

Lewis, Naphtali

A new document on the 'magister rei privatae'

The Journal of Juristic Papyrology 15, 157-161

1965

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez **Muzeum Historii Polski** w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

A NEW DOCUMENT ON THE MAGISTER REI PRIVATAE

Magistro Rei Papyrologicae
necnon
Iuris Romani Perito
VINCENTIO ARANGIO-RUIZ
Memoriae Gratia

Concerning the office of *magister (rei) privatae* very little is known today beyond what Hirschfeld was able to write in 1905, or Wilcken in 1912¹. Although much is far from clear in a welter of confusing terminology and inadequate evidence, the few essential facts are quickly summarized. Under Septimius Severus the property belonging to the emperor personally was established as a discrete administrative department, under a *procurator rei privatae*. Apparently under Diocletian or Constantine the head of this ministry was given the title of *magister*, that of *procurator* being retained for his subordinate(s)². The *magister rei privatae* ranked with the *rationalis*, or finance minister, with whom he was closely associated;³ in fact, in the *Notitia Dignitatum*, whose data are generally regarded as going back to the early or mid-fourth century, the title appears as *rationalis rei privatae* (one each in the Eastern and Western Empires). Finally, while *rationalis* continued in use, the title of the highest official was changed to *comes rerum privatarum*, the earliest reference to which is probably to be found in a constitution of 319 A.D.⁴ Through all these changes

¹ O. Hirschfeld, *Die kaiserlichen Verwaltungsbeamten bis auf Diocletian*², pp. 35-39, 47, 358. U. Wilcken, *Grundzüge der Papyruskunde*, pp. 162-163; but cf. note 6, below. One may also consult the brief remarks of W. Liebenam, *R-E* 1A, cols. 263, 633; A. Berger, *Encyclopedic Dictionary of Roman Law*, s.vv. *procurator patrimonii*, *procurator rei privatae*.

² Cf. CIL III, 12044 = 13569, 26-28: [in] officio rationa[l]is et privat[a]e magistri vel etiam procuratorum [u]triusque of[f]icii. On the analogy of 12043 (cf. note 3, below), which contains Cod. Theod. 9.5.1 = Cod. Just. 9.8.3, this inscription may be dated 314-23 A.D.: cf. Mommsen, *CIL* III, p. 2045.

³ Cf. CIL III, 17 and 18 = 6585 and 6586, on which Mommsen remarks in a footnote *videntur simul positae... a duobus magistratibus quasi collegis*; also 12044 = 13569, 26-28 (quoted in note 2, above) and 42-44: *quid super omnibus tam [p]raefectis nostris quam etiam praesidibus provinciarum, rationali quoque et privat[a]e magistro scripserimus* (similarly 12043, 46-48).

⁴ Cod. Theod. 10.8.2. Some commentators ignore this constitution or question the identification of the *comes* mentioned therein and place the earliest mention of the *comes rerum privatarum* in 342 A.D. But cf. O. Seeck, *R-E* 4, col. 664, and for a general review of the history and duties of the office cols. 664-70.

of title the head of the *res privata* held the rank of *vir perfectissimus*; some time after 340 A.D. this was raised to *vir clarissimus*, and eventually to *vir illustris*.

A parallel administrative structure is discernible in the provinces. The corresponding titles occur in a handful of texts, all but one of them from Egypt⁵. A *magister rei summae privatae* appears in an undated inscription from Tunisia⁶. In Egypt a μάγιστρος πριουάτης and a subordinate ἐπίτροπος πριουάτης (= *procurator privatae*) are attested as early as 298 A.D.,⁷ and again in documents of 307 A.D.⁸ There is also a dedication to Constantine the Great by an official styled *mag(ister) privat(ae) Aeg(ypti) et Lib(yae)*⁹. An ἐπίτροπος πριουάτης appears also in documents of 301/2 and 338 A.D.¹⁰ Thereafter, documents of 346 and 360 A.D. mention a καθολικός δεσποτικῶν κτήσεων, who, as Wilcken first conjectured, is perhaps to be recognized as the *rationalis rei privatae*;¹¹ in which case the ἐπίτροπος δεσποτικῶν κτήσεων, who appears in the same documents as a subordinate of the καθολικός, is to be identified as the *procurator rei privatae*.^{12 13}

To the texts cited above on the *magister rei privatae* may now be added the following, which I publish with the permission of the appropriate authorities of New York University.

⁵ Wilcken's notion (*Gr.* p. 163) that the *magister privatae* was in Egypt the successor of the *idiologus* is controverted by Plaumann's study of the latter office.

⁶ *CIL* VIII, 822.

⁷ P. Beatty Panop. 1. I am indebted to Mr. T. C. Skeat for this reference.

⁸ PSI 310 and MChr 196. BGU 927 (= WChr 178), which mentions an order τοῦ διασημοτάτου μαγίστρου [τῆς] πριουάτης, is undated.

⁹ *CIL* III, 18 = 6586.

¹⁰ PLond. 1271 (text in an appendix in P. Beatty Panop.) and PVindob. Sijp. (= Pap. Lugd.-Batav. 11) 1.

¹¹ PLond. 234 (= WChr 179) and POxy. 2267; cf. WChr 179, introd. Since the imperial domains were administered under the *res privata* (see below), the identification appears more than likely. It is accepted without question by W. E n s l i n, *R-E* 19, col. 669, and in POxy. 2267, 6n.

¹² So e.g. *WB* III, p. 117; P. Vindob. Sijp. 1, 16n. If the identification is correct, the change of title appears to have accompanied an increase in the number of such *procuratores*, with reduction of the sphere of authority of each. In 298 and 301/2 A.D. P. Beatty Panop. 1 and PLond. 1271 mention an ἐπίτροπος πριουάτης Θηβαίδος. In MChr 196, of 307 A.D., the title is ἐπίτροπος πριουάτης Αἰγύπτου. Does this mean all of Egypt except the Thebaid? In PVindob. Sijp. 1, of 338 A.D., the sphere of authority is not mentioned, but is presumably all of Egypt since the ἐπίτροπος τῆς πριουάτης of that document apparently has his office in Alexandria. But the authority of an ἐπίτροπος δεσποτικῶν κτήσεων extends only over one or two nomes: cf. POxy. 2267, 2-3 and note.

¹³ P. Merton 90 (ca. 310 A.D.) mentions a καθολικός and an ἐπίτροπος, who are identified in the notes to lines 6f. and 8 as officials of the *res privata*. But, as F. Z u c k e r has already observed (*Archiv* 17, p. 218), the case for the identification is not convincing; the notes in question should be discounted accordingly.

P. New York inv. no. XIVc, 50

Provenience unknown¹⁴

25 × 19 cm

Early IV century

The papyrus is complete except at the left. Near the middle the surface is abraded and the fibres shredded, but it is possible to recover more of the text that would at first glance be expected. The verso is blank, and only the upper half of the recto is written upon. Both in general appearance and in certain specific details the hand resembles that of BGU 94, of 289/90 A. D., which is reproduced in W. S c h u b a r t, *Griechische Palaeographie*, Abb. 53.

In essaying the reconstruction of the text, the most obvious clue is found in lines 5—6, where the phrase κα/[τὰ τ]ὸ ἔθος can be regarded as reasonably certain. On this basis the loss at the left amounts to 3—4 letters in lines 5—10 and is correspondingly greater in the other lines, as indicated in the transcription.

Wilcken, commenting on the appearance of οὐσίαι ταμιακαί, suggested that the assignment of properties of the *patrimonium* (οὐσίαι) to the *fiscus* (ταμιεῖον) was part of the reorganization of the financial administration under Septimius Severus which also created the emperor's *res privata*¹⁵. In the third century „procurators of the *res privata*... in some cases... represented the interests of the *patrimonium* as well”¹⁶. Under the Diocletianic-Constantinian reform the *fiscus* (but not the term ταμιεῖον¹⁷) disappeared, and the imperial domains came fully under the administration of the *res privata*. The first direct evidence for the administration of properties of the ταμιεῖον by the *magister rei privatae* is now provided by lines 3—5 of the present papyrus¹⁸.

The new text, which is addressed to the *magister privatae*, concerns the sale of estates and land parcels belonging to the ταμιεῖον. Some of the language — e.g. ἔδει in line 7 and τῆ ἐμῆ/[μετριότητι aut sim.] in lines 10—11 — suggests that the missive is a reprimand emanating from higher authority, presumably the Prefect of Egypt. The dereliction by the *magister privatae* appears to have been a failure to publicize the sale properly in advance, with the result that some prospective buyers were left uninformed of the impending sale until the very day when it took place (line 11). The rest remains obscure in the present state of the text.

].[]

]ίου Θεοδώρω τῷ διασημοτάτῳ

]υ καὶ μαγίστρου πριουάτης

¹⁴ Perhaps Oxyrhynchus: see below, on line 6 of the text.

¹⁵ *Gr.* p. 154—155. Cf. Latin *praedia fiscalia*: Dig. 50.6.6.11 (Callistratus, ca. 200 A.D.), P. Dura 64 (221 A.D.), Cod. Just. 11.72—74 (398—426 A.D.).

¹⁶ W. E n s s l i n, *Cambridge Ancient History* 12, p. 381.

¹⁷ Thereafter ταμιεῖον referred to either the *sacrae largitiones* or the *res privata*.

¹⁸ The subsequent change of title to *comes rerum privatarum* caused no change in this assignment of duties: cf. O. S e e c k, *R-E* 4, cols. 665—666.

*aestimare utrumne vindicanda in publicum sint an vectigal satius sit imponi*²⁰. If, then, the papyrus had some form of *vindicare* following χωρίων, the reference would presumably be to land parcels reclaimed or expropriated by the imperial authority.

(c) The possibility should also be considered that οὐεντι — is the beginning of an adjective formed from a Roman name, e.g. Ventidius. It is possible to read χωρίων Οὐεντι/[δι]αγών κτλ. which would mean that the land parcels had belonged to someone named Ventidius before becoming imperial property²¹. The fact that no Ventidius is known among the landowners of Egypt does not ipso facto negate this possibility²².

Line 6. αχθηστενθε has so far defied all my attempts at interpretation. After αχθησ which is sure, it may be possible to read γ for τ, and σσ or υσ for ν.

Capitolia are attested in the papyri at Oxyrhynchus and Arsinoë. There may be a clue here to the provenience of the present papyrus, which was acquired as part of a lot in which a number of texts reveal Oxyrhynchite origin.

Line 7. The date is August 22nd. Perhaps there is some significance in the fact that the sale of imperial properties was held near the end of the Egyptian year.

Line 11. Particularly suggestive for the restoration of the beginning of the line is PLips. 38 (= MChr 97; 390 A.D.), 5: προσελ<θ>εῖν τῇ ἐξουσίᾳ τοῦ ... ἡγεμόν[ο]ς.

[Brooklyn College]

Naphtali Lewis

²⁰ Cf. also Dig. 28.3.6.7, which states that a letter of Hadrian provided *ut... si intestato decessit (sc. miles) cognatis aut, si non sint, legioni ista sint vindicanda*.

²¹ Imperial estates were commonly so designated by the names of the former owners: οὐσία Μαικρηατιανῆ, Ἀντωνιανῆ, etc. Cf. M. Rostovtzeff, *Social and Economic History of the Roman Empire*, Ch. VII, note 43 (1st ed.) — note 45 (2d ed.).

²² O. Seeck's remarks on the functions of the *comes rerum privatarum* (R-E 4, cols. 665-66) are worth quoting here: „Wenn der Staat das Vermögen strafrechtlich Verurteilter, Schenkungen von Ketzler oder unter blutschänderischen Eheleuten, Erbschaften, die herrlos oder ungültig vermacht sind, Güter der Tempel oder der Städte für sich einzieht, so hat der Comes rerum privatarum die nötigen Anordnungen zu treffen... Sind Güter des Fiscus occupiert oder sonst in irgend Weise von Privaten entfremdet worden, so sorgt er für die Rückforderung.“