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Deutsches Archäologisches Institut, Zentrale, Podbielskiallee 69–71, 14195 Berlin, Tel: +49 30 187711-0
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ANNA DOLGANOV

A new date for the Oxyrhynchite epitome of the Gnomon of the Idios Logos (P.Oxy. XLII 3014)

The document known as the Gnomon of the Idios Logos¹ is a long text preserved in papyri from Roman Egypt that describes itself as an epitome of an Augustan code of regulations (γνώμων) for the Roman procurator of the Idios Logos, a senior official in charge of irregular revenues due to the Roman *fiscus*.² In the prologue of the epitome (BGU V 1210, ll. 1–7) its anonymous author explains that the rulebook was created by Augustus and progressively supplemented with new legislation from Rome and important rulings by Roman officials in Egypt. In line with the activity of the Idios Logos, the epitome enumerates rules that involve penalties of confiscation or the payment of fines to the *fiscus*. The majority of these rules pertain to questions of status, marriage and inheritance by the three main sectors of the provincial population: Roman citizens, ἄστροι (the citizens of Alexandria and other Greek cities) and Αἰγύπτιοι (the population of the hinterland). A total of 115 legible chapters of the epitome furnish a detailed illustration of the law of persons, marriage and succession in a Roman province, as well as information about the census, the regulation

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¹ For the two surviving texts of the epitome of the Gnomon of the Idios Logos (BGU V 1210 = Sel.Pap. II 206 = Jur.Pap. 93 = FIRA I 99 and P.Oxy. XLII 3014) see the editio princeps, respectively, of SCHUBART 1919 and PARSONS 1974, 51–53. For commentaries and studies, see UKKUL-GYLLENBAND 1934 with the remarks of ROSTOVZEFF 1935; LENEL – PARTSCH 1920; REINACH 1920; ARANGIO-RUIZ 1922; RICCOBONO 1950 and 1957 with the remarks of WOLFF 1959; MÉLÈZE-MODRZEJEWSKI 1971 and 1977. See also most recently BABUSIAUX 2018 and the collected volume of KRUSE 2020.

² On the Roman procurator of the Idios Logos (literally ‘private account’, originally a Ptolemaic institution) see SWARNEY 1970; RATHBONE 1993; EICH 2003, 388f. On equestrian *procuratores provinciae*, attested since the reign of Augustus and arguably providing a logical parallel for the procurator of the Idios Logos, see PFLAUM 1950, 1–28. On the Roman *fiscus*, see BRUNT 1990 and ALPERS 1995.

of priesthoods, the law pertaining to Roman soldiers and other aspects of Roman provincial administration.³

In view of its manifest significance as a documentary source for Roman legal and administrative history, the epitome of the *Gnomon* of the *Idios Logos* occupies a surprisingly marginal position in the work of Roman historians. There is no in-depth juridical commentary to this text and its genre and history are not well-understood.⁴ Although often cited for references to specific Roman rulings, the epitome has never been analyzed as a specimen of Roman legal literature.⁵ Instead, it is widely assumed that portions of the text are of Ptolemaic origin.⁶ A decisive factor in this interpretation is the peculiar textual transmission of the epitome, which is attested in two papyri that have been dated, respectively, to the mid-first and mid-second centuries CE. The notion that the epitome floated around the province for a century has contributed to the view that it is an informal compendium of Roman and Graeco-Egyptian legal material assembled by a compiler of dubious legal competence.⁷

This article argues for a substantially different understanding of the nature of this document. I begin with a reassessment of the papyrological evidence for the epitome of the *Gnomon*, demonstrating that the currently accepted first-century date for one of its manuscripts is untenable and accordingly that textual reconstructions made in line with this date must be revised. Such revision has inevitable consequences for the overall interpretation of the text.

³ On the epitome as evidence for the Roman provincial scheme for the law of persons, marriage and inheritance, see DOLGANOV 2020.

⁴ See the literature cited in n. 1. For a useful overview of the unresolved scholarly controversies regarding the genre of the *Gnomon* and the nature of the epitome, see BABUSIAUX 2018, 109–115.

⁵ Emphatic arguments in favor of confronting the epitome with the Roman legal sources, in particular the contemporary *Institutiones* of Gaius, were made by earlier scholars – notably by ARANGIO-RUIZ 1922 and RICCOBONO 1950, 3–27 and 1957 – but not taken up in the subsequent research. For an important step in this direction, see BABUSIAUX 2018.

⁶ For the widely-held view that the epitome reflects Greek and Egyptian legal material, see the literature referenced in BABUSIAUX 2018, 110–112 and 132–135. See for example RATHBONE 1993, 101: «Of the other cases [in the *Gnomon*], most, if not all, which deal with citizens of Alexandria, must be of Ptolemaic origin.» This is not the case, as the rules in question demonstrably reflect the extension of the Augustan marriage and manumission laws to Alexandrians, see DOLGANOV 2020.

⁷ Arguments that the compiler of the Greek epitome of the *Gnomon* misunderstood or corrupted the Roman legal material at his disposal go back to LENEL – PARTSCH 1920. Against this view, see REINACH 1920, 10–12. Arguments of this sort, however, continue to persist, see ALONSO 2016, 58 n. 15: «here we deal with an unofficial compiler (...) striking inaccuracies have long been noticed, often resulting in confiscations that would not take place under a correct application of the Roman rule». The extended analysis of BABUSIAUX 2018 linking the *Gnomon* with Roman legal literature on succession showcases the implausibility of this view.

Redating the Oxyrhynchite epitome of the Gnomon

It may be regarded as an extraordinary coincidence that the epitome of the Gnomon of the Idios Logos has survived in two manuscripts from two different regions of Roman Egypt. The first is a large, well-preserved papyrus from the Arsinoite nome (BGU V 1210) where the epitome is written in a calligraphic bookhand on the verso of a register of grain taxes from the village of Theadelphia.⁸ The second is a fragment of a papyrus of smaller format from Oxyrhynchus (P.Oxy. XLII 3014, fig. 1) where the epitome is written on the recto in a rapid cursive hand; the verso appears to be blank.⁹ The surviving portion of the long Arsinoite papyrus contains the prologue of the epitome and eleven columns of text divided into 121 sections, the first 80 of which are numbered. As the end of the papyrus breaks off, the total length of the text is unclear. The small Oxyrhynchite fragment contains one column of text divided into 7 sections that correspond to sections 35–41 of the Arsinoite papyrus (BGU V 1210, ll. 99–115, fig. 4), with traces of another column that, if complete, would have contained sections 42–47 (BGU V 1210, ll. 117–131).¹⁰ Since the left and right edges of the Oxyrhynchite papyrus are broken, it is impossible to estimate the total length of the text. There is good reason to think that the numeration of the sections was the same in both papyri, since the Oxyrhynchite fragment preserves traces of the number $\mu[.]$ (P.Oxy. XLII 3014, l. 22) for a section that is numbered $\mu\beta = 42$ in the Arsinoite papyrus (BGU V 1210, l. 117).

A ruling of Antoninus Pius as the reigning emperor (κύριος) in section 36 of the Arsinoite epitome (ll. 104–105) dates it to the middle decades of the second century (138–161 CE).¹¹ By contrast, PETER PARSONS in his 1974 editio princeps of the Oxyrhynchite papyrus dates it to the mid-first century CE on paleographical grounds, and this date has never been challenged.¹² Although well aware that lines 5–10 of the Oxyrhynchite text contain the same ruling that is attributed to Antoninus in the Arsinoite text, PARSONS could not reconcile the visible ink traces with the name of Antoninus and concluded that in the Oxyrhynchite epitome the ruling was attributed «to some earlier (but illegible) authority».¹³ PARSONS encountered a similar problem in section 35 (P.Oxy. XLII 3014, ll. 1–4 = BGU V 1210, ll. 99–101) where the children of Roman soldiers are referred to as their *cognati*, which seems to reflect a ruling attested in a

⁸ See the editio princeps of SCHUBART 1919.

⁹ See the editio princeps of PARSONS 1974.

¹⁰ It is possible to estimate the length of the second column based on an average number of 41 letters per line, see the commentary to line 1 of my revised edition of P.Oxy. XLII 3014 below.

¹¹ The Arsinoite copy of the epitome has a terminus post quem of 23 August 149 CE established by the grain-tax records on the recto (BGU IX 1893).

¹² For the first-century date of P.Oxy. XLII 3014, see PARSONS 1974. The paleographical parallels cited by PARSONS are taken from SCHUBART 1966, nos. 28 (P.Ryl. II 131, 31 CE) and 30 (P.Lond. II 14 = M.Chr. 57, 40–41 CE), and SCHUBART 1911, nos. 13 (BGU IV 1078, 39 CE) and 16 (BGU III 802, 42 CE).

¹³ PARSONS 1974, 51.

letter of Hadrian (BGU I 140 = M.Chr. 373, 119 CE) granting the illegitimate children of soldiers the right to inherit from their fathers under the clause *unde cognati* of the Roman praetorian edict. While acknowledging the widely-held view that this was a Hadrianic concession, PARSONS concludes that either the second line of the Oxyrhynchite epitome contains a different text from lines 99–100 of the Arsinoite epitome, or the attribution of this ruling to Hadrian must be false.¹⁴

The first-century paleographical date proposed by PARSONS for the Oxyrhynchite epitome poses a problem of historical interpretation. Apart from minor textual variations, to be discussed below, the Oxyrhynchite and Arsinoite texts of the epitome are identical. As noted above, numerical traces in the Oxyrhynchite papyrus suggest that the numeration of the sections was identical as well. A first-century date for the Oxyrhynchite text makes it difficult to explain how two epitomes of a legal compilation that was being progressively updated with new legislation could have been created many decades apart and still have produced substantially the same text. PARSONS appears to have been aware of this problem, since the textual supplements he proposes in line with his first-century date tend to increase the minimal discrepancies between the two texts, with problematic results such as the attribution of the same regulation to two different emperors, as we will examine in detail below.

An examination of the Oxyrhynchite papyrus at Oxford and its paleographical comparison with papyri from the first, second and third centuries suggest a very different interpretation. While the first-century paleographical parallels cited by PARSONS bear some similarity to the letter forms in the Oxyrhynchite epitome, the resemblance is by no means conclusive and can be countered with various examples of second-century handwriting that exhibit similar features.¹⁵ Furthermore, none of the papyri cited by PARSONS show any parallel for what is arguably the most characteristic aspect of the paleography of the Oxyrhynchite epitome: the curious epsilon topped off with a sloping diagonal stroke (fig. 3). For this distinctive feature, a clear parallel is provided by another Oxyrhynchite papyrus (PSI IV 294, fig. 2), the bottom portion of which (ll. 15–26) is written in a hand that is remarkably similar to that of the Oxyrhynchite epitome (fig. 3).¹⁶ A reference to the *iuridicus* Ulpian Marcellus on the recto of this papyrus gives it a terminus post quem of 167–168 CE. So close is the paleography between the two texts that one could suppose that they were written by the same

¹⁴ PARSONS 1974, 52.

¹⁵ Second-century papyri with similar paleographical features include: P.Oxy. XLII 3015 (after 109 CE) and P.Oxy. III 602 = P.Cair.Preis. 48 (2nd c. CE).

¹⁶ The link with the scribe of PSI IV 294, ll. 15–26 can be made with confidence. The hand of P.Oxy. XLII 3014 has many idiosyncrasies, all of which are present in PSI IV 294, see fig. 3 below. I make special note of the distinctive diagonal flourishes at the top of each epsilon, on which there are no remarks in paleographical manuals and for which I have found no parallels except for PSI IV 294. The kappa is also distinctive.

scribe.¹⁷ For the present question of dating the Oxyrhynchite epitome, it is sufficient to conclude that PSI 294 (after 167–168 CE), ll. 15–26 furnishes a close paleographical parallel to P.Oxy. XLII 3014 that can be securely dated to the second half of the second century.

Further clues regarding the date of the Oxyrhynchite epitome are provided by the text itself. An initial argument against a first-century date can be made on the basis of lines 1–4, which correspond to section 35, lines 99–101 of the Arsinoite text:

BGU V 1210, ll. 99–100 (SCHUBART)

λε τοὺς στρατευομένους καὶ ἀδιαθέτους τελευτῶντας ἐξὸν τέκνοι[ς]
καὶ συγγενέσει κληρονομεῖν, ὅταν τοῦ αὐτοῦ γένους ὥσι οἱ μετερχ[όμε]νοι.

P.Oxy. XLII 3014, ll. 1–4 (PARSONS)

[τοὺς στρατευομένους] κ[αί] ἀδιαθέτους τελευτῶντας
[ἐξὸν τέκνοις καὶ συγγεν]έσ[ι]ν κληρονομεῖν ὅταν τοῦ
[αὐτοῦ γένους ὥσιν οἱ] μετερχόμενοι· ἐὰν δὲ μὴ
[ca. 10]. [....] ... η παρεμβολη (vac.)

«35. It is permitted for the children and relatives of soldiers who die intestate to inherit from them, as long as the claimants are close-kin relatives (*cognati*)» (BGU V 1210, ll. 99–100 = P.Oxy. XLII 3014, ll. 1–3). «If not ... military camp» (P.Oxy. XLII 3014, ll. 3–4).

The section is concerned with the property of soldiers who die intestate. The text states that an intestate soldier's property can be inherited by his children (τέκνα) and family members (συγγενεῖς) as long as these «belong to the same γένος». This formulation evidently refers to the Roman legal category of *cognati*, as illustrated by a letter of Hadrian to the prefect of Egypt conceding the inheritance rights of *cognati* to the illegitimate children of soldiers born into de facto marriages during military service (BGU I 140 = M.Chr. 373, 119 CE).¹⁸ In Hadrian's letter, the term *cognati* is rendered in Greek as οἱ πρὸς γένους συγγενεῖς (l. 26), which is similar to συγγενεῖς τοῦ αὐτοῦ γένους in the epitome of the Gnomon. In his letter, Hadrian describes himself as creating a new policy by virtue of interpreting more humanely (φιλανθρωπότερον ἐρμηνεύω, ll. 19–20) a rule applied more strictly by his predecessors. If this imperial

¹⁷ See PSI IV 293 (the recto of which PSI IV 294 is the verso), l. 34: [Οὐλίπος Μαρκέλ]λος ὁ δικαιοδότης (my supplement). Marcellus is attested in office in the year 167–168, see P.Thmouis 1 (180–192 CE), ll. 15–17. This official was not yet known to the editor of PSI IV 293, who dates the papyrus on the basis of its genre and paleography to the late second or early third century. My new edition of PSI IV 293–294 exploring the implications of its paleographical link to the epitome of the Gnomon will be published in a separate article.

¹⁸ That sections 34–35 of the epitome are concerned with Roman testamentary categories and rules is discussed at length by BABUSIAUX 2018, 162–173.

privilege (δωρεά, l. 28) was indeed new, as the context suggests, then the reference to *cognati* in the Oxyrhynchite epitome necessarily implies a post-Hadrianic date. The argument of PARSONS – that an older first-century rule reflected by the Oxyrhynchite epitome may have been limited to legitimate children born to soldiers before entering the army – is implausible, since the rule clearly implies that the children are illegitimate from the perspective of Roman law.¹⁹ If these had been the legitimate children of Roman legionaries, they would have been classified as *agnati* and their rights of intestate succession would not have been in question. If these had been the legitimate (non-Roman) children of auxiliary soldiers, they would likewise have inherited on intestacy since their fathers had not yet been granted Roman citizenship.²⁰ To speak of the children as *cognati* at all implies that they are regarded as illegitimate but given the status of *cognati* as a special concession for the purpose of inheritance, whereas earlier Roman policy had punitively deprived them of any legal recognition of their blood-relationship to their fathers during their military service.²¹ The most plausible explanation of this clause is that both the Arsinoite and Oxyrhynchite texts reflect the same Hadrianic ruling, documented by BGU I 140 = M.Chr. 373 (119 CE), which created a legal fiction to allow the illegitimate children of soldiers to inherit from their fathers as their *cognati* under Roman law.

Up to this point, the Arsinoite and Oxyrhynchite texts are identical. Subsequently, the Oxyrhynchite text includes an additional, badly preserved clause that mentions a military camp (παρεμβολή). The clause specifies what happens to a soldier's property if no heirs with the status of *cognati* are forthcoming. Rules on this subject are attested in the Roman legal sources, notably in a letter of Hadrian stating that the *bona castrensia* of legionaries who die by suicide can be claimed by their *cognati* or, if these are lacking, by the legion (*si intestato decessit, cognatis aut, si non sint, legioni ista sint vindicanda*).²² In the commentary to his edition, PARSONS supposes that property was ceded to the military camp (δίδοτ]αι τῇ παρεμβολῇ). This is unlikely, since it was not the camp itself – an entity lacking juridical personhood – but the military unit that potentially stood to inherit. Instead, traces of]γ before τῇ παρεμβολῇ suggest that the text refers to property «within the military camp» (ἐ]γ τῇ παρεμβολῇ) – i.e.

¹⁹ See PARSONS 1974, 52.

²⁰ The principle that the children of soldiers who died before acquiring Roman citizenship could inherit from them under local testamentary law is articulated in P.Bad. IV 72 (reign of Hadrian), ll. 20–24, a petition by the children of a soldier who had died in the reign of Domitian before completing his military service.

²¹ After military service, Roman policy became more liberal, allowing veterans to retrospectively legitimate their children and granting them Roman citizenship. The *civitas liberorum* privilege is attested in the first military diplomas under Claudius and was gradually eroded in the mid-second century, see WOLFF 1986 and WAEBENS 2012.

²² See Dig. 28. 3. 6. 7 (Ulpianus *ad Sabinum* 10). On the strict juridical separation between the soldier's *bona castrensia* and all other property, see the clear formulation of Gaius, citing Julian in Dig. 29. 1. 17. 1 (Gaius 15 *ad ed. provinc.*).

the *bona castrensia*. In the documentary evidence, the phrase ἐν τῇ παρεμβολῇ (= *in castris*) is a standard formulation denoting the location of events and transactions in a Roman military camp.²³ The reconstruction ἀ] εἶ[χον ἐ]ν τῇ παρεμβολῇ, «the property that they had in the military camp», is compatible with the visible traces and corresponds to formulations that we find in the Roman legal sources on *bona castrensia*, such as: *bona quae in castris reliquit* (CJ 6. 21. 1), *quae in castris adquisierit* (Dig. 38. 17. 10. pr.), *in castris quos habeo* (Dig. 30. 96. pr.), the latter a citation from a Roman will. In the preceding lacuna, one can supplement ἀναλαμβάνεται, the standard term for confiscation used throughout the epitome. In this case, the recipient of the *bona castrensia* would not be the army but the *fiscus* itself. This interpretation is supported by a passage of Papinian, who indicates that the *bona castrensia* of deceased soldiers are claimed by the *fiscus* in the absence of a legitimate heir or blood relative within the fifth degree.²⁴ Similarly, a third-century imperial rescript refers to the «personal right» (*ius proprium*) of the *fiscus* to succeed to the *bona castrensia* of intestate soldiers.²⁵ It appears, therefore, that as a general rule heirless *bona castrensia* fell to the *fiscus* – but could, under some circumstances, be conceded to the military unit, as Hadrian's letter seems to suggest. A claim by the *fiscus* would be the best explanation for the presence of this rule in the rulebook of the procurator of the Idios Logos.

The ruling attributed to Antoninus in section 36 of the Arsinoite epitome is reproduced in SCHUBART's edition of the Arsinoite text and in PARSONS' edition of the Oxyrhynchite text, respectively, as follows:

BGU V 1210, ll. 101–105 (SCHUBART, slightly modified)²⁶

λξ τῶν ἐπὶ φόνοις ἢ μίζοσιν ἀμαρτήμασιν κολαζομένων ἢ καὶ δ[ι' ὁ-]
μοίας αἰτίας αὐθαίρετον φυγὴν ἐλομένων τὰ ὑπάρχοντα
ἀναλαμβάνεται, δίδοται δὲ τοῖς τέκνοις αὐτῶν τὸ ἰ καὶ ταῖς γυ[να]ι-

²³ See for example the posting of a letter of Hadrian ἐν τῇ παρεμβολῇ(ῃ) | τῇ[ς] χειμασίᾳ[ς] (= *in castris hibernis*) in BGU I 140 = M.Chr. 373 (after 119 CE), ll. 5–6.

²⁴ Dig. 38. 12. 2 (Papinianus 16 resp.): *Bona militis intestati defuncti castrensia fisco non vindicantur, cum heres legitimus ad finem quinti gradus exstitit aut proximus cognatus eiusdem gradus intra tempus possessionem acceperit*. «The *bona castrensia* of a soldier who dies intestate cannot be claimed by the *fiscus* if there exists a legitimate heir within the fifth degree, or if the nearest *cognatus*, likewise within the fifth degree, has taken possession of the property within the requisite period» (transl. DOLGANOV).

²⁵ CJ 6. 21. 13 (Valerianus and Gallienus to the praetorian prefects, 254 CE): *Et militibus nostris, centurionibus quoque ob flagitium militare damnatis non aliarum quam castrensiarum rerum testamenta facere permittitur et intestatis iure proprio succeditur a fisco*. «For our soldiers, as well as centurions, who have been convicted of a military crime, it is permitted to make wills regarding no other property than their *bona castrensia*. In cases of intestacy, the *fiscus* exercises its right to succeed to this property» (transl. DOLGANOV).

²⁶ For my modifications to SCHUBART's edition, see my apparatus and commentary to BGU V 1210, ll. 99–116 below.

ξιν αἱ ἐν ἀργυρίῳ προίκες, καὶ αὐτοῖς δὲ τὸ ιβ̄ Ἀντωνίνου[ς]
Καῖσαρ ὁ κύριος συνεχώρησεν.

P. Oxy. XLII 3014, ll. 5–10 (PARSONS)

[τῶν ἐπὶ φόνοι]ς ἢ μείζουσιν ἀμαρτήμασιν κολαζο-
[μένων ἢ καὶ διὰ] ὁμοίας αἰτίας αὐθαίρετον φυγὴν ἐ-
[λομένων τὰ ὑ]πάρχοντα ἀναλαμβάνεται διδοτ[αι..]
[ca. 12] .. των καὶ ταῖς γυναιξιν ἐν ἀργυρίοις.. [...]
[ca. 14] αὐτοῖς δὲ τὸ δωδέκατον ὑπὸ
[ca. 12] ου .[.] .[.] ου συνεχωρήθη (vac.)

«36. The property of those serving punishment for murder or greater offenses, or who have chosen voluntary exile for similar crimes, is confiscated. However, one-tenth is granted to their children and the cash value of dowries (*dotes aestimatae*) to their wives» (BGU V 1210, ll. 101–104 = P.Oxy. XLII 3014, ll. 5–8).

«And even to the condemned persons themselves the emperor Antoninus our Lord has conceded one-twelfth of the property» (BGU V 1210, ll. 104–105).

«And to them ... one-twelfth of the property has been conceded by ...» (P.Oxy. XLII 3014, ll. 9–10).

In lines 9–10 of the Oxyrhynchite epitome, it is clear that the text paraphrases in the passive voice an imperial ruling that is formulated in the active in the Arsinoite epitome. Before συνεχωρήθη at the end of line 10, the visible traces do not correspond to PARSONS's reading of -ου. Instead, the traces clearly indicate -τα συνεχωρήθη. Further examination yields the reading πρώτιστα συνεχωρήθη, «it was conceded for the first time».²⁷ Clearly, the name of the emperor must be sought in the lacuna of ca. 12–14 letters followed by]ου at the beginning of line 10. The passive construction means that there are two possibilities for formulating the clause in lines 9–10:

- a) ὑπὸ | [*emperor* τοῦ κυρί]ου συνεχωρήθη
- b) ὑπὸ | [τοῦ θεοῦ *emperor*]ου συνεχωρήθη

The former would designate a living emperor, the latter a deceased emperor. The supplement ὑπὸ | [Ἀντωνίνου τοῦ κυρί]ου seems too long for the lacuna. Instead, the more compact reading ὑπὸ | [τοῦ θεοῦ Ἀντωνίν]ου is to be preferred, rendering the text as follows:

²⁷ On the reading, see the line commentary in the next section. For πρώτιστα as a synonym for πρώτως in imperial Greek sources, see the lemma of LSJ and examples such as Proclus, in Plat. Parmen. 240 (πρώτιστα γάρ ... δεύτερα δὲ ... τρίτα δὲ ...) and P.Mich. VIII 477 (2nd c. CE), ll. 21–22: ἀφ' ἧ[ς] ἀνέβης ἔω[ς] σή[μερον π]ρώτιστα τὴν ἐπιστολὴν | καὶ τ[ὸ] καλάθιον κεκό[μισμαι].

P.Oxy. XLII 3014, ll. 9–10

κα]ἰ αὐτοῖς δὲ τὸ δωδέκατον ὑπὸ
[τοῦ θεοῦ Ἀντωνίν]ου πρῶτιστα συνεχωρήθη.

«And even to the condemned persons themselves one-twelfth of the property was conceded for the first time by [the deified Antoninus].»

This reconstruction implies that the Oxyrhynchite copy of the Gnomon epitome was drafted after the death of Antoninus in 161 CE. The adverb πρῶτιστα indicates that Antoninus made a new concession with respect to his predecessors.²⁸ Further evidence may be found in a rescript of Antoninus cited by the legal writer Callistratus, in which the emperor prohibits the *fiscus* from claiming legacies due to *damnati*, stating that *damnati* are «to be considered slaves of their punishment rather than slaves of the *fiscus*».²⁹ It may be inferred that Antoninus instituted new or more rigorous policies limiting the confiscation of *bona damnatorum* and restoring property to the *damnati*.³⁰

Working back to the preceding clause regarding the property rights of the children and wives of *damnati* (ll. 8–9), in his editio princeps PARSONS considers the possibility of restoring these lines in accordance with the Arsinoite text as follows:

P.Oxy. XLII 3014, ll. 7–9 (PARSONS)

δίδοτ[αι δὲ]
[τὸ ἰ τοῖς τέκνοις] αὐτῶν καὶ ταῖς γυναῖξιν <αἰ> ἐν ἀργυρίοις πρ[οῖ-]
[κες ... ca. 11]

²⁸ For a similar formulation in the Roman legal sources, see Dig. 40. 15. 4 (Callistratus 1 *de iure fisci*): *Primus omnium divus Nerva edicto vetuit post quinquennium mortis cuiusque de statu quaeri* ..., «The deified Nerva was the first of all emperors to prohibit in an edict that status be investigated beyond five years after the person's death ...» (transl. DOLGANOV).

²⁹ Dig. 49. 14. 12 (Callistratus 6 *de cogn.*): *In metallum damnatis libertas adimitur, cum etiam verberibus servilibus coercentur. Sane per huiusmodi personam fisco nihil adquiri divus Pius rescripsit: et ideo quod legatum erat ei, qui postea in metallum damnatus erat, ad fiscum non pertinere rescripsit magisque ait poenae eos quam fisci servos esse*. «Those who are condemned to the mines are deprived of their freedom, as further indicated by their punishment with servile blows. Nonetheless, the deified Pius stated in a rescript that the *fiscus* should not attempt to profit from individuals of this sort. Accordingly, the emperor wrote that a legacy that had been bequeathed to someone who was subsequently condemned to the mines did not belong to the *fiscus*, since condemned men are rather to be considered slaves of their punishment than slaves of the *fiscus*» (transl. DOLGANOV).

³⁰ In a similar vein, a rescript of Trajan pronounces against an earlier policy of confiscating the property of exiled individuals, attributing this to the «greed of former times» (*avaritia superiorum temporum*), see Dig. 48. 22. 1 (Pomponius 4 *ad Sabinum*). On the property of *damnati*, see Dig. 48. 20–23 and CJ 9. 49–51.

«However, one-tenth is granted to their children and the cash value of dowries (*dots aestimatae*) to their wives ...»

However, PARSONS rejects this reconstruction for the following reasons:

- a) the supposedly excessive length of the supplement of 14 letters [τὸ ἰ τοῖς τέκνοις] in line 8;
- b) the inconsistency whereby a fraction would be written as a numeral (τὸ ἰ) in line 8 and as a word (τὸ δωδέκατον) in line 9;
- c) the need for another word in the lacuna at the beginning of line 9.

In response, it may be noted that the length of the supplement [τὸ ἰ τοῖς τέκνοις] is unproblematic, as the cursive script is elastic in size and there are several other lines where a space of the same length contains the same number of letters.³¹ As regards the fraction being abbreviated and then written out, this sort of variation is common in the documentary evidence – as happens to be illustrated by the Arsinoite epitome of the Gnomon, which gives δέκατον in line 89 and the abbreviations ἰ and ιβ̄ in lines 103–104.³² As for the lacuna in line 9, the chiasitic syntax of the Oxyrhynchite text (verb + object + recipient, recipient + object + [verb]) suggests an extra verb going with προῖκες that can be plausibly supplemented as ἀποδίδονται, an appropriate term for the return of a dowry, at the beginning of line 9.³³ For a full reconstruction of the text of P.Oxy. XLII 3014, see my revised edition of the papyrus in the next section.

* * *

In view of the second-century paleographical parallel of PSI IV 294, ll. 15–26 and the new reconstructed text of sections 35–36 of the Oxyrhynchite epitome of the Gnomon, the first-century date proposed by PARSONS on paleographical grounds should be abandoned. Instead, the reading of the ruling of Antoninus establishes that the Oxyrhynchite and Arsinoite texts are copies of the same, second-century epitome compiled at some point during the reign of Antoninus Pius (138–161 CE). This is what one would expect, in view of the near-exact correspondence between the two texts. Whereas the Arsinoite text refers to Antoninus as the reigning emperor (κύριος), the Oxyrhynchite text most probably refers to him as θεός (*divus*), indicating that the

³¹ See lines 12 and 14 where the same space has 14 letters. Additionally, line 14 contained the section-number, indented slightly into the left margin.

³² See for example another Oxyrhynchite papyrus: BGU VI 1269 (2nd–3rd c. CE), ll. 8–10: εἰς τὸ ἐνδέκατον [(ἔτος) ἐκ|φο]ρίου πυρῶν ἀρταβῶν κ καθ' ἑτ[ος] | καὶ ἀπέχεῖ τὸ ἐκφόριον β ἐ[κά|σ]της (ἀρούρας).

³³ For ἀποδίδωμι referring to the restitution of a dowry, see for example P.Coll.Youtie I 24 (2nd c. CE). See further the line commentary below.

Oxyrhynchite copy of the Gnomon epitome was drafted after his death in 161 CE. A date after the death of Antoninus is in line with the terminus post quem of 167–168 CE for PSI IV 293–294, if the paleographical link between this papyrus and the Oxyrhynchite epitome of the Gnomon is correct.

New text and translation of the Oxyrhynchite epitome (P.Oxy. XLII 3014) and the corresponding text of the Arsinoite epitome (BGU V 1210, ll. 99–116)

In this revised edition of the P.Oxy. XLII 3014, the text is reconstructed in line with the corresponding part of the Arsinoite text (BGU V 1210, ll. 99–116) which is included for reference. On the basis of three traces of long horizontal strokes between lines 4–5, 17–18 and 21–22 of P.Oxy. XLII 3014, my edition supplements the paragraphi separating the sections of the Oxyrhynchite text.

P.Oxy. XLII 3014

col. 1

- 1 [λε(?) τοὺς στρατευομένους] κ[αί] ἀδιαθέτους τελευτώντας
[ἐξὸν τέκνοις καὶ συγγενέσιν] κληρονομεῖν ὅταν τοῦ
[αὐτοῦ γένους ὧσιν οἱ] μετερχόμενοι. ἐὰν δὲ μή,
[ἀναλαμβάνεται ἂ] εἰ[χον ἐ]ν τῇ παρεμβολῇ. *vac.*
- 5 [λζ(?) τῶν ἐπὶ φόνοις] ἢ μείζουσιν ἁμαρτήμασιν κολαζο-
[μένων ἢ καὶ δι'] ὁμοίας αἰτίας αὐθαίρετον φυγὴν ἐ-
[λομένων τὰ ὑ]πάρχοντα ἀναλαμβάνεται, δίδοτ[αι δὲ]
[τὸ ἰ τοῖς τέκνοις] αὐτῶν καὶ ταῖς γυναιξίν ἐν ἀργυρίοις πρ[οῖ-]
[κες ἀποδίδονται, κα]ὶ αὐτοῖς δὲ τὸ δωδέκατον ὑπὸ
10 [τοῦ θεοῦ Ἀντωνίν]ου πρῶτιστα συνεχωρήθη. *vac.*
[λζ(?) οἱ παρὰ προστ]άγματα βασιλέων ἢ ἐπάρχων τι πρ[ᾶξαν-]
[τες ἀκαταλλήλως] ἐζημιώθησαν οἱ μὲν τετάρτῳ μέρει
[τῆς οὐσίας, οἱ δὲ] ἡμίσει, ἄλλοι δὲ ἐξ ὅλων. *vac.*
- [λη(?) οἱ ἐξ ἀστῆς κ]αὶ Αἰγυπ[τ]ίου γενόμε[ε]νοι μέν[ουσι μὲν]
15 [Αἰγύπτιοι, ἀμφοτέρου]ς δὲ κληρονομοῦσι τοὺς γονεῖς.]
[λθ(?) Ῥωμαίου ἢ Ῥωμ]αίας κατ' ἄγνοιαν συνελθ[όντων ἢ ἀσ-]
[τοῖς ἢ Αἰγυπτίοις τ]ὰ τέκνα τῶν ἡττονι γένει ἀ[κολουθεῖ.]
[μ(?) τὰ περὶ τῶν εἰσ]αγ[ό]ντων οὓς μὴ δεῖ εἰς τῇ[ν Ἀλεξανδρέ-]
[ων πολιτεία]ν [νῦν] ἡγεμο[ν]ικῆς γέ[γονεν διαγνώσεως.]
20 [μα(?) ἐὰν Αἰγύπτιος ἐκ κοπ]ρίας ἀν[έ]λη[ται παῖδα καὶ τοῦτον]

col. 2

[υἱοποιήσεται, μετὰ θάνατον τεταρτολογεῖται. *vac.*]
μ[β(?)]]

1 [τοὺς στρατευομένους] PARSONS || 2 κληρονομεῖν PARSONS || 3 οἱ μετερχόμενοι PARSONS || 4 [*ca.* 10]. [....]... ἡ παρεμβολή *vac.* PARSONS || 5 ἀμαρτήμασιν PARSONS, [τῶν ἐπὶ φόνοις] ἢ PARSONS || 6 διὰ] ὁμοίας PARSONS || 7 ὑ]πάρχοντα ἀναλαμβάνεται PARSONS, 7 δίδοτ[αι...] PARSONS || 8 [*ca.* 12]... των καὶ ταῖς γυναῖξιν ἐν ἀργυρίοις... PARSONS || 9 [*ca.* 14]... αὐτοῖς δὲ τὸ δωδέκατον ὑπὸ PARSONS || 10 [*ca.* 12]ον. [..]... ου συνεχωρήθη *vac.* PARSONS || 11 [οἱ παρὰ προστ]άγματα PARSONS 11 ἐπάρχων τι πρ[άξαν-] PARSONS || 12 ἐξημιώθησαν PARSONS || 13 ἡμίσει PARSONS || 14 [οἱ ἐξ ἀστῆς κ]αὶ Αἰγυπτ[ί]ου γενόμε[ε]νοι PARSONS || 15 κληρονομοῦσι PARSONS || 16 [Ῥωμαίου ἢ Ῥωμ]αίας κατ' ἄγνοιαν PARSONS, συνελθ[όντων] PARSONS || 17 [*ca.* 14 τ]ὰ τέκνα τῶ ἥττονι γένει ἀ[κολουθεῖ] PARSONS || 18 [τὰ περὶ τῶν εἰ]σαγ[ό]ντων οὖς μὴ PARSONS || 20 [ἐὰν Αἰγύπτιος ἐκ κοπ]ρίας PARSONS || 21 [] PARSONS || 22 μ[] PARSONS || 23–40 [] PARSONS.

BGU V 1210, col. 5–6, ll. 99–116 (SCHUBART, slightly modified)³⁴

col. 5

λῆ τοὺς στρατευομένους καὶ ἀδιαθέτους τελευτῶντας ἐξὸν τέκνοι[ς]
100 καὶ συγγενέσει κληρονομεῖν, ὅταν τοῦ αὐτοῦ γένους ὥσι οἱ μετερχ[όμε]νοί.
λῆ τῶν ἐπὶ φόνοις ἢ μίξουσιν ἀμαρτήμασιν κολαζομένων ἢ καὶ δ[ι'] ὁ-
μοίας αἰτίας αὐθαίρετον φυγὴν ἐλομένων τὰ ὑπάρχοντα
ἀναλαμβάνεται, δίδοται δὲ τοῖς τέκνοις αὐτῶν τὸ ἰ καὶ ταῖς γυ[να]ι-
ξιν αἱ ἐν ἀργυρίῳ προῖκες, καὶ αὐτοῖς δὲ τὸ ἰβ' Ἀντωνίνου[ς]
105 Καῖσαρ ὁ κύριος συνεχώρησεν.
λῆ οἱ παρὰ προστάγμα[τα]/ βασιλέων ἢ ἐπάρχων τι πράξαντες ἀκα[τα]λ-
λήλως ἐξημιώθησαν ο<ί> μὲν τετάρτῳ μέρει τῆς οὐσίας οἱ δὲ ἡμ[ισί]α,
οἱ δὲ ἐξ ὅλων.
λῆ οἱ ἐξ ἀστῆς καὶ Αἰγυπτίου γενομένοι μένουσι μὲν Αἰγύπτιοι, [ἀ]μ-
110 φοτέρους δὲ κληρονομοῦσι τοὺς γονεῖς.
λῆ Ῥωμαίου ἢ Ῥωμ[αίας] κατ' ἄγνοιαν συνελθόντων ἢ ἀστοῖς <ῆ> Αἰγυπτίοις
τὰ τέκνα <τῶ> ἥττονι γένει ἀκολουθεῖ.
μ̄ τὰ περὶ τῶν εἰσαγόντων οὖς μὴ δεῖ εἰς τὴν Ἀλεξανδρέων πολε[ι]τ[ί]αν
νῦν ἡγεμονικῆς γέγονεν διαγνώσεως.

col. 6

115 μ̄ ἐὰν Αἰγύπτιος ἐκ κοπρίας [ἀν]έλῃται παῖδα καὶ τοῦτον υἱοποιήσεται,
μετὰ θάνατον τεταρτολο[γεῖτ]αι.

100 l. συγγενέσι || 101 l. μίξουσιν || 102 par. αὐθαί[[ε]ρ]ρετον; par. αυθε[[ε]ρ]ρετον
l. αὐθαίρετον SCHUBART || 105 par. ὁ corr. ex κ || 112 par. ἥγτονι l. ἥττονι SCHUBART || 113 l.
πολιτεῖαν || 115 par. c. in Αἰγύπτιος corr. ex ο.

«35. It is permitted for the children and relatives of soldiers who die intestate to inherit from them, as long as the claimants are close-kin relatives (*cognati*). **If not, [the**

³⁴ See the app. crit. and line commentary below.

property they had] in the military camp (*bona castrensia*) [is confiscated] (P.Oxy. XLII 3014, ll. 3–4).

36. The property of those serving punishment for murder or greater offenses, or who have chosen voluntary exile for similar crimes, is confiscated. However, one-tenth is granted to their children and the cash value of dowries (*dotes aestimatae*) **[is returned]** (P.Oxy. XLII 3014, l. 9) to their wives. And even to the condemned persons themselves *the emperor Antoninus our Lord has conceded one-twelfth of the property* (BGU V 1210, ll. 104–105) / **one-twelfth of the property was conceded for the first time by [the deified Antoninus]** (P.Oxy. XLII 3014, l. 10).

37. Those who have taken inappropriate actions contrary to the decrees of kings or prefects have been fined accordingly – some a fourth of their property, others one half, others the whole estate.

38. The offspring of an ἀστυ and an Egyptian keep the status of Egyptians but inherit from both parents.

39. If Roman citizens, male or female, have married ἀστοί or Egyptians through ignorance, their children take the lesser status.

40. Cases of individuals illicitly acquiring Alexandrian citizenship now fall under the jurisdiction of the prefect.

41. If an Egyptian picks up a child from the dung-heap and adopts it, a fourth of his estate is confiscated after his death.»

Commentary to P.Oxy. XLII 3014

1 In the Arsinoite papyrus, all sections are marked by numbers indented to the left and superscribed with horizontal strokes. Traces of a horizontal stroke above the number μ[.] on the right edge of the Oxyrhynchite papyrus indicate that its sections were likewise marked by numbers that were superscribed and indented to the left. As section μ[.] in the Oxyrhynchite text corresponds to section μβ in the Arsinoite papyrus, the numeration was most probably identical. Accordingly, I tentatively supplement the relevant section numbers in the Oxyrhynchite text in line with the Arsinoite text. In contrast to the Arsinoite papyrus, which has uniform spacing, the Oxyrhynchite papyrus leaves spaces of approximately one line between sections. Clearly, the Oxyrhynchite text continued into a subsequent lost column. A full column of text of the same breadth would have contained sections 42–44 on the falsification of status (BGU V 1210, ll. 117–122) and sections 45–47 on the consequences of illegitimate intermarriage between status-groups (BGU V 1210, ll. 123–131).

3–4 The Arsinoite text ends with μετερχόμενοι and omits the following clause. Traces of ν and τ are visible before η παρεμβολη at the end of line 4, which leads me to reconstruct ἐ]ν τῇ παρεμβολῇ. At the beginning of line 4, the broken left edge of the papyrus preserves traces of two vertical strokes. The bottom of the first stroke curves slightly to the right, while the second extends below the line. This is compatible with the combination ει – see for example γένει in line 17. This leads me to reconstruct

ἃ] ἐ[χον ἐ]ν τῇ παρεμβολῇ = *quod habebant in castris*. For analogous formulations in the Roman legal sources, see above at nn. 24–25. The supplement ἀναλαμβάνεται fits the lacuna and is a term employed throughout the epitome.

5 It seems preferable to supplement the text with the common elision δι' ὁμοίας, in line with SCHUBART's reconstruction of BGU V 1210, l. 101, as opposed to διὰ ὁμοίας (PARSONS).

7–9 Here, I reconstruct on the basis of the Arsinoite text, section 36, ll. 103–104: δίδοται δὲ τοῖς τέκνοις αὐτῶν τὸ ἰ καὶ ταῖς γυ[να]ίξιν αἱ ἐν ἀργυρίῳ προίκες. Traces of the lower portion of the letters πρ are visible at the end of line 8. The syntax of the clause (δίδοται + τὸ ἰ + τοῖς τέκνοις καὶ ταῖς γυναιξιν + προίκες + [*ca. 11*]) suggests an additional verb in the lacuna. Accordingly, I supplement ἀποδίδονται, a term used to refer to the repayment of debts as well as dowries, see n. 33.

9–10 Here, I reconstruct on the basis of the Arsinoite text, section 36, ll. 104–105: καὶ αὐτοῖς δὲ τὸ ἰβ Ἀντωνίνου[ς] Καῖσαρ ὁ κύριος συνεχώρησεν. For the formulation ὑπὸ τοῦ θεοῦ *emperor*, see for example W.Chr. 27 (after 161 CE), ll. 17–20: ἡ ἐπιγαμία ἐδόθη ἡμεῖν πρὸς | Αἰγυπ[τί]ου[ς] κατ' ἐξαίρετον | ὑπὸ τοῦ θεοῦ Ἀδριανοῦ. There are clear traces of τ and α before συνεχωρήθη. Within the context (ὑπὸ [τοῦ θεοῦ Ἀντωνίνου] ... συνεχωρήθη) one would expect a sequence of 8–9 letters ending in -τα to be a short prepositional phrase or a superlative adverb. Preceding -τα there are clear traces of another τ after the second lacuna, the horizontal stroke of which is abraded on the right and no longer visible.³⁵ The same stroke extends to the left to touch another letter, traces of which are visible at the edge of the lacuna. The rounded shape of these traces is compatible with ο or ω (see for example τ extending leftward toward ο in ὅταν in line 2). At the lower edge of the first lacuna after [ου] there are traces of what looks like π, as already suggested by PARSONS, compare the very similar paleography of υ and π in Αἰγυπτίου in line 14. The reading πρῶτιστα fits the context well and is compatible with all of the visible traces.

11–13 Apart from the epitome of the Gnomon, where ἀκαταλλήως and ἀκαταλληλία respectively occur in sections 42 and 51, the term ἀκατάλληλος and its variants are attested in only two other papyri, both from the Roman period: P.Iand. VI 112 (ca. 200 CE) and P.Sijp. 30 (Hermopolite, 2nd c. CE). These uses of the term are not in line with Greek literary sources, where ἀκατάλληλος means ‘unsuitable’, ‘incongruous’ or ‘inept’ (see for example Pol. 6. 42. 3: πρὸς ἄλλους καὶ ἀκατάλληλους τόπους), whereas in Roman-period documents the term rather means ‘not properly belonging to one’. I strongly suspect that ἀκατάλληλος in Roman administrative language is a Greek rendition of a Latin term, possibly *improprius* with the substantive ἀκαταλληλία signifying *improprietas*.

16–17 In the Arsinoite text, section 39, ll. 111–112, this ruling appears with errors: Ῥωμαίου ἢ Ῥωμαίας κατ' ἄγνοιαν συνελθόντων ἢ ἀστοῖς <ἦ> Αἰγυπτίοις | τὰ

³⁵ For clarification, the round black mark at the top of the τ after the second lacuna in the digital image is not ink but a hole in the papyrus.

τέκνα <τῷ> ἦττονι γένει ἀκολουθεῖ, where the second ἦ and the article τῷ seem to have been omitted. In the Oxyrhynchite fragment, I supply what was probably the correct text in lines 16–17: [ἦ ἀσ|τοῖς ἦ Αἰγυπτίοις]. PARSONS rules out the supplement [ἦ ἀστοῖς ἦ Αἰγυπτίοις] in line 17 as too long. However, there is room for [ἦ ἀσ-] at the end of line 16 – as illustrated by μέρει, which extends into the margin at the end of line 12. The alternative interpretation suggested by PARSONS – that the original, first-century version of the epitome had only Αἰγυπτίοις, while ἦ ἀστοῖς represents a later marginal note that was incorrectly incorporated into the text of our papyrus – is based on his assumption of a first-century date and can be excluded since the two papyri are demonstrably copies of the same second-century epitome.

20–22 In line with section 41 of the Arsinoite text, I supplement ἀγ[έ]λη[ται παῖδα καὶ τοῦτον] at the end of line 20. This accords with the average line-length of 41 letters. Presumably, the first line of the second column contained the rest of the ruling: υἱοποιήσεται, μετὰ θάνατον τεταρτολογεῖται. After this line, traces of the number μ[β?] mark the beginning of the next section but no further text is visible.

Commentary to BGU V 1210, ll. 99–116

102 It seems to me that the scribe began by writing αὐθετερ, then corrected ετ to αἰ, crossed out ερ and continued with ρετον = αὐθαί[[ετερ]]ρετον = αὐθαίρετον.

105 Contrary to SCHUBART, who reads ἦγτονι, it seems to me that the papyrus has ἦττονι where the left portion of the horizontal stroke of the first τ has been abraded and is only faintly visible.

The Oxyrhynchite and Arsinoite texts of the Gnomon epitome are nearly but not completely identical. Despite its rapid handwriting, the Oxyrhynchite text appears to be more accurate than the calligraphic Arsinoite text, which contains a large number of orthographic errors and corrections. Even the short portion of the Arsinoite text that corresponds to the Oxyrhynchite fragment contains the following errors: συγγενέσει for συγγενέσιν (l. 100), μίζοσιν for μείζοσιν (l. 101), κ corrected to ό (l. 105), προστάγμα\τα/ corrected from πρόσταγμα (l. 106), ό for οἱ (l. 107), the omission of the article before ἦττονι (l. 112), πολειτίαν for πολιτείαν (l. 113), the omission of the article before Αἰγυπτίοις (l. 111) and \συν/χρηματίσαντες corrected from χρηματίσαντες (l. 118). By contrast, the Oxyrhynchus fragment contains no visible errors or corrections.

Beyond errors in the Arsinoite text, there are several textual variations between the two papyri:

1. The clause concerning the *bona castrensia* of soldiers lacking legitimate heirs in lines 3–4 of the Oxyrhynchite text is absent in section 35 of the Arsinoite text. It is conceivable that the scribe of the Arsinoite text omitted the clause as redundant, it being reasonably clear that, if no heirs were forthcoming, the *bona castrensia* fell

to the *fiscus*. Alternatively, it is possible that the error-prone scribe skipped over a line of text. It is also possible that variations were already present in the texts from which the two copies were made.

2. There are several instances where the phrasing of the Arsinoite text differs slightly from the Oxyrhynchite text:

- a) καὶ ταῖς γυναῖξιν αἱ ἐν ἀργυρίῳ προΐκες, BGU V 1210, ll. 103–104.
καὶ ταῖς γυναῖξιν ἐν ἀργυρίοις πρ[οί]κες ἀποδίδονται, P.Oxy. XLII 3014, ll. 8–9.
The ruling is phrased more expansively in the Oxyrhynchite text, leaving room for ca. 12–14 letters in the lacuna where I supplement ἀποδίδονται as a second verb going with προΐκες. The Arsinoite text has a single verb δίδεται governing both clauses regarding the restoration of property to children and wives.
- b) Ἀντωνίνος | Καῖσαρ ὁ κύριος συνεχώρησεν, BGU V 1210, ll. 104–105.
ὑπὸ | [τοῦ θεοῦ Ἀντωνίν]ου πρῶτιστα συνεχωρήθη, P.Oxy. XLII 3014, ll. 9–10.
The ruling appears in the active voice in the Arsinoite text and is formulated more expansively in the passive in the Oxyrhynchite text. Possibly, the change in formulation took place in conjunction with the change of the imperial name from κύριος to θεός after the death of the emperor in 161.
- c) ο<ι> μὲν τετάρτῳ μέρει τῆς οὐσίας, οἱ δὲ ἡμ[ισί]α, | οἱ δὲ ἐξ ὧλων, BGU V 1210, ll. 107–108.
οἱ μὲν τετάρτῳ μέρει | [τῆς οὐσίας, οἱ δὲ] ἡμίσει, ἄλλοι δὲ ἐξ ὧλων, P.Oxy. XLII 3014, ll. 12–13.
The sequence οἱ μὲν, οἱ δέ, ἄλλοι δέ in the Oxyrhynchite text is stylistically better than οἱ μὲν, οἱ δέ, οἱ δέ in the Arsinoite text. Also, the parallelism τετάρτῳ μέρει and ἡμίσει (μέρει) in the Oxyrhynchite text is lost in the Arsinoite text, which has τετάρτῳ μέρει and ἡμισία. Possibly, the scribe of the Arsinoite text did not perceive that ἡμίσει stood for ἡμίσει (μέρει) and proceeded to write ἡμισία instead.

From the minor differences between the two texts, one gets the impression that the scribe of the Arsinoite text was less careful and tended to abbreviate his transcription of a text that was copied more accurately by the writer of the Oxyrhynchite papyrus. Altogether, the Oxyrhynchite and Arsinoite copies of the Gnomon epitome exhibit a normal range of scribal variation, as illustrated by other examples of multiple copies of the same document, such as the Severan rescript on the subject of *praescriptio longi temporis* and the record of proceedings before the emperor Caracalla, both of which are attested in two papyri with slight discrepancies.³⁶ A further example is furnished

³⁶ For the Severan rescript, see BGU I 267 and P.Stras. I 22, ll. 1–9. For the judicial hearing of Caracalla, see SB XIV 11875 = P.Mich. IX 529, ll. 25–38 and SB XIV 11876 with LEWIS 1976 (reprinted in LEWIS 1995, 201–211).

by two copies of the same judicial hearing from the Arsinoite nome that were drawn up fifteen years apart.³⁷

Conclusion

Based on new readings and paleographical parallels, this article has sought to demonstrate that the accepted first-century paleographical date of the Oxyrhynchite manuscript of the epitome of the rulebook (γνώμων) of the Idios Logos (P.Oxy. XLII 3014) is untenable, and that both manuscripts of the epitome are copies of the same text compiled in the reign of Antoninus Pius. Resolving the issue of textual transmission permits the epitome of the Gnomon of the Idios Logos to be interpreted in a new light – not as a private or local compilation by a semi-competent scribe, but as a legal text produced by Roman provincial authorities as an abbreviated version of a centrally-mandated legal compendium that illustrates the application and development of Roman law within the empire.

*Institut für Alte Geschichte und Altertumskunde,
Papyrologie und Epigraphik
Universität Wien
Universitätsring 1
1010 Wien
Österreich
anna.dolganov@oeaw.ac.at*

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³⁷ The two copies are BGU I 163 (108 CE) and the second column of SB XXIV 16258 (after 123 CE), on which see HANSON 1996.

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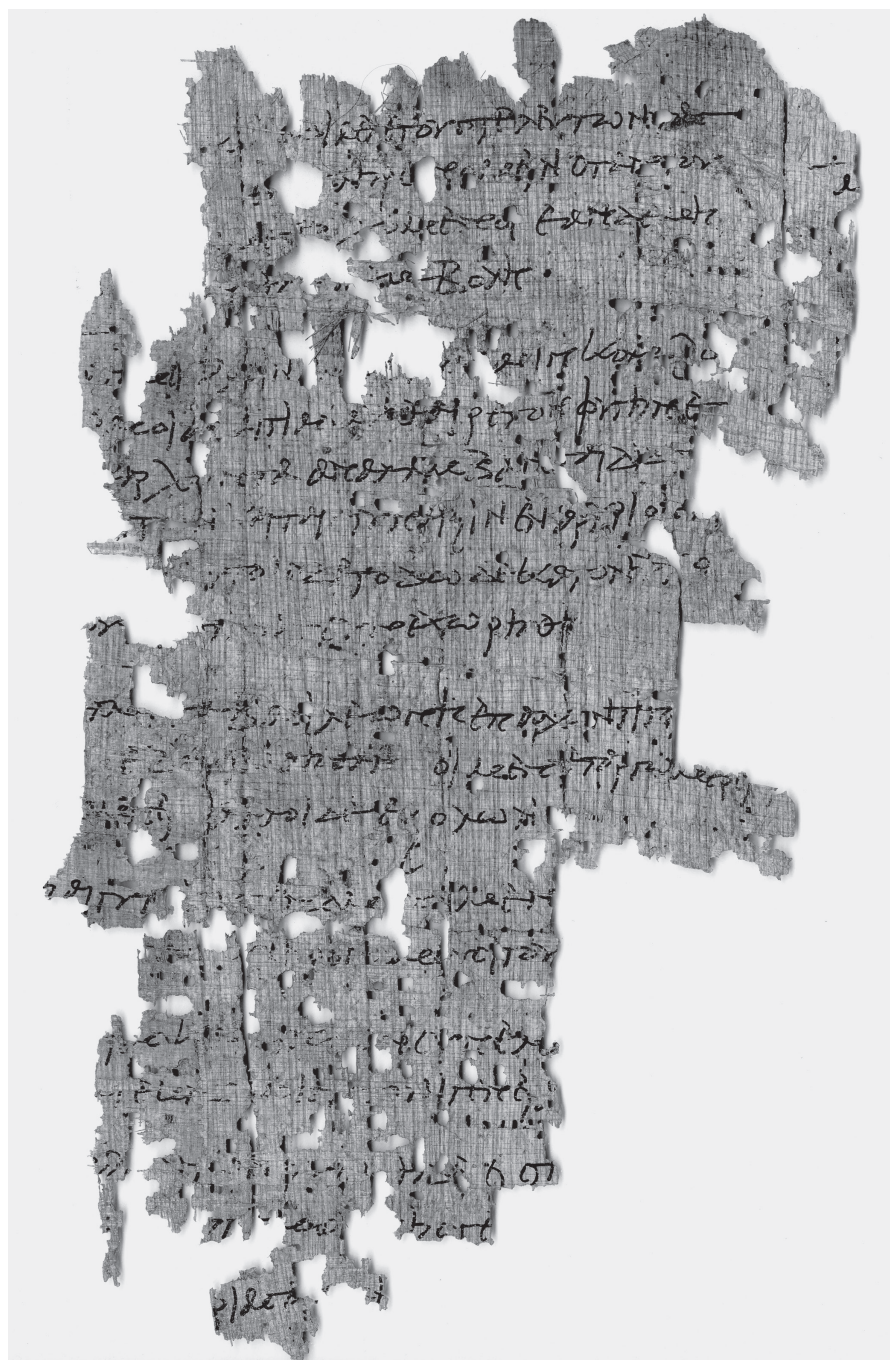


Fig. 1: P.Oxy. XLII 3014, Gnomon of the Idios Logos
(Oxyrhynchus, second half of the 2nd century CE).

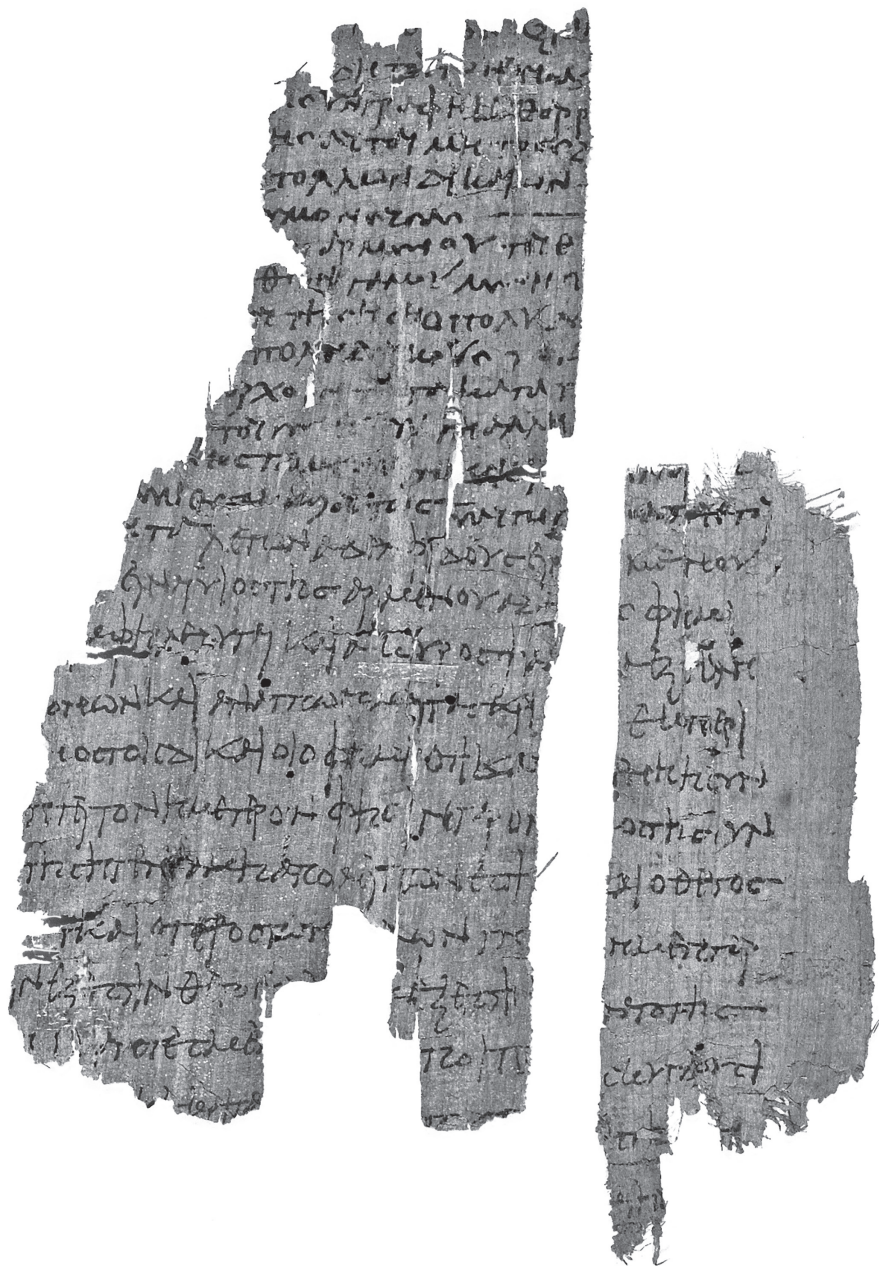


Fig. 2: PSI IV 294, Record of Judicial Proceedings (Oxyrhynchus, after 167-168 CE).

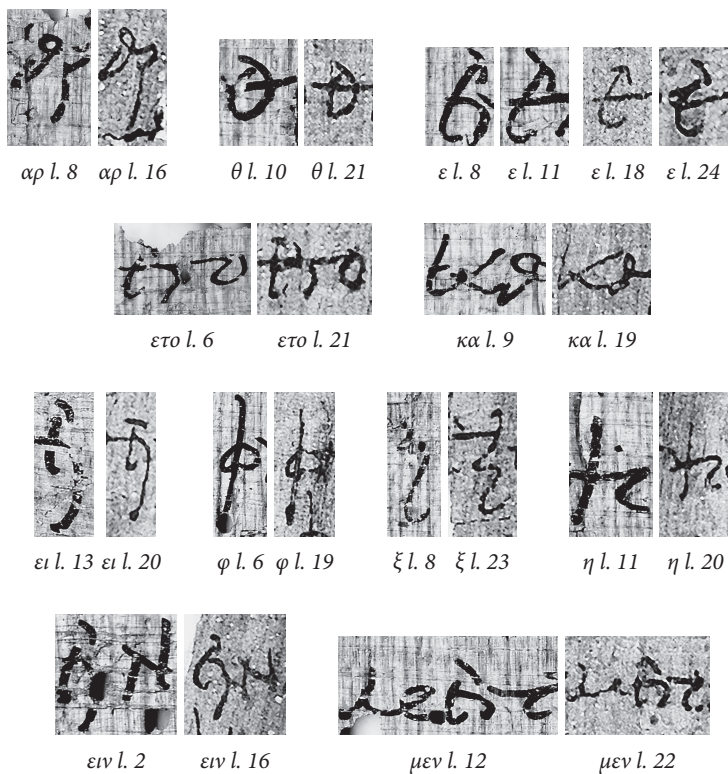


Fig. 3: Paleographical Comparison of P.Oxy. XLII 3014 (left) and PSI IV 294 (right).

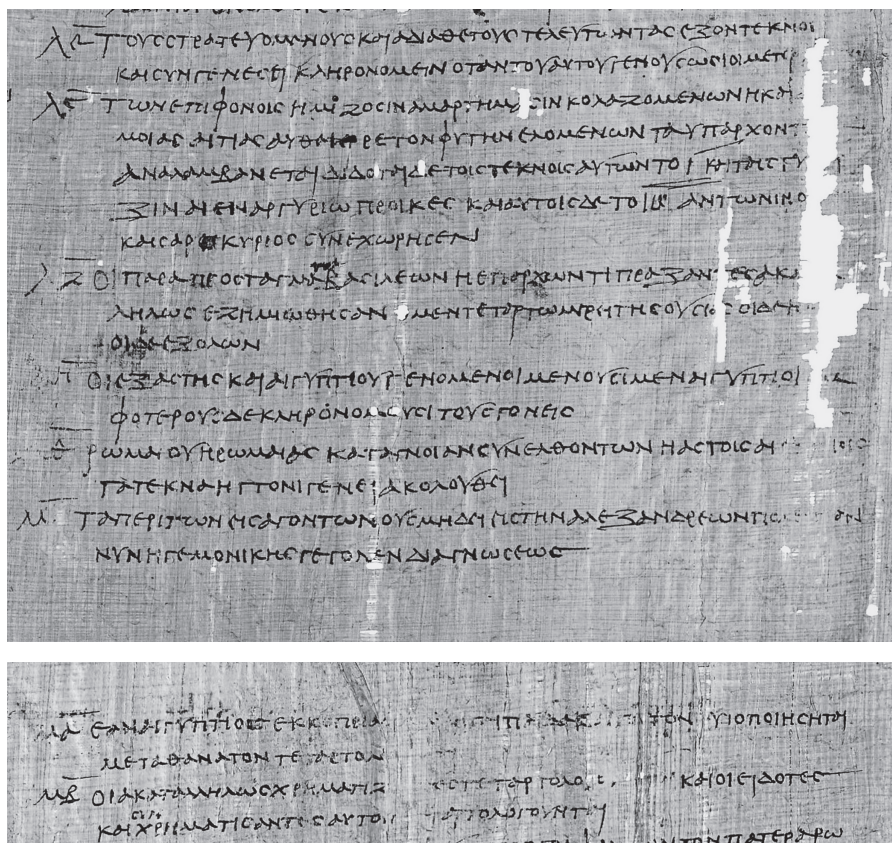


Fig. 4: BGU V 1210, col. 5–6, ll. 99–116, Gnomon of the Idios Logos (Arsinoite nome, 149–161 CE).