

Monday 14 May 2012

### *Roman Liberty*



(M.H. Crawford, *Roman Republican Coinage* (Cambridge, 1976), no.433)

How can liberty be equal (I won't speak about kingship, in which slavery is not even hidden or ambiguous) in those states in which everyone is free in name only? They vote, they entrust commands and offices, they are canvassed and asked for their support, but they give what must be given even if they are unwilling, and they are asked to give to others what they do not have themselves. They have no share in executive power (*imperium*), in public deliberation, or in the panels of select judges, all of which are apportioned on the basis of pedigree or wealth.

Cicero *De Republica* 1.47 (trans. J.E.G. Zetzel, adapted)

A people is an assemblage of some size which forms an association by virtue of agreement created by justice (*iuris consensus*) and sharing in advantage.

Cicero *De Republica* 1.39 (later on that *consensus* is denominated a *vinculum*, 'bond': *Rep.* 1.42; cf. 3.43)

Since [i] law (*lex*) is the bond of citizen association (*civilis societas*), and [ii] the justice (*ius*) of law is equal (*aequale*), then by what justice can an association of citizens be held together, when the status of citizens is not equal (*par*)? For even if making financial resources equal (*aequari*) is not appealing, even if everyone's mental capacities cannot be equal, definitely the rights (*iura*) of those who are citizens in the same commonwealth ought among themselves to be equal. For what is a citizen body (*civitas*) other than an association in justice (*iuris societas*)?

Cicero *De Republica* 1.49

*Bibliography:* Brunt, P.A., 'Libertas', in *The Fall of the Roman Republic*, Oxford 1988; Pettit, P., *Republicanism: A Theory of Freedom and Government*, Oxford 1997 (expanded edn. 2010); Skinner, Q.R.D., *Liberty before Liberalism*, Cambridge 1998; Wirszubski, Ch., *Libertas as a Political Idea at Rome during the Late Republic and Early Principate*, Cambridge 1950.