

Sherwin-White, A. N. *The Roman Citizenship*. 2d ed. Oxford: Clarendon Press, 1973.

89 B.C. a group of Spanish cavalrymen received the citizenship *virtutis causa*.¹

Such grants as these provided nuclei of Roman loyalty in the provinces; but the charge that is brought against Claudius is that he was lavish with such grants in the wrong part of the empire, that he planted the citizenship in unfertile soil. It is true that in the eastern provinces, more especially in the old province of Achaëa, the very heart of Hellas, there are numerous instances of Greek *cives Romani* who bear the Claudian *nomina*,² although some at least of these are likely to be due to Nero;³ there are other isolated cases such as Claudius Lysias in the Acts, who acquired the citizenship 'for a great price'; there has also come from Egypt a papyrus text which records a grant to a man and his sons, who were apparently, contrary to the rule, not even citizens of Alexandria.⁴ This Egyptian *apographè* is written in Latin, a fact which reminds us that Suetonius, on this question of viritane grants, gives Claudius an excellent character for maintaining the distinctions and dignity of the Roman franchise.⁵ Dio Cassius not only confirms this but adds, quoting an example, that Claudius held 'it was not proper for a man to be a Roman who had no knowledge of the Roman tongue',⁶ and that Claudius deprived 'unworthy men' of their Roman status, i.e. men without any Latin culture.⁷ After this, it is true, comes a vague and lengthy charge of the very opposite kind, that Claudius allowed the citizenship to be bought and sold indiscriminately.⁸

What was Claudius attempting by this apparently contradictory policy, traces of both parts of which are continually turning up? The first notable thing is that he did not grant citizenship to 'whole groups' in the eastern provinces. There are no *municipia Claudia* in the Orient. The second is that Claudius held some view about the unity of the Roman Empire. He admitted Greeks to the equestrian order and, after military

¹ *ILS* 8888.

² Walton, *JRS*, 1929, 42.

³ Also H. Box, 'Roman Citizenship in Laconia', *JRS* 21, 209 f., points out that in *saec.* A.D. I-II the *nomina* of proconsuls as well as of emperors appear among the *c. R.* of Laconia.

⁴ *PSI*, 1183. 'Idem professus se et filios civitate donatos esse a Ti. Claudio Caesare domo Aegyptio nomo Oxyrhyncho,' of A.D. 45. Cf. *P. Lond.* 1178, 30. Acts 22: 28.

⁵ *Claudius* 25. 3. 'Peregrinae conditionis homines vetuit usurpare Romana nomina dumtaxat gentilicia. c. R. usurpantes . . . securi percussit.' Cf. *ILS* 206 *ad fin.*

⁶ *Ibid.* 17. 4.

⁷ *Ibid.* 5.

⁸ *Ibid.* 6-8.

service, to the imperial procuratorships,¹ and he regarded the two languages of Greek and Latin as *uterque sermo noster*.² The third peculiarity is that there is apparently no evidence of any large gift of citizenship to any *Galli*—at least of the *Tres Galliae*—or to any *Britanni*. This is probably where the military diplomata make their contribution. A considerable number of these documents exist, forming a series, starting from the time of Claudius, onwards to the third century.³ Any argument from silence in the history of the empire is dangerous, unless it can be strongly supported by indirect positive evidence; but it is very tempting to assign to Claudius the credit for first regularizing and systematizing the practice of presenting auxiliary veterans with the citizenship upon discharge. If the arguments brought forward below are conclusive, it becomes apparent that Claudius was following a definite plan, which had a special place in his theory of the evolution of the Roman world. In addition to his activity in promoting the already Latinized and Romanized portions in the manner that has been discussed, he proposed to sow in those vaster areas, where in his time nothing grandiose could be done, a crop that others would reap, i.e. he meant to establish little groups of Roman citizens up and down the provinces,⁴ which one day would form the basis for a large-scale extension of the citizenship, even as the dispersion of Italian *cives* under the Republic had formed the basis of the Romanization of Narbonensis and of Baetica. Thus the equation of the *Apocolocyntosis* turns out to mean that in return for the military services of the Galli, Hispani, Britanni—precisely the people who appear most frequently on the diplomata—and in return for the civilian services of the Graeci—provided always that they had imbibed some understanding of Latinity—he was prepared to distribute the citizenship as a reward.⁵

¹ Cf. Ti. Julius Alexander, *OGIS* 663, C. Stertinius Xenophon, *SIG*³ ii. 804. C. Julius Dionysius, *P. Lond.* 1912; Suidas s.v. Dionysius. C. Julius Spartiatius, *Ann. Ép.*, 1912, n. 2.

² Suet. *Claudius* 42. 1.

³ Now collected in *CIL* xvi; the earliest date from A.D. 52, 61.

⁴ Compare Aelius Aristides' remarks, *Or.* (ed. Keil) 26. 64: πολλοὶ ἐν ἑκάστη πόλει πολῖται ὑμέτεροι . . . τὰς αὐτῶν πατρίδας ὑμῖν φυλάττουσιν.

⁵ Relevant are Claudius' remarks in Dio 60. 11. 7, on his obligations to those who 'cheerfully help to bear the burden of government', though applied here to senatorial governors. Also the 'Rewards of the Freedmen', Tac. *Ann.* 11. 38; 12. 53, especially the words 'quod . . . veterimam nobilitatem usui publico postponeret'.

Octavian as *triumvir* had rewarded Seleucus of Rhodus for his military services with citizenship and other privileges also.¹ The style of Octavian's letter suggests by the extreme length of the formulae that the technique was yet incompletely fashioned. Another document of the Triumvirate shows closer approximation to the Claudian type of Diploma, but the generosity of its terms, including wholesale immunity from taxation, *immunitas omnium rerum*, suggests that not yet had the process of rewarding auxiliaries been regularized.² Such regulation of what had long been the occasional practice of the Romans precisely fits the character of Claudius' government. His importance in other spheres is very largely this activity of putting things in pigeon-holes, and of creating departments. There is evidence that Claudius occupied himself in a similar fashion with military administration.³ A passage of Dio, which either refers directly to these diplomata or else to something very closely allied, runs: 'The men serving in the army, since they could not legally have wives, were granted the privileges of married men.'⁴ This may just as well refer to auxiliaries as to legionaries,⁵ especially as the greatest 'privilege of married men' is that retrospective 'conubium cum uxoribus . . . dumtaxat singuli singulas', i.e. the legitimization of their offspring, which is the main feature, next to the grant of citizenship, of these documents.

Claudius' attention may well have been drawn to the auxiliaries at the time of the Britannic war.⁶ The idea of rewarding their services with citizenship agrees extremely well with the principles of the *Tabula Lugdunensis*,⁷ with the very definite example of such a policy at Volubilis, and with a passage in Tacitus' paraphrase of the *Tabula*, where Claudius says: 'specie deductarum per orbem terrae legionum additis provincialium validissimis fesso imperio subventum est.' This refers to a policy of including native elements in the veteran colonies, as was done by the incorporation of the Salassi in Augusta Praetoria, and of the Punic

¹ Cf. P. Roussel, *Syria* xv, 51 f. (*FIRA* I². 55).

² Wilcken, *Chrestomathie*, n. 462 (*FIRA* I². 56).

³ e.g. Suet. *Claudius* 25. 1: 'equestris militias ita ordinavit'.

⁴ Dio 60. 24. 3.

⁵ Cf. *ibid.* τοῖς στρατευομένοις.

⁶ For a mention of *cohortes* in Britain under Claudius see Tac. *Ann.* 12. 40.

⁷ e.g. col. ii. 3-8, Tac. *Ann.* 11. 24, *passim*, though of course this refers in the first instance to men already *cives*.

population in Augustan Carthage.¹ On any interpretation, the readiness of Claudius to assimilate citizen-soldiers and peregrine troops is manifest.

A last argument in favour of Claudius as the author of this regulation can be drawn from the fact that, while Tiberius, the other possible candidate, had considerable trouble with his auxiliary troops,² under Claudius there is no such record, but rather the opposite; for in the *bellum adversus Aedemonem* the valiant Severus, who obtained citizenship for his homeland, was *praefectus auxiliorum omnium*. Short of the fatal discovery of a pre-Claudian diploma of the normal type and formula—since all that is suggested is that Claudius normalized and universalized this practice—the case for Claudian authorship seems to be very strong.³

A comprehensive idea of the history and importance of the citizenship in the time of Claudius can now be formed. There is a plurality of processes in operation at the same time, which corresponds to the diversity of conditions in the Empire itself. While the material achievement of Claudius is neither trifling nor grandiose, but bears the signs of patient care and forethought, his great importance is more in the theory of the thing, in that he broke through a prejudice of his time, and shattered the opinion that the Roman state knew boundaries determined by any other consideration than her own power of absorption and attraction. In this period a balance is maintained between the citizenship as a reward for services and as the ground of duty; the material content and the dignity of the *civitas* do not suffer, although the tendency, due to the enthusiasm of the provincials themselves, that created degrees of honour within the citizenship, a sort of *civitas-within-civitas*, is just beginning to appear. The connection with Latin culture is maintained; although Claudius is a *princeps* who understands and deliberately promotes the unity of the Roman world, Eastern and Western alike, yet he

¹ Tac. *Ann.* 11. 24. Cf. *ILS* 6753. 'The weary empire was relieved by the fashion of settling legionaries in colonies throughout the world, along with the strongest elements among the provincial peoples.' Cf. above, 227 n. 5.

² Both Tacfarinas, Tac. *Ann.* 2. 52, and the Thracians were auxiliaries, *ibid.* 4. 46-51; there is no mention of any compensation given for the services of the Thracians; the fact that they were under a client king doubtless added to the difficulty—the Romans gave them little in return. Tacfarinas does not seem to have been a *c. R.* Cf. Tac. *loc. cit.*

³ Cf. *CIL* xvi, p. 148.

ible-communities are found. Since the *ius Latii* was intended to mediate the transformation of *peregrini* into Roman citizens, and since in each Latin state the Latins and Romans were by all ties of family origin and history members of that particular state, the government was bound to devise some means of their living together, without any unnatural severance or division, within what was one community. The two surviving charters of Latin towns reveal numerous traces of such assimilation of Latin and Roman legal practice;¹ convenience is clearly the reason for the provisions in the two rubrics, 'ut qui c. R. consequantur maneat in eorundem mancipio manu potestate', and 'ut qui c. R. consequantur iura libertorum retineant'. Phrases like 'eadem condicio esto quae esset si civitate mutatus non esset' indicate the processes of accommodation and assimilation that are at work,² complementing and extending *commercium* and *conubium*.

Something similar appears in the freedom with which the emperors granted not only the citizenship but *conubium* with foreign wives—*cum uxoribus quas tunc habuissent*—to their auxiliary troops. They will not give the women the citizenship, but they do not refuse to regulate their legal status. There is a notable extension of this practice in the diplomata of the Flavian period and onwards. The praetorian troops, who were Roman citizens before they became soldiers, are concerned. To these men the Princeps states: 'ius tribuo conubii dumtaxat cum singulis et primis uxoribus ut etiamsi peregrini iuris feminas matrimonio suo iunxerint proinde liberos tollant ac si ex duobus civibus Romanis natos.'³ It is evidently in the spirit of the age to do everything to enable men to live in all comfort of legal harmony, in those parts of the world where there is considerable mixture of personal status within the same communities. The privileges granted by these diplomata must have been of considerable practical importance in those areas of the Empire, especially in Gaul, where the municipal system was not introduced, or where, as in the Moesian provinces, it was still rudimentary. It became

¹ Cf. above, 114 ff.

² *ILS* 6088, 22; 23. 'Those who gain Roman citizenship are to remain under the power and authority of their former relations.' 'Such persons are to retain their rights over their freedmen.' 'His status is to be the same as if he had not changed his citizenship.'

³ 'I give them the right of legal marriage with one wife (the first only) so that though they marry women of foreign status they may raise up children born as it were of two Roman citizens.' Cf. *CIL* xvi, p. 156 and nn. 18, 21, etc.

the normal thing to have mixed groups of Roman citizens and of *homines peregrini iuris* living in the same village or canton and exercising communal authority jointly. Such a situation must have meant a considerable decline in the positive importance of the citizenship, when it was seen that the possession of it left men in much the same position as before, in relation to their neighbours, as far as power or privilege was concerned.

The Danubian provinces provide documentary evidence for this view in the form of corporate inscriptions of the type 'cives Romani et Bessi consistentes vico', or 'cives Romani et Lai consistentes vico'.¹ The known examples are nearly all dated, and they appear mainly in the second and early third century. Sometimes the variation 'veterani et cives Romani et Bessi' appears. The military diplomata of the period help to reconstruct the situation. These inscriptions, of the *consistentes* type, seem to record the activities of village communities composed of, e.g., Bessi, some of whom have acquired the citizenship by military service, and some of whom have yet to serve, and so acquire citizenship in their turn. This is made certain by the fact that the *magistri* of these communities for a single year include men with Roman and men with native names.² But it is to be remarked that these communities retained their original titles, at a date when it is certain that all concerned possessed the citizenship. Twenty years and more after the *Constitutio Antoniniana* the 'cives Romani et Lai consistentes' turn up again.³ This suggests that the existence of the title is no proof, even in the second century, that all the *consistentes* were not *cives Romani* already, except where a native *magister* or *quaestor* appears. For it is notable that under Hadrian a large number of the auxiliary units were drawn from among peoples who already possessed the citizenship, especially in the Spanish provinces.⁴

¹ *CIL* iii. 3505, 7533, 14214 (26). 'Romans and Bessi living together in the village.' *Année Ép.* 1924, nn. 142-8. The earliest is dated A.D. 140, the latest A.D. 246, op. cit. 1934, n. 166.

² e.g. *Année Ép.* 1924, n. 144. 'Curantibus magistris Aelio Bellico et Mucatrato Doli [filio] et quaestore Dotuzi Nebti.'

³ *Ibid.*, n. 148 in A.D. 237. Pärvan in *Dacia* ii, 1925, p. 243, recognized that the Lai are simply the Λααίοι of Thuc. 2. 96, in a Latin dress, and have no connection with *Laeti*.

⁴ e.g. *CIL* xvi. 69, in A.D. 122 contains 'ala', or 'cohors' Vetton. Hispan. c.R. Gallor. Petriana c.R.—Vardulorum c.R.—Cugern. c.R.—Vascon. c.R.—Vocont. c.R.—Afrorum c.R.

THE REGISTRATION OF CITIZENSHIP

Within the territory of the Roman state, at Rome or in the municipalities of Italy, the proof of citizenship rested originally upon the act of parental recognition. The Roman father acknowledged his legitimate child by picking him up after birth.¹ The only documentation in the Republican period was the registration of the young adult citizen in the tribal lists that were drawn up and revised at Rome by the censors every five years.² Municipalities kept their own local lists also, which acquired the validity of censorial lists when a law of 44 transferred the census to the magistrates of the Roman municipalities, who were required to register the citizen population with their full names, patronymics, and tribes, and with a schedule of their property.³ The purpose of this was fiscal and administrative. The lists were the basis of taxation and military service, and of the composition of the political assemblies. Such registration was the only regular documentary evidence of personal citizenship in the Republic, and censors would on occasion strike off the rolls the names of spurious claimants to the citizenship. But inscription on the rolls provided only a presumption of citizen status. It was not a proof in itself. That depended normally on evidence of birth, or for new citizens either on the text of the law which authorized each communal or individual enfranchisement, or on the existence of a traditional claim, such as the migration of a Latinus, or the manumission of a slave, or the *postliminium* of a prisoner-of-war. The role of the *lex populi* in the enfranchisement of foreigners makes it improbable that the censors had the direct power of enfranchisement, as some have suggested. Like the magistrates who preside over the manumission of slaves in the *vindicta* process, they recognize rather than create the right to Roman status.⁴

¹ For the dependence of citizenship on membership of a *gens* and hence of a family cf. Mommsen, *DPR* iv. 35 f. Hence the necessity of a *lex populi* to authorize the admission of new citizens into the gentile community, *ibid.* 148 f.

² For censorial registration cf. Mommsen, *op. cit.* iv. 35 ff.

³ *Tab. Her. (FIRA* i². 13), 142 ff.: 'omnium municipium . . . quei c.R. erunt censum agito eorumque nomina praenomina patres aut patronos tribus cognomina et quot annos quisque eorum habet et rationem pecuniae . . . ab iis iurateis accipito [s.c. quei in eis municipiis . . . maximum magistratum . . . habebit].'³ These lists were then registered in the municipal *tabulae publicae* and copies sent to Rome. Cf. earlier, *Cic. pro Clu.* 41, for censorial *tabulae* at Larinum, primarily a property schedule, cf. *leg. ag.* i. 4.

⁴ Cf. *pro Archia* 11; 'census non ius civitatis confirmat . . . indicat eum . . . se iam

Within the limits of a municipal society direct proof would not be hard to establish. But with the steady extension of the citizenship by individual grants to provincials isolated in peregrine communes, and with the informal settlement of large numbers of Italian immigrants in the provincial territories, a more effective means of registration became necessary. Formal documentation of the grant of the citizenship to provincial soldiery appears first in 89 B.C., in the shape of a bronze tablet recording the decree of a proconsul enfranchising a unit of Spanish cavalymen in the Social War, who are all named in a general list.¹ Presumably each soldier received a copy. The cities of persons of higher status enfranchised by Octavian in c. 40 B.C. received a copy of a decree detailing all the privileges of their new status, while his auxiliary veterans could acquire copies of the enabling edict that enfranchised them.² But it is only with the regularization of the grant of citizenship to all time-expired auxiliaries by Claudius that a standardized document appears. This is the small bronze diptych known as the *diploma civitatis*, containing a brief and uniform formula conferring the Roman citizenship on the holder and his descendants, who is indicated by his name and military unit.³ These documents were not normally used for civilians, who received instead a copy in *libellus* form of the brief imperial warrant authorizing the registration of their enfranchisement in the archives at Rome.⁴

Diplomata and *libelli* provided for new citizens. For the mass of the citizenry, for whom censorial registration at five-yearly intervals was an inefficient instrument, adequate provision was finally made by the creation of an official system of compulsory birth registration under the social legislation of Augustus (A.D. 4). The researches of F. Schulz into the documents of birth registrations

tum gessisse pro cive.' The censor of 101 removed the name of Equitius from the civic lists when Cornelia testified that he was not the son of Ti. Gracchus; *Cic. pro Sest.* 101, Victor, *DVI* 73. For laws *nominatum* and general, cf. above, 291-2 nn., 294 nn. 3-4, and earlier, e.g. *Livy* 8. 17. 12; 21. 10; 26. 33. 10-14; 38. 36. 7-9. For manumission see below, 322 ff.

¹ *ILS* 8888, cited above, 294 n. 3.

² *FIRA* i². 55, 56.

³ The *diplomata militaria* are collected and discussed in *CIL* xvi; cf. also *FIRA* i². 223 f., and above, 247 f., 273 f.

⁴ Cf. *Suet. Nero* 12. 1 for the exceptional issue of *diplomata civitatis* to Nero's dancers. For *libelli* and *commentarii principis* cf. *Pliny, Epp.* 10. 6. 2, 105, 107 with notes in my *Letters of Pliny* (Oxford, 1965), ad loc. and now *Tab. Ban.* below, 336.

om Roman Egypt have clarified this.¹ The Roman citizen was required to register the birth of his children within thirty days before a Roman official, and he received a wooden diptych recording the declaration, which acted as a certificate of citizenship for the child for the rest of his life. Like the military *diplomata* this contained the names of seven witnesses, and provided a presumptive proof of citizen status. But complete validation of a claim depended in disputed cases on confirmation by the witnesses that the document was a true copy of the official archive in which the enfranchisement or birth was formally registered. Similarly the enfranchisement of freedmen, which depended upon a formal act, was recorded in a documentary *tabella manumissionis*.² Citizens of diverse origins thus came to have some form of documentary evidence of their status.

IVS ITALICUM

The origin of this privilege was not investigated above, where its role in the Severan period was defined as a status symbol sought after by *coloniae civium Romanorum* as the height of civic prestige. It first emerges as the condition of certain veteran settlements of the Julian period, mainly in the eastern provinces where Roman colonization was a novelty, probably to compensate the settlers for the remoteness of their environment. This explanation may also serve for the few Julian colonies in the western provinces which received *ius Italicum*.³ It was not given universally to colonial settlements, and was not reserved for especially favoured groups, since the dispossessed Antonians of Italy whom Augustus settled in Macedonia held it, but the great Julian colonies of Corinth and Carthage did not.⁴ Its later extension in the colonization of Dacia by Trajan and Hadrian may have had the practical purpose of encouraging settlement in an exposed region

¹ F. Schulz, 'Roman registers and Birth Certificates', *JRS* 32 (1942), 78 ff., 33 (1943), 55 ff. For a selection of texts, *FIRA* ii². 1-4.

² *Ibid.* 6, 15-20. For checking of documents, *ibid.* 5-7.

³ Above, 276 nn. 3-5. For the standard account of *ius It.* see von Premerstein, *RE* x. 1238 ff.

⁴ Dio 51. 4. 6. Cf. Vittinghof, *op. cit.* 134-5 (n. 1). M. Grant, *op. cit.* 175, 177. The lists of Ulpian and Paulus (*Dig.* 50. 15. 1, 8) are intended to be complete (cf. *ibid.* 1. 3. 6) and imply comparative rarity. Thus Carthage, Utica, and Lepcis, the three great metropolitan colonies of Africa Proconsularis, receive *ius Italicum* only from the Severi, while neither Mauretanian capital is 'Italic'.

of the northern frontier, while the Severan dynasty used it as a reward for political support in civil war.¹

Its precise origins are obscure. The term appears first in the Elder Pliny in the sense of a communal privilege, which he does not explain, and afterwards in legal texts of the late second and third centuries concerning *coloniae*, while Agennius Urbicus indirectly refers to its most material privilege as if it were confined to colonies. Hence it might be regarded as a communal grant reserved for Roman colonies, though two of the communes listed in the *Digest* were probably not yet colonies at the time of the grant.² But an inscription from Didyma in Asia, dated to the late first or early second century, records a Roman citizen of recent origin, with no colonial connections, as a person 'of the Italian status'.³ There is a possible parallel in a papyrus from Syrian Dura which lists certain Roman soldiers as *Italici*.⁴ Hence an individual form of *ius Italicum* has been posited, though it is not certain that the inscription is technically exact. A simpler explanation is to hand. Two edicts of Octavian and Domitian, a century apart in time, granting the citizenship to veterans resident in the eastern provinces, use the formula 'let them be Roman citizens of the highest grade and condition exempt from taxation'. Their property likewise was to be held *optimo iure*. Citizenship which secures a man's property and personal status on these conditions closely resembles the later *ius Italicum*, which thus need have no essential connection with colonial status.⁵

There are two clues to its first definition. First, the Macedonian colonies of dispossessed Italians may well have been granted all

¹ *Dig.* 50. 15. 1-8.

² Pliny, *NH* 3. 25, 'ius Italiae', 139, 'ius Italicum'. Gaius (below, 320 n. 1) is the earliest juristic source. Agennius, *de contr. agrar.* B 39 (Thulin). For Stobi and Selinus see below, 318 n. 2. Strabo 4. 1. 9 C 184, τῶν Ἰταλιωτίδων ἐξετάζεται, means not that Antipolis, west of the Varus boundary of Italy, has the *ius Italicum* as a provincial city, but that it was included in Italy, whereas Nicaea east of the Varus was in Narbonensis. This resulted from a judicial decision, which evidently promoted Antipolis from the Latin status recorded by Pliny, *NH* 3. 35. This is not evidence for a Latin municipality holding *ius Italicum*.

³ Cf. J. Triantophyllopoulos, *Iura* 14 (1963), 108 f. A. Rehm, *Didyma* II (1958), n. 331. Claudia Polla, wife of Gaius and mother of Julia, is described as Ἰταλικῶς δικαίου. One T. Flavius Lyciscus is also mentioned. The names imply a date c. A.D. 70-120. For δίκαιον = *ius* cf. *FIRA* i². 55. 2. 1, iii. 171 (a).

⁴ *P. Dura* 456. Possibly the *Italicenses* of Spain, *SHA Hadr.* 12. 4, also.

⁵ Cited above, 296, 311: 'optimo iure optimaque lege cives Romani immunes sint.' Atkinson, a.c. 31 make this connection, briefly. Cf. also above, 158-9, for origins.

