CHAPTER 6

Imperial Ideologies, Citizenship Myths, and Legal Disputes in Classical Athens and Republican Rome

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Current events make seemingly overworked questions about the nature of empire and citizenship once again relevant. A tenuous American global hegemony resulting from the demise of the Soviet Union, terrorist attacks on the World Trade Center, an American military involvement in Iraq, and massive population movements throughout the world all demand that historians and political scientists redirect their scholarly energies toward these topics. Some neoconservative political theorists have written about America's current global position, arguing that unilateral action and preemptive war in national interests have ample precedents in American history (Gaddis 2004), debating whether the United States is, or should become, a world empire of unparalleled magnitude (Mead 2004; Mandelbaum 2005: 1–30, 75–8, 161–2), and in one case even maintaining that the basic international problem today is America's failure to admit to and shoulder its imperial responsibilities (Ferguson 2004; see Harvey 2003 for another view). In terms of citizenship, some have argued for open borders and global citizen-workers (Hardt and Negri 2004). Others have warned that the influx of *Gastarbeiter* and illegal laborers throughout the European Union and United States – fostered by liberal immigration/naturalization policies – poses a grave threat to national identities and national cohesion (for America, see Huntington 2004, 1996; cf. D. Miller 1999: 119–54 for a more balanced and temperate view, emphasizing integration rather than assimilation). Such concerns over demographic shifts and requirements for citizenship status have been recurrent in the postcolonial world since the dissolution of formal empires.

Studying the ways in which ancient Greeks and Romans addressed these issues may help us to understand them in our own time, since these ancient civilizations have

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profoundly influenced western conceptions of empire and citizenship. After all, even the words for these ideas originated in the classical world: ''imperialism'' is formed from the Latin *imperium*, while ''citizen'' is derived from the Latin *civis*. Unfortunately, generalizations about the nature of empire and citizenship derived from classical antiquity invite anachronistic distortions when applied to the present – however, we can learn as much from differences as from similarities between ancient Greece and Rome and today's societies.

With due regard to historical specificities, this chapter argues that uncovering attitudes toward citizenship is crucial to understanding imperial development, both in ancient Greece and Rome and, *mutatis mutandis*, in today's world. Myths of state formation and citizenship give access to these attitudes and reflect imperial practices; legal disputes can show how the deployment of myth reveals political ideology operating in everyday life. For these reasons, the following concentrates on interrelationships between imperial ideologies, citizenship myths, and legal disputes in classical Athens and republican Rome.

Before proceeding further, I must explain my rather casual use of the word ''myth'' in what follows. ''Myth'' defies easy definition, though many of course have made the attempt to pin it down (for example, see Kirk 1970 on Greek myth). Some scholars make distinctions between ''myth'' (an entirely fictitious, frequently etiological tale), ''legend'' (a tale with some putative basis in historical events), and ''folktale'' (a common, usually orally transmitted traditional story, without reference to any specific ritual practice). These kinds of differences are important primarily in understanding the creation of a traditional tale. This is not my concern – I am interested in how traditional stories function in particular historical configurations. As Walter Burkert has noted, ''to understand myth ... knowledge of historical levels is required. There are at least two levels, the more general tale and the more specific application; both are subject to the forces of history'' (1979: 28). My approach therefore concerns the teller rather than the tale; representations of traditional stories in their historical, ideological, and political contexts rather than their origins (cf. collected essays in Tully 1988). Consequently, I use the words ''myth,'' ''stories,'' and ''legend'' interchangeably.

While my subject of study allows me to use the word ''myth'' rather loosely, the conceptions of ''imperialism'' and ''citizenship'' are themselves another matter. These terms are of crucial importance for the purposes of this essay, and they therefore require as precise articulation as possible. As analytical terms, both ''imperialism'' and ''citizenship'' are highly problematic and nearly intractable, since their meanings have been subject to seemingly endless reformulations. The section on ''Problematic Analytical Terms'' deals with this difficulty and provides working definitions for ''imperialism'' and ''citizenship.'' With that definitional ground having been cleared, the designation ''imperial citizen'' can serve as a concise label for the Athenian or Roman who had the political power to have some direct influence on the administration of empire.

The following section considers Athenian and Roman citizenship myths in relation to historical developments of their imperialisms. Both states used mythologies in legitimating imperial rule: while a series of supernatural events marked out Rome as

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caput imperii, or "head of empire," Athens devised mythological charters establishing it as the metropole of all Ionian Greeks. In contrast, Athenian and Roman citizenship myths were strikingly divergent. Athenian citizenship stories presented an exclusionary strain, revolving around the theme of autochthony; that is, the conceit that Athenians had sprung from the very soil of Attica. Roman citizenship legends, on the other hand, proudly proclaimed an expansive heterogeneity; an inclusive world empire arising from humble, mongrel beginnings.

Citizenship myths found parallels with historical developments in Athens and Rome. In Athens, state policy regarding the citizen franchise was relatively exclusive and restrictive, while overall Roman policy was more inclusive and far-reaching. In both cases, however, imperial citizenship was of premium value for those citizens residing in the imperial capital, where they could fully enjoy the perquisites citizenship afforded. The stakes, in political, economic, social, legal, and cultural terms, would have been high in lawsuits concerning a citizen's status. I shall argue that those stakes involved substantive political powers in the administration of empire much more in Athens than at Rome, where we should understand the advantages of citizenship primarily in legal, social, and cultural terms (cf. Rhodes, this volume, chapter 4).

After that, a section on "Citizenship Myths at Work in Athens and Rome" studies two such cases, Ps.-Demosthenes' *Against Neaira* and Cicero's *Pro Balbo*. These texts reveal how both Athenian and Roman ideologies of citizenship both reflected and helped to maintain normative citizenship practices. The speeches are aligned with the broad contours of both Athenian and Roman citizenship myths and actual Athenian and Roman citizenship policies. In the case of Ps.-Demosthenes, the thrust of the argument is to challenge and deny rights to citizenship, while in the case of Cicero's speech on behalf of Balbus, the rhetorical goal is to establish more open criteria for citizenship rights. The speeches offer glimpses of intersections between myths of "imperial citizenship" and realities of everyday, pragmatic politics.

Problematic Analytical Terms: "Imperialism" and "Citizenship"

Imperialism is an overused term among historians and social scientists, having taken on multiple meanings in modern usage. Familiar articulations become particularly problematic in understanding ancient empires, since Greek and Latin words and phrases used for one political community's domination of another, such as *archē*., *dunasteia*, or *kratos* in the case of the Greek, and *arx omnium gentium*, *principium imperii*, or *imperium sine finibus* in the case of the Roman, do not accurately map onto modern conceptions of imperialism (Finley 1978; Lintott 1981; Richardson 1991).

The term imperialism today usually carries the force of moral condemnation, but that has not always been the case. Some nineteenth century political commentators understood imperialism in racist terms, as a moral imperative for the improvement of the "inferior races," most famously expressed in Rudyard Kipling's poem of 1899

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"The White Man's Burden." For a less renowned example, *The Spectator*, a British Liberal journal, stated in 1868 that imperialism "in its best sense" was "a binding duty to perform highly irksome or offensive tasks" (Koebner and Schmidt 1964: 28–9).

Others maintained that the term was strange and unfamiliar. In 1878 Henry Howard Molyneux Herbert, Fourth Earl of Carnarvon and the Conservative Prime Minister Disraeli's estranged Colonial Secretary, said, perhaps somewhat disingenuously, that it was a neologism to him, and as late as 1900 the senior A. E. Stevenson, Democratic candidate for vice-president, stated that imperialism was a "new word in American politics" (Koebner and Schmidt 1964: 95, 153–5, 241). As these examples indicate, imperialism's connotations have been many and varied. The term can therefore easily confuse more than it clarifies, inviting anachronistic interpretations of the ancient Mediterranean world (Champion and Eckstein 2004; cf. Raaflaub 1996a: 274–5).

Two of imperialism's most influential theorists, J. A. Hobson and V. I. Lenin, viewed it as a phenomenon of the nineteenth and twentieth centuries, fueled by the capitalist mode of production (cf. collected essays in Chilcote 2000). According to Hobson and Lenin, capitalism at its most highly developed stage demanded new territories for products and new fields for investment. Both men saw imperialism as an interaction between developed industrialized nation-states and their colonized peripheries, and they lamented the fact that governments of the western powers supported these pernicious and exploitative ventures.

Imperialism as defined by Hobson and Lenin cannot therefore be productively applied to the ancient world without radical modification. Ancient Mediterranean economies, after all, were overwhelmingly agrarian and precapitalist. By modern standards, there were few industrial products in need of distant markets and little available capital for investment.

Postmodernist theories of empire and imperialism are even less helpful than the classical theories of Hobson and Lenin. According to some recent formulations, empire and imperialism are transnational, postcolonial, immanent, globalized, and cybernetic phenomena. Empire is seen as an all-pervasive force, with no apparent center, whose tentacles, assisted by ever more powerful technologies, penetrate everywhere (e.g., Hardt and Negri 2000, 2004, with critical essays in Balakrishnan 2003 and in Passavant and Dean 2004). Such post-Foucauldian, neo-Marxist critiques make for fascinating meditation on the early twenty-first century predicament, but they are useless when applied to ancient Greece and Rome.

Another towering figure in the modern study of imperialism, the economist J. A. Schumpeter, formulated a definition of imperialism that is more applicable to classical antiquity. In sharp contrast to Hobson and Lenin, Schumpeter believed modern imperialism was an atavistic survival of aggressive, militarized social structures of preindustrial times, which capitalism and modernity would ultimately eradicate. In a celebrated phrase, he described imperialism as "the objectless disposition on the part of a state to unlimited forcible expansion" (Schumpeter 1951: 7).

Schumpeter's formulation is more promising for purposes of this essay than the ideas of Hobson and Lenin, insofar as it is compatible with the basic fact that polities of the ancient world were militaristic and aggressive (Hanson 1989; Rich and Shipley

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1993; Hamilton and Krentz 1997; W. Harris 1979; Eckstein, this volume, chapter 16). But his definition remains vague; surely we need greater specificity in order to discuss ancient imperialism in any meaningful way. Moses Finley provided this with his six-point typology for characteristic, concrete forms of domination of imperial states over their subjects, which I will take as the definitional components of imperialism:

> (1) restriction on freedom of action in inter-state relations; (2) political, administrative and/or judicial interference in internal affairs; (3) compulsory military and/or naval service; (4) payment of tribute in some form, whether in the narrow sense of a regular lump sum or as a land tax or in some other way; (5) confiscation of land, with or without subsequent emigration of settlers from the imperial state; and (6) other forms of economic subordination or exploitation, ranging from control of the seas and Navigation Acts to compulsory delivery of goods at prices below the prevailing market price and the like. (Finley 1982b: 45; cf. Finley 1978: 6)

The reader is invited to consult general histories of ancient Greek and Roman civilization in order to find Athenian and Roman examples for each of Finley's six points, and to contemplate how useful these criteria may be for understanding the present, tasks beyond the scope of this essay. It will suffice here to say that according to Finley's criteria, both classical Athens and republican Rome qualify as empires.

Next let us turn our attention to the idea of citizenship. After several attempts, Aristotle ultimately settles for defining the citizen (*politēs*) as "he who enjoys the right of sharing in deliberative and judicial office" (*Pol.* 1275b19–20). On this definition, the *archē*, or office, comprises both specific magistracies with limited tenure and indeterminate offices, such as participation in political assemblies and jury courts, with no restrictions on tenure. On the basis of this passage, we might think of formal (officeholding) and informal (untenured, participatory) aspects of citizenship. But Aristotle also seems to recognize that even those who do not belong to either of these two groups (such as women, slaves, resident aliens, and children) are essential (*Pol.* 1277a5–12), in part because the household unit, or *oikos*, including its women, slaves, and children, is necessary as the basic building block of the state (Ober 1996: 161–87). Moreover, even noncitizens possessed some legal rights. In Athens, for example, noncitizen women, children, and even slaves had certain rights against *hybris*, or violent assault and outrage against their persons (see, for example, Dem. 21.46–8).

Following Aristotle's line of thought on the teleological progression from *oikos* to polis, we begin to get an idea of an even more informal criterion for citizenship. Accordingly, we might view Athenian and Roman citizenship in terms of what Manville (1994: 24) calls the "premodern and organic" paradigm. On such a view, citizenship recedes from the more or less formal political arena to the social realm; from the public to the private sphere. Pursuing this idea invites us to consider shadowy places between citizen and noncitizen status. We might even expand upon Moses Finley's idea that various political and social differentiations constituted a "spectrum of statuses" in ancient Greece and Rome (Finley 1982b, esp. chs 7–9).

Since my concern in this study is with interrelationships between citizenship and imperial development, I define citizenship minimally as the right to participate directly in political processes in formal political assemblies, the *ekklēsia* in Athens,

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and the comitial assemblies in republican Rome. These were the political arenas where citizens could, at least according to formal constitutional arrangements, have had influence in the exercise of the powers outlined in Finley's six-point typology of empire. In effect, of course, this delimitation means that our focus will be primarily upon adult male Athenians and Romans.

Imperial citizens resident in Athens and Rome certainly had some degree of ability to administer their empires, since their popular assemblies elected imperial magistrates, approved or rejected legislative proposals bearing upon imperial subjects, and ultimately controlled foreign policy. Scholars have long recognized this in studies of democratic Athens (e.g. Ober 1989), and in recent decades Fergus Millar (1984, 1986, 1989, 1998) has drawn attention to popular powers in the Roman Republic (but see Champion 1997; cf. Morstein-Marx 2004). Relationships between elites and masses and the locus of political power in classical Athens and republican Rome are likely to remain matters of intense scholarly debate, but constraints of space do not allow for further examination of these problems here. Clearly citizen status was highly desirable in both Athens and Rome, but my working hypothesis in what follows is that in Athens, though legal and cultural aspects were important, citizenship was primarily valued for its political dimension; whereas at Rome legal and cultural perquisites of citizenship were paramount. The following consideration of citizenship myths and legal disputes at Athens and Rome supports such a hypothesis.

Citizenship Myths and Historical Realities of Imperial Expansion

Athenians jealously guarded admission to citizen status. It is true that Aristotle relates that, at the time of his political reforms at Athens after the overthrow of the Pisistratid tyranny, Cleisthenes "enrolled in his tribes many resident aliens who had been foreigners or slaves" (*Pol.* 1275b35–7). But this passage may well reflect exaggerated accounts on the part of Cleisthenes' political enemies. Aristotle states that in the immediate aftermath of the fall of the Pisistratids, many of the common people whom the tyranny had supported were disenfranchised in a revision of the citizenship rolls at Athens (*Ath. Pol.* 13.5). Cleisthenes, therefore, may have simply restored citizenship rights to some of those who had been dispossessed (cf. Ober 1996: 32–52). In any event, at the height of Athenian imperial power in the mid-fifth century BCE., the Athenian statesman Pericles had a law passed restricting citizenship to those who were born of Athenian citizen parents (Arist. *Ath. Pol.* 26.4; Plut. *Per.* 37.3; Ael. *VH* 6.10; *Suda*, s.v. "*dēmopoiētos*"). Some five years after Pericles' law, the Athenians purged their citizen rolls, if we can trust a scholiast's note on Aristophanes *Wasps* 718 (Philoch. *FGrH* 328 F 119; cf. Plut. *Per.* 37.3–4).

By the time of Pericles' restrictive citizenship law in 451/50 BCE, Athens had built an extensive naval empire, and the city itself had become a cosmopolitan, imperial center of commerce and culture (Meiggs 1972: 273–90). Athenian ideological justification for empire largely rested on Athens' role in the Persian Wars (cf. Thuc.

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5.89). In 477 BCE, Athens formed an alliance of Greek states, whose ostensible purpose was to continue the fight against the Persians. In the following decades the Persian threat evaporated and this alliance, which modern historians often call the "Delian League," became essentially an Athenian empire. Athenian cultural productions, most famously Aeschylus' *Persians* (produced in 472 BCE), celebrated the city as the savior of Greece from Persian subjection (cf. Hdt. 7.139), and invented the barbarian as the perennial, common enemy, which served to justify the Athenian empire's existence (see Pollitt 1972; E. Hall 1989; M. Miller 1997).

Along with Persian War heroics, Athenians also used myth in legitimating their empire. The Athenian mythological character Ion served as eponymous ancestor of all Ionian Greeks. According to its self-representation, Athens was the metropolis, or "mother city," of Ionia. With this view, Athens posed as the liberator of Ionian Greek states along the coast of Asia Minor, which had previously been subjected to the Persians (cf. Aesch. *Pers.* 584–97). The foundation of the "Delian League" took place in a ceremony pregnant with politico-cultural symbolism on the island of Delos, mythological birthplace of the god Apollo, Ion's father and protector of the Ionians (Arist. *Ath. Pol.* 23.5; Plut. *Arist.* 25.1). Even Thucydides (1.2.5–6), ever eager to debunk commonplace assumptions, confirms that Athens had provided a haven for refugees, some of whom ultimately would colonize Ionia, in the aftermath of the collapse of what modern scholars call the Bronze Age (cf. Hdt. 7.94; 8.44). Yet the tradition of an Ionian migration may simply represent an Athenian legitimizing fiction of inchoate Athenian imperialism around the time of the Persian Wars (Osborne 1996: 32–7).

Euripides' *Ion* (produced in 410 BCE) celebrates the city's imperial destiny and provides evidence for the myth of Athens as "mother city" of the Ionian Greeks. Near the play's end, Euripides has the goddess Athena proclaim its imperial future:

> When the appointed time comes children born of these shall come to dwell in the island cities of the Cyclades and the coastal cities of the mainland, which will give strength to my land. They shall dwell in the plains in two continents on either side of the dividing sea, Asia and Europe. They shall be called Ionians after this boy and win glory. (Eur. *Ion*, lines 1581–8, trans. Kovacs 1999, cf. 74, 1356)

This is cultural imperialism indeed, as in this passage Euripides modifies the earlier mythological tradition, going on to state that the Athenian Creusa, Ion's long-lost mother, and her husband, the foreign-born Xuthus, will produce two children, Dorus and Achaeus, who will establish cities in the Peloponnesus (cf. Bickermann 1952; Momigliano 1987: 9–23; J. Hall 1997, 2001; C. Jones 1999). The play also repeatedly invokes the myth of Athenian autochthony; that is, the notion that Athenians were "born from the earth," a pure and unadulterated people of Attica (see lines 29, 267, 543, 589–90, 737, 1000, 1057–60, 1466).

Certainly Euripides introduces a good deal of irony into his representation of the autochthony myth (Saxonhouse 1986), by stressing that Ion's stepfather, Xuthus, is an alien (lines 63, 290, 293), playing on etymological derivation of the name Ion from the Greek verb for coming and going (lines 661–3, 802, 830–1), and, through a

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series of misrecognitions, referring in turns to Ion (lines 673–5, 721–4) and Creusa (lines 514, 607, 654) as "foreigners." Euripides' well-known iconoclasm can account for these aspects of *Ion*. In the long run, he only strengthened a myth already embedded in Athenian culture (Loraux 2000). The popular stress on Athens as leader of Ionian Greeks seems to have been particularly salient during the Peloponnesian War (Alty 1982).

Plato's *Menexenus* mocks the state funeral eulogies given at Athens for those who fell in battle in service of the polis (Loraux 1986). The most famous example of these eulogies at Athens is of course Pericles' Funeral Oration, as represented by Thucydides (2.35–46). In this speech Pericles touched upon the autochthony theme, stating that "in this land of ours there have always been the same people living from generation to generation up till now" (Thuc. 2.36.1, trans. Warner 1971). In *Menexenus*, Plato carries the notion to absurd length:

> For there cohabit with us none of the type of Pelops, or Cadmus, or Aegyptus or Danaus, and numerous others of the kind, who are naturally barbarians though nominally Greeks; but our people are pure Greeks and not a barbarian blend; and so it happens that our city is imbued with a whole-hearted hatred of aliens. (245d, trans. Bury 2005; cf. 237b–c)

The ironic treatment of the Athenian autochthony myth in Euripides' *Ion* and its exaggeration in Plato's *Menexenus* notwithstanding, the notion that Athenians were "born of the earth" pervades much of Athenian literature. For example, it is represented in Aristophanes' *Wasps* (1071–8), and in Athenian orators: Lysias (*Funeral Oration*, 17), Hyperides (*Funeral Oration*, 7), and Demosthenes (*Funeral Oration*, 4; *On the Embassy*, 261). We also find the theme in Herodotus (7.161). The myth gave ideological support to Athens' restrictive and exclusionary citizenship practices. It hardly needs to be said that the notion of Athenian autochthony provided a mythological/ideological foundation for a gendered political discourse that subordinated citizen women in Athenian society (see Sissa, this volume, chapter 7).

In contrast, Romans prided themselves on their open citizenship policies. From the time of its foundation, Rome – at a crossroads of the Tiber river and in the agriculturally rich plain of Latium, with valuable salt marshes and iron deposits nearby – attracted would-be usurpers. Incessant conflict with Latins, Etruscans, Sabines, Aequi, Volsci, Hernici, Gauls, and Samnites characterized the city's early centuries. However, by roughly 300 BCE, Rome emerged triumphant, leading a military and political alliance nearly coextensive with peninsular Italy (Cornell 1995: 345–68). This system incorporated in varying degrees subjected peoples throughout Italy into an extended Roman state, with a range of political statuses, from allies (*socii*) to fully fledged Roman citizens, *cives optimo iure* – unparalleled among ancient Mediterranean states (Sherwin-White 1973).

As did Athens, Rome too devised mythological justifications for empire. According to Roman foundation myths, divine signs marked out the city's imperial destiny. Romulus himself foretold that Rome would become the imperial world capital (Liv. 1.16.6–8). Livy (1.55.1–6; cf. 5.54.7) relates that when King Tarquinius Superbus was building the temple to Jupiter Capitolinus, the god Terminus refused

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to have his shrine moved, indicating the permanence of Roman power. This was followed by another omen: builders discovered a human head, ordaining the spot as the future seat of a vast empire (cf. Dion. Hal. *Ant. Rom.* 4.61.2; Plut. *Cam.* 31.4; Flor. 1.7.9; [Aur. Vict.] *De vir. ill.* 8.4; Brunt 2004: 164–7 on divinely mandated Roman imperial might).

If Roman foundation legends found parallels with those of Athens as imperial charters, Roman citizenship myths differed markedly from Athenian notions of autochthony. They presented the city as a hybrid, multiethnic political community. In the first place, the legendary founders, Aeneas and Romulus, were wanderers and exiles. The senator Q. Fabius Pictor recorded (in Greek) Rome's earliest history (Frier 1999), apparently revealing a composite of Greek, native Italian, and Trojan influences on its foundation: Herakles, Lanoios, Aeneas, Ascanius, Romulus and Remus (*SEG* 26.1123, fr. III, col. A, lines 5–14). Livy (1.33.1–2; cf. 1.30.1–3, Alba Longa) preserved an ancient tradition that the legendary king Ancus Marcius transferred the entire population of Politorium to Rome, "adopting the plan of former kings, who had enlarged the state by making its enemies citizens." He stressed the inclusive, incorporative nature of the polity in the stories of the rape of the Sabine women (1.13.4–8; cf. Dion. Hal. *Ant. Rom.* 2.46.2–3; Plut. *Rom.* 19.7), a story already known to Fabius Pictor (*FGrH* 805 F-5), and the rise of Attus Clausus in the early Roman senate (2.16.4–6). The myth of the rape of the Sabine women, it must be said, along with the story of the rape of Lucretia (Liv. 1.57.6–58.12; cf. Ov. *Fast.* 2.720–58), authorizes the political subordination of women, much like the myth of Athenian autochthony: Roman women, even at their most heroic moments, ultimately display their virtue in the domestic sphere and must submit to the political authority of men. Tacitus later echoed the idea of Roman political (male) inclusiveness in his representation of the speech of the emperor Claudius, who endorsed admission of Gallic nobility to the Curia (*Ann.* 11.24; cf. *ILS* 212). Juxtaposition of passages from Livy and Sallust highlights this theme in Roman citizenship myths:

> Aeneas, that he might win the goodwill of the Aborigines to confront such a formidable prospect of war, and that all might possess not only the same rights but the same name, called both peoples Latins; and from that time on the Aborigines were no less ready and faithful than the Trojans to King Aeneas. (Liv. 1.2.4–5, trans. Foster 2002)

> The city of Rome, according to my understanding, was at the outset founded and inhabited by Trojans, who were wandering about in exile under the leadership of Aeneas and had no fixed abode; they were joined by the Aborigines, a rustic folk, without laws or government, free and unrestrained. After these two peoples, different in race, unlike in speech and mode of life, were united within the same walls, they were merged into one with incredible facility, so quickly did harmony change a heterogeneous and roving band into a commonwealth. (Sall. *Cat.* 6.1–3, trans. Rolfe 2005)

> Next, so that his large city should not be empty, Romulus turned to a plan for increasing the population which had long been used by founders of cities, who gather about them an obscure and lowly multitude and pretend that the earth has raised up sons to them. In the place which is now enclosed, between the two groves as you go up the Capitoline hill,

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> he opened a sanctuary. A miscellaneous rabble, without distinction of bond or free, but eager for a new start, fled to this place from the surrounding peoples. These constituted the first advance in power towards that greatness at which Romulus aimed. (Liv. 1.8.5–7, trans. Foster 2002, with slight modifications)

While Roman foundation narratives were clearly influenced by Greek *ktiseis* legends, or legends of eponymous founders (Wiseman 1995: 43–62), it is nevertheless significant that mythological traditions – though sometimes acknowledging autochthony themes, as in the case of Livy (1.8.5) – unabashedly announced the city's heterogeneous, lowly peasant origins. As Nicholas Horsfall has observed, Rome was "a society which preserved vigorously and unconcealed its peasant origins in language, in proverbs, in riddles, in superstitions, in folk-medicine, in animal-fables" (Bremmer and Horsfall 1987: 2). Legend even had it that Servius Tullius, penultimate king of Rome, was an outsider, since his mother – though admittedly of noble lineage – had been an enslaved war-captive from Corniculum (Liv. 1.39.6; Thomsen 1980: 57–67).

Myths of Roman heterogeneous origins afforded a politico-cultural flexibility in international relations, by which Romans could include or exclude non-Roman peoples as immediate political circumstances required (Gruen 1992: 6–51; Dench 1995). Athenian autochthony myths, on the other hand, would seem to have been inimical to such politico-cultural/diplomatic flexibility. What is most important for the question of imperial citizenship is the fact that the polarized ideologies of Athenian autochthony and Roman heterogeneity corresponded in general terms to state policies regarding admission to imperial citizenship – exclusive and restrictive in the case of Athens; relatively inclusive and incorporative in the case of Rome.

Citizenship Myths at Work in Athens and Rome

Athenian and Roman imperial citizens would have had to reside in or near the capital in order to attend political assemblies and thereby influence imperial administration. This was the case simply because neither Athens nor Rome developed the kinds of representative political institutions familiar in modern times. If the Athenians were serious about citizen self-government and citizen imperial administration, their restrictive citizenship policies made sense. Apart from Athenian citizen colonies abroad, or cleruchies, most Athenian citizens resided in Attica and therefore did not face insurmountable spatial obstacles to political participation. Even in the case of cleruchies, Athenian citizen-beneficiaries may have continued to reside in Attica and acted as rentiers of their properties abroad (A. Jones 1957 168–74; Brunt 1966; Erxleben 1975; cf. Rhodes, this volume, chapter 4). Moreover, restrictive Athenian citizenship laws kept immigrants from unduly swelling the citizen registers and overwhelming the sites of Athenian law courts and political and legislative assemblies.

Roman citizen colonies arose at a considerable distance from Rome as early as the third century BCE, and in the second century these colonies were established

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in Cisalpine Gaul and even outside of Italy itself. Liberal citizenship policies and enfranchised communities far from the capital indicate that, unlike Athens, Rome did not put a premium on substantive duties and powers of Roman citizens in the administration of the affairs of either the city or the empire. It would have been difficult for a nonelite Roman citizen with permanent residence in, let us say, Herdonia to come to Rome for political and legislative assemblies on any sort of regular basis. Generally speaking, admission to citizen status was much easier in Rome than at Athens, largely because Roman citizenship had more to do with legal status and cultural identity than active imperial citizenship. An upper limit on Roman citizen census figures and spatial proximity of Roman citizens to the imperial capital were not therefore issues of primary importance in Roman citizenship policy. In cases at law involving the question of citizenship, we should therefore expect to find imperial ideologies of relative restrictiveness at Athens and relative liberality at Rome.

I suggest that these conditions are reflected in two texts, Ps.-Demosthenes' *Against Neaira* and Cicero's *Pro Balbo*, which reveal dominant ideologies of imperial citizenship at play in specific instances of pragmatic politics. The case of *Against Neaira* probably occurred sometime between 373 and 339 BCE. In this public lawsuit, the prosecutors Apollodorus and Theomnestus charged that an alien woman, Neaira, was living as lawful wife to Stephanus, an old personal and political enemy. Athenian law stipulated that if convicted Neaira should be sold into slavery, and that Stephanus should be fined 1,000 drachmae (§16). The prosecution maintained that Neaira was a former slave and prostitute (§49), and that Stephanus had pretended that her children were his own (§38). Moreover, Stephanus had given Neaira's two daughters in marriage to Athenian citizens. Stephanus therefore deceived the bridegrooms into believing that Neaira was herself an Athenian citizen woman. Neaira's legal status was of crucial importance, since according to Pericles' citizenship law, she must be an Athenian citizen woman in order for offspring from these marriages to become legitimate citizens. Perhaps most serious of all was the fact that one of the deceived husbands was Theogenes, the king-archon, whose wife was entrusted with important ritual duties on behalf of the state (§§72–3; cf. C. Patterson 1994; E. Cohen 2000).

Apollodorus, the principal prosecutor, was the son of a naturalized former slave, the wealthy banker Pasion (§2). He clearly was conscious that his own claims to citizenship could be questioned, as he asked his audience to overlook that he was prosecutor and that the supporters of the defendant were Athenian citizens (§115). Apollodorus stressed that Athenian citizenship was a precious gift bestowed only on those who had performed signal services for the Athenians.

> For the civic body of Athens, although it has supreme authority over all things in the state, and it is in its power to do whatsoever it pleases, yet regarded the gift of citizenship as so honorable and so sacred a thing that it enacted in its own restraint laws to which it must conform, when it wishes to create a citizen. (§§88–9, trans. A. Murray 2001)

Apollodorus went on to argue that those granted Athenian citizenship were ineligible for the archonship and were prohibited from holding any of the priesthoods. Their

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descendants were eligible for these privileges, but only under the condition that they were born from an Athenian woman in a legally recognized marriage (§92). The prosecutor next expounded upon the heroic services of the Plataeans on Athens' behalf, concluding with the observation that even in their case these strictures regarding the citizen franchise still applied (§§94–106).

In the course of his indictment, Apollodorus touched upon the theme of Athenian autochthony, which is in itself remarkable in light of the fact that Apollodorus was a second-generation Athenian whose father had once been a slave. Indeed, his brother-in-law Theomnestus felt compelled in his deposition to relay Apollodorus' past actions, in which he demonstrated his brother-in-law's patriotism and civic-mindedness, clearly in order to remove any doubts as to Apollodorus' right, as an Athenian citizen, to prosecute the case (§§2–5). In any event, Apollodorus recalled how Stephanus had maliciously and unjustly indicted a certain Xenocleides, who ultimately was stripped of his citizenship. He went on to add:

> And yet you do not count it a monstrous thing that this Stephanus has taken the right of free speech from those who are native-born citizens [*tous men phusei politas*] and are lawful members of our commonwealth, and in defiance of all the laws forces upon you as Athenians those who have no such right? (§28, trans. A. Murray 2001)

Later in his speech, Apollodorus noted that in ancient times, the era of Theseus and kingship at Athens, rulers were all-powerful on account of their being born of the earth (§74, *dia to autochthonas einai*), therefore employing the myth of Athenian autochthony to make his case. This reliance upon mythology once again stressed citizenship as a jealously guarded and exclusive privilege.

L. Cornelius Balbus was born around 100 BCE into an influential family of Spanish Gades, a city tied to Rome by treaty for more than a century (*civitas foederata*). Balbus performed conspicuous services for the Roman cause in the war against Sertorius, and was rewarded with a grant of Roman citizenship by Pompey. His Roman citizenship was ratified by the *lex Gellia Cornelia* of 72 BCE (Cic. *Balb.* 19). He later found favor with Caesar, serving as his subordinate officer in Further Spain (§63). After Balbus had taken up residence at Rome and acquired the Roman citizenship his former fellow citizens, the Gaditani, appointed him as their *patronus*, or guestfriend in Rome (§§41–3). He was clearly at the center of high Roman politics, having helped to broker the political alliance among Pompey, Caesar, and Crassus, which modern historians call the First Triumvirate (Cic. *Att.* 2.3.3).

In late summer or early autumn of 56 BCE, however, Balbus faced a challenge to his status as Roman citizen – as had the Greek poet Archias, whom Cicero defended some six years earlier. In the case of Archias, the case was an indirect political attack on the powerful Roman general and statesman L. Lucullus, Archias' patron. Likewise in the case of Balbus, the prosecution was undoubtedly driven by political enmity against Balbus' friends and supporters, Pompey and Caesar (cf. §§58–9, 65). As for the legal substance of the case, Balbus was prosecuted under the same law as Archias had been charged, the *lex Papia* of 64 BCE, which enabled the eviction of noncitizen residents from Rome.

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In his defense of Balbus, Cicero followed the speeches of the defendant's supporters, Crassus and Pompey. He began with a lengthy introduction on the great achievements, sound character, and moral probity of Pompey, who had granted Balbus the Roman citizenship (§§1–17). Cicero next moved on to the defendant's own impeccable character, and then to a discussion of the ease and flexibility of Roman citizenship practices: ample precedents for citizenship grants to both individuals and communities, the ability of Roman citizens to change their citizenship by moving to other states, and the imperial logic of rewarding Roman citizenship to those allies who had imperiled themselves fighting on behalf of Rome's empire. The only restriction was that no one could be a citizen of Rome and another state at the same time (§28). Throughout this part of his oration, Cicero repeatedly stressed Rome's open citizenship policies:

> For we are aware that citizenship has been conferred upon many members of tributary states in Africa, Sicily, Sardinia, and the other provinces, and we know that enemies who have gone over to our commanders and rendered our state great services have been honored with the citizenship; and, lastly, we are aware that slaves, whose legal rights, fortune, and status are the lowest, are very often, for having deserved well of the state, publicly presented with freedom, that is, with citizenship. (§24, trans. Gardner 2005, with slight modification; cf. §41)

> For since from every state there is a road open to ours, and since a way is open to our citizens to other states, then indeed the more closely each state is bound to us by alliance, friendship, contract, agreement, treaty, the more closely I think it is associated with us by sharing our privileges, rewards, and citizenship. (§29, trans. Gardner 2005)

Cicero went on to emphasize the incorporative nature of Roman citizenship practices with examples from the earliest Republic (§§53, 55), and he reached back even further into mythical times and the foundation of Romulus.

> But what undoubtedly has done most to establish our Empire and to increase the renown of the Roman People, is that Romulus, that first founder of this city, taught us by the treaty which he made with the Sabines, that this state ought to be enlarged by the admission even of enemies as citizens. Through his authority and example our forefathers never ceased to grant and to bestow citizenship. And so, many members of Latin towns, the inhabitants of Tusculum and of Lanuvium, for instance, and from other stocks whole peoples, such as the Sabines, the Volscians and the Hernicians, were admitted to citizenship. (§31, trans. Gardner 2005)

The remainder of the speech consisted in discussion of the nature of the treaty between Gades and Rome, its irrelevance to the question of Balbus' Roman citizenship, the authority of Roman commanders to grant Roman citizenship and the many precedents for the practice, and the prosecution of Balbus as a political attack on Pompey and Caesar. Cicero drew upon the myth of Roman inclusive heterogeneity, throughout discussing Roman citizenship practices as open and incorporative. It is difficult to imagine an Athenian advocate employing a similar line of argument.

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Conclusion

In this chapter I have approached Greek and Roman political thought obliquely through consideration of imperial ideologies, citizenship myths, and legal contestations over citizenship status in classical Athens and republican Rome. From a comparative perspective, in terms of both ideology and actual political practice, classical Athens has emerged as relatively restrictive and exclusionary with regard to the citizen franchise; republican Rome as inclusive and incorporative.

Exceptions are of course ready at hand. Athenians granted citizenship *en bloc* to both Plataeans and Samians for extraordinary services to their state (Osborne 1981–3: 1: 28, 33–7); Romans fought a civil war before granting citizenship to the Italians, and they periodically expelled undesirables from the city and revised their citizen rolls, as in the case of the *lex Papia* of 64 BCE (cf. Balsdon 1979). Moreover, while the legal speeches studied here employed arguments conforming to citizenship myths of unadulterated Athenian autochthony and hybrid Roman political inclusion, it is important to recognize that the speeches were produced in highly rhetorical cultures. We have to believe that in legal trials political and rhetorical needs of the moment could easily have modified or perhaps even subverted citizenship myths.

Against Neaira and *Pro Balbo* nevertheless illustrate persistent themes in Athenian and Roman ideologies, which both reflected and shaped citizenship practices in their respective cities. In Athens, to the best of our knowledge, Pericles' restrictive citizenship law remained in force throughout the classical period, except for a brief time near the end of the fifth century BCE (de Ste Croix 2004: 239–40). In stark contrast the Italian states of Fundi, Formiae, and Arpinum gained full Roman citizenship as early as 188 B.C.E. (Liv. 38.36.7–8), and Caesar conferred citizenship upon all of Balbus' compatriots at Gades a little more than a decade after Cicero's speech (Liv. *Epit.* 110; Cass. Dio 41.24.1; Plin. *NH* 4.119). The extension of Roman citizenship accelerated under Caesar and Augustus (MacMullen 2000), culminating in a virtual blanket grant of Roman citizenship to all free inhabitants of the empire with the *constitutio Antoniniana* of 212 CE.

I opened this chapter with some reflections on current international relations and crises of citizen identities, suggesting that study of empire and citizenship in ancient Greece and Rome may provide useful insights into present-day concerns regarding those issues. The contrast of Athenian exclusivity and Roman inclusiveness could hardly be more salient than in the context of contemporary tensions between the splintering isolationism of renascent, substate nationalisms and xenophobic ethnic militias on the one hand, and on the other hand technological, demographic, financial, and entrepreneurial forces of integrative globalization.

Aspects of Athenian and Roman imperial citizenship discussed in this chapter hardly exhaust the valuable insights into contemporary issues study of classical antiquity might offer. For example, another relevant question, resonating with the predicament of the twenty-first century citizen and only briefly touched upon in this essay, concerns the impact of exclusive or inclusive citizenship policies upon citizens' actual capacities to participate meaningfully in political processes.

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This is an important question, and it draws attention to a crucial difference between the classical city-state and the modern democratic nation-state. As we have seen, since the former had no well-developed political institutions for representative government, the citizen's ability to influence imperial administration in both classical Athens and republican Rome was related directly to his spatial proximity to the imperial metropole. In the empire of the Roman Republic, the extension of Roman citizenship to distant parts of Italy, and *a fortiori* extra-Italian citizenship grants, created what we might call paper citizens, who could not directly impact the administration of the empire. Athenian cleruchies may have created such paper citizens as well, albeit on a much smaller scale. And so, for quite different historical reasons, we must confront the question of the alienation of the citizen's actual political power in both the classical and twenty-first century worlds (cf. Wood 1994, 1996). But that is a story for another time.

FURTHER READING

For modern theories of imperialism, see Koebner and Schmidt 1964; Owen and Sutcliffe 1972; Waltz 1979; more recently Doyle 1986; Chilcote 2000. For wide-ranging studies of imperialism in the ancient world, see collected essays in Garnsey and Whittaker 1978. On ubiquitous warfare in ancient Greece and Rome, in addition to works cited in the text, see van Wees 2000, 2004; Rosenstein 2004; Chaniotis 2005; Lendon 2005; Eckstein 2006. Meiggs 1972 is fundamental for study of Athenian imperialism; cf. Finley 1982b: 41–61; collected essays in Boedeker and Raaflaub 1998. For an interesting comparative study of Athenian imperialism, which employs historical contrafactuals, see I. Morris 2005. See Badian 1958, 1968; Gruen 1984; Morstein-Marx 1995; W. Harris 1979 for Roman imperialism; also collected essays in Champion 2004b. For modern theories of citizenship, see collected essays in Beiner 1995. The reader can consult two speeches in the Demosthenic corpus for methods of establishing Athenian citizenship: *Macartatus* (43) and *Eubulides* (57). Osborne 1981–3 provides a detailed examination of grants of Athenian citizenship and naturalization, but is intended for the specialist, with reading knowledge of classical Greek. C. Patterson 1981 is a book-length study of Pericles' citizenship law, but must be used with caution. Her thesis that before Pericles' citizenship law Athenian citizenship, based on demes, was unrestricted has not gained many adherents; cf. Boegehold 1994; de Ste Croix 2004: 233–53. On Athenian citizenship, see further collected essays in Boegehold and Scafuro 1994, and bibliography assembled at de Ste Croix 2004: 253. Hamel 2003 provides a recent narrative account of the trial involving Neaira. Henry 2007 provides a new biography of Neaira. The definitive study of Roman citizenship remains Sherwin-White 1973. For Athenian citizenship myths, see Loraux 1986, 1993, 2000. For Roman foundation legends, see collected essays in Bremmer and Horsfall 1987; Wiseman 1995, 2004; D. Braund and Gill 2003; Dench 2005. The legend of Aeneas as Trojan exile of course figures prominently in Roman foundation stories, on which see Galinsky 1969; Horsfall in Bremmer and Horsfall 1987: 12–24; Gruen 1992: 6–51; Erskine 2001. For interrelationships between state size and citizen effectiveness, the idea broached at the end of this chapter, see Dahl and Tufte 1973.