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Refoundation at Rome

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Foundation at Rome was not a single event. If you ask any reasonably well-educated European or American child who founded Rome, the answer will be „Romulus and Remus". Even this event, conceived as single, has a double founder. But Roman literature – especially Vergil's *Aeneid* and the early books of Livy, which are devoted to foundation – presents multiple founders of a continually evolving society.¹ Before Romulus, there was Aeneas, before Aeneas, Evander. After Romulus, there was Brutus, then Camillus, and so on until Cicero, Caesar, then Augustus.² From a modern perspective, the need for refoundation looks like failure. Why would an already founded state need foundation all over again unless its very being were at risk? In *On Revolution*, Hannah Arendt contrasts the inability of the French Revolution and its aftermath to produce a lasting constitution with the stability of the American constitution arising out of our own Revolution, and turns to the repeated Roman foundations as a positive model for America.³ There is something paradoxical here: a repeated foundation offers a model for a foundation that has achieved stability. As Dean Hammer remarks, the Romans do not see foundation as a „once-for-all-affair“ (2002: 130).⁴ I will be looking at a number of different models for repeated foundation, some ancient, some modern. Some, both ancient and modern, see the need to repeat foundation as a way to correct a weakness, whether that means progress or simply not sliding into decline; some, likewise both ancient and modern, see it as a strength in itself.

A basic difference between the American constitution and the Roman is that we have a written document that can only be changed with hitherto unsurmountable political difficulty while the Roman constitution was unwritten. This latter appears to us alarmingly fluid, morphing as it does from kingship, to Republic, to Empire. Even within each category, there are no fixed forms. During the kingship, Romulus shared power for a while with the Sabine Titus Tatius until the latter was killed in a dispute with the Laurenses (Livy 1.13.6-14.3). In the early Republic, the executive branch alternated between the system standard in the late Republic, namely two elected consuls per year, to a group of three up to eight military tribunes. During crises in security, a Dictator could be appointed, or a board of ten to set the legal system straight. The Empire eventually split into Eastern and Western branches. In spite of this dynamic fluidity, Rome was obsessed with the idea of foundation and Arendt identifies „the political genius of Rome“ as „legislation and foundation“ (this in *The Human Condition*).⁵ What does foundation mean if it does not give a fixed point of origin for a stable constitution? The Romans conceived of their power as endless, as in Jupiter's promise to Venus in *Aeneid* 1: „imperium sine fine dedi“ (1.279). But they located the source of their power in custom rather than in a fixed form, in Ennius' words, „moribus antiquis res stat Romana uirisque“. Rome stands, yes, but on ancient institutions and their enactment in the human currency of the present rather than on a document that could be changed only with difficulty.

¹ Lintott (1999) refers repeatedly to the Roman constitution's „natural growth“, which was recognized by Polybius (2, 16, 27).

² For refoundation, see Lowrie (2005b) 952-3, 968.

³ Arendt (1963) Chapters 4 and 5.

⁴ Miles (1988) 195 outlines differences between Livy and „concepts of foundation current in the Hellenistic thought of his age“ and makes a detailed comparison with Dionysius of Halicarnassus (198-9).

⁵ Arendt (1958) 195.

I will argue that foundation at Rome has a performative structure: it instantiates in a particular moment an event within a process of iteration that extends backward in time and lays the ground for subsequent repetition. Each foundation brings change at the same time as maintaining some form of continuity. To privilege some initial foundation is to miss both the citation and self-distance necessary for the act to take place and the defining power of each event in its own present. Some call the multiple foundations in Roman literature re-foundations, as I do in my title, but that is to miss that each re-foundation is only ever a foundation.⁶ This at least is how I think the Romans conceived of foundation during the late Republic and at the time of Augustus – a period of civil war that eventually resolved in a new imperial form that was represented as foundational.

My understanding of performativity here builds on performative discourse theory in its various guises. Arendt sees the antidote to unpredictability in any kind of human action – and foundation is an act *par excellence* – in the ability to promise⁷ and understands constitution in terms of compacts, contracts, covenants, and other such binding speech acts.⁸ This understanding sees foundation along the lines of J. L. Austin's explicit performatives. We might expect on Arendt's model then for a foundation to need enactment only once, which would be valid for all time. But I think her intuition is correct that such a foundation would be static. A foundation needs to grow and with this idea, the performativity of foundation works more along the lines established by Pierre Boudieu and Judith Butler: foundation needs repeated reenactment in the present. Arendt appeals to the Roman concept of authority as anchoring the act of foundation in „stability and permanence“ and explains (item 1.a.): „authority in this context is nothing more or less than a kind of necessary ‘augmentation’ by virtue of which all innovations and changes remain tied back to the foundation which, at the same time, they augment and increase“ (1963: 202). I will return to „auctoritas“, its etymological implication in growth (from „augere“), and its performative power when we come to Augustus. But first, let us address some preliminaries.

What is foundation then? It is the coming together of a community or state in all its constituent parts in an act of formative self-affirmation. Foundation is an act of institutionalization: it can establish a state, or change its form, but for the Romans some are also restorations – they reestablish an old form and prevent it from changing in the face of a threat – and some are continuations or expansions. Foundation implies agency, which is why myth – even contemporary myth – tends to express it through the figure of the founder.⁹ Niccolò Machiavelli and James Harrington alike argue that the founder should be „one man“ (Arendt 1963: 207), by which I assume they are insisting on agency. Rome's multiple founders function each again and again as an agent, although their multiplicity shows that their action surpasses the capacity of any mere individual. Furthermore, all foundations have in some way a strong representational component, whether the symbolism of state pageantry or the generation of stories. Frequently, though not inevitably, a foundation takes place with and through violence – since I have addressed this elsewhere, I touch on it here merely briefly.

Gradualism versus foundation

The idea of foundation normally implies a moment of origin. In establishing a colony, the founder is the leader of a group of people who settle in new lands. They immigrate, take land,

⁶ Miles (1988) distinguishes sharply between foundation and refoundation (202-3) and I agree that we should separate innovations from preservations within the overall category of foundation.

⁷ Arendt (1958) 243-7.

⁸ Arendt (1963) Chapters 4 and 5 uses this sort of language throughout.

⁹ Miles (1988) 197 comments that ascribing institutions to the „agency of especially distinguished individuals marks those institutions and gives to them a special status“.

and build on it ostensibly „ex nihilo“. Vergil's Dido is a prime example. She fled from her native Phoenicia with a group of followers to a site in North Africa where she won the right from the native inhabitants to build a city. They let her have as much land as an ox-hide could cover, so she cut it into thin strips, spread it out, and claimed enough land to build Carthage. Foundation as an origin makes sense only in a colonial model, otherwise there was already something there: a new state arising out of some previous one on the same territory could not make a claim to an origin in absolute terms. But even a colony, founded at a precise historical moment, looks back to an already existing and formative metropolis. It must also find a way of coexisting with its neighbors. It is unlikely that colonists will draw up their law code completely from scratch or scrap the building techniques of their ancestors or neighbors.

Despite the myth of Trojan immigration, Rome historically was not a colony. It rather developed gradually „in situ“. Michel Serres allegorizes the gradual, random accretion that became the Roman Empire as a ball of clay amassed by termites (1991: 1-6), but let me quote a more sober scholar. Jan Bremmer says (item 1.b.): „the archeological evidence shows that in the case of Rome we have to speak of a gradual „Stadtwerdung“ rather than „Stadtgründung“. Myth clarifies this process by representing it as a one-time historical event“ (Bremmer and Horsfall 42).¹⁰ Scholars have traced the development of the myth of Trojan colonization and Romulus' foundation of the city of Rome to the fourth century BCE, when Rome was becoming an international player in a world dominated by Greek culture. The way to make Rome make sense to the Greeks was to elevate this powerful city to the status of the Greeks' own mythic other, the Trojans, and to give it a foundation narrative that contained traditional folk-tale elements such as the exposure of the founder as a baby and his elevation by wild animals. He then returns as an adolescent to depose the king who usurped his father's position and to claim his rightful inheritance. The extent to which this is a native myth is disputed. Some think the Greeks made it up and the Romans adopted it, some that it was the native myth that was made to fit into the Greek myth of the Trojan foundation.¹¹ Both myths, whether the colonization model or the return-of-the-native-son model, allow for a moment of origin. At any rate, Livy dismisses the stories before the city's foundation as „fables more suitable to the poets than to uncorrupted monuments of accomplishments“ and has it in mind „neither to affirm nor deny“ them (item 2). He rationalizes the claim to a divine father: „such glory belongs to the Roman people in war, that when they claim Mars as their own parent and that of their founder, let human peoples bear it with as much equanimity as they bear Roman rule.“ Livy turns Mars the father into a metaphor for the city's success at warfare. He clearly does not believe in Mars' paternity literally, but asserts „this license is given to antiquity, that by mixing human things with divine, it may make the origins of cities more august.“ The word „august“ here, written around the time when Augustus earned his cognomen, reveals the contemporary ideological stakes underlying foundation myths.

The origins of the Roman foundation stories are mired in obscurity and I will focus rather on the stories as told in texts written in historical times. My main aim will be to show that the stories of multiple foundation told in the Augustan age accord with the conception of the imperial constitution under Augustus as representing continuity and change simultaneously. These stories do, however, have a traceable history that shows that they themselves preserve some older notions about the Roman state. Over a century before Livy and Vergil, Cato the Elder made a claim about the multiple foundation of the Roman state. Cicero's report of Cato is paradigmatic for the way the Romans fold foundation into a narrative of gradualism.

¹⁰ check Luce (1977) 130-45.

¹¹ biblio on 4th c. developments in myth, on Greek versus native elements from Lowrie (2005b); Miles (1988) 194; Cornell (1975); Bickerman (1952) check. Miles (1988) 196 comments that Livy's narrative creates the impression that „Rome's foundations came into being mostly outside the mainstream of Hellenistic culture“.

Multiple founders I: progress and decline

At the beginning of the second book *On the republic*, Cicero has Scipio give a summary of early Roman history starting with Romulus. As a preface to this account, he cites Cato the Elder, who compares Rome favorably to Greece, where, he claimed, individuals generally founded each separate state. Rome, by contrast, was superior to other states,¹² because, as Scipio says (item 3), „our republic was not founded on the genius of one man, but of many, nor in one generation, but over many centuries and ages. For, he [Cato] used to say that never has any genius so stood out at any particular time that that nothing would escape him, nor could all the geniuses brought together at one time provide that all things be included without the experience of affairs over time.“ (Rep. 2.2).

Although Scipio claims he heard this dictum orally from Cato, Cicero's citation may go back to his *Origines*, which has come down to us in fragments.¹³ This work, as its plural title suggests, treats not a single origin, but many. It is an important early source, the first Roman history in Latin, and it tells, among other things, its own version of Rome's foundation. The point Cicero insists on here is that individuals cannot take care of everything all at once and that the passage of time is needed.

This commonsense Republican view is shared by Livy – or at least is known to Livy, since he puts it in the mouth of the tribune Canuleius, while he was arguing in favor of intermarriage between patrician and plebeian families and of the right to elect a plebeian to at least one of the two consulships. Although he argues tendentiously for these particular innovations, the support he alleges from Roman history cannot be disputed, since, as Gary Miles notes, it corresponds to the history Livy has been narrating in the previous three books (item 4).¹⁴

Ought no new thing be instituted? [He then lists a series of magistracies and institutions that came about one at a time.] Who doubts that, in a city founded for all time and growing to enormity, new rules, priesthoods, rights of people and of men are instituted?

This argument prevails: the ban on intermarriage, which was relatively recent anyway, was lifted (4.6.3) and a compromise was eventually reached. Military tribunes were chosen instead of consuls and these could come from the plebs. Livy marks the new magistracy by folding it into the history of Rome's foundation (item 5).

In the three hundred and tenth year after Rome was founded, military tribunes first entered the magistracy instead of consuls.

His takes his dating back to the regal foundation of Rome, rather than to the Republic's foundation by Brutus. One might expect rather the latter, since it was then that consuls first came into being and the military tribunes substitute for them. But Livy puts early Roman constitutional history all into the same perspective: kingship and Republic are different governmental forms within a city whose identity persists over constitutional change.¹⁵

Although Livy refers to Rome's foundation under Romulus as the starting point, the moment *Ab urbe condita* from which his work derives its title, „From the city's foundation“, he does not view Romulus as the sole founder. He graces not only Romulus, but also Numa, Servius Tullius, Brutus, Augustus and many others with the appellation „conditor“ or „auctor“ („founder“ or „originator“) (item 6).¹⁶ Some of these foundations are limited: Numa was the

¹² Gruen (1992) 83 sets this citation within a larger pattern where „the Greek experience served to throw Roman distinctiveness into high relief“.

¹³ Zetzel (1995) at 2.1.

¹⁴ Miles (1988) 193 and 197 n.44 agrees that Livy's history confirms Canuleius' argument.

¹⁵ check Ogilvie on these Livy passages.

¹⁶ See Miles (1988) for a more detailed analysis of „conditores“ in Livy. He compares Dionysius of Halicarnassus' account of Roman foundation, where only Romulus is named as „ktistes“, to put Livy's

founder of Roman religion, Servius of the social order, Brutus of Roman liberty. In the context of a particular temple, Augustus is called the „founder or restorer of all temples“. But Livy generalizes the good ruler to the status of a founder at the beginning of book 2, the transition point to the Roman Republic (item 7). The contrast is with the evil king, Tarquinius Superbus, who was deposed.

For the earlier [kings] ruled in such a way that they were certainly all deservedly counted thereupon as founders of parts of the city, which they added as new seats of the multitude they had increased.

For Livy, the different founders tend to stand for different aspects of the state – Romulus for Roman militarism, Numa for religious piety and so on. The overall notion is one of progress. Each founder adds a needed element and the change in governmental form from kingship to Republic is also an advance. Gary Miles observes that „all those whom Livy identifies as „conditores“ are figures who exploits are recorded in the first pentad“ (1988: 195). This makes sense, given foundation’s association with origin. But Miles also emphasizes that Livy’s conception of developing institutions allows for a dynamic understanding of history (193, 195, 204-5).

Livy’s conception is similar to Cato’s and Cicero’s, and I think that it is the positive opposite, at least in part, to Machiavelli’s negative conception of the need for renewal. He does not use either „foundation“ or „refoundation“, but subsumes a similar idea under „beginning“. In his *Discourses on Livy*, the first chapter of the third book is entitled: „If one wishes a sect or a republic to live long, it is necessary to draw it back often toward its beginning.“ Rather than seeing progress, he worries about inevitable corruption and decline. The method for renewing republics or sects is „to lead them back toward their beginnings“ and this can be done either „through extrinsic accident or intrinsic prudence“ (1996: 209). His example of extrinsic accident is the taking of Rome by the French, that is, the Gauls. The lack of observance of religious ritual and the failure of the Romans to punish the Fabii who had violated „the law of nations“ in engaging in combat with the French were signs of decadence. These wrongs or oversights were righted once Camillus restored Rome.

For intrinsic prudence, Machiavelli cites the virtue of a single man – this is the notion of individual agency – or the virtue of what he calls an order. This encompasses, e.g., the tribunes, the censors, or even the laws that curb the „ambition and insolence of men“ (210). These go in both positive and negative directions. Although the „rare and virtuous examples“ of the likes of Horatius Cocles, Scaevola, Fabricius, the two Decii, and Regulus Attilius could bring the state back to its beginnings (211), more troublesome from our perspective is that a similar effect is attributed to notable executions, where he lists the deaths of the sons of Brutus, the decemviri, Maelius „the grain dealer“, Manlius Capitolinus, the son of Manlius Torquatus, and some others. Machiavelli shows what to our taste is a notable lack of moral outrage at these deaths and coolly notes their pragmatic effect: „Because they were excessive and notable, such things made men draw back to the mark whenever one of them arose“ (210). These acts of violence are foundational in that they reestablish shared values, ideology if you will, against transgressions and lead to the reaffirmation of community cohesion around these values.

I would put Machiavelli’s virtuous exempla alongside the progressive founders of Cato, Cicero, and Livy. Progress and decline are in inverse relation to one another. While progress keeps moving forward, rectifying decline entails a forward movement to counteract a

distinctive emphasis on multiplicity into relief (198-9). It is interesting that, although the „Greeks used to call a benefactor or a saviour a new ‘ktistes’ of their city“ (Weinstock 1971: 177), Dionysius does not go in this direction for Rome. Furthermore, Miles suspects that the particular choice of foundations Livy highlights is unique (205). While his emphasis on Livy precludes exploring the idea of multiple founders in a broader scope, I suspect that each author has a unique take on this topic.

backward one. Still, the exemplary founders all entail some sort of forward motion. Machiavelli's analysis of notable executions, however, seems to have a radically different structure, to which we will return in discussing foundational violence. For this, we need to consider Vergil's conception of foundation. His structure is rather circular.

Multiple founders II: repetition compulsion

Vergil puts on view multiple founders without an emphasis on separate areas of specialization and without a notion of progress. This, I think, needs to be analyzed in relation to the rather disconcerting fact that the *Aeneid*, despite its canonical moniker as an epic about the foundation of Rome, does not in fact narrate any act of foundation in the conventional sense. Rome is either already founded, or the act lies in the future. In *Aeneid* 8, Evander gives Aeneas a tour of the site of Rome and, himself a founder, tells Aeneas, a proto-founder before Romulus, of even earlier founders. This passage is famous for its dual temporal perspective on the city from both Aeneas' and Vergil's times, but its temporality is even more layered and spans multiple foundations. Vergil describes king Evander as the „founder of the Roman citadel“ (item 8a) and shortly thereafter has Evander point out the Capitoline, where he tells of two earlier divine founders (item 8b): „Father Janus founded this citadel, Saturnus that one; to this the name was Janiculum, to that Saturnian“. Even the divine foundation was no single, unitary act. There were different founders in different locations. This passage is often analyzed in terms of the interference between the time of Aeneas and contemporary Rome, particularly because of the contrast between the former brambles covering the Capitoline and its golden condition, contemporary with the author and his original audience (8.348). But even for Aeneas, there is interference between his own time and what was already for him Rome's mythic prehistory. As far back as humans are concerned, there was always in the *Aeneid* some prior time when foundation had already occurred. Once we reach the divine founders, prehistory passes beyond reconstruction.

Vergil perhaps best exemplifies the citation of previous foundations in new foundations. The stories of Aeneas, Evander, and Saturn seem to undergo a form of narrative repetition compulsion. Evander's story replays Aeneas' and his tale about Saturn replays his own. The first lines of the poem (item 9) present Aeneas as an exile („profugus“) under the compulsion of Fate („fato“) and subject to divine anger, specifically Juno's („saeuae memorem Iunonis ob iram“); he is tossed at sea and suffers through arms and warfare „until he could found a city and bring gods to Latium“. Evander tells his own story in briefer compass (item 10): he is also an exile from his homeland („pulsum patria“); he made his way to Italy over the sea („pelagique extrema sequentem“); Fortune as well as fate brought him „to these places“. The places, of course, are Italy and the site of Rome, in proximity to the „Lavinian shores“ of the poem's second line. The story Evander tells of Saturn follows the same pattern (item 11): he came from somewhere else; he was in exile from his former rule; he was in flight, from arms, all because of an Olympian deity, here Jupiter. Saturn and Evander together cover in compressed form nearly all the elements presented in the *Aeneid*'s first lines.

If the Roman habit of attributing foundation to multiple founders is developmental in Cato, Cicero, and Livy, so that each founder brings a new and necessary aspect to the state, in Vergil the multiple founders end up repeating the same story. For the age of Augustus, that means that the alternative ways of putting the idea of foundation together are either teleological, as in the developmental model, or entail a kind of mythic, repetitive, and circular time. Many of the story elements of the Saturn-Evander-Aeneas pattern do not, however, fit Augustus. He was no exile, he did not come from somewhere else, fate – well, who knows? For relations to Olympians, he is always represented as having had Apollo's support at the battle of Actium. In one important respect, however, he adheres to this pattern. He became a founder of Rome after years of battle. Civil war is often figured as taking place between

family members. Saturn's flight from his son Jupiter rings a bell in this context. Evander had, according to other sources, gone into exile because he killed his father or mortal step-father Echenus (Eden at Aen. 8.333). Aeneas is forced into war against his promised and future father-in-law Latinus, in an echo of the violence between Pompey and Caesar, whom Vergil refers to as „gener“ (son-in-law) and „socer“ (father-in-law) in the catalogue of heroes in the underworld (Aen. 6.830-1). If there is a foundational act in the *Aeneid*, it is when Aeneas drives his sword into Turnus, a figure who bears many resemblances to Aeneas and is his narrative inverse and twin. Romulus' fratricide serves frequently as an emblem of civil war in this period. Even Brutus, that bastion of the free Republic, had his sons killed because they betrayed the new free government and tried to restore kingship. Augustus and Marc Antony were similarly brothers-in-law who had fought together against Brutus and Cassius in the aftermath of Caesar's assassination, but then turned against each other and fought at Actium.

Perhaps the greatest interpretive crux of the *Aeneid* is why Vergil ends the poem with the death of Turnus. [Some think this is because the poem was unfinished, but most these days take this ending as the one envisaged by the poet – the poem lacks only final polish.] I think this act of closural violence is the dramatic locus of the foundation that is otherwise unrepresented. Epic needs events to represent and it is questionable whether foundation is an event that can be narrated as such. I would argue that it needs rather to be enacted and that this is the job of the poem in its entirety. The rest of this paper will go into two directions: the first delves further into the performative aspect of foundation as an event that cites and enacts, repeats and leaves behind earlier events; the second examines the role of representation in this structure, specifically as instantiated in the Roman notion of founding song. For iteration, I will look at Augustus' appellation „pater patriae“ („father of the fatherland“) and his „giving back“ the republic to the SPQR. Horace's *Carmen saeculare* will help clarify what I mean by founding song.

Pater patriae

In Latin, the language of paternity often attaches to founders.¹⁷ Ennius cites people calling on Romulus as „patriae custodem“ („guardian of the fatherland“) and both „pater“ and „genitor“ after his death (item 12.a; Annales 107-8 Sk),¹⁸ Livy call him father of the city in the same context (1.16.3, 6). Furthermore, „pater“ is a frequent epithet of Aeneas in the *Aeneid*.¹⁹ This appellation neatly encapsulates both the unique relation – Romulus as founder was Rome's father – and the passage of time: there must be fathers in each generation for a society to sustain itself in perpetuity. In the first century BCE, the honorific title „pater patriae“ was given to Cicero for saving the state from the Catilinarian conspiracy.²⁰ According to Plutarch, this was the first use of the title (Cic. 23.3).²¹ This appellation seems to have been given for saving the state in a time of crisis. Livy, [writing in the Augustan period,] retrojects a similar title onto Camillus, who, according to legend, saved Rome from the Gauls. When reentering the city after „taking the fatherland back from the enemy“, he is acclaimed as „Romulus and parent of the fatherland and a second founder of the city“ (item 12b; 5.49.7). Weinstock claims that the founder language did not attach to Camillus in his own time and cites Münzer for the suggestion that the tradition originated in the age of Sulla; he furthermore states that the father language is „nowhere earlier than the age of Cicero“ (1971: 177 with n. 9, 202). These appellations all attach to greater or lesser extents to Augustus himself.

¹⁷ Generally, see Weinstock (1971) Chapter ten, 'The "Father".'

¹⁸ Weinstock (1971) 201.

¹⁹ E.g., at *Aeneid* 8.28-9, 8.115, 8.606, 9.172.

²⁰ Weinstock (1971) 202 thinks Cicero himself anticipates the usage.

²¹ Plutarch ad loc. attributes the appellation to Cato, but Cicero himself tells us Q. Catulus named him „parens patriae“ at *In Pisonem* 6.

Before coming to Augustus' various names and appellations, however, it is important to establish the connection in the first century BCE between saving the state and foundation. We do not necessarily link these ideas, because, I think, we assume foundation is a unique event. Cicero, however, makes his saving the state during the Catilinarian conspiracy parallel to foundation in terms of the honors the founder or savior deserves (item 12c.).²² The Romans, perhaps because of their constitution's fluidity, conceived of the state in this period as needing „constitution“ in times of crisis. Sulla, for instance, was appointed dictator „for the purpose of constituting the state“ („rei publicae constituendae“).²³ He dramatically revised the Republican constitution. Augustus at his death left behind an unusual document, the *Res gestae* or *Accomplishments*, summarizing in the first person his various achievements over the course of his life. In the *Res gestae*, Augustus mentions that when he was made triumvir, it was for the same purpose: to constitute the state („rei publicae constitutendae“, RG 1.4).

After Augustus won at the battle of Actium in 31 BCE, that is precisely what happened. It took a while for him to return to the city and to work out the new constitution, but in 27 BCE, Augustus, again in his own words, „transferred the state from his own power into the dominion of the Senate and Roman people“ (item 13). The verb he uses („transtuli“) comes from the same root as „translatio“. This is what is called the „first Augustan settlement“ and, despite the fact that Augustus ruled as monarch by virtue of the „imperium“ he held consistently from 43 onwards,²⁴ the representation thereafter maintained was that the Republic had been restored. Historians often say that the form of the Republic was restored, but that the real power had passed to the emperor. The role Augustus assumed for himself was „princeps“, the „first“ member of the state, from which comes the English word prince. This was a less negative word to the Roman than „rex“ („king“) or „dictator“, which was a specific office. Although we can argue about whether the Republic was really restored and whether the power Augustus exercised can be called sovereignty, there is no question that this moment was a new foundation that brought both continuity and change to the Roman state. Tacitus gives the ideology of the principate as a foundation in quotation marks, when he tells us what those better disposed to Augustus said about him after his death (item 14): „nevertheless, the republic was constituted not on kingly rule or the dictatorship, but on the name of prince.“ Those less well disposed to Augustus do not, in Tacitus' formulation, use the language of foundation.

Because of this new constitution, as Augustus himself and others tell us, he was given the honorific appellation Augustus in 27 BCE. Suetonius recounts the moment in detail and in it Augustus' role as founder is taken for granted (item 14). While others suggested he should be called Romulus „on the grounds that even he [was] a founder of the city“, Munatius Plancus suggested rather Augustus. The combination of novelty and continuity in the choice of Augustus' new name corresponds to similar notions about foundation, and specifically, the Augustan foundation. The cognomen is chosen because it is „not only new, but also even more ample“, but it is backed up by a quotation from Ennius, [an epic poet writing about a century and a half earlier than these events,] who wrote, among other things, of Rome's original foundation by Romulus (last line in item 15): „after famous Rome was founded on an august augury“. The new name touches on vocabulary used from an earlier period in association with not just with Romulus, but also with Camillus. Skutsch thinks that Ennius'

²² Weinstock (1971) 180 with n.1.

²³ Cicero retrojects this idea anachronistically onto Scipio Aemelianus in the dream of Scipio, Rep. 12.4: Scipio Africanus predicts, erroneously, that Scipio will need to be appointed dictator to constitute the state, „dictator rem publicam constituas oportet“. For the retrojection, see Zetzel *ad loc.* Arendt discusses the phrase's importance (1963) 207, though she transfers the Sullan phraseology onto Scipio.

²⁴ Brunt and Moore (1967) at RG 1.4. check Ramage.

fragment, which situates the speaker seven hundred years from Rome's foundation, belongs to a speech in which Camillus argues against moving Rome to Veii. If Skutsch is right, the citation evokes events that will become in Livy's narrative a refoundation.

A good quarter century later, in 2 BCE, the Roman people decided to formalize Augustus' appellation „pater patriae“, which had been used informally by the poets since the 20's. Although Suetonius' account does not use foundational language, it still shows one of the assumptions underlying the concept, namely some sort of reciprocity or commensurability between the state and its leader. After the people's decision and Augustus' polite refusal of the name, the Senate supported it by a public announcement in the voice of Valerius Messalla (item 16): „May this thing be good and propitious to you and your house, Caesar Augustus! For thus do we consider that we are praying for the perpetual prosperity and happiness of the republic: the senate, in assent to the Roman people, jointly salutes you as father of the fatherland.“ What is good for Augustus is good for the country. Although Rome had not been in crisis for many years, Augustus had finally in the previous year dedicated the temple to Mars the Avenger he had vowed back during the civil disturbances. Similar ideas – the father as savior of the city in crisis, the commensurate wellbeing of father and state – underlie Horace's calling Augustus „pater“ in his *Odes* in the 20's BCE. Each time, Augustus' paternity to the state is linked to his setting an end to civil war (item 17). In a poem still anxious that civil disturbance might recur (*Odes* 1.2), Horace implies that Mercury has come down as a god on earth in the person of Augustus, bringing peace, and he prays he will stay a long time: „may you love to be called father and prince here“ (50). Horace also makes Augustus' appellation as father contingent on his putting an end to civil war: „if someone – O whoever you are – wishes to eradicate impious slaughter and civil rage, if he seeks to be inscribed as father of cities on statues, let him dare rein in indomitable license“ (3.24.25-9). Like Cicero before him, Augustus is called father for bringing peace to a state that was threatened from within. The appellation recalls its previous bearer and the context of Cicero's winning it, but the present sets it in a new context. The iteration performs the honor anew and sets the state on a level footing all over again.

This sense of being at a turning point between bad and good times, of being at the beginning of a new age, which restores the state to the well-being it knew back in the glory days of its origins, is a leitmotif of the whole Augustan period. Although his rule lasted a good forty years, there is a consistent sense of both novelty and restoration well into it; the new foundation does not wear off. Although we cannot quite pin down Vergil's „*magnus ab integro saeculorum nascitur ordo*“ from Eclogue 4 (item 18.a) to a statement about the future Augustus, Vergil does sum up the Augustan age as both foundation and return when Aeneas consults Anchises in the underworld (item 18.b): „This man, this is the one whom you hear often promised to yourself, Augustus Caesar, the race of a god, who will again found a golden age in Latium through the land ruled once by Saturn, who will extend empire over both Garamantian peoples and Indians.“ The iterated language of foundation with its emphasis on both renewal and return („*ab integro, rursus*“) consistently performs the necessary gesture of setting things right.

So far, I have been speaking of the performative qualities of foundation within the framework of performative discourse, which reenacts through iteration a new instantiation of whatever act is needed. Augustus also exploits performance for foundational ends on a more literal level. In 17 BCE, he and the college of ten organized a three-day celebration of the new century. The tradition of the „*ludi saeculares*“ or „century games“ was age-old and its purpose was foundational in the way described above: to bring together the community or state in all its constituent parts in an act of self-affirmation.

Foundational song

I need hardly explain at this point that a state-sponsored celebration of the new century reestablishes community cohesion in a way that looks both backward through iteration and forward to the age to come. It operates at the temporal hinge peculiar to performative acts: in the present with relation to past and future. The festival itself included many innovations, including the incorporation of the Olympian gods in what was previously largely a ceremony to placate chthonic deities. There was and still is a dispute about the actual timing of celebration, since it appears to be a year off the expected calculations. But here is not the place to go over such detail {for which I refer you to Bärbel Schnegg-Köhler's magisterial tome}.²⁵ I will focus on the importance of representation within this performative and foundational framework. The particular representation is Horace's *Carmen saeculare*, the „century song“, which was sung by a chorus of 27 boys and as many girls on the last day of the festival on both the Palatine and Capitoline hills.

Foundation may not be singular, but it is nevertheless an event. One of the reasons foundations keep citing early foundations is that events, while formative, fade unless they are not only remembered, but reenacted. The need for transmission means that foundations are by necessity mediated. Hannah Arendt repeatedly emphasizes the need for stories to preserve action and Jacques Taminiaux argues that one of the important roles the Romans play in Arendt's thought is to emphasize the need for the transmission of knowledge of deeds to posterity (2000: 175).²⁶ The Romans were fascinated with tradition and the exemplum, namely the handing down of memory of past times for the purpose of imitation or, if you like, reenactment. In the Augustan age, as I have tried to show elsewhere, they were also fascinated with and highly aware of the media of representation and their various capacities. Thomas Habinek has shown, in *The World of Roman Song*, that the Romans had a strong conception of song as formative: it brings realities into being through representation. He analyzes a number of ritual songs, such as the Salian Song and Horace's *Carmen saeculare*, within the context of foundation, and I agree that the Romans operated with an ideology of foundational, performative song. I would add the qualification, however, that such song brings about foundation only in a mediated way.

When Horace writes the *Carmen saeculare*, he accepts a rather daunting task: to compose a poem for performance when the last similar such poem was written about two centuries before. The song was not an intrinsic part of the festival, but an innovation. Ritual sacrifice and prayer are obviously strong social acts of community cohesion, so one could argue there was no need for a song in addition. Nevertheless, Augustus commissioned this poem specifically from a poet he was known to respect.²⁷ To set social cohesion in words poses special challenges. Most of the mediation I have been talking about in this paper has been either retrospective – such as the retailing of myths that have themselves been formed to correspond to ideas of national identity – or it has participated in transmission – here I think of the honorific title of „pater patriae“. The title embodies and conveys an ideology of paternity. But writing a new song is subject to the danger of falling short of expectations. It is one thing for the Salian priests to dance out an age-old song that no one, including themselves, understood any longer. The mystery of incomprehensibility can carry all sorts of

²⁵ Basic discussions of the poem are in Fraenkel (1957) pages, Cancik (1996), Feeney (1998) pages, Putnam (2000), Barchiesi (2002), and Habinek (2005) pages; for the festival the indispensable edition and discussion is now Schnegg-Köhler (2002).

²⁶ Arendt emphasizes the need for stories in the section on action in *The Human Condition* (1958) 194 and 199, but her examples are Greek (Achilles and Homer). Taminiaux relies on some recently published materials where she explicates in greater detail the differences between Greece and Rome (2000) 173-6

²⁷ Suetonius' life of Horace has numerous anecdotes showing Augustus' appreciation of Horace.

social burdens. But the *Carmen saeculare* has, since the discovery of the „acta“ of the „ludi saeculares“, [an inscription detailing the events of the games in which they participated,] been seen as somehow not fitting. Either it does not correspond well to the games (Mommson), or it is criticized for pandering to Augustus at the sacrifice of its aesthetic independence.

I think the solution to this problem is first to recognize that the ideology of foundational song is one that no particular song can live up to, just as no individual foundation is ever fully sufficient to the task. I argue elsewhere that both Horace's poem and the festival itself engage with the challenges of foundation precisely by a high degree of self-consciousness about mediation. Second, if we recognize that foundation itself is performative and mediated, it relieves the pressures on any historical moment that is presented as foundational. No particular moment can be an origin in any pure sense. But if the challenge is to create social cohesion in relation to tradition by taking advantage of the representational media, that is something societies in general and Rome in particular manage to do again and again.

I think the role of the *Carmen saeculare* is to enact, represent, and transmit the foundation embodied in the games. The poem looks back to a mythic Roman foundation.²⁸ This it depicts as an absolute breaking point: the Trojans, including Aeneas, are ordered to change homes („iussa pars mutare Lares et urbem“, 39) and to leave burning Troy behind („per ardentem ... Troiam“, 41). The result is an increase: Aeneas will give more than what was left behind („daturus / plura relictis“, 43-4). Although the event recedes into the past, the giving continues as the speaker asks the gods to give all kinds of good things (morals to the youth, peace to the old) culminating in a generalized gift to the Roman race: „Romulae genti date remque prolemque / et decus omne“ („give to the race of Romulus wealth and children and all honor“, 47-8). The single event commutes into a continually reenacted divine gift. Horace devotes a stanza to Augustus' marriage legislation, whose main purpose was to encourage citizens to have and bring up children. This stanza has been reviled as cold and legalistic, but I think it needs to be understood as targeting the shared need of the state and of the poem for transmission. If foundation needs iteration through representation, it will need a future generation to bring it about.

To sum up, repeated foundation is central to the way the Romans conceive of their continued community and to the way modern political thinkers have analyzed Rome. Whether this entails progress, is a mechanism to stem decline, or is a circular model of history, every way of conceiving of foundation at Rome entails repetition without implying a failed state. I can make sense of the various types of refoundation only on a performative model where some form of action or representation reenacts and transmits community cohesion and I think Hannah Arendt's understanding of Roman foundation has greater analytic weight than the other attempts to explain this phenomenon with which I am familiar. So I will conclude with a few words about Arendt. In *On Revolution*, she attributes the genius of Roman foundation to their location of the authority needed to guarantee the foundation within the event itself (1963: 199), rather than looking to some external absolute for validation, such as God as the Americans do or the ever-changing „will of the people“ as they did in the French revolution. Part of the problem she is attempting to solve is the gap in a revolutionary situation between the moment of liberation and the establishment of freedom. In order for a revolution not to stagnate, it must produce a constitution: it will need to move beyond the overthrow of the previous order to establish new laws, but the paradox is that revolution lacks the authority to establish the law. People cannot arbitrarily set themselves up as lawmakers. She sees the Roman solution as a division between power and authority: they vested authority not in the

²⁸ The interpretation of the stanzas on Troy and Aeneas varies widely. For Feeney (1998) 36, the poem „depicts the present actions of Augustus as the fulfilment of the text of the *Aeneid*“. Putnam (2000) 72-6 emphasizes beginning and rebeginning. Habinek (2005c) folds the stanzas into the song's concern with ritual passage.

already established law or in the law-making body, the people (1963: 199), but in the Senate; she says, „In Rome, the function of authority was political, and it consisted in giving advice“ (200). I think she would do well to consider that, in Heinze’s analysis, picked up by Galinsky, the Romans also located „auctoritas“ in individuals, precisely when they were acting outside the brief of the „potestas“ of a particular magistracy. In this way, authoritative individuals can exercise the agency needed in foundation from a position outside the already constituted state. But since authority arises in the act of foundation, founders also gain authority by founding. They can then authorize the law-making body to go ahead and legislate.

Arendt, like many, insists on the etymological connection between „auctoritas“ and „augere“. For her, authority arises in foundation, but it also perpetuates „the spirit of foundation, by virtue of which it was possible to augment, to increase and enlarge, the foundations as they had been laid down by the ancestors“ (1963: 201). This entails a process of renewal through repetition that eliminates the distinction between an original and a subsequent foundation and in this context Arendt quotes Cicero’s *De Republica*, where the new and subsequent foundations are mentioned in the same breath (item 19).

Hence, it was neither legislating, though it was important enough at Rome, or ruling as such that was thought to possess the highest human virtue, but the founding of new states or the conservation and augmentation of those that were already founded: „For there is no matter in which human virtue comes closer to the gods than either to found new states or to save ones that have already been founded.“

She sees the principle of increase as „the backbone of Roman history“: „By virtue of „auctoritas“, permanence and change were tied together, whereby, for better and worse, throughout Roman history, change could only mean increase and enlargement of the old.“ This, for her, explains the expansion of the Roman empire. It is in this context that we should understand Augustus’ name, itself etymologically linked to „augere“ and to „auctoritas“, and the importance of his claim in the *Res gestae* that after he won his cognomen and its attendant honors, he surpassed others in „auctoritas“, even though he had no more power („potestas“) than the others who were his colleagues in office (item 20). It is his status as founder that is at stake. And by citing this most controversial sentence, I am opening, I am sure, another whole can of worms.

Silius Italicus 14.681 seruando condidit urbem

Anhang

Romulus kills Remus, and Rome is founded.

But before this – before this story, a legend is told about these same places. A twin, Romulus, has just killed his twin, right here, and he offers up a sacrifice. To Hercules in particular. Hercules has passed by. Herakles, the twin of Iphikles, had killed Cacus there. As if a murder always preceded a murder. As if a foundation were not really a sufficient beginning. As if an origin demanded its own origin. (9) No, there is no one foundation of the city, one real ritual, historic act, one myth or one representation, one dream, one imagining; there is no unique and definitive thing from which a history, a long span of time, charts its course as if there were a source and a flow, as if there were a mark and, starting from its unity, a calendar. ... Rome does not cease to be founded; its history and its time are simply what pass between two occurrences of the founding action. (115)

– Michel Serres, *Rome: The Book of Foundations*

1.a. Hannah Arendt, *On Revolution* 202

‘authority in this context is nothing more or less than a kind of necessary “augmentation” by virtue of which all innovations and changes remain tied back to the foundation which, at the same time, they augment and increase’.

1.b. Bremmer in Bremmer and Horsfall 42:

‘the archeological evidence shows that in the case of Rome we have to speak of a gradual „Stadtwerdung“ rather than „Stadtgründung“... Myth clarifies this process by representing it as a one-time historical event’.

2. Livy, Preface 6-7

quae ante conditam condendamue urbem poeticis magis decora fabulis quam incorruptis rerum gestarum monumentis traduntur, ea nec adfirmare nec refellere in animo est. datur haec uenia antiquitati ut miscendo humana diuinis primordia urbium augustiora faciat; et si cui populo licere oportet consecrare origines suas et ad deos referre auctores, ea belli gloria est populo Romano ut cum suum conditorisque sui parentum Martem potissimum ferat, tam et hoc gentes humanae patiantur aequo animo quam imperium patiuntur.

3. Cicero, *De re publica* 2.2

is dicere solebat ob hanc causam praestare nostrae ciuitatis statum ceteris ciuitatibus, quod in illis singuli fuissent fere quorum suam quisque rem publicam constituisset legibus atque institutis suis... nostra autem res publica non unius esset ingenio, sed multorum, nec una hominis uita, sed aliquot constituta saeculis et aetatibus. nam neque ullum ingenium tantum extitisse dicebat, ut quem res nulla fugeret quisquam aliquando fuisset, neque cuncta ingenia conlata in unum tantum posse uno tempore prouidere, ut omnia complecterentur sine rerum usu ac uetustate.

4. Livy, 4.4.1, 4:

nullane res noua institui debet?

quis dubitat quin in aeternum urbe condita, in immensum crescente noua imperia, sacerdotia, iura gentium hominumque instituantur?

5. Livy, 4.7.1
Anno trecentesimo decimo quam urbs Roma condita erat primum tribuni militum pro consulibus magistratum ineunt.
6. Livy: conditor (Romulus 3.39.4; Servius Tullius 1.42.4; Brutus 8.34.3; Augustus 4.20.7); auctor (Numa 1.42.4)
7. Livy, 2.1.2
nam priores ita regnarunt ut haud immerito omnes deinceps conditores partium certe urbis, quas novas ipsi sedes ab se auctae multitudinis addiderunt, numerentur.
8. Vergil, *Aeneid* 8.313, 357-8
a. tum rex Evandrus Romanae conditor arcis
b. hanc Ianus pater, hanc Saturnus condidit arcem;
Ianiculum huic, illi fuerat Saturnia nomen.
9. Vergil, *Aeneid* 1.1-6
arma uirumque cano, Troiae qui primus ab oris
Italiam fato profugus Lauiniaque uenit
litora, multum ille et terris iactatus et alto
ui superum, saeuae memorem Iunonis ob iram,
multa quoque et bello passus, dum conderet urbem
inferretque deos Latio; genus unde Latinum
Albanique patres atque altae moenia Romae.
10. Vergil, *Aeneid* 8.333-5 (Evander)
me pulsum patria pelagique extrema sequentem
Fortuna omnipotens et ineluctabile fatum
his posuere locis
11. Vergil, *Aeneid* 8.320
primus ab aethereo uenit Saturnus Olympo
arma Iouis fugiens et regnis exsul ademptis.
- 12.a Ennius, *Annales* 105-9 (Romulus)
pectora ... tenet desiderium: simul inter
sese sic memorant: 'O Romule, Romule die,
qualem te patriae custodem di genuerunt!
O pater, o genitor, o sanguen dis oriundum!
tu produxisti nos intra luminis oras
- 12.b. Livy, 5.49.7 (Camillus)
Dictator recuperata ex hostibus patria triumphans in urbem redit, interque iocos
militares quos inconditos iaciunt, Romulus ac parens patriae conditorque alter urbis
haud uanis laudibus appellabatur.
- 12.c. Cicero, *Cat.* 3.2
quoniam illum qui hanc urbem condidit ad deos immortales beneuolentia famaue
sustulimus, esse apud uos posterosque uestros in honore debebit is qui eandem hanc
urbem conditam amplificatamque seruauit.

13. Augustus, *Res gestae* 34

In consulatu sexto et septimo, postquam bella ciuilia exstinxeram, per consensum uniuersorum potitus rerum omnium, rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli.

14. Tacitus, *Annales* 9.5 (Augustus)

non regno tamen neque dictatura, sed principis nomine constitutam rem publicam.

15. Suetonius, *Augustus* 7.2

Postea Gai Caesaris et deinde Augusti cognomen assumpsit, alterum testamento maioris auunculi, alterum Munati Planci sententia, cum quibusdam consentibus Romulum appellari oportere quasi et ipsum conditorem urbis, praeualuisset, ut Augustus potius uocaretur, non tantum nouo sed etiam ampliore cognomine, quod loca quoque religiosa et in quibus augurato quid consecratur augusta dicantur, ab auctu uel ab auum gestu gustuue, sicut etiam Ennius docet scribens: 'Augusto augurio postquam incluta condita Roma est'

Ennius, 154-5 Skutsch

septingenti sunt, paulo plus aut minus, anni
augusto augurio postquam incluta condita Roma est

16. Suetonius, *Augustus* 58.2

'Quod bonum,' inquit, 'faustumque sit tibi domuique tuae, Caesar Auguste! sic enim nos perpetuam felicitatem rei publicae et laeta huic precari existimamus: senatus te consentiens cum populo Romano consalutate patriae patrem.'

17. Horace, *Odes* 1.2.50, 3.24.25-9

a. hic ames dici pater atque princeps
b. o quisquis uolet impias
caedis et rabiem tollere ciuicam,
si quaeret pater urbium
subscribi statuis, indomitam audeat
refrenare licentiam

18.a. Vergil, *Eclogues* 4.5

magnus ab integro saeculorum nascitur ordo

18b. Vergil, *Aeneid* 6.791-5

hic uir, hic est, tibi quem promitti saepius audis,
Augustus Caesar, diui genus, aurea condet
saecula qui rursus Latio regnat per arua
Saturno quondam, super et Garamantas et Indos
proferet imperium.

19. Arendt, *On Revolution* 201; Cicero, *De Republica* 1.7.12

Hence, it was neither legislating, though it was important enough at Rome, or ruling as such that was thought to possess the highest human virtue, but the founding of new states or the conservation and augmentation of those that were already founded: 'Neque enim est ulla res in qua proprius ad deorum numen virtus accedat humana,

quam civitates aut condere novas aut conservare iam conditas.' ... By virtue of auctoritas, permanence and change were tied together, whereby, for better and worse, throughout Roman history, change could only mean increase and enlargement of the old.

20. Augustus, *Res gestae* 34.3

post id tempus auctoritate omnibus praestiti, potestatis autem nihilo amplius habui quam ceteri qui mihi quoque in magistratu conlegae fuerunt.

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The Disenchantment of Politics