

›Civitas Romana‹
and the inclusion of strangers in the Roman Republic:
the case of the Social War*

ALTAY COŞKUN

The rise of Rome from a Latin city to the centre of a world empire cannot simply be attributed to her immense military potential, but is no less due to her strategies for controlling and using foreign resources.¹ In this respect, its arsenal included treaty and non-treaty obligations as well as occupation and annexation. The adoption of these strategies was accompanied, often at various intervals, by the extension of the ›civitas Romana‹, which by the third century A.D. comprised almost the whole of the Mediterranean.² Accordingly, this process constitutes a hitherto unparalleled

* The original German text has been revised and updated for the English version. Moreover, two bibliographical notes have been added as a postscript. I wish to thank Manuel Tröster for his careful translation.

- 1 Special thanks are due to Hartmut Wolff, who provided me with a copy of his as yet unpublished Habilitationsschrift *Civitas Romana. Die römische Bürgerrechtspolitik vom Bundesgenossenkrieg bis zur Constitutio Antoniniana*. 2 vol. Köln 1977. – Abbreviations of Latin authors follow those of the index of the *Thesaurus Linguae Latinae*. 2nd ed. Leipzig 1990, their works being quoted according to the *editiones Teubnerianae* listed there (except for Gran. Lic., who is quoted according to FLEMISCH, Michael: *Grani Liciniani quae supersunt*. 2nd ed. Stuttgart 1967). Abbreviations of Greek authors follow those of DNP = CANZIK, Hubert / SCHNEIDER, Helmuth (eds.): *Der Neue Pauly. Enzyklopädie der Antike*. Vol. 3. Stuttgart / Weimar 1997, pp. XXXVIff., their works being quoted according to the editions cited in the respective articles (except for App. civ., who is quoted according to GABBA, Emilio / MAGNINO, Domenico: *Appiano. La storia romana. Libri 13–17: le guerre civili*. Torino 2001). Abbreviations of epigraphic corpora follow those of DNP 3, pp. XIff. All dates are B. C. unless otherwise indicated. Where not otherwise stated, translations are those of the Loeb Classical Library. – For an overview of citizenship legislation see the table in the appendix.
- 2 SHERWIN-WHITE, Adrian N.: *The Roman Citizenship*. Oxford 1st ed. 1939, 2nd ed. 1973 continues to be the fundamental work on the history of the ›civitas Romana‹. A sound overview is provided by LINTOTT, Andrew: *Imperium Romanum. Politics and Administration*. London 1993, pp. 161–174. For the Republican period cf. further WISEMAN, Timothy P.: *New Men in the Roman Senate*. Oxford 1971 and NICOLET, Claude: *Le métier de citoyen dans la Rome républicaine*. Paris 1st ed. 1976, 2nd ed. 1979 (English translation: London 1980).

experiment that earned admiration in both ancient and modern times.³ The Social War, which led to the incorporation of all Italy south of the River Po in the 80s of the first century, is commonly considered the most salient turning point of this development. At the same time, it is particularly well suited as a means of illustrating the characteristic features of the Roman practice of incorporation under the Republic and shall therefore constitute the focal point of the following exposition.

1. Rome and the Italians on the eve of the Social War

The history of the incorporation of Italian cities, which was often accompanied by violence, goes back to the time of the founder Romulus, who – if the legendary tradition is to be believed – consented to rule jointly with Titus Tatius following the rape of the Sabines.⁴ In the ensuing

GARDNER, Jane F.: *Being a Roman Citizen*. London 1993 looks at politically marginalised groups such as freedmen, women, and children, who cannot be dealt with in the present enquiry (for freedmen see fn. 3, 9, 45, though). NOX, David: *Foreigners at Rome: Citizens and Strangers*. London 2000 is mainly concerned with immigration to the ›urbs Roma‹. Furthermore, no account can be taken of the fact that the granting of citizenship is only one out of many possible forms of political and social inclusion. Beyond this, cf., e. g., the cult of the ›dea Roma‹ (from the late 3rd century onwards), of powerful generals (starting in the early 2nd century), and, above all, of the emperor. ›Hospitium‹ and patronage constitute additional categories.

- 3 Cf., e. g., the letter of Philip V of Macedon to the citizens of Larissa (215/14), Syll.³ 2543.33 ff.: Philip praises the example set by the Romans, ›who receive into the state even slaves, when they have freed them, giving them a share in the magistracies, and in such a way not only have they augmented their own fatherland, but they have also sent out colonies to almost seventy places‹ (translation: BAGNALL, Roger S. / DEROW, Peter (eds.): *The Hellenistic Period. Historical Sources in Translation*. New ed. Oxford 2004); Cic. Balb. (56), § 31: ›numquam est intermissa a maioribus nostris largitio et communicatio civitatis‹; Aelius Aristides (117–187 A.D.), *To Rome*, 60: ›And neither does the sea nor a great expanse of intervening land keep one from being a citizen, nor here are Asia and Europe distinguished. But all lies open to all men. No one is a foreigner who deserves to hold office or to be trusted‹ (translation: BEHR, Charles A. (ed.): *P. Aelius Aristides. The Complete Works*. Vol. 2: *Orations XVII–LIII*. Leiden 1981). – On the ›constitutio Antoniniana‹ of 212 A.D. cf. WOLFF, Hartmut: *Die constitutio Antoniniana und Papyrus Gissensis 40 1*. Köln 1976. – For the assessment of the ›civitas Romana‹ in modern literature cf. the references cited in fn. 1 and 2 as well as GAUTHIER, Philippe: *La citoyenneté en Grèce et à Rome: participation et intégration*. In: *Ktéma* 6 (1981), pp. 167–179. On the imperial character of Roman citizenship policy cf., e. g., STEEL, Catherine E. W.: *Cicero, Rhetoric, and Empire*. Oxford 2001, p. 85.

centuries, the city-state expanded continually until 241. In this process, the new citizens were usually awarded equal rights in terms of civil law, while political participation was granted with various qualifications. Above all, the right of active and passive suffrage was denied over several generations (·civitas sine suffragio·).⁵ Special conditions applied to the Latin colonies, which gradually spread throughout Italy.⁶ The remaining inhabitants of the Apennine Peninsula were forced into compliance until

- 4 Cf. Liv. 1.9–14; Cic. Balb. 31 »illud vero sine ulla dubitatione maxime nostrum fundavit imperium et populi Romani nomen auxit, quod princeps ille creator huius urbis, Romulus, foeder Sabino docuit etiam hostibus recipiendis augeri hanc civitatem oportere«, with GALSTERER, Hartmut: Herrschaft und Verwaltung im republikanischen Italien. München 1976, p. 68. For the ensuing period, too, the legendary tradition refers to foreign kings. Cf. Liv. 1.18 (Numa Pompilius); 1.35 (Tarquinius Priscus); 1.40f. (Servius Tullius). For a brief survey of territorial expansion until the 6th century cf. SHERWIN-WHITE, Citizenship (see fn. 2), pp. 7–11. A more detailed account, which also serves to demythologise the regal period, is provided by CORNELL, Tim J.: The Beginnings of Rome. Italy and Rome from the Bronze Age to the Punic Wars (c. 1000–264 B. C.). London 1995, pp. 48ff., esp. 75ff. on the Sabines.
- 5 Cf. the often controversial treatments by GALSTERER, Hartmut: Municipium. In: DNP 8, 2000, coll. 476–479; IDEM: Civitas. In: DNP 2, 1997, coll. 1224–1226; IDEM, Herrschaft (see fn. 4), pp. 25–84; CÉBEILLAC-GERVASONI, Mireille: Les magistrats des cités italiennes de la seconde guerre punique à Auguste: le Latium et la Campanie. Roma 1998, pp. 203–253; CORNELL, Beginnings (see fn. 4), pp. 173ff.; HUMBERT, Michel: Municipium et civitas sine suffragio. L'organisation de la conquête jusqu'à la guerre sociale. Roma 1978, passim; SHERWIN-WHITE, Citizenship (see fn. 2), pp. 7–95; BADIEN, Ernst: Foreign Clientelae (264–70 B. C.). Oxford 1958, pp. 15–20. Whether the ·civitas sine suffragio· lasted only until the Gracchan era (133–121) or was abolished as late as the 80s of the first century remains a matter of dispute, too.
- 6 Cf. BRINGMANN, Klaus: Geschichte der Römischen Republik. München 2002, pp. 37–40; GALSTERER, Hartmut: Latinisches Recht. In: DNP 6, 1999, coll. 1172–1174; IDEM: Foedus Cassianum. In: DNP 4, 1998, col. 581; IDEM: Coloniae. In: DNP 3, 1997, coll. 76–85; IDEM, Herrschaft (see fn. 4), pp. 84–100; CORNELL, Beginnings (see fn. 4), pp. 293–304 and 347–352; HUMBERT, Municipium (see fn. 5), pp. 85–194; SHERWIN-WHITE, Citizenship (see fn. 2), pp. 11–37 and 96–118. The origins and development of the specific rights remain controversial. Cf., e. g., BEHREND, Okko: La *lex Licinia Mucia de civibus redigundis* de 95 a. C. Une loi néfaste d'auteurs savants et bienveillants. In: RATTI, Stéphane (ed.): Antiquité et citoyenneté. Actes du colloque international tenu à Besançon les 3, 4 et 5 novembre 1999. Paris 2002, pp. 15–33, esp. 16f. on the so-called »ius migrandi«. The annalistic tradition (Dion. Hal. ant. 6.95; Liv. 2.33.4) assigns the so-called »foedus Cassianum« to 493, but some scholars, e. g., Bringmann, suggest a date around 370. – For the privileges of the Latins see bibliographical addendum two.

the third century. As allies (socii), they regularly had to furnish the hegemon with troops.⁷

All Italians contributed to and benefited from the Roman victories in the Mediterranean. The wars in the East in particular yielded substantial booty and opened lucrative markets. Yet the economic boom notwithstanding, the ›civitas Romana‹ appeared ever more attractive.⁸ For the system involving military obligations on the one hand and material benefits and prospects of social advancement on the other became increasingly unbalanced as it effectively worked to the advantage of the city on the Tiber. Thus the latter was exposed to a constant influx of immigrants which only temporarily abated early in the second century owing to the limitations imposed at the request of the allies.⁹

7 Cf. CORNELL, *Beginnings* (see fn. 4), pp. 345–368; GALSTERER, Hartmut: Bundesgenossensystem. In: DNP 2, 1997, coll. 846–850 (with a useful map); IDEM, *Herrschaft* (see fn. 4), pp. 101–151; SHERWIN-WHITE, *Citizenship* (see fn. 2), pp. 119–133; BADIAN, *Clientelae* (see fn. 5), pp. 25–32.

8 On Roman expansion in the third and second centuries cf. BRINGMANN, *Geschichte* (see fn. 6), pp. 87–187; LINTOTT, *Imperium* (see fn. 2), pp. 5–96; SHERWIN-WHITE, Adrian N.: *Roman Foreign Policy in the East* (168 B.C. to A.D. 1). London 1984, pp. 1–92; BADIAN, *Clientelae* (see fn. 5), pp. 55–140.

9 Thus, the ›ius migrandi‹ was tied to the condition that one adult son should be left behind. Some of the allies were even granted the concession that Rome would naturalise their citizens only subject to their consent. However, there were various possibilities of circumventing this condition, e.g., by selling oneself or one's children into the servitude of a Roman who had promised to effect their manumission immediately – a practice that was ruled out in 177. Cf. Liv. 41.8.(6) ›moverunt senatum et legationes sociorum nominis Latini, quae et censores et priores consules fatigaverant, tandem in senatum introductae. (7) summa querellarum erat cives suos Romae censos plerosque Romam commigrasse; quod si permittatur, perpaucis lustris futurum, ut deserta oppida, deserti agri nullum militem dare possint. (8) Fregellas quoque milia quattuor familiarum transisse ab se Samnites Paelignique querebantur neque eo minus aut hos aut illos (plus) in dilectum militum dare. (9) lex sociis nominis Latini, qui stirpem ex sese domi relinquerent, dabat, ut cives Romani fierent. ea lege male utendo alii sociis, alii populo Romano iniuriam faciebant. (10) nam et ne stirpem domi relinquerent, liberos suos quibusvis Romanis in eam conditionem, ut manu mitterentur, mancipio dabant, libertinique cives essent; et quibus stirps deesset, quam relinquerent, ut (...) cives Romani fiebant. (11) postea his quoque imaginibus iuris spretis promiscue sine lege, sine stirpe in civitatem Romanam per migrationem et censum transibant. (12) haec ne postea fierent, petebant legati, et ut redire in civitates iuberent socios; deinde ut lege caverent, ne quis quem civitatis mutandae causa suum faceret neve alienaret; et si quis ita civis Romanus factus esset, (id ratum ne esset). haec impetrata ab senatu.« – Subsequently, foreigners continued occasionally to be expelled, and ›civitas‹

In the second century, the situation was aggravated when Roman magistrates began to act like masters in the formally autonomous cities of Italy. At the time, only the ·civitas Romana· served to guarantee the right of appeal (·ius provocandi·), which afforded protection from punishments like flogging. When in 133 Tiberius Gracchus set out to confiscate the public land (·ager publicus·) in Italy, which was also at the disposal of the allies, in order to distribute it to Roman citizens only, the cities of Latium and Italy increasingly pushed for the award of full Roman citizenship. Although prominent advocates did not hesitate to take up this concern, neither the majority of the Senate nor that of the electorate were prepared to share their power and privileges according to the wishes of the allies.¹⁰

could be withdrawn in case of illegal acquisition. However, this was increasingly motivated by fear of electoral bribery or of uncontrolled ·clientela·-building, e. g., in 126, 95, 65 (sources in ROTONDI, Giovanni: *Leges publicae populi romani. Elenco cronologico con una introduzione sull'attività legislativa dei comizi romani*. Milano 1912 (repr. Hildesheim 1962), pp. 304, 335, 376), and 122 (App. civ. 1.98–101). Cf. BEHREND, *lex* (see fn. 6), pp. 16–19; NOY, *Foreigners* (see fn. 2), pp. 37–47; LAFFI, Umberto: *Sull'esegesi di alcuni passi di Livio relativi ai rapporti tra Roma e gli alleati latini e italici nel primo quarto del II sec. a. C.* In: CALBI, Alda / SUSINI, Giancarlo (eds.): *Pro Poplo Arimense. Atti del Convegno internazionale 'Rimini antica. Una respublica fra terra e mare'* (Rimini, ottobre 1993). Faenza 1995, pp. 43–77; GALSTERER, *Herrschaft* (see fn. 4), pp. 92–100, 103, 160–165; SHERWIN-WHITE, *Citizenship* (see fn. 2), pp. 110f. (only on the Latins). The same sources imply that the acquisition of citizenship was frequently brought about by censorial registration but only remained effective in case it was not challenged in the ensuing years. Cf. also GALSTERER, *Herrschaft* (see fn. 4), p. 191; *contra* WOLFF, *Habilitationsschrift* (see fn. 1), vol. 1, p. 40; vol. 2, pp. 63 ff., though. On demography and immigration cf. NOY, *Foreigners* (see fn. 2), pp. 15–29, 47f., 52–156; BRUNT, Peter A.: *Italian Manpower, 225 B. C.–A. D. 14*. Oxford 1971, esp. 13f. and 54 (overview of the censuses). – See bibliographical addendum one.

- 10 The complaints of the Italians are hardly in dispute. Cf. GABBA, Emilio: *Rome and Italy: the Social War*. In: *Cambridge Ancient History IX*. 2nd ed. Cambridge [et al.] 1994, pp. 104–128; NICOLET, *Métier* (see fn. 2), pp. 57–61; GALSTERER, *Herrschaft* (see fn. 4), p. 97; SHERWIN-WHITE, *Citizenship* (see fn. 2), pp. 134–149 and 214–224. However, the aims and methods of the Italians in the Social War are controversial. Sherwin-White (IBID., pp. 135–139 and 143f.) attributes the desire to be naturalised to the quest for material or legal advantages while downplaying the issue of ·suffragium·. By contrast, BRUNT, Peter A.: *Italian Aims at the Time of the Social War*. In: *Journal of Roman Studies* 55 (1965), pp. 90–109, esp. 90f. and 105f. suggests that there was a firm interest in political participation, all the more so considering the advanced state of cultural assimilation as well as various positive common experiences which were, however, counterbalanced by a widening political gap between ·socii·

In 122, the agitation of Gaius Gracchus stoked fears on the part of the Senate that new ›clientelae‹ might be established.¹¹

Hence despite the growing need for immigration in the course of Rome's rise to hegemony, only special regulations on an individual (viritate) basis allowed loyal members of local élites to hope for naturalisation.¹² At the same time, new citizens more frequently came to remain in their home towns, where they provoked all the more envy when they insisted on being exempt from communal taxation and jurisdiction.¹³

and ›cives‹ (pp. 98–103). Similarly, KEAVENEY, Arthur: Rome and the Unification of Italy. Totowa, N. J. 1987, pp. 99–111 stresses the importance of psychological factors. Brunt's position is in many ways appealing but on the whole somewhat exaggerated, and lacks corroboration by sources that might allow to make cogent generalisations, as is pointed out by GALSTERER, Herrschaft (see fn. 4), pp. 189–193. Beyond this, it ought to be noted that the number of new voters remained very low at least in the ›comitia centuriata‹ until 70, even though hostilities ceased as early as 87. See below at fn. 37ff. Moreover, it should be pointed out that there was dissent in some cities concerning the approval of the ›lex Iulia‹. See below at fn. 26f. and 35. Furthermore, one may adduce the example of the poet Archias, who was naturalised in 89. While he had not been subject to a census prior to 62, he was entitled to attend the ›concilia plebis‹ or ›comitia tributa‹. Still, he apparently failed to exercise this foremost right, as can be deduced *e silentio* from Cic. Arch. 11: ›et testamentum saepe fecit nostris legibus, et adiit hereditates civium Romanorum, et in beneficiis ad aerarium delatus est a L. Lucullo pro consule.‹ The exaggerated emphasis attached to economic interests on the part of the Italians, who are supposed to have desired to push for further expansion (thus GABBA, Emilio: Le origini della Guerra Sociale e la vita politica romana dopo l'89 a. C. In: Athenaeum 32 (1954), pp. 41–114 and 295–345; revised version in IDEM: Esercito e società nella tarda repubblica romana. Firenze 1973, pp. 193–345, esp. 208–245), has mostly been rejected. Cf. BRUNT, Aims (see above), p. 104; SHERWIN-WHITE, Citizenship (see fn. 2), pp. 139–142; GALSTERER, Herrschaft (see fn. 4), p. 193. A heterogeneous set of motives is also suggested by the diverging modes of conduct during the Social War. – See bibliographical addendum one.

- 11 On C. Gracchus cf. App. civ. 1.94–101. On the Senate see also the following remarks.
- 12 On the one hand, Rome faced ever more tasks in terms of securing order and stability in the course of the second century, while on the other her military potential was curtailed, firstly as a result of the Spanish Wars until 133, then – apart from the campaigns in Gaul and Africa – most of all owing to the massive casualties against the Cimbri and Teutones until 101, which finally led to the military reforms introduced by Marius. Cf., e. g., BRINGMANN, Geschichte (see fn. 6), pp. 187–239. On Rome's foreign policy see above, fn. 8; on demographic developments see above, fn. 9.
- 13 The example of Marius provoked particular outrage. When he had to defend himself for having violated existing regulations (see above, fn. 9) by awarding

However, at least in the case of the Latins a compromise was reached in the 120s as local magistrates were offered to be granted Roman citizenship automatically (›ius civitatis adipiscendae per magistratum‹).¹⁴ This

the ›civitas Romana‹ to two ›cohortes Camertinae‹ (approximately 2 000 men), he is said to have insisted ›that in the din of weapons he could not hear the words of civil law‹. Cf. Val. Max. 5.2.8 ›inter armorum strepitum verba se iuris civilis exaudire non potuisse‹; also Cic. Balb. 46–48; and COŞKUN, Altay: Zu den Rechtsgrundlagen der römischen Bürgerrechtsvergabe infolge des Bundesgenossenkrieges. In: *Revue internationale des droits de l'antiquité* 51 (2004), pp. 101–132, esp. 102f.; and SÁNCHEZ, Pierre: La clause d'exception sur l'octroi de la citoyenneté romaine dans les traités entre Rome et ses alliés (Cicéron, pro Balbo § 32). In: *Athenaeum* 95 (2007), pp. 215–270 (though his early dating of the ›clause d'exception‹ may well be questioned) for further discussion. – On the legal and fiscal problems involved in a change of citizenship or dual citizenship respectively cf. LINK, Stefan: Ut optimo iure optimaque lege cives Romani sint. Bürgerrecht, Liturgie- und Steuerfreiheit im Übergang von der Republik zum Prinzipat. In: *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (Romanistische Abteilung)* 112 (1995), pp. 370–384 and BRAUNERT, Horst: Verfassungsnorm und Verfassungswirklichkeit im spätrepublikanischen Rom. Eine Interpretation zu Ciceros Rede für Balbus. In: *Altsprachlicher Unterricht* 9 (1966) 1, pp. 51–73. – However, it ought to be pointed out that recently naturalised Roman citizens often proved influential in promoting the interests of their home towns at Rome. Hence the viritane granting of the ›civitas Romana‹ needs to be considered a far more important medium of political inclusion. Cf. esp. Cic. Balb. 43.

- 14 The Latin magistrates had fulfilled their material and personal obligations towards their home towns and could thereupon enjoy the privileges of the ›civitas Romana‹. The interests of Romans and Latins increasingly merged owing to the ›ius migrandi‹, which remained in force (see above, fn. 9; *pace* SHERWIN-WHITE, Citizenship (fn. 2), pp. 110f., who considers it to have been abolished in the second century). For qualifications of the latter and the privileges of the ›XII colonies‹ see bibliographical addendum two and three. The wording of the ›lex Pompeia de Transpadanis‹ of 89 (Ascon. in Cic. Pis. 3.11f.: ›Pompeius [...] ius dedit Latii, ut possent habere ius quod ceterae coloniae, id est ut petend(o) magistratus civitatem adipiscerentur‹) implies that the Latin colonies had enjoyed the ›ius civitatis per magistratum adipiscendae‹ even before. The first extant allusion to the existence of this right appears to be made in the *lex Acil. rep.* 78 (FIRA 1, no. 7, pp. 101f.) of 122. Accordingly, most scholars plausibly date its origins to the 120s. Cf., e.g., BRUNT, Aims (see fn. 10), pp. 90 and 94; SHERWIN-WHITE, Citizenship (see fn. 2), pp. 111f.; LURASCHI, Giorgio: Sulle ›leges de civitate‹ (Iulia, Calpurnia, Plautia Papiria). In: *Studia et Documenta Historiae et Iuris* 44 (1978), pp. 321–370, esp. 358; IDEM: Foedus, ius Latii, civitas. Aspetti costituzionali della romanizzazione in Transpadana. Padova 1979, pp. 171 and 301–329; KEAVENEY, Rome (see fn. 10), p. 84, the more so as a nexus with the revolt of the colony of Fregellae in 125 seems likely (cf. LURASCHI, Foedus, pp. 314f.). At any rate, the utility of the Roman

arrangement constituted the foundation of a broader agreement between Roman and Latin élites.¹⁵

Finally, when leading senators, too, began to perceive the advantages to be gained by incorporating Italy, the optimate Livius Drusus strove to mobilise a political majority for this scheme in 91 and initially met with success.¹⁶ As a result, however, he acquired an immense following among the allies, and there was no doubt that he would try to capitalise on this in the future. Accordingly, rumours of a conspiracy ran rampant: every one of the Italians concerned is supposed to have promised under oath »that I will count the friend and foe of Drusus my friend and foe, and that I will spare neither property nor the lives of my children or parents except as it be to the advantage of Drusus and of those who have taken this oath. If I become a citizen by the law of Drusus, I shall consider Rome my country and Drusus my greatest benefactor [...]«¹⁷

concessions manifested itself in the Social War, which Rome survived only due to the loyalty of the Latin colonies; for a voluntary revolt is attested only in the case of the colony of Venusia (App. civ. 1175). Cf. KEAVENEY, Rome (see fn. 10), p. 85. By contrast, GALSTERER, Herrschaft (see fn. 4), p. 100; IDEM: La trasformazione delle antiche colonie latine e il nuovo *ius Latii*. In: CALBI, Alda / SUSINI, Giancarlo (eds.): Pro Poplo Arimenesi. Atti del Convegno internazionale »Rimini antica. Una respublica fra terra e mare« (Rimini, ottobre 1993). Faenza 1995, pp. 79–94, esp. 84 as well as WOLFF, Hartmut: Caesars Neugründung von Comum und das sogenannte »ius Latii maius«. In: Chiron 9 (1979), pp. 169–187, esp. 180ff. and IDEM: review of LURASCHI, Foedus. In: Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (Romanistische Abteilung) 102 (1985), pp. 549–564, esp. 556–562 surmise that this new right was first created in 90/89. According to them, the Transpadani at that point obtained a better »ius Latii« than the one that used to be granted earlier. Galsterer and Wolff are surely right to stress that one must not assume a homogeneous »ius Latii« for this period. Surprisingly, the former scholar has changed his mind. Cf. GALSTERER: Latinisches Recht. In: DNP 6, 1999, coll. 1172 ff., esp. 1172: At the latest from 122 B. C. onwards, the magistrates of the Latin colonies and of the other allies had the choice between Roman citizenship and a set of privileges to be enjoyed at their home city: *provocatio*, choice of legal domicile at Rome, complete immunity. However, the »lex Acil. rep.« does not permit this generalisation.

15 Cf. also SHERWIN-WHITE, Citizenship (see fn. 2), pp. 108–116, esp. 116: »Hitherto [i. e. until the second century] the Latins had formed an intermediate class between Romans and non-Romans but not a link. Henceforward [i. e. from 89 onwards] they provide a passage by which non-Romans can become Romans.«

16 Cf. BRUNT, Aims (see fn. 10), p. 107, followed, e. g., by SHERWIN-WHITE, Citizenship (see fn. 2), p. 148 and BRINGMANN, Geschichte (see fn. 6), p. 245.

17 Cf. Diod. 37.11: »Ὀμνυμι ... τὸν αὐτὸν φίλον καὶ πολέμιον ἡγήσασθαι

Whether or not this was driven by slander, the passage aptly expresses the apprehensions of the aristocratic establishment.¹⁸ The tribune lost his political backing and, following some violent turbulence, his life – not unlike quite a few of those who preceded him in calling for reforms. However, the conflict thereby escalated completely, with the tribes of central and southern Italy demanding the ›civitas Romana‹ in an ultimatum. Yet when the Senate was not even disposed to receive their embassy, a bloody war was unleashed and came to bring Rome close to ruin.¹⁹

2. The incorporation of Italy as a result of the Social War

Eventually, the tide was turned due to the Roman and Latin colonies throughout Italy and Rome's foreign friends beyond the confines of the Peninsula. In addition, the gradual incorporation of Italy served to ease the situation, though the reconstruction and assessment of this process remains controversial. At any rate, sweeping statements to the effect that the Senate ›yielded‹ in the face of danger²⁰ tend to obfuscate the fundamental issues

Δρούσω, καὶ μήτε βίου μήτε τέκνων καὶ γονέων μηδεμιᾶς φείσεσθαι ψυχῆς, ἐὰν μὴ συμφέρη Δρούσω τε καὶ τοῖς τὸν αὐτὸν ὄρκον ὁμόσασιν. ἐὰν δὲ γένημαι πολίτης τῷ Δρούσου νόμῳ, πατρίδα ἡγήσομαι τὴν Ῥώμην καὶ μέγιστον εὐεργέτην Δρούσων·.

- 18 The authenticity of the ›coniuatio‹ is defended, e. g., by DE SANCTIS, Gaetano: *La guerra sociale*. Opera inedita. Ed. by Leandro POLVERINI. Firenze 1976, p. 24 and BENGTON, Hermann: *Grundriß der römischen Geschichte mit Quellenkunde*. 3rd ed. München 1982, p. 186. LOVANO, Michael: *The Age of Cinna. Crucible of Late Republican Rome*. Stuttgart 2002, pp. 15 f. appears to presuppose it. KEAVENEY, Rome (see fn. 10), p. 91 with fn. 76 goes even further by surmising that Drusus was also responsible for the projected assault of Poppaedi Silo. Cf. Diod. 37.13. However, many a scholar ascribes this to slander on the part of political adversaries. Cf., e. g., NICOLET, Métier (see fn. 2), p. 61; also BRUNT, Aims (see fn. 10), p. 92, even though he thinks of a more extensive planning of the armed revolt, suggesting that the Senate felt blackmailed as a result of the growing disorder and menacing and therefore reacted with increasing hostility.
- 19 On the motives of the war see above, fn. 10. On the course of events cf., e. g., DE SANCTIS, *Guerra* (see fn. 18), pp. 33–100; KEAVENEY, *Rome* (see fn. 10), pp. 117–161; GABBA, *Rome* (see fn. 10), pp. 115–127; BRINGMANN, *Geschichte* (see fn. 6), pp. 248–252; LOVANO, *Cinna* (see fn. 18), pp. 16 ff.
- 20 Cf., e. g., DE SANCTIS, *Guerra* (see fn. 18), p. 33: ›le forze della reazione erano tali che ogni esperimento pacifico di riforme era quasi di necessità condannato a fallire. [...] Il fallimento di essi [i. e. of the reforms projected by Drusus] non fece che affrettare la catastrofe che gli egoismi individuali o di classe degli oppositori rendevano ormai inevitabile‹; GABBA, *Rome* (see fn. 10), p. 123:

involved. For the concentration of power prepared by Drusus, which was so threatening to the nobility, could be warded off at least for the time being, if at great cost. The Senate retained the initiative until the early phase of the Civil War (88/87) and was therefore in a position to shape the decisions regarding the number and nature of the people to be naturalised as well as their future influence in the state and the significance of the ›civitas Romana‹, the value of which needed to be defended.²¹ Apart from this, the political and legislative process was divided among various magistrates so as to counteract the potential formation of oversized ›clientelae‹.²²

Various strategies were adopted to attain this goal. Thus, the Senate avoided – and continued to avoid in the ensuing decades – indiscriminately to grant to all commanders (i. e. those invested with ›imperium‹) the right to award the ›civitas Romana‹ to meritorious individuals. Rather a special law was necessary to effect this after prior debate in the Senate, where it

›The pointlessness of the war and the tragic role of the Roman conservatives in provoking it were now [i. e. late in 90] clear to everyone‹; 126: ›but the victors had in fact had to recognize and accept precisely those demands of the allies for which they had fought and lost‹; similarly, e. g., BLEICKEN, Jochen: *Geschichte der römischen Republik*. 5th ed. München 1999, p. 69. FLACH, Dieter: *Die Ackergesetzgebung im Zeitalter der römischen Republik*. In: *Historische Zeitschrift* 217 (1973), pp. 265–295, esp. 283 goes even further: Under this distress, the Romans were compelled to concede more generous conditions to the allies than the proposals by Livius Drusus had implied. However, an adequate assessment is difficult to render, not least in view of the fact that the precise conditions of both Drusus' legislative initiative and the ultimatum of the ›socii‹ remain unknown. (In general, the aims pursued by the Italians remain controversial. See above, fn. 10). In my view, WOLFF, *Habilitationsschrift* (see fn. 1), vol. 1, pp. 77–90, too, fails to appreciate the strongly restrictive nature of the Senate's policies (see also below, fn. 25), even though he stresses four other important items: 1) the rewards for loyalty (see below, fn. 25); 2) the prior onset of a second wave of revolts (see below, fn. 24); 3) the awareness of how limited their manpower resources were; 4) the perils of consistently disparaging their allies' interests.

21 The granting of ›civitas‹ was meant to remain a benefaction (›beneficium‹) calling for gratitude. Cf., e. g., Vell. 2.17.1 (quoted and contextualised below, fn. 24). Even after several years of war, Metellus Pius was not disposed to effect a naturalisation that would have contradicted the ›dignitas‹ of the ›civitas Romana‹. See below, fn. 46.

22 Cf. also WOLFF, *Habilitationsschrift* (see fn. 1), vol. 2, pp. 28f., who considers the Senate to have taken the initiative, whereas others, e. g., STONE, A. M.: *Pro and anti. The Dignitas of the Senate in 88 B. C.* In: MCKECHNIE, Paul (ed.): *Thinking like a Lawyer. Essays on Legal History and General History for John Crook on his Eightieth Birthday*. Leiden 2002, pp. 191–212, esp. 195–199, put special emphasis on the involvement of the Iulii Caesares.

could be adapted to the respective circumstances before the matter was put to the vote. In this context, moreover, the involvement of the commander's council (·consilium·), which was supposed to provide for some kind of control, is attested for the first time.²³

The ·lex Iulia·, which was passed in autumn 90 when the first assault had been fended off, is particularly instructive.²⁴ Operating from a position of relative strength, the Senate offered the collective incorporation of all loyal allies, i. e. almost all of the Latins and a substantial number of Italians (especially Etruscans, Umbrians, and Greek cities), into the Roman state. Unvanquished enemies were not invited, notwithstanding a still widespread view to the contrary.²⁵ Yet even the decision of the addressees was by no means predictable given that the circumstances were far from appealing.

For in order to become Roman, the community in question had formally to renounce its existence as a state²⁶ – a requirement that met with

23 Cf. Sis. frg. 4 120 Peter = 4.98 Barabino: »Milites, ut lex Calpurnia concesserat, virtutis ergo civitate donari«; as well as CIL I² 709 = CIL VI 37 045 = ILS 8888 = FIRA 1, no. 17, pp. 165 f., with CRINITI, Nicola: L'epigrafe di Asculum di Gn. Pompeo Strabone. Milano 1970, pp. 16 ff. and 182–228; RICHARDSON, John: The Romans in Spain. Oxford 1996, pp. 94 f. on the Spanish squadron (·turma Salluitana·) which was naturalised ·ex lege Iulia· in 89. In the latter case, the involvement of a council of 59 Romans is attested. Cf. CRINITI, L'epigrafe (IBID.), pp. 62–181. Both laws are discussed by COŞKUN, Rechtsgrundlagen (see fn. 13), pp. 103–108.

24 The military situation is assessed in similar terms by GABBA, Rome (see fn. 10), pp. 122 f. Cf. also Vell. 2.17.1 on the further naturalisations in 88/87, which reveal the same mentality on the part of the Romans: »finito ex maxima parte [...] Italico bello, quo quidem Romani victis adflictisque ipsi exanimati quam integris universis civitatem dare maluerunt.« However, App. civ. 1 211 suggests that the Senate entertained doubts as to the future loyalty of the Umbrians and Etruscans. – In my view, WOLFF, Habilitationsschrift (see fn. 1), vol. 1, pp. 50, 68, 78 ff. goes too far upon representing the rather early ·lex Iulia· as reflecting or at least as forming part of a complex plan designed to effect the incorporation of all Italy. (Yet he is more cautious IBID., p. 90). At any rate, the character of the virthane naturalisation of Minatius Magius (Vell. 2.16.2 f.) fails to buttress this view. Cf. COŞKUN, Rechtsgrundlagen (see fn. 13), pp. 110 f. with fn. 32.

25 Cf. App. civ. 1 212 (quoted below, fn. 40); Cic. Phil. 17.27; Sis. frg. 4 119 P. = 4.60 B.; further Vell. 2.16.4–17.1 and 2.20.2; Cic. Balb. 21; Gell. 4.4.3, with the discussion in BRUNT, Aims (see fn. 10), pp. 94 ff., and COŞKUN, Rechtsgrundlagen (see fn. 13), pp. 108–112.

26 Cf. Cic. Balb. 21 (a. 56 ad a. 90/89): »ipsa denique Iulia, qua lege civitas est sociis et Latinis data, qui fundi populi facti non essent civitatem non haberent.

fierce resistance, e. g., in Heraclea and Naples.²⁷ Apart from this, the new citizens (›a[d]scripti‹) of Italian cities without local residence (›domicilium‹) were excluded. Further restrictions are not attested but cannot be ruled out given the fragmentary state of the evidence. As a result, not only was the total number of those eligible for the ›civitas Romana‹ reduced by hundreds (or thousands?), but the cities concerned were discouraged from opting for their accession to the Roman state; for in doing this they were bound to sever political ties with some of their (honorary) citizens. Only

In quo magna contentio Heracliensium et Neapolitanorum fuit, cum magna pars in iis civitatibus foederis sui libertatem civitati anteferet‹; with Festus p. 792 Lindsay: ›fundus dicitur ager quod planus sit ad similitudinem fundi vasorum. fundus quoque dicitur populus esse rei quam alienat. hoc est auctor‹, and with SESTON, William: *La lex Iulia de 90 av. J.-C. et l'intégration des italiens dans la citoyenneté romaine*. In: *Comptes rendus des séances de l'Académie des inscriptions et belles-lettres* 1978, pp. 529–542, esp. 539–542. The fundamental political significance of this matter does not emerge with sufficient clarity from the standard interpretation. Cf. GABBA, Rome (see fn. 10), p. 123: ›it was for the allied communities themselves freely to decide whether or not to accept the offer‹; also BRAUNERT, *Verfassungsnorm* (see fn. 22), pp. 58–62. – BRUNT, *Aims* (see fn. 10), pp. 94–97, denies that there were further cities beyond the two mentioned in the text that did not aim to be naturalised. His argument is plausible for Etruria and at least viable for Samnium, but he fails to deal with the remaining Greek cities or the Transpadani (see below, fn. 35). What is more, *IBID.*, pp. 95f., himself notes major cleavages within Italian cities, thus providing an additional argument for avoiding an apodictic assessment.

- 27 The view expressed by FLACH, *Ackergesetzgebung* (see fn. 20), p. 283 to the effect that both cities retained their former legal status is unconvincing. Fairly little is known about the attitude of Heraclea during the Social War. Certainly, her proximity to the revolting Lucanians put her in an awkward position since active support of the hegemon would have doomed her. At any rate, the offer to the Heracleans (Cic. *Balb.* 21, quoted above, fn. 26) presupposes that the Romans judged their behaviour (at least in 90) to be loyal. Maybe they refrained from engaging in hostilities, like perhaps most of the Italian Greeks, denying the rebels access to their city and possibly assisting Rome by sea. This is not without relevance to the interpretation of a side remark of Cicero's to the effect that the archive of the southern Italian city went up in flames at that time. Cf. *Arch.* 8: ›Hic tu tabulas desideras Heracliensium publicas, quas Italico bello incenso tabulario interisse scimus omnis.‹ STEEL, *Cicero* (see fn. 3), p. 80f., fn. 21, presumes that Heraclea was not affected by hostilities, suggesting that ›Italico bello‹ should be understood as a temporal complement: ›the implication that the records were lost on active service, as it were, gives a heroic pardon to what was probably administrative incompetence‹. However, one can easily imagine that the position assumed in the Social War had already been controversial, and that the impending decision as to the future existence of the state led to violent revolt among the citizens of Heraclea.

in the following year did the ›lex Plautia Papiria‹ provide for amendments by granting naturalisation to certain fringe groups on an individual basis.²⁸ Quite possibly, some of the cities accepted Rome's offer only thereafter.²⁹

The conditions applying to the cities or tribes that had first resorted to but then desisted from violence either of their own accord or under compulsion (ca. in 89/88) are a matter of controversy. However, the Romans are attested to have insisted – in accordance with ›mos maiorum‹ – on unconditional surrender (›deditio in fidem‹).³⁰ The Senate may have reserved the right to delay incorporation or to effect it without granting suffrage (›sine suffragio‹) or at least to assign the new citizens to an unfavourable electoral constituency or voting unit (›tribus‹). At any rate, there was no uniform procedure: Sulla, for instance, exposed Eclanum to pillage (her surrender was submitted only shortly after his ultimatum had expired), but in other cases, he – and other commanders, too – established himself as patron of the future citizens.³¹

28 On the exceptions envisaged by the ›lex Iulia‹ as well as the substance and implementation of the ›lex Plautia Papiria‹ cf. Cic. Arch. 7, with COŞKUN, Rechtsgrundlagen (see fn. 13), pp. 112–117 as well as IDEM: Zur Umsetzung der Bürgerrechtsverleihungen durch die ›lex Plautia Papiria‹ und zu den Prätores des Jahres 89 v. Chr. (Cic. Arch. 7–9). In: Eos 91 (2004) 1, pp. 52–63.

29 This is also contemplated by WOLFF, Habilitationsschrift (see fn. 1), vol. 1, p. 62 in the case of Naples. The ›lex Iulia‹ is not known to have fixed a narrow deadline like, e. g., the ›lex Plautia Papiria‹, even though, in a different context, this is deemed likely by WOLFF, Habilitationsschrift (see fn. 1), vol. 1, p. 62 and vol. 2, p. 30, fn. 72. – Apart from this, it is worth considering that the ›lex Iulia‹ may even have made offers to those who were disposed to reject the ›civitas Romana‹. Cf. SHERWIN-WHITE, Citizenship (see fn. 2), p. 138 and COŞKUN, Rechtsgrundlagen (see fn. 13), p. 112.

30 Thus, with determination, BRUNT, Aims (see fn. 10), pp. 95f. (›unconditional surrender‹) and 108 as well as SHERWIN-WHITE, Citizenship (see fn. 2), p. 151. Cf. Gran. Lic. 35 Flemisch p. 21 (ad a. 87): ›dedicitiis omnibus civitas data qui polliciti multa milia militum vix xvi cohortes miserunt‹; Liv. epit. 75 (ad a. 89): ›Cn. Pompeius Vestinus in deditionem accepit [...] compluraque oppida in deditionem acceperunt [...] L. Sulla aliquot populos recepit‹; likewise epit. 76 (ad a. 89). *Contra*, e. g., LEWIS, R. G.: Appian B. C. I, 49, 214 DEKATEY-ONTES: Rome's New Tribes 90–87 B. C. In: Athenaeum 46 (1968), pp. 273–291, esp. 282, fn. 31. According to BRINGMANN, Geschichte (see fn. 6), p. 250 the Romans generously smoothened the rebels' way to an agreement.

31 Cf. App. civ. 1 222f. for Sulla; 1 227–30 for further cases. On the conciliatory attitude of Marius cf. also Diod. 37.11, even though his contacts with the Etruscans appear to have been overrated, e. g., by BADIAN, Clientelae (see fn. 5), pp. 222f. Cf. RUOFF-VÄÄNÄNEN, Eeva: The Etruscans and the *civitas Romana*. Problems during the Years 91–84 B. C. In: Institutum Romanum

The widespread view that Rome solved the problem once and for all by means of the ›lex Plautia Papiria‹ of 89 is far from satisfactory, not least on account of the fact that the sources reflecting an older tradition only record a more comprehensive initiative at a later stage.³² Beyond this, independent vestiges of material pertaining to legislative processes in 89 have been preserved.³³ Thus, in the particular case of the Umbrian city of Tuder, a debate in the Senate and before the people is attested. As the ›lex Iulia‹ was not invoked, one may conclude that the city had at least initially been disloyal.³⁴ The Transpadani, i. e. the Italians living north of the River

Finlandiae (ed.): Studies in the Romanization of Etruria. Roma 1975, pp. 69–83, esp. 78 f.; with further discussion in WULFF ALONSO, Fernando: Roma e Italia de la Guerra Social a la retirada de Sila (90–79 a. C.). Bruxelles 2002, pp. 73 ff. with fn. 58, who denies any pronounced pro-Italian leanings on the part of Marius, though. – The patronage of commanders over vanquished enemies had always played a major role at Rome. Cf. Cic. off. 1.35: ›tantopere apud nostros iustitia culta est, ut ii, qui civitates aut nationes devictas bello in fidem recessissent, earum patroni essent more maiorum‹, with COŞKUN, Altay: Zum Feldherrnpatronat in der römischen Republik (Cic. off. 1.35). In: Mnemosyne 58 (2005), pp. 423–429, with a discussion of the treatment in EILERS, Claude: Roman Patrons of Greek Cities. Oxford 2002, pp. 38–50. – Another difference from the conditions contained in the ›lex Iulia‹ may have been constituted by the fact that a ›deditio‹ did not necessitate the practice of ›fundum fieri‹ since the decision about the political fate of the community was to be made by Rome.

32 Cf. Liv. epit. 77–80 (ad a. 88/87); Gran. Lic. 35 Flemisch pp. 20 f. (ad a. 87), but also App. civ. 1 230 f. (ad a. 89 ex./88); 1 287 and 310 (ad a. 88/87); Vell. 2.16.4–17.1 (ad a. 89/88); 2.20.2 (ad a. 87); with COŞKUN, Rechtsgrundlagen (see fn. 13), pp. 114–128.

33 Notwithstanding his dissenting view regarding senatorial policies in 90 (see above, fn. 24), WOLFF, Habilitationsschrift (see fn. 1), vol. 1, pp. 65–72, too, supposes that there were numerous bilateral agreements. Apart from the cases of Tuder and the Transpadani, which shall be discussed below, he rightly cites Vell. 2.16.4 (›paulatim‹), whereas his reference to App. civ. 1 231 is unconvincing: ›καὶ τὰδε μὲν ἦν περὶ τὴν Ἰταλίαν ἀμφὶ τὸν συμμαχικὸν πόλεμον, ἀκμάσαντα δὴ μάλιστα μέχρι τῶνδε, ἕως Ἰταλία πᾶσα προσχώρησεν ἐς τὴν Ῥωμαίων πολιτείαν, χωρὶς γε Λευκανῶν καὶ Σαυνιτῶν τότε· δοκοῦσι γάρ μοι καὶ οἶδε τυχεῖν ὧν ἔχρηξον ὕστερον‹ (›Such was the course of events throughout Italy as regards the Social War, which had raged with violence thus far, until the whole of Italy came into the Roman state except, for the present, the Lucanians and the Samnites, who also seem to have obtained what they desired somewhat later.‹); for there were three stages in the incorporation of Italy that the ancient author had in mind without further specifying them.

34 Cf. Sis. frg. 4 119 P. = 4.60 B.: ›tamen Tudertibus senati consulto et populi iussu dat civitatem‹ The act is likely to have been passed between the summer of 90

Po, were awarded the ›ius Latii‹ by the consul Pompeius Strabo along with the privilege ›of access to Roman citizenship by securing local political office‹.³⁵ In this instance, political considerations prevented the granting of full citizenship,³⁶ even though the degree of Romanisation was

and that of 89, or at any rate after the ›lex Iulia‹ of ca. October 90. A connexion with Sis. frg. 4 120 P. = 4.98 B. cannot be discerned since the latter fragment concerns viritane grants of citizenship and probably even goes back to the first half of 90. FRASSINETTI, Paolo: *Sisenna e la Guerra Sociale*. In: *Athenaeum* 50 (1972), pp. 78–113, esp. 98 and 100, like, e. g., BRINGMANN, *Geschichte* (see fn. 6), p. 250, does not even rule out a date before the ›lex Iulia‹, which is out of the question, however. HARRIS, William V.: *Rome in Etruria and Umbria*. Oxford 1971, pp. 217 and 236–240 surmises that Tuder was involved in the revolt, citing, on the one hand, the introductory conjunction ›tamen‹ (which is no more than a vague indication, though; its significance is rejected, perhaps too apodictically, by FRASSINETTI, *Sisenna*, p. 98, fn. 216), and adducing, on the other, the subsequent membership of the relatively large ›tribus Clustumina‹, which he views as a punitive measure. While Rome may have considered a mere wait-and-see attitude or pro-Italian sympathies on the part of some citizens as acts of disloyalty, she is quite likely not to have judged this in the same way as open rebellion. – At any rate, the continuing insecurity regarding the new structure of the ›tribus‹ (see below) speaks against the proposition of MORCIANO, Maria Milvia: Tuder. In: *DNP* 12,1, 2002, col. 890 to the effect that Tuder was admitted to the ›tribus Clustumina‹ as early as 89.

- 35 Translation: SQUIRES, Simon (ed.): *Asconius Pedianus, Quintus. Commentaries on Five Speeches of Cicero*. Bristol 1990.
- 36 Cf. *Ascon.* in *Cic. Pis.* 3.11f. (quoted above, fn. 14); *Plin. nat.* 3 138. Although the reason for their not being granted full ›civitas‹ cannot be established with certainty, the Senate's efforts to limit the increase in the number of citizens appear to have been the determining factor. Cf., e. g., the discussions in BRUNT, *Manpower* (see fn. 9), pp. 166–203; SHERWIN-WHITE, *Citizenship* (see fn. 2), pp. 157 ff.; LURASCHI, *Foedus* (see fn. 14), pp. 143–352; also WILLIAMS, Jonathan H. C.: *Beyond the Rubicon. Romans and Gauls in Republican Italy*. Oxford 2001, pp. 214–222. Apparently, the Transpadani, or most of them at least, did not benefit from the ›lex Iulia‹; *pace* WOLFF, *Habilitationschrift* (see fn. 1), vol. 1, p. 56 and *IDEM*, review (see fn. 14), p. 555, who considers this law to constitute the basis for the ›lex (data?) Pompeia de Transpadanis‹, too. This may be due to the fact that the Transpadani possibly supported the revolt. Conceivably, the Gauls siding with the Italians according to *App. civ.* 1 219 were thus (mainly?) Transpadani, whereas the Gauls siding with the Romans according to *civ.* 1 187 (cf. also *Plut. Sert.* 4.1) were (mainly?) loyal Cispadani. The latter's reliability may also be confirmed by the naturalisation of P. Cassius from Ravenna by Pompeius Strabo (*Cic. Balb.* 50), while the viritane grant of citizenship at the same time indicates that Cisalpina was not affected by the ›lex Iulia‹, either. The ›Galli‹ involved according to *Sis. frg.* 29 P. = 34 B. defy classification. Or is it possible that eligible Transpadani (and perhaps some

not inferior to that of many other regions of Italy. The case of the Transpadani thus provides one of many examples showing that legal incorporation was not primarily determined by linguistic and cultural assimilation.³⁷

3. The political integration of the new citizens

As for the political integration of the new citizens, the sources furnish disparate information. The ›lex Iulia‹ is often assumed to have specified the number of ›tribus‹ to be newly established.³⁸ However, in 90 it was not

Cispadani as well) rejected the offer and preferred the status of autonomy (surely involving some privileges), which may be suggested, e. g., by Cic. Balb. 32 (with the discussion by SÁNCHEZ, Clause [see fn. 13]): »Etenim quaedam foedera exstant, ut Cenomanorum, Insubrium, Helvetiorum, Iapydum, non nullorum item ex Gallia barbarorum, quorum in foederibus exceptum est ne quis eorum a nobis civis recipiatur. Quod si exceptio facit ne liceat, ubi (non sit exceptum, ibi) necesse est licere«? Or did ›clientelae‹ and internal rivalries among the Romans constitute the principal factor? Certainly, the hypothesis of a territorial restriction of the ›lex Iulia‹ remains attractive. Thus, LURASCHI, *Leges* (see fn. 14), p. 332, fn. 42 and IDEM, *Foedus* (see fn. 23), p. 149; WOLFF, *Habilitationsschrift* (see fn. 1), vol. 1, pp. 50–59, 72 ff., 84; GALSTERER, *Trasformazione* (see fn. 14), pp. 84 and 87 surmise that all Latins south of the Alps but of the non-Latin ›foederati‹ only those south of the River Po or the Arno-Rubicon line (which may be suggested by the case of the aforementioned citizen from Ravenna) were affected. The proposition that the same ›lex Pompeia‹ concluded the full incorporation of Gallia Cispadana cannot be verified, *pace* EDER, Walter: *Bundesgenossenkrieg* [3]. In: DNP 2, 1997, coll. 845 f.; GALSTERER, *Trasformazione* (see fn. 14), p. 88.

37 For the view of a profound Romanisation of Italy before 90 and of attendant political claims cf., e. g., BRUNT, *Aims* (see fn. 10), pp. 98–103; SHERWIN-WHITE, *Citizenship* (see fn. 2), pp. 123–29, 233, 236. By contrast, WOLFF, *Habilitationsschrift* (see fn. 1), vol. 1, p. 56, calls attention, e. g., to the ›savage‹ peoples living in the mountains of central and southern Italy. According to WULFF ALONSO, *Roma* (see fn. 31), pp. 49–60 and 113–117, Italy not only lacked unity in linguistic and cultural terms but even the desire, let alone the necessity, to create such a ›consistencia y unidad‹. Additional examples for the secondary importance of ethnic and cultural alterity are constituted by the incorporation of Etruscan cities or the Graeco-Oscan city of Capua in the fifth and fourth centuries and by the granting of citizenship to Carthaginian deserters in the third, to Umbrian cohorts in the second (see above, fn. 13 on the ›cohortes Camertinae‹), or to Spanish auxiliary units in the first centuries (see above, fn. 23 on the ›turma Salluitana‹). In this context, moreover, the offer to the cities of Magna Graecia contained in the ›lex Iulia‹ ought to be emphasised (see above, fn. 26 f.).

yet possible to foresee which of the cities were going to accept the Roman offer. Time could be gained by waiting for the reply of the addressees, thus leaving open the option of reacting accordingly. Perhaps it would have been politically unwise to spell out in advance that the vote of a new citizen was going to carry no more than a fraction of the weight accorded to that of an old citizen – unless this was a strategy designed to overcome the resistance of the ›plebs Romana‹.

In this context, a remark of Cornelius Sisenna to the effect that the Senate intended to establish two new ›tribus‹ is illuminating. The initiative certainly dates from November 90 and represents a response to the first positive reactions.³⁹ Describing the legal situation of the year 87, Velleius Paterculus affirms ›that the new citizens should be enrolled in but eight tribes, so that their power and numbers might not weaken the prestige of the older citizens, and that the beneficiaries might not have greater power than the benefactors‹.⁴⁰ Most scholars combine the two sources, concluding that the number of new ›tribus‹ was successively increased to eight or – citing an obscure remark of Appian's referring to the year 90 –⁴¹ eventually to ten.

38 Thus, e. g., GABBA, *Origini* (see fn. 10), pp. 254 and 257; BRUNT, *Aims* (see fn. 10), p. 108; LURASCHI, *Leges* (see fn. 14), p. 350; SESTON, *lex* (see fn. 26), p. 533. The proposition is explicitly rejected by LEWIS, *Appian* (see fn. 30), pp. 280f. SHERWIN-WHITE, *Citizenship* (see fn. 2), pp. 150–157 leaves the matter unresolved. However, the argument advanced by STONE, *Dignitas* (see fn. 22), p. 198 deserves consideration. According to him, the announcement of distributing the new citizens among few ›tribus‹ was ›a way of securing the assent of old citizens to a programme that might, if not channelled, swamp them‹.

39 Cf. *Sis. frg.* 3.17 P. = 3.50 B.: ›Lucius Calpurnius Piso ex senati consulto duas novas tribus (...)‹, with COŞKUN, *Rechtsgrundlagen* (see fn. 13), pp. 103, 105–108, 117–122.

40 Cf. *Vell.* 2.20.2: ›itaque cum ita civitas Italiae data esset, ut in octo tribus contribuerentur novi cives, ne potentia eorum et multitudo veterum civium dignitatem frangeret plusque recepti in beneficium quam auctores beneficium, Cinna in omnibus tribubus eos se distributurum pollicitus est, quo nomine ingentem totius Italiae frequentiam in urbem acciverat.‹

41 Cf. *App. civ.* 1.212–16: ›ἡ βουλὴ [...] Ἰταλιωτῶν δὲ τοὺς ἔτι ἐν τῇ συμμαχίᾳ παραμένοντας ἐψηφίσαστο εἶναι πολίτας, οὐ δὴ μάλιστα μόνου [codd. – μόνου οὐ edd.] πάντες ἐπεθύμουν. ... (214) Ῥωμαῖοι μὲν δὴ τοῦσδε τοὺς νεοπολίτας οὐκ ἔς τὰς πέντε καὶ τριάκοντα φύλας, αἱ τότε ἦσαν αὐτοῖς, κατέλεξαν, ἵνα μὴ τῶν ἀρχαίων πλεονεξίαις ἐπικρατοῖεν, ἀλλὰ δεκατεύοντες ἀπέφθαναν ἑτέρας, ἐν αἷς χειροτόνουν ἑσχατοῖ. (215) καὶ πολλὰ αὐτῶν ἢ ψήφος ἀρχαίων ἦν, ὅτε τῶν πέντε καὶ τριάκοντα προτέρων τε καλουμένων καὶ οὐσῶν ὑπὲρ ἡμῶν.‹ (›[...] The Senate also voted that those Italians who had adhered to their alliance should be admitted to citizenship,

Unlike Appian, Velleius does not, however, explicitly refer to ›new‹ voting districts, while the fragment of Sisenna breaks off before mentioning the approval of the popular assembly or the actual establishment of the new ›tribus‹. Considering some further indications, it is legitimate to suppose that in fact none were established, but that the new citizens – like the Latins – were assigned by lot to a small number of existing ›tribus‹ (eight of them in the year 87) prior to the voting process.⁴² Again, the Senate was driven by political calculations and adopted a piecemeal procedure as it tried to limit not only the scope of the naturalisations, but also the influence of the politicians involved as well as that of the new citizens.

The failure and abandonment of the extraordinary census in the year 89 appears to account for the fact that no definite regulations had been established by 87. According to the normal procedure, the censors assigned old and new citizens alike to a ›tribus‹ and property class on an individual basis. Membership of a tribe meant the permanent right to vote (›suffragium‹) in the assemblies responsible for legislation and the election of the lower magistrates (›concilium plebis‹, ›comitia tributa‹), while only membership of a ›classis‹ allowed to participate in the election of the higher magistrates in the ›comitia centuriata‹.⁴³ At that point, as may be

which was the one thing they all desired most. [...] The Romans did not enrol the new citizens in the thirty-five existing tribes, lest they should outvote the old ones in the elections, but incorporated them in ten new tribes, which voted last. So it often happened that their vote was useless, since a majority was obtained from the thirty-five tribes that voted first [...]». Cf. the detailed commentary in COŞKUN, Rechtsgrundlagen (see fn. 13), pp. 117–128.

42 Cf. Liv. 25.3.16; *lex Malacitana* § 53 (FIRA 1, no. 24, p. 210), and the more detailed treatment in COŞKUN, Rechtsgrundlagen (see fn. 13), p. 128 with fn. 87.

43 For the voting assemblies and the right of active suffrage cf. TAYLOR, Lily Ross: *The Voting Districts of the Roman Republic*. Roma 1960 and EADEM: *Roman Voting Assemblies*. Ann Arbor, Mich. 1966; NICOLET, Métier (see fn. 2), pp. 280–424; BLEICKEN, Jochen: *Die Verfassung der Römischen Republik*. 7th ed. Paderborn 1995, pp. 120–132; LINTOTT, Andrew: *The Constitution of the Roman Republic*. Oxford 1999, pp. 53–61. For the census cf. SUOLAHTI, Jaakko: *The Roman Censors. A Study on Social Structure*. Helsinki 1963, pp. 20–79, esp. 43 ff.; NICOLET, Métier, pp. 71–121; KUNKEL, Wolfgang / WITTMANN, Roland: *Staatsordnung und Staatspraxis der römischen Republik*. 2nd section: *Die Magistratur*. München 1995, pp. 419–471. WULFF ALONSO, Roma (see fn. 31), pp. 141–159 is unconvincing. – It ought to be noted that the turnout was often rather low even among the old citizen, which was largely due to the fact that journeys to Rome were costly and that the voting procedure was time-consuming (cf. MOURITSEN, Henrik: *Plebs and Politics in the Late Roman Republic*).

noted in passing, passive suffrage for the new citizens was still out of the question; for it often took generations before the equestrian census was recognised and candidates were allowed to run with the consent of the Senate.⁴⁴ At any rate, the nobility – both then and at other times – obstructed the census in order to delay the political integration of the new citizens.⁴⁵

As numerous examples from Roman history demonstrate, strangers and fringe groups have more extensive possibilities for inclusion in times of internal conflict.⁴⁶ Moreover, it shows that a government established

Cambridge 2001; TIBILETTI, Gianfranco: The *comitia* during the Decline of the Roman Republic. In: *Studia et Documenta Historiae et Iuris* 25 (1959), pp. 94–127, esp. 122f.). However, from the second century onwards the growing resources and ambitions among the aristocracy led to higher levels of mobilisation among citizens residing outside Rome. Cf., e. g., LINTOTT, *Constitution*, p. 41; also, with qualifications regarding the relatively well-off, BRUNT, *Aims* (see fn. 10), pp. 103 f.

- 44 Even when the equestrian census requirement of 400 000 sesterces was satisfied, membership of the equestrian order (ordo equester) was often delayed considerably. A successful campaign was possible only after establishing close relations with influential senators. Cf. CÉBEILLAC-GERVASONI, *Magistrats* (see fn. 5), pp. 33–37; WISEMAN, *New Men* (see fn. 2), pp. 13–32, 65–70, also 100–122. Hence it was not to be feared – *pace* DE SANCTIS, *Guerra* (see fn. 18), pp. 66 f. – that an increasing number of ›new men‹ (homines novi) were to enter the political arena. To be sure, there were some exceptions only a few years later, yet this was largely due to the Civil Wars. See the following remarks.
- 45 Cf. also the various considerations in SUOLAHTI, *Censors* (see fn. 42), pp. 445–451 and WISEMAN, Timothy P.: The Census in the First Century B. C. In: *Journal of Roman Studies* 59 (1969), pp. 59–75, esp. pp. 62 and 75 regarding the prosopographical and possibly political background. According to TAYLOR, *Districts* (see fn. 42), p. 103, however, Sulpicius Rufus *tr. pl.* 88, whose agitation she argues to have started as early as 89, was responsible for the failure of the census and the decision not to establish any new ›tribus‹. Similarly WULFF ALONSO, *Roma* (see fn. 31), p. 154, who, calling attention to Cic. *Arch.* 9, further makes the unconvincing claim that the censors refused to recognise the lists drawn up by corrupt praetors ever since 89. On the sources concerned and their legal implications cf. COŞKUN, *Rechtsgrundlagen* (see fn. 13), pp. 125–129 with fn. 81, with further discussion of Wulff Alonso's argument.
- 46 In this Civil War (and in others to come), even slaves and freedmen, having been promised manumission or citizenship respectively, were called to arms. Cf. *App. civ.* 1.212 (ad a. 90), dealing with the fortification of Cuma by freedmen: *App. civ.* 1.212: »τότε πρῶτον ἐς στρατεῖαν διὰ ἀπορίαν ἀνδρῶν καταλεγέντων« (they »were then for the first time enrolled in the army on account of the scarcity of soldiers«); also *Liv. epit.* 74 (ad a. 89, cf. also *Plut.*

through violence or a monarchical regime tend to be more resolute in dealing with old problems. Thus, at the beginning of the Civil War in 87, Marius and Cinna not only accepted the demands of the Samnites and Lucanians, who were still under arms,⁴⁷ but also promised finally to distribute the new citizens among all of the 35 ›tribus‹.⁴⁸ However, even under the sway of the ›popular‹ oligarchy, the nobility retained sufficient influence to secure the election of the most ardent enemy of Livius Drusus' to the censorship. Accordingly, the census of 86/85 was restrictive to the extent that only between 100 000 and 150 000 new citizens were reg-

Sull. 8.2): ›libertini tunc primum militare coeperunt‹, 77 (ad a. 88): ›cum P. Sulpicius trib. pleb. auctore C. Mario perniciosas leges promulgasset, ut exsules revocarentur, et novi cives libertinique (in tribus) distribuerentur‹, and 84 (ad a. 84): ›libertini in quinque et XXX tribus distributi sunt.‹ Cf. also KEAVENEY, Rome (see fn. 10), p. 181 with fn. 4. On the general problems surrounding their political inclusion cf. GARDNER, Citizen (see fn. 2), pp. 7–51 and LINTOTT, Constitution (see fn. 42), pp. 50f. A special problem was posed by the freedmen of the allies in case they had not obtained the citizenship of their places of residence. The aforementioned sources concerning the year 88 appear to allude to this. Cf. further Cic. Att. 4.18.4 = 92.4 Shackleton Bailey ad a. 54.

- 47 Cf. Liv. epit. 80; App. civ. 1231; 1241–49; 1287; 1310; also, indirectly, Vell. 2.17.1; 2.20.2–4. The Samnites demanded the granting of citizenship not only for themselves, but also for their allies and the refugees staying with them, along with the restitution of their confiscated property. Cf. Gran. Lic. 35 Flemisch p. 20: ›senatusque per Metelli legatos consultus de voluntate Samnitium qui se negabant aliter in pacem venturos, nisi civitas ipsis et perfugis omnibus daretur bonaque redderentur, abnuit, dignitatem antiquam p. R. tuentibus patribus. quibus cognitis Cinna per Flavianum Fimbriam leges, quas postulabant, concedit et copiis suis iunxit‹. According to Cass. Dio 30/35 frg. 100.7 Boissevain (p. 345), they further demanded the surrender of deserters and refused to return the booty they had seized. Cf. also KEAVENEY, Rome (see fn. 10), p. 182; LOVANO, Cinna (see fn. 18), pp. 40f.
- 48 In the year 88, Sulpicius Rufus effected a popular decree on this issue, but Sulla had him killed and annulled all of his laws. In 87, the Senate outlawed the consul L. Cornelius Cinna on account of his renewed initiative. After the latter had conquered Rome in alliance with Marius, he repealed Sulla's decrees and thus re-enacted Sulpicius' ›acta‹. Cf. App. civ. 1241–339; Liv. epit. 77–80; TAYLOR, Districts (see fn. 42), pp. 103–107 with fn. 21; LOVANO, Cinna (see fn. 18), pp. 19–22, 28f., 32ff., 61ff. Both the sources and modern scholars rightly stress that Rufus, Marius, and Cinna were mainly driven by ambition for power rather than by a desire for justice. Cf. esp. KEAVENEY, Rome (see fn. 10), pp. 172–176; SEAGER, Robin: Sulla. In: Cambridge Ancient History IX. 2nd ed. Cambridge [et al.] 1994, pp. 165–207, esp. 180 and 185; LOVANO, Cinna, p. 23; likewise STONE, Dignitas (see fn. 22), pp. 198f.; WULFF ALONSO, Roma (see fn. 31), pp. 70–79. A different view is expressed by DE SANCTIS, Guerra (see fn. 18), p. 109.

istered.⁴⁹ Only when Italy was again threatened by Civil War hostilities, the Senate announced in 84 that the 35 ›tribus‹ should be opened to those of the new citizens who had not yet been registered.⁵⁰

Upon seizing power in 83/82, Sulla had to acknowledge the ›faits accomplis‹, if one may leave aside individual punitive measures and the failure to hold a census for the time being.⁵¹ Beyond this, the extension of

49 The result of the census is only transmitted by Hieron. chron. a. 85: ›Descriptione Romae facta inventa sunt hominum CCCCLXIII milia.‹ Cf. further Fast. Capitol. ad a. 86. The other sources cited by BROUGHTON, T. Robert S.: The Magistrates of the Roman Republic. Vol. 2. Atlanta, Ga. 1952, p. 54 are irrelevant in the present context. The number of (registered) citizens is surprisingly low in comparison with other known figures: 394 336 in 115/14, 910 000 in 70/69, 4 063 000 in 28. Cf. BRUNT, Manpower (see fn. 9), pp. 13 f. Some scholars therefore suspect an error in transmission. A missing *D* would immediately raise the sum to 963 000 – a hypothesis that is discussed and discarded by BRUNT, Aims (see fn. 10), p. 109, but favoured by IDEM, Manpower (see fn. 9), pp. 92 f. and 543. Without further argument, BRINGMANN, Geschichte (see fn. 6), p. 251 takes this sum to apply to 89. Further views are discussed by LOVANO, Cinna (see fn. 18), pp. 61 f., fn. 39 and 40, who refrains from taking sides. The net increase from the last census amounts to no more than 70 000, which is surprising in view of the ›more than 300 cohorts‹ of new citizens (ca. 120 000 men, cf. Vell. 2.20.4 ad a. 87, with the critical remarks in BRUNT, Manpower [see fn. 9], pp. 89 f.) that were at Cinna's disposal. To be sure, the number of old citizens is certainly likely to have decreased significantly owing to the immense casualties against the Cimbri and Teutones, in the Social War (Vell. 2.15.3 records 300 000 victims on both sides only among those fit for military service), and in the Civil War as well as due to the large number of refugees and of those fighting against Mithridates in 87–84. Accordingly, the new citizens may well have constituted a share of 100 000–150 000 men. Furthermore, WISEMAN, Census (see fn. 44), pp. 67 f. stresses the very high level of variation in the regulations governing the census, which used to leave its mark on the statistical figures. Thus, the enormous increase in 70 must be attributed to a desire to establish new ›clientelae‹ of voters. The quadruplication under Octavian in 28 reflects the fact that it was no longer necessary to be present at Rome as well as the obligatory nature of the census, which had not applied in a long time (women and children continued not to be considered, though). The demographic analysis in BRUNT, Manpower (see fn. 9), pp. 91–120 is partly at variance with the one submitted here.

50 Cf. Liv. epit. 84 (ad a. 84): ›novis civibus s(enatus) c(onsulto) suffragium datum est.‹ On the significance of the move cf. BRUNT, Aims (see fn. 10), pp. 108 f.; KEAVENEY, Rome (see fn. 10), pp. 184 f.; COŞKUN, Rechtsgrundlagen (see fn. 13), pp. 129 f.

51 Cf. App. civ. 1 352 (ad a. 84); Cic. Phil. 12.27 and Liv. epit. 86 (ad a. 83): ›Sylla cum Italicis populis, ne timeretur ab his velut erepturus civitatem et suffragii ius nuper datum, foedus percussit.‹ However, Cic. Caec. 101 f. attests to the

the Senate took account of those new citizens that had supported him in his second march on Rome. In similar fashion, but on an even larger scale, Caesar and Augustus were to restructure their Senate in the wake of further Civil Wars.⁵² As a result of the Sullan restoration, the influence of the new reservoir of voters essentially made itself felt only after the ›popular‹ reforms enacted under Pompey in 70, even though the new citizens acted rather passively and almost in conformity with the established system of nobles competing for the highest magistracies.⁵³ While a

fact that, by way of punishment, Sulla at least temporarily relegated some Italian communities to Latin status. According to Liv. epit. 89 (ad a. 81/79), moreover, he carried on the war against Samnium and Volaterra. Cf. GALSTERER, *Herrschaft* (see fn. 4), pp. 90f.; WOLFF, review (see fn. 14), pp. 556f.; KEAVENEY, *Rome* (see fn. 10), p. 192, fn. 5; WULFF ALONSO, *Roma* (see fn. 31), p. 119.

- 52 Minatius Magius from Eclanum was naturalised on a viritane basis in 89/88. His sons were elected praetors before 81. Cf. Vell. 2.16.2f. On Cinna/Sulla cf., e. g., GABBA, *Origini* (see fn. 10), pp. 268–277; WISEMAN, *New Men* (see fn. 2), pp. 13–32, 182f.; KEAVENEY, *Rome* (see fn. 10), p. 190 with fn. 8; JEHNE, *Martin: Der Staat des Dictators Caesars*. Köln 1987, pp. 392–406. A different view is advanced by CÉBEILLAC-GERVASONI, *Magistrats* (see fn. 5), p. 259: ›il convient de minimiser dans leurs effets positifs et négatifs l'impact des troubles civils de la fin de la République. Les promotions dues à ce facteur sont rares [...]‹, yet her analysis is specifically focused on the admittedly low number of those ›homines novi‹ who held higher magistracies at Rome during the Civil Wars. WULFF ALONSO, *Roma* (see fn. 31), pp. 183–215, too, is more cautious than Gabba, judging many ›homines novi‹ to be old citizens from ›municipia‹.
- 53 WISEMAN, *Census* (see fn. 44), p. 66 and WALLINGA, *Tammo: Ambitus* in the Roman Republic. In: *Revue internationale des droits de l'antiquité* 41 (1994), pp. 411–442, esp. 435ff. stress the interconnection between the census of 70 (see above, fn. 44) and the marked increase in legislation regarding ›ambitus‹ in the 60s and 50s. Still, GABBA, *Origini* (see fn. 10), pp. 266f. is equally right to point out that the influential new citizens largely acted in a ›conservative‹ way. And TAYLOR, *Districts* (see fn. 42), pp. 121f., aptly calls attention to P. Cornelius Cethegus' involvement in selling votes, e. g., when the ›optimate‹ L. Licinius Lucullus sought to obtain the command against Mithridates in 74. Furthermore, it needs to be borne in mind that the sizeable material resources flowing to Rome at the end of the war against Sertorius (72/71) and especially in the course of the Third Mithridatic War (from ca. 72/71 onwards) served to create a new situation, though this equally affected voters among the old citizens. Against this background, WOLFF, *Habilitationschrift* (see fn. 1), vol. 1, p. 85 also appears to go too far, in my view, in explaining the fall of the Republic not least by citing the fact that the Romans enlarged the group of either rulers or aspirants to the rule respectively. Contrary to this thesis, WULFF ALONSO, *Roma* (see fn. 31), pp. 144–159 holds the extreme view that full political integration was achieved until 84 or at the latest under Sulla (however, see above,

reform of state institutions and the integration of the Italian élites into the ruling class were still to be effected, the genesis of the Romano-Italian state was irrevocably under way.⁵⁴

In the course of the Social War, Rome had at the same time made the first steps towards an empire-wide community of citizens. This is reflected most clearly in the full accession of the heavily Romanised Gallic territories south of the River Po, while the granting of the ›ius Latii‹ to the people living further northwards signalled their full accession to Rome in the medium term.⁵⁵ Apart from this, the sources attest to the award of citizenship to a Spanish squadron that had proved its worth before Asculum.⁵⁶

Thus, the issues that were to determine the agenda of foreign policy in the following years had emerged, their explosive nature serving to reinforce internal rivalries at Rome, which reignited in the 70s. For the circle of those who were traditionally wooed as clients now comprised not only new and old citizens but also, to an increasing extent, those aspiring to the ›civitas Romana‹. Pompeius Magnus, for instance, granted citizenship on an exceptionally large scale at the end of the Spanish War, which was actually the continuation of the Civil War, in 72, while the Transpadani had to wait for the outbreak of the war between Pompey and Caesar in 49.⁵⁷

The last Civil Wars were waged over a period of two decades on three continents. In spite of this – or because of this? –, the first census of

fn. 44). On the suffrage of the new citizens, including those who had not been registered before 70 see the remarks in the text above.

54 Cf., e. g., KEAVENEY, Rome (see fn. 10), pp. 189–193; GABBA, Rome (see fn. 10), pp. 126 ff.; WULFF ALONSO, Roma (see fn. 31), pp. 119–133.

55 On Gallia Cisalpina cf. the references cited above, fn. 35; further, e. g., WOLFF, Comum (see fn. 14).

56 On the ›turma Salluitana‹ see above, fn. 23.

57 On Spain, Pompey, and the ›lex Gellia Cornelia‹ of 72 cf. ROTONDI, Leges (see fn. 9), p. 367; RICHARDSON, Romans (see fn. 23), pp. 95–104. The city of Gades was the beneficiary of the first collective naturalisation on Spanish soil, which also occurred in the year 49. Caesar thus thanked his follower L. Cornelius Balbus while at the same time trying to strengthen his position in the Iberian Peninsula. Cf. DIPERSIA, Giulia: La concessione della cittadinanza romana a Gades nel 49 a. C. In: Contributi dell'Isituto di Storia Antica 1. Milano 1972, pp. 108–120; JEHNE, Staat (see fn. 51), pp. 153–162; RICHARDSON, Romans (see fn. 23), pp. 104 ff., esp. 119. On the viritane grants of citizenship in Asia Minor during the late Republic cf. HOLTHEIDE, Bernhard: Römische Bürgerrechtspolitik und römische Neubürger in der Provinz Asia. Freiburg i.Br. 1983, pp. 19–39. On the general development cf. BRUNT, Manpower (see fn. 9), pp. 204–233; SHERWIN-WHITE, Citizenship (see fn. 2), pp. 174–189.

Augustus, which was conducted at the beginning of the much-desired peaceful era in 28, registered roughly ten times as many citizens as the last census before the Social War. However, this increase is not merely due to extensive naturalisations, but also reflects the first emperor's eager desire to determine the number of his subjects, who continued to be called citizens.⁵⁸

3. Conclusion

Paradoxically, the violent disruptions that served to divide both Italian and Roman domestic society functioned as catalysts for the genesis of the Romano-Italian state and the Romano-Mediterranean empire respectively.⁵⁹ In this process, the variously differentiated levels of legal affiliation such as the ›ius Latii‹ proved their stabilising function especially in times of crisis. Even after the century of the Civil Wars, the Romans confidently maintained the claim that the granting of their ›civitas‹ was a ›beneficium‹; for the attendant privileges, both material and in terms of personal law, continued to exist, while permanent or temporary restrictions on political rights had been imposed even before.⁶⁰

Furthermore, a constant factor can be discerned in the fact that new citizens needed either to have rendered or to be expected to render services showing their loyalty and usefulness, whether primarily to the benefit of the ›res publica‹ or to that of the patron who acted as a mediator. As the Senate was well aware, this entailed potentially devastating consequences for the established order. Accordingly, large-scale naturalisations were either rejected as a matter of principle, or at least the opportunity for establishing ›clientelae‹ was to be circumscribed. This ambivalence was only overcome when the aristocracy lost its power and the interests of the state and of the Emperor largely came to coincide.⁶¹

58 Cf. WISEMAN, *Census* (see fn. 44), pp. 70–75, and see above, fn. 48 on the Augustan census. For the development under the Empire cf. BRUNT, *Manpower* (see fn. 9), pp. 234–265; SHERWIN-WHITE, *Citizenship* (see fn. 2), pp. 221 ff.; WOLFF, *constitutio* (see fn. 2); HOLTHEIDE, *Bürgerrechtspolitik* (see fn. 56), pp. 40–132; ECK, Werner / WOLFF, Hartmut (eds.): *Heer und Integrationspolitik. Die römischen Militärdiplome als historische Quelle*. Köln 1986.

59 Cf. also KEAVENEY, *Rome* (see fn. 10), p. 187: ›In the Social War they had wrested the citizenship from the Romans; in the Civil War they had successfully ensured they should retain it and that in a form which made it worth retaining‹; further *IBID.*, p. 204.

60 On ›beneficium‹, ›dignitas‹, ›euergesia‹, and the eloquent expression ›aliquem civitate donare‹ see above at fn. 21, 39, 45, further HOLTHEIDE, *Bürgerrechtspolitik* (see fn. 56), p. 56. On its nature as a privilege see further above at fn. 9–13.

To conclude this enquiry, one may dare draw a comparison with the genesis of modern nations. Conspicuously, ethnic prejudice, national arrogance, and cultural dissociation were by no means absent in the case of Rome,⁶² yet they obstructed the inclusion of strangers only to a limited extent without serving to reinforce elements of strangeness. Rather, the Romans succeeded – due to the appeal of their growing power, their openness towards cultural progress, and their tolerance in the religious and political spheres, coupled with their specifically political concepts of ›populus‹ and ›civitas‹⁶³ – in developing a highly differentiated repertoire concerning legal and political affiliation and thus indirectly to overcome strangeness.⁶⁴

Translated by Manuel Tröster

- 61 Cf. also HOLTHEIDE, Bürgerrechtspolitik (see fn. 56), p. 131; LINTOTT, Imperium (see fn. 2), p. 164, who stresses the following aspects: ›The first was reward for service rendered, the second was the strategic incorporation for the purpose of security or imperial expansion‹; further LINTOTT, Constitution (see fn. 42), p. 52: ›The most fundamental is the anxiety about the influence of newcomers to the citizen body, especially those of non-Italian stock [...] The other is the political exploitation of new citizens by their patrons to secure influence where it counted most, in rural tribes‹. – For the imperial period see above, fn. 57.
- 62 For the arrogance shown by the Romans towards the Italians in the second century see above, section 1. A revealing example of the demonisation of the Gauls is provided, e. g., by Cic. Font. 27–36, another of the degradation of the Sardinians and Carthaginians by Cic. Scaur. 39–44. Cf. generally, e. g., NOY, Foreigners (see fn. 2), pp. 34–47; DAUGE, Yves Albert: Le Barbare. Recherches sur la conception romaine de la barbarie et de la civilisation. Bruxelles 1981, passim; BALSDON, John P. V. D.: Romans and Aliens. London 1979, pp. 30–64 and 214–259. For the political instrumentalisation of certain images of strangers cf. also SONNABEND, Holger: Fremdenbild und Politik. Vorstellungen der Römer von Ägypten und dem Partherreich in der späten Republik und frühen Kaiserzeit. Frankfurt a. M. 1986, pp. 300–311.
- 63 In this context, cf. also the ›locus classicus‹ Cic. rep. 1.39: ›Est igitur [...] res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus.‹ Cf. further GAUTHIER, Citoyenneté (see fn. 3), pp. 171 f.: ›la civitas révéla une extraordinaire capacité d'assimilation ou d'intégration‹; ›[I]es cadres civiques de Rome sont d'abord des ›structures d'intégration‹, les cadres grecs d'abord des ›structures de participation‹.
- 64 Profound Romanisation sometimes constituted the precondition for the incorporation of a city-state, sometimes its consequence. Generally speaking, areas marked by a higher degree of cultural assimilation like those inhabited by Latins or Italians or western, Latinised provincials respectively were indeed incorporated more easily than others. However, political considerations regarding loyalty and ›clientelae‹ produced exceptions time and again. Apart from the examples cited above, fn. 36, one should note the case of the poet

5) Appendix: Citizenship Legislation, 91–84 B. C.

91	<i>rogatio Livia</i>	initiative to naturalise all Italians fails
90 (ca. summer)	<i>lex Calpurnia (I)</i>	authorisation of the consuls (or all bearers of <i>imperium</i>) a. 90 to grant citizenship on a viritane basis <i>virtutis ergo</i>
90 (ca. Oct.)	<i>lex Iulia</i>	1) invitation of loyal allies and Latins collectively to accede to the Roman state on the condition of <i>fundum fieri</i> ; exception: <i>adscripti</i> without <i>domicilium</i> in the respective <i>civitas foederata</i> ; 2) authorisation of the consuls (or all bearers of <i>imperium</i>) a. 89 (or for the duration of the war or their <i>imperia</i> respectively) to grant citizenship on a viritane basis <i>virtutis causa</i> ; perhaps limited to combatants; subject to the approval of the <i>consilium</i>
90 (ca. Nov.)	<i>rogatio Calpurnia (II)</i>	rogation to establish two new <i>tribus</i> for the new citizens under the <i>lex Iulia</i> in accordance with a senatorial decree; result unknown
89 (ca. spring)	<i>lex Plantia Papiria</i>	offer to naturalise <i>adscripti</i> of <i>civitates foederatae</i> with <i>domicilium</i> in Italy on a viritane basis on the condition of registering with a <i>praetor</i> within 60 days

Archias, whose citizenship is defended by Cicero on account of his Greek education and its great usefulness to Rome. Cf. Cic. Arch. esp. 4–6 and 12–30, with COŞKUN, Altay: Inklusion und Exklusion von Fremden in den Gerichtsreden Ciceros. Zugleich ein Einblick in das Projekt ›Roms auswärtige Freunde‹. In HARWARDT, Sabine / SCHWIND, Johannes (eds.): *Corona Coronaria*. Festschrift für Hans-Otto Kröner zum 75. Geburtstag. Hildesheim 2005, pp. 77–98, esp. 94–98. Still, a high degree of Romanisation was by no means a sufficient criterion for the granting of the ›*civitas Romana*‹, as is demonstrated by the hostile attitude of the Romans in the context of the Social War. However, the process of cultural assimilation served to increase the demand for political equality and, ultimately, also the prospects of obtaining it. For the debate on these issues see also above. fn. 10.

89 (early/mid-)	<i>lex de civitate Tudertibus danda</i>	grant of citizenship to the Umbrian city of Tuder
89 (mid-/late)	<i>lex Pompeia de Transpadanis</i>	<i>ius Latii</i> for the Transpadani with the <i>ius adipiscendae civitatis per magistratum</i>
89	?	regulation(s) regarding the participation of new citizens in elections (<i>concilia plebis, comitia tributa</i>) in two to eight (?) <i>tribus</i>
89/88	?	sporadic collective naturalisations
88 (early)	<i>lex Sulpicia</i>	permission for new citizens to vote in all 35 <i>tribus</i>
88 (mid-)	<i>senatus consultum (or lex Cornelia?)</i>	repeal of the <i>leges Sulpiciae</i> by Cornelius Sulla; limitation of voting rights of new citizens to eight <i>tribus</i>
87 (mid-)	<i>senatus consultum (and lex Octavia?)</i>	grant of citizenship to all Italian <i>dediticii</i> , apparently on condition of active support by the Senate
87 (late)	<i>lex Cornelia (or senatus consultum?)</i>	restitution of the <i>leges Sulpiciae</i> by Cornelius Cinna, i.e. renewed permission for new citizens to vote in 35 <i>tribus</i>
87 (late)	<i>lex Cornelia?</i>	naturalisation of the remaining Italians south of the River Po, esp. of the Samnites and Lucanians
86–85	?	guidelines regarding the conduct of the <i>census</i> and the registration of new citizens in the 35 <i>tribus</i> (463 000 citizens registered)
84	<i>senatus consultum (and lex?)</i>	grant of <i>suffragium</i> to all new citizens, i.e. apparently permission for all, including those citizens who had not been registered, to vote in 35 <i>tribus</i> ; perhaps announcement of a new <i>census</i>

6) Postscript: Bibliographical Addenda

1. JEHNE, Martin / PFEILSCHIFTER, Rene (eds.): *Herrschaft ohne Integration? Rom und Italien in republikanischer Zeit*. Frankfurt a.M. 2006. Based on a conference held at Dresden in 2004 (cf. the detailed report by Wolfgang Blösel, *H-Soz-u-Kult* 15.12.2004, <http://hsozkult.geschichte.hu-berlin.de/tagungsberichte/id=656&view=print>), this volume gathers a set of highly stimulating essays. The much-debated issue of the senate's treatment of the Italian allies and the latter's expectations from the Romans has been newly addressed, firstly by approaching the living conditions of the Roman citizens dwelling far away from the ›urbs‹ and the fate of the other Italians, and secondly by proceeding from the following paradoxical insight: While recent research has insistently pointed out the significance of rituals and ceremonies as a means of stabilising a political community, most of the Roman citizens living somewhere in the colonies or ›municipia‹ were no less barred from attending meetings in the city of Rome than most of the allied Italians. Hence two questions arise: Was the Roman aristocracy really interested in the political inclusion of the new citizens, let alone of the allies? And which institutions or modes of interaction served to promote their inclusion or exclusion respectively?

Two more detailed reviews by the present author have been published in: *sehpunkte* 7, 2007, no. 6 (<http://www.sehepunkte.de/2007/06/11881.html>), and in: *Historische Zeitschrift* (HZ) 285, 2007, pp. 691–693 respectively.

Henrik Mouritsen (pp. 23–37; cf. *IDEM*: *Italian Unification. A Study in Ancient and Modern Historiography*. London 1998) provocatively argues that the attraction of Roman citizenship has been highly overestimated and that an Italian identity did not exist in the wake of the Civil War. Consequently, most of the Roman allies aimed at achieving independence from Rome, even at the cost of the hegemon's ruin. In contrast, Hartmut Galsterer (pp. 293–308) continues to regard the ›civitas Romana‹ as the long-desired goal coveted by the allies. Its bestowal in the course of the Social War is said to have initiated a process of urbanisation and of a thorough constitutional assimilation throughout the Peninsula. Besides, Galsterer stresses the importance of the huge casualties in the Social and Civil Wars which yielded sufficient room to incorporate the Italian aristocracy into the Roman senate.

Martin Jehne (pp. 243–267) challenges the opinion that the Roman army was a cultural melting pot in the 2nd century B. C. Drawing on demographic data, Nathan Rosenstein (pp. 227–241) rejects the traditional view that the Roman male population of that century did not suffice to main-

tain the strength of the army. These results go along with Rene Pfeilschifter's observations (pp. 111–137). He illustrates how badly the mid-Republican senate was informed of what happened outside the city of Rome, unless recruitment according to the ›formula togatorum‹ was questioned. Paradoxically, the senate's lack of interest is considered a stabilising factor since it allowed for a high degree of autonomy in the country. On similar lines, Bernhard Linke (pp. 65–95) tries to explain why the lack of political institutions in the ›ager Romanus‹ did not undermine the loyalty of the Roman peasants living at a distance from the ›urbs‹: he conceives of the ›patria potestas‹ as a highly regarded status worth to be defended along with the ›res publica Romana‹.

The contributions by Jean-Michel David (pp. 95–110), Heinrich Schlange-Schöningen (pp. 155–170), and John R. Patterson (pp. 139–153) reconsider the extent to which patronage and intermarriage bound together Roman and Italian aristocrats. The heterogeneity of their results is not only due to the lack of an outright Roman policy promoting the socio-political inclusion of the Italians, but also depends on differing levels of readiness among the allies to get involved in Roman networks.

From two different starting points, Francisco Pina Polo (pp. 171–206) and Walter Scheidel (pp. 207–226) reach the conclusion that the enormous extent of human mobility (colonisation, deportation, and other forms of migration) far outweighed the impact of legal or political institutions on the creation of an Italian unity.

2. In the monograph *Bürgerrechtsentzug oder Fremdenausweisung? Studien zu den Rechten von Latinern und weiteren Fremden in der Römischen Republik (5. bis frühes 1. Jh. v. Chr.)* (Stuttgart 2009), the present author seeks to specify the legal conditions of foreign immigrants to Rome in the Republican period. In particular, the argument focuses on the privileges of the Latins. According to several handbooks of Roman law or Roman history (and also to the German original of this paper, section 1 with fn. 6 and 14), they seem to have been substantial, comprising the ›ius conubii‹, the ›ius commercii‹, and the ›ius migrandi (et civitatis adipiscendae)‹.

Revisiting the sources, the general ascription of the first (i. e. the right of legal intermarriage) to all Latins turns out to be a modern myth. The second (i. e. the right to trade with Romans on an equal footing) and the third (i. e. to be entitled to move to Rome and to be inscribed in the citizen list on the occasion of the subsequent census) were in fact subject to several preconditions. As to the first and second rights, e.g., they never included the right of acquiring Roman property, an aspect narrowly interconnected with the non-existence of a positive right of residence on the part of

(Latin) foreigners. This and other privileges were only granted to the so-called »XII colonies«. Since their status had not been defined, as commonly held, in the 3rd century B. C. but probably only in the 120s B. C., at least a significant part of the Latins was bound to Rome even more closely in the wake of the Social War. As to the latter, it appears to have been confined to former Roman citizens who were prepared to settle in a Latin colony (thus losing Roman citizenship), though on the tough condition to leave an adult son behind. This possibility seems to have been extended to all Latins only during the Hannibalic War. Against this background, Livy's reports on the expulsions of Latins and Italians in 187 (Liv. 39.3.4–6) and 177 B. C. (see above, fn. 9) appear in a different light: none of the thousands of immigrants that were sent home had so far become Roman citizens; hence lacking the right of residence, they could be disposed of according to political needs without breaching any law.

3. Some modification and a lot of clarification as to fn. 14 is to be found in the present author's article *Zu den Bedingungen des Bürgerrechtserwerbs per magistratum in der späten Römischen Republik*. Forthcoming in: *Historia* 58, 2009.

4. Generally on the nature of Roman citizenship and its socio-political implications, cf. now also the present author's booklet *Großzügige Praxis der Bürgerrechtsvergabe in Rom? Zwischen Mythos und Wirklichkeit*. In the series: *Colloquia Academica – Akademievorträge junger Wissenschaftler*, edited by the Mainzer Akademie der Wissenschaft und der Literatur, Stuttgart 2009.