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Dear all,

I write today with a prepublication announcement of a project of mine that dates back many years. The announcement seems useful because neither the form of the documents, nor the form of publication, will be standard.

In 1999, as my first book (*Imperial Ideology and Provincial Loyalty in the Roman Empire*, University of California Press, 2000) went into production, I commenced work on a project that I intended to serve in some ways as prequel, and in some ways as a correction, to that earlier volume. (I will offer an account of the book's leading questions in a moment.)

I worked on this book for some years: I compiled hundreds of pages of notes and a large bibliography, and I gradually elaborated an outline of the argument. I also began the process of transcribing into the outline references to the data I had compiled in my notes: lists of examples and abbreviated close readings that bore on the argument at any given juncture. The outline alone came to occupy some 55 pages. I also began to write the book: some 95,000 words of drafts, comprising four of six chapters, exist. (A version of the book received wonderful, helpful and sympathetic reports from readers for the University of California Press, and in an ideal world, these could be made available, too, as the chapters and outline remain unrevised.)

I felt sufficiently confident that the project would come to fruition that I gave the work a title (*Administration and acculturation in the Roman empire*; later changed to *The Ambitions of Government*), and even began to refer to it. I also taught two graduate seminars that explored themes related to the project, both of which engaged with significant items in the literature that I particularly admired, as those in the know will recognize in their titles ("State and subject in the Roman empire"; "Romans outside Rome").

In spite of all this, it gradually became clear to me that I lacked fluency with the material, which is to say, I came to feel quite strongly that what I was writing was not clear. (I hope that I write more clearly now: it helps that in my work on that project, I read a great deal by people whose writing, as well thinking, I admire immensely.) For this and other reasons, I shifted my energies elsewhere, though I recognized in hindsight that my writing in those

other domains was often no clearer. In consequence, perhaps c. 2005, I set work on this project aside, always intending to return. (The graduate seminars on this material came later, which was a way of keeping one's eye on the bibliography.)

But I am no longer sure that I *will* write this book, or at least that I will write it in the form in which I conceived it nearly twenty years ago. I am therefore going to prepare the outline, bibliography, and the syllabus for the two graduate seminars, and post them to the University of Chicago's digital repository ([knowledge.uchicago.edu](http://knowledge.uchicago.edu)—the version of record) and [Academia.edu](http://Academia.edu) on 9 January 2019. If there is interest and it seems appropriate, I might post the more polished drafts of the chapters, too. My hope is that the documents, however provisional, will suffice to aid the work of others, and so further the project—the conversation, if you will—of ancient history.

So what was the book about? In the briefest possible terms, it concerned the organization of human beings in the landscapes of Roman provinces, and Roman efforts to control geographic aspects of social and economic conduct. Where did populations live, and with whom were they allowed to interact? The chronological focus of the book therefore lay on the initial decades of Roman administration in any given area. Constituent concerns were: (i) What did the Romans seek to know about territories and populations under their control? (ii) How did they record, represent and use this knowledge? (iii) What were the practices or technologies they deployed in moving populations—e.g., from mountain to plain—or in aggregating them, from villages into cities? (iv) How did they imagine government of provincial landscapes to work? Did they think in terms of units of population that were legally and culturally homogeneous? Or did they imagine the populations even of units of governance as complex, and what did that mean for the practice of empire? (v) There were many areas and, indeed, many kinds of areas, where standard forms of Roman government—"standard" meaning "government through cities" (what I might now call "republican empire")—were not going to work, where it was impossible to cultivate urban living of a recognizable type. How did the Romans practice government of non-urbanized populations? (vi) What was all this for? What were the ends of empire, at any given time? Were the Romans committed to a project of Romanization, and what would they have understood by such a term?

The book would have amounted to a prequel to my first book insofar as the project was concerned to elucidate the processes by which the populations and channels of communication were created, which lay beyond the communicative actions whose operations and effects *Imperial Ideology* sought to analyze. It would have amounted to a correction insofar as my first book paid little heed to the material conditions of social and political conduct. It was in that sense even more Habermassian than I knew.

Students of ancient empire will recognize that the questions posed by *The Ambitions of Government* have been central to a number of recent books on empires of the ancient Mediterranean, notably those by Paul Kosmin and Ryan Boehm. If I were to take the project forward now, I would do so in constant dialogue with their work, as well as that of Seth Richardson, and much else besides.

Until 9 January, best wishes for the new year.

yours,

A handwritten signature in black ink, appearing to read 'Clifford Ando', written in a cursive style.

Clifford Ando

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Chair, Department of Classics, University of Chicago (2017–2020)

Epigraph (and discuss in chapter 5?). Livy 9.20.10, discussed e.g. at Bispham 80-81: *Et postquam res Capuae stabilitas Romana disciplina fama per socios uolgauit, Antiatis quoque, qui se sine legibus certis, sine magistratibus agere querebantur, dati ab senatu ad iura statuenda ipsius coloniae patroni; nec arma modo sed iura etiam Romana late pollebant.*

"And after news of the stability of Capuan affairs, brought about by Roman discipline, spread amongst the allies, patrons were granted by the Senate to the Antiates also, who were complaining that they were making do without fixed laws, and without magistrates; the patrons were those of the colony itself and their task was the establishment of laws. And so with the power not only of Roman arms but also of Roman laws began to be felt far and wide."

### **Chapter 1. Introduction. Administration and acculturation in the Roman empire n**

Livy 40.42.13: Cumae seeks permission to use Latin in public matters and have their heralds conduct sales in Latin, too.

Livy 8.6: on Latins and Romans and what makes them kindred

#### 1.A. Two perspectives

1. Marcus Fonteius: *Font. 12 (modo ... notati, modo ab senatu agris urbibusque multati sunt)* and
2. P. Euphrates 1 and 4. Feissel and Gasco 1995.

**Cf.** P. Yadin 12 with Millar 1993 417, on the recreation of Petra as the metropolis of Arabia (and Bowersock???)

See also the inscriptions cited by Millar on "Local cultures": AÉ 1959, 172 (Charles-Picard 1957, 77-95) and AÉ 1982, 924, and cf. AÉ 1980, 941.

What was the reorganization of political and social relations, between communities and individuals, intended to achieve?

- 2b. But it was more than a name: what of the remarkable bilingual *IGRR* 1.25: would either have known how to be a decurion in the city where he died?

What of P. Bostra 1? Gasco 1999 (and cf. on Babatha: Cotton 1993 and 1997, as well as Stolte 2001); Cotton 1999; Sartre on Bostra???)

- 1.B. York lecture pp. 1-2 (#2-3): "This books explores what it mean..." On citizenship and administration.

Problem with that earlier scholarship was its uninterest in problems of identity and cultural change. **New:** Problematic relationship of political allegiance and law, and cultural and ethnic identity.

But where are we now? Impoverished definition of who constituted the political classes.

There is then the second problem that "politics" and "culture" together operate under rather .... [What was I going to write????]

To ask that set of questions is to run afoul of several recent trends in the study of ancient government broadly construed, and more specifically in the study of legal and administrative practice. The ambitions of government.

Provincial populations: what do we know of them?

- 1.C. Once upon we might have designated such changes as we observe in Appadana with the term Romanization:

[Agricola in version 1.1 and then to 1.E?]

Post-colonial suspicion of texts: Alcock 1993, 24-25; Cherry 66-67.

Along with notion that Rome didn't think about acculturation!

And the notion that the west "Romanized" but the east was further "Hellenized": Brunt 1990; André 1991, 18.

- 1.D. The new Romanization: Brunt as antecedent, followed by Millett, etc. Suspicion of ancient testimony, as though power's effect on identity politics everywhere follows a similar pattern, etc. The influence of Millar (and Hopkins) and minimalist views of Roman government: Burton 1987.

Brunt 1988 *FRR* 179, \*181 (on, inter alia, the formulation of policy).

*De oratore* 1.159: *perdiscendum ius civile, cognoscendae leges, percipienda omnis antiquitas, senatoria consuetudo, disciplina reipublicae, iura sociorum, foedera, pactiones, causa imperii cognoscenda est...*

Particularism: Barrett 1997.

What we have instead are studies based on material evidence, as though these provided any more unproblematic testimony, indeed, as though power's influence on aesthetics were utterly unproblematic. What do we in fact learn by charting the possession of Roman-style non-perishable goods?

Recent research has brought vast quantities of new information, some of which has been new not simply in quantity or quality, but categorically: surveys, emphasis on villas and villages, and centuriation.

1.E. Some contest older accounts of "Romanization" because they are concerned about problems of cultural autonomy, or agency; those are legitimate concerns. But I suggest that we also need to think about some issues that may be both chronologically and logically prior:

1. Social order reduced to problems of obedience, because of our intense investment in ideologies that privilege autonomy. Older essays on resistance: Dyson, Pippidi; Pekary. Newer: Corbier. Essays in Mattingly 1997.

Clavel-Leveque and Smadja 1970, 36: why emphasize *asphyxie* under Rome, as though distribution of wealth before Roman conquest were more equitable?

2. Subsidiary concern about "Romanization" because we don't know what is "Roman" (Barrett 1997). Claudius: *ILS* 212, col. 2, ll. 2-4: *omnem florem ubique coloniarum ac municipiorum, bonorum scilicet virorum et locupletium...* (More on this below.) Note that Claudius opens the extant text by asking the senators to reflect "how many changes" there have been in the *civitas*, and into how many *formas statusque* the *res publica* has passed? Of what relevance, we might well ask, are the long paragraphs that follow, on kings and dictators and the tribunes of the plebs? What has *Staatsrecht* got to do with ethnicity or acculturation?
3. Are we misrecognizing the language by which Romans assessed cultural change, as well as the conception of cultural identity at work here? What understanding of the development of societies and language--what was the anthropology--that they brought to their encounters with foreigners?

Strabo did, too: 3.2.15 (Turditana; cf. Dio 46.55), 3.3.8 (Lusitania became *politikos* because of peace and the presence of Romans), 3.4.20 (Turditana took on a Roman--or, rather, an Italian--way of life); 4.1.2 (Narbonensis compelled to farm); 4.1.5 (barbarians near Massilia seem to have been civilized not by Greeks but by Romans; cf. Livy 34.9 on Emporiae). Look ahead to Kornemann and Rousset on Greek and Roman cities. **Strabo 4.1.12** on Romanization

Cf. Livy 1.14.4-11, 1.27, on Fidenae: learning Latin from proximity of colonists.

- 1.F. What were the practices of Roman government in the organization of land and people? That is to say, what were the social, material and economic contexts in which cultural change took place, and what forces shaped them? Consider Tacitus *Ann.* 11.19.1-2, 12.32.2, and *Agricola* 14.1 (all three cited in Salmon 1982).

Put in context by comparison with Greeks: refer back to Livy 34.9 and then go to notes. Consider, too, the way in which one moralizes about the abandonment of the countryside in the Hellenistic and early Roman period, and then laments the decline of the classical city in late antiquity. Alcock 1997, 111

Megalopolis in Pausanias, with Baladie 301-321

Purcell 1987, 75, on Nicopolis

But note Strabo 5.3.9: Italian tribes disappear, too: Ὀσχοι, Καμπανῶν ἔθνος ἐκλελοιπός.

- 1.F. This material should be integrated into some deeper understanding of administration and acculturation in the Roman provinces. But it is not obvious how this should happen: truism that Rome governs through cities (cf. Leveau 1983). But cities held a small portion of the population. What linked cities to the countryside, and how are we to study their relations?

York p. 5???

**York** on Spain and census (p. 8-???)

Weber and Finley. Leveau and Goudineau. Consumption-city scholarship: Whittaker.... Castro Lopez 2001, Chouquer 1984, 34 and 38 (changes in modes of production, sort of).

Suburbs: Agennius Urbicus 42.35-44.2; Strabo 12.3.11 on Sinope; Purcell 1987; Livy 26.10.5-6 (Rome spills over into its suburbs); Pliny *Nat.* 19.50 (the gardens of Rome); *Digest* 50.16.2.pr (Rome goes beyond its walls. Champlin; Gabba in *Misurare la Terra* 1 (?). Strabo 7.7.6 (p. 302) on Nicopolis and its προάστειον.

York pp. 8-???

- 1.G. Problems of evidence in solving this problem: disparate both chronologically and geographically. But we should remember that Rome came to the provinces after centuries of experience in the organization of non-Roman peoples and landscapes in Italy.

On Italian evidence, and questions of method: surviving evidence attests practice, nor principles. Cite Pocock?

What was the imperium Romanum? A nod to Lintott, and then a look forward to stuff on abstractions (e.g. *praefectura*, or, for that matter, *provincia*).

## Chapter 2. The technologies of Roman imperialism

Ovid Met. 1.135-136 as epigraph? In note compare Ovid *Am.* 3.8.41-42.

Dionsyus 2.74.2-3: Numa's regulations on boundary-stones and their sacrality.

Bispham 56 on Florus 1.19.2 and Varro *RR* 1.2.1 on *in pariete pictam Italiam*, "Italy painted on the wall," in the *aedes* of Tellus, by Sempronius Sophus.

- 2.A. Livy on Macedonia (*in formam provinciae*): Gives a misleading view of speed with which such settlements could be accomplished: note 45.29.1 (understanding pre-existing organization, but they were free to retain or revise: cf. Rey-Coquais 1978) and then 45.29.5-10.

On the language, see Syme *RP* 1.869-870, where it is restored in an inscription.

Leges provinciarum: Nicolet *Rome* p. 917; Lintott 1981, p. 58-59; Abbott and Johnson pp. 48-49.

- 2.A.1. The drawing of political and economic boundaries was itself predicated on some understanding of geography (Syme on roads in "Geography" and "Cilicia" essays), and the boundaries had then to be inscribed on the land:

A nod to problem of magisterial authority: Brunt on procuratorial jurisdiction? But discuss 2.A.2 first?

Jones 2001 on the Claudian monument at Patara: the Roman road amounted to an articulation of the province as a political community, which also intelligibly connected it to the wider world.

- \*Millar 1993, 94 on new roads in the province of Arabia; see also 125 on boundaries and construction projects in Osrhoene. In addition, see Bowersock on Thessaly and Cherf on Macedonia, and the essays in Gottlieb 1989, as well as Marek 2003 (reviewed in *BMCR*).

- 2.A.2. Lintott 1981 and the law forbidding magistrates to leave their *provinciae*, with nod, then, to reality:



Lex de praetoriis provinciis: RS 12, Cnidos copy, col. 3 ll. 1-15. See also Cnidos col. 4, ll. 31-39

Cicero *Verr.* 2.1.28, 72-83

Cicero *Pisonem* 50; \*Cicero *Pis.* 84

Livy 43.1.7-12 and cf. 41.5.5; \*Livy 43.1

\*Livy 10.37.6-7

*SC de Cn. Pisone* 48-49

*Dig.* 1.18, esp. 3 & 5; *Dig.* 2.1.20; 1.16.2.pr; 40.2.17; 1.7.36. (Claudia cites 1.18.15)

But see RS pp. 265-266; Cicero *Fam.* 20.24 (might Lentulus cross into Cilicia to help Quintus?); Pliny *Ep.* 7.16.3-4 (promising to divert a governor to supervise/record a manumission)

\*Provinces: Bowersock, Chérif, essays in Gottlieb; Gargola 1995, 81-82 and 84

#### 2.A.3. Continuing with formula:

Internal governance of cities, even free ones: Millar 1977, 397;

André 1991, 19, citing Cicero *Verr.* 2.2.122; cf. 2.2.123

Livy 8.14.8 (Brunt 1987, 541)

Cf. RS 15 (the *lex* of Tarentum)

Cf. RS 16, ll. 10-12 (with Crawford 1998, 32)

And see Lintott 1981 on the *lex* of Termessus col. 1, ll. 7ff..

#### 2.A.4. Census of population, to which we will return, too: part of setting province in order (Christol 1987, 313-314)?

Tabula Heracleensis 146-156, with reference to Humbert

Lex Irnitana 86: all citizens of colony (nomenclature problem aside)

*EJ* 231: Augustan census of Apamea counted 117 thousand citizens of both sexes (note, Augustan census of provinces counted *peregrini*). Then see *IG* 51.1432 (Levick no. 70)

Lots of stuff on Augustan census in Brunt 1990

Ulpian *Dig.* 50.15.4.pr. Cf. stuff in administration paper.

**Millar 1993, 34-36:** connection between drawing boundaries, policy of censusing, and coercion exercised toward non-urban populations. Here, or start of 3?

André 1991, 23: Gallia divided as result of conduct or planning of census in 27 (Livy *Per.* 134 and Dio 53.22.5)?

-- See Dio 53.22.5: καὶ αὐτῶν καὶ ἀπογραφὰς ἐποιήσατο καὶ τὸν βίον τὴν τε πολιτείαν διεκόσμησε.

André 1991, 24, on Strabo 4.1.1 and 4.3.1 on Augustus and Gaul (and cf. Dio on Augustan census, and 56.18.2 on Germany, to which one must return at start of 3 and end of book)

Christol 1987, 328.111: this, and Ulpian on census: people must be tied to communities, both because it is useful for Rome, and because Rome is interested in functioning communities

CIL V 7923, a text citing a man's origo in a particular pagus? [Cf. Frederiksen 1976 p. 343 n. 7]

Frontinus 2.12-15: Lead in to next section by discussing *tributum soli* as assessed on the individual but computed and collected by Rome in aggregate. See notes on Frontinus passage.

2.B. Administrative and fiscal pressures to account for all provincial land: Nicolet 1996, and cf. stuff in Potter paper on Roman calculations of revenue (noting with Habicht that *I. Eph.* 13 is a non-Roman copy of a Roman list).

**\*Cicero *Leg. agr.* 1.3-6:** different types of land catalogued by censors.

Cf. Cicero *Verr.* 2.3.12: fixed tax, *certum vectigal*, which is called *stipendiarium*, *quasi victoriae praemium ac poena belli...*

Note Josephus/Acts on revolt associated with Lucan census.

RDGE 34, from 193 B.C. Reynolds no. 8, ll. 31. AJ no. 18, the Oropus dossier. Lex Antonia on Termessus.

Brunt 1990, 334, on cadastration and taxation

Dio Or. 35.13-14: (1) The wonders of Celaenae include its fields, mountains, herds, and for the hinterland the city is a market and place of meeting, and many cities and villages are subject to it, and the greatest sign of the city's power is the size of its tax-burden. And then he continues by talking about assizes, which meet there every other year (Burton 2000, 199, citing Jones *Roman World* 65ff.)

Cicero *Leg. Agr.* 2.56

\*Daube 1957, 40-41: Boundaries surveyed *ut finem demonstrarent vectigali*. See CIL VI, 1016 and 1016a = *ILS* 375.

Brunt 1988, 189: contracts between publicans and cities called *pactiones*, by which cities would deliver lump sum payments. See also Broughton 1936.

Digression on accounting: formula of amici; Tabula Banasitana. Then, revenue: balance sheets aside (Nicolet 1996), keeping track of people through birth and death certificates must have enabled Augustus' calculation of how much to tax sale of slaves and legacies (Dio ???). Observe that tax not just on provincials! The ability to discuss population and property in aggregate, in combination with actuarial table, probably

lies behind tax. Compare alimentary tables: on which see Duncan-Jones and Eck. And observe that it is harder to cook the books, and all the more important to get things right, when dealing with a species currency.

Christol on setting the province in order: it took a long time!

Mauretania: Brief nod: Pliny and Dio on Gaius/Claudius, but continuing work under Vespasian.

Abbott and Johnson 146 nn. 8-9: additions or deletions from land as a result of favor or disfavor.

1. Frontinus 2.12-15
2. Agennius Urbicus 36.10-13: land as "equivalent to...": use of analogy to create categories so that all land can be accounted for.
3. Hyginus 114.12 Lachmann: cities complained about boundaries *propter exigenda tributa*.

## 2.C. Assign all land to assize districts and then cities.

1. Frontinus 2.12-15

Christol 1987, 313-314: it took time!

1. Scipio and the settlement of Africa:

Pliny Nat. 5.25 on the fossa regia

Lex agraria l. 81 refers to land conceded, presumably by Scipio, to the children of Masinissa. And lots more there, on different kinds of population groups and so on, that the commission will have accounted for.

Same line refers to ten commissioners (Appian *Libyca* 135.639-641)

Probably began centuriation

2. Mauretania: Brief nod: Pliny and Dio on Gaius/Claudius, but continuing work under Vespasian.

3. André 1991, 23: Gallia divided as result of conduct or planning of census in 27 (Livy Per. 134 and Dio 63.22.5)?

André 1991, 24, on Strabo 4.1.1 and 4.3.1 on Augustus and Gaul

Severan borders? Ando 2000

City-ranking: Reynolds 1988, Bost 1982, Böhme 1995, Dahlheim 1982, Nörr 1965, Millar 1993 and 1999

Pattern in Macedonia visible everywhere. Mention at start problem of typologies of urban settlements (cf. Brunt 1987, 527: *pro municipiis...*; Frederiksen 1976, 343; Ruoff-Väänänen ; Brunt 1987)

Lex agraria on *pro coloneis* (?)

See Edmondson 1999, 660, reviewing CIL: boundary stones of various kinds, including one at the meeting point of three territories, as well as ones between communities of different status.

\*See also Mitford 1980, 1244, 1246-8, together with Shaw 1990, 231.

Crawford 1996, 421: simplification around a limited number of types  
 Crawford 1998, 43-44: appendix quotes typologies  
 Compare Agennius Urbicus 36.10-13: land as "equivalent to...": use of analogy to create categories so that all land can be accounted for.  
 Taylor 1951!

Take note of *Dig.* 50.16.239.6-7, on *urbs* and *oppidum*

Conventus: Robert and Habicht and *Lex portorii* on Asia (clause no. 2), and Pliny

Pontus (Mitchell 1993, 32 on Pompey in Pontus, *ibidem* 88 on Galatia);

Strabo 12.3.37 on Zela (Christol 1987, 335)

Galatia (Strabo 13.4.12) with Debord 1985

Tabula Heracleensis 83-86

See also Strabo 4.1.1, on ethnic vs. political divisions (cf. the number of *civitates* attested at 4.3.2 vs. Tacitus 3.44.1.)

See also Kaizer 1004, 174-175, on the break-up of the Decapolis in the aftermath of the creation of provincia Arabia.

Edmondson 1999, 663: Provincial capital as "urban stage upon which other cities of Baetica were keen to make their mark."

G. Williamson

Bertrand 1982: "Our province"

## 2.D. Cities

2.D.1. Start with Strabo 14.1.38 on Manlius Aquillius in Asia, then cite RDGE 12 (Red Sherk 45) on boundaries.

2.D.2: Rationale

Hyginus 78.21-22: cities complain about boundaries *propter exigenda tributa*. Note the reference to *publicis instrumentis*.

Magie 1:166: city boundaries and taxation in Asia.

Cf. Mitford 1980, 1244, 1246-8, together with Shaw 1990, 231.

130.23-26: Between *civitates*, which is to say, between colonies, *municipia*, and *praefecturae*

Digression on city-ranking: See outline for 2.C.

Back to Frontinus p. 2

*Lex portorii Asiae* ll. 35, 42, 93-94, where it is taken for granted that cities have precisely delimited boundaries (Burton 2000, 198)  
Cf. Oropus dossier and Histria (*I. Scythia Minor* 1.45-46: Burton 2000, 198)

*Lex de provinciis portoriiis* on Chersonese: *RS* no. 12, Cnidos copy, col. 4, ll. 25-31. Cf. *RDGE* 12, on Pergamon: city boundaries to be surveyed (a problem often revisited: *RDGE* 54 = Sherk 80A).

Frontinus 6.16-17

**Lex Julia Agraria**: boundaries

Lex Irnitana 82 (boundaries)

Cf. Millar 1993, 195, on taxation as a motivation for laying down boundaries between villages well into Tetrarchic period.

A&A 8-9 on rural lands: altars, etc. Example of Syrian forests.

Discuss history of boundary disputes: **Rousset**, Leveau, Burton. Legal and ideological basis: Gaius *Inst.* 2.7.... (Acculturation outline)

Livy 42.1.6-7, in 173 b.c.e.: L. Postumius tries to establish boundaries of *ager publicus* (where?) but people have moved the boundary stones (L. Postumium consulem ad agrum publicum a priuato terminandum in Campaniam ire, cuius ingentem modum possidere priuatos paulatim proferendo fines constabat). The story is told to pursue another agenda, namely, about Postumius' demands for hospitality etc.

Mitchell 1976 on *vehiculatio*.

132.7-15 on *pagi*, esp. 13-15 on *vehiculatio*

Burton 2000, 200 on *ILS* 5947

*ILS* 5946, translation in *ARS* 46: the *Sententia Minucii*, on the dispute between Genoa and the Veturii, the boundary dispute where they pace out the border and describe it.

Cf. *ILS* 5947a, another pacing out of boundary?

*ILS* 5947, translation in *ARS* 181. The decree of governor of Sardinia (one Agrippa) on a boundary dispute, where the documents relevant to the dispute appear to be in Rome.

*ILS* 9380 (Burton 203)

*IL Afr.* 591.

Abbott and Johnson 146 nn. 8-9: additions or deletions from land as a result of favor or disfavor.

2.E. Where cities did not exist, assign to city-substitute: El Bierzo. Cf. Abbot and Johnson pp. 10-20, on "smaller administrative units."

Material from 2.C. that may be relevant here, too:

Pattern in Macedonia visible everywhere. Mention at start problem of typologies of urban settlements (cf. Brunt 1987, 527: *pro municipiis...*; Frederiksen 1976, 343; Ruoff-Väänänen ; Brunt 1987)

Crawford 1996, 421: simplification around a limited number of types; Crawford 1998, 43-44: appendix quotes typologies; cf. Agennius Urbicus 36.10-13: land as "equivalent to...": use of analogy to create categories so that all land can be accounted for. Taylor 1951!

Gascou on tribes (Sububures as res publica): What is a city but its people? What is a people, but a city? Perhaps here refer to some of the texts in ILS index p. 662, on *pagi*, and following page on *vici*. (Cf. Edmondson 1999, 660, in *vici* in Spanish cities? Visible elsewhere: Beirut: see Belayche in ARG.)

Cities as anchors: Strabo 4.3.2 and 4.1.11

\*Josephus on Palestine: see Jones 1931, 78-79

Dondin-Payre 1999

Harmon 1928

Ghadban, Sartre and Rey-Coquais 1987

Shaw 1986 and Shaw 2000

Lepelley 1974

Grainger 1995

Tarpin

2.F. Generate formulae: Pliny *Nat.* 3.36-37, 3.133-134, 3.138. Shaw, Marion, Descat. Cf. Abbott and Johnson pp. 48, to go with Shaw's counting of cities in *CAH* 11.

Cf. Brunt 1987, 249, on Arausio: was the land of some individuals exempt from taxation? (Cf. Shaw 2000, 364.)

Further questions: (1) What role did Rome play in promoting urbanization? (2) Can we observe any patterns in relations between cities and their hinterlands? (3) And what did the Romans think cities were for?

Bertrand on "our province." \*\*\*\*\* See also *SIG 797 (IGRR 4.251)*, an oath to Caligula citing "our province." Ando on competing for status within Roman system; Millar 1993, 94. Consider too the oath at Paphlagonia (ILS 8781 = Purple Sherk 15), where the world is divided into Paphlagonians and the Romans who do business among them, and the world is articulated by the imperial cult.

\*\*Free cities existing "outside the province": in addition to texts cited in *Imperial Identities* see Red Sherk #97, the treaty with Mytilene: note the clauses on allowing people to pass through Mytilenean territory. What is this, a joke?

### Chapter 3. *Ordinatio provinciae*

Epigraph: Menander Rhetor 354.32

Cicero *Rep.* 2.9: The coast seems to consist of patches of Greece sewn onto the land of the barbarians...

Christol 1987, 313: the *ordinatio* of a province

Millar 1993, 34-36: connection between drawing boundaries, policy of censusing, and coercion exercised toward non-urban populations. Here or 2A?

#### 3.A. Peoples

The movement of people:

Caesar *BG* 1.2-5, esp. 5: Persuaded by Orgetorix, the Helvetii prepare to migrate: they store food for two years and then burn down 12 *oppida* and 400 *vicos*. They persuade several other tribes to come with them.

Caesar *BG* 1.10.1-2: Caesar learns that the Helvetii intend to journey into the territory of the Santones, who are not far from the borders of the Tolosates, which *civitas* is near the province. It would be dangerous to have them nearby.

Caesar *BG* 1.28.3-4: Caesar orders the Helvetii to return to their homes, and to rebuild the towns and villages that they burnt. He did not want their fertile lands, being vacant, to attract the Germans, with the result that they would become neighbors to the province.

Caesar *BG* 1.29: The Helvetian camp contains *tabulae* written in Greek, which provide a reckoning of the immigrants, both those under arms by name, and the numbers of old men, women and children...

Migration within Italy not necessarily by ethnic group: by family at Livy 39.3.4 and 41.8.8.

Managed movements and forced movements:

*ILS 9806 (under Vespasian): Titus Plautius Aelianus, cos. 45, legatus pro praetore Moesiae, in qua plura quam centum milia ex numero Transdanuvianorum ad praestanda tributa cum coniugibus ac liberis ac principibus aut reibus suis transduxit; motum orientem Sarmatarum ompressit, quamvis parte magna exercitus ad expeditionem in Armeniam misisset; ignotos ante aut infensos p. R. reges signa Romana adoraturos in ripam, quam tuebatur, perduxit; regibus Bastarnarum et Rhoxolarnorum filios, Dacorum fratrum captos aut hostibus ereptos remisit; ab aliquis eorum opsides accepit; per quem pacem provinciae et confirmavit et protulit... (meaning that he extended the fines?)*

Strabo 7.3.10 (in passage on Scythians and Nomads and other far-away people): does Apollodorus mean the Mysians of Asia? "Now if he takes the poet to mean those in Asia, he will misinterpret him, as I have said before (7.3.2), but if he calls them an invention, meaning there were no Mysians in Thrace, he will contradict the facts. for at any rate, even in our own time, Aelius Catus (probably the consul of A.D. 4) transplanted from the country on the far side of the Ister into Thrace 50,000 persons from among the Getae, a tribe with the same tongue as the Thracians. And they live there in Thrace now and are called "Moesi..."

ἔτι γὰρ ἐφ' ἡμῶν γοῦν Αἴλιος Κάτος μετώκισεν ἐκ τῆς περραίας τοῦ Ἰστρου πέντε μυριάδας σωμάτων παρὰ τῶν Γετῶν, ὁμογλώττου τοῖς Θραξίν ἔθνους, εἰς τὴν Θράκην·

For later movements, forced and otherwise, see Lenski 2002, 324 and 351:

Dio 71.11.4-5 (c. A.D. 170): Many envoys came to Marcus, some κατὰ γέννη and some κατὰ ἔθνη, offering to surrender. Some were sent on campaign, others received land in Dacia, Pannonia, Moesia, Germany and even Italy. Some of those, who lived near Ravenna, revolted, so that Marcus introduced no more barbarians into Italy and even drove out those who had previously arrived: ἀλλὰ καὶ τοὺς προαφιγμένους ἐξώκισεν. Cf. SHA *Marc.* 22.2.

SHA *Prob.* 14.7 (A.D. 276): Probus accepted 16 thousand recruits and scattered them throughout the provinces, adding them in groups of 50 or 60 to auxiliary units, believing their aid should be felt but not seen.

Zosimus 1.71.1-2: After the Bastarnae surrendered to him, Probus them to Thrace and settled them there (κατόκισε Θρακίους χωρίοις), and they conformed to Roman laws (?). Cf. SHA *Prob.* 18.1, where the author numbers the Bastarnae at 100,000, and adds that Probus transplanted many others from other races, but they broke faith....

*Pan. Lat.* 8(4).9.1 (A.D. 297, referring to events three-four years before): *totis porticibus civitatum sedere captiva agmina barbarorum.... atque hos omnes provincialibus vestris ad obsequium distributos, donec ad destinatos sibi cultus solitudinum ducerentur.* See also 8(4).21.1, referring to actions in Asia and Gaul: *Itaque sicuti pridem tuo, Diocletiane Auguste, iussu deserta Thraciae translatis incolis Asia complevit, sicut postea tuo, Maximiane Auguste, nutu Nerviorum et Trevirorum arva*



*iacentia Laetus postliminio restitutus et receptus in leges Francus excoluit, ita nunc per victorias tuas, Constanti Caesar invicte, quidquid infrequens Ambiano et Bellovaco et Tricasino solo Lingonicoque restabat, barbaro cultore revirescit.*

- Origo Constantini* 6.32 (dated by Eusebius/Jerome *Chron.* to 334): *sic cum his pace firmata in Sarmata versus est, qui dubiae fidei probabantur. sed servi Sarmatarum omnes adversum dominos rebellarunt, quos pulsos Constantinus libenter accepit et amplius trecenta milia hominum mixtae aetatis et sexus per Thraciam, Scythiam, Macedoniam Italiamque divisit.* Cf. Eusebius *Vit. Const.* 4.6.2 (A.D. 334?): Constantine received the Sarmatians, taking into the army those who were suitable and settling the others on the land. See also Ausonius *Mos.* 9.
- Symeon Metaphrastes *Vita Nicolai* 17, 20 (PG 116.337, 341), with Zosimus 2.31.3: Constantine settled some Taifali in Phrygia; when they rebelled, the emperor had to quash them.
- Ammianus 19.11.5-6 (A.D. 359): The Limigantes feign the desire to cross the border with all their people and settle within the empire: *intra spatia orbis Romani (si id placuerit) terras suscipere longe discretas...* They then attempt to assassinate Constantius and suffer the consequences (noted above).
- Ammianus 28.5.15 (A.D. 369?): Theodosius as *magister equitum* under Valentinian slaughters many Alamanni and send the rest to Italy, where they are settled *fertilibus pagis* and as *tributarii* live around the Po.
- Ammianus 31.9.3-4 (A.D. 377): Frigeridus (Gratian's general) defeats Farnobius, a leader of the Goths and Taifali: *vivosque omnes circa Mutinam Regiumque et Parmam, Italica oppida, rura cultoros exterminavit.*
- Zosimus 4.26, esp. 4.26.3; Ammianus 31.16.8 (A.D. 378): The slaughter of the Goths stationed around the eastern empire by the *magister militum* Julius, in the aftermath of Adrianople.
- Zosimus 4.34.6 (A.D. 382): Theodosius arranges a treaty with the Goths and settles on the land. The treaty is discussed also by Themistius *Or.* 16. See esp. 211a: *πότερον οὖν βέλτιον νεκρῶν ἐμπλήσαι τὴν Θράκην ἢ γεωργῶν; καὶ τάφων ἀποδείξαι μεστήν ἄνθρώπων;* He continues in remarkable fashion: they might live alongside Phrygians and Bithynians, perhaps dwelling with those with whom they fought. I hear from some people who have come from there that they are transforming their iron from swords and breastplates into two-pronged gardening forks and scythes, and, having hailed Ares, they now toast Demeter and Dionysus. 211b-c: What of the Galatians, the ones in Pontus? Passing their lives according to the laws of war, they came into Asia and .... [check]. But who would view them now as barbarians? They are Romans.
- Sozomen 9.5.5-7 (A.D. 409): Uldin (a Goth?) surrenders after a battle: some of his people are taken to Constantinople; some are sold off; others are given away, on condition that they should not reside dear the Danube. Sozomen says he has seen many of them living apart from each other,

farming in Bithynia (σποράδην οἰκοῦντας). Cf. Zosimus 5.22 and *CTh.* 5.6.3 (A.D. 409).

On genocide:

- Caesar *BG* 6.34.5, 8: Caesar wishes to arrange *stirpem hominum sceleratorum interfici* (namely, the extirpation of the Eburones). So he uses Gallic soldiers, too, *ut ... stirps ac nomen civitatis tollatur*. Cf. 6.43.1-3: Caesar arranges to burn *omnes vici atque omnia aedificia*, to kill all cattle, and to consume all crops, so that if any of the Eburones had managed to hid themselves, they must die from starvation. Cf. 2.28: the *gens ac nomen Nerviorum* is almost obliterated: *prope ad internecionem gente ac nomine Nerviorum redacto...*
- Polybius 18.37: Flamininus responds to Alexander the Aetolian: οὔτε γὰρ Ῥωμαίους οὐδενὶ τὸ πρῶτον πολεμήσαντας εὐθέως ἀναστάτους ποιεῖν τούτους. (Proof being their treatment of Hannibal and the Carthaginians.)
- Tacitus *Ann.* 2.21.2: Germanicus ... *orabatque insisterent caedibus: nil opus captivis, solam internecionem gentis finem bello fore*. And so, excepting the soldiers who set up camp, *ceterae ad noctem cruore hostium satiatae sunt*. Cf. 2.25.2: *eo promptior Caesar pergit introrsus, populator excindit non ausum congregi hostem....*
- Cf. Cicero's letters on his triumph and that of Vatinius: I have to sack more cities...
- See also:
- \*Dio 55.28.3 on Isaurian Bandits (add to A&A - 3.2)
- Domitian at Dio 67.5.6-7: the Nasamones of Numidia revolted when Domitian ordered more money to be extracted from them. They massacred the tax-collectors (check terminology!) and defeated Flaccus, the governor. But they then got drunk and Flaccus killed them all, even the non-combatants. ὁ Φλάκκος ... πάντας ἀπώλεσε καὶ τοὺς ἀπομάχους διέφθειρεν ἅπαντας. ἐφ' ὃ Δομτιανὸς ἐπαρθεὶς εἶπε πρὸς τὴν βουλὴν ὅτι "Νασαμῶνας ἐκώλυσα εἶναι."
- Marcus at Dio 71.16.1: Marcus treats with Zanticus, leader of the Iazyges. They are granted the more or less same terms as the Quadi and Marcomanni, with some misgivings: Marcus had wanted to exterminate them entirely: ὁ γὰρ αὐτοκράτωρ ἤθελε μὲν αὐτοὺς καὶ παντάπασιν ἐκκόψαι.
- Severus at Dio 76.15.1 (Loeb p. 270): When the inhabitants (of Britain) again revolted, Severus summoned the soldiers and ordered them to invade their country καὶ οἷς ἂν ἐντύχωσιν ἀποκτεῖναι, quoting Homer, to the effect that no one should escape destruction, not even babies in the wombs of their mothers.
- Ammianus 19.11.14: the Roman forces, attacking the treacherous Limigantes in A.D. 359, *obvia quaeque obtruncabat, sine parsimonia vivos conculcans et semineces et peremptos*.

Ammianus 28.5.7: the Romans ambush the Saxons and surround them: *nec quisquam eorum genitales revisere potuit lares, ne uno quidem caedibus concorporalium superesse permissio*. [More about how some will condemn this act.]

Purcell 1987, 83-84: Livy 39.3.4 and 41.8.6 (on the Fregellae); on the Ligurians in 181, see Pliny 3.105 and Livy 40.38, 41

Strabo 5.3.10, on Fregellae: it is now a κώμη but once was a πόλις ... ἄξιόλογος and it had the cities just mentioned as περιουκίδας. The inhabitants of these cities continue to meet at Fregellae ἀγοράς τε ποιούμεναι καὶ ἱεροποιίας τινάς, even though the city itself was demolished by the Romans after it revolted.

See also Eutropius 2.28, Livy *Per.* 20 and Zonaras 8.18.

Salmon, *Making of Roman Italy*, 172-174, on Falerii Veteres. de Ste. Croix.

*Agrimensores* on settlement of peoples.

**Strabo 4.3.3** (p. 229 Loeb), on depopulation: The number of the descendents of the Helvetii who were left is shown by their war against Caesar, in which about 400,000 were destroyed, although Caesar allowed the rest of them, about 8000, to escape, so as not to abandon the country, destitute of its inhabitants, to the Germans, whose territory bordered on theirs.

Cf. Livy 45.2, on counting people and the more general demographic work performed at the moment of conquest.

Rutilius Namatianus 1.414: Cities can die. Cite in connection with failing cities listed in *Liber Coloniarum*.

Brunt 1988, 185: On trade at Narbo, citing Strabo...

### 3.B. Cities

- 3.B.1. Use Menander Rhetor 355.13-23 (five ways that cities come to be) to discuss classification according to method of settlement. Acknowledge further considerations, not least competition, whether between new colony of Roman citizens or new city of indigenous folks, on the one hand, and older settlement on the other.

Digression: Conventional story about Roman urbanism begins and often ends with the foundation of colonies, of which the examples par excellence are the maritime colonies... Why?

- 3.B.2. Discuss Roman motivations for founding cities, by whatever method:
1. Defensive: Cicero *Font.* 13: *Narbo Martius, colonia nostrorum civium, specula populi Romani ac propugnaculum istis ipsis nationibus oppositum*

*et obiectum...*; Livy 10.10.4-5: Nequium came *in dicionem populi Romani*. So the Romans put a colony there, *adversus Umbros*; Livy 8.20.9, 12 and 9.21.10: the Priverni are granted citizenship and cited as a bulwark between Rome and the hostile Samnites; Livy 10.10.4-5; Livy 32.29.3: maritime colonies decreed for Campania, to protect the shore, two being placed at the mouths of rivers....; Livy 43.1 (and earlier stuff, but where????) on Aquileia and Rome's dealings with the Histrians; Menander Rhetor 358.27, in cities along the Danube. Note difficulties of maintaining such colonies: they often require further deductions (see, e.g., Fentress 2000, 11, on Cosa (source **Livy 33.24.8-9**), and note other examples, including Cremona, to be discussed later).

2. Control of mobility: see Strabo 4.3.3 (discussed above), and see also Gargola 1995, 62, on Livy 39.55.1-6 (with Livy 40.26.2-3, with page 68, on resistance to the planting of the colony).
  3. Manpower. Appian 1.7-11; Gellius on proletarii and capite censi; Sallust. On second century, Toynbee and Rosenstein; on first-century Rome, see Lo Cascio (in Virlouvet); Brunt; Wiseman. See also Pocock.
  4. Relief of overcrowding... (Imperial material for 3 & 4: Mann? Vittinghoff? MacMullen?)
  5. Economic development (see stuff under 3.A)
  6. Romanization/Administration (Shaw on depersonalized structures...)
- 3.B.3. Reasons for ignoring administrative classification by city (colony, municipality of greater or lesser Latin right, free and allied, stipendiary).
- (a) My concern is at the level of the individual. Of course, where meaningful social-historical analysis on the ancient world is concerned, we must perforce analyze through aggregation... So why not write about communities? Because the tessellated landscape of Roman provinces was mirrored by the many ways of individual belonging, and the <something> communities that resulted.

\*Liber coloniarium; Velleius. Importance of colonialism in ancient histories of Roman community.

- 3.B.4. My interest for the moment lies in the overall population structure of cities and in the economic and social relations forged between them and their immediate hinterlands, and in particular with unfolding ancient ways of understanding those relations, with an eye toward reconstructing and analyzing the policies of ancient government. (Something here about cities within broader provincial landscape reserved for next chapter.)
- These relations can be understood apart from city status. Anchors in landscape: see Garnsey 1975, Février and Leveau 1982, Leveau 1984, Shaw 2001, 427-428; Morley???

- 3.B.5. Taxonomy of data collected so far on city placement, mode of formation, etc.

Digression: One could write a history that charted the ideology of colonialism from ... to Gellius, in a fashion that paralleled the history of citizenship... At some level, colonies are satisfying objects of study... (Henner von Hesberg; Frank Brown; Daniel Gargola...). Problem is that they are not typical, being founded *ex nihilo* (and sometimes *de novo*) as communities of citizens, in notionally empty landscapes.

### 3.B.6. Population: insinuation of Romans into communities.

Note: 3.B.5 and 3.B.6 have no simple chronology, and their stories can only be separated at the level of analysis at some cost.

[3.B.7. Why don't cities look Roman sooner: Millar 1993, 261, on Apamea; Kaiser 2000; stuff from *Naissance*. Perhaps put this later???

Back to **Menander Rhetor** and his taxonomy...

Piso in *Naissance*: Piso starts by asking two questions: what is a Roman town, and what is the relationship between Romanization and urbanization? Piso detects in the different regions of the Danubian provinces considerable pragmatism, reacting to patterns of conquest and imperial priorities arising from military considerations.

Roddaz in *Naissance*: Romanization proceeds along three axes: municipalization of local elites, urbanization (including rather late monumentalization of existing urban centers); and influx of Italian immigrants.

\*Jones 1931, 79

Strabo 7.7.6, on Nicopolis (Purcell 1987, 78 n. 30): Ambracia used to be exceptionally prosperous. Later, the Macedonians and Romans punished the Epirote cities, until finally Augustus ὁρῶν ἐκλελειμμένας τελέως τὰς πόλεις εἰς μίαν **συνώκισε** τὴν ὑπ' αὐτοῦ κληθείσαν Νικόπολιν... Nicopolis is populous ("is well manned") and takes in new people daily, having a large territory, and it has ἐν τῷ προαστείῳ the sacred precinct. αἱ δ' ἄλλαι κατοικίαι περιπόλιοι τῆς Νικοπόλεως εἰσιν.

Brunt 1988 FRR 188, 189: Pompey founding cities in Pontus to provide infrastructure (also in Purcell, "Nicopolis"); cf. 189, on using local dynasts to collect taxes.... Cicero *Prov. cons.* 9, with 189.138.

Cf. Shaw 1990, 231, discussing Mitford 1980, 1244, 1246-8, and refer back to similar material in Chapter 2. Discuss in this context Pompey's organization of Asia Minor, discussed in Mitchell, *Anatolia*.

\*Note the difficulty of populating such colonies, and of maintaining them: they often need infusions of colonists, as well as military assistance.

(Refer to Tacitus *Hist.* 3.34.1-2, on Cremona, but discuss later.)

See also Jones 1931 on the Herodian **synoecisms** that produced Sebaste, Tiberias, Julia and Julias; cf. Tacitus *Ann.* 6.41, on the governance of the Cietae by the Cappadocian Archelaus, who was forcing the Cietae to endure taxes and a census "after our fashion."

Cf. Sartre 1991, 65, discussed by MacAdam 1992, 253: client kings adopt Roman ways of doing things and prepare their territories for annexation. See also Gargola 1995, 127.

1. Open with discussion of ideology of colonization, then perhaps ...
2. discuss Aquileia (Gargola 62), which required resettlement and defense, because locals became restless, and so ...
3. wouldn't it be best to incorporate groups of locals?
4. Analogy with kin-groups arriving in early Rome.

Salmon 64-65: a very brief and handy list of citizen, then Latin colonies, with analysis of placement.

Cornell 1995 p. 323.82, discussing Cicero *Planc.* 19 and Humbert on *municipium*. Brunt 1987, 527: lex agraria on colonies and procolonies (cities developed in areas of viritane settlement?)

Frederiksen 1976, 348: Italian cities created out of *pagi* or by federation. Cf. Purcell on Nikopolis.

Viritane assignments.

Synoecisms, metoecisms, etc.

**Mitchell 1993, 90**

**Levick 1967, 70**

**Vitruvius 1.4.12** on the **metoecism** of Salpia Vetus: *Item in Apulia oppidum Salpia vetus, quod Diomedes ab Troia rediens constituit sive, quemadmodum nonnulli scripserunt, Elpias Rhodius, in eiusmodi locis fuerat conlocatum, ex quo incolae quotannis aegrotando laborantes aliquando pervenerunt ad M. Hostilium ab eoque publice petentes impetraverunt, ut his idoneum locum ad moenia transferenda conquireret elegeretque. Tunc is moratus non est, sed statim rationibus doctissime quaesitis secundum mare mercatus est possessionem loco salubri ab senatuque populoque R. petit, ut liceret transferre oppidum, **constituitque moenia et areas divisit nummoque sestertio singulis municipibus mancipio dedit.** His confectis lacum aperuit in mare et portum e lacu*

*municipio perfecit. Itaque nunc Salpini quattuor milia passus progressi ab oppido veteri habitant in salubri loco.*

**Tacitus 11.19.2-4**, on Corbulo and the **metoecism** of the Frisi in A.D. 47:

After their surrender in A.D. 47, the Frisii agreed to dwell within the *agros a Corbulone descriptos*; Tacitus tells us that Corbulo *senatum, magistratus leges inposuit: et natio Frisiorum, post rebellionem clade L. Apronii coeptam infensa aut male fida* (cf. *Ann.* 4.72-73), *datis obsidibus consedit apud agros a Corbulone descriptos: idem senatum, magistratus, leges imposuit.*

Josephus *Bell. Iud.* 1.165-170, on the organization of Judaea by Gabinius.

165-166: Γαβίνιος ... ἐπήει τὰς μὲν ἀπορθήτους πόλεις καθιστάμενος, τὰς δὲ κατεστραμμένας ἀνακτίζων.

**συνεπολίσθησαν** γοῦν τούτου κελεύσαντος Σκυθόπολις τε καὶ Σαμάρεια ..., τῶν οἰκητόρων ἀσμένως ἐφ' ἑκάστην συνθεόντων.

"Gabinius went to the cities that had not been sacked, restoring them and rebuilding those that were ruined. It was, for instance, at his orders that Scythopolis, Samaria, Anthedon, Apollonia, Jamnia, Raphia, Marisa, Adoreus, Gama, Azotus, and many other towns were repopled, colonists gladly flocking to each." **Augmentation. See also Joly, Vaxelaire and Wentzel, all in Naissance.**

169-170: ... καθίστατο τὴν ἄλλην πολιτείαν ἐπὶ προστασίᾳ τῶν ἀρίστων. διεῖλεν δὲ πᾶν τὸ ἔθνος εἰς πέντε συνόδους, τὸ μὲν Ἱεροσόλυμοις **προστάξας**, τὸ δὲ Γαδάρους, οἱ δ' ἵνα **συντελώσιν** εἰς Ἀμαθοῦντα, τὸ δὲ τέταρτον εἰς Ἱεριχοῦντα **κεκλήρωτο**, καὶ τῷ πέμπτῳ Σέπφωρις **ἀπεδείχθη** πόλις τῆς Γαλιλαίας.

"The civil constitution he instituted in the form of an aristocracy. He divided the entire *ethnos* into five synods (corresponding to Seleucid toparchies?); one of these he attached to Jerusalem; one to Gadara; one group paid its contributions to Amathus; the fourth belonged to Jericho; and Sepphoris, a city of Galilee. received the fifth...."

Tacitus 4.46.2: the Thracian *gentes*, who lived in the peaks of mountains, were stirred up by a rumor that they were to be *disiecti aliisque nationibus permixti diversas in terras traherentur*. **Metoeicis**

Tacitus *Ann.* 12.55: cite here, announce as TBD in Chapter 4: the Cietai of Cilicia cause trouble, because they use mountains for their camps, and descend from there *in litora aut urbes, vim cultoribus et oppidanis ac plerumque in mercatores et navicularios audebant...* (mountain and plain).

*Pan. Lat.* 6(7).8.4-6: the orator congratulates Maximian: *Tu ferocissimos Mauritaniae populos inaccessis montium iugis et naturali munitione fidentes expugnasti, recepisti, transtulisti*. **Metoeicis**

Florus 2.33.59-60 on Spain, where Augustus ordered the Asturian rebels to move from the mountains to the plain (cf. Tacitus *Agr.* 21.1-2). **Metoeicis**

\*\*\*\* **Livy 39.2.9:** Aemilius Lepidus in 187 attacked the Ligurian Friniates across the Appennines, *armaque ademit et de montibus in campus multitudinem deduxit.*

Cf. Livy 40.38: Ligures, qui ante aduentum in prouinciam consulum non exspectassent bellum, improviso oppressi ad duodecim milia hominum dederunt se. eos consulto per litteras prius senatu deducere **ex montibus in agros campestres** procul ab domo, ne reditus spes esset, Cornelius et Baebius statuerunt, nullum alium ante finem rati fore Ligustini belli. (More moved to Samnium at 40.41.)

Livy 40.53: consul deditos **in campestres agros** deduxit, praesidiaque montibus imposuit

Check 41.1, 41.13 and 42.22 for further transfers.

\*\*\*\*Cicero, Verr. 2.2.123: Synoecism. Agrigentum has two populations, one its old one, the other colonists from other Sicilian towns, and the laws of Scipio given to Agrigentum establish proportions for representation of the two populations in the Agrigentine Senate.

\*\*\*\* **Dio 54.11:** Agrippa killed almost all the men of military age and disarmed the others and compelled them to come down from their fortresses and live in the plain. (Added Sept. 2008)

\*\*\*\* Dio 54.22: Drusus in Rhaetia: Because this territory contained a large male population that might well rise in revolt, the Romans deported most of the men of military age who were in their prime and left behind only enough to keep the country inhabited, but too few to launch an uprising. (Added Sept. 2008)

Sabora's petition to Vespasian: *ILS* 6092 with Kornemann 1905, 86; cf. *ILS* 6921.

Piccottini in *Naissance*, on an emporium whose population was moved to a city.

Ammianus 19.11.7: why settle people? Because *aurum quippe gratanter provinciales pro corporibus dabunt, quae spes rem Romanam aliquotiens aggravavit.*

Strabo 5.4.13: the Picentini ὑπὸ Ῥωμαίων **μετοχισμένον** to the Poseidonian gulf. **Metocism**

Strabo 5.4.13: Picentia had belong to the Picentes as their μητρόπολις, νυνὶ δὲ κωμηδὸν ζῶσιν ἀπωσθέντες ὑπὸ Ῥωμαίων διὰ τὴν πρὸς Ἀννίβαν κοινωσίαν.

See also Guillaumet and Metzler in *Naissance*. Metzler studies the relationship between a great Celtic shrine, that of the Treveri at Titelberg, and the newly established Roman town, Augusta Treverorum (Trier): the foundation of Augusta Treverorum coincided with the dismantling of the wooden structures of Titelberg? Hard to know.

Fentress on Brown on Cosa

Numbers and placement: MacMullen and Vittinghoff



### 3.C. Land and population

Contrast act of incorporation (Sabora; colonial foundation as celebrated at Aquileia) with history of site/population.

How many really were new?

Uninhabited and therefore founded ex nihilo:

Valencia (Ribera 2006)

Not, as one might think, Augusta Raurica (Laur-Belart) or Bracara

Augusta (Martins 2006)

Emptied

\*Fentress 1996 n. 10: The absence of third-century sites here (at Saturnia) and elsewhere in the valley is so acute that it is worth asking to what degree the area was "ethnically cleansed" after the conquest of Vulci.

\*Isaac on *P. Thmouis*

\*Ruscu 2004

But far more common were mixed populations--and these were inevitably differently mixed across time. Some paradigms might include:

1. **Livy 8.14.5-7** on the Veliterni: *in Veliternos, ueteres ciues Romanos, quod totiens rebellassent, grauiter saeuitum: et muri deiecti et senatus inde abductus iussique trans Tiberim habitare, ut eius qui cis Tiberim deprehensus esset usque ad mille pondo assium clarigatio esset nec priusquam aere persoluto is qui cepisset extra uincula captum haberet. in agrum senatorum coloni missi, quibus adscriptis speciem antiquae frequentiae Velitrae receperunt.*
2. Injection of colonists
3. New colony incorporating former residents
4. New colony/town near still-inhabited older (indigenous) site
5. New town immediately adjacent (should this be version of #2 or #3? but at level of urban structure, this could be very different? Examples would clinch it)

Special cases: Piccotini in *Naissance*; on Treveri, see New Pauly s.v. Augusta

Two directions: (a) These different histories are tied to problem of urbanism, and relations between cities and hinterland (where this term embraces conurbations juridically subordinated to Roman city).

(b) Legal structures. Double communities & *conuentus civium Romanorum*.

One might frame discussion as a problem of fitting abstract principles to the real world, the principles existing in two arenas: the organization of land, and the organization of people. In the former case, the Romans imagined urban and rural grades having similar axes; and in the latter, there being two social strata among the colonists, etc. But in both cases,

principles had to be adapted to the landscape as it was, and that required, for example, establishing grids around bends in rivers, or dealing with preexisting urban grids.

We can see something of the desire for uniformity in the establishing of single axes for parallel foundations (e.g., Fentress 1996, 80), but we can see adaptation in Romano and surveys cited by him.

As far as population is concerned, talk about Appian 1.7.??? (where he says that Rome for the most part sent out colonists to be part of communities in lieu of garrisons) and Dionysius of Halicarnassus 8.14.1, describing the Roman exile Gnaeus Marcius and his attack on Circeii (Καὶ ὁ Μάρκιος οὐθὲν ἔτι διαμελλήσας ἤκεν ἄγων τὴν δύναμιν ἐπὶ Κιρκαίαν πόλιν, ἐν ἧ κληροῦχι Ῥωμαίων ἦσαν ἅμα τοῖς ἐπιχωρίοις πολιτευόμενοι..., and cf. Livy 2.39.2: *Circeios profectus primum colonos inde Romanos expulit liberamque eam urbem Volscis tradidit...*

Defining *ager* and *urbs*: see *ILS* 5946, and see Gargola pp. 37, 69, 74-75, \*81, and 85. Compare Daube on *limites*.

On connection between urban and rural grid, and rural grid and road network, see *ILS* 24, with Gargola 40.76.

Brunt 1987, 249: the Tricastini at Arausio

Brunt 1987, 294ff.: texts on assigning land by rank. Note Brunt 393 n. 2 (I think): Brunt argues that the pattern of unequal distribution probably held even when unattested. Cf. Livy 42.4.4, on *virgatum* distribution in *ager Ligustinus* and *ager Gallicus*: 10 iugera to citizens and 3 to Latins.

On discrepancies in colonial allotments see also Tibiletti 1950, 224.

Rawson on theatre. See also Purcell 1995, 35: "It was a distinctive contribution of the élite in Roman imperial society to extend outwards to certain strata of ordinary society experience of the culture which defined them. Participation in this acculturation mapped hierarchy outside the elite, with the result that lore and information could express status acutely..."

MacCormack

Gregory of Nazianzen Or. 21.29, on the adventus of Athanasius.

Don't forget to mention villages: commingling of population not interestingly solely when in same urban core.

Brunt 1990, 270 (on oligarchies). Cf Balty 1992

*Dig.* 50.1 (texts cited at Christol 1987, 328.111): interest in maintaining cities

1. Siculus Flaccus 122.18-26: *secundum gradum*. Cf. *Lex agraria* ll. 58-61 and cf. passages discussed in notes on Moatti
2. Hyginus 160.22-26: *more colonico*

Refer back to Piccottini in *Naissance*: Piccottini studies Virunum, an *emporium* founded by Romans in the territory of the Norici in the first century B.C., which was abandoned under Claudius when the inhabitants moved to the newly-established capital of Provincia Norica, municipium Claudium Virunum. **Metocicism**

Bedon studies Romanization of urban centers in Gaul. Bedon argues that Romanization did not trigger urbanization, which had begun earlier, but rather pre-existing urban sites were Romanized.

Guillaumet, on the other hand, studies the capital of the Aedui, which was the Gallic *oppidum* Bibracte, whose population moved to the Roman town Augustodunum. **Metocicism**

See notes on *Lex Agraria* ll. 58-61.

On record-keeping, cf. Livy 39.3.4.

Gabba in *Misurare la terra* (Roman statutes pp. 390-391).

Fentress 1996, 82

Tibelletti and Toynbee and Brunt 1987, 195, on social structure

Gargola 1995, 56.23 and 56.24, and see also 76 and 96.97: interest in legislating social structure greater in Latin colonies, which were de facto larger. But what other motive might there have been?

See also Fentress 1996, 82, on large allotments at Saturnia, and 84-85 on the Etruscan origins of the owners of some of these; cf. Fentress 2000, 15, on Cosa.

Brunt 1987, 297-300: varied goals achieved by awarding of land

Syme 1977

Livy 29.15: census taken of "Latin" colonies

Brunt 1987, 297-298

### 3.D. Colonies and centuriation

De Ste. Croix on *Polis and Chora*.

1. Hyginus 78.5-9: Records *per decurias* Cf. *Lex Agraria* l. 53 and Cicero *Contra Rullum* 2.56
2. Hyginus 88.10-16: Allocations in Pannonia
3. Permanence: *Lex Coloniae Genetivae* 104 and the *Lex Iulia Agraria* (RS 54)

Records (here or elsewhere): Dig. 48.13.10: it is a crime of embezzlement to take down a tablet of law or a *forma agrorum*.

**Hyginus 141.27-28**: legions settled en masse

Hyginus 143.12-16: city and its territory

Refer by way of analogy to Breton on the management of natural resources.

Lassère, J.-M. 1980

Castrol-Lopez on the revolutionary potential of property records

**Chouquer 1984, 34:** "native" section includes large *villae*, totally unlike the small plots of the Roman section

Chouquer 1984, 37 (cf. bibliography on p. 35)

Syme 1977

Hanson 1994, on topographical records for *laographia*, and the literature she discusses, and also Lenski on *breves*.

3.F. Special cases (but are they in fact special? Cf. on Antium: Livy 8.14, new colony sent there, to an already inhabited place, and Antiates allowed to enroll!): flexibility in arranging populations because populations were mixed: Brunt 1987, 220-224 (on *conventus*):

**Cicero *Font. 11 and 13*:** the population has *varietas*, and from those recently conquered we expect troops, money, and grain.

Why not call these double communities? Think about Antium in this light, and consider Brunt 1987, 538-544 = appendix 5.

Oakley vol. 2 pp. 624-625 on Livy 8.22.2: the prior history of land used for early colonies. See also Livy 40.38.3.

Further examples (some perhaps already cited?):

Polybius 2.19.10ff: Roman colony at Sena, named after Gauls who formerly inhabited the land.

Polybius 2.21.7ff. in 282, Romans ejected Senones and planted colony at Picenum. **Gaius Flaminius was responsible for introducing this policy**, which both turned the Roman people for the worse and caused a war with the Gauls. For the Boii, whose territory was co-terminous with Rome, were now convinced that the Romans no longer made war for the sake of "hegemony and empire," but for expelling and exterminating them.

Polybius 2.35.4: Polybius sums up the conquest of the Po valley by saying that the Gauls made all decisions in the heat of passion and suffered for it: he himself has seen the result, that they were long long afterward entirely driven out of the plain of the Po, except for a few places in the foot of the Alps.

Livy 6.5.8, on the creation of new tribes at the point of incorporating the territory of Veii.

Livy 32.29.3ff. and 34.45.1-2, and other sources: see Frederiksen, Campania, 270.

Livy 34.42.5-6: A *novum ius* was tried in that year. Were Latins who signed up to join a Roman colony Roman citizens? The Senate judged that they were not.

Millar 2002, 120, thinks that the point is that they could not be citizens until the colony was formally established. Cf. Frederiksen, Campania, 270. Millar either follows and simply silently concurs with R.E. Smith, *JRS* 44, 18-20, who points out that colonists were enrolled in 197 but colonists were dispatched in 194. Smith cites with approval the thesis of Daube, *JRS* 36, 68-69, where Daube considers the granting of citizenship at the moment of a colonial foundation as part of an inquiry into forms of manumission.

Tacitus 3.34.1: *Hic exitus Cremonae anno ducentesimo octogesimo sexto a primordio sui. condita erat Ti. Sempronio P. Cornelio consulibus, ingruente in Italiam Annibale, propugnaculum adversus Gallos trans Padum agentis et si qua alia vis per Alpīs rueret. igitur numero colonorum, opportunitate fluminum, ubere agri, adnexu conubiisque gentium adolevit floruitque, bellis externis intacta, civilibus infelix.*

1. Cremona was founded with its other, Placentia, in 218, one on the near and one on the far side of the Po: see Livy *Per.* 20 (for the decision in 219); Polybius 3.40.3-6. As Walbank notes, the phrasing at 3.40.4 (τὰς μὲν οὖν πόλεις ἐνεργῶς ἐτείχιζον, τοὺς δ' οἰκήτορας ἐν ἡμέραισ τριάκοντα παρήγγειλαν ἐπιτόπους γίνεσθαι...) implies that the colonies were being founded on pre-existing sites. And perhaps that the colonists were moving as a group? The pair of colonies was being founded to guard against the Boii, on land taken from them (see Livy).
2. On the republican practice of founding cities in pairs, see Salmon, *Colonization*, 53 and cf. n. 63.
3. Asconius *Pis.* 2-3, in addition to much confused information, reports that the initial colonists included 6000 men, including 200 *equites* (Clark 3.12-14). In other words, despite being a colony of Latin status, it included Roman citizens.
4. Again, according to Asconius, it was the *lex Pompeia* of 89 B.C that conferred Latin rights on the cities of Transpadana (cf. Wellesley p. 124), so that they would have the right, as other Latin colonies did, of obtaining Roman citizenship through holding local office. It seems that the same law attributed some Gallic tribes to the new municipalities (Pliny *Nat.* 3.138). Citizens there were enrolled in the *tribus Aniensis*.
5. In 190, legates from both Placentia and Cremona came to Rome *ex Gallia* to complain about the paucity of colonists, some dying because of war and some from diseases, and others left because of aggravation from their Gallic neighbors. So the Senate decreed that the consul should enrol 6000 families, to divide between the colonies, and that the praetor should create *tresviri ad eos colonos deducendos* (Livy 37.46.9-11). We're a long way from intermarriage!
6. On the *ius migrationis*, see Marshall p. 86 on Asconius, and the right that replaced it, the *ius adipiscendae civitatis per magistratum*, see Tibiletti

1953, 54-60 at 58; Brunt *JRS* 55, "Italian aims," 90-91; Salmon, *Colonization* 118; Sherwin-White, *Citizenship* 215-216.

7. In 49, by a *lex Roscia*, Rome (i.e. Caesar) gave citizenship to the residents of Cisalpina or, as some would have it, the residents of the Latin colonies of Cisalpina (Dio 41.36.3: καὶ τοῖς Γαλάταις τοῖς ἐντὸς τῶν Ἄλπεων ὑπὲρ τὸν Ἡριδανὸν οἰκοῦσι τὴν πολιτείαν, ἅτε καὶ ἄρξας αὐτῶν, ἀπέδωκε). A Roscius was praetor in 49; another Roscius was praetor in 67, and he may have passed a law cited in the Fragmentum Atestinum. Note that the *Lex de Gallia Cisalpina* (RS 28) presupposes the grant of citizenship to the Transpadanes in 49 and also the formal incorporation of Cisalpina into Italy in 42/41 (see RS 1 p. 315).

On these documents, don't forget to consult Abbott and Johnson.

8. Velleius 1.14: the remarkable history of colonization.  
 9. On inter-marriage: see Wellesley on Tacitus 3.34. He cites Mommsen *St.* 3.766.9, who suggested that Tacitus intended "attribution" by *adnexus*. *Adnexus* is used only here.

**Conventus civium Romanorum:** Where to discuss? See Magie 1:162-164, and Brunt 1987, ???-???; van Andringa 1998, van Andringa 2003. Broughton 1938, 545-548.

Chastagnol 1987, 15-16: Shows how enfranchisements during colonization could happen, indeed, continue to happen (cf. *ILS* 206; see *Lex Agraria* 1. 53 and 58-61). Note that with Latin status, the acquisition of Roman citizenship is left up to local community. So Latin status for a town has an import little remarked upon. But Romans will have had cause, therefore, to monitor local election laws: presumably a city that chose magistrates by sortition would not get Latin status.

See also Levick 1967, 70-71, on enrollment in colonies: good stuff about Marius and Gracchus enrolling natives, sometimes legally, sometimes not; misleading stuff about double communities. See also Sherwin-White 1972, 112, citing Cicero *Balb.* 48.

Chastagnol 1996

Rostovtzev 642.79: veteran "colonies" sent into pre-existing cities. See also Mann 1983, 56-63, on the variety of actions taken in the settlement of veterans, and cf. 59 for figures: colonies *ex nihilo* could not possibly account for the number of soldiers discharged.

Claudius *ILS* 206 with Smallwood *Gaius* 407b: rights of marriage to non-citizens crucial when enfranchising existing municipalities. Cf. Chastagnol 1987, 16-18. Tacitus *Hist.* 3.34!

Brunt 1987, 170-171, in enfranchisement in local communities

Brunt 1987, 251 and 254-255, on *pagi*

Livy 1.14.4-11, 1.27 on Fidenae: colony implanted in town results in Fidenates (?) learning Latin.

Livy 43.3.1-4 on **Carteia** and 34.9 on Emporiae, and cf. Strabo 3.4.8  
Strabo 3.2.1 on Corduba and 3.5.1 on Palma and Pollentia (Brunt 1987, 216)

Kaiser 2000

Purcell 1987, 76, on **Dio 36.50.3**. See also 83.57.

\*Mitchell 1978

Mitchell 1979

Double-communities in Africa

Claudius on Gauls: Brunt 1987, 255

Castro Lopez 156-157: half of the territory is centuriated

Chouquer 1984, 27, 33-34, on a territorium similarly divided.

Fentress 1996, 83

Livy on Antium

Tacitus *Hist.* 3.34.1, on intermarriage in mixed communities.

See also Joly, Vaxelaire and Wentzel in *Naissance*:

Joly: Joly studies Langres, a Roman town installed within a pre-existing indigenous agglomeration, which then developed along Roman lines.

Vaxelaire and Barral: like Joy, they study a site that began as a native *oppidum* which became a Roman town, which transformation encompassed considerable spatial and functional reorganization of the town.

Wentzel: studies similar questions but this time in Germania Superior, but vary different conclusions emerge, suggesting that the underlying state of urbanization upon the Romans' arrival made a big difference.

Mitchell 1979, 425 with nn. 111-114 and 1993, vol. 2, p. 23: the fourth tribe at Iconium may have been named after a Phrygian deity—Zeus Megistos or Mother Zizimmene—in order to provide a place for indigenous population in newly incorporated colony.

Cf. on mixed populations: *Dig.* 50.1 on *munera* and Agennius Urbicus 42.5-8; cf. *EJ* 231 on Apamea, and cf. *Dig.* 19.1.13.6 (Frederiksen 1976, 353).

Lex Malacitana ch. 53: assigning Roman citizens who happen to be residents to one *curia* for the purposes of local elections. Cf. Livy 25.3.16, showing that this was practice at Rome.

Among the implications of ordering of communities in, e.g., Tabula Heracleensis (RS 24) ll. 118-119 (and cf. Lex de Gallia Cisalpina (RS 28) ch. 23): are we to believe that there were actually courts in *fora* and *conciliabula*, on the one hand, and that such communities actually had magistrates to render judgement? Cf. ll. 83, 89-90, and 142ff.: *fora* and *conciliabula* had magistrates, but they were not empowered to conduct the census. Cite this example under attribution, too. See also RS 28, chapter 21, ll. 2-3, and chapter 22, ll. 25-28.

Discuss CIL X 6104 (Abbott and Johnson p. 11-12): this is one of the texts that drew the attention of Gascou et al.

Ando 2000, chapt. 9 n. 107.

#### Chapter 4. Beyond the city

Cicero *Rep.*

Dig. 50.16.2.pr. *Urbs* means area within walls. *Roma* refers to ...

Pomponius Mela 1.41-42: Africa as a place without land tenure.

Mitchell 1993, 86-87

But the big impetus involves more than revenue--though budgetary concerns contribute not negligibly to its force--and that is control over populations, whether nomadic or merely predatory. It makes little difference to us whether they were predatory or were merely conceived as such in the perspective and prejudices of the state.

Concern that unurbanized populations will remain parasitic or even predatory upon settled populations.

Experimentation in governing populations without cities was going full throttle by the late third century B.C.: Capua was dissolved; virginate settlement in the *ager Gallicus*...

Dionysius of Halicarnassus 2.76.1-2 as epigraph: **men going around to the pagi**....

Millar 1993, 34

Recruitment of soldiers (in agrimensores) and Brunt, and role of municipalities in census.

Burton 1998

Dionysius 4.13.4: the usefulness of walls most of the time, implied by their uselessness at Rome. it is difficult to tell how far the *polis* extends and where it ceases to be *polis*. To that extent is the city (*astu*) connected with the country (*chora*), giving the observer the impression that the city extends without boundary.

Digest 50.16.239.6-7: walls

Walls in Augustan foundations (conference volume); walls in illustrations. But also gardens (Purcell, Gabba), and terminology (*vici*, *pagi*) and legal and religious contexts (*pomerium* is not necessarily wall) belie attempts to establish a hard dichotomy between city and country (e.g. Said).



Pagi: everyone cites sections of Pflaum. See also Gasco 1981, 233.  
Tribal territories: *CAH* 11.326ff.

#### 4.A. Attribution of rural land in agrimensores:

##### 1. **Commentum de controversiis 66.15-26**

2. Hyginus 158.26-33
3. Cf. Frontinus 6.9-11 and 6.16-17 and Agennius Urbicus 36.10-13 (cities without any land)
4. Cf. Hyginus 158.15-17 and 18-21
5. *Lex Coloniae Genetivae* 82
6. Rostovtzeff 640.65, 71 and 74 on the *prata* of legions.

Not least uncultivated land:

1. Hyginus 160.1-3: Uncultivated land is to be surveyed
2. Hyginus 156.26-33: How is uncultivated land to be demarcated? Note assumption that boundaries of towns will be coterminous
3. Purpose: Hyginus 158.22-23: We need to know how many people can be settled there.

Abbott and Johnson 63 = McCrum and Woodhead 462 = Sherk *RE* no. 96: on unsurveyed land, disputed between the colony Falerio to which the land was originally awarded, and the Firmianians, who occupied it when it went unused. Augustus apparently told them to organize their unsurveyed parcels (*omnia subsiciva*) and sell them. Domitian confirms the possessors in their right of occupation.

Organize data on Flavian survey to increase tax revenues by bringing unsurveyed land under cultivation: see Piganiol (with Salviat), Romano; Cavalieri Manasse

Shaw 2001, 433, on Caesar *Bell. Afr.* 97.2: the imposition of a huge tribute in kind (in this case, oil) effects development of regional economy.

#### 4.B. Problem of data:

Republican: *SC de Tabenis* (*AJ* no. 16), *SC de Stratonicensibus* col. 2, ll. 95-112 (*AJ* no. 17 = *RDGE* 18 = Sherk 63); *RDGE* 21 = Sherk 64, ll. 15-19.

Frederiksen 1976, 343 n. 6, 3444 w/n. 7, 345, 350

Cf. *OGIS* 338 (Pergamum and the will of Attalus)

*Lex coloniae Genetivae* ch. 103: *contributi*? Brunt 1987, 250

Abbot and Johnson 138-139 and esp. Corbier 1991

Carthage: Corbier 1991, 228, following Gasco 1982 and cf. Gasco 1988

Sometimes far away: Cicero *Verr.* 3.108; *Fam.* 13.11.1; Agennius Urbicus 36.18-22

Severus punishing Byzantium and Antioch: Dio 75.14.3

Lucullus punishes Tigranocerta: Strabo 11.14.15 (532)

See also Lenski 114 n. 290, on the punishments meted out by Valens in the aftermath of Procopius revolt: see esp. Socrates 4.8 on Chalcedon, whose walls were torn down to provide stone for public baths at Constantinople but whose walls were then repaired by Valens, succumbing to delegations from Constantinople, Nicomedia and Nicaea; Socrates says that one can see where smaller stones were used to fill in gaps. Cf. Sozomen 7.21.2-3: Mardonius the eunuch, *praepositus sacri cubiculi*, discovered the head of John the baptist, and it was eventually deposited at Cosilaos, a village in the area, which belonged to Mardonius (ὡς δὲ εἰς τὸ Παντείχιον ἦγον (χωρίον δὲ τοῦτο Χαλκηδόνας)... ἀπέθεντο ταύτην τὴν ἱερὰν κεφαλὴν ἐν τῇ Κοσιλάου κώμῃ· ἔτυχε γὰρ ἐκ γειτόνων οὐσα καὶ Μαρδονίου τοῦτου κτήμα): presumably it had previously been attributed to Chalcedon?  
See also Ammianus 26.10.6, on Philippopolis, but its punishment is not spelled out.

City petitions Constantine so as not to be subordinate.

#### 4.C. Cities governing villages for Rome

Purcell 1995, 171, on Festus 53L.

[Cf. Dionysius 2.76.1-2, perhaps used as epigraph?]

Villages surround *municipia*: Agennius Urbicus 42.10-14

Agennius Urbicus 42.14-16: Cities initiate dispute about territory because they want to tax land, or levy recruits from a *vicus*, or require payment of provision for travel and transport.

Pliny *Nat.* 3.139 and cf. 137-138 with Frederiksen 1976, 346-347.

Bertrand, Laffi

Brunt 1990, 185

Brunt 1990, 272 and 512, on the levy

Volsci Arecomici (Pliny *Nat.* 3.37) and Strabo 4.1.12, linked by Corbier 1991, 218, to Dio Chrysostom 40.10 and cf. 35.14-15.

Cf. Agennius Urb. 42.5-8: imposing *munera* on *incolae* of a colony.

Oenoanda: Wörrle and Mitchell's review

Reynolds 1988, 49-50: *SEG* 26, 1826

Josephus *Bell. Iud.* 2.405-407, on taxation; *IG* (Spartan text); Carthage in some texts (referring to *castella*). *ILS* 5642.

Dio *Or.* 7: Reynolds 1988, 49

Christol 1987, 329

Mitchell 1976, 115.

Millar 1993, 193-194, on *P. Cair. Isid.* 1.

Attribution as slavery: Cicero *frat.* 1.1.11.35, Dio *Or.* 31.125

Corbier 1991, 218-219 cites *frat.* 1.1.33, *ILS* 6680, and *SIG* 837: in each case, the attributed population contributes financially to the dominant city: in the case of Trieste, they city coopted the elite of the villages by bringing them into the council and forcing *munera* upon them. But cf. Millar 1983 on *SB* 7696 and Corbier 1991, 225)

See also Ulpian at Digest 50.16.27 (quoted above), on *tributum*.

Brunt 1987, 171

Frederiksen 1976, 353

Livy 31.31.9: note how different language is (about *stipendarii* and *vectigales*) when relationship in question is purely financial.

Cf. Strabo 7.7.6 (p. 304) on Nicopolis: αἱ δ' ἄλλαι κατοικίαι περιπόλιοι τῆς Νικοπόλεως εἰσιν.

De Ste. Croix p. 221ff.

Lenski 2002, 299, citing Giardina and Grelle 1983 = AE 1984, 250. *praepositi pagorum*, etc., and prepare lists!

Syme *RP* 3:871, on Galatia and its colonies; cf. Levick 1967, 38.

Lenski 2014 (Constantine volume) on Oristus dossier: Nacoleia had been demanding that Orcistus pay money to support its cults. Hispellum text by contrast is about autonomous cities participating in a regional cult.

#### 4.D. Villages acting autonomously

Link to previous section is perhaps AE 1985, 972 (with Corbier 1991, 220), and then Isidore 15.2.11

AE 1963, 96.

See Festus 502L s.v. *vici*: they can have their own *republicam*.

Brunt 1987, 570

Contrary evidence: villages (in Egypt and Africa) seeking exemption from liturgies.

Millar 1983

Nolle 1999 on markets

Mother-villages (*metrokomiai*): Macadam 1984, 51-52. See also Macadam 1983, 110.

Lancel 1958, together with Christol 1987, 330

De condicionibus agrorum on pagi and roads: 112.9ff.

In addition to language adopted in west and attested in Dessau's index, cf.

Millar 1993, 449, on Dura no. 416, on the "god of the village."

For a comparison, discuss late Roman villas? Lenski 2002, 39; Thomas 1964; 1980.

BNP 1.334-336: *CIL* VIII 26121, from Numluli, where some locals dedicated a Capitolium for the village and the local Romans, evidently seeking to advertise their civic pride and capabilities and so get municipal status; *CIL* VIII 15513 (from 166 -169 c.e.) and *CIL* 26582b (from 168 c.e.), both from Thugga, which consisted of a village and a group of Roman citizens in the territory of Carthage: a *Capitolium* was built at about exactly the time the local Romans were granted permission to receive legacies.

Orcistus (A&J 154; Chastagnol 1981) as lead in to next section?

## 4.E. Promotion of villages through economic activity

Markets: Nollé 1982 (note clauses ensuring that one village's market doesn't interfere with another's), 1999; Shaw 1981; MacMullen on cycle around Pompeii

De Ligt.

Orcistus (observe the claim that Orcistus has a site favored both by natural geography and by human intervention). Compare to Tymandus, which must prove that its governing class can replace itself (cf. *ILS* 212)

Assize: Dio *Or.* 35.15 and other texts cited in Potter paper

Libanius *Or.* 11.230: villages have little need for the town, thanks to the exchange among themselves.

Note Livy 31.26.9-10 and 31.30.6, and the language used there regarding the demes of Attica.

**Consider A&J 68 = ARS 206a:** a remarkable dossier about boundaries, taxes, the support of the local economy, and passing information from one governor to the next, in support of continuity.

Cotton 1999, with Peachin's review in *BMCR*

What of Hadrian's trip to North Africa in 128: Birley biography 205-207?

## 4.F. Non-urban populations

Caesar, *Bellum Civile* 1.35: the Massiliotes say that both Pompey and Caesar have been benefactors, one granted us the lands of the Volcae Arecomici and the Helvii; the other, after conquering the Sallies, assigned them to us and increased our revenue.

Overview at Sherwin-White, *RC* 437-444. See also Aelius Aristides 26.30 (cited incorrectly by Shaw).

Strabo 14.5.6 on non-conquest of Germany; cf. Ando 2000, 324-326.

Shaw 1990, 245, on Thecla *Mir.* 26.1-4 and 13.12-14 (Dagron).

Shaw 1990, 231, on creating a plain for the mountains.

Shaw 2000, esp. 364, discussing Pliny's records of grants of Latin status to various *nationes* (3.135), *oppida* (3.6-7), and peoples (3.91). He also discusses Vespasian's grant to Spain (Pliny 3.30). And also attribution as a mechanism aimed at forcing populations to commingle with natives-going-Roman: *ILS* 6680: *uti Carni Catalique attributi a divo Augusto rei publicae nostrae, prout qui meruissent vita atque censu, per aedilitatis gradum in curiam nostram admitterentur ac per hoc civitatem Romanam apiscerentur...* On this text, see Jacques 1990, no. 41, together with Gascou 1966-67.

Millar 1993, 428-436, on nomads of Arabia.

Pliny 5.30; Tacitus *Ann.* 2.5.2; Strabo 3.4.13 (non-urban populations); Whittaker 1995, ???

Germans: Tacitus *Germ.* 16.1 and *Hist.* 4.64.2 (walls are *instrumenta servitii*)

Tacitus *Hist.* 4.64.1: for tribes to get together, they have to disarm and pay a customs-duty?

Dio 71.11.3: Marcus does not grant permission to various barbarians to use the markets at the frontier.

Dio 73(72).2-3.

Pliny *Nat.* 16.2-4 on the Chauci

Lenski 2002, 199, on Isauria, citing Ammianus 27.9.7, which is full of information but little of value. But cf. Lenski 200: amidst a lot of other information, he shows through milestones that Valens repaired the road at this time, probably both to civilize and to allow for more rapid troop movements. Cf. 202 on the building of the *Strata Diocletiana*, to allow for greater control over the Saracens.

Tacitus *Agricola* 20.3!

Christol 1987, 316-317: Pliny 5.30 and ILS 9394, paralleling Macrinus and Thubursicu Numidarum (pp. 317).

Leveau 1973 on *praefecti gentis*

Burton 2000, 203

Syme *RP* 1.218-230 (together with Christol pp. 319-322. Prefect of native blood ILS 1435, fulfilling Leveau's pattern.

Volsci Arecomici (Pliny *Nat.* 3.37)

Strabo 4.1.11 and 4.3.2 (on Vienne; cf. Brunt 1987, 250), and 4.3.2 on Lugdunum

Christol 1987, 310, citing earlier work p. 312

Corbier 1983 on transhumance

Cf. Daube 1957, 52, citing Cato *Agr.* 149.1.

## Chapter 5. Roman law and local autonomy

Epigraph? Menander Rhetor 363.4-14; cf. 360.10-16 and 364.10-16

Ulpian *Dig.* 1.18.13.pr.

*Dig.* 1.18.19.1 as epigraph?

or Themistius *Or.* 16.211c.

Servius Aen. 2.116: *et sciendum, in sacris simulata pro veris accipi; unde cum de animalibus, quae difficile inveniuntur, est sacrificandum, de pane vel cera fiunt et pro veris accipiuntur.*

Augustine *Civ.* on the blood required to spread Latin.

Civil law as imperial law, 1: Discuss law of persons as outlined in Gaius, *Inst.* 1, in particular his repeated historical claims that particular statuses within a Roman law of persons originated in imperial action (1.13-14 on *peregrini dediticii*; 1.22-23 on *Latini Iuniani*; and ???).

Civil law as imperial law, 2: Livy 9.43.22-23, where citizenship is given out to conquered people, while three tribes are rewarded for their loyalty by being allowed to **not** become citizens.

9.43.22-24: *Cornelius in Samnio relictus: Marcius de Hernicis triumphans in urbem rediit statuamque equestris in foro decreta est, quae ante templum Castoris posita est. Hernicorum tribus populis, Aletrinati Verulano Ferentinati, quia maluerunt quam ciuitatem, suae leges redditae conubiumque inter ipsos, quod aliquamdiu soli Hernicorum habuerunt, permissum. Anagninis quique arma Romanis intulerant ciuitas sine suffragii latrone data: concilia conubiaque adempta et magistratibus praeter quam sacrorum curatione interdictum.*

The story is continued at **9.45.6-7**, where other peoples cite this episode as paradigmatic in the history of citizenship and conquest. See also Livy 9.9.6.

Cf. Bispham 2007, 104-5: fate of cities after *deditio*.

Civil law as imperial law, 3: Livy 34.57.6 (as part of the speech of Menippus, representative of Antiochus, in 193 B.C.E., near the start, where Menippus discusses the three types of treaties by which states and kings make pacts of friendship: *unum, cum bello victis dicerentur leges*, "the first, when laws are given to have those who lost in war..."; the second, when parties are equally matched and there's a formal restitution on both sides; and the third, when the parties have never been enemies and bind themselves without going to war.

Is it worth thinking about manumission by census? Or the related problem of enrolling new citizens by census?

Livy 34.42.5-6: *Novum ius eo anno a Ferentinatibus temptatum, ut Latini qui in coloniam Romanam nomina dedissent cives Romani essent: Puteolos Salernumque et Buxentum adscripti coloni qui nomina dederant, et, cum ob id se pro civibus Romanis ferrent, senatus iudicavit non esse eos cives Romanos.* "A *novum ius* was tried in that year by the Ferentinates, namely, that those Latins who enrolled in a Roman colony should be Roman citizens; but when for this reason they conducted themselves as Roman citizens, the Senate judged that they were not Roman citizens."

Millar 2002, 120, thinks that the point is that they could not be citizens until the colony was formally established. Cf. Frederiksen, *Campania*, 270.

Cicero *Off.* 3.47, on the *Lex Licinia Mucia*: *Male etiam qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive qui civis non sit rectum est non licere, quam legem tulerunt sapientissimi consules Crassus et Scaevola; usu vero urbis prohibere peregrinos sane inhumanum est.*

"They also act badly who prevent foreigners from enjoying their city and banish them, as Pennus did in our fathers' time and Papius recently. It is right not to allow one who is not a citizen to act as a citizen: those wisest of consuls Crassus and Scaevola carried that law. However, to prevent foreigners from enjoying the city is surely subhuman."

See Dyck at loc.: "Traditionally a Latin who changed residence and paid taxes could obtain Roman citizenship. The *lex Licinia Mucia* of 95 altered this; it limited eligibility for citizenship so as to exclude the Latins and instituted a special *quaestio*. See MRR 2, 11; Mommsen, *Staatsr.* 2.639 and n. 2.... The approval expressed here for the *lex Licinia Mucia* contrasts sharply with Cicero's view in the speeches *pro Cornelio* of 65: *non modo inutilem sed perniciosam reipublicae fuisse*, apud Asconius *Corn.* 59). Asconius offers *inter alia* this (perhaps overstated) assessment: *verum ea lege ita alienati animi sunt principum Italicorum populorum ut ea vel maxima causa belli Italici quod post triennium exortum est fuerit.*"

N.b. See also Purcell in *CAH*, where much of interest is said on the presence of foreigners in, and migration in general to the city.

Gargola 58.36

Somewhere: stuff from Pinsent on *municipium*. (1) Legal status of individuals is expressed more or less solely in relation to the *res publica populi Romani*. What their status is in their own community is not of interest. (2) Likewise, *municipium* says (said?) little or nothing about status or coherence of the community it describes: it is an aggregation of *municipes*, nothing more.

Cf. Bispham 2007, 26-27, discussing Pinsent's reading of Gellius 1.13.6-9, on the term (and concept) *fundus fieri*: belonging involves accepting Roman law, which is to say, signing on to various norms. The question is why. See also Bispham 158-159, for a list of such laws.

On Romanization, cite *AÉ* 1982, 0924, with Miller 1968, 132 and cf. 133.  
On law specifically, see Millar 1968, 130, on Ulpian on Punic.

5.A. What were the resources, both formal and cognitive, available in Roman law for extending the scope of the law?

Problem I am after is the embrasure of aliens before the law--something which for reasons A, B & C was not supposed to happen, and for which little evidence survives outside occasional legal instruments or documentary texts.

My main contention at the level of method is as follows: that the mechanisms available in Roman law for innovation at law within Roman legislative, forensic and jurisprudential practice for surmounting principled and taxonomic hurdles were also regularly deployed in order to encompass aliens, aliens property and alien legal institutions within Roman jurisdiction.

These mechanisms were: list (?).

This topic has no history within the civil law tradition. That is so for a number of reasons. First and foremost is historical conjuncture, that the ideological claim of exclusion, to the effect that the civil law was available only to citizens, was in effect vindicated and naturalized when in 212 C.E. citizenship was extended to all free-born residents of the empire. Second, the particular problem that gave rise to the most widespread usage of these mechanisms, which was the existence of conflicts of law among the varied sources of law at Rome, was not only not itself the subject of theoretical reflection (the civil law tradition did not recognize "conflicts of law" as a domestic problem), but it could not perforce be named: to expose these conflicts of law to scrutiny would be to render public that which the work of fiction was intended to mask.

I would like furthermore to argue that in the world of Roman law—meaning at once the doctrinal tradition and the world of social relations that it shaped—self-conscious reflection upon the limited capacities of legal language to describe the world, and upon its great power to shape that world nonetheless, gave rise to far the most sophisticated body of social theory to survive from the ancient world.

**Digression on systematization:** see also the stuff in the paper on administration in the Blackwell volume.

Livy 4.4: Who can doubt that in a city founded to last forever, and growing to a size we cannot now imagine, new commands, new priesthoods, new rights for groups and individuals will perforce come into being....

*Dig.* 25.4.1.15: *Mos regionis*. See also Pliny Ep. 10.97.1 and 10.113.



Dig. 47.11.9: Mos provinciae

Dig. 50.17.123.1: Ulpian *Edict* bk. 14: *Temporaria permutatio ius provinciae non innovat.*

Cf. on time of harvests: 2.12.1-4.

McCrum and Woodhead 466 = Sherk *RE* no. 95 ll. 13-17 (from Epiphaneia in Syria): [Vespasian ordered that cities should not be burdened with requests for transport of lodging...] "Nevertheless, by conscious decision or not, deliberate neglect has set it and this order has not been observed. For there remains up to the present an old and vigorous custom, which, little by little, will progress into law if it is not obstructed by force from gaining strength."

μένει γὰρ μέχρι νῦν παλαιὰ καὶ εὐτονος συνήθεια, κατ' ὀλίγον χωρούσα εἰς νόμον, εἰ μὴ ἰσχύει[ν] δωλυθείη δυνάμει.

Dig. 3.4.1.1, Gaius writing on *collegia*: ***ad exemplum rei publicae***, they may have common properties.... Flambard 1981, ???; cf. Crawford 1998, 33.

Cf. Agennius Urbicus 36.18-22: colonies are *publicae personae* and so have *praefecturae* (that is, territories over which they exercise quasi-magisterial control). Cf. Siculus Flaccus 126.23-25

Cf. Dig. 11.7.36: *Cum loca capta sunt ab hostibus, omnia desinunt religiosa vel sacra esse, sicut homines liberi in servitute perveniunt: quod si ab hac calamitate fuerint liberata, quasi quodam postliminio reversa pristino statui restituuntur.*

First, an analogy, which is transformed into a metaphor, which is concretized again through another analogy.

Cf. Dig. 1.3.12: It is not possible for every point to be specifically dealt with either in statutes or senatus consulta, but whenever in any case their sense is clear, the person exercising jurisdiction ought to proceed by analogical reasoning and declare the law accordingly (*is qui iurisdictioni praeest ad similia procedere atque ita ius dicere debet*).

Dig. 47.12.5: conflict between municipal and imperial regulations (in spite of, e.g., Pliny and Trajan on provincial *solum*).

*OGIS* 484 = *IGRR* 4, 352 = *ARS* 246: Hadrian on the coinage of Pergamum. Cf. *OGIS* 515 and *IGRR* 4, 915, the former legislating on the local coinage, the latter citing a rate of exchange (cited in *ARS*). In Pergamum the local bronze was equated roughly with the *as* at Rome, and a profit was permitted to exchangers (by varying rate of exchange for buying and

selling); in Cibra the rate is set against both the Roman denarius and the Rhodian drachma, but Rome's denarius anchors the two.

Brunt 1987, 524-535, on municipal autonomy: What is a prefecture? Discuss in relation to *imperium* and other similar terms. See example in Kaizer 2004, 174: sent by governor of Syria to administer Decapolis.

### **Digression on language**

Stuff on periphrasis: *monopolium*. Consider also autonomy, unwritten law, etc.

"must be said to be so"

Language and conquest (Augustine and Servius) going hand in hand -- or not hand in hand? -- with law and conquest.

Gaius on Latin and Roman law

Quasi as a means to acknowledge failure of language

5.B. Conservatism and change: Potter paper and cf. Abbott and Johnson pp. 50-51, on provincial edicts.

André p. 21-24 and stuff cited in notes there.

André 1991, 24, on the Edictum from Venafrum.

André 1991, 27-28 esp. *Dig.* 47.12.3.5 and 49.14.pr-1.

Fragmentum Tudertinum (ARS 152 = Bruns 157-158): our inability to fix it as local or Roman reflects late Republican Italy, in a world of *municipia fundana*?

5.C. Citizenship, ethnicity, and Roman conceptions of community: law had to be shared

*CAH* 7.2, 380-381 on the widespread use of *civitas sine suffragio* in the third century.

Cicero *Rep.* 3.41: rule over Latins

Tacitus *Hist.* 4.73-74: Cerealis speaks. Cf. Cicero and Caesar on *taedium* of empire.

What was a *municeps*? What was a resident?

See Paul *Dig.* 50.16.228: 'Municipes' intellegendi sunt et qui in eodem municipio nati sunt.

See also Pomponius *Dig.* 50.16.239.2, on *incola*.

See also **Gaius *ad edictum provinciale* fr. 53** = Dig. 50.1.29: an *incola* ought to obey the magistrates among whom he is an *incola*, as well as those, among whom he is a citizen.

Cf. Dig. 1.9.11, on the domicile of senators.

Livy 9.20.10 on Antium.

Crawford 1998: 34

Abbott and Johnson pp. 60-61.

Roman statutes pp. 390-391 on *municipium fundanum*: relate to Dig. 47.12.5 and to Gellius 16.13.6, etc.

Crawford 1998, 34

Hence discuss development of laws regarding jurisdiction (Galsterer, Simshäuser).

Le Roux 1992

Christol 1987, 328.111: interference in cities has to do with Roman conception of *munera*.

Cf. Crawford 1998, 35, on Thomas!

- 5.D. Legislation and the law of necessity had to deal with mixed populations regardless of city status (Crawford 1996, 422; Brunt 1987, 538-544; Syme; Le Roux 1992). One result was the development of a body of legal thinking that privileged individual's status within Roman community over jurisdictional powers of local officials and local communities.

Cherry on inter-marriage: leads to Gardner articles. **Take notes!**

Also, think about tendency of individuals to turn to Roman courts, regardless whether they were citizens: great example is SIG 780 = RDGE 67 = Red Sherk 103, on death by chamber-pot; and see Alston on turning to centurions.

**Cicero *Off.* 3.47: *nam esse pro cive qui civis non sit rectum est non licere, quam legem tulerunt sapientissimi consules...***

See Dyck at lock, and esp. Purcell in *CAH IX* 652, citing, first, measures expelling aliens from 126, 122 and 95 B.C.E., and subsequently *Arch.* 10 and *Balb.* 38 and 52, prosecutions under the *lex Papia* of 65 B.C.E.

See also DIO 37.9.5: "Meanwhile, all those who were resident [aliens] in Rome, except inhabitants of what is now Italy, were banished on the motion of one Gaius Papius, a tribune, because they were coming to be too numerous and were not thought fit to dwell with the citizens." (... καὶ

τούτω πάντες οἱ ἐν τῇ Ῥήμῃ διατρίβοντες, πλὴν τῶν τὴν νῦν Ἰταλίαν οἰκούντων, ἐξέπεσον Γαίου τινὸς Παπίου δημάρχου γνώμη, ἐπειδὴ ἐπεπόλαζον καὶ οὐκ ἐδόκουν ἐπιτήδειοί σφισιν ἵνα συνοικεῖν).

Gaius 1.119, on *mancipatio* as a procedure restricted to citizens.

Tacitus 11.19.1-2; 12.32.2

Gardner 1996 and 2001

Brunt 1987, 528, 530-532, 534

Latin right: Brunt 1987, 248

Burton 2000, 197: government and status of individuals

Millar 1983

Cities were laboratories in which upper-class individuals were induced to Romanize, and it was thought others would follow. Whether the Romans expected peasants to Romanize is a secondary question, and speaks to Roman attitudes to class, not to the question with which we are here concerned, namely, whether they thought provincial populations would acculturate, and how this goal was to be accomplished.

Cicero Verr. 2.2.120: *neminem ut leges eorum sunt suffragiis...*

Note analogy with Christian conversion: people did think that changing the culture of the wealthy would have a trickle-down effect.

Sherwin-White 1973, 112, on the dissolution of bonds between citizenship and residence near Rome

Cornell 1995, 351 (and cf. other texts on Latin status) and refer to Roman ideas of citizenship as articulated in Vergil paper and Y. Thomas: Latin status is like citizenship itself: the Romans divorced it from any notion of ethnicity.

Galsterer, Humber, Le Roux, etc.

## Chapter 6. Metonymy

*ILLRP* 454 = *AE* 1956, 149 = *ILS* 23 (Bispham 88): As well as being an important example of what Roman road-builders thought it important to record, and of the connection of *fora* to roads (see Galsterer, *Herrschaft*, 27; Salmon, *Making*, 4 n. 14), it closes with the briefest statement about public building done in the community where the stone was originally set up, either Forum Annii or Forum Popilii, depending on the

proclivities of the modern reader: *forum aedisque poplicas heic fecei*, "I made a forum and **public** buildings **here**." On the identity of the author (and builder) see Wiseman, *Roman Studies* 108-115.

Dio 56.30.3: Augustus's statement that he found Rome of clay and left it of marble. Has both literal and metaphoric meanings. Also stated Suetonius *Aug.* 28.3.

Organize around an exploration of three key metonymies, which (I would argue) reveal something quite distinctive about Roman theories of politics (construed as broadly as possible), culture and urbanism: in particular *civitas*, *forum* (e.g., Cicero *Att.* 116.4), and the iconographic representation of cities as walled structures. Why citizenship? Why the forum? An important analog to modern Anglo-American liberalism, on the one hand, and French Republicanism, on the other. It reveals something of how Rome thought cultures would change and assimilate, and helps us understand why they organized provincial life as they did. Discuss: monumentalized urban cores, legal literature on public resources, etc.

On the field of **civitas**, which is to say, on its metonymic range, see Gellius 18.7.5: *Misit autem paulo post Favorino librum quem promiserat -- Verri, opinor, Flacci erat -- in quo scripta ad hoc genus quaestionis pertinentia haec fuerunt: "senatum," dici et pro loco et pro hominibus; "civitatem" et pro loco et oppido et pro iure quoque omnium et pro hominum multitudine; "tribus" quoque et "decurias" dici et pro loco et pro iure et pro hominibus, et cetera.*

Periodization?

On **civitas**, see Cicero *Vat.* 29: And since you despise the wealth of others while you boast immoderately of your own, I want you to tell me this: during your tribunate, did you not make treaties with *civitates*, with kings, with tetrarchs?

Read *Dig.* 50.8-11.

Cicero *Inv.* 2.168: Moatti 2001, 814. How does a fairly inchoate body of reflection on the city become crystallized in legislation? When does this happen?

**Inv. 2.168:** *Utilitas autem aut in corpore posita est aut in extrariis rebus; quarum tamen rerum multo maxima pars ad corporis commodum revertitur, ut in re publica quaedam sunt, quae, ut sic dicam, ad corpus pertinent civitatis, ut agri, portus, pecunia, classis, nautae, milites, socii, quibus rebus incolumitatem ac libertatem retinent civitates, aliae vero, quae iam quiddam magis amplum et minus necessarium conficiunt, ut urbis egregia exornatio atque amplitudo, ut quaedam excellens pecuniae magnitudo, amicitiarum ac societatem multitudo.* "Utility lies either in the body or in things outside the body. By far the largest part of external

advantages results, however, in advantage of the body. For example, in the *res publica* there are certain things that belong to the body, as it were, of the *civitas*: fields, harbors, money, a fleet, sailors, soldiers, allies-- things by means of which *civitates* preserve their safety and liberty; there are other things that contribute to something grander but less necessary, such as great adornment or size, a huge amount of money, a large number of friends and alliances."

On this passage see Remy 1930, "Du groupement des peuples..."

Note, too, Ulpian D. 47.10.5.5: what does it mean that hypothetical examples concern Rome? What resources were available within Roman law and practice to negotiate problems of cultural difference?

Consider the kinds of words discussed by Moatti and Edmond Remy: when do particular clusters of words and concepts come to the fore, and others recede, and why?

D. 3.4.1 from Gaius: *Quibus sociis autem permissum est corpus habere ... proprium est ad exemplum rei publicae habere res communes, arcam communem et actorem sive syndicum, per quem tamquam in re publica quod communiter agi fierique oporteat, agatur fiat...*

On this passage see Moatti 2001, 816-818, esp. 818: the construal of the collective as a concrete unity constitutes an important step toward the formation of *universitas*.

Note, too, Moatti 2001, 819, on the *salus rei publicae*: cf. Cicero *Mil.* 40, *Catil.* 1.31 and *Phil.* 8.15.

Moatti 2001, 823: Amazing argument over the ambition of the *De legibus*, to achieve a durable stability.

Moatti 2001, 825 n. 60: On Cicero on the term *societas*... To the famous passage *De officiis* 3.69 Moatti compares *Off.* 1.53, cited in her note 96, and *Leg.* 1.16. She continues on pp. 826-827: L'expression *consensu iuris sociatus* est en effet extrêmement efficiente: elle permet de construire théoriquement l'idée de peuple comme organisation juridique, c'est-à-dire comme création abstraite et volontaire...

Yes, brilliant: a model of voluntary entering into a collective whose constraints are always partial because of prior and superordinate existence of a political collectivity is then used to construe membership in that collectivity, but without ever requiring the fuller articulation of the constituents of membership that one might have expected the superordinate polity to require.

Cf. Moatti 2001, 834 on the power of magistrates in this scheme, the first paragraph leading up to n. 97, on which page she makes the important point about a lack of Greek precedent for any part of this argument.

Moatti 2001, 832: on the notion of the *societas* in international affairs: cf. Cicero *Balb.* 20-22.

On *res publica* somewhere: **Apuleius *Apol.* 24.9**, refers to the *res publica* of Madaurus.

Sherk #174 with Millar 1993, 86-89, discussing van Berchem and Feissel, on public works at Antioch: . Cf. Millar pp. 261-262, on Apamea. See also below, 6.C.

On the influence of public-law structures and language on understandings of communal organization consider the use of magisterial titles in *conventus*, *collegia* and such: note, e.g., Rauh 34-35, together with Varro *RR* 3.2.16.

#### 6.A. Urban architecture and lifestyle: Strabo on Neapolis (5.4.7)

What was a city? Pausanias 10.4.1: Στάδια δὲ ἐκ Χαιρωνείας εἴκοσιν ἐς Πανοπέας ἐστὶ, πόλιν Φωκέων, εἶγε ὀνομάσαι τις πόλιν καὶ τούτους, οἷς γε οὐκ ἀρχεῖα, οὐ γυμνάσιόν ἐστιν, οὐ θέατρον, οὐκ ἀγορὰν ἔχουσιν, οὐχ ὕδωρ κατερχόμενον ἐς χρήνην, ἀλλὰ ἐν στέγαις κοίλαις κατὰ τὰς καλύβας μάλιστα τὰς ἐν τοῖς ὄρεσιν, ἐνταῦθα οἰκοῦσιν ἐπὶ χαράδραι. ὅμως δὲ ὄροι γε τῆς χώρας εἰσὶν αὐτοῖς ἐς τοὺς ὁμόρους, καὶ ἐς τὸν σύλλογον συνέδρους καὶ οὗτοι πέμπουσιν τὸν Φωκικόν. "It is twenty stades from Chaeronea to Panopeus, a city of Phocis, if city it can be called that has no government offices, no gymnasium, no theatre, no market-place, no water conducted to a fountain, and where the people live in hovels, just like highland shanties, perched on the edge of a ravine. Yet its territory is marked off by boundaries from that of its neighbours and it even sends members to the Phocian parliament."

Naryx!

See also Strabo 4.1.11 (speaking of the territory around Lugdunum): "Formerly the Allobroges fought with many myriads; but now they farm the plains and copses in the Alps, and they all live **κωμηδόν**, except for the most notable, who live in Vienna: it used to be a **village**, but is now called "the **metropolis**" of the race and they have built it into a **polis**."

and 5.2.6 (on Populonia/Poplonium): τὸ μὲν οὖν πολίχνηον πᾶν ἔρημόν ἐστι πλὴν τῶν ἱερῶν καὶ κατοικιῶν ὀλίγων... "Now the mini-polis is entirely deserted, except for the temples and a few inhabitants...."

See chapter 3 on the "formal dissolution" of cities as an instrument of policy, going all the way back to the aftermath of the Latin war (Livy 8.14.5-6 on Veliterni).

Compare Kornemann 1905, 85, on polis as groups of villages, with Frederiksen 1976 p. 341 n. 1.

Cf. Vitruvius notes: what was *ad dignitatem municipii sive civitatis*, and what buildings were necessary, and why?

See esp. 5.2.1: forum and basilica. Note that Roman forum is different than Greek agora because of how it is used: gladiatorial games must be accommodated.

5.2.1: Size and design of *curia* in particular must suit the dignity of the community.

Villages as barbarian, compared to civilized polis: Dio Chrysostom 47.10 (on which see Bowie 1991, 197): Ὅπου δὲ καὶ τοῦτο ἐλύπει τινάς, εἰ φυγάδες ὄντες καὶ ἀπόλιδες πατρίδα ἔξουσι καὶ πολιτεύσονται κατὰ νόμους ἐν ἐλευθερίᾳ, μᾶλλον δ' ἤρουντο διοικεῖσθαι κατὰ κώμας τοῖς βαρβάροις ὁμοίως ἢ σχῆμα πόλεως καὶ ὄνομα ἔχειν... "But when some persons, exiles and homeless as they were, were actually annoyed at the prospect of having a fatherland and enjoying constitutional government in independence, but preferred to be scattered in villages like barbarians rather than to have the form and name of a city..."

Zanker 2000, article there publishing illustrations to be connected with illustrations in *agrimensores*, etc.

Castagnoli

Gonzalez

Cf. Cicero *Leg. agr.* 2.88, on the continuing existence of Capua without magistrates, senate, or any *imago rei publicae*: it can still supply *res* to assist in the cultivation of the *ager Campanus*: crops could be collected and stored there and *aratores* could use the *aedificia* when tired by work in the fields.

See Cicero *Off.* 1.53 on **forum and viae** etc., and then compare Marcian *Inst.* 3 = *Dig.* 1.8.6.1: a quite remarkable discussion of corporate ownership of public buildings = **Marcian fr. 67-71 Lenel**.

**Cicero *De officiis* 1.53:** *Gradus autem plures sunt societatis hominum. Ut enim ab illa infinita discedatur, prior est eiusdem gentis nationis*



*linguae, qua maxime homines coniunguntur. Interius etiam est eiusdem esse civitatis; multa enim sunt civibus inter se communia, forum fana porticus viae leges iura iudicia suffragia, consuetudines praeterea et familiaritates multisque cum multis res rationesque contractae. Artior vero conligatio est societatis propinquorum; ab illa enim immensa societate humani generis in exiguum angustumque concluditur.* "There are indeed several *gradus* of *societas*, degrees of fellowship among humans. To proceed from the one that is unlimited, next there is a closer one of the same race, tribe and language, through which humans are bound strongly to one another. More intimate still is that of common citizenship; for many are the things held in common by citizens between themselves: the forum, temples, porticoes, and roads; statutes and legal rights; legal judgments and political elections; and, besides these, acquaintances and companionships and those business and commercial transactions that many of them make with many others. A tie narrower still is that of the fellowship between relatives: moving up from the vast fellowship of the human race we end up in a confined and limited one."

**Marcian Institutes bk. 3 (fr. 67-71 Lenel) = Dig. 1.8.6.pr.-5:** (*pr.*) *In tantum, ut et soli domini constituentur qui ibi aedificant, sed quamdiu aedificium manet: alioquin aedificio dilapso quasi iure postliminii revertitur locus in pristinam causam, et si alius in eodem loco aedificaverit, eius fiet.* (1) *Universitatis sunt non singulorum veluti quae in civitatibus sunt theatra et stadia et similia et si qua alia sunt communia civitatum. ideoque nec servus communis civitatis singulorum pro parte intellegitur, sed universitatis et ideo tam contra civem quam pro eo posse servum civitatis torqueri divi fratres rescripserunt. ideo et libertus civitatis non habet necesse veniam edicti petere, si vocet in ius aliquem ex civibus.* (2) *Sacrae res et religiosas et sanctae in nullius bonis sunt.* (3) *Sacrae autem res sunt hae, quae publice consecratae sunt, non private: si quis ergo privatim sibi constituerit, sacrum non est, sed profanum. semel autem aede sacra facta etiam diruto aedificio locus sacer manet.* (4) *Religiosum autem locum unusquisque sua voluntate facit, dum mortuum infert in locum suum. in commune autem sepulchrum etiam invitis ceteris licet inferre. sed et in alienum locum concedente domino licet inferre: et licet postea ratum habuerit quam illatus est mortuus, religiosus locus fit.* (5) *Cenotaphium quoque magis placet locum esse religiosum, sicut testis in ea re est Vergilius.* "*pr.*) This principle is taken to such an extent that people who build there are constituted owners of the ground, but only as long as the building remains there. Conversely, when the building collapses, then, as if by right of postliminium, the place reverts to its former condition, and if someone builds in that same place, it becomes his. (1) Things in *civitates* such as theaters and stadiums and such like, and anything else which belongs communally to the *civitates* are property of the *universitas*, the community corporately, not of separate individuals. Thus the communal slaves of the *civitas* is considered to belong not to individuals

in undivided shares but to the community corporately, and accordingly, the deified brothers ruled in a rescript that a slave belonging to the *civitas* can be put to torture as readily to inculcate as to exculpate a citizen..."

*Dig.* 50.1 (texts cited at Christol 1987, 328.111): interest in maintaining cities

***Dig.* 43.7-11**, on *loca publica* and cf. Marcian Institutes bk. 3.

See also *Leg. agr.* 2.73, and cf. Festus 502L on vici, and take account of Falerii Veteres, and Strabo 5.3.10 on Fregellae

*FIRA* 1.45 = *ILS* 6043 = ***ARS* 172**, the *scc. de aedificiis non diruendis*, 2.42ff (cited by Whittaker 1995 Integration 20):

#1 (44 C.E.): Decree of the Senate passed on September 22 in the consulship of Gnaeus Hosidius Geta and Lucius Vagellius: Whereas the foresight of our most excellent prince has made provision for the buildings both of our city and of all Italy forever, and in regard to these he furnished us not only with the most respected precept but also with his own example; and whereas a proportionate care for private and public buildings befitted the happiness of this new era, and everyone ought to abstain from that most reprehensible kind of business activity and ought not to bring about the destruction of town houses or country houses in complete disharmony with an age of peace, it is resolved: [people are forbidden to purchase property intending to destroy buildings without intending to replace them...]

#2 (56 C.E.): Decree of the Senate passed on 2 March in the consulship of Quintus Volusius and Publius Cornelius: [Having been consulted regarding the petition of the kinsmen of Alliatoria Celsilla... the Senates proposed as follows:] A decree of the Senate, passed on 22 September in the consulship of the most honorable Hosidius Geta and Lucius Vaegllius, with the deified Claudius as its sponsor, warned that no one should destroy a town house or a country house in order to realize a profit thereby ... [A good summary follows.] Moreover, the relatives of Alliatoria Celsilla, wife of the most distinguished Atilius Lupercus, brought information to this body that Alliatoria's father, Alliatorius Celsus, bought landed properties with buildings on them in the district of Mutina called *campus Macer*. A *mercatus*, a fair was customarily held in this place in the old days, but now this has been discontinued for some years, and the buildings are collapsing because of their great age. Nor would they be of any use if they were repaired, because no one would live in them, nor would anyone wish to remove to deserted and collapsing buildings.... [Exception granted.] For the future, however, all other persons must be warned that they shall avoid any such detestable form of business activity, in which it is more proper for new works to be undertaken and for all things to be so

adorned as to reflect the happiness of the whole world, than to disgrace any part of Italy with the ruins of building and to continue today that indifference of former times, which so tainted everything that it was said that the Roman state was dying of old age and was already in its grave."

Tertullian *De anima* 30.3 (from a passage asserting the general claim that the population of the earth is growing, citing first the practice of colonization, and then evidence of increased urbanization): *Certe quidem ipse orbis in promptu est cultio de die et instructor pristino. Omnia iam pervia, omnia nota, omnia negotiosa, solitudines famosas retro fundi amoenissimi oblitteraverunt, silvas arva domuerunt, feras pecora fugaverunt, harenae seruntur, saxa panguntur paludes eliquantur, tantae urbes quantae non casae quodam. Iam nec insulae horrent nec scopuli terrent; ubique domus, ubique populus, ubique respublica, ubique vita.* "Certainly the world itself is patently daily more cultivated and more built up than earlier. All place are now accessible, all are known; all open to commerce; very pleasing farms have wiped from memory what were once stricken wastelands; fields have conquered woods; herds have put wild beasts to flight; sands are sown; rocks broken; marshes drained; and there are as many cities as once there were cottages. Islands no longer arouse dread, nor do crags terrify. Everywhere is domestic life; everywhere people; everywhere the *res publica*, everywhere life."

See also Tertullian *De pallio* 2.7: *Sed uanum iam antiquitas, quando curricula nostra coram. Quantum reformauit orbis saeculum istud! Quantum urbium aut produxit aut auxit aut reddidit praesentis imperii triplex uirtus! Deo tot Augustis in unum fauente, quot census transcripti, quot populi repurgati, quot ordines illustrati, quot barbari exclusi! Reuera orbis cultissimum huius imperii rus est, eradicato omni aconito hostilitatis et cacto et rubo subdolae familiaritatis conuulso, et amoenus super Alcinoi pometum et Midae rosetum. Laudans igitur orbera mutantem, quid denotas hominem?* "But antiquity is pointless (as example), when our own experience is before us. How much of the world has this age reshaped! How many cities has the threefold *virtus* of the present empire produced or augmented or restored? With God favoring so many emperors in concert, how many populations have been transferred (what a **metaphor!**), how many peoples purged; how many ranks of men rendered decorated; how many barbarians excluded! In truth the earth is the well-cultivated territory of this empire; (every poisonous tree of hostility has been eradicated; the cactus and bramble of treacherous familiarity have been torn up; and the world is pleasant beyond the orchard of Alcinous and the rose-garden of Midas)."

See also **RS 15** = ARS 63 = *Lex Tarentina*, clause 4: No one is to unroof or [demolish] or dismantle a building in the town which shall belong to

that *municipium* except one that he is about to restore in no worse state, except according to the opinion of the Senate....

See also **RS 25, *Lex coloniae Genetivae***, chapter 75: No one in the town of the colonia Iulia is to unroof or demolish or dismantle a building, unless he shall have furnished guarantors, according to the decision of the *Iiviri*, that he is about to rebuild it, or unless the decurions shall have decreed (that he may) provided that not less than fifty be present whenever the matter may be discussed.

See also *Lex Flavia municipalis* chapter 62.

*AÉ* 1906, 30 = I.Ephesos 1a.42, Chastagnol 1986; Lenski 2002, 295-296: release imperial properties to cities, to use money to rebuild *moenia*. They are to produce inventories...

**Dig. 1.18.7** (Ulpian, *Opiniones* bk. 3): *Praeses provinciae inspectis aedificiis dominos eorum causa cognita reficere ea compellat et adversus detractantem competenti remedio **deformitati** auxilium ferat.* A provincial governor ought to compel owners of buildings to repair them, sufficient ground having been shown on inspection of them, and against one who refuses, by means of some appropriate remedy he should bring aid to their **deformitas**.

See also *ARS* 317 (Valens) the remarkable inscription from Ephesus on the transfer of monies from imperial estates to cities to aid in the repair of public works:

See also Gaius *ad edictum provinciale* bk. 3 = *Dig.* 3.4.1, on collegia as possessing common property, *ad exemplum rei publicae*.

Well-known: Seating: *Lex Coloniae Genetivae* 126 with note ad loc. and *Lex Irnitana* 81

1. Nomenclature: *Tabula Heracleensis* 146-148 and *Lex Irnitana* 86 and *ILS* 206, and cf. Suetonius *Tiberius* 71 and *Claudius* 25.3, cited in MacMullen review  
Alföldy 1966  
Chastagnol 1987, 1990
2. Dress: *Lex Coloniae Genetivae* 62 and 66 (with notes ad loc.).  
Cf. Woolf 2001
3. Religion and calendar: *Lex Coloniae Genetivae* 64 and 128 and *Lex Irnitana*  
Scheid 1999

Millar 2002, 100-101: on keeping time! Citing Festus 288L, Censorinus, Varro, and Pliny *Nat.* 7.212-215.

4. Architecture and landscape: *Lex Coloniae Genetivae* 77-78. Roads: Sherk 36 and 42: very soon after annexation.  
 Brunt 1987, 253, on Antioch  
 Walls and theatres: Frézouls, Bejor, *Enceintes*  
 Balty 1992  
 Tabula Heracleensis *RS* 24, ll. 68-72
5. Administrative ritual: *Lex Coloniae Genetivae* 81 and *Lex Irnitana* 59
6. In addition to legislation on water, see André 1991, 26 and the notes there on interdicts safeguarding structures *in usum populi*.

*Dig.* 50.1.27.pr.-1 (Ulpian *ad edictum* bk. 2 on the things one can enjoy in a city): *Eius, qui manumisit, municeps est manumissus, non domicilium eius, sed patriam secutus. et si patronum habeat duarum civitatum municipem, per manumissionem earundem civitatum erit municeps.* (1) *Si quis negotia sua non in colonia, sed in municipio semper agit, in illo vendit emit contrahit, in eo foro balineo spectaculis utitur, ibi festos dies celebrat, omnibus denique municipii commodis, nullis coloniarum fruitur, ibi magis habere domicilium, quam ubi colendi causa deversatur.* "A man who is manumitted is a fellow *municeps* of the man who manumitted him, adopting not his domicile but his *patria*. And if he has as *patronus* a *municeps* of two communities, he will by manumission be a *municeps* of those two communities. If anyone conducts his business not in a colony, but always in a municipality and there sells, buys and contracts; frequents the forum, bath, and entertainments in it; celebrates festivals there; finally, if he enjoys all the conveniences of the municipality and none of those of colonies; he is regarded as having his domicile there rather than where he spends time in order to cultivate land."

*Dig.* 50.1.27.2-3: Ulpian here quotes Celsus discussing the question whether a person can have *domicilium* in two places. Ulpian doubts this.

Compare *OGIS* 483 = SEG 13.521, the law of *astynomoi* from Ephesus (2nd century A.D.), with Arnaoutoglou's notes.

Cf. Breton (again) on forests, as analogous to the public lands used for cities and described in the *agrimensores*

#### 6.B. Municipal decrees and urban space:

*Dig.* 50.16.239.8: Territory is the space of a community because it is the space within which the community's magistrates may "terrify."

*Dig. 50.8: De administratione rerum ad civitates pertinentium*

Cf. *Dig. 47.12.3.5*, on burial within cities, as an issue of conflict between municipal and imperial law.

Compare Daube 1957, 43, in *ILS* 7847, a private individual contributes land for a public burial site.

Compare Daube 1957, 52, on servitudes, especially those for roads, discussing ***Dig. 43.8.2.21-22***.

Portraits. Italy (Sherk *MDRW*).

Alföldy 1979 and 1984.

Sehlmeyer 1999 and 2000.

Ennius *Annales* (Skutsch) p. 130 fr. iv, on which see Millar 2002, 106.

Discuss *ILS* 5918a (Purcell in *CAH* 11 424), because of its last sentence: An inscription of a town council, one of the earliest to receive a *curator rei publicae*, negotiating with the *curator rei publicae* about its granting of public land to an imperial freedman, who was giving a building to the city: "It is my duty not just to show my agreement with you but to congratulate you when someone gives a fine benefaction to our community. I accept your decision, therefore, not in my capacity as *curator*, but as one of your number, since it is right to encourage further instances of this kind by means of conspicuous rewards."

Cf. Edmondson et al. 2001.

## 6.C. Municipal governance:

Festus s.v. *municeps* (126L): *Municeps est, ut ait Aelius Gallus, qui in municipio liber natus est. Item qui ex alio genere hominum munus functus est. Item qui in municipio ex servitute se liberavit a municipe. At Servius filius aiebat initio fuisse, qui ea conditione cives fuissent, ut semper rempublicam separatim a populo Romano haberent, Cumanos, Acerranos, Atellanos, qui aequae <cives Romani erant et in legione merebant, sed dignitates non capiebant>.*

Brunt 1987, 528: Festus says that *municipes* always had their *res publicae* separate from the Roman. In his day the term *res publica* was commonly used of purely municipal communities (examples in *ILS* index iii.671f.). There is no reason to think that he means that the original *municipes* retained sovereignty and enjoyed a sort of isopolity with Rome. He can quite well be referring to the local self-government which municipalities possessed in the late Republic and his own time and which, he supposed, the early *municipia*, towns incorporated in the Roman state, with or without the vote, also enjoyed.

Festus s.v. *praefecturae* (262L): *Praefecturae eae appellabantur in Italia, in quibus et ius dicebatur et nundinae agebantur; et erat quaedam earum R. P., neque tamen magistratus suos habebant. in †qua his† legibus praefecti mittebantur quotannis qui ius dicerent.*

Brunt 1987, 528: However, another passage in Festus throws doubt on the extent to which *municipia* retained self-government (262L). He writes: *praefecturae eae appellabantur in Italia, in quibus et ius dicebatur, et nundinae agebantur; et erat quaedam res publica, neque tamen magistratus suos habebant.* Here apparently we have a class of communities which lacked magistrates of their own and were subject to *praefecti*:--*in quas (?) legibus praefecti mittebantur quotannis qui ius dicerent.* Festus adds that there were two kinds of *praefecti*, (1) four elected *praefecti* sent out to Capua, Cumae, and other places in Campania (including Roman colonies), and (2) *quos praetor urbanus quotannis in quaeque loca miserat legibus.* He gives only examples under the second category, and though his list can be supplemented from other sources, we have no complete list.

On municipal charters: see Millar, *ERW*, 405-407, and the Spanish towns, and *ILS* 6780 = Levick 161, on Gighthis under Antoninus Pius (and cf. *ILS* 6779); and Gemellae (*ILS* 6848); and cf. Rostovtzeff 641.77, discussing *AE* 1907, 100.

Local labor: Lex Irnitana

van Berchem 1983; Feissel 1985.

Shaw 2000, 366, citing literature on cities adopting Roman-style self-governance.

One might think of provincial *leges* or ad hoc directives establishing democracies with property qualifications for office, senates of former magistrates, etc.: lex Pompeia in Bithynia (Pliny *Ep.* 10.79-80, 112-115: containing an interesting mix of very Roman institutions with at least one curious transliteration (*buleutae* at 10.112.3)); Ciceronian examples from Sicily, not linked (?) to lex Rupilia (*Verr.* 2.2.122, regarding Halaesa, who requested *leges de senatu cooptando*; *Verr.* 2.2.123, Agrigentum has laws *de senatu cooptando leges*, too, but they were given by Scipio).

#### 6.D. *Civitas* and *forum*:

##### 1. Lex Irnitana 19: buildings and services

Marcian at *Dig.* 1.8.2 (see above) and cf. Gaius at *Dig.* 1.8.1, from *Inst.* 2.11, with Zulueta ad loc.

Gaius *Inst.* 2.11: *Quae publicae sunt nullius videntur in bonis esse; ipsius enim universitatis esse creduntur. privatae sunt quae singulorum hominum sunt.* "Public things are regarded as belonging to no individual but as being the property of the corporate body. Private things are those belonging to individuals."

2. Pliny 3.142 and 5.109

Pliny 3.142: *petunt in eam (Salonam coloniam) iura viribus discriptis in decurias CCCXLII Delmataei XXV Deuri CCXXXIS Ditiones CCLXIX Maezaei LII Sardeates....*

Pliny 5.109 (discussing Caria): There are also Thydonos, Pyrrha, Eurome, Heraclea, Amyzon, Alabanda, the free town which gives its name to this *conventus*, the free town of Stratonicea, Hyndios, Ceramus, Troezen and Phorontis. More distant places settling their legal disputes in the same *forum* are the Orthronienses... *longinquoiores eodem foro disceptant Orthronienses, Alidienses...* **For further uses of *forum* in metonymy for city and for *conventus* see "Pliny the elder notes."**

3. Hyginus 143.31-36: camp is like colony: comparison is the reverse of that used by modern scholars in their readings of Polybius.

"In some colonies that were established later, for example Ammaedara in Africa, the *decumanus maximus* and the *kardo maximus* start from the town and are drawn on *limites* through the four gates as in the case of a military camp, like wide roads. This is the most attractive system of establishing *limites*. **The colony embraces all four areas of the allocated land and is close to the farmers on every side, and all the inhabitants have equal access to the forum from all directions. Similarly in military camps the *groma* is set up at the crossroads, which all men can assemble, as to a *forum*.**"

*nam colonia omnes quattuor perticae regiones continet et est colentibus vicina undique, incolis quoque iter ad forum ex omni parte aequale. sic et in castris groma ponitur in tetrantem, qua velut ad forum conveniatur.*

4. Metonymy: Forum and conventus

Cicero *Att.* 114.9 (together with Pliny): *Id. Febr., quo die has litteras dedi, forum institueram agere Laodiceae Cibyriticum et Apamense, ex Id. Mart. ibidem Synnadense...* "On the ides of February, the date of this latter, I arranged to hold an assize at Laodicea for the districts of Cibyra and Apamea..." **Forum in metonymy for judicial activity.**

6.E. Dio (56.18.2) and Velleius (2.118.1) on Varus:



Dio 56.18.1-2: εἶχόν τινα οἱ Ῥωμαῖοι αὐτῆς, οὐκ ἀθρόα ἀλλ' ὥς που καὶ ἔτυχε χειρωθέντα, διὸ οὐδὲ ἐς ἱστορίας μνήμην ἀφίκετο· καὶ στρατιῶταί τε αὐτῶν ἐκεῖ ἐχείμαζον καὶ πόλεις συνωκίζοντο, ἕς τε τὸν κόσμον σφῶν οἱ βάρβαροι μετερρυθμίζοντο καὶ ἀγορὰς ἐνόμιζον συνόδους τε εἰρηνικὰς ἐποιοῦντο.

"The Romans were holding portions of (Germany)--not entire regions, but merely such districts as happened to have been subdued, so that no record has been made of the fact; and soldiers of theirs were wintering there and cities were been founded by drawing together scattered settlements. The barbarians were changing the rhythm of their lifestyle to the Roman way and learning the ways of the forum and meeting in peaceful assemblies."

Velleius 2.118.1: *At illi, quod nisi expertus vix credat, in summa feritate versutissimi natumque mendacio genus, simulantes fictas litium series et nunc provocantes alter alterum in iurgia, nunc agentes gratias, quod ea Romana iustitia finiret feritasque sua novitate incognitae disciplinae mitesceret et solita armis discerni iure terminarentur, in summam socordiam perduxere Quintilium, usque eo, ut se praetorem urbanum in foro ius dicere, non in mediis Germaniae finibus exercitui praeesse crederet.*

"But the Germans, who with their great ferocity combine great craft to an extent scarcely credible to one who has had no experience with them, and are a race born to lying, by trumping up a series of fictitious lawsuits, now provoking one another to disputes and now expressing their gratitude that Roman justice was settling these disputes and that their own barbarous nature was being softened down by this new and hitherto unknown method and that quarrels which were usually settled by arms were now being ended by law, brought Quintilius to such a degree of negligence that he came to look upon himself as a city praetor administering justice in the forum and not as a general in command of an army in the heart of Germany."