

ETATIC AND NON-ETATIC APPROACHES TO THE STUDY OF ANCIENT CIVIL COMMUNITY: DISCUSSIONS ON CIVITAS ROMANA¹

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The article is devoted to the analysis of discussions on the application of the concept of “state” to the civil community of ancient Rome and to the created by it, Mediterranean power, the core of which it continued to be during not only the period of the Republic, but also the Principate.

The most frequently used definitions of the concept of “state” in historiography by G. Jellinek and C. Schmitt, and presents the points of view of researchers who apply these definitions to *civitas Romana*, adhering for the etatic and non-etatic approaches to it. The article emphasizes the arguments of U. Walter, who considered ancient civil communities as states. The course and outcome of the debates on this issue are analyzed, including the discussion on the emergence of the state in Rome on the pages of the “Journal of Ancient History” in 1989–1990 based on the article by E.M. Shtaerman “On the Problem of the Emergence of the State in Rome” and the discussion on the article by B.D. Shaw “Was the Roman State a State?” in the journal “Medieval Worlds” in 2023. It is shown that researchers have proceeded from different definitions of the state, but to the question of whether the *civitas Romana*, as well as the Mediterranean power built on top of it, was a state, they have given and continue to give a positive answer most often — at least since the Republican era. The author of this article adheres to the etatic position and believes that in the future it is possible for the majority of scholars to adopt a universal definition of the state as a type of social organization containing indications of its constituent elements and basic functions; this will also be facilitated by discussions about whether the ancient poleis in their Greek and Roman versions were states.

Keywords: *civitas Romana*, concept of “state”, definitions, discussions, etatic and non-etatic approaches.

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INTRODUCTION

The civil community, being a structure-forming element of ancient civilization, serves as a central object of study, both in its Greek model (πόλις) and in the Roman (civitas). In the process of long-term research in the world historiography of both versions of the ancient civil community, two approaches were developed – etatic (recognition of the state organization of society) and non-etatic (denial of such), which led to controversial discussions. Let us consider them in relation to the Roman model; a new round of discussion about whether the Roman *civitas* was a state occurred in 2023 (Shaw 2023a: 3–36; Debate: 37–71), which indicates the continued scientific relevance of the issue. It is to this latter discussion that I will try to give priority attention in this article. But first, the general line of development of the discussions must be presented.

Until the mid-20th century, the concept of “state” was applied to the Roman community in classical studies as a matter of course. But in the 1960s, the Spanish specialist in Roman law A. d’Ors y Pérez-Peix began to deny the legitimacy of such use (D’Ors y Pérez-Peix 1965: 107–164). His position found support, above all, in Spanish and Italian historiography, while in German, English, American and Russian historical science the etatic approach prevailed (although there are exceptions everywhere). In general, the rise of controversial discussions of the problem in world classical studies occurred in the late 80s – mid-90s of the 20th century, in the 10s of the 21st century and at the end of its first quarter.

Supporters of the non-static approach believe that this concept has only a modern content (not earlier than the beginning of the New Age) and presupposes a representative method of forming power, and not direct democracy (as in Athens) or regular legislative activity of the entire people (as in Rome). In response to this, I once published an article (Dementyewa 2010: 107–141) in which I tried to prove in detail that it was in the Roman Republic that the foundation of the principle of representativeness was laid. I sought to argue that in Rome the idea of delegating state sovereignty from the people to its representative (magistrates) was developed, and the beginning of the formation of mechanisms for ensuring the representation of the interests of the civil collective was laid.

At present, the use of the concept of “state” in the categorical apparatus of modern classical studies in general and the study of Roman history in particular remains controversial.

I. BASIC DEFINITIONS OF THE CONCEPT OF “STATE”. APPLICATION OF THESE DEFINITIONS TO THE *CIVITAS ROMANA*

It is obvious that the recognition or non-recognition of the statehood of the *civitas Romana* rests on the definition of the concept of “state”. Theorists of various philosophical and political science schools have proposed different definitions. Jean-Jacques Rousseau, who, as is widely known, created the theory of the “social contract” to explain the process of the emergence of the state, when everyone submits to the general will, considered the state as a “political body” (*corps politique*), all members of which, since they are participants in sovereign power, are citizens, and since they are subject to laws – subjects (see about this: Nippel 2003b: 1460). Rousseau’s ideas about the state, his understanding of the state as a philosophical category, in general and on the whole do not contradict what we know about the political organization of ancient communities, including the Roman *civitas* of the archaic era. The tradition of the French classical school, although, as Karl-Joachim Hölkeskamp emphasizes, it is not characterized by a fixation on the “state” and other abstract concepts (Hölkeskamp 1997: 111), preserved the idea of the formation of political relations on the basis of social ties in the family and community. Thus, Numa Denis Fustel de Coulanges believed that the power of the state in ancient times was based on the fact that political institutions developed step by step from the organs of care for the cults of families and clan unions. Henri-Benjamin Constant de Rebecque, comparing the state of his time with the ancient one, noted that in Antiquity, state power touches private life, the most intimate domestic sphere, and in modern times an independent individual in his private existence in free states is sovereign, at least only outwardly (see about this: Nippel 2003: 58–59).

In German science, one of the most authoritative specialists in Antiquity, Eduard Meyer, defined the state at the beginning of the 20th century as the “dominierende Form des sozialen Verbandes”, emphasizing the following: “Wir müssen daher den staatlichen Verband nicht nur begrifflich, sondern auch geschichtlich als die primäre Form der menschlichen Gemeinschaft betrachten, eben als denjenigen sozialen Verband...” (quoted from Walter 1998: 13). Ed. Meyer gave such a definition, as U. Walter notes, in line with the German tradition, since back in the 1830s Friedrich Christoph Dahlmann wrote that “Der Staat... ist eine ursprüngliche Ordnung, ein nothwendige Zustand, ein Vermögen der Menschheit...” (Walter 1998: 14). The position formulated by Ed. Meyer was adhered to by the majority of classical scholars of his and subsequent generations.

However, the study of the genesis of the Greek polis and the Roman community forced a change in the idea of the originally historically given state. The rejection of the understanding of the state as a state initially inherent to European society again made the question of the legitimacy of applying this concept to it relevant for researchers and to a certain extent contributed to the development of a negative tendency in its solution.

It is scientifically more fruitful to search for a definition of the state based on the interrelation of the concepts of “political” and “state”, which is present, for example, in Max Weber conception. He defined the state as a special version of a political community (union) (see about this: Nippel 2003b: 1460). He considered the political community sociologically, i.e. social activity was taken into account, not only in relation to the goals pursued, but also by its specific means, namely the implementation of physical power. M. Weber defines the state through the successful implementation of a monopoly on the use of legitimate physical power, extending to a certain territory — in this case, as W. Nippel emphasizes, the phenomenon of “Western modernity” was discussed.

The state in Marxist theory is defined, as is well known, as a machine for the suppression of one class by another, as an instrument of violence of one part of society over another. The state, according to Marxist theory, arises when classes are formed.

The Marxist definition of the concept of the state was widely used in Russian historiography of the Soviet period. In 1989–1990, a discussion initiated by E.M. Shtaerman was held on the pages of the “Journal of Ancient History” (Shtaerman 1989: 76–94). She attempted to substantiate in her own way the view of the Roman *civitas* (and the ancient polis in general) as a stateless society, based on the Marxist definition of the state, and took into account precisely such a function as suppression and violence in a society divided into classes. Based on the fact that in Rome in the 5th–1st centuries BC it is impossible to find either formed classes, or a developed bureaucracy, or an army separated from the people and used against them, E.M. Shtaerman came to the conclusion that the process of formation of the Roman state was completed only under Augustus, i.e. in the 1st century AD.

Most of the researchers who took part in the discussion did not agree with this dating back of the emergence of the state in Rome. Many authors emphasized the following: “the polis... is a state of a special kind” (V.A. Jakobson) (Jakobson 1989: 97); “the ancient civil community was... by no means stateless, but a unique early state formation” (Yu.G. Chernyshov) (Chernyshov 1990: 134), “the civil community — *civitas* by definition belongs to civilization” (A.A. Vigasin) (Vigasin 1990: 99). Yu.V. Andreev wrote that “the Roman Republic, undoubtedly, can and should be recognized as a state” (Andreev 1989: 74).

Dating back the emergence of Roman statehood, I.L. Mayak attributed it “already to the beginning of the Republic” (Mayak 1989: 96), and L.L. Kofanov noted that “the Roman *civitas* of the 5th–4th centuries BC already possessed the basic features of the state” (Kofanov 1990: 130). A.B. Egorov associated the 6th – mid-3rd century BC with “the primitive state of the time of the formation of the Roman polis” (Egorov 1990: 125), and L. Capogrossi Colognesi noted: “The process of the formation of the state as a form of organization of society was fully completed, if not in the time of Servian (as I still believe), then certainly by the middle of the 5th century” (Capogrossi Colognesi 1990: 97). V.I. Kuzishchin (Kuzishchin 1989: 94), R. Günther (Günther 1990: 98), N.N. Trukhina (Trukhina 1989: 95) dated the completion of the process of the emergence of the state to a time no later than the 3rd century BC.

In general, the experts who expressed their opinions in the discussion publications did not agree to consider the polis in general and the Roman *civitas* in particular as a stateless entity. Support for E.M. Shtaerman’s conclusions was expressed (mainly in relation to the Greek polis) only in an article by G.A. Koshelenko (Koshelenko 1990: 94), and in the most general form by A.Ya. Gurevich (he considered the formation of the state in relation to the early empires of the Middle Ages) (Gurevich 1990: 98).

The definitions of the state given by Carl Schmitt (Schmitt 1958: 385–398) and Georg Jellinek (Jellinek 1905: 381–420) have received the greatest resonance in Western science. Let us first dwell on Schmitt’s concept.

Carl Schmitt based his analysis of statehood on M. Weber’s concept of the differences between a political community and a modern state, which placed the concepts of “friendship and enmity in the public sense” and “the degree of intensity of association and dissociation of people” at the forefront (see about this: Nippel 2003a: 62–70). He also linked the concept of “state” with the concept of “sovereignty”.

C. Schmitt believed that the concept of “state” was applicable to European history only from the 16th century, he did not extend it to Antiquity, proposing to replace this term for this era with the concept of *Herrschaftsorganisation* — “organization of domination”. In his 1941 work, Schmitt noted that the state is a “concrete concept associated with a specific historical era”. At the same time, he believed that the “era of statehood” ended in his contemporary period. Following C. Schmitt, another German lawyer, Herbert Krüger, wrote that in relation to Antiquity and the Middle Ages, they can speak of states “only in a completely non-specific sense” (see about this: Walter 1996: 16).

Carl Schmitt noted that the specific organizational means of a single state power are the army, finances and police: “Die spezifischen Organisationsmittel der einheitlichen Staatsgewalt sind bekanntlich: staatliche Armee, staatliche Finanz und staatliche Polizei. Das Recht verwandelt sich immer mehr in staatliches, von der staatlichen Justiz gehandhabtes

Gesetz und findet seine sachgemäße Erscheinungsform in staatlichen Gesetzeskodifikationen” (Schmitt 1958: 379). As we see in this quote, in his opinion, the law is increasingly transformed into state law, is implemented by state justice (the judicial system) and finds its proper expression in state codifications of laws.

Another significant definition of the concept of the state was given at the turn of the 19th and 20th centuries by Georg Jellinek (Jellinek 1905: 381–420). According to the teachings of Jellinek, three elements make up a state: territory (das Staatsgebiet), people (das Staatsvolk), state power (die Staatsgewalt). This understanding of the main components goes back to Aristotle, who wrote about the polis. He believed that in addition to territory and population, something else must be taken into account, since delineated boundaries can also have formations that are more similar to a tribe than to a polis (μᾶλλον ἔθνους ἢ πόλεως — Arist. Pol. 1276 a 29). From the text of Aristotle’s work it is clear that we should be talking about the existence of a political organization, a political connection between people, a “political community” — “εἴπερ γὰρ ἔστι κοινωνία τις ἢ πόλις, ἔστι δὲ κοινωνία πολιτῶν πολιτείας” (Arist. Pol. 1276 b 1-2) — “after all, the polis is a certain community, namely the community of citizens of the polity.” In general, there is no doubt that G. Jellinek, in defining the state, was guided by the tradition that comes from Aristotle in defining this concept.

The proponents of the non-static approach to the characterization of civil society believe that the third element of the definition of the state proposed by Jellinek is not applicable to it. For the Roman *civitas*, they doubt the political character of the magisterial power, which, of course, is unacceptable to me, since I have studied the Roman magistracies in detail. The absence of a bureaucracy and appointed officials is not an indicator of the absence of state power as such; the power of the highest magistrates, based on imperium, was a public-legal power. E.M. Shtaerman’s conclusion that the small number of executive power structures was a consequence of the absence of a need for coercion is quite justified (Shtaerman 1989: 88–89), but both of these features (both the small number of structures and the absence of a need for coercion) do not refute the characterization of the power of the magistrates as political power.

Ernst Pitz noted that official functions in Rome were carried out not so much on the basis of the “right of power” as on the basis of honors and prestige (Pitz 2001: 31). *Ius honorum*, as this author emphasizes, was the right to carry out actions that the state assigned to individuals during their term of office. In his time, Max Weber called the Roman Republic “Honoratiorenherrschaft”, “Honoratiorenverwaltung” — “the rule of the bearers of honors”, “the governance of the bearers of honors”. But these bearers of honor, marked by public prestige, carried out the functions of public authority in relation to the citizens of the community. Theodor Mommsen,

as is known, considered the magistracies, the executive power, to be the central of the three components that made up the Roman state and legal system (comitia – senate – magistracies), somewhat, apparently, exaggerating its independence, but rightly considering it one of the cornerstones of Roman statehood. As Frank Behne noted, “for Mommsen the state signifies a political force field that was created from the joint play of three institutions...” (“Staat bedeutet also für Mommsen das politische Kräftefeld, das sich aus dem Zusammenspiel der drei Institutionen ergibt”) (Behne 2002: 124).

Jochen Martin defined these three institutions as those objective realities “that we today call the state” (Martin 2002: 24). Considering the question of the relationship between family, kinship and state power in the Roman Republic, J. Martin emphasized that *res publica* is “more than the sum of the patres”; this “more” manifests itself in the magistracies, the senate and the popular assemblies. Indeed, it is absolutely wrong to imagine the Roman community as governed primarily by paternal power (*patria potestas*). The sphere of governance of the life of the *civitas* rested not on paternal, but on political, including magistrate, power, which was for the community as a whole more significant and weighty than paternal power (examples are very eloquent, when the pater familias, meeting his son-consul on horseback, dismounts and pays him the necessary honors, etc.). The public power of the magistrates is a political power, since the officials were the bearers of the delegated sovereignty of the community, granted to them in the name of the *cives* and *patres* for a strictly defined time.

For me, the uncompromising critic of the unethical approach to Roman citizenship is Uwe Walter. I have not only read his work on this subject, but also heard his report at the 70th birthday of Professor Jochen Bleicken. U. Walter claims that he sees no reason why the political organization of antiquity could not be called a state (“Aber einen Grund, weswegen man die politischen Organisationen der Antike nicht “Staat” nennen sollte, sehe ich darin nicht”), arguing his position (Walter 1998: 21).

U. Walter, taking as a basis the definition of the state given by Georg Jellinek and noting that it has a “legal bias” (“juristische Schlagseite”) tried to supplement this definition (Walter 1998: 22–26). Walter noted that the exercise of state power is connected with law and public good. He also called for considering statehood in the mainstream of social anthropology, i.e. in the context of demographic dynamics, economic and social development. Walter emphasized that the dividing line between non-state and state-formed societies can be drawn only relatively. The latter are characterized by institutionalized functions carried out by the bearers of authority. He emphasizes: “Es zeigt sich (he means Cic. *De rep.* I. 39. – V.D.), das diese Sicht überraschend viele Gemeinsamkeiten mit den Ergebnissen der angelsächsischen *social anthropology*

aufweist, welche die Entstehung staatlich verfaßter Gesellschaften in einem funktionalistischen Modell beschreibt und mittlerweile auch in der Alten Geschichte breit rezipiert wurde” (Walter 1998: 23).

U. Walter draws attention to the fact that the degree of development of statehood can be different. He writes that in ancient times its highest level was reached by the Roman Empire after the reforms of Diocletian and Constantine. The general line of reasoning of Walter is convincing, however, as I believe, when analyzing the “degree of development of statehood” one should not take as an ideal example (as the highest stage of its development) the bureaucratic monarchies of Europe of the 19th century, whose contours can be discerned in Walter’s “measuring scale”.

U. Walter argues with those who deny the possibility of applying the concept of “state” to societies of ancient civilization and notes their two main approaches: he calls the supporters of the first “purists of the language of sources”, and the second “pragmatists of everyday language”. This means that some emphasize in arguing their position the absence of the concept of “state” in ancient authors, and others – that everyone understands the common term as they please (Walter 1998: 10–11).

The essence of Walter’s objections is as follows. Firstly, he finds a contradiction, which, in his words, has a logical or terminological nature: if we attribute the concept of “state” only to the New Age, then it turns out that both Homer’s Ithaca and the Roman Empire after the reforms of Diocletian and Constantine should be defined in the same way, namely only as “pre-state” or “stateless” formations. But this is obviously incorrect, since they are strikingly different. Secondly, disputing the point of view of Christian Meier with his assertion that the concept of “state” is associated with the idea of a modern state, and therefore is not applicable to Antiquity, Walter notes that in this case it is also not applicable to Germany in the 19th century. For example, the main achievement of the modern state is the state monopoly on power, excluding, say, blood feud, lynching, since conflicting individuals or groups are forced to comply with legal norms. But in Germany in the 19th century things were far from that (Walter 1998: 17–18).

Without a doubt, Walter believes, it is impossible to describe the Greek poleis using the concept of “state” based on the idea of modern states; the state in Antiquity has in this case an “incomplete/imperfect” (unvollständig) quality, but similar “incomplete/imperfect” states of the New Age have a similar quality, compared to the modern one. The stated position of U. Walter seems justified. It would seem that after the well-founded objections to the supporters of the non-etatic position, formulated primarily in German historiography of the mid-90s, the discussion has exhausted itself.

However, a return to discussions of this issue occurred in the 20s of the 21st century and was connected, in my opinion, with the fact that

the emphasis that had been put on the study of Roman politics on rituals and its “scenography”, on the accumulation of “symbolic capital” by representatives of the ruling elite, etc. led to the institutional history of Rome being pushed into the background, which veiled the main activity of the authorities (if the role of the comitia was reduced in studies to a demonstration of consensus and a procedure of obedience, and their legislative and electoral functions were ignored, then it is no wonder that more and more doubts arose about them as an organ of state power).

Let us also pay attention to the fact that in the discussion of Roman statehood, incorrect comparisons and substitution of concepts sometimes arise: thus, M.V. Shisterov believes (Shisterov 2013: 134–144) that modern researchers argue about whether it is possible to translate the Latin expression *res publica* with the word “state”, making a negative conclusion, which determines his support for the non-statist position.

Let us emphasize once again (in detail Dementyeva 2017: 752–768) *civitas* and *res publica* are different concepts; *res publica* is what the civil collective (*civitas*) possesses, i.e. an object of possession that had material and immaterial components, including a political structure. The Greeks never used the word πόλις when choosing an equivalent for *res publica*; the equivalent of this Greek word in Latin was *civitas*, and modern historians debate whether the *civitas Romana* was a state, rather than the correspondence between the concept of “state” and the concept of “*res publica*”.

II. RETURNING TO THE PROBLEM IN THE PAGES OF MEDIEVAL WORLDS 2023: B. SHAW’S ARTICLE “WAS THE ROMAN STATE A STATE?” AND ITS DISCUSSION

Let us dwell on the last discussion of the problem. Bernt Shaw set out to prove that Rome — both in the republican and imperial periods — corresponds to the definition of the state given by C. Schmitt. “Schmitt’s ideas cannot be easily dismissed, not only because of his thorough legal education and his subsequent eminence as a jurist and political theorist, but also because of his personal identification with the Roman past — as someone who could say of himself: “Ich bin Römer nach Herkunft, Tradition und Recht” (“I am Roman by origin, tradition, and Law”)” (Shaw 2023a: 4).

B. Shaw justifies the need to return to the discussion in this way, speaking about the supporters of the non-static approach: “What do they mean when they say, for example, that the government of the Roman republic, with its subject territories and institutions, was not “a state”? Since this anti-Leviathan has raised its fearsome head from time to time and threatens to do so again in the future, its claims and implications must be faced head-on. Heeding the words of E.P. Thompson, we cannot

glance at the antagonist in a casual way, seeing it as a weird apparition, a freak of intellectual fashion, which, if we close our eyes, will in time go away. It will not” (Shaw 2023a: 4).

B. Shaw asks “And if the Roman state was not a state, then what was it?” and seeks to show that if we define the state “as something modern” and use a set of hyper-modern criteria for its existence, then an emic trap arises — Shaw uses the anthropological concept.

Shaw recalls that among those who consistently defended the non-static position (including, for example, Reinhart Koselleck, Otto Brunner and others) the argument was the lack of a term in Latin that could be translated as “state”. Shaw emphasizes: “The question in this case is: Can the term legitimately be used to describe something from a period of thousands of years earlier that might well have been different in kind?” (Shaw 2023a: 10).

I have always answered this question as follows: We are talking about a scientific categorical apparatus, when the designation is the result of analytical work. The category of analytical description is a scientific abstraction that may not have been used in a certain historical era.

To be more specific, Shaw gives an example of a disease — malaria, which has identifying features, its carriers, having seen the corresponding characteristics of the disease in the sources (the inhabitants of the Mediterranean did not know what it was), we state that there was an epidemic of malaria, using a modern term. When discussing this point (the use of modern concepts to describe phenomena of the past), Shaw in the “Comments on the Commentators” gave another clear example: in Latin there was no term adequate to the word “teenager”, but people between the ages of 13 and 19 were, so it is strange not to apply it to this category of the population (Shaw 2023a: 60).

Shaw finds it strange to suggest that the historian should operate only within the terms and concepts of the society he is studying when analysing it. This approach, although consistent, Shaw points out, with some anti-modernist tendencies in historical science, is, in his view (and in my view this is an entirely fair statement), illogical (Shaw 2023a: 31, note 115). Shaw is responding to the views of Aloys Winterling, who wrote about the problem of the gap between modern conceptual terms and the “emic” world of Greek and Roman writers, and put the word “state” in quotation marks in the titles of his works (Winterling 2001, 2009, 2014). Winterling insisted that we (modern historians) cannot tell their story without them; we must worry about how they would describe their own state. Shaw acknowledges that historians should be concerned about this need, but that it should not be allowed to obscure the analytical interests or the use of the historian’s tools to do the job. This position is entirely consistent with my own view of the situation, which I have expressed in similar terms on several occasions before.

Shaw drew attention to the divergence in understanding the problem depending on the language in which researchers write and speak and on national research traditions (Shaw 2023a: 12), noting that German authors tend to search for the essence of phenomena (including such a phenomenon as the state). And in German there is a concept of “Staatlichkeit”. The search for essence is typical for German authors. Commenting on Shaw’s article, Hans-Werner Goetz noted that German medievalists within the framework of the *Neue deutsche Verfassungsgeschichte* (1920s–1970s) preferred to use this term, which “can hardly be adequately and unambiguously translated into English or other leading languages” (Goetz 2023: 52). The concept of “Staat,” he says, is increasingly used as an *Ordnungsbegriff* — a general concept for any political order, while its specific forms should be described for each era, region, etc. Shaw writes: “In Schmitt’s perspective, the state is a kind of supervening entity that emerges from and which, so to speak, embodies a deep pre-existent social schema of law and justice” (Shaw 2023a: 25). He contrasts: “For most English-speakers, who use a much less precise, even *louche*, language, “the state” means not much more than the institutions of governance — plus symbolic add-ons for modern states like a flag, a national anthem, a pervasive nationalist sentiment (and, of course, an army). For them, it does not necessarily have any special “essence,” least of all some exalted one” (Shaw 2023a: 12).

B. Shaw asks the question: What makes a State? Noting the family as the cell that lies at the foundation of the state, Shaw emphasizes that it is not the family’s powers that play the main role in the structures of the state: “*Basic social units like families and kinship groups remain discernible and important elements in the structure of any state, including the Roman one. Almost all Greek and Roman theorists, indeed, envisaged the state as evolving out of a cumulative organic growth of household units*”. Even if subject to the normal (and greater) pressures of personal patronage and family powers typically found in any premodern state, it had a complex governmental structure that had formal criteria for membership and objectively defined terms of positions, official actions and empowerments (Shaw 2023a: 13).

Shaw rightly notes: “In any event, in Schmittian terms, neither the “scramble for offices” or “the politics of patronage” are sufficient to deny a polity the status of being a state. Objecting to the thesis that personal connections in Rome acted in place of the impersonal institutions of the state, Shaw writes: “By contrast, the Roman state certainly displayed an autonomy of its political structures, including its armed forces, that set the state over and above an accumulation of familial powers. The state’s autonomous governmental apparatus issued formal generally applicable and enforceable norms — *leges, senatus consulta*, decrees of magistrates (and later of emperors) all armed with sanctions against the disobedient.

It supported an extensive set of state courts, both central and municipal, that both assessed and enforced its legal ordinances” (Shaw 2023a: 13).

Shaw acknowledges that personal patronage was used in Rome to obtain positions, government contracts, etc. Patronage provided privileged access to government resources, but this does not mean that there was no autonomy for government bodies and government resources outside the resources of individual families (Shaw 2023a: 16).

Another thesis of the supporters of the non-static approach: Rome was not part of the system of international relations, could not be part of any, so to speak, “Westphalian system”, in response to which B. Shaw objects: “Naturally, because the Roman state was not a modern European state, it could not be part of any Westphalian system. It had gradually developed into a premodern empire which had no boundaries and so it was not part of a system of peer polities or a system of competing states. It was one of a kind in its world. But this solitude should not be interpreted as reducing it to “not being a state” — and especially not because one of its perceptive historians specified a solitude as the state at which the Roman imperial peace was aiming. Because of the concrete historical contexts of their existence, in their own time most premodern empires were not and could not be part of a system of states in the Westphalian manner. But there is surely no theoretical reason that they should have to be such to count as states, or not be a state merely because they happen not to meet the specifics of the early modern and modern European model (Shaw 2023a: 16).

In general, Shaw highlights the following features of the Roman structure and administration, which confirm — as he emphasizes and I agree with him — its state character: He emphasizes the importance of such authorities as the senate and the magistracies, pointing out that these were permanent institutions, with their own administrative tasks; the senate remained the central state council for many centuries, the magistracies and other offices testify to the depth and complexity of the institutional development typical of the state (Shaw 2023a: 15). Shaw also points to such important factors as the expansion of the instruments of governance through colonies and municipalities, the existence of banks of information, the extensive documentation in the Aerarium (Shaw 2023a: 13), as well as the application of a census — of Roman citizens as in the republic, of all of the subjects in each province of the empire (Shaw 2023: 14). In my opinion, it is also correct to point out, from the perspective of studying the problem of statehood, the construction and maintenance of aqueducts and roads, which took on a grandiose character and required enormous resources: “Something as basic as the pragmatics in the designing, planning, and building of an extensive and unprecedented *system* of public roads is rarely, if ever, considered in this context. The same organizational demands on the government applied equally to the costs, building, and operation, say, of the gigantic aqueduct systems” (Shaw 2023a: 18).

Since Schmitt considered the army of the entire state, its financial, legislative and legal systems to be the specific organizational means of state power proper, Shaw seeks to show that these were characteristic of both republican and imperial Rome. He emphasizes (Shaw 2023a: 24) that “in Schmittian terms as one of the state’s defining essences is that it is the organizational entity that is capable of waging war on a large scale against entities that it alone is capable of designating as “the enemy” (in his terms). If this is so, then the Roman state more than meets this requirement”. During both the Republic and the Principate, Shaw notes, no one, including no individual senator, could wage war using the combined forces under Rome’s command to fight against his personal enemies in Schmitt’s sense (Shaw 2023a: 23).

In discussing such an institution as the army, Shaw draws attention to the fact that the formation and maintenance of a large-scale armed force is recognized as an important feature of the modern state, but this was also true for the Roman state: external threats required Rome to maintain a very large army, and the need to supply it, train soldiers, pay for military operations — all this is directly related to what is called the state (Shaw 2023a: 18).

In relation to the claims of the supporters of the non-static approach, Shaw puts forward the following counterarguments (with which I fully agree). Already in the era of the Republic, the complexity and scale of administrative tasks arose, when Rome subjugated the Italian communities: control and regulation over them required elements of governance that far exceeded the capabilities of individuals and institutions of the city itself. The existence of a coinage system, carried out by the leadership of the state for the needs of the state (18), Roman law went beyond the limits of the Roman civil community itself, calling this the process of “classic étatism”: “Complex developments in the law produced a set of specifically Roman legal norms and procedures that were being widely applied to the subjects of Roman rule already by the middle Republic — a fact that one should emphasize with some force: not just to its citizens but to its subjects in general” (Shaw 2023a: 28). Another argument made in Shaw’s work is that the application of legal norms by the Roman government through its officials — provincial governors and their legates, but also lower officials vested with *iurisdictio* — was seen as one of the very foundations of the state’s political system (Shaw 2023a: 14).

Shaw concludes that Rome more than adequately fulfills the technical requirements of states, since it possessed the features and the “essence” that Carl Schmitt considered diagnostically identifying a state, and in fact Schmitt’s Roman Herrschaftsorganisation turns out to be a state. Shaw concludes: “In the light of the arguments made above, the short answer to the question as to whether the Roman state was a state is, surely, ‘yes’” (Shaw 2023a: 34). Shaw believes (and his position is fully supported by me):

“To engage in the infelicitous and illogical semantical game of calling it “Lordship”, a “politically organized subjugation”, a Herrschaftsorganisation, or, Schmitt’s choice, “a kind of political unit” — eine Art der politischen Einheit — rather than “a state” simply because it was premodern causes needless confusion and gains the historian nothing in terms of historical analysis” (Shaw 2023a: 35).

The participants in the discussion, with some nuances in their positions, generally supported Shaw’s interpretation. John Haldon noted: “I see no strong reason not to retain the word state when suitably qualified by terms such as “modern”, “early modern”, “medieval”, “ancient”, “tributary”, “city” or whatever, providing we agree on some really basic characteristics that differentiate “state” from other forms of socio-political organisation”. He proceeds from the elements of the state proposed by Jellinek, but has some significant clarifications: “(1) territorial identity includes the possibility of the lands being dispersed and geographically separated; (2) state authority is vested in a centre, whether geographically fixed or mobile, from which state-level authority and, at least notionally, state-level administrative management emanates; (3) the ruling authority and its agents should claim and assert a monopoly over the use of coercion; (4) states evolve mechanisms through which they can reproduce themselves institutionally and over more than one or perhaps two generations; and (5) they develop and maintain systems of recording information about resources — land, population, products, revenues and expenditures, the military and so forth; (6) states develop an intellectual life not necessarily tied to their actual political and institutional efficacy or power” (Haldon 2023: 38).

Nicola Di Cosmo supported the idea of adding a clarifying definition to the word “state” by J. Haldon: “The question posed by Brent, “Was the Roman State a State?”, could well be asked about any other premodern political formation... we add a qualifier to the term state (city, early, territorial, imperial), we indicate a qualitative difference. For instance, in the transition from the republic to the principate we assume a change in the nature of the state” (Di Cosmo 2023: 48). Yannis Stouraitis supported Haldon’s assertion “that the central point of the state may be mobile, that state authority ultimately relies on coercion, and that the degree of its effectiveness is dependent upon the territorial extent of the state as well as the existence or not of a central bureaucracy” (Stouraitis 2023: 55). Shaw echoed Haldon’s thoughts in the comments: “A good point of departure is John Haldon’s historically useful definition of the state as a kind of large corporate body that aims at controlling peoples, lands, and resources by means that are different from alternatives, like those found in so-called “tribal” social orders” (Shaw 2023: 58. Comments on the Commentators).

Régine Le Jan paid attention to an important point in her comment: “Shaw’s article is a timely reminder of the extent to which premodern

periods still suffer from the historiographical constraints that lead historians of other periods to define the state exclusively in its “modern” form. He even demonstrates point by point that the republic and the Roman empire met the Weberian criteria defining the state: a permanent army and the monopoly of force, the control of the territory, a common law applying to all citizens, resources included in a global market, etc. Patronage itself was part of the Roman state structure, as a means of access to public resources” (Le Jan 2023: 45). And we should agree with the words of Stouraitis: “He real question seems to me to be not whether we are allowed to apply the analytical concept “state” to premodern societies, but rather how we can define the concept in a fashion that does not render it analytically toothless” (Stouraitis 2023: 55).

CONCLUSION

The long process of controversial discussions about whether the *civitas Romana*, as well as the Mediterranean power built on top of it, was a state, shows that historians overwhelmingly give a positive answer to this question. The latest appeal to this topic in the article by B. Shaw and the comments to it confirmed this position. And it also clearly demonstrated that researchers must, when formulating statements concerning this issue, clearly show what definition of the concept of “state” they adhere to.

I believe that the approach of anthropologists is quite promising, who distinguish two organizational principles on which society is built: “heterarchy” and “homoarchy”, while calling for not identifying heterarchy with a democratic system and applying both concepts “in the broader framework of social relations and social structure as a whole, and not only in connection with power relations”, and considering the state as “a special type of social organization” (Bondarenko 2024: 27–28).

Is a universal definition of the state possible – namely as a category of the scientific apparatus? I believe it is possible. The definition of the state as a type of social organization should contain:

1. The elements of which it consists. In this regard, I prefer to side with Aristotle and Jellinek: a territory with defined boundaries, a people inhabiting this territory, political power in its various structures to which this people is subordinate.
2. Its main functions. I believe that the main one of these functions is maintaining stability and reproduction of the conditions of existence (maintaining the “homeostasis” of the social organization), which includes various methods of regulation, including the use of violence in controlling the legality of its use.

Recognizing the justified etatic approach to the study of the *civitas Romana*, I would like to emphasize once again: if we fill the content

of the concept of “state” only with the features of European states (starting from the New Age), then what about the “political communities” of the multifaceted African and Asian world, sometimes so different in public law from the European one? The desire to use the concept of “state”, implying by it only one’s own, turns out to reach a deadlock. Research analysis requires precisely a scientific category, highly abstracted from the enormous number of specific concrete manifestations. It is possible to improve the definition of the state, but to refuse to apply the concept to the analysis of ancient societies in general, and *civitas Romana* in particular, is, I believe, scientifically unproductive.

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ЭТАТИЧЕСКИЙ И НЕЭТАТИЧЕСКИЙ ПОДХОДЫ К ИЗУЧЕНИЮ АНТИЧНОЙ ГРАЖДАНСКОЙ ОБЩИНЫ: ДИСКУССИИ О CIVITAS ROMANA²

В.В. Дементьева

Статья посвящена анализу дискуссий о применении понятия «государство» к гражданской общине античного Рима и к созданной ею средиземноморской державе, ядром которой она продолжала оставаться в течение не только периода Республики, но и Принципата. Приводятся наиболее часто используемые в историографии дефиниции понятия «государство» Г.Еллинека и К.Шмитта, излагаются точки зрения исследователей, применяющих эти дефиниции к *civitas Romana* и придерживающихся как этатического, так и неэтатического подхода к ней. Акцентируются аргументы У.Вальтера, рассматривавшего античные гражданские общины как государства. Анализируются ход и результаты обсуждений названной проблемы, включая дискуссию о возникновении государства в Риме на страницах «Вестника древней истории» в 1989–1990 гг. по статье Е.М.Штаерман «К проблеме возникновения государства в Риме» и дебаты по статье Б.Шоу «Было ли Римское государство государством?» в журнале *Medieval Worlds* в 2023 г. Показано, что исследователи исходили из разных определений государства, но на вопрос о том, была ли *civitas Romana* (а также надстроенная ею над собой средиземноморская держава) государством, они давали и дают чаще всего положительный ответ — по крайней мере с республиканской эпохи. Автор данной статьи придерживается этатической позиции и полагает, что в дальнейшем возможно принятие большинством учёных универсального определения государства как типа социальной организации, содержащего указания на его составные элементы и основные функции; этому будут способствовать и дискуссии о том, являлись ли государствами античные полисы в их греческом и римском вариантах. **Ключевые слова:** *civitas Romana*, понятие «государство», дефиниции, дискуссии, этатический и неэтатический подходы.

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