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**VOCABULARY AND PRACTICES OF MANUMISSION  
IN A FRAGMENT OF THE *LIFE OF PHILONIDES*  
(*P. HERC.* 1044)**

THE PAPYRUS *P. HERC.* 1044, together with the more fragmentary *P. Herc.* 1715 and *P. Herc.* 1746,<sup>1</sup> preserves a biographical work, rare and precious example of the genre in the Hellenistic period, whose protagonist is the Epicurean philosopher and mathematician Philonides of Laodikeia on the Sea, in Syria.<sup>2</sup> As we learn from the *Life*, he was affiliated

<sup>1</sup> On the identification of *P. Herc.* 1715 and 1746 as more internal portions of the same scroll as *P. Herc.* 1044, see G. DEL MASTRO, 'Frustrula Herculanensia', *Cronache Ercolanesi* 43 (2013), pp. 125–138, at 125–129.

<sup>2</sup> The work is anepigraphic, but it is usually referred to as *Vita Philonidis*. Its attribution to Philodemus of Gadara is generally the most supported, although it has often come under debate: already in the *editio princeps* W. CRÖNERT, 'Der Epikureer Philonides', *Sitzungsberichte der Königlich Preussischen Akademie der Wissenschaften zu Berlin* 2 (1900), pp. 942–959, at 957–958, presented his arguments both in favour of and against Philodemus' authorship; three years later, he cautiously suggested that Demetrius Laco could be the author of the *Life* (IDEM, *Memoria Graeca Herculanensis*, Leipzig 1903, p. 134 n. 4), but later expressed himself more strongly in favour of Philodemus (IDEM, *Kolotes und Menedemos* [= *Studien zur Palaeographie und Papyruskunde* 6], Leipzig 1906, p. 182). The attribution to Demetrius was also advanced by R. PHILIPPSON, 'Philonides (5)', [in:] *Paulys Realencyclopädie der classischen Altertumswissenschaft* XX/1, Stuttgart 1941, cols. 63–73, at 63, and IDEM, 'Papyrus Herculanensis 831', *American Journal of Philology* 64 (1943), pp. 148–162, at 158 n. 57). Philodemus' authorship has been sustained or at least stated to be highly plausible by H. DIELS, *Philodemos über die Götter. Drittes Buch*, Berlin 1917 (repr. Leipzig 1970), p. 46,

to the Seleucid court and Demetrius I Soter was his disciple in Laodikeia. Limited information can be gleaned from sources other than the Herculanum scroll: *Φιλωνίδης ὁ γεωμέτρης* is mentioned by Apollonius of Perga in the preface to the second book of his *Conica*, dedicated to the mathematician Eudemus of Pergamon; Philonides also appears in three inscriptions, which bear witness to the eminence of his family.<sup>3</sup>

Although *P. Herc. 1044* is the best preserved of the three papyri that were part of the scroll, its state of conservation is far from being optimal: namely, the order in which the twenty-five pieces are stored in thirteen frames does not reflect the correct sequence of the fragments. After Wilhelm Crönert's publication in 1900,<sup>4</sup> a new edition of *P. Herc. 1044*, prepared by Italo Gallo, came out in 1980, then was revised and republished

M. CAPASSO *et alii*, 'In margine alla Vita di Filonide', *Cronache Ercolanesi* 6 (1976), pp. 55–59, at 58, I. GALLO, *Studi di papirologia ercolanese* [= *Storie e testi* 13], Naples 2002, pp. 79–83, and D. DE SANCTIS, 'Il filosofo e il re: osservazioni sulla *Vita Philonidis* (*PHerc. 1044*)', *Cronache Ercolanesi* 39 (2009), pp. 107–118, at 108 n. 8. The attribution of the *Life of Philonides* to Philodemus has been recently rejected by M. McOSKER, 'Hiatus in Epicurean authors', *Cronache Ercolanesi* 47 (2017), pp. 145–161, at 153 and n. 41.

<sup>3</sup> On the three inscriptions, see U. KÖHLER, 'Ein Nachtrag zum Lebenslauf des Epikureers Philonides', *Sitzungsberichte der Königlich Preussischen Akademie der Wissenschaften zu Berlin* 2 (1900), pp. 999–1001, who first reconnected them to the philosopher; on Philonides at court, see W. CRÖNERT, 'Die Epikureer in Syrien', *Jahreshefte des österreichischen archäologischen Institutes in Wien* 10 (1907), pp. 145–152, at 146–149, and D. GERA, 'Philonides the Epicurean at court: Early connections', *Zeitschrift für Papyrologie und Epigraphik* 125 (1999), pp. 77–83. More generally, on Philonides of Laodikeia, see CRÖNERT, *Der Epikureer Philonides* (cit. n. 2), pp. 955–959, H. USENER, 'Philonides', *Rheinisches Museum für Philologie, Geschichte und griechische Philosophie* 56 (1901), pp. 145–148, PHILIPPSON, 'Philonides' (cit. n. 2), M. ERLER, 'Epikur-Die Schule Epikurs-Lukrez', [in:] H. FLASHAR (ed.), *Grundriss der Geschichte der Philosophie*, Begründet von F. UEBERWEG, völlig neubearbeitete Ausgabe, *Die hellenistische Philosophie* [= *Die Philosophie der Antike* 4], Basel 1994, pp. 29–490, at 251–255, GALLO, *Studi* (cit. n. 2), pp. 69–76, M. HAAKE, *Der Philosoph in der Stadt. Untersuchungen zur öffentlichen Rede über Philosophen und Philosophie in den hellenistischen Poleis*, Munich 2007, pp. 148–159, R. KOCH PIETRE, 'Philonidès de Laodicée et le canon épiqueurien', *Cahiers du Centre Gustave Glotz* 21 (2010), pp. 385–408, R. GOULET, 'Philonidès de Laodicée', [in:] IDEM (ed.), *Dictionnaire des philosophes antiques* Va: de Paccius à Plotin, Paris 2012, pp. 441–452.

<sup>4</sup> CRÖNERT, 'Der Epikureer Philonides' (cit. n. 2).

in 2002.<sup>5</sup> However, neither of these editions, although they suggested proximity between some specific fragments on the basis of the content, offered an actual reconstruction of the scroll. Much progress was made by Maria Grazia Assante, whose unpublished doctoral research was especially focused on the difficult reconstruction of *P. Herc.* 1044.<sup>6</sup>

The *Vita Philonidis* is not merely a source of information about the life of the philosopher, it also bears witness to lesser-known aspects of Greek scholarship in the second century BCE, as well as on Hellenistic history and civilization with particular reference to both Greece and Syria. It is this type of evidence within *P. Herc.* 1044 that this paper aims to look at, by focusing in particular on a passage of the text that reflects specific legal practices that also clearly emerge from papyrological and epigraphical documentary sources.

Before moving to this passage, briefly considering the content of the previous columns can help to reconstruct a context in which to frame it in order to understand it better. After a severely lacunose introductory section of about ten columns, in which the author plausibly presents Philonides through some of his general qualities (i.e. εὐφροῦς), a new – and presumably the main – section of the biography begins with some considerations on his acceptance of Epicureanism and his dedication to it, in terms of scientific approach as well as moral conduct and behaviour towards his family.<sup>7</sup> According to my reconstruction, between these passages and the

<sup>5</sup> GALLO, *Studi* (cit. n. 2), 59–205, revised and updated version of I. GALLO, *Frammenti biografici da papiri*, II: *La biografia dei filosofi*, Rome 1980, pp. 23–166.

<sup>6</sup> M. G. ASSANTE, *PHerc. 1044 (Vita Philonidis): edizione, traduzione e commento*, unpublished doctoral dissertation, Udine 2011–2012, available on-line at <<http://hdl.handle.net/11390/1132397>> (accessed 3 November 2021). Some results of her research can be found in EADEM, ‘*PHerc.* 1044 (*Vita Philonidis*): fr. 58–59 Gallo’, *Cronache Ercolanesi* 40 (2010), pp. 51–64; EADEM, ‘Osservazioni preliminari sull’anatomia del *PHerc.* 1044’, [in:] A. ANTONI, G. ARRIGHETTI, M. I. BERTAGNA, & D. DELATTRE (eds.), *Miscellanea Papyrologica Herculansia* I [= *Biblioteca di Studi Antichi* 93], Pisa – Rome 2010, pp. 231–245; EADEM, ‘Per una nuova edizione del *PHerc.* 1044: una prima ipotesi di ricostruzione del rotolo’, [in] *PapCongr.* XXVI, pp. 55–65.

<sup>7</sup> See F. NICOLARDI, ‘Nuovi elementi sulla sezione iniziale del rotolo ercolanese della *Vita Philonidis*’, *Polygraphia* 1 (2019), pp. 145–155, and EADEM, ‘Filonide di Laodicea filosofo epicureo: una rilettura di *PHerc.* 1044, fr. 2, 49 e 3 Gallo’, *Cronache Ercolanesi* 50 (2020), pp. 35–49.

P. Herc. 1044  
cr. 1 pz. 3 fr. 5



P. Herc. 1044  
cr. 12 pz. 4 fr. 59

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one that will be discussed later on were originally four columns in the scroll, the third of which is today entirely lost;<sup>8</sup> the other three columns are very fragmentarily preserved in five different pieces of papyrus (*pezzi*) stored in three different frames (*cornici*).<sup>9</sup>

<i>top</i>	cr. I pz. 2 fr. 4	cr. I <i>s.n.</i>	lost	lost	lost	cr. I pz. 3 fr. 5
<i>bottom</i>	cr. II pz. 2 fr. 51 (left)	cr. II pz. I fr. 51 (right)	lost	cr. I2 pz. 4 fr. 58	cr. I2 pz. 4 fr. 59	

The upper part of the column in cr. I pz. 2 fr. 4 is only preserved in its left portion, in which sequences such as φιλοσ[ (l. 2), σπουδ[ (l. 3), τὰ ἐνκύ- κλ[ια (l. 9) may perhaps suggest a reference to Philonides' commitment to learn philosophy. In the lower part of the same column – cr. II pz. I fr. 51 (left) – Crönert thought he could read a reference to Philonides' noble attitude towards death, as he supplemented τὰ ἔσχα|[τα --- ἔφ]ερεν γεν|- [ναίως (ll. 23–25). Although the text here is probably too fragmentary to accept legitimately Crönert's supplements, these are made more attractive by reading the upper part of the following column, which I have identified in a narrow piece of papyrus that is placed in cr. I to the right of pz. 3 fr. 5, but does not have its own number on the cardboard (I therefore refer to it as cr. I *s.n.*).<sup>10</sup> Here some terms and sequences can be read,

<sup>8</sup> With few exceptions such as the one mentioned below (n. 10), I generally agree with Assante's reconstruction of the order of the pieces of *P. Herc.* 1044. Completely lost columns have usually not been pointed out by her.

<sup>9</sup> Frame and piece are henceforth referred to as 'cr.' and 'pz.' from the Italian words 'cornice' and 'pezzo', which are consistently attested in the archival documentation of the Officina dei Papiri Ercolanesi (Biblioteca Nazionale di Napoli 'Vittorio Emanuele III'). The abbreviation 'fr.' stands of course for 'frammento' and refers to the number written on the nineteenth-century cardboard, on which the papyrus is glued, in order to identify partial columns or portions of text presumably pertaining to one column. The specification 'right'/'left' is used for cases in which the unroller of *P. Herc.* 1044 misidentified columns and assigned only one number to portions of two different columns. The abbreviation *s.n.* stands for *sine numero*.

<sup>10</sup> I shall not discuss here in detail the repositioning of this piece of papyrus, since this would require the introduction of technical and material considerations on the morphology

related to courage, illness, dirge (θάρσος, l. 6; ταῖ]ς νόσοις, l. 7; ], εθρηνω, l. 10; and possibly τελε]εϋταῖαι vel τελε]εϋταῖαι, l. 8)<sup>11</sup> and seem to fit well with the context proposed by Crönert in the previous column. In the lower portion of this column, cr. 11 pz. 1 fr. 51 (right), not much more than the sequence χρησιμ[ (l. 25) can be read. As for the other two columns up to the point being discussed (cr. 12 pz. 4 fr. 59 and cr. 1 pz. 3 fr. 5), nothing significant can be said, since they are at present almost completely lost and in the only surviving portion (cr. 12 pz. 4 fr. 58) nothing noteworthy, except for an isolated ἐπιτήδεια (l. 28), can be read.

After these fragments, a larger portion of text can finally be identified, consisting of the lower part of a column and the upper part of the following one. This continuous text is preserved by two different pieces of papyrus, cr. 12 pz. 4 fr. 59 and cr. 1 pz. 3 fr. 5, which were already joined by the *editor princeps* of *P. Herc. 1044*, thanks to the reading of the participle ἀπηλευθε|[ρω]μένοις, divided between the two columns, and to the recurrence of the same verb (ἀπελευθερώσαι) further below in cr. 1 pz. 3 fr. 5.<sup>12</sup> This text, as the commentary will show and as the context of the previous columns might support, seems to refer to Philonides' dispositions (in a moment which was close to his death or an imminent departure) in his brother Dicaearchus' presence presumably on the subject of shared and

of the pieces and on layout elements, which would divert attention from the main topic of this paper. Assante placed cr. 1 *s.n.* about five circumferences, i.e. ten columns, later in the scroll (upper part of col. XVIII in her reconstruction).

<sup>11</sup> See also PHILIPPSON, 'Philonides' (cit. n. 2), p. 69, who supplemented [ἐν ταῖ]ς νόσοις [αἱ ὀμογαὶ μα]ταῖαι κα[πρακτοὶ εἶσι·] μήτ' ἔστε [μαλακοὶ μήτ]ε θρηνώ[δεις.

<sup>12</sup> What remains of the last lines of the column the upper portion of which is preserved in cr. 1 pz. 3 fr. 5 is particularly scanty and only visible in some *sovrapposti* in cr. 12 pz. 4 fr. 59 and, therefore, will not be taken into consideration in the present paper. On the phenomenon of *sovrapposti* and *sottoposti*, often occurring in Herculaneum papyri, as a consequence of the unrolling procedures applied to highly compressed scrolls, see most recently H. ESSLER, 'Rekonstruktion von Papyrusrollen auf mathematischer Grundlage', *Cronache Ercolanesi* 38 (2008), pp. 273–307, esp. 281–285; R. JANKO, 'How to read and reconstruct a Herculaneum papyrus', [in:] B. CROSTINI, G. IVERSEN, & B. M. JENSEN (eds.), *Ars Edendi Lecture Series IV*, Stockholm 2016, pp. 117–161, esp. 146–147; F. NICOLARDI, 'Aspetti e problemi della stratigrafia nei papiri ercolanesi: lo spostamento a catena di sovrapposti e sottoposti', *Cronache Ercolanesi* 49 (2019), pp. 191–215.

individual properties.<sup>13</sup> The described scene is probably to be set in Laodikeia on the Sea in Syria, Philonides' native place, to which he went back after numerous trips and where he taught philosophy at the court of Demetrius I Soter (161–150 BCE).<sup>14</sup>

*20 lines missing*

	[ ±4 ]αι[ ±11 ]	cr. 12 pz. 4 fr. 59
	[ ±4 ]ιο[ ±11 ]	
	[ ±2 ]τξωξ κα[ ±8 ]	
24	[ ±5 ]ν[ ±10 ]	
	[ ±3 ]ντοιστε . [ ±2 ]ς . μ[ετὰ]	
	δὲ ταῦτα τὰλ[λα] κατα-	
	λείπων ὑπ[άρ]χοντα, ὡς	
28	καὶ τὰδελφῶι κοινά, ὄ-	
	μως πρὸς το[ῦ]ς ἀπηλευθε[ρ]-	
	[ρω]μένους ὑπ' αὐτοῦ σώ-	cr. 1 pz. 3 fr. 5
	[μασ]ιν ἤθελέν τι καὶ τὸ γέ-	
	[ν]ος ἀπελευθερῶσαι· καὶ	
4	[τὸν] ἀδελφὸν ἐρωτήσας	
	[εἰ εὖ]δοκεῖ προσγράψαι	
	[διεκ]ελεύσατο καὶ χρη[ ±2 ]	
	[ ±4 ] . ἀκόλουθον . [ ±4 ]	
8	[ ±3 ] . ας προαπε[ ±5 ]	
	[ ±4 ]ι καὶ πειθ[ ±6 ]	
	[ ±3 ]λιμοι κεχ[ ±6 ]	
	[ ±8 ] . . [ ±6 ]	

<sup>13</sup> Philonides' brother is not mentioned by name in these columns; he is explicitly mentioned in cr. 3 fr. 22 and perhaps in 1044 cr. 3 fr. 21, as well as in all three inscriptions related to Philonides (see n. 3).

<sup>14</sup> The following abbreviations are used in the critical apparatus: Assante = ASSANTE, *PHerc.* 1044 (*Vita Philonidis*): edizione (cit. n. 6); Crönert = CRÖNERT, 'Der Epikureer Philonides' (cit. n. 2); Gallo = GALLO, *Studi* (cit. n. 2), pp. 59–205; N = Neapolitan facsimile of *P. Herc.* 1044 (Biblioteca Nazionale di Napoli 'Vittorio Emanuele III', available online at <<https://dl.bnonline.it>> [accessed 3 November 2021]); Philippson = PHILIPPSON, 'Philonides' (cit. n. 2), p. 68; Usener = USENER, 'Philonides' (cit. n. 3), p. 147 n. 4.



23. ]τρωϛ κ[ legit Assante; ]ρο[ ]οπα[ N, Gallo || 25. ]γτοιστ[ . [ potius quam ]γτοιστο . [ pap.; ]γτοιστ[ Assante; ]λίποι στο[ N, Gallo || ϛ μ[ετὰ dispexi et supplevi || 26. δὲ ταῦτα legi et restitui a subposito; λειπ[ . ]υτα N; ] ἐπ' [α]ῦτά Gallo; δ' ἐπ' [α]ῦτά Assante || τᾶλλ[λα] supplevi; τὰ λ[οιπὰ] Gallo (longius spatium); τᾶλλ[λα δὲ] Assante (longius spatium) || 26–27. κατ[α]λ[ειπ[ ]ων iam Gallo; tantum λει[ . ] . ων Crönert || 27. ὑπ[άρ]χοντα Usener; ὑ[πάρ]-χοντας (?) Crönert || fin. lin. ὡς primum dispexi || 28. κα[ί] τᾶδελφῶι iam Philippson; κατ[α]δδελφῶι Crönert; καὶ ἀδελφῶι Gallo || 28–29. ὀμωϛ Gallo; ὀ[μω]ίωϛ (?) Crönert || 1–2. σώ-[[μια]σ]ω Gallo; σο[ ]ω N; λω[ ]ω Crönert; δώ[ ]ω Philippson || 2–3. τὸ γέ[ ]ωϛ Assante; το . ε[ ] N; τοῦ[ ] ε[ ] [τέρου]ϛ (?) Crönert; τοῦϛ | [λοιπὸ]ϛ Gallo || 5. εἰ εὔ]δοκεῖ supplevi; ]δοκεῖ Crönert; πῶϛ] δοκεῖ Usener; εἴ τι] δοκεῖ Philippson || 6. διεκ[ ]ελεύσατο vel ἐπεκ[ ]ελεύσατο proposui; ἐκ[ ]ελεύσατο Assante (brevius); ἐβο[ ]υλεύσατο Crönert || χρῆ[ ] Assante; Χρῦ[ ] Crönert; Χρῦ[ ]σωνα?? Usener || 7–8. δ[ ]ιὰ τὰς ἀρε]τὰς Usener || 8. προαπε[ ] vel προαπο[ ] pap.; προαπε[ ]λευθερω]θ . . . Crönert; προαπη[ ]λευθερώκε]ι Usener; προαπε[ ]λευθερω]θεῖσ]ι Gallo; προαπε[ ]λευθερ Assante || 9. πειθ[ ] vel πειε[ ] potius quam πεισ[ ] pap.; πεισ[ ] Assante; Πεισ[ ] Crönert || 10. ]αἱμοι vel ὀμοι vel λιμοι κεχ[ ] pap.; ]μοι[ ] εχα χ N; ]λιμοικευ[ ] Crönert || 11. ]ω[ ] pap.; ]ω[ ] N

{---} *after this, leaving the other goods behind, as they were shared with his brother too, nevertheless, in addition to the slaves previously freed by him (scil. his brother), he somehow wanted to free also their offspring; and after having asked him if he gave his consent, he ordered to add to the list also* {---} *attendant* {---}

25. After τ[ ]ε, the lacuna of about two letters is followed by two traces, which have not been transcribed in the previous editions: the first one is the lower part of a round open letter, most probably *sigma*, since no trace of a middle stroke is visible; the second trace is not much more than a mere dot at lower-letter height. The sequence ]γτοιστ[ . [ ±2 ]ϛ would suggest a dative plural preceded by ἐν or σύν. A possible supplement might be σὺ]γ τοῖς τέκ[ ]νοι]ϛ, with reference perhaps to the children of Philonides' brother, since from the *Life* Philonides himself seems not to have married nor presumably to have had any children (see especially *P. Herc.* 1044, cr. 1 pz. 2 fr. 3, and Nicolardi, 'Filonide' [cit. n. 7], esp. p. 48).

25–26. My new reading δὲ ταῦτα (l. 26), where the previous editors read and supplemented ἐπ' [α]ῦτά (Gallo) or δ' ἐπ' [α]ῦτά (Assante), is based on the identification of a small *sottoposto* in the following circumference (cr. 12 pz. 1), on which an *alpha* is clearly readable in the middle of an intercolumnium, preceded by a small trace at upper-letter height. Upon closer examination, these letters turn out to be written on a different layer of papyrus remained attached under (*sottoposto*) the main surface to which the intercolumnium and the surrounding letters belong (for bibliographical references on *sovrapposti* and *sottoposti*, see



above, n. 12). By moving back the *sottoposto* to its original place, the gap is filled up and the small trace turns out to be part of the crossbar of the *tau*.

The expression  $\mu[\epsilon\tau\acute{\alpha}] \mid \delta\acute{\epsilon} \tau\alpha\upsilon\tau\alpha$  rules out Assante's supplement of the particle  $\delta\acute{\epsilon}$  after  $\tau\acute{\alpha}\lambda[\lambda\alpha]$ , which would however imply a larger gap than we actually see in the papyrus.

26–27.  $\kappa\alpha\tau\alpha\mid\lambda\epsilon\acute{\iota}\pi\omega\nu$ : the verb  $\kappa\alpha\tau\alpha\lambda\epsilon\acute{\iota}\pi\omega$  often has a quasi-technical meaning, referring to the act of leaving something behind especially when dying, or also going into a far country, (see LSJ, *s.v.*) and consequently often occurring in or with reference to testamentary dispositions, both in documentary and literary sources: see, for example, the last wills preserved in *P. Petr.*<sup>2</sup> I 14 (238–237 BCE), l. 10 ( $\kappa\alpha\tau\alpha\lambda\epsilon\acute{\iota}\pi\omega \tau\acute{\alpha} \upsilon\pi\acute{\alpha}\rho\chi[\omicron\nu]\tau\acute{\alpha} \mu\omicron\iota \pi\acute{\alpha}\nu\tau\alpha$ ) and *BGU VI* 1285 (110 BCE), ll. 5–6 ( $\kappa\alpha\tau\alpha\lambda\epsilon\acute{\iota}\pi\omega \tau\omicron\nu \kappa\lambda\eta\rho\acute{\omicron}\nu \mu\omicron\upsilon \kappa\alpha\acute{\iota} \tau\acute{\alpha} \omicron\pi\lambda\alpha \kappa\alpha\acute{\iota} \tau\omicron\upsilon\varsigma \acute{\alpha}\kappa\omicron\lambda\omicron\upsilon\theta\omicron\upsilon\varsigma \sigma\tau\alpha\theta\mu\omicron\upsilon\varsigma \Delta\eta\mu\eta\tau\tau\mid\rho\acute{\iota}\omega\iota \tau\acute{\omega}\iota \mid \pi\rho\epsilon\sigma\beta\upsilon\tau\acute{\epsilon}\rho\omega \mu\omicron\upsilon \nu\acute{\iota}\omega\iota$ ); see also Plato's last will in D.L. III 41 ( $\tau\acute{\alpha}\delta\epsilon \kappa\alpha\tau\acute{\epsilon}\lambda\pi\epsilon \Pi\lambda\acute{\alpha}\tau\omega\nu \kappa\alpha\acute{\iota} \delta\acute{\iota}\epsilon\theta\epsilon\tau\omicron$ ), 42 ( $\omicron\acute{\iota}\kappa\acute{\epsilon}\tau\alpha\varsigma \kappa\alpha\tau\alpha\lambda\epsilon\acute{\iota}\pi\omega \tau\acute{\upsilon}\chi\omega\nu\alpha \beta\acute{\iota}\kappa\tau\alpha\nu \acute{\Lambda}\pi\omicron\lambda\omega\nu\acute{\iota}\alpha\delta\eta\nu \Delta\iota\omicron\nu\acute{\nu}\sigma\iota\omicron\nu$ ), or a fragment from the testament of the Epicurean Dionysius, Polystratus' successor as the scholarch of the *Kepos*, in *P. Herc.* 1780 fr. VII, ll. 7–8 ( $\kappa\alpha\acute{\iota} \mid \omicron\acute{\iota}\varsigma \acute{\alpha}\epsilon\acute{\iota} \tau\omicron\upsilon\tau\omega\nu \kappa\alpha\tau\alpha\mid\lambda\epsilon\acute{\iota}\mid\pi\eta\tau\tau\mid\alpha\iota$ ), published by A. T. Guerra, 'Il *Kepos* epicureo nel *PHerc.* 1780', *Cronache Ercolanesi* 10 (1980), pp. 17–24; the same verb is also used by Philodemus of Gadara in *De morte* IV, *P. Herc.* 1050 col. XXIV, ll. 8–10 ( $\kappa\alpha\theta\acute{\alpha}\pi\epsilon\rho \omicron\upsilon\chi\acute{\iota} \mid \pi\omicron\lambda\lambda\acute{\alpha}\kappa\iota\varsigma \acute{\alpha}\pi\alpha\sigma\iota\nu \kappa\alpha\tau\alpha\lambda\epsilon\acute{\iota}\pi\epsilon\upsilon \eta\delta\acute{\iota}\mid[\omicron\nu]\omicron\varsigma \mid[\omicron\acute{\iota}]\nu\tau\omicron\varsigma \eta \tau\iota\sigma\iota\nu \tau\acute{\epsilon}\kappa\upsilon\omicron\nu\omicron\iota\varsigma$ ; see W. B. Henry, *Philodemus, On Death*, Atlanta 2009). This meaning of  $\kappa\alpha\tau\alpha\lambda\epsilon\acute{\iota}\pi\omega$  would fit well with the context that can be reconstructed in the previous columns, where Philonides' attitude towards death was possibly discussed (see above). The interpretation of this passage as related to his last moments and dispositions may also be supported by the reference to the manumission of slaves, which was frequently performed by testament (see below, comm. to ll. 29–3).

27. At the end of l. 27, which would be anyway shorter than expected if it ended with  $\mid\chi\omicron\nu\tau\alpha$ , two further letters can be detected, the *omega* followed by the trace of a round letter, which were not represented in the nineteenth-century facsimiles of the papyrus, nor were they noticed by the previous editors.

29–3. In addition to the slaves his brother had already manumitted ( $\acute{\alpha}\pi\eta\lambda\upsilon\theta\epsilon\mid\mid[\rho\omega]\mu\acute{\epsilon}\nu\omicron\iota\varsigma$ ), Philonides wanted to set free ( $\acute{\alpha}\pi\epsilon\lambda\epsilon\upsilon\theta\epsilon\rho\acute{\omega}\sigma\alpha\iota$ ) their offspring: this would lead us to presume that the ownership of these slaves was shared between the two of them, just like the ownership of the goods mentioned in ll. 26–28. The conjunction  $\omicron\mid\mu\omega\varsigma$  (ll. 28–29) seems to go in the same direction, emphasizing that, although Philonides did not dispose anything specific about the other goods (as they were shared with his brother), he nevertheless wanted to make an addition to the manumissions previously performed by him. If this is true, it is probable that the properties that are the object of these lines had been transmitted to the two brothers by inheritance. Collective ownership and collective manumissions of slaves are quite frequently attested: on co-owned slaves, see

I. Biežuńska-Małowist, 'Les esclaves en copropriété dans l'Égypte gréco-romaine', *Aegyptus* 48 (1968), pp. 116–129, and eadem, *La schiavitù nell'Egitto greco-romano*, Rome 1984, pp. 234–235 (Ptolemaic period), 264–271 (Roman period); on manumissions performed by more than one master, see R. Zelnick-Abramovitz, *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World* [= *Mnemosyne Supplement* 266], Leiden 2005, pp. 130–143 (on manumissions performed collectively by siblings, see especially p. 131 n. 2); female slaves are bequeathed ἐξ ἴσου by Dryton to his children in *P. Dryton* 4 (126 BCE). Nevertheless, the fact that the σώματα mentioned at ll. 29–2 were manumitted by Dicaearchus alone (ὅπ' αὐτοῦ), rather than by both brothers, is not consistent with them being co-owners. It could be the case that slaves owned separately by Philonides and Dicaearchus had informally 'intermarried', and that the offspring of this union was jointly owned by the two brothers (I am grateful to the anonymous reviewer for suggesting this explanation; on the servile marriage relationship as 'a common arrangement that can be found in many slave systems' rather than 'a distinctively Gortynian institution' and on the ownership of the children of these unions, see D. Lewis, 'Slave marriages in the laws of Gortyn: a matter of rights?', *Historia* 62/4 (2013), pp. 390–416). In any case, any further speculation on the distribution of properties between the two of them would be hypothetical. Furthermore, the use of the adverbial τι at l. 2 (ἤθελέν τι) might be precisely intended to characterize his request as extraordinary (on the use of the epheletic ny before consonant in this papyrus, cf. [υνέτ]υχεν δέ, fr. 11, l. 7 Gallo).

We cannot know when and under what circumstances the slaves were previously freed by Dicaearchus; as for Philonides' wish, however, it is worth emphasizing that not only was the manumission of slaves often performed by testament (see most recently Zelnick-Abramovitz, *Not Wholly Free* [cit. above], pp. 71, 74–76, 185–186, with reference to both literary and documentary examples), it also often occurred in the last wills of Greek philosophers, as the testamentary dispositions transmitted by Diogenes Laertius in his *Lives of the Eminent Philosophers* show: slaves are set free in the last wills of Plato (D.L. III 43), Aristotle (V 11), Theophrastus (V 56–57), Strato (V 62), Lycon (V 74), and Epicurus (X 16–21). In particular, on Epicurean attitude towards slaves, see J. Heßler, 'Epikur/Epikureismus', [in:] H. Heinen *et alii* (eds.), *Handwörterbuch der antiken Sklaverei*, Stuttgart 2012, s.v. In Epicurus' will, as well as in the other wills transmitted by Diogenes Laertius, the expression referring to the manumission is made up of the verb ἀφίημι, the object predicative ἐλεύθερον/ἐλευθέρων/-ους/-ας and the name(s) of the manumitted slave(s). Along with this expression, most commonly the verb ἀπελευθερώω and occasionally ἐξέλευθερώω are used in literary and especially documentary sources and are regularly employed to refer to the action of setting slaves free. As is well known, the difference between the corresponding

adjectives ἀπελεύθερος and ἐξελεύθερος has been discussed since antiquity; according to Zelnick-Abramovitz, *Not Wholly Free* (cit. above), pp. 99–129, different terminology would correspond to different status, and the two sets of terms ἀπελευθεροῦν/ἀπελεύθερος and ἐξελευθεροῦν/ἐξελεύθερος would respectively refer to the two separate categories of conditionally and unconditionally freed slaves; *contra*, E. Meyer, *Metics and the Athenian Phialai-inscriptions: A Study in Athenian Epigraphy and Law* [= *Historia Einzelschriften* 208], Stuttgart 2010, p. 55 n. 154; D. Kamen, *Status in Classical Athens*, Princeton 2013, pp. 91, 102 n. 22, agrees with Zelnick-Abramovitz on the distinction of two different status groups, including, on the one hand, ‘freed slaves who had continuing obligations’ and, on the other, ‘those who were free from obligations’, but finds the terminological distinction less convincing; on the term ἀπελεύθερος see also R. Scholl, ‘Ἀπελεύθεροι im ptolemäischen Ägypten (?)’, *Archiv für Papyrusforschung* 36 (1990), pp. 39–42; on later terminology of manumission, see N. Istasse, ‘La terminologie relative à l’affranchi et à l’affranchissement dans les papyrus de l’Égypte romaine’, *Chronique d’Égypte* 75 (2000), pp. 331–340. Accepting Zelnick-Abramovitz’ interpretation and assuming that the verb is here used in its technical meaning would suggest that the slaves manumitted by Dicaearchus and Philonides were conditionally freed, as is common in the well-known case of *paramone*, by which slaves were asked to remain and serve their masters up to a specific moment (on *paramone*, see most recently D. M. Lewis, S. Zanovello, ‘Freedmen/Freedwomen, Greek’, [in:] *Oxford Classical Dictionary*, 24 May 2017, available at <<https://oxfordre.com/classics>> [accessed 3 November 2021]; for a new perspective on the status of slaves freed on condition of *paramone*, see J. D. Sosin, ‘Manumission with *paramone*: conditional freedom?’, *Transactions of the American Philological Association* 145 [2015], pp. 325–381).

The sequence τὸ γέ[ι]ϛ, read and supplemented by Assante, is noteworthy, particularly if compared with other sources. The manumission of slave children together with their parents is attested in both literary and documentary texts: children might be manumitted together with their mothers, as documentary papyri and inscriptions show (Zelnick-Abramovitz, *Not Wholly Free* [cit. above], pp. 163–164; see also N. Istasse, ‘Trois notes sur les affranchis dans les papyrus de l’Égypte romaine’, *Chronique d’Égypte* 76 [2001], pp. 202–208, esp. 205 n. 17, and J. A. Straus, ‘L’affranchissement dans l’Égypte gréco-romaine: À propos d’un ouvrage récent sur l’affranchissement et le statut des affranchis dans le monde grec antique’, *L’antiquité classique* 78 [2009], pp. 233–239, esp. 239, who have pointed out that all the examples of these types of family manumissions are related to child slaves and their mothers); in Aristotle’s last will, a child slave is set free together with his father Olympios and two other slaves, under *paramone* until the philosopher’s daughter has married (D.L. V 15: Τύχωνα δ’ ἐλεύθερον εἶναι, ὅταν ἡ παῖς ἐκδοθῆ, καὶ Φίλωνα καὶ Ὀλύμπιον καὶ τὸ παιδίον αὐτοῦ). As for the term γένος,

it is worth considering some epigraphic parallels: this noun is frequently attested within the accusative of respect τὸ γένος οἰκογενῆ, in which it describes the origin of the mentioned slaves (e.g. *FD* III/2, no. 240 [124 BCE], l. 4: σώμα ἀνδρείον, ὦι [ὄν]ομα Ἑλληνικός, τὸ γένος οἰκογενῆ), just like ethnic expressions do elsewhere (e.g. *FD* III/3, no. 24 [146 BCE], ll. 3–5: σώματα δύο, τὸ μὲν ἀνδρεῖ[ο]ν | ὦι ὄνομα Σέλευκος τὸ γένος Σύρον, τὸ δὲ γυναικεῖον ἄι ὄνομα Ἀφροδισία τὸ γένος | Σαρμάτισσαν); in addition to this use, quite common and yet unsuitable for comparison with the column of the *Life of Philonides*, a further, more similar and noteworthy meaning of γένος occurs in epigraphic texts, in which it is used together with γενεά and is related to the offspring of slaves. To mention some examples in the field of manumission, in *SGDI* II 1348 (3rd cent. BCE) and P. Cabanes, *L'Épire de la mort de Pyrrhos à la conquête romaine* (272–167), Paris 1976, p. 583, no. 63 = *SGDI* II 1359 + 1362 = *SEG* XXVI 705 (300–232 BCE), both coming from Dodona, female slaves are set free together with their future children from the moment of their birth, καὶ γένος ἐκ γενεᾶς: the expression clearly suggests a reference to future offspring, to children still unborn at the moment of the act (see also Zelnick-Abramovitz, *Not Wholly Free* [cit. above], p. 169, with reference to *SGDI* II 1348). In Cabanes, *L'Épire* (cit. above), p. 586, no. 70 = D. Evangelidis, *Ἡπειρωτικὰ ἔρουναι*, I: *Ἡ ἀνασκαφή τῆς Δωδώνης* (1935), II: *Ἀνασκαφή παρὰ τὸ Ραδοτόβι*, *Ἡπειρωτικὰ Χρονικά* 10 (1935), p. 247, no. 2 = *SEG* LIV 575 (Dodona, 4th cent. BCE), a slave is set free together with her γενεὰν καὶ γένο|ς ἐκ γενεᾶς: in the expression here used the two terms seem to assume distinct meaning, γενεά referring to the already born children and γένος to any future offspring. In the documentation just mentioned, the very fact that the status of the children is in discussion is only possible if their parents are not yet ‘completely’ free at the moment of their birth, but rather held in *paramone*, since homeborn children generally belonged to their parents’ master, while children born to free parents were free. However, there are probably no sufficient elements to prove that in this passage of *P. Herc.* 1044 τὸ γένος refers to future offspring of the slaves manumitted by Dicaearchus, rather than to children already born to them. In other words, two alternatives are possible: (1) if Philonides sets free already born children, their parents either may have been completely freed in the meantime or are held in *paramone*; or (2), if Philonides sets free the future offspring of the slaves, we need to assume that these are held under *paramone* clause at the moment of these dispositions and that he is referring to any children who may be born inside his house during the *paramone*.

5. εἰ εὐ]δοκεῖ. The small lacuna at the beginning of the line was supplemented by Philippson through εἰ τ], which has been since accepted by the editors. Documentary parallels have led me to supplement rather εἰ εὐ]δοκεῖ. In both cases the subject of the verb δοκεῖ/[εὐ]δοκεῖ is evidently Philonides’ brother, object of the participle ἐρωτήσας, to whom the Epicurean is asking whether he approves

of the further manumission. Clauses of consent to acts recording the alienation of property are actually quite common in the Hellenistic and early Roman period, especially in manumission documents, but also in acts of sale, coming from various areas of the Greek world (see the accurate analysis conducted by U. Yiftach, ‘Family cooperation in contracts: patterns and trends’, *Dike* 18 [2015], pp. 97–141). Consent is often given in the form of *εὐδόκησις* ‘by a person who possesses some rights to an object, and is therefore required to forego any future claims to the asset’ (*ibidem*, p. 113; see also F. Wieacker, ‘*Εὐδόκησις* und Kauf mit fremdem Geld’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 51 [1931], pp. 408–417; W. L. Westermann, ‘Extinction of claims in slave sales at Delphi’, *The Journal of Juristic Papyrology* 4 [1950], pp. 49–61; and C. Cromme, ‘Personen- und Familiengüterrecht in den delphischen Freilassungsurkunden’, *Revue internationale des droits de l’antiquité* 9 [1962], pp. 177–238). This clause is stated either through the simple verb *εὐδοκέω*, or, most frequently, through the compound form *συνευδοκέω*, especially common in Delphic manumission inscriptions (e.g. P. Amandry, ‘Actes d’affranchissement delphiques’, *Bulletin de correspondance hellénique* 66–67 [1942/3], p. 74, no. 4 [Delphi, 153/2–144/3 BCE], ll. 5–6: *συνευδοκούντων καὶ τῶν υἱῶν αὐτῶν*; *ibidem*, p. 77, no. 6 [Delphi, 153/2–144/3 BCE], ll. 3–4: *συνευδοκούντος καὶ τοῦ υἱοῦ αὐτῆς Βαβύλου καὶ τοῦ ἀνδρὸς | Σωκράτεος*; *FD III/1*, no. 297 [Delphi, 90 BCE], ll. 5–6: *συνευδοκούντος | καὶ τοῦ υἱοῦ αὐτῶν Τιμοκλέος καὶ τῆς γυναικὸς αὐτοῦ*; see also *SGDI II* 1726 [Delphi, 170–157/6 BCE], l. 3: *εὐδοκεύσας τῆς θυγατρὸς αὐτοῦ Δρακοντίδος*). On acquiescence by family members in manumission documents, see also Zelnick-Abramovitz, *Not Wholly Free* (cit. comm. to ll. 29–3), pp. 133–140. I believe that Dicaearchus’ approval, which Philonides asks for, does not refer to what precedes, but rather to what follows: besides his will to set free the offspring of his brother’s manumitted slaves, Philonides wants to set free an ‘attendant’ (l. 7: *ἀκόλουθον*; see below, comm. to ll. 6–7) and, before ordering to add his name to the list of the manumitted slaves, he asks for Dicaearchus’ consent. Consent to manumissions is most commonly undertaken by the manumittor’s children, on account of their ‘*ἀπελευθερικὰ δίκαια*, that is the right to the services of the slave after the manumittor’s death’ (Yiftach, ‘Family cooperation’ [cit. above], pp. 123–124). Siblings are attested in manumissions or sale contracts rarely as approvers; most commonly siblings act as co-manumittors or as co-vendors, but this, from a terminological point of view, would not seem to be the case here, for ‘the approver was not the owner of the object and as such could not, and did not, undertake the acts necessary for its conveyance’ (*ibidem*, p. 114, and chart 8, p. 117; for a different view see A. Kränzlein, ‘Zu den Freilassungsinschriften aus Delphi’, [in:] J. M. Rainer (ed.), *Arnold Kränzlein: Schriften*, Vienna – Cologne – Weimar 2010, pp. 1–8, esp. 6–7 = A. Kränzlein, ‘Zu Den Freilassungsinschriften aus Delphi’, [in:] A. Guarino & L. Labruna (eds.), *Synteleia Vincenzo Arangio-Ruiz*, Naples 1964, pp.



820–827, esp. 825–826). This might fit well with the fact that the slave to whose manumission Dicaearchus gives his consent seems to be Philonides' personal attendant and thus presumably his individual property. Interestingly, as mentioned above, the *Life* informs us that Philonides did not marry nor presumably have children; consequently, his brother was his legal heir and this might be the reason why Philonides needed him to consent to any alienation of property. On the possibility of explaining the *εὐδόκησις* clause by a 'Wartrecht der gesetzlichen Erben', see Kränzlein, 'Zu den Freilassunginschriften' (cit. above); *contra*, see Cromme, 'Personen- und Familiengüterrecht' (cit. above), pp. 215–222; on the order of succession in the Greek system, see L. Mitteis, *Reichsrecht und Volksrecht in den östlichen Provinzen des Römischen Kaiserreiches*, Leipzig 1891, pp. 345–346; A. R. W. Harrison, *The Law of Athens. The Family and Property*, Oxford 1968, pp. 130–149; see also E. Cantarella, 'Greek law and the family', [in:] B. Rawson (ed.), *A Companion to Families in the Greek and Roman Worlds*, Oxford 2011, pp. 337–339; on the law of succession with particular reference to papyri, see H. Kreller, *Erbrechtliche Untersuchungen aufgrund der graeco-ägyptischen Papyrusurkunden*, Leipzig – Berlin 1919.

5–6. Assante's reading ]ελευσατο at the beginning of l. 6 has definitively ruled out Crönert's supplement ἐβο]υλεύσατο and suggested rather the aorist of κελεύω. Nevertheless, as already pointed out by Assante, the middle form of this verb is very rarely attested (see LSJ, s.v.: 'Med., aor. ἐκελευσάμην Hp. *Nat. Puer.* 13: more freq. in compds. δια-, ἐπι-, παρα-κελεύομαι'); in addition, and more notably, the simple ἐκ]ελεύσατο she supplemented, would not fill completely the gap, where four letters seem to be lost. Consequently, διεκ]ελεύσατο and ἐπεκ]ελεύσατο might be taken into consideration. The person to whom Philonides gives order to make the addition might be either his mentioned brother or someone specifically in charge of drawing up the list of manumission. I would exclude that *προσγράψαι* refers to a public *anagraphē*, thinking rather of a family record of manumitted slaves.

6–7. In consideration of the context so far analysed, I believe that the term ἀκόλουθος needs to be interpreted as nominalized, referring to a personal attendant, in this case the slave whose manumission is decided by Philonides. In this sense, the term is not rarely attested in literary texts (e.g. Th. VI 28.1, VII 75.5, Ar., *Av.* 73, Pl., *Meno* 82b, *Smp.* 203c, *Chrm.* 155b, Ath. VI 93, XII 47; in some cases ἀκόλουθος is combined with the noun παῖς, as in D.L. VIII 73, with reference to Empedocles' personal attendants), also in Herculaneum papyri, namely *P. Herc.* 1008, Phld., *Sup.*, col. XI 22 Jensen, with reference to which C. J. Voojjs, *Lexicon Philodemeum. Pars prior*, Purmerend 1934, s.v. ἀκόλουθος, records the meaning *pedisequus*. On the role of ἀκόλουθοι, see U. Kästner, 'Bezeichnungen für Sklaven', [in:] E. C. Welskopf (ed.), *Untersuchungen ausgewählter altgriechischer sozialer Typenbegriffe [= Soziale Typenbegriffe im alten Griechenland und ihr Fortleben in den Sprachen der Welt* 3], Berlin 1981, pp. 282–318, esp. 309–310.

The sequence  $\chi\rho\eta$ [ at l. 6 may belong to the name of the attendant, as already thought by Crönert and Usener (who read  $X\rho\nu$ ]; both similarly interpreted as a personal name also the sequence at l. 9, which they read  $\Pi\epsilon\iota\varsigma$ [). Common names beginning with  $X\rho\eta$ - are, for instance,  $X\rho\eta\sigma\mu\omicron\varsigma$  and  $X\rho\eta\sigma\tau\omicron\varsigma$ . It is pretty common to find the mention of the manumitted slaves by name, also in ‘literary’ last wills, as those transmitted by Diogenes Laertius (see above).

8–10. The state of conservation on these lines is too poor to even attempt a reconstruction of the text. For this reason, unlike the previous editors, I prefer not to supplement the sequence  $\pi\rho\alpha\pi\epsilon$ ], since a form of  $\pi\rho\alpha\pi\epsilon\lambda\epsilon\upsilon\theta\epsilon\rho\acute{\omicron}\omega$  – never attested elsewhere – seems to me nothing more than a possibility.

Although in such biographical narrations it can often be difficult to state with certainty how much is genuinely true and how much is affected by the *topos* of the good philosopher and wise man, the reference to precise procedures and the presence of technical terms in these columns strongly suggest that the author of the *Life* – or, more probably, his source – had access to specific information on the dispositions given by Philonides, disclosing some details on legal aspects of the life of the Syrian upper class in the second century BCE.

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## CONTENTS

Joshua ALLBRIGHT

*The rhetoric of aikia in petitions from Roman Egypt* .....

1

**Abstract:** This article discusses the rhetorical usage of the verb *αἰκίζεσθαι* ('abuse', 'thrash', 'brutalize') and its derivatives in petitions from Roman Egypt. Curiously, this description of violence only appears in petitions from the Roman period. Using theories of conflict resolution and social control, it is argued that the writers of these petitions, the majority of whom lived in villages in the Arsinoite nome, used the concept of *aikia* in an attempt to overcome the inefficiency of the Roman Egyptian legal system by augmenting the severity of the crimes they suffered. The usage of the verb *αἰκίζεσθαι* (often paired with the noun *πληγαῖς*) emphasized the brutality and socially transgressive nature of the attack and presented it as something that needed to be addressed by the authorities immediately, as it affected the entire social order. Over time the phrase *πληγαῖς αἰκίζεσθαι* became formulaic in its expression, suggesting that it was not just contained to a handful of petitions. Rather it was a linguistic phenomenon in itself that reveals the effects of the social and legal environment of Roman Egypt on the language of petitions.

**Keywords:** Roman Egypt, violence, *aikia*, petitions, social control, rhetoric, Greek law, Roman law.

Grażyna BĄKOWSKA & Adam ŁAJTAR

*ΜΕΓΑ ΤΟ ΟΝΟΜΑ ΤΟΥ ΣΑΡΑΠΙΣ:*

*An inscribed bronze ring from Marina el-Alamein* .....

27

**Abstract:** The article offers the publication of a bronze ring discovered during the archaeological work on the site of Marina el-Alamein, located on the

shore of the Mediterranean Sea, c. 100 kilometres west of Alexandria. The ring, dated to the second century CE on contextual and formal grounds, carries the acclamation 'Great is the name of Sarapis' in Greek inscribed on its bezel. The acclamation stems from the religious atmosphere of the times, which, in the quest for the divine, ascribed a sort of superiority to some gods of the polytheistic system. The ring contributes to the picture of religious beliefs and practices of the ancient inhabitants of an anonymous settlement hidden under the site of Marina el-Alamein.

**Keywords:** Marina el-Alamein, Roman jewelry, Sarapis, religious acclamations, 'megatheism', Greek inscriptions.

Lucia C. COLELLA

*Riedizione del verbale di apertura di testamento latino*

*conservato in P. Berol. inv. 7124 = ChLA X 412* .....

41

**Abstract:** This paper proposes a re-edition of the opening protocol of M. Sempronius Priscus' will from AD 131 (P. Berol. inv. 7124 = ChLA X 412 = CPL 220). The testament is written in Latin, with the testator's signature in Greek, but in the Latin text itself some interference phenomena from Greek are noteworthy. New readings shed light on the objects of legacies, in particular concerning the bequeathing of land parcels. In the fideicommissary section the phrase *volo et iubeo*, rare in this period, is to be noted, together with a disposition concerning the *pupillae* Herais and Tamystha and another one ordering the testators' daughters not to litigate in court against each other. The place in which the will was opened was most probably Arsinoe, since this toponym seems not to have been crossed out, as was previously believed. All the names of the witnesses are now known.

**Keywords:** Roman will, M. Sempronius Priscus, P. Berol. inv. 7124, ChLA X 412, CPL 220.

Federica NICOLARDI

*Vocabulary and practices of manumission*

*in a fragment of the Life of Philonides (P. Herc. 1044)* .....

67

**Abstract:** The biographical work on Philonides of Laodikeia on the Sea in Syria (P. Herc. 1044+1715+1746) is not merely a source of information about the life of the philosopher, it also bears witness to both well-known and lesser-known aspects of Hellenistic history and civilization, not to mention the fact that it is an extremely rare and precious example of Hellenistic biography. This paper presents a new edition of a passage of the text in which references to vocabulary and procedures of Greek manumission can be detected, which suggest a parallel with papyrological and epigraphic documentary sources. This

parallelism allows, in turn, to understand better the text of the papyrus and to supplement a technical term referring to relatives' consent to the manumission of slaves.

**Keywords:** Philonides of Laodikeia on the Sea, Herculaneum papyri, Greek manumission, ἀπελευθερώω, εὐδοκεῖν.

Joanna WEGNER

*Monks and monasteries in Egypt between household and estate.*

*A case study from Bawit* ..... 83

**Abstract:** The article attempts to explore the applicability of the household model to the monastery of Bawit in Middle Egypt as seen through the papyrological documentation. By focusing on features and functions of household underscored in definitions used by sociology and economy, it defines the monastery as a unit where material and symbolic value was produced and transmitted, and brings to light connections between people, materialities, and labour.

**Keywords:** Bawit, Egyptian monasticism, monastic economy, household.

Ewa WIPSZYCKA

*What can the lives of saints tell us about history?*

*The case of the Coptic Life of Aaron* ..... 105

**Abstract:** The excellent work done by Jitse Dijkstra and Jacques van der Vliet, who edited an important hagiographic text with a huge introduction and a huge commentary, prompted the author of the present paper to walk in their footsteps and to propose some corrections or supplements concerning the date of the composition of the text, the procedure of the election and ordination of bishops, the beginnings of monasticism in the region of the First Cataract. The *Life of Aaron* is a reliable source for the history of the Church of the sixth century (or rather the last part of it), not of the fourth century, as the anonymous author would suggest. On the other hand, its picture of monasticism is made up of stereotypes derived from literary works concerning monks. From it we cannot learn anything about monks living near Syene.

**Keywords:** Athanasius, bishops of Philae, ceremonies of episcopal ordinations, end of paganism, Nubians.

Marzena WOJTCZAK

*How to become a monastic superior? Legal and mundane sine qua nonis* ..... 119

**Abstract:** The literary portrayal of the charismatic founders of monastic communities, and of their successors, abounds in descriptions of ascetic



practices and devotion. However, the *begoumenoi* also needed to be individuals of the right standing and competence, as it was only such people who could properly represent the communities in relations with both lay and ecclesiastical authorities, secure the obedience of all the brethren, as well as efficiently manage the community and its assets. The nature and the exact procedure of superior's appointment became increasingly relevant and began to interest both the church and the secular authorities once the monastic movement reached such a magnitude that it could no longer be left without proper institutional surveillance. In parallel, there was a growing awareness among monks themselves of the need to standardise the existing practices and experience.

In this article I focus on the legal conditions delimiting the transfer of headship over monastic communities and their reflection in mundane reality. My aim is to see how documents of legal practice relate to the imperial legislation dealing with the appointment of the people in charge of the monasteries. The analysis of the superior selection process will allow for commenting on both the legal framework within which the monastic communities functioned, and the much broader issue of imperial policy towards the emerging holy houses. It should also enable some conclusions on the legal status of monastic communities and how it may have influenced the realities of appointing their administrative and spiritual heads.

**Keywords:** monks, monasteries, Late Antiquity, papyri, legal practice, *proestos*, abbot, *begoumenos*, monastic legal capacity, Justinian, imperial legislation.

Uri YIFTACH

*Olim tradita fuerunt?*

*On the obsolescence of the sollemnia verba in Inst. 3.15pr.* .....

169

**Abstract:** According to the classical dogma, the act of *stipulatio* was performed through the exchange of *sollemnia verba*, which were, according to my working hypothesis, verbs introducing the duty to perform a future act, a concept lucidly displayed by Pomponian (*Dig.* 45.1.5.1), hence the 'Pomponian tenet'. Documents preserved on papyrus, composed by 'new-Romans' after the *Constitutio Antoniniana*, exhibit a completely different concept: a stipulation-clause confirming a past, contractually significant activity. It is asked (but not conclusively answered) to what extent this alternative formulation has paved the way to the abandonment of the 'Pomponian tenet' by the emperor Leo in 472 CE (*CJ* 8.37.10). As we draw from Justinian's interpretation of *CJ* 8.37.10 in *Inst.* 3.15.1, the *sollemnia verba*, the use of which became outdated after Leo, was not the language of the stipulation-clause as incorporated in the written documentation of the contract, but that of the act of *stipulatio*, which, as before, was meant in the keep verbal.

**Keywords:** Greco-Roman Egypt, *homologia*, Justinian, Leo, stipulation.