

Republican Overreach in Roman Imperial Declamation

While the Roman Republic may have ended with Augustus, the idea of the Republic in the Roman imagination continued far into the Imperial period. The governing body found throughout Roman declamation is a particularly fantastical version of the Republic, in which the Senate was in charge of all matters of state. However, there were limits on what this body was capable or willing to do. I argue that an analysis of these limits, while not particularly useful from a strictly legal perspective, can nevertheless show us what the Romans believed was acceptable and unacceptable from their government.

The best test of the powers of the declamatory government can be found in a common collection of laws designed for declamation: *praemium* laws in which a war hero, tyrannicide, or victorious general was given whatever he or she wanted. Because of the open-ended nature of these laws, they were frequently tested against other laws or cultural values. By analyzing which choices were granted as a matter of course, which were brought before the court to decide, and which were heavily disfavored or rejected outright, we can gain some insight into the minds of the Romans. Because these were exercises designed to be argued on both sides and not actual court cases, we will find no decisions on these cases. As a result, our examples for both accepted and rejected claims have to be in the backstory to a case instead of written as a decision to a case directly concerning it.

The picture that emerges from a thorough survey of Roman declamation is an interesting collection of idiosyncrasies. Rewards of money or statues were always granted without complaint; these seem to be the expected choice. Sparing a condemned man's life or having a trial annulled (*abolitio*) were also common and relatively safe choices. The less acceptable prizes often involved harming another citizen or harming the community as a whole. Some

of the most rhetorically complex declamations fall into these categories because arguing in favor of them was more difficult than more acceptable cases; often the declaimer would have little ground to stand on beyond “the law says he can have whatever he wants.”

On the whole, the declamatory Senate was eager to requisition money or artwork from the community, or to spare lives or reputations. It was far less eager to grant requests that harmed other citizens or the community as a whole, but could be persuaded to do so. It was extremely hesitant, however, to interfere in family matters. I argue that this was representative not of Roman law, but rather Roman ideas of how government should operate: spending money on gifts and monuments was encouraged, elevating one Roman at the expense of another was, depending on circumstances, sometimes reasonable, but governmental interference in the family structure was heavily discouraged.