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Comments and criticism more than welcome

Tyrannicide, Sacrifice, and Law in *Julius Caesar*

Thirty years ago, in his edition of *Julius Caesar*, Marvin Spevack referred to the over "one hundred years of almost microscopic comparison" that literary critics have devoted to analysis of interrelations between Shakespeare's drama and North's translation of Plutarch's *Lives of the Noble Grecians and Romanes* (1579), especially the *Lives* of Caesar, Brutus, and Antony. "Indeed," Spevack continues, "all the nooks and crannies have been searched and illuminated."¹ In the meantime, Shakespeare's indebtedness to Plutarch has been deepened as well as supplemented by increased awareness of his familiarity with additional Greek and Roman sources. It may thus seem impertinent, at best, to suggest that with regard to *Julius Caesar* not merely a narrow nook or cobwebbed

¹ *Julius Caesar*, ed. Marvin Spevack, New Cambridge Shakespeare (Cambridge, 2004; originally 1988), 8, 9. All quotations from *Julius Caesar* will be to Spevack's edition.

cranny but an entire, unlocked room has been neglected. Yet I would like to propose that Plutarch's *Life of Publicola* is such a room.

Early on in this life, Plutarch narrates a well-known episode of the founding of Rome's republic, namely, attempts made by the sons of Junius Brutus – hereafter Brutus the Elder – to bring down the new republic. In the motivation attributed to Brutus the Elder's sons and the grisly solemnity of the ritual the conspirators devise, Plutarch's version of this episode differs significantly from Livy's in his *History of Rome*. Recreating the conspiracy against the republic in unusual, suspenseful detail, Plutarch has the conspirators decide when they first gather together that they will unite themselves by performing a ritual designed for the occasion. They agree, in the words of North's translation, "to be bounde one to another, with a great and horrible othe, drincking the bloude of a man, and shaking hands in his bowells, whom they would sacrifice."² This incident is of direct, unmistakable relevance to the macabre scene in Act III.i of Shakespeare's drama, said to be without literary antecedents, where Brutus jubilantly invites his fellow conspirators to join in ritually immersing their hands in Caesar's bloody body: "Stoop, Romans, stoop./ And let us bathe our hands in Caesar's blood/ Up to the elbows and besmear our swords" (105-7)." In this

² Plutarch, *The Lives of the Noble Grecians and Romanes*, trans. from the French by James Amyot into English by Thomas North (London, 1579), 108, 9.

exhortation hands are to be bathed in Caesar's blood "up to the elbows" – a physical positioning similar to Publicola's conspirators in that the bathing places their hands in physical proximity to Caesar's bowels.

In this essay, I hope to persuade you that Plutarch's *Life of Publicola* is more than another "source" for Shakespeare's *Julius Caesar*, however. Together with other texts and traditions I will be drawing into our discussion, as well, of course, as the other *Lives* known to be relevant to Shakespeare's drama, I want to propose that Plutarch's *Life of Publicola* acts as a generative matrix for Shakespeare's representation of the conspirators and for his distinctive structuring of the history relating to the assassination. Two discrete sections of *Publicola* enable it to function in this way: first, Plutarch's narrative of the conspiracy, further details of which we will explore, and, second, his report on Publicola's legislation regarding tyrannicide, which occurs much later. Plutarch portrays Publicola as an even-tempered leader whose thoughtful decisions and commitment to the republic result in social stability. According to Plutarch, the law Publicola introduces on tyrannicide provides immunity to anyone who kills an individual aspiring to rule as king. There is, however, one clearly specified condition: "so he brought forth manifest prooffe, that the party slaine, had practised to make him selfe King." It is presumed, Plutarch explains, that such evidence would at some stage be virtually impossible to conceal and that

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tyrannicide might well be the only means of preventing someone from either coercively obtaining or contriving to legitimate his position as king. Plutarch judges Publicola's legislation to be "farre more sharpe & terrible" regarding treatment of tyrants than Solon's, which required lawful conviction of the tyrant before he met his death.

Tyranny and tyrannicide are topics with which Shakespeare's contemporaries were very familiar – surprisingly so from today's vantage point. It is often mentioned that Cicero's *De Officiis* [*On Obligations*] was one of the most widely known texts in Elizabethan England, being required reading in the school curriculum and available in numerous editions. Cicero's vigorous defense of tyrannicide is usually overlooked, however, even in discussions of Shakespeare's *Julius Caesar*. In *De Officiis*, Caesar appears more than once as a tyrant, and in the *Philippics*, Cicero reproduces the encomia Athens showered on tyrannicides by praising Marcus Brutus – Brutus the Younger – as a liberator who has heroically delivered Rome from tyranny. It must be stressed that for the republican Cicero, as for Plutarch's Publicola, anyone aspiring to kingship or to permanent, single-person rule is by definition tyrannous. In Rome's republican ideology, the very word for "king" – *rex* – frequently signifies "tyrant."

Might Cicero's laudatory view of tyrannicide in general and the assassination of Julius Caesar in particular be ignored because Shakespeare's

drama, by glaring contrast, does not share it? Directors, actors, and commentators on *Julius Caesar* have often tried to fashion Shakespeare's Brutus into a model representative of republicanism. Recently, in his "Introduction" to the RSC edition, Jonathan Bate, for example, refers to Brutus as the character "who invites particular sympathy," as "guardian of republican values."³ Those of its contemporaneous spectators with grammar school education would certainly have been aware that Shakespeare's representation of the conspiracy is at odds with that of Cicero and other proponents of republicanism, including the late sixteenth century "Brutus," pseudonymous author of the radical resistance treatise, *Vindiciae contra Tyrannos*. In my view, the boldness, as well as the caginess, of Shakespeare's *Julius Caesar* can best be appreciated if his challenge to idealizing representations of Marcus Brutus is not evaded. For aspects of that challenge, I am proposing that Shakespeare draws on the two two richly suggestive sections of Plutarch's Publicola that have just been flagged – the scene of conspiratorial blood-sacrifice and the legislation concerning tyrannicide – in order to explore the possibilities they create for interpreting Shakespeare's unnervingly non-partisan *Julius Caesar*.

³ Shakespeare, *Julius Caesar*, ed. Jonathan Bate and Eric Rasmussen, The RSC Shakespeare (Macmillan, 2011),5

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The Two Brutuses; or, The Republic's Origin and Demise

Plutarch's *Publicola* offers Shakespeare materials with which to undermine idealizing representations such as Cicero's of Marcus Brutus (Brutus the Younger). Given the centuries that separate the republic's legendary founding and its demise, which Brutus the Younger tries to prevent, this might seem a confusing claim. Yet in the early modern period, Brutus the Elder, Rome's republican founder, was often paired with Brutus the Younger, the republic's would-be restorer, not least because Brutus the would-be restorer was believed to be the founding Brutus's descendent. Republican variants of their pairing associate both the Elder and Younger Brutus with admirably principled opposition to tyranny – tyranny being the abusive form of rule against which the republic's form of representative rule is initially and thereafter determinedly set. Just as Brutus the Elder founds the republic by driving the tyrannous Tarquinius Superbus into exile, so, the comparison goes, Brutus the Younger tries to restore the threatened republic by assassinating the tyrannous Caesar. In the early scenes of Shakespeare's drama, the two figures are juxtaposed in this way to remind Marcus Brutus of the eminence of his social heritage and his responsibility to the republic his ancestor founded.

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Livy's famous account of the conspiracy involving Brutus the founder's sons is more ideologically inflected than is Plutarch's in *Publicola*. As Livy represents the conspirators, their hostility to the impersonal rule of law promised by the new republic explicitly springs from fear of losing their aristocratic privileges. Their conspiracy aims to overthrow the new republic by restoring Tarquinius Superbus to power; as king, they reason, Tarquin was open to flattery and, restored to the throne, would willingly grant their requests. When, by chance, their plot is uncovered, the conspirators are brought to trial and executed. For Livy, that Brutus the Elder's sons are not given special treatment is memorable tribute to the republic's impersonal dedication to the public good. Subject to the rule of law, Brutus' sons are executed in the presence of their father, whose resolute adherence to the requirements of his office at the trial and execution of his traitorous sons exemplifies the republic's ideals. In a scene fraught with suppressed emotion, Brutus publicly places the demands of law, office, and state above ties that are merely personal.

In *Publicola*, Plutarch, too, mentions the traitorous son's belief that their needs will be better served by a king than in the new, more egalitarian republic. But Plutarch gives the sons' conspiracy an additional objective. The conspirators plan not merely to return the Tarquiniis but also to murder the two newly instituted consuls, one of whom, of course, is their own father. Furthermore, in

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addition to the conspirators' political aims in doing away with the consuls, Brutus the Elder's sons want their father dead for strongly affective, personal reasons. They are sick and tired of his feigned madness, Plutarch says (madness it was necessary Junius Brutus assume in order to outwit the Tarquinius), and can no longer bear his "wilful hardness": "For they called his severity to the wickedness, hardness: for that he would never pardon any."

In *Julius Caesar*, Shakespeare transposes Brutus the Elder's sons' private grievances and murderous resentments into the decadent key of the late Republic. Cassius, especially, is consumed by petty-minded animosity fed by status-conscious competitiveness. There is, furthermore, no counter-balancing model for public-spirited behaviour as there is in Livy's scene of Brutus the Elder's subjection of private, familial ties to his public duty as consul.

Shakespeare's Brutus and Caesar are all susceptible to flattery, for example, and none of the central characters evinces any particular interest in constitutional principles. In Shakespeare's play, the hierarchical relation of public good over private interest inscribed in republican ideology collapses into an unstable levelling of individualistic desire for public recognition and power, strained marital relations, and, for Cassius and Brutus, a death-drive that becomes increasingly irresistible.

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Read in conjunction with *Publicola*, Shakespeare's drama makes the conspiracy Cassius sets in motion nearly as poorly and pettily motivated as the thwarted assassination of the republic's founding consuls. This intertextual context makes it easier to recognize how intently Shakespeare's *Julius Caesar* focuses on Brutus the Younger as a conspirator rather than a restorer of the threatened republic, thereby subverting his kinship with Brutus the Elder as a proponent of republican values. The first conspiracy does not succeed in assassinating the consuls because the conspirators are found out, brought to trial, and executed, with the result that the new republic is preserved and Brutus the Elder remains consul. By contrast, the later conspiracy *does* succeed in assassinating Julius Caesar, Rome's single-person ruler. It does not, however, successfully restore the republic, which, historically, heads as if unstoppably towards single-personal imperial rule. As has often been remarked, Shakespeare foreshortens the historical period between the assassination and the defeat and ultimate death of the leading assassins, Brutus and Cassius. The political failure of the second, successful assassination is thereby foregrounded in *Julius Caesar*, whose Brutus is woefully unequipped to oppose either Caesar or the historical processes that have produced him.

Blood-Sacrifice

Plutarch does not elaborate the point that the conspirators' gruesome ritual is to bind them together with "a great and horrible othe." It may be that in collectively committing religious and legal atrocities (murder, the drinking of human blood, defilement of hands, and disregard of the gods), the conspirators bind themselves to a silence not one of them would ever dare break given the consequences of disclosure. The ritual may also, though, have occult meanings that have not been recovered. Lurid accounts of human sacrifice performed to confirm oath-taking or to bind conspirators have an interesting genealogy, to which Plutarch gestures when mentioning "those like Apollodorus who have sacrificed men for the sake of tyrannies and conspiracies." Note that in this phrase, as in his description of the ritual itself, North's Plutarch refers to "sacrifice." For those with a humanist education, the best known historical instance of sacrifice ritualized in conjunction with oath-taking involves Catiline, who is reported (in rumours Sallust recounts but dismisses) to have bound fellow conspirators by having them drink communally from bowls of wine mixed with human blood.⁴ Editors of Julius Caesar occasionally point to Jonson's

⁴ Both Apollorodus and Catiline were alleged to have used human sacrifice and the drinking of the victim's blood and eating of the victim's entrails to bind fellow political conspirators; see J. Rives' "Human Sacrifice among Pagans and Christians,"

dramatization of this moment in his *Catiline* as the only known analogue for Shakespeare's scene of ritual blood-sharing. Only Plutarch's *Publicola*, it seems, includes a scene in which conspirators confirm an oath by immersing their hands in the bloody entrails of a body whose life they have taken.

In relation to tyrannicide, human sacrifice is given a very different valence by a passage in Seneca's *Hercules Furens*. Having just returned from completing his twelve labours, Hercules learns that Thebes's legitimate ruler, who was also his father-in-law, has been murdered by the sadistic, power-hungry Lycus. Lycus has usurped the king's position and now threatens to murder Hercules' wife and children. After triumphantly slaying him, Hercules prepares a traditional, sacrificial offering of non-human animals to honour the gods in a ritual all Thebans join and which is joyfully celebrated by the Chorus. When his father peremptorily reminds him to wash Lycus' blood dripping from his hands before proceeding, Hercules responds:

If only I could use the blood of his hateful head
to pour a libation to the gods! No lovelier liquid
could stain the altars; no victim could be fitter
more perfect as a gift slaughtered for Jove,
than an unjust king [*rex iniquus*].

Act 4, 920-924

The Journal of Roman Studies, Vol. 85 (1995), 72, 73. For discussion of the ancient and early modern reception of *Catiline*, see Patricia J. Osmond, "Catiline in Fiesole and Florence: The After-Life of a Roman Conspirator," *International Journal of the Classical Tradition*, Vol. 7, No. 1 (Summer, 2000), 3-38.

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Renowned vanquisher of tyrants, the demi-god Hercules may be thought to speak with authority. That, certainly, is how Milton understands his speech, which is cited approvingly in *The Tenure of Kings and Magistrates*, written to defend the trial (and later execution) of King Charles I. It is conceivable, however, that Hercules here manifests the first stage of the madness Juno inflicts on him and which rattles his reason with raging vehemence in the speeches that follow.

If indeed the gods, and specifically Jove, would consider a slaughtered tyrant the perfect gift, is it because they are unfazed by human-on-human murder, viewing it as merely one expression of human mortality? Or could it be because the unjust king is a ruler who transgressively aspires to godhead? The latter conception of tyranny is variously suggested by Greek and Christian authors. There is, however, another, juridical, explanation that informs much antityranny discourse, though often without declaring itself: while murder is a civil crime, killing is not. In the context of war, for example, killing is not only extralegal but basically the whole point of armed conflict. This is true not only in ancient, medieval or early modern societies but in contemporary, as well. According to antityranny doctrine, when a ruler wages war against his own people or is depicted as callously indifferent to their lives, s/he can therefore be

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construed as a tyrannous enemy whose life can innocently be taken in an act equivalent to defensive military combat.⁵

In this way the tyrant becomes, as it were, fair game. This is literally the case in another frequently sketched scenario, in which the tyrant is liable to another kind of non-criminal killing, namely, the human killing of non-human animals. The tyrant's animalization generally occurs discursively in that he is compared to or closely associated with diverse predatory beasts or, worst of all, a non-human monster. In an influential passage of *De Officiis*, Cicero asks whether a good man dying of cold could justly rob clothing from "that cruel and monstrous tyrant Phalaris," a question to which the following is an answer.

Judgement in the case of Phalaris presents no difficulty, for we do not share fellowship with tyrants. On the contrary, there is the widest cleavage between them and us, and should it lie within your power, nature does not forbid you to rob the person whom it is honourable to kill. Indeed, the whole of that noxious, sacrilegious breed should be banished from human society. Just as certain parts of the body are amputated once they begin to be drained of blood, and in their virtually lifeless condition affect other parts, so once the savagery and brutality of the beast takes human shape, it must be excised, so to say, from the body of the humanity which we all share.⁶

⁵ This feature of antityranny discourse is treated in Nyquist, *Arbitrary Rule: Slavery, Tyranny, and the Power of Life and Death* (Chicago, 2013), 41, 50-51, 615, 236, and in "Friday as Fit Help," *Milton in the Long Restoration*, ed. Blair Hoxby and Ann Baynes Coiro (Oxford, 2016), 338-342

⁶ Cicero, *On Obligations (De Officiis)*, trans. and ed. P. G. Walsh (Oxford, 2000), 89.

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Cicero is arguing here, as he does throughout *De Officiis*, that actions are to be evaluated according to the degree they contribute to the common good. Note that Cicero does not appeal to sacrifice but rather uses, first, the category of the enemy of humankind [*hostis humani generis*] to legitimate killing and, second, the figuratively communal body to propose banishment or amputation.

Shakespeare's assassins (we cannot yet affirm they're tyrannicides) do not explicitly relate human sacrifice to their post-assassination ritual of communal hand-bathing in Caesar's blood. Initially, after all, Shakespeare's Brutus seems the very antithesis of his ancestor's sons as they appear in *Publicola*, where they are maliciously spiteful and transgressive. It's not long, however, before Shakespeare complicates his assassins' motivation. Working with Plutarch's statement in his life of Marcus Brutus that the conspirators maintain their secrecy perfectly without any oath-taking, Shakespeare has Brutus disdainfully reject oath-ritual as vulgar, countering Cassius' proposal with the argument that the worthiness of their cause, their own honour, and the nobility of their Roman "blood" should suffice (II.i.113-39). Brutus does, though, insist that the conspirators all join hands with him in an *ad hoc* ritual that seals his leadership: "Give me your hands all over, one by one" (II..i.111). Though whenever Shakespeare's Brutus acts unilaterally against Cassius' directives or advice the consequences are disastrous, his decision to replace collective oath-taking with

hand-joining seems an exception. With ironies that multiply, however, if Plutarch's scene of conspiratorial blood-bathing is considered an intertext, Brutus' hand-joining rite resurfaces in the *ad hoc* ritual he spontaneously creates for performance in Caesar's bloody bowels.

Further, in his next lengthy speech, where he rejects Cassius' proposal that Antony, too, should be done away with, Brutus succumbs to a self-seducing fascination with ritual human sacrifice. Against his overt argument that unnecessary violence must be avoided and that any violence whatsoever is regrettable, presses a sub-conscious logic governed by aggressivity and a determination to dismember:

Our course will seem too bloody, Caius Cassius,
To cut the head off and then hack the limbs –
Like wrath in death and envy afterwards –
For Antony is but a limb of Caesar.
Let's be sacrificers, but not butchers, Caius.
We all stand up against the spirit of Caesar,
And in the spirit of men there is no blood.
O, that we then could come by Caesar's spirit
And not dismember Caesar! But, alas,
Caesar must bleed for it. And, gentle friends,
Let's kill him boldly, but not wrathfully;
Let's carve him as a dish fit for the gods,
Not hew him as a carcass fit for hounds.
And let our hearts, as subtle masters do,
Stir up their servants to an act of rage
And after seem to chide 'em. This shall make
Our purpose necessary, and not envious;
Which so appearing to the common eyes,
We shall be called purgers, not murderers.
And for Mark Antony, think not of him,

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For he can do no more than Caesar's arm
When Caesar's head is off.

(II.1.162-183)

Not the first speech to depict Brutus as a deracinated republican, this is in many ways the most disturbing. The only rhetorical figure to work at all conventionally is the assertion that Antony is "but a limb" of Caesar. A powerful counsellor or colleague is often the figurative "limb" of a great leader in the sense that he is so entirely at the leader's disposal as to have no independent existence. Brutus, though, awkwardly interpolates this figure into one that is entirely different, namely, that of the body politic, of which Caesar is the "head," those who support him his "limbs."

To imagine Caesar as the "head" of the body politic is to concede what Rome's republican institutions are to disallow. It shows Brutus subconsciously accepting the single-person rule towards which, historically, imperial Rome is tending. It also swerves away from the passage cited above in which Cicero likens the tyrant to a lifeless limb that needs to be amputated if it is not to threaten the health of the *res publica*. By mangling Cicero's metaphor, frequently used in early modern antityranny discourse, Brutus imagines amputating the one body part never to require it, namely, the head. In addition to revealing Brutus's meagre grasp of principle, the hypothetical "To cut the head off and then hack the limbs" (second line) visualizes a literal dismemberment with which the

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speech becomes increasingly preoccupied despite its eloquent abhorrence: "O, that we then could come by Caesar's spirit/ And not dismember Caesar!" By the end of his speech, Brutus has taken the partial literalization of dismemberment in "cut the head off" towards a grotesquely unfigurative conclusion, where "head" and "limb" are particularized as parts of a single, human body, that of Caesar, who is proleptically both mutilated and dead: "And for Mark Antony, think not of him, /For he can do more than Caesar's arm/ When Caesar's head is off."

This speech, it could be said, epitomizes the conspirators' self-delusive fixation on key representatives of the ruling elite, themselves included, to the exclusion of any larger community, much less the living social body whose life is at stake. It also shows Shakespeare elaborating Plutarch's remark that Brutus favours Plato over the Stoics if, that is, Platonism is associated with ideality as well as anti-democratic principles. At the very least, the speech conveys Brutus' staggeringly weak grasp of their political project. While acknowledging that the absence of wrath will not make the assassination literally bloodless – "But, alas,/Caesar must bleed for it" – Brutus indirectly argues that passionless high-mindedness and aristocratic blood have the power to transform butchers into sacrificers, murder into ritual sacrifice: "And, gentle friends, / Let's kill him boldly, but not wrathfully:/ Let's carve him as a dish fit for the gods,/ Not hew him as a carcass fit for hounds" (II.1.171-73).

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In this fantasy, Shakespeare exposes a complacent assumption of status-based privilege, including – or perhaps specifically underlining – the legal exemption conditionally granted tyrannicides. Brutus appears to think that the killing of tyrants is so completely decriminalized, or so inherently civil, that both tyrannicides and victim will be instantaneously ennobled by the deed. The rhetorical contrasts he deploys rest on the polarity nature/culture, more precisely that between raw/cooked (the hounds eat raw meat, the dish to be carved is cooked) and animal instinct/ human, religious ritual (hounds eat what's available from a carcass, humans ritualistically offer animal life to the gods). That human culture is inherently superior to animal nature is so deeply inscribed in both Roman and early modern European commonplaces that it is all too easy to ignore the purpose this superiority is meant to serve.

"Sacrifice" is often used of any self-offering that may risk life or, even more loosely, cause pain or suffering. The "sacrifice" to which Brutus the Younger's speech refers is not the metaphorical offering of human life to the state but rather the long-standing Roman practice of offering non-human life to the gods. Even the latter, however, is not what Brutus has in mind. Passionate "wrath," physical violence, animality, and butchery – all negatively charged – are so fused that by contrast the "sacrifice" envisioned becomes a mystifyingly purgative ritual with virtually no connection to the brute realities of killing. (The same cannot be

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said of Seneca's Hercules, who has blood on his hands and is close to an altar when he speaks of sacrificing Lycus to the gods.) What Brutus' polarities try vainly to elide as they slip out of his control is that the body to be sacrificed, becoming a "dish fit for the gods," is unmistakably human, and will not meet its death on an altar. In any case, rather than partaking of the delicate "dish," Rome's gods are supposed to be offered only non-human animals. So thoroughly disconnected from Rome's religious and political traditions is Brutus that he construes tyrannicide as a transcendent form of human sacrifice that signifies on an exclusively spiritual level.

Brutus' "sacrifice" conveys a radically confused comprehension of the act the conspirators are about to commit and yet he speaks, momentarily, as one among several conspirators. The rush that comes of envisioning transgressive blood-shed apparently overcomes the individualism that otherwise keeps the aristocratic conspirators apart. Brutus' language suggests an experience of community only once more, immediately after the assassination, in his hortatory "Stoop, Romans stoop". Calphurnia's dream, which affords spectators the next representation of human sacrifice, also involves collectively performed ritual. Like the rite Brutus institutes after the assassination, which it obviously foreshadows, Calphurnia's dream is similarly related to Publicola's grisly scene of hands bathing in blood. As Caesar relates it, her dream has Romans bathing

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their hands in the blood running from his statue's hundred spouts (II.ii.76-79). Decius Cagily interprets the dream in royalist terms, as Caesar's vivifying capacity to nourish his people.

As Caesar's gash-riddled body lies dead before him, Brutus persists in constructing tyrannicide in idiosyncratically ritualized terms. Shakespeare's conspirators don't drink their victim's blood as do Plutarch's. But Cassius' "Stoop, then, and wash," which he solemnizes for commemorative dramatic re-enactment in future ages, rhythmically evokes the Eucharistic "Take ye, and eat" (Matt.27.26, Douay-Rheims Bible; "Take, eat" KJV 1 Co. 11.24). When Brutus exhorts them to "besmear our swords" with the blood in which they have steeped their hands and lower arms, he improvises a procession into the market-place that becomes an intra-state triumph not unlike Caesar's, referenced in the drama's opening scene and unprecedented in celebrating Caesar's military victory over not foreign enemies but fellow Romans.

Shakespeare has several plays in which human sacrifice is negatively represented as a pre-historical or degenerately barbarous rite (for example, *Titus Andronicus*, an early play, and, following *Julius Caesar*, *Othello*, *Hamlet*, and *Cymbeline*). Like his contemporaries, Shakespeare is both fascinated and repelled by ideologically overdetermined accounts of the human sacrifice ritually practiced in New World societies, while, like his fellow humanist Bodin, he

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appears to regard human sacrifice as a universal, pre-historical practice that has been transcended in civilized societies. *Publicola's* account of Roman conspirators of the early Republic creating their own, private ritual employing human sacrifice and blood would have deepened Shakespeare's interest in human sacrifice. In Plutarch's narrative, that early ritual, however, had a single, collectively agreed upon purpose, the sealing of an oath. By contrast, Brutus the Younger not only invents the later conspirators' ceremonial, post-assassination blood-bath but also assigns it unarticulated, implicit meanings that work together incongruously, the way rhetoric and logic do in his speeches.

Tyrannicide , Forensic Rhetoric, and Law

In his dramatization of Caesar's assassination, Shakespeare creates enormous tension between the conspirators' exultant performance of this *ad hoc* ritual and the juridical procedures that determine whether they are legitimate tyrannicides. Confident they are licensed to kill Caesar, the conspirators persuade themselves that the elevated, private meanings they have assigned their ritual will provide any immunity they need. For Shakespeare's contemporaries, that Julius Caesar acquires his power tyrannously is mostly not in doubt. Since tyrants by acquisition are conventionally distinguished from tyrants by practice, however, the main question, posed by Plutarch and other

commentators, is whether or not Caesar uses his power tyrannously. Republican ideology, however, subordinates this question to the issue of Caesar's status as a single-person ruler. In Livy's famous account of the republic's founding, Brutus the Elder demands an oath that Rome will never again be ruled by a king, and on this legendary basis the republic flourishes for several centuries. As Shakespeare puts it in "The Argument" introducing *The Rape of Lucrece*, "with one consent and a general acclamation, the Tarquins were all exiled, and the state government changed from kings to consul." On constitutional grounds, then, Caesar's dictatorship (tacitly assumed in Shakespeare's play), though officially approved, is a temporary status permissible only for the management of crisis. If continued indefinitely, it would threaten the dissolution of the republic.⁷ So Cicero understands Caesar's unique position and so, presumably, should the conspirators.

Debates on fundamental constitutional issues are conspicuous by their absence in *Julius Caesar*. But equally absent is the forensic reasoning tyrannicide requires. In ground-breaking studies, Lorna Hutson has argued that many distinctive features of mimetic practice in Elizabethan and Jacobean drama are an effect of juridical notions of probability. Forensic reasoning, Hutson

⁷ On the blurring of differences between the dictator and the tyrant in the late Roman Republic and early Principate, see Andreas Kalyvas, "When the Greek Tyrant Met the Roman Dictator," *Political Theory*, Vol. 35, No. 4(2007), 412-442.

demonstrates, was part of the grammar school curriculum, which included rhetorical glosses on Terence's comedies, and also of the jury trials that made the sifting and weighing of evidence a lay activity through which justice was communally produced. In dramatic works, individual characters may experience or anticipate what Lorna Hutson calls "the pressure of sceptical circumstantial inquiry," which, especially in revenge tragedy, engages them in the work of detection, naturalizes aspects of dramatic mimesis, and indirectly provides spectators with a hermeneutic principle.⁸ The mimetic processes Hutson theorizes an important feature of *Julius Caesar*, though they appear in relation to antityranny discourse and the juridical requirement specified in Publicola. Compared with revenge tragedy, sceptical inquiry in *Julius Caesar* concerns not a murder already committed or its future revenge but one plotted, performed, then anatomized in full view of the audience. (Its anatomy in the pivotal Forum scene in III.3, soon to be discussed, takes place in view of an interior, fictive audience, as well).

I would like to take this further by proposing that the conspirators' inability to employ specifically *forensic* rhetoric may be key to Shakespeare's

⁸ Lorna Hutson, *The Invention of Suspicion: Law and Mimesis in Shakespeare and Renaissance Drama* (Cambridge, 2007), 143. On the "participatory legal culture" of sixteenth and seventeenth-century England as it relates to dramatic and political fiction-making, see "Imagining Justice: Kantorowicz and Shakespeare," *Representations* 106 (2009), 118-142.

representation of the assassination. Forensic rhetoric is no insignificant feature of Graeco-Roman antityranny discourse, which, generally in the form of invective, informally charges the bad ruler with acts that are criminal, or would be if he hadn't either declared himself to be above the law or already substituted his own will for the law. As he appears in ancient, medieval, and early modern antityranny discourse, the tyrant threatens to divest his citizen-subjects of, variously, their collective freedom, their traditions, their property, the fruits of their labour, their wives and children, or their very lives; his appropriation of any one of these is tantamount to claiming that he is their lord or *dominus*, they his own political slaves.

These charges may have had rhetorical as well as legal purchase in classical Athenian and Roman republican societies, for which tyranny was a foundational political category, but what of early modern Western European nation-states where power was becoming increasingly centralized? In his early contribution to resistance theory, *Politique Power* (1556), John Ponet concedes that European Christendom has no express, positive law sanctioning the punishment of tyrants as did the "Ethnicks" (ancient Greeks and Romans), but since the Ethnicks "were indued with the knowledge of the Law of nature," surely, he argues, even if Christians lack "one generall law to punish by one name a great many offences," they can use existing, positive laws to bring charges against the tyrant for each

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particular offence he commits.⁹ While regarded as incendiary, *Politique Power* participated in a revival of antityrannicism in England, France, and the Netherlands which sharply interrogated the legal status of the abusive ruler's actions.

Forensic reasoning as well as constitutional issues should thus be impossible to avoid in any staging of Julius Caesar's assassination, which may or may not be presented as tyrannicide. Owing to the marked absence of interest in the "manifest prooffe" called for by Publicola's "Ethnick" law, in *Julius Caesar* the pressure of sceptical inquiry comes to be felt primarily, and acutely, by spectators, who experience the question, is Caesar a tyrant? being brushed aside time and time again while questions regarding the assassins' intentions multiply. Whenever Shakespeare's drama directs interpretative activity onto the conspirators, we see them not only failing to weigh evidence spectators know they have but also lacking engagement with the particulars of the political crisis in which they plan to intervene. When, for example, Caska informs Cassius and Brutus that Murellus and Flavius have been "put to silence" (1.2.285) for disrobing Caesar's images, neither responds with pointed questions or outraged protests, although the exact sense in which they have been "put to silence" — have they been murdered or have they lost their position as tribunes? — is

⁹ John Ponet, *A Short Treatise of Politique Power*, 1556, rpt., 1642.

obviously crucial to forensic evaluation of Caesar's exercise of power, and has seriously vexed editors.

Though in the drama's first scene Murellus and Flavius actively oppose the signs of deification that have begun to appear, none of the conspirators seems to appreciate what is at stake in Caesar's rise to power. Caesar's formal triumph, which celebrates his victory over Pompey's family, distresses the two tribunes but is not mentioned by the conspirators and not once recalled. As Cassius' anecdotes featuring Caesar's timidity attest (1.2.100-128) — anecdotes that aren't congruent with any of the well-publicized incidents of Caesar's extraordinary courage and abilities — Cassius' real problem is that Caesar's single-person rule stimulates his own desire to outdo Caesar. Caesar's unique status has the general effect of intensifying the already competitive *ethos* shared by members of the ruling class (an *ethos* Brutus gets caught up in when challenged to emulate his forebear Junius Brutus).

The pressure of sceptical inquiry, however, is felt most in Brutus' speeches, or would be if the desire to idealize him as later republican traditions encourage didn't get in the way. In discussing Brutus the Younger, Plutarch contrasts the "choleric" Cassius with Brutus, said to be "low." Though Plutarch associates this lowness with positive qualities, Shakespeare's Brutus suffers from a humoural lowness whose recurrent symptom is depressive mental laxity. In his first

exchange with Cassius, Brutus' dissociative laxness comes across as an inability to manage conventional rhetorical figures:

If it be aught toward the general good,
Set honour in one eye, and death i'th'other,
And I will look on both indifferently.
For let the gods so speed me, as I love
The name of honour more than I fear death. (I.2.89)

Stoic indifference to honour and death alike is, theoretically, possible.

Rhetorically, however, the pairing of honour and death derives from a tradition in which heroic military honour is to be prized more highly than mere life.

Death, not honour, is to be regarded without passion, which is what Brutus registers when he blithely switches to rhetorical antithesis in proclaiming that he loves the "name" of honour (a residual distancing device) more than he fears "death."

Of the soliloquy rationalizing his decision to assassinate Caesar, Coleridge remarks that the reasons Brutus offers are baffling since he appears to have no problem with kingship *per se* or with Caesar's past actions. The absence of intelligible, principled opposition to single-person rule is, I would argue, what the soliloquy reveals. If the soliloquy is heard or read against the terms of Publicola's legislation, it becomes clear that Brutus has no interest in forensically weighing evidence that Caesar does or does not seek the crown. Instead of analysis founded on republican norms, Brutus begins by simply taking it for

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granted that Caesar will be crowned. What concerns him are the possible effects of kingship on Caesar's own psyche:

It must be by his death. And for my part
I know no personal cause to spurn at him
But for the general. He would be crowned:
How that might change his nature, there's the question.

As his speech unfolds, personal, affective relations continue to trump political principles, this time, though, in vague generalizations on ambition's interactions with power. The absence of "manifest proofe" eventually becomes Brutus' own theme:

And since the quarrel
Will bear no colour for the thing he is,
Fashion it thus: that what he is, augmented,
Would run to these and these extremities.
And therefore think him as a serpent's egg
(Which, hatched, would as his kind grow mischievous)
And kill him in the shell.

Throughout this soliloquy, Brutus unfolds a tenet of antityranny ideology – that the concentration of power in a sole ruler inevitably leads to its abuse, thereby reducing subjects to political slaves (a tenet he muddles) – so as to suggest that Caesar's power has an organic life of its own and that the issue at hand is the *size* of the power Caesar is to wield together with his attitude towards it. The concluding simile, which compares the Caesar Brutus knows to a "serpent's egg" similarly bungles antityrannicism's rhetorically powerful identification of

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tyranny with non-human monstrousness. As we have seen, the tyrant's predatory monstrousness makes him an enemy to humanity and therefore legitimates tyrannicide. Brutus' figurative identification of Caesar with a serpent's egg to be killed "in the shell" emphasizes, by contrast, the would-be monster's (and, really, how monstrous is a serpent?) inchoate harmlessness and vulnerability.

By drawing Publicola's legislation into Julius Caesar's interpretative framework, we can more readily see how prominent Shakespeare makes the non- production of "manifest proof." The issue is signposted when Cassius and others manufacture proof that Rome's citizens want Brutus the Younger to follow his ancestor in ridding Rome of tyranny. Plutarch has Brutus receive authentic messages, and Shakespeare's Brutus tells Lucius he's earlier received some we have no reason to regard as fake. But the decisive messages have been planted, and thereby become evidence of Cassius and his cohorts' lack of respect for not only Brutus but also the judicial process the republic needs if it is to be restored. *Julius Caesar*, I am proposing, features a tyrannicide that is fundamentally misconceived, not to say hopelessly botched. The severely critical perspective this opens up on the conspirators is not necessarily a condemnation of tyrannicide, although it can be and has been responded to as if it were.

'The Falling Sickness' as Antityranny Rhetoric, Caesar as Tyrant

As has been observed, Shakespeare's drama provides almost no historical retrospection pertinent to the evaluation of Caesar's reign and little evidence of how Caesar conducts himself in office. This peculiar restraint increases the difficulty spectators have in assessing Caesar's rule at the same time that it exposes the conspirators' indifference to forensic evidence. If attuned to the evidentiary standards established by republicanism's conception of tyranny – attunement *Publocola* would sharpen but not create – spectators would respond with heightened sensitivity to the conspirators' obvious inattention.

Shakespeare's decision to keep off-stage the public gathering in which Antony thrice offers Caesar the crown – recounted by Plutarch and others – seems to aim for just these effects. Republican-minded interpretation of Caesar's gestural rejection of the crown insist that Antony's offers are staged so as to let Caesar theatrically perform his reassuring rejection of kingship or, alternatively, to gauge the populace's response to his potential acceptance. Deprived of the opportunity directly to assess Caesar's facial expressions and physical gestures, while hearing loud sounds of public acclaim, *Julius Caesar's* spectators are held in suspense, eagerly waiting to learn how the occasion is reported, interpreted, and discussed.

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Already recruited as a conspirator, Caska, however, unlike classical drama's disinterested Messenger, delivers an eye-witness account that diminishes Caesar, speaks contemptuously of the plebians (like the tribunes in the drama's opening scene), and is altogether enamoured of his flippant view that the whole thing is "mere foolery." The on-stage action involving the conspirators foregrounds both their physical and their emotional distance from the scene of potential king-making. It also represents Brutus' own detachment. Hearing the first shout, Brutus says, "What means this shouting? I do fear the people/ Choose Caesar for their king" – a formulation that oddly suggests they might choose someone else – and, hearing the second, comments, "I do believe that these applauses are / For some new honours that are heaped on Caesar." Honours on top of kingship? Far from apprehensively awaiting further signs or, more importantly, clarification, as Shakespeare's spectators have just done, Brutus gets so absorbed in Cassius' seductive pitting of Caesar against Brutus and other "noble bloods" (I.2. 151) – Cassius uses invective against single-person rule, republicanism's key rhetorical principle, "one man" (153); "but one man" (155); "but one only man" 157) as his instrument – that he doesn't even hear the third shout.

The drama itself, however, does not maintain the conspirators' indifference to "manifest proof." Evidence of Caesar's pursuit of kingship begins

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to appear in 2.2, which takes place on the ides of March – exactly when, ironically, "proof" should no longer be at issue. As soon as Decius informs him that the Senate plans to give him the crown that very day, Caesar reverses his earlier decision to remain at home as the foreboding Calphurnia wishes. Spectators know that, like the letters Cassius plants, Decius' claim is fabricated, and this privileged knowledge underlines the evidentiary significance of Caesar's gullibility. Further, now that it is unambiguously revealed, Caesar's eagerness to receive the crown casts retrospective doubt on the sincerity of his earlier refusal. While Caesar's generous, egalitarian hospitality, dramatized next, seems to complicate this first "proof" of Caesar's desire to be king, further evidence appears when on the way to the Capitol Caesar turns down Artimidorus' request to read his cautionary letter by using the royal "we": "What touches us ourself shall be last served" (3.1.7).

The final, and decisive, proof appears in the same scene but in the Capitol, when Caesar rejects the conspirators' request that he pardon Publius Cimber. In this climactic, brilliantly constructed action, both conspirators and Caesar invert conventional republican codes pertaining to the physical performance of ritual obeisance. Earlier, when recounting the scene of the thrice-offered Crown, Caska reports that Caesar had a seizure after his third and final refusal. Brutus comments, "'Tis very like. He hath the falling sickness," to which Cassius

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responds: "No, Caesar hath it not: but you, and I, / And honest Caska, we have the falling sickness" (1.2.255). Editors are often puzzled by this line, but I take it to refer to the ceremonial bowing or, worse, prostration that antityranny discourse derides as "servile," as it pejoratively positions the single-person ruler who demands it as their would-be "master" or "dominus." Cassius' sardonic "we have the falling sickness" implies they already behave as if they've no choice but spinelessly to prostrate themselves before the mighty, godlike Caesar.

In the well-rehearsed scene of the assassination, this is the very part the conspirators actually play: obsequious subjects who lower themselves in ritual homage to their Asiatic-like king. Acting in concert, feigning concern for Publius Cimber on whose behalf they petition, the conspirators enact various postures of bodily subjection before Caesar, ritually aggrandizing his power as if he were indeed able single-handedly, that is, arbitrarily, to dispense justice (as the Tarquini were believed to do, and like the Emperors who succeed Caesar). Cassius even verbally describes his self-lowering in the language he earlier used of the "falling sickness": "As low as to thy foot doth Cassius fall/ To beg enfranchisement for Publius Cimber" (56.7).

Just as earlier he had refused the thrice-refused crown, Caesar here rejects the collectively performed request for kingly clemency. Far from relenting when presented with his fellow patricians' aggrandisement of his power, Caesar

responds with repugnance. His reasons for doing so, however, give him away. The conspirators' falling — "These couchings and these lowly courtesies" — offends Caesar, but not because it contravenes deeply held republican principles. Instead, his petitioners' ritual obeisance insultingly suggests that he is mutable, open to the influence of mere mortals. In spurning his fellow patricians' falling, Caesar positions himself not as indifferent to kingship but as *more* than king, as, in effect, an unmoved mover, a heavenly god. Unlike them, "ordinary men," the utterly singular Caesar cannot be manipulated or "moved" by conventional signs of subjection.

I could be well moved, if I were as you.
If I could pray to move, prayers would move me.
But I am constant as the northern star,
Of whose true fixed and resting quality,
There is no fellow in the firmament.
The skies are painted with unnumbered sparks;
They are all fire, and every one doth shine;
But there's but one in all doth hold his place.

As he unfolds this analogy, Caesar asserts that there is "but one" human being in the world who, like the northern star, is "unshaked of motion" (68, 70), language that echoes Cassius' earlier riff on the theme of single-person rule. There is no mistaking it. Whether a response to the provocatively staged adulation or a stark revelation of what he has hitherto concealed, Caesar's sudden speech of soaring, glorying self-deification proleptically manifests the deified Caesars to come.

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It also provides incontrovertible proof that Caesar has abandoned Rome's republic – proof that at this point spectators have ceased to expect and the conspirators have acted without. In addition to the ironies conveyed by the timing of this "proof" – it occurs moments before the assassination – there is a disturbing connection between the conspirators' theatrical posing as servile subjects and the "Stoop, Romans, stoop" Brutus enjoins for the ceremonial blood-bathing of hands in Caesar's bowels. The bodily action of "stooping" involves self-lowering, possibly even kneeling on one or both knees; like ceremonial bowing, it is often associating with subjection or submission, though it can also convey condescending to an inferior. However we respond to this undignified stooping, it clearly has affinities with the "falling sickness" earlier deplored and staged, and with Brutus' own willingness, after the assassination, to listen to Antony's servant without interruption or reproach when he says:

Thus, Brutus, did my master bid me kneel.
Thus did Mark Antony bid me fall down,
And being prostrate thus he bade me say:
Brutus is noble, wise, valiant and honest.

This speech (together with its accompanying postures, i.e., the servant's falling and Brutus' standing) reveals Brutus' disavowed desire to enjoy the position that, in desiring for himself, made Caesar a tyrant. For spectators, it constitutes subtle but telling proof of the assassins' ongoing political inauthenticity.

Market-Place Trial

The most egregious instance of the conspirators' disdain for manifest proof comes in the formal defence of the assassination Brutus delivers to the plebeians (3.2.13-33). In Plutarch's account of the assassination, the day after Brutus' speech in the market-place, which leaves auditors unsatisfied, the Senate passes a motion (both Antony and Cicero initiate it, Plutarch says) to acquit and publicly honour the conspirators. On the next day, the Senate again bestows public praise on them and grants Brutus and others the governorship of several provinces. Assuming Pubicola's law is still in place – something Plutarch doesn't address in the relevant *Lives* – the Senate clearly judges the assassination to be a legitimate tyrannicide. This verdict is so important to Rome's future constitution that Octavius, Plutarch observes, later has it overturned.

Shakespeare chooses to dramatize Brutus' unsuccessful appearance in the Forum rather than the Senate's judiciary sentence. Structurally, this decision highlights the issue of "manifest proof." By eliminating the brief period of the historical Brutus' political ascendancy, it also accentuates the tyrannicides' failure and gives it a dynamic, deathward movement. Shakespeare acknowledges the Senate's juridical function when he has Brutus inform his auditors that he has provided written reasons for the death to the Capitol (3.2.31-4). But in this drama, the market-place is the only site of public trial, where Brutus is not able to

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justify the assignation and where Antony, in the part of self-appointed prosecutor, whips up violent rage he has no interest in directing. By making the market-place trial the climactic scene of the assassination, Shakespeare continues to highlight the absence of forensic reasoning, now as it bears on formal justice, political principles, social cohesion, and public safety. Not that the market-place is an inappropriate setting for such a trial. Indeed, Shakespeare may have in mind a contrast between public justice as conducted in the conspiracy against Junius Brutus and its absence in the conspiracy against Caesar. The earlier conspirators officially decide to assassinate the two consuls when they gather together to enact the bloody ritual they have agreed upon. By chance, they are overheard by Vindicius, a slave who communicates his knowledge to the kindly Valerius, who later becomes the consul Publicola. Valerius bravely intercepts letters the conspirators have written the Tarquinii and takes them before the consul in the market-place, where, in an emotionally charged trial Vindicius testifies, the letters are read publicly, and Brutus the Elder turns the conspirators over to the lictors to "do justice."

For both on- and off-stage audiences, Shakespeare raises expectations that Brutus will finally, at long last, offer a persuasively argued defence that will prove the murder of Caesar to have been tyrannicide. Brutus responds to Antony's request, relayed through a servant, to learn why Caesar deserved to die

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(I.1.132) with a courteous, "He shall be satisfied" (I.2.141) – "satisfaction" being a term from the juridical lexicon meaning adequate proof (OED 6a,b). Speaking directly to Antony, Brutus asks him to be patient until the crowd has been calmed, "And then we will deliver you the cause/ Why I, that did love Caesar when I struck him, / Have thus proceeded"(3.1.179-182) – "cause," too having the legal connotation of "case" or of justifiable reason. Later in the exchange, Antony presses Brutus, pledging loyalty to the conspirators "Upon this hope, that you shall give me reasons/ Why and wherein Caesar was dangerous." To this, Brutus responds eloquently but firmly:

Or else were this a savage spectacle.
Our reasons are so full of good regard
That were you, Antony, the son of Caesar
You should be satisfied. (3.1.223-26)

In an aside to Cassius, Brutus again says that his address will "show the reason of our Caesar's death" (3.1.237), and, finally, when introducing his speech to those who eagerly await satisfaction ("We will be satisfied! Let us be satisfied!"), Brutus again promises to render "public reasons" for Caesar's death. All told, Brutus promises to satisfy the demands of justice five times before he begins his public address – six if we include his reference to the document sent to the Capitol.

Even without this build-up, Brutus' speech would be a ruinously disappointing performance. In the juridical context Shakespeare has developed and which Plutarch's *Publicola* shows to be necessary, Brutus' speech offers no

legal satisfaction whatsoever. With nothing to bring forward besides Caesar's ambitiousness and an insistence on his unfailing "love" of Caesar, Brutus turns the question of the legal "offence" for which Caesar's life has been taken into a set of rhetorical questions directed to his on-stage auditors whom, he hopes, he has not "offended." He substitutes an impromptu concern with his auditors honour for the thorny juridical issues regarding Caesar's "offence" against the republic: "Who is here so base that would be a bondman?" Brutus asks. "If any speak, for him have I offended" (3.2.25-6), a formula whose repetition is key to his defence. .

The "bondman" that fleetingly appears here is one of the few instances in in which Brutus relies on antityranny discourse. Like the forensic reasoning with which it is often associated, antityranny discourse is absent from many of the conspirators' exchanges. Brutus refers to "tyranny" in his first exhortation to the conspirators, but he does not invoke political slavery until his major market-place speech, where it joins the other vapid parallelisms and antitheses that straightjacket his thought: "Had you rather Caesar were living, and die all slaves, than that Caesar were dead, to live all freemen?" As Brutus' only appeal to the figure of political servitude, this empty chiasmus is so muddled that it is scarcely worth trying to think through, in part because both options are already closed but also because as figures relating to political oppression or injustice they have been gutted of meaning.

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In the absence of either manifest proof or credible defence, the spectacle that's just been performed remains "savage." In Plutarch's *Publicola*, the conspirators perform their ritual sacrifice secretly, in a darkened, domestic interior. By contrast, the historical Julius Caesar's assassination takes place openly, in a public arena, where a responsible act of tyrannicide should take place. Because Shakespeare's assassins turn their assassination into a private, blood-based rite, its very transparency makes them appear delusional as well as savage. Brutus presents their collective bathing of hands in blood as a liberatory, civic ceremony. Republican Rome, though, has long prided itself on traditions and rituals that are passed down, reproduced, and communally shared. Commentators have often drawn attention to the theatrical language the conspirators use both before and after the assassination. Implicit in the self-conscious theatricality, however, is the suggestion that the spectacular ritual blood-bathing of hands is imitable *only* dramatically. With its numerous, conflicting meanings, the assassins' immersion of hands up to the elbows in Caesar's bloody body has no political significance citizens of a republic can reproduce.

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