Roman Ideas on the Loose

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Abstract

In this essay, I first discuss the Roman concept of civil war and compare it to the Greek concept of internal discord (stasis). I then go on to offer some thoughts on the methodological implications of long-term intellectual history and the role concepts and institutions play in it. The essay concludes by discouraging the hunt for contingency, but encouraging historians to write about the ideas and institutional arrangements that have been devised over the long term in response to the breakdown of political and social order.

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The stability of political order has for a long time occupied a central place in the history of political thought, and civil war has been perceived accordingly as the most dangerous factor undermining political order and stability. The civil wars of the late Roman republic, which caused the republic’s downfall, have been of particular interest to both historians and political theorists for a very long time. The lessons drawn from this historical experience belong, roughly speaking, to two strands of thinking.

To some, the civil wars showed that self-governing republics were doomed to issue in crisis and bloodshed. A strong monarchy was the better form of government. Indeed, the legitimacy of the successor regime to the republic, the Roman empire or principate, was bound up with the claim that it was the principate which had managed to bring the civil wars of the republic to an end. The first emperor, Augustus, made it clear in his Res Gestae that his legitimacy consisted, first and foremost, in having established peace; the widely celebrated pax Augusta, reflected in the elaborate altar to Augustan peace, the ara pacis, was peace not so much with regard to external wars, but, most importantly, peace after the civil wars of the late republic, which Augustus boasted of having “extinguished.” Others drew different conclusions from the collapse of the republic into civil war. To their minds, the Augustan principate represented a thinly veiled military despotism which was rather worse than the disease it claimed to have cured and which itself proved by no means immune to instability and civil war. Augustus was not the last emperor to come to power through civil war, and republican thinkers such as Algernon Sidney were quick to point this out against monarchists like Robert Filmer, as David Armitage shows in his Civil Wars: A History in Ideas (115-18).

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1 Res Gestae 34.1 (“bella civilia extinxeram”).
Professor Armitage’s new book on the intellectual history of civil war provides an elegant, long-range survey of the idea of civil war and of arguments about civil war. He succeeds in showing three important things: that such long-range intellectual histories are possible, that they are desirable, and that the Roman idea of civil war was of enormous importance for subsequent political thought and political history. In what follows, I will first discuss the Roman idea of civil war and where I believe its importance lies. I will then go on to remark on some methodological implications of Armitage’s bold and ambitious long-term intellectual history writing, the role of concepts, and their importance to history more generally. By way of conclusion, I shall offer a few ideas on what long-range intellectual history is capable of achieving.

I. The Roman Concept of Civil War

Armitage argues that the idea of civil war was invented in republican Rome. This Roman idea he seeks to separate from the Greek concept of internal discord, sedition or violence (stasis), which, according to Armitage, could come “close to what would later be called civil war” (38), but nonetheless remained distinct. It was not until the Romans, Armitage claims, that internal conflict was experienced as civil war, since the Romans understood their most violent conflicts “as clashes among citizens that rose to the level of war” (31). Armitage writes that those “elements would remain at the heart of concepts of civil war for much of its history” (31), and it would seem that Armitage and the Romans could here be read as formulating necessary and sufficient criteria for civil war: civil war is necessarily between citizens, and it has to rise to a level of violence that deserves to be called war. These two conditions are each necessary and are jointly sufficient. On this account staseis often fail to rise to the level of civil war because they lack the necessary scale and amount of violence (43-44).

It is true that stasis as described in Greek historiography need not rise to the level of warfare, and Armitage here follows largely the historian Appian in distinguishing between (civil) war on the one hand and stasis on the other. According to Appian, Sulla’s battle against the Marians during his march on Rome in 88 BC marked a turning point. This was no longer stasis but assumed all the characteristics of war, where those doing the fighting were, in a formal sense, soldiers—a veritable polemos among citizens.3 The distinction makes sense, but it overlooks the fact that usually, apart from Appian, the concept of stasis was used in a much broader fashion than the Roman concept of civil war. That is, the term stasis could be wide enough to include an emphylios polemos and could therefore perfectly well capture the warlike features of a Roman civil war. Every civil war is necessarily a stasis, then, but not every stasis amounts to civil war.4

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3 Appian, Civil Wars 1.58; Armitage, supra note 2, at 57.
4 See Polybius 1.65-88; cf. Boris Dreyer, Harmonie und Weltherrschaft: Die Stasis bei Polybios, in Civil War in Ancient Greece and Rome 87 (Henning Börm et al. eds., 2016) [hereinafter Civil War].
Armitage argues, further, that *stasis* is portrayed by Thucydides as a “state of mind” (38) and a metaphorical “disease” (42) of polities, and therefore operates on a different plane altogether than the Roman *bellum civile*. This seems right to me, and the Roman concept—clashes among citizens or subjects rising to the level of war—is sufficiently abstract and stable to cover a great many of the historical examples Armitage discusses. There are important cases that may not be covered by the Roman concept, but this is, it seems to me, because they constitute either “internationalized civil wars, ones that drew in . . . intervention by outside powers” (8), or because they featured military encounters that “appeared relatively small-scale” (135), too small in scale to constitute civil war. The historical examples not covered by the Roman concept, that is, resemble closely the *staseis* as described by Thucydides as part of the Peloponnesian War—the famous *stasis* at Corcyra, for instance, lends itself to being described as an “internationalized civil war.”

But one could also plausibly deny that the “international” aspect is a criterion for civil war at all and claim that the *stasis* at Corcyra comfortably fits the criteria of the Roman concept. Corcyra was a polis in the sense of being an independent polity, so that when fighting broke out in 427 BC it took place between citizens (*politai*). The violence certainly rose to the level of warfare by the standards of the time (although it is true that it did not rise to the scale of the Roman civil wars). Armitage might deny that the clashes between citizens at Corcyra rose to the level of war; but some of his language suggests that he is after a much bigger claim: that the Greeks, lacking the (Roman) concept of civil war, could not possibly have experienced civil war because they lacked the concept. I am not convinced that this is true—not because concepts in general cannot play that role, but because civil war may not be the right kind of concept. I will say more about the role of concepts in constituting social reality in the second section below.

The most important difference between Thucydides’s discussion of *stasis*, on the one hand, and Polybius, Cicero and other writers who focused on the Roman political order, on the other, is that the latter were less concerned than Thucydides with diagnosing the disease of civil war—although they did that too, often along Thucydidean lines—and were more interested in giving a causal account of how civil wars come about. The writers in the Roman tradition usually connected such a causal account with a normative account of constitutional order designed to avoid civil war altogether. Therein lies the extraordi-

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5 For a recent “working definition” of civil war, see Henning Börm, Introduction, in Civil War, supra note 4, at 15, 18.

6 In popular mythology, the American Revolution came to resemble a mere skirmish (134-35). The Revolution could be described as a civil war in the Roman sense; the fascinating Social War analogy offered by Adam Smith (138-39) would have been apposite had the British won.

7 Thucydides 1.37.3; 1.55.1; 3.70.1-2; see Mogens Herman Hansen & Thomas Heine Nielsen, An Inventory of Archaic and Classical Poleis 361 (2004).

8 “The Romans were not the first to suffer internal conflict but they were the first to experience it as civil war” (31).

nary importance of Roman thinking and arguing about civil war and the fall of their republic, I believe, and this is something the skeptical Thucydides could not offer.

The reason why Armitage sees such a crucial break between Greek and Roman thinking about violence between citizens lies, I suspect, in his reluctance to agree with Thucydides that the causes of stasis are ultimately anthropological, and thus are hard-wired into our human condition. To be clear, Thucydides did not think that human nature was somehow inherently morally deficient; rather, he thought that given certain circumstances, human behavior will invariably express certain characteristics such as greed or aggression.10 It is true that in this regard Thucydides was more pessimistic than Cicero or even Polybius—but I am less sure that this is anything to do with their anthropological views. Both Polybius and Cicero thought that there were strong anthropological constants, some of which made civil wars dangerously likely. But unlike Thucydides, they, as well as later political thinkers such as Jean Bodin, Thomas Hobbes and Montesquieu, thought that a certain kind of constitutional order, based on the right political theory, could provide a remedy, at least for a certain amount of time, against those dangerous tendencies.11

Notice that our own ongoing experiment with republican constitutionalism is also based on such a belief, no less than the constitutional orders which Polybius and Cicero extolled; even Augustus’s monarchy is best interpreted as an attempt to lift certain constitutional principles out of everyday politics and thereby entrench them. Augustus’s order suffered from a fatal Achilles’s heel, namely its inability to deal with the problem of succession, but it too aimed at a weak jural conception of politics, where political order was at least in its aspiration also always a legal order.12

Armitage is correct, then, in supposing that the Roman tradition of thinking about civil war, apart from having had far more of an impact over the centuries, is better suited to his own more optimistic aim of unsettling “the notion that we are condemned to interminable civil war” (11). The real battleground, however, is not between Greek stasis and Roman bellum civile. Rather, it can be found between those who thought that the underlying cause of the civil war was lack of virtue and could only be addressed with proper paideia and eudaemonist theories of the good; and those who thought, like Bodin, Hobbes, Filmer, Locke and Montesquieu, that there could be an institutional answer to the fall of the Roman republic. The latter group of course differed widely among themselves on what exactly that answer should be, but agreed that it should consist in some sort of legal-institutional political order. These authors were fascinated by the civil wars of the collapsing Roman republic not only because of the phenomenal success of the Roman empire, but first and foremost because of the political and constitutional ideas that the Roman writers had to offer.

10 Id. at 27-28 (for Thucydides, human nature “has no particular moral characteristics in itself,” rather, it “will always respond similarly to similar stimuli”).


12 See Michael Peachin, In Search of a Roman Rule of Law, 6 Legal Roots 19 (2017); Kaius Tuori, The Emperor of Law (2016).
Armitage shows with much strength and clarity just how much influence the Roman concept of civil war had on the history of Western, and later worldwide, political thought, and his account of the changing fates of the concept of civil war itself is very illuminating indeed. Yet this account is so focused that it leaves somewhat obscure just why the impact of the Roman ideas connected with civil war was so great. If we want to know why the Roman idea of civil war proved so influential, we need to learn more about the remedies this Roman tradition contained against the collapse of commonwealths, that is to say we should seek to look beyond the problem of civil war and attend to the proposed cures. Indeed, it would seem that one key reason why later generations were drawn to the history of the Roman republic and its civil wars was because they were interested in the constitutional ideas Roman thinkers had come up with to prevent civil wars from happening in the first place.¹³

For a brief illustration, consider Cicero (106-43 BC) and his political theory. Civil war provided a key impetus for his political thought. Cicero had experienced the civil wars of the late republic firsthand and eventually lost his life in civil war.¹⁴ Very late in life Cicero doubted that the political order of the republic could be saved,¹⁵ but he tried to analyze the causes of the republic’s demise, claiming that it was struggles over the constitutional validity of legislation (de iure legum) that had triggered the civil wars.¹⁶ Indeed, we regularly find conflicts about a kind of substantive due process (provocatio) at the center of contention, and extraordinary emergency powers of dubious constitutional validity, bestowed by the assemblies, came to be seen as the direct cause of the collapse of the republican order.¹⁷ In his philosophical work, Cicero sought to point the way forward by turning the implicit constitutionalism of the Roman republic into an explicit and salient set of constitutional norms, which rested on a normative justification that was substantive, not just procedural.¹⁸ This concept of constitutional order in a sense established, with the benefit of hindsight, criteria that allowed the correct normative analysis of the experience of civil war, and civil war could in turn be perceived as resulting from conflicting constitutional interpretations de iure legum submitted to the tribunal of arms.

These ideas of a higher-order legal order came of course too late to save the Roman republic, but the concept of a normative constitutional order developed in this intellectual tradition proved immensely important not least in the development of another

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¹³ Benjamin Straumann, Crisis and Constitutionalism: Roman Political Thought from the Fall of the Republic to the Age of Revolution (2016).

¹⁴ Cicero reckoned that he had lived through five civil wars in his lifetime. Philippics 8.8; cf. On Duties 1.86; 2.27-29.

¹⁵ Letters to Brutus 1.15.10; cf. Letters to Friends 15.15.1.

¹⁶ Philippics 8.7.

¹⁷ Straumann, supra note 13, ch. 2 & at 129-39 (provocatio). There is continuity between Greek stasis rhetoric and Roman worries about agrarian reforms, but the latter are usually focused on extraordinary, unconstitutional powers associated with such legislation. Id. at 111-12.

¹⁸ Id. ch. 4.
highly juridical idea, sovereignty, and was eventually institutionalized in some of the constitution-making in the eighteenth century.\textsuperscript{19} The theorist of sovereignty Jean Bodin, more constitutionalist than absolutist, dwelt at length on the civil wars of the late republic and, in Cicero’s vein and anticipating Montesquieu, identified sovereignty unconstrained by higher-order law (\emph{ius}) as the cause of the “most cruel and bloody civil warre that ever was in Rome,”\textsuperscript{20} drawing the paradoxical lesson that “the lesse the power of the soveraigntie is . . . the more it is assured.”\textsuperscript{21} It could be said, in brief, that the Roman concept of civil war developed in tandem with the concept of constitutional order, that both proved highly influential, and that both were rather more stable in the long term than Armitage in his introductory remarks allows.

\textbf{II. Escaping from Context: Concepts and Social Reality in the Long Term}

One important and welcome aspect of Armitage’s undertaking is that he re-integrates ideas into the kind of ambitious long-term history which recently has enjoyed a well-deserved renaissance. In doing this, Armitage and a handful of fellow intellectual historians return to older attempts in the history of philosophy and intellectual history that sought to trace concepts, their changes, and their uses in argument through larger stretches of time and space than the parochialism of hardcore contextualism would allow. Rather than assuming that concepts must be the prisoners of their immediate political or intellectual contexts, Armitage’s new history “in” ideas engages in what he has elsewhere called “serial contextualism”\textsuperscript{22} and re-disCOVERs that ideas and concepts are the “most migratory things in the world.”\textsuperscript{23} While this necessarily excludes kneejerk historicism, it need not result in any untoward “reification.”\textsuperscript{24} It simply requires that one be able to avoid the most undesirable implications of historicist contextualism, namely the impossibility of using common nouns across historical periods or even across mental complexes, and the incommunicability of concepts.\textsuperscript{25} As the philosopher and historian of philosophy Jaakko Hintikka has argued, for intellectual history to be possible, concepts “must enjoy independent life at

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\item \textsuperscript{19} Id. at 241-341.
\item \textsuperscript{21} Id. at 517.
\item \textsuperscript{24} Nor does it exclude nominalism. A.P. Martinich, A Moderate Logic in the History of Ideas, 73 J. Hist. Ideas 609 (2012).
\item \textsuperscript{25} Arthur O. Lovejoy, Reply to Professor Spitzer, 5 J. Hist. Ideas 204, 207 (1944); cf. Jouni-Matti Kuukkanen, Making Sense of Conceptual Change, 47 Hist. & Theory 351, 360 (2008).
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At least to the extent of being identifiable independent of the context and hence being possible to follow through longer sequences of the history of philosophy. In short, concepts must be allowed to escape from context.27

Armitage seeks to trace “the legacies of Roman conceptions of civil war across the . . . centuries” (23). He calls this a “sedimentary conceptual history” (27) because he believes that the concept of civil war “has had no stable identity” and presents an example of what the philosopher W. B. Gallie has called “essentially contested concepts” (18). Armitage’s point is that such a Nietzschean genealogy will reveal the concept’s contingency, will show that civil war is not “an inevitable part” of what makes us human, and will therefore enable us to “unsettle the notion that we are condemned to interminable civil war” (11).

There is a tension in Armitage’s book between his insistence that what he is concerned with is a specifically Roman concept of civil war that can be clearly distinguished from Greek *stasis*, on the one hand, and the wish to show that this concept is without a stable identity, on the other. As I tried to show above, the Roman concept of civil war is abstract enough to include some of the more warlike *staseis* and proved—even in Armitage’s own telling—remarkably stable over time. This is not the place to discuss whether or not “civil war” is indeed an essentially contested concept. I have my doubts—W.B. Gallie himself already acknowledged an important objection that still strikes me as decisive, namely that the various parties to the dispute may simply confuse “different concepts about whose proper application no one need have contested at all.”28

Be that as it may, Armitage is certainly right in pointing to the normative aspects that the use of the term “civil war” inevitably entails. At least since the attempts at juridification of war and civil war in the nineteenth century, much more hinges on whether a given conflict can be called a civil war or not. There may be more contestation henceforth, essential or not, as there are now important normative and legal implications to the label “civil war.” For example, as Armitage demonstrates with great perspicacity in his discussion of the U.S. Civil War in chapter five, the Union, following Vattel, sought to describe the conflict as a civil war when it came to the Union’s ability to use blockades and when the Union insisted on the applicability of the law of nations and prize law. At the same time, however, Lincoln insisted of course that secession amounted to treason and that therefore the leaders of the Confederacy were not entitled to the privileged status of enemy soldiers but were traitors, liable to trial and execution. Similarly, Sherman’s march through Georgia and even emancipation probably amounted to a violation of the laws of war, but

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27 This is of course not to say that Armitage removes ideas from their context; he simply gives them the necessary independence in the sense specified by Hintikka.

28 W.B. Gallie, Essentially Contested Concepts, 56 Proc. Aristot. Soc’y (n.s.) 167, at 175 (1955-56). Note that Gallie’s is an analytical claim: even if it were true that historically the concept has always been contested, it does not follow that the concept is essentially, or necessarily, contested.
this did not keep the Union from pursuing these aims. I doubt that this shows more than that historical actors are often unprincipled opportunists who want to have their blockades and rules of war and break them too. Maybe what these historical examples demonstrate is that whether or not something is a civil war depends crucially on the outcome of the conflict. But do they demonstrate that the application of the concept of civil war itself changes outcomes, as Armitage at times seems to suggest? What role do concepts in general, and does the concept of civil war in particular, play in historical events?

Let me try to give a competing account of what is going on. Armitage is of course entirely justified in claiming that when it comes to social reality, concepts play a major role in the establishment of certain social facts and institutions. Some social institutions, that is, seem to require certain concepts to exist. It is very difficult to imagine having a presidential system of liberal democracy, say, without anyone having the concept of presidency. For there to be a president, a critical mass of people must have the concept and must know how to use it. Many social institutions seem to be constituted by conceptual content, just as walls are made of bricks, and seem therefore to presuppose certain concepts. To establish an institution, however, it is not sufficient to have the corresponding concepts; there also needs to be a justified expectation that others, too, acknowledge the institution. To bootstrap institutions we need, on the one hand, the concept “presidency,” or “law,” etc. But we also need, in addition, acceptance of these institutions on the part of many people as well as the decision to act in accordance with them, given their reasonable expectation that others, too, will so act.

Now for many social institutions and historical events it is absolutely crucial, as Armitage reminds us, that they are themselves shaped by the concepts we apply to them. These concepts are to an extent constitutive of the reality they seek to describe; concepts used to describe many historical events “change reality to match the propositional content of the speech act,” but do this by simultaneously “represent[ing] the reality as being so changed.” Both the concepts used in this process and the expectations about other people’s behavior can have a feedback effect, so that the use of certain concepts, if they catch on, can have an impact on social and historical reality.

This is why any kind of historiography is, to an extent, inescapably intellectual history, and it is the reason why the history of (or in) ideas remains such a crucial discipline. But, and this is where I am tempted to diverge from Armitage’s view, I am not sure that

29 Cf. Price, supra note 9, at 32-33. The classicist Basil Gildersleeve, who served in the Confederate States Army and compared the conflict with the Peloponnesian War, thought that “civil war” was “an utter misnomer” for that conflict. A Southerner in the Peloponnesian War, Atlantic Monthly 330, 338 (Sept. 1897). Jefferson, in a letter to John Adams, had already foreseen the Civil War and also described its possibility in these terms: “[A]re we then to see again Athenian and Lacedemonian confederacies? to wage another Peloponnesian war to settle the ascendancy between them?” Letter to John Adams from Thomas Jefferson, Jan. 22, 1821, Founders Online, National Archives, http://founders.archives.gov/documents/Adams/99-02-02-7457.


31 Searle, supra note 30, at 12.
the concept of civil war is itself such an “institutional” concept. On the one hand, Armitage certainly convinces me that historically many violent conflicts have been subject to the kind of conceptual feedback effect just described; on the other hand, there is a sense that civil war is a concept very much at the outer fringe of the set of concepts usually used to describe, and bootstrap, social and institutional realities. This is so because the correct application of the concept of civil war seems to imply the breakdown of the very institutions social reality usually relies on.

This implication of internal violence—the very absence of institutions—is something strongly emphasized by Thucydides and Hobbes. To an extent, it seems to me, this implies also the absence of the conditions that are necessary for concepts to acquire a grip on social reality and to shape it. Thucydides tells us why—during stasis, “[t]he received value of names imposed for signification of things was changed into arbitrary.” Once there is civil war, institutions dwindle. This is a more fine-grained analysis than the Roman concept of civil war allows, but the two are not mutually exclusive; indeed, it would seem that Thucydides’s analysis complements the Roman concept rather well.

III. Can Contingency Save Us?

Thucydides thought that the historian’s job entailed both the discovery of contingency and the identification of necessary, perennial features of the human condition, and he famously predicted that internecine strife “shall be ever as long as human nature is the same.” By contrast, one of Armitage’s declared aims is liberation from the evil of civil war by way of showing that civil war, being contingent and therefore not something we are simply stuck with, can in principle be done away with. Civil war is a social construction and therefore not inevitable. This strikes me as an unsatisfactory and oddly anodyne result of Armitage’s impressive long-term undertaking. First of all, it would seem to be one of the chief advantages of the historian to be able to point not only to important problems that have arisen in the vast laboratory of human experience that is history, but also to identify and classify some of the remedies which have been devised in response to these problems. When it comes to civil war, thinking about the breakdown of political and social order has produced extremely interesting ideas and, sometimes, has even resulted in tangible results and institutional arrangements. The thinking in question need not have risen to the level of political philosophy, although at times it of course did. It could also come in the shape of arrangements arrived at through struggle and conflict—e.g., the

32 Thucydides 3.82.4 (Hobbes’s translation in 8 The English Works of Thomas Hobbes 348 (William Molesworth ed., 1839)).
33 Cf. Cicero, Philippiics 11.28 (indicating that the republic’s positive institutions had vanished).
34 Thucydides, supra note 32.
35 Contingency is here understood loosely, in opposition to anthropological constants; such constants of course would strictly speaking be contingent, too, but this is not the sense of contingency Armitage is after.
treaties of Westphalia, which put an end to the Thirty Years’ War, which could be described as a massive and hugely devastating civil war within the Holy Roman Empire.

The historian, and especially the historian trading in the history of arguments and ideas “shaped and debated episodically across time, each instance being consciously . . . connected with both earlier and later ones,” as Armitage puts it in a felicitous formulation (21)—such a historian is well placed to observe and compare not simply the various conceptual guises under which the problem situation appears,37 but also to study the various remedies conceived in answer to it. In doing so she may very well encounter a “chain of reasons”38 leading from one instance of the concept to the next. The historian may also be in a position to point to institutionalized remedies which, given certain normative assumptions, have stood the test of time better than others. Again, the Westphalian treaties of 1648 can be shown to have been more capable than the earlier Peace of Augsburg in resolving the religious tensions in the Empire that gave rise to the Thirty Years’ War.39 Similarly, to stay with the Roman tradition at the heart of Armitage’s account, some thinkers and historians came to the conclusion that Augustus’s monarchy, by putting an end to civil war and seeking oblivion, constituted an attractive answer to the problems of the late republic; others, as Armitage arrestingly describes, thought of the principate as military despotism rather worse than the disease it was meant to cure. These republican writers were prone to fasten upon the despotic character traits of the Augustan regime and the fact that not only had the Roman republic been very long lived, but also that it came with the aforementioned ideas of a republican constitutional order which might yet provide the remedy to republican decay.

Armitage sets out to destabilize the concept of civil war, yet his book paradoxically left me with the impression of quite a stable tradition of ideas about civil war. Indeed, the depressing parade of historical civil wars in the book made me think that Thucydides (or the somewhat more optimistic Hobbes) may be right after all. But even if we think that Thucydides is wrong, there is still the problem that the genealogical method and contingency itself too often cannot deliver on their promise. There are many social conditions that are entirely contingent but nonetheless incredibly resilient—more resilient than many natural facts. Take smallpox: a natural disease whose eradication, by no means easy, was eventually achieved. By contrast, civil wars are still very much with us. The mere fact that something is contingent and could conceivably have been otherwise does not entail that we can change it easily. For one thing, collective-action problems may stand in the way. This is why Thomas Hobbes could be interpreted to have conceived of the state of nature and civil war as a prisoners’ dilemma.40 Hobbes reminds us that some very unpleasant

40 See, e.g., Michael Taylor, Anarchy and Cooperation ch. 6 (1976); for a challenge to such an interpretation, see David Gauthier, The Logic of Leviathan 76-89 (1969). Armitage (following Foucault) puts too much
conditions can be in perfect equilibrium and therefore can be very difficult to get out of.\textsuperscript{41} Contingency does not offer any help.

Hobbes also tells us why civil wars often tend to be so much nastier than “normal” wars—it is, Hobbes argues, because they disturb even the kind of domestic tranquility that encourages and keeps alive the industry of the subjects. If this is no longer guaranteed, civil war results. On Hobbes’s famous definition of war, there need not be full out violence, simply the assumption of a “posture of War” like gladiators; but “because they uphold thereby, the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men,” or that which comes with civil war.\textsuperscript{42} Armitage confirms Hobbes’s observation when he points out that the proportion of England’s population that died in the civil wars of the seventeenth century was greater than the proportion that perished in World War I, or that per capita deaths in America’s Civil War were much higher than the U.S.’s death toll in World War II (10-11). But where does this leave Hobbes’s answer to the problem of civil war?

At the end of his book, Armitage writes that civil war “is an inheritance humanity may not be able to escape” (237)—he means the concept, not the thing, as he makes clear when he says that even “the utopian promise of revolutionary change could not dethrone civil war from the repertoire of political thought, if only because politics itself was always a form of civil war by other, less deadly means” (237-38). But this is surely to drain the concept of its meaning. One might say, rather, that politics here is a form of \textit{stasis} that is nowhere near civil war. The “balanced” or “compound” constitution advocated by Polybius and Cicero as the stabilizing answer to civil war would arguably have looked like \textit{stasis} to Plato or Aristotle. Polybius and Cicero tried, not to harmonize tensions in the commonwealth, but to institutionalize and legalize them. Institutionalized \textit{stasis}, resting on constitutional principles of order, might yet yield a stable, far less deadly political order, or so they thought. But, as we learn from Armitage (106), Hobbes already knew that such an order rests at least partly on a cognitive foundation, namely an awareness of the challenges the order originally was supposed to answer. Such awareness, a sort of vaccination, is now sharp among those who read David Armitage’s book.

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\textsuperscript{41} Self-fulfilling prophecies are (game-theoretical) equilibria. For the worry that civil war could result from a self-fulfilling prophecy, see Armitage, supra note 2, at 224. For a convincing explanatory model of how societies switch equilibria, see Timur Kuran, Private Truths, Public Lies (1995).

\textsuperscript{42} Hobbes, supra note 40, at 196. Hobbes echoes Thucydides on the \textit{stasis} at Corecyra (in Hobbes’s translation, supra note 32, at 348): “For in peace and prosperity, as well cities as private men are better minded, because they be not plunged into necessity of doing anything against their will. But war, taking away the affluence of daily necessaries, is a most violent master, and conformeth most men’s passions to the present occasion.” Hobbes drew from this more optimistic conclusions as to the capacity of prosperity to prevent violence than Thucydides himself. See Clifford Orwin, Stasis and Plague: Thucydides on the Dissolution of Society, 50 J. Pol. 831, 834 (1988).