2. Roman citizenship

Introduction

From what we have observed in our discussion of different parts of Roman law, we gather that *civitas*, or citizenship, was a legal status, the possession of which would determine the availability of legal remedies, as well as a number of obligations one was expected to fulfill in order to enable those remedies.[93] The importance of (legal) status in Roman society is evident throughout juristic and legislative sources too: Gaius, for instance, dedicated the entire first book of his *Institutes* to the law of persons and status that one could occupy in law.[94] Roman respect for one's standing, furthermore, shows even better in judicial actions and attitudes than it does in legal theory.[95] Garnsey, in his research on legal and social privilege in the Roman world, has shown that there were inequalities in legal procedures of both civil and criminal law based on peoples' civic, as well as social, status.[96] He calls this an 'inevitable bias in the law' which manifested itself not only in the official legislation, but also in the prejudice of judges, juries, and law-enforcement.[97]

Much like ancient law, citizenship in antiquity largely operated on a principle of personality, which meant that, unless altered by some sort of grant or imperial constitution, one's status depended entirely on birth, i.e. the status of one's parents.[98] Roman citizenship, thus, seems to have been 'a precise expression of one particular set of rights and duties', defined by Roman civil law.[99] Furthermore, it was a 'bundle of rights' that Rome could grant, either in whole or in part, to non-

---

[93] For instance, a Roman citizen woman wishing to initiate a legal transaction must have, as a prerequisite to its validation, had a male Roman citizen acting as her legal guardian (Gaius' *Inst.* 1.144-145). Note also the decline of *tutela mulieris* by the end of the 2nd century CE (*Inst.* 1.190).

[94] According to him, all people were either slaves or free; if free, they could be either free-born (*ingenui*) or freedmen (*libertini*) etc., *Inst.* 1.9-12. In terms of civic status, one could be Roman citizen (i), Latin (ii), either coloniary or Junian, or a *peregrinus* (iii), i.e. foreigner, either a citizen of some foreign community or not. Such distinctions demonstrate the tendency of jurists to employ clearly defined categories in their interpretation of law.

[95] Garnsey (1970), 2.

[96] For instance, prohibition against applying corporal punishment, e.g. flogging, to Roman citizens, found in the Porcian laws of the 2nd century BCE and the *lex Julia de vi publica* of 50 BCE. Cf. Cicero *Verr.* 2.5.161-167 and Josephus *Bell. Jud.* 2.308 on the infringement of this prohibition.

[97] Garnsey (1970), 2-3.

[98] Crook (1967), 38. See also note 33 above.

[99] *Ibid.* 37.

Roman components within her dominions.[100] But how fixed and predetermined was this 'set of rights and duties' exactly? How strictly defined were its confines, and how complicated was the access to it for outsiders? Finally, what were the main effects to one's local legal and civic relations, carried along with one's admittance to the Roman status? In search for answers to these and similar questions, this chapter will, among the rest, discuss the development of citizenship extension through to the second century CE, with particular focus on the Social War (90-88 BCE) as a turning point in Roman citizenship policy.

2.1 Legal rights and obligations of a Roman citizen

Before turning to the analysis of Roman citizenship policy, it will be useful to define the main legal rights and obligations that the possession of Roman legal status entailed. Suffrage, or the right to vote in the public assembly was one of the most important political rights held by Roman citizens, and it was especially relevant for the formation of state law during the early Republican period. By Cicero's day, however, corruption and purchase of votes by wealthy political figures had already become a firmly entrenched practice.[101] Further on, only Roman citizens were entitled to stand for public office in Rome, a right which provided with opportunity to gain political influence upon completion of the *cursus honorum*. The *ius provocationis*, or the right of appeal to the Roman assembly against summary execution (accusation and execution without trial) or corporal punishment, was another important asset to Roman citizen status. Although its usefulness declined over time, it nevertheless entailed a significant degree of protection from the state against the abuse of Roman magistrates, especially out in the provinces, by guaranteeing a fair trial in Rome.[102]

Some of the more economic advantages brought by Roman citizenship had to do with tax-farming and land allotments: while the possibility to participate in land distribution schemes could significantly improve one's financial situation within a relatively short period of time, tax-farming in the provinces guaranteed substantial and regular income.[103] Yet another financially beneficial aspect of Roman citizenship was the exemption from *tributum*, i.e. direct taxes exacted from

---

[100] Gaudemet (1967), 525-34.

[101] Crook (1967), 43. Suffrage as a right to freely express one's will has declined steadily during the Principate too, and the last known occasion of public assembly to vote legislation was under Nerva (r. 96-98 CE), *ibid*. Noteworthy too is the fact that there was no system of representation, which meant that all of the citizens willing to vote had to be present in Rome at the time of the assembly.

[102] Mouritsen (1998) relates that the *ius provocationis* has been seen by most scholars as the 'major incentive' behind the allied demand for citizenship at the onset of the Social War, as this right would in fact secure both their lives and property.

[103] Although tax-farming was mostly in the hands of Roman *publicani*, there is evidence of Italian allies taking part in the exploitation of Roman provinces as well, Mouritsen (1998), 93.

provincials and mainly used as contribution towards the upkeep of Roman army, as well as commissioning of public-work. Freedom of movement within the *ager Romanus* was one more privilege exercised by the Romans and, quite possibly, highly desired by non-citizens from less wealthy areas of Roman dominions, for 'an enfranchisement would legalise migration to Rome and the affluent regions along the Tyrrhenian coast'.[104]

Last but not least, the benefits provided by Roman private law institutions must be accounted for: the full possession of *ius commercium* and *ius conubium*, both restricted to the Roman citizenry, would enable the newly-made Romans to inherit estates from Roman citizens, a right which, according to Crook, must have been one of the two main inducements that 'moved peregrines in their constant desire to acquire Roman citizenship'.[105] There were many other attractions in personal and family law too, already discussed in the previous chapter. If one's personal legal protection was guaranteed by the *ius provocationis*, the legal protection of one's financial and business transactions were covered by a number of private law actions that a Roman citizen could enforce.

One of the major obligations carried along with the possession of Roman citizenship, was compulsory military service. Legions, as the most ideologically significant, although not the most numerous part of the Roman army, consisted entirely of Roman citizens. For non-Romans, however, enrollment into the auxiliary army was a vehicle for acquiring the Roman citizenship upon successful completion of service. Citizens were, furthermore, liable to certain types of taxation: some of them, for instance, indirect taxes that fell on sales of slaves, manumission, and customs dues applied both to citizens and non-citizens; while others, such as the *vicesima hereditatium* (5% tax on inheritances, initiated by Augustus' legislation) were exacted from Roman citizens only. A range of public *munera*, or liturgies was another burden that fell on the wealthier portion of Roman citizenry residing outside Rome, as well as the land-owning classes of municipalities, as they had to financially contribute toward the expenses of billeting of the Roman army, or provisions of transport for the government's postal and supply service.[106] While public *munera* such as billeting of soldiers primarily pressed provincials (whether Romans or not), there were plenty of costly civic responsibilities to be attended to specifically by Roman citizens, as they

---

[104] *Ibid.* 94.

[105] Another being the right to hold political office, Crook (1967), 255-6. Mouritsen (1998), nevertheless, argues that both *ius commercium* and *conubium*, at least in their adapted or limited versions, may have been accessible to most of the Italian allies prior to the Social War (Livy 35.7.5; Diodorus 37.15.2). He therefore maintains that the commercial gains attributed to the allied request for Roman citizenship may be an exaggeration, as 'overseas trade implied no legal obstacles for the Allies prior to the War', 93.

[106] Crook (1967), 257 with reference to Cicero *Att.* 5.21.7: *civitates locupletes ne in hiberna milites reciperent magnas pecunias dabant* (rich cities were paying huge sums to avoid the army being quartered on them for the winter).

would regularly find themselves under the obligation to act as legal guardians (*tutores*), witnesses, judges or jurors in Roman courts, purely at their own expense. Similarly to the situation with public liturgies, we often find people attempting to escape the required duties by means of various excuses.[107]

As to the law courts, surely enough, the mere possession of citizenship, especially at a later stage, did not in itself ensure privileged treatment: a lot more would depend on one's social standing and wealth.[108] There was, however, a reasonable expectation of every citizen that the state and the law would provide protection in exchange to fulfilment of required obligations. For, as Harries notes, 'if one function of law was to ensure that everyone had his (even her) due … then the rules which ensured that this was the case were important for citizenship itself'.[109]

2.2 Access to Roman citizenship

a. The *Lex Acilia de repetundis*

To summarize the above, the main attraction in obtaining the Roman citizen status seemingly rested on the hope of participating in land schemes and tax-farming, exercising political influence through admittance to public magistracies in Rome, as well as securing personal legal protection. In Mouritsen's words, it was a 'combination of political and economic motives', which focused on the *personal* (political, social and economic) advantages that Roman citizenship would potentially bring.[110] Mouritsen furthermore argues that at the dawn of the Social War, Roman citizenship was not yet a 'privileged legal status', so it could not have been what the allies took up their arms and fought for. He thus goes on to suggest that in the early grants, such as the *lex Apuleia* of 203 BCE or Marius' grant of citizenship to his soldiers in 101 BCE (see below), the real reward 'was probably little more than the admission ticket to land-distribution programmes'.[111]

In order to confirm or discharge Mouritsen's contention, let us take a closer look at a document preceding the conflict between Rome and her allies, namely, the *lex Acilia de repetundis*, dating to

---

[107] Cf. *FIRA* 3.30 from Antinoopolis (Egypt), 148 CE.

[108] Garnsey (1970), 266. During the Empire, the division between citizens and non-citizens was mitigated by one between the *honestiores*, i.e. people of status and property, and the *humiliores*, or people of low social standing. In terms of legal affairs, the latter, even in possession of Roman citizenship, could be subject to the same kinds of punishment normally applicable only to non-citizens, e.g. crucifixion, torture, and corporal punishment.

[109] Harries (2006), 15.

[110] Mouritsen (1998), 87. The latter notion becomes Mouritsen's main argument against seeing the Social War as an allied struggle for Roman citizenship: according to him, the personal rights and benefits provided by the acquisition of Roman citizenship may only explain individual and not the collective wish for it.

[111] Mouritsen (1998), 90-91.

123/2 BCE.[112] It is neither the first, nor the last of the extortion laws (see note 79 above), but it assumes particular importance here as it contains an *offer* of Roman citizenship.[113] The text at hand, like any other of the sort, deals with the right to recovery of property officially extorted by Roman magistrates in the provinces. The scope of the law stretches out to 'anyone of the allies either of the Latin name or of foreign nations, or … anyone of those dependent on the discretion, dictation, power, or friendship of the Roman people' (2).[114] The law was thus not geographically confined but rather universal, and it is very probable that its provisions were more relevant to provincials further away from Rome than they were for the Italian allies.[115]

Clauses 48 and 49 of the law contain two options between which a non-Roman, having successfully accused an offender of the crime of extortion, could choose: he could either take up Roman citizenship and, in addition, enjoy exemption from military service (*vacatio*), or, if he was unwilling (or unable) to do so, he could accept the grant of the right of appeal (*ius provocationis*) and immunity both from military service and from local duties (*vacatio muneris et militiae*). While the offer of Roman citizenship and *vacatio* in clause 48 seemingly applied to all successful non-Roman accusers *willing* to accept it, clause 49 excludes some Latin magistrates ('dictator, praetor, or aedile in his own State', l. 78) from taking up this offer. Bispham maintains that the alternative offer in clause 49 must have been directed to *all* peregrines too, while the Latin magistrates mentioned were excluded from the second option on the grounds that they had already possessed *provocatio* by virtue of their office.[116]

The possibility of choice between Roman citizenship and an exclusively Roman right of appeal accompanied by local privileges, points to the mitigation of boundaries of Roman citizenship policy, as well as the overtly articulated significance of *civitas Romana* prior to the Social War. The offer of citizenship and *vacatio*, Bispham notes, was an important innovation, which 'necessarily had an impact on Rome's relations with her allies in Italy, in that it opened an avenue to the citizenship at a time when majority opinion was against extensions of the franchise'.[117] Furthermore, such universally applicable laws as the *Lex repetundarum* raised awareness of the benefits that the acquisition of Roman citizenship would potentially bring both among the allies and

---

[112] On the problems regarding the dating of the law and its identification with the Gracchan legislation, see Badian (1954), 374-384.

[113] Historically, the most important provision of the law must have been the substitution of knights (*equites*) for senators in the juries of extortion trials. Trials of such cases would take place under the jurisdiction of peregrine praetor (*Lex rep.* 2, 6).

[114] *Lex rep.* line 1: [*… quoi socium no*]*minisve Latini exterarumve nationum, quoive in arbitratu dicione potestate amicitiav*[*e populi Romani …*]. Latin text and translation used are taken from Johnson, Coleman-Norton & Bourne (1961).

[115] Bispham (2007), 127 with reference to Cic. *Balb.* 53.

[116] *Ibid.* 129. Some of these magistrates may have already possessed Roman citizenship too.

[117] *Ibid.* 127.

other peregrine communities in direct contact with Rome. The notion of such awareness well before the outbreak of the Social War thus seemingly discharges Mouritsen's idea that Roman citizenship was not yet seen as a privileged legal status in the second century BCE.

Bispham draws attention to the existence of an alternative reward option as evidence for the 'divergence of Italian attitudes towards [Roman] citizenship'.[118] Nevertheless, both options in the *Lex Acilia de repetundis* in fact indicate a degree of infringement of one's local identity: while becoming a Roman citizen in the second century BCE presumably also encouraged moving to the *ager Romanus* and thus abandoning one's original dwelling,[119] the alternative option meant staying at home yet being treated *as* Roman citizen within one's native community:

> *He shall have the right of appeal to the Roman people thereafter, just as if he were a Roman citizen; likewise, he and his sons and his grandsons through the male line shall be exempt and immune from military service and from public duties in his own State,* (49).

Roman legal privileges conferred on peregrines without their acquisition of Roman citizenship created a kind of legal fiction, which must have, to some extent, affected local legal relations as well. Furthermore, as Mouritsen duly noted, the second option demonstrates an 'unequivocal example of Roman interference in the internal affairs of the allies', in that the Romans felt they were in a position to grant *local* privileges to peregrines, i.e. exempt them from public *munera* within their own states.[120] Similarly, Bispham maintains that Rome's boldness to confer immunities on peregrines in their home towns may have been more deeply felt, and resented, in Italy.[121] This brings us to the 'Italian question' which will be discussed in more detail below.

b. The 'Italian question' revisited

The first known proposal to extend Roman citizenship to the Italian allies who were willing to accept it appeared in 125 BCE, only slightly earlier than the *Lex Acilia de repetundis*, and was initiated by Marcus Fulvius Flaccus, a consul that year and a supporter of the Gracchi. It was, as Mouritsen calls it, an 'entirely new policy element', whose exact circumstances and implications remain largely unclear.[122] What we do know is that Flaccus' proposal was immediately met with

---

[118] *Ibid.* 128.

[119] Mouritsen (1998), 89.

[120] *Ibid.*

[121] Bispham (2007), 129.

[122] Flaccus' suggestion was most likely related to the Gracchan agrarian reforms and was meant to solve the problem of land division among the allies. However, Mouritsen (2008) maintains that what truly stood behind Flaccus' proposal of citizenship extension was the need for manpower: the decline in *Roman* manpower (legions constituting only a minority of armed forces) implied a threat to undermine Rome's hegemonic status in Italy, as well as signalled Rome's inability

strong senatorial opposition and was withdrawn shortly after.[123] Similarly, C. Gracchus' reforms which also involved citizenship extension to Latins and Italians, were vetoed by another tribune.[124] Later, at the onset of the Social War in 91 BCE, Livius Drusus attempted to revive Flaccus' bill, once again unsuccessfully, an event often perceived as the 'last drop' to provoke the Italian revolt. We will not here aim at expounding the causes of the Social War, but rather focus on possible reasons for citizenship grants and what the eventual enfranchisement meant for Rome's relations with her former allies. This may help to bring to the fore the most valuable components of the Roman citizenship in the first century BCE, as well as to grasp an idea as to why the citizenship grant was an inevitable 'concession' Rome had to make in order to put an end to the crisis.

Communis opinio holds that the creation of Roman Italy was accelerated by Italians asking for Roman citizenship in the late second century BCE. Roman refusal to admit Italians into their *civitas* instigated the Social War, which eventually led to the enfranchisement of the allies and to the establishment of a 'politically unified Italy'. Mouritsen, however, calls the Social War 'a political conflict between culturally distinct nations', and offers an alternative version: Italians did not merely fight for Roman citizenship, but rather sought a real power-sharing, giving them equal influence over the empire and its resources.[125] Social War was thus an attempt to break Rome's supremacy by force, and to challenge her hegemony in the Italian Peninsula. Mouritsen argues that the citizenship version may well have been a later interpretation, in which the outcome of the War, i.e. the eventual enfranchisement of the allies, presupposed the reasons for it.[126] However, while refuting the latter version as a possibly anachronistic imperial interpretation, Mouritsen fails to successfully convince of an alternative version of events. His idea of the Roman need for manpower lurking behind the earliest citizenship extension bills does not fully explain the allies' wish to accept the offer, nor does it account for continuous senatorial opposition to such a solution.[127] Mouritsen furthermore argues that the allies had initially fought for freedom from the Roman hegemony and accepted the citizenship offer only upon losing the war. This explanation, however, does not account for Rome's position and willingness to confer her citizen status on the peoples

---

to impose heavier burdens on the allies, 474. Thus, Rome was dependent on her allies, who 'now carried a major responsibility for the empire, but without any corresponding share in its governance or formal exploitation … [which] created a natural tension between Romans and allies'.

[123] Appian *BC* 1.3.21.

[124] However, Mouritsen (2008) argues that the role of Italians in the Gracchan land reform was a 'purely literary construction' of Appian, and that 'there is no evidence that Ti. Gracchus ever included Italians in his scheme' either, 472.

[125] Mouritsen (1998), *passim*.

[126] *Ibid*. 5. Most of the extant primary sources for the Social War come down to us from Imperial period (Velleius Paterculus, Valerius Maximus and, above all, Appian), and must have therefore been affected by 'contemporary political propaganda', *ibid*. 8.

[127] The repetitive withdrawals of early enfranchisement bills is yet another proof against Mouritsen's contention that the Roman citizenship was not perceived as a privileged legal status before or during the time of the Social War.

who did not ask for it in the first place: in such a light, the eventual enfranchisement of the rebellious allies appears to be an imposition rather than a concession that Rome had to make in order to prevent any subsequent rebellion. Similarly, Wallace-Hadrill reacts to Mouritsen's views by saying it is 'perverse to argue that the demand for citizenship did not come from the beneficiaries themselves, whatever their motives'.[128]

A lot more likely solution to the 'Italian question' has been offered by Keller who suggests that the allies did in fact fight for admittance to the Roman citizenry, and they did so due to the economic reasons triggered by the 2nd century BCE crisis. Keller draws attention to the divergence of interests between Rome and her Italian allies, as soon as the former was no longer able to provide economic benefits for non-citizen allies.[129] Once Italian interests ceased to be represented at Rome, that is, shortly after the Ti. Gracchus' reforms, there was a strong need to secure favourable treatment and legal protection in what was already largely perceived as a commonwealth, where the allies had a far larger share in its duties than they had in its privileges.[130] Similarly, Bispham maintains that the allies, naturally, became less and less content with 'the increasingly exclusive nature' of Roman status, this exclusivity being 'accelerated in proportion to the desirability and utility of citizenship'.[131]

As already briefly mentioned above, Mouritsen stresses that the rights and advantages derived from Roman citizenship may only explain one's individual wish for it, but they do not account for a collective one: while Roman citizenship extensions during and after the Social War largely applied to the entire city-states, the actual economic benefits entailed by a change of status, such as participation in land distribution schemes or political career in Rome, were to affect only a small portion of the allied communities.[132] Nevertheless, it was most likely the same small portion of the communities which lead the revolts against Rome in the first place. There must have always been a group of influential local elite members well aware of the privileges and benefits to be gained from the acquisition of Roman citizen status, as they already were in direct contact with Rome through administrative structures, military service, as well as legislation such as the *Lex Acilia de repetundis*. The influence of local elites on their entire communities was often far greater than is usually assumed, and thus should not be underestimated.

---

[128] Wallace-Hadrill (2008), 81 referring to Brunt (1971) who held that political rights were always worth fighting for, especially because becoming a citizen with franchise meant, at least in theory, active participation 'in the debate over what that citizenship involved'.

[129] Keller (2007), 51.

[130] Cf. Bispham (2007) 'Italians abroad seem not to have been distinguished from the Romans with whom they formed the conquering armies, and to have been alike considered members of the master race', 158.

[131] *Ibid.* 127.

[132] Mouritsen (1998), 94.

The eventual enfranchisement of the Italian allies was anything but a unanimous process. Rather, it spanned over three years (90-87 BCE) and involved passing of a number of different laws.[133] The first, and often unduly held to be the main, enfranchisement law, the *Lex Iulia de civitate*, was passed in 90 BCE, and offered Roman citizenship to the Latins, as well as to some of the Italians who had remained loyal to Rome during the Social War.[134] Indeed, the *lex Iulia* was an *offer* rather than a grant in its full sense, the implication being that those Latin and Italian communities were free to choose whether to become *fundi* of the law (i.e. to formally adopt the citizenship offer), or not. Bispham, in his analysis of the law, notes on the *lex Iulia* being more of a spontaneous reaction of the Roman Senate to an imminent crisis, a 'hasty war measure' rather than a premeditated solution to a wider problem.[135] The scope and the effect of this law were thus smaller than is sometimes assumed, but it did certainly work as a turning point in the course of the Social War, as well as 'the measure which marked the opening of the gates of Rome to the Italians'.[136] The subsequent few enfranchisement laws (*lex Plautia Papiria*, *lex Calpurnia*, *lex Pompeia*) were all directed to the pro-Roman allies, and do not seem to suggest more than a reward for loyalty and dedication.

During the following couple of years (88-87 BCE), once the Social War was over, it was up to the victorious Romans to decide the destiny of the rebels, who had now in the eyes of law obtained the status of *dediticii populi*.[137] The universal enfranchisement of all former allies took place only when all of the rebels were disarmed; only then Rome could make the citizenship extension look like a favour to the defeated rather than a concession to the rebellious.[138] There may have been an initial discrepancy in Rome's treatment of the loyalists and the rebels too, in that the latter were largely enfranchised as ethnic groups rather than city-states, which complicated the subsequent municipalization process.[139]

---

[133] The enfranchising laws known to us include the *Lex Iulia* (90 BCE), the *lex Calpurnia* (90/89 BCE), the *lex Plautia Papiria* (89 BCE) and the *lex Pompeia* (89 BCE), but there may have been a few more. Bispham (2007), 161.

[134] Namely, the Etruscans and Umbrians; in addition, it seemingly provided for individual bestowal of citizen rights *virtutis causa*: *CIL* I (2), 709.

[135] Bispham (2007) argues that it was drafted in a very short period of time and contained very little detail, as it should be expected from a law 'that most Romans had hoped not to have to pass at all', 165.

[136] *Ibid.* 163.

[137] i.e. 'temporarily without any rights at all, until such time as it pleased their conquerors to dictate their new position', Bennet (1923), 16, quoted in Bispham (2007), 175. See also Gaius *Inst.* 1.12-16 on the legal status of *dediticii*.

[138] Cf. Velleius Paterculus 2.17.1: *Finito ex maxima parte ... Italico bello, quo quidem Romani victis adflictisque ipsi exarmati quam integri universis civitatem dare maluerunt* (the Italian war was now in large measure ended, the Romans, themselves exhausted, consenting to grant the citizenship individually to the conquered and humbled states in preference to giving it to them as a body when their own strength was still unimpaired). Translation by Shipley (1924).

[139] Bispham (2007), 183-4.

Tribal arrangement

Upon universal citizenship extension in around 88/87 BCE, all enfranchised allies had to somehow be integrated into the Roman political body. The issue was solved by ascribing the new 'Romans' to the few newly created tribes which were to vote last in the *comitia tributa* and *concilium plebis*.[140] This, unlike the initial enfranchisement laws, was a premeditated and conscious political decision on behalf of the Roman Senate, meant to obstruct the new citizens from influencing Roman internal politics. The citizenship extension to the allies was thus, in Bispham's words, 'by and large meaningless in political terms': it was not until around 70 BCE that the enfranchised allies ascribed to the newly created tribes came to possess any meaningful suffrage.[141]

The universal enfranchisement of the allies did not imply their equal status among themselves either, and the consequent tribal arrangement was a means to enforce the desired stratification. Apart from disadvantaging the rebels and benefiting the loyalists, several other criteria were looked at, such as personal ties of local elite members to powerful Romans, the presence of significant number of Roman citizens before the enfranchisement, or geographical distance from Rome.[142] Thus, Bispham maintains, the tribal distribution was a process reflecting two conflicting agendas of the Roman people: the conservative wish to limit all new citizens' political influence by restricting their votes on the one hand, and to benefit the pro-Roman allies while disadvantaging the former rebels on the other.[143] By contributing to the gradation among the *novi cives*, the tribal arrangement must have influenced both the perception of Roman citizenship and of the privilege and rights it entailed. Simultaneously, the sudden increase in citizen body seemingly contributed to the growing exclusivity and political significance of the old Roman tribes: redefinition of civic relations took place and was felt both by the Romans and by their former allies.

Aftermath of the Enfranchisement

As we have already seen, due to unfortunate tribal arrangement, the political equality of the new citizens proved to be a fiction rather than reality: Mouritsen draws attention to the 'centralized structure' of Roman politics, which significantly disadvantaged the 'extra-urban' citizens in terms

---

[140] Cf. earlier provision to smaller scale enfranchisement: the peregrines enfranchised through the *lex de repetundis* were to be ascribed into tribes of the convicted Roman magistrates (48): a practical solution or an ideologically loaded message?

[141] Bispham (2007), 189-90.

[142] *Ibid.* 197-8.

[143] 'The process which led the censors to assign the tribes they did was one of negotiation and compromise between conservative, moderate, and radical elements, and designed to be acceptable to the ruling oligarchy as a whole before all others', *ibid.* 198.

of their influence on legislation or the election of magistrates.[144] Furthermore, there is no evidence for large-scale participation of local elite members in Roman politics, and there is hardly any extra-urban magistrates found in Rome prior to the age of Augustus.[145] On the one hand, this once again demonstrates the exclusive nature of Roman politics; on the other, it may also point to the lack of interest on behalf of the local elites in the urban matters.[146] The vast majority of local nobles seem to have preferred to stay at home, where they often had to play an intermediary role between Rome and their own community. Comparably, Bispham speculates on the existence of certain groupings of communities (egalitarian or hierarchic in nature) at the time of the Social War, the leading one of which may have been able to become *fundus* of an enfranchisement law (e.g. *lex Iulia*) on behalf of the others.[147] In which case, it once again becomes pointless to look for the allies' universal 'collective wish' for Roman citizenship grant, as Mouritsen does: the influence of local elites familiar with Roman power structures on their own communities, as well as the authority of certain communities over others may explain the 'Italian question' in more perspicuous terms.

Setting aside the doubtful political influence, one should consider other results of enfranchisement and what they may have brought to the former allies. Together with the universal grant of Roman citizenship, there came a measure of Roman law.[148] The extent to which the new citizens were able to employ Roman legal institutions largely depended on municipal laws which were to define the community's legal identity in relation to Rome. Nevertheless, the ability to make use of Roman private law institutions, initiate legally protected transactions, and to enjoy the right of appeal may have been of a far greater importance to the Italians (and other provincials at large) than a political career or influence in Rome. While the suffrage seemingly meant little to the Italians, it was a share in economic gains on the one hand, and the availability of legal protection of one's person and property on the other, that was a most likely driving force behind the allied requests for citizenship. Rome, in turn, while forced to make this concession to the allies (in fear of a renewed rebellion?), sought ways to limit the imminent political repercussions by restricting the allies' right to vote.

c. Citizenship grants and their implications

Let us now set aside the Social War and the subsequent enfranchisement of Italy, and discuss the other circumstances and implications of Roman citizenship extension. Initially, and, as Cicero's

[144] Mouritsen (1998), 96-7.

[145] Mouritsen maintains that 'their access to office and prestige depended on complete integration into the power networks of the capital ... an urban base, i.e. patronage', *ibid.* 98.

[146] Cf. Cicero complaining about Italians' indifference toward Roman politics: *Att.* 8.7.5; 8.13.2; 8.16.1.

[147] Bispham (2007), 190-1.

[148] Schiller (1978), 525.

of their influence on legislation or the election of magistrates.[144] Furthermore, there is no evidence for large-scale participation of local elite members in Roman politics, and there is hardly any extra-urban magistrates found in Rome prior to the age of Augustus.[145] On the one hand, this once again demonstrates the exclusive nature of Roman politics; on the other, it may also point to the lack of interest on behalf of the local elites in the urban matters.[146] The vast majority of local nobles seem to have preferred to stay at home, where they often had to play an intermediary role between Rome and their own community. Comparably, Bispham speculates on the existence of certain groupings of communities (egalitarian or hierarchic in nature) at the time of the Social War, the leading one of which may have been able to become *fundus* of an enfranchisement law (e.g. *lex Iulia*) on behalf of the others.[147] In which case, it once again becomes pointless to look for the allies' universal 'collective wish' for Roman citizenship grant, as Mouritsen does: the influence of local elites familiar with Roman power structures on their own communities, as well as the authority of certain communities over others may explain the 'Italian question' in more perspicuous terms.

Setting aside the doubtful political influence, one should consider other results of enfranchisement and what they may have brought to the former allies. Together with the universal grant of Roman citizenship, there came a measure of Roman law.[148] The extent to which the new citizens were able to employ Roman legal institutions largely depended on municipal laws which were to define the community's legal identity in relation to Rome. Nevertheless, the ability to make use of Roman private law institutions, initiate legally protected transactions, and to enjoy the right of appeal may have been of a far greater importance to the Italians (and other provincials at large) than a political career or influence in Rome. While the suffrage seemingly meant little to the Italians, it was a share in economic gains on the one hand, and the availability of legal protection of one's person and property on the other, that was a most likely driving force behind the allied requests for citizenship. Rome, in turn, while forced to make this concession to the allies (in fear of a renewed rebellion?), sought ways to limit the imminent political repercussions by restricting the allies' right to vote.

c. Citizenship grants and their implications

Let us now set aside the Social War and the subsequent enfranchisement of Italy, and discuss the other circumstances and implications of Roman citizenship extension. Initially, and, as Cicero's

[144] Mouritsen (1998), 96-7.

[145] Mouritsen maintains that 'their access to office and prestige depended on complete integration into the power networks of the capital ... an urban base, i.e. patronage', *ibid.* 98.

[146] Cf. Cicero complaining about Italians' indifference toward Roman politics: *Att.* 8.7.5; 8.13.2; 8.16.1.

[147] Bispham (2007), 190-1.

[148] Schiller (1978), 525.

speeches suggest, up until at least the mid-1st century BCE, Roman citizenship was perceived as incompatible with any other citizen status.[149] Furthermore, this principle of incompatibility appears to be based on the belief that 'no one could be the subject of different judicial systems and legislations'.[150] In *Balb.* 29-30, Cicero confirms not only the exclusivity of Roman citizenship (by referring to Roman law as ruling out the possibility of dual citizenship), but also the fact that there was a considerable amount of Romans who, unaware of such rules, had decided to become Athenian citizens and, furthermore, could serve there in largely exclusive public offices as judges or archons.[151] Habicht notes that the integration of Romans into the Greek communities took place a lot earlier: in Athens, for instance, from 130 BCE onwards, the body of ephebes, which had previously consisted exclusively out of Athenian citizens, became accessible to foreigners, while in the mid-1st century BCE, we already see the first Romans with full membership of the Athenian Council.[152] This development, although commonly known in Rome, does not seem to have mitigated the Roman views, as one fails to find evidence for admittance of foreigners into the high circles of Rome up until the time of Claudius (cf. Claudius' speech in Tacitus' *Ann.* 11.24-25). Nevertheless, the body of Roman citizens grew steadily and came to absorb foreign components from the Early Republic onwards, and we may briefly consider the ways by which the *civitas Romana* could be conferred on peregrines. Generally, there appear to have been two main types of citizenship extension, namely, by means of collective or individual grants.

The collective citizenship grants would be conferred on entire peregrine communities at once, e.g. the enfranchisement of Latins and Italian allies in the aftermath of the Social War (see above). The peregrine communities would sometimes be granted Roman citizenship through the 'Latin right' (*ius Latium*) as a half-way stage.[153] In 180s BCE a number of large colonial settlements of 'Latin' status were granted full Roman citizenship.[154] Mouritsen observes that the grant of full citizen rights to the Latin communities involved reciprocal benefits: colonial elites would gain access to careers

---

[149] See Cicero *Balb.* 29-30 on many Romans assuming Athenian citizenship and acting as full members of Athens' citizenry without realizing that this meant the loss of their Roman citizenship. Cf. also Atticus' refusal of Athenian citizenship offer due to the fear of curtailing his Roman citizen rights, Nep. *Att.* 3.1. Admittedly, within the Latin League (c. 7th century BCE – 338 BCE) a series of rights, e.g. trade, marriage, freedom of movement, could be exchanged without danger to one's original citizenship.

[150] Mouritsen (1998), 87. If Mouritsen is right, it would show rather clearly that Roman citizenship was perceived to be closely tied to legal system (*contra* Noerr (1963)), the notion which sheds light on the Roman 'legalistic cast of mind'.

[151] *quo errore ductos vidi egomet non nullos imperitos homines, nostros civis, Athenis in numero iudicum atque Areopagitarum, certa tribu, certo numero, cum ignorarent, si illam civitatem essent adepti, hanc se perdidisse*, *Balb.* 30.

[152] Habicht (1997), 345.

[153] *FIRA* I.70/71. Latin municipalities were communities with a 'half-way' position: they were not Roman citizens in the full sense, but possessed some of the citizen rights, Crook (1967), 43. Crook also notes that the 'Latin' status, which ceased to exist in Italy after 49 BCE, continued to be granted in the first century CE to peregrine communities (not to individuals), e.g. Vespasian granted the *ius Latium* to the whole of Spain in 73/74 CE (Pliny *Nat. Hist.* 3.30), *ibid.*

[154] Parma, Mutina, Saturnia founded in 183; Potentia, Pisaurum in 184, see Mouritsen (2008), 479.

in Rome as well as to public contracts, and benefit from suspension of *tributum* (167 BCE), while Rome would gain direct access to Latin manpower.[155] However, the Senate remained reluctant towards lavish citizenship grants, probably because of 'concerns about upsetting the *status quo* through large-scale expansions of citizen body', as this would eventually result in both fiscal and political repercussions.[156]

Since the Republican times, Rome was rather prone to confer its citizenship on magistrates and town councillors of 'Latin' communities.[157] Apart from seeking participation of local elites in Roman administration, another logical reason for this type of grant may have been that Rome was simply not able to provide every town or municipality in her dominions with Roman magistrates. Nevertheless, there was a strong demand for pro-Roman governance, so granting citizenship to leading local magistrates was a solution to both maintain political stability within the community and ensure its loyalty to Rome.[158]

As briefly mentioned above, the Roman citizenship could also be extended through military service, either to soldiers upon completion of their military service in the auxiliary regiments, or immediately upon their recruitment to legions. Some *ad hoc* grants would also take place: in 101 BCE, after the battle of Vercellae, Marius is known to have conferred Roman citizenship on two cohorts of Italian soldiers as a reward for their loyalty and contribution. Marius' action did not pass without repercussions, as he was severely criticized for doing so without the Senate's permission.[159] Mouritsen notes that the admittance of Italian soldiers to the Roman citizenry was perceived as violating *foedus* between Rome and her Italian allies, a notion which only makes sense 'within the context of automatic loss of local civil rights'.[160] There is also ample evidence for later, imperial grants to discharged soldiers and their immediate family members.[161]

Apart from enfranchising entire communities or specific components (magistrates, soldiers) therein, Roman citizenship could also be granted to individuals, *singulatim*. The practice of individual grants became especially prevalent in the Imperial period, as emperors would confer citizenship on

---

[155] Mouritsen (2008), 480.

[156] *Ibid.* 481.

[157] Municipal charters of Salpensa and Malaca from the Flavian period still contain this right, which was the *minus Latium* (lesser Latin right), as opposed to the *maius Latium* giving citizenship to all members of a town council (appears under Hadrian), Crook (1967), 42.

[158] The possibility of bestowal of Roman citizenship upon holding of municipal office (the *ius civitatis per magistratum adipiscendae*) by the time of the Social War in order 'to calm the Latin disaffection', is rebuked by Mouritsen (1998), as he sees 'immense legal and practical problems involved in implementing this right prior to the Social war', 99.

[159] Plut. *Mar.* 28.2.

[160] Mouritsen (1998), 90.

[161] Cf. *FIRA* 1.27. The right of retrospective grant of citizenship to children born during service was abolished around 140 CE when marriage during service was forbidden, Crook (1967), 42. See also Shaw (2000) on 'biologically transmitted citizenship', i.e. the 'centrality of the family as the means by which the citizenship was transmitted automatically to succeeding generations', 367-8.

peregrines as a reward for various services provided or expected. Crook calls this development 'a potential door to traffic in Roman citizenship', as he gives the famous example of Apostle Paul's conversation with the tribune who admits to having paid a lot of money for his citizenship.[162] Furthermore, Cassius Dio speaks of citizenship purchase during the reign of Claudius as a widely contested but very common and well-known practice (60.17.5-6).

An acquisition of Roman citizenship was also possible through familial ties and personal relations. Gaius informs us of some cases of intermarriage, when Roman citizenship could be extended to all peregrine family members, provided they were able to prove in court that they had entered into such marriage by misjudgement of status:

> *if a male Roman citizen marries a peregrine woman, or vice versa, their child is a peregrine; but if a marriage was entered into in error [of status] its defect is cured by the senatusconsultum, Inst. 1.75.*

There is a similar treatment of intermarriage based on an 'error of status' visible in the provincial record from Roman Egypt too. While most of the prohibitive provisions of the *Gnomon*, as well as those explicitly dealing with violation and non-conformity of status (clauses 42-44, 53, 56) reveal an eager legal protection of Roman citizenship and status,[163] clauses 46 and 47 allow some degree of lenience in law pertaining to intermarriage 'by ignorance' (κατ' ἄγνοιαν):

> *It has been granted to Roman (male) citizens or (male) citizens [of a Greek polis] who have married an Egyptian woman by ignorance, to be exempt from liability and for the children to follow the father's status (46).*

> *A female citizen (of a Greek polis) who marries an Egyptian by ignorance is not responsible; and if both give a birth certificate, the citizenship for the children is granted (47).*[164]

These provisions strongly suggest that the distinction between Roman and Greek citizenry and the class of 'Egyptians' was not at all visible, but it was certainly a legal one.[165] In Roman Egypt, much like anywhere else in the Roman Empire, it was precisely the citizenship that played a key role in attributing one's legal identity. The acquisition of Roman citizen status for a peregrine (whether ethnically Greek or Egyptian) thus evidently meant an improved position in the eyes of law.

Summing it all up, the privileges and legal protection that Roman citizenship had to offer should be seen in the light of the evidence of peregrines willing to pay significant amounts of money, enter

---

[162] *Acts* 22:28.

[163] Perhaps best reflected by provisions regarding the legal status inherited by children of mixed marriages, e.g.: 'If a Roman man or woman is joined in marriage with an urban Greek or an Egyptian, their children follow the inferior status' (39). Note how the *ius gentium* principle of children following the maternal line in case of a non-Roman marriage (note 33 above) no longer applies.

[164] Translation by Fischer-Bovet (2013).

[165] Cf. Fischer-Bovet (2013), 14.

illegal activities such as bribery, or risk huge fines by falsely assuming Roman citizen status. Admittedly, most of such evidence stems from imperial rather than Republican period, which at first glance suggests the development and growth of significance of Roman citizen status, directly dependent on the growing hegemony of Rome. The citizenship offer as a reward for successful prosecution in the *Lex Acilia de repetundis* as well as the analysis of allies' motives for rebellion, however, suggest a somewhat earlier timeframe.

Even if we adopt the idea that Roman citizenship assumed its highest importance in the eyes of peregrine communities only in the imperial period (at the same time when it presumably lost its incompatibility), we must admit that the Roman reluctance to confer its *civitas* on peregrines stretches way back. Furthermore, the criticism towards citizenship grants remained largely the same throughout both periods addressed. Similarly to the Senate's critique of Marius' actions in 101 BCE, we find Roman authors expressing their bitter attitudes towards imperial citizenship grants too, e.g. Seneca remarks on Claudius' numerous citizenship extensions: 'He had decided to put all the Greeks, Gauls, Spaniards and Britons into togas' (*Apocol.* 3). There is, thus, very similar notion of citizenship extension crossing paths with devaluation of Roman identity that underlies both Plutarch's account of the aftermath of the battle of Vercellae and Seneca's rebuke of Claudius' lavishness in citizenship grants.

2.3 Legal rights and obligations to one's local community upon acquisition of Roman citizenship

Although the principle of incompatibility of Roman citizenship is still discernable in Cicero's speeches some 30 years after the Social War (*Balb.* 29-30; *Caec.* 100), on several other occasions he also speaks of the possibility of belonging to two *patriae* – one by nature, and one by reason of citizenship.[166] What did then the acquisition of a new, Roman, set of legal and civic relations mean in terms of one's rights and obligations in his or her local habitat?

The municipalisation of Italian communities, as convincingly shown by Bispham's analysis of enfranchisement laws, was more or less contemporaneous to the tribal distribution (86/85 BCE). Bispham takes Aulus Gellius' definition of a *municipium* as an indication that Roman laws (or Roman *ius civile* in its entirety) were not binding on the newly established Italian *municipia*, and that the local statutes prevailed, unless the Roman laws were voluntarily adopted by the process of

[166] *De leg.* 2.2.5; *Ep. ad fam.* 13.11; *Balb.* 27-29.

fundus fieri.[167] In his *Attic Nights*, Gellius discusses the common misuse of the terms *municipium* and *colonia*, and the confusion of the two types of Roman settlements in the time of Hadrian (r. 117-138). When trying to distinguish between a *municipium* and a colony, he defines the two in terms of their legal relations to Rome:

> *municipes then are **Roman citizens** from municipia who use their own laws and their own authority, are only voluntary participants in a duty together with the Roman people ... bound by no other demands nor by any law of the **Roman people**, unless that to which their populus has become fundus.*
>
> *<...> **But the relationship of the colonies is a different one; for they do not come into citizenship from without, nor grow from roots of their own, but they are as it were transplanted from the State and have all the laws and institutions of the Roman people, not those of their own choice.**[168]*

The key element in Gellius' description of the difference between *municipes* and inhabitants of the colonies is the former's freedom of choice of what laws and customs to follow as well as their voluntary participation in adopting the Roman ones. The *cives Romani* of a certain *municipium* are described as a separate *populus*, distinct from the *populus Romanus*, whose laws they may or may not adhere to. Indeed, in Gellius' thought there is no direct link between the acquisition of Roman citizenship by *municipia* and their effective 'becoming Roman'. The *municipia*, unlike colonies which were formed from already existing citizens and, as such, were bound to follow Roman laws and institutions, did not have the same requirements made of them due to their extrinsic acquisition of citizenship.

The adoption of specific Roman statutes by individual Italian and Latin communities, which took place at least since the second century BCE, that is, well before their municipalisation, seemingly implied the replacement of local measures on matters that the adopted legislation covered.[169] Nevertheless, exceptions to such freedom of choice must have been made in cases of crucial importance or, in Bispham's words, where the *maiestas* or the *imperium populi Romani* were considered to be at stake.[170] The level of 'free will' in adopting or ignoring Roman statutes and laws, thus, may not have been the same for all communities alike and depended heavily on circumstance.

---

[167] Bispham (2007), 187.

[168] *Municipes ergo sunt cives Romani ex municipiis, legibus suis et suo iure utentes, muneris tantum cum populo Romano honorari participes, a quo munere capessendo appellati videntur, nullis aliis necessitatibus neque ulla populi Romani lege adstricti, nisi in quam populus eorum fundus factus est <...> Sed coloniarum alia necessitudo est; non enim veniunt extrinsecus in civitatem nec suis radicibus nituntur, sed ex civitate quasi propagatae sunt et iura institutaque omnia populi Romani, non sui arbitrii, habent.*, *NA* 16.13.6-8. Translation by Rolfe (1927).

[169] Contrary to the Roman practice of enabling new legal measures without abrogating the old ones, see Ch. 1.2.

[170] Bispham (2007), 187.

a. 'Dual citizenship'

It is widely assumed that with the imperial regime taking firm hold, i.e. from the 1st century CE onwards, the status of Roman citizenship changed in a way that it lost the principles of incompatibility and territoriality, and gradually became 'a privileged *extra* status', to be enjoyed in addition to one's regional civic affiliation.[171] This has been generally termed as 'dual citizenship', a phenomenon which Mouritsen calls 'an important and fully integrated part of the legal structure of the empire'.[172] He does, on another occasion, also note that the development of 'dual citizenship' itself was most likely a slow process, obstructed by traditional legal conservatism, and that 'the double citizenship does not appear to have been formally adopted at any stage'.[173] The already discussed evidence of transfer of Roman privileges to peregrines without the bestowal of citizenship (*lex repetundarum* (49)), or the ability to continue making use of local laws upon acquisition of Roman citizen status (Gellius on *municipia*), however, suggests that the 'exclusivity' of Roman citizenship, together with the legal relations it entailed, was fairly more fluid and flexible, and that the developments similar to that of 'dual citizenship' took place already under the Republic.[174]

Admittedly, with Caesar and, all the more, with Octavian, the practice of granting Roman citizenship to peregrines significantly accelerated. The *en bloc* citizenship extensions were usually followed by legislation (municipal or colonial charters) determining legal relations within that specific area, as well as its relations to Rome. Furthermore, the publication of these charters in the heart of a town (usually, in the forum) ensured their accessibility to everyone within the commune. Individual grants, on the other hand, raised a problem of whether a beneficiary should abandon all of his former legal rights and obligations to his home community (had he decided to stay there), or to become subject of two, possibly contradicting, sets of legal relations.

Indeed, from Octavian's time onwards the common practice seems to have been to either require beneficiaries of citizenship grants to continue their civic and legal duties in their original communities, or to specifically exempt from them. The earlier, Republican grants of immunity from local duties (e.g. the *lex repetundarum* (48-49)) seemingly give way to the new type of citizenship

---

[171] Crook (1967), 38-40; Schiller (1978), Mouritsen (1998) et al.

[172] Mouritsen (1998), 88. Schiller (1978), on the other hand, points to the frequent inaccuracy in scholarly use of the term, for 'one cannot precisely delineate the areas of each legal system, Roman or local, to which the neo-Roman is subject', 545.

[173] Mouritsen (1998), 91.

[174] The practice of exchange of *hospitium* within one's local community upon acquisition of Roman citizenship also points to the negotiation between the two, supposedly, exclusive sets of legal and civic relations in the first half of the 1st century BCE, see Cic. *Balb.* 42.

extensions, all the more frequently afforded with the condition that the laws and customs of one's original community should be continuously adhered to.[175]

A couple of well-known examples of the sort come down to us from the time of Octavian: *Edictum Octaviani de Seleuco Nauarcha* (41 BCE, Rhosus) and *Edictum Octaviani de privilegiis veteranorum* (31 BCE, Egypt).[176] Both edicts specifically allow the newly enfranchised persons to legally enjoy local privileges (*iure liceat uti*), e.g. to hold local civic honours, if they so wished. This provision meant that the beneficiaries of Roman citizenship grant were equally able to hold office or perform public duties in Rome as well as in their home communities.[177] The edict of 41 BCE, furthermore, granted Seleucus of Rhosos a right to exercise a choice of jurisdiction either in a criminal or in a civil suit, which conveyed that he could choose whether his case be tried before the local courts, or before the Roman tribunal.[178] Aside from the freedom of choice of which court to attend, Sherwin-White maintains that Seleucus must have remained bound to the civil laws of Rhosos so long as he lived there. However, a newly-made Roman fell subject to certain provisions of Roman private law, which meant that, normally, 'in matters of personal status, succession, and testamentary disposition, the enfranchised person resident in his place of origin followed Roman civil law'.[179]

Noteworthy is that in the Republican period similar privileges (freedom of choice of jurisdiction, the right of appeal to the Roman Senate, and an exemption from civic taxes and obligations) could be conferred on peregrines even without the citizenship extension.[180] Such evidence leads Sherwin-White to think that the immunities granted by Octavian may have been 'independent of the grant of Roman franchise', and that the practice which we find in these edicts is not yet too far remote from Republican usage. The permissive nature of the grant of local privileges and, especially, those pertinent to local jurisdiction, may seem to imply that a beneficiary would normally lose them upon the acquisition of Roman citizen status. Thus, for instance, the clauses on Seleucus as a defendant 'may be intended to make explicit the privileged judicial position which a Roman citizen should enjoy even in a free city, throughout the Roman world'.[181]

---

[175] Schiller (1978), 545.

[176] *FIRA* 1.55 (9-31), *FIRA* 1.56 (2-7).

[177] Sherwin-White (1973), 296.

[178] *Ibid.* While containing the same or similar grants of Roman and municipal immunity (5, 8-11, 15-16), freedom from billeting, and grant to maintain local civic honours, *FIRA* 1.56 does not include any provision on jurisdictional matters. Sherwin-White notes that they were most likely unnecessary in a Roman province (Egypt), as compared to the autonomous city of Rhosos.

[179] *Ibid.* For instance, his will had to be drawn in Latin and adhere to Roman law.

[180] *FIRA* 1.35.10-15 (78 BCE), for instance, records the Roman Senate granting such privileges to three navarchs of Greek origin.

[181] Sherwin-White (1973), 298.

Mouritsen holds that the conditions of citizenship extension had to be adjusted for the mere fact that all the more beneficiaries of these grants continued to live outside the *ager Romanus*, and he takes one's ability to hold local honours (conferred by specific provisions in the enfranchisement edict) as a sign of the development of the concept of 'dual citizenship'.[182] Sherwin-White has offered a slightly nuanced but similar inference, in that he took the permissive clauses in Octavian's and other citizenship grants as likely evidence that without these specific provisions and exemptions the beneficiary of Roman citizenship grant would be 'totally sundered from his former *patria*'.[183] Either way, the need to assert (or dismiss) the rights and obligations to one's local community upon bestowal of Roman citizen status point to the absence of a standardized method of citizenship extension in the 1st century BCE, and demonstrates an attempt to negotiate between the two sets of legal and civic relations.

b. Imperial practice and the development of Roman citizenship

In the *Edictum Augusti de Cyrenaeis*, originating in 7-6 BCE, so a few decades later than those previously discussed, we observe an instructive and hortative rather than permissive nature of largely the same provision:

> *If any persons in the province of Cyrene have been honoured with Roman citizenship, nevertheless I order that they shall perform the liturgical services required of the community of Greeks in their proper turn, except for those persons to whom citizenship was granted together with exemption from taxation by a law or resolution of the Senate or decision of my father or myself ...*[184]

The practice of including into enfranchisement edicts the provisions regarding beneficiary's legal and civic relations to his own community persists all the way into the second century CE. The so-called *Tabula Banasitana*, an inscription from a Moroccan town of Banasa dating to 177 CE, is a bestowal of Roman citizenship by Marcus Aurelius to a certain Julianus, *princeps* of the Zegrensi tribe, and his family, which contains a provision that the grant is made *salvo iure gentis*, i.e. 'without prejudice to the law of their tribe'.

This relatively new development prevalent in the imperial policy of citizenship extension has been all too often regarded as a proof for Roman cultural relativism.[185] Rather than Rome's mere unwillingness to interfere in the local affairs of peregrine communities, some more practical reasons

---

[182] Mouritsen (1998), 91. Sherwin-White (1973), too, recognizes that the conditions of enfranchisement edicts were in most cases tailored to local circumstance, 299.

[183] Sherwin-White (1973), 300.

[184] *FIRA* I.68. Translated by Schiller (1978), 481.

[185] Cf. Crook (1967): 'Rome protected legal rights, public and private, which peregrines had in their own communities with as little interference – beyond public safety and the maintenance of upper-class control – as possible', 256.

most likely lurked behind, such as attempts to prevent local disaffection towards privileged Roman citizens or, all the more likely, to maintain the influence of newly enfranchised elites over their native communities. While in the Republican times citizenship extension was possible solely with the authorization of the Roman Senate and, due to the persistent conservatism of senatorial class, often proved to be 'last resort' type of a political decision; during the Imperial period it was the Emperor alone who granted both individual and *en bloc* citizenship extensions, sometimes more lavishly than the Senate would like.[186] The main reason for the increase in citizenship grants during the Empire was directly related to its territorial expansion, the primary interest of the Emperor thus being to secure the loyalty of local elites by incorporating them into Roman political power structures, as well as to assure the elites' authority over their home communities. In this context, the *salvo iure gentis* provision of imperial citizenship grants appears to be a conscious measure aimed at fulfilling both objectives at once. The local elites, too, were often rather proactive in adopting or plainly imitating Roman forms and institutions, this way familiarizing their communities with Roman-like structures before officially appealing to the Emperor for a collective grant of the *ius Latium* or municipal status to their home towns.[187]

Both the perceptible value and, accordingly, the exclusivity of Roman citizenship seemingly grew in correlation with Rome's territorial expansion and her growing hegemony in the Mediterranean and beyond. Although increasingly exclusive in nature, Roman citizenship, when acquired by a non-Roman individual or community, could in most cases be enjoyed in conjunction with local civic affiliations, under the Republic and the Empire alike. This development was predetermined not by some intrinsic quality of Roman citizenship or its perception, but rather by the circumstances of citizenship extension: it was beneficial to Rome that her subjects, especially the elites among them, be loyal to Rome and, simultaneously, disseminate that loyalty within their home communities. Full integration of non-Roman components of the Empire into its citizenry seems to have never been of pivotal concern to the Romans, just as there was no attempt at political, let alone cultural, unification of the Empire, at least not until the *Constitutio Antoniniana*. In this, we are able to discern one of the paradoxes provided by the development of Roman citizenship: while the exclusivity and significance of Roman citizen status grew together with Rome's territorial expansion and reached its height in the first two centuries CE, the actual power that the citizenship entailed, at least in terms of privileged treatment, gradually declined as a result of the growing citizenship extension.[188] Although the entirety of rights and duties bestowed together with one's

[186] See the discussion in Shaw (2000), 364.
[187] *Ibid.* 365.
[188] *Ibid.* 362-3.

admittance to the Roman citizenry seemingly constituted the essence of being a Roman citizen and, as such, accounted for the sense of belonging to the Roman state; we may infer from Gellius' definition above as well as from extant epigraphic and literary record that the degree of one's actual 'becoming Roman' upon the acquisition of citizenship primarily depended on voluntary rather than superimposed actions.

Conclusion

The degree of freedom of choice provided in the early enfranchisement grants argues against the complete incompatibility of the Roman citizenship during the late Republican period: an alternative option in the *Lex Acilia de repetundis* of 123/2 BCE, the *offers* of citizenship extension by Flaccus' bill of 125 BCE or the *Lex Iulia* of 90 BCE, and the possibility to choose which laws to adhere to all demonstrate some flexibility in the matter, as well as Rome's willingness to negotiate the conditions of admittance to her citizenry. Furthermore, particular rights constituting the *civitas Romana* could be extended to non-Romans without the citizenship bestowal, which alerts that the perception of Roman citizenship as a clearly defined 'bundle of rights and duties' was fairly flexible during the Republican period too. The possibility to simultaneously enjoy both Roman and local sets of legal and civic relations was evidently possible prior to the 1st century CE, and is thus not directly related to the shift from the Republican to Imperial rule.

Bispham quite righteously maintains that the 'increasingly exclusive nature' of Roman citizen status was directly proportionate to its growing utility and, accordingly, desirability among non-citizens.[189] The Social War thus stands as a landmark indicating the conflict over the acquisition of citizen rights by those who had participated in the Roman commonwealth for decades yet felt mistreated and misrepresented by the politically superior Rome. Being fairly familiar with the benefits that the Roman citizenship had to offer, Italians sought to secure their rights by joining in the political hegemony of Rome. However, as we shall see in the following chapter, the allied struggle for citizenship and their eventual enfranchisement, contrary to Mouritsen's views, need not have compromised their sense of local identity.

Admittedly, instead of being overzealous in protecting local legal rights, as is sometimes assumed, Rome could and did interfere whenever such action was felt necessary or beneficial to the realm. We see in the imperial edicts above, just like in the *Lex repetundarum* that both the retention of local duties and privileges, and the exemption from them were still firmly in the hands of the Romans who granted their citizenship, or otherwise encroached upon local legal and civic relations.

[189] Bispham (2007), 127.

However, what is frequently overlooked in discussing the spread of Roman citizenship, is the notion that the developments in citizenship extension were defined by proactive native agency no less than Rome's official policy. The voluntary adoption of Roman laws by the Italian communities well before the Social War, local elites' 'mimicry' of Roman forms and institutions prior to their acquisition of Roman, Latin or municipal status, and the strive towards, albeit illegal assumption of Roman status evident in the provincial documentary record all point toward peregrines' awareness of beneficial laws and legal positions as well as recognition of privileges conveyed by the possession of *civitas Romana*.

While acquisition of Roman citizenship, either via collective or individual grant, was a symbolic acknowledgement of one's participation in the Roman Empire,[190] the extent to which the change of status affected local relations was not unanimous throughout the Empire. Roman interference (or the lack thereof) into legal and civic affairs of subjected peoples within her dominions, its possible impact on local communities, and their response to change through assumption, negotiation and (re)definition of identities will be discussed in more detail in the subsequent chapter.

[190] Cf. Schiller (1978) on the *Constitutio Antoniniana* which 'put into legal terms the sense of the mass of inhabitants as belonging to the Empire', 547.