Disordering Freedom: 
The Relation between Disorder and Libertas in Tacitus

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In the Annals, Tacitus refers to Arminius, a Germanic chieftain of fame from the Teutoburg forest, as both “the disrupter of Germania” (turbator Germaniae, I.55.2) and “doubtless the liberator of Germania” (liberator haud dubie Germaniae, II.88.2). By giving Arminius both of these appellations, Tacitus has created a link between two seemingly dissimilar words. Far from being totally distinct, these concepts are closely related: without disorder, there cannot be freedom. In particular, this is freedom of speech, as was understood during the Roman Republic. This relation has been previously illustrated in the Dialogus de Oratoribus (Dialogue on Orators), an earlier work, which pre-dates the Annals. That work presents a discussion on the decline of oratory and some of its possible causes. Though interpretations vary, one strain of thought considers the Dialogus to be a critique of certain aspects of rule under the Empire. ¹ This connection between

civil disorder and *libertas*\(^2\) continues as a theme in the *Annals* and is demonstrated in the interactions between Segestes and Arminius, two chiefs of the Germani. Through a consideration of the greater debate concerning the demise of oratory during the early Principate in the *Dialogus* and, then, an examination of the speeches by Arminius and Segestes, this connection will be made explicit. By applying the understanding of the association between civic order and quality of speech to the words of the Germanic chiefs, one can see the analogous relationship between civic order and the ability to speak.

For freedom, especially freedom of speech, to exist, there needs to be a certain level of disorder. In a sense, there needs to be things about which to speak. With a single leader, there is no room for disagreement, so there is, then, no room for free speech and its result, eloquence. The discussion of the decline of eloquence and of its causes provides the topic for the *Dialogus de Oratoribus*. The peace of the Principate appears as a source not only of the decline of eloquence, but also of freedom as a whole. The course followed by the *Dialogus* suggests, as Roland

\(^2\) For a greater discussion of *libertas* as free speech, see Chaim Wirszubski, *Libertas as a political idea at Rome during the late Republic and early Principate* (Cambridge: University Press, 1950).
Mayer asserts, that “Tacitus accepts, along with Fabius, that oratory of the present day is inferior to that of the late Republic.” The question of how this decline in oratory relates to freedom under the Principate is now posed. The discussion of the *Dialogus* begins after Maternus has, by performing his *Cato*, insulted the minds of powerful men because, within the work, he presented only the views of Cato Uticensis, a Stoic senator and the exemplar of Republican virtues. It seems, then, that the *Dialogus* is about more than just eloquence under the Principate; it is also about freedom because “conflict is the lifeblood of eloquence and the symptom of liberty.” The two are linked as cause and effect: without freedom there cannot be disorder, without which there cannot be eloquence. By commenting on the lack of the effect, Tacitus is also questioning the presence of the cause.

When Aper is rebutting Maternus, he reminds his interlocutor that oratory is safer than poetry because in the disputes of “our age…if it should be necessary to offend…forthrightness (*libertas*) would be excused” (*nostri*).

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4 Cf. “*Uictrix causa deis placuit, sed uiicta Catoni*” (Lucan *De Bello Civili* 1.128).
saeculi...si quando necesse sit...offendere...libertas excusata, 10.8). Strunk astutely indicates that under the conditions of “our age,” “libertas is not something to be exercised, but rather excused.” The future less vivid construction, which employs two present subjunctive verbs to denote the unlikelihood of an event, reveals a great deal about these circumstances. Speaking freely is no longer expected or taken as a presupposition of defense, but it is, rather, an occurrence that is unexpected and, perhaps, excusable if is necessary for the defense of a friend. By placing this restriction on “disputes of our age” (nostri saeculi controversias, 10.8), Aper has made a distinction between this and former ages, because the present is an age, as is noted later in the Dialogus, marked by the “long peace of times, continual rest of the people, continual tranquility of the Senate, and the statesmanship of the emperor” (longa temporum quies et continuum populi otium et assidua senatus tranquillitas et maxime principis disciplina omnia, 38.2). All of these characteristics are antonyms to and incompatible with the disruption, described with turbidus (37.6), by the lack of which both eloquence and freedom are lost. Indeed, under the Principate, “all other things”

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(omnia alia, 38.2) were also subdued. Although the *Dialogus* is generally in a more Ciceronian style, this statement on the silencing of “eloquence and all other things” (*ipsam quoque eloquentiam*, 38.2) is presented in a classically Tacitean manner. “All other things” is given second, after “eloquence,” in a manner akin to the “weighted alternative.” As the dialogue has shown, eloquence has declined in the present, so claiming that its demise is a result of those things is unsurprising. By placing the “all things” second, however, Tacitus forces the reader to (re)consider what exactly the characters are discussing. The example of eloquence demonstrates the more pervasive effects of the rule of the princeps.

As the exchange continues, the *Dialogus* digresses into why ancient oratory was better, until Maternus returns it to its original question of why present oratory is worse. Maternus recommends to Messalla to “use the old freedom of speech, from which we have fallen further than from eloquence” (*utere antiqua libertate, a qua vel magis degeneravimus quam ab eloquentia*, 27.3) to answer the

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7 In the rhetorical construction of the “weighted alternative,” the listener/reader is presented with a pair of ideas, frequently, though not uniformly, antithetical. The second option is favored and is generally emphasized by a change in grammatical construction and more grave meaning. See Donald Sullivan, “Innuendo and the ‘Weighted Alternative’ in Tacitus,” *The Classical Journal* 71, no. 4 (April-May 1976): 312-326.
question. Through his suggestion, Maternus notes that the decline of freedom is concurrent with the decline of eloquence. Further, the loss of freedom has been even more substantial than that of eloquence. He has linked the two, without saying too much. From the time of the “ancient” orators (23.1), the greatest change has been the ascendance of the princeps. And, although correlation does not prove causation, the numerous references to freedom in the present time suggest that the two are related enough to share a cause in their diminishment. Under the Principate, since the death of Cicero, both eloquence and liberty have decreased because the rule of one has, according to this line of reasoning, removed the necessary materials for eloquence, discord and debate.

Maternus raises the contention that the orators of old were able to gain so much from their speeches because they were as good as they were able to convince the mixed-up crowd they were “in that disorder” (illa perturbatione, 36.2). This, he follows, was a result of the lack of a “single overseer” (moderatore uno, 36.2). The overseer reins in the extremes of political positions and of speech. Mediocre speakers, rather than the best orators, now exist. There was freedom of speech because, it seems, there was a freedom of thought. That is, in the Republic, decisions were not held
in the power of one man, so there was some value in persuasion. Especially in the late Republic, the varied positions provided ample material for debate, but the “greatest statesmanship of the emperor silenced all things” (principis maxime disciplina...omnia alia pacaverat, 38.2). Syme acknowledges, “When peace, order, and control came, excellence in public speaking was cut off from its root and source.” 8 The excellence in public speaking, as free speech, came from the disagreements inherent in ruling the state under the Republic. When there was an opportunity and a need to speak freely, one could, without needing to be excused by a potentate insulted by unrestricted speech.

After Aper has blamed the current system of oratorical education, Maternus opines that it is, in fact, necessary for the state to be in disorder for eloquence to exist. Although he does concede that the state should not produce bad citizens just so orators have cases, he reminds his interlocutor that the question at hand concerns the decline of eloquence. Now, Maternus makes the point that eloquentia exists more easily in “turbid and unquiet times” (turbidis et inquietis temporibus, 37.6). These are, of course, meant to be in direct opposition to the actual

condition of the state (38.2). As this paper will show later, these conditions are contrary to those deemed favorable by Segestes. For true eloquence and true free speech to exist, there must be disorder and discord, not tranquility and peace. Maternus next asks, “Who does not know it more useful and better to prosper in peace than to be assailed in war?” *(Quis ignorat utilius ac melius esse frui pace quam bello vexari, 37.6).* Maternus argues that, while oratory is better in disordered times, peace is still better than war. Despite Maternus’ concessions, Kapust’s point remains, “Though Maternus treats it [disorder] as destabilizing and discordant, it is not necessarily inimical to order or liberty; as we saw. . . Tacitus in his own narrative voice suggests as much. Indeed, these conflicts had a positive relationship to liberty.”¹⁹ Although disorder and confusion existed to some extent under these conditions, they allowed for freedom of speech.

When Maternus says, “Eloquence is the great and notable offspring of license, which foolish men call freedom” *(est magna illa et notabilis eloquentia alumna licentiae, quam stulti libertatem vocitam, 40.2)*, he seems to be moderating his point. His recent statements seem to be presenting the disorder needed for eloquence, but also

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accepting that “disorder” (licentia, 36.2), which was experienced up to that point, does not necessarily create the best conditions for the state. This is, perhaps, keeping with standard Tacitean moderation: he believes libertas to be missing from the current state, but still acknowledges that there were faults in the past. Mayer, in his commentary on the Dialogus, summarizes Maternus’ view as, “Maternus sees true eloquentia as a product of a free, albeit hectic, community.”

It seems the analysis of the Principate is worth indicating: although it has ended the license and war, it has also silenced free speech and eloquence, and it has yet to restore a balance.

The conclusion of Maternus’ speech is, perhaps, a continuation of this moderated criticism. This statement by Maternus must be considered because Tacitus was disgruntled by the loss of senatorial power: “What is there for many public meetings among the people, when the many uninformed do not decide about the republic, but the wisest one?” (Quid multis apud populum contionibus, cum de re publica non imperiti et multi deliberent, sed sapientissimus et unus?, 41.4). This praise seems almost too extreme to be serious. The very opposite seems to run

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10 Roland Mayer, commentary to Dialogus de Oratoribus, ed. by Roland Mayer (Cambridge: University Press, 2001), 199.
through his works more often: the people, or, rather the senators, have lost their freedom because of the lack of inclusion, caused by the rise of the Princeps’ power. Indeed, Syme seems to support this reading: “This conclusion reveals not enthusiasm, but resignation – and a strain of the historian’s irony when he commends civic obedience to the ruler.”11 The public meetings, in which eloquence and free speech were exercised, have been ended, so this exuberant praise is, in fact, a reproach of the present system. The tranquility of the Principate has stifled the speech of the Republic.

The opposition between Segestes and Arminius provides a contrast of the ideas of disorder and freedom. The German chiefs first appear as the Romans are about to attack their province. From their introduction to the reader, Arminius and Segestes are placed in stark opposition to one another. The speeches present alternative views of possible courses of action. Although they are both chieftains of the Germani, they are known by their “disloyalty or loyalty” (perfidia...aut fide, Annals I.55.1) to the Romans. Stephen Daitz indicates that the “introduction of minor characters by pairs, with ensuing comparison of their personalities” is a common literary technique for Tacitus, so following the

11 Syme (1958) 220.
pairs will explicate the distinctions between them.¹² When Segestes later apologizes to the Romans for any apparent disloyalty (*Ann.* I.58.3), he is distancing himself further from bonds he may share with Arminius. Despite the Romans’ favor for Segestes, the distinction is actually reversed among Germanic people. Arminius is considered the more trustworthy (*magis fidus*, *Ann.* I.57.1) and more influential because he is ready to be daring in a time of turmoil.

Following statements on their loyalty, both are given a short description. Here, Arminius is called “the disrupter of Germania” (*turbator Germaniae*, *Ann.* I.55.2), while Segestes is said to have beseeched Varus to enchain him, Arminius, and the other chieftains (*Ann.* I.55.2). A rebellion, a time of great disorder, is planned to gain freedom for the Germani, but Segestes tries to thwart it by asking that its leaders be enchained. The language of chains, used again later, is reminiscent of slavery (*servitus*, cf. I. 59.6), quite the opposite of freedom. In opposing the *turbator*, Segestes calls for Roman control of the German leaders, including the future *liberator* (*Ann.* II.88.2). He has

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created a dichotomy between disorder and enslavement; this distinction will establish the connection to freedom. The figures’ speeches reveal their plans and elucidate the parallel between disruption and freedom. Segestes begins speaking by mentioning his “alliance” (fidei, Ann. I.58.1) with the Roman people and by establishing himself as a client of Augustus. He states that “[he] deem[s] it better to lead peace than war” (conducere et pacem quam bellum probabam, I.58.1). While, as Maternus noted earlier, peace is preferable to war, peace is still detrimental to the free speech. Here, Segestes recounts the time when he begged that he be enchained along with those who knew of the plot (Ann. I.58.2). This reiteration of chains (vinciret, Ann. I.55.2; inieci catenas, Ann. I.58.3) reinforces the earlier account. Although Segestes avoids using the language of slavery explicitly, the mention of chains must be called to mind when Arminius later mentions the slavery that will begin (Ann. I.59.6), if Segestes is followed.

When addressing the Romans, Segestes declares that he “[he] hold[s] the old before the new and peace before disorder” (uetera nouis et quieta turbidis antehabeo, Ann. I.58.3). He does not hold that this regard is not to gain a reward for his people, but to absolve himself of the earlier mentioned disloyalty and to become a worthy conciliator.
(idoneus conciliator, Ann. I.58.3) for the Germani. He has essentially become a suppliant before the Romans. He will be a conciliator, “if it [the German race] should prefer penitence to destruction” (si paenitentiam quem perniciem maluerit, Ann. I.58.4). Arminius' speech, related in indirect discourse, begins with his recounting of his success over the Roman legions and Varus. Certainly, he is no longer a client. In almost an exact parallel to the conditional statement, Arminius calls the people to follow him if only they prefer “homeland, parents, and ancient things rather masters and new colonies and Arminius as leader to glory and freedom, rather than Segestes as leader to outrageous slavery” (si patriam parentes antiqua mallent quam dominos et colonias novas, Arminium potius gloriae ac libertatis quam Segestem flagitiosae servitutis ducem sequeretur, (Ann. I.59.6). Arminius will lead them to glory and freedom, Segestes to slavery.

The parallel between the two speeches provides the analogous link between disorder and liberty. Segestes holds old before new and peace before disorder (Ann. I.58.3), and he seeks Germani who prefer penitence to destruction. This added stipulation changes the character of Segestes’ peace: it would be an uneven treaty, leading to servitude. Although Arminius never explicitly states what he holds in
greater regard, he does call on those who prefer “homeland, parents, and old things” (patriam parentes antiqua, Ann. I.59.6), as he assumedly does, to follow him. It would seem that the opinions of the victor at the Battle of the Teutoburg Forest would be well known. He adds no condition for their attitude toward the Romans. By using the plan of conciliation and penitence, Segestes will seek peace and a return to the pact with Rome, while Arminius, conversely, will continue the old project of fighting Rome. Arminius, as Segestes, prefers the “old things” (cf. Ann. I.58.3 and I.59.6) so, in that, they agree. He does not, however, mention any sort of peace explicitly. By opposing Segestes, he has disavowed servitude for freedom, so implicitly he has also denied peace for disorder. This fight for freedom would naturally necessitate Arminius to prefer disordered things to peaceful. From that point, the paths would diverge: one to freedom, the other to slavery.

These two parallel conditionals establish a telling contrast. Depending on the preference, the Germani will have a conciliator in Segestes or a liberator in Arminius. Arminius understands that the peace sought by his foil will lead to slavery. Peace will bring masters and new colonies. These are the new things, which ought to be feared, not whatever “new things” (Ann. I.58.3), Segestes holds in
disregard. As Kapust argues, “The peace of the Principate is not only different from the peace envisioned by Cicero, but is actually domination.”¹³ Indeed, Arminius foresees this domination (Ann. I.59.6). The “nouis” (Ann. I.58.3), which Segestes does not desire, is perhaps reminiscent of nouis rebus¹⁴, revolution. After of the talk of thwarted rebellions and opposition to disorder, this understanding may not be assuming too much about this phrase. Nevertheless, whatever Segestes’ “new things” (Ann. I.58.3) are, by preferring peace to disorder, he would lead the Germani to slavery and away from freedom. Although Arminius is ultimately defeated in battle, his efforts have stopped the Roman attempts of conquest. Despite the fact that he is killed by relatives for his perceived encroachments on their freedom, Arminius is still deemed “doubtless the liberator of Germania” (liberator haud dubie Germaniae, Ann. II.88.2) in the nearly the same line. It seems the important part of the account is that he has delivered the Germani from the Romans and has preserved his people’s freedom by avoiding the “peace” (Dialogus, 38.2) of the Principate.

¹⁴ Cf. Sallust, Conspiracy of Catiline, 28.4
As Tacitus presents the case, freedom needs disorder. Disorder, however, as Maternus perceptively notes, may be the result of license, which, in fact, causes harm to the state. In order to speak freely, there must be discussion, but also an acceptable amount and type of disorder. This point is, perhaps, why it is best to consider the Tacitean corpus together: reading the *Dialogus* and the exchange between Segestes and Arminius, one can see that a connection between freedom and disorder exists but, also, that there is a need for there to be a certain a level of restraint. Reading the speeches of Segestes and Arminius delineates the connection between disorder and freedom. The *Dialogus de Oratoribus* does the same through a diachronic progression. By pairing the pieces, one can see how freedom was maintained in one context, but lost in another.
Bibliography


