

## ROMAN TREATIES WITH COMMUNITIES OF CITIZENS\*

In the ancient Roman world, as in modern times, treaties were usually made between sovereign states. Indeed, prior to the Social War, the *foedus* was a significant element in relations between Rome and the non-Latin allies (*socii*). However, the Romans also had treaties with Italian communities integrated to various degrees with their own state. These communities included both the Latin allies (*nominis Latini*) and cities possessing full or partial Roman citizenship (*municipia*).<sup>1</sup>

The Romans made treaties with the Latins and the *socii*, and when these communities became *municipia* their treaties survived, even after the Social War. These issues have been studied *par-ci, par-là*, often with great insight, but to the best of my knowledge there exists no systematic and comprehensive treatment. This paper is a contribution towards such a treatment.

The Latins may be considered first. According to Cicero (*Balb.* 54), before the Social War all the Latins were *foederati*, that is, treaty-bound allies: 'Latinis, id est foederatis'. The orator draws special attention to Tibur (*Balb.* 53). In this context his evidence for the federate status of the Latins is the *Foedus Cassianum*, made 'cum Latinis omnibus' (*Balb.* 53). This ancient treaty, dated traditionally in 493 B.C., was concluded between Rome and the Latin League.<sup>2</sup> It became obsolete after 338, when the Romans drastically restructured their relations with the Latins. Moreover, the Latin cities of the late second century were by no means the same as the communities bearing that title in the early fifth century, for in the interval some ancient Latin cities merged with each other or with Rome, and Latin colonies were founded. How could Cicero invoke the *Foedus Cassianum* as evidence that the Latins were *foederati* in the decades immediately preceding the Social War?

First of all, the ancient treaty was remembered and preserved in documentary form

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<sup>1</sup> On the Italian Confederation in general see W. Dahlheim, *Struktur und Entwicklung des römischen Völkerrechts im dritten und vierten Jahrhundert v. Chr.* (Munich, 1968), pp. 111–25; H. Galsterer, *Herrschaft und Verwaltung im Republikanischen Italien. Die Beziehungen Roms zu den italischen Gemeinden vom Latinerfrieden 338 v. Chr. bis zum Bundesgenossenkrieg 91 v. Chr.* (Munich, 1976), pp. 25–104; T. Hantos, *Das Römische Bundesgenossensystem in Italien* (Munich, 1983). Strictly speaking, the term *municipium* denotes communities of partial Roman citizens, but during the second century B.C. it was extended to cities enjoying full citizenship. The two classes are more accurately distinguished as *municipia sine suffragio* and *oppida civium Romanorum* (Galsterer, op. cit. [n. 1], p. 64; Hantos, op. cit. [n. 1], pp. 86–94), but for convenience I use the word to designate both groups.

<sup>2</sup> On the *Foedus Cassianum* see P. Catalano, *Linee del sistema sovranazionale romano i* (Turin, 1965), pp. 248–70; K.-E. Petzold, 'Die beiden ersten römisch-karthagischen Verträge und das Foedus Cassianum', *ANRW* 1.1 (1972), 364 n. 1; F. De Martino, *Storia della costituzione romana*<sup>2</sup> ii (Naples, 1973), p. 73 n. 2; Galsterer, op. cit. (n. 1), pp. 84–7; M. Humbert, *Municipium et civitas sine suffragio: L'organisation de la conquête jusqu'à la guerre sociale* (Rome, 1978), pp. 68–72; Hantos, op. cit. (n. 1), pp. 150–1.

into the Augustan age and later.<sup>3</sup> Second, it is likely that fundamental elements of the *ius Latii*, such as *connubium* and *commercium*, had been enshrined in the *Foedus Cassianum*.<sup>4</sup> These rights belonged to all the Latins after 338. Third, the basic clauses of mutual defensive alliance contained in the ancient *foedus* probably appeared after 338 in the separate treaties existing between Rome and the Latins.<sup>5</sup> In this sense, the *Foedus Cassianum* endured after the Latin War, and could be plausibly invoked by Cicero.

The existence of individual treaties between Rome and the Latins before the Social War is well attested.<sup>6</sup> In 210 B.C. Paestum, a Latin colony founded in 273, supplied ships 'debitas ex foedere' to the Romans for service in the Hannibalic War (Livy 26.39.5). Referring to events of 95 B.C., Cicero (*Balb.* 46–8) included Spoletium, a Latin colony founded in 241, in the ranks of the *civitates foederatae* along with Iguvium and Camerinum, both communities of *socii* possessing treaties with Rome. T. Matrinus of Spoletium, declares the orator, was the only person coming *de foederatis civitatibus* whose Roman citizenship, conferred by Marius, was called into question pursuant to the *Lex Licinia Mucia* (Cic. *Balb.* 48).

Tusculum and Lanuvium, independent Latin cities, already had separate treaties when they attained Roman citizenship: 'Itaque et ex Latio multi, ut Tusculani, ut Lanuvini, et ex ceteris generibus gentes universae in civitatem sunt receptae, ut Sabinorum, Volscorum, Hernicorum; quibus ex civitatibus nec coacti essent civitate mutari, si qui noluissent, nec, si qui essent civitatem nostram beneficio populi Romani consecuti, violatum foedus eorum videretur' (Cic. *Balb.* 31). The years of incorporation are 381 for Tusculum, and for Lanuvium 338.<sup>7</sup>

Lavinium, Praeneste and Tibur remained independent until the Social War. Lavinium had a treaty before 340. It was renewed in that year and annually thereafter until Livy's day: 'cum Laurentibus renovari foedus iussum renovaturque ex eo quotannis post diem decimum Latinarum' (Livy 8.11.15). According to Livy 6.29.2, Praeneste had a treaty with Rome in 380, but it is possible that the Roman historian refers to the *Foedus Cassianum*, for at 6.28.7 he mentions the earlier defeat of the Praenestini at Lake Regillus, which resulted in their subjection to Rome 'centum annorum pace obnoxia'. Polybius (6.14.8) offers evidence of separate treaties with Praeneste and Tibur in the middle of the second century (cf. Livy 8.14.9): ἔστι δ' ἀσφάλεια τοῖς φεύγουσιν ἐν τε τῇ Νεαπολιτῶν καὶ Πραινεστίνων, ἐτι δε Τιβουρίνων πόλει, καὶ ταῖς ἄλλαις, πρὸς ἃς ἔχουσιν ὄρκια. The latter *foedera* existed by 171, for in that year two Romans went into exile at Praeneste and Tibur (Livy 43.2.8–10), and the *ius exilii* depended on a *foedus*.<sup>8</sup>

<sup>3</sup> Livy 2.33.9; Cic. *Balb.* 53; Dion. Hal. *Ant. Rom.* 6.95.2; Festus (ed. Lindsay), p. 166, s.v. *Nancitor*; p. 276, s.v. *Praetor*.

<sup>4</sup> Dahlheim, op. cit. (n. 1), p. 122 n. 30; Galsterer, op. cit. (n. 1), pp. 86–7; Humbert, op. cit. (n. 2), pp. 98–122.

<sup>5</sup> J. Beloch, *Der Italische Bund unter Roms Hegemonie* (Leipzig, 1880), p. 195; E. Manni, *Per la storia dei municipii fino alla guerra sociale* (Rome, 1947), pp. 53–4.

<sup>6</sup> T. Mommsen, *Römisches Staatsrecht* iii (Leipzig, 1888), p. 653 n. 2; Catalano, op. cit. (n. 2), pp. 283–4; Dahlheim, op. cit. (n. 1), p. 118 n. 19; Galsterer, op. cit. (n. 1), pp. 86–7.

<sup>7</sup> The grant of Roman citizenship to Tusculum, placed by Livy (6.26.8; 6.33.6; 6.36.2; 8.14.4; cf. Plut. *Cam.* 38.5) in 381, may belong in 338 (see Hantos, op. cit. [n. 1], pp. 51–2); the traditional date is supported by Humbert, op. cit. (n. 2), pp. 151–61. The evidence for Lanuvium is Livy 8.14.2).

<sup>8</sup> F. W. Walbank, *A Historical Commentary on Polybius* i (Oxford, 1957), p. 683; W. V. Harris, *Rome in Etruria and Umbria* (Oxford, 1971), pp. 92–3; A. N. Sherwin-White, *The Roman Citizenship*<sup>2</sup> (Oxford, 1973), p. 126. The text of Polybius (6.14.8) does not make it absolutely clear whether the *ius exilii* was established by all or by only some of Rome's Italian treaties.

Other ancient texts indicate that Rome had treaties with the Latins in general during the second century. The *senatus consultum de Bacchanalibus* of 186 B.C. (*CIL* i<sup>2</sup> 581) is addressed to the *foederati* (line 3), who included both *nominis Latini* and *socii* (lines 7–8). In the *De Republica* of Cicero, set in 129 B.C. (1.14), a speaker declares that Ti. Gracchus ‘sociorum nominisque Latini iura neglexit ac foedera’ (3.41). This passage implies that the Latins as well as the *socii* possessed *foedera*. The *Lex Agraria* of 111 B.C. (*CIL* i<sup>2</sup> 585) indicates that both Latins and *peregrini* (i.e. *socii*) could have rights concerning public land ‘[ex lege pleb]eive sc(ito) exve <f>oedere’ (section 29).

It appears that separate treaties existed between some Latin cities and Rome even before the Latin War. According to Polybius’ account of the second Roman–Carthaginian treaty, dated probably in 348, some Latin cities not subject to the Romans had treaties of peace with them (Polyb. 3.24.5–6). This statement is corroborated by the evidence of *foedera* with Tusculum, Lanuvium and Lavinium prior to 338. The inception of separate treaties between Rome and Latin cities belongs in the fourth century, when the *Foedus Cassianum* broke down, and such *foedera* became the rule after 338. These individual treaties should be viewed as complementary to the *Foedus Cassianum* before the Latin War, and thereafter as successors.<sup>9</sup>

The next group of cities to be examined are the *municipia*. In a passage quoted earlier, Cicero (*Balb.* 31) declares that Tusculum and Lanuvium already had treaties when they attained Roman citizenship. The orator makes the same statement about the Sabines, the Volsci and the Hernici. Citing these two groups as examples of the Latins and the *socii* respectively, he implies that there were other cases. As Humbert argues in his book *Municipium et civitas sine suffragio*, such treaties could remain valid in part after federate communities became Roman *municipia*.<sup>10</sup> It is on these grounds that some *municipia* (the so-called *municipia foederata*) claimed possession of a *foedus*.

Aricia and Capena were *municipia foederata* before the Social War. In 44 B.C., Cicero (*Phil.* 3.15) called Aricia ‘municipium Aricinum...iure foederatum’. This Latin city had received full Roman citizenship in 338 (Livy 8.14.3). Its treaty should be traced back to before that year.

Capena claimed possession of a treaty in nine epigraphical documents ranging in date from the Flavian period to A.D. 256. In these texts, the people of Capena style themselves *Capenates foederati*, and their city is called *municipium Capenae foederatum* or *municipium Capenatium foederatorum*.<sup>11</sup> This non-Latin city had

<sup>9</sup> Important texts on hostile relations between Rome and the Latins in the fourth century include Livy 6.2.3 (389); 6.10.6–7 (386); 6.21–9 (383–380); Polyb. 2.18.5 (390–358); Livy 7.6.7–18.10 (362–355); 7.25.5 (349). Tibur surrendered to Rome in 354 (Livy 7.19.1), and Praeneste was granted a truce (Diod. 16.45.8). On Roman–Latin relations generally from 509 to 338 see G. De Sanctis, *Storia dei Romani*<sup>2</sup> ii (Florence, 1960), pp. 85–98, 229–75. Hantos, op. cit. (n. 1), p. 54 n. 11; p. 62, views the *Foedus Cassianum* as the unique legal basis for Roman–Latin relations before the Latin War. Thus she maintains that the individual treaties, such as those with Lavinium (Livy 8.11.15), Tibur and Praeneste (Polyb. 6.14.8) cannot be dated before this conflict (340–338 B.C.).

<sup>10</sup> Humbert, op. cit. (n. 2), pp. 260–71.

<sup>11</sup> *CIL* xi 3876a; *ILS* 409, 5770, 6588; G. Mancini, ‘Capena. Iscrizione onorarie de età imperiale rinvenute in località Civitùcola’, *NSA* 7 (1953), 18–28, nos. 1–3 and 5–6. The earliest of these inscriptions, *ILS* 5770, is dated to the Flavian age or later; the rest belong between A.D. 162 and 256. The adjective *foederatus*, applied to the Capenates or to their *municipium*, refers to an earlier treaty between Rome and Capena, not to a local federation at Capena. The evidence for Camerinum (*CIL* xi 5631) and Tarquinii (P. Romanelli, ‘Tarquinia. Scavi e ricerche nell’ area della città’, *NSA* 73 [1948], 267, no. 89) should be viewed in the same way (Galsterer, op. cit. [n. 1], p. 66 n. 111; Humbert, op. cit. [n. 2], pp. 260–2).

received *civitas sine suffragio* before the Social War.<sup>12</sup> The treaty must precede incorporation, and may go back to 395 (Livy 5.24.3).

In 343 B.C., Capua surrendered to the Romans (Livy 7.31) and received a treaty (Livy 7.30.4; 23.5.9; 31.31.11). Five years later the city attained *civitas sine suffragio* (Livy 8.14.10). In two Livian texts, Roman speakers (in 216 and 199 respectively) recite a litany of benefactions conferred by Rome upon the Campani; these include the *foedus*. The consul C. Terentius Varro recalled the profitable surrender of Capua, its *foedus aequum*, the recovery of its own laws, and the grant of (partial) citizenship: 'Adicite ad haec, quod foedus aequum deditis, quod leges vestras, quod ad extremum, id quod ante Cannensem certe cladem maximum fuit, civitatem nostram magnae parti vestrum dedimus communicavimusque vobiscum' (Livy 23.5.9). The *legatus* L. Furius Purpurio pointed out to the Aetolians that the Campani defected to Hannibal (in 216) despite their union with Rome, first by treaty, then by marriage-ties and family connections, and finally by (partial) citizenship: 'ipsos cum foedere primum, deinde conubio atque cognationibus, postremo civitate nobis coniunxissemus...' (Livy 31.31.10–12).

Toynbee has argued that the *foedus* of 343 probably survived after Capua became a Roman *municipium* in 338. In his view, Livy's text (23.5.8–9) suggests that in 216 Varro cited a treaty that was still valid. He also points out that in several passages Livy calls the people of Capua *socii* after 338 (e.g. 9.6.4; 22.13.2).<sup>13</sup>

These arguments are inconclusive. First, the Roman speakers of 216 and 199 referred to a list of benefits that could be successive rather than cumulative. Second, the term *socius* is sometimes used by Livy to denote states not possessing a treaty, and *societas* is sometimes applied to relationships not involving a *foedus*.<sup>14</sup> It is also relevant to observe that Toynbee's scepticism about Livy 23.8.11 is justified. The words *Romanum foedus*, spoken by the son of Pacuvius Calavius, author of Capua's defection to Hannibal (23.2–4), refer to a Roman treaty that the young man hoped would replace the one just made with the Carthaginians (23.7.1–2).

Two passages, however, provide strong evidence for the survival of the Campanian *foedus* after 338. The text of Livy 23.8.11 suggests that in 216 possession of a treaty by the Campani would have been compatible with the (resumed) status of partial Roman citizenship. This in turn suggests that the original *foedus* had endured until the defection of Capua. In Livy 25.18 appears the description of a duel fought in 212 B.C. between T. Quinctius Crispinus and Badius the Campanian. Summoned to a

<sup>12</sup> Hantos, op. cit. (n. 1), pp. 76–7; 103 n. 46; 108; cf. J. Beloch, *Römische Geschichte bis zum Beginn der punischen Kriege* (Berlin, 1926), p. 446.

<sup>13</sup> A. J. Toynbee, *Hannibal's Legacy* i (London, 1965), pp. 397–403. M. Frederiksen, *Campania* (London, 1984), p. 193 n. 125; p. 194, accepts these arguments for the survival of the treaty after 338 (adding the decisive reference to Livy 25.18.5, to be discussed presently). The argument based on the word *socius* is accepted by Humbert, op. cit. (n. 2), pp. 269–70. Toynbee's rejection of the Campanian *deditio* of 343, described by Livy, does not affect my discussion of the treaty (see J. Briscoe, *A Commentary on Livy, Books 31–33* [Oxford, 1973], p. 136). The authenticity of the *deditio* is defended by Frederiksen, op. cit. (n. 13), pp. 180–90. On the *civitas sine suffragio* of Capua after 338 see Frederiksen, op. cit. (n. 13), pp. 191–3. Frederiksen (p. 186 n. 59; pp. 193–4) places the treaty in 338 rather than 343, but this conclusion rests primarily on the erroneous view that the Campanian *foedus* was identical with the act of incorporation making Capua a *municipium* (on this see below, n. 23), and involves rejection of chronological order in Livy 23.5.9 and 31.31.10–12, contrary to the natural interpretation of those passages.

<sup>14</sup> Livy uses these terms in connection with Attalus I of Pergamum (26.37.5), Antiochus III (32.8.13, 16) and Rhodes (42.19.8; 42.45.2; 45.10.6; 45.23.6), none of whom, on Livy's own evidence, had *foedera* with Rome at the time (Attalus: 29.11.1–2; Antiochus: 34.57.4–58.8; Rhodes: 45.25.9–10).

parley by the latter, Quinctius approached Capua, recalling his private ties with Badius 'etiam in discidio publicorum foederum' (25.18.5). Badius as well referred to the severance of a treaty between Rome and Capua ('publicis foederibus ruptis': 25.18.9). The text of Livy must refer to a Roman-Campanian treaty broken off when Capua defected to Hannibal. In addition, as Capena preserved its treaty after attaining partial citizenship, it is likely that the Campani retained theirs during the years 338 to 216, when they held the same status.

Treaties existing before the Social War remained valid afterwards. Lavinium, an independent Latin city, attained Roman citizenship at the time of the Social War.<sup>15</sup> Its *foedus*, which already existed in 340 B.C., continued to be renewed annually until Livy's day (Livy 8.11.15). Lavinium made a treaty with Rome during the reign of Claudius. According to *ILS* 5004, Sp. Turranius was 'pater patratus populi Laurentis foederis ex libris Sibullinis percutiendi cum p. R.'. The Claudian treaty was probably a renewal of the earlier one.

Aricia and Capena had been *municipia foederata* before the Social War. In 44 B.C., Cicero (*Phil.* 3.15) referred to Aricia as 'municipium Aricinum... iure foederatum'. The treaty of Capena is attested in epigraphical documents dated from the Flavian age to A.D. 256.<sup>16</sup>

Until the Social War, Camerinum and Tarquinii were communities of treaty-bound allies. The *foedus* of Camerinum can be traced at least as early as 205 B.C. (Livy 28.45.20), and it is attested in the time of Marius (Cic. *Balb.* 46-7; Val. Max. 5.2.8).<sup>17</sup> An inscription of A.D. 210 refers to its confirmation (*CIL* xi 5631: 'iure aequo foederis sibi confirmato'). The treaty of Tarquinii was made some time after 308, when the city renewed a truce with Rome (Livy 9.41.5; Diod. 20.44.9). It was concluded perhaps about 280 B.C. (*Inscr. Ital.* xiii.1, p. 73; cf. Livy 40.29.1), and definitely existed in 211, when a Roman went into exile there (Livy 26.3.12).<sup>18</sup> The *foedus* is attested in an inscription dated perhaps after A.D. 230, in which the people of Tarquinii style themselves 'Tarquinienses foeder[ati]'.<sup>19</sup>

The *Lex Iulia Municipalis* of 45 B.C. (*CIL* i<sup>2</sup> 593) implies that Romans domiciled in *municipia* could be granted exemption from military service by *leges, plebis scita* or *foedus* (lines 93, 103). This document suggests that treaties existing before the Social War generally remained valid until the end of the Republic. The *foedera* of Aricia and Lavinium support this conclusion. The examples of Lavinium, Capena, Camerinum and Tarquinii show that some treaties survived even into imperial times.

Thus five *municipia* claimed possession of *foedera*. Only once, in the case of Capena, does the phrase *municipium foederatum* occur as a technical term, perhaps as early as the Flavian period (*ILS* 5770). Cicero used the same words within a longer, non-technical expression ('municipium Aricinum... iure foederatum': *Phil.* 3.15). Twelve other texts contain the terms *foedus* and *foederatus*. Therefore the expression *municipium foederatum*, denoting a class of cities, is based more on scholarly

<sup>15</sup> In the absence of a categorical statement on this subject in the ancient sources, it seems best to date the incorporation of Lavinium at the time of the Social War (Beloch, op. cit. [n. 5], pp. 49, 170; Hantos, op. cit. [n. 1], p. 54). On the basis of religious evidence, some authors date this event in 338 (Beloch, op. cit. [n. 12], pp. 376-7, 584; Humbert, op. cit. [n. 2], pp. 179-84).

<sup>16</sup> See above, note 11.

<sup>17</sup> Livy (9.36.7-8) erroneously attributes to the Camertes of Camerinum a treaty made with the Camertes of Clusium in 310 B.C. (P. Veyne, 'Foederati: Tarquinies, Camérinum, Capène', *Latomus* 19 [1960], 430 n. 2).

<sup>18</sup> See above, note 8.

<sup>19</sup> Romanelli, op. cit. (n. 11), p. 267, no. 89.

convenience than on the established usage of antiquity. But the real problem, of course, is the significance of the treaties to which reference is made.

There are two principal theories. According to the first, the treaties of *municipia foederata* are identical with the acts of incorporation establishing the *municipia*. Some authors believe that a *municipium* could be established either by a *foedus* or by a *lex*, and that the *municipia foederata* were created by the first means.<sup>20</sup> According to a variant of this theory, such *foedera* are better described as 'contracts' than as 'treaties'.<sup>21</sup> Mommsen declared that the *municipia foederata* derived their title from their acts of incorporation, *leges* misleadingly called *foedera*.<sup>22</sup>

For two reasons, I believe these solutions to be incorrect. First, the evidence concerning incorporation of *municipia* suggests that they were created by unilateral acts of Rome, such as *leges* or *senatus consulta*.<sup>23</sup> Second, of the five known *municipia foederata*, four definitely had treaties before incorporation, and as a Latin city the fifth, Aricia, probably had one. If Capua is counted, the proportion rises to five out of six. Therefore it seems more economical to interpret the treaties of *municipia foederata* as agreements originally made before incorporation and surviving afterwards, as the second major theory proposes.

The next question is whether these treaties endured in a purely honorific or symbolic sense, as Paul Veyne declares,<sup>24</sup> or whether they possessed substantive value. On this point I agree with Humbert, who argues that when a city became a *municipium*, certain clauses of its treaty might remain in effect because they were useful. The constitutive act establishing a *municipium* would in that case enjoin the observation of those clauses.<sup>25</sup>

An inscription from Ateste in Cisalpine Gaul north of the Po shows that existing *foedera* continued to govern jurisdiction in that region after Julius Caesar gave it Roman citizenship in 49 B.C. (*CIL* i<sup>2</sup> 600, lines 10–12). This state of affairs persisted at least until these matters were definitively settled by the *Lex Rubria* of 49 or 48 B.C. (*CIL* i<sup>2</sup> 592).<sup>26</sup> The *Lex Julia Municipalis* of 45 B.C. demonstrates that existing *foedera* continued to govern exemption from military service in Italy (*CIL* i<sup>2</sup> 593, lines 93, 103).

Finally, did the treaties of *municipia foederata* persist continuously after incorporation? According to Veyne, the *foedera* of Tarquinii, Camerinum and Capena were tardy revivals. Long fallen 'au rang des vieilles lunes', they were resuscitated by a process of 'exhumation d'un titre historique'. It is not clear what he thought of the Arician and Lavinian treaties, however. Humbert says that the *foedera* of the first three cities were (partially) revived 'après une longue période de suspension'. But *CIL* i<sup>2</sup> 593 and 600 indicate that continuity was possible from the

<sup>20</sup> Beloch, op. cit. (n. 5), pp. 47, 117–23; Beloch, op. cit. (n. 12), pp. 376–81; De Martino, op. cit. (n. 2), pp. 91–3; Galsterer, op. cit. (n. 1), p. 68; cf. Humbert, op. cit. (n. 2), pp. 257–9. According to A. Bernardi, 'Roma e Capua nella seconda metà del quarto sec. av. J.-C.', *Athenaeum* 20 (1942), 92–3, these treaties were concerned strictly with religious affairs.

<sup>21</sup> Beloch, op. cit. (n. 12), p. 379; Dahlheim, op. cit. (n. 1), p. 113 n. 7. E. Manni, 'Sur l'origine des *municipia* romains', *RHD* 47 (1969), 66–77, explains these *foedera* as acts establishing *municipia*, only some of which, in his view, obtained Roman citizenship. Manni denies an international character to treaties with this type of *municipium*.

<sup>22</sup> Mommsen, op. cit. (n. 6), p. 567 n. 1; p. 577 n. 1.

<sup>23</sup> Humbert, op. cit. (n. 2), pp. 253–9.

<sup>24</sup> Veyne, op. cit. (n. 17), pp. 429–36.

<sup>25</sup> Humbert, op. cit. (n. 2), pp. 260–71; cf. Toynbee, op. cit. (n. 13), pp. 397–403; Hantos, op. cit. (n. 1), pp. 103–4.

<sup>26</sup> See H. H. Scullard, *From the Gracchi to Nero*<sup>5</sup> (London, 1982), p. 432 n. 11.

time of incorporation, and in his view this was the case for the treaties of Aricia, Lavinium and Capua.

The evidence, I think, suggests that the treaties of *municipia foederata* in general endured continuously from the date of incorporation. That of Lavinium, renewed annually after the Social War until Livy's day (Livy 8.11.15), is attested in the reign of Claudius (*ILS* 5004). This *foedus* can therefore be traced for over a century and a quarter after the incorporation of Lavinium. Capena recalled its treaty over a period of nearly two centuries, from the Flavian age to A.D. 256.<sup>27</sup> The people of Camerinum in the early third century A.D. remembered that the *foedus* they had possessed more than four centuries earlier had been *aequum* (Livy 28.45.20; Cic. *Balb.* 46–7; *CIL* xi 5631). These observations all point to a long continuous tradition that is best traced back to the period before attainment of Roman citizenship. At any rate, *CIL* i<sup>2</sup> 593 demonstrates that treaties existing before the Social War generally remained valid until the late first century B.C., and the attestations of imperial date can be viewed as continuous survivals. Although the notorious passion of Roman imperial cities for honorific titles may explain the preponderance of references from that period, the treaties underlying those appellations were ancient, and they clung to life with unyielding tenacity.

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<sup>27</sup> See above, note 11.