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Common Things and *Res Publica*: Cicero and the Novgorod Republic

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Why should Novgorod the Great (ca. 1126 or 1136 – 1471) be considered a proper *res publica*? To begin with, the term itself was not used. Indeed, if the Novgorodian public archives existed at all, they have not been preserved, and even if they had been preserved, they would have hardly employed the Latin language. Most Novgorod sources were written in what academician Zalizniak calls “the Novgorodian dialect of the ancient Russian language”, and most records of West European dealings with Novgorod were in *Mittelniederdeutsch*, the lingua franca of the Hansa. Of course, there are records of Russian translations of the Greek term *demosia pragmata*, itself a calc of the administrative Latin term *res publica* from the Hellenistic era of the Roman Empire or even later, but these were not very widespread, and confined to the documents of canon law, like the rules adopted by the Council of Chalcedon in 451AD and the like, regulating the property relations and communications between the monasteries and the polis.<sup>1</sup>

If we do not have the requisite words, do we have the republican practices in place? Indeed, the Great Novgorod seems to be very close to the free cities of Europe of the time: chronicles tell us that it engaged in contract relations to employ a military leader (a prince), had frequent rotation of magistrates in the position of the city mayor (*posadnik* in Russian, described as *burgmeister*, or *borchgreve* in the Hansa documents), had the only archbishop in the history of medieval Europe who was elected by lot and who held important (some would say *most* important) spiritual, political and economic power in the republic. Novgorod also had a system of boroughs and smaller rotating magistrates pertaining to them. However, we cannot compare political institutions of Novgorod the Great with, for instance, Luebeck or Venice. As most historians would claim, the absence of public archives leaves us with notoriously unreliable Novgorod or Muscovite chronicles and a few civil law documents (the famous birch bark charters) that sporadically capture trade and property relations in the city and its environs. So how do we arrive at a *res publica*? One of the solutions is to look at the Hanseatic documents that give us German merchants’ impressions of the Novgorod institutions and practices they encountered during their trade and quarrels with the Novgorodians. This is a scholarly path that has only recently become popular with Russian linguists and historians.<sup>2</sup> Another

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<sup>1</sup> We need a detailed study of the terminology of the main book of canon and secular laws (*Kormchaia*, an equivalent of Byzantine Nomocanon) used in Novgorod, since it was different from the Ryazan and Serbian recensions of this manuscript that later became the basis for printed *Kormchaia* books, appearing in the XVII century Muscovy. The Novgorod book of canon law was never printed, so it is hard to evaluate whether Russian translations of the term *demosia pragmata* are important for this voluminous text. A special study is needed.

<sup>2</sup> See e.g. Catherine Squires, *Die Hanse in Novgorod: Sprachkontakte des Mittelniederdeutschen mit dem Russischen*, Köln: Böhlau Verlag, 2009, and Pavel V. Lukin, “Was Medieval Novgorod a Republic? Myth and Reality,” paper for the EUI-EUSP workshop on republicanism, May 2011, now forthcoming in *Russian History/Histoire Russe*. Of course, we still need a detailed study of sources from the Hanseatic archives, dealing with Novgorod, on whether they employed the Latin terms *civitas* and *res publica*, and for what purposes, and a study of their Middle Low German equivalents (and what those were).

solution is to look at the historical examples of tangible and durable *res publicae*, allegedly certified cases of “things public”: of these, we supposedly have many in Novgorod, some preserved even until now.

### *Res publicae* and the classical theory of *res publica*

But how are the two related? Cicero constantly mentions tangible common things in his political works: they are important for the maintenance of the republican regime, as we would say now, but the mere presence of these common things is clearly not enough for a *res publica*. Thus, he writes in *De re publica* III: 43: “Syracuse, with its admirable citadel, its harbors, its broad streets, ... its porticoes, temples, and walls could not be a commonwealth in spite of all these things (*ut esset illa res publica*) while Dyonisius was its ruler, for nothing belonged to the people (*nihil enim populi*), and the people itself was the property of one man.”<sup>3</sup>

The idea behind this statement is by now well-entrenched in political philosophy: in the absence of just laws ruling the republic, there can be no decisive defense from the threat of despotism or tyranny. Cicero’s concern is thus to describe those types of political affairs (*res publica*) that are not worthy of this high title. For example, concludes Cicero, “wherever a tyrant rules, we ought not to say that we have a bad form of commonwealth, as I said yesterday, but, as logic now demonstrates, that we really have no commonwealth at all (*nullam esse rem publicam*).”<sup>4</sup> In *De officiis* II:29 Cicero describes the fallen republic after Caesar took power as something that preserves only a republican carcass of sorts: “And so only the walls of the city (*parietes modo urbis*) remain standing, and they themselves now fear the excesses of crime. The republic we have utterly lost (*rem publicam amisimus*).”<sup>5</sup>

But did not the need to make such arguments stem from the fact that many people of Cicero’s time would believe: given the availability of obvious tangible *res publicae* – durable shared things, like porticoes and city walls – Syracuse and Rome were republics in any case? Is it not because of such widespread belief Cicero had to insist, time and again: the existence of a common theater, squares and sculptures, contrary to popular intuition, does not automatically ensure the presence of *res publica*? Thus, he writes: “Where was there any ‘property of the Athenian people’ (*Atheniensium res*) when ... the notorious Thirty most unjustly governed their city? Did the ancient glory of that state, the transcendent beauty of its buildings, its theatre, its gymnasiums, its porticoes, its famous Propylaea, its citadel, the exquisite works of Phidias, or the splendid Pireaus make it a commonwealth (*rem publicam efficiebat*)? – By no means, since nothing was “the property of the people” (*quidem populi res non erat*).” And he says the same about Rome under the rule of the Decemvirs in *De re publica* III: 44: “There was no ‘property of the people’ (*populi nulla res erat*); indeed the people rose in revolt to recover their property (*rem suam recuperaret*).” Please note that the Propylaea, the citadel, the port and even the city statues here are interpreted as being in someone’s possession. Also, they are very tangible, as their enumeration shows.

<sup>3</sup> This English translation by C. W. Keyes appears in Cicero, *De re publica. De legibus*, Cambridge, MA: Harvard University Press, 1928, pp. 218-219.

<sup>4</sup> Ibid.

<sup>5</sup> English translation – in M. T. Griffin and E. M. Atkins, eds., Cicero, *On Duties*, Cambridge University Press, Cambridge, 1991, p.74

We can find the same popular equation of *res publica* with common things in public use in the Middle Ages. In 1370 in a town called Rodez in what is now southern France a builder named Huc del Cayro was asked in court to define what is *res publica*. The question was put in Occitan language and was related to the fact that this town was split into two parts under respective control of the English and the French, and a treasure was found on a disputed plot. “I am not sure,” he replied, “but I think the Res Publica is something that’s of use to all the people who live in one place.” Johan Gasc, another builder but a master in trade, answered the same question with more assurance: “I know that churches, squares, fairgrounds, drinking fountains and streets are *res publicae*, and are called that because whoever wants to can go and pray in churches, whether they are strangers or not..., and they can draw and drink water from the fountains, and stand and walk about in squares and streets and fairgrounds, and it’s a perfectly free activity for whoever wants to do it.” The third builder, Marot de Namaria, answered to a lawyer’s question on what was *res publica*, in the following way: “Oh yes, I know: churches, streets, squares, fairgrounds and roads. Otherwise, I’ve no idea.”<sup>6</sup>

By contrast, Cicero uses the term *res publicae* in the plural, but he almost never designates “things public” with this term. Rather, he most frequently employs *res publicae* in the plural to designate a grouping or multitude of cities, municipalities or other “political unions”, as we would say now in Weberian language. Edward Sonnenschein, who back in 1904 was first to try enumerating the amount of plural forms of this expression in Cicero’s orations and philosophical works, and counted about 25 of them, citing such obvious ones as *omnium rerum publicarum optima* (Leg. II: 23), *rerum publicarum administratio* (Fin. V: 58), *rationes rerum publicarum constituendarum* (Rep. I: 11) and *id maxime in rebus publicis evenit* (Rep. I: 68, I: 45), concluded that in all of these cases Cicero had in mind a plurality of “states” as such, rather than a distinct form of a political regime, a republic as opposed to monarchy or tyranny. Very rarely did he use this term to mean “public affairs”, and we almost never can read a meaning “public things or possessions” into this term, when it was used by Cicero.<sup>7</sup>

However, Cicero constantly pays attention to collectively owned or used things and he carefully distinguishes between common things and *res publica* (in the singular). Thus, talking about the difference between several degrees of fellowship among men in *De officiis* I: 53-57, Cicero first starts with the broadest one, humankind in general, then descends to tribes and tongues. On the next degree of fellowship – the one found in *civitas* – he says: “More intimate still is that of the same city, as citizens have many things that are shared with one another (*multa enim sunt civibus inter se communia*): the forum, temples, porticoes and roads, laws and legal rights, law courts and political

<sup>6</sup> Quoted in Ann Wroe, *A Fool and His Money*, New York: Hill and Wang, 1995, pp. 48, 51-52.

<sup>7</sup> Surveying all corpus of Latin texts available to him at the time, Sonnenschein did not mention a single instance when the term *res publicae* (in its plural form) meant “public things” and noted only three examples when this term could be employed to designate public business or public affairs. These were two instances in Cicero—*since multa pertractione omnium rerum publicarum* (De Or. I: 48), *omnibus rebus publicis instituendis* (Rep. II: 16)—and one in Horace: *ubi publicas res ordinatis* (Od. II: 1.10). Thinking perhaps that the same expression in the singular (*res publica* meaning “public affairs”) could do its job far better, Sonnenschein sarcastically concluded on the felicity of designating public affairs with the term *res publicae* in the plural: “Not that I should recommend either of these usages to writers of Latin composition.” (Edward A. Sonnenschein, “The Plural of Res Publica,” *The Classical Review* 18, no. 1 (1904): pp. 37-38.)

elections, and besides these acquaintances and companionship, and those business and commercial transactions that many of them make with many others.” *Res publica* distinguishes itself from these forms of fellowship – as well as from the companionships of friends or relatives – because there is no fellowship that is “more serious, and none dearer, than that of each of us with the republic (*quae cum re publica est uni cuique nostrum*) ... What good man would hesitate to face death on her behalf, if it would do her a service?”<sup>8</sup>

It follows from these lines in Cicero that people in the city understood as a collection of buildings and common spaces, as *urbs* or *oppidum*, stay at the level of just sharing common goods – they share them as members of the contemporary condominium share common corridors and staircases – while in *res publica* they have something bigger, something for which it is worth dying. Of course, the text in I:53 deliberately says that *civitas* (and that is why it is different from *urbs*) shares not only streets and porticoes but, for example, laws, courts, and elections. Are these worth dying for? Not necessarily, in the opinion of many contemporary readers, but they definitely appeal to higher concerns than those that we would now call the material elements of the city. In the classic Roman gradation of shared things – for which one should care and perhaps even die for – one definitely starts with housing as a lower tier. Thus, comparing degrees of fellowship, Cicero writes in I:54 that the first society is a conjugal one between husband and wife, then a society with children, and “then there is the one house in which everything is shared (*domus, communia omnia*). Indeed this is the principle of the city (*principium urbis*) and the seed-bed, as it were, of a political community (*quasi seminarium rei publicae*).”

One should stress two aspects of this statement. First, having common things is the principle of *urbs*, not *civitas*. And *civitas* is a category of public, not common life. One would still have to rise from one level to another. Second, if the seeds of *res publica* exist in the common facilities and life of the house, then these facilities are the very beginning of it, a garden plot where seeds for future plants are initially sown and sheltered (this is what a *seminarium* means) before plants come in full bloom. And we need a qualitatively different criterion of action to get us into *res publica*.<sup>9</sup>

This criterion, already mentioned – a willingness to die for the public cause – might seem a bit too demanding for a present day reader, who could take it to be part of an epoch when people allegedly chose public glory over the pleasures of private life. One may find another formulation – a more technical one and fitting contemporary tastes – in the famous definition of *res publica* as the property of a people, that is, *res populi*, in Cicero’s *De re publica* I: 39. Malcolm Schofield has suggested that the main contribution of Cicero to political theory consisted in his translation of *polis* as *res publica*, which allowed him to bring in all the property connotations that the Greek term did not have and thus to formulate the following characteristically Roman proposition: *res publica* comes into being when there is an owner, *populus*, which

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<sup>8</sup> Cicero, *On Duties*, pp. 22-23.

<sup>9</sup> *De rep.* I:41 also mentions in its description of the origins of the city *quasi semina*, «certain seeds, as we may call them», which are very important, «for [otherwise] no source for the other virtues nor for *res publica* itself could be discovered». (Cicero, *De re publica. De legibus*, pp. 64-65, translation corrected in that the original Latin term *res publica* is retained.) But the very metaphor of a seed presupposes future growth and development into a full form.

fully controls its *res*.<sup>10</sup> When it does not, there is no *res publica*. *Populus* in its turn is defined in a very specific manner: it is “not a collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice (*iuris consensu*) and a partnership for the common good (*utilitatis communione sociatus*).”<sup>11</sup>

The Latin expression *utilitatis communio* means «communion, partaking in the matters of utility». The dictionary by Lewis & Short states that the term *communio*, «communion, mutual participation» was used during the republican era several times by Cicero but was rare elsewhere. It became widespread after the arrival of Christianity, when it was employed to designate the sacrament of the Lord's supper.<sup>12</sup> In the lines of Cicero that we are analyzing we find «partaking in the matters of utility» together with *iuris consensus*, an agreement or even co-sensing, sharing a common feeling or intuitions on the matters of justice. This coupling of utility and justice is quite traditional for ancient thought, which was preoccupied with a choice between a just deed, done in accordance with the law, and a useful one, when one could ignore the law in order to gain. In Cicero we thus find this traditional opposition of *ius* and *utilitas* – but it is important, that after mentioning both parts of this opposition in the initial formulation in *De rep.* I: 39, in the exposition that follows he pays attention only to *ius*, largely forgetting about *utilitas*. Many authors think that he dropped *utilitas* as not central to republican concerns, and concentrated on *ius* instead.<sup>13</sup> Perhaps he chose to ignore the questions of shared utility because it was clear to him that if we stay at the level of common use and striving for utility we will not reach the level of *res publica* (even if we have to start from common useful things in a house or a city to eventually get to a *civitas*). It would be incorrect to translate the Latin term *utilitatis communio* as «common utilities» (in a city) rather than a «communion in the matters of utility», but such allusions point us to a straightforward thesis of Cicero: common things are a necessary, though not a sufficient condition that the city's inhabitants become a *populus*. Only the second element, agreement in the matters of justice – *iuris consensus* – can transform a multitude or a populace that uses common things in a city into a *populus* and hence transform the common possessions and concerns of these people into a *res publica*.

Thus, there are two criteria for the existence of *res publica* that distinguish it from just having things in common use in a city. The first one is that *res publica* is the only type of a fellowship for which people are willing to die. The second one, based on Cicero's definition from *De re publica* I:39, is the presence of a *populus* that ensures that it is a real owner of its *res*. Let me consider the second criterion first, and then get back to the previous one. The presence or absence of *consensus iuris*, that is, agreement or perhaps - as the structure of the term *con-sensus* suggests - even a shared sense (extending even to a level of shared intuitions and sensibility) on the matters of justice is decisive. It shows whether the multitude has been transformed into a *populus* or not. In practical terms most of the time the second criterion means

<sup>10</sup> Malcolm T. Schofield, “Cicero's Definition of *Res Publica*,” in J. G. F. Powell, ed., *Cicero the Philosopher*, Oxford: Clarendon, 1995.

<sup>11</sup> Cicero, *De re publica. De legibus*, p. 65.

<sup>12</sup> <http://www.perseus.tufts.edu/hopper/morph?l=communio&la=la#lexicon>.

<sup>13</sup> See Werner Suerbaum, *Vom Antiken zum Frühmittelalterlichen Staatsbegriff*, Munster 1970, fn. 68, on Cicero's argument that in ochlocracy one finds common things but there is no bond of justice; also see Schofield, “Cicero's Definition,” pp. 70-71.

that everyone has access to the processes of deliberation on the drawing and application of laws that affect all citizens. This shared practice of handling the promulgation, application and enforcement of laws allows for a development of a shared sensibility that transforms a crowd or a gathering into a *populus*.

Cicero describes it in the following way. After he has given his famous definition of *res publica*, in *De Rep. I: 41* he gives an account of the historical origins and development of the phenomena of this type. A settlement (in the sense of *urbs*) appears, when within fortifications, natural or artificial, one sets up family houses, and then shrines (*delubris distinctam*) and common spaces (*spaciis communibus*). But the main event in the transition from the level of *urbs* to the level of *res publica* happens when a special *consilio quodam regenda est* is instituted. The term *consilium* here may mean both the governing council and the governing process of consultation or deliberation, while this *consilium* «must, in the first place, always owe its beginning to the same cause as that which produced *civitas* itself». The key idea here is that governance should be done on the basis of consultation and deliberation, and then it is not that important whether the governor is a person, a group or a whole people.

In other words, *res publica* is in place, when, notwithstanding the existing form of government – Cicero, following the classical typology of three good forms of government, considers monarchy, aristocracy and politeia – there is «the bond which originally joined the citizens together in the partnership of *res publica* (*illud vinculum quod primum homines inter se rei publicae societate devinxit*).»<sup>14</sup> Cicero introduces here a concept of *vinculum* – a bond or tie that establishes *iuris consensus*. This term is also used in *De rep. I: 49*, where Cicero says that if there is equality between the citizens, then *lex sit civilis societatis vinculum*, «law is the bond that unites the civic association.»<sup>15</sup> *Res publica* appears when in addition to common things, on the basis of which it develops, we also have governance with the help of *consilium*, which ensures a tie and bonding between people, giving birth to *iuris consensus*. In the end, it is exactly this co-sensing, a common or shared juridical sensibility that transforms the gathering of people into a *populus*, possessing its own *res*, which sets *res publica* into motion.

And this *vinculum* is not necessarily metaphorical: for example, in addition to the city infrastructure in common use there should be an infrastructure of access to legal and political deliberation. If there is none – as was the case, for example, when only the Decemvirs had access to the clay or bronze tablets with written laws and to the sites of deliberation where these laws were applied – then the multitude has the right to rise in revolt, so that the access of all the citizens to these tablets and to these places of legal deliberation and verdict production is restored.<sup>16</sup> If there is no such tangible

<sup>14</sup> *De rep. I:42*; in Cicero, *De re publica. De legibus*, p. 67

<sup>15</sup> *Ibid.*, p. 75 The centrality of this notion of a tie, ligament, or a tying obligation is stressed by the fact that Hannah Arendt wrote her first dissertation exactly on the topic of *vinculum*, though not among the Romans of the republican era, but in the works of Augustine, where Christian love plays the role of this fundamental bond.

<sup>16</sup> Cicero in *De rep. II: 61-63* discusses this example of Rome under the *Decemviri*. They had been called to draw up a code of laws, but prolonged their rule and thus usurped their positions. After they had adopted unjust laws and it became impossible to appeal the actions of these illustrious ten lawgivers, the people had to rise and restore its law-making and law-applying capacity. The army returned to Rome and restored the status quo. This event is interpreted in *III: 44* that I have already

*vinculum*, allowing durable and tangible access to *consilium* – the site and the proceedings of deliberation – there are only common utilities, and no *res publica*.

Let us get back now to a more complicated first criterion of a *res publica* - the willingness to die for it. We can interpret it now also in terms of Cicero's theory of a *populus* fully owning its *res*. Property, wrote Vladimir Bibikhin – a Russian equivalent of Heidegger in terms of what he did, with the help of the Russian language – is not just something to be grabbed and carried away in one's pocket. In full agreement with its Russian or Latin etymology, property is what renders the person or the thing proper to him/her or it-self, which makes an individual himself or herself and a thing itself.<sup>17</sup> Historical sources point in the same direction. The term, according to its root, initially indicated the proper form of something. Thus, in the Latin of republican days *proprietas* meant “a property, peculiarity, peculiar nature, quality of a thing,” as the classical dictionary of Lewis and Short defines it, and only in imperial days, after Augustus, did it come to mean ownership. To have property, then, is not only to use, dispose, and possibly alienate something, but first and foremost, it is to have the possibility to become oneself. This means that, say, a person and a people become proper to themselves – including the fact that they acquire a proper, and not a generic, name - only when s/he or it enjoy full possession of certain qualities, or, as we would say now, properties.

As Hannah Arendt suggested in *The Human Condition* (1958), for the Romans and the Greeks, their proper identity depended on stories of great deeds that established models of grandeur and virtue, which were to be followed by all aspiring to achieve something in life. At the level of an individual life, at least, it was understood that only through such recorded narratives of great deeds could a mortal become closer to gods, that is, pretend to reach a certain degree of immortality, the ultimate achievement in life. The unit that established and maintained such stories of immortal deeds was the *polis* for the Greeks, and for the Romans – their *res publica*. Smaller units, like families or circles of sages could not fulfill this function: the extent of their story-making capacity was simply not sufficient enough to establish and assure credible claims for immortality. Thus, Cicero in his characterization of a willingness to die for *res publica* might be a down-to-earth realist, rather than an idealist romantic. The story of a great life could be established at the level of *res publica* only. Therefore, for many Romans or Greeks it would be simply irrational to reject this opportunity to be immortalized, and thus to realize one's proper nature to the fullest. Dying for a family or a philosophical school hardly made sense; only *res publica* had the capacity to commemorate unique deeds adequately.

Arendt initially wanted to call her book “For Love of the World” because it was about a tangible in-between that supports and sets up this space of narratives of memorable lives, and about an intangible web of relations that is made possible on the basis of the common tangible world. *Res publica* flourishes on the basis of common things. Let us see whether we find elements of both in the history of Novgorod the Great.

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cited: the *populus* had to rise and restore its control over its *res*: “There was no ‘property of the people’ (*populi nulla res erat*); indeed the people rose in revolt (*populus egit*) to recover its property (*et rem suam recuperaret*).”

<sup>17</sup> Vladimir Bibikhin, “Svoe, sobstvennoe [One's Own, Proper],” *Voprosy filosofii* [*Questions of Philosophy*, Moscow], 1997, №2.

## Novgorod and Common Things

Every school kid in Russia knows that the main feature distinguishing Novgorod from its last main enemy - Muscovy - was the *veche*, a public assembly or gathering that deliberated on the most important concerns of public life. Phonetics relentlessly suggests to us that there must be something in common between this word and the Russian word for “thing”, *veshch'*. Many noted this curious fact<sup>18</sup>, sometimes explicitly referring to Heidegger who famously pointed out the “gathered” character of a premodern thing – a thing that defies the existence of an object perceived or instrumentally used by a modern European subject. Indeed, the word “thing” in old German and Scandinavian languages meant *ding*, or *dinc*, a public gathering to deliberate and decide on the matters of a tribe or a settlement, and in Iceland they still use the word *Althingi* to designate the national parliament. Heidegger would say that before modernity things – not only councils I mentioned but any thing existing as a thing - were able to reveal their capacity to bring what he calls in his poetic language the “fourfold” of mortals, Gods, earth and sky together.

Similarly, *veche* could be very neatly interpreted as the Heidegger-like *Ding* (given that a Russian term for “thing” is *veshch'*) that brought the mortal Novgorodians together with their gods, and opened up their common destiny in uniting the prospects of their earthly affairs with heavenly concerns. Lamentably, such statements are not corroborated by scientific linguistics. Etymologists would insist that *veshch'*, “thing”, and *veche*, “gathering” or “deliberative council”, are unrelated, with *veche* coming from the hypothetic common Slavic root *\*vetio*, that also gave in Russian the word *sovet* that famously designates the form of direct democracy in 1917-18, but also a privy council of a medieval prince. By contrast, *vesch'*, the thing, allegedly comes from another common Slavic root *\*vektio*, traced to the Indo-European root *\*u-e-kti*. This root engendered in Polish the word *rzecz*, “thing”, thus *Rzecz Pospolita*, the official title of the Polish-Lithuanian kingdom, was a translation of *Res Publica*. In Gothic the same root gave the word *waichts* (thing), in old Icelandic - *vettr* (thing), and in English - *wight*.<sup>19</sup>

Given that the intuitive candidacy of *veche* to be the main public thing in Novgorod does not pass the strictures of linguistic analysis, and we have too little reliable historical data to reconstruct its institutional life, one could perhaps point our gaze to

<sup>18</sup> M. A. Isaev, *Tolkovyi slovar' drevnerusskikh iuridicheskikh terminov*. [Dictionary of Ancient Russian Juridical Terms], Moscow: Spark, 2001, p. 24. See also translator's commentary to the Russian version of *Das Ding*, in Martin Heidegger, *Vremia i bytie*, Moscow: Respublika, 1993.

<sup>19</sup> The meaning of the Indo-European *\*u-e-kti*, however, is “to speak”, so that apart from *veshch'* another Russian word is linked to it – *rech'*, meaning “speech”. There are many questions here, to say the least. Some would doubt all these conjectures of the etymologists' community as just a temporarily accepted academic consensus on contrived Indo-European roots. For example, the alleged Indo-European root for common Slavic *\*vetio* is *\*ueik-* or *\*uoik-*, meaning “act, work”, so that in Lithuanian it became *veikti*, “to do something, to work”, in old east German *witgan*, “to fight,” “to dispute”, and in Latin – *vinco*, “to win, to successfully prove”. The most strange conclusion to follow is that the Russian words for deliberative assembly or council, *veche* or *sovet*, come from the Indo-European root word for acting, while the Russian word for thing, *veshch'*, comes from the word for speaking. This overturning of usual expectations contradicts our linguistic intuitions so much that etymologists – who use rows of recurrent changes of combinations of consonants and vowels to justify their claims on alleged common roots – have hard time proving their findings to the majority of users of colloquial Russian.

the many tangible things that the Novgorodians shared. In the absence of public treasury or unified public records of *veche* decisions, one nevertheless finds the churches, the bells (the most famous captured and deported to be installed in the Moscow Kremlin as the sign of decisive victory), and a stellar case of an anthropomorphic figure that was divine wisdom and the central temple of the republic at the same time. This is St. Sophia that united all Novgorodians, so that they used to say “where Sophia is, there is Novgorod”, which was perhaps the only clear instance of self-designation that the chronicles give us. But instead of these elevated and difficult examples of shared things, I choose to concentrate on a seemingly very simple one, which is most frequently mentioned in the First Novgorod Chronicle – the bridge that linked the two parts of the city together.<sup>20</sup>

The bridge is an obvious example of a thing, which the whole city shares, an object of common affairs or concerns. First of all, in conventional parlance, this bridge is a prerequisite for city politics: it is the only multi-season bridge in all of Novgorod (and in all of Russia until the late XVII century). But also the bridge involves and invokes other entities when it brings people together, and thus it cannot be described as a passive object that only human subjects use, if one truly follows what medieval chronicles say about it, or if one lives with the bridge of medieval icons. There this thing called the bridge is not yet broken by modern scientific analysis into natural, technical, political, religious and social aspects. Thus one can say with Heidegger that one can hardly take it as just an object, i.e. something that is thrown in front of the viewer as an ob-ject, opposing the viewer as *Gegen-stand*. That is, chronicles and icons involve the bridge as part of different Novgorod endeavours, and they hardly mention any qualities that this bridge might offer for individual perception. Hence one cannot find adjectives that would describe the bridge of the chronicles as red, bulging, sacred or whatever else. Its only designation is Great, and sometimes - given it has the life of its own – as new or old. Almost as Heidegger’s *Vierung*, “fourfold”, the bridge links the people, the elements, and God in their intertwined fate and serves as an arena for their struggles.

In the First Novgorod chronicle we first meet the bridge in the record for 1133, which says that the Novgorodians “have renovated the bridge that collapsed, and two wooden churches have been cut”. After that repairs and renovations are mentioned as major part of the city’s history, usually as an event of central relevance in a record for a given year, next to a description of either God’s premonitions as comets or sun eclipses, or God-glorifying activities like (most frequently!) churches being built or ameliorated. Of course, fights within the city, between the city and surrounding principalities, or among principalities comprise most of events in the chronicle, but if something happens to the bridge, this is recorded with due diligence, surprising a contemporary reader – why bridges should have the same prominence as matters of religion, power and warfare? A typical full record of events worthy of inclusion into the chronicle as an entry under a given year comes from 1144: “A whole new bridge over Volkhov was being built, next to the old one. The same year Archbishop Nifont has painted all ceilings in cathedral of St. Sofia. Then also a post of city *posadnik* was given to Nezhata. That same year a stone church of Virgin Mary was built in the Trading side.” And this is it: there are no more events to report, since God did not act,

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<sup>20</sup> All quotes in the following section are taken from records for a given year from *Novgorodskaja pervaja letopis*’ [The First Novgorod Chronicle], Moscow: AN SSSR, 1950. Translations are mine.

and also there were no factional strife within the city or military crusades beyond its walls.

The central significance of the bridge is revealed in many ways. First, since the public assembly of all free citizens meets only after one part of the city crosses the bridge, the decisions of this assembly are frequently put into effect with the help of the bridge. Literally, those found guilty or proclaimed ostracized are physically tossed into river water from the bridge (see pics. 1–2 in the appendix). Immediately after the Volkhov bridge is ever mentioned in the First chronicle, it performs this function next year, in the opening sentence for the year 1134: “The Novgorodians have started discussing the war with the principality of Suzdal’, and killed some of their own men and threw them from the bridge on Pentecostal Saturday”. Afterwards records mention the executed thrown from the bridge in 1141, 1186, 1291, 1316, 1398, 1418 and 1442. In 1209 the citizens even made an attempt to toss the remains of the former hated *posadnik*, brought back into the city for reburial some years after he had fled from people’s rage. In 1141 and 1418 the thrown managed to survive the fall and saved their lives by either swimming or being picked up by fishermen. In the second case, the house of a helping fisherman is stormed and ravaged by the indignant crowd. In the first case, God’s intervention is recognized, so after the tossed reaches the shore, he is just fined an immense sum of money, and put into the dungeon for the rest of his life, with hands being chained to his neck.

This brings us to a second very important role of the bridge: it is what helps God say His word. Not that it is just a tool of God’s providence, rather, very often, it is a space, or a part of an arena where God can speak and reveal His will. In 1251 the flood after “great rains” displaces the whole bridge, and in 1299 a fire engulfs it. In 1230 unattended corpses of people dead from unknown disease fill public spaces – “city streets, the market, and the Great bridge” which thus serve as a theatre of death. In 1228, 1335 and 1388 God also enters the scene at the decisive moment, though not to punish, but to save. He acts when city inhabitants from opposing factions or sides of the city stand in full armour, ready to cross the bridge and fight to death, rather than compete in discursive warfare at a joint public gathering. As the record for 1228 says: “God did not want to see bloodshed among brothers, neither did he want to allow the devil rejoice”. Hence God unleashes the elements. In 1228, for example, an armed conflict was about to happen, when “the lake Ilmen’ was frozen for three days and then the southern wind blew and tore the ice, and brought everything into Volkhov and tore 9 sections of the Great Bridge.” After God intervenes in such a way, the people disband and elect a different *posadnik* and thousandman, which satisfies everyone and thus the reason for fratricidal warfare is abandoned. The same pattern is demonstrated in 1335: when ice and snow enter Volkhov and displace 15 sections of the Great bridge, the chronicle concludes: “God did not allow the bloodshed among brothers to happen, though after devil’s tricks one side pitted itself against another, and in armour stood each half of Novgorod. But God took care of these and citizens condescended together in love”.

The devil wins, however, at least temporarily, when God’s interference into the bridge functioning is unable to stop the warfare from breaking out. Thus, in 1218, when the weaker side of the city conflict managed to destroy sections of the bridge, the other side crossed the river in boats and bloodshed ensued – “O brothers this miracle was done by the cursed devil”, says the chronicle. In 1342, the archbishop is present at one

of the two contending public assemblies vouching for power and nominations of the *posadnik*, and then goes to broker the deal with the leadership of another one (pic. 3). While he is doing this, the city splits into two armies on opposing banks of the river, but somehow the bishop manages to end this in peace, and “the Cross was glorified, while the devil was put to shame.” Similar events happen in 1358 and in 1384.

In the most spectacular case of 1418, divine power interferes to stop bloodshed, which has already started on the bridge. Archbishop Semeon “ordered that the Holy Cross and the icon of the Virgin Mary be taken, went on the bridge, and after him went the priests and clergy and Christ-loving people... And he came and stood in the middle of the bridge, and blessed both sides with the life-creating cross, and they – seeing the honorable cross - wept.” After that the bishop sent emissaries to both sides, and – what a good miracle! – both sides disbanded, “and calm arrived in the city”.

The central role of the bridge as a space for key events that link God and people is obvious here. God speaks by disrupting the bridge, or disrupting interchange between different parties that might have otherwise met, had the bridge existed. Ice, water, wind, fire, the cross and the icons are other important agents with whom the bridge lives its life. Among numerous people that the bridge brings together and affects, the chronicle singles out the bishop and the clergy.<sup>21</sup> All these people, heavenly and earthly elements and God together make the unique assemblage which is the true Great bridge itself, with all the *grandezza*, as Machiavelli would have said, that is, greatness and aggrandizement that is appropriate to it. Decompose this assemblage into social and physical elements, invite a modern bridge scientist to look at it, and one finds a frail half-rotten wooden structure dangling over the water so lowly that a stray pile of floating ice in spring can dislodge it from its place. But with Gods and elements in place, this bridge leads the Novgorod people to greatness comparable to the one of the Greeks.

Part of the great destiny of Novgorod is embodied in what bridges the distance between us and them: not only chronicles but icons serve as such bridges. The Great Bridge is part of the upper tier of the famous icon “The fight of the Novgorodians with the Suzdalians”, where it allows the procession with the icon from the Church of the Savior on one side of the river to enter the Kremlin on the other. Historically, the prototypical event for this icon is the 1170 siege of Novgorod by the warriors of the grand prince of Suzdal’. The miracle-working icon was taken over to the Kremlin, installed on the fortress wall, and when one of the myriad arrows shot by the attacking army hit the miracle-working icon, it turned its back on the offenders and they were blinded. In the aftermath, a smaller army of the Novgorodians, headed by St. George, SS. Boris and Gleb, first two Russian martyr princes, and St. Alexander Nevsky – the locally venerated saint – rushed out of the city walls and vanquished the overpowering enemy.

Art historians have long ago noted the differences between three extant versions of this icon, the earliest painted in Novgorod in mid-XV century (pic. 4) for archbishop Evfimii, a staunch defender of Novgorod independence, and the latest one from the end of the XV c., painted under the influence of the Muscovite school of iconography

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<sup>21</sup> There is a curious parallel here, registered by the etymology of the word *pontifex* that Varro gave: “bridge-builder”. This term that entered the title of the Pope, came from the title of the Roman priests, who periodically performed ritual sacrifices by throwing effigies from the bridge over Tiber in Rome.

(pic. 5), already after the fall of Novgorod in 1471.<sup>22</sup> Political events are important here since a XV c. viewer could easily see contemporary Muscovy in the guise of Suzdalians: in XII century Moscow was just a tiny settlement in the principality of Suzdal'. Thus, the Novgorod version spoke of the Novgorod prowess to withstand the Muscovite threat, while the Muscovite version had to explain the XII century failure by claiming that everything was in God's will. Apart from stylistic contrasts, the main pictorial distinguishing features of the Muscovite icon are the disappearance of the locally venerated saint in the lower tier, the less imposing image of the Novgorod fortress, and the opposite direction of procession carrying the icon in the upper tier. These are usually explained by the political goals of the Muscovite version's icon painters, but most curious for us is the complete absence of the bridge in the upper tier: an icon painter could have taken it to be an unnecessary ornamentation, rather than the obvious arena where the main events occur. Also, a static scene of genuflection in front of the icon (see pic. 6) substitutes for the central event of the earlier icon (people from the fortress meeting the icon procession on the bridge, pic. 7): submission rather than public life is put into the focus of the composition.

The bridge appears also in another famous icon that may be in dialogue with the 1570 sack of Novgorod by Ivan the Terrible, as some recent interpretations suggest.<sup>23</sup> The icon allegedly depicts the apocalyptic vision of the monastery bell-ringer Tarasius that happens in 1505, right before the plague, the flood and the fires overwhelmed the city in the next three years (pic. 8). This theatre of death is usually interpreted as a story of divine retribution, as the angels who guide the killing arrows carry the books where they read the name of the sinners. One of the scenes happens on the bridge, however: this might be taken as the scene of dishonoring of the archbishop of Novgorod (pic. 9), which also symbolizes the sufferings of many other people executed on the bridge by Ivan the Terrible's troops: 2,500-15,000 victims are estimated to have perished. Finally, the bridge appears as part of the gold and silk embroidery on the XVII century scarf of a Russian patriarch. On two opposing sides of the scarf, one has depictions of the two main cities of Russian Orthodoxy: Moscow and Novgorod, with the bridge across the river still visible as an important detail of Novgorod only (pics. 10-12). Thus, the bridge survived in Moscow's imagery of Novgorod long after it had crushed the liberties of this free city.

Contrasting Novgorod with Muscovy has become commonplace for historians, with the former taken to be the epitome of liberty, and the latter, of despotism. However, something allowed an ambassador of the Holy Roman Empire Sigismund von Herberstein call his 1549 travelogue *Rerum Moscoviticarum Commentarii*, while an English ambassador Giles Fletcher penned down in 1591 an even more radical title – *Of the Russe Commonwealth*. What inspired them to talk about *res Moscoviticae* on the model of *res Romanae*, or about the Russian Common Weal, when the main thesis of both books was that in Muscovy a monarch was an obvious despot? Fletcher modelled his book on Sir Thomas Smith's *De Republica Anglorum* (1583), itself based on the theory of mixed constitution and Ciceronian republicanism, which should have stopped him from designating Russia with the direct English rendition of Latin *res publica*.

<sup>22</sup> Tatiana Polekhovskaia, "O tolkovanii novgorodskih ikon XV veka", in: *Trudy gosudarstvennogo Ermitazha* [Works of the State Hermitage Museum], vol. 15, Leningrad, 1974.

<sup>23</sup> See e.g. Elisa Gordienko, *Novgorod v XVI veke i ego dukhovnaia zhizn'* [Cultural Life of XVI c. Novgorod], St. Petersburg: Bulanin, 2001.

This term, of course, might be just taken as a convenient designation for a “countrie of Russia” at that time, when the term “state” was not yet used in our modern sense. But Fletcher rarely used the word “Commonwealth” in the body of the text, perhaps because the tzar’s rule was “plain tyrannical”, as he finds. In one of the rare exceptions, the term with capital “C” appears in an acerbic discussion of the absence of chances of meritocratic promotion for the commons: “This order that bindeth every man to keep his rancke, ... wherein his forefathers lived before him, is more meet to keep the subjects in a servile subjection and so apt for this and like Common-wealths, then to advance any vertue, or to breed any rare or excellent qualitie in Nobilitie or Commons.”<sup>24</sup>

Statements with the same term, but starting in lower case, better explain why Fletcher had a hard time calling Muscovy a Commonwealth, but was still pushed to do so. In a chapter on what Fletcher described as the Muscovite Parliament we find the phrase “common wealth” twice: first in discussion of approval by the Patriarch and the top clergy of tzar’s decisions because “the Emperor and his Councell are... far better able to judge what is profitable for the common wealth”, and later in the description of the announcement of the *sobor* (imperial Council’s) decisions when it is proclaimed that “His Highnesse with those of his noble Councell... have found the matters proposed to be verie good and necessarie for the common wealth of his Realme.”<sup>25</sup> Clearly, it was the common good of the people – even if this common was invoked in a rather hypocritical manner here, as in Fletcher’s opinion – that justified talking about the Russe Commonwealth.

Now, instead of repeating indictments of tyrannical government in Muscovy, let us look at what physical things people could share there. In Novgorod, as we remember, it was the *veche* square and the bridge that brought all of the people together to decide. In contrast, Fletcher notices no physical grounds for common meeting or deliberation, where the commons, the tzar and the nobles could be brought together: “and first touching their libertie how it standeth with them (the commons), it may appear this: that they are reckoned in no degree at all, nor have any suffrage nor place in their *Zabore* or high court of Parliament...”<sup>26</sup> The lack of sharing the common thing called the Commonwealth is remarkable: not only are there no “common consultations for the publique benefit,” as Fletcher thinks there should be, but there is also no physical space where the liberty of the commons ought to stand! Attention to space is manifest in that the chapter on the Parliament gives us precise descriptions of spatial arrangements of the decision-makers: the tzar sits on the throne, while “in the next place not far from him at a small square table (that giveth roome to twelve persons or thereabouts) sitteth the Patriarche with the Metropolitans and Bishops, and certeine of the principall Nobilitie of the Emperours Councel,” with the rest of the courtiers placing themselves on the benches around the room in order of precedence.<sup>27</sup>

In a nutshell, what we find in Muscovy in comparison with Novgorod is a decisive deficiency in sharing common things. On the one hand, sharing was somewhat

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<sup>24</sup> Giles Fletcher, *Of the Russe Commonwealth*, facsimile edition, Cambridge, MA: Harvard University Press, 1966, p. 49

<sup>25</sup> *Ibid.*, p. 24.

<sup>26</sup> *Ibid.*, p. 45

<sup>27</sup> *Ibid.*, p. 22-23.

practiced, and Fletcher calls our attention to what in his opinion ties the people together. The “publicke affairs” and common institutions give him the right to call what he sees a Commonwealth. Indeed, the Muscovites have a common ruler, whose treasury, policies, and courts allegedly link them all together. On the other hand, this sharing is deficient. Of course, Fletcher sees that given no strong laws or other defences against arbitrary power, one cannot call this regime a republic, a commonwealth in the narrow sense of the word, even if some servile subjects of the tzar justify his rule by appeal to the rhetoric of the “common wealth of the Realme.” But this lawlessness might be based on a decisive lack of durable common things in Muscovy.

In Fletcher’s time, the commonality of sharing some physical things that had been enjoyed by the whole people of Novgorod had already become in Muscovy’s case a specific fate of only one estate - a vulgar mix of lowly people, “the Communalitie.” The tzar, his servitors, and the top clergy do not engage in this tangible sharing, and they also do not admit the Communalitie into spaces for regal meetings. In other words, the tzar sees no reason why the Communalitie should be reckoned with during the promulgation, application and enforcement of law – and so there is no tie of law. But this condition is predicated on another one. In Muscovy there are no common things, only a common ruler.

#### Common Things Plus the *Vinculum*?

We have the Great bridge as one of the key examples of common things in Novgorod that were of public concern. The main proof of that, perhaps, is a short legal document on the bridge that we find in the chronicles. That is, the bridge served as the foundation for a certain *vinculum iuris*, a legal bond that had tied the whole republic together. This bond came from the fact that reconstructing the bridge was a very expensive undertaking. As an element of infrastructure it might have been perceived as a sort of a medieval equivalent of today’s Gazprom. The chronicles mention only two instances from the republican days when reconstructions of the bridge were paid from a single source. Once it was paid from the reserves of an archbishop while his servants also contributed their labor (such facts sometimes are used to claim that the archbishop’s reserves were the nearest approximation to a public purse in medieval Novgorod). In another instance, a rowdy crowd, which had just deposed the hated city mayor and reclaimed the taxes he had collected and stored in his mansion, sent these resources to cover the bridge reconstruction. In Muscovite days, tzar Mikhail Romanov supplied one third of the expenses for the reconstruction of the bridge in 1623, and ordered the rest to be collected as a special tax imposed on the city of Novgorod and its vicinity, including aristocratic and monastery estates, because this was “a concern of the whole land [*delo vsee zemli*] and because bridges are crossed by all sorts of people.”<sup>28</sup>

A document called “A statute of prince Yaroslav on the bridges” is usually dated back to the end of the XIII century. It is a short document (one and a half pages long) that enumerates the administrative units or magistrates responsible for the repairs of the

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<sup>28</sup> Valentin Yanin, *Ocherki kompleksnogo istochnikovedeniia* [Essays on Combined Studies of Disparate Sources], Moscow, 1977, p. 104.

main pavements in the city of Novgorod, the word *most* meaning both “bridge” and “wooden pavement” at the time. A sizable chunk (a special interpolation) in the text is dedicated to the Great bridge, which had 22 sections, each of which was ascribed to a care of a special administrative unit of the Novgorod land. E.g. in the text all ten inner city units called “hundreds” are mentioned (each one has to take care of one section), but there are also ten outer territories (analogues of Venetian possessions on *terraferma*) that are made responsible for repairs. Most interesting is the fact that very distant administrative units like the Onega lake one (which is 500 km away from Novgorod, if we consider it as an *urbs*, a central settlement of the vast land) was obliged to care about its own section of the bridge! The *res publica* was thus tangibly and durably linked by legal obligations to support the bridge in the central urban settlement of the republic.

We cannot find any details in the chronicles on how these administrative units were carrying out their duties; nor do we find remaining descriptions of fights or fines linked to the reconstruction during the republican days. Historical parallels would suggest that ascribing units of a realm to take care of respective sections of a bridge was not a unique Novgorod invention. Thus, maintenance of the medieval Rochester bridge in England was funded in a similar way. A codex first compiled in 1120 and kept in the local chartulary ascribed responsibility for different sections of the Rochester bridge to the king, archbishop, bishop and all 54 local parishes. The bridge supports must have been retained from the Roman days and thus made of stone, but if certain wooden sections, linking the piers, collapsed, entities responsible for a given section were supposed to organize boat transportation for the repair period and charge fees for this so as to recover at least some of the reconstruction expenses.<sup>29</sup>

So, in Novgorod we have a common thing that serves as a seed-bed to develop republican sensibility or as a carcass on which to base a *vinculum iuris* that ties all inhabitants into a *populus*. Given the frequency of the entries relating to the bridge in the chronicles and how prominently it features in the icons, it also supplies an arena for great events and great deeds to be remembered, which are recorded in these chronicles and icons.

In 2005-2012 the Novgorod Society for the Antiquities, a Novgorod branch of the Russian Association for Underwater Archaeology, and the EUSP “Res Publica” research center have been conducting a dig on the riverbed of Volkhov, looking for the remains of the medieval bridge and the artifacts related to its multi-century existence. The dig was mostly done in February-April each year, when the water is clear (in the summer *algae* and mud radically reduce visibility underwater). You can find details of this story, bordering on heroic science, in the paper by Sergei Troianovskii, pre-circulated for this conference. Let me just sum up some of the findings.

The main objective initially was to evaluate how the log structures discovered on the riverbed relate to the medieval bridge, and how they are linked to hallmarks in the historical topography of the city and its citadel. By now we have assemblages of logs from the XII to the XIV centuries, but their dates established by either dendrochronological or C14 (radiocarbon) analysis have not revealed at least two

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<sup>29</sup> N. Yates and J. M. Gibson, *Traffic and Politics*, Rochester, 1994, pp. 16-18, 26, 39

piers from the same year that would allow us to draw a line and to conclude that the bridge for year X was stationed here. (The bridge moved upstream or downstream, when it was reconstructed, with a new one frequently being built next to an old one, a few meters away). If we do not have a straight line drawn between log piers and dating back to a specific year, then we also cannot link our findings to a narrative in the chronicles for a specific year. Thus, the most decisive findings on the political economy of the Great bridge and its republican role are still to come. But we have a mass of artifacts that hint at certain conclusions even now.

Coins on the riverbed mostly start to appear closer to the Muscovite era in the life of Novgorod, which might indicate that shops appeared on the bridge only once the republic fell. Was the bridge too important for trade to be allowed on it, or was it too fragile and thus not fit to support a row of shops? We still cannot decisively test this hypothesis. We know that when Raphael Barberini traveled to Novgorod in 1565 he described the bridge as a very wide street with lots of shops standing on it. For the end of the XVI century (i.e. for the Muscovite era, after the sack of Novgorod by Ivan the Terrible) we have manuscripts with clear records of taxes that each shop located on the bridge was liable to pay. But we do not have similar records for the republican era. The artifacts discovered in the 2005-12 dig do not point us in a specific direction. For example, there is a lot of animal bones that would indicate constant cooking on the bridge. But this could have been happening only after the fall of Novgorod. There are semi-fabricated metal utensils, gadgets (like locks) and jewelry on the riverbed that would suggest that these could have fallen off from the workshops stationed on the bridge, but they could have fallen out from the crossing traffic also. And the following question arises: if shops existed in republican days, and these things fell from the workshops of artisans finishing the semi-fabricated materials into polished products, then what were the relationships between a set of shops on a given bridge section and an administrative unit of the republic responsible for its maintenance?

In terms of seals, the most important finding was a leaden seal of thousandman Avraamii from the early or mid XIV century. Some researchers ascribe to a thousandman the most decisive function in the organization of a reconstruction of the Great bridge, because thousandmen presided over the assembled “hundreds,” while the hundreds, as we remember, were responsible for their respective sections of the bridge. Chronicles mention the name of Avraamii twice, and both times linked to the period of the rule of an archbishop Vasilii Kalika, who might with time take a position of a heroic figure in the history of Russian liberty. This archbishop initiated a reconstruction of the citadel, investing the money of St. Sophia domain. He is the only archbishop mentioned in the chronicles who helped rebuild the bridge by finding all the needed sum in St. Sophia reserves and income.<sup>30</sup> Chronicles imply his great moral authority, while the name Kalika can be either interpreted as Cripple, or as Pilgrim, because Vasilii once visited the Holy Land. Kalika is a rare example of a Novgorod archbishop, who had left an epistle (its topic is intelligible paradise as opposed to tangible, this-worldly paradise) included into many Russian chronicles; given the dearth of theology in Russia until the XVIII century, this is almost a heroic feat. And

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<sup>30</sup> A 2012 dig has found an anonymous seal of a vice-regent from the domain of the archbishop. Vice-regents became an important part of the archbishopric, according to an accepted hypothesis of Valentin Yanin, when the archbishop was given the right to rule not only the monastery lands but the black, i.e. communal lands of the Great Novgorod as well. This of course increased his taxation capacity, which might explain the surge in communal expenditures by Vasilii Kalika.

he died in 1352 while returning to Novgorod after a trip to a city of Pskov, where he attempted to cure the victims of the Black Plague.

### Tangible *res publicae* and intangible *res publica*

The remaining questions, however, are not only about the narratives of republican events tied with the bridge, or, for that matter, with other objects of communal infrastructure (paved streets throughout the city, the citadel and its walls, the St. Sophia, the bells, drainage pipes, etc.). There is also the broader problem of how to link the empirically observable *res publicae* and the largely intangible phenomenon of the *res publica*.

A close study of the Roman sources shows that for lawyers of the republican period we have only three mentions of the term *res publicae* (in the plural).<sup>31</sup> Most of the times this term is used in *Corpus Iuris Civilis* to capture the regulations of the Empire. The Digests, for example, use it for three specific purposes: 1) to designate a number of cities, a set of municipalities or a gathering of other political units, 2) to give abstract classifications (how *res publicae* is different from *res omnia communes*, or *res nullius* and *res universitatis*), and 3) to designate public affairs, not public objects. Only once the Digests mention *res publicae* unambiguously with reference to things, and this is an exception that proves the rule.<sup>32</sup>

We have developed the idea that the Romans used the term *res publicae* to designate public roads or public buildings or public ports, because we read modern textbooks on Roman law that claim this, referring to examples from the Digests that would use terms like *litora publica* or *flumina publica*. However, the term *res publicae* itself is never used to describe public seashores, rivers, or roads. It is used in classifications to claim that such a separate class of things exists, and can be clearly distinguished from the things of a municipality or a corporation (such things should be allegedly called *res universitatis*, as belonging to a *universitas* in question) or from the things belonging to all like fresh air and the expanses of the sea. But I would suggest that the yearning for clear classifications is of an imperial origin and does not date back to the time of the Roman republic. The paradox is that when we have the term *res publicae* applied to identifiable and touchable things, we have already lost the *res publica*.

This yearning to limit *res publica* to a set of empirically observable and touchable *res publicae* can be seen already in a debate between Cicero and Caesar that one could reconstruct on the matter. Caesar is famously said by Suetonius (*Divus Julius* 77) to have announced that that *res publica* was a mere name, because it had no body and form: *nihil esse rem publicam, appellationem modo sine corpore ac specie*. Thus, reasoned Caesar, one should abandon the term. In the late Roman republic everybody was recasting their own partisan positions as the only ones truly affirming *res publica*. But in the absence of a clear empirical referent it was impossible to test the statements of different parties, because there was no ground for judgment on what served the

<sup>31</sup> Alan Watson, *The Law of Property in the Later Roman Republic*, Oxford: Clarendon, 1967, pp. 10-12.

<sup>32</sup> Oleg Kharkhordin, «*Res Publica* and *Res Publicae*: History and Politics of the Terms,» in D. Colas and O. Kharkhordin, eds., *The Materiality of Res Publica: How to Do Things with Publics?*, Newcastle: Cambridge Scholars Publishing, 2009, pp. 230-234.

interests of *res publica* best. So Caesar proposed to get rid of this vacuous designation.<sup>33</sup>

Classifiers at the time of Justinian were just finishing this job, by giving clear definitions, and banning those categories from legal existence that could not prove to have a clear empirical referent. The Caesarian aversion to employing vain or empty names was still there. Thus, in CJ.7.5.1 Justinian proclaims, abolishing a status of certain freed men called *dediticii*: “Those known as *dediticii* shall not hereafter, under any circumstances, be permitted to interfere with the administration of Our government (*nostram rem publicam molestare*), for the reason that We find this term has fallen into disuse, and that the freedom obtained by the aforesaid class exists only in name (*vanum nomen circumducitur*); for We, who endeavor to cultivate the truth, only desire those things to appear in Our laws which can actually become operative.” The end of this sentence in Latin sounds as *volumus in nostris esse legibus, quae re ipsa obtinent*: we would like in our laws to have only those, which hold (or pertain to) things themselves, *re ipsa*. As with Caesar some five hundred years earlier, the imperial desire is familiar. Appellations that do not refer to existing bodies and their forms, vain orations for the entertainment of partisan interests, should be purged.

Thus, when Justinian’s classifiers had finally defined *res publicae* as a set of things with clear borders, which could be pointed out in empirical reality, they have finally done away with an essentially contested concept of *res publica*. Cicero, however, had a very different theory, stated among other places, in his *Topica* 25. There he claimed that there were things available to the senses (like oxen, or houses) and those that were not, but were instead “intelligated”, available only to our intellect through an imprint on it, though in conformity with the origin. Such things could be defined in a debate and they became progressively solidified through this debate and discussion. Legal and political categories, and by implication - *res publica*, were in this class. So for *res publica* to exist, we should not only have the ligament of law, but we should also have a constant ongoing contest about what is *res publica* and what is best for *res publica*. In this interpretation, Caesar was right in that the *res publica* had no body, but he was wrong in that it had no form, as this form could be made lasting through constant formation and reformation in a debate.<sup>34</sup> In this theory, in addition to common things, one also needs intangible qualities revealed in contestation about common things, which will allow them to become the basis of a *res publica*.

The problem with our dig, of course, is that we hardly find signs of such contestation. Our data does not allow revealing instances of this, at least for the time being. And by contrast, we have a well-documented contestation in the case of Rialto bridge, for example.<sup>35</sup> But what about the Novgorod bridge? We have lots of bustling activity, as the dig, icons and chronicle shows, some interesting findings, but no definite picture yet. So I have to end this paper with a short statement, “to be continued...”

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<sup>33</sup> Llewelyn Morgan, “Levi Quidem de re...’: Julius Caesar as Tyrant and Pedant,” *The Journal of Roman Studies* 87, no. 1 (1997).

<sup>34</sup> Kharkhordin, «*Res Publica* and *Res Publicae*...», pp. 260-267.

<sup>35</sup> Donatella Calabi, «Rialto: The Medieval Bridge», in Colas and Kharkhordin, eds., *The Materiality of Res Publica*, pp. 11-50.

Illustrations

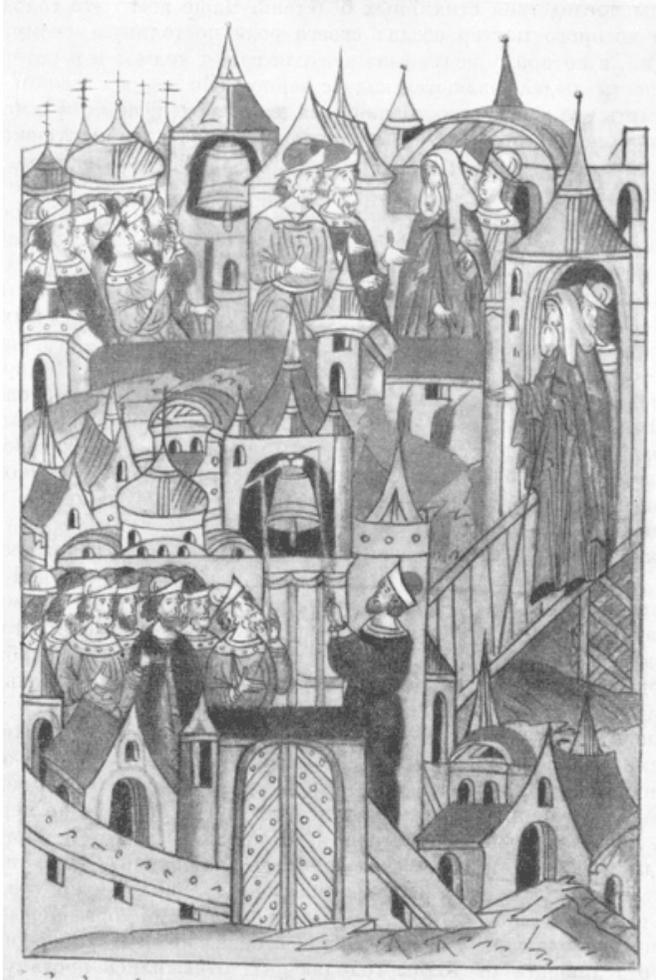
Pic. 1. Execution of the Strigolniki heretics by the Novgorodians, 1375



Pic. 2. Execution of the boyars by the Novgorod public assembly (veche)



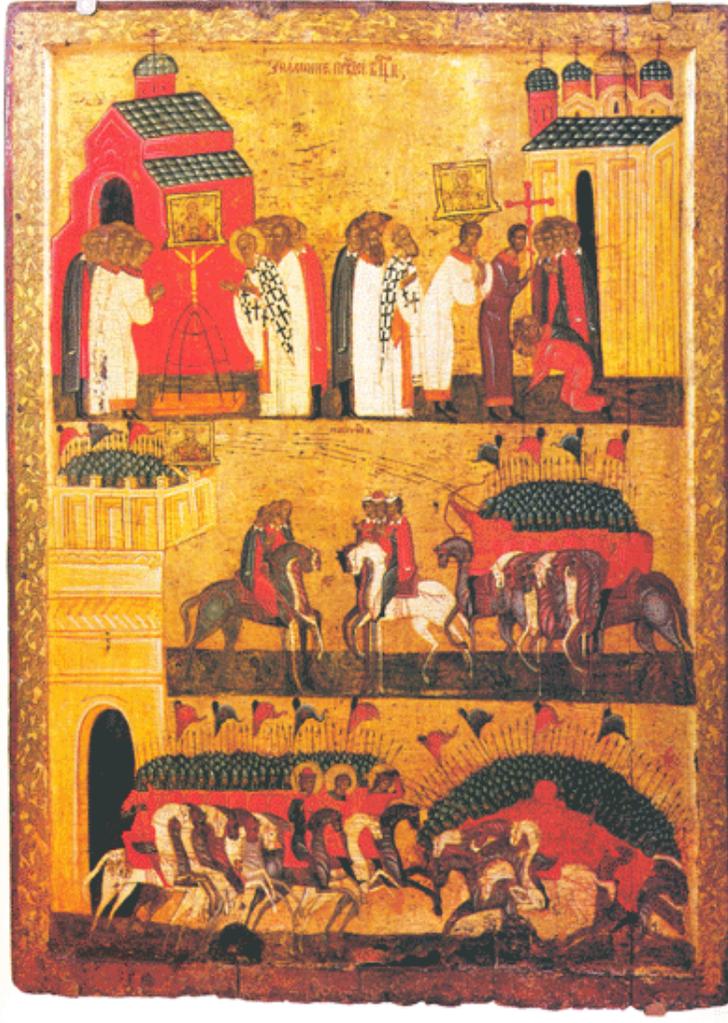
Pic 3. Archbishop walking on the bridge to broker agreement between two opposed public assemblies (marked by two bells) on the two sides of the river



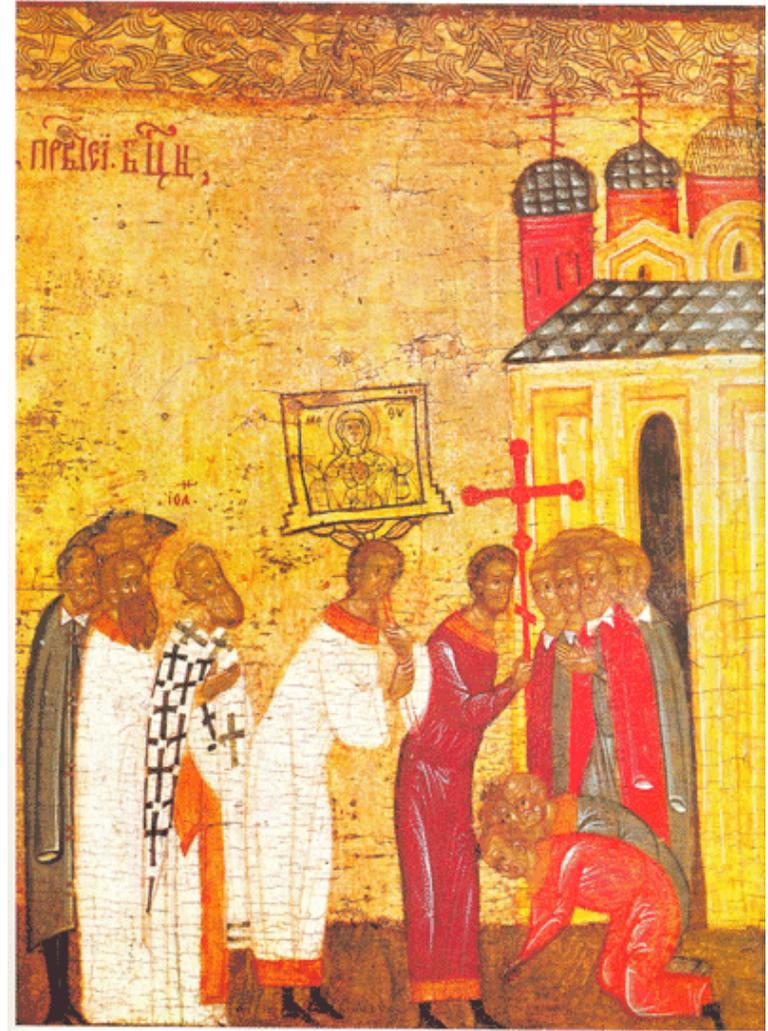
Pic 4. The battle between the Novgorodians and the Suzdalians, 1170



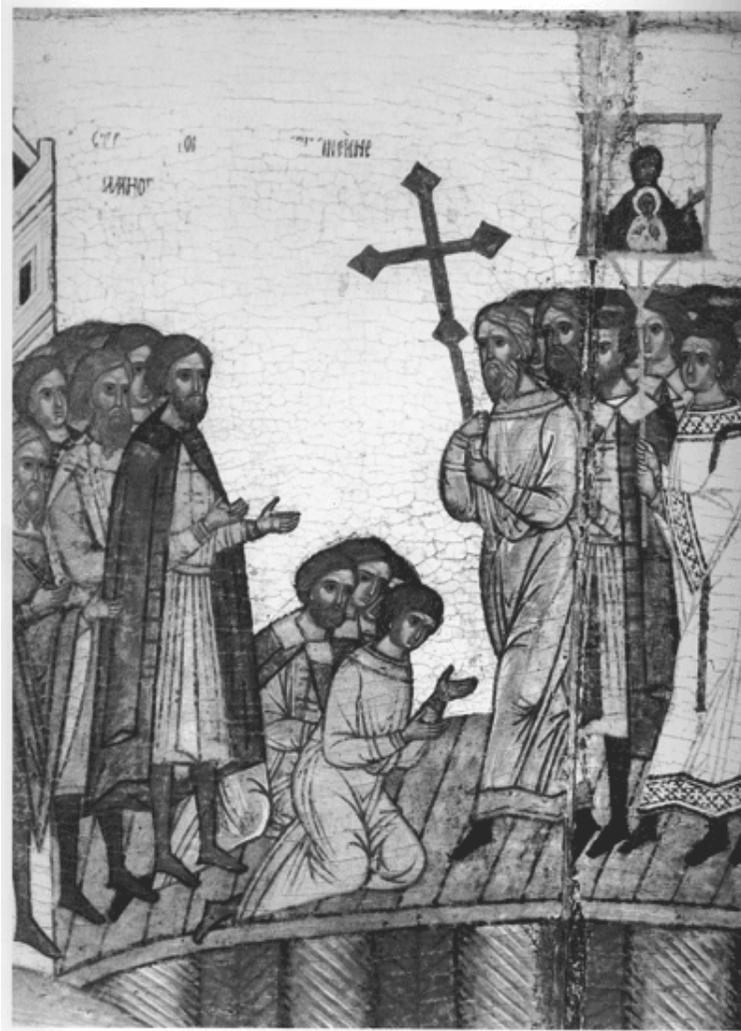
Pic 5. The battle between the Novgorodians and the Suzdalians, or the miracle of the Znamenie icon



Pic 6. Fragment of the icon from pic. 5



Pic 7. The battle between the Novgorodians and the Suzdalians, 1170, fragment of the upper tier



Pic 8. The vision of the bell-ringer Tarasius



Pic 9. A hand drawing of a bridge detail from the icon “The vision of the bell-ringer Tarasius”



Pic 10. A juxtaposition of parallel fragments of two sides of a liturgical V-shaped scarf (homophoros) of patriarch Nikon



Pic 11. Detail of the liturgical scarf of the Patriarch, representing Moscow



Pic 12. Detail of the liturgical scarf of the Patriarch, representing Novgorod

