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Introduction

Settler Colonies between Roman Colonial Utopia and Modern Colonial Practice

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Colonization has been a crucial phenomenon in the making of the modern globalized world. From the fifteenth century onwards, European states expanded their power and population worldwide through the establishment of colonies from Asia to the Americas. The significance of this process for international law has been widely recognized in recent scholarship. European colonial expansion formed the context to the remaking of Roman *jus gentium* into modern international law, exemplified by Francisco de Vitoria, Alberico Gentili, and Hugo Grotius, while the legal norms and rules that gave shape to the Westphalian order served European claims to and practices of worldwide dominance in the eighteenth and nineteenth centuries which continue to inform contemporary normative accounts of global justice.¹ There is however a particular aspect of colonization that has been largely overlooked in this burgeoning historiography on the intertwinement of law and empire: the legal organization of the settler colony. This volume aims to include this dimension of colonial theory and practice in our understanding of the relationship between empire and legal history and theory. In particular, it highlights the importance of a specifically legal interpretation of the Roman model of the settler colony, focusing on the ground-breaking work of the Renaissance scholar Carlo

* This volume originates from a series of discussions at the Royal Netherlands Institute in Rome. We are grateful to Harald Hendrix, the director of the Institute from 2014 to 2019, for his support, and to Isabelle Buhre for providing an English translation of Sigonio's primary texts on Roman colonization.

¹ Authoritative contributions to recent scholarship include: Anthony Anghie, *Sovereignty, Imperialism and the Making of International Law* (Cambridge University Press 2004); Lauren Benton, *A Search for Sovereignty. Law and Geography in European Empires, 1400–1900* (Cambridge University Press 2010) (hereafter Benton, *A Search for Sovereignty*); Andrew Fitzmaurice, *Sovereignty, Property and Empire, 1500–2000* (Cambridge University Press 2014); Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca (eds), *International Law and Empire. Historical Explorations* (Oxford University Press 2017); Jennifer Pitts, *Boundaries of the International. Law and Empire* (Harvard University Press 2018); Duncan Bell (ed), *Empire, Race and Global Justice* (Cambridge University Press 2019).

Sigionio (1522/3–84). Tracing the context, making, and impact of Sigonio's vision on Roman colonization, the chapters of this volume explore the importance of the settler colony as a Roman colonial utopia that critically informed modern colonial discourse.

The Colonial Model of Carlo Sigonio

In the early modern world, European colonial expansion offered ideal contexts to test different forms of societal, political, and legal organization: the colony was not only an imperial tool, it increasingly became an experimental space for innovations that were difficult to realize in the metropolis. This development is illustrated by the rising popularity of the settler colony.² While more traditional and feudal forms of colonial rule, dominant for example in the Venetian territories in the Eastern Mediterranean, were based on the exploitation of a local workforce, settler colonies rose to prominence in the sixteenth century as an alternative or complement to existing colonial practices. Forming (semi) autonomous collectives intended to function largely independent from both the colonial centre and the indigenous communities they replaced, settler colonies required clear rules to function properly and to define their legal position towards the colonial mother-town. As a result, theories and practices of settler colonization were of crucial importance for the making of a colonial world order increasingly dominated by European metropolises and their overseas settlements. These colonial experiments were to a large extent (re)interpretations of classical socio-political theories and Roman colonial legal practices, as humanist scholarship in late sixteenth-century and early seventeenth-century Europe used classical sources and especially Roman law as its main source of inspiration and legitimation. Conversely, the fluid boundary between the academic and political spheres also facilitated new and creative readings of classical texts, instigated by contemporary colonial experiences and by developing political ideologies.³

² Settler colonialism developed progressively from the fourteenth century onwards, in tandem with the Spanish *Reconquista* and the occupation and exploitation of new territories in North Africa, South Asia, and the Americas: Patrick O'Flanagan, 'Mediterranean and Atlantic Settler Colonialism from the Late Fourteenth to the Early Seventeenth Centuries' in Edward Cavanagh and Lorenzo Veracini (eds), *The Routledge Handbook of the History of Settler Colonialism* (Routledge 2017) 37–48. For a definition of settler colonization see Lorenzo Veracini, *Settler Colonialism. A Theoretical Overview* (Palgrave Macmillan 2010) 1–15, with further references.

³ For an exemplary discussion of the intertwining of the Roman law and empire around 1600, see Benedict Kingsbury and Benjamin Straumann (eds), *The Roman Foundations of the Law of Nations. Alberico Gentili and the Justice of Empire* (Oxford University Press 2010).

A key figure who illustrates the subtle interplay between ancient and early modern colonial practices and social theories was Carlo Sigonio (Latinized as Sigonius), born in the early 1520s in Modena (a city in the north of Italy founded as a Roman colony) and without doubt one of the most influential humanist scholars to attempt a reconstruction of Roman colonial legal history.⁴ Sigonio's interpretation of Roman colonization, which he wrote in the mid-sixteenth century as part of his treatise *De antiquo iure Italiae* (first published in Venice in 1560), would be the standard reference work on this topic until the nineteenth century. The influence of his erudite and innovative description of Roman colonial practices and law was not limited to academic circles but extended to wider socio-political discussions about the legal status and organization of new colonies and the relationship between colonies and metropolis. At the same time, Sigonio's study illustrates how contemporary colonial experiences and social concerns found their way into authoritative interpretations of Roman colonial history, which would continue to dominate the scholarly and colonial discourse for centuries. As Giambattista Vico stated in 1725, 'the great Carlo Sigonio' should be considered for his study of Roman law 'the first torch of Roman erudition.'⁵

The task Sigonio set himself was not an easy one, as reconstructions of Roman colonization are necessarily of a rather hypothetical nature. Indeed, no coherent ancient text on Roman Republican colonial practices and law survives, if it ever existed. Therefore, Roman colonial history needs to be reconstructed from different scraps of information that can be found in a limited number of sources of different genres, scope, and date. Moreover, these sources sketch different and sometimes even contradictory images of Roman colonization.⁶ In modern scholarship the fragmented Roman textual evidence has been used to support a wide range of different colonial scenarios. Following Cicero's statement that the Romans 'established colonies in suitable places in such a manner that guarded them against all suspicion of danger, so that they appeared to be not so much towns of Italy as bulwarks of an empire (*propugnacula imperii*);⁷ various (early) modern scholars, starting with Niccolò Machiavelli, have emphasized the strategic qualities of colonies, which are imagined to have been well-defended outposts that protected Roman interest abroad, keeping

⁴ On Sigonio and his work see William McCuaig, *Carlo Sigonio. The Changing World of the Late Renaissance* (Princeton University Press 1989) 3–95 (hereafter McCuaig, *Carlo Sigonio*).

⁵ Giambattista Vico, *The First New Science* (Leon Pompa ed, Cambridge University Press 2002) 137.

⁶ For a useful overview, see John Patterson, 'Colonization and Historiography: The Roman Republic' in Guy J Bradley and John-Paul Wilson (eds), *Greek and Roman Colonization. Origins, Ideologies and Interactions* (Classical Press of Wales 2006) 189–219.

⁷ Cicero, *De lege agraria* 2.73 (Loeb tr).

foreign subjects under control.⁸ Others, however, have focused on an ambiguous passage of Aulus Gellius, which, combined with a passage of Tacitus on Roman rule in Britain, is taken to imply that Roman colonies were copies of Rome (*simulacra*) that brought civilized urban culture close to underdeveloped native peoples and as such were crucial tools in the cultural unification and stability of the Roman Empire.⁹ This view was put forward strongly by the humanist scholar Justus Lipsius at the end of the sixteenth century, and it remains engrained in modern scholarship.¹⁰ In sharp contrast, following late Republican moralist sources, colonies have also been imagined as sober rural spaces, the natural habitat of the much admired soldier-peasant, characterized by high morale, patriotism, and discipline.¹¹

Within this many-sided scholarly tradition, Sigonio's study stands out for its erudition and completeness, discussing a wide range of available sources and underlining the multiple functions of Roman colonization.¹² Yet on closer inspection, his interpretation also includes a more political and polemical dimension that emphasizes especially the social benefits of Roman colonies. In the first paragraph of his chapter on Roman colonies, Sigonio immediately

⁸ See for example Niccolò Machiavelli, *Discorsi sopra la prima Deca di Tito Livio* (Mario Martelli ed, Sansoni 1971) 1.1 (hereafter Machiavelli, *Discorsi*). In modern scholarship this interpretation of Roman colonial history is most clearly voiced by Edward Togo Salmon, *Roman Colonization under the Republic* (Thames and Hudson 1969). For further discussion, see Jeremia Pelgrom and Tesse D Stek, 'Roman Colonization under the Republic: Historiographical Contextualization of a Paradigm' in Tesse D Stek and Jeremia Pelgrom (eds), *Roman Republican Colonization. New Perspectives from Archaeology and Ancient History* (Palombi 2014) 10–44 (hereafter Pelgrom and Stek, 'Roman Colonization').

⁹ Aulus Gellius, *Noctes Atticae* 16.13: 'because of the greatness and majesty of the Roman people, of which those colonies seem to be miniatures, as it were, and in a way copies' (Loeb tr). The Gellian passage is frequently connected with Tacitus *Agricola* 21, which discusses the cultural impact of Roman rule in Britain.

¹⁰ See for example Justus Lipsius, *Admiranda, sive de magnitudine Romana* (Jan Moretus 1598) 1.6 (hereafter Lipsius, *Admiranda*), for the view that colonies distributed urban culture throughout the Roman Empire. In modern scholarship this view is expressed most clearly by Frank Brown, *Cosa. The Making of a Roman Town* (University of Michigan Press 1980). For further discussion, see Elizabeth Fentress, 'Frank Brown, Cosa and the Idea of a Roman City' in Elizabeth Fentress (ed), *Romanization and the City: Creation, Transformation and Failures* (2000) 38 *Journal of Roman Archaeology* Supplementary Series 11–24; Edward Bispham, 'Coloniam deducere: How Roman was Roman Colonization During the Middle Republic?' in Guy J Bradley and John-Paul Wilson (eds), *Greek and Roman Colonization. Origins, Ideologies and Interactions* (Classical Press of Wales 2006) 73–160; Tesse D Stek, 'The Impact of Roman Expansion and Colonization on Ancient Italy in the Republican Period. From Diffusionism to Networks of Opportunity' in Gary D Farney and Guy J Bradley (eds) *The Peoples of Ancient Italy* (De Gruyter 2017) 269–94.

¹¹ On the presumed moral and military superiority of the farmer class see for example Cicero, *Pro Sexto Roscio Amerino* 50; Cato, *De re rustica* 1.1. In modern scholarship, see especially Plinio Fraccaro, *Opuscula I. Scritti di carattere generale, studi catoniani, i processi degli Scipioni* (La Rivista 'Athenaeum' 1956) and the discussion in Jeremia Pelgrom, 'The Roman Rural Exceptionality Thesis Revisited' (2018) 130 *Mélanges de l'École française de Rome—Antiquité* 69–103 (hereafter Pelgrom, 'The Roman Rural Exceptionality Thesis').

¹² Carlo Sigonio, *De antiquo iure Italiae* (Giordano Ziletti 1560) 2.2, 63r (hereafter Sigonio, *De antiquo iure Italiae*). This passage is discussed in detail by John Rich in Chapter 3 of this volume.

declares the crucial importance of the Roman colonial resettlement programme, which in his view formed the key to Roman imperial success and even to lasting liberty:¹³

Colonies, the topic I would like to start with, were places the Roman people led its own citizens to in order to inhabit them. Their origin is very old and goes back to King Romulus, as Dionysius testifies. Romulus, according to Dionysius, did not destroy places he conquered in wartime, nor punished their inhabitants with slavery. Instead, he generally brought over colonists from the city into the farmlands he took from them. Nothing could be more suitable to make liberty lasting and to enlarge his empire than this practice. It follows—Gellius also wrote this at a certain point—that colonies were communities of citizens, in some way sprung from the Roman state.¹⁴

The distinctive feature of the successful Roman colonial system, according to Sigonio, was that it was based on agricultural settler colonization: new rural polities created out of a fragment of the old one.¹⁵ By consciously contrasting this allegedly successful colonial practice with another, and in his time, more widespread bulwark colonial model based on the exploitation of indigenous workforces, Sigonio discreetly advocated a colonial system based on semi-autonomous rather than subordinate colonial communities.¹⁶

Sigonio was not the first to emphasize the benefits of settler colonization over other imperial models. Machiavelli, for example, repeatedly stressed the benefits of detached colonial settlements over more costly imperial strategies that required permanent military control.¹⁷ However, Machiavelli gave no clear guidelines as to how such settlements should be organized in legal and practical terms. This lacuna was filled by Sigonio, who offered by far the most detailed analysis of Roman colonial law of his time, discussing the benefits of

¹³ Liberty in this context must be understood in the republican sense, thus as resulting from citizenship and political influence of the citizenry in opposition to autocratic systems of government that can develop within societies or that are the result of external domination. For a detailed analysis of Sigonio's republicanism, which was strongly influenced by Aristotelian social theory, see McCuaig, *Carlo Sigonio* (n 4) 96–250.

¹⁴ Sigonio, *De antiquo iure Italiae* (n 12) 2.2.1, 63 (Isabelle Buhre tr).

¹⁵ It is interesting to note that Sigonio used the passage of Gellius, *Noctes Atticae* (n 9) 16.13, not to emphasize the urban qualities of colonies but to underline the fact that they were communities of citizens.

¹⁶ However, in *De antiquo iure Italiae* (n 12) 2.4.1–3 Sigonio adds that the autonomy of the colonists was not absolute. The cited Gellian passage makes it perfectly clear that colonies did not create their legal system and institutions on their own initiative, but received it from the Roman people.

¹⁷ Machiavelli, *Discorsi* (n 8) 1.1.8; 2.6.8. For further discussion on Roman colonial studies before Sigonio, see Chapter 2 in this volume by William Stenhouse.

settler colonialism, land allocation procedures, the number and background of colonial settlers, the legal system of colonies, as well as providing an overview of all the colonies the Romans founded before the Social War. Moreover, Sigonio's analysis of Roman colonies not only stands out by its detail, it is also an innovative work that diverges from his predecessors especially in his emphasis on the connection between colonization and agrarian reform.¹⁸ For Sigonio, the Roman colony was more than a strategic bulwark of empire, a relatively cheap way to control a distant territory: it became a tool to tackle internal social tensions and demographic decline.¹⁹

By situating his analysis of Roman colonies predominantly in the context of the early Republican struggle between the orders, Sigonio, who followed the Livian tradition in this respect, was able to show how Roman colonization formed a key solution for Rome's severe social problems at the time, which, once resolved, made it possible for the Romans to pursue their imperial agenda with great success.²⁰ In his view, the Romans used colonization not only to pursue an imperialist agenda but also to combat social instability without disturbing the status quo. For Sigonio, Roman history showed that the allocation of land to the plebs in colonies was an effective means of avoiding radical reforms such as redistribution programmes that include the transfer of land from aristocrats to the lower classes, which always ends, he argued, in 'the greatest public commotion.'²¹ Colonization, according to this perspective, is framed cleverly as a practice that is attractive not only for the lower classes, who thus gain the possibility of acquiring property and political power, but also for the

¹⁸ See Chapters 2 and 3 by Stenhouse and Rich this volume. The usage of Roman law to study social history is typical for Sigonio's overall approach: McCuaig, *Carlo Sigonio* (n 4) 124. McCuaig rightly observes that Sigonio's decision to discuss agrarian law in the chapter on colonization derives from Appian who does the same: *ibid* 156–57.

¹⁹ In this, Sigonio followed late Republican Roman social theory, which regarded settler colonization a powerful antidote to imperial decadence as it created a new class of strong and morally superior citizens. Another connected line of late Republican Roman thought was predominantly concerned with freeing the city from potentially dangerous lower classes and looked at colonization as the main vehicle to achieve this goal: Evan Jewell, '(Re)moving the Masses: Colonization as Domestic Displacement in the Roman Republic' (2019) 8 *Humanities* 66.

²⁰ Arguably, Sigonio was particularly interested in the topic of patrician–plebeian conflicts as he himself was of undistinguished lineage and had experienced difficulty entering the higher echelons of socio-political life: McCuaig, *Carlo Sigonio* (n 4) 117–24. He also considered patrician power mechanisms (based on lineage) an obstacle to liberty: *ibid* 125.

²¹ Sigonio, *De antiquo iure Italiae* (n 12) 2.2, 64r: 'All agricultural laws dividing either the farmlands of enemies, the public ones, or those bought with public money, were accepted easily and without any public uproar. But a law driving rich citizens off their possessions and placing plebeians in the farmlands of noblemen—such a law has never been proposed without the greatest public commotion' (Isabelle Buhre tr). See Chapter 3 in this volume by Rich on the ingenious connection Sigonio made between agricultural acts and colonies, which according to modern scholarly opinion are very different things.

upper classes who do not have to fear social unrest and the prospect of the redistribution of their properties.²²

In this way, Sigonio offered an elegant solution to a very old and hotly debated problem of imperial polities: their predisposition towards increasing economic inequality and consequential socio-political instability. Starting in antiquity, commentators argued that the excessive economic inequality that often accompanied imperialism resulted in social unrest and moral decay, which in turn led to civil strife and the fall of republican empires. However, much less consensus existed about how to avoid this socio-economic collapse scenario. Greek philosophers of the Platonic tradition advocated redistribution of wealth via land redistribution policies as a means to stop this process of decline, while more conservative thinkers that dominated Roman optimate intellectual circles in particular opposed such radical programmes by arguing that such popular measures resulted in social strife, demagoguery, and eventually tyranny.²³ This Roman perspective remained the dominant line of thought during the sixteenth and seventeenth centuries, but it gradually lost ground as it did not offer a clear solution to the idea that imperial success came at the cost of social stability.²⁴

In this changing intellectual context, Sigonio was one of the first scholars of his time to embrace the Greek positive view on Roman agrarian reform.²⁵ He argued that the agrarian laws and in particular the radical policies of Tiberius Gracchus were justifiable as they, in William McCuaig words, 'remedied through the high justice of ethical principles a situation of grave social iniquity'.²⁶ Nevertheless, Sigonio was also conscious of the dangers involved in implementing agrarian bills that enforced redistribution of landed property. By underlining the emancipating qualities of Roman colonial land division programmes, Sigonio tried to show how successful imperial powers can deal with problems of social inequality without destabilizing the fragile harmony between socio-political groupings which, once broken, could result in tyrannical rule and consequentially the loss of liberty.

²² Machiavelli, *Discorsi* (n 8) 1.1.8 also stressed the benefits of colonization for relieving overcrowded cities and also points out that the Romans used it as a means to avoid radical land division laws (ibid 1.37.9–14). A couple of decades after Sigonio, Lipsius, *Admiranda* (n 10) 1.6.2, remarked that Roman colonies had the advantage that the best people remained in Rome, while the weak elements were removed. See also Sigonio, *De antiquo iure Italiae* (n 12) 2.2, 70.

²³ Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge University Press 2004) 49–86 (hereafter Nelson, *Greek Tradition*).

²⁴ Krishan Kumar 'Greece and Rome in the British Empire: Contrasting Role Models' (2010) 51 *Journal of British Studies* 76–101.

²⁵ McCuaig, *Carlo Sigonio* (n 4) 156–68.

²⁶ ibid 160.

Also in his discussion of who could join Roman colonies, Sigonio took care to avoid a too radical interpretation of Roman colonial social organization. Although he highlighted the plebeians' involvements in establishing colonies, and the beneficial effect this had for both the lower classes and the Roman state, he was careful to avoid the impression that these colonial landscapes were egalitarian communities; he explicitly stated that the hierarchy of classes of the city of Rome were reproduced in the colonial countryside.²⁷ The same is true for the procedure to select the leader(s) of the colonial land division programmes. Sigonio argued that these leaders needed to be elected by the *comitia tributa*, the more democratic voting body of Roman citizens, but he added that the *comitia curiata*, an archaic aristocratic voting body, was also crucial in this process as it provided the elected commissioners with actual power.²⁸ On the whole, Sigonio sketched a picture of Roman colonial practices that are emancipatory in nature, favouring lower classes, but without upsetting existing social hierarchies.

The significance of Sigonio's description of Roman colonial practices gained weight because his reconstruction differed considerably from the colonial practices of his own time, which were largely based on the Ciceronian bulwark model. Particularly important in this regard was the colonial system of the Venetian *Stato da Màr* in the Eastern Mediterranean, which, as Charles Verlinden has argued, informed the development of European colonization in the Atlantic.²⁹ Sigonio was a professor in Venice between 1552 and 1560, the period when he worked on his *De antiquo iure Italiae*, and the Venetian colonial experience therefore formed the direct historical context to his reconstruction of Roman colonization.³⁰ The colonies established by Venice, with Crete being the most important example, were mainly grounded on a system of exploitation in which landed property was handed over by the government to Venetian nobles. This colonial nobility built fortresses to protect its dominions and used serfs of local or migratory background to work the field, having to pay their lords a large percentage (one-third) of everything they produced.³¹

²⁷ Sigonio, *De antiquo iure Italiae* (n 12) 2.2, 70.

²⁸ *ibid* 71r.

²⁹ Charles Verlinden, *The Beginnings of Modern Colonization* (Cornell University Press 1970) 3–32.

³⁰ McCuaig, *Carlo Sigonio* (n 4) 13. For an extensive overview of Venetian imperial politics, see Benjamin Arbel, 'Venice's Maritime Empire in the Early Modern Period' in Eric Dursteler (ed), *A Companion to Venetian History, 1400–1797* (Brill 2013) 125–253. On Venetian overseas colonies specifically, see Benjamin Arbel, 'Colonie d'Oltremare' in Alberto Tenenti and Ugo Tucci (eds), *Storia di Venezia dalle origini alla caduta della Serenissima, vol. 5: Il Rinascimento. Società ed economia* (Istituto della Enciclopedia Italiana 1996) 947–85.

³¹ Molly Greene, *A Shared World. Christians and Muslims in the Early Modern Mediterranean* (Princeton University Press 2002) 32; Allaire B Stallsmith, 'One Colony, Two Mother Cities: Cretan Agriculture under Venetian and Ottoman Rule' (2007) 40 *Hesperia Supplements* 151–71 (hereafter Stallsmith, 'One Colony, Two Mother Cities'); Sally McKee, *Uncommon Dominion. Venetian Crete*

The noble lords were responsible for the defence of the acquired territory and for the protection of Venetian interest in the region. By the sixteenth century, when hostilities with the Ottoman Empire were reactivated, it became clear that this colonial system was not functioning effectively. From the 1530s onwards, the Republic of Venice was increasingly losing colonial possessions to the Ottomans. Numerous Venetian colonies surrendered easily, as they were ruled by private families that had only loose connections with Venice and who were more inclined to negotiate expedient terms with the Ottomans, than to sacrifice everything out of loyalty to the metropolis. Colonies were unable or unwilling to muster local militia, leaving the defence of these territories to Venice, which was a very costly and in the long run unsustainable situation.³² The waning of Venetian colonial power was explained by people like the military commander Cristoforo da Canal as a problem of moral decline. In this classical view, echoing the Roman narrative of Sallust, the Venetians, once a proud and patriot state, had grown soft by the wealth brought by empire, which led to idleness, decadence, and inertia.³³

It is not a coincidence that in this climate of perceived Venetian imperial decline, Sigonio reconstructed a model of Roman colonial organization tailored to tackle the problems Venice was experiencing. Yet Sigonio's treaty on colonies offers neither a moralistic narrative nor an intellectual contemplation on the perfect state: it is a historical guidebook that explains how successful settler colonies could be organized in legal and practical terms. To achieve this aim, Sigonio drew on Roman agricultural law and the rather obscure texts of the Roman *agrimensores*, who provided technical information on issues such as how to create border lines and how to resolve border conflicts.³⁴ Although this approach might seem trivial, the clear and rational organization of landed property could be perceived as a vital instrument against aristocratic power

and the Myth of Ethnic Purity (University of Pennsylvania Press 2010). This is not to deny that in these Venetian colonies some land was also distributed to colonial settlers.

³² Stallsmith, 'One Colony, Two Mother Cities' (n 31) 152.

³³ Canal's interpretation is quoted in Pompeo Molmenti, *La storia di Venezia nella vita privata dalle origini alla caduta* (Roux and Vavalle 1885) 196. On Canal, see Alberto Tenenti, *Cristoforo da Canal: La marine vénitienne avant Lépante* (SEVPEN 1962). For the Sallustian narrative of imperial expansion and moral decline, see Sallust, *Bellum Catilinae* 10.1–2; on its impact in early modern Europe, see Patricia J Osmond, '“Princeps Historiae Romana”: Sallust in Renaissance Political Thought' (1995) 40 *Memoirs of the American Academy in Rome* 101–43; David Armitage, 'Empire and Liberty: A Republican Dilemma' in Martin van Gelderen and Quentin Skinner (eds), *Republicanism: a Shared European Heritage* (Cambridge University Press 2002) vol 2, 29–46; John GA Pocock, *Barbarism and Religion*, vol. 3: *the First Decline and Fall* (Cambridge University Press 2003) (hereafter Pocock, *First Decline and Fall*).

³⁴ See Chapters 2 and 3 in this volume by Stenhouse and Rich.

structures. Robust boundaries help to protect the property rights of lower classes, which otherwise would be unable to cope with formal and informal aristocratic power mechanisms that are more easily effectuated in more chaotic or indistinct situations. Sigonio's Roman colony could therefore be characterized as a well-ordered agrarian landscape concerned with protecting the property claims and political rights of a clearly defined community of citizen-farmers.³⁵ This colonial world he sketched was far removed from the contemporary socio-political reality in the Venetian empire, but it had already crystallized in utopian writings of theorists such as Thomas More.³⁶ With his detailed study of Roman colonial law and practice, Sigonio showed that there was a historical foundation for related societal models to work effectively, thus bringing the actual realization of certain aspects of such ideal states one step closer. In short, Sigonio's reconstruction of the Roman settler colony made it possible to conceive of a colonial utopia as a concrete colonial practice.

After Sigonio: The Farmer-Settler Model in Colonial Theory and Practice

In the late sixteenth century, Sigonio's analysis of Roman colonization increasingly started to make an impact not only among antiquarian scholars interested in ancient Rome but also on more topical discussions about the imperial governance of overseas territories. First published in 1560, his detailed reconstruction of the Roman colonial model was included in his massive treatise *De antiquo iure populi Romani* (1574) and soon became an authoritative reference work in humanist circles throughout Europe, especially after the Frankfurt edition of Sigonio's collected works in 1593 was published.³⁷ As the first comprehensive study of Roman agricultural colonization and Roman colonial law, Sigonio's analysis contributed to a gradual shift in the late humanist discourse on colonial strategies, moving from the traditional bulwark model and associated notions of centralized feudal or aristocratic territorial control, towards a farmer-settler model. By the end of the sixteenth century, settler colonies were

³⁵ Such an understanding of Roman colonial organization during the Republic has remained largely unchallenged in modern scholarship on Roman colonization, but see Pelgrom, 'The Roman Rural Exceptionality Thesis' (n 11); Pelgrom and Stek, 'Roman Colonization' (n 8). See also Chapter 3 in this volume by Rich for other critical notes on Sigonio's interpretation of Roman colonization in light of modern scholarship.

³⁶ The scholarship on More is overwhelming. For a useful interpretation in this context, see Nelson, *Greek Tradition* (n 23).

³⁷ On the publication process, see McCuaig, *Carlo Sigonio* (n 4) 75–77.

obviously no new invention, but their existence was generally accompanied by feudal and aristocratic power structures, most crucially in the Spanish territories in the Americas (which, tellingly, were not called ‘colonies,’ as the language of conquest and the system of the *encomienda* did not fit the Roman colonial terminology).³⁸ Partly out of criticism of and competition with Spanish imperialism, the discursive trend in the last decades of the sixteenth century shifted, particularly in England, towards a colonial model that granted larger autonomy to settlers, making the land-working class coincide with the land-owning class, with the explicit aim to resolve social problems at home.

The dichotomy between the traditional, fortress-based system of colonial rule and an alternative based upon private possession of land was put on centre stage by Giovanni Botero in his hugely influential *Della ragion di stato* (1589), the groundwork of international reason-of-state literature. Pondering over the best strategies to maintain imperial dominions, Botero argued that a fortress can be a useful construction to keep a people under control, but sending out colonies (ie settlers) in the Roman way was a much more effective tool of government. Moreover, for Botero, the Roman model showed how private possession of land was crucial to create a sense of commitment to the state and that colonial land division was therefore a very effective tool to avoid social strife.³⁹ The work of Botero thus popularized Sigonio’s academic interpretation of Roman colonization, making his analysis accessible to generations of readers and authors throughout Europe.⁴⁰ Whilst the existing scholarship has predominantly emphasized the importance of Machiavelli in this regard as the first to have drawn attention to the advantages of Roman settler colonies, Machiavelli’s impact in this context should not be overstated, as the early modern discourse on colonization and its practical application, following the reconstruction of the Roman model made by Sigonio, advanced considerably from Machiavelli’s impressionistic statements.⁴¹

The actual implementation of these (re)constructed Roman colonial principles was gradual, if ever fully realized. Yet it is clear that the intellectual discourse did affect the (attempted) organization of colonies, resulting eventually

³⁸ John H Elliott, *Empires of the Atlantic World. Britain and Spain in America, 1492–1830* (Yale University Press 2006) 9.

³⁹ Giovanni Botero, *Della ragion di stato libri dieci. Con tre libri delle cause della grandezza e magnificenza delle città* (Gioliti 1589) 160–65, 210–13.

⁴⁰ On the impact of Botero on English colonization debates, see Andrew Fitzmaurice, ‘The Commercial Ideology of Colonization in Jacobean England: Robert Johnson, Giovanni Botero, and the Pursuit of Greatness’ (2007) 64 *The William and Mary Quarterly* 791–820. See also David B Quinn, ‘Renaissance Influences in English Colonization’ (1976) 26 *Transactions of the Royal Historical Society* 73–93.

⁴¹ See Chapters 4 and 5 in this volume by Mark Somos and Mattia Balbo.

in the concrete creation of socially motivated farmscapes. An early hybrid example hereof is the series of English colonization programmes in Ireland around 1600. After some initial and rather unsuccessful attempts to involve the Irish population in the colonization process, authors such as Thomas Smith, Edmund Spenser, and Francis Bacon advocated a plantation (ie agrarian-settler) colonial model in which English and Scottish settlers were sent to farm Irish soil.⁴² Bacon, in particular, echoed Sigonio's analysis in his essay 'Of Plantations', claiming that agrarian settler colonies removed the overflow of people from Britain, which in turn would forestall internal conflict and sedition. In reality, the colonies established on for example the Munster estates did not uphold the ideals of participatory citizenship and autarky. The social and physical organization of these colonial plantations, which were owned and managed by wealthy elites, was still strongly aristocratic.⁴³ Nevertheless, the Munster example illustrates how colonial theories and practices became increasingly entangled in socio-economic domestic debates concerned with population politics.⁴⁴ From this perspective, agrarian colonization was not only a way to remove unwanted elements from society but it became a multifaceted instrument meant to transform perceived idle and potentially dangerous plebs into valuable citizens, while at the same time protecting aristocratic colonial interests in a cost-efficient way.

The most important contribution to this intellectual development was James Harrington's *The Commonwealth of Oceana* from 1656. Whilst Harrington has become, following John Pocock's seminal analysis of his work, a central figure in modern scholarship on Machiavellian republicanism, it is much less acknowledged that Harrington also used Sigonio to theorize the beneficial qualities of land distribution through colonization to uphold the social balance of the commonwealth.⁴⁵ In line with Sigonio's analysis, Harrington referred to the Roman example to argue that colonization allows for the distribution of 'lands

⁴² Edmund Spenser, *A View of the Present State of Ireland* (William L Renwick ed, Clarendon Press 1970); Francis Bacon, 'Of Plantations' (1625) in *The Essayes or Counsels, Civill and Morall* (Michael Kiernan ed, Oxford University Press 1985). For commentary, see Jane H Ohlmeyer, 'A Laboratory of Empire?: Early Modern Ireland and English Imperialism' in Kevin Kenny (ed), *Ireland and the British Empire* (Oxford University Press 2006) 26–59 (hereafter Ohlmeyer, 'A Laboratory of Empire?'); Richard Serjeantson, 'Francis Bacon, Colonization, and the Limits of Atlanticism' conference paper (2014), <<https://docplayer.net/65319781-Francis-bacon-colonization-and-the-limits-of-atlanticism.html>>(cited with permission of the author).

⁴³ Ohlmeyer, 'A Laboratory of Empire?' (n 42) 38.

⁴⁴ For an overview of these debates, see Klaus E Knorr, *British Colonial Theories, 1570–1850* (University of Toronto Press 1944) 41–48.

⁴⁵ See John GA Pocock, *The Machiavellian Moment. Florentine Political Thought and the Atlantic Republican Tradition* (Princeton University Press 1975); and cf Pocock, *First Decline and Fall* (n 33) 276–79, 297–98. See also Nelson, *Greek Tradition* (n 23) 94–95. Sigonio is conspicuously absent from Rachel Hammersley, *James Harrington. An Intellectual Biography* (Oxford University Press 2019).

taken from enemies' without upsetting the social hierarchies in the metropolis. However, the redistribution of domestic properties, as proposed for example by the Gracchi, 'caused earthquakes', as the greedy nobility saw its privileges undermined and 'overthrew the people and the commonwealth'. Rome, in short, revealed the risks of a malfunctioning legal arrangement of land distribution: the Romans, 'through a negligence committed in their agrarian laws, let in the sink of luxury, and forfeited the inestimable treasure of liberty for themselves and posterity'.⁴⁶ Successful colonization therefore required a clear and precise agrarian law to maintain liberty and self-government at home.

In the intellectual quest for such an agrarian law, an alternative model presented itself in the Hebrew Republic, the Biblical polity that experienced a remarkable popularity in scholarly circles from the late sixteenth century onwards—a development in which Sigonio also played a major role with the publication of his *De republica Hebraeorum* from 1582.⁴⁷ The Jewish Jubilee, which set a limit to land ownership in the Land of Israel, could be considered a powerful alternative to the Roman example of agrarian property distribution. Particularly significant in this context was the interpretation of the Dutch scholar Petrus Cunaeus. His 1617 treatise on the Hebrew Republic upheld the Jewish agrarian law against that of Rome, where, despite the legal maximum of 500 *iugera* of land per person, 'the rule of law was immediately flouted by acts of deceit', with the eventual result 'that a few men were holding all of Italy and the neighbouring provinces as though these lands were their personal inheritance'.⁴⁸ Whilst Jewish land laws provided for social equality and political stability, the fate of the Roman Republic showed the dangers intrinsic to republican colonial expansion without a clear legal framework. This warning was particularly pertinent for the Dutch Republic, which had started to establish colonial outposts overseas precisely in the years Cunaeus was writing his work on the Hebrew Republic. Such a republican empire, Cunaeus implicitly

⁴⁶ James Harrington, *The Commonwealth of Oceana and A System of Politics* (John GA Pocock ed, Cambridge University Press 1992) 43–44. Harrington's reference at this passage reads: 'Sigonius De Ant. Ro.'

⁴⁷ Eric Nelson, *The Hebrew Republic. Jewish Sources and the Transformation of European Political Thought* (Harvard University Press 2011); Guido Bartolucci, *La Repubblica ebraica di Carlo Sigonio: modelli politici dell'età moderna* (Olschki 2007); Guido Bartolucci, 'The Hebrew Republic in the Political Debate of Sixteenth-Century Europe: The Struggle for Jurisdiction' in Wyger Velema and Arthur Weststeijn (eds), *Ancient Models in the Early Modern Republican Imagination* (Brill 2017) 214–33.

⁴⁸ Petrus Cunaeus, *The Hebrew Republic* (Peter Wyetzner tr, Shalem Press 2006) 1.3, 17–18. On Cunaeus, see Lea Campos Boralevi, 'Classical Foundational Myths of European Republicanism: The Jewish Commonwealth' in Van Gelderen and Skinner (eds), *Republicanism* (n 33) 247–61; and Jonathan R Ziskind, 'Petrus Cunaeus on Theocracy, Jubilee and the Latifundia' (1978) 68 *The Jewish Quarterly Review* 235–54.

suggested by referring to the Jewish example, could only succeed on the basis of a precise legal arrangement to distribute colonial property to farmer–settlers, with agrarian labour as the key to improving both people and land.⁴⁹

Dutch colonial expansion, however, was not agrarian but primarily commercial in nature, as the conquest of overseas territories and the establishment of colonial outposts was driven by the commercial rationale of chartered companies for overseas trade, principally the Dutch East India Company (VOC). In this changing context, Roman agrarian law as studied by Sigonio gradually lost its appeal and became overshadowed by the significance of Roman private law, famously used by Hugo Grotius to formulate legal principles for free navigation and the seizure of commercial properties by the VOC.⁵⁰ Yet even in the Dutch colonial world, in which Grotius' principles played a foundational role, the Roman model of the semi-independent farmer–settler colony continued to set the agenda of concrete proposals for colonial government. In north-eastern Brazil, for example, conquered by the Dutch from the Portuguese in 1630, recruitment of settlers and the distribution of land in free property was deemed necessary to make the colony flourish.⁵¹ Yet the dominance of commerce in Dutch colonial practice meant that this Sigonian discourse of agrarianism merged with the Grotian discourse of free trade. As a pamphlet from 1638 argued, the best way to attract settlers to Brazil was to 'follow the ruling of the Romans, who created their colonies mostly through *privilegia* and *immunitates*', which implied that colonists should not only receive agrarian property rights but also free trade exemptions.⁵² In this way, the Sigonian and the Grotian narratives fused together in an ambiguous amalgam of the farmer–settler model adapted to the seventeenth-century world of global trade.

In practice, this attempt to reconcile ancient agrarianism with modern commercialization resulted in the development of hybrid colonial landscapes such as the colony of New Netherland in North America, where commercial settlements dominated by a fort, such as New Amsterdam, alternated with private colonial allotments (patroonships) and surrounding lands that were meant to

⁴⁹ The intellectual foundations of the Dutch 'republican empire' are explored further in Arthur Weststeijn, 'Republican Empire: Colonialism, Corruption and Commerce in the Dutch Golden Age' (2012) 26 *Renaissance Studies* 491–509.

⁵⁰ See Benjamin Straumann, *Roman Law in the State of Nature. The Classical Foundations of Hugo Grotius' Natural Law* (Cambridge University Press 2015) and, for the concrete colonial context, Martine van Ittersum, *Profit and Principle. Hugo Grotius, Natural Rights Theories and the Rise of Dutch Power in the East Indies, 1595–1615* (Brill 2006).

⁵¹ Gerrit Johan van Grol, *De grondpolitiek in het West-Indisch domein der Generaliteit* (Algemeene Landsdrukkerij 1934) 57–63, 272–75.

⁵² *Consideratien als dat de negotie op Brasil behoort open gestelt te worden* (1638) 10. For the context, see Arthur Weststeijn, 'Dutch Brazil and the Making of Free Trade Ideology' in Michiel van Groesen (ed), *The Legacy of Dutch Brazil* (Cambridge University Press 2014) 187–204.

be distributed to farmer-settlers from Europe. For example, when the city of Amsterdam established a new urban colony on the shores of the Delaware river in 1656, the recruitment conditions it offered to prospective colonists stated that all the lands around the city would be divided and distributed ‘in free, fast and durable property’, provided the colonists cultivated the land.⁵³ But as in Virginia, where the headright system of 1618 postulated similar conditions, settler colonization essentially failed in the Dutch world, as settlers were reluctant to cross the Atlantic in large numbers and commercial motivations dominated over Rome-inspired principles. In Dutch Brazil, and later also in Surinam, colonial territories originally intended for agrarian settlement were turned into large plantations worked by enslaved people forcefully transferred from Africa. The development of transatlantic slavery most gruesomely revealed the increasing discrepancy between colonial theory and colonial practice in the seventeenth century.

On the other side of the world, in the Dutch colony of Batavia (modern Jakarta), a colonial observer critically discussed this discrepancy in 1675 by invoking the authority of Sigonio. In a manuscript ‘Advice on the Dutch colony in these Indian regions’, Pieter van Hoorn, member of the VOC Council of the Indies in Batavia, argued that colonization was originally intended, following the Roman example, for the ‘distribution of land and the improvement of everyone’s position, as Sigonio extensively proves.’⁵⁴ Yet that ideal had never been realized in the Dutch Empire because of the commercial mindset of the VOC, which augmented the common risk threatening all colonial projects: ‘the filthy desire and greed for profit at the start of colonization.’ The Roman spectre of unequal distribution which troubled Sigonio, Cunaeus, and Harrington was, according to Van Hoorn, revived in the seventeenth century by the VOC, but in an even more greedy guise since ‘colonies are more and better enhanced and governed by eminent and generous powers than by merchants, because they too much pursue and practice present profits.’⁵⁵ Sigonio’s analysis of the Roman colonial model thus ended up in the tropics, in the wet, hot climate of Java, to

⁵³ Edmund B O’Callaghan (ed), *Laws and Ordinances of New Netherland, 1638–1674* (Weed, Parsons and Co 1868) 242–43. On the legal framework of patroonships, see Jaap Jacobs, ‘Dutch Proprietary Manors In America: The Patroonships In New Netherland’ in Louis Roper and Bertrand Van Ruymbeke (eds), *Constructing Early Modern Empires. Proprietary Ventures in the Atlantic World, 1500–1750* (Brill 2007) 301–26.

⁵⁴ National Archive, The Hague, 1.04.02, 1297 Batavia, fols 685–702: ‘Copie consideratien van dedele Pieter van Hoorn wegens de Nederlantse colonie in dese Indische gewesten’, quote on fol 687. The text is partly published, but without the passages referring to Rome and Sigonio, in Jan KJ de Jonge (ed), *Opkomst van het Nederlandsch gezag over Java*, vol 3 (Martinus Nijhoff 1872) 130–47.

⁵⁵ *ibid* 133. For the context and further analysis of Van Hoorn’s advice, see Arthur Weststeijn, ‘The VOC as Company-State: Debating Seventeenth-Century Dutch Colonial Expansion’ (2014) 38 *Itinerario* 13–34.

serve as the intellectual foundation for a critical review of the monopolistic colonial politics of the VOC.

Despite the distance in time and in space separating Sigonio's Italy from Dutch Batavia, it is not surprising that his work on Roman colonization was used as an authoritative source for criticizing the VOC. Indeed, a century after the publication of *De antiquo iure Italiae*, Sigonio was still considered the most important source for understanding the ins and outs of Roman colonization. For example, a popular Dutch overview of Roman history published in Amsterdam in 1670 directly cites Sigonio's classification of six reasons why the Romans established colonies.⁵⁶ Also in England, Sigonio continued to be read and cited. Thus, the Whig MP Walter Moyle, who extensively discussed the topic of Roman colonization in his 1698 *An Essay upon the Constitution of the Roman Government* to show why 'colonies were of excellent use to the Commonwealth', referred the reader explicitly to Sigonio, 'who has handled it with great Judgment and Accuracy'.⁵⁷ First published posthumously in 1726 and again in 1796 as *Democracy Vindicated: An Essay on the Constitution and Government of the Roman State*, Moyle's essay was one of many texts that updated Sigonio's relevance for the colonial debates of the eighteenth century.⁵⁸

The concrete colonial experiment that arguably approached most closely the ideals of the colonial farmer-settler model in this period was Savannah, Georgia, founded in 1733 by the social reformer James Oglethorpe. Together with a group of trustees, Oglethorpe aimed to create an agrarian colonial society that, in the analysis of Tom Wilson, 'would preserve and nourish fundamental principles of the British nation . . . that were being eroded by urbanization and social disintegration'.⁵⁹ The prime target group for this utopian project were impoverished urban Britons, even ex-prisoners, who were given a new chance in life. Agrarian colonization according to strict rational and egalitarian principles was believed to transform these social outsiders into loyal and

⁵⁶ Joachim Oudaan, *Roomsche Mogenthey, of naeuwkeurige beschryving, van de macht en heerschappy der oude Roomsche keyseren* (Daniel Baccamude 1670) 173. Sigonio's description in *De antiquo iure Italiae* (n 12) 2.2.1, 63v reads: 'The first reason was to control the original inhabitants; the second to prevent the attacks of their enemies; the third to increase the number of their own offspring; the fourth to draw people out of the city; the fifth to settle any uproar; and the sixth to grant veteran soldiers a reward' (Isabelle Buhre tr).

⁵⁷ Walter Moyle, *An Essay upon the Constitution of the Roman Government* in *Works of Walter Moyle, None of Which Were Ever before Published* (Thomas Sergeant ed, 1726) vol 1, 127–31. See Caroline Robbins, 'The "Excellent Use" of Colonies. A Note on Walter Moyle's Justification of Roman Colonies, ca. 1699' (1966) 23 *The William and Mary Quarterly* 620–26; Vickie B Sullivan, 'Walter Moyle's Machiavellianism, Declared and Otherwise, in *An Essay upon the Constitution of the Roman Government*' (2011) 37 *History of European Ideas* 120–27.

⁵⁸ For further examples, see Chapter 4 in this volume by Somos.

⁵⁹ Tom D Wilson, *The Oglethorpe Plan: Enlightenment Design in Savannah and Beyond* (University of Virginia Press 2012) 32 (hereafter Wilson, *The Oglethorpe Plan*).

productive citizens, while at the same time relieving the founding nation of excess population.⁶⁰

Savannah's ideological founding principles, as well as their practical implementations, derived to a large extent from Roman colonial history as (re)constructed by humanist scholars such as Machiavelli and Sigonio. Apart from embracing the emancipating qualities Roman agrarian settler colonization supposedly had, Oglethorpe followed the Roman model also in practical details such as the sizes of distributed allotments. Settlers were to become freeholders and therefore received fifty acres of land per family, a recurrent amount of landed property handed to Roman colonists.⁶¹ The maximum size of land a person could own was 500 acres, clearly reflecting the maximum amount established by the Gracchan law.⁶² The general idea behind these size restrictions resonated Greco-Roman Stoic views, which suggested that allotments should be large enough to provide families with a means of subsistence but small enough to avoid the corrupting influences of wealth accumulation, which was believed to result in decadence, egoism, and idleness.⁶³ The same ideology also prohibited slave labour, not only because of the moral implications, but also because it would turn the colonist lazy.⁶⁴

Also in the strict geometrical layout of both Savannah's town-plan and its hinterland, we can easily recognize Roman colonial organizational principles. The orthogonal scheme of the city clearly mirrors Roman centuriation patterns as described in the writings of the Roman land surveyors and Roman colonial town planning practices.⁶⁵ This mathematical scheme was, moreover, believed to express and stimulate order and rationalism and considered to emulate the perfect order created by God. The rational grid and egalitarian division of plots were associated with the rule of law and became a supposed symbol of civilization, separating civilized states from uncivilized ones that were unable to control the chaotic disposition of wilderness.⁶⁶

Savannah's utopian society, however, quickly abandoned its ideological founding principles as they turned out to be ineffective in light of the harsh

⁶⁰ *ibid* 38.

⁶¹ Examples of 50 *iugera*, also mentioned by Sigonio, are the allotments distributed to the colonists of Bononia and Aquileia: Livy, *Ab urbe condita*, 37.57; 40.33.

⁶² Appian, *Civil Wars* 1.3; Wilson, *The Oglethorpe Plan* (n 59), 52–54. Garden plots were established at five acres.

⁶³ *ibid* 46. For the classical narrative see for example: Plato, *Laws* 737d.

⁶⁴ Wilson, *The Oglethorpe Plan* (n 59), 61; see 192–94 for the humanitarian considerations that influenced Oglethorpe's decision to prohibit slavery.

⁶⁵ *ibid* 55–58. See also Turpin C Bannister, 'Oglethorpe's Sources for the Savannah Plan' (1961) 20 *The Journal of the Society of Architectural Historians* 47–62.

⁶⁶ This view continued into the twentieth century: see for example Francis J Haverfield, *Ancient Town Planning* (Clarendon Press 1913) 14.

social and physical reality the colonists had to endure.⁶⁷ For example, the rural organization based on the principle of equality and autarky was a fiasco: the inexperienced colonial farmers could hardly make a living and complained constantly about the rationally divided and equally sized allotments. Some plots in the orthogonal grid were located in terrains unsuitable for farming such as swamps, or they were too far removed from good water resources. Farmers wanted to decide for themselves where and how much land they could cultivate. Also, the prohibition of slave labour was considered unfair as it made prices uncompetitive in regard to other nearby colonies. Eventually, the utopian colony of Savannah could only survive for about a decade because Oglethorpe and the other trustees continued to invest money in it. Only after the colony lost its semi-independent status and was transformed into a regular plantation colony, based on slave labour, did it start to prosper economically.

With the demise of Oglethorpe's ideal colony in Savannah, the farmer-settler model decisively turned out to be a Roman colonial utopia that did not match modern colonial practice. Nonetheless, Sigonio's reconstruction of Roman colonization remained an authoritative and influential source throughout the eighteenth century, both within discussions on the significance of ancient colonial models in modern contexts, for example regarding the relationship between motherland and colony in the nascent United States of America, as within scholarly debates on Roman history.⁶⁸ Moreover, the failure of the farmer-settler model in overseas colonial contexts, such as Savannah, did not discourage other attempts to initiate similar projects within the mother country. Indeed, while European colonial states in the nineteenth century gradually abandoned the idealized Roman agricultural settler model in favour of another Roman colonial model based on the idea of the civilizing mission,⁶⁹ it survived in so-called domestic colonial enterprises.⁷⁰ Increasingly, the theory that the Roman colonial settler-farmer model was a useful solution to the social problems of urban societies was adopted in social experiments at home with the objective to emancipate the urban paupers. An interesting example that encapsulates the transfer from overseas to domestic colonization at the turn of the nineteenth century are the colonies of the Dutch *Maatschappij van*

⁶⁷ Wilson, *The Oglethorpe Plan* (n 59) ch 3.

⁶⁸ See Chapters 4 and 5 in this volume by Somos and Balbo.

⁶⁹ See eg Michael Dietler, *Archaeologies of Colonialism: Consumption, Entanglement, and Violence in Ancient Mediterranean France* (University of California Press 2010) ch 1. The overseas plantation model continued for example in the Italian colonization of Libya in the opening decades of the twentieth century. For a contemporary positive British view on this, see Sir Edward J Russell, 'Agricultural Colonization in the Pontine Marshes and Libya' (1939) 94 *The Geographical Journal* 273–89.

⁷⁰ Barbara Arneil, *Domestic Colonies: The Turn Inward to Colony* (Oxford University Press 2017).

Weldadigheid (Society of Humanitarianism), founded in 1818 in a backward region in the Netherlands by Johannes van den Bosch.⁷¹ Having made a military career in the Dutch colony of Batavia, Van den Bosch' objective upon his return to the Netherlands was to offer a new life to the urban poor by enrolling them into a disciplinary programme of agricultural labour based upon the Roman farmer-settler model. Also in this case, it was assumed that a project of agricultural colonization of previously uncultivated areas according to strict rational principles and schemes would have a beneficial impact on the moral of urban paupers. Moreover, their virtuous labour would bring unproductive regions into cultivation and as such enhance the value of the land considerably.⁷²

More than a century later we can see the same ideology still being applied, for example, in the Fascist colonization of the Pontine Plain near Rome, and in the post-Second World War colonization of the *Mezzogiorno*, the impoverished regions of South Italy.⁷³ In these projects, explicitly inspired by the Roman model, agricultural colonization was believed to emancipate the urban poor while increasing the agricultural production of the nation by bringing unproductive areas into cultivation. The method to achieve this goal was found in the creation of rational and egalitarian land division systems in former swamp or woodland areas, often the former possession of aristocratic families, which were being distributed to impoverished city or village dwellers, transforming them into small proprietors. As such, these projects were also considered vital instruments to combat feudal power mechanism that were still dominating parts of southern Italy. With the partial exception of the colonization of the Pontine Plain, which after very difficult pioneer years turned out to be a modest success, most probably resulting from its profitable location close to the urban market of Rome, these social experiments failed. The rationally distributed colonial farms in the *Mezzogiorno* were quickly abandoned, as farmers preferred

⁷¹ On Van den Bosch, see the recent biography by Angelie Sens, *De kolonieman. Johannes van den Bosch (1780–1844), volksverheffer in naam van de Koning* (Balans 2019). In these Dutch domestic colonies, land was not transferred as private property to the colonists. The idea was that they could return to 'normal' society after being disciplined in the colonies.

⁷² As in the case of overseas settler colonies, these high expectations did not materialize. The living condition in the Dutch domestic colonies proved very difficult and the urban paupers did not easily transform into the ideal farmer-citizens Van den Bosch had hoped for: see Richard Paping and Vincent Tassenaar, 'Levenskansen, levensstandaard en integratie in de Koloniën van de Maatschappij van Weldadigheid' (2018) 135 *Nieuwe Drentse Volksalmanak* 21–48. The project was quickly abandoned and several former colonies were transformed in more regular detention centres.

⁷³ See Russell King, *Land Reform: The Italian Experience* (Butterworth-Heinemann 1973), and specifically on farm construction in southern Italy: Ippolita Mecca 'Borghi e paesaggi rurali della Basilicata: tipologie edilizie e tecniche costruttive' (2012) *Esempi di Architettura* 1–10. More examples from the interwar period are discussed in the special issue *Internal Colonization in the Age of Modern Territoriality* (2015) 3 *International Journal for History, Culture and Modernity*, and in Liesbeth van de Grift and Amalia Ribí Forclaz (eds), *Governing the Rural in Interwar Europe* (Routledge 2017).

to live in the old *borghi* of medieval origin, close to the bars, old churches, and palaces of the former landed aristocracy.

In contemporary Western society, the Roman agrarian colonial model has lost its appeal as a practical solution to socio-demographic problems of urbanizing societies. Still, the model remains dominant in the academic discipline of Roman studies where it continues to operate as an important explanation of Rome's imperial success.⁷⁴ The long and troublesome history of colonial implementation attempts sketched in this introductory chapter has hardly affected scholarly optimism about the success of a utopian model for which little information survives about its practical functioning in antiquity. Arguably, it is in this confidence that we can perhaps best recognize the survival of the Sigonian line of thought. Although his seminal study on Roman colonization has been surpassed by modern scholarship, especially by the great German scholars of the nineteenth century who drastically rewrote Roman colonial history, Sigonio's contention that the success of Roman Republican colonization was connected to rural reform, has endured until today.

Outline of This Volume

While this introductory chapter has given a broad and necessarily sketchy overview of the development of the farmer-settler colonial model and the role of Sigonio's seminal study of Roman colonization in this process, the next chapters of this volume explore in much greater detail Sigonio's place in the making of the legal discourse on Roman colonization.

Chapter 2 by William Stenhouse examines the work of Renaissance historians of Roman colonization before Sigonio, from Andrea Fiocchi's treatise *De potestatibus Romanis* from 1425 to Niccolò Machiavelli and Onofrio Panvinio. It shows that these earlier scholars, by thinking about Roman colonialism against the backdrop of Hapsburg power in Europe and in the New World, explored the idea of an empire that could be understood not just in terms of power (*imperium*, via the *translatio imperii*), but also in terms of territory, geographical control, and the practical administration of conquered land. Analysing the gradual rediscovery of the ancient Roman Empire and its institutions in the fifteenth and first half of the sixteenth century, Stenhouse assesses the most significant advances that Sigonio made

⁷⁴ For discussion see Pelgrom, 'The Roman Rural Exceptionality Thesis' (n 11) and Chapter 6 in this volume by Luigi Capogrossi Colognesi.

in respect to this humanist tradition. By publishing and discussing bronze fragments of the *lex agraria*, Sigonio added a crucial piece of evidence to the discourse on Roman colonial policies. Moreover, he linked historical discussions of agrarian laws and policy to historical accounts of the establishment of colonies. Previous humanist scholarship focused on the origins and status of the colonies; there were discussions of land policy, but these remained distinct from details of colonies—with the partial exception of Machiavelli, who connected the *lex agraria* with colonization. Following Livy, Machiavelli argued that the reluctance to take possession of land meant that interest in a law placing limits on land-holding and distributing land among the people remained subdued. Because he gave as much weight to Appian as to Livy, Sigonio was able to connect colonies more intimately than his predecessors with the *lex agraria*. As Stenhouse concludes, Sigonio had access to a vigorous tradition of historical discussions of Roman colonial practice that prepared the ground for an understanding of the Roman empire both as an extension of authority and as a bounded space; ground that Sigonio was to cultivate.

In Chapter 3, John Rich discusses Sigonio's view on Roman colonization within the overall structure and aims of his treatises and assesses their achievement in the light of modern scholarship. By analysing in detail the structure of Sigonio's collected work *De antiquo iure populi Romani*, Rich argues that Sigonio's innovative perspective on Roman colonial strategies was the result of his Aristotelean definition of citizenship and the connected decision to use the concept of graded *ius* to organize and analyse his source material. This lucidity of structure, together with a thorough treatment of literary and epigraphic evidence, gave Sigonio's treatises a quality unmatched by the productions of his peers and ensured that on many topics they were not surpassed until the nineteenth century. The chapter shows how Sigonio arrived at his original approach, providing a detailed overview of his studies, his close contacts with other leading academics, and the important new source material that became available at the time, most notably the Tabula Bembina. Rich argues that Sigonio's urge to systematize was one of his greatest strengths but it could also be a weakness, since it forced Sigonio to structure all the available evidence into fixed legal categories that did not always do justice to the complex and dynamic reality of Roman imperial organization. Indeed, the huge accumulation of evidence and improvement of texts since Sigonio's day has exposed many errors in his analysis, some of which resulted from Sigonio's (by our standards) uncritical acceptance of the claims and perspectives of ancient sources. But as the

chapter concludes, Sigonio's work remains particularly notable for its balanced treatment of agrarian legislation and recognition of the importance of socio-economic as well as strategic factors in Roman Republican settlement programmes.

Chapter 4 by Mark Somos explores Sigonio's long-term impact by zooming in on a particular case study, turning to the nascent United States of America. By the 1740s, it was widely understood that the British imperial constitution was in urgent need of comprehensive reform. The irreconcilable patchwork of proprietary, royal, and charter colonial constitutions, the emergent historical authority of increasingly divergent local bodies of law, and the changing financial and strategic vision of the British government, together created a tremendous demand for feasible plans to sustainably recast the empire. Hundreds of proposals were hatched, circulated, and debated. Somos shows that in this intense debate, one of the most cited authorities that would-be reformers turned to was Sigonio. Perhaps more than Jean Bodin or François Hotman, Sigonio was seen as the leading comparative constitutional historian. His analyses of the Roman Empire yielded timeless lessons for metropolitan and colonial administrators alike. Most importantly, Sigonio structured his studies of Athenian, Roman, Hebrew, and medieval Italian laws and customs in a way that revealed these complex historical states' constitutional essence, making comparative analysis possible. Somos shows why American lawyers, British politicians, and merchants and soldiers with a true British–American identity, produced in the second half of the eighteenth century several reform plans for the British Empire, with particular attention to the American colonies, explicitly drawing on Sigonio's analysis of Roman colonization.

In Chapter 5, Mattia Balbo analyses the development of Roman legal colonial discourse in the eighteenth and early nineteenth century, focusing on the studies of Louis de Beaufort and Barthold Georg Niebuhr, who are generally considered to have revolutionized Roman studies by their critical approach to the literary sources. Mattia Balbo illustrates that despite their modern sceptical attitude, Beaufort and Niebuhr in fact reproduced many of Sigonio's views and differed from him only on a few issues; most notably, they both questioned, although for very different reasons, the supposed close connection between colonial law and viritane land division projects. Beaufort's attempt to disconnect Roman land distribution programmes from colonization schemes was part of a wider anti-feudal political agenda, advocating the redistribution of land to diminish aristocratic power and improve the living conditions of lower classes. In this context, Beaufort followed Montesquieu in considering the Roman practice of land division to have been crucial to the success of Roman society, which

thus provided a powerful example for how modern society should progress. Niebuhr continued this interest in Roman land division policies, focusing especially on the legal definition of different types of landholding and of the personal status of the farmers. His detailed studies convincingly showed the legal differences between colonial programmes and *viridiane* land division schemes. Moreover, he argued that this last practice was restricted only to public lands, and was not used to redistribute private properties of aristocratic landowners. Niebuhr thus softened many revolutionary aspects that previous scholars like Beaufort had ascribed to Roman popular institutions. Niebuhr's studies and interpretation of Roman agrarian and colonial history were accepted and further developed by renowned scholars such as Theodor Mommsen, giving them an almost indisputable authority that lasts until the current day. This chapter however shows that Niebuhr's reconstruction was strongly influenced by contemporary liberal political ideology and might not be as solid as is often assumed.

Chapter 6 by Luigi Capogrossi Colognesi discusses the development of the Roman colonial discourse after the pivotal studies of Niebuhr and Mommsen who revolutionized Roman studies and completely overshadowed their predecessors such as Sigonio. In line with Sigonio's approach, Capogrossi Colognesi analyses the colonization discourse especially from a legal perspective. His overview shows how this juridical outlook prospered especially in Italy, where the new sociological wave that had fundamentally changed German scholarship never really took root. Italian scholars like Ettore De Ruggiero and Plinio Fraccaro differed from Sigonio and Niebuhr in their adoption of more fluid juridical categories and sensibility for historical change. This more intuitive approach resulted in very innovative studies and crucial new insights, which however have found little support in the international academic community. The chapter shows how the marginalization of this academic tradition can be explained by the fact that in recent scholarship, Roman colonization is predominantly studied in the context of Roman imperialism or urbanism. In these more historical orientated studies there is no place for the complex legal discourse that was advanced by the Italian school and a handful of scholars from other countries. Capogrossi Colognesi argues that this scholarly divide between historical-sociological and juridical perspectives on Roman colonization is unproductive. By providing several examples of how specialized juridical insights and discussions strongly affect historical reconstructions of Roman imperial strategies and fundamentally alter our understanding of Roman colonial landscapes, the chapter shows the benefits of an integrated approach and also underlines the importance to continue the tradition started by Sigonio.

The volume ends with Chapter 7, an epilogue by Christopher Smith. Reflecting on the history of the Roman colonial discourse outlined in this book, Smith argues that it is time to depart from the strict legalistic Sigonian line of thought and the connected scholarly tradition that is almost exclusively concerned with reinterpreting the relatively late Greco-Roman sources. Instead, he advocates a more fluid and locally variable understanding of Roman Republican colonization. The colonial world in the early and mid-Republican period, he argues, may have been very different from how Livy or his contemporaries understood it to be. New intellectual models are therefore needed that may be found in the historiography of imperialism more generally. In particular, Lauren Benton's seminal work on geography and law in European imperialism offers an intellectual framework worth exploring.⁷⁵ The complex picture of partial and divided sovereignty, far removed from the classic notion of indivisible sovereignty, permits more messy and complex pictures of colonial agency that agree comfortably with recent trends in the study of Roman colonization practices.

⁷⁵ Benton, *A Search for Sovereignty* (n 1).