The Hebrew University of Jerusalem

Syllabus

Individualism & Collectivism of Roman Citizenship - 39371

Last update 28-09-2022

<u>HU Credits:</u> 2

<u>Degree/Cycle:</u> 1st degree (Bachelor)

<u>Responsible Department:</u> History

<u>Academic year:</u> 0

<u>Semester:</u> 2nd Semester

<u>Teaching Languages:</u> Hebrew

<u>Campus:</u> Mt. Scopus

<u>Course/Module Coordinator:</u> Dr. Matthias Schmidt

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<u>Coordinator Office Hours:</u> Mondays 15:00-16:30

Teaching Staff:
  Dr. Matthias Schmidt

Course/Module description:
  The seminar will deal with questions of individual freedom rights (civil liberties), personal obligations and collective decision making as granted by Roman Citizenship in the Roman Republic and Empire from the beginning till the "Constitution of Antoninus" of 212 CE. Relevant textual sources will be read and important issues of Roman Citizenship will be contemplated through relevant case studies, analysed and discussed in order to understand if and how the Roman Citizenship protected personal and collective freedom rights (and obligations) in the ancient Roman society which has to be considered as hierarchic and closely regulated by moral codes through social disapproval and legal sanctions. It will be shown that the Roman Constitution promoted freedom (libertas) as one of its cardinal values propagating political and individual freedom as the most important character of Roman Citizenship and Roman Citizens. The status of Roman Citizen might have protected the right to bodily integrity and fair trial, issues of personal property, family and inheritance issues and even to a certain extent freedom of religion and cultural autonomy - while freedom of speech and assembly, equality of human beings, equality of political and social rights as well as equal rights of opportunities or equality before the law and other civil liberties were strictly limited and private conduct was criminalized by law or morally/socially sanctioned. The analysis of source texts and the discussion of a choice of research literature will identify different elements of Roman Citizenship and seek a more comprehensive understanding of this famous concept. Findings will be confronted with modern political thinking to see if modern concepts of individual/collective rights and freedom are rooted in ancient Roman civilization or if a reference to ancient Rome is used to "update the myth of 'Western civilization' to suit momentary agendas" (Samual Moyn, Human Rights and the Uses of History, xiv).

Course/Module aims:
  Students will explore ancient Roman sources from different cultural-social-political spheres and contexts of Roman society from the time of the Republic till the imperial time in a comparative perspective on the topic of Roman Citizenship. Through the reading and sources and relevant research contributions students will learn about the historical development of Roman Citizenship and the struggle in favour and against extending Roman Citizenship beyond the inhabitants of the city of Rome to non-Romans collectively and individually in the territories under Roman rule. Participants will identify conceptual elements of Roman Citizenship especially concerning individual or collective "rights and obligations" included in this status. They will familiarize themselves with a number of relevant historical case studies important for modern understanding of Roman Citizenship. They will discuss the

value of Roman ideas of Citizenship with regard to the formulation of modern concepts of citizenship in the context of individualism and collectivism, realizing that these ideas were already challenged in antiquity by "hierarchy, power and subordination" (Dinah Shelton (ed.), The Oxford Handbook of International Human Rights Law, Oxford 2013, 3). The seminar will describe ancient Roman society as hierarchic and closely regulated by moral codes through social disapproval and legal sanctions, and it will show that protection of individual freedom rights in legal contexts was more often based on social status than on the status of citizenship, a constellation that brings the Roman State nicely in line with modern liberal states and societies.

Learning outcomes - On successful completion of this module, students should be able to:
  * desribe ancient Roman society as hierarchiv and closely regulated by moral codes through social disapproval and legal sanctions;
* understand the history and development of Roman Citizenship as described by ancient literary and legal sources in a variety of historical contexts;
* identify social/political contexts for the creation and development of Roman Citizenship;
* determine ideas and normative concepts connected to Roman Citizenship in different periods;
* understand multiple concepts of individual and collective rights in Roman Citizenship;
* familiarize themselves with certain historical events as relevant case studies for modern understanding of Roman Citizenship;
* describe the structural elements of Roman Citizen in different social and legal context of Roman society;
* recognize the general affiliation between citizenship and individual/collective rights;
* describe transtemporal elements underlying Roman Citizenship important for the transmission of human values across history;
* evaluate the meaning and importance of Roman Citizenship as antecedent for modern concepts of personal freedom and human rights law;
* evaluate the importance of citizenship and social status in legal conflicts throughout history;
* select and synthesize material from lectures and recommended primary and secondary sources as well as research literature to use in oral and written discussions of set topics.

Attendance requirements(%):
  100

Teaching arrangement and method of instruction: Reading, analysis and interpretation of primary and secondary sources of different nature of historiography, philosophy, inscriptions, legislation and contracts as well as artifacts; presentation and discussion of research literature; preliminary readings for each session will be circulated and must be prepared in advance. In the seminar, lectures, power point presentations, class room discussions, group work and student presentations will alternate.

Course/Module Content:
  1. Introduction
1.1 General Introduction
1.1.1"Civis Romanus Sum"? - Definitions, Approaches, Associations, Examples
1.1.2 Political Citizenship and the Foundation of Rights: Defining Central Terms and Elements
1.1.3 Defining Normative Conceptional Elements of Civic Liberties and Individual Freedom
1.2 Legal and Political Foundations
1.2.1 The Legal Foundations: The Law of the Twelve Tables
1.2.2 The Political and Social Foundations: SPQR - Constitution and Social Norms

2. Civitas Romana (Roman Citizenship)
2.1 The Fluidity of an Ideal - Historical Developments
2.1.1 The Making of Roman Italy - Settlements before the Social War
2.1.2 Why Roman Citizenship? - The Aims of the Italian Socii in the Social War
2.1.3 Two Fatherlands - Enfranchisements of Individuals and Collectives
2.1.3 The Roman Empire as a Cosmopolis for all People: The "Constitutio Antoniniana" of 212 CE

3. Case Studies: CivilLiberties and Citizenship
3.1 Moral Codes versus Personal and Collective Freedom in Republican Rome
3.2 The Accusation of having ursuped the Roman Citizenship: Cicero, Pro Balbo
3.3 The Accusation of not being a Roman Citizen: Cicero, Pro Archia
3.4 The Right of a Fair Trial
3.4.1 "To Caesar you have appealed, to Caesar you shall go": The Case of Paulus of Tarsus
3.4.2 Maladministration in Roman Provinces: Gaius Verres and his persecution of Roman Citizens
3.4.3 Religious Freedom and Persecution: The Correspondence of Plinius and Traianus
3.5 Slavery and Manumission: Seneca and the Problem of Slavery

4. Conclusion: Roman Citizenship - An Antecedent for Modern Concepts of Personal Freedom and Human Rights

<u>Required Reading:</u>

   The actual required reading (documents, articles, book chapters) will be determined in relation to the specific subjects of the course. All items of the required reading will be posted in due course on the moodle.page for the seminar in chronological order according to the speed of our work capacity in the seminar. The following list includes items or texts focused on Roman Citizenship and Roman Law in their historical developments as well as theoretical/methodological debates on individual and collective rights and citizenship in general.

1) Required Reading
1.1. Rome
Michael C. Alexander, "Law in the Roman Republic", in: Nathan Rosenstein, Robert Morstein-Marx (eds.), A Companion to the Roman Republic, Hoboken, NJ: Wiley-Blackwell, 2010, 237-255.

José Luis Alonso, "The Constitutio Antoniniana and Private Legal Practice in the Eastern Empire", in: Kimberley Czaijkowski (ed), Law in the Roman Provinces, Oxford: Oxford University Press, 2020, p. 44-64 (on moodle).

D. H. Berry, "Literature and Persuasion in Cicero's Pro Archia", in: Jonathan Powell, Jeremy Paterson (eds.), Cicero The Advocate, Oxford New York: Oxford University Press, 2004, p. 291-312 (on moodle).

Peter A. Brunt, "The Legal Issue in Cicero, Pro Balbo", in: The Classical Quarterly 32.1 (1982),p. 136-147 (on moodle).

Duncan Cloud, "The Constitution and Public Criminal Law", in: A. Crook, Andrew Lintott, Elizabeth Rawson (eds.), The Last Age of the Roman Republic, 146-43BC (The Cambridge Ancient History Vol. 9), Cambridge: Cambridge University Press, 1994 (2nd edition), p. 491-530 (on moodle; and online access via Mount Scopus Library).

J. A. Crook, "The Development of Roman Private Law", in: A. Crook, Andrew Lintott, Elizabeth Rawson (eds.), The Last Age of the Roman Republic, 146-43BC (The Cambridge Ancient History Vol. 9), Cambridge: Cambridge University Press, 1994 (2nd edition), p. 531-563 (on moodle; and online access via Mount Scopus Library).

Emilio Gabba, "Rome and Italy: The Social War", in: A. Crook, Andrew Lintott, Elizabeth Rawson (eds.), The Last Age of the Roman Republic, 146-43BC (The Cambridge Ancient History Vol. 9), Cambridge: Cambridge University Press, 1994 (2nd edition), p. 104-128 (on moodle; and online access via Mount Scopus Library).

Jacob Giltaij, Kaius Tuori, "Human rights in Antiquity? Revisiting anachronism and Roman law", in: Pamela Slotte, Miia Halme-Tuomisaari (eds.), Revisiting the Origins of Human Rights, Cambridge: Cambridge University Press, 2015, 39-63 (on moodle;

and> online access via Mount Scopus Library).

Lina Girdvainyte, "Law and Citizenship in Roman Achaia: Continuity and Change", in: Kimberley Czaijkowski (ed), Law in the Roman Provinces, Oxford: Oxford University Press, 2020, p. 210-242 (on moodle).

Alex Long, "Seneca on Human Rights in De Beneficiis 3", in: Apeiron: A Journal for Ancient Philosophy and Science 54.2 (April 2021), p. 189-201 (on moodle).

John Scheid, "Graeco-Roman Cultic Societies", in: Michael Peachin (ed.), Social Relations in the Roman World, Oxford: Oxford University Press, 2011, p. 535-547 (on moodle).

Adrian N. Sherwin-White, "The Roman Citizenship. Survey of its development into a world franchise", in: ANRW I 2 (1972), 23-58 (on moodle).

Adrian N. Sherwin-White, The Roman Citizenship, Oxford: Oxford University Press, 1939 [19722] - (relevant chapters will be posted on moodle).

Robert W. Wallace, "Personal Freedom in Greek Democracies, Republican Rome, and Modern Liberal States", in: Ryan K. Balot (ed.), A Companion to Greek and Roman political thought, Chichester, England: Wiley-Blackwell, 2009, p. 164-177 (on moodle; and> online access via Mount Scopus Library).

Andrew Wallace-Hadrill, "Civitas Romana: The Fluidity of an Ideal", in: Al-Masāq 32.1 (2020), p. 18-33 (on moodle, or online> https://doi.org/10.1080/09503110.2019.1682854).

1.2. Theoretical Debates: Rights, Human Rights, Individualism, Collectivisms, Citizenship
David Burchell, "Ancient Citizenship and its Inheritors", in: Egin F. Isin, Bryan S. Turner (eds), Handbook of Citizenship Studies, London Thousand Oaks New Delhi: SAGE Publications, 2002, p. 89-104.

Richard Dagger, "Rights", in: Terence Ball, James Farr, Russel L. Hanson (eds.), Political Innovation and Conceptual Change, Cambridge: Cambridge University Press, 1989, p. 292-308 (on moodle).

Nathan Glazer, "Individual Rights against Group Rights", in: Bryan S. Turner, Peter Hamilton (eds.), Citizenship. Critical Concepts, vol. II, London-New York: Routledge, 1994, p. 226-239 (on moodle).

Judith Evans Grubbs, Women and the Law in the Roman Empire. A sourcebook on marriage, divorce and widowhood, London New York: Routledge, 2002 (Mount Scopus Library DG 91 G78 2002).

Derek Heater, A Brief History of Citizenship, New York: New York Univerity Press, 2004, esp. chap. 2: Rome, p. 30-37 (on moodle).

Engin F. Isin, "City, Democracy and Citizenship: Historical Images, Contemporary Practices", in: Egin F. Isin, Bryan S. Turner (eds), Handbook of Citizenship Studies, London Thousand Oaks New Delhi: SAGE Publications, 2002, p. 305-316.

Thomas Janoski/Brian Gran, "Political Citizenship: Foundations of Rights", in: Egin F. Isin, Bryan S. Turner (eds), Handbook of Citizenship Studies, London Thousand Oaks New Delhi: SAGE Publications, 2002, p. 13-52.

Dennis P. Kehoe, "Law and Social Formation in the Roman Empire", in: Michael Peachin (ed.), Social Relations in the Roman World, Oxford: Oxford University Press, 2011, p. 144-163 (on moodle).

Jean Leca, "Individualism and Citizenship", in: Bryan S. Turner, Peter Hamilton (eds.), Citizenship. Critical Concepts, vol. I, London- New York: Routledge, 1994, p. 148-187 (on moodle).

Charles Tilly, "Citizenship, Identity and Social History", in: idem. (ed.), Citizenship, Identity and Social History (International Review of Social History Suppl. 3), Cambridge, Cambridge University Press, p. 1-17.

Michael Walzer, "Citizenship", in: Terence Ball, James Farr, Russel L. Hanson (eds.), Political Innovation and Conceptual Change, Cambridge: Cambridge University Press, 1989, p. 211-219 (on moodle).

Additional Reading Material:
*   The titles below are considered additional reading in the broadest sense. They include comprehensive introductions to Roman History as mainly historical background information to our subject, as well as more general presentations of the theoretical debates, monographs on certain general aspects and problems. If necessary - some sections of these items will become obligatory reading during the course and then posted on the moodle.page.*

2.1 Rome
Leanne Bablitz, "Roman Society in the Courtroom", in: Michael Peachin (ed.), Social Relations in the Roman World, Oxford: Oxford University Press, 2011, p. 317-334 (on moodle).

Mary Beard, SPQR. A History of Ancient Rome, London: Profile Books, 2015.

Peter A. Brunt, Italian Manpower 225 BC - 14AD, Oxford: Clarendon Press, 1971.

Frederick Cooper, "Imperial Citizenship from the Roman Republic to the Edict of Caracalla", in: idem., Citizenship, Inequality, and Difference. Historical Perspectives, Princeton: Princeton University Press, 2018, 27-40 (very general overview! - on moodle; and online access via Mount Scopus Library).

Kimberley Czaijkowski (ed), Law in the Roman Provinces, Oxford: Oxford University Press, 2020 (a variety of contributions to the subject; available via online access Mount Scopus Library).

Garrett G. Fagan, "Violence in Roman Social Relations", in: Michael Peachin (ed.), Social Relations in the Roman World, Oxford: Oxford University Press, 2011, p. 467-495 (on moodle).

Peter Garnsey, Social Status and Legal Privilege in the Roman Empire, Oxford: Clarendon Press, 1970, esp. part IV The Honosteriores, p. 221-280 (on moodle, or> Mount Scopus Library DG 88 G3).

Peter Jones, Keith Sidwell, The World of Rome. An Introduction to Roman Culture, Cambridge: Cambridge University Press, 1997 (Mount Scopus Library DG 77 W73).

Georgy Kantor, "Ideas of Law in Hellenistic and Roman Legal Practice", in: Paul Dresch, Hannah Skoda (eds.), Legalism: Anthropology and History, Oxford: Oxford University Press, 2021, p. 55-83 (on moodle, and> online access via Mount Scopus Library).

Andrew Lintott, "Legal Procedure in Cicero's Time", in: Jonathan Powell, Jeremy Paterson (eds.), Cicero The Advocate, Oxford New York: Oxford University Press, 2004, p. 61-78 (on moodle).

Louise Revell, Ways of Being Roman. Discourses of Identity in the Roman West, Oxford Philadelphia: Oxbow Books, 2016, esp. chap. 2: Ideas of Roman Ethnicity, pp. 19-39 (on moodle).

2.2 General Theory
Hannah Arendt, "The Decline of the Nation State and the End of the Rights of Man", chapter 9 in: idem., The Origins of Totalitarianism, Cleveland-New York: The World Publishing Company, 2nd enlarged edition 1958 (7th Meridian Printing 1962), pp. 267-302 (on moodle).

Isaiah Berlin, "Two Concepts of Liberty", in: idem., Four Essays on Liberty, Oxford: Oxford University Press, 1969, p.118-172 (on moodle).

Keith Faulks, Citizenship, London New York: Routledge, 2000 (Mount Scopus Library

JF 801 F 38 2000).

Attracta Ingram, A Political Theory of Rights, Oxford: Clarendon Press, 1994, chap. 9: Rights as Political, p. 192-214 (on moodle).

Bart van Steenbergen (ed.), The Condition of Citizenship, London Thousand Oaks New Delhi: SAGE Publications, 1994 (Mount Scopus Library JF 801 C 66).
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Course/Module evaluation:
End of year written/oral examination 0 %
Presentation 0 %
Participation in Tutorials 10 %
Project work 90 %
Assignments 0 %
Reports 0 %
Research project 0 %
Quizzes 0 %
Other 0 %

Additional information:
In this seminar classical literature and sources are studied in English or Hebrew translations. Knowledge of Greek and Latin is not required.