accords. I am not the only one to have identified this feature of the comparisons, and to have recognized that it is consonant with Cicero's larger aims and strategies. For similar conclusions, see May (1996), discussed in note 93 above, and Clark and Ruebel (1985), especially pages 61-64.



explaining human social development. It does not suit his purposes to mitigate the culpability of the perpetrator, either by pointing out that everyone is capable of such behavior, or by proposing that it might be corrected through taming and training. He mostly heaps up descriptors that portray the actions, character, and mental state of the accused in the worst possible way. They create a composite picture which suggests that the subject is enormously, even uniquely, deviant. Here, if anywhere, we might expect some mention of a separate natural type, and a clear delineation of that type's psychological profile.

In fact, invective does not assume the existence of a special subset of humans, destined by nature to act like wild animals. The ideas which drive Cicero's invective comparisons are not incompatible with the ideas that I have already discussed. To understand the wild animal comparisons in his invective, it will be helpful to consider his own explanation of the trope and what it is supposed to achieve. The following passage is from the *De Inventione* (1.103):

*Octavus locus est, per quem demonstramus non vulgare neque factitatum esse ne ab audacissimis quidem hominibus id maleficium, de quo agatur; atque id a feris quoque hominibus et a barbaris gentibus et inmanibus bestiis esse remotum. haec erunt, quae in parentes, liberos, coniuges, consanguineos, supplices crudeliter facta dicentur, et deinceps si qua proferantur in maiores natu, in hospites, in vicinos, in amicos, in eos, quibuscum vitam egeris, in eos, apud quos educatus sis, in eos, ab quibus eruditus, in mortuos, in miseros et misericordia dignos, in homines claros, nobiles et honore usos, in eos, qui neque laedere alium nec se defendere potuerunt, ut in pueros, senes, mulieres; quibus ex omnibus acriter excitata indignatio summum in eum, qui violarit horum aliquid, odium commovere poterit.*

The eighth topic is that through which we show that the crime under discussion is not common or frequently practiced even by the most audacious men; and it is far removed, too, from wild men and barbarian races and savage beasts. These crimes will be cruel deeds which are said to have been committed against parents, children, wives, blood relatives, and suppliants, and next if any cruel deeds are cited against elders, guests, neighbors, friends, those with whom you have lived, those in whose house you have been brought up, those by whom you have been educated, the dead, the wretched and those deserving of pity, famous men, who are well-born and have held public office, and those who are not able to harm another or defend themselves, such as children, old men, and

women; the fierce indignation aroused by all of these things will be able to excite the greatest hatred against a man who has violated any of these relationships.

There are several points to be taken from the text. The first is that wild animal comparisons, with all their associated notions, were not specific to Cicero and his own preconceptions; this passage has a close parallel in the *Ad Herennium* (2.49). The presence of the same commonplace in two different authors indicates that the practice was standard rhetorical procedure, and was thought to reflect the views and expectations held by a typical audience. The tactic, as described, reveals the tendency of invective to isolate the target. Cicero does not recommend that the orator portray the accused as a savage, barbarian, or beast, but as an even worse entity, his crime as something that not even they would undertake. *Nobody* and *nothing* else would commit such an offense. The given purpose of this approach is to rouse the hatred of all against the singular perpetrator. Cicero lists the crimes that warrant such a severe denunciation and extreme indignation, and they all entail the use of violence against the people who have the greatest claim to humane treatment from the accused. To put it another way, they all entail the forceful violation of social bonds. Thus, the point of comparison between man and wild animal is the same here as it has been in the passages I have examined throughout this chapter. It is on this basis that Cicero groups several types of human with wild animals: audacious men, savage men, and barbarians.

This grouping illustrates yet again how Roman animal comparisons generally operate. Wild animals comprise a natural category, defined by a certain activity or role which they perform in relation to human society. Various humans become assimilated to that category because they carry out the same activity and role. However, by mentioning several kinds of people, along with animals, Cicero signals that he does not have in mind a specific type of

human with innate animal-like traits. He is simply adducing alternate comparanda for the speaker to choose from, any label that would suggest “violent”, “outsider”, and “enemy” to the listeners. The fact that the culprit is supposed to be worse than an animal confirms this interpretation. If he is worse than a wild animal, then he cannot actually be a wild animal, or have an animal mind. Although Cicero never uses the word *natura*, he implies that the target should be depicted as unnatural, since he allegedly surpasses even the beasts in cruelty – the beasts, nature’s absolute baseline for savagery. The trope therefore appeals to the belief that mankind possesses a peculiar capacity for unnatural conduct.

For the rest of the chapter, I will study passages in which Cicero puts this commonplace to use, asserting that his opponents equal or exceed wild animals in brutality. I will show that they all follow the basic principles laid down in the *De Inventione*. As in the *De Inventione*, Cicero subsumes various kinds of criminal under the category “beast”, but on the same charge in every case: each can be broadly understood to have disrupted a social connection through violence. I have organized the passages into three major subdivisions, according to the type of wrongdoer: those who have transgressed against individual relationships, those who are enemies to the entire state, and tyrants, whom Cicero describes as the enemies of all mankind. The texts shown here are only a small selection of the many such passages in the Ciceronian corpus. I have chosen these particular examples because every one of them illustrates a certain trend or trends with special clarity. I will examine each on its own, but several generalizations can be made about all of them taken together. Before I turn to the case studies, I will summarize those generalizations. Not every passage displays every idea that I am about to elucidate. Depending on his needs, Cicero employs different tactics and emphasizes different beliefs. All of his wild animal comparisons draw upon at least some of these ideas, however, and they all fit within the

conceptual framework or pattern which seems to dictate the use of such comparisons in invective. When I discuss the individual texts, I will show how each corresponds to and supports the interpretation that I am now going to propose.

As I have already noted, every comparison assumes that wild animals are natural practitioners of illicit, antisocial violence. Thus, a person who perpetrates antisocial violence can be said to have the same status as an animal. “Antisocial violence” is a conveniently flexible rhetorical notion, consisting of any and every act which Cicero can depict as both forceful and contrary to the interests of society. There is a common feature throughout these depictions: the culprit has damaged or disregarded human associations, either by harming people who have social claims on him, or by negating laws and customs which govern interpersonal relationships. We saw in the *Pro Sestio* how individual acts which meet this criterion could be reinterpreted as assaults on the whole of society and the very foundation upon which it rests. In his invective, Cicero often amplifies the subject under discussion in the same way. A crime against one person becomes a crime against the whole Roman state, and finally a crime against all of humanity.

The amplification or magnification of the crime plays an important part in Cicero’s overall strategy, which aims to utterly isolate the accused. It is the purpose of the wild animal comparisons to make his extreme interpretation of events plausible by typing the villain as the sort of person who could and would do such monstrous things.<sup>97</sup> Ultimately, then, the practice

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<sup>97</sup> For character as evidence in Ciceronian oratory, and the probative value of such *argumenta ex persona*, see especially Berry (1996) 272-275, Craig (2004), and Riggsby (2004). Riggsby (2004) is particularly pertinent to the present discussion. He concludes that Cicero’s use of character in forensic speeches presupposes the following assumption: “Past actions are manifestations of a fixed and determining character from which one can then predict other actions in the same person” (177). Because character was thought to be both fixed and predictive of behavior, an orator could adduce character as proof of some action; conversely, an action could serve as proof of character. I maintain that wild animal comparisons are a particular application of this tactic, wherein Cicero describes both the actions and the character of the accused in corresponding ways. Thus, allegations concerning the one support allegations concerning the other. Unlike Riggsby, I also maintain that action and character are made to coincide with a certain status, as well as each other.

amounts to another instance of matching character to status, and status to character. In the rhetorical reality which Cicero creates, the wrongdoer has placed himself outside the bounds of common humanity through his own actions, so he must have a correspondingly inhuman mind. Alternately, he has an inhuman mind, so he must be guilty of the inhumane acts of which he stands accused. Under Cicero's skillful handling, mind and status become mutually reinforcing arguments.

To the extent that he uses wild animals as a means to characterize his opponents, Cicero does portray them as innately savage or animal-like. However, the likeness between the criminal mind and the animal mind ends there. It is only a rough analogy, suggested by the fact that the two creatures supposedly undertake comparable deeds, and therefore hold a comparable rank. "Savage" or "bestial" is just one of a stock set of descriptors that Cicero applies to bad men. Taken collectively, these stock descriptors do not add up to a truly animal mental state or mode of conduct. This phenomenon is similar to one we have already seen, wherein the Romans assimilate slaves to herd animals, and often attribute to them a servile personality. Nonetheless, the full set of traits habitually assigned to slaves could hardly be said to describe a herd animal. Mendacity, for example, has no place in an ox.

The invective *topoi* heaped by Cicero on his targets do not indicate any definitive, rationalized theory of human and criminal psychology, nor any belief that criminals form a distinct natural type – anymore than slave stereotypes indicate a distinct natural type. The *topoi* do evoke deviance, deviance from a behavioral norm which is presumed to be universally, or naturally, valid.<sup>98</sup> Herein lies the relationship of Cicero's bestial criminal to nature: he does not

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<sup>98</sup> Corbeill (1996) 14-56 has also identified deviance from nature as a key theme in Republican invective. He examines jokes about physical deformities, and argues that deformities were thought to arise from inner deviance, deviance from a natural human norm. Thus, an irregular exterior was believed to reflect an evil character, and a man

occupy a separate natural category from other humans; since the ability to deviate from nature is itself unique to humans, he is descriptively human. However, insofar as he deviates from nature and thus conforms to no natural behavioral norm, he defies inclusion in any natural category at all. The *De Inventione* implied that the orator's opponent should be cast as unnatural; as I am about to show, some passages explicitly claim that the accused is unnatural. Of course, Cicero helpfully defines for his audience what is natural and what unnatural, and so is able to create an impression of perfect otherness. This represents the culmination of his tendency to isolate his target: the wrongdoer appears to be absolutely isolated and unique, because he departs not just from human standards, but from everything in nature.

We should not presume that this rhetorical approach has or arises from any theoretical foundation. Its very prevalence throughout Cicero's corpus points to the opposite conclusion: he thought the tactic would be successful with a broad audience, not just those familiar with philosophical works. A person does not require an extensive intellectual background to take a normative view of human conduct, and to describe the norm and deviance from the norm in terms of what is "natural" and "unnatural". However, Cicero's invective practice is compatible with ideas which we have seen in philosophical texts. Whether philosophy influenced Roman invective, or simply rationalized certain popular beliefs which happen to appear in invective, it is impossible to say; probably a little of each occurred. Both discourses hold that man is capable of acting in unnatural ways. As I discussed in the first chapter, philosophers usually attributed this ability to the possession of reason, which allows a person to choose, and so to conform to or

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was held morally responsible for his own physical peculiarities. Such peculiarities could therefore serve as a target for accusations and abusive jokes. Although Corbeill does not explore how these ideas relate to animal comparisons, formal status, or natural categories, his findings support my own. We both conclude that invective texts treat irregularities in human behavior as departures from one, universal, naturally determined human standard. They do not recognize different natural standards or naturally differentiated human types. Moreover, they assume that each man is personally culpable for his own deviance.

depart from the universal dictates of natural reason. Invective does not generally give an explanation for unnatural behavior, although the notion of choice is implicit, since the speaker places the blame for bad conduct squarely on the perpetrator. In this respect, invective techniques are also compatible with the notion that I just observed in the *De Officiis* and *Pro Sestio*: every person is responsible for reining himself in and submitting to right reason.

### Violators of Social Bonds

The first passage which I will examine does not actually belong to the realm of invective. It comes from the *Pro Roscio Amerino*, and is employed in Roscius' defense. I include it here because it so perfectly encapsulates the form and rationale of wild animal comparisons, and demonstrates the kind of argument from character which predominates in invective.<sup>99</sup> There is a reason why the arguments seem so closely related. Although the purpose of this particular text, defense, differs from that of invective, attack, Cicero here turns a potentially damning point against his client to his own advantage. Roscius stood accused of killing his father. This is precisely the sort of crime that would be labeled as unnatural, along with its perpetrator. When assailing an opponent, Cicero would normally assert that the accused must be unnatural to have done such a thing; moreover, he is, in fact, unnatural, so he must have done it. In this instance, Cicero claims that the accused, his client, must be unnatural to have done such a thing, but his client is *not*, in fact, unnatural, so he cannot have done it. This passage, with its explicit reference to *natura*, tells us that nature was a valid concept to employ outside of philosophical texts, in forensic speeches. It also shows us how a Roman orator might differentiate between

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<sup>99</sup> On arguments from character in the *Pro Roscio*, see Vasaly (1985). Vasaly shows that Cicero's defense revolves around creating recognizable dramatic personas for the principle actors in the case. In the course of pursuing this line of defense, Cicero argues that only a certain type of person would commit parricide, and proceeds to paint a very different sort of portrait of his client.

natural and unnatural behavior in pursuing his rhetorical goals, and how wild animals might figure in such a discourse:

*Magna est enim vis humanitatis; multum valet communio sanguinis; reclamitat istius modi suspicionibus ipsa natura; portentum atque monstrum certissimum est esse aliquem humana specie et figura qui tantum immanitate bestias vicerit ut, propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privarit, cum etiam feras inter sese partus atque educatio et natura ipsa conciliet. (63)*

Great is the force of humanity; the fellowship of blood is very powerful; nature itself cries out against suspicions of this type; it is the surest portent and monstrosity, that someone exists with human appearance and form, who has so far surpassed the beasts in savagery, that he has most shamefully deprived of light those through whom he himself has seen this sweetest light of life, when birth and rearing and nature itself makes even wild animals friendly to each other.

According to this argument, nature itself prompts people to recognize the ties and obligations of blood kinship, specifically the ties and obligations between parent and child. Conversely, it is unnatural for one of the participants in that relationship to disregard and sever the relationship. Cicero expresses the thought in a way that does not emphasize the violence of the deed – though violence did occur – but the fact that the culprit ignored the duties mandated by a close social connection, and put an end to that connection in the most forceful, disruptive way possible. Into this context comes the wild animal comparison, which reflects the pattern that I have been following throughout this chapter: wild animals are associated with violence, but more specifically, with violence committed against society or the individual social bonds of which it is comprised. However, Cicero insists that a parricide surpasses the beasts in savagery, on the grounds that even beasts enjoy some fellow feeling. He is alluding to the commonly expressed idea, which I discussed in the first chapter, that even wild animals recognize some bonds between themselves, most notably that between parent and offspring. Thus, he introduces the analogy between wrongdoer and animal suggested by the presence of antisocial violence,



only to shoot it down. A parricide does not display behavior and inclinations appropriate to wild animals, so he cannot be placed in that category. He cannot be categorized as any type of human, either. Cicero specifies that the force of humanity, *vis humanitatis*, lies in acknowledging natural social ties; he also states that a parent-killer, who has violated such ties, and therefore the very essence of humanity, would be a human in form only. Since the parricide meets the criteria for neither human nor animal, he becomes a singular “portent” and “monstrosity”, an oddity at odds with all of nature.

This extreme view of a parricide’s crime and character corresponds in severity to the extreme method of removing a convicted parricide from the Roman state. In Cicero’s day, this method entailed tying the convict up in a sack with a dog, a cock, an ape, and a viper, and drowning him in the sea. Another passage in the *Pro Roscio* confirms that there was a perceived correlation between crime and punishment, moral quality and post-conviction status (71-73). Cicero describes parricides as people “whom nature itself had not been able to retain in their duty”: *quos natura ipsa retinere in officio non potuisset*. He goes on to praise the wisdom of the ancestors who established the penalty for such a person. “Do they not seem to have cut this man off and separated him from nature?”: *nonne videntur hunc hominem ex rerum natura sustulisse et eripuisse...?* Here, Cicero basically asserts that the manner of execution was meant to remove the unnatural man from all contact with nature, thus making his inner condition, characterized by separateness from nature, into a real physical condition. Cicero maintains that his own client, of course, is a solid citizen, and so ought to remain a living part of the state. Like any piece of invective, then, the passage which I just examined, as well as the *Pro Roscio* as a whole, plays upon the relation between personal worth and status, and the impulse to make them coincide.

In the *Pro Roscio*, an invective technique has been modified to serve as a defense. The next text, excerpted from the *Verrines*, actually is a standard, representative piece of invective, launched as a form of attack. In this case, Cicero likens his opponent to a wild animal without saying that he surpasses a wild animal. Cicero does not explicitly call Verres unnatural, either. By the end of the oration, the accumulated details of Cicero's portrayal of Verres do indeed suggest that he is both unnatural and crueler and more destructive than any beast. This particular section, though, is helpful in that it clearly indicates the primary point of comparison between man and animal. It is not violence *per se*, but violence done to social connections:

*Sed quid ego hospiti iura in hac immani belua commemoro? Qui Sthenium Thermitanum, hospitem suum, cuius domum per hospitium exhausit et exinanivit, absentem in reos rettulerit, causa indicta capite damnarit, ab eo nunc hospitiorum iura atque officia quaeramus? Cum homine enim crudeli nobis res est an cum fera atque immani belua? Te patris lacrimae de innocentis filii periculo non movebant; cum patrem domi reliquisses, filium tecum haberes, te neque praesens filius de liberum caritate neque absens pater de indulgentia patria commonebat? (2.5.109)*

But why do I mention the laws of hospitality in connection with this savage beast? The man who entered Sthenius of Thermae, his own host, whose house he pillaged and emptied while enjoying hospitality there, into the roll of defendants while he was absent, and who condemned him on a capital charge without a hearing – from that man are we now to look for the laws and duties of hospitality? Are we dealing with a cruel man or with a wild and savage beast? Did a father's tears for the danger of his innocent son not move you? Since you had left your father and home, and had your son with you, did your son, who was present, not remind you of the affection of children? or your absent father of a father's indulgence?

Cicero does not linger on the victim's death in this passage, nor on the violence of its execution. In any case, a comparison between Verres and a wild animal on the basis of this particular act of violence would be somewhat strained. Animals kill through the direct application of force in face-to-face combat, not via proxy and judicial process. Instead, Cicero focuses on the social connections that have been violated by the victim's dispatch. In the very first sentence, he calls Verres a savage beast because Verres does not recognize the laws of

hospitality, *hospiti iura*. The exact point of similarity, then, is the failure to recognize a social tie and the rules that govern it. Cicero repeats the word *hospitium* twice more in the next sentence in order to emphasize the guest-host relationship and the abuse that has been done to it. The repetition of the exact phrase *hospiti iura* also reflects the same concern for the law that we saw in the *Pro Sestio*. In this instance, Cicero is probably not referring to written laws, but to the customary and universally understood code of conduct which regulates and enables a certain form of human interaction. According to his representation of the situation, the observance of these laws, and so the preservation of this entire mode of association, takes precedence over the fate of a single person.

After he has dealt with the theme of hospitality, Cicero again calls Verres a savage beast. With the next sentence, the reason for the echo becomes clear: it serves as a means of punctuation. He has finished talking about the outrage done to one relationship, and will now talk about the outrage done to another. Here, too, the likeness between man and animal lies in the perpetration of a social outrage, not of physical violence. When he sentenced the father to death, Verres not only harmed the relation between guest and host, but also between father and son. In addition to severing the connection forever through the father's demise, Verres failed to even acknowledge the existence of the bond. Cicero indicates that the concern and grief felt by father and son, each for the other, should have deterred Verres from his course of action. However, Verres witnessed this display of human union and affection, and was unmoved, despite having a father and son himself. Cicero does not explicitly say that Verres treats his own father and son improperly. He implies, though, that Verres, a man who has no respect for the sanctity of the relationships of others, cannot regard his own as sacred, either.

The *Ad Herennium* contains an extended wild animal comparison which, like the foregoing, is used to comment on deeds which do not necessarily entail physical violence. The anonymous author offers the piece as an example of *descriptio*, vivid description, a rhetorical figure which consists of narrating and explaining, in an impressive manner, the consequences of some act. Since the text merely illustrates an oratorical technique and has no real-life context, it is impossible to know precisely what the author imagined that context to be, except for the fact that the words clearly belong in a forensic speech. The exact crime under discussion is unspecified, though the details provided are suggestive. The wrongdoer does his wrong in the forum, and targets the fortunes and reputations of fellow citizens, as well as their lives. He is perhaps a prosecutor, or some informant in the business of leveling false accusations in the hopes of monetary reward. Thus, he is engaged, like Verres, in a kind of judicial murder. Although the passage is not meant to demonstrate an invective trope, it shares characteristics with Cicero's invective comparisons. I include the *Ad Herennium* text to show that Cicero was not the only one to draw upon this particular pattern of thought:

*Quodsi istum, iudices, uestris sententiis liberaueritis, statim, sicut e cauea leo emissus aut aliqua taeterrima belua soluta ex catenis, uolitabit et uagabitur in foro, acuens dentes in unius cuiusque fortunas, in omnes amicos atque inimicos, notos atque ignotos incurritans, aliorum famam depeculans, aliorum caput oppugnans, aliorum domum et omnem familiam perfringens, rem publicam funditus labefactans. Quare, iudices, eicite eum de ciuitate; liberate omnes formidine; uobis denique ipsis consulite. Nam si istum inpunitum dimiseritis, in uosmet ipsos, mihi credite, feram et truculentam bestiam, iudices, immiseritis.*

But if you free that man with your votes, judges, immediately, like a lion freed from its cage or some incredibly foul beast loosed from its chains, he will move to and fro and wander about the forum, sharpening his teeth for the fortunes of every man, assaulting everyone, friend and foe, known and unknown, despoiling the reputation of some, attacking the person of others, shattering the home and entire family of still others, causing the Republic to totter from its foundations. Therefore, judges, expel him from the state: free everyone from fear; finally, take thought for yourselves. For if you release that man unpunished, believe me, judges, you will have loosed a wild and ferocious beast against yourselves.

Here, the speaker compares the culprit to a specific kind of beast, a lion. There is no particular significance to this detail. The lion in antiquity seems to have been viewed as the prototypical wild beast or the paradigmatic predator, an entity which exemplifies all wild beasts and all the associations that go with them. This lion definitely displays stereotyped traits which are normally assigned to wild animals in general. It wanders and violently attacks anything and everything human. The phrase *acuens dentes*, “sharpening his teeth”, carries the connotation of violence, although the accused does not appear to have physically assaulted anyone. The speaker evidently wants his audience to see a kind of violence at work in what has actually taken place, the legal destruction of citizens and their social standing. This tactic is perfectly in keeping with the trend that I have now traced through the previous two passages: the similarity between man and beast lies not in violence itself, but in violence, physical or figurative, directed against social bonds. In this case, the bonds under threat are those between the perpetrator and the fellow citizens whom he has attacked, but also those that exist between the victims and everyone else. A person’s social downfall does damage to the entire social network of which he is a part, which perhaps explains why the speaker can claim that his opponent shatters entire households and families. This ripple effect extends outwards, until the Republic itself is undermined.

The transition from single person to families to the state represents a phenomenon which I mentioned before, but which has not appeared in the two other passages I discussed. That is the tendency toward amplification in invective, by which the consequences of a limited offense are magnified until it becomes an offense against the entire commonwealth, or even all of humanity. In a single sentence, this speaker progresses from individuals to individual social units to the conglomeration of such units which constitutes a state. In the very next sentence, listeners hear the solution to the state-wide problem posed by this social menace. The villain, that enemy of

the Republic, must be ejected from the Republic which he is troubling. Once again, therefore, the crime has been portrayed in such a way as to fit the punishment, and the criminal in such a way as to fit his post-conviction status. As a man who has severed all social ties and turned against the state, he has already excommunicated himself from Roman society. With a guilty verdict, the jury would only make his isolation formal, and physically remove him from the presence of people from whom he has long since alienated himself. Thus, as the passage proceeds and the scope of the crime broadens, the speaker perfects the image of the lone lion, raging against the entire human state, of the hostile outsider, lashing out at everyone and everything in a place where he does not belong. Most importantly, from the prosecutor's point of view, this sweeping denunciation allows him to depict the accused as a threat to the judges themselves, and the text does indeed culminate with an appeal to their self-interest.

#### Enemies of the State

In the *Philippics*, Cicero employs the same image that appears in the *Ad Herennium*: a restrained beast, which must not be released lest it wreak terrible destruction on the whole state. As in the *Ad Herennium* passage, Cicero asks his audience to free everybody from fear by treating the offender, Antony, like the dangerous outsider he is. As in the *Ad Herennium*, moreover, this plea on behalf of the entire citizenry includes an appeal to the listeners' own self-interests, since Cicero claims that they are in danger along with everybody else. The greatest difference between the two texts is that Cicero does not have to try as hard to establish that his opponent's misdemeanors affect everyone, as well as their social relationships. Antony's actions were easily construed as impacting the Republic as a whole, and especially its constitution, which bound individual citizens together into a single civic entity. Even the threat of violence was not just figurative in Antony's case, since he was currently in the field with his own army.

Cicero's entire speech is devoted to arguing that Antony is a public enemy, and entreating the senate to recognize that fact and deal with him accordingly. The following passage is the concluding paragraph. True to form, the animal comparison arises from the allegation that Antony does violence to society. Cicero's particular concern here is to show that declaring Antony a public enemy is both fitting and almost redundant, because he has already made himself a public enemy through his own actions, whether or not the senate officially acknowledges it. He accomplishes this aim by maintaining that all orders of society are endangered by Antony, all are unified against him:

*Sed vos moneo, patres conscripti: libertas agitur populi Romani, quae est commendata vobis; vita et fortunae optimi cuiusque, quo cupiditatem infinitam cum immani crudelitate iam pridem intendit Antonius; auctoritas vestra, quam nullam habebitis, nisi nunc tenueritis; taetram et pestiferam beluam ne inclusam et constrictam dimittatis cavete. Te ipsum, Pansa, moneo—quamquam non eges consilio, quo vales plurimum, tamen etiam summi gubernatores in magnis tempestatibus a vectoribus admoneri solent—hunc tantum tuum apparatus tamque praeclarum ne ad nihilum recidere patiari. Tempus habes tale quale nemo habuit umquam. Hac gravitate senatus, hoc studio equestris ordinis, hoc ardore populi Romani potes in perpetuum rem publicam metu et periculo liberare. (7.27)*

But I warn you, senators, the liberty of the Roman people, which has been commended to you, is at stake; the lives and fortunes of all the best men are at stake, toward which Antony has for a long while been directing his infinite greed, along with his savage cruelty; your authority is at stake, of which you will have none, if you do not hold on to it now; take heed that you do not release this foul and pestilential beast, whom you now have shut up and restrained. I warn you yourself, Pansa – although you have no need of counsel, in which you are very well-endowed, nevertheless, even the best steersmen are accustomed to be warned by passengers in great storms – do not allow this preparation of yours, so great and splendid, to be cut down to nothing. You have such an opportunity as no one has ever had. With this severity of the senate, this zeal of the equestrian order, this ardor of the Roman people, you can free the Republic from fear and danger forever.

From the first sentence, Cicero takes care to assert that Antony poses a problem for all the various levels of Roman society. The freedom of the Roman people is under fire, the lives and fortunes of the best men, and the authority of the senate. With the last sentence, he

proclaims that all levels of society do, in fact, recognize the danger, and regard Antony as their common enemy. If only the consul will lead the way, the full will and resources of every order – senators, equestrians, and plebs – will be ranged against the bestial foe in their midst. Thus, Antony becomes the perfect outsider, hostile to and hated by all, committing violence in the interests of no one but himself.

As Cicero depicts Antony in this way, he comments on not only Antony's actions, but also his character. The character portrait gives rise to the other notable feature of this passage. In keeping with the tendencies and assumptions which I have already discussed, Cicero assigns to Antony negative qualities in order to portray him as the sort of person would do such heinous, antisocial things. It is debatable, however, whether or not Cicero is describing Antony as innately animal-like, despite labeling him as an animal. While "savage cruelty" might be considered a bestial characteristic, greed is a less obvious animal trait. Whether being bestial, cruel, and greedy necessarily entails being foul and pestilential, as well, is also unclear. It seems that, in defining his feral opponent, Cicero has assembled a rather haphazard collection of bad qualities. The next passage offers a more extreme example of the same phenomenon.

In this section of the *Pro Sulla*, Cicero seeks to stress the enormity and vileness of the Catilinarian conspiracy. He does so by stressing the enormity and vileness of the conspirators themselves. His approach here is another instance in which actions, status, and character serve as mutually reinforcing arguments. The conspirators' despicable minds must have given rise to equally despicable deeds, and so earned them an outcast status. Conversely, their deeds were despicable and earned them an outcast status, thus they must have had despicable minds. It is not uncommon, in pursuing this strategy, for Cicero to utilize a number of different personal descriptors over the course of a speech. The following paragraph provides a condensed sample,



into which Cicero crams as many descriptors as possible in order to encapsulate the full wickedness of the conspirators. Gathered together as they are, they make it easy to see that Cicero does not attribute naturally animal-like minds to his targets, though he claims that they are beasts. In fact, Cicero's characterization does not suggest any reasoned, consistent theory of criminal psychology:

*Nolite, iudices, arbitrari hominum illum impetum et conatum fuisse—neque enim ulla gens tam barbara aut tam immanis unquam fuit in qua non modo tot, sed unus tam crudelis hostis patriae sit inventus—beluae quaedam illae ex portentis immanes ac ferae forma hominum indutae exstiterunt. Perspiciate etiam atque etiam, iudices—nihil enim est quod in hac causa dici possit vehementius—penitus introspicite Catilinae, Autroni, Cethegi, Lentuli ceterorumque mentis; quas vos in his libidines, quae flagitia, quas turpitudines, quantas audacias, quam incredibilis furores, quas notas facinorum, quae indicia parricidiorum, quantos acervos scelerum reperietis! Ex magnis et diuturnis et iam desperatis rei publicae morbis ista repente vis erupit, ut ea confecta et eiecta convallescere aliquando et sanari civitas posset; neque enim est quisquam qui arbitretur illis inclusis in re publica pestibus diutius haec stare potuisse. Itaque eos non ad perficiendum scelus, sed ad luendas rei publicae poenas Furiae quaedam incitaverunt.*  
(76)

Do not think, judges, that that was an attack and attempt made by humans – for there was never a race so barbarous and so savage, that in it was discovered not only so many, but even one enemy of the fatherland so cruel – those were some kind of savage and wild beasts, born from monsters and clothed in human form. Look again and again, judges – for there is nothing which can be said too forcibly in this case – look deep within the minds of Catiline, Autronius, Cethegus, Lentulus, and the others; what lusts you will find in them, what outrages, what foulness, what great audacity, what incredible madness, what marks of villainy, what signs of parricide, what great heaps of wickedness! Out of great and long-standing and already desperate diseases of the republic, that violence suddenly burst forth, so that, when it had been overcome and driven out, the state might be able to recover and heal at last; for there is not anyone who judges that the state was able to stand any longer with those plagues still shut up in the Republic. And so some Furies drove them on, not for accomplishing their crime, but for paying the penalty to the Republic.

The two ideas which usually prompt wild animal comparisons – “violence” and “against the interests of society” – are stated explicitly here. Prior to the comparison, Cicero mentions the conspirators’ “attack” and “attempt”. Later, he will refer to the conspiracy as a *vis*, a force or

violence that suddenly burst forth. He also calls them *hostes patriae*, enemies of the fatherland, which specifies that their violence was directed against the Republic as a whole. As always, it is on the basis of this action, antisocial violence, that Cicero places his opponents into the same category as beasts, who naturally, inevitably engage in that behavior. While he does create a mental profile to suit the deeds and standing which he claims for them, it quickly becomes apparent that he does not consider them naturally or innately similar to animals. The very terms of the comparison suggest that they are a great deal worse than any animal. The conspirators are only beasts “of a sort”, *belvae quaedam*, and they are born from monsters, *ex portentis*, and clothed in human form, *forma hominum indutae*. No animal in nature possesses a human form or has anything to do with monsters. The word I have here translated as “monsters”, *portenta*, appeared in the *Pro Roscio* passage, coupled with *monstrum* to designate something unnatural. Here, too, it seems to indicate something unnatural, uniting, as it does, with other qualities which should not coexist in one being.

The impression of abnormality builds throughout the text as Cicero mixes his metaphors, creating a picture of impossible, conglomerate creatures. Aside from being beasts, of a sort, born from monsters and looking like humans, the conspirators are also diseases and Fury-driven madmen. As for the long list of mental qualities which Cicero provides, they could hardly be said to describe an animal, singly or in combination. They all suggest criminality, whereas animals, who always live in accordance with nature, do not, cannot, carry out crimes. Cicero accuses the wrongdoers of parricide, for example, but, in the *Pro Roscio* passage I discussed, animals are cited as beings who never commit parricide. The list does not appear, either, to have any basis in psychological theory; it is simply a string of standard negatives, often deployed in invective. In short, Cicero throws everything at the conspirators but the kitchen sink.

Throughout the paragraph, he employs any label that reinforces the ideas which he wants to emphasize, such as violence, threat, wickedness, and otherness. It cannot possibly be said that the people he describes are naturally animal-like, or natural at all. Although he never uses the word *natura*, perhaps only the concept of unnaturalness could encompass and account for these odd patchwork monsters, seemingly composed entirely of social evils. By the end of the text, then, Cicero has drawn upon the notion of man's capacity for unnaturalness in order to achieve the ultimate goal of invective amplification. He has completely isolated his foes, marking them off from Roman society, from human society, from all of nature.

As in the *Pro Sulla*, *Philippics* 14.8 targets multiple people: Antony and two of his henchmen. Cicero closely associates Antony with his followers, so that it is understood that the actions of each man reflect on the others, and especially on the leader, Antony. Accordingly, the various details can be taken as a single characterization, applicable to all the actors in the passage. The sense of unnaturalness is not as strong in this text, nor is there such an extreme emphasis on mental qualities. Nonetheless, the passage displays two of the traits which figure prominently in the *Pro Sulla* passage above. It denies that the culprits can be placed in any known social category, and it isolates them from all of creation:

*Bellum inexpiabile infert quattuor consulibus unus omnium latronum taeterrimus; gerit idem bellum cum senatu populoque Romano; omnibus—quamquam ruit ipse suis cladibus—pestem, vastitatem, cruciatum, tormenta denuntiat: Dolabellae ferum et immane facinus quod nulla barbaria posset agnoscere, id suo consilio factum esse testatur; quaeque esset facturum in hac urbe, nisi eum hic ipse Iuppiter ab hoc templo atque moenibus reppulisset, declaravit in Parmensium calamitate, quos optimos viros honestissimosque homines, maxime cum auctoritate huius ordinis populi Romani dignitate coniunctos, crudelissimis exemplis interemit propudium illud et portentum, L. Antonius, insigne odium omnium hominum vel, si etiam di oderunt quos oportet, deorum.*

One man, the foulest of all brigands, is waging an irreconcilable war against four consuls; at the same time, he is waging war with the senate and Roman people; he is – although he himself is rushing to his own destruction – threatening all with ruin, devastation, torture,

and torments; he declares that that wild and savage deed of Dolabella's, which no barbarian nation could have acknowledged as its own, was done on his advice; and what he would have done in this city, if this very Jupiter had not repelled him from this temple and walls, he demonstrated in the disaster which befell the inhabitants of Parma. Although they were very worthy men and a most respectable people, very closely connected with the authority of this order and the dignity of the Roman people, Lucius Antonius killed them in the cruelest way – Lucius Antonius, that vile wretch and monster, the special object of the hatred of all men, or of the gods, if the gods also hate whom they ought.

The text has no explicit animal comparison, though the idea of bestiality is evoked through the use of *ferus* and *immanis*, adjectives which we have seen coupled with wild animals again and again in this chapter. Despite the absence of a comparison, I include this passage because it so perfectly illustrates the commonplace explained by Cicero in the *De Inventione*. The cause of his complaint here, as ever, is violence perpetrated against social bonds. The miscreants have inflicted war and murder on their fellow citizens and also on Roman allies. Cicero especially emphasizes the violation of social bonds when he mentions the fate of the inhabitants of Parma, whom he describes as very closely connected with the Roman people; when Lucius Antonius slaughtered them, he both failed to honor the connection and extinguished it. If dealing with a crime such as this, the *De Inventione* recommends that the orator portray the deed as something that not even audacious men, wild men, barbarians, or beasts would do. At one point in the *Philippics* passage, Cicero fulfills these directions to the word, declaring that no barbarian would have done what Dolabella did. Moreover, he follows the practice advised by the *De Inventione* in that he compares the wrongdoers to a number of different beings, each epitomizing the dangerous outcast. As I said before, *ferus* and *immanis* associate the villains with wild animals. In the first sentence, Antony is the one foulest brigand of all brigands everywhere. In the last sentence, Lucius Antonius is a portent or monster, *portentum*. Thus, Cicero reels through a list of possible labels, each representing a different kind of individual, but

all falling under the general category of “hostile outsider”. However, by refusing to settle on any one of them, Cicero signals that none of them are sufficient for summing up Antony and his partners in crime.

In the *Pro Sulla*, Cicero implies through his portrayal of the conspirators’ personal traits that their mental processes did not conform to any known pattern of thought, nor their behavior to any known pattern of behavior. Here in the *Philippics*, Cicero does not focus on mental composition; rather, he explicitly introduces common models of behavior, only to reject each of them as not wholly appropriate for describing the men and activities under discussion. Cicero therefore takes a slightly different approach in each context, but the result is the same in both: he makes it clear that his foes are unique entities, roughly comparable to other violently antisocial outcasts, but ultimately unlike and worse than any of them. It is probably no accident in the *Philippics* paragraph that Cicero employs *portentum* last, since, as I pointed out above, the word denotes singularity and unnaturalness, and therefore comes closest to the idea that he is trying to convey.

This depiction of Antony and company is isolating in itself, because it portrays them as an oddity in nature, and a harmful one. An audience might assume that such terrible, irregular people must be enemies, not only to a certain state, but to all of mankind and, indeed, to everything good and natural. Cicero, however, leaves nothing to chance and spells it out for his listeners. At the very beginning of the paragraph, he states that Antony is the foe of the Roman consuls, senate, and people, thus ranging all of Roman society against Antony. He broadens the scope of Antony’s isolation at the end of the passage, calling Lucius Antonius an object of hatred for all humans everywhere and even for the gods. In this way, Cicero has once again amplified the impact and wickedness of his targets’ deeds, and simultaneously magnified their solitary

state. He moves from the Romans to all mankind to the gods themselves, so that, when he is done, the wrongdoers seem alone in, at odds with, and despised by the entire natural world. Not even a beast could merit such loathing.

### Tyrants

Republican orators frequently leveled accusations of kingship or tyranny against their opponents. J. Roger Dunkle has traced the use of *regnum*, *dominatio*, and *tyrannis* in first century B.C. political invective,<sup>100</sup> and discovered that those charges were regularly employed in combination with other terms of abuse, most notably *vis*, *superbia*, *libido*, and *crudelitas*. Dunkle's findings are relevant to the present discussion for two major reasons. The first: as Dunkle points out, the four terms of abuse associated with charges of tyranny represent stereotyped personal traits. The Romans did attack the political repressiveness of particular actions, but, in the process, they also assigned to the would-be tyrant certain mental attributes and modes of behavior, felt to be characteristic of all tyrants. Dunkle argues that, when they did so, they were drawing upon the stock type of the tyrant, imported into Rome via adaptations of Greek tragedy. The Romans had their own tradition of king-hating; thus, Roman politicians traditionally alleged kingship against their rivals. With the advent of Greek tragedy, the Greek tyrant soon melded with the Roman king, becoming one stereotype in the Roman mind. Orators then utilized this widely recognized model in order to add interest and impact to their accusations: they could now imbue their target with a colorfully evil personality, to reflect his evil pursuit of dominion.

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<sup>100</sup> Dunkle (1967).

It is not entirely clear to me that the Romans did borrow the type of the wicked king from the Greeks. In my own exploration of Roman invective, I have discussed other passages which make no mention of tyranny, and yet make it a point to depict the intrinsic immorality of the man charged with immoral deeds. Whether or not the Romans owed the Greeks for the standard list of tyrannical vices, what matters here is the fact that the technique employed with regard to tyrants corresponds to the one we have seen elsewhere. The speaker matches personal quality to the crime, in order to make his allegations more convincing, and to further his greater goal, which is to isolate his opponent by portraying him as an enemy to society.

Dunkle's second relevant finding is this: he identifies *vis* as a defining characteristic of the tyrant. He maintains, probably correctly, that *vis* "denotes the force which the tyrant must employ to gain and hold power".<sup>101</sup> This is precisely the sort of violence that we would expect the Romans to view as illegitimate and therefore befitting only an animal – as indeed they must have, since *vis* in connection with a charge of tyranny serves as a term of abuse. The tyrant applies force not in self-defense or in defense of the state, but as a completely selfish offensive maneuver, designed to elevate him above others. In doing so, he disregards the bonds and obligations which exist between himself and his fellow citizens, he severs the bonds which exist between his murder victims and others, and he abolishes the constitution which binds everyone together into a unified social entity.

In other passages which create a personality to complement a violent deed, we have seen that animals play a part in that characterization. The deed itself is something that only an animal would do, or something that even they would not do; accordingly the person who does such a thing is intrinsically inhuman, at least from a normative standpoint. We might expect, then, to

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<sup>101</sup> Dunkle (1967) 168.

see wild animal comparisons in texts that evoke the tyrant, since that discourse places emphasis on both personality and violence. Sure enough, Dunkle, in a later article, notes that *saevitia*, “savagery”, also came to be associated with the unjust king.<sup>102</sup> He recognizes that *saevitia* properly refers to the ferocity of savage animals, and only metaphorically to the cruelty of humans. He suggests that the word was considered suitable to describe a tyrant, because tyrants were regarded as more animal than human. To support this contention, he cites comparisons between tyrants and beasts. He never explains, however, why tyrants were compared to animals to begin with. James May, in his article about wild animal comparisons in Ciceronian oratory, also recognizes that tyrants are sometimes portrayed as beasts, and he does propose an explanation.<sup>103</sup> He argues that wild animal comparisons, including those involving tyrants, signal that the target assaults the community; this activity is the exact opposite of correct human behavior, which lies in promoting the human community through speech and reason, and thus represents a falling away from humanity and human society. Wild animal comparisons reflect this perceived loss of humanity. May’s conclusions are very similar to my own, although he does not consider how ideas about nature play a role in this discourse. I will now explore the connection between tyrants and beasts in light of my own findings in this chapter, and show precisely what bestial assaults on the community consist of, and why such assaults prompt Cicero to place tyrants in the same natural category as wild animals.

I will examine two texts in which Cicero likens tyrants to wild animals. I chose them because I found them to be the most illuminating of the available tyrant-animal comparisons, and the most explicit in their reasoning. Both come from philosophical works, which might require

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<sup>102</sup> On *saevitia* and beasts in association with tyrants, see Dunkle (1971), especially pages 14-15.

<sup>103</sup> May (1996) 149-152. For more on May’s conclusions, see note 93 above.



some justification in a study devoted to invective. Despite the fact that they belong to Cicero's philosophical oeuvre, the ideas expressed in them are not unique. With regard to Cicero himself, Dunkle observes that the use of stock rhetorical terms in the invective of tyranny is not peculiar to Cicero.<sup>104</sup> He posits that invective employing the type of the tyrant was characteristic of the period, and collects evidence from other authors to prove it. With regard to the philosophical context, although these passages do not technically qualify as invective, nonetheless they closely resemble the invective passages we have already seen, showing the same form and relying upon the same assumptions. Cicero might not be attacking a particular person here, but he is explaining why tyranny is such an objectionable form of rule. To that extent, he is inveighing against the tyrant as such, portraying the whole category in the worst possible light. That may explain why the passages are so similar to invective passages; moreover, Cicero's political theory was probably influenced by the same stereotypes and generalizations which informed invective tropes. These two texts are unusually revealing precisely because of their theoretical character: instead of twisting real life particulars to fit the tyrant's mold, as he would in invective, Cicero here distills and presents generalizations about tyrants *per se*.

Most importantly, for our purposes, the following passages betray the same understanding of natural categories that I have been tracing throughout this chapter. A tyrant holds a status equal to that of a wild animal, because, like a wild animal, he perpetrates violence contrary to the interests of society. May holds that assaults upon the community prompt comparisons between tyrants and wild animals; I will now demonstrate that such assaults consist specifically of antisocial acts of violence. Thus, tyrant-wild animal comparisons have exactly the same basis as all the other comparisons I have discussed. May does not consider whether

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<sup>104</sup> Dunkle (1967) 165.

tyrants were thought to be naturally bestial. Here again, I maintain that tyrant-wild animal comparisons operate on the same assumptions that drive all animal comparisons: like other kinds of criminal, tyrants do not constitute a distinct type of human, born with a natural inclination to behave like animals. Rather, they display the capacity for unnatural behavior which exists in all humans. This way of thinking is especially clear in *De Re Publica* 2.48, which, incidentally, could also serve as a textbook example of the commonplace described in the *De Inventione*:

*Simul atque enim se inflexit hic rex in dominatum iniustiolem, fit continuo tyrannus, quo neque taetrius neque foedius nec dis hominibusque invisius animal ullum cogitari potest; qui quamquam figura est hominis, morum tamen inmanitate vastissimas vincit beluas. Quis enim hunc hominem rite dixerit, qui sibi cum suis civibus, qui denique cum omni hominum genere nullam iuris communionem, nullam humanitatis societatem velit?*

As soon as this king has turned to a mastery less just, he immediately becomes a tyrant, and no being can be considered more foul, more horrible, more hateful to gods and man than the tyrant; although he has the form of a human, nevertheless he surpasses the most monstrous beasts in the savagery of his character. For who will rightly call *this* man a human, who wishes no community of justice, no association of humanity with his fellow citizens, and finally with the entire human race?

In *De Inventione* 1.103 and other passages I have discussed, Cicero listed specific crimes, and left it to the audience to recognize why that crime was incompatible with humanity. Here, he does not give a particular crime, but actually provides the underlying rationale, the reason why each of the tyrant's many crimes strip him of human status. Once again, the pertinent feature of any action, the one aspect that all the tyrant's inhuman deeds have in common, is the violation of social connections. Cicero maintains that tyrants display this antisocial tendency in its most extreme form, since they desire absolutely no community of justice, absolutely no association of humanity with anybody. When he excludes tyrants from the human race on those grounds, he assumes, as he does in his other wild animal comparisons, that there is at least one natural criterion which must be met for a person to qualify as a human being: living in the

company of and in cooperation with other human beings. This social lifestyle requires that a person make rational decisions in his interactions with others, at all times following the laws and customs which govern such interactions. The inclusion of *ius*, “justice” or “law”, in his definition of the essential human quality shows the great emphasis Cicero places on law in the proper ordering of human affairs – an emphasis which we encountered in the *Pro Sestio*. The laws, both written and unwritten, represent the rules and procedures men have established among themselves by mutual accord, in order to regulate human conduct, and thus enable non-violent, mutually beneficial intercourse. A person who does not obey the dictates of the law does not uphold, indeed he hinders, human association, and so he does not act like a human. A person who willfully chooses not to obey the law, and thus enjoy the fellowship of other humans, does not think like a proper human. Nature itself has implanted in men the impulse to congregate with one another; to deny that impulse is to deviate from nature’s plan for the human animal.

Cicero explicitly assumes that tyrants act in a manner contrary to the interests of human society, disregarding and severing the ties that bind that society together. The assumption that tyrants accomplish this through violence is implicit, both in their alleged disregard for law, and in the very word *tyrannus*, which would have evoked a whole set of typical associations, including *vis*. Therefore, the circumstance which normally prompts wild animal comparisons, violence against social connections, prompts this one, as well. The comparison signals that the tyrant’s antisocial use of force has removed him from the category “human”, and placed him in the category “hostile outsider”, along with wild animals, who naturally inhabit that category.

The way that Cicero expresses this particular comparison puts emphasis on the animal savagery of the tyrant’s own character, not just the character of his actions. This approach is in keeping with the overall aim of the passage, which is to show that the tyrant is intrinsically

inhuman in the normative sense, because he does not display the traits which nature intends for humans to display. However, the text makes it clear that he is no animal either, at least, not any fashioned by nature. Cicero, as he himself recommends in the *De Inventione*, claims that the tyrant surpasses beasts in savagery, which means that his disposition is not, in fact, like an animal's. He also has a human form, which no real animal has. Moreover, the use of *velit*, "wishes" or "wants", to describe the tyrant's state of mind places the blame for his conduct on his own perverse desires, rather than natural impulses, such as those that direct animal behavior. This may reflect the idea that man's capacity for choice has given him a capacity for unnatural choices and actions. Whatever the explanation for his deviance, one detail, especially, marks the tyrant as a singular entity, one outside of any known category: no other being is more hateful to both gods and men. The tyrant is so uniquely foul that he commands a unique hatred, beyond what an animal could inspire.

The same detail also serves the overall goal of invective, the one we have seen in action over and over again: to completely isolate the target. This particular example, like all the others, isolates the target not just from Roman society, not just from human society, but from all of nature, so that even the gods are opposed to him. What is different about this passage is the fact that Cicero does not build up to that point, amplifying the consequences of a single crime until it seems like a crime against all of humanity and nature. He just assumes from the beginning that a tyrant, by his very existence, assaults the foundation of society and offends the gods. This is due in large part, no doubt, to the virulence of the tyrant stereotype, which casts the tyrant as the perpetrator of the worst crimes imaginable, and the possessor of the worst character imaginable. However, when he says that a tyrant does not wish for any association of humanity, he does reveal an underlying rationale for the extreme portrayal. A man who violently elevates himself

above his fellow citizens simultaneously, and irrevocably, separates himself from them, thereby precluding true human union. He can never again meet anyone as an equal, never again meet anyone without violence or the possibility of violence marring the interaction. A man who actually wants to live like that, without human fellowship, threatening violence to everyone he encounters, must be an enemy of all of humanity.

The next passage, like the one above, takes it for granted that the tyrant is an unnatural isolate and an enemy to the whole human race. Its emphasis differs, though. In this text, Cicero does comment on the status and character of the tyrant, but he is more concerned with proposing a punishment which suits that status and character:

*Nulla est enim societas nobis cum tyrannis, et potius summa distractio est, neque est contra naturam spoliare eum, si possis, quem est honestum necare, atque hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est. Etenim, ut membra quaedam amputantur, si et ipsa sanguine et tamquam spiritu carere coeperunt et nocent reliquis partibus corporis, sic ista in figura hominis feritas et immanitas beluae a communi tamquam humanitatis corpore segreganda est. (De Off. 3.32)*

We have no association with tyrants, but rather the greatest discord. It is not against nature to rob, if you can, the man whom it is honorable to kill, and this entire pestilential and impious race must be exterminated from the community of mankind. For, just as certain limbs are amputated, if they themselves begin to lack blood and the breath of life, so to speak, and harm the other parts of the body, thus that wildness and savagery of a beast, clothed in human form, must be removed from what may be called the common body of humanity.

The reason for the wild animal comparison is the standard one: the culprit harms human society. Indeed, the word “harm”, *nocent*, makes that point clear. As usual, Cicero attributes the *feritas* and *immanitas* of a beast to the wrongdoer. He does not say, as he sometimes does, that the criminal surpasses the beasts in savagery, though he includes another familiar detail: the bestial criminal has a human appearance. Taken together, the animal-like ferocity and the human appearance form an impossible combination of features, a conglomerate entity that is neither

human nor animal. Cicero is not suggesting, then, that the tyrant is a naturally animal-like human, but rather another type of creature altogether, and an unnatural one. The phrase *contra naturam* plainly indicates that natural and unnatural behavior is in fact under discussion. Granted, the *contra naturam* does not apply directly to the tyrant, but to actions taken with regard to him; nevertheless, the remark has implications for how we are to understand the figure of the tyrant. It is *not* against nature to rob or kill the tyrant. The reason: no association or social bond, *societas*, subsists between a human and a tyrant, any more than one subsists between a human and a wild animal. Therefore, no social obligation is violated if the tyrant is harmed in any way. This reasoning presupposes an idea whose ramifications I have traced throughout this chapter: social bonds and obligations exist by nature; thus, violating them normally constitutes an act contrary to nature. By an extension of logic, the tyrant's deeds and the tyrant himself must be regarded as unnatural, since he violates all the bonds between himself and his fellow humans, thereby nullifying them. Perhaps this is another reason why murdering a tyrant is not contrary to nature: killing an unnatural creature removes it from nature, where it does not belong, anyway. We have already seen a similar thought expressed in *Pro Roscio* 71, where Cicero claims that a parricide's execution is meant to eliminate all contact between that unnatural man and nature.

Although Cicero does not say, as explicitly as he does in the *Pro Roscio*, that an unnatural man must be removed from nature, he does assert, in no uncertain terms, that an outcast must be removed from society. The entire passage brims with vocabulary that emphasizes the tyrant's separateness. The animal comparison achieves that goal, as well as the word *distractio*, which Cicero employs as an antonym for *societas*, in order to describe what exists between a tyrant and everyone else. He also uses words which refer to physical removal: *exterminandum est*, *amputantur*, *segreganda est*. These serve a dual purpose: they convey the

tyrant's intrinsic apartness, and they propose that his outsider status be actualized by physically ejecting him from the body politic, in the most extreme and permanent manner available.

I have discussed other passages which advocate the official expulsion of some citizen from the Roman state. In each case, Cicero depicts the wrongdoer as someone who has made himself an outsider by his own deeds and inclinations. Cicero's argument inevitably leads the audience to one conclusion: a conviction and loss of civil standing would only reflect and formalize the culprit's natural status – that is, the status he has already earned for himself through his actions toward the human community. Cicero's comments about tyrants follow this pattern. He maintains that tyrants, who have cut themselves off from society, should be literally, physically cut off from society. The only unusual feature in his discussion of tyrants is the fact that he does not insist upon legal process, but allows for murder as a legitimate means of securing the tyrant's elimination. Even this detail, however, can be explained with reference to the idea that underlies his entire invective strategy: the punishment should fit the crime, or, to put it another way, the formal status should match the natural status. Cicero asserts that the tyrant is an enemy to the whole human race; accordingly, he should suffer a change in standing that will forever detach him from the whole human race, and only death can accomplish that. Subjecting him to legal process would enable him to escape into exile, where he would trouble another state. Moreover, granting him due process would itself be inconsistent with the outcast status which he deserves. Since he himself has severed every social tie and relinquished every social claim, nobody owes him due process – any more than they would owe due process to a ravening lion in their midst.<sup>105</sup>

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<sup>105</sup> Clark and Ruebel (1985) hold that Cicero's "theory of tyrannicide" was founded upon contemporary Stoic ethics and political philosophy; they claim, moreover, that Cicero developed this philosophical basis for Roman political violence in the aftermath of Milo's trial. As part of their argument, they discuss Cicero's habit of equating tyrants

## Summary

None of the invective passages I have examined, whether they deal with private malefactors, public enemies, or tyrants, suggest that the person under discussion is innately, naturally animal-like. In fact, Cicero does not deploy animal comparisons for the sole purpose of assimilating man to animal, but for a larger purpose. Wild animal comparisons ultimately serve the same overall goal as any invective trope: they isolate the target by portraying him as a hostile outsider. They usually function by establishing that the culprit engages in behavior analogous to that of wild animals, and thus occupies the same social category as wild animals. Since wild animals were considered to be enemy outcasts by nature, placing a man in that category classified him, too, as an enemy outcast. However, the comparisons do not precisely align the wrongdoer's conduct and character with those of animals, maintaining instead that he surpasses them in savagery. The comparisons thereby aid in depicting the target as someone who warrants the extreme punishment and status downgrade proposed by the speaker. This strategy assumes that all creatures, man and animal alike, possess a natural status, determined by their role within and actions toward human society. For animals, their station within both nature and society is fixed. In the case of humans, a man's natural status, earned through his own deeds and moral worth, can be separate from and at variance with his formal social status, though the two should ideally coincide – or be made to coincide, if they differ.

While a person may act like an animal, and therefore become an enemy of society like an animal, no one possesses intrinsic animal qualities, implanted in him by nature. This belief

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with beasts, a practice which they maintain is distinctly Stoic (pgs. 61-64). Although they successfully show that there was overlap between Cicero's professed views and Stoic doctrine, I believe it is a mistake to conclude that Stoicism alone gave rise to Cicero's tyrant-wild animal comparisons, as well as his espousal of tyrannicide. As I have argued above, Cicero's comments on tyrants are perfectly consistent with ideas and rhetorical techniques which appear in speeches written throughout his lifetime. May (1996) makes the same point (pg. 153 n. 33).



underlies Cicero's portrayal of criminal humans, allowing him to claim, not that they are naturally bestial, through no fault of their own, but that they are worse than any beast, of their own inclination. This element of Cicero's invective practice is consistent with the idea that a wrongdoer's deviance arises from his human capacity for unnaturalness. Because humans possess reasoning capabilities, they also possess free will, which enables them to either obey the dictates of right reason and engage in natural behavior, or to stray from those dictates and engage in unnatural behavior. Each man's own personal nature is therefore wholly his own, to develop or pervert as he decides. Thus, even the most depraved people are human in the strict sense. If they did not have the defining human attribute, reason, they could not be depraved. However, since these people choose to depart from the natural standard of humanity, perpetrating unsociable and inhumane acts, they are not humans as nature intends them to be. They are not exactly animals, either. Rather, they are something else altogether, something indefinable and outside nature.

### Conclusions

In the course of this chapter, we have seen wild animal comparisons used in connection with great-souled men, audacious men, primitive men, barbarians, brigands, monsters, a demagogue, a demagogue-killer, a gang leader, a parricide, a corrupt magistrate, a corrupt prosecutor, conspirators, tyrants, a tyrannical general, and the general's henchmen. In each instance, the basis of comparison between man and beast is violence, specifically violence which damages social bonds in some way, and so acts contrary to the interests of society. The passages I have examined place just as much or more emphasis on the social disruption as on the violence. This emphasis in wild animal comparisons reflects the Roman definition of a wild animal: an asocial being, living outside of and at variance with the human community.

I noted at the beginning of the chapter that the ancients expressed admiration for the battle prowess and physical courage displayed by wild animals; as Plutarch's interlocutor, Gryllus, points out, authors often extolled the prowess and courage of human warriors by comparing them to animals. To my knowledge, however, there are no such comparisons in Roman republican literature. Certainly, late republican texts always employ animal comparisons to criticize elite men, never to praise them. Although the use of force was sometimes necessary and even laudable, wild animals were apparently not an acceptable model for the correct use of force. I propose that the reason for this lies in the perception that wild animals are self-serving loners, opposed to the well-being of the human community. This view meant that wild animals carried undesirable associations, because they evoked a kind of violence that was too uncontrolled, too individualistic, too self-willed and self-serving to be consistent with the republican ethos. Accordingly, antisocial violence, not violence itself, was usually the criterion for establishing a likeness between man and beast. For all those miscreants who met this qualification, and were thus subsumed under the category "wild animal", the designation did not signify only that they were practitioners of violence. It also marked them as enemies to human society.

In the previous chapter, I explored a similar phenomenon, wherein various types of human were assimilated to a single, supposedly natural class, on the basis of a certain activity – although the class under discussion was "herd animal" rather than "wild animal". I have now shown the underlying rationale is the same, whether texts liken a person to a herd animal or a wild animal. Herd animals and wild animals each constitute a natural category of being, defined by their function within the human community, especially their degree of usefulness or harmfulness to that community. These natural categories are also social categories, since they

indicate the occupants' relation to human society. Because humans are subject to the same universal standard of value – utility to the human community – they can belong to the same natural category as an animal, and thus hold the same social status, if they benefit or hurt society in a similar way. This explains why persons with different jobs and legal status can be lumped together in the same natural class: even if they do not formally hold that rank, they can be understood to hold it, if they meet the natural criterion for that position. Natural distinctions can therefore be separate from and transcend legal distinctions. For example, free wage-earners and plebs, as well as legal slaves, are regularly assimilated to the category “herd animal and slave”, because they labor for the enrichment of others. Likewise, Cicero relegates various men of various statuses to the rank “wild animal and dangerous outsider”, because they all disrupt social bonds in one way or another.

My examination of herd animal comparisons revealed certain tensions inherent in the Romans' “natural” method of reckoning status. The same tensions surface in texts utilizing wild animal comparisons. I have already touched upon one source of tension: formal and natural status do not always align, although the Romans certainly thought that they should. That is to say, a person might naturally deserve a certain rank, due to his services or disservices to the state, yet legally possess another; conversely, he might possess a certain legal rank, yet find himself playing a role or suffering circumstances inconsistent with that standing. Free men, for example, like wage-earners and plebs, can find themselves in a servile position, doing the work rightly reserved for slaves and herd animals; some criminals, who have placed themselves outside the bounds of human union, like a wild animal, nonetheless live unpunished among their fellow citizens, their civil standing intact.

Another kind of mismatch provides the second source of tension: innate worth and social worth do not always align. Although legal class divisions were based on other criteria, especially wealth and occupation, Roman texts reveal a conviction that formal rank reflects, or should reflect, a person's intrinsic quality. This belief is especially apparent in the assumption that free men are better than slaves. We have also encountered the idea that criminals and other people who subsist outside the bonds of human society, such as primitive men and barbarians, must be innately deviant. There are other manifestations of this impulse to fit character to status, which I have not touched upon in this work. Cicero, for example, often expresses the belief that the ruling elite are inherently superior to the plebs. Despite this tendency to distinguish between types of people according to social station, Roman class discourse was fraught with difficulty, inconsistency, and conflict, precisely because human capacity and behavior does not always correspond to class expectations, and the Romans knew it. They recognized, for instance, that free men could think and act like slaves, or slaves like free men. They also recognized that even men of the most exalted position could be truly lowly, possessing loathsome minds and committing vile deeds.

The Roman preoccupation with correcting status reveals a desire for fairness in status distribution. In the idea of a natural criterion of value, they found a divinely sanctioned standard for measuring social worth, and thus for determining standing and privilege. For the most part, this way of thinking probably, conveniently, served to reinforce the existing state of affairs. A Roman, however, might have seen it as a mandate and a means to place each person where he truly belonged, according to his own deserts and nature's ordinance. They were clearly willing to make adjustments in individual cases, where it seemed to be called for, in order to fulfill the

ideal of a naturally ordered social hierarchy – by manumitting worthy slaves, for example, expelling convicted criminals from the state, or ceding rights to the plebs.

However, the very fact that adjustments had to be made points to the inherent difficulties in realizing a perfectly, naturally ordered state. As I just observed, Roman texts indicate two potential points of discrepancy: that between actual merit and formal status, and that between inner quality and outward circumstances. Because they were points of discrepancy, thus they were points for potential conflict. Status was contestable where such a discrepancy was felt to exist. These challenges to the status quo reveal the limitations of the Roman discourse of natural class. The notion of a natural standard of worth justified the class distinctions themselves, but other problems had to be resolved in order for individual status assignments and the system as a whole to be regarded as legitimate. Perhaps it was possible to quantify a person's economic value to society based on his wealth and occupation, but how was society to measure his innate capacity and character? Or ensure that he had an occupation and status suited to his capacity and character? Even if everyone did, in fact, possess the social standing that was most appropriate to both his deeds and his intrinsic quality, precisely what rights, privileges, and treatment were due to each order of society? Nature, as the Romans understood it, does not seem to have provided answers to these questions, in part because they did not take a wholly teleological view of the human race. They did not believe that nature had created separate subspecies of human, each designed to fulfill a certain function. Therefore, they had no theoretical discourse which delineated the different human types, formulated a mechanism for recognizing them, prescribed what rank each was to occupy, and described the rights owed to each rank. In the absence of such an ideology, there was no compelling reason to accept formal status designations in every instance; thus, there was always scope for dissent.

If the Romans did not think that nature differentiated between types of people, then how could they think, as they obviously did, that some people were intrinsically better or worse, more or less human than others? Answering that question would require a complete survey of contemporary psychological theory, which I will not undertake here. In this chapter, however, we encountered one possible model for understanding human psychology, which was apparently popular enough for Cicero to use in his oratory, and which allows for a broad spectrum of human behavior, ranging from brutish and servile to bestial and savage. This model is expressed most explicitly in the *De Officiis* and *Pro Sestio*, where Cicero portrays human beings as a kind of wild animal, but one that can and must be tamed by reason. The metaphor of the fierce, but trainable, human beast encapsulates both human capacities: the capacity for antisocial, inhumane violence, and the capacity for serviceable obedience. According to the *De Officiis* and *Pro Sestio*, reason is supposed to quell the former and encourage the latter. Other texts, however, give the impression that it was possible to go too far in either direction. In the previous chapter, I discussed passages in popular rhetoric that urge the plebs not to submit, like herd animals, but to fight back. These exhortations assume that human behavior can encompass an extreme of docility and tameness that is more appropriate to domestic animals than people. This chapter has dealt with human conduct that extends to the opposite extreme. Cicero's comments about primitive men and criminals reveal a conviction that excessive force, applied for the wrong reasons, is inconsistent with humanity and undermines the very foundations of society.

The Romans seem to have regarded both halves of the human condition as needful, since circumstances sometimes call for obedience, sometimes for violence. A truly human mental state strikes a balance between the two poles. It is also, therefore, a state of constant tension, wherein reason competes with opposing impulses in an effort to hold the middle ground. A man

must be able to draw upon both elements of his character, as reason dictates, without ever slipping all the way to either end of the behavioral scale. Although Roman authors seem to have viewed correct, properly moderated human conduct as something that must be learned, and as something that is difficult to maintain, they nevertheless viewed it as a universal norm established by nature. They were therefore not inclined to admit any good excuse for deviating from it.

I have concluded in the course of this chapter that deviation from nature, not nature itself, was believed to be responsible for unacceptable human activity. Such behavior could veer to extremes of servility or savagery, and these extremes were associated with herd animals and wild animals, respectively; despite that, servile and criminal personalities were not regarded as truly animal modes of thought and conduct. No thinking, talking slave, no matter how resigned to his servitude, acted like a herd animal, and stereotypes attributed qualities to slaves which are simply not found in animals. Likewise, human wrongdoers committed crimes which no beast would ever perpetrate. The association between animal and human characteristics was just that: a loose association suggested by the analogy between animal and human activities. Throughout this work, I have shown how human roles are conflated with those of animals in Roman texts; accordingly, authors often use animal imagery in discussions about status. Since they tend to align personal quality with status, it is unsurprising that, when they talk about status in animal terms, they also use animal vocabulary to describe the corresponding personal qualities. Thus, the habit of assigning bestial traits to people is an extension of the conceptual and linguistic entanglement between man and animal that marks all class discourse. While it is true that writers give some people the exact same social standing as an animal, their allegations of animal personality are more metaphorical. We have seen that they sometimes call someone a human

and an animal in a single sentence. They were able to do this because they recognized that a person in any situation, performing any deed, no matter how lowly and bestial, was still fundamentally and intrinsically human, with all the potential strengths and weaknesses that implies. When people did not live up to human standards, natural, animal inclinations were not to blame, but rather, mankind's peculiar capacity for unnaturalness.

The matter can also be expressed in terms of the distinction which I have drawn throughout this chapter: that between descriptive and normative uses of "human". In the descriptive sense, everyone was believed to be fully human, because everyone possesses reason, as well as other distinctively human traits and capabilities. In the normative sense, some people were seen as more or less human than others, due to the supposed existence of a natural standard or norm of human behavior. By this method of reckoning humanity, those who adhered more closely to the norm in their manner of life were more truly human, because they lived as nature means for a human to live. It was this normative interpretation of humanity that allowed for a certain measure of class specificity in the discourse of human nature. Certain classes of people performed activities that were considered to be naturally unbecoming a human in some way. Thus, there was a tendency to assume that the personal character of those people deviated from the human norm in a corresponding or analogous way. This was true even for individuals who were compelled to engage in such activities through no fault of their own, like slaves and wage-earners.

The normative model for measuring a person's humanity supported the denigration of certain social classes and the exaltation of others, but it did not do so convincingly enough to prevent civil discord. I have noted that there was always scope for dissent where social status was concerned. The final years of the Republic, the time period with which this work has



concerned itself, seem to have been rife with such dissent. I have said that these disagreements arose whenever there was a perceived disjunction between formal status and intrinsic merit, and that they were frequent, due in part to the fact that the Romans did not take a teleological view of human nature. Because they did not have an established discourse which held that people had been formed by nature for their particular social roles, there was no compelling reason to believe that every individual was settled in the station where he belonged, enjoying the advantages or disadvantages which he deserved.

I will now go a step further and claim that, so far from subscribing to the notion of naturally differentiated human types, Roman authors take an almost egalitarian stance on human nature. Although the normative view of humanity worked with the utility-based assessment scheme of natural status, justifying the elevation of some humans at the expense of others, both notions coexisted with a descriptive understanding of “human” and “humanity”. The descriptive sense of “humanity” was the result and manifestation of the idea that every person, no matter how lowly, is born with human capabilities, and thus the potential to attain to the natural human norm. Therefore, as far as innate endowments are concerned, everyone basically starts with a more or less equal chance of realizing the norm in their own life and person. Circumstance and personal inclination determine how close an individual actually comes to meeting this natural goal. Observation informed the Romans that socio-economic class was, in fact, a far from perfect predictor of who would or would not fulfill their human potential, and so become a virtuous, useful, and deserving human being. Herein lies the source of the dissent and dissatisfaction which I discussed previously, and the consequent challenges to the status quo. Bitter class conflict was, perhaps, the inevitable outgrowth of the clash between two prominent aspects of Roman culture: a relatively egalitarian view of human nature, and a socio-political

system that imposed low status and social disadvantages on large groups of people. Although the Romans tried to reconcile the two, they were essentially incompatible concepts.

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