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**Adalberto Giovannini, *Les institutions de la République romaine des origines à la mort d'Auguste. Schweizerische Beiträge zur Altertumswissenschaft, 42.* Basel: Schwabe Verlag, 2015. Pp. 245. ISBN 97837965345845. €78.00.**

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### Preview

A book of Adalberto Giovannini is always a pleasure to read, thanks to the clear, direct and pedagogic style of its author. And it's always interesting, not only because the Swiss historian knows the Greek and Latin sources very well, but also because arguments based on mere authority have no influence on him. For the same reasons, it's always more or less iconoclastic.

The book's structure is unusual. Indeed, the reader will not find any reference to scholarship before the end of the book (p. 179-217), where a critical discussion of modern works is proposed. The presentation of the subject matter tries to take into account the imbalance between the relatively abundant documentation of the last two centuries of the Roman Republic—that allows a structural approach of the Roman institutions—and the rare and problematic documentation for earlier periods.

As A. Giovannini specifies it (p. 9), this book is written for both students and scholars. Indeed, it should be considered as an academic handbook of high standard, which will be very useful to French speaking colleagues as they prepare lessons on Roman Republican institutions. The structural description of the institutions of the last two centuries of the Republic (first part) and the historical narrative of the Roman Republic, which takes an institutional point of view and to which it is not possible to give a detailed commentary here (second part), are systematically (and soundly) supported by ancient sources referenced in the footnotes. Modern works are evaluated in the final “État de la recherche”, which conveniently follows the order of the table of contents. Finally, a bibliography and *indices* help readers to find their way.

These readers have to be aware, however, of the *a priori* opposition of the author to the 19<sup>th</sup> century's theory, systematized by Theodor Mommsen in his *Römisches Staatsrecht* (1887-1888), which conceives the power of the Republican magistrates as originally transmitted from the kings and later, year after year, from the magistrates in office to their successors. By contrast, A. Giovannini thinks that the founding principle of the Roman State was the sovereignty of the people<sup>1</sup>; furthermore, this was the basis of the authority of the Senate, an assembly of former magistrates that were elected by the people (p. 78-79). This sovereignty was

submitted to the will of the gods and, therefore, to the will of the Roman magistrates, who were the only ones with the authority to interpret the auspices obligatory before all important public deeds, civilian as well as military (p. 36-37 et 107). As the *auspicia* taken by the magistrates were controlled by the augurs, these priests had an authority that was respected even during the Civil Wars and that allowed a single augur to nullify a popular decision (p. 86-92).<sup>2</sup> The magistrates were also controlled by the Senate, whose orders to them were imperative (p. 79).

However, it is impossible to reduce the capacity of the magistrates and the augurs, as A. Giovannini does, to a simple “right of veto” against the “unjust” decisions of the people (p. 37): not only has the Swiss historian overestimated the reality of popular sovereignty<sup>3</sup>—even the *populares*, despite their radical method and ideology, never questioned fundamentally the aristocratic nature of the regime,<sup>4</sup> so that the sovereignty of the *populus Romanus* was largely nominal<sup>5</sup>—and underestimated the magistrates’ power of convoking *comitia*, of *rogatio*<sup>6</sup> and of *renuntiatio*<sup>7</sup>; but he has not properly esteemed the necessary complementarity between the *potestas sine auspiciis* of the people, the *potestas cum auspiciis* of the magistrates of the people (i.e. the holders of patrician magistracies) and the *auctoritas* of the augurs and of the Senate.<sup>8</sup> In accordance with his ideas on the sovereignty of the Roman people and with his supposition that the *comitia curiata* were originally dominated by the patrician *gentes*, A. Giovannini thinks that this assembly gave the auspices to the magistrates (p. 43-44 and 110)<sup>9</sup>: this assumption, unfortunately, is certainly wrong.<sup>10</sup>

If the Swiss historian’s demonstration of the nonexistence of the so-called *lex Cornelia de prouinciis ordinandis*<sup>11</sup> is recognised today as definitive (p. 210 and 214), we can deplore that he has maintained less fortunate opinions, such as the supposed lack of “promagisterial” auspices<sup>12</sup> or his problematic assumption that the *prouocatio* would not have been territorially limited to the *Vrbs* and the area embraced by the first Roman mile (p. 181).<sup>13</sup> The meaning of the limitation of military dictatorship to six months is also misunderstood (p. 53-55; cf. 209-210): this term did not imply any expiration date for the extraordinary magistracy, but only urged the dictator not to keep his power longer. As a consequence, an abdication was necessary to put an end to a military dictatorship, as well as to a civil one.<sup>14</sup>

In the “État de la recherche” too, some positions of the author will provoke discussion. Thus, for example, his interpretation of Marius’ military reform (p. 208; cf. p. 138-141) does not take account of recent research on the subject, which tends to relativize his immediate military impact.<sup>15</sup> His understanding of the recent work of Fr. J. Vervaeet (*The High Command in the Roman Republic. The Principle of the summum imperium auspiciumque from 509 to 19 BCE*, Stuttgart, Franz Steiner Verlag, 2014), and therefore his criticism of Fr. Hurlet and A. Dalla Rosa (p. 214-215; cf. p. 189-190), is erroneous as well: he confuses, indeed, the concept of *imperium maius* (i.e. an *imperium* superior to another, such as the *imperium* of a consul in relation to the *imperium* of a praetor) and the concept of *summum imperium* (i.e. the precedence of the commander-in-chief, including over a holder of an equal *imperium*), which Fr. J. Vervaeet, precisely, strives to distinguish.

Eventually, we can regret that A. Giovannini’s synthesis remains confined to the same juridical perspective as Mommsen’s *Römisches Staatsrecht*, without any attempt to renew the approach of Roman institutions thanks to the contribution of the social sciences. Yet, the works of German historians such as K.-J. Hölkeskamp, M.

Jehne or E. Flaig would have given him something to think about. Indeed, they have stressed also the political importance of the *populus* and the *plebs*, but not as the supposed source of magistrates' power, but as a third civic instance whose main function was to arbitrate the aristocratic struggles for power.<sup>16</sup>

Despite these criticisms, I would like to insist again, in conclusion, on the clarity of A. Giovannini's exposition of the Roman Republican institutions, on his rational insistence on the necessary return to the ancient sources and on the great utility of his final "État de la recherche".

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## Notes:

<sup>1.</sup> See already: A. Giovannini, *Consulare imperium*, Bâle, Friedrich Reinhardt Verlag, « Schweizerische Beiträge zur Altertumswissenschaft », 16, 1983, *passim*; *id.*, « Magistratur und Volk: Ein Beitrag zur Entstehungsgeschichte des Staatsrechts », in W. Eder (ed.), *Staat und Staatlichkeit in der frühen römischen Republik*, Stuttgart, Franz Steiner Verlag, 1990, p. 406-436.

<sup>2.</sup> See already: A. Giovannini, « *Auctoritas patrum* », *MH*, 42, 1985, p. 28-36.

<sup>3.</sup> It should be noted, however, that A. Giovannini never speaks of a Roman democracy, not even "in a strictly neutral sense", as F. Millar does (« Popular Politics at Rome in the Late Republic », in I. Malkin and Z.W. Rubinsohn [ed.], *Leaders and Masses in the Roman World: Studies in Honor of Zvi Yavetz*, Leiden, Brill, 1995, p. 94). For a recent synthesis on the debate provoked by F. Millar's works, see: A. Yakobson, « Popular Power in the Roman Republic », in N. Rosenstein and R. Morstein-Marx (ed.), *A Companion to the Roman Republic*, Oxford, Blackwell Publishing, 2006, p. 383-400, especially p. 392, where the "sovereignty" of the Roman popular assemblies is discussed.

<sup>4.</sup> See: J.-L. Ferrary, « *Optimates et populares*. Le problème du rôle de l'idéologie dans la politique », in H. Bruhns, J. M. David and W. Nippel (ed.), *Die späte römische Republik. La fin de la République romaine. Un débat franco-allemand d'histoire et d'historiographie*, Roma, École française de Rome, « Coll. EFR 235 », 1997, p. 221-231.

<sup>5.</sup> See: Cl. Nicolet, *Le Métier de citoyen dans la Rome républicaine*, Paris, Gallimard, 1980<sup>2</sup> [1976], p. 288-290: « Nous savons aujourd'hui [...] que le peuple [romain] n'a pas toujours eu le droit d'élire les magistrats, que ces décisions n'ont pas toujours été souveraines [...]. Il est vrai [...] qu'au dernier siècle de la République [...] la souveraineté du peuple est plus nettement affirmée. Mais c'est là une expression du langage politique qui ne rend pas compte du substrat juridique. » Cf. J.-L. Ferrary, « *L'iter legis*, de la rédaction de la *rogatio* à la publication de la *lex rogata*, et la signification de la législation comitiale dans le système politique de la Rome républicaine », in *id.* (ed.), *Leges publicae. La legge nell'esperienza giuridica romana*, Pavia, IUSS Press, « CEDANT 9 », 2012, p. 24-25.

<sup>6.</sup> See: Cl. Nicolet, *Le Métier de citoyen*, *op. cit.*, p. 290: « Même si sa volonté exprimée (i.e. the *populus Romanus*' will) devient prépondérante, encore faut-il que quelqu'un, en dehors de lui, mette en mouvement cette volonté, d'abord en le réunissant (c'est-à-dire en convoquant une assemblée), ensuite en lui proposant, comme une sorte de contrat, de participer à ce qui ne pourra être en fin de compte, comme dit Mommsen, qu'un acte bilatéral [...]. »

<sup>7.</sup> See: Cl. Nicolet, *Le Métier de citoyen*, *op. cit.*, p. 401: « il est probable qu'au départ le titulaire de l'*imperium* avait pour devoir de désigner lui-même son

successeur, et jusqu'à la fin de la République c'est lui qui présidera les comices où son successeur sera élu, et qui sera chargé de l'annonce officielle (*renuntiatio*) qui, en droit, est la seule investiture valable. »

8. Let me mention, on this question: Y. Berthelet, *Gouverner avec les dieux. Autorité, auspices et pouvoir, sous la République romaine et sous Auguste*, Paris, Les Belles Lettres, 2015, especially p. 143-283.

9. See: A. Giovannini, *Consulare imperium, op. cit.*, p. 52-53.

10. Fr. Van Haepere, « Auspices d'investiture, loi curiate et légitimité des magistrats romains », *CCG*, 23, 2012, p. 71-112 ; Y. Berthelet, *Gouverner avec les dieux, op. cit.*, p. 103-137.

11. See : A. Giovannini, *Consulare imperium, op. cit.*, p. 73-101.

12. See: A. Giovannini, *Consulare imperium, op. cit.*, p. 37. Such position is untenable: cf. Y. Berthelet, *Gouverner avec les dieux, op. cit.*, p. 157-168.

13. A. Giovannini, *Consulare imperium, op. cit.*, p. 22-26. For discussion: Y. Berthelet, *Gouverner avec les dieux, op. cit.*, p. 191-194. On the other hand, Giovannini's *appendix (Institutions...*, p. 173-178) arguing against the "plebeian" origin of the *prouocatio* is convincing.

14. U. Coli, *Regnum*, Rome, Apollinaris, « *Excerptum ex SDHI*, 17 », 1951, p. 395-418, especially p. 407-411.

15. P. Cosme, *L'armée romaine. VIII<sup>e</sup> s. av. J.-C-V<sup>e</sup> s. ap. J.-C.*, Paris, Armand Colin, 2007, p. 52-53 ; Fr. Cadiou, « Le *dilectus* de l'année 151 et les guerres celtibéro-lusitaniennes : remarques sur la question de la réticence face au service militaire dans la Rome du II<sup>e</sup> siècle av. J.-C. », in I. B. Antela-Bernárdez and T. Nájaco del Hoyo (eds.), *Setting landscapes into motion in the Ancient Empires*, Oxford, British Archaeological Reports, International Series 1986, 2009, p. 26-27.

16. See, particularly: K.-J. Hölkeskamp, *Rekonstruktionen einer Republik. Die politische Kultur des antiken Roms und die Forschung der letzten Jahrzehnte*, Munich, Oldenbourg, 2004, p. 82-83.

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