

# Legacies of the Roman Republic: Law, Text, and Spaces

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Abstracts



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## **Libertas and Dominium – A Legacy of The Republican Market Economy**

Florentinus' definition of *libertas* included in the Digest (D.1.5.4 *Florentinus libro nono institutionum. libertas est naturalis facultas eius quod cuique facere libet, nisi si quid vi aut iure prohibetur*), a direct consequence of Stoic ideas filtered into the Roman legal panorama, had the power to inspire Medieval Glossators and Commentators in order use its structure to create modern most definitions of property. Just a glimpse to the French art.544 (*La propriété est le droit de jouir et disposer des choses de la manière la plus absolue, pourvu qu'on n'en fasse pas un usage prohibé par les lois ou par les règlements*) of the Napoleonic codification and its comparison to Florentinus' definition seems eloquent enough to prove the point.

Nevertheless, this definition is a consequence of the economic and political atmosphere that reigned in the late Republic, with its unprecedented economic and social conditions. In this paper we intend to analyse these conditions in order to establish the emergence of such a concept, and to study its use in the later Middle Ages to create a new concept of dominium, based on Stoic ideas of liberty.

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## **Foreign Diplomats in Republican Rome: Communicating Power in Public and Private Space**

Beginning with the victory over Philip II, but at the latest since the end of the Roman-Syrian War, Rome, or rather the Roman Senate, became a contact point for legations from the Hellenistic East, be it from kings, *koina* or *poleis*. The Roman Senate usually received these envoys courteously and provided lodging as well as food (part of *hospitium publicum* and *munus*; cf. e.g. Pol. 21, 18, 3. Liv. 30, 17, 4. 42, 26, 5.).

Only is there more than diplomatic convention in this kindness? The nobility of the Middle Republic made an explicit distinction in treatment between envoys friendly and hostile to their counterparts; the former were sometimes accommodated in senatorial houses, while the latter were even denied entry to the city (cf. Liv. 30, 21, 12. 45, 22, 2.). In the matter of the order of audition in the Senate, old *socii* or *amici* always had precedence over state orders with which no relations were maintained (e.g. Pol. 22, 11. 23, 1-4.).

So far, this behavior has been understood and interpreted in a mostly international law perspective (cf. Büttner-Wobst 1876, Täubler 1913, Heuss 1933, Dahlheim 1968, Dobesch 1976, Burton 2011). On the basis of three case studies (Flamininus 193 BC, the Rhodians 168 BC; Tiberius Gracchus 133 BC) this perspective will be extended, and the following thesis will be presented: the use of public and private space in interstate intercourse enabled demonstrations of power to friends (e.g. *amici* or *socii*) and foes beyond customs defined by 'international law'. In addition to that, it can also be shown through these (and other interstate) examples how fluid the boundary between private and public space was in Republican Rome; as well as that this very boundary is also always a matter of perspective.

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## **Civic Basilicae of the Provinces of Syria-Palaestina and Arabia and Their Spatial Setting Within the Polis-scape**

The basilica has first emerged as a civic space in the 2nd century BCE in Rome and soon after has spread rapidly in the Roman West. From the end of the 1st century BCE, it started appearing slowly in the poleis of the Roman East and by the 2nd–early 3rd centuries CE the forum-adjacent basilica became an integral and essential component of every polis, as opposed to town which lacked this status symbol. It served variety of administrative, legal, and commercial purposes, including holding courts, money handling, buy and sell of bulk or luxury products, consular gatherings, imperial cult, and mainly various daily-life public and private meetings.

Among the many poleis of the provinces of Syria-Palaestina and Arabia only seven basilicae were recognized by excavations. The basilica of Hippos is the most fully excavated and studied among this group. Its recently concluded research, which includes comparisons with all the local basilicae, allows for the first time to present a full architectural, functional and mainly spatial characteristics of these Roman institution as part of the unique local expression. This paper presents an updated list and analysis of Roman civic basilicae in the provinces of Syria-Palaestina and Arabia, contextualizing this excerpt of the Roman legacy in regions far east of Rome itself.

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## **The Hard-working Heart of the Roman Republic? Spaces of Revolution in the Socialist Understanding of Rome**

This paper focuses on how the heritage of Roman Republic was used in the 20th century in socialist dictatorships. Particular attention will be paid to how socialist scholars and politicians used the concept of the latifundium to support their own conceptions of history and society. Depending on the state of internal power struggles, scholars in the Soviet Union, for example, could emphasize the importance of the administrative centre and the halls of power in Roman history. Over time, however, it became more important to build a confrontation between the abusive centre and the large landed estates. Latifundiums were depicted as a space where the slaves matured into a conscious class capable of revolution and turning the page of history. For the socialists, the latifundium was the most important space in the Roman Republic, where the most significant historical developments and confrontations materialised. Surprisingly, however, the socialist obsession with latifundia served as a point of reference for significant historical research. From the 1970s onwards, Soviet scholars proved in their works a fundamental tension between Rome's administrative centre and its economic base, challenging conventional notions of space, legality and political power.

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## **Parva Roma: The Topography of Diplomatic Spaces on Provincial Soil During the Republic (218-146) – The Camp as an Analogy of the *Urbs***

The audience, the reception, this space-ceremony, constitutes an axial element in the process of diplomatic dialogue. As a “staging”, the place chosen, the arrangement and hierarchy of the attendees, the evolution of the actors to the venue of the meeting and their return journey: everything is part of a conscious and intentional “ritualisation of politics” (in E. Flaig's expression). If in the city of Rome, the senate and the consuls assumed a privileged role as “agents of the diplomacy of the Roman State” (F. Pina Polo), on provincial soil it was the governors - of consular or praetorian rank - and their consilium who intensively exercised this role. During Rome's republican expansion, numerous diplomatic contacts took place outside the *Urbs*, with the Roman camps acting as a receiving and sending centre for embassies. There was thus a provincial diplomacy, with its own codes and spaces, where embassies of surrender were welcomed, truces and treaties were negotiated, hostages were received, and emissaries were dispatched. Our aim is to analyse the symbolic mechanisms associated with the design of the camp, and to reconstruct the role of the physical elements involved in the diplomatic ritual. There is an allegorical affinity between the symbolic boundaries and diplomatic spaces of the *Urbs* and those of the camp, which reproduce to scale the model of the city of Rome (*vallum / pomerium; praetorium / curia; consilium / senatus; victory parades / triumphus*, etc).

This communication is part of the research project: “Environments for dialogue: the spaces of diplomacy in the Roman provincial sphere during the Republic (*IANVA*)” funded by the Spanish Government.



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## Three Scipios Moving Through Roman Space

For a group of prominent Republican individuals boasting names that resounded topographically—*Africanus*, *Asiagenus*, *Hispanus* (Diod. Sic. 34/35.33.1)—the Cornelii Scipiones' relationship with public and private space has not been a particular focus of investigation. While their family tomb was a static symbol of gentilician identity, I concentrate on instances of Scipionic movement in, to, and from the city of Rome during the middle Republic.

First, I analyse the dramatic behaviour of Scipio Africanus in the Trials of the Scipios, as described in Livy Book 38: he enters the Forum twice on consecutive days surrounded by a uniquely large crowd (38.50), goes up to the Capitol and on a tour of all the city's temples (*per totam urbem omnia templa deum*, 38.51), then leaves for Liternum never to return. Afterwards, Livy adds, out-of-sync, that when Lucius Scipio Asiagenus was arraigned Africanus had returned to Rome, driven off his brother's guard, and resisted the tribunes (38.56).

I relate this episode to Polybius' account of the inception of his 'friendship' with Scipio Aemilianus, Africanus' adoptive grandson, who first addresses their potential relationship when they have departed from the house of Fabius, Aemilianus' brother by birth; Fabius goes towards the Forum, but Polybius and Scipio go in the opposite direction (Polyb. 31.23.6–12). After this, 'the young man never left his side and preferred his society to anything else' (31.24.12). We can contrast this progression (προῆλθε, 31.28.10) in Aemilianus' character with his bringing of the pastime of hunting—itself a motion—from Macedonia back to 'Rome' (31.29.5–12), unlike the other Roman youths 'geding ahead' in the Forum (31.29.8).

Finally, I adduce the march of Scipio Nasica Serapio on the *comitia*, leading the mob that killed Tiberius Gracchus—an act which led to this Scipio being the only *pontifex maximus* to die overseas.

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## **Civil Religion in the Republican Tradition: A Hegelian Approach**

This presentation examines the meanings and connections between Civil religion and Republicanism through a largely Hegelian historicist lens. Setting out from the Roman republican time, the relationship between republicanism and civil religion is sketched out as a 'dialectical' process of three historical-philosophical stages. The schema follows a formula of 'thesis-antithesis-synthesis', in which the spheres of politics and religion were originally intertwined, undertook a process of bifurcation and mutual competition in post-Medieval times, and were finally converged and 'synthesized' in a modern, rational state. For Hegel, the millennial problem of political philosophy, addressed before his time by such 'neo-Roman' theorists of civil religion as Machiavelli and Rousseau, is thus remedied. The approach of this presentation is not so much that of a rigorous historical analysis, but rather the aim is to sketch out a certain outlook towards the perennial questions of religion and politics.

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## **Changes in Roman Administrative Space from the Principate to Late Antiquity Through Activity Space Research**

The main objective of this paper is to shed light on the Roman administration's spatial dimensions and qualities through Activity Space research (AS). This paper studies some spatial aspects of the Roman administration via architectural, epigraphic, and literary evidence through one branch of AS-research, which partially derives from urban planning research, and has later been applied in everything possible from transportation to segregation research. AS is a concept used to measure spatial behavior of individuals in space and time. In this AS-research the individuals are Roman senators.

The later evolution of the republican administration and governance goes hand in hand with the expanding nature of Roman urban space. However, even though open space was increased by several new monumental public fora, literary evidence suggests diminishing public administrative activity during the Imperial era, disappearing to Palatium (?). These places of activity are mapped from a wide array of sources by the Spacelaw-project and presented as GIS-maps and radar charts of Rome.

The Roman ruling classes built their new power bases from the 2nd century onwards in the outskirts of the city. Spatially the Imperial administration and the new suburban ruling classes had little use of the Imperial, or the Republican fora. Their significance was seemingly restricted into a place of tradition and occasional pomp.

However, as the later Roman Sakraltopographie was born, the fora found new purpose in Roman senatorial nostalgia even though the political focus had moved to the ever-growing private domus in Imperial absence.

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## **Production of Space in Africa Between Roman Republic and Empire – Considerations on the *Pertica Carthaginiensium***

Can the lefebvrian notion of production of space be useful to better understand the organization of lands in Roman law? Roman land law has always dealt with the land as a *res*, therefore focusing on the different property regimes, on which legal situations could be built upon it and on how it could be alienated and legally protected. What has almost always been lacking in the debate is some reasoning on what and how the consideration of land as a *spatium* could affect and/or enrich the topics just outlined – with special regard to provincial territories, where things could vary a lot. This paper aims at investigating how the administrative organization of a (provincial) territory could affect, through changes of the legal qualification of lands, the legal debate on the process of privatization of *ager publicus* – and so on the very concept of private property – that started in the 2nd century BCE.

The presentation will focus on what happened in the Roman province of Africa (*Vetus* and *Nova*, and then [*Proconsularis*]) between the end of the Republic and the beginning of the Principate with the *pertica* of the Carthaginians firstly created by Gaius Sempronius Gracchus, enlarged by Cesar and then reorganized by Augustus. In particular, this paper will deal with the figure of M. Caelius Phileros, freedman, first *accensus T(iti) Sexti in Africa, Carthagine aed(ilis)* and then *praef(ectus) i(ure) d(icundo) uectig(alibus) quinq(ennialibus) locand(is) in castell(is) LXXXIII (CIL, X, 6104 = ILS, 1945)*, who operated on the *pertica* between the 30s and the 20s of the 1st century BCE, investigating what his actions and competences could tell us about the legal land regimes of that territory.

If the distinction between land as *res* and land as *spatium* could appear to reproduce the neat (and artificial) one between Roman private and public law, the final goal of this presentation will be to show how those two aspects are actually necessarily intertwined and impossible to separate.

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## **The Rise of the Roman Land Surveyors as a Judicial Authority**

Territorial expansion, the establishment of provinces, and the Republican political climate encouraged the rise of land surveyors into the role of judicial experts. Surveyors belonged in official committees executing agrarian reforms. They settled boundary disputes between individuals and between communities. Their work was deemed indispensable for demarcation of land, separation private property from *ager publicum*, and providing a reliable cartography for discerning the jurisdiction of provincial magistrates. In this paper I look into how the Republican idea of space was shaped by this professional group. What were the ramifications of the methodology and taxonomy of the land surveyors on how the administration of space has been enacted, and whether public and private boundary disputes were subjected to different categories. I also ask whether the *agrimensor* was essential for the shaping of the Republican provincial administration or whether he could have been easily replaced by another persona. In other words: did particular technical skills forced the development of Roman space in a certain direction? I would likewise be interested in learning how did the involvement of professional land surveyors in managing Republican space effect Roman judiciary: both in the court and in shaping legislation.



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## **Can You See Me? Can You Hear Me? Investigating Speech Audibility and Speaker Visibility During Roman Public Assemblies**

For centuries, the Forum Romanum held a central role in shaping the Mediterranean world. During the Republican era, it hosted official elections, popular assemblies for lawmaking, and deliberations on new legislation. Furthermore, it provided the backdrop for eulogies during the funerals of Roman elites and pivotal judicial speeches. These occurrences were intricately tied to the art of rhetoric, encompassing not only spoken language but also the accompanying hand gestures and facial expressions of orators.

This paper presents the results of an analysis focused on the audibility of speech and the visibility of speakers on various speaking platforms within the Forum Romanum during the Late Roman Republic and Early Imperial times. The analysis involved the creation of customized 3D virtual reconstructions and acoustic simulations, accounting for different levels of background noise. The outcomes, depicted through Speech Transmission Index (STI) maps, facilitated estimations of the audience size capable of comprehending the speaker, utilizing insights from contemporary crowd behaviour.

The visibility of rhetorical gestures was evaluated through an experiment establishing the maximum distance for various gesture sizes, while the analysis of facial expression visibility drew from the classic Hager and Ekman experiment conducted in 1979. This study delves into how these findings substantiate hypotheses concerning shifts in the Forum's rhetorical landscape over time, encompassing the influence of spatial geometry on crowd distribution and speaker's control over it, as well as changes in the size of the crowds who could hear the speaker and see his gestures and facial expressions.

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## **New Observations on the Yearly Periods of Judicial Trials in Late Republican and Early Imperial Rome**

The impact of weather conditions is something worth considering when trying to understand the evolution of spaces for justice. Traditionally, a passage from Suetonius that mentions that trials were limited to the summer and winter months until the principate of Claudius, in order to avoid the effects of spring and autumn rainstorms, has influenced our interpretations regarding the use of judicial spaces (Suet. *Claud.* 23.1, see also *Galba* 14.3). This position has been supported by esteemed scholars such as Bernardo Santalucia. The *Lex Iulia iudiciorum publicorum* from the Augustan era already mentions the suspension of legal cases during November and December. However, my analysis of the known trial dates from the late republican period reveals a different trend. It appears that trial sessions were conducted throughout the year. This observation has raised several questions: What were the reasons behind the suspension of judicial sessions during the autumn and spring months in the early Empire? How did this suspension impact the progress of trials and the utilization of space? How long did this suspension of sessions last? In this paper, I will propose some answers to these questions.

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## **The False Flight – How (and When) Italians Returned to Asia After the Massacre of 88 BCE and Their Role in the Sullan Settlement of the Province**

In late 88 B.C.E, several thousands of Italian traders were massacred in the cities of western Anatolia during the so-called “Asian Vespers”, which triggered the outbreak of the first Mithridatic war and significantly altered the social structure of the very young province of Asia. Misled by the accounts of ancient historiography, scholars have generally argued that, following the Vespers, Italian presence in the province was de facto erased until the late 70s, in correspondence with the initial successes of Lucullus in his Mithridatic campaign.

My paper aims to reassess the extent of this erasure. If epigraphic evidence from the area does not suggest any significant discontinuity in the Italian presence after the first war, it is the rationale itself of the Sullan settlement of 85 that requires the presence of Italian businessmen at that stage. By inflicting a fine of a sensational size to the cities of Asia, Sulla aimed to favor private financial gain by triggering the outbreak of a public economic crisis (Tan 2017). It would have thus made no sense for this to happen at a time when no Italian moneylenders were in the area. There is no doubt that, in his settlement, Sulla envisioned Italian moneylenders as the recipients of this private gain, nor is it unlikely to imagine the influence of those powerful businessmen behind the clauses of the settlement.

While it is undeniable that, for a little while, the Italians who escaped the Vespers fled from the province, my paper argues that they must have reappropriated that space quite soon, if by 85 their active presence could be taken into account by Sulla. Even a generational trauma like the Vespers could not prevent that community from fitting in, and profiting from, a social structure that would have now been more remunerative than ever.

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## **Politicizing Private Space: Roman Household in Times of Unrest**

The Roman household in the late republican period is known as a place where politicians, their clients, freedmen, and slaves were actively involved in carrying out the interwoven affairs of people shaping the development of the empire. Private estate could be destroyed when one's political career was legally questioned and condemned or, in contrast, houses of victors were decorated with spoils of war and publicly admired. Houses were symbols of politicians' failures or successes, simultaneously informing the *populus* about the existing sentiments in the world of political strife. Despite some clearly defined functions of space and rooms in the Roman households, the lines between private and public sphere would often become blur in the time of unrest. In the late Roman republic, the private houses of warlords were places where the decisions concerning politics and military conflicts were regularly made, thus undermining the official administrative spaces in the city. The open *contiones* ceased to function as a determinant in running the state and the Senate meetings ceased to be a safe place for any discussions; instead, public affairs were shifted into the domain of limited, private, and undisclosed assemblies that were meant to (re)organize the political arena by a few men only. This paper examines the Roman house as a tool for conducting political affairs in the behind-the-closed-door environment. It will also determine when the process of restricting public issues to the private households escalated, and when the Roman house became the bastion for military and political maneuvering.

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## **Some Considerations About Public and Private Spheres in Roman Legal System**

Although challenged by recent movements towards reciprocal interpenetration, for instance in criminal law which could be considered as a hybrid public-private system, the distinction raised by jurists between public and private law has accompanied the progress in the affirmation of the modern State and was enshrined in the codifications of the 19th and 20th centuries. It is not uncommon to find a Roman origin regarding this binary taxonomy. The Roman notion of *res publica* and the marginality of the notion of individualism in Rome led to a seemed clear distinction between the public and the private sectors. From a strictly legal point of view, a famous passage by the jurconsult Ulpian (Digest 1.1.1.2) seems to lay the foundations for a clear conceptual separation between the spheres of *ius publicum* and *ius privatum*. However, a careful, contextualized exegesis of the fragment reveals no clear-cut opposition between these two domains. To understand how the system works, we need to look at the *utilitas* criterion that Roman jurists used to support some of their decisions. The general interest, the common good or the public interest, or even necessity, depending on the meaning we give to the term *utilitas* (*publica*), qualifies the *ius* under a double criterion. On one side it is an obligatory right in the sense of subjective *ius publicum*, and on the other side a decisive argument regarding a practical decision relating to a private act. In concrete terms, this means that jurists have not considered public law as a subdivision of law in the broadest sense. On the contrary: the legal system forms an indivisible block entirely dedicated to the community interest. The regulation of the *res romana* was a matter not only for the part of the legal order governing public affairs (a state law in the broadest sense, which would also encompass the *ius sacrum/Pontificum*), but also and above all for private law, whose perfection was to benefit all Roman people.



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## **Diplomatic Space and Performativity as Metaphors of Power – The Example of the III Punic War**

Law, governance and space created a triangle from which it is possible to understand Roman power in the Republican era. Each of the vertices had an equivalent relevance, insofar as its study converges with the other two. As an external projection, it is feasible to analyse the extent of the hegemony of the Roman Republic through the study of the symbolism of diplomatic spaces. Locations and itineraries covered by the ambassadors were related to the “sociology of power” (Cornwell, 2020). Public places of negotiation became metaphors of the authority of the Republic, turning any diplomatic initiative into a demonstration of superiority. This feature, defined by the term “compellence diplomacy” (Eckstein, 2006), is clearly noticeable in the account of the Third Punic War (149-146 BC), integrated in the period that “realist” historians (Eckstein, 2006; Brisson, 2020) refer to as “unipolarity”. Focusing on this conflict, we analyse the “codes of space” (Lefebvre, 1974) and the performative actions that made non-verbal language a tool of deterrence, perhaps more powerful than oral discourse. In parallel, we study the places destined for international relations, both in the city of Rome and in Carthage, paying special attention to the role played by the temple of Bellona (Rome) and the *Asklepeion* (Carthage), to conclude that the topography of diplomacy had in both cultures a coercitive intention.

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## **Public and Private in the Roman World – Spatiovisual Consideration**

Roman views on the public and private are notoriously complex. Romans confidently utilized the public space for their individual benefit; however, the private space was equally expected to be used for the common good. This presentation examines the Roman space through visibility and movement in relationship to the concepts of public and private. Through the concept of administrative work, the presentation explores individual cities, such as Pompeii and Delos, and their houses to investigate the possibility of privacy and publicity. The spatiovisual examination offers a new understanding of space that reaches beyond the strict ownership-based dichotomy of public and private.

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## **Between the Private and the Public – The Censors’ Duties of Delimiting Space**

The purpose of the paper is to analyse both literary and epigraphic the sources concerning censorial duties in delimiting the public space. The censors were responsible for public places, and they could recover them from private individuals. They could use coercive measures in order to stop the citizens from occupying public space. The paper will concern the scope of these activities as well as the procedures applied.

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## **Roman Republicanism as a Networked Process: Models and Methodologies**

The purpose of this paper is to explore the emergence of Roman Republicanism as a practice, a set of activities, such as the census or trials, that took place in public place. While earlier research on spaces of Roman administration has focused on buildings, it argues for a new approach, looking at functions and activities. The paper argues that instead of buildings or even rules or theories, the creation of Republicanism involved a set of connections and movements between spaces that formed the nodal points where administration operated, between places where magistrates positioned themselves, where information was published and stored and where citizens congregated in and around the Forum. Through its timeframe from the expulsion of the kings to the consolidation of single rule by Augustus, it traces how the creation of Republican institutions was visible in the cityscape of Rome and how their abandonment and atrophy was likewise apparent in the built environment, although nothing had changed formally.

By networked process, I mean that administrative functions, from meeting citizens, internal deliberations, drafting documents and archiving them, to announcing them to the public, were to a large degree distributed geographically and functionally. My main argument is that instead of a single office or an administrative centre, the whole urban centre of Rome acted as an office in the larger sense. The magistrates, the scribes and other apparitores helping them were inherently mobile, not tied to a single place, nor was their jurisdiction restricted to a single location. The Republic was an embodied experience. Their movement took place between loci such as the forum, which served as a location of law courts, but also as place of assembly and political activities, to sites like temples that had important ritual functions but also practical roles in the storage of information.

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## **Men Becoming Monuments: Republican Ideals in the Light of Numismatic Evidence**

Becoming a Roman senator was not an easy task. Competition was fierce, and one had to make a good and lasting impact on the voters as well as fellow-magistrates.

This paper discusses the methods your Roman magistrates referred to different monuments in their coinage, and how this it became a method of building one's political agency. The emphasis is on the coinage of the *triumviri monetales*, but some epigraphic monuments serve as comparative material. The focus of the paper is on the ways "Republican ideals and spaces" are manifested in the coins, and how they relate to other tactics that magistrates used in their search for high offices.