Shakespeare, Renan and Weber: an interdisciplinary study of the violence paradigm and what it means to law and the nation-state

Brouwer, R.C.G.

7 Some preliminaries to *The Tragedy of Julius Caesar*

7.1 Introduction

Before turning to the vicissitudes of Julius Caesar, Brutus, his adopted son and Cassius, the latter's friend, I would like to clarify some adjacent points of interest relevant to the understanding of the play. Such are: what is a nation-state? How does this compare to the Roman political constellation? How did Cicero understand his time? How does this compare to the England of Shakespeare's days?

I will start out with a short discussion of the nation-state, the birth of which we witnessed in the previous chapter and the well-being and health of which is the main subject of the ensuing play. A brief summary of the play and its main characters can be found in the appendices.

7.2 The nation-state

In the previous chapter, the birth of the nation-state was announced with some aplomb, but without further explanation. It seems, therefore, high time to study this construct more closely. The obvious questions to ask are: what is a nation-state, how does it work in practice and is the Roman Republic indeed a nation-state? Let us start out with the first query: the definition of a nation-state.

The combination of state and nation is called "nation-state." Thus, it is a concept composed of two elements, together denoting the construct that combines organization (the state component) and ideal (the nation component) into one model. Along these lines, the conceptual apparatuses of Renan and Weber are merged into the concept of nation-state. It has proven to be a highly successful model by which the world has been divided ever since 1648.

According to Weber, the state established a monopoly on violence within its borders to protect citizens, their values and the territory. I dare to add: a type 2 violence to ward off further radical violence.[1] The next few chapters will analyze whether Weber's definition is sufficient to cover the entire concept of the state.

---

1 I will, of course, extensively come back to this seemingly random remark.

If, armed with these definitions, we scrutinize the Rome of 44 BCE, will Rome pass the nation-state test? To shed some light on this question, the sensible thing to do is to turn to a versed contemporary: Cicero. A major part of his oeuvre centers around questions concerning the concept of the state.

7.3 The Roman political construct – Cicero

Marcus Tullius Cicero (106 BCE – 43 BCE) was a politician, philosopher, lawyer and orator. As such, he was involved in the political tribulations of his time. Cicero ended up on Marc Antony's death list (see below) and was killed while trying to escape.

It is not easy to find heroes of moral integrity in the Rome of the transition from Republic to Empire. During the two triumvirates (see further down: the history of Rome) that defined the political scene for some decades in the last century BCE, one does not find many examples of political leadership that are both morally honest and politically effective. Perhaps Cicero is the exception and even though he plays but a minor role in Shakespeare's *Julius Caesar*, his ideas on statecraft color mood and ambience of the play to a high extent.

In 1958, Ernest Glockner[2] asserts that Cicero was *the* most representative Roman philosopher not only of his time, but for all times. Cicero has been criticized for a lack of character stability by some, however, Glockner fervently defends him. As to Glockner, Cicero displayed "*Entschlossenheid*" in several political issues as well as "*Mannesmut*"[3]

This was particularly the case in his encounter with Catiline[4] in 64 BCE. When Cicero had won the elections for the consulship from Cataline for the second time,[5] the latter attempted a coup. Cicero consequently sued Catiline before the Senate. The former's four orations against Catiline – the so-called *Catilinarians* – became legendary.[6] So much so that in all the Elizabethan schools,[7] "they were used to drill generations of pupils in the Latin language and were closely analyzed as literary masterpieces by Renaissance intellectual and rhetorical theorists."[8]

---

2 Glockner, Hermann, *Die europäische Philosophie von den Anfängen bis zur Gegenwart*, p. 232.
3 Ibid., p. 234.
4 Cataline, scion of a Roman aristocratic family, professed himself spokesman for the proletariat and vociferously defended their interests. Cicero on the other hand paradoxically (because from a relatively non-descript provincial family) became the champion for the interests of the elite. During Cicero's second consulship, the trial against Cataline took place.
5 Both in 64 and 63 BCE.
6 It goes without saying that Cicero won the trail and Cataline was subsequently exiled.
7 For this reason I hold that Shakespeare must have known about Cicero's orations. Most probably, in view of the "didactical" methods used in his day, by heart.
8 Mary Beard, *SPQR*, p. 41.

Cicero's ideal was the philosophically trained orator. He advocated for well-constructed democratic law against a background of the natural law principles reflecting "eternal justice." He drew inspiration from the works of Plato as well as the Stoic views on human dignity.

Cicero's first main philosophical work was called *On the State* (*De Re Publica*: 54 – 51 BCE).[9] Through Scipio, paragon of Roman patriotism, he expressed his views on the state in the form of a dialogue. Although not all of his work has survived, the crucial "Dream of Scipio" (*Somnium Scipionis*) has. The words of Hannibal's defeater read thus: "For nothing of all that is done on earth is more pleasing to that supreme God who rules the whole universe than the assemblies and gatherings of men associated in justice, which are called states."[10] We may conclude that he has a clear view on the underlying idea of what a state should be: "a gathering of men associated in justice."

The next question would certainly be: how are Cicero's ideas on statesmanship and the organization of a nation-state manifested in the everyday handywork of political practice? In his *De Re Publica*, his political and constitutional ideas on this subject take shape. In this work Cicero intended to initiate a discussion of the state: what structure could a state best have and what qualities/qualifications should those entrusted with its implementation have. In the book, he presents the now well-known doctrine of the mixed form of government[11] that reached its peak popularity in the Roman Republic. Cicero articulates it as follows: "a monarchy is a rule by one, in which power is held by a king or supreme leader; an aristocracy is a rule by the best, in which power is held by a ruling class and democracy is the rule by the people when power is held by the community as a whole."[12] Each of these forms could be perverted.[13] A monarchy was in danger of degenerating into tyranny, the aristocracy could become an oligarchy and a democracy could descend into mob rule. Therefore, Cicero deemed it best if these three forms were balanced against each other before corruption could creep in.

On statesmanship, *The Re Publica* reads as follows: the ideal statesman "should possess a wide knowledge of law, a thorough education. […] He must be fully conversant with justice in its highest aspects, for without that no one can be just and he must not be ignorant of the civil law".[14] Cicero cannot

9 This work was lost. It was not retrieved from the Vatican archives until 1820. So unfortunately, Shakespeare could not have known this work. Yet, the notions on what a healthy nation-state should entail are remarkably similar. In the next chapter I will come back to this issue.

10 Cicero, *De Re Publica*, VI, XIII, pp. 265 – 266.

11 In short, the *regimen mixtum* stands for a constitution in which the three principles of monarchy, aristocracy and democracy are properly balanced. Source: Alban Mik, "Het classicistische politieke denken van Van Hogendorp", p. 72.

12 Cicero, *De Re Publica*, I, XXXV, p. 83.

13 Cicero, *De Re Publica*, I, XLIV, p. 101.

14 Cicero, *De Re Publica*, V. III, p. 249.

be any clearer about the importance of the rule of law for the proper function and maintenance of a state construct; accordingly, despite his account of his doctrine on mixed government, which veers towards autocratic rule, he can be typified as an early advocate of the 'rule of law'. Glockner (referenced above) also recognizes this when he rightly says that Cicero was concerned with the connection of law and state power. Although Glockner does not characterize Cicero's views explicitly as campaigning for the rule of law, yet he does detect Cicero's emphasis on it.

The proper role of aristocratic leadership and Senatorial independence, together with Platonic analogies for the requisite concord and harmony in the city, were central themes of Cicero's political philosophy, as he wrote: "What the musicians call harmony with respect to song is concord in the state, the tightest and best bond of safety in every republic; and that concord can never exist without justice"[15] Cicero's political philosophy, developed in part in connection with the aforementioned Greek views, of which he had an excellent knowledge, was supplemented by him with the Roman brand of Stoic ethics which Glockner characterizes as "*Altrömertum*" and elaborates as:

> Sittengesetze, Tugendpathos, praktische Lebensweisheit, Willenskraft, Männlichkeit (virtus), während man für unfruchtbare Spekulationen wenig übrig hatte und einen gewissen Grad von Skepsis sogar für nützlich hielt.[16]

How does all this relate to our theme: the nation-state? Besides the importance of law, Cicero refers to "concord in the state" in the preceding quote from *De Re Publica II*. Thus, a state cannot exist without a certain cohesion. This represents the nation element in his thought. In the republic, we cannot seek a basis for cohesion in one religion, according to Renan. Shakespeare is also aware of this. But we do need a basis for human coexistence. We see now that Cicero seeks that foundation in the idea of unity.

In other words, Cicero had a clear perception of what was needed for the formation of a healthy body politic and a stable state in addition to the needs of nationhood. Quite obviously, his thoughts centre around the ideals of nation and nation-state; therefore we may indeed conclude that Rome was familiar with and aware of the ideal-typical concept of the nation-state around that time.

Cicero, in his work *De Re Publica*, also discusses the state of affairs during the latter days of the republic:[17] "But though the republic, when it came to us, was like a beautiful painting, whose colours, however, were already fading

15 Cicero, *De Re Publica*, II, XLII, pp. 181 – 182.

16 Glockner, Hermann, *Die europäische Philosophie von den Anfängen bis zur Gegenwart*, p. 237.

17 The Roman Republic had existed from 509–27 BCE. In 509 the Romans replaced the monarch by elected magistrates who, in turn, would govern the state. Source: https://www.britannica.com/place/Roman-Republic. Also see: paragraph on the history of Rome.

with age, our own time not only has neglected to freshen it by renewing the original colours, but has not even taken the trouble to preserve its configuration and, so to speak, its general outlines.[…] For the loss of our custom is due to our lack of men […] For it is through our own faults, not by any accident, that we retain only the form of the commonwealth, but have long since lost its substance."[18]

Cicero's political views and commitment eventually proved fatal to him. As mentioned above, he ended up on the death list of Mark Antony, who was part of the second Triumvirate. Cicero died in 43 BCE.

Cicero epitomizes the idea of the *nation-state* as that of the *republic*. A logical question in this context might be: does it make sense to compare the concept of the *nation-state* (Renan/Weber) with Cicero's *republic* and subsequently query Shakespeare on these subjects? Is not a nation or nation-state essentially differing from a republic? It could be argued that Renan is not talking about a republic and Cicero is not talking about a nation. If one were to make a meaningful comparison between the political theory of these two important commentators of law and politics – the first from antiquity, the other from modern times – the comparison would have to be organized on the basis of equally quantifiables. For example, a comparison could be made between the French Republic as it existed at the end of the 19th century and the early Roman Republic. But even so, in spite of the fact that we would compare two republics, the problem of distance in time remains.

Obvious as it may seem, this objection makes no sense. The error lies in the fact that neither the format itself nor its nomenclature is important; rather, it is the content of that format. Indeed, Cicero does not use the word nation in De Re Publica, and Renan does not use the word republic in "What is a Nation?" However, the study of their respective oeuvres reveals that the two thinkers pursue the same goal: they try to define the conditions for lasting and just cooperation among people in a community or state context. They seek the sources of lasting social cohesion.

The counterpart of such enduring social cohesion then also comes into view: the sources of decline. Not only is coherence of interest here, also the degeneration of a (social) construct. Here we come close to the central theme of the last tragedy under discussion: Shakespeare's tragedy *Julius Caesar*, which play illustrates in a phenomenal and terse way the political and social decay of a nation-state.

18 Cicero, *De Re Publica*, V II, p. 245.

7.4 The erosion of a nation-state

Cicero, in his quotation from *De Re Publica V II*, cited above, clearly indicates how a nation-state can erode. He also identifies its source: nation-states may disintegrate through a loss of custom (referring to the ideal of the nation, which needs active maintenance) and a lack of preserving their configuration (the state-construct, which should also be well-kept). When both elements are neglected, the nation-state can fall apart. This is also what threatened to happen during the Roman civil war. In the play, Shakespeare points out that Cassius and Brutus rightly show that the nation needs an animating connection of nationhood. Of course, a life-enhancing connection can impossibly be carried by a single person. It has to be shared by an entire community. When this sense is lacking or absent, the nation might fall apart. In other words, the degeneration of the nation-state construct was not just caused by friction between groups, but also by the fact that the nation-state and its value system were no longer mutually nourishing. When that happens, the nation-state is in great peril of losing its control over state-monopolized violence; it just might degenerate into radical (non)tragical violence.

Could the proper functioning of the public construct be related to the Shakespearean violence paradigm? If so, in what way? I hope to find an answer to this question in the next chapter and its evaluation.

7.5 The history of Rome as relevant for the play

In order to be able to fully appreciate *The Tragedy of Julius Caesar* it is necessary to know some essentials of Roman history.[19] Rome began as a kingdom from about 755 until 509 B.C.E. The last king, Lucius Tarquinius Superbus, exerted a veritable reign of terror.[20] At last a revolt against him was led by Lucius Junius Brutus (note that this is a direct ancestor of Marcus Brutus who is – apart from being a historical figure – also one of the play's leading characters)[21] in 509 B.C.E., after which Rome became a republic. It was governed by two consuls simultaneously, who were elected yearly; the Senate formed the advisory and assisting counsel to the consuls, consisting of some 600 free men. History's irony has it that in Shakespeare's *Julius Caesar*, a reverse movement can be seen: from the shared power of the republic into an absolute monarchy. Even more ironic is the fact that this monarchy is the ultimate

19 Sources: Mary Beard, *SPQR* and *Julius Caesar*, Cambridge School of Shakespeare, Cambridge University Press.

20 In his longish poem *The Rape of Lucrece* Shakespeare relates in detail the rape of Lucrece by this king's son. Plutarch tells us that after this rape a general uprising breaks out.

21 I carefully note that one should not mix up the historical figures with the characters in the play, tempting though it is. As far as I can ascertain Shakespeare made use of poetic licence in depicting the characters.

outcome of an attempt to prevent absolute monarchy.[22] In the years preceding Julius Caesar's rule, Rome had known constant upheavals, mainly due to attempts at land reforms – which did, of course, not sit comfortably with patrician and landowning families – and the curtailing of power of those same patrician families. These interests were played out by feuding factions in the Senate and ended in escalation into open civil war. The two opposing parties were the *Populares* and the *Optimates*. Julius Caesar headed the *Populares*, which faction aimed, contrary to the politics of the Optimates (headed by Pompey), at the aforesaid land reform.

To curtail the power of the Senate, three important representatives of influential patrician families formed the first triumvirate in 60 BCE. This triumvirate consisted of Pompey,[23] Crassus[24] and Julius Caesar. During this period, Julius and Pompey were intimate, their bond even sealed by marriage ties (Pompey being married to Julia, Caesar's daughter). When Crassus was killed in a battle against the Parthians in 53 BCE, the triumvirate continued as a duo. Until then, Pompey had always been the most prominent consul of the three.

"Pompey held more power and authority than any one man in Rome had ever had."[25] He was given the name Magnus: the great.
However, Julius Caesar increasingly gained power and influence, much helped by the fact that he had some 40.000 legions at his disposal that had fought with him in Gaul. Julius was extremely popular among his troops, mainly due to his promise to provide plots of land for the senior legionaries.[26]

When Pompey ordered him to lay down his arms and come to Rome without his army to report to the Senate, Julius Caesar crossed the Rubicon with his army on 7th January 49 BCE. In the eyes of many Senate members, he changed from a brilliant general into an inconvenience and a problem. After he traversed the Rubicon, civil war broke out. Pompey and Julius, the one-time intimates, became mortal enemies.

After a series of battles, Julius Caesar defeated Pompey in 48 BCE, after which the latter flew to Egypt, where he was assassinated. In January 44 BCE, the Senate appointed Julius dictator for an indefinite period.

Julius' appointment was unprecedented. As a rule, dictators were appointed only in times of great emergencies and never for longer than one year. After

22 C. Kahn, "*Julius Caesar* Relies on Ancient Rome's Complex Political Stage", in *Social Issues in Literature*, p. 49.

23 Pompey the Great, 106 – 48 BCE, general and statesman. Former protégé of Sulla (see below).

24 Crassus, 115 – 53 BC, general and statesman. Accumulated immense wealth by proscriptions (confiscated properties).

25 C. Kahn, "Julius Caesar Relies on Ancient Rome's Complex Political Stage", in Social Issues in Literature, p. 49.

26 Hence Julius' politics for land reform; it always being very convenient to give something away that is not yours to give in the first place.

having been given this much power, Julius started to court kingship. Fearing his absolute power, some of his intimate friends (including Marcus Brutus) murdered him on the fifteenth of March, 44 B.C.E.

Following his assassination in March 44 BCE, the second triumvirate was established (in November of the same year) to govern Rome. It consisted of Octavian, Lepidus and Mark Antony. This triumvirate continued until 31 BCE. The triad was established by law to form a new government. Soon, Lepidus was side-lined. Octavian was given the administration of the western territories and Mark Antony that of the eastern ones (Egypt and Alexandria). In 31 BCE, Mark Antony's navy lost a battle against Octavian. In 27 BCE, Octavian returned to Rome; he was appointed princeps and given the title Augustus.

7.6 England during Shakespeare's life

What was, as a point of interest, the status of constitutional affairs in Shakespeare's day? Of course, in England, the concept of republic[27] was unthinkable, or even the slightest inclination towards any form of republicanism.[28]

In the early modern period, England underwent a political transition, as had Rome – the latter several times. It was the time of "the cementing of the nation-state and the emergence of a new Tudor and Stuart government, which broke with the medieval feudalism and practised more strategic and goal-oriented politics."[29] The precise form, however, was not questioned; the concept of monarchy itself was never attacked by Tudor scholars in law as it seemed a self-evident universality and sacrosanct. The monarch was also the anointed head of the Church,[30] implying that this was god's holy order and thus desired by him, as was the hereditary status of the throne. "The Elizabethan historian Sir Hayward (1560 – 1627) sums up the familiar analogical argument with exemplary simplicity when he writes: 'As one God ruleth the world, one master the family…. So it seemeth no less natural that one state should be governed by one commander.' With its almost universal agreement on the desirability of monarchical rule, whether absolute or constitutional, much of the political writing of the period focused on defining the

27 A people electing their representatives under a ruler (rather than a hereditary monarch).

28 Only in 1649 the commoner Oliver Cromwell abolished the monarchy. He became Lord Protector of England and Scotland in 1653. A crown was offered to him in 1657, but he politely refused. After his death in 1658 his son and successor could not secure the unity of the country; in 1660 Charles II was crowned king.

29 U. Kizelbach, *The Pragmatics of Early Modern Politics: Power and Kingship in Shakespeare's History Plays*, p. 253. This characteristic does point – to some extend – in the direction of a republican ordering of the state (in the sense of Cicero's *De Re Publica*), but it should be noted that the England of the 16th century it is not even close to republicanism in the modern sense of the word. It would take more than half a century for Cromwell to take over.

30 Since Henry VIII: he made himself the head of the Church of England.

nature of the ideal prince.[31]"[32] Despite this one constant governmental factor, the Elizabethan era was a time of uncertainty and upheaval. Religious tensions reigned and intermittently the Black Death raged over the isle; moreover, there were insurrections against the queen's rule (see also my chapter on *Macbeth*, where I mentioned some of the more renowned revolts).

Treatises on just and virtuous kingship abounded in any shape and form. Well-known and widespread was the book by Desiderius Erasmus: *The Education of a Christian Prince* (published in 1532). Also well-read was the treatise by Sir Thomas Elyot: *The Book of the Governour*[33] (published in 1531). Both works extensively describe the virtues required in a successful and ideal prince. The emphasis was on Christian ethics; how to be or become virtuous in the eyes of the world and – above all – of god and the church. Autocratic and constitutional rulers alike could be eligible for such a qualification.

A completely different angle was taken by Machiavelli. In his *The Prince* (first published in 1532)[34] he sketched an approach that was startling for his time. Headlam Wells writes: "Machiavelli was above all a pragmatist. Appealing not to an abstract theological principle, but to the practical realities of political life, he set out in *The Prince* to offer advice on the art of successful government. […] It is not enough to rely on the traditional kingly virtues of justice and integrity; the successful prince must learn to beat the world at its own game."[35]

In the chapter on *Hamlet*, I identified Shakespeare's approach to the attainment of the necessary statecraft- and leadership skills: no man can be a good leader or statesman who has not gone through his tragic crisis successfully. It is again an approach which is diametrically opposed to the previous two; in not being rationally and ruthlessly pragmatic like Machiavelli's and not being Christian like the conventional ones. I will indicate this as the tragic existentialist approach: a tragic existential mirror of princes. Actually, the term mirror of princes is far too limited a term for something that could apply to the whole of the community and all aspects of (political and social) life. For surely, the violence paradigm affects not just the prince but the entirety of a community. Consequently, the violence paradigm represents not a mirror of princes but an entire worldview. A worldview differing substantially from the idealist world view of, e.g. Plato, the Christian one by Dante, or the later naturalist worldviews of Hume and Hobbes. Shakespeare's tragic existential

31 Prince: in this context generally used as a term to indicate a hereditary ruler of noble birth.
32 R. Headlam Wells, *Shakespeare's Politics, a contextual Introduction*, p. 90. It becomes crystal clear from the ensuing argument in his treatise that he means kingship here and not some other form of autocracy.
33 Also mentioned in the chapter on Shakespeare's biography on another topic.
34 See also the evaluation below, where Machiavelli, his works and the tradition he stands in are discussed in more detail.
35 Ibid, p. 108.

world view is essentially secular. I will expound on the content of his views below in my last chapter on *Julius Caesar.*

Another topical subject, which was also touched upon in the previous chapters was whether it was permitted to commit regicide or oust a bad or irrelevant ruler. Killing a sovereign, divinely ordained as he was supposed to be (see John Hayward's quote above), was tantamount to challenging god's sway over the universal order. It would unsettle not only the nation, but the harmony of all the spheres.[36]

Much along the lines of the regicide debate, the discussion on tyrannicide (also referenced in previous chapters) was conducted. Important points of dispute were the following: "how to tell a tyrant from a just king […] how and when to justify assassination. […] Examination of the term "tyrant" can clarify the nature of these criteria. In antiquity, the term referred to a ruler who came to power by usurpation, without constitutional warrant. In the works of Plato, Aristotle […] and others, however, the term came to describe any evil ruler, anyone who governed by whim for personal gain instead of by law for the general welfare. Deriving mainly from Aristotle, long lists […] itemized the distinctive characteristics of tyrants and kings and contrasted their styles of government."[37] Armed with this knowledge of Shakespeare's and Julius' times, we will now turn to the tragic death of the intended king of Rome.

36 See the paragraph Shakespeare's England in William Shakespeare's biography.

37 Robert S. Miola, "*Julius Caesar* Challenges the Renaissance Debate on Tyrannicide", in *Social Issues in Literature,* p. 95/96.