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**RES PUBLICA, RES POPULI?
A SEMANTIC ENQUIRY INTO THE TERM RES PUBLICA**

Valotto, Valeria

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RES PUBLICA, RES POPULI?

A SEMANTIC ENQUIRY INTO THE TERM *RES PUBLICA*

Valeria Valotto

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Department of Classics, King's College London

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Abstract

‘Republic’, the conventional translation for the Latin ‘*res publica*’, is a modern term loaded with political implications, and, as many have hinted to, far removed from the meaning of *res publica*. The complex relationship between these two cognates is at the centre of this thesis, which aims to provide a novel insight into the Roman understanding of *res publica*, and ultimately into some aspects of the Roman political taxonomy.

The Introduction sets out to explore preliminarily the semantic equivalence between *res publica* and ‘republic’, showing that while scholarly practice has endorsed this convention, in many instances it causes misunderstanding. It also provides an overview of those works that have questioned this equivalence, singling out research trends and carving out those questions that were left unanswered.

Chapter One works as the *pars destruens* in the thesis’ argument, aiming to remove the false impression that *res publica* and ‘republic’ are synonyms. It does so by tracking the semantic shifts that, over centuries, distanced the meaning of the former from the meaning of the latter. While the English term ‘republic’ is currently linked to a *species* of government where sovereignty resides in the people, in the past centuries its cognates served as vehicles for a number of meanings, referring to different aspects of the political life of a community as well as to a variety of constitutional setups rather than to a specific one.

Chapter Two is the argument’s *pars construens* and offers renderings for *res publica* that are alternative to ‘republic’. It does so by means of a semasiological enquiry of the different contexts which the Latin phrase is used across a wide range of Classical Latin sources. While drawing on previous scholarship on the subject, the chapter argues in favour of a polysemic reading of *res publica*, seeking to go beyond an etymological rendering of *res publica* as ‘property of the people’, inspired by Cicero’s definition of the term in *Rep.* 1.39, and surpassing the conventional literal meaning vs. figurative meaning fracture.

On the basis of this newly discovered polysemy of *res publica*, Chapter Three and Four seek to redefine the twofold nature of the political concept of *res publica* and explore the ways it shaped Roman political taxonomy.

Chapter Three suggests that the meaning of *res publica* as ‘political order’ does not refer to a specific organisational set-up of the Roman state, e.g. it does not refer to the ‘Roman Republic’. *Res publica* is instead consistently used to describe periods of civic peace and institutional stability under monarchy, republic, and principate alike.

Chapter Four, finally, focuses on the understanding of *res publica* that is most frequent in Classical Latin, and yet the furthest from our understanding of ‘republic’. *Res publica* is understood as ‘political activity’ and conceptualised as a duty and obligation - *munus* and *officium* – only bestowed upon a limited group of individuals. Ultimately, it is the style of leadership in handling the *res publica*, rather than the constitutional type of the *res publica*, to inform the Roman political taxonomy.

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Abbreviations

- CAH* Bury, J. B, Adcock, F. and Cook, S.A. (1970-2005). *Cambridge Ancient History*. 2nd ed. Cambridge: Cambridge University Press.
- CIL* Mommsen, T.H. (ed.). (1863 -). *Corpus Inscriptionum Latinarum*. Berlin: Gruyter.
- FIRA* Riccobono, S. (1941-43). *Fontes Iuris Romani Antelustiniani*. Firenze: Barbera.
- LLT* *Brepolis Library of Latin Texts*. (2010). Brepols: Turnhout.
- LS* Lewis C. T. and Short C. (1879). *A Latin Dictionary*. Oxford: Oxford University Press.
- LSJ* Liddell, H.G. and Scott, R. (1940). *A Greek-English Lexicon*. 9th edn. Oxford: Oxford University Press.
- MRR II* Broughton, T. and Patterson, M. (1951). *The magistrates of the Roman republic*. Vol. II. New York: American Philological Association.
- OED* Benbow, T.J., Simpson, J.A. and Weiner, E.S.C. (1989). *Oxford English Dictionary*. 2nd ed. Oxford: Oxford University Press.
- OLD* P.G.W. Glare (ed.). (2012). *Oxford Latin Dictionary*. 2nd ed. Oxford: Oxford University Press.
- ORF* Malcovati, E. (ed.). (1976). *Oratorum Romanorum fragmenta liberae rei publicae*. 2 vols. 4th ed. Pavia: Paravia.
- PGL* Migne, J. P. (ed.). (1857-66). *Patrologiae Cursus Completus, series Graeca*. Paris: Imprimerie Catholique.
- RE* Pauly, A., Wissowa, G. and Kroll W. (eds.). (1893 -). *Real-Encyclopädie der klassischen Altertumswissenschaft*. Stuttgart: Druckenmüller.

- RG* Meuwese, A. P. M. (1920). *De Rerum gestarum divi Augusti versione graeca*. Amsterdam: Teulings.
- SVF* Von Arnim, H. (1905). *Stoicorum Veterum Fragmenta*, 4 vols. Leipzig: Teubner.
- TDLF* Imbs, P. and Quemada, B. (eds). (1971-1994). *Trésor de la langue française. Dictionnaire de la langue française du XIXe et du XXe siècle (1789-1960)*. Paris: Gallimard.
- TLIO* Beltrami, P.G. and Leonardi, L. (2008 -). *Tesoro della Lingua Italiana delle Origini*. <http://tlio.ovi.cnr.it>.
- TLL* *Thesaurus Linguae Latinae*. (1894 -). Leipzig, Stuttgart, Munich: Teubner.
- VIR* Gradenwitz et al. eds. (1894-1987). *Vocabularium Iurisprudentiae Romanae Vocabularium jurisprudenliae Romanae*. Berlin: Savigny Stiftung.

*Diva Philippica vox ubi coelica nunc Ciceronis?
Pax ubi civibus atque rebellibus ira Catonis?
Nunc ubi Regulus aut ubi Romulus aut ubi Remus?
Stat Roma pristina nomine, nomina nuda tenemus.*

Bernard of Cluny, *De Contemptu Mundi*, 2.949-252

Where is the celestial sound of Cicero's divine Philippics, and civic peace and Cato's rancour for the rebels? And where Regulus, where Romulus, and where Remus? Ancient Rome exists in words only, and naked words are all we have got.

Introduction

*Rem publicam verbo retinemus,
re ipsa vero iam pridem amisimus.*

Cic. *Rep.* 5.1

‘Of a republic we retain just the name, not the substance’ - Niall Rudd’s translation (1998) of this passage from Cicero’s *De Re Publica* reflects the standard interpretation of Cicero’s words: written in 54 BC during turbulent political times, they are a swan song over the collapsing Roman Republic.¹ By translating *res publica* with ‘republic’ we retain a formal similarity with Cicero’s text, but its conceptual import might be missing: While scholarly practice uses consistently ‘republic’ to either translate or refer to the term *res publica*, many have, at least in theory, acknowledged the semantic complexity of the term *res publica* and its non-equivalence to its modern cognate ‘republic’.

Such non-equivalence lies at the core of this enquiry, which offers an insight into the complex semantics of the Latin phrase *res publica* to rectify the way we translate and conceive it. On a semantic level the conventional translation of *res publica* with ‘republic’ is questioned, and alternative readings for this term are offered. Likewise, on a conceptual level the framework we attach to *res publica* when translating it with ‘republic’ is also removed: by putting forward different theoretical frameworks for *res publica* our understanding of the Roman political taxonomy is also redesigned.

¹ *OLD* defines *res publica* as ‘republic’ and ‘freestate’ on the basis of this passage. Since Meier’s seminal work *Res Publica Amissa* was published in 1966, this very Latin phrase came to refer by antonomasy to the ‘end of the republic’.

This introductory chapter tackles this semantic equivalence from three angles. First, it explores the ambivalent use of the term ‘republic’ in scholarly practice, showing the extent to which this is a sheer convention rooted in the etymological kinship of the two terms. In second place, it surveys the basic differences between the specific ‘republic’ and the general *res publica* and makes the case that a disambiguation between the two is relevant and necessary. Finally, it reviews the existing scholarship on the issue as a starting point to sketch the general methodological and interpretative lines and the structure of the thesis.

1. *Res publica* and republic, scholarly convention

Classicists’ ambivalence towards the meaning of the term *res publica* is apparent simply by scratching the surface of the standard reference texts for Roman History. In the Introduction to the latest edition of the *Cambridge Companion to the Roman Republic* the polyedric semantics of *res publica* is unpicked as follows: it ‘refers to both the community and its characteristic political culture and covers a wide array of meanings from “public thing” to “common interest” and is equivalent to “commonwealth” and “common good”’.² At the same time, ‘it can refer to a broad spectrum of political concepts from a state or commonwealth in general (regardless of its political culture) to a particularly Roman form of government characterized by annual election of magistrates, voting to pass legislation in assemblies of citizens, and equality of these Roman citizens before the law’.³ When looking for references about the nature of this ‘particularly Roman form of government’, however, readers are puzzled. Because Rome never had a written constitution, no formal description of the ‘Roman republic’ can be identified, but only a multi-layered, almost fluid amalgam of norms. For this reason historians, too, disagree in defining the constitutional contours and the chronological boundaries of the ‘Roman Republic’.⁴

² Flower 2014: xxxii.

³ Flower 2014: xxi. *OLD* defines *res publica* as activities affecting the whole people, affairs of state, welfare of the state, public good, national interest, body politic, community, and eventually republic.

⁴ Standard chronology oscillates between year 31 BC, year of the Actium battle and 27 BC. For the former see *CAH*² 1996: 70, Wallace-Hadrill 1993: 10, and Scullard 1982: 177. For the latter see instead

Despite the theoretical awareness of the multi-layered semantics of the term *res publica*, the very title of the *Cambridge Companion to the Roman Republic* reinforces the equivalence between *res publica* and a specific phase of Roman history and a specific type of government, the ‘Roman Republic’. This title simply follows the scholarly practice: ‘republic’ is still used as a shorthand rendering of *res publica*, as Rudd’s translation in the opening of this chapter shows. General reference works outside Classics and Ancient History, too, validate the suggestion that that entity that went by the name of *res publica* was at its core a ‘republic’. *The Blackwell’s Dictionary of Political Philosophy*, for example, points to the Roman republic as the model for later republics: ‘Although monarchy has been the norm for most of history, republican ideas have been prominent in European political thought ever since its origins in the city-state of Greece. It was in Rome however that the republic came to form the centre of an ideology’.⁵

The interchangeability between *res publica* and ‘republic’ in the scholarly jargon follows the use of the term ‘republic’ in lay-language for those political instances named ‘*res publica*’ in Latin sources. This convention originated in the thirteenth century and ever since the Latin term *res publica* has been translated in vernacular languages with its early-modern and modern cognates. *Res publica* was translated from Latin into Florentine and Senese dialect as ‘*repubblica*’.⁶ Likewise, in Middle French the term ‘*république*’ applied to both the Roman state and to contemporary city-states as early as in the 15th century.⁷ In sixteenth-century English, contemporary city-states such as Venice, Pisa, Siena, and the Flemish city-states were termed ‘republics’ in virtue of the fact that their institutional practice or ideological discourse were similar. ‘Republic’ hence became an umbrella term for the medieval Italian cities, Early Modern

Flower 2010: 33 and Syme 1939: 313. Mommsen 1885: 2.745-58 is the first to single out years 27, 23, and 19 BC as turning points for the Roman constitutional setup.

⁵ Miller 1987: 435.

⁶ *OED* quotes a handful of eighteenth century authors. For the Italian and Middle-French records see *TLIO* 2015 and *DMF* 2007.

⁷ In the *Le Livre des tournois*, a tournament manual composed by the Duke René d’Anjou (1457), Julius Caesar is referred to as prominent military leader of the Roman *république*.

Flemish *republieke* and for the post-revolution French *république*. The latest edition of the *OED* defines ‘republic’ a number of states from across Western history, including the ‘Roman Republic’. Likewise, French historical dictionaries associate the term with: ‘organisation politique des certaines citès greques et de Rome durant l’Antiquité’.⁸ Ancient Greek dictionaries such as *LS* describe the meaning of πολιτεία as in authors such as Aristotle and Demosthenes as ‘republican government, free commonwealth’.

The crystallised usage of the term ‘republic’ for both entities from the past and present-day states only partially accounts for the interchangeability between *res publica* and ‘republic’ in scholarly practice. The term ‘republic’ is still in use in Classics and Ancient History because it undoubtedly sparks, as John North put it, ‘opportunities for contact between Graeco-Roman antiquity and political debate today’, something of ‘enormous value to the ancient historian when communicating to his own generation’.⁹ However, if on the one hand the use of ‘republic’ might facilitate the contact between ancient and modern worlds, on the other hand it can also hinder a full understanding of what Romans meant by *res publica*, encumbering the latter with the connotations and denotations ingrained in its modern cognate. As the legal historian Jhering put it ‘an diesen modernen Ausdrücken klebt aber die ganze Staatsanschauung unseres Jahrhunderts; unbewusst tragen wir mit jedem Wort etwas Falsches in den römischen Staat hinein und übersetzen ihn in unsere heutige Vorstellungsweise’.¹⁰ Translation choices have consequences beyond semantics: the viewpoints attached to ancient words go missing in translation, shifting the focus away from ancient epistemological categories.

Likewise, the label ‘republic’ is problematic when applied to Roman history and to the Latin language because it is rooted in the modern understanding of ‘republic’ as a constitutional type. Hence, the problem with the category of ‘republic’ lies well beyond the constitutional lineaments of the Roman *res publica* and its constitutional reforms, it lies in our understanding of the term *res publica*. This term, in which Romans would

⁸ *TDLF* 1971.

⁹ North 1990: 14.

¹⁰ Jhering 1854: 195-6.

cast their political debates and narrative, expresses a political category altogether different from the modern ‘republic’.

2. *Res publica* and republic, beyond conventions

The discrepancies between these two categories are the starting point of this thesis and they are so deep that they can be revealed just by scratching the surface of standard lexicography. A cursory survey of how the meaning of each term is laid out in English and Latin dictionaries helps frame the semantic differences this enquiry will explore further. Standard French, German, and Italian dictionaries define ‘republic’ along the same lines as the *OED*, that is, primarily, as a constitutional category. A republic is ‘a state in which power rests with the people or their representatives’ or ‘a state without a monarchy’, headed instead by an elected or appointed president.¹¹ *Res publica*, by contrast, is not defined as a specific instance of state, *species*, it is instead understood both as *species* and *genus*. In fact, in the *OLD* the constitutionally-specific sense of ‘a state in which all citizens participate, free state (opp. to tyranny, etc.)’ ranks as one of the latest and least frequent meanings of *res publica*, occurring only in a handful of instances in the works of Cicero and Tacitus (4).¹² The understanding of *res publica* as *genus* is instead more frequent: meaning (3) of the *OLD* describes the term as ‘body politic’ or ‘the state’, with the sub-sense of ‘a particular instance of state, especially with reference to its constitution’ (3.b). Such an ambivalent rendering of *res publica* features already in the 18th century edition of Forcellini’s *Totius Latinitatis Lexicon*. This Lexicon lists both the general sense of ‘*stato*’ (It.), ‘commonwealth, state’ (Eng.), ‘*etat*’ (Fr.), ‘*estado*’ (Sp.) as well as the specific ‘*repubblica*’ (It.), ‘republic’ (Eng.), ‘*la chose publique, république*’ (Fr.), ‘republic’ (Sp.).¹³ The latter is described as

¹¹ Wahrig 1987, *TDLF* 1971.

¹² On the basis of the following passages: Cic. *Sest.* 71, *Fam.* 4.4.4, *Parad.* 30 *Off.* 2.29; Vitruv. 7.15; Sen. *Suas.* 6.6; Tac. *Hist.* 1.50; *Ann.* 1.3.

¹³ While for the German translation Forcellini opts for ‘*Gemeinwesen, Staat, Staatswesen*’.

the type of government between the end of the ancient monarchy and the beginning of Caesar's 'monarchy'.¹⁴

As transpires, a first discrepancy is that while 'republic' refers to a constitutional *species*, *res publica* has a more generic nuance, too, close to 'state'. The *OED*'s definition of 'state' at III.25.a reads 'community of people living in a defined territory and organised under its own government' or in III.27.a as 'a particular (implied or specified) form of political organization or government, as established in a country or territory' overlap with the definitions of *res publica* as 'community' and 'body politic' (3). According to standard lexicography, only a portion of the semantics of these two terms overlaps. While *res publica* might contain the meaning of 'republic' (as suggested by *OLD* 4) as a *species*, 'republic' does not cover the meaning of *genus*, which is instead covered by *res publica*. Even so, there is no clear agreement on whether *res publica* and 'republic' point to the same *species* of state: while *OLD* describes *res publica* as 'participatory or non-tyrannical', *OED* defines a 'republic' as 'non-monarchical, or as a state governed by the people's representatives, or by an elected prime minister'. The *genus/species* ambivalence of the phrase *res publica* is one of the themes explored in this work, which will reconnect this semantic ambivalence to a unique understanding of 'political order' nested in the term *res publica*.

Res publica and 'republic' differ in a further respect. According to the latest edition of the *OLD* the first sense in which *res publica* was used is that of 'activities affecting the whole people, affairs of state' (1).¹⁵ *Res publica* is also rendered as 'welfare of the state, public good, national interest' (2). In a way similar to the *OLD*, the *Totius Latinitatis Lexicon* also defines *res publica* as 'activities', *actio vel negotium*. Hence, the phrase *rem publicam permittere populo senatu* is translated in Italian as '*maneggio, amministrazione, comando*' ('rendering handling, administration, command'). The sense of *res publica* is then expanded, and rendered as '*ratio reipublicae gubernandae*, 'governing principle', and as 'components of government',

¹⁴ *Populus universus ex patribus et plebe mixtus, qualis fuit Romana (i.e. rp) post reges exactos, usque ad C.J. Caesarem, qui rursus in monarchiam seu singulare imperium rem p. convertit.*

¹⁵ In the *OLD* senses are arranged by chronological order.

quae rempublicam constituunt.¹⁶ This suggests that there is a further portion of the semantic extension of *res publica* that is not covered by the term ‘republic’. Senses such as ‘public affairs’ (1) and ‘common good’ (2) point to concepts that are intrinsically different from ‘republic’ and ‘state’ or ‘community’, ‘body politic’.¹⁷ When *res publica* is used in the sense of ‘activities affecting the people’ or ‘affairs of the state’ it points to the ordinary activities or business of a community, something that can be performed or handled. Likewise, the rendering of *res publica* as ‘welfare of the state’, as given by the *OLD*, points to an attribute of a state, in that it describes the aim and purpose of a political organisation rather than the very political organisation. By rendering *res publica* as ‘republic’ or as ‘state’ this nuance of the Latin term is left inexpressed. This ‘reified’ understanding of *res publica* as ‘matter’ or ‘business’ is the second area explored by this enquiry. Such understanding of *res publica* is not comparable to our contemporary political taxonomy of state, grounded on the idea of *genus* and *species*. Instead, it takes us to a long-lost way of conceptualising the political sphere as ‘matters’.

These semantic differences are far more than ‘just semantics’: they impact on the practical translation of *res publica* and subsequently on the understanding of classical texts. This is most easily substantiated by looking at the problems translators face when dealing with one of the most discussed passages containing the word *res publica*: Cicero’s definition of *res publica* in the *De Re Publica* (*Rep.* 1.39). At this point in the dialogue, Scipio Africanus the Younger provides a brief definition of *res publica* upon being asked by Mummius to clarify the topic of his discussion:

Cic. *Rep.* 1.39: Res publica – inquit Africanus – res populi.

The conventional understanding of *res publica* as *species*, ‘republic’ in this passage would be conventionally acceptable: according to the standard chronology the date in

¹⁶ See n. 14 for the first attestation of *republica* or *repubblica* in Italian, *r epublique* in French, republic in English, and *Republik* in German.

¹⁷ These meanings differ from the standard definition employed by political scientists, first coined by Weber. This only applies when the state is referred to as a political agent and the term is capitalised and preceded by the definite article: *The State*. *OED*³ defines this as ‘the body politic as organised for supreme civil rule and government; the political organization which is the basis of civil government’.

which the dialogue is set (129 BC) is part of Rome's republican era, well before Augustus' principate.

However, when translators have to render *res publica* in the same passage as it is quoted in Augustine's *De Civitate Dei*, *res publica* is better rendered as *genus*:

Aug. *Civ.* 2.21: suam atque commendat brevem rei publicae definitionem, qua dixerat eam esse rem populi.

Augustine, who is writing in the fourth century, is not seeking to define a 'republic' but rather a more general notion of political community. In this context and for this reason translators do not render *res publica* as 'republic', but rather as 'state':

(Scipio) recommends his own brief definition of a state, in which he had said that a state is the people's estate.¹⁸

As a result, according to the former translation Scipio is defining a specific type of state, the 'Roman Republic' as *res populi*, while according to the latter Scipio is defining a general concept of state. Whether we understand *res publica* as *species* or *genus* does impact on our understanding of these texts and of Roman political culture. Eventually, clarifying the understanding of *res publica* as a general concept or as a specific one, enables to make sense of the over 1383 occurrences of the term in literary sources composed under the principate.¹⁹ Among these count much discussed phrases, such as Augustus' '*res publica restituta*', often pointed to as unjust reappropriation of 'republican language': such allegations are valid only if *res publica* is to be understood as 'republic'.²⁰

Even when translators approach Cicero's definition in the context of the *De Re Publica*, set and written under the 'Republic', they are not fully satisfied with 'republic'. Powell's comment to Rudd's translation warns that 'the word "republic", *res publica*, literally means "public property" (although *res* has a wider meaning,

¹⁸ McCracken translation for Loeb (1957).

¹⁹ According to Brepol's *LLT* and excluding epigraphy.

²⁰ Syme 1939, Brunt 1988, Gowing 2005, Gallia 2012.

embracing also at least “affairs” or “business”).²¹ This comment is key to making Cicero’s definition of *res publica* not only translatable but more importantly, understandable. Once *res publica* is rendered as ‘public affairs’ instead of as ‘republic’ or ‘state’ Cicero’s definition reads:

Public affairs — said Africanus — people’s affairs.²²

Cicero’s mind and Scipio’s definition can be grasped only by a radical shift in the understanding of *res publica*. In this instance the meaning of *res publica* must be unpacked as ‘matters concerning a certain community’ rather than as ‘republic’ or ‘state’ to respect the symmetry between *res publica* and *res populi*. Such a translation has eventually triggered a wide range of interpretations according which in Roman eyes the political organisation was understood as a matter ‘of the *populus*’ – *res populi*.

In both cases, matters of semantics could open new perspectives on Roman political thought. When commenting on the discrepancy between modern and ancient terminology, Jhering suggested that very often ancient and contemporary terms refer to the same object, but convey different points of view: ‘so wie ein und derselbe Gegenstand in verschiedenen Sprachen von sehr verschiedenen Gesichtspunkten aus benannt sein kann, der Römer sich, wenn er das lateinische Wort gebrauchte, den Gegenstand von einer ganz andern Seite, in ganz anderer Weise dachte, als wir bei dem entsprechenden Ausdruck unserer Sprache’.²³ By restoring words, philologists and linguists restore long-lost points of view on human life and phenomena. Hence semasiology – that branch of linguistics concerned with the various meanings words and phrases represent – becomes a groundbreaking heuristic tool, one that has the potential to uncover long-lost concepts. In such a way, this thesis aims to redefine *res publica*, both in relation to its cognate ‘republic’ and in relation to the categories of thought it informed.

²¹ OUP 1998: 181.

²² This is my own translation. The absence of article in Latin makes it difficult to choose if *populi* is to be rendered as ‘of the people’ or ‘of a people’.

²³ Jhering 1854: 198.

3. *Res publica* and republic, the existing scholarship

Legal scholars, ancient historians, and classicists alike have been defining and re-defining *res publica*, conceptually and semantically, since the late nineteenth century. With Latin losing its *status* of intellectual language in saecular Europe to the advantage of national languages, scholars were confronted with questions about how to translate Latin terms which, just like *res publica*, were part of the traditional juridical and political terminology and needed to be blended with emerging terminology such as ‘state’, ‘Staat’, ‘Etat’, ‘stato’ or ‘republic’, ‘republique’, ‘Republik’, and ‘repubblica’. Ever since, the problem of the definition of the phrase *res publica* has been tackled from different angles. The recovery of Cicero’s definition of *res publica* in the *De Re Publica*, discovered in 1822 in a palimpsest (*Vat. Lat. 5757*), added further materials to the debate. Most importantly, it provided modernity with an authoritative definition of *res publica* by Cicero, the quintessentially ‘republican’ hero.

If some scholars, mainly jurists and linguists, have considered the term *res publica* independently from Cicero’s definition, the majority of works discussing the meaning of *res publica* do so in the context of Cicero’s *De Re Publica* as a key to a specific definition of *res publica* as ‘republic’.²⁴ A handful of scattered references to the meaning of *res publica* in post-Republican sources can be found in works by historians, but here, too, the focus is contextual rather than general.²⁵ Each and every of these perspectives is after something different: jurists are after the general concept of *res publica*, linguists after the meaning of the term, and historians and scholars of Cicero after the definition of an ideology or of an ideal. A combination of these angles is necessary in order to redefine *res publica* and fully unearth its conceptual import while keepin it distinct from ‘republic’.

²⁴ Among the former group are jurists Jhering 1854: 195-8 and Lübtow 1972: 96, and classicists Wilamowitz 1910: 44, Heinze 1921, Stark 1937, and Drexler 1957. Those who focused on Cicero’s definition are Büchner 1948, Suerbaum 1961, Berti 1963, Perelli 1977, Cancelli 1973, Schofield 1995, Asmis 2004.

²⁵ Millar 1973, Judge, 1974.

German scholars were the first to measure the term *res publica* against the modern ‘*Staat*’.²⁶ It was the very Jhering to first draw attention to the intrinsic conceptual difference between the ‘State’ of the present (*Staat der Gegenwart*) – understood as higher authority – and the ‘state’ as *res publica*, defined as ‘everything that is in common’. In *Geist des römischen Rechts auf den verschiedenen Stufen seiner Entwicklung* (1865), he corrected the biased understanding of *res publica* claiming that this phrase ‘nach späterer Auffassung der Staat als Persönlichkeit gedacht, bezeichnet daher ursprünglich nichts weiter, als was allen gemeinsam ist’.²⁷ Likewise, Wilamowitz defines *res publica* as a term encompassing ‘alle Interessen der völkischen Gesamtheit’, which does not resemble city (*Stadt*) nor city-state (*Gemeindstaat*). Jurists were fascinated by the ‘objectified’ nature of *res publica* as *res*, matter, which some juxtaposed to the personified idea of ‘State’, whose antecedent they saw in *populus*. In so doing they introduced a conceptual fissure between ‘concrete’ and ‘abstract’ understanding of *res publica*, the former attached to the sense of ‘matter’ and the latter to the understanding of ‘State’.²⁸ These considerations sparked a debate on the meaning of *res publica* spanning over one century of scholarship and, with few exceptions, focusing on Cicero’s definition of *res populi*.

Two works have focused on the definition of the phrase *res publica* from a purely semantic point of view, independently from *Rep.* 1.39. Rudolph Stark’s *Dissertation* (1937) takes Cicero’s definition as a cue to explore the etymology of *res publica* leading to a semantic analysis through which he recovers the pristine meaning of the term as ‘political organisation’ – *genus* rather than *species*. Stark draws the difference between denotation and connotation of the term *res publica*. He argues that the term in itself does not denote the sense of *species*, ‘*Republik*’: ‘über die Verfassungsform besagte der Terminus an sich nichts’. He adds, however, that the connotation of the term was informed by the way in which the Roman state manifested

²⁶ The equivalence between *rp* and *Staat* is prominent in Grimm’s Dictionary 1854: XVIII. 271.

²⁷ Some representatives of German and Italian jurisprudence (Lübtow 1972: 96, In Italy Cancelli 1973) discussed the difference between of *rp* as ‘matter’ and State as ‘personhood’, whereby they link the latter to *populus* and explain *rp* as ‘*Staatsgebiet*’ instead.

²⁸ Suerbaum 1977: 4-6 for the twentieth century debate on this.

itself: ‘selbsverständlich dachte man dabei an die Form, in der der Römische Staat sich konkret darstellte’. For this reason, Cicero’s connotation of the term describes the Roman state as it was before Caesar’s tyranny ‘eine ganz bestimmte Organisation, die wirklich als *res populi* angesehen werden kann, weil sie auf dem *consensus* aller beruht und alle an *ius* und *utilitas* teilnehmen’. Eventually, Stark’s attachment to Cicero’s definition, makes *res publica* overlap with ‘republic’.

Drexler’s work (1957) experiments with linguistics in a way different to Stark’s. Rather than reading *res publica* as a combination of *res* and *populi*, he defines *res publica* in as many ways as *res* can be defined, basing his semantic analysis on the analogy with other *res*-compounds. As a result he singles out not one meaning of *res publica* a number of nuances, which he lists from ‘concrete’ to ‘abstract’: ‘property’ (*Besitz*), ‘matters’ (*Angelegenheit*), ‘conditions’ (*Lage/ Zustand*), and interest (*Interesse*).²⁹ Such a novel interpretation enables Drexler to read Roman political thought through a new category – as object of commitment – adding a further reading of the term to the standard one of ‘political organisation’. *Res privata*, the private realm, and *res publica*, public life, are the two poles between which the Roman *Weltanschauung* develops and flourishes. *Res publica* would then refer to all things public that requires care, trust, and sacrifice. Because *res publica* is not defined as a type of state but rather as a type of endeavour, it can be seen as a cross-constitutional category, applying to both the ‘republic’ and the ‘principate’. In so doing, Drexler blazes a trail in singling out the ‘reified’ nature of *res publica*, and in reading it as a category of thought. He does however leave out the understanding of *res publica* as ‘political organisation’, and in so doing he makes the comparison between the modern cognate and the ancient term harder.

Beside Stark’s and Drexler’s works, most of the bibliography concerned with the term *res publica* has Cicero’s definition *res populi* as starting point and the ‘Roman Republic’ either in general terms or in Cicero’s political thought as a point of arrival.

²⁹ Drexler 1958: 267 ff, understood as a sub-group of matter, then again 278, 8. To different *iuncturae* can correspond different degrees of abstractness or concreteness, e.g. *pertinere ad rem p.* is abstract.

Heinze, Büchner, and Philip read Cicero's definition of *res publica* as a definition of a state sustained by the 'common good', sparking a comparison with the political circumstances in which they were writing. Heinze's discussion of Cicero's definition of *res populi*, in the aftermath of World War One, offered him the opportunity to contrast to the 'cold and stiff word Staat' with the feeling of being a people aiming to the 'common good', which he contrasts to the *Sonderwohl* ('das Gefühl, ein Volk zu sein und den Entschluss, über unser Sonderwohl zu stellen unsere *res publica*').³⁰ Karl Büchner went further and beyond the concept of 'common good', suggesting that Cicero's definition corresponds to a democratic constitution. In his post-war essay on Cicero's political thought (1947) Büchner provides a concise analysis of Book Two and Three of *De Re Publica*, eventually affirming that 'die römische *res publica* ist eine Demokratie, die sich auf die Prinzipien der Freiheit und Gerechtigkeit gründet'.³¹ Similarly, the debate around *Staatlichkeit*, 'statehood', in the divided Germany of the 1970s, prompted classicists like Philip (1971) to look for 'eine mögliche Antwort auf die Frage (...), wie wir den bezeichneten, sehr gefährlichen Mangel unseres politischen Bewusstseins überwinden können'. He renders *res publica* according to *Rep.* 1.39 as 'die dem Volk gehörende Sache', which he understands as 'property' as well as 'sense of belonging', as 'common interest' and as 'obligation of the individual'. For all these authors, the loss of the Ciceronian democratic values attached to *res publica* was marked by Caesar's ascent to power and by the Principate.³² These works, thanks to Cicero's definition, uncover an otherwise hidden semantic facet of the term *res publica* - 'common good' or 'common interest', shedding a new light on how this phrase can be understood. However, they use this to define 'the Roman Republic' tout court.

Later works with a focus on Cicero's '*res publica res populi*' have instead steered clear from making overlap Cicero's own definition, which is specific, with 'a

³⁰ Jhering 1854: 196, Wilamowitz 1910: 44, Heinze 1921.

³¹ 1967 (1947): 86 and again Büchner 1947: 66 writes 'die Römische *res publica* darf man ihrem Wesen nach zu den Demokratien in modernen Sinne rechnen, mag man sie im Altertum auch nicht unter diese Form gefaßt haben'.

³² Berti 1963 and Perelli 1977 interpret *res populi* primarily as property of the people. For Berti the definition implies on the one hand everyone's right to participate in the government, on the other the need of moral principles. Perelli stresses the utilitarian and contractualistic aspect of Cicero's definition.

Roman concept of state'. Cicero's definition was taken as the expression of a specific and individual theory of statehood, avoiding hence the correspondence between Cicero's definition and general understanding of *res publica*. In *Vom antiken bis zum mittelalterlichen Staatsbegriff* (1961) Suerbaum lays out a study of the Latin terms that in the course of history came to express the concept (*Begriff*) of 'Staat'.³³ *Res publica* features as a prominent linguistic vehicle for the concept of 'state', which Suerbaum explores in Cicero's definition. *Res publica* is a *res populi* and as such it defines neither a general concept of 'state' nor a specific type of constitution, it is to say a 'republic': 'Es ist theoretisch gleichgültig, in welcher Weise die Wahrnehmung und Verwaltung der Interessen und Angelegenheiten des Volkes geschieht'. It follows that 'die *res publica* ist also nicht von vornherein auf eine bestimmte, etwa die "republikanische", Verfassung festgestellt'.³⁴ Cicero's definition of *res populi* points instead to the purpose and objective to be fulfilled by the political organisation, which can be deemed *res publica* only when the condition of being 'for the public benefit' is satisfied.

After almost thirty years of limited interest in Cicero's definition, two articles by the British scholar Malcolm Schofield (1995) and by Elizabeth Asmis (2004) took the definition of *res populi* back into the spotlight. Both Asmis and Schofield are interested in Cicero's definition as an original philosophical contribution rather than as a key to the Roman concept of 'state' or 'republic'.³⁵ Both however draw on the semantics of *res*, one of the constitutive elements of the compound *res publica*, to explain Cicero's theory of government. They suggest that *res populi* is to be read as 'property' of the *populus*, albeit Schofield does so only 'metaphorically' and Asmis 'literally'.³⁶ They understood the definition of 'property' as a gateway to the governing structure of the Roman state Cicero is putting forward. In Schofield's words 'the idea is presumably not that *res publica* is literally speaking property, but rather that the affairs and interests of

³³ Suerbaum 1977: 545.

³⁴ Suerbaum 1977: 12. Kohns 1970, and Werner 1973 reframe slightly and expand Suerbaum's thesis.

³⁵ Asmis 2004 argues that with '*res publica, res populi*' Cicero develops 'a new view of the state' and Schofield 1995: 64 states that the definition provides a 'distinctively Roman and Ciceronian input' into the *De Republica*.

³⁶ Schofield 1995: 66 acknowledges that *res publica* has 'a notoriously elastic range of uses' while Asmis sticks with a legal understanding of *res* as 'property'.

the people may be conceived metaphorically as its property. When a tyrant or a faction tramples on the proper interests of the people, or conducts its affairs as though they were private affairs, then it is as if there is a theft of public property.³⁷ In other words, according to Cicero, the handling of a political organisation – *res publica* – should follow along the same lines as the handling of any property, *res*. The core of the metaphor resides in the fact that just like any property (i.e. just like any other *res*) the *res publica* can be entrusted to someone for the benefit of the owner. In the same way the property-*res* of the *populus* could be entrusted to the magistrates who would guarantee the people's welfare.³⁸ Similarly Asmis explains Cicero's definition *res populi* as a suggestion that the Roman state should be administered along the same lines of a business partnership (*societas*) whose membership is the *populus* as a whole.³⁹

Because they are focused on Cicero's own definition of *res publica*, these works do not make explicitly overlap *res publica* with 'republic', but rather with Cicero's understanding of Roman politics. Compared with Heinze's, Büchner's and Philip's tendency to overstretch Cicero's definition to the overall concept of 'republic', these contributions narrow the object defined by Cicero's *res populi*. However, neither Schofield nor Asmis question what the phrase *res publica* means in general terms, being instead concerned with extrapolating a political principle or an ideology out of Cicero's definition. Both works suggest however that semantics reflects action, and link the semantics to the conceptual framework of Roman law.⁴⁰

It is this strand of works, concerned with Cicero's definition, that have provided the basis for historians and political historians to substantiate the definition of 'republic'. Many explain the definition *res populi* as 'government by the people' and

³⁷ Schofield 1995: 75. Such a use of metaphor is not conceptual though, and it is hence different from the idea of 'conceptual metaphor' developed by Lakoff and Johnson's 1980 seminal work in cognitive semantic. Drexler's and Suerbaum's interpretation, however, already entailed a metaphorical understanding of Cicero's definition.

³⁸ Schofield 1995.

³⁹ Asmis 2004: 580.

⁴⁰ Schofield 1995: 82: 'Roman law enables questions to be formulated about the rights a free people has to own, lend, transfer, or place in trust powers conceived on the model of property.'

often inform their understanding of ‘Roman republic’ accordingly. For Peter Brunt Cicero’s definition constitutes an absolute criterion for defining what the Roman republic was. In the opening of the *Fall of the Roman Republic* he maintains that ‘Cicero correctly defined *res publica* as *res populi*: “*res publica*” was literally the same as ‘*res populi*’, and denoted primarily “the property or concern of the people”’.⁴¹ In his eyes Justinian’s use of the term is justifiable given that ‘the autocrat received his power nominally from the people and was their representative. However, men who lived under the autocracy did not feel that they had full participation in a political community, and therefore contrasted the new system with the old *res publica*’.⁴²

Political theorists and historians too resort to this interpretation of Cicero’s definition. Neal Wood, for example, argues that the definition *res populi* adhered to in the common usage of Cicero’s days. By understanding *res* as ‘property’ he maintains that ‘in Rome the state was considered to be a “thing”..., a property to be owned...Cicero seems most typically to employ *res publica* when he wishes to emphasise the idea of the common interest and of the responsibility of the state to the people’.⁴³ Quentin Skinner resorts to Cicero’s definition *res populi* to explain the ideological tenets of all ‘constitutional arrangements under which it might justifiably be claimed that the *res* (government) genuinely reflects the will and promotes the good of the *publica* (the community as a whole)’.⁴⁴ Linke, in his genealogy of the political institutions of archaic Rome claims that soon after the exile of the last king at the very beginning of the ‘republic’ in the fifth century BC, the people had not received political rights yet and thus ‘die Republik, die *res publica*, musste sich erst zu einem ‘Gemeinwesen der Bürger entwickeln, zu einer “*res populi*”’. In so doing, Linke equals ‘republic’ with *res publica* and *res populi*, and unpacks the latter as ‘*Gemeinwesen der Bürger*’ – ‘commonwealth of the citizens’, suggesting that the participatory element is intrinsic to the semantics of the term *res publica*.⁴⁵ From a slightly different angle

⁴¹ Brunt 1988: 4.

⁴² Brunt 1988: 238-9.

⁴³ Wood 1988: 128.

⁴⁴ Skinner 1990: 302.

⁴⁵ Linke 2010: 124.

Flower, despite not connecting Cicero's definition to the meaning of *res publica*, still defines *res publica* as the 'words Romans who came after the the end of the hereditary monarchy defined the new government as "public matter"'.⁴⁶

Overall, the emphasis on Cicero's definition of the term *res publica* as *res populi* has strengthened the equivalence between the Latin phrase and its modern cognate 'republic', rather than disambiguating the two concepts. Because of Cicero's fame as a 'republican' hero, even subtle and sophisticated readings such as those by Suerbaum, Schofield, or Asmis are used to substantiate the general lineaments of the 'Roman republic', perpetuating in this way the equivalence between *res publica* and 'republic'. Just like Jhering predicted 'uns erscheint diese Auffassung so natürlich, dass wir nur gar leicht in den Fehler verfallen, sie in den Vergangenheit zu übertragen'.⁴⁷ The semantic baggage of 'republic' is so heavy that we struggle to shake it off when approaching the definition of *res publica*.

The aim of this work is to fully grasp the volume and texture of the concept of *res publica* as *genus/species* and as matter or activity, independently from the modern understanding of 'republic' on the one hand, and on the other hand independently from Cicero's definition of *res publica* as *res populi*. By combining linguistics and political theory it aims at answering this problem in a cross-disciplinary fashion, calling the attention of all those who have an interest in the 'Roman Republic', from ancient historians, to classicists and translators, to political theorists.⁴⁸ The problem of the equivalence between *res publica* and 'republic' is approached in a comprehensive way,

⁴⁶ Flower 2008: 11.

⁴⁷ Some representatives of German and Italian jurisprudence (Lübtow 1972: 96, In Italy Cancelli 1973) discussed the difference between of *rp* as 'matter' and State as 'personhood', whereby they link the latter to *populus* and explain *rp* as 'Staatsgebiet' instead.

⁴⁸ The meaning of the term *res publica* is relevant for political theorists, too, in the light of a renewed interest for the classical roots of 'republicanism'. For a definition of 'republicanism' see Appelby 1985. For the continuity between ancient and modern ideology see Wilson 1989, Skinner 1990, Sellers 1994 and 1996, Connell 2000 argue for a continuity between ancient and modern 'republican' ideology, while Nippel 1994: 6 contrasts this tendency: 'an ancient historian who is asked to talk on ancient and modern republicanism faces, perhaps surprisingly, a fundamental problem: he does not know what ancient republicanism is at all.'

blending a synchronic focus on the term *res publica* with a diachronic perspective on the use of *res publica*.

Chapter One tracks the semantic shift between the Latin *res publica* and the English ‘republic’, in order to provide a comprehensive understanding of the conceptual leap that removes the former from the latter. While some, especially among historians of political thought, have discussed the semantic development of the Italian ‘repubblica’ or of the English ‘republic’ in the Modern Era, no study has sought so far to trace the semantic ramifications that from the Latin *res publica* take to the English ‘republic’.⁴⁹ Once the equivalence between *res publica* and ‘republic’ is removed, a second mystifying veil is lifted by questioning the equivalence between *res populi* and the meaning of *res publica*. Chapter Two carries out a semantic analysis of *res publica* centred on its polysemy. These first two chapters pursue a purely semantic enquiry and are the preparatory work that allows to single out the conceptual similarities as well as the semantic fractures between *res publica* and ‘republic’.

In the second part of the work the gaps in translation are presented as cracks through which we can understand Roman political thought from a different angle. Chapters Three and Four hence track those categories of thought underlying the different uses of *res publica* as outlined in the course of the lexicographic analysis. Chapter Three looks at the connotation of *res publica* when it is understood as ‘state’, tracking its change of use diachronically and challenging the equivalence between *res publica* and a specific type of constitution. Chapter Four looks instead at how the sense of *res publica* as political ‘matters’ and ‘activity’, introducing a new model of political taxonomy.

⁴⁹ From now on, any reference to the “meaning of ‘republic’” refers to the meaning of the English lexeme ‘republic’.

Chapter One

Genealogy of the modern definition of republic

*Definierbar ist nur das,
was keine Geschichte hat.*

F. Nietzsche
Zur Genealogie der Moral, Introduction

Introduction

This chapter presents an overview of the semantic evolution of the Latin phrase *res publica* into the English ‘republic’.⁵⁰ The semantic fissures between *res publica* and the current English term ‘republic’ can only be appreciated by a comparison between the semantic description of both term, the usage of ‘republic’ describes the *res publica Romana* as a ‘republic’ and as a blueprint for future ‘republics’. When stating that ‘republic’ is ‘applied to particular states having this form of constitution’, the *OED* include a number of ‘republics’ from across Western history: from Venice to Pisa, to the medieval Italian *comuni* and the Early Modern Flemish *republieke*, to ancient Rome. This continuity, strengthened by the assonance between *res publica* and its modern cognate, creates the impression that the Roman concept of *res publica* has endured unscathed over two-thousand years of linguistic changes. In this section of the thesis this false impression is dispelled by means of a genealogy of the modern notion of republic, which finds its root in the legal definition of *res publica* but only happens through a long process of semantic shift that interests all European languages.

Genealogy is understood as a process uncovering the different ways in which a concept may have been used in earlier times, paying particular attention to the forks and joints at which there is a change of meaning. The final aim is to stimulate a critical reflection on how a term is currently understood as well as to gain perspective on the

⁵⁰ All the dates in this chapter are AD unless otherwise stated.

meanings of words by capturing their transient nature.⁵¹ As a result, the genealogy of the modern notion of ‘republic’ discloses that kinship with the Latin *res publica* is only indirect and that their semantic equivalence is partial.⁵² This helps unpacking the semantic baggage of *res publica*, which can hardly be seen as blueprint of ‘republic’, paving the way to chapter two and to the semantic analysis of this Latin phrase.⁵³

1.1 Republic

Words stemming from the Latin *res publica* are widespread and have featured prominently in political discourse since the Early Modern era. Most European languages have a transliteration of the term *res publica*, this is ‘republic’ for English. However, well before these forms entered common use in the Early Modern period, Germanic languages coined terms on the Latin phrase. The Middle English ‘common weal’ just like the Middle German ‘Gemeinnutz’ counts as semantic calques of *rp*.⁵⁴ In the course of the nineteenth and twentieth centuries the Chinese 共和国 (Ghònghé guò), the Japanese 共和国 (Kyowa-koku), the Hindi गणसङ्घ (gana-rājya), and the Arabic جمهورية (Jumhūriyyah) became the official translations for the English ‘republic’ into key extra-European languages. A number of present-day states are officially termed ‘republic’, ranging from sovereign states to federations.⁵⁵

Alongside the standard reading of ‘republic’, the *OED*³, as well as French and Italian dictionaries, list a number of obsolete meanings.⁵⁶ These date back to the Early-

⁵¹ Readapted from Skinner 2009: 326.

⁵² Mager 1984 remains the most comprehensive genealogy of the modern concept of republic, and focuses mainly on the history of the modern term, so Isensee 1981. Crosara 1950: 240 ff examines on the use of the term from the beginning of the principate 27 BC and so does Suerbaum 1977, whose work is more author-focused.

⁵³ From this point onward, the abbreviation *rp* will stand for *res publica*.

⁵⁴ Haspelmath-Tadmor 2009: 39 ‘item-by-item translation of the source unit’. E.g. French *prêt-à-porter* from English ready to wear. Schaefer 1990: 43. Romance languages tended to resort less to calques, French and Italian have the literary *chose publique* and *cosa pubblica*.

⁵⁵ 149 according to the CIA (<https://www.cia.gov/library/publications/the-world-factbook/fields/2128.html> retrieved on 1st February 2017)

⁵⁶ Passages are quoted as they appear in *OED*³. Title and approximative date are provided in the footnotes.

Modern period when terms such as the English transliteration of *rp* – ‘respublica’ – and the anglicised ‘republike’ would refer to the general understanding of ‘state, community’. The first ever appearance of this term in Middle English can be traced to a 1460 translation of Vegetius’ Late-Antique military treatise *De Re Militari*. The English ‘respublica’ is a direct borrowing from Latin:

Veg. *Mil.* 1.12: Nihil enim neque firmissimum neque felicissimum neque laudabilissimum est respublica, in qua abundant milites eruditi.

Respublica right commendabil is/ If chivalers and armys there abounde.⁵⁷

The understanding is that any state with a skilled army would be a prosperous country. From 1549 the orthography of the term is anglicised into republick/ republike. By 1604 the term is listed in Cowdry’s *Table Alphabet* – a dictionary that aimed to translate into plain English the many foreign terms that had entered the English language in the course of the sixteenth century. The Latinism *respublica* is rendered with ‘common wealth’.

‘Commonwealth’ had been in use already in the fourteenth and fifteenth centuries in the twofold sense of ‘state’ or ‘community’. The word was attached to the notion of ‘public good’, too. The earliest attestation is in a fourteenth-century chronicle where ‘comon weyle’ refers to the reign of King Richard I (1189), hence the term is employed in the former sense: ‘Þe comen wele was paied of þat conseilyng þat it were not delaied, so was R[ichard] þe kyng’.⁵⁸ Similarly, in Malory’s *Morte D’Arthur* ‘publyke wele’ stands for the Roman state, represented by Emperor Lucius – a mythical general against whom King Arthur fights: ‘the Emperour Lucius, Procurour of the publyke wele of Rome’.⁵⁹ Another chronicle roughly one century older employs the expression ‘common wele’ as the synonym of ‘public good’ praising Kent for having fought ‘for the comyn wele of the realme of Ingelonde’.⁶⁰ Throughout the sixteenth and

⁵⁷ Knyghthode and Bataile ca. 1460.

⁵⁸ Mannyng Chronicle ca. 1330.

⁵⁹ 1470–85.

⁶⁰ Gregory’s Chronicle ca. 1469.

seventeenth centuries ‘commonwealth’ and ‘republic’ are employed synonymically. Both terms can refer to either a general notion of ‘state’ understood as community or as country, or to the wellbeing of that state.

From the late sixteenth century the two terms separate, each specifying in a different meaning. Between the sixteenth and seventeenth century the English language records an increase of neologisms expressing a meaning close to the modern sense of ‘republic’ such as ‘free state’ (1567) and ‘commonalty’ (1604). These are used to refer to particular states that have a certain type of constitution, such as Venice, Pisa or Siena. In the same period the term is first opposed to ‘kingdom’ for the first time in one of Bacon’s works:

It may be, in civil states, a republic is a better policy than a kingdom.⁶¹

‘Commonwealth’, however, does not entirely absorb this new meaning despite the fact that the non-monarchic phase in English history (1649-1660) was officially termed ‘commonwealth’: the Parliament Act of the 16th of May 1649 consecrates the meaning of this word as ‘state governed by the people’, as antonym of monarchy, and as synonym of ‘free state’.⁶² This term, however, remained weighted towards ‘community’ (the whole body of people) while the sense of ‘public welfare’ became obsolete by the late seventeenth century.⁶³

In the early nineteenth century ‘republic’ acquires a universal appeal, becoming associated with the two most prominent contemporary ‘republics’: the French and the American republic.⁶⁴ The modern definition of the term as given earlier - A state in which power rests with the people or their representatives - surfaces in this period. Soon ‘republic’ becomes a synonym for ‘democracy’. At the same time one of the first usages

⁶¹ *Controv. Church Eng.* I. 347.

⁶² *OED³ Act. Parl.* 19 May: ‘Commonwealth and Free State...Governed as a Commonwealth and Free State by the Supreme Authority of this Nation, the Representatives of the People in Parliament, and by such as they shall appoint and constitute as Officers and Ministers for the good of the People, and that without any King or House of Lords’.

⁶³ With the exception of a few occurrences in the course of the seventeenth century.

⁶⁴ Mager 1984: 600 ff.

of the term ‘republic’ to refer to the Roman ‘republic’ in a translation of classical text is to be found in a nineteenth century translation (1823) of Livy’s *Historiae*:

Liv. *Hist.* 27.6: qui neque magistratum continuari satis ciuile esse aiebant.

The re-electing of the same person...was not...reconcilable to the principles of a republic.⁶⁵

In this passage the phrase ‘the principles of a republic’ translates the Latin expression ‘*neque...satis civile esse*’, literally ‘not fitting enough to the political principles’.⁶⁶ The Latin text does not specify the type of political principles. The translator however assumes that these must refer to the ‘republican constitution’.

Overall, until the late sixteenth century the words ‘republic’ and ‘commonwealth’ pointed to the idea of community – or citizenry – and to the notion of interest of the community. Both these concepts could apply to a variety of constitutional settings and types of government. Since the seventeenth century the sole term ‘republic’ has specified to indicate a specific type of government. These semantic shifts emerge in the English language but are very often triggered by shifts of meaning of cognates of ‘republic’ in other languages. For example, the specialisation of the meaning of ‘republic’ started when the word was used to refer to the Italian ‘repubbliche’. Next the understanding of *rp* as community in Late Antiquity and the progressive specialisation of *rp* as a constitutional type in the Early Modern era are explored and discussed. Because of the international nature of these semantic shifts the geographic and linguistic spectrum of the genealogy is Europe-wide rather than Anglocentric.

1.2 *Res publica* in Late Antiquity

As noticed above, the first English cognate *res publica* is coined to translate the term as it appears in a Late-Antique text, Vegetius’ *De Re Militari*. At this point in time, *res publica* had crystallised on the sense of ‘organised community’. The use of *res*

⁶⁵ Baker 1836: 187.

⁶⁶ However, Foster 1919 for Loeb translates ‘not consistent with the common interest’.

publica in the intellectual lexicon declined slowly – the term is absent from the intellectual and philosophical terminology until the thirteenth century – and greater emphasis is instead placed on the words *populus* and *civitas*. Similarly, in the Greek speaking areas the terms πολιτεία and πολίτευμα – ‘community’ – replace the previous translations of *rp* as πολιτικὰ/ δημόσια πράγματα, ‘public matters’. This semantic shift is apparent in the evolution of the administrative and legal terminology on the one hand and in the lexical choices of Patristic from the fourth to the sixth centuries.

1.2.1 *Res publica* in the intellectual lexicon

The budding Christian intellectual tradition tapped into the fading pagan one. Cicero’s *De re publica* is read and used both by Augustine (354-430) and by the pagan Macrobius in the fourth century: the former reviews Cicero’s definition of *rp* in *De Civitate Dei* whereas the latter writes a commentary on Book Six, also known as *Somnium Scipionis*. None of these works, however, focuses on the notion of *rp*. The textual tradition of Cicero’s definition of *rp* generates two different paradigms, a secular one for *civitas* and a more general one, often readapted for religious contexts, for *populus*.

In the Greek Patristic convention πολιτεία and πολίτευμα are the most frequently used terms to refer to the notion of ‘community’ or ‘people’. Latin Patristics mainly employs the terms *civitas* and *populus*.⁶⁷ The idea of a heavenly and religious community, God’s *populus* superseding the earthly *rp* – is understood as an organised community and centre of administrative and political power. Tertullian (*Apol.* 3.38, ca. 197) claims that *nec ulla magis res aliena quam publica, unam omnium rem publicam agnoscimus, mundum*.⁶⁸ Between the fourth and fifth century Orosius (375-418) and especially Augustine revisited the political notion of *res publica Romana*. While the former changes the phrasing of *rp Romana* to *rp communis*, the latter provides this

⁶⁷ PGL 1968 (1961) πολιτεία and πολίτευμα describe the ‘commonwealth’ of Israel, the orders of the Church, Christianity as government as well as the Empire.

⁶⁸ ‘Nothing is more foreign to us than the State (*rp*). One state (*rp*) we know, of which all are citizens – the universe’.

neologism with a definition by revisiting Cicero's definition of *Rep.* 1.39. The *rp communis* is defined as *res populi*, but it is the term *populus* which is to acquire increasing relevance.⁶⁹

In *De Civitate Dei* Augustine develops his own definitions of *populus* and *civitas* as community based on *ratio* and *concordia*.⁷⁰ Augustine rejects Cicero's definition of the Roman state as *rp* and of the Roman people as *populus romanus*. Because the *populus romanus* had not known God's *ius* yet, it could not be described as a *populus*. If a *res publica* was *res populi*, but the *populus Romanus* could not be deemed a *populus*, there follows that the Roman *rp* could not be a *rp*. After arguing that the worldly *res populi Romani* was not a real *rp*, Augustine does not provide a new definition for *rp* but prefers instead to focus on a new definition of *populus*. Cicero's definition of *populus* that complemented the definition of *rp* is modified in order to fit to Christian community. In *Civ. Dei* 19.24 the new definition reads: *coetus multitudinis rationalis rerum quas diligit concordi communione sociatus*. The Ciceronian *consensus iuris* is replaced with the adjective *rationalis* or with the phrase *societatis vincula*. The notion of the *communio utilitatis* (the sharing of utility) as a factor of cohesiveness in the community is replaced with the *communio concordis rerum quas diligit* (harmonious sharing of loved things).

To this theological definition of community, a political one, coined by Macrobius, is juxtaposed. The latter becomes popular whenever *civitas* and *populus* are employed to describe a political community. Macrobius redefines *civitas* as a community grounded on *ius*, on the blueprint of *Rep.* 5.3: *concilia coetusque hominum iure sociati, quae civitates appellantur*. This is the definition of city featuring in Brunetto Latini's *Tresor* (I.4.5), who attributes it to Cicero. Throughout the Middle Ages the two definitions are occasionally mixed. In the *Etymologiae* of Isidorus of

⁶⁹ The definition of *res publica* as *res populi* features not only in *De Civitate Dei* but in his *Letters*, too, but it will not be resumed until the fifteenth century. *Ep.* 138: *quid enim est rp nisi res populi? res ergo communis, res utique civitatis*.

⁷⁰ Kempshall 2001. Thanks to this passage Cicero's definition of *rp* was known throughout the Middle Ages. The first to use it again is Lauro Quirini in his *De Republica* in 1449.

Seville (560 – 636) the entry for *populus* is a hybrid including the Ciceronian-Macrobian element of *ius* and the Augustinian aspect of *concordia*, reading as follows: *populus: humanae multitudinis iuris consensus et concordiae communione sociatus*.⁷¹

1.2.2 *Res publica* in the legal language

Despite the progressive disgregation of the Empire, *rp* features frequently in bureaucratic and legal sources. Under Diocletian (284–305) and Constantine I (306–337) the Empire underwent a process of administrative redefinition by which four different prefectures were entrusted to four rulers (*tetrarchs*). Forty years later the Emperor Theodosius the Great (379-395) divided the Empire in two areas, assigning each of them to one of his sons, Honorius and Arcadius. Both the Western and the Eastern Empire continued to refer to themselves with the term *rp* and by its Greek equivalent: Πολιτεία τῶν Ῥωμαίων.⁷² After the sack of Rome in 410 – which marks the end of the Roman Empire according to conventional chronology - the term *rp* remained attached to several territories of the so-called ‘Duchy of Rome’ comprising the Byzantine Empire and the city of Rome itself. The latter retained its official name of *rp Romana* (later on *Imperium Romanum/ Romanorum*, a name that remained attached to the Vatican state).⁷³ At the same time the term is used to refer to political communities regardless of their ethnicity, geographical stance, and constitutional arrangements. Ammianus Marcellinus (325-390) and those authors who go under the label of *Scriptores Historiae Augustae* (390) stick to the nomenclature for the Roman Empire and for foreign kingdoms alike.⁷⁴ These occurrences of *rp* are often accompanied by ethnonyms (e.g. *Rp Gallorum, rp Getica*). With the Carolingian *renovatio imperii* in the ninth century and throughout the tenth and eleventh centuries the term applied to the Carolingian reign, remaining a fundamental term in the bureaucratic and administrative lexicon.⁷⁵

⁷¹ *Etym.* 9.4.5, 15.2.1.

⁷² Kaldellis 2007, 2015 lists the variants Πολιτεία τῶν Ῥωμαίων, Βασιλεία τῶν Ῥωμαίων and Ἀρχὴ τῶν Ῥωμαίων.

⁷³ Ullmann 1962: 60.

⁷⁴ Crosara 1950, Suerbaum 1977.

⁷⁵ Sassièr 1988 and more recently McKitterick 2004 146-8 on *rp* as ‘papal state’ and ‘Carolingian state’.

In 533 AD in Byzantium the emperor Justinian has the *Digest* published. This is the first codification of public law since the foundation of Rome and offers no direct definition of *rp*. Even the definition of *ius publicum* (D.1.1.1.2) pertains to the *status rei Romanae* and not to the *rei p.*⁷⁶ Nonetheless the term appears rather frequently in the *Digest*, where it features in two completely different senses. Jurists drew a distinction between *res* – things – and *persona* or *caput* - person. The term *rp* features as both *res* and *persona*. While the former understanding is more weighted toward an understanding of *rp* as ‘*res*’, matter, and less relevant to the modern definition of republic, the latter is crucial for the shaping of the modern understanding of ‘republic’.

Rp retains the meaning of ‘goods’ in the plural, *res publicae*, and describes the notion of ‘public properties’. In this connotation the term belongs to the judicial category of the *res* laid out in Chapter Eight of the First Book (*De divisione rerum et qualitate*). This classification goes back to Gaius’ *Inst.* 2.2.10 (AD 160) where *res publicae*, together with *res privatae*, are mentioned as objects of the *ius humanum*.⁷⁷ These *rp* can refer to public properties of the Empire in general as well to those belonging to smaller political communities such as *municipia* and *civitates* across the Empire. The Greek translation of these expressions varies widely: the Latin *rei p causa* is sometimes rendered as πούβλικον πρᾶγμα, or as πούβλικον, or also πόλις - city.⁷⁸ These translations differ widely from πολιτεία, the translation used to render *rp* as ‘Empire’.

⁷⁶ The structure of the work (527, revised in 533) is multilayered: the *Institutiones* and *Digestum* were issued in 533 A.D. and are a compilation of the writings of the great Roman jurists supplemented with current edicts. The later *Codex* (534) collected the constitutions of the Roman Emperors (from Hadrian to Justinian himself).

⁷⁷ Occasionally the singular *rp* can refer to the fisc. In the index to *CIL* IX, V, X Mommsen suggests that in Italy (i.e. everywhere but in Rome) *rp* does not refer to the *populus* but to the *patrimonium populi*. Niemeyer 2002: 1199 for Middle-Latin (sixth to twelfth century) describes it as a synonym for *fiscus regium*, in the late thirteenth century Baldus de Ubaldis still defines the singular *rp* as fisc in his comment to C. 6.1.7.

⁷⁸ In Theophilus Antecessor’s Greek translation of *Digest* and *Institutiones*, dating to the fourth century BC.

Rp is defined as *persona*, too, albeit indirectly. Communities must have been conceived of as fictive *personae* and understood to be *corpora* or *universitates*.⁷⁹ Jurists use *rp* and *populus* as metaphors to exemplify the functioning of private partnerships - *collegia societatis*. This suggests that the understanding of *populus* and *rp* as *corpus* must have been rather intuitive, despite not being explicit. In order to introduce concepts pertaining to private law, legal scholars resort to examples drawn from public life. For instance the definition of a *corpus* as an entity composed of discrete units (*ex distantibus*) is explained with a reference to the *populus*.⁸⁰ Similarly, Gaius explains that the *collegia societatis* are *corpora* that abide by a mechanism similar to the one that governs the *rp*. *Collegia* are allowed to have a *corpus* and just like the *rp* (*ad exemplum rei publicae*) they are allowed to have an *actor* or *syndacus* who could act *communiter*, just like in *rp*:

Dig. 3.4.1.1: Quibus autem permissum est corpus habere collegii societatis sive cuiusque alterius eorum nomine, proprium est ad exemplum rei publicae habere res communes, arcam communem et actorem sive syndicum, per quem tamquam in republica, quod communiter agi fierique oporteat, agatur fiat.

Watson's translation renders *res publica* with 'state'.⁸¹ Later on in the same book *res publica* is explicitly equaled to a *universitas*, a corporation. The inhabitants of a *municipium*, the *municipes*, are *universitas*, hence *corpus*. When someone acts on their behalf (*actor*) he does so on the behalf of the *universitas* – on behalf of the collectivity - rather than *pro singulis* – for the single individuals. In this passage *universitas* is equalled to *rp* and the expression *pro universitate* is paraphrased as *pro res publica*:

⁷⁹ Thomas 2002 for a wider discussion.

⁸⁰ *Dig.* 41.3.30: *quod ex distantibus constat, ut corpora plura non soluta, sed uni nomini subiecta, veluti populus legio grex.*

⁸¹ Watson 1985: 97: 'Those permitted to form a corporate body consisting of a *collegium* or partnership or specifically one or the other of these have the right on the pattern of the state to have common property, a common treasury, and an attorney or syndic through whom, as in a state, what should be transacted and done in common is transacted and done.'

*Dig. 3.4.2: Si municipes vel aliqua universitas ad agendum det actorem, non erit dicendum quasi a pluribus datum sic haberi: hic enim pro re publica vel universitate intervenit, non pro singulis.*⁸²

Watson translates *pro re publica* as ‘on behalf of a public authority’, a corporate body encompassing the citizenry. These passages reveal that *rp* could be understood as *corpus* and as collectivity, *universitas*. It is in this way that the term applied to the *municipia* and to their communities of citizens.

The term *rp*, however, also applies to a wider entity, the ‘Empire’ as a whole. Unlike the *municipia* the ‘Empire’ is never explained in terms of *universitas* nor is the Emperor termed *actor*. The relationship between *populus* and *princeps* is instead explained as a transfer of *imperium* and *potestas* from the former to the latter. This transfer of power gives rise to the *officium* of *iurisdictio*, residing solely in the person of the *princeps*:

*Dig. 1.4.1: Quod principi placuit, legis habet vigorem: utpote cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem conferat.*⁸³

The *imperium populi* was the ‘sum-total’ of unappealable jurisdictional power. As a result the *populus* as a group of individuals were excluded from legislative power by the *lex Regia*. The two entities *populus* and *rp* do not overlap yet and the *populus* itself is not granted the status of *corpus*, which instead is ascribed, albeit indirectly, to the *rp* as *universitas*.⁸⁴

⁸² Watson 1985: 97: ‘If members of a municipality or any corporate body appoint an attorney for legal business, it should not be said that he is in the position of a man appointed by several people; for he comes in on behalf of a public authority or corporate body, not on behalf of individuals.’

⁸³ Watson 1998: ‘A decision given by the emperor has the force of a statute. This is because the populace commits to him and into him its own entire authority and power.’

⁸⁴ Ullmann 1975: 57; Ryan 2015: 423.

1.3 *Res Publica* in the Early Modern Age

The interaction between legal and political science in Early Modern Europe is a crucial factor in the shaping of the new meaning for *rp*.⁸⁵ The shift from *rp* as a general community to a specific type of constitution can only be understood by tracing the evolution of the Latin phrase *rp* in the pre-humanist intellectual revival of Latin and Greek political terminology. Legal science enjoyed a renaissance within the Church first and then in the secular universities across Europe, where Justinian's code was thoroughly commented on. Since the twelfth century scholars had been producing Latin translations, and consequently commentaries, of Aristotle's sources. As a result, *rp* became the conveyor of two traditions: the Greek political one and the Latin legal one. The process of translation, rephrasing, and reinterpretation generated a whole new set of paradigms: types of constitutions as well as models of sovereignty and representation. In the commentaries to the *Digest* produced in Bologna, the Latin *rp* is replaced with the Latinism *republica*, which applied to the Italian *comuni*, 'free-states'. At the same time the Greek πολιτεία is occasionally rendered with *respublica* and *republica*.

1.3.1 *Res publica* in intellectual lexicon

Rp becomes the synonym of *regimen politicum*, defined by Skinner as the 'broad idea of body politic, and thus to speak of any lawfully constituted regime'.⁸⁶ This concept – as discussed in what follows - is developed by William of Moerbeke and Aquinas on the basis of a slip in the translation of Aristotle's *Politics*.⁸⁷ The revival of Aristotle's work introduced the idea that political communities can be classified according to the way they are governed rather than according to the bonds that unify them, as Augustine had suggested. Aristotle's *Politics* features two types of taxonomies:

⁸⁵ Canning 1998: 151 and Nederman 1991: 185 on the emerging 'political science' (litt. late Latin *politica*) From the start the disciplinary ground is contended between lawyers and philosophers.

⁸⁶ Skinner 1990: 139.

⁸⁷ The first complete Latin translations of the *Nicomachean Ethics* by Robert Grosseteste dates to ca. 1240, *Politics* was translated by Wilhelm of Moerbeke, ca. 1260.

just like there are many types, species, of constitutions, there is a number of types, species, of statesmen. It is the interaction of these two frameworks as received by the most prominent of Aquinas' disciplines - Ptolemy of Lucca - that eventually shapes one of the ways in which *rp* came to be understood in the Modern Age.

Aristotle's 'theory of constitutions' taps into an earlier and well-developed Greek philosophical tradition according to which different types of πολιτεία exist. Πολιτεία stands in general for the idea of 'political order' or 'shape of the community'.⁸⁸ In *Pol.* III.6.1278b8–10 this term is defined as τάξις (order), or as a way of organizing the offices of the city-state, particularly the sovereign office.⁸⁹ In this context the term has the meaning (1) of *genus* – of general concept. This becomes one of the meanings of the Late Latin term *politia* devised as translation for πολιτεία. Πολιτεία - *politia* can nonetheless occur in several species, and more precisely in three different types of constitutions, which can exist in their virtuous form or can degenerate.⁹⁰ The virtuous type of government in which the majority rules according to the common advantage is defined as πολιτεία and can degenerate into δημοκρατία. This is the meaning two (2) of πολιτεία- *politia*:

Arist. *Pol.* 1279a 27-31, 37-9: Ὅταν δὲ τὸ πλῆθος πρὸς τὸ κοινὸν πολιτεύηται συμφέρον, καλεῖται τὸ κοινὸν ὄνομα πασῶν τῶν πολιτειῶν, πολιτεία.⁹¹

Quando autem multitudo ad commune conferens vivit, vocatur communi nomine omnium politiarum politia.⁹²

In addition, Aristotle mentions that according to some a perfect constitution, πολιτεία, can be a mixture of different types of constitutions. Moerbeke (ca. 1260) used the Latin

⁸⁸ Mohnhaupt 1990 and Rowe 2005: 365 for an overview of the concept of πολιτεία in the Greek tradition and within a more general perspective.

⁸⁹ *Pol.* 1278b8: 'Now a constitution is the ordering of a state in respect of its various magistracies, and especially the magistracy that is supreme over all matters'.

⁹⁰ Βασιλεία and ἀριστοκρατία degenerate into τυραννίς and ὀλιγαρχία.

⁹¹ 'While when the multitude governs the *rp* with a view to the common advantage, it is called by the name common to all the forms of constitution, "constitutional government"'.⁹²

⁹² Susemihl's 1982 translation of Plato: 178.3 ff: 'When the multitude governs the state with a view to the common advantage, it is called by the name of all the forms of constitutions, constitution'.

optima politia to render Aristotle's Greek πολιτεία but mistranslated Aristotle's definition exchanging the expression 'a combination of all the forms of constitution' with 'a combination of all citizens'.

Employing a different type of taxonomy Aristotle distinguishes between types of rulers. At the very beginning of *Politics* Aristotle describes one of the possible distinctions between the 'political ruler' and the 'kingly ruler'. William of Moerbeke mistakes the accusative masculine πολιτικόν – referring to 'the political man' - for the accusative neuter, which he interprets as 'political regime' and by analogy he understands βασιλικόν as 'regal regime'.⁹³

Arist. *Pol.* I.1.1252a. 15f: ὅταν μὲν αὐτὸς ἐφεστήκη, βασιλικόν, ὅταν δὲ κατὰ τοὺς λόγους τῆς ἐπιστήμης τῆς τοιαύτης κατὰ μέρος ἄρχων καὶ ἀρχόμενος, πολιτικόν.⁹⁴

Quando quidem preest, regale; quando autem secundum rationem talis scientiae, secundum partem principans et subiectus, politicum [dicitur].⁹⁵

Moerbeke's mistake derives from the fact that he ascribes βασιλικόν and πολιτικόν respectively to 'the kingly ruler' and to the 'political man'. Moerbeke substantivises the adjectives and refers them to two political conditions, or setups, which he defines as '*politicum*' and '*regale*'. Furthermore Moerbeke translates the Greek κατὰ μέρος – which in the original text referred to the Greek practice of election by lot and needed to be rendered as 'in turn' – as *secundum partem*, 'according to different extent'.

The pre-humanist political taxonomy entails a distinction between a *regimen regale* and a *regimen politicum*. In the former someone maintains absolute power, in the latter the ruler is subjected instead to legal science (i.e. to the law) to a certain extent. Aquinas' rendering of the passage reads as follows:

⁹³ Rubinstein 1987: 42.

⁹⁴ 'When the same man governs, he is regal, when one in turn governs according to the reasoning of such a science in turn by lot governing and being governed he is called political'.

⁹⁵ In my own translation: 'when one is prominent, [the regime is said] kingly (*regale*); when instead this one [i.e. the ruler] is partly prominent and partly controlled according to the principles of the relevant science, it is said *politicum*'.

Quando quidem preest, [regimen] regale [dicitur]; quando autem secundum rationem talis scientiae, quantum ad ea scilicet quae eius potestatem subsunt; et secundum partem sit subiectus, quantum ad ea in quibus subiicitur legi, politicum regimen [dicitur].⁹⁶

The notion of *regimen politicum* is elaborated further as a rule constrained by the law in which the ruler is partly subject to the law and partly sovereign.⁹⁷ On this interpretation Aquinas grounds his definition of *regimen politicum*.⁹⁸

Overall, by the end of the thirteenth century the Latin-writing intellectual elite could describe the working of political communities in at least three ways. To the notions of *civitas* and *populus* the Aristotelian philosophy juxtaposed the concept of *politia* as general organisation of political powers and as specific type of constitution. The definitions of *civitas* and *populus* focused on the bond that kept communities together: *communio* for Augustine, *ius* for Macrobius. The Aristotelian definition of *πολιτεία-politia* reintroduced the idea that communities had a shared purpose broadly defined as virtuous life and common advantage. More importantly, however, with the rediscovery of Aristotle's work a new paradigm for the classification of political communities came into use, namely how power was allocated within the community. The new idea of *regimen* defined political life from the point of view of the ruler and of the constraints the law imposed on him.

This host of paradigms could be combined in many ways to define and inform civic life. Political theorists throughout Europe were very receptive towards these frameworks and adapted them to the political reality they were living in.⁹⁹ The notion of 'common good' encourages the use of the semantic calques of *rp* in the Germanic

⁹⁶ Blythe 2002: 43: 'For when one person has precedence dimply and over all things, it is called a regal government. But when according to the rules of such a science that one presides in part, that is, according to laws posed through the political discipline, it is a political government'.

⁹⁷ Blythe 1986.

⁹⁸ In 1159 John of Salisbury in *Policraticus* 5.2 had already described the Latin phrase *in politice rei* as the political condition where the prince is equally *legis nexibus absolutus* and *legis tamen servus aequitatis*.

⁹⁹ For a survey of the variety translations of the Aristotelian political taxonomy see Meissner 1984, Mager 1991: 229-239 and most recently Schütrumpf 2014.

languages as ‘commonwealth’ and ‘Gemeinnütz’. It is however the intersection between Greek political taxonomy and Latin political terminology that led to a first revival of the notion of *rp*.¹⁰⁰ Ptolemy of Lucca, the most eminent political theorist of the fourteenth century, rephrased the Aristotelian taxonomy in his *De Regimine Principum* (1300), which addressed concrete and current political struggles in the Italian peninsula.¹⁰¹ Ptolemy interpreted Aristotle’s political taxonomy in a way that could suit the contemporary political scenario.¹⁰² In his works he referred not only to the contemporary *civitates* in Italy as well as in Northern Europe (e.g. *Germania*, *Gallia*, and *Scythia*) but also to the city of Rome.¹⁰³

In Book Four the six-fold Aristotelian taxonomy is reshaped to match Ptolemy’s interpretation of the different historical phases of the Roman state as well as of the current political situation in Italy. He distinguished between *regimen/ principatus politicum* and *monarchicum/ regale* and *despoticum*. In the former the rulers – called *principes* – are subjected to the law, which does not happen in the other types of principates. This distinction partly overlaps with Aristotle’s distinction between virtuous constitutions and degenerated constitutions. Ptolemy however picks the idea of ‘legal constraints’ as conceived by Aquinas as the main criterion for drawing the distinction between virtuous and degenerated constitutions. By elaborating further on this scheme, he defines four types of constitutional principate, in which the rulers are subjected to the law. These three types correspond to Aristotle’s three virtuous constitutions. One of them is governed by *paucos et virtuosos* - *aristocratia*, its historical example is Rome *expulsis regibus* under the consuls and under a *dictator*. When it is governed by *multos*, as the Roman state in the course of history happened to be governed by several political figures (consuls, senators, dictators), then the political

¹⁰⁰ For the debate, commenced in the 1990s, on the genuine ‘aristotelism’ of Medieval political theorists against the 1980s tendency of celebrating the pre-humanist ‘Aristotelian revolution’ see the comprehensive account of Blythe 2002.

¹⁰¹ See Blythe 2009 for Ptolemy of Lucca (1236-1327), a Domenican prior who besides religious commentaries continued Aquinas’ political treatise *De Regimine Principum* and a number of historiographical works dedicated to the relationship between *Rp Romana* and *Rp Romanorum*.

¹⁰² Blythe 2002 and *De Regimine Principum* 4.1.

¹⁰³ Davis 1975: 409 and 1974: 31.

principate is said to be a *politia*. This corresponds to Aristotle's definition of πολιτεία as a type of regime and is likened to the type of government Ptolemy had witnessed in the Northern Italian *civitates*:

Si autem per multos, veluti per consules, dictatorem et tribunos, sicut in processu temporis in eadem contigit urbe, postea vero senatores, ut historiae narrant, talem regimen politiam appellant...sive civitas, quia hoc regimen proprie ad civitates pertinet, ut in partibus Italiae maxime videmus, et olim viguit apud Athenas...Tunc enim a regali dominio destiterunt, magistratus reipublicae assumentes: sicut in urbe.¹⁰⁴

In this context the term *politia* is applied to an Aristotelian type of constitution – πολιτεία as a species – which is described as 'government of the many'. This model of constitution is then associated respectively with 1. certain constitutional phases of the Roman state, 2. Athens' constitution under Codrus, 3. the constitution of the Italian *civitates*. Ptolemy expands further the first connotation of *politia* explaining that a number of historical personalities are said to have changed Rome's constitution from *politia* – government of the many – to *tyrannis*. One of them is Caesar, who attained a one-man rule and a monarchy and turned the *politia* into a despotic regime, otherwise known as *tyrannis*.¹⁰⁵ Chronologically speaking, Ptolemy's Roman *politia* corresponds to the modern notion of Roman 'republic' in that it encompasses the early and the late republic until Caesar's tyranny.¹⁰⁶

In Ptolemy's work *rp* reemerges after long oblivion and is again dignified as an intellectual term: in *De Regimine Principum* the word *republica* occurs more than twenty times. Most importantly, the term is mainly contrasted with *regnum* and

¹⁰⁴ *De regimine principum* 4.7. Blythe 1997: 235: 'If a few virtuous ones guide a government it is called 'aristocracy' (as was the case in the city of Rome under the two consuls and the dictator just after the expulsion of the kings), but if many guide it (which the histories relate happened in the course of time in the same city under the consuls, dictators, and tribunes, and afterward under the senators) they call such a government a polity...*civitas*...because this government is characteristic of cities, as we see especially in parts of Italy. Such a government also once thrived in Athens after the death of Codrus, as Augustine reports'.

¹⁰⁵ *De regimine principum* 4.4: *singulare sibi assumpsit dominium et monarchiam, convertit que politiam in despoticum principatum, sive tyrannicum.*

¹⁰⁶ McKitterick 2004. This is in line with the medieval tradition mainly based on Paul the Deacon's *Historia Romana* (8th century) mainly based on Eutropius' account (4th century AD), where Sulla and Caesar were described as tyrants and contrasted with the emperors, presented instead as just rulers.

juxtaposed to *politia*. As a result, it is in Ptolemy's work that *republica* is employed for the first time in a number of senses that correspond by and large to those attached to the modern term 'republic'. *Republica* refers to a number of phases of Roman history when the Roman 'state' was ruled according to the model of a *politia*, i.e. by many. *Republica* also refers to the Athenian constitution 'after Codrus'. In both these instances *republica* is the antonym of *regnum* as well as of tyranny. *Republica* is also the form of government of many *civitates* throughout Europe and Italy, which were ruled by several men and where rulers were subjected to the law. It is with Ptolemy of Lucca that one of the cognates of *rp*, *republica*, acquires a specific and historical meaning of 'government of the many'.

More than a century later, Leonardo Bruni's translation of Aristotle's *Politics* (1435-7) set the equivalence between the Aristotelian term *politia* and the Latin *respublica* on different terms than Ptolemy's. In the intellectual lexicon *respublica* acquires all the meanings of the Aristotelian *πολιτεία*, not just the meaning of 'government of the many' championed by Ptolemy. Eloquence is the primary interest of Leonardo Bruni in his work as a translator. In the *De Interpretatione Recta*, Bruni advocates for the rendering of Greek terms with Latin equivalents arguing that 'nothing is said in Greek that cannot be said in Latin'.¹⁰⁷ He especially criticises Moerbeke's rendering of the Aristotelian political terminology:

Quid enim tu mihi politiam relinquis in Graeco, cum possis et debeas
Latino verbo rem publicam dicere?¹⁰⁸

He employs *civitas* exclusively for the Aristotle's Greek *πόλις* expunging any lexical ambiguity from Moerbeke's translation clarifying the mistaken passages. This yields in the first place the revival of the six-fold Greek taxonomy composed of monarchy, aristocracy, and democracy. Furthermore, in the context of Bruni's latinising translation *civitas* merely points to the collective and communitarian dimension of a human aggregation, whereas *rp* bears a clear constitutional meaning, referring to the two

¹⁰⁷ 1420 ca.

¹⁰⁸ *De Interpretatione Recta* 2.14.

Aristotelian models of πολιτεία. Bruni's *Aristoteles Latinus*, hence, features at least three new understandings of *rp*, as genus and as species. *Rp* was the general political order of a community – paraphrased in Latin as *institutio civitatis*.¹⁰⁹ Besides the consolidated understanding of the phrase '*politia sive republica*' as 'the government of the many' *rp* could feature as a 'mixed constitution'.¹¹⁰ As genus *rp* came to replace *politia* and all three types of constitutions were termed *species rerum publicarum*.¹¹¹

1.3.2 *Res publica* in the legal language

Alongside the redefinition of *rp* as a political concept, the legal notion of *rp* undergoes a further semantic shift in the thirteenth century.¹¹² The notion that underpinned one of the definitions of *rp* in the *Digest*, the *universitas*, is the epicentre of a conceptual revolution. The medieval theory of *universitas* engendered the modern understanding of 'republic' pivoted on popular sovereignty. Subsequently *rp* was defined as representative government, in opposition with monarchy. The new *universitas* was first developed within the Church. Subsequently the framework was applied to the Empire – to the *rp imperii* – and eventually was employed to redefine the working of the Italian independent city-states. This new blueprint of *rp* was informed by popular sovereignty.

In his commentary to the *Digest* the Italian jurist Baldus de Ubaldis (1327 – 1400) provided a lexicographic definition of the term *rp*, listing its manifold uses in the fourteenth century.¹¹³ *Rp* is used in three senses: first it means the Empire, secondly it refers to the 'city of Rome', thirdly *rp* is used to talk about any *civitas*:

¹⁰⁹ Latin text as appears in Rota, Iulius Marianus, *Politicorum sive de Republica libri VIII*, Venice 1568.

¹¹⁰ 1265 b.

¹¹¹ Meissner 1984: 47. Hence the endless debate on Machiavelli's ambiguous use of *republica* in the *Principe* as species as well as genus.

¹¹² Mager 1991.

¹¹³ Canning 2003.

Nota quod res publica dicitur tribus modis: primo modo pro tota congregatione fidelium imperii, seu pro toto imperio; secundo modo pro republica urbis Romae; tertio modo pro qualibet civitate.¹¹⁴

The understanding of *rp* as *universitas* is pivotal in shaping the political category of sovereignty. The two main different models of sovereignty - absolute and popular - stem from different applications of the framework of *universitas* to the *rp* of the Empire and to the *rp* of each *civitas* respectively. The difference between these two modes is a difference of principles. At the beginning of the twelfth century jurists started discussing the *lex de imperio*, emphasising the role of the *populus* as mandant rather than the *princeps*' role as actor supporting this interpretation with a number of *glossae* to the *Digest*.¹¹⁵ This new reading of the *lex de imperio* eventually gave rise to a new model of power. The drive of this sweeping conceptual changes resided in a new rephrasing of the notion of *universitas*. Pitkin and Hoffmann have traced the lineage of the modern mechanisms of representation in the reinterpretation of the Justinian concept of *universitas* produced by ecclesiastical jurists.¹¹⁶ The framework canonists developed to make the Church to function as *universitas*, was borrowed by civilian jurisprudence and applied to the two *res publicae*: the *civitas* and the Empire.¹¹⁷

Canonists had been seeking a legal way to structure the agency of the Church as a body without resorting to the approval of each member. The framework of *universitas* developed by canonists responded to this need. This was a group possessing a personality distinct from that of its particular members. As a result juridical allegiances were not to a particular person but rather to the corporate as a whole.¹¹⁸ A decisive turning point in the framing of the *universitas* was the introduction of the idea of *persona ficta*. In so doing the corporate being could be conceived as a whole on a

¹¹⁴ Again *rp pro toto imperio Consilia*, III. 159. 6 fol. 46 for Canning 1987: 251. Own translation: 'Note that *res publica* can be said in three ways: first for the religious congregation of the Empire, or for the Empire as a whole, secondly for the *rp* of the city of Rome and thirdly for any *civitas*'.

¹¹⁵ Carlyle and Carlyle 57: 1938. *De Aequitate* 2 comment to *Dig.* I. 3.1.

¹¹⁶ Thierney 1955 and Gilmore 1963, more specifically on the Italian jurists Mazzacane 1995.

¹¹⁷ As summarised by Pitkin 1989 and Hoffmann 1989. See Rehfeld 2006 for the different theoretical frameworks of representation.

¹¹⁸ The theory was articulated in different ways, and it is still debated to what extent it is comparable to modern realist theories and fiction theories. For a survey see Canning 1987: 189.

juridical level.¹¹⁹ As a result, a *universitas* could be devised as a private individual who was hence subjected to the principles of Roman private law. Two norms ascribed by Roman law to the legal persona of private individuals are borrowed and refashioned in order to apply to the legal persona of a *universitas*. These two principles are usually defined as ‘*quod omnes tangit*’ and ‘*plena potestas*’. The former implied that parties that have legal rights at stake in a judicial action were ‘entitled to be present or at least consulted in the decision’.¹²⁰ This requirement is satisfied by appealing to the norm of *plena potestas*: In Roman law an individual or group could entrust their *plena potestas* to an agent who would deal with a third party in virtue of his *auctoritas*. In the canonists’ reinterpretation of the principle of *plena potestas* the agent’s actions are legally binding for the group or individual, the *universitas*. This introduces the idea that someone could be a ‘*proactor*’ or *procurator* not just on behalf of a real person but also of a fictive person, a *universitas*.¹²¹ On this basis of legal fiction the *proactor*, i.e. the representative of the *universitas* acted ‘as if’ the totality of the people was present. Such a theory of *universitas* was adaptable to any structure where a membership – *universitas* - and a Head – *proactor* - interacted. Pope Innocent III assigned *plena potestas* to a number of delegates from several cities in the Papal States as early as AD 1200. Similarly, Frederick Barbarossa summoned a number of representatives from several *civitates* to Tuscany conferring on them full power as delegates of their own *universitas*. Soon this principle spreads throughout Europe. The English Parliament used the expression *plena potestas* for the first time in 1268, a tradition that stopped only six centuries later, in 1872.

The jurist Azo (ca. 1240 A.D) was the first to capsize this mechanism suggesting that also the membership could create its own delegates just like the Head could nominate them. He theorised that the *iurisdictio* belongs to the *princeps* as well as

¹¹⁹ Kantorowicz 1957. Pope Innocent IV was the first to suggest the existence of a further category of legal person, one composed of a plurality of individuals rather than by a natural person endowed with a soul and a body.

¹²⁰ C. 5.59.5.2: *Necesse est omnes suam auctoritatem praestare, ut, quod omnes similiter tangit, ab omnibus comprobetur.*

¹²¹ Thierney 1982: 25.

to the magistrates because it derives from the *imperium*, belonging to both *princeps* and magistrates.¹²² This assumption had important implications, as it allows jurists to theorise the ‘transferability’ of *potestates* and *imperia* from the Head of the *universitas* to its members, and not just the other way round – as described in the *Digest*. The conflicts arising between city-states, *civitates*, and Empire in thirteenth- and fourteenth-century Italy led jurists to borrow Azo’s framework to shape a new taxonomy of political powers.¹²³ Bartolus of Saxoferrato (1313-1357) and Baldus of Ubaldis (1327-1400) coined an unprecedented category for these *universitates*.¹²⁴ Italian city-states, *civitates*, were a type of *universitas* termed *communis*.¹²⁵ Because they did not obey the Emperor’s *potestas* they were also classified as *superiorem non recognoscentes* and *populus liber*. Additionally, these *civitates* were termed *respublica* or *republica*. Bartolus’ broad interpretation of Gaius’ definition of *populus* put forward in *Dig.* 1.1.9 was instrumental in extending the right of *iurisdictio* to each *rp-universitas*, including *civitates* and *municipia*. The right of *iurisdictio* implied that the *populus* composing the *universitas* of each *municipium* or *civitas* (rather than solely the *populus* composing the Empire) had the right to nominate their own *proactor*:

Nam ista republica maiestatem habet ad instar populi Romani, cum libera sit et ius habeat creandi regem.¹²⁶

The *imperium populi* – the object of the transaction described by the *lex regia* - is reinterpreted as the ‘sum-total’ of unappealable jurisdictional power. This is conceivable in the light of a new rendering of the *lex regia* where *iurisdictio* and *imperium* – on a scale of different degrees – are a faculty of each of the agents involved in the transactions of powers described by the *lex regia*: thus the magistrates and the *populus*.¹²⁷

¹²² Brynteson 1966,

¹²³ Ryan 2015: 423 ff, Canning 1983.

¹²⁴ For an overview of their work – mainly comments to the *Corpus Juris Civilis* (hence the label ‘commentators’ and ‘glossators’) – see Canning 1987.

¹²⁵ Jones 1997: 355.

¹²⁶ Ullmann 1975: 57.

¹²⁷ Cesar 2004: 370-5 discusses at length the relationship between popular autonomy and imperial power in Bartolus.

The legal definition of *rp* so developed is a model of the characteristics of the modern republic. In first instance it refers to a community rather than to the abstract notion of ‘public affairs’. This was already a characteristic trait of the Late Antique understanding of *rp*, however. More importantly the Early Modern legal understanding of *rp* referred to a community understood as a whole where a proactor or delegate act on behalf of the body politic. Besides the legal term *rp* can also apply to a specific type of government where the *populus* is free to self-rule and does not recognise a superior ruler. From the point of view of international relations, hence, this notion of *rp* can be contrasted with the notion of *regnum*. In the latter instance the legal definition of *rp* as species overlaps with the political definition of *rp* given by Ptolemy of Lucca. According to the Early Modern legal science the model of *rp* applies to independent *civitates*. Similarly Ptolemy lists the Italian independent *civitates* as historical models for the Aristotelian model of *regimen politicum* and as those endorsing the legacy of the model of Roman state, *rp*, before Caesar’s tyrannis.

The ‘modern’ understanding of the English word ‘republic’ so as it appeared in the 16th and 17th centuries is closely connected with the specific instances of Italian city-states. Indeed, one of the first occurrences of “republik” in English (*OED* 4.1) applies to particular states that have a certain type of constitution, such as Venice, Pisa, Siena. Later the term applies more generally to constitutions inspired by this model.

1.4 *Res publica* in the Modern Age

In the Modern Age political theorists read the framework of *universitas* throughout a contractualistic model. This allows them to problematise and refine further the mechanisms of transfer of powers between the legitimate owners of the *potestas* and the ruler. From this debate emerges the contourings of the modern notion of ‘State’ understood as a legal person.¹²⁸ A rough schematization suggests two possible formulations of this contract. So-called ‘populist’ theories of State continue Bartolus’

¹²⁸ For the ‘genealogy’ of the concept of ‘state’ see Köstermann 1937 and Mansfield 1983.

interpretation; ‘absolutistic’ theories of State instead are rooted in a traditional reading of the *lex de imperio*. Because legal sources still referred to *rp* as ‘Empire’ and as ‘state with popular sovereignty’ at this stage the term ‘republic’ has not become specialised yet and can refer to both types of ‘State’.

The concept of State as theorised by Bodin (1530–1596 AD) – which he terms *respublica* in Latin and *république* in French - is fully developed by Hobbes (1588 – 1679 AD), who grants it a transpersonal character. Bodin and Hobbes are conventionally regarded as the founders of the absolutist theory of State. They describe the transfer of power as ‘absolute transfer’ (*translatio*) and sovereignty as an indivisible form of power assigned to a single political agent. This new way of conceiving political interactions marks an important turning point in respect to our modern notion of State. The State is an agency separate from its members, and a bearer of powers attached to a specific territorial seat. In contrast with Bartolus Bodin identifies the *civitas* or *rp* as an entity composed of more citizens - rather than the corporate *populus* - subjected to – rather than owning - the same *maiestas imperii*:

Ex pluribus ergo civibus (...) conflatur Respublica, quando cives omnes una continet et eadem est imperii maiestas.¹²⁹

Hobbes defines the State (in his English ‘State’ or ‘commonwealth’) as an entity created ‘by art’ from the multitude of the citizens ‘so united in one person’.¹³⁰ In doing so he applies the concept of *persona ficta* to an artificial and abstract entity upon which the *cives* - rather than the corporate *populus* - transfer their will and power. The explanation of the nature of the ‘Person Artificiall’ in the *Natural Elements* clearly suggests the difference between the *persona ficta* in the model of *universitas* and that underlying the model of State as a multitude made one and represented by one. Unlike the medieval theory of *universitas* he understands that ‘it is the unity of the representer, not the unity of the represented, that maketh the person one’.¹³¹ In this way Hobbes

¹²⁹ *Rep.* 1.2.

¹³⁰ *Lev.* 2.17.

¹³¹ *Lev.* 1.13.

grounds a transpersonal and abstract definition of State as a government based on the sovereignty, and provides – together with Bodin – the last general definition of *republic* and *commonwealth*, closer to the legal medieval understanding of *rp* as *Imperium* than to the intellectual definitions of *rp* as *civitas*.

This general definition of ‘republic’ recedes and is overshadowed by the definition of ‘republic’ as species. This understanding of ‘republic’ was supported by a strong and widespread legal and intellectual tradition. In the Modern Age it surfaces again and merges with what theorists define as ‘populistic theories of the State’. The thirteenth-century Marsilius of Padua is seen as anticipator of theories that flourished in seventeenth-century England with Locke (1632 -1704). From this point of view political communities are regarded as bearer of inalienable rights that are only entrusted to the ruler. This type of sovereignty consists of the ‘mathematical sum’ (‘the joint power’) of each member of the society, who to some extent partakes in the *summa potestas*.¹³² The concept of representation develops from the interaction between the philosophical principle enunciated by these theories of State and the functioning of parliaments and assemblies as *universitates* exercising different types of *imperia* and *potestates*.

Montesquieu (AD 1689 – 1755) frames this model of State and the concept of ‘republic’ neatly and in a way that is clear to the contemporary reader:

Cette personne publique qui se forme ainsi par l’union de toutes les autres prenaît...lequel est appelé par ses membres Etat quand il est passif, Souverain quand il est actif [...] et s’appellent en particulier Citoyens comme participants à l’autorité souveraine, et Sujets comme soumis aux loix de l’Etat.¹³³

The janus-faced notion of ‘sovereignty’ is apparent in this definition.¹³⁴ Depending on the point of view sovereignty can be a prerogative of *both* State (which he calls

¹³² Coleman 2000, Skinner 1978 and 2009.

¹³³ ‘The whole of the citizens is called *Etat* when it is passive (object of orders), *Souverain* when it is active (agent issuing orders); they are called *Citoyens* when they partake in the sovereignty, and *Sujets* when they are subjected to the authority of the *Etat*’.

¹³⁴ Richter 1977 for Montesquieu’s theoretical framework for ‘republic’.

‘Souverain’) and the citizens (‘Citoyens’). A ‘republican government’ is one of three species of government, the other two species being monarchy and tyranny:

L’un que le gouvernement républicain est celui où le peuple en corps, ou seulement une partie du peuple, a la souveraine puissance.¹³⁵

In a monarchy a single person governs by fixed and established laws; in a despotic government a single person directs everything by his own will.¹³⁶ A republic can be either ‘democratic’ or ‘aristocratic’ according to the distribution of sovereignty among the people (‘souveraine puissance’). This condition can be satisfied in two ways according to the two sub-species of republic: in an aristocracy only part of the people retain the sovereignty, in a democracy the sovereignty belongs to the people ‘en corps’.¹³⁷ The latter is described as follows:

Le peuple en corps a la souveraine puissance, c’est une démocratie.
Lorsque la souveraine puissance est entre les mains d’une partie du peuple, cela s’appelle une aristocratie.

The definition of ‘popular’ republic eventually overlaps with the modern understanding of republic as defined in the introductory chapters. Nippel points out that the word ‘republic’ attracted this specific meaning in the course of the nineteenth century, one that eventually made the term republic to overlap with representative democracy. Indeed in *OED*³ is noted that ‘the term is often (esp. in the 18th and 19th centuries) taken to imply a state with a democratic or representative constitution and without a hereditary nobility’.¹³⁸ Democracy, in turn is defined as a characteristic of ‘republican’ states: ‘in early use democracy is usually associated with republicanism, esp. classical republics (such as Athens and Rome), republican states of Early Modern Europe (such as Switzerland, Venice, and the Dutch republic), and later the post-revolutionary republics in France and the United States’. This meaning becomes all comprehensive between the nineteenth and twentieth centuries when: ‘the term

¹³⁵ In which the body, or only a part of the people, possesses the supreme power.

¹³⁶ 2.1 ‘Il y a trois espèces de gouvernement : le républicain, le monarchique et le despotique’.

¹³⁷ 2.2 ‘Lorsque, dans la république, le peuple en corps a la souveraine puissance, c’est une démocratie. Lorsque la souveraine puissance est entre les mains d’une partie du peuple, cela s’appelle une aristocratie’.

¹³⁸ Nippel 1994.

increasingly develops positive connotations of egalitarianism, freedom, and the rule of law and...comes to be used more typically in contrast with systems of government seen as lacking in or inimical to those qualities (such as dictatorship or anarchy), describing both republics and constitutional monarchies'.¹³⁹ In this way democracy, which until the 18th century counted as one of the two types of *république* - becomes a synonym for it in French and English.¹⁴⁰

In this period, Eastern languages translate the Italian 'repubblica' or the French 'république'. To the renditions, however, correspond both republic *and* democracy. In the course of the French campaign in Egypt and Syria (1798–1801) the French would describe their republic as *juhmur* (جُمْهُور) introducing a new term in the Arabic vocabulary as well as a new concept in the Arabic political taxonomy.¹⁴¹ The term is closely related to the Turkish *cumhuru* (جزایری) by which Ottomans would describe the political systems of their trade partners: Venice and the Dutch 'republics'. From the nineteenth century Japanese coined the neologism 共和国 from *kyôwa* – harmony – to refer to the American republic. The Chinese Republic, established in 1912, was named 'republican' Chinese State. In precedence the ideogram for 'republic' - *gongheghuo* (共和) - had been associated with the Gonghè period (9th century), a phase in which the aristocracy exiled the king and the country was in the hands of two dukes.¹⁴² In the mid nineteenth century the term is resumed and employed as a translation for 'republic/democracy'. The Hindi and Sanskrit term for 'republic' follows a similar logic. The term that designates the ancient Indian 'republics' or 'democracies' (*gaṇa-rājya*). These were ancient Indian egalitarian oligarchies – a form of government different from the kingdoms in the Ganges plains (or by the Sanskrit *gana-sangha*). The etymology of the term would indicate that these were assemblies or government

¹³⁹ *OED*³

¹⁴⁰ Dupuis Deri 2004.

¹⁴¹ Arab historians would instead translate republic with *mashyakha*, lit. supreme council.

¹⁴² Hsia 1998: 66. According to one of the most prominent Chinese ancient historians the term would also mean 'joint harmony'.

(sangha/ rājya) of equals (gana).¹⁴³ Both civilisations revive their past embedding in this way the term ‘republic’ in their tradition.

Conclusions

The genealogy of the term ‘republic’ uncovered the shaping of the modern meaning of ‘republic’. From the ‘fall’ of the Roman Empire in 410 onward the term *rp* and its cognates expressed a wide range of meanings. The Greek πολιτεία, the Medieval Latin *regimen politicum*, the Italian *comune* – all these words could be alternatively referred to as *res publica* or as the Italian vernacular ‘*republica/ repubblica*’. The modern understanding of ‘republic’ as a type of government surfaces only gains stability in the eighteenth century in France, to spread then throughout Europe, across the Ocean in the States and eventually around the globe. Over centuries, *rp* and its cognates underwent a number of conceptual shifts, coming to refer to a wide range of political paradigms.

Every semantic shift, from those concerning *res publica* to those of its cognates, entail a shift of perspective. *Res publica* is initially a synonym of *populus* or *universitas*, two terms that point to a specific facet of a political organisation: the citizenry and community. Later on the semantic focus of *res publica* shifts on a different facet of a political organisation: the partaking of the community to political decision-making. Our political taxonomy – already in the form suggested by Montesquieu – is grounded on ratios of political powers exercised by a variety of political agents. This process of ‘personification’ of the language of politics coincided with the loss of semantic relevance of the ‘*res*’ element in the term *rp*.

This modern sense of ‘republic’ as a ‘species of state’ develops from the understanding of *res publica* as ‘community’ and ‘state’. The idea that there are different types of states and that they differ on the basis of the political partaking of different agents in the public sphere is not inherent to the term *res publica*, it is instead

¹⁴³ Thapar 1996: 146-7.

informed by the interaction of medieval legal science with Greek Aristotelian taxonomy. The late-antique sources from which the term is translated in the first instance, define *res publica* as a ‘community’ (Tert. *Apol.* 3.38, where *rp* equates to *mundum*) or as it is used by the *Scriptores Historiae Augustae* in the sense of ‘state’. These correspond to meaning 3 and 4 of *res publica* as laid out in the *OLD*, conversely, the sense of *res publica* described as precipuous by the *OLD* – ‘public matters’ – does not partake in the genealogy of the modern sense of ‘republic’.

While the sense of ‘matters’ constitutes a unique trait of *res publica* when compared to its later cognates, we enforce our modern understanding of ‘republic’ on the Latin phrase and on our interpretation of Roman history. This is the starting point of Chapter Two, which seeks to rectify our understanding of the meanings of the term *res publica* and how they interacted in Antiquity. Such a semantic analysis of *res publica* will show that the modern meaning of ‘republic’ derives from one of the many semantic facets of the Latin term. Conversely, it will unearth and fully restore those nuances and senses of *res publica* that have not survived Antiquity.

Chapter Two

A linguistic archaeology of res publica

*Die Geschichte der Ausnutzung zu den verschiedensten Zwecken, kristallisiert sich zuletzt in eine Art von Einheit, welche schwer löslich, schwer zu analysieren und, was man hervorheben muß, ganz und gar undefinierbar ist. Alle Begriffe, in denen sich ein ganzer Prozeß semiotisch zusammenfaßt, entziehen sich der Definition.*¹⁴⁴

F. Nietzsche,
Zur Genealogie der Moral,
Introduction, 10-2.

Introduction

This chapter unfolds the full ranges of senses of the Latin term *rp* in a way that accounts for and explains its polysemy. This contributes further to fully grasp the volume and texture of the concept of *rp* independently from the modern understanding of ‘republic’ on the one hand, and independently from Cicero’s definition of *rp* as *res populi* on the other.

Whilst Chapter One redefined the semantic relationship between *rp* and ‘republic’, Chapter Two aims at redefining the semantics of the very term *rp*, questioning the definition of *rp* as *res populi*. As observed in the Conclusion of the

¹⁴⁴ ‘The history of the use for the most diverse purposes crystallises in a unity that is hardly solvable?, difficult to analyse and, as needs to be acknowledged, well and truly undefinable. All concepts in which a complex semiotic process is nested, eschew definitions. This passage from Nietzsche’s *Zur Genealogie der Moral* complements the opening quotation of the first chapter of this work, where Nietzsche states that ‘only what has no history can be defined’.

previous chapter, the genealogy of the standard modern sense of ‘republic’ as a ‘*species* of state’ develops from the understanding of *rp* as ‘community’ and ‘state’, rather than from the understanding of *rp* as ‘public matters’. As a result, when talking of ‘republic’ in the context of Ancient Rome, we use a category that relates only indirectly to *rp*. On the other hand, as discussed in the Introduction, Cicero’s etymological definition ‘*res populi*’, ‘matter’ has informed many readings of the Roman understanding of ‘republic’ or ‘state’.¹⁴⁵ This chapter aims at bridging the gap between these two understandings of *rp*, the former centred on an understanding of ‘political organisation’ and the latter gravitating around the sense of ‘matters’, challenging Cicero’s definition of ‘*res populi*’ as the quintessential source for the meaning of *rp*.

In so doing, the present analysis taps into Stark’s and Drexler’s lexicographic analyses. Stark first (1937) and Drexler later (1957) approached the term *rp* taking its etymology as a starting point for understanding the semantic and conceptual import of the term *res publica*, rather than focusing only on Cicero’s own definition of this term. In so doing, the meaning of *res publica* was for the first time unfolded as a range of multiple meanings. Stark’s approach is analytical: the ‘meaning and function’ of *res*, of *populus*, and of *publicus* are examined in turn, and eventually those of *res publica*, following a diachronic, linear evolution of the semantics of the term that progresses from a primitive understanding of ‘public matters’ to the more sophisticated ‘State’ (*Staat*).¹⁴⁶ He suggests that the compact rendering of ‘*alles was das Volk angeht*’ evolved into ‘*Staat*’, which in turn could be as ‘*Dienst*’ (‘office’), ‘*Lage*’ (‘territory but also circumstances) and ‘*Gemeinde*’ (‘community’).¹⁴⁷ Drexler, instead, takes the morphology of *rp* as a starting point of his semantic analysis, bestowing upon the term the different semantic nuances of *res*, one of its components. Just like the term *res*, he argues, *res publica* can point to a number of facets of the concept of ‘matters’: concrete

¹⁴⁵ Brunt 1988, Wood 1988, Skinner 1990, Linke 2010 who equals it to ‘the property of the people’, while Heinze 1921, Büchner 1947, Philip 1971, Suerbaum 1978 understand *res* as ‘interest’.

¹⁴⁶ Stark 1937: 5 starts from the assumption that *res publica* could not have meant ‘State’ from the beginning and hence aims to track ‘wie in Rom erst allmählich eine feste, abgegrenzte Vorstellung und der Terminus sich gebildet haben.’

¹⁴⁷ Stark 1937: 23-41.

substances, the activity attached to these matters, and their condition.¹⁴⁸ Neither Stark nor Drexler, however, provide a theoretical framework that underpins the polysemy of *res publica* independently from its etymological reading. Furthermore, both Stark and Drexler focus on sources dating to ‘republican’ Rome, suggesting, albeit indirectly, an interest in tracing semantic elements that connect to the contemporary idea of ‘republic’.

Expanding and drawing on Stark’s and Drexler’s analysis, this part of the thesis questions the etymological reading of the term *rp*, endorsing instead a theoretically grounded polysemic analysis of the senses and usages of *rp* over the ‘republican era’ and the ‘principate’. The present chapter is hence to be read as a descriptive analysis of the semantic texture of *res publica*, based on a bottom-top methodological approach: the meanings of *res publica* are outlined by observing the ways in which the term is employed in different contexts. The meaning of ‘matter’ and that of ‘organisation’ are reunited and inserted in a complex semantic network that rests on a dynamic conception of words’ meanings. The first part of the chapter questions etymological approaches to semantics arguing for a polysemic approach, while the core of the chapter explores the polysemic nature of *rp*. The outcomes of this analysis are two and are interrelated: the complete semantic range of *rp* is unfolded and conversely, because of this, Cicero’s definition of *rp* as *res populi* becomes one, but not the only, possible readings of the meaning of *rp*.

2.1 From Etymology to Polysemy

Cicero’s etymological definition of *rp* as *res populi* has led scholars to endorse an analytical approach to the semantics of *rp*, one which takes into account the meaning of each of the components of the phrase *res publica*: the noun *res* and the adjective *publicus*, *a*, *um*. Wood (1988), for example, suggests that *res publica* literally means

¹⁴⁸ Drexler 1958: 358 presents the semantic range of *rp* as progressing from a ‘more concrete’ to a ‘more abstract’ connotation, moving from ‘*Vermögen*’ to ‘*Angelegenheit*’ to ‘*Lage/ Zustand*’ to ‘*Interesse*’.

‘public thing’ and that *res* in *res publica* is possibly best translated as ‘property’.¹⁴⁹ Likewise, for Brunt “‘*res publica*’ was literally the same as ‘*res populi*’, and denoted primarily “the property or concern of the people””.¹⁵⁰ Skinner (1990) defines ‘republic’ a scenario which is in line with what he understands to be the etymological definition of *res publica*: where ‘the *res* (government) genuinely reflects the will and promotes the good of the *publica* (community as a whole)’.¹⁵¹

Pinpointing an exact etymology for *res* or for *publicus*, however, proves hard, if not impossible. Lexica define the general meaning of *res* in very broad terms, that escape from the narrow brackets of ‘property’ or ‘interest’ suggested by the readings of *res populi* suggested above. *OLD*’s definition of *res* ranges from the philosophical sense of ‘that which can be conceived as separate entity’ to more concrete meanings such as ‘effects, substance, property, possessions’, to a more abstract ‘benefit, profit, advantage’, to a general ‘a matter of business; a topic; what occupies one’s mind; a field of activity; affairs’.¹⁵² *Res* was a crucial term for the legal lexicon, too, and specialised dictionaries provide a plethora of definitions for it: *res* is juxtaposed to *persona* or to *verba*; it can be everything that exists in the eye of the law and any abstract matters about which one can enquire (*quod petimus*) or do (*quo de agimus*). *Res* is a *negotium*, understood in the singular as ‘a business’ or in a cumulative sense as *summa negotiorum* and *causarum*, and can also refer to ‘circumstances’ (*condicio* or *factum*) as a result of *negotia*. The concrete sense of ‘goods/ substances’ is also present *universitas rerum*, *bona*, *substantia*, *patrimonium*, but is one of many, and hardly the literal or pristine one.¹⁵³

Indeed, defining a ‘first’, ‘etymological’ or ‘literal’ meaning of the term *res* is problematic. Despite the tentative etymological links with the Vedic root of the term ‘riches’, from a morphological point of view the fifth declension, from which *res*

¹⁴⁹ Wood 1988 ‘in using “*res publica*”, literally public thing, to designate what we call state - Cicero is adhering to the common usage of his day - *res* in *res publica* is possibly best translated as ‘property’ - because this suggests something of the importance of property ownership.’

¹⁵⁰ Brunt 1988: 4.

¹⁵¹ 1990: 302.

¹⁵² *OLD* 1, *LS* II. B, C; *OLD* 7-10; 12 - 14; *LS* II. E, G, H.

¹⁵³ *VIR* 1939: 100 ff.

belongs, does not stem directly from an Indo-European class and is instead classified as an especially Italic and Latin construction.¹⁵⁴ As it appears in Italic languages, the term *res* is already polysemous: Meillet describes the etymological meaning of *res* as ‘biens, possession, propriété, intérêt dans quelque chose’ and then ‘affaire’, with the reservation that all these senses are already in the Italic cognate of the term.¹⁵⁵ The Umbrian term *ri*, the only Italic cognate of *res* to have reached us, is rendered by Untermann as ‘matter’ (*Sache*) and ‘interest’ (*Interesse*). This type of twofold semantic structure belongs to the Oscan *egma* and to the Greek *πῶγμα* terms. Whether these were etymological calques of *res* or the other way round, they retain a similar semantic structure, encompassing both the meaning of ‘interest’ and of ‘matters’.¹⁵⁶ Overall, the polysemy of *res* can be explained in metonymical terms. Regardless of the ‘original’ sense of the Proto Indo-European or the Proto-Italic kins of *res*, this word must have grown a series of meanings associated with the different facets of these notions. Such facets are the interest or care transpiring from one’s *res* and the actions and ‘to the complex of activities and actions required to maintain the *res*’.¹⁵⁷ These eventually became the meanings for the very term *res*, of which none is ‘primary’ or ‘secondary’ over the other.

Tracking the etymology of the adjective *publicus* presents similar problems. In *Inv.* 1.40 Cicero provides an explicit definition of the contemporary uses of *publicus*, none of which refers to ‘the people’ – as the most widespread interpretations of *Rep.*

¹⁵⁴ Baldi 1999:175, 333 and Malandra 1972.

¹⁵⁵ Untermann 2000: 635; Meillet 1954: 99.

¹⁵⁶ *Glossae Latino-Graecae editae ex codice Parisino 7651*, in Götz, 1901, Vol.I., 173, 22; 173, 41 additionally the meaning of *καμματα*. *Idiomata Codicis Harleiani*: 499. 24 *Res πῶγμα*. *Glossae Servii Grammatici*: 508.29 *res, pragma, rei*; 524. 20 *res, pragma*. *Editae ex codice Harleiano 5792*, in Götz, 1901, 414, 60 *Πῶγμα *****ecres*, where Götz suggests [*hae*] *haec res*. *Res* and *πῶγμα* share a number of parallel constructions, too. In Greek *τὸ σὸν τί ἐστὶ τὸ πῶγμα*, in Latin: ‘*nihil est mihi rei tecum*’, a sense to be rendered with *negotium*. Götz 1901: Index II, 621. The Greek term *πῶγμα* has a similar semantic texture: the ‘concrete’ meaning is described by *LS* as ‘deed’ or ‘act’, which however veers towards the abstract sense of: occurrence, matter, affair; thing, concrete reality; interest (*πῶγμα* + dative means ‘it’s advantageous for me/ you’); concern. In the plural, *πράγματα* means action – as in ‘military action’ or condition or fortunes, as for example a State’s or a people’s fortune.

¹⁵⁷ Flury 1982: 37-40 brings into line concrete and abstract meanings along the diachronic evolution of the term. One, possibly the most ancient sense, is the concrete meaning of ‘possessions/ riches’. Other figurative senses must have grown besides this ‘concrete’ meaning. The last, very abstract and rather general meaning of *res*, expresses the sense of ‘thing’ and ‘essence’.

1.39 would instead suggest. In the relevant passage he deals with the literary notion of occasion understood as convenient opportunity for doing or not doing something. Public occasions are not defined as those affecting the *populus* but rather as those affecting the whole community as *civitas*: *Publicum est, quod civitas universa aliqua de causa frequentat, ut ludi, dies festus, bellum.*¹⁵⁸ Likewise, the *TLL* defines *publicus* as related to *civitas* as well as to a broader and looser concept of community, veering towards *communis*.¹⁵⁹

How, and whether, *populus* and *publicus* are related, remains unclear. The adjective *publicus* appears as *poplico* in the *SC de Bacchanalibus* (*CIL* 10.104, 186 BC), whose assonance with *populus* seems to validate a direct derivation of the adjective from the noun. Traditionally, too, *poplico* is thought to derive from **poplos* and to have become *publicus* by contamination with *pubes* – ‘manpower, adult population’. Several passages suggest that the association of *populus* with *publicus* was still effective in the third century BC. For example the collocation *publice* is often found as a *variatio* of *a populo*.¹⁶⁰ Even if a direct lineage between *publicus* and *populus* were certain, the etymology of *populus* would need to be defined. Untermann (2000) postulates the Italic **poplos* by analogy with the Umbrian *puplum/ poplum*. This, according to Rix (1985), might have referred to ‘a group of brandisher’, similarly to the Etruscan *rasna* described that portion of population that actively partook in political life by contributing to the army.¹⁶¹ Without knowing what *populus* meant when the adjective *publicus* was coined, we cannot infer the meaning of the latter.

¹⁵⁸ A public occasion is one in which for some reason the whole community takes part, as games, holiday, or war.

¹⁵⁹ *TLL* 10.2. 2460.14. In *De Inventione* a distinction is drawn between *publicus* and *communis*: *communis* is employed as ‘shared by two or more parties’ while *publicus* would seem to point to an all-encompassing, wide-ranging understanding of ‘common’ and ‘collective’. See *Inst.* 3.154b. The grammatical meaning is ‘common’ as in Varr. *Ling. Lat.* 8.41 and *Quint.* 8.2.8.

¹⁶⁰ One passage, Pl. *Ps.* 126, attests the connection between *pubes* and *populus* in the context of the *contio*.

¹⁶¹ Rix 1985: 456 1.3: later on *rasna*, similarly to *populus*, came to describe the entire population. Leuman 1963: 97 and Sen 2015: 135 ff for a survey of the different theories on the etymology of *publicus*.

The cases of *res* and *publicus* show that the etymology of a term does not lead to a clear definition of its meaning. In fact, from the point of view of present-day linguistics, etymology is better defined as the ‘earliest reconstructable meaning’ without ‘the pretence to be in a position to piece together the primeval meaning or pristine form’.¹⁶² In the case of *res publica* this poses three problems: on the one hand the earliest reconstructable meaning of *res* and *publicus* might not date to the time the term was coined, which remains unknown. On the other hand, just like the words *populus* and *res*, *rp* might have shifted its meaning over time. Thirdly, just like *res* and *publicus* are polysemous, so might be *res publica*. Hence, forcing one single, allegedly ‘etymological’ meaning over the manifold usages of a term can prove fallacious because meanings evolve over time, piling up in multi-layered semantic units. Rather than inferring the meaning of *rp* through a theoretical, *a priori* deduction of the etymology of *res* and *publicus*, in this section the meaning of *rp* will be described in ranges and according to its living usage, by putting it into a wider linguistic context.

This can be exemplified best by referring to an example that is closer in time to the reader and less ideologically loaded than *rp*: the French word ‘*bureau*’. The current meaning of the present-day French word ‘*bureau*’ can be schematically defined as threefold: ‘*bureau*’ can mean ‘office’ – understood as place – as well as ‘personnel’ working in that office, and as ‘activities carried in that office’. Its ancestor however was ‘*bure*’ - a term that indicated a rough piece of cloth, which could either be used for the garment of a monk or as the cover of a working table. Looking further into the etymology of ‘*bure*’ leads one to the Latin *burrus* – literally an adjective meaning ‘trifle’ and ‘trashy’. The Latin etymology of ‘*bure*’ does not reveal the meaning of ‘*bureau*’ because it was by a later association that the word for ‘table cover’ came to describe the ‘working space’.¹⁶³

In order to single out the three basic meanings of ‘*bureau*’ – ‘space’, ‘personnel’, and ‘activities’ – one needs to look at the cognitive process unfolding in the

¹⁶² Malkiel 2014: 2.

¹⁶³ This example is taken from Robert 2008: 69.

speaker's or reader's head. In the expression '*des horaires de bureau*' the term '*bureau*' stands metonymically for the schedule of the personnel working in that space. The term applied to the table – *bureau* – refers to the room where the table is, shifting its reference from the 'content' (table) to the 'container' (room). In turn, the term referring to the 'container' (room) can shift again and refer to those who are contained in it (personnel), and to their activities. Based on such considerations and on the need to accommodate such variations of meanings, between the 60s and the 80s of the nineteenth century semanticists developed an understanding of the semantic value of a word based on its usages and its relation to other words.¹⁶⁴ Because a word can be used in many different contexts, it also has several meanings. This approach is understood as 'polysemic' and contrasts with Saussure's 'monosemism approach' that recognises instead only one 'core meaning'. Nowadays, even those among semanticists who endorse a 'monosemism approach' suggest that only those meanings of a word which cannot be seen as extended meanings should be described as 'meaning'. Those endorsing a polysemic approach, instead, suggest that all meanings, even extended ones, have the status of meanings.¹⁶⁵ There is therefore a widespread agreement that any word can be understood in more than one way, and hence is polysemic.

Despite theoretical differences in how the plethora of meanings of a word can be framed, scholars of semantics seem to agree that polysemy generates through cognitive processes of metaphor and metonymy. Metaphor is defined as 'the transfer of properties from one domain to another to create a new referential value: some of a term's semantic properties are selected (abstracted) and applied to another domain to designate a new entity in virtue of the properties considered shared by the two referents'.¹⁶⁶ For example, metaphors are at the basis of the semantic shift of the word 'revolution', which went from '*revolutio*', a Late-Antique term describing the orbital movement of the stars, to describe a political and social phenomenon of change.¹⁶⁷ Metonymies,

¹⁶⁴ Lyons 1977.

¹⁶⁵ Cruse 2000: 99.

¹⁶⁶ Robert 2008: 62 who refers to the standard theory of metaphorical transfer begun by Lakoff and Johnson 1980.

¹⁶⁷ Rey 1989: 12.

defined as a cognitive process ‘in which one conceptual entity, the vehicle, provides mental access to another conceptual entity, the target, within the same domain’, operate like in the example of ‘*bureau*’, shifting the meaning of the term from ‘table’ to the ‘space’ occupied by the table, to ‘those who work in that space’.

The interrelated questions of how many meanings a word has, how they can be represented, and how they can be singled out are some of the most debated in linguistics. There are three different relevant theories: the theory of semantic field, the theory of contrasts, and the theory of frame. According to the first theory ‘the meanings of words must be understood, in part, in relation to other words that articulate a given content domain, and that stand in the relation of affinity and contrast to the word’.¹⁶⁸ So, in order to understand the meaning of *bureau* we should look at other terms describing workspaces as well as in reference to items that are connected, but not synonymical, to *bureau*, such as ‘head’ (as manager of an office, where *bureau* is understood as personnel), or ‘opening times’ (as hours of an office, understood as ‘activity’ of the personnel).¹⁶⁹ The second theory, the theory of contrasts, suggests that each word has a contrast set, similar to a semantic field, but smaller. More recently a theory of semantic frame was developed, according which the meaning of a word can only be understood ‘with reference to a structured background of experience, beliefs, or practices’.¹⁷⁰ In this case, when we need to explain the sense of *bureau* we can broadly look at the different syntactic frames in which it is used. *Bureau* can be used according the cognitive frame of a space as ‘office’, or in the cognitive frame of an agent as in ‘personnel’, depending on the syntactic context in which it is used. For example, in the phrase ‘*les recommandations du bureau du procureur*’ (‘the recommendations presented by the office of the prosecutor’) ‘bureau’ refers to the personnel, as syntactically speaking *bureau* is an active agent. In the phrase ‘*le nettoyage de bureaux*’ we know *bureau* stands for ‘space’ because from experience we know that personell is not washed in an office.

¹⁶⁸ Lehrer - Kittay 1992: 3.

¹⁶⁹ Introduced by Humboldt 1936 and developed by Lyons 1977.

¹⁷⁰ Filmore-Atkins 1992.

Overall, linguistics nowadays favours a semantic reading of words centred on ‘lexical networks’ and describes meanings as complex architectures and structures, where one word can refer to several entities. Polysemy is hence defined as ‘polyreference’. There is also an agreement that the specification of a certain referential value is made obvious by the context whereby each distinct context gives rise to different modes of interactions between words and reality, yielding a new meaning. In such a landscape, not only the etymological meaning, but the ‘literal meaning’ of a word, too, is hard to define. Cruse (2000) provides at least six different definitions, ranging from ‘the reading of a word with the earliest recorded use’ to ‘the most frequently occurring reading of a word’, to ‘the reading most closely related to basic human experience’.¹⁷¹

As a result, not only any references to an ‘etymological’ meaning, but any hint to a ‘literal’ meaning of *res publica* will be avoided, taking the distance from Stark’s and Drexler’s approach. The present analysis will instead endorse an approach loosely close to the ‘frame theory’ whereby the polysemy of the term *res publica* is traced taking into account the different syntactic contexts (i.e. the types of collocations) in which it occurs. Following Pustejovsky (1995) who first suggested that polysemy can be disambiguated in context on the basis of what he defines relationships of ‘coercion’ exerted by the context on a word, I will side with Nunberg (1995), who emphasised the role played by the predicate in signaling the correct understanding of a polysemic term.¹⁷² Where possible, this approach will be blended with that offered by ‘semantic field’ theories, and *rp* will be linked to synonyms, accepting to define *res publica* in turn as a synonym of *civitas* and of *populus*, depending on the context. Lastly, a particular attention will be paid to the metonymical and metaphorical shifts of meaning the term went through depending on the context. Reference to Greek translations of the Latin *rp* and to Greek terms translated to *rp* can occasionally help present-day readers

¹⁷¹ Cruse 2000: 198.

¹⁷² Nunberg 1995.

see *rp* under a different light.¹⁷³ The comparison with contemporary translations, mainly quoted from the Loeb editions, shows the extent to which the sense of *rp* is often misunderstood.

2.2 The Polysemy of *res publica*

2.2.1 The two semantic frames of *res publica*

To start with, this section will single out the main ‘frames’ or modes of usage of the term *rp*. Overall, *rp* is a specimen of a broader category of complex lexical units built on the model *res* + adjective. As Drexler suggested *rp* shares part of its polysemy with these compounds, possibly due to the fact that the component *res* informs their sense in a similar way, along the frame of ‘matters’.¹⁷⁴ However, *rp* is not just one of the many compounds of *res*, it develops along its own semantic pattern, too, which Drexler overlooks. Following Stark’s intuition that *rp* can be understood as ‘state’ (*Staat*), the second part of the work delves into the understanding of the term as ‘organisation’.¹⁷⁵ By comparing and contrasting the contexts in which these compounds occur, the two main semantic frames of *rp* are singled out.

Despite their frequent occurrence in Latin, *res* + adjective constructions such as *rp* are understudied. Some grammars classify them in a separate category of syntactic compounds sometimes called ‘broad compounds’ but a more helpful definition is that of ‘complex lexical units’, a category that includes both general *res* + adjective constructions and syntactic compounds.¹⁷⁶ Syntactic compounds are groups of words that have grown together mainly along the blueprint of adverb + verb (e.g. *bene-dico*) or noun + verb (*animus-adverto*). Unlike syntactic compounds, however, the term *res* does not fuse in one single term with the adjective by which it is accompanied. The two

¹⁷³ For an overview on bilingual texts and Greek-Latin translations see Mason 1970 and Rochette 1995.

¹⁷⁴ Drexler 1957.

¹⁷⁵ Stark 1937: 26.

¹⁷⁶ Or ‘juxtapositions’ and more specifically for ‘noun phrases’. Oniga 1992:140, Spevak 2014.

units remain separate, each of them maintaining its own ending, instead.¹⁷⁷ The broad category of complex lexical units includes those linguistic units in which lexemes merge with different degrees of compactness. Syntactic compounds such as *animadverto* are syntheses with a very high degree of compactness: one ending (the verbal one) and two different constructions (*animum*, noun, *adverto*, verb). *Res*-compounds display two inflectional endings and hence are described as ‘less compact’ syntheses.¹⁷⁸

Res divina/-ae, first attested in the late 3rd century inscription of the *lex luci Spoletina* (CIL I² 366) and in Naevius and Plautus, is the most ancient *res*-phrase to be confirmed in written sources. In Latin, *res* pairs with adjectives that describe materials such as *res cibaria*, ‘foodstuff’, from *cibum*, *res argentaria* from *argentum*, ‘finances’. More frequently *res* adjoins adjectives describing a relationship of interest and concern to an individual or group: *res patria* (from *pater*, ‘inheritance’), the Plautine hapax *res erilis* (from *erus*, ‘master’), *res familiaris* (from *familia*, ‘household’). A third type of construction combines *res* and adjectives that define interest and concern for an activity: so the most ancient compound, *res divina* from *divus* – ‘gods’ - *res pecuaria* from *pecus* – ‘sheep’ - *res rustica* from *rus* – ‘country, land, fields’ - *res militaris* from *miles* – ‘soldier’ - *res navalis/navicularis* from *navis* – ‘ship’ - *res bellicae* from *bellum* – ‘war’ - *res urbana* from *urbs* – ‘city’ - *res forensis* from *forum*.

Res divina or *res divinae* describe a complex notion more weighted towards the idea of event and activity. The *TLL* paraphrases it as *i. q. sacrum, sacrificium, cultus deorum*.¹⁷⁹ *Res pecuaria* is defined by *TLL* as a three-faceted notion revolving around the idea of possession and breeding of sheep. The term would refer not only to the possession including both the animals and the fields (*‘vel possessiones, quae ex pecore una cum pascuis sim. constant’*) but also to the way and business of taking care of sheep

¹⁷⁷ While ancient grammarians pointed out that phrases such as *rp* have only one accent (Prisc, GLK II 177,18), they seem to be discontinuous as enclitics can stand between the two words, e.g. Plaut. *Curc.* 552: *Quis rp et priuata geritur, nonne is crederem?* For more instances see Drexler 1958: 253.

¹⁷⁸ Fruyt 1987: 89.

¹⁷⁹ *TLL* 5.1.1622.30.

(‘*significantur vel ratio, negotium pecoris habendi*’).¹⁸⁰ *Res rustica* has a similarly wide range of applications: farming - as an activity - countryside - as a place or estate, hence as property, as well as the activity deriving from and required by the maintenance of the estate.¹⁸¹ A number of compounds have a twofold semantic structure: they refer to concrete belongings and to the affairs related to the latter. *Res familiaris* – one of the most long-lasting compounds, used by Plautus as well as by Seneca, is rendered as possession, *substantia, possessio*, as well as activity *generatim*.¹⁸² *Res domestica*, for which the *TLL* has an article, is explained as thing concerned with *res familiaris*, which is paraphrased as *administratio, usus, instituta*.¹⁸³ *Res privata* according to the *TLL* can refer to *incorporea* as well as possessions in the plural *res privatae*.¹⁸⁴ Other compounds are better rendered with the sole ‘activity/ operations/ deeds’.

The impression that *rp* was understood as *res* (‘property’/ ‘interest’) stems from the fact that it is often paired with *res privata*. Both Stark (1937) and Drexler (1957) highlighted how frequently *rp* is juxtaposed to *res privatae*, in contexts in which the predicate’s *zeugma* combines the two terms in a way that suggests they bear the same semantic nuance. An even stronger case to substantiate that *rp* is understood as other *res* lies in the fact that it is often employed with those predicates with which other *res* + adjective compounds are employed, such as *gerere/ agere/ curare*.¹⁸⁵ When *res publica* is understood as a ‘concern’ to be taken care of, its meaning can be understood as connected to the cognitive frame of *res*. This is the case of Cicero’s definition of *rp* in *Rep.* 1.39, where *rp* is defined as a *res*, the *res* of the *populus*. As another passage from the *De Re Publica* suggests, *res publica* can be understood as an entity distinct from *populus* and from *civitas*:

¹⁸⁰ *TLL* 10. 919.33.

¹⁸¹ Adjectives are at times employed to determine further the field of activity or a realm, as for example in *res humana*. In these occurrences compounds can refer either to the abstract idea of a specific area of knowledge related to a field or activity or to the activity and actions required by that field of knowledge.

¹⁸² Προῶγμα οἰκειαχόν in glossaries.

¹⁸³ *TLL* 5.1869.30.

¹⁸⁴ *TLL* 2.1811.5.

¹⁸⁵ Occasionally *res privatae* - private affairs - are juxtaposed to the plural of *rp*, *res publicae* - understood as public activities.

Cic. *Rep.* 1.41: Omnis ergo populus, qui est talis coetus multitudinis, qualem exposui, omnis civitas, quae est constitutio populi, omnis res publica, quae, ut dixi, populi res est.¹⁸⁶

This passage encapsulates three different conceptual dimensions, that expressed by *populus*, by *civitas*, and by *res publica*, all of which apply to the public sphere. While *populus* and *civitas* are defined respectively as ‘community’ (*coetus multitudinis*) and as ‘shape of such a community’, *res publica* is defined as a ‘matters’ or ‘interest’ of the community. When it bears the meaning of *res*, *res publica* is conceived of in a way that is unique to the classical usage of the term.

Rp, however, does not only encompass the polysemy of *res*, as suggested by Drexler, it also works as synonym for *civitas* and *populus*. Stark (1937) had already pinpointed that *rp* could bear one unitarian concept, contrasted with the private sphere (which Stark defines as close to ‘*Staat*’).¹⁸⁷ This change of semantic frame is key to the change of perspective from *rp* understood as ‘matters’ to *rp* understood as ‘entity’. In the *Rhetorica ad Herennium*, for example, the term *rp* is explicitly likened to *civitas*:

Rhet. Her. 4.28.38: Interpretatio est quae non iterans idem redintegrat verbum, sed id commutat quod positum est alio verbo quod idem valeat hoc modo: ‘rem publicam radicitus evertisti, civitatem funditus deiecisti.’¹⁸⁸

The author of *Rhet. Her.* likens the phrases ‘*rem p evertere*’ and ‘*civitatem deicere*’ and in so doing seems to suggest that when *rp* is paired with verbs such as *evertere* it was perceived as a working synonym for *civitas*. This sense of *rp*, can be metonymically explained as ‘circumstances of public affairs’, as already Drexler does, or as ‘*Staat*’ with Stark. More specifically, however, it refers to the ‘order’ of the public affairs and, as the passage from the *Rhetorica ad Herennium* suggests, can be understood as a synonym of *civitas*. The meaning mainly emerges in combination with expressions that

¹⁸⁶ ‘Every people which is such a gathering of large numbers as I have described, every city, which is an orderly settlement of the people, every *rp*, which is as I said *res* of the people’.

¹⁸⁷ 1937: 26.

¹⁸⁸ ‘Synonymy or interpretation is the figure which does not duplicate the same word by repeating it, but replaces the word that has been used by another of the same meaning: ‘you have overturned the *rp* from its roots, you have demolished the state from its foundations’.

describe the effort of maintaining public affairs in a certain shape (*evertere*). A specific semantic contexts signal this semantic shift: verbs that suggest the ‘shape’ or ‘order’ of public affairs, whereby public affairs are conceived as an ‘ordered whole’ that stands. With this class of verbs *rp* is conceived as an entity that is given foundations, that are stabilised, re-established or re-instituted or conversely destroyed and made to collapse.

These two understanding of *rp* are examined in turn next and discussed according to the context in which they appear. By means of metonymical shifts these senses give rise to other meanings, and are used to conceptualise a wide range of ideas, from ‘political engagement’ and ‘influence’ to ‘institutional set-up’, drawing a complex and subtle network of political concepts that go beyond the understanding of *rp* as ‘republic’ and beyond its Ciceronian definition of ‘*res populi*’.

2.2.2 *Res publica* as *res*

Res publica is understood as *res* in a three-fold way: a) when it conveys the sense of ‘matters’, b) when it conveys the sense ‘engagement’ c) when it refers to the sense of ‘interest’. These senses are interrelated because they stem from different ways of looking at the concept of ‘matters’. They are however distinct, too, because ‘public affairs’ frames ‘matters’ as the object or result of someone’s active, ‘public activity’ as the process of handling matters, and ‘public interest’ as the recipient of someone’s action. Each of these semantic angles stems from the combination of *rp* with different predicates.

a) Political Matters

When combined with *agere* and *gerere*, or in combination of synonyms of *agere* and *gerere*, too, such as *curare* and *administrare*, *rp* bears the sense of affairs or

activity as suggested by the *TLL*, which paraphrases *rem agere* as *negotium agere* and *rem gerere* as *negotium gerere*.¹⁸⁹

Book One of *De Officiis* contains a long section in which Cicero contrasts a life of retirement and a life of public service. In this passage *res gerere* – plural – and *rem p gerere* – singular – are used as synonyms:

Cic. *Off.* 1.70: Sed iis qui habent a natura adiumenta rerum gerendarum abiecta omni cunctatione adipiscendi magistratus et gerenda res publica...¹⁹⁰

The equivalence of meaning is such that in the Loeb edition *adiumenta rerum gerendarum* is rendered as ‘capacity for administering public affairs’ and *rem p gerere* as ‘take a hand in directing government’. While such translation is not a word-by-word one, it emphasises the fact that both *res gerendae* and *rp* equally point to an activity that is performed, directed, and managed – a *negotium*.

The *TLL* defines the verb *curare* as a synonym for *administrare* and *gerere* and links it to a specific object of activity, *negotium*.¹⁹¹ This verb is employed with *rp* from a very early stage and features in one of Cato’s fragments (*Frg.* 21 *ORF*^d) where Cato complains about the risks facing those who duly take care of public affairs. The phrase *curare rem p.* eventually becomes part of the bureaucratic language and hence features in several inscriptions. This allows for a comparison with the Greek translations of the term. A number of sources (letters and inscriptions) from the Turkish city of Aphrodisia

¹⁸⁹ *LLT* counts 73 occurrences of *public* negoti**, the majority occurring with verbs such as *gero* and *ago*, 10 occurrences with verbs of movement. *TLL* 1. 1379. 5 and explicitly in Plaut. *Men.* 115 *quam rem agam, quid negoti geram.* *TLL* 6.2.1946.20.

Agere and *gerere* are just the most frequent verbs that activate the understanding of *rp* as ‘activity’. Other less common verbs convey the same semantic nuance, for example *tractare* and *gubernare*. The former conveys a strongly concrete idea of ‘handling’ – occurs in combination with *rp* in Sallust, Cicero, Seneca, and Persius. For the latter see *TLL* 6.2.2351.73 where the use of *gubernare* with *rem p* is first attested in *Att.* 2.7.4 dating to 59 BC as transliteration of the Greek $\kappa\upsilon\beta\epsilon\rho\nu\tilde{\omega}$ with *rem p*, the phrase is attested in *CIL* 5, 532 dating to 138-61 BC.

¹⁹⁰ ‘But those whom Nature endowed with the capacity for administering *rp* should put aside all hesitation, enter the race for public office, and take a hand in directing the government’.

¹⁹¹ *TLL* 4.1497.3.

dating to the Triumviral Period contain a Greek expression that is very likely to be the word-by-word translation of *curare rem p.*

The phrase features in a letter to the city inscribed on a narrow stone, next to the block bearing the *SC De Aphordisiensibus*. In it, Octavian reassures the citizenry that their ambassador, Solon son of Demetrius, has taken ‘the greatest care over the business of their city’.¹⁹² The Greek text can be compared with the reconstruction of the Latin translation:

Reynolds III. 6 13-16: ἐπιμελέστατα πεφροντ < ι > κώς τῶν τῆς πόλεως ὑμῶν πραγμάτων.

Solo Demetrii...qui diligentissime rem publicam vestram curavit.¹⁹³

The singular *rp* is translated with the neutrum plural πράγματα, a common practice in bilingual Latin-Greek inscriptions. Reynolds’ translation from the Greek renders πράγματα as ‘affairs of your city’ sparking an understanding of *rp* as ‘res’, which would fit in the context of this inscription.

Actio and *gestio rei p* are used interchangeably with *administratio rei p*. Conversely, *administrare rem p* is a working synonym for *agere* and *gerere rem p*. Occurring for the first time in a fragment of a speech ascribed to C. Gracchus (*Frg.* 48.44 *ORF*) *administratio rei p* is attested in *Rhet. Her.* 3.2.3, too, and similarly to *cura/curare rem p* is part of the bureaucratic lexicon.¹⁹⁴ In a passage in Book Three of Varro’s dialogue *Res Rusticae*, Axius, one of the characters, compares the functions of a private villa with those of a *villa publica*. The latter is property of the entire citizenry (*et cum haec sit communis universi populi*). It is therefore available for citizens and other people to gather and it is serviceable for the administration of public business - *ad rem publicam administrandam*.

¹⁹² Interestingly in the *Index* to the same *corpus* (Reynolds 1982: 7) *res publica* (and not *res publicae*, as suggested by Reynolds) is rendered with the simple plural neutrum δημόσια.

¹⁹³ Greek Transcription by Sherard as in Reynolds 1982: 42, Latin transcription Bruns 1909: 187.

¹⁹⁴ Both expression outline the ‘republic’ and are employed continuously throughout the first century AD in prose (Quintilian) as well as in the bureaucratic legal language (Callistratus, Ulpian). *Administratio* TLL 1.729.68, *administrare* TLL 1.732.1.

Varr. *Rust.* 3.2.4: Praeterea cum ad rem publicam administrandam haec sit utilis, ubi cohortes ad dilectum consuli adductae considant, ubi arma ostendant, ubi censores censu admittant populum.¹⁹⁵

In this passage Varro articulates the notion of *administratio rei publicae* by listing some of the activities it involves: ‘for the cohorts to assemble when summoned by the consul for a levy, for the inspection of arms, for the censors to convoke the people for the census’.¹⁹⁶ Varro provides a concrete description of the *administratio rei p* as an activity including different tasks.

All three passages point to the performative nature of the term *rp*. In each passage the term is employed with verbs expressing an action that is performed. In the first two passages *rp* is understood, either by juxtaposition or by translation, as equivalent of a plural term (*rerum gerendarum* for the Latin and πράγματα for the Greek). The interplay between plural and singular, especially in the last passage, expresses the composite nature of the administration of public affairs. The English translation ‘affairs’ is a fitting rendering for *rp* for a further reason: it emphasises the cumulative, articulate, and complex semantic nature of *rp*.¹⁹⁷ While translations such as ‘state’ or ‘republic’ convey the sense of a single and compact unity, ‘affairs’ suggests a multiplicity of issues. This is a characteristic the term *res publica* inherits from *res* and which it shares with other *res* compounds. When used on its own, *res* does not refer to a specific, individual ‘property’ as matter (morphologically: singular), it refers to a complex of matters (morphologically: collective) in the first instance.¹⁹⁸ For example, Lucretius uses the singular *res* to translate the Greek neuter plural τὰ ὄντα.¹⁹⁹ The same

¹⁹⁵ ‘And furthermore, this one is serviceable for the transaction of *rp* — for the cohorts to assemble when summoned by the consul for a levy, for the inspection of arms, for the censors to convoke the people for the census’.

¹⁹⁶ Unlike *agere* and *gerere*, which exclusively apply to *rp* and other *res* compounds, *administrare* does not exclusively apply to *rp* but to *civitas*, *urbs* and *provincia*, understood as administrative units, e.g. Cic. *Fam.* 2.17.1, *Att.* 10.8.6.

¹⁹⁷ Specifically on the singular-plural nature of *rp* see Reid 1904.

¹⁹⁸ Most names of the fifth declension do not have plurals and are uncountable.

¹⁹⁹ Similarly a number of Greek translations of *res* are in the neuter plural. It is worth mentioning that Greek neutrum plural is often understood as collective unity and hence has a singular predicate.

applies for *rp*, which is consistently translated with the Greek πράγματα as in δημόσια πράγματα or τὰ δημόσια.

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A striking characteristic of the understanding of *rp* as ‘public matters’ is its geographical scalability. As Rome expanded, its bureaucratic and administrative apparatus became capillary. ‘Public affairs’, *rp*, were carried out on several administrative levels. In this respect several layers of *res publica* - public matters and issues - existed simultaneously on the same territory. Matters concerning the community of the *urbs* and those regarding the *provincia*, what was happening in a *municipium* and what was affecting a *civitas*, issues concerning Rome and those concerning the provinces: *rp* conveyed any and all of these concepts. In line with Cicero’s definition at *Rep.* 1.39 and 1.41, as *res* – matter – of a community, each community and political group had their own political vicissitudes, their own *rp*. This layered sense of *rp* is especially attested in Cicero’s correspondence. Each *civitas* had their *rp* - as it can be inferred by several passages in the Verrines concerned with the *rp* of Sicilian cities:

Cic. *Ver.* 2.138: Sic census habitus est te praetore, ut eo censu nullius civitatis rem publicam posset administrari.²⁰⁰

In this case Cicero is specifically referring to the financial administration of a *civitas*.²⁰¹ Similarly, in a letter Cicero asks Brutus to take care of (*administrare*) the *rp* - public affairs of Arpinum, telling his friend that he would be honoured if the *rp* were well managed:

Cic. *Fam.* 13.11.3: Si res publica municipii tuo studio, diligentia bene administrata erit.²⁰²

²⁰⁰ Greenwood for Loeb 1928: ‘The assessment made during your praetorship was made in a way that brought the financial administration (*rp*) in every city to a standstill.’

²⁰¹ In the Index to *CIL* IX, V, X Mommsen suggests that in Italy (i.e. everywhere but in Rome) *rp* does not refer to the *populus* but to the *patrimonium populi* and indeed the *curator rei p.* is in control of the finances of the *rp*. On *curator rei p.* see Camodeca 1979.

²⁰² Shackleton Bailey 2001 for Loeb translates: ‘if the corporate property (*rp*) of the municipality is well managed thanks to your good will and attention.’

In this instance too, *rp* refers to the administration of the finances of a community. The Loeb translation for these passages reads respectively ‘financial administration’ and ‘corporate property of the municipality’. In another passage Cicero employs the hapax *res municipalis* to convey the idea of ‘public affairs’ in a *municipium*.

When Quintus Cicero becomes proconsul of Asia, his brother Tullius tells him that he himself was granted the *urbana administratio rei p* and Quintus the *provincialis administratio* instead.

Cic. *Q.fr.* 1.1.42: et quoniam mihi casus urbanam in magistratibus administrationem rei publicae, tibi provincialem dedit.²⁰³

In his Loeb translation (1972) Shackleton Bailey renders these phrases respectively as ‘public office done in Rome’ and ‘public office done in the province’. In Book Three of *De Legibus* Quintus Cicero recalls what M. Scaurus told his grandfather M.T. Cicero - actively engaged in Arpinum’s politics:²⁰⁴

Cic. *Leg.* 3.36: ‘Utinam’, inquit, ‘M. Cicero, isto animo atque virtute in summa re publica nobis cum versari quam in municipali maluisses!’²⁰⁵

In this passage, *res municipalis* is juxtaposed to the political activity concerning more general or more important issues (*summa rp*). A similar taxonomy is displayed in other passages where there seems to be a distinction between ‘political matters’ in Rome, ‘political matters’ in the provinces, and general ‘political matters’. The compound *res urbanae* - plural - occurring first in Cicero, refers to the *rp* of Rome. This too can be perceived as limited in comparison to a wider, more encompassing *rp*.²⁰⁶ In a letter to Gn. Sallustius, propraetor in Syria, Cicero states that he will decide what to do depending on the circumstances of *rp* and in Rome:

²⁰³ Shackleton Bailey for Loeb 1972 has ‘as chance has decreed my public work in office has been done in Rome, yours in a province’.

²⁰⁴ *RE* 7. Dyck 2007 (2004) 533 for textual problems.

²⁰⁵ Keyes for Loeb 1928 translates: ‘Marcus Cicero, I wish you had chosen to dedicate your efforts to the welfare of the great republic (*summa rp*) with the same spirit and energy which you have shown in the affairs of a small town (*rp municipalis*)’.

²⁰⁶ Counting 11 occurrences in Cicero, e.g. *Fam.* 7.32.3, *Q. fr.* 1.21.74, 9, 1 Caesar, few in Pliny and Seneca.

Cic. *Fam.* 2.17: Ad urbem volo quam primum venire; sed tamen iter meum rei publicae et rerum urbanarum ratio gubernabit.²⁰⁷

Ratio rei p refers to the general ‘political situation’, whilst the *ratio rerum urbanarum* refers specifically to the unfolding of events, not necessarily political decisions but also civic events, in Rome.

Overall, in these and similar occurrences *rp* is conceived in its sense of *res*, ‘activity’ or ‘affairs’. In collocations with *agere* and *gerere*, *rp* covers the meaning of ‘public affairs’ in a nuance close to ‘politics’, events linked to the life of a community as opposed to the events linked to the private life of an individual. This understanding of *rp* as public affairs is cross-cultural and encompasses different types of constitutional setup: it features in Cato’s and Gracchus’ speeches, it refers to the city of Aphrodisia in the first century AD and it becomes part of the bureaucratic lexicon under the principate.

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a.1) Political Influence

The sense of ‘influence’ and ‘control’ one could exert over the public affairs is often expressed by collocations where *rp* is the object of transitive verbs indicating physical transfer, (e.g. *transferre*), or physical control or possession, (e.g. *capere* and *capessere*, *occupare*), or indicating ownership (e.g. *possidere*, *potiri*, or the phrase *rp in potestate alicuius esse*). Because they express physical control, possession and ownership, or transfer, which apply to properties, some scholars take such phrases can bear the neutral meaning of ‘unlawful control over the public affairs’. Based on the etymological rendering of *rp* as ‘property of the people’ these collocations are given a markedly negative connotation, as if they expressed a violent or unlawful seize of

²⁰⁷ Shackleton Bailey for Loeb 1972: ‘the ordering of my journey will depend upon the political situation (*rei publica ratio*) and the state of affairs (*rerum urbanarum ratio*) in the capital’.

power.²⁰⁸ A survey of the contexts in which phrases such as *capessere rem p* or *rerum potiri* are used, reveals instead that such physical verbs have a wide range of nuances when they are employed with *rp*.

While these expressions *per se* describe physical actions, they are in fact widely employed figuratively and metaphorically, in Latin as well as in a number of other languages, to convey a sense of ‘influence’.²⁰⁹ For example, the Latin verb *suscipio*, for example, expresses the sense of ‘catching from below’ or of ‘saving from falling or being lost’. A further meaning is ‘to take up, to receive in a more or less physical sense’.²¹⁰ The abstract idea of ‘being assigned a task’ fits within the conceptual frame of ‘catching something’, so that the *suscipere* covers the sense of ‘to undertake, to deal with, to perform, take on a task, a function’, too. In this metaphorical sense it combines with *rp* to express the sense of ‘taking up (control of) public affairs’.²¹¹ Similarly, verbs such as *possideo* and related expressions such as *possessio* have a wide range of metaphorical meanings (*TLL*, 10.2.95.15: ‘*laxius significatur status eius, qui possidet incorporea*’). In their metaphorical sense they refer not only to objects but to intangible entities, too. For example, *possessio* and *possidere* can refer to abstract political concepts such as *libertas* and *iura* as well as to personal qualities such as *prudencia* and *doctrina*. In these instances, it is not *rp* to be understood metaphorically as ‘property’, because *rp* retains the sense of ‘matters’; it is rather the verbs *rp* is accompanied by that are used figuratively.

The next section looks more closely at the contexts in which these groups of expressions are paired with *rp* in order to dispel the idea that in those instances *rp* means ‘property’. Both Cicero and Sallust, for example, employ *capio* and its ingressive *capesso* in reference to *rp* to convey a palette of senses, from ‘taking action in politics’

²⁰⁸ Most notably in reference to the use of *potior* in the *RGDA* 34.1, in several passages in Cicero, to the use of expressions such as *possessio rei p*, in the verb *occupare* in Sall. *Iug.* 31.12, where the *nobilitas* is said to ‘occupy *rp*’.

²⁰⁹ Lakoff-Johnson 1980. On the basis of the conceptual metaphor where control is expressed as ‘possession’ of and ‘grasp’ over something.

²¹⁰ *OLD* ³

²¹¹ *OLD* ³ listed respectively as meaning 1, 3, and 8. Caes. *Civ.* 1.32.7.

to ‘taking control of politics’.²¹² The former emerges when these predicates and *rp* occur in combination with *honos* and *imperium*, ‘political office’ and ‘power’. It is the case of this passage from Cicero’s *Pro Caelio*, where Cicero describes Caelius’ first steps into politics:²¹³

Cic. *Cael.* 72: cuius prima aetas dedita disciplinae fuit isque artibus quibus instruimur ad hunc usum forensem, ad capessendam rem publicam, ad honorem, gloriam, dignitatem.²¹⁴

Gardner’s translation for Loeb (1958) renders *capessere rem p* as ‘entering upon a public career’. The same phrase is used with a similar sense in the so-called *Commentariolum Petitionis*, where the candidate is advised to not *capessere rp* in the speeches to the Senate and to the people:

Comm. Pet. 13: Nec tamen in petendo res publica capessenda est neque in senatu neque in contione.²¹⁵

In his 2002 Loeb translation of this pamphlet, Shackleton Bailey renders the phrase as ‘to deal with politics’.

In other instances, verbs of physical control are used to convey a stronger sense of ‘control over the public affairs’. In the speech to the Senate Sallust ascribes to Cato in the *Bellum Catilinae* the same phrase is used to encourage the senators to take a clear-cut stance against the conspirators.²¹⁶

²¹² Cic. *Cat.* 5.6, Sall. *Cat.* 52,5.

²¹³ *TLL* 3.311.33.

²¹⁴ Gardner 1958 for Loeb: ‘His early years were devoted to training, and those exercises by which we are prepared for practice at the bar, for entering upon a public career (*rp*), for office, honour and prestige.’ Sim. Cic. *Fin.* 5.20: *capessunt rem publicam honoribus imperiis que adipiscendis*.

²¹⁵ ‘Yet, during your canvass, you must not deal with *rp* either in the Senate or in political meetings of the People’.

²¹⁶ The phrase is employed by Marius at the end of his speech in the *Bellum Iugurthinum*: Sall. *Iug.* 85. 47: *quam ob rem vos, quibus militaris aetas est, adnitimini me cum et capessite rp, neque quemquam ex calamitate aliorum aut imperatorum superbia metus ceperit*. Rolfe translates the phrase as ‘take part in your nation’s affairs’.

Sal. *Cat.* 52.5: Si voluptatibus vestris otium praebere vultis, expergiscimini aliquando et capessite rem publicam.²¹⁷

In this instance the concited tone of the speech suggests a stronger sense of *capessere rem p.*, which Rolfe renders as ‘lay hold of the reins of government’ in his Loeb translation (1931). In Memmius’ *contio* to the *populus* in the *Bellum Iugurthinum*, Memmius invites his audience to reflect on the ethos of the ruling class:

Sall. *Iug.* 31.12: at qui sunt, qui rem publicam occupavere?²¹⁸

Sallust describes them as those ‘who had dared *occupare rem p.*’. Rolfe’s translation for Loeb (1931) reads ‘those who have taken possession of our country’, suggesting a military understanding of ‘*occupare*’. Similarly, in his commentary, Köstermann (1971, 132) explains the phrase as ‘*rp* widerrechtlich in Besitz nahmen’. However, Valerius Maximus, uses the same phrase to describe the political ascent of the slaves in Felsina, an Etruscan city, in terms of ‘occupation’ of public affairs:

V. Max. 9.1.2: qui primum admodum pauci senatorium ordinem intrare ausi, mox uniuersam rem publicam occupaverunt.²¹⁹

In this passage slaves are said to have entered public life as senators, and then to have ‘occupied’ the entire institutional sphere. Such a context does not point to an unlawful behaviour or to a military coup, it rather emphasises the fact that the slaves had become a substantial presence in the ruling class. The nuance of *occupare rem p.* in the *Bellum Iugurthinum* might be similarly pointing to a general ‘political supremacy’.

The verb *potior* bears a similarly ambiguous sense. Priscian paraphrases *potior* as *praedo et praedor*, the *TLL* entry by Gatti renders it as *in potestatem venire*.²²⁰ The standard connotation of *potior* could suggest, indeed, the idea of an ambush or a predacious attitude towards a ‘common property’. Seyfarth's work, however,

²¹⁷ ‘If you want to provide freedom from disturbance for indulging your pleasures, wake up at last, and lay hold of the *rp*’.

²¹⁸ Cfr. Cic. *Agr.* 2.98.

²¹⁹ ‘At first quite a small number of these (slaves) dared to enter the senatorial order, presently they took over the entire *rp*’.

²²⁰ *TLL* 10.2.327.80. Prisc. *Gramm.* II 396, 17.

convincingly showed that *potiri* is employed in at least two ways, none of which implies an association with the use of violence. The first meaning is ‘being powerful’ (‘mächtig sein, die Umwelt beherrschen’), while the second nuance can be interpreted as ‘to rule over a state’ (‘Herrschen in einem Staatswesen’).²²¹ In the latter sense, the verb can be used with the plain *res* or with *res p* to express a sense of ‘control over public affairs’.²²² In the following passage from *De Re Publica*, where the speaker is praising the aristocratic rule, the meaning of *potior* is neutral or could be even be seen as veering towards a positive nuance:

Cic. *Rep.* 1.49: plures vero boni in qua re publica rerum potentur, nihil poterit esse illa beatius.²²³

Keyes’ translation for Loeb (1928) renders the sense of the phrase ‘*in re publica rerum potentur*’ loosely as ‘for a State to be ruled by’. Those who understand *res populi* as ‘property’ of the people take these expressions literally. As a result, whenever someone that is not the *populus* is said to take over or possesses the *rp*, commentators assume that they do this unconstitutionally.

Possessio rei p. - an expression occurring in Sallust, Cicero, and Livy - conveys the general meaning of someone’s control over the political affairs. Funari and Skard agree on regarding the expression as one ‘borrowed’ from the commercial language, and employed as a figure of speech to convey the moral decadence in the public sphere.²²⁴ Sallust, Cicero, and Livy, however, seem to use this expression to convey a sense of political primacy or monopoly. The nuance is neutral *per se*, one has to rely on the context to ascribe to it a negative overtone:²²⁵

Sal. *Hist. frg.* 1.54M: de praefecto urbis quasi possessione rei p contendebatur.²²⁶

²²¹ Seyfarth 1957: 316 n.2.

²²² *TLL* 10.2.331.55.

²²³ ‘While nothing could be more advantageous for a State than to be ruled by a select number of good men.’

²²⁴ Funari 1996: 130, Skard 1942: 149.

²²⁵ *TLL* 10.2.96.43.

²²⁶ ‘On both sides there was violent contention over the city prefecture, as if over the control of the *rp*’.

After Caeso's exile (294 BC) Livy recounts that the older senators release their grasp over public affairs, while the younger ones' political eagerness became fiercer:

Liv. 3.14: quod ad seniores patrum pertineret, cessissent possessione rei publicae, iuniores, id maxime quod Caesonis sodalicium fuit, auxere iras in plebem.²²⁷

The same expression was reportedly used by Pompey to refer to Caesar's election as *consul*, as Cicero suggests in a letter to Atticus:

Cic. *Att.* 7.8.5: 'quid censes' aiebat 'facturum esse ipsum, si in possessionem rei publicae venerit, cum haec quaestor eius infirmus et inops audeat dicere?'²²⁸

In conclusion, expressions conveying the sense that *rp* is 'taken' and 'possessed' are to be understood figuratively: while *rp* retains the sense of 'matters', the predicates refer to the control over public affairs rather than to a metaphorical unlawful 'appropriation' of the 'public property'. They point, in other words, to the politically neutral concept of 'power' rather than to the seize of a 'democratic' or 'republican' institutions. Greek translations of these expressions seem to confirm this use of *rp*, which on several occasions is rendered as 'political control'.

a.2) Public Domain

Both *TLL* articles for *privatus* and *publicus* frame the contrast between *res privata* and *res publica* in terms of *negotia acta* and *gesta* in public life (*in re publica*) and those in private life (*in vita privata, privatim*).²²⁹ The oldest attestation of the contrast *publicum/ privatum* occurs in a fragment from Ennius' *Medea*, modelled on a line of Euripides' *Medea*. The fragment has reached us indirectly, being quoted in a letter from Cicero to his friend Trebatius. At that time, Trebatius was Caesar's advisor abroad, in Gaul, and yet he longed for a career in Rome (Fam. 7.6.2). Cicero draws a

²²⁷ 'And so far as the older senators were concerned, they had indeed relinquished their grasp upon the *rp*; but the juniors, especially those who had been of Caeso's fellowship, grew more bitter against the plebs'.

²²⁸ 'How do you expect Caesar to behave if he gets control of the *rp*, when his feckless nobody of a Quaestor dares to say this sort of thing?'

²²⁹ *TLL* 6.2.1946.23 *munere privato et publico*.

comparison between his friend and Medea, both living abroad far from their homeland. Just like Medea pleaded her own case to the Corinthian women suggesting that many had gained respect by handling well their own and public matters abroad, so Cicero assures Trebatius that there is no shame in pursuing a career abroad rather than in Rome:

Cic. *Fam.* 7.6: multi suam rem bene gessere et publicam patria procul.²³⁰

While Ennius' original text is unknown to us, Jocelyn noticed that this *sententia* borrows Euripides' *Medea* formal structure. Indeed, in *Med.* 215-6 Euripides juxtaposes two domains 'out of sight, out of the public gaze' (ὀμμάτων ἄπο) and 'among the people, out in public' (ἐν θουραίοις).

Eur. *Med.* 215-6: οἶδα γὰρ πολλοὺς βροτῶν σεμονοὺς γεγῶτας, τοὺς μὲν ὀμμάτων ἄπο, / τοὺς δ' ἐν θουραίοις.²³¹

If Jocelyn is right in linking the two passages, Ennius rendered the Greek phrase 'ἐν θουραίοις', meaning 'out in public', with the phrase '*rem publicam gessere*'. Conversely he adapted 'ὀμμάτων ἄπο', 'out of the public gaze' to '*res privata*'. Jocely suggests that Ennius used such a politically connoted term as *rp* in order to make Medea sound like a Roman general boasting private and public success.²³² Such a symmetric translation of Euripides' phrases, however, could also suggest that *gerere rem p* also expressed the sense of 'acting publicly' while its quasi-antonym *gerere rem privatam* covered the sense of 'acting privately'.²³³ In such context *gerere rem p* would not point to the handling of a specific type of constitution, but would instead acquire a broader meaning

²³⁰ My own translation 'many have shown good nature by handling well their own and public matters abroad'. Shackleton Bailey's 2001 translation for Loeb renders '*rem privatam gerere*' with 'helping self' and '*rem p. gerere*' as 'helping country'. In Warmington 1956² Loeb translation the two phrases read respectively 'pass one's days at home' and 'pass one's commonweal's tasks'. Manuwald 2012 *Enn. Frag.* 266 'Many there are who have performed well their own and their *rp* tasks far from the fatherland'.

²³¹ Kovacs for Loeb, 2001: 'For I know that though many mortals are haughty both in private and in public'.

²³² Jocelyn 1967: 362, n. 2 for equivalent passages in Plautus, oratory, and prose.

²³³ Mastronarde 2002: 206.

of ‘acting in the public realm’. Hence, its opposite would not be ‘monarchy’, but instead *res privata*, ‘private realm’.

Rp and *res privata* are not the only two realms in which a Roman citizen was active and handled *negotia*. In addition to *res privata*, *res domesticae* is often juxtaposed to *res publica/e* and to the *res* that were handled in the *forum*, *res forensis*:

Cic. *Agr.* 2.64: Tum cum haberet haec rp Luscinos, Calatinos, Acidinos...quorum sapientiam temperantiamque in publicis privatisque, forensibus, domesticisque rebus perspexeratis.²³⁴

The opposition between *res privata/ domestica* and *res forensis/ publica* is a distinctive trait of Cicero’s language.²³⁵ Besides this complementary opposition between private and public realm, however, textual sources suggest a diversified and complex subdivision of ‘political affairs’ in other types of *negotia*.

b) Political engagement

Time and again, with predicates such as *agere* or *gerere*, *rp* is used to convey the overall meaning of ‘being engaged in political matters’ or ‘doing politics’. A passage from Book Three of the *De Finibus* translates a maxim by Chrysippus. *Gerere* and *administrare rem p* are employed to render the Greek verb πολιτεύεσθαι: ‘to be a citizen, to participate in politics’.²³⁶ In this passage Cicero explores the Stoic idea of a ‘moral community’ bound by reason. Such a community is compatible with some social conventions, such as having a family and doing politics.

²³⁴ ‘When this *rp* had the Luscini, the Calatini, the Acidini...men whose wisdom and moderation you had obtained a thorough knowledge of in public, and private, and forensic, and domestic affairs (*publicis privatisque, forensibus domesticisque rebus*)’.

²³⁵ *TLL* 5.1.1869.30 ff. The tricolon *rp, res domesticae*, and *res forensis* is very frequent in Cicero, for a survey see *TLL* 6.1.1054.39.

²³⁶ *LS*. The Greek text quoted is the one recognised by Madvig and is a topos featuring in Diogenes Laertius’ *Zeno*.

Cic. *Fin.* 3.20.3: Consentaneum est huic naturae, ut sapiens velit gerere et administrare rem publicam.²³⁷

Over one century later, in a different political context Seneca employs the same quote in *De Otio*. The eighth of Seneca's dialogues, *De Otio*, discusses the role of the Stoic *sapiens* in politics, debating whether learned, community-minded individuals should devote their time to *otium* or to political *negotium*.²³⁸

Sen. *Dial.* 8.3.2: Epicurus ait 'non accedet ad rem publicam sapiens, nisi si quid intervenerit'; Zenon ait: 'accedet ad rem publicam, nisi si quid impedierit'.²³⁹

In both passages the semantic emphasis is not on *rp* as 'state' and even less as 'republic', since Seneca writes under Nero's principate. The Greek testimony of this same Stoic maxim, contained in Diogenes Laertius' *Lives of the Eminent Philosophers*, has πολιτεύσεσθαι – doing politics - as equivalent of *rem publicam accedere* and *rem publicam gerere*.

Diog. Laer. *Zen.* VII.121: Πολιτεύσεσθαι φασι τὸν σοφὸν ἂν μὴ τι κωλύη.²⁴⁰

The translation of Seneca's passage by Annas-Woolf reads 'to take part in the business of government', while Basore's translation for Loeb (1932) opts for a more general 'public affairs'.²⁴¹ In these, and analogous contexts, expressions such as *gerere* and *agere rem p*, define political engagement in the public sphere as the opposite of conducting a private and secluded life. *In re p* was used to convey a general idea of political engagement as the opposite of private life rather than political participation in 'a republic'.

²³⁷ 'It follows from this natural disposition, that the wise man should desire to engage in *rp* and government'.

²³⁸ Williams 2003.

²³⁹ 'Epicurus says: "The wise man will not engage in *rp* except in an emergency." Zeno says: "He will engage in *rp* unless something prevents him."'

²⁴⁰ 'Again, the Stoics say that the wise man will take part in *rp*, if nothing hinders him'.

²⁴¹ Annas-Woolf 2001.

This sense mostly stems from the combination of *rp* with verbs of movement or preposition indicating location such as ‘*in re publica*’.²⁴² In such phrases *rp* rarely points to a physical or geographical position (as mistakenly suggested by translations such as ‘in the Commonwealth’ or ‘in the republic’), they convey instead the sense of ‘presence/ absence of political engagement’. *In re p* is used to convey the meaning of ‘in performing of political activity’. This mainly occurs when verbal and adjectival constructs are combined with *in re publica*, such as verbs expressing intention or sentiments (*verba sentiendi*) or moral performance. Nouns and adjectives describing moral qualities (e.g. *auctoritas*, *constantia*, *dignitas*), or attitudes are very frequent in this context. For example, the phrase is often combined with terminology describing someone’s attitude to others, such as partnership, support, and associations in politics:

Cic. *Fam.* 3.13.2: Nam tibi me profiteor et in re publica socium, de qua idem sentimus.²⁴³

Phrases such as *ratio* and *disciplina* are often coupled with *rp* (either *rei p* or *in re p*) to express a meaning close to political style, or even policy (i.e. the principles underpinning a certain plan or political strategy). More typically, however, *in re p* defines the public domain as opposed to the private one or to other domains. While the contrast with *res privata* is the most common, *rp* can be articulated in a myriad of other domains and its range can be narrowed or broadened.

The verb *versari*, middle sense of *verso*, in combination with *res* acquires the meaning of ‘to busy and concern oneself in an activity’ and of ‘to be concerned or have to do (with), be involved (in)’.²⁴⁴ *Abesse* is used metaphorically to express the meaning of ‘giving up, ceasing to perform’ a task or an action, and more specifically can be employed in reference to magistracies as ‘resigning and retiring from an office’.²⁴⁵ The incipit of Sallust’s *Bellum Catilinae* exemplifies the working of this type of collocations

²⁴² Out of the total 4595 occurrences of *rp* in Classical Latin, 482 are *in re publica*.

²⁴³ ‘I avow myself both your partner in *rp*, as to which our opinions coincide’.

²⁴⁴ *OLD* 2250.

²⁴⁵ *OLD* 6 14 a, b.

while also offering the opportunity for a comparison with the use of similar phrases in similar contexts in Greek.

In the initial paragraphs of his work Sallust pleads his own case for quitting politics and devoting time to writing history. As a young man - he recalls – he was eager to enter politics, which he phrases in terms of ‘being driven to public affairs’ (*ad rem p latus sum*). The *Quellenforschung* has juxtaposed the incipit of the *Bellum Catilinae* with the initial lines of Plato’s *Seventh Letter*.²⁴⁶ Both texts explore the intellectual transition from politics to liberal arts. The idea of ‘accessing politics’ is phrased with semantically equivalent constructions in both Greek and Latin:

Plat. *L.7*. 324ξ: νέος ἐγὼ ποτε ὄν πολλοῖς δὴ ταῦτόν ἔπαθον: ᾤθηθην, εἰ θᾶπτον ἑμμαντοῦ γενοίμην κύριος, ἐπὶ τὰ κοινὰ τῆς πόλεως εὐθὺς ἰέναι.²⁴⁷

Sal. *Cat.* 3: Sed ego adolescentulus initio, sicuti plerique, studio ad rem publicam latus sum.²⁴⁸

The English translation for both passages is similar; the Loeb edition has ‘entering public life’ for Plato’s ἐπὶ τὰ κοινὰ τῆς πόλεως ἰέναι and ‘being carried along into politics’ for Sallust’s *ad rem publicam latus esse*. While Plato’s Greek has the neutrum plural κοινά –matters of the community – Sallust’s Latin has the singular *rp* – public matters, in both instances however the semantic dimension of politics is that of ‘affairs’.

Overall, both in Greek and Latin the sense of ‘political engagement’ is phrased by means of a metaphorical movement towards or access to πράγματα and *rp*. Where Greek has ἔρχομαι and πρόσειμι, Latin has *accedere*, *versari*, *adesse*. Indeed, constructions with πράγματα and verbs of movement (e.g. πρὸς τὰ κοινὰ προσελθεῖν, προσιέναι) render the idea of ‘partaking in public affairs’; likewise the Greek

²⁴⁶ Büchner 1960: 1-3.

²⁴⁷ ‘In the days of my youth my experience was the same as many others. I thought that as soon as I should become my own master I would enter *rp*’.

²⁴⁸ ‘I myself as a very young man, like great many, was initially carried along into *rp* by my inclination’.

collocation οἱ ἐν τοῖς πράγμασι is rendered by Stephanus' *Thesaurus Linguae Graecae* as *qui rem administrant* and by *LS* as 'those who are in power or office'.

'Public engagement', however, is a very broad concept. The passages examined above, in which *rp* is understood as 'public activity' describe a range of action, from 'appearance in public situations' to 'holding magistracies'. In the proemium of Sallust's *Bellum Iugurthinum* 'public engagement' describes activities such as ingratiating the common people and currying their favour with banquets. In the passage from *De Officiis* and in the excerpt from Varro's *De Agri Cultura*, however, *rp agere* refers to specific institutional duties. The next two sections focus on two slightly different nuances of the notion of 'public activity'. If on the one hand *rp* occurs in contexts where the control over public affairs is obtained by non-institutional means, on the one hand *rp* can be used to conceptualise the idea of 'holding office', when paired with certain predicates.

b.1) Holding Office

Versari in, accedere ad, ingredi in rp are the most frequent collocations employed to refer specifically to one's access to the *cursus honorum*.²⁴⁹ The *TLL*, too, paraphrases *accedere ad rem p* with *accedere ad honores*. A passage from Cicero's *Verrines* features the hendyadys *ad magistratus remque publicam* to indicate the beginning of Verres' political career:

Cic. *Ver.* 2.33: Omne illud tempus quod fuit antequam iste ad magistratus remque publicam accessit habeat per me solutum ac liberum.²⁵⁰

A similar use of *accedere ad rem p* is found in Nepos' *Life of Conon* to describe Conon's first steps in Athenian politics and his election to commander in 413 BC:

Nep. *Con.* 1: Conon Atheniensis Peloponnesio bello accessit ad rem publicam.²⁵¹

²⁴⁹ *TLL* 1.260.35.

²⁵⁰ 'All those earlier years, up to the time when he entered upon public office and *rp*, may remain free and clear for him'.

In both contexts *rp* does not describe a general idea of ‘public engagement’, but points, more specifically, to someone accessing to public office. Greenwood’s 1928 translation of the *Verrines* for Loeb renders it as ‘entering upon public office and political life’, while Rolfe’s translation of Nepos’ *Life of Conon* (1929) renders *accedere ad rem p* as ‘beginning one’s public life.’

Public offices were conceived of as being received and held by or bestowed upon someone. A number of collocations describe public affairs being transferred, upheld, and received by different political agents. The most common verbs to convey this meaning are *transferre*, *tradere* – expressing a sense of transfer; *committere*, *commendare* – with a nuance closer to entrust; *suscipere* – take upon oneself. A comparison with Greek sources suggests that in these cases the sense of *rp* is close to ‘political power’. Nipperdey’s analysis of the Greek sources employed by Nepos for the *Life of Alcibiades* suggests that the equivalent of *rp* would be δυνάμεις, ‘political powers’:

Diod. Sic. *Hist.* 13.69.3: τὸ δὲ τελευταῖον αὐτὸν στρατηγὸν καταστήσαντες αὐτοκράτορα καὶ κατὰ γῆν καὶ κατὰ θάλατταν, ἀπάσας τὰς δυνάμεις ἐνεχείρισαν αὐτῷ.²⁵²

Nep. *Alcib.* 7.1: tota que res publica domi belli que tradita, ut unius arbitrio gereretur.²⁵³

In this instance the idea of transferring the entirety of the public affairs (*tradere rem p*) in Alcibiades’ hands is, conceptually speaking, the equivalent of conferring all powers - ἀπάσας τὰς δυνάμεις - upon him. Rolfe’s translation for Loeb (1929) has ‘business of the state’ for *rp*.

²⁵¹ Adapted from Loeb: ‘Conon the Athenian first entered *rp* at the time of the Peloponnesian war, and in that war’.

²⁵² ‘And to cap all they appointed him general with supreme power both on land and on sea and put in his hands all their armaments’. Cfr. with *Plut. Alk.* 33.

²⁵³ ‘All the *rp* at home and abroad had been entrusted to him alone’.

In a passage from the *RG*, *rp* is used with a term of ‘transfer’ and similarly the Greek official version renders the term with the Greek term for ‘absolute power’: κυριήα.

RG 34.20: Rem publicam ex mea potestate in senatus populi que Romani arbitrium transtuli.

RG 34.21: Ἐκ τῆς ἐμῆς ἐξουσίας εἰς τὴν τῆς συνκλήτου καὶ τοῦ δήμου τῶν Ῥωμαίων μετήνεγκα κυριήαν.

The transferral of public affairs from Augustus’ control to the joint power of senate and people is conceptualised in Greek as a transferral of supreme control (κυριήα) from Augustus to senate and people. In general, the Greek translator of the Latin version of the *RG* is believed to have had more freedom than translators of official decrees. While the latter would have translated *rp* with πράγματα, affairs, the anonymous translator of the *RG* rendered *rp* with different Greek words. Cassius Dio’s account of Augustus’ address to the senate delivered in year 29 BC contains a phrase that resonates 34.1 of *RG* and in which *rp* is rendered with πράγματα:

Cass. Dio. *Hist. Rom.* 52.1: τὰ πράγματα τῇ τε γερουσίᾳ καὶ τῷ δήμῳ ἐπιτρέψαι.²⁵⁴

Whether the variation of κυριήα aimed at making the Latin text more understandable to a foreign public or more palatable to the Hellenistic monarchic culture is still debated.²⁵⁵

The lexical choice of 34.1 is often explained as an attempt to convey an image of Augustus closer to that of a Hellenist monarch. Commentators suggest that in such a context any reference to *rp* would have been inappropriate.²⁵⁶ Vanotti (1975) holds that κυριήα was aimed at sparking an association with Hellenistic monarchs: ‘qui al di là di infrangimenti costituzionali, peraltro difficilmente recepibili, alle genti orientali si parla

²⁵⁴ Manuwald 1979: 77 – 85.

²⁵⁵ Useful summary of translation issues in McElduff 2013: 33. Meuwese 1920; Gagé-Weber 1935; Ramage 1987; Wittenburg 1990. In general on bilingual translation Cresci Marrone 1996.

²⁵⁶ McElduff 2013: 37 ‘the translator felt it unnecessary to explicitly translate the word’.

di *dominatus* e non di *rp*'.²⁵⁷ The comparison with Nepos' passage and Diodorus' phrasing of the same concept might suggest more immediately that what the Latin language framed as a transfer of public affairs, Greek conceived of as a transfer of power. The shift from public affairs to political power can be explained on the basis of a metonymical process. 'Doing politics' would be likened to exerting 'political power'. Power and influence, however, were not necessarily exerted from institutional positions.

c) Common Interest

The third most frequent type of *iuncturae* employed with *rp* are prepositions. *Pro/ causal in* and *contra/ adversus* are by far not only the most common *iuncturae* occurring with *rp*, they are the most widespread on the diachronic arch, too, and are as numerous in literary sources as in inscriptions.²⁵⁸ Prepositions generally complement a verb classifying a certain action or thought as 'favourable' or 'negative' towards the *rp*. Hence *rp* is often understood and translated as 'public interest'.²⁵⁹ These propositions are thus mainly employed with a) *verba dicendi* and with verbs describing actions (*facere*); b) *verba sentiendi* or equivalent expressions.²⁶⁰ Overall, these collocations convey two very schematic concepts: advantage and growth on the one hand and disadvantage, loss on the other, around which most expressions applying to *rp* – either as a whole political entity or as public affairs – polarise. Expressions such as *beneficia*, *merita*, and *munera in rem p* as well as the more abstract *studium* and *amor in rp* belong to the group of collocations in which *rp* means 'public interest'. Verbs bearing meaning of growth/ help/ preservation, such as *iuvare*, *adiuvare*, *augere*, *interesse*, and *expedire* as opposed to terms such as *deficere* and *detrimentum capere*, are complementary to these expressions, too.²⁶¹ Words expressing a more general idea of danger, such as *calamitas*, *periculum*, and *malum* apply to events and actions that are detrimental to

²⁵⁷ Vanotti 1975: 309 and so Cooley 2009: 260. Κυριῆα means more generally 'control', frequent in Papyri and inscriptions from the first century BC. Rowe 2011 suggests that κυριῆα was an attempt to translate the Latin *arbitrium*.

²⁵⁸ *Pro/ e re p* (78), *in/ contra rem p* (47), *e re p* (72), *in rem p* (122).

²⁵⁹ Already the glossae *codicis Vaticanis* 3321 described *res* as *utilitas*.

²⁶⁰ E.g. *Animus/ voluntas in rem p*.

²⁶¹ As adj.: *Imminuta*, Very frequently for this purpose are employed verbs that suggest an organicistic view: e.g. *revivisco* or verbs of movement employed metaphorically.

public affairs. Conversely terms with a wider positive connotation, such as *bonum* and *commodum*, or *salus rei p*, convey a sense of ‘advantage’.

The high frequency of these constructions suggests that they have an important function within political language. The occurrence of this terminology in Plautus (*Mil. Glor.* 127.102, *Amph.* 127.39) and in the earliest fragments of public oratory hint to the pristine and genuinely Roman nature of the nuance of ‘public interest’ in the semantic spectrum of *rp*. These expressions are characteristic of everyday’s language rather, and not the exclusive currency of the philosophical discourse of the time. Theoretical reflection on the notion of ‘public interest’ features in Latin sources as late as in the first century BC, when Cicero elaborates the stoic notion of *utilitas communis* in *De Officiis*.²⁶² This concept, however, has a purely philosophical matrix (*Off.* 1.20, 31).²⁶³ The existence of religious cults connected to *salus publica* and attested from the third century BC onward strengthens the assumption that ‘public incolumity’ was at the centre of the Roman political culture from a very early stage.²⁶⁴ While *salus publica* is often paraphrased as *salus populi Romani*, a number of bilingual renderings suggest that ‘public interest’ is to be understood along the broad lines of interest of the ‘public affairs’ rather than ‘of the citizenry’ or ‘of the people’.

The *lex Osca tabulae Bantinae* (100-150 B.C.), preserved in both the Latin and Oscan originals, contains the only rendering of *res publica* in an Italic language:

CIL IX 416. 6: siom ioc comono magis egmas touticas amnud pan pieisum brateis avti cadeis amnud.

*CIL IX 416. 6: si ea comitia magis rei publicae causa quam cuiuspiam gratiae aut inimicitiae causa.*²⁶⁵

²⁶² This is discussed mainly in relationship with the Ciceronian-Panaetian philosophical matrix as described in *De Officiis*. For a general discussion see Gaudemet 1951, Jossa 1964, for a on overview on Cicero’s use of this concept see Fuhrmann 1960; for the legacy of this concept see Longo 1972: 11 ff.

²⁶³ Dyck 1999 528. *Fin.* 3.63 Cicero devises the notion of a *naturalis commendatio* within human society.

²⁶⁴ Winkler 1995.

²⁶⁵ Crawford 1996: 7, 13; Galsterer 1971: 191-214.

The expression *rei p gratia* is rendered as ‘*egm[as touti] cas amnud*’ by using *egma*, a term semantically equivalent to *res* and widely employed in Oscan to describe ‘legal matters’. One of the few Greek-Latin bilingual inscriptions featuring the term *rp* combined with these *iuncturae* is the *SC de Asclepiade Clazomenio sociisque*, dating to 78 BC. In the text of the inscription *rp* occurs in combination with expressions such as *in* + acc. and gen. + *causa*. On these occasions the term is consistently rendered with the standard Greek formula δημόσια πράγματα.²⁶⁶ This translation seems to suggest an understanding of *rp* as ‘public matters’ and hence would support a translation along the lines of ‘in the interest of public affairs’ rather than ‘for the republic’:

CIL I². 588. ln. 5: Pr[o rebus bene gestis ab eis fortiterque factis in rem publicam nostram honor eis haberetur.²⁶⁷

CIL I². 588. ln. 9 ὑπ’ αὐ[τῶν καὶ ἀνδρα]-|γα<θη>μάτων εἰς τὰ δημόσια <π>ράγματα τὰ ἡμέτερα.²⁶⁸

Sherk’s translation of the Greek text – quoted in the footnote – retains the nuance of ‘public affairs’. However, as soon as the present-day translator turns to the Latin text, this understanding is overshadowed by the modern semantic baggage, which suggests the association of *rp* with ‘republic’. These Latin expressions find their equivalents in Greek expressions such as ὑπὲρ or περὶ τῶν κοινῶν. In both languages the sense of ‘public interest’ is construed by reference to common affairs and matters. In both Greek and Latin such formulations are equally frequent in inscriptions and in oratory.

Overall, we have observed that *rp* is understood as ‘political affairs’ from at least three different angles. Which facet or aspect of the concept of ‘political affairs’ is conveyed, depends on the context *rp* is used with. With *agere* and *gerere* *rp* can refer to the vicissitudes and businesses of a political community as well as to someone’s political engagement; when used with prepositions of advantage and disadvantage, *rp* mainly conveys a sense of ‘interest’ (‘growth’/ ‘detriment’ of public affairs). We have also observed that metonymical and metaphorical shifts can operate within the realm of

²⁶⁶ Sherk 1969: 124.

²⁶⁷ ‘In virtue of their favours to our *rp*’.

²⁶⁸ ‘In virtue of their goodwill in our public affairs’.

each of these senses, yielding further nuances. When paired with the preposition *in*, *rp* expresses the sense of ‘domain’, whilst when paired with verbs of control or of movement the term yields the sense of ‘influence, engagement’ and ultimately ‘power’ (a.1) and (b.1).

From this analysis transpires that none of these senses corresponds to the etymologically suggested nuance of ‘property’ and none of these nuances is ‘more concrete’ or ‘more abstract’ than the other. Furthermore, none of these senses frames public life in terms of organisation or in terms of ‘republic’, a specific type of organisation. Conversely, the ways *rp* is employed and combined with verbs allowed Latin speakers to conceptualise public life in a number of ways, from different angles: from ‘public matters’ to ‘public domain’ to ‘political engagement’.

2.2.3 Organisation

Most semantic descriptions of *rp* focus solely on the sense of *rp* as ‘matters’, ‘affairs’ or ‘property’.²⁶⁹ As seen in the Introduction, the majority of the works dealing with the ‘pristine’ meaning of *rp* starts with comparing and contrasting the concepts of *rp* and ‘State’ and describing the former as ‘concrete’ property and the latter as ‘abstract’ personality. On the other hand, however, the ‘genealogy’ of the modern definition of ‘republic’ begins with the understanding of *rp* as featured in Justinian’s *Digest*. Here *rp* is explicitly likened to a *universitas* - a type of legal persona (*societas*).²⁷⁰ The comparison between these two entities, *rp* and *universitas*, entails a point of contact between the former and a ‘group’, between a *res* and a *persona* with a *corpus*. Contemporary political theorists follow Skinner in the suggestion that the State was born in the sixteenth century, when the idea of an active agent, a government apparatus different from the person of a ruler or of a body of the ruled, was

²⁶⁹ Stemming from Drexler 1957: 2-4 for whom *civitas* and *rp* are two distinct concepts and ‘*rp* bleibt immer ein *res* und auch in den kühnsten Wendungen ist unvergessen, dass es sich um eine Metapher handelt’.

²⁷⁰ *D.* 3.4.1.1, *D.* 3.4.2.

crystallised.²⁷¹ While this holds true, *rp* is the pivot of the semantic shift that eventually informed more immediately the definition of ‘people’ as an organic community and as a legal person, ‘State’. In the following it is explored if and to what extent these two understandings of *rp* - as a group and as an acting entity - exist *in nuce* in ancient sources.

In several *iuncturae rp* conveys the idea of a single, complex, and compounded whole. First, phrases such as *pars/ partes rei p* point to different aspects and parts of *rp*, which is conceived as a whole. Furthermore, in several sources expressions such as *total/ universa rp* is juxtaposed to several nouns and phrases regarded as the components of *rp*. These stylistic devices resemble enumeration, and help break down the different components of *rp* when it is understood as a whole. Third, in several translations to and from the Greek, the standard rendering *πράγματα* is replaced by the Greek terms for ‘city’ and ‘constitution’. By surveying a selection of the contexts in which the sense of ‘political organisation’ surfaces, this will be compared to and contrasted with contemporary political concepts such as ‘state’ and ‘government’ and ‘people’.²⁷²

d) Political Order

When combined with *rp* a number of verbs connected to the sense of ‘stability/permanence’ convey the sense of ‘political circumstances’.²⁷³ *(Con)firmo, constituto, instituto, servo vs. elabeo, commuto, everto* constitute the core of a specific terminology describing the different conditions of *rp* understood as an ‘organised whole’. When employed with these verbs *rp* conveys a sense of ‘state of public affairs’ comparable to the lay understanding of ‘state’ along the lines of ‘a community of people living in a

²⁷¹ Skinner 1978.

²⁷² These synonyms are chosen by approximation in order to make the sense of *rp* understandable to contemporary readers. They are not defined according to the scholarly standard concept but rather by referring to the lay sense listed in the *OED*.

²⁷³ Drexler 1977 had already singled out one of the meanings of *rp* as ‘Zustand’.

defined territory and organised under its own government’, or ‘territory occupied by such a community’.²⁷⁴

Verbs indicating ‘stability’ and ‘instability’, ‘flourishing’ and ‘perishing’, are employed to describe the condition of political entities and organisations, such as *urbs* and *provincia*.²⁷⁵ The verb *erigere*, for example, is used in the same way for three different levels of political organisation: *civitas*, *rp* and *provincia*. In a letter to Atticus in April 59 BC, Cicero expresses his perplexity regarding a certain candidate for the tribuneship:

Cic. *Att.* 2.15f.2: Verum ut hoc non sit, tamen, sive ruet <sive eri>get rem publicam, praeclarum spectaculum mihi propono.²⁷⁶

The collapse or rise of a political organisation - *ruere* or *erigere rem publicam* – is a conceptual metaphor to express the idea of ‘negative impact’ and ‘positive impact’ of someone’s action on politics. In a passage of *De Domo Sua* Cicero depicts Pompey as saviour of the *rp* and upholder of the *civitas*. The expressions with which Cicero describes the condition of the *civitas* are the same he employs in other contexts to describe the condition of the *rp*:

Cic. *Dom.* 25: Cn. Pompei...animi dolor subvenit subito rei publicae, civitatemque fractam malis, imminutam ac debilitatam, abiectam metu ad aliquam spem libertatis et pristinae dignitatis erexit.²⁷⁷

The same applies to several passages in the *Verrines*. The central topic of the speech is the political situation of the Sicilian *provincia*, where Verres had served. Cicero praises Gaius Marcellus, for having made the province rise again:

²⁷⁴ *OED* III.27. This is different from the strictly scholarly definition of State as political agent.

²⁷⁵ Dancygier-Sweetser 2014: 22 describe orientational metaphors as universal. More specifically on body metaphors see Zavadil 2006.

²⁷⁶ ‘But, even if this does not happen I am looking forward to a sight worth seeing, whether he runs amuck or saves the *rp*’.

²⁷⁷ ‘(I will say) the indignation I say, of Cnaeus Pompeius, which had been too long concealed and slumbering, being at last aroused, came on a sudden to the aid of the *rp*, and raised the *civitas* crushed with misfortunes, dumb, weakened, and broken spirited through fear to some hope of recovering its liberty and former dignity’.

Cic. *Ver.* 3.212: Alia sunt tua facta atque consilia summa laude digna, quibus illam tu provinciam adflictam et perditam erexisti atque recreasti.²⁷⁸

These examples suggest that verbs similar to ‘*erigere*’ or ‘*perdere*’ could convey a sense of ‘political system’ when combined with *rp*, too.

Indeed, two examples of *enumeratio*, one from the *Catilinarians* and the other from the *Philippics*, allow us to understand *rp* as a combination of citizenry and city, population and territory:

Cic. *Cat.* 4.11: Quapropter de summa salute vestra populi que Romani, de vestris coniugibus ac liberis, de aris ac focus, de fanis atque templis, de totius urbis tectis ac sedibus, de imperio ac libertate, de salute Italiae, de universa re publica decernite diligenter.²⁷⁹

Family life (wives and children), public buildings, religious buildings (altars and hearths, shrines and temples), civic ones (dwelling and homes of the entire city), political institutions (your dominion and your freedom), and territorial security (Italy) compose the *rp*. This construction resonates in the proposal of public thanksgiving to Hirtius and Pansa in the last *Philippic*:

Cic. *Phil.* 14.36: Cumque rem publicam, urbem, templa deorum immortalium, bona fortunisque omnium liberosque conseruarint.²⁸⁰

Again Cicero stretches the meaning of *rp* in such a way that it includes the city of Rome, the temples, and everyone’s property, destiny, and children. This formulation, however more succinct, stems from the same metonymic association: *rp* is not understood in its sense of ‘political matter’ or ‘public activity’ but rather in the sense of an organised, systemic whole.

²⁷⁸ ‘Praise, and the highest praise, is due to the quite different measures that you devised and executed, thereby restoring vigour and health to that crushed and broken *rp*’.

²⁷⁹ ‘Take your decision upon the salvation of yourselves and of the Roman people, upon your wives and children, your altars and hearths, your shrines and temples, the buildings and homes of the entire city, your dominion and your freedom, the safety of Italy and upon the whole *rp*’.

²⁸⁰ ‘Because they have preserved the *rp*, the city of Rome, the temples of the immortal gods, and the property, estates, and children of us all’.

Restituere, a compound of *sistere*, to ‘stand steady’, is one of the most frequent collocations yielding the sense of ‘political system’. The following example in Cicero's *De Senectute* suggests that *restituere* can be understood as a synonym of *sustentare*, to uphold:

Cic. *Sen.* 4.20: Maximas res publicas ab adolescentibus labefactatas, a senibus sustentatas et restitutas reperietis.²⁸¹

With these verbs Cicero comments on a quotation from Naevius's work in which the speaking character blames teenage orators for loosing *rp* – *amittere rem p.* Semantically, the phrase ‘*amitto rem publicam*’ is, semantically speaking, to be understood as antonymic to the expression ‘*sustinere*’ and ‘*restituere*’ – to upkeep and refund. Just after having stated that the biggest states have been ‘destroyed’ (*labefactatas*) by youth and saved and sustained by old citizens (*sustentatas et restitutas*) in the passage from *De Senectute* quoted above, Cicero quotes a fragment of Nevius:

Cic. *Sen.* 20: Cedo, qui vestram rem publicam tantam amisistis tam cito?

Here *amitto/ labefacio* are synonyms and convey a sense of ‘downfall, collapse’ of a political system, contrasted with *sustinere/ restituere*, which instead bear a positive connotation of ‘re-establishing’ the order inherent to public affairs. Most critical political situations are framed as loss, destruction, and non-existence of *rp* by means of *amittere* and *labefactare* and synonyms such as *delere* or *cadere, perdere*, and the periphrastic expressions *non tenere* and *non habere*. All these expressions apply to the non-existence of the intrinsic order of public affairs.

Similarly, in bilingual translations, *rp* is rendered with *πόλις*, ‘city’, and *πατρίς*, ‘fatherland’, two different facets of the idea of ‘political organisation’. When Cicero translates Plato, he often opts for *rp* as an equivalent for *πόλις*. One of the many different translations of *rp* in the *Res Gestae* is *πατρίς*. While in some cases translators

²⁸¹ ‘You will find that the greatest *rp* have been overthrown by the young and sustained and restored by the old’.

might have selected certain terms over others in order to convey the sense of *rp* with words closer to their audience, the chosen expressions must have shared a semantic nuance with the Latin original. In a letter to Quintus, Cicero quotes a short line from Plato's *Republic*. In so doing he renders πόλις with *res publica*:

Cic. *Q. fr.* 1.10.29: Atque ille quidem princeps ingeni et doctrinae Platonum denique fore beatas res publicas putavit si aut docti ac sapientes homines eas regere coepissent...²⁸²

Pl. *Rep.* 473.2: Ἐὰν μή...οἱ φιλόσοφοι βασιλεύσωσιν ἐν ταῖς πόλεσιν.²⁸³

In his Loeb translation of Cicero's *Letters* Shackleton-Bailey (2002) elegantly translates the plural *res publicae* with an old-fashioned 'polities'. The translation of the same passage from the Greek, however, points to the alternative, simpler meaning, of 'state'. While 'polity' and 'state' point to rather different concepts, they both refer to a single political entity understood as a whole rather than to a multiplicity of 'public affairs' or to the action of 'doing politics'.

Likewise, in the *RG rp* is rendered as πατρίς, a choice commentators describe as a literary device amplifying the text's dramatic tenor. The Caesaricides have not only murdered Augustus' adoptive father, Caesar; they had threatened the fatherland, too. This might have aimed at clarifying that the civil wars had not been the result of a personal wish of vengeance, but a heroic act of defence of the fatherland.

RG 2.10: Qui parentem meum (interfecer)un(t, eó)s e]t postea bellum inferentis rei publicae vici b[is a]cie'.²⁸⁴

RG 2.13: Μετὰ ταῦτα αὐτοὺς πόλεμον ἐπιφέροντας τῇ πατρίδι δις ἐνείκησα παρατάξει.²⁸⁵

²⁸² 'The great Plato, a prince among thinkers and scholars, believed that *rp* would only be happy either when wise and learned men came to rule them...'

²⁸³ Emlyn-Jones and Preddy 2013 for Loeb: 'Unless philosophers become kings in our states.'

²⁸⁴ Cooley 2009: 21: 'those who killed my father...I defeated them twice in battle while they were making war upon the state.'

²⁸⁵ Cooley 2009: 34: 'those who killed my father...I twice defeated them in battle when they waged war on the fatherland.'

Those who had killed Caesar had waged war on the *rp*, and as we read in the Greek version, on the fatherland. The phrase ‘waging war’ is rendered word-by-word in the Greek text, and the conceptual target of this action is the *rp* in the Latin text, and the *πατρίς* in the Greek one. Whether it is to be translated as ‘country’, ‘state’ or ‘land’, this suggests that at least conceptually *rp* could be conceived of as a single political unit.

d.1) Institutions

In the *De Lege Agraria* Cicero uses *partes* related to *rp*, to convey a meaning close to that of ‘government’, where by government is meant the sense of ‘the system according to which a nation or community is governed’.²⁸⁶

Cic. *Leg. agr.* 2.10.13: non sum autem ego is consul, qui, ut plerique, nefas esse arbitrer Gracchos laudare, quorum consiliis, sapientia, legibus multas esse video rei publicae partes constitutas.²⁸⁷

In this passage Cicero praises the Gracchi for how their decisions, laws, and wisdom shaped different aspects of the Roman government, which he refers to with the phrase *partes rei p.* While Loeb translates the phrase as ‘departments of administration’, *rp* is better paraphrased as a set of institutional principles regulating and shaping public affairs, a notion more immediately rendered with ‘government’.²⁸⁸

Rp can be used to express the sense of ‘institutional circumstances’ under which one could perform his duty as citizen. This notion is expressed by phrases such as *fruor* and *utor* or *careo rp*. *Fruor*, whose meaning is closer to ‘enjoy’, refers to the political circumstances in institutional terms of laws, rights, and citizenship.²⁸⁹ This phrase occurs first in a fragment of uncertain provenience from Cato’s orations, mainly commented in virtue of the nexus between *libertas* and *honos*.²⁹⁰ According to the

²⁸⁶ *OED*³ n. 7.

²⁸⁷ ‘I am not one of those consuls who, like the majority, think it a crime to praise the Gracchi, by whose advice, wisdom, and laws I see that many departments of *rp* were set in order’.

²⁸⁸ Translation by Freese 1930.

²⁸⁹ *Phil.* 13.17, *Att.* 4.9.4.

²⁹⁰ Hölkeskamp 2013: 15, Arena 2012: 143: Hölkeskamp renders: ‘taking part in rights, law, *libertas* and public life/ state/ is right and proper for everybody: in glory and honour, however, which every man has built up for himself’.

fragment, Cato claimed that ‘some things are to be used *communiter*, whereas others - such as public offices and military success - are to be sought individually’.

*ORF*⁴ 8. 252: Iure, lege, libertate, re publica communiter uti oportet; gloria atque honore, quomodo sibi quisque struxit.

In these excerpts *rp* seems to subsume *ius* ‘right’, *lex* ‘laws’, and *libertas* ‘civic rights’. Hence the term *rp* is variously rendered as ‘state’, ‘public life’, and ‘political institutions’.

In his speech in defense of Milo Cicero reports Milo’s words upon waiting for the verdict and getting ready to leave (*Mil.* 96). These are the words Cicero puts into Milo’s mouth:

Cic. *Mil.* 93: si mihi bona re publica frui non licuerit, at carebo mala, et quam primum tetigero bene moratam et liberam civitatem, in ea conquiescam.²⁹¹

In the preceding lines Cicero argues that Clodius’ murder by the hand of Milo had enabled the Roman citizens to enjoy civic peace (*tranquilla re publica mei cives...propter me tamen perfruantur*).²⁹² As for himself - adds Milo - if he could not live under good government - he should at least avoid living under a bad one. The parallel between *bona rp* and *bene morata civitas* strengthens the semantic equivalence between the understanding of *rp* as ‘political entity’ and *civitas*.

Just like the *RG* rendered *rp* with πόλις, in the *Parallel Lives* Plutarch employs πολιτεία as a working translation for *rp* when the term occurs with verbs of ‘subversion’ or movement.²⁹³ In the *Life of Cicero* Catiline is accused of ‘overthrowing the *rp*’, which is expressed by Plutarch with the verb ἐξίστημι associated to πολιτεία (Plut.

²⁹¹ ‘If it shall not be mine to live under good *rp*, at least I shall be saved from bad, and in the first well-ordered and free *rp* where I shall set foot, there I shall find repose’.

²⁹² Loeb renders as ‘enjoyment of their constitution’.

²⁹³ I have focused my analysis on a selection of texts. The lives in which the word is most frequent are: Cato (17), Cicero (16), Julius Caesar and Cato the Elder (13), Lucullus (12), Caius Marius (10) and Numa Pompilius (9).

Cic.10: ἐκστῆσαι τὴν πολιτείαν).²⁹⁴ In the *Life of Cato* Plutarch is thought to have provided a *verbatim* translation of the dedication of a statue the *populus* had allegedly dedicated to Cato the censor:²⁹⁵

Plut. *Cat.* 19: ὅτι τὴν Ῥωμαίων πολιτείαν ἐγκεκλιμένην καὶ ῥέπουσαν ἐπὶ τὸ χεῖρον τιμητῆς γενόμενος χρησταῖς ἀγωγαῖς καὶ σώφροσιν ἔθισμοῖς καὶ διδασκαλίαις εἰς ὀρθὸν αὖθις ἀποκατέστησε.²⁹⁶

Πολιτείαν ἐγκεκλιμένην could be rendered as *rp labens*, while πολιτείαν εἰς ὀρθὸν αὖθις ἀποκατέστησε could be translated as *rem p restituere*. More frequently the Greek verb ἀποκαθίστημι, ‘to restore’, applies to the understanding of *rp* as πολιτεία.

This sense of ‘institutional conditions’ occurs very frequently when *rp* is used with expressions such as *forma/ status rei publicae*. These collocations convey a wide range of nuances spanning from the narrow sense of ‘institutional order’ and ‘constitution’ to a broader ‘public order’. The term is here to be understood as settlement or setup of the political affairs, hence with an emphasis on institutional and legislative arrangements.²⁹⁷ *Status rei p*, from *sistere*, ‘to secure, to settle’, is the most prominent of these expressions. In this and similar contexts, political affairs are conveyed as a whole entity that can be fixed, strengthened, and secured. In the following passage of the *Verrines*, Cicero describes the Sullan Constitution as *status rei publicae*:

Cic. *Ver.* 2.1.18: Ita reieci iudices ut hoc constet, post hunc statum rei publicae quo nunc utimur, simili splendore et dignitate consilium nullum fuisse.²⁹⁸

Sulla’s constitutional reforms had prevented the *equites* from taking part as jurors in the criminal courts, making criminal courts *de facto* a monopoly of the Senate. This arrangement was still in place at the time of the first trial against Verres (taking place in

²⁹⁴ The ‘change’ of species of the Roman πολιτεία into monarchy (e.g. Plut. *Cic.* 40) is a topos in the political literature of the Late Empire.

²⁹⁵ For context and authenticity of this information see Astin 1978: 103.

²⁹⁶ ‘That when the Roman πολιτεία was tottering to its fall, he was made censor, and by helpful guidance, wise restraints, and sound teachings, restored it again’.

²⁹⁷ Shackleton Bailey’s translation of the term for the Loeb edition.

²⁹⁸ ‘As the result of my own challenging, it is agreed that never, since the present form of *rp* was established, has a court of such illustrious and acknowledged merit assembled’.

August 70 BC), meaning that the jury Cicero was praising was an entirely senatorial one and had been put together according to the Sullan legislation. Cicero's defense of the senatorial monopoly over the courts pervades the *Verrines*, which therefore celebrate the *status quo*.²⁹⁹ The bottom-line of the quoted passage is that the jury who convicted Verres was the most virtuous of those who had been set up under the reforms of Sulla (*status rei p*). The '*status rei p*' is that order of public affairs that resulted from Sulla's policies.

The same expression, *status rei p*, takes on a similar nuance in other passages in Cicero's work. Among his achievements as a consul, Cicero mentions the grounding and founding of a new political *status*:³⁰⁰

Cic. *Att.* 1.16f.6: *Rei publicae statum illum quem tu meo consilio, ego divino confirmatum putabam, qui bonorum omnium coniunctione et auctoritate consulatus mei fixus et fundatus videbatur.*³⁰¹

Expressions referring to the 'shape' of public affairs are widely used throughout the different constitutional phases of Roman history. Augustus' constitutional settlements in 27 and 29 BC are described as a new *status rei p*, 'institutional order' (Suet. *Div. Aug.* 28.2) in which Augustus declares himself *auctor novi status rei p*. Again Suetonius describes the reigns following Domitian's as periods in which the political circumstances were happier (Suet. *Domit.* 23.2: *laetior status rei p*).

d. 2) Πολιτεία/ Constitution

While Rome never had a written constitution, expressions such as *status/ forma* followed by the genitive *rei p/ civitatis* are consistently employed by a limited number of authors to render the Greek terminology of state-type taxonomy when translating Greek sources. The central concept of the Greek constitutional framework is πολιτεία. This term, mainly rendered with 'constitution', has a rich palette of uses and can be also

²⁹⁹ In fact the jury law was reformed only in September after the *Ludi Romani* with the *Lex Aurelia Iudiciaria*, when the second part of the trial should have happened. Lintott 1981: 162-212 specifically on the *lex*, Vasaly 2009: 104 ff. on its role in the two *actiones* of the trial.

³⁰⁰ Sim. *Rep.* 1.39, 2.2, *Har. resp.* 41, *Leg.* 3.28, *Fam.* 4.14.4.

³⁰¹ 'The settlement of the *rp* which you attribute to my policy and I to divine providence, and which seemed unshakably established upon the unity of all honest men and the prestige of my consulship'.

mean ‘citizenry’, where ‘citizenry’ is understood as ‘group of those who take part in political activity’ in virtue of their state of citizens.³⁰² *Civitas* is the etymological equivalent of πολιτεία as they both derive from the word for citizen, *civis* and πολίτης.

These collocations are especially frequent in Book One and Three of *De Re Publica*, as discussed by Suerbaum.³⁰³ Besides Cicero, only a limited number of authors employ them. The most relevant aspect to this enquiry is that, just like its synonym *civitas*, *rp* allows the general meaning of πολιτεία – constitution - both in periphrastic constructions (*genus, species rei p/ civitatis*) as well as a standalone term. Periphrases containing *rp* and *civitas* are very frequently employed to describe the three and six species of constitutions.³⁰⁴ *Genus regalis rp/ civitatis, civitas regia, rp regalis* render the Greek βασιλεία; *genus optumatis rp, optimatum rp/ civitas* stands for ἀριστοκρατία. Δημοκρατία and ὀχλοκρατία are both rendered with *popularis rp/ civitas* and *genus popularis rei p*. Τυραννίς and ὀχλοκρατία are rendered as *tyrannica* and *factiosa rp/ civitas*. The flexible use of *rp* - interchangeable with *civitas* - in compounds of working translations of different types of constitution seems to confirm that *rp* is ideologically and tipologically speaking a rather elastic term. If *rp* can be employed to refer to such a varied range of constitutional types, then the term itself can hardly refer to a specific type of constitution.³⁰⁵ This use of *rp* furthermore confirms that *rp* shares a segment of its semantic continuum with πολιτεία and *civitas*.

The very low frequency of such compounds, however, suggests that they must have belonged to the vocabulary of a highly educated and cosmopolitan elite rather than to public oratory. The large majority of these constructions does not find correspondence in the lexicon employed in speeches and history writing, but is instead limited to philosophical works. The only exceptions are a passage from Pliny's *Naturalis Historia* and a chapter of Apuleius' *On Plato's teachings*. In the former, Pliny

³⁰² Mohnhaupt 1990: 834-5.

³⁰³ Suerbaum 1977: 17-22.

³⁰⁴ Suerbaum 1977: 17 ff, esp. 21; Judge 1974: n.7.

³⁰⁵ Contra Brunt 1988: 238 and 243 n.10.

provides an overview of all human inventions, among which he counts ‘the forms of government’ (*Nat. Hist.* 7.198), kingship, democracy, and tyranny. Kingship is represented by the *regia civitas Aegyptii*, democracy by *popularis Attica post Theseum*, and tyranny by Phalaris of Agrigentum. Quintilian and Apuleius use the political taxonomy when discussing philosophical teachings.³⁰⁶

e) Citizenry

The phrase *partes rei p* can reveal another nuance of *rp* taken as a whole, namely that the term occasionally referred to ‘those in government’ and more broadly to ‘the whole body of citizens of a country’.³⁰⁷ This semantic shift might be explained as a metonymical transition from the sense of ‘political organisation’ to those agents who handled public affairs or to those agents to whom the affairs mattered. In the first instance *rp* is better understood as a synonym of the English ‘government’ and in the latter as having a meaning close to ‘people’. Sometimes the expression *partes rei p* was used to convey the meaning of ‘faction’, but more frequently its sense is better translated with a neutral rendering of ‘components’ or ‘actors’ of the public life.³⁰⁸ In several occurrences this phrase refers to *senatus* and metonymically to *curia*, the seat of the senate and thus to the place where public affairs are discussed.³⁰⁹ In the *Verrines*, for example, the senate is referred to as one of the *partes rei p*. Here, Cicero presents himself as defensor of the senate, a part of government in which citizens had lost faith after the Sullan reforms:³¹⁰

Cic. *Verr.* 2.1.5: Itaque mihi videor iudices, magnam et maxime aegram
et prope depositam rei publicae partem suscepisse.³¹¹

³⁰⁶ Ap. *Pl.* 2.24-7.

³⁰⁷ OED II.3.c.

³⁰⁸ Drexler 1957: 276. Vretska 1976: 113. ‘*Parteiungen des Staates*’ for Flach 2007. Sim. *Ep. Brut.* 1.8.2. In Cic. *Am.* 77 there is *dissensio* between the components (*partes rei p*). Sall. *Iug.* 40, 3 refers to *plebs - nobilitas*, *Iug.* 41, 1 *mos partium*, and 41, 5 the two contestants of a *dissensio*.

³⁰⁹ Again *curia* as metonymy for *omnes partes rei p*: Cic. *Verr.* 2.1.5 and *Q.fr.* 2.5.3. *Leg. agr.* 2.77.

³¹⁰ Vasaly 2009: 129 n. 64.

³¹¹ ‘And I feel in consequence that I have undertaken to rescue an important part of our body politic, a part that is sick unto death and almost beyond recovery’.

In a letter to Atticus in 60 BC, Cicero describes Caesar as one of the *partes rei p*, complaining that even if he could turn him into a good citizen, other, equally flawed, *partes rei p*. would still be in need of a remedy:

Cic. *Att.* 2.1.6: tamen non minus esset probanda medicina quae sanaret vitiosas partis rei publicae quam quae exsecaret.³¹²

In these passages public affairs acquire a livelier and personal nuance than ‘political organisation’ in that the emphasis falls on the ‘agents’ within the organisation. In this respect *rp* comes close to a different nuance of government as ‘the group of individuals who hold power at a particular time; an administration’.³¹³ In other passages *partes rei p*. can refer to the ‘members of the body politic’ in the more restricted sense of ‘individuals’ engaged in public affairs.

While the senate is a *magna pars*, an important component of the *res p*, it is not its only constituent. In the *Pro Fonteio*, Cicero refers to ‘all the parts’ of the *rp* beyond the *curia* (Cic. *Font.* 43: *omnis rei publicae partes*). All the *partes* of the *rp* are enumerated and listed in a number of passages.³¹⁴ In the *Third Catilinarian* Cicero announces to the *populus* that the Senate had decreed a *supplicatio* to thank the gods for having delivered the city from disaster. In order to emphasise the concrete, physical risks posed by the conspiracy to the city and community of Rome, Cicero builds his *exordium* in such a way that *rp*, *urbs*, and *Quirites* overlap:

Cic. *Cat.* 3.2: Nam toti urbi, templis, delubris, tectis ac moenibus subiectos prope iam ignis circumdatos que restinximus, idem que gladios in rem publicam dstrictos retrusimus mucrones que eorum a iugulis vestris deiecimus.³¹⁵

The physical elements of the city, temples, houses, and walls, the *rp* against which swords had been directed, and the bodies of the *Quirites*, are mentioned in a dramatic

³¹² ‘There would still be as much to be said for healing the unsound members of the body politic as for amputating them’. Sim. Ps-Sall. *Inv. M.T.Cic.* 4.7.

³¹³ *OED* 7c.

³¹⁴ Touched upon by Drexler 1957: 400.

³¹⁵ ‘It is I who have thrust back the swords drawn against *rp* and have dashed away the daggers they held at your throats’.

climax.³¹⁶ Another passage where *rp* overlaps with *populus* is Cicero's description of his return from his exile. The *lex Cornelia Cecilia*, with which Cicero was recalled from his exile, was allegedly passed with an exceptional consensus, whereby out of 417 senators Clodius is the only one to oppose the bill.³¹⁷ The *contio* preceding the vote in the *comitia centuriata* took place in a crowded forum, as the consular elections of the year were also held.³¹⁸ Cicero phrases the approval of the bill as an achievement of the entire *rp*:

Cic. *Fam.* 1.9.16: Me universa *rp* duce senatu, comitante Italia, promulgantibus omnibus <paene magistratibus>, te ferente consule, comitiis centuriatis, cunctis ordinibus hominibus incumbentibus, omnibus denique suis viribus recipavisset.³¹⁹

This description of the *universa rp* suggests, once again, that this consists of senate, Italian citizens (who had welcomed Cicero at his arrival), the consul who proposed the bill and the *comitia* that passed it.

As we have seen at the beginning in Chapter One, legal texts understood *rp* as *universitas*. *TLL* 10.1.470.30 suggests that the expression *partes rei p.* refers to a bodily metaphor, according to which *partes* would refer to the different social parts of the citizenry (*rp*).³²⁰ When Livy (*Liv.* 26.16) explains the measures that were taken to punish Capua, he describes the fact that the city had been deprived of the *concilia* as the absence of *corpus civitatis*. In fact, the term *corpus* is mainly combined with *civitas* and *civium*, which seems to suggest that the *rp* was only indirectly (i.e. by association with *civitas*) understood as a *corpus*.³²¹ The first source in which *rp* is conceptualised as *corpus* and *societas* is the *De Officiis*, in which Cicero explicitly defines *rp* as one of

³¹⁶ Dyck 2008: 169.

³¹⁷ Lintott 2008: 181f, Will 1991: 85 and in the following primary sources *Dom.* 30; *Mil.* 39; *Pis.* 34-35; 80; *Red. Pop.* 16-17; *Red. Sen.* 26; *Sest.* 107; 129-130.

³¹⁸ *Pis.* 35-36, *Red. Pop.* 18 employ *rp* in the same context.

³¹⁹ 'The *universa rp* brought me back under the leadership of the senate and with all Italy in attendance, with the entire body of magistrates promulgating the law, moved by yourself the consul (Lentulus Spinther) at the assembly of the Centuries with the enthusiastic support of all classes and individuals. In a word all the forces of the commonwealth were mobilised to that one hand.'

³²⁰ *TLL* 10.1.470.30, Cic. *Cat.* 4.15.

³²¹ *TLL* 4.1021.40 meaning b) *de collegio, societate, factione, concilio*.

the forms of natural *societas* ('fellowship'), referring to the Peripatetic theory of community and sociability.³²² Couples and families – which exist in both the animal and human world – constitute the foundations of *res publicae*, which are thought to originate from blood kinship:

Cic. *Off.* 1.54: Id autem est principium urbis et quasi seminarium rei publicae. Sequuntur conubia et affinitates, ex quibus etiam plures propinqui; quae propagatio et suboles origo est rerum publicarum.³²³

This passage is often associated with a fragment of Arius Didymus' work as transmitted by Stobaeus, where the equivalent for *rp* is *πολιτεία*.³²⁴ The *De Officiis* contains the first instance where the virtuous politician is the one who takes care of the entire body of the *rp* and not just of its *partes*:

Cic. *Off.* 1.85: ut totum corpus rei publicae curent, ne, dum partem aliquam tuerentur, reliquas deserant.³²⁵

In the following line this expression is broken down as negligence for one part of the citizenry (*pars civium*). This clarifies that the reference is to the community - *cives* - and not to public affairs. These examples show that *rp* could be conceived of - by means of metonymical and metaphorical shifts - in terms of community. *Off.* 1.85 speaks of the community as a *corpus*, where different *partes* can be recognised. In this context - as discussed above - the notion of *partes* is linked to *rp*.³²⁶

Scholars have often identified as Tacitus the first author to make explicit the 'corporate nature' of the *rp*, seeing in expressions such as *corpus rei p* an organic conception of the state.³²⁷ In fact the passage where the expression occurs, *Ann.* 1.12.3, points to the corporate nature of the 'state' from a different angle. The episode takes

³²² Dyck 1996: 173. *Societas rei p/ in re p.* Liv. 4.5.5, Cic. *Leg.* 1.39, *Rep.* 1.42.

³²³ 'And this is the foundation of civil government, the nursery, as it were, of the *rp*. Then follow between these, in turn, marriages and connections by marriage, and from these again a new stock of relations; and from this propagation and after-growth *rp* (states) have their beginnings.'

³²⁴ *Ar. Did. apud Stob.* II.7.26.

³²⁵ 'To care for the welfare of the whole *rp* and not in serving the interests of some partisanship one party to betray the rest.'

³²⁶ Sim. Cic. *Inv.* 2.168 and *Mur.* 51. Aubrion 1990: 155.

³²⁷ Aubrion 1990: 156 picks *corpus imperii* as synonym of *corpus rei p.*

place at the beginning of Tiberius' reign, when Tiberius announces he is ready to be entrusted any part of the government, despite not being equal to it in its entirety. Asinius Gallius replies that the *rp* only had one body and was to be ruled by one's will (*unum esse rei publicae corpus atque unius animo regendum*). The sentence - compact and elegant as a *sententia* - points to the equivalence between Emperor and *rp*. Similarly in *De Clementia* Seneca encourages Nero to personify the *rp*: '*tu animus rei publicae tuae es, illa corpus tuum*'.³²⁸ In this instance the *rp* overlaps with the persona of one individual. Passages in which the *rp* is made to overlap with a collective agent are extremely rare in sources older than the Justinian Code. This suggests that *rp* was not normally regarded as a corporate entity with a legal personality.

Only occasional passages in Cicero seem to attest that *rp* was already understood as a primeval agent and recipient. In the *Verrines* the corporate identity of towns and *municipia* emerges, albeit sketchily. Duff holds that Cicero 'found it very hard to put the charges of theft on any strict legal basis (...); theft had clearly been committed, but from whom no one could say'.³²⁹ In the *Verrines* the equation between *populus* and *rp* is outlined in clearer terms. In Part Three of the *Actio Secunda* Cicero exposes Verres' wrongdoings against the Sicilian farmers. Firstly the term *rp* is employed in reference to financial matters as if the *rp* were the rightful owner of the public monies that were taken from the *aratores*:³³⁰

Cic. *Ver.* 2.3.163: Ex quo intellexistis innumerabilem frumenti numerum per triennium aversum a re publica esse ereptumque aratoribus.³³¹

In this context there is a conceptual overlap of the notion of *rp* with the *populus Romanus*, as a similar passage in the Part Five can attest:

³²⁸ For the contribution of this quotation to the medieval concept of *universitas* see Stacey 2007: 91. Previous identifications between *rp* and an individual are to be found in Cicero's work and in Ovid's more famous *res est publica Caesar* (*Ov. Tr.* 4.4.15).

³²⁹ Duff 1938: 63.

³³⁰ Similarly: Cic. *Verr.* 2.3.120: *Quid anno tertio? - LXXXVI - centum et unum aratores unus ager istius iniuria desiderat, atque adeo nostra rp, quoniam illa populi Romani vectigalia sunt, hunc tot patrum familias numerum desiderat et resposcit.*

³³¹ 'What I have said has now shown you that for a period of three years the *rp* has been cheated, and the farmers robbed, of a quantity of corn that defies calculation.'

Cic. *Ver.* 2.5.58: Postremo quid aliud isti faciunt, cum te soli ex Sicilia laudant, nisi testimonio nobis sunt omnia te sibi esse largitum, quae tu de re publica nostra detraxeris?³³²

A few lines later Cicero takes notice of this argument by describing the privileges Verres bestowed on Messenes, so as to enable the citizens to live in a condition ‘*ut populo Romano nihil darent, Verri nihil negarent*’. While Greenwood (1935) renders *rp* as ‘country’ from Loeb, the *pecunia publica* seized by Verres is regarded as stolen from the *populus* and from the *rp*. This congruity suggests that in this and similar instances *rp* signifies a more concrete and definite aspect of the public situation: the recipient of public goods.³³³

While the notion of legal *persona* develops in Roman private law, according to *D.* 50.16.16 the *civitates* were subjected to private law (*privatorum loco habentur*) and could, hence, be conceived of as *personae*. There are cases, mainly in the legal language, in which the meaning of *rp* comes closer to that of a legal persona. The reason why these expressions were overlooked by previous lexicographic works resides in the fact that these were solely concerned with the meaning of *rp* in *Rep.* or in a limited number of literary sources.³³⁴ The *Digest* assembles those decisions and legal opinions from the past still considered valid, and can occasionally provide some insight in the understanding of legal concepts in the Late Empire. Bearing in mind that the authenticity of the interpolations is often questioned, the usage of the term *rp* suggests a strong ‘personalisation’ of the concept. *Rp* can use money (*pecunia utitur, perceptit pecunias*), have business or goods (*habet negotium/ bona*), or run an auction (*habere actionem*).

³³² ‘And finally, when these friends of yours thus eulogize you, they and no one else in Sicily, what they do is simply to testify before us to all that you bestowed on them by robbing our *rp*.’

³³³ In this respect a comparison between the verbal terminology employed with *populus* (e.g. *populus iubet, committit se, potestas populi* etc.) and the expressions that occur with *rp* in its sense of ‘community’ could constitute a solid criterion for identifying further relevant occurrences.

³³⁴ The most recent contribution is Kharkhordin 2009: 249.

Ulp. 591.31: Si pignus specialiter res publica acceperit, dicendum est praeferrri eam fisco debere, si postea fisco debitor obligatus est, quia et privati praeferuntur.³³⁵

In the *Codex* (CJ. 2.53.4) *rp* is said to abide by *ius minorum* in matters of *restitutio*, whereby the conceptual comparison with a 'real' persona seem to come full circle. The 'legal personification' of *rp* mainly occurs in the sections of the *Digest* dealing with private law, i.e. with the relationships between citizens and *rp*. If on the one hand citizens have to pay *munera* and *onera* to their *rp* and when unable to do so they might be indebted with the *rp*, on the other hand the *rp* can perform business, contract debts and credits with private citizens. Expressions of 'devotion' on behalf of the citizens to the *rp* occur in Late-Imperial inscriptions that testify public legacies.³³⁶ *Rp* is used in reference to bequests to the *rp* of *coloniae* and *municipia* that are eventually made heirs of a wealthy citizen.³³⁷ For example, Caius Bicleius made a bequest in favour of the *rp* *Tiburium*:

CIL XIV 3654: C(aio) Bicleio C(aii) f(ilio) Cam(ilia tribu) Prisco / omnibus honoribus / functo...hic rem publicam T(iburium) ex asse heredem feci.³³⁸

With this inscription, after having held office, C. Bicleius nominated the *rp* as his official heir. Scholarship is still divided on how these instances of *rp* are to be interpreted. In the Index to the *CIL* Mommsen does not render *rp* as *populus* but as *patrimonium populi*.³³⁹ As Lyasse notices, however, understanding these instances of *rp* as *patrimonium populi* is reductive. Nonetheless, within these first attestations of 'agency' of the *rp* rest the seeds for a number of future conceptual shifts that will eventually lead to the concept of 'representation'.

³³⁵ 'If a *rp* has specially received a thing in pledge, it should be preferred to the Treasury, if the debtor subsequently becomes bound to the latter: for in similar circumstances private individuals would be preferred to the Treasury.'

³³⁶ *D.* 31.30, 32.38.5, 33.1.24.

³³⁷ Lyasse 2007 general, Dardaine 1980 for *Betica*, Gascou 1979. Lyasse 2007: 598 and 599 n.10 for literary examples.

³³⁸ 'Caius Bicleius son of Caius Priscus of the Camilian tribe, having held all the offices...made hereby the municipality of Tivoli his heir.'

³³⁹ Index to voll. V, IX, and X.

The connection between *rp* and *civitas* rests at the intersection of the modern definition of ‘republic’ in a different way.³⁴⁰ Glossators and commentators in the thirteenth century use *rp* to refer to ‘*civitates superiores non recognoscentes*’. In its meaning of ‘government’, ‘state’, and ‘community’ *rp* refers to units other than Rome. Previous works have explored the complex relationship between *civitas* and *rp*. Lyasse describes the *civitas* as a ‘demographic and geographic unity of citizens’. The term applies to civic entities other than Rome from a very early stage. This type of usage is attested widely in both literature and epigraphy. Throughout the Empire the term features steadily in Asia Minor, Italy, Africa, and Spain, whereas it is less frequently used in Gaul.³⁴¹ Alföldi suggests that in the beginning *rp* must have referred to self-governed communities, but Gascoü has shown that from the first century to the Late Empire in Africa *rp* is employed for those civic communities that have an order of decisions and a public treasure, ranging from *coloniae*, *municipia*, to *civitates peregrinae*, *vici*, and confederations of cities.³⁴² On this widespread and generalised use of *rp* rests the overlap with *populus* that eventually yields the early-modern definition of *rp* as antonym of monarchy.

Overall, in a number of collocations *rp* is conceived of as a single, compact entity rather than as a complex multiplicity of matters. In these contexts, the emphasis is mainly on the overall condition of public affairs. This semantic facet of *rp* is comparable with the semantic texture of *civitas*. Both terms can refer to the ‘shape of public affairs’ as well as to the citizenry. In the first instance *rp* can be rendered as ‘government’, as ‘constitution’, and as ‘state’, whereby ‘state’ is not to be understood as a political agent as in the capitalised the ‘State’. In its second instance *rp* can refer to a group or to the whole of the citizenry. As such *rp* can refer to those ‘in government’ as well as to a collectivity of people. In none of these cases *rp* has a legal personality or is

³⁴⁰ Stark 1937: 80-82, Lombardi 1941.

³⁴¹ Lyasse 2007, *rp* is said of Lyon *CIL*, XIII, 1900, 5166, 5176, 5416, 5417, 2950. List of the Spanish *rp* is contained in the index to *CIL* 2 p. 1161.

³⁴² Alföldi 1977: 12-4; Gascoü 1979: 384.

explicitly defined as corporation. These two senses of *rp* belong instead to an exclusively legal understanding of the term.

Having articulated the semantic range of *rp* when it is understood as *res*, *negotium*, and *utilitas*, the focus now turns to the two most markedly metonymical meanings of *rp*, those of *civitas* and *populus*. *Rp* can be understood as *civitas* in a twofold way: as institutional or constitutional setup, and as collectivity. The verbs and collocations with which this meaning is actualised describe an idea of ‘ordered system’ (e.g. *restituere*). A second group of phrases suggest that *rp* can be conceived of as a ‘citizenry’ (3.3.2.b). In a number of collocations, *rp* is grammatically speaking, the logical agent, and in another respect it is said to experience events as if it were a human agent. This raises the question of the personification of *rp* and of the similarity with the concept of *populus* as a whole.

2.3 The Etymology of *res publica* reconsidered

Etymologies are often perceived as the ‘core meaning’ of a word and are deemed ‘wholly independent of the passage of time and endowed with magic messages and mystic overtones’.³⁴³ Because they give the impression of unearthing a word’s pristine meaning, etymologies are strong ideological pulls. This has wider implications when culturally relevant expressions, such as political terms, are at stake, and when the arena in which the etymological enquiry is presented is one of public relevance. Hutton’s study of the use of etymology by linguists in the Third Reich highlighted how such diverse words as ‘*Reich*’ – realm – and ‘*Pflug*’ – plough – could be etymologically linked to reshape a collective past for the consumption of the political establishment. For example, the linguist Trier in 1945 suggests that ‘*Pflug*’ – plough – is connected with ‘*pflegen*’ – taking care of – and with ‘*Pflicht*’ – duty. In turn he connects these

³⁴³ Malkiel 1993: 2. Etymology is defined as ‘a branch of linguistics concerned with facts relating to the origin of a particular word or the historical development of its form’.

with ‘*Reich*’ and ‘*Ring*’ – two notions he describes as a sacred fence in which ancient warriors would gather before performing their duty.³⁴⁴

Likewise, the debate revolving around the definition ‘*res populi*’ is informed by a general cultural need to connect this definition to our understanding of ‘republic’, and by specific biographical vicissitudes of the scholars who approached it. For example Stark, who did not align himself with the Nazi regime, interpreted *res publica* as a blueprint for anti-totalitarian ideas such as ‘*Republik*’ and ‘*Demokratie*’.³⁴⁵ The same attitude is palpable in Büchner’s work, written and published when the catchphrase democracy lingered over the end of World War Two. Drexler’s interest for *res publica*, which he interprets as ‘the citizen’s duty’, blossomed in his early years in which he sympathised with the establishment.³⁴⁶ According to their interpretation of *populus* and of *res* theorists would propend for one or the other interpretation of ‘republic’. Sometimes *populus* was interpreted as ‘the populace’ and sometimes as ‘the body politic’. The former interpretation would encourage the reading of *rp* along the lines of a democratic state. *Res* could be read as property and as affairs giving raise to a different understanding of *rp*.

Ancient cultures were not immune from this tendency, as they too fabricated etymological readings for their own consumption.³⁴⁷ In a passage from *Book Two* of the *De Oratore* Cicero holds that evidence in a speech is to be provided either by intrinsic arguments – thus by defining the subject by a *definitio universa*, or by examining the single elements of the matter and by dealing with each of them, by *partitio*. When the debate concerns a specific term, the argumentation can follow the definition *e vocabulo*. The example Cicero provides for this is an etymological reasoning concerning the word *consul*. When L. Papirius Carbo defended L. Opimius for the cruel measures he enacted

³⁴⁴ Hutton 2001 quoting Trier 1945: 150.

³⁴⁵ Stark 1937: 43 ff.

³⁴⁶ In 1937 he published a contribution on the meaning of the term in Tacitus in *Auf dem Wege zum nationalpolitischen Gymnasium*. This focused on the ‘decay’ of the State (*rp*).

³⁴⁷ Sihler 2000: 31.

as consul against the Gracchan mass protest in 120 BC, Cicero argued that Opimius had simply fulfilled his duty of *consul* as correctly defined by the etymology of the word:

Cic. *De Or.* 2.168: Si ex vocabulo, ut Carbo: si consul est qui consulit patriae, quid aliud fecit Opimius?³⁴⁸

Most present-day linguists, however, suggest that while it is correct that *consul* derives from *consulere*, the latter is to be understood in another sense, namely in the fact that the consul consulted the senate.³⁴⁹

Similarly, Cicero's definition of *rp* as *res populi* could be part of an argument *e vocabulo*, and there is no guarantee it should not be read as a rhetoric stratagem to convey Cicero's own unique understanding of the term *res publica*. If the etymology of *rp* is hard to track, what the archaeology of this term shows is that, at least from a linguistic point of view, *rp* is by no means an isolated and unique term describing a genuinely Roman outlook on politics. Lexical units similar to *res publica*, i.e. in which *res* is combined with adjectives conveying the sense of 'people/ group/ community', appear not only in Latin but also in the neighbouring Italic languages, and in Ancient Greek. Indeed, the Greek political vocabulary and those of Italic languages such as Oscan and Etruscan include compounds that are structurally and semantically similar to *rp*. The *lex Osca tabulae Bantinae* (100-150 B.C.) contains the only attested rendering of *rp* in an Italic language. Kirchner's translation renders *egm[as touti] cas amnud*, which appears in the conclusive part of the tabula, as *rei publicae gratia*, on the basis that the latter is the closing line of most *SC*.³⁵⁰ Rix and Pfiffig read in the Etruscan *mex rasna* the equivalent for *res publica*. It is difficult to establish whether Oscan and Etruscan coined their equivalents for *rp* on the model of *rp* or if the three forms derive

³⁴⁸ "If the argument turns on a word, remember Carbo's 'If a consul's duty is to consult the interests of his native land, what else has Opimius done?'"

³⁴⁹ So the *TLL* 4.8 and a number of commentaries to *De Or.* such as Wilkins 1965.

³⁵⁰ Ca. 621-636, 570. Kirchner reconstruction 6; *rei publicae gratia* (*adsumpsimus verba visitata in iure Romano* (*Dig.* 5.1.15.1, 22.5.21.3). The second occurrence in the Latin rendering of the Tabula Bantina: '*magis rei publicae causa quam cuiuspian gratiae aut inimicitia causa*' endorsed by Bruns 1909.

from one single precursor. Ancient Greek, too, conveys the sense of ‘state affairs’ by juxtaposing the plural πράγματα with the genitive πόλεως or of ethnonyms (e.g. Περσικά or Περσέων), occasionally of the adjective πολιτικός (Pl. *Ap.* 31d). Alternatively phrasings such τὸ κοινὸν (and less frequently τὰ κοινά) convey a similar sense: ‘things that are in common’.³⁵¹ Similarly *res* can combine with *publicus* as well as with other ethnonyms, that is with names of peoples or ethnic groups other than the Roman one and occasionally *publicus* is replaced by *communis*. In this comparative perspective the phrase *rp* strikes one less as a ‘genuinely Roman’ way of conceptualising the political sphere.

When read in this perspective, the phrase ‘*res populi*’ seems less imbued of ideological connotations, too. The phrase occurs twice in the whole corpus of Latin literature, and specific *variationes* where *res populi* is accompanied by an ethnonym are frequent. *Res populi* can be found in Plautus (ca. 254 – 184 BC) and in Lucilius (ca. 180 – 103/2 BC).³⁵² In *Poenulus* (*Poen.* 524), the phrase *in re populi placida* conveys the idea of peaceful civic life. Some commentators see an intertextual and extra-scenic reference to the peace of Apamea of 188 BC. If we accept Lachmann’s emendation of the first verse of Lucilius’ *Sat.* 27, *res populi* would occur in a context associated with public rhetoric.³⁵³ The phrase occurs again in Persius’ *Sat.* 4 where the author puts in the mouth of a bearded philosophy teacher the words ‘*rem populi tractas?*’ The general and neutral *populi*, however, is not the only genitive to couple with *res*, which can be complemented by possessive adjectives and ethnonyms – especially in more archaic sources or as a type of archaism. Therefore, an alternative phrasing of *res populi* might be the Sallustian hapax *res populi Romani* (Sall. *Hist.* 1).³⁵⁴ Fragments from the works of Ennius, Cato, and Accius suggest that the sole *res Romana* could work as a synonym

³⁵¹ Occurrences collected in Dittenberger Syll. III 176 and discussed in Meuwese, 1920, 118. attested as early as in Herodotus (*Her.* 6.14 τὸ κοινὸν τῶν Σαμίων, where it refers to the abstract government) and still in use in Polybius (*Pol.* 20.6.1).

³⁵² Wackernagel 1924: 75, Löfstedt 1942: 116-7, Haffter 1934: 121-22.

³⁵³ Pers. *Sat.* 4.1: *rem populi tractas?* Luc. 688 M: *rem populi salute et fictis versibus, Lucilius/ sospitat, salute inpertit plurima et plenissima.*

³⁵⁴ Cic. *Rep.* 2.36 has it at the plural: (Tarquinius) *bello subegit Aequorum magnam gentem et ferocem et rebus populi Romani imminentem.*

for *rp. Res romana* occurs twice in Ennius' work.³⁵⁵ Sources occasionally use *res*, or *res* + the appropriate possessive adjective can suffice to express the meaning of *res* + ethnonym.³⁵⁶ Ethnonyms other than *Romana* are more frequent with the plural *res*. The distribution of these *iuncturae*, which are frequent in early authors, common in Livy's first books, and not rare in poetry, seems to suggest that they were perceived as archaisms.³⁵⁷ *Populi* in '*res populi*', hence, might simply refer to an ethnonym, where *populus* simply indicates those who inhabit a certain territory or have the status of citizens.

Conclusions

This chapter has cast light on the rich polysemy of the term *res publica* as it is used in Classical sources until the third century AD. In so doing, the 'etymological' or 'literal' definition of *res populi* as *res*, matter or property, was questioned. On the one hand, just like *res*, the term *res publica* can be understood as matters, *negotium*, 'activity'. From this understanding stem several metonymical usages of the term, such as 'influence', 'engagement', 'domain', or 'office'. Alongside the sense of *negotium*, however, *res publica* also bears the sense of 'organised whole'. In this respect *res publica* is not just something, an 'activity', to handle – it is also a 'shape' or order, that can be destroyed, modified, and even rebuilt. Lastly, *res publica* was also understood as 'citizenry'.

Such an analysis offers a twofold perspective: on the one hand, it makes it possible to compare the 'archaeology' of *res publica* in this chapter with the diachronic genealogy of 'republic' in Chapter Two. This comparison reveals that only some segments of the semantic continuum of *res publica* contributed to the making of the concept of 'republic'. While the understanding of *res publica* as *negotium* is the most

³⁵⁵ Liv. 1.30.6, 1.33.1, 8.7.16, 9.16.15, Accius in Cic. *Div.* 1.44, Hor. *C.S.* 66, Ver. *Georg.* 2.495, Plin. *N.H.* 22.10.

³⁵⁶ Enn. *Ann.* 363 Sk 9, twice in Cato *Or.* F37 Cornell and *F76 Cornell.

³⁵⁷ Stark, 1937: 4, Drexler, 1958: 260. Ennius has *res Argivum* (sc. 323 V) three *res* + ethnonym are to be found in Vergil's *Aeneid* (5.689 *res Teucrum*, 3.1 *res Asiae*, 10.88 *res Phrygiae*, 8.470 *res Troiae*), and more are to be found in Livy's Book Four and Five (4.41.7 *res Volscorum*).

distant from the modern political categories, in its meaning of ‘order’ and ‘community’ the sense of *res publica* is comparable to a certain extent with the modern notions of ‘constitution’ and ‘state’ broadly defined as ‘political organisation’. Over time the semantic spectrum of the term not only narrows, it also specialises coming to refer to a specific type of constitution.

By contrast, not all the meanings attached to the term *res publica* in Classical Antiquity were transferred to its Late-Antique, Medieval, and contemporary cognates: The understanding of *res publica* as *negotium* does not outlive Antiquity. Only the metonymical sense of ‘public interest’, laterally attached to *rp* as *negotium*, transmigrates into the Early Modern ‘common-wealth’ and ‘*Gemeinnütz*’. The understanding of *rp* as ‘organised whole’ was instrumental in serving as blueprint for the modern understanding of ‘republic’. The understanding of *res publica* as *negotium*, an ‘activity’ that is performed, is unique not only to the way the term *res publica* is used and conceptualised, but to the usage and conceptualisation of its Greek and Italic cognates.

The next two chapters, Chapter Three and Chapter Four, in turn expand on these perspectives, investigating the theoretical implications of these two understandings of *res publica*. Chapter Four explores the connotation attached to *res publica* as ‘political order’, focusing on whether in Classical Latin the term is connoted as a specific set-up, a *species*, the so-called ‘Roman Republic’. In so doing it reframes the relation between *res publica* and ‘republic’ while conceptualising ‘state’ in Roman terms. Chapter Four, instead, explores the theoretical implications of that portion of the semantic spectrum of *res publica* that has remained a characteristic trait of the Classical usage of the term. In doing so, it looks at how Romans understood their public activity in terms of *negotia*, how they conceptualised politics in these terms, and how this conceptualisation is intertwined with their civic ethos.

Chapter Three

Res publica, Roman Republic?

*Nihil esse rem publicam,
appellationem modo
sine corpore ac specie.*

Suet. *Jul.* 77

Introduction

This chapter seeks to articulate the manifold connotations of the term *res publica* when it is used in the sense of ‘order of public affairs’. The aim is to eventually assess the extent to which *res publica* covered the sense of ‘republic’ as outlined in the Introduction: as a specific type of government as well as as a historical phase in Ancient Rome. The literature review in the Introduction evidenced that both on a lexicographic level and on a theoretical level *res publica* was interpreted ambivalently: sometimes it would be described as *species*, ‘republic’, sometimes as *genus*, state. Dictionaries such as Forcellini’s *Totius Latinitatis Lexicon* and the *OLD* render *res publica* both as *species* and as *genus*, ‘state’. Similarly, Suerbaum (1977) and Stark (1937) concede respectively that *res publica* can refer to any constitutional setting and that the term, per se, does not betray a specific constitutional type. This stance is at odds with that endorsed by scholars like Büchner (1948), for whom *res publica* refers to a specific type of constitution. A solution to this semantic dilemma is suggested by Stark, who argues that while the term per se does not bear a specific connotation, in the course of the transition between ‘republic’ and ‘principate’ it undergoes a shift of meaning and crystallises as ‘free state’. This chapter seeks to bring a fresh outlook on the ambivalence of *res publica* framing the relationship between a general and a specific use of the term on the basis of the semantic analysis carried out in the previous chapters.

Far from being ‘just semantics’, the understanding of *res publica* as *genus* or *species* influences heavily our understanding of Roman history and, most importantly, our understanding of the Roman political taxonomy. For example, the very debate on whether there was ever a constitutional change under Augustus stems on different interpretations of his claim of having ‘restored the *rp*’. This is dismissed by some as a sham statement: by using this ‘republican’ catchword Augustus was concealing his intents.³⁵⁸ Textual and historical context allows deducing in which sense the ‘order of public affairs’ was lost and recovered and a close reading of specific passages where these and similar expressions are used can help better articulate the notion of *rp* as ‘government’. For this reason, the diachronic semantic shift of the term *res publica* in the transition from ‘monarchy’ to ‘republic’ and in turn from ‘republic’ to ‘principate’ is at the core of this chapter. The passages discussed below are representative of the usage of the term throughout classical antiquity over a span of two hundred years: while modern historical and literary accounts of Roman history date the end of the ‘Roman Republic’ to the first century BC, the term *res publica* is in use for much longer. After the alleged end of the republic the term *rp* did not disappear.³⁵⁹

Chapter One indeed suggested that the notion that different ‘types of government, on which the understanding of ‘republic’ as a type of government rests, becomes a pervasive feature of political taxonomy only from the early-modern revival of Aristotle’s works. Such taxonomy is grounded on the Greek notion of πολιτεία defined by Aristotle as ‘ordering (τάξις) of a city (πόλις) in respect of its various magistracies, and especially the magistracy that is supreme over all matters’.³⁶⁰ Chapter Two showed that such Greek constitutional taxonomy is scantily translated or used in the Roman political discourse. Where there is a need to translate the Greek types of government, Latin authors use *res publica* to convey the general sense of πολιτεία rather than to render one of the species of government. The focus falls on those sources

³⁵⁸ Syme 1939, Brunt 1988, Gowing 2005, Gallia 2012.

³⁵⁹ According to Brepols’ *LLT* the term occurs 3030 times in a timespan of three centuries (from 3rd BC until 1st AD), 1383 occurrences are recorded for the next two centuries, excluding inscriptions.

³⁶⁰ *Pol.* III. 6.1278b8-10.

where *rp* is said to exist or not to exist, to be restored or to be lost. In doing so we will explore the features that characterised that order of public affairs that could be defined as *rp*. Similarly, political scenarios described in terms of non-*rp* will provide *ex negativo* definitions of this order of public affairs. Such an in-depth survey study of the collocations conveying disappearance and loss, re-establishment and reinstatement of *rp* serves as a starting point for unravelling two central interpretative issues attached to the term *rp*: on the one hand, it offers a novel definition of *rp* as a ‘political order’ in a distinctively Roman fashion, on the other hand, it reframes the equivalence between *rp* and republic.

On this account, collocations expressing loss and re-establishment of *res publica* (as listed in 2.2.3 d) and d.1)) have always been associated with the crisis and the end of the Roman republic. As noted in the Introduction, *amittere rp* is one of the favourite catchwords used by modern scholars to evoke the end of the Roman republic. In fact, phrases pointing to the loss of *rp* occur early in the republican past as well as late during the Empire. The first occurrence of the expression *amittere rem p* dates to the second half of the third century BC and is in fact among the earliest literary attestations of the term *rp*. The quotation containing the term *rp* is thought to come from one of Naevius’ *praetextae* and is indirectly transmitted by Cicero in *De Senectute*.³⁶¹ Taking the translation ‘republic’ at face value clashes with the conventional periodisation of Roman history. Instead of referring *rp* to republic, Spaltenstein suggests that Naevius used *rem p amittere* to refer to the stability of a nation in general, rather than to a specific institutional setup.³⁶² In the *De Senectute* Cicero has Cato the Elder quote two lines from Naevius in order to support the claim that older politicians can uphold (*sustentare* and *retinere*) a *rp* better than younger ones. In the original scene of Naevius’ work, a character must have wondered how nations could be lost so quickly (*rem uestram publicam tantam amisistis tam cito?*), blaming this on young orators (*proueniebant oratores nouei, stulti adolescentuli*).

³⁶¹ Schauer 2012: 52.

³⁶² On the general meaning of *rp* in this context see Spaltenstein 2014: 305 following Müller 1823 and his comment on the reference to *externa* (‘foreign matters’) in *Sen*.

The twofold structure of the chapter aims at charting the change of uses and patterns of expressions relating to ‘order of public affairs’ in the so-called transition from republic to principate. The first section looks at the political meanings of *rp* during the phase of the so-called ‘Roman Republic’, and each subsection points to a different layer of meaning of *rp*. While sources from Cicero’s work constitute the bulk of this enquiry, when put into diachronic perspective Cicero’s claims of the loss of *rp* acquire a different nuance in that the very term *rp* is revealed as a rather neutral meaning. Sources are presented proceeding from a general and broad connotation of *rp* as ‘state’ to a more specific characterisation of *rp* as government. First a sense of ‘public safety’, then nuance of ‘government’, thirdly the submeaning of *rp* as ‘civic cohesion’ are explored. Lastly, *rp* is defined as ‘law’ (*mos*, *ius*, and *lex*) and *civitas libera*.

The second part of this chapter looks at the meanings of *rp* under the principate. When put into a diachronic perspective, also Augustus’ claims of having restored the *rp* acquire a different nuance. The emerging picture reveals that the same phraseology of loss/ non-existence and as recovery/ re-establishment could refer to different circumstances of political crisis and recovery, spanning from civic strife to corruption. When approached from this angle, *rp* appears to be a layered political concept indicating different aspects of public life. A final section reconsiders the nuance of the definiendum ‘*res publica*’ in Cicero’s definition at *Rep.* 1.39 in light of the novel connotation of the term unveiled in throughout the chapter.

3.1. *Res publica* during the Republic

3.1.1 State

a) Public security

In Cicero’s correspondence and speeches, the phrase *rp conservata* is exclusively referred to as the successful handling of the Catilinarian conspiracy. This

expression is consistently paired with the opposite concept: *rp amissa/perdita*, which describes Catiline's aim.³⁶³ This set of expressions is normally translated to the antonymical couple 'protection/ destruction of the republic'. In this specific context, however, the phrase *rp conservata* reveals a nuance close to public security contrasted with *rp perdita* as state of public emergency.³⁶⁴ Hence, the term *rp* can be understood along the general lines of 'state'.

Cicero's *Catilinarian Speeches* includes Catiline's conspiracy in a series of other *civiles dissensiones*. The first speech opens with a reminiscence of the disorders of 133 and 122 BC, triggered by Ti. and C. Gracchus, and with the description of Marius' operations against Saturninus in 100.³⁶⁵ The latter episode is recalled in the last oration, where besides the vicissitudes between Marius and Saturninus the gloomy scenario of the unrests of 88, 87, 83 and 78 BC is depicted.³⁶⁶ All these episodes were declared (or said to have been declared) states of emergency by means of *SCU*.³⁶⁷ Cicero's aim was indeed to have the same measure declared against Catiline, hence having him declared *hostis*. The conspirators' plan is presented as a unique threat in the history of Rome and one that could not compare to the threat of other *SCU*:

Cic. *Cat.* 3.25: Illae tamen omnes dissensiones erant eius modi quae non ad delendam sed ad commutandam rem publicam pertinerent. non illi nullam esse rem publicam sed in ea quae esset se esse principes, neque hanc urbem conflagrare sed se in hac urbe florere voluerunt.³⁶⁸

³⁶³ *Att.* 2.1.6; *Red. Pop.* 5.23; *Pis.* 3.4: the senate proposed the civic crown for *rp conservata*. Cf. *Sall. Cat.* 31.7, 46.2.

³⁶⁴ *OED*³ 6.b: 'The safety or safeguarding of (the interests of) a state (or, sometimes, a coalition of states) against some internal or external threat, now esp. terrorism, espionage, etc.; the condition of being so safeguarded'.

³⁶⁵ *Cat.* 1.4.1-7.

³⁶⁶ *Cat.* 3.24-5: Cicero lists a series of circumstances, for some of which a *SCU* was issued. These are: Sulla vs. Sulpicius in 88, Octavius vs. Cinna 87, the Marian massacre of 83, Catulo vs. Lepidus 78. Dyck 2008: 108 notes that this is the only attestation for *commutare* in classical Latin, with a nuance rather different from the *commutationes rp* in *Rep.*, a technical neologism to describe the Polybian notion of constitutional change.

³⁶⁷ A *SCU* against Ti. Gracchus is debated, see Ungern-Sternberg 1970: 7f.

³⁶⁸ 'Yet all those conflicts were not concerned with destroying the *rp* but with changing it. Those men did not want there to be no *rp* at all but they wanted there to be a *rp* in which they were the leading men; they did not want to burn this city but wished to have power in it'.

As Cicero writes, previous upheavals and *dissensiones* had aimed at capsizing the status quo, whereas Catiline aimed at destroying and annihilating not only the government but the state. The former aimed at seizing the government becoming *principes* themselves (*in ea rp quae esset se esse principes, se in hac urbe florere voluerunt*), but the conspirators aimed instead at no government, no city, no state. Overall, *rp conservata* is contrasted with a ‘ground zero’ of political life rather than with the loss of a certain form of government, the republic. This seems to be confirmed by the fact that Cicero contrasts his momentous achievement, *rp conservata*, with Pompey’s merit of handling public affairs virtuously. *Bene gesta rp* - the handling of political affairs – cannot compare with Cicero’s momentous achievement of preserving the incolumity and mere existence of the Roman state.³⁶⁹ This juxtaposition might confirm that *rp* could be understood generally as ‘state’ rather than specifically as ‘government’.³⁷⁰

The expression *rp recuperata* bears the same nuance in Livy’s praise of Furius Camillus. In Liv. 6.2.4 Camillus is said to be chosen as a *dictator* because it seemed wise to defend the *rp* under the auspices of the one who had already succeeded at recovering it (*recuperata*) on a previous occasion, referring to Camillus’ victory against the Gauls. The phrase *rp recuperata* echoes the cry of war Livy ascribes to Camillus when Brenno, the Gauls’ commander, offers him gold in exchange of life. Camillus had allegedly claimed that a country was to be rescued by sword and not by gold at the surrender of Brenno. In this instance Livy uses the expression *patria recuperanda*. In both contexts the political threat from which the *rp* is to be rescued is not a constitutional one but rather a physical and military one, both passages suggest *patria* as a viable synonym for *rp*.³⁷¹ On these and other occasions *rp* does not require to be

³⁶⁹ *Att.* 2.1.6; *Pis.* 3.4, where he recollects that the senate had proposed to grant him the civic crown in 63 upon ‘*rp conservata*’.

³⁷⁰ *Vat.* 19 (referring to the events of 59): *non labefactatam rem publicam te tribuno neque conquassatam civitatem...sed captam hanc urbem atque perversam putaris*. In so doing he might be contrasting *rp* as government (i.e. political-institutional life) with the material existence of a community.

³⁷¹ Phrases like *calamitas rp*, *vindicare*, and *defendere rem publicam* also apply the general existence of the *rp Romana* as ‘country’. *Reciperare* in fact occurs often in a metaphorical, military sense in reference to *civitas*, *urbs*, and *patria*.

rendered as ‘republic’. The emphasis is on the incolumity of the Roman state rather than on its correct political functioning according to specific principles.

Rp is used in a similar nuance in an excerpt from Sallust’s *Historiae*, the so-called *Oratio Lepidi*. While the veridicity of Lepidus’ speech remains questionable, the connotation of the term in this context must have adhered, at least to a certain extent, to the habitual sense of *rp*. The episode dating to the 90s has Lepidus the tribune reporting Sulla’s words: under a facade of peace and harmony (*specie concordiae et pacis*) Sulla claims that unless his plan is carried out and his bill approved war will not end and the *rp* be established:

Sal. *Hist.* 1.53.25: Neque aliter rem publicam et belli finem ait, nisi maneat expulsa agris plebes, praeda civilis acerbissima, ius iudiciumque omnium rerum penes se, quod populi Romani fuit.³⁷²

Just like in the excerpt above Cicero juxtaposes *rp* and violence, here Sallust contrasts *bellum* and *rp*, suggesting a reading of the latter along the lines of ‘state’. Sallust has Lepidus concluding his speech describing Sulla’s policy as *exitia rei p* – end of the state - and the opposite of peace and order:

Sal. *Hist.* 1.49.26: Quae si vobis pax et composita intelleguntur, maxuma turbamenta rei publicae atque exitia probate.³⁷³

In the *Pro Marcello*, written under Caesar’s dictatorship, Cicero asks Caesar to settle the *rp* so that *otium* and *tranquillitas* – peace and tranquillity – might reign again in Rome:

Cic. *Mar.* 27: In hoc elaborandum est ut rem publicam constituas, eaque tu in primis summa tranquillitate et otio perfruas.³⁷⁴

³⁷² ‘And he asserts that in no other way can the *rp* and an end of war exist, unless the commons remain driven from their lands (the cruelest plunder of citizens) and the control and jurisdiction over all matters, which once belonged to the Roman people, remain in his own hands’.

³⁷³ ‘If this is what you recognize as ‘peace’ and ‘order,’ give your approval to the utter disruption and destruction of the *rp*’.

³⁷⁴ ‘This act yet remains to be played, to this must you summon all your powers—to plant the *rp* firmly, and yourself to reap the chiefest fruits thereof in peace and tranquillity’.

Caesar's military accomplishments would be nothing if he will not be able to make Rome stable again with his own decisions, extinguishing civil wars and rescuing the homeland (*patria*):

Cic. *Mar.* 29: Sed nisi haec urbs stabilita tuis consiliis et institutis erit, vagabitur modo tuum nomen longe atque late...nisi belli civilis incendium salute patriae restinxis.³⁷⁵

The first association between Octavian and *rp* features in a similar context. In the final line of the *Fourteenth Philippic* Cicero hails the *rp recuperata*. Such he defines public affairs after Octavian's victory in Mutina in 43 against Mark Antony.

The theme of '*rp recuperata*' encompasses the *Philippics* building a climax which culminates in the honorary decree Cicero illustrates in the last *Philippic*. Cicero spells out the decree in a longer section commencing at *Phil.* 14. 36. The phrase *rp recuperata* concludes a climatic sequence in which Cicero characterises the *rp* in terms of 'state', as seen in the course of the lexicographic analysis above. *Rp* is Rome, the temples, private fortunes and citizens.³⁷⁶ Upon this achievement the *rp* can be said *recuperata*:

Phil. 14. 35-38: senatum, quae sit antea pollicitus legionibus exercitibusque nostris, ea summo studio re publica recuperata persoluturum.³⁷⁷

The context of civil war and the martial terminology used by Cicero in the *sententia* suggest that *rp recuperata* is to be understood as 'public order'.³⁷⁸ Already in the *Third Philippic* the young Octavian and the rebellious *legiones* (Marta and Fourth legion) are said to be Cicero's allies in recovering the *rp* (3.3-5). Octavian's march on Rome is described as the condition *sine qua* no *rp* would have existed.³⁷⁹ The theme of *rp recuperata* by hand of Octavian and of the *legiones* is a prominent feature of

³⁷⁵ 'But if this city is never to be tranquillised by your measures and your institutions, the passage of your name to the ends of the earth will be but a wayward roaming...should you fail to quench the fires of civil war, and thereby bring salvation to your country'.

³⁷⁶ *Phil.* 14. 35-38: *Cumque rem publicam, urbem, templa deorum immortalium, bona fortunasque omnium liberosque conservarint.*

³⁷⁷ 'I move that the senate, upon the restoration of *rp*, shall discharge with all zeal the promises previously made to our legions and armies'.

³⁷⁸ And so Schackleton-Bailey 2010 translates the phrase *rp recuperata* in *Phil.* 14. 35-38 for the Loeb edition.

³⁷⁹ *Phil.* 3.5: '*interituram fuisse*', '*nulla rp*'.

Philippic Five and *Eleven*. The former, delivered at the beginning of 43, deals with the senate's response against Antonius, engaged in battle against Brutus in Mutina. He describes the gathering and its objective as that of 'restoring the *res publica*' (*ingressi in spe rei publicae recuperandae sumus*). In *Philippic Eleven* the *rp recuperata* is the condition for a new decree about the provinces to be implemented and for the soldiers to receive what they had been promised.³⁸⁰

In these sources *rp*, its establishment, and its collapse are characterised along the lines of public order and public security rather than as presence or absence of a certain type of government.

b) Civic cohesion

In a number of instances the loss of *rp* refers to the loss of political cohesion; conversely its re-establishment points to a newly found agreement between different social parts. When *rp* is understood as 'public safety' it is often contrasted with *bellum civile* and *dissensio*. *Rp* is characterised as *concordia* between different groups not only in Cicero and Livy's narratives of episodes from Rome's past, but in reference to their present, too. In several sources the re-establishment of the order of public affairs is equalled to civic cohesion.

The earliest episode to be referred to as *rp restituta*, albeit in Livy's work, dates to the struggle of the orders in the fifth century. In the account of Cincinnatus' consulship contained in the *Ab Urbe Condita* (Liv. 30.20.1) the phrase describes the notion of agreement between the different social parts of the civic body. In Book Three Livy describes the events that led to the Decemvirate. Since 467 tribunes had been trying to pass the *lex Terentilia* in order to restrain consular powers and provide Rome with a written code of law. The following three years were plagued by violent clashes between consuls and tribunes. The results of the elections of 460 left the *plebs* filled with dismay, as Cincinnatus, known for his sympathy for the *patres*, becomes consul.

³⁸⁰ *Phil.* 11.31: *re publica recuperata* as the condition under which consuls can submit a motion about provinces.

Nonetheless, Cincinnatus' attitude is praised as equally strict towards *plebs* and *patres* and his first speech seems to prove this.³⁸¹ In his address the newly-elected consul reproaches the former consul, Aulus Verginius, and the tribune, Herdonius, for their behaviour during the siege of the Capitol. The tribunes are said to have separated a part of the *plebs* from the rest and made a state of their own (*rp peculiaris*). Eventually, by declaring war on the Volsci and Aequi, Cincinnatus prompts the people to obey the martial oath and follow him.³⁸² The effects of his speech are described as follows:

Liv. 3.20: moverat plebem oratio consulis, erecti patres credebant rem publicam restitutam.³⁸³

Rp restituta is to be understood as the recovering of the socio-political balance and of compactness.³⁸⁴

The theme of *concordia* is pivotal in Cicero's account of the civil disorders at the time of the Gracchi. This emerges crisply in *De Re Publica*. In the *Somnium Scipionis* Africanus the Elder prophesies to his nephew that he is the one who shall reorder the *rp* as *dictator*. While there is no evidence apart from this passage of such a plan, what is relevant to the present discussion is that his mission as a *dictator* is described as *constituere rp*.³⁸⁵

Cic. *Rep.* 6.9.12: dictator rem publicam constituas oportebit.³⁸⁶

³⁸¹ Liv. 3.19: *perculsa erat plebes consulem habitura iratum, potentem favore patrum... non in plebe coercenda quam senatu castigando vehementior fuit.*

³⁸² The passing of the *Lex Terentilia* was postponed by means of several war declarations - and thus by the activation of the state of war. Ogilvie 1965: 390 ff, 9-18.

³⁸³ 'The consul's speech had moved the plebs, and the senators took courage, believing that *rp* was on its feet again.' Loeb's translation by Foster 1922 translates the phrase *rp restituta* as 'the state was on its feet again'.

³⁸⁴ Syme 1939: 323, Oakley 1997: 429, despite noticing that the passage is composed a few years later than 27/6 a link to the Augustan *rp restituta* is not developed further. Millar 1973: 6 renders *rp* as 'condition of public affairs' rather than as 'the republic'.

³⁸⁵ If there had been a plan, it was never to be accomplished in that Africanus the Younger mysteriously died in 129 without attaining the dictatorship. For a discussion on the authenticity of this claim see Hurllet 1993: 107-8, Beness 2005.

³⁸⁶ 'It will be your duty as dictator to restore order in the *rp*'.

Books One and Six of *Rep.* can be seen as a conceptual *Ringkomposition* where first the problem of civic strife is posed and then a historical answer is given in the figure of Scipio. Book One of *Rep.* opens with Laelius' statement that Ti. Gracchus' tribuneship and the death marked a moment of division of the *populus* followed by the exhortation that Rome shall have a united senate and people.³⁸⁷ It is with this aim that Laelius invited his audience to listen to Scipio's description of the ideal state.

Around the end of 61 BC (*Att.* 1.17.8, 18.3) Cicero warns Atticus that the *fundamenta rei publicae* he had established (*constituere*) had been overturned (*evertere*) in that year:

Att. 1.18.3: sic ille annus duo firmamenta rei publicae per me unum constituta evertit; nam et senatus auctoritatem abiecit et ordinum concordia disiunxit.

Cicero refers to a decree proposed in the Senate and aimed at depriving the *equites* of their immunity as judges.³⁸⁸ This is in stark contrast with the two principles that had underpinned his policy: *senatus auctoritas* - the prominence of the senate and his own, on the one hand; on the other hand, the *coniunctio bonorum omnium* and *concordia ordinum*. Rather than referring to specific constitutional principles Cicero defines the foundation of the *rp* as the pursuit of social cohesion of the upper ranks – where the *boni* lead an unanimous and mutually supportive group fostering the interests of the *equites*.³⁸⁹

3.1.2 Government

Surprisingly, the part of the Ciceronian corpus where the theme of *rp restituta/recuperata* is most prominent is not Caesar's rule, but instead Cicero's post-exile

³⁸⁷ *Rep.* 1.31: *cur in una republica duo senatus et duo paene iam populi sint, divisit populum unum in duas partes, senatum vero et populum...unum habeamus*. Also the phrasing in *Sest.* 103 may hint at discord between citizens: *'frumentariam legem C. Gracchus ferebat: iucunda res plebei...repugnabant boni'*.

³⁸⁸ Shackleton Bailey 1965: 331. He laments the lack of political initiative of the senate and a *rogatio* that had caused a break between senate and *equites*.

³⁸⁹ Wiseman 2009, for a possible counter-thought to the value of *concordia*, especially in Varro.

oratory. The controversy on the execution of the conspirators, which was carried out without right of appeal to the people, culminated in Cicero's exile during Clodius' tribunate. In the summer of 57 Cicero was called back from exile thanks to Pompey's intervention.³⁹⁰ In the speeches delivered immediately after his return (to *populus* and senate respectively and the *De domo sua*) Cicero depicts the year of his exile as characterised by the absence of *rp*.³⁹¹ Cicero's post-exile speeches, especially those delivered against individuals linked to Clodius (*Pro Sestio*, *Pro Milo*, *In Pisonem*), consistently feature the theme of his comeback as *restitutio rp* contrasted with Clodius' and Vatinius' tribuneship (58 and 59 BC) and Gabinius' and Piso Caesoninus' consulship (58 BC).

In the speech against Piso, delivered in 55 BC, Cicero dwells on a comparison between Catiline and Clodius. This comparison is instrumental in contrasting Cicero's virtuous behaviour as consul with the mollified attitude of Gabinius and Piso, consuls in office in 58 BC. Just as Catiline had aimed to annihilate the city, they accomplished the destruction of its government by abolishing the senate and the laws:

Cic. *Pis.* 7: Voluit ille senatum interficere, vos sustulistis; leges incendere, vos abrogastis; interimere patriam, vos adflixistis.

Factors such as personal safety and peaceful civic life still constitute important criteria for gauging the existence or non-existence of *rp*. However, normative and institutional elements such as laws and deliberative bodies become more prominent in the description of *rp*. Lack and loss, presence and renewal of *rp* can refer to the institutional aspect of a state, defined as 'government'.

In several passages *rp* is characterised *lato sensu* as 'government'. In these instances, besides the attributes that belong to '*rp*-state' as described above (i.e. public safety, civic concord), other features and elements of institutional life are also mentioned. For example, in *Dom.* 17 Cicero's return coincides with the return of *rp*.

³⁹⁰ *Dom.* 71; *Mil.* 39; *Pis.* 25; *Red. Sen.* 29; *Sest.* 112, 117-129.

³⁹¹ In opposition to Cicero's own return, celebrated as the return of *rp*.

These circumstances are depicted as a Golden Age, in which political order reigns (*tranquillitas animorum, iudicia, leges, concordia populi, senatus auctoritas*). In the ‘absence of *rp*’ (*Quir.* 6) under Clodius, the senate did not hold power (‘*nihil valeret senatus*’), law and courts did not function (‘*omnis esset impunitas, nulla iudicia*’), neither civil rights nor personal security was guaranteed, neither for private citizens (‘*cum privati parietum sed praesidio non legum tuerentur*’) nor for politicians (‘*tribuni plebis vobis inspectantibus vulnerarentur, ad magistratuuum domos cum ferro et facibus iretur, consulis fasces frangerentur*’), even religion is affronted (‘*deorum immortalium templa incenderentur*’).³⁹² This description overlaps with the picture of ‘non-*rp*’ of 58 provided in the *Pro Sestio*, delivered in 56 to defend Sestio, under accusation for violence, against Clodius. The condition of 58 is articulated as lack of basic civic rights for private citizens (*exterminabit civis Romanos...deliget quem volet, damnabit atque eiciet nominatim?*) as well as for politicians (*consul a suis dis penatibus? expellet ex patria?*), lack of senatorial power (*senatum de re publica tollere*) and of general rights and civic freedom (*civium denique omnium novis et inauditis edictis ius libertatemque pervertere*).

c) *Mos, ius* and *lex*

Presence and absence of *iudicia, ius*, and *lex* coincide with presence and absence of *rp* as institutional life. Throughout Cicero’s work the *exordium rp institutae* is made to coincide with Romulus’ foundation of Rome. By establishing the senate and the clientelar system Romulus set the basis for ‘a long lasting *rp*’.³⁹³ The first king is said to have laid the two *firamenta rp*, namely senate and the auspices.³⁹⁴ In *Lex Publica* Bleicken theorised in more general terms that the law - as *mos* and *lex/ius* - came to

³⁹² Cicero figuratively refers to Clodius’ tribunate as *flammae, tenebrae* and *naufragium rp* (*Dom.* 2, 24, 136). These are depicted (*Dom.* 43) as circumstances where justice, neither human (*aequitas*) nor divine (*religio*) held; as downfall of the *populus* and *senatus*.

³⁹³ *Rep.* 2.2.4-5. In *De Or.* 1.37 the wise kings (Romulus and Numa) are said to have produced many advancements (*multa eximia*) in regard to the regulation of government (*ad constituendam rp*).

³⁹⁴ *Rep.* 2.17.

inform the notion of *rp* in the late republic.³⁹⁵ The following explores the manifold connections and overlaps between *rp*, morality, and law.

The connection between *rp* and *mos* becomes a prominent theme in Cicero's work in the 60s and is epitomised in Book Five of *De Re Publica* (54-51 BC) where the *rp* is said to be *amissa* due to *vitia*. A line from Plautus' *Mercator* (ca. 148 BC), however, suggests that the connection between private *mos* and political stability was an ancient topos in public oratory. Eutichus grumbles that Demiphos, a mature citizen, has fallen for Pasicompsa, a young Rhodian slave. This leads him to wonder where public affairs will end up:

Plaut. *Merc.* 985: ubi locist res summa nostra publica? ³⁹⁶

This exclamation is preceded by the moralising sententia '*itidem ut tempus anni, aetatem aliam aliud factum condecet*': 'each deed befits a different age, just as it befits a different season'.

The scandal of the *Bona Dea* trial, in 62, causes a similar reaction in Cicero. Clodius had partaken in the ceremony of the *Bona Dea*, which was forbidden to men, entering Caesar's house in feminine disguise. Clodius' acquittal meant to Cicero that the *status rei p* he had confirmed in his consulship had gone lost. That *unum iudicium* is the factor that makes the settlement of the *res publica* slip away:

Cic. *Att.* 1.16.6: rei publicae statum illum...qui bonorum omnium coniunctione et auctoritate consulatus mei fixus et fundatus videbatur...elapsum scito esse de manibus uno hoc iudicio.³⁹⁷

In the following lines of the same letter Cicero relates *religio* and *pudicitia* to *iudiciorum fides* and *senatus auctoritas*, as mutually dependent factors, revealing the obvious connection between moral soundness and political stability. As seen above, in

³⁹⁵ Bleicken 1975: 403-39.

³⁹⁶ 'What will become of our *rp*?'.
³⁹⁷ 'The settlement of the *rp*...which seemed unshakably established upon the unity of all honest men and the prestige of my consulship, has slipped through our fingers in this one trial'.

Att. 1.18.3 Cicero describes the *status rei p* founded by him during his consulship as resting on civic cohesion between *equites* and senate. Similarly in this letter he points out that *coniunctio bonorum* and *auctoritas senatus* are the pillars of his government. These, however, can be crushed by ‘the collapse of sense of religion and good morals’.³⁹⁸

The connection between *mores* and political stability is epitomised in the lament upon the *rp amissa* in Book Five of the *De Re Publica*. This long fragment only indirectly transmitted in *Aug. Civ. Dei* 2.21.71-95 - openly connects the notion of *viri* and *mores* with that of *rp*. Ancestral *instituta* and old customs are described as the foundation of the *rp*. The passage opens with Ennius' quote: *moribus antiquis res stat Romana virisque*, and ends acknowledging that both morals and state have simultaneously disappeared. The *rp* fades (*evanescentem...verbo retinemus..re ipsa vero amisimus*), because nothing is left of the former (*‘quid enim manet ex antiquis moribus?’*).³⁹⁹

Mainly, however, *rp* coincides with *lex publica* and *iura*.⁴⁰⁰ Phrases such as *rp constituta* - as employed by Sulla and later by the *triumviri* to describe their own endeavour - simply refer to the ‘(re)-organisation’ of the institutional life by means of law. In the *Pro Sestio*, Cicero points to the abolition of the *leges Fufia and Aelia* as the moment in which the *rp* disappeared (*Sest.* 33: *qua una rogatione quis est qui non intellegat universam rp esse deletam?*). This might be the object of Cicero's reference to the *nova inaudita edicta*. The content of Clodius' *rogatio*, as well as the actual nature of the two laws, remain unknown, although possibly they must have concerned the rights of certain magistrates to oppose legislative assemblies on certain occasions. In a letter to Atticus and in the speech *On the Consular Provinces* Cicero hints again at the

³⁹⁸ *Att.* 1.16.7.

³⁹⁹ Dyck 1996: 138, 405, Büchner 1984: 392.

⁴⁰⁰ Drexler 1958: 14, Diehl 1988: 24-6 notice that Cicero often mentions *rp* in the same context with *ius* and *leges*.

abrogation of the laws, describing it as the end of the *rp*.⁴⁰¹ More specifically, in *Prov. Con.* the episode exemplifies Clodius' attitude to the Roman legal setup, laws are capsized and the *civitas* is lost and overturned.⁴⁰²

Sulla's dictatorship begun in 82 under the aegis of *legibus scribendis et constituendae rei publicae causa*.⁴⁰³ In *Rosc. Am.* it is suggested that the very circumstances required that one person would be in charge of power to nominate magistrates, promulgate laws, and re-establish *procuratio* and *auctoritas* to everyone.⁴⁰⁴ A similar phrase occurs in Livy's *Periochae* (89.3), where Sulla's rule is said to aim to 'make steady (*confirmare*) the condition of public affairs (*status rei publicae*) with new laws (*legibus novis rei publicae statum confirmavit*)'. This suggests that *constituere rp* means re-establishing the government by applying the law or by producing new legislation.

In a short excursus in Book Two of his *Historiae* Velleius Paterculus discusses C. Curio's stance in the Civil Wars. He explains that Curio was on Pompey's side:

Vel. Pat. 2.48: Hic primo pro Pompei partibus, id est, ut tunc habebatur, pro re publica.⁴⁰⁵

The phrase '*ut tunc habebatur, pro re publica*' 'as was believed at the time, on the side of the *rp*' was interpreted in several ways. Scholars have mainly interpreted this passage as a suggestion that either 'Velleius may not have shared this opinion' or 'that even those who held it at the time may later have changed their mind' or again as a reminder that 'in times of civil unrest the meanings of words are liable to distortion' or as

⁴⁰¹ *Att.* 2.9.1: those who passed the lex Aelia are '*qui omnia remedia rei publicae effuderunt*'.

⁴⁰² *Prov.* 45: in Clodio auspicio ratio sit eadem, leges omnes sint eversae ac perditae civitatis. Repeatedly brought up in anti-Clodian contexts in the speeches *Red.* 11, *Har. resp.* 58, *Vat.* 18.23, *Pis.* 9-10.

⁴⁰³ *MRR* II 256-7. Appian (*Civ.* 1.99) renders this diction in Greek as ἐπὶ θέσει νόμων, ὃν αὐτὸς ἐφ' ἑαυτοῦ δοκιμάσειε, καὶ καταστήσει τῆς πολιτείας - for the sake of making laws according his own sense and for re-ordering the constitution.

⁴⁰⁴ *Rosc. Am.* 139: *dum necesse erat, resque ipsa cogebat, unus omnia poterat; qui posteaquam magistratus creavit legesque constituit, sua cuique procuratio auctoritasque est restituta.*

⁴⁰⁵ 'On Pompey's side, as was believed at the time, on the side of the *rp*'.

marking ‘the contrast between moral appearances and military facts’.⁴⁰⁶ Gowing even claims that Velleius is suggesting that ‘those who held this view were deceived’.⁴⁰⁷ However the phrase might simply refer to the fact that back *then*, during the civil wars, Pompey’s side was referred to officially as the ‘state’s side’.⁴⁰⁸ Indeed, when the civil wars broke, Pompey was the consul who had received the official mandate of *SCU* from the senate.⁴⁰⁹

Iudicia often pointed out as sound basis of *rp* as government. A passage in the *Verrines* presents a functioning judiciary system as a primary characteristic of a *rp constituta*.⁴¹⁰

Cic. *Verr.* 2.3.162: Re publica...veritate iudiciorum constituta.⁴¹¹

To a smaller extent *rp* holds whenever the legal system works - as in the passages from *Verrines* - and when basic civil rights (personal *libertas*) hold.⁴¹² Condemning the corruption of the jury in the trial of Gabinius *de repetundis* in 54 B.C Cicero claims (*Q. fr.* 3.4.1) that there is no *rp* (*nulla rp*) ‘no senate, no law-courts and that no position of authority held by any of us’. On this occasion the term *rp* refers to a specific part of government, judiciary life.⁴¹³ Similarly, in a letter to Quintus in 59 (*Q. fr.* 1.2.15) *rp* refers to basic rights rather than to republic. Cicero claims the loss of *rp* (*rp funditus amisimus*) emphasising the loss of *iura* and *libertas*, especially incolumity, enjoyed by Roman citizens. Pompey prevented C. Cato from prosecuting Gabinius, who in turn

⁴⁰⁶ Wistrand 1978: 43.

⁴⁰⁷ Gowing 2005: 39, Woodman 1983:80.

⁴⁰⁸ So Powell 1994: 19.

⁴⁰⁹ Seager 1979: 296 notices that in the narrative of the civil wars *rp* is normally associated with Pompey while it is rarely linked to Caesar. The Augustan historiography conversely portrayed Cassius and Brutus as against the *rp*: Livy and Velleius both describe them as acting ‘*sub praetexto rei p*’. In *primis RG* 2, *Vell. Hist.* 2.62.3 and *Per.* 118. See Rawson 1986 for the reception of Brutus and Cassius in the Early Empire. Cremutius Cordus (*Tac. Ann.* 4.34) was prosecuted in a *maiestas* trial for having praised Brutus and for calling Cassius ‘the last of the Romans’.

⁴¹⁰ *Verr.* 2.1.20, 2.5.12.

⁴¹¹ ‘The *rp* ought to be such, and shall be such, being established by the impartiality of the tribunals’.

⁴¹² Kaster 2006 ad loc. but generally Wirszubski 1950.

⁴¹³ *Nullum senatum, nulla iudicia, nullam in ullo nostrum dignitatem*. See Fantham 1975 for the historical background.

accused him of being a *privatus dictator*.⁴¹⁴ The emphasis of the passage is not on the fact *per se* that Pompey rules as a *dictator* but rather on the fact that the incolumity of a very Roman citizen, and a Cato was in danger because of such an ordinary thing as a trial.⁴¹⁵

d) Political participation

In the speech delivered to the people immediately after his return from exile, Cicero celebrates his own return as the return of *rp* and vice versa characterises the period in which Cicero was absent as absence of *rp*. In so doing Cicero taps into a narrative of identity between statesman and *rp*.⁴¹⁶ Such an overlap between *rp* and statesman is a distinctive feature of this speech, but emerges, albeit in different ways, also in other works. Rathofer, for example, observes that throughout the *Brutus* the relationship between statesmen and *rp* is one of identity.⁴¹⁷ Cicero's claim that the *rp* is collapsing – Rathofer argues – is to be understood as a subjective rather than an objective statement. Cicero is lamenting the crisis of his political role in the state, rather than the government's crisis. Rathofer writes: 'allerdings liegen die Gründe für diese Resignation weniger in dem Betroffensein über den Zustand des Staates als solchen, als vielmehr in dem Bewusstsein, dass er, Cicero, seine Rolle und seinen Einfluss in ihm verloren hat'.⁴¹⁸

In this respect, especially after the battle of Pharsalus in 48 BC, the meaning of *rp* is characterised as 'political participation' and loss and gain of *rp* are better rendered as opportunity of participation into government or as lack of this opportunity. The most common collocations in these circumstances are *rp recipere* and *rp amittere*. In the

⁴¹⁴ On the episode in general see Matthew-Sanford 1939.

⁴¹⁵ *Q. fr.* 1.2.15: *rem publicam funditus amisimus, adeo ut C. Cato, adolescens nullius consili, sed tamen civis Romanus et Cato, vix vivus effugerit.*

⁴¹⁶ *Red. Pop.* 6: *aeque me atque illam restituendam putaretis, dum ego absum, eam rp habuistis ut aeque me atque illam restituendam putaretis.* So *Dom.* 144 and *Red. Sen.* 36, where Cicero thanks the senate for declaring the *rp restituta* upon his return. The insistence on restituere may point to the actual formula employed by the senate when revoking Cicero's exile.

⁴¹⁷ Rathofer 1986: 5 refers to *Fam.* 6.6.5, 6.10.5, 13.68.2.

⁴¹⁸ Also see May 1981: 93 ff.

Pro Sestio Cicero explains that Sestius ran as tribune (57 BC) in the hope of recovering (*recuperare*) the *rp* against the conduct of Gabinius.⁴¹⁹ In this context the notion of *rp* refers to ‘normal political fare of the state’. Sometimes, however, *rp recuperata/ amissa* can indicate the recovering of *rp* on behalf of a specific person or a specific group - a notion better rendered as ‘someone's control over politics’ in the course of the previous semantic analysis.⁴²⁰ From the point of view of the senatorial elite the ordinary political order and state of government involved daily engagement in *negotia publica*. Loss of political control implied the exclusion from political life. The increasing presence of phrases such as *rp recuperata* and *amissa* in the late republic reflect the concern of the senatorial elite with the loss of control of political affairs. In these passages the term *rp* can be rendered as ‘control over the government’.

This type of use of *rp recuperata* applies to a number of political episodes in the late republic. For example, Cicero refers to a number of events in the 80s as absence of *rp*. *De Oratore* is set during the *Ludi Romani* of 91 and presents a gathering amongst friends discussing ‘*de temporibus et de rp*’ - about the political situation (*de Or.* 1.26). Crassus describes the political scenario of 91 as one where the *rp* is hardly kept (*de Or.* 1.38 *vix tenemus*). However, he adds, without the intervention of Gracchus the Elder in 169 no *rp* would exist at all.⁴²¹ Crassus’ argument rests on a specific event: the *rp* would have gone lost, had Ti. Gracchus not had the freedmen confined to one of the four urban tribes in the course of his censorship in 169.⁴²² The link between the events of 91 and Ti. Gracchus’ censorship is unclear and understudied. It may rest on the fact that in both occasions the Senate's political monopoly was at stake. Similarly Livy’s

⁴¹⁹ *Sest.* 2.6.10, 31: *adflicta et perdita rp*; *Sest.* 33: *spes rei publicae recipiendae*; *Sest.* 144 Cicero claims that with their verdict the judges will renovate (*renovare*) the *rp*.

⁴²⁰ *Sim. Att.* 8.3. *recuperare rp* as an endeavour to be accomplished soon by Pompey, i.e. granting a relative value to the recovery of *rp* on behalf of a party.

⁴²¹ *De Or.* 1.38: (Ti. Gracchus) *homo prudens...saepe alias et maxime censor saluti rei publicae fuit...nutu atque verbo libertinos in urbanas tribus transtulit, quod nisi fecisset, rem publicam, quam nunc vix tenemus, iam diu nullam haberemus.*

⁴²² *Liv.* 45.15.7; Treggiari 1969: 46. Fantham 2004: 307 suggests that this comment is to be read as Cicero speaking through the mouth of Crassus. The *De Oratore* was written after Cicero's exile, which transpired from his controversies with Clodius, who had availed himself of the support of slaves, amongst whom were possibly freedmen. No explicit mention however is ever made of the specific involvement of *libertini* in Clodius’ gang. Mouritsen 2011: 79 n. 60.

account of Gracchus' decree in 169 reports that the Senate voted thanks to Gracchus the Elder 'for having persisted in a praiseworthy undertaking'.⁴²³ The merit of Gracchus the Elder in 169 could have consisted in having upheld the elite-senatorial control over politics, albeit indirectly, by limiting the political engagement of freedmen.⁴²⁴ All the speakers in *De Oratore* had supported Drusus' programme of reforms during his tribunate in 91.⁴²⁵ A number of sources refer to Drusus as senate's man. In *de Or.* Cicero suggests that Drusus takes the defence of the senate while the consul Philippus takes stance against the *principes* (*de Or.*1.7.24).⁴²⁶ The control over government in both cases is secured by the intervention of a man of the senate : Ti. Gracchus the Elder in 169 and Drusus in 91.

Book Three of *De Oratore* contains an excursus on year 87, the year of Crassus' death and 'the end of *rp*'. After recalling Crassus' death, which happened a week after the reported discussion, Cicero goes on commenting on the fate of the other characters, among whom C. Julius Caesar Strabo Vopiscus – Catulus' younger half brother – and his full brother Lucius. Strabo sided with Octavius against Cinna and hence was murdered, around 87, by hand of one of his client, Sextilius, who however betrayed him eventually. Memories take Cicero back to Crassus, who never witnessed the aftermath of 87, and is said to have died with the *rp*:

Cic. *De Orat.* 3.10: ut ille, qui haec non vidit, et vixisse cum re publica pariter et cum illa simul exstinctus esse videatur.⁴²⁷

⁴²³ Liv. 45.15.4: *qui in bene coepto perseverasset.*

⁴²⁴ Dumont 1987 comments on *de Orat.* 1.38 arguing that the rescuing of *rp* in a Ciceronian perspective compares to the maintenance of political primacy in the hands of the leading group. In general freedmen could be perceived as 'disqualified citizens' and their political engagement would possibly have not fit in Cicero's ideal of *gradus dignitatis*. This theme might have become more and more relevant with the disruption of the traditional political patterns by hands of the masses towards the end of the 'republican phase'. Mouritsen 2011: 79 n.60.

⁴²⁵ Wisse 2008: 34 defines 91 as a crisis of the senatorial faction.

⁴²⁶ *De Orat.* 1.7.24: *Drusi tribunatus pro senatus auctoritate susceptus, Mil. 16: senatus propugnator atque...paene patronus.* See further Greenidge-Clay 1972: 129.

⁴²⁷ 'Gaius, who did not witness these events, may be deemed to have spent his life with the *rp* still living and to have passed out of existence together with her passing'.

Mankin's commentary renders *rp* with 'freestate', which 'in Cicero's view ceased to exist under the tyranny (*regnum*) and had to be restored – at terrible cost – by Sulla'.⁴²⁸

From the first reference to the Sullan era in the *Pro Roscio* throughout his work Cicero refers to Sulla's victory in 82 as *rp recuperata*. Cicero ascribes to the *nobilitas* the merit of repossessing the *rp* (141: *nobilitas armis atque ferro rem publicam recipavit*). In this instance *rp* can be rendered as 'government'. Again in *Brutus*, published in 46, the death of Scaevola Pontifex, Antistius, and Carbo is dated by reference to the year in which the disorders for recovering the public order started (*tumultus in recuperanda re publica*).⁴²⁹ Gelzer emphasised the fact that in these passages the 'restoration of the state' corresponds in the eyes of the *nobilitas* to the repression of the revolt. More recent comments have interpreted the notion of '*rp recuperata*' under Sulla as the 're-establishment of an old, nobility-oriented *rp*'.⁴³⁰

In a letter to Atticus in 60 (*Att.* 1.18) Cicero portrays a miserable political scenario. He reproaches Pompey and Crassus for pursuing their own advantage and popularity rather than taking politics seriously. The political élite is criticised for hoping to keep their fishponds after losing (*amissa*) the *rp*.⁴³¹ Whilst Shackleton Bailey renders the term as 'constitutional freedom', the context does not hint at constitutional issues, but rather to a mollified and apathic ruling class who is losing grip on government.⁴³² The communicative emphasis in this specific passage is on the fact that politicians would neglect politics in favour of their own business. In one of his letters (*Fam.* 4.4) Cicero reports the senate meeting in which Caesar had asked senators to deliberate on the pardon to M. Claudius Marcellus, who had been exiled in 49.⁴³³ Cicero describes this event as *speciem reviviscens rp* - as a vestige of normal political life.⁴³⁴ The theme of political *libertas* – understood as one's ability to exercise a role in politics

⁴²⁸ Mankin 2011: 109.

⁴²⁹ *Dom.* 79: *Sulla victor re publica recuperata*.

⁴³⁰ Gelzer 1912: 114, Diehl 1988: 24-5, 64.

⁴³¹ *Qui ita sunt stulti ut amissa re publica piscinas suas fore salvas sperare videantur*.

⁴³² Shackleton-Bailey 1999.

⁴³³ Fuhrmann 1960: 208.

⁴³⁴ *Sim. Fam.* 6.11, 13.68.2.

encompasses Cicero's correspondence under Caesar's dictatorship. For example, while in *Fam.* 15.15.1, dated to 47 BC, Cicero uses the expression *interitus rei p*, in 46 he then proclaims he is willing to participate in the reconstruction of *rp* (*Fam.* 9.2.5) and in the same year some (*aliqua*) *rp* (*Fam.* 13.68.2) is said to exist under Caesar, to the extent that in 46 BC he praises the rebirth of *rp* (*Fam.* 4.4).⁴³⁵ A later letter to M. Marcellus (*Fam.* 4.8.2) depicts the situation in Rome as gloomier, where *rp* and *libertas* hold only discontinuously.⁴³⁶ Similarly, Cicero's letters after the Ides of March celebrate the recovery of *libertas* in many respects but claim that *rp* had not been recovered yet (*Att.* 14.4).⁴³⁷ In this context *rp* might point to the political circumstances in which Cicero and his colleagues would enjoy and exercise their own *libertas*, eventually being able to taking part into the government.⁴³⁸ The connection between *rp* and *libertas* emerged in the works celebrating Cicero's recovery of political standing after Clodius' tribunate. While under Clodius the *rp* was *oppressa*, with Cicero the *rp* is defined as *bona* and closer to a *libera civitas* (*Dom.* 130) where *senatus* and *equites* are in power. The connection between *rp* and *libera civitas* emerges as one of the most prominent themes in in the *Philippics*.

3.1.3 *Libera civitas*

The expressions *rp recipienda* and *constituta* re-emerge in the political debates after Caesar's death. Shortly after Caesar's death, in a letter to Atticus, Cicero suggests that while *libertas* is back, public order has not been re-instated yet *rp*:

Att. 14.4: Non una cum libertate rem publicam reciperatam.⁴³⁹

⁴³⁵ Bringmann 1971: 100 ff.

⁴³⁶ *Si sit aliqua res publica, in ea te esse oportere iudicio hominum reque principem, necessitate cedentem tempori; sin autem nulla sit, hunc tamen aptissimum esse etiam ad exsulandum locum.*

⁴³⁷ Under Caesar *rp* still existed albeit *perturbata* (*Fam.* 9.6). In the correspondence with Brutus Cicero instead employs the antonym *rp/ rex* in *Fam.* 11. 7; *Brut.* 2. describes him as *tyrannus* and refers to his *regnum*.

⁴³⁸ At the end of April 44 B.C (*Att.* 14.14.6) Cicero identifies the restitution of *libertas* in respect to Antony's proposal on provinces - to be held in June. A law passed under Caesar limited the tenure of consular provinces to two years. Antony had prolonged this term for himself and Dolabella to six years. If the senate would be in the position to decide freely (*libere decernere*), then Cicero 'shall be happy to see the senate's *libertas* restored'. *Libertas* in this context is bound to the restoration of the decisional powers.

⁴³⁹ Heilmann 1982: 173.

In Cicero's *Philippics* and in Antony's counter-argument the concept of *rp* as 'public order' and the civic narrative of *libertas* dovetail for the first time.

Cicero underscores that the new political order, the newly constituted *rp*, should be a *libera civitas*. In such a *civitas* neither *rex* nor *regnum* would exist. Antony uses exactly the same terminology. In the *First* and *Second Philippics* Cicero suggests that Antony's decision to remove the office of dictatorship was concocted and received as a way to defend the ideal of *libera civitas* and to remove the fear of *regnum* (*quo quidem facto tantum te cepisse odium regni videbatur*).⁴⁴⁰ Nonetheless Cicero claims that this accomplishment was not sufficient to re-establish the political order (*constituta rp videbatur aliis, mihi vero nullo modo*).⁴⁴¹ This passage suggests that also Antony's argument must have revolved around the phrase *rp restituta*, and it must have associated this concept with the ideal of a *libera civitas*. In fact throughout the *Philippics* Cicero advocates for *rp constituta*, too. In his eye this objective is achieved with the bill proposed in the *Third Philippic* and eventually passed.⁴⁴² In this respect Cicero's aim does not differ from Antony's. However, while Antony pursued the abolition of kingship (and thus the re-establishment of the *rp*) with the abolition of dictatorship, Cicero pursued it by accusing Antony - presented as the new future king - from his office. In *Phil.* 3.8-9.4 and 4.7- 8 Cicero consistently presents Antony and Tarquinius as *reges* to his own ideal of *libera civitas*.⁴⁴³

Absence of *rp* is described in general terms as a civil war against an intestine enemy (*Phil.* 5.11), Antony, who disregards the correct legal procedure and displays moral flaws such as greediness and violence. Against this scenery Cicero upholds the

⁴⁴⁰ *Phil.* 1.2, *Phil.* 2.92.

⁴⁴¹ *Phil.* 2.36.

⁴⁴² *Quo die primum in spem libertatis ingressus sum*. On *libertas* Cic. *Phil.* 3.4; 6.2; 6.19, 4.20 (*princeps revocandae libertatis*). *Fundamenta ieci rp in Fam.* 10, 28, 2; 11, 6a; 12, 22a, 1. 25, 2; *Phil.* 4, 1-4; 5, 28; 10, 23.

⁴⁴³ Manuwald 2007: 9 ff. *Phil.* 3.37-9. Delivered on the 20th of December 44 B.C., Cicero proposes to invalidate Antonius' laws on the distribution of the provinces, whose rearrangement had seen conspicuous changes since Caesar's death. The passing of the bill would have also meant that the senate could authorise any initiative of private resistance to Antonius.

traditional political order (*rp*). His own plan of re-establishing the *rp* corresponds to upholding *libertas* by the *senatus auctoritas*. With Octavian's march on Rome and the victory of Mutina - as noted earlier - Cicero celebrates the fact that the control of public order has been recovered (*rp recipitata*).⁴⁴⁴ The joint existence of *rp* and *libertas* are contrasted 'with any imposition from a single individual'. Later speeches instead define *libertas* and *rp* as an ordered condition of public affairs underpinned by *iura, otium, pax, concordia*.⁴⁴⁵

The phrase *libera rp* is a modern invention for the consumption of legal scholars and finds little resonance in Latin sources. What modern scholars refer to as 'Republic' is phrased in terms of the foundation of a '*libera civitas*' rather than as '*libera rp*'. Traditionally, Tarquinius' expulsion did not mark the *constitutio rei p* but rather the *institutio libertatis* within public affairs (*rp*).⁴⁴⁶ The fact that the *rp constituta* had to be a *libera civitas* and one free from *reges* is made explicit only in the 40s after Caesar's dictatorship for life. In fact the very term *libera civitas* does not occur but in a few instances.⁴⁴⁷ Equally, the expression *libera rp*, which scholars often use to contrast the Roman 'republican' state with the principate, is more of a modern coinage than an actual political term.⁴⁴⁸ The analysis of the *rp*-terminology in the post-Caesarian political discourse and in the *Philippics* shows an overlap of these three notions: *rp - libera civitas* and *servitus - rex*. The threefold definition of *rp* as *libera civitas* and non-monarchy is contingent and variously deployed - as we have seen - by Cicero and Antony. This type of political setup, furthermore, seems to be characterised by the existence of *libertas* rather than by the non-existence of a single ruler, *rex*.

⁴⁴⁴ In the manifesto of Augustan politics, the *RG*, Octavian's march on Rome is described as (*RG* 1.1) the liberation of the *rp* from the domination of factions.

⁴⁴⁵ Cowan 2008: 148 ff, esp. *Phil.* 1, 3, 5, 8 for the former notion, for the latter instead *Phil.* 5.41, 8.8, 13.1.

⁴⁴⁶ Wirszubski 1950: 28 ff. *Flacc.* 25, *Liv.* 1.17.3, 2.1.1-2; *Plin. Pan.* 44.57; *Tac. Ann.* 1.1.1, *Hist.* 1.16. *Sall. Cat.* 7.2-3, where even under the kings *libertas* is preserved.

⁴⁴⁷ In reference to the Roman state 30 occurrences, many following Livy's definition (63.10) as '*ita aequatas leges, si sua quisque iura ordo, suam maiestatem teneat*' see *Mil.* 93.1 (*bene morata* as syn. of *libera*). As 'Roman monarchy' in *Phil.* 1 4. For a general discussion see Wirszubski 1950: 4.

⁴⁴⁸ Only *Phil.* 13.6 and *Fam.* 11.3.

Similarly, the rhetorical topos of depicting a political adversary as *rex*, accusing him of *regnum* and *dominatio* are employed throughout the political discourse of the late republic. The term *rex* is variously employed and defined in late republican sources. Only in Cicero's work a number of officers, from the tribune Rullus to Caesar and Pompey are labelled as *reges* or accused of instituting a *regnum*.⁴⁴⁹ Other historical characters such as S. Melius and Cinna are described as *reges* (*Rep.* 2.49) and the Gracchi are occasionally accused of aiming for the *regnum*. Sources are consistent in pointing to some phases of Roman history as *dominatio* but none of them is presented as non-existence of the *rp*.⁴⁵⁰ For example, according to Cicero, despite Sulla's *dominatio* the *rp* was eventually restored:

Cic. *Har. Resp.* 54: sine dubio habuit regalem potestatem, quamquam rem publicam reciperarat.⁴⁵¹

Dominatum regium is the Ciceronian term for the 'Roman monarchy' but occurs only in Cicero and for a dozen of occurrences in years 44-3.⁴⁵²

3.2. *Res publica* after the 'Republic'

The expression *rp restituta* is extensively quoted as a summary of Augustus' stated political programme. This catchword came to condense the complex transition between 'republic' and 'principate'. According to the standard translation of *rp* as 'republic', these words were interpreted as Augustus' claim to have restored a specific type of government. However, sources reveal, the phrase *rp restituta* is attested with certainty only in a funerary inscription, while official sources use comparable expressions pointing to the 're-establishment' of *rp*. Beyond *rp restituta*, however, contemporary literature provides enough evidence for understanding what *rp* meant for Augustus. The following section seeks to unravel the meaning of the term *rp* in the

⁴⁴⁹ See Allen 1953: 232 who points to the contradictory use of the *rex* in *Rep.* 2.49 and 3.39.

⁴⁵⁰ See Martin 1982 for a survey.

⁴⁵¹ *Har. Resp.* 54: sine dubio habuit regalem potestatem, quamquam *rp* reciperarat.

⁴⁵² *Fam.* 11.5.3 and *Phil.* 1.2.5 and 7.

phase that is conventionally described as ‘end of the republic’ or ‘beginning of the Principate’.

In 43 BC Cicero had celebrated the military achievements of the young Octavian as *rp recipitata*. Soon afterwards the triumviral agreement signed between Lepidus, Antony, and Octavian secured quinquennial exceptional powers for the three of them with the objective of *rp constituenda* (RG 1.4).⁴⁵³ The Greek rendition of the phrase is consistently aligned with those employed for Sulla’s office: ἐπὶ καταστάσει τῶν δημοσίων πραγμάτων and does not betray any ideological nuance.⁴⁵⁴ After the battle of Actium in 31 BC Octavian is the sole *triumvir* in charge. In the RG (3.1) Octavian’s victory at Actium marks the end of civil wars. It is however from 29 BC onwards that the theme of *rp conservata* gains prominence in the public discourse.⁴⁵⁵ Two *denarii* of 16 BC use the phrase *rp conservata* in association with Augustus’ health. The former beseeches that the *rp* could be *conservata* as well as Augustus’ health (*ob r(em) p(ublicam) cum salut(e) imp(eratoris) Caesar(is) August(i) cons(ervatam)*).⁴⁵⁶ In a section on triumphal law in his *Memorabilia* Valerius Maximus confirms that Augustus’ civic crown was given ‘*ob cives servatos*’ (2.8.7). The same civic crown was suggested as a honour for Cicero (*ob rem publicam servatam*) for having dealt with the Catilinarian conspiracy.⁴⁵⁷ This same expression occurs in a further *denarius* dating to 16 BC where an oak wreath is dedicated as a thanksgiving to *imperator Caesar* because the *rp* is in a better and steadier condition (*quod per eum res publica in ampliore atque tranquilliore statu est*).⁴⁵⁸

The biennium 27-8 marked the institutional reconstruction of the *rp* and is conventionally referred to by modern historians as ‘the settlement of 27’. Recent

⁴⁵³ Svet. 27, RG, Liv. *Per.* 120.

⁴⁵⁴ *SC de Plarasensibus et Aphrodiensibus*, 8.27.

⁴⁵⁵ An inscription found in the *Forum Romanum* in the 16th century and subsequently lost (*CIL* VI 873) reports a dedication from the people and the senate to Octavian in the year of his fifth consulship, 29, for *rp conservata*. The inscription however, is much debated, see Lange 2009: 165.

⁴⁵⁶ Ehrenberg-Jones 1963: 58-9.

⁴⁵⁷ *Pis.* 6.

⁴⁵⁸ *BMCRE* I Nr. 91-94.

contributions have dismissed Mommsen's reconstruction of *Fasti Praenestini*, which introduced the term *rp restituta* in the account of the Senate meeting of the 13th of January 27.⁴⁵⁹ Historians, however, offer periphrases of these phrases, which helps articulate in clearer terms what *rp restituta* might have referred to. Livy's *Periochae* (134-42) for example describe the years 27-8 in general and rather neutral terms as *rebus compositis et omnibus provinciis in certam formam redactis*. This phrase epitomises a list of the changes enacted by Augustus. The emphasis falls on the pacification of the Empire and on the restructuring of the political institutions (*ius, maiestas senatus, imperia*).⁴⁶⁰ This understanding seems confirmed by the only passage in which the phrase *rp restituta* is attested. In this respect the sense of *rp* falls under the general meaning of government rather than under the narrow 'republic'. In the so-called '*Laudatio Turiae*' the proscriptions and civil wars are contrasted with a general period of peace (*pacato orbe*) and institutional tranquillity (*restituta rp*).⁴⁶¹

In this light Augustus' use of *rp* does not betray any constitutional connotation. Phrases such as *rp restituta* or *rp conservata* might have argued and pointed to having re-established peace, civic unity, law and order. The 'political order' denoted by the expression *rp restituta/ constituta* emerges by contrast with the previous condition civil strife. On this basis there does not seem to be any patent attempt of resemantisation, or even manipulation, of the sense of *rp*. The terminological choices in these testimonies are rooted in the traditional usage of the political language. In this respect the understanding of *rp* as it appears in these texts coincides with the previous understanding of the term as 'political order'.

The same connotation applies to later occurrences of the term *rp*. In a famous passage in *Hist.* 1.30 Tacitus ascribes a speech to Otho, in which the commander

⁴⁵⁹ *CIL* I², 231. Judge 1986: 290 suggests instead the substitution of *rp* with *populus romanus*, consequently eliminating any reference to *rp* in this text. Todisco 2007 interprets the *restitutio rp* as the rescue of citizens in peril, *populus restituit sibi* in connection with the dedication of a Civic Crown to Augustus in 27. The *translatio rp* between Augustus and senate mentioned at *RG* 34.1 does not bear the same meaning of *rp restituta*. Cooley 2009: 258.

⁴⁶⁰ *Per.* 2.89.3.

⁴⁶¹ *CIL* VI 1527, II.25; possibly the wife of Q. Lucretius Vespillo (cos. in 19). Flach 1991: esp. 104.

suggests that in circumstances where *rp*, *senatus*, and *populus* are hollow names (*vacua nomina*), then it is the soldiers' duty to ensure that the least worst candidate is made *imperator*. The notion of *res publica* in this context may refer to the 'ordinary political life/ government procedure' and could be juxtaposed to the rough political conditions of 69 when the seat of politics was indeed the battlefield rather than the senatorial aula.⁴⁶² Indeed, In *Hist.* 1.11 Tacitus describes the year 69 A.D. as a momentous one for the *res publica*. For obvious chronological reasons *rp* in this context cannot refer to 'the republic'. It refers instead to 'government'. Later on in *Book One* Tacitus describes Galba's speech upon adopting Piso. The adoption does not take place in front of the senate but rather in the praetorian camp and before an assembly of soldiers. Galba emphasises that he is the first *princeps* to choose his successor *in re publica* (*Hist.* 1.15) - publicly - rather than *in domo* as Augustus had done. Galba then continues suggesting that the circumstances are such (*eo necessitatis iam pridem ventum est*) that he cannot establish a *rp* but only nominate an heir, Piso, who will only be a *princeps*. Indeed, circumstances are such, that the huge establishment of the *imperium* can only stand steady with a guide (*rector*). If things were different, Galba would have established a *res publica*. In this context *rp* is often translated as 'republic'. Chilver comments on the passage with some open questions, wondering if Tacitus could have referred to Galba's refusal of being emperor - something suggested by Plut. *G.* 5.2.⁴⁶³ A closer look at the context can help define *rp* as 'government'. Piso's adoption takes place according to an unusual procedure. The speech is delivered in a battlefield rather than before the senate and no people are attending the ceremony.

The permanence of the term *rp* under monarchy, republic, and principate rests on a nuanced, non-typological, definition of the political connotation of the term *rp*. Theoretical contributions by historians have emphasised the elements of continuity between a 'republican' political culture and the principate endorsing a similarly nuanced, non-typological description of the political apparatus. Bleicken, for example,

⁴⁶² Similar *Hist.* 1.55.

⁴⁶³ Chilver 1979 ad loc. contra Gowing 2005: 122.

stressed the legalistic element of *rp* and eventually defined the Roman state as ‘Rechtsstaat’. This characteristic trait of the Roman concept of *rp* arguably ‘made it easier to subsume political changes...as long as they rested on purely formal legal models or concepts’.⁴⁶⁴ In pursuing a definition of *rp* as a complex and fluid stream of ‘interpersonal relationships’ Eder suggested that ‘this segmentation of power among various personalities...could be adapted to changing realities’.⁴⁶⁵ Galinsky also noted that the claim *rp restituta* defies any constitutional interpretation referring instead to the re-establishment of a certain moral setup.⁴⁶⁶ Precisely because the term *rp* did not have a specific connotation but could refer to several aspects of the political life, its use does not cease with the principate.⁴⁶⁷ Political circumstances, just like under the ‘republic’, were expressed on a gradation of conditions of the *rp*. As previously noted for the opposition between *rp*/ monarchy, this ‘broad’ definition of *rp* does not imply that Romans were not aware that a series of institutional changes were ongoing. The constitutional change from ‘monarchy’ ‘republic’, and ‘principate’ can hardly be expressed in terms of absence of *rp*. Because most of these circumstances marked a new institutional beginning, they were necessarily described as ‘re-institution of the *rp*’.

While ancient sources do not express the transition between republic and principate as ‘disappearance’ of the *rp*, they refer to it as a general *novus status*.⁴⁶⁸ According to Suetonius, Augustus is the first to state that his course of government would follow new criteria. In the edict with which Augustus announced his decision to retain the *rp* (Suet. *Div. Aug.* 28) he had allegedly expressed the wish to be remembered and praised as founder and guarantor of the best *status rei p.* Velleius Paterculus, born in the late 20s BC, describes Augustus’ constitutional settlement as a restoration of the ‘old’ previous form of *rp* (*Hist.* 2.89.4: *prisca illa et antiqua rei publicae forma*

⁴⁶⁴ Bleicken 1975: 403-39, Eder 1990: 83.

⁴⁶⁵ Eder 1990: 83.

⁴⁶⁶ Galinsky 1998: 58.

⁴⁶⁷ *Dial.* 17.3: *Augustus rexit rp...Vespasianus rp fovet.*

⁴⁶⁸ Suet. *Aug.* 28.2. Flower 2008: 137 connects this to the image of the *legislator* introduced by Sulla.

revocata).⁴⁶⁹ This expression epitomises a number of political measures approved by Augustus, which are presented as return to the tradition.⁴⁷⁰ Velleius, however, is the first to acknowledge the existence of the ‘older and previous’ model of *rp*. For the first time the restoration of the *rp* is explicitly phrased in terms of a reestablishment of a previous order, described as ‘ancient’ (*antiqua*) and ‘prior’ (*prisca*). Augustus not only re-establishes the political order (*res publica*) but he also restores the he does so according to the tradition.⁴⁷¹ Similarly to Velleius, Tacitus also marks the watershed between ‘republic’ and ‘principate’ and he does so by employing the adjective *vetus*. *Vetus rp* appears in the discussion of Tiberius’ rule (*Ann.* 1.7) where he describes him as *ambiguus imperandi* in that he would commence any political issue from the consuls, according to the old custom *vetere re publica*.⁴⁷² By employing *antiqua* and *pristina* Velleius celebrates Augustus as the re-founder of the tradition. *Vetus* offered Tacitus a less ideologically charged alternative to convey simply the distinction between an ‘old’ and a ‘new’ political order.

This reading of the notion of *rp* is not in contradiction with the opening of *Annales* (*Ann.* 1.4), normally regarded as a passage where *rp* retains its ‘old meaning’ of ‘republic’.⁴⁷³ Tacitus suggests that ‘few were those who had seen the *rp*’ (*quotus quisque reliquus qui rem publicam vidisset?*). This is paraphrased by Chilver as ‘few were those who had seen (a) the republic’.⁴⁷⁴ The notion of *rp* in this passage can be defined by contrast to the description of the early principate provided at *Ann.* 1.4.8. The passage

⁴⁶⁹ Judge 1974: 293-4 discusses, on the basis of later coins, the possibility of a connection between *libertas recuperata* and *res publica recuperata*, which would add a more ‘constitutional’ nuance to the phrase.

⁴⁷⁰ Liv. 2.89.3: *Finita vicesimo anno bella civilia, sepulta externa, revocata pax, sopitus ubique armorum furor, restituta vis legibus, iudiciis auctoritas, senatui maiestas, imperium magistratuum ad pristinum redactum modum, tantummodo octo praetoribus adlecti duo.*

⁴⁷¹ Cicero often points to *nova edicta* as major causes of the destruction of the *rp*, suggesting that *rp* refers to the ‘traditional’ status quo. Velleius is making this explicit.

⁴⁷² The nuance is strictly chronological at *Ann.* 11.23. in reference to the ‘old republic’ - the institution - to which Latins and Italics had not disdained to join. At *Ann.* 16.22 Cornelius Capito opposes Thrasea Paeto (allegedly a follower of stoicism) and describes him as belonging to that group (*ista secta*, described as one detested even in the old *rp* (*veteri quoque rei publicae ingrata nomina*). *Vetus res publica* is employed by Capito to refer to the older state, rather than to the ‘republican institutions’.

⁴⁷³ See Introduction.

⁴⁷⁴ Chilver 1979, *ad loc.*

depicts an ‘altered society’ (*verso civitatis statu*), where no trace is to be found of the old unspoilt character’ (*nihil usquam prisca et integri moris*) and where *aequalitas* is abolished in favour of obedience to the *princeps*. The *rp* under Tiberius is *composita* (*Ann.* 4.1). It is a type of *rp*, a form of government - indeed, as Chilver suggests, and not *the* republic that Tacitus is mourning.⁴⁷⁵

3.3. *Res publica, res populi* revisited

The last section of this chapter will offer a revisited reading of Cicero’s definition of *rp* as *res populi* in the context of the *De Re Publica* in light of the semantic observations offered in this work. The analysis carried out in Chapter Two was structured according to a deductive, descriptive approach based on a large pool of occurrences. In so doing an epistemological approach aimed at justifying Cicero’s individual definition of the term was rejected. The output of such an analysis consists in a complex and polysemous description of the term *rp*, contrasting starkly with Cicero’s condensed definition of *rp* as *res populi*.

The definition of *rp* as *res populi* introduces the overall topic of discussion of the six books of the *De Re Publica*. In Book One, Cicero employs the terms *rp* and *civitas* to translate Greek political taxonomy including: the three uncorrupted forms of government and their degenerated versions. The ideal constitution is instead named *optima rp*. As suggested in the course of the semantic analysis, in Book One of the *De Re Publica* *rp* translates verbatim πολιτεία when it is understood as genus, form of government. Such an understanding of *rp* is generic in the sense that it does not refer to a specific type of constitution; it applies instead to a wide range of constitutional setups in Rome (i.e. monarchy and republic) and in foreign contexts (i.e. Cyrus’ government and other foreign governments). Book Two of the work follows the progress of the Roman constitution and in so doing refers the term *rp* almost exclusively to the Roman government. The *rp Romana* is celebrated as *optima rp*. Books Three to Six of the

⁴⁷⁵ Tacitus seems to refer only to the years 48-29 B.C, cf. Woodman-Martin 1996: 256.

treatise are less concerned with discussing constitutional types and more focused on outlining the model of statesman. Nonetheless, the concept of *rp* is underlying Cicero's answers to moral and ethical questions. Chapter Three, for example, discusses justice, and defines what type of state can and which cannot be deemed truly a *rp* on the basis of the realisation of justice.

3.3.1 *Res publica* as 'government'

An understanding of the definition provided at *Rep.* 1.39 requires a consideration of the meaning of each term employed, and not solely of *res populi*. In fact, the terms involved in this definition are three. According to Aristotelian logic *res populi* is the definiens and *res publica* is the definiendum. The linguistic unit that is to be defined is called definiendum, while definiens is the phrase or group of words performing the act of definition.⁴⁷⁶ Scholars and translators have understood the definition given at *Rep.* 1.39 as a criterion for a specific type of constitution, that of the Roman republic. On this basis they translate the definiendum of the definition, i.e. *rp*, to modern terms that carry the connotation of a specific type of government, such as republic or freestate. As pointed out in Chapter Four, *rp* does not refer to a specific type of government. Because *rp* points primarily to the genus 'government', instead, the *definiendum* in *Rep.* 1.39 might be better translated as 'government'. Some overlooked passages in the *De Re Publica* support this understanding of *rp*.

After defining *rp* in *Rep.* 1.39, fragmentary textual evidence suggests that Scipio might have unfolded the transition from groups of people (*populus*) to civic communities (*civitas*) to *rp*. After summarising the definition provided at *Rep.* 1.39, at *Rep.* 1.41 Scipio explains that each *res* can be handled according to different types of deliberation:

⁴⁷⁶ Barnbrook 2002: 161.

Cic. *Rep.* 1.41: Omnis res publica, quae ut dixi populi res est, consilio quodam regenda est.⁴⁷⁷

The type of deliberation process adopted in the handling of a *rp* determines the nature of that very *rp* and its specific characteristics. On this basis if a single ruler governs the *rp*, this is a *regnum*, if it is under the control of the few, it is an aristocracy. In this excerpt Scipio presents the three simple *status rei publicae* according to the peripathetic canon: *regnum* (βασιλεία), *civitas* ruled according to the *optimatum arbitrio* (ἀριστοκρατία), and *civitas popularis* (δημοκρατία).⁴⁷⁸ All these three species of *rp* fall under the umbrella definition of *Rep.* 1.39 as *res populi*. Despite being neither the best (*neque optimum sed tolerabile*) nor the most stable (1.44-45); Scipio classifies all these types of constitutions as *rp*.⁴⁷⁹

3.3.2 *Res populi* as just ‘government’

The three uncorrupted forms of constitution are not only termed *rp*, they also fall under the definition of *res populi*. Furthermore, throughout the first two books of the *De Re Publica* the degenerated forms of constitution - the *vitiosae res publicae* - are termed *rp*. In Book Three Cicero has Scipio revise this nomenclature and classify tyrannis, oligarchy, and ochlocracy as non-*res publicae* instead. This passage is often overlooked by scholarship because it is lost in a 12-page lacuna of the Vatican manuscript.⁴⁸⁰ It contains, however, important information for the better understanding of the sense of *rp* as *definiendum*. Book Two of Augustine’s *De Civitate Dei* (2.21) contains a summary of the argument. The discussion takes its cue from Laelius’ defence

⁴⁷⁷ Zetzel 1999: 36: ‘every *rp*, which is the concern of the people, needs to be ruled by some sort of deliberation’.

⁴⁷⁸ Bleicken 1979: 6 for a genealogy of this taxonomy and Blösel 1998 for Polybius. The distinction between these types appears as early as in Herodotus (*Hist.* 3.80f) in terms of τυραννίς, μοναρχία, and δημοκρατία. Number and naming of the constitutional types do not always match: Plato has five in Book Eight of his *Republic* (544a - 569b), Aristotle has six types of constitution, three simple ones and their degenerated counterparts. The former are βασιλεία (kingship), ἀριστοκρατία (aristocracy) and a third type called πολιτεία; the latter are τυραννίς (deviated βασιλεία), ὀλιγαρχία (deviated ἀριστοκρατία), and δημοκρατία, deviated πολιτεία. Walbank 1957: 638 Polybius (*Hist.* 6.4-9) has βασιλεία, ἀριστοκρατία, and δημοκρατία, μοναρχία, ὀλιγαρχία, and ὀχλοκρατία.

⁴⁷⁹ ‘This holds provided that the pristine bond that joined the citizens together in the partnership of the state - *rei publicae societate* - is sound and provided that no elements of injustice or greed are mingled with it - *nullis interiectis iniquitatibus aut cupiditatibus*.’

⁴⁸⁰ Located by Powell 2006 before 3.42.

of justice in politics (3.9 - 41), backed by Scipio, who employs the definition of *Rep.* 1.39 to support Laelius' case. According to Scipio's argument only some forms of governments (*rp*) actually deserve the label of *rp* while others do not; the former do so in virtue of their just rule. Augustine summarises Scipio's argument as follows:

Aug. *Civ. Dei.* 2.21. 48: Cum uero iniustus est rex, quem tyrannum more graeco appellauit, aut iniusti optimates, quorum consensum dixit esse factionem, aut iniustus ipse populus, cui nomen usitatum non repperit, nisi ut etiam ipsum tyrannum uocaret: non uitiosa sicut pridie fuerat disputatum, sed, sicut ratio ex illis definitionibus conexa docuisset, omnino nullam esse rem publicam, quoniam non esset res populi.⁴⁸¹

In the lost passage Cicero must have had Scipio redefine the deviated constitutions as unjust ones. The unjust king is *tyrannus*, the unjust optimates are a *factio*, an unjust *populus* is a tyrannical mob. For Scipio these *rp* do not match the definition of faulty (*vitiosae*) *res publicae* either, they cannot be termed *rp* at all. Such definition of *non-rp* echoes with a passage in Plato's *Laws* where Plato, too, speaks of non-government - οὐ πολιτείας:

Plat. *Leg.* 8.832c: Τὰς οὐ πολιτείας ἔγωγε αἰτίας εἶναι φημι ἅς πολλάκις εἶρηκα ἐν τοῖς πρόσθεν λόγοις, δημοκρατίαν καὶ ὀλιγαρχίαν καὶ τυραννίδα. τούτων γὰρ δὴ πολιτεία μὲν οὐδεμία, στασιωτεῖται δὲ πᾶσαι λέγοντ' ἂν ὀρθότατα.⁴⁸²

For Cicero, as well as Plato the deviated constitutions are non-governments, and while Plato expresses this in Greek as οὐ πολιτείας, Cicero conveys the same concept by denying the deviated constitutions the label of *rp*. In the *Laws* Plato argues that these are non-πολιτεία because none of them is 'a form of voluntary rule over willing subjects, but a voluntary rule over unwilling subjects accompanied always by some kind

⁴⁸¹ 'When, however there is an unjust monarch (*iniustus rex*) – he (i.e. Cicero-Scipio) employed the usual Greek term 'tyrant' (*tyrannus*) - or the nobles (*optimates*) are unlawful - he called their mutual agreement a faction (*factio*) - or the people (*populus*) itself is unlawful - for this he found no current term if he were not to call it a tyrant (*tyrannus*) - then the state is no longer merely defective (*vitiosa res publica*), as had been argued the day before, but, as a chain of reasoning from the ongoing definitions would have made plain, does not exist at all (*nulla res publica*). For there was no people's estate (*non res populi*), he said, when a tyrant or a faction took over the state'.

⁴⁸² 'There lies a cause, as I affirm, in those οὐ πολιτείας which I have often mentioned in our previous discourse, - namely democracy, oligarchy, and tyranny. For non of these is a polity, but the truest name for all them would be "faction-State"'.⁴⁸²

of force'.⁴⁸³ Cicero, instead, defines them as non-*rp* on the basis of the lack of justice. Ultimately, the criterion employed in drawing the line between *res publicae* and non-*res publicae* is justice:

Aug. *Civ.* 2.21: Atque ex illis suis definitionibus colligit tunc esse rem publicam, id est rem populi, cum bene ac iuste geritur sive ab uno rege sive a paucis optimatibus sive ab universo populo.⁴⁸⁴

In Scipio's argument the unjust, non-*rp* are further characterised as *non res populi* ('*omnino nullam esse rem publicam, quoniam non esset res populi*'). In this way the equivalence between *rp*, just government, and *res populi* comes to full circle. Dyonisius' *tyrannis* (*Rep.* 3.43) was not a *rp* because nothing was of the *populus* (*nihil populi*) and the *populus* was under the control of one single individual, so that 'where there is a *tyrannus* there is no *res publica* at all'.⁴⁸⁵ Neither Athens under the Thirty Tyrants nor Rome under the Decemviri were *res populi*, as government by a *factio* cannot be said to be *res publica*. When everything (*omnia*) is in the people's power (*populi potestas*) then the people is a *tyrannus* with only a resemblance of *populus* (*populi speciem et nomen imitatur*). The ochlocracy collapses into tyranny and hence into non-*rp* and non-*res populi*. The extant text at 3.46 confirms that Cicero has Scipio consider all the three simple constitutions as discussed at *Rep.* 1.44 to be *res publicae* and hence *res populi*. When just and uncorrupted, aristocracy, kingship, and virtuous democracy, all count as *res populi* and *rp* (*cur illa sit res publica resque populi*).⁴⁸⁶ Overall *rp* in *Rep.* is understood as *genus* or as 'umbrella concept' including three different types of constitutions, the simple constitutions. The mixed constitution described in Book Two, which corresponds to the *rp Romana*, is one possible setup of *rp*, the best one, but not the only one. Cicero hence seems to devise the definition of *rp* as *res populi* to disclose a concept that might include but is not limited to the institutional setup Cicero knew and operated in. Several times throughout the work, characters stress their interest in general

⁴⁸³ Plat. *Leg.* 832 d.

⁴⁸⁴ 'He concludes that a *rp*, that is, *res populi*, exists when there is a good and lawful government'.

⁴⁸⁵ A further criterion is that under a tyrant there is 'no bond of justice, nor any agreement of partnership (*unum vinculum iuris nec consensus ac societas coetus*)'. The lack of these three elements prevents the existence of a *populus* as defined in *Rep.* 1.39 and hence of a *res populi*.

⁴⁸⁶ See Christes 1983 for a full discussion of the political taxonomy in *De Re Publica*.

concepts rather than specifically Roman ones. The definition of *rp* at 1.39 is explicitly linked to *omnis rp* at 1.41.⁴⁸⁷

The term *rp* in the definition provided in the *De Re Publica* as well as in its habitual uses allows a wider, more general understanding than ‘republic’, encompassing also constitutional arrangements other than the Roman *rp* ‘as Cicero knew it’. Accordingly, ‘just government’ is a more fitting translation for the *definiendum* of *Rep.* 1.39 than ‘republic’, ‘commonwealth’, or ‘freestate’. Accordingly, the antonym of *rp* in this context is not *regnum* but rather *factio*, ‘seditious minority’, and *tyrannis*, violent rule, whether stemming from one-man rule or from the rule of the mob. In addition, the definition of *populus* provided by Cicero in this passage is a general one, pointing to civic cohesion rather than to popular sovereignty.⁴⁸⁸ It is worthwhile remembering that *populus* is not consistently understood as the Roman ‘people’ contrasted with *senatus* or *principes*. In this respect the English rendering ‘people’ is somewhat misleading. *OED*, for example, defines the politically specific meaning as follows: ‘those without special rank or position in society; the mass of the community as distinguished from the nobility or the ruling classes; the populace’.⁴⁸⁹ Cicero instead defines *populus* in contrast to a ‘non organised’ community (the *omnis hominum coetus quoquo modo congregates* of *Rep.* 1.39). As a result, the characteristic traits of *populus* are unity, cohesion, and of adherence to a moral standard. These characteristics can apply to any organised community, not just to the Roman one, just like *rp* and *res populi* can apply to any type of just government. This suggests that *populus* can be better rendered as a people or a community rather than *the* people, which instead triggers an immediate association with *the* Roman people. Ultimately, Cicero’s definition in *Rep.* 1.39 must be rendered as: ‘a (just) government/ state concerns a community living together by the same law and by common advantage’.

⁴⁸⁷ *Rep.* 1.64, 70; 2.16, 64, which ties in with Laelius’ initial question *ex te non de nostra, sed de omni re publica quaesisset Laelius* and 3.69.

⁴⁸⁸ Contra Arena 2016: 74, Grilli 2005: 125, Büchner 1984: 123 for a detailed survey of the Greek models associated with this definition. The closest is the Stoic definition of ‘State’ (*SVF* 329 includes an element of law-abiding citizenry but does not feature the *communis utilitas*). *TLL* suggests that the term can at times be employed to describe ‘masses, populace, and multitude’ (distinct from the upper classes).

⁴⁸⁹ *OED*³ 2005.

The definition of *rp* is prompted by a request to define the concept, *nomen*, around which the dialogue revolves.

Rep. 1.38: et ingrediar in disputationem ea lege, qua credo omnibus in rebus disserendis utendum esse, si errorem velis tollere, ut eius rei, de qua quaeretur, si, nomen quod sit, conveniat, explicetur, quid declaretur eo nomine.

Scipio describes this as a matter of rhetorical etiquette. Definitions – explained by a young Cicero in *De Inventione* (2.52-6) - belong to ‘where there are disputes about the way a term is to be defined’. A definition is the starting point of a prosecutor, who after setting his own standards of meaning opposes the definition laid out by the counterpart. The concept is debated and redefined several times: Cicero’s understanding of *res populi* as explained above is not the sole definition provided. In the course of the work different ways of defining what a *rp* is emerge and are discussed. In Book One, for example, the supporters of democracy interpret *res populi* in a different way, suggesting that only democracies are justly defined ‘government’ (*Rep.* 1.48: ‘*Hanc unam rite rem publicam, id est rem populi, appellari putant*’). In Book Three, Scipio and Laelius stress (3.43 and 44) that the elegant urban architecture in Syracuse and Athens could be mistaken for *res publica*, while in fact walls do not make such a community. (*nihilo magis efficiebant...ut esset illa res publica*).⁴⁹⁰ In the *De Re Publica* semantic controversies, where the use of a certain term is debated, do not just concern the term *rp*, but also the specific types of constitutions. For example, in *Rep.* 1.50, Scipio states that the democrats think that constitutions other than democracy are misnamed (*ceteras vero res publicas ne appellandas quidem putant iis nominibus, quibus illae sese appellari velint*). In its contemporary context, *Rep.* 1.39 should not be taken as evidence that there was a clearcut definition and understanding of *rp*, quite the opposite. It seems to suggest that there were many different ways in which *rp* could be, and was, defined.

⁴⁹⁰ This is a topos for times of crisis from Thuc. 3.82.4-8. A passage from the much later *De Officiis* (44 BC) again stresses the detachment of the *rp* from the actual civic life: where the city walls still stand, the *rp* is already extinguished: *Off.* 2.29: *Itaque parietes modo urbis stant et manent, iique ipsi iam extrema scelera metuentes, rem vero publicam penitus amisimus.*

Conclusions

So far, it was suggested that *rp* refers to a rather general notion of ‘political order’, one that can more specifically be rendered as ‘government’. Because *rp* does not identify a species of government, the antinomy *rp*/ monarchy does not hold. Indeed, it is only through Aristotle’s Early Modern translations that *rp* becomes an antonym of monarchy. The Greek constitutional vocabulary ‘tends to respond to the specific question “who rules and how?”’.⁴⁹¹ Latin does not seem to employ similar categories, or at least not by using the term *rp*. This does not imply that Romans were not aware that the exile of the last *rex* had yielded some changes to their political order. However, they described such changes with the phrase *libera civitas* rather than with any references to *rp*. Similarly, the transition from the so-called republic to the so-called principate is framed as *novus status rei p.* This can be explained on the basis that all these changes were seen as phases of the historical development of the Roman *rp*.

In his study on Sulla, Diehl defines Cicero’s notion of *rp* as a ‘non-concept’. *Rp* is instead ‘an existential experience, a historically developed shape of life and order of life with specific duties, structures, values, obligations and standing’.⁴⁹² By means of a sort of conceptual metonymy, *rp* can apply *lato sensu* to the course of government of an individual (e.g. the *status rei p.* founded with Cicero’s consulship). The basic meaning of *rp* when understood as ‘order of public affairs’, however, is that of Roman institutions and government understood as a whole, continuous political entity. In this connotation the use of *rp* throughout Roman history (and not just limited to the so-called republic) cannot be deemed a façade or sham. When *rp* is understood as ‘government’ its antonym is neither monarchy nor principate, but rather non-government.

This claim was first made by Christian Meier, who refers to *rp amissa* as a condition of non-state – ‘*Un-Staat*’ - in which ‘for a longer or shorter time state

⁴⁹¹ Silk 2014: 323. On the genealogy of the Greek constitutional categories see Bleicken 1979.

⁴⁹² Diehl 1988: 25.

functions would be suspended and the state would not correspond to its highest norm'. In so doing, he provides a counter definition of *rp* as 'the state as it had existed for centuries, one that could not be thought of differently than in its traditional form'⁴⁹³ This 'recovered' sense of *rp*, offers a new perspective on the contribution of Roman political thought to the concept of 'state'. Politologists such as Van Creveld, Michael Mann and David Runciman explored the 'Roman roots' of the State, singling out the idea of corporate personality as the most important legacy of Roman culture in the forming process of the 'modern state'. In this respect 'state' is to be capitalised, in that it refers to a legal person – a superior entity – detaining the absolute monopoly of political power.⁴⁹⁴ However, in one of the earliest contributions to the problem of statehood in the Roman republic Eder suggested an alternative reading of the Roman concept of 'state'.⁴⁹⁵ The 'state' Eder refers to is not a corporate *persona*, but rather encompasses a wider understanding of 'country' and 'nation'.⁴⁹⁶ Eder's alternative reading of the concept of 'state' is instrumental in removing the understanding of *rp* as 'State'/personhood and in providing theoretical grounding to the understanding of *rp* as 'state'/government.

Eder's thesis moves from two different definitions of state: the former is shaped by the function of a 'state', the latter focuses instead on the means by which this

⁴⁹³ Meier 1966 1, Bringmann 2002: 113. Anticipated by Stark 1937: 44: 'Über die Verfassungsform besagte der Terminus an sich nichts, aber selbstverständlich dachte man dabei an die Form, in der der römische Staat sich konkret darstellte...Die Römer selbst mussten geneigt sein, die *res populi* in Gegensatz zu der ursprünglichen Herrschaft des Einzelnen, dem Königtum, zu empfinden'. According to Stark such a form of state was a lawful state ('*Rechtsstaat*') where the *populus* (described as *Rep.* 1.39) enjoys *libertas* - understood as entitlement ('*Berechtigung*') to exerting its power.

⁴⁹⁴ Van Creveld 1999.

⁴⁹⁵ Eder: 1990. Another field of study struggling with the definition of a Roman concept of 'state' is archaeology, compare with Smith 2011a: 217 ff, Hansen 2000: 12-4, and Gamble 1986, eventually building on Childe 1950. From mid-twentieth century a number of studies have linked ancient urbanisation and urban development with state. Aspects such as territoriality and specialisation are indeed central to both modern definitions of state and to urban development models. Smith suggests that 'state' should be seen as 'a quality of evolution and change rather than as an attribute to be attained'. Along a similar line, archeo-anthropologists such as Spencer and Redmond (2004) put forward different stages of 'statehood'. Other definitions (Scarre 2005) point to scale and centralisation as twin pillars of 'state'. The gap between 'historical' and 'archaeological' concepts of state is bridged in a number of ways. The recent debate on the city-state culture warranted a new, cross-disciplinary definition of state that tries to mesh visible and invisible statehood.

⁴⁹⁶ Hence here 'state' is not capitalised.

function is attained. For the first he borrows Buchheim's definition of function of state as the ability 'in einer sozial und wirtschaftlich differenzierten Gesellschaft Frieden und Sicherheit zu schaffen'.⁴⁹⁷ The second definition identifies the means by which this purpose is attained as 'institutionalisierte Formen des Konfliktaustrags, die ihre Wirksamkeit nicht mehr (nur) aus dem "Übergewicht" einzelner Personen ziehen, sondern aus der Übereinkunft, sich dem Zwang durch bevollmächtigte Institutionen zu fügen; Amtsträger, deren Kompetenzen definiert sind und die ihre Amtsgewalt nicht an Personen ihrer Wahl weitergeben können; Regelungen, die einer Feststellung der Zugehörigkeit zum politisch berechtigten Teil der Bevölkerung ermöglichen'.⁴⁹⁸ These rules and conventions – Eder continues – function as glue for the civic tissue eventually enabling its self-representation in one, single 'whole'. Such features "überwölben" die Gesellschaft in all ihren Gliederungen und schaffen das Bewußtein einer "Rechtseinheit". This idea of *Rechtseinheit* fits well the definitions and nuances of *rp* surveyed in the course of this chapter. Eder then raises a further point. A crucial feature of this *Rechtseinheit*, is that '[sie] ist auf Dauer gedacht', it is conceived so that it can endure. This shows itself in 'einer der persönlichen Willkür entzogenen Sicherheitsgewähr auf der einen Seite und in der Bereitschaft zum Verzicht auf die volle Nutzung der persönlichen Möglichkeiten auf der anderen'. In other words such state is realised in the 'partial limitations of personal interests'. In other words, in this type framework, statehood does not exist because one wants the 'state' *per se*, but rather because through it a community attains peace. Because it must last, such a model of 'state' must be adjustable to new, variable, and unpredictable factors. In Eder's words this model of state 'kann und muss jeweils neu geschaffen werden, wenn die Veränderungen in einer Gesellschaft die Reziprozität des Nutzens zwischen staatlichem Gewaltanspruch und bürgerlichem Friedensbedürfnis stören oder gar zerstören'.

Following this claim, the transition between monarchy and early 'republic' is described as a moment in which 'nicht der Staat war neu zu gründen, sondern die

⁴⁹⁷ Buchheim 1988: 27.

⁴⁹⁸ 1990: 20 ff.

Staatlichkeit war neu zu gestalten'. State is understood as a multifaceted system of social, economic, juridical, ideological, and political relations – and is a durable entity. In such an understanding a 'state', *rp*, starkly differs from those accidents that define the form and shape of the state, and which Eder terms *Staatlichkeit*. In the transition between monarchy and 'republic' a reliable arrangement of elements – defined *regnum* – was given up. This was however only *Staatlichkeit* – and was eventually rearranged as a new *Staatlichkeit*, the *civitas libera*, without impinging the achievements of the *regnum* such as territorial expansion, centrality of power, and cultural identity.

Such an understanding of 'state' and of *rp* can also be described according to a general paradigm of 'ancient state'.⁴⁹⁹ The core of this 'ancient' definition of 'state' is that it covers everything that can help attain peace and security in a socially and economically differentiated society.⁵⁰⁰ This is ideally an enduring rightful unity, and shows itself on the one hand in a guarantee of security separated from personal interests and in the citizens' willingness to renounce to using fully one's personal allowance over the other. This concept requires that the state cannot be separated from its form and thus can be rearranged when social changes impinge on reciprocity of benefit between entitlement to power and peace needs. Similar conceptualisations of 'ancient state' appear in other ancient cultures. Before employing the threefold constitutional scheme, also the Greek political taxonomy distinguished between 'chaos' and 'good order'. To the latter, εὐνομία – good ordered community – was juxtaposed to δυσνομία – lawlessness and discord.⁵⁰¹ Initially the term must have described individual behavior appraised in a communal context.⁵⁰² In a recent contribution to the genesis of Greek political values Raaflaub argues that εὐνομία had indeed several equivalents in other civilisations, especially in the Near East. For example, Morschauer's definition of the Ancient Egyptian notion of *ma'at* – despite being entrenched in the pharaonic

⁴⁹⁹ Eder 1990: 20.

⁵⁰⁰ Buchheim 1988: 27. As opposed to the 'modern' notion of State as 'the means that serve this purpose: institutions, public officers with competences who cannot be delegated to persons of their choice, rules regarding the participation'.

⁵⁰¹ Raaflaub 2009: 572, Meier 1966: 16.

⁵⁰² As in Hom. *Od.* 17.487.

civilization - features a number of characteristics that are similar to the attributes of *rp*. *Ma'at* encompasses 'the divine ordinances by which the universe was set into motion and properly maintained', 'the limits of the proper and discretionary exercise of power by those who ruled toward those over whom they had authority'. Vertical solidarity is crucial to both: 'ethical requirements, both...official and personal responsibilities of the socially advantaged toward their inferiors'. Just like in the Roman political culture different degrees of *dignitas* entailed different *officia* but *rp* – understood as public interest - remained a priority across social classes, so in Ancient Egypt 'social role and expectations may have varied according to position, the concept of *ma'at* nevertheless, provided a moral standard by which every member of society, king or commoner, could be evaluated and judged'.⁵⁰³

Phrases such as *nomen, verbum, vocabulum* or *appellatio rei p.* abound throughout Roman political writings, not only in the late 'republic' but also throughout the 'principate'. In the opening quote of this thesis, from Book Five of *De Re Publica*, Cicero contrasts the *rp* in facts with the *rp* in *verba*. The proemium of Book Five contains an equally famous comparison between *rp* and a superb and yet fading painting that was not restored in its colours or shape.⁵⁰⁴ Similarly, the sources examined in Chapter Four suggest that phrases such as *species, imago* were equally widespread. These expressions encapsulate the discrepancy between different understandings of *rp*, eventually pointing to the volatile semantics of this term. One of the most intriguing discussions on the *appellatio rei p* is contained in a passage from Suetonius' *Life of Caesar*. Suetonius reports a fragment of the historian Titus Ampius Balbus, a supporter of Pompey's, who attributed to Caesar the following words:

Suet. *Jul.* 77: Nihil esse rem publicam, appellationem modo sine corpore ac specie.

⁵⁰³ Morschauser 1995: 101-2.

⁵⁰⁴ *Rep.* 5.2: *Cum rp sicut picturam accepisset egregiam sed iam evanescentem vetustate, non modo eam coloribus eisdem quibus fuerat renovare neglexit, sed ne id quidem curavit ut formam saltem eius et extrema tamquam lineamenta servaret.*

According to Balbus, Caesar had claimed that the *rp* was nothing, only a name without substance and contour. The standard rendition of *rp* as ‘the republic’, endorsed among others by Cornell, represents Caesar as a detractor of a specific type of government, the ‘republican’ one: ‘the republic was nothing, a name without body or substance’.⁵⁰⁵ Following this interpretation, in the very first pages of *The Roman Revolution*, Sir Ronald Syme seems to resume Caesar’s word to express his pessimistic claim that ‘the Roman constitution was a screen and a sham’.⁵⁰⁶ With Caesar’s dictatorship - Cornell’s translation would seem to suggest - nothing was left of the Roman republic, but its name – a term without substance and meaning. Of the ‘true’ Roman *res publica* only the name lingered on, and this was deceitfully used by Augustus to conceal the despotic character of his Principate.⁵⁰⁷

In his discussion of Ampius’ quote Llewellyn Morgan provided a less cynical and more sophisticated reading of Caesar’s claim by drawing attention to the word *appellatio* in this anecdote.⁵⁰⁸ Caesar’s remark would have framed the slippery nature of the word *rp* rather than the failure of the republican institutions per se. An alternative translation of Caesar’s quote could sound: ‘*rp* was nothing but a word, void of substance and qualities’. Well after the end of the Roman republic authors continue to contrast the factual reality of government, *rp*, with the term *rp*. Tacitus’ *Historiae* feature similar expressions: the speech Tacitus ascribes to Piso describes *senatus* and *populus*, *rp* as *vacua nomina*, ‘empty names’.⁵⁰⁹ In his Panegyric to Trajan (100 AD) Pliny the Younger wonders whether any of the reigns before Trajan’s were to be acknowledged as ‘true’ *rp*.⁵¹⁰

⁵⁰⁵ Cornell 2013: 730.

⁵⁰⁶ Syme 1939: 11 and 324.

⁵⁰⁷ In the Index of *The Roman Revolution* Syme juxtaposes the ‘Restoration of the Republic’ to ‘the true character of the Republic’ E.g. Gowing 2005. In their eyes Velleius Paterculus’ version of Augustus’ rule is shaped by an ‘obedient echo of inspired guidance’. The literature on Tacitus’ account of the Julio-Claudian dynasty focused on the use of expressions of dissimulation and concealment, e.g. O’Gorman 2000, Martin 1982, L’Hoir 2006.

⁵⁰⁸ Morgan 1997 interprets Suet. *Caes.* 76 as a refined and cunning reflection on the meaning of *rp*.

⁵⁰⁹ *Hist.* 1.30.2: *Si res publica et senatus et populus vacua nomina sunt.*

⁵¹⁰ Plin. *Pan.* 66: *erat autem omnino ulla respublica?*

Because of its polysemous nature the term *rp* lacked of specific meaning to Romans, too. On the one hand its generic understanding meant that it could be used to define any political organisation. On the other hand, speakers could connote the term on the basis of different aspects of their own political experience, contrasting it with the memory of past *rp*, or redefining it on the basis of their values and principles. For this reason, in times of sweeping political changes *rp* could be defined according to different models and with the change of political customs, the perception and definition of *rp* could readily change too. The opening quote of this enquiry - ‘we retain *res publica* just in words, in fact we lost it long ago’ – encapsulates only one aspect of the semantic process the term *rp* underwent. Every time a previous connotation was fading, facts would enforce a new understanding on this term.

Chapter Four

Res publica, res populi?

*Nam publicae rei causa
quicumque id facit/
magis quam sui quaesti, animus
induci potest/
eum esse civem et fidelem et
bonum...
Sed sumne ego stultus/
qui rem curo publicam/
Ubi sunt magistratus, quos
curare oporteat?*⁵¹¹

Plaut. *Per.* 65-67, 75-76

Introduction

Chapter Two suggested that, in a number of collocations, *rp* was used to convey a sense close to the present-day ‘constitution’, ‘state’, and ‘government’. This nuance of *rp* rests on the metonymical understanding of *rp* as ‘the order of public affairs’, which is in turn grounded on the sense of ‘public affairs’. Such a meaning of *rp* lies at the centre of the last part of this enquiry, which seeks to outline the conceptual framework in which the term was employed in this nuance. The many ways in which this semantic facet of *rp* reflects a distinctive vision of political life are explored in the following section.

In the previous chapter the understanding of *rp* as a specific constitutional type was questioned, suggesting instead that *rp* more simply meant ‘institutional order’. In this account, ancient sources neither point to a transition from a monarchic constitution to a ‘republican’ one nor to a constitutional change from ‘republic’ to principate. Roman history is instead presented as a sequence of presence and absence, re-institution

⁵¹¹ ‘Well, I can accept that a man who does so in the *rp* more than for his own profit is a trustworthy and good citizen. I’m concerning myself with the *rp* when there are magistrates who should concern themselves with that.’ De Melo 2011 for Loeb translates the first instance of *rp* as ‘public interest’ and the second as ‘common good’.

and downfall of *rp* understood as forms of statehood. Whenever these collapse into civic strife or war, the sources refer to absence of government, non-*rp*. In a similar way, this chapter seeks to understand how the notion of *rp* as ‘public affairs’ shaped the political narrative of Roman history, offering a fresh insight into some aspects of Roman political thought. This last enquiry into the use of *rp* aims to gauge the extent to which the etymological definition of *rp* as *res populi* as given by Cicero in *Rep.* 1.39 is reflected in the traditional political discourse.

The lexicographic analysis in Chapter Two singled out several groups of collocations in which *rp* expresses the sense of ‘matters’. This chapter takes into consideration two types of phrases: those relating to the meanings of political/ public ‘influence, engagement, office’ and those conveying the sense of ‘public interest’. *Rp* bears the sense of a performed activity when used in combination with verbs such as *agere* and *gerere*. Furthermore, expressions that convey an overall sense of ‘control over public affairs’ are connected to the understanding of *rp* as a performed political activity. The collocations considered are those involving verbs such as *gerere*, *administrare*, *agere*, with which both syntactically and pragmatically *rp* - ‘public affairs’ – counts as the object of an activity. Similarly, *rp* can be bestowed upon someone, an act conveyed by using verbs that express the notion of ‘handing over’ (e.g. *transferre*) or ‘entrusting’ (e.g. *committere*). In combination with a different pool of verbs (e.g. *suscipere*, *potiri*, *possidere*, *capessere*, *tenere*) *rp* conveys the sense of ‘control over public affairs’ and hence of ‘political control’.⁵¹²

The first part of this chapter seeks to understand who handled public affairs by charting the use of these collocations and more specifically by highlighting to which political agents these actions were ascribed. In the second and last section we move

⁵¹² The set of data on which this chapter is based include the entire record of occurrences of the term *rp* in the following collocations: *committere*, *transferre*, *reddere*, *tradere*, *capessere*, *suscipere*, *potiri rem p*, *in potestate esse*, *possessio rei p*. Records were retrieved from the *LLT* online version over a corpus spanning from the second century BC to the second century AD. Additional records not included in *LLT* come from *ORF*, from selected epigraphic sources, and from selected Greek translations of Latin passages as suggested by commentaries to Latin works.

from the understanding of *rp* as ‘public interest’ to sketching the principles that informed the handling of public affairs. As noted in the course of the lexicographic analysis, *rp* as ‘public interest’ shapes the way political agents ought to handle public affairs. Throughout Roman history the principles and attributes ascribed to those who were concerned with handling public affairs collapse into one single model of ‘political man’.

The opening quotation from Plautus’ *Persa* encapsulates the two semantic and conceptual facets of *rp* with which this chapter is concerned. The passage casts *rp* as the ‘pursuit of the public interest’ as duty of every good citizen. *Rp* as ‘handling of public affairs’, however, is described as the magistrate’s task. Saturius, a ‘professional parasite’, turns the Roman political *mos* on its head. In his parody of a *contio* delivered to the audience in the theatre he praises the ancient tradition of parasitism in his family rather than their generosity towards the *rp*. He knows - as much as his audience must have known - that the duty of a good citizen (*civis fidelis et bonus*) is to act according to the public interest rather than according to one’s own (*rei p. causa magis quam sui*). However, Saturius exclaims, that he should not worry about the handling of public affairs, because this is the magistrates’ concern (*‘sed sumne ego stultus, qui rem curo publicam, ubi sint magistratus, quos curare oporteat?’*).⁵¹³ In this short excerpt the term *rp* is employed in two senses. In the first instance, when it is paired with *causa*, *rp* means ‘public interest’ as antonym of one’s own gain - *suum quaestum*. In the second instance instead the combination with *cura* yields the sense of ‘public activity’. ‘Public interest’ and ‘public affairs’ are two distinct and yet interwoven semantic strands within the polysemy of *rp*. Their intersection stands at the core of a distinctively Roman political taxonomy and political culture.

⁵¹³ Woytek 1892 renders ‘in the public interest’ or ‘in the state’s interest’. ‘I’m concerning myself with the common good when there are magistrates who should concern themselves with that.’

4.1 *Res publica* as ‘public matters’

Ever since Schofield’s contribution on *Rep.* 1.39 suggested a metaphorical reading of *Rep.* 1.39, scholars have argued that the handling of public affairs functioned in a way similar to that of any other *res*, property. Schofield’s suggestion that the *populus* retained the rights over the *res* and entrusted it to the hands of experienced trustees, magistrates/ Senate, proved extremely successful.⁵¹⁴ This interpretation entails that ‘if the *populus* possesses its own *res*, then it follows that it has rights over its management and use, which rights are strictly speaking political liberty’. Likewise, ‘when a tyant or faction tramples on the proper interest of the people, or conducts its affairs as though they were private affairs, then it is as if there is a theft of public property’.⁵¹⁵ In the following, such a metaphorical reading of *res populi* is tested against the evidence of sources.

A transfer and entrustment of public affairs from one political agent to the other does not characterise solely the interaction between *populus* and magistrates. Latin sources instead conceive the transition from ‘monarchy’ to ‘republic’ and from ‘republic’ to ‘principate’ in terms of entrustment of public affairs. In the first instance public affairs are moved from the kings to the consuls, in the second instance public affairs are put and remain under Augustus’ control.⁵¹⁶ Such grants of control over public affairs are justified on the basis that the public interest would be better served if public affairs were entrusted to a certain individual.

Entrustment and transfer of public affairs, as outlined in our sources, do not feature the *populus* as prominently involved in the handling of public affairs. However, the *populus* is occasionally described as the political actor that entrusts the *rp* to the

⁵¹⁴ Schofield 1995 and 1999. More recently Arena 2015: 74.

⁵¹⁵ Schofield 1995: 75-6.

⁵¹⁶ Last and Ogilvie 1958: 482 on the parallel with Liv. 3.33.1.

magistrates, who are eventually in charge of handling them.⁵¹⁷ On this account, *res publica* is not intrinsically *res populi* in the sense of ‘affairs handled by the *populus*’ but is better understood as ‘affairs entrusted by the *populus*’, whereby *populus* can be understood as popular assembly. Nonetheless, towards the end of the Roman republic, when several sources consistently frame the monopoly of power of several statesmen as non-return of public affairs, those deprived from public affairs are *populus* and senate and not solely the *populus*. On this account *rp* can be defined as *res* of the *populus*, whereby *populus* refers to the entire community, not solely to the populace.

4.1.1 From the *reges* to the *libera civitas*

What present-day historians frame as the transition from ‘monarchy’ to ‘republic’ is instead conceived in Latin sources as the transfer of the administration of public affairs from kings to annual magistrates. According to a passage transmitted by Augustine in *De Civitate Dei*, Sallust must have described the transition from monarchy to ‘republic’ as a transfer of *rp* – ‘public affairs’ - from the kings to the consuls:

Aug. *Civ.* 2.28: cum ad consules a regibus esset translata res publica...⁵¹⁸

An identical use of the phrase ‘*rp transferre*’ occurs in a much later source. In the speech delivered in Lyon to announce the decision of admitting Gauls to the senate, the Emperor Claudius (48 AD) frames the transition from ‘monarchy’ to ‘republic’ in terms similar to those used by Sallust:

FIRA 1².27-33: Deinde postquam Tarquini Superbi mores invidi civitati nostrae esse coeperunt...et ad consules, annuos magistratus, administratio rei publicae translata est.⁵¹⁹

In this passage the foundation of the ‘republic’ is described as a handover of public affairs – *rp* - from one political agent to the other, namely from the kings to consuls. As

⁵¹⁷ For the importance of this type of oratory in contiones see esp. Hölkeskamp 2013: 22 who argues for a ‘you-rhetoric’ of inclusiveness.

⁵¹⁸ ‘After the *rp* had been transferred from kings to consuls’.

⁵¹⁹ ‘After Tarquinius Superbus’ attitude became unbearable for our citizens...the *rp* was transferred from the consuls and to the annual magistrates’.

pointed out in the previous chapter the Roman ‘state’, the *rp Romana*, was founded by Romulus. The birth of the ‘republic’ is instead described as the institution of the *civitas libera*. As Sallust and Claudius’ speech suggest, one of the characteristics of this specific institutional setup was that the consuls were in control of public affairs.⁵²⁰

Sallust’s account of the transition of *rp* from the kings to the consuls insists that this was a necessary remedy to the degeneration of kingly rule:

Sal. *Cat.* 6: Post, ubi regium imperium, quod initio conservandae libertatis atque augendae rei publicae fuerat, in superbiam dominationemque se convortit, inmutato more annua imperia binosque imperatores sibi fecere.⁵²¹

Kings had initially nurtured *libertas* and cared for public affairs but their attitude had subsequently degenerated into *superbia* and *dominatio*. Similarly, according to the account in the Lyon speech, the monarchy had been overthrown because the citizens could no longer bear the kings’ injurious *mores*.

4.1.2 *Libera civitas*

As seen in the previous chapter, the *libera civitas* extends from the establishment of the consulate onwards. Roman authors, however, and especially Cicero in Book Two of the *De Re Publica*, describe the Roman constitution as the result of a long process of evolution and negotiation. In several sources the struggle of the plebs and the coming into existence of the balance of powers in the Roman constitution are described in terms of different share of control over public affairs. According to Cicero’s account in Book

⁵²⁰ *TLL* defines *libera civitas* according to the legal definition of *Dig.* 49.15.7.1: *de ipsis civitatibus, quae liberos cives continent vel civibus facultatem libere agendi praestant...respicitur libertas civitatum aut civium a dominis externis*. This connotation emerges in classical sources only in context in which the *liberae civitates/ populi* are juxtaposed to *provinciae* and *regna*. For a general discussion of *libera civitas* see Wirszubski 1950: 3 ff.

⁵²¹ ‘Later, when royal power, which at first had tended to preserve freedom and advance the state, had changed into haughty tyranny, they altered their past practice and created for themselves annually twin chief executives, thinking that in this way men’s minds would be least able to become overbearing through unlimited authority’.

Two of the *De Re Publica*, in the early days of the *libera civitas* political power rested in the senate's hands:

Cic. *Rep.* 2.56: Tenuit igitur hoc in statu senatus rem publicam temporibus illis, ut in populo libero pauca per populum.⁵²²

In order to render the idea that the senate retained full political power, Cicero resorts to the expression '*rp tenere*'. Similarly, to explain that the senate retained political prominence over the *populus* he says that the former 'handled the majority of affairs' while the latter handled only a small part (*plera/ pauca gerere*).

Book One of the *De Re Publica* provides a slightly different perspective into the events of the early history of the *civitas libera*. Such a perspective is complementary to that offered in Book Two in that it describes the progression of the Roman constitution after the exile of Tarquinius as a climax of political achievements of the *populus*, which eventually has absolute control over everything:

Cic. *Rep.* 1.62: Tarquinio exacto mira quadam exultasse populum insolentia libertatis...tum prorsus ita acta pleraque, ut in populo essent omnia.⁵²³

Cicero frames the status quo after the secession of the plebs as one in which 'the totality of affairs' (*omnia*) was under the control of the *populus*. This compact sentence concludes a crescendo in which some of the most outstanding political achievements of the Roman *populus* are listed: the institution of the consulship (*tum annui consules*), the *provocatio* (*provocationes omnium rerum*), and eventually the secession of the plebs. Also according to Livy the emancipation of the plebs from the patriciate is expressed as a new balance in the way public affairs were handled. In the speech Livy ascribes to a Rhodian ambassador pleading for mercy for his city, the speaker reminds the senate of the 'struggle of the orders'.⁵²⁴ In describing the secession of the plebs, Livy employs the

⁵²² 'Well then, at the period of which I have been speaking, the *rp* was so administered by the senate that, though the people were free, few political acts were performed by them'.

⁵²³ 'Then Tarquinius was driven out, the people showed a strange way of rejoicing in their unwonted liberty... in a word, almost everything was done to give the people full power in all things'.

⁵²⁴ Briscoe 2012: 673. Allegedly delivered to the senate in 167 BC.

same vocabulary and class of collocations Cicero used in *De Re Publica*, public affairs are conceived as an object of control:

Liv. 45.23: Et secessisse aliquando a uobis plebem, nec in potestate uestra rem publicam fuisse.⁵²⁵

On that occasion public affairs had slipped out of the senate's control (*potestas*). Livy presents other phases of the patricio-plebeian struggle in similar terms, which is in terms of 'control' or 'loss of control' over the *rp*.⁵²⁶ According to his account, after the *lex Canuleia* was approved, the patricians were unwilling to run for elections. Eventually, however, they decided to run for office, lest they should seem to have given up the government:

Liv. 4.6.10: ne cessisse possessione rei publicae viderentur.⁵²⁷

In Livy's phrasing, political power and political participation collapse in one single expression: *possessio rei p* – control over public affairs. Indeed, in all the instances above *rp* is conceived as 'control over public affairs', and hence as 'political participation'. Conversely, none of the ways in which *rp* is used seems to suggest the specific understanding of 'res of the *populus*'. As a matter of fact, kings, senate, and plebs exercise, attend to, and repossess the control over public affairs.

a) *Populus* and magistrates handling public affairs

At the beginning of the *Bellum Iugurthinum* Sallust portrays a state of civic concord that encapsulates the ideal of harmony between *ordines* achieved after the secession of the plebs. According to Sallust, until the destruction of Carthage, public affairs were handled peacefully between the *populus* and the senate:⁵²⁸

⁵²⁵ 'At certain times the commons seceded from you and you lost control of the commonwealth.'

⁵²⁶ Another episode occurs after the exile of Caesonius (Liv. 3.14.2), when the eldest and most prominent senators are advised to relinquish their control over public affairs (*quod ad seniores patrum pertineret, cessissent possessione rei publicae*).

⁵²⁷ 'Lest they should seem to have given up the *rp*'.

⁵²⁸ Kissel 1990: 51 paraphrases the expression *rp tractare* as 'sharing "sovereign guidance, occasionally property-wise"'.

Sall. *Iug.* 41: Nam ante Carthaginem deletam populus et senatus Romanus placide modesteque inter se rem publicam tractabant.⁵²⁹

In our sources from the middle and late republic, the occasions in which the term *rp* is used as public activity convey a subtler picture of the correlation between political agents and the handling of public affairs.

The cluster of verbs that convey the sense of ‘carrying out public affairs’, such as *gerere*, *agere*, and *curare rem p.*, are almost exclusively employed in reference to the occupation of consuls, magistrates, senators and higher offices. The handling of public affairs could be done by a number of political agents, ranging from magistrates to the Senate, and from magistrates to military commanders. As highlighted in the course of the semantic analysis of chapter two, *rp* could refer to domestic and foreign affairs alike, including warfare. In Caesar’s war commentaries, for instance, the expression *rem p. gerere* is mainly to be understood as ‘to conduct war’.⁵³⁰ The consul, as the highest military official, was entrusted with public affairs. However, sources describe also other, lower magistrates as entrusted with public affairs. Only a handful of sources emphasise the agency of the *populus* in entrusting public affairs to the magistrates; the majority of the examined texts focuses on the magistrate. This suggests that Sallust’s comment, namely that public affairs were mainly a concern of magistrates, might reflect accurately the public discourse. The *populus*, however, is occasionally characterised as the political agent entrusting public affairs to the magistrates. Especially in the speeches delivered to public assemblies, magistrates consistently deploy rhetorical topoi by which they encourage people to take partake in public affairs.

b) *Populus* handling public affairs

In the trial for high treason against C. Rabirius (*Rab. Perd.* 2), both public affairs and Rabirius are said to be entrusted (*permittitur*) to the vote of the Quirites in

⁵²⁹ ‘Before the destruction of Carthage, people and senate of Rome together managed political affairs between them peacefully and with moderation’.

⁵³⁰ Batstone and Damon 2006: 190 n. 9.

the assembly. Similarly, in the defense of Cluentius (*Clu.* 155), Cicero reminds the jurors that the Roman *populus* has entrusted (*commississe*) them with public affairs as well as their private fortunes.

In a speech against the *lex Aufeia* (124 BC) C. Gracchus reassures the Quirites that by following his advice they would be able to handle better (*administrare*) their own *rp*:

ORF 48.44: Ego ipse, qui apud vos verba facio, ut vectigalia vestra augeatis quo facilius vestra commoda et rem publicam administrare possitis.⁵³¹

The speeches at *contiones* contained in Sallust's work are engineered around these same rhetorical patterns by which orators encourage the audience to take control of the *rp* by following their counsel. In the *Bellum Iugurthinum*, for example, Sallust has Marius addressing the assembly on the army reform (107 BC). Marius encourages the audience to take a clear political stance (*capessere rem p*):

Sal. *Iug.* 85.47: Quam ob rem vos, quibus militaris aetas est, annitimini mecum et capessite rem publicam.⁵³²

These are the only occurrences of *rp* in which phrases such as *agere* and *gerere*, *capessere* or *suscipere* are employed with reference to *populus* or *plebs*. The lines from Plautus' *Persa* quoted at the beginning of this chapter cast in these terms the difference between the layman's commitment to public affairs and that of the magistrates, whose exclusive duty is *rp* – 'public affairs'.

c) The entrustment of public affairs to magistrates

A slightly different, but equally frequent topos in contional oratory and in court speeches, is the active entrustment of the *rp* to the magistrates by the *populus*. In the second speech *De Lege Agraria*, a speech delivered by Cicero as newly elected consul

⁵³¹ 'Myself, who am now recommending you to increase your taxes, in order that you may the more easily serve your own advantage and administer the *rp*'.

⁵³² 'Therefore, do you, who are of military age, join your efforts with mine and take part in *rp*'.

in 63 BC against the agrarian bill proposed by the tribune Servilius Rullus, the office of consulship is framed as entrustment of the *rp* from the Quirites to the magistrate:

Cic. *Agr.* 2.37: polliceor hoc vobis, Quirites, bona fide: rem publicam vigilanti homini, non timido, diligenti, non ignavo, commisistis.⁵³³

In the *Verrines* Cicero describes his election as aedile as entrustment of the ‘handling of public affairs’, suggesting that this task did not only apply to the consul solely, but to any magistracy. In front of the *praetor urbanus* and of the court, Cicero describes his appointment as aedile as the moment in which the Roman people chose him in order to handle with them public affairs:

Cic. *Ver.* 1.1.36: Hoc mihi sumo, hoc mihi deposco, quod agam in magistratu, quod agam ex eo loco ex quo me populus Romanus ex Kalendis Ianuariis secum agere de republica ac de hominibus improbis voluit; hoc munus aedilitatis meae populo Romano amplissimum pulcherrimumque polliceor.⁵³⁴

Cicero’s endeavour to handle public affairs with the Roman *populus* is nested between two references to his office and his position of magistrate. The first reference is general and refers to magistracy as entailing support of the Roman people in handling the *rp*, the second instead refers to the specific duty and position (*munus*) of aedileship.

A passage from Livy (42.49) suggests that consuls were generally deemed to be the chief agents of the *rp* in military ventures. The departure of P. Licinius Crassus, consul in 171 BC, for his campaign against Perseus of Macedonia offers Livy a cue for a digression on the importance of the departure ceremony, the *profectio*. This was an opportunity to see and celebrate the consul-*dux* to whom the *rp* had been entrusted:

⁵³³ ‘I promise you this, O Romans, in all good faith; you have entrusted the *rp* to a man who is watchful and not timid, active and not idle’.

⁵³⁴ ‘It is this that I choose, this that I claim, as my duty in my public office, as my duty in that position in which the people of Rome have willed that, from the first day of next January, I should take counsel with them for *rp* and the punishment of evil men. This is the most splendid and noble spectacle that I can promise to bestow during my aedileship on the people of Rome’.

Liv. *Hist.* 42.49: ut videant ducem suum, cuius imperio consilioque summam rempublicam tuendam permiserunt.⁵³⁵

Livy uses the same expression, ‘*rem p permittere*’, in Book Thirty Eight (38.50) in the account of the trial of L. Scipio after the victory against Antiochus of Macedonia. L. Scipio, elected consul in 190 BC, had led the Roman army to victory in the battle of Magnesia.⁵³⁶ Later the commander was asked to give an account of the money he had received for paying his army in the war.⁵³⁷ Livy reports that the public opinion was torn: on the one hand some regarded the accusation as a sign of ingratitude towards a national hero, on the other hand, some claimed that the law’s public scrutiny should apply even those holding the highest offices:

Liv. 38.50: quid autem tuto cuiquam, nedum summam rem publicam, permitti, si ratio non sit reddenda?⁵³⁸

Once again, the consul is described as the one entrusted with the most urgent public affairs. The best-documented consular appointment of the late republic is that of Cicero’s. Cicero was elected consul in 63 BC and many of his speeches and work contain celebratory descriptions of his own appointment. Both the *contio* delivered against Rullus’ agrarian bill and the oration in defense of Rabirius frame Cicero the consul as the one to whom public affairs were entrusted. By announcing:

Cic. *Agr.* 2.8: ego Kalendis Ianuariis acceperim rem publicam.

Cicero conveys the idea that upon his election he had received the *rp* in his hands. Rabirius’ defence, delivered in the same year before the popular assembly of the *comitia centuriata*, describes once again Cicero’s appointment as consul in terms of ‘receipt’ of the *rp*:

Cic. *Rab. Perd.* 2: consulatus denique ipse mihi una a vobis cum salute rei publicae commendatus.⁵³⁹

⁵³⁵ ‘To see their leader, to whose command and wisdom they have entrusted the whole welfare of the *rp*’.

⁵³⁶ *RE* 1.71-2. It must be noted that P. Scipio was never officially entrusted command for the campaign against Antiochus, which instead was entrusted to his brother C. Scipio.

⁵³⁷ Testimonia in Scullard 1951: 290 and Briscoe 2008: 170.

⁵³⁸ ‘What now - not to mention the most urgent *rp* - could be safely entrusted to any man if no accounting could be asked?’ Sage 1936 for Loeb renders *rp* as ‘supreme position in the state’.

The phrase expressing the entrustment of public affairs (*accipere rem p.*) is the same used in the *Agrarian Speeches*.⁵⁴⁰ A letter from Cicero to his brother Quintus, proconsul in Asia, describes the latter's office as being entrusted with a part of the *rp*:

Cic. *Q.fr.* 1.1: Nunc vero ea pars tibi rei publicae commissa est in qua aut nullam aut perexiguam partem fortuna tenet.⁵⁴¹

The use of the same phraseology '*rp committere*' in reference to a proconsul suggests that the attribute of trustee of public affairs is not an exclusive prerogative of the consul.

With the *lex Gabinia*, passed in 67 BC, Pompey had been entrusted special powers to eradicate piracy from the Mediterranean. The type of *imperium* Pompey was granted was extra-ordinary in nature (*imperium maius* or *imperium extra ordinem*).⁵⁴² The *lex Manilia*, discussed and passed in 66 BC, aimed at putting Pompey in charge of the Mithridatic war, practically extending those powers the *lex Gabinia* had already granted him.⁵⁴³ In the following passage Cicero argues that even if Pompey were a private citizen, he should be selected for leading the war in Pontus. The fact that Pompey had already been in charge of the *salus rei p.* was an even stronger reason for entrusting him with political powers in the current situation:

Cic. *Man.* 50: Pompeius privatus esset hoc tempore, tamen ad tantum bellum is erat deligendus atque mittendus...aut cur non ducibus dis immortalibus eidem cui cetera summa cum salute rei publicae commissa sunt hoc quoque bellum regium commendamus?⁵⁴⁴

Cicero describes the provision of the *lex Gabinia* as the entrustment of the *salus rei p.* to Pompey and the *lex Manilia* is similarly presented as entrustment of public affairs to

⁵³⁹ 'The very office of consul which, together with the public welfare, you have committed to my charge'.

⁵⁴⁰ Cfr. *Red. Pop.* 5: *rem publicam illis accepi temporibus eam quae paene amissa est.*

⁵⁴¹ 'Fortune has no part, or only a very small part, in the *rp* which has been entrusted to you'.

⁵⁴² Jameson 1970.

⁵⁴³ *CAH* 9 211 ff.

⁵⁴⁴ 'If, indeed, Pompeius were at this time in Rome and a private citizen, you would still be bound to select him and send him to this great war... Why should we not follow the guidance of Heaven and entrust this Mithridatic war as well to the same man to whom other issues have been entrusted to the great advantage of the State?'

Pompey. Pompey's increasing exceptional powers eventually started raising concerns. Pompey – as Seager put it - had become *de facto* a *dictator*, without any official recognition that could make him a *dictator publicus*.⁵⁴⁵ In fact the topos of the transfer of public affairs characterises a wide range of magistracies. Furthermore, the role of the *populus* as agent of such an entrustment emerges only very occasionally, and mainly in speeches to popular assemblies. In fact, entrustments of public affairs do not solely happen within elections, in the *suffragia*.

Time and again during the middle and late republic the senate would entrust consuls with public affairs, of its own initiative. On such occasions the totality of public affairs, *tota rp*, was bestowed upon officers not by means of popular *suffragium* but by means of the so-called *senatus consultum ultimum*, *SCU*. The *senatus consultum ultimum* marked a state of emergency and was possibly first issued in 121 BC for the sake of preserving public affairs.⁵⁴⁶ Such condition of a 'state of emergency' implied that there was a public enemy (*hostis*) and that the senate would trust the consuls to take any action deemed necessary in order to preserve the *rp* (*ne quid respublica detrimenti caperet*).

In the *First Catilinarian*, Cicero devotes some time to recounting states of emergency that had affected Rome in the past. He reminds the Senate of how in 100 BC the *rp* had been handed over (*permissa*) to the consuls by means of a *SCU*.⁵⁴⁷

Cic. *Cat.*1.2: Simili senatus consulto C. Mario et L. Valerio consulibus est permissa res publica.⁵⁴⁸

⁵⁴⁵ Seager 1979: 110.

⁵⁴⁶ Ungern-Sternberg 1970: 87 suggests that the decree was triggered by the occupation of the Aventine led by Gracchus during what Livy defines a *seditionis tribunatus*. The Senate hence proclaimed for the first time the 'state of emergency' by which the consul Opimius was given full powers against C. Gracchus for the sake of preserving the *rp*. Cfr. Cic. *De Orat.* 2.30: *servandae rei p causa*, *Part.Orat.* 30.104: *conservandae rei p causa*. *Pis.* 39.95, *Planc.* 28.69, *Brut.* 34.128, *Phil.* 8.4.14.

⁵⁴⁷ Sim. Cic. *Har. resp.* 15 refers to (the consuls?) with the periphrasis 'those to whom the entirety of public affairs (*universa rp*) is entrusted (*commendari*). In the speech Cicero refers to a series of *SC* passed between the end of December 62 and January 61. *Permittere* is rather neutral, means 'to hand over'. Dyck 2008: 73.

⁵⁴⁸ A similar decree of the senate entrusted the republic (*rp*) to the consuls, Gaius Marius and Lucius Valerius.

Cicero's objective is to persuade the senate to entrust him with public affairs in the struggle against Catiline. While the *SCU* of 63 BC was promulgated first against Manilius who had allegedly started sedition in Etruria, when Catiline eventually joined him he was declared *hostis*, too. Hence Cicero was able to present the events as a war against Catiline. In the *Bellum Catilinae*, Sallust provides the wording of this *SCU* as follows: '*darent operam consules, ne quid res publica detrimenti caperet*'. In translating the mandate of the *SCU* of 63 BC, Plutarch describes it as the senate's decision to transfer public affairs to the consuls:

Plut. *Cic.* 15: γίνεται δόγμα τῆς βουλῆς παρακατατίθεσθαι τοῖς ὑπάτοις τὰ πράγματα, δεξαμένους δ' ἐκείνους ὡς ἐπίστανται διοικεῖν καὶ σῶζειν τὴν πόλιν.⁵⁴⁹

Cicero uses the same expression. In the speech he delivers to the people upon his return after the exile, Cicero recollects that in 63 BC he was awarded the *corona civica* for having 'handed over' an intact *rp* to the magistrates after it was entrusted to him with the *SCU*:

Cic. *Red. Pop.* 17: Itaque cum P. Servilius, dixisset opera mea rem publicam incolumem magistratibus deinceps rem publicam incolumem magistratibus deinceps traditam...⁵⁵⁰

Cicero's account of the *SCU* of 52 BC follows the same line. After the killing of Clodius the senate decides to bestow a *SCU* upon the consul, Pompey.⁵⁵¹ In a brief excursus in the *Pro Milone*, delivered the same year, Cicero describes Pompey as the one entrusted with the totality of public affairs: (*Mil.* 65: *ei, quibus tota commissa rp est*) and as the one who is handling the entirety of public affairs (*Mil.* 66: *pro tota re publica suscepta*).⁵⁵²

⁵⁴⁹ 'The senate passed a decree that matters should be put in the hands of the consuls, who were to accept the charge and manage as best they knew how for the preservation of the city.'

⁵⁵⁰ 'When Publius Servilius...said that by my efforts the republic had been handed down unimpaired to the uninterrupted administration of her future magistrates...?'

⁵⁵¹ Seager 1979: 143.

⁵⁵² Cfr. *Mil.* 68: *rei p partes aegras et labantes...esse commissas*. In several of Cicero's speeches the senate is said to have entrusted the *rp* to Pompey. This theme emerges first in the *rogatio* about the *Lex Manilia*, the speech to the people in which Cicero supports the tribune's proposal of extending Pompey's

Verbs expressing the transfer of public affairs to magistrates, such as *committere* or *commendare*, have a distinctively positive semantic nuance and point to the idea of protecting someone and acting in their favour. *SCU* and other grants of powers are often expressed with more neutral verbs, such as *permittere*, *reddere*, *transferre*. Every *SCU* is issued with the aim of ‘preserving the *rp*’ (*ne quid res publica detrimenti capiat*). Sources focusing on the ‘entrustment’ of public affairs do not focus prominently on the *populus*. The ‘public officers’ are instead celebrated as those invested with a duty of care of public affairs. Indeed, public officers were invested with a public obligation, *munus rei p* or *publicus*.⁵⁵³ Consulate, praetorship, provincial governorship (*Fam.* 15.12), the tribunate (*Mil.* 33) are *munera rei p.*, Senate (*Cat.* 34, *Att.* 5.9.1), generals (Pompey in *Manil.* 62, Caesar in *B. Gall* 4.25.31) have *munera*.

4.1.3 *Populus* and senate deprived of public affairs

As suggested above, the metaphorical reading of *rp* as property of the *populus* implies that when a tyrant or faction mismanages the proper interest of the people, or conducts its affairs as though they were private, then the public property is not handled legitimately.⁵⁵⁴ Accordingly, Schofield rightly draws attention to a number of passages in the *De Re Publica* where Cicero has Scipio defining different types of constitutions in terms of ‘property of the *res*’. Under Cyrus’ monarchy, for example, the *res* is not of the *populus*, and so in the aristocratic Massilia, the *populus* has little power over the *res*. Similarly, throughout the late republic, sources frame an increasing number of political episodes as monopoly of public affairs by one individual.⁵⁵⁵ The same episodes were also framed, from a different point of view, as non-restitution of public affairs.

mandate for the *bellum piraticum* to the war against Mithridates, where the *salus rei p.* is entrusted to Pompey (*Leg. Man.* 50).

⁵⁵³ Grelle 1961, *lex repetund.* 79 (*CIL* I² 583). The legal crystallisation of the concept of *publica munera* is different from the political understanding of *munera*. *Munus* is said of the consulate, of the praetorship, provincial governorship (*Fam.* 15.12), the tribuneship (*Mil.* 33), senate’s duty (*Cat.* 34, *Att.* 5.9.1), and the duty of generals (Pompey *imperium* in *Leg. Man.* 62 and the assembly to Mutina in *Phil.* 9).

⁵⁵⁴ Schofield 1995: 75-6.

⁵⁵⁵ Similar passages are Sall. *Iug.* 42: *res publica, quae media fuerat, dilacerata*. According to Sallust, after the destruction of Carthage, both *populus* and *nobilitas* are dragged by *libido*. As a result the idyllic scenario of cooperation between *senatus* and *populus* degenerates and public affairs, previously shared, is pulled apart into two directions.

However, the ‘legitimate owner’ of public affairs is never the sole *populus*. Sources instead designate ‘*populus* and senate’ as the lawful agents of public affairs. This suggests that *res publica* was not *res* of the *populus* understood as ‘the people’, but rather of the *populus* understood as ‘the entire civic body’. In most of these sources *rp* is said to be handled as one’s own, instead. This suggests that *rp* can be also paraphrased as matter of the community, as opposed to one’s private matter. Hence *publicus* also contain the nuance of non-*proprius*.

The first passage to emphasise the ‘lack of restitution’ of *rp* could have referred to Sulla’s dictatorship. Iulius Exuperantius, a little known author who is thought to have lived between the fourth and fifth century BC, compiled an epitome of Livy’s and Sallust’s works.⁵⁵⁶ The following excerpt is thought to be an authentic quotation from Sallust’s *Historiae*. If so, Sulla’s dictatorship in 83 BC was interpreted within the framework of a lack of restitution of public affairs to the people and senate well before the ‘end of the republic’.⁵⁵⁷

Iul. Ex. *Op.* 5.32: Sylla victor, quidquid in urbe remanserat, crudeliter persecutus est et rem publicam vindicatam non reddidit legibus, sed ipse possedit, ac se talem ut Cinnana ac Mariana, quam ultum ierat, dominatio quaereretur.⁵⁵⁸

The source contrasts the *redditio rei p* with the *possessio rei p* by one individual, and links the latter to *dominatio*.⁵⁵⁹ *Dominatio* hence is not lack of *rp*, but rather one individual’s control over public affairs. Furthermore this suggests that Marius and Cinna had incurred the same type of accusation.⁵⁶⁰

⁵⁵⁶ *RE* 4.6.1.

⁵⁵⁷ Funari 2015: 193 takes Sallust’s authorship of the passage to be certain. However, the phrase *rem p legibus restituere* is not attested in the late republic and is more frequent in the early principate.

⁵⁵⁸ After his victory Sulla behaved cruelly against whoever was left in the city, and the state which he had liberated, he did not return to the rule of law, but took possession of it for himself. Such was his behaviour, that men longed for the rule of Cinna and Marius, which he had come to avenge.

⁵⁵⁹ Wisse-Fantham-Winterbottom 1984. One of the *declamationes minores*, ascribed to Quintilian or to a contemporary of his (last decade of the 1st century A.D.), is a defence speech for a tyrannicide. The culprit confesses that he has tried to return the *rp* to the laws and to the *potestas populi* (Ps. Quint. *Decl. Min.* 267: *rem p. legibus et populi potestati reddidi*).

⁵⁶⁰ The rule of the Decemviri is described in similar terms in Cic. *Rep.* 2.62: *erat penes principes tota res publica praepositis xviris nobilissimis*.

Sources from the middle and late republic consistently point to Pompey as the first statesman to be accused of retaining a monopoly over public affairs. In a *contio* allegedly held by Q. Catulus, reported by Velleius and other sources, the political position of Pompey is described as in terms of excessive power over public affairs.⁵⁶¹ Catulus warned the people against the risks of entrusting so much of Rome's affairs to one man on the grounds that if he would die, no ready replacement would be there. This common sense observation, however, veils a more subtle remark:

Vell. *Hist.* 2.32: in contione dixisset esse quidem praeclarum virum Cn. Pompeium, sed nimium iam liberae rei publicae.⁵⁶²

Catulus states that granting so much power (lit. to hand over such a big part of public affairs, *omnia reponere*) a single man is not compatible with a free state. This is one of the few occurrences of the term *libera res publica* in the entire corpus of Latin literature. What Velleius might have referred to with this expression is the closest the Latin language gets to what modern scholars refer to as 'republic'. In other words, this phrase might encapsulate a new political *mos*, in contrast with habitual and traditional ones.⁵⁶³ It is worth noticing that even this new political practice does not correspond with the disappearance of *rp*, public affairs, but rather with the disappearance of the *libera civitas* (in this context *libera rp* can be understood as a synonym for the latter). In the traditional *libera civitas* the totality of public affairs was bestowed upon a single magistrate only on exceptional occasions. The 50s, 40s, and 30s are characterised by disputes and disagreements regarding transfers and entrustments of public affairs. A prominent trait of the political narrative and discourse is that public affairs are not returned to *populus* and senate. On each occasions, however, eventually public affairs are entrusted to a single individual for the sake of the public interest.

⁵⁶¹ Val. Max. 8.15.9, C. Dio 36.31, Plut. *Pomp.* 25.5.

⁵⁶² 'In a speech to the people he had said that Pompey was without question a great man, but that he was now becoming too great for a free republic (*rp*).'

⁵⁶³ Similarly Cassius Dio suggests a periodisation between times in which powers were granted by means of lawful procedures and according to the traditional *mos* and a new era characterised by exceptional powers. The authenticity of Dio's speech is questionable, however, see Saylor Rodgers 2008: 298 ff.

Tension between Pompey and Caesar peaked in 50 BC. The threat of Caesar and his troops, ready to cross the Rubicon in arms in the winter of 50/ 49 BC, triggered a strong response from the senate; eventually a *SCU* was approved on the 7th of January 49 BC by which public affairs were entrusted to Pompey.⁵⁶⁴ When Caesar eventually crossed the Rubicon he did so as a *hostis*, marking the beginning of the first bout of civil war. The *Bellum Civile* (1.9.5) reports a speech Caesar allegedly delivered to his troops in Rimini. In his address Caesar requested that the totality of public affairs should be translated from Pompey to the people and the senate, eventually holding free elections. Caesar accused Pompey of hindering free elections and of passing the *SCU* unlawfully. This accusation concerns Pompey's opposition to Caesar's request to run in *absentia* for the consulship in 49 BC. The tribune C. Scribonius Curio endorsed this proposal.⁵⁶⁵ On several occasions Curio exerted the tribunician veto and tried to conciliate Pompey and Caesar by reaching an agreement. The unprecedented *SCU* hence was in stark opposition with Curio's veto. What is relevant for the present discussion is the phrasing of Caesar's claim, which reads:

Caes. *B.C.* 1.9.5: libera comitia <habeantur> atque omnis res publica
senatui populoque Romano permittatur.⁵⁶⁶

Instead of accusing Pompey of retaining excessive power as Catulus had allegedly done, Caesar explores the same argument from a different perspective. Public affairs should be returned to their legitimate owner: *senatus* and *populus*: Every public matter (*omnis rp*) should be returned (*permittatur*) to the senate and to the *populus*. Such a thing would be achieved not only by declaring free elections – *libera comitia*. Pompey should also lay down the exceptional powers over every political decision the *SCU* had bestowed upon him. This passage is the first of a long series to associate *rp* with *populus* and senate.

⁵⁶⁴ Vervaeke 2006: 931 ff for a detailed account of Pompey's position from 50 to 48 BC.

⁵⁶⁵ Stanton 2003 for an overview of scholarly opinion on Caesar's reasons for requesting this.

⁵⁶⁶ 'Let free elections and the whole control of the republic (*rp*) be handed over to the senate and the Roman people'.

Eventually civil war broke out, and after several months of fighting, in October 49 BC, Caesar was appointed *dictator*. In the following five years Caesar not only held three dictatorships but was also elected consul a number of times.⁵⁶⁷ He was made dictator in 49 BC for some months before being elected *consul*, in 48 for a year, and in 46 with a ten-year-mandate. In 45 Caesar celebrated the triumph for the victory in Munda, and in 44 he was eventually made perpetual *dictator*. Cicero's references to Caesar's dictatorship are rare. Some of them, however, frame the problematic nature of this dictatorship in terms of entrustment of the *rp* to the wrong person rather than as a constitutional anomaly. In the *De Natura Deorum* – written between 45 and 44 BC when Caesar was still alive - Cicero justified Caesar's dictatorship in the light of the condition of the *rp*:

Cic. *Nat. Deor.* 1.7-8: Nam cum...is esset rei publicae status ut eam unius consilio atque cura gubernari necesse esset...⁵⁶⁸

Caesar's dictatorship is not explained as a constitutional anomaly, but rather as a natural consequence of the political circumstances. These are such that the *rp* has to be under the control of one single individual.⁵⁶⁹ Caesar's death, however, offered a space for intervention and for the control over public affairs to be seized by someone else. In a letter written to Atticus in 44 Cicero summarises his opinion regarding the events unfolding after Caesar's assassination. Cassius and Brutus, the praetors, should have summoned the senate, incited the people, and taken public affairs in their hands, as Cicero recommends:

⁵⁶⁷ Gardner 2015 for Caesar's constitutional powers between 49 and 44 BC.

⁵⁶⁸ 'And the state of *rp* was such that an autocratic form of government had become inevitable'.

⁵⁶⁹ A similar phrasing occurs in the *Second Philippic*, which was made public as a pamphlet and not as an oration, where Cicero suggests that through Caesar's dictatorship, described as a *tyrannis*, the Roman people have learned (*Phil.* 2.117) to whom they shall entrust (*committere*) themselves. Caesar's dictatorship in Cicero's work is framed according to the same type of language. In the proem of Book Two of the *De Officiis*, Cicero's stance towards Caesar's office is different. He contrasts the political functioning before Caesar's dictatorship with the one after. Before Caesar's rise to power the *rp* was handled by those she had entrusted herself to. Cic. *Off.* 2.2 *quam diu res publica per eos gerebatur, quibus se ipsa commiserat*. After Caesar's dictatorship, however, no form of trust underpinned public affairs, Caesar's dictatorship is described as a personal rule (*dominatus unius*) that controls everything (*omnia teneretur*).

Cic. *Att.* 15.11.2: senatum vocare, populum ardentem studio vehementius incitare, totam suscipere rem publicam.⁵⁷⁰

This did not happen, Cicero devoted his efforts in opposing Antony, the consul and Caesar's former colleague, delivering the *Philippics*. The one who ended up being in control of public affairs, however, was Caesar's nephew Octavian. In the winter 44/ 43 he gathered an army and confronted Antony's troops, eventually defeating him at Mutina. The bill presented by Cicero upon Octavian's victory asked the senate to officially entrust political affairs to Octavian.⁵⁷¹ Octavian had succeeded in gathering a private army and in freeing Rome from Antony. As Octavian himself later on stressed in the *Res Gestae*, however, he had done so as *privatus*.⁵⁷² The following passage from the *Third Philippic* casts this problematic issue in clear terms:

Cic. *Phil.* 3.2: cui quidem hodierno die, patres conscripti...tribuenda est auctoritas, ut rem publicam non modo a se susceptam sed etiam a nobis commendatam possit defendere.⁵⁷³

By means of the senate's approval Octavian will not simply be one who has taken part in public affairs, he will become officially responsible for them. As a private citizen Octavian had simply taken control of public affairs. The senate could bestow upon him official powers by officially commending public affairs to his control. In doing so the senate would stamp a mark of officiality on Octavian's initiative.

Ten years later the control over public affairs had not been restored to the *populus* and senate. As triumvirs Antony, Octavian, and Lepidus had been entrusted with the task of reorganising the state (*rei publicae constituendae causa*). As such they were fully in control of public affairs for the sake of reinstating government and public

⁵⁷⁰ 'I said that the senate should have been summoned, the people already burning with excitement should have been still farther roused, that the whole *rp* should have been taken in hand by them'.

⁵⁷¹ Manuwald 2007: 908. In the *Fifth Philippics* Cicero suggests that as a solution to Antony's increasingly stronger demands, the entirety of public affairs shall be entrusted to the consuls with a further *SCU* (*Phil.* 5.34: *consulibus totam rem publicam commendandam*), a proposal that was eventually turned down by the senate. See Larsen 2008.

⁵⁷² Lit. *privato consilio* see Manuwald 2007: 336.

⁵⁷³ 'Today, members of the senate...we must grant him authority so that he can defend the *rp* not only on his own initiative but with our blessing'.

order after the bloodshed of the civil war. Appian's account of the political debate in 33 BC suggests that each of them expected their colleagues to lay down their political power and 'return' powers – in Greek τὴν ἀρχὴν and in Latin *rp* - to *populus* and senate:

App. *BC*. 5.132: καὶ τὴν ἐντελῆ πολιτείαν ἔλεγεν ἀποδώσειν πείθεσθαι γὰρ κάκεινον ἐθέλειν ἀποθέσθαι τὴν ἀρχήν, τῶν ἐμφυλίων καταπεπαυμένων.⁵⁷⁴

This might suggest that there was indeed an expectation that the triumvirs should resign their office, once institutional and civil life had gone back to normality and that both Antony and Octavian had the stated priority of surrendering absolute power restoring the *rp* to senate and *populus*.⁵⁷⁵ This is a claim Dio ascribes to Antony in a speech delivered to his soldiers in 32 BC:

DC. Hist. 50.7.1: καὶ ὁ Ἀντώνιος τοῦτο μὲν ἀντόμοσε τοῖς ἑαυτοῦ στρατιώταις ἀκηρυκτ πολεμήσειν, τοῦτο δὲ ὑπέσχετο τὴν τε ἀρχὴν ἐντὸς δύο μηνῶν μετὰ τὴν νίκην ἀφήσειν καὶ τὸ πᾶν αὐτῆς κράτος τῇ τε γερουσίᾳ καὶ τῷ δήμῳ ἀποδώσειν. μόλις τε δῆθεν τινες ἔπεισαν αὐτὸν ἕκτω μηνὶ τοῦτο ποιῆσαι, ἵνα δὴ κατὰ σχολὴν τὰ πράγματα καταστήσῃται.⁵⁷⁶

The Greek phrase τὸ πᾶν αὐτῆς κράτος τῇ τε γερουσίᾳ καὶ τῷ δήμῳ ἀποδώσειν resonates with the Latin *rem publicam reddere senatui populi*. The expression τὰ πράγματα καταστήσῃται is a further hint that Dio is translating the phrase *rem publicam constituere*. A comparable phrasing occurs in Suetonius' account of the years preceding Augustus' settlement. In the *Life of Divus Augustus* the historian reports that Antony had reproached Augustus that he was the only one responsible for not returning the *rp*.

⁵⁷⁴ 'And said that he would restore the constitution entirely when Antony should return from the Parthian war, for he was persuaded that Antony, too, would be willing to lay down the government, the civil wars being at an end.'

⁵⁷⁵ Millar 1973: 62 ff. App. *BC* 5. 152/ 548, C. Dio. 52.7.1 and in 49.41.6 Antony's letter to Octavian contains the same claim.

⁵⁷⁶ 'As for Antony, he on his part swore to his own soldiers that he would admit no truce in the war he wage, and promised in addition that within two months after his victory he would relinquish his office and restore to the senate and the people all its authority; and it was with difficulty, forsooth, that certain persons prevailed upon him to postpone this act to the sixth month, so that he might be able to settle the public business at his leisure'.

This had pushed Augustus seriously to consider the option of handing over his control over public affairs (*de reddenda re publica bis cogitavit*) just after defeating Antony:⁵⁷⁷

Suet. *Div. Aug.* 28.1: De reddenda re publica bis cogitavit: primum post oppressum statim Antonium, memor obiectum sibi ab eo saepius, quasi per ipsum staret ne redderetur.⁵⁷⁸

The phrase '*primum post oppressum statim Antonium*' can only be taken as a *terminus post quem* that this episode must have taken place at some point after the battle of Actium.

The restitution of public affairs to senate and *populus* is a matter of controversy in the ancient debate on Augustus' rule. In the *Res Gestae* Augustus claims that in his sixth and seventh consulship he restored public affairs to the control of senate and *populus* after having received by means of *consensus* and after having retained it. Conversely, Suetonius' account of Augustus' political decisions clarifies that eventually Augustus decided not to surrender public affairs, for the sake of the public interest. In the former instance, Octavian describes his absolute control over public affairs in terms of *potens rerum omnium*. Such position of prominence is surrendered, that is eventually public affairs are returned to senate and *populus*.⁵⁷⁹ This claim is phrased as follows:

RG 34.1: Per consensum universorum (potens rerum omn)ium, rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli.⁵⁸⁰

Hence, by using the phrase *rp restituta* Augustus was likely to refer to the reestablishment of public order. It is only by using the expression *rem p transferre* that Augustus could have referred to the reinstatement of an older, traditional form of government. The Greek text of *RG* retains the literal translation for the first passage,

⁵⁷⁷ Ceașescu 1981: 350 and Wardle 2005: 2014.

⁵⁷⁸ 'He twice thought of restoring the *rp*; first immediately after the overthrow of Antony, remembering that his rival had often made the charge that it was his fault that it was not restored'.

⁵⁷⁹ Botteri 2003: 3. More recently Cooley 2009: 257. Botteri's argument (2003) confirms Krömer 1978 suggests that the text read *potens rerum omnium* rather than *potitus* as suggested by Mommsen 1885.

⁵⁸⁰ 'After receiving by universal consent the absolute control of affairs, I transferred the republic from my own control to the will of the senate and the Roman people'.

which Latin translates as ‘being in charge of all the affairs’: ἐγκρατῆς πάντων τῶν πραγμάτων. The transfer of public affairs is instead conceptualised as a transfer of power (κυριότητα) rather than of *rp*. Nonetheless the way the *Res Gestae* frame the post-Actium constitutional settlements points to a transfer of power from Octavian to senate and *populus*.⁵⁸¹

Such claim is questioned by Suetonius’ account of the facts of 27. The historian’s version clashes substantially with the text of the *RG*. According to the historian Augustus eventually decided *not* to surrender public affairs:

Suet. *Div. Aug.* 28.2: sed reputans et se priuatum non sine periculo fore et illam (i.e. *rp*) plurium arbitrio temere committi, in retinenda perseueravit.⁵⁸²

This passage contrasts in a clear fashion the notion of one’s control of public affairs (*retinere rem p*) and of restoring the control to more than one person (*reddere rem p*). Furthermore the latter is paraphrased as *rem p. plurium arbitrio committere* – as entrustment of public affairs to the many.⁵⁸³ As Galinsky suggests, the choice of the term *arbitrium* is crucial in understanding this passage as a general involvement and participation of *populus* and senate in the process of caring for public affairs (*cura rei p*).⁵⁸⁴

While *rp* retains the sense of ‘institutions of the Roman state’ throughout the principate, expressions referring to the transfer or entrustment of public affairs lose relevance in the course of the Principate, for it was the main characteristic of the new *status rei p* that public affairs should stay with one person.⁵⁸⁵ Tacitus reports a speech

⁵⁸¹ Seyfarth 1957: 306-8 for an extensive survey of the connotations of *potiri*. Most notably Kolbe 1944: 26-44: ‘*potiri* schliesse immer eine Gewaltanwendung in sich’, Botteri 2003: 3: ‘la frase di Augusto denunciarebbe un colpo di stato’ whereby *rerum potiri* would mean ‘seize something, becoming its master’ (it. ‘impadronirsi di qualche cosa, diventare padrone’).

⁵⁸² ‘Reflecting, however, that as he himself would not be free from danger if he should retire, so too it would be hazardous to trust the *rp* to the control of more than one, he continued to keep it in his hands.’

⁵⁸³ *Rp reddere*. Millar 1973, Turpin 1994 on the analogy between *RG* and Suet. *Div. Aug.* 28.2, Girardet 2000.

⁵⁸⁴ Galinsky 1998: 65.

⁵⁸⁵ Cic. *Fam.* 12.13.1 similarly uses a military metaphor.

delivered by Sejanus, the praetorian prefect, immediately after the death of Drusus in 23 BC. According to Tacitus, Sejanus' address contained references to the *redditio rei p*:

Tac. *Ann.* 4.9: de reddenda re publica utque consules seu quis alius regimen susciperent.⁵⁸⁶

However, after hearing these words, the senate stopped believing Sejanus, dismissing his promises as hollow and laughable (*vana et inrisa*).⁵⁸⁷

Sulla was made dictator for the sake of 're-establishing the government' (*rei publicae constituendae causa*) and the objective of the triumviral committee follows the same wording. Cicero justifies Caesar's dictatorship as the only shape in which the *rp* could continue existing. According to Suetonius, upon deciding not to hand over the *rp*, Octavian promulgated an edict in which he stated that the *rp* should stand in its seat for its own good:

Suet. *Div. Aug.* 28: Ita mihi salvam ac sospitem rem p. sistere in sua sede liceat atque eius rei fructum percipere, quem peto, ut optimi status auctor dicar et moriens ut feram mecum spem, mansura in vestigio suo fundamenta rei publicae quae iecero.⁵⁸⁸

The edict, for which Suetonius is our only source, suggests that Augustus' stated priority was that the *rp* should remain safe and unthreatened, and on this ground the new *status rei p* was justified.⁵⁸⁹

Overall, new and different political orders are marked by a change in the handling of public affairs. On this basis Latin seems to describe different types of constitutions by referring to the socio-political group in charge of handling public affairs. This seems to be confirmed by the way Cicero envisages the translation for the

⁵⁸⁶ 'The restoration of the *rp* and his wish that the consuls or others would take the reins of government.'

⁵⁸⁷ Tacitus uses the expression *rem p suscipere* to convey the idea of assuming an institutional office. This is said of Vespasianus in *Hist.* 2.1.3: *sin Vespasianus rem publicam susciperet...*, of Helvidius Priscus in the sense of political engagement in *Hist.* 4.5, and of A. Scribonianus Crassus in *Hist.* 4.39. Vell. 2.49 uses it for Nero.

⁵⁸⁸ 'May it be my privilege to establish the State (*rp*) in a firm and secure position, and reap from that act the fruit that I desire; but only if I may be called the author of the best possible government, and bear with me the hope when I die that the foundations which I have laid for the State (*rp*) will remain unshaken.'

⁵⁸⁹ Flower 2008: 137, Girardet 2000.

Greek state-typology in *De Re Publica*. Under the *regnum* - ἀριστοκρατία - the totality of affairs (*summa rerum*) is in the hands (*penes unum*) of one person. Ἀριστοκρατία is described as that setup in which the totality of affairs is in the hands of chosen individuals (*penes delectos*).⁵⁹⁰ Similarly, Velleius describes the constitutional change of 508 BC in Athens (*Hist.* 1.8.3) as one according to which the *rp* is entrusted (*commissa*) from perpetual *archontes* to annual magistrates. Nepos' account of the end of the rule of the Thirty Tyrants in Athens is described as restoration of the control of public affairs to the people (*Nep. Tras. 8: rei publicae procuratio populo redderetur*). The return of public affairs to the people describes the return to fifth-century Athenian democracy.

By following the use of similar expressions in speeches and ancient historiography, the course of Roman history unfolded in a number of different shapes and governance patterns. Claudius' Lyon speech begins with a reflection on the many shapes in which the *rp* had existed:

FIRA 1² 43: Cogitatis quam multa in hac civitate novata sint et quidem statim ab origine urbis nostrae in quo<t> formas statusque res p(ublica) nostra diducta sit.⁵⁹¹

Constitutional change could be cast in terms of transfer of control over public affairs. Such transfer does not imply, however, the absence of *rp*. As long as *rp* is understood as 'public affairs' or *negotium*, it is always present, be it as prerogative of a magistrate, the endeavour of *populus* and senate, or the duty of a *princeps*. What changes and transforms is the specific institutional order according to which public affairs were handled, the *status* or *forma rei p*. The examined sources suggest that from the middle of the first century BC, a novel pattern of handling public affairs emerge. It is a single individual, rather than the senate, *populus*, or the magistrates, to which the *rp* is transferred or by whom it is held. This way of handling public affairs is eventually framed as 'non-restitution' of public affairs to the joint control of people and senate.

⁵⁹⁰ *Rep.* 1.42.

⁵⁹¹ 'Reflect on how many things were renewed in this city and from its very beginning how many shapes the *rp* has taken.'

When the narrative around the *rp* is charted in terms of transfer of control over it, Roman history acquires a much more nuanced and varied aspect. Furthermore, mechanisms of entrustment and transfer of public affairs, so as the extant sources have transmitted them, never feature popular assemblies handling public affairs on their own. The legitimate seat of the *rp* is in the hands of *populus and senate*. On this account *res publica* is not intrinsically *res populi* in the sense of ‘affairs of the people’.⁵⁹² It is a matter of the community as a whole, as represented in the formula *senatus populusque*. In fact, Cicero’s definition of *populus* in the *De Re Publica*, on which he grounds in turn the definition of *res populi*, describes the *populus* as community rather than as ‘people’ as contrasted with ‘rulers’. Such a definition of *res publica* as *res populi* applies to a specific *status rei p*, namely the institutional arrangement under the *civitas libera*, before the *princeps*.

Overall, terms such as *status* and *formae rei p* prefer to flexible governance schemes that were to a large extent adjustable in order to guarantee the growth and preservation of public affairs. Ultimately institutional arrangements were informed by a broad understanding of political stability. For this reason, collocations containing the term *rp* and expressing the idea of ‘benefit’ and ‘advantage’ of public affairs characterise the Roman political discourse above and beyond the ‘republican’ phase. The broad understanding of ‘interest of public affairs’ encompasses the entire sequence of *formae rei publicae Romanae* and eventually constitute the pivot around which revolves a distinctively Roman political culture. The last section of this chapter explores the ways in which those in charge of public affairs were said to attend to this duty. From this broader picture a consistent political attitude emerges, one that develops around the concept of ‘public interest’ rather the metaphorical reading of *rp* as ‘property of the people’.

⁵⁹² While occasionally the *populus* is purported as the political actor that entrusts the *rp* to the magistrates, this type of rhetoric only emerges in *contiones*.

4.2 *Res publica* as *officium auctoris*

The structure of this section mirrors the previous one and follows a tripartite division. The focus shifts from the term *rp* to the attributes of those who were said to handle public affairs. Such an analysis seeks to identify a leadership model common to all those who were, in different phases of Roman history, in charge of handling public affairs. This leadership model, here defined as *auctor*, is articulated further in each section. *Auctores* were those entrusted with someone else's *negotia*. Sources dating to the late republic describe Rome's first *reges*, the magistrates, and the *populus* as *auctores* in handling public affairs. The ethical constraint binding an *auctor*, namely the duty to act in the interest of those who ask for advice disregarding one's own interest, pervades the political discourse in Rome's history. *Rp* can hence be defined as an activity that puts certain ethical constraints on those who handle

4.2.1 *Rex* as *auctor*

The most extensive sources dealing with Rome's monarchic past date to the late republic. While these are most likely to convey the point of view of the author as well as the *Weltanschauung* of his contemporary world, they agree on certain features of the 'monarchic' constitution.⁵⁹³ Sallust's 'archaeology' of Rome in the *Bellum Catilinae*, Cicero's Book Two of *De Re Publica*, and Book One of Livy's *Historiae* are consistent in depicting Rome's monarchic phase as characterised by the combined rule of senate and *rex*, both striving to uphold, protect, and grow the *rp*.⁵⁹⁴

As already highlighted above, Sallust defines the aim of the *imperium iustum* as to protect the *rp* and the citizen's *libertas*.⁵⁹⁵ Similarly in *Rep.* Romulus' attitude (*Rep.* 1.42) is described in terms of *pater* and *custos* rather than as master: *erus* and *dominus*.

⁵⁹³ See Cornell 2013, Introduction, for an overview of the evidence.

⁵⁹⁴ An additional source is the antiquarian Greek historian Dionysius of Halicarnassos (60-7 BC).

⁵⁹⁵ According to Cicero's account, under the *regnum* the *populus* had some rights, but lacked *libertas*. According to different accounts *libertas* is incompatible even with a just king, *Rep.* 2.43: *libertas, quae non in eo est, ut iusto utamur domino, sed nul[lo]*.

In so doing, Cicero must be tapping into an older tradition because he is quoting a fragment from Ennius, where Romulus is called *custos patriae, pater, and genitor*.⁵⁹⁶ According to Livy, Ancus Martius was no less caring of his reign than of public affairs (1.35: *nec minus regni sui firmandi quam augendae rei publicae memor*). Romulus, the first *rex*, and other legendary kings are described in favourable terms with the exception of Tarquinius Superbus.⁵⁹⁷

The ancestral senate is ascribed the same attributes and functions as a *paterfamilias*. Cicero's etymology of the word *patres*, the term by which the initial group of senators were called, suggests that early senators were called this because of the caring relationship they had to the *populus (caritas)*.⁵⁹⁸ Book Two of *De Re Publica* offers two different and complementary perspectives on the role of the *patres*, who provided social and political support to the *plebs*. The institution of clientele established a social bond of mutual support whereby the *patres* would provide care and support and the *clientes* would provide political backing. Dionysius of Halicarnassus (*Ant.* 2.9.3 - 2.10.1-2) underscores the paternal link between *patrons* and *clients*, by which the former would be in charge of 'ensuring peace in both public and private affairs to their clients (εἰρήνην τῶν τε ἰδίων καὶ τῶν κοινῶν πραγμάτων) by assisting them like fathers their children'. The relationship entailed mutual *officia* so that their bond was political and affective at the same time (φιλανθρώπους καὶ πολιτικὰς κατασκευαζόμενος αὐτῶν τὰς συζυγίας).⁵⁹⁹

In addition to its social role, the senate is depicted as the bearer of an important political function, *auctoritas*, from the very beginning of Rome's constitutional history. In Cicero's account, Romulus' reign unfolds under *patrum auctoritate consilioque*. The

⁵⁹⁶ Scipio's praise of monarchy (1.54-56, 62) informs the model of the just king along the lines of the *pater*, ascribing to the *rex* the faculty of *consulere* and *conservare* the citizens as if they were his own offspring. For the extent to which this description abides by the Peripathetic depiction of the just king see Frede 1989: 90.

⁵⁹⁷ Classen 1965: 397 notes that in a few instances the monarchy is regarded as an intermediate state, more positive than negative. For example in the *Second* and *Third Philippic* Cicero contrasts the kings' fairness towards the senate with Antony's attitude.

⁵⁹⁸ *Rep.* 2.14.

⁵⁹⁹ Gabba 2000: 76.

first mention of *auctoritas patrum* in the public sphere occurs with the creation of *comitia curiata* for acclaiming the king (*lex curiata de imperio*). On this occasion, the senate first acted as guarantor for the people's approval of the newly elected Numa Pompilius (*patribus auctoribus sibi ipse populus adscivit*).⁶⁰⁰ The term *auctoritas*, together with *auctor*, can be traced back to the fifth century BC.⁶⁰¹ In its first attestation in the Twelve Tables, the term belongs to legal terminology. An *auctor* is someone on whom one calls to defend a legal position by shaping, settling, and sealing a deal on behalf of someone. The *pater familias*, the *patronus*, and the *dominus* all exerted *auctoritas* over those who were entrusted to them. Overall, the *auctoritas* exercised in the public sphere by the senate seems a reflection of the *auctoritas* each *pater* would use in the private sphere. On this basis, legal scholars argued in favour of reading Roman governance along the lines of the mandate, by which the people would entrust itself to the senate, who was in charge of handling public affairs on behalf of the *populus*.⁶⁰²

Historical linguistics can help disentangle the relationship between *rex*, *rp*, and senate. In his seminal work on Indo-European institutions, Benveniste puts the figure of the Roman *rex* in a comparative perspective. In a number of Indo-European, Italic, Celtic, and Indian languages, terms akin to *rex* point to a sacral figure with positive connotation.⁶⁰³ The 'sacral king' was the one in charge of tracing the village borders

⁶⁰⁰ Graeber 2000: 11 ff; Linke 1995: 148; *Rep.* 2.56, *Liv.* 1.17 and 6.42 and *Cic. Brut.*55.

⁶⁰¹ The term *auctoritas* is the subject of two monographic studies, Heinze's 1925, Fürst's 1934. Fürst in particular devotes some attention to the deployment of the notion of *auctoritas* in the private and in the public domain. Etymologists such as Benveniste 1969 and anthropologists such as Bettini 2005 associate *auctoritas* to the sacral power of making things become real.

⁶⁰² Legal historians identified the *auctoritas patrum* as the pivot of a system rather close to a public contract of mandate. Nineteenth-century German jurisprudence, Heinze, and Fürst advanced this interpretation. Fürst 1934: 39 described the analogy between private *tutela* and public mandate: 'just like the *tutor* or *venditor* upholds a decision for the conclusion of a certain matter for the pupil or for the purchaser, so senators uphold a certain decision in their colleagues' eyes'. Again he described the *auctoritas senatus* as 'a sort of tutelage (lit. *eine Art Tutel*) of the State's highest power over the people'. Mommsen III. 1038-9 too observed that the 'act of will of the community, which just like the action of the legally incapable pupil is considered liable to mistake, needs the confirmation and "increase" of the Elders'.

⁶⁰³ Lupoi 2000: 231 ff. These are the two I.E. groups studied by Vendryes 1918: 265, they both show the tendency to retain religious terms and to retain a rather conservative social structure. Positively connoted verbs such as *rego*, *-ere* and adjectives such as *rectus* share the same root of *rex*.

and making laws, performing a task closer to that of a religious authority.⁶⁰⁴ Archaeo-anthropological studies of the genealogy of the Roman republic, such as Linke's, explain the role of *rex* in the Italic culture as chief of the household, *gens*. Such an individual had a duty of protection to his community insofar as domestic chief and political chief were the same person.⁶⁰⁵ Between the ninth and the eighth centuries a phase defined as the 'rise of the gentilician aristocracy' played a crucial role in the institution of the senate.⁶⁰⁶ By and large, the literary description of *patres* and *rex* follows the same model: they are both fatherly figures - *pater* - caring for their *gentes* and making decisions in order to ensure their wellbeing.

Three sources from the late republic, the *Rhetorica ad Herennium*, the *De Re Publica*, and the *Pro Sestio*, describe the duty of the senate in terms of the *officium* and *munus* of an *auctor*. The excerpt from the *Pro Sestio* and that from the *De Re Publica* both refer to the Roman 'ancestral constitution'. The *Rhetorica ad Herennium*, a handbook of oratory, must have used well-established rhetorical topoi, deeply rooted in the Roman tradition. The latter simply ascribes to the senate the *munus* and *officium* of upholding the citizenry. Cicero, however, besides the function of providing *consilium*, celebrates the *auctoritas* of the senate.⁶⁰⁷ In the cameo of the *Pro Sestio*, which provides the most complete description of *auctoritas patrum*, the senate is described with references to other legal functions, similar to those of *auctor* (*custos*, *praeses*, and *propugnator*). All these functions revolve around the idea that the senate had a duty of protection to the plebs:

Cic. *Sest.* 137: Senatum rei publicae custodem, praesidem,
propugnatorem conlocaverunt; huius ordinis auctoritate uti

⁶⁰⁴ In an ample fragment Powell places at 5.3 someone argues that nothing is more kingly (*regale*) than the administration of justice (*explanationem aequitatis*) and describes Numa's upright attitude to the matters of justice.

⁶⁰⁵ Linke 1995: 40 ff and 70, Magdelain 1947 for the sources see Gell. *N.A.* 5.13.2-4.

⁶⁰⁶ Smith 2006: 256; Linke 1995: 70.

⁶⁰⁷ Cic. *Rep.* 2.59: *compensatio sit et iuris et officii et muneris...auctoritatis in principum consilio.*

magistratus...senatum autem ipsum proximorum ordinum splendore confirmari, plebis libertatem et commoda tueri atque augere voluerunt.⁶⁰⁸

In the three sources examined *auctoritas* is ascribed solely to the senate, while magistrates are simply presented as executive agents. From a formal point of view, the introduction of magistracies did not alter radically the blueprint of the ancestral senatorial *auctoritas*. Under the *libera civitas* this was exerted not only towards the *populus* but towards magistrates, too. On the one hand the senate was to approve the outcome of the people's *suffragia* – elections – although from the fourth century it became customary for the senate to provide anticipated approbation.⁶⁰⁹ On the other hand, magistrates, too, were required to refer to the senate for the discussion of certain matters.⁶¹⁰ It was the latter that could decide, and eventually actualise, what should happen (*quid fieri placeat*) with a *senatus consultum*.

In public oratory, however, the term *auctoritas* and *auctor* were widely used *lato sensu* and could apply to magistrates and to a smaller extent to the *populus*. Just as friends and acquaintances could be *auctores* providing *consilium*, a wide range of actors on the public scene – including the *populus* in certain contexts – were bestowed with *auctoritas*.⁶¹¹ Such a conception of public activity as a duty of protection towards the community is eventually at the root of the political discourse that revolves around the figure of a *princeps* who excels in *auctoritas* – ability to advise – and that takes us to the political discourse of the Emperor as *princeps*. The following explores the ways in which public oratory construed the *munus* and *officium* of each political agent as bearing a duty of *auctor*, i.e. a duty of care and protection of the interest of the *populus*.

⁶⁰⁸ ‘The senate was set up as the guardian, the president, the defender of the State; they willed that the magistrates should be guided by the authority of this Order...Moreover, they wished that the senate itself should be supported by the prestige of the Orders which came immediately next to it, and should always be ready to protect and enlarge the liberty and interests of the commons’.

⁶⁰⁹ *Planc.* 8.

⁶¹⁰ Kunkel 1995: 320. Tensions between the two forms of *auctoritas* could raise, and senatorial *auctoritas* could function against the consuls, and the senate's *auctoritas* towards the magistrates was and still is interpreted in different ways, either as a less binding counsel or as a stronger influence.

⁶¹¹ For the non-technical use see *TLL* 2.1194.65 ff. More in general it is said of those who *ratum habere*. *TLL* 2.1214.30. Cic. *Verr.* 2.144 *tutoris auctoritas apud te ponderis nihil habebat*, Cic. *Flacc.* 84: *nihil ... potest de tutela legitima nisi omnium tutorum auctoritate deminui*.

4.2.2 *Magistrates as auctores*

Regardless of the type of magistracy held, throughout the entire *cursus honorum*, those bestowed with a *munus publicum* – a public office – would fashion themselves as bearer of a duty of care and protection using terms such as *auctor*, *praeses*, and *custos*. *Contiones* and speeches to popular assemblies were ideal contexts for magistrates to represent themselves as *auctores*, more immediately of the Quirites and more generally of the *rp*. Consuls, for example, did not officially exert *auctoritas*, but they would resort to their higher counsel when handling with the people, depicting themselves as *auctores*.⁶¹² The magistrates' and individuals' *auctoritas* was not legally binding but rather more similar to a piece of advice.⁶¹³ This type of *auctoritas*, the capacity of advising, applies to a wider range of political agents: *imperatores*, censors, legates, *quaestores*.⁶¹⁴ They invited the *populus* to follow (*sequi*) their advice and their expertise, *auctoritas*.

Upon his return from Sardinia as quaestor (*ORF* 48.26), C. Gracchus delivered a speech to the people in which he depicts himself as a faithful trustee of the Quirites, stating that he has governed in their interest (*quomodo ex uso vestro existimabam*). Fragments from two further *contiones* (*ORF* 48.30 and 44) attributed to C. Gracchus similarly display a focus on the people's *commoda*. Other sources ascribe to tribunes the *munus* and *officium* of the *custodia* of the plebs. For example, Macer's speech in Sallust's *Historiae* (*Or. Macr.* 6), Cicero's *contio* to the people (*Leg. Agr.* 2. 15) and his defense speech for Rabirius (*Rab.* 12) compare the tribune to *custos* and *praeses* of the people's rights (*libertatis*) Cicero fashions his profile as consul along the lines of contrast with Rullus' inconsiderate tribuneship: the duty of a tribune is depicted as favouring the people's *utilitas* (*Agr.* 2.22). This leadership model does not apply to

⁶¹² Sall. *Orat. Lep.* 27, Tac. *Ann.* 3.28, Cic. *Planc.* 49, *Agr.* 1.27. Fürst 1934: 14. *TLL* 2.1229.25 for a comprehensive survey of *auctoritas consularis*.

⁶¹³ Fürst 1934: 75. If the assembly was to vote on a senatorial decree they were said to follow the senate's *auctoritas*. In the speech upon his return Cicero thanks the people for having approved the *lex Cornelia Caecilia*, granting him the return from the exile. The people is said to have followed Lentulus, the consul designatus, in his advice and proposal (*consilium* and *sententia*) and the senate's *auctoritas*.

⁶¹⁴ Fürst 1934: 13 and *TLL* 2.1225.55, *senatus, rei publicae, magistratum, imperatorum*.

tribunes solely. In the *De Lege Agraria* Cicero describes his *munus* as *popularis consul* as one of safeguard for the *commoda* and *libertas* of the people. The same type of *munus* applies to Pompey's office, *imperator*: he is also said to be *custos* of the people's *commoda* and *libertas*.⁶¹⁵

Contiones, however, were just one of the fora in which the magistrates' *auctoritas* was performed. Magistrates were said to handle public affairs with the *populus* and with the senate (*agere de re p cum senato*). Hence, the senate house, too, was an arena to excel in *auctoritas* and to have one's *consilium* voted on and eventually approved. In the context of senatorial speeches the term *auctor* occurs frequently. In late republican discourse, and especially in Cicero's work, the focus lies on individual *auctores rei p*, rather than on the senate as a group of *auctores*. The term is used in combination with *princeps* and is occasionally applied also to *privati*, rather than exclusively to those who had officially held *munera rei p*, 'offices'. Within the senate, individuals championed a certain cause as *auctores* of *sententiae* and *leges*. In senatorial debates senators themselves were to express their *sententia* according to their *ordo*, which entailed different degrees of *auctoritas*.⁶¹⁶ In *De Oratore* those who held the position of *princeps senatus* (*P. Lentulus*, *Tib. Gracchus the Elder*, *Q. Metellus*, *P. Africanus*, and *C. Laelius*) were said to be *auctor publici consilii*.⁶¹⁷ Consuls, praetors, and senators other than the *princeps senatus* were described as *auctores* whose *consilium* was to follow. The senate can also be invited to follow the consul's (*Agr.* 1.27) or another senator's *auctoritas* (*Phil.* 1.5, *Clu.* 140, *Brut.* 178). For example in the *In Vatinius* the phrase *auctor rei p* is used to describe *C. Curius* (cos. 76). With similar expressions Cicero referred to *Plancus*, then *praetor*, in a letter (*Fam.* 10.6.3: *deinde te senatui bonisque omnibus auctorem, principem, ducem praebeas*). Such designations were not simply Cicero's rhetorical licence but belonged to common parlance. In *Sest.*

⁶¹⁵ *Imp.* 50. 63: The people is in charge of '*deligere, mittere*' as the one to whom the state is to be entrusted (*committere*). The *lex Gabinia* of 63 BC endows Pompey with the *imperium proconsulare maius*, which the *lex Manilia*, in support of which the oration is delivered, aimed to and eventually did confirm.

⁶¹⁶ Ryan 1998 and Bonnefond-Coudry 1989.

⁶¹⁷ For problems with the attestation see Ryan 1998: 171 ff.

8.19 Cicero reports the public opinion according to which Piso, elected consul in 57, seemed like ‘someone the senate could follow, an *auctor* and *dux bonus*’. In his speeches and letters Cicero urges his fellow senators to be of help (*auctor*) to the senate (*Phil.* 1.30 and 8.13, 9.7). In the discourse of the late republic *privati*, too, could influence public life through their *auctoritas* (*Pis.* 8, *Imp. Pomp.* 68, *Att.* 1.19.4). For example, the oration Sallust ascribes to Macer describes Pompey as *auctor* of the *tribunicia potestas* (*Or. Macr.* 23). The most patent example of *auctoritas privata* is Octavian’s. In the *RG* he presents himself as the one rescuing the *rp* in his capacity of *privatus*. For this reason, in *Phil.* 3.2 Cicero begs the senate to grant Octavian *auctoritas*, so that he would officially take control of public affairs, which he expresses as *rp commissa* as opposed to the simple *suscipere rp*, take control over the public affairs.

The prominence of *auctoritas* as a quintessential political virtue encompasses Book Two of the *De Re Publica*. While this is often celebrated as a description of the Roman constitution as a mixed one, in fact it revolves around the ability of the ruling class to exercise their *auctoritas*. At the beginning of his discussion in Book One, Scipio defines the best type of state as moderate mixture of the three simple types (*Rep.* 1.43 *ex tribus generibus illis, regali et optimati et populari, confusa modice*).⁶¹⁸ The language Cicero uses when describing the trajectory of the Roman constitution from kingship to the mixed constitution is imbued with references to *auctoritas*.⁶¹⁹ After the *regnum* degenerated into tyrannis, Rome went through a phase of aristocratic rule. Scipio phrases this period as a progressive adjustment of *auctoritas*.

The extension of *provocatio* through the *leges Valeria* (509/ 8 BC) and *Valeria Horatia* (449 BC) is praised as a stratagem by which the *principes* retained their

⁶¹⁸ See Asmis 2004: 377 for a compact literature review on this topic. Analogies and differences between Polybius and Cicero were respectively at the centre of Taeger 1922, Pohlenz 1931, Pöschl 1936, who discusses analogies with Plato. Until a certain stage Rome’s constitution was like Carthage and Sparta simply *mixta*, then became *temperata*. A closer look to Scipio’s definition of mixed constitutions, suggests that Rome’s was not just a mixed constitution, it was a temperate one, too.

⁶¹⁹ *Rep.* 2.42.

auctoritas (*Rep.* 2.54: *modica libertate populo data facilius tenuit auctoritatem principum*).⁶²⁰ This period is one of relative stability in which little is in the hands of the *populus* (*pauca populi*) and the majority of matters (*plera*) is under the senate's *auctoritas*, while the consuls had *regia potestas*. Such balance was swept away by the institution of the tribunate of the *plebs* (*Rep.* 2.57).⁶²¹ At this point the constitution is described as a mixed one, where magistrates need to have enough (*satis*) *auctoritas*, the *principes consilium*, and the *populus* has *libertas*.⁶²² Nonetheless a few lines later this balance is described as one where the senate's *auctoritas*, which should have been diminished, is still flourishing: *cum summa esset auctoritas in senatu populo patiente atque parente*.⁶²³ The episode of the *Decemviri* marks the deterioration of the ideal aristocracy and hence functions as a contrast picture to the previous phase, the ideal aristocratic rule in which the senate abides by the blueprint of guarantor of the public interest.⁶²⁴ Overall, a substantial part of Book Two dwells on the 'aristocratic' component and on the model of virtuous *auctoritas*, while the notion of *libertas populi* is barely touched upon. The prominent role of the *principes* can be further linked to Scipio's remark in Book One, according to which even a temperate constitution relies on the morality of its *principes* (*Rep.* 1.69: *non ferme sine magnis principum vitiis evenit*).⁶²⁵ Similarly in the *De Legibus*, written in the same period, Cicero discusses further Scipio's constitution and the idea of *temperatio rei p*, which eventually rests in the hands of the magistrates.⁶²⁶

4.2.3 *Populus* as *auctor*

⁶²⁰ For historical accuracy see Zetzel 2001: 210 Bleicken 1979: 210 for the *provocatio* as bulwark of republican *libertas* see Wirszubski 1950: 25.

⁶²¹ The tribunate of the *plebs* (494 BC) was instituted to countercheck royal authority (first described as consular and then as senatorial). See also Heuss 1975: 25.

⁶²² *Sim. Rep.* 1.69: *quiddam praestans et regale, aliud auctoritati principum, quasdam iudicio voluntatique multitudinis*.

⁶²³ *Rep.* 2. 59.

⁶²⁴ Zetzel 1995: 215.

⁶²⁵ Powell 2006: 25.

⁶²⁶ *Leg.* 3.12: *Haec est enim, quam Scipio laudat in illis libris et quam maxime probat, temperatio rei publicae, quae effici non potuisset, nisi tali descriptione magistratum.*

In the setting of *contiones*, occasionally magistrates would ascribe to the *populus* the duty to act as *auctor* of the *rp*. In his first speech to the people, delivered as *praetor* in support of the *lex Manilia*, Cicero described the *populus* as the political body in charge of providing counsel (*Man.* 24, 63: *consulere rei publicae*). The *auctoritas* of the *populus* was contrasted, albeit indirectly, with that of Hortensius and Catulus (*Man.* 51), who had opposed the bill Cicero was trying to have passed. In this case *auctoritas* could have referred to the opinion expressed a year earlier when the people passed the *lex Gabinia*. This would be an exceptional use of the term *auctoritas*, which cannot apply to the *auctoritates*—the actual measures passed by popular vote. In a similar way, in the first speech delivered to the people as consul - concerned with opposing Rullus' agrarian bill - Cicero reassured the people that if they did not agree with him he would follow their opinion - *auctoritas* (*Agr.* 2.16: *si falsa vobis videbuntur (ea quae exposuero) esse, sequar auctoritatem vestram*).⁶²⁷ Other occurrences of the phrase *auctoritas populi* are *Phil.* 6.18, where the *populus* is said to have confirmed the Senate's decision by means of their own *auctoritas*.⁶²⁸

Auctoritas populi must have referred to the public opinion in general rather than to the technical *auctoritas* with binding consequences. Ascribing the role of *auctor* to the *populus* may be understood as part of a role-exchange mechanism, 'the attitude between socially unequal parts, in which the dominant part gives up their superiority and behaves as if they were on the same level as the inferior part. This process does not aim to stamp out differences, but rather to suspend temporarily its awareness'.⁶²⁹ This is aimed at enhancing the people's prestige in the public scene. However, because it was the job of the orator to enact such a mechanism, the prestige of the people was simply a projection of his strategy rather than an actual feature of the *populus* as a political agent.⁶³⁰

⁶²⁷ Laser 1997: 149.

⁶²⁸ Manuwald 2007: 816. The Senate is not dependent on encouragement by the people, but rather confirmed in its already firm attitude.

⁶²⁹ Hölkeskamp 2014: 214. Fürst 1934: 72 reads these occurrences as '*captatio benevolentiae*'. For the different sense of *auctoritas populi* in foreign policy see Fürst 1934: 69-73.

⁶³⁰ And this was an occasional strategy rather than a characteristic trait of *contiones*.

4.2.4 *Auctores* under the *princeps*

Indeed, several decades after the alleged fall of the ‘republic’, the deeds of the Emperor-*princeps* were still gauged according to their positive (or negative) impact on the *rp*. In Tacitus’ *Historiae*, emperors are occasionally praised in virtue of their nurturing attitude towards the *rp*. The fact that Galba would not pay his army strikes Tacitus as a *vox pro re publica honesta* (*Hist.* 1.5), and the emperor is nonetheless moved – Tacitus believes – by some sort of *cura rei publicae* (*Hist.* 1.13). Pliny’s praise of Trajan’s care for the *rp* is broadly discussed and commented upon. Phrases expressing care and interest for the *rp* consistently feature in the corpus of the *Panegyrici Latini* - eleven panegyric orations to emperors delivered in Gallia between the third and fourth centuries AD.⁶³¹ Surprisingly, the Emperor Hadrian is reported not only to have been acquainted with Cicero’s definition of *res publica*, but also to have used it. In the *Historia Augusta*, it is reported that he used to say - in his speeches to the Senate as well as in *contiones* - that he pledged to handle the *rp* as *res populi* rather than as his own *res (propria)*:

Hist. Aug. Had. 1.6: et in contione et in senatu saepe dixit ita se rem publicam gesturum ut scirent populi rem esse, non propriam.

Throughout the principate and despite the centralisation of political control in the hands of the Emperor the way the Roman senatorial and equestrian elite would fashion themselves remains attached to the duty of care towards the *rp*. Tacitus in his *Historiae* (*Hist.* 50.1) contrasts the ‘normal state of affairs’, where only senate and *equites* are said to have *cura* – ‘care’ – and *pars* – ‘share’ – in the *rp*, with the catastrophic political situation in 69 AD, where even the *vulgus* was concerned.⁶³² The *declamationes minores* and *maiores* as well as Seneca the Elder’s *suasoriae* and *controversiae* do not shun the term *rp*, and purport the image of a *civis* that is useful to the community and

⁶³¹ *Rp* appears at least 7 times, e.g. *amor rei p.* Sim. in Frontinus *Aq.* 1.1.

⁶³² Tac. *Hist.* 1. 35.1, 50.1, 89.1, 4.38.3. Tacitus consistently describes the *vulgus* as excluded from *rp* and its *cura* Newbold 1976.

*meritus rei p.*⁶³³ This, however, is not the only remnant of the political culture of the *civitas libera*.

The ethos of the *princeps*-Emperor subsumes the characteristic traits of the self-representation of *rex* and magistrates as *auctores* in the earlier phases of the *libera res publica*. To some extent, as suggested above, such *princeps* overlaps with the profile of the Roman ancestral kings. Eder and Leppin distinguish between two political taxonomies in Greek antiquity.⁶³⁴ One discourse is concerned with individual ethics, another instead focuses on types of constitutions. Unlike the Greek political taxonomy, which distinguishes between ‘constitutional types’, the Roman political taxonomy distinguishes between ‘types of rulers’. A ‘genuinely Roman’ political taxonomy (as opposed to the Greek state-typology) is one based on the moral characteristics of the ruler rather than on the type of constitution. Rulers are gauged according to their ethical attitude.⁶³⁵ This type of taxonomy finds correspondence in the Greek theory of enlightened monarchy developed in the Hellenistic Age and presented an ideal of tamed and measured absolute but found resonance in earlier philosophical works, such as Plato’s.⁶³⁶ In this context monarchy is portrayed as a ‘glorious servitude’ in which the king takes constant care of the common interest.⁶³⁷ Scholarship has mainly focused on the continuity between Cicero’s ideal of the *princeps rei p.* in the *De Re Publica* and Augustus’ self-representation as *princeps*. In outlining the *princeps* Cicero does not solely tap into the philosophical tradition of Plato’s *Politeia*.⁶³⁸ Roman political culture, however, already had a similar model, that of the ancestral *rex* or *pater*, who from a

⁶³³ The term appears 192 times in the whole Quintilian corpus, including the pseudo-Quintilian *declamationes* which scholars unanimously date to second century AD and 134 times in the work of Seneca the Elder. Note that when commenting on the different characterisation of the ‘civic man’ in Cicero and Quintilian Skinner 1969: 69 suggests that ‘whereas Cicero concentrates on the *res publica*, Quintilian also considers the duties of a *bonus civis* under a monarchy, the object of care and concern of the *bonus civis* is nonetheless always the *res publica*.’

⁶³⁴ 2010.

⁶³⁵ See Colish 1978 and Skinner 1990 for the influence of this type of taxonomy on the code of honour of the Early-modern *princeps*.

⁶³⁶ Eckstein 2008: 253.

⁶³⁷ Volkmann 1967.

⁶³⁸ On *Rep.* specifically see Heinze 1924 Lepore 1954, and Krarup 1956, and Pohlenz 1931 more general on an ‘antikes Führertum’'s model. More recently Powell 2012 and Zarecki 2014 on the statesman as ‘type’ and ‘category’.

very early stage had been characterised as the one who was taking care of the public interest, *rp*. The discourse on the virtuous *princeps* does not have to be interpreted as a philo-monarchic tendency; it can instead be seen as a progressive justification of the role of an aristocracy that derived its moral code from an ideal of *pater-rex*.⁶³⁹

Such an approach eventually requires an exploration of the ambivalent relationship between *rex* and *rp*. In Book Three of *De Re Publica* (3.47) Scipio observes that the term *rex* triggers a negative reaction and an association with an unjust king (*occurrit animis rex iniustus*). Mainly when employed as a term of comparison for political adversaries, *rex* has a less positive connotation.⁶⁴⁰ In this use, however, someone is said *rex* for its psychological and moral faults rather than for being the ‘sole ruler’. Allen observes that the negative connotation of *rex* and *regnum* comes closer to the meaning of ‘excessive power in the republic’ rather than to the meaning of ‘monarchy’.⁶⁴¹ In Plautus and Terence *rex* indicates anyone who is excessive in terms of wishes, riches, and power or influence. Sallust calls *rex* those who do what they want, hence emphasising the psychological aspect of the figure of king: ‘*nam impune quae lubet facere, id est regem esse*’.⁶⁴² Cato is the first to employ the term in political invectives, which he does against Q. Minucius Thermus for having commissioners beaten.⁶⁴³

A careful analysis of these descriptions suggests, however, that the negative depiction of the Roman king is fashioned along the lines of the Greek tyrant rather than

⁶³⁹ Eder 1995 has interpreted the Athenian panegyric tradition as an expression of a justification of the role of aristocracy rather than as a philo-monarchic tendency. On *princeps* or *rector rei p* see Béranger 1959, More recent contributions by Powell 2012 and Zarecki 2014 interpreted the as a political ‘type’ or ‘category’.

⁶⁴⁰ Miller 1978 comparing mythology and epic shows that aristocracy and kingdom always present themselves as a reaction against the ‘constricting’ rule of one. See Allen 1953: 232 for neutral usage of the term.

⁶⁴¹ Allen 1953: 235. However, see the accusation of overthrowing the *rp* in Cicero’s *Catilinarian Orations*.

⁶⁴² *Iug.* 31.

⁶⁴³ *ORF* 17, Dunkle 1967: 157. *FRH*² 16 Hemina’s fragment (146 BC ca.) attests the formula *occupare regnum* possibly connected to the *crimen regni*.

along those of the ‘ancient *reges*’.⁶⁴⁴ Τυραννίς initially indicates someone who seizes power illegally but does not designate an unjust ruler. By the time the term makes its way transfers into Latin (Accius' *Atreus*, ca. 185-70 BC,), it has already acquired a negative connotation. The charge against Ti. Gracchus allegedly included the accusation of wearing a diadem and a purple robe (Plut. *Ti. Gracch.* 14.3) and allegedly Nasica called him a tyrant rather than a *rex*. Cicero associates tyranny with Clodius (*Dom.* 110, *privilegiis tyrannicis*). C. Cassius calls Antony and Dolabella (*Fam.* 12.12.2) tyrants. The psychological traits composing the bad king's or tyrant's profile are *superbia*, *libido*, *crudelitas*, *nefas*. The same charges are made by Torquatus against Cicero in the *Pro Sulla*; Cicero expects similar accusations to arise if he were to punish Catiline (*Cat.* 1.30, *Dom.* 75, 93-4 and *Fam.* 7.24.1).⁶⁴⁵ Similar charges apply to Clodius, Piso, and Gabinius for forbidding public mourning to the senators upon Cicero's exile.⁶⁴⁶ In the *Philippics*, Cicero deplors Antony's *libido*, *vis* and *crudelis superba dominatio* for disobeying Caesar's will and for threatening the senate with his bodyguard. In these instances *regnum* and *rex* do not have the force of legal or constitutional definition.⁶⁴⁷ The terms are only applied indirectly those who have unlimited and supreme power and become greedy, violent, and corrupted.

4.2.5 *Auctoritas* as *munus*

Positions of political prominence, whether real or stated, whether the consul's or the *populus*, were characterised by *auctoritas*. Those holding such positions were deemed *auctores* and *tutores rei p*, guarantors of the public interest. In this respect the Roman political *mos* followed one single pattern and could be adapted to different political agents and can be replicated on different levels. In the *De Officiis*, the last of Cicero's theoretical works, the focus falls on the definition of a more general duty of those acting as public officers rather than on the duties of each specific component of

⁶⁴⁴ Dunkle 1967: 153, 160 compares the almost identical *Rhet. Her.* 2.49 and *Cic. Inv.* 1.102.

⁶⁴⁵ Clodius destroys Cicero's house following a practice against potential monarchs dating back to the fifth century (*Cic. Dom.* 101), Dunkle 1967: 166.

⁶⁴⁶ Dunkle 1967: 164-5 not only by Cicero but by Pompey and Cotta.

⁶⁴⁷ However Cicero defines at least once in the course of *Rep.* the *rex* as absolute, temporally illimited power: Scipio warns the readers that *rex* simply indicates those who exert sole and perpetual authority (*qui soli in populos perpetuam potestatem haberent*).

the body politic.⁶⁴⁸ Cicero suggests that *officia* vary according to one's age and standing: different types of duties pertain to magistrates and private citizens, to holders of citizenship and to strangers.⁶⁴⁹ In the introduction to *De Officiis* Cicero refers to these four fields of action as *negotia*, 'activities'. As such, however, they should be underpinned by *officia*, duties (*Off.* 1.2). *Officium* is a translation from the Greek καθήκον. From Cicero's correspondence with Atticus we learn that it was crucial that the Latin term chosen to translate the Greek word as fitting in the political terminology.⁶⁵⁰ Cicero supports his choice of *officium* on the basis that the term was used to define the political moral duty of officials.⁶⁵¹

In two passages this generally defined 'public duty' emerges with better clarity. At 1.85 Cicero defines the general notion of *procuratio rei p*, at 1.124 he contrasts the *munus* of the magistrates with that of private citizens:

Cic. *Off.* 1.85: Ut enim tutela, sic procuratio rei publicae ad eorum utilitatem, qui commissi sunt, non ad eorum, quibus commissa est, gerenda est.⁶⁵²

Cic. *Off.* 1.124: Est igitur proprium munus magistratus intellegere se gerere personam civitatis debereque eius dignitatem et decus sustinere, servare leges, iura describere, ea fidei suae commissa meminisse.⁶⁵³

Both passages describe the exercise of public activity as a duty of care of something that is entrusted (both passages use the term *committere*). Each passage informs an abstract

⁶⁴⁸ This focus on general political practice is maybe to be explained with Panaetius' interest for the role of magistrates. By *Leg.* 3.5-6 we are informed of one of his (lost) works on magistrates.

⁶⁴⁹ Büchner 1954: 431.

⁶⁵⁰ Dyck 1996: 8 for the semantic texture of *officium* and for the difference between the Latin term and the Greek and English renderings.

⁶⁵¹ *Att.* 16.14.2: *Nonne dicimus consulum officium, senatus officium, imperatoris officium?* Candidates, furthermore, are described as *officiosi*, conversely the *officiosi labores* are the endeavours in favour of the community (*Pis.* 55, *Mur.* 69, *Mil.* 12).

⁶⁵² 'For the administration of the *rp*, like the office of a trustee, must be conducted for the benefit of those entrusted to one's care, not of those to whom it is entrusted.'

⁶⁵³ 'It is, then, peculiarly the place of a magistrate to bear in mind that he represents the state and that it is his duty to uphold its honour and its dignity, to enforce the law, to dispense to all their constitutional rights, and to remember that all this has been committed to him as a sacred trust.'

and generic idea of *munus rei p* along the lines of a private *munus*.⁶⁵⁴ In the first case the *munus* is that of *tutela*, ‘trusteeship’. Public activity and trusteeship require the statesman and the trustee not to follow their own interest but rather to follow the interest of their ward.⁶⁵⁵ In the second instance the magistrate’s duty is described with the same phrase used for the action of representing other people in court, *personam gerere*. Roman custom counts a number of *munera* that required one to act on behalf of another and in their interest, Gellius suggests that *tutela* and *clientela* were the most prestigious.⁶⁵⁶

In the public discourse, however, the interest of *rp* is defined in different ways. On the one hand Gracchus equated the *commoda rei p* to the *desiderium populi*, on the other hand other sources warned magistrates from following the *studia populi*.⁶⁵⁷ A similar notion emerges at *Sul.* 25.8 where a politician is said to be in charge of consulting people’s advantage over their will (*populi utilitati magis consulere quam voluntati*).⁶⁵⁸ In *Sest.* 103.55 Cicero warns that in many instances the desires of the multitude and the advantage of the people (*multitudinis studium ac populi commodum*) diverged from the *utilitas rei publicae*. In *Off.* 1.85 *utilitas communis* is defined as advantage of ‘those who entrust themselves’, which is then articulated in the ‘non-prevalence of the interests of one party’.⁶⁵⁹ This suggests that the *populus* is to be understood as *universus*, rather than as a segment of the population, or as constituent

⁶⁵⁴ Saller: 1984. These are not *munera rei p* but *munera privata*, institutional duties one would take up in the household or in private relationships.

⁶⁵⁵ In what is possibly an excerpt of Book Three of *De Re Publica* Augustine (*Rep.* 3.36) suggests that by nature political rule is always assigned to the best (*optimo cuique dominatum datum*) for the sake of the advantage of the weakest (*utilitate infirmorum*).

⁶⁵⁶ The relationship could be paritarian: The *mandatum*, as described in the *Pro Roscio* (38.111) is based on *amicitia* and is broken whenever the one who is in charge pursues his own gain (*sui questus aut commodi causa*). Someone in a superior position could entrust himself to someone inferior: *Custos*, *procurator*, and *vilicus* are people to whom the handling of someone's property (normally that of the *dominus*) is entrusted.⁶⁵⁶ *Vilicus* is the one (slave or freedman) in charge of the villa in *absentia* of the owner, *custos* is a bodyguard as well as protector (with sacral connotation too), *procurator* is the one in charge of administering large properties on behalf of the *dominus*.

⁶⁵⁷ The *desiderium populi* is equalled to the *commoda rei p*.

⁶⁵⁸ Berry 1996: 191, compares with *Cat.* 4.9, *Am.* 93, and other later occurrences.

⁶⁵⁹ The worst rulers are those who care for only one part of the citizens (*qui autem parti civium consulunt, partem negligunt*) whereas the ideal ruler should be concerned with everybody’s advantage (*‘studiosus universorum’*).

power as opposed to constituted power.⁶⁶⁰ In fact public rhetoric does not elaborate on the idea of conflicting interests between the *universus populus* and its segments. The former's interest is *otium* (understood as political stability), the latter's are *commoda*.⁶⁶¹

Conclusions

Often *rp* is juxtaposed to different fields of actions and endeavours: those performed at home, in the *forum*, and when holding public offices.⁶⁶² *Munus rei p* and *munera privata* such as *tutela* shared a number of characteristics: both *munera* were completely gratuitous and were informed by a relation of subalternity between the two parts. Similarly, political engagement and *munera privata* were possible only as a result of *otium*. The handling of *rp* was not a mere *negotium*, it was instead better defined as *cura*: in fact only those who were free from other types of *negotia* were not only able, but also expected to devote time to the *rp*.⁶⁶³ The concept of *rp*, hence, can be defined as an aristocratic practice informed by a specific moral attitude of care towards what is shared by the community.

This definition of *rp* as activity and duty both encompasses the different *formae rei p* and institutional set-ups, because it pertains to individuals rather than to organisations. Instead, it can fit *rex*, the magistrates and senate, and the emperor alike. In the opening of *Roman Republics* Flower observes that since Latin does not mark the difference between definite and indefinite article, no difference can be expressed between *a* – any - *rp* and *the* – one specific - *rp*. Latin language does not distinguish between ‘the republic’, as a uniform, monolithic historical instance, and several republics the so-called republic might originate from or have developed into. This

⁶⁶⁰ For the etymology *TLL* 10.1.2713.55 ff. On the semantic shift of *populus* see Kühnert 1989. On the political concept see Peppe 1990. It is of course a different matter, and one beyond the scope of the present work, to understand whose interests (*plebs urbana*, equites) were actually advanced by senators and consuls.

⁶⁶¹ Laser 2001: 182. In *contiones* there is a stronger emphasis on *libertas populi*.

⁶⁶² Cic. *Cael.* 18, *Fin.* 4.25. For further sample of this juxtaposition see Drexler, *TLL* on *res privata*. *De Orat.* 1.34, 78. See Fantham 2004: 312 ff. *Fam.* 5.1.1, 16.4.3.

⁶⁶³ Nörr 1965. A different interpretation is given by Wirszubski 1954.

observation serves as a starting point for developing a theory of the existence of different republican constitutions - several republics - within the timespan of the 'Roman republic', which - she argues - would end in 60 BC. The definition of *rp* as 'institutional order' provided in chapter three suggests that Flower's observation can be taken much further. In this sense the term *rp* was rightly used regardless of the type of institutional order.⁶⁶⁴ Similarly the definition of *rp* as *cura* and *negotium* of what is not one's own but is instead of the community goes beyond the institutional and chronological boundaries of the 'republic'.

In conclusion, Latin did not have an antonym for *rp* except for *res private*, where both are understood as 'matters' or 'affair'. The Roman political taxonomy seems instead grounded on the type of ruler. Regardless of the number of people in power, and regardless of the constitutional set-up, the Roman political discourse consistently highlights the duty of protection of the *rp* by those in power. On the other hand, the same political discourse rejects those rulers - regardless of their number and status - who handle the *rp* as if it were their own and for their own interest. Rather than a property of the *populus*, *res publica* is better described as a *res* that is non-*propria* but that can be successfully handled by public-minded *rex*, *principes*, or magistrates. When *rp* ceased to be '*populi*' to become '*privata*' - of the Emperor - it does not necessarily cease to be handled according to the traditional *mos*. Indeed the *Historia Augusta* celebrates Hadrian for refraining to handle the *rp* as *propria*.⁶⁶⁵ The analogy rests in the attitude of the statesman - be he a *rex*, a member of a ruling class - an *optimas*, or the *princeps* - to the *rp*, public interest.

⁶⁶⁴ Flower 2008: 23.

⁶⁶⁵ An understanding that would resemble and reflect Baron's theory of 'civic humanism' (otherwise defined by political theorists as 'classical republicanism'), a civic ideology rather than a constitutional theory based on the exercise of civic virtues. How this ideology was shaped by Ciceronian rhetoric is discussed by Seigel 1966, Witt 1990 but especially Nicgorski 1991.

General Conclusions

The aim of this thesis, as set out in the Introduction, was twofold. On the one hand, on a purely semantic level, the work sought to question the conventional translation of *res publica*, ‘republic’, a specific type of government, offering instead alternative renderings. On the other hand, on a conceptual level, this enquiry aimed at discarding the equivalence between the concept of *res publica* and the contemporary understanding of ‘republic’, unearthing alternative conceptual frameworks underlying the Latin term and informing Roman political thought, its discourse, and its political taxonomy.

Chapter One and Chapter Two of the thesis, with their focus on semantics, respectively questioned the equivalence *res publica*/ ‘republic’ and provided alternative translations.

Through an exercise in historical linguistics in Chapter One, the formal, etymological relationship between ‘republic’ and its Latin cognate was dissected: throughout history the terms *res publica*, ‘republic’, and their cognates pointed to a plethora of diverse concepts, and only fairly recently ‘republic’ came to denote a *species* of government. Chapter One cast in clear terms the conceptual hiatus between ‘republic’ and *res publica*, estranging the two cognates from each other.

Chapter Two, with its semasiological approach, questioned the etymological and literal rendering of *res publica* as ‘property’ putting forward instead a polysemous reading, based on the contexts in which the term is used. Depending on the verbs and prepositions *res publica* is combined with, it can be rendered as public/ political ‘matters’, ‘influence’, ‘domain’, ‘engagement’, ‘office’, and ‘interest’. While these translations are distant from our understanding of ‘republic’, Chapter Two also showed that *res publica* could convey a range of meanings closer to the sense of ‘state’ as political organisation, such as ‘institutional systems’, ‘constitution’, and ‘citizenry’. As a result of such analysis, Cicero’s ‘etymological’ definition of *res publica* as *res populi* is revised and explained as a rhetorical strategy rather than as the source unveiling the pristine meaning of *res publica*.

Chapter Three and Chapter Four redefined the twofold conceptual dimension of the term *res publica*, based on the two core meanings of the term as unfolded in Chapter Two: *res publica* as ‘matters’ and *res publica* as ‘political organisation’.

By questioning the equivalence between the ‘Roman Republic’ and *res publica* when the latter bears the meaning of ‘public/ political order’, Chapter Three unveiled a crucial difference between the Greek political taxonomy and the Roman one.

Through a diachronic comparison, the chapter surveyed the connotations of the term *res publica* when it is used to refer to the Roman ‘monarchic’ state, to the Roman ‘republican’ state, and to the Roman ‘principate’. When used in the sense of ‘political order’ the term *res publica* refers to a peaceful and ordered condition of civic life, ranging from ‘public security’ to ‘civic cohesion’. This is the connotation the term retains under the so-called ‘principate’, too.

Such conceptualisation of *res publica* is fully conversant with what anthropologists have defined as ‘archaic concept of state’ rather than being conceptualised as a specific type of ‘republican’ government *ante litteram*. It transpires that in *Rep.* 1.39 Cicero was trying to define a general concept of state, rather than ‘the republic’ specifically. Most importantly, the surveyed passages suggest that, unlike the Greek political taxonomy, the Roman political taxonomy does not articulate into constitutional types, but rather distinguishes between ‘state’ and ‘lack of state’.

Chapter Four delved in the conceptual implications of the understanding of *res publica* as ‘matters’, exploring the scenarios in which it is used, and unearthing a novel facet of the Roman political taxonomy.

While according to the ‘genealogy of republic’ this sense of *res publica* does not contribute to the shaping of the modern concept of ‘republic’, the lexicographic analysis in Chapter Two suggests that in ancient sources *res publica* was most commonly used in the sense of ‘matters’. This sense of *res publica* indeed holds the key to a less conventional definition of *res publica*. When understood as ‘political activity’ and ‘political engagement’ *res publica* points to an aristocratic practice of political participation informed by a specific moral attitude of care towards what is shared by the

community. The ideal ancestral *rex*, the virtuous ‘republican’ magistrates as well as the dutiful emperor are portrayed as abiding by this ethos.

Unlike the political taxonomy the concept of ‘republic’ is nested into, and unlike the Greek constitutional taxonomy, the Roman political taxonomy distinguishes between models of leaders, contrasting those who handle public affairs as the community’s and those handling public affairs for their own interest. While the sense of *res publica* as ‘matters’ does not pervade Medieval sources, the leadership model it projects informed the leadership model of the ‘Renaissance Prince’.

The meaning and concept of *res publica* have a protean nature, one that contains but is not contained by the contemporary ‘republic’. Its polysemy is fully grasped by framing *res publica* both as an organisational set-up and as a civic practice. Only by doing so the pervasive conceptual legacy of this Latin term can be unravelled on the one hand, while appreciating the uniqueness of its import.

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