Eine Berliner Papyrusrolle aus dem 2. Jh. n.Chr. sowie ein Papyrusfragment aus Oxford (vielleicht aus derselben Zeit) überliefern eine verkürzende Kompilation einer Sammlung von Einzelfallentscheidungen eines als „Gnomon des Idios Logos“ bezeichneten Werkes. Dieser Gnomon sollte als Richtschnur für die administrative Praxis der Prokuratur des Idios Logos - einem hohen Amt in der Provinzverwaltung des römischen Ägypten - dienen.

Der Gnomon des Idios Logos geht auf die Regierungszeit des Augustus (27 v. Chr. bis 14 n. Chr.) zurück, wobei die überlieferte Kurzfassung auch Ergänzungen aus der Zeit danach enthält, die bis in die Regierungszeit des Antoninus Pius (138–161 n. Chr.) reichen.

Die im Gnomon des Idios Logos gesammelten Präjudizien betreffen zu einem großen Teil solche des Erb- und Personenstandsrechts. Beide Komplexe hängen insofern eng miteinander zusammen, als die Nichterfüllung bestimmter personenstandsrechtlicher Voraussetzungen die Erbfähigkeit einschränkte oder gar ganz ausschloss. Der Gnomon des Idios Logos illustriert ferner die Überwachung der sozialen Statusgrenzen zwischen den einzelnen Gesellschaftsgruppen und die damit einhergehenden Maßnahmen gegen Status-Usurpation sowie die vermögens- bzw. erbrechtliche Diskriminierung bestimmter Personengruppen infolge der augusteischen Ehe- und Familiengesetzgebung.

Der Gnomon des Idios Logos ist daher sicherlich ein so außergewöhnliches Dokument der römischen Rechts- und Verwaltungspraxis, dass es gerechtfertigt erschien, ihn in den Mittelpunkt des 3. Wiener Rechtshistorischen Kolloquiums zu stellen. Insbesondere auch deshalb, weil die in ihm verhandelten Rechtsmaterien zu einem großen Teil nicht nur innerhalb, sondern auch außerhalb des römischen Ägypten von Relevanz waren.

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STUDIEN ZUM *GNOMON DES IDIOS LOGOS*

Thomas Kruse

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HOLZHAUSEN
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Gnomon des Idios Logos

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Vorwort

Der vorliegende Band ist aus dem von Kaja Harter-Uibopuu und mir vom 19.–20. Juni 2014 an der Österreichischen Akademie der Wissenschaften veranstalteten 3. Wiener Kolloquium zur Antiken Rechtsgeschichte hervorgegangen, das unter dem Titel „Dienst nach Vorschrift? – Vergleichende Studien zum *Gnomon des Idios Logos*“ stand. Ich entschulige mich bei allen Autorinnen und Autoren für die ungebührlich lange Verzögerung der Publikation des Bandes, die zum größten Teil in meine Verantwortung fällt und bedanke mich bei Ihnen dafür, daß sie gleichwohl dem Unternehmen die Treue gehalten haben und insbesondere auch dafür, daß die meisten von ihnen ihre Beiträge einer nochmaligen Revision unterzogen haben.

Ein besonderer Dank geht außerdem an Susanne Lorenz und Helmut Lotz (Wien) für ihre tatkräftige Unterstützung in einer früheren Phase der Redaktion des Bandes. Etwaige noch vorhandene diesbezügliche Fehler und Ungenauigkeiten fallen indes in meine alleinige Verantwortung.

Außerdem danke ich dem Ancient History Fund der University of Virginia (Charlottesville, VA), der durch die Initiative von Elizabeth Meyer einen namhaften Beitrag zu den Druckkosten des Bandes beigesteuert hat.

Schließlich bedanke ich mich bei Gabriele Ambros und dem Holzhausen Verlag für die Unterstützung bei der Drucklegung des Bandes.

Thomas Kruse — Wien, im Juli 2024

Elizabeth A. Meyer (Charlottesville, VA)

Freed and *Astoi* in the *Gnomon* of the *Idios Logos* and in Roman Egypt

In Greco-Roman Egypt, the absence of any direct information about the legal status and obligations of the freed creates curious puzzles. Indeed, the absence of many references to the freed at all is a puzzle in and of itself, and has prompted some scholars to suggest that few slaves were manumitted in Egypt, and – or – that the slave pool from which the manumitted would have been drawn was small.[1] In the Ptolemaic era, even the words *apeleutheros* and *exeleutheros* do not seem to be used,[2] and only eight or ten documents of manumission are known, four (possibly six) of them testamentary, and four of them (one very fragmentary) records of acts performed before the *agoranomos*.[3] Greek settlers brought the law of their cities of origin with them and used it unproblematically in the freeing of their slaves; the three Greek

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1 Very few freed seen at all, Pavlovskaja 1972, 240; manumission not common, Scholl 1990a, 145. Few slaves in Egypt, e.g. Bowman 1986, 138; Biezunska-Malowist 1977, 156–158 estimated that slaves were 10% of the total population of the *chora* (while the percentage of the population in Alexandria was unknowable, although in 1976, 297 she surmised that Roman Alexandria had a high concentration of domestic and workshop slaves, especially in the late Ptolemaic period); Bagnall and Frier 1994, 70–71 n.69, slaves were 13–13.4% of the population in the *metropoleis*, 8.5% in the *chora*. "The small number of slaves meant fewer freedmen," Gibbs 2012, 43; Istasse 2000, 331 n.1 counts 238 freedmen and 120 freedwomen from the entire Roman period.

2 Scholl 1990b, 1995, 163, although the verb is found in P.UB Trier S 135-2 line 8 (Antaioupolis, 132 BC) and in UPZ II 194.13 (freedmen of priests of Ammon at Karnak). This is in contrast to the Roman period, when the word *apeleutheros* or *–a* is used 191 (male) and 85 (female) times, Istasse 2000, 331 n.1.

3 General treatment, Scholl 1996, 161–163; texts and translations. C.Ptol. Sklav. I 28–33 (wills), and in the last two, testamentary manumission is only surmised from the presence of ἀφ- or ἀφίημι (no objects of the verb preserved). Before the *agoranomos*, P.UB Trier S 135-2 (Antaioupolis, 132 BC); C.Ptol. Sklav. I 34; SB X 10282 (possibly another manumission of this sort, but very fragmentary); possibly P.Tebt. III 811 (a declaration on oath interpreted by Scholl in C.Ptol. Sklav. I 35 as an act of manumission before a magistrate; for debate over this document, see Quenouille 2002, 77 n.40).

poleis (Naukratis, Alexandria, and Ptolemais Hermou) had their own laws and jurisdiction.[4] Neither these Ptolemaic documents nor any other source reveals the status into which the freed were manumitted: the default assumption of scholars was that at least some of them were considered metics, that is, a type of resident foreigner with none of the privileges of citizenship (e.g., of Alexandria or the other *poleis*), while others were merely "Egyptians."[5] This lack of visibility and defined status suggests that the Ptolemaic freed constituted no recognizable social (or legal) group.[6] Whether the freed owed any service or obligation to their former masters is also, as a consequence, impossible to determine; it is not even known whether the master assumed the role of *prostates*, as he did at Athens, although some scholars have thought Alexandrian law (at least) to be modelled on that of Athens.[7]

250 years later, the position and obligations of the freed are clearer. With Caracalla's grant of (virtually) universal citizenship in AD 212, free inhabitants of Egypt became Roman citizens. Some masters then chose to manumit slaves according to Roman forms and requirements, while others continued to use the testamentary or agoranomic techniques first established in Egypt under the Ptolemies. If the first actually conformed to Roman legal preconditions and the standards of a Roman formal act, their former slaves would

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4 Brought own law, Lewald 1946, 41–45; Jördens 1999, 146 (bringing law) and 144. 145 n.9 (cities).

5 Assumed to be metics: Seidl 1973, 133; Scholl 1990b, 42 and 1996, 168 (and not even that status in the *chora*, only in the three cities, where citizenship existed); Kasher 1992, 115–116 argues that Jews enslaved and brought to Egypt when freed were made metics. Fraser 1972, I:52 and 91 notes, to his surprise, the absence of any attested metics in Ptolemaic Alexandria, as well as no hints about whether there were freed persons or whether they labored under any legal restrictions. Schubart 1913, 117 noted that several freedpeople in the cache of Alexandrian papyri published as *BGU* IV also identified themselves as "Persians of the Epigone," and if Oates 1963 is correct, this was a Ptolemaic designation for those of general Hellenic status (but not with a specific ethnic like "Macedonian" or "Thessalian"), which Vandorpe 2008 has adjusted to "second-class" Hellenic status. One can only deduce, however, that Hellenic status was desirable in late first-century BC Egypt, not that all freed were liberated into that status.

6 Biezunska-Malowist 1966, 433, about both Hellenistic and Roman Egypt (I have added "legal"); Pavlovskaja 1972, 238.

7 Modelled on Athens: P.Oxy XVIII 2177.12–15 (a claim made by the Alexandrians); Lewald 1946, 43. 68 (esp. laws forbidding enslavement of citizens); Wolff 1953, 45–46 n.76; Fraser 1972, I:111; Seidl 1973, 133 n.229.

become full Roman citizens (if not, they became Junian Latins);[8] those slaves of Roman Egyptians manumitted according to long-established Greek ways were deemed to have been informally freed, which made them, in Roman terms, Junian Latins as well.[9] In either case, the (Roman) status of the freed was clear. Some surviving documents seem to have combined language and concepts from both traditions,[10] but a new clause can also appear: the specific freeing from πατρωνικῶν δικαίων, "patronal rights," or from παντὸς τοῦ πατρωνικοῦ δικαίου καὶ ἐξουσίας πάσης, "every patronal right and all power."[11] In the manumission documents of earlier Egypt, such a repudiation had never appeared. Now these patronal rights were conferred automatically by manumission and had to be specifically abjured if one did not want them. Thus in 250 or so years the status of freedpeople in society and the nature of their tie to their former masters had changed perceptibly: they have gone from being unattributed free agents, likely metics or Egyptians, to being firmly fixed on the Roman spectrum of statuses; and from being (apparently) unobligated to their former masters to being subject, automatically, to a constellation of clients' duties.

What if anything had occurred in the years between 30 BC and AD 212? These changes in status and obligation are not merely a consequence of Caracalla's edict but have their origins in earlier Roman Egypt, the clues provided by the *Gnomon* of the *Idios Logos*, a selective compendium of

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[8] Thus formal manumission through *vindicta* is still seen in two (passing) references to "freedmen by *vindicta*," *SB* XX 14710 (οὐινδικτᾶκτος ἀπελεύθ(ερος), redated to AD 266 by Van Minnen 1991), and P.Oxy XL 2937 ([ο]ὐινδικτ[--], AD 268–271); and, by will, in P.Oxy XXVII 2474 (AD 275–299); informal "manumissions among friends" (*inter amicos*/μεταξὺ φίλων) produced Junian Latins, as in M.Chr. 362 (Hermopolis, AD 221), P.Oxy IX 1205 (AD 291), and P.Lips. II 151, all with Scholl 2001, esp. 167; so too did manumission "by letter" (*per epistulam*), M.Chr. 361 (AD 360) and PSI V 452 (fourth century AD).

[9] Probable examples: C.Pap.Lat. 173, a fragmentary statement of manumission drawn up at Oxyrhynchos (AD 241); P.Oxy XLIII 3117.27–35, a brief official record noting a freedwoman (with only Greek name and nickname) for whose freedom a price has been paid (after ca. AD 235). Both are related in form to earlier agoranomic manumissions, in which statements by the manumittor were made to the *agoronomos*.

[10] Scholl 2001, 168; P.Kellis I 48 (fourth century AD) includes the divinities of the earlier Greek manumissions.

[11] In BGU I 96 (Arsinoite nome, third century AD), PSI IX 1040 (Oxyrhynchos, third century AD); P.Oxy IX 1205 (AD 291); and probably noted in a list, SB XVI 12533. Daris 1979, 10 notes that the generic quality of the reference suggests familiarity with the concept.

excerpted Roman regulations designed to be of assistance to a local magistrate acting for the official in charge of that "private account."[12] The *Gnomon* interests itself intensely in the freed, as it does in those it identifies as "city-citizens" (*astoi*/*astai*), a mysterious designation also, like freedmen and freedwomen, not very frequently used in surviving papyri. This combined interest is not, I argue, a mere coincidence. The regulations of the *Gnomon* suggest that the historical development of freedman status and the historical development of the *astoi* were related. For the position of the freed started to change with a larger redefinition of civic- and legal-status groups that began under Augustus, when the Romans realigned and tightened status-boundaries, both directly and indirectly, between what they now saw as three major populations of Roman Egypt (I). The emphasis in the *Gnomon*'s regulations is on Roman citizens, whose privileged legal existence it confirmed, but also on the second population, *astoi* (including Alexandrians), whose status as different and superior to that of the "Egyptians" (the third population) was delineated and strengthened through Roman actions based on Roman models. This strengthening included a closer legal association of the freed with their former masters, specifically among the *astoi* (II), both in terms of civic status and in financial and moral respects. An appreciation of this newly tightened relationship between *astoi* and their freed then permits a re-evaluation of the much-discussed *astikoi nomoi* invoked in a case about a freedman's duties to his former master in P.Oxy. IV 706, fitting the fragment into this larger understanding of the intertwined development of freed and *astoi* status, privilege, and obligation in Roman Egypt.

I. Civic and Legal Status in the *Gnomon*.

The *Gnomon*'s interest in (the property of) freedpeople and *astoi* is marked, but also part of its larger interest in privileged citizen statuses (and to a lesser degree legal statuses) in Roman Egypt.[13] By "citizen" or "civic status" I mean Roman, Alexandrian, the *astoi*; the inhabitants of Paraitonium; "women of Krene" and "of the Islands;" and "foreigners" (*xenoi*) – all appellations that identified a person as a member, or once a member, of an established community (for *xenoi*, and perhaps women of Krene and the islands, an extra-

[12] Uxkull-Gyllenband 1930, 190.

[13] Dietze-Mager 2009, 245 notes that 46 of the 121 regulations in the *Gnomon* pertain to status; Uxkull-Gyllenband 1930, 183–184 argued that the *Gnomon* was chiefly interested in only three subjects: inheritance law, status, and sacral law, with special regulations marking the beginning of each section (§3, §37, §71).

Egyptian one).[14] As will be seen, the highest-ranking among these in the *Gnomon* were Romans, Alexandrians, and *astoi*; all others (with the exception of the Paraitonians) were, it seems, collapsed into the category of "Egyptian" or the even less-privileged one of "foreigner," as the Romans redefined them.[15] (The Roman-law view-from-the-center of provincial populations in general recognized only two groups, Roman citizens and *peregrini*; in Egypt, as the *Gnomon* shows, Roman authorities recognized Romans and were aware of two types of *peregrini*: the *astoi* [including the Alexandrians, see below] and the "Egyptians.")[16] By "legal status" I mean free, freed, or slave. A third type of distinction was recalibrated in Roman Egypt as well, that of differentiated tax-privileges: "fiscal citizenship," as Andrew Monson calls it.[17] In this ladder of gradated tax-brackets Romans and *astoi* (and the slaves of these groups) were again on top, paying no poll-tax, while adult male metropolites (and their slaves) and members of the gymnasial class paid at a discounted rate that varied by location, but was almost always less than what other

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[14] For Romans, Alexandrians, and *astoi*/*astai*, see below nn. 31–32; adding *Latinoi*, Modrzejewski 1989, 255 notes that these are all juridically precise terms. Women from Krene, §§11–12, and from the Islands, §48 (on the possibility that these regulations date to Ptolemaic times, Rathbone 1993, 101); Paraitonians, §57; *xenoi*, §§12–13: all these statuses are presented negatively, as not enjoying inheritance rights or as compromising, through marriage, the inheritance rights of those of better status.

[15] If Paraitonians married *allophyloi* ("men of other tribes") or Egyptians, their children followed the lesser status, which makes Paraitonians better than Egyptians and more like the privileged statuses controlled by the *Gnomon* (Romans, *astoi*), but does not tell us what their status was; see Jördens 1999, 157 n.63 for the debate.

[16] Bickermann 1930, 40–42; Mélèze-Modrzejewski 1980, 65 (*cives Romani, cives peregrini, peregrini Aegyptii*); Montevecchi 1985, 345–346; Modrzejewski 1989, 257–259; Jördens 1999, 146–147 and n.16 (debate over whether the *astos*-category should include only Alexandrians or citizens of all three *poleis*; here she thinks Alexandrians and *astoi* are too different to belong to the same legal category); Legras 2004, 72; Jördens 2012, 249 and 252 (where, if I am reading correctly, she accepts that *astoi* in the *Gnomon* refers to citizens of the four Greek cities *including* Alexandria). Whether the Alexandrians had so many privileges as to make them a different legal status is a debated question on which Mélèze-Modrzejewski and Jördens disagreed; I think it likely that the Alexandrians began as a type of super-rank *astoi*, but that over time their splendid privileges came to define them more than their similarities to *astoi*. Pliny the Younger (see below) did not realize that in Egypt *peregrini* came in two types, which suggests that the sub-division of *peregrini* into *astoi* (or Alexandrians) and "Egyptians" was unusual from the perspective of Roman provincial governance.

[17] Monson 2012, 270; see also Modrzejewski 1989, 259–265.

"Egyptians" were assessed (although some Egyptian priests were also exempted).[18] Civic and legal status constituted much, but not all, of what determined a tax-bracket; among the Egyptians, metropolitans qualified as metropolitans by domicile in the metropolis (the capital of an administrative district) and by proving a metropolitan father and, on the mother's side, a metropolitan grandfather, while gymnasials qualified by proving a (lengthier) gymnasial descent on both father's and mother's side (as a consequence of which no freed were ever admitted to gymnasial status).[19] All of the various types of privileged status were established or attested through Roman-period innovations: (so-called) birth certificates (*aparchai*, better known as "applications to register a child in a privileged order" or "to establish hereditary claims"), ephebic affidavits (*eiscriseis*), status hearings (*epicriseis*), and the census.[20] The prefect himself prosecuted those who introduced unqualified people into the body of Alexandrian citizens (§40). The *idios logos* was, according to the *Gnomon*, to police specific aspects of this Roman regime of status: to enforce the demarcations of the *civic* status of Romans,

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[18] Slaves, see (e.g.) PSI X 1146.11–12, where slaves, "who are registered as their masters are," are exempted (Tebtynis, after AD 138); Straus 1973; Modrzejewski 1989, 276–277; Straus 1988, 881. Romans, Alexandrians, *astoi* of two (later three) Greek cities exempted, Jördens 1999, 147 and n.18, 150–151. 156; Sharp 1999, 219. Metropolites and those *apo tou gymnasiou*, Rathbone 1993, 87 and n.17; Jördens 1999, 164; Van Minnen 2002, esp. 340 n.7; Ruffini 2006; Sánchez Moreno Ellart 2010, 101–104; Broux 2013, 144. Some Egyptian priests, Wallace 1938, 119; Nelson 1979, 60–62; Sánchez Moreno Ellart 2010, 109–110; and a very low (eight-*drachma*) poll-tax appears for an unknown group in the city of Memphis (P.Col. VIII 220). "The Romans . . . made fiscal privileges depend on 'intramarriages' . . . or on (former) ownership in the case of slaves and freedmen," van Minnen 2002, 349.

[19] Van Minnen 2002, 339. 342. 343. 345. 350 n.28; Ruffini 2006, Monson 2012, 266–268; Kruse 2013, 307–309. On the likely necessity of metropolitan domicile, see Modrzejewski 1989, 261. Religious profession offered another type of qualification for a discount (see above n.18); women (who paid no poll-tax) were registered to protect inheritance claims and the status-claims of their children, Modrzejewski 1989, 268. No slave or freed *apo tou gymnasiou*: Nelson 1979, 9. 34.

[20] Sánchez Moreno Ellart 2010, on the larger context of the declarations (see 94 n.8 for their re-naming to include "privileged order"); Kruse 2013, 326–327 notes the creation of an archival system to support these checks on status. The system of declarations controlled the membership of privileged groups, while the census controlled population primarily for the assessment of the poll-tax, which is why even those who did not pay poll-tax had to register in the census, Wallace 1938, 96 and Bagnall and Frier 1994, 27; Monson 2014, argues that a census linked to tax-assessment had also existed under the Ptolemies.

Alexandrians, and *astoi* through flatly forbidding intermarriage, disinheriting children when such marriages occurred, and confiscating property; and to delineate and enforce some of the disabilities of the *legal* status of freedpeople. By the juxtaposition of the *Gnomon*'s treatments of the two types of status it will be possible to see how regulations about freed legal status were linked to, and helped to strengthen, the existence and exclusivity of civic status.[21]

The terminology by which the freed are identified in the *Gnomon* as well as in Roman-era papyri is well-established: *apeleutheros* or *apeleuthera* is by far the most common word used, Roman slaves freed under the age of thirty are called *Latini*, and Roman imperial freedmen can be called *Kaisareioi* as well as *apeleutheroi Kaisaris*.[22] By contrast, what the term *astos* designates was, for a long time, far less clear to scholarship. But a thorough study of the term by Diana Delia in 1991 concluded that *astoi* and *astai* refer to male and female citizens of the three, later four, Greek city-foundations in Egypt: Naukratis, Alexandria, Ptolemais Hermou, and (after AD 130) Antinoopolis, the new city founded by Hadrian and granted the status, institutions, and laws of a Greek city (specifically, in fact, those of Naukratis).[23] As Delia made clear, all Alexandrian citizens were *astoi* and *astai*, but not all *astoi* and *astai*

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[21] An aim of Augustus, Bowman and Rathbone 1992, 114 suggest, in order to nurture a Hellenic group through which the province could become self-administering; "in such a context, social mobility is not a private affair," Vandorpe and Waebens 2010, 432. Jördens 1999, 175–180 rightly questions an intention that only came to fruition 200 years later.

[22] The *Gnomon* uses *Kaisariani* (§109), slave and free retainers of the emperor, and *vicarii* (§110), imperial sub-slaves.

[23] Delia 1991, 14–21. 45–46; Dietze-Mager 2009, 241. 245 (where she notes that "the Paraitonians" are mentioned by name as Paraitonians but citizens of the *poleis* are not, which strengthens the presumption that *astoi* is a collective term for the citizens of the three *poleis*), and 246 (Alexandrians and *astoi* never mentioned together in a regulation); I also found many of the arguments of Uxkull-Gyllenband 1934, 24–26 convincing. The first three cities considerably pre-existed the Roman conquest and their privileges (assemblies, councils, magistracies, tribes and demes, their own laws) were deep-rooted by 30 BC: Jördens 1999, 143–148; Monson 2012, 262–263. The fact that they did not share *all* their laws, which Bickermann 1927, 363 thought ruled out the possibility that *astoi* could refer to inhabitants of all of them (since we do hear of *astikoi nomoi*, see below), does not exclude the possibility that *astos* was a minimum-threshold status, differentiating these people from Egyptians but allowing for other legal distinctions and privileges to be layered over it. For Antinoopolis' dependence on Naukratis, WChr 27.21; for disagreement over how much of Naukratis' law was borrowed, Jördens 1999, 156–157 n.59.

were Alexandrians.[24] *Astoi* as a group had certain common, Egypt-wide privileges, such as exemption from the poll-tax and permission to marry each other without loss of status (even Alexandrian citizenship seems to have been transmitted, in a handful of cases, to children of an Alexandrian father married to an *aste* of one of the Greek cities, or to a Roman citizen),[25] while citizens of individual cities within this group could have different, special privileges, especially the Alexandrians. Alexandrian citizenship was required before a man living in Egypt could achieve Roman citizenship, and the prefect himself presided over the *epicriseis* of Alexandrians (and Romans); Alexandrians also paid reduced land-taxes on their possessions in the *chora* of Egypt and, along with Antinooites, were not liable to local liturgies even if they lived in a country town or village.[26] Alexandrians were punished by being beaten with a straight, long sword (*spatha*) by other Alexandrians; how other *astoi* were punished is not known; Egyptians were whipped.[27] The Antinooites received other privileges: an alimentary system was established for Antinooite children, and Antinooite men were allowed to marry Egyptians without damage to the Antinooite status of their children.[28] Whether these differences between *astoi* outweighed the similarities – whether the Alexandrians constituted a separate civic status – is not clear, and might have

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[24] Dietze-Mager 2007, 85 n.167 identified *astoi* as "citizens of the four poleis in general."

[25] Alexandrians, see Delia 1991, 54 (marriage with *astai* was considered "marriage within their juridical class"); P.Hamb. IV 270 is an example (see below p. 102 and n.51). Roman-citizen mother: P.Tebt. II 316.55 (AD 99). Alexandrian birth-registrations are reconstructed from their summaries embedded in ephebic applications, Sánchez Moreno Ellart 2010, 99–100 (with further references); citizenship in the three other Greek cities was likely also attested through birth-registrations, although Whitehorne 2001, 27 thought only Antinooite citizenship, and birth-registrations, modelled on the Alexandrian. Alexandrian citizenship could also be given as a special privilege, as when Trajan granted Alexandrian citizenship to Pliny's masseur (*Ep*. 10,7); for the handful of other examples (not gifts from Roman emperors), Delia 1991, 29.

[26] Alexandrians, Delia 1991, 30–32; Jördens 1999, 149–150 (privileged access to Roman citizenship, and the right to *epicrisis* in front of the prefect himself, attested by *Gnomon* §40); 155; Dietze-Mager 2007, 39; Jördens 2012, 252–253. Antinoopolites: Delia 1991, 33–34, Jördens 1999, 156. 158–160 (other privileges as well); Naukratis and Ptolemais Hermiou, Delia 1991, 32–33.

[27] Philo, *Flacc*. 78 (Alexandrians beaten with *spathai* by *spathephoroi* Alexandrians, Egyptians whipped, *mastizesthai*).

[28] Privileges for Antinoopolites, listed Zahrnt 1988, 690–698, Jördens 1999, 158–160, and Jördens 2012, 253–254; *epigamia* with Egyptians, W.Chr. 27.17–24.

changed over time.[29] Alexandrians emphasized their exclusiveness whenever they could, and Roman officials treated them with exceptional honor; but the *Gnomon*'s major emphasis is on *astoi*, not Alexandrians, suggesting that the official Roman view, expressed in a tralatician document that was added to over time, lumped rather than split the two, even while allowing the Alexandrians extensive special treatment.[30]

In the *Gnomon*, the Roman *idios logos* undertook to police the boundaries of these distinctions, as well as of Roman status, by punishing with confiscations those who pretended to hold a status to which they were not entitled (Egyptians claiming their fathers were Romans, claiming Roman status for themselves after a dishonorable discharge from the legions, claiming ephebic status for their sons; Egyptian women calling themselves Romans: §42–44, §53–56). He also, conspicuously, punished those who married outside their allowed citizen group, either by (at least initially) simply forbidding it (Roman men and freedmen of Alexandrians are not to marry Egyptian women, §52 and §49),[31] by demoting in status the children of mixed marriages (§13,

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[29] Arangio-Ruiz 1950, argued that *astos* always meant Alexandrian; Montevecchi 1985, 352 n.20 thought §39, which mentions Romans, *astoi*, and Egyptians (see above n.31), "confirms the equivalence *astos* = Alexandrian" (although I do not follow this logic!). Thus Jördens 1999, 150 notes that, leaving aside the impressive privileges of the Alexandrians, "in other legally significant matters, especially the fiscal ones, the position of the citizens [of Alexandria] was quite close to that of the citizens of the other cities" – but argues (151 n.33) that, because of the different privileges, "we cannot speak of a fundamental legal similarity of all *astoi*." If Alexandrians stressed privileges (as they did), and if possession of privileges became more important over time (as, for example, distinctions between *humiliores* and *honestiores* did throughout the Empire), then similarities with other *astoi* might have come to look less significant.

[30] The preamble to the *Gnomon* refers to an Augustan document, *senatusconsulta*, and decisions by emperors, prefects, and other *idioi logoi* as all contributing; and the document's tralatician character is also made evident by the inclusion of both regulations and adjustments to these regulations (see n.31); Uxkull-Gyllenband 1930, 186 and 190 thought the *Gnomon* was focussed especially on those areas of the law where change had taken place and confusion had ensued. So more emphasis on Alexandrians is not ruled out by the date of the document or the way it was constructed, and we must conclude that the Romans preferred to emphasize the category of *astos* (in which Alexandrians were embedded) as the privileged civic-status category of most interest for the *idios logos*.

[31] In §52 Romans were forbidden to marry Egyptians (although this is through an emendation; Schubart 1920, 86–87 argued that the unemended text merely gave Romans the greatest freedoms of all the groups); in §39, they were merely penalized for, out of ignorance, marrying either an *astos*/*aste*, an Alexandrian, or an

§38, §39, §47), or by reducing their inheritances (§13, §45).[32] *Gnomon* 49, that freedmen of Alexandrians cannot marry Egyptian women, must also imply that free-born Alexandrian *citizens* (a group by definition as or more exclusive than their own freedmen) could not marry Egyptians, although this was possibly a matter for the prefect to enforce, not the *idios logos*.[33] The question whether freedwomen of Alexandrians could legitimately marry Egyptian men produced two different decisions: in *Gnomon* 50, one official confiscated the children's inheritance (on analogy with §49, that such a marriage could not occur), while another (reported in the same regulation) gave the mother's inheritance to the children (on analogy with §47, in which children of *astai* who had married beneath their group were of Egyptian status but allowed to inherit).[34]

Egyptian (the children were to follow the lower status, and this is what we see: in BGU VII 1662 (Ptolemais, AD 182), an *aste* receives a legacy from her Roman-citizen father but most of his property goes to his second, Roman family). The editors of P.Oxy XLII 3014, a fragment of a first-century version of the *Gnomon*, suggest on the basis of their text that the *astois* of §39 was a marginal note that found its way into the text, but this would merely have been (contrary to their suggestion) a clarification of principles already established, not an extension of the principle to a new group. The apparent adjustment (from forbidding to penalizing) reflects the incorporation in the *Gnomon* of both the *lex Minicia* (from before the Social War), which forbade such marriages outright, and an *SC* (promulgated sometime between Augustus and Hadrian) that legitimized some marriages contracted under a misperception of the partner's status, Bagnall 1993; similar flexibility is shown when an *astos* or *aste* married an Egyptian out of ignorance (§§46–47).

[32] Here most of the attention is again on *astoi* and *astai* (with punishments proportional to the distance away from 'hellenized' status, Mélèze-Modrzejewski 1980, 64). In §13, when an *aste* marries a *xenos*, children follow the status of the father and do not inherit from the mother; §38, when an *aste* marries an Egyptian, the children follow the status of the father and inherit from both parents, adjusted in §47 to allowing the children citizenship if the mother was ignorant of his status and both parents had made a declaration of birth; §45, when an *astos* marries an Egyptian, inheritance penalties are levied and the children of a former marriage with an *aste* are favored; §46 allows the child of an *astos* and an Egyptian to take *astos* status if an error (of understanding) can be proved; §48, when *astoi* marry women "from the Islands" it is the same as when they marry Egyptians; see (in general) Vandorpe and Waebens 2010, 422–423.

[33] Schubart 1920, 86; and it is known from other sources that they did not, see the list at Delia 1991, 143–146.

[34] Taubenschlag 1930, 168; the first official, Norbanus, is likely to have been procurator of the *idios logos* in AD 63, Jördens 2007.

On the next page:

Table 1:

Status-Consequences for Children in Same- or Mixed-Status Marriages.

Status of children is marked ‘yes’ in column of parent whose status is preserved in marriage; [yes] means the status is deduced from evidence not in the *Gnomon*; no* or yes* means the relegation to lower status can be changed if one or both parties could prove an error in understanding the status of the other. Bold entries are same-status marriages, which (of course) preserve the status.

	Romans	Alexandri-ans	Alexan-drian freedmen	Alexan-drian freed-women	astoi, astai	Freed of *astoi*	Egyptians
Roman men	[yes]	[yes] (39)			yes (39)		yes (but forbidden, 52) yes (39) no (Roman man, in igno-rance) (46)
Alexandri-ans	[no] (39)	[yes]			[yes]		[yes] (but forbidden?)
Alexan-drian freedmen							[yes] but forbidden, 49
Alexan-drian freed-women							[yes] but forbidden, 50; then [yes] treated as if *astai*, 50
astoi, astai	[no; forbid-den?] no (for	[yes]			[yes]		yes (*astai*) (38); (*astos*) (45); no (*astos*, in ignorance)

	Roman men and women) (39)						(46); no (*astai*, with birth certificate)
freed of *astoi*							[yes] implied by 50 and 38
Egyptians	no (marriage forbidden, 52) no (for Roman men and women) (39) yes (Roman man, in ignorance) (46)	no (forbidden? deduced from 49)	no (forbidden, 49)	no (forbidden, 50; then allowed, 50)	no (*astai*) (38), (*astos*) (45); yes (*astos*, in ignorance) (46); yes* (*astai* with birth certificate) (47)	[no] implied by 50 and 38	[yes]

This way of filling out boxes in the chart about marriage and succession shows one way to proceed through the *Gnomon*: deducing the logic of the system by plotting civic-status categories (and legal-status categories, when we know them) against each other and filling in at least some of the blank boxes. For there is a logic: Romans appear as the most exclusive status, at least initially, while Alexandrians are more exclusive than non-Alexandrian *astoi* and *astai*, although allowed to intermarry with them. Alexandrians have the privileges of *astoi* but cannot marry lower than *astos*-rank and therefore cannot marry Egyptians: they are a super-rank within the *astoi*, at least as the *Gnomon* is written. Both Alexandrians and *astoi* are, each on one occasion, governed by the same regulations as Romans, i.e. conceptually they are twice deemed equivalent to Romans (§59 and §46).[35] Egyptian status is the lowest, and thus the default, category. Distinctions are made between men and women. The conclusions that can be drawn about the various statuses therefore make it likely that the status- and gender-terms used in the *Gnomon* of the *Idios Logos* – Romans (and Latins) are referred to 20 times, Alexandrians five times, and *astoi* or *astai* 12 times – were actually chosen with care; and make it likely that they mean what they say, so that when regulations mention these groups by name, these regulations should therefore apply to Romans, or Latins, or Alexandrians (specifically), or *astoi* (including Alexandrians) *only*. One could therefore reasonably deduce, as I have above, that the specific reference to "freedmen of Alexandrians" in §49 implied that Alexandrian citizens also could not marry Egyptians, and that the freedmen of (the other) *astoi* could marry Egyptians or foreigners, albeit with penalties of the sort imposed upon their former masters and mistresses if they married Egyptians or foreigners. One could also deduce, since these civic statuses exist in a hierarchical relationship with each other, that a privilege enjoyed by *astoi* would certainly be enjoyed by Alexandrians and Romans (who might indeed enjoy a better form of the same privilege), while a restriction placed on *astoi* would not necessarily also apply to Alexandrians and Romans, unless the restriction maintained the advantageous exclusivity of the latter, such as the restrictions on marrying lower than your civic status.[36]

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[35] Dietze-Mager 2009, 246.

[36] These principles combine Delia's 1991, 19 observation that in the *Gnomon* are incorporated laws that were generally applicable throughout Egypt without citing (all) of the exceptions, with, specifically for freedmen, the Roman-law principles identified by Seidl 1973, 133, that no manumittor can bestow upon his freedperson more rights than he himself has, and that Romans did not wish the freed of other statuses to have a better legal position than Roman freed did.

It is more difficult to know whether it is also a logical consequence of the attention the *Gnomon* pays to the language of citizen-status categories that an absence of specific language indicates a regulation with a wider application. Some of the simplest non-status-specific regulations in the *Gnomon* did apply in practice to everyone, such as the requirement that wills had to be public documents (§7) or the requirement to register for the census (§58); penalties for not doing so must have applied to everyone too. Here, the related status-specific regulation about the census (§59) serves to reinforce the universal application of the general regulation: §59 insists that §58 *did* apply to Romans and Alexandrians, and was likely issued in response to a query or situation in which high-status people attempted to claim that they were not bound under a general rule ("Surely I, because I am so important, do not need to . . ."). So non-specific language in this case means everyone, and is later clarified to emphasize that exceptions are not allowed. This interpretive principle seems to apply frequently, but perhaps not in every case, so caution must be exercised.[37] Moreover, the *Gnomon* does not aim at comprehensiveness in any of the areas of law and behavior it touches on (it concerns itself chiefly with the circumstances under which the *idios logos* can confiscate property); some clustering of regulations by topic suggests that a non-specifically worded regulation nested within a series of others assumes actors of

[37] Non-status-specific regulations in the *Gnomon*: §3 (too lacunose to allow a conclusion), §4 (property of an intestate without heirs "falls to the fisc;" applies to all, and the debate is over its origins, Ptolemaic or Roman, see Uxkull-Gyllenband 1930, 194–197 and Riccobono 1950, 113–116), §17 (property left to perform sacrifices "confiscated" when there is no one left to perform sacrifices: could apply to all, see summary of arguments pro and con in Riccobono 1950, 133–134), §36 (property of convicted murderers confiscated; probably applied to all, but not discussed in Riccobono 1950, 169–171), §37 (punishes those who do not obey "the *prostagmata* of the kings or prefects," and should apply to all), §§66–67 (sailing or exporting slaves from Egypt without a permit, selling homeborn slaves for the purpose of export, applies to all, and §§68–69 confirm that it applies to Romans and Egyptian women), §§98–101 (penalty involving contracts and their registration, should apply to all and sometimes strengthened by an edict of prefects, Riccobono 1950, 238–242), §§103–106 (restrictions on loans, should apply to all), §107 (about rearing exposed children: since §41 specifically penalizes Egyptians for doing this, §107 is interpreted as extending this penalty to everyone, Riccobono 1950, 247). But §25 (dowry between older husband and wife) and §28 (inheritances not allowed to older women except under special circumstances) use non-specific language but probably pertained only to Roman women and Roman freedwomen, see next note. Seidl 1973, 27 thought §§1–4, §17, §36, §§58–63, and §70 were certainly directed towards all inhabitants of Egypt.

the same status as in the other regulations in the cluster;[38] and what Egyptians in particular did only concerned the *idios logos* when they attempted to transgress status-boundaries or drag others down by marrying up.[39] The *Gnomon*'s rules focussed especially on Romans, *astoi*, and Alexandrians – on maintaining status and protecting privilege, even from the actions of the privileged themselves. So one can extrapolate or infer, cautiously, between privileged civic statuses, but never be quite sure whether the seemingly general rules applied to the status group of a preceding rule, to all the better statuses (they being the only ones who truly interested the *idios logos*), or to all residents of Egypt.

II. Freedmen and Freedwomen in the *Gnomon*.

These problems of interpretation are particularly pronounced in the matter of the freed, because the *Gnomon*'s regulations that mention the freed – *legal* status – exist as a mix of more general and more specific rules:[40]

(a) those that refer only to "freedmen" or "freedwomen" without specifying their civic status or that of their former owners:

chapter 10:

ὅσα ἐὰν ἀπελ[ε]ύθερος διατάξη\ταί/ τινι οὐκ ὄντι τῆς αὐτῆ τάξεως, ἀναλαμβάνεται.

"If a freedman should by will leave something to someone who is not of the same *taxis*, it is confiscated."

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[38] For example, §§24–33: dowries, inheritances, and testamentary capacities of Romans and especially Roman women (§24, §27, §§29–33) and a Latin woman (§26); §25 and §28 do not specify Roman or Latin, but are so closely associated with the language and topic of their respective preceding and following regulations that it is hard to believe that they were not meant to operate in the same milieu, see Uxkull-Gyllenband 1934, 39–43 and Riccobono 1950, 149–150.

[39] Or in matters of Egyptian priesthoods, §§71–97, which Riccobono 1957, 25 thinks were added in the second century; see Seidl 1973, 15–25.

[40] I omit here §26, §28, and §29, since they reflect Roman laws on inheritance and childlessness (see Riccobono 1950, 152–153, 155) specifically for older Roman citizens (male and female) and Latin freedwomen with or without the *ius trium liberorum*: they have no wider implications for the other populations of Egypt. The privilege of the *ius trium liberorum* was never usurped by non-Romans, see Sijpesteijn 1965, 177–178 and 180. I have treated §49 (Alexandrian freedmen not permitted to marry Egyptians) above (pp. 89 and 91).

chapter 19:

τὰ διατασσόμενα ἀπελευθέροις οὐδέπω ἐσχηκό[σι ν]ο̣μίμην ἀπελευθέρωσιν ἀναλαμβάνεται. νομίμη δέ ἐσ̣τι̣ν̣ [ἀ]π̣ελευθέρωσις, ἐὰν ὁ ἀπελευθερούμενος ὑπὲρ τρίακοντα [ἔ]τ̣[η] ᾖν γε[γ]ο̣νώς.

"That which is left by will to freedmen not yet having had a *nomime* manumission is confiscated. It is a *nomime* manumission if the freedman is over thirty years old."

chapter 20:

δούλῳ ἐν δεσμοῖς γενομένῳ καὶ ὕστερον ἀπελ̣ευθερωθέ̣ντι ἢ καὶ μηδέπω τριάκοντα ἐτῶν γενομένῳ τὰ διᾳ̣τασσόμενα ἀναλαμβ(άνεται).

"That which is left by will to the slave who has been in chains and later freed, or is not yet thirty years old, is confiscated."

chapter 21:

ὁ ἐλευθερωθεὶς ἐντὸς τριάκοντα ἐτῶν καὶ οὐινδίκταν λαμβάνων δι᾽ ἐπαρχος ἴσος ἐστὶν τῷ μετὰ τρι[ά]κοντα ἔτη ἐλευθερωθέντι.

"He who has been freed under thirty years of age and is receiving the *vindicta* (i.e. the rod, in the Roman fashion) by the eparch (prefect) will be equivalent to the one freed over thirty years of age."

(b) those that refer to Roman freedmen or freedwomen, including the Latini:

chapter 16:

ὅσα ἀπελευθέροις ῾Ρωμαίων διατάσσεται ἐπὶ τῷ καὶ εἰς ἐγγόνους αὐτῶν ἐλθεῖν, ἐὰν ἀποδειχθῇ τὰ ἔγγονα μηδέπω γε̣[γο]νότα ὅτε ἡ διάταξις ἐγράφετο, ἐγλιπόντων τῶν λαβόντων ἀνα[λ]αμβάνεται.

"All that is left by will to freedmen of Romans on the condition that it should go to their descendants, if it is shown that the descendants have not yet been born when the will was written, is confiscated, since those taking are omitted."

chapter 22:

τῶν τελευτώντων Λατίνων τὰ ὑπάρχοντα δίδοται τοῖς πά\τ/ρωσι καὶ υἱοῖς αὐτῶν καὶ θυγατράσι καὶ κλη[ρ]ονόμοις, τὰ δὲ διατασσόμενα ὑπὸ μηδέπω ἐσχη\κότων/ νομίμ[η]ν ἐλευθερ\είαν/ ῾Ρωμαῖος [sic] ἀναλαμβάνεται.

"Let the property of Latini who have died be given to (their) patrons and their sons and daughters and heirs; but what is left by will by those who have not yet had a *nomime* (Roman) freedom is confiscated."

ʽΡωμαῖος should probably be ʽΡωμαίων (see p. 113), thus "freedom of the Romans."

(c) those that refer to freedmen or freedwomen of *astoi* or *astai*:

chapter 9:

τ[ο]ὺς ἀπελευ[θ]έρους τῶν ἀστῶν \ἀτέκνους/ καὶ ἀδιαθέτους τελευτῶντας κληρονο[μ]οῦσιν οἱ πάτρωνες ἢ οἱ τούτων υἱοί, ἐὰν ὦσι καὶ ἐπιδικά[ζ]ονται, θυγατέρες δὲ ἢ ἄλλος τι\ς/ οὐ κληρονομήσουσι ἀλλὰ ὁ φίσκος.

"Patrons or their sons, if they exist and lay a claim, will be heirs to freedmen of *astoi* dying without children and without a will; but daughters or anyone else do not inherit, rather the fisc."

chapter 14:

οὐκ ἐξὸν ἀστῷ ἀπελευθέροις διατάσσειν πλέον φ (δραχμῶν) ἢ [μ]ηνιαίων (δραχμῶν) ε.

"It is not permitted for an *astos* to leave by will to freedmen more than 500 (*drachmai*), or (more than) five (*drachmai*) a month."

chapter 15:

οὐκ ἐξὸν ἀπελευθέραις ἀστῶν διατίθεσθαι ὥσπερ οὐ[δ]ὲ ἀσταῖς.

"It is not permitted for freedwomen of *astai*/*astoi* (?) to make wills, just as *astai* are not."

chapter 50:

ἀπελευθέρας ἀστοῦ τε̣τ[εκν]ωμένης ἐξ Αἰγυπτίου Νωρβᾶνος τὰ ὑπάρχοντα ἀνέλαβεν, Ῥοῦφο̣ς [δὲ] τ̣οῖς τέκνοις ἔδωκε.

"Norbanus confiscated the property of a freedwoman of an *astos* who had a child by an Egyptian; Rufus gave it to the children."

When these regulations are interpreted according to the generality or specificity of its language, these are the conclusions that might be drawn and therefore should be tested:

(1) All freedmen making a will had to leave the property to others within their *taxis*.

(2) All freedmen had to be freed *nomime* in order to be able to inherit.
- *nomime* manumission is when the freedman is over thirty years old
- *nomime* manumission is when the freedman has not ever been in chains
- *nomime* manumission can be retroactively bestowed on an under-thirty by the prefect touching him with the rod, in the Roman fashion (*vindicta*)

There were then some more status-specific rules:
- Latins (Roman freedmen not "yet" freed *nomime*) who (attempt to) make wills will have that property confiscated
- Latins (Roman freed not freed *nomime*) who die (presumably without a will): their property goes to patrons, sons, daughters, and heirs
- Romans cannot leave property to non-existent offspring of their freedmen
- freedwomen of *astai* (as well as *astai*) cannot make valid wills
- childless and intestate freedmen of *astoi*: their property goes to patrons and sons only
- *astoi* cannot leave more than a certain amount to their freedmen

Four general points emerge from these regulations, regulations that all involve property, an object of great interest to the *idios logos* whose punishments are usually levied in the form of confiscations. Thus the property of a freedman (if passed through a will) must stay within the *taxis*; upon a freed person's intestate death such property stays within the family of the manumittor, adjusted in its details by civic-status group; freedmen must be freed "legally" (*nomime*) in order to be able to pass on property through a will or receive property by will; and the use of the word "patron" for an *astos* with a freedman has significant implications about the relationship between the two. The first two hypotheses will be treated together, since they are (as will be seen) related, and the conclusions drawn from their study will then be applied to explicate the third and fourth points.

(a.) Bequeathing within the *taxis* and other financial controls on the freed.

What *taxis* means is not clear from the context.[41] Elsewhere in the *Gnomon* the word can be understood as signifying "classification," as in §83 and §96, where *pastophoroi* are allowed to "aim at private *taxeis*" but a "*hieratike* (priestly) *taxis*" is not to be taken by private persons: such *taxeis* were not specific jobs but categorizable classifications on a wider scale, perhaps of rank or privilege, and (in other examples in the papyri) usually with tax consequences.[42] Similarly 'classifying' was the act of identifying or registering a slave as homeborn, as in *Gnomon* 67, where punishments threatened those who made homeborn slaves into a different sort of slave either by *tassontes* "classifying" them or by selling them. Being in a *taxis* therefore seems to mean "put into a category," with the basis of the category quite different in different cases.

In other texts, *taxis* often seems to be synonymous with *tagma*, especially when both refer to classifications of soldiers in the army as, e.g., assigned to "units." Both terms can also refer to the group (the equivalent of a Roman *ordo*, some suggest)[43] of the gymnasials (SB V 8038.4, 6–7; P.Ryl II 102.33), which was based on verified descent leading back to the "*taxis* of those examined" (ἐν τάξει τῶν . . . ἐπ̣ικεκριμένων) of AD 72–73 (P.Oxy X 1266). Within the *Gnomon*, *tagma* is used to refer to *to Aegyptikon tagma*, the "Egyptian classification" to which an Egyptian must return if he has served in the legions without first revealing that he was an Egyptian rather than an *astos* or a Roman citizen (§55). This is a distinction based on civic status, of

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41 It has been interpreted as "définies par la nationalité" (Reinach 1920, 61); "*eiusdem condicionis*" (Uxkull-Gyllenband 1934, 21), by which he meant only freedmen of the civic group into which a freedman had been manumitted; other positions surveyed by Riccobono 1950, 124–126.

42 A *taxis* "of *eisagogeus*" (Philo *Flacc*. 131) may simply refer to a single job ("an appointment as *eisagogeus*"), but mostly the word refers to sets of people. Thus we have the "katoikic *taxis*" (e.g., BGU II 379 of AD 67); the "*taxis* of the deceased" (e.g., P.Oxy II 262 of AD 61); a *taxis* "of priests" and another "of prophets," πατρικ[[ῆ]] τάξει προφητείας (for which both groups underwent *epikrisis* (P.Tebt II 291 ll.18, 32 of AD 161–162); a *taxis* "of apprentices" (SB XXIV 16186 of AD 70); and then later a *taxis* "of the similarly aged" (e.g., P.Oxy XLVI 3296 of AD 285).

43 Modrzejewski 1989, 272, pointing to *tagma*'s translation of *ordo* in RG 35.10. As van Minnen 2002, 347 notes, over the first century AD, such people went from being "member(s) of the gymnasium" to "member(s) of the gymnasial order."

course, here the lowest one. *Taxis* is also what three sons of a serving soldier are declared to share in P.Catt. V.17 = MChr. 372 V.17 (after AD 142). In this excerpt from a judicial hearing, an Alexandrian citizen with an Alexandrian citizen wife became a Roman soldier and subsequently came before the prefect, asking for Alexandrian citizenship status (*politeia*) for one of his sons. When asked when this son (as well as the other two) was born, and upon being told that all were born while the father was a serving soldier, the prefect decreed none of the sons legitimate and none (therefore) a citizen. "Know that they [the other two boys] are in the same *taxis* as this one", he concluded; "there are things cannot be changed." *Taxis* again is a classification,[44] here based on exclusion from political rights, as the Egyptian soldier returned to the Egyptian *tagma* was excluded from Roman citizenship and re-classified. If *taxis* and *tagma* indicate the same concept, then they both refer to groups constructed by the act of classification – rather than, for example, established by birth, for which the *Gnomon* uses words like *genos* and compounds of *-phylos*.[45] So a *taxis* of freedmen could simply refer to those freed and classified as freedmen, i.e. a "legal-status" *taxis*. But would it not be odd if a freedman could leave property through a will only to other freedmen, while if intestate, his former master and former master's family could inherit? Is it not highly unlikely that a freedman would be prevented from bequeathing property to his former master? It therefore seems much more plausible that, on

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[44] Meyer 1903, 84 n.2 translates *taxis* here as *condicio* (which I have called "legal status").

[45] So children and *sungenesei*, as long as they are *tou autou genous*, may inherit from intestate soldiers (§35); children of Romans and *astoi*/*astai* or Egyptians are to follow *hettoni genei*, "the lesser *genos*" (§39), adjusted in §46 to follow *to patriko genei* "the paternal *genos*" if the cross-status marriage occurred out of ignorance; the same phrasing (*hettoni genei*) occurs in §57, about children of Paraitonians married to *allophyloi* or Egyptians. In §67, *to metrikon genos* of slaves is not to be investigated (§67); in §77, *propheteiai* are preserved for the *genos*. In all of these cases the idea of blood-line seems strong, existing independently of any classification that might be based on it, as is true too in the cases of *to metropolitikon genos* (*SB* V 8038.5–6) in declarations to qualify a child for privileged status. The use of *taxis* and *tagma* for metropolitan and gymnasial status therefore stresses that it is the process of classification rather than the basis of classification (the *genos*) that creates the group (*contra* Modrzejewski 1989, 271–273, who thought that *genos* and *tagma* were used as synonyms in this context). *Allophyloi* seem even more "foreign" than Egyptians from whom they are distinguished in §57, while *homophyloi* are children who can inherit from intestate soldiers (§34) or, as a category, those who can inherit up to one-third from *galli* and "the impotents" (*sathroi*) in §112.

analogy with "the Egyptian *tagma*," *taxis* in *Gnomon* 10 refers to a group to which both freedmen and their masters belonged after the former's manumission, rather than to all freedmen across all civic statuses: in other words, that *taxis* refers to a constructed civic-status group.[46] And if the connection of *taxis* and *tagma* to tax-status is also significant, then this too would make *taxis* of *Gnomon* 10 the civic-status group rather than the legal-status group, since taxes were assessed (in broad terms) by the first rather than the second.[47]

That freedpeople in Roman Egypt passed upon manumission into the civic-status group of their masters is therefore strongly implied by *Gnomon* 10; it is also demonstrable from other sources. At the two ends of the Egyptian social spectrum, the freed clearly did pass into the civic status of the master: legitimately freed Roman slaves became Roman citizens (and those freed non-*nomime* became *Latini*, i.e. Junian Latins, also a type of Roman status, albeit one burdened with disabilities),[48] and the freed of Egyptians became Egyptians. This last Pliny's correspondence with Trajan about his masseur

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[46] Biezunska-Malowist 1966, 433 also notes that freedmen in Greco-Roman Egypt did not form "un groupe social distinct," which reinforces the idea that *taxis* cannot refer to freedmen *per se*. Duff 1928, 234 n.1 and Uxkull-Gyllenband 1934, 21 floated the possibility that §10 was just a continuation of §9, and therefore might only have applied to *astoi*.

[47] See above n.18; and cf. "[T]he Gnomon also seems to operate on the assumption that the Roman practice that a freedman take his ex-master's status was generally valid throughout Egypt," Bowman and Rathbone 1992, 113; this point assumed but not argued, also, by Pavlovskaja 1972, 238.

[48] Junian Latins "formed a legally recognized class of free citizens," Koops 2014, 116, who details also their legal disabilities; Sherwin-White 1973, 300 called them "under-privileged half-citizens." Generally most scholars do not see Latin status as type of Roman citizenship, instead seeing Roman citizenship as an absolute and complete state, and relying on Gaius 3,56, who claimed that Junian Latins did not become citizens, *non essent cives Romani*. But Gaius also claims that Junian Latins did not enjoy *commercium* since this was proper to Roman citizens (1,119) – but they did (Sirks 1983, 212. 223. 227–229; Lopez Barja de Quiroga 1998, 143); and formally freed Roman slaves became Roman citizens, although they were not allowed to stand for office (and thus did not enjoy "complete" citizenship). This is a complex issue of definition and nomenclature. Important here is only that Junian Latins, like formally manumitted Roman freedmen, were on a *Roman* spectrum of statuses ("a Roman civil status," Sirks 1983, 268) in which complete and politically active Roman citizenship was at the top; and that both of the freed statuses were a type of "intermediate step" to "full" Roman citizenship (Lopez Barja de Quiroga 1998, 160). Roman veterans in Egypt provide a type of parallel: their privileges may not have been as complete as those of Roman citizens (see Dietze-Mager 2007, 103–111), but they were considered as possessing Roman citizenship.

Harpocras shows. Harpocras' mistress had been an Egyptian, Thermouthis daughter of Theon (Pliny refers to her as a *peregrina*, the Roman-law category for non-Roman citizens, *Ep*. 10,5,1), and Harpocras was a free Egyptian when Pliny asked that Trajan give Harpocras Roman citizenship: his was a *peregrina condicio, manumissus a peregrina* (*Ep*. 10,5,2), an *Aegyptius* (*Ep*. 10,6,1). Pliny did not know then, as he himself confessed, that there were differences between "Egyptians and other *peregrini*" (*quia inter Aegyptios ceterosque peregrinos nihil interesse credebam*, 10,6,2), i.e. that the category of *peregrini* in Egypt actually had two subdivisions and that *astoi* and Alexandrians were privileged *peregrini*. "More experienced people" subsequently told him that Harpocras should have been given Alexandrian citizenship before Roman citizenship, a much-discussed observation,[49] but at least the correspondence makes clear that the freed of Egyptians without a doubt became Egyptians. Moreover, where some fiscally privileged Egyptians were concerned – the metropolites – their freed took on their status as well. P.Bingen 105 (of AD 201–202) shows a free man and his freedwoman wife, in presenting the claim to metropolite status of their son, listing both the master of the freedwoman by name and a former master in the descent-line of the father in place of (grand)"father"; they also give an attestation of domicile in a neighborhood, and thereby petitioned to qualify as (Egyptian) metropolites.[50]

But what status did the freed of *astoi*, and the freed of Alexandrians among the *astoi*, take up? The women seem to have become *astai* themselves: in P.Hamb. IV 270 (second or third century AD), a woman petitioning for a named guardian (himself a three-generation Alexandrian citizen) refers to herself as "Alexandra, of Anmonios son of Diogenes the *aste apeleuthera*," and *aste* here should indicate female Alexandrian (because elsewhere too female Alexandrian citizens are only identified as *astai*, and are the only women who have Alexandrian-citizen *kurioi*).[51] These freedwomen seem to

[49] See, e.g., the discussions of Delia 1991, 39–45 and Dietze-Mager 2007, both with further references.

[50] See Jördens 2000, Broux 2013, 145; for other examples of freed descent not hampering a child's registration as a metropolite, see P.Oxy III 478 = W.Chr. 218 of AD 132: Dionysous, freedwoman of Dionysia (herself the daughter of a metropolite) and married to a (now-deceased) metropolite, petitions to register their son among the metropolites; P.Ryl II 103 (Arsinoite nome, AD 134), grandfather on the mother's side was a slave of a metropolite.

[51] *Astai* as a term including Alexandrian-citizen women, but not limited to them, Delia 1991, 15–17 (and the Alexandrian relevance decisively shown by P.Oxy. III 477 = W.Chr. 144 [AD 132–133], wife-sister to an Alexandrian citizen called an *aste*); with Alexandrian guardians, Delia 1991, 16: the "citizen status of guardians

have the same capacities (and incapacities) as their free female counterparts. *Astai* and freedwomen of *astai*/*astoi* could both marry *astoi* (including Alexandrian citizens) and have their children accepted as *astoi* (as well as Alexandrian citizens); *astai* and freedwomen of *astai* both needed a *kurios*; neither *astai* nor freedwomen of *astai*/*astoi* were allowed to make wills (§15).[52] So freedwomen of *astai/astoi* became *astai*, and if married to men of like status produced *astos* (citizen) children.

Freedmen of *astoi*, on the other hand, may have been both constrained as their masters were and burdened with restrictions with which their masters were not afflicted. So *astoi* could not marry Egyptian women without penalty (§§45–46), and the freedmen of Alexandrians were simply and forthrightly forbidden to marry Egyptians (§49): one deduces, filling in the other two squares in a four-square box, that Alexandrian citizens were likewise forbidden to marry Egyptians and that the freedmen of (the other) *astoi* would be

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implies like status of their wards," with seventeen examples. Arangio-Ruiz 1950, 13 identifies Alexandrian *astai* through Alexandrian-citizen guardians as well, although it is possible that the wife of P.Hamb IV 270 was a freedwoman of an *astos* of a different Greek city, since the former master is not identified with *phyle* or deme. On the other hand, nomenclature is not always a perfect indicator: in SB IV 7393 (after AD 161), Neike (married to one of the 6475 of the Arsinoite nome), is identified as the *apeleuthera* of [Phanios, son of] Phanios, son of Alexandros, the last with *phyle* and deme – but although freed from an Alexandrian-citizen family she is not called an *aste*; in BGU IV 1050 = MChr. 286 (Abusir el-Melek, Augustan) Isidora, whose brother-guardian and husband were both Alexandrian citizens, is not identified as an *aste*. In each case, the status of others in the document "may account for the scribe's failure to designate [the woman's] status," Delia 1991, 21 n.68.

[52] *Astai* of the other cities, Delia 1991, 76; freedwoman, SB XIV 11388 (ἀπε̣[λευθέρα κ]ᾳ̣ὶ γυ̣[ν]ὴ), with an Alexandrian citizen *kurios*, at the *epicrisis* of her son (Fayum, late second century AD), and P.Hamb. I 14 (Arsinoe, ca. AD 209–210), Alexandrian citizen acts as *kurios* for his wife, a freedwoman of an Antinooite. On the necessity of a *kurios* for *astai* but not (at least initially in Roman Egypt) for Egyptian women, see Préaux 1959, 139–147, Vandorpe and Waebens 2010, 417. 419. That Alexandrian *astai* were not allowed to make wills is confirmed by BGU IV 1034 (Krokodilopolis; AD 197), in which an Alexandrian-citizen man and his *aste* sister register land that has come to them "from the inheritance [κλη(ρονομίας)] of our mother," also an Alexandrian *aste*. Since inheritances can pass without wills (*Gnomon* 9: the ἀδιαθέτους . . . κληρονο[μ]οῦσιν οἱ πάτρωνες), this language is in fact perfectly correct and the Alexandrian-*aste* restriction is confirmed. That no *astai* made wills is also suggested by the list of testatrixes in surviving wills of the Roman period provided by Taubenschlag 1955, 201 n.2: they are all "Egyptians" or Roman citizens.

penalized as their masters were if they did so. So *astoi* and their freedmen likely shared a restriction. Additionally, however, P.Oxy. XXII 2349 suggests that the political capacities of a freedman of an Alexandrian were not as great as those of his master. C. Julius Satornilus, before he became a legionary and when he was merely an Alexandrian citizen known as Ptolemy son of Ptolemy, of the Phylaxithalassian tribe and the Althean deme, freed a slave who was subsequently known as "Dionysius, also known as Theopompus." Since the freedman is not named with a phyle and a deme, in contrast to his master in the same papyrus, and since tribe and deme were how adult male Alexandrian citizens were identified,[53] Dionysius most likely did not enjoy "full" Alexandrian citizenship. What civic category would he have entered? *Astos*, as Alexandrian male children under the age of fourteen – before they were enrolled in a deme and became politically active citizens – were known?[54] Whatever category mixed-marriage children of the Ptolemaic period, who became Alexandrians of an "inferior" status, fell into?[55] Strangers? For in a hearing already mentioned above (p. 100), a son born to two married Alexandrians after the father became a Roman soldier (and thus lost the capacity to be legitimately married) was decreed by the prefect to be ὀθνεῖος "a stranger," and not eligible for the *politeia* of the Alexandrians; he was not to be one of the *poleitai* (P.Catt. V 10, 26 = M.Chr. 372 V 10, 26; after AD 142).[56] In the same papyrus – which carefully collects cases involving status and inheritance for Roman parents, Alexandrian parents, and *astos* parents, reinforcing the conclusion above that Alexandrians and *astoi* could be distinguished but were still among the privileged in some important matters[57] – the mother of a child who was born to two married "citizens" (*astos*/*aste*) when the father was a serving soldier wishes the fact that a birth-registration had not been made to be set aside, since the father acknowledged the child as his son in the will by making him his heir.[58] "Martialis could not

[53] Delia 1991, 23.

[54] Delia 1991, 28.

[55] Fraser 1972, I:48–49; quotation, Vandorpe and Waebens 2010, 422.

[56] The case was thus judged on both Roman law (which determined that a serving Roman soldier could not be a participant in any legitimate marriage) and, probably, Alexandrian law (which did not grant *politeia* to illegitimate children, Taubenschlag 1951, 122).

[57] See Uxkull-Gyllenband 1934, 25–26.

[58] P.Catt. IV 6–9 = M.Chr. 372 IV 6–9: περὶ οὗ ἐντυγχάνει ἀξιοῦσαν ε[[ντ]]ὶ ἠμελήθη ἀπαρχὴν αὐ[τ]οῦ ἀποτεθῆναι, ὅτι δὲ υἱός ἐστιν ἐκείν[ο]υ ἐγ διαθήκης ἣν ἔγραψε φανερὸν ε[ἶ]ναι, "about whom [sc. the son] she requested that his birth-certificate if unfiled [i.e. the fact that the birth-certificate had not been filed] should be set

have a *nomimos* (legal) son," said the prefect in response, "but he named him as his heir *nomimōs* (legally)." The boy's status could not be changed; yet he could inherit, although not as intestate heir. If both parents had filed an acceptable birth-registration, thought the mother, the boy's status (and *politeia*) might have been preserved, as the *Gnomon* allowed in cases where an *aste* had married an Egyptian thinking him an *astos* and both had filed an *aparche* or birth-registration (§47); but under the circumstances, because the man was a serving soldier, the child was instead considered illegitimate but either τῷ ὁμοφύλῳ (§34) or τοῦ αὐτοῦ γένους (§35), both descriptors of people who were allowed to inherit from Roman soldiers. What the son's ultimate civic status was we do not know, except that it was not that of legitimate *astos* with *politeia*, political rights with the right of automatic inheritance upon intestacy. What these parallels suggest is that, although we cannot be absolutely certain what the civic status of freedmen (of Alexandrians or other *astoi*) was, it was likely that of *astos* without political rights.[59] Freedwomen of *astai* are equated to *astai* in the *Gnomon*, while freedmen of Alexandrians are by implication distinguished from Alexandrians, but are not Egyptians. Freedmen of Romans (as well as *Latini*) are distinguished from Romans as well, and in this case we know that the basic civic-status category was the same. So the freedmen of *astoi* (including Alexandrians) probably entered the basic civic-status category of *astoi* (with its marriage restrictions) while suffering, like Latins, from some additional political disabilities. That freedmen would be deprived of (at least some aspects of) *politeia* in the few cities of Roman Egypt where citizenship actually mattered does not surprise, since Roman freedmen lacked some political capacities as well.[60]

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aside, because it was clear that he was his [the father's] son from the will that he [the father] wrote . . . ." M.Chr. thought the *aparche* the inheritance-tax, but *aparche* refers to a birth-registration, see Arangio-Ruiz 1950, 14 and Sánchez-Moreno Ellart 2010, 99, so the woman here is arguing that rectification of an earlier oversight will solve a problem, when in fact one problem (the father was a serving soldier) was both insoluble (he could not father a legitimate son under any circumstances) and no problem at all (he was allowed to make him heir in a will).

59 Certainly Alexandrian freedmen were not Egyptian, the next category down, since they were forbidden to marry Egyptian women (§49). Political rights would have included standing for office, e.g. one of the four Alexandrian magistracies or the *archontes* of the Greek cities, described by Bowman and Rathbone 1992, 116–117. 119–120 and Dietze-Mager 2009, 238–239.

60 That there could be additional minute gradations of privilege even within Roman citizenship is further implied, according to Dietze-Mager 2007, 84–85, by the

Gnomon 10 thus confirms that all freedpeople joined the fundamental civic status of their former masters, while other evidence suggests that some political disabilities were imposed on the freedmen of Alexandrians and *astoi* as they were on Roman freedmen (of both the full-citizen and Junian-Latin types). The *Gnomon*'s strictures on testation and inheritance build on this fundamental principle, since succession *to* intestate freedmen's property *within* the family differs by civic status. Thus the regulations designate *astoi*-masters and their sons as heirs to freedmen dying childless and intestate, and contrast the more limited property rights and succession claims of *astai* (who are not included in the succession to a freedman of the family and cannot make wills) with the generally more robust position of Roman women in these regards.[61] Bestowing inheritances *upon* the freed also differs by civic status: even when the manumission was "legal," Romans were constrained by the specifics of two laws at Rome (on the number of children a free woman and a freedwoman had to have to inherit, and forbidding the inclusion of persons who do not yet exist in the line of succession),[62] while *astoi* were simply forbidden to give very much money by will to their freedmen (no more than

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separation of Roman veterans, Roman citizens, and Roman freed persons at the *epicrisis*, and demonstrated by differences between the rights of different types of Roman veterans, 2007, 103–111. Although usually *politeia* seems to refer to the active and thus male aspect of citizenship, in P.Oxy XVIII 2199 (AD 117–138) it refers to the citizenship of a woman (whose *aparche* is sought), in the context of inheriting from a Roman citizen.

[61] *Astoi* and sons, §9*; astai*, §15 (no wills) and §9 (do not inherit from a freedman), while daughters of Roman *patroni* can inherit from freedmen (§22) and can, with some limits, inherit and bequeath (§28, §§30–31, §33). Rowlandson and Harker 2004, 81 consider these restrictions on the capacities of women (whom they thought were Alexandrians only) part of the pre-existing Alexandrian law, and attributable to the influence of Athenian law; Wolff 2002, 46 n.47 also thought it possible that these laws predated Roman conquest. By being taken into the *Gnomon*, however, they must be compatible with Roman intentions on these legal capacities. Duff 1928, 235 seems to think that one non-specifically phrased regulation about the competence of women to inherit (§28) was about *all* women over fifty (free and freed: neither allowed to inherit) and *all* women under fifty (freeborn women with three children and freeborn women with four were allowed to inherit). But since these were known to be Roman provisions, since §28 falls between §26 (about a Latin woman), §27 (about a Roman man) and §29 (about a woman born Roman), and since non-Roman women appear never to have enjoyed this right (above n.40), this is to my mind less likely.

[62] Children, §28 (see above nn. 31 and 40); no *incertae personae*, §16 (Gaius 2,238, with Riccobono 1950, 130–133).

500 *drachmai*, or (more than) five *drachmai* a month, §14).[63] This again redirected property back into the family, but clearly the rules for *astoi* were tighter than for Romans and attempted to concentrate property and family in ways the rules for Romans and their freed (at least as seen in the *Gnomon*) did not. The two inheritance rules in the *Gnomon* pertaining specifically to Alexandrians (§§5–6) do not mention the freed, but do grant special privileges: one allows property bequeathed by Alexandrians to those ineligible to receive it to be reclaimed by those who can legally inherit (rather than have it confiscated), and the other allows only a restricted amount of property to be bequeathed to a wife. These regulations again concentrate property within the family, as was the point of regulations about the *astoi*, but made such a concentration even easier at law.[64] These ways of directing the inheritance of property aimed to strengthen family (and thus civic-status) wealth for all three privileged groups, but did so through allowing more flexibility and freedom from interference (from the *idios logos*) to the highest statuses (Roman and, in two matters, Alexandrian) than to the *astoi* (including the Alexandrians) in general. It was in this indirect way that these rules about freed and property aimed to strengthen and delineate civic status, especially (because of the attention given to it) to the *astoi* status-group; the direct way, of course, penalized intermarriage between groups. In sum, the freed passed into the civic-status group of their masters but with political restrictions on freedmen; their property, according to the stipulation of the *Gnomon*, was to remain within that civic status group and indeed, often within the manumittor's family itself (with restrictions on the capacities of women to inherit); and the distinctions between groups were emphasized.

This attribution of freedmen to the differing civic status of their masters

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[63] Taubenschlag 1930, 169 thought that BGU IV 1155 = M.Chr. 67 of 10 BC (from Alexandria), in which Martha, freedwoman of Protarchos son of Polemon (likely *astos*, possibly Alexandrian, from the provenance of the cache of documents), has received as her inheritance (at least) 100 silver *drachmai*, proved that *Gnomon* 14 was not always observed; but the amount is (obviously) less than the 500 dr. the *Gnomon* allows, and the *Gnomon* is (moreover) careful about its gender terms: §14 refers to freedmen, not freedmen and freedwomen.

[64] Bowman and Rathbone 1992, 115; §5 refers to heirs "according to the laws," which are likely the laws about legitimate heirs as defined in older Alexandrian law (Riccobono 1950, 117 n.2); Wolff 2002, 46 also thinks it likely that §§5–6 reflect older Alexandrian law. Even if true, however, they are reaffirmed and endorsed by the ruling power by being included in the *Gnomon* and should be understood as compatible with Roman intentions also. Rowlandson and Harker 2004, 83 note the emphasis of the laws on the maintenance of status boundaries.

(and the control of their wealth) is surely part of the Augustan re-formation of the poll-tax and re-formulation of civic status groups (Romans; *astoi*, including Alexandrians; Egyptians, with its subsets of metropolitans and gymnasials) whose major privilege was, for many of them, their (lack of) liability to the poll-tax.[65] This matching of the freed to their masters' status was a practice later introduced elsewhere by the Romans as well.[66] Indeed, it may have been the construction of these new civic groups in place of the old ones in Egypt that simultaneously and *for the first time* posed the question of what (if any) civic status the freed were to have: it may have been the takeover of Egypt that provided the opportunity to formulate and implement a Roman decision, subsequently seen elsewhere but not everywhere, about the civic status to which peregrine freed persons were to belong.[67] Moreover, in Egypt this decision was also significant because it likely imposed a change on existing practice, since – as noted at the beginning – the status of the freed under the Ptolemies was likely metic or Egyptian. Now they and, at the higher ranks, their property were to follow their masters, in accordance with a model that was Roman rather than Greek, brought to Egypt as part of Augustus' "cargo of *eunomia* and abundance" (in the words of a poet: P.Lond. 256,

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[65] Augustan reformulation of poll-tax and status groups: Modrzejewski 1989, 242; Bowman and Rathbone 1992, 109. 112–113. 116 (Alexandrian citizenship broadly re-conceived as like Roman citizenship); Rathbone 1993, 86–87. 88. 96. 110–111; Monson 2012, 265; Jördens 2012, 249 ("radical reordering of all the social structures"). Alexandrians had also been tax-exempt in the Ptolemaic period, Rathbone 1993, 93. 96, although Monson 2012, 265 suggests that they were liable initially.

[66] It is seen in the Flavian municipal law from Spain, where citizens of the *municipium* (e.g. Irni) with Latin rights produce Latin-rights freedpeople (§28), see Pavis d'Escurac 1981, 187–188 and Giménez-Candela 1989, 220–223. The non-mention of the *incolae* (local non-Latin inhabitants) in this law implies that their freed remain *incolae*, just as the freed of Egyptians remained Egyptians, the lowest and default category.

[67] Giving the freed a clear status identified as a necessity by Pavlovskaja 1972, 238; as Bowman 2001, 18 noted, "the appreciable number of Roman citizens in Egypt [in the time of Augustus] and the complex of other status distinctions introduced by the Romans will have meant that Roman law played a role which cannot have been merely superficial." Since the poll-tax collected by the Romans was in place before 24 BC (Bagnall and Frier 1994, 3), the reorganization of Egyptian status-groups and the attribution of the freed to their masters' groups must have preceded the *lex Junia* (17 BC?) and *lex Aelia Sentia* (4 BC) at Rome, which for the first time decreed status-distinctions between freed persons on the basis of the (Roman) ways they were manumitted.

AD 5–15).[68]

How freedmen in Egypt were to fit into the *taxis* of their masters was not always perfectly clear to, or perhaps entirely desired by, those involved. In AD 41 the emperor Claudius wrote to the Alexandrians (P.Lond. VI 1912.53–57) that "to all those who have been registered as ephebes up to the time of my Principate I guarantee and confirm their Alexandrian citizenship . . . with the exception of any who, though born of slaves, have made their way into your ephebate." Participation in the ephebate was a privilege of Alexandrian status (rather than, as once thought, a prerequisite for Alexandrian citizenship), marking boys' "first steps towards . . . their full enjoyment of their rights and responsibilities as citizens"[69] – but not, it seems, for the freed in the first century AD, who were to be allowed (as argued above) no Alexandrian political rights, responsibilities, or privileges. To have come so close to full citizen status, however – so close that some participated in the *ephebeia* and had to be rooted out and punished by imperial edict – suggests that some Alexandrian freedmen thought they were so entitled: there was enough uncertainty (and enough improvement upon their former situation) that they could have thought that upon manumission they were citizens in a plumper rather than leaner sense of the civic status. But these freed males were neither to have full *politeia* nor to suggest that they were entitled to it from any participation in the ephebate. And for their presumptuous overreach in the years before AD 41, these specific freedmen were stripped of their citizenship.[70] Confusion of this sort suggests that rules had recently changed, rules whose

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[68] See Bryen 2012, 803, who quotes this poem.

[69] See discussion at Delia 1991, 73–75; quotation, Whitehorne 2001, 25. Older literature considered gymnasium admission a "necessary precondition for [Alexandrian] citizenship," see Goudriaan 1992, 91.

[70] Note that these people are not punished as Egyptians enrolling their sons in the ephebate would be, which shows again that in the Roman period, Alexandrian freedmen were not considered Egyptian. Egyptians attempting to enroll their sons in the ephebate were, according to *Gnomon* 44, to have one-fourth of their property, and of their son's property, confiscated (Whitehorne 1982, 175 interprets this stricture as referring specifically to Egyptian attempts to enroll sons in the *Alexandrian* ephebate). Egyptians of course have no civic status that can be taken away. The freedwoman listed as the mother of an Alexandrian-citizen boy (SB XIV 11388, above n.52) in the late second century AD must therefore have been first freed (by an *astos* or Alexandrian), making her an *aste*, then married by an Alexandrian citizen (as we know was the case); only at the end of this sequence did she bear her son.

implications needed to be clarified and internalized.[71] It took time for people to learn the details and demarcations of the new status groups, just as it took time for people to abandon old – Ptolemaic – status-designations.[72]

(b.) *Nomime* manumission.

The first two general points taken from the regulations about freedpeople in the *Gnomon* – that property of the freed stayed within the *taxis* and indeed upon intestacy within the family of the manumittor, adjusted in its details by civic-status group – thus reflected an Augustan-period change in the post-manumission civic status of the freed and a possible motive, the financial strengthening of the families and civic groups into which they were freed, for some of the details of this new status. If attempts to direct property did not follow these general principles or status-specific requirements, the *idios logos* seized it.[73] The questions now – the third and fourth questions – are whether changes in the age at manumission, and in the masters' control over the freed, were also decreed for all or only some slaves by the *Gnomon*'s regulations about *nomime* manumission and inheritance, and if so, for whom (§§19–22, §9).

The language of the *Gnomon* in three of these provisions, §§19–21, is simple and not status-specific and therefore allows the possibility of wider application to be considered.[74] To be sure, these provisions originated in laws

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[71] Possible repercussions of Claudius' ruling include dedications made in AD 60–61 by the ephebic class of AD 41–42 (Whitehorne 1982, 177–178), the re-evaluations necessary to establish the metropolitan and gymnasial classes securely (Modrzejewski 1989, 277–280), and perhaps even the proud statement in an ephebic application (in Hermopolis) from AD 60 (WChr. 145), "from a free woman, descended from free people!"

[72] For example, Modrzejewski 1989, 245–251, on the disappearance of the designation "Macedonian" by the time of the emperor Claudius.

[73] With a possible exception: if §5, in which property is redirected to those Alexandrians entitled to inherit once an attempt was made to bequeath to those not so entitled, is interpreted as overriding §14, in which an *astos* is limited in the amount he is allowed to bequeath to a freedman (and, by implication, the *idios logos* will confiscate the inheritance if this stricture is ignored), then this statement is not comprehensively true.

[74] Taubenschlag 1930, 169 n.1; Uxkull-Gyllenband 1930, 194 identified §§3–15 as applying only to non-Romans, while Riccobono 1950, 130 treated §§16–33 as a Roman series (as I have treated those regulations involving women and inheritance, above n.38); Seidl 1973, 27 thought §§23–33 a Roman series; Sherwin-White 1973, 312 n.4 assumes that the *Gnomon*'s provisions were "largely concerned with the application of the Augustan social legislation to Roman citizens in

that applied only to Romans, and some of the language in these regulations seems to have been translated directly from the Latin of the *lex Aelia Sentia* (AD 4), a *lex* that could not and did not apply, as a *lex*, directly to *peregrini*.[75] Moreover, in *Gnomon* 19 – "That which is left by will to freedmen (τὰ διατασσόμενα ἀπελευθέροις) not yet having a *nomime* manumission is confiscated. It is a *nomime* manumission if the freedman is over thirty years old" – the "not yet" implied to several scholars the possibility of iterated manumission, available only to Junian Latins.[76] But in actuality there is here much more change than there is simple translation of the Roman law. If an original Roman text of the *lex Aelia Sentia* is closely paraphrased in Gaius 1,17 – "he becomes a Roman citizen . . . when he is older than thirty years, and is of a master who owns by Quiritary right, and is freed by a *iusta et legitime* manumission, that is, by *vindicta*, *census*, or testament" – then some significant simplifications have been introduced into §19, and these simplifications take the act of manumission *out* of the specifically Roman context of the *lex*. There is in the *Gnomon* no Quiritary right of ownership, there is no listing of the three types of "just and legitimate" manumission; and indeed *iusta* has been taken out of the phrase "*iusta et legitime* manumission." This excerpt has become a general regulation that confiscates property left by will to a freedman not (yet) freed *nomime*, defined here *only* as over thirty years of age. *Nomime* in the *Gnomon* is further glossed in §§20–21 as: if freed under thirty, the freedman is considered the equivalent of a slave freed *nomime* if he receives the *vindicta* from the prefect (§21);[77] and a freedman can never have been in

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Egypt from the fiscal aspect;" Pavlovskaja 1972, 238–239 discusses the provisions as if they applied to all freedpeople except those of Egyptians.

[75] Direct translation, BGU V 1210 p.7 (Schubert). Most provisions of the *lex Junia* itself did not apply to *peregrini* (a *senatusconsultum* under Hadrian explicitly applied one of its provisions, that prohibiting fraudulent manumission, to *peregrini*, thus clarifying that the other terms of the law itself did not apply: Gaius 1,47 and *Fragmentum Dositheanum* 12); Sirks 1983, 265 thought it safer to assume that the *lex Junia* did not even apply to Junian Latins manumitting their slaves informally, although he notes that there is no evidence. One would not expect a *lex* to apply to *peregrini* unless this was explicitly intended, but to excerpt parts into a rulebook for an official whose remit did cover non-Romans was a way to make these parts apply.

[76] "Not yet," Uxkull-Gyllenband 1934, 34 (also citing others), and it appears in §20 as well.

[77] Lopez Barja de Quiroga 1998, 151–152 seems to think this second provision "better regarded" (i.e. as creating a better status – full Roman status) than manumissions performed before a magistrate *cum imperio* in Rome because he questions

chains if he is to inherit (§20). Here in §20 the word *nomime* is not specifically used but the second part of the regulation goes on to refer, again, to the necessity that the slave be over thirty, just identified in §19 as *nomime*. In their content, therefore, these regulations are referring to two of the pre-conditions added by the *lex Aelia Sentia* to what could be done legally by Roman citizens. Yet in Roman law these pre-conditions, originally three in the *lex*, were also more complicated: slave-owners under twenty years of age had to prove due cause before a *consilium* for manumission into any status to be valid at all; slaves under the age of thirty only achieved Roman citizenship if freed *vindicta* after a showing of due cause, the master necessarily making a case for it in the presence not only of the magistrate but also of a *consilium* of five senators and five equestrians, in the provinces in the presence of magistrate and a board of twenty *recuperatores*;[78] and no slave who had ever been in chains could achieve any form of citizenship.[79] The denatured simplifications of the *Gnomon* can be viewed as utilitarian, as merely summarizing for the *idios logos* all that he needs to know to confiscate property. But if meant to apply only to Roman slaves, as the retention of the prospect of iteration and the clear reference to the prefect's *vindicta* would seem to suggest,[80] they

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the evidence for the *lex Aelia Sentia* on this matter; but statements such as Gaius 1,18 seem to be perfectly clear.

78 An adjusted version of this requirement also appears, for Latin citizens freeing slaves, in the Flavian municipal law (§28).

79 Koops 2014, 115; it is also thought that the language of the *lex* included an explanation for why a freed slave who had once been in chains could not achieve any form of citizenship, preserved in Ulp. *Epit*. 20,14, and in Gaius 3,74 such property is to return to the patron, not to be confiscated.

80 "Receiving the *vindicta*" (οὐινδίκταν λαμβάνων, *Gnomon* 21) should refer to an act of Roman law performed by Romans or Latins before a Roman magistrate, freeing the slave and making him a Roman or a Latin-rights citizen (Buckland 1908, 451. 594). Although only two examples of slaves freed this way, both by Roman masters, are known from Egypt before AD 212 (P.Diog. 6.21, copied also as P.Diog. 7.20, Flavia Primatilla referred to in an *epicrisis* as freed "[οὐινδί]κταις" while underage, precisely the circumstances envisaged by *Gnomon* 21 [AD 142], and P.Mich. VII 462, *Antonius . . . manumissus vindictis* pays the manumission tax; redated to the mid-second century, and then its text improved by Van Minnen and Worp 2009, 19), it is plausible that the reference to the *vindicta* makes the regulation pertain only to Romans even though it does not say so. (Stud. Pal. XX 48, which Taubenschlag 1930, 166 n.2 and 1951, 123 n.10, and Ankum 1971, 375, thought showed peregrines manumitting *vindicta*, has been redated to the third century AD: Van Minnen 1991, 122.) Yet even so it is possible to speculate otherwise: uttering words of manumission before the prefect and having him touch the slave

are remarkably stripped down and surprisingly non-specific. Indeed, *nomime* itself, in the papyri, simply means "legal" or "in accordance with the law,"[81] and can apply to actions taken by non-Romans as well as Romans, as the prefect who used the word in hearing the case of the son (and heir) without a birth-certificate of an *astos*-soldier (above) makes clear. What the regulations convey most clearly is that a freedman, civic status unspecified, had to be thirty years old at time of manumission for that manumission to be *nomime*. The regulations *also* refer to the fact that non-*nomime* manumissions could be corrected through *vindicta* and hint that some freedmen at some later point could compensate for a defect through iteration (of unspecified sort), all without compromising the more general application of the regulations themselves.

The wider, possibly general applicability of §§19–21 is emphasized by §22, where a status-specific variation is introduced. Property left by will by Latins "not yet having received the *nomime* freedom of the Romans" will be confiscated (§22). "Not yet" appears again, applying this time to (Junian) Latins, and *nomime* Roman freedom is differentiated here from *nomime* manumission. A textual issue makes it a little unclear exactly what was intended – the papyrus reads νομίμ[η]ν ἐλευθερείαν Ῥωμαῖος and therefore requires an emendation, most likely to Ῥωμαίων – but the state into which a Roman freedman is to move in order to be able to leave property by will is different and status-specific. A (Junian) Latin is a Roman slave freed under thirty years of age, or freed but with some defect in a "just manumission," or freed by a

with the rod would not be difficult for non-Romans to do, if the prefect wished to allow it, since he was empowered by both a *lex* (*D*. 1,17,1 [Ulpian]) and a constitution of Augustus (Tac. *Ann*. 12,60) to govern his subjects as other governors did and as he wished, even – specifically – in this matter of manumission, where the language is, again, notably non-specific about the status of the performers (*apud praefectum aegypti possum servum manumittere ex constitutione divi augusti*, "I am able to manumit a slave in the presence of the prefect of Egypt by a constitution of the Divine Augustus," *D*. 40,2,21 [Modestinus], although this is interpreted by Last 1954, 68 and Modrzejewski 1970, 328 as a reference to manumission *vindicta*). *Vindictarii* elsewhere are classed (and rewarded) among neither the citizens nor the *apeleutheroi* (*IGR* 801.21–22 and 802.25, Syllion in Pisidia, first half second century AD), which suggests that a governor can free non-Romans into a non-Roman status in this way if he so chooses, although Mommsen 1890, 304 was sure that in these inscriptions *vindictarii* were Roman and the *apeleutheroi* peregrine. So it is actually possible that *Gnomon* 21 could have been intended, or interpreted as, referring to non-Roman as well as Roman freedman, although it is not the most obvious initial interpretation of the regulation.

[81] *Nomime* as "legal" rather than specifically "Roman-legal," e.g. "*tas nomimas suggraphas* among the Egyptians," cited Montevecchi 1985, 347.

master who is under twenty: but certainly one freed without a *nomime* manumission. So the general rules of §§19–21 necessarily *also* apply to Roman slaves, and the word "yet" is retained to acknowledge a remedy available to Roman slaves; and only in §22 is it made clear that subsequent (re-)manumission into a better status, "the legal freedom of the Romans," is possible, but only for *Latini*. The *Gnomon* therefore follows three general rules adapted from Roman sources (§§19–21) with a specific rule (applicable only to slaves freed by Romans). Because of the ways §§19–21 have been simplified, as well as because of the status clarity of the language of §22 – "Latins" as well as "legal Roman freedom"[82] – it is therefore quite plausible that §§19–21 are meant to apply to *all* freedmen (including Roman ones), and only §22 to Roman (Latin) freedmen. §§19–21 of the *Gnomon* may therefore have been abstracted from the Roman laws and deliberately written in terms stripped of civic-status specificity in order to establish the claims of the *idios logos* to inheritances left to *any* male slave freed before the age of thirty or once in chains; it is likely that non-Roman freedmen simply could not rectify their situation if freed before the age of thirty, whereas Roman freedmen (Junian Latins) could. Such restatement as general rules in an official's handbook is also an effective way of making applicable to *peregrini* certain aspects of a *lex* that in its original form pertained only to Roman citizens, for insertion in the *Gnomon* makes these regulations part of the law enforced by Romans in Egypt, not part of the Roman law.

We have no examples of confiscations from freedmen of any civic status (including Roman) who were once in chains or freed under the age of thirty. But it is worth noting that, of the non-Roman (indeed, all but one non-*astos* Egyptian) manumissions for which documentation survives before AD 212, all but two are for women (and more are for women under thirty than over) – whom these rules, written for freed*men*, do not govern.[83] In the census,

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[82] Although there is a textual problem here (Riccobono 1950, 40), the Roman quality is to be understood as present in the text. Duff 1928, 234 notes the peculiar rapacity of the *idios logos* here, in seizing property left by (illegal, and therefore invalid) will, which in the Roman law also went to the patron (the underlying logic being that the patron still owned the property of the Junian Latin).

[83] Biezunska-Malowist 1966, 435. 440 emphasizes that we do not know the ages of most slaves at manumission. But manumission documents themselves show an interest in recording age. Those freed over thirty: male at 33 and one other: P.Oslo III 129 (Antinoopolis, early third century AD); female at 35: P.Oxy XXXVIII 2843 (age of manumittor also given, but in a lacuna; AD 86); female at about 35: P.Oxy I 48 (no age of manumittor; AD 86); female at 44: P.Freib. II 10 (age of manumittor in a lacuna; Ptolemais Euergetis, AD 196). Those manumitted under thirty: female

freedwomen have almost always been freed when they are older than thirty-five, while there are only two men freed under the age of thirty (in, admittedly, a very small sample).[84] Too much knowledge and too many steps are required to see cause-and-effect here – "I am Egyptian but I know the regulation, I will wish to leave an inheritance to my freed male slave, I will therefore wait to free him until he turns thirty (or even longer)" – but it may be not entirely coincidental that the only manumission document surviving from one of the four Greek cities was for a male slave aged 33, and thus complies with the major requirement (stated twice in the *Gnomon*) for *nomime* manumission.[85] The more prestigious the civic status and the more like Roman citizenship a city-citizenship was construed to be, the more likely the *Gnomon*'s regulations were to make themselves felt. And overall, a vague awareness that the age of thirty was somehow important to Roman authorities may have seeped into the popular understanding of appropriate age at manumission for male slaves. Owners of slaves appear to be "Greeks and Romans who exercise, or have exercised, municipal functions; . . . functionaries of the administration; . . . members of fiscally privileged groups," as well as soldiers – in other words, those most likely to be knowledgeable about, and paying attention to, rules likely to affect them financially.[86]

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at 13 or after: PSI IX 1040 (Oxyrhynchos; a will, third century); female at 17: P.Turner 19 = P.Lugd.Bat. XIII 24 (age of manumittor 40+; Oxyrhynchos, AD 101); female at 18: SB I 5616 (letter about manumission; descr. P.Oxy II 349; late first AD); female at 26: P.Oxy IV 722 (already two-thirds free; ages of two manumittors also given, one 20, the other a lacuna; Trajanic); male at or older than 26 (in a *donatio mortis causa*, manumittor 67; SB XXII 15345; Tebtynis, AD 116); female at 28 (P.Select. 23; Oxyrhynchos, AD 75–91). Those whose ages were included but do not survive: female at (?): P.Stras. IV 238 (one manumittor 49, other in a lacuna; Ptolemais Euergetis, AD 177); female at (?): P.Turner 26 (Ptolemais Euergetis, AD 193–198).

84 In the surviving Roman-period census submissions all freed females but one were aged 35 or older, Bagnall and Frier 1994, 158 and n.83 (a fact that they attributed to the desire of masters to keep female slaves through their child-bearing years). Male slaves could be freed at a younger age (ibid. 71: two examples, one aged 19): but in all the census documents only five freedwomen and four freedmen total are noted (71 n.74)!

85 The other male, to be freed upon the death of his mistress (a metropolite) and described at the time of the legal instrument as 23 years old, is not receiving any inheritance in this *donatio mortis causa* (SB XXII 15345) and the mistress may not have made a will, Farr 1993, 94.

86 Quotation is translated from Straus 1988, 866; he has summarized Biezunska-Malowist 1977, 150–154. Bagnall and Frier 1994, 71 note that the incidence of

(c.) *Astoi* as patrons.

Nomime, then, may well refer to an adherence to a legal standard in manumission affecting more than just Romans and (Junian) Latins. Certainly another element of the Roman law (possibly even of the XII Tables) was deliberately taken from its Roman context, reformulated, and applied to a non-Roman civic-status group in Egypt: "Patrons or their sons, if they exist and lay a claim, will be heirs to freedmen of *astoi* dying without children and without a will; but daughters or anyone else do not inherit, rather the fisc" (§9). The XII Tables (quoted in Gaius 3,40) granted patrons estates of intestate freedmen who died without *sui heredes*, here a Roman concept merely transformed into "children." Thus *astoi* (including Alexandrians) who free slaves are given one of the privileges of Romans who freed slaves, a solid legal claim to the slaves' property after death.[87] But their privilege is not as extensive as that of Roman patrons who – along with their sons, daughters, and heirs – can claim all of the property of their intestate (Junian) Latin freed (§22), as well as (most likely) complicated proportions of the estates of those they freed into full Roman citizenship (although the *Gnomon* does not address this latter situation specifically).[88] It seems likely, too, that the choice of the word "patron" in §9 and §22 was deliberate. "Patrons" (οἱ πάτρωνες) is transliterated from the Roman context, employed instead of its pallid Greek equivalent *prostates*, and refers to a significant privilege that comes into play from the fact of having been a freedman's former master: it is used because it describes a new, special, and different relationship between master and freedman.[89] *Astoi* are granted, in mildly circumscribed form, a right of Roman

slave-holding is "a good deal higher in metropoleis . . . than in villages," and Bryen 2012, 798–799 observes the sharp awareness of statutory privileges among, and attention paid to potential financial liability by, relevant provincial populations.

87 And *astoi* were automatically to receive the estates of freedwomen, who were not allowed to make wills (§15), and therefore by definition died intestate.

88 See Koops 2014, 120–121 for a brief summary, with references, of the complicated history of the inroads made into the estates of the freed in favor of their former masters; Uxkull-Gyllenband 1934, 20 thought that the future κληρονομήσουσιν indicated a change in the law, and that previously the inheritance rights of *astoi* patrons were even closer to those of Roman citizens.

89 In the papyri, especially those from official contexts, when the word is used it is almost always in a Roman context, usually referring to Roman masters of freedpeople: CPGr. I 12 (4 BC); BGU IV 1155 (10 BC); BGU IV 1114 (5 BC); CPGr. I 13 (Augustan); CPR XXIII 2 (AD 38–41); P.Diog. 6 (AD 143); SB I 5217 (AD 148); MChr. 89 (AD 161); P.Pap.Choix 10 = P.Mert. II 72 (AD 162); possibly

patrons, and have been assimilated at least in this regard to Roman patrons.[90] Patrons have rights and powers; *astoi* are patrons; therefore *astoi* have rights over freedmen. Explicitly those involving the property of childless and intestate freedmen, but perhaps others as well. For if the Romans remodelled some aspects of the status of the inhabitants of Egypt, conceptualizing Alexandrian citizenship (and that of the other two cities as well) as privileged and more like Roman citizenship; if they attributed freedmen of these citizens to the latter's civic-status group; if they directed the property of the freed (when intestate) back to those families and status-groups; if they referred to *astoi* as patrons with rights: if the Romans did all these things, as we have seen they did, then it seems likely that *astoi* had a patronal relationship with their freedmen that citizens of these three Greek cities had not had before, courtesy of the Roman edicts or laws that reshaped the lives of these *astoi*.[91]

The freedmen of *astoi* have patrons; the freed of Romans have patrons. As the specificity of the language implies, those not mentioned – the freed of the Egyptians – do not have patrons: they merely have former masters.[92] They have no lasting bond, have an obligation (to another) after the death of the

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P.LeedsMus. 18 (very fragmentary; second or third century AD). In letters, the context is more mixed, and the term may merely be used as a respectful form of address: a slave refers to his master as his patron in BGU IV 1079 = W.Chr. 60 (AD 41); CPR V 19 (the addressee is called patron, first or second century), P.Bad II 42 (son Markeinos to father and patron Kassios, second century AD), P.Mil. II 62 and 75 (recipients addressed as patrons, second century AD). Greek in context – freed and former masters – appear to be the *homologiai* PSI X 1117 (AD 138) and P.Matr.Daris 2 (AD 181–182, a *patronissa*).

90 Biezunska-Malowist 1966, 441–442 also thought that the freedman of the Alexandrian-turned-Roman soldier C. Julius Satornilus (above p. 104) had a relationship with his former master "very typical" of that of a Roman freedman and his patron, which if true would again suggest the (re-)construction of *astos* citizenship and freed relations according to a Roman model.

91 Uxkull-Gyllenband 1934, 20 endorses this conclusion, but saw a far more wide-ranging Roman revision of the *nomoi* of the *astoi* ("stark redigiert"), for which there is no evidence. There was no attempt to make the laws of the cities (except these about status and freedmen) conform to each other, so *astikoi nomoi* (see below) could not, and need not, refer to all the laws of the three, later four, cities: there is no "phantom law code" for the cities as proposed by Taubenschlag 1955, 18–19, Delia 1991, 19.

92 And it is again a sign of Pliny's misprision of the gradations of status and status-privileges in Roman Egypt that he refers to his Egyptian masseur's former mistress as *patrona* (*Ep*. 10,6,2), not a factual statement that indeed the *patrona* had extensive rights, *contra* Pavis d'Escurac 1981, 186.

master imposed on them only twice by will,[93] and are more likely to appear as (rent-paying?) lodgers, if the exiguous information of the census is trustworthy.[94] It may indeed be this tendency to be unattached (and to move) that earns them a specific mention in the oath taken by those declaring for the census, that they have no undeclared "Alexandrians, Romans, or freedmen" living with them: "Alexandrians" includes Alexandrian freedmen and "Romans" includes Roman freedmen, so "freedmen" must be freedmen of Egyptians, but singled out here.[95] That Egyptian freedmen do not have patrons is also shown directly by P.Oxy IV 706 = M.Chr. 81, a fragmentary account of a legal proceeding before the prefect of Egypt:

[- ca.11 -] παρ' Αἰγυπτίω̣ι[ς - ca.18 -]
[τοὺς ἀπελευθ]έρους τοῖς πάτρωσι, τὸν δὲ Ἡρα[κ]λείδην
[. . . . . ἀπειλη]φέναι παρ' αὐτοῦ ἀργύριον καὶ γεγρα-
[φέναι χειρόγρ]αφον περὶ τοῦ μηδὲν ἔξειν πρᾶγμα
[πρὸς αὐτόν, κα]ὶ ἀναγνόντος τὸ χειρόγραφον Λοῦπος
[βουλευσάμενο]ς μετὰ τῶν φίλων ἀπεφήνατο οὕτως·
[ἐν μὲν τοῖς τῶν] Αἰγυπτίων νόμοις οὐδὲν περὶ τῆς
[πατρωνικ]ῆς ἐξουσίας τῶν ἀπελευθερωσάντων
[- ca.15 -] ἀ[κο]λούθω̣ς τοῖς ἀστικοῖς νόμοις
[- ca. 6 or 9 - τὸν Δαμαρί]ωνα Ἡρακλείδη τῷ̣ πάτρωνι
[- ca.10 - κ]ατὰ τὸν νομόν. καὶ τῷ̣ Δαμαρίωνι εἶπεν·
[- ca.11 -]ου καὶ προστίθημι ἐάν σε μέμψηται
[- ca. 9 - ξυ]λοκοπηθῆναί σε κελεύσω.

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8 πατρωνικ]ῆς Sturm 9 Διὸ] Sturm 10 κελεύω Wilcken κελεύομεν τὸν

[93] P.Oxy III 494 (AD 165) leaves the "service and profits" of five slaves set free by the will to the widow, while PSI XII 1263 (AD 166–167) states that a freed slave stays with the dead man's daughter, who in turn supports the slave. There are no mechanisms for enforcement noted; see also Samuel 1965, 296–297 on the rarity of the phenomenon.

[94] Bagnall and Frier 1994, 166: "Village lodgers are few and usually freed slaves" (five freed among seven lodgers), while only two of fifty-one lodgers in the metropoleis are freed slaves. They assume, however, that freed lodgers are living with the master's family, and do so because they are unable to form families of their own (65–66), but only two census-returns attest the first conclusion (Pavlovskaja 1972, 245) and there is no clear basis for the second.

[95] Why the census-oaths include the categories they do is, surprisingly, of no interest to either Hombert and Préaux 1952, 126–127 or Bagnall and Frier 1994, 25.

Δαμαρί]ωνα Sturm 11 πείθεσθαι Wilcken ἀκολουθεῖν or ὑπακούειν Westermann παραμένειν κ]ατὰ Sturm 12 πείθ]ου Wilcken Τῷ πάτρωνι ἔπ]ου Sturm 13 Ἡρακλείδης, ξυ]λοποπῆναί Sturm.

[He said . . .] among the Egyptians
[the freedm]en to the(ir) patrons, but Herakleides
[. . . . . had recei]ved from him silver and had writ-
[ten a *cheirogr*]*aphon* about not having any more business
[with him; an]d [he (Damarion)] having read out the *cheirographon*, Lupus,[96]
[having consulte]d with his friends, declared thus:
["In the] laws of the Egyptians there is nothing about the
[patronal] power of those who have freed (their slaves)
[--] according to the *astikoi nomoi*
[-- Damari]on to Herakleides his patron
[--] according to the law." And he said to Damarion:
[" --] and I arrange that if [Herakleides?] blames you
[--] I will order you to be beaten with a club."

The prefect says: "[in the] laws of the Egyptians, there is nothing about this [patronal] power of those who have freed (their slaves)," and he is right, for indeed nothing of it can be seen in their transactions. But he then goes on in some way to examine the issue of this hearing in the *astikoi nomoi*, the identity of which has been long debated. The two major contenders are "laws of the Alexandrians"[97] and "the Roman civil law,"[98] the first because (among other arguments) *astoi* were thought to be only Alexandrians, the second because the prefect's mind is certainly running along Roman lines, since he threatens the freedman Damarion with a "beating with a club" – a translation

[96] The subject of the genitive absolute is missing; it is likely to be the freedman Damarion himself (Harada 1938, 139), or, with an emendation of the text, the prefect hearing the case, M. Rutilius Lupus (AD 113–117).

[97] The editors of P.Oxy IV 706; Harada 1938, 140–141; Lewald 1946, 74; Arangio-Ruiz 1950, 13 n.13; Taubenschlag 1951, 123–124; Biezunska-Malowist 1966, 442; Ankum 1971, 370; Montevecchi 1985, 347; Bowman and Rathbone 1992, 114 and n.34; Sturm 2000, 315; Mouritsen 2011, 169.

[98] Wolff 1960, 223 n.80; Modrzejewski 1970, 335–336; Mélèze-Modrzejewski 1988, 387, relying also on a later statement by the Roman jurist Julian that there can be recourse to Roman law when the local law is silent (*D.* 1,3,32,pr), although Sturm 2000, 312 notes that there is a controversy over the authenticity of this excerpt.

of the *fustuarium* – a punishment in Roman law meted out to an ungrateful freedman.[99] And although these laws could be Alexandrian, if we assume that the full name with tribe and deme of the Alexandrian owner is in the lost first part of the papyrus, it would be odd for *astikoi nomoi* to refer to the Roman *ius civile*, given that *ius civile* is usually translated differently,[100] that these laws are plural rather than singular, and that to transliterate "patronal" but translate *ius civile* would be odd in the same document.[101]

If, however, *astikoi nomoi* refer to just that handful of status- and freedman-related laws created by the Romans after 30 BC to mark a minimum threshold of difference between the inhabitants of the three poleis of Egypt (including Alexandria) and the rest of that province's non-Roman inhabitants, then the sense in this document that these laws inhabit a curious territory in-between the Romans and the Egyptians, partaking of the former and set apart from the latter, would make more sense. Moreover, there was much that the Romans did *not* change for the *astoi*, among them the ways in which slaves were manumitted by non-Romans in Egypt. The two chief ways even in the Ptolemaic period were by testament and by declaration before the *agoranomos*, and although the three cities and the smaller metropoleis and villages executed these manumissions in ways that differed in minor details, manumissions were in general of these same two types throughout Egypt.[102] One copy of an "agoranomic" type survives from Antinoopolis, one of the (four, after AD 130) poleis, but is so fragmentary that we can only be sure that it invokes the standard "under Zeus and Helios" formula, includes an announcement by herald (*anakeryxis*), and probably also had a renunciation clause (see below), of which only a few letters survive. The Romans, in short, changed the post-manumission relationship for the *astoi* without interfering at all with how the act was performed. And it is perhaps in this contrast that the dispute that came to the prefect in AD 115–117 arose.

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[99] *D.* 1,12,1,10 (Ulpian) and *D.* 1,16,9,3 (Ulpian); this can be done *de plano*, without a formal hearing. This punishment may have been instituted by the *lex Aelia et Sentia*, see further references in Sturm 2000, 312 n.14.

[100] Montevecchi 1985, 353 n.27 (explicitly indicated with Ῥωμαῖος or τῶν Ῥωμαίων).

[101] Gaius (1,1) defines the *ius civile* as the law that each people *constituit* for itself (which also means that there must be a *civitas* to administer such law, Modrzejewski 1970, 324). In a sense it cannot therefore exist in the plural – unless in the kind of in-between situation the three *poleis* of Egypt find themselves in, self-governing but with a number of laws that they and they alone, as cities, share.

[102] Partsch 1916, 35–45; Messeri Savorelli 1978; Messeri 1983; Straus 1988, 888–891 and 2009, 234–236.

The prefect has before him two non-Romans with Greek names, Herakleides and Damarion. Herakleides has freed Damarion in return for silver, and wrote for Damarion a *cheirographon* in which he stated that "he has no more business (πρᾶγμα) with him." This *cheirographon* could be something as simple as a personal document that is the handwritten equivalent of the promise – the renunciation clause – seen in the documents of manumission made before the *agoranomos* by Egyptians and (probably) *astoi* alike, that after the price and the taxes have been paid, the former master has no right to prosecute or claim a debt from the newly freed person.[103] At the same time, the *astos* Herakleides and his former slave Damarion have moved into a new relationship, that of patron and freedman. After this moment of mutually agreeable manumission and *cheirographon*, a conflict arises: does Damarion owe anything to Herakleides as part of the patron-freedman relationship, or have all obligations been erased by the document? Herakleides' view is yes (perhaps because he has changed his mind, or perhaps because he has learned more about his own entitlements), Damarion's is no (since he has the *cheirographon*), and the conflict comes to the prefect.[104] (Any conflict between freed and master, no matter the civic status of the participants, will be

[103] This appears in P.Stras. IV 238 (Ptolemais Euergetis, AD 177 or 178), P.Turner 26 (AD 193–198), P.Freib. II 10 = SB III 6293 ("Neither Tasucharion nor her representative has any claim against Zosime, nor will they proceed against her or her issue hereafter from this time onward under any pretext whatsoever," Arsinoe, AD 195–196), and two later examples. The use of a *cheirographon* in a manumission is, according to Wolff 1978, 111, implied by P.Oxy XLV 3241 (AD 163), a letter to manumission-tax-collectors in which a man announces that he has freed a slave and is transferring money to pay the tax, and the officials respond (line 22) by mentioning something involving the *katalogeion* in Alexandria (where cheirographs were examined).

[104] Mitteis in MChr. 81 (p. 90) proposed that the manumittor had changed statuses between the moment of freeing the slave (when he had been an Egyptian) and the bringing of the case (by which time he was an Alexandrian citizen); for this there is no clear evidence (Mélèze-Modrzejewski 1988, 387), but it would explain the examination of two different types of law; followed by Biezunska-Malowist 1966, 442 and 1977, 147–148. Harada 1938, 141 and Taubenschlag 1951, 123 thought that Damarion believed (or at least was arguing) that the patron had renounced patronage in his *cheirographon*, while the judge thought the words "to have no business" referred (only) to the price paid; but they do not explain how the confusion could have arisen. Mélèze-Modrzejewski 1988, 388 deduced that the manumittor "regretted his gesture," but "too late!" – and had no basis for his claim; Sturm 2000 argued that the prefect reached for Alexandrian law to compensate for an oversight in Egyptian law.

officially a matter for the prefect according to a constitution of Hadrian of AD 133, some fifteen or so years later; that it comes to the prefect here already, and that this venue tells us nothing about the status of the participants, should therefore not surprise.)[105] The prefect investigates. First he looks to see whether there is any reason in any of the law "of the Egyptians" to think that a contractual document could erase the obligations inherent in a patron-freedman relationship. He finds none: there is no continuing relationship between master and freedman under Egyptian law, so any statements or agreements made at manumission are irrelevant to a patron-freedman relationship (and the renunciation clause in agoranomic manumissions is therefore understood as a financial protection for the freedperson only). He then looks at the *astikoi nomoi*, and finds that these laws not only establish a post-manumission relationship of the sort a Roman can understand (which is not surprising, since they were modelled on Roman practice in the first place) but also, likely, say nothing about allowing the dissolution of such obligations and such a relationship, through contract or otherwise, for the Roman law did not allow this either.[106] "According to the law," then, Damarion must (render something, probably an abstract noun like "respect" rather than a specific service)[107] to his patron Herakleides, and "if he gives [Herakleides] any cause for blame," the prefect will have Damarion beaten with clubs (as ungrateful freedmen in Rome are beaten with clubs). If Herakleides and Damarion were Alexandrians, even in Damarion's case of a lesser and non-politically-privileged sort, to be beaten with a club rather than with the flat of a sword would

[105] P.Yale II 162 = SB XII 10929 (AD 133–137), republished and studied in Jördens 2011; at 353–354 she argues for the applicability of the constitution to all provincial governors; at 349–351 she argues that the prefect's edict incorporating the constitution was addressed to all inhabitants of Egypt, informing them on which subjects the prefect himself would be hearing cases. Purpura 2000, 203 argues that the edict of the prefect in which it is embedded was tralatician, so that this responsibility has been the prefect's for some time.

[106] Harada 1938, 138–139; Purpura 2000, 209–210, with references. Mélèze-Modrzejewski 1988, 389 argued that the prefect was merely indignant at the concept of a freedman who owed no obligation or reverence to his former master, and ruled accordingly. Which could also be the case, but the emphasis on law in the extract makes clear that this is not the entire motivation here. See also Dolganov 2019, who analyzes the prefect's decision as "application of the Roman law of manumission … [that] illustrates the hegemonic character of Roman jurisdiction."

[107] Sturm's 2000 308 restoration of [Τῷ πάτρωνι ἔπ]ου at line 12, followed also by Purpura 2000, 209, then permits him (p. 313) to place the matter of freedmen's responsibilities in a Greek rather than Roman legal context, but there is no necessary reason to accept the restoration.

have been insulting; or perhaps indeed the two were *astoi* but not Alexandrians and not entitled to swords or at least to the polite punctiliousness with which a Roman magistrate would likely have treated Alexandrians in the second century AD.

The prefect looked at both types of local law because, first, all non-Romans were *peregrini*, belonging in the same (general, Roman) legal category; but second, because that category admitted a limited number of distinctions between its sub-groups, and because the act of manumission and its document were typical of an Egyptian milieu in general while the *astikoi nomoi* pertained to the particular civic status of the litigants. He was not bound to judge according to either law – for prefects could decide as they liked – but he was not averse to at least hearing about the laws and the practices of the various local populations, especially given the overlaps and apparent contradictions of act and status.[108] He must have felt reassured to recognize the outlines of Roman practice in the law of the *astoi*, which permitted him to go even further and threaten a penalty not normal in Egypt but comfortingly familiar to him and his entourage, and properly unforgiving of even the implication of ingratitude and disrespect.

When Octavian was victorious in Egypt in 30 BC, he set in motion a series of changes that privileged those whom he most wished to coopt: *astoi* (the Alexandrians among them) and the Greek elites of the metropoleis and the gymnasia, who were to be mollified by some reward for the demotion to "Egyptian" status they were otherwise about to suffer. A complex system of status-rules and tax-favors ensued, many of them policed in part by the *idios logos*; these elevated the *astoi* and the Alexandrians to a special position among the peregrines (non-Romans) of the province. Brought into conformity with these changes were the freedpeople of this province, who were now deemed to pass (with some disabilities, where full capacities would matter) into the civic status of the master or mistress upon manumission: Alexandrian became Alexandrian, *astos* became *astos*, Egyptian became Egyptian. Intermarriage was controlled, property was directed from freedmen to family within civic-status *taxis*, and a developing Roman prejudice for delaying manumission past the age of thirty was put in place for those who thought to reward their freedmen with inheritances. For the *astoi* (including the

[108] And Roman officials were offered this material in hearings and court-cases, sometimes even texts of their own previous rulings (although no rule of precedent bound them); and in the few cases where city-traditions were brought up, they were respectful of the laws of the three/four poleis, see Jördens 1999, 158 (a case involving Ptolemais).

Alexandrians), closest in standing to the Romans, a further privilege (and responsibility) was constructed, that of a patronal – continuing, supportive, enriching – relationship with their freedmen. What this meant may never have become entirely clear to those who were given it,[109] although a Roman prefect knew well what it should look like, and ruled, with dramatic flair, accordingly. Most of the topography of this new world can be teased out of the relevant regulations in the *Gnomon* of the *Idios Logos*, the purpose of which was to confiscate property from the non-compliant – but in the process of which gives sidelong hints of what the new landscape of conformity was.

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[109] Although it may have become clearer, and appeared more explicitly, in one last fragmentary document, C.Pap.Lat. 173 (Oxyrhynchos, AD 241), in which a self-identified Greek *aste* with Roman citizenship (Aurelia Sarapias, using the "law of [three] children") frees a slave, but also uses the words "to stay with me and serve": has she, *aste* of a polis (although freeing at Oxyrhynchos) and Roman, changed the language in her statement of manumission so no such confusion as assailed Damarion could occur? If so, the by-now traditional rights of *astoi* and the rights of Romans are both being noted specifically in a Greek-style document of manumission.

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