

The Old Roman Senate and the Young Tyrant Nero.

The Athenians passed many laws against tyranny (Ostwald 1955, Gagarin 1981, Teegarden 2012) and drew inspiration from the tyrannicides Harmodius and Aristogeiton (McGlew 2012), but in the famous Tyranny Decree of 337/6 they specifically penalized any collaboration between the Council of the Areopagus and a Tyrant (Ostwald 1955). This law was passed at a time when conservatives like Isocrates were arguing that the Areopagus was the legitimate deliberative body of Athens under its Ancestral Constitution (Finley 1986). The Tyranny Decree of 337/6 suggests that the Athenians were not fully convinced by such arguments and believed that a council of former magistrates might not be the greatest guardians of liberty.

In Rome the power of such a council of old boys (*senatus*) and the maintenance of the ancestral constitution were an everyday reality, not a nostalgic ideal (North 1990). By “transferring elections to the Senate” at the accession of Tiberius, the Senate had thrown away its legitimacy and was codependent on the emperor. It was also free to collaborate as much as it pleased with the “subtle tyranny” of the principate, without fearing any punishment from the Roman people. As the Athenians might have predicted, the Senate offered no resistance even to Nero, whose principate could not have survived without its assistance (Talbert 1984). The Stoic ideology of the Senate allowed for a few spectacular suicides but did not inspire any real opposition to the new monarchy itself (Brunt 1975, Schofield 2015), and it rejected the example set by the tyrannicides Brutus and Cassius (Sedley 1997). Seneca’s 73rd Letter and his essay on Clemency make it clear what choice the Stoic Senators have made.

Plutarch's comparison of Phocion and Cato is very telling. The old élites of Athens and Rome may have disliked tyranny, but they were unable to resist it. They could only live unfree or die.

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