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«Est enim ille flos Italiae» : Northern Italy in the Legal and Administrative Structures of the Roman Republic in the 3rd-1st centuries B.C.

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

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**Northern Italy in the Legal and Administrative
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The Roman Republic established contacts, including diplomatic relations, with political bodies in Cisalpine Gaul even before its conquest. Rome was tied by *foedus* to the tribes of the Celtic Cenomani and Veneti, while Polybius described the Republic's relationship with the latter as *symmachia*¹. The Romans had probably established these ties before the Celtic invasion of 225. In any case, the tribes were listed in the Roman *formula togatorum* of 225 as *socii* that were to raise, and perhaps supply to Rome, 20,000 troops each just before the Celtic invasion². The Republic also most likely accepted certain obligations towards the Veneti and the Cenomani.

¹ For the *foedus* with the Cenomani: U. Gualazzini, *Aspetti meno noti della fondazione di Cremona*, [in:] *Cremona Romana. Atti del congresso storico archeologico per il 2200 anno di fondazione di Cremona*, Cremona 1982, p. 4; J. Zajac, *Od Wenetów do Rzymian. Studia epigraficzno-antropomastyczne (I w. p.n.e. – I w. n.e.)*, Toruń 1991, p. 17; eadem, *Imiona własne z miast i terytoriów „przypisanych” u mieszkańców antycznej Brixii w Italii Północnej*, „Xenia Posnaniensia”, Poznań 2004, p. 167. According to Polybius (II 18) the Veneti signed an alliance with Rome already at the beginning of the 4th century: J. Zajac, *Od Wenetów...*, p. 12. Polybius probably had a slightly different understanding of the treaties concluded by Rome, since *symmachia* was a term derived from Greek terminology and referred to a loose alliance (*philos kai symmachos*). Perhaps the Roman term *amicitia et societas*, which referred to informal cooperation during a war fought outside Italian borders, conveyed a similar meaning to the Greek *symmachia*: T. Grabowski, *Ptolemeusze i Rzym. Przyjaźń czy zależność. Stosunki polityczne w latach 273–43 p.n.e.*, Kraków 2005, p. 35–36.

² Polyb. II; 24 7–8; Liv. *Per.* 20; Diod. Sic. XXV fr. 13; Plin. *NH* 3.20.138; Eutrop. III 5; Oros. IV 13; T.P. Wiseman, *New Men in the Roman Senate, 139 B.C.-A.D. 14*, Oxford 1971, p. 19; J. Zajac, *Od Wenetów...*, p. 13; G. Bandelli, *Roma e la Venetia orientale della guerra gallica (225–222 a.C) alla guerra sociale (91–87 a.C)*, [in:] *Studi e ricerche sulla Gallia Cisalpina XI Vigilia di romanizzazione. Altino e il Veneto orientale tra II e I sec. a.c. Atti del Convegno, Venezia, S. Sebastiano, 2–3 dicembre 1997*, Roma 1999, p. 285–288; W. Kruta, V.M. Manfredi, *I Celti in Italia*, Milano 1999, p. 148. *Formula togatorum*: A.J. Toynbee, *Hannibal's Legacy. The Hannibalic War's Effects on Roman Life*, London 1965, I 424–438, 479–505; W. Suder, *Census populi. Demografia starożytnego Rzymu*, „Historia” 160 (2003), p. 122–133.

Moreover, the Republic had contacts and alliances with settlements in Cisalpine Gaul which, due to their strategic location and position on important trade routes, played an important role in Roman politics. The Republic's interest in Adriatic matters (starting in the late 3rd century) and the Ligurian and Tyrrhenian Seas, as well as contacts with Massilia allied with Rome, persuaded the Romans to search for footholds in this area. It is likely that already in the second half of the 3rd century there were contacts and perhaps also some agreements between the Republic and Genoa and Pisa³, Ravenna on the Adriatic coast⁴ and maybe settlements of Etruscan provenance.

The victorious war against the Celtic tribes in 224–222 changed the geopolitical situation in Cisalpine Gaul. From then on, Rome became the most important political partner in the region. As a result of heavy defeats against Roman legions, the defeated Celtic Boii and Insubres were forced to accept the terms of treaties imposed by the Republic, according to which they relinquished some parts of their territories (the colonies of Placentia and Cremona were established), they agreed to allow Roman garrisons in some settlements (Milan, Mutina, Bononia, Clastidium and Tannetum) and they pledged to provide military assistance to the Republic when requested⁵. The terms of treaties concluded with the defeated Boii and Insubres were more burdensome than the earlier *foedus* tying Rome to the Cenomani and the Veneti.

The defeat of Carthage (which was the only guarantor of the sovereignty of Celtic and Ligurian tribes in the face of the Roman Republic's expansionism) in the Second Punic War brought about very significant changes in the balance of power in Cisalpine Gaul. Having defeated Celtic tribes in Cisalpine Gaul, Rome formed alliances with them. The *foedus* was to include the two main Celtic tribes that survived the Roman invasion, i.e. the Cenomani and the Insubres. It did not mention the Boii, who had been one of the most powerful tribes (next to the Insubres) prior to the Roman invasion, but as a result of Roman military operations became largely extinct and their lands taken over by the Romans⁶.

³ For the *foedus* with Genoa see: Liv. XXVII 46.7; XXX 1.10; XXXII 29.5-8; M. Piegdoń, *Galia Przedalpejska. Studia nad rzymską obecnością w północnej Italii w III-I w. p.n.e.*, Kraków 2009, p. 96–98.

⁴ U. Ewins, *Enfranchisement of Cisalpine Gaul, P.B.S.R. 23*, London 1955, p. 74 a. 78; G. Luraschi, *Foedus Ius Latii Civitas – Aspetti costituzionali della romanizzazione in Transpadana*, Padova 1979, p. 150–156; S. Magnani, *La Ravenna preromana. Fonti e documenti*, [in:] *Ravenna romana*, vol. I, Ravenna 1999, p. 34–52.

⁵ For the capture of Milan, Bononia, Mutina, Parma, Clastidium see: Polyb. II 34–35; Liv. *Per.* 20; Plut. *Marcell.* 6–7; Sil. Ital. VIII 595. The terms of treaties with Celtic tribes appear in the sources, although sometimes they are mentioned indirectly when discussing various other matters – see: Polyb. III 67; IX fragm. 3, 19; Liv. XXI 48.

⁶ A mention in Cicero's speech *Pro Balbo* (14.32: *quorum in foederibus exceptum est, nequis eorum a nobis civis recipiatur*) says that members of these tribes would not be able to obtain *civitas optimo iure*. In the same speech, Cicero says that the *foedus* could also have included other smaller Celtic tribes but it is unclear whether they were from Cisalpine Gaul. Cf. G. Luraschi, *op. cit.*, p. 23–25, 98–101, 108–110; C. Peyre, *La Cisalpine gauloise du III^e au I^{er} siècle avant J.-C.*, Paris 1979, p. 64.

Thus, Rome concluded alliance treaties with Celtic tribes as the stronger partner, the victor who dictated terms to those defeated in war. We should also point out that the provisions of the treaties signed in the 190s probably differed from the terms of treaties that had been concluded earlier. However, due to a lack of specific source information we can only speculate on the subject⁷.

Rome, being a city state, did not have separate administrative structures that could be used for managing new acquisitions. On the other hand, the Roman administrative system was flexible enough, and the people ruling the Republic were open to new solutions enough, so that new areas were allocated to already existing structures. During wartime Rome entrusted military and administrative operations to officials elected on a yearly basis, most commonly consuls (sometimes praetors), who due to holding *imperium* could command their subordinate troops in military operations. It should be mentioned that the consul's power (*imperium*) extended not only to his subordinate troops but also to the territories on which he was conducting warfare. The annexed territory could be assigned by the People's Assembly or the Senate to a consul elected for the next year or to a consul who had operated there before, under *prorogatio imperii*. In such a case he would command the assigned area (*provincia*) as proconsul. Command could also be given to a praetor (which was often the case in Cisalpine Gaul) and then prorogued by the Senate for another year as propraeor⁸, as illustrated by the political and legal situation in Cisalpine Gaul during the Second Punic War. Although the Romans were driven out by Hannibal from almost all the territories they had conquered in 224–222, apart from the colonies in Placentia and Cremona, Roman officials in the rank of consul, praetor or proconsul and propraeor were still given Gaul or Liguria as *provincia* in 215–202 (apart from 209), although that did not mean that the territories were under Rome's direct administration⁹.

⁷ For treaties with Celtic tribes from Cisalpine Gaul see: U. Ewins, op. cit., p. 74; G. Luraschi, op. cit., p. 23–24 and 40–41; L. Calderazzo, *Arbitrati romani in Cisalpina (197–89 a.C): problemi e status quaestionis*, *Rivista di studi Liguri*, Bordighera 1997, p. 26–27. For the *foedus* with the Marsi, who in Badian's opinion entered into a *foedus aequum* in 304 but after the defeat against Rome had to agree to worse conditions see: Liv. IX 45 18; X 3; E. Badian, *Foreign Clientelae 264–70*, Oxford 1958, p. 27. This, however, was not a rule in Roman politics, see: Liv. VIII 25.3; IX 20 (the case of the Apulian Teates); E. Badian, op. cit., p. 28; A.N. Sherwin-White *The Roman Citizenship*, Oxford 1973, p. 121.

⁸ For the term *provincia* see: J. Richardson, *The Administration of the Empire*, CAH IX (1994), p. 564. Cf. G. Tibiletti, *Ticinum e la Valle Padana*, „Atheanaeum” 40 (1964), p. 32. For the prorogation of power of Roman officials see: J. Richardson, op. cit., p. 572–580. A private person who had not been a consul or praetor could also hold the office of proconsul or propraeor: Liv. XXXVIII 42.10.

⁹ J. Richardson, op. cit., p. 567 and 568. For Roman officials in Cisalpine Gaul in the 3rd century see: M. Piegoñ, op. cit., p. 186 fn. 592. For the presence of Roman officials in Cisalpine Gaul in the 2nd century see: P.A. Brunt, *Italian Manpower 225 B.C. – A.D. 14*, Oxford 1971,

To generalise slightly, it could be said that until the 80s, i.e. until Rome decided to create a province in Cisalpine Gaul, it had been treated like the rest of Italy, and the consuls, praetors and promagistrates were appointed by the Senate to perform specific tasks.

The lack of a well-developed administration did not mean that Rome did not influence the internal affairs of its allies in Cisalpine Gaul and only responded to external threats. In fact, after the Second Punic War ended, the Republic intensified its involvement in the internal affairs of its allies. The Romans conducted a large-scale operation of tying this region to the rest of the Republic by building large thoroughfares, carrying out hydrological work (river engineering) in Cisalpine Gaul, and renting e.g. mines to publicans who collected taxes due to the state. Roman arbiters sent by the Senate intervened in conflicts in allies' settlements if summoned (the arbitration of consul M. Aemilius Lepidus in the argument between parties in Patavium in 175). The Republic also sent its arbiters when treaties binding Rome to its allies were violated (the arbitration of M. Aemilius Lepidus, who brought about the return of arms to the Cenomani in 187, and the intervention in Rome of envoys of the Celtic tribes of Carni, Japodes and Histri, which were attacked by the consul G. Cassius Longinus in 171)¹⁰. Arbiters also intervened in border disputes between allies' settlements and colonies (between Pisa and Luna in 168, between Patavium and Ateste in 142 and between Ateste and Vicetia in 136 or 135¹¹). However, not all of the Senate's

p. 567–569; T.C. Brennan, *The Praetorship in the Roman Republic*, Oxford 2000, II 359. For the situation in Spain see: J. Richardson, op. cit., p. 567–568. Over a longer period of time it was the permanent presence of Roman officials and legions in the territories allocated by the Senate or the Assembly (*provinciae*) that made it possible to gradually transform them into Roman provinces in the modern sense of the word: J. Richardson, op. cit., p. 580; T.C. Brennan, op. cit., p. II 363.

¹⁰ For the Republic's involvement in the allies' affairs: E. Badian, op. cit., p. 145–153; A.J. Toynbee, op. cit., II 106–142; A.N. Sherwin-White, op. cit., p. 128–129. For the Roman arbitration in Cisalpine Gaul see: A.N. Sherwin-White, op. cit., p. 128; L. Calderazzo, op. cit., p. 28–46. For the arbitration on the disarmament of the Cenomani see: Liv. XXXIX 3.1–3; Diod. Sic. XXIX 14; L. Calderazzo, op. cit., p. 29; 36. For the arbitration on the violation of treaty provisions signed with the tribes see: Liv. XLIII 5.1–10; L. Calderazzo, op. cit., p. 30–31. For M. Aemilius Lepidus's arbitration in Patavium in 175 see: Liv. XLI 2.3; U. Ewins, op. cit., p. 74; E. Badian, op. cit., p. 147; J. Zając, *Od Wenetów...*, p. 18–19; L. Calderazzo, op. cit., p. 29–32. Arbitration could be the beginning of a *clientela* relationship: FIRA 21; Plut. *Flamin.* 1; E. Badian, op. cit., p. 154–167; L. Calderazzo, op. cit., p. 42–43; R.E. Mitchell, *The Definition of patres and plebs: An End to the Struggle of the Orders*, [in:] *Social Struggles in Archaic Rome. New Perspectives on the Conflict of the Orders*, ed. K.A. Raaflaub, 2005, p. 152. For the influence on the colonies' internal affairs see: Liv. XLI 27; A.N. Sherwin-White, op. cit., p. 84–85.

¹¹ For the dispute between Luna and Pisa see: Liv. XLV 13; T.R.S. Broughton, *The Magistrates of the Roman Republic*, New York 1951, I 399. For the dispute between Patavium and Ateste see: CIL I² 633 725 = V 2491 = ILS 5944a = ILLRP 476; CIL I² 634 = V 2492 = ILS 5944 = ILLRP 476; CIL I² 2501 = ILLRP 476; L. Calderazzo, op. cit., p. 32–33; J. Zając, *Od Wenetów...*, p. 19–20. For the dispute between Ateste and Vicetia see: CIL I² 636 = V 2490 = ILS 5945; J. Zając, *Od Wenetów...*, p. 19–20; L. Calderazzo, op. cit., p. 34. For the arbitration between Genoa and its *attributi* Viturii in 117 see: ILS 5946.42–44; A.N. Sherwin-White, op. cit., p. 128.

interventions were successful. Occasionally, an official with a strong backing of the *nobilitas* was able to resist the Senate's rulings (as was the case with the attack of the consul M. Popillius Laenas against the Ligurian Statielli in 172, or the consul App. Claudius Pulcher's military campaigns against the Salassi in 143–140)¹².

The variety of colonies established in the territories captured from the Celts (*ager Gallicus* and Cisalpine Gaul) contributed to a considerable diversity of the legal status of the people inhabiting these provinces and the status of these entities. In northern Italy, Rome established mainly Latin colonies, but also *coloniae civium Romanorum*¹³.

The event which greatly influenced the population's legal status, and perhaps even the administrative status of Cisalpine Gaul, was the *Bellum Sociale* in the years 90–88. Under the law which the Republic was forced to introduce during the difficult and hard war against the rebellious allies, Rome's allies were granted *civitas optimo iure*. The laws such as *lex Iulia*, *lex Plautia Papiria* and *lex Cornelia* gave Roman citizenship to various groups of people and to individuals, regardless of their place of residence. The geographical aspect did not apply to Cisalpine Gaul, either, since all its inhabitants who had the Latin status received *civitas optimo iure*. This applied especially to the inhabitants of Latin colonies and *viritim* settlements from territories south of the Padus, i.e. Ariminum, Placentia, Bononia and Luce. The law also applied to settlements north of the Padus, i.e. the colonies of Cremona and Aquileia¹⁴. However, Cisalpine Gaul was inhabited not only by people with the Latin status (mainly south of the Padus); its

¹² For the case of the Statielli see: Liv. XLII 7-9, 21; XLII 10, 21, 22, 26.1, 28.2. For A. Claudius Pulcher's war against the Salassi see: Cic. *Fam.* 11.20; Liv. *Per.* 53; Strab. 4.6.7.(204); App. *Illir* 17 49; Dion. 49.38.3; Oros. V 4.7.

¹³ M. Piegoń, op. cit., p. 188–194.

¹⁴ For *lex Iulia*, *lex Plautia-Papiria* and *lex Cornelia* see: Cic. *Balb.* 8.21; *Arch.* 4, 5; *Fam.* 13.30; *Schol. Bob.* 6-7 fragm. 175 Stangl.; Sisenna fragm. 119 and 120 Peter; Vell. II 16.4; App. *BC I* 49 212; Gran. Licin. 15; G.E.F. Chilver, *Cisalpine Gaul. Social and Economic History from 49 B.C. to the death of Trajan*, Oxford 1941, p. 8; L.R. Taylor, *The Voting Districts of the Roman Republic*, Roma 1960, p. 125; T.P. Wiseman, op. cit., p. 19; A.N. Sherwin-White, op. cit., p. 144–149 and 150–156; G. Luraschi, op. cit., p. 141–143; G. Bandelli, *Il governo romano nella Transpadana orientale (90–42 a.c.)*, [in:] *Aquileia nella „Venetia et Histria”, „Antichità Altoadriatiche”, vol. XXVIII*, Udine 1986, p. 47; E. Buchi, *Roma e la Venetia orientale dalla guerra sociale alla prima età augustea*, [in:] *Studi e ricerche sulla Gallia Cisalpina XI Vigilia di romanizzazione. Altino e il Veneto orientale tra II e I sec. a.c. Atti del Convegno, Venezia, S. Sebastiano, 2–3 dicembre 1997*, Roma 1999, p. 303–304; V.V. Iasbez, *Aquileia dalla seconda guerra istriana all'età postsillana*, [in:] *Aquileia dalle origini alla costituzione del ducato longobardo. Storia-Amministrazione-Società, „Antichità Altoadriatiche”, vol. LIV*, Trieste 2003, p. 131, 132; R.F. Rossi, *Aquileia in età cesariana ed augusta*, [in:] *ibidem*, p. 160. For the colonies and *municipia* in northern Italy see: Hirtius *BG VIII* 50, 51. Latin colonies south of the Padus received Roman citizenship: Placentia (*Asc. Pis.* 2), Luca (Cic. *Fam.* 13.13) and Gell. 3.4.3: *universo Latio lege Iulia civitas data est*, i.e. all those with Latin Rights; CIL V 8288 (A) = CIL I² 2198 p.1093 = ILLRP 538 (A and B) = *Imagines* 226 (Aquileia). Cf. A. Albertini *Romanità di Brescia antica*, Brescia 1978, p. 38–39; V.V. Iasbez, op. cit., p. 131.

population was mainly native, the majority being Rome's *socii*. Difficult struggles during the War of the Allies and the Republic's wish to protect the northern flank forced it to undertake actions to solve the issue of the status of non-Latin population of Cisalpine Gaul, to which the laws *lex Iulia*, *lex Plautia-Papiria* and *lex Cornelia* had not applied¹⁵. For legal reasons, this was a very complicated task since the allies who inhabited Cisalpine Gaul fell into different categories, each of which was bound to Rome by a separate treaty. Apart from the defeated Celtic and Ligurian tribes undergoing slow Romanisation, with which the Republic had agreed to a *foedus* in the first half of the 2nd century, there were tribal ties (the Veneti) and allied settlements, such as Ravenna, Genoa or Pisa¹⁶.

The campaign was to be conducted by the ambitious and ruthless consul of 89, Gn. Pompeius Strabo¹⁷. The issue was urgent since some military contingents from northern Italy appeared in the camps of both sides of the conflict. Even though northern Italians did not participate in the *Bellum Sociale* on a larger scale, there were fears that their participation could increase, particularly since there was some unrest on both sides of the Padus¹⁸. That is why Pompeius Strabo, who had been successful in the neighbouring Picenum in the first year of the war, was the right man to carry out the campaign. As the consul of 89, he received as his *provincia* the task of regulating the political and legal relations in northern Italy. The ambitious general introduced the *lex Pompeia de Transpadanis*, which we know from a brief mention by Asconius (commentator of Cicero's speeches) in his commentary on the speech *In Pisonem*¹⁹.

This mention contains the essence of the consul's legislation regarding the inhabitants of northern Italy. It seems that the law applied mainly to the native population settled north of the Padus (*Transpadani*), although on the

¹⁵ M. Piegdoń, op. cit., p. 195–198.

¹⁶ Cic. *Balb.* 22; *Fam.* 8.1.4 (Rawenna); P.A. Brunt, op. cit., p. 170; T.P. Wiseman, op. cit., p. 19; G. Luraschi, op. cit., p. 150–156. Cf. A.N. Sherwin-White, op. cit., p. 159 fn. 2. For the reaction of Heraclea and Neapolis to the offer of *civitas optimo iure* see: Cic. *Balb.* 8.21; *Arch.* 6; A. Krawczuk, *Virtutis ergo. Nadania obywatelstwa rzymskiego przez wodzów Republiki*, Kraków 1963, p. 78; L. Morawiecki, *Monety miejskie Italii w II i I w. p.n.e.*, „Xenia Posnaniensia” Poznań 2004, p. 152–153 and 154.

¹⁷ Gn. Pompeius Strabo: Liv. *Per.* 73, 74, 75, 76; Vell. II 20–21; App. *BC* I 63, 66; Oros. V 19.10; U. Ewins, op. cit., p. 75.

¹⁸ CIL I² 864–866; Sallust. *Hist.* I fragm. 20–22: *citra Padum omnibus lex Licinia [in]grata fuit* (against *lex Licinia-Mucia* of 95); Plut. *Sert.* 4; App. *BC* XIII 42, 50; A.N. Sherwin-White, op. cit., p. 140.

¹⁹ Asc. *Pis.* 3: *Neque illud dici potest, sic eam coloniam (scil. Placentiam) esse deducta quemadmodum post plures aetates Cn. Pompeius Strabo, pater Cn. Pompei Magni, Transpadanas colonias deduxerit. Pompeius enim non novis colonis eas constituit sed veteribus incolis manentibus ius dedit Latii, ut possent habere ius quod ceterae Latinae coloniae, id est ut petendi (rectius: petendo) magistratus civitatem Romanam adipiscerentur* and Strab. 5.1.1.(209); Plin. *NH* III 138; Tacit. *Ann.* XI 23–24; G. Luraschi, op. cit., p. 144–145; C. Peyre, op. cit., p. 66–67; E. Buchi, *Roma e la Venetia orientale...*, p. 303.

other hand the area under the consul's command was probably larger and perhaps included Liguria as well, which may be evidenced by the settlement of Alba Pompeia, founded by him there²⁰. Putting the law into effect was a complicated task. Until then, the foundation of a colony had required a special *senatus consultum* or a decision of the People's Assembly and had been a complex religious and legal, as well as organisational, procedure since a special committee (*tresviri coloniae deducendae*) needed to be elected, colonists needed to be gathered together, lands needed to be allotted and a settlement needed to be constructed²¹. In this case, the status of Latin colonies was given to (over twenty) native settlements allied to Rome without the whole procedure. The inhabitants received the Latin status and the related rights, i.e. *ius commoercium*, *conubium*, *suffragium* and the possibility to receive *civitas optimo iure* under *ius adipiscendae civitatis per magistratum*²². It is difficult to say whether all the settlements allied to the Republic were forced to accept the terms of the *lex Pompeia de Transpadanis*, but it seems that some of the *socii*, who likely had had a very advantageous *foedus* with Rome, could have kept their old treaties or received the privileges they had enjoyed before in addition to the terms of Pompeius's law. It cannot be excluded that regulating the internal affairs in Cisalpine Gaul, and mainly in the territories north of the Padus, had a larger extent, since the sources (Plinius the Elder) tell us about a category of population called *adtributio*, which was assigned to bigger settlements of old allies, which received the status of Latin colonies under the *lex Pompeia de Transpadanis*. This was not the first legislative initiative of this kind since there had been laws that „assigned” bigger settlements (e.g. Genoa) groups of people living outside their boundaries²³.

²⁰ G.E.F. Chilver, op. cit., p. 7; G. Luraschi, op. cit., p. 148–150; 156. Perhaps those researchers who draw attention to the civilisational and cultural aspects of the *lex Pompeia de Transpadanis* are right: G. Luraschi, op. cit., p. 156; H. Galsterer, *Aspetti della romanizzazione nella Cisalpina*, [in:] *Preistoria e protostoria dell'Alto Adriatico*. „Antichita Altoadriatico”, XXXVII, Udine 1991, p. 170–173; E. Buchi, *Roma e la Venetia orientale...*, p. 304. Some researchers believe that the native population from the areas south of the Padus did not receive *civitas optimo iure*: U. Ewins, op. cit., p. 77 *contra* G.E.F. Chilver, op. cit., p. 7; A.N. Sherwin-White, op. cit., p. 158–159.

²¹ M. Piegoń, op. cit., p. 125–174.

²² These settlements are treated as the so-called titular Latin colonies. For the rights of their citizens see: Cic. *Att.* 1.1.2: *videtur in suffragiis multum posse Gallia*; Asc. *Pis.* 3; U. Ewins, op. cit., p. 76–78; T.P. Wiseman, op. cit., p. 19; A.N. Sherwin-White, op. cit., p. 157–159; G. Luraschi, op. cit., p. 164–173, 331–342; G. Bandelli, *Il governo romano...*, p. 50; E. Buchi, *Roma e la Venetia orientale...*, p. 304. Citizens could also be granted the *ius Ariminensis* (*ius XII coloniarum*) – cf. E.G. Hardy, op. cit., Oxford 1924, p. 49–54. Granting the *civitas optimo iure* was an important step on the part of the Republic towards the native population of northern Italy and its Romanisation: A.N. Sherwin-White, op. cit., p. 159; G. Luraschi, op. cit., p. 158–159. The settlements were added to different *tribus*: L.R. Taylor, op. cit., p. 118–130; M. Piegoń, op. cit., p. 243–247.

²³ Plin. *NH* III 134, 138; CIL V 7231 = ILS 94; E.G. Hardy, op. cit., Oxford 1924, p. 129; U. Ewins, op. cit., p. 77–78; L.R. Taylor, op. cit., p. 128; T.P. Wiseman, op. cit., p. 19; A. Albertini,

In contemporary research, the *lex Pompeia de Transpadanis* also appears as the law that established the province in Cisalpine Gaul – *lex provincia*. The determination of the precise date when the province in northern Italy was created has been and still is contentious and the matter seems to remain unresolved²⁴. Historical sources offer only one mention confirming the creation of the province of Cisalpine Gaul; a fragment of the Late Antiquity work of the rhetor Licinianus says that the province was established by Sulla²⁵, which would mean that it was not created under the 89 law of Gn. Pompeius Strabo. A piece of information provided by Sallustius about the first governor of the province in turn tells us that it was G. Aurelius Cotta in 75, which again confirms that the province of Cisalpine Gaul existed in a period later than the law of Pompeius Strabo, and at the same time supports Licinianus's account about Sulla creating the province²⁶. However, there are several fragments of ancient works which seem to imply that the province of *Gallia Cisalpina* was created in the period between the introduction of the *lex Pompeia de Transpadanis* in 89 and Sulla overtaking power in 81. Appian mentions the province in several fragments of his work²⁷, as well as Livius, Velleius Paterculus and Valerius Maximus. Relating the murder of the consul Q. Pompeius Rufus, who was supposed to take over command of Strabo's troops, by Pompeius Strabo's soldiers, the historians mention that Gn. Pompeius Strabo was a proconsul²⁸. Appian's mention is similar. The information provided by Velleius Paterculus may even indicate that there was a continuity of power. To the belief of many historians, Cicero, in one of his speeches against Gaius Verres, who was the *quaestor* of the northern Italian consul Gn. Papirius Carbo, seems to imply that Verres was the *quaestor* of the province governor²⁹. If we take a closer look at the accounts suggesting the existence of the province of Cisalpine Gaul before Sulla took

op. cit., p. 39–42; 49–50; G. Luraschi, op. cit., p. 189–214; G. Bandelli, *Il governo romano...*, p. 49; E. Buchi, *Roma e la Venetia orientale...*, p. 305; J. Zajac, *Imiona wlasne z miast i terytoriów...*, p. 167–168. For the *adtributio* of the peoples settled near Genoa see: CIL V 2 7749; U. Ewins, op. cit., p. 78. For the subjection of Cisalpine tribes to urban centres see: G. Luraschi, op. cit., p. 158–164.

²⁴ E.G. Hardy, op. cit., p. 46–49 and 232; G.E.F. Chilver, op. cit., p. 8; U. Ewins, op. cit., p. 75; P.A. Brunt, op. cit., p. 167; G. Luraschi, op. cit., p. 145–147, 148–177, 179–189, 207–214; G. Bandelli, *Il governo romano...*, p. 44–46; J. Zajac, *Od Wenetów...*, p. 24–25; T.C. Brennan, op. cit., II 363–364.

²⁵ Licin. 32 Teubner: *data erat et Sulla provincia Gallia Cisal[pina...]*; E.G. Hardy, op. cit., p. 45, 232; G. Luraschi, op. cit., p. 180.

²⁶ Sallust. *Hist.* II fragm. 98 Maur.: *sed consules a patribus provincias inter se parere; Cotta Galliam citeriorem habuit, Ciliciam Octavius* and I fragm. 77 Maur.; Cic. *Brut.* 318; V.V. Iasbez, op. cit., p. 143–145. For other sources confirming the existence of the province of *Gallia Cisalpina* after Sulla's dictatorship see: Liv. *Per.* 90; Plut. *Pomp.* 16; App. *BC* I 107 502; E. Badian, op. cit., p. 275 fn. 8.

²⁷ App. *BC* XIII 63 283–285; 66 303; 86 393; U. Ewins, op. cit., p. 75–76.

²⁸ Liv. *Per.* 76 and 77; Vell. II 20 1; Val. Max. IX 7 *m.R.* 2; G. Luraschi, op. cit., p. 183–184.

²⁹ Cic. *Verr.* II 1 12 34; U. Ewins, op. cit., p. 76; G. Luraschi, op. cit., p. 185.

over power, it is possible to question their credibility. According to some researchers, Appian's, Livius's and Velleius Paterculus's accounts implied that the proconsul of 87 Q. Pompeius Rufus arrived in Cisalpine Gaul as his own province, where he was to take command of his predecessor's troops³⁰. The former consul was probably to take over the troops of his predecessor, the consul of 89 and proconsul of 88 (the Senate could prorogue Pompeius Strabo's office in Cisalpine Gaul or in Picenum for the year 88 in connection with the ongoing *Bellum Sociale*). The scenario of proroguing *imperium* had occurred before, when the Senate assigned an area as *provincia* to a consul for the next year, both in the 2nd and 1st century. It is impossible to tell whether Q. Pompeius Rufus tried to take command of Strabo's troops in Cisalpine Gaul or in Picenum, since the author does not mention where the consul went, although he implies that the Senate entrusted Pompeius Rufus with the second army in Italy, which was under the command of Gn. Pompeius Strabo³¹. Another fragment by Appian does not explain much either; on the contrary, it makes the situation even less clear as it suggests that Gn. Pompeius Strabo, who had illegally taken control of the army, was nevertheless summoned for help by the serving consuls, Gn. Octavius and L. Cornelius Merula, in order to drive away the troops of L. Cornelius Cinna and G. Marius in 87; he was also allegedly stationed in Gaul on Mare Ionicum, which could not be the case³². It is more difficult to disprove Appian's account in which he writes that during the preparations for the power struggle against Sulla in 83, the *populares* recruited soldiers in Italy and separately in *Gallia Transpadana*³³. For supporters of the theory that the province was created earlier, before Sulla took over power, this is proof that the province had already existed in 83. By mentioning Italy and *Gallia Transpadana* separately, Appian supposedly implied that Cisalpine Gaul was the province in which the *populares* regime recruited soldiers. It seems, however, that the fragment only tells us which regions the *populares* could count on for help when organising their resistance against Sulla. As mentioned above, the *populares* had support in northern Italy, mainly among the inhabitants of eastern Cisalpine Gaul, in *ager Gallicus*, Ariminum, Ravenna, but also probably among the colonists in Como³⁴. It could be said that Appian, telling us about the recruitment of soldiers in *Gallia Transpadana*, was juxtaposing it not with Italy but with Liguria, where Q. Caecilius Metellus Pius, a follower of Sulla, found support and shelter, as the author reported earlier³⁵.

³⁰ App. *BC* XIII 63.283–285; Liv. *Per.* 76 and 77; Vell. *Pat.* II 20.1.

³¹ App. *BC* XIII 63 283.

³² *Ibidem* 66 303.

³³ *Ibidem* 86 393.

³⁴ M. Piegdoń, *op. cit.*, p. 107; 168–169.

³⁵ App. *BC* XIII 80 363; *ibidem*, p. 107–108.

With regard to the relevant fragment of Cicero's speech, it should be emphasised that in the quoted part of the second Verrine Cicero states that the *quaestor* received the province by lot under *senates consultum*, with his duties (*provincia*) including supplying the consul of 82 in northern Italy, Gn. Papirius Carbo, with money for military operations against Sulla's supporters³⁶. His task was to pay the soldiers and purchase food for the legions operating there. However, Verres embezzled some of the money and, wanting to avoid a trial, abandoned the *populares* and defected to Sulla³⁷. The fragments of the speech rather suggest that Gn. Papirius Carbo was given, as consul, the task (*provincia*) of conducting activities against Sulla's supporters in Cisalpine Gaul³⁸ and probably of protecting the territories sympathetic towards the *populares*. At the same time, he was to keep Ariminum, an important fortress which cut off the easiest access to Italy from the north-east. In turn Verres, as *quaestor*, was given by the Senate as *provincia* the *quaestorship* on the staff of the consul Carbo, rather than the governor, proconsul³⁹. This statement is significantly different from the information provided by Cicero when he mentions the course of Verres's career, where he states that Verres performed functions in other lands and lists their names⁴⁰.

It seems, therefore, that not all the fragments referred to by some researchers are the best proof to support the theory about the existence of Cisalpine Gaul. However, the matter of the province's existence in a strict sense cannot be completely rejected, since there are grounds that perhaps imply that it was created at the beginning of the 90s. It seems that the reason for its creation could have been, at least to some extent, the threat posed by inhabitants of the subalpine regions and the Alps, although it must be remembered that Rome had dealt with these threats since the beginning of its presence in Cisalpine Gaul. However, in the second half of the 2nd century, historical sources increasingly more frequently include information about interventions of Roman generals against Alpine tribes⁴¹. Indeed, Pompeius Strabo's initiative, which led to the creation (?) of the colony in Como, may be a confirmation of this⁴². Perhaps, then, the legal groundwork for the future province was indeed laid by the *lex Pompeia de Transpadanis* in 89. In the political and administrative sense the province may have been created later due to the chaos brought about by the outbreak of the civil war in

³⁶ Cic. *Verr.* II 1.12-14. For the *quaestor's* duties see: J. Richardson, op. cit., p. 580, 581.

³⁷ Cic. *Verr.* II 1 13.

³⁸ *Ibidem* II 14, but also App. *BC* XIII 67 308.

³⁹ Cic. *Verr.* II 1 12.

⁴⁰ *Ibidem*.

⁴¹ Liv. *Per.* 73; Strab. 5.1.6.(213); J. Zając, *Od Wenetów...*, p. 25-26; M. Piegdoń, op. cit., p. 102.

⁴² M. Piegdoń, op. cit., p. 103, 167-168.

Rome shortly after the *Bellum Sociale* ended. The *populares*, who ruled Rome with L. Cornelius Cinna from 87 to 82, had many other difficult issues to worry about (the threat posed by L. Cornelius Sulla, who was fighting against the king of Pontus, the demands of the so-called „new” citizens to be assigned to all the 35 *tribus*, the economic situation after the *Bellum Sociale* and the civil war between Sulla and the *populares*)⁴³. This does not mean that the *populares* had no interest whatsoever in what was happening in the north. Many representatives of the *populares* families had ties of *clientela* to the natives and citizens with the Latin status as well as Roman citizens from Cisalpine Gaul. In connection to the approaching confrontation with Sulla, the *populares* took actions in Cisalpine Gaul to strengthen the footholds in the region (Ariminum, Como). It seems, however, that the matter of the province of Cisalpine Gaul did not appear in their legislation. On the other hand Sulla, who came out victorious from the fight against the *populares* in 83-81, could afford to handle and regulate all the outstanding issues, one of which, it seems, was the matter of the province of Cisalpine Gaul⁴⁴. Most likely, Sulla was able to busy himself if not with establishing then certainly with continuing work on creating Cisalpine Gaul. The legal basis for his activity was the dictatorial power given to him under the *lex Valeria de legibus scribundis et rei publicae constituendae*. His task was also made easier by the fact that he had no political opponents, since he had got rid of them, and he did not have to worry about the *socii* revolting, since most of them were satisfied with improving their status to Roman citizens after the *Bellum Sociale* ended. His reforms, which covered many spheres of political and system changes, seem to have been the appropriate basis for creating a new province in northern Italy. After increasing the number of officials, including praetors, to eight, the rules of the *cursus honorum* (*leges Corneliae annalis*) meant that every year ten highest officials (also including the two consuls), having held their offices, remained at least partly without an appropriate income or an opportunity to pursue their career. They were forced to wait for the next office for a long period of time. Sulla’s law on provinces gave former praetors and consuls the opportunity to govern provinces and at the same time enabled them to pursue their ambitions, shortening the waiting period for the next office. At the time, Rome had nine provinces which needed to be allotted promagistrates; there was also Italy but it remained in

⁴³ The *populares* reverted to the law of the tribune of the people P. Sulpicius Rufus, the *lex Sulpicia de novorum civium libertinorumque suffragiis* of 88: Liv. *Per.* 77; Exuperantius 4; App. *BC* XIII 55.242-244, 56.245-249, 59.268; A. Krawczuk, *op. cit.*, p. 80; A.N. Sherwin-White, *op. cit.*, p. 155-157; G. Luraschi, *op. cit.*, p. 143; E. Buchi, *Roma e la Venetia orientale...*, p. 304; F.R. Rossi, *op. cit.*, p. 161.

⁴⁴ A. Albertini, *op. cit.*, p. 43; G. Bandelli, *Il governo romano...*, p. 44-45; H. Galsterer, *op. cit.*, p. 166-167; R. Seager, *Sulla*, *CAH*, IX (1994), p. 205; 206; E. Buchi, *Roma e la Venetia orientale...*, p. 305-306; T.C. Brennan, *op. cit.*, II 363-364.

the hands of ordinary magistrates – consuls and praetors⁴⁵. Creating a new province or completing the process of its creation by Sulla could have given the dictator and the system he established an additional province for the next proconsuls and propraetors. Security issues could have been just as important in connection with the threat posed by Alpine tribes attacking Roman domains and with the fear of a repeat of an invasion on Italy by peoples from beyond the Alps, similar to the Cimbrian one⁴⁶. When the dictator expanded the *pomoerium*, he stretched Rome's boundary – *urbs* (*domicilium Romae*) but also probably expanded the boundary beyond it (*ager*), which could have influenced the emergence of the border between Italy and Cisalpine Gaul (the Rubicon and Magra rivers)⁴⁷.

The next changes in the legal status of the inhabitants of the province of *Gallia Cisalpina* were connected with the activity of Julius Caesar, who had earlier, in the 60s, begun campaigning for changing the Latin status of the inhabitants of Cisalpine Gaul (*Transpadani*) and making them legally equal to the rest of the province and Italy. Indeed, numerous politicians of the Roman establishment showed active interest in changing the legal situation of the *Transpadani* at the time of political struggles in Rome but their interest in this problem was most often instrumental and very quickly waned once they achieved their own political agenda.

Only when the governance of Cisalpine Gaul as well as Illyria and Narbonese Gaul was taken over (under the *lex Vatinia de provincia (de imperio) Caesaris* of 59), was it possible to regulate the legal status of the *Transpadani*. Caesar, occupied with war on the vast territories of Gaul, could not be very actively involved in the issue of changing the status of the *Transpadani*. On the one hand he was conducting a war to which he allocated all the income and resources procured in his provinces, and on the other hand he was aware of the fragility of the agreement with Gn. Pompeius and M. Licinius Crassus, called the First Triumvirate, and of the strength of the *optimates'* opposition. The latter wanted to question at any cost the legality of his laws introduced during his consulship of 59 but also, in a longer term, to deprive him of governorship in provinces. Therefore, he was forced to be cautious in his activity in favour of the *Transpadani*⁴⁸, although at the beginning of his activity Caesar had settled 5,000 colonists in *Novum Co-*

⁴⁵ T.P. Wiseman, op. cit., p. 95, 154–155, 162; A. Ziółkowski, *Historia Rzymu*, Poznań 2004, p. 333–337.

⁴⁶ M. Cary, H.H. Scullard, *Dzieje Rzymu*, Warszawa 1992, p. II 557 fn. 14; E. Buchi, *Roma e la Venetia orientale...*, p. 305; T.C. Brennan, op. cit., II 363, 574–575.

⁴⁷ Tacit. *Ann.* XII 23; Senec. *Breve vit.* 13.8; Dion. 43.49.2, 43.50.1; A. Keavney, *Sulla: The Last Republican*, London 1982, p. 193, 200; G. Bandelli, *Il governo romano...*, p. 45; R. Seager, op. cit., p. 205; N. Purcell, *The Creation of Provincial Landscape: the Roman Impact on Cisalpine Gaul*, [in:] *Early Roman Empire in the West*, Oxford 1994, p. 649.

⁴⁸ *Lex Vatinia*: G. Luraschi, op. cit., p. 379–394.

mum, which he probably granted the status of *colonia civium Romanorum* by virtue of his power⁴⁹. This initiative was later questioned by the *optimates*, as illustrated by the flogging of one of the citizens of Novum Comum with *civitas optimo iure*, on the orders of the consul of 51, M. Claudius Marcellus⁵⁰. However, it was only after the collapse of the Triumvirate and Pompeius taking the Senate's side that Caesar started to be more actively involved in the Transpadani's aspirations and even encouraged them to create in their settlements institutions modelled on Roman *municipia* in Italy and in the southern part of Cisalpine Gaul, e.g. the offices of *quattuorvires*⁵¹. The most important changes were brought about only in 49 when a civil war between Caesar and Pompeius broke out. During one of his brief visits to Italy in 49, Caesar initiated the introduction of a law granting the Transpadani full Roman citizenship. Since the historical sources are confusing, it is difficult to determine when exactly the law was introduced and who its author was. The fragments of inscriptions accessible to us imply that the law was introduced by a Roscius, tribune of the people, at the People's Assembly in the spring of 49 (on March 11)⁵². However, researchers attribute the *lex Roscia* to the praetor of 49, also by the *cognomen* of Roscius, i.e. L. Roscius Fabatus, and they believe that the law was passed in the autumn of 49, since the account of Cassius Dio mentions this event⁵³. However, historians have doubts even about the year 49 being the correct date of this law. According to them, such activity is reasonable in light of another inscription fragment, which also talks about the legal regulation of the status of various settlements in Cisalpine Gaul – the *lex Rubria*. Leaving aside speculations about the authorship and date of introduction of the *lex Roscia* it must be said that although the two fragments are parts of two different tablets, they both refer mainly to internal relations in Cisalpine settlements. Their likeness allows us to suppose that both fragments refer to one law, on which either they were modelled or of which they were part. They did not, however, refer to granting full Roman citizenship to the citizens with *Latinitas*⁵⁴.

⁴⁹ M. Piegoń, op. cit., p. 171–172.

⁵⁰ Cic. *Att.* 5.11; Suet. *Iul.* 28; App. *BC* XIV 26; Plut. *Caes.* 29; E.G. Hardy, op. cit., p. 126–149; G. Luraschi, op. cit., p. 87–88, 382–506; C. Peyre, op. cit., p. 67–68.

⁵¹ Cic. *Att.* 5.2.3; *Fam.* 8.1.2; Hirtius *BG* VIII 50–52; T.P. Wiseman, op. cit., p. 19; E. Buchi, *Roma e la Venetia orientale...*, p. 307.

⁵² U. Ewins, op. cit., p. 91–92; M. Humbert, *Municipium et civitas sine suffragio. L'organisation de la conquête jusqu'à la guerre sociale*, Rome 1978, p. 265; U. Laffi, *La lex Rubria de Gallia Cisalpina*, „*Anhenaenum*” 64 (1986), p. 9–18; H. Galsterer, *The Administration of Justice*, CAH X (1996), p. 403.

⁵³ CIL I² 592 = XI 1146 = FIRA² 19; Dion. 41.36. *Lex Roscia*: E.G. Hardy, op. cit., p. 233–238; U. Ewins, op. cit., p. 91–92; T.P. Wiseman, op. cit., p. 19; M. Humbert, op. cit., p. 262–266; G. Luraschi, op. cit., p. 394–399; U. Laffi, op. cit., p. 10, 12; E. Buchi, *Roma e la Venetia orientale...*, p. 309.

⁵⁴ CIL I² 600 = FIRA² 20 rr. 12–14 = *Imagines* 390 = CIL I² fasc. IV 3 n. 600 (*Fragmentum Atestinum vel Tabula Atestina*). *Lex Rubria*: E.G. Hardy, op. cit., Oxford 1924, p. 207–238;

The dictator's death marked the beginning of another civil war, which ended in Octavian Augustus's victory. For the province of Cisalpine Gaul the time of civil wars after Caesar's death meant destruction, plunder and settlement of the triumvirs' veterans⁵⁵. In terms of law, the period meant a change in the administrative status. The triumvirs ended Cisalpine Gaul's provincial status and incorporated it in Italy's administrative structures in 42. It seems that there were political reasons behind this decision. The presence, in Rome's close proximity, of a governor who had access to significant military potential (in the form of several legions) and a rich base, was dangerous for the powers in Rome. After Cisalpine Gaul was incorporated in Italian structures, the borders of Italy were changed and shifted north. They followed two rivers: the Varus in the west and the Formio in the east⁵⁶.

U. Ewins, op. cit., p. 92, 93, 94; A.N. Sherwin-White, op. cit., p. 163–164; 170–173; M. Humbert, op. cit., p. 262–266; G. Luraschi, op. cit., p. 394–399; U. Laffi, op. cit., p. 5–44; E. Buchi, *Roma e la Venetia orientale...*, p. 309. The confusion is made even worse by e.g. the inscription from Patavium (CIL V 2864 = ILS 5406), which says: *M. Iunius Sabinus IIIvir aediliciae potestatis e lege Iulia municipali*. Cf. U. Ewins, op. cit., p. 92 fn. 82, 93; A.N. Sherwin-White, op. cit., p. 145; G. Luraschi, op. cit., p. 397–398; G. Bandelli, *Il governo romano...*, p. 60; E. Buchi, *Roma e la Venetia orientale...*, p. 309–310.

⁵⁵ M. Piegdoń, op. cit., p. 118–121 and 174–175.

⁵⁶ A. Degrassi, *Il confine nord-orientale dell'Italia Romana*, Berno 1954, p. 46; J. Zajac, *Od Wenetów...*, p. 32; G. Bandelli, *Il nuovo quadro storico, [in:] Tesori della Postumia. Archeologia e storia intorno a una grande strada romana alle radici dell'Europa*, Milano 1998, p. 159.