

# **LIBERTATIS SIMULACRUM (DOM. 110), SIMULACRUM NON LIBERTATIS (DOM. 131): REFLECTIONS ON THE NATURE OF THE IMAGES OF THE GODS IN CICERO<sup>1</sup>**

MARÍA EMILIA CAIRO (emiliacairo@conicet.gov.ar)  
Consejo Nacional de Investigaciones Científicas y Técnicas  
Universidad Nacional de La Plata, Argentina  
<https://orcid.org/0000-0001-8728-7881>

**ABSTRACT** - The purpose of this contribution is to re-examine Cicero's speech *De Domo Sua*, with a special focus on the statue of the goddess *Libertas* placed by Clodius on Cicero's land. In general, the different analyses of this text have accepted the nature of this statue as a cult image. From my viewpoint, however, just as he objects to his land being a consecrated space – due to the vices in the ritual of consecration – Cicero expresses doubt that the *simulacrum* is truly a representation of the Roman goddess *Libertas*, by referring to the features of the image, its origin and its use by Clodius. The examination of Cicero's remarks contributes to a wider study of the *simulacra deorum* in his texts since he outlines a series of requirements that a statue must fulfil to effectively become the image of a god.

**KEYWORDS** – Cicero, *Libertas*, Cult images, *De domo sua*.

Dalla porta dei templi si vedono le statue degli dei, raffigurati ognuno coi suoi attributi: la cornucopia, la clessidra, la medusa, per cui il fedele può riconoscerli e rivolgere loro le preghiere giuste.

Italo Calvino, *Le città invisibili* (1972)

## **INTRODUCTION**

*De Domo Sua*, a speech delivered before the College of the Pontiffs in 57 BCE, is one of the texts through which Cicero aims to finally complete his return to Rome, after enduring an exile instigated by Clodius.<sup>2</sup> During his absence, and due to the expropriation of his properties, Clodius chose a part of Cicero's land in which to build a sanctuary dedicated to the goddess *Libertas*, with two obvious purposes: the first, to consecrate the space and transfer it from private to public

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2 On the context of the *Post Reditum* speeches, cf. Riggsby 2002.

ownership, preventing his enemy from recovering it and thereby hindering his full return to the political and social arena;<sup>3</sup> the second, directly concerning the goddess *Libertas* herself, consisted in shrouding Cicero in a negative symbology by representing him as a tyrant opposed to the liberty of the Romans for having executed the Catilinarians without trial,<sup>4</sup> which made him deserving of the destruction of his house.<sup>5</sup> In *De Domo Sua* Cicero addresses both ideas and asks the pontiffs to nullify the consecration of his house, so that its recovery is not seen as an invasion of the property of the gods. As Stroh has observed,<sup>6</sup> the orator faced a true challenge – to annul the *religio* imposed upon his house due to the ritual carried out by Clodius, i. e., to retrace the path of the consecration in order to return his house to its previous condition.<sup>7</sup>

The analysis of the *consecratio* made by Clodius is the main topic of studies such as those by Stroh, Lisdorf, Lennon, Gildenhard and Lee, who have examined the reasons presented by Cicero to consider it invalid.<sup>8</sup> Their perspective is centred mainly on ritual elements and seeks to explain where the (in)validity of its actions and procedures lies. My aim here is not to refer to the ritual of consecration in general, but to focus on a particular element of the architectural complex devised by Clodius<sup>9</sup> – the statue of the goddess *Libertas*, whose integrity as a religious image has not been questioned.<sup>10</sup> In my view Cicero, just as he objects to his land being a consecrated space – due to the flaws in the ritual of consecration – doubts that the *simulacrum* is truly the representation of the Roman goddess *Libertas*,

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3 As he reveals at the end of the speech (cf. *Dom.* 147), from Cicero's viewpoint his return will be definitive only if he gets his house and all his properties back. This idea also occurs in his letters to Atticus from the same period (cf. *Att.* 3.20). Cf. Treggiari 1999, 36; Gildenhard 2010, 301; Berthelet 2016.

4 Cf. Allen 1944, 5, 8; Pina Polo 1991, 137; Marco Simón and Pina Polo 2000, 283; Clark 2007, 210; Arena 2012, 212-215; Begemann 2015, 81-82.

5 See the exhaustive study by Roller 2010 on the meaning of the destruction of houses belonging to individuals with tyrannical aspirations.

6 Stroh 2004, 323.

7 The noun *religio* is used here in the sense of “religious scruple”, i.e., of a prohibition imposed on an object, person or space because of a feeling of fear of a divinity. Cf. Ernout and Meillet 1959 and Benveniste 1969, 270.

8 Stroh 2004, Lisdorf 2005; Lennon 2010; Gildenhard 2010 and Lee 2012. The nouns *consecratio* and *dedicatio* are used here interchangeably, since, as Nisbet 1939, 209 explains, they are hard to distinguish, as they refer to two aspects of the process of offering something to the gods: “*Dedicatio* is the surrender which a person makes of all claim to the possession or use of something in favour of the divinity; *consecratio* is the delivery (of what is surrendered) from the control of *ius humanum* into that of *ius divinum*.”

9 For further discussion of Clodius' building project, see Allen 1944; Picard 1965; Berg 1997; Cerutti 1997.

10 Only Begemann 2015 argues against the existence of a public cult around the statue, but, in general, the premise that the image is a representation of *Libertas* has not been challenged. On the general problem of images and the vocabulary used to refer to them (esp. *simulacrum* and *signum*), cf. Stewart 2004 and Rüpke 2010.

that is, he denies its nature as a cult image by referring to the statue, its features, its origin and its use by Clodius. The analysis of Cicero's remarks contributes to a wider study of the *simulacra deorum* in his texts since he outlines a series of requirements that a statue must fulfil to effectively become the image of a god.

### THE DEDICATION OF THE HOUSE: ON THE INVALIDITY OF CLODIUS' RITUAL

The question of the consecration of Cicero's land extends from *Dom.* 100 to the end of the speech; the specific references to the statue of *Libertas* can be found in paragraphs 108 to 116 and 131.<sup>11</sup>

Cicero's aim is clear: to get his house back, for which it is necessary that the pontiffs declare the nullity of the dedication carried out by Clodius. That is to say, Cicero does not ask for the consecration to be reversed – in effect for the house to be “un-consecrated” – because this would imply taking away from the gods what has already been transferred to them as their property. Instead, he directly discards any possibility of such dedication having been effectively carried out, by virtue of a series of irregularities. On the one hand, he refers to religious offences committed during the procedure;<sup>12</sup> on the other, he expresses his doubts regarding Clodius' *transitio ad plebem*, which had occurred shortly before.<sup>13</sup> If Clodius' status within the plebeian order is dubious, then it is right to consider all his acts as a tribune of the plebs null and void, including the confiscation of Cicero's property and the building of the sanctuary on the land of his house.

In addition to these considerations, Cicero adds two aspects that account for the irreligiosity regarding the occupation of his house. The first one is the purpose of Clodius' architectural project, based only on ambition and appetite for luxury, rather than *pietas*. The tribune has not erected the sanctuary to venerate the goddess, but simply to extend his possessions and to display them in the sight of every Roman:<sup>14</sup>

11 References and quotations from the text correspond to the edition by Nisbet 1939.

12 Cicero refers to the following breaches during the performance of the consecration: a. only the youngest member of the college of the pontiffs (P. Licinius Natta, Clodius' brother-in-law) was present at the ritual (*Dom.* 117-118); b. the lack of expertise of this pontiff, suggests Cicero, was surely an obstacle to the proper conduct of the procedure, since the knowledge and authority of these priests consolidate over time (*Dom.* 118); c. to consecrate a space, it was necessary for the priest to put his hand on the doorstep, but this *porticus* lacked a proper door (*Dom.* 119-121); P. Clodius, as a tribune of the plebs, should have requested the authorization of the people to carry out the *consecratio*, as established by the *Lex Papiria* (*Dom.* 127-128).

13 Cf. *Dom.* 34-38. The youth of Clodius' adoptive father, Fonteius, the lack of strong reasons to leave the *gens Claudia*, the absence of the pontiffs in the adoption ceremony, and certain questions regarding the day it took place are reasons that Cicero advances to undermine the legitimacy of the adoption. For discussion of the legal aspects of Clodius' adoption, see Vernacchia 1959; Tatum 1986, 157-178 and 1999, 94-101; Lisdorf 2005, 449-451.

14 For further discussion of the prominent location of Cicero's house, see Allen 1944, Picard 1965; Berg 1997, 121-123; Cerutti 1997, 417-418; and Clark 2007, 210-211.

*monumentum iste umquam aut religionem ullam excogitavit? habitare laxe et magnifice voluit.*<sup>15</sup>

Did he ever devise a monument or any act of religion? What he wanted was a spacious, magnificent residence.<sup>16</sup>

The second aspect mentioned by Cicero, which has been exhaustively examined by Gildenhard, is the positive or negative sanction received from the gods, based on the presence or absence of justice as a motivation of human actions.<sup>17</sup> Gods must be, by definition, fair; therefore, they can neither approve of behaviour such as Clodius', nor happily receive the offerings he presents to them, accrued through the dispossession of Cicero:

[...] *nec est ulla erga deos pietas nisi sit honesta de numine eorum ac mente opinio, ut expeti nihil ab iis, quod sit iniustum atque inhonestum, iustum aut honestum arbitrare. [...] deos immortalis existimatis, cuius labore et consilio sua ipsi templa tenuerunt, in eius domum adflictam et eversam per [vim] hominis sceleratissimi nefarium latrocinium immigrare voluisse?*<sup>18</sup>

[...] Nor is there any piety toward the gods without a worthy conception of their divinity and disposition; it must be held a sin to seek of them anything wrong or improper. [...] Do you suppose that the immortal gods wished to move into the house of one through whose efforts and policy they themselves hold possession of their temples after the wicked banditry of a criminal had torn it to the ground?

To sum up, as he considers not only Clodius' true goal of expanding his own properties, but also the notion of justice as a requirement for *pietas*, Cicero establishes a guideline to evaluate the validity of a *dedicatio*, in terms that exceed the merely procedural aspect. Clodius' operation should be nullified by the pontiffs not only because its execution has not been correct, but also, and mainly, because it did not have a fair religious aim. As I hope to show in the next section, these ideas are also central in his reflections on the statue Clodius has placed in his land.

### ***LIBERTATIS SIMVLACRVM***

There have been different approaches to the role of the image of *Libertas* in the *De domo*. From a ritual perspective, it has been observed that the use of an

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15 *Dom.* 115.

16 The English translation quoted here, and elsewhere, is from Shackleton Bailey 1991.

17 Gildenhard 2010, 305-306, 313-316.

18 *Dom.* 107.

image stolen from a tomb implies a serious transgression; the vocabulary related to the ideas of contamination and pollution, through which Cicero links this episode with the *Bona Dea* scandal, has also been examined.<sup>19</sup> Those who focus on the relationship between this speech and the historical and political context of the late Republic underline either how Clodius invokes *Libertas* as *the* protective deity of the *populares* – as opposed to *Concordia*, venerated by the *optimates* –<sup>20</sup> or the contrast between Clodius' *Libertas* and the Minerva dedicated by Cicero as *custos urbis*.<sup>21</sup> It has also been noted that the orator presents an antagonism between this popular goddess, brought by Clodius, and his own domestic divinities (*Penates* and *Lares* who are forced to abandon the house) in terms of an opposition between Clodius' revolutionary ideas and traditional Roman religion.<sup>22</sup>

All these readings insist on Cicero's opposition to *Libertas*, but the religious character of the statue seems to be taken for granted, i.e., it does not constitute a matter of debate – the image erected by Clodius *is* the statue of the goddess *Libertas*. My aim here is to reexamine this assumption, by considering that – just as he denies that the consecration of the space has effectively taken place – Cicero casts his doubts on the fact that the *simulacrum* is a true cult image representing *Libertas*. From my viewpoint, Cicero states that Clodius' *Libertas* is not truly the Roman goddess *Libertas*; that the statue is not valid as a cult image, by virtue of 1) the difficulty in identifying the goddess, 2) the impure origin of the statue, and 3) Clodius' impious objectives and the lack of a cult linked to the goddess.

### THE DIFFICULTY IN IDENTIFYING THE GODDESS

In the passages where the statue is mentioned,<sup>23</sup> the name of the goddess appears with the possessive *tua* and/or the demonstrative *ista* in a consistently pejorative sense,<sup>24</sup> both referred to the second pronominal person, that is, to Clodius, who is the addressee here. Cicero would seem to convey that the statue is not *the* goddess *Libertas*, but a version or imitation constructed by the tribune. In *Dom.* 108, Cicero also employs the adjective *pulchra*, which clearly describes not so much the beauty of the image, but rather introduces a reference to the *cognomen* of his rival, in order to identify the *simulacrum* with its owner.

19 Cf. Lennon 2010, 435 and Lee 2012, 109.

20 See Marcó Simón and Pina Polo 2000.

21 Cf. Allen 1944, 8 n. 42; Berg 1997, 139; Lee 2012, 105; Marcó Simón and Pina Polo 2000, 283 n. 86; Bodel 2008, 252; Lennon 2010, 435-437; and Lee 2012, 105.

22 Cf. Lennon 2010, 437; Roller 2010, 142.

23 *Dom.* 108, 111, 116.

24 On the pejorative sense of *iste*, *ista*, *istud*, cf. Ernout-Thomas 1953, 188 and François 1976, 70.

Paragraph 110 starts with a question about the identity of the goddess – *at quae dea est?* (“But let us examine this goddess”) – answered by Cicero himself with great irony: *Bonam esse oportet, quoniam quidem est abs te dedicata* (“Good she must be, because she has been dedicated by you”). By stating this, Cicero aims to explicitly link the dedication carried out in his land with the 62 BCE *Bona Dea* scandal, in order to remind his audience of this episode, in which Clodius was tried *de incesto* due to the transgression of religious norms. Cicero suggests that, since he was finally exonerated, Clodius dedicated the statue to the expression of gratitude to the goddess for her protection.

However, this suggestion of the image possibly being that of the *Bona Dea* is followed by the statement *‘Libertas’, inquit, ‘est’* (“‘She is Liberty,’ says he”), in which Cicero identifies Clodius as the source on the goddess’ name. It can be concluded that, taken collectively, these three sentences – the question on the goddess’ identity, Cicero’s answer about the *Bona Dea* and the quotation of Clodius’ reply – suggest ambiguity as to the referent of the *simulacrum*. Cicero seemingly hints that the viewer cannot clearly determine which goddess is venerated by simply looking at the statue. Iconographic practice involved the use of certain attributes which, by virtue of repetition, helped to identify the god represented: the same feminine image could be used to symbolize any goddess, but it was the attributes (clothes, objects, animals by her side, etc.) that identified her as one deity or the other.<sup>25</sup>

Valentina Arena, in her volume *Libertas and the Practice of Politics in the Late Roman Republic*, states, on the basis of numismatic evidence, that the main feature of *Libertas* was the *pilleus*, a hat worn by freedmen as a sign of their new condition.<sup>26</sup> Perhaps Clodius’ statue did not have the *pilleus* on her head? We cannot confidently assert that, given that such information is not detailed in the speech, but it would not be absurd to believe, at the beginning of *Dom. 110*, Cicero criticizes the lack of compliance of the *simulacrum* with what it represents. If the statue did have the unmistakable attributes of *Libertas*, it would be pointless to ask who it is. The criticism would seem to indicate that Clodius has taken the statue – exactly as it was in the mausoleum of the woman from Tanagra – and has reconstituted it there with no change whatsoever, with the addition of no distinguishing features, and relied solely upon his own claims to verify her identity.

This equivocity regarding the identity of the image (just as the use of *tua*, *ista*, and *pulchra* to qualify the name *Libertas*) generate an effect of estrangement. As a result, an opposition between the tribune’s statue and the true Roman goddess *Libertas* – which does not belong to an individual, but to every citizen

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25 Cf. Axtell 1907, 8.

26 Arena 2012, 31-44. See also the entries *Libertas* by Blanchet and *Pilleus* by Paris in Daremberg and Saglio’s *DAGR*.

– emerges.<sup>27</sup> The true *Libertas* is the one Clodius has expelled from Rome, plunging citizens into slavery:

*tu igitur domi meae conlocasti, quam ex urbe tota sustulisti? tu [...] Libertatis simulacrum in ea domo conlocabas, quae domus erat ipsa indicium crudelissimi tui dominatus et miserrimae populi Romani servitutis?*<sup>28</sup>

So you installed Liberty in my house, after removing her from the length and breadth of Rome! [...] And after all this, did you undertake to install the image of Liberty in a house that was itself evidence of your cruel despotism and the Roman People's pitiable bondage?

Cicero states that it would be flagrant hypocrisy if Clodius had dedicated an image of *Libertas*, since he does not respect this goddess in his everyday life. This is yet another way of subverting claims that the image dedicated by the tribune is that of the actual goddess.

### THE IMPURE ORIGIN OF CLODIUS' STATUE

In paragraphs 111-112, Cicero focuses on the story of the statue itself – something that he claims to have investigated thoroughly in order to be able to discuss it: *at unde est ista inventa Libertas? quaesivi enim deligenter.*<sup>29</sup> His account reveals that the image was stolen by Appius Claudius, Clodius' elder brother,<sup>30</sup> from the tomb of a prostitute in the Greek city of Tanagra.<sup>31</sup> Foreignness, sexual impurity, sacrilege, and disproportionate ambition are thus synthesized in the image placed at Cicero's house. In some way, the presence of all these qualities means the statue is inexorably bound to its original identity and cannot properly transcend this to play the role of a *simulacrum* of true *Libertas*. A certain syntactic ambiguity is discernible in the sentence *Tanagraea quaedam meretrix fuisse dicitur*:<sup>32</sup> it may certainly be translated as “it is said that there was some prostitute from Tanagra,” before proceeding to the description of the woman's mausoleum, but *fuisse* could also be understood as a linking verb, i. e., the sentence could be translated as “[*ista Libertas*] is said to have been a

27 For further discussion of the goddess *Libertas* during the Republic, her cult, and her temples, cf. Axtell 1907, 23-24; Clark 2007, 22-24 and 205-254; Arena 2012, 34-43.

28 *Dom.* 110.

29 *Dom.* 111.

30 *Dom.* 111: *hoc quidam homo nobilis, non alienus ab hoc religioso Libertatis sacerdote, ad ornatum aedilitatis suae deportavit.*

31 *Dom.* 111: *eius non longe a Tanagra simulacrum e marmore in sepulcro positum fuit; Dom.* 112: *signum de busto meretricis ablatum isti dedit.*

32 *Dom.* 111.

prostitute from Tanagra” – taking *meretrix* as a predicative of the subject, the statue placed by Clodius.

Cicero thus adds a new element to the semantic field of religious and sexual impurity that he has deployed in connection to the mention of the *Bona Dea* scandal.<sup>33</sup> this statue cannot be the Roman *Libertas*, since it still is the funerary portrait of a foreign prostitute and it therefore may not be considered a cult image worthy of veneration. Hence the ironic question in Dom. 112:

*Hanc deam quisquam violare audeat, imaginem meretricis, ornamentum sepulcri, a fure sublatam, a sacrilego conlocatam?*

Indeed, a goddess not to be trifled with! The likeness of a harlot, the ornament of a tomb, abstracted by a thievish hand, installed by a sacrilegious one.

By virtue of the person it represents, the place where it was taken from, the way it was obtained, and the person who has relocated it, this statue is devoid of any religious status. The expression of this idea reaches its climax in the end of Dom. 131, in which Cicero states that it is not an image of *Libertas*, but of *Licentia*.<sup>34</sup>

### CLODIUS' IMPIOUS PURPOSES AND THE LACK OF A CULT LINKED TO THE GODDESS

In this section I will return to two elements that have been mentioned in connection with the criticism of the consecration process as a whole: on the one hand, the necessity of a pious goal when consecrating a land; on the other, the justice inherent in any human action that seeks to please the gods. I consider that both problems are specifically present when Cicero refers to the statue of *Libertas*, since he emphasizes them very clearly.

Firstly, the question regarding the purpose of the consecration, which concerns not only Clodius but also his brother Appius Claudius, will be treated. As has been noted, it was him who removed the statue from its original tomb, during his trip to Asia Minor in 61 BCE. In Dom. 111, Cicero states that the magistrate's

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33 Dom. 110.

34 Dom. 131: *Libertatis signum posuisti magis ad ludibrium impudentiae quam ad simulationem religionis. Ille in curia quae poterat sine cuiusquam incommodo dedicari, tu in civis optime de re publica meriti cruore ac paene ossibus simulacrum non libertatis publicae, sed licentiae conlocasti.* In Leg. 2.42 he refers to this statue as *Licentia* (*omnia tum perditorum civium scelere discussu meo religionum iura polluta sunt, vexati nostri Lares familiares, in eorum sedibus exaedificatum templum Licentiae, pulsus a delubris is qui illa servarat*). Cf. Brunt 1988, 320-321 on the contrast between *libertas* and *licentia* as political concepts in the late Republican context.



goal was not to bring cult objects and ornaments to embellish Roman temples, but to increase his personal reputation and to compete with former aediles in opulence:

*hoc quidam homo nobilis, non alienus ab hoc religioso Libertatis sacerdote, ad ornatum aedilitatis suae deportavit; etenim cogitarat omnis superiores muneris splendore superare. itaque omnia signa, tabulas, ornamentorum quod superfuit in fanis et locis communibus in tota Graecia atque insulis omnibus honoris populi Romani causa sane frugaliter domum suam deportavit.*

A certain nobleman, not unconnected to our devout priest of Liberty, brought the statue to Rome to adorn his aedileship, for he had in mind to outdo all his predecessors in the splendor of his show. So, with wise economy he brought back to his house all *objets d'art* surviving in temples and places of public resort throughout Greece and all the islands—for the sake of the Roman People.

The adverb *frugaliter* is clearly used in an ironic sense, since in the following paragraph Appius Clodius is described as a thief. Cicero underlines the fact that he has ripped out objects from temples and public places in order to take them home, i. e., to make them his property. Only later, after leaving office,<sup>35</sup> he transferred the statue to his brother Clodius. Cicero wants to highlight that *pietas* was never the objective when acquiring the statue, but greed, ambition, and ostentation, the same feelings that drove Clodius to occupy his house – *impudentiam, audaciam, cupiditatem*.<sup>36</sup> These impious motivations are connected with the claim that the image placed in his land is not the authentic *Libertas*, but an imitation of her erected by Clodius and his friends:

*signum de busto meretricis ablatum isti dedit, quod esset signum magis istorum quam publicae libertatis.*<sup>37</sup>

This statue taken from a prostitute's tomb he gave to Clodius, to be a symbol of *their* license rather than Rome's liberty.

The contrast between the true *Libertas* and the one constructed by Clodius is repeated in *Dom.* 116: *ista Tanagraea oppressa libertate Libertas* (“that Liberty from Tanagra to signify the crushing of freedom”). In this phrase, the repetition of the pejorative *ista* is noticeable, as well as the opposition between Clodius' *Libertas* – which is not Roman – and public liberty, which has fallen in disgrace.

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35 *Dom.* 112: *interversa aedilitate.*

36 *Dom.* 116.

37 *Dom.* 112.

Taking this into account, the second problem can be examined – which is the concept of justice or *pietas* involved in the act of placing the statue in Cicero's land? As Elisabeth Begemann has pointed out in a fundamental paper on this speech, the text shows no indication of the existence of any effective public cult or ceremonies in honour of *Libertas*.<sup>38</sup> It could be conceded that Clodius established a private, familiar cult, but it cannot be concluded that the establishment of the altar led to any public religious action.<sup>39</sup> This, in turn, suggests the invalidity of the statue's status as a cult object – it was the existence of a repeated cult that established the sacred character of an image.<sup>40</sup>

Furthermore, if the presence of the image had any true religious significance, it would not instigate any injustice against not only Cicero but also his traditional domestic deities, *Lares* and *Penates*. The orator describes the presence of *Libertas* in his land in terms of a foreign army conquering an enemy territory:

*ista tua pulchra Libertas deos penatis et familiaris meos lares expulit, ut se ipsa tamquam in captivis sedibus conlocaret?*<sup>41</sup>

Your beauteous Liberty expelled *my* household gods and the spirits of my hearth, to establish herself as in a captured dwelling?

This parallelism is repeated in *Dom.* 112, in which Clodius' statue is described as triumphant over Roman citizenship (*victrix afflictæ civitatis*) and adorned with the spoils of the Republic (*rei publicæ spoliis ornabitur*). This picture, reinforced by the fact that the statue has not a Roman but a foreign origin, reinforces the idea that the image does not represent the authentic Roman *Libertas* – on the contrary, it personifies an odd, hostile element, unrightfully occupying a place where it does not belong.

I have tried to prove that Cicero argues there to be significant difficulties in establishing the identity of the goddess represented by the statue: its origin is linked to sexual and religious transgression, and marked by the absence of a cult, or associated religious rites. There are three distinct elements marshalled by Cicero to demonstrate that Clodius' image does not respond to the definition of "cult image" and thus it should not be presented as the statue of *Libertas*.

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38 Begemann 2015.

39 Begemann 2015, 86, 90-94. On the temple to *Libertas* dedicated by the plebeian aedile Tib. Sempronius Gracchus in 246 BCE and the temple to *Iuppiter Libertas*: Axtell 1907, 24; Nippel 1984, 28; Berg 1997, 133; Clark 2007, 22, 209; Arena 2012, 34-38.

40 Mylonopoulos 2010, 7: "This cult, however, had to be repetitive, for the nonrecurring veneration of a statue through a prayer could not transform a dedicated divine image into a cult statue"; *ibid.*, 12: "The most reliable indicator of a statue's meaning obviously consists in its integration into ritual activities."

41 *Dom.* 108.

Nevertheless, to our knowledge this problem was not questioned in the bibliography – Cicero’s invective against the statue has been understood as an attack on an emblematic deity for *populares*, in the context of the political debates of the end of the Republic.

However, if Cicero really wished to attack either the goddess *Libertas*, or the concept of *libertas* itself, how could it be explained that, throughout the speech, the noun *libertas* is always mentioned in a positive light, as a fundamental Roman value? To answer this question, the main hypothesis of Valentina Arena’s book is central: *optimates* and *populares* did share the same definition of *libertas*, i.e., they all understood this concept as the non-subjugation to an individual or group of individuals.<sup>42</sup> Their debates revolved around the question of the circumstances in which they considered appropriate to apply this idea, and which institutional mechanisms were to be used in each case<sup>43</sup> but did not discuss the existence of two opposing definitions of *libertas*, or that every mention of the concept of *libertas* belonged to *populares*.<sup>44</sup>

In *De Domo Sua*, *libertas* occurs either as an individual right of the free citizen (as opposed to the slave) which has been established and guaranteed from the times of the ancestors,<sup>45</sup> or as a feature of the *res publica* understood as an organized political community which is not dominated by any other nation.<sup>46</sup> Time after time, Cicero underlines that *libertas* is under threat due to the actions of Clodius and his allies.<sup>47</sup>

It is necessary to remember here the caveat formulated by Anna Clark in the introduction to her study on “divine qualities”: in the case of *Fides*, *Fortuna*, *Pax*, *Libertas*, we are faced to “deities-that-are-also-(more than)-qualities”; their names consequently belong both to the religious and discursive spheres. In her book, Clark chooses to write these names in small capital letters (*FIDES*, *FORTUNA*, *PAX*, *LIBERTAS*) in order to express this double nature. The habit of writing the concept with a lower case letter and the name of the divinity with a capital letter

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42 Arena 2012, 14: “In the late Republic, all Romans shared a basic understanding of the value of liberty: they agreed that fundamentally *libertas* referred to the status of non-slavery.”

43 Arena 2012, 6: “these two traditions on *libertas*, which I have categorised as ‘optimat’ and ‘popularis,’ although they shared the same conceptualisation of political liberty as a status of non-subjection to the arbitrary will of another person or group of persons, diverged on the institutional and political arrangements to be implemented in order to achieve and preserve the liberty of the commonwealth, and on the related issue of how much liberty each section of society is entitled to.”

44 Arena 2012, 31: “Contrary to a view frequently held, it is therefore misleading to assign a plebeian (in the sense of ‘anti-establishment’ or ‘anti-elite’) value to any monument or literary evidence which makes an explicit reference to *libertas*”.

45 *Dom.* 22, 77-78.

46 *Dom.* 1, 25, 130, 131. On *libertas* as a political concept, Wirszubski 1950, esp. 1-30, Brunt 1988 and Arena 2012, esp. 14-44 are essential reading.

47 *Dom.* 80, 116, 130.

is a modern practice. For the Romans, the same word conveyed both the deity's name and the abstract notion.<sup>48</sup>

Taking this into consideration, it is understood that in this speech Cicero does not attribute either the notion of *libertas* or the goddess *Libertas* to Clodius and the *populares*, as if it was a concept or a deity exclusively linked to one political party. On the contrary, he places both *libertas* and *Libertas* in the public sphere, as a value and a goddess that belong to every Roman. Cicero seeks thus to prevent Clodius from appearing as the champion of true freedom, and for this, he describes him as its destroyer.<sup>49</sup> At the same time, Cicero presents himself as a good citizen, protector of true liberty:

*eumne potissimum Libertas domo sua debuit pellere, qui nisi fuisset in servorum potestatem civitas tota venisset?*<sup>50</sup>

Was it right for Liberty to drive from his house the one man but for whom the whole community would have fallen under the yoke of slaves?

Secondly, it is worth considering how the use of capital letters and lowercase letters in textual editions exerts a great influence over our interpretation of the speech when referring to “divine qualities” or “deified abstract ideas”.<sup>51</sup> Although in some paragraphs it is easier to decide if Cicero refers either to the statue of *Libertas* or to liberty as a political idea, it is important to bear in mind the essential indeterminacy of these terms, which always convey both the divinity and the abstract concept. Let us consider some fragments as an example. In the opening paragraph of the speech, Cicero states that to the wisdom and authority of the pontiffs have been entrusted:

[...] *omnis rei publicae dignitas, omnium civium salus, vita, libertas, arae, foci, di penates, bona, fortunae, domicilia.*<sup>52</sup>

[...] all the dignity of the Commonwealth, and the welfare of all citizens, their lives, liberty, altars, hearths, and household gods, their goods, fortunes, and dwellings.

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48 Clark 2007, 18: “it is essential to bear in mind that once the quality was a god, there was no point at either end of that spectrum at which both divinity and concept were not in play. Once *LIBERTAS* was worshipped, for example, any reference to *LIBERTAS*, however mundane, was theological, in the strict sense of the word. The social, political, and cultural meanings of *LIBERTAS* were likewise always part—though not all—of the significance of the deity.”

49 Cf. Dom. 116: *oppressa libertate*.

50 Dom. 110.

51 Clark 2007 and Axtell 1907, respectively.

52 Dom. 1.

In every edition and translation of the speech I have consulted,<sup>53</sup> *libertas* occurs here in lowercase letters – as a part of the set of Cicero’s and the citizens’ material and immaterial goods that are under threat in the present situation. However, would it be impossible to suggest a reading of this sentence in which *Libertas* was the name of the goddess? This noun is precisely placed in an intermediate position, after virtues and abstractions such as *dignitas*, *salus*, and *vita*, but before the words *arae*, *foci*, and *di penates*, the elements of the religious sphere that Cicero wishes to protect. The position of this noun enables an ambiguous reading, according to which the pontiffs should protect the citizens’ liberty, i.e., their individual right to be free – but also, at the same time, the true public *Libertas* that Clodius is mocking when he uses the image of a prostitute to supposedly venerate her.

Another interesting example is provided in *Dom.* 116. Cicero affirms that Clodius has occupied his land because of *ista Tanagraea oppressa libertate Libertas*. Nisbet writes in capital letters only the noun in nominative case – it refers to the statue, which is pretty clear since it is modified by the adjective *Tanagraea*. By contrast, *libertate* is written in lowercase letters, referring to Cicero’s individual liberty, or even the liberty of the *res publica*, which has been oppressed by Clodius, making it possible to build the sanctuary in his land. Again, from my viewpoint it is possible to understand that the name of the goddess is expressed here – the true Roman *Libertas* has been oppressed and has been replaced by a Greek, foreign, invader *Libertas*. In summary, taking into consideration the fact that Cicero claims the idea of *libertas* as a fundamental value for every citizen, and as a core feature of Roman identity, it would be contradictory to assume, without any nuances, that he attacks Clodius’ *Libertas* because she is a goddess linked to *populares* – even more if we bear in mind the difficulty in determining in some contexts if he is referring to *libertas* or to *Libertas*.

Moreover, if Cicero thinks that the statue placed in the sanctuary is an authentic *simulacrum* of the true *Libertas*, he would be recognizing that Clodius exercises a certain kind of *pietas*. From my perspective, Cicero’s argument is stronger: he does not limit himself to opposing a popular goddess (*Libertas*) with more traditional deities (*Concordia*, *Minerva*, *Penates*, *Lares*). On the contrary, he cancels the possibility that Clodius’ statue may be, in any way, *signum [...] publicae libertatis*.<sup>54</sup> To him, the statue is merely the portrait of a foreign prostitute, which has been ripped due to ambition, and that is currently used by Clodius as an excuse to illegally occupy a space that does not belong to him and which is completely disconnected from true Roman *religio*.

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53 Long 1856; Clark 1909; Nisbet 1939; Wuilleumier 1952; Shackleton Bailey 1991; Baños Baños 1994.

54 *Dom.* 112.

## CONCLUSION

The aim of this paper has been to prove that, when arguing the case to get his house back, Cicero not only suggests that Clodius' consecration should be nullified but also objects to the validity of the statue placed in his land as a cult image of the Roman goddess *Libertas*. As Sylvia Estienne points out, it is not the statue that makes a place a cult space, but, on the contrary, the consecrated space is what makes possible for a *simulacrum* to be a cult image.<sup>55</sup> Following Cicero's statement, if there are several serious objections to the consecration ritual carried out by Clodius, how could it be sustained without doubt that the statue he placed there *is* the image of *Libertas*?

The three elements examined here – the difficulty of identifying the goddess represented by the statue, its impure origin and the immoral way it was obtained, and the lack of an associated cult – contribute to the reflection on the fact that Cicero can be referring to shared ideas about what made it possible for a statue to be considered a cult image: not every statue could be understood as the *simulacrum* of a divinity. Cicero underlines that Clodius' statue does not meet those requirements, i.e., he doubts that it is really a cult image. Clodius' *Libertas* is not *the* Roman *Libertas*: it cannot be a *signum* of those ideas its owner attacks, according to the examination of every occurrence of this word throughout the speech. In this way, Cicero cancels any possibility for Clodius to be regarded as a pious citizen who defends a consecrated space when presenting his behaviour as a mockery of Roman religious norms.<sup>56</sup>

Both the claims regarding the nullity of the consecration ritual and the reflections on the statue itself contribute to Cicero's objective, that is, to present his request as pious. He does not ask to deprive the goddess of a property already dedicated to her; on the contrary, he points to the fact that Clodius is using the goddess as an excuse while attacking Roman religion. In sum, he asks to rebuild the original *domus* – home to domestic religion and guarantee of the effective validity and power of true freedom in Rome.

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<sup>55</sup> Cf. Estienne 1997, 96.

<sup>56</sup> He affirms this sometimes explicitly (Dom. 109: *iste non solum contra religionem labefactavit, sed etiam ipsius religionis nomine evertit*) and sometimes resorting to irony (Dom. 111: *ab hoc religioso Libertatis sacerdote*). Cf. Leach 2001, 346.

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