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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 Diocletian², 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. Lieben am, 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 $\langle a \rangle$ e magistri vel etiam procuratorum [u]triusquae 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. M o m m s e n, 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. S e e c k, R-E 4, col. 664, and for a general review of the history and duties of the office cols. 664-70.

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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 δεσποτικών κτήσεων, who, as Wilcken first conjectured, is perhaps to be recognized as the rationalis rei privatae;¹¹ in which case the ἐπίτροπος δεσποτικών 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. Ske at for this reference.
- * 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. Ensslin, *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. Schubart, Griechische Palaeographie, Abb. 53.

In essaying the reconstruction of the text, the most obvious clue is found in lines 5—6, where the phrase $\kappa\alpha/[\tau\dot{\alpha}\ \tau]\dot{\delta}\ \xi\theta\sigma\zeta$ 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 ταμιαχαί, 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 privata¹⁵. In the third century "procurators of the res privata… in some cases… represented the interests of the patrimonium as well³¹⁶. 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 papyrus¹ී.

The new text, which is addressed to the magister privatae, concerns the sale of estates and land parcels belonging to the $\tau \alpha \mu \iota \epsilon \tilde{\iota} \sigma v$. Some of the language — e.g. $\tilde{\iota} \delta \epsilon \iota$ in line 7 and $\tau \tilde{\eta}$ $\tilde{\iota} \mu \tilde{\eta} / [\mu \epsilon \tau \rho \iota \delta \tau \eta \tau \iota$ 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 διασημοτάτω]ὑ 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. Ensslin, Cambridge Ancient History 12, p. 381.

¹⁷ Thereafter ταμιεΐον 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. Seeck, R-E 4, cols. 665-666.

...]ς πράσεως οὐσ[ι]ων ταμιακών καὶ χωρίων οὐεντι-5 .]...ων περιελθόντων είς τὸ ἱερώτατον ταμῖον κατὰ τ]ὸ ἔθος αχθηστενθε ἐν τῷ Καπιτωλίω απαν ..τ]ῆ πρὸ ια Καλανδῶν Ἑμπτεμβριῶν ἔδει δι(ά) τοῦ .ε. ...]προγράμμ[ατ]ος πᾶσιν φανερόν καταστῆναι ...].ν οί βουλόμενοι πρίασθαι {πρίασθαι} περί

10 τοῦ ί]ε[ρωτάτο]υ ταμίου προσελθόντες τῆ ἐμῆ]κατά τ[ὴν] αὐτὴν ἡμέραν ..

]. μὴ φανερὰν καταστήσωσι

1. μαγίστρω.
1. Σεπτεμβριῶν.

Line 1. All that remains of this line is the bottom of a long vertical stroke, more like that of a than of \(\phi \) or \(\rho \). The line presumably contained the name and title of a higher official writing to the magister privatae. The higher authority most appropriate to the situation is that of the Prefect of Egypt. This would be more than a conjecture if it should be true, as suggested below (but unfortunately there is no way of knowing), that the addressee also holds the office of rationalis, than whom only the Prefect ranked higher: cf. P. Cair. Isidor. 69, 23n. For the restoration one thinks of ὁ δεῖνα ἔπαρχος Α]ἰ[γύπτου.

Line 2. The extent of the lacuna at the left suggests that Theodorus was here addressed by his tria nomina. Ifou is the ending of his nomen (genitive being written for dative, as in line 3). There is no way of telling whether this is the same person as the rationalis Antonius Theodorus who appears in IGRR I, 1211 = SB 1002.

Line 3. It is impossible to know by what other title Theodorus was addressed in the lacuna at the left (in both titles read -o for -ov). The close relationship between the magister privatae and the rationalis (cf. above, note 3) suggests the possibility of restoring καθολικο] ζ, which also fits the space. In P. Beatty Panop. 1 and 2 (298 and 300 A.D.) the same man holds the offices of magister privatae and rationalis, respectively.

Lines 4-5. ουεντι/[.]...ων is obviously a Latin word in Greek transliteration, and is presumably an adjective modifying χωρίων. To the left of ων there is a vertical stroke which may be t or the end of a v. To the left of that there projects a minute sliver of papyrus, 5 mm. long by 1.5 mm. high, containing exiguous and indeterminable remnants of the preceding letter(s); at most these bits of ink suggest that if the letter before wv is t, the letter before that may be x, λ, or μ, possibly even σ.

Obviously, then, no word emerges which can be read with assurance. In attempting restoration at least three possibilities must be considered:

- (a) The word may be a form of vendere: cf. οὐένδ(ιτον?) in P. Oxy. 1660, a fourth-century tax account. With some hesitation the reading οὐεντι/[β]ιλίων, from vendibilis, might be defended. In that case the phrase would mean "salable land parcels which have devolved to the imperial treasury".
- (b) The word may be a form of vindicare19. Although this verb is found mostly in the context of private claims, it was also used in speaking of claims made by the state. A passage from Ulpian in Dig. 5.10.5.1 seems particularly pertinent: fines publicos a privatis detineri non oportet. curabit igitur praeses provinciae... si qua loca publica vel aedificia in usus privatorum invenerit,

¹⁹ Aside from the fact that vindico was occasionally written vendico, vind- might easily appear in Greek as οὐεντ-: on the interchanges ε↔ι and τ↔δ, cf. e.g. E. Mayser, Grammatik der griechischen Papyri I, p. 80-82 and 175-177.

aestimare utrumne vindicanda in publicum sint an vectigal satius sit imponi²⁰. 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]ανῶν κτλν 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. $\alpha\chi\theta\eta\sigma\tau\epsilon\nu\theta\epsilon$ has so far defied all my attempts at interpretation. After $\alpha\chi\theta\eta\sigma$ which is sure, it may be possible to read γ for τ , and $\sigma\sigma$ or $\nu\sigma$ 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 τῆ ἐξουσία τοῦ ... ἡγεμόν[ο]ς.

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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 Μαικηνατιανή, 'Αντωνιανή, etc. Cf. M. Rostovtzeff, Social and Economic History of the Roman Empire, Ch. VII, note 43 (lst 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 Ketzer oder unter blutschanderischen 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."