

## *SKEPTICISM CONCERNING MUNICIPIUM POMPEIANUM RECONSIDERED*

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Scholars have long discussed whether or not Pompeii was a Roman *municipium* in the period between the Social War and the Sullan colony<sup>(1)</sup>. Pliny the elder referred to Pompeii as a *municipium* only twice in his encyclopedia<sup>(2)</sup> and most other sources remain silent about it. P. CASTRÉN, in his important recent book, says “perhaps, immediately after the Roman occupation in 89, there was a sort of *interregnum* in Pompeii under the control of the Roman military administration” and denied the existence of *municipium* at Pompeii<sup>(3)</sup>. In this paper, three points of argument around the problem are discussed: (i) when did Pompeians receive Roman citizenship; (ii) whether the Sullan colonization of Pompeii was a penalty for the civil war between Sullans and Marians, and (iii) how do we account for the fact that some original Pompeians appeared in some inscriptions before the Sullan colonization.

### (i) When did Pompeians receive Roman citizenship?

Those who reconstruct Pompeian history mainly from the inside, especially epigraphic and archeological evidence, while not mentioning when original Pompeians received Roman citizenship, are curiously in doubt about the existence of *municipium* at Pompeii. After DEGRASSI’s famous paper<sup>(4)</sup>, we can no longer say that the administrative status of Pompeii after the Social War is discernible by the mere study of inscriptions, concerning which we now know that *quattuorviri* did not necessarily mean the supreme magistrates of *municipium*, nor *duoviri* of *colonia*. We now need further study from the outside. We have to consider that many Pompeianists are inclined to see this famous “miracle city” in extreme particularity, neglecting Italian history in general. But, as far as discussing the existence of *municipium* at Pompeii, we must survey the general condition in Italy and make clear the concept of *municipium*. First of all, *municipium* is a “*civitas universa (quae) in civitatem Romanam venit*”<sup>(5)</sup>; in other words, a creation of Romans, not of non-Romans who acquired Roman citizenship and whose community became *municipium*. Furthermore, Romans would call a *municipium* any non-Roman community which, granted citizenship, kept its political institutions whatever they were. During the Social War, the allied cities wanted Roman citizenship — not (whatever the appearance) the administrative status of community. If a whole citizen body of non-Romans was granted Roman citizenship, Romans would call the community (if it survived intact) a *municipium*, as they already did before the Social War. If this were not so, what otherwise would they have called it?

The author thinks that Pompeii became a *municipium* in the sense outlined above when origi-

nal Pompeians received Roman citizenship<sup>(6)</sup>. We know three laws which gave to the allied cities Roman citizenship during the Social War; *Lex Iulia*, *Lex Calpurnia* and *Lex Plautia Papiria*<sup>(7)</sup>. As far as we know, *Lex Iulia*, which passed in 90, offered citizenship to all Latins and to all allied communities in Italy which had not revolted or had already submitted<sup>(8)</sup>. There were two other laws regarding citizenship which dealt with individuals outside of Italy; another *Lex Iulia* appeared in *Decretum Strabonis* which dealt with Spanish cavalry who could win citizenship for distinguished service in the field<sup>(9)</sup>, and *Lex Pompeia* under which Latin rights were offered to *Transpadani* and a part of *Cispadani*<sup>(10)</sup>. *Lex Calpurnia*, presumably passed in 89, conferred citizenship on individuals as a reward for brave deeds (*virtutis ergo*)<sup>(11)</sup>. *Lex Plautia Papiria*, passed in 89, provided that any man who was on the register of an allied community and whose permanent home was in Italy, might acquire Roman citizenship by making application to a *praetor* in Rome within 60 days from the date of the passing of the law<sup>(12)</sup>.

We will proceed to explain the situation of Pompeii and southern Campania during the Social War. In 90, a Samnite army under C. PAPIUS MUTILUS invaded cities of southern Campania and threatened to stand by the rebels and to provide foot and horse for them: Nola, where a Roman garrison was stationed, with a Roman *praetor*; Stabiae, Minervium and Salernum, which were occupied by Samnites; and Pompeii and Herculaneum, under Samnite pressure, elected to join them<sup>(13)</sup>. Nuceria seems to have behaved differently from the other cities. It is not clear whether the Nucerians soon joined the Samnites of their own will, or remained faithful to Rome. Most cities in southern Campania took part in the anti-Roman side and Pompeians too must have fought with Romans for a time. We do not know the exact date of passing of *Lex Iulia* in 90, but can say with certainty that Romans did not apply the law to Pompeians who were then at arms.

In early 89, the Roman army led by P. SULLA began to attack the southern Campania and laid siege to Pompeii. Then, with intervention by the Samnite army under CLUENTIUS to aid Pompeians, the battle between the Romans and anti-Romans outside the wall of Pompeii was gained by SULLA, and Pompeii appeared to fall soon after. Unfortunately there is no source that confirms the date of Pompeian submission but we know that Herculaneum was occupied April 30 and Stabiae fell on June 11 of 89<sup>(14)</sup>. ONORATO<sup>(15)</sup>, considering precisely the military and political situation around Pompeii at that time, argued that Pompeii was constrained to give up its arms between summer and autumn in 89. Pompeii, isolated from Herculaneum and Stabiae which were already occupied by the Romans, suffered a severe attack from the northern part of the city which was guarded by the wall with towers, near one of which (the so-called tenth) was found an inscription referring to L. SULLA<sup>(16)</sup>. ONORATO says “c’è da osservare che se le possibilità difensive di Pompei durante l’assedio sillano erano incerte fin dall’estate dell’89, si dà indurre PAPIO MUTILO ad inviare in soccorso CLUENZIO per liberarla o recarle aiuto, difficilmente la città pote più a lungo resistere all’esercito romano che l’investiva, soprattutto dopo la completa disfatta di CLUENZIO presso Nola. Né SULLA — avrebbe poco accortamente intrapreso la marcia verso l’Irpinia ed il Sannio, lasciando alle sue

supalle, in attesa della resa, non già la sola città di Nola, cinta d'assedio, ma un vero e proprio focolaio di rivolta —<sup>(17)</sup>. DIODORUS SICULUS<sup>(18)</sup> reports that in the campaign of Campania in the year of 88 only Nola continued to resist while all the rest of the cities surrendered. It is most probable that Pompeii submitted in 89.

Let us come back to a former question, i.e. when the original Pompeians received Roman citizenship. First of all we must look around the political events from 89 to 87. Our main sources, APPIANUS and VELLEIUS PATERCULUS, agree with each other in judging that by the end of 89, by and large the Italians ceased to fight<sup>(19)</sup>. And APPIANUS begins to narrate the civil war between Marians and Sullans as occurring in 88, when P. SULPICIUS, a tribune of the people, passed the law bearing his name. This law, as we know, concerned the distribution of new citizens in 35 old tribes, in which they had desired to be enrolled<sup>(20)</sup> and was thus not that of enfranchisement. In 89, the Roman censors, P. LICINIUS CRASSUS and L. CAESAR attempted the census, naturally including new citizens enrolled up till then; however, their efforts were in vain<sup>(21)</sup>. But, because of this initiative (however unsuccessful) we can assume that the Roman government then saw the War as almost finished. In the same year, a *consul*, Cn. POMPEIUS, passed the law mentioned above which granted Latin rights to the people of Cisalpine Gaul. The Romans, then, founded colonies with their own territory and municipal institutions, not of newcomers but of natives, who had lived in these villages<sup>(22)</sup>.

We must pay attention to the administrative measures that the Romans took in Cisalpine Gaul in 89 to think of Pompeii after its submission. As LURASCHI pointed out, the Romans could not take such measures as granting Latin rights and founding colonies in the northern part of Italy, if they had not had a clear idea of how to systematise the rest of Italy. LURASCHI says; *essa (=Lex Pompeia de Transpadanis) non sarebbe stata politicamente e giuridicamente concepibile senza una preventiva o contemporanea sistemazione dei confini dell'Italia e dello status degli Italici, ai quali, evidentemente, i Cisalpini(Transpadani e Cispadani), pur beneficiati, furono giuridicamente contrapposti, venendosi a trovare in una condizione di palese e lamentata inferiorità. Se non vi fosse stata una lex de civitate relativa agli Italici, nel loro complesso, dovremmo supporre che fossero invece proprio questi ultimi a trovarsi in una condizione di inferiorità rispetto ai Cisalpini: e l'ipotesi è evidentemente assurda*<sup>(23)</sup>.

Therefore, we can say, in all probability, that by 89, Roman citizenship had been granted to the bulk of Italians who had once rebelled, including naturally Pompeii, given that the city was not a peculiar case. Immediately after their enfranchisement, the Romans naturally called them *municipia* — as prescribed by the *municipium* system itself — after or at the same time as *Lex Pompeia de Transpadanis*, because the Italians, as distinct from the northern part of Italy, had their own cities with municipal institutions and territories. But, the Romans did not, at the same time introduce in these cities a quattuorvirate as their supreme magistracy, which many scholars believe to have been created immediately. This will be discussed later.

## (ii) Was Sullan colonization of Pompeii a penalty ?

Those who put stress on the peculiarity of Pompeii are inclined to think that a Sullan colony founded at Pompeii would necessarily have represented a penalty, indicating a sort of inferiority for Pompeians. CASTRÉN, as mentioned above, assumed the Roman military administration of Pompeii after its submission, and the inferior condition of original Pompeians, compared to the new colonists, in municipal political life after the Sullan colony<sup>(24)</sup>. However, there is no direct information regarding the military administration except some inscriptions bearing the magistral title of *interrex*.

CICERO, (*Pro Sulla*, 60-2), tells us that there were still two groups in Pompeii — colonists (*coloni*), and original Pompeians (*Pompeiani*) — at the time of the accusation against P. SULLA, (nephew of the dictator and responsible for the settlement in Pompeii). The accusation concerned the winning over of the old Pompeians to participate in CATILINA's conspiracy in 62. CICERO, furthermore, tells us that the original Pompeians quarrelled with the colonists about promenades and elections “--*de ambulatione ac de suffragiis suis cum colonis dissenserunt*”<sup>(25)</sup>. We can easily understand that the original Pompeians suffered not only what Cicero detailed, but also other disadvantages, for example, confiscation of land and house, and, if there were some who had taken part in the Marian party, banishment of their families. Then arises a question: where did their difficulties come from.

First, we will begin the discussion by examining the many other so-called Sullan colonies<sup>(26)</sup>. KEAVENEY classifies the Sullan colonies in three categories; “First of all we have viritane settlements made in existing *municipia* and *coloniae* such as Aricia and Puteoli. Then we have *municipia* which were allowed to survive but had to surrender part of their territory for a *colonia*. Faesulae and Nola are good examples of this category. Finally, we have those places where a large influx of veterans was accompanied by a reduction in the status of the original inhabitants who might remain”<sup>(27)</sup>. He continues to say “It is tempting to see in these three divisions a reflection of degrees of guilt and of proportionately higher penalties in consequence. Thus those who fell into category three must have been adjudged the greatest offenders; even if sometimes, as in the case of Pompeii, we do not always know exactly what they did to merit such treatment”<sup>(28)</sup>.

It is not clear what his classification means, and, especially, what difference there is between the second category and the third; but, in any case, it seems that he regards Pompeii as inferior to Faesula and Nola of the second category. We know that many Sullan colonists and many of those who were deprived of land and house by the colonial foundation (together with other dissatisfied elements of the society) participated in CATILINA's revolt in 63<sup>(29)</sup>. Both guests and hosts of the Sullan colony must have been dissatisfied with their present condition of life. Furthermore, we know that there were a large number of Sullan settlers in Etruria that stood by CATILINA and fought to the death in the final battle in Etruria.

In Pompeii, by contrast, the inferiority is of the original Pompeians and not of the colonists.

GABBA counts, as well documented cases of Sullan colonies in Etruria: Arretium, Clusium, Faesulae and Florentia. Regarding Faesulae and Florentia, DEGRASSI explains that very probably the colonists of Faesulae settled at Florentia, while Faesulae continued to be a *municipium*<sup>(30)</sup>. Arretium and Clusium are known to have been double communities, where *municipium* continued to exist even after the foundation of colonies. So, how could *municipium* and *colonia* coexist? DEGRASSI believed that the colonists lived separately from the old inhabitants of *municipium*<sup>(31)</sup>. However, we know of no archeological evidence that would confirm double community; i. e., they lived in separate towns in Arretium. Nor do we have any evidence of it in Clusium. Did a condition of separate living assure them of their rights? Concerning this, CICERO, (*Pro Caecina*, 97) reports that the old inhabitants of Arretium were regarded by Romans as if they had lost Roman citizenship. And yet, KEAVENEY curiously says “These original inhabitants (of Arretium) do not seem to have been in an inferior position vis-à-vis the new settlers, as they were at Pompeii”<sup>(32)</sup>.

It seems to me that those who are inclined to think of Pompeii as having been stigmatized in comparison to the other cities, lay stress on the fact that there has not yet been found any evidence that would document the topographical area of a colonial settlement in *ager Pompeianus*, and therefore infer that Pompeian colonists lived in town and not separately from the old inhabitants. The author share part of their assumption that, as archeological evidence shows, a large number of Pompeian settlers lived together with the old inhabitants within the established town of Pompeii and not in a separately constructed new town<sup>(33)</sup>. We can not imagine that at that time the Roman government would confiscate all land and house of the original inhabitants and change *in iure* all the territory in *ager publicus* of Rome before land distribution to settlers. The author is not able to say whether the colonists lived in contiguity with the old residents, or in separated *insulae*; but this is not an important point for our present argument, the latter being more probable. Nevertheless, the author thinks that there actually existed for a considerable time a double community, in the sense that the old inhabitants, different from the colonists, lived under an independent juridical regime which they entered when Pompeii, granted Roman citizenship, acquired the status of *municipium*.

The so-called Fragmentum Atestinum informs us of an interesting phrase; “*Ilviri eiusve, qui ibei lege foedere plebeive scito senatusve consulto institutiove iure dicundo, praefuit, ante legem, seive illud plebei scitum est quod L. Roscius—rogavit—, iuris dictio iudiceis arbitri recuperatorum datio addictiove fuit*” i. e. “the exercise of jurisdiction or the grant or the assignment of a *judex*, an arbiter, or recuperators was the duty of a *duumvir* or of a person who there had jurisdiction by a law, a treaty, or a plebiscite, or a decree of the Senate, or custom, before that law or plebiscite, which L. Roscius proposed”<sup>(34)</sup>.

The aim of the law inscribed on a bronze tablet is taken to effect some alterations in the competence of local magistrates after Roman citizenship was granted to communities in Cisalpine Gaul in 49. From this phrase, could not we infer what happened in the bulk of Italian cities in transition from *civitas foederata* to *municipium* after the Social War? The Romans recognised

some difficulty when they introduced their juridical system in Italian cities, which had maintained a traditional system for a long time. The Romans would encounter more difficulty in Italy (where a substantial legal tradition still survived) in the period from 89, when the War was almost finished, than in Cisalpine Gaul in 49. In Pompeii too, there must have been an Oscan tradition which survived after the creation of a *municipium*. Naturally the legal system is closely related to the political. Therefore, we can not think that the quattuorvirate which we find in a large number of ex-allied cities could have been introduced, as RUDOLPH says<sup>(35)</sup>, at the same time they were being incorporated in Roman *municipia*. There must have been a transitory period. The author thinks in all probability that Pompeii also, had the quattuorvirate after 89 but can not say exactly when it was created after a certain period of postponement. We have some archaic inscriptions from Pompeii concerning municipal magistrates which, it seems, did not exist after the Sullan colony, i.e. *quaestor* whose office is known to exist in the Oscan period and *interrex*. we can not say with certainty whether the office of *interrex* is of Roman origin or Oscan. We will later discuss the Pompeian magistracy. It is plausible, however, that, even if the political institutions changed, the old Pompeians could have been allowed to keep some Oscan traditions, even after the Sullan colonization. In this sense we call Pompeii a double community.

Now, we will answer an earlier question, i.e. where the difficulty suffered by Pompeians come from. It might arise because they were *municipes* (citizens of *municipium*) after their enfranchisement until a certain period after the Sullan colonization. The creation of *municipium* after the Social War meant that the Roman government guaranteed former territory, ownership public and private and political institution whether a city rebelled or not. After a period of postponement, they introduced only the quattuorvirate and nothing else changed. On the other hand, the foundation of *colonia* implied a more romanized town than the *municipium*. The territorial boundary between Pompeii and other cities seemed unchanged; however, it can be supposed that (if we accept the figures proposed by LEPORE<sup>(36)</sup> of 4-5000 settlers) a large percentage of private estates and houses were confiscated, and all public land and buildings were under the control of the colonial government<sup>(37)</sup>. Confiscated private estates and public land were to be used in land distribution to settlers. It seems that only the new settlers organized new political institutions — duovirate for their magistracy, town council and popular assembly, and monopolized public buildings — excluding from political participation the old inhabitants. The old Pompeians, then, while seeming to remain a considerable segment of the population<sup>(38)</sup>, had been deprived of their political institutions and, for a time, prohibited from access to public space for political purpose<sup>(39)</sup>. And yet, we see that the measures which prohibited their political activity are, as reported by CICERO, taken to have been temporary and local, not applied to all parts of Italy by an act of legislation, while KEAVENEY supposed that the original Pompeians were reduced to Latin status<sup>(40)</sup>. It is implausible that SULLA, even as mighty as he was, could have reduced the citizen status of the inhabitants of an entire town to an inferior one, given the fact that, in Italy, the conditions of citizenship had been settled long

before<sup>(41)</sup>. Further, the deprivation of such rights as *ambulatio* and *suffragio*, as mentioned by CICERO, would not necessarily indicate such an inferiority as to create the image of Latin status. It would be better to postulate a *municipium* before the Sullan colonization. If so, we can conclude that the sort of inferiority the original Pompeians suffered derived not from Sullan penalty but from having once been *municipes*.

(iii) How do we account for some original Pompeians appearing in certain inscriptions probably dating before the Sullan colonization?

As mentioned above, CASTRÉN thinks that Pompeii was under Roman military administration before the Sullan colonization, without indicating whether it was a *municipium* or something else. Because of that, his interpretation of some older inscriptions is ambiguous or neglects some questions which former scholars have much discussed. Here, we deal only with certain inscriptions bearing the names of suspected magistracies and persons. They are: the quaestorship of V. POPIDIUS in *CIL I<sup>2</sup> 1627 (=CIL X 794)*; the aedileship of A. LIVIUS, and L. ACILIUS, in *CIL I<sup>2</sup> 1636*; and the quattuorvirate of T? CUSPIUS, in *CIL X 938*, and of M. PORCIUS, in *CIL X 800*.

In an inscription which seems older than the foundation of the colony, there appears a V. POPIDIUS, bearing the magistral title of *Q(uaestor)*, whose office could never have existed in *Colonia Veneria Cornelia Pompeianorum*, where *duoviri iure dicundo* and two *aediles* were the normal magistrates. While CASTRÉN'S interpretation is inconsistent, ONORATO lays stress on the title of *Q*, which he reads as *quaestor*, and takes it as a magistrate in *municipium*<sup>(42)</sup>. CASTRÉN proposes at one place in his book that the abbreviated form "q." should be interpreted rather as *quattuorvir* instead of *quaestor*<sup>(43)</sup>, and concludes "V(IBIUS) POPIDIUS EP(IDI) f." as "*quaest.* before 89 B. C.", in his index of families<sup>(44)</sup>; while saying at another point: "The inscription recording the activity of the *q(uaestor?)* VIBIUS POPIDIUS EPIDI f., who probably built the *Forum porticus*, must date from the Roman period, although the construction itself may originate in the Sabellian period"<sup>(45)</sup>. Was Pompeii before 89 in the Roman period?

Secondly, CASTRÉN constantly treats *aediles* as magistrates in the colony<sup>(46)</sup>, but ONORATO maintains *aediles* appeared in an inscription "A LIVIVS A F / L ACILIVS L F / AED / SL DEDER" as magistrates in *municipium*<sup>(47)</sup>. ONORATO noticed an archaic form of "*st(locum)*" for *locum* and the existence of aedileship in the Oscan period. It remains to be examined whether aedileship, as CASTRÉN believes, belonged exclusively to the period of *colonia* or existed before.

Thirdly, a question, (similar to the preceding, concerning aedileship), arises as to the quattuorvirate of Pompeii: was, as DEGRASSI and CASTRÉN assert, the quattuorvirate in fact composed of two *duoviri* and two *aediles* during the *colonia*, or not?

A T? CUSPIUS is a *quattuorvir* with M. LOREIUS, L. SEPTUMIUS and D. CLAUDIUS, in one inscription<sup>(48)</sup>, and appears as a *duovir* with M. LOREIUS in another inscription<sup>(49)</sup>. From these two inscriptions, MOMMSEN, (with confirmation by DEGRASSI and CASTRÉN), supposed that the

quattuorvirate was a comprehensive term resulting when two *duoviri* and two *aediles* acted together<sup>(50)</sup>. But why would Pompeians have englobed both duovirate and aedileship under the single term, quattuorvirate? This, as far as we know, was (with few exceptions) not normal usage of the term in other Italian cities.

Might not the quattuorvirate in the colony be a relic of *municipium*? Seen in this light, one important person, who held the office of quattuorvirate and duovirate in different years in the early Roman period of Pompeii, is known to us: M. PORCIUS, active in the construction of public buildings in that period. His name appears as *quattuorvir* with L. SEXTILIUS, Cn. CORNELIUS and A. CORNELIUS, on an altar in the temple of Apollo<sup>(51)</sup>. Once more he appears, this time as *duovir* with C. QUINCTIUS VALGUS (another noted figure in Pompeii of that period) in an inscription which informs us that they constructed a small theatre<sup>(52)</sup>. In a third reference, it is noted that he played an important political role as an elected *duovir quinquennalis* (with C. QUINCTIUS VALGUS) responsible for the census and construction of an amphitheatre<sup>(53)</sup>.

When did M. PORCIUS hold the office of quattuorvirate, before the Sullan colonization, or after? Three of his colleagues seem to be colonists from their Latin *cognomina* CORNELIUS and SEXTILIUS, and he himself seems to be a colonist. Therefore, it may be proper to judge that this quattuorvirate belonged to the period after the Sullan colonization. CASTRÉN, indeed, considers him a Sullan colonist.

But it is more interesting, so CASTRÉN supposes, that M. PORCIUS had some economic interests in Pompeii or Campania before the foundation of *colonia*<sup>(54)</sup>. His political partner, QUINCTIUS VALGUS likewise had a curious course of life. We know that he possessed vast estates in Campania<sup>(55)</sup> and in Hirpinia, where he appeared as a *patronus municipii* in Aeclanum<sup>(56)</sup>, and as a *duovir quinquennalis* in an unidentified *municipium* near Abellinum<sup>(57)</sup>. It seems that there were some wealthy and influential settlers of Roman citizenship who had established economic interests in Campania or Pompeii, and therefore had participated in municipal politics where they had their estates, before the Sullan colonization. If so, there remains a possibility that some Romans, whom we could also call original Pompeians held office before the Sullan colony in Pompeii.

Finally, we are concerned with the magistracy of *interrex*, which is one of the main elements of CASTRÉN's argument that the existence of *interrex* is a proof of the military administration in Pompeii after the Social War. *Interregnum*, if we interpret this term according to its counterpart in Rome, indicates the lack of a normal magistracy, and an extraordinary condition of Pompeian politics. But here the author thinks that CASTRÉN goes too far: we can agree with him when he supposes that the office of *interrex* existed in Pompeii, that Pompeii was temporarily in an unstable political situation, and that Pompeian *interreges* were elected and not nominated (contrary to practice in Rome) because we can admit that such irregularity could well have occurred in Pompeii after the Social War. But this degree of irregularity is, in my opinion, exactly what the Romans allowed to occur in *municipium* at that time.



## NOTES

- (1) It was, as far as we know, TH. MOMMSEN who doubted, for the first time, the existence of *municipium* at Pompeii, (in *CIL*, X. 1883. pp. 89-90); and was, on the contrary, G. DE PETRA who, for the first time, maintained it in his book, *Sulle condizioni delle città italiche dopo la Guerra Sociale con applicazioni alle colonie di Pompei e Pozzuoli*, (Napoli 1866). cf. O. ONORATO, *Pompei Municipium e Colonia Romana* (RAAN 26, 1951), pp. 115-56. H. RUDOLPH, (in *Stadt und Staat im römischen Italien - Untersuchungen über die Entwicklung des Munizipalwesens in der republikanischen Zeit* - (Leipzig 1935), for the first time, systematically described the municipal institutions in Italian cities in the Roman Republic. He says "Ein eigentliches Munizipalwesen entstand aber erst dadurch, daß Rom diesen Gemeinden eine eigene städtische Verwaltung verlieh und damit ihre Existenz innerhalb des Staates auch rechtlich anerkannte", (RUDOLPH, op. cit., p. 2). His principal hypothesis — that all municipal institutions found in Italy are derived from Rome — has been fiercely criticized by A. SHERWIN-WHITE, E. MANNI, and others. cf. A. N. SHERWIN-WHITE, *The Roman Citizenship*, (Oxford, 1939, 2 ed. 1973); E. MANNI, *Per la storia dei municipii fino alla guerra sociale* (Roma, 1947).
- (2) Plin. *N. H.* II, 137; XIV, 38.
- (3) CASTRÉN, P., *Ordo populusque Pompeianus* (Roma, 1975, 2nd. ed. 1983), p. 51; cf. idem, *L'amministrazione Municipale*, in F. ZEVI (a cura di), *Pompei 79* (Napoli, 1979), p. 46. A dubious attitude of most recent scholars about the existence of *municipium* at Pompeii is represented by E. LO CASCIO, *La società pompeiana dalla città sannitica alla colonia romana*, in: F. ZEVI (a cura di), *Pompei*, Vol. I (Napoli, 1991), pp. 115-30.
- (4) DEGRASSI, A., *Quattuorviri in colonie romane ed in municipi retti da duoviri* (*MAL* 2, 1949), pp. 281-344.
- (5) FESTUS, *De verb. signif.* s. v. *municipium*.
- (6) ONORATO, G. O., art. cit., pp. 115-56., (esp. pp. 133-4), maintains that incorporation of an allied city (eg: Pompeii) in the Roman citizenship meant the immediate creation of *municipium*. G. DE PETRA, op. cit., esp. p. 64. I do not agree with their conclusion that Pompeii became *municipium* in 87. See further discussion below.
- (7) The purpose and date of each of the three laws are fully discussed by G. LURASCHI, *Sulle 'Leges de civitate' (Iulia, Calpurnia, Plautia Papiria)* (*SDHI* 44, 1978), pp. 321-70. E. GABBA, *Esercito e società nella tarda repubblica romana* (Firenze, 1973), pp. 250-84. G. ROTONDI, *Leges publicae populi Roman* (Milano 1912 [reprint of ed. of 1922, Hildesheim 1966]), pp. 338-42. A. N. SHERWIN-WHITE, op. cit., pp. 148-53. P. A. BRUNT, *Italian Manpower 225 BC - AD 1* (Oxford, 1971), passim; idem. *The Fall of the Roman Republic*, (Oxford, 1991), pp. 240-80.
- (8) Cic. *Pro Balb.* 21. A. GELL. *N. A.* 4, 4, 3. VELL. PAT. 2, 16, 4. APP. B. C. 1, 40, 212-4.
- (9) RICCOBONO et al., *FIRA*, 1, *Leges*, pp. 165-6 (= *CIL* I<sup>2</sup>, 709. and *ILS* 8888).
- (10) ASCON. *Piso.* 12 Stangle.
- (11) SISENNA, *frag.* 120 P.
- (12) Cic. *Pro Archia*, 4, 7. Schol. Bob. 175 Stangle.
- (13) APP. B. C. 42.A. KEAVENEY, *Rome and the Unification of Italy* (Totowa, New Jersey, 1987), p. 134 and p. 146. cf. idem. *Sulla and Italy* (*CS* 19, 1982), pp. 499-544.
- (14) PLIN. *N. H.* III, 5, 70 for Herculaneum and OVID. *Fasti* VI, 567-8 for Stabiae.
- (15) ONORATO, art. cit., pp. 130-3.
- (16) *CIL* IV 5385 (=I<sup>2</sup> 1639).
- (17) ONORATO, art. cit., p. 130.

- (18) DIODORUS SICULUS, *lib. XXXVII fr. 2. 13*
- (19) KEAVENEY, *op. cit.*, p. 158. LURASCHI, *art. cit.*, p. 348.
- (20) *APP. B. C. I. 55.*
- (21) *Cic. Pro Archia*, 5. 11; *Plin. N. H. XIII. 3. 24*; *FESTUS*, 366L.
- (22) G. TIBILETTI, *Storie locali dell'Italia romana* (Pavia, 1978), pp. 204-23 thinks of construction of colonies soon after 89. E. GABBA, *Per un'interpretazione storica della centuriazione romana*, (*Athenaeum* 63, 1985), pp. 265-84 thinks of it after 49.
- (23) LURASCHI, *art. cit.*, p. 353
- (24) CASTRÉN, *op. cit.*, p. 54 and p. 94.
- (25) *Cic. Pro Sulla*, 61.
- (26) As for a list of Sullan colonies, see E. GABBA, *op. cit.*, pp. 172-4 and A. KEAVENEY, *Sulla and Italy*, pp. 515-32. But the later is ambiguous and speculative.
- (27) KEAVENEY, *Sulla and Italy*, p. 534.
- (28) *Ibid.* p. 535.
- (29) *Cic. In Cat. II. 20*; *Sall. Cat. 16; 28; 30; 42.* cf. W. V. HARRIS, *Rome in Etruria and Umbria* (Oxford, 1971), pp. 289-94.
- (30) DEGRASSI, *art. cit.*, pp. 292-3.
- (31) *Ibid.* p. 292.
- (32) KEAVENEY, *Sulla and Italy*, p. 523.
- (33) J. ANDREAU, *Pompéi: Mais où sont les vétérans de Sylla?* (*REA* 82, 1980), pp. 183-99.
- (34) S. RICCOBONO et al., *FIRA*, vol. I, p. 176.
- (35) H. RUDOLPH, *op. cit.*, pp. 91-4.
- (36) E. LEPORE, *Origini e strutture della Campania antica* (Bologna, 1989), pp. 129-30.
- (37) It should be reasonable to calculate 10-20 *jugera* as an average assignment to each settler, and suppose that the bulk of the settlers receiving an assignment lived in town. But, there were some rich settlers who had vast estates before the settlement. See later. cf. P. D. A. GARNSEY, *Where did Italian Peasants Live?* (*PCPhS* 205, 1979), pp. 1-25.
- (38) We know of a substantial continuity of old families even in the empire in Pompeii. LEPORE, *op. cit.*, pp. 123-46. I. KAJANTO, *Cognomina Pompeiana* (*NPhM* 66, 1965), pp. 446-60.
- (39) CASTRÉN supposes that Romans introduced the duovirate at Pompeii a few years after the colonization, CASTRÉN, *op. cit.*, p. 90. The discrimination between Pompeians and colonists seems to have disappeared by 62, when the accusation against SULLA took place (*Cic. Pro Sulla*, 61-2); and we know from PLINY, *N. H. II*, 137, of a M. HERENNIUS, an original Pompeian councillor in 63. cf. H. MOURITSEN, *Elections, Magistrates and Municipal Élite - Studies in Pompeian Epigraph* (Roma, 1988), pp. 79-89.
- (40) KEAVENEY, *art. cit.*, p. 534, note 233
- (41) SULLA tried to deprive of citizenship the old inhabitants of Arretium and of Volaterrae (*Cic. De domo*, 79 and *Pro Caec.* 97), but even SULLA could not alter the general situation of citizenship once established.
- (42) ONORATO, *art. cit.*, pp. 116-24.
- (43) CASTRÉN, *op. cit.*, p. 51.
- (44) *Ibid.* p. 207.
- (45) *Ibid.* p. 88.
- (46) *Ibid.* *passim*.
- (47) ONORATO, *art. cit.*, pp. 137-9.
- (48) *CIL X 938.*

- (49) *CIL X 937*.
- (50) MOMMSEN, *CIL X*, P. 93.
- (51) *CIL X 800*.
- (52) *CIL X 844*.
- (53) *CIL X 852*. I agree with CASTRÉN when he argued that M. PORCIUS's duovirate quinquennalis was of the year 70, when Rome began to conduct the census.
- (54) CASTRÉN, op. cit., pp. 89-90.
- (55) *CIL I<sup>2</sup> 1547*.
- (56) *CIL I<sup>2</sup> 1722*.
- (57) *ILLRP 598*.
- (58) CASTRÉN, op. cit., p. 51. cf. H. MOURITSEN, op. cit., pp. 74-5.