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JOURNAL OF THE CLASSICS STUDENTS' UNION
AT THE UNIVERSITY OF TORONTO

VOL. II   MMXVI

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EDITOR'S NOTE

In the academic world, and particularly at the University of Toronto, an undergraduate is a part of an immense cohort, with little to distinguish one from another. As a result, we often never find the opportunity to experience one of the core features of academia: publication. Our papers find audience with professors, instructors, and TAs, but what about our peers? Rarely, unless one is particularly insistant on sharing a pleasing paper with friends, do other students get to see the work of their classmates. *Plebeian* stands to give those desiring to share their work in a more formal setting the chance to do so. With this in mind, I, on behalf of the 2015-2016 Editorial Staff, am delighted to present to you the second volume of *Plebeian.*

The essays published in this year's volume are a demonstration of the impressive analytical and research skills expressed by students of the Classical world at U of T. While this volume might be jokingly called the 'Late Antiquity Issue,' the papers published in *Plebeian* show the wide range of interests within our student body – a testament to the universal impact of Classics on subjects in academia – from political history, to philosophy, to drama, to literature, to gender studies. It is my hope that students will pick up our journal and gain exposure to new arguments, fresh ideas, and thoughtful insights, spurring them on to explore topics which may have never before caught their eye. The collection of these works is meant to empower the reader in taking on new approaches to the work of their peers and the fascinations their research brings.

This publication would not have been possible without the tremendous work of many patient, punctilious, and purposeful people. I am immensely grateful for the long hours and painstaking work put in by our Editorial Board, in making these papers shine. I both apologize to and thank our Publishing Board, who spent a day and a night wrestling with our formatting program and spotting every period and comma out of place – no doubt you will have *Plebeian* Vol. II to blame when your eyesight fails at an early age. Thank you to our sponsors, the Arts and Science Students' Union and the Department of Classics, for their enormous generosity and desire to promote undergraduate work on campus. Finally, to our contributors I express my great appreciation, for having the courage to share their own work, and for sticking around through endless drafts and cheesy emails.

Thanks y'all, it's been a blast.
TAYLOR STARK, EDITOR-IN-CHIEF
March 2016

The Virgin and the Whore:
Powerful Women from Late Antiquity

Hana Carrozza

More so than any other period that falls under the umbrella of Classical Studies, late antiquity has many examples of women who were able to rise to and wield a significant amount of power. A large factor in this development can be credited to the spreading influence of Christianity, which led to the general increase in women's rights throughout this period. The rapid spread of Christianity brought with it a shift in the attitudes towards women during this time period, which helped to bring them greater respect.[1] Two incredibly powerful and influential women from this era were the empresses Pulcheria and Theodora. While each was a formidable woman in her own right, Theodora's colourful legacy survives history better than Pulcheria's, mainly due to Procopius' scandalous account of her formative years. These empresses were able to exercise a great deal of power in political and especially religious matters. The goal of this paper is to compare and contrast what each empress did while she was in power, largely focusing on what role each empress took in regards to imperial religious policy, and the different ways in which they were able to attain power in a male-dominated, religiously volatile society.

Pulcheria was born into royalty in 399 CE. She was the second child of the Eastern emperor Arcadius and his wife Eudoxia, making her the eldest of four daughters, the sister of the future emperor Theodosius II, and the granddaughter of the respected emperor Theodosius I. As she

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1.   James Allen Evans, *The Empress Theodora: Partner of Justinian* (Austin: University of Texas Press, 2002), 114.

was the oldest of her siblings, she became their de facto leader. Pulcheria and her siblings were still children when their father died in 408, which left Theodosius II in power even though he was only eight years old at the time. Since a child could not rule an empire, the power behind the throne was the praetorian prefect Anthemius. Yet when Pulcheria came of age she took matters into her own hands, and by 414 Anthemius disappears from the historical record completely.[2]

It is not clear how Pulcheria actually took over from him as the power behind the throne. Sozomen reports that when she was fifteen years old, Pulcheria "endowed with astonishing wisdom and prudence," took a public vow of virginity and forced her sisters to do the same.[3] He explains this bold decision as a way for her to avoid scandal and intrigue, as well as to prohibit men from entering the imperial palace.[4] Kenneth G. Holum believes that Pulcheria was thinking politically when she made this vow. Declaring herself a virgin meant she could not be married, and thus she could preserve the independence of the Theodosian dynasty while maintaining her power.[5] Shortly after disposing of Anthemius, Pulcheria was given the title Augusta and her bust was placed in Constantinople's senate house, along with her fellow Augusti, Theodosius II and Honorius.[6] Pulcheria's vow of virginity was the first time she used religion and her piety as a publicity tool in order to consolidate political power.

From the beginning, Pulcheria was able to exercise a great deal of influence over her younger brother. She was in charge of his schooling in academics, theology, and social graces.[7] When he was of age, Pulcheria even arranged his marriage to the Athenian maiden Eudokia (née Athenaïs). She was also responsible for imperial religious legislation, which limited the rights of Jews and Pagans, and was involved in the Persian War of 421-422 by personally selecting Gothic generals instead of Roman ones.[8]

Pulcheria was able to gain power by using religion and piety as publicity tools; she was extremely religious and lived an ascetic lifestyle. The historian Socrates reports that the imperial palace took on a monastic tone when Pulcheria came to power.[9] The first major instance of this is Pulcheria's involvement in the Persian War. Pulcheria was deeply invest-

2.   Kathryn Chew, "Virgins and Eunuchs: Pulcheria, Politics and the Death of Emperor Theodosius II," *Historia: Zeitschrift Für Alte Geschichte* 55/2 (2006): 214.
3.   Sozomen, *Ecclesiastical History* 9.1.
4.   Sozom., 9.1.
5.   Kenneth G. Holum, *Theodosian Empresses: Women and Imperial Dominion in Late Antiquity* (Berkeley: University of California Press, 1971), 96; Kenneth G. Holum, "Pulcheria's Crusade A.D. 421-22 and the Ideology of the Imperial Victory," *Roman and Byzantine Studies* 18/2 (1977): 158.
6.   Holum, *Theodosian Empresses*, 97.
7.   Sozom., 9.1.
8.   Holum, *Theodosian Empresses*, 98 (Jews), 100 (Pagans), 102 (Gothic generals).
9.   Holum, "Pulcheria's Crusade," 161; Socrates 7.22.

ed in Theodosius II's claim that he was "master of victory."[10] To secure public favour and promote the idea that this was a religious war, Pulcheria used her extensive connections in the church to have a relic of St. Stephen brought to Constantinople from Jerusalem.[11] Bringing this sacred relic to Constantinople was seen as a sign from God foretelling the Roman victory. Her choice of St. Stephen was symbolic, as it represented the Empire's crown of victory.[12] The symbolism stems from the meaning of the name "Stephen", which comes from the Greek word *stephanos*, meaning "crown." In 422, when the war ended with a truce, she was credited with the victory, due to her vows.[13] Her piety brought her the favour of God, which was extended towards her family and the empire.[14]

Pulcheria's vow of virginity was another use of religion as a political tool beyond preventing her from having to share imperial power with a husband. Her vow also allowed her to associate herself with the Virgin Mary, and as a result she promoted Mary as *Theotokos* (Mother of God). This epithet for Mary was hotly contested at the time and it drew Pulcheria into her first religious controversy. Nestorius, the Bishop of Constantinople, was staunchly against Mary's title of *Theotokos*. He and his supporters designed this controversy to undermine Pulcheria's influence.[15] His goal was to keep the prominent women of Constantinople under control.[16] Nestorius disliked the Augusta and when he became bishop of Constantinople he deprived her of many religious privileges she had previously enjoyed, such as receiving the Eucharist first along with members of the clergy.[17] Pulcheria realized that a great deal of her authority stemmed from her connection to the *Theotokos* so she fought back, even if it meant going against the emperor's own theological views. She used her religious connections, namely the controversial bishop of Alexandria, Cyril, to write letters condemning Nestorius. In 431 she helped to organize the Third Ecumenical Council, stacking the meeting with many of her supporters and choosing Ephesus as the location because it was sympathetic to her cause.[18] Pulcheria came out victorious and the people of Constantinople celebrated her victory over the hated Nestorius.[19]

Finally, the last major example of Pulcheria using religion as a tool comes from the end of her life. In 439 Pulcheria had been driven from the imperial palace by her sister-in-law Eudokia, her rival for influence over Theodosius II, and the powerful eunuch Chrysaphius. Eventually, Chrys-

10.   Holum, *Theodosian Empresses*, 101.
11.   Ibid., 163.
12.   Holum, "Pulcheria's Crusade," 164.
13.   Ibid., 172.
14.   Sozom., 9.3.
15.   Chew, "Virgins and Eunuchs," 209.
16.   Holum, *Theodosian Empresses*, 152.
17.   Chew, "Virgins and Eunuchs," 217.
18.   Holum, *Theodosian Empresses*, 164.
19.   Ibid., 175.

aphius got rid of Eudokia and became the sole power behind the throne. During his time in power he undid everything Pulcheria worked for with the Third Ecumenical Council by promoting the Monophysite faith over the Orthodox faith, which caused disharmony in the empire. His motive behind the changes to imperial religious policy stemmed from his familial relationship with Eutyches, a controversial Monophysite. Pope Leo I wrote to Pulcheria at the time, asking her to get Theodosius II back on Rome's side.[20] Holum suggests that Pulcheria might have intervened by explaining to her brother how dangerous and wrong Chrysaphius was.[21]

July 450 was a tumultuous month for Pulcheria. At the start of the month Chrysaphius was banished, allowing the Augusta to return to the imperial palace and resume her former role as the power behind the throne. Within a month Theodosius II had died in a hunting accident, leaving Pulcheria as the sole ruler of the Eastern Empire. Unfortunately for her, Roman society did not accept women as sole rulers, so Pulcheria once again took matters into her own hands.[22] She chose Marcian as her husband, a military man of unremarkable birth. Their marriage was unconventional as she was the one who led his coronation ceremony and he vowed to respect her lifelong virginity. With a man to sign off on her actions, Pulcheria worked quickly to undo the religious damage Chrysaphius had caused. In 451 she organized the Fourth Ecumenical Council and restored Orthodoxy in the East, though the Monophysites would continue to protest this council for centuries to come.

Pulcheria lived a remarkable life. She exerted social and political influence through her power, which stemmed from her religion, her cultivated connections, and her wealth.[23] She built many churches, monasteries, and hospitals for the poor.[24] She also partook in many acts of charity and cared deeply for the poor people of Constantinople. In her lifetime she saw to the continuation of the Eastern Church and Empire, as well as her own Theodosian dynasty.[25]

Born about one hundred years after the birth of Pulcheria, Theodora was her exact opposite. She was born to a family which was part of the theatrical world of Constantinople. Her father was reportedly a bear handler in the Hippodrome, her mother managed actresses, and her two sisters were actresses. Before becoming empress she was also an actress who was, according to Procopius' *Secret History*, very skilled in sexual acts. One of her most famous performances involved her undressing and hav-

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20.   Holum, *Theodosian Empresses*, 199.
21.   Ibid., 207.
22.   Ibid., 208.
23.   Chew, "Virgins and Eunuchs," 210.
24.   Sozom., 9.1.
25.   Chew, "Virgins and Eunuchs," 227.

ing trained geese eat grain off her almost-naked body.[26] Being an actress in Constantinople meant that Theodora faced disapproval from society based on Christian morals and ancient Roman ideas about social classes.[27]

In the early 520s Theodora caught the eye of Justinian, nephew of the emperor Justin. The future emperor was smitten and soon Theodora became his mistress, living with him in the imperial palace. They faced many obstacles before they could get married. With Justin's permission, in 523 Justinian made Theodora a patrician. This was not enough though, since there were archaic, status-based marriage laws in place preventing their union, and furthermore the empress Euphemia did not approve of Theodora and her Monophysite faith.[28] Yet Justin was fond of Theodora and the law was quickly changed, allowing all former actresses to marry men of high social standing. Despite previous social stigmas, there was no public outcry at their marriage in 525.[29]

Theodora took the title Augusta in 528 when Justinian became emperor. As empress, Theodora saw to many improvements to laws restricting women in Roman society. Theodora was a "philogynist… a resource for all female subjects who needed her help."[30] She was an advocate for women charged with adultery in court and tried to eradicate prostitution from Constantinople, albeit unsuccessfully.[31] Justinian extended the rights of women to control their own property and children, eradicated the marriage barriers between unequal, free citizens, and changed divorce legislation to reflect Christian beliefs. It is difficult to say if Theodora had any direct influence on these laws or if they were just a product of the increasing respect towards women that occurred during late antiquity.[32]

Theodora did have some sway over her husband. One famous example of Theodora's influence over Justinian comes from an incident during the Nika Riots of 532. At the time Constantinople was in utter chaos and Justinian was ready to flee, but Theodora's resolve stopped him and saved the city.[33] Procopius praises her in his *History of the Wars* for the integral role she played. He records her giving an inspiring speech before the court that motivated the emperor and his administration to stay and

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26. Procopius, *Secret History*, 9.20-22.
27. Paolo Cesaretti, *Theodora: Empress of Byzantium*, trans. Rosanna M. Giammanco Frongia (New York: Magowan Publishing LLC and the Vendome Press, 2001), 63-64.
28. James Allan Evans, *The Empress Theodora: Partner of Justinian* (Austin: University of Texas Press, 2002), 20.
29. Charles Diehl, *Theodora: Empress of Byzantium*, trans. Samuel R. Rosenbaum (New York: Fredrick Ungar Publishing Co., 1972), 33.
30. Cesaretti, *Theodora*, 227.
31. Diehl, *Theodora*, 134 (Adultery), 146-47 (Prostitution).
32. Evans, *Empress Theodora*, 38.
33. Brian Croke, "Justinian, Theodora, and the Church of Saints Sergius and Bacchus," *Dumbarton Oaks Papers* 60 (2006): 54.

regain control over Constantinople.[34] When the riots were quelled, she and Justinian went on a rebuilding campaign, fixing many buildings and churches, including redesigning and rebuilding the monumental Hagia Sophia.

When it came to religion, Theodora did not follow the precedent of the imperial household. While she was still an actress she was in Alexandria for some time, and it was there that she converted to Monophysitism after a personal revelation.[35] Justinian and the Eastern court were Chalcedonians, supporters of the creed established at Pulcheria's Fourth Ecumenical Council. Even though she was the Augusta of an officially Chalcedonian empire, Theodora remained loyal to her faith and took it upon herself to become the Monophysites' benefactor in court so that they would remain loyal to the empire.[36] Her religious beliefs were something that both she and Justinian made use of, as they would debate at length about theological issues in front of the senate, with Theodora acting almost as his official opposition.[37] Whenever she could, Theodora promoted her faith. She sent her own missionaries to Numidia and helped establish the Jabobite church among the Ghassanids.[38] She is also given credit for turning her residence into a place of refuge for Monophysite monks and clergymen, but Brian Croke states that it is clear Justinian gave her his support in this matter.[39]

Theodora lived a full life, elevating herself from one extreme of the social spectrum to the other. She remained loyal to Justinian her whole life and was never accused of extramarital relations, despite her past.[40] She died in 548 from what some sources believe was breast cancer.[41] Justinian would go on to live for another seventeen years, though during that time he did not forget his great love for his consort. In the last year of his reign he even converted to extreme Monophysitism, perhaps due to the influence Theodora still had over him.[42]

Both empresses were extremely powerful women who used their religious influence to tackle social, political, and ecclesiastical issues during their respected reigns. Yet the nature of their power is very different. Pulcheria's powerbase stemmed from belonging to the Theodosian dynasty, as well as from the overall enhancement of women's place in society and the demilitarization of imperial ideology of the period.[43] This

34.   Procopius, *History of the Wars,* 1.24.37-38.
35.   Cesaretti, *Theodora,* 124.
36.   Evans, *Empress Theodora,* 24.
37.   Ibid., 68.
38.   Evans, *The Empress Theodora,* 61 (Missionaries) and 96 (Jacobite Church).
39.   Croke, "Justinian, Theodora, and the Church of Saints Sergius and Bacchus," 33.
40.   Diehl, *Theodora,* 73.
41.   Evans, *Empress Theodora,* 104.
42.   Ibid., 73.
43.   Holum, *Theodosian Empresses*, 79.

would not have been enough to propel her to the level of authority she achieved, considering that she denied herself the traditional path to power for imperial women: influence over her own children, which she did not have due to her vow of piety. Instead, Pulcheria used her brother in combination with her own resources: intelligence, piety, humility, wealth, philanthropy, and religious connections. On top of this, she was modest and happy to rule through Theodosius II even though she exercised real power.[44]

Theodora's reign was very different than Pulcheria's. Most notably, she did not have a royal powerbase to grow from, but started out as a social outcast with minimal education and no connections. All the power she had she acquired for herself, a prime example of how flexible social mobility in late antiquity could be. Differing again from Pulcheria, Theodora had a capable partner with whom she shared power. Justinian included her in the imperial oath of loyalty sworn by magistrates, consulted her opinion, and allowed her to receive officials all on his own authority. Though Justinian loved and respected her, they were not equally matched rulers.[45] Theodora recognized that Justinian was the source of all her power and knew she had to be loyal to him above all else. She never took any measures that would go against Justinian's wishes, even when she had full control of the empire when Justinian caught the plague in 542.[46] To highlight this dynamic, Theodora is one of the few late antique empresses to not appear on coinage, possibly due to the fact that her power was second hand and based on the respect Justinian paid her.[47] Pulcheria, it must be noted, appeared on coinage constantly throughout her reign as Augusta.[48]

It serves no purpose to choose which woman was the better empress as they lived in a male-dominated world and only had influence over a few areas, mostly concerning religion, and not the whole empire. The circumstances of their power differed drastically, but they both pushed the boundaries of their authority and asserted themselves politically and religiously in a way that very few women had done before them. Pulcheria and Theodora were responsible for two of the most important developments in the rift between Orthodoxy and Monophysitism: Pulcheria with her Chalcedonian council and Theodora with her heedless support for the Monophysite cause.[49] Even though they held different theological beliefs, both women were canonized as saints by the Christian Church due to their piety and devotion to charity. It is essential to note the strong connection these two women had with Christianity. Religion offered a

44.   Holum, *Theodosian Empresses*, 111.
45.   Evans, *Empress Theodora,* 109.
46.   Cesaretti, *Theodora,* 301.
47.   Evans, *Empress Theodora,* 27.
48.   Holum, "Pulcheria's Crusade."
49.   Evans, *Empress Theodora,* 118.

way for women to gain influence and respect in late antiquity, and both Pulcheria and Theodora took advantage of it.

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Aqua est Omnis Divisa in Partes Tres:

The Inequalities of Water Distribution in Ancient Rome

Willem Crispin-Frei

Water is the lifeblood of a city; the pipes through which it flows, the veins. It is necessary for large and dense human settlements that there be access to drinking water as well as waste removal systems. Water availability in both antiquity and modernity, however, has not always been readily available and accessible to all. The Roman water system was designed in the interest of society at large, but the built form and administration of the system became biased towards giving superior access and quality to the wealthy. This was further accomplished through the conferring of water grants to private individuals, the ordering and building of *castella* (distribution and settling tanks) to control water, the distribution of water quality based socioeconomic groupings, and the restrictions on the aquatic amenities for which Rome was, and is, famous.

There is a strong case to be made for the advantages enjoyed by the rich over the water system premised solely on the fact that the rich could obtain private grants, while the poor could not. Frontinus, in his 2nd century CE *De Aquaeductu*, gives the breakdown of water distribution in *quinariae* by user type. He lists three recipient groups: the public, for uses such as public works and basins, the emperor's private purposes, or *nomine Caesaris*, and finally private citizens.[1] Christer Bruun has calculated the percentages of the distribution to each category: 17% for Imperial purposes, 44% for public purposes, and over 38% for private citizens.[2] Using the

1.   Frontinus, *De Aquaeductis Urbis Romae*, in *Water Distribution in Ancient Rome*, ed. Harry B. Evans, (Ann Arbor: Michigan University Press, 1994), 3.2.
2.   Christer Bruun, "Water Supply, Drainage and Watermills," in *The Cambridge*

figures given in the Regionary Catalogues by Neville Morley for population estimates of the elite by the number of *domus* in Rome, there are 1,800 homes, which account for the 38% of the water supply.[3] With Morley's estimate and an assumption of thirty people in a *domus*, roughly up to 54,000 people enjoyed the usage of direct connections to the aqueduct system based on the wealth needed to operate a *domus* in Rome. When evaluating this calculation, we must also remember that many of these thirty individuals would be slaves, whose socioeconomic position would not allow for the same enjoyment of the aquatic features in their place of residence. Frontinus' commentary notes that in earlier Republican times, only a select few private citizens received water-drawing grants,[4] as the laws stated that only overflow could be used for their private interests.[5] This early system was much more egalitarian, as the only exceptions to Frontinus' rules on private use were for fullers and baths.[6] Whether these uses should be considered public or private will be discussed later. Through Frontinus' description of the old restrictions on the supply, he demonstrates the shifting trend towards more private control and interest of the water system. The trend started with the original policy which forbade granting water rights to private citizens, then was allowed only for certain trades, and was finally followed by selective private grants chosen by peers. This process culminated in the commissioning of more aqueducts to serve even more private interests. As Frontinus continually laments, tapping the system without permission was common and indicative of several potential issues: first, that imperial water grants were expensive, and second, that there were few grants to be had. The second is more likely, and Bruun opens his subsection on such grants with an appropriate heading: "The Privileged Few."[7] If private grants were so rare, then the 38% of the supply discussed by Frontinus must be further concentrated among a very small group of individuals, giving the wealthy an even larger advantage within the system. An interesting note on this, however, is that such grants were non-transferrable, whether by sale or through inheritance.[8] Using the assumption that less than half of the populations of Rome's *domus* had access to running water, that leaves hundreds of thousands of people with the same amount of water as a group a twentieth of the size. Although the water marked for use *in nomine Caesaris* also probably had some public utility, as the emperor provided public aquatic amenities, the total access to the water system by the majority of the population (940,000 people us-

Companion to Ancient Rome, ed. Paul Erdkamp (Cambridge: Cambridge University Press, 2013), 307.

3. Neville Morley, "Population Size and Social Structure," in *The Cambridge Companion to Ancient Rome*, ed. Paul Erdkamp (Cambridge: Cambridge University Press, 2013), 32.
4. Frontin., *Aq.*, 94.5.
5. Ibid., 94.3.
6. Ibid., 94.4.
7. Bruun, "Water Supply," 308.
8. Frontin., *Aq.,* 107.

ing the one million inhabitants estimate) was for only slightly more than half of Rome's water, while the remainder, as noted, was consumed by a few tens of thousands at most. While the system started out as an egalitarian one, as it expanded and developed, so too did the size of inequality between private and public allotment of the supply, as the amount of water per capita per day remained intact. Blackwell and Hodge make calculations based on the number of *quinariae* and a population of one million, and arrive at the number of thirty-nine litres per day per capita.[9] If there is a similar amount of water for those listed under the private section, then the amount of liquid assets available only to the rich was enormous—an advantage of a water system geared towards the Roman rich.

Before the Augustan period, the supply of the aqueducts was delivered mostly for public rather than private consumption. Under Augustus, the focus on aqueducts shifted to accommodate growth in supply for private use. The aqueducts themselves were built with private funds for public benefit, and were not intended to be profitable, and as such, public users were not charged a fee.[10] As examined above, distribution by the time of the Empire was no longer reserved for common use— public-oriented construction and distribution started to evaporate when Augustus and Agrippa began their urban renewal project. In accordance with this new policy, as Rabun Taylor suggests, "[Augustus] undertook to augment the overall water delivery volume…rather than diminish public service."[11] This theory shows Augustus at his best, improving the city both for the wealthy aristocrats as well as the common masses. Another similar view is that the number of water rights grants available was limited by the amount required by current public demand, lest it seem that the emperor were abusing public water.[12] On the face of it, this seems to be in everyone's interests, but can be argued to be more harmful for the average lower class Roman as it changed the focus of expansion away from the earlier egalitarian model.

If the main goal of upgrading the aqueduct system was to satisfy private demand, then the water allotted for the public would be further reduced by the corruption of the watermen who administered the system. Frontinus identifies watermen accepting bribes[13] for overlooking unauthorized tapping, fitting pipes of more advantageous sizes, or using angles that would connect better with the main conduit.[14] Frontinus has

9.   Deane R. Blackwell and A. Trevor Hodge, *Frontinus' Legacy* (Ann Arbor: Michigan University Press, 2001), 125. They use the numbers given by Frontinus in the early 2nd century CE.

10.   Peter J. Aicher, *Guide to the Aqueducts of Ancient Rome* (Wauconda, IL: Bolchazy-Carducci Publishers, 1995), 27.

11.   Rabun M. Taylor, *Public Needs and Private Pleasures: Water Distribution, the Tiber River and the Urban Development of Ancient Rome* (Rome: Erma di Bretschneider, 2000), 154.

12.   Ibid., 113.

13.   Frontin., *Aq.*, 114-5.

14.   Ibid., 113.

less of an ethical qualm with the watermen skimming off the surface than concern over the degraded integrity of the infrastructure. When watermen install a new pipe after an old one became free, Frontinus seems more apprehensive about the "*castellum*, which is damaged when tapped repeatedly and without reason."[15] This prioritization of concerns by the chief of the water supply demonstrates the attitude of the administration: the harm done to the imperial coffers for repairs was more important than the maintenance of (semi-)equal access to the resources available. This tacitly shows that more privilege for the wealthy is morally acceptable to those who run the water, as long as the infrastructure is left unharmed, or kept in a state of good repair. Vitruvius is the other major ancient source to give us insight into the ideals of an architect who was writing with these views in mind—it follows that if one has no money, one would not engage an architect's services, demonstrating the demand for knowledge on how to tap the supply. Furthermore, only the rich could afford to pay off the watermen. Thus, this is another institutional issue where the rich are favoured by circumstance rather than policy, but favoured nonetheless.

The built form of the system also enabled the rich to have an advantage. Vitruvius' recommendations in *De Architectura* are for three channels leading from a *castellum*, one in the middle for public use, slightly lower than the two flanking it. One of the two flanking pipes was for private uses, the other for the baths.[16] The waters, when at capacity in the flanking channels, would then overflow into the public one.[17] Vitruvius claims that this ensures public sources will not be stolen by private persons, so that there will be a constant public supply[18]. This seems illogical, as gravity would direct the water towards the channels for the baths and private citizens, until such a time when those channels were full and could spill over into the public pipes. Trevor Hodge raises a valid point with this system, namely that it guarantees private subscribers a minimum supply, but also imposes a maximum on the amount their lines may draw.[19] This illustrates the complex nature of the privilege of the elite, where they had guaranteed access, but the original egalitarian intent of the system provided a cap so that some water remained for public use. Here we see two Romans who deal with the upper classes, subtly prioritizing the wealthy through policy and infrastructure. Michael Peachin also affirms these claims, saying that Frontinus and his superiors thought water a luxury "to be shared in the first instance by the emperor and the upper classes."[20]

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15. Frontin., *Aq.*, 114.3.
16. Vitruvius, *On Architecture*, trans. Richard Schofield (London: Penguin Classics, 2009), 8.6.2. Perhaps this also includes other functions that Frontinus lists as *nomine Caesaris*, the third client in the tripartite public-private-emperor subscriber base.
17. Ibid., 8.6.1.
18. Ibid., 8.6.2.
19. A. Trevor Hodge, *Roman Aqueducts and Water Supply*, 2nd ed. (London: Duckworth, 2002), 281.
20. Michael Peachin, *Frontinus and the curae of the curator aquarum,* (Stuttgart: Steiner,

This prioritization also manifests itself in the data provided by Frontinus, specifically in the ratios of distribution by type as described earlier. That the system was built to privilege the rich shows that the institution of the water system, although seemingly equal, had a bias towards giving the wealthy more access to the magnificent water system and engineering of Ancient Rome.

One of the engineering questions for the Romans was how to direct the water along the course of the aqueducts to avoid bursts, since there were few ways to manage the speed of the flow. To help slow down the course of the water, *castella* were employed.[21] Frontinus counts 247 *castella* along the routes of the city's nine aqueducts,[22] and gives more detailed data about each aqueduct, which Blackman and Hodge have assembled into a convenient table.[23] Using c*astella* allowed for the branching of the water supply to go to the three user types previously mentioned in dedicated pipes. The *castellum* system provided an economical advantage to the private citizens who obtained water grants; namely, it was cheaper to run a main line from an earlier *castellum* to a sub-*castellum* much closer to where the homes that received the water were.[24] This allowed for easier construction, as well as maintenance—a savings for the wealthy who had running water. In terms of their organization, Blackman and Hodge posited that the most likely arrangement was a dendritic one rather than a linear distribution system, which would be hard to co-ordinate and construct in chaotic Rome.[25] This fits in well with the idea that private citizens collaborated to bring water to their homes, and shows how the organization of such structures was easily arranged to suit the conveniences of the water grant holders. The *castellum* data also help to shed light on which aqueducts were targeted by men who sought grants; the *Aqua Marcia*, one of Rome's best in terms of drinking quality, had 51 *castella*,[26] totalling one-fifth of the overall number of *castella* in Rome. This concentration of *castella* for just 10% of the city's inflow[27] suggests that *castella* were installed for private citizens' convenience. In contrast, the *Aqua Anio Vetus* (of bad quality) had 35 *castella*, 14% of Rome's number for 11% of Rome's intake,[28] showing the lower private demand. This ability to erect additional *castella*, and to select which aqueduct to draw from, were both advantages enjoyed only by the wealthy.

Water quality is always a major issue in any conurbation, and An-

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2004), 172.
21.   Taylor, *Public Needs*, 49.
22.   Frontin., *Aq.*, 78-86.
23.   Blackman and Hodge, *Frontinus' Legacy*, 126.
24.   Hodge, *Roman Aqueducts*, 2002.
25.   Blackman and Hodge, *Frontinus' Legacy*, 130.
26.   Frontin., *Aq.*, 81.2.
27.   Ibid., 81.
28.   Ibid., 80.

cient Rome was no exception. The rich, naturally, want the best quality of water, and the poor invariably get whatever they can. Segregation of Romans by socio-economic status was far less prevalent than in modern times, and mixed-class neighbourhoods seem to have been the norm.[29] While this initially seems difficult to draw conclusions from, especially with the paucity of remaining built form, we can examine known areas of concentration by socio-economic status and make speculative extrapolations from there. In notably polarized neighbourhoods, such as the Palatine for the wealthy and the Subura and Transtiberim for the poor, there is a trend within the *regiones* in accordance with the quality of the water. To take the example of the wealthy first, the Palatine in *regio* X, home of the emperors and other important men, was served by a trio of aqueducts: the *Aquae Marcia, Iulia,* and *Claudia/Anio Novus*, collectively considered the purest in water quality.[30] At the same time, none of the aqueducts with lower quality water served it, thereby guaranteeing that the imperial residence was only supplied with the finest quality of water. The *Aqua Marcia* was perhaps the best source of water, since the *Aqua Claudia* mixed with the *Tepula*, whose warm waters diluted the *Claudia's* higher quality water.[31] Peter Aicher concludes that Frontinus and Trajan were concerned about water quality for drinking, and so took an active role in distributing it accordingly.[32] With this concern, it follows that they contrived to arrange the best water for the nicest neighbourhoods, therefore giving the worst water to the least politically and socially important quarters. Due to the scattering of the rich, as Stambaugh notes,[33] Trajan's especial concern led to policy that resulted in the worst neighbourhoods receiving high quality water as a by-product of his care for the wealthiest citizen and his *familia*.[34] The Subura, the famous slum in *regio* IV,[35] was served by *Aquae Claudia* and *Novus* just as all *regiones* were. In addition, *regio* IV was also served by the two worst aqueducts: the *Anio Novus* and the *Tepula*.[36] This relationship makes sense, as all aqueducts' capacities were needed, and not all subpar water could be directed to factories or other non-drinking functions, and so the lowest socio-economic groups got the least desirable water. A second example of this poor water quality going to its corresponding class can be found in the Transtiberim area, *regio* XIV. Due to the concentration of polluting industry, the area was considered less desirable,

29. John E. Stambaugh, *The Ancient Roman City* (Baltimore: Johns Hopkins University Press, 1988), 186.
30. Frontin., *Aq.*, 89.
31. Thomas Ashby, *The Aqueducts of Ancient Rome*, ed. I.A. Richmond (Oxford: Clarendon Press, 1935), 160. *Tepula* is also cognate with the English "tepid," hence its name suggests its reputation.
32. Aicher, *Guide*, 20.
33. Stambaugh, *Ancient Roman City*, 186.
34. Blackman and Hodge, *Frontinus' Legacy*, 126.
35. Samuel Ball Platner, *A Topographical Dictionary of Ancient Rome,* ed. Thomas Ashby (Cambridge: Cambridge University Press, 1929), 457.
36. Blackman and Hodge, *Frontinus' Legacy*, 126.

and, as happens now, those who had the means to choose where to live voted with their feet and located elsewhere. Gerda De Kleijn raises this as an issue, taking Juvenal's association of beggars and Jews[37] as his thinking of them as one class, as motivation to provide sub-par water quality in the Transtiberim, given the Jews' concentration in that *regio*.[38] Another reason that the Transtiberim received poorer qualities of water was due to its culture of exotic cults and artisans, often composed of immigrants who were not ethnically Roman.[39] Taylor also raises the issue of *regio* XIV having more *insulae* than normal, with a higher population in an area not much greater, thereby asserting that the Transtiberim had a lower class residential flavour, while at the same time having perhaps a small enclave of larger *domus*.[40] It is impossible to be sure, as we don't know the exact locations of most wealthy homes.[41] The Transtiberim has been known as an area of industry, thus these two factors together made sending less desirable waters there an attractive option. Furthermore, when the Tiber-crossing aqueducts in the Transtiberim required rebuilding, their supply was supplemented with the waters of the *Aqua Alsietina*, which Frontinus considered "hardly wholesome… [and] nowhere distributed for human use."[42] These systems, in which each region gets different parts of the spectrum of water quality shows an imbalance of favourable outcomes for the rich in their having the best quality water, and the poorer people having the worst—even sometimes receiving water the *curator aquarum* thought unfit for humans. While all districts had at least one good aqueduct, the "rougher" *regiones*' inhabitants, unless wealthy enough to afford a private *castellum*, would have to live with the worse quality water, a casualty of privileging the rich.

Today, clean water is frequently considered a universal basic right. In Ancient Rome, however, access to uniformly clean water was by no means always a privilege, let alone a right. As mentioned previously, Frontinus' outlook, indicative of the upper-class elites, was such that water was a "luxury,"[43] to which the emperor had first entitlement, followed by the aristocrats, and finally the common Roman. This view of water as a luxury led to restrictions of accessibility for the average person anywhere beyond the *lacus* (fountains) in the streets. The wealthy elites who could afford private plumbing appear to have by-passed the large crowds around the fountains that poured out the lifeblood of the city. Blackman and Hodge have tried to calculate the size of these crowds. By using the one million inhabitants figure, they arrived at two hundred persons per

37. Juvenal, *Satires,* 3.12-16, in Gerda De Kleijn, *The Water Supply of Ancient Rome: City Area, Water, and Population* (Amsterdam: Gieben, 2001).
38. De Kleijn, *Water Supply*, 227.
39. Taylor, *Public Needs*, 41.
40. Ibid., 153.
41. De Kleijn, *Water Supply*, 3.
42. Frontin., *Aq.*, 11.
43. Peachin, *Frontinus and the curae of the curator aquarum,* 172.

hour—a number they considered to be too large and requiring scaling down.[44] The new average works out to be about one hundred persons per hour at each *lacus*, which is still a large crush around a small basin. For the person who has worked all day to have to stand in a crowded line shows the inequality when another person could lazily stroll to the crowd-free fountain in their peristyle. One of the reasons for this crowding is that in the early part of Augustus' reign, the Senate passed an act stating that no more public fountains were to be built. That edict was followed, causing congestion among the masses if our data are correct. The system's overseers also decided not to construct a new aqueduct for the *Thermae Septiminianae* in the Transtiberim area, the only such Imperial Bathhouse located there. For other projects of similar size, the overseers had made upgrades to the system, such as when Augustus installed the *Aqua Alsietina* for his *naumachia*.[45] The lack of upgrading and building infrastructure to supply the commoner with water is a method through which communal water features were made less accessible to any nonwealthy user. Upgrades to the water system were made, however, as the number of bathhouses in Rome increased by close to 500% from 33 BCE until the beginning of the 4th century CE.[46] One estimate puts a large bath complex's capacity at 15,000 bathers, but Blackman and Hodge have tried to bring that number down close to 10,000[47]. If this is correct, most people would not be able to take a bath daily, or even every few days, whereas the daily bathing ritual was an integral part of a wealthy aristocrat's life. When antiquity is discussed, Roman Baths are a key part of the modern imagining of Rome, but in fact this access to water-themed socializing was not available to everyone, not only because of temporal constraints, but also as a result of the lack of infrastructure. Access to water was much more difficult for the average Roman if population estimates hold true; the basic water for drinking and cooking was limited to a set number of basins in the street, water-leisure features might not have always been run well in less affluent areas, and if there were bathing establishments, size and fee requirements barred most from entry. Despite the class division with the practice, bathing culture and water use are hallmarks of Roman society, concealing the inequalities of the water distribution system in Ancient Rome.

The office of the *curator aquarum* was designed to manage the levels of distribution to the three types of individual: Caesar, private citizens, and the public, in that order. With aristocrats' growing wealth came increasing corruption and unequal access to water. The *castellum* system opened up many paths through which the public's needs could be put last

44. Blackman and Hodge, *Frontinus' Legacy*, 120.
45. Frontin., *Aq.*, 11.
46. Garrett G. Fagan, *Bathing in Public in the Roman World* (Ann Arbor: Michigan University Press, 1999), 41-2.
47. Blackman and Hodge, *Frontinus' Legacy*, 124.

through over-tapping, as well as over-flow prioritization in construction. The higher quality water was reserved in part for higher-ranking Romans, and the worst water went to the worst areas. Social uses of water in addition to basic access to the fountains were constrained by space and financial means. These factors throughout the system demonstrate a bias in the water distribution system that benefits the wealthy at the commoner's expense.

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Law under Justinian in a Christian Empire

Russell Durward

      Once Justinian became the ruler of the largest Christian Empire, he immediately initiated reforms that reflected his religious and imperial ideals: he commanded imperial conquests of ancient Roman territories in the West, enacting administrative changes in the provinces, and attempting to reunite the stratified churches by arbitrating councils. The reformation of Roman legislature was a priority for Justinian. Much like the actions mentioned above, Justinian's role in the legislation of the empire was direct, being heavily involved in the process. Justinian did not read through or rewrite codified laws such as the *Digest*, the *Novellae*, or the *Codex*, but he did create the commissions that codified them, while he enacted and enforced them. This paper will argue that the principles underlying Justinian's legal reforms stemmed from his ideology of Christian imperialism.

      Throughout Justinian's legal reforms, especially in their codification, Christian ideology played a part in its formation and reception. God and Christianity greatly influenced the qualification of the laws, beginning with the *Digest*. In *De Conceptione Digestorum* Justinian stated that, "…governing, under the authority of God, our empire, which was delivered to us by the Heavenly Majesty…we uphold the condition of the state,"[1] thereby using religion to reinforce himself and the laws. With this statement, his laws became more important and acceptable to the predominantly Christian subjects, since they were a means of continuing the empire, which was gifted to them by God. Justinian was able to use religion to the advantage of his laws, giving them greater authority by attaching them to the omnipotence of God, and to his reverence within the Christian empire. This

1.   Justinian, *De Conceptione Digestorum*, in *The Digest of Justinian* Vol. 1, ed. Theodor Mommsen, Paul Krueger, Alan Watson (Philadelphia: University of Pennsylvania Press, 1985).

practice continued with his *Novellae Constitutiones*. He stated in *Novel IV*, "…we do not…restore it…but we, with the assistance of God, have added to it."[2] Justinian stressed the relationship between himself, God and the legal reforms. In both instances (two different legal texts spaced over four years), Justinian used God's persona to empower his legal reforms. By adding God's authority, his legal reforms were made more powerful, and thus more likely to be followed by his citizens. If the laws were disobeyed, then it was not simply an affront to Justinian, but also to God. In the *De Confirmatione Digestorum*, Justinian outlined that the law makers "…have resorted to the aid of the Immortal One and, invoking the Supreme Deity, have desired that God should become the author and patron of the whole work,"[3] whereby God was as much part of the laws as Justinian. With these religious references in his legal texts, Justinian created a tangible bond between God and himself for his audience to recognize, thereby raising his laws with the divine agency.

In Justinian's earliest legal text, the *Codex Justinianus*, Christian ideology was stressed in his reforms. In the first book of the *Codex,* the first law states, "…all peoples subject to Our benign Empire shall live under the same religion…we order all those who follow this law to assume the name of Catholic Christians."[4] The first law of his first legal reform was concerned with the unity of faith within his empire, whereby all were to live as Christians. The position of the law in the *Codex* denotes its importance within Justinian's legal system, with the legal system existing as a means to bring religious change within the empire. The laws that followed dealt with heresies and paganism,[5] having legalized their suppression, both in their religious practices and the empire's social structure. The first law under the chapter against heretics stated that only those who followed the Catholic faith were eligible to earn certain privileges and benefits.[6] This placed heretics in a lower position within society, even though they were Christian. The *Codex* then decreed for heretics, "…all heresies forbidden by Divine Law and the Imperial Constitutions be forever suppressed."[7] It also decreed, particularly to pagans, that "…everyone [is] to abstain from sacrifices, and if any person should do anything of this kind, he shall be laid low with the avenging sword."[8] In both laws, Justinian was suppressing religious faiths that were not a proper practice of Christianity, with the hope of increasing the number and power of his promoted faith. The laws illustrated the legal means that Justinian used to deal with faiths that

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2.　　Justinian, *Novellae Constitutiones* in *The Civil Law XVI,* trans. S.P. Scott (Cincinnati: Central Trust Co., 1932).

3.　　Justinian, *Confirmatione Digestorum* in *The Digest of Justinian* Vol. 1, ed. Theodor Mommsen, Paul Krueger, Alan Watson (Philadelphia: University of Pennsylvania Press, 1985).

4.　　*Codex Justinianus*, in *The Civil Law XVI,* trans. S.P. Scott (Cincinnati: Central Trust Co., 1932), Preface-1.1.

5.　　*Codex Justinianus,* 1.5, 1.11.

6.　　Ibid., 5.1.

7.　　Ibid., 5.2.

8.　　Ibid., 11.1.

did not match his own. In order to ensure stability for his throne and the empire, Justinian needed uniformity between his subjects, so that there was no tension; as well as between himself and the citizens, based on different religious beliefs. These examples in the *Codex*, *Digest* and *Novellae* illustrate the religious principles that underlay Justinian's legal reforms, ranging from a personal level to an imperial level.

The religious principles from the previous argument demonstrated that there were some imperial aspects to those principles, although expressed through religious ideology; however, there were also solely imperial principles. One such imperial principle was that Justinian aimed to make his laws more practical, for the benefit of his people. Throughout the stages of his legal reforms, Justinian attempted to simplify the laws, in order to make them easier for the people to understand, follow and use. By comparing the Vatican manuscript in the *Fragmenta Vaticana* and the corresponding law in Justinian's *Digest*,[9] it is possible to see differences in the wording. In the *Digest*, Justinian removed the contemporary annotations that existed in the fragment, because there was no need to mention out-dated jurists. By stripping away these annotations, the law was left clearer and thereby easier to understand for the contemporary audience reusing the classical laws. Justinian also simplified the legal texts for law students by giving them the *Institutes*, a smaller version of the *Digest*. The text served two purposes: one of which was to make law easier for the students to learn, the other being a standardization of laws learned by every student; the latter would create a new group of legal experts, all of which came from a similar background.

Law students were an indirect means of spreading the laws across the empire. However, Justinian also enacted more direct methods, such as sending the laws directly into the provinces. Already in the 4th century CE, "the cities of the East no longer exercised their practical wisdom in… their own laws and legal procedures, because the inhabitants in their cities used 'the universal laws of the Romans.'"[10] The provinces reliance on Roman laws made it easy for Justinian to distribute his new laws across his empire. At the end of *De Confrimatione Digestorum*, Justinian commanded "the three exalted praetorian prefects, of the East, of Illyricum, and of Libya to make these laws known…to all those subject to their jurisdictions."[11] Here, Justinian stressed that all subjects have knowledge of his laws by delegating the dissemination to the highest officials in the provinces. The laws sent out to the provinces pertained to practical and immediate needs, such as restructuring administrative and legal procedures.[12] Book 128 of

9.   David Johnston, "Justinian's Digest: The Interpretation of Interpolation," *Oxford Journal of Legal Studies* Vol. 9 No 2 (1989): 157; *Digest*, 7.2.1.2; *Fragmenta Vaticana* 75.3.
10.   Caroline Humfress, "Law's Empire: Roman Universalism and Legal Practice," in *New Frontiers: Law and Society in the Roman World*, ed. Paul J. du Plessis (Edinburgh: Edinburgh University Press, 2013), 73.
11.   Justinian, *Confirmatione*, 23.
12.   Micael Mass, "Roman History and Christian Ideology in Justinianic Reform

the *Novellae Constitutiones* detailed a law pertaining to taxpayers and tax collection in the provinces,[13] in which case Justinian attempted to improve the procedures of tax collection in the provinces. The first Code that Justinian sent out to the provinces was a collection of imperial constitutions, which were "based on practical senses and had practical aims."[14] The early laws were simple and practical, and although the later laws - in the *Digest* and *Novellae* - were more complex, they still strove to improve the provinces by instituting new, useful laws.

The changes in the empire greatly influenced Justinian's choice for his creation of certain laws. During his reign, the Eastern Roman Empire was expanding in the West, suffering civil strife, underwent administrative changes, as well as experienced religious strife. Justinian needed to create new laws to keep up with all these changes in order to reflect the new empire. In *Novellae 74*, Justinian said "no law or decree…has been sufficient to provide for all cares…[they] have need of much correction in order to be adapted to the inconstancy and perversity of Nature."[15] According to Justinian, a primary reason for the new legislation was the fact that 'Nature' was constantly changing. This then rendered the previous laws obsolete, since they no longer pertained to the new empire. Justinian reiterated a similar statement in *De Confirmatione Digestorum*, where it mentioned that, "nature is eager to produce new forms…let a remedy be sought from the Augustus."[16] It repeats the fact that there was change, and only the emperor could create new laws to answer the changes. In both instances, Justinian illustrated the practicality of his laws, and how they applied to the entire empire, through their relevance to the citizens. As the empire evolved, Justinian needed to change the laws as well in order to keep them practical; thus he created new textbooks, and new laws to distribute to the provinces. This sense of practicality was one of Justinian's imperial principles that direct his legal reforms.

The previous argument demonstrated the universal aspects of the imperial principles of the legal reforms. However this argument will demonstrate the imperial principles that benefited him. In the 4th century CE Menander Rhetor's *Treatise* was circulating throughout the Empire.[17] The text detailed how emperors should be praised by panegyrists. One of the categories even discussed justice and their laws: Menander taught that emperors should be praised for their deeds in peacetime, with regard to "temperance, justice and wisdom."[18] He specified certain aspects

Legislation," *Dumbarton Oaks Papers* 40 (1986): 17.

13.   *Novellae*, 128.1-5.

14.   Fritz Pringsheim, "The Character of Justinian's Legislation," *Law Quarterly Review* Vol 56, no. 2 (1940): 231.

15.   *Novellae, 74.*

16.   *Confirmatione, 18.*

17.   D.A. Russell and N.G. Wilson, introduction to *Menander Rhetor* (Oxford: Oxford University Press, 1981), xxxiv.

18.   Menander Rhetor, *Treatise II* in *Menander Rhetor,* eds. D.A. Russell and N.G. Wilson (eds.), (Oxford: Oxford University Press, 1981), 375.5-6.

worth praising, such as them sending out "guardians of the laws" to the provinces,[19] and that "his laws are just, and that he strikes out unjust laws and himself promulgates just ones."[20] Menander was known during the Byzantine period,[21] and as such, Justinian would have known that legislation was a means to gain praise, which would hopefully translate to public support. After the periods of strife in the empire, Justinian needed as much support as he could gather for the security of his position. Justinian enacted the legal reforms since it was a praiseworthy deed, as expressed by Menander Rhetor, and he would have therefore been praised like the ancient emperors as well. Thus, his legal reforms were founded upon personal imperial aspirations.

Justinian's ideology, as the successor of Constantine, was comprised of a need to combine religion and politics within his legislation.[22] This is evidenced by his self-acclamation as *iuris religiosissimus triumphator* in the *Institutes*,[23] where he brings together religion and politics to improve his image. By recreating himself in the image of Constantine, Justinian was able to gain the adoration normally attributed to him. By consolidating his connection to Constantine in standardized legal textbooks, he directly influenced much of the elite youth, who would then go on to praise him. As stated above, the connection to Menander and panegyrics is another way that Justinian connected himself to Constantine, coupled with his fusion of politics and religion. By connecting himself to Constantine and restating all the ancient laws, Justinian was attaching himself to the golden days of the empire. In a society that idolized the past, it was perfect for Justinian to connect himself to that history, both in his character and his laws, since he was improving his position as emperor through his legal reforms. Justinian imbeds his legal reforms with connections between himself and idolized emperors, such as Constantine, so that he gained authority and loyalty.

Justinian used the laws to expand his authority and place himself at the centre of the imperial system. He was able to emphasize his centrality in the system by placing himself at the centre of the legal reforms, both by forming the laws and enforcing them. As stated earlier, Justinian was authorizing these laws with God,[24] which added to their authority. Through this action, Justinian also stated that he was the main agent of enforcement when the laws were violated. In his First Code he stated:

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19.   Men. Rhet., *Treatise II*, 375.18-19.
20.   Men. Rhet., *Treatise II*, 375.24-26.
21.   Russell and Wilson, introduction, xi.
22.   Gerhart B. Ladner, "Justinian's Theory of Law and the Renewal Ideology of the 'Leges Barbarorum,'" *Proceedings of the American Philosophical Society* 119, no. 3 (Baltimore: Johns Hopkins University, 1975), 194.
23.   Justinian, *Institutes*, trans. Peter Birks & Grant McLeod, *Justinian's Institutes* (London: Duckworth, 1987), *Imperatoiam maiestatem* I.
24.   *Novellae*.

> When His Imperial Majesty examines a case for the purpose of deciding it, and renders an opinion in the presence of the parties in interest, let all the judges in Our Empire know that this law will apply, not only to the case with reference to which it was promulgated, but also to all that are similar.[25]

This statement illustrates the point that Justinian was directly enforcing through the laws, since he was judging court cases that used his legal reforms. However, it also illustrates his own centrality. Justinian was not simply leaving his laws to be used by his subjects, but was also directly using them himself, adjusting them based on special circumstances. As well as taking a direct role in the application of his laws, Justinian made sure that none of his subjects could make changes to his reforms[26]. He ensured that the laws he enacted were not changed from their original purposes, including the many principles that emphasized his centrality. Cedric Brelaz argued, "…law and order are, together with taxation, the main attributes of sovereignty and the most visible demonstrations of the power of an authority."[27] Through the creation and enforcement of his legal reforms, Justinian truly demonstrated his power. The *Digest* outlines that, "…a decision given by the emperor has the force of a statute…because the populace commits to him and into him its own entire authority and power."[28] Through the wording of this law, Justinian's authority was amplified by the accumulation of his people's power. By both the creation of the laws as well as their wording, Justinian was emphasizing his central authority within the empire. In his legal reforms, Justinian creates them with principles that placed an emphasis on his centrality and his authority within the empire, such as his connections to panegyrics and their adoration of law, his connections to past emperors and his use of laws as visual examples of his authority.

This paper concludes that the principles that influenced Justinian's legal reforms stemmed from a Christian imperial ideology. Within this ideology, Justinian used laws to connect himself to God, and to invoke religious uniformity. Following the imperial ideology, Justinian brought practicality to Roman legislation, and also succeeded in universalizing them by bringing them to the provinces and unifying the study of law. Justinian also used the laws to increase his power and position within the empire by personalizing and enforcing them, and using laws to connect himself to the Roman past, further consolidating to his image as emperor. As seen with Justinian's legal reforms, laws were a clear indication not only of the society as a whole, but also of their creator as an individual.

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25.   *Codex Justinianus*, 1.14.11.
26.   Cf. Procopius, *Secret History*, 14.5: "he would not allow anyone within the Roman Empire to give decisions on independent judgment;" *Codex Justinianus*, 1.17.12: "hereafter no commentary shall be added to it by persons learned in the law;" *De Compositione Digestorum*, 12: "no skilled laws are to presume to supply commentaries."
27.   Humfress, "Law's Empire," 76.
28.   *Digest*, 1.4.1.

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Realism and the Oikos:

Aristotle and the Realist-Liberal Debate

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1. Introduction

This paper reflects on the relationship between Aristotle's moral and political thought and the society within which it is embedded. I will begin by interrogating Aristotle's moral theory in the *Nichomachean Ethics*, *Politics*, and other related works, in order to tease out the relationship between 'normative' judgements in Aristotle's Politics, and the degree to which it depends on certain contingent judgments about the society in which the theory is to be applied. Having done this, I will reflect on the issue of how Aristotle's normative theory is affected by the relationship between the contingent judgements that Aristotle makes and their truth or falsity. I will then examine the recent Realist-Liberal debate in political philosophy and try to take some lessons for political philosophy in general from the relationship between Aristotle's theory to the concrete context it was embedded in with respect to the implications for this particular methodological debate.

2. Aristotle's Moral and Political Theory

2.1 Aristotle's Meta-ethics and his conception of Ethical Inquiry in the *Nichomachean Ethics*

One of the important methodological and interpretive questions raised in the literature on Aristotle's ethics is: What do we mean by the notion of 'ethical theory' in Aristotle? In the *Nichomachean Ethics*, Aristotle connects his theory of morality to his teleological account of nature de-

rived from his other work: "Every art and every inquiry, and similarly every action and choice, is thought to aim at some good; and for this reason the good has rightly been declared to be that at which all things aim."[1]

According to Aristotle, we must think of the natural world, and beings in the natural world, as having some kind of *telos* or purpose. This *telos* designates some kind of process of evolutionary development which is simultaneously a process of the being's self-realization. For every being, be it tree or man, there exists a type, which prescribes certain success/fail criteria for what an *ideal* token of that type would be. Aristotle claims that he can point to the activity of human beings, or trees, or plants and *compare* the current state of the organism relative to what it would be if it was realizing itself in the correct way. Aristotle's account of ethics is nested within this general account of teleology. He talks about human activity as intrinsically teleological, as having aims and ends toward which it naturally tends. This Aristotelian account, which connects 'the human good' with 'the human function,'[2] is underpinned by what has been referred to as the 'Function Argument.'[3] This can be roughly summarized[4] as stating that 'the human good' is doing whatever it is we human beings do *well*. This claim is worth fleshing out, because it sounds very strange to modern ears, given that we are very likely to reject teleological arguments *tout court*. This is especially true in Aristotle's case, as he uses teleology to connect the 'human good' to 'the human essence.'

Aristotle describes 'the good' in terms of its place in a telic hierarchy[5] (or a hierarchy of reasons or purposes), which relates reasons which have intrinsic value (at the top of the hierarchy) to those which have instrumental value. This is because 'the good' in itself presupposes a hierarchy of 'goods,' valued according to their contribution to one's 'ultimate good.' For example, the utilitarian might bake cookies in order to raise the general welfare. In this case, the baking of the cookies is the subordinate act, which is simply instrumental to the master-act, which is the promotion of the greatest good of the greatest number. As Gerald Hughes puts it, "Aristotle is concerned with what we do."[6] What Aristotle seems to mean

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1. Aristotle, *Nichomachean Ethics*, 1.1.1094a1-5.
2. Christine Korsgaard (Christine Korsgaard, "Aristotle on function and virtue," *History of Philosophy Quarterly* 3.3 (1986): 259-279.) points out that critics of Aristotle's Function Argument generally confuse 'function' with 'purpose.' Aristotle's use of the word is more connected with excellence. As Aristotle himself states: "we state the function of the man to be… an activity or actions of the soul implying a rational principle and the function of a good man to be a **good or noble performance of these** (emphasis mine)." (Arist., *Eth. Nic.*, 1.7.1098a10-15).
3. Gerard J. Hughes, *Routledge Philosophy Guidebook to Aristotle on Ethics* (London: Routledge, 2001), 36.
4. Korsgaard, "Aristotle on function and virtue," 295-96.
5. C.D.C. Reeve, *Action, Contemplation and Happiness: An Essay on Aristotle's Ethics* (Cambridge: Harvard University Press, 2012), 232-34.
6. Hughes, *Routledge Philosophy Guidebook to Aristotle on Ethics*, 25.

by 'what human beings do' is to try and get at a *distinctive* account of what a human life is and what activities make a life a human life. Thus, in order to get at the 'human good', Aristotle makes two assumptions: (i) that there is an accurate description of human function and (ii) that human function can act as the basis for the 'human good' (this is the connection that has been severely disputed[7]).

'The good' for man is what allows him to live well, and 'living well' consists in realizing your potential in the teleological sense (which Aristotle thinks, at least in the case of man, is connected to the fullest use of your faculties). The definition of happiness as living with the "best activities"[8] is where the essence of all things contains a *telos*, which prescribes a notion of 'the good' to these things. Thus, humans, by virtue of being humans, have certain faculties, which, if exercised in the correct way, leads them to the good life.

Aristotle's substantive account of these faculties in the *Nichomachean Ethics* is as follows. Man's essence cannot be life, for he shares this with the animals and plants. It certainly is not brute sense, which he shares with the animals.[9] Reason, on the other hand, (or *logos*) is not only an integral part of how humans' function, in their abilities to see reasons and purposes, it is also intimately connected to their ability to see the highest good. This is also connected to Aristotle's 'Function Argument.' Conducting your life according to a rational principle is a good example of 'leading a human life well,' and thus is an example of leading a life in accordance with the 'ultimate good.' However, Reason is not the be-all and end-all of ethical inquiry. Man's soul is composed of rational and irrational parts, and both parts have different kinds of virtues which reflect this dual nature. As suggested above, the virtuous person will subordinate the non-rational part of the soul to the rational part in order to live a good life, as he must fulfil his *telos* as a rational animal.

There are two different kinds of virtues: moral (cultivated by habit and custom) and intellectual (cultivated by training). The connection of moral virtues with Reason is cashed out in terms of what Aristotle calls *phronesis*, or practical reasoning.[10] Practical reason is one of the most interesting and most contentious features of Aristotle's account. It is best described as a capacity to respond *virtuously* to the particular moral features of situations without having clearly defined universal rules for 'what the moral thing to do is.' It is a necessary complement of *arête*, in that it involves having the understanding of the moral character of situations so

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7.   Bernard Williams, *Morality: An Introduction to Ethics* (Cambridge: Cambridge University Press, 2012), 56-67.
8.   Arist., *Eth. Nic.,* 1.8.1099a25-30.
9.   Ibid., 1.7.1097b30-35.
10.   Reeve, *Action, Contemplation and Happiness*, 130-131.

as to demonstrate virtues. Furthermore, Aristotle's doctrine of the mean cements the connection between practical reason and the virtues. A virtuous man is able to avoid both a 'vice of excess' and a 'vice of deficiency' if he is to be virtuous, where the mean between the two is determined by practical reason.[11]

2.2 What is the relationship between what Aristotle calls 'Ethics' and what he calls 'Politics'?

In the *Nichomachean Ethics*, Aristotle describes ethics as a political art.[12] He thinks of the political as the 'science of the state,' to which all the other arts, such as ship-building and education, are subordinated. Virtues like Justice should not simply be considered virtues for an individual person, but as virtues which lawgivers should promote in the *polis* as a whole, considering they regulate the behaviour and conduct of the individual person with another. Statesmen and lawgivers should have the virtues appropriate to their post (which Aristotle describes). Thus, virtues in the aggregate are of crucial concern to the state.[13]

Now, Aristotle talks about the development of moral virtues on the part of the human being as necessarily mediated through institutions.[14] As human beings exist in a community, and are conditioned by social institutions (such as the state), moral codes are more effectively enforced at the level of the community. According to Aristotle, this makes the state the most efficient structure for changing human behaviour. Not only is the state efficacious for promoting 'the good', but the law-givers should consider it their business to promote the good. Therefore, lawgivers should have knowledge of human beings, of what the good life for human beings is, and under what conditions (psychological, social) this good life can be achieved.

2.3 Aristotle's account of political life in the *Politics*

Aristotle opens the *Politics* with the kind of teleological account similar to that with which he began the *Nichomachean Ethics.* In order to arrive at the correct account of law-giving, we first have to discuss the purpose of political life and why man engages in it.[15] Aristotle begins by talking about human communities. Man, as a social being, lives in community with his fellow men. However, there are different kinds of communities, each of which aims at a particular kind of good.

He distinguishes between three different kinds of community:

11.　Arist., *Eth. Nic.*, 2.6.1107a1-7.
12.　Ibid., 1.3.1094b10-12.
13.　Ibid., 10.9.1179b30-35.
14.　Ibid., 10.9.1180a20-25.
15.　Aristotle, *Politics*, 1.1.1252a1-7.

the *oikos,* the *village,* and the *polis.* Each of these communities fulfil certain needs, but some of them fulfil more needs than others. The *oikos* provides the material basis for those who live in it, through the cultivation of land and the resulting production of food and material necessities. However, although the household might provide for us in material terms, it does not help fulfil all our needs .The form of organization which meets most of our needs and allows us to flourish is the *polis.* This is because Aristotle defines the essence of man as a *zoon politikon* (political being).[16] For Aristotle, man flourishes when he is in the *polis* with his fellow citizens, deliberating about the nature of the good.

The *polis* can be read as a model of a deliberative democracy, where citizens all have a certain capacity for reason (this will also become more significant later on). Furthermore, Aristotle's *polis* is connected to his discussion of law-giving in the *Nichomachean Ethics.* The *polis,* through its commitment to 'the good' (which is achieved through deliberation), is meant to produce law-givers who will create civic institutions which provide the necessary context in which people can develop *phronesis*[17]. Furthermore, law-givers should legislate so as to produce correct behaviour in accordance with the principles of justice, retribution and so on. These institutions are also meant to 'habituate' individuals in certain ways in order to develop the moral virtues described in the *Nichomachean Ethics*: courage, moderation and justice.[18]

3. Aristotle's *Faux Pas* : Contingent Judgements in Aristotle's Moral and Political Philosophy

Although there are many sophisticated theoretical critiques of Aristotle's moral and political philosophy, I will be focusing on those which relate his philosophy to the historical situation in which that philosophy is situated, in a way which compromises the judgements he makes. His moral and political theory is particularly interesting in this respect, because his commitment to having a practical, workable moral and political theory often leads him to make empirical judgements about the capacities of human beings which he thinks are closest to the reality. However, these often strike modern readers as being quite unpalatable. Firstly, there is the discussion of women in Aristotle's *Politics*: "[T]he relation of male to female is by nature a relation of superior to inferior and ruler to ruled;"[19] and "the female has it (the deliberative element) but it lacks authority;"[20]

Now, Aristotle clearly has some kind of hierarchy between men

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16.   Arist., *Pol.,* 1.2.1253a2-7.
17.   *Phronesis* is contextual, and can only be developed concretely.
18.   Arist., *Pol.,* 1.5.1254b12-16.
19.   Ibid., 1.13.1260a16-18.
20.   Ibid., 1.13.1260a16-19.

and women in mind, but the contemporary plausibility of his political theory depends on what kind of hierarchy this is. Why is this the case? Aristotle thinks of the woman as ideally situated in the *oikos*, and not the *polis* (at least, they do not have the same status as men). This is because of an empirical judgement about the abilities of the woman, as well as the 'economic efficacy' of the particular male-led household arrangements within which women have to fit into. How exactly are we to interpret the phrase "lacks authority"? Recent scholars of Aristotle talk about the authoritarian relationship between man and woman not as an 'irrational domination, but as being a 'political relationship', one of stewardship and representation. This paternalistic reinterpretation, which Harold Levy argues for, suggests that Aristotle might even *(guardedly)* admit women into the *polis*.[21] However, this reply doesn't seem to assuage our egalitarian sensibilities very much.

Secondly, there is Aristotle's discussion of natural slavery in the *Politics*: "It is clear, then, that some men are by nature free, and others slaves, and that for these latter slavery is both expedient and right."[22] Not only does Aristotle claim that the relationship between master and slave, properly understood, is beneficial for both parties,[23] but he also claims that certain physical and intellectual differences between men result in some men being considered 'slaves by nature.' These slaves enter into arrangements such that their slavery is expedient to them. Thus, the status of slaves is 'natural' in that it enables them to express their capacities in the fullest way (which relates back to the Function Argument). However, certain men are what Aristotle calls slaves-by-war - those men made slaves by virtue of the military defeat of their city-states, rather than by virtue of their nature. Thus, Aristotle's 'approval' of slavery extends only to the 'slave-by-nature' relationship.

Pierre Pellegrin[24] attempts to defend Aristotle from the charge that he approves of slavery. He claims that Aristotle's notion of a 'mutually beneficial' relationship between slave and master entails that Aristotle would object to the unethical and violent slavery of his day. Thus, the kind of 'slavery' that Aristotle approves of is some version of bonded labour. It might even entail significant material compensation to the slave, which is closer to a more palatable form of modern wage labour. Be that as it may, it does not seem to dull the anti-egalitarian implications of Aristotle's initial formulation. Designating a certain section of the population as 'slaves-by-nature' and putting them in a hierarchical relationship with a

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21.   Harold L. Levy, "Does Aristotle Exclude Women from Politics?" *The Review of Politics* 52.3 (1990): 412.
22.   Arist., *Pol.,* 1.6.1254b 39-41.
23.   Ibid., 1.6.1254b16-21.
24.   Pierre Pellegrin, "4 Natural slavery," trans. E. Zoli Filotas, in *The Cambridge Companion to Aristotle's Politics*, ed. Margaret Deslauriers and Pierre Destrée (Cambridge: Cambridge University Press, 2013), 111.

master seems to suggest the lingering possibility of mistreatment, as the master can justify actions that we would consider 'unfair' under the guise of 'practicality' and 'economic necessity.'

Thirdly, Aristotle's account of human reason is often employed to make negative statements about the rationality of the poor compared to the middle and upper classes: "A man, they say, who is poor cannot rule well - he has not the leisure;"[25] and "When democracies have no middle class, and the poor greatly exceed in number, troubles ensue, and it soon comes to an end."[26]

It is important not to misinterpret this. Aristotle is neither claiming that the poor should not be given aid nor that the welfare of the poor is not an object of legitimate political concern. What he is trying to avoid is a 'tyranny of the majority' in which the poor dominate law-making, and simply divide up the property of the rich for themselves. This, in turn, will damage the stability of the polity, and will create civil conflict and revolution. However, this leaves Aristotle open to the charge of elitism, where the poor are ruled by benign members of the middle class, who can duck the charge of elitism by appealing to the irrationality of the poor. These claims are repeated in the *Nichomachean Ethics*, when Aristotle often equates the poor with 'the irrational.'[27] The poor are impervious to reason, and have to be taught and educated in order to be virtuous. They are painted as 'brute beasts,' which does not exactly endear us to them, but more importantly, also legitimates significant power imbalances between the rich and the poor.

The picture that I have painted above, based on Aristotle's remarks about the poor, women, and slaves, amounts to a substantive critique of Aristotle's political theory. In this picture, we look back on Aristotle's political vision as a self-serving articulation of the ideology of the upper-middle class Athenian citizen in the 4th century BCE, who deems himself 'rational' and 'virtuous.' Furthermore, he claims that a community constituted primarily of his fellows is the 'ideal polity,' and those groups who help to underpin his superiority through labour (slaves producing food, women caring for children, and so on) are effectively excluded from participation in the political process. It is important to note that, for Aristotle, this may well be a descriptive statement. He may simply think that the exclusions detailed above do not contradict his ethical and political doctrine, as they simply rely on empirical judgements as to which relationships are 'expedient' in materially providing for the citizenry of the *polis* (given the current social and economic circumstances). However, these challenges raise serious questions for those of us who wish to reinterpret Aristotle for

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25.   Arist., *Pol.,* 2.1.1273a23-25.
26.   Ibid., 4.2.1296a 17-28.
27.   Arist., *Eth. Nic.,* 1.5.1095b15-20.

the modern day, where these exclusions appear to us as undesirable.

4. Aristotle's Redeemers: Alasdair MacIntyre and Hannah Arendt

Some modern moral theorists have tried to revive Aristotelian virtue ethics, claiming that it holds the solutions to many problems in the contemporary literature, and that many great insights can be found in Aristotle's work.[28] They argue that Aristotle can be salvaged from the damning picture of his work and the above judgements concerning women, slaves, the poor, can be revealed as contingent. According to modern Aristotelians, these were not mistakes which were necessarily entailed by the form of Aristotle's ethical theory, but were simply products of Aristotle's historical context. Thus, they can be excised from our interpretation of the theory, as enlightened modern readers of Aristotle.

One prominent example is Alasdair MacIntyre, who claims,[29] in *Whose Justice Which Rationality?*, that many of Aristotle's objectionable judgements about women and slaves can be re-evaluated so as to preserve the form of Aristotle's theory. MacIntyre argues that we can keep Aristotle's structure – in which people are honoured for achievement in accordance with excellence and political institutions - without agreeing with his judgements about women and slaves.

While the latter is true, Macintyre misses the point of the original critique of Aristotle. This neat formalism (honouring of achievement in accordance with excellence) requires content. The problem with this seems to be that, while we may not exclude women, slaves, and children, we may still end up with a dangerously inegalitarian hierarchy (as we would still have to make inegalitarian judgements). MacIntyre accepts this, but claims that the hierarchy in question would be one of teaching and learning, not of "irrational domination."[30] This raises an interesting question as to why MacIntyre is so confident that his hierarchy of 'teaching and learning' is an improvement on what was considered unpalatable in Aristotle. Education is a good articulation for the transmission of theoretical knowledge, but its use as a metaphor to describe a political relationship still seems to contain the anti-egalitarian dangers that MacIntyre wants to avoid.[31]

Another prominent modern Aristotelian is Hannah Arendt. For Arendt, Aristotle's distinction between the *oikos* and the *polis*, as well as

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28. John R. Wallach, "Contemporary Aristotelianism," *Political Theory* 20.4 (1992): 633-35.

29. Alasdair C. MacIntyre, *Whose justice? Which rationality?* (London: Duckworth, 1988), 252.

30. Ibid., 108.

31. Describing the ideal relationship between rulers and ruled as being one between student and teacher can have problematic consequences, especially in so far as it damages the autonomy of the 'ruled' in question.

his account of how revolutions take place, provides some vital insights into what constitutes a good political community. Inspired by Aristotle, Arendt claims that economic concerns are essentially distinct from political concerns.[32] The polity is that place where people set their partisan identities (whether related to class, race, or nation) aside in order to make themselves heard and to be recognized by their fellows as a political agent.

Arendt claims that the polity is constituted by mutual recognition, built on trust, which one must be willing to extend to fellow political agents. These elements build a common world which is a precondition for a healthy and flourishing political community. Unlike Aristotle, Arendt argues that plurality is key to her conception of a community.[33] A community is authentic only when it is constituted by *different* individuals. This, Arendt thinks, engenders a preservation of the spirit of Aristotle's political theory, without the pitfalls of his specific articulation of the theory. However, her revival is not without its problems. Certainly, in so far as the economy involves several collective decisions about the rules of fair exchange, the appropriate conditions of work and levels of pay, and so on, it seems that a principled divide between 'economic questions' and 'political questions' is untenable. Furthermore, lurking behind her notion of a political community 'constituted by trust' lies a more radical critique of her project.

In his book *Homo Sacer*, Giorgio Agamben criticizes what he calls "the politics of belonging."[34] For Agamben, this is a politics which focuses on the creation of a political community whose members are bound together by some common identity. This seems to be an accurate description of the Aristotelian *polis*. For Agamben, the mistake that all such 'communities of belonging' make is that they ignore one simple fact: "the fundamental political relation is the ban."[35] A focus on the criteria for who is included (as is evident in Aristotle's criteria for citizenship) prevents us from looking at who is *necessarily* excluded, outside the *polis*. It seems reasonable to claim that in Aristotle's political theory the 'excluded' were the Greek slaves and the poor.

By recreating the formal structure of Aristotle's *polis*, Arendt has implicitly reinstated the distinction implicit within it; the distinction between *oikos* and *polis*. She has thus opened the door to 'bare life': the possibility of a human being cast of out of the *polis*, stripped of his political agency. A prime example of such a 'bare life' is the Aristotelian slave, understood merely as a tool, not as a political agent. In sum, Arendt's foun-

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32. Hannah Arendt, The Human Condition (Chicago: University of Chicago Press, 2013), 28-31.
33. Ibid., 32.
34. Giorgio Agamben, *Homo Sacer*, trans. Daniel Heller-Roazen (Palo Alto: Stanford University Press, 1998), 102.
35. Agamben, *Homo Sacer*, 101-2.

dation of a political community based on trust and mutual recognition has the distinctly threatening implication that the community is implicitly underpinned by a set of excluded who are, in Arendt's terms, unrecognized and not trusted.[36]

5. Aristotle and the Realist-Liberal Debate in Contemporary Political Philosophy

Now, I will turn to the implications of the above sections to what is known in the political philosophy literature as the methodological Realist-Liberal Debate.[37] The debate started with an increasing interest in the work of two political philosophers, Bernard Williams and Raymond Geuss, specifically with respect to their critique of what they saw as the 'Liberal' tradition in political philosophy, exemplified by thinkers like John Rawls, Robert Nozick, and Jurgen Habermas.[38] For the liberals, good political theory consists of the formulation of abstract rules, which are supposed to reconcile the conflicts of certain abstract concepts such as Justice, Liberty, and Authority. These rules are abstract for a good reason; liberals wish to talk about a certain minimal process of deliberation, which will generate appropriate norms which they hope will accommodate several different kinds of societies.

Realists like Geuss[39] and Williams object to normative theorizing in the liberal tradition on three grounds. Firstly, well-formulated abstract rules which are neutral on the questions which tend to divide people hold no water in terms of any possible application to 'real politics,' which is often about the resolution of (sometimes violent) disagreements about 'the good.' Secondly, even when you are able to format rules which strike the right balance between neutrality and partisanship, it is unclear that you will be able to escape the fact that the presuppositions by virtue of which you formulate the laws come from a particular place in a particular society. Very often, liberals will posit systems of rules intended for universal application which contain implicit assumptions about the nature of politics which often arise from a very specific context.

However, liberals tend to criticize realists for their lack of a proper normative theory with which to orient themselves politically. In their view, realists claim to 'defer to reality' in their political theorizing, but they leave us stranded in terms of a comprehensive theory for political

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36.   Hannah Arendt, "Epilogue: Reflections on the Hungarian Revolution," in *The Origins of Totalitarianism (2nd Edition)* (New York: Meridian Books, Inc., 1958), 498.

37.   Enzo Rossi and Matt Sleat, "Realism in normative political theory," *Philosophy Compass* 9.10 (2014): 691-2.

38.   William A. Galston, "Moral Personality and Liberal Theory: John Rawls's 'Dewey Lectures'," *Political Theory* 10.4 (1982): 492-3.

39.   Enzo Rossi, "Reality and Imagination in Political Theory and Practice," *European Journal of Political Theory* 9.4 (2009): 208.

orientation, leading to the danger that a 'realist' politics might simply involve importing any notion of the good which you might find around you.

Aristotle, according to MacIntyre, can allow us to skirt a middle path in this debate. Aristotle recognizes that ethical concepts like justice or rationality or freedom cannot be debated in an abstract vacuum,[40] leading to universal, formal principles which claim to access some transcendent notion of 'the good.' Those in the *polis* must recognize that they are part of a particular historical and political arrangement, and be open to the fact that they might change their 'moral rules' based on the contingent situations in which the community can be placed. Thus, MacIntyre's Aristotle neither formulates formal principles which have no content (as the liberals do), nor ditches the possibility of normative theory, leading to a certain kind of moral and political incoherence (as the realists do). However, as we have seen in this paper, contemporary readers of Aristotle are able to ask several embarrassing questions of him. What impact does this conclusion have on the Realist-Liberal Debate?

It seems to me that the particular criticisms made of Aristotelian moral theory in this paper help to support important realist criticisms of liberal political philosophy. For example, Agamben's critique of Aristotle based on his ignorance of 'the ban' as the originary political relation should focus the theorist's attention on the excluded groups in the particular context within which he is theorizing. Unlike Aristotle, we might do well to generate a theoretical understanding of exclusion (given that exclusion is a constant danger in the foundation of any political community). The above criticisms of Aristotle tend to reveal the fact that his virtue ethics runs a bad balance between ahistorical universal claims (in that Aristotle claims to have gotten a basic structure of a maximally good human life *at an abstract level*) and particular claims rooted in Aristotle's historical context, which over time, have been re-evaluated.

What this seems to point to is the need for political philosophy to be self-conscious of its historical embeddedness, rather than drawing a boundary between an ahistorical universal structures applied to all places and all times, and particular historical judgments needed to give this universal structure some content. It seems that realists can begin to respond to the criticisms of their position above by recognizing the need for a historical political philosophy, which sees itself as trying to solve the problems it is set by the present world, rather than trying to erect a timeless structure bridging a past that it cannot relive and a future that is uncertain.

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40.   Christopher Stephen Lutz, *Tradition in the Ethics of Alasdair MacIntyre: Relativism, Thomism, and Philosophy* (Plymouth: Lexington Books, 2009), 67-9.

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The Impact of the Rise of the Visigothic Kingdom in Spain on the Disappearance of Roman Imperial Presence in the West

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As one of the first Barbarian groups to enter Roman territory, sack Rome, and settle in a province belonging to the Empire, the Goths are often presented as the beginning, and sometimes even one of the main causes of, the fall of the Roman Empire. However, it can be argued that even though the first victories of the Gothic tribes, including famously at Adrianople in 378 CE, and the Sack of Rome in 410 CE, had great symbolic significance and dealt a psychological blow to the idea of stability and immortality of Rome,[1] they did not truly precipitate the disappearance of the Roman Presence in the West of the Empire. While these were grave losses for Rome, they had relatively limited functional and long-lasting impact on the state of the Empire, since they were largely passing in nature and did not lead to a permanent takeover of territory.[2] By contrast, the kingdom of the Visigoths was one of the first clear and tangible signs of the breakdown of the Roman authority, as in involved a permanent loss of a Roman province to a barbarian group. Traditionally, the distinction between the Ostrogoths and the Visigoths developed after the sack of Rome in 410, when one group of Goths was allocated as foederati to the region of Gaul becoming Western Goths, in 419, and another faction remained in Italy, becoming Eastern Goths.[3] While the Visigoths accepted the land allocated to them by the Empire, they then took full control of it and expanded their dominion to include most of southern Gaul and

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1.   Augustine, *City of God*, trans. Marcus Dods (New York: Modern Library, 1950), 51.
2.   Michael Kulikowski, *Rome's Gothic Wars* (Cambridge: Cambridge University Press, 2007), 178.
3.   Ibid., 59.

the entire Iberian Peninsula.[4] This land was traditionally Roman, and it would never belong to the Empire again, thus becoming one of the major contributions to the disappearance of the Roman Imperial presence in the West. After their defeat to the Franks, the Visigoths lost control over Gaul, and yet their impact can be seen as paving the way for the establishment of a Frankish kingdom north of the Pyrenees by undermining the systems of Roman imperial government there.[5] After 507, the Visigothic kingdom assumed the general shape it would have for several centuries, as the territorial state loosely aligned with the natural borders of the Iberian Peninsula.[6] Therefore, it can be argued that the main lasting impact of the Visigoths on the Roman Empire was the formation and development of the Visigothic kingdom in Spain, and the transformation and subsequent disappearance of Roman administrative, economic, and political structures. While the Visigothic Kingdom retained some elements of Roman culture and legal tradition, the demise of clear economic ties to Rome, together with internal diversification of Spain and religious controversies, helped create a new Spanish identity, which can be seen in the Visigothic Law codes that combine Roman influences with a structure suited specifically to the needs of the region. The Visigoth acquisition of the Iberian Peninsula allowed for the development of a distinct Visigoth culture which lead to the erasure of Roman authority and identity, thus strongly contributing to the disappearance of the Roman imperial presence in the West.

The Iberian Peninsula belonged to Rome for over 500 years at the time of the arrival of the Goths,[7] and yet it had retained much of its internal diversity, integrating Roman culture and administration with pre-existing local traditions.[8] Roman influence spread throughout the cities and the presence of Imperial administration helped collect taxes and guide major economic activities and exports for the benefit of Rome.[9] The province gained a measure of security and economic prosperity from being part of the Empire, but it did not have an independent economy or an established local culture, and its officials were mostly appointed from Rome.[10] The political instability in the Empire of the fourth and fifth centuries affected the Peninsula before the arrival of the Goths, with invasions by groups such as the Suevi and the Alemanni, who established their own kingdoms in the territory of Spain,[11] and with the passage of other barbarian groups, such as the Vandals. In this context, the permanent settlement of the Visigoths

4.   Bryan Ward-Perkins, *The Fall of Rome and the End of Civilization* (Oxford: Oxford University Press, 2005), 60.
5.   Walter Goffart, *Barbarians and Romans: The Techniques of Accomodation* (Princeton: Princeton University Press, 1980), 110.
6.   Georges Labouysse, *Les Wisigoths* (Portet-sur-Garonne: Loubatieres, 2006), 61.
7.   Leonard A. Curchin, *The Romanization of Central Spain* (London: Routledge, 2004), 7.
8.   Ibid., 241.
9.   Goffart, *Barbarians and Romans*, 114.
10.   Curchin, *Romanization of Central Spain*, 144.
11.   Roger Collins, *Visigothic Spain: 409-711* (Malden: Blackwell Publishing, 2004), 11.

in the region, and the relative lack of resistance they encountered, can be more easily understood. However, it was this settlement that functionally severed the imperial link of Hispania to Rome, and that made Spain into an independent kingdom, thus diminishing the influence of the Empire in the West. The establishment of the Visigothic kingdom resulted in the decline of external trade and political links to the larger Mediterranean,[12] instead contributing to the localization and diversification of the economy and culture of the Iberian Peninsula. This process led to the establishment of an independent political and cultural entity determined by the natural borders of the Iberian Peninsula. The religious politics and the legal tradition of Visigothic Spain reflect the way the internal diversity and the transformation of Roman and Barbarian influences created a new identity for the country of Spain.

One of the most vital consequences of the Visigothic takeover of Spain was the disappearance of Roman economic structures and the decline in long-distance trade. With the establishment of a new kingdom came the severing of clear commercial ties of the peninsula to the rest of the Mediterranean,[13] and even internal trade became less far-reaching.[14] This led to a diversification and localization of production,[15] which eventually made Spain more economically self-sufficient but also decreased the degree of specialization and thus the quantity and quality of mass-produced goods.[16] This localization of the economy is first evident in the emergence of new regional currency minted in the Iberian Peninsula and intended primarily for local use. In the times of the Empire, Hispania was part of a greater economic trade network where it was mainly a supplier of raw materials, such as various metals from its mines, and certain types of olives and wine.[17] Outside of these activities, which were at least in part governmentally supervised,[18] the province was not very highly industrialized, and therefore local minting of Roman coins was largely controlled by Rome,[19] and the amounts minted depended on the needs of the Empire at large more than on the immediate requirement within Hispania. After the Barbarian invasions, this economic situation underwent a major change, since Spain was now commercially disconnected from the Empire. Even the early invaders, such as the Suevi and Allemani, minted some local coins to supply their economic needs,[20] and with the establishment of a

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12.   Ward-Perkins, *Fall of Rome*, 60.
13.   John Moorhead, *Roman Empire Divided* (Harlow: Pearson, 2013), 68.
14.   Ward-Perkins, *Fall of Rome*, 113.
15.   Simon Loseby, "Post-Roman Economies," in *The Cambridge Companion to the Roman Economy*, ed. Walter Scheidel (Cambridge: Cambridge University Press, 2011), 344.
16.   Ibid., 343.
17.   Curchin, *Romanization of Central Spain*, 3.
18.   Ibid.
19.   Ward-Perkins, *Fall of Rome*, 113.
20.   Ibid.

much larger Visigothic Kingdom, the need for an independently minted currency was apparent. This new currency served to unite the disparate and geographically diverse regions of Spain, and it provided a local and flexible medium for economic activities that were increasingly contained within the region.

The decline and significant disappearance of trade links to the larger economy of the empire prompted the diversification and increased distinctiveness of regional production.[21] The coastal cities retained some commercial links to the Mediterranean, but their trade was increasingly focused on luxury goods,[22] and the Visigothic Kingdom relied on local production for all its regular needs.[23] Moreover, separate regions of the Peninsula tended to be self-sufficient to a large degree, causing production to be less specialized, which likely decreased the quality of material goods,[24] but also made the regions less vulnerable to economic crises linked to exports. For example, the presence of African Red Slip Pottery in the region dramatically decreased during this period, and the archaeological record shows that pottery and other everyday items were now largely locally produced.[25] This was an important change from the prevalence of imported goods in the Roman period, and it arguably lead to a decrease in the quality of life in the region, since the local goods were often inferior in quality.[26] Furthermore, the differences between the resources and economies of the various regions of Spain, such as that between the Northern and Southern towns, led to a degree of internal diversity,[27] which provided the Kingdom with more effective economic independence. This independence contributed to a greater cultural barrier with Rome, since the territory was no longer dependent on constant contact with the Empire and imported fewer goods, people, and less ideas from the outside, thus contributing to the development of a distinct Spanish identity. Furthermore, the disappearance of Spanish economic ties to Rome weakened the state of the imperial economy in general, thus undermining the Roman power in the West as a whole. Coupled with the takeover of North Africa by the Vandals, the definite loss of the Diocese of Hispania damaged the foundations of Imperial economy and left Rome without its historic suppliers of necessary resources.[28] Therefore, the economic changes brought about by the Visigothic conquest of Spain decreased Roman access to resources and created a new economically independent state in Iberia, thus

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21.   Loseby, "Post-Roman Economies," 343.
22.   Ward-Perkins, *Fall of Rome*, 114.
23.   J. M. Wallace-Hadrill, *The Barbarian West: 400-1000* (Oxford: Blackwell Publishers Ltd, 1952), 116.
24.   Loseby, "Post-Roman Economies," 344.
25.   Ibid.
26.   Ward-Perkins, *Fall of Rome*, 114.
27.   Ibid, 34.
28.   Roger Collins, *Early Medieval Spain: Unity in Diversity* (New York: St. Martin's Press, 1995), 4.

permanently reducing imperial power in the West.

The structure of land allocation and taxation in the Visigothic Kingdom also reflected a significant shift towards localization and the demise of a centralized and Rome-oriented taxation system. One of the most functionally and culturally important manifestations of Roman presence in Hispania was the sophisticated apparatus of imperial administration and tax collection.[29] The invasions of the Suevi and Allemani, as well as the passage of other barbarian groups through the region definitely destabilized the administrative structures in the region;[30] however, the Visigothic takeover was the point of their near-complete demise. Unlike the Ostrogoths in Italy, the Visigoths did not preserve the old centralized systems of taxation and land ownership and did not strive for accommodation and integration of the Roman elites as much as the other groups.[31] Land in Hispania was allocated to Visigothic nobles and warriors, and the current tenants occupying the land paid their taxes directly to the new owner. This owner then passed some of the revenue on to the king, but most of the collection took place locally, pointing at a newly decentralized system of land ownership.[32] This paved the way for the emergence of an early manorial system, where the tenants owed their duties directly to the local lord instead of taking part in the more global and centralized system of government and taxation.

The administrative link to Rome was also severed quickly, since even in the Kingdom of Gaul, under the initial *hospitalitas* arrangement, the Visigoths took over all land revenues from their region, and this did not change in their later kingdoms. In 520, when the Ostrogothic king Theodoric called for economic support of the Visigoths, they offered it on equal terms,[33] thus demonstrating the status of Spain as an equal kingdom, and not a province subordinate to Rome. The Visigoths and the Ostrogoths maintained largely amicable relations, but they were not always substantiated with material help, as when Theodoric sent a letter to Clovis rebuking him for attacks on his nephew, Alaric, king of the Visigoths. The letter was threatening, and yet the Ostrogoths offered little military support to the Visigoths,[34] showing that the two states, while generally allied and connected by networks of kin, were politically independent. The localized administrative system in the Visigothic kingdom supported this independence, since it was loosely centred on the king and had few remnants of the Roman structures.[35] Furthermore, while the Visigoths

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29.   Goffart, *Barbarians and Romans*, Chapter 4.
30.   Collins, *Visigothic Spain*, 11.
31.   Goffart, *Barbarians and Romans*, Chapter 4.
32.   Labouysse, *Wisigoths*, 61.
33.   Cassiodorus, *Variae*, trans. S. J. B. Barnish (Liverpool: Liverpool University Press, 1992), 73.
34.   Moorhead, *Roman Empire Divided*, 68.
35.   Goffart, *Barbarians and Romans*, Chapter 4.

did not usually pressure the local population to adopt their customs, the localized administration helped permeate the country better by creating a more direct link between the local Roman landowning aristocrats and the Goths to whom they now had to pay their taxes. The old elites had a strong incentive to integrate into the new society in an attempt to further their status and ensure survival,[36] and this meant that within a few generations, the clear lines between the Romans and the barbarians began to blur. Sidonius Apollinaris, a Roman aristocrat living in Gaul, lived and wrote under Visigothic rule, and in his letters, he makes it clear that he believes the barbarians to be inferior to his Roman heritage and education.[37] However, his son Apollinaris fought on the side of the Visigoths in the Battle of Vouille, where they lost Gaul to Clovis and the Franks.[38] Therefore, despite his apparent distaste for the barbarians, they elicited a degree of loyalty and support from a member of his family, since fighting with a barbarian army for a barbarian king can hardly be seen as Roman. Thus, the new government of the Visigoths was clearly at least somewhat effective in controlling the old elites and integrating them into the new kingdom, thus replacing the Roman imperial and administrative presence with new structures of government.

Nonetheless, the Visigoths did not want to be seen as Roman, partly because if they were to claim loyalty to the Empire, they would have to accept the authority of the Eastern part of the Empire, and to recognize the supremacy of the emperor in Constantinople. Since the Western Roman Empire no longer formally existed, the remaining Empire was the one in the East, and they claimed to inherit the right to all the provinces of the old empire.[39] One of the ways in which the Visigoths considered themselves distinct from Romans was their espousal of the Arian branch of Christianity, in opposition to the orthodox position.[40] The theological distinction between the two confessions consists of a disagreement about the nature of the relationship between Persons within the Trinity. Arianism maintains that God the Father is greater than the Son, in parallel to earthly father and son relationships, whereas the Nicene orthodox position defines all the Persons of the Trinity as equal and coeternal, together constituting the Godhead.[41] This theological difference, however, is most likely

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36.   Jamie Wood, *The Politics of Identity in Visigothic Spain: Religion and Power in the Histories of Isidore of Seville* (Boston: Brill, 2012), 43.
37.   Anderson, W.B., trans., *Sidonius: Poems and Letters* (Cambridge: William Heineman Ltd., 1936).
38.   Herwig Wolfram, *History of the Goths,* trans. Thomas J. Dunlap (London: University of California Press, 1979).
39.   Ian Wood, "Social Relations in the Visigothic Kingdom from the Fifth to the Seventh Century: The Example of Merida," in *The Visigoths from Migration Period to the Seventh: An Ethnographic Perspective*, ed. Peter Heather (Woodbridge: The Boydell Press, 1999).
40.   Jacques Fontaine, *Culture et Spiritualite en Espagne du IVe au VIIe Siecle* (London: Variorum, 1986), 103.
41.   Ibid.

not the only or even the main reason most Visigoths rejected Catholicism, especially in the first centuries of the Visigothic Kingdom. There were clear external and internal political advantages to maintaining a religious distinction between the Barbarians and the Romans in Spain. Arianism permitted the newcomers to the area to maintain a distinct identity and a degree of separation in the early years of the kingdom, and facilitated the development of Gothic cultural and political identity.[42] In later years, the claim of support for Arianism was a useful tool in justifying political dissent against the Catholic bishops and nobles, and played its part in the internal politics of the kingdom, formalizing and validating conflicts between various bishops and officials.[43] The idea of a somewhat function-alist approach of the Goths to Arianism is supported by the general lack of persecutions of Catholics or of any serious attempts to convert the lo-cal population.[44] It has long been suggested that Arianism prevented the Visigoths from blending in with the locals,[45] and this is most likely at least partly intentional.

Another useful consequence of Arianism for the Goths is its unifying power. The Visigoths formed into a group led by a king in the context of the Roman Empire, during and after the Sack of Rome in 410 AD.[46] The exact origins of the Goths as a people are unclear,[47] and the contemporary sources present an apocryphal and seemingly unreliable narrative.[48] Lin-guistic and archaeological evidence seems to suggest that the Gothic tribes were nomads in Eurasia, and they were not unified in any distinguishable way.[49] Even as *foederati* of the Empire in the Fourth Century, they were not a unified nation, but a number of tribes with separate leaders and some-what distinct customs.[50] Therefore, the formation of the Visigothic King-dom was not the establishment of a new territorial state by a unified group of ethnically homogeneous people, but instead, it was part of the process of the formation of a unified Visigothic identity. In the absence of true unifying traditions, and especially in the new context of settled life, the religious distinctiveness and unity that came from espousing the Arian doctrine was instrumental to asserting the influence and cohesion of the Visigoths in Spain. Thus, Arianism helped distinguish Visigoths in Spain internally in addition to opposing the orthodoxy of the Byzantine Empire. It was therefore instrumental to defining and shaping the development of

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42.   Wood, *Politics of Identity,* 35.
43.   Wood, "Social Relations," 169.
44.   Wood, *Politics of Identity*, 45.
45.   Henry Bradley, *The Goths: From the Earliest Times to the End of the Gothic Dominion in Spain* (London: T. Fisher Unwin, 1888), 7.
46.   V. P. Budanova, *Goti v epohu velikogo periseleniya narodov* (Saint-Petersburg: Alat eya, 2001), 4.
47.   Ibid., 2.
48.   Phillip J. Smith, trans., *Getica of Jordanes: Introduction, Text with English Trans-lation, and Commentary* (Berlin: de Gruyter, 2008), 4.25-29.
49.   Budanova, *Goti*, 190.
50.   Peter Heather, *Goths and Romans* (Oxford: Claredon Press, 1991), 216.

a new and independent country in Spain, and with it, the decline of the presence of Roman influence and power.

The publication of the new law codes under the Visigothic kings, including Euric and Alaric II is an example of the way the Roman tradition was transformed and adapted to suit the particular needs of the Kingdom and to thus distinguish it from the former imperial influence. These codes are largely based on the Roman legal tradition, with little evidence of Germanic elements. However, the approach to the compilation of these codes reflects a desire to particularize the general tradition of Roman jurisprudence in order to better suite the context of Visigothic Spain and to reassert the authority of the king as the main legislative authority. In an economically, politically, and religiously diverse kingdom, these law codes, especially the Code of Alaric, which is usually interpreted as a territorial law code, were one of the main sources of cohesion and unity.[51] Alaric's Code is based on several of the compilations and codices of the Eastern Empire, as well as the writings of classical Roman jurists – it includes large parts of the Theodosian Code, as well as other compilations, some made with the imperial authority, and some compiled independently by the jurists.[52] However, it is based mainly on the provincial forms of law that were of direct relevance to Spain,[53] and thus it adapts the tradition to suit the circumstances. Thus, it adopts a syncretic approach to law, where the most useful pieces of Roman legislation are compiled and published together, even if they were not originally part of the same code or structure. The selective implementation of Roman law by the Visigothic kings placed the Roman tradition under their legislative and political control. It can be said that the reason for a relative lack of distinctive barbarian influences on these codes is the functional absence of a coherent Visigothic legal tradition suitable for settled life. Since the groups that would form the Visigoths spent the previous century living near the empire, and often employed by it, it is likely that they were already familiar and accustomed to its laws.[54] In this context, the dominance of Roman law on the Visigothic Codes becomes a sign of a shared and transforming legal tradition. The codes published by Euric and Alaric are selective and emphasize the authority of the king to make judgements on which laws are appropriate, and therefore the king used the Roman legal tradition to suit his needs while highlighting that he was the ultimate authority on legislation. This may not have reflected the full reality of the political situation, since the kings of Visigothic Spain were not always in full administrative control of their state,[55] but it reflected the ideal of the power of the king that negates the supremacy of Roman legislature. The local code directly referencing Visigoths in its title gave

51.   Collins, *Early Medieval Spain*, 2.
52.   Wood, "Social Relations," 191.
53.   Ibid.
54.   Ibid., 192.
55.   Wallace-Hadrill, *Barbarian West*, Introduction.

the kings and kingdom of Spain a sense of legitimacy and independence, thus removing it from the united Empire and severing the links to Rome, even as they adopted some Roman laws.

The political and social culture of Visigothic Spain was diverse and varied, united by a king and his laws, but much more localized and regionalized than the Roman Province of Hispania. In addition to the clear and direct economic effect of cutting off the supply of resources to Rome, the Visigothic takeover removed this territory from the Roman administrative control forever and contributed to the creation of a new and distinct state in the Iberian Peninsula. The internal diversity of that state included Romans and Barbarians, Arians and Catholics, bishops, kings, aristocrats, warriors, artisans, and peasants. The main thing they had in common was the area where they lived – the Iberian Peninsula, defined by its natural borders. Thus, the territorial state of Spain slowly came into existence from the amalgamation of numerous separate traditions and identities. The separate sections of society did not create clear and easy divides, instead, their combination gave each person a unique set of experiences and traditions. The common king and laws, as well as opposition to powerful outsiders made them come together and form a new country, neither Roman nor Barbarian, but a mixture of the two. The attack of the Franks made sons of Roman aristocracy fight with the Goths, and the threat of the Byzantine power created the unique religious landscape of Spain. Thus, the internal diversity of early Visigothic Kingdom created a new country and a new identity, which by the virtue of its distinctiveness and autonomy undermined Roman imperial presence in favour of a new independent kingdom.

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Nudity in the Performance of **The Libation Bearers**

Hadley Staite

Ancient Greek culture displays a strong interest in the human form, and this comes through in literature as well as art. In line 896 of Aeschylus' *The Libation Bearers*, Clytemnestra refers to her breast as part of her supplication to her son, Orestes, who is there to murder her in retribution for her slaying of Agamemnon. It is a tense moment, as Orestes is not truly there of his own volition, but has been coerced by Apollo to pursue the mission. Clytemnestra's line reads: "Wait, my son! Have pity, child, upon this breast at which many times while you slept you sucked with toothless gums the milk that nourished you."[1] While performing this line, there are two likely possibilities: either Clytemnestra disrobes and bears her breast or merely gestures to it. The supplication causes Orestes to hesitate, but in the end he decides it is best to obey the gods, and he murders her. In this paper I intend to address the question of whether or not an actual partial disrobing would have occurred in the performance of the play. My stance, as will be argued, is as follows: the exposure of Clytemnestra's breast would have been inoffensive. We cannot assume that Greek audiences would have been confused or surprised by the exposure of a female character's breast, as this assumption is grounded in a modern bias.

Before delving into the details of what it would mean for Clytemnestra to actually expose her breast rather than gesture to it,

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1.   Aeschylus, *Libation Bearers*, trans. Herbert Weir Smyth in *Aeschylus, with an English translation* (Cambridge, Massachusetts: Harvard University Press, 1926), 896.

it is important to contextualize the scene. Why does this manner of supplication occur in the first place? It has been argued that there is a strong intertextual relationship between Clytemnestra's exposure to Orestes and Hecuba's exposure to Hector.[2] In the *Iliad*, Hecuba bears her breast to Hector in a plea for him to refrain from fighting Achilles and stay within the walls of Troy.[3] An important question to consider is whether or not this intertextual relationship is tantamount to Aeschylus making a deliberate allusion. K. O'Neill has argued that the allusion to Hecuba's exposure is important in signalling further references to Homer in *The Libation Bearers*.[4] Clytemnestra dreams of a snake at her breast, and later Orestes is before her as she bears her breast. Hecuba exposes her breast to Hector, and Hector is likened to a snake immediately after.[5] O'Neill argues that because Aeschylus invokes the scene of Hecuba's exposure, the reader (or audience member) is prompted to notice further allusions to the *Iliad*, with Orestes and Hector both being compared to snakes. Indeed, when taking the snake imagery of *The Libation Bearers* into account, the allusion to Hecuba's supplication is quite clear. This emphasizes the significance of the scene, and provides reason to believe that the absence of an actual exposure would have undermined Aeschylus' efforts to reference Homer. One thing to keep in mind is that, even though female nudity is implied, the physical breast in question would simply have been the chest of the male actor. Even if female exposure was inappropriate, it would not have been more shocking than the nudity suggested in the *Iliad*. Although a more visual medium than epic poetry, tragedy can deal with offensive material without explicitly being offensive about it in performance.

With the play's intertextual position addressed, I will now discuss the place of female nudity in Greek culture. Surviving visual art provides a strong body of evidence for interpretation of Greek attitudes surrounding female nudity. Where literary analysis is useful for understanding the meaning of Clytemnestra's exposure, statuary and pottery provide insight into broader attitudes, which inform us regarding the acceptance of female nudity in society. Although this kind of evidence is further removed from the literary source itself, societal attitudes would of course have had a direct effect on how Aeschylus and the producers of the play chose to write and direct the scene. Propriety, convention, and audience reception would have been of utmost importance in the formal and competitive setting of the Dionysia. That being said, I will now focus on female nudity in art specifically around Aeschylus' time, namely the late Archaic and early Classical periods.

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2.   K. O'Neill, "Aeschylus, Homer, and the Serpent at the Breast," *Phoenix* 52, no. 3/4 (1998): 216.
3.   Homer, *Iliad*, trans. Samuel Butler (London: Longman, Green and Co.: 1898), 22.77-98.
4.   O'Neill, "Aeschylus," 218.
5.   Hom., *Il.*, 22.92.

An example of this is the *Amazonomachy* depicted on the western metope of the Parthenon. This is a public work in a very central location. As a temple decoration, one can only assume that the rules of propriety were observed in its design. Consider then that it is a very visible example of artistic female nudity in fifth-century Athens. The Amazons fighting in the sculpture clearly display the single naked breasts that demarcate them as Amazons. If necessary, this could have been depicted through clothes, but the sculptors (and those overseeing them) were willing to put female nudity on display. Although there would have been rules and connotations surrounding female nudity in public, bare female breasts in Athens were not the distinct marks of impropriety that they are today.

Several red and black figure vases from the fifth century depict ordinary nude women. A selection of vessels taken up in a study by Ulla Kreilinger primarily portrays women bathing or preparing to bathe. In Figure 1, a woman preparing to bathe is depicted completely nude with her genitalia drawn in detail. According to Kreilinger, lone women washing themselves is a common image from the period.[6] Figures 2 and 3 depict women in contemporary hairstyles bathing, who have no specific connection to prostitutes or deities.[7] Kreilinger makes a strong argument for why it is erroneous to assume that these images (and others like them) are necessarily meant to depict prostitutes or deities, stating that a certain prudishness and Christian moral attitudes need to be put aside in order to take an unbiased look at representations of naked men and women.[8] When nudity is used as the only signifier that the subject is a prostitute or deity, the only real bridge between the evidence and the conclusion is modern bias. As such, it is possibly an anachronism to assume that nude women in Greek art are either prostitutes or deities. In that case, images such as those in Figures 1, 2, and 3 portray female nudity in an, inoffensive, common, everyday context. Checking these modern biases should have an effect on how we interpret Greek attitudes surrounding nudity during Aeschylus' time.

An argument against the unassuming nature of these vases might be that they were designed for the sexual arousal of men, rather than simply being aesthetically pleasing. With that in mind, let us take a closer look at Figure 2. This is from an Athenian *lekythos* from approximately 450 BCE. If it was painted with a sexual intent, then the subject matter would be a strange choice. The only thing about it that could be sexually stimulating is perhaps the contour of the woman. Still, this is quite the stretch of the imagination. In this case, the exact purpose of the art is not clear, but erotica is not among the safest of assumptions. Furthermore,

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6.   Ulla Kreilinger, "To Be or not to Be a Hetaira," in *Images and Gender: Contributions to the Hermeneutics of Reading Ancient Art,* ed. Silvia Schroer (Fribourg: Vandenhoeck & Ruprecht, 2006), 231.

7.   Ibid., 232.

8.   Ibid., 235.

Figure. 1 Athenian red-figure *kylix*, c. 500 BCE (Kreilinger, 231, fig. 3).

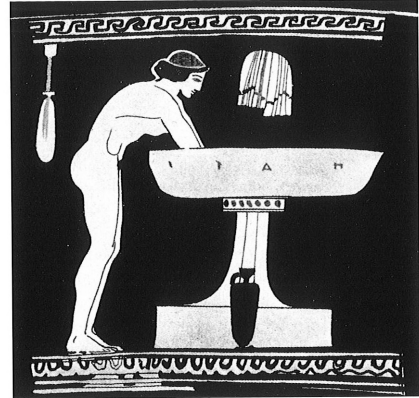Figure 2. Athenian red-figure *lekythos*, c. 450 BCE (Kreilinger, pl. 15 fig. 1).

Figure 3. Athenian red-figure *krater*, c. 450 BCE (Kreilinger, pl. 15 fig. 2).

the fact that the image is painted on a *lekythos*, an oil container, suggests a more utilitarian storage purpose rather than for festive entertainment. The *kylix* of Figure 1 has more potential in that regard. However, if it was meant to be arousing, there seems to be a distinct lack of focus on that purpose. Thus, the red and black figure art of women bathing imply a more relaxed attitude allowing for non-sexual female nudity.

That is, of course, not to try and suggest that female nudity was completely accepted. Bathing, for women, was something done in the private sphere, while the nude figures of men enjoy depiction in sports, war, and other outdoor public engagements. The female nude in Athenian culture thus seems to have been confined to the private sphere and art. It is tempting to observe the similarity to North American society today and extrapolate that the taboo must have been identical as well. If that was the case, then Clytemnestra revealing herself would indeed be out of place in a tragic play. However, the ubiquitous female nudity depicted on everyday pottery suggests that their taboo was different from ours.

Such a broad discussion as this of nudity in Greek art would be incomplete without some mention of Praxitiles's *Aphrodite of Knidos*. He likely carved the statue around 350 BCE, admittedly several generations after Aeschylus.[9] Despite the intervening century, however, this statue reflects previously shifted attitudes towards female nudity. I cannot hope to refute that this piece is sexually charged; it is unlike the pottery in this way, and, after all, Aphrodite is the goddess of sex and love. However, this is the earliest recorded instance in Greek art history of a free-standing female nude sculpture.[10] It is true that displaying this statue would not have been without controversy, as it defied conventions at the time, and more than likely pushed the limits of tolerance for nudity.[11] All the same, it was allowed to be put on display for some time in Knidos as a pious representation of Aphrodite, and it set a new convention for Aphrodite's sculptural depiction. It was truly a breakthrough in Greek perceptions of decency and modesty, but it did not occur in a vacuum. Although it was a later radical innovation, I posit that it still has relevance to the attitudes of the fifth century. Fifth-century Greeks were on their way to accepting a detailed nude female deity. Leading up to this there would necessarily be some acceptance for the female form itself. For if female nudity was considered abjectly vile and offensive, the *Aphrodite of Knidos* would have been an insult to the goddess it was meant to honour. Archaic Athenians already accepted female nudity through the medium of red figure, and they were on their way to accepting a fully nude realistic sculpture as a tribute to Aphrodite. They were ready for female nudity to be portrayed

9.   Andrew Stewart, *Art, Desire, and the Body in Ancient Greece* (Cambridge: Cambridge University Press, 1997), 97.
10.   Rosemary Barrow, "From Praxitiles to Chirco," *International Journal of the Classical Tradition* 11, no. 3 (2005): 348.
11.   Stewart, *Art*, 24.

through a male actor in a play, in just the same way as it was conveyed in verse by Homer.

Returning the focus to *The Libation Bearers* itself, I will now discuss masculinity as it pertains to Clytemnestra's supplication, as she does not behave as a woman was supposed to. R.P. Winnington-Ingram argues that Clytemnestra certainly does have masculine characteristics.[12] He points out several instances where Clytemnestra is signalled as masculine, such as the Watchman's line in *Agamemnon* referring to her spirit as "a woman's heart of manly counsel",[13] Clytemnestra sleeping in Agamemnon's bed,[14] and her taking a consort as a man would.[15] R. Drew Griffith puts forward a similar argument pertaining to Clytemnestra's masculinity. He argues that Clytemnestra loses her masculinity, which parallels how other characters lose their special traits: just as Agamemnon loses his power, Clytemnestra sheds her mannish nature.[16] The impact of Clytemnestra's transformation is very much weakened if her loss of masculinity is exemplified by a mere gesture to her breast. With an actual exposure, the message is much clearer – she reveals the secret, rather than merely pointing to something that has been there all along, as the female breast is something distinctly feminine. Interestingly, there is a fragment by Sophocles that addresses this sentiment quite plainly: "The chest of a good man does not soften."[17] If nothing else, this fragment exemplifies the awareness of dichotomy between male and female physiques, tying this difference to gender roles. With men, the chest ought to be stiff with muscles ready to carry out his manly duties. With women, the breast is soft by nature, which aligns with their role as cloistered housekeepers. Nothing about Clytemnestra actually changes if she merely gestures to herself, whereas an actual disrobing clearly spells out that she is finally revealing herself as a woman.

To expand on this, the shedding of her masculinity also makes her more vulnerable. She no longer presents herself as a fierce masculine force to be reckoned with; instead, she is now just a defenceless woman seeking mercy. She has enough dignity to stand and plead for her life rather than run away, but making herself pitiful and vulnerable is part of her technique to appeal to Orestes, in accordance with more traditional supplication practices. For example, when Leiodes and Phemius beg Odysseus to spare their lives, they make themselves vulnerable to him

12. Reginald Pepys Winnington-Ingram, "Clytemnestra and the Vote of Athena," *Journal of Hellenistic Studies* 68 (1948): 130.
13. Aesch. *Ag.* 11. in Winnington-Ingram, "Clytemnestra."
14. Winnington-Ingram, "Clyemnestra and the Vote of Athena," 102.
15. Ibid., 102.
16. R. Drew Griffith, "Disrobing in the Oresteia," *Classical Quarterly* 38, no. 2 (1988): 554.
17. Sophocles, "Fragment 195 P," in Anne Carson, "Dirt and Desire," in *Constructions of the Classical Body*, ed. James Porter (Ann Arbor: University of Michigan Press), 81.

by kneeling before him and grasping his knees in supplication.[18] For Leiodes, this vulnerability takes its course as Odysseus summarily executes him. It only makes sense that Clytemnestra's plea for her life would bear resemblance to the formal knee-grasping supplication. Only instead of kneeling to expose her neck, she bares her breast in order to expose it to the knife of Orestes. Furthermore, being more vulnerable also complements her newly admitted femininity. Both sentiments are artfully communicated in the same gesture.

Clytemnestra's plea is strong enough to give Orestes pause, which merits the response of the laconic Pylades, who has no lines up until this point. Clytemnestra specifically describes Orestes' filial bond to her by invoking the image of him suckling her.[19] The strange thing about this vivid description is that Orestes, being an upper-class Greek, would not have nursed from his mother, but rather the Nurse character. Of course, Clytemnestra is most likely speaking illustratively, using the act of nursing as a metaphor for motherhood. However, the presence of the woman who *actually* nursed Orestes seems to undermine her point, especially since the Nurse is very recently present in the play's action, having left to fetch Aegisthus at line 783. Since the supplication is meant to be powerful enough to make Orestes hesitate, Clytemnestra's act would need to be particularly strong. As I have already argued, the actual exposure would lend considerable strength to the scene.

Since the exposure of the breast would not be shocking – but the scene demands a certain gravity – exposure is more likely than a gesture. Female nudity was not fully suppressed as a concept in archaic Athens. It would not have shattered any rules for a female character to expose her top half, especially when being played by a male actor. During this time period, women were nude in literature and in art, and so nudity could have a small place in tragic theatre. The exposure of Clytemnestra's breast strengthens many things about the scene and fits in more naturally with the literary precedent. If her breast was exposed, as I have argued, then it has an interesting place amidst nudity in art during the time of the play's production.

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18.   Homer, *Odyssey*, 22.333-37 (Phemius), 310-29 (Leiodes).
19.   Aesch., *Ag.*, 896.

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Geiseric and the Fall of Rome

Seán Stewart

"Thalassocracy" is the term used by A. Merrills to describe the extent of Vandal power in the western Mediterranean after the conquest of Carthage.[1] To a student of ancient history, this evokes Thucydides' description of the Delian League, or of the legend of Minoan sea power preserved in Herodotus. Obviously one should not read too closely into Merrills' choice of words – no one claims that Vandal Africa is to the western Mediterranean of the 5th century CE as Athens was to the Aegean of the 5th century BCE – but nevertheless the implication is clear: the Vandals were a major sea power and a direct threat to Rome, just as Punic Carthage had been centuries before. The man who brought the Vandals to this state of affairs was Geiseric, *Rex Vandalorum et Alanorum* from 428 to 477 CE. This remarkable individual brought a small group of battered Vandals, Alans, and others across the sea from Spain to Africa, and turned them from a relatively insignificant group into a major threat to Rome. His forty-nine year reign – longer than that of any Roman Emperor up to that time – coincided almost exactly with the last decades of the Western Empire, from the reign of Valentinian III (425-455) to the deposition of Romulus Augustulus in 476. Indeed, from his actions, it appears that Geiseric was attempting to create a third power in the Mediterranean, centred on Carthage, which, he hoped, might be the equal of the two Roman states.

Outside of the small but flourishing field of specialists who study

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1.   Andrew Merrills and Richard Miles, *The Vandals* (Chichester: Wiley-Blackwell, 2010), 109.

the Vandals and their kingdom in Africa, however, Geiseric's role in the collapse of the Western Roman Empire is under-appreciated. The purpose of this paper is to encourage readers to see the 5th century from a new perspective, pivoting the focus of Roman politics from Europe to the Mediterranean, where Geiseric played a huge role. This is in part due to his longevity, but it is also because he was the first to set up a new, independent state in Africa, carved from the Roman Empire. This paper, then, will show how Geiseric's career progressed. His kingship can be divided into three phases: first the conquest of Africa and Carthage, second the short period of peace and cooperation from 444-455, and third his unrelenting hostility towards Rome from 455 to the end of his life.

When Geiseric became king in 428, he found himself the leader of a small group just recently come to prominence. This group was made up of Siling and Hasding Vandals (the latter were the stronger, and the group to which Geiseric belonged), as well as Alans. They had been forced into the province of Baetica in southern Spain following their defeat by the Roman general Asterius.[2] Before this time they had been in Gallaecia, a relatively remote province in northwestern Spain, and were not a major threat to Roman power, but now they occupied a rich province with easy access to maritime resources.[3] Had Asterius followed up his victory and defeated the Vandals a second time, it is likely that they would never have crossed into Africa. The Vandals controlled Baetica for a few years. Under Gunderic, the Vandal king at the time, they took control of the large Mediterranean fleet in the environs of Baetica and raided various places, including the Balearic Islands and Mauretania Tingitania.[4] He died at Seville in 428, Geiseric succeeded him, and within a year he moved his people into the African continent.[5]

North Africa was extremely important to the well-being of the Empire, at least in the West. It was from here that most of the foodstuffs for the city of Rome itself were supplied from the time of the Late Republic until the Vandal conquest. By the end of Aurelian's reign (270-275), the public dole had increased in extent compared to that of earlier times; not only did it include grain, but also oil, pork, and wine.[6] Much of this grain came from Egypt, but after the foundation of Constantinople, Egyptian

2. R.W. Burgess, trans., *The Chronicle of Hydatius and the Consularia Constantinopolitana* (Oxford: Clarendon Press, 1993) 229.26.

3. Merrills and Miles, *Vandals*, 45-6.

4. Javier Arce, "Spain and the African Provinces in Late Antiquity," in *Hispania in Late Antiquity, Current Perspectives,* ed. Kim Bowes and Michael Kulikowski (Leiden: Brill, 2005), 348.

5. Isidore of Seville, *History of the Goths, Vandals, and Suevi*, trans. G. Donini and G. Ford (Leiden: E.J. Brill, 1970), 73.

6. For a full description of the *annona* and the dole, see P. Reynolds, *Trade in the Western Mediterranean, AD 400-700: The Ceramic Evidence* (Oxford: Hadrian Books, 1995), 107.

produce was diverted to the new city, and Rome was supplied largely from Africa: upwards of 500,000 tonnes of grain were exported from Africa every year, and in the fourth century about 85% of the pottery found at Ostia, Rome's port, was African in origin.[7] Therefore the loss of Africa was a disaster economically. Militarily, it opened up a new theatre, and the loss was therefore twofold.

Until 429 the Vandals had been a relatively minor threat, but their move into Africa turned them into an immediate danger to the Empire. Why they crossed, however, is rather vague; they had a secure hold on the rich lands of southern Spain, and did not come under direct attack from any group after the failed expedition of Castinus in 422.[8] Indeed, there was no threat to them from any quarter; the Visigoths were mostly confined to Gaul, and the Romans had no army to speak of, although their administration did continue in parts of Spain. In addition, the Vandals' numbers were increased by the incorporation of other groups in the Iberian Peninsula.

It is unlikely that the Vandals, as Procopius claims, were invited into Africa by Boniface, the Roman commander. Procopius says that the general invited them to join his army out of fear of Aetius and the Western court after some palace intrigues.[9] This is unlikely to be true, as by 429, when the Vandals entered Africa,[10] Boniface had already been reconciled with the imperial court of Valentinian III, Placidia, and Aetius.[11] Additionally, in Procopius' narrative this episode contrasts with a similar one later on, where Justinian hears rumours that Belisarius, his general, is going to betray him; Belisarius does the honourable thing and returns to Constantinople.[12] If the contrast between the two stories is intentional, it is possible that Procopius invented it in the case of Boniface and Aetius in order to show the goodness of his hero, Belisarius.

We may also suggest that the Vandals saw Africa as a place of refuge.[13] It certainly made an inviting target, being lightly defended, but the question of what the Vandals would need refuge from cannot be answered, given that they had a secure territory in Baetica after they defeated the Castinus' expedition against them and there was little prospect

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7.   Peter Heather, *The Fall of the Roman Empire* (London: Macmillan, 2005), 175; Reynolds, *Trade*, 108.
8.   Merrills and Miles, *Vandals*, 50.
9.   Procopius, *Wars*, in *Procopii Caesariensis*: *opera omnia*, ed. Jacobus Haury (Leipzig: B.G. Teubner, 1962), 3.3.22.
10.   There is some uncertainty about when the Vandals crossed into Africa. 429 is the commonly accepted year, as per C. Courtois, *Les Vandales et l'Afrique* (Paris: Arts et Métiers Graphiques, 1955), 155, note 2.
11.   Heather, *Fall of the Roman Empire,* 268.
12.   J.A.S. Evans, *Procopius* (New York: Twayne, 1972), 62-63.
13.   Heather, *Fall of the Roman Empire,* 267.

of further danger in the near future.

In the absence of an obvious reason, we can only speculate at Geiseric's motives. The most likely reason to migrate was probably from a desire to increase his own power; it is very likely that he had heard of Carthage's wealth, as well as its vulnerability. Later, he became a shrewd and effective politician, and at some point he wanted to create a third power in the Mediterranean to compete with Rome and Constantinople. This desire may only have manifested itself after the Vandals were in Africa. Secondly, the idea of an African invasion by a barbarian group from Spain was not new: the Goths under Wallia attempted to cross into Africa, but were forced to abandon the project.[14]

A logistical issue with the Vandal crossing is the strength of the Vandals themselves. The figure of 80,000, including civilians, is often quoted in ancient[15] and modern sources, some accepting it, others doubting it.[16] If we accept it as true, then the Vandals probably had between 15,000 and 20,000 fighting men, a very substantial force for the time.[17] If we take the figure as accurate, we run into the problem of just how the Vandals managed to get across the sea to Africa. The invasion is often presented as a large fleet, carrying 80,000 people all at once across the sea, with the Vandals seizing the many ships to which they had access.[18] While the notion of a great flotilla crossing the Straits of Gibraltar to conquer a new land is a romantic one, it is probably untrue. Considering that Basiliscus' naval campaign against the Vandals in 468 supposedly included 100,000 men and 1,000 ships,[19] and that this was particularly stressful on the combined resources of both halves of the Empire, it is unlikely that the Vandals could have moved 80,000 people all at once. More likely the operation was conducted in stages. Regardless of their numbers or how they came into Africa, the strength of the Romans there was minimal, and the Vandals moved eastward towards Carthage, causing much suffering.[20]

Furthermore, the Straits of Gibraltar should be seen more as a highway than a barrier during Antiquity; indeed, it has been credibly suggested that Tingitania was included in the Spanish diocese by Diocletian precisely because he wanted to give the African frontier a hinterland from

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14.   Arce, "Spain and the African Provinces," 468.
15.   Victor Vitensis, *Historia persecutionis africanae provinciae*, ed. Michael Petschenig (New York: Johnson Reprint, 1967), 2.
16.   Heather, *Fall of the Roman Empire,* 198, accepts the number. Merrills and Miles, *Vandals,* 48-49.
17   Heather, *Fall of the Roman Empire,* 199.
18.   Arce, "Spain and the African Provinces," 352.
19.   Walter Pohl, "The Vandals: Fragments of a Narrative," in *Vandals, Romans and Berbers: New Perspect Lives on Late Antique North Africa.* ed.A.H. Miles (Aldershot: Ashgate, 2004), 40.
20.   Victor Vitensis, *Hist.Pers.,* 3.

which its defenders could be supplied, as was often the case in the organization of the dioceses.[21] Additionally, Tingitania had stronger cultural and economic connections with Baetica than with other parts of Africa; the nature of the geography, especially the Rif, a mountain range, tends to isolate the area (roughly modern Morocco) from the Mediterranean coastline to the east. Given the close connections between Baetica and Tingitania, it should not be surprising that eventually the Vandals turned to Africa for their next military adventure, even if they did not have direct control over Tingitania itself.

Since Tingitania was not part of the Diocese of Africa, it is not altogether surprising that Boniface made no move to stop them until they reached Numidia. There was now a battle in which Boniface was defeated and forced to retreat to Hippo.[22] The Vandals besieged Hippo, gave up after fourteen months, ravaged the countryside, and once again defeated Boniface, although he had been reinforced.[23] Ultimately they were given possession of Hippo and the surrounding areas in the treaty of 435. Now Geiseric was a direct threat to the Roman Empire. Although he did not yet possess Carthage, controlling Numidia, just west of Africa Proconsularis, put him in a position of great power. In 439 he abrogated the treaty of 435 and launched a surprise attack on Carthage, which he took with little trouble.

So ended the first phase of Geiseric's role in the end of the Roman Empire. Had he simply conquered Africa and not done anything else, his place in history would still have been a remarkable chapter in the collapse of the Empire. After he conquered Carthage, the West was never able to regain Africa and its valuable resources. Had the Empire managed to hang on to these provinces, it would not have had to divert resources to creating new fortifications in Italy[24] or to expensive naval campaigns – which failed to retake the province. Almost immediately, in 440, Geiseric used Carthage's maritime resources to raid Sicily, putting another rich province at risk.[25] He also began to build a new state in Africa by distributing the wealth of Africa Proconsularis and Zeugitana among his followers. This included land and valuables confiscated from Romano-Africans and the Italian aristocracy, who were mostly absentee landlords.[26]

The threat to Rome was now acute, and Valentinian negotiated a new treaty with Geiseric in 442. In this treaty Geiseric and the Vandals were confirmed in their possession of Africa, while Numidia was returned

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21.   Michael Kulikowski, "The End of Roman Spain" (PhD diss., University of To
        ronto, 1997), 14-16.
22   Heather, *Fall of the Roman Empire,* 271.
23.   Merrills and Mills, *Vandals,* 55.
24.   Ibid., 112.
25.   Heather, *Fall of the Roman Empire,* 290.
26.   Victor Vitensis, *Hist.Pers.* 12-13.

to Rome. Tingitania went unmentioned, and it is unlikely that Roman jurisdiction there was contested.[27] Additionally, according to the treaty, Geiseric's son Huneric was betrothed to Eudocia, daughter of Valentinian III, and consequently became a hostage at Ravenna.[28] This second point is significant, for it suggests that Geiseic did not necessarily want to destroy the Roman Empire. He may not have had a clear goal, but forming a dynastic link with the ruling house could have aided him politically in the future. After the treaty was signed, there was a period of relative peace between the Vandals and Romans. Grain shipments even resumed from Africa to Rome, as stipulated in the treaty. These seem to have been done *gratis* rather than for profit, as there is a lack of Roman coinage of this period at Carthage.[29] Indeed, trade between Carthage and Rome declined greatly, at least in part because of a new sales tax in Italy (Valentinian desperately needed to raise cash).[30] Nevertheless, trade from Vandal Africa did not end, but rather became more dispersed across the Western Mediterranean.[31]

This period of peace came to an abrupt end in 455, after the murder of Valentinian III. His successor cancelled Huneric's betrothal to Eudocia. From this time on, Geiseric was an unwavering enemy of the Roman Empire – his hopes to make himself a legitimate player in Roman politics had been dashed – and he did not hesitate to take action. Within a few months he seized Rome, sacked the city, and took the imperial women, including Eudocia, back to Carthage.[32] The sack of the city was no doubt a traumatic event for the Rome, just as that of Alaric had been in 410. Thus began over twenty years of intermittent warfare against the Roman Empire, which could ill afford to fight off the Vandals in addition to the many other peoples, such as Visigoths and Franks further north, who were causing more trouble.

Using their fleet, the Vandals raided far and wide. They achieved control of Sicily and Sardinia, though they never managed to solidify their hold over these islands.[33] There were two attempts to retake North Africa in the 460s, one by the Emperor Majorian of the West, the other by Leo I of the East. That both Empires were willing to expend huge resources in a time of deprivation demonstrates the importance of Africa and the danger Geiseric and his people posed to the Roman state. The first attempt at reconquest, that of Majorian in 461, ended before it began. The Emperor had

27.   Arce, "Spain and the African Provinces," 349.

28.   F.M. Clover, *The Late Roman West and the Vandals* (Aldershot: Ashgate, 1993), II.107-108.

29.   J. Linn, "The Roman Grain Supply, 442–455," *Journal of Late Antiquity* 5.2 (2012): 300-301.

30.   Heather, *Fall of the Roman Empire,* 297.

31.   Reynolds, *Trade,* 113.

32.   Merrills and Miles, *Vandals,* 117.

33.   Courtois, *Vandales et l'Afrique,* 187-191.

planned to invade Africa by the same route the Vandals had used, but Geiseric, aware of his plans, foiled them by disrupting Roman supply shipping. The army never made it out of Spain, and Majorian soon afterwards lost his life.[34] The second attempt was very close to success: in 468, Leo I assembled a huge fleet and army with which to retake Africa. It might have succeeded, had the commander, Basiliscus, not dithered and allowed Geiseric time to make an attack of his own: when the wind changed direction, he sent fireships at the Roman fleet, destroying many and scattering the rest. Two ruinously expensive endeavours ended in failure for the Romans, and secured the position of Geiseric and the Vandals in Africa for decades.[35] The Romans did manage to recapture Sicily and Sardinia, but they were quickly lost once again as the West became too weak to take any action, and the East did nothing. Geiseric continued much as he had before, raiding Mediterranean islands and coastlines, until finally in 476 he established a perpetual peace with Zeno.[36] Geiseric died the following year.

Geiseric's relationship with the Roman Empire was mercurial. He was usually an enemy, sometimes cooperative, but always played a key role in the collapse of the Western Empire. First he took Africa, a rich province which would have been useful to the West in fighting back against other barbarian groups. A short period of relative peace intervened, but Geiseric insisted that his kingdom be treated as an equal state, rather than as a group of federated barbarians. From his base in Africa, he was able to gain control of the Western Mediterranean, and disrupt Roman trade, which also forced Rome to divert more resources to the Mediterranean. This weakened the Empire to the point where it was moribund and made it easier for other barbarians to deal the remaining death blows to Rome. His sack of Rome was also an important event, but not quite as significant in the big picture as his general disruption of the Roman economy and political structure.

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34.   Heather, *Fall of the Roman Empire,* 399.
35.   Merrills and Miles, *Vandals,* 121-122.
36.   Ibid., 123.

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Rape and the Struggle for Power in Ovid and Statius

Melissa Tobin

Rape plays a prominent role in Roman elegy and epic, usually as a way to express desire and ownership by an aggressor over a victim. In turn, the victim is often punished or shamed in some way to alleviate any blame from their aggressor. In Statius' epic, the *Achilleid*, Achilles falls in love with Deidamia and agrees to dress as a woman in order to be closer to her. However, the act of cross-dressing begins to take its toll on Achilles, resulting in his violation of Deidamia during the rites of Bacchus in order to reclaim his sense of masculinity. This violent act appears to be quickly brushed off by both Achilles, and subsequently Deidamia, as an act of love, which has the effect of making Deidamia complicit in her own rape. Similarly, in his *Amores,* Ovid switches between expressions of love and dominance, further suggesting that love and violence are closely intertwined. In both of these texts, sexual violence is used in heterosexual relationships to reassert masculinity and demonstrate power over a woman. The tensions present between love and ownership in both the *Amores* and the *Achilleid* blur the lines between consensual sex and rape. In these texts, the professions of love employed by the male voice cast blame on the female victim, while simultaneously absolving the male aggressor of his misdeeds.

The compulsion that men feel to rape in the Roman world is articulated by Ovid as an expression of ownership, rather than a violation. He addresses one elegy to husbands who are concerned with their wives having affairs; he rationalizes the affairs stating that men will always "… want what's withheld; [they] lust for the taboo; the sick man strains for

that forbidden water."[1] Not only does this have problematic implications for Roman men regarding who holds ownership over a woman — father, husband, or lover — but it also contributes to the discourse of rape. It follows, then, that no matter how women behave, they are always at risk of rape because of male desires. Ovid tells the husband to "go ahead and rage: forbidden bliss is sweet! I prefer a girl who gasps, 'I'm scared.'"[2] His apparent flippancy towards the woman's fate is further reflected in his admission to experiencing heightened attraction when she is "scared." Although this could refer to the woman fearing punishment by her husband, it can have more sinister connotations; Ovid's heightened desire when he senses the woman's fear indicates sadistic tendencies that could potentially put the woman in danger. The repetition of the word "forbidden" explicitly emphasises his knowledge of what constitutes inappropriate behaviour, and he compares his desire for married women with a "sick man" straining for "water." Once satisfied, his need to have sex with a woman who is either emotionally or physically unavailable is met with relief. Although the poem is clearly supposed to be a humorous taunting of the woman's husband, it raises some concerns about the social acceptability of sexual violence between a woman and a male counterpart.

In Roman legislature, *adulteria* was defined as "sex with a married woman" with the status of the man being "irrelevant."[3] This meant that the politics between a man and his wife were simple: she was not allowed to stray from the marriage. If she did, he could punish her in any way that he chose. "As for the lover…extra-legal punishments were perfectly legitimate: the man could be beaten up by the husband, anally raped in various ways"[4] and a whole host of other unpleasant penalties. Ovid recognizes these legal restrictions and writes about his envy towards his lover and her husband who are able to be together in public: "Now [the husband's] exacting kisses, now taking more than kisses – the things I have to steal, he gets by law."[5] The tone of this poem reeks of jealousy, yet can also be seen as didactic. Ovid appears assertive and acts as if he has ownership over the woman's body. Even so, he recognizes that he possesses no legal claim in comparison to the husband. In addition to the palpable jealousy he experiences, there seems to be a kind of perverse pleasure that Ovid takes in watching his mistress and her husband together.

The physical pleasure a man derives from looking at women can be seen as a tangible way for the intended audience to focus on the significance of a scenario. The woman, therefore, appears as an object and the

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1. Ovid, *Amores*, trans. Tom Bishop (New York: Routledge, 2003), 3.4.17-18.
2. *Ibid.*, 3.4.31-32.
3. Allison Glazebrook and Kelly Olson, "Greek and Roman Marriage," in *A Companion to Greek and Roman Sexualities*, ed. Thomas K. Hubbard (Wiley Blackwell, 2014), 79.
4. Ibid., 79.
5. Ov., *Am.*, 1.4.63-64.

man as a real person with intense emotions.[6] In other words, male plea-
sure is grounded in the text as a justification for the lack of fully fleshed-
out female characters. It stands to reason that the same theory can be ap-
plied to visual imagery in elegiac poems. The emotions present in this
poem override any representation of how the woman feels in this situa-
tion; thus, she has been dehumanized, her emotional participation in the
relationship having been nullified. The focus remains on Ovid and his
reaction to his sexual rival, displacing the figure of the woman altogether.
By making the woman seemingly unimportant to the outcome of Ovid's
ruminations, it becomes clear as to how female characters can be constant-
ly abused without consequences for the abuser. The rationale behind this
is that women are deprived of agency, or simply seen as not being there
at all, thus making it impossible to hurt them. The dehumanization of the
women therefore allows for sexual violence to be justified by these male
characters. Furthermore, the connotation of "steal" in Ovid's lament re-
lates not only to the accessibility of a woman's body that legally belongs
to another man, but could also imply that this access is gained against the
woman's own will. This intrusive tone extends to the demand that the
woman be "unwilling, under protest; do it in silence, make it lousy sex."[7]
The idea that Ovid wishes for the woman to feign disinterest, or even
invite rape by her husband, again demonstrates his thirst for violence. By
making "certain" that the woman derives no "joy" from having sex with
her husband,[8] Ovid ensures that the woman's authority over her body is
taken away, allowing him to feel more potent and to appease his dislike
towards his lack of control.

Violence in Roman elegy is often associated with "lovemaking."[9]
Mistresses in elegy are represented in either an eroticised fashion -- where
they are either deemed beautiful as a result of their abuse -- or as women
who are deserving of their abuse. Either way, violence is already inher-
ent in the romantic relationships depicted and not easily separated from
love. Ovid highlights the tension between sexual love and sexual violence
when he equates the power of love to a kind of emotional rape, forced on
an unwilling participant. He portrays falling in love as being subjected to
"an attack,"[10] and describes love as being "savage" and merciless.[11] The
repetition of the need to "give in" to love[12] brings to mind the domination

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6.   Laura Mulvey, "Visual Pleasure and Narrative Cinema," In *Film Theory and Criti
         cism: Introductory Readings*, ed. Leo Braudy and Marshall Cohen, (New
         York: Oxford UP, 1999), 837-9.

7.   Ov., *Am.*, 1.4.65-66.

8.   Ibid., 1.4.68.

9.   David Fredrick, "Reading Broken Skin: Violence in Roman Elegy," In *Roman
         Sexualities*, ed. Judith P. Hallett and Marilyn B. Skinner, (Princeton: Princeton UP,
         1997), 172.

10.   Ov., *Am.*, 1.2.5.

11.   Ibid., 1.2.8.

12.   Ibid., 1.2.9-10.

of both mind and body that takes place during rape. Love, here, embodies an aggressive force, rather than a tender one, and the violent diction employed in this poem transforms sex into an expression of power rather than of love.

Ovid goes on to conflate the bondage of "reins" [13] to a horse with the lack of choice given in love. In addition, this focus on pain imbues the emotion with a sinister edge. The shift in tone further equates Cupid's power to an emotional rape. The similes and allusions in this poem all pertain toward battle imagery, showing the connection between elegy and epic. Ovid's voice in these elegies, therefore, falls short of being heroic. Even the battle against Cupid in this poem is anticlimactic, with Ovid admitting that he is "grovelling for mercy" as a "coward,"[14] instead of fighting until death or defeat, as the heroes Hector and Achilles of Homer's *Iliad* and *Odyssey*. This is significant because it reveals that love has the ability to strip a man of his dominance. The man's loss of power may then result in his need to exert control over another, hence stressing the recurring theme of rape in elegiac poetry.

In his article, "Reading Broken Skin: Violence in Roman Elegy", David Fredrick argues that the lack of description of female genitalia in epic rape scenes allows for women to be thought of as virginal figures; there is no evidence of any real physical violence.[15] Therefore, it stands to reason that in elegy, the description of the woman's battered body is much more graphic, effectively making the woman seem more dirty and deserving of violence. Ovid's detailed depiction of how he "used fists on [his] love" and "battered" her in "crazy rage and abandon"[16] evokes horror due to his explicit violent behaviour. However, he does not dwell for long on expressing this horror, because he quickly turns to praising his mistress for how "stunning" she looks after being beaten.[17] He compares her to the mythological figures of Cassandra and Ariadne, but the diction used remains puzzling, because the comparable traits are the endless "weeping"[18] and the position of her body "prone in hopeless prayer".[19] Instead of emphasising Cassandra and Ariadne's strong traits (both are remarkably resilient female characters in mythology), these actions demonstrate emotional vulnerability. Although Ovid intended these designations as compliments, they would be better described as signs of immense distress. The images of vulnerability are juxtaposed with the figure of "Atalanta drilling deer with arrows on Arcadian crags",[20] known for her

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13.   Ibid., 1.2.16.
14.   Ibid., 1.2.21-22.
15.   Fredrick, *Roman Sexualities,* 174.
16.   Ov., *Am.*, 1.7.3-4.
17.   Ibid., 1.7.13.
18.   Ibid., 1.7.15.
19.   Ibid., 1.7.18.
20.   Ibid., 1.7.13-14.

power and athleticism. Following this figure of health and vigour with comparisons to two weeping women raises the question: did Ovid mean for the colour in the mistress' skin after a beating to be taken as a sign of life – which Atalanta represents – or is it instead a euphemism for the mistress' bruises?

Whatever the reason, Ovid manages to objectify his lover whilst apologizing for hurting her. He justifies the attack by claiming insanity and names the 'violent power' that overtook him as "virility."[21] This demonstrates the power of masculinity over Ovid's behaviour. If virility is representative of manliness and the ability to reproduce, Ovid reiterates how his violent outburst stemmed from an overexertion of masculine aggression. Even in supposedly tender moments, he admits to marking up his lover's body with "bruises…made by lips… [and] teeth."[22] This demonstrates the desirability of bruises and shows how abuse in elegy suggests an aesthetic choice men will opt for over leaving their women unmarked. The poet goes on to use similes to describe the woman as soft and grounded in nature, which reiterates the beautiful essence implicit in the lovers' violent union. Her "pale" face is likened to "white…marble cut from Parian quarries" and her "limbs [trembled] like silver poplar leaves in a sighing breeze."[23] All of the colours are white or silver, connoting coldness. The juxtaposition between the hardness of marble with the fragility of leaves creates a confused image of the woman to which the words are applied. Although it could be argued that this contradictory portrayal of the woman – as both strong and fragile – makes her more three-dimensional as a character, Ovid instead diminishes her to the level of inanimate and unthinking objects. This is perhaps a coping mechanism for him to distance himself from his behaviour; however, it is more likely a sign of male superiority. By comparing lovemaking to fighting, it could be argued that Ovid regards the female body, and therefore genitalia, as a battlefield.[24] The incongruity of female genitalia seen as a *locus* where fighting must take place, implies an innate hatred of women, because they must be conquered and controlled through violence. Through exerting masculine control over a woman's body, Ovid manages to feel "relief,"[25] because his masculinity and ownership has been reasserted; this explains the perceived need to act violently towards women in sexual relationships.

In contrast to the overt and sudden violence present in Ovid's elegies, Achilles is depicted as falling immediately in love (or at least lust) with Deidamia when he first sees her, setting the scene for a romance to blossom between the two. Statius equates Achilles' emotional response towards Deidamia with a loss of control: "The lad, for all his strength, is

21.   Ov., *Am.*, 1.7.25.
22.   Ibid., 1.7.41-42.
23.   Ibid., 1.7.51-54
24.   Fredrick, *Roman Sexualities*, 184.
25.   Ov., *Am.*, 1.7.63.

undone. He has never before felt passion's pang within him."[26] This could again relate to Cupid and love's power; yet, it can also be interpreted as a loss of masculinity, through his loss of strength and his immense attraction to a woman. The same love that inspires Achilles to dress as a woman is belied by his anxious thoughts of "manhood" wasting away.[27] He thus turns into a "ghost", as a result.[28] Ghosts are traditionally known to be intangible, ethereal beings, which may symbolise Achilles' absent virility and instead, illustrates him as feminine. Comparing oneself to a ghost is often synonymous with invisibility, and this metaphor illustrates how Achilles' perceived loss of masculinity affects his sense of self and where he stands in the world.

With his "manhood utterly gone, denied, undone,"[29] Achilles conceives of a plan to "find it."[30] This plan draws a parallel to the masculine art of war strategy, evidenced by Achilles appearing to 'trade' his male iconography of a spear for its female counterpart, the thyrsus, during the Bacchic rituals. His actions could be interpreted as a form of espionage, as he disguises himself as a woman for survival. This spear could come to represent Achilles' penis,[31] which means that the act of rape is connected with the violence of a penetrative weapon. The presence of the phallus in the Bacchic mysteries is a male "symbol of fertility or power" and Achilles' presence at a purely female ritual literally brings a phallus into their midst.[32] As with Pentheus, an act of violence follows the presence of a man at the rites, restoring "the balance of power and of violence in maenadism" to the male sex.[33] The rape of Deidamia occurs quickly, with the statement that Achilles "finds the girl in the darkness, and takes her by force, his desire the master now of both fates."[34] Achilles has not only introduced a phallus into the Bacchic rites, but also into the life of Deidamia. With the loss of her virginity, her fate has been changed irrevocably.

Deidamia's reaction to her violation, although obviously a distress signal, is limited in its expression. She is said to cry out and then wakes the women around her and Achilles with her "rhythmic keening."[35] Not only is this reductive of the emotional trauma experienced during rape, but, as in Ovid, the woman seems beautiful while reacting to a horrific experience. The description of her crying as "rhythmic" relates the sound back

26. Statius, "The Achilleid," in *Broken Columns: Two Roman Epic Fragments*. Trans. David R. Slavitt, (Philadelphia, PA: U of Pennsylvania, 1997), 1.299-301.
27. Ibid., 1.607.
28. Ibid., 1.617.
29. Ibid., 1.622.
30. Ibid., 1.623.
31. P.J. Heslin, "3-6," In *The Transvestite Achilles: Gender and Genre in Statius' Achilleid*, (Cambridge: Cambridge UP, 2005), 241.
32. Ibid., 250.
33. Ibid., 252-53.
34. Stat., *Achil.*, 1.627-8.
35. Ibid., 1.633-4.

to the music of the Bacchic festival in which women partake, beautifying her crying to the point of it being unrecognizable as an emotional response to trauma. Even the diction of "keening" is a more delicate type of crying, reserved for mourning the death of a loved one in song. This is significant because Deidamia becomes "horrified"[36] at the loss of her chastity, and by equating her cries to a mourning song, demonstrates grief proceeding deflowerment. Achilles then consoles Deidamia while whispering that her violation was his own "misdeed."[37] Even though Achilles explicitly acknowledges that he has forcibly taken her future in one fell swoop, Deidamia still shares the guilt,[38] because "she tells herself she loves him."[39] This, therefore, absolves Achilles of any blame for the rape. Like Ovid, who claims that he acted like "a beast,"[40] Achilles is fully aware that he has acted inhumanely. However, his exclamations of "love"[41] are effective in their ability to calm Deidamia and make her believe that she was complicit in the rape. This pattern of blaming the victim also occurs in Ovid 1.7, in which his apologies devolve into emotional turmoil with regards to beating the woman he loves.[42] Sexual violence is either blamed on the woman for provoking the man to reassert his dominance, or simply disregarded as an act of violence because of love perceived between victim and aggressor. On the other hand, Achilles' intention to rape Deidamia as a way of reclaiming his masculinity is explicitly mentioned before he performs the act,[43] perhaps indicating that his profession of love afterwards is more convenient than sincere.

Love in the *Amores* and the *Achilleid* is employed as a way for the male sexual aggressor to coerce his female lover into absolving him of his misdeeds. By making these women complicit in their own assault, the male characters are able to assert their dominance over their partner as well as reclaim their masculinity at times when they feel it has been lost. This expression of power over women reflects ideologies surrounding gender at the time: men should always present themselves as strong and in control, whilst women are objects that aid in this presentation. Therefore, the presence of rape in these texts is seen as a way of restoring men to their full masculine power, at the expense of the treatment of women's bodies.

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36.   Stat., *Achil.*, 1.652.
37.   Ibid., 1.650.
38.   Ibid., 1.662.
39.   Ibid., 1.659-60.
40.   Ov., *Am.*, 1.7.49.
41.   Stat., *Achil.*, 1.641-3.
42.   Ov., *Am.*, 1.7.33-4.
43.   Stat., *Achil.*, 1.622-7.

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ACKNOWLEDGEMENTS

WHY PLEBEIAN?

Undergraduate students are often seen as an anonymous crowd, a mass of bodies, numbers on an administrator's computer screen, and are thus frequently overlooked when it comes to original ideas and research. Like the plebs of Ancient Rome and *hoi polloi* of Greece, we are many; nevertheless, we remain a vibrant community of explorers, thinkers, pioneers. This journal is so named in an attempt to reclaim this word of disdain for our own. Here, we proudly display our undergraduate research to those who might otherwise let it pass by, unnoticed.