

Citizens among Outsiders in Plautus's Roman Cosmopolis. A Moment of Change

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Introduction

In the comedies of Plautus the local citizens are one of the groups who inhabit the city.¹ They may have certain rights and privileges that others do not, but they do not hold a special place in his narratives. Rarely does it matter whether the protagonist is, or is not, a citizen of the city where the story is staged. What matters most is whether he or she is free or slave. This is aptly expressed in the appeal of the slave Messenio, running to help his master, in the *Menaechmi*: “... An unworthy and evil crime, citizens of Epidamnus: my master’s being dragged off in the street in broad daylight, here in a city that is at peace. He came to you as a free man!—*o facinus indignum et malum, Epidamnii cives erum meum hic in pacato oppido luci deripier in via qui liber ad vos venerit.*”² Plautus’s characters seek freedom and generic citizenship rather than citizenship of any particular state. This is unlike what we find in Greek New Comedy, especially the plays of Menander, which the Plautine corpus draws on. Within them, the status of citizen is all important. Not just being a citizen, but being a citizen of a particular city-state, usually Athens. In these Greek plays it is used to identify someone as the insider and to distinguish him or her from those who arrive from elsewhere. This may not be surprising, considering Athenian restrictive exclusionary citizenship, which was enhanced by its myths of autochthony.³ However, even Athens, despite appearing exclusive, was an intensely cosmopolitan community. The majority of its inhabitants were probably foreigners.⁴

1 For a more extensive discussion of mobility in Plautus, see: Isayev (forthcoming), Chapter 6.

2 Plaut. *Men.* 1004–1006, translation by de Melo (201b). See with commentary by Gratwick (1993) 231.

3 For Athenian claims of autochthony: Parker (1987); Rosivach (1987); Purcell (2004) 74–75. Horden and Purcell (2000) 384, also note that the Athenian tightly defined citizenship is one response to a highly mobile environment.

4 For the extent of foreigners in Greek *poleis*: Vlassopoulos (2007) 225; Adak (2003); Bäbler

For Plautus there is less importance in contrasting the citizen with the foreigner, although whether one is an inhabitant or an outsider does matter. Within most of Plautus's extant plays a character coming from abroad is central to the plot, whether s/he is a foreigner or a family member returning home. This creates opportunities for comic scenarios, through their arrivals, absences and lack of local knowledge. It allows for elaborate schemes of deception, identity switching, and theft, as for example in the *Captivi* or *Poenulus*. The comedies subvert the position of being an outsider and insider. The *hospites* (guests), who are least familiar with their surroundings, or the *ignoti* (the unknown or strangers), become the agents of action and take on the role of their hosts. This is particularly evident in the case of the separated twins in the *Menaechmi*, one who lives in Epidamnus, and the other who arrives from Syracuse to search for his brother.⁵ In some plays those who are local-born are hard to find, and in *Poenulus*, none are citizens of Aetolia, where the comedy is set.⁶ Plautus's comedies show a particular interest in the multiple ways that outsiders relate to the city and community where the action takes place. This is best demonstrated by a passage from the *Aulularia*, which we will consider below. Such an interest is driven by the world beyond the plays, in which there was a greater attempt to fix status categories and distinguish between the many foreigners arriving on the shores of Italy, and heading for its great cosmopolis. What we may be witnessing in Plautus is a moment of change in the perception and status of insider and outsider at a time when Roman power was spreading across the Mediterranean.⁷

1 History and the Cosmopolis in Plautus

Before we delve further into the plays a small note about them as a historical source. Plautus's comic work is based on earlier New Comedy of the Hellenistic period (circa 325–250 BC), which provides the backdrop for the main action—set mainly in the Hellenistic maritime cities of the Eastern Mediterranean. Plautus's comedies, however, are not simple translations, nor even close adaptations of the original texts. They are products of his time and reflect

(1998); Osborne (2011) chapters 4–5; Osborne (2012). See also on the metic: Kasimis (forthcoming).

5 Other examples include: the courtesan from Ephesus taken to Athens in *Miles Gloriosus*; the shipwrecked Palaestra, who is the slave girl of Labrax in *Rudens*.

6 For lists of the main characters and their origins: Fantham (2004) 237–238.

7 For a wider context for this discussion see: Isayev (forthcoming).

Romano-Italian concerns and the societal frameworks within which he operated. These often combine a Greek backdrop and Romano-Italian customs. In the play *Persa*, 474–475, for example, there is a reference to increasing the citizen body by freeing a slave. This scenario could happen under Roman law, but not under Athenian law, where freed slaves did not become citizens.⁸ While there is on-going debate about the extent to which Plautus altered the Greek originals, there is now sufficient evidence that the Plautine corpus was highly innovative,⁹ and scholars have demonstrated its importance as a source for Romano-Italic history of the period.¹⁰ It is true that Rome is never the setting for Plautus's comedies, as the whole point is that they are staged abroad. He consistently tells the audience that the plays are on foreign soil, *palliata*—in Greek dress, as in the prologue to the *Menaechmi*: “This story is quite Greek-ish, but to be exact, it’s not Athen-ish, it’s Sicil-ish, in fact.”¹¹ The comment, however, has little to do with geography, and his ‘Greeks’ have few distinguishing characteristics.¹² There is nothing Sicil-ish about the two brothers, who are the protagonists in the *Menaechmi*, nor the Sicilian setting for the play. Plautus’s imaginary settings, could be anywhere¹³ and, arguably, any of the cities where the plays are set could easily be Rome.

At the time that Plautus was writing his comedies, at the end of the 3rd and the early 2nd century BC, Rome was rapidly becoming the main destination-cosmopolis for merchants, politicians, artists, craftsmen, scholars, slaves, entrepreneurs and others seeking opportunities. Their influence bothered the likes of Cato,¹⁴ and we know that periodically some would be expelled, such as the *Chaldaei*, the astrologers, in 139 BC.¹⁵ Such expulsions, however, were rare, and their force unclear. Outsiders and especially those who might be labelled Hellenes were so embedded in Roman society that they became a

8 Richlin (2005) 173.

9 Lefèvre (1991); Benz and Lefèvre (1998); Fraenkel (2007); more controversial views by Zwierlein (1990–1992). For a summary of previous scholarship: Lowe (2007) 113; Drevikovsky and Muecke (2007) xiv–xv.

10 Segal (1987): especially chapter 1. For topicality in Plautus: Harvey (1986); Gruen (1990); Leigh (2004). For an overview of the Plautine tradition: Manuwald (2011) 225–233.

11 Plaut. *Men.* 11–12: *atque adeo hoc argumentum graecissat, tamen non atticissat, verum sicilicissitat.*

12 Segal (1987) 37.

13 Gratwick (1993) 8–15, Gratwick (1982) 112–113.

14 Plut. *Cato Maior* 2.3–4. For the complexity of Cato’s attitude to Greek culture and engagement with it: Champion (2004) 180–185; Cornell (2013), Vol. 1, 193–195, 209–210.

15 Val. Max. 1.3.2.

socio-political tool of the Roman authorities.¹⁶ The Roman elites bought up Greek art, sought out Greek philosophy and learning, transferred libraries to Rome, and were keen to be part of the latest, Mediterranean-wide fashions.¹⁷ Foreign tutors, and diplomats, such as Polybius, resided with Roman families.¹⁸ Greek philosophers who came to Rome attracted large and vocal crowds.¹⁹ The Plautine comedies themselves are an example of the proliferation of Hellenistic culture.

Of all the foreigners in Italy, the Hellenes are the most prominent in the ancient writings, and they are the most visible in our material evidence. But we must imagine outsiders from all parts of the Mediterranean. Even the Carthaginians, Rome's recent defeated enemies, would have had a presence in Italy. They are the main protagonists in Plautus's *Poenulus*, whose treatment of them is no different than that of other characters in his comedies. Carthage had long-term trading links and diplomatic relations with Rome before becoming Rome's enemy during the Punic Wars, which began in the mid-3rd century BC.²⁰ The Romano-Carthaginian treaties are a testament to their close relations, and the presence of both groups in each other's communities.²¹ There is also some evidence that Punic culture left its mark in Italy: Cato and Varro mention Punic porridge,²² and Punic windows, perhaps even the *macellum* has Punic roots.²³ There is a suggestion that Terence, the other Latin comic

16 Champion (2004) 58–61, 173–176, 180–183, 204–208.

17 For the proliferation of Hellenistic culture in Rome see the following for an overview and earlier references: Gruen (1990); Gruen (1992); Hölscher (1990); Coarelli (1997); Wiseman (2004) 13–36; Champion (2004) 67–99, 173–203; Wallace-Hadrill (2008) 17–28.

18 Polybius was a house-guest and tutor for P. Scipio Africanus: 31.23–25. Balsdon (1979): Appendix I, 54–58, lists the Greek and Greek-speaking scholars attached to prominent Romans.

19 Polybius 33.2.

20 Palmer (1997).

21 Polybius 3.22–28. There is rich evidence for the relationship both textual and archaeological: Palmer (1997); Erskine (2013) 113–129. For additional evidence of Carthaginian presence in Italy, see: Fentress (2013).

22 Cato *agr.* 85: *pultem punicam*. For a discussion of references to Carthaginians as porridge eaters—*multiphagonides*, as suggested by the alternative title of the *Poenulus*, noted in its prologue, 54: Copley (1970).

23 For Punic style windows: Varro *rust.* 3.7.3; he also mentions a Punic cart: 1.52. Punic joints are noted by Cato *agr.* 18.9. Cic. *Mur.* 75, makes reference to Punic couches—*lectuli Punicani*. For the possible Punic origins of the *macellum*, and other influences: Palmer (1997) 43–48, 115–119. For a discussion of other 'punic' items see: Erskine (2013) 122.

playwright in Rome, came from Carthage.²⁴ In the audience, watching Plautus's plays, there may have been Carthaginians who would have understood the Punic speech delivered by the character Hanno in the *Poenulus*. Some may have been the hostages who were given to Rome upon its victory against Hannibal.²⁵ We know that there were hundreds of them in Italy. With their families and entourages, just this group of Carthaginians could have numbered in the thousands.

Rome was a cosmopolitan city, no less so than those depicted in Plautus's plays, which present characters from numerous backgrounds operating within a single cultural milieu. Even with their different dress, languages and manners, they have no problems understanding each other. What is problematic for the outsider, and those who are unknown (*ignoti*) is their lack of knowledge of who to trust, especially if they cannot rely on the privileges of being a *hospes* (a guest), with a host to depend on.²⁶ As an Athenian trader in Plautus's *Asinaria* states: "man is no man, but a wolf to a stranger."²⁷ While this may be true for personal dealings, Plautus's characters show that when it came to state institutions outsiders were familiar with the rights of visiting free-born citizens. This is particularly evident in the *Poenulus*. The Carthaginian Hanno, when finally finding his daughters in Calydon, contemplates taking their pimp to court: "I'm thinking about what I should do in this situation. If I want to take revenge on him, I'll be pursuing a case in a foreign town ... (*alieno oppido*)."²⁸ He recognizes the difficulty which outsiders have in bringing cases to trial, but he displays full knowledge of the legal system, which he will make use

24 The playwright Terence (Publius Terentius Afer (Svet. *Vita Ter.* 1)) may have come from Carthage. For critical discussion: Erskine (2013) 119.

25 For the Carthaginian hostages brought to Rome following the victory at Zama in 202 BC: Polybius 15.18.8. By 149 BC the number of hostages increased to 300: Polybius 36.4.6. Walbank (1999) 470–471; Allen (2006) 50–51, 161–163. Livy's description of the capture of a Carthaginian spy (22.33.1–2) in 217 BC, suggests the presence of Carthaginians in Rome: Palmer (1997) 27–28.

26 The networks of guest-friendship were protected by traditions of hospitality, and taboos for the mistreatment of strangers. Comments about not misleading strangers: *Miles Gloriosus*, 480–530 and *Poenulus*, 1003; *Mostellaria*, 473 ff.

27 Plaut. *Asin.* 495: *lupus est homo homini, non homo, quom qualis sit non novit.* (author's translation) In *Amph.* 847, the protagonists returning from campaign, following misidentity and confusion, note: "given the rate people get changed now after we came back from abroad" (... *ita nunc homines immutantur, postquam peregre advenimus*). Translation by de Melo (2011a). *Curc.* 551—a comment that all business depends on trust.

28 Plaut. *Poen.* 1403–1404: Translation by de Melo (2012).

of.²⁹ The converse situation is of outsiders refusing to abide by local laws, as witnessed in *Rudens*: “your laws mean nothing to me”, exclaims the villain of the play—the pimp Labrax—refusing to admit that the girls he acquired as slaves are free-born citizens.³⁰ There were systems in place to accommodate legal proceedings which involved people from abroad. The character Ballio in the *Pseudolus*, another pimp, uses the following phrase, mockingly in response to Simo, whom he has to pay: “I’ll settle the demands of outsiders first and deal with the citizens tomorrow—*peregrinos apsoluam, cras agam cum ciuibus*.”³¹ This phrase, as de Melo points out, is a formula of the *praetor* who dealt with court cases, including those involving foreigners.³²

The legal and civic bodies in the plays are modelled on actual Roman practice, which would have been a familiar point of reference for Plautus and his audience. Such familiarity would have been crucial for the plays to be a commentary on contemporary concerns, which helped create the comic effect. We know that the influx of outsiders to Rome necessitated an adaptation of its institutions. One of these, in the mid-3rd century BC, was the creation of a new magisterial office, the *praetor peregrinus*, to complement the already existing *praetor urbanus*.³³ Part of the remit of this new office was to oversee legal cases involving foreigners and Roman citizens, previously under the aegis of the *praetor urbanus*. It is likely to have been such a *praetor peregrinus* who was in the minds of the Roman audience as they watched the characters of Hanno and Ballio negotiate the ins and outs of the justice system on the comic stage. In the examples from Plautus’s plays there is little indication that, for those who are from abroad seeking justice, it is the local citizenship that provides the privilege. There are clear procedural differences for local citizens, but the main concern is about being a stranger in a strange place, not about the status of their citizenship.

29 The rights of visiting citizens, for example to request help from the host community are also assumed in *Menaechmi*, 1004–1006: Gratwick (1993) 231.

30 Plaut. *Rud.* 725: *mihi cum vestris legibus nil quicquamst commercii*.

31 Plaut. *Pseud.* 1232: Translation by de Melo (2012).

32 de Melo (2012) 375–376, n. 57.

33 The first praetorship in Rome was created in 367 BC to supervise civil litigation. From 241 BC the praetorship was split into the *praetor urbanus* and the *praetor peregrinus*. This was in part to allow for the large number of cases: Brennan (2000) 86, 604; Daube (1951); Forsythe (2005) 211. Further praetors were introduced in 227, with Roman absorption of the territories of Sardinia and Silicia: Roselaar (2012) 398.

2 The Elusive Foreigner

Within Plautus's comedies there is a distinction made between the terminology used to describe those who are new arrivals or passing through the city, and those who are its more long-term inhabitants, including the citizens. Foreigners and migrants were not simply grouped together and identified as such. What mattered more was the status of individuals from abroad, which meant that they were assigned to other categories that were more significant at the time, whether merchant, labourer, tax-collector, *hospes* (guest friend), *hostis* (enemy), mercenary, exile, hostage, slave or citizen. As Plautus is one of our earliest surviving Latin authors, his comedies provide some of the earliest extant examples of how terms for outsiders are used. For those who are coming from abroad the most common term is *peregrinus*, other terms include *hospes*, *alienus* or *ignotus*.³⁴ These labels tend to be reserved for those who are recently arrived or are in the city on a more temporary basis. Of the terms used in Plautus, the most neutral in the 3rd and 2nd centuries BC, appears to be *peregrinus*.³⁵ It means to be from elsewhere or abroad—*peregre*.³⁶ One example of its use is in a scene from the comedy *Poenulus*, in which the slave Milphio and his master Agorastocles plot to trick Lycus, the pimp. They take advantage of Lycus' lack of local knowledge by getting the bailiff Collybiscus to pretend to be someone else, and say "that he is a stranger from another town—*dicatque se peregrinum esse, ex alio oppido*".³⁷ The term *peregrinus* provides no indication of the status or the relationship which the outsider has to the people in the place s/he is currently in, only that s/he is not from there. There is no Latin equivalent to the English term *immigrant*, as it appears in current usage, referring to someone who moves across an international border or boundary, in a permanent way with the purpose of residence.³⁸ Other

34 Cicero in his *de Officiis*, 1.37 notes that *hostis*, meaning enemy by the later Republican period, had the same meaning as *peregrinus*—stranger, in archaic times. Varro also notes a similar change: Varro, *ling.* 5.3. For its appearance in the Twelve Tables, 2.2 and 6.4: *Roman Statutes* Law 40: Tab. 2.2e; Tab. 6.4 (Vol. II, 622–624, 660–661).

35 *Asin.* 464; *Bacch.* 1009; *Cist.* 143, 579; *Men.* 724; *Persa* 135; *Poen.* 175, 599, 656; *Pseud.* 1232; *Truc.* 955.

36 For the later development of the term *peregrinus* and its use in the Imperial period: Lavan (2013) 32–35.

37 Plaut. *Poen.* 176.

38 This meaning of immigrant and the related terms to immigrate, and immigration can be traced to 18th–19th century America: Pickering (1816) 108; *The Oxford English Dictionary*. For discussion see: Shumsky (2008) 132; Thompson (2003) 195, n. 21.

terms used by Plautus, such as *alienus* and *ignotus*, focus more specifically on the individual's position of being unknown, rather than on the fact of them being from elsewhere.³⁹ One did not need to be a foreigner to be a stranger, and both terms could be equally used in reference to a local who was unfamiliar.

The most threatening of such strangers was called a *hostis*—an enemy. The opposite is expressed by *hospes*—guest friend, indicating ties to the members of the host community, and the expectation of hospitality by the incomer.⁴⁰ The juxtaposition of these two is expressed in *Bacchides*: “*tun hospitem illum nominas hostem tuom?*”—Do you call that enemy of yours your friend?⁴¹ At times the term *hostis* can be used to mean foreigner, but in the remaining comedies of Plautus, in the vast majority of cases it is used, unmistakably, to mean enemy. This suggests that in the few ambiguous cases, *hostis* should also be understood as referring to a hostile outsider if not enemy.⁴² For example in the *Trinummus*: “*turpilucricupidum te uocant ciues tui; tum autem sunt alii qui te uolturium uocant: hostisne an ciuis comedis parui pendere*—your fellow citizens call you greedy for dishonest gain; then again there are others who call you a vulture, claiming that you care little whether you eat up enemy outsiders or citizens.”⁴³

3 The Elusive Locals

There were different expressions designating those who lived in the city. Interestingly, in the same way that there is no generic term for ‘migrant’ in Republican Latin, there is also no equivalent to the English term ‘local’. The varied ways in which inhabitants in the city were referred to appear as a list in Plautus's *Aulularia*. A mistaken robbery forces Congrio, the cook to run into the

39 *Alienus* is used in *Captivi*, 145; *Rudens*, 115; *Stichus*, 480 and *Truculentus*, 178, which also uses *ignotus* in the same phrase, implying there is some distinction between them or for emphasis; *pro ignoto alienoque*. The term *ignotus* is also used in: *Curculio*, 280; *Menaechmi*, 335, 373, 495. A similar term meaning someone who is unknown—*non novit*: *Asinaria*, 495–496.

40 *Persa*, 603; *Asinaria*, 417, and see note 25 above.

41 Plaut. *Bacch.* 251–253.

42 The one example where this does not seem to be the case is when the term is used as an adjective to describe a house abroad: Plautus, *Miles Gloriosus* 451: *hosticum hoc mihi domicilium est*—this is my residence abroad.

43 Plaut. *Trin.* 99–101. See also *Rud.* 434–435.

street appealing for help to those around him: "*cives, populares, incolae, accollae, advenae omnes*."⁴⁴ Having the character shout this from the stage (probably facing the forum), was also a clever way of attracting attention to the performance and encouraging bystanders to join the audience.⁴⁵ The list of those asked for help begins with the categories of people who one can most depend on, who are the closest in terms of allegiance and distance. From that point it recedes to those further away. The exact meaning of the terms, however, and the nuances between them are difficult to ascertain, since there are so few extant Latin works from this period, and Plautus is one of the earliest. One possible literal translation, although somewhat cumbersome, which allows for the widest possible meaning of this list in the context of the *Aulularia* passage, is: "citizens, compatriots/countrymen, inhabitants/resident-aliens, neighbours, foreigners/newcomers (of a more temporary kind), everyone ..."⁴⁶ A simpler schematic translation may be: "citizens, countrymen, those from nearby, those from afar, everyone ..."⁴⁷

The first to be called upon by Congrio are the *cives*—citizens—these are followed by the *populares*, a term which is translated interchangeably to mean citizens or countrymen. We may wonder about the relationship between *cives*, and *populares*, and whether the latter does not subsume the former within it. The only other use of *populares* in the remaining comedies is in *Rudens*, as an exclamation and address: "*pro Cyrenenses populares!*—Countrymen of Cyrene!"⁴⁸ Presumably the same sentiment could have been achieved with the term *cives*, as it is used by Sosia in the *Amphitruo* calling on the citizens of Thebes to help: "*pro fidem, Thebani cives!*"⁴⁹ The irony here is that Sosia is a slave, expecting protection that is reserved for fellow citizens. *Populares* is the preferred term used by the comic playwright Terence in his remaining plays, writing a generation later, never *cives*.⁵⁰ In Plautine comedy usually the address is made simply to citizens—*cives*—without specifying their affiliation,

44 Plaut. *Aul.* 406–407.

45 For similar tactics: *Capt.* 160; *Curc.* 462–484; Marshall (2006) 26–28; Wiseman (2009) 169–170.

46 For the meaning of *advenae omnes*—as a reference to those in a city on a more temporary basis, and a discussion of different kinds of 'foreign' status: Licandro (2007) 55. In Varro's work the term is applied in reference to certain birds being partly migratory: Varro, *rust.* 3.5.7: *cum partim advenae sint*.

47 I am grateful to Michael Hanaghan for discussions about possible translations.

48 Plaut. *Rud.* 615.

49 Plaut. *Amph.* 377.

50 Ter. *Ad.* 155; *Eun.* 132.

which at times seems to matter little. In the play *Poenulus* citizens of Calydon are referred to as both Aetolian and Attic inconsistently.⁵¹ What mattered was that one was a freeborn citizen. Whether in one's own city, or not, a citizen had rights and could expect a certain level of legal protection and hospitality whatever community he or she was in. Hence in *Poenulus*, the Carthaginian Hanno, when looking for his daughters in Calydon, while acknowledging that it is more difficult to prosecute as a foreigner, still has access to the legal system of the city hosting him.⁵² In the same play the adoption of Agorastocles, a Carthaginian boy who was bought by a Calydonian citizen from a slave dealer, passes with no comment.⁵³ Throughout the play the assumption is that the boy is now a citizen, presumably of Calydon. It is a situation that would have been difficult, if not impossible, in the Greek world, as noted above. At the end of the play Agorastocles is set to return to his birth-place Carthage with his uncle Hanno, and we can assume he will be a citizen of Carthage.

Such a nonchalant approach to the exact source of citizenship in the plays of Plautus may be contrasted to its importance in the Greek comedies. In Menander's *Karchedonios*, for example, the fragmentary text suggests that it is such problems that are preventing Hamilcar, of Carthaginian ancestry, from registering in an Attic deme and marrying an Athenian girl, despite the fact that he was likely born in Athens.⁵⁴ We see a similar interest in the specifics of citizenship in the comedies of the later Roman playwright Terence who followed the Greek originals much more closely.⁵⁵ Terence's *Andria*, relies heavily on Menander's play of the same name. Pivotal to their plot is whether Glycerium, a woman of Andros, is an Athenian citizen. In Plautus's comedies such details are only important to establish freeborn status, and show much less interest in the specific origin of the character's citizenship. This nonchalance may be at the root of the exclamation by the pimp Labrax, who is accused of buying up free-born citizens as slaves: "I paid out money to their owner for the pair of them. What's

51 Plaut. *Poen.* 373: Attic Citizen—*civis Attica*; *Poen.* 62: Citizens of Aetolia—*Aetoli cives*. For discussions about why this may be the case: Fraenkel (2007) 181, 260; Arnott (1996a) 285, n. 1; Arnott (2004) 71–72.

52 Plaut. *Poen.* 1403–1404.

53 The scenario in Plautus's *Poenulus*, of the Calydonian's adoption of the boy Agorastocles, from a slave trader, would have been impossible in Athens: Gomme and Sandbach (1973) 408–409.

54 Similar questions of the specific place of citizenship arise in Menander's *Kitharistes*: Arnott (1996b) Vol. 2, 86.

55 Segal (1987) 7; Habinek (1998) 56–57.

it to me whether they were born in Athens or in Thebes, so long as they are rightly slaving it as slaves of mine?".⁵⁶

In the *Aulularia* the use of *cives* to begin the inventory of those appealed to for help, is exceptional.⁵⁷ It is the only instance in the comedies where the term appears explicitly in relation to other status categories of the city's inhabitants. The only other passage which may be comparable, is the one already mentioned above, from *Pseudolus*, in relation to court cases for *peregrini* and those for *cives* being held on different days.⁵⁸ It is worth noting that in the passage from the *Aulularia* the *peregrini* are not in the list, perhaps because the term refers to those recently arrived, rather than inhabitants, or because it is too generic. Aside from these two instances, the *cives* in the comedies are primarily juxtaposed with *hostes*—enemies, as for example in *Persa*: "*hostibus uictis, ciuibus saluis*—now that the enemies are conquered, the citizens safe ...".⁵⁹ For the characters in Plautus's plays the protection of one's countrymen from enemies is the main duty of the citizen.

The cook's cry for help, in the *Aulularia*,⁶⁰ is not only directed at his fellow citizens, but all those who may be on the street. The list of those who are addressed, gives a sense of the distinctions among the freeborn foreigners who were part of the city. In this inventory the term *incolae* is of particular importance because Plautus provides the earliest example of its use in Latin literature. It appears to distinguish a specific status, perhaps that equivalent to a *metic* in the Greek context. From later Latin texts we know that its use becomes more defined. In the *lex Coloniae Genetivae* of the 1st century BC and *lex Irnitana* of the 1st century AD, the term is employed to designate resident aliens, or more precisely those who have transferred their *domicilium* to a place different to that of their origin.⁶¹ In the *Lex Coloniae Genetivae*, in chapter 126, which outlines the procedure for staging public shows, it is written that in

56 Plaut. *Rud.* 746: *Argentum ego pro istisce ambabus cuiae erant domino dedi; quid mea refert, haec Athenis natae an Thebis sient, dum mihi recte servitutum serviant?*

57 Plaut. *Aul.* 406–407.

58 Plaut. *Pseud.* 1232.

59 Plaut. *Persa* 753. See also: *Trin.* 100; *Rud.* 434–435; *Pseud.* 586–587.

60 Plaut. *Aul.* 406–407.

61 The term appears in the *Lex Coloniae Genetivae*, chapters 95.6 and 126: *Roman Statutes* Law 25, chapters 95, 126 (Vol. 1, 404, 414). And in the *Lex Irnitana*, chapters 69, 71, 83, 84, 94: González and Crawford (1986). For the development of the term *incolae* from the late 3rd/early 2nd century BC, and its relationship to *domicilium*: Thomas (1996) 25–53; Morley (1997) 50–51; Licandro (2007) 45, 51–57; Hermon (2007). For a summary of the meanings of *incolae* with earlier references see: Sugliano (2005) 449–450; Gagliardi (2006).

assigning seats the magistrates are required to include those for colonists, *incolae*, guests and visitors—*colonos Genetiuos incolasque hospites*.⁶² In their new place of domicile *incolae* would have both rights and obligations.

Unlike the use of the term *incolae* and its derivatives in these later texts, its use in the comedies of Plautus is not exclusively reserved for contexts involving foreigners. This suggests that its meaning was still fluid in the early 2nd century BC. In *Persa*, *incolae* is used as a reference simply to inhabitants or residents, without any specification of status: “If the inhabitants (*incolae*) are of sound character, I consider the town well fortified—*Se incolae bene sunt morati, pulchre munitum arbitror*.”⁶³ Similarly, a general meaning is implied by the use of the verb *incolere*—to reside—in *Rudens*: “Neptune ... who resides in salty fishy places—*Neptuno ... qui salsis locis incolit pisculentis*.”⁶⁴ Not only does the term have diverse meanings but, as Thomas has also noted, even in epigraphic texts it appears without any consistent statutory designation.⁶⁵ At the time that Plautus was writing, it is plausible that the term was gaining a more specific definition. This would allow for another layer of meaning in the cook’s appeal to those around him in the *Aulularia*. The whole list may be a topical play on the emerging status categories in Rome, their proliferation could be easily turned for comic effect.

At a time when Roman influence was expanding across the Mediterranean, it would not be surprising that such a distinction became more of a necessity. Rome, and Italy more generally, would have witnessed higher rates of individuals moving through, and choosing to stay for longer periods of time. This required the institutional system, and its language, to adapt to fit the new position of the metropolis and its community. A community whose Roman citizenship was becoming more prominent and sought after. Attempts to gain Roman citizenship and Italian requests for enfranchisement are some of the pivotal political issues of the 2nd and 1st centuries BC. We hear of Latins and others moving to Rome and creeping onto the citizenship registers, leading to expulsions in the 180s and 170s BC.⁶⁶ At the time of the Gracchi, in the 130s

62 *Lex Coloniae Genetivae* ch. 126 = *Roman Statutes* Law 25 (Vol. I, 414, 429–430).

63 Plaut. *Persa* 554–555.

64 Plaut. *Rud.* 906–907.

65 Thomas (1996) 28–34. One of the earliest inscriptions to include the term from the 2nd century BC comes from Aesernia *CIL* 1², 3201: *Samnites inuolae V(eneri) d(ono) d(ederunt) mag(istri) C. Pomponius V.F. / C. Percennius L. F. / L. Satrius L. F. / C. Marius No. F.* Discussed in detail by: La Regina 1970–1971: 452–453. For the context in Aesernia, see: Gagliardi (2006) 157–158; Roselaar (2011) 541.

66 Liv. 39.3.4–6; Broadhead 2004.

BC, issues of citizenship and the needs of the Italian allies were high on the Roman political agenda.⁶⁷ The question of citizenship came to a head during the Social War, which began in 91 BC. It was fought between Rome and her supporters on the one side and the Italian allies—referred to as the *socii*—on the other. It culminated in the enfranchisement of all communities in Italy South of the Po in 89 BC.⁶⁸ The comedies of Plautus, performed a century before this extension of citizenship, reflect a growing interest in defining specific status categories of the inhabitants in the city, with that of citizen being one among them.

4 Right to the City

It needs to be stressed that the presence of outsiders in Rome was not in itself a problem. We have no evidence in the Republican period of any general measures that were implemented to prevent foreigners from coming to Rome. This is quite different from the situation, several centuries later, when by the time of Justinian, migrants were being vetted in Constantinople.⁶⁹ What references exist for expulsions of outsiders, are presented as isolated events and perceived negatively by commentators and contemporaries. Cicero's scorn is palpable in his remarks on the laws that expelled *peregrini*—foreigners—from Rome:

They do wrong, those who would debar foreigners from our cities and would drive them out, as was done by Pennus in the time of our fathers, and recently by Papius. Of course it is right not to permit the rights of citizenship to one who is not a citizen, on which point a law was secured by two of our wisest consuls, Crassus and Scaevola. Still, to debar foreigners from using the city is clearly inhuman.⁷⁰

67 Plut. *C. Grach.* 8; Appian, *BC* 1.23; Sherwin-White (1973) 136–144; and see discussion below.

68 Dart (2014); Isayev (2011); Isayev (forthcoming); Mouritsen (1998).

69 Feissel (1995) 366, notes special officers controlling incomers.

70 Cic. *off.* 347: *Male etiam, qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive, qui civis non sit, rectum est non licere, quam legem tulerunt sapientissimi consules Crassus et Scaevola. Usu vero urbis prohibere peregrinos, sane inhumanum est.* For a discussion of the Ciceronian passage and the events in relation to expulsion of foreigners: Broadhead (2008) 466–467; Noy (2000) 37–44; Lintott (1994) 76; Purcell (1994) 652–653; Wiseman (1994) 344–345.

Both of the legislations referred to by Cicero were political not xenophobic acts, which is reflected in the lack of a specifically-targeted ethnic group. Some scholars doubt that mass expulsions were ever carried out, and it is virtually unheard of that an ethnic group of foreign civilians would be targeted in this way by the host community.⁷¹ The actions of Pennus in 126 BC, and the *lex Papia* of 65 BC are perceived by most scholars as temporary events. They were brought in by politicians who tried to block their opponents' enfranchisement laws that would have created new citizen communities among the Italians, and hence more voters for their rivals.⁷² The extensions of citizenship were part of a strategy to increase the political power base, and hence it is not surprising that these efforts were blocked by Pennus and Papius, their competitors.

Pennus put forward his unpopular legislation at the time of the Gracchi, just as Flaccus was about to propose extending citizenship to Italic communities. Two generations later, Caesar's efforts to enfranchise Cisalpine Gaul, were met with the introduction of the *lex Papia* by his opponents. By removing the 'foreigners' these legislators were ensuring that they did not interfere in voting for the bills. Implicit in this episode is the fact that the Gracchi and Caesar were quite happy for these foreigners to stay in Rome and to also be part of its civic community. In his remarks, Cicero is keen to distinguish between the physical presence of foreigners and their inclusion as part of the citizen body.⁷³ He could see the merits of protecting the privileged status of the Roman citizen,⁷⁴ but not of disallowing people to make use of the city. After all, Rome's early image of itself, according to one mythical strand was that of an asylum, set up by Romulus who invited others to join him at the site, including vagrants and refugees.⁷⁵ The other legendary strand, made infamous by Vergil in his *Aeneid*, also envisions refugees as ancestors of the original city inhabitants, this time from Troy. Romans recognised that their *patria* was an artificial creation—a human project—as Bonjour aptly calls it.⁷⁶ It could be argued that Rome was a cosmopolis right from its beginnings as a city.

At the time of Plautus the city of Rome was rapidly becoming more cosmopolitan. Those who moved around the Mediterranean, like Plautine char-

71 Balsdon (1979) 98–111, includes a list of expulsions.

72 See especially: Gruen (1974); Wiseman (1994) 344–345. On enfranchisement laws see also Carlà-Uhink in this volume.

73 Cic. *off.* 347.

74 *Lex Licinia Mucia* of 95 BC, noted by Asconius, Corn. 67–68C, was designed to prevent the illegal acquisition of Roman citizenship. For a discussion: Tweedie (2012).

75 For Roman founding myths: Dench (2005).

76 Bonjour (1975) 11–12; Battistoni (2010).

acters, travelled through a seemingly borderless world. In Italy, for much of the Republican period, there was no systematic control of arrivals or departures of civilian foreigners, in the way that Bresson suggests there may have been at Alexandria and other Greek ports.⁷⁷ There is little in the comedies to suggest that there were state imposed restrictions on who had access to the poleis, in the way of border controls. There are instances when port authorities and customs houses are mentioned,⁷⁸ but they are primarily for controlling the circulation of goods and resources, not individuals, except in the case of slaves.⁷⁹ We do hear of passes, such as the *syngraphus*, that soldiers needed to be released from military duty, but not more than that.⁸⁰ The character Hegio mentions such a pass in Plautus's *Captivi*, in an exchange between Philocrates and Tyndarus:⁸¹

HEG. *Sequere me, viaticum ut dem a tarpezita tibi, eadem opera a praetore sumam syngraphum.*

TYND. *Quem syngraphum?*

HEG. *Quem hic ferat secum ad legionem.*

HEG. (to Philocrates): Follow me so I can give you some travel funds from the banker's: I'll get a passport (*syngraphus*) from the praetor at the same time.

TYND. What passport?

HEG. One to take to the army with him so that he gets permission to go home.

In Rome we know of no document that would have been required to gain entry into the city. Nevertheless, as Moatti argues, by the imperial period there were other ways for officials to control the circulation of foreigners.⁸² As we saw in

77 Bresson (2007).

78 Plaut. *Asin.* 240–243; *Men.* 117–119; *Trin.* 795, 1105–1107.

79 For possibilities of control at Greek ports: Bresson (2007); and discussion of scarcity of evidence for controls at Greek cities: Lefèvre (2004).

80 The term *syngraphus*, adapted from the Greek, had a wider meaning of contract at the time of Plautus, which is how it is used in *Asinaria*, 746, with a reference to a contract between a soldier and his mistress. For the Latin use of *syngraphus*: Skiles (1941) 527. Radin (1910) 366, suggests that it was primarily a Greek term that may have needed some explanation to a Latin audience, as implied by the passage in Plaut. *Capt.* 449–452.

81 Plaut. *Capt.* 449–452.

82 Moatti (2007).

the Cicero passage above, it seems that what control there was would have been retrospective, through expulsions of unwanted elements. Yet, we have little sense of how that would have been implemented on any large scale, precisely because of a lack of documents. In the comedies, mobility through the poleis of the Mediterranean was not the prerogative of any particular group of people or sector of society. Those on the move include characters of all backgrounds and ages, whether wealthy or poor, male or female, free or enslaved. On arrival in a foreign city it was not the fact that one was from abroad that was an issue, rather the barriers that were difficult to cross all had to do with status, which determined one's position within the network of obligation and the extent of personal agency to move or to stay put. Some had no choice. Slaves had to obey their masters and moved with them; courtesans sold for service to mercenaries followed them on campaign; stolen children and prisoners of war were traded as slaves or sent to other destinations based on the requirements of those who captured them.

5 Conclusion

Plautus's cosmopolitan world, inside and outside of the comedies, was filled with characters from around the Mediterranean for whom the poleis acted as intersections on their journeys. At these hubs, not least Rome, local citizens mixed with other residents, newcomers and slaves. From the Plautine corpus we can get a sense of how these diverse groups of people related to each other. The principal difference in status is between the free citizen and the slave, which the dramatic framework subverts. It grants agency to such characters as the *servus callidus*—the trickster slave—who, despite his lowly status, is often the true driver of action.⁸³ For those who are free-born there is no straight-forward opposition in the comedies between the local-citizen and the foreigner. Rather the citizen is positioned at one end of a spectrum, at the opposite end of which is the *hostis*—the enemy outsider. Along this spectrum there are varying degrees of status, which are all based around the relationships that individuals have with the members of the community where the action takes place. It is most explicitly expressed in the cooks cry for help in the *Aulularia*.⁸⁴ This comic passage also reveals an interest in making more nuanced

83 Slaves in the Plautine corpus: Wright (1974), Wright (1975), Leigh (2004), 24–26; Parker (1989), McCarthy (2000), Richlin (2005) 30, 111. For the role of the trickster slave in *Poenulus*: Maurice (2004), Leigh (2004), chapter 2, 24–56.

84 Plaut. *Aul.* 3.406–407.

distinctions between the status of those in the city. In the Plautine comedies, there is still flexibility in the way that terms are used; *incolae*, for example could simply refer to inhabitants or more specifically to resident-aliens. At the time that Plautus was writing, Roman institutions were adapting to the necessities of an Imperial centre that saw an influx of newcomers. Better defined status categories would have been part of that process. It is this moment of change which the comedies capture.

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