

Bagnall, Roger S.

Freedmen and freedwomen with fathers?

The Journal of Juristic Papyrology 21, 7-8

1991

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.

Roger S. Bagnall

FREEDMEN AND FREEDWOMEN WITH FATHERS?

P. Tebt. II 3221, a census return from A.D. 189, includes seven renters in a portion of a house, belonging to the declarant, in the amphodon of Moeris. The renters are a couple, Pasigenes and Herakleia, together with his two children by two previous marriages, her two children by a previous marriage, and their young daughter together. Herakleia is described in the editors' text as follows: καὶ τὴν τοῦ Πασιγένου γυναικα Ἡράκλειαν Κρονίωνος ἀπελ(ευθέραν) Διδύμου Ἡρωνο(s) ἀπὸ Ταμειῶν (ἐτῶν) μ. This they translate, "and the wife of Pasigenes, Heracleia daughter of Cronion, freedwoman of Didymus son of Heron, of the Treasuries' quarter, aged 40".

The resolution of ἀπελ() appears to have escaped comment, to judge from the *BL*. But it offers serious difficulties. A freedwoman was by definition a former slave, and slaves did not have legal fathers; there is no reason to think they acquired them at the time of manumission. They would normally, of course, have known mothers (as in *P. Brux.* I 8 and *P. Oxy.* XXXIII 2671, to cite only two census declarations). On the other hand, the text cannot mean "Herakleia freedwoman of Kronion", for then "Didymos son of Heron" would be left hanging without function in the description. There would, therefore, seem to be two possibilities: (1) the father is the natural rather than legal father of the woman; or (2) the resolution of the abbreviation is incorrect.

The editors of *P. Tebt.* II (Grenfell, Hunt, and Goodspeed) are not the only ones to have supposed freedmen or freedwomen with patronymics. I can adduce the following:

P. Achmim 9 fr. 2, line 201: Σευπετεήσιο(s) Ψανσ(νῶτος) ἀπ[ε]λ(ευθέρas) [

P. Berl. Frisk 1.23.16 = *SB V* 7515.522: Δίδυμο(s) Δίου ἀπ[ε]λ(εύθερος) Διδύμου Ἀρίου.

CPGr. II.1 35.3: Ἡρωνος τοῦ Πεπεσοῦχου τοῦ Ὀνησίμου μητρὸς Ἐλένης ἀπελε[ύθ(ερος)] Ἡρωνος τοῦ Ἀφροδεισίου².

P. Oxy. II 255.3: Θερ[μου]θαρίου τῆς Θεώνιος μετὰ κυρίου Ἀπολλω(λίου) τοῦ Σωτάδου, cf. line 8, Θερμου[θάριον ἀπελ(ευθέρas) τοῦ προ]γ[ε]γ[ρα]μμένου Σωτάδ[ου] (restoration based on *P. Oxy.* II 305, the two identified by the editors in the note to line 11.

¹ Reprinted as *Sel. Pap.* II 313.

² The first edition, *P. Lond.* II 208a (p. 67), did not resolve the abbreviation. To judge from C a s a r i o's translation, ἀπελε[ύθ(ερος)] is an error for an intended ἀπελε[ύθ(έρου)], since she construes it with Heron, who is in the genitive; there is no nominative with which it could be taken. She comments, "E da notare che in questo caso il liberto ha paternità e maternità complete, il che fa pensare ad un figlio adottivo o naturale". No evidence is offered for the notion that either of these statuses would lead to a description of this sort.

It is apparent that the last of these falls into a separate category altogether. The restoration is virtually certain to be correct, but there is no reason to identify the declarant with the homonymous person declared. The total given under this name shows that she is the last of three persons declared (there is a lacuna before her entry), and Wilcken pointed out correctly that in all three of *P.Oxy.* 254-256 the declarant is reporting occupants of the property who do not include themselves. As Wilcken put it, "denn die Freigelassene *Θερμουθάριον* in *Z. 8* ist natürlich nicht identisch mit der Deklarantin"³.

The other three share with *P.Tebt.* 322 a singular characteristic: *ἀπελεύθερος/-α* is abbreviated in every case. What is particularly striking is that no unabbreviated example of this usage can be found in the hundreds of instances of freed persons in the papyri. It is hard to see why one should not instead resolve the abbreviation in *P.Tebt.* 322 as *ἀπελ(ευθέρου)*: "Herakleia daughter of Kronion, freedman of Didymos son of Heron". Herakleia was the daughter of a former slave, and it is because *he* had no patronymic that his former owner is given as a means of distinguishing him from the numerous other Kronions of the Arsinoite Nome. Similarly, in *P.Achmîm* 9 fr. 2, line 201, one will resolve *Σενπετεήσιο(ς) Ψανσ(υῶτος) ἀπ[ε]λ(ευθέρου)* [, "from Senpeteesis daughter of Psansnos freedman of NN." In *CPGr.* II.1 35.3, resolve "*Ἡρωνος τοῦ Πετεσοῦχου τοῦ Ὀνησίμου μητρὸς Ἑλένης ἀπελε[υθ(έρας)]*" "*Ἡρωνος τοῦ Ἀφροδισίου*", "from Heron son of Petesouchos, grandson of Onesimos, his mother being Helene freedwoman of Heron son of Aphrodisios. And in *P.Berl.Frisk* 1.23.16 = *SB V* 7515.522 resolve *Δίδυμο(ς) Δίου ἀπ[ε]λ(ευθέρου) Διδύμου Ἀρίου*, "Didymos son of Dios freedman of Didymos son of Arios".

The other choice, assuming "informal" patronymics, is most unpromising. A reading of Herbert Youtie's classic article on *ἀπάτορες* shows just how careful people were, in legal contexts far less official than census declarations or notifications of death, to describe themselves in the way that would be recognized by the government, and how damaging an error could be⁴. If freeborn persons whose parents were readily identifiable in fact but barred from legal marriage by Roman law could not be shown as officially the children of a known father, how likely is it that former slaves could and would claim an official father in documents like census declarations? If we were faced by an inescapable example of such a claim, we might have to admit that despite the legal nullity of the statement it had been made. But in fact there is no such example; they all rest on a resolution different from what is found in numerous other cases both written in full and abbreviated. In biology slaves had fathers, but at law they did not.

[New York]

Roger S. B a g n a l l

³ He was tactfully trying to exonerate Grenfell and Hunt from making such an identification, which he regarded as obviously wrong, by supposing that they were simply identifying the declarant and the swearer of the imperial oath; but that is not the sense of their words.

⁴ *ΑΠΑΤΟΡΕΣ: Law vs. Custom in Roman Egypt*, [in:] *Le monde grec: Hommages à Claire Préaux*, Brussels 1975, pp. 723-740 (= *Scriptiunculae Posteriores* I, Bonn 1981, pp. 17-35).