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PETER VAN MINNEN

Three Edicts of Caracalla? A New Reading of P.Giss. 40

«Man sollte ... an diesem Papyrus ... nicht weiter rühren»¹

Ever since its publication in 1910,² P.Giss. 40 has received more than its share of attention from scholars. The papyrus contains copies of several constitutions of Caracalla, and the first, an edict, has almost unanimously been identified as the so-called *Constitutio Antoniniana* (CA), the edict by which Caracalla granted Roman citizenship to (almost) all free inhabitants of the Roman empire who were not yet Roman citizens. The date of the edict is disputed (with most scholars agreeing on a date in 212), as is the scope of the grant of citizenship (did it exclude any free inhabitants of the Roman empire? did it apply only to the free inhabitants of the Roman empire at the moment it was issued?). The fact that the grant of citizenship is never quoted verbatim in any of our sources has also baffled scholars.

The following discussion will demonstrate that the CA is in fact exactly dated, that part of it is quoted in Latin in the Code of Justinian, and that it is also attested in Greek in another, even more fragmentary papyrus of approximately the same date as P.Giss. 40.

The standard editions of P.Giss. 40 are: the editio princeps, HEICHELHEIM's JEA article,³ OLIVER's Greek Constitutions,⁴ and KUHLMANN's *Die Giessener literarischen Papyri*.⁵ I reproduce the text of the last-mentioned here first with some modifications, followed by an English translation of my own.⁶

¹ H. WOLFF, *Die Constitutio Antoniniana und Papyrus Gissensis 40 I*, vol. 1, 1976, 209.

² P. M. MEYER, *Drei Erlasse Caracallas aus den Jahren 212 und 215*, in: E. KORNEHMANN – P. M. MEYER (eds.), *Griechische Papyri im Museum des Oberhessischen Geschichtsvereins zu Giessen*, vol. 1, 2, 1910, 25–45. I have used the plate (pl. 6) accompanying the editio princeps to verify readings in P.Giss. 40, because more recent plates reflect the damaged state of the original after 1945. The original plate also appears in V. CAPOCCI, *La «Constitutio Antoniniana»*, 1925–1926, 3–136, following the monograph.

³ F. M. HEICHELHEIM, *The Text of the Constitutio Antoniniana and the Three Other Decrees of the Emperor Caracalla Contained in Papyrus Gissensis 40*, JEA 26, 1940, 10–22.

⁴ J. H. OLIVER, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri*, 1989, 495–510.

⁵ P. A. KUHLMANN, *Die Giessener literarischen Papyri und die Caracalla-Erlasse*, 1994, 215–255.

⁶ For a recent English translation of P.Giss. 40 see A. Z. BRYEN, *Reading the Citizenship Papy-*

Col. 1		Αὐτοκράτωρ Καίσαρ Μάρκος Ἀυρήλι[ος Σεουήρος] Ἀντωνίνο[ς] Ε[ὐσεβή]ς λέγει
	[	]η μάλλον ἀγ[. τὰ]ς αἰτίας καὶ το[ύς] λ[ογι]σμοῦ[ς]
	[	θ]εοῖς [τοῖ]ς ἀθ[αν]άτοις εὐχαριστήσαμι, ὅτι τῆ[ς] τοιαύτη[ς]
	[	]ης με συ[νετ]ήρησαν. / τοιγ[α]ροῦν νομίζω [ο]ὔτω με
5	[	]ως δὲ [ν]ασθαι τῆ μεγαλειότητι αὐτῶν τὸ ἱκανὸν ποι-
	[εῖν	ός]άας ἐὰν ὑ[π]εισέλθ[ωσ]ιν εἰς τοὺς ἐμφοῦς ἀν[θρ]ώπους
	[	]γ θεῶν συνε[σ]ενέγ[κοι]μι. δίδωμι τοῖ[ς] συνάπα-
	[σι	κατὰ τ]ῆν οἰκουμένην π[ολειτ]εῖαν Ῥωμαίων, μένοντος
	[	?τοῦ δικαίου τῶν πολιτευμ]άτων, χωρ[ίς] τῶν [. .]δειτικίων. ὁ[φ]εῖλει γὰρ τὸ
10	[	]γειν πάντα ἀ[. . .]α ἤδη κ[α]ὶ τῆ νίκη ἐνπεριε-
	[λη ⁷	]αγμα . . .]λώσει [τὴν] μεγαλειότητα [το]ῦ Ῥωμα[ί-]
	[	] . περὶ τοῦς . . .]υς γεγενησθα[ι] ἥπερ δ[]
	[	] . ἀλειφ[.]ων τῶ[ν] ἐ[κ]άστης
	[	]ητω[.] . . [.]οσ[]
15	[	]θη[]
16	[	]ολω[]
	[	] ⁸
17	[	]το
	[	]α
	[	]γελλι
20	[	]μω
	[	]υπο
	[	]κυ
	[	]ειη
	[	]οισαν
25	[	]εγδια
	[]
	[	] . ος

rus (P.Giss. 40), in: C. ANDO (ed.), *Citizenship and Empire in Europe 200–1900: The Antonine Constitution after 1800 Years*, 2015, 29–43 at 32f. I do not want to spell out the mistranslations, especially in the second column, but note the discrepancies between BRYEN's translation of P.Giss. 40 col. 2, ll. 3–6 and the Latin original preserved in CJ 10.61(59).1, quoted below. The Greek is admittedly hard to translate, and not just because it is itself a translation from the Latin: the original will also have been confusing at times, betraying, as W. WILLIAMS, *Caracalla and the Authorship of Imperial Edicts and Epistles*, *Latomus* 38, 1979, 67–89 at 69–76 and 81–86, argued, Caracalla's own thoughts. – In my English translation I start a new paragraph where the papyrus leaves a blank space, as indicated in my Greek text.

⁷ KUHLMANN (above, n. 5) prints ἐνπεριε[ληφ], but other forms of ἐμπεριλαμβάνω are also possible.

⁸ As HEICHELHEIM (above, n. 3) pointed out, there is a line lost between lines 16 and 17 of the first column (disputed by OLIVER [above, n. 4] 500). I have retained the numbering of the editio princeps.

Col. 2

κα[τα]γέμειν ημ[.] ἀποκατασταθεῖσιν [.]νε[]
 ἴππον δημόσιον προσεσχρηκόσιν ἀπ[ο]δίδ[ω]μι[κ]αὶ οὐσι[ῶν ἐπίκρ]ισις [.]ε. σει[. . .] \π[αρ]α/σ[ημε]ι-
 ωσις ἀποφά[σ]εως εἰς τὸ διακατέχειν ἢ λα[μβ]άνειν τὰς πολ[ιτι]κὰς [τ]ιμὰς. καὶ τοῦ[τοι]ς <τοῖς>
 5 μετὰ ταῦτα τῆς τὰ[ξ]ε[ως] εἰς αὐτῶν <ἦ> συ[ν]ηγορίας πρὸς χρό[ν]ον κωλυθεῖσι μετὰ τ[ὸ]
 μεί[ω]σις. καὶ εἰ φανερόν ἐστιν, πῶς πλήρη τὴν χάριτά μου παρενέθηκα, ὁμως
 ἵνα μή τις στεγότερον παρερμηνεύσῃ τὴν χάριτά μου ἐκ τῶν ῥη[μά]των το[ῦ]
 προτέρου διατάγματος, ἐν ᾧ οὕτως ἀπεκριν[ά]μην· «ὕποστρεφέτωσαν πάντες
 10 εἰς τὰς πατρίδας τὰς ἰδίας», ἐλευθέραν με τοῦτοις πᾶσιν τὴν ἐπ[άν]ο[δ]ο[ν] δεδωκέναι
 π[αρ'] αἰῶσις ἢ δειλιάς αἰτία ἢ παρὰ τοῖς κακοήθεσιν ἐπιρρεῖας ἀφορμῆ ὑπολειφθῆ.
 προετέθη πρὸ εἰδῶν Ἰουλιῶν δυσὶ Ἀσπροις ὑπάτοις, ὃ ἐστιν κ (ἔτους) Ἐπειφ ις,⁹
 ἐν [δ]ὲ Ἀλεξαν[δρ]εῖα ὑπὸ τοῦ ἐπιτρόπου τῶν οὐσιακῶν κα (ἔτους) Μεχειρ ις γενομένου
 [ὑπ]ομνήματος ἐπὶ τοῦ λαμπροτάτου[ν] ἡγεμόνος Βαιβί[ο]υ Ἰο[υ]γκίνο[υ] τῆ δ
 15 [τοῦ] αὐτοῦ μηνὸς Μεχειρ.

ἄλ(λο).¹⁰ Αἰ[γ]υπτί[ο]ι πάντες, οἳ εἰσιν ἐν Ἀλεξανδρεία, καὶ μάλιστα ἄγροικοι, οἵτινες πέφευ[γαν]
 ἄλ[λο]θεν κ[αὶ] εὐμαρῶς ἐ[ὔ]ρισ[κ]εσθαι δύνανται, πάντη πάντως ἐγβλήσιμοι εἰσιν. ο[ὔ]χ[ι]
 μ[έν]τοι γ[ὰρ] χειρόεμποροι καὶ ναῦται ποτά[μ]οι ἐκείνοι τε, οἵτινες κάλαμον πρὸς τὸ
 ὑποκαίειν τὰ βαλα[νεῖ]α καταφέρουσι. τοὺς δὲ ἄλλους ἐγβαλλε, οἵτινες τῷ πλήθει[ν] τῶ
 20 ἰδίω κα[ὶ] οὐ[χ]ὶ χ[ρ]ῆσι ταρασσουσι τὴν πόλιν. Σαραπίοις καὶ ἐτέροις τισὶν ἐορ-
 τασί[μοις ἢ]μέραις εἰσθῆναι κατάγειν θυσίας εἵνεκεν ταύρους καὶ ἄλλα τινὰ
 ξυψ[υ]χα ἢ καὶ ἄλλας ἢ[μ]έρας Αἰγυπτίους μανθάνω· διὰ τοῦτο οὐκ εἰσι κωλυτέοι.
 ἐ[κ]είνοι κωλ[ύ]εσθαι ὄφε[ι]λλουσιν, οἵτινες φεύγουσι τὰς χώρας τὰς ἰδίας ἵνα μὴ
 ἔρ[γ]ον ἄγροικον ποιῶσι, οὐχὶ μέντοι τὴν πόλιν τὴν Ἀλεξανδρέων τὴν λαμπρο-
 25 τάτην {η}ν ἰδεῖν θέλον[τ]ες εἰς αὐτὴν συνέρχονται ἢ πολιτικωτέρας ζωῆς ἔνε-
 κεν [ἢ] π[ρ]αγματείας προ[σ]καίρου ἐνθάδε κ[α]τέρχονται. μεθ' ἔ[τ]ερα. ἐπιγινώσκει-
 σθαι γὰρ εἰς τοὺς λινοῦφο[ι]ο[υ]ς οἱ ἀληθινοὶ Αἰγύπτιοι δύνανται εὐμαρῶς φωνῆ ἢ¹¹
 ἄλλων [δηλ]οῖ¹² ἔχειν ὄψεις τε καὶ σχῆμα. ἔτι τε καὶ ζω[ῆ] δεικνύει ἐναντία ἡθῆ
 ἀπὸ ἀναστροφῆς [πο]λιτικῆς εἶναι ἀγροίκους Αἰγυπτίους.

⁹ The scribe made a mistake here, probably distracted by the date in the next line (Mecheir 16). July 11, 212 (the date according to the Roman calendar, confirmed by CJ 10.60[59].1) equals Epeiph 17 in the Egyptian calendar.

¹⁰ KUHLMANN (above, n. 5) prints this word on a separate line, but it is written in the margin of line 16. – I rather think I see ἄ[λ]λ[ο], with the second lambda going deeper than the first, which is not visible. It would fit the space in front of line 16 without the need for abbreviation.

¹¹ I print the text of the editio princeps here instead of KUHLMANN'S ἦ. See K. BURASELIS, *Zu Caracallas Strafmaßnahmen in Alexandrien* (215/6). *Die Frage der Leinenweber in P.Giss. 40 II und der systitia in Cass.Dio 77(78).23.3*, ZPE 108, 1995, 166–188 at 167, n. 5. For the issues involved with this disputed reading and that in the next line, see n. 47 below.

¹² I print the text of the editio princeps here instead of KUHLMANN'S [αὐτ]οί. Again, see BURASELIS (above, n. 11) 167, n. 5. I retain ζω[ῆ] to balance φωνῆ. BURASELIS prefers ζω[ή].

Col. 1

«... Emperor Caesar Marcus Aurelius Severus Antoninus Pius declares:

... rather ... the causes and the reasons ... that I might thank the immortal gods ... for having saved me from such a ...

Therefore I think that in this way (5) I can ... do something befitting their greatness ... as often as they are added to my people ... I might bring them to the ... of the ... gods.

I give to everyone ... throughout the (Roman) world Roman citizenship, without prejudice to (other) citizenships(?), with the exception of the ...

For it is fitting (10) ... all the ... and already included in the victory ... will ... the greatness of the Roman ... to have occurred concerning the ... by which ... the ... of each ... (15) ... (20) ... (25) ...

Col. 2

... to distribute ... to those who have been restored ... I return the *equus publicus* to those who had it previously, and a verification of their property ... their sentence ... so that they can retain or acquire civic honors.

And against those who in future are barred for a while from their rank or from appearing in court (on behalf of others), after the (5) term of their sentence is completed, their dishonor will not be held.

And even if it is clear how fully I stated my amnesty, nevertheless in order that no one misinterpret my amnesty by an overly-narrow reading of the wording of my earlier edict, in which I decreed as follows: «Let all return to their own homelands», I deemed it necessary to make clear (read: δηλωτέον) that I have given all of them permission to return freely (10) to every land including my own Rome, so that there is no reason left for them to be afraid and no pretext left for those who are mean-spirited to be abusive.

Posted on the 5th day before of the Ides of July in the consulship of the two Aspri (= July 11, 212), which is year 20, Epeiph 16 (read: 17) and in Alexandria by the *procurator usiacus* in year 21, Mecheir 16 (= February 10, 213), a record (previously) having been made in the official minutes of the most glorious prefect Baebius Iuncinus on the 4th (15) of the same month of Mecheir (= January 29, 213).

Another (decree): All Egyptians who are in Alexandria and especially the peasants who have fled from elsewhere and can easily be recognized, are to be expelled by all and every means.

Not, however, pig-dealers or river-boatmen or those who bring reeds for heating the baths. But expel the others, who because of their very number (20) and uselessness are disturbing the city.

I am informed that the Egyptians are in the habit of bringing bulls and other animals for sacrifice on the Serapeia and other festival days or even on other days. They are on that account not to be hindered. Those who flee their homelands to avoid doing agricultural work are certainly to be hindered, but not if they come here for the sake of

seeing (25) the most glorious city of the Alexandrians or if they come here for a more civic life or for temporary business. Further on:

The real Egyptians can be recognized among the linen-weavers easily by their speech, which shows that they have taken on the outward appearance and dress of others. Moreover, in the way they live their habits are totally different from civic behavior, which also shows that they are Egyptian peasants.»

The number of texts on the papyrus: the CA and one more

The first thing to notice is the layout of the papyrus. What is preserved is in two columns. Both the top and the bottom of the papyrus are preserved, but only the right side, leaving the left side, with the beginning of the lines of the first column in a lacuna. The length of that lacuna has been estimated on the assumption that both columns would have been equally wide, but this does not have to be the case at all.¹³ It is more prudent to leave the length of the lacuna to the left, and especially the reconstruction of line 1, with the imperial titulature, and line 9, with the bulk of the (in)famous «reservation clause» (lines 8f.), up in the air. As will be shown later on, the Greek in line 9 is in any case better served with a longer supplement than the ones proposed so far. MODRZEJEWSKI has recently suggested¹⁴ that line 1 started with ἀντίγρα(φον) διατά(γματος)¹⁵ vel sim. before the imperial titulature. Such a phrase would presumably not have been abbreviated, and it was probably not written above line 1, because that would make the upper margin above the first column much smaller than the one above the second column. The first line of the second column is slightly lower than the first visible line of the first column, which makes it all the more likely that the first visible line in the first column was indeed the first line. On the basis of these not entirely certain considerations, I tentatively restore P.Giss. 40 col. 1, l. 1 as follows:

1 [ἀντίγραφον διατάγματος· Αὐτοκράτωρ Καίσαρ Μᾶ]ρκος Ἀυρήλι[ος Σεουήρος] Ἄντωνίνο[ς]
Ε[ὕσεβῆ]ς λέγει

The line was perhaps written in ecthesi (as is the case with ἄλλο in line 16 of the second column, at the start of the second text in that column). Even so, the ecthesis would be just a few letters wide at most, and the supplement in my tentative restoration here would give us a lacuna of about 40 letters to the left, which will be important when we get to the supplements in P.Giss. 40 col. 1, ll. 8f. Note that Caracalla's official titulature is abbreviated in this copy.¹⁶

¹³ So J. MÉLÈZE MODRZEJEWSKI, *Un empire universel, in his Droit et justice dans le monde grec et hellénistique*, 2011, 475–496 at 481.

¹⁴ MODRZEJEWSKI (above, n. 13) 482.

¹⁵ P.Giss. 40 col. 2, l. 8 refers to Caracalla's earlier amnesty decree as a διάταγμα. The word διάτ[αγμα] most likely also occurs in P.Giss. 40 col. 1, l. 11.

¹⁶ WOLFF (above, n. 1) 124.

Only HEICHELHEIM¹⁷ and OLIVER¹⁸ offer a text that shows that the first text in the second column actually started in the first column. They rather adventurously identify the traces at the end of line 27 of that column, which they read]τος, as part of the first line of a new text with the imperial titulature of Caracalla, ending in Σεβασ]τος. But OLIVER himself¹⁹ and KUHLMANN²⁰ read the titulature of Caracalla in line 1 of the first column without this epithet: instead of the Σ[εβαστό]ς of the editio princeps, they read Ε[ὕσεβή]ς, which is, in my view, the only possible reading of the traces in line 1 of the first column.²¹ That alone would seem to rule out Σεβασ]τος in line 27 of the first column, and what precedes -ος there does not have to be a tau at all. In fact, the supplement proposed for this line by HEICHELHEIM and OLIVER is also too short for the lacuna, if this was as long as my tentative restoration of line 1 of the first column implies.

There is a line lost between lines 16 and 17 (not noticed in the editions except HEICHELHEIM's), but if it was a blank space separating two edicts (on the model of what happens in the second column), there would not be a publication note at the end of the first text in the first column as there is at the end of the first text in the second column. HEICHELHEIM's Αὐ]το- at the end of line 17 also cannot be part of an imperial titulature required at the beginning of a new text following a space (assuming the lost line between lines 16 and 17 was blank). HEICHELHEIM printed the end of his first text, its publication note, and the beginning of the titulature of his second text continuously, which does not conform to what we find in the second column or in HEICHELHEIM's own reconstruction of line 27 of the first column.²²

There is a line lost also between lines 25 and 27 of the first column, but even if we assume that it was a blank space separating two edicts (again on the model of what happens in the second column), there would not be a recognizable publication note at the end of the edict that would have ended in line 25 of the first column (even HEICHELHEIM²³ did not restore one there). There are three lines lost after line 27 (not four, as the editio princeps has it), but they too could not have contained both the publication note of the first text in the first column and, after a blank space separating

¹⁷ HEICHELHEIM (above, n. 3) 11.

¹⁸ OLIVER (above, n. 4) 505.

¹⁹ OLIVER (above, n. 4) 497.

²⁰ KUHLMANN (above, n. 5) 222.

²¹ Equally possible is Ε[ὕτυχή]ς, but this does not appear to occur without Εὕσεβής, whereas Εὕσεβής does occur without Εὕτυχής. See P. BURETH, *Les titulatures impériales dans les papyrus, les ostraca et les inscriptions d'Égypte (30 a.C. – 284 p.C.)*, 1964, 95–105. For the epigraphical evidence, see A. MASTINO, *Le titolature di Caracalla e Geta attraverso le iscrizioni (indici)*, 1981. Another edict of Caracalla, P.Horak 25, starts inconclusively with Αὐτοκράτωρ [Καίσαρ Μάρκος Αὐρήλιος] Σεουήρος Αντω[νεῖνος Σεβαστός λέγει]. Σεβαστός is restored on the basis of the earlier, now defunct reading of P.Giss. 40 col. 1, l. 1.

²² HEICHELHEIM (above, n. 3) 11. See, e.g., OLIVER (above, n. 4) 500 for a rejection of HEICHELHEIM's reconstruction at this point.

²³ HEICHELHEIM (above, n. 3) 11.

two edicts (again on the model of what happens in the second column), the beginning of the text that continues in the second column.

Looking over what is visible at the end of lines 17–27 of the first column, which I assume to be the continuation of lines 1–16 and the lost line following line 16, I see ελλη- in line 19 (perhaps something having to do with Ἕλληνες, as the note on the diplomatic transcript of the line in the editio princeps suggested),]οῖεσαν in line 24 (perhaps προῖέσαν|[το, following WILCKEN's suggestion προῖεσαν in the note on the diplomatic transcript of the line in the editio princeps), and]εγδια in line 25 (perhaps something having to do with ἔγδεια, read: ἐκδεια, <deficit> vel sim., rather than ἐγ δια-, as OLIVER²⁴ has it). The first of these is at least compatible with the subject of the CA.

Since there is no discernible break in the text of the first column, it must have continued in the second column. The first text there is the continuation of the text that started in the first line of the first column and is therefore not a separate edict, as everybody has assumed since 1910, but the last third of the first edict, the CA, of which the first column contained the first two thirds.

This simple observation allows us to draw three important conclusions. Since the first text in the second column of P.Giss. 40 is exactly dated to July 11, 212, and that first text is none other than the last third of the CA, the exact date of publication of the CA is July 11, 212. Those who preferred 213 or even 214 now appear to have been mistaken,²⁵ unless they continue to regard the edict in P.Giss. 40 as something other than the CA.²⁶ But the language in lines 7–9 (δίδωμι τοῖς σ]υνάπα[σι --- τ]ῆν οἰκουμένην π[ολει]τείαν Ῥωμαίων --- χωρ[ις] τῶν [. .]δειτικίων) already appears to make this implausible. It implies an extension of Roman citizenship to all but (if we accept the traditional supplement [δε]δειτικίων) the lowest category of free people in the Roman social hierarchy, the *dediticii*, and this fits the CA rather well.²⁷

²⁴ OLIVER (above, n. 4) 498.

²⁵ See W. SESTON, Marius Maximus et la date de la «Constitutio Antoniniana», in: *Mélanges d'archéologie, d'épigraphie et d'histoire offerts à Jérôme Carcopino*, 1966, 877–888 (see also Z. RUBIN, Further to the Dating of the «Constitutio Antoniniana», *Latomus* 34, 1975, 430–436), for the former; F. MILLAR, The Date of the Constitutio Antoniniana, *JEA* 49, 1962, 124–131, for the latter.

²⁶ E.g., E. BICKERMAN, Das Edikt des Kaisers Caracalla in P.Giss. 40, 1926, who regarded the edict in the first column of P.Giss. 40 as supplementary to the CA and dated it to 213, but that would put the date of the text in the first column after the first text in the second column (assuming that was another edict), which would be unusual for collections of texts, which tend to arrange the texts in chronological order. Because we now know that the text in the first column also dates from July 11, 212, it is much harder to argue that an earlier grant of Roman citizenship had preceded.

²⁷ WOLFF (above, n. 1) 177–188 argued that the edict in the first column of P.Giss. 40 had nothing to do with the CA, but this founders on the language in lines 7f. (δίδωμι ... π[ολει]τείαν Ῥωμαίων), which WOLFF tried in vain to change to δίδωμι ... τῆ[ν μεγα]λείαν against the traces on the papyrus (and against the use of μεγαλειότης instead of μεγαλεία just a few lines up and

Moreover, now that we know how the CA ended, we can see that, in addition to granting citizenship rights to those who did not yet have them, it also addressed the issue of restoring citizenship rights to those who no longer had them (up to line 6 of the second column of P.Giss. 40)²⁸ – they may have lost them in the troubles following the murder of Geta in December 211.²⁹ The last issue the CA addressed (in lines 6–11) is the amnesty decree issued by Caracalla earlier (quoted in lines 8f.), allowing exiles to return to their home towns, including Rome, where the troubles following the murder of Geta had the biggest impact.³⁰ The CA was issued, not immediately after

down in lines 5 and 11, not to mention the absence of securely attested occurrences of *μεγαλεία* as a noun). – P. PINNA PARPAGLIA, *Sacra peregrina, civitas Romanorum, dediticii nel papiro Giessen n. 40*, 1995, 113–126 argued that the edict in the first column of P.Giss. 40 was limited to peregrine priests, but this founders on the end of the edict in the second column, which is not concerned with priests at all.

²⁸ That would seem a better link between the first column and the first part of the second column than the one postulated by J.-P. CORIAT, *Le prince législateur. La technique législative des Sévères et les méthodes de création du droit impérial à la fin du principat*, 1997, 505: «Les deux édits [the CA and the renewal of the amnesty decree, which we now know was part of the CA] forment un ensemble cohérent, leur complémentarité tenant dans les conséquences financières de leur générosité.» The financial consequences of the CA proper are at best implicit, in the «reservation clause», as we shall see later on, while the financial consequences of the amnesty decree are not spelled out at all.

²⁹ Dio 77(78).2.1 says Caracalla wanted to murder his brother on the Saturnalia (December 17, 211) but had to postpone it. The earliest decree issued in Caracalla's sole name dates from January 7, 212. See P. WEISS, *Ausgewählte neue Militärdiplome. Seltene Provinzen (Africa, Mauretania Caesariensis), späte Urkunden für Prätorianer (Caracalla, Philippus)*, *Chiron* 32, 2002, 491–543 at 510f. (now AE 2002, 1754). The murder therefore took place between these dates. From the length of Geta's reign as given by the «Chronographer of 354» (T. MOMMSEN, *Chronica minora saec. IV, V, VI, VII, Tomus 1*, 1892, 147), various scholars have attempted to date the murder more precisely, but this involves correcting the transmitted numbers. See, most recently, H. HALFMANN, *Zwei syrische Verwandte des severischen Kaiserhauses*, *Chiron* 12, 1982, 217–235 at 230, n. 49 (correcting the numbers so as to yield December 19, 211), and T. D. BARNES, *The Date of the Constitutio Antoniniana Once More*, in: B. PFERDEHIRT and M. SCHOLZ (eds.), *Bürgerrecht und Krise. Die Constitutio Antoniniana und ihre innenpolitischen Folgen*, 2012, 51f. (correcting the numbers so as to yield December 26, 211), who restates a case he made earlier in his *Pre-Decian Acta Martyrum*, *JThS* 19, 1968, 509–531 at 522–525, and his *Tertullian: A Historical and Literary Study*, 1971, 263–265, but without reference to HALFMANN or WEISS. Both December 19 and 26 are listed as possibilities by D. KIENAST, *Römische Kaisertabelle*, ²1996, 166. – The traditional date for Geta's murder, February 212, rests on Geta's age as given in Dio 77(78).2.5 (BARNES points out that Dio's epitomator would have left out the number of days Geta lived beyond the years and months) and Geta's date of birth as given in SHA Geta 3.1 (BARNES points out that Geta was more likely born on March 7, 189, as implied by the *Passio Perpetuae* 7, 4).

³⁰ I do not understand why CORIAT (above, n. 28) 608 (also p. 587, where «décisions» is an error for «décurions»), refers to the amnesty decree as being about «décurions». CJ 10.61(59).2 mentions a *decurio*, but that is another text. The same misunderstanding in G. PURPURA, *Il P.Giss. 40, I, Iuris Antiqui Historia* 5, 2013, 73–85 at 76 («cariche municipali»). Perhaps they were thinking of the contemporary P.Oxy. XII 1406, also issued by Caracalla. – K. STROBEL,

the murder of Geta, when the first amnesty decree was issued according to Dio 77(78).3.3,³¹ but about half a year later, when emotions were running less high, the Romans in Rome were ready to accept Caracalla's sole rule, and Caracalla could issue a policy that was not ad hoc, as the amnesty decree had been.³²

Now that we have a much fuller text of the CA, we note that we have a partial quotation of it in Latin as well as another, contemporary but even more fragmentary copy of the Greek translation. In CJ 10.61(59).1 a *pars edicti* (a most unusual phrase)³³ published on July 11, 212, is quoted (paraphrased in D. 50.2.3.1 from Ulpian), and we have a literal Greek translation of it in P.Giss. 40 col. 2, ll. 3–6, which we now know is the last third of the CA. The translation follows the order of the Latin very closely. This can best be made visible by printing the texts side by side, as follows:

CJ 10.61(59).1	P.Giss. 40 col. 2, ll. 3–6
<i>quibus posthac</i>	καὶ τοῦ[τοι]ς <τοῖς> ³⁴ μετὰ ταῦτα
<i>ordine vel advocacionibus</i>	τῆς τᾶ[ξε]ως ἑαυτῶν <ἡ> συ[νη]γορίας
<i>ad tempus interdicitur,</i>	πρὸς χρό[ν]ον κωλυθεῖσι
<i>post impletum temporis spatium</i>	μετὰ τ[ὸ] π[λ]ηρωθῆναι τὸ τοῦ χρό[ν]ου διάστ[η]μα
<i>non prorogabitur</i>	οὐκ ὀνειδισθῆσεται
<i>infamia</i>	ἢ τῆς ἀτιμ[ί]ας παρασημει[ω]σις

That same part of the CA is preserved in P.Oxy. XXXVI 2755, which overlaps with lines 2 to 11 of the second column of P.Giss. 40. P.Oxy. XXXVI 2755 is therefore another, contemporary copy of the Greek translation of the CA, even more fragmentary than P.Giss. 40.³⁵ Since the grant of citizenship in the CA surely only applied at the time it was issued, it is not at all surprising that we do not have later copies of it.³⁶

Herrscherwechsel, politische Verfolgung, Bürgerkriege in der Kaiserzeit: zwischen Rekonziliation, Amnestie und Säuberung, in: K. HARTER-UIBOPIU – F. MITTHOF (eds.), *Vergeben und Vergessen: Amnestie in der Antike*, 2013, 285–298 at 297, thinks that the amnesty applied especially to exiles from the previous reign of Septimius Severus.

³¹ Dio is quoting or imitating Caracalla when he writes: ἴνα πᾶσα ἡ οἰκουμένη χαρῆ, πάντες οἱ φυγάδες οἱ καὶ ἔφ' ὄτ' ὄψοῦν ἐγγλήματα καὶ ὀπωσοῦν καταδεδικασμένοι κατελθέτωσαν. For the repeated «whatsoever» see also Ulpian at D. 50.2.3.1: *cuicumque et quacumque causa*. For this feature of Caracalla's personal style see WILLIAMS (above, n. 6) 73–76.

³² For a general discussion of the date and scope of the CA see R. GONZÁLEZ FERNÁNDEZ – S. FERNÁNDEZ ARDANAZ, *Algunas cuestiones entorno a la promulgación de la Constitutio Antoniniana*, *Gerión* 28, 2010, 157–191.

³³ CORIAT (above, n. 28) 44 calls the addition of *pars edicti* a «fait assez rare dans le CJ».

³⁴ The missing τοῖς is in P.Oxy. XXXVI 2755, l. 3.

³⁵ P.Oxy. XXXVI 2755 interestingly contains interlinear corrections in a second hand, in one case (line 7) stylistically improving on the original Greek text, which is found in P.Giss. 40 col. 2, l. 7, by changing the original στενότερον το πονηρότερον. It is possible but perhaps unlikely that such a change would have been made by a corrector with access to the Latin original. – It is just possible that P.Ross.Georg. V 18, an only partially preserved bilingual record of proceedings before the prefect Baebius Iuncinus from year 21 (212/3), mentions the amnesty decree. The pre-

The publication note in P.Giss. 40 col. 2, ll. 12–15

We can now move on to the publication note of the CA preserved in the second column of P.Giss. 40 (lines 12–15). It is indented, indicating that it is metatextual,³⁷ providing information about the preceding text that is written the full width of the column. Line 12 matches the publication note in CJ 10.61(59).1 (*pars edicti imperatoris Antonini Augusti propositi Romae V Idibus Iuliis duobus Aspris consulibus*), except that it leaves out *Romae*. Even so, no one has ever doubted that the CA was issued in Rome. The publication note continues in line 13 with information about the publication of the CA in Alexandria on February 10, 213, more than half a year later than in Rome.³⁸ Such a double publication note is most unusual. It is also odd that the text was published in Alexandria by an unnamed *procurator usiacus* rather than the prefect, but I suppose, with HAENSCH,³⁹ that the prefect was away for the *conventus*,⁴⁰ when the CA arrived from Rome and he incorporated it in his *commentarii* for January 29, 212, the date mentioned in lines 13–15.⁴¹ The prefect must have sent a copy to the highest-

fect opens in line 2 with ἔδωκεν πᾶσιν, and I suspect the emperor, the subject in lines 5 and 13, is the subject here also. The supplement in line 14, ἐξεδι[χθησεν, might as well be ἐξεδι[ώχθη, «so-and-so was banished». In line 11 the immediate predecessor of Baebius Iulianus is mentioned, Subatianus Aquila, and the banishment, if that is what line 14 refers to, may have occurred during his prefecture (206–211), before the amnesty decree and therefore subject to its provisions.

³⁶ It bears pointing out that the CA was not self-perpetuating as far as the grant of citizenship was involved: only those *peregrini* in the Roman world at the time it was issued were granted citizenship. The only part of the CA that addressed the future (as we now know, P.Giss. 40 col. 2, ll. 3–6: note μετὰ ταῦτα) is the only part quoted in a later legal source (CJ 10.61[59].1: note *post-hac*). Contrast R. W. MATHISEN, *Peregrini, barbari, and cives Romani: Concepts of Citizenship and the Legal Identity of Barbarians in the Later Roman Empire*, AHR 111, 2006, 1011–1040 at 1036, and the hesitation of G. PURPURA, *Revisione ed integrazione dei Fontes Iuris Romani Anteiustiniani (FIRA)*, vol. 2, 2012, 706, repeated in PURPURA (above, n. 30) 85.

³⁷ There is another metatextual element in P.Giss. 40 col. 2, l. 26, where μεθ' ἑ[τ]ερα is included in the text itself. It is the equivalent of our ... (indicating that the excerpt skips some text here).

³⁸ This delay may also have occurred in other parts of the Roman empire. P. HERRMANN, *Überlegungen zur Datierung der Constitutio Antoniniana*, Chiron 2, 1972, 519–530, argued from a funerary inscription from Lydia (now TAM V 1, 122), in which each family member is an Aurelius or Aurelia, that the CA was known in Lydia by the date of the inscription, March 3, 213. On the basis of this, BARNES (above, n. 29, 2012) 52 puts the date of publication of the CA in Rome five to seven months earlier, in August–October 212. He is only a month off, because the real date is July 11, 212.

³⁹ R. HAENSCH, *Capita Provinciarum. Statthaltersitze und Provinzialverwaltung in der römischen Kaiserzeit*, 1997, 212.

⁴⁰ See R. HAENSCH, *Zur Konventsordnung in Aegyptus und den übrigen Provinzen des römischen Reiches*, in: B. KRAMER et al. (eds.), *Akten des 21. Internationalen Papyrologenkongresses*, Berlin 13.–19. 8. 1995, vol. 1, 1997, 320–391.

⁴¹ HAENSCH (above, n. 39) 212, n. 28, thought that the ordinary meaning of ἐπὶ + the prefect, «(business conducted) in the presence of the prefect», creates a problem in line 14, because if the text had been included in the prefect's *commentarii* «in the presence of the prefect», why did the

ranking Roman official in Alexandria who was not accompanying him on his *conventus* round, so that it could be published in the provincial capital without any further delay. At what point the Latin original was translated into Greek is unknown.

The second text in the second column that follows the publication note of the CA after a blank space is an excerpt, not a complete text with the titulature of the issuing authority (as in line 1 of the first column) and an elaborate publication note (as in lines 12–15 of the second column). It is not an edict but an instruction given by Caracalla while in Alexandria himself (see ἐνθάδε in line 26). The excerpt can be from a letter to the prefect of Egypt,⁴² who is addressed by the imperative singular in line 19.

The fact that Caracalla is in Alexandria himself shows that the second text in the second column has to do with the troubles in Alexandria in 215/6, when Caracalla's visit to that city turned into a massacre.⁴³ That incident is known mainly from Dio Cassius, who tells us at 77(78).23.2 that on that occasion Caracalla ordered 'foreigners' (non-Alexandrians with the exception of merchants) out of Alexandria, allowing only the 'natives' (Alexandrians) to stay.

WILLIAMS has detected Caracalla's personal style also in the second text in the second column.⁴⁴ Caracalla seems to correct himself all the time.⁴⁵ There is no need to

prefect not immediately publish the text himself on January 29, 213? He might have done so but not in Alexandria, and because the text had to be published in Alexandria in any case, he had recourse to the *procurator usiacus* there before returning to Alexandria himself.

⁴² The idea that it was a *mandatum* goes back to L. WENGER, *Die Quellen des römischen Rechts*, 1953, 462, but it is incompatible with the little we know about such *mandata*. See. e.g., CORIAT (above, n. 28) 74–77 for this, but note that CORIAT nonetheless (p. 76, n. 36) regards the second text in the second column of P.Giss. 40 as a *mandatum* of Caracalla, written to the prefect of Egypt. It is the only *mandatum* in his classification of the legal sources for the Severan dynasty. V. MAROTTA, *Tre riflessioni sulla cittadinanza: da Roma antica al mondo attuale*, *Iuris Antiqui Historia* 5, 2013, 53–72 at 65, calls it a *iussus*. PURPURA (above, n. 36) 726 calls it a *mandatum* but thinks it was probably issued in the form of a letter.

⁴³ See A. ŁUKASZEWICZ, *Quelques remarques sur l'expulsion des Aigyptioi d'Alexandrie*, in: G. NENCI – G. THÜR (eds.), *Symposion 1988. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Siena, Pisa, 6.–8. Juni 1988, 1990, 341–347, as well as BURASELIS (above, n. 11) with A. FAVUZZI, *Ancora su Caracalla e i syssitia degli Alessandrini*, *ZPE* 121, 1998, 251–256 (with the response by K. BURASELIS, *Eine Notiz zu Augustus, Caracalla und den syssitia in Cassius Dio 54.2.3 und 77[78].22.3*, *ZPE* 124, 1998, 300), A. BÉRENGER-BLADEL, *Caracalla et le massacre des Alexandrins: entre histoire et légende noire*, in: D. EL KENZ (ed.), *Le massacre, objet d'histoire*, 2005, 121–139, S. PFEIFFER, *Der römische Kaiser und das Land am Nil*, 2012, 202–205, and C. RODRIGUEZ, *Caracalla et les Alexandrins: coup de folie ou sanction légale?*, *JJP* 42, 2012, 229–272 at 232–234, who thinks that the reference to the Serapeia (April 25) in P.Giss. 40 col. 2, l. 20 puts the 'expulsion decree' in spring 216 rather than winter 215/6.

⁴⁴ WILLIAMS (above, n. 6) 81–86.

⁴⁵ Note how Caracalla corrects himself twice with οὐχὶ μέντοι (lines 17f. and 24). Note also that there is a small space on the papyrus in line 20, between two sentences. The sentence that follows the space («I am informed that etc.») is another correction of Caracalla's main point (that all Egyptians are to be expelled) and may have been triggered by a remark made by a member of his staff.

suspect interpolation (e.g., the portion following the metatextual μεθ' ἔ[τ]ερα), as HARKER has recently argued.⁴⁶ The passages before and after μεθ' ἔ[τ]ερα are equally revealing about Caracalla's disdain for Egyptians.⁴⁷

Caracalla was perhaps «un homme d'ouverture et de progrès»,⁴⁸ if we interpret the CA, extending Roman citizenship to (almost) all free inhabitants of the Roman empire in 212 who did not yet have it, as an act of generosity. Caracalla liked to identify himself with Alexander the Great,⁴⁹ and Alexander's idea of the «unity of mankind»⁵⁰ may have been an inspiration for the CA or may at least have figured among the reasons given by him in lines 2–7 of the first column.⁵¹ But Caracalla was not always open-minded, as evidenced by the second text in the second column, issued a few years later in Alexandria in 215/6, with its stereotype of the Egyptian peasant.⁵²

⁴⁶ A. HARKER, *Loyalty and Dissidence in Roman Egypt: The Case of the Acta Alexandrinorum*, 2008, 57f.: «The content of the further extract [following μεθ' ἔ[τ]ερα] is so unlike the normal tone of an official edict that it can plausibly be regarded as an interpolation ... The similarity in the language at the beginning and end of the edict adds credence to the idea that it has been improved [by the copyist].» But the second text in the second column is not an edict. At best one can say that Caracalla shared the disdain for Egyptians with the authors and readers of the so-called Acta Alexandrinorum.

⁴⁷ There is a difficulty in P.Giss. 40 col. 2, ll. 27f. Caracalla claims that Egyptians stand out among linen-weavers by their speech (φωνῆ; bad Greek or Egyptian?) and by their way of life (ζωῆ). The editio princeps (which I follow in my text above) read the intervening sentence as follows: ἡ ἄλλων [δηλ]οῖ ἔχειν ὄψεις τε καὶ σχῆμα, «(speech) which shows that they have taken on the outward appearance and dress of others». The implication is that these Egyptians look but do not talk like native Alexandrians. KUHLMANN (above, n. 5) prints ἡ ἄλλων [αὐτ]οῖ ἔχειν ὄψεις τε καὶ σχῆμα, «oder (daran), daß sie anderes Aussehen und andere Kleidung haben.» This is an unacceptable construction of the Greek (such a translation would seem to require διὰ τὸ ἄλλων αὐτοῦς ἔχειν ὄψεις τε καὶ σχῆμα) and mistranslates ἄλλων («of others», scil. native Alexandrians).

⁴⁸ P. SIMELON, *Caracalla: entre apothéose et damnation*, *Latomus* 69, 2010, 792–810 at 810. – Handy overviews of Caracalla's life can be found in B. PFERDEHIRT, *Die Dynastie der Severer*, in: PFERDEHIRT – SCHOLZ (above, n. 29) 7–19 at 10–14, and in M. KEMKES, *Caracalla – Kaiser, Tyrann, Feldherr*, in: ARCHÄOLOGISCHES LANDESMUSEUM BADEN-WÜRTTEMBERG (ed.), *Caracalla – Kaiser, Tyrann, Feldherr*, 2013, 7–32. There is, oddly enough, no modern biography of Caracalla.

⁴⁹ See, e.g., K. BURASELIS, *Θεία δωρεά. Das göttlich-kaiserliche Geschenk. Studien zur Politik der Severer und zur Constitutio Antoniniana*, 2007, 29–36, and A. KÜHNEN, *Die imitatio Alexandri in der römischen Politik (1. Jh. v. Chr. bis 3. Jh. n. Chr.)*, 2008, 176–186.

⁵⁰ I hinted at this, when I mentioned the «unity of Romankind» in my review of the first, Modern Greek edition of BURASELIS (above, n. 49), in *Mnemosyne* 45, 1992, 285–288 at 287. – On other possible, especially philosophical, sources of inspiration for the CA see BURASELIS (above, n. 49) 14–24 ([Neo-]Pythagoreanism) and C. CORBO, *Constitutio Antoniniana. Ius, philosophia, religio*, 2013, 63–121 (Stoicism).

⁵¹ For a summary of the motives behind the CA see BURASELIS (above, n. 49) 88–93.

⁵² Contrast CORIAT (above, n. 28) 555: the sections of the second text in the second column of P.Giss. 40 underlined by him on p. 556 bear out «la grandeur, l'universalité, la générosité» as much as the sections of the CA, the so-called Tabula Banasitana, and the letter to Aurelius Iulianus (Syll.³ 883) underlined by him as well.

Some remarks on the disputed text of P.Giss. 40 col. 1, ll. 7–9

A few remarks on the text of the grant of citizenship proper follow here. The preamble of the CA (lines 2–7 of the first column),⁵³ with its references to the gods and their cult, is an example of the «theologische Lesart» of the role of the emperor as practiced by Caracalla and argued for at length by BURASELIS,⁵⁴ but is not well enough preserved to yield a consecutive sense. I am here mainly concerned with lines 7–9, which have caused a lot of trouble to scholars:⁵⁵

7 δίδωμι τοῖς σ]υνάπα-
 8 [σι *ca.* 35 (given my restoration of line 1) κατὰ τ]ῆν οἰκουμένην π[ολει]τεῖαν Ῥωμαίων, μένοντος
 9 [*ca.* 40 (given my restoration of line 1)]άτων, χωρ[ίς] τῶν [. .]δειτικίων

We have some idea of what to supplement in line 8, but there are quite a few possibilities to choose from. I suggest ξένοις, perhaps followed by Ἕλλησι τε καὶ βαρβάροις, then τοῖς κατὰ. What to supplement in line 9 has become clearer thanks to the so-called Tabula Banasitana,⁵⁶ where citizenship is granted to a particular *gens* (line 37) *salvo iure gentis*, which would be μένοντος (κυρίου) τοῦ δικαίου⁵⁷ τοῦ ἔθνους in Greek.⁵⁸ This «reservation clause» has to be understood from the Roman perspective:

⁵³ Note that the preamble is in two parts. In line 4 a slash (/) separates the two parts. In line 7, the main text follows the preamble after a space.

⁵⁴ BURASELIS (above, n. 49), especially 91 for the expression «theologische Lesart». Additional arguments have recently been provided by L. DE BLOIS, *The Constitutio Antoniniana* (AD 212): Taxes or Religion?, *Mnemosyne* 67, 2014, 1014–1021. On p. 1015 DE BLOIS adduces the (in)famous reason for the CA given by Dio 77(18).9.5: to increase the income from manumission and inheritance taxes affecting Roman citizens only. WILLIAMS (above, n. 6) 72 («malicious invention») and C. ANDO, *Imperial Ideology and Provincial Loyalty in the Roman Empire*, 2000, 395, n. 275 («extreme idiocy»), are much less sanguine about Dio's credibility than DE BLOIS and especially A. TORRENT, *La Constitutio Antoniniana. Reflexiones sobre el papiro Giessen 40 I*, 2012, 59f. – On Dio and the CA see also A. M. KEMEZIS, *Greek Narratives of the Roman Empire under the Severans*, 2014, 30–34.

⁵⁵ I restore τοῖς σ]υνάπα[σι with the editio princeps and KUHLMANN (above, n. 5) 222, because with δίδωμι the text gets down to business and there is no longer any need for niceties such as τοῖ[ν]υν, which is in any case too short for the lacuna in line 7. With P. KUHLMANN, *Die Constitutio Antoniniana: Caracallas umfassende Bürgerrechtsverleihung auf dem Papyrus Gissensis 40*, in: PFERDEHIRT – SCHOLZ (above, n. 29) 45–50 at 48, I see the tau of π[ολει]τεῖαν, but I do not see his omicron.

⁵⁶ See J. GASCOU, *Inscriptions antiques du Maroc*, vol. 2, 1982, no. 94, which reads (lines 36–38) *civitatem Romanam dedimus salvo iure gentis sine diminutione tributorum et vect[i]galium populi et fisci*. The phrase *sine diminutione tributorum et vect[i]galium populi et fisci* makes one of the less palatable implications of *salvo iure gentis* explicit. The CA does not mention it.

⁵⁷ κυρίου is left out with μένοντος τοῦ δικαίου in BGU VIII 1827, l. 24.

⁵⁸ Attempts to read a fiscal «reservation clause» here (e.g., μένοντος [κυρίου παντὸς γένους τῶν τελεσμι]άτων) are mistaken, because the so-called Tabula Banasitana shows that *salvo iure gentis* implies *sine diminutione tributorum et vectigalium populi et fisci*. We therefore only need an

the Romans allow the *gens* in the Tabula Banasitana to retain the rights accorded to them by the Romans themselves,⁵⁹ and these rights include privileges as well as obligations (i.e., paying taxes). If we ever doubted it, the Tabula Banasitana continues with *sine diminutione tributorum et vect[i]galium populi et fisci*.

What we are looking for in the ‘reservation clause’ in lines 8f. of the first column is something with a wider application than a mere *gens*. We need multiple Greek terms designating the various categories of communities recognized by Roman law, such as *civitates*, *gentes*, etc. In the so-called Monumentum Ephesenum three such categories are mentioned in Greek: πόλεις (or πόλεις ἐλεύθεραι) or πολιτεῖαι, ἔθνη, and δῆμοι, in that order.⁶⁰ If we put the various categories of communities in the CA in the same order as in the Monumentum Ephesenum, the ‘reservation clause’ in lines 8f. of the first column would start with μένοντος [τοῦ δικαίου τῶν πόλεων (or πόλεων ἐλευθέρων or πολιτειῶν) καὶ ἔθνων καὶ δῆμων καὶ followed by a fourth, even lower category ending in]άτωγ. This does not have to be a Greek word,⁶¹ because for the even lower category of free people, that of the *dediticii*, a Latin technical term is used immediately following, assuming the traditional supplement [δε]δειτικίων is correct.⁶² Unfortunately π]άγων (*pagi*) cannot be read.

However this may be, χωρ[ις] τῶν [δε]δειτικίων in line 9 of the first column cannot be part of the ‘reservation clause’ in the CA, because *dediticii* are not communities with rights recognized by the Romans.⁶³ Also, if all rights except those of the *dediticii*

equivalent of *salvo iure gentis* here, covering *gentes* but also *civitates (liberae)* and possibly other categories of communities.

⁵⁹ Pace KUHLMANN (above, n. 55) 50, who translates the ‘reservation clause’ as follows: «Dabei bleiben Rechtsansprüche der Heimatgemeinden gegenüber den Neubürgern bestehen.»

⁶⁰ See the new edition in M. COTTIER et al. (eds.), *The Customs Law of Asia*, 2008, 26–85, lines 27, 88f., 92, and 94. Line 69 has just the first two categories.

⁶¹ The traditional supplement πολιτευμ]άτωγ poses difficulties, because it is not a Roman category (see H. J. MASON, *Greek Terms for Roman Institutions: A Lexicon and Analysis*, 1974, 77). πολιτευμα in the sense of «community» belongs more to the Hellenistic world, even if the term continues to be used in Greek literature in the early Roman period. It is also unexpected at the end of a series of categories of communities in descending order of importance. But maybe the listing of categories of communities was not exhaustive, maybe the order was *gentes*, *civitates*, and maybe πολιτευμα was used instead of πολιτεῖαι, because that was already used in another sense («citizenship») in the previous line. In that case, we might try μένοντος [κυρίου τοῦ δικαίου πάντων τῶν ἔθνων καὶ πολιτευμ]άτωγ, which would fit the length of the lacuna implied by my tentative restoration of line 1 above.

⁶² Few will follow E. WEBER, *Eine Reminiszenz an die lex Plautia Papiria im P.Giss. I 40?*, *Tyche* 24, 2009, 153–162, who argues that this part of the CA was modeled on the (lost) *lex Plautia Papiria* of 89 BC and that not all of it would have been strictly applicable in AD 212.

⁶³ Pace A. BISCARDI, *Polis, politeia, politeuma*, in: *Atti del XVII congresso internazionale di papirologia*, vol. 3, 1984, 1201–1215 at 1215 who translates a hypothetical μένοντος [παντός γένους πολιτευμ]άτων χωρὶς τῶν [δε]δειτικίων as «rimanendo peraltro in vita nella loro autonomia tutti i generi o tipi di raggruppamenti esistenti, tranne i vari raggruppamenti di *dediticii*».

would be preserved, that would mean that the *dediticii* received Roman citizenship without their previous rights, including the «right» of having to pay taxes to the Romans, which does not make sense. The *dediticii* are the lowest category of free people in Roman law, and it makes more sense to exclude them from the (otherwise) universal grant of Roman citizenship than to award them Roman citizenship with no strings attached. Such *dediticii* are presumably barbarians (or rebels) who recently surrendered to the Romans and were not yet brought into the Roman fold as a *gens* with a *ius* (or restored to Rome's good graces). No doubt, by this time, *dediticii* were mostly produced by skirmishes on the Northern fringes of the empire, caused by Roman expansion or resistance on the part of various barbarian tribes there.⁶⁴ The Greek χωρ[ις] τῶν [δε]δειτικίων translates *praeter dediticios*, and the phrase goes with δίδωμι ... πολιτείαν Ῥωμαίων, as most scholars have assumed.

Note that the Latin *-diticus* is left untranslated in the Greek. This alone suffices to show that it is a technical term, which rules out OLIVER's supplement [ἀδ]δειτικίων,⁶⁵ because *additicus* is attested only twice for certain in all of Latin literature (TLL 1, 579) and never as a technical term. On the other hand, *dediticus* is a technical term for which there was no equivalent in Greek (as there would have been for *additicus*).⁶⁶ The *praeter dediticios* exception⁶⁷ would have kept recently defeated barbarians away

Why not also keep the «aggruppamenti» of the *dediticii* (assuming for the sake of the argument that they had any)?

⁶⁴ See MODRZEJSKI (above, n. 13) 487f. and C. MOATTI, The Notion of *res publica* in the Age of Caracalla, in: ANDO (above, n. 6) 63–98 at 89–93. A. MASTROCINQUE, Le città libere dell'impero e i *dediticii*, *MediterrAnt* 11, 2008, 199–208 at 202, uses a wider definition of *dediticii*, but the texts adduced by him often merely compare other categories of individuals to *dediticii*, without equating them.

⁶⁵ OLIVER (above, n. 4) 504 («extras»), followed by V. MAROTTA, La cittadinanza romana in età imperiale (secoli I–III d.C.), 2009, 116f., PURPURA (above, n. 36) 703f. («privilegi normalmente conseguenti all'acquisizione della cittadinanza» [sic]), repeated in PURPURA (above, n. 30) 83f., and STROBEL (above, n. 30) 295 («zusätzlich geltende Bestimmungen»). KUHLMANN (above, n. 55) 49 even claims that there are traces before the delta of -δειτικίων and that these traces fit another delta (or alpha) but not an epsilon. He evidently misread the epsilon of -δειτικίων as a delta. The traces preceding it can only be from a delta, securing the reading -δειτικίων but leaving a gap of two letters before it.

⁶⁶ The parallel adduced by MAROTTA (above, n. 65) 120, OGIS 484, l. 25, is particularly inept, because the Latin term kept there in the Greek translation is evidently a technical term. The text immediately continues with another, this time Greek technical term, flagged as such (τὸ καλούμενον).

⁶⁷ Scholars who reject [δε]δειτικίων sometimes argue that χωρὶς τῶν [. .]δειτικίων goes «philologically» with the immediately preceding μένοντος clause rather than with the initial δίδωμι clause (e.g., MAROTTA [above, n. 65] 111; see MODRZEJSKI [above, n. 13] 486 n. 48, for a refutation of this). But the scholars who favor [ἀδ]δειτικίων instead (above, n. 65) also do not connect χωρὶς τῶν [. .]δειτικίων with the immediately preceding μένοντος clause. They connect it with the direct object of the initial δίδωμι clause (π[ολιτ]εῖαν Ῥωμαίων, «Roman citizenship without the extras» [OLIVER] or even «without the privileges that normally come with Roman citizenship» [PURPURA]). I therefore see no reason not to connect χωρὶς τῶν

from Roman citizenship, presumably more so in the West than in the East. It has recently been argued⁶⁸ that such barbarians were deliberately excluded to keep a pool to draw on for the various *numeri* in the Roman army, just as the near-universal grant of Roman citizenship expanded the pool to draw on for the legions. After 212 we continue to find people who are not Roman citizens mainly in the West.⁶⁹

Conclusions

Shortly after the murder of Geta, Caracalla issued an amnesty decree. After several months, on July 11, 212, he issued an edict in which he restated the amnesty decree (lines 6–11 of the second column of P.Giss. 40 overlapping with P.Oxy. XXXVI 2755), but also granted citizenship rights to all those who did not yet have them (the first column of P.Giss. 40) including those who no longer had them (lines 3–6 of the second column of P.Giss. 40 overlapping with P.Oxy. XXXVI 2755 and CJ 10.61[59].1). The full text of the CA was given in P.Giss. 40, but presumably also in P.Oxy. XXXVI 2755, another, contemporary copy of the Greek translation. One paragraph of the CA is quoted in CJ 10.61(59).1 and paraphrased in D. 50.2.3.1 from Ulpian. P.Giss. 40 dates from 215/6, because the second text in the second column is connected with Caracalla's visit to Alexandria in 215/6 and is even more topical than most of the CA. Why the two texts were copied on the same papyrus is unclear. Some of the provisions in the CA, especially those about *infamia* (P.Giss. 40 col. 2, ll. 3–6), would have been useful for future legal reference, but the «expulsion decree» would have hardly mattered for members of the élite in Egypt who were concerned with *infamia*.

With its new date, July 11, 212, the CA appears less as a hasty diversion tactic on the part of an emperor who had just (December 211) killed his brother in Rome⁷⁰ than as

[. .]δειτικίων with the indirect object of the initial διδωμι clause (τοις συνάπασι . . . , «to all except the *dediticii*»).

⁶⁸ M. ROCCO, *L'esercito romano tardoantico. Persistenze e cesure dai Severi a Teodosio I*, 2012, 29–52.

⁶⁹ For some examples of non-Roman tribes and other population groups (or individuals of such tribes and groups) after the CA, see E. CONDURACHI, *La Costituzione Antoniniana e la sua applicazione nell'impero romano*, *Dacia* 2, 1958, 281–316. It is possible that some of these groups had not come into the Roman orbit until after 212, in which case the CA did not apply to them in any case. Cf. ILS 9184 (AD 232): *deditic(ii) Alexandriani*, «*dediticii* under the patronage of (Severus) Alexander.» According to ROCCO (above, n. 68) 50 these *dediticii Alexandriani* had surrendered to Septimius Severus in his British campaign which ended in 211, and if so, they had evidently been excluded from the CA when it was issued, providing further support for the traditional reading χωρίς τῶν [δε]δειτικίων in P.Giss. 40 col. 1, l. 9. But there may have been other occasions for some Britons to surrender to the Romans, even after the main hostilities had ended in 211.

⁷⁰ See, e.g., WOLFF (above, n. 1) 281: a «kurzfristig berechnete Wohltat mit unkalkuliert weitreichenden Folgen, gleichsam epochal wider Erwarten.» This has been sufficiently refuted by BURASELIS (above, n. 49).

a more mature piece of legislation affecting people elsewhere in the Roman empire, mainly in the East, who may not have been interested in what had happened in Rome.⁷¹ However much one might belittle Caracalla for this ‹gesture›, a ‹mere formality› (as if there were already very many Roman citizens everywhere, *quod non*), it is the ‹logical› outcome of the millennial Roman tradition of granting citizenship to others. Judging from the sheer number of new citizens in evidence from early 213, we can even regard Caracalla as the founder of a new Roman empire, where (almost) everybody was a citizen, irrespective of their ethnic origin.⁷²

This article will have achieved its goal, if it has cleared up some of the misunderstandings about the text of the CA as preserved in both columns of P.Giss. 40. WOLFF's obiter dictum quoted as the motto of this article has in any case been proven wrong. After 116 years, we can start reading the CA as a unified whole. It was a substantial edict by Caracalla (taking up more than 40 lines in Greek in P.Giss. 40) that had profound (and no doubt intended) consequences. We can trace these consequences not just in the short term (the sheer number of new Roman citizens in evidence from early 213, affected by the grant of citizenship in lines 7–9 of the first column),⁷³ but also in the long run (the legal principle formulated in lines 3–6 of the second column and quoted in CJ 10.61[59].1).

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⁷¹ MILLAR (above, n. 25) argued against a close link between the murder of Geta and the CA, which he (erroneously) dated to 214.

⁷² On Caracalla's ‹universality› see especially MODRZEJEWSKI (above, n. 13) and the papers in ANDO (above, n. 6). For the contemporary background, see BURASELIS (above, n. 49). – Among the ancients, Augustine, CD 5.17, seems about the only one truly appreciative of Caracalla's act: *quod postea gratissime atque humanissime factum est, ut omnes ad Romanum imperium pertinentes societatem acciperent civitatis et Romani cives essent, ac sic esset omnium quod ante erat paucorum*.

⁷³ It should be emphasized that villagers were affected as much as inhabitants of cities, against the doubts of MAROTTA (above, n. 65) 116, followed by PURPURA (above, n. 36) 706, repeated in PURPURA (above, n. 30) 84f. The text from Ptolemais (SEG IX 356) they adduce is not concerned with citizenship status (Romans vs. Egyptians) at all but with people penetrating into barbarian territory from the West or the East (Egypt).

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