
Etatist and Non-etatist Approaches to the Study of Ancient Civil Community: Discussions on *civitas Romana*

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YSU project VIP-018

The civil community, as a structure-forming element of ancient civilization, serves as the central object of study, both in its Greek model (πόλις) and in the Roman one (civitas). In the process of long-term research into the world historiography of these models, two approaches have been developed: the etatist approach (recognizing the state organization of society), and the non-etatist one (denying it), 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 took place in 2023 (Shaw 2023; Shaw *et al.* 2023), which indicates the continued scientific relevance of this issue.

Until the mid-twentieth century, the concept of ‘state’ was applied to the Roman community in classical studies as a matter of course. But in the 1960s, Álvaro d’Ors Pérez-Peix, a Spanish specialist in Roman law, began to deny the legitimacy of this use (D’Ors Pérez-Peix 1965: 107–164). His position found support, above all, in Spanish and Italian historiography, while the etatist approach prevailed in German, English, American, and Russian historical science (although there were exceptions everywhere).

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 from various philosophical and political schools

Recommended citation: Dementyeva V. V. Etatist and Non-etatist Approaches to the Study of Ancient Civil Community: Discussions on *civitas Romana*. *Social Evolution & History*, Vol. 24 No. 2, September 2025, pp. 178–182. DOI: 10.30884/seh/2025.02.16.

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have proposed different definitions. 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. Schmitt believed that the concept of ‘state’ is applicable to European history only since the sixteenth century, he did not extend it to Antiquity, proposing to replace this term for this era with the concept of *Herrschaftsorganisation* – ‘organization of domination’. According to the Jellinek’s teachings, three elements make up a state: territory (*das Staatsgebiet*), people (*das Staatsvolk*), and 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 talk 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.’

Supporters of the non-etatist approach to the characterization of the civil community believe that the third element of the definition of the state proposed by Jellinek is not applicable to it. Uwe Walter argued against this: ‘Aber einen Grund, weswegen man die politischen Organisationen der Antike nicht “Staat” nennen sollte, sehe ich darin nicht’ (Walter 1998: 21), arguing his position in detail. After well-founded objections to the supporters of the non-etatist position, formulated primarily in German historiography in the mid-1990s, it would seem that the discussion has been exhausted.

However, a return to discussions of this issue occurred in the 20s of the twenty-first century and was connected, in my opinion, with the fact that the emphasis that had been put in 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 substitutions of concepts sometimes arise: thus, Maxim V. Shisterov believes that modern researchers argue about whether it is possible to translate the Latin expression *res publica* with the word 'state', making a negative conclusion (Shisterov 2013: 134–144), which determines his support for the non-etatist position. Let us emphasize: *civitas* and *res publica* are different concepts; *res publica* is what the civil collective (*civitas*) has, *i. e.*, an object of possession with material and non-material components, including political structure. Modern historians debate whether *civitas Romana* was a state, rather than a correspondence between the concepts of 'state' and 'res publica'.

Let us dwell on the latest discussion of the problem. Brent Shaw sets out to prove that Rome – both in the republican and imperial periods – corresponds to the definition of the state given by Schmitt. Shaw poses the question '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 there arises (Shaw uses the anthropological concept) the 'emic trap'. He emphasizes that among those who consistently defended the non-etatist position (including, *e.g.*, Reinhart Koselleck), the lack of a term in Latin that could be translated as 'state' was considered to be an argument. 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 2023: 10). I have always answered this question as follows: we are talking about a scientific categorical apparatus; the designation in this case 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. 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.'

In response to the thesis that personal connections in Rome acted as a substitute for 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' (Shaw 2023: 13).

In general, Shaw identifies the following features of the Roman structure and government, which confirm, as he rightly emphasizes, its governmental character: the expansion of the instruments of government through colonies and municipalities; the existence of banks of information, the vast documentation in the *Aerarium*; ‘the application of census not just to Roman citizens as in the republic, but in making a count of all of the subjects in each province of the empire’; such authorities as the senate and magistracies; resources beyond the resources of individual families; and ‘pragmatics in the design, planning, and building of an extensive and unprecedented system of public roads’; ‘the building, and operation of the gigantic aqueduct systems’.

Since Schmitt considered the army of the entire state, its financial, legislative and legal systems to be specific organizational means of state power proper, Shaw seeks to show that they were characteristic of both republican and imperial Rome. He emphasizes 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 (Shaw 2023: 24).

Is it possible to have a universal definition of the state, namely, as a category of scientific apparatus? I believe it is. Anthropologists distinguish between two organizational principles on which society is built: ‘heterarchy’ and ‘homoarchy’, while calling for heterarchy not to be identified with a democratic system, and for both concepts to be applied ‘within a broader framework of social relations and social structure as a whole, and not only in connection with power relations’, and for the state to be considered ‘a special type of social organization’ (Bondarenko 2024: 27–28). In my opinion, the definition of a state as a type of social organization should include: 1) the elements of which it consists (here I prefer to side with Aristotle and Jellinek – territory, people, and political power in its various structures); and 2) its main functions (I believe that the main one is maintaining the stability of society and reproducing the conditions for existence, which includes various methods of regulation, including the use of violence while monitoring the legality of its use).

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