

## Abstract

### Carlo Pelloso, Verberatio, ploratio e sacertà ai divi parentum

The essay deals with the legal-religious device of the so-called *sacertas* with regard to the particular case, dating back – according to the tradition – to the period of the kings, of the offence perpetrated by the *puer* and the *nurus* against the *parens* and the *socer* respectively. The analysis aims at explaining both the requirement, along with the *actus reus* (i.e. *verberatio*), of *ploratio* on the part of the offended, and the fall of the offender into *sacertas* to the *divi parentum*.

L'essai traite du dispositif juridico-religieux de la sacerté par rapport au cas particulier, remontant - selon la tradition - à l'époque des rois, de l'offense perpétrée par le *puer* et le *nurus* respectivement contre le *parens* et le *socer*. L'analyse vise à expliquer à la fois l'exigence, à côté de l'*actus reus* (c'est-à-dire de la *verberatio*), de la *ploratio* de la part de l'offensé, et la mise de l'offenseur en sacerté au *divi parentum*.

Parole chiave

*Parens, ploratio, sacer esto, verberatio.*

*Parens, ploratio, sacer esto, verberatio.*

### Johannes Platschek, Die societas Bithynica in Cic. fam. 13.9

Cicero's description of the *societas Bithynica*, a 'joint venture' of tax farmers to exploit the province of *Bithynia*, fuels discussions both about a possible corporate status of *societates publicanorum* in Roman law and about the question of who joined in the *societas Bithynica*. The text only allows two statements – especially if one frees it from obvious errors in tradition: the *societas Bithynica* does not consist of legal but of natural persons. While all of Rome's tax farmers stand behind her, her members are single *socii* of all the other *societates publicanorum*.

La descrizione di Cicerone della *societas Bithynica*, una 'joint venture' di agricoltori fiscali per lo sfruttamento della provincia di Bitinia, alimenta le discussioni sia su un possibile *status* societario delle *societates publicanorum* nel diritto romano, sia sulla questione di chi si unisse alla *societas Bithynica*. Il testo consente solo due affermazioni - soprattutto se lo si libera da evidenti errori della tradizione: la *societas Bithynica* non è composta da persone giuridiche ma da persone fisiche. Mentre tutti gli agricoltori fiscali di Roma stanno dietro di lei, i suoi membri sono singoli *socii* di tutte le altre *societates publicanorum*.

Parole chiave

*Publicani, societas, Bithynia, legal person.*

*Publicani, societas, Bithynia, persona giuridica.*

### Nephele Papakonstantinou, Ab impetu ad rationem redit (*Quint. Inst. 6.1.29*): Mapping Ancient Emotions onto the Roman Judge

The present paper deals with the rhetorical use of *adfectus* in the preparation of judicial decisions under the High Roman Empire. It proposes a new conceptual framework for understanding the emotional evaluations that the rhetorical education and Roman law were prepared to endorse on the part of the impassible judge. It seeks to explore the appeal to emotions as an argumentative strategy and oratorical performance that consists in transforming the judge's mind in such a way as to elicit rational and affective responses, which could guide him towards better decisions. Taking Quintilian's theory on the subject as its starting point, it explores broader philosophical and legal perspectives, converging around the idea that the judge's emotions were interactive forms of rational and moral judgment.

La présente étude porte sur l'usage rhétorique des *adfectus* dans la préparation des décisions judiciaires sous le Haut-Empire romain. Elle propose un nouveau cadre conceptuel pour comprendre

les évaluations émotives que l'éducation rhétorique et le droit romain étaient prêts à endosser chez le juge, maître de ses passions. Elle cherche à explorer l'appel aux émotions comme stratégie d'argumentation et de performance oratoires consistant à transformer l'esprit du juge de manière à susciter des réponses rationnelles et affectives, susceptibles de le guider vers de meilleures décisions. En prenant comme point de départ la théorie que Quintilien développe sur le sujet, elle explore des perspectives philosophiques et juridiques plus larges, convergeant autour de l'idée que les émotions du juge étaient des formes interactives de jugement rationnel et moral.

Parole chiave

Quintilian, Roman law, affects, embodied cognition.

Quintilien, droit romain, *adfectus*, cognition incarnée.

### Federico Russo, *Limiti alla vendita di beni pubblici nelle comunità locali dell'impero romano*

Starting from a rescript of Marcus Aurelius and Lucius Verus, which prohibited the unauthorized sale of public lands, the paper explores further juridical sources referring to analogue bans. Epigraphic documents confirm how the Roman administration aimed at preserving the public properties of local communities by employing various legislative instruments and by resorting to different kinds of magistrates. Eventually, it will be proposed that such a policy was an expression of the financial difficulties which regarded the cities of the Roman Empire in the Antonine age.

À partir d'un rescrit de Marcus Aurelius et Lucius Verus, qui interdisait la vente non autorisée de terres publiques, l'article explore d'autres sources juridiques contenant des interdictions analogues. La documentation épigraphique confirme la volonté de l'administration romaine de préserver les biens publics des collectivités locales en employant divers instruments législatifs et en recourant à différents types de magistrats. Finalement, il sera proposé que cette politique était l'expression des difficultés financières auxquelles les villes de l'Empire romain étaient confrontées notamment à l'époque antonine.

Parole chiave

Roman Provinces, Roman Administratio, Roman Iberia, Local Charters, *Restitutio*, *Possessio*

Provinces romaines, Administration romaine, Ibérie romaine, Statuts locaux, *Restitutio*, *Possessio*

### Vincenza Conte, *Servitù su res nullius. Fadda, Brugi e i diritti di collettività indeterminate*

In the civil law culture of the early 20th century, the controversy between Carlo Fadda and Biagio Brugi over the admissibility of right of way (*servitus*) on nullius lands is a scene in which the contrasts between different viewpoints of the relationship with the Roman tradition and the modern needs for adaptation of the land use regime are revealed. The distinction, outlined by Fadda, between the position of the property and the position of the owner, and the concept of the permanent *utilitas* of the property, broaden the concept of the *servitus*: in this way, with respect to the well-known judicial affair on the public use of Villa Borghese, Fadda outlines a right of way for the benefit of the community and will go so far as to also admit reciprocal *servitutes*, as an instrument of urban self-regulation. Useful indications emerge from this debate for understanding the evolution of the study of property rights and collective interests between the 19th and 20th century.

Dans la culture civiliste du début du XXe siècle, la controverse entre Carlo Fadda et Biagio Brugi sur l'admissibilité des servitudes sur les fonds nullius est un lieu où se révèlent les contrastes entre les différentes visions du rapport avec la tradition romaine et la nécessité moderne d'adapter le régime d'utilisation du sol. La distinction, esquissée par Fadda, entre la position du fonds et la position du propriétaire, et le concept de l'*utilitas* permanente du fonds, élargissent le concept de la servitude: ainsi, par rapport à la célèbre affaire judiciaire sur l'usage public de Villa Borghese, Fadda esquisse une servitude au profit de la communauté et ira jusqu'à admettre, plus tard, les servitudes réciproques comme instrument d'autorégulation urbaine. Il en ressort des indications utiles pour comprendre l'évolution de l'étude des droits réels et des intérêts collectifs entre le XIXe et le XXe siècle.

Parole chiave

*Erga omnes* legal relationship; right of way; Carlo Fadda; collective utilities; Biagio Brugi.  
 Relations juridiques réelles; servitude sur *res nullius*; Carlo Fadda; utilité communautaire; Biagio Brugi.

Guido Pfeifer, *Šamaš, der Richter von Himmel und Erde, wird ein fremdes Recht in seinem Land aufrichten. Zur Berücksichtigung des Fremden in der Rechtsüberlieferung des Alten Vorderasien*

With the terms *aḫûm* and *nakārum*, the Ancient Near Eastern legal tradition knows two relevant terms for the ‘foreigner’, which, however, do not really extend beyond a purely descriptive function, at least do not generate their own legal categorization. However, the question of whether the law serves inclusion *or* exclusion can easily be answered in view of the examined sources by the fact that the law enables exclusion *and* inclusion in equal measure. In this respect, we encounter a legal culture that – in relation to classical antiquity – perhaps represents a ‘pre-modern’ antiquity, which shows an astonishing spectrum of a phenomenology of the foreign and at the same time a considerable potential to solve the problems of inclusion and exclusion.

Con i termini *aḫûm* e *nakārum*, l’antica tradizione giuridica del Vicino Oriente conosce due termini rilevanti per lo ‘straniero’, che, tuttavia, non si estendono realmente oltre una funzione puramente descrittiva, almeno non generano una propria categorizzazione legale. Tuttavia, la questione se la legge serva all’inclusione *o* all’esclusione può essere facilmente risolta alla luce degli esempi di fonti esaminati dal fatto che la legge consente l’esclusione *e* l’inclusione in egual misura. A questo proposito, incontriamo una cultura giuridica che – in relazione all’antichità classica – rappresenta forse un’antichità ‘pre-moderna’, che mostra uno spettro sorprendente di una fenomenologia dello straniero e allo stesso tempo un notevole potenziale per risolvere i problemi dell’inclusione e dell’esclusione.

Parole chiave

Ancient Near East, foreigner, inclusion, ‘pre-modern’ antiquity, legal culture  
 Vicino Oriente, straniero, inclusione, antichità ‘pre-moderna’, cultura giuridica

Ubaldo Villani Lubelli, *Citizenship and the Concept of Politeia (Constitution): the Citizen in Aristotle’s Third Book of Politics*

Starting from an analysis of the concept of citizen as set out in the third book of Aristotle’s *Politics*, the article proposes an original reading of the relationship between citizen, citizenship and constitution (*politeia*) not only in Aristotle, but also in an absolute sense. Indeed, in the interpretation of the Aristotelian text one can find many of the distinctive features that have characterized the historical evolution of the concept of citizenship in subsequent epochs, thus showing the remarkable modernity of Aristotle’s doctrine on citizenship.

Prendendo spunto dall’analisi del concetto di cittadino esposto nel terzo libro della *Politica* di Aristotele, l’articolo propone una lettura originale del rapporto tra cittadino, cittadinanza e costituzione (*politeia*) non solo in Aristotele, ma anche in senso assoluto. Infatti, nell’interpretazione del testo aristotelico si ritrovano molti dei tratti distintivi che hanno caratterizzato l’evoluzione storica del concetto di cittadinanza nelle epoche successive, mostrando così la notevole modernità della dottrina aristotelica sulla cittadinanza.

Parole chiave

Politics, Constitution, Citizen.  
 Politica, Costituzione, Cittadino.

S. Heinemeyer, *Rechtsgeschäftliches Handeln von Fremden in der römischen Komödie – Fragen der kaufrechtlichen Haftung in Plautus' Persa*

The article examines the legal transactions of strangers in Roman comedy and deals with questions of purchase-law liability in Plautus' *Persa*. The story is about the sale of a supposed slave from a foreign country to a slave trader. In fact, it is a sham transaction, for the supposed slave is actually a freeborn woman. The literary text offers interesting insights into legal practice at the transition from the 3rd to the 2nd century B.C. It shows, among other things, that the law did not act as a means of exclusion for foreigners insofar as legal transactions between foreigners and Roman citizens existed and were considered effective.

L'article examine les actes juridiques des étrangers dans la comédie romaine et traite des questions de responsabilité en matière de droit de vente dans *Persa* de Plaute. La pièce porte sur la vente d'une prétendue esclave d'un pays étranger à un marchand d'esclaves. Il s'agit d'une transaction fictive parce que la prétendue esclave est en réalité une fille née libre. Le texte littéraire offre un aperçu intéressant sur la pratique du droit à la fin du 3<sup>e</sup> et au début du 2<sup>e</sup> siècle avant J.-C. Il montre entre autre que le droit n'était pas un moyen d'exclusion pour les étrangers dans ce sens que les actes juridiques entre des étrangers et des citoyens romains existaient et ont été considérés comme valables.

Parole chiave

*Mancipatio*, the right of sale, liability for eviction, liability for hidden defects, *stipulatio auctoritatis*, the comedy of Plautus.

*Mancipatio*, le droit de vente, responsabilité d'éviction, responsabilité pour vices cachés, *stipulatio auctoritatis*, la comédie de Plaute.

Dietmar Schanbacher, *Dynamisches Zwölftafelrecht und statisches ius gentium*. Inst. 2.1.41

Like other ancient laws the Twelve Tables required in case of sale for the acquisition of goods that the prize had been paid. This requirement could be replaced by the arrangement of a surety or even, without any replacement, be dropped, just as the seller wished. The requirement of payment was part of the law, the replacement by way of arrangement of a surety was the result of interpretation, the possibility of letting things drop, was a provision, which presumably goes back to Q. Mucius Scaevola. In this way Roman law gained, by jurisprudence, a higher level of quality, whereas other laws and the *ius gentium*, for lack of jurisprudence, remained unchanged. Developments like this one caused the *maiores* to separate *ius civile* from *ius gentium*.

La legge delle XII Tavole esigeva, come altri diritti antichi, che il prezzo fosse pagato, affinché il compratore divenisse proprietario. Questo presupposto poteva essere sostituito per una garanzia da parte del compratore oppure, in caso di fiducia, sciolto senza alcuna sostituzione, secondo la volontà del venditore. Il presupposto del pagamento del prezzo era parte della legge, la sostituzione per una garanzia risultava dall'interpretazione, lo scioglimento in caso di fiducia fu presumibilmente introdotto da Q. Mucio Scevola. Il diritto romano si evolveva in questa maniera ad un più alto livello, per la giurisprudenza, mentre altri diritti e il *ius gentium* restavano inalterati. Evoluzioni come questa indussero i *maiores* alla separazione del *ius civile* dal *ius gentium*.

Parole chiave

*Lex duodecim tabularum*, *ius civile*, *ius gentium*, *ius naturale*, *pretium*, *satisfaction*, *fidem emptoris sequi*.

*Lex duodecim tabularum*, *ius civile*, *ius gentium*, *ius naturale*, *pretium*, *satisfaction*, *fidem emptoris sequi*.

Pierangelo Buongiorno, *Osservazioni in tema di conferimenti di cittadinanza a reges socii et amici populi Romani*

The paper highlights how the bestowal of citizenship on *reges socii et amici populi Romani* was a

phenomenon that did not precede the Augustan age. On the other hand, the bestowal of citizenship had a value mainly in relation to the interactions between these dynasties and the Romans, as this *ius civitatis* was not perceived as relevant by other (still) non-Roman subjects. In this regard, the speaker emphasised a specific case, namely the dynasty of Emesa, for which he provided some new evidence to supplement the dossier. Coming to citizenship with Gaius Iulius Iamblichus II, the Emesa dynasty, of which the emperor Heliogabalus would have been a descendant in the 3<sup>rd</sup> century AD, only rarely made use of references to the *tria nomina* in the inscriptions placed in its territory during the 1<sup>st</sup> century AD.

Der Beitrag betont, wie die Verleihung des Bürgerrechts an die *reges socii et amici populi Romani* ein Phänomen war, das der augusteischen Zeit nicht vorausging. Andererseits hatte die Verleihung des Bürgerrechts vor allem einen Wert in Bezug auf die Beziehungen zwischen diesen Dynastien und den Römern, da dieses *ius civitatis* von anderen (noch) nicht-römischen Untertanen nicht als relevant wahrgenommen wurde. In diesem Zusammenhang hob der Redner einen besonderen Fall hervor, nämlich die Dynastie von Emesa, für die er einige neue Beweise zur Ergänzung des Dossiers vorlegte. Die Dynastie der Emesa, aus der Kaiser Heliogabalus im 3. Jahrhundert n. Chr. stammte und die mit Gaius Iulius Iamblichus II. die Staatsbürgerschaft erlangte, machte in den Inschriften, die im 1. Jahrhundert n. Chr. in ihrem Gebiet angebracht wurden, nur selten von der *tria nomina* Gebrauch.

Parole chiave

*Ius civitatis*, *reges socii et amici populi Romani*, *postliminium*, Augustus, Emesa.

*Ius civitatis*, *reges socii et amici populi Romani*, *postliminium*, Augustus, Emesa.

### Giusto Traina, *La cittadinanza romana concessa ai re orientali nel II secolo d.C. Il caso di Ἀυρήλιος Πάκορος, re dell'Armenia maior*

After the difficulties created by the Parthian operations at the beginning of the principate of Antoninus Pius, the Romans regained indirect control of Armenia around 163-164 CE. Around 172 CE they finally escorted into Armenia the new king Sohaemus of Emesa, allegedly a senator who had also been appointed consul, and could also boast an aristocratic lineage descending from the Arsacids and even from the Achaemenids. The nature of the Roman sources, to which we may add the evidence from the Armenian historian Movsēs Xorenac'i, allows us to identify the deposed king in Pakoros, whom we find again in Rome, where he was received by Marcus Aurelius, who gave him the Roman citizenship. Finally Pakoros, who seems to have lived until 200 CE ca., was finally buried in Rome in a sarcophagus by the care of his brother Merithatēs (Mehrdād).

Nach den Schwierigkeiten, die durch die parthischen Operationen zu Beginn des Fürstentums von Antoninus Pius entstanden waren, erlangten die Römer um 163-164 n. Chr. wieder die indirekte Kontrolle über Armenien. Nach einigen Jahren, um 172, eskortierten sie schließlich den neuen König Sohaemus von Emesa nach Armenien, angeblich ein Senator, der auch zum Konsul ernannt worden war und sich zudem einer aristokratischen Abstammung von den Arsakiden und sogar von den Achämeniden rühmen konnte. Die römischen Quellen, zu denen wir die Belege des armenischen Historikers Movsēs Xorenac'i hinzufügen können, erlauben es uns, den abgesetzten König in Pakoros zu identifizieren. Schließlich wurde Pakoros, der bis etwa 200 n. Chr. gelebt zu haben scheint, in Rom in einem Sarkophag unter die Pflege seines Bruders Merithatēs (Mehrdād) beigesetzt.

Parole chiave

Roman History, Roman citizenship, Roman-Parthian wars, Latin epigraphy, Ancient Armenia.

Römische Geschichte, Römisches Bürgerrecht, Römisch-Parthische Kriege, Lateinische Epigraphik, Antikes Armenien.

### Martin Avenarius, *Integration durch Freilassung zum römischen Bürgerrecht. Die Vermittlung des Bürgerrechtserwerbs durch privaten Rechtsakt und die Eigenart der Regulierung*

Roman manumission law gave private individuals the legal power to grant Roman citizenship to slaves. Public control was not necessarily provided for, especially in the case of the practically

important *manumissio testamento*. Restrictions on manumission, such as those of the *lex Fufia Caninia* or the *lex Aelia Sentia*, were probably not primarily intended to limit the absolute number of freedmen. Rather, they required the *manumissor* to examine the slave's ability to integrate into society. On this basis, the Romans were able to successfully integrate a large number of former slaves into their community and move them up the social ladder. Ethnic foreignness was apparently not a significant obstacle.

Il diritto romano della manomissione dava ai privati il potere legale di procurare la cittadinanza romana agli schiavi. Un controllo pubblico non era necessariamente previsto, soprattutto nel caso della *manumissio testamento*, praticamente importante. Le restrizioni alla manomissione, come quelle della *lex Fufia Caninia* o della *lex Aelia Sentia*, non avevano probabilmente lo scopo principale di limitare il numero assoluto dei liberti. Piuttosto, richiedevano all'affrancatore di esaminare la capacità dello schiavo di integrarsi nella società. Su questa base, i Romani riuscirono a integrare con successo un gran numero di ex schiavi nella loro comunità e a farli salire nella scala sociale. L'estraneità etnica non era apparentemente un ostacolo significativo.

Parole chiave

Manumission, *lex Fufia Caninia*, *lex Aelia Sentia*, purposes of manumission restrictions, relevance of foreign ethnic characteristics, ability of the slave to integrate into society.

Manomissione, *lex Fufia Caninia*, *lex Aelia Sentia*, scopi delle restrizioni alla manomissione, rilevanza delle caratteristiche etniche straniere, capacità dello schiavo di integrarsi nella società.

### Raffaele D'Alessio, *Il pretore e la lex peregrina: considerazioni su Frag. Pseudodositheanum de manumissionibus 12*

Examining the *Fragmentum pseudodositheanum*, the author inquires if and how the *iura peregrinorum* could be known and applied by the Roman magistrate and judge in the field of a jurisdiction exercised in Italy. A special focus is devoted to the mention of the *lex peregrina* expressed in the Latin version of the fragment despite the reference to the *nomos Hellēnōn* contained in the Greek version, through a comparison between the manuscripts Paris. Lat. 6503 and Leidensis Vossianus Gr. Q. 7.

Examinando el *Fragmentum pseudodositheanum*, el autor se pregunta si y cómo los *iura peregrinorum* podían ser conocidos y aplicados por el magistrado y juez romano en el contexto de una jurisdicción ejercida en Italia. Se dedica una atención particular a la mención de la *lex peregrina* expresada en la versión latina del fragmento a pesar de la referencia al *nomos Hellēnōn* contenida en la versión griega, comparando el texto restituído por el ms. Paris. Lat. 6503 con el manuscrito Leidensis Vossianus Gr. Q. 7.

Parola chiave

*Lex peregrina*, *Fragmentum Ps.Dositheanum*, *manumissio*, *praetor*.  
*Lex peregrina*, *Fragmentum Ps.Dositheanum*, *manumissio*, *praetor*.

### Salvatore Antonio Cristaldi, *Latini ex lege Aelia Sentia*

The author examines some particularly controversial and discussed sources (especially Tit. Ulp. 1.12 and Gai. 1.41). They appear to be a clear evidence in favor of a *latinitas* based on the regulations of the *lex Aelia Sentia*. This *latinitas* was acquired by a *manumissio testamento* (for the slave less than thirty years of age) and by a *manumissio inter amicos adprobata causa apud consilium* (when performed by a *dominus* less than twenty years of age). Those acquiring the status of *latini* by these ways could become Roman citizens thanks to the *ius adipiscendae civitatis* introduced by the *lex Aelia Sentia*.

El autor examina algunas fuentes particularmente controvertidas y discutidas (especialmente Tit. Ulp. 1.12 y Gai. 1.41), que parecen ser una clara evidencia a favor de una *latinitas ex lege Aelia Sentia*. Esta *latinitas* se adquiría por *manumissio testamento* (para el esclavo menor de treinta años) y por *manumissio inter amicos adprobata causa apud consilium* (cuando la hacía un *dominus* menor

de veinte años). Los que adquirirían el estatus de *latini* por estas vías podían convertirse en ciudadanos romanos gracias al *ius adipiscendae civitatis* introducido por la *lex Aelia Sentia*.

Parole chiave

*Lex Aelia Sentia, Latinitas, ius adipiscendae civitatis, manumissio testamenti, manumissio inter amicos.*

*Lex Aelia Sentia, Latinitas, ius adipiscendae civitatis, manumissio testamenti, manumissio inter amicos.*

## Andrea Jördens, *P. Giss. I 40: der status quaestionis*

The only evidence for the so-called *Constitutio Antoniniana*, with which all free citizens of the Imperium Romanum were granted Roman citizenship by Emperor Caracalla, is the papyrus P. Giss. I 40, more specifically lines 1-9 of the first column. The present article takes a holistic approach to the artifact preserved in Giessen, traces its finding and edition history, and then deals in detail with the question of how many different texts are found on the two-column papyrus. Careful comparison of all interpretations presented to date with the composition and layout of the text leads one to side with Peter van Minnen's thesis that there are only two texts and that the edict as such was much more extensive. Col. II, 12-15 reveal the date of the promulgation of the *Constitutio Antoniniana* -- Rome, July 11, 212. The clauses that have so far been considered the sole subject of the edict, however, are merely the introduction to a large-scale package of measures with which the emperor sought to mitigate the political, social and, not least, religious disorder that had emerged after the murder of his brother Geta.

L'unica testimonianza della cosiddetta *Constitutio Antoniniana*, con la quale veniva concessa a tutti gli abitanti liberi dell'Imperium Romanum la cittadinanza romana dall'imperatore Caracalla, è il papiro P. Giss. I 40, in particolare le righe 1-9 della prima colonna. Il presente articolo esamina nuovamente il manufatto conservato a Giessen nel suo complesso, ne ripercorre la storia del ritrovamento e dell'edizione e affronta in dettaglio la questione del numero di testi che si trovano nelle due colonne del papiro. L'attento confronto di tutte le interpretazioni finora presentate con la quantità rimanente di testo e il layout fa sì che la tesi sostenuta da Peter van Minnen, secondo cui si tratta solo di due testi e che l'editto in quanto tale era molto più esteso, appaia ora fondata. Col. II, 12-15 rivela la data della promulgazione della *Constitutio Antoniniana*, che avvenne a Roma l'11 luglio 212. Le frasi finora considerate come unico oggetto dell'editto, invece, non sono altro che l'introduzione di un ampio pacchetto di misure con cui l'imperatore cercò di placare i disordini politici e sociali, e non da ultimo religiosi, che si erano verificati in seguito all'assassinio del fratello Geta.

Parole chiave

*Constitutio Antoniniana, P. Giss. I 40, Roman citizenship, murder of Geta, indulgentia.*

*Constitutio Antoniniana, P. Giss. I 40, cittadinanza romana, assassinio di Geta, indulgentia.*

## Valerio Marotta, 'Barbari' e civitas Romana. *Dal 212 alle soglie del V secolo: una ricognizione delle fonti*

Two topics – undoubtedly contiguous, but not entirely homogeneous – are at the centre of this essay: Roman citizenship and the so-called *dediticii* on the one hand; on the other hand, the granting of *civitas* to barbarians either through military service and honourable discharge from the Army or through virginate grants. An obligatory starting point is the *constitutio Antoniniana*. Indeed, depending on whether one or another of the many interpretations of its provision is accepted, one can propose markedly divergent reconstructions of the history of Roman citizenship in the third and fourth centuries. After examining the hypotheses formulated by historians (in particular Ralph Mathisen, Pierangelo Catalano, Alessandro Barbero, Émilienne Demougeot), this essay attempts to identify the rules that governed access to Roman Citizenship in Late Antiquity.



Au centre de cet article se trouvent deux sujets qui sont sans doute contigus, mais pas entièrement homogènes: d'un côté, la citoyenneté romaine et ce qu'on appelle les *dediticii*; de l'autre, l'octroi de la *civitas* aux barbares, soit par le service militaire et la *honesta missio* de l'armée, soit grâce à des concessions à titre personnel. Le point de départ obligatoire est la *constitutio Antoniniana*. En effet, selon que l'on accepte l'une ou l'autre des nombreuses interprétations de sa disposition, on peut proposer des reconstructions nettement divergentes de l'histoire de la citoyenneté romaine aux III<sup>e</sup> et IV<sup>e</sup> siècles. Après avoir examiné les hypothèses formulées par les historiens (en particulier Ralph Mathisen, Pierangelo Catalano, Alessandro Barbero, Émilienne Demougeot), cet article tente d'identifier les règles qui régissaient l'accès à la citoyenneté romaine dans l'Antiquité tardive.

Paroe chiave

*Dediticii*, *P.Giss.* 40 col. I, barbarians, *honesta missio*, viritane grant.

*Dediticii*, *P.Giss.* 40 col. I, barbares, *honesta missio*, concession à titre personnel.

### Annarosa Gallo, *L'orazione di Adriano sugli Italicenses: fra storia, retorica e diritti dei municipi*

The paper offers a comparison of Gell. 16.13.1-9 on the *oratio de Italicensibus*, with the *oratio Claudii de iure honorum Gallis dando* (*ILS.* 212); it analyzes also the persistence of local legal traditions in some municipal statutes of the imperial age (*CILA.* II 4 1201; AE 2015, 1252).

Der Beitrag bietet einen Vergleich von Gell. 16.13.9 über die *oratio de Italicensibus* mit *oratio Claudii de iure honorum Gallis dando* (*ILS.* 212); man analysiert auch das Fortbestehen lokaler Rechtstraditionen in einigen städtischen Statuten der Kaiserzeit (*CILA.* II 4 1201; AE 2015, 1252).

Parole chiave

*Oratio de Italicensibus* (Gell. 16.13.1-9), Hadrian, *oratio Claudii* (*ILS.* 212), municipal statutes.

*Oratio de Italicensibus* (Gell. 16.13.1-9), Hadrian, *oratio Claudii* (*ILS.* 212), städtischen Statuten.

### Aniello Parma, *Provenienza e integrazione dei militari peregrini in suolo italico fra I e III sec. d.C.: l'esempio delle flotte pretorie*

The paper aims to illustrate the relationships of daily life that could be established or were not established at all, between the soldiers of the permanent *castra* and the civilians of those cities of Roman Italy that already stood in the immediate vicinity. In particular, the conspicuous epigraphic patrimonies of the two permanent seats of the praetorian fleets of *Misenum* and *Classis/Ravennas*, were taken into consideration. The inscriptions analyzed, dated between the II and the IV century AD, make us know the most common aspects of the daily life of the *classiarii* and the officers, their exchanges with the social reality of the place where they spent the long years of military service. Numerous funeral epigraphs recount the de facto marriages of the *classiarii*, the children of the *more uxorio* relationships, the family ties with parents and relatives, the relationships with fellow soldiers. Very interesting are the epigraphs of the *veterani* who once discharged for *honesta missio* decided to stay in the same town, undertaking economic activities, buying property, starting sometimes, through participation in professional or cultic *collegia*, political activity for their descendants, more rarely for themselves.

El artículo tiene como objetivo ilustrar las relaciones de la vida cotidiana que podrían establecerse o no se establecieron en absoluto, entre los militares de la *castra* permanente y los civiles de las ciudades de la Italia romana que ya se encontraban en las inmediaciones. En particular, se examinan los conspicuos patrimonios epigráficos de las dos sedes permanentes de las flotas pretorianas de *Misenum* y *Classis/Ravennas*. Las inscripciones analizadas, fechadas entre el siglo II y el IV d.C., nos hacen conocer los aspectos más comunes de la vida cotidiana de los *classiarii* y los oficiales, sus intercambios con la realidad social del lugar donde pasaron los largos años de servicio militar. Numerosos epígrafes funerarios relatan los matrimonios de facto de los *classiarii*, los hijos de las relaciones *more uxorio*, los lazos familiares con los padres y familiares, las relaciones con compañeros



soldados. Muy interesantes son los epígrafes de los *veterani* que una vez dados de alta para *honestamissio* decidió permanecer en la misma ciudad, la realización de actividades económicas, la compra de propiedades, a partir de veces, a través de la participación en *collegia* profesionales o culturales, actividad política para sus descendientes, más raramente para ellos mismos.

Parole chiave

*Castra, Misenum, Classis/Ravennas.*

*Castra, Misenum, Classis/Ravennas.*

### Francesco Castagnino, *Servizio militare e integrazione nella civitas*

The contribution analyses the different ways to acquire Roman citizenship through military service, focusing in particular on the period between the first and the third century A.D. The research reveals that the routes of access to *civitas* by serving in the army varied according to the conditions of recruitment and the discipline in force in every military unit.

La contribución analiza las diferentes formas de adquirir la ciudadanía romana a través del servicio militar, centrándose en particular en el período comprendido entre el siglo I y III d.C. El estudio revela que las vías de acceso a la *civitas* por el servicio en el ejército variaban en función de las condiciones de reclutamiento y de la disciplina vigente en cada unidad militar.

Parole chiave

Roman citizenship, military service, *auxiliares*, military diplomas, fleet, legions.

Ciudadanía romana, servicio militar, *auxiliares*, diplomas militares, flota, legiones.

