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P,LAUR, IV 169: FRAGMENTARY CONSTITUTION OF CONSTANTINE?

1

P.Laur. IV 169, as recently published, reads:

→ -----
] . αλθειναι .. ε νδω .. σελ . []
]εντων αὐτῶν β . νωσιν απ . []
 πρὸ X καλα]νδῶν Ὀκτοβρίων ἐν Νικομηδ[εῖα]
 4 ὑπάτοις Κωνσταντίνῳ Σεβαστῶ τῷ [" καὶ Κωνσταντίνῳ Καίσαρι τ[ὸ α"

The editor in introducing the text points out the interest of its consular dating (A.D. 326) and the difficulty of making much out of the first two lines. It appears that the fragment's third and fourth lines are being construed as the dating clause from an otherwise ordinary Arsinoite document (intro. with nn. to lines 3 and 4); but there are some oddities that suggest that this is not so, and, further, that there is more to the fragment than first meets the eye. First, it should be noted that the dating clause concludes rather than opens the document. Second, the Roman month-name (line 3) is unexpected in a run-of-the-mill Arsinoite document. Third, an Arsinoite village Nicomedia makes only one other appearance in the papyri.¹⁾ On the other hand, the format of lines 3-4, once ἐδόθη²⁾ or προετέθη³⁾ is restored in the first part of line 3, parallels that of most of the *subscriptions* found appended to *constitutiones* throughout the Theodosian and Justinianic codes, in Latin even for laws published in Greek or in Greek translation.⁴⁾ For an example, close in time to *P.Laur.* 169, and issuing from the same place — that is, Bithynian Nicomedia, the imperial residence,⁵⁾ not Arsinoite Nicomedia, a Fayum village — cf. *CTh* 12.5.1: *DAT. NICOMEDIAE III KAL. AUG. CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.*⁶⁾ In short, it seems likely that *P.Laur.* 169, written all in one hand,

1) *P.Tebt.* II 400.25 (cf. *P.Tebt.* II, p. 392; *Diz. dei nomi geogr.* III 360).

2) Cf. editor's suggestion, line 3 n.; in the constitutional context, equivalent to the Latin *data*.

3) Cf., from the papyri, *BGU* I 267 (= *Sel.Pap.* II 214), line 13; *M. Chr.* 376.6, 11; 378.12 — all three "posted" in Alexandria, προετέθη. The Latin equivalent is *praeposita*. For the terminology, cf. J.D. Thomas, *Stud. Hell.* 27 (1983) 377ff.; *idem*, *BICS* 19 (1972) 103-12, for a *constitutio* on papyrus that had been "given" or "posted" at Rome (line 7).

4) Format: 1. DAT./P(RAE)P(OSITA). 2. Day + month, Roman style. 3. Place of issue/posting. 4. Consular dating. Items 2 and 3 are reversible.

5) Also from Nicomedia near this time: *CTh* 1.15.1 ("given" 25 Feb. 325) and 9.7.2 ("posted" 25 April 326). See J.D. Thomas, *Ancient Society* 7 (1976) 306-07, on *P.Oxy.* VI 889.10 (Alexandria is proven wrong; perhaps restore Nicomedia), and cf. summarizing an order ultimately issuing from Nicomedia: *P.Oxy.* XVII 2106.

6) The date, 30 July 326, has been doubted since Constantine is believed to have been in Rome at this time, conducting the celebration of his *vicennalia*. Cf. *RE* IV 1, 1021 (Benjamin).

is the end of a Greek copy in translation of a *constitutio* issued by Constantine in Nicomedia between 14 and 30 September, A.D. 326.⁷⁾

2

This different view of the typology of *P.Laur.* 169 and another close look at its plate (*P.Laur.* IV, Tav. CXIII) are the occasion for suggesting three small revisions in its readings.

1] αλθειναι: read προ]ταχθῆναι. The crossing stroke of the chi (the letter first read as lambda) though fainter than the rest of the letter is still clear enough.

2 β. .νωειν απ.[]: read εἰς γυῶειν ἀπα[(or ἀνα[or ἀγγα[).

3 Ὀκτοβρίων: probably read instead: -βρίου. The scribe's -ων endings are carefully written; here there seems rather to be -ου, written with much *Verschleifung*.

3

If *P.Laur.* 169 is now correctly labeled and its reading slightly advanced, its date, place of issue (or posting), and remains still do not permit identification with any constitution in the standard collections or with any separate survivors in the papyri.⁸⁾ It can, nevertheless, at least be said that in a year when Constantine was much on the move — from East to West to celebrate the *vicennalia*, and then back East again⁹⁾ — *P.Laur.* 169 dates to a time when Constantine could have been in Nicomedia, two months or so in advance of laying the foundation stone for his new imperial capital and namesake on 26 November 326 (*RE* IV 1,1021 [Benjamin]).

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7) Presumably, the imperial *constitutio*, written with the fibers of the papyrus, was written before the text that occupies the other side. It is not, therefore, strictly speaking, written on the papyrus *verso*, and the text on the other side (what the editor terms the *recto*) must belong, not to the third century, but to the fourth (after 326). It is seemingly a document, perhaps a letter of some sort, though more formal than the usual in that it makes use of the status designation Aurelius in lines 1 and 2.

8) R. Taubenschlag, "The Imperial Constitutions in the Papyri," *Opera Minora* (Warsaw 1959) II 3-28; J.D. Thomas, *BICS* 19 (1972) 103-12, and *Ancient Society* 7 (1976) 301-08.

9) Early in the year, the emperor refers to his travels, *nostris itineribus*, *CTh* 8.5.3 (15 Feb. 326; date disputed, possibly 339). For the emperor's travels in 326, and for problems attaching to the *CTh* subscriptions for this year: O. Seeck, *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n.Chr.* (Stuttgart 1919) 63-65, 176-77.