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CIVES ROMANI LATINIVE CIVES ?

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ABSTRACT: The current study aims at underlining certain facts and extracting a series of conclusions regarding the Latin "citizenship". The main issue, still the focus of an open debate, concerns the individual rights of the inhabitants of Latin communities. Without considering the Latin privilege as a form of citizenship of the Roman state, one cannot ignore, on the other side, the special status that Latins had. The available sources suggest that the peregrine inhabitants of Latin cities held certain privileges, placing them on an intermediate step on the social and juridical stair of the Empire. On the other hand, the onomastics, often granted with much credit in discovering one's Latin roots, seems to remain elusive. Rather than general patterns, it offers us particular cases and examples of local practices. The conclusions of this research emphasize on the special and nonetheless peculiar place that the Latin held during the Principate, as well as on the fact that *ius Latii* should be regarded not only as an intermediate state, but as a solution sometimes viable in itself.

KEYWORDS: Latin right; citizenship; individual status; onomastic.

The Latin right is one of the most complex problems of Roman jurisdiction. Its theoretical definition and implications, as well as its manifestations and the practical effects of its implementation remain open for debate among contemporary researchers, as issues that are difficult to grasp.

The present paper aims at analyzing some aspects regarding the status of the inhabitants of Latin cities. It does not attempt to bring into discussion all matters related to the status of the Latins, but to focus on how the Latin statute of a certain community affected the individual and what features made him identifiable among the social and juridical web of all the Empire's inhabitants.

During the Republic, Latins appear to be an intermediary category between *cives* and *socii*. One can find the origins of Latin right in the *foedus Cassianum* of 493 BC, which established the privileged status of the Latin league cities' inhabitants[1]. Among the extraction points of Latin right,

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1 Cîrjan 2010, 103.

as it appears during the Imperial era, one can also name the *Lex Acilia*[2], inspired by Caius Grachus[3]. He suggested that the Latin inhabitants of the old confederation should become full Roman citizens, while the *socii* would become "Latins". Thus, the category of Latins was basically refashioned as what it was to become later on, i.e. a group between peregrines and citizens. This juridical status disappeared from the Italian Peninsula after 89 B.C. At the same time, *lex Plautia Papiria*[4] stated that the inhabitants of the Italian Peninsula, when in Rome, had to declare their presence in front of the *praetor* in the first 60 days of their stay[5]. Even so, people from the ancient Latium, the cities of the League and some initial colonies of Rome, were to keep the preferential status of *Latini prisci*; besides the *ius commercii*, enjoyed by all Latins, they were also to benefit from *ius conubii* and *ius migrandi*[6]. At least in theory, one's right to move freely to Rome facilitated access to citizenship. From this juridical ability might have developed the possibility to obtain citizenship *per magistratum*, thus being granted in fact complete mobility throughout the Empire[7]. It is also remarkable that the Republican Latins benefited from a number of extraordinary legal rights, such as that of making Roman wills[8], thus being situated much closer to full-rights Roman citizens than to peregrines. Of equal importance is the fact that, during the first decades of the Principate, the magistrates of Latin law cities and their families (parents, wife, children, as one is left to understand by the *Lex Irnitana*[9] and *Lex Salpensana*[10]) received full Roman citizenship (*latium minus*), while in some cases this right was granted to the entire order of decurions (*latium maius*[11]). From the perspective of legal interpretation, a Latin city of the Imperial era was traditionally regarded as a peregrine community one step closer to Romanization[12].

Having sketched this short historical overview of the birth and initial evolution of the Latin right, we will proceed to the second part of the paper, focused on defining the real meaning of this status for the communities and individuals of the Imperial era. Our knowledge is and remains incomplete on this extraordinary issue. The fragmentary state of the sources, the fact that they are not chronologically and geographically articulated, and the often implicit character of their content, renders them sometimes vague and often insufficient – even frustratingly so – to the modern researcher. Latin authors wrote for a society that was aware of its norms and regulations; even if the sources are detailed, they often fail to explain notions and terms that can today lead to ambiguous interpretations and thus ignite controversies. The most delicate and difficult to grasp issue related to Latin law is its very nature: is it a type of citizenship of the Roman state, pack of privileges or simply a municipal statute? In a world where law was imposed through *tabulae* and each imperial edict had supreme authority[13], to what degree does a series of privileges make its peregrine recipient a truly privileged inhabitant of the Empire?

Th. Mommsen already stated[14] the absurdity of a certain type of citizenship not connected to a city; in the framework of Roma law, it was equally senseless as the notion of a presumed existence of a virtually independent *civis Thrax*, not related to a certain territory. The idea of a "Latin citizenship" *per se*, independent of a certain city, does not seem to be in accordance with Roman juridical thought. Rome granted *ius Latii* to a certain *populus*, *natio* or *civitas*, but not to individuals[15]. The hypothesis that a pe-

2 Weiss 1924a, 2319; Thomas 1976, 407.

3 Sherwin-White 1973, 116.

4 CAH IX, 126.

5 Weiss 1924B, 2402.

6 Grosso 1965, 239.

7 Sherwin-White 1973, 112.

8 See Meyer 1990, 80, who states that the right to make a fully legal will was seen as desirable mark of citizenship and is thus mentioned four times: once by Cicero, twice by Plinius Secundus, and once by Cassius Dio.

9 Giménez-Candela 1983; Lamberti 1993, 267–373.

10 CIL II 1963; FIRA I, 23; Chastagnol 1987, 106.

11 Gaius I, 96: […] *maius est Latium, cum et hi qui decuriones leguntur et ei qui honorem aliquem aut magistratum gerunt civitatem Romanam consecuntur.* It has been demonstrated that Hadrian introduced this more "generous" form of Latin law (Hirschfeld 1880; for a more recent analysis see Langhammer 1973, 16–17).

12 Chastagnol 1995, 116.

13 Mourgues 1987, 85.

14 Staatsrecht III, 611.

15 Humbert 1981, 218.

regrine could become *cives Latinus* instead of *cives Romanus* is not supported by evidence[16]. Such persons could have considered themselves as almost Roman, even more than their republican predecessors, but they did not benefit from any particular citizenship. Sources indicate that non-citizens could become Roman citizens through Latin law and certain local grantings of citizenship. Thus, *ius Latii* is rather a pack of privileges that confer superior rights and that, in the case of urban settlements, state the city's resemblance to Rome and the possibility of ascending to *ius Quiritum*[17].

Even so, *Lex Malacitana*[18] and the analysis of laws such as *Iunia Norbana*[19] and *Aelia Sentia*[20] seem to suggest the existence of a more abstract Latin citizenship. *Lex Aelia Sentia* (4 AD) established that a slave freed under the age of 30 did not benefit from *ius Quiritum*, but from *ius Latii*, and the fact that those who used to perform undignified professions had to be assimilated to *peregrini dediticii*;[21] the latter had no chance of acceding to citizenship and were not allowed to settle in Rome or 100 miles around it. *Lex Iunia Norbana* (19 AD) completed the previously mentioned law. One must also mention the fact that, most probably, a slave freed through the above mentioned laws became a Iunian Latin and benefited from *libertas* and not from proper *civitas*[22]. *Lex Municipii Malacitani*, dated between 81 and 83 AD, mentions the *cives Romani Latinive*[23], apparently recognizing these Latin citizens as a category comparable to that of Roman citizens[24]. Just as, most probably, *ius Latium* was not usually bestowed on a person, *ius Italicum* is not terminologically associated to individual rights but it is presumed that it was only bestowed on cities, and their citizens implicitly; the term *civitas* is used when individuals become citizens. Despite all these, at least one case is known, in Didyma[25], when an important local figure was granted *ius Italicum*. One must not ignore the place where the inscription has been discovered, or the fact that it is written in Greek; the latter might be an argument for its less canonical use of the term. Even so, the existence of such a case must call for an increased attention in the interpretation of terms and epigraphical sources, and especially in generalizing conclusions.

Full-rights citizens of their community, the Latins benefited as well, according to all preserved indications, from a slightly privileged status at the level of the entire Empire[26]. Along with the doubtless possibility of obtaining *civitas Romana per honorem*, there are indications pointing to the fact that they might have also had certain rights in the sphere of *ius civile*[27]. Thus, the *ius conubii* and *ius commercii* feature in preserved law parts as rights enjoyed by at least some of the Latins. One might believe this to be true, the existence of these privileges reminding the Republican beginnings of Latin law; these prerogatives, extraordinary for non-citizens, explain and justify the individualization of Latins in peregrine communities.

Several passages from *Lex Irnitana* are highly relevant for the Empire's inhabitants' rights and limitations. Discovered in 1981 near Seville, it is the municipal law of the Flavian *municipium* Irni[28]. One finds interesting the paragraphs relating to *civis Latinus*, a type of Latin citizenship recognized as such and standing in its own right[29]. Thus, this Latin citizenship appears as the holder of a strong individual position in Latin cities: for example, the Latin patron had the same rights over his freedmen even after they had become Roman citizens as a consequence of their sons holding magistracies[30]. Nevertheless, the real status of this "citizenship" or the proportion between locally interpreted laws, on one hand, and

16 Braunert 1966 is one of the modern important works that support it.

17 See Cîrjan 2010, 111–113 for the most recent argument in Romanian specialized literature of the fact that Latin law is a pack of privileges, a status and not a form of citizenship proper.

18 CIL II 1964; FIRA 24.

19 Thomas 1976, 406.

20 Thomas 1976, 400.

21 Leonhard 1924, 2321–2322.

22 Weaver 2005, 103.

23 *Lex Malacitana* LIII 48.

24 Spitzl 1984, 4.

25 AE 1976, 649.

26 The *Latini iuris* have been considered, due to these supplementary rights, a separate category by F. Vittinghoff as well (see Vittinghoff 1942, 20–22).

27 Cîrjan 2010, 103.

28 Giménez-Candela 1983, 126.

29 See also the comments on *Lex Irnitana* in Jacques 1990, 45.

30 Gonzáles 1986, 199.

norms and terms imposed from the center, on the other hand, cannot be determined. Basically, every *lex municipii* is a juridical attempt at putting appeases both local laws and Roman right, thus making possible the fusion between center and periphery[31].

Despite the fact that *Lex Irnitana* is of significant and undisputable value, regarding Latin status as well as due to the clarifications it brings on certain issues of Roman civil law in general[32], I do not believe it can be used as unique basis for constructing the idea of a self-standing Latin citizenship. *Lex Irnitana* is a unique document; it is almost impossible to establish the degree to which, at Empire-level, Latin citizenship overlapped Roman citizenship *per se* (as it seems to be in the case of Irni) or to the peregrine status. One might presume that, at a certain moment in time, in certain places, and under certain conditions, Latin citizens became individualized as almost full-rights citizens of the Empire. One related question is to what degree the privileges enjoyed by Latins could transmute from one community to another. Political rights were most probably local, but one does not know if the other benefices were universal or not. It has been presumed that neighboring Latin-law cities (or those belonging to the same province) shared common privileges and their inhabitants enjoyed certain mobility[33], but this of course is not a certainty.

Concerning individual rights, we can state that the citizens of Latin *municipia* were peregrines even if they enjoyed certain juridical privileges, since only the magistrates received Roman citizenship. One must not overlook the multitude of local specificities and the practical difficulties raised by applying Roman law in combination to any form of *ius gentium* at a provincial level. Far from the jurists' often philosophical theorizations, the Latin rights came as a pack of legal privileges deemed beneficial. The administration of some communities according to this system must have been mutually profitable, for both Rome and the local elites; I therefore do not believe that *ius Latii* must be necessarily considered as a preliminary step towards *ius Italicum* for all particular cities, but as a solution in itself.

Specialists have long discussed over the Latin law of certain cities or settlements in Dacia, increasingly gathering evidence for its non-existence[34]; four cities of Dacia certainly enjoyed *ius Italicum*, and there is no proof that other might have benefited from *ius Latium.* There are a number of peculiarities about cities under Latin law, but none were quite identified for the settlements of Dacia[35]. They mainly consist of the existence and preservation of pre-Roman political and administrative structures, that one can often note archaeologically or on the basis of massive peregrine onomastics in these cities[36]. More plausible arguments support the existence of Latin law during the development of some urban settlements in Moesia Inferior, where the natives seem to have contributed more actively to the reorganization of those settlements on Roman basis[37].

The names of people granted *ius Latii* seem to vary, especially during the first generation, between those of Roman citizens (with *gentilicium*) and those of peregrines (with patronymic), or can be mix, as *Alpis Lunnicus Triti f.*[38]. These variants seem to be temporary, with the peregrine form adopted in areas Romanized during the first century and the form similar to the names of citizens adopted in the provinces Romanized at the end of the first and during the second century; after Hadrian, the use of the *gentilicium* generalized among all citizens.[39] In Dacia, one can presume with a high degree of certainty that people who had previously received citizenship through the Latin law bore citizen-type names.

On the basis of onomastics, specialists tried to identify in several provinces people having received citizenship through the Latin law. It has been presumed that their *gentilicium* derived from their old *cognomina*, and thus was nor imperial (as should have been the case with entire settlements changing status and all inhabitants receiving citizenship), neither Roman (in which case the name of a local

31 Lamberti 1993, 256; García Fernández 1998, 221.
32 Johnson 1987, 77.
33 Sherwin-White 1973, 113.
34 For a synthetic discussion on the topic, see Ardevan 1999.
35 Ardevan 1999, 296.
36 Ardevan 1998, 108–109.
37 Aparaschivei 2010a, 236; Aparaschivei 2010b.
38 CIL III 13989.
39 Alföldy 1966, 52.

magistrate, a patron mediating and favoring the receiving of citizenship might have been taken over[40]). It has been demonstrated that during the first century, in Noricum[41], six of the existing *municipia* benefited from Latin rights due to the fact that the *nomina* of their citizens were derived from the presumed *cognomina* of their fathers and grandfathers. For this incipient phase of assimilation and Romanization, G. Alföldy stipulated that people taking such Roman-type names, composed and derived from their traditional family names, were only members of a Latin community and not proper Roman citizens. They were to receive citizenship later, usually at the beginning of the second century, but their names remained grounded in local traditions, as indication of their Latin descent.

For Gallia, the writings of A. Chastagnol are fundamental on this matter. The French author was more determined in considering that Latins bearing peregrine-type names did not benefit from Latin rights personally, but only their community did[42]. He also stated that the practical equivalents of *ius Latii* are the realities of a *foedus*[43]. One cannot ignore M. Le Glay's conclusions either; he believed that *gentilicia* derived from local names were the visible sign of the Latin status[44]. He saw these names as bearing the mark of a "Latin oligarchy" and considered their analysis an onomastic contribution to history. The genealogy of certain significant individuals is often visible in the Gallic and Hispanic provinces, not only in the case of municipal elites but also in that of average-status families. As previously discussed, G. Alföldy used in all confidence this onomastic criterion. For the Gallic provinces, examples of *gentilicia* apparently created on the spot, related to local names, are rather numerous and can often indicate genealogically ingenious ways of deriving and composing names in a province. But in this case, researchers of the topic did not always believe in the viable connection between such onomastic details and the juridical realities of Latin rights enjoyed by certain urban settlements[45]. As previously mentioned, a gentile name can also be derived from that of a patron[46], not necessarily from an Imperial name.

Beyond the speculations on *ius Latii*, the name of such patrons constitutes relevant indications on the status of new citizens in local society[47]. The more important the role of the patron, the more chances his client had of social ascension. These relevant ethnic – not Roman – names can also indicate local manners of gaining citizenship, through middlemen connected to the pre-Roman realities of that community. To the present state of research, it seems unrealistic to delimitate Latin communities on the basis of onomastics. Spanish cases indicate that a person receiving citizenship *per honorem*[48] was free to choose his name, thus, considering the little known through epigraphy, each example can be considered a particular case. A relevant case comes from outside Europe, from Thugga in North Africa, where numerous names of *cives novi* have as *gentilicium* forms derived from local names[49]. Naturally, no form of Latin law was involved, being a mere onomastic practice.

Onomastic studies, attempting to identify people who had received citizenship through Latin means, have been performed in the case of Dacia as well. R. Ardevan has identified a limited number of citizens whom he presumed to come from families granted citizenship through *ius Latii*[50]. Besides the examples included in the above mentioned study, there are numerous other cases in Dacia of which one might assume a Latin type citizenship bestowed on a family, prior to its members' arrival in Dacia.

The attempt to circumscribe Latin law either to municipal or to the private rights of each inhabitant relates to the wider need to define this organizing peculiarity of the Roman Empire in modern terms, in connection to the juridical norms and administration of modern states. A. N. Sherwin-White's definition and exemplification of the above mentioned relation is interesting from the perspective of this

40 On the multiple duties of a patron, see Harmand 1957, 396–405.
41 Alföldy 1974, 84.
42 Chastagnol 1987, 89–93.
43 Chastagnol 1995, 118, see as well Abbott, Johnson 1968, 41, on the status of the *civitates foederatae.*
44 Le Glay 1977, 273.
45 Chastagnol 1993.
46 This patron can be not only a personal protector, but a *patronus municipii* (as mentioned even by the *Lex Irnitana* LXVIII).
47 Brucia, Daugherty 2007, 5.
48 Cîrjan 2010, 125.
49 Maurin 2002, 84.
50 Ardevan 2006.

explanatory attempt [51]. He states that the perfect formula for explaining Latin status can be found in Strabo[52], whom, despite writing during the reign of Augustus, anticipated and perceived realities known to us from the Flavian era. The Greek author noted that Latin law cities benefited from the possibility of their elites receiving *per honorem* citizenship and the fact that Roman proconsuls did not intervene in their internal affairs. Since granting citizenship is clear and stated in all sources related to Latin rights, one can only mention that the other stipulation presents Latin communities as having relative internal independence – thus recognition by Rome.

Several conclusions can be drawn on the topic. The most relevant detail is, to the present state of research, the fact that one cannot yet definitely indicate what the relation between peregrines and inhabitants of Latin cities was. Latins seem to be peregrines benefitting from an additional package of legal rights. As long as they were just inhabitants of Latin cities and not of cities having recently received citizenship, they did not have the right to a *gentilicium*. We know almost nothing on the complete observance, in time and space, of this rule, but we can quite safely state that this clearly differentiated them from citizens and marked their inferior status. I do not believe in any form of Latin citizenship *per se*, but I do believe that the sources hint to a somehow privileged status of the inhabitants of the Latin cities. At this point, *ius Latii* seems to be more than a privileged step taken towards Romanization, but a viable solution in itself.

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