

Review

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Civis romanus sum. By Giuseppe Valditara. Turin: Giappichelli. 2018. 232 pp. ISBN 978-8-892-11719-8.

In 2018, the romanist and politician Giuseppe Valditara published a new and interesting book on Roman citizenship, an issue that has recently gained special relevance. Most other Roman law monographs deal with citizenship only in a juridical-dogmatic way; this book takes also a social, philosophical, and political point of view. It is therefore of interest not only to Romanists, but also to scholars of law and history in general, as well as political historians.

The work begins with a standard introductory chapter on the origins of the city of Rome as a “mixed” city, that is, a new political, social, and juridical entity, formed by the encounter of different ethnic groups. Here Valditara summarizes the legends, historical evidence, and literary texts on the origins of Rome to show its original identity as a multi-ethnic city, including Latins, Sabines, Italics, and the legendary Trojan and Greek exiles. He summarizes the identity with (Quintus) Cicero: *civitas ex nationum conventu constituta* (“a state created by the coming together of nations”).¹ He then describes, in Chapter 2, what would seem to be the “original” Roman identity, defining Roman society as “open” and influenced by various “foreign” contributions, both Greek and Latin or Italian.² Examples for the author are language, religion, and the rising economic culture.³

Chapter 3 is strictly the first legal and political one, and outlines the path from the first “genetic” Latin tribes with a system of government based on descent. Valditara applies the term “genetic” (from *genus*), following the example of Greek literature, to

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¹ Valditara, 4, citing Cic., *Comment. pet.* 14. See also I. Kajanto, “Minderheiten und ihre Sprachen in der Hauptstadt Rom,” in G. Neumann and J. Untermann, edd., *Die Sprachen im römischen Reich der Kaiserzeit* (Cologne 1980), 84.

² Valditara, 9.

³ Valditara, 11–25.

the birth of the Roman *civitas* with its first policy of integration.⁴ His theory on the ethnic origin of the original Roman “genetic order,” offered as the starting point for its future as a *civitas* united in diversity, is quite interesting. Tracing the Roman right of asylum for foreigners to the time of Romulus is also relevant: the author highlights not only the legal forces in this (in origin, Greek) practice, but also the social and political ones, still the focus of many governments today. The policy of accepting foreigners not only had philosophical roots, but also the political objective of increasing the population, as became apparent in the advent of territorial “tribes.”⁵

Chapter 4 is entitled *L’annessione delle popolazioni sconfitte, una logica di potenza* (“The annexation of defeated populations, a logic of power”). It deals with the so-called policy of incorporating the defeated populations within the Roman *civitas* (*civitas augescens*⁶). This was a means of increasing the number of citizens (especially from a military perspective), and involved giving the former foreigners civil rights equal to those of the Romans without discriminating against them because of their origin. It was a policy that was in force in Rome at least from Romulus to Augustus.⁷ Chapter 5 sets out a broad and original idea which serves as the guiding theme for several theses in the book: the utilitarian vision of citizenship by the Romans. The author illustrates the concept of the *utilitas* of citizenship with several legal and historical texts covering almost 800 years of Roman history.⁸ The same utilitarian view is used by the author as an interpretative model of the constitution of Caracalla on the general concession of Roman citizenship in AD 212. Here the author proposes an interesting interpretation of the categories of persons excluded from this measure, especially with regard to the situation of certain popu-

⁴ Valditara, 23–25. See, e.g., his first affirmation, id., 23: “[L]a componente latina è verosimilmente quella originaria, e caratterizzò l’identità romana al suo sorgere, più elementi consentono di confermare che la costruzione della civitas avvenne realmente attraverso l’accoglimento e la integrazione con pari diritti di comunità straniere che diventavano così a tutti gli effetti “romane.” [“The Latin component is probably the original one, and characterized Roman identity from its origins; more elements allow us to confirm that the *civitas* was in fact constructed by the acceptance and integration, with equal rights, of foreign communities, that thus became in every respect ‘Roman.’”]

⁵ Valditara, 27–29.

⁶ See D.1.2.2.7 (Pomp. *ench.*); see also M. P. Baccari, “Il concetto giuridico di *civitas augescens*: origine e continuità,” *SDHI*, 61 [*Studi in memoria di Gabrio Lombardi*] (1995), 759; M. P. Baccari, *Cittadini popoli e comunione nella legislazione dei secoli IV–VI* (Turin 1996), 47.

⁷ See Livy 1.8.4.

⁸ Valditara, 42–49.

lations of hellenized⁹ territories and parts of Egypt.¹⁰

In Chapter 7, the author analyses the public *utilitas* for the inclusion of foreigners in Rome regarding citizenship. Here he illustrates the central point of his general theory on the political, social, and legal experience of the Roman *civitas*:

In sintesi, è l'*utilitas* che ispirò la politica di Roma in materia di apertura e di inclusione, dalle origini fino al Principato: l'apertura verso l'esterno, verso ciò che era straniero, non si fondava su istanze filantropiche e cosmopolite, pur non estranee a personalità come Cicerone, né sul riconoscimento di diritti universali della persona e nemmeno sulla curiosità verso il nuovo ed il diverso, ma poggiava sull'interesse, ovvero su un criterio che esprime il realismo e la concretezza della società romana.¹¹

In sum, it is *utilitas* that inspired Rome's policy as regards openness and inclusion, from its origins up to the Principate: this openness to the outside, to what was foreign, was not based on philanthropic or cosmopolitan needs – though not alien to a figure like Cicero – nor on the recognition of the universal rights of the person, nor even out of curiosity for the new and different, but rested on interest, that is, on a basis that expressed the realism and concreteness of Roman society.

The chapter continues with a historical and literary reconstruction of the concept of *utilitas* and its importance, not only to the right of citizenship, but also to the Roman legal and political order as a whole. Chapter 8, on the other hand, deals with the particular legal issue of dual nationality and its prohibition during the Republican period, based, according to the author, on a matter of public interest.¹² Another fundamental theme in Valditara's thought is sovereignty. In particular, it should be noted that within the Roman *civitas* (during the Republic and the Principate) there was a purely Roman sovereign-territorial law, and there was no suggestion of a principle of personality in law.¹³ Chapter 10 deals with the issue of loss of citizenship, which was mostly part of a punitive schema of Roman law.¹⁴ Chapter 11 contains a long list of all measures of enlargement and granting of citizenship during the

⁹ Valditara, 53–54.

¹⁰ Valditara, 55–57.

¹¹ Valditara, 59.

¹² Valditara, 70–75.

¹³ Valditara, 77.

¹⁴ Valditara, 81–82.

Republic from the sixth century BC.

Very interesting is the list, richly underlined with sources, of several cases of expulsion of foreign immigrants in Rome and the attendant political and social implications.¹⁵ Chapter 13, on the other hand, deals with the variation in Roman legal policy towards Latin migrants starting from 170 to 160 BC. The limitation, if not disappearance, of the *ius migrandi* granted to the Latins is emphasized, although the Romans saw them as culturally close. At the same time, the differences between the Italics, seen as foreigners throughout the second century BC, are highlighted. Interesting also are the examples of failed attempts to extend citizenship during the second century BC.¹⁶

The next chapter continues reconstructing the restrictive policy of citizenship until the first century BC, theoretically based on a possible exponential increase of immigration towards Rome and a general worry of the Romans towards an indiscriminate increase of foreigners and new citizens. However, the turning point is the policy of citizenship by manumission, given how unpopular it was among the Roman population. In this regard the author's analysis of the laws *Aelia Sentia* and *Iunia Norbana* is very opportune.¹⁷ Chapter 15 continues discussing the politics of restrictive nationality during the Principate.

Particularly important is Chapter 17, which presents, as an expression of popular "sovereignty," the concession of citizenship by law during the Republic. The bibliography and the examples are very detailed and it is essential to take into account Luraschi's previous studies on the subject.¹⁸ The following chapter deals with the question of Roman national interests and the assimilation of new people. Here Valditara shows his legal and political thinking on the subject (starting with Laffi's important work on this issue¹⁹):

[I]l sistema di alleanze e la organizzazione dei territori conquistati o comunque soggetti alla egemonia romana, a iniziare dalla penisola italyca, persegue due indirizzi chiari: la prioritaria tutela dell'interesse nazionale romano; un processo di

¹⁵ Valditara, 93–110.

¹⁶ Valditara, 119–24.

¹⁷ Valditara, 129–30.

¹⁸ G. Luraschi, "La questione della cittadinanza nell'ultimo secolo della Repubblica," in F. Milazzo, ed., *Res publica e princeps. Vicende politiche mutamenti istituzionali e ordinamento giuridico da Cesare ad Adriano* (Naples 1996), 77–79; G. Luraschi, *Sulle leges de civitate: Iulia, Calpurnia, Plautia Papiria* (Rome 1978), 329–30.

¹⁹ U. Laffi, "Il sistema di alleanze italyco," in *Studi di storia romana e di diritto* (Rome 2001), 17.

integrazione politica, militare, economica e culturale finalizzato ad una graduale assimilazione delle varie comunità nell'ottica di una loro romanizzazione.²⁰

The system of alliances and the organization of the territories that were conquered or otherwise subjected to Roman hegemony, starting from the Italian peninsula, follows two clear paths: the emphatic protection of the Roman national interest; a process of political, military, economic, and cultural integration, all aimed at the gradual assimilation of the various communities with the view to Romanize them.

The same chapter considers the concept of integration through assimilation, starting from the example of the *ius latii*, and examines the Republican and Imperial policy of granting different statutes and rights from the perspective of the romanization of the populations to be integrated.²¹

Chapter 20 contains the most original and politically inspired part of Valditara's work, namely the construction of the identity of the Roman *civitas*. Here the author, from a political point of view, brings together the birth of the Roman identity with Romulus' act of raising walls around the new city of Rome. The vision of the walls as *sanctae* and as a place of interdiction to foreigners, who even risk the penalty of death when bypassing them,²² carries this idea. The theory of the exclusion of foreigners, followed by the legal construction of identity, is represented by the *mos*.²³ From the *mores* then derived the *ius civile* as an expression of Roman legal identity.²⁴ Chapter 22 then moves on to the political construction of the Roman identity, represented as "eternal", in part to differentiate it from the "momentary" one of the barbarians, derived from Cicero and Virgil, the fathers of Roman identity.²⁵ The last chapter marks the epilogue of the work, presenting the legal (but above all political) theory of the strength and importance of Roman identity, as well as the pride of being *civis romanus*, almost as if to lead to the title of the work: *civis romanus sum*. An identity made up of law, customs, and Roman society, which, according to Valditara, contrasts with the other surrounding realities, and which strongly affirms itself as an original principle and inspiring

²⁰ Valditara, 151.

²¹ Valditara, 155–69.

²² Valditara, 180. For the sources, see also Quint. *Inst.* 4.4.4; D.1.8.11 (Pomp. 2 *var. lect.*).

²³ Valditara, ch. 21.

²⁴ Valditara, 188.

²⁵ Valditara, 193; see also Cic. *De or.* 2.40.169; Verg. *Aen.* 8.316.

source of the entire Roman policy outside and within the *civitas*.

This is a book to be read with politics in mind. It gives a different vision of Roman citizenship, based in the use of the principle of identity. It defines a concept of *civitas romana* and a historical-legal exposition of its functioning and its key points from the point of view of a Roman identitarian vision.
