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## **Colonial landscapes : demography, settlement organization and impact of colonies founded by Rome (4th-2nd centuries BC)**

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## Chapter 5.

# TERRITORIAL JURISDICTION AND THE FATE OF THE INDIGENOUS POPULATION

### 1. Introduction

Roman and Latin colonies are often considered to have been communities of migrants from Rome and the Latin states who settled in an area from which its previous inhabitants had been evicted. This interpretation tallies neatly with the traditional understanding of colonies as important strategic outposts whose main task was to secure Roman hegemony in conquered areas far from Rome (on this see Chapter 1). From a strategic point of view it seems to make sense that only trustworthy people (that is, people of Roman origin) were allowed to enrol in colonies and that indigenous people were usually excluded.<sup>565</sup> This standpoint is supported by some literary texts which recount aggressive campaigns for the purpose of driving out or exterminating local communities.<sup>566</sup> For example, when Horace writes about his birthplace Venusia, he mentions how it is said in the old stories that colonists were sent there after the Sabellians had been expelled.<sup>567</sup>

Although there may be some truth in these stories about ethnic cleansing,<sup>568</sup> there is also plenty of information both in the sources and in the archaeological record which indicates a far more lenient attitude. For example, archaeological research both in the urban centre and in the countryside of the colony of Paestum has revealed a high degree of continuity between the Greek-Lucanian phase of the *polis* and the Roman colonial period.<sup>569</sup> The survival of Oscan-Lucanian elite families has been demonstrated by onomastic studies<sup>570</sup> and the unequivocal continuity of Lucanian elite burial practices.<sup>571</sup> This image of indigenous presence in Roman colonies is not restricted to Paestum, but has

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<sup>565</sup> Brunt 1971, 538-545. Similar arguments can be found in Càssola 1988.

<sup>566</sup> See Roselaar 2010, 69-84 for a good discussion of these passages.

<sup>567</sup> Hor. *Sat.* 2.1.34-9.

<sup>568</sup> There is some archaeological evidence which is thought to corroborate the practice of ethnic cleansing. E.g. Fentress 2000, 12-13 on Cosa. In the territory of Venusia only 5 % of the pre-colonial settlements survived after the colonization of the area in 291 (Marchi and Sabbatini 1996, 19 and 144. Also Torelli 1991, 22).

<sup>569</sup> See Torelli 1999, 45; Crawford 2006.

<sup>570</sup> Torelli 1999, 76 and 79-80 with further reference. Gualtieri 2003, 19-24. Latin *nomina* are almost as current as the Oscan-Lucanian ones.

<sup>571</sup> Hornæs 2004. She proposes a new chronology for the painted tombs in the Spinazzo cemetery on the basis of a new, low date of the PIAISTANO coins which have been found inside several of these tombs. The re-dating of the tombs indicates that some at least were used in the Roman period (until the late third century or even later). 'The most likely interpretation of the "Roman" group of tombs is that those buried there belonged to the old Lucanian aristocracy who had now taken up Roman culture as magistrates of the colony.' (page 311).

been recognized in various colonies, geographically and chronologically very distant from each other.<sup>572</sup>

The evidence for indigenous people living inside the colonial territory seems to be contradictory in view of the supposed strategic functions of colonies, but it is possible to retain the conventional model by assuming that a clear geographical divide was made between the living space of the migrant colonists and the areas in which the indigenous population lived. In fact, until recently the prevailing view was that the indigenous people were relegated to the more marginal areas of the colony where they could continue their traditional way of (village) life. In contrast, the colonists are considered to have lived close together in the fertile areas surrounding the *oppidum*, in what was known as the *ager divisus et adsignatus*. In a socio-juridical sense, the native residents are commonly interpreted as *incolae* or *adtributi*; both are administrative categories which denote people who were not proper *cives* of the colonial community, but were legally and administratively dependent on it.<sup>573</sup>

However, as the previous chapters have demonstrated, the existence of these assumed, regularly divided colonial landscapes which clearly separated the living space of colonial migrants from those of the natives is dubious for the period before the Punic Wars. Although this conclusion does not of itself undermine the possible existence of separate living areas for migrant and indigenous communities, it does make the existence of such a geo-political arrangement less self-evident. From a social and strategic point of view it makes sense that colonists who had entered a new environment would have stuck together, but this need not necessarily have resulted in completely united territories. Especially if it is assumed that colonists respected, if only for practical reasons, some of the property claims of the indigenous people and avoided settlement in densely populated areas, the possibility of the emergence of a more complex, patchy geo-political arrangements opens up.

At first sight, the archaeological record supports this more diffuse geo-political configuration. A brief look at some of the survey reports shows that in various colonial territories newly founded sites are intermingled with sites which show clear evidence of pre-colonial occupation and even some larger pre-Roman settlements can be seen located in the vicinity of the colonial *oppida*.<sup>574</sup> In these

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<sup>572</sup> For the literary evidence cf. below. Archaeological indications for indigenous presence in Roman colonies are abundant. See Chapters 4 for the remarkable continuity of rural settlements after the colonization of an area. The survival of indigenous elite families is demonstrated for several colonies. For Saticula, Aesernia and Beneventum see Salmon 1967, 306 n. 3 with references. In Venusia, several inscriptions of the second century mentioning magistrates with Oscan names have also been found (ILLRP, 690-692). On this see Salmon 1967, 316 n. 3; Torelli 1995, 136. Strabo calls the place an Oscan town (Strabo 5.4.11 and 6.1.3). Again in Venusia, a clear mixture of Roman/ Latin and indigenous elements has also been recognized in a votive depot excavated near the amphitheatre (Gualtieri 2003, 25 with further references). For the continuity of a pre-Roman cemetery in Beneventum during the colonial phase see Torelli 2002, 114 with further ref. See Burgers 1998 and Yntema 2006 for continuity of Messapian culture (e.g. burial practices and settlement customs) in the territory of Brundisium. Susini 1965, for the strong continuity of Celtic material culture and language in the *Ager Gallicus*, including Ariminum, where various colonies were founded. Strabo (5.1.11) states that 'Ariminum is a settlement of the Ombri, just as Ravenna is, although each of them has received Roman colonists' and in (5.1.10) 'The Romans, however, have been intermingled with the stock of the Ombri.' For the continued presence of Greek culture and persons in the colony of Puteoli Brunt 1971, 540; Purcell in Frederiksen 1984, 319-337. Interestingly, Polyb. 3.91 in the mid-second century refers to the town by its Greek name Dicaearhia.

<sup>573</sup> Cf. below.

<sup>574</sup> Clear examples come from the colonies in the Pontine plain, Suessa Aurunca (Ponte Ronaco site), Cosa (Orbetello), Venusia (Mass. Casalini), Cures Sabini, Thurii. For referenced see Chapter 4 and site Appendix 1.

patterns, it is tempting to see evidence which supports the view that natives and colonists lived intermingled. Be that as it may, settlement continuity is a very fragile indicator for establishing the ethnicity of the people inhabiting these places. There is a good possibility that, for obvious practical reasons, colonial migrants chose to repopulate abandoned settlements or used the available building materials to build new settlements on approximately the same location. Likewise, the sites which appear as new foundations might not have been colonial settlements at all; they could also have been new farmsteads of indigenous people who relocated to other areas, either prodded by force to make place for colonists or prompted by their own desire to settle elsewhere.

Therefore, in this chapter I shall rely heavily on the literary and epigraphic evidence in an attempt to unravel the geo-political arrangement of colonial territories. This analysis also provides a framework with which the complex archaeological record can be interpreted. The first step is to establish whether there is any reason to assume that a substantial number of the indigenous population who were not enrolled in the colony as full members continued to live in the conquered territory. I shall argue that there is strong evidence that this was the case. This assumption naturally raises questions about the socio-political status of these people and whether they were geographically separated from the colonists. These questions will be dealt with in the second part of the chapter in which the view that a colony was a territorial state will be discussed.

## 2. Indigenous inhabitants as *coloni adscripti*

The numerous references to the participation of indigenous people in the political life of colonies affirms that at some point in time indigenous people were allowed to join Roman and Latin colonies as full citizens. The conventional view is that this happened on a large scale only in the period after the Hannibalic War.<sup>575</sup> The theory postulates that the heavy losses suffered during this war and the temporary demographic crisis which followed it resulted in recruitment difficulties which necessitated a change in recruitment policies.<sup>576</sup> After the Second Punic War, Rome had also firmly established its power in Italy which diminished the strategic function of colonies. On this view, it was only in this specific historical context that Rome allowed large groups of indigenous people and *socii* to enrol in a colony; earlier the enrolment of 'natives' had been limited to a few individual cases of members of the philo-Roman elite.

The fact that indigenous magistrates are also recorded on inscriptions from colonies which were founded before the Hannibalic War does not necessarily challenge this theory. The vast majority of these inscriptions dates to the second century or later. Since many colonies received supplements of colonists in this period, it is possible that the indigenous people recorded joined the colony only after

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<sup>575</sup> Salmon 1967, 318; Càssola 1988, esp. page 6.

<sup>576</sup> The loss of many lives probably also meant that there was enough land in Roman territory to cultivate.

the Hannibalic War.<sup>577</sup> For example, Salmon says that the magistrates with an indigenous background attested to in Venusia were very probably linked to the arrival of new colonists there in 200.<sup>578</sup> Such a procedure is documented for Cosa, which received a supplement of 1,000 colonists in 197.<sup>579</sup> Other literary evidence also suggests that, in the decades following the Second Punic War, the inclusion of indigenous people in colonies became more widely accepted. In 171, indigenous people were allowed to join the Latin colony of Carteia (Spain) and 4,000 Samnites and Paelignians migrated to Fregellae in 177.<sup>580</sup>

This elegant theory is not accepted by Bradley.<sup>581</sup> He argues that there is unambiguous literary and archaeological evidence for a much earlier commencement of the practice of including indigenous people in Roman and Latin colonies. The clearest example of this is Antium; Livy reports that during the second colonization attempt in 338 ‘*ut Antiatibus permetteretur, si et ipsi adscribi coloni vellent*’.<sup>582</sup> According to this passage, the old inhabitants could not only join the colony if they wished, but the term *adscribi* also suggests that they were included on a formal list; possibly the lists from which Livy obtained his information, directly or indirectly, about the number of colonists. A similar story is also recorded by Livy describing a previous colonization attempt at Antium, more than a century earlier. In this case, he also gives the reason for including natives: ‘Those who wished to receive a grant were ordered to submit their names. As usual, abundance produced disgust, and so few gave their names that the number was made up by the addition of Volscians as colonists.’<sup>583</sup>

The authenticity of the texts mentioning the inclusion of ‘natives’ in early colonies is debated, in particular by those scholars who argue that colonies had an overriding military function. Sceptics argue that the references to the inclusion of natives in the early colonies are anachronistic inventions of the sources which were influenced by the liberalism of the Roman citizenship of their own day and especially by the enfranchisement of Italians after the Social War and the colonial policies of Caesar and Augustus. This position is most clearly voiced by Càssola, but similar arguments can also be found in Brunt.<sup>584</sup> Càssola claims that the inclusion of indigenous people conflicts markedly with other stories about hostilities between colonists and natives and, in general, with the military function and

<sup>577</sup> On these supplements see Chapter 2.3.

<sup>578</sup> Livy 31.49; Salmon 1967, 316 n. 3 and 318 (*contra* Galsterer 1976, 55).

<sup>579</sup> Livy 33.24. For first request which was unsuccessful see (Livy 32.2): ‘On the same day a petition was presented by the inhabitants of Cosa praying that their numbers might be enlarged, and an order was made for a thousand new colonists to be enrolled, no one to be included in the number who had been an enemy alien since the consulship of P. Cornelius and Tiberius Sempronius.’ The specific restriction on hostile elements suggests that in principle foreigners could join. Although it is possible that people living in the area (i.e. the descendants of the conquered native community) were enrolled on this occasion, this is not explicitly stated.

<sup>580</sup> For Carteia see Livy 43.3 and discussion below. For the migration to Fregellae Livy 41.8. On this also Salmon 1967, 318.

<sup>581</sup> Bradley 2006.

<sup>582</sup> Livy 8.14.8.

<sup>583</sup> Livy 3.1. According to Dion. Hal. *Ant. Rom.* 9.59, however, Latins and Hernicans rather than Volcians were allowed to enroll (on this see also below). See Dion. Hal. *Ant. Rom.* 1. 9 on the general Roman practice of offering citizenship to the people they conquered. Other examples are: Medulia (Dion. Hal. 2.36, 2). Velitrae (Dion. Hal. 7.12) Livy says that the majority of colonists sent to Ardea in 442 were Rutulians (e.g. the people of Ardea), and not a single plot should be assigned to a Roman until all the Rutulians had received their share (Livy 4.11). On the granting of citizenship to the people of Veii, Capenae, and Fidenae which had gone over to the Romans see Livy 6.4.

<sup>584</sup> E.g. Càssola 1988; Brunt 1971, 539-540.

origin of these early colonial settlements.<sup>585</sup> Disagreement about the foundation dates between the sources or even within one source aptly demonstrates the unreliability of the annalistic tradition and illustrates the inability of antiquarians to understand the early colonial situation.<sup>586</sup> Describing the difficulties in the recruitment of Roman colonists and the concomitant enrolment of indigenous people, Càssola suggests that the sources wrongly retroject the situation of the post-Hannibalic period to the early days of colonization.<sup>587</sup> The stories about Antium are considered particularly problematic. Livy's source was probably the notoriously inventive chronicler Valerius Antias and it is possible that he re-projected experiences from his own time (especially those related to the colonization of Sulla) to the early history of Antium.<sup>588</sup>

Countering this assertion, Bradley argues that the apparent openness of citizenship in the early history of Rome is not restricted to stories about colonization, but ties in with other descriptions of archaic Roman society; the story of the rape of the Sabine women, which ultimately also led to the union of the Sabine and Roman people, is only one of many examples. Such stories strongly suggest that 'a situation existed where individual ethnic identities were not central to behaviour'.<sup>589</sup> In light of this wider socio-ethnic context, the references to inclusion are perfectly plausible and there is little reason to suspect corruption of the texts on this point.<sup>590</sup> Indeed, there is evidence to suggest that the archaic ethnic mentality that promoted the absorption of foreign people continued after the Latin War.<sup>591</sup> Obvious examples are of course the granting of the *civitas sine suffragio* to the Sabines in early third century, to be followed soon afterwards by incorporation as full citizens. Another important piece of evidence is the story of Dasius (clearly an indigenous name) of Brundisium who was put in charge of a stronghold to oppose Hannibal in northern Italy by the Romans.<sup>592</sup>

Whether the references to the inclusion of natives in colonies are taken to be correct or are anachronistic inventions is in a way less important to the question of what happened to the indigenous population than is often suggested. The same sources which describe the liberal policy make it perfectly clear that the potential enrolment of indigenous people did not result in a *complete*

<sup>585</sup> The story about the foundation of Signia is interesting in this context. Càssola argues that this is a more accurate reflection of what a colony was like in this early period. Dionysius tells us that the colony was not planned but grew spontaneously, when a military camp built by soldiers as a winter residence resembled nothing less than a city (4.63.1).

<sup>586</sup> Càssola 1988, 6, discusses the example of the colony of Antium founded in 467 and re-founded in 338 (see references above), and Sora according to Livy was captured in 345 (Livy 7.28.6 and 9.23.2) but only colonized in 303 (Livy 10.1.1).

<sup>587</sup> Càssola 1988, esp. page 6. With specific reference to the case of Antium, he believes that enrolment was only open to some individuals; friends and allies of Rome.

<sup>588</sup> Cf. Forsythe 2005, 207; Bispham 2007a, 455 n. 76. Others have argued that there was only a single colonial event in Antium in the early Republican period and that Livy mistakenly suggests that Antium was colonized twice (e.g. Càssola 1988).

<sup>589</sup> Bradley 2006, 166.

<sup>590</sup> See also Galsterer 1976, 51ff in favour of the credibility of these early references to inclusions of natives. He also argues that the episodes of the massacres of the indigenous population have been coloured by the colonization practices of Sulla. Also Cornell 1995, 367, who argues that these early references to inclusion are absolutely credible. The attempts by Livy and Dionysius to explain what appeared to them to be the problematic enrolment of native Antiates in a Roman colony as the result of recruitment difficulties is considered proof of the reliability of the event itself. He also gives a demographical argument for the theory that a substantial non-Roman population must have participated in the colonization enterprise: in his view it is unlikely that on its own the Roman population in the Early and Mid-Republic could have withstood such a drain on its citizen manpower. See for a detailed analysis of this arguments Chapter 2.2.5.

<sup>591</sup> Bradley 2006, 179.

<sup>592</sup> Polyb. 3.69; Livy 21.48.

assimilation of native and migrant communities. For example, writing about the colony of Antium which was founded after the Latin War, Livy says that the Antiates could choose to join the colony; hence offering them the possibility to decide otherwise. The fact that Livy mentions a delegation of Antiates who were without laws in 317 (c. 20 years after the foundation of the colony) might indeed suggest that not all Antiates enrolled in the colony in 338.<sup>593</sup>

A similar case can be made for the earlier colonial event in Antium (in 467). Although Livy mentions that Volscians could enrol in this colony, he also suggests that not all did. During the war between Rome and Antium, some of the Antiates had taken refuge with the Aequi. These refugees, who were certainly not enrolled in the colony, later returned to Antium where they found the colonists already disaffected and subsequently succeeded in alienating them completely from Rome.<sup>594</sup>

Dionysius gives a slightly different, sometimes more detailed version of the circumstances surrounding the foundation and early years of the colony of Antium.<sup>595</sup> He states that ‘the Senate, wishing both to court and to relieve the poor, passed a decree to divide among them a certain part of the territory of the Antiates which it had taken by the sword a year before and now held. {...}. Accordingly, the triumvirs who were sent to Antium divided the land among their people, leaving a part of it to the Antiates.’<sup>596</sup> The passage seems to suggest that not the entire Antiates territory was divided and that some of the Antiates community could remain on their farmlands. He does not refer to any of these Antiates being enrolled in the colony or to their inclusion among the *adscripti*. In fact, Dionysius claims that the reluctance of the Romans to join this colonial enterprise was resolved by allowing Hernicians and Latins to enrol (both confederate partners of Rome); not Volscians as Livy reports.<sup>597</sup> A little farther in his text Dionysius is more explicit: ‘All the Antiates who possessed homes and allotments of land remained in the country, cultivating not only the lands assigned to them but also those which had been taken from them by the colonists, tilling the latter on the basis of certain fixed shares which they paid to the colonists with the produce. But having been heartily welcomed by the Aequians, those who had no such possessions left the city, were using their country as a base from which to ravage the fields of the Latins.’<sup>598</sup>

These episodes demonstrate unequivocally that, according to Livy and Dionysius, there were various Antiates communities with different loyalties. Some of the Antiates, possibly the landowning class, joined the colony as full members (as Livy seems to suggest), or if Dionysius’ account is correct, continued to live in a certain part of the Antiates territory reserved for them, but in a subordinate position. Others did not join the colony but continued their hostilities towards Rome from

<sup>593</sup> See below for a discussion of this passage.

<sup>594</sup> Livy 3.4.

<sup>595</sup> I thank Simon Northwood for pointing this passage out to me.

<sup>596</sup> Dion. Hal. *Ant. Rom.* 9.52.

<sup>597</sup> Dion. Hal. *Ant. Rom.* 9.59.

<sup>598</sup> Later, when a war between Rome and the Aequi was fought, Livy again states that 2,400 of these raiding Antiates died in battle. During that same battle, 1,000 soldiers from Antium, probably the colonists who were sent to join Roman forces but arrived too late and were sent back. Livy is clearly confused by these two communities of Antiates which shared the same name (see Livy 3.10, 3.22 and 4.56).

outside and, if Livy is to be believed, even from the territory of Antium itself. As will be shown below, the stories about Antium are not unique and there is ample evidence in the literary sources and to a lesser extent in the epigraphic record which demonstrates that the founding of a Roman colony did not necessarily imply the end of the conquered indigenous community (either as the result of their annihilation or of their complete assimilation).<sup>599</sup> The question which remains to be answered is what was the socio-juridical status of those indigenous inhabitants who had not been incorporated?

### 3. Living apart together

One popular theory is that the indigenous population which continued to live in the colonial territory was assigned the inferior status of *incolae*, which meant that they were not included as citizens in the new community but were allowed to live on the colonial lands as foreigners without voting or any other political rights. This interpretation is based largely on an inscription dated to the early second century from the Latin colony of Aesernia which reads: SAMNITES/ INCOLAE/ V(eneri) D(ono) D(ederunt)/ MAG(istri) C POMPONIUS V F/ C PERCENNIUS L F/ L SATRIUS L F/ C MARIUS NO F.<sup>600</sup> La Regina argues that the adjective *Samnites* especially underlines the native origin of this community and its four magistrates: the ethnic signifier is used to differentiate the original population from other ordinary *incolae*.<sup>601</sup> This interpretation is unacceptable to Galsterer who argues that it is more likely that the *incolae* in question were Samnites who had migrated to Aesernia after the Second Punic War, just as is recorded for Fregellae, where Livy says that 4,000 Paelignian and Samnite families settled in the first half of the second century.<sup>602</sup> This interpretation fits the juridical definition of *incola* better, since in Roman law the term *incola* is used to describe a resident alien: someone who is citizen of another community other than that in which he lives.<sup>603</sup>

Recent studies have argued convincingly that, although *strictu sensu* the term *incolae* in the juridical texts of the mid-Imperial period does not refer to native dwellers, the epigraphic and to a lesser extent the literary evidence makes it perfectly clear that it could be used in this sense.<sup>604</sup> Augusta Praetoria founded by Augustus in 24 is a good example. An inscription mentions the existence of

<sup>599</sup> For more examples see below.

<sup>600</sup> CIL I<sup>2</sup>, 3201; For text and the interpretation that they reflect the original inhabitants of the area: La Regina 1970-1971, 451-453.

<sup>601</sup> La Regina 1970-1971, 451-453. He also believed that the native Samnites who continued to live as *incolae* on the territory of Aesernia were numerous. In 225, they numbered 8,650 free persons (the figure is based on the 21.6 persons per sq. km. population density in the Samnite areas which can be deduced from Polybius' (2.24) figure. The territory of Aesernia is estimated to have covered circa 400 sq km). According to this calculation, there were more *incolae* than *coloni* (estimated as 6,000-7,500 free persons) in Aesernia.

<sup>602</sup> Livy 41.8. Galsterer 1976, 54. For a similar interpretation see Coarelli 1991, 179, who argues that in the period a massive movement of Samnite people to Latin colonies took place. Galsterer says that the *Samnites incolae* were organized in a similar fashion to the well-known institution of the *conventus civium Romanorum*.

<sup>603</sup> Digest. (50.16.239.2). See also Gagliardi 2006, 28-39 for a juridical interpretation of this text.

<sup>604</sup> Mackie 1983, 228-231; Gagliardi 2006, 28-39; Hermon 2007, 28-31; For early references to *incolae* see Licandro 2007. See for example Livy 4.37, who discusses how the Etruscans (*incolas veteres*) had granted the Samnites (*novi coloni*) joint occupancy of the city and the territory.



*Salassi incol(ae) qui initio se in colon(iam) con{t}(ulerunt).*<sup>605</sup> In this case, the specific reference to the fact that they joined the colony at the beginning strongly suggests that they were the original dwellers of the land which had been confiscated by the colony. Furthermore, in non-juridical texts the term *incolae* is commonly used to denote the native residents.<sup>606</sup> Importantly, these studies also point out the fact that natives who were not enrolled in the colony did in fact fit the description of residents aliens in the sense that they were citizens of the subjugated *civitas*, which either had lost part of its territory and continued its existence on a reduced scale or had ceased to exist altogether as an administrative unit after the conquest. Such niceties were not necessarily a concern of the Roman or Latin colonists who continued to regard them as citizens of another community, hence as *incolae*.<sup>607</sup>

From a Roman juridical point of view, it is possible that natives joined the colony as *incolae* from the beginning, which is what is recorded to have happened in the case of Augusta Praetoria. However, since the juridical status of *incola* refers to the fact that a person did not live in a territory belonging to the *civitas* of which he was a member,<sup>608</sup> in theory, all natives without Roman citizenship living on land which was conquered by Rome were *incolae*, regardless of the fact of a colony was sent to that area.<sup>609</sup> Therefore, it is impossible to conclude that *incolae* were by definition under the jurisdiction of a colony. In fact, the inscription from Aesernia mentions four *magistri*. This suggests that at least they were allowed some form of socio-political organization of their own. It is tempting to recognize these *magistri* as the officials of a *pagus*, an administrative unit which is also known to have been administered by *magistri*.<sup>610</sup> It is known that in Republican times some of these *pagi* had a form of political autonomy and laws of their own.<sup>611</sup> Moreover, the fact that there are several references in colonial laws to *incolae contributi* perhaps suggests that joining a colony was not standard practice and that it was possible for *incolae* to exist as separate entities.<sup>612</sup>

<sup>605</sup> ILS 6753. See also Laffi 1966, 202-203. The specific emphasis on the fact that they were the first *incolae* can be explained as a strategy to acquire a privileged status or even an attempt to be granted citizenship. Such an interpretation is also proposed for the *Samnites incolae* of Aesernia (La Regina 1970-1971). In general, on the inclusion of native residents in the group of *incolae* see Gagliardi 2006, 155-327.

<sup>606</sup> On this Gagliardi 2006, 1-4.

<sup>607</sup> E.g. Mackie 1983, 228-231.

<sup>608</sup> On this Gagliardi 2006, 155-156.

<sup>609</sup> Tarpin 2002, 224-225; Hermon 2007, 30-31 on the view that the *incolae* lived on the *ager arcifinales*. There is some very tenuous evidence which might suggest that a differentiation was made between alien residence on land claimed by the colony and on land which was nearby, but which did not fall under its jurisdiction (likely *ager publicus populi Romani*). According to a medieval commentary on Lucanus, *incolae* are those who went to the established colony and *accolae* were those who worked alongside the colonial territory. *Accolae* could therefore be a term which refers to those farmers who tilled the fields on the *ager publicus* which was not part of the colonial territory (Bern. In Luc. 4.397: *incolae qui ad coloniam paratam veniunt: accolae qui iuxta coloniam agros accolunt*). See Licandro 2007, 54 for an early text of Plautus (*Aulul.* 3.406-407) which mentions both *incolae* and *accolae*.

<sup>610</sup> Tarpin 2002, 224-225, n. 47; page 220-232, on the general phenomenon of the *pagi* and indigenous communities in colonial contexts, also Hermon 2007, 28-31.

<sup>611</sup> Tarpin 2002, 232, n. 73. Particularly relevant in this context are the attestations in inscriptions to *sententia pagorum* and the *lex pagana* of Capua.

<sup>612</sup> On this phenomenon Licandro 2007, 66-71.

This model in which two (semi-)independent political communities shared one territory and possibly even co-existed in the same city, is also known as a ‘double community’.<sup>613</sup> Since the 1950s, the existence of the double community concept has been increasingly criticized.<sup>614</sup> In Italy, the debate focuses mainly on a series of late Republican veteran settlements (the majority founded by Sulla) in which the literary and epigraphic records differentiate between the old inhabitants and colonists.<sup>615</sup> The case of Pompeii is an outstanding example. In his defence of Sulla, Cicero mentions that Pompeians and colonists had a dispute which was brought before the patrons of the colony who resolved the matter.<sup>616</sup> Apparently, among other contentions, the disagreement was about voting rights. Proponents of the double community theory stress that the fact that *coloni* and *Pompeiani* are mentioned as different groups indicates that they were separate socio-juridical entities.<sup>617</sup> In arguing their case, opponents draw attention to the fact that they appeared at the same trial and that they had a dispute about voting rights which indicates that they formed one political unit, in which the Pompeians did not enjoy equal voting rights.<sup>618</sup> Consequently, the latter view claims that colonists and natives were two different *genera civium* of one single community.

The debate has not ended with these critical studies and the double community theory is still defended or at least accepted in various publications. Gagliardi especially argues that there is ample evidence, above all in the Gromatic sources, for the presence of separate indigenous communities (with their own *res publica*) living in the same territory as the new colonists.<sup>619</sup> So far, both the critics and proponents of the double community thesis have concentrated principally on the situation of the Late Republic and Early Empire and a systematic survey of the mid-Republican evidence is still to be attempted. Below I have collected and shall discuss the evidence relating to the mid-Republican period which suggests the existence of separate native and colonial communities co-existing as two seemingly (semi-) independent communities and I shall review the various interpretations which have been built on it. The aim of the exercise is to understand more clearly how common the practice was and how precisely it was organized.

<sup>613</sup> E.g. Kahrstedt 1959, 187; E.g. Sherwin-White 1973<sup>2</sup>, 80; Levick 1967, 69. This enigmatic organizational form is also described as *di-polis*, which denotes more narrowly the co-existence of two separate political communities inside one city. The debate about the existence of *Doppelgemeinde* can be traced back to Marquardt 1881, 112.

<sup>614</sup> See Laffi 1966, 111; Bispham 2007a, 451 (both with references) for good overviews of this discussion. For a sceptical position about the phenomenon in Italy see Brunt 1971, 254s. In his view, only the local ruling class was enfranchised in order to deprive the natives ‘of potential leaders in resistance. Enfranchisements of this kind were of the highest political importance, but numerically they may have been insignificant, especially at first.’ (page 255). A possible exception in his view is the rather late case of Taras-Neptunia (Brunt 1971), 538 n. 3.

<sup>615</sup> E.g. Pliny *NH* 3.52 distinguishes between the old Arretines (*Arretini veteres*) and triumviral settlers (*Arretini Iuliensis*) and the Sullan settlers (*Arretini Fidentiores*). Similar situations can be found in Nola, Clusium and Interamna. In general: Tac. *Ann.*, 11. 24; ILS 212. Caesarea Stratonis: Dig. 50, 15, 8, 7. Patrae: Paus. 8.18.7 and CIL III.2756. Pompeii: Cic. *Sull.* 62; Emporiae: Livy 34.9.1.

<sup>616</sup> Cic. *Sull.* 60-62.

<sup>617</sup> See Bispham 2007a, 448-451 (with references) for a detailed discussion and arguments in favour of the double community thesis.

<sup>618</sup> E.g. Brunt 1971, 306; Lo Cascio 1996. Lo Cascio argues that the more numerous old Pompeians had a subordinate political position which was concretized by assigning them fewer voting units than the colonists.

<sup>619</sup> E.g. Gagliardi 2006, 160-176; Bispham 2007a, 445-451.

Before the available evidence pertaining to the existence of double community constructions in a Roman colonial context is investigated, it is important to look more closely at what precisely constituted a double community. In most of the literature, double communities are described as two politically separate communities which share a single territory or city.<sup>620</sup> The last provision necessarily implies that both communities are not defined geographically, but that a sense of communality is rooted in different cultural, ethnic or other criteria (i.e. a non-territorial definition of community).<sup>621</sup>

It is important to underline that there are forms of co-existence of colonial and native communities which do not fit the double community scenario. In cases in which two communities formally split a territory, the discussion does not deal with a double community but simply with a territorial rearrangement of two separate *civitates* (a ‘two-state solution’). In late Republican times, some of these indigenous *civitates* with a separate territory were placed under the government of a neighbouring colony. This construction was called a *civitas adtributa*.<sup>622</sup> The *adtributi* had to pay the dominant community for the use of the land which in a formal sense was the property of the Roman people and not of the neighbouring colony.<sup>623</sup>

The non-territorial form of organization implied by the double community construction is not compatible with the traditional understanding of mid-Republican colonies which sees them as independent territorial states.<sup>624</sup> Therefore, evidence of the existence of such a socio-political construction not only offers a different perspective on the fate of the indigenous communities in colonial contexts, it also challenges conventional views about what a colony was. It implies that, in the first place, a colony was a community of people, instead of a state which had sovereignty over a defined territory.

### 3.1. Possible evidence of double communities in early Roman colonial contexts

Several scholars have suggested that a double community scenario provides the most apt description of the circumstances recorded in Regal and early Republican colonies.<sup>625</sup> Although the sources for this early and (partly) mythical period are likely to be corrupted by anachronistic elements, it is interesting to look at how later ancient writers conceptualized colonial-native relations in this period. As has been noted, the sources (in particular Dionysius) strongly suggest that in early Roman history colonists

<sup>620</sup> E.g. Kahrstedt 1959, 187; Millar 1993, 240.

<sup>621</sup> Cf. Kahrstedt 1959, 206 who describes such a form community a *Personalgemeinde*.

<sup>622</sup> Fundamental is the study of Laffi 1966. For the view that this construction also existed in the Mid-Republic see Torelli 1999, 94.

<sup>623</sup> No clear evidence of such a socio-political construction in the mid-Republican period exists and most scholars agree that this system was introduced only in the late Republican period and was geographically limited to the Alpine regions. See Laffi 1966, 90-91. A possible early example dating to before the Social War comes from the *Sententia Minuciorum* dated 117, which recalls the financial obligation of the *Langenses Viturui* to Genua (Laffi 1966, 55-61). According to Laffi, *strictu sensu* the example is not a form of *adtributio* because at the time Genua was not a community with Latin or Roman rights, but a *civitas foederata* (Laffi 1966, 61, 90 and 95). Also Galsterer 1976, 53 n. 83, who argues that the system cannot be used to define relationship between natives in colonies in the mid-Republican period. Brunt 1971, 541, however, although he states that the system was developed after the Social War, claims that it might well have had precedents in the south.’

<sup>624</sup> On this conception of colonies see for example Laffi 1966, 112; Salmon 1969, 14.

<sup>625</sup> E.g. Sherwin-White 1973<sup>2</sup>, 80 n. 4; Levick 1967, 69.

often shared a territory with the original inhabitants of a conquered area. This circumstance in itself does not necessarily point to a double community construction and these passages might just as well be explained as examples of the integration of these communities.<sup>626</sup>

Although this hypothesis is certainly a possibility, the stories about these colonies strongly suggest that the different ethnic groups did not merge fully and could be distinguished from each other. A good example of this is Circeii. According to a passage in Dionysius (8.14) which describes the siege of Circeii by Marcius, at that time leader of the Volscian forces, he “came to the city of Circeii, in which there were Roman colonists living intermingled with the native residents, with his army; and he took possession of the town as soon as he appeared before it.” Furthermore, it is said that Marcius expelled the Roman colony from the city.<sup>627</sup> This statement suggests that it was possible to make a distinction between the colonial migrants and the indigenous people. Differences in the status and living spaces between colonists and natives are also suggested for Antium (cf. above). As a matter of fact, the description in Dionysius closely resembles an *adtributio* construction, under which the natives were placed in a subordinate position and had to pay a fixed share of their produce to the colony.<sup>628</sup>

In several cases it is explicitly stated that only a part of the territory was taken from the city and divided amongst the Roman colonists (usually one-third).<sup>629</sup> This might suggest that colonists and natives formed two new, territorially discrete entities. Especially in the case of those conquered territories bordering on the *ager Romanus* (for example, Ardea, Fidenae, Labici), it is plausible, as Cornell has suggested, that these lands were incorporated as Roman territory.<sup>630</sup>

### 3.2. *The situation in the coloniae civium Romanorum*

After the Latin War, Rome launched a policy of annexing communities bordering the *Ager Romanus* by granting (sometimes forcing on) them the *civitas Romana*, often without voting rights. On a local level, the incorporated communities were allowed a considerable degree of self-government, but they were simultaneously citizens of Rome with all the *munera* concomitant with it and were often placed under the supervision of Roman *praefecti*.<sup>631</sup> The utter extermination of socio-political entities seems to have been fairly exceptional; the fact that post- Hannibalic Capua is always referred to as the worst case scenario in the literary tradition illustrates this point. Usually, a considerable part of the territory

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<sup>626</sup> Bradley 2006. Cf. above.

<sup>627</sup> Livy 2.39.

<sup>628</sup> As has been said, this episode is very problematic and it might be an anachronistic creation of Valerius Antias who retrojected the colonial experiences of his own time into the mythical past. Cf. Bispham 2007a, 445, n. 76.

<sup>629</sup> Caenina & Antemnae (Dion. Hal. 2.35). Dionysius reports that the colonists sent to these colonies, allegedly founded by Romulus, were allotted one-third of the territory of each city and lived alongside the indigenous population, who were offered the possibility to migrate to Rome and to become Roman citizens. See also the stories about Fidenae (Dion. Hal. 2.53; 5.60). In the case of Velitrae, colonization by Rome was actually requested by the native population. After having suffered great calamity, the people of Velitrae, according to Dionysius, asked the Romans to send colonists to their city (for the second time), to repopulate it.

<sup>630</sup> Cf. Chapter 2.

<sup>631</sup> Toynbee 1965b, 187-188; Humbert 1978.

of the enfranchised community, which later could be colonized by migrants from the City, was confiscated by Rome. Although often both the colonial migrants and the people of indigenous background living in the annexed territory were Roman citizens, the scanty evidence seems to suggest that at least for a period of time they formed independent communities.

Again, Antium is the best documented case. Livy says that in 317 a delegation of Antiates complained in the Roman Senate that they were deprived of a fixed code of laws and of any regular magistrates of their own. In response, Rome commissioned the patrons of the colony to draw up a body of legal regulations.<sup>632</sup> The petitioners are generally identified as the indigenous population of Antium who had not been enrolled in the colony.<sup>633</sup> On a coin from Paestum dating to the early second century, the existence of *patroni* in a colonial context is firmly attested to. This lends some support to the credibility of this passage.<sup>634</sup> According to the convincing thesis put forward by Torelli, the legend of the Paestan coin, which reads CN. CORN. / M.TUC/ PATR., must refer to Cn. Cornelius Blassio and M. Tuccius, two Roman magistrates who were involved in the foundation of Roman colonies in southern Italy.<sup>635</sup> In later times, patrons of colonies often functioned as spokesman for allied communities (possibly their clients) in issues which concerned Roman law.<sup>636</sup> It seems likely therefore that the patrons of Antium were also Roman aristocrats, possibly descendants of the founders of the colony in 338 and not local colonial magistrates, as has sometimes been suggested.<sup>637</sup>

Regrettably, Livy does not clarify what form of juridical position these Antiates were granted nor does he specify what their former status was. Livy (8.14.) does specifically state that the Antiates had already been granted citizenship in 338; what is not certain is whether full citizenship or only the *civitas sine suffragio* was accorded to them.<sup>638</sup> Whatever the correct solution is, most scholars agree that, despite their full or partial citizenship, they did not have an administrative urban centre of their own and therefore, they lived in a constitutional vacuum; a situation which ended in 317 when they were either enrolled in the colony or were organized as a separate *municipium sine suffragio*.<sup>639</sup> If the

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<sup>632</sup> Livy 9.20.

<sup>633</sup> See for a good discussion of this passage Sherwin-White 1973<sup>2</sup>, 81-82; Oakley 1998, 565-566 and Humbert 1978, 186-190 with further references. The reading that the petitioners were the indigenous population makes some sense in the contemporaneous political context. Antium was founded as a maritime colony, which suggests that it was only a small settlement. Therefore, although Livy says the native inhabitants could enrol, it is implausible that all Antiates were included (cf. above). After the Latin War, most communities in Latium (including the Antiates) received Roman citizenship in various stages (either with or without *suffragio*). Since colonists were sent to Antium, it is plausible that by 317 the native Antiates were still uncertain about their precise formal status and asked Rome for elucidation. For the view that the petitioners were the colonists see Galsterer 1976, 42. Critics point out the fact that it is implausible that a colony did not have magistrates and laws of its own. However, according to a reading of an inscription from Brindisi, the so-called 'elogium of Brindisi,' by Gabba 1958, it was possible for a colony to exist without a proper magistracy of its own in the early years of its existence. Other readings of this inscription are possible (on this, see discussion below).

<sup>634</sup> Crawford 1973, no. 24 pl. X.

<sup>635</sup> Torelli 1999, 79-80.

<sup>636</sup> Cf. Pompeian problems with voting rights of the indigenous population were brought before the *patroni* (Cic. *Sull.* 60-62). Other examples are the *patroni* who acted as spokesman for *peregrini* before at the court in Rome.

<sup>637</sup> Sherwin-White 1973<sup>2</sup>, 81-82. For the view that they may be descendants of the founders of the colony Humbert 1978, 189 n. 126.

<sup>638</sup> Salmon 1969, 75-76 and Humbert 1978, 186-190 argue that they received *civitas sine suffragio*. According to Oakley 1998, 566, they were probably granted full citizenship.

<sup>639</sup> See, however, below, for a critique on the view that it is necessary for a community to have a city in order to function as a political community.

latter hypothesis is correct, two separate communities continued to exist in the former territory of Antium, even after 317.<sup>640</sup> It is only possible to speculate about the question of whether they had separate territories or lived mixed intermingled as a double community.

Purely on the basis of archaeological evidence, the existence of another double community in this period has also been assumed to have existed in Minturnae.<sup>641</sup> The American excavations which were carried out under the direction of Johnson in the early decades of the last century revealed parts of a massive wall of polygonal masonry and two square towers which marked the north-east and south-east corners of what were considered to have been the remains of the small (less than 3 hectares) pre-Roman town, probably the Auruncian town of Minturnae mentioned by Livy.<sup>642</sup> After the conquest of the area, the Roman colonists built their city against the western side of the pre-Roman town using the polygonal fortification as the western limit of their own much larger town, which was fortified to a greater extent using a different masonry technique called *opera quadrata*. Johnson believed that the old town continued to be inhabited by the original Auruncian population. From Johnson's report it is not certain how precisely he believed these two adjacent settlements were administered, but he labels it a *di-polis*, which implies that both communities were considered (partly at least) independent political communities.<sup>643</sup>

Now, new excavations and studies of the archaeological remains of Minturnae have convincingly demonstrated that Johnson's reconstruction of the early colonial history of Minturnae is incorrect. The pre-Roman date of the polygonal wall especially is now dismissed and it is now attributed to the Roman colony which was founded in 296.<sup>644</sup> The walls in *opera quadrata* have been re-dated to the late third or early second century and are considered to have been built to fortify the rapidly expanding settlement. In this revised reconstruction, both *castrum* and extended town represent two chronologically different phases of the same Roman colony. Yet, onomastic studies demonstrate convincingly that the demographic growth which necessitated the enlargement of the city was not achieved by the natural growth of the original colonial population, but was the result of the incorporation of new families. Besides newly arrived families of Roman background, there were also families, like the *Gens Carisia*, of local origin, and others of Pealignian and Samnite descent. An attractive theory is that these latter people might have migrated to this area in 177, when Livy reports that 4,000 Paelignians and Samnites migrated to the nearby Latin colony of Fregellae.<sup>645</sup>

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<sup>640</sup> See Salmon 1969, 75-76; Galsterer 1976, 42; Humbert 1978, 186-190 for the separate option. It is uncertain when these communities coalesced, but according to Humbert, this was at least before the late first century. See for the incorporation thesis: Brunt 1971, 541 (who also argues that the Antiates had not received the citizenship before that time); Oakley 1998, 566 and Bradley 2006, 168.

<sup>641</sup> Cf. Sherwin-White 1973<sup>2</sup>, 80-81, n. 4; recently Bispham 2007a, 451.

<sup>642</sup> Livy 9.25. Johnson 1935, 1-2. The fortification itself was considered to have been of Etruscan or, although less likely, of Samnite origin.

<sup>643</sup> Johnson 1935, 85.

<sup>644</sup> For the foundation date see Livy 10.21. The revised dating is based mainly on the parallel with other known *coloniae maritimae* such as Ostia and Pyrgi, which had a similar small rectangular form and the fact that it post-dates the construction of the via Appia, built in 312, which crosses it. See especially Brandt 1985, 53-65 and Coarelli 1989, 49-50. Johnson later admitted that his initial reconstruction was wrong (*AJA*, 1954).

<sup>645</sup> Guidobaldi and Pesando in Coarelli 1989, 67-78.

It is impossible to establish with certainty whether the city was enlarged at once or gradually grew in the course of the third century. But, since almost all of the excavated architecture dates to the early second century and it is known from Livy that Antium was among the citizen colonies which did not want to send a contingent of troops in 207, a rapid demographic growth and concomitant urban expansion dating to the early second century seems more likely.<sup>646</sup> In fact, Livy affirms that the neighbouring maritime colony of Sinuessa was enlarged in 174 on the orders of the censor, F. Flaccus, who added a suburban residential district (*magalia*) to the colony, monumentalized the forum and enclosed the whole new built-up space with walls.<sup>647</sup>

In the rapid growth of Minturnae it is tempting to recognize a fusion of the small colonial community with the people living in the surrounding area. Some of these people were of indigenous origin who had managed to survive in the area after the confiscation of the territory by Rome in the late fourth century and who were very probably granted citizenship not much later.<sup>648</sup> Others might have been Roman settlers who migrated to this area after the defeat of the Auruncians in 314.<sup>649</sup> In theory, it is also possible that the people inhabiting the new extension of the town were an independent community (a *municipium*), hence forming a *di-polis*, and that the formal union of both communities only happened during the municipalization of Italy in the early first century (on this see also below). But considering the fact that, in the case of Sinuessa, Livy make no reference to such a political construction this last option seems rather unlikely. Moreover, the *lex de parieti faciendo* of Puteoli which records several colonial magistrates of indigenous background clearly demonstrates that this maritime colony coalesced with the indigenous communities somewhere in the period between 194 and 105.<sup>650</sup>

Additional evidence for citizen colonies which co-existed with indigenous *civitates* comes from two colonies founded after the Second Punic War: Croton and Neptunia. According to Livy, a small citizen colony was founded in the territory of the Greek *polis* of Croton in 194.<sup>651</sup> Although most scholars seem to agree that the entire territory of Croton was confiscated and turned into *ager publicus populi Romani*,<sup>652</sup> this did not entirely terminate the independent political existence of the *polis* Croton.<sup>653</sup> When Livy recalls the illegitimate stripping of the marble tiles of the temple of Juno

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<sup>646</sup> Livy 27.38.

<sup>647</sup> Livy 41.27. On this passage see Guidobaldi in Coarelli 1989, 40–43 with references.

<sup>648</sup> The area was enrolled in the Teretina tribe in 299. A praefectura is also recorded as having existed in the area (Humbert 1978, 373). The pre-Roman town of Minturnae is identified with medieval Traetto (modern Minturno). Systematic archaeological examination, however, fails to verify this hypothesis. At the same time, it is still uncertain if the Auruncian *oppidum* was indeed abandoned in 314, after the conquest and total massacre of the Aurunci as Livy says. Livy 9.25, 9: *deleta Ausonum gens*. See Galsterer 1976, 52 for a critical note on Livy's statement; he argues that this should not be interpreted as the actual massacre of all Ausonians, but as the disappearance of the Ausonian socio-political community, since it was incorporated into the Roman State or the Latin colonies.

<sup>649</sup> Not much later, people from farther away, among them Paelignians and Samnites, might have joined the colony. If these non-Roman families were immediately enrolled in the colony as full members (and consequentially acquired Roman citizenship) or initially were assigned the the status of *incolae* cannot be established.

<sup>650</sup> For the *lex de parieti faciendo* see CIL X, 1781; on this also Purcell in Frederiksen 1984, 319–337.

<sup>651</sup> Livy 34.45.

<sup>652</sup> Cf. Toynbee 1965b, 121.

<sup>653</sup> Toynbee 1965b, Map 1 suggests it may have been a *municipium sine suffragio*; see also Spadea 2004, 524.

Lacinia in the territory of Croton by the censor Fulvius Flaccus, who wanted to adorn his own temple of Fortuna Equestris in Rome with his spoils, he reveals the following:<sup>654</sup>

Ships were in readiness to transport them, and the natives {*sociis*} were deterred by the authority of the censor from any attempt to prevent the sacrilege. On the censor's return, the tiles were unloaded and carried to the new temple. Although no hint was dropped as to where they came from, concealment was impossible. Protests were heard in the House and there was a general demand that the consuls should bring the matter before the Senate. The censor was summoned and his appearance elicited even more bitter reproaches from all sides. Not content, he was told, with violating the noblest temple in that part of the world, a temple which neither Pyrrhus nor Hannibal had transgressed, he did not rest until he had cruelly defaced and almost destroyed it. With its pediment gone and its roof stripped off, it lay open to moulder and decay in the rain. The censor is appointed to regulate the public morals; the man who had, following ancient usage, been charged with seeing that the buildings for public worship are properly closed in and that they are kept in repair - this very man is roaming loose among the cities of our allies {*urbes sociorum*}, ruining their temples and stripping off the roofs of their sacred edifices.

The episode is dated in 173, two decades after the installation of the Roman colony in the territory. The fact that Livy describes the indigenous community as *socii* and the city of Croton as an *urbs sociorum* seems to suggest that at the time Croton was an (semi-)independent political community which co-existed with the small Roman colony. Although the usage of the term *socius* in a non-juridical text cannot be taken as solid proof of the existence of a separate indigenous *civitas* living on the confiscated territory,<sup>655</sup> there are some supplementary arguments which support the theory that Croton retained some form of independence.

Until recently, it was assumed that the citizen colony was founded in the town of Croton.<sup>656</sup> This usurpation left the citizens of Croton without an administrative urban centre and, according to conventional theory, terminated their independent political existence and made them reliant on the small colony for government.<sup>657</sup> However, recent archaeological studies have provided evidence in support of the view that the Roman colony and the Greek *polis* of Croton were actually two different realities. In Capo Colonna, circa 12 km. to the south-east of the town of Croton, near the famous sanctuary of Hera Lacinia (Latin Juno Lacinia, from which the marble was stripped), recent excavations have revealed a residential quarter, laid out in an orthogonal fashion, whose earliest phase

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<sup>654</sup> Livy 43.3.

<sup>655</sup> On this see Galsterer 1976, 54. A clear example is Sinuessa. Livy (22.14) calls the colonists 'allies'.

<sup>656</sup> Cf. Toynbee 1965b, Map 1.

<sup>657</sup> See below for a discussion of this line of argument.



dates to the middle of the second century. This settlement, which is located at a strategic point on the coast, has been interpreted as the colonial settlement described by Livy.<sup>658</sup> Three *plateiai* with an east-west direction have been recognized. These were intersected at right angles by various smaller roads, to form rectangular blocks. Within this area, which measures c. 5.5 hectares, several houses have been excavated. These houses date to the second century. In the second half of the first century, a fortification was constructed which included both the settlement and the adjacent sanctuary of Hera Licinia (total of circa 7 hectares). In Greek Croton, archaeological research has been severely hindered by the modern building activities, but from the little which is known, it seems clear that the city continued its existence in the Roman period, although on a much reduced scale.<sup>659</sup> Furthermore, the city features in the famous novel *Satyricon* (116) where it is described as Italy's first city; an unhealthy and corrupt place.<sup>660</sup>

The archaeological evidence for the existence of two independent urban centres in the territory of Croton does make a double community scenario feasible. It seems fairly implausible that the small colony located on the coast would have been expected to govern the much larger Greek town and its inhabitants and it can certainly be assumed that the latter had some form of political and juridical structures of its own. If it was truly autonomous cannot be established on the basis of this evidence.

Perhaps more convincing evidence that this was the case comes from Neptunia which was founded on the former territory of Taras in 123-122.<sup>661</sup> Pliny the Elder states that this act was not followed by the loss of Tarentine independence.<sup>662</sup> He suggests that Taras continued to exist for a while as an independent *civitas*, after which it eventually coalesced with the maritime colony to make one administrative unit (the technical term is *contributio*).<sup>663</sup> This piece of information is corroborated by Cicero who, in his speech in favour of Archias, states that around 100 the poet was offered Tarantine citizenship.<sup>664</sup> Cicero claims that the enfranchisement of talented artists was a common practice in the Greek *poleis*. How long the independence of Taras lasted is uncertain. The *Lex Tarentina* (dated between 90/89-44)<sup>665</sup> provides a good *terminus ante quem*, since in this text no reference is made to the existence of the colony.<sup>666</sup> After the *contributio*, the name Neptunia disappears completely from the literary and epigraphic record.

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<sup>658</sup> Spadea 2004, 522-523.

<sup>659</sup> Paoletti 2000, 524-525.

<sup>660</sup> See for a discussion of the other sources describing Croton in the Roman period Paoletti 2000, 522-524.

<sup>661</sup> E.g. Strabo, 6.3, 4; Vell. Pat., 1, 15, 4 (calls the colony Tarentum Neptunia) Hor. *Carm.* 1, 28, 29; Plut. *C. Gracch.* 8.

<sup>662</sup> Pliny *NH* 3.99: *in recessu hoc intimo situm, contributa eo maritima colonia, quae ibi fuerat*. (Loeb translation: this is situated in the innermost recess of the bay, and has attached to it the maritime colony that settled there)

<sup>663</sup> See Laffi 1966, 109-117 on the subject. On the constitution of Tarentum in general see Sartori 1953, 84-96.

<sup>664</sup> Cic. *Arch.* 5 and 10.

<sup>665</sup> See Laffi 2004 with further references.

<sup>666</sup> According to Laffi 1966, 109-117, the municipal law was actually drawn up as the result of the merging of colony and the *polis*; a view which seems to be corroborated by the fact that the statute mentions both *Ilviri* and *IIIviri* (The existence of *Ilviri* in *municipia* is unusual and is regarded as a legacy of the colony). Crawford and Cloud 1996, 302, argue to the contrary that the colony and the *polis* merged soon after the creation of the colony. Their point is that the mixed titulature (a view

Kahrstedt is convinced that these documents attest to the fact that the colonists of Neptunia formed a *Personalgemeinde* alongside that of the Tarantines, “without being separated from them by a topographic boundary” (*ohne eine topographische Grenze gegen diese*); a situation which lasted until the Social War after which there was no longer any need for the two communities (of Roman citizens) to be politically and socially separate.<sup>667</sup> This conclusion was soon criticized by Laffi, who argues that the literary evidence suggests that the colony was founded on Roman *ager publicus* which was confiscated from the Tarantines after the Second Punic War.<sup>668</sup> He believes that the colony of Neptunia was a territorially sovereign community which was geographically separate from that of Taras (that is, a two-state solution).<sup>669</sup> His main argument is that a Roman colony per definition had territorial sovereignty and that in Roman law there is a specific term to describe a community of Roman citizens without territorial claims, namely a *conventus*.<sup>670</sup> This is a strong argument but, since it is impossible to state positively that the distinction between juridical categories which was definitively shaped in the late Republican and early Imperial period can be applied to the second century, it is worth investigating in more detail what the literary and archaeological evidence suggests about the location of Neptunia and whether it was indeed physically separate from Taras.<sup>671</sup> The first step is to take a closer look at the precise details of the treaty which was concluded between Rome and Taras after the Second Punic War.

Livy states that, soon after the Second Punic War, envoys of the Tarantines came to Rome ‘to ask for terms of peace under which they might retain their liberties and their laws.’<sup>672</sup> The matter was brought before the Senate in 208, but no decision was taken.<sup>673</sup> Some senators argued for ending the status of Tarentum as an autonomous state (just as had happened with Capua), but this proposal was opposed by Fabius Maximus. Eventually, ‘it was decided that the town should be garrisoned and the entire population confined within its walls until Italy was in a less disturbed state, when the whole question could be reconsidered.’ The passage clearly indicates that at this point the Tarentines remained *dediticii* without rights and property.<sup>674</sup> Livy does not record what the Senate eventually decided but, as is discussed above, it is clear that the Tarentines eventually regained their laws and

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which is ultimately based on Frederiksen 1965) was the result of borrowing clauses from different sources. See however, Laffi 2004, who questions the supposed Gracchan date of the merging of Neptunia and Taras.

<sup>667</sup> Kahrstedt 1959, 206.

<sup>668</sup> Laffi 1966, 112-114.

<sup>669</sup> See also Toynbee 1965a, 119 n. 7, who places Neptunia to the north-west of Taras; in the area which Rome had confiscated from Taras after Second Punic War.

<sup>670</sup> A *conventus civium Romanorum* was a permanent organization of Roman citizens in the provinces, under the aegis of a *curator* (Berger 1953). Laffi also discusses the term *consistentes* (a term for persons who reside temporarily in a place which was neither their birthplace nor their domicile).

<sup>671</sup> Moreover, the difference between a *conventus* and a *colonia* is not necessarily limited to territorial claims. A *colonia* was an official foundation by the State, whereas a *conventus* was a unofficial settlement (See *RE conventus*, also Sherwin-White 1973<sup>2</sup>, 225). Furthermore, members of a colony were entitled to a piece of land; those of a *conventus* were not. Various places with *conventus* received colonial status in the early Imperial period (see Sherwin-White 1973<sup>2</sup>, 225-227).

<sup>672</sup> Livy 27.21. After the Pyrric War, the Tarentines had received *pax et libertas* (Livy *per.* 15.1). They were probably hoping for the same deal.

<sup>673</sup> Livy 27.25.

<sup>674</sup> Between defeat and the moment that a formal agreement which established the precise conditions of the surrender was made, the conquered people had the status of *dediticii*, which meant that they had no rights, property or juridical status. Cf. below.

were granted some form of political autonomy. The most pertinent matter at this point is if their territorial sovereignty was also restored.

Livy records a speech by Minnio, a representative of the Seleucid king Antiochus III, who tried to undermine the view that the Romans were the liberators of the cities of Greece by pointing out that Neapolis and Rhegium and Tarentum had to pay *stipendium* and to provide ships under the terms of their treaties with Rome; no direct reference to loss of territory is mentioned.<sup>675</sup> However, in a later reference, Livy makes clear that *ager publicus* existed in the territory of Tarentum before 169.<sup>676</sup> He says that the Macedonian Onesimus was enrolled amongst the allies (*in formulam sociorum eum referri*) and that 200 *iugera* of public land in the Tarentine territory was granted him and a house was bought for him in Tarentum.

The existence of *ager publicus* could be taken to support the theory that the town of Taras and the Gracchan colony were two separate states but the information in the literary sources does not fully exclude a double community scenario. Livy is not explicit about the precise nature of the agreement between the Tarantines and Rome, nor does he make it unequivocal that the confiscated areas formed a contiguous territory which was clearly distinguishable from that of Taras. The passage about the enrolment of Onesimus as a *socius* might suggest that the *ager publicus* which was granted to him was surrounded by or situated in close proximity to that of the *socii Tarantini*. Certainly, the words ‘*agri Tarantini qui publicus populi Romani esset ducenta iugera dari*’ are ambiguous: they can be translated as ‘the (entire) *Ager Tarentinus* which was *ager publicus*’, but also as ‘that part of the *Ager Tarentinus* which was *ager publicus*.’ The latter interpretation is generally preferred. If it is correct, the inference has to be that at least part of the Tarentine territory had been restored.<sup>677</sup>

Some implicit support for the view that Taras did not regain territorial sovereignty is provided by several archaeological studies which have found evidence of a possible colonial settlement within the city walls of Taras. Archaeological research carried out in the area between the *via Regina Elena* and the *via T. Minniti* has demonstrated that this area, which was used mainly as a necropolis until the second century, was reorganized late in that century. In the eastern part of the excavated area, several houses constructed in *opus incertum* were uncovered; plenty of evidence of pottery manufacture was found in the western part, indicating that this area played a part in manufacturing.<sup>678</sup> The residential-manufacturing quarter has a rectangular shape and covers roughly 12.5 hectares. It is situated on the

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<sup>675</sup> Livy 35.16.

<sup>676</sup> Livy 44.16.

<sup>677</sup> The inference that the territorial sovereignty of Taras was limited in the second century is indicated by the fact that, should the need arise, Rome could send a *praetor* with an *imperium* to the region (*provincia*). Such an incident is recorded for 208, 187 and 185. On this see Brennan 2000, 183 and 728-732. The territory assigned to the authority of the *praetor* is often described as *provincia Tarentum*, but it obviously included responsibilities beyond the town and its immediate environs, and even very probably included the whole of Apulia. For the year 185 Livy (39-29), for example, states that: *Tarentum provinciam L. Postumius praetor habebat*. Brennan believes that the full title of the province might have been ‘*Tarentum et Sallentini provincia*’ (Brennan 2000, 183).

<sup>678</sup> De Juliis 1983, 509-511; De Juliis 1984, 427-429; De Juliis 1985, 563. Andreassi 1986, 374. For an overview see Lippolis 1997; Lippolis 2002, especially 159-160; Lippolis 2005.

eastern outskirts of the classical town and the streets defining the outer limits of this settlement area have a different orientation from those in the Greek town.

If the identification is correct, this suggests that at least part of the town was not returned to the Greek community and remained State property. This situation is surely not what Laffi had in mind with his two city-state solution. Instead it indicates a *di-polis* construction. Some very fragile support for the view that Rome exercised some authority over the city of Taras is found in the passage in Livy referring to the enrolment of Onesimus, who was granted a house in the city of Taras besides his piece of land. Caution has to be observed because, although the passage gives the information that land in the *ager publicus* was given to him (*dari*), the house in Tarentum had to be bought (*emi*). This detail could suggest that Rome did not own any houses in Tarentum and that the domestic space at least had been re-assigned to the Tarentines under the *foedus*. It is also impossible to exclude the possibility that the house in question belonged to a private individual, whose property rights were respected by Rome.

Regrettably, the archaeological evidence of the existence of a colonial settlement inside the town walls of Taras is not very strong. The hypothesis is based mainly on the fact that the new residential/manufacturing area was created in about the same period in which the colony was founded; nothing has been found which points directly to the presence of colonists in the area. The district might equally be interpreted as a pottery production site, with an adjacent residential quarter for the potters. The remark in Lippolis that there is already evidence of pottery production in this area in the Archaic period and the peripheral location of the area strengthens this view.<sup>679</sup> The emergence of specialized, large pottery production sites is a typical phenomenon of the late Republican period. In Pizzica Pantanello in the Metapontino, for example, excavations have revealed a professionalized pottery production centre dating to precisely the same period.<sup>680</sup> It is also true that some archaeologists claim to have found evidence of colonial settlements located inside the neighbouring Greek towns of Thurii-Copia and Vibo-Valentia (both Latin colonies).<sup>681</sup> If this could be proved, it would provide a certain measure of support for the theory that the administrative urban centre of Neptunia was located in the city of Taras. However, as I shall discuss below, these identifications are both equally speculative and a satisfactory case can be made for pinpointing a different location of these colonial settlements.

### 3.3. *Some preliminary observations*

When all the evidence presented above is reviewed, it strongly suggests that Roman colonization did not always eliminate the indigenous community. Nevertheless, very little is revealed directly about the administrative and territorial aspects of this ‘living together’ and in most cases it cannot be said with any certainty whether the native communities truly did have political autonomy and/or independent territory. The settlement excavated at Capo Colonna in the territory of Croton, if correctly identified as

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<sup>679</sup> Lippolis 2002, 160.

<sup>680</sup> Burgers 1991.

<sup>681</sup> Cf. below.

the Roman colony, might suggest that each community had its own administrative centre. But, if this also meant that they had separate territorial jurisdictions would be going too far at this juncture. Since both communities lived on *ager Romanus*, territorial sovereignty ultimately lay with Rome and there was no strict need to create rigid territorial boundaries.

Whatever the situation might have been, there is nothing in the sources to suggest that the citizen colonies had jurisdiction beyond the lands which were allocated to them and that they were supposed to govern vast areas of conquered territory and the people living in it. An interesting text appropriate to this context is a passage from Hyginus, who discusses the question of the jurisdiction of late Republican and early Imperial colonies:

“But at the same time, let us keep in mind that the following words are often found in laws, when land (taken) from another community has been divided up and prepared for allocation; the wording is: ‘with regard to those lands, those sites, those buildings, between’, say, ‘this or that boundary and this or that river and this or that road, which I shall have granted and allocated, over these lands let jurisdiction and right of enforcement belong to that colony’ to whose citizens the lands will be allocated. Some people want to interpret this to mean that whatever lies within the boundaries mentioned above appertains to the jurisdiction of the colony. But that should not be the case. For no land which has been received, other than that which has been granted and allocated, can be claimed as belonging to the jurisdiction of a colony. In any event, there is often a town within the boundaries mentioned and, since it retains its existing legal status, jurisdiction over this town lies with whoever had it before.”<sup>682</sup>

Although Hyginus’ treatise was written around AD 100,<sup>683</sup> he was probably discussing laws and specific clauses from the Augustan period regarding land distribution to veterans. Apparently there was some confusion in his time about the question of whether a colony had jurisdiction over that part of a confiscated territory which was not allotted to the colonists. In his own time, this might have fallen under the jurisdiction of the colony, but Hyginus observes that this was not so for the Augustan veteran colonies. The laws he consulted suggest that jurisdiction of the non-allotted land and its inhabitants lay with whoever had it before (that is, with the community from which the land was taken).

<sup>682</sup> *De condicionibus agrorum* (C 84.34-86-4): Sed et haec meminerimus in legibus saepe inueniri, cum ager est centuriatus ex alieno territorio paratusque ut adsignaretur, inscriptum *ous agros, quae loca quaeue aedificia, intra fines* puta *Illos et intra flumen illud, intra viam illam, dedero adsignavero, in eis agris iuris diction cohercitique esto coloniae illius*, cuius ciuibus agri adsignabuntur. uolunt quidam sic interpretari, quidquid intra fines supra memoratos fuerit, id iuris dictioni {s} coloniae accedat. quod non debet fieri. neque enim <ac>ceptum aliud defendi potest iuris dictioni {s} coloniae, quam quod datum adsignatumque erit. alioquin saepe et intra fines dictos et oppidum est aliquod; quod *cum* in sua condicione remaneat, <e>idem est in id ipsum ius, quoi ante fuit.

<sup>683</sup> Campbell 2000, xxxv.

On its own, this Imperial text does not demonstrate that colonial jurisdiction in the mid-Republican period was also limited to the colonists and the lands which had been assigned to them. But, considering the fact that there is no evidence which suggests otherwise, and, more importantly, that there is some evidence in the literary and epigraphic sources which mentions the existence of indigenous *civitates* in Roman colonial contexts, this scenario must be taken seriously. From an administrative point of view, it also seems rather unlikely that the new community would have been burdened with the supervision of a large number of foreign, potentially hostile people. It is more likely that these people were allowed to continue their long-established political traditions, and that they remained part of their old community, as Hyginus suggests.

Such a scenario fits in better with contemporaneous Roman policies towards conquered people in general. As far as it is possible to tell, the Romans only rarely eradicated the political structures and autonomy of the communities they conquered completely. Usually, the right of self-government was lost only temporarily; just until the moment at which a formal agreement was made to establish the precise conditions of the surrender. Before such an agreement was reached, the conquered people had the status of *dediticii*, which meant that they had no rights, property or juridical status. Often not all the property (and rights) was restored to the *dediticii*. In the most extreme cases, such as Capua, almost nothing was returned, implying that the conquered community ceased to exist as an independent political entity.<sup>684</sup> Yet there were also instances in which everything was restored. For instance, in the case of the Greek town of Thermae in 211 according to Cicero (*Verr.* 2.2.37), ‘the Senate and people of Rome gave back to the people of Thermae their town, their territory and their laws’.<sup>685</sup>

In most cases, a mid-way solution was chosen which meant that a substantial proportion of the land, property and laws was re-assigned to the now allied community, but a part, which among other destinations could be allotted to colonists, remained the property of Rome.<sup>686</sup> In such cases, the defeated enemy continued to exist as a self-governing community, although on a reduced territorial scale. This also means that the indigenous community which lived on the confiscated part of the territory was not left without a political structure *per se*; what changed was that they no longer lived on land belonging to that community.

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<sup>684</sup> Only certain categories of movable property were restored to the individual owners (Livy 26.34), nothing to the community as a whole. On this also De Ligt 2008b, 359.

<sup>685</sup> A similar practice is also recorded for the *servi Hastensium* and of a Celtiberian community in the western part of Spain. For further examples see De Ligt 2008b, 359-360.

<sup>686</sup> Recorded, for example, in the case of Privernum (see below).

#### 4. What about the Latin colonies?

As seen above, in the case of maritime colonies there is actually little reason to assume that large numbers of indigenous people were immediately subjugated to or integrated into the newly founded colony. Instead, it seems that both communities living in Roman territory were initially organized as separate communities which both ultimately fell under Roman jurisdiction. Territorial claims to the colony were probably limited to land which was the private property of the members of the colony. Any additional land they used remained *ager publicus populi Romani*.

This model cannot be simply transferred uncritically to the Latin colonies. From the point of view of the conventional understanding, Latin colonies were independent political communities with jurisdiction over a considerable rural territory.<sup>687</sup> Consequently, on this view, a Latin colony was more than a body of migrants or a political community; it was a territorial sovereign state with jurisdiction over all people living in a defined geographical area. Another stumbling-block is that most scholars assume that these colonial territories covered areas which were considerably larger than the lands cultivated by colonists and consequentially assume that colonies governed large areas which were also inhabited by people who were not part of the colonial community (the *incolae*). No doubt, this understanding of colonial territorial jurisdiction has been heavily influenced by the maps on the geo-political situation in Italy, which have assigned extensive territories to colonies. However, as has been shown in Chapter 2, the evidential basis of these territorial reconstructions is meager and leans heavily on the belief that the various communities living in central and southern Italy had clearly definable, attached territories which remained unchanged until the late Republican and early Imperial times. If these fragile territorial reconstructions are rejected, actually very little evidence remains to support the view that Latin colonies had jurisdiction over vast territories and that they were very different from citizen colonies in this respect.

When referring to the foundation of a Latin colony in the mid-Republican period, as a general rule the sources only mention the sending out of a body of settlers and from the second century the amount of land which was distributed is also added, but none refers to the government of adjacent territories and their people. There is some data which suggest that there was more land available to colonists than that which was actually distributed to the individual settlers. This land was not part of the colonial territory, but remained property of the Roman people. Probably the most important indication is line 31 of the *lex agraria* which states:

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<sup>687</sup> Salmon 1969, 14.

‘{--- to whichever colonies or} *municipia*, {or} any equivalent of *municipia* or colonies {(there may be), of Roman citizens} or of the Latin name, land {has been} granted by the people or by a decree of the Senate to exploit, {which land those colonies or those *municipia* or any} equivalent of a colony or *municipium* or of *municipia* (there may be) shall exploit {...}’<sup>688</sup>

The reference to colonies being allowed to exploit *ager publicus* by the Roman Senate or by the Roman people suggests that the inhabitants of some colonies had certain rights to make use of land which was not distributed among the colonists. Although this does suggest that some colonies exploited more land than was distributed to the colonist, the passage makes it perfectly clear that the land was not the property of the colony (hence not part of its territory); it was *ager publicus populi Romani* and ownership and jurisdiction lay with Rome.

Another interesting passage in this discussion is Livy’s description of the fate of the disloyal Capuans: ‘Those who had been deported beyond the Tiber were forbidden to acquire or to hold either for themselves or their posterity landed property anywhere except in the territories of Veii, Sutrium and Nepet, and in no instance was such a holding to exceed fifty *iugera*’.<sup>689</sup> The passage seems to suggest that there was land in the territories of Nepet and Sutrium which could be acquired by the Capuans. Although this passage shows that land was available in these territories, this does not prove that these colonies had extensive tracts of common land over and above the land they farmed for themselves, which could be acquired by the Capuans. It is just as plausible that the land was *ager publicus populi Romani* which was located within the boundaries of the original (pre-Roman) communities of Nepet and Sutium.

The situation in Thurii-Copia was fairly similar. As described in Chapter 2, Livy mentions that more land was available than was distributed amongst the colonists in the territory of this Greek *polis*. This might suggest that the non-divided land was in some way part of the colony; its common lands. However, the fact that it is reserved for future distribution makes it obvious that the land remained the property of the Roman State and, although it is possible that the colony had some jurisdiction over these lands, this right cannot be deduced from this passage. Interestingly, literary and archaeological evidence suggests that Thurii might have continued to exist as an independent *civitas* after the foundation of the colony (cf. below). This makes it possible that the indigenous people living on the confiscated land remained members of their traditional Greek community in a social and political sense, as the passage of Hyginus suggests (cf. above). This last option is often dismissed with the argument that it is unlikely that non-Romans would have been allowed to occupy *ager publicus populi Romani*. However, on the basis of several passages in the *lex agraria* mentioning *veteres possesores*

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<sup>688</sup> Text: *RS I, lex agraria*, line 31.

<sup>689</sup> Livy 26. 34.



living on *ager publicus*, it has been convincingly argued that Italian allies were in fact cultivating Roman State land and that these scenarios cannot be rejected out of hand.<sup>690</sup>

If the accounts about the foundation of several Latin colonies are examined in detail, the fact emerges that, in most instances, Rome did not terminate the political communities which lost land to Latin colonists, but enfranchised them as *civitates sine suffragio*, or bound them by a bi-lateral treaty (as *foederati*). Although it is very difficult to demonstrate that the indigenous people living on the conquered land remained part of the surviving indigenous *civitas* in the region, the fact that they existed does make this scenario plausible, especially in view of the socio-political context in which these colonies were founded (cf. below).

Good examples of this are the two Latin colonies Sora and Alba Fucens, both founded in 303, immediately after the Second Samnite War. Sora was a Volscian town which had joined the revolt of the Volscians during the Second Samnite War. Livy says that the people of Sora defected to the Samnites and killed the Roman colonists (*coloni Romanorum*) in 315.<sup>691</sup> In retaliation, the Romans sent an army to the town to avenge the death of their countrymen and to re-establish the colony (*reciperandamque coloniam*).<sup>692</sup> Livy's reference to colonists who apparently lived intermingled with native inhabitants is problematical since no colony is reported to have been founded there until 303 and the consensus now seems to be that Livy confused the existence of a *praesidium* in Sora with that of a colony.<sup>693</sup> It seems certain that, after the capture of Sora, the Romans executed the instigators of the murder of the colonists, but the rest of the population were left unharmed and a garrison was stationed in the town. After a brief period in which the Samnites retook control of the town in 306, it was definitively captured by the Romans in 305.<sup>694</sup> At that point the people of Sora were *dediticii* and had to wait until the end of the war before Rome decided their status. In the meantime, the Romans went to war against the Aequi who had refused to become Roman citizens. The rebellion was quickly suppressed after Rome had defeated them in combat and had sacked thirty-one of their towns.<sup>695</sup>

After the war, Rome had to make a decision about what should be done with these conquered communities (*dediticii*). The Senate decided that Latin colonies were to be sent to Alba Fucens (Aequian territory) and Sora (Volscian territory). The Aequians and Volscians were simultaneously

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<sup>690</sup> Roselaar 2008, 596-597.

<sup>691</sup> Livy 9.23.

<sup>692</sup> Livy mentions that Sora was conquered by the Romans in 345 and it is possible that the event was followed by the foundation of a colony, which Livy neglects to mention (Livy 7.28). This would seem to imply that two communities had lived in Sora before the defection to the Samnites in 315. However, the account of Diodorus Siculus (of the same episode) questions this reading (Diod. Sic. 19.72). In his narrative, no reference is made to a colony, it is simply stated that the people of Sora were persuaded by the Samnites to slay the Romans who were among them. At the time of their request, the Samnites themselves took the unknown city of Plestice, which had a Roman garrison, by siege.

<sup>693</sup> Cf. Tanzilli 1982, 25 n. 80 and Oakley 2005, 292 with further references. The ancient literary sources often fail to differentiate between *praesidia* and colonies. In the case of Luceria, for example, Torelli 1999 92 n. 19, has argued that the early dating of the foundation of Luceria by Velleius Paterculus (1.14-15) is best explained as the result of the fact that Velleius confused the prior existence of a *praesidium* in the town (reported by Livy 9.26) with that of a colony. If indeed so, the episode cannot be considered an indication of a double-community scenario.

<sup>694</sup> Livy 9.43 and 9.44.

<sup>695</sup> Livy 9.45.

granted citizenship without the vote and were placed under the jurisdiction of Roman praetors.<sup>696</sup> Hence, under the terms of this *senatus consultum*, all communities now living in the former territory of the Aequi and Volsci were Roman or Latin citizens who were designated either *civitates sine suffragio* or as Latin colonists. That these different communities initially did not live together in harmony is demonstrated by the fact that, according to Livy, the Aequi attacked the colony which they considered was located in their territory (*suis finibus*), but were beaten back by the colonists.<sup>697</sup> If authentic, this passage strongly suggests that the Latin colonists in this area did not include many indigenous people, but were a community of migrants who had to defend their land against the former proprietors. This conjecture is also supported by a controversial passage in Livy who reports that when the twelve defecting Latin colonies, including Sora and Alba Fucens, announced to the consuls that they had no means to furnish either men or money, the consuls responded by saying:

‘You colonists’ they said, ‘have dared to address us, the consuls, in language which we cannot bring ourselves to repeat openly in the Senate, for it is not simply a refusal {to honour} military obligations, but an open revolt against Rome. You must go back to your respective colonies at once, while your treason is still confined to words, and consult your people. You are not Capuans or Tarentines, but Romans, from Rome you sprang, from Rome you have been planted in colonies on land taken from the enemy, in order that you might augment its dominion. Whatever duties children owe to their parents, you owe to Rome, if indeed you feel any spark of affection for it or cherish any memories of your mother country.’<sup>698</sup>

There is actually little reason to assume that in cases in which the subjugated communities were not enfranchised, Rome adopted a different policy. As has also been noted, *foederati* were probably allowed to live on land claimed by Rome (probably as *incolae* or *veteres possesores*). Therefore, there was no need to design a different policy for these cases and probably these allies remained members of their old political communities which were bound to Rome by an unequal treaty.

As time passed, the political and juridical divisions between the colonists and indigenous communities living close to one another could have become blurred. Tacitus, for example, recalls how the number of colonists in the colony of Cremona grew rapidly after its foundation as the result (among other reasons) of intermarriage with friendly people from the neighbourhood.<sup>699</sup> Eventually this intermingling might have led to a formal decision to unify the different communities by an act of

<sup>696</sup> Livy 10.1. Livy only mentions that citizenship was offered to the Arpinates (Volscians) and the Trebulani (Aequi), but it is likely that these references refer to all Volscians and Aequians in the conquered regions, Humbert 1978, 217-220.

<sup>697</sup> Livy 10. 1.

<sup>698</sup> Livy 27.9. The event occurred in 209. See Bradley 2006, 177 for the view that this text is anachronistic.

<sup>699</sup> See also the passage in Tac. *Hist.* 3.34.

*contributio*.<sup>700</sup> Perhaps this is indeed what happened in 199, when delegates from Narnia came to the Roman Senate to declare that their colony fell short of its proper number and that some of alien race (*non sui generis*) had found their way among them and were declaring that they were colonists. The Senate decided that the colony of Narnia would be allowed to enrol new citizens and appointed three commissioners to deal with the case.<sup>701</sup> Although it is not explicitly stated, it seems reasonable to assume that this meant that the ‘false’ *coloni* (most probably Umbrians) were enrolled as full citizens of the colony. This view is strengthened by the fact that in 197, when Cosa was allowed to enrol a thousand new colonists,<sup>702</sup> these new colonists could be recruited from any community as long as it had not been an enemy alien since the consulship of P. Cornelius and Tiberius Sempronius (218). This suggests that they were of *peregrine* origin, possibly the indigenous people living inside and in the vicinity of the colonial territory.<sup>703</sup>

In particular, those offspring who were born of relationships between Roman settlers and indigenous mothers might have helped to obscure and complicate the juridical and political differences between the different communities. In the case of Carteia, this seems to have been an important reason to decide to found a new Latin community. Livy says a ‘deputation from Spain, who represented a new breed of men, arrived. They declared that they were the offspring of Roman soldiers and Spanish women who had not been legally married. There were over 4,000 of them and they besought that a town might be given them to live in. The Senate decreed that they should submit their own names and the names of any whom they had manumitted to L. Canuleius and they should be settled on the ocean shore at Carteia. Any of the Carteians who wished to remain there should be allowed to join the colonists and receive an allotment of land. This place became a Latin colony and was called the “Colony of the Libertini”’.<sup>704</sup>

Perhaps a formal coalescence of native and colonial communities also occurred in Brundisium in the late third century. There is ample literary and epigraphic evidence mentioning Brundisini who, on the basis of their names, can securely be identified as being of indigenous descent. The earliest attestation dates to the year 218, during which a certain Dasius Brundisinus was *praefectus praesidii* of the Roman stronghold of Clastidium.<sup>705</sup> Although the possibility that Dasius was a member of a native *civitas foederata* living in the *Ager Brundisinus* cannot be excluded, it seems plausible that he

<sup>700</sup> See for a similar story about Ariminum Strabo 5.1.11.

<sup>701</sup> Livy 32.2.

<sup>702</sup> Livy 33.24.

<sup>703</sup> The examples of Narnia and Cosa which asked permission to enrol new citizens unequivocally illustrates the limited political autonomy colonists enjoyed (e.g. they could not decide themselves who could join their political community) and that Rome ultimately decided in matters of incorporation or assimilation of foreigners in colonies.

<sup>704</sup> Livy 43.3.

<sup>705</sup> Livy 21.48. Pol. 3.69; See Burgers 1998, 280-281 on this person and for the view that it is indicative of the fact that indigenous people were incorporated into the Latin colony. Burgers discusses more examples of indigenous persons from Brundisium dating to the second century. E.g. Gaius Pulfennius of Brundisium, son of Dazos who is mentioned on an inscription from Dodona in Epirus and who was honoured as *proxenos* (Dated 175/170); L. Rammius *princeps Brundisii* (Livy 42, 17) and Pacuvius (Hier. *Chron.* 156). See Yntema 2006, 99 for the view that Dasius was the *praefectus praesidii* of a contingent of *socii* from the Brundisium region.

was enrolled in the Latin colony.<sup>706</sup> Of itself, this does not point towards an integration *en masse* of the original Messapian inhabitants of Brundisium. There is also the possibility that Dasius was granted colonial citizenship on an individual basis.<sup>707</sup> On the other hand, a controversial reading of the so-called Brindisi *elogium* might suggest that he was enrolled in the colony as part of an official act of *contributio*.

The inscription recalls the memorable deeds of an unknown magistrate, who among his other achievements installed the first Senate and *comitia* in the period in which an Aemilius Barbula was consul (attested to 317, 311, 281 and 230).<sup>708</sup> Gabba has put forward a hypothesis that the unknown magistrate was a local official who installed the first Senate and *comitia* of the colony in 230. The surprisingly late date of this *lectio* (14 years after the foundation of the colony) is explained as the outcome of the fact that the first magistrates of the colony, who were appointed directly by Rome, needed a great deal of time to puzzle out the details of the political organization in this new Latin community. It took them so long because they had to reckon with powerful local elites who had to be given a place in the new colony (Dasius being one of them).

As a parallel to such a course of events, Gabba points out the example of Antium, discussed earlier, which received laws more than twenty years after the official foundation of the colony. The similarity between the two cases is indeed striking but it might actually suggest a slightly different scenario than that put forward by Gabba. As mentioned above, the consensus now seems to be that the Antiates who were the recipients of a corpus of legal regulations (*iura statuenda*) from the patrons of the colony were the indigenous people of Antium. What this meant precisely cannot be established simply on the basis of what Livy has to say, but plausible theories are that they were organized as a *municipium sine suffragio*, or that they were formally incorporated into the colony. If, as Gabba suggests, the *elogium* of Brindisi does indeed reflect a similar administrative act, this might suggest either that the unknown magistrate (a *patronus*) of the *elogium* installed the first Senate and *comitia* of the new community consisting of colonial settlers and indigenous people who were formally united by an act of *contributio*, or that he gave the indigenous community an official legal status as a political community. However, contesting interpretations of the inscription argue that the *elogium* was not for a local magistrate, but for Fabius Maximus (230) or Appius Claudius Caecus (311) who ordered a *lectio*

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<sup>706</sup> Cf. Gabba 1958, 100-101. The fact that the already mentioned Gaius Pulvinnus of Brundisium, son of Dazos, has a Latin name is also pertinent and suggests that his father, Dazos, identified himself with a Latin-speaking community (I thank Michael Crawford for pointing this out to me).

<sup>707</sup> In late Republican Roman law, it was possible for the founders of Roman colonies '*ternos cives creare*' (Cic. *Balb.* 48). However, as far as is known before the Social War this provision was applied only on very limited scale and was used mainly to enrol honorary citizens. Dasius, who was a noble by birth, fits this profile perfectly. In general on this see Galsterer 1976, 54.

<sup>708</sup> The text reads: *primus senatum legit et comiti{...} Barbula cos. circum sedit ui{...} diumque Hannibalis et prae{...} militaribus praecipiam glor{...}*.

in Rome.<sup>709</sup> Unless the missing pieces of the inscription are found, it is unlikely that this controversy will be resolved. For the time being, the theory of Gabba remains attractive but very tenuous.

#### 4.1. *Separate communities, separate cities?*

One of the most important reasons for assuming that the indigenous *civitas* terminated at the time of the foundation of a colony is the belief that colonization must have deprived the original inhabitants of their urban administrative centre (which was either destroyed or taken over by the colony). Consequently, they were left in a constitutional vacuum and became dependent on the colony for government. For several reasons this hypothesis fails to be convincing. The whole idea that a community needs a city in order to have some form of political organization is certainly a mistake and is easily quashed by the evidence from the various Apennine communities which lacked urban centres, but enjoyed developed forms of socio-political organization and were able to mobilize large military forces.<sup>710</sup> Moreover, there is a good deal of archaeological evidence which suggests that the foundation of a colony did not deprive the indigenous population of an administrative centre.

In several colonial territories, substantial, sometimes fortified settlements which co-existed with the newly founded colonial town have been recognized. One example is the Etruscan settlement at modern Orbetello which co-existed with the colonial town of Cosa, located fewer than 5 km. away.<sup>711</sup> Perhaps the most unequivocal example of an arrangement of two *oppida* located close to each other comes from Spain. In 169/68 or 152/51, M. Claudius Marcellus founded a colony at a place called Cordoba. Strabo says this place was “inhabited from the beginning by picked men of the Romans and of the native Iberians”.<sup>712</sup> The passage might suggest that, just as in Carteia (cf. above), both natives and Italian immigrants were enrolled in the colony. Interestingly, the archaeological record shows that the construction of the colonial urban settlement (42 hectares) did not spell the end of the indigenous *oppidum* of Colina de los Quemados (more than 50 hectares), located circa 100m. to the north-east of the Roman city. This important pre-Roman settlement continued to exist after the foundation of the colony, surviving until the first century at least.<sup>713</sup> The presence of a large settlement in the near vicinity of the colonial town does seem to suggest that the colonial and indigenous communities did not fully merge at the time of the foundation of the colony. Whether both communities had their own jurisdiction cannot be established convincingly. In this regard two inscriptions dated in AD 20, mentioning a *uicus Forenis* and a *uicus Hispanus*, are interesting.<sup>714</sup>

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<sup>709</sup> Cf. Develin 1976; Muccigrosso 2003, with further references. But see Oakley 2005, 680, who argues against the view that the inscription was dedicated to Fabius or Appius Claudius and states that the thesis adduced by Gabba is the most plausible one.

<sup>710</sup> See for some recent studies of these Apennine communities: Dench 1995; Tagliamonte 1997; Bispham 2007b; Stek 2009.

<sup>711</sup> Cf. Carandini 2002, 107; Fentress 2009, 142.

<sup>712</sup> Strabo 3.2.1. See Knapp 1983 for a good discussion of the literary sources about the foundation of Cordoba. The area was conquered by the Romans in 206. It is uncertain if Romans were stationed in Cordoba after the war. But see Knapp 1983, 9, who is rather sceptical about this theory. For Italica App. *Hisp.* 38.205 which co-existed with the large indigenous town of Hispalis and Carteia (cf. above), this does seem to have been the case.

<sup>713</sup> Ventura, et al. 1998, 88-89.

<sup>714</sup> CIL II<sup>2</sup>, 272, 273.

Although the precise interpretation of these inscriptions is debated, it is tempting to connect these *uici* with the initial geo-political division of the people living in and around Cordoba and Colina Los Quemados.<sup>715</sup>

On the basis of predominantly literary evidence, the co-existence of native and colonial *oppida* has been proposed for the Latin colonies of Copia and Vibo-Valentia, which were founded in the decade after the Hannibalic War. Livy says that the decision to found a colony in the territory of Thurii was taken in 194 and A. Manlius, Q. Aelius and L. Apustius were appointed to supervise the event.<sup>716</sup> The following year, the colony in the territory of Thurii was settled in a place called Castrum Frentinum.<sup>717</sup> Contrary to traditional practice, but recalling the situation recorded in Taras, the colony had a different name to that of the town in whose territory it was founded.<sup>718</sup> After the Social War, the colonial name disappears from the epigraphic record and the town continued as a *municipium* under its old name.

The fact that Livy clearly states that the colony was founded in the *Ager Thurinus* in an unknown place called Castrum Frentinum and that it had a different name to the city has led some scholars to draw the conclusion that the colonial administrative centre of Copia was not founded in the Greek town, but that it was located somewhere in the confiscated part of the territory.<sup>719</sup> Toynbee suggests Doria as a potential site for the colonial town centre. In that modern locality, which is located circa 10 kilometres to the west of the Greek town, archaeological remains of a Roman settlement have been discovered.<sup>720</sup> In his view, the creation of the Latin colony implied that the Thurian territory was divided into two parts; one became the territory on the Latin colony; the other remained the territory of a *civitas foederata*. After the Social War, these separate territorial communities coalesced into one, just as in the case of Taras.

This two-city solution has found little support and nowadays is rejected by most scholars. One of the most salient problems is a passage in Strabo which unambiguously states that the name of the

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<sup>715</sup> According to some scholars, the two *uici* mentioned reflect an original division of the colonial town into two separate areas; one clustered around the colonial forum where the immigrants dwelled; the other located in the southern part of the town, near the provincial forum, where the indigenous component lived Knapp 1983, 13. This theory is believed to be supported by the discovery of a wall, dated to the Roman period, which ran from east to west and divided the city into two. For a critique on this *di-polis* composition of Republican Corduba see Stylow 1990, 278-279. Stylow points out the fact that the existence of a wall which divided the city into two is not at all certain; the sections of the Roman wall structure which have been recognized are more likely to have belonged to the sub-structures of the provincial forum. Moreover, the putative splitting of the city into two areas cannot be convincingly proved on the basis of the epigraphic evidence. Imperial cities were usually divided into several *uici*, which makes it unlikely that Cordoba was split up into no more than two. What is more, the inscription mentioning the *uicus Hispanus* was found just to the north of the supposed division line, hence in the *Forensis* area. A different variant of the *di-poleis* thesis has been proposed by Bendala 1990, 32-34. In his scenario, the *di-polis* was not composed of two separate communities living inside the Republican town centre, but consisted of the colonial settlement and the indigenous *oppidum* of Colina de los Quemados.<sup>715</sup> In his view, the co-existence of two nuclei of population in close proximity to each other can be defined as a *di-polis*, which coalesced into one new *civitas* soon after the deduction of the colony in conformity with the practice of *contributio*. See also Ventura, et al. 1998, 88 for a similar view.

<sup>716</sup> Livy 34.53.

<sup>717</sup> Livy 35.9.

<sup>718</sup> Livy does not reveal the name of this colony, but from Strabo (6.1.13) and numismatic evidence it is known that that its augural name was Copiae/ Copia.

<sup>719</sup> E.g. Toynbee 1965b, 662; Cantarelli 1996.

<sup>720</sup> Toynbee 1965b, 662. For the Doria site see Kahrstedt 1960, 94. Other suggested locations are: somewhere between Morano Calabro and Castrovillari. On this see Cantarelli 1996 with references.

city was changed to Copia after colonists were sent there.<sup>721</sup> On its own, this passage can hardly be regarded as a conclusive argument against Toynbee's thesis, since it conflicts with the account of Livy and can easily be explained as a misrepresentation by Strabo, who did not understand the event described in his sources.<sup>722</sup> In a brief remark in his footnotes, Brunt says that numismatic evidence also shows that Copia replaced the Greek *polis*.<sup>723</sup> The coins to which he refers show a Cornucopia with the legend on the obverse and a veiled woman on the reverse. The veiled woman is thought to represent the personification of the conquered city, which was now called Copia.<sup>724</sup> Furthermore, archaeological investigations carried out in Thurii have revealed that the city continued to exist into the Roman period and that a new fortification (known as the *muro lungo*) was built to enclose a reduced city area. The excavators suggest that the smaller town enclosed by this wall is Copia.<sup>725</sup>

Recently, Caruso has rekindled the two-city hypothesis. In a short article, she argues that there is no evidence whatsoever to justify the identification of the Roman phase in Thurii with the Roman colony of Copia.<sup>726</sup> In the epigraphic record of the Roman period only the toponym Thurii is attested to and all recorded magisterial titles pertain to a municipal form of organization; no specifically colonial magistrates are known.<sup>727</sup> Moreover, just as most of the excavated Roman architecture, the *muro lungo* which enclosed the Roman phase of the town was built only in the first century; therefore at the time the settlement became a *municipium*.<sup>728</sup> In her view, rather than supporting the replacement thesis, the numismatic evidence points in a very different direction.<sup>729</sup> Recent excavations carried out on the impressively fortified site of Castiglione di Paludi, which was inhabited from the Late Bronze Age, have revealed fifty-six specimens of Copia coins; most of them are of small denominations which suggests that they were used locally. Strikingly, during the many excavations which have been undertaken in Sibaris-Thurii, only five such coins have been discovered. Caruso believes that the surprisingly high number of Copia coins in Castiglione makes this settlement a convincing candidate for the location of the Latin colonial administrative centre; a hypothesis which is strengthened by the fact that the impressive fortification of the site fits the description of a *castrum* perfectly.<sup>730</sup>

Simultaneously with the decision to found a colony in Thurii, a bill was passed to send a second Latin colony in *Bruttios*, which was supervised by Q. Naevius, M. Minucius Rufus and M.

<sup>721</sup> Strabo 6.1.13.

<sup>722</sup> For a good discussion of the sources about Copiae see Zancani Montuoro 1973.

<sup>723</sup> Brunt 1971, 538 n. 3. For the coins: *BM Italy* 303- 1 and 2.

<sup>724</sup> See for similar view Paoletti 2000, 534. However, other readings are also possible. The woman is also interpreted as Isis (in *BM Italy*, 303) and need not represent Thurii at all (see Caruso 2004).

<sup>725</sup> See for an overview of the recent excavations and the interpretation of the Roman phase of Thurii: Greco, et al. 1999; Carando 1999.

<sup>726</sup> Caruso 2004.

<sup>727</sup> Caruso 2004, 94. One inscription (CIL I<sup>2</sup>, 1694) with the text (*---uti L.f. IIIvir{f}i}---piensis---orus*) could be read as Copiensis. The reading is debated and more importantly Copiensis could also be a cognomen. In any case, the mentioning of people of Copia does not prove that they came from old Thurii.

<sup>728</sup> Greco, et al. 1999.

<sup>729</sup> She points out the fact that the iconography of the coin can be understood in different ways. Even if the interpretation of the veiled woman with Thurii is right, this does not prove that Copia was founded in the city of Thurii or that the whole Thurian territory was now ruled by the colony.

<sup>730</sup> Caruso 2004, 97.

Furius Crassipes.<sup>731</sup> Two years later, in 192, a colony was founded at Vibo, the former Greek *polis* of Hipponion, which had been conquered by the Bruttians in the late fourth century.<sup>732</sup> Again, in this instance Livy does not reveal the augural name of this colony, but from epigraphic and numismatic evidence<sup>733</sup> and from a passage in Pliny it is known that the colony was called Valentia.<sup>734</sup> Unlike the situation in Taras and Thurii, the colonial name does not disappear after the municipalization in the Late Republic, but is combined with the old Bruttian name of the city and becomes Vibo-Valentia.

The size of the former territory of Hipponion/Vibo is difficult to establish, but from Livy we know that more than 160 sq. kms was distributed to Latin colonists.<sup>735</sup> In contrast to the situation in Thurii, Livy states that the colony *Vibonem deducta est*, so there is no specific reference to a foundation in the territory of Vibo. Kahrstedt, who accepts an older tradition, argues that therefore both communities must have lived together as ‘*foederierte Personalsgemeinde {...} Natürlich ohne die Grenze auf der Landkarte.*’<sup>736</sup> As supplementary evidence for his thesis, he refers to a study by Crispo who suggests that a passage in Cicero’s *in Verrem* (II 5, 40 f) attests to the existence of a double community in Vibo.<sup>737</sup> In his speech, Cicero repeatedly refers to a delegation of Valentini whom he describes as *homines honestissimi*. Their spokesman, Marcus Marius, testified to the misconduct of Verres when he was in Bruttium.<sup>738</sup> These Valentini came from a famous and important town (*Valentinis ex tam illustri nobilique municipio*), which can plausibly be identified with Vibo. The fact that these noble *Valentini* probably lived in Vibo might be taken to suggest that the colony of Valentia was also located in Vibo, in which case this would have been a double community construction. However, it is also possible that these Valentini moved to Vibo after the coalescence of both communities in aftermath of the Social War.

The archaeological record shows that the Greek-Bruttian town was fortified with an impressively long, stone-built city wall enclosing an area of circa 250 hectares and that there were large empty spaces inside the town.<sup>739</sup> Initially, it was argued that in the Greek and Bruttian period, habitation clustered mainly in the southern part of the town, on the higher ground, beneath the medieval city. By contrast, the archaeological remains of the Roman period were believed to have been concentrated mainly in the lower north-east part of the town.<sup>740</sup> This spatial division between Roman and Greek material has led to the conclusion that the Romans had founded a new settlement in

<sup>731</sup> Livy 34.53.

<sup>732</sup> Livy 35.40.

<sup>733</sup> Cf. Kahrstedt 1959, 187.

<sup>734</sup> Pliny *NH* 3.5, 73; *Hippo, quod nunc Vibonem Valentiam appellamus*. Vell. Pat. I.14.8, however, mentions the deduction of a colony called Valentia in 237. See Lombardo 1989 on this problem. He argues that the passage of Vell. Pat. could refer to a colony named Valentia in the Po Valley.

<sup>734</sup> Livy 35.40. on the earlier history of Vibo see Lombardo 1989, 441-454.

<sup>735</sup> Livy 35.40 says that 3,700 *pedites* and 300 *equites* were sent to Vibo. *Pedites* received allotments of 15 *iugera*, while *equites* were allocated twice as much.

<sup>736</sup> Kahrstedt 1959, 187. For the earlier tradition: Ciaceri 1932, 210; Magaldi 1948, 243. Kahrstedt even suggests (page 188) that a third community lived on the territory of Vibo: the inhabitants of Terina.

<sup>737</sup> Crispo 1941, 2.

<sup>738</sup> Cic. *Verr.* II, 5, 16. See also *Verr.* II, 2.40, 99.

<sup>739</sup> On the walls see Aumüller 1994.

<sup>740</sup> See Iannelli and Givigliano 1989 for an overview of the archaeological research in Vibo.



a previously uninhabited area of the city at the time of the Latin colonization.<sup>741</sup> The reconstructed settlement configuration strongly suggests a *di-polis* situation in which natives and Romans lived within one city, but were clearly separated from each other.

The picture has changed somewhat. A more recent study of the urban topography undertaken by Iannelli and Givigliano in the late 1980s has found material dating to the Greek period in various locations in the 'Roman town', which indicates that the so-called Roman town was located in an area previously inhabited, at least partially.<sup>742</sup> Nevertheless, these scholars agree with the hypothesis that the Roman settlement was created inside the Greek-Bruttian town, on the lower ground. One of their arguments is that an orthogonal grid (*insulae* of 35x53 m., c. 1x1.5 *actus*) has been recognized in the medieval and modern street plan. This grid is thought to have been created during the reorganization of the city that took place at the time of the installment of the Latin colony.<sup>743</sup> This argument is very weak, especially since the dating of the supposed reorganization of the city in an orthogonal fashion is based entirely on the literary evidence which mentions a colony and is not corroborated by any archaeological or epigraphic evidence.<sup>744</sup>

A different scenario is supported by some fragile epigraphic evidence from the *Lapis Pollae* of the second century.<sup>745</sup> The inscription mentions, among other information, the creation of a new road (the via Reggio-Capua) and mentions the distance between various cities through which the road passed. The distance between Valentia and Regium is also given on it: 57 Roman miles (circa 85 kms). However, on the much later *itinerarium Antonini*, the distance between Regium and Vibo is recorded, as 68 miles (circa 101 kms). Albanese has postulated a theory that the discrepancy of c. 16 kms between the distances given in these two sources attests to the fact that Vibo and Valentia were two different places. He believes that Vibo was situated on the coast, whereas Valentia was located farther inland.<sup>746</sup>

The archaeological and epigraphic evidence of separate administrative centres in the cases of Copia and Valentia is fragile, but even if the traditional theories that these colonies were founded in the Greek cities are accepted, this does not necessarily imply that the native communities were deprived of their political institutions. The co-existence of several independent communities in a

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<sup>741</sup> For a critical discussion of this view see Iannelli and Givigliano 1989, 677-681 with further references. In the in the via S. Aloe, early excavation revealed a monumental stone structure, which at the time was interpreted as the Roman town wall (Perotti 1974, 132). Perotti argues that epigraphic evidence which commemorate the restoration of the city walls must refer to the Roman walls and not the Greeks walls.

<sup>742</sup> Iannelli and Givigliano 1989, 637. They argue against the theory that a wall was constructed in the centre of the town which surrounded the Roman settlement. They believe the archaeological and epigraphic evidence is unconvincing and that the location of a wall on low-lying ground is strategically unsound. See, however, Lattanzi 2005, 470 who accepts the existence of a Roman wall and dates it to the second-first century.

<sup>743</sup> Iannelli and Givigliano 1989, 677-681.

<sup>744</sup> See Chapter 2.3.2. In fact, the epigraphy of the town indicates an upsurge in building activity (e.g. the restoration of the city walls) in the late Republican period (Perotti 1974).

<sup>745</sup> For the inscription see CIL I, 638; CIL X, 6950.

<sup>746</sup> Albanese 1962, 34-36.

single city has been convincingly demonstrated for Emporion, which was inhabited by an indigenous, a Greek and a Roman colonial community. All three seem to have had their own urban districts.<sup>747</sup>

Rather similar arrangements have also been proposed for some of the Latin colonies founded on Italian soil. For example, according to the thesis put forward by Greco the Greek-Lucanian town of Poseidonia (80 ha.) was extended in the east by 50 hectares to make room for the colonists. The evidence of this theory is very tenuous but, if he is correct, this suggests that the colonial settlement did not replace the Greek-Lucanian town but was built alongside it, leaving the indigenous settlement almost untouched.<sup>748</sup> Although most scholars accept the theory that both colonists and natives lived inside the town, it is often assumed that migrants and natives were united in a single socio-political community (either as full citizens or with inferior rights for the indigenous population).<sup>749</sup> This idea follows from the fact that the political heart of the town, the forum, was remodeled in a Roman fashion after the inauguration of the colony and especially because the most important political structure of the Greek-Lucanian town, the *ekklesiasterion*, went out of use at the time of the foundation of the colony.<sup>750</sup> However, Crawford thinks that a better date for the filling of the assembly place is around c. 200, which means that it could have functioned alongside the *Curia* and *Comitium* for at least for a couple of generations.<sup>751</sup> This remains to be investigated.

Similar arrangement have been proposed for Beneventum and Luceria. To the west of the modern town of Benevento in an area called Cellarulo, evidence of a settlement (connected to the production of pottery) has been identified dating from the fourth century BC to the second century AD.<sup>752</sup> Initially, this area was believed to be the Latin colony which replaced the earlier Samnite settlement.<sup>753</sup> Recently this hypothesis has been abandoned, since more and more Republican material has been found in the modern urban centre of Benevento and an orthogonal grid has also been recognized which is connected with the Republican phase of the settlement. Of the wall circuit, only few traces survive, but in the east it probably followed the course of the still visible Longobardic walls. In the west, traces are faint, but it is suggested that it follows the line of a natural slope in the landscape, located close to the via Luca Mazzella, where structures have also been identified and from where the cryptoportico starts. This walled area is now considered to have been the actual colonial settlement (c. 55 hectares). In this interpretation, the first identified settlement, known as the *città bassa* (c. 40 hectares) which includes the Cellarulo area, was the location of the indigenous settlement, which formed a separate settlement nucleus until the first century when the area was added to the

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<sup>747</sup> For a recent discussion Tang 2005, 107-117 with references.

<sup>748</sup> Cf. Greco 1988, 82 and page 80 fig. 1. This hypothesis has been rejected in more recent studies (see Lackner 2008, 139-140 for an overview of this debate).

<sup>749</sup> Cf. Torelli 1999, 45.

<sup>750</sup> The active political use of this structure during the Lucanian phase is demonstrated by various Oscan graffiti found both inside and nearby the assembly place. On this see Gualtieri 2003, 22-24.

<sup>751</sup> Crawford 2006.

<sup>752</sup> Cipriano and De Fabrizio 1996.

<sup>753</sup> See for this discussion Torelli 2002, 106-115 with further references.

town.<sup>754</sup> In Luceria, the existence of a separate colonial settlement has also been assumed. Within the fortification which enclosed a vast area of 195 hectares, a regular street grid covering an area of c. 40 hectares has been recognized in the southern part of the city. This orthogonal grid is considered to have been created at the time of the Latin colony and is interpreted to be the colonial settlement.<sup>755</sup> Nothing is known about intra-mural habitations which are located outside this rectangular shaped settlement.

The identifications of the colonial settlements discussed above are very tenuous and are often based on dubious clues such as an orthogonal street grid based on the *actus*. None of these street grids has been excavated and properly dated, which means that it is possible that the orthogonal grids date to other periods in the history of the cities. Nevertheless, the better investigated examples from Spain lend some support to these theories which assume that colonial and native settlements were placed alongside each other.

## 5. Reconciling the evidence

I have argued that Roman conquest and subsequent colonization did not always extinguish the indigenous community and traditional political structures. On the contrary, it seems that the general practice was to leave as much as possible of the local administration in the hands of those who had it before. Of course, as a consequence of the practice of land confiscation, the territorial claim of conquered communities was considerably reduced. The indigenous people living on these confiscated lands are likely to have remained members of their original socio-political community, regardless of whether they had been incorporated as a *civitas sine suffragio* or continued to exist as an independent *civitas foederata*. This point of view assumes that colonization did not change the basic system of organization; it just added a new community to the area. There is little reason to suspect that from the outset these colonies were expected to control and administer all the confiscated land and people living on it in the area. In principle their jurisdiction was confined to the area allotted to the colonists. The view that they controlled much larger areas is based on an erroneous, anachronistic reconstruction of their territorial boundaries which is best discarded.

From a late Republican juridical point of view, all the indigenous people without Roman or colonial citizenship living in a territory which was claimed by Rome were foreign residents (*incolae*). This does not mean *per se* that they were subordinated to the colony either legally or administratively. Only if they were engaged in activities in areas obtained by colonists might they have fallen under colonial law. The *incolae Samnites* from Aesernia fit this scenario: their residence was in the colony, but the fact that they call themselves Samnites is indicative of this assumption and might be taken to

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<sup>754</sup> Torelli 2002, 109.

<sup>755</sup> See Lippolis 1999 4-7.

suggest that their political and military obligations (*formula togatorum*) were still with their original tribe.

The epigraphic evidence demonstrates that during the Late Republic Rome granted some *municipia* and *colonia* the right to collect a *vectigal* from various indigenous communities living on *ager publicus populi Romani* (the *civitates adtributae*). Although this illustrates a (financially) subordinate position of the native communities in the colony, it also proves that the places where these people lived were not part of the colony; formally the land belonged to Rome. In any case, the existence of this system cannot convincingly be traced back to the pre-Hannibalic period. The only evidence for its existence in earlier Roman history is the episode concerning the foundation of a colony at Antium in the early fifth century. However, there is a strong possibility that this particular passage is contaminated by the experiences of colonial-native relations in later times.

In time, the ties and interaction between colonists and natives probably intensified and the original geo-political and juridical division between them became blurred. The decision to unite communities which lived close by each other through an act of *contributio* could be formally taken. Especially in the case of the communities which had already had been granted Roman citizenship *sine suffragio*, and later on full Roman citizenship, few legal and administrative barriers stood in the way of a union, if desired. The case of Minturnae is particularly interesting. In the late-third century the small garrison town of only a few hectares was considerably extended and transformed from a small fort-like settlement into a proper town. It is tempting to regard this transformation as a reflection of the merging of the colonial and indigenous communities.

But in those regions farther away and conquered at a later moment in time, as far as anything is known, no Roman citizenship was offered to people living on confiscated lands. This probably meant that they continued to live as *peregrini* (foreigners) on Roman soil and in a political, juridical and military sense were still part of their former peregrine *civitas* or, less likely, governed by Rome as subjects. This situation might have lasted until after the Social War when the granting of citizenship and the reorganization of Italy into municipal districts offered the opportunity to unite scattered colonial and peregrine communities (just as is recorded for Taras-Neptunia). In several instances, this might have occurred earlier. Especially in the period after the Second Punic War, when several colonies suffered from population shortages and were allowed to enrol new citizens, it is likely that indigenous people or illegitimate bastard children joined the colonial community. There is little evidence to suggest that the formal integration of native and Latin colonial communities happened on a large scale before the Hannibalic War. Perhaps, the reports about the Antiates and Brundisini receiving laws more than a decade after the foundation of the colony might be an indication of such a situation. This evidence is very tenuous and in both cases it is equally possible that the indigenous communities were allowed to form independent political communities. For most colonies a post-Hannibalic date seems more probable for the complete integration of indigenous and colonial communities.

