THE FREEDOM OF THE INTELLECTUAL IN THE ROMAN WORLD

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To write on the freedom of the intellectual in the Roman world is hardly an enviable undertaking. The topic is very diffuse and, what is worse, the problem may be anachronistic and inappropriate. The world of Rome is somewhat extensive for one article and a survey of intellectual life and freedom between Naevius and Symmachus, between Caledonia and the Euphrates would bear a disquieting resemblance to an American one-week trip to Europe. However, to narrow down my subject to the *Urbs* (which,—to use a somewhat silly metaphor—was a world) would be a rather unsatisfactory compromise. Perhaps, a subtle distinction will do: I am about to deal with the World of Rome, having the *Urbs* as its center: roughly speaking, with the period that Rome *had* a world (late Republic and Empire).

But how to define a Roman intellectual? Polybius, Posidonius, Philostratus, Themistius were no less intellectuals in the Roman world for being Greeks. But this might be quibbling about words. There is however a really important preliminary question: were there intellectuals at Rome? A great authority on intellectual life in the Roman world like Henri Bardon was very sceptical: "En effet, l'on est en droit de se demander si la notion d'intellectuel fut jamais intégrée à la conscience romaine. Aucun terme ne désigne l'intellectuel: cela, à soi seul, est caractéristique . . . "[1]. Of course, the non-existence of a notion does not imply that certain activities or attitudes, which are closely connected with that notion in our time and culture, did not exist. It only means, that similar activities ought to be envisaged in a different historical and social context. A great intellectual production does not preclude a total absence of the idea about an independent group or class

[1] H. Bardon, *La notion d'Intellectuel à Rome*, Studi Classice 1971, 96-107.

of "intellectuals". We all know some picturesque examples: Terentius Varro, one of Rome's greatest intellectuals, who wrote hundreds of books, was a politician with great military and administrative experience; the Elder Pliny, who was even taking notes during his bath, was an able *praefectus alae* and *procurator*; his nephew Pliny the Younger, who is amazed about a lawyer for making a profession from his rhetorical abilities,[2] surely would not have admired his uncle so much, if this remarkable man would have considered himself a professional intellectual. Even if such men were not representative of the wide spectrum of Roman intellectuals, it cannot be denied that they are specimina of those typically Roman upperclass *homines litterati*, whose intellectual activities were subordinate to the duties and obligations of political life. For a very long time, Rome had a lot of learned men, who never thought about themselves as being intellectuals in the sense of belonging to a distinctive professional group, with the special status-consciousness of those who, even in a non-professional context, take pride in the exercise of their capacities as a contribution to "culture". So we have to deal with persons, to whom *studia* were a serious affair, to which they were devoted enough to spend much of their life on, studying, speaking, writing and educating, without losing sight of the scale of values of a society, in which intellectual activity was "only" a pastime or subservient to higher values.

The most elusive notion, however, has not yet been touched upon. What is freedom? It may include personal status, economic independence, freedom of conscience, freedom to publish, "academic freedom"—one could go on. If we cut the knot and say, for instance, that the freedom of the intellectual is the extent to which he is allowed by society to show an independent attitude towards Objective Truth, we may at once ask whether it is not begging the question to suppose that a similar idea, let alone the rights to protect it, existed in antiquity. If it did not, or only up to a certain extent, should we not conclude, that our subject is anachronistic? Was intellectual freedom ever a real issue in the ancient world?

[2] Pliny, *Ep.* IV, 11,1: *Audistine Valerium Licinianum in Sicilia profiteri?*; Cf. on his uncle *Ep.* III, 5.

But let us abstain from a nominalistic scepticism. Even if the notion of intellectual freedom were a modern one, there were very many learned or less cultured intellectual men in the world of Rome, who knew, often by sad experience, that their beloved *studia* were related to the historical context of a society, that drew up the horizon of their independency. They had to take account of the limitations of freedom, given by the social context. How did they experience their relation towards Truth within the social and political order? And how did the idea of intellectual freedom, understood in ancient terminology, come to be?

In his excellent book on *Democracy Ancient and Modern* Moses Finley says: "There were no theoretical limits to the power of the state, no activity, no sphere of human behaviour, in which the state could not legitimately intervene provided the decision was taken properly for any reason that was held to be valid by the Assembly. Freedom meant the rule of law and participation in the decision-making process, not the possession of inalienable rights. The Athenian State did from time to time pass laws abridging the freedom of speech . . . If they did not do so more often, this was because they did not choose to, or did not think to, not because they acknowledged rights as a private sphere beyond the reach of the state".[3] Apart from some specific words like 'Assembly' and 'participation in the decision-making process', we may quietly say, that this holds good for Rome as well. However, research on Roman *libertas* often suffers from a heavy dependence on modernistic notions like "fundamental" or "personal rights". Recently, Jochen Bleicken [4] has shown, that the "liberale Freiheitsbegriff" was often harmful to the understanding of liberty as a specific Roman notion. As Mommsen realised, the renaissance of studies on Roman Private Law was simultaneous with the emancipation that lead people of Europa to national freedom and private rights as citizens. The spell of *libertas*, as a political catchword of the Roman *populares*, could easily bring forth theories, according to which *libertas* had a democratic tinge or an emancipatory colour. Of course, this was not entirely mistaken: many passages in Livy

[3] M. I. Finley, *op. cit.*, 78.

[4] J. Bleicken, *Staatliche Ordnung und Freiheit in der römischen Republik* (1972).

and Sallust, where *libertas* is passionately called upon as the basic value of Roman political life against tyrannical behaviour of magistrates or a *factio paucorum*, testify to the desire for the maintenance of certain rights, that are "unalienable" to the *populus Romanus*. In the course of Republican history, *libertas* as a battle-cry came to imply the vindication of political rights or the protection of fundamental "liberties" against arbitrary power or power-presumption. Unfortunately, however, liberal historians tended to detach a very concrete political notion from its specific historical context and thought that *libertas* was the final horizon, the aim of law-making itself. To the Roman mind, however, laws were the expression of *libertas*, freedom found a concrete shape in the articulation provided by law.[5] Laws defined certain spheres which had to be protected against intervention from outside, without the warrants of legalized full powers. So *libertas* presupposed not so much natural freedom of the individual man, as a society of citizens, articulated in a broad spectrum of distinctions, competencies and power, according to status and prestige. It was a formal notion, it forbade more than it allowed and it implied the defence against very concrete misuse of power in a community, where the hierarchy was taken for granted and the rights of those with legal authority to intervene was never questioned.[6] Even the great social programs (the Gracchi!) were never launched under the device of emancipatory *libertas*;[7] as a battle-cry of the *populares* it was a call for reform in a society, where the behaviour and privileges of the groups, that detained authority, were no longer felt to be a guarantee against oppression. As a *vindex libertatis*, the first Princeps did not forward a democracy, but the reestablishment of the right and lawful order of the state. Those, who rejected his new order as a menace to *libertas*, did not think him a bad "democrat" but a new master, threatening their privileges.

[5] The idea that laws created freedom and that certain political rights were *iura libertatis* rests on very weak foundations, cf. Bleicken, *op. cit.*, 31 ff.

[6] Cf. R. Syme, *Roman Revolution*, 154 ff.; D. C. Earl, *The Political Thought* of *Sallust*, 54 ff.; Id., *The Moral and Political Traditions of Ancient Rome*, 54 ff.; C. Wirszubski, *Libertas as a Political Idea at Rome* (1950), II and III; H. Kloesel, *Libertas* (1933), passim; Bleicken, *op. cit.*, passim.

[7] Cf. Bleicken, 52 ff.; Wirszubski, 44.

Freedom, as Livy and others knew, was based upon the mutual recognition by different groups of a system of laws, rights and defined sectors of power that formed the tissue of the commonwealth and bound all citizens together in the *res publica*. Historically, this was a process of trial and error, something that had to be learnt, like concord itself. After the expulsion of the kings, Livy said, people had to get accustomed to living together and to accept a *tranquilla moderatio imperii*, before they could reap the fruits of *libertas*.[8] Freedom did not imply a return to an original state of nature, but the growing up to adulthood of the commonwealth, that learned to protect itself against the anarchy of private license by a variegated complex of safeguards.

If in such a coalescent society illegal intervention in the private sphere was often forestalled by laws, this did not mean that as a citizen you could claim specific freedoms, based on the overruling value of individual life over and against the "state". Being rooted in the *res publica* Freedom based on the claims of a Superior Authority (universal Truth, humanity, Religion) could not be vindicated against the State. Nobody could think of subsuming intellectual freedom as an unalienable and individual right under specific categories of *libertas*. Of course, that does not mean, that such a private sphere did not exist. The fact, that in the Roman scale of value "la culture n'est admise que si elle . . . accroît la valeur sociale de l'être",[9] does not imply a permanent pressure from above upon intellectuals through state-control; in the higher classes of society social prejudice might be an obstacle to a too ready withdrawal towards "privacy", but officially nobody would intervene. Except when public morality seemed to be in danger, the Romans were tolerant from indifference.[10] The aristocracy was more sensitive to slander from below than to intellectual free-

[8] Livy, 2, 1, 3-6; 38, 54, 24; Tac. *Ann.* 2, 4; Val. Max. 8, 9, 1; Wirszubski, 3: "It is therefore clear that the Romans considered libertas as a civic right, not as an innate right of man." From a different point of view, however, nations could have a kind of authentic, original freedom before they were spoilt by civilisation (cf. Tacitus' *Germania*).

[9] Bardon, *art. cit.*, 107.

[10] Social behaviour, that fostered strong ties of group-loyalty and tended to disrupt society (cf. the Bacchanalia-affair) was a matter of serious concern for the Roman state at all times. State control, however, intended to "free" people from such (religious) deviations!

thinking. If I am not mistaken, the very paternalism of Roman aristocratic society forestalled movements of collective panic and enforced conformism, such as we know from the history of democratic Athens. The hierarchy of patronage absorbed much, that could have been felt to be a menace in a homogeneous democratic state. But then, the Romans had no Socrates, no Anaxagoras and the problem of the Christians was far ahead.

Let us consider now intellectual life in Roman society of the later Republic. Personal culture gradually became part of the equipment of the upper classes. Law, eloquence and history were the main fields, in which the aristocracy exercised its capacities. Philosophy, somewhat more suspected,[11] was mainly a hand-maid towards an attitude in life, enabling you to base the codes of political and social behaviour upon more universal concepts or making you less vulnerable against *fortuna*. On one thing there was no disagreement: intellectual activity of this kind was incompatible with dependency on others. For a man of the upper-classes to exercise intellectual activities never meant to practice an intellectual "profession". The Romans formulated their aristocratic scale of values with the backing of Greek philosophical thinking. But they refashioned the ideas of e.g. Aristoteles on free studies of a non-technical kind versus βάναυσοι τέχναι or the "banausic attitude",[12] in accordance with their own status-patterns. *Artes liberales* were respectable as being the activities of men, who were not only free in the sense of personal status, but also in the sense of being not obliged to exercise their pursuits in a contractual relationship to superiors.[13] If some salaried professions like those of architects, doctors, teachers had a *non mediocris*

[11] Cf. Cicero's plea for the emancipation of philosophy in *Tusc. Disp.* 1, 1 ff. and his arguments against anti-philosophical prejudice in *De fin. bon. et mal.* 1, 1-10.

[12] Cf. F. Kühnert, *Allgemeinbildung und Fachbildung in der Antike*, Deutsche Akad. der Wiss. zu Berlin, Schriften zur Sektion für Altertumswiss. 30, 1961; D. Nörr, *Zur sozialen und rechtlichen Bewertung der freien Arbeit in Rom*, ZSS Röm. Abt. 1965, 67-105; J. Christes, *Bildung und Gesellschaft* (1975).

[13] Cf. Nörr, *art. cit.*, 75 and 78, and the characteristic passage in Nepos, 18, 1, 5: (scriba), quod multo apud Graecos honorificentius est quam apud Romanos. namque apud nos, re vera sicut sunt, mercennarii scribae existimantur . . . (cf. also Festus, p. 446 L).

utilitas they were only worthy of a free man, if they were exercised by those *quorum ordini conveniunt*—that means *not* for the senatorial class—as Cicero argues.[14] More important, however, was the idea, that intellectual activity had to be directed towards practical utility.[15] Even "experts" in the fields of the *artes liberales* stood lower on the scale of values than the dilettante, who brought his education to bear on the *usus vitae* or *ipsa res publica*.[16] Freedom in the sense of disinterested, purely mental and intellectual activity, could hardly be interesting to the average upper-class Roman intellectual, who scorned the Greeks for their unpractical theorising. Being independent, not working in the service of others, except within a context of honour *beneficii loco*, educated upper-class Romans displayed their intellectual gifts and learning for the benefit of the state and society, whether as political veterans, evaluating the vicissitudes of Roman history, or as political speakers on the political and juridical platforms. When they had to take account of the obligations of social life (*amicitia*!) and other social liabilities, they would hardly have thought their intellectual contributions enmeshed by the susceptibilities of the social environment. Only in situations of high political tension, when the battle for *dignitas* seemed to pervade the whole commonwealth and imperil *libertas* itself, some of them withdrew to mere intellectual activity as a kind of second best, like Cicero during the reign of Caesar. The embittered Sallust took leave from the political life (or had to leave it) and started writing history, as a man "free from political passions", as he thought. His reappraisal of the Roman past was in his own eyes none the less a contribution towards political culture and as such much more useful than the sordid pastimes of his corrupt contemporaries.[17]

To such men and in such situations intellectual activity could be a way to escape from the corruption and disintegration of society,

[14] Cic. *de Off.* 1, 42 (150); cf. also M. I. Finley, *The Ancient Economy* (1973), 42 ff., 50 ff. and Christes, *op. cit.*, 215: "Nicht die Art der Tätigkeit also bestimmt den sozialen Rang, sondern, umgekehrt, weist der soziale Rang, in den der Einzelne hineingeboren ist oder durch den Lauf des Schicksals gerät, ihm die seinem Rang entsprechenden Tätigkeiten zu".

[15] Cf. Christes, *op. cit.*, 169 ff.

[16] Cf. Laelius in Cicero, *De Rep.* I, 30.

[17] Sall. *Cat.* 4, 1-4; *Bell. Iug.* 4.

where political *libertas* had disappeared. Their *studia* allowed them to detach themselves from a false world and to move into a realm, unaffected by corruption and arbitrariness. The large horizon of philosophy or history was free from the passions that dazzled public life. In such times, the intellectual world was the only place where they could work and contribute to the public well-being. Yet if they were free to move into this world, this was less because of the dignity of disinterested "research" as such than because they were constrained to do so by circumstances beyond their grasp. However, in his later philosophical works Cicero heralds the definite emancipation of intellectual activity, free from the restraints of utilitarian or other prejudices: *Etenim si delectamur, cum scribimus, quis est tam invidus, qui nos ab eo abducat? sin laboramus, quis est, qui alienum modum statuat industriae?*.[18]

Far from being a definite social group, intellectuals at Rome are to be found at various levels of the spectrum of society.[19] Firstly, there was a broad infrastructure of teachers, professional experts, technical advisers, whose importance increased with the many-sided duties of ruling an empire. Many of them were of foreign origin, captured as slaves and freed by their masters, to whom specialised knowledge in law or rhetoric, or personal education as a status-symbol became indispensable. The well-known type of the Greek intellectual slave, freedman or free *peregrinus* whose contributions towards literary culture were highly estimated, but who never attained the social respectability of the intellectual amateurs of the upper classes, does hardly need special comment.[20] Aside of them, we find the poet-as-immigrant who is entitled to official estimation, if he, like Livius Andronicus, offers his contribution to the public cults and festivities of the state.[21] The latter type of "anonymous functionary" was, more often than not, *materially* dependent on public honour—*honos alit artes* [22]

[18] Cic. *Tusc. Disp.* 2, 3. Cf. *Ad fam.* 9, 2, 5 (46 B.C.): *modo nobis stet illud una vivere in studiis nostris, a quibus antea delectationem modo petebamus, nunc etiam salutem.*

[19] Bardon, *art. cit.*, 96: "On est frappé par la diversité de leurs origines".

[20] Cf. S. Treggiari, *Roman Freedman during the Republic* (1969), 110 ff.

[21] Cf. Bardon, *Lo scrittore nella civitas*, Studi Romani 3, 1955 515 ff.; Christes, *op. cit.*, 171.

[22] Cic. *Tusc.* 1, 4.

as Cicero remarked, irrespective of the intrinsic value of their occupation. Society could and did profit from the prestige of learning and education, but the status-prejudices of the Romans were hardly altered by this fact: Cicero and the Elder Seneca recorded that some things are apparently honourable to be taught but less fashionable to teach (eloquence!).[23] In a way, those persons were from a social point of view less free than the upper-class intellectuals. They were dependent on patrons, on the whims of the government, that might close schools [24] or banish suspected free-thinkers and did not care too much for their living conditions. It is hard to say, however, whether they perceived their situation as detrimental to their intellectual freedom. Greeks like Theophanes of Mytilene, Apollonius, Archias, who enjoyed the protection of powerful Roman statesmen, knew what was expected from them in toadying their superiors but such was the way to glory and influence and they never considered their freedom seriously enmeshed by liabilities that could produce tangible results for themselves or their homelands. Perhaps, they were not representative of the average "client-intellectual", but the men, listed by Suetonius in his work on rhetoricians and poets, had a keen sense of their importance in the battles of political propaganda. It is hard to say how harmful patronage really was to the intellectual freedom.[25] Some intellectuals might be suspected of dangerous and subversive influence on their Roman superiors, like the Greeks Blossius and Sphaerus in the environment of Tiberius Gracchus; [26] it is less important to know whether such suspicions were founded than to see that they could arise. Protection in the private sphere does not necessarily entail ideological conformism. Waves of distrust against philosophers, teachers of rhetoric and others (doctors) presuppose that the establishment had often some difficulty to get a grip on what was happening in the "free" in-

[23] Cic. *Orat.* 11, 141 ff.; Seneca Rhetor, *Contr.* 2 pr. 5 (cf. Nörr, *art. cit.*, 70).

[24] Suet. *De Gramm.* 25, 4; Aul. Gell. *Noctes Atticae* 15, 11, 2; Cic. *De orat.* 2, 93-94.

[25] On the careers of intellectual freedman as "friends" cf. Treggiari, *op. cit.*, 110 ff.; Bardon, *art. cit.*, 97; W. C. Anderson, *Pompey, his Friends and the Literature of the first century B.C.* (1963), 57 ff.

[26] Plut. *Tib. Gracch.* 8, 5; Cic. *De Amicitia* 37.

tellectual world. Unorthodox intellectual thinking could be concealed behind the vertical units of the patron-client relationship.

There is no substantial reason to think that lack of status-dignity excluded intellectual outsiders from the—sometimes precarious—tolerance of Roman society as a whole. When during the civil wars this society was menaced by fragmentation and disintegration, "dependent" intellectuals often showed a remarkable loyalty to their masters. Some others could fare a course of their own, even if it implied losing credit with one of their superiors in different camps.[27] But even if *fides* was expected, it was hardly in the "ideological" sphere. Pure intellectuals of the professional kind were not censured for a too "neutral" attitude, like Atticus, who was admonished to "hate" somewhat more.[28] There was no action against intellectual "anti-Roman activities": the irresponsible Greek, who played off Alexander the Great against the Romans, and is duly censured by Livy on this account, could freely ventilate his opinions.[29] Timagenes, captured in Alexandria in 56 B.C., who kept to his refractory mood, even though he lost the friendship of Augustus, was highly respected and could establish a school of his own.[30] Perhaps some people were just more free for being outsiders. Anyhow, there was no organisation of public opinion, no obtrusive conformism. There was simply too much competition. We find, nevertheless, a somewhat paradoxical situation: pure intellectuals were dependent for being obliged to bow to the Roman value-codes of *utilitas* and service to the commonwealth. Ideas counted for less than social codes.

With the coming of the Principate some things changed. The battle between *principatus* and *libertas* has often been described.[31] What about intellectual freedom? Tacitus, looking back after the gloomy last years of Domitian, says that the happy days had

[27] Treggiari, *op. cit.*, 119 ff.

[28] Corn. Nepos 25.9.7.

[29] Livy, 9, 17-19.

[30] Cf. G. W. Bowersock, *Augustus and the Greek World* (1965), 109-111; 125-126; B. Forte, *Rome and the Romans as the Greeks saw them* (1972), 193-195.

[31] Cf. *Prinzipat und Freiheit* (ed. R. Klein 1969); Wirszubski, *op. cit.*, 97-171; M. Hammond, *Res olim dissociabiles*; *Principatus et libertas. Liberty under the early Empire*, HSCPh 1963, 93 ff.

dawned that one was "free to say and to think what one liked".[32] He had been living through a period in which *studia et ingenia* had been persecuted. Domitian's last years were not characteristic of the atmosphere of the principate during the first century as a whole. Yet, in his Agricola Tacitus seems to think that the new era saw the reconciliation of *res olim dissociabiles, principatus et libertas*.[33] This implied that freedom had been under *constant* threat.

It is not difficult to register deplorable events like book-burnings and persecution of those who had written undesirable monographs or allowed themselves dangerous allusions. There were waves of oppression, enforced conformism, examples of arbitrary intervention from above. Nevertheless, we should distinguish between reigns of terror, that were atypical (Nero, Domitian) and the general climate of the Principate. And even if intellectuals were persecuted, we should ask to which category the victims belonged. When Pliny says that during the reign of Nero all higher studies were brought down, he surely does not include men like Petronius.[34] Such men did simply not belong to the circle of fashionable *literati*, the only true representatives of culture in Pliny's eyes.

If free opinion, according to Tacitus, was oppressed, who took offense? Of course, *impietas in principem* was a serious matter.[35] However, it would be too simplistic to judge the whole spectrum from the point of view of "tyrant-versus-subject". During the reign of Tiberius, Suetonius tells us, the emperor said *in libera civitate mentes liberas esse debere* and voted against the suggestion of the senate to enforce the laws against slander.[36] It would be simply a presumption to say that such a reaction of the princeps was atypical. We may only surmise that such lofty ideals were no longer attainable in the face of the changed political situation. Indications that giving offense to respected or less worthy members

[32] Tac. *Hist.* 1, 1, 6: — *rara temporum felicitate ubi sentire quae velis et quae sentias dicere licet.*

[33] Tac. *Agr.* 3.1..

[34] Pliny, *Ep.* 3, 55.

[35] On the whole subject of *Maiestas* see now R. A. Bauman, *Impietas in principem. A study of treason against the Roman Emperor with special reference to the first century A.D.* (1974).

[36] Suet. *Tib.* 28.

of the senatorial class was as dangerous as offending the monarch itself, are far from exceptional.[37]

Society itself was clearly more "touchy" than before. Tacitus observes, that as a result of *adulatio* great talents disappeared, that maliciousness was falsely called "freedom".[38] This means, that the whole climate was pervaded by a mental perversion—not that enraged tyrants exercised a permanent reign of terror.

Flattery, hatred, the dying out of great talents reflect a development, that has to be explained. Those were reactions of men, who were not fundamentally different from Romans in other ages. Evidently a situation had come to be in which you were expected to behave cooperatively. What did happen? Perhaps the most important thing is that competition had fallen away. When the first *princeps* monopolised patronage, clients were no longer free to choose their patron in the *res publica*. Protected and encouraged by the super-patron, you could not afford to participate any longer in the play of political rivalries, that was characteristic of the late Republic. As long as the *vindex libertatis* only encouraged an attitude of loyalty and cooperation, this had no serious consequences. Of course, poets like Vergil and Horace, who needed imperial protection (poets were always more "dependent" than orators or historians) could not afford to cling to refractory sentiments, like historians or rhetorical stars.[39] But when the system became established, there was a lack of real alternatives. *Fides* and *officium* towards the monarch and his new order became political conformism or *adulatio*. The Elder Seneca, who cherished no illusions about the status of *libertas* in his age, was astonished

[37] Of course, this holds good in the first place for "philosophic" opposition. Cf. Cass. Dio 65, 13.1-15; Epict. *Diss.* 2, 12, 17-25; 3, 3, 15 and 3, 8, 7 (R. MacMullen, *Enemies of the Roman Order* (1961), 57 ff). Even during the reign of Vespasian a historian, Cluvius Rufus, showed a deferential attitude towards the respectable Verginius Rufus, apologising for having written certain things that were probably not to his liking. Cf. Pliny on the difficulties of writing history about *intacta et nova*: *graves offensae, levis gratia* (*Ep.*, 5, 8, 12).

[38] Tac. *Hist.* 1.1.2.

[39] Cf. R. Syme, *The Roman Revolution*, chapt. XXX ("The Organisation of Opinion"); D. Flach, *Die Dichtung im frühkaiserlichen Befriedungsprozess*, Klio 1973, 133 ff.

to see that the "rebellious" Labienus under Augustus kept to his ostentatious liberty *in tanta pace*.[40]

But Augustus did more than tying people to himself by loyalty. He fixed and reestablished the hierarchical and pyramidal structure of society, by guaranteeing *dignitas* to those who had lost real political freedom. Precisely because political freedom was lost, *dignitas* counted for much and the susceptibility to *offensio* became greater. It is interesting to see that contumacious zealots like Cassius Severus or Labienus under the first *princeps* ventilated their scorn against society as such, not only against the *princeps*; they were duly hated for it by their enemies; they acted against *bonos mores*.[41] An attitude of intransigent criticism was a challenge to the cooperating establishment. It can be maintained that the principate revigorated social sensibilities, that had always been a potential or real threat to freedom of opinion in Rome. The competition, that had been more or less a check against public conformism in the later Republic, was abolished.

One came to realise, that freedom supposed more than benignant tolerance; it presupposed the publicity of political life itself.[42] When Tacitus describes the action against Cremutius Cordus in one of the most "engaged" passages of the Annals, he ends with a violent outburst against all those who punish great intellects (*ingenia*).[43] But he does not make a plea for intellectual freedom as a specific right; he despises the stupid attempts of those, who try to demolish everlasting glory by time-bound *potentia*. Freedom of conscience is less important than the free public environment, that guarantees to intellectual work the social esteem it deserves. When the *res publica* was expropriated, *magna ingenia* died out.

[40] Sen. Rhetor, 10 *praef.* 5.

[41] Cf. D. Henning, *T. Labienus und der erste Majestätsprozess de famosis libellis*, Chiron 1974, 245 ff.

[42] Tac. *Ann.* 4, 32-33. "Just because the Principate de facto abolished political assemblies—with the exception of the senate—the connection between freedom of speech and political freedom became generally recognised" (A. Momigliano-S. C. Humphreys, *The Social Structure of the Ancient City*, Acc. della Sc. Norm. Sup. di Pisa, Cl. di Lettere e Filosofia, ser III, 1974, 331 ff., esp. 342).

[43] Tac. *Ann.* 4, 34-36. Cf. recently W. Suerbaum, *Der Historiker und die Freiheit des Wortes*, in *Politik und Kunst im Werke des Tacitus*, ed. G. Radke (1971).

To the Elder Seneca book-burnings and the dying out of great talents were coincident.[44] Some people, like Germanicus or Manilius in their works, held that the peace and security offerred the possibilities to become "free" for higher studies, like the unpolitical one of astronomy.[45] But Pliny the Elder complains, that the new occasions for study, given with the unity of the world and improved communications, were mainly exploited *lucri, non scientiae causa*.[46]

The factor that most contributed to the feeling of malaise, was the lack of substance in public life itself and the lack of a real alternative. Peace and security were hardly debatable issues. If you did not like present conditions, you had to move away. Under these circumstances intellectuals turned to scholasticism or evaded into the realms of fancy. Historians paid honour to the deceased; rhetorical exercises were centred round imaginary situations, philosophers modelled their life after idealised heroes and cherished their memory.[47] *Studia* became a way to the discovery of the unreal or the inner resorts of the soul. The most interesting example is Seneca. The free man should not be detached from society, he should hold up a mirror to it by proclaiming the *Rex Iustus* or the invincible values of *constantia* and humanity. But bitter experience told him, that neither the *Rex Iustus* nor Universal Reason could be made applicable to the realities of political life. But even if you had to abstain from politics you could save your soul. The fruit of abdication was inner liberty, supported by philosophical doctrine. Perhaps nobody has shown a deeper understanding of the frustrations of the intellectual in his days than Seneca in his *De Tranquillitate animi* or *De Otio*.[48] But the home he finally offered was the soul and the Universe. Such a man would never have pleaded for a "Freiheitsrecht" of the philosopher,

[44] Sen. Rhet. 10 praef. 7 (cf. H. Klingner, Mus. Helv. 1958, 199).

[45] Manilius, *Astr.* 1.7 ff.; 1.384 ff.; Germanicus, *Aratea* 11.

[46] Plin. *Nat. Hist.* 14.1; 14.5.

[47] W. Richter, *Römische Zeitgeschichte und innere Emigration*, Gymnasium 1961, 296 ff.; Flach, *art. cit.*, 168.

[48] Cf. the excellent observations of Momigliano in his unpublished lecture on Seneca (*Quarto Contributo alla storia di Studi Class.* 1969, 239 ff.) I. Lana, *Seneca et la posizione degli intellettuali romani di fronte al principato* (1964).

the only really free man in Seneca's eyes.[49] Man could be made conscious of his own inner freedom within or, if necessary, against the adversities of the world and against his own inclination to assimilate himself to the morality of the age. Such a man had a higher kind of authority to aspire to than the potential warrants from the state for freedom of conscience.

What finally was offered by the state, was not political liberty but real security. The reconciliation between monarchy and freedom from Nerva onwards was not symbolised in a codification of intellectual "rights", but it implied freedom from fear. Certainly Tacitus knew the price that had to be paid.[50] But this is far from saying that intellectuals woefully acquiesced to live and write with the small margin of freedom that was left to them. Like Tacitus, many people will have realised that ancient political freedom was something of the past. It had shown its own disadvantages, and though it could be made into an idealised standard of reference, the old *libertas* had too often been accompanied by license and inhumanity.[51] It is hard to prove that Tacitus became increasingly more embittered and disappointed. His plea for a sensible *modestia* sometimes appears to be the fruit of sad resignation, but more often of an attitude of confidence.[52]

In this consolidated world intellectual activities gradually acquired official recognition and status.[53] The scepticism of the Roman amateur-intellectual against schools and against intellectual activity that was not directed to *usus*, was disappearing in the face of the increased importance of specialism in different fields, law, medicine, agriculture. Even philosophers, still much distrusted by Vespasian and persecuted by Domitian, became respectable. An emperor could say about a Greek "philosopher", that he did not understand much of his theories but that he was fond of the

[49] See his rejection of all *artes liberales* as directed to material advantage in *Epist. mor.* 88, 1 ff.

[50] Cf. *Ann.* 3, 28, 7: *deditque iura, quis pace et principe uteremur.*

[51] Cf. the sensible remarks on the Maternus-speech in Tacitus' Dialogue in D. Flach, *Tacitus in der Tradition der antiken Geschichtsschreibung* (1973), 204 ff.

[52] Cf. W. Liebeschütz, *The Theme of Liberty in the Agricola of Tacitus*, Class. Quart. 1966, 126 ff.; Flach, *Tacitus* (cf. note 51), 198 ff.; Wirszubski *op. cit.*, 165 ff.

[53] Cf. Christes, *op. cit.*, 228 ff. ("Ausblick auf die Kaiserzeit").

man.[54] The emperor was Trajan, far from being an intellectual himself, and the adviser was Dio from Prusa, who returned to philosophic counseling after having abjured philosophy when it was still dangerous.[55] Had even philosophy turned out to be a servant of the imperial establishment? I do not think so: rather philosophers threw the whole weight of stock arguments about right and judicious ruling into the somewhat empty vessels of Roman administrative practice and the government was grateful enough to recognize the value of such an ideological assistance. Some radical busy-bodies, like the Cynics, might rumble in the margin but these non-intellectuals were mostly met with repressive tolerance.[56]

Liberalitas counted for more than *libertas*. From Vespasian onwards grants, privileges and endowments, *immunitas* and state-salaries for professors gradually freed intellectuals from subsistence-problems and from the whims of private generosity.[57] This is one of the typical paradoxes of Roman cultural history: an intellectual establishment came into existence when the days of ancient *libertas* were irrevocably past.

To a Greek intellectual of the 2nd Century A.D. like Aelius Aristides the great Roman world was the embodiment of freedom, as being a perfect democracy of security and harmony. Freedom is not rooted in special laws but in the judicious administration, that warrants humanity, social distinction and freedom to travel in a pacified world.[58] Cooperation with the Romans did not imply self-abasement for Greeks, who had never lived through the painful experience of the battle between *libertas* and *principatus* and who had learnt, that the prestige of Greek culture was safely maintained by the harmony and concord of the Roman world and philhellenic Emperors. The great cultural ambassadors of the

[54] Philostratus, *Vitae Sophistarum* 488. The incident is met with sceptical doubt by W. C. Wright in his Loeb-edition, p. 21.

[55] Cf. G. W. Bowersock, *Greek Sophists in the Roman Empire* (1969), 47-48; 110-112.

[56] R. MacMullen, *op. cit.*, 62 ff.

[57] Cf. Iuv. *Sat.* VII, 1: *Et spes et ratio studiorum in Caesare tantum.*

[58] Cf. Ch. Starr, *The Perfect Democracy of the Roman Empire*, AHR 1953, 1 ff.; J. Bleicken, *Der Preis des Aelius Aristides auf das römische Weltreich*, Nachr. Gött. Akad. d. Wiss., phil.-hist. Kl. 1966, n. 7.

Second Sophistic showed a self-consciousness, even in the face of Emperors, that is not only indicative of the prestige of rhetorical culture. The government did not like to lose its face by intimidating men, who never questioned the order of the state itself and did a lot of good by their public generosity and their pleas for concord and peace in the cities of the Greek world.

To Greek intellectuals, indeed, the problem of freedom had often been a different one from that of their Roman colleagues. From Polybius onwards, they had taken profit from Roman patronage; Roman superiors respected them and were often proud to have Greek writers at their sides.[59] The political aspect was not prevalent in such relations—though it might always be wise to know "what was in the air" and to change duly allegiances. Such man would, therefore, never had understood why *ingenia* had to disappear. If this had to happen it was not for lack of the freedom of "democracy", but because of a materialistic attitude, as the writer of "On the Sublime" suggests.[60] Cosmopolitism and the background of specialistic Hellenistic learning furnished ample opportunities to envisage the Roman world in a rather independent way. Association with the Roman aristocracy remained predominant during the Empire. It is interesting to see that Nicolaus of Damascus has to defend himself against *Greeks*, that found him too congenial with common people and slaves and not enough occupied with cultivating the rich.[61]

Freedom, as the Greeks knew, could be imperilled by a too ready compliance with the prestige of culture. Lucian, who put to the pillory the disastrous results of flattery in contemporaneous Greek historiography, was very indignant about Greeks who offered themselves as cultural hirelings with wealthy Roman families.[62] But could one keep to the hallowed codes of Plato,

[59] On the influence of Pompey's literary friends cf. Anderson, *op. cit.*, Forte, *op. cit.* and Bowersock, *Augustus and the Greek World*, passim.

[60] *Anonymus de Sublimitate*, 44 ff.

[61] Nicolaus Damascenus, FGrH 90, fragm. 138.

[62] Lucian, *de mercede conductis*. It is far from easy to say to what degree such a satiric outburst is characteristic of the de facto situation of Greek intellectuals in Rome. Cf. B. Baldwin, *Studies in Lucian* (1973), 115: "Nothing seems more likely than that Lucian's animadversions were inspired by an unfortunate experience at the hands of a Roman Lord Chesterfield; alternatively, that he had been displaced from favour by a composer of erotic ditties or a longhaired philosopher."

when intellectual activity had become remunerative and a way to career? Lucian himself was not bashful about the high wages he could earn in the service of the Roman Emperor.[63]

If imperial legislation contributed to a certain degree of independence for "professionals" on the material level, this only meant an incorporation of intellectuals in the often rigid status-spectrum. There was enough application for freedom from *munera*; nobody seems to have applied for freedom of thinking on the base of a new evaluation of thinking. A great scientist like Galen did much to enhance the prestige of his profession by ingenious attempts to class it in fashionable categories of *technai*. He showed the pride of his supreme command of specialistic learning, against a background of philosophical theory.[64] But this was the terminus of a tendency, in the Roman world, to free professional knowledge from the stain of its social disrepute. Fighting for the right to be a dissident in such a world would have been unthinkable. To be free as an intellectual meant to be emancipated enough to belong to the new class of dignitaries. Perhaps the recognition of professional intellectualism was the highest point ancient society could attain. It implied the definite victory of those who had, for ages, belonged to the indispensable experts and who, whether poor or rich, owed their status to the gratitude of the upper class, not to the dignity of their profession in its own right.

The real menace to intellectual freedom remained the same: the urge for conformism. When Imperial society had to close its ranks against the barbarians, the Christian break with tradition, or later, the heresies, it was the religious dissident, not the intellectual, that felt the oppression. Maecenas' warning to Augustus (in the famous speech in Cassius Dio) not to tolerate religious deviations, was put into practice, as is shown in the law-codes and e.g. in Diocletian's decree against the Manicheans.[65] When political loyalty implied a more rigid, ideological conformism, intellectuals did suffer from being suspected to dispose of unverifiable powers, like magicians, not from being too free towards authorities. Their reactions reflect the changing spirit of the times. Tacitus pleaded

[63] Lucian, *Apologia*.
[64] Cf. Galen's highly interesting *Protrepticus*.
[65] Cassius Dio 52, 36, 2 ff. Cf. MacMullen, *op. cit.*, 130, with notes.

for *libertas*, the philosophers Seneca and Epictetus vindicated the unassailability of the wise man in the face of the cruel tyrant. In the fourth century A.D., however, it was not so much freedom and eloquence that were coupled as eloquence and the maintenance of the old gods.[66] And the Neo-Platonic philosopher Simplicius declared, when Iustinianus closed the Academy of Athens in 529 A.D.: "Though the soul may be enforced to profess an impious doctrine, she can never be forced to inner assent or belief".[67] The intellectuals did not plead for freedom, they pleaded for tolerance: *uno itinere non potest perveniri ad tam grande secretum.*[68]

In his somewhat cursory treatment of *Science and the State in Greece and Rome*, Th. Africa declares with gloom: "In the Greco-Roman world men of science were defenseless against persecution because the demands of society had priority over individual rights".[69] Being dependent on patronage and subsidies, Hellenistic and Roman scientists were apologists for the existing order. The obvious assumption is that more individual freedom, guaranteed by unalienable rights, would have contributed to a smaller degree of conformism. However, we may ask whether this point of view is not anachronistic. Given the number of victims of repression and persecution it seems very strange, that the fight for intellectual freedom as a private right never really began. There is no reason to think, that intellectuals in antiquity were more docile and subservient than in other times. The number of those. who were unhappy for lack of freedom, is impressive enough.

Somewhat hesitantly, I would like to give a few suggestions for a different evaluation. If intellectuals did not claim for a specific freedom of opinion and publishing, this merely stresses the fact, that the whole notion of the "intellectual" is a very dubious one. In his valuable study J. Christes agrees with Bardon, that, even in the world of the Empire, the intellectual is only recognized in so far he contributes to the ethics of society and to the improvement of his

[66] Cf. Libanius, *Or.* 18, 157; 232-234, voicing the mentality of the emperor Julian.

[67] Cf. A. Cameron, *The Last Days of the Academy at Athens*, PCPhS, 1969, 70 ff.

[68] Symmachus, *Relatio* 10. (Cf. e.g. R. Klein, *Symmachus* (1971), 85).

[69] Th. Africa, *op. cit.*, 92.

social status. The utilitarian principle, then, remains prevalent in the recognition of rank and status: "nicht aber bedingt umgekehrt der Geistcharakter dieser Tätigkeiten ihren sozialen Rang".[70] Intellectuals did not and could not form a coherent community on the base of their "Geistestätigkeiten"; they never became a pressure group, like *collegia* or religious sects. To fight for freedom never meant to reject protection, since the alternative freedom-protection would have been totally unintelligible. Freedom meant to be protected against the vicissitudes of pure arbitrariness and of material helplessness. If you belonged to the higher levels of society, you had to champion the cause of *otium*, with its strongly aristocratic connotations of not being obliged to work.[71] It is certainly true that patronage could lead to stringent obligations and that protection presupposes a basic assimilation to the whims of the protector. But it is very doubtful whether these factors did count for much in the face of arbitrariness, insecurity or lack of social prestige. As an intellectual you had no "proprietary-rights", not even on the products of your intellectual activity. You were free as a citizen, not as a member of an intellectual community. To apply for individual rights of freedom against society would have made you practically an outlaw.

If sometimes we get the impression, that intellectuals were defenseless against society, this cannot be taken to imply that they were too readily inclined to bow to the existing order. It had nothing to do with courage or cowardice. The point is, that intellectuals, when confronted with contingencies of social and political life, were inclined to evade towards the inassailability of wisdom, the laws of the universe or to either irrelevant or metaphysical resorts. If they ever thought of challenging the existing order, they spit against tyrants to prove their invulnerability, or conformed to outward adhesion, knowing that, if the political house was difficult to live in, you could with true freedom dispose of inner realms, that were less exposed to the whims of history. If Roman in-

[70] Christes, *op. cit.*, 241; Bardon, *art. cit.*, 106.

[71] In the world of Symmachus and his friends *otium* stands higher on the scale than political *negotia*. This is a typical reversion of the roles, compared with classical Roman values. But the fundamental distinctions are maintained. J. Matthews, *Western Aristocracies and the Imperial Court* (1975) pointed to the part of "affectation" in this attitude (p. 9-12).

tellectuals thought that the fruits of *otium* had to contribute to the welfare of mankind, they confronted the society with the values of tradition, however it came to be interpreted. The danger in such an attitude was the lack of a dynamic challenge to society: the result was stagnation. When, in the fourth century an independent engineer applied for protection with the emperors and offered them a highly interesting treatise on technical inventions which would enable them to cope with economic and material problems, that precluded efficient warfare, he pointed to the inventiveness of the barbarians.[72] There is no reason to think that his work was understood or had any influence. Perhaps the main hindrance to intellectual freedom was the power of tradition itself. In a changing and contingent world you always found a comforting paradigm from the storehouse of the inherited conglomerate, that enabled you to overcome the contingencies of history. Intellectual life did not suffer from lack of courage, it suffered from lack of amnesia.

[72] *Anonymus de rebus bellicis, praef.* 4 (cf. E. A. Thompson, *A Roman Inventor and Reformer* (1952)).