

# American Police Should Know Where Rome Went Wrong

Ancient notions of authority show where U.S. policing went wrong.

[Bret Devereaux](#) July 20, 2020, 1:24 PM



A frieze on an altar in Rome

A frieze on an altar in Rome dedicated to the goddess Peace shows Augustus with his cape pulled over his head, rex sacrorum or high priest, four priests, and a lictor bearing an ax, circa 13 B.C. PHAS/Universal Images Group via Getty Images

Faced with civil unrest in almost every major American city, brought on by the collapse of police legitimacy as the result of a number of shocking videos of misconduct, Defense Secretary Mark Esper [declared](#): “We need to dominate the battlespace” of U.S. cities, with military force. President Donald Trump echoed this advice calling on governors to use the National Guard and even regular military to restore order, to achieve, in his words, “total domination.” “If a city or state refuses to take the actions that are necessary ... then I will deploy the United States military and quickly solve the problem for them,” he declared. The theme of domination and threats of further escalation subsequently permeated administration rhetoric, even as more soldiers were called to the capital.

Threatening to send in the troops like this made for some tough-sounding bravado—even though it was rapidly walked back as the president claimed that he was actually talking about “dominating the streets with compassion.” As federal forces [teargas moms](#) in Portland, that language is returning, since the administration loves the tropes of militarism. But if the administration thinks that all it needs to do at home is to “dominate the battlespace,” then it has misunderstood the role of armed force and fallen into a classic error in security thinking. They have mistaken violence for power, a mistake that leaders have been making quite literally since the ancient world.

The philosopher Hannah Arendt expounded on the distinction between violence and power in her seminal 1972 essay "[On Violence](#)." Violence, the ability of the state to coerce using armed force, is contrasted with power, "the human ability to act in concert" used by a leader only inasmuch as they are "empowered by a certain number of people to act in their name." The University of North Carolina military history professor Wayne Lee [adds a third](#), intermediate category to this analysis: force. Force in this sense includes violence but is extended to include also the threat of violence, including the threat implied by the mere existence of force without its application.

Consider the example of driving up to a red light. If you were to attempt to run the red light and were stopped by a police officer and arrested for your reckless driving, that is, in Arendt's dichotomy, violence. An armed agent of the state is actively compelling you to submit. If instead, coming to the red light, you noticed the police car sitting there and so decided to stop because of it, that was force, in Lee's thinking. It was not violence, but the threat of violence and the knowledge of the presence of the tools of violence, that caused you to stop.

But of course, there are far more red lights in any country than there are police officers. Most of us know well that the chances of being pulled over for running our local stoplight

are trivially low. But we stop anyway. We stop because we respect the majesty of the law, or because we believe in automotive safety, because it is polite to other drivers, or simply because it is what one does. That is power at work; we observe the red light because we respect its fundamental legitimacy as a group. The Romans, ever forward-thinking, had a word for this sort of power when vested in a person or institution: *auctoritas*, from where we get the English word “authority.”

In a proper, working state, the agents of the government guide the citizens using power, relying on their voluntary acquiescence to state directives. This power lets the state raise force, by recruiting citizens and taxing citizen production to furnish and equip its soldiers and police. Force, and the violence that force can create, is the product of nonviolent state power.

How does all of this factor into keeping the peace in a civilian population? The Roman experience is instructive. Whereas modern police forces, surveillance capabilities, and vast industrialized armies provide the tantalizing illusion of being able to control a domestic civilian populace by force alone, the Romans could have no such illusions. Bruce Frier, a professor of Classics at the University of Michigan, estimates that the population of the Roman Empire in 14 A.D. was 45.5 million, stretched over 1,280,000 square

miles.

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US Secretary of Defense James Mattis waits for Indonesia's Minister of Foreign Affairs Retno Marsudi during an honor cordon at the Pentagon March 26, 2018 in Washington, DC. / AFP PHOTO / BRENDAN SMIALOWSKI (Photo credit should read BRENDAN SMIALOWSKI/AFP /Getty Images)

## [James Mattis Is an Ancient Roman Action Hero](#)

In dealing with President Trump, the defense secretary seems to have done his reading on Emperor Nero.

To control this vast empire, the Romans had about 300,000 soldiers, only half of them citizens. (The remainder were

*auxilia*, recruited from the many noncitizen subjects of the empire.) While the Romans had acquired empire through shocking amounts of violence, ruling such a vast expanse by force alone was never an option. Of course, as the experiences of revolution and decolonization for the last century have shown, in the utter absence of power, controlling a population through force alone is no more possible today in the long term than it was for the Romans; the relative poverty of ancient states merely removed the illusion.

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Such failures make for compelling stories, in part because they have served as part of [both religious](#) and [national mythology](#). Roman violence was spectacular and frequently [commemorated](#), both by the Romans themselves and by moderns looking back. It was also occasionally criticized by

Roman moralists such as Tacitus, who had his Caledonian chieftain Calgacus upbraid the Romans for “[making a desert, and calling it peace.](#)”

But these places were not typical. Most Roman provinces had no significant military presence at all; by the death of Augustus, the first emperor, Rome’s 25 legions were [almost all stationed in a thin line along the frontier](#), along with their supporting auxilia. Many of the most populous provinces had no legions stationed in them at all. They couldn’t have; Rome’s armies already stretched the budget to the breaking point. This was not because the Romans were nice. They most certainly were not—the Romans were capable of stunning brutality, such as the destruction of Carthage and the [near-total destruction of the Helvetians](#). More force was simply not practical.



*The Plough Driven Over the Site of Carthage* from Cassell's Illustrated Universal History Vol. II—Rome, by Edmund Ollier (1890). The Print Collector via Getty Images)

Instead, Roman provincial administration focused on developing power, rather than deploying force, in most of the provinces. This was not an intentional effort so much as the ad hoc development of standards of governance as Roman military commands in different regions shifted from missions of conquest to peacekeeping and then finally to administration, mostly driven not by a formal doctrine but by cultural norms within the Roman aristocracy. Nevertheless, clear patterns of action emerged that enabled the Romans to effectively develop power in regions they had acquired through violence and force.

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First, the Romans tended to avoid trying to act directly on the local populace. In part this was simply utilitarian; there were far too few Romans in most provinces to handle administration on the ground. Roman governors preferred to work through city governments, tribal leaders, and local stakeholders whenever possible. Roman authorities might resolve disputes between communities, or particularly difficult cases (especially capital crimes), but the day-to-day administration of law and order was left to local leaders, who benefited from the legitimacy of long-standing tradition and deep social ties. Rather than trying to replace the power these figures wielded, Rome incorporated these stakeholders into their provincial administration as partners in Roman order, rewarding useful local notables with political advantage and even citizenship.

Second, the Romans took progressive steps to hold provincial governors accountable for corruption or brutality in pacified provinces. Roman efforts on this front met mixed success, as prosecuting a powerful politician in Rome for actions taken miles away from the capital was always a risky endeavor. Nevertheless, the Calpurnian Law on Extortion in 149 B.C. established a permanent court to facilitate the

recovery of damages by provincials against badly behaved Roman governors. That law was steadily strengthened by repeated further legislation that more narrowly defined legal conduct for governors and strengthened the penalties against them.

Later on, issues of fairness to provincials would be a topic of repeated imperial edicts, [like the repeated imperial edicts and rescripts](#) attempting to resolve or punish abuses of the *vehiculatio*, a right to requisition food and supplies for official business on the roads. These were not laws about protecting the rights and property of Roman citizens, but rather the rights and property of recently conquered noncitizens. While they were, at best, unevenly enforced, and they often became deeply political, these laws represented [a real concern](#) at Rome [that provincial governors wielding Roman authority ought to behave fairly](#), even towards subjugated peoples, and there were [high-profile convictions](#) of important Roman politicians on those grounds.

Finally, through this, Roman authorities [developed a reputation](#), particularly in the Greek East, of being relatively impartial outside mediators who could, more or less fairly, resolve disputes among the elites. Most Roman governors served short terms in their provinces before returning to Rome, leaving them as outsiders to local politics. The lack of

local knowledge was less of an issue, because in most places Hellenized or Romanized elites could be relied upon to supply a self-interested measure of local knowledge. At the same time, there was an expectation, admittedly not always followed, that a Roman governor's decisions would be honored by his successors in the post. And while, as noted, efforts to hold governors accountable were not always successful, the clear effort by the Romans to afford some degree of good governance clearly played into the [reputation](#) for impartiality and relative incorruptibility they enjoyed.

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Most Roman subjects seemed to have expected little more than that the taxes were not overly harsh and Roman armies kept armed threats far away. Roman commanders and governors did sometimes [act in ways](#) that appalled contemporary sensibilities, much less modern ones.

Nevertheless, in the great majority of provinces where the Romans largely succeeded in keeping the peace, it is not hard to see how their actions contributed to the accumulation of power that let them govern in the absence of force or violence. That power was what made the empire possible in the first place.

The Roman failures are also instructive. To take one example, the Roman province of Judaea (now Israel, the Palestinian territories, and Jordan), the Romans initially governed the province through intermediate client kings, but when these proved unreliable, the region was brought directly under Roman rule as a province. Roman governors, confounded by sharp religious differences between the local Jewish population and themselves, repeatedly attempted to use force in lieu of power, using soldiers to try to intimidate the population into submission. The result was the steady erosion of Roman power in the province. The loss of power led to the reversion to more force and eventually from force to violence, culminating in the catastrophic First Jewish Revolt of 66 A.D., documented by the Jewish writer Josephus.

That revolt led to a brutal seven-year Roman crackdown that included the destruction of the Temple in Jerusalem and the famous siege of Masada. And in the minds of many, this is where the story ends; the Romans had “made a

desert and called it peace." That sense of finality and conclusion is no accident—it is part of Josephus's narrative. While Josephus started as a Jewish rebel himself, by the time he was writing he was a member of the victorious Roman Emperor Vespasian's court; it would not do to suggest the victory won by Vespasian and his sons, Titus and Domitian, was anything less than perfect.



*The Destruction of the Temples in Jerusalem by Titus* by Nicolas Poussin (1594-1665). Leemage/Corbis via Getty Images

But it clearly was less than perfect. While the Romans achieved momentary control of Judaea, in doing so they had actually damaged their power in the region. The

destruction of the temple removed one of the key local sources of authority in Judaea, [the Sadducees](#), whose leaders had been both closely connected to the temple but also generally pro-Roman. As it so often does, the application of violence had actively furthered the erosion of power. As Arendt notes, “power and violence are opposites; where the one rules absolutely, the other is absent.” The aftermath of the First Jewish Revolt thus laid the groundwork for [further unrest](#), culminating in the Second Revolt in 132, in which the Romans resorted to violence that likely amounted to genocide and were [forced to replace the city of Jerusalem itself with a Roman colony](#) to keep order.

This, it should be stressed, is a story of abject failure. The Roman effort to rule first by force and then by violence in Judaea was a catastrophe. The small region soaked up far greater Roman forces and produced far more Roman casualties than it was worth. The Roman Empire was, after all, a tributary empire: The provinces were held so that the Romans could extract value from them. Not only did the cost of holding Judaea exceed any possible value it had, but the Romans had also been forced to destroy the most productive part of the place—its people—in order to try to keep hold of it. Like so many counterinsurgency operations that focus too heavily on violence and too little on power, the Roman suppression of the Jewish revolts may have had tactical military successes, but they were strategic failures.

There is a lesson here for administrations that imagine that they can “dominate” problems that arise out of failures of power. As Arendt writes, such “domination of man over man by means of violence” is the very opposite of power. But power is not produced by violence; it is destroyed by it. “Dominating the battlespace” will not make the fundamental erosion of power and legitimacy that caused the current civil unrest go away. All that soldiers in the street can do is exercise momentary control, to create a space for civil authorities to reestablish power. They cannot establish power by themselves.

Power can arise from many sources, as the Roman example shows. It can arise out of strong cultural norms, out of a feeling of reciprocity with authority, out of a sense that those in power are accountable. Very often a great deal of power is found in local leaders and authorities, whose daily interactions in their own small sphere create a fertile space for the formation of this kind of influence. It is not hard to see how state power and authority, that “human ability to act in concert” can be reestablished. It starts with holding those who wield state violence accountable for their actions. It works through local leaders whose own authority in their community is untarnished by the abuse of state violence. Reestablishing power in this way is never easy, but it can be done. Violence provides no shortcut to power, and no substitute for it.

If all the president can think to do is meet future street protests with state violence, he will not have resolved the issue, but rather, like those Roman governors in Judaea, merely delayed an ever-more-cataclysmic explosion. He will have replaced power with violence and leadership with bravado.