CHAPTER 8

Fifty Years before the Antonine Constitution: Access to Roman Citizenship and Exclusive Rights

Arnaud Besson

Introduction

In AD 212 the emperor Marcus Aurelius Severus Antoninus 'Caracalla' granted Roman citizenship to every free man in the Empire. The edict was undeniably enacted. Military rosters, papyri and inscriptions show that the *tria nomina*, comporting the *nomen* 'Aurelius' (taken by new citizens in honour of the Emperor), spread swiftly throughout the Roman Empire.[1]

There are only a few direct sources for this event. It has long been known through a brief quotation from Ulpian[2] and a text from Cassius Dio. According to this last author, greed would have been Caracalla's motivation for having issued the Antonine Constitution. Even if the official reason was to honour the people of the Empire, the real purpose would have been to raise tax revenue on inheritances (indeed, only Roman citizens were subject to the tax on inheritances, the *vicesima hereditatium*).[3] The discovery of papyrus Giessen 40,[4] published by P.M. Meyer in 1910, which is supposed to bear the text of the Antonine Constitution, raised more questions than answers. The papyrus is not well preserved and some key passages used for its interpretation are unfortunately flawed. There have been many attempts to restore the text, which have led to a massive debate about the Antonine Constitution and its potential meanings.[5] Was it a cosmopolitan reform, the expression of a new absolutism or an attempt to increase financial revenue? The reasons that could have driven Caracalla to this unprecedented edict are difficult to define; the Antonine Constitution is nonetheless an act impressive in scale, whose practical consequences and implications deserve further study.[6]

1 See e.g. Kracker and Scholz (2012); Rizakis (2009). Also BGU II 655; BGU VII 1652; P. Bodl. I 42.

2 *Dig*. 1.5.17 (Ulp. 22 *Ad. Ed.*).

3 D.C. 77.9.5. On the *vicesima hereditatium* see Günther (2007).

4 Meyer (1910). See also Heichelheim (1941) 10–22.

5 Christoph Sasse published a synthetic work with a critical overview of the major discussions about this topic: Sasse (1958; 1962; 1965). Lastly, Bryen (2016); Van Minnen (2016).

6 For recent works, see Ando (2016); De Blois (2014); Corbo (2013); Pferdehirt (2012); Marotta (2009) 101–131; Buraselis (2007 [1985]).

The abolishing of the long-established distinction in Roman society between Roman citizens and peregrines transformed the very notion of Roman citizenship. This has led some historians to consider AD 212 as the end of the history of Roman citizenship or to call into question its value.[7] Some have also questioned the meaning of the Antonine Constitution itself, arguing that the privileges of Roman citizenship had already in large part been deleted by the imperial regime.[8] For some scholars, the edict of Caracalla was not a change of great importance,[9] whereas for others the universal extension of Roman citizenship was inevitable, comparing its successive grants to a flood tide.[10]

This paper takes the opposite view of the historiographical positions that downplay the importance of the Antonine Constitution, and it focuses on two main questions: first, was it difficult to obtain Roman citizenship in the decades preceding AD 212? Namely, was access to Roman citizenship still restricted to a high degree? And, secondly, what were, shortly before AD 212, the exclusive rights of Roman citizens?

In order to answer these questions, this paper will look mainly at the *Institutes* of Gaius, Aelius Aristides' speech *Regarding Rome*, Pausanias' *Periegesis*, and the *Tabula Banasitana*, an epigraphic document from AD 177 that appears essential for understanding the way in which Roman citizenship could be attained via personal grants. By doing so, I will limit the enquiry to the seven decades before the Antonine Constitution.

1 Access to Roman Citizenship

It may be questioned whether Roman citizenship remained a sign of social distinction in the provinces in the second century AD. One source we have on this issue is Aelius Aristides,[11] an orator of the Second Sophistic from a

7 Garnsey (2004) 133, 135, 137 describes it as "an accident of history", "a whim [... that ...] came out of the blue".

8 Ando (2011) 16: "To be sure the privileges of citizenship were gradually evacuated over the first two centuries of this era." Cf. Spagnuolo Vigorita (1993) 7.

9 See Spagnuolo Vigorita (1993) 7–15. De Sainte Croix (1998 [1985]) 454 says of the promulgation of the Antonine Constitution that "this fact is very much less remarkable than it appears at first sight" and develops a Marxist theory about the suppression of citizenship privileges for the benefit of a new social, class-based distinction.

10 "The Flood Tide", Sherwin-White (1973) 251–263. For an opposite point of view, much more similar to my own position, see Marotta (2009) 61 and, now, Lavan (2016) 3–46.

11 See Harris (2008); Behr (1994).

prominent family in Hadrianoi (Mysia). In his speech *Regarding Rome*, which he very likely delivered in Rome in AD 155, he praised the Roman administration in order to gain the favour of the Emperor and advance in his career. It is thus an epideictic speech, a eulogy where Rome is presented in the best light. Beyond the obvious praise of Rome, Aristides' speech reflects the vision of a member of the provincial elite, who was flattered by being closely associated with the power of Rome.[12] So we read in Aelius Aristides, *Regarding Rome* 26.59–64, around sixty years before the Antonine Constitution:

(59) […] διελόντες γὰρ δύο μέρη πάντας τοὺς ἐπὶ τῆς ἀρκῆς—τοῦτο δ' εἰπὼν ἅπασαν εἴρηχα τὴν οἰκουμένην—, τὸ μὲν χαριέστερόν τε καὶ γενναιότερον καὶ δυνατώτερον πανταχοῦ πολιτικὸν ἢ καὶ ὁμόφυλον πᾶν ἀπεδείξατε, τὸ δὲ λοιπὸν ὑπήκοόν τε καὶ ἀρχόμενον. (60) καὶ οὔτε θάλαττα διείργει τὸ μὴ εἶναι πολίτην οὔτε πλῆθος τῆς ἐν μέσῳ χώρας, οὐδ' Ἀσία καὶ Εὐρώπη διῄρηται ἐνταῦθα· πρόκειται δ' ἐν μέσῳ πᾶσι πάντα· ξένος δ' οὐδεὶς ὅστις ἀρχῆς ἢ πίστεως ἄξιος, […] (63) […] καὶ τὸ Ῥωμαῖον εἶναι ἐποιήσατε οὐ πόλεως, ἀλλὰ γένους ὄνομα κοινοῦ τινος, καὶ τούτου οὐχ ἑνὸς τῶν πάντων, ἀλλ' ἀντιρρόπου πᾶσι τοῖς λοιποῖς. […] (64) […] φρουρῶν δὲ οὐδὲν δεῖ τὰς ἀκροπόλεις ἐχόντων, ἀλλ' οἱ ἑκασταχόθεν μέγιστοι καὶ δυνατώτατοι τὰς ἑαυτῶν πατριδας ὑμῖν φυλάττουσιν· καὶ διπλῇ τὰς πόλεις ἔχετε, ἐνθένδε τε καὶ παρ' αὐτῶν ἑκάστας.

(59) […] For you have divided into two parts all the men in your empire—with this expression I have indicated the whole inhabited world—and everywhere you have made citizens all those who are the more accomplished, noble, and powerful people, even if they retain their native affinities, while the remainder you have made subjects and the governed. (60) And neither does the sea nor a great expanse of intervening land keep one from being a citizen, nor here are Asia and Europe distinguished. But all lies open to all men. No one is a foreigner who deserves to hold office or to be trusted […] (63) […] you have caused the word 'Roman' to belong not to a city, but to the name of a sort of common race, and this not one out of all the races, but a balance to all the remaining ones. […] (64) […] There is no need of garrisons holding acropolises, but the most important and powerful people in each place guard their countries for you. And you hold their cities in a double way, from here and individually through them.[13]

12 For similar opinions among Greek writers Plu. *Prae. Ger. Reip*. 814C; D.C. 52.19.2–3. See Ando (2000) 58–59 with references.

13 Ed. Keil (1958); Trans. Behr (1981); our abbreviations.

Roman citizenship, as described by Aelius Aristides, was an open citizenship. It was granted on a meritocratic basis without geographical distinction, in contrast to Greek citizenship, which was often strongly linked to ethnic background. It also appears to have been an instrument of cohesion among the elites throughout the Empire. Relying on the loyalty and consent of these elites, Rome had no need of a military presence in every area to rule over the cities. Therefore, the openness of the Roman citizenship appears to have been a tool of soft power. However, as well as an instrument for enhancing cohesion, on the one hand, citizenship seems to have been, on the other hand, a way to stress differences, as it drew a boundary between the ruling Roman elite and the non-Romans who were subjects and could still be foreigners (ξένος). Thus, according to Aelius Aristides, Roman citizenship was a mark of membership in the elite-class throughout the Empire in the second half of the second century AD.

In order to know how it was possible for a provincial to become a Roman citizen and what rights it implied, we must now compare this view with the more pragmatic information provided by a juridical source like the *Institutes* of Gaius.[14] Conceived for a teaching course on Roman law and probably used for lectures in AD 161, the *Institutes* have the advantage of providing us with an overall picture of the laws in force approximately a half-century before the Antonine Constitution. Gaius' first commentary on civil law, in particular, gives us a significant amount of information about how one could attain Roman citizenship in the middle of the second century AD. He promptly explains the main legal divisions between the inhabitants of the Empire.[15] The first of these divisions is between free men and slaves, the second that between free-born and freedmen. Free persons could belong to three categories: citizens, Latins (or Junian Latins) and *dediticii*.[16]

Gaius' divisions do not take into account those who lived outside Roman civil law, i.e. peregrines who could also be free, and those who were slaves or freedmen according to peregrine laws. Thus, the *Institutes* deal mainly with differences between Roman civil law, theoretically exclusive to Roman citizens, and the *ius gentium*, common to all men.[17] On occasion, he nevertheless mentions peregrine laws.[18] This is an important difference from late compi-

14 Babusiaux and Mantovani (soon to be released); Nelson (1981); Honoré (1962).

15 Gai. *Inst.* 1.9–12.

16 In general Mattiangeli (2010); Marotta (2009); Sherwin-White (1973). For Junian Latins: Koops (2012); Corcoran (2011); De Quiroga (1998); Weaver (1990); Modrzejewski (1970) 317. For *dediticii*: Soazick (1996); Oliver (1955); Benario (1954).

17 Gai. *Inst.* 1.1.

18 Gai. *Inst.* 3.120 even indicates a potential primacy of peregrine law in the context of

lations, such as the Theodosian and Justinian codes from the fifth and sixth centuries, in which mentions of peregrine elements have generally been suppressed.[19]

The first question, now, is how Roman citizenship could be obtained. We put in relation Gaius with our explanation, which will sometimes differ from what is explained in legal handbooks based on classical law as stated in the late compilations.[20] We will also be able to complete the picture drawing on external sources like the *Tabula Banasitana*.

1.1 *Citizen by Birth*

The first way to attain Roman citizenship was to be born free in a legally valid marriage (*iustum matrimonium*),[21] that is, a marriage recognized by Roman civil law. This was the case for a marriage between people who are both Roman citizens, as long as there were no special restrictions, such as the one forbidding consanguine unions.[22] The children of such a marriage would be granted the same condition as their father and hence would be freeborn Roman citizens. It could go the same way if a Roman citizen took a Latin woman or a peregrine woman as his wife, provided that he had the right to marry these women, i.e. that the right *conubium* had been granted. This was an imperial favour granted to some communities or some individuals.[23]

Without *conubium*, the status of the children was problematic. Under the *ius gentium*, a child born out of a legally valid marriage was supposed to take the status of the mother.[24] However, this was not true for Roman citizenship, which was not granted to the children of, e.g., a female Roman citizen and a male peregrine without *conubium*. This restriction, which was established by the *lex Minicia*, likely dates from 90 BC back to the Social War.[25]

The emperor Hadrian issued a series of clarifications concerning these problems of intermarriage and other aspects of the complex Roman family law.[26] A

---

fidepromissio: "*Praeterea sponsoris et fidepromissoris heres non tenetur, nisi si de peregrino fidepromissore quaeramus, et alio iure civitas eius utatur.*"

19 Ando (2011) 1; Pharr (2007).

20 See Frier and McGinn (2004).

21 Gai. *Inst.* 1.76. On marriage see Evans-Grubbs (2002); Phang (2001); Modrzejewski (1993).

22 Gai. *Inst.* 1.58–64.

23 Gai. *Inst.* 1.56. On *conubium* see Roselaar (2013); Gardner (1987) 142–144. E.g. privileges of Volubilis granted by Claude in IAM II 448.

24 Gai. *Inst.* 1.78.

25 Gai. *Inst.* 1.77–79; Cherry (1990).

26 Gaius, *Inst.* makes several mentions of it. For *senatus consulta*: 1.30, 1.77, 1.80, 1.81, 1.92, 2.143;

senatus consultum provides that children of a female Roman citizen and a male peregrine without *conubium* would still be considered legitimate children of their father.[27] It should be noted that Hadrian confirmed with this measure the validity of the *lex Minicia*, contrary to the *ius gentium*.

Marriage between peregrine and Roman citizens, males or females, in no way provided access to Roman citizenship, while for children of such marriages, citizenship was granted only within the strict conditions we have outlined. Access to Roman citizenship through marriage or filiation appears thus so to have been strictly controlled for peregrines.

1.2 *Enfranchisement*

For people of servile origin, enfranchisement from slavery (*manumissio*) could be accompanied by the conferment of citizenship under three conditions.[28] The manumitted slave must be older than thirty years of age, s/he must have belonged to his master *ex iure Quiritum* (which implies that his master had obviously to be a Roman citizen himself)[29] and finally s/he must have been released from slavery through a formal manumission, i.e. by *census* or by *vindicta* (these two types of *manumissio* require the intervention of a magistrate) or by will. If these conditions were fulfilled the former slave would become a Roman citizen.

In the event that the freedman did not fulfil these conditions or had been informally manumitted, s/he would not become Roman citizen but s/he would be granted the intermediate status of Junian Latin. The condition of the minimal age could be removed on justified grounds following the decision of a council of Roman citizens. Junian Latin status was defined by the Augustan *lex Iunia*,[30] which replaced what was before a liberty *de facto* protected by the praetor but legally void.[31] Junian Latins could not make a will or receive through a will: at death, their property was to be given to their former master.[32] But they could benefit from the facilitated conditions to obtain Roman citizenship

edict on the *patria potestas*: 1.55, 1.93; other or undetermined: 1.47; 1.84; 1.94. See Gardner (1996); Gascou (1999).

27 Gai. *Inst.* 1.77.

28 Gai. *Inst.* 1.17–19.

29 See the *Fragmentum dositheanum* (2nd c. AD) in Girard and Senn (1967) 464–468 n. 23.

30 *Lex Iunia* (*Norbana*) *de manumissionibus*, dates probably from AD 19, see Rotondi (1990 [1912]) 463 and De Quiroga (1998).

31 Gai. *Inst.* 3.55.

32 Gai. *Inst.* 1.23–24 and 3.56–62.

defined by the *lex Aelia Sentia*.[33] The first of these could grant citizenship to any Junian Latin who had married a Roman citizen or another Junian Latin and had given birth to a child, as soon as the child reached the age of one. This was very likely a pro-natal policy.

Other possibilities involved three years service in the vigils of Rome, a strong investment in the grain supply to the city of Rome or in the construction of a substantial house in Rome, and, finally, to work as a miller in Rome. Gaius gives a brief history of these measures, which were all set up by successive emperors. We can see in them demographic policies to encourage and reward having children and tasks that are of general interest, and to ensure civic population growth through controlled 'naturalization'. It should, however, be noted that these measures were mostly applied to the city of Rome. Again, this implies that Roman citizenship was supposed to be a reward.

By contrast, citizenship was forever denied to slaves who committed crimes and were submitted to defamatory punishments, or who practiced 'infamous' activities, even if they were freed. They were the *dediticii* and had the least enviable condition. It seems that they were originally prisoners of war or people deported after an uprising or a conflict and that this notion was then used to elaborate the status of these infamous freedmen.[34] They were considered to be peregrines and were forbidden to approach Rome, on penalty of being re-enslaved. This suggests that Roman citizenship was thus restricted to individuals who were able to behave according to Roman social norms. In addition, Roman citizenship could also be taken away from individuals, even if they were freeborn Roman citizens, as a penalty for serious criminal offenses (*capitis deminutio*).[35]

These intermediate legal statuses did not disappear with the promulgation of the Antonine Constitution. *Dediticii* were also excluded from the general grant in AD 212, according to most lectures of the papyrus Giessen 40, and their status was still attested to after AD 212.[36] The status of Junian Latin still existed in 320, as an edict of Constantine providing for the possible *capitis deminutio* of a citizen stated that his new status would be Latin.[37] The status of Junian Latin

33 Gai. *Inst*. 1.28–35 and 1.65.

34 Gai. *Inst*. 1.13–15. See Sherwin-White (1973) 380–386. This status continues to be given to barbarians settling in the Empire. See e.g. the inscription of Walldürn (*CIL* XIII 6592), from AD 232. See also e.g. Soazick (1996); Oliver (1955); Benario (1954).

35 Gai. *Inst*. 1.159–162. See Forteza (1992).

36 See two notes above.

37 *C. Th*. 2.22.1.

was formally abolished by an edict of Justinian in AD 531.[38] All this suggests that these intermediate statuses of non-citizens were neither abrogated by the Antonine Constitution nor fallen into disuse. After AD 212 they probably had a more punitive character than before.

Access to Roman citizenship for people of servile origins was strictly regulated before and after the Antonine Constitution. Junian Latins did benefit from facilitated conditions to obtain Roman citizenship, but had fewer rights than full citizens regarding the control of their property at death. Roman citizenship was a political and legal reward and to be deprived of this status was a sanction.

1.3 *Grants of Citizenship*

For free peregrines, the most direct way to obtain Roman citizenship was to receive it through a grant. Gaius does not deal directly with these matters, as he speaks of people already subject to Roman civil law. He nevertheless tackles a series of problems regarding family law and more specifically mixed families, in which only a few members possess Roman citizenship.[39] Roman citizenship could be granted individually[40] or collectively. These grants were originally a prerogative of the Roman people; Emperors subsequently acquired the right to reward individuals, groups or communities with the franchise of citizenship.[41]

Concerning collective grants, some communities could receive the honorific title of *colonia*, which normally granted Roman citizenship to their members. It was, however, a rather rare honour. As we know, the Italic peninsula, including the *Gallia Cisalpina*, benefitted from a general grant of Roman citizenship in the first century BC. Subsequently, some regions were granted Latin rights, mostly in the western part of the Empire.[42] In the communities of Latin rights, Roman citizenship was automatically granted as a reward for the performing of public offices. It was given to magistrates upon the holding of municipal office in the communities of Latin right *minus*, and was even later extended to the decurions of communities with Latin rights *maius*.[43] In this case, again, we

38 *C. J.* 7.6.1.

39 E.g. Gai. *Inst.* 1.74.

40 Personal grant of citizenship, as it is the case in the *Tabula Banasitana*, is said *viritim* and is attested since the second Punic War. See Marotta (2009) 72; Sherwin-White (1980) 245.

41 Marotta (2009) 72, n. 128.

42 Marotta (2009) 17–20; Lintott (1993) 161–167; Sherwin-White (1973).

43 Gai. *Inst.* 1.96. Kremer (2006); Gascou (1999); Lamberti (1993); Chastagnol (1994). See also the municipal law of Salpensanum, in Baetica (Spain): *FIRA* I 21 = Riccobono (1908).

can see that Roman citizenship was granted to the ruling elite of non-Roman communities, in conformity with Aelius Aristides' testimony.

In the years immediately before the Antonine Constitution, the most interesting case of personal grant remains certainly the *Tabula Banasitana*.[44] This inscription, found in 1957 in Banasa (Morocco) and published for the first time in 1971, sheds light on how access to Roman citizenship was handled by the Imperial chancellery a few years before the Antonine Constitution. Besides two imperial rescripts, this inscription contains an excerpt of the *Commentarius civitate romana donatorum* (record of roman citizenship grants). These three documents form a dossier of the grant of Roman citizenship to a powerful family of the Zegrenses tribe in *Mauretania Tingitana*. We probably have to interpret these grants as political gestures that aimed to stabilize the region through diplomatic channels rather than military means. The integration of tribal chiefs as Iulianii Zegrensis enabled Rome to limit the incursions of Berber tribes in the province of *Mauretania Tingitana*.[45]

The first rescript, from AD 161–169, was addressed by the emperors Marcus Aurelius and Lucius Verus to Coiedius Maximus, governor of the *Mauretania Tingitana* province. The governor had conveyed the demand of Iulianus Zegrensis and the emperor granted Roman citizenship to him, his wife and his four children.

The second rescript, written according to the same model, dates from the 6 July AD 177 and was sent by the emperors Marcus Aurelius and Commodus to Vallius Maximianus, governor of the *Mauretania Tingitana* province. The emperors responded to the demand of Aurelius Iulianus, son of the Iulianus from the first rescript and granted Roman citizenship to his peregrine wife and to his children.[46] Indeed, without the granting of a specific *conubium*, the children of a marriage between a Roman citizen and a peregrine woman would follow the status of their mother and thus be born peregrine. This is a good example of the difficulties that a prominent provincial family, to whom Roman citizenship had been granted, could encounter in maintaining its privileges if they still lived in a mainly peregrine society.

Finally, the *Tabula* contains an excerpt of the imperial *Commentarius* in which the decision was recorded, which is followed by the complete names

44 *AE* 1971, 534 = *IAM* II 94 = Euzennat, Marion and Gascou (1982) 76–91; Euzennat and Seston (1961); Euzennat and Seston (1971). For complete references on the publication, see Nicolet (2006).

45 Euzennat, Seston (1971) 473. The same policy can be seen from the years AD 140's with the tribe of Baquates, in Volubilis. See Frezouls (1957).

46 Euzennat, Marion and Gascou (1982).

of the twelve signatories who constituted the *consilium principis*. It seems that it was this record that validated the grant of citizenship.[47]

These three documents give us information about the practices of the Imperial Chancellery and about how difficult it was to attain Roman citizenship. An accurate written record of the grants of citizenship was archived by the Chancellery and it was the provincial governor who interceded with the emperor on behalf of the individual applying for citizenship.

For a peregrine whose fortune and social standing was insufficient to aspire to one of these modes of attaining Roman citizenship, there remained the possibility of enlisting in the auxiliary troops (the legion was only open to Roman citizens). This was assuming the candidate enjoyed a sufficiently good health and luck to survive the twenty-five years of military service. The reward was Roman citizenship, granted with the *honesta missio* of the veteran, in the form of a military diploma, of which we have found many examples throughout the former Empire.[48]

All this shows that access to Roman citizenship in the second century AD was still highly regulated and severely restricted. Peregrines had the choice between a long military service and the holding of costly offices in Latin communities. Otherwise they could benefit from a network of social relationships influential enough to reach the Emperor, but in this case they were often already part of the ruling elite of their provincial communities. Out of the Italic peninsula, possession of Roman citizenship was generally the privilege of a limited group of people, a situation confirmed by the words of Aelius Aristides quoted above. It must also be noted that Roman citizenship was still used in the second century AD as a reward for fidelity to Rome. It was thus a political instrument, an incentive for individuals who wished to improve their standing.

2 Exclusive Rights of Roman Citizens

The fact that citizenship in the second century AD was still granted as a reward suggests that it brought concrete privileges and rights. One example of these privileges were the legal protections conferred against the coercive power of the magistrates or the right to appeal, both of which were important advantages in criminal law.[49] One other example concerns the rights of the citi-

47 Euzennat, Seston (1971) 480–481. For another mention of this institution Plin. *epist*. 10.105 (106).

48 See Pferdehirt (2002); Phang (2001); Eck and Wolff (1986).

49 Garnsey (1966 and 1970).

zens (and probably of an increasing number of peregrines) to bring their disputes before the Roman court to obtain judicial relief.[50] But we will focus here exclusively on some advantages of civil law, attested to in the *Institutes* of Gaius. They concern, as we will see, mostly family law and the control of property.

2.1 *Property and Obligations*

Property and the matters relating to its business are a domain where Gaius points out many interactions between Roman citizens and peregrines. Property rights were obviously recognized to peregrines under *ius gentium*.[51] This concerned the goods that can be owned, possessed and conveyed under Roman civil law. Under it, to deliver a thing (by *traditio*) was enough to concede ownership of it.[52]

However there was a form of ownership that was restricted to Roman citizens (*dominium*) and things that could only be conveyed by Roman civil law methods of acquiring or alienating ownership.[53] These modes were *mancipatio*—a ritual performed in the presence of five Roman citizens as witnesses plus one more who holds a scale; *cessio* in front of a magistrate (the praetor or the governor of the province); and, finally, *usucapio*. This last method consisted of holding a good for a period of time prescribed by the law, while during this time its preceding possessor still owns it 'by the right of the Quirites', i.e. under Roman civil law. Goods whose property was peculiar to Roman citizens were called *res mancipi*[54] and they more or less corresponded to the most important means of archaic agricultural production: draft animals and slaves as well as lands, buildings and servitudes (but only in the Italic peninsula).

Roman citizens also had a specific form of oral contract: the *sponsio*, which would merge into the more general *stipulatio*.[55] The exclusive nature of the *sponsio* came from its formulation; the creditor asks *'Dari spondes*?' and the answer has to be '*Spondeo*.' When Gaius addresses the topic he deals with peregrine laws and shows that most contracts were of the *ius gentium*.[56] Oral

50 See Ando (2011) 7–9 and Gai. *Inst*. 4.34–37 in particular for *actiones fictitiae*.

51 Gai. *Inst*. 2.40–41.

52 Borkowski (2005) 182–197.

53 See Birks (1985).

54 Gai. *Inst*. 2.14a–33.

55 "Stipulatio", in Berger (2014) 713.

56 Gai. *Inst*. 3.96 mentions the existence of contracts of *stipulationes* in foreign laws (*apud peregrinos*), the same for written contracts in Gai. *Inst*. 3.133–134 and also 3.120 mentioned above.

contracts formulated in other terms (but always in the form of a promise) could be created between Roman citizens and peregrines and could even be expressed in Greek if both parties understood the language.[57] Gaius also says that only Roman citizens could be bound by contracts under Roman civil law[58] but, for example, peregrines could be bound by written obligations, which depend upon *ius gentium*.[59]

It is difficult to precisely assess the status of peregrines with regard to commercial law and this question would lead us too far from the purpose of this paper. However, we must note that some peregrines had the right of *commercium*, as did the Latin *coloniari* or Junian Latin, which very likely granted them the right to buy *res mancipi*.[60] Moreover, with the development of the formulary system at the end of the Republic and the growing role of the praetor, peregrines could benefit from his legal protection, in particular with the development of the concept of bonitary ownership.[61] This particular form of ownership was open to peregrines and was protected by the praetor even though some formalities of transfer had not been followed—for example if *res mancipii* had been exchanged without *mancipatio*. It is even possible that peregrines could be treated 'as if' they were Roman citizens by means of an *actio fictitia*.[62]

Thus, Roman civil law did not constitute an obstacle to commercial relations between Roman citizens and non-citizens. The complicated traditional forms of conveying ownership in Roman civil law probably fell into disuse after AD 212 and were abolished by Justinian.[63] Nevertheless, it has to be noted that the legal system described by Gaius was still heavily centred on Italy, notably because Italic soil was the only one to be mancipable.

---

57 Gai. *Inst.* 3.92–93.

58 Gai. *Inst.* 3.94 *Unde dicitur uno casu hoc verbo peregrinum quoque obligari posse ….*

59 Gai. *Inst.* 3.132–133.

60 Also *Tit. Ulp.* 19.4–5: *"Mancipatio locum habet inter cives Romanos et Latinos colonarios Latinosque Iunianos eosque peregrinos, quibus commercium datum est. Commercium* (*est*) *emendi vendundique invicem ius.*" (likely before AD 212). See Roselaar (2012) 387 and Mercogliano (1997).

61 See Borkowski (2005) 159.

62 Gai. *Inst.* 4.37 *"Item civitas romana peregrino fingitur, si eo nomine agat aut cum eo agatur quo nomine nostris legibus actio constituta est, si modo iustum sit eam actionem etiam ad peregrinum extendi.* […]."

63 "Mancipatio", in Berger (2014) 573; *C. J.* 7.31.1.5.

2.2 *Family*

In the *Tabula Banasitana*, the Zegrenses, father and son, were attempting to obtain Roman citizenship also for their women and children. In the second rescript in particular, we saw that the emperors granted Roman citizenship to Aurelius Iulianus' peregrine wife and to his children, who were also peregrine. This underlines the importance of being able to conclude a Roman law marriage between two Roman citizens or to have obtained the right of *conubium* in order for the Roman citizen to be able to transmit his status to his or her children. Actually, the rigid structure of the Roman family, which was organized around the *pater familias*, brought additional specificities. Another exclusive right of the Roman citizen was the possibility to have other persons *in manus*; this was the case of the women who were subject to their husbands in traditional matrimonial regimes (*cum manu*) where they were then legally considered as a daughter of their husband.[64] If the marriage had not been contracted under this regime, as became more and more the case during the first centuries of our era, the wife would stay under the *potestas* of her father or tutor.[65] Also, the legitimate children were under the *patria potestas* of the father (*pater familias*), an institution presented as exclusively Roman by Gaius.[66] As the head of the family, the *pater familias* enjoyed the *potestas* with respect to all his descendants and was thus the sole legal representative of the family. He was also the only one to enjoy unrestricted property rights. Sons could be emancipated from the *potestas* but, as we will see, they would lose their rights in case of intestate succession.

In the *Tabula Banasitana* inscription there is surprisingly no reference to the *patria potestas*. Indeed the grant of *patria potestas* did not go hand in hand with that of Roman citizenship. Since Hadrian, new Roman citizens were not granted the *patria potestas* on children born before the grant.[67] The same applied to those who received Roman citizenship when their wives were already pregnant: the *potestas* upon the unborn child had to be demanded separately.[68] For example, in the case of a father who was a Roman citizen and a mother of servile origins, but freed while she was pregnant, the unborn child would be a Roman citizen but would not be under the *potestas* of its father, as the marriage was not legitimate at the time of conception.

---

64 Gai. *Inst*. 1.108. See Evans-Grubbs (2002); Dodds (1991); Gardner (1987).

65 Gai. *Inst*. 1.193. Babusiaux (2015) 67; Dodds (1991); Looper-Friedman (1987).

66 Gai. *Inst*. 1.55. Gaius mentions the Galates as possessing a comparable authority over their descendants.

67 Gai. *Inst*. 1.93–94.

68 Junian Latin couples, which became citizens as a result of a fertile marriage, were granted *patria potestas*. Gai. *Inst*. 1.95.

Indeed, the moment of conception of the child and the quality of the marriage (legitimate or not, Roman or peregrine) was a decisive criterion for the conferment of the *patria potestas*. A child conceived outside of a legitimate marriage inherited the status of her/his mother at birth. The status of children born in a legitimate marriage was, however, determined at the moment of their conception. This was truly important if a woman gave birth after she had been sentenced to a *capitis deminutio* and therefore lost her citizenship:[69] if her marriage was not legitimate or if she conceived the child while in exile, her child would not become a Roman citizen. Also fathers who were deprived of their citizenship for any reason would also definitively lose their *potestas* with respect to their descendants.[70]

2.3 *Inheritance*

Children under the *potestas* of their father had an advantage at his death: they were his proper heirs (*heres suus*) and were thus the first in line to inherit from him in case of intestate succession.[71] Successions for proper heirs were also, most of the time, free of taxes.[72]

However, Roman law provided the possibility to make a will and so to modify the regular intestate succession. The freedom to make a will could be considered as a fundamental privilege of Roman citizenship.[73] This and the right to receive anything by will were not granted to Junian Latins and to an even lesser extent to *dediticii*. Peregrines were also excluded,[74] as Gaius reminds us in a very synthetic way in *Institutes* 1.25:

Hi vero qui dediticiorum numero sunt nullo modo ex testamento capere possunt, non magis quam quilibet peregrinus quia nec ipsi testamentum facere possunt secundum id quod magis placuit.[75]	Those, however, who belong to the class of *dediticii* can, under no circumstances, take under a will, any more than a foreigner; nor can they, in accordance with a majority of the decisions, themselves make a will.

69 Gai. *Inst.* 1.90 and 1.128.

70 Gai. *Inst.* 3.2.

71 Gai. *Inst.* 3.1. Babusiaux (2015).

72 Plin. *Pan.* 37.1–5; this privilege was abolished by Caracalla and restored by Macrinus: D.C. 77.9.5, 77.12; Ulp. *Coll. Mos.* 16.9.3 = *FIRA* II 589.

73 Saller (1994); Champlin (1991).

74 Gai. *Inst.* 1.23 and 1.25.

75 Reinach (1950).

Inheritance by will is in some ways similar to the traditional *mancipatio*, a procedure restricted to Roman citizens, as we saw earlier.[76] Until AD 212, making wills was only possible between Roman citizens, even if we have to assume that the peregrine could have made wills according to their own laws. Hadrian had proclaimed an edict recognizing the sons of a Roman woman and a peregrine as the legitimate sons of their father[77] perhaps for that reason. Pausanias, in his description of Arcadia, written around AD 175, sheds a harsh light on the provisions reported by Gaius and the problems it could create for families of mixed status such as the Zegrenses of the *Tabula Banasitana* (Pausanias, *Periegesis* 8.43.5):

ὅσοις τῶν ὑπηκόων πολίταις ὑπῆρχεν εἶναι Ῥωμαίων, οἱ δὲ παῖδες ἐτέλουν σφίσιν ἐς τὸ Ἑλληνικόν, τούτοις ἐλείπετο ἢ κατανεῖμαι τὰ χρήματα ἐς οὐ προσήκοντας ἢ ἐπαυξῆσαι τὸν βασιλέως πλοῦτον κατὰ νόμον δή τινα· Ἀντωνῖνος δὲ ἐφῆκε καὶ τούτοις διδόναι σφᾶς παισὶ τὸν κλῆρον, προτιμήσας φανῆναι φιλάνθρωπος ἢ ὠφέλιμον ἐς χρήματα φυλάξαι νόμον.[78]

There was a certain law whereby provincials, who were themselves of Roman citizenship, while their children were considered of Greek nationality, were forced either to leave their property to strangers or let it increase the wealth of the emperor. Antoninus permitted all such to give to the children their heritage, choosing rather to show himself benevolent than to retain a law that swelled his riches.[79]

Thus, there were mixed families in the province of Arcadia in which parents had been able to obtain Roman citizenship, but not their children, whether they were the children of illegitimate marriages in regard of Roman law (i.e. without *conubium*), or the personal grant of citizenship had not been extended to them. In these cases, if their father was to make a will, he could only take Roman citizens as heirs, in all likelihood only outside of the family. Otherwise the will would have been declared void and the succession would have been considered intestate. In this case, children of another nationality were considered strangers and if there were no other legal heirs the succession would be considered vacant. Yet there are Augustan laws (*leges Iulia caducaria*) that deal with those vacant successions called *caduca* that were claimed by the impe-

76 Gai. *Inst*. 1.102, 1.104 and 1.116.

77 Gai. *Inst*. 1.77. See also Marotta (2012).

78 Goold (1995).

79 Trans. Jones (1995).

rial treasury by denunciation.[80] In Pausanias's text the emperor Antoninus Pius appears as a good and generous emperor, in contrast with the greedy Caracalla depicted by Cassius Dio,[81] who was said to grant Roman citizenship to every freeman with the sole purpose of earning the benefits of the *vicesima hereditatium*, the unpopular inheritance tax. However, in both cases, the right to make a will was an important privilege.

For a while there had been a manner to circumvent this rule: trusts. They were much less formal than wills and remained valid even if written in Greek,[82] something that was not permitted by Roman law.[83] If we are to believe Gaius, trusts may even have found their origin in peregrine law and, for a certain while, it was even possible to make peregrines inherit under a trust. However, Hadrian ended such practices and enacted new restrictions on trusts;[84] those meant for peregrines were considered *caduca* and thus would be claimed by the imperial treasury. Thus, in the second half of the second century AD, the situation described by Pausanias was probably common. Other earlier laws had tightened up the conditions under which inheritance could be given under a trust even between Roman citizens. This was the case for bachelors and couples without children, for whom receiving assets under a will was denied and who it appears lost the possibility to circumvent this interdict using a trust during the first century AD.[85] It was, however, possible to make Latin Junians inherit under a trust.[86]

Soldiers, on the other hand, benefitted from a special regime, with the possibility of making wills with less formal rules.[87] Sensitive to the difficulties of military life and probably seeking popularity among the legions, emperors successively granted extraordinary derogations in matters of testamentary successions to soldiers. For example, sons who were normally in the *potestas* of their father, and could therefore not dispose freely of their goods, had the excep-

80 Also called *"leges Julia et Papia Poppaea". Tit. Ulp*. 17.2, 28. *"Intestati datur bonorum possession per septem gradus* [...] *et si nemo sit, ad quem bonorum possession pertinere possit, aut sit quidem, sed ius suum omiserit, populo bona deferuntur ex lege Iulia caducaria"*; Plin. *Pan*. 10.84(88); *Dig*. 49.14.15.3, 5–6. See Champlin (1992); Astolfi (1965).

81 D.C. 77.9.5.

82 Gai. *Inst*. 2.281. Ulpian generalizes its validity to other languages, as long as both parties understand it: *Dig*. 45.1.1.6 (Ulp. 48 *Ad Sab*.).

83 See Wacke (1993) this restriction was later abolished under Alexander Severus.

84 Gai. *Inst*. 2.285–287.

85 Gai. *Inst*. 2.286–286a. See five notes before *Tit. Ulp*. 17.2.28.

86 Gai. *Inst*. 1.24 and 2.275.

87 Gai. *Inst*. 2.109–110.

tional right to make a will about their military savings: the *castrense peculium*.[88] But the most interesting of these derogations concern peregrines, as Gaius in *Institutes* 2.110 attests:

Praeterea permissum est iis et peregrinos et Latinos instituere heredes vel iis legare, cum alioquin peregrini quidem ratione civili prohibeantur capere hereditatem legataque, Latini vero per legem Iuniam.	Moreover, they are permitted to appoint even aliens and Latins as their heirs or legatees; while under other circumstances aliens are forbidden by the Civil Law from receiving estates and legacies, and Latins are forbidden to do so by the *lex Junia*.

Gaius reminds us that peregrines were normally denied this right because they did not benefit from Roman Civil Law, while Junian Latins, subjects to Roman Civil Law, were excluded by *lex Junia*. It has to be noted that veterans were also granted *conubium* with the peregrine or Latin women they had taken as their wives.[89] This can be explained only by the fact that soldiers often lived in the distant periphery of the Romanized word and that these extraordinary measures were necessary for emperors in order to gain their support.

Control of property at death was thus a very restricted privilege of Roman citizens. Roman laws were oriented toward the conservation and concentration of assets in the hands of Roman citizens and thus a rich provincial who was granted Roman citizenship could not back off and had to conclude a Roman marriage or to research further privileges, as we can see in the *Tabula Banasitana*.

3 Conclusion

In conclusion, it seems that Roman citizenship in the decades before the Antonine Constitution was still an enviable status reserved for restricted groups of people in the provinces, composed of those who were serving or had served the Empire. Their descendants could be part of this elite group under some conditions. Either the local community was sufficiently large to find other Roman citizens to marry, or their city was powerful enough to have obtained the right of *conubium* with Rome. In the less Romanized and less urbanized areas, the

88 Gai. *Inst*. 2.106.

89 Gai. *Inst*. 1.57. See Phang (2001).

prestige of the family had to remain intact (and this probably means that the service they were performing for Rome had to endure), so that they would be encouraged to seek Roman citizenship for their spouse or their children, as was the case for Aurelius Iulianus in the second rescript of the *Tabula Banasitana*. In these contexts, Roman citizenship was a status expressing a privileged relationship with Rome. In the absence of such citizenship, the transmission of status and control of property at death was compromised.

Access to Roman citizenship for those who were not in such enviable positions was restricted and could be granted to peregrines as a reward for long military service, or to Latin and freedmen of Junian Latin condition for specific behaviour judged to be beneficial to civic society. In both cases, the new citizen had to have spent a considerable amount of time being in contact with the Roman authorities and could therefore be easily assimilated with the other citizens. For these individuals, Roman citizenship conveyed the prestige of belonging to the same body of people as the ruling elite, along with the personal rights which we have discussed above.

Without going into the privileges regarding criminal law or legal standing, we have highlighted a number of advantages and rights that Roman civil law recognized exclusively for Roman citizens, to the detriment of other categories of persons, whether they were subjects to Roman law (freedmen or slaves) or to their own laws (peregrines). After AD 212, a lack of citizenship was a punitive status, resulting from a servile condition, from an incomplete *manumissio* conferring the status of Junian Latin or from the punishment of exile and *capitis deminutio*. This last sentence removed the *patria potestas*,[90] revoked wills[91] and could be an issue for the legal status of unborn children, as we have seen above.

After AD 212, therefore, the right of marrying anyone without any impact on citizen-rights, of transmitting one's legal status to one's descendants without restrictions, of making a will and having full control of one's property at death, were all possibilities that were open to all free men in the Empire. In this regard, the Antonine Constitution was at least a private revolution.[92]

90 Gai. *Inst.* 1.128.

91 Gai. *Inst.* 2.145–147.

92 I would like to thank Prof. Dr. J.-J. Aubert and Mr. J. Howe for their thorough reading of this article.

Bibliography

Ando, C. 2000. *Imperial Ideology and Provincial Loyalty in the Roman Empire*. Berkeley.

Ando, C. 2011. *Law, Language and Empire in the Roman Tradition*. Philadelphia.

Ando, C. 2012. *Imperial Rome AD 193 to 284: The Critical Century*. Edinburgh.

Ando, C., ed. 2016. *Citizenship and Empire in Europe 200–1900: The Antonine Constitution After 1800 years*. Stuttgart.

Astolfi, R. 1965. I Beni Vacanti E La Legislazione Caducaria. *Bullettino dell'Istituto Di Diritto Romano "Vittorio Scialoja"* 7: 323–336.

Babusiaux, U. 2015. *Wege zur Rechtsgeschichte: Römisches Erbrecht*. Stuttgart.

Babusiaux, U. and Mantovani, D. (soon to be released) *The Institutes of Gaius: Adventures of a Bestseller. Transmission, use and transformation of the text*. Pubblicazioni del Cedant. Pavia.

Behr, C.A. 1981. *P. Aelius Aristides. The Complete Works*. vol. 2. Leiden.

Behr, C.A. 1994. Studies on the Biography of Aelius Aristides. In *ANRW* II.34.2: 1140–1233. Berlin.

Benario, H.W. 1954. The Dediticii of the Constitutio Antoniniana. *Trans. Proc. Am. Philol. Assoc.* 85: 188–196.

Berger, A. 2014 [first edition 1953]. *Encyclopedic Dictionary of Roman Law*. Philadelphia.

Birks, P. 1985. The Roman Law Concept of Dominium and the Idea of Absolute Ownership. *Acta Juridica*. 1985: 1–27.

Bryen, A.Z. 2016. Reading the Citizenship Papyrus (P.Giss. 40). In Ando (2016): 29–44.

Buraselis, K. 2007 [first edition 1985]. *Θεία δωρεά: das göttlich-kaiserliche Geschenk: Studien zur Politik der Severer und zur "Constitutio Antoniniana"*. Wien.

Champlin, E. 1991. *Final Judgments: Duty and Emotion in Roman Wills, 200 B.C.–A.D. 250*. Berkeley.

Champlin, E. 1992. Death and Taxes. The Emperor and Inheritance. *SIFC* Ser 3 (10): 899–905.

Chastagnol, A. 1994. L'Empereur Hadrien et La Destinée Du Droit Latin Provincial Au Second Siècle Après Jésus-Christ. *Revue Historique* 292: 217–227.

Cherry, D. 1990. The Minician Law: Marriage and the Roman Citizenship. *Phoenix* 44: 244–266.

Corbo, C. 2013. *Constitutio Antoniniana: Ius Philosophia Religio*. Napoli.

Corcoran S. 2011. "Softly and Suddenly Vanished Away": The Junian Latins from Caracalla to the Carolingians. In *Römische Jurisprudenz—Dogmatik, Überlieferung, Rezeption. Festschrift Für Detlef Liebs Zum 75. Geburtstag*: 129–152. Berlin.

De Blois, L. 2014. The "Constitutio Antoniniana" (AD 212): Taxes or Religion? In *Mnemosyne Bibl. Class. Batava* 67, 6: 1014–1021.

De Quiroga, P. Lopez Barja. 1998. Junian Latins: Status and Numbers. *Athenaeum* 86.1: 133–163.

De Sainte Croix, G.E.M. 1998 [first edition 1981]. *The Class Struggle in the Ancient Greek World: From the Archaic Age to the Arab Conquests*, Ithaca (NY).

Dodds, J. 1991. The Impact of the Roman Law of Succession and Marriage on Women's Property and Independence. *Melb. Univ. Law Rev*. 18: 899–917.

Eck, W. and Wolff, H., eds. 1986. *Heer und Integrationspolitik: die römischen Militärdiplome als historische Quelle*. Köln.

Euzennat, M. and Seston, W. 1961. La citoyenneté romaine au temps de Marc Aurèle et de Commode, d'après la Tabula Banasitana. *Comptes-rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, 105e année, 2: 317–324.

Euzennat, M. 1971. Un dossier de la chancellerie romaine: La Tabula Banasitana. Étude de diplomatique. *Comptes-rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, 115e année, 3: 468–490.

Euzennat, M., Marion, J. and Gascou, J. 1982. *Inscriptions Antiques du Maroc: Inscriptions latines* (IAM II), 94: 76–91. Paris.

Evans-Grubbs, J. 2002. *Women and the Law in the Roman Empire: A Sourcebook on Marriage, Divorce and Widowhood*. London.

Forteza, A.R. 1992. Capitis Deminutio Minima: An Unresolved Problem. *Cuadernos de Filología Clásica: Estudios Latinos* 3: 49–70.

Frezouls, E. 1957. Les Baquates et la province romaine de Tingitane. *Bulletin d'Archéologie Marocaine* 2: 65–116.

Frier, B.W. and McGinn, T.A. 2004. *A Casebook on Roman Family Law*. Oxford.

Gardner, J.F. 1987. *Women in Roman Law and Society*. London.

Gardner, J.F. 1996. Hadrian and the Social Legacy of Augustus. *Labeo* 42 (1): 83–100.

Garnsey, P. 1966. The Lex Iulia and Appeal Under the Empire. *Journal of Roman Studies* 56: 167–189.

Garnsey, P. 1970. *Social Status and Legal Privileges in the Roman Empire*. Oxford.

Garnsey, P. 2004. Roman Citizenship and Roman Law. In *Approaching Late Antiquity*, eds. S. Swain and M. Edwards: 133–155. Oxford.

Gascou, J. 1999. Hadrien et le droit latin. *Zeitschrift für Papyrologie und Epigraphik* 127: 294–300.

Girard, P.F. and Senn, F. 1967. *Textes de droit romain, 7e éd. par un groupe de romanistes*. Paris.

Goold, G.P. (ed.) and Jones, W.H.S. (trans.). 1995 [first edition 1935]. *Pausanias. Description of Greece*. Cambridge (MA)–London.

Günther, S. 2007. Das Regelungswerk der "lex vicesima hereditatium" und seine Modifikationen in späterer Zeit. In *Pragmata*: 74–88. Wiesbaden.

Harris, W.V., ed. 2008. *Aelius Aristides Between Greece, Rome, and the Gods*. Leiden.

Heichelheim, F.M. 1941. The Text of the "Constitutio Antoniniana" and the Three Other Decrees of the Emperor Caracalla Contained in Papyrus Gissensis 40. *J. Egypt. Archaeol.* 26: 10–22.

Honoré, T. 1962. *Gaius*. Oxford.

Keil, B. 1958. *Aelii Aristidis Smyrnaei quae supersunt omnia. Vol. 2, Orationes XVII–LIII*. Berolini.

Koops, E. 2012. Second-Rate Citizens: Junian Latins and the Constitutio Antoniniana. *Maastricht journal of European and Comparative Law* 19: 223–239.

Kracker, J. and Scholz, M. 2012. Zur Reaktion auf die *Constitutio Antoniniana* und zum Umfang der Bürgerrechtsverleihungen anhand des kaiserlichen Familiennamens *Aurelius*. In Pferdehirt (2012): 67–76.

Kremer, D. 2006. *Ius Latinum: Le Concept de Droit Latin Sous La République et L'empire*. Paris.

Lamberti, F. 1993. *Tabulae Irnitanae: Municipalità E Ius Romanorum*. Napoli.

Lavan, M. 2016. The Spread of Roman Citizenship, 14–212 ce: Quantification in the Face of High Uncertainty. *Past and Present* 230: 3–46.

Looper-Friedman, S.E. 1987. The Decline of Manus-Marriage in Rome. *Tijdschrift Voor Rechtsgeschiedenis* 55: 281–296.

Marotta, V. 2009. *La cittadinanza romana in età imperiale* (*secoli I–III d.C.*)*. Una sintesi*. Torino.

Marotta, V. 2012. I diritti degli stranieri. In *Roma caput mundi: una città tra domino e integrazione*, eds. A. Giardina et al. Milano: 201–209.

Mattiangeli, D. 2010. *Romanitas, Latinitas, Peregrinitas*. Città del Vaticano.

Mercogliano, F. 1997. '*Tituli ex corpore Ulpiani*'*: storia di un testo*. Napoli.

Meyer, P.M., ed. 1910. *Griechische Papyri Im Museum Des Oberhessischen Geschichtsvereins Zu Giessen*. Leipzig.

Modrzejewski, J. 1970. *La règle de droit dans l'Egypte romaine: état des questions et perspectives de recherches. Proceedings of the twelfth international congress of papyrology*. Toronto.

Modrzejewski, J. 1993. Statut personnel et liens de famille dans les droits de l'Antiquité. *Collected studies series* 411. Aldershot.

Nelson, H.L.W. 1981. *Überlieferung, Aufbau Und Stil von Gai "Institutiones"*. Leiden.

Nicolet, C. 2006. Euzennat, Seston, et La Table de Banasa. *Antiquités Africaines: l'Afrique Du Nord de la Protohistoire à la Conquête Arabe* 42: 49–53.

Oliver, J.H. 1955. Free men and dediticii. *Am. J. Philol.* 76: 279–297.

Pferdehirt, B. 2002. *Die Rolle des Militärs für den sozialen Aufstieg in der römischen Kaiserzeit*. Mainz.

Pferdehirt, B., ed. 2012. *Bürgerrecht und Krise. Die Constitutio Antoniniana 212 n. Chr. und ihre innenpolitischen Folgen*. Mainz.

Phang, S.E. 2001. *The Marriage of Roman Soldiers* (*13 B.C.–A.D. 235*)*: Law and Family in the Imperial Army*. Leiden.

Pharr, C. 2007. *The Theodosian Code and Novels, and the Sirmondian Constitutions*. New Jersey.

Reinach J., ed. 1950. *Gaius, Institutes*. Paris.

Riccobono, S., ed. 1908 *Fontes Juris Romani Antejustiniani: In Usum Scholarum* (= *FIRA*). Florence.

Rizakis, A.D. 2009. Noms Romains, "Identité Culturelle" et Acculturation Sous l'Empire: les Cités Péloponnésiennes entre Romanité et Hellénisme. In *Annu. Della Scuola Archeol. Atene E Delle Missioni Ital. Oriente* 9, 1: 565–580.

Roselaar, S. 2012. The Concept of "Commercium" in the Roman Republic. *Phoenix* 66 (3–4): 381–413.

Roselaar, S. 2013. The Concept of Conubium in the Roman Republic. In *New Frontiers: Law and Society in the Roman World*, ed. P. Du Plessis, 102–122. Edinburgh.

Rotondi, G. 1990 [first edition 1912], *Leges publicae populi romani: elenco cronologico con una introduzione sull'attività legislativa dei comizi romani*. Zürich.

Saller, R.P. 1994. *Patriarchy, Property and Death in the Roman Family*. Cambridge.

Sasse, C. 1958. *Die Constitutio Antoniniana: eine Untersuchung über den Umfang der Bürgerrechtsverleihung auf Grund des Papyrus Giss. 40 I*. Wiesbaden.

Sasse, C. 1962 Literaturübersicht zur Constitutio Antoniniana, *The Journal of juristic papyrology* 14: 109–149.

Sasse, C. 1965. Literaturübersicht zur Constitutio Antoniniana II. *The Journal of juristic papyrology* 15: 329–366.

Sherwin-White, A.N. 1973. *The Roman Citizenship*. Oxford. Second edition.

Soazick, K.-P. 1996. Les "numeri" ethniques de l'armée romaine aux IIe et IIIe siècles. *RSA* 26: 69–94.

Spagnuolo Vigorita, T. 1993. Cittadini e sudditi tra II e III secolo. In *Storia di Roma, III: L'eta' tardoantica, 1, Crisi e trasformazioni*, eds. A. Carandini, L. Cracco Ruggini, A. Giardina, 5–50. Torino.

Van Minnen, P. 2016. Three Edicts of Caracalla? A New Reading of P. Giss. 40. *Chiron* 46: 205–221.

Wacke, A. 1993. Gallisch, Punisch, Syrisch oder Griechisch statt Latein? Zur schrittweisen Gleichberechtigung der Geschäftssprachen im römischen Reich. *ZRG* 110: 14–59.

Weaver, P.R.C. 1990. Where Have All the Junian Latins Gone? Nomenclature and Status in the Early Empire. *Chiron* 20: 275–305.