

Introduction

Competition in the Roman Empire—Structure, Characteristics, and New Arenas

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Scholars have long ascribed to Roman aristocrats, especially in the republican period, the habit of competing with one another for political, social, and economic advantage. This competitive habit has been thought to be most visible in the canvassing for election to public office, as multiple candidates for a given magistracy put themselves forward before the people and sought to secure the votes that would install them, in preference to other candidates, in the position desired. Aristocratic competition was hardly limited to elections, however: magistrates, once installed, sought to outdo one another in carrying out the duties of office and exploiting the opportunities it afforded, and to dominate the monumental space of the city in commemorating their achievements. Much work has been done in recent decades, especially by Germanophone scholars, to articulate and characterize the arenas and stakes of competitive activity among republican aristocrats. Less scholarly attention has been paid to the question of competition in the imperial age. Did aristocrats still compete once popular elections for public office had ceased, and once the traditional forms of monumental public display had come to be monopolized by the emperor and his regime? Not in the same way, or in all the same arenas, to be sure. However, closer attention to other, and in some cases new, areas of aristocratic activity and interest in this period reveal beyond doubt that this group's competitive impulses persisted undiminished, though changed, and furthermore that the arenas, modes, and stakes of competition were constantly evolving. The specific questions pertaining to the current volume are to consider how and to what extent medicine and law in particular constitute

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arenas of aristocratic competition in the imperial age; and, if they are indeed competitive arenas, what the characteristics and dynamics of these competitions are.

Georg Simmel and Competition Theory

Since the nineteenth century, social theorists have understood “competition” to be a specific form of social struggle.¹ Individuals or groups may vie for control of scarce resources, i.e. goods (tangible or intangible) whose supply is insufficient to satisfy all parties who want or need them. For Max Weber, competition is a distinctively “peaceful” and “regulated” form of such struggle, since it has rules and abjures physical violence.² Georg Simmel, in a particularly influential articulation, develops the ideas of non-violence and regulation in a specific direction. For Simmel, competition is a *mediated* form of struggle in which the resources sought by the contestants do not lie directly within their own power to obtain. Rather, the power to award victory and bestow the desired prizes or resources lies with a “third party” (which Simmel calls a *dritte Instanz*)—a judge or other figure, individual or corporate, that stands apart from the struggling contestants, evaluates their performances relative to one another and in light of the norms and regulations governing the conduct of the competition, and on that basis awards the victory or prize to one (or a subset) of the competitors. Simmel furthermore distinguishes “competition” from direct, unmediated “conflict” where the contestants struggle directly with one another, and the resources or prize sought can be secured directly by whichever party prevails (e.g. seized by force in warfare). However, conflict and competition so defined are not absolutely exclusive, and a given struggle may display each form in different respects, or transition from one form to the other over time.³

Simmel developed this theory in the context of the industrialized, global society of the turn of the twentieth century, and he adduces examples ranging from the

¹ See Ulf, ‘Competition’ (2011) for an account, beginning in the late eighteenth century, of “competition” as an economic and social phenomenon, especially as applied to the study of ancient Greece; also Nullmeier, ‘Wettbewerbskulturen’ (2002) 157–160 for Jacob Burckhardt’s views about the Greek *agon*; and Jessen, ‘Konkurrenz’ (2014) 10–18 for approaches to “competition” in various academic disciplines since the early twentieth century.

² Weber, *Wirtschaft* (1956) 20–21; English tr. in Roth and Wittich, *Weber* (1978) 38–40.

³ Simmel, *Soziologie* (1992 (1908)) 323–347; English tr. in Wolff and Bendix, *Simmel* (1955) 57–85. Here I cite the argument as presented in Simmel’s 1908 book *Soziologie*, slightly expanded and developed from a 1903 essay entitled ‘Soziologie der Konkurrenz’ (= Simmel, *Aufsätze* (1989 (1903)) 221–245). For a modern assessment, and on the development of Simmel’s thought, see Werron, ‘Direkte’ (2010) and Werron, ‘Konstruktion’ (2011). I seek here to maintain Simmel’s own semantic distinctions, wherein the general category of contention is *Kampf* (“struggle”), and its species are direct/unmediated *Konflikt* (“conflict”) and indirect/mediated *Konkurrenz* or *Wettbewerb* (“competition”). See Werron, ‘Direkte’ (2010) 302–307 for these terms, and 312–316 for modern examples of how conflict and competition can coexist, collide, or evolve into one another.

medieval period to his own day. Social scientists and historians, especially in Germany, have subsequently developed this and other theories of competition and employed them to analyze a range of historical and contemporary struggles. Ancient Mediterranean societies are among those to which Simmelian analysis has been applied, with adjustments for the premodern context.⁴ Specific scholars and approaches will be discussed below; for now let us simply observe a few familiar Roman social and political practices that answer well to Simmel's articulation of "competition": popular elections in the Republic, whose competitive dynamics were noted earlier; musical or poetic or athletic contests, where a duly appointed judge or panel of judges determines the relative merit of the prize seekers within the framework of the norms of the competition; and trials carried out in law courts, where a judge or panel of judges determines which one of the two litigants' cases will prevail in consideration of law, justice, expediency, and other values that are pertinent in judicial settings. The "scarce resources" in these cases are the available offices, which are fewer than the candidates; the single crown awarded to the athlete or artist deemed best in each category of competition; the single verdict that can favor only one litigant and advocate; and, of course, the prestige—intangible but very real—that accrues to the victors in all these arenas, which is perhaps the scarcest and most valuable resource of all.

Simmel and subsequent theorists are also concerned with the social effects of competition. As a form of struggle, it entails that people are at odds, and in this respect has a socially disintegrative force. But it also has powerfully integrative effects. Those who enter into a given competition subject themselves to the accepted practices and norms that govern that competition. Hence the competitors carry out their struggle within a framework of opportunities and constraints that they themselves, the "third party" judges, and society at large generally accept as valid. Furthermore, as Simmel stresses, the fact that competitors seek the favor of the third party, the judges who they hope will grant them the prize, entails that competitors will, if possible, solicitously court those judges, show and declare that their values and aims align with the judges' own, and stress that they collectively share the broader community's core values and interests—while also, of course, rubbish their rivals and declaring these rivals' values antithetical to those of the judges and community at large. Thus competition involves significant efforts by competitors to build community and create solidarity with certain individuals and

⁴ General collections on competition in contemporary and past societies include Starbatty et al., *Kultur* (2012); Tauschek, *Kulturen* (2013); Jessen, *Konkurrenz* (2014); and Kirchhoff, *Konkurrenz* (2015). For competition in ancient Rome in particular, see the edited collection of Hölkeskamp and Beck, *Verlierer* (2019), and the monographic studies by Künzer, *Kulturen* (2016) and Stein-Hölkeskamp, *Unterschiede* (2019). Anglophone scholarship on ancient Mediterranean competition is sparser and more empirical: the only broad investigations I know are two edited collections, Fisher and Van Wees, *Competition* (2011) and Damon and Pieper, *Eris* (2019), neither of which systematically engages the existing theory or prior scholarship on competition.

groups, even as they also cultivate and accentuate social rifts with other individuals and groups.⁵

In thinking about the dynamics of competition in the Roman world, I find it helpful to supplement Simmel's framework with certain aspects of "field theory," which has long had a place in the social sciences and has been widely popularized in the past generation by Pierre Bourdieu. A "field" is a domain of specialized social activity that has come to develop practices, norms, training or acculturation, and even institutions specific to itself, and thereby attains a degree of autonomy from the larger world (though it can and does feel pressure and influence from forces beyond itself). A "field" so conceived is fundamentally relational: social actors take positions and make moves within a network of forces or power relations that exist among the actors; these forces, along with the actors themselves, constitute the field as such. These actors seek advantage for themselves relative to other actors by accumulating forms of "capital" (essentially forms of recognition, whether tangible or intangible) that are often distinctive to the field in question. Indeed, simply to "be in" a "field" so understood—to take a position, and to act within its network of power relations—is automatically to be engaged in struggle with other actors to accumulate capital. For the "game" (as Bourdieu often calls it) is set up to require struggle and opposition, which are, as it were, conditions of entry. As examples of fields, Bourdieu in various works discusses the modern practices of politics, musical composition, literary production, painting, and the standard academic disciplines, among others. This framing of "field" is helpful not least because it clarifies exactly how, and on what, those who participate in a given competition agree and disagree: they operate as actors within a field that has its distinctive norms, practices, acculturation, and institutions, and they pursue whatever form of capital has currency there; thus, precisely in struggling with one another, they are all objectively invested in the perpetuation of the field as such.⁶ In other ways too, as we shall see, the characteristics of "fields" just described will prove helpful for understanding the structure and dynamics of Roman aristocratic competition.

Bourdieu has been criticized, however, for evidently conceiving of "fields" in general on the template of modern elite professions—as activities in which actors participate almost exclusively, for which they have received extensive training, and

⁵ Simmel himself speaks much more about the socially integrative effects of competition than the disintegrative effects: Simmel, *Soziologie* (1992 (1908)) 325–329, 341–345 = Wolff and Bendix, *Simmel* (1955) 58–63, 76–80, and *passim*. On these effects in modern societies see Imbusch, 'Konkurrenz' (2015) (esp. 216–220 on Weber and Simmel; also 233–234), with further bibliography. Regarding Rome, see Hölkeskamp, 'Konkurrenz' (2014) *passim*; Nebelin, 'Aristokratische Konkurrenz' (2014) 153–158 (an interesting attempt to articulate precisely the points on which republican aristocrats had to agree in order to enter into competition for public office); and Künzer, *Kulturen* (2016) 64–65.

⁶ Most aspects of "field theory" as Bourdieu presents it can be found in Bourdieu, 'Cultural' (1993 (1983)) and Bourdieu, 'Political' (1991 (1981)). See also Hilgers and Mangez, 'Introduction' (2015) for a helpful general summary, and Lahire, 'Limits' (2015) 66–72 on Bourdieu's articulation of "field" in relation to his sociological predecessors.

which can provide at least some of these actors with a living. The relatively high level of autonomy from the larger world that such fields display, and the all-consuming, exclusive focus they tend to demand of their practitioners, are not characteristic of all domains of specialized activity even in the modern world, let alone in premodern societies.⁷ In particular, these features do not characterize well the various domains of aristocratic activity in the Roman world, which tend to overlap and to display lower levels of autonomy, institutionalization, and specific acculturation; furthermore, Roman aristocrats rarely devoted themselves to one such activity exclusively, and normally participated in many such activities simultaneously (see below on “generalists” vs. “specialists”). To avoid the risk of importing connotations inappropriate for a Roman setting, then, in this chapter I generally avoid the term “field”—even while accepting for ancient Rome a number of the characteristics Bourdieu connects with this term—and prefer less-marked terms such as “domain,” “area,” and “arena.” I particularly favor “arena” not only for its distinctively Roman resonances, but also because Pliny the Younger authorizes precisely this metaphorical usage when he refers to one of his own favorite competitive domains—the centumviral court, where he argued many cases and built a formidable reputation for legal advocacy and oratory—as “my arena.”⁸

Scholarly Approaches to Roman Aristocratic Competition

As noted earlier, scholarly discussion of aristocratic competition in the Roman world has focused particularly on the republican period, and on arenas of competition in which the “third party” judge is the *populus Romanus*, however defined and constituted. As scholars have demonstrated over the past several decades, the republican aristocracy relentlessly cultivated a political culture of visibility, of being “known”—*nobilis*—to the people. This aristocratic quest for public visibility was pursued across a variety of distinct domains: in standing for elective magistracies that the people, marshaled in its voting tribes and centuries, held the power

⁷ For a critique of Bourdieu’s (implicit) conceptualization of “fields” as modern professions, see Lahire, *Limits* (2015), esp. 72–75 for a range of (modern) activities for which Bourdieu’s articulation seems too strong. Lahire himself uses terms like “universe,” “function,” and “logic” to label the more general category of somewhat specialized, somewhat autonomous activities, and restricts “field” to the most specialized and autonomous ones (e.g. p. 72).

⁸ For Pliny’s metaphor see *Ep.* 6.12.2: *itaque Bittio Prisco, quantum plurimum potuero, praestabo, praesertim in harena mea, hoc est apud centumviros* (“And so, I will do all I can for Bittius Priscus, especially in my own arena, that is to say, the centumviral court”). One could literalize the metaphor by analyzing the actual Roman arena, i.e. the sandy floor of the amphitheater that is the venue for gladiatorial combat, as an “arena” of competition characterized by a degree of autonomy, specific acculturation, and institutionalization, and where—notwithstanding the direct combat between the contestants—the prizes sought are awarded by third-party judges. But that is beyond the scope of this chapter.

to bestow or withhold; as office holders addressing the people and seeking their approval on matters of political significance; in great public processions like triumphs and funerals; in being donors and patrons of buildings, monuments, games, and so on; and as advocates pleading cases in civil or criminal trials and seeking to impress the *corona*, the gallery of public observers, who assembled to watch the trial. Furthermore, all such activity tended to be staged in the quintessentially public spaces of the republican city: the *forum*, *comitium*, *sacra via*, capitol, and *campus martius*. The *populus Romanus*, variously constituted as the judge or evaluator of such aristocratic performances, held considerable power to confer prestige and political advancement upon the individuals it favored, and withhold it from those it disfavored. K.-J. Hölkeskamp has been particularly influential in expounding and articulating this culture of aristocratic publicity and visibility in the republican period; he has also analyzed the competitive dynamics of this political culture with great theoretical sophistication.⁹

Yet this is not the whole story: even in the Republic, other competitions existed for other prizes that lay in the power of other “third parties” to bestow. It was well and good for an advocate to impress the *corona* with his oratory during a trial. But he lost the case unless he persuaded the actual, officially designated judges of the case, the *iudices*, to vote for the verdict he sought. This “third party,” consisting of senators and/or equestrians in varying combinations over time, was an elite, not popular, group—often, indeed, with its own internal rifts and divergent interests—and had to be courted in a manner quite different from a popular group. Likewise, oratory within the senate conferred great prestige and power upon speakers who could persuade other senators to support their proposals in preference to the proposals of others. Here the “third party” judges consisted exclusively of other senators—senators who at other moments stepped into the role of orators themselves, seeking to persuade their peers and being subjected in their own turn to these peers’ “third party” adjudication.¹⁰ Finally, by the last century of the Republic, literary and intellectual activities of various sorts, as well as dimensions of consumption and lifestyle more broadly, emerged as competitive

⁹ E.g. Hölkeskamp, *Senatus* (2004) chs. 5, 6, 8; Hölkeskamp, *Libera* (2017) chs. 3, 5; Hölkeskamp, *Roman* (2020) chs. 3, 4; all with further bibliography. (Most of these chapters are updated and expanded versions of earlier publications; here I cite only the most recent version.) For the competitive dimension see Nebelin, ‘Aristokratische Konkurrenz’ (2014); Hölkeskamp, *Reconstructing* (2010) ch. 7; Hölkeskamp, *Libera* (2017) ch. 5; and—above all, and now fundamental—Hölkeskamp, ‘Konkurrenz’ (2014). For a less theorized, somewhat different account of aristocratic competition in the era of the first Punic war, see Bleckmann, *Nobilität* (2002) 225–243.

¹⁰ The “double role” of senators relative to senatorial oratory and debate—where individual senators had to switch frequently between the roles of competitor and “third party” judge—is noted by Künzer, *Kulturen* (2016) 56. It is a feature of other aristocratic competitive arenas as well: see Roller, ‘Amicable’ (2018) for the younger Pliny as a participant in the imperial culture of literary recitation, who sometimes gives recitations of his own work before a public judging audience, sometimes attends and judges the recitations of others, and sometimes even judges the behavior of other attendees/judges at such events.

arenas for aristocrats. The readership or audience that could confer honor and prestige upon a poet, philosopher, owner of a grand house, connoisseur of art objects, or impresario of spectacular dinner parties (*convivia*) was a broader group of educated, higher-status Romans—hardly the *populus Romanus* as a whole, but also not just senators and equestrians.

Yet these and other arenas in which the judging “third party” was *not* the *populus Romanus* have received far less attention in recent years than those in which the people *did* play that role. This attention differential can perhaps be imputed to the “democracy debate” of the 1980s–2000s—the scholarly controversy spurred by Fergus Millar’s thesis that the Roman Republic could be styled a “democracy” on account of the *populus Romanus*’ supposed sovereignty in choosing magistrates and passing legislation. This thesis directed concerted attention to the activities of “the people” and the roles they played in their interactions with the aristocratic ruling class.¹¹ Scholars who regarded Millar’s thesis as over-strong advanced various criticisms and objections, including the counter-thesis that the people’s role in the state is better conceptualized as a “third party” judging role for competitions among aristocrats—a view that ascribes considerably less political agency and initiative to the *populus Romanus* than Millar’s thesis does.¹² In any case, the focus of discussion has been on the people’s role relative to the activities of government. Our purposes, however, require us to reverse the telescope and look through the other end: if we start with the question of aristocratic competition more broadly, our field of view quickly widens out to include not only those public, political arenas in which the people serve as third-party judges, but many further and multifarious arenas in which other groups and individuals serve as judges. Much scope remains for studying such arenas, even in the republican period.¹³

If we look beyond the republican period and into the imperial age, we find that scholarly engagement with questions of aristocratic competition, of any type and in any arena, is scarcer still—and the scholarship that exists is difficult to locate, being scattered in article- or chapter-length explorations of particular topics or problems. We can, however, glean a rough overview of the landscape. A valuable article by Frédéric Hurlet on the culture of publicity in the Augustan age underscores this period’s continuities with the late Republic. He stresses, however, innovations like the increasing importance of the *princeps* himself as a “third party” judge of aristocratic performances, and the emergence of the imperial court

¹¹ Millar, *Crowd* (1998) 208–226 (and ch. 8 *passim*); this book gathers and recapitulates arguments Millar had been making since the 1980s.

¹² Extended responses to and critiques of Millar’s argument include Mouritsen, *Plebs* (2001) 13–17; Morstein-Marx, *Oratory* (2004) 6–23; and Hölkeskamp, *Reconstructing* (2010) 1–11 (and *passim* in all cases). Hölkeskamp, *Roman* (2020) 16–18 provides a very compact summary of the whole “democracy debate.”

¹³ Elke Stein-Hölkeskamp has explored productively in this area; more on her work below.

and its courtiers—those individuals who are close to the *princeps* in various capacities, and carry out their activities inside the *princeps*' house—as an arena of political competition with distinctively “secret,” rather than public and visible, dynamics.¹⁴ Looking beyond the Augustan age, over the course of the Julio-Claudian period the selection of magistrates and the passage of legislation shifted out of the control of popular assemblies, and certain criminal courts shifted out of public jurisdiction, all into the administration of the Senate and/or the *princeps*. Thus the role of the *populus Romanus* as “third party” judge in key arenas of aristocratic competition declined significantly. Yet these arenas of competition persisted, in new guises or with new “third party” judges, during the first and second centuries CE. Aristocrats still competed to obtain magistracies or offices, and in the military commands and other roles that followed from office holding, albeit via elections held within the senate and in light of explicit concessions, endorsements, or outright adlection into office by the emperor. Hence those who sought public office now competed for the favor of a small group of senatorial peers and/or the favor of the emperor himself. (Indeed, competitors in these and other arenas can often be seen to seek favor from several distinct “third parties” simultaneously, each with its own interests and agendas and its own prizes to bestow, and each requiring cultivation in different ways.) Competition in oratory and eloquence persisted and indeed thrived—especially in the courts, though trials offered fewer large public audiences overall than in the past; and within the senate, which beyond its longstanding function as a deliberative body gained several criminal jurisdictions and the capacity to function as a court. Competition among aristocrats for public visibility and approval via public monuments also continued, though primarily in the towns of Italy and in the provinces, and no longer in the public spaces of the city of Rome, where the monumental landscape had largely come to be reserved for the imperial family and its close associates.¹⁵ Relatively little scholarly work has been done on these developments from a “competition” perspective. However, in a 2011 article I survey some of this territory with all brevity; and an important recent book by Isabelle Künzer examines these developments (and more) in much greater depth from a Simmelian perspective, albeit within a narrow time frame—the early Trajanic period, as portrayed in the works of Pliny and Tacitus.¹⁶

¹⁴ Hurllet, ‘Concurrence’ (2012); also Nebelin, ‘Aristokratische Konkurrenz’ (2014) 164–166. Eck, ‘Senator’ (2005) 8–9 discusses early imperial inscriptions asserting the commemorand/honorand’s proximity to or favored standing with the emperor.

¹⁵ On senatorial monuments in the Augustan age, see Eck, ‘Senatorial’ (1984), esp. 139–145; also Eck, ‘Emperor’ (2010) for the early empire more generally.

¹⁶ Roller, ‘Speaking’ (2011) 199–215; also Klingenberg, ‘Zwischen’ (2019) on elections and senatorial status in the early empire. Künzer, *Kulturen* (2016) 47–96 (her ch. 2) is invaluable on these questions and on the state of scholarship; in pp. 99–291 (her ch. 3) she examines many of these arenas in much greater depth for her selected period.

In addition, arenas of literary, intellectual, and “lifestyle” competition burgeoned in the early imperial age, and the attention they receive in early imperial texts increased dramatically. These arenas, as noted earlier, first emerged in the republican period, and even then stood largely outside the overtly “political” arenas spotlighted by the “democracy debate.” Elke Stein-Hölkeskamp has pioneered the investigation of these arenas: in a series of articles published over two decades, recently augmented by a monographic study, she has examined how aristocratic dining practices, sartorial choices, domestic architecture and decoration, collecting and connoisseurship, and literary activity were transformed into competitive activities by late republican and early imperial aristocrats, and how such activities became mechanisms for manufacturing and perpetuating social distinctions that articulated hierarchies within the aristocracy and differentiated aristocrats from non-aristocrats. She also shows that such activities were sometimes positioned as a kind of counter-discourse to the competition for public honors embedded in the dominant political culture of publicity.¹⁷ I myself have explored, in several articles, the arenas of competition in eloquence and literary activity that become prominent in the early imperial age, though without employing the Simmelian theoretical framework adopted here.¹⁸ For all such competitions, small and elite audiences of *cognoscenti*, and even audiences of one (say, the emperor, a provincial governor, or the “single judge” in many civil trials) were of great importance as “third party” judges, while large public audiences were generally less attainable and in many cases less relevant than in the republican period—though by no means non-existent.

Many key topics remain inadequately explored, or entirely unaddressed. For example, no scholarship, to my knowledge, discusses from a “competition” perspective the fact that early imperial aristocrats continued to assume major military commands (subject to the emperor’s approval).¹⁹ For the successful, these commands might lead to great visibility and glory, public honors such as the *ornamenta triumphalia*, and subsequent lofty appointments in imperial administration—or to political oblivion and even death, if such success was

¹⁷ Stein-Hölkeskamp, *Unterschiede* (2019)—the monographic study—constitutes her most detailed and complete statement; that book’s bibliography lists her prior contributions. Her theoretical apparatus includes both Simmel and Bourdieu, the latter especially for his work on social status and distinction, to which her own title nods. On the fascinating case of L. Licinius Lucullus as a pathbreaking figure in “lifestyle” competition (among other arenas), see Lundgreen, ‘Lucullus’ (2019). For aristocratic villa culture as an arena of competition, see Platts, ‘Keeping up’ (2011).

¹⁸ See Roller, ‘Amicable’ (2018) on recitation as a competitive arena; Roller, ‘Centumviral’ (2019) on the emergence of the centumviral court a major domain of advocacy in the early empire, thanks to its continuing use of large jury panels and (at least sometimes) its ability to attract a large *corona*; and Roller, ‘Losing’ (2019) on Asinius Pollio’s role in establishing recitation and declamation as arenas of competition in the Augustan age.

¹⁹ Geisthardt, *Zwischen* (2015) (esp. ch. 4) discusses in valuable detail a group of high-ranking military commanders at the time of the civil wars of 68–69 CE, including their relationships with one another and with the several emperors and pretenders of this period. His perspective, however, is not specifically that of “competition.”

deemed to threaten the emperor's position. To what extent, then, could the emperor himself become entangled in broader aristocratic contests for status and distinction? Nor are the dynamics of competition even limited to human agents strictly speaking: J. E. Lendon has shown how the great Greek cities of the Roman empire, fully anthropomorphized, competed for preeminence and glory, with their ambassadors appealing to one another or to imperial authorities to be adjudged superior to rival cities, and seeking to receive the associated honors and resources. Lendon's extraordinarily stimulating demonstration adumbrates the rewards attending a deeper study of this topic.²⁰ Overall, then, the landscape of aristocratic competition in the first two centuries of the empire was fractured, multiplex, and kaleidoscopic; it is simply less systematizable and comprehensible, and perhaps for that reason alone less studied, than in the republican period—especially absent a single galvanizing, focusing question like the “democracy debate.”

A noteworthy feature of aristocratic competition under the empire is the tendency—to judge from surviving texts—for individuals to pursue distinction in “technical” areas that require specialist knowledge and skills. Any mastery so acquired was displayed via speaking or writing, often (if not always) in more or less polemical language and in agonistic settings. Sophistic disputation is perhaps the most visible and, to date, best studied arena for such competition. Maud Gleason, in her pathbreaking book *Making Men*, memorably conjures the drama of rival sophists clashing in public, with their verbal acrobatics and flamboyant displays of mastery (real or feigned) across many fields of knowledge—always seeking to outstrip their rivals in the judgment of other specialists, of the lay audience of spectators gathered around, and of the broader reading audience of the texts in which these clashes are described.²¹ Other studies have analyzed the polemical language in specialist texts of this period, and discussed the public-facing character of the clashes between rival experts in some technical field who each seek, largely through rhetorical display, to persuade the onlookers and readers to deem them preeminent over their opponent(s).²² This brings us back to the topic of the present volume. For regarding the “technical” areas of law and

²⁰ Lendon, *Empire* (1997) 73–78.

²¹ Gleason, *Making* (1995), esp. 131–158; also König, ‘Competitiveness’ (2011) on competitiveness among sophists as presented in Philostratus’ *Lives of the Sophists*; and Howley, *Gellius* (2018) 204–252 on the success of the sophist Favorinus in his public encounters with various challengers and detractors, as described and judged by Aulus Gellius standing as a “third party” to these encounters. Whitmarsh, *Second Sophistic* (2005) 37–40 briefly discusses sophistic competition in general. Bourdieu, ‘Cultural’ (1993 (1983)) 48–52 offers stimulating reflections on small expert audiences vs. larger “lay” audiences as judges of performances by actors in any given “field.”

²² See e.g. Zadorojnyi, ‘Competition’ (2019) on the representations of sophistic disputation in Pollux’s *Onomasticon*, as well as Pollux’s own competitive polemics; also Rosen, ‘Paradoxes’ (2019) on competitive displays of medical virtuosity as described in the Hippocratic corpus, and the evaluation of those displays by other physicians, the spectating public, the patient, and the readers of the text. See n. 32 below for more on medical competition.

medicine, the contributions of Luis Salas and Anna Dolganov that follow abundantly document the spectacularity, the polemics directed against rivals, and the quest to be judged preeminent that attend medical displays such as prognoses and vivisections, on the one hand, and legal processes carried out in the courts of Rome and the provinces on the other hand.

General Questions

As a summary of the approaches described above, and to lay out a “competition-aware” framework for approaching the subsequent contributions in this volume, I would like to offer the following set of questions. These will, I hope, be helpful for analyzing competition in any arena and in any phase of Roman society; and therefore, *a fortiori*, helpful for the current analysis of law and medicine as competitive arenas in the imperial age.

1. How are arenas of competitive activity—their boundaries, norms, and conventional practices—determined, and who determines them? For example, in the courts, what actions are defined as crimes, and what disputes are granted standing to be tried in a court constituted to receive them? How and by whom are such decisions made?
2. Where does competition end and conflict begin? When and how does mediated, indirect struggle, in any given case, potentially turn into unmediated, direct struggle between the contending parties—or vice versa?
3. How does a would-be competitor enter an arena of competition? What, if any, are the eligibility or selection criteria for a given arena, and how (and by whom) are these criteria determined and enforced if necessary?²³
4. Who is/are the judge(s) in a given competition, and why? That is, what individuals or groups are instituted as the “third party (/ies)” (per Simmel) empowered to determine the victor and to confer the prize that the competitors seek, and how are they so instituted? For example, many civil cases at Rome were adjudicated by an individual acting as judge (the *unus iudex*), whom the contending parties themselves chose and agreed upon. Meanwhile, in the criminal trials (the *quaestiones*) of the late Republic, as well as in the centumviral court of the late Republic and early imperial age, the panel of judges was drawn from the *album* of persons who were deemed qualified and eligible to serve in such a role—but the property and rank criteria for being included in the *album* shifted frequently over time.

²³ On conditions of entry into various “fields,” see Bourdieu, ‘Cultural’ (1993 (1983)) 41–43; and Bourdieu, ‘Political’ (1991 (1981)) 175–180.

5. On what basis does the judging “third party” evaluate the performances it observes, in coming to the decision to award the victory, prize, resources, etc. to one competitor or another? What standards of performance, or alignment with norms of the specific arena or values of the broader community, are appealed to by the competitors and/or upheld by the judges in determining the victor? While the judges obviously have preexisting views and inclinations, once the competition is under way the competitors will seek, if possible, to persuade them to deem this or that aspect more important than another—according to how they estimate their own relative strengths and weaknesses, and how they can present these as aligning with what they deem to be the interests and values of the judges and community at large. The potential for cheating or corruption arises in this connection—efforts by competitors to bribe the judges, or otherwise to gain “unfair” advantage by transgressing the norms or accepted practices of the given arena.
6. To what extent do competitors seek to define or configure an arena of competition to their own advantage? Countless inscriptions and other texts, from all periods, attest individuals claiming to be the first or best or only person to achieve some particular feat: superlative language like *primus*/πρῶτος, *unus*/μόνος, *optimus*, *maximus*, and *nemo ante me*, directed at the reader as “third party” judge, are the lexical smoking guns of a competitive situation, as scholars have long noted. How and to what extent do such claims of priority function to define a competitive arena, challenge others to enter the implied contest, and appeal to the reader/listener/observer (as “third party” judge) to affirm the validity of the claim?²⁴
7. How do winners respond to the outcome? While they will no doubt crow that their victory resulted from superior performance within the norms and accepted practices of the particular arena and in alignment with the values of the community, they may also seek to cement their preeminence by tilting the playing field and raising barriers against would-be rivals—say, in the case of elections, by reducing their frequency or the number of offices available, imposing novel eligibility restrictions, and so on.²⁵

²⁴ On superlative language in inscriptions see Alföldy, ‘Rolle’ (1986 (1980)); also Wiseman, ‘Competition’ (1985) 3–10; Damon and Pieper, ‘Introduction’ (2019) 14–15; and Mattern, *Galen* (2008) 82–83. Bourdieu, ‘Cultural’ (1993 (1983)) 42–43, 58–61 argues that any new entrant into a field, simply by taking up a position, thereby causes a reconfiguration and adjustment of all the relations of power connecting the other actors within the field. On such a view, my question here points to an inevitable dynamic: the terms and stakes of competition necessarily change, to some extent, whenever a new competitor joins in.

²⁵ Bourdieu, ‘Cultural’ (1993 (1983)) 59–60 observes a generational dynamic wherein the most recognized, best-capitalized, typically older actors in a field seek in various ways to eternalize their own preeminence, as well as the state of the field in which they achieved that preeminence. Meanwhile, less

8. How do losers respond to the outcome? They may simply accept defeat, as seems typically to have happened in republican-era elections: as Hölkeskamp and others have stressed, such acceptance must be understood in the context of annual tenure of office and annual elections, whereby all the prizes are made available again next year to be competed for anew.²⁶ If winners, once in power, earnestly sought to remain there indefinitely and stifle future challenges (per question 7 above), losers would be less likely to accept defeat. Alternatively, losers may reject their loss, alleging that the winners cheated, the judges were biased or bribed, and so on—in short, challenging the integrity of the process of administering and judging the competition.²⁷ In addition, competitors who lose, or potential competitors who deem their prospects for victory slim, may seek to shift the boundaries of the arena, or abandon the competition altogether and shift to (or carve out) a different arena that better suits their strengths and increases their chances of success in the future—returning us to question 6 above. This response may provide a key to understanding how arenas of competition emerge and develop over time, including in the early imperial age: the assessment by some competitors or would-be competitors that traditional aristocratic honors were less available or beneficial than previously spurs efforts to define new competitive arenas—domains of activity that they regard, under prevailing social and political circumstances, as offering better prospects for accumulating the social capital and for manufacturing the social distinctions they seek.²⁸
9. And finally: to what extent does victory or defeat in a given competition “spill over” into other competitions, such that the symbolic or cultural capital that a contestant gains or loses in one competition impacts his

recognized, poorly capitalized, typically younger actors seek to shift the symbolic order so as to improve their own chances to accumulate capital and become better recognized in their own turn (also Hilgers and Mangez, ‘Introduction’ (2015) 11–12).

²⁶ E.g. Hölkeskamp, *Libera* (2017) 139–140, 148 discusses aspects of the electoral process that appear designed to augment the perceived legitimacy and acceptability of the outcome for the losers. Also Pina Polo, ‘Veteres’ (2012) surveys subsequent careers of defeated candidates, and discusses the varied responses of defeated candidates to their loss (79–82).

²⁷ Simmel, *Soziologie* (1992 (1908)) 343 = Wolff and Bendix, *Simmel* (1955) 78–79 charmingly suggests that the vanquished party in a competition, having been subject to exactly the same chances as the victor, can blame only his own inadequacy for his loss. Of course, some losers look for *anything* on which to blame their loss, precisely to avoid acknowledging their own inadequacy: see e.g. Hölkeskamp, ‘Konkurrenz’ (2014) 37, 44–45, and the 2020 US presidential election.

²⁸ For new competitive strategies and arenas in the early empire, see Stein-Hölkeskamp, ‘Aussteigen’ (2019); (in brief) Hölkeskamp, ‘Verlierer’ (2019) 21; Roller, ‘Amicable’ (2018); Roller, ‘Centumviral’ (2019); and Roller, ‘Losing’ (2019) (per n. 18). In general on “losers” in aristocratic competition, see Hölkeskamp and Beck, *Verlierer* (2019). An interesting nineteenth-century French example is given by Bourdieu, ‘Cultural’ (1993 (1983)) 70.

chances in an entirely different arena?²⁹ A longstanding debate about aristocratic “specialization” during the republican period—whether a successful public career could be based on notable success in one particular area of aristocratic endeavor (e.g. exclusively or primarily oratorical virtuosity, or military success, or legal expertise, or patronal activity)—has tended to be answered, cautiously, in the negative: that is, a fully realized republican aristocrat was required to be a “generalist” and display at least a modicum of capability across a range of relevant endeavors, and that outstanding achievement in just one area generally could not substitute for, or easily be converted into, success in another area, or success overall.³⁰ The first two centuries of the imperial period, however, witnessed enormous growth in imperial administration, leading *inter alia* to the development of the “equestrian” career pathway, falling within the emperor’s administrative sphere, to accompany the traditional (but evolved) “senatorial” career pathway. It is easy to imagine that this new world also entailed shifts in the specific capabilities required of administrators. For this era, the same question about aristocratic “specialization” has tended to be answered, cautiously, in the affirmative: that it *was* possible, at least to some extent and in specific cases, for aristocrats who gained particular visibility and reputation in a “technical” area like jurisprudence or rhetoric (though not only these) to convert this narrow preeminence into broader career opportunities within imperial administration.³¹

Returning to the topic of the current volume, then, we must ask whether and to what extent a Roman of the imperial age who attained prominence specifically as a physician or legal expert could parlay that prominence into political or social

²⁹ On the extent to which an actor can redeploy capital gained in one arena of competition to another arena, or can cash out one arena’s capital for another’s so as to move into that new arena with an advantageous position, see Bourdieu, *Outline* (1977 (1972)) 171–183 (on “symbolic capital”), with Hilgers and Mangez, ‘Introduction’ (2015) 19–20.

³⁰ On the norm of being a “generalist” in the republican period, see David, ‘L’éloquence’ (2011). He identifies very few possible exceptions, and in particular rules out forensic pleading as a “specialist” path to distinction in this period. Rosillo López, ‘Common’ (2010) 287–288 makes a congruent argument: she contends that being merely a middling orator in the late Republic did not harm one’s public career chances, provided one performed well in other arenas. Beck, ‘Rolle’ (2008) 119–123 presents Scipio Africanus as an anomalous case of a “specialist” in the sphere of military command, whose consular career was owed almost exclusively to that specialization. See also Van der Blom, *Oratory* (2016) 46–66 on “routes to political success” aside from oratory for republican aristocrats; and Walter, ‘Karrierespezialisten’ (2011) for a broader overview.

³¹ For a cautious “negative,” however, see Eck, ‘Spezialisierung’ (2001) 21–23 (and *passim*), who contends that provincial governors of the imperial age appear overall to be “generalists” in the republican mold: they seldom display any particular “specialization” themselves, but rather lean on lower-ranking specialists (in law and the like) to provide expertise—specialists who, he says, did not enter into leading positions themselves. Yet Jones, ‘Culture’ (2005) discusses cases of senators and equestrians from the East who appear to have owed their advancement into higher political and administrative posts precisely to their renown as rhetors or jurists. Hölkeskamp, *Libera* (2017) 108–115 discusses in general the emergence of aristocratic “specialization” in the imperial age.

success more broadly: into a presence in the imperial court, say, or in the *consilium* of a governor or emperor, and thence into further prestigious and lucrative posts such as high magistracies and promagistracies, legateships, prefectures, and the like. Can cultural and social capital gained in these “specialist” competitive arenas in fact be converted into advantageous positions in other arenas of competition? Galen’s career (*PIR*² G 24) offers one example of a possible trajectory. Born into a propertied family in Pergamon, he obtained such renown from his medical demonstrations and writings, both at home and later in Rome, that he gained entry to the imperial court, and intimacy with Marcus Aurelius and subsequent emperors. This is a remarkable social achievement, to be sure. However, Galen evidently never held any public office or administrative post whose responsibilities went beyond the ambit of the medical, philosophical, and literary engagements for which he was famous.³² The career of the Severan jurist Ulpian (*PIR*² D 169) offers a contrast. Ulpian, whose writings on a great range of legal matters are known thanks to their heavy excerpting in the *Digest* of Justinian, was a well-born Tyrian who came to Rome and eventually held a series of prominent posts in the imperial service: *a libellis*, *praefectus annonae*, praetorian prefect (in which post he was murdered), and member of Severus Alexander’s *consilium*. While his legal expertise was recognized by contemporaries, there seems no reason to think that this recognition led to his having the distinguished administrative career he enjoyed, or that his specific expertise provided a currency he could “convert” into these high posts. Rather, his juristic writing is probably better seen as an instance of aristocratic literary activity, on par with writing historiography, poetry, or philosophical works. Dario Mantovani has recently argued that juristic writing, which modern scholars commonly deem “technical” and therefore non- or sub-literary, did not suffer from any such devaluation compared to other forms of writing in the eyes of imperial Romans, notwithstanding its intentionally modest level of rhetorical elaboration.³³ On this view, producing texts in this genre is simply another manifestation of the status-enhancing literary production in which Roman aristocrats had been engaging for several centuries—one of many arenas of aristocratic competition in which success could add luster to a traditional “generalist” profile. Thus Ulpian’s specialist legal expertise does not seem to have had a determinative impact on his

³² For a sketch of Galen’s career in Rome and the imperial court, see Mattern, ‘Physicians’ (1999) 12–13. For competitive dynamics among imperial physicians, see Mattern, ‘Physicians’ (1999) *passim*, and Mattern, *Galen* (2008) ch. 3. Generally speaking, physicians in the Roman imperial world manifested a wide range of geographical and social origins. Some from lower-status backgrounds, thanks to their virtuosity, attained equestrian status and held equestrian offices in Rome (Mattern, ‘Physicians’ (1999) 6–7)—but these represent only the tiniest fraction of all physicians. I thank Claire Bubb for corrections, comments, and references regarding medical competition and Galen.

³³ Mantovani, *Les Juristes* (2018) ch. 1, esp. 23–29 on the ways in which the (modern) category “literature” has been applied to the diverse forms of Roman writing, and how juristic writing may be situated relative to these various frames. Peachin, ‘Jurists’ (2001) 118–120 already suggests that juristic writing was possibly regarded as just another form of aristocratic writing.

career as a courtier and high administrator, though it can't have hurt. Meanwhile, Galen's medical expertise did gain him extraordinary advancement into the imperial court, but evidently it did not open doors to opportunities lying clearly beyond that expertise.

In this chapter I have tried to present the broader cultural context of aristocratic competition against which the competitive activities of medical and legal experts in the imperial age might be considered. Indeed, the issue of competitiveness and agonism lurks nearly everywhere in this volume, starting with the introduction by Bubb and Peachin, and continuing through the essays on both the quotidian and the more elevated manifestations of medicine and law. At this point, however, let us turn to two essays that foreground the arresting manifestations of competitiveness that characterized so many public appearances by ancient physicians and lawyers.

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