

Clifford Ando, ed., *Citizenship and Empire in Europe 200-1900: The Antonine Constitution after 1800 years*. Stuttgart: Franz Steiner Verlag, 2016. Pp. 261. ISBN 978-3-515-11187-4. €52.00

The recent decision by the United Kingdom to leave the European Union has brought the complexities of political identity and sovereignty into sharp focus, representing a significant moment in the history of Europe. It is fitting, then, that this year has also seen the publication of a volume dedicated to a similarly transformative piece of legislation: the Antonine Constitution. Edited by Clifford Ando, this book follows from a conference held between the British, Dutch and American institutes in Rome, in September 2012. For all the intensive study devoted to the *Constitutio Antoniniana*, there is still much that remains obscure and debated. The primary objective of this work is adventurous: not only to cast light on the context of Caracalla's decision to universalise the franchise, but to offer insights on how this has impacted on larger concepts of citizenship and nationhood. The topic is certainly vast, but the authors have succeeded in offering a number of interesting snapshots and observations.

The volume commences with an introduction by Clifford Ando, providing a robust yet concise synopsis of the Antonine Constitution and its import. Ando devotes considerable attention to the ambiguity of the Latin *in orbe Romano*, used by Ulpian in one of the only surviving contemporary descriptions of the edict, owing to its importance in later conceptualisations of citizenship, both in antiquity and beyond. He then offers an outline of later references by figures such as Machiavelli, Bacquet and Bacon, whose invocation of the Antonine Constitution in the context of the Union of the Crowns in 1603 is particularly noteworthy. Ando proceeds to give a succinct account of the discovery of the *constitutio* text in 1901, before closing with a discussion of the 'landscape of legal theory' into which the universalisation of citizenship fits.

The main body of the book can be divided into two sections, one ancient in focus, the other modern. The first four chapters explore aspects of the Antonine Constitution and the Roman franchise within the boundaries of classical and late antiquity. In Chapter One, Ari Bryen addresses the vexed question of how we should interpret the fragmentary *P.Giss. 40*, an artefact that 'has the dubious honour of having produced more secondary literature than any other documentary papyrus' (p.29). Bryen challenges us to consider the papyrus as a whole, instead of focusing on the first edict. The author argues effectively for both the conceptual importance of *politeia* as the leitmotif underpinning *P.Giss. 40*, as well as the 'locative' nature of Caracalla's act: concerned with bringing order to the world, rather than utopian egalitarianism. Combined with the introduction, this chapter offers a solid grounding on the *constitutio* within its immediate context.

In the second chapter, Georgy Kantor analyses the persistence of local law in Asia Minor, following Caracalla's edict. Kantor responds to the notion found in later

sources that local legal codes were immediately outmoded by the Roman system, showing that while there was a general decline in localised law during the High Empire, the introduction of the *Constitutio Antoniniana* was not singularly instrumental in silencing them. He offers a range of epistolary and epigraphic evidence to attest the survival of local legal forms well into the third century, noting that, in some cases, the extension of Roman citizenship even prompted a renewed vigour in defence of local status.

This is followed by a chapter on the nature of *res publica* in the age of Caracalla and beyond. Claudia Moatti demonstrates how the concept changes both in terms of physical space, with emphasis shifting from the importance of the *Urbs* to that of a world empire comprising varied communities, and in relation to legal and civic ideology, principally concerned with crimes of state. This section of the chapter is particularly convincing, including a compelling discussion of the controversial *dediticii*. The prose in this contribution is rather dense at times, but this may be a result of translation and the technical nature of the subject matter. Potentially more troubling is the author's recourse to the *Historia Augusta* as evidence for Severan actions (p.89), but this is a relatively isolated critique in an otherwise strong piece.

The antique section of this book concludes with a chapter by Hervé Inglebert on the Christian perceptions of citizenship. The topic seems initially problematic, owing to a lack of references to the *constitutio* in Christian sources, but Inglebert manages nevertheless to illustrate the change in Christian attitudes towards *civitas* between the eras before and after AD 212. He compares evidence from Christian views of the Lucan census with accounts of the citizenship experienced by Paul of Tarsus and Augustine of Hippo, demonstrating that while initially there was an inherent contradiction between Roman and Christian identity, the reality had changed by the fourth century, with discussions of whether even Christ himself had held the Roman franchise. The author closes the chapter with St Augustine, for whom citizenship represented both a legal privilege and an 'ideal of collective life' (p.109).

The remaining six chapters are committed to the history of citizenship in later European societies. While they might *prima facie* seem of lesser interest or relevance to the ancient historian, they nevertheless offer some interesting insights, considering how the use of citizenship was affected by the monarchical and imperial contexts within which societies operated throughout the Renaissance, Enlightenment and beyond. In Chapter Five, Daniel Lee offers a keen analysis of the French jurist Jean Bodin, whose concept of citizenship both diverted from the preceding philosophy inspired by Aristotle, and rejected claims of citizenship based on *ius sanguinis*. Moreover, there is an emphasis placed on the fact that civic inequality was an inherent and inevitable facet of the system. The image that Lee provides us with is one in which citizenship was a consensual relationship between sovereign and populace, in which the tie of common subjugation was the primary element.

In the next chapter, Jean-Frédéric Schaub explores the antinomy of racial classification within universalist societies. The paradox of universalised citizenship under an imperial government is well known to Romanists, but Schaub goes further, noting that ‘no universalism can avoid this contradiction’ (p.141). He focuses on the Iberian *ancien régime* and Soviet Russia as case studies. While this chapter lacks the explicit links back to the Antonine Constitution that feature in most of the others, it still offers interesting theoretical overviews, and also functions well in the context of later chapters devoted to European colonial powers.

In Chapter Seven, António Manuel Hespanha touches upon some of these difficulties, debating the form of the Portuguese colonial empire. He begins with concise historiographical discussions regarding early modern Europe generally, and concerning the relationship between empires and their metropolis. Of especial importance in this chapter, however, is the emphasis that the author places on the flexibility of the metropolis in governing such a diverse and geographically disparate entity. His conclusions on the natural level of legal plurality in the Portuguese case immediately make one think of the Roman approach.

Moving from early modern Portugal to Napoleonic France, Luigi Lacchè considers the experience of citizenship in the Code Napoléon. Lacchè’s chapter is perhaps the most vigorous of the ‘modern’ section to evoke the Antonine Constitution, a feature assisted by the parallels between Napoleon and Caracalla, as the author notes (p.178). Lacchè offers an absorbing examination of the shifting conditions of citizenship under different French constitutions, as well as Napoleon’s personal interest therein. While his is the only chapter to include extensive, untranslated portions of original text (these are not overly difficult, but it remains inconsistent with the rest of the volume), the author succeeds in demythologising a code thought by many to be ‘profoundly stable and utterly central’ (p.182).

Chapter Nine, by Ana Cristina Nogueira da Silva, returns focus to the Portuguese context, examining competing narratives regarding citizenship, and their legal impact, between 1820 and 1914. While this chapter might have run more naturally on from that of Hespanha, it is effective nonetheless in demonstrating how competing ideologies on citizenship attached either to *ius soli* or *ius sanguinis* served to colour how the Antonine Constitution was invoked by Portuguese jurists. Once again, her conclusion that the uncertainties of citizenship in this period were largely provoked by the geography of the empire certainly has a potentially ancient application.

The tenth chapter of this volume considers citizenship in the Spanish context, with Josep M. Fradera analysing the circumstances surrounding the 1812 Constitution of Cádiz. Fradera notes the historiographical difficulties in approaching this topic following the end of the Franco dictatorship before examining the conflict prompted by regimes employing the rhetoric of equality, to protect their monarchical empires, while also engaging in a number of exceptions and exclusions, often on the grounds of racialism. While he points out that the ultimate result of this conflict was to be

revolution, such as in Haiti, arguably the most valuable contribution that Fradera makes is to foreground the importance of considering even nineteenth century practices of citizenship as a phenomenon in its infancy. Indeed, he offers a section devoted to this methodological point before concluding his essay.

This volume closes with an Afterword in which Anthony Pagden neatly ties together the threads running through the various chapters. He offers a wide angle perspective on the topic, returning to the Roman era and concluding with the ill-fated European Constitution of 2004. This is a much needed addition in ensuring that the volume maintains cohesion, and is constructed well to remind the reader of the ancient complexities of citizenship, following chapters on more recent history.

The volume itself is of a high quality. The prose is elegantly written, and well edited in the case of translated works, and the argumentation is generally of a strong calibre. Since it represents the proceedings of a conference, it is unlikely that many will engage with the volume from cover to cover, with the possible exception of legal or constitutional historians. The first four chapters are likely to be of considerable value to the historian of the Roman imperial period, although, as I have already noted, the modern chapters still offer considerable food for thought when contemplating issues of citizenship in the ancient context. In closing, the editor and authors of this volume are to be congratulated on a fine addition to the scholarship of the Antonine Constitution, and a fitting marker of its 1800<sup>th</sup> anniversary in 2012.

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