

THE *TABULA* OF BANASA AND THE *CONSTITUTIO ANTONINIANA*

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At long last the text of the *Tabula* of Banasa, of which so tantalising a glimpse was given to historians by the brief strip-tease of *CRAI* 1961, has been revealed in full view.¹ In their new publication Professors W. Seston and M. Euzennat have confined their elucidations largely to the clarification of the tribal setting of the beneficiaries, and to the technicalities of the drafting of imperial documents revealed by this text. They have not added to their brief but valuable comments on the contribution of the *Tabula* to the interpretation of the *Constitutio Antoniniana* known from the famous *P. Giessen* 40. Meanwhile other documents have accrued that are relevant, notably the *colloquia* texts of the Baquates, of which the French scholars make some use,² and the long letter of Marcus Aurelius to the Athenians about matters of civic status, which appeared too late for their study.³ Hence a deeper cultivation of the excessively exhausted soil of *P. Giessen* 40, enriched by new material, may yet yield a crop.

THE *TABULA BANASITANA*

The text printed below follows that of the editors in *CRAI* 1972; the doubtful words to be discussed later are noted by question marks.

Exemplum epistulae Imperatorum nostrorum An[toni]ni et Veri
Augustorum ad Coiedium Maximum: |li(i)bellum Iuliani Zegrensis
litteris tuis iunctum legimus, et |quamquam ciuitas romana non nisi
maximis meritis proluocata in[dul]gentia principali gentilibus istis
5 dari solita sit, |tamen cum eum adfirmes et de primoribus esse popu-
larium |suorum, et nostris rebus prom[p]to obsequio fidissimum, necl
multas familias arbitraremur(?) aput Zegrenses paria pos[s]e de officiis
suis praedicare quamquam(?) plurimos cupiamus ho[n]ore a nobis in
10 istam domum conlato ad aemulationem Iuliani excitari, non cunctamur
et ipsi Ziddinae uxori, item |liberis Iuliano, Maximo, Maximino,
Diogeniano, ciuitatem | romanam, saluo iure gentis, dare.
Exemplum epistulae Imperatorum Antonini et Commodi Aug(ustor-
15 rum) ad Vallium Maximianum: |legimus libellum principis gentium
Zegrensiem, animadverti |musq(ue) quali fauore Epidi Quadrati
praecessoris tui iuuetur proinde et illius testimonis et ipsius meritis
et exemplis |quae allegat permoti, uxori filiisq(ue) eius ciuitatem
20 romanam, salluo iure gentis, dedimus, quod(?) in commentarios nostros
referri | possit, explora quae cui(i)usq(ue) aeta[s] sit, et scribe nobis.
Descriptum et recognitum ex commentario ciuitate romana | dona-
torum diui Aug(usti) et Ti(beri) Caesaris Aug(usti), et C(aii)
Caesaris, et diui Claudi, |et Neronis, et Galbae, et diuorum Aug(ustor-
rum) Vespasiani et Titi et Caesaris |Domitiani, et diuorum Aug(ustor-
25 rum) Ner[ulae] et Trai(i)ani Parthici, et Trai(i)ani Hadriani, et
Hadriani Antonini Pii, et Veri Germanici Medici |Parthici Maximi
et Imp(eratoris) Caesaris M(arci) Aureli Antonini Aug(usti) Ger-

¹ W. Seston, M. Euzennat, 'La citoyenneté romaine au temps de Marc Aurèle et de Commode d'après la *Tabula Banasitana*', *CRAI* 1961, 317-23. 'Un dossier de la chancellerie romaine, la *Tabula Banasitana*, étude de diplomatique', ib. 1971, 468-490, published in 1972. A version of this paper was read to the Oxford Philological Society in December 1972. The ensuing discussion was profitable to me, and I am under obligations to M. W. Frederiksen, Professors P. A. Brunt and A. M. Honoré, and others whose contributions

I was unable to record. I am also grateful to the editors of the *Journal* for enabling me to present here a more considered study of the *Tabula* than the second edition of my *Roman Citizenship* could contain, through the late appearance of the complete text.

² É. Frézouls, 'Les Baquates et la province romaine de Tingitane', *Bull. Arch. Maroc.* 2, 1957, 65 ff.

³ J. H. Oliver, *Hesperia* Suppl. xiii (1970). Revised texts and a translation were provided by C. P. Jones, *Zeitschr. Pap. Epig.* 8 (1971) 161 ff.

- malnici Sarmatici, et Imp(eratoris) Caesaris L(ucii) Aureli Comodi Aug(usti) Germanici Sarlmatici, quem protulit Asclepiodotus lib(ertus), id quod i(nfra) s(criptum) est.
- 30 Imp(eratore) Caesare L(ucio) Aurelio Commodo Aug(usto) et M(arco) Plautio Quintilio co(n)s(ulibus), p(ridie) non(as) Iul(ias), Romae.
- Faggura uxor Iuliani principis gentis Zegrensiu(m) ann(or)um XXII, Iuliana ann(or)um VIII, Maxima ann(or)um IV, Iulianus ann(or)um III, Diogenia nus ann(or)um II, liberi Iuliani s(upra) s(cripti).
- 35 Rog(atu) Aureli Iuliani principis Zegrensiu(m) per libellu(m), suffragante Vallio Maximiano per epistulam, his civitatem romanam dedimus, saluo iure gentis, sine diminutione tributoru(m) et vect[ig]alium populi et fisci.

Actum eodem die ibi isdem co(n)s(ulibus)
Asclepiodotus lib(ertus) recognovi.

Signaverunt:

- M(arcus) Gau[i]us M(arci) f(ilius) Pob(lilia tribu) Squilla Ga[l]licanus
- M(arcus) Acilius M(arci) f(ilius) Gal(eria tribu) Glabrio
T(itus) Sextius T(iti) f(ilius) Vot(uria tribu) Lateranus
C(aius) Septimius C(aii) F(ilius) Qui(rina tribu) Severus
- 45 P(ublius) Iulius C(aii) f(ilius) Ser(gia tribu) Scapula Tertul[us]
T(itus) Varius T(iti) f(ilius) Cla(udia tribu) Clemens
M(arcus) Bassaeus M(arci) f(ilius) Stel(latina tribu) Rufus
P(ublius) Taruttienus P(ublii) f(ilius) Pob(lilia tribu) Paternus
Sex. nis.
- 50 Q(uintus) Cervidius Q(uinti) f(ilius) Arn(ensi tribu) Scaeuola
Q(uintus) Larcus Q(uinti) f(ilius) Qui(rina tribu) Euripianus
T(itus) Fl(avius) T(iti) f(ilius) Pal(atina tribu) Piso.

The *Tabula* of Banasa is a sizable bronze tablet, measuring some twenty-four inches by eighteen.⁴ Hence it is probably a public record or memorial rather than a personal certificate like the much smaller auxiliary diplomata. It is finely inscribed, as the editors' good photograph shows, in relatively large letters some eight or nine millimetres high, and it is very well set out in paragraphs. There are several minor errors of spelling, of which the editorial corrections are obvious and raise no doubts. But three peculiarities have not been noted. In the first Letter of the *Tabula*, in line 9, *quamquam plurimos cupiamus honore . . . excitari* does not make good sense as a concessive clause, since a causal clause is both required and implied by the phrase *honore . . . conlato ad aemulationem excitari*. Hence the correction of *quamquam* to *quamque plurimos* is desirable, though not perhaps imperative. Equally the imperfect subjunctive *arbitraremur* in the preceding line should be in the present tense used throughout the Letter. These errors arise from obvious dittographies in a somewhat carelessly copied text. But in the last two lines (20-21) of the second Letter the clause *quod in commentarios nostros referri possit* is grammatically puzzling. If this is a factual amplification of the preceding *civitatem dedimus*, both the subjunctive and any use of *posse* are otiose. The clause makes better sense as an explanation of the following words: 'explora quae cuiusque aetas sit et scribe nobis'. There is an exact parallel in Pliny's letter x, 6, 2, where the request of Harpocras is held up while Pliny sends a report of his age.⁵ But *quod* is then difficult. A simple correction to '*quo id . . . referri possit*' would restore the clarity and good sense that characterize this document,

⁴For a photograph and the measurements, see Seston, a.c. (1971) 469, 471.

⁵cf. A. N. Sherwin-White, *The Letters of Pliny* (Oxford 1966) ad loc.

except in the two or three places where there is reasonable suspicion of a copyist's error⁶: 'Send the details so that we can complete the formalities.' The editors list seven such omissions of a single letter, of which four, as here, do not arise from haplography.⁷

The text contains two imperial *epistulae* and a citation from the imperial archives. In the first letter, from Marcus and Verus to Coedius Maximus, known as procurator of Mauretania Tingitana c. A.D. 168,⁸ the emperors remark that customarily the Roman citizenship was only given to the *gentiles* of Mauretania in return for outstanding services, and that not many clans (*familiae*) of the Zegrenses could allege such fealty to Rome as the family (*domus*) of Julianus. Since it was the policy of Rome to stir up such fealty among the tribal leaders, Julianus, one of the *primores* (but not yet *princeps*) of his people, together with his immediate family, is granted the citizenship on conditions.⁹ In the second letter, to be dated in A.D. 177 some weeks or months before the third document, the joint emperors Marcus and Commodus, who has now replaced Verus, more briefly grant the citizenship for similar reasons, and on the same conditions, to the peregrine wife and children of another Julianus, who is *princeps gentium Zegrensiarum* and is presumably the son of the first Julianus. In the third document, dated to 6 July, 177, he appears as Aurelius Julianus, and the names of his wife and children differ from those of the first Julianus. Unless we have two wives and two families of the same man—a possibility which the editors did not consider but which the texts do not exclude—the men are distinct, and the second Julianus is the eldest son listed as enfranchised in the first letter.¹⁰

There exists a remarkable series of documents from Volubilis concerning the leaders of another *gens* in Mauretania Tingitana, the Baquates and their associates, recording formal meetings (*colloquia*) and agreements between the procurators of Mauretania Tingitana and the successive chiefs of the Baquates, for the maintenance of peace—*pax* or *diutina pax* or *pax foederata*. The texts are inscribed on altars which are sometimes designated as *ara pacis*.¹¹ The documents, of which some thirteen have been found in various states of decay, continue from c. A.D. 173 through to A.D. 280, at irregular intervals, and there are some other relevant dedications of *principes Baquatium*.¹² Frézouls in his admirable discussion observed that out of nine *principes* whose names are known from different generations, only four, including a father and son, bear the gentile *nomen* of a Roman citizen in addition to a barbarian *cognomen*. Two of these are under Pius and Commodus respectively—an Aelius and an Aurelius—and then there is a family of Julii dated to c. 277-80 under Probus.¹³ Frézouls suggested that in the texts of the Romanized *principes* there are some indications of a specially close relationship to the Roman government. Aurelius Canartha had been set up as *princeps constitutus* by the Romans, and Julius Nuffusis maintained a *pax foederata* for a very long period. Frézouls, anticipating the wording of the *Tabula*, then still lying in the dust of Banasa, inferred that the Roman citizenship was granted with

⁶ The obvious correction of *indulgentia* (sc. *principali*) for *ingentia* should not require detailed justification, despite the curious proposal of J. H. Oliver, *Am.J.Phil.* 93 (1972) 338-40, who would amend to *in gente a principali*, which is supposed to mean 'with very great services in a tribe (performed) by a member of a leading family'. This ungrammatical and inelegant Latin is quite uncharacteristic of the text. A passive participle other than *provocata*, which is qualified by *meritis* (which is here a noun, cf. *meis*), would be required by a *principali*, which itself requires a noun such as *viro*. For the ubiquity of *indulgentia* as an imperial quality, cf. *Diz. Epigr.* s.v.

⁷ Seston, a.c. (1971) 470.

⁸ cf. Seston, a.c. (1971) 473 for the date of *I.L.Mar.* 142 where his name occurs.

⁹ *non cunctamur et ipsi Ziddinae uxori item liberis . . . civitatem Romanam dare*. Here *et ipsi* is ambiguous. But the tenor of the text, and the lack of a gentile name, imply that this Julianus is among the beneficiaries.

¹⁰ The principle of the diplomata 'dumtaxat singuli

singulas' should exclude the enfranchisement of a second wife.

¹¹ Frézouls, a.c. 68-74 published twelve *collocutio* texts, nn. 3-4, 6-15, and *AE* 1966, n. 602 adds one dated A.D. 226-9. Some are altars and others mention altars in a variable formula of the type 'procurator collocutus . . . cum principe gentis . . . pacis aram dedicavit'.

¹² Frézouls, a.c. n. 2, Aelius Tuccuda *princeps gentis Baquatium* to the emperor Pius in A.D. 140. Frézouls n. 5 (= *ILS* 855) names Memor, son of Aurelius Canartha, named without his *gentilicium* in Frézouls n. 4, a *colloquium* text of A.D. 180, as *princeps constituto gentis Baquatium*.

¹³ Frézouls, a.c. 87 ff. Aelius Tuccuda and Aurelius Canartha do not occur with gentile names in *colloquia* texts. Julius Matif *rex gentis Baquatium*, and his son Julius Nuffusis *princeps gentis*, and his brother Julius Mirzis occur on *colloquia* documents of 277 and 280. Frézouls, a.c. nn. 10-11. In the new text *AE* 1966, n. 602 of A.D. 226-9 the *principes* Uret or Urel lacks a *nomen*.

parsimony to these *principes*, and only to those of proven merit. Seston, while placing the *Tabula* in the context of these documents, did not take up the valuable inference of Frézouls, who also suggested with much reason from the circumstances of the Baquates that the *nomen* and citizenship of the three Julii can only derive from the emperor Julius Philippus, long after the *Constitutio Antoniniana*: the tribesmen of inland Morocco were not being enfranchised in the pre-Claudian period.¹⁴

The French scholars discuss at some length the question whether the Baquates and Zegrenses were located 'inside' or 'outside' the boundaries of the Roman province.¹⁵ The evidence for their location in the geographers is imprecise, and it is by no means certain that in the second century the notion of boundaries or *finis* is meaningful for the Mauretanian steppes, east of the Atlas, where the Baquates lived. It is rather a question of the degree of suzerainty claimed by the Romans over the Baquates, wherever they may have dwelled in relation to the eventual *limes*, of which the location is hardly known. Yet the *Tabula* makes it clear that the Zegrenses at least were technically provincial subjects who paid Roman taxes, since the grant is *sine deminutione tributorum*, and were subject to forms of Roman jurisdiction, since the grant is *salvo iure gentis*. That the peoples of the *colloquia* texts, the Baquates and their allies, the Bavares and Macenni, were of more ambiguous status, is indicated by the whole business of the *colloquia pacis firmandae causa*. Ordinary provincials do not negotiate about such matters with Roman governors.¹⁶ This status may be connected with the intriguing fact that the leading men of the Baquates lacked the Roman *nomina* long after the *Constitutio Antoniniana*.¹⁷

Now for some technical points.¹⁸ The *Tabula* contains two imperial letters (*epistulae*) replying to letters from equestrian procurator-governors, who forwarded the *libellus* of the petitioner Julianus on each occasion. The first request is supported by the procurator concerned, and the second by the *testimonia* of an earlier procurator. The technique is exactly as in some six letters of Pliny to Trajan, in which the *libellus* is attached (*iunctus*), by glue serving as a paper-clip to the accompanying *epistula*.¹⁹ Trajan replies to a similar request from a centurion for the enfranchisement of his daughter by returning the *libellus* with the decision written on it.²⁰ That is much the same as the system known from Gordian's *rescriptum ad Scaptoparenos*, which reveals the existence of the file entitled *liber libellorum rescriptorum a domino nostro*.²¹ Trajan's reply to the centurion may have contained something like the third document of the *Tabula*,—an authenticated copy of the relevant entry from the imperial *commentarius civitate Romana donatorum*. It has not yet been noticed that the *Tabula* is not quite complete as a dossier of the Julianus affair. It does not include a citation

¹⁴ Though Julii are fairly common in Mauretania Caesariensis, Tingitana contributes only one instance in *ILMar.* out of some hundred and fifty inscriptions. An alternative derivation of the *nomen* of this family from Julia Mammaea remains nominally open; cf. J. Carcopino, *Maroc Antique* 310.

¹⁵ The finding of the documents at Volubilis is of no help here. Frézouls, a.c. 95 ff., discusses the flimsy evidence of the late topographers. The least imprecise, Julius Honorius (*Geog. Lat. Min.* p. 53), sites the Baquates and Bavares either side of the river Malva, i.e. the lengthy Wadi Moulouya (the ancient Muluccha), and hence somewhere east of the High Atlas in the Moulouya basin. The Zegrenses are much less clearly located. In Frézouls n. 7 the *princeps* rules over both Bavares and Baquates, and in n. 3 over Macennites and Baquates. Cf. *Geog. Lat. Min.*, 'Liber Generationis', cited by Frézouls as listing together *Mauri Baccates et Massenae*, and *Itin. Ant.* 1, 1: 'Mauretania . . . ubi Bacuates et Macenates Barbari morantur'.

¹⁶ *CIL* viii, 9663 (= *ILS* 6882) records an attack of the Baquates on Cartenna in Mauretania Caesariensis, which may be linked with Mauretanian troubles under Hadrian, *SHA, Hadr.* 5, 11. Worse followed under Marcus, when unspecified Mauri invaded Baetica (*SHA, Marcus* 21, 22) and were repulsed by Vallius Maximus,

then procurator of Lusitania, shortly before his promotion to the governorship of Tingitana, *ILS* 1354. Cf. Frézouls, a.c. 104 ff.

¹⁷ Frézouls n. 9, Sepemazin in A.D. 245. *AE* 1966, n. 602, Uret or Uret in A.D. 226, whose name recalls Uretius in Frézouls n. 6, *A.D.* 200.

¹⁸ Seston, a.c. 1971, is largely concerned with the administrative aspects of the documents. Though much indebted to him I differ on several major points for which my commentary on Pliny, *Epp.* x provides a different approach: A. N. Sherwin-White, o.c. (n. 5).

¹⁹ e.g. Pliny, *Epp.* x, 48, 1, 'libellus Apamenorum quem epistulae tuae iunxeras'. See my note on *Epp.* x, 22, 1.

²⁰ Pliny, *Epp.* x, 106-7, with notes ad loc. Seston's comment (a.c. 1971, 477), that Marcus does not communicate directly with the petitioner by *libellus rescriptus* because this was not a judicial decision, is misplaced. Trajan replied in this form but through the governor, like Marcus in the *Tabula*, simply because the mechanism of the imperial post functioned only between officials, who act as post-boxes to other persons out of courtesy. Cf. Pliny, *Epp.* x, 47, 2; 59; 60, 2; 83; 92.

²¹ Bruns, *FIR* 7 90.

from the *commentarius* for the benefit of the first Julianus, who should have received a similar text.

The existence, though not the title, of this register had already been inferred from two of Pliny's letters concerned with enfranchisement. In x, 6, he forwards to the freedmen clerks of Trajan the age and census of his protégé Harpocras, just as in the instructions of Marcus at the end of the second letter: 'quod in commentarios nostros referri possit, explora quae cuiusque aetas sit et scribe nobis'. In x, 104, Trajan in a context of enfranchisement again uses the same formula as Marcus: 'referri in commentarios meos iussi'. What is noteworthy is the extreme care with which each individual grant of citizenship is authorised and recorded. As Seston remarks, the basic proof of the man's status is not, as one might have assumed, the covering *epistula* of the emperor, but the formal citation from the *commentarius*, with the conditions laid down by the emperor and supported by the twelve members of his *consilium* whose names appear as signatories. There are six consular senators and six equestrian personages, including the Praetorian Prefect and the jurisconsult Scaevola.²² These are not mere witnesses to authenticity, like the seven testes of the military diplomata: that function is performed by the *recognovi* of the freedman Asclepiodotus, which immediately follows the citation.²³ Basically this is an imperial edict *e consili sententia*, and the procedure has altered only slightly in archival form from that of the edict of the republican proconsul Pompeius Strabo, who in 89 B.C. gave citizenship to a troop of Spanish cavalry and listed the names of his fifty-nine supporting counsellors.²⁴ Seston would see in this text the workings of the consiliar system of the late empire, in which the counsellors give their *sententiae* in writing for the secretariat to digest and unify in a separate session. But nothing in the *Tabula* indicates how the counsellors gave their advice, and oral consultation seems to have prevailed in the second century: Dio Cassius in the Severan period advocated the introduction of written consultation as a desirable innovation.²⁵ The citation from the *commentarius* does however add to the scanty evidence for the emperor submitting to his *consilium* a problem that had reached him through written channels. In the direct evidence from the first two centuries of the Principate the *consilium* seems to be concerned mostly with matters presented by the interested parties in person.²⁶

It emerges that the enfranchised civilian received a brief individual certificate analogous to the well-known military *diplomata civitatis*, but quite different from the lengthy documents issued in the Triumviral period to the protégés of Octavian such as Seleucus of Rhodus. When did this system begin? The full title of the *commentarius*, listing all the emperors from Augustus to Marcus Aurelius with the exception only of Vitellius and Otho, suggests an early origin, though the *format* may have changed with time. Seston argues from the omission of Otho and Vitellius that the file was not organized before the time of Vespasian, who did not recognize his two ephemeral predecessors.²⁷ But this would imply the improbable cancellation of their grants, if they were rated below those who suffered *damnatio memoriae* and yet were included

²² For the persons see Seston, a.c. (1971) 485-7. Only the first five are consulars *ex officio*. Next on the list are two ex-equestrian officials promoted by adlection to consular status about this time, followed by the current *ab epistulis* and Praetorian Prefect or Prefects, so far as can be determined. The jurist Cervidius Scaevola may appear as *praefectus vigilum* or as plain *amicus*. The list conforms to the composition of the *consilium* of Caracalla given by the inscription of Dmeir: 'cum sal. a praef. praet. item amicis et princ. officiorum, etc.'. Cf. J. Crook, *Consilium Principis* (Cambridge 1955) 82-3.

²³ cf. 'recognovi signa' in the rescript *ad Scaptoparenos*, Bruns, *FIR*⁷ 90. *FIRA*² 1, 59 distinguishes 'in consilio fuerunt' from 'signatores' in a proconsul's edict of A.D. 69.

²⁴ *ILS* 8888. Cf. the list of *consilarii* supporting the decision of a *iuridicus Aegypti* in A.D. 67, *FIRA* iii, 171: παρόντων συμβουλίων.

²⁵ Seston, a.c. (1971) 487 f., citing Lydus *de mag.* 3, 11. Cf. contra Dio lii, 33, 4. Nero's usage of written *sententiae* is cited by Suetonius, *Nero* 15 as a novelty. Though use of *tabellae* is occasionally mentioned, Trajan in Pliny, *Epp.* iv, 22, 3; vi, 22, 5; 31.12, and Marcus in *Dig.* xxviii, 4, 3; xxxvii, 14, 17 pr., took oral *sententiae*. Cf. Crook, o.c. 110 f.

²⁶ The procedure of Vespasian described in Suet., *Vesp.* 21 implies that he consulted his *amici* about problems arising from *epistulae* and *officiorum breviarum*. Of the evidence cited by Crook only the Marcan consultation in *Dig.* xxxvii, 14, 17 pr. seems to arise from a written petition.

²⁷ Seston, a.c. (1971) 481-2, citing the similar omission from the canon of emperors given by Ptolemy and later authorities. Tac. *Hist.* ii, 76, a fictitious political exhortation, proves nothing about the official rating of Otho and Vitellius.

in the canon. Besides, such a file could hardly have been compiled for the previous six emperors if the material had not already been gathered together. More probably during the brief and disorderly presence of Otho and Vitellius in Rome the records were not completed. So the system of registration is earlier than Vespasian. There is a relevant statement in Suetonius, *Nero* 12, 1, that Nero gave *diplomata civitatis Romanae* to dancers who performed the Pyrrhica in the public arena. The scandal or novelty lay not in the form of document but in the frivolous reason for the grant. Suetonius implies that enfranchised civilians normally received a certificate in diploma form in the pre-Flavian period. The auxiliary *diploma civitatis* as we know it was devised in the time of Claudius.²⁸ Nothing but the absence of civilian *diplomata* among the artefacts of antiquity forbids the notion. But they might well be made of perishable wood, papyrus or parchment, like the diptychs of birth registration preserved in the sands of Egypt.²⁹ It is possible that Julianus received his personal document in this shape. He certainly did not receive from Rome the Tabula itself with its diverse contents. The brevity of the formula from the *commentarius* might suggest a late origin. But the auxiliary *diplomata* make do with very few words for the grant of *civitas* and *conubium* from Claudius onwards, and their formula hardly varies for two centuries. Long formulas were required only, as in Domitian's edict *de veteranis*, when privileges of *immunitas* were added to the citizenship.³⁰

The *commentarius* would seem to have been concerned only with viritane grants of citizenships to civilians. The grants to auxiliaries were recorded officially in the great *tabulae* published and set up on the walls of various public buildings at Rome, named in the diplomata. Pliny in his *Panegyric* and Gaius in the *Institutes* summarize civilian grants of citizenship as occurring either *per Latium* or *beneficio principis*. The citizen of a Latin municipality enfranchised *per honorem* did not require confirmation of what was secured through the *lex municipalis*, and recorded in the local archives or *tabulae censoriae*.³¹ Hence it seems that the *commentarius* was concerned mainly with viritane grants to non-military *peregrini*. It also recorded the grant of *ius Quiritium* to freedmen of Junian Latin status, when this was secured by imperial favour, as in Pliny's petitions to Trajan on behalf of his Latini Juniani, where Trajan's reply clearly refers to our *commentarius civitate donatorum*.³²

The remarkable care that is taken over the authorization and minuting of the grant to the Juliani confirms the statement of Marcus Aurelius about the circumspection with which such grants were made. But the careful registration applies to all grants, not only to unusual cases such as these. Altogether the *Tabula Banasitana* provides a remarkable refutation of that numerous body of Roman historians who are so anxious to write off the significance of the Roman citizenship as a *status dignitatis* in the later Principate.

So much for technicalities. The juristic interest of the *Tabula* lies in the general qualification for the grant recorded in all three texts by the words *salvo iure gentis*, and extended in the third by the explicit condition *sine deminutione tributorum et vectigalium populi et fisci*. This second condition presents no problem in the context of citizenship, whatever it may do for the famous debate about *aerarium* and *fiscus*. Grants of citizenship in the early Principate were frequently accompanied by *immunitas rerum omnium*, which, as is made unambiguously clear in the edict of Octavian about Seleucus of Rhodus, meant in the first instance freedom from Roman imperial

²⁸ *ILS* 1986, of A.D. 52-3, is still the earliest.

²⁹ See *FIRA* iii, nn. 1-5. A question of Professor Brunt in the Oxford discussion led to the suggestion that auxiliaries alone received metal certificates because their domestic circumstances made the preservation of documents more difficult for them than for resident provincials.

³⁰ In the diplomata the formula 'ipsis liberisque posterisque eorum civitatem dedit et conubium cum uxoribus quas tunc habuissent cum est civitas data

aut ... quas postea duxissent dumtaxat singuli singulas' devotes more words to the wives than to the citizenship. *FIRA*² i, 76, dismisses citizenship with the words 'omni optimo iure civium Romanorum esse possint'.

³¹ Gaius i, 93, 95. Pliny, *Pan.* 37, 3; 39, 1-2. The Lex Salpensana (*FIRA*² i, 23) 21, 22, provides for the automatic enfranchisement of the annual magistrates *ex hac lege* without further reference to Rome.

³² Pliny, *Epp.* x, 104-5, cited above, p. 90.

taxation.³³ Similar grants continued to be made, but much less frequently, in the later Principate, most notably through the operations of *ius Italicum*. The fiscal condition in the *commentarius* effectively excludes Julianus and his relatives from any such *immunitas*. It also proves, as was remarked above, that the Zegrenses were an ordinary provincial *populus stipendiarius*. And that is relevant to the words *salvo iure gentis*. There is no precise parallel to this term in administrative or juristic texts so far as I can discover. But if *ius gentium* of the lawyers refers to the elements of *ius* common to all peoples, *ius gentis* should refer to the specific local law and custom of a particular gens,—if one may labour the obvious: the rights and obligations of the Zegrenses towards other Zegrenses, and the claims of the community of Zegrenses upon the individual. For this phrase we may claim the authority of Cervidius Scaevola, the jurispudent named in the *Tabula* among the *consilarii*. By it the issue of dual citizenship is meant to be settled, as the learned Schönbauer saw in his article of 1963. Unfortunately just *how* the issue is settled is not quite so clear. It is not sufficient to assume, with Seston, that the phrase guaranteed the *status quo ante*, without investigation.³⁴ Already by the time of Augustus law and usage had moved a long way from the position taken by Cicero in his assertion, in the *pro Caecina* and the *pro Balbo*, that the Roman citizenship was incompatible in *ius civile* with that of any other state. Two generations earlier a clause of the Gracchan *lex repetundarum* made it clear that an enfranchised peregrine ceased to be liable to the *munus publicum* in his former commune, and Cicero also was clear that the incompatibility extended to public life.³⁵ Two Triumviral texts radically amended this doctrine, with effect that the enfranchised alien or 'extern' was set free to retain all *honores, sacerdotia* and other *beneficia* which he formerly held in his native commune, while he was specifically dispensed from a number of burdensome local *munera*, such as billeting, serving on embassies, and acting as tax-collector. The extern in these edicts retains the advantages and dodges the disadvantages of his local citizenship: i.e. he retains his former rights and discards his former duties at will.³⁶

It is possible that the third edict of Augustus from Cyrene takes the development a stage further. But that text is unfortunately ambiguous at a crucial point. It certainly rules that the externs of Cyrene are to be subject to all Roman taxes unless they have been specifically granted *immunitas* along with *civitas*, and it may also be ruling—as is widely assumed—that such persons are also to be subject to all the local *munera* of their own *polis*.³⁷ If so, then it goes a great deal further than the Seleucus edict, and in public usage imposes an obligation that could be summarized by the words *salvo iure civitatis suae*. Here the direct evidence relevant to *salvo iure gentis* stops. The Domitianic edict *de veteranis* adds nothing to what we know from the Julian texts: it does not survive beyond the sections that spell out the meaning of *immunitas omnium rerum*.³⁸ Now Octavian's edict *de veteranis* has in its garbled Latin a clause which distinguishes the local immunities that the veterans were to enjoy from their *immunitas* from Roman imperial taxation: 'item quem ad modum veterani immunes sint eorum esse volui', it

³³ *FIRA*² i, 55, ii, 1. The *immunitas* is conjoined with *militiae vacatio* and *muneris publici vacatio* in the clause concerned solely with Roman status. The local status and privileges of Seleucus are defined only in the third and following paragraphs. So too the *edictum de veteranis* (ib. 56) deals separately with Roman status and exemptions (1-11) before turning to local privileges. Cf. Claudius' grant of citizenship to the Volubilitani together with ten years' exemption from Roman taxes, *ILA* 634.

³⁴ E. Schönbauer, *Iura* 14 (1963) 72 ff. Seston, a.c. (1961) 319-20.

³⁵ Cic., *pro Caec.* 101; *pro Balbo* 28. The *Lex repetundarum* (*FIRA*² i, 7) 79: 'militiae munerisque poplici in su(a) quouisque ceiv)itate (vocatio esto).'

³⁶ *FIRA*² i, 55, ii, 3; 56, 5-22. So much seems certain in the evolution of dual citizenship in the late Republic. For the general debate and bibliography see my *Roman Citizenship*² (Oxford 1973) 296 ff. The

actual situation of the Triumviral extern is however clearer than the process by which it was achieved.

³⁷ *FIRA*² i, 68, iii. For the controversy and a discussion see again *Roman Citizenship*², 304-5, 334-6. The crucial sentence withdraws from enfranchised Cyreneans an undefined 'freedom from liturgies' unless they had been enfranchised as *cives Romani immunes*. The problem is whether the words *λευτουργεῖν* . . . *κελεύω* refer to both Roman and local obligations or to one alone of these.

³⁸ *FIRA*² i, 76. This concerns the grant of *immunitas* to legionary veterans and of *immunitas* with citizenship to their wives and children: 'omnibus vectigalibus portitoribus (*sic*) publicis liberati immunes esse debent'. The term *publicus* is normal for the taxes due to the *aerarium populi Romani*, as in its derivative *publicanus*—and as in the use of *populus* in the *Tabula*'s citation from the *Commentarius*.

runs darkly, but it ends more lucidly by defining a list of local liturgies from which the veterans were to be free.³⁹ This forms a special privilege for veteran externs, not necessarily extended to other externs. It is possible that the fragmentary third section of the edict for Seleucus may have said something similar, though there is not much space available.⁴⁰ Altogether it is probable, but not proven, that Augustan rulings limited the extern's freedom from liturgies—*muneris vacatio*—in various ways, including the possibility that externs were to retain only such *vacationes* as they held before they became externs. In a limited sense the rule was emerging for externs that in local public life *salvum sit ius cuiusque civitatis*. So far, then, the words in the *Tabula Banasitana* need mean no more than that Julianus and his relatives are to retain all the privileges and duties that they held previously within the *gens Zegrensis: sacerdotia honores praemia munera*. That is to say that the phrase was reciprocal. The extern no longer escapes the disadvantages of local status: the claim of his city is recognized. That would be an advance on the position in the Julian documents, but not a great advance.

By the time of Marcus Aurelius this much was taken for granted by externs in other areas of the Empire. Innumerable municipal inscriptions from all grades of communes in all provinces, Greek, Celtic, or African, show that by then, and indeed much earlier in the Principate, the local gentry who became externs felt themselves free in practice to exercise every form of political activity in their communes, and equally play their part in the liturgic system.⁴¹ Yet grades of privilege are on record. A Neronian text shows that there were differences in the terms of enfranchisement even for veteran soldiers.⁴² The Prefect of Egypt giving sentence in A.D. 63 says: 'Concerning the citizenship of time expired soliders, your status is not the same in each case. Some of you are from legions, others from *auxilia* or the fleet. So your condition (δικαίον) is not the same for all. I have instructed the presidents of the nomes to protect your privileges according to your particular condition.' Here each category of externs has its particular *ius*, for which δικαίον is the Greek technical translation. And the chieftains of the Zegrenses have theirs also. The unambiguous elements of the evidence down to the edict of Domitian suggest that these various qualifications were fiscal and political, summed up by *immunitas* and *muneris vacatio* or in Greek ἀτελεία, ἀνεισφορία, ἀλειτουρηγής. From the Claudian period onwards, if, like the auxiliary veterans, you are not specifically given these rights you do not have them. The Roman citizenship was not one and the same everywhere. So it was necessary in formal certificates to indicate exactly what the recipient was getting. But by the date of the *Tabula* some qualification might be expected less hackneyed than a provision that was everywhere taken for granted.

So the lawyers would ask at this point whether *salvo iure gentis* covers any further limitation touching the personal status of externs in civil law. Does this phrase mean, as Schönbauer argued in effect, that within the *gens Zegrensis* Julianus and his family are to continue to follow tribal custom in areas of *ius civile* such as property, marriage, inheritance and descent?⁴³ Of the earlier documents only the edict for Seleucus is of any help here, and there is a great gap in the crucial area of Section 8. This concerns the bringing of judicial proceedings *against* Seleucus. The opening words—[ἐάν τις ἀ]ὑπὸν κατηγορεῖν θέλ[η] ξυγκ[λη]θημὸς τ[ε] ἐν[ε]ργειν—suggest that the clause is concerned with criminal or political charges, like the following section 9, which is limited precisely to the bringing of capital charges against Seleucus. In such cases Seleucus is allowed a wide choice of jurisdiction by section 8. The case may be heard at Rhodus under Rhodian law, or before the tribunal of another *civitas libera*, or before a Roman magistrate. The object was to secure the Roman protégé against the political attacks of his local enemies. Hence the clauses concern only accusations against Seleucus. But some

³⁹ *FIRA*² i, 56.

⁴⁰ *ibid.* 55, 3. Arangio-Ruiz restored ἀτελής ἦν ἐν τῇ πόλει, introducing the notion of exemption from local taxes or liturgies. But the context is concerned with retention of magistracies, priesthoods and titles to property. The following nineteen lines are however extremely fragmentary, and may conceal anything.

They certainly touch on *conubium*.

⁴¹ Detailed documentation is superfluous, but for evidence from Athens in the time of Marcus Aurelius see below n. 52. For an Augustan example cf. *OGIS* 470.

⁴² *FIRA*² iii, 524.

⁴³ a.c., 98 f.

scholars have supplemented Section 8 to introduce actions of civil law into it, as in the similar clauses of the Sullan *SC de Asclepiade*.⁴⁴ The clause continues, after the words already quoted: κριτήριον τε κατ' αὐτῶν λαμβάνειν κρίσιν τε συνίστασθαι, followed by a gap in the text. Riccobono translates: 'iudicium in eos postulare litemque contestari'. The last two words bring in a term of civil law. Clearly the phraseology is ambiguous, but in the context these Greek terms should refer to magistrates who set up courts and grant jurisdiction, that is, when criminal or political charges (less than capital) are brought against Seleucus.⁴⁵ As in section 9, his privilege is good both against prosecutors and against magistrates at Rhosus.

It is the style of this document to spell out every privilege in great detail. If the privilege was to be valid in civil actions there seems to be no reason why it should not have been granted to Seleucus both as defendant and as plaintiff. Seleucus, like Asclepiades, might need to secure his property rights by civil actions which he initiated, and here he might well need the protection of an alien tribunal. But the privileges of sections 8 and 9 are clearly limited to the actions of other parties against Seleucus, and so far as the texts survive they do not seem to be concerned with civil litigation at all. Section 8 is framed like the section about the retention of *beneficia*. Seleucus is free to claim advantages of jurisdiction at his own discretion. It was necessary to make these arrangements for Seleucus because Rhosus was a *civitas libera*, and in *civitates liberae* Roman citizens were in theory as much subject to the local courts as any other resident foreigners, whereas in a provincial commune Seleucus could have claimed the jurisdiction of the proconsul, like any other Roman.⁴⁶ It is known from a passage in the *pro Flacco* that in the late Republic Roman businessmen in Asia sometimes found it convenient to use local courts and local law in civil suits.⁴⁷ But there is no similar evidence about externs to set against Cicero's statement that the extern changes his status in civil law. Hence whatever externs may have done as a matter of practice and convenience, like any other Romans, it cannot be proved from the Julian texts that *salvo iure gentis* in the *Tabula* of Banasa means that the beneficiaries were to remain subject in civil law to the usages and jurisdiction of the *gens Zegrensis*.⁴⁸

The fact that both Juliani request the grant of Roman status to their wives and children suggests that they were aware of the usual technical consequences of enfranchisement in civil law, in that the children of mixed marriages did not become Roman citizens without special authorisation, and that there could be inconvenient consequences in the matter of inheritance.⁴⁹ The situation recalls the special grant a century earlier by Claudius of *conubium cum peregrinis uxoribus* to the enfranchised citizens of Volubilis, which set their family affairs in order by legitimising the mixed marriages of the men of Volubilis.⁵⁰ Hence *salvo iure gentis* should not be given too universal an application. The Juliani do not acquire a merely honorary citizenship; otherwise why was there so much hesitation about the grant? In some respects their personal status is no longer simply that of Zegrenses.

No passage in the municipal sections of the Digest appears to illuminate this use of *ius gentis* directly. But when Callistratus discusses *ius incolarum* he is concerned only with their liability to municipal *munera*—the claim of the municipality.⁵¹ The brevity of the term in the *Tabula* is striking. We have come a long way from the lengthy

⁴⁴ *FIRA*² i, 35, 3. This text is concerned only with the property rights of the beneficiaries, omitting any reference to criminal or political accusations, doubtless because the three beneficiaries were citizens of cities under the immediate jurisdiction of proconsuls of Asia and Macedonia, cited in the text, who would control capital jurisdiction.

⁴⁵ The *SC de Asclepiade* uses κριτήριον γένεσθαι and μεταπορεύεσθαι for Greek equivalents of *iudicium fieri*, *iudicio certare* and *persequi* of civil law.

⁴⁶ For the independent jurisdiction of free cities in the Republic see the Sullan *SC* about Chios cited by an Augustan proconsul of Asia, *SIG* ii³, 785; the Lex de Termessibus (*FIRA*² i, 11) 9-11, 18-23; and the *SC*

de Aphrodisiensibus (ibid. 38) 1-5. Later, Tac., *Ann.* iv, 36, Dio liv, 7, 6; lx, 24, 4, of Rhodes and Cyzicus, which abused their powers at the expense of Roman citizens.

⁴⁷ Cic., *pro Flacco*, 70-83, discussed by A. J. Marshall, *G.R.B.Stud.* 10 (1969) 255 ff. Cf. the Lex de Termessibus l.c.: 'quae leges quodque ius quaeque consuetudo . . . inter cives Romanos et Termenses . . . fuit . . . eadem esto.'

⁴⁸ For the contemporary situation at Athens see below, 95.

⁴⁹ Gaius i, 75-6.

⁵⁰ *ILA* 634.

⁵¹ *Dig.* L, 1, 37.

formulae of the edicts of Octavian, and *salvo iure gentis* in an administrative context should refer primarily to public life,—the rights of the *gens* over its members. Fresh light is now cast by another new document contemporary with the *Tabula*. The complete freedom of externs to participate in the public life of their peregrine *patria* is revealed in remarkable detail by the long dossier of civil disputes between Herodes Atticus and his Athenian enemies, contained in a letter of Marcus Aurelius to the Athenians, published recently by J. H. Oliver.⁵² This shows the externs of Athens holding all public offices, and using the courts of Athens for administrative and constitutional disputes. So far nothing very surprising emerges, the texts being mostly about rules of civic government. But two judgments touch matters of personal status.⁵³ Thus: ‘The appeals which concern Sentius Attalus Clemens . . . made from the court and from the king archon against Valerius Mamertinus should be referred back. Since Mamertinus is an Eumolpid and neither of his parents is of the family of the Ceryces, he lacks the qualification for transferring from one of these families to the other, . . . therefore Mamertinus will not be removed from the schedule of the Eumolpids.’ The rules of family membership among the aristocratic families of Athens are left untouched by the possession of Roman citizenship, which in these documents counts for no more than a dormant isopolity. In the second case, Aurelius rules that one Popilius Pius shall ‘remain in the possession of the right (δικαίον) of Athenian citizenship as the Areopagus decided. But for the future the laws and customs shall be observed in deciding whether a person has Athenian citizenship by descent.’

It is evident that at Athens in the time of Marcus Aurelius the Roman status of citizens was *salvo iure populi sui* in a wide sense that covered both municipal rights and aspects of family law. Some of the numerous Athenian externs who occur in the dossier had acquired Roman status in recent years—to judge by their *nomina*—and it is evident that their personal status and their place in the fabric of the ancient polity of Athens continued untouched. Much more so perhaps than with the Zegrenses. Marcus Aurelius may well have been influenced by that extreme delicacy towards *illa vera et mera Graecia* which Pliny recommended to the governor Maximus.⁵⁴ We need not assume uniformity in the consequences of enfranchisement throughout the very diverse social conditions of the Empire. There is an interesting contrast between the way that Marcus ignores the Roman status of his petitioners at Athens, and the rigidly legalistic attitude taken in the almost contemporary law-book of the Idiologos of Egypt towards problems of mixed marriages between Romans and non-Romans.⁵⁵ The Zegrenses receive Roman status on the conditions appropriate to their circumstances, closer to the Egyptian than to the Athenian model. Once more the *Tabula* signals caution to those who write off the value of the Roman citizenship as a *status dignitatis* in the later second century.

THE *TABULA* AND THE *CONSTITUTIO ANTONINIANA*

These thoughts lead on to the text of the *Constitutio Antoniniana*, supposedly contained in *Papyrus Giessen* 40. The prime crux in this famous document is double, and comes in the central operative section:

δίδωμι τοίνυν ἅπασιν ξένοις κατὰ τὴν οἰκουμένην
πολιτείαν Ῥωμαίων μένοντος [.] αἰτῶν χωρὶς
τῶν δεδεικίωσιν

In the enormous literature of the subject, for which Sasse in his compendious study in 1962 listed some ninety articles,⁵⁶ the consensus of learned opinion may be said to agree so far on the reconstruction of the text, save for a small minority who would

⁵²I cite the revised texts from C. P. Jones, a.c. (n. 6 above).

⁵³Jones, a.c. 165, 7-15; 171, 35-47.

⁵⁴Pliny, *Epp.* viii, 24, 2-3, esp. ‘nihil ex cuiusque dignitate . . . decerpseris’.

⁵⁵cf. *FIRA*² 1, 99, 34; 39; 46; 54. In the last clause

the enfranchised daughter of a veteran loses the right of inheritance from her Egyptian mother. Julianus was wise to secure the status of his family.

⁵⁶C. Sasse, ‘Literaturübersichte zur *Constitutio Antoniniana*’, *J.Jur.Pap.* 14 (1962) 109 ff.; 15 (1965) 329 ff.

read $\alpha\tau\omega\varsigma$ for $\alpha\tau\omega\upsilon$ before $\chi\omega\rho\acute{\iota}\varsigma$. The few supporters of alternatives to $\delta\epsilon\delta\epsilon\iota\tau\iota\kappa\acute{\iota}\omega\upsilon$, of which $\alpha\acute{\iota}\delta\iota\lambda\iota\kappa\acute{\iota}\omega\upsilon$ is more respectable but no more probable than neologistic oddities such as $\acute{\alpha}\pi\omicron\lambda\iota\tau\iota\kappa\acute{\iota}\omega\upsilon$, have not made a good case.⁵⁷ The problems arise in the restoration of the $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma$ formula, and the construction of $\chi\omega\rho\acute{\iota}\varsigma\ \tau\acute{\omega}\nu\ \delta\epsilon\delta\epsilon\iota\tau\iota\kappa\acute{\iota}\omega\upsilon$. Does this go with the $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma$ phrase or with the main verb $\delta\acute{\iota}\delta\omega\mu\iota$? Are the *dedicci*, whoever they may be, excluded from the grant of franchise or merely from the operation of the condition laid down by $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma$?

First for the restoration of the condition. Consensus scholarship may be said to have reduced the restoration of the surviving letters $\alpha\tau\omega\upsilon$ to simply $\pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$ (or a synonym). The phrase does something about the relationship of the enfranchised persons to their $\pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\alpha$. There are many variant suggestions to the effect that the status of existing communities is either to be changed or not to be changed.⁵⁸ Typical are, e.g., (A) $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma\ \pi\alpha\upsilon\tau\acute{\omicron}\varsigma\ \gamma\acute{\epsilon}\nu\omicron\upsilon\varsigma\ \tau\acute{\omega}\nu\ \pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$; (B) $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma\ \omicron\upsilon\delta\acute{\epsilon}\nu\omicron\varsigma\ \tau\acute{\omega}\nu\ \pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$; and (C) $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma\ \omicron\upsilon\delta\acute{\epsilon}\nu\omicron\varsigma\ \acute{\epsilon}\kappa\tau\acute{\omicron}\varsigma\ \tau\acute{\omega}\nu\ \pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$. In the last all enfranchised persons are to be included in the $\pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\alpha$. These three versions fail to agree about the meaning of $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma$. In A and B it means 'remain unchanged'—a common usage—but in C it means little more than $\delta\acute{\nu}\tau\omicron\varsigma\ \omicron\upsilon\tau\ \acute{\epsilon}\sigma\omicron\mu\acute{\epsilon}\nu\omicron\upsilon$ —'exist' or 'continue to exist'. Sasse, in his remarkable exhaustive study of the papyrus text, went a very long way towards positively proving what others had suggested, that the *Constitutio* uses $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma$ exactly as it is used in a large majority of legal and administrative papyri, to prescribe that a certain condition, status or privilege is to remain unchanged, just as *salvus* is used in such Latin terms as *salvis privilegiis* or *salva immunitate*.⁵⁹ That of course is where the *Tabula* of Banasa makes its mark. There is a clear similarity by its *civitatem Romanam salvo iure gentis dare* and $\delta\acute{\iota}\delta\omega\mu\iota\ \dots\ \pi\omicron\lambda\iota\tau\epsilon\iota\acute{\alpha}\nu\ \acute{\rho}\omega\mu\alpha\acute{\iota}\omega\upsilon\ \mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma\ \dots\ \pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$. What more probable supplement could be suggested, with the post-Republican development of dual citizenship in mind, than Meyer's original supplement: $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma\ \pi\alpha\upsilon\tau\acute{\omicron}\varsigma\ \gamma\acute{\epsilon}\nu\omicron\upsilon\varsigma\ \pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$? 'Every type of community is to remain unchanged.' That is precisely what happened after the *Constitutio Antoniniana*. No general assimilation of the peregrine *populi*, *gentes* and *civitates* of all sorts to Roman *municipia* or *coloniae* took place. It was necessary to inform the provincial communes, and especially the Greek cities of the eastern empire, which were unlikely to welcome such wholesale Romanisation, that the hitherto normal consequences of extensive grants of Roman or Latin status were not implied by Caracalla's ordinance. For this reason restorations of type B were never persuasive.

Meyer's supplement must now be very near the mark. But ingenious men may devise something yet closer to the formula of the *Tabula*. What is required, as Seston saw at once, is a Greek version of *salvo iure omnium ubique civitatum*, as originally proposed by B. Kübler in 1937. There was never much doubt that, like most imperial edicts, the P. Giessen text is translated from a Latin original. We now have the direct statement of Marcus in the Herodes dossier that these edicts were translated from Latin into Greek before despatch from the chancellery.⁶⁰ One may start from the common translation of *ius* by $\delta\acute{\iota}\kappa\alpha\iota\omicron\upsilon$ in administrative or legal texts of all periods.⁶¹ Possibly $\mu\acute{\epsilon}\nu\omicron\upsilon\tau\omicron\varsigma\ \tau\omicron\upsilon\ \delta\acute{\iota}\kappa\alpha\iota\omicron\upsilon\ \tau\acute{\omega}\nu\ \pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$ or $\dots\ \acute{\alpha}\pi\acute{\alpha}\nu\tau\omega\upsilon\ \pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$ may be preferred, according to the precise limitations of the vacant space.⁶² 'To all *peregrini* I give the Roman citizenship without detriment to the rights of their communities.'

⁵⁷ It is impossible to enter here into the minutiae of the debate. I give my conclusion about the 'state of the question' from a study of the material in Sasse's compendia. $\acute{\alpha}\pi\omicron\lambda\iota\tau\iota\kappa\acute{\iota}\omega\upsilon$ was fathered by E. Boehme, at immense and irrelevant length (*Aegyptus* 42-4, 1962-64), who believed contrary to clear evidence that the CA excluded the rural populations altogether. On this see my *Roman Citizenship*² 386 f.

⁵⁸ C. Sasse, *Die Constitutio Antoniniana* (Wiesbaden 1958) 13-14, lists the various emendations that have been proposed. He leaves unchallenged the notion, revived by Boehme more recently, that the second delta of $[\delta\epsilon]\delta\epsilon\iota\tau\iota\kappa\acute{\iota}\omega\upsilon$ is not visible on the papyrus. See

contra F. Heichelheim, *JEA* 26 (1940) 16, n. 2.

⁵⁹ Sasse, o.c. (1958) 48-58.

⁶⁰ Jones, a.c. 182, 94-5. $\acute{\epsilon}\pi\acute{\iota}\ \pi\acute{\alpha}\sigma\iota\ \tau\omicron\upsilon\tau\omicron\upsilon\varsigma\ \kappa\alpha\tau\acute{\alpha}\ \tau\eta\upsilon\ \tau\acute{\omega}\nu\ \acute{\epsilon}\lambda\lambda\eta\eta\omega\upsilon\ \phi\omega\upsilon\eta\eta\ \pi\epsilon\pi\acute{\epsilon}\rho\ \tau\acute{\omega}\nu\ \delta\iota\kappa\alpha\sigma\theta\acute{\epsilon}\nu\tau\omega\upsilon\ \sigma\upsilon\upsilon\upsilon\tau\epsilon\tau\alpha\gamma\mu\acute{\epsilon}\nu\omicron\upsilon\varsigma\ \pi\upsilon\sigma\sigma\epsilon\upsilon\theta\mu\acute{\eta}\theta\eta\upsilon\ \dots$

⁶¹ cf. the Neronian text cited n. 42 above. Earlier, in the *SC de Aphrodisiensibus*, four times. Now in the letter of M. Aurelius, Jones a.c. 170, 30 for later times.

⁶² Estimates of the length of the gap vary from 18-19 to some 21 letters, because of the condition of the left side of the papyrus. B. Kübler, *RE* xix c. 642, acutely proposed $\acute{\alpha}\kappa\epsilon\rho\alpha\acute{\iota}\omega\upsilon\ \tau\omicron\upsilon\ \delta\acute{\iota}\kappa\alpha\iota\omicron\upsilon\ \tau\acute{\omega}\nu\ \pi\omicron\lambda\iota\tau\epsilon\upsilon\mu\acute{\alpha}\tau\omega\upsilon$.

We are left with the mystery of the *dediticii*. Now the rule in Sasse's legal papyri is that the μένοντος formula concludes the paragraph. It is not inserted within the framework of a main sentence.⁶³ Hence χωρὶς τῶν δεδειτικίων should be taken with μένοντος and not with δίδωμι. The *dediticii* are not being excluded from the grant of citizenship but from the arrangements for municipal status, just as A. H. M. Jones, in a notable contribution to this subject, suggested thirty years ago.⁶⁴ On this view τῶν δεδειτικίων can refer either to persons as a masculine plural, or to πολιτεύματα as a neuter adjective. This may well be right, though the administrative point involved in this interpretation is somewhat recondite, and not of such primary importance as to demand clarification in so generalized and propagandistic a text. The normal meaning of *dediticii*, people who make an act of surrender *in fidem* after defeat in war, continues, as Sasse demonstrated, in imperial texts through Gaius to Ammianus Marcellinus.⁶⁵ The edict then means that hostile border peoples or rebels, who were still in the condition of *dediticii*, would be released from that condition by the grant of Roman status under the *Constitutio*, and so become a normal provincial commune. That would be quite regular, because in past ages any organisation of status put an end to the temporary condition of *dediticius*. But this hardly required mention in the *Constitutio*. The point is of subsidiary importance, in no way comparable to the issues of status and tax-liability inserted into the *Tabula* of Banasa.

It has always seemed much more meaningful to take the exclusion with δίδωμι: 'I give Roman citizenship to all except the *dediticii*.' But this is against Sasse's 'rule', which ought to be decisive unless a strong case can be made for an exception. Here the new *Tabula* helps in two ways. First, in the three Latin texts the order of the crucial words is variable. The first has 'non cunctamur civitatem Romanam salvo iure gentis dare'. The second has 'civitatem Romanam salvo iure gentis dedimus'. Only the third conforms to the order of the μένοντος formula in the Greek papyri: 'his civitatem Romanam dedimus salvo iure gentis sine diminutione tributorum', etc. The last words expand the meaning of *salvo iure gentis*, since the *gens* would suffer if its citizens were exempted from their share of liabilities. So, if the Greek text of the *Constitutio* followed a Latin original, flexibility of order may be admissible.

Second and more substantially, the whole tenor of the two letters of Marcus Aurelius is that the emperors were reluctant to grant Roman status to members of border tribes whose loyalty was not assured. The *colloquia* inscriptions discussed above show the ambiguous relationship to Rome of such tribes as the Baquates in Mauretania, whether inside or outside the frontier, and the rarity with which even their *primores* were granted the Roman citizenship. It would make good sense if such peoples were universally and formally excluded from the operation of Caracalla's edict. Razzias and rebellions, like those of the Baquates in the time of Marcus, could reduce them to the status of *dediticii* from time to time.⁶⁶ There is also evidence of the survival of peoples on the northern frontiers in the situation of the Baquates, after the *Constitutio Antoniniana*.⁶⁷ It may well have been the intention of Caracalla or his advisers to exclude such peoples from his grant. The μένοντος formula might be an addition pressed upon Caracalla by the more cautious members of his *consilium*, like the final addition in the *commentarius* of Marcus Aurelius. Hence, perhaps, the verbal order.

This interpretation is in some measure a return to a view of the *Constitutio* put forward by E. Bickermann in 1926, who sought to see a foreshadowing of the special treatment of the *foederati* of the late empire in *P. Giessen* 40. Like his interpretation, this also is to be linked with the third and most inscrutable crux of the papyrus text.

⁶³ Sasse, o.c. (1958) 48-58.

⁶⁴ A. H. M. Jones, 'Another interpretation of the CA', *JRS* 26 (1936) 223 ff.

⁶⁵ Sasse, o.c. (1958) 117-18, cf. Schönbauer, a.c. 102. Gaius 1, 14: 'qui quondam adversus populum Romanum armis susceptis pugnaverunt deinde victi se dediderunt'. His *quondam* has caused unnecessary doubts about the continuance of *dediticii*. In the context of the *Institutes*, concerned primarily with citizens of Italy and seldom even with those of the

Romanized provinces, the *dediticius* is a very rare bird. For Ammianus' use, cf. xx, 8, 13; xxi, 4, 8.

⁶⁶ cf. n. 16 above.

⁶⁷ For *peregrini* surviving in the late third century in the Rhineland villages, see A. Riese, *Rhein. Germ. Ant. Inschriften* nn. 237, 1748, and later at Brigetio, *CIL* xii, 94. Cf. *Roman Citizenship*² 387-8, modifying the generalizations of E. M. Condurachi, 'La *Constitutio Antoniniana* e la sua applicazione', *Dacia* 1958, 304 f.

Caracalla in his opening sentence announces his general intention of giving thanks to the immortal gods for a victory by bringing certain people to join in their worship with what he calls 'my men', i.e. through the general enfranchisement: [εἰ τοὺς ξένους ὅσ]άκις ἐὼν ὑπεισέλωσιν εἰς τοὺς ἐμοὺς ἀνθρώπους [εἰς τὰς τῶ]ν θεῶν συνεπενέγκοιμι. The first clause is commonly rendered: 'all peregrines that are ever registered among my people', and this is taken to mean 'all the peregrines within the empire'. That gives good historical sense, and fits with the brief statements of Ulpian and Dio about the *Constitutio Antoniniana*.⁶⁸ Unfortunately it does not translate the Greek. The only technical meaning of ὑπεισέρχεσθαι in legal papyri, that is recorded in the lexicons, is to enter upon office, and primarily the word is a verb of motion, whereas the conventional translation requires the word here to have the meaning of *censeri* or *numerari* or *in numero esse*.⁶⁹ All would be well if an appropriate parallel could be discovered in a legal papyrus. Otherwise one must accept the basic meaning of the word, and see a reference to peoples who enter into or settle in the empire from outside: 'quotiens immigraverint'. Caracalla then embraces such people in his general grant, but at the last moment excludes the least desirable of them: citizenship is for loyalists only.

So the *Tabula* of Banasa puts new life into an interpretation of the exclusive phrase that has found little favour in the past. It also restores authority to the more orthodox restoration of the μένοντος formula by relating it to the established practice of the imperial government in the enfranchisement of individuals. But one final caution suggests itself. Bickermann, ever the odd man out, also championed the minority reading of -ατως for -ατων at the end of the μένοντος clause, and proposed a supplement that remarkably anticipated the fiscal condition included in the third document of the *Tabula*. Rightly thinking that the declaration of Caracalla ought to have said something about the fiscal implications of the new measure—which for Cassius Dio formed its real purpose—he proposed to read: μένοντος τῷ φίσκῳ τοῦ λόγου ἀπαραβάτως. Can we now say that he was certainly wrong?⁷⁰

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⁶⁸ Ulpian in *Dig.* i, 5, 17 'in orbe Romano qui sunt'. Dio lxxvii, 9, 5, πάντας τοὺς ἐν τῇ ἀρχῇ αὐτοῦ.

⁶⁹ Preisigke, *Wörterbuch* s.v., cf. *Roman Citizenship*² 286, 381.

⁷⁰ E. Bickermann, *Das Edikt des Kaisers Caracalla* (Diss. Berlin 1926). One may here note the odd proposal of J. H. Oliver (a.c. 339-340) that ἀδδειτικῶν should be read instead of δεδειτικῶν. The term is here supposed to mean 'additional fiscal privileges', but it is not known to the papyrological lexicons of Kiessling, Preisigke and Passau. It is cited once in its Latin form in *Thesaurus L.L.* from a single legal text in which Celsus quotes Cato's definition of a *mensis intercalarius*

(*Dig.* L, 16, 98, 1). The place for such a limitation would be in the genitive absolute, as Bickermann saw, where some equivalent of *salvo iure fisci et aerarii* must remain a possibility. But it is hard to find a convincing and economical supplement with . . . ατων. Most of the suitable nouns combinable with e.g. μένοντος τοῦ δικαίου would require a defining adjective, e.g. ὀφειλημάτων δημοσίων or τελεσμάτων (for which see *P.Ox.* 1647, 45). Otherwise μένοντος τοῦ λόγου τῶν δημοσίων τελεσμάτων might fill the bill: 'salva ratione tributorum et vectigalium'. But it is too long as it stands, and leaves the *dediticii* excluded from the grant of citizenship.