

Constitutio Antoniniana: What's beyond the Edict of a tyrant?

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In 212 AD, Caracalla passed the Antonine Constitution or Edict of Caracalla, which granted citizenship to all *peregrini* —free born subjects— in the Empire. Although there was already a gradual enfranchisement of the provinces, the Edict was not simply a finishing act of a started enfranchisement trend, as only an estimated 22% of the Empire held citizenship prior to the Edict^[2]. But despite the Edict's significance in changing the legal status of the majority of subjects in the Empire, scholars are hesitant to utilize the Antonine Constitution significantly when studying other aspects of Roman civilization/history. This is for good reason as one of the only areas of the Edict scholars agree on is disbelief in how little direct evidence regarding the Edict survives: only the fragmented *Papyrus Gissensis* contain texts of the Edict along with a brief mention by Cassius Dio and a short description by Ulpian preserved in *Digest*^[3]. From the reconstruction of missing texts of the papyrus to the motivation of Caracalla behind issuing the Antonine Constitution, there is controversy surrounding almost every aspect of the Edict. Additionally, the main contemporary source regarding the Edict is from the biased Cassius Dio, a senator hostile to the Severan emperors. The unclear and debatable nature of the Antonine Constitution makes it extremely difficult to draw meaningful conclusions about the effects of the Edict. This difficulty is worsened by the poor reputation of Caracalla. Although personal motivations such as desire for power, need to cover up his bloody ascension to power, urge to appease the gods, and obsession with imitating Alexander the Great likely motivated the passing of the Edict, analyzing the Edict only through a lens of contempt for the “self-centered” Emperor prevents an unclouded study of the Edict's effect on the Roman Empire. By contextualizing what is known about the Edict with the condition of the Empire, the evidence suggests an administrative motive present when Caracalla issued the Constitution. If at least a part of the Edict was indeed designed to solve the Empire's issues, the intended effects of the Edict can be established. These effects can then be connected to later events in the Roman Empire such as the Crisis of the Third Century and even the Vandal sack of Rome to illustrate the lasting effects of the Antonine Constitutions that outlast the Western Empire.

There is a prominent view that Caracalla was a violent military tyrant, scholars like Gibbon described Caracalla as a “common enemy of mankind”^[4]. Even during the 18th Century, French painters like Greuze and Pajou revived the image of Caracalla to reflect the tyranny of Louis XVI^[5]. Indeed, there were many factors that projected this negative image onto the emperor. Caracalla became sole-emperor through the coldblooded murder of his brother and co-ruler Geta and a bloody persecution of political enemies that resulted in an estimated death of 20,000. He also murdered city officials and ordered the looting of Alexandria when they mocked him for attempting to justify Geta's murder as self defense, which established his violent reputation. “[Caracalla] was fond of spending money upon the soldiers, great numbers of whom he kept in attendance upon him, alleging one excuse after another and one war after another; but he made it his business to strip, despoil, and grind down all the rest of mankind, and the senators by no means least”^[1]. Evidently, contemporaries like Cassius Dio and Herodian further criticized the Edict as a result of Caracalla's obsession to please the military. Septimus Severus' final advice to his son Caracalla further supported the notion that Caracalla was irrationally lavish towards the military: “Be harmonious, enrich the soldiers, scorn all others”^[1]. Caracalla raising legionary wages by 50% and allowing his legions to help themselves to the imperial treasury seem to be demonstrating behaviours of a warlord Emperor. While undoubtedly a ruthless and violent leader, if Caracalla's actions with regards to

the military is contextualized with the financial and military conditions of the Roman empire, his actions would seem more out of necessity than irrational bias towards his beloved legions.

The Roman Legionary force had been on a steady decline since the Imperial period. Strict requirements such as prerequisite of citizenship disallowed many recruits from serving as legionaries while the meager benefits but costly sacrifices of legionary service discouraged voluntary service from eligible citizens. For example, due to fears of being assigned to distant provinces, many Italians enlisted for the local and better paying *urbaniciani* instead of the legions. Even the auxiliary was more desirable as promotion was easier, service time shorter, and had more predictable assignment to provinces while only being paid a fifth less than legionaries^[3]. This caused a gradual increase in the amount of *cives* rather than *peregrini* enlisting in the auxiliary forces. The decreased volunteers forced many emperors to enforce conscription in order to fill up the legionary ranks, but many *cives* simply bribed their way out of the draft. This resulted in imperial legions often being understrength and composed of suboptimal recruits even during times of relative peace in Hadrian and Trajan's reigns^[3]. As many military conflicts both external and internal plagued the empire prior to and during Caracalla's reign, improving recruitment of the legions was likely a significant and relevant concern. Despite his own criticisms against Caracalla's actions, even Cassius Dio had to admit the need for increased spending on the military: "For we cannot survive without the soldiers, and men will not serve as soldiers without payment"^[1].

Besides the declining legions, the Empire's economy was in crisis, so Caracalla's increased military spending during an economic crisis would still suggest a warlord emperor out of touch with the conditions of his empire. Upon further investigation however, Caracalla did not place the state in jeopardy by increased military spending. There was indeed a growing issue in the empire's economy as the debasement of currency and inflation in the late Empire became especially prominent during Caracalla's reign. Silver purity under Caracalla went from 55% to 51%^[6]. However, the economic condition of the empire was independent of the condition of the Imperial treasury, which is where Caracalla got his funds for his military policies. Despite the declining economy of the Empire, the financial situation of the imperial treasury was doing well. After many successful military campaigns —especially the Parthian campaign, Septimus Severus claimed to have left the imperial treasury richer than ever before^[3]. This statement can be supported by the massive construction projects by Caracalla such as the famously lavish Baths of Caracalla —estimated to cost 1.2 billion *denarii*^[7]. These projects would be impossible if the emperor did not have enough funds in his government. Additionally, Caracalla pardoned provincial citizens from tax debt in 216, which further demonstrated that the economy rather than the financial capability of the government was in crisis. Besides the pardoning of taxes, Caracalla also attempted to solve liquidity issues in the economy through the introduction of the *antoninianus* as a new currency. Although infamously unsuccessful, this demonstrates that contrary to the supposed military tyrant, Caracalla was aware and cared about the issues in the economy. Since the rich treasury under Caracalla was yet to be significantly affected by decreased revenue from a struggling economy, it was reasonable for him in the short run to spend money from the currently bountiful treasury to resolve issues in the military.

Thus, the probable administrative goal of the Antonine Constitution on the Roman state was to resolve the issue of declining legions while not further jeopardizing the struggling economy. The Edict accomplished the military aspect as it expanded the potential recruitment pool of the citizen-only legions

significantly. This was especially beneficial since unlike historically enfranchised citizens comfortably living in developed and fertile regions like Italy, newly enfranchised citizens were more willing to leave their regions for legionary service and a chance to improve their social status. As seen when there was a significant increase in provincials from Thracian and Pannonian regions enlisting in the Danubian legions of the Third Century^[3]. This also allowed legions to be more diverse as previously the majority of legions were from Italy since Italians were the most enfranchised with citizenship. As the mass enfranchisement blurred the difference between the provincial auxiliaries and citizen legionaries, the replacement for the non-citizen auxiliary of Rome became barbarians. This reliance on barbarian foederati as auxiliary forces increased until in the 4th century around 25% of Roman soldiers were barbarian born^[8]. As for the economic effect, Dio claimed it was to increase tax revenue from the provinces as the enfranchised provincials now have to pay taxes that were only eligible to citizens previously: “This was the reason he made all the people in his empire Roman citizens; nominally he was honouring them, but his real purpose was to increase his revenues by this means, inasmuch as aliens did not have to pay these taxes”^[11]. A major tax the recently enfranchised *peregrini* would have to pay was the *vicesima hereditatum* —an inheritance tax— which had its rate doubled to 10% by Caracalla as well^[3]. However, there is a prominent view that claims the Edict’s effect on taxes was insignificant^[9]. The view makes an assumption to suggest the *vicesima hereditatum* was only applicable to estates 100,000 *sestertii* and above, which meant it only affected the very wealthy provincials who were citizens already. However, this assumption is unreasonable as two military texts showed soldiers of *legio II Traiana* and *III Cyrenaica* contributed a value to the *vicesima hereditatum* that would suggest their estates being valued at around a fifth of 100,000 *sestertii*, meaning the tax would have been applicable to middle class citizens^{[10][3]}. This would imply that contrary to the belief that the financial impact of the Edict would be negligible, mass enfranchisement would greatly increase eligible taxpayers and tax yield. Naturally, an increase in taxation would worsen the economically struggling provinces, which was one of the reasons why Caracalla pardoned provinces of tax debt in 216. The Edict set up a system with increased tax revenue to financially support the intended expansion of the military when the excess imperial treasury under Caracalla runs out and the Empire's economic crisis hopefully becomes resolved.

The Edict’s impacts of assimilating provincial auxiliary into legions, increasing potential taxpayers and tax revenue, and increasing political influence and opportunities of provincials can be related with broad themes that were characteristic of the late Empire. These connections help illustrate the profound lasting effects of the Constitution on the course of Roman history long after 212 AD.

A long term negative effect caused by the Antonine Constitution was the increased difficulty in administration. This is demonstrated by the increased corruption of the tax collection offices in provinces that became a significant problem to Diocletian, for which the emperor attempted to resolve through many reforms^{[11][12]}. Due to the increased amount of tax paying citizens, the previous system of independent contracted tax collectors became unable to adjust to the sudden increase in responsibilities. Control over corruption in provincial tax collection became incredibly difficult to maintain empire wide. This could be one of the reasons the late Empire became more frequently fragmented in governance as seen with the Tetrarchy or the eventual East-West split.

The situation of the late Empire near the reign of Caracalla was very similar to the situation during the late republic. The introduction of citizenship to the Italians through Lex Julia and Lex Plautia

Papiria signified a permanent incorporation of Italy into the republic after becoming increasingly influenced by Rome. To a substantial degree, the Antonine Constitution was the provincial equivalent of Lex Julia and Lex Plautia Papiria: the provincials were the Italians becoming incorporated into the Roman system. This similarity illustrates a universal theme in Roman history: expansion of territory or subjects, romanization of the subjects and stability in these regions, enfranchisement and incorporation of the region/subjects into the Roman system, expansion again. Just as the provinces replaced Italian *Socii* after Italian enfranchisement, barbarian *foederati* replaced the provinces. As the old auxiliary made from *peregrini* became almost identical to legions following the Edict, barbarian *foederati* became the new auxiliary for the post-Caracalla Empire. This is much like how allied Italians became proper legions and were replaced by provincial auxiliary forces during the late republic. The expansion phase following incorporation of provinces into Rome was the increase in barbarian population in both military and society aspects of the empire. The Antonine Constitution signified the beginning of increased Barbarian influence seen in the late Empire.

Despite requiring more definitive evidence, the enfranchisement by the Antonine Constitution could have contributed to the large amount of internal fracture and conflicts in the Crisis of the Third Century. Along with citizenship comes the ability to influence and hold office in the Roman government, which destabilizes the state as many prospective citizens see an opportunity to climb the social ladder. Just like how the Marians utilized Italian desire for increased influence in government shortly after enfranchisement to raise armies during Sulla's Civil war, many warlords of the third Century likely promised increased influence and important government positions to convince their provinces to revolt.

Even though the Edict might have contributed to the revolts in the Third Century Crisis, the Edict also resolved a lurking internal tension within the Empire. If the comparison between Italian allies in the Republic, provinces in Caracalla's time, and barbarians in the Late Empire is examined in detail, there is one major aspect that was absent from the provinces. The Italians fought against conservative senators in the Social war and Sulla's Civil war and the Barbarians marched against Rome partly due to hostility with the Roman aristocracy^[13], but there was no such conflict in the provincials' case. The rift between aristocratic senators and foreign subjects was certainly present, as seen with Dio's negative opinion on the Edict that increased the influence of foreign provincials through enfranchisement. While preventing a potential mass provincial revolt is still speculative, Caracalla's enfranchisement of the provinces resolved issues of enfranchisement at a time where tensions between the Roman aristocracy and foreign subjects was manageable, as the recently purged Roman aristocracy (following the murder of Geta) wasn't influential enough to oppose the provincials.

There is one last important but overlooked aspect of the Edict. Caracalla's supposed character made the legal intentions of the edict seem uncharacteristic of him, which probably caused underappreciation for the Edict's legal impact. Caracalla infamously left the governance of Rome to his mother Julia Domna portrayed him as an emperor bored of administrative and judicial proceedings^[18]. Contemporary critics like Dio and Herodian also supported the notion of Caracalla being disinterested in civil aspects of the Empire. Despite the potential impact on resolving issues in the Empire, the direct action of the Edict provided citizenship, a legal status, to the provinces, which altered provincial legal systems most. If Caracalla was really unconcerned with the Roman legal system, then why would his solution to the issues in the empire be through an Edict that reforms the legal system? This could be partly

explained by influential jurists such as Ulpian, who was interested in equality of rights, convincing Caracalla to pass the Edict^[3]. However, evidence shows that Caracalla likely came up with the majority of the Edict and passed it entirely out of his own will. Contrary to popular belief, he was actually interested in court proceedings. There were many documentations of Caracalla actively engaging in court such as minutes from civil action in Dmeir and the Justianiac *Codex*^[3]. Even Cassius Dio, although negatively, described an instance where Caracalla unjustly dismissed a lawyer in court^[3]. Caracalla was perhaps sick of administration and politics in Rome, but the vast amount of court cases he attended during his tour around the provinces show that he certainly had an interest in legal matters of the provinces. Furthermore, the fact that the Edict decreed that local custom law would still be in effect, which encouraged the provinces combining Roman law with their own, suggests an emperor who understood and cared about judicial proceedings in the provinces. Thus, Caracalla would have likely been personally interested in reforming the provincial legal systems, which would explain the legal nature of the Antonine Constitution.

In fact, the Edict's most long lasting impact would be its contributions to the legal aspect of Roman influence. The Antonine Constitution incorporated the unique concepts of Roman law such as fundamental citizenship rights with local provincial laws, which allowed for a Roman law system flexibly suitable to each region. The new Roman and local hybrid law system allowed provincials and barbarians to willingly gravitate towards the benefits of a Roman law system. The concept of Roman law was so welcomed by the provincials and the barbarians under Rome that ironically many of the barbarian armies that marched on Rome near its end were trying to become Romans rather than trying to destroy Rome^[13]. In fact, the Antonine Constitution's spread of Roman law into the provinces carried on way past the fall of the Empire. The following passage from Orosius VII (43, 5-6) demonstrates the lasting admiration for Roman law^[36]:

“Initially, I had passionately desired that the name of Rome be forgotten... But I recognized, neither could the Goths, because of their unrestrained barbarism, give obedience to the laws, nor could there be abolished the laws of the res publica without which a res publica is not a res publica at all. Hence I have decided to seek my fame at least in restoring and exalting the Roman name in an unblemished state and to figure to posterity as the restorer of Rome, even if I could not be its imitator.” —Athaulf, ruler of the Western Goths in the fifth Century.

It would seem a great irony that the French of the 18th Century compared Caracalla with the tyranny of the monarchy^[5]. It is easy to fixate on the negative aspects of Caracalla and interpret the Edict as an attempt to increase personal power or an impulsive decision to imitate Alexander the Great, with scholars like Clifford Ando claiming Caracalla's sole reign was almost exclusively filled with crimes and mismanagement^[16]. Only by willing to set aside the image of the ruthless tyrant, one can appreciate the Edict's attempt at resolving issues of the declining state from the military to the potential dangerous tensions from senators and provincials and how it unintentionally introduced new challenges to the later Empire such as increased corruption and rebellious governors. Most impressively, the Edict's legal purpose helped spread Roman law and social ideas permanently into the provinces. From medieval Europe to the modern US constitution, concepts such as fundamental citizenship rights that the French were fighting for in the 18th Century can be attributed to the Roman constitution. Although the physical

Roman Empire has fallen, the *Constitutio Antoniana* played a crucial part in establishing the Roma Eterna of Roman spirit, culture, and law that influences the world today.

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