

Preface



IN 91, THE Italian allies of Rome broke away and formed a federation they named Italia.¹ The basis for the most serious revolt ever to shake the Roman state was the strident desire on the part of the allies, who now made up the bulk of the Roman army, for equal standing with the Romans or the destruction of Rome.² Led by the Samnites and Marsi, the Italian federation included most of the Oscan-speaking peoples of central and southern Italy. While other allies did not join them—including most Latins and Etruscans, the two largest groups in Italy after the Romans, as well as the Umbrians, Greeks, and Bruttians—their loyalties were nonetheless equivocal.³ At the Paelignian town of Corfinium, situated high in the central Apennines, the allies established a federal center, called Italica, on the model of Rome.⁴ Corfinium became the site of a federal mint, the central meeting place of a Senate drawn from elite members of the different tribal states, and the muster point for the Italian legions called up to fight the Romans. A brief and bloody war ensued that ended formally for most participants only after the Romans, in 90, called together in a voting assembly to consider a proposal of law, agreed as a people to a major redirection of their goals on granting citizenship. Loyal allies would henceforth be brought into the Roman state as full citizens. By the end of 89, Italia was dissolved.

Together the revolt by Rome's Italian allies and the outcome of the Roman people's prompt decision to accept all the allies as Romans tell us much

about the remarkable cohesion the Romans had achieved throughout Italy by the first century. In terms of lost lives and property, the war, known to contemporaries as the Italian War or the Social War (*bellum Italicum*, *bellum sociorum*), was the most devastating ever experienced in Italy.⁵ It was in fact a civil war, despite essential cultural, political, and linguistic differences separating many of the participants, in particular the Oscan-speaking peoples, from the Romans. Such differences notwithstanding, it was a war for inclusion.⁶ The ferocity of all the combatants reveals firm agreement among the peoples of Italy about the common way of life they had come to share in the course of conquering the lands rimming the Mediterranean Sea. How such a single imperial system was made possible and how the collective voice of the Roman people expressed in a public lawmaking assembly came to have sufficient force across Italy to help bring to an end a bitter war forms the quest of this book.

The story of the expansion of Rome from a small cluster of settlements on the Tiber River in central Italy to a vast empire covering most of the known Mediterranean world has long fascinated historians. Beginning with the subjugation of Italy in the fourth century, the Romans by the end of the first century had conquered an empire stretching from the Sahara Desert to the North Sea, from Spain to Syria. Facilitating this unprecedented territorial expansion was the gradual amalgamation of Romans and Italians as they adjusted to each other in the process of creating a Roman state in Italy and fighting shoulder-to-shoulder as world conquerors.

An integral part of Roman expansion is the momentous changes it brought in the traditional structures and customary patterns of life for Romans and Italians alike over the period between the fourth and first centuries. Initially forced to accommodate themselves to the conditions of Roman rule in Italy, Romans and Italians soon faced the consequences of successful overseas conquests as well. An influx of capital from successful trade and war promoted the urban development of Italy. The access to land resources in Italy was, for many people, reduced over time because of the growing number of wealthy Romans and Italians investing in land. The concentration of land in relatively few hands was accompanied by agricultural changes and the transformation of the labor force, with thousands of imported slaves working on capital-generating plantations and ranches, replacing the free herders and farmers of subsistence operations. Roman and Italian men became more extensively involved in military service. Between 200 and 44, the beginning of Rome's expansion into the Greek East and the end of the "free" Republic marked by the assassination of C. Julius Caesar, at least 10 percent and sometimes as high as 60 percent of the male population of Italy, ages seventeen to forty-five, was regularly engaged

in military service for increasingly long periods of service.⁷ As a result primarily of extending citizenship to Italians, Rome experienced a general citizen population increase over the period of greatest expansion, from an estimated half a million Roman inhabitants in 340 to 13.5 million Romans by 28.⁸ The accumulated impact of these developments was overwhelming and resulted finally in the emergence of a Roman emperor. But time and again during the course of expansion the Romans surmounted crises and upheaval to create a Roman state in Italy at the core of one of the largest and most stable empires in the ancient world.

Few explanations for Roman expansion to date address the unity underlying Rome's initial successful expansion and consolidation throughout Italy, especially in the most dynamic period of growth between roughly 350 and 44. In expanding across Italy, the Romans encountered and eventually absorbed a much larger population of Italian peoples with distinctive languages and customs.⁹ For all involved, Roman conquest must have entailed considerable disruption for individuals and communities. How did Romans resolve the inevitable conflicts accompanying the conquest of Italy in order both to survive and to expand further? Why did the vast population of Italy so readily lend its support and agreement to the wrenching social changes brought about by this expansion? What enabled Rome, alone among ancient Mediterranean societies, to expand to such unprecedented size and yet to maintain for so long the stability of its small-scale origins?

More than one hundred years after the Romans had first embarked on their world conquest, the Greek Polybius identified institutional features of a unique Roman character—namely, the Roman political and military systems—as crucial factors in Roman success. Polybius was the first historian to seriously examine the bases of Roman expansion but by no means was the last. In the present century, scholars have sometimes assumed that Roman success rested on overwhelming force, turned against the peoples of Italy, who were then bound to contribute troops to conquering Roman armies. By force of Roman arms, Italy became a Roman state from which the Romans, joined now by reluctant Italian allies, launched external campaigns of military conquest.¹⁰ Scholars have also assumed that the comradeship of arms provided a unifying bond of shared self-interest among the Roman and Italian fighting men of Italy, ensuring their willing cooperation in successful wars of conquest.¹¹ Or the hierarchic ties of dependency believed to be characteristic of a Roman patronage system linked Roman political leaders, that is, elected officeholders and senators, and the soldiers and citizens of Rome in common political and military endeavors. Or again, the Greek presence in Italy introduced a set of unique

Greek ideas about urban life and community at the top levels of society that, taken up by the Romans and disseminated throughout Italy in a process of Hellenization, provided the cohesive force drawing together all the peoples of Italy. This Roman “civilizing mission,” as Michael Rostovtzeff called it, fueled by Greek ideas, eventually brought a common cultural veneer to the entire world empire the Romans created. While these notions are clearly part of any adequate explanation of Roman achievements, they assume rather than explain the resolution of conflict essential for the emergence of the level of accommodation achieved by the Romans throughout Italy. If we accept them as explanations for the remarkable success of the Romans we are left with the question as to why any or all of them did not work in a similar fashion for other Mediterranean societies. What was unique about Roman expansion?

This study examines the role of public law in enabling the Romans to confront the otherwise insurmountable challenges of expansion across Italy, especially the absorption of conquered peoples, during the period from roughly 350 to 44. For centuries, the Romans developed a community consensus on the passage of law relating to the most critical aspects of their society in a public process concluded in the voting assemblies of Rome. The results of these decisions were the *leges* and *plebiscita*—called variously in English statutes, enactments, positive laws, or public laws—that formed a part of the larger body of decisions generated by all of Rome’s governing institutions (the assemblies, the Roman Senate, and elected officials) and also included Senate decrees (*senatus consulta*) and magistrates’ edicts (*edicta*). Although the larger body of decisions can be described collectively as “public law,” in this study I use the term “public law” to refer specifically to *leges* and *plebiscita*. In contrast to the decrees of the Roman Senate, decided and formulated following discussions open only to members of that select body, and in contrast to the pronouncements of magistrates, made after consultation with the Senate or an informal council of senatorial advisors, the *leges* and *plebiscita* required the formal participation of the Roman people in an elaborate public event launched by the formal announcement (*promulgatio*) of a public law proposal or query (*rogatio*) and concluded weeks later by the voting assembly’s decision to accept or reject the proposal as law. And in contrast to the citizen events, which were part of a regular calendar of public occurrences falling on fixed days in fixed months (the regular annual festivals; the electoral assemblies every July, after the Games of Apollo, when the people met to elect all high- and low-ranking officials in the centuriate and tribal assemblies; the formal military levies in January; and the quinquennial census), Rome’s lawmaking meetings and assemblies were initiated irregularly by tribunes, consuls, praetors, and sometimes

other officials whenever they had bills to promulgate requiring the approval of the Roman people at large. In theory this could happen anytime throughout the year on days when such meetings were legally and religiously permissible. In practice the assemblies met to enact law on what appears to the modern eye to be a random basis.¹²

While the issues addressed in public law proposals touched almost every aspect of Roman life, and some issues appear inconsequential to modern eyes, many were obviously of utmost importance in facilitating Roman growth and expansion. In 367, Roman voters accepted the “Licinian-Sextian Rogations” as law, which broadened access to the political leadership on the part of members of wealthy plebeian clans and increased access to land resources for all members of the majority population. With this decision, the threatened dissolution of the Roman citizen body was averted. During the Second Punic War, between 218 and 201, the Roman people considered an unprecedented number of proposals modifying the rules pertaining to political and military leadership to facilitate Rome’s survival during her most serious military crisis to date. In 133, when access to land resources on the part of the majority population of Italy was severely reduced, Romans, Latins, and Italians converged on Rome to ensure the voters’ acceptance of the land redistribution proposal of Ti. Sempronius Gracchus. In 90, the decision of the Roman people, convened in a lawmaking assembly, to grant Roman citizenship to all the inhabitants of Italy brought an effective end to the Italian War between Rome and her Italian allies, a conflict that threatened the existence of the Roman state even more than the Second Punic War. The study of public law as a process to discern the collective voice of Romans, critical to the expansion and survival of Roman society as we know it, has much to recommend it.

To date, however, the diversity of the issues presented to Roman assemblies over the entire period of the Republic have proven an almost impenetrable hedge to any broad interpretation of the achievements of public law.¹³ Modern studies that offer the most profound insights into Roman public law generally focus on the regulatory or normative outcome of specific laws at the expense of the nuances of the public lawmaking process through which all public laws passed. As a consequence, they ignore the extent to which this process was linked to society and its significance in its contemporary Roman setting. Such is the case with *Roman Statutes*, a collaborative effort by Roman historians, epigraphers, and Roman legal specialists.¹⁴ But the social historian wonders also why the Romans resorted to public lawmaking assemblies on the occasions identified previously and what role public law played in Roman society to explain why political leaders and Roman voters turned to lawmaking

assemblies at critical junctures in Roman history. My goal is to put the meticulous array of ancient testimony collected in such essential works as *Roman Statutes* into context in an endeavor to explain what kind of society would produce law in the particular way that the Romans did in public assemblies.

Similarly, the complicated political nature of the lawmaking process in the Late Republic obscures many of its customary functions, as well as its social and cultural underpinnings. Public lawmaking in the years between 91 and 44 was highly politicized, the lawmaking arena increasingly used by individual politicians to reach goals set by personal ambitions. Unfortunately, key aspects of public lawmaking, such as tribal voting units and voter participation, are commonly interpreted, in this and other periods, solely in light of this reality. Exploiting such ready-to-hand organizations as collegia and sodalitates, with the aid of bribery or patronage, political leaders mobilized voters by appealing to their self-interest to support their own proposals or to defeat the proposals of political opponents. The discerning Lily Ross Taylor, for instance, whose *Party Politics in the Age of Caesar* provides the classic statement of the politicized nature of lawmaking, also provides in *The Voting Districts of the Roman Republic* an interpretation of voting units that is shaped by this understanding.¹⁵ Missing is a sense of the importance of public law and the lawmaking process to the group ultimately responsible for its generation, the Roman people.

The thesis of this study, very simply, is that public lawmaking was a central process in facilitating the development of Roman society. For almost two hundred years after the beginnings of Roman expansion in Italy, the Romans and conquered Italian peoples labored to develop a tolerable accommodation to each other. In this mutual accommodation, public lawmaking played a pivotal role. Overall, throughout the course of development of a pan-Italian imperial system, from roughly the fourth century to the early first century, innumerable conflicts were resolved, most often by the Roman Senate or a wide variety of elite officeholders. But throughout the course of the expansion as well, Roman political leaders also involved the entire citizenry in resolving critical issues by proposing binding remedies to public lawmaking assemblies. Underlying the effectiveness of this public process was a certain level of required knowledge about Roman social structures and the complicated relationships among them, about Roman social and political groupings and their reciprocal responsibilities, and about the role of oratory in allowing political leaders to reflect the will and manage the emotions of the Roman people. Likewise, participants in the lawmaking process had to know the religious meaning of the events unfolding in lawmaking assemblies. The result was the creation of a Roman state in Italy that successfully incorporated a large and diverse population.

Any effort to deal with public lawmaking must also deal with a number of perplexing paradoxes. Public lawmaking assemblies were convened only in Rome even after the Romans had expanded across Italy and established citizen settlements at great distances from the city. The growth in scale of the Roman citizen population over my period of interest, from roughly 150,000 voting males in 338 to perhaps one million by 44, deepens the mystery. Public lawmaking assemblies required the participation and approval of the Roman people, yet the most stringent restrictions were associated with the process of public approval. Public lawmaking assemblies lasted for more than half a millennium, yet the significance of the lawmaking process changed almost overnight during the reign of the first emperor, Augustus. In brief, any effort to focus on public lawmaking assemblies is complicated by the very nature of the phenomenon. Public law emerged out of an extraordinarily complex structure of decision making on which much work remains to be done if we are to understand the context within which the phenomenon took place. The present effort represents a first step.

An effective history of Rome's most fundamental institutions appears to demand a total history of all of Rome, precisely because of the degree to which they were embedded in Roman society. While such a history has yet to be written, and an historian concentrating on a specific topic must set some limits on his or her investigation, it is essential to travel a certain distance into the Roman historical underbrush to understand the emergence and functions of any basic institution. This is particularly true in the case of public lawmaking assemblies that appear to be associated with the resolution of the most important of the innumerable conflicts that the drive across Italy and the Mediterranean region must of necessity have involved. A corollary to the central position of assemblies in Roman society is the extent to which their end products were so widely accepted and the extent to which all Romans, new and old, participated in the process of public lawmaking for so many centuries. The depth of involvement in public lawmaking by individuals from across all of Italy, presumed by the level of participation visible in many reported lawmaking assemblies, stands as one of the best indices of the successful Roman absorption of conquered lands and their peoples. An understanding of public lawmaking assemblies, therefore, requires that we examine the Roman expansion across Italy, paying particular attention to the manner in which great numbers of newcomers acquired Roman ways.

The book is divided into three parts. Part 1 explores the complexity of the public lawmaking process and its uses in an effort to identify what needs to be explained about the practice. Chapter 1 presents the function and meaning

of lawmaking, based on a compilation of all reported public law proposals and enacted laws and a detailed case study of public lawmaking during the period of the Second Punic War, and provides an essential framework for the entire study. Chapter 2 examines the inner workings of public lawmaking sessions in the mid-first century, when we best know them, and the public presentation of the law by Rome's political leaders. An analysis of a set of public orations, *De Lege Agraria*, by M. Tullius Cicero addressing the merits of a public law proposal underscores the importance of the public arena of lawmaking to aspiring and ascendant politicians. Equally important, Cicero's concern for substance and process shows that the masses of voters still displayed the traditional respect for public lawmaking that gave the process its universal authority, even when the Republic was on the wane. The degree to which lawmaking assemblies were embedded in Roman life becomes obvious in chapter 3 in an analysis of the central role of the Roman people in making legitimate law. In view of the size and wide scattering of the citizen population as well as the intricate procedural and factual knowledge required to vote, an explanation of the participation by Roman voters in lawmaking assemblies is vital. Romans voted in lawmaking assemblies not as individuals but as members of a group, most frequently a tribe. A majority of tribes, therefore, not citizens, gave voice to the sovereign will of the Roman people. The expression of consensus through group action was a given. But the legitimization of a proposal of law was the result not merely of receiving a certain number of votes but of observing various rituals and procedures during the assembly at which the law had been accepted by the majority of Roman tribes. Only when everything was done correctly did the proposal become law, validated by its passage through the lawmaking assembly and enforced throughout Roman lands by virtue of the authority of that process. The viability of the process rested at all times on the deeply held expectations about ritual and procedure, which permeated all levels of society. These expectations helped create a resilient system that diffused potential lawmaking authority among hundreds of members of the Roman elite and involved the Roman people, through their tribes, in a complicated expression of the fundamental power of the entire society.

Part 2 focuses on society at large to identify the conditions that encouraged the widespread acceptance of public lawmaking as the Romans conquered Italy. Only infrequently in this initial investigation is there direct evidence of the intervention of public lawmaking assemblies during the Roman expansion across Italy. But when we do find such evidence, the kind of proposals that were debated in public lawmaking sessions and the results of such sessions in developing a community consensus in resolving problems often appear pivotal in making the

expansion possible—the conquest of Italian peoples, the absorption of new citizens, and the growth and development of the city of Rome. Lawmaking assemblies stood within a complicated structure of Roman crisis resolution that made possible the historically unprecedented absorption of conquered peoples during the creation of the Roman state in Italy. Part 2 thus establishes the essential preconditions for the acceptance of public lawmaking and the role played by the process itself in facilitating the amalgamation of Romans and Italians and the growth of Rome. The quest begins in chapter 4 by exploring the conditions underlying the Italy-wide acceptance of Roman ways, among them public lawmaking. The cornerstone on which the Romans built their unique state in Italy during the initial and most critical course of their expansion can be traced to the veneer of understandings shared by all inhabitants of Italy that grew out of common reactions to the geography of the peninsula. As the Romans conquered other Italians and imposed a new legal, administrative, and economic organization on confiscated lands, Italians were forced to accommodate themselves to the changed conditions. The Romans in turn fastened on courses of action that channeled patterns of life in Italy, characterized by a high level of mobility and interaction, in directions amenable to the acceptance of Roman order and organization. Roman success can be measured by the extent to which non-Roman inhabitants accepted the mediating authority of the Roman Senate, magistrates, and also public lawmaking assemblies—to the point, at times, where they agitated for the passage of public laws in Rome.

To understand this general acceptance of public lawmaking events throughout conquered Italy we turn, in chapter 5, to an exploration of the incorporation of noncitizens into the Roman system through grants of citizenship and the continual reintegration of citizens through military service. Of particular importance in integrating new members in the Roman system was the innovative use made of the Roman tribes. Likewise from the fourth century, Italians assimilated to Roman ways through military service with the Roman army. Thus, as expansion progressed, a steady stream of newcomers strengthened Rome by becoming, or aspiring to become, full members of the society with full rights to engage in the rituals and events that accompanied citizenship. Among the most meaningful of these were voting assemblies, where Romans expressed their power as citizens. In the changing social and economic relationships that evolved out of the gradual incorporation of Italians into the Roman imperial system, at all levels of society, lies the key to the widespread acceptance of the public lawmaking process as a mechanism for resolving conflict and maintaining social stability among a traditionally highly mobile population now centered on the city of Rome.

This process of establishing a Roman structure of order across Italy was on all levels also a process of strengthening the vital links to the city of Rome, which comes under investigation in chapter 6. Once Roman expansion across Italy commenced, the regular movement of Romans and non-Romans to and from the city intensified. Initial Roman efforts to organize conquered lands along the lines of traditional structures of control developed in the city of Rome could not have anticipated the difficulties of dealing with the wide variety of outsiders now migrating to the city on a temporary or permanent basis. Yet the Romans succeeded in imposing themselves on local networks, creating a society that increasingly and resolutely centered civic, ritual, and economic functions on Rome. As the focus of Roman life throughout Roman Italy, the city of Rome was the sole venue for public lawmaking sessions. The unique Roman talent for mediating challenges in light of Roman custom and Roman traditions was augmented by the use of public lawmaking assemblies in Rome to create the conditions believed necessary for the growth of the city. By narrowing our focus on the exceptional degree of internal order that characterized Rome in spite of its exceptionally large population and the continual movement into and out of the city, we locate public lawmaking assemblies in the structure of order that underlay the Roman achievement.

Part 3 concludes the study with an increasingly detailed analysis of lawmaking activity in the critical last stage in the declining Roman Republic, from the late second century to the assassination of C. Julius Caesar in 44. The consequences of assimilation profoundly changed the composition of the Roman leadership and the traditional relationships between political leaders and people. Chapter 7 considers how the determination to maintain a traditional Roman balance in the system underlay the efforts by elite Romans to restore the perceived, fading integrity of the traditional public lawmaking system in the face of the challenges of absorbing new citizens in the third and second centuries. In spite of critical tensions among old and new citizens during the course of Roman expansion, Roman efforts at preserving what they believed were the essential and basic preconditions for the effective functioning of the public lawmaking process resulted in the continued endurance of a cohesive, expanding, and complex Roman society.

Chapters 8 and 9 utilize earlier findings in a detailed analysis of the politicization of lawmaking activity during the critical last stage in the declining Roman Republic, from the Italian War beginning in 91 to the assassination of C. Julius Caesar in 44. The solution to the Italian War, namely, the granting of citizenship to all Italians, signaled an end and a beginning: the end of a Rome that could develop agreement on the societywide resolution of apparently

intractable problems through the use of public lawmaking and the beginning of an unprecedented shift in the social and political foundations of the Roman Republic that continued to run its course until the demise of the Republic in 44. The attenuation of social networks that followed the Italian War was reflected in changes in the traditional balances among the various elements at lawmaking assemblies, a development best seen in the increased efforts by elite Romans to use the lawmaking process in a new, more direct and more self-interested way than ever before. By his invention of the office of “Dictator for Writing the Laws and Restoring the State,” L. Cornelius Sulla unwittingly took a major step in sowing the seeds of the demise of a unique lawmaking process that had played a major role in the expansion of Rome. By granting such power to one man, Romans had lost a vital element of the public lawmaking process. Paradoxically, both the final demise of the traditional lawmaking process and the culmination of the changes that led up to it were signaled by the passage of laws in 44, found in the assassinated Caesar’s notebooks. The compelling authority of a dead man to legitimize law sets the stage for the final adjustment leading to the end of public lawmaking assemblies, the institution of a Roman emperor. No longer would the Roman leadership unequivocally accept the decision of the Roman people assembled in a lawmaking assembly as the Roman people’s will. From here on out the Roman leadership would tolerate only the right sort of lawmaker and the right sort of law. Public lawmaking became a victim of its own success. An epilogue summarizes the findings of this study about the role of public lawmaking in Roman society and places them in a wider, comparative historical context.

METHOD: A COMPILATION OF
LAWS AND PROPOSALS

Among the most important sources of information for public lawmaking are reports of public law proposals and enacted laws found scattered throughout nearly the entire corpus of ancient Roman authors and Roman documents. This book makes original use of these reports, which involve both the drafts (rogationes) and end products (leges and plebiscita) of Rome’s public lawmaking assemblies and convey details ranging from the substance of the law to the public law sponsor to the mundane details of the lawmaking occasion. The information derived from the reports was assembled using basic procedures for handling such data, presented in appendix A. The initial effort of assembling pertinent details about all known and surmised laws and proposals produced a base list of 781 laws between 509 BCE and 23 CE. Taking

away all hypothetical or unreliably reported laws, using criteria set out in appendix A, reduced the list to 559 reliably reported laws and proposals between 350 and 25 BCE, listed in appendix C, and 541 laws and proposals between 350 and 44 BCE, my period of interest in this study. Based on information provided in the ancient record about these laws and proposals, I produced a variety of tables used throughout the text as appropriate to provide the basic framework for my discussion.

Although my compilation of laws is not all-inclusive in that it does not represent the entire body of public law proposals ever considered in ancient Rome, it does consist of the entire corpus of available proposals of law and enacted laws recorded by ancient sources. Although there was obviously a great deal of agreement between our ancient sources, particularly ancient authors, as to which laws ought to be remembered over the period, the surviving body of proposals of law suggests that none of them gave us a comprehensive listing. (A full discussion is provided in appendix B.) Through either the accident of survival or deliberation, all of the ancient authors were selective.

Like all historians, therefore, I am to some degree a prisoner of my sources as I seek to systematically bridge the gap between the impossible task of finding and processing every public law or proposal of law and the insights gleaned from detailed case studies of issues, participants, and procedures at single events selected from different time periods. To those who would insist on assuming that beneath the body of surviving laws on which this study is based there lies a “true” body of laws that remains to be discovered, I would make two responses. One, whatever their biases, our ancient authors, among the most observant minds in Roman society, believed that the great majority of laws on my listing deserved to be remembered. And two, since it is the only such body of information in existence, it is by definition the best. In sum, it seems reasonable to suppose that we have the most complete “database” that can presently be assembled for examining the functions of lawmaking assemblies. It seems reasonable also to conclude that the discovery of any significant number of new laws in the future would strengthen my emphasis on the central importance of public lawmaking in the Roman Republic.

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Notes

1. All dates are BCE unless otherwise noted.
2. *Consortium imperii*: Justin 38.4.13. Italian aims: E. Gabba, "Rome and Italy: The Social War," in *CAH* 9, 2d ed. (Cambridge, 1994), 104–28; P. Brunt, "Italian Aims at the Time of the Social War," in *The Fall of the Roman Republic and Related Essays* (Oxford, 1988), 93–143; A. N. Sherwin-White, *The Roman Citizenship*, 2d ed. (Oxford, 1973), 134–49; and E. Badian, "Roman Politics and the Italians (133–91 BC)," *Dial. di Arch.* 4–5 (1971): 373–409.
 3. P. Brunt, *Italian Manpower, 225 BC–AD 14* (Oxford, 1971), 89.
 4. M. Pallottino, *A History of Earliest Italy* (Ann Arbor, 1994), 155.
 5. *Bellum Italicum* is used by Cicero (e.g., *Font.* 41) and Velleius Paterculus.
 6. Some scholars believe that the Italian "self-assertion," i.e., surgent Italian identity and consciousness, in the years leading up to the war is incompatible with a desire for inclusion in the Roman system: M. Crawford, "Italy and Rome," *JRS* 71 (1981): 159; Pallottino 1994. The trend is itself testimony to the Romans' success in forging a state whose institutions were compatible with ethnic diversity.
 7. Numbers of Romans and Italians in military service: Brunt 1971, 416–512; see chapter 4.
 8. The number of inhabitants in 340 is based on the census figures for that year, estimating the adult men at 31 percent of the total population: Brunt 1971, 53 (with reference to the year 225). On the number in 28 see E. Lo Cascio, "The Size of the Roman Population: Beloch and the Meaning of the Augustan Census Figures," *JRS* 84 (1994): 23–40, and E. Lo Cascio, "The Population of Roman Italy in Town and Country," in *Reconstructing Past Population Trends in Mediterranean Europe*, ed. J. Bintliff and K. Sbonias (Oxford, 1999), 164. Brunt estimates five million people of citizen status (excluding infants) in 28: Brunt 1971, 121. See also chapter 7, note 1.
 9. It would be impossible here to survey all the scholarship on the topic, which falls under the broad rubric of "Romanization." Suffice to say that the focus has shifted from the cultural impact of an ascendant Rome to independent developments among Italy's diverse groups and reciprocal interchange. A good overview is provided by J.-P. Vallat, "The Romanization of Italy: Conclusions," in *Italy and the West: Comparative issues in romanization*, ed. S. Keay and N. Terrenato (Oxford, 2001), 102–10.
 10. H. Mouritsen, *Italian unification: A study in ancient and modern historiography* (London, 1998), presents a more informed variation of this view, arguing that the ancient account of unification is a construction after the fact and that the Italians did not want unification.
 11. Brunt 1988, 117; A. Keaveney, *Rome and the unification of Italy* (London, 1987), 28; J. Göhler, *Rom und Italien* (Breslau, 1939).

12. The various assemblies that made law are addressed in chapter 1.
13. The exception is J. Bleicken, *Lex Publica: Gesetz und Recht in der römischen Republik* (Berlin and New York, 1975), especially 100–513. Bleicken adheres to the political perspective of the ancient recorders.
14. M. H. Crawford, ed. *Roman Statutes*, 2 vols., Bulletin of the Institute of Classical Studies. Supplement 64 (London, 1996).
15. Lily Ross Taylor, *Party Politics in the Age of Caesar* (Berkeley, Los Angeles, and London, 1949); Lily Ross Taylor, *The Voting Districts of the Roman Republic* (Rome, 1960).