EFFECTS OF *IUS LATII*
ON THE ROMAN BETIC*

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First of all, I would like to express my appreciation for several reasons:
For having appointed me an Honorary Member of the Balkan Association for Roman Law and the Romanistic tradition, "Societas pro Iure Romano" (S.I.R). I am also grateful to the Dean of the Faculty of Jurisprudence of Nish, Prof. Dr. Sasa Kherezevje, for the kind invitation to participate in the second International Conference of the Balcanica Association. My appreciation and affection extends to my dear colleagues, Prof. Dr. Malina Novkhirishka of the University of Sofia, President of the Illustrious Balkan Association, to Prof. Dr. Marija Ignjatovje of the University of Nish, Padrone di Casa del Convegno, with whom I have already shared several teaching and research activities with excellent results. I must add the pride and satisfaction of sharing our scientific concerns with the distinguished professors and colleagues from Serbia, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Montenegro, Romania, Slovenia and Turkey.

In relation to the studies of our research group, I would like to express my appreciation and gratitude to the principal promoter and director of the studies concerning the administrative, environmental and fiscal experience in Spain, Antonio Fernández de Buján, Professor of Roman Law of the Autonomous University of Madrid, Academic Number of the Royal Academy of Jurisprudence and


http://iusromanum.eu
Legislation, and Principal Investigator for more than two decades of several Shared Research Projects in which I have also participated — already executed and published on this matter — and director of several specific books on the Historical Administrative Right. He is also Director of the prestigious Dykinson Collection "Monographs of Roman Law", "Administrative Law and Roman Fiscal Section" and "Public and Private Roman Law Section", with over fifty monographs already published.


We do not intend to gather all the elements that come together in terms of their impact in all political, social and legislative areas of the hispanic municipalization, but we will try to highlight in these brief pages those that, in my opinion, have marked more imperial policies on the municipalization of Hispania, and the different social advances that led to the expansion of the Hispanic territorial organization through the consolidation and expansion of the Roman municipalities, with special reference to the Roman Betica.

The policy of municipalization undertaken by Caesar and Augustus was an undoubted advance in the possible rights of the inhabitants and inhabitants. An attempt and an outline of uniformity framed in nuclei or centers more Romanized. The privileges of Latinization and citizenship, with dyes of individuality or collective, were still very conditioned, and the occasional and territorial dispersion constantly surfaced in the Roman administrative scheme. Nevertheless, it is usually alluded to the Roman Betica as one of the most Romanized provincial examples and able to overcome the different Roman conditions prone to obtaining privileges and donations granted by the Roman administration. These privileges could be punctual, individual or collective. In this sense, the tendency to catalog circumscripcional proclive to an extensive municipalization carried out by Augusto in the Betic context should not have been too much added efforts, although the main impulse of assimilation, grouping and unification was carried out by Emperor Vespasian through Concession of the so often mentioned *Ius Latii (Ius Latii uniuersae Hispaniae)*. Probably both Caesar and Augustus would have reached a similar determination for the whole Hispanic milieu if the pacification of the last conquered had taken place had not occurred and they were not in a situation so complex that it forced them to intensify their warlike efforts with this purpose. Although we can say that there is no parallel or precedent in Roman


politics that addresses a unifying dimension as extensive in Hispania as the Latinization donated and promulgated by the Flavians.

The analysis of this right has been subject to preferential treatment by specialists from different scientific fields in recent times. In fact, it is an issue that has been touched upon by the doctrine with such a strong emphasis that there are probably few scientific foci of uncertainty. Although we will try to give a

brushstroke to the referred repertoire. Especially with the intention of assessing the social progress that entails a legal equalization of these characteristics after a prolonged previous year in which the equalizations could be numerous but not extensive. Probably punctual and apparently dispersed throughout the territorial context of Hispania (more than two centuries and a half). We incorporate, perhaps, an apparently less analyzed perspective as a whole.

Throughout the historical process analyzed, we have seen that the Hispanic territorial mosaic was characterized by multiple and varied concessions of the Roman administration, privileges (*ius Latii*, citizenship) obtained by certain individuals individually or to certain colonial or municipal constituencies collectively.

The deployment of concessions undoubtedly facilitated the integration of the traditional Roman system into the local model. The sum of Roman imitations in the colonial administration and of integrating municipal regulations were creating the bases for an expansionary process in which, in my opinion, the need for municipal legal unification also prevailed. In fact, when the Latin equation was reached in the whole of Hispania with the Vespasian concession, the colonial and municipal praxis was gradually covered with Roman factor and formalities that had been integrated into the local system. And I add integrating to mean that it would probably not be a simple substitution of the local organization chart, as other authors\(^5\) estimate, but rather a statutory integration conditioned to the municipality in question, which certainly already had analogous Roman administrative lines in advance in the usual performance of its management. Especially in areas as Romanized as in the case of Betica. For this reason, in my opinion, when one speaks of scholars of a time of interim between Vespasian's concession, AD 70/73/74, and the publication of the corresponding municipal law— it seems logical to think that the effectiveness of the Vespasian concession is preferred from the outset. That is to say, it does not seem possible to think of a temporary interim to avail itself of this granted right. The definitive conditioning of the municipal law to the demarcation would concretize, fix, adapt, condition, expose, give more publicity and accessibility to the inhabitants of the integrated bases and adjusted to the local system in a timely manner, which would not pre-

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\(^5\) KREMER, V. *Ius latinum*. cit., 3.
vent thinking, also, that it could simply represent the ratification of a previously granted Latin American right.

The true effective expansion of the promulgation of this Latin right in all the enclaves of the Spanish geography has been questioned insistently by the doctrine. As is well known, arguments contrary to the general extension of Latin law in Spain have not been lacking. Especially when considering the degree of romanization and application of Latinity in the spaces and territorial communities less prone to assume the Roman structural integration. In this sense, a point of particular importance must be attributed to Andreu Pintado. In a recent publication, with a solid historical, juridical and epigraphic scientific perspective, A. dismantles, among others, the contrary arguments written by Kremer, about the authentic and extensive application of Latin law within the framework of Hispania. The possible repercussion of the *ius Latii flavio* in Spain, according to Kremer, “as a legal privilege, not only did not have a geographical reach in the Hispanic provinces, but also made Latin oppida some communities by giving them the typical Municipal magistrates waiting for them to become municipalities with the reception of the legal tables of Domitian between 91 and 96 AD, and not before, also exemplifying this statute from the case of Irni”. These statements of Kremer, disciple of Humbert, have once again encouraged the controversial doctrine on the matter. Andreu Pintado, on the contrary, following the arguments put forward by García Fernández, González, or Alföldy, rightly maintains, in my opinion, the general scope of the extension of the *Latium universae Hispaniae*, even though the evidence of the consequences are different in the Bética of what they are in the northwest of the Citerior, and we have done it, also, from the realization that, as García Fernández correctly wrote, the Latin municipality constitutes The best possibility used by Rome throughout its history for the indigenous communities to make “use of their own *iura and instituta* ... maintaining indigenous magistracies almost always translated into Latin.”

6 ANDREU PINTADO, J., En torno al *ius Latii*, cit., 37.
9 ANDREU PINTADO, J., En torno al *ius Latii*, cit., 37.
To a greater extent, we could remember with Andreu Pintado, among others, that it is not necessary to wait and condition the effectiveness of the extension to the material reception of the different municipal flavian laws. The existence of indications could support "the chronological immediacy with respect to the extension of ius Latii", and – in consonance with other authors – reminds us that "the public generalization in the time of Domitian was no longer due to propagandistic reasons than properly constitutional".

Among the most salient features of the Flavian municipal legislation, one could refer to the exceptional and continuous integration of Roman constitutional structures, always respecting local precedents, accommodation and compulse of local magistracies, punctual equivalences, exquisite subtlety in the distribution of Local and provincial powers, considerable jurisdictional autonomy and criminality. The forecasts of adaptation and consideration of previous institutions and their functional extension. The exemption of municipal charges for different reasons, acknowledgments and assessments (disability, higher position held, age, etc.).

In short, a high number of social connotations of the first order comes from the municipal administration and regulation flavia, in logical correspondence with the municipal legislation of Augustus. However, the most important social leap was undoubtedly led by Vespasiano with his grant of Latin right to the entire Hispanic community. Possibly this imperial recognition undoubtedly produced one of the most desirable equations for social consciousness existing in the three Hispanic provinces, especially the Bética. More than two hundred and seventy years had passed since the various Roman incursions into the conglomerate of Hispania, and until the emperor's concession the legal advance of Latin America was only within the reach of some specific constituencies, or of some persons by different meritorious channels.  

Even today, the doctrinal appreciation of the extent of this type of recognition before and after the flavia constitutional projection is too surjective. That is to say, if it has a primordial personal character exclusively, or it can be attributed to the territorial collective entities.

In this sense – personal law or collective right – many pages have been written trying to decipher their true meaning\(^{12}\). A complete analysis of the doctrinal repertoire in this respect would be excessive for the purposes of this paper, although we will show a certain tendency and proclivity in the following terms: The diversity of Roman solutions in the Hispanic provinces of the empire seems indisputable. With the sum of hitherto obtained indications from sources and specialized doctrine, we should not move away from this collective probability. Sometimes it could be a kind of investment in future or immediate loyalty of the privileged circumscription\(^{13}\). We can, in my opinion, point out that from the initiatives taken by the Roman administration in this sense of privileged Latinity in the collective context, it is easier to extract and observe a social recognition with an extensive tendency and an unbeatable option to reach the maximum position Future Roman citizen, after the performance of certain predetermined functions – annual municipal magistrates. One of the essential aims intended by these donations so valued by the Roman administration.

In a synthesizing effort, the legal and social procedure that drives Vespasian’s concession could be thus remembered: Hispania acquires a truly plausible dimension in both planes. A way of facilitating the integration of the different pilgrim communities (apparently some scholars, more than two-thirds in Betica). An administrative relevance of greater depth for the set of cities that acceded to the municipality by this route. The opportunity for all municipalities to reach citizenship by performing an annual magistracy. The possibility of involving local classes and elites in the supply of goods as social improvements – regardless of the instinct for attracting future votes in municipal elections. Eliminate the need to acquire administrative privileges in a personal capacity only *per honorem*, or for similar causes in a collective sense. It made possible the reformist and reorganizing activity of all the territories included in the three provinces.

It is known that these activities did not affect all parts of the Spanish-Roman empire to the same extent, although we must not detract from the social and legal sense of equivalence advocated by the Flavia concession, undoubted-

\(^{12}\) Cfr. KREMER, V. *Ius latinum*, cit., 5; GONZÁLEZ, Ius Latinii, y lex Iritiana, cit., 317–333; Ius Latinii y Lex Flavia, cit., 121–135; ALFÖLDY, Spain, cit., 444–461; GALSTERER, Untersuchungen, cit., 50; Municipium Flaviaum, cit., 78–90; La trasformazione, cit.,127–149; Diritto latino, cit., 211–221.

\(^{13}\) LUZZATTO, V. In tema di organizzazione, cit., 291.
ly enhancing consideration of the Hispanic environment and Imperial bet by the fertile activity and riches of the provinces of Hispania. It was one of the most important axes to guarantee authentic adherence and loyalty to the prevailing regime. An intention to expand Roman citizenship in a numerical sense, starting with a rather selective route that could facilitate access to the various central Roman bodies – a possible investment in loyalty and future support. It improved administratively and juridically (legal legacy) the effectiveness of the convents as social instruments perfectly correlated with the main conventual enclaves of each province and among those of the same provincial district.

The flavian politics installed in the different municipalities the cult to the emperor, obtaining in large measure agglutinate a massive belief and a bond and a special union between the different inhabitants of the conventual context of the province. It should be remembered that on this occasion, the *Conventus Cordubensis* organized an annual meeting with the representatives of the *Astigitanus, Gaditanus and Hispalensis*. A decisive aspect that was intended to sensitize the union of the inhabitants of the provincial surroundings, as well as to highlight the figure of the living emperors – still alive. (Novelty that contrasts with tradition). The creation of the figure of the *Flamen Augustalis*, priest of the imperial cult. The most recent doctrine also seems to reinforce the thesis that places Bética as the inaugural seat in Hispania of this new priestly order. And the social increase of civic pride, so required and desired by the inhabitants. Of the numerous activities, reforms and flavian constructions, it would be possible to bring up the great temples, especially those of the *conventus cordubensis* and the archaeological repertoire that attests it. Direct and indirect induction to evergetism and munificence activities contributed greatly to local and provincial planning, with admirable results. Perhaps the fiscal policy was not well seen by the citizens, although, apparently, supposed a tax increase that facilitated the economic progress flavio in the different municipalities. The improvement of the road network, with a special perspective, in order to promote the obtaining of riches and commerce derived from the numerous mining-metallurgical sites, so dispersed throughout the decoration of the *conventus cordubensis*, seems that it was object of great interest for the transcendental Economic activity of the policy flavia and its insistence on the special communication with the rest of the main convents of each province, to guarantee the enriching commercial activity.
He provided the subsequent emperors with solid foundations for consolidating the juridical and social process and the substantial economic progress of some dynasties, until the definitive recognition of universal citizenship to all subjects of the empire with Antonino Caracalla (212). Finally, we highlight the wealth of information of the flavian legislation that we have been able to rescue after successive discoveries – recently – in the Betica \(^{14}\). Finally, it will be remembered that this great municipal legislative contribution and its extraordinary readjustment preserves in all the municipalities a unique jurisdictional autonomy, With special attention to one of the municipal laws that more interest awakens in the last decades: *Lex Irnitana* – Lex Flavia municipal. We can conclude this section by recalling with Mentxaca \(^{15}\) the perspective of some scholars when they use the significant phrase: “With the Flavians, Hispania was romanized”. The different territorial enclaves promoted with the *ius latti vespasianeo* are municipalized, and the chronological effectiveness is immediate to the publication of the imperial concession \(^{16}\).

The solutions provided by most of the researchers do not hesitate to emphasize the immediate effectiveness of Vespasiano’s *edictum* on the granting of ius Latii to the three Hispanic provinces (*edictum, circa 70 AD*) \(^{17}\), although only a few researchers highlight the possibility of a legislative elaboration – as a reference frame for the basic municipal organization – elaborated simultaneously by the same Vespasiano \(^{18}\), or a commission of redactors \(^{19}\), taking like reference and precedent the probable structure of the municipal legislation of Augustus, and also has been spoken in some Investigations of a possible commission of censors or of inspection commissions \(^{20}\) that ran (between 71–74) the different Hispanic enclaves promoted contributing to its readaptation, municipalization, registration and verification of the application of the Latin right granted. The legal framework text was given to each community and therefore the local archives

\(^{14}\) Cfr. ANDREU PINTADO, J. En torno al ius Latii, cit., 5.

\(^{15}\) Cfr. MENTXAKA, R. El senado municipal, cit., 37.

\(^{16}\) Cfr. CIL II, 1610; Plin. N.H. 5.20, etc.

\(^{17}\) PINTADO, A. J. Edictum, municipium y lex, cit., 155; En torno al ius Latii, cit., 37.

\(^{18}\) Cfr. GONZÁLEZ, Ius Latii y lex Flavia, cit., 121–135.

\(^{19}\) Cfr. LEBECK, Textkritisches, cit., 273–304.

\(^{20}\) Cfr. LEBECK, Textkritisches, cit., 273–304; Domitians Lex Latii, cit., 253–292; La Lex Latii de Domiziano, cit., 159–187; GALSTERER, Untersuchungen, cit., 50; STYLOW, Apuntes sobre epigrafía, cit., 290.
would have all the essential information of this legislative framework, with the ample possibility to readapt its administrative structures to Roman image, while maintaining the spirit of autonomy sought by the social policy of Vespasiano.

In view of such observations, it could be assumed that with certain investigators Domitian continued the task undertaken by Vespasian and gave more publicity to the origin of the policy of social autonomy and extensive municipalization undertaken by his father, Written and directed to certain flavian communities – especially in the Bética. With inexcusable legislative indications in all matters concerning its publicity, and in order to properly inform the inhabitants, and, perhaps, to avoid the sum of consultations and municipal questions to the governor or to the supposed commissions of inspection that were coming up the municipal administrations and Provincial in the performance and adaptation to the new administrative routes contained in the framework text or legislative context of Vespasiano. The legal equation of the different flavian municipalities is clear from the municipal laws that we have been able to analyze.

Even jurisdictional autonomy appears to be well protected, although, with regard to the excessive freedom of potential adversarii when it comes to agreeing the appropriate court – in the margin of what is advocated by law – may, in my opinion, exceed the formal limits And essentials of the Roman iurisdictio.

In short, we have made a synthesis effort with the pretension of concentrating the effects of Ius latii in the framework of our research group, that is, in the Administrative Experience in the Roman Betic, in this case; Although we are aware of the breadth of issues to be reviewed in this regard. Many of the topics to which I refer are collected in the numerous studies of Roman administrative activity published so far. For example, we can consult, among others, the volumes that have been published under the direction of A. Fernández de Buján in recent years.

21 Cfr. ANDREU PINTADO, J. Edictum, municipium y lex, cit., 155
22 Cfr. ALBURQUERQUE y RUÍZ PINO, S. Peculiaridades de la iurisdictio, cit., 5.