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**NOMIKOI IN (AND OUT OF)
THE ROMAN COURTS IN ROMAN EGYPT***

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PROLOGUE:
NOMIKOI – AN OVERVIEW

HOW MUCH OF THE LAW DOES A JUDGE KNOW? What are the sources of their knowledge? These questions straightforwardly (even if not

* This piece is dedicated to Prof Laurens Winkel, a genuine legal expert, outstanding scholar, and a veritable friend, with humble thanks for what he has been doing for our community, for his amity, counsel in matters legal and non-legal, hospitality, and simply being there for all of us.

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always realistically) answerable in modernity – after all we are all bred with the principle *curia novit legem* – become dreadfully complex in contexts in which no one presumes professional knowledge of the jurisdictional authority. Even more evasive solutions are to be expected for the situations in which a judge should apply the law that is not his own. Thus, the struggle to conceptualise the decision making of a Roman magistrate turns strenuous in the instance of *praetor peregrinus*. The reconstruction is even more problematic – due to the paucity of the relevant sources – for the Roman provincial governor adjudicating cases in the territory entrusted to him. Yet, at least partially, we may be aided in this pursuit by papyri. Some texts documenting judicial proceedings before Roman officials in Egypt note that the decision therein recorded was taken after a consultation with ‘advisers’. The presiding judge discussed the matter with a generic ‘those present’, ‘friends’, finally, probably most technically singled out, members of his *consilium*.¹

¹ Cf. *P. Fouad I 21* = *FIRA III 171a* (unknown provenance, after September AD 63): one of the earliest, to my knowledge, decisions taken in a council. The prefect Tuscus informs the petitioning veterans that their cases – regarding citizenship – should be tried separately because their individual status would depend on the character of their prior service. The protocol does not inform whether the judge had consulted his entourage or not. It is difficult to say whether the men of the council – all of them militaries, among them possibly two tribunes and a *dioketes*, headed, however, by Norbanos Ptolemaios, *dikaiodotes* and procurator of the Privy Purse – could really provide legal expertise on the subject. The latter’s presence on the panel is explained by P. R. SWARNEY, *The Ptolemaic and Roman Idios Logos* [= *American Studies in Papyrology* 8], Toronto 1970, p. 61 and n. 23, by an assumption that an *idios logos* sits ex officio on the bench in the questions involving citizenship. Since Norbanus was also a *iuridicus*, it is possible that he was present in the hearing also in this second capacity (cf. *ibidem*, n. 23). At any rate, be it official or not, the presence of an *idios logos* does not surprise: after all, at the core of many cases treated by such there lay the civic status and the privileges of the veterans (cf., e.g., *Gnomon*, §§ 5, 6, 8, & 34, 35; on these, see U. BABUSIAUX, ‘Römisches Erbrecht im Gnomon des Idios Logos’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 135 [2018], pp. 108–177, at 163–173). On *P. Fouad I 21* see further, i.a., the notes of C. B. WELLES, ‘The *immunitas* of the Roman legionaries in Egypt’, *Journal of Roman Studies* 28 (1938), pp. 41–49 (= *SB V 8247* = *FIRA III 171b*; unknown provenance, c. AD 63–64), which seems to be describing the same hearing from the point of the petitioning veterans. Other cases of consultations with the *consilium* are, e.g., *SB XXVI 16643* (Arsinoites, 1 January AD 137, the text itself after AD 156), ll. 5–6: Περώνιος Μαμερτῆνος ἀλλήσας μετὰ τῶν ἐν τῷ συμβουλ[ίῳ] ἐκέλευσεν, ‘Petron-

And thus, in a trial regarding possession and ownership recorded in *P. Tebt.* II 286 = *M. Chr.* 83 = *FIRA* III 100 (Tebtynis, after AD 138), the delegated judge, a former *archidikastes*, and *hypomnematographos*, Iulius Theon consulted the matter with those ‘present’.² Theon felt the need to do so,

ius Mamertinus having conversed with those in the council, ordered’; *PSI* XIII 1326 (unknown provenance, AD 181–183), ll. 10–11: καὶ σκεψάμενος μετὰ τῶν ἐν τῷ συμβουλίῳ ἐκέλευ[σεν], ‘having examined together with those present in the council, ordered’; *SB* V 7696 (Ptolemais Euergetis, after 28 August AD 249), II, ll. 29–30: σκεψάμενός τε μετὰ τῶν ἐν τῷ συμβ[ο]υλείῳ, ‘having examined together with those present in the council’.

² *P. Tebt.* II 286, ll. 13–18: Ἰούλι[ο]ς Θέων τῶν ἱερονικῶν καὶ ἀτελῶν νεωκ[όρος] τοῦ μ[εγ]άλ[ο]υ Σαράπιδος [γ]ενόμενος ἀρχιδικαστῆς [ἱερεὺς] καὶ ὑπομνη[μα]τ[ογ]ράφος ἀνασ[τὰ]ς εἰς [σ]υμβούλιον καὶ σκεψάμενος μετὰ τῶν [π]α[ρόν]των [ὑπηγόρ]ευσεν ἀπόφα[σιν] ἥ καὶ ἀνεγνώσθη κατὰ λέξ[ιν] οὗ[τ]ως, ‘Iulius Theon, the winner in the sacred games, exempted from taxes, *neokoros* of the great Sarapis, and former *archidikastes*, priest, as well as *hypomnematographos*, having turned to the council, and examined (the case) with the present, dictated the judgment and acknowledged (it) in the following words. I follow doubtlessly correct restoration of U. WILCKEN, ‘Urkuden-Referat (VI P. Tebt.)’, *Archiv für Papyrusforschung* 5 (1913), pp. 232–233. See there for parallels to the imperial jurisdiction. NB, the editors’ English translation reported at <<http://papyri.info/ddbdp/p.tebt;2;286>> (accessed 23 November 2023) does not include this amended reading.

For obvious reasons this papyrus has been extensively commented upon since its publication, see already the cited commentary by Wilcken. A general overview and literature in J. H. OLIVER, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri* [= *Memoirs of the American Philosophical Society* 178], Philadelphia 1989, no. 72. Contrary to what Oliver assumes, the first decision of Hadrian (ἐπίκριμα, possibly a *decretum*), to which the emperor referred in his *apokrima*, was not necessarily issued in the case of Philothesa. It could be well any other prior judicial decree of the emperor, and thus a re-use of the original precedent. R. KATZOFF, ‘Precedents in the courts of Roman Egypt’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 89 (1972), pp. 256–292, at 273–275, seems to have missed that little *matryoshka* in his minute case description. He also hypothesises that the case of Philothesa may have been cited in another one between Apollonides and Antoninos. I would rather, with the editors, Grenfell and Hunt, associate these two matters. Like them, I suggest the original dispute dealt with the restitution of the slaves given in pledge to Philothesa, who had lent money to Claudius Apollonides. Hadrian dismissed the consequential claims of the plaintiff stating that his personal acquaintance of *egregria* Philothesa made him believe she would not make use of a wrongful possession, and that the claimant would be able to exact his slaves from the lender’s guardian. One could think that the return of the pledge may have been secured by the *epitropos*, whose heir, Antoninos, was the defendant in the proceeding.

U. WILCKEN, ‘Zu den Kaiserreskripten’, *Hermes* 55 (1920), pp. 1–42, at 32–33 n. 1, and KATZOFF, *loc. cit.*, already raised doubts as to the idea of L. MITTEIS, in *M. Chr.* 83, introd.

even if he had been confronted with an excerpt of an earlier trial protocol containing the emblematic rescript of the emperor Hadrian, and another one, not preserved, of the emperor Trajan. This conduct could be justified by the somewhat enigmatic circumstances of the Hadrianic case, perhaps not entirely compatible with the issue decided by Theon.³ Identical practice is evidenced in another prominent hearing protocol, *SB VI 9016* (Coptus, after 3 April AD 160).⁴ *Antarchiereus* Ulpius Serenianus was to decide there on the right to appoint *neokoroi* by the *boule* of Ptolemais. The judge, having read no less than three previous rulings on the matter, eventually conferred with some advisors present (since the papyrus unfortunately breaks off at this point we cannot know who they were).⁵ It

(pp. 91–92), who thought Flavius Iuncinus – who appears in the papyrus – was not a judge but an advocate for the plaintiff, thus unifying all the instances from the papyrus into one trial. I also hold this view to be completely improbable, the style of Iuncinus' allocution is that of a judicial decision; the facts of all these instances cannot be reconciled either. Mitteis also thought that the guardian from whom the slaves could be reclaimed was a tutor of the underage Antoninos – this cannot be, the text speaks of ἐπίτροπος τοῦ δανιστοῦ (ll. 8–9), and since it is Hadrian who mentions him, he must be connected to Philotera.

On the procedural aspect of the Hadrianic response and the emperor's self-citation of his earlier decision, see D. NÖRR, 'Aporemata apokrimaton (P. Columbia 123)', [in:] *PapCongr.* XVI, pp. 575–604, at 584–585. I would not take for certain the assumption of WILCKEN, *loc. cit.* that *apokrima* originally meant an oral answer and thus cannot be identified with the Latin *rescriptum* – leaving aside the pretence of a terminological scrutiny, which did not have to be the case, it would be hard to imagine that Hadrian personally decided the case of Philotera.

³ The nature of this final decision is beyond the scope of the present study, it seems again to be dealing with restoration of a pledged property, this time a house. The judgment in favour of Ptolema's claim was reasoned by following the earlier imperial decisions applied in the case cited in front of Theon (see also above, n. 2).

⁴ This text, since its publication by J. SCHERER, 'Le Papyrus Fouad I^{er} inv. 211', *Bulletin de l'Institut français d'archéologie orientale* 41 (1942), pp. 43–73, has captivated the attention of scholars. It cites, alongside the prefectural judgement confirming 'custom', a decision of the *idios logos* Lysimachos justified by royal (Ptolemaic) decrees. See most recently with reference to the earlier works J. URBANIK, 'Józef *inter gentes*. On status and law between the centre and periphery', *Journal of Juristic Papyrology* 49 (2019), pp. 289–345, at 295–297, and the study by J.-L. ALONSO, 'The status of peregrine law in Roman Egypt: "Customary law" and legal pluralism in the Roman Empire', *Journal of Juristic Papyrology* 43 (2013), pp. 351–404, at 393–395.

⁵ Lines 24–25: μεθ' ἑτέρων μετὰ τῇ ἀνάγνω[σιν Σ]ερηνιανὸς βουλευ[σάμενος μετὰ τῶν [...]], After other things. After the acknowledgment (of these), Serenianus having discussed (the matter) with ...'.

almost seems as if the precedents cited were not enough to issue a final decision in the case. It is even more remarkable given the precision of the judgement of the prefect Vergilius Capito confirming the original custom (ll. 8–9: τὸ ἐξ ἀρχῆς ἔθος), allowing the city to appoint priests, and of two uniform posterior decisions by the Supervisor of the Privy Purse, Lysimachos, whereby the second was additionally justified by royal decrees – *prostagmata* and judgments of prefects as well. The consultation seemed still necessary for someone who might have felt a want of legal expertise.

In quite a few cases, however, the consultant is identified by name and with a procedural title: *nomikos*. *Nomikoi* seem to be consciously differentiated from other advisors. They do not form part of the prefectural *consilium* either, since some of the documents give account of separate consultations carried out with the council and the *nomikos*:⁶ the most notable case is evidenced in *P. Oxy.* XLII 3015 (cf. below, pp. 145–147).

The whole procedure of consultation does not surprise. It is well known that Roman judges would often possess neither the knowledge nor the proper legal training to proficiently decide cases even if it concerned their native law. Even more daunting were instances in which non-Roman legal norms were to be applied (and such are indeed the proceedings in which *nomikoi* appear in Egypt, as we shall see). Several scholars have studied the phenomenon.⁷ Having analysed the papyrological occurrences, Raphael

⁶ G. KANTOR, ‘*Qui in consilio estis*: The governor and his advisers in the Early Empire’, *Исторический вестник* 19 (2017), pp. 50–87, at 72–73, is instead not certain whether they do form part of the *consilium* or not.

⁷ See on the matter generically *ibidem*. Most recently an overview of the problem of *nomikoi* has been presented by Thomas Kruse at the panel on legal experts of the Rechtshistorikertag in Zürich, in August 2022. Their most comprehensive study has been authored by Ch. JONES, ‘Juristes romains dans l’Orient grec’, *Comptes rendus des séances de l’Académie des inscriptions et belles-lettres* (2007), pp. 1331–1359, including also a comprehensive prosopography of the *nomikoi* attested epigraphically and papyrologically. For additions thereto, see G. KANTOR, ‘Greek law under the Romans’, [in:] E. M. HARRIS & M. CANEVARO, *The Oxford Handbook of Ancient Greek Law* (*Oxford Handbooks Online* 2015), pp. 1–24, at 12, <https://www.academia.edu/16774629/Greek_Law_under_the_Romans> (accessed 31 December 2023) who indistinctively takes them to aid the Roman governors on the matters of the local law, and the local agents about the Roman legal framework, thereby ‘facilitating the homogenizing tendencies in substantive law’. This, as we shall see, was definitely not the case of Egypt (below, pp. 137–153, and conclusions). See also W. KUNKEL, *Herkunft und soziale Stellung der römischen*

Taubenschlag and Wolfgang Kunkel disregarded these local jurists and their expertise.⁸ In a much more sensitive, and hitherto the most comprehensive study of the *nomikoi*, Christopher Jones provided an extensive list of the epigraphical and papyrological attestations of the term. Above all, with the aid of literary sources, he aimed at a complete description of the class of persons so described.⁹

The term itself seems to be in fact self-explanatory. It designates a person who has to do with the law, and so a law student, a lawyer, a legal expert (but also, more generically, as an adjective, it means ‘referring to legal matters’).¹⁰

In his otherwise excellent paper, Jones seems to have got a bit carried away in his quest to provide a uniform explanation of the term *nomikos* in our sources. His idea that it should be understood in all our material generically as a ‘legal expert’ does not seem plausible, at least in the case

Juristen, Graz – Vienna – Cologne 1967², pp. 263–270 for a list of known *nomikoi*, and pp. 354–358 for the discussion. See also, more recently, S. STRASSI, ‘Prassi giuridico-amministrativa nella χώρα egiziana: fra *lex romana* e diritto locale’, [in:] R. HAENSCH (ed.), *Recht haben und Recht bekommen im Imperium Romanum. Das Gerichtswesen der römischen Kaiserzeit und seine dokumentarische Evidenz. Ausgewählte Beiträge einer Serie von drei Konferenzen an der Villa Vigoni in den Jahren 2010 bis 2012* [= *Journal of Juristic Papyrology Supplement* 24], Warsaw 2016, pp. 213–239; as well as a more general study on legal practitioners in Roman Egypt by J. HENGSTL, ‘Rechtspraktiker im griechisch-römischen Ägypten’, [in:] IDEM & U. SICK (eds), *Recht gestern und heute: Festschrift zum 85. Geburtstag von Richard Haase* [= *Philippika* 13], Wiesbaden 2006, pp. 115–132, on *nomikoi* in general, pp. 124–129.

⁸ R. TAUBENSCHLAG, ‘The legal profession in Greco-Roman Egypt’, [in:] *Festschrift F. Schulz*, Weimar 1951, vol. II, pp. 189–192 (= IDEM, *Opera minora* II, Warsaw 1959, pp. 161–165), with a list of *nomikoi*. Following his mentor, J. MÉLÈZE MODRZEJEWSKI, *Loi et coutume dans l’Égypte grecque et romaine: Les facteurs de formation du droit en Égypte d’Alexandre le Grand à la conquête arabe* [= *Journal of Juristic Papyrology Supplement* 21], Warsaw 2014, p. 295, did not have the highest opinion about them either; see also KUNKEL, *Herkunft und soziale Stellung* (cit. n. 7), p. 359.

⁹ JONES, ‘Juristes romains’ (cit. n. 7). See also the previous list of the epigraphic attestations collected by L. ROBERT, *Hellenica* I, Paris 1940), pp. 60–65, at 62–63, no. 9 (= *IK Iznik* 1231; Nikaia, 2nd–3rd cent AD).

¹⁰ Cf. LSJ, s.v.; sometimes it even acquires a somewhat metaphorical flavour, as in Clemens Alexandrinus use of *nomikos* as a synonym for a Jew – a man of the Law (cf. *Stromata*, IV.6), and, more specifically, the ‘learned in law’ the usual coupling of the Pharisees in Jesus’ negative examples (cf., e.g., Luke 7:30; Matt. 23:35).

of a few rather young men whose tombstones bear this designation.¹¹ In these cases, a *nomikos* must have simply meant 'a student of law, an aspiring lawyer'; conversely, some other inscriptions stress particular experience at law of their dedicatees.¹²

¹¹ See, e.g., *IK Smyrna* II/2 893 (1st cent. AD), a headstone for Lucius Eioutios Elis of Amisos in Pontus, *nomikos*, who died at the age of 22. The stone also evidences his competences as a land-measurer: Λούκιος Εἰούτιος Ἡλῖς, Ποντικός Ἀμισηνός, νομικός ἄριστος ἐτῶν κβ' καὶ γεωμετρῶν (l. γεωμετρῶν) πρῶτος, 'Lucius Eioutios Elis son of Amisos, a noble jurist (died at the) age 22, and first among land-measurers'. JONES, 'Juristes romains' (cit. n. 7), pp. 1347–1348 (Ionia, no. 8), following the editors, renders ἄριστος as 'excellent', yet I would rather understand it as 'noble, fair', referring to Lucius' character as a lawyer and not to his competences. Other particularly young *nomikoi* include: Zenon, whose descriptor ἐνδόξος, 'esteemed' (l. 4), similarly does not have to refer to his quality of the lawyer, and who died at the age of 20, honoured by his parents of Roman sounding names Gnaeus and Markiane (yet most probably not Romans: F. K. DÖRNER, *Bericht über eine Reise in Bithynien: ausgeführt im Jahre 1948 im Auftrage der Österreichischen Akademie der Wissenschaften*, Vienna 1952, p. 58, no. 154 [Bithynion-Klaudiopolis, Bithynia]; JONES, *op. cit.*, p. 1352, no. 33), and Nikomachos, who died at the age of 21 (*IGR* IV 587 [Aizanoi, Phrygia]). Just two years younger was the jurist Aurelius Eutyichianus (Th. WIEGAND, 'Inscripfen aus der Levante 2', *Mitteilungen des Deutschen Archäologischen Instituts [Abteilung Athen]* 36 [1911], pp. 291–294, no. II.1 [Akmonia, found in Thyateira, AD 224]), recorded by his father (the resting place was to be shared by the dedicator and his wife as well). In *IK Smyrna* I 372 [imperial age] no age is given for Menandros who was a *nomikos* and *stephanophoros*, but since the stone was funded by his father, he cannot have been too advanced in age, yet obviously elder, since he had already attained civil magistracy. A bilingual inscription for Lucius Malius Maximus addressed as *filius dulcissimus* / τέκνον γλυκύτατον (ll. A 6 and B 5–6) by his father (the monument is originally set by two brothers; *SEG* LII 1390 = *IGR* III 305 (B); Antiocheia in Pisidia, undated) is particularly interesting, because the Greek term νομικός in line B5 corresponds to a Latin abbreviation *i()* *s()* of A6. The editors suggested expanding the abbreviation as *iuris studiosus*. If this is correct, we would have another proof that a *nomikos* could signify and lawyer-in-making, and not only fully formed jurist. On this inscription, see most recently E. COLLAS-HEDELAND, 'Une famille bilingue d'Antioche', [in:] Th. DREW-BEAR, M. TAŞLIALAN, & Ch. M. THOMAS (eds.), *Actes du 1^{er} Congrès international sur Antioche de Pisidie* [= *Collection de l'Institut d'archéologie et d'histoire de l'antiquité* 5], Lyon 2002, pp. 169–173.

¹² See the examples gathered by L. ROBERT, *Hellenica* V, Paris 1948, pp. 29–34, esp. 30–32, among whom the subject of the article, Licinius Rufinus, honoured in *IG* X/2.1 142 (Thessalonica, AD 220–235) as ἐνπειρότατον νόμων, (ll. 8–9), is the most prominent persona. On him, see more recently F. MILLAR, 'The Greek East and Roman law: The dossier of M. Cn. Licinius Rufinus', *Journal of Roman Studies* 89 (1999), pp. 90–108, esp. 92–95; and a note in JONES, 'Juristes romains' (cit. n. 7), p. 1137 (Lydia, no. 14). See also *IGR* IV 618 (Temenothyrai), praising Markos Aristonikos Teimokrates, who was chosen to represent his nation at the

Obviously not always does youth presume a lack of legal expertise, but it would then be rather extraordinary and worth stressing. In this instance, a particularly illustrative example is the sarcophagus of Troilos son of Obrimos, which, *prima facie*, could negate my argument. The man indeed seems to have died rather young, and yet he was celebrated not only for his *kalokagathia* but also for his experience of laws.¹³ Unless the text is

courts of governors, with experience about the laws (ἐπὶ τῶν νόμων ἐ(μ)πειρία, καὶ παρὰ τοῖς βήμασι τῶν ἡγημόνων ἐπὶ τοῦ ἔθνους πρόκριτον γενόμενον, ll. 12–14); IG V/1 1244 (Lakonike), where the polis celebrates her citizen Lysikrates, ἐμπερότατος τῶν νόμων (ll. 6–8); finally IK Nysa 54, where the dedicatee, whose name has not been preserved, is also praised for his virtue and knowledge of laws.

On the subject, see the recent paper by L. Girdvainyte, ‘Τῶν νόμων ἐπειρία’, delivered at the Edinburgh meeting of *Ancient Law in Context Group* dedicated to ‘Law and Education’ (22 April 2023), who collected other examples of *nomikoi* distinguished by their experience of laws. Particularly interesting, are SEG XLV 1676 (Stratonikeia, 2nd/early 3rd cent. AD) for Claudianus Terpanchos, *strategos* of the city characterised by ἐνπειρίας νόμων (l. 5), and *Inscr. v. Didyma* 312 (AD 125–150), where the father of the dedicatee, Apollonia, *hydraphoros* of Artemis, was also distinguished δία τῆς τῶν νόμων] ἐμπε[ι]ρίας (ll. 16–17; restoration of L. ROBERT, *Hellenica* XI/XII, Paris 1960, p. 463); as well as TAM V/3 1457 (Philadelphia in Lydia, 2nd cent. AD?), an honorific inscription of the city for Diogenes, adorned with the customs and experience of laws (ἤθεσι κα[ὶ] νόμων ἐνπειρία κεκοσμημένον, ll. 4–6). ROBERT, *loc. cit.*, observes that ἐμπειρία is most commonly used in inscriptions for physicians (examples collected in no. 5) and lawyers, sometimes even exceptionally actors (*ibidem*, p. 448, no. 2). This proves, I think, the practical aspects of such skills. This inference is further substantiated by IK Central Pisidia 131 (Ariassos, Pisidia, before AD 212?), fragmentarily preserved, for a certain Meneas son of Mamotos distinguished νόμων ἐμπειρία καὶ λόγων [...], (l. 2). *Logoi* probably refer to his rhetorical skills, and may point out Meneas was a court representative.

Another way of making a *nomikos* stand out among his peers is exemplified in SEG XLV 1535 (Mylasa, principate), which defines Titus Aurelius Iulianus as ἀξιολογώτατος νομικός and most esteemed among Greeks (ll. 3–5), and informs that he had also carried out all the liturgies. Interestingly, the erection of the monument was supervised by another – yet ‘just’ – *nomikos*, Nysios Mousianos; cf. JONES, ‘Juristes romains’ (cit. n. 7), p. 1349 (Lydia, no. 21).

¹³ G. E. BEAN & T. B. MITFORD, *Journeys in Rough Cilicia 1964–1968* [= *Österreichische Akademie der Wissenschaften. Philosophisch-historische Klasse Denkschriften* 102, *Ergänzungsbände zu den Tituli Asiae Minoris* 3], Vienna 1970, no. 48 (Ayasofya – Kolybrassos?, later 2nd cent. AD?): Τρώϊλον Οβριμου νέον, καλὸν καὶ ἀγαθόν, ἡ σορὸς αὐτῆς ὑπέδεξατο, ὅστις ἐπαινούμενος διετέλει τὸν βίον ἐπὶ τε νόμων ἐμπειρία καὶ τρόπων ἐπιεικείᾳ· πατρίδι χρήσιμον γενόμενον ἐν πᾶσι καὶ οἰκείοις καὶ φίλοις καὶ σύμβουλον ἀγαθόν, ἔτι δὲ ἀρχὴν αὐτὸν ἔχοντα βίου τὸ κοινὸν ἀπάντων καθεῖλεν θνητῶν τέλος, ‘This urn has received Troilos son of Obrimos, a lad, comely and

merely topical (which given the fact that experience of laws and service to the fatherland do not appear in other recordings of young men is less

noble; he accomplished life applauded for experience of laws and fairness of habits. Common to every mortals' end has put him down, having the start of his life, useful in all to the fatherland, to kinsmen and friends, and a good advisor [or officer – symbolos could refer to a local office]. The editors interpret νέος as 'the younger', an epithet that was meant to distinguish the dedicatee from his presumed homonymous, older, brother. This could be, yet the end of the inscription stresses his premature demise. Also, the editors' identification of Troilos as the father of Konon, whose sarcophagus (published *ibidem*, no. 49) is located about 90 m from the one of Troilos (which may suggest a kinship, but does not necessarily imply paternity), seems for this reason improbable. This has already been pointed out by J. ROBERT & L. ROBERT, 'Bulletin épigraphique', *Revue des études grecques* 85 (1972), pp. 364–526 at 491, nos. 504–505. This view is confirmed by the emended dating of no. 49 to the fourth century AD by J. F. GILLIAM, 'A student at Berytus in an inscription from Pamphylia', *Zeitschrift für Papyrologie und Epigraphik* 13 (1974), pp. 147–150, who observed that it must post-date the Diocletianic administrative reform: Konon of no. 49 ended his life serving under the governor of the Thebais, the office only introduced then. For a recent description and interpretation, also favouring a disjunction of Troilos and Konon, see J. ALIQUOT, 'L'épigramme grecque du tombeau de Maiorinus à Buṣr al-Ḥariri (Syrie du Sud). Poésie funéraire et prosopographie dans la province romaine d'Arabie', *Syria* 96 (2019), pp. 435–444, at 440–442, who tentatively links Kertos mentioned there to the *praefectus praetorio* Maiorinus. See also, W. D. LEBEK, 'Das Begräbnis des Karrierejuristen (Bean–Mitford, Journeys in Rough Cilicia 1964–1968 Nr. 49)', *Zeitschrift für Papyrologie und Epigraphik* 21 (1976), pp. 39–42, for emendations of the readings (not all assumed by Aliquot).

The place in which Konon ended his life makes worthwhile devoting him some attention also in this study. Konon's tomb bears a metric inscription commemorating the short life of an aspiring lawyer. The poem boasts of a lad, who having studied law and literature in Berytus, seems to have been first active at the court of *praeses* in Palestina (so, ALIQUOT, 'L'épigramme grecque', p. 441, postulating also that the inscription pre-dates the division of Palestina into two regions in AD 357/8), assisting him in judgments, and then moved to Antioch, and the Bithynian Nikomedia. Finally, upon recommendation of a man called Kertos, his peer (perhaps a fellow-student in Berytos, so GILLIAM, 'A student at Berytus', p. 150), he was assessor to the *begemon* of Thebes, which in the poetic language of the epitaph denotes the Egyptian province of Thebais, where he eventually died young. His body was repatriated for burial by his father, who had come from beyond the sea and Nile (cf. ll. 1–2, 5–11: Βηρυτὸν τὸ πάροιθεν ὅτε πόλιν ἦλθον ἐς ἑ[σθλὴν] Ῥωμαϊκῆς μούσης εὔεκα καὶ νομίμων (...) ἀλλὰ με πρώτον ἔδεκτο δικασπολίῃσι μέλοντα ἄστυ Παλαιστίνης ὄρχαμος ἀμφιέπων· κείθεν δ' Ἀντιόχου φίλη πόλις, ἐκ δέ μ' ἐκένης Βειθυνῶν ἀγαθὴ δέξατο μητρόπολις· ἔνθεν ἐμὸν στήθεσσι νόον καὶ ἐπίφρονα μῆτιν Κέρτος ὀμηλικῆς πολλὸν ἀγασσάμενος συνκάθεδρον Θήβης Νειλώϊδος ἡγεμονῆος θῆκεν, 'originally, I went to the fortunate city of Berytus because of Roman muse and laws (...) and then, first, the leader taking care of the head-city of Palestina received me destined to the judgments, thence the dear city of Antioch, and from it, the metropolis of

likely), this specimen thus provides evidence that an ‘epigraphic’ *nomikos* is not yet a law-expert, but just a lawyer or a lawyer-in-making. Only additional epithets make Troilos into a juristic prodigy, a somewhat provincial version, *toutes proportions gardées*, of Nerva the Younger, publicly active as an able lawyer apparently already at the age of seventeen.¹⁴

Such generic application of *nomikos* in the inscriptions is further confirmed by a passage in which Plutarch referred to Cicero’s malicious banter made at the expense of Publius Costa. That a man ‘willing to be a lawyer (*nomikos*), was ignorant and naturally unsuited’ for the purpose. When Costa, being called as a witness, refused to answer several questions in the court, stating his ignorance, Cicero snapped at him: ‘you may think you are being asked about matters of law’.¹⁵

Bithynia welcomed me. Thereupon (my) peer Kertos admiring the wits in my heart and thoughtful skill placed me as the advisor of the governor of Nilotic Thebes’. Aliquot imagines that Konon was to advise the governor on the differences between ‘Roman law and the local customs’ – this, however, cannot be and was unnecessary in the realm of theoretically unified law. No wonder thus that Konon is not described as *nomikos* at all. Even if he was active in Egypt at the court of the *praeses*, his function was completely dissimilar to the ones described in this article. It also, *a contrario*, confirms here established temporal application of the term *nomikos* as a legal advisor to the Roman court.

G. E. BEAN & T. B. MITFORD, *Journeys in Rough Cilicia 1961–1963* [= *Österreichische Akademie der Wissenschaften. Philosophisch-historische Klasse Denkschriften* 85], Vienna 1965, pp. 10–11, nos. 6–7 (1st–2nd cent. AD?), bring about two other *nomikoi* from Ayasofya, a father, Valerianos, and son, Obrimos, recorded in laconic inscriptions by their son and brother Xenon. The formulation makes it again evident that *nomikos* was used there as the denominator of a profession, not as a marker of any particular skill (thus the editors’ remarks that ‘the presence of *iuris periti* at Ayasofya gl[ave] a touch of distinction to the city’; ‘its situation is wild but not its manners’, and that it ‘testifies to culture of this remote city’, *ibidem*, n. 16, is overenthusiastic).

¹⁴ Dig. III 1.1.3 (Ulpianus, 6 ed.): *qua aetate aut paulo maiore fertur Nerva filius et publice de iure responsitasse*, ‘it is referred that at this age (seventeen) or little more Nerva the Younger publicly gave responses on law’ (the passage gives the rationale for the age-limit of seventeen, beneath which no one was allowed to independently petition an official). I owe the reference to Cosimo Cascione, who, in turn, recorded how Luigi Labruna used this edifying example in his lectures for young adepts of law in Naples. On Nerva the Younger, see D. LIEBS, ‘Selbstmord auf Wunsch des Kaisers’, [in:] H. ALTMEPPE, I. REICHARD, & M. J. SCHERMAIER (eds.), *Festschrift für Rolf Knütel zum 70. Geburtstag*, Heidelberg 2009, pp. 651–665, with earlier literature.

¹⁵ Plutarch, *Cicero* 26.6: Πόπλιον δὲ Κώνσταν νομικὸν εἶναι βουλόμενον, ὅντα δ’ ἀμαθῆ καὶ ἀφνή, πρὸς τινα δίκην ἐκάλεσε μάρτυρα: τοῦ δὲ μηδὲν εἰδέναι φάσκοντος, ἴσως, ἔφη, ‘δο-

Finally, the fact that the term *nomikos* does not necessarily entail extraordinary expertise in law of its bearer could be evidenced by the only surviving use of it within the texts of jurisprudential provenance. In a fragment of Modestinus' *Liber de excusationibus* some of the leading Roman jurists are labelled as the *coryphaei* of lawyers (*nomikoi*), and not just *nomikoi*.¹⁶ That choice of Modestinus to render with *nomikos* what we would expect to be an *iurisprudens* or *iurisperitus* in Latin, is worth noticing. It corresponds to a much earlier parallel of Strabo, who explained the office of *nomodos* (*law-singer* in an ingenious interpretation of Georgy Kantor) of the Mazaceni in Cappadocia as the interpreter of the laws, equal to the jurists (*nomikoi*) of the Romans.¹⁷ Let us keep in mind both of these uses, and especially the Strabonian one. I will come back to them in my conclusions (pp. 183–184).

Having sketched the generic use of the term *nomikos*, I should now get to the purpose of the present paper, in which I intend to look again at the evidence of *nomikoi* in Greek papyri.

A quick overview of the sources allows to differentiate, *prima facie*, two distinctive environments in which they appear in our sources. Unlike most of my predecessors on this road,¹⁸ I wish to distinguish these contexts

κεῖς περὶ τῶν νομικῶν ἐρωτᾶσθαι', '[Cicero] summoned Publius Consta, who wanted to be a lawyer, but was stupid and particularly unsuited for the task, as a witness in a trial; he told (him), since Consta kept saying to know nothing, 'you imagine, perhaps, that you are being inquired about legal matters'.

¹⁶ Dig. XXVII 1.13 (Modestinus, 4 *excus.*): οὕτως γὰρ καὶ Κερβίδιος Σκαίβολας καὶ Παῦλος καὶ Δομίτιος Οὐλπιανὸς οἱ κορυφαῖοι τῶν νομικῶν γράφουσιν, 'in this manner then Cervidius Scaevola, and Paulus, and Domitius Ulpianus, the priors of the lawyers have written'. The fragment narrates how the deadlines for claiming of an exemption from guardianship established by the ordinance of Marcus Aurelius should be computed.

¹⁷ Strabo, *Geographika* XII 2.9 (539): χρῶνται δὲ οἱ Μαζακηνοὶ τοῖς Χαρόνδας νόμοις, αἰροῦμενοι καὶ νομωδόν, ὅς ἐστιν αὐτοῖς ἐξηγητὴς τῶν νόμων, καθάπερ οἱ παρὰ Ῥωμαίοις νομικοί, 'the Mazakeni use the laws of Charondas and choose a *nomodos*, that is an interpreter of the laws for them, just like the jurists among the Romans'. Cf. KANTOR, 'Greek law' (cit. n. 7), p. 15. I am thankful to Georgy Kantor for having revealed this analogy to me *per litteram electronicam* of 6 September 2019.

¹⁸ See, however, KUNKEL, *Herkunft und soziale Stellung* (cit. n. 7), who distinguishes both, *nomikoi* as the executors of documents (pp. 354–356) and their court presence (pp. 357–358). The usual confusion is already present in one of the first approaches to the problem. P. KO-SCHAKER, 'Der Archidikastes. Beiträge zur Geschichte des Urkunden- und Archivwesens im

in which we encounter them, hoping thus to detect the specific, rather, than generic, application of the title in question. My purpose is also to present the pertinent sources in a much more detailed way than has hitherto been done; only in this way are we able to fully comprehend the possible creation and evolution of this term. Eventually, I hope, this analysis will allow me to present my hypothesis about the possible interconnection between the two semantic spheres covered by the term.

Firstly, as already noted at the beginning of this article, the *nomikoi* are to be found in the Roman courts in Egypt serving Roman judges as a source of knowledge of the law – chiefly local – and its interpretation. Such legal counsellors do not surprise. Back in Rome, her magistrates – only infrequently experienced jurists – were commonly served with professional advice.¹⁹ The practice is evidenced in the broader context of the Empire by the testimonies already collected by Christopher Jones, yet worth recording here.²⁰ In *Against Apion*, Josephus in order to praise the Jews' experience of laws, scorns first those exercising the highest and most potent authority (among gentiles) for their shameless acknowledgement of ignorance of their own laws and thus their need of assistance by legally versed aides.²¹ In the provincial milieu, the same is illustrated by another testimony reported by Jones.

römischen Ägypten', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 28 (1908), pp. 1–47, at 16–18, being interested in the scribal functions of the *nomikoi*, practically also equated them with their Byzantine namesakes; and so did Amelotti, in a more recent study on history of the notariate, M. AMELOTTI & G. COSTAMAGNA, *Alle origini del notariato italiano* [= *Studi storici sul notariato italiano* 2], Milan 1995, pp. 10 and 44.

¹⁹ Cf. F. SCHULZ, *Principles of Roman Law* (transl. M. Wolff), Oxford 1967, pp. 241–242, in the chapter devoted to the security of law; IDEM, *History of Roman Legal Science*, Oxford 1946, pp. 52, 57, 117; F. WIEACKER, *Römische Rechtsgeschichte: Einleitung, Quellenkunde, Frühzeit und Republik* [= *Rechtsgeschichte des Altertums* 10/3.1.1], Munich 1995, §§ 25–26, esp. p. 464.

²⁰ Cf. also, for other illustrations of governors aided by experts, JONES, 'Jurists romains' (cit. n. 7), pp. 1338–1339 with n. 19, partially following ROBERT, 'Un jurist' (cit. n. 12), p. 30 n. 4.

²¹ Fl. Josephus, c. *Apionem* 177: οἱ τε τὰς μεγίστας καὶ κυριωτάτας παρ' αὐτοῖς ἀρχὰς διοικοῦντες ὁμολογοῦσι τὴν ἄγνοιαν: ἐπιστάτας γὰρ παρακαθίστανται τῆς τῶν πραγμάτων οἰκονομίας τοὺς ἐμπειρίαν ἔχειν τῶν νόμων ὑπισχνουμένους, 'Those also who are in the highest and principal posts of the government, confess they are not acquainted with those laws, and are obliged to take such persons for their assessors in public administrations as profess to have skill in those laws'.

In the partially autobiographical *Eulogy for Origen*, Gregory the Miracle-worker tells the tale of his education eventually climaxing in the encounter with Origen. Gregory's legal studies started when he had followed his brother-in-law. The man had been forced by the governor of Palestine to serve as the latter's legal aide. His fate was sealed by being a *nomikos* – a legal expert – thus potentially a skilful advisor at the court of the governor. Later, I will turn back to this source discussing Gregory's choice of vocabulary: he calls his sister's husband a *nomikos* (below, pp. 144–145).²²

Secondly, the *nomikoi* play a role in the composition of specialised legal documents, seemingly specific to Roman law proper, by the local population in Egypt. This area of activity seems slightly posterior, and possibly derivative (see in detail in my conclusions below). This function developed further around the early third century AD into a notarial one, which will become the sole, or almost sole, meaning of the term *nomikos* in the times to follow. This second class of activity seems also to be supplemented by several cases in which *nomikoi* are attested as providers of professional legal advice to private clients.

Let me now examine both, starting with *nomikoi* in the Roman courts in Egypt and then focusing on their presence out of the courts.

PART I:

NOMIKOI IN THE ROMAN COURTS

Undoubtedly, the earliest mention of the term *nomikos* is to be found in *P. Oxy.* XXXVI 2757, col. ii.²³ Two columns remain of the original document.

²² Cf. J. MÉLÈZE MODRZEJEWSKI, 'Grégoire le Thaumaturge et le droit romain. À propos d'une édition récente', *Revue historique de droit français et étranger* 49 (1971), pp. 313–324 (= *Droit impérial* [cit. n. 4], no. XI), reviewing H. Crouzel's edition of *Remerciement à Origène, suivi de la lettre d'Origène à Grégoire*, Paris 1969. On interpretation of Gregory's testimony for the survival of local laws post-*Constitutio Antoniniana*, see also URBANIK, 'Józef inter gentes' (cit. n. 4), pp. 339–341 with literature.

²³ See, for the fuller reconstruction of the content of Areios' response, N. LEWIS, 'Νομμάτα λεγόντος', *Bulletin of the American Society of Papyrologists* 18 (1972), pp. 59–69, at 59–61 (no. 90); and for a legal commentary E. SEIDL, 'Nachgiebiges oder zwingendes Erbrecht in Ägypten',

They bear extracts from proceedings before two Roman prefects, copied sometime after they had been carried out (the dating formula in the second column refers to Vespasian as already deified). The columns are numbered on the top and tagged with the name of the adjudicating prefect (15 and 16; of Colonus, and of Lupus, respectively). This feature distinguishes the document from similar collections of prefectural decisions, which I will discuss further on,²⁴ and may suggest *P. Oxy.* XXXVI 2757 be a sort of official compilation of judgments rather than a private assortment. Both judgments seem to have concerned matters of succession. The first column reporting a case tried by Lucius Peducius Colonus, the prefect just for the year 70, has been poorly preserved. The second extract narrates that the prefect Tiberius Julius Lupus (in office in AD 71–73) enquired of the *nomikos* Areios about the way in which one ought to disinherit children in a matter dealing with the validity of local wills.²⁵ Since the counsel informed him that no form was

Studia et documenta historiae et iuris 40 (1974), pp. 99–110, at 108–110, whose views, however, need to be taken with caution (cf. below, n. 25 & 26).

²⁴ As, e.g., *P. Oxy.* XLII 3015 (see below, pp. 145–147).

²⁵ J. MÉLÈZE MODRZEJEWSKI, 'La loi des Égyptiens: le droit grec dans l'Égypte romain', [in:] *PapCongr.* XVIII/2, pp. 383–399, at 389–390, argued for the Graecity of the will in question. This is by no means certain, and to a point dubious. Yet, it is definitely impossible to look for a *testamentum militis* in this decision, as did SEIDL, 'Nachgiebiges oder zwingendes Erbrecht' (cit. n. 23), pp. 109–110, which was justly criticised by MÉLÈZE MODRZEJEWSKI, *loc. cit.*, but actually already in his literature reviews: (*Revue d'histoire du droit* 54 [1976], p. 458 [= *Studia et documenta historiae et iuris* 43 (1977), p. 787], and *Archiv für Papyrusforschung* 34 [1988], p. 124). Modrzejewski pointed out the unlikelihood that Areios would be asked to give advice on Roman law: this the prefect should have known himself. I do not share this certainty: as I have already pointed out in the first part of this essay, Roman magistrates were not trained jurists by default (rather the opposite). What could though rule out Roman law as the matter of consultation here is the fact that in almost all other instances the theme under scrutiny had nothing to do with the law of the occupiers, but rather with local legal traditions (see further below, pp. 161–162, and the Appendix). Interestingly, the wills of militaries knowns in Egypt normally follow down to the letter the requirements of internal formality and do not take recourse to the privileges granted to soldiers in this respect, suffice it to recall the will of Antonius Silvanus (*Tab. Keimer* = *FIRA* III² 47 = *CPL* 221 [Alexandria, AD 142]) or the one of the veteran Kastor (*BGU* I 326 = *M. Chr.* 316 = *Jur. Pap.* 25 = *SPP* I 85 = *FIRA* III² 50 [Karanis, AD 194]); see now, with earlier literature, M. NOWAK, *Wills in the Roman Empire: A Documentary Approach* [= *Journal of Juristic Papyrology Supplement* 23], Warsaw 2015, p. 108 n. 15. One could presume they were redacted by scribes

prescribed, the prefect seems to have confirmed the validity of the will (following the conjecture of the editor, John Rea). It is a perfect specimen of a situation in which we would expect a Roman official to find themselves in need of advice. The matters concerning inheritance, which like any other matter of personal status, should be decided generically following the principle of personality of law, that is by application of the local law of succession. The prefect would hardly have competences and the necessary knowledge to handle such a case and thus he had to ask for assistance from someone who would have known the local legal order well.²⁶

A confrontation of this evidence with another case in which possibly the same Lupus²⁷ also sought assistance is quite intriguing. The frequently discussed *P. Oxy.* IV 706 = *M. Chr.* 81 (Alexandria?, AD 73 or 113–117) reports a decision of the prefect concerning the rights of patronage. In a financial argument between a certain Herakleides and his freedman Damarion the question of the obligations of the enfranchised towards his patron comes up. The judge consulted not with a *nomikos* but with friends (*μετὰ τῶν φίλων*) to find out whether the laws of the Egyptians regulated these relations. Having found that there was none, he decreed that Damarion should obey the rights of patronage in accordance with the laws of the *astoi*. This decision has made the papyrus one of the chief pieces of evidence in the perennial debate on the application and plurality of laws in Egypt. This question is not at stake here, and neither is the understanding of the *ἀστικοὶ νόμοι*, by which Damarion was eventually obliged to serve his former master (be they Roman – so Méléze Modrzejewski, following

employed in the military milieu and thus possibly more versed in Roman law than the ordinary ones.

²⁶ SEIDL, 'Nachgebietes oder zwingendes Erbrecht' (cit. n. 23), pp. 109–110, sustained Areios be a Roman citizen or a peregrine skilled in Roman law, which followed his erroneous assumption that the case-matter here was of Roman military law. Since this was not the case, the ethnicity of Areios cannot be ascertained in this way either. At any rate, the fact that he may or may not have been a Roman citizen does not imply specific Roman legal knowledge (which he may have had also not being a Roman citizen).

²⁷ Only the cognomen of the prefect is reported. It could thus refer to Marcus Rutilius Lupus as well, in office in 113–117. It is the majoritarian attribution, yet in fact there is no reason to give it prevalence over the earlier dating.

Wolff, be they Alexandrine – as suggested by Mitteis, and accepted by Biezuńska-Malowist, and Sturm).²⁸ If the prefect Lupus in question is indeed the earlier one of the two, then the fact that he consults with ‘friends’ may suggest the use of the term *nomikos* to be still very fresh and arbitrary at the time. This, in turn, may certify that it was the second half of the first century AD which marked its first technical employment.

Should we, on the other hand, attribute the decision recorded in *P. Oxy.* VI 706 to the later Lupus, in office in AD 113–117, we would have an argument for a somewhat unsettled formalisation of the function in all the time it was attested. This view is corroborated by the records of external legal advice in the so-called dossier of Drusilla Trial (*M. Chr.* 372 =

²⁸ MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), pp. 264–266, and literature cited in n. 30–32, accepting the view of H. J. WOLFF, ‘Plurality of law in Ptolemaic Egypt’, *Revue internationale des droits de l’Antiquité* 7 (1960), pp. 191–223, at 223 n. 80, *contra* L. Mitteis in *M. Chr.* 81 (p. 90), followed by I. BIEZUŃSKA-MALOWIST, ‘Les affranchis dans les papyrus de l’époque ptolémaïque et romaine’, [in:] *PapCongr.* XI, pp. 435–443, at 442, and EADEM, *L’esclavage dans l’Égypte gréco-romaine*, II: *Période romaine*, Wrocław – Warsaw 1977, pp. 147–148, as well as F. STURM, ‘Droit supplétif en cas d’éviction de la règle normalement applicable. Nouvelle analyse du *P. Oxy.* 706’ [in:] J. VELISSAROPOULOS (ed.), *Τιμαί Ιωάννου Τριαφυλλοπούλου*, Athens 2000, pp. 307–315. NB, Sturm’s idea is based on misinterpretation of the term *astos* (p. 313), which he exclusively assigns to the citizens of Alexandria, giving as evidence § 39 of the *Gnomon of Idios Logos* (BGU V 1210), and ignoring §§ 4 & 5, which specifically refer to the Alexandrines (Ἀλεξανδρεὺς, ll. 26 & 29), and thus must be discarded. Most recently this part has been also taken by G. PURPURA, ‘Diritti di patronato e ἀστικοὶ νόμοι in *P. Oxy.* IV, 706’, [in:] *Atti del V Convegno nazionale ‘Colloqui di egittologia e papirologia’*, Firenze, 10–12 dicembre 1999, Florence 2000, pp. 199–212 (= *Iuris vincula: Studi in onore di Mario Talamanca*, Naples 2001, vol. VI, pp. 465–483), with possibly too constructed arguments drawn from the presumed invalidity of renouncement of rights of patronage in the *cheirographon* Damarion obtained from his master. Such a quit-claim clause does not per se imply the existence of rights of patronage, which only the stipulation would curb-down. One could easily think of a safety article which inclusion was to make the freedman’s standing securer (Lupus confirms non-existence of any rights of patronage in the law of the Egyptians, thus their want is not an effect of the renouncement clause). Perhaps – just as a thought-provoking hypothesis – one could think of a generic use of *astikoi* – let us notice the plural used by the prefect (cf. ll. 8–9: ἀ[κο]λούθῳς τοῖς ἀστικοῖς νόμοις [κελεύω]), which would comprehend both the laws of the polis, and the law of Rome. The prefect, discretionally creating these rights – which lack proved contrary to the Roman *ordre public* (cf. URBANIK ‘*Józef inter gentes*’ [cit. n. 4], p. 327 with n. 100), did not need to refer to any particular civic laws, for his reasoning it was enough they were recognised by the civic orders he had at hand.

P. Catt. = BGU I 114 [Alexandria (?) or Arsinoites, after 26 August 142 AD]). In this set of judgments, extracts prepared to oppose Drusilla's claim on her partner's inheritance,²⁹ expert opinions are sought thrice, and each time the advising party is referred to differently. In one instance, the prefect Lupus, this time certainly the posterior Marcus Rutilius Lupus, consults a legal problem with *nomikoi*, and in another with 'friends'. The third instance, two decades posterior, records the judgement given by the prefect Valerius Eudaimon after consultation with 'the present ones'. This contemporary employment of denominations other than *nomikoi* by the same authorities in almost identical circumstances shows that their standing had never become fully formalised, we should never expect to witness a fully fledged court office of a jurist-advisor.

For the further argument it is worth scrutinising all three instances, even if the two posterior do not involve *nomikoi*. In the earliest of the three (*M. Chr.* 372, col. iii, ll. 11–22 [23 October AD 114]) the same prefect Lupus, having conferred with the *nomikoi*, does not grant the request of a soldier Longinus Hy... to acknowledge the legitimacy of his two sons, Longini Apollinarius and Pomponius. The text is lacunose, yet it is plausible that the prefect attributes Roman citizenship to the boys by application of *ius gentium*, since their mother was a Roman citizen.

In the following excerpt (*M. Chr.* 372, col. iv, ll. 1–15 = *P. Catt.*, col. iv; 3 June AD 115), in a seemingly similar matter, Lupus again seeks advice with the 'friends' responding to a petition to remit the inheritance tax of Chrotis, an *aste*, who married Isidoros, also an *astos* (both thus had politic, possibly Alexandrine, status). The man, being already drafted to the army, fathered a son, Theodoros, by the petitioner. Isidoros, who as a soldier adopted a new name, Julius Martialis, made a will and then died in service. He acknowledged Theodoros and appointed him as heir. While the prefect did not confirm the legitimacy of the boy, he confirmed the validity of the soldier's will.

²⁹ See, for recent commentary and literature, M. NOWAK, *Bastards in Egypt: Social and Legal Illegitimacy in the Roman Era* [= *Journal of Juristic Papyrology Supplement* 37], Warsaw 2020, pp. 145–147; and, obviously, S. E. PHANG, *The Marriage of Roman Soldiers (13 BC – AD 235): Law and Family in the Imperial Army* [= *Columbia Studies in the Classical Tradition* 24], Leiden – Boston – Cologne 2001, *passim*, esp. pp. 38–40 and translation in Appendix 1.

The final piece of evidence (*M. Chr.* 372, col. iv, l. 16 – col. v, l. 25 = *P. Catt.*, col. v; 26 August AD 142), concerns polis-citizenship, too. Yet another soldier, Octavius Valens, petitioned to have Alexandrine citizenship recognised for the boy he had fathered with Claudia Secunda. The prefect Valerius Eudaimon first adjourns the case, willing to investigate the mother, and then having conferred with ‘those present’, reaffirms the principle banning marital union of soldiers (in the course of the proceeding, quite unfortunately for the couple, it was revealed that they had two more sons: they, too, were barred from citizenship).³⁰

What calls for attention is the nature of the problem submitted for consultation. The lack of *conubium* among the conscripts is a rather basic legal question.³¹ It is thus surprising that a Roman judge, even one not really trained in law, should need any help with the issue. It is particularly striking in the first discussed case, in which Roman civic status seems to have been at stake, unless, obviously, the original request for *epikrisis* regarded the Alexandrian status of the boy, too. Such a question may have been edited in the preparation of the final dossier which focused solely on the inadmissibility of soldiers’ marriages, and thus their inability to produce legitimate offspring. Yet, if not, it would constitute a singular case among our documentation in which expertise on Roman law was provided by an advisor. The judges’ ignorance is justified a bit more in the other two cases, since it was the law of the *polis* that lay at their core.³²

The rules of acquisition of Alexandrian citizenship could indeed seem ambiguous to a Roman official, as is demonstrated by the well-known case

³⁰ A. DOLGANOV, ‘Imperialism and social engineering: Augustan social legislation in the *Gnomon of the Idios Logos*’, *Klio* 104/2 (2022), pp. 656–692, at 684, misses the point stating that the children were ineligible for Roman citizenship. That matter was not discussed at all in the case; in fact if Claudia Secunda was, as the name may suggest, a Roman, the boys would inherit her status, as in the first case decided by Lupus (*M. Chr.* 372, col. iii, ll. 11–22). Her description of the case is also inexact: it is not clear that the petitioner was already a veteran.

³¹ KUNKEL, *Herkunft und soziale Stellung* (cit. n. 7), p. 358, stresses the same.

³² See further, NOWAK, *Bastards* (cit. n. 29), pp. 89–90; for the case of Octavius Valens, pp. 23–24, and, in particular, 145–147, with elucidation of the background, and the most recent literature. Cf. also pp. 202–205, for the illuminating case-studies of illegitimate unions involving *astoi* – most probably the citizens of Alexandria, here particularly relevant for the context of the decisions of the prefects Lupus and Eudaimon.

of Pliny the Young imploring Trajan for the grant of citizenship for the physician Harpocras. In his letter, Pliny requests Roman citizenship for the medic, a freedman of the late Thermuthis daughter of Theon (and for two freedwomen of another woman, presumably a Roman). Once his demand is granted, he turns again to the princeps with an entreaty to grant Harpocras also the Alexandrine polity, since he ‘was admonished by more experienced (*peritiores*) that [he] should have requested first the Alexandrine citizenship for him, and then the Roman, as he (Harpocras) happened to be an Egyptian’. Pliny explains he wrongly thought the Egyptians would not differ from other peregrines in the matter of citizenship grants.³³ In his response (*ep.* X 7), the emperor awards this request, too, and informs that as soon as he is sent the beneficiary’s nome of origin, he will write a letter to the prefect of Egypt to notify him about the grant.

One could ponder whether the governor of Bithynia provides us with the actual *iter* of the bequests of *ius Quiritum* to the Egyptians, as it is uniformly believed chiefly upon the testimony of this sole case.³⁴ The singularity of

³³ *Ep.* X 6.1–2: *admonitus sum a peritioribus debuisse me ante ei Alexandrinam civitatem impetrare, deinde Romanam, quoniam esset Aegyptius. [2] Ego autem, quia inter Aegyptios ceterosque peregrinos nihil interesse credebam, contentus fueram hoc solum scribere tibi, esse eum a peregrina manumissum patronamque eius iam pridem decessisse. De qua ignorantia mea non queror, per quam stetit ut tibi pro eodem homine saepius obligarer. Rogo itaque, ut beneficio tuo legitime frui possim, tribuas ei et Alexandrinam civitatem et Romanam*, ‘I have been admonished by more experienced that I should first request the Alexandrine citizenship for him and then the Roman, since he was an Egyptian. [2] And since I believed that there would not be a difference between the Egyptians and other aliens, and had limited myself to only write to you that he had been freed by an alien, and his patroness had already died. I do not lament my ignorance, which caused me to be even more bound to you on behalf of this man. I beseech you thus to grant him both the Alexandrine and the Roman citizenship, so that I may use legally your favour’.

³⁴ Pliny’s testimony is taken to be corroborated by a statement of Josephus, *c. Apionem* II 41, who stresses that the Romans removed only the Egyptians from any kind of *politeia*. Cf. MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), pp. 248–250 and 306 (307) n. 10; as well as NOWAK, *Bastards* (cit. n. 29), pp. 204–205, and EADEM, ‘Citizenship in Roman Egypt before 212 CE’, [in:] J. FILONIK, Chr. PLASTOW, & R. ZELNICK-ABRAMOVITZ (eds.), *Citizenship in Antiquity. Civic Communities in the Ancient Mediterranean*, Abingdon 2023, pp. 639–651, at 641 n. 12–13. One has to stress, however, that Josephus’ view is difficult to fully understand and interpret. On the letters of Pliny, see most recently, M. ROUX, ‘Pliny the Younger, *Letters* X.6–7’,

this evidence, with only vaguely circumstantial parallels in the papyri (if at all!), and especially its oddness, if compared to the usual way the Roman citizenship was granted by the emperor, calls for caution. This problem cannot be fully discussed here. What stands out in the context of this article is the way in which Pliny apparently learns about the rules governing the case of Harpocras: the ‘more learned’ ones have made him aware of the issue. Now, it is important to note that this is not an exact parallel to the cases hitherto discussed. The consultation there happened in the court room at the initiative of the judge; here *peritiores*, if we take the account at face-value, seem to have acted out of their own accord (this sudden intervention, also so far from Egypt, adds to the already voiced suspicion). Notwithstanding, the model, *grosso modo*, is similar. A Roman provincial official is aided by some experts in a legal matter. Such standing counsels to the officials are attested in passing by the already referred passage from *c. Apionem* and by Gregory the Miracle-Worker,

at <<https://www.judaism-and-rome.org/pliny-younger-letters%C2%A0x6-7>>, with literature (accessed 30 December 2022). As Krystyna Stebnicka points out in a personal communication, it is very unusual for Pliny to admit ignorance. This circumstance could also add to the doubts about the seemingly straightforward tenor of his testimony.

Among the recent studies the one by O. LICANDRO, ‘Caracalla, i dediticii e il paradigma urbano. Una “diversa” lettura di P. Gissensis 40.I’, [in:] E. HÖBENREICH, M. RAINER, & G. RIZZELLI (eds.), *Liber amicarum et amicorum: Festschrift für Leo Peppe / Scritti in onore di Leo Peppe* [= *Colección LEDA* 10], Lecce 2021, pp. 309–361 (= ‘La *Constitutio Antoniniana* del 212 d.C. e il paradigma urbano. Una “diversa” lettura di P. Gissen 40.I’, *Annuario della Scuola archeologica di Atene e delle missioni italiane in Oriente* 98 [2020], pp. 467–494), stands out. At pp. 320–322 [= pp. 473–475], Licandro not only gives full credence to Pliny’s testimony, but *in primis*, uses it as one of key arguments for his highly constructed, yet equally controversial, interpretation of *P. Giss.* 40 I. In his reading, Caracalla’s edict would only grant citizenship to the inhabitants – in particular the Egyptians – already vested with *urbanitas*, to which view the case of Harpocrates seems fitting. Debating Licandro’s views would not be in place here, his ideas are thought-provoking, yet summarily, one needs to observe that he tends to use isolated and seemingly exceptional evidence – in comparison to the mass of sources especially of Egyptian provenance testifying to the contrary – as cornerstones of his theory (NB, Licandro uses also for his ideas the just recalled passage from *c. Apionem*, yet taking no regard of Josephus’ stress on ‘only’ to the Egyptians). I adhere therefore to the classic standpoint on the matter; for all-encompassing and crystal-clear synthesis thereof, see J. MÉLÈZE MODRZEJEWSKI, ‘Un empire universel’, [in:] IDEM, *Droit et justice dans le monde grec et hellénistique* [= *Journal of Juristic Papyrology Supplement* 10], Warsaw 2011, pp. 475–496.

who confirms the persistence of this usage in much later times. I have already recalled that Gregory's kin's forced promotion was due to the fact that he was a *nomikos*. This is interesting, since it demonstrates how a generic term denoting a person skilled at law may have gained by association a more technical sense in Egypt: it began to signify the standing legal experts of the governor.³⁵ In other terms, Gregory's brother-in-law became an advisor, because he had been (and carried on being) a *nomikos*, a skilled jurist; contrariwise, his Egyptian counterparts as experts on local legal matters were called to become *nomikoi*-court-advisors.

Let us then turn again to the papyrological evidence: it records ever more – if we are to trust our documentation, naturally irregular and accidental – cases of consultation with the *nomikoi* from the second century onwards. Many of these instances form part of specifically made collections of the decisive parts of judicial decisions on a subject. Such compendia, quite particular in format are usually put down with a semi-literary hand in a nicely composed page-setting. They were either fashioned for scholarly use, or, perhaps more likely, in preparation for a judicial proceeding, so they might be served as legal evidence to the presiding judge (these two hypotheses need not to be alternatives). These documents have been discussed and rediscussed, yet to state my point further I would need to present their essentials. A particular stroke of luck has conserved the names of the jurists consulted and so I will review these cases, grouping them by the consultant.

One of the earlier second-century examples, *P. Oxy.* XLII 3015 (after AD 117),³⁶ presents a dossier of three judgements. They are all extracts on

³⁵ Gregorius Thaumaturgus, *In Origenem oratio panegyrica* V 76: Κηδεστήν μου ἄνδρα ἀδελφῆς ἐμῆς ὁ τότε ἄρχων τῶν Παλαιστίνων, τοῦτον παραλαβὼν ἐξαίφνης ἄκοντα μόνον, κεχωρισμένον τῆς ὁμοκοίτου, ἤγαγεν ἐνταῦθα, συνεπιβοηθήσοντα καὶ κοινωνήσοντα τῶν τοῦ ἔθνους ἄρχοντος πόνων· νομικὸς γάρ τις ἦν, καὶ ἔστιν ἴσως ἔτι, 'The then governor of Palestine all of a sudden employed my brother-in-law, the husband of my sister, causing him to be unwillingly separated from his spouse, and took him there, so he will aid him and partake in the burdens of the governance of the province: for he was a skilled jurist, and still (actually) is'.

³⁶ The only decision with a completely preserved date was made in AD 109, yet the collection was put down after the death of Trajan as the epithet 'divine' before his name in the dating formula demonstrates.

the apparent testamentary freedom of Egyptians. In two, almost entirely preserved, the prefect Sulpicius Similis is reported to have referred the cases to the same legal expert, Artemidoros, and to have conferred on the matter with ‘those present’, his judicial council, before giving a judgment (this, as I have already pointed out, makes clear that the *nomikos* did not form part of the council). In one instance the expert is styled as ‘the interpreter of the laws’ – this designation has no other parallels in the papyri – and in the other as ‘*nomikos*’. Whereas in the former, the judge generically states that ‘an Egyptian has power to testate as he wishes’ (which is consistent with the judgment of the first case of the dossier),³⁷ in the latter this freedom is conditioned by the contract of a general sale (*panprasia*)³⁸ the testator had made (under which, however, he still may choose the heir from among the children to whom his property became entailed).³⁹ The exact nature of the content of the law Similis is informed

³⁷ *P. Oxy.* XLII 3015, ll. 8–10 Σουλ(πίκιος) Σίμιλις πυθόμενος Ἀρτεμιδώρου τοῦ ἐξηγουμένου τοῦ [ὕς] νόμους περὶ τοῦ πράγματος καὶ συνλαλήσας τοῖς συμ[β]ούλοις ἔφη· Αἰγύ[π]-τιος εἶχεν ἐξουσίαν καθὼς βούλεται διαθέσθαι, ‘Sulpicius Similis, after having asked about the case Artemidoros, the interpreter of the laws, and having conferred with his councilors, said: “the Egyptian had the power to make his will as he wished”’. On the legal aspects of this papyrus and its significance for understanding the ‘Egyptian’ marriage, see J. L. ALONSO, ‘*Agraphos gamos*: Marriage, family and inheritance in Roman Egypt’, *Symposium* 2022, pp. 407–454, and IDEM, ‘§ 8. Teil I. Papyrologische Quellen’, [in:] U. BABUSIAUX *et alii* (eds.), *Handbuch des Römischen Privatrechts*, Tübingen 2023, vol. 1, pp. 222–274, at 245 and 249, with references to literature.

³⁸ It is this term that shows that one cannot be dealing here with Greek legal tradition, as suggested by MÉLÈZE MODRZEJEWSKI, ‘La loi des Égyptiens’ (cit. n. 25), p. 390, but definitely with the Egyptian one, as ultimately recently demonstrated by ALONSO, ‘*Agraphos gamos*’ (cit. n. 37), pp. 433–438.

³⁹ *P. Oxy.* XLII 3015, ll. 14–16 ὃ 20–27: Σουλ[πίκι]ος Σίμιλις [συνλ]αλή[σας τοῖς] συνβ[ούλοις] καὶ ἀνα[κριν]ωσαμέν[ος] [Ἀρ]τεμιδώρῳ νομικῷ ἔφη· (...) ὁ δὲ νόμος ὡς λέγεται δίδωσιν ἐξουσίαν τῷ τὸ πανπράσιον ὃν κονομῆσαντι καὶ κατασχόντῃ τοῖς τέκνοις τὰ ἴδια ἐκλέξασθαι ἐξ αὐτῶν ἓνα καὶ κληρονόμων ποιῆσαι. οὐκοῦν παραπεσούσης τῆς δευτέρας ἀσφαλείας εἰς τὴν προτέραν ἀνέκαμψεν τὸ δίκαιον. ἐξήν αὐτῷ ὡς ἐβούλετο διαθέσθαι κληρονόμους καταλιπόντι τοὺς παῖδας αὐτοῦ ἐφ’ οἷς ἐποιήσατο τὸ πανπράσιον, ‘Sulpicius Similis, after talking with his advisers and referring the case to Artemidoros the *nomikos*, said: (...) The law, I am told, gives to a man who has negotiated a “general sale”, even though he has entailed his property on his children, the power to choose out one of them and make this one his heir. It is therefore (not?) the case, that, with the disappearance of the

about is not important here,⁴⁰ what matters, rather, is the mechanism of consultation. Artemidoros seems to have been personally present during the hearing and provides quite a detailed answer on the spot (the prefect introduces his decision by recalling *being told* what the law commands). Two already mentioned papyrological *hapax legomena*, ‘interpreter of the laws’ and ‘total sale’, stand out in this papyrus. They show that whoever has prepared the minutes of the hearings – likely a staff member of the prefectural bureau – was pretty inventive in the way he was rendering what was happening, and thus that this terminology was still being developed and perhaps coined *ad hoc*.

It is very likely that this Artemidoros is identical with the *nomikos* Claudius Artemidoros appearing in the official minutes of the trial preserved in *M. Chr.* 84 = *CPR* I 18 (Ptolemais Euergetis?, AD 124). The matter of consultation – again testamentary freedom among Egyptians – renders this identification even more plausible. The legal intricacies of the case, though fascinating, are again not of primary interest to this essay.⁴¹ I will

second bond, the right reverts to the first one. It was open to him to make his will on whatever terms he wished (provided that?) he left as heirs those children of his in whose name he made the “general sale” (transl. Parsons, modified).

⁴⁰ We will discuss them in detail in the forthcoming re-publication of *P. Oxy.* II 237; see, already, for the current interpretation ALONSO, ‘*Agraphos gamos*’ (cit. n. 37).

⁴¹ It is one of the key pieces of the scholarly dispute on the written and unwritten marriages: see ALONSO, ‘*Agraphos gamos*’ (cit. n. 37), with references to the earlier literature, and in our forthcoming republication of *P. Oxy.* II 237. On *M. Chr.* 84 in particular, see G. PURPURA, ‘Il giurista e l’avvocato. *Nomikoi e rhetores* in *CPR* I, 18’, [in:] C. BASILE & A. DI NATALE (eds.), *Atti del VII Convegno nazionale di egittologia e papirologia, Siracusa, 29 nov. – 2 dic. 2001*, Siracusa 2003 (= *Quaderni del Museo del papiro* 11), pp. 117–128 (= *Minima epigraphica et papyrologica*, anno VII–VIII/9–10 [2004–2005], pp. 269–278), with a summary of the earlier literature, the study is, however, rather superficial. Additionally, one could perhaps observe that the affirmation of MÉLÈZE MODRZEJEWSKI, ‘La loi des Égyptiens’ (cit. n. 25), pp. 391–392, finding in *M. Chr.* 84 a matter of Greek law is not attainable. Every attempt to single-handedly subscribe or refute this case to the Greek or Egyptian tradition, built upon our conjectural reconstruction of the law of succession in either of them, remains a speculation. One argument perhaps could be used against its hasty assignment to the realm of the Hellenistic laws: there is no indication that any of the parties involved would even try to assign themselves to any of the Greek ethnias, and thus they cannot have a claim on the Greek law of succession. E. SEIDL, *Rechtsgeschichte Ägyptens als römischer Provinz (die Behauptung des ägyptischen*

thus turn only to the evidence pertinent to the *nomikoi*. Let us notice that the expert's presence at the court-room presided over by the cavalry cohort prefect Blaesus Marianus (acting under a delegation of the praefect Haterius Nepos) is formally acknowledged in the protocol. During proceedings, the judge speaks to Artemidoros (but what this one exactly replies is not reported). If onomastics are to be trusted on the status of the *nomikos* – always a difficult issue – he was a Roman citizen (let us notice that the praenomen is reported for neither Nepos nor Marianus, so its non-mentioning in the case of Artemidoros does not discard his civic status). As Kantor observed, the *nomen gentilicium* Claudius is unlikely to have been assigned in the early second century AD, so Artemidoros was probably born a Roman citizen, possibly originating from a local family granted its civic status in the Claudian era and not granted citizenship after AD 109 (if so, *P. Oxy.* XLII 3015 may have omitted the full name for the sake of brevity).⁴²

My last case is quite special: it is a dossier consisting of no less than five papyri featuring the same *nomikos*, Ulpius Dioskourides.⁴³ Curiously, all secure cases report that his responses to the judges' queries were given in writing. Moreover, these *responsa* are cited at least thrice in proceedings, in which they were not initially given. They must have gained signif-

Rechts neben dem römischen), Sankt Augustin 1973, pp. 48 and 226; IDEM, 'Nachgiebiges oder zwingendes Erbrecht' (cit. n. 23), p. 100, saw there instead an instance of a choice between the Greek and Egyptian law solved in favour of the latter. Such an idea would also be too far-fetched, as much as interpreting the will in question as a *testamentum militis* (pp. 99–100), an idea already found in V. ARANGIO RUIZ, *Persone e famiglia nel diritto dei papiri*, Naples 1930, pp. 76–78 ('perfetta sinfonia con diritto romano').

⁴² In a personal communication during the 73rd congress of Société internationale Fernand de Visscher pour l'histoire des droits de l'antiquité, 'Le droit et sa place dans le monde antique', Edinburgh, 3–7 September 2019. On *nomen* Claudius in Egypt, see also S. STRASSI, *L'archivio di Claudius Tiberianus da Karanis* [= *Archiv für Papyrusforschung Beiheft* 26], Berlin – New York 2008 (henceforth *P. Tiberianus*), pp. 114–116, confirming the same proposition.

⁴³ First to point out his multiple appearances (at their time only three) were N. LEWIS & S. A. STEPHENS, 'Six fragments from the Yale Collection', *Zeitschrift für Papyrologie und Epigraphik* 88 (1991), pp. 169–176, at 173–174 (= *SB* XX 15147; unknown provenance, AD 138?). See also HENGSTL, 'Rechtspraktiker' (cit. n. 8), p. 128 n. 85. For of the identification with other pieces, see J. D. Thomas in *BGU* XX 2863, l. 19 n.

icance independent from the original disputes, in the vein of juristic *responsa* provided by the Roman classical jurists.

This is already the case of the hitherto earliest occurrence of Dioskourides. His learned opinion is recalled in a report of proceedings (*SB XX 15147*),⁴⁴ in which the issue of succession (possibly a testamentary one) was to be decided. Apollonios, the attorney for one of the disputants, addressing the judge (presumed by Naphtali Lewis to have been the prefect) informs him that the matter pending was of general interest and had already been adjudicated in analogous cases,⁴⁵ and proceeds to the citation from Dioskourides' *epistole*,⁴⁶ which are dated to the third year of Divine Hadrian (AD 118/19).

Succession again (this time intestate inheritance rights of grandchildren on the distaff side) lies at the core of the controversy reported in *BGU XX 2863* (Arsinoites, AD 133–137?). The matter is referred back to the prefect Marcus Petronius Mamertinus by the judge originally delegated by him, ...ius Harpokration. The not so well-preserved end of the document informs that an opinion in an analogous matter was given by the *nomikos* Dioskourides (it might have been cited by one of the adversaries to the dispute).⁴⁷

Another inheritance matter⁴⁸ seems to have been at the centre of the lawsuit reported in *P. Fouad I 25* (Tebtynis, after AD 138). In the first column of the verso of this lengthy, yet badly preserved document, one adversary

⁴⁴ Ed. LEWIS & STEPHENS, 'Six fragments' (cit. n. 43).

⁴⁵ Line 2: καθολικόν ἐστίν καὶ οὐκ ἄκριτον, 'of general importance and not without judicial precedents'.

⁴⁶ Line 8: [Οὐλπίο]υ Διοσκουρίδου νομικοῦ ἐπιστολήν.

⁴⁷ Line 19: Διοσκουρίδῃ τῷ[νο]μικῷ ζητησαμ[ε]ν[ω] θ[ε]ε[ι] c. 3–4].

⁴⁸ At <<http://papyri.info/ddbdp/p.fouad;;25>> one finds a note taken from Photographic Archive of Papyri in the Cairo Museum webpage (<<http://ipap.csad.ox.ac.uk/4DLink4/4DACTION/IPAPwebquery?vPub=P.Fouad&vVol=&vNum=25>>) that '[f]rom the use of the word diatagma it seems justifiable to infer that these fragments deal with a lawsuit about a will' (accessed 15 November 2023). *Diatagma* could indeed mean a 'testamentary disposition' (cf. *P. Oxy.* X 1282 [15 November AD 83], l. 27), but much more common significance is that of an 'edict' (cf. WB, s.v.). If so, the legal matter would rather refer to the intestate succession. The corrupted place, v^o, col. i, ll. 9–10: διὰ[ταγμα τοῦ κυρίου ἡμῶν πατρὸς . . . σκυ[?] -c.?- ?], cannot be interpreted with certainty, but it is possible to syntactically detach 'of father' from 'edict of our lord', making the reading proposed here plausible.

seems to be blaming the other for deliberate obscuring the legal evidence, which consisted of three judgments of three successive *strategoī*.⁴⁹ The first of the three, Numisianus, requested legal advice from Dioskourides, and was served with an answer that must have conditioned his decision.

Again, a delegated judge, ex-*strategos* Aelius Horeion sought legal advice from Dioskourides in proceedings reported in *PSI V* 450 r^o (Oxyrhynchus, AD 130s?).⁵⁰ He wrote to the *nomikos* and received an answer, unfortunately not extant. The lawsuit was probably triggered by a succession dispute resulting from the marriage of Tauseiris and Pekyseis, after it was terminated by the wife's death. The couple's dowry agreement, made after they had started living together and begotten a daughter, is reported in the first column of the papyrus, the preserved initial portion of the second column commences informing of the woman's death.⁵¹ There follows a citation from the judgments of Sulpicius Similis,⁵² and then an account

⁴⁹ N. LEWIS, 'Νοήματα λέγοντος 7-18', *Bulletin of the American Society of Papyrologists* 4 (1967), pp. 27-36, at 30-31 (no. 10), for the recognition of the three *strategoī* of Themistes and Polemon districts whose judgements are cited. He dated the *strategia* of Numisianus to AD 138.

⁵⁰ The first column of the document reports a dowry agreement between Tauseiris and Pekyseis, who already lived together. The couple also declares that they had a daughter. The second column starts with a citation from judgments of Sulpicius Similis.

P. Würzb. 9 = *W. Chr.* 26 (Arsinoites, 161-169 AD), a petition of an Antinopolites requesting exemption from a liturgy, brings about citations from letters of the prefect Mamertinus and of the *epistrategos* G. Statilius Maximus addressed to another Horeion, identified as the *strategos* of the Thinites nome. Whereas the date of the earlier one (AD 135) could make the addressee compatible with Aelius Horeion, the latter seems to be rather too distant in time (AD 156). Against the identification depose the occurrence that in both Horeion is listed as the acting *strategos*, unlike *PSI V* 450, where he is titled as the former (unless he resumed the office after a break). Also, the fact that the name Aelius is missing in an official correspondence cited in *P. Würzb.* 9 makes this idea rather improbable.

⁵¹ G. Vitelli in *PSI V*, p. 13, could not suggest any link between these two texts on the recto of 450.

⁵² Following the G. Vitelli in *PSI V*, p. 13, LEWIS & STEPHENS, 'Six fragments' (cit. n. 43), p. 174, assumed that the epistolary exchange between the ex-*strategos* and the *nomikos* happened in the course of a matter decided by Similis (likewise, KUNKEL, *Herkunft* [cit. n. 8], p. 269). This probably was not the case. The full citation of the letter of the *strategos* suggests that Dioskourides be consulted in the dispute reported in *PSI V* 450 r^o, in which a previous judgment of Similis was also cited.

of the brief exchange between the judge and the *nomikos*. Doubtlessly, the matter at stake was the marriage-succession arrangements in the light of local law. Line 44 brings about the word *ἐρμηνεία*, which may have referred to the translation of the Demotic marriage document. If that was indeed the case (and the isolated word does not refer merely to the ‘interpretation’ of the legal situation), this might have been the Egyptian deed whereby the already existing union between the two was notarised, becoming a ‘written’ one (*engraphos*).⁵³ The original and the translation might have been produced during the proceedings. The Greek dowry agreement, meanwhile, obviously giving only the essentials, was appended to the minutes, simply because it was more comprehensible to the judge. Alternatively, and far more likely, since not just any kind of writing, but a specific notarial document transforms an unwritten marriage into a ‘written one’, the union between Tauseiris and Pekyseis may very well have remained *agraphos* even after that cited Greek document was made.⁵⁴ In either case, it would be tempting to consider that, not unlike the case of *P. Oxy.* II 237, which I will immediately discuss, the *nomikos* pronounced over the issue of ‘written’ and unwritten marriage. Yet, perhaps this is too much wishful thinking.

This brings us to the last piece of the dossier. Thanks to Constantinos Balamoshev’s emended reading of the relevant portion of *P. Oxy.* II 237, we now know that the *nomikos* whose opinion was used by Dionysia as legal evidence was also Dioskourides (col. viii, ll. 2–8). The publication of the

⁵³ On the issue, see, most recently and most comprehensively, ALONSO, ‘*Agraphos gamos*’ (cit. n. 37). In his most perspicuous study, Alonso concludes that ‘written marriages did not exist as a definite legal category, associated with a specific legal regime’ (p. 445 and n. 91). The specific legal conditions different from an *agraphos gamos* in these unions arose from a notarial deed, which provided for the post-mortem standing of the estate(s). The document cited in column 1 of *PSI V* 450 seems to strongly limit the alienation powers of the husband (ll. 20–21: οὐκ ἐξέσται μοι πωλεῖν οἱ[ὕδὲ ὑ]ποτίθ[εσθαι χωρὶς εὐδο]κήσεως τῆς γαμουμένης, ‘it shall not be permitted to me to sell (it), or to mortgage (it) without the bride’s consent’), which could hint at a situation similar to *katoche*. Yet, it is more likely that this clause merely refers to the dowry received.

⁵⁴ It is thus too far-fetched to assume, as Vitelli does, that what he defines as a marriage contract from the first column transformed an unwritten marriage of the couple into a written one. See now, for all, ALONSO, ‘*Agraphos gamos*’ (cit. n. 37).

previously unread ninth column of the text has also revealed the second portion of the same opinion (col. ix, ll. 18–24). The issue at stake, as we well know, were the legal effects of the act of *ekdosis*, apparently depriving the father of the capacity to divorce his daughter and to reclaim her dowry once validly granted.⁵⁵ A judge acting upon the governor's delegation, the prefect of the fleet Salvistius Africanus, was set to decide a case whose facts must have born resemblance to the famous Dionysia's matter, and requested advice of the *nomikos*. The exchange is again epistolary, with Dioskourides' answer dated to 14 February AD 138. Two factors are worth stressing here. Firstly, just like in the case of *PSI V* 450, the opinion of the learned jurist has earned self-standing importance, akin, as I have already stressed, to the Roman jurists' *responsum*. Secondly, thanks to the expert's self-representation, we learn that he had formerly served as an *agoranomos*. It is a clear indication that his expertise in local law had a practical dimension, too.⁵⁶

⁵⁵ On the legal content of the opinion, see ALONSO, '*Agraphos gamos*' (cit. n. 37), as well as J. URBANIK 'Between the unity and the force of tradition: The case of *ekdosis* in Greek and Roman Egypt' (forthcoming).

⁵⁶ In a rather superficial article E. SEILD, 'Die juristische Bildung der Richter in Ägypten', *Eos* 48/1 (1956) (= *Symbolae Raphaeli Taubenschlag dedicatae* I), pp. 251–260, at 259–260, thought that Ulpius Dioskourides be a 'learned Roman lawyer', whose task was to describe the local law in the likeness of the British colonial functionaries in the Indies, fashioning treatises on Hindu or Islamic laws. This assumption is entirely unfounded, even if the parallel rightly postulates, *avant la lettre*, the methodology of (post-)colonial studies as a correct comparandum, for Roman Egypt. In this instance, it is worth recalling how the Portuguese tried to secure legal information of the judges processing cases involving local law in their colonies. *Ordinance* no. 57 of the Governor of the Province of Angola (26 January 1907, as amended by the decree of 29 May 1907) provides that in such proceedings the colonial judges would need to listen to the local assessors (possibly chiefs of the village) and to get input about the local rules ('Art. 4. Os funcionarios a quem fôr commettido o julgamento de qualquer questão gentilca rodear-se-hão obrigatoriamente de *assessores* indigenas (2 a 3), cujo *conselho* e opinião *sempre* devem ouvir antes de pronunciar a sua sentença'. They are not bound by their advice, adhorted to instruct them about the principles of morality and law (art. 4, § 2); *Collecção da Legislação novissima do Ultramar* 35 (1907), pp. 212–216, available online at <http://www.governodosoutros.ics.ul.pt/imagens_livros/bcu_novissima_vol35/Legisla%C3%A7%C3%A3o%20Nov%C3%ADssima%20-%20XXXV%20Volume%20-%201907.pdf> (accessed 12 December 2023). The analogy to the Roman magistrates (minus the semi-obligatory element of consultation) is really striking. I am grateful for this example provided by João Figueiredo at the Workshop 'Court Cases in African

P. Oxy. II 237 reports another case of consultation with the *nomikoi* (in plural) in col. ix, l. 37. Their opinion was heard (probably by the presiding judge). Sadly, this part of the papyrus has been extremely badly preserved, and so this instance remains blurry. This conference may have happened in the course of proceedings in front of Annius Syriacus (in office AD 161–164). A letter to the governor, perhaps also containing legal advice, is reported in lines 27–28 of column ix.⁵⁷

INTERMEZZO:

NOMIKOI IN THE ROMAN COURTS AS COUNSELS OF PRIVATE INDIVIDUALS?

Before I proceed to the second part of this study, I need to address several documents composed in the trial context in which the presence of *nomikoi* has also been postulated. Their role here, however, would be different. In these later papyri (from the third and the fourth centuries AD), *nomikoi* were to appear as legal counsels to the litigants and not to the bench. These cases would also constitute a notable exception to the exclusively notarial setting of *nomikoi* post-dating the third century AD (see further, pp. 180–181).

Archives' at Käte Hamburger Kolleg Münster of 25–26 May 2023. At the same workshop Luíz Cabral de Oliveira, in the paper 'Law in books vs. law in action: Félix Correia de Araújo, a remarkable Angolan judge in the late 18th century', presented the admonitions of his subject, directing the colonial judges to adjudicate *ex bono et aequo*, even more striking analogy to the Roman magistrate.

⁵⁷ I exclude from this overview two more documents which have been taken as testimonies of judicial advice served by the *nomikoi* to the judges (cf. HENGSTL, 'Rechtspraktiker' [cit. n. 8], p. 128 n. 85). In the journal of the *strategos* of Elephantine and Ombos, *P. Par.* 69 = *W. Chr.* 41 (Elephantine, AD 232), col. iii, l. 18, the presence of a *nomikos* in a judicial proceeding is a conjecture, which results from a reconstruction of the term *nomikos* after the name of a certain Flavius Lo[...]. Contrariwise, the hitherto presented evidence seems to be corroborated by *P. Oxy.* III 578 *descr.* (2nd cent. AD), which features Σεντιανὸς νομ[ικός], who appears alongside Φλαούιος Πρίαμος ὁ δικαιοδό[της]. One could guess that Sentianus, perhaps a Roman citizen, if we are to trust the onomasitcs, was present and and orally advised *iuridicus*.

The evidence appears in two sets: two papyri of trial proceedings from the third century AD and a group of six peculiar writings dated to the first half of the fourth century AD. Let me first look at the two earlier documents. These minutes of trials regarding liturgies may, *prima facie*, provide evidence for either of the previously identified categories of *nomikoi*.

A lengthy and very interesting document SB V 7696 (Ptolemais Euergetis, after August 249 AD),⁵⁸ preserves a record of a dispute before the prefect Appius Sabinus in which some villagers protested their appointment to forced services by the Senate of Arsinoe. The lawyers for both parties utilised legal arguments, citing precedents and an imperial decision in analogous cases. In the poorly preserved final part of the text there appears twice Kastor, once described as a *nomikos* and once as a rhetor.⁵⁹ Such occurrence could suggest that these terms could be used interchangeably: a *nomikos*, a synonym of a rhetor, would signify an advocate; thus, Kastor's role in the trial was to assist one of the claimants. However, in this case one would expect him to appear earlier in the document taking part in the legal debate between the lawyers for the villagers (Sarapion and Chairis, rhetors, as well as Seleukos, *synegoros*, specifically representing Potamon, Elpis, and Palas) and for the city (Ischyriion, Philippos, Serenos, and Lucius, all qualified as rhetors). And yet Kastor makes his first entry only shortly before the judgment is pronounced by Appius Sabinus, immediately after the prefect is reported to have consulted with his council.⁶⁰ For that reason Theodore C. Skeat took the later designation of Kastor as a rhetor to be a slip, and

⁵⁸ T. C. SKEAT & E. P. WEGENER, 'A trial before the prefect of Egypt Appius Sabinus, c. 250 A.D. (P. Lond. Inv. 2565)', *Journal of Egyptian Archaeology* 21 (1935), pp. 235–287. On the document, especially in regards to its liturgical topic, see N. LEWIS, *Life in Egypt under the Roman Rule* [= *Classics in Papyrology* 1], Oakville 1986, pp. 49–50 and 193; on liturgies in general IDEM, *The Compulsory Public Services of Roman Egypt* [= *Papyrologica Florentina* 28], Florence 1997², where this document has also been analysed.

⁵⁹ Col. v, l. 116: Κ[άσ]τωρ νομι[κός]ς εἶπ(εν). Ἀπ[ο]λλων[ίδης]---, and l. 120: Σαβεῖνος ἑπαρχος Αἰγύπτου εἶπ(εν). μετὰ τρεῖς ἡμέρας εἵπατε. / Κάστωρ ῥήτ[ω]ρ [εἶπ(εν)].

⁶⁰ The text is reconstructed but the restitution is extremely plausible, col. v, ll. 114–115: μετὰ τὴν [ἀνάγνωσιν, Σαβεῖνος ἑπαρχος Αἰγύπτου σκεψάμενος μετὰ τῶν ἐν τῷ συμβουλείῳ εἶπ(εν). κατὰ τὸν ὄρκον τὸν ὑπὸ το[ῦ] λαμπροτάτου Φίρμου δοθέντα, 'after [the reading, the prefect of Egypt Sabinus, having conferred with these in the] council, said "according to the oath taken by the illustrious Firmus"'.

decided he must have taken part in trial as the prefect's advisor (who actually also consulted with his council in the course of the procedure, cf. ll. 68–69).⁶¹ I find Skeat's suggestion convincing, even if conjectural. The only remaining part of Kastor's statement in line 116 is the partially preserved name of the *prytanis* of the Arsinoite Senate, Apollonides, one of the advisers of the villagers. Kastor could have started his allocution naming the *prytanis*, or, contrariwise, addressing him as the attorney for the village. One should observe that such direct form address throughout the document seems to be reserved to the judge. It may be likelier thus, that line 116 contained an expert opinion on the points of law, and the procedure adopted by the Senate of Arsinoe. If so, it would not be surprising if it commenced with the name of the leader of the *boule*. Accepting this reasoning we would have thus the latest known confirmation of the advisory role of the *nomikos*. We should also notice that the subject matter, the intricacies of liturgies, would fit well into the usual area of expertise of the *nomikoi*.

The second of the two, SB XVIII 13302 (unknown provenance), published by Jean Bingen,⁶² is extremely fragmentary and only approximately dateable to the first half of the third century AD. It also concerns liturgies, and so matches the context of some of the *nomikoi*-documents we know. We must, however, notice that the presence in it of *nomikos* by the name of Theophilos is conjectured based on a reconstruction.⁶³ One could imagine that Theophilos was described as, for instance, *nomikarios*, an official whose exact duties in the nome administration are obscure,⁶⁴ and so eliminate SB

⁶¹ See SKEAT & WEGENER, 'A trial before the prefect of Egypt' (cit. n. 58), pp. 226–227.

⁶² J. BINGEN, 'Documents de l'Égypte romaine', *Bulletin of the American Society of Papyrologists* 22 (1985), pp. 15–23, at 20–21 and 23.

⁶³ Line 1: [---]. ω. [...]. τα τὸ κρέ[ας. Θ]εόφιλος ὁ νομ[ικὸς εἶπεν ---].

⁶⁴ Cf. T. K. Skeat in *P. Panop. Beatty* 1 (Panopolis, September AD 298), ll. 252–253 n., who tentatively assigns him some accounting duties, and J. Rea in *P. Oxy.* LV 3788 (17 April AD 309), l. 2, broadly pointing to nome administration. H. C. YOUTIE, 'P. Mich. inv. 439: Complaint about a sitologos', *Bulletin of the American Society of Papyrologists* 16 (1979), pp. 145–147, l. 11 n. (= SB XVI 12324), generically accepted further this view, and imagined a kind of intermediary agency of *nomikarioi* therein mentioned between the *kome* headmen, and the large landowners. One must admit that the earliest occurrence of a *nomikarios* in the late third century AD (*P. Panop. Beatty* 1), could speak against such expansion of the abbreviation in SB XVIII 13302.

XVIII 13302 from the sources under examination. Even if we accept the tempting proposal by the editor, it is hard to say what role a *nomikos* played in the procedure reported in this papyrus. It could well be, just like in the previously discussed SB V 7696, that he was not an advisor to any of the parties, but to the presiding judge, in this case an *archidikastes* (l. 3), and thus it could contribute as a piece of evidence for *nomikoi* in the Roman courts, too.

To reiterate: these proceedings cannot provide data set in stone, but rather than proving the role of *nomikoi* as trial advisors of private individuals, they could be tentatively interpreted as evidence for *nomikoi* as legal aides of the Roman judge. An argument for such an attribution is provided by the dispute's theme. As I have pointed out, liturgies would fit well a need for consultation by a Roman judge. I deem the alternative classification less convincing, chiefly because, if we disqualify SB XVIII 13302 because of its conjectural restoration and completely obscure context, SB V 7696 would remain the instance in which a *nomikos* may have served a private party with a legal aid during a trial. That interpretation, however, is greatly undermined by Skeat's clarification of Kastor's double designation as a slip, and his contextual proposal to see in the *nomikos* a counsel for the bench.

Let me now pass to the second set of the announced material in which one has sought *nomikoi* serving private individuals as trial advisors. First off, we need to keep in mind that the interpretation of these early fourth-century documents connected to judicial procedure depends on circular evidence. They have served to interpret Kastor in SB XVIII 13302 as a legal advisor for the claimants. And in turn they have been interpreted with the data served by the very SB XVIII 13302 to show that *nomikoi* may provide trial advice to private persons.

These remaining six papyri bear far reaching formal similarities, forming a relatively homogenous group.⁶⁵ All of them bring sketches of court

⁶⁵ For their minute format description, see A. E. HANSON, 'Memorandum and speech of an advocate', *Zeitschrift für Papyrologie und Epigraphik* 8 (1971), pp. 15–27, a reedition of *P. Princ.* III 119 = SB XII 10983 (unknown provenance, c. AD 325). It is a sketch of argumentation in defence of two brothers, land-owners, accused of tax-evasion of the duties burdening their land, partially grain-bearing, and partially vineyard. The other texts are *P. Lips.* 41 = *M. Chr.* 300 (Hermopolis Magna, 2nd half of the 4th cent. AD): on behalf of a deserted wife, demanding delivery of the promised gifts (*hedna*) and return of the appropriated objects (see my

speeches of rhetors to be delivered on behalf of their clients. Four pre-serve notes put down in a different hand in a column to the left of the memorandum, which are likely to have been added after the composition of the memo itself.⁶⁶ These guidelines are introduced with an abbreviation *N/*, followed usually by some form of the verb λέγω ('you speak' or 'we speak') and then the name(s) of the client(s) in the genitive. Traditionally, it was taken to be an abbreviation for *narratio*, signifying the opening of the attorney's speech.⁶⁷

This idea was challenged by Pieter J. Sijpesteijn and Klaas A. Worp in their edition of *SB XIV 11717*. They noted that the supposed *narratio* begins only in the lines following the mysterious abbreviation: it imminently precedes the name of the person for whom the speech is to be delivered and his/her opponents. They were also disturbed by a sudden intrusion of Latin into otherwise purely Greek text. And thus, dismissing the old interpretation, they put forward *N(ομικός)* as a possible expansion of the cryptic *N/*.

commentary to this papyrus in J. URBANIK, 'Chapter 4.3. Divorce', [in:] J. KEENAN, J. MANNING, & U. YIFTACH-FIRANKO (eds.), *Law and Legal Practice in Egypt from Alexander to the Arab Conquest. A Selection of Papyrological Sources in Translation, with Introductions and Commentary*, Cambridge 2014, pp. 154–174, no. 4.2.6, with literature, where I, however, wrongly assumed after the first editor that *N/* at the beginning of the document signified the name of the attorney in a shortened version); *P. Sakaon* 35 = *P. Thead.* 16 (Arsinoites, c. AD 332?): on behalf of three villagers (including Sakaon) concerning land irrigation in a deserted village where they stay and taxes; *P. Panop.* 31 (Panopolis, c. AD 329): on behalf of Sansnos whose 5 *arourai* have been appropriated by Hierakapollon, the town-councilor, demanding return of the land and payment of the due rent; *SB XIV 11717* (Hermopolis, mid-4th cent. AD): on behalf of Asklepiades, claiming that he has been unduly charged with taxes for land belonging to the ex-husband of a woman who has sold him a parcel; *P. Col.* VII 174 = *C. Pap. Hengstl.* 42 (Karanis, c. AD 342?): on behalf of land-owners unduly assigned tax-payments which apparently burdened some tax-fugitives (*anachoretai*).

⁶⁶ Cf. HANSON, 'Memorandum' (cit. n. 65), p. 17.

⁶⁷ The first to put forward this idea was P. COLLINET, review of *Papyrus de Théadelphie*, ed. P. JOUGUET, *Nouvelle revue historique de droit français et étranger* 37 (1913), pp. 263–266, at 264–265. He imagined that it would mark the beginning of the model narrative prepared by a lawyer for one of the plaintiffs, possibly Sakaon. This view on *N/* was subsequently accepted by the editors of this type of documents, the last to uphold it was A. A. Schiller in his commentary to the first edition of *P. Col.* VII 147 in A. A. SCHILLER & N. LEWIS, 'Another *narratio* document', [in:] A. WATSON (ed.), *Daube noster: Essays in Legal History for David Daube*, Edinburgh – London 1974, pp. 187–200, at 195–196.

They hypothesised that the information on the state of the case (column ii of most of the examples, but for the longer *SB* XII 10983, where it occupies cols. ii–iv) would have been prepared by a *nomikos*, *iurisperitus*, for a rhetor who was to stand in court. The rhetors, in turn, preparing their actual speeches would put down the abbreviated notes on the facts to the left of the *nomikoî*'s memoranda.⁶⁸ Circumstantial arguments were adduced from the just discussed *SB* V 7696, which according to Worp and Sijpesteijn, testified for the court-room role of the *nomikos* in the third century (obviously *SB* XVIII 13302 would have served to support this view, too, if only it had not been published after the study of Sijpesteijn and Worp).

Even if the argumentative force of the latter circumstance met with caution of Roger Bagnall (and Naphtali Lewis) in their edition of *P. Col.* VII 174, they have applauded the idea as a whole. They supplement this line of argumentation further with, in their view, unequivocal indications from among the examples presented in a much earlier study by Louis Robert,⁶⁹ viz. the testimonies of Diocletian's *Edictum de pretiis* and of *Colloquia Monacensia-Einsidlensia* 4.⁷⁰ In both, within the context of a trial procedure, the Latin *iurisperitus* is rendered by the Greek νομικός. The edict of Diocletian establishes the highest fee for an 'attorney or legal expert' for preparation and judicial carrying out of litigation, respectively 250 and 1,000 denarii.⁷¹ In the school dialogue about taking part in litigation (thus focused on a trial-specific vocabulary), one of the interlocutors

⁶⁸ P. J. SIJPESTEIJN & K. A. WORP, 'A sixth "narratio" document', *Bulletin of the American Society of Papyrologists* 15 (1978), pp. 115–122, l. 16 n.

⁶⁹ R. Bagnall & N. Lewis in *P. Col.* VII 174, introd., esp. pp. 166–169 with n. 4 & 6, following ROBERT, *Hellenica* I (cit. n. 9), pp. 62–63.

⁷⁰ *Colloquia Monacensia-Einsidlensia* 4k (Dickey) = *Corpus Glossariorum Latinorum* III 648 (Goetz), with Goetz's reconstruction of the text based on Munich and Einsiedeln manuscripts (published, respectively, in *CGILat* III 212, ll. 16–21 & 228, ll. 14–19). The new standard edition is *The Colloquia of the Hermeneumata Pseudodositheana*, I: *Colloquia Monacensia-Einsidlensia, Leidense-Stephani, and Stephani*, ed. E. DICKEY [= *Cambridge Classical Texts and Commentaries* 49], Cambridge 2012.

⁷¹ *Edictum de pretiis*, col. vii, ll. 74–75: *advocato sive iuris perito mercedis in postulatione ἄδουcentos quinquaginta. advocato sive iuris perito mercedis in cognitione ἄμille* = δικολόγω ἤτοι νομικῶ μισθοῦ ἐντεύξεως ἄ σν' διαγνώσεως ἄ,α (*IG* VII 22, B 20–22 [Megara, AD 301]).

exhorts the other to engage a pleader, advocates, as well as expert-jurists to plead on his behalf.⁷² Eleanor Dickey estimates the time of creation of the *Colloquia* second conversation, which commences with this dialogue to the second–third centuries AD and assigns its origin to the East, thus, *grosso modo*, it would corroborate the other testimonies discussed in this paper.⁷³

With this evidence, Bagnall (and Lewis) conclude, just like Worp and Sijpesteijn have done, that the enigmatic *N/* stands for *nomikos*, whose job in the cases from which the discussed six papyri originated was to prepare the legal line of reasoning.⁷⁴ And so, we would have a continuation of private legal counselling by a *nomikos* confirmed still in the fourth century AD in Egypt. In a way the supposed division of the roles between the *nomikoi* and *rhetores* could have resembled the traditional common law separation between the offices of solicitors, collecting evidence and preparing the case for the court, and barristers, the actual pleaders, and it was perhaps this modern analogy that might have influenced these scholars. Yet, it is precisely this modern imaginary that fosters caution. What we have in these notes could hardly be described as juristic expertise (see above, n. 65 for their contents). In all the extant cases the legal content of the guidelines, apparently authored by a *nomikos*, is next to none. These memoranda present rather the outlines of the facts of the case, and not the summary of a legal standpoint or the relevant law. If they recall laws, *nomoi*, they do it rhetorically, and give no information about the content of the apparently applicable norms. Ann Ellis Hanson has perspicuously noticed in her commentary to SB XII 10983 that this rhetorical swiftness covers in fact an apparent lack of proper argumentation,⁷⁵ thus there is nothing in these text for which real *iurisperitia* would be needed.

⁷² This last term is rendered by νομικός (in singular) in Greek. *Colloquia Monacensia-Einsidlensia* 4k, 8–10 (Dickey): *demos causidico honorarium et advocatis et iurisperitis, ut incessanter defendant nos* = δῶμεν δικολόγῳ τιμητικὸν καὶ τοῖς συνηγόροις καὶ τῷ νομικῷ, ἵνα σπουδαιότερον ἐκδικήσωσιν ἡμᾶς, ‘we shall give to the pleader a wage, and to the advocates and to the legal expert(s), so that they may relentlessly / more zealously defend us’.

⁷³ The composition evolved in the following centuries, cf. DICKEY, *Colloquia* (cit. n. 70), pp. 96–97.

⁷⁴ Bagnall & Lewis in *P. Col.* VII, p. 168.

⁷⁵ HANSON, ‘Memorandum’ (cit. n. 65), p. 18.

In brief, I would be inclined to discard the just discussed interpretation. I am instead much more persuaded by a proposal on how to expand *N/* offered by Herbert C. Youtie in his meticulous analysis of the pertaining texts with a similar abbreviation sign found in a magical papyrus, *P. Lond.* I 121 (p. 113), ll. 920–925 = *PGM* II vii [p. 40], ll. 919–924.⁷⁶ The charm therein reported should secure a triumph to its bearer. The text has twice the abbreviation *NI* clearly, as Youtie demonstrates, standing for *νίκη*, ‘victory’.⁷⁷ Youtie realised further that the earlier *P. Ryl.* II 269 (Hermopolis?, 2nd cent. AD) bears a text fitting the pattern of other ‘*narrationes*’. It starts in fact with the fully-spelled *Νίκη*, followed by the genitive of the name Tereus. Youtie dismissed the editors’ idea that Nike was a daughter of Tereus: the following lines of this court speech draft made it clear it was prepared for Tereus against Herminos, the second partner of her late mother, and against the children he sired by her. And so, the scholar ingeniously comprehended the expression as ‘for victory of Tereus’ – akin to the exhortation ἀγαθῇ τύχῃ – and hence suggested it to be the proper expansion of the furtive *Ní* in the fourth-century documents.

If we now re-consider the above-cited *Edict on Prices* and *Colloquium*, we may notice that they, just like their, *grosso modo*, contemporary counterpart, *Dig* XXVII 1.13 (see above, n. 16), merely testify that a legal expert, the Latin *iurisperitus*, was commonly translated as *nomikos* into Greek. We may accordingly discard the necessity to understand it as an ‘advocate’. As one would expect, the expert jurists could act as external counsels to the parties in a dispute (or to provide them with a *responsum*, in the strict Roman sense), in that sense they could also be hired and paid for their services.⁷⁸ The *nomikos* in these texts corresponds to a generic ‘legal expert’, or perhaps merely ‘lawyer’, if we adduce the sepulchral evidence for *nomikoi* (see above, pp. 130–131), but this does not specifically follow the Egyptian use of the term.

⁷⁶ H. C. YOUTIE, ‘Πράγματα μετέωρα: Unfinished business. Paper read at the XVIth International Congress of Papyrology, New York, 1980’, [in:] IDEM, *Scriptiunculae posteriores*, Bonn 1981, vol. 1, pp. 1–15, esp. 10–15.

⁷⁷ Lines 920 & 925: *NI(κετικὸν) θαυμαστ(ὸν) τοῦ (Ἑρμοῦ) (...) Θωουθ, δὸς ΝΙ(κην) ἰσχὺν δύνανται τῷ φοροῦντι.*

⁷⁸ DICKEY, *Colloquia* (cit. n. 70), *ad* 4k (p. 165), notes that in the realm of Roman law the Greek terms are typically translations or transliterations of the Latin ones.

Accordingly, the six papyri (and the semi-literary texts), therefore, do not present persuasive evidence for the court-function of *nomikoi* in Egypt in the early Byzantine era.

Let me briefly sum-up the hitherto presented material. It evidences how, from at least the first quarter of the second half of the first century AD, Roman judges of all ranks, both the prefects and their delegates in the judicial office, consulted the adjudicated cases with legal experts. These experts certainly did not form part of the prefectural entourage (council, *symbolaion*, and 'friends'). The Roman bureaucratic usage would assign to them the term *nomikos*, applying the word of generic connotation to a specific function. The matters they were consulted about were almost solely⁷⁹ issues of local law: successions, marriage and the rights and duties arising therefrom, and the acquisition of the politic civic status. In some instances, these matters are termed, as we have seen, as belonging to the 'law of the Egyptians'. Neither is it Greek law (whatever that term may mean, but rather Hellenistic version of it, which unity postulated Hans Julius Wolff), as Józef Méléze Modrzejewski wanted,⁸⁰ nor is it to be identified, notwithstanding the struggle of Wolff to prove it,⁸¹ with the surviving laws of Egyptian origin (perhaps synonymous with *nomos tes choras* of the Ptolemaic era). It is probably most sensible to adopt here the middle opinion of Hans-Albert Rupprecht, for whom they are norms of a different, often indiscernible, pedigree pertaining to the *peregrini nullius civitatis*,⁸² viz. the local law(s) *tout court*.

⁷⁹ Except for the question about the Roman civic status in Drusilla dossier (above, pp. 140–141) and the privileges of the veterans in *P. Fouad* I 21 (above, pp. 136–137). With Méléze Modrzejewski I dismiss Seidl's idea that the testamentary freedom cases (*P. Oxy.* XXXVI 2757 and *M. Chr.* 84) referred to a Roman *testamentum militis* (above, nn. 25 & 41, respectively).

⁸⁰ MÉLÈZE MODRZEJEWSKI, 'La loi des Égyptiens', (cit. n. 25), *passim*.

⁸¹ See, *in primis*, H. J. WOLFF, 'Faktoren der Rechtsbildung im hellenistisch-römischen Ägypten', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 70 (1953), pp. 20–57, at 42–44, recently endorsed by J. PLATSCHEK, 'Nochmals zur Petition der Dionysia', *Journal of Juristic Papyrology* 45 (2015), pp. 145–163, at 148–149.

⁸² H.-A. RUPPRECHT, 'Τῶν Αἰγυπτίων νόμοι', [in:] D. M. SCHAPS, U. YIFTACH, & D. DUECK (eds.), *When West Met East. The Encounter of Greece and Rome with the Jews, Egyptians, and Others. Studies Presented to Ranon Katzoff in Honor of his 75th Birthday*, Trieste 2016, pp. 255–267 (= A. JÖRDENS [ed.], *Beiträge zur juristischen Papyrologie*, Stuttgart 2017, pp. 336–345); see also for a summary ALONSO, 'Agraphos gamos' (cit. n. 37), p. 414 n. 22.

Other papyri which note advice sought in larger venues (the council, those present or the friends, but perhaps also *nomikoi*) also focus on the locally-specific cases like the liturgies (and the exemptions thereof), right to appoint to specific priesthoods by the boule of Ptolemais (SB VI 9016), or the question of census registration.

The identity of the *nomikoi* is invariably local, yet at least in some cases, seemingly their majority, they are also Roman citizens, possibly not of the first acquisition. One, Ulpius Dioskourides, had also been an *agoranomos*, and so actively acquired practical knowledge about local law. All that makes *nomikoi* well-anchored mediators between the world of the locals and the world of the occupiers. Last, but not least: they are not anonymous. The fact that they are mentioned by name and that our documentation preserves more instances in which the same *nomikos* appears testifies to their certain notoriety. This is further evidenced by the self-standing authority some of their opinions seem to have acquired as to be cited independently from the cases in which they were first used. All this gives a glimpse of the professionalisation of their role mirroring the fate of the Roman *iuris periti*.

PART II:

NOMIKOI OUT OF COURTS – ‘PRIVATE’ EXPERTS?

I will now turn to the *nomikoi* mentioned in the papyri in the private and not specifically judicial context. After a collective overview of the occurrences – more suitable for my purpose here, as it allows for singling out their possible functions – I will take a closer look at some of them, which are significant for my conclusions.

In the most current application, the term refers to someone who executes a deed: from the third century AD it will become practically the only usage of *nomikos* (see further below, pp. 180–181). It is already the case of the earliest securely dated incidence, and moreover an official one. *M. Chr.* 188 = *P. Oxy.* I 34 (AD 127) transmits the edicts of the prefect T. Flavius Titianus concerning the creation the Library of Hadrian alongside the older Nanaion, and the duty to archive legal deeds in both libraries in

Alexandria. The officialisation of private documents was necessary to keep the legal trade safe, especially in the world of complex securities (like *katoche*) limiting the rights of the owners. These were, as we know from the Edict of Marcus Mettius Rufus (*P. Oxy.* II 237, col. viii), ostensibly incomprehensible to the Romans. The new rulers tried to put order to this business, and *M. Chr.* 188 was a chapter of this seemingly failed enterprise.

The first edict, preserved in the two first columns of the papyrus, has well-deservedly been the object of thorough studies.⁸³ What interests me here though, is the less scrutinised second edict which penalised the drafters of documents for their failure to register the deeds. This must have been quite a common failing, suffice to recall with Richard H. Pierce the complaint of Satabous against Sokrates and Sambas, *synallagmatographoi*, who did not register his deed of purchase (*SB* I 5232; Soknopaiu Nesos, June–August AD 15).⁸⁴ The prefect threatens with grave, yet unspecified, penalties the *nomikoi* from Egypt, that is *chora*, who dared not register as it was proper the deeds in the library of Hadrian.⁸⁵ Now, what stands out in

⁸³ See most recently, M. DEPAUW, 'Physical descriptions, registration and εἰκονίζειν with new interpretations for *P. Par.* 65 and *P. Oxy.* I 34', *Zeitschrift für Papyrologie und Epigraphik* 176 (2011), pp. 189–199, at 196–198, who, even if he treats the document marginally in its entirety, offers a great overview of its interpretation, with literature (he focuses though on columns i and ii of the text). For earlier studies, see, e.g., L. MITTEIS, 'Papyri aus Oxyrhynchos', *Hermes* 34/1 (1899), pp. 88–106, at 91–95, and R. H. PIERCE, 'Grapheion, catalogue, and library in Roman Egypt', *Symbolae Osloenses* 43 (1968), pp. 68–83, but again not on the third column that interests me chiefly here. STRASSI, 'Prassi giuridico-amministrativa' (cit. n. 8), pp. 217–218 with n. 9 & 10, cites and translates this document, yet she does not distinguish between the two types of *nomikoi*. On the central archives in Egypt, see F. BURKHALTER, 'Archives locales et archives centrales en Égypte romaine', *Chiron* 20 (1990), pp. 191–216.

⁸⁴ See PIERCE, 'Grapheion' (cit. n. 83), pp. 75–76. On the larger context of the document, see H. A. RUPPRECHT, 'Die Streitigkeiten zwischen Satabous und Nestnephis', *Symposium* 1999 (2003), pp. 481–492 (= A. JÖRDENS [ed.], *Beiträge zur Juristischen Papyrologie*, Stuttgart 2017, pp. 307–315).

⁸⁵ *M. Chr.* 188, ll. 1–16: Τίτος Φλαούιος Τιτιανὸς ἑπαρχὸς Αἰγύπτου λέγει· οὐκ ἔλαθέ με ὅτι οἱ ἀπὸ τῆς Αἰγύπτου νομικοί, ἄδειαν ἑαυτοῖς ὡς ἁμαρτάνουσι ἔσεσθ[α]ι νομίζοντες, πανταχοῦ μᾶλλον καταχωρ[ι]ζουσι τὰς ἀσφαλείας ἢ ἐν Ἀδριανῇ βιβλιοθήκῃ, διὰ τοῦτο κατασκευασθείσης (l. κατασκευασθείσης) μάλιστα [ὅ]πως μηδὲν τῶν παρὰ τὸ προσήκον πρασσομένων ἀγνοῖται. τούτους τε οὖν κελεύω καὶ τοὺς πολιτικούς (l. πολιτικούς) πάντας τὰ ἀκόλουθα τοῖ[ς] προστεταγμένοις ποιεῖν, εἰδότας ὅ[τι] τοὺς παραβάτας καὶ τοὺ[ς] διὰ ἀπειθίαν

the edict is the choice of the word *nomikos* as opposed to the much more common *synallagmatographos*⁸⁶ (cf. just mentioned SB I 5232) or the word used in the first edict for a document-drafter, that is νομογράφος (col. i, l. 9). For Bernard P. Grenfell and Arthur S. Hunt *nomographoi* and *nomikoi* were likely identical, they imagined them to be ‘officials with knowledge of law who drafted contracts’.⁸⁷ Paul Koschaker and Ludwig Mitteis accepted that view equating them with the late antique *tabelliones*.⁸⁸ This, however, seems

κα[ακ]ῶς ἀφορμὴν ζητοῦντας ἀμαρτημάτων[ν] τιμωρήσονται (l. τιμωρήσονται). προτεθήτω. (ἔτους) ια Αὐτοκράτορος Καίσαρος Τραϊανοῦ Ἀδριανοῦ Σεβαστοῦ, Μεσορὴ κζ, ‘Titus Flavius Titianus, prefect of Egypt announces. It has not escaped my notice that the *nomikoi* from Egypt, imagining that they will be secure (from punishment) while committing omissions, register the documents in all places rather than in the Library of Hadrian, which was built for this very purpose of preventing the concealment of any irregularities. I therefore command them and all officials whom it may concern to carry out the terms of my edict and inform them that I will punish any person who violate it, whether from mere disobedience or to serve their own spurious purposes. Let it be published. In the 11 year of the emperor Caesar Trajan Hadrian Augustus, Mesore 2’ (transl. A. Ch. JOHNSON, *Roman Egypt to the Reign of Diocletian*, Baltimore 1936, no. 443, modified).

⁸⁶ H. J. WOLFF, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipats*, II: *Organisation und Kontrolle des privaten Rechtsverkehrs* [= *Handbuch der Altertumswissenschaft* 51], Munich 1978, pp. 31–32 and, more in detail, 51–52, takes restrictively *synallagmatographoi* to be drafters of only Demotic documents. BURKHALTER, ‘Archives locales’ (cit. n. 83), pp. 205–206, convincingly rejects this idea. Firstly, she claims that the edict of Flavius Titianus is complementary to § 100 of the *Gnomon* (see below, pp. 169–170), and thus *nomographoi* therein mentioned, which refers to all the document writers in Egypt, are to be taken as a synonym *synallagmatographoi*. Secondly, the presence of the norm in BGU V 1210 proves its functioning still under Antoninus Pius, when there were no Demotic documents made anymore (this argument one needs to treat *cum grano salis*, we well know, as the *Epitome of Gnomon* is not the most reliable source of knowledge of the binding law). And thirdly, most persuasively, that both *synallagma* and thus *synallagmatographoi* are generic terms. The idea suggested tentatively by F. VON WOESS, *Untersuchungen über das Urkundenwesen und den Publizitätsschutz im römischen Ägypten* [= *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* 61], Munich 1924, p. 40 n. 3, and not rejected by WOLFF, *op. cit.*, p. 51 with n. 30, that the ‘*nomikoi* from Egypt’ in *M. Chr.* 188 would refer to private notaries executing Egyptian documents is even more anachronistic, and must be thus discarded.

⁸⁷ *P. Oxy.* I 34, col. i l. 9 n. The objections of KOSCHAKER, ‘Der Archidikastes’ (cit. n. 18), p. 17 n. 2, to this identification are now obsolete given frequent occurrences of a *nomographos* – a writer – which have been published since his study (cf. below, no. 6, pp. 182–183).

⁸⁸ KOSCHAKER, ‘Der Archidikastes’ (cit. n. 18), pp. 17–19, whose opinion is followed by L. Mitteis in *M. Chr.* 188, introd.

to be a too-far-reaching identification: neither *nomikoi*, nor *nomographoi* could be likened to the (semi-)official function of the Byzantine notaries. Ulrich Wilcken's early idea⁸⁹ that a *nomikos* would instead be a nome-official as opposed to the city-official (cf. l. 10 mentioning the *πολειτικοί*) is unattainable nowadays: just like in the former hypothesis, there is simply no evidence of such a function in any nome. Finally, in a recent presentation on the first edict contained in *M. Chr.* 188, Thomas Kruse⁹⁰ has postulated that *synallagmatographoi* and *nomographoi* of the first edict be identical, they (or at least the second group) are to make public documents, whereas the *nomikoi* of the second edict would fashion *cheirographa*, that is private documents. This naturally may be true, but since the other sources do not support this idea, it remains a conjecture.

The surprise about the choice of the vocabulary thus remains. I will return to this observation in my conclusions.

Among private documents, this connotation of *nomikos* as someone who executes a legal deed is observable only some two decades later, with the earliest case of *P. Ross. Georg.* II 20 (Arsinoites, c. AD 146).⁹¹ In this petition of an *aste*, daughter of Sarapion, to the prefect Lucius Valerius Procles an earlier judgment is mentioned, and that a certain *nomikos* Sarapion has executed a deed, *οἰκονομία* (if the editor's restoration is correct).⁹² This term is polysemic, and generically in Roman times denotes a written instrument; more specifically it could be a sale, power of attorney, or last will (all closely related to the root of the word, 'to manage / administer').⁹³

⁸⁹ U. WILCKEN, 'Urkundenreferat', *Archiv für Papyrusforschung* 1 (1901), p. 125.

⁹⁰ 'Zwei Edikte des Praefectus Aegypti T. Flavius Titianus zu den alexandrinischen Archiven', read in Münster at Käte Hamburger Kolleg during the workshop *Consolidation of Law* (1 December 2023).

⁹¹ On this papyrus, see most recently R. MASCELLARI, 'Nuove osservazioni su *subscriptions* e altre annotazioni d'ufficio a petizioni'. *Zeitschrift für Papyrologie und Epigraphik* 207 (2018), pp. 164–172, at 167–169.

⁹² Lines 7–8: ὁ γράψας τὴν οἰκ(?)ονομίαν νομικὸς Σαραπίων, ὃς [.

⁹³ See WB, s.v., but also a survey of A. K. BOWMAN & J. THOMAS, 'Some additional Greek papyri in the John Rylands University Library', *Bulletin of the John Rylands Library* 61/2 (1979), pp. 290–313, in their commentary to line 7 of SB XIV 11853 published therein (see further below, pp. 175–176). Graham Claytor in the paper 'Blind old mama Sambathion'

The fact that in this document the payment of the agreed price seems to have been a problem points to the first significance, but the other ones cannot be excluded (see also below, pp. 175–176).

Further on, several papyri dated to the second half of the second century and the first half of the third century AD assign *nomikoi* to a very particular context of deed-execution. Such scribes played a key role in the preparation of documents evidencing acts proper to Roman law. And thus, in the particularly remarkable *M. Chr.* 91 = *BGU* II 388 (Alexandria, AD 157–159) the *idios logos* Postumus questions the *nomikos* Flavius Iulius alias Sarpion about manumission tablets the judge suspects to have been falsified. The deeds in question were executed by the *nomikos* for a murdered soldier Sempronius Gemellus.⁹⁴ Flavius Iulius admitted to having also prepared the marital tablets (*διπλώματα γάμων*) client, of which he kept copies.⁹⁵

read at the Romanistic Seminar on 8 February 2023 in Warsaw, accordingly postulates the restoration of *oikonomia* in P. Mich. inv. 5900 + 5838y, a copy of legal proceedings before the *archidikastes*, in which the magistrate allows certain Sabinos to subscribe the deed of last will for Sambathion, weak in her eyes. It shows again that in the language of the Roman administration *οικονομία* generically denoted a formally executed deed.

⁹⁴ The case involving the widow Ptolemais and the two liberated slaves suspected of falsification is extremely interesting itself; its exact course of events remains largely mysterious. See, especially for its criminal aspect and the possible fiscal interest of the state, with the detailed summary of the earlier scholarship, A. JÖRDENS, ‘Die Straferichtbarkeit des Praefectus Aegypti’, [in:] HAENSCH (ed.), *Recht haben und Recht bekommen* (cit. n. 7), pp. 89–163, at 100–102 and 140–141. For the use of *tabellae* and the description of the case, see E. A. MEYER, *Legitimacy and Law in the Roman Law: Tabulae in Roman Belief and Practice*, Cambridge 2003, pp. 234–236.

⁹⁵ See *M. Chr.* 91, col. ii, ll. 29–32: *ροσαχθέ[ν]τος τε τοῦ ἐπιζη[τηθέντ]ος νομικοῦ [Φ]λαοῦτου* *Τουλ[ίου τοῦ καὶ] Σαραπίωνος [Πόστουμος] εἶπεν· ἤδεις Σεμπρώνιον; ἀπεκρεῖνατο· πολλοῖς [ἔττει ...] ὡπ[...]. μοι ἦν κ[αὶ] ἔγραψα αὐτῷ καὶ ταβέλλας [ἐλευθε]ρώσεων καὶ διπλώματα γάμων καὶ ἔχω αὐτῶν ἀντ[ι]γραφα. [Πό]στουμος [Πτολεμαῖ εἶπεν] ἐκ[έλευσε] κομισθῆναι τὰς ταβέλλα[s] ᾗ[ς] κει[μέν]ας παρὰ Γεμέλ[λ]ω βιβ[λ]ιοφύλακι, καὶ ἐπεὶ [ἔδωκε] αὐτῷ τὴν μίαν, ἐπύθετο, εἰ γνώρι[μα] αὐτοῦ τὰ γράμματ[α] καὶ σ[υ]νκαταθεμένου [Πόστου]μος εἶπεν· πῶς [ο]ὗν τοῦ Εὐκαίρου δύ[ο] ταβέλλαι ἐλευθερίας εὐ[ρί]σ[κον]ται; Τούλιος ὁ καὶ Σαρ[απίων] εἰ[πεν]· διπλαῖ ἔσθ’ ὅτε γράφεσθαι εἰώθασι, ‘Once the *nomikos* Flavius Iulius also known as Sarpion had been brought and questioned, Postumus said: “Do you know Sempronius?”, he answered: “I have known him for a long time and I have executed the deeds of manumission as well as the marriage instrument and I have copies thereof”. Postumus ordered to bring the tablets kept by Gemellus, the keeper of the records, and gave one of them to him (i.e. the*

BGU I 361 = partially *M. Chr.* 92 = *FIRA* III 57 (Ptolemais Euergetis?, AD 184) confirms the role of a *nomikos* in the professional execution of a Roman will. The document preserves an official extract of proceedings resulting from an inheritance dispute.⁹⁶ In its course there arose the issue of authenticity of a will of Tiberinus. A *nomikos* who had prepared it was called to confirm its originality during the opening (col. iii, ll. 1–2 and 15).⁹⁷

In two acts the *nomikos* becomes the official translator of Latin documents.⁹⁸ The famous *BGU* I 326 = *M. Chr.* 316 = *SPP* I 85 = *FIRA* III 50 = *Jur. Pap.* 25 (Karanis, AD 194), a protocol of the opening of Gaius Longinus Kastor's will, reports that the act was translated by Γαῖος Δούκκιος Γεμνι[ανός] νομικὸς Ῥωμαϊκός, who also confirmed the uniformity of the translation with the original.⁹⁹ No less celebrated *SB* VI 9298 = *ChLA* XI 486

nomikos) and asked if his letters were recognisable and once the *nomikos* had confirmed, Postumus said: "How come two tablets have been found with Eukairos?" Iulius also known as Sarapion said: "It is customary to make them in two copies". Contrary to J. CROOK, *Legal Advocacy in the Roman World*, London 1995, p. 65. MEYER, *Legitimacy and Law* (cit. n. 94), p. 236 n. 98, rightly thinks that the *nomikos* does not speak about the Roman rules for the *tabellae* (in fact, there are not to be made in duplicates) but explains the notarial practice.

⁹⁶ As observed by P. SCHUBERT, 'BGU I 361 et P. Gen. inv. 69: retour sur l'encre rouge', *Archiv für Papyrusforschung* 51 (2005), pp. 228–252, at 229–237, the papyrus contains an official abstract, written in red ink, of proceedings in front of the *strategos*, issued by the office. Schubert gives a detailed reconstruction of the events. See also a shorter overview and the procedural context of official will opening in NOWAK, *Wills in the Roman Empire* (cit. n. 25), pp. 76–94, on this document at 82–83.

⁹⁷ Col. iii, ll. 1–2: ἐπεὶ δὲ παρίεσ[ιν] ἐξ αὐτῶν τέσσαρες, ἔτι δὲ καὶ ὁ νομικὸς ὁ τὴν οἰκονομίαν γράψας, 'and so there are present four of them, as well as the *nomikos* who has written the will'.

⁹⁸ On translation and interpretation in the documentary papyri, see, most recently, but cursorily R. MAIRS, 'Interpreters and translators in Hellenistic and Roman Egypt', [in:] *PapCongr.* XXVI, pp. 458–462, at 459–460; more detailed EADEM, 'Hermēneis in the documentary record from Hellenistic and Roman Egypt: Interpreters, translators and mediators in a bilingual society', *Journal of Ancient History* 7/1 (2019), pp. 1–53, esp. 13, 34, & 43; earlier, succinctly yet with a large number of sources, R. TAUBENSCHLAG, 'The interpreters in the papyri', [in:] K. F. KUMANIECKI (ed.), *Charisteria Thaddaeo Sinko: Quinquaginta abhinc annos amplissimis in philosophia honoribus ornato ab amicis collegis discipulis oblata*, Warsaw 1951, pp. 361–363 (= R. TAUBENSCHLAG, *Opera Minora* II, Warsaw 1959, pp. 167–170, esp. 169).

⁹⁹ From among copious literature on this important act, see J. G. KEENAN, 'The will of Gaius Longinus Castor', *Bulletin of the American Society of Papyrologists* 31 (1994), pp. 101–107.

(Oxyrhynchus, AD 249)¹⁰⁰ bears the Greek translation of a petition for *bonorum possessio unde legitimi*, authored by *Αὐρήλιος Αἰγυπτὸς καὶ ὡς χρηματίζων νομικὸς Ρωμαϊκὸς* (the Latin original is published as *SB I 1010 = Jur. Pap. 27 = FIRA III 61*).¹⁰¹ In both texts the *nomikoi* specify thus that they are ‘Roman’ notaries. This epithet proclaims their experience and competence in Roman law, but they may have also wanted to differentiate themselves from other notaries. If so, it could point to the much earlier dissemination of this term’s application than our documentation confirms, in a way foretelling the typical use of the word for the times from the third century onwards. It may be not completely coincidental that roughly at the same time a *nomikos* underwent ‘romanisation’, the epithet ‘of the Romans’ was being ever more frequently used to complement the ‘custom’ informing of the legal ground for granting guardians to Roman women (or exempting them thereof).¹⁰² This curious coincidence doubtlessly marks growing legal

On *nomikos* therein and the function of the document, see, most recently, NOWAK, *Wills in the Roman Empire* (cit. n. 25), pp. 98–99 with literature. A receipt for a bequest, *BGU VII 1662* (Ptolemais Euergetis, 29 September AD 182), specifies that it was owed to Kyrilla in virtue of a Roman will, translated into Greek ‘as closely as possible’, but the author of such translation has not been recorded (cf. l. 7: *Ρωμ[α]ϊκῇ διαθήκῃ ... [μεθ]ερμηνευ[μεν]ῆς* (l. *μεθερμηνευμένη*) ἑλληνιστὶ κατὰ τὸ δυνα[τόν]). Other occurrences of this expression from Roman times are listed in MAIRS, ‘*Hermēneis*’ (cit. n. 98), p. 11 n. 32. I do not share her idea that *kata to dynaton* would be placed to ‘absolve all concerned of responsibility for any inaccuracies’ (*ibidem*, pp. 8 and 34). No evidence supports that such a liability existed. I would rather see it as a marker of self-consciousness of inability to render perfectly legal Latin in Greek (just as in the Ptolemaic era this phrase signified shortcomings of the Greek naming of the Egyptian legal concepts referred to in original Demotic documents).

¹⁰⁰ For the publication and a legal commentary, see K. KALBFLEISCH, ‘*Agnitio bonorum possessionis* vom Jahre 249 n. Chr.’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 64 (1944), pp. 416–420.

¹⁰¹ Publication and original commentary by O. EGER, ‘*Agnitio bonorum possessionis* vom Jahre 249 p. C.’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 32 (1911), pp. 378–382.

¹⁰² Probably the earliest instance, yet isolated and much more elaborated in its formulation, is *P. Oxy. II 273 = M. Chr. 221* (AD 95), a cession of land assisted by a guardian granted in virtue of a tablet issued by the prefect G. Septimus Vegetus. The earliest non-reconstructed examples of the more concise formulation, typical for the peak of the attestations (dozen cases from the end of the second and throughout the third century AD): *P. Freib. II 8 = SB III 6291* (unknown provenance, after AD 144), a purchase of shares in slaves inherited

awareness: the perception of the distinctiveness of Roman law proper (which by the end of the second century AD must have become the proper law to a notable share of the population).

Not much can be said about the background of either of these scribes. The civic status of Aigyptos is due to the universal grant of citizenship. Geminianus seems to have had his civic pedigree from a much earlier date. There is, however, no firm reason to believe that he was of Latin/Italic, or generically, Western, origin.¹⁰³ Nothing points to the fact that both *nomikoi* played a role in fashioning Latin originals of the documents, but that cannot be excluded.

In three other papyri a *nomikos* signs a deed on behalf of an illiterate party. In *P. Berl. Leihg.* II 27 (Theadelphia, 19 December AD 167) a *nomikos* Aphrod(. . .) provides his signature for no less than seven individuals from among eleven village elders who issued a receipt for the sowing grain received from the *sitologoi* (ll. 20–25).¹⁰⁴ In two papyri from the archive of Diogenes and Sarapion,¹⁰⁵ a *nomikos* represented parties unable to write. The land-lease bid *P. Diog.* 29 (Philadelphia, 28 October AD 225), addressed by Aurelius Longinus to Aurelia Kopria, is written and signed by the *nomikos* Dioskoros. The same scribe, according to the editor, Paul Schubert, may also have autographed a fragmentarily preserved agreement *P. Diog.* 49 (Philadelphia, AD 225–226).

The distance between this use of a *nomikos* and a fully-fledged notarial function cannot be too far. Therefore, if we accept Raphael Taubenschlag's

in virtue of 'a Roman will' with assistance of two guardians according 'to the Roman customs'; *P. Freib.* II 9 = SB III 6292 (Arsinoites, AD 138–161), powers of attorney to a *procurator bonorum* also in connection to a 'Roman will', then *BGU VII* 1662 (Ptolemais Euergetis, 28 September AD 182), a receipt issued by a woman acting without a guardian in virtue of the right of children 'according to the Roman customs' (partially reconstructed).

¹⁰³ *Contra* MAIRS, 'Hermēneis' (cit. n. 98), pp. 13 and 43, who deems his Italian or generically Western-provinces provenance as probable, while is almost certain about the local origins of Aigyptos. There is no reason to believe either that the latter was an Egyptian speaker, as she does (*ibidem*, p. 43).

¹⁰⁴ On this papyrus, see T. KRUSE, 'P. Berl. Leihg. II 27: eine Richtigstellung', *Zeitschrift für Papyrologie und Epigraphik* 126 (1999), pp. 225–227.

¹⁰⁵ For an overview of this archive, see S. WÆBENS, (Marcus) *Lucretius Diogenes and Aurelius Sarapion*, at <<https://www.trismegistos.org/arch/archives/pdf/137.pdf>> (accessed 11 July 2023).

reading of the abbreviation νομ() as νομ(ικοῦ) in two third-century petitions for a *parathesis*, PSI X 1126 and 1127 (Arsinoites),¹⁰⁶ we could consider these two papyri as marking the early stage of such role. Alternatively, one could follow Ulrich Wilcken in understanding it as an abridged νομ(ογράφου).¹⁰⁷ This would obviously eliminate these pieces from our evidence. Wilcken's solution was backed by the edition of bank acts from the Fayum by Hjalmar Frisk (*P. Berl. Frisk* 1), where the expansion νομ(ογράφος) is ascertained by the abbreviation νομογρ(άφος) present thrice alongside the former in the papyrus.¹⁰⁸ However, two factors could speak against Wilcken's use of *P. Berl. Frisk* 1 in this matter. First, the bank records published by Frisk date to AD 155, the time in which *nomographos* appeared still relatively frequently in documents, whereas it practically vanishes in the third century AD.¹⁰⁹ The other reason is given by the private character of both papyri from the PSI collection, as opposed to *P. Berl. Frisk* 1, where a 'nome-scribe' might make more sense (even if he often signs for the illiterate parties, too).¹¹⁰ Still, one solution does not exclude the other, as demonstrated by the latest secure attestation of a *nomographos*: *P. Gen.* I² 42 (Philadelphia, 25 July AD 224). *Nomographos* Dioskoros writes the body of this document and signs it for the illiterate cultivators of public land agreeing on common subventions for the *presbyteroi* chosen by themselves.¹¹¹ This is the same Dioskoros who, identifying himself as a

¹⁰⁶ TAUBENSCHLAG, 'Legal profession' (cit. n. 8), p. 163. PSI X 1126, l. 30: (hand 3) διὰ Αἰρηλίου Σωκράτους νομ(); PSI X 1127, l. 21: (hand 3) [-c.-? -] νομ().

¹⁰⁷ U. WILCKEN, 'Urkunden-Referat', *Archiv für Papyrusforschung* 10 (1932), p. 253.

¹⁰⁸ Coll. xiv, l. 31; xviii, l. 22; xxix, l. 25.

¹⁰⁹ The only certain occurrence is *P. Gen.* I² 42 (Philadelphia, 25 July AD 224); see further in n. 111.

¹¹⁰ For the same reason, the original conjecture by Kreller in an official copy of the endorsed petition for debt-execution sent to the *strategos* (*M. Chr.* 227 = BGU II 578 = *Jur. Pap.* 46 [Arsinoites, 14 July AD 189]) to supplement in the lacuna in lines 8–9 νομογράφος ἀγορᾶς as the title of Φλάυιος Αὐρήλιος Ἀν[...] who executed the deed seems much more reasonable to postulate there a *nomikos* (and is further confirmed by a parallel document, *M. Chr.* 237 = BGU III 888 [Arsinoites, AD 159–160]).

¹¹¹ Lines 32–33: Διόσκ[ο]ρος νομογράφος ἔγραψα τὸ σῶμα καὶ ὑπὲρ [α]ὑτῶν γράμματα μὴ εἰδόντων. See Schubert's introduction to this document for the function of such liturgists.

nomikos, redacted the just discussed *P. Diog.* 29.¹¹² And thus one can see that these terms may have become interchangeable in time, paving the way to the final replacement of *nomographos* by a *nomikos*-notary.¹¹³

A special place in this overview of the pertaining sources should be given to the archive of Tiberianus, as it provides probably the earliest occurrences of the term in a private environment.¹¹⁴ The usual correspondent of Tiberianus, Terentianus, refers to the *nomikoi* thrice. In *P. Tiberianus* 11 = *P. Mich.* VIII 476 (Alexandria?, 1st quarter of 2nd cent. AD),¹¹⁵ famous for the request of Tiberianus' approval for the prospective concubine of Terentianus, the latter greets Didymos, *nomikos*, and his household alongside other salutations. As Silvia Strassi points out the use of the professional title must be a way to distinguish him from other homonymous individuals. This incident confirms thus the practice observed in other private letters (cf. below, pp. 173–176), what makes it outstanding is its early occurrence.

Instead, *P. Tiberianus* 12 = *P. Mich.* VIII 477 (Alexandria?, AD 116–117?) clearly mentions a *nomikos* in the context of legal consultation. Terentianus reports from Alexandria that he was unable to register a deed (*gramma*) for Tiberianus and tells his correspondent to come to the city, as apparently such documents needed to be registered personally.¹¹⁶ Terentianus acquired such information having consulted with *nomikoi*.¹¹⁷ This

¹¹² Slightly earlier, the same Dioskoros, marked by no further title (Schubert has most probably made a slip stating that he was also defined a *nomographos* there, *P. Gen.* I², p. 170), wrote a confirmation of a wheat-loan on behalf of the illiterate Aurelios Nemesas for Aurelion Sarapion (*P. Graux* I 7 = *SB* IV 7467 [Philadelphia, 18 August AD 221]).

¹¹³ See, e.g., *P. Cairo. Isid.* 88 (Karaniš?, 7 May AD 308), l. 17: ἐπράχ(θη) δι' ἐμοῦ Ἀνίνου νο(μικοῦ); an early example thereof, if we accept the expansion suggested by the editors.

¹¹⁴ See Strassi in *P. Tiberianus*; on this papyrus pp. 46–49.

¹¹⁵ This letter may be roughly contemporary to the further discussed *P. Tiberianus* 12–13, which Strassi tentatively dates to the period of the Jewish revolt in Egypt because of the allusions to revolts and riots. The first editors dated all three generically to the first quarter of the second century AD.

¹¹⁶ H. J. WOLFF, review of *P. Mich.* VIII, *Iura* 3 (1954), pp. 374–376, at 376, imagined a sale of some landed property that had to be registered in the *catalogeion*.

¹¹⁷ *P. Tiberianus* 12, ll. 7–15: γεινώσκεις σε θέλω ἀπεληλ[υθότα με παρακλη]θ[έ]ντα τὸ γράμμα καταχωρίσαι καὶ [ἡπορηκότα με δεό]μενον[ν] αὐτοῦ οὐ ἔστιν εἰς τὸ ὄν[ο]μα τὸ γράμ[μα]

information was then confirmed by a certain Papirius Apollinarios, who happened to stay in Alexandria. This person belonged to the circle of friends of Tiberianus.¹¹⁸ He is mostly known from another letter sent to the owner of the archive, *P. Tiberianus* 10, in which he enquires about the fate of a will of a certain Sextus: Apollonarios might have hoped to benefit from it. He seems to have had certain knowledge about the registration of documents,¹¹⁹ but not to have been a *nomikos* himself: the narrative of the letter (it could be misleading, naturally) distinguishes him from the lawyers consulted first.

The problem with the deed registration may be still discussed in the following, apparently contemporary letter, *P. Tiberianus* 13 = *P. Mich.* VIII 478. In the fragmentarily preserved second half of the papyrus, an ‘another *nomikos*’ appears in the context of an *apographe* and the act of sending something. Even if the circumstances remain mysterious, it may serve as an attestation of professional consulting services provided by *nomikoi* to private individuals.¹²⁰

γεγραμμένον]ν ἵνα [κατ]αγράφῃ. χωρὶς γὰρ αὐτ[ο]ῦ οὐ δύνομ[αι αὐτὸ κατα]χωρίσαι[ι]. εὖρον δὲ καὶ Παπίριον [Ἀ]πολλινάριον ᾧ ἐδήλωσα ἃ ἤκου[σα τ]ῶν νομικῶν, καὶ λεγέ[μοι] ἄφες σ[ὺ] ἕως οὗ αὐτ[ῷ] εἰάν ᾗν δυ[ν]ατὸν καταβῆναι. ἐπ[ε]ιδὴ σὺ τὰ [σὰ] ὀλιγωρεῖς ἐν[τὴν] χώρ[α] μένων, ἐν Ἀλεξανδρε[ί]α ἀναμ[ι]ναντός μου, γενοῦ ἐν Ἀλ[εξ]ανδρε[ί]α, ‘I want you to know that after [you] left [I] registered the document, as requested (?), and [was at a loss] because I needed the person in whose name the document was [drawn], in order that he might record it (?). For without him I am unable to register [it]. I also looked up Papiri(u)s Apollinarius [and told him what] I had heard from the *nomikoi*, and he said [to me], “Let it go [until] he is able to come down”. Inasmuch as you [are neglecting your] affairs by remaining in the country, [come to] Alexandria, since [I] have waited in Alexandria’ (transl. APIS).

¹¹⁸ See Strassi in *P. Tiberianus*, pp. 149–152.

¹¹⁹ Strassi in *P. Tiberianus*, p. 152, recalls a votive inscription from Berenike (*O. Berenike* II 121, l. 3), dated to the contemporary period of the correspondence here discussed, which was erected by Παπίρειος ἐρμηνεύς καὶ γρα[μματε]ύς, stating that one could imagine his expertise to be ‘congenial’ with the one of the friend of Tiberianus: obviously not suggesting that they be related, just speculating on the grounds of a certain uncommonness of this name. The editors of *O. Berenike*, however, take Παπίρειος to be the patronym of the interpreter and scribe, which makes this parallel far less tempting.

¹²⁰ Shortly before one can read the word διάγνωσις (l. 19). Strassi in *P. Tiberianus*, p. 57 n. 102, observes that it could refer to a medical analysis (Terentianus informs he had fallen ill and then was wounded during a riot), or signify judicial examination of a case. That latter meaning she prefers in her translation and suggests it to be connected to the problem

Several other private letters point to the involvement of *nomikoi* in private business matters of others. A legal nature of such activity is not beyond doubt, still the very qualification of someone as a *nomikos* in a personal mis-sive shows that it must have become a well-recognisable description marker, and, in consequence, indirectly testifies to the professionalisation of their private counselling activity, especially in later times.

In *P. Oxy.* III 533 (late 2nd–early 3rd cent. AD),¹²¹ Apion among other business matters tells his sons Apion and Horion to collect orders to transfer grain that have been dispatched to Panechotes, *nomikos*, and to probably register them with *sitologoi* (like the three other *diastolika* sent to the addressees via a different messenger).¹²² The profession of Panechotes was added above the line, Apion and Horion are to pay him 64 drachmae, one could imagine, for his services. The sum is not petty. No indication is given by this unparalleled text as to why *nomikos* was involved in this affair at all. Methinks qualifying Panechotes as a jurist was merely accidental in this matter: his job was used as a descriptor allowing his easier identification (which is corroborated by the fact that the title was added later, as if the writer wanted to add some additional piece of information which he did not deem overly important earlier). Be that the case, it could point out to the fact that he may have been recognisable by his profession. Thus, we could assume that Panechotes provided counselling services to private individuals on a regular basis.

of registration. This, however, is unimaginable, given what we know of the procedure of registration: there is simply no room for a court decision (on which see, *inter alia*, PIERCE, ‘*Grapheion*’ [cit. n. 83], pp. 78–79). Alternatively, one could think that this *diagnosis* could signify the *cognitio* of a judge (unrelated to the deed-registration discussed in *P. Tiberianus* 12), in which course a *nomikos* was consulted, but because of the poor preservation of the document, one should abstain from such speculation.

¹²¹ On the content of this papyrus in the context of giro transfers of grain, see A. BENAÏSSA, ‘Giro transfers of grain in the Oxyrhynchite nome: A new document in the Beinecke Library’, *Zeitschrift für Papyrologie und Epigraphik* 178 (2011), pp. 221–230, at 229–230, who endorses the original editors’ hypothesis that the *diastolika* in question did refer to grain transfers.

¹²² The mechanism of this procedure, hypothesising that a central bureau located in the nome capital would receive such orders and then send them forth to particular granaries, has been convincingly reconstructed by BENAÏSSA, ‘Giro transfers of grain’ (cit. n. 121), pp. 228–230.

Similar conclusions could be drawn from a letter sent by Deios to his brother Ptolemaios, *BGU* I 276 (Arsinoites, 2nd–3rd cent. AD, before AD 212). The sender asks his addressee to set off to *nomikos* Serenos upon receipt of the latter's letter to collect the price for a *bardos*.¹²³ He further specifies that the price was accepted by Serenos and confirms that the item belonged to him (a woman named Tiberis seems to have doubted it but she was convinced by the same [?] letter of Serenos).¹²⁴ The *nomikos*' message thus likely referred to the deals between him and Deios. The term in the text must have been used with no legal connotation, but again simply as a personal marker. Both papyri, time-wise, would soundly corroborate the fact that by the end of the second century AD this function of *nomikoi* must have become quite current.

A letter sent by an unknown person, *P. Prag.* III 248 (Theadelphia, before 9 August AD 248), mentions a *nomikos* Aphrodisios,¹²⁵ who may have also been present at the moment the sender consigned something to a certain Sarapion. Sadly, not much more can be said about this circumstance. An act of signing comes immediately afterwards, and a few lines later a *cheirophon* for twenty gold-pieces, which is supposed to be returned, is brought up.¹²⁶ One could hypothesise that the *nomikos* there

¹²³ Probably a garment with a leopard pattern, see M. G. Sirivianou in *P. Oxy.* LVI 3860 (later 4th cent. AD), l. 20 n.

¹²⁴ Lines 7–19: [π]αρακληθεῖς, κύρ[ιέ μο]υ ἄδελφ[ε], λαβὼν τὰ γρ[ά]μματα Σερήνου τοῦ νομικοῦ (l. νομικοῦ) πρὸς Σερήνον γενέσθαι, εἶνα (l. ἵνα) ἀπολά[βῃς] τὴν τιμὴν τοῦ βάρδου πρ[όδ]ικον ὡς ἡγόρασαι δηναρίων ξε ἀπὸ (δραχμῶν?) τὸ καὶ αὐτὸς πέπισται (l. πέπεισται) τῇ τιμῇ, ἧς ἔμελλον αὐτὸ πωλῖν (l. πωλεῖν), καὶ Τιβέρις [[δν]] πέπισται (l. πέπεισται) ὑπὸ Σερήνου, 'I request of you, my lord brother, once you have received the letter of Serenos the *nomikos* to set off to Serenos, so that you may collect the price of the *bardos*, as it has been bought for 65 denarii ..., and he has been persuaded by the price for which he was going to buy it. And Tiberis has been convinced by Serenos that *bardos* is mine, and has learnt about it through a letter written by Severos'.

¹²⁵ Even if the date of this papyrus can only be approximately established, it would be rather impossible for chronological reasons to identify him with the *nomikos* Aphrod() present in Theadelphia in AD 167 (*P. Berl. Leihg.* II 27, see above, p. 169), so at least half a century earlier.

¹²⁶ Lines 8–15: [c. 6–8 κ]αὶ γὰρ Σαραπίωνι αὐτῷ τον .. [c. 7–9] .. α παραδέδωκα ἐχθὲς παρόν- [τ... 6–8] καὶ Ἀφροδείσιου τοῦ νομικοῦ ὅ[c. 7–9] .. μενον ὑπογράψαι καὶ ο .. ως [c. 7–9] .η.

acted as a notary, he might have also signed the document, but he could have just as well been a witness to an exchange between two individuals. Either way, this letter shows a *nomikos*' involvement in the affairs of private persons, and might also serve as proof of the evolving notarial function of this professional.

More room for interpretation is given by another letter of unknown provenance, SB XIV 11853 (before AD 300?).¹²⁷ The sender, Proklos, among a somewhat chaotic mix of private and business matters, typical for such a text, commands the addressee, Sarapion, 'to take good care of written deed' he has deposited with the *nomikos* at the Imperial Forum.¹²⁸ Now, the *nomikos* here (whom the editors decide to render with 'clerk', to weaken the standing of his profession: see their commentary *ad loc.*) could simply be accidentally involved in guarding a document which otherwise could have been kept by any trusted individual. Yet perhaps (and I lean towards this explanation), the 'jurist' was the one who kept the document he had earlier executed, just as Flavius Iulius did with the marriage *diploma* of Sempronius Gemellus in BGU I 361 (see above, pp. 166–167). As already explained above (cf. n. 93), *οἰκονομία* could specifically mean a deed of sale or a last will. Either solution fits the function of *nomikos* as a private legal advisor who would help his clients with the preparation of more complex legal acts. In this case, one could even imagine that these may have been Roman at their

καὶ ὁ Βαθρακίων δὲ ἐ. ν[c. 7–9] ν' ὑπέσχετο δοῦναι ὕν' ἐντὸς τῶν [6–8 ἡ] μερῶν τὰ εἴκοσι χρυσᾶ ἀποδώ[ση καὶ περ]ὶ τῶν εἴκοσι τὸ χειρόγραφον, 'and to Sarapion himself ... he gave yesterday ... and in presence (?) of Aphrodisios the *nomikos* ... to sign ... and Bathrakion ... promised to give within X days twenty goldpieces and you shall restore the *cheirographon* about the twenty'.

¹²⁷ Published by BOWMAN & THOMAS, 'Some additional Greek papyri' (cit. n. 93), pp. 305–311. The editors tentatively date the document to the third–fourth centuries but admit that the hand demonstrates an affinity with late second-century documents, hence a dated before AD 300 seems probable. Cf. l. 8 n. for a compact summary of the *nomikoi*, rightly pointing out, with *Fachwörter*, to the duplicity of its semantics (even if the second meaning adopted would be that immediately of a notary, not of a private legal advisor). The terminus ante quem would be given by the use of the term *οἰκονομία* in the sense of 'written instrument', absent after the turn of the fourth century AD (cf. l. 7 n.).

¹²⁸ Lines 7–8: μελεσάτω σοι περὶ τῆς οἰκονομίας ἧς κατέ[λει]ψα [τῷ] παρὰ τῷ νομικῷ ἐν τῇ Σεβαστῇ ἀγορᾷ, 'take care of the deed I have left with the *nomikos* at the Forum of Augustus'.

core, if the name of the sender is to be taken to suggest his Roman civic status,¹²⁹ and thus parallel to the cases of *BGU* I 326 and *SB* I 1010 discussed above (pp. 167–169). However, given the fallibility of reasoning based on such laconic instance of onomastics, this must remain a very weak hypothesis at best. The fact that the *nomikos* bears no name but is described by a location (at the Forum of Augustus) does not mean, I think, that his office there had an official standing within the local administration,¹³⁰ but simply that he received clients in an established seat.¹³¹ This again points to the on-going professionalisation of the activity of *nomikoi* as private legal experts, providing their services to commoners not well versed in law.

Such an observation is further substantiated by the evidence of another private letter from Oxyrhynchus, *P. Oxy.* XLI 2983 (2nd–3rd cent. AD?). Its author, Harpalos, informs ‘his brother’, Heras, that he has appended an epistle from a *nomikos* in his place to a *nomikos* present with the addressee of his missive.¹³² As is often the case with private letters, the document provides hardly any data to contextualise this very interesting incidence.¹³³ Imagining

¹²⁹ Cf. J. F. GILLIAM, ‘Three ostraca from Latopolis’, *Bulletin of the American Society of Papyrologists* 13 (1976), pp. 55–61, at 60, and the literature cited by him in n. 17, viz. I. KAJANTO, *The Latin Cognomina* [= *Societas scientiarum Fennica. Commentationes humanarum litterarum* 36/2], Helsinki 1965, pp. 30, 40, 176, and R. CAVENAILE, ‘Prosopographie de l’armée romaine d’Égypte d’Auguste à Dioclétien’, *Aegyptus* 50 (1970), pp. 213–312, who notes 24 cases of Roman soldiers with this name.

¹³⁰ And thus, unlike the *nomikoi*-notaries in the later Byzantine and early Arab Egypt, whose place of activity denotes their almost official standing within the administration; cf., e.g., *P. Lond.* IV 1550 (Aphrodite, 8th cent. AD), l. 15: δι’ ἐμοῦ Εὐνικίος νομικοῦ(ῦ) ἀγορά(ς) Βαβελῶνος ἐγράψα (l. ἐγράφη), ‘written by my Eunikios the notary of the Forum of Babilon’.

¹³¹ Just medieval notaries in larger cities do as Leslie Carr-Riegel has informed me.

¹³² Lines 4–7: συνέδησα ἐπιστολήν μου καὶ ἄλλην τοῦ ἐνθάδε νομικοῦ πρὸς τὸν παρὰ σοὶ νομικόν, ‘I have appended my letter and another one of the *nomikos* of the place to the *nomikos* with you’.

¹³³ The editor informs the readers that the letter was found together with another one between the same correspondents, *P. Oxy.* XLI 2984, and a confirmation of a return of a deposit, *P. Oxy.* XLI 2975 (AD 198), which, however, involves individuals, *prima facie*, unrelated to the brothers. All texts are written in different hands. Given the presumed archaeological context they may well have belonged together thematically, sadly neither the two other papyri shed light on the appearance of the *nomikoi* in *P. Oxy.* XLI 2983.

here a professional exchange between two skilled councillors of two private individuals is tempting, and yet perhaps hazardously modernising.

Yet another *nomikos*, Sarapion, who may have been involved in an exchange of documents between private individuals appears in *P. Gen.* III 144 (Heracleopolites?, 2nd cent. AD). This letter, by which Hermeinos informs his siblings, Ammonios and Herais, about his misfortunes, mentions a person named Sarapion four times. First, as the porter of the letter the sender has received from his brother (ll. 3–5), then as the designatory of two pairs of platform shoes sealed with a sign of ibis (ll. 11–13),¹³⁴ for the third time, as someone from whom Hermeinos ordered something (l. 13), and finally, in the context of his likely journey towards Heracleopolis (ll. 19–20). Only in the second instance is the name complemented by the epithet *nomikos*. All these Sarapiones may well be different individuals: the commonness of this proper name makes the idea even likelier.¹³⁵ If Sarapion the *nomikos* is instead identical with Sariapon the letter-bearer, it is difficult to establish what his role in the possible letter exchange might have been. It is neither easy to guess why the *nomikos* is destined to receive the particular shoes sent by Hermeinos. Are they meant to be a gift, or rather a sort of remuneration in kind (in the broad, a-technical sense of the word, akin to the idea of reciprocal services)?

Whatever the cause may have been for the offering of shoes, it conducts us to several papyri transmitting notice of remuneration for *nomikoi*.¹³⁶ Aside from the dubious incident just discussed, the *nomikoi* appear as beneficiaries in four lists of expenses.

SB XII 11004 (unknown provenance, 1st–2nd cent. AD)¹³⁷ among other household payments, possibly in kind, includes a *nomikos* (l. 17). The context

¹³⁴ Schubert, commentary *ad loc.*, imagines that Hermeinos's personal seal secured the integrity of the package containing the shoes.

¹³⁵ If the three Sarapiones are the same person, then his intermediacy in the delivery of the letter most probably would not have anything to do with his profession, he was merely the incidental carrier; cf., e.g., *P. Amb.* II 131 (Ashmuein, early 2nd cent. AD) as a parallel that mentions letters delivered by the agency of an otherwise unnamed son of the royal scribe.

¹³⁶ See the useful table prepared by HENGSTL, 'Rechtspraktiker' (cit. n. 8), p. 127 n. 82.

¹³⁷ P. J. SIJPESTEIJN, 'Einige Papyri aus der amsterdamer Papyrussammlung', *Zeitschrift für Papyrologie und Epigraphik* 9 (1972), pp. 43–53, at 51–53.

of the entry (there is a physician on the list, too, and a payment seemingly connected to baths), even if not perfectly clear, purports a remuneration for a service provided to a private individual. Another apparently early document, *SB XVI* 12764, col. ii (Oxyrhynchus, 1st–2nd cent. AD),¹³⁸ enumerates with other payments in kind the price of some *choi* of wine sent to the *nomikos* Iulianus for an *aparche*, which the editors take to be a certificate needed to incorporate a boy into a list of *epheboi* or citizens.¹³⁹ The amount, 32 drachmae and an obol is not petty: it may represent a collective payment for a number of similar certificates, or the totality of the services provided, which Robert Daniel and Rosario Pintaudi imagine to have been connected to notarial activity.¹⁴⁰

In another private account noting expenditures of wine, *P. Oxy.* LXIV 4436 (either 175/6 or 207/8 AD),¹⁴¹ 13 units of unspecified measure of possibly poor wine (or vinegar)¹⁴² is assigned to Apollos *nomik(os?)*, alongside a quantity of 30 sent to Passion, the (ex?)gymnasiarach (other individuals, one of them a *kosmetes*, are mentioned in column ii).¹⁴³

These examples confirm *nomikoi*'s involvement in private counselling. The dating of the accounts roughly corresponds to the time span of the previously examined documents, validating their evidence for the ever more common employment of the term *nomikos* in private affairs

¹³⁸ R. W. DANIEL & R. PINTAUDI, 'PSI XII 1263 recto: Conti amministrativi', *Aegyptus* 64 (1984), pp. 61–67.

¹³⁹ *SB XVI* 12764, col. ii, ll. 3–4: τεμ(ῆς) κώου τοῦ πεμφθέντος νομικῶ ὑπὲρ ἀπαρχ(ῆς) Ἰουλιανῶ (δραχμαὶ) λβ (ὀβολός).

¹⁴⁰ DANIEL & PINTAUDI, 'PSI XII 1263 recto' (cit. n. 138), *SB XVI* 12764, l. 4 n.

¹⁴¹ The date in the papyrus mentions the 15th regnal year. The editor, John Rea, tentatively prefers the earlier because the prices of wine seem more adequate for this period; see the introduction and commentary *ad* col. ii, ll. 7–8.

¹⁴² The term is abbreviated, cf. *P. Oxy.* LXIV 4436, col. i, l. 15: [---] (hand 2?) ὄξ(ους?) Ἀπολλῶς νομικ(ός) ιγ. The editor observes that lines 15–16 written in a hand different from the rest of column i, yet very similar, or identical to the one that had written some of the lines of column ii, and thus may represent marginal notes to the contents of the latter.

¹⁴³ To highlight the interchangeability of the terms one could note here a list of spendings, *P. Harr.* I 96 (unknown provenance, 1st–2nd cent. AD), which mentions a payment made to a *nomographos*, l. 9: νομογράφ(άφω) ὡς γρ(άψαντι) τὸν μηνι(αῖον) (δραχμαὶ) ε.

from the first quarter of the second century AD onwards. Two earlier documents, *SB* XII 11004 and *SB* XVI 12764, both tentatively dated by the editors, apparently on palaeographical grounds, to the first-second centuries AD, could push back even earlier the rise of the term. Yet, one should treat them with caution. Palaeographic dating is never too secure. I have been unable to check the picture of the text published by Pieter Sijpestijn, but the hand in the papyrus published by Daniel and Pintaudi could well be placed in the second century AD. Its well-trained cursive bears a lot of resemblances to this period.¹⁴⁴ What could also argue for its later dating is the date of the text on the verso, *PSI* XII 1263. It bears a copy of a will of Sintheus daughter of Diogenes, of which the original was dated to the seventh year of Lucius Verus (AD 166–167). Since it is a copy, it must postdate the original by some time. I deem it rather unlikely that a piece of papyrus previously used for accounts would survive for a very long time (say, half a century) well enough preserved to serve as a support for such an important text. And thus, it is likely that the accounts on the recto are to be dated to the second rather than to the first century AD.

The last piece confirming remuneration is *P. Petaus* 34 (Arsinoites, after AD 184), a sketchy and quite erroneous list of payments. It lists among other entries the not insignificant sum of 40 drachmae destined for τὰ νομικά, which the editors take to be a distorted version of τοῖς νομικοῖς.¹⁴⁵ Given the larger context of the archive of Petaus, the public character of these expenses seems plausible. Sadly, there is next to nothing in the papyrus that could elucidate the nature of the payment. The fact that it appears in proximity of spendings apparently intended for envoys to the court of the prefect and from the *epistrategos* as well as to the *amanuensis* and the administrators of ἄπρατα, may suggest a mixture of notarial/legal expertise for the service of *kommogrammateia* (perhaps in preparation of deeds connected to this managements or the pleadings served to the tribunals).

¹⁴⁴ See the image in the publication. I am also grateful for consultations on this matter with Constantinos Balamoshev.

¹⁴⁵ This is a likely conjecture given the fact that all the other payments have persons as beneficiaries. Yet, one could imagine, as the list was extremely cursively executed, that the list here had the object of payment rather than its addressee (and thus ‘for documentary/notarial services’). At the end of the day, this would not change much the interpretation of the text.

And so, it seems that private legal/notarial advisors could be also sporadically employed to provide services of the public administration.

This observation may be further evidenced by another remarkable, yet extremely difficult to securely interpret, incident in which a *nomikos* is mentioned. In a piece belonging to the official correspondence book of the *strategos* of Panopolis (*P. Panop. Beatty* 1), the *strategos* informs a certain Ammonios alias Ampelios that he provided the addressee with men needed for some tasks connected with the expected visit of Diocletian in Panopolis (line 195, in letter dated to 16 September AD 298). The *strategos* acts upon the orders of Pomponius Domnus, *magister rei privatae*, of whom Ammonios seems to have been a subordinate. Among the appointees for the liturgy there are *nyktostrategoi*¹⁴⁶ and a *nomikos*. Given the context (search and arrest of mysterious *passoliotic* persons),¹⁴⁷ Theodore Skeat thought that a *nomikos* here would have some police function. This is, however, unusual and unprecedented.¹⁴⁸ It would be much safer to assume that the service liturgically provided by the *nomikos* in this instance had to do with preparation of documents somehow connected with the planning of the imperial visit. For instance, he may have also been employed to sign on behalf of illiterate contractors, just like in the case of *P. Berl. Leihg.* II 27 (see above, p. 169). It is thus probably an event of the already well-established notarial function of *nomikoi*. What is curious is the broad military context of the occurrence, but above all that a private *nomikos* would be constrained to provide services to the military administration.

What also becomes clear from these examples is how natural the transformation of a private legal advisor into a notary in the later third century AD must have been. The counselling activity which, as we have seen, involved execution of deeds eventually was completely superseded

¹⁴⁶ On these officers, see S. TORALLAS TOVAR, 'The police in Byzantine Egypt: The hierarchy in the papyri from the fourth to the seventh centuries', [in:] C. RIGGS & A. McDONALD (eds.), *Current Research in Egyptology 2000* [= *British Archaeological Reports* 909], Oxford 2001, pp. 115–123, at 117–118.

¹⁴⁷ See Th. Skeat in *P. Panop. Beatty* 1, l. 155 n., p. 116, for some ideas who these may be.

¹⁴⁸ See already doubts risen by BOWMAN & THOMAS, 'Some additional Greek papyri' (cit. n. 93), p. 309, commentary *ad* SB XIV 11853, l. 8.

by it. With great certainty, the notarial function became the sole one of the *nomikoi* in the post-Diocletian Egypt, and it was then carried on far into later Byzantine times.¹⁴⁹

EPILOGUE: NOMIKOI BETWEEN THE ROMAN COURTS AND OUTSIDE OF THEM

So far, we have observed the *nomikoi* in the Roman courts and those in private life and business matters. I will now turn to the pieces in this dossier which may show points of contact between the two spheres. To do so we need to go back to the earliest testimonies of *nomikoi* in a private environment. I will look again at the correspondence between Tiberianus and Terentianus and then at the edict of Titus Flavius Titianus.

Let me remind that *P. Tiberianus* 12 (see above, pp. 171–172) introduced the consultatory role of the *nomikoi*, and in *P. Tiberianus* 11 we find the salutation addressed to the *nomikos* Didymos. Both testimonies should now be confronted with the Latin letter from the same collection, *P. Tiberianus* 2 = *P. Mich.* VIII 468 (Alexandria?, AD 112–115). In this text, Terentianus requests his mentor to greet Saturninus, *scriba* ‘and his’ (l. 52).¹⁵⁰ The *scriba* appears amidst company of salutations addressees pertaining to the milieu of military veterans (Arrius and Capito – centurions; Turannius – optio; and Terentius – gubernator). It makes him likely to be also of military extraction, perhaps a retired military clerk. It is tempting to imagine that the *scriba* could be a Latin equivalent to the Greek *nomikos*. We know from the archive of

¹⁴⁹ See, for the later history, S. KOVARIK, *Das spätantike Notariat. Kanzlei- und Urkundenpraxis des 4.–8. Jh. n. u. Z. am Beispiel Arsinoites (Mittelägypten)*, PhD dissertation, Vienna 2014, *passim*, but esp. chapter VI: ‘Die Kanzlei – Organisation und Urkundspersonen’. I would like to thank Sophie Kovarik for having provided me with a typescript of her thesis.

¹⁵⁰ As soundly stressed by Strassi in *P. Tiberianus*, p. 131 n. 76, there is absolutely no reason to identify him with the homonymous son of Tabetheus, *bête-noire* of the family, negatively portrayed in *P. Tiberianus* 8, and perhaps also known from *P. Tiberianus* 6, as argued by C. LEHMANN, ‘On the Latin of Claudius Terentianus (*P. Mich.* VIII, 467–472)’, *Cuadernos de filología clásica* 21 (1988), pp. 11–24, at 18.

Babatha that the military *librarii* Theenas (*P. Babatha* 15 [11/12 October AD 125] and 17 [21 February AD 128]) and Germanos (*P. Babatha* 20 [10 June AD 130], 21–22 [11 September AD 130], 23 [17 November AD 130], 25–26 [9 July AD 131], and 27 [19 August AD 132]), doubtlessly trained in execution of documents, and at least some basic legal skills, and provided deed-making services to private clients, likely for a fee. Saturninus and Didymos may have been such agents, too.

This brings me finally to the point to expose my hypothesis. If the first ‘private’ occurrence of a *nomikos* is found in a military milieu, and if there are parallels between them and military scribes, one could perhaps imagine that this was the environment in which the term originally coined for the judicial apparatus was first applied to a private counsel, and then became popularised. If this military, Latin-speaking environment was native to private *nomikoi*, it would not be then surprising that in the second and early third centuries they would often appear when Latin, Roman law-specific acts were fashioned.

This Roman inspiration for the use of *nomikos* could also be traced in the edict of Titus Flavius Titianus. Let me recall that this official text denotes professional scribes with the peculiar term *nomikos*, preferring it over the well-attested *synallagmatographos*.¹⁵¹ The latter one is not only used commonly in documents, but it also appears twice in official legal acts dealing with omissions committed by local scribes. It is this denomination of a scribe which is used in § 100 of the *Gnomon of Idios Logos*, establishing a fine of 100 drachmae for the same failure that Flavius Titianus tried to counteract.¹⁵² The prefect Mettius Rufus, too, in his famous proclamation

¹⁵¹ Twenty-one attestations before the mid-third century are noted. At least eight are dateable to the Ptolemaic or very early Roman era. For the restrictive understanding of the term by Wolff and the critique thereof by Burkhalter which I share, see above, n. 86.

¹⁵² *BGU* V 1210, col. x, ll. 221–225: τοὺς συναλλαγματογράφους ὡ[ρ]ίσθη [κα]ταχωρίζειν ἐνθάδε ἐπὶ τῆς [πόλεως τὰ] συναλλάγματα. Θηβαῖδος μὲν ἐντὸς ἡμέ[ερων] ξ[ί] ... [τῶν δὲ λοιπῶν νομῶν ἐντὸς λ [αὐτῆς δὲ τ]ῆς πόλεως ἐντὸς ἡμερῶν ιε [οἱ δὲ μὴ κατ]αχωρίσαντες κατεκρίθησαν (δραχμὰς) ρ, ‘it has been decided that the *synallagmatographoi* should record here [i.e. in the capital] the contracts, the ones from Thebais within 60? days, (these) from the other nomes within 30 (days), and from the city within 15. These who have not recorded will be fined with 100 drachmae’.

of AD 89 (*P. Oxy.* II 237, col. viii), warns *synallagmatographoi* not to execute contracts without prior authorisation of the record office.¹⁵³

It is not unthinkable that Titianus' chancery used, unlike earlier drafters of official proclamations, this atypical denomination for scribes by association of what may have been current among the Roman military ranks, combined with the technical usage for a legal expert in the Roman tribunals.

These last pieces of evidence are, I give it, circumstantial, yet suggestive. Let me summarise what we have found so far:

1. The term *nomikos* appears in the papyrological documentation first with the Romans denoting two distinct categories of individuals: (1) legal aides to a Roman judge advising him on matters of local law, and (2) legal councillors serving private individuals and drafters of documents, often with acts related to Roman law proper.

2. The former application seems to be earlier; it could have been coined *ad hoc* by assigning a specific, technical meaning in legal or administrative jargon to a common term. Such Roman invention of a new technical meaning of a common word is not unprecedented. A parallel instance for Egypt would be provided by the history of the term *hypomnema*, as demonstrated by Nadine Quenouille.¹⁵⁴ The passage of Strabo's

¹⁵³ Lines 36–38: παραγγέλλω δὲ καὶ τοῖς συναλλαματογράφοις καὶ τοῖς μνήμοσι μηδὲν δῖχα ἐπιστάλματος τοῦ βιβλιοφυλακί[ου] τελειῶσαι, γνοῦσιν ὡς οὐκ ὄφελος τὸ] τοιοῦτο ἀλλὰ καὶ αὐτοὶ ὡς παρὰ τὰ προστεταγμένα ποιήσοντες δίκην ὑπομενοῦσι τὴν προσήκουσαν, 'and I also command the deed-makers and registrars not complete (documents) without authorisation of the record office, knowing that it will not be of an advantage and that they themselves will suffer the justice established for the ones acting against what has been proclaimed'. For the aims of this paper, see also the collocation ὁ δεῖνα γραμματεὺς καταλογεῖον τὴν οἰκονομίαν ἔγραψα (*PSI* XIII 1328 [Oxyrhynchus, May–June AD 201], ll. 9–10; *P. Oxy.* XII 1274 [AD 216], ll. 6–7), where the scribe of the bureau fashions a document within an execution procedure of a real security.

¹⁵⁴ N. QUENOUILLE, 'Hypomnema und seine verschiedenen Bedeutungen', [in:] *PapCongr.* XXVIII, pp. 672–682, at 679–680, § 5 and n. 30. The author points out that this common term acquired a new meaning to signify 'official records' around AD 130s (in the form of *ὑπομνηματισμοί*), stressing that this is unprecedented for Ptolemaic times. She also provides several literary parallels (Diodoros Siculus and Dionysius Halicarnasensis), convincingly suggesting that even if they refer to Ptolemaic era they could have been influenced by the Roman idea of *commentarii*, and thus retroactively used by the writers to denote

Geographica (XII 2.9 [539]) recalled at the beginning of this article shows instead how such the term is used to translate the reality encountered in a province and to render it more comprehensible to Roman ears.

3. The latter usage surfaces in the first quarter of the second century AD in private letters of Terentianus and in the edict of Titius Flavius Titianus (*M. Chr.* 188).

4. Given the official character of the proclamation, one may plausibly argue that this unprecedented use of the term was deliberately made *ad hoc*, perhaps corresponding to the daily parlance of some sectors of the Roman administration. This may have been reflected in the nomenclature current in the Roman military milieu, that is the contexts of Terentianus and Tiberianus' correspondence.

5. This environment may in turn have become the vector of popularisation of *nomikos* in private legal matters.

6. In the course of the late third and early fourth century AD *nomikos* adopted a restricted meaning of a 'notary', doubtlessly because of the well-attested role of these private experts in the drafting of deeds (what was observed above).

7. In the final step, that significance replaced all the others and so it is attested in the Byzantine papyri. That turn is then sealed by later Byzantine legal and lexicographical sources. This is evidenced by *Suda* explanation of the term *ταβελλίων* by *νομικός*¹⁵⁵ and *Nov.* 27 (AD 792–802) of empress Irene setting deed formats, establishing that they should be written by *ταβουλαρίοι* or *νομικοί* and that a cross-sign of an illiterate in lieu of a signature should be completed by the rest in hand of a *ταβουλαρίος* or *νομικοί* or other expert writers.¹⁵⁶ Likewise attestation of a *nomikos*–notary is provided

official acts in the pre-Roman period. See also the *Neues Fachwörterbuch* available online at <<https://www.organapapyrologica.net/nfwb/ὀπόμνημα, τό>> (accessed 23 June 2023).

¹⁵⁵ *Suda*, s.v. *ταβελλίων*: ὁ τὰ τῆς πόλεως γράφων συμβόλαια, ὁ παρὰ τοῖς πολλοῖς νομικὸς λεγόμενος (*T*, 3, l. 2), 'notary: the one writing deeds of the city, who is called *nomikos* by many'.

¹⁵⁶ *Nov.* 27.1: ἐν ἐκείνοις γὰρ οἱ τε ταβουλάριοι καὶ οἱ νομικοὶ καὶ οἱ μάρτυρες κατὰ τὸ ἔθος γραφέτωσαν, τοιούτων υπογραφόντων μαρτύρων ... καὶ τὰ λοιπὰ γράφεσθαι διὰ ταβουλαρίου ἢ νομικῶν ἢ ἐτέρων χειροχρήσεων (ed. C. A. ZACHARIÄ VON LINGENTHAL, *Ius Graeco-Romanum* III, Leipzig 1857, p. 58), 'in the present the notaries, also called *nomikoi*, and the

by *Liber Syro-Romanus* which uses this term to denote a person who prepares a will for the interested party (§§ 26 and 41).¹⁵⁷

8. Since, as I have hopefully successfully exposed, the different applications of the term *nomikos* only partially overlap, this analysis could be used to provide factors for the tentative dating of documents to come (but also allow us to more securely date two hereby examined pieces, SB XII 11004 and SB XVI 12764, to the second century AD).

Finally, as the phenomenon of *nomikoi* – court advisers probably reflects a regular consultation practice of the Roman magistrates, usually non-jurists, back in the City, of which we know almost nothing, this paper has also provided comparative material for the study of the role of legal experts in judicial proceedings in Rome herself and her provinces. Both types of *nomikoi* here described contributed to raising legal awareness in a legally plural society.

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witnesses shall sign according to the custom, with the witnesses having undersigned ... and the rest shall be written by a *tabularius* or *nomikoi* or other trustees’.

¹⁵⁷ *Liber Syro-Romanus* § 26.1: ‘Ob jener, der ein Testament macht, dem Notar (*νομικός*), für ihm die Teilung der Erbschaft geschrieben hat, ein Vermächtnis (*λεγάτον*) zurücklassen kann’ [cf. §26.2]; § 41.3: ‘Wenn ihm aber, nachdem er es diktiert hat, der Tod zuvorgekommen ist und er es nicht unterschreiben konnte, sollen drei Zeuge mit jeme Notar (*νομικός*), der es geschrieben hat, (auftreten) und vor dem Ekdikos (*ἐκδικος*) einer der Städte bezeugen’ (transl. W. SELB & H. KAUFHOLD, *Das syrisch-römische Rechtsbuch*, Vienna 2002), see also the commentary to §§ 26 & 41 (vol. III, p. 83: ‘der praktische Jurist’, and p. 102).

APPENDIX

PAPYROLOGICAL ATTESTATION FOR *NOMIKOI**

Source	Date (AD)	Provenance	<i>Nomikos</i>	Role	Case-matter	Citizenship	Present/ Not present	Notes
<i>P. Oxy.</i> XXXVI 2757, col. ii	original 72-73, copy after June 79	Oxyrhynchus (copy)	Arcios	advisor of Prefect T. Julius Lupus	mode of disinheriting in the local wills	?	Y	local law, wills, succession; pp. 136-137
<i>M. Chr.</i> 372	114	Alexandria?	<i>nomikoi</i>	advisors of Prefect T. Julius Lupus	legitimacy of children born to a Roman soldier and their civic status	?	Y	Roman law proper, marriage of soldiers and succession; pp. 140-142
<i>SB</i> XII 11004	(1st?)-2nd cent. ?	?	<i>nomikos</i>	private	list of payments, possibly in kind, one entry mentions a <i>nomikos</i>	?	n/a	remuneration; pp. 177-179
<i>SB</i> XVI 12764	(1st?)-2nd cent. ?	Oxyrhynchus	Julianus	private	value of some <i>choi</i> of wine given to the <i>nomikos</i> for an <i>aparche</i> ; local law?; connected to an enlistment among <i>epheboi</i> or citizens?	Y?	n/a	remuneration; pp. 178-179
<i>P. Tiberianus</i> 11	early 2nd cent.	Alexandria?	Didymos	private	greeted in a letter of Terentianus	N	n/a	private letter; pp. 171-172
<i>P. Tiberianus</i> 12	early 2nd cent., 116-117?	Alexandria?	<i>nomikos</i>	private	consultations of Terentianus regarding registration of a deed	?		local law, private letter; pp. 171-172
<i>P. Tiberianus</i> 13	early 2nd cent., 116-117?	Alexandria?	<i>nomikos</i>	private	consultations refer- ring to an <i>apographe</i> ?	?	n/a	private letter, local law, registration; pp. 171-172

<i>P. Oxy. XLII</i> 3015	117	Oxyrhynchus (copy)	(Claudius) Artemidoros	advisor to Prefect Sulpicius Similis	testamentary freedom of the Egyptians and its being conditioned by a <i>katoche</i>	Y	Y	local law, <i>katoche</i> , law of succession; Artemidoros consulted in two of three cases reported, once titled as 'interpreter of the laws'; pp. 145–147 local law, testamentary freedom of the Egyptians as conditioned by 'unwritten' marriages; pp. 147–148
<i>M. Chr.</i> 84	124	Ptolemais Euergetis?	Claudius Artemidoros	advisor to the deputed judge, prefect of the 1st cohort Blaesus Marianus	testamentary freedom of the Egyptians	Y	Y	
<i>M. Chr.</i> 188 = <i>P. Oxy. I</i> 34 v ^o	20 August 127	Alexandria (copy in Oxyrhynchus)	<i>nomikoi</i> as scribes	private scribes	edict of Prefect T. Flavius Titianus imposing fine for failed registration	n/a	n/a	pp. 162–165
<i>SB XX</i> 15147	118–119 (document 138)	?	Ulpus Dioskourides	legal opinion given on request of a judge	succession, possibly testamentary; <i>epistole</i> of the <i>nomikos</i> of 118/119 cited in a later proceeding	Y	E (indirect)	earlier opinion cited in a similar proceeding; p. 149
<i>BGU XX</i> 2863	133–137	Arsinoites	Dioskourides	legal opinion cited in an official proceeding	intestate succession, case referred back to the prefect by his delegated judge	Y	E (indirect)	local law; earlier opinion cited in a similar proceeding; p. 149
<i>PSIV</i> 450, ll. 1–47	130s	Oxyrhynchus?	Ulpus Dioskourides	<i>ex-strategos</i> Aelios Horeion requests by writing an opinion	marriage law	Y	E	local law; pp. 150–151

* *Nomikoi* who served as private advisors are greyed out, the remaining ones were judicial advisors.

APPENDIX (continued)

Source	Date	Provenance	Nomikos	Role	Case-matter	Citizenship	Present/ Not present	Notes
<i>P. Fouad I 25</i>	138? (document after 138)	Tebrynīs	Dioskourides	legal opinion given on request of a judge	will	Y	E (indirect)	local law, <i>strategos</i> Noumīsianos requests by letter an opinion; earlier opinion cited in a similar proceeding; p. 149
<i>P. Oxy. II 237</i> , col. viii, ll. 2–6, & ix, ll. 18–24	138	Oxyrhynchus?	Ulpūs Dioskourides	delegated judge Salvūs Africanus, prefect of the fleet given opinion in writing	marriage law, <i>ekdosis</i>	Y	E (indirect)	local law; opinion cited by the party; earlier opinion cited in a similar proceeding; pp. 151–152
<i>P. Ross. Georg. II 20</i>	c. 146	Arsinoites	Sarapion	private	executed a deed of sale	N		mentioned in a petition to the prefect; pp. 165–166
<i>M. Chr. 91</i>	157–159	Alexandria	Flavius Iulius alias Sarapion	private	Roman law of succession, manumission, marriage; executed deeds of manumission, will, and marriage tablets	Y		in proceeding before <i>idios logos</i> involving the check of the authenticity; p. 166
<i>P. Oxy. III 578 descr.</i>	2nd cent.	Oxyrhynchus?	Sentianos	<i>nomikos</i> mentioned next to Flavius Priamus <i>diakidotes</i>	unpublished trial minutes	possibly	possibly	p. 153 n. 57

<i>P. Gen.</i> III 144	2nd cent.	Heracleopolites?	Sarapion	private	platform shoes signed with Ibis are to be delivered to the <i>nomikos</i> Sarapion	N	private letter, remuneration (?); p. 177
<i>P. Oxy.</i> II 237, col. ix, l. 37	? (copy of 186)	Oxyrhynchus?	<i>nomikoi</i>	experts are heard in the proceeding	?	?	perhaps during proceeding before Prefect Annius Syriacus (161-164); p. 153
<i>P. Oxy.</i> LXIV 4436	last quarter of 2nd cent.		Apollos	private	list of payments, 13 of poor wine is assigned to a <i>nomikos</i>	N	remuneration; p. 178
<i>P. Petaus</i> 34	after 184		<i>nomikoi</i>	private in public function?	list of payments, 40 drachmae for <i>nomikoi</i>	N?	remuneration; pp. 179-180
<i>P. Berl. Leibg.</i> II 27	19 December 167	Theadelphia	Aphrod()	private	<i>nomikos</i> signs a receipt of seeds for sowing from <i>sitologoi</i> on behalf of 7 illiterate individuals	N	p. 169
<i>P. Prag.</i> III 248	9 August 248	Theadelphia	Aphrodisios	private	perhaps executes a <i>chetrographon</i> , also in the context of consigning something to Sarapion	?	private business letter; p. 174
<i>BGU</i> I 361	184	Arsinoites	<i>nomikos</i>	private	Roman law of succession; Roman will executed by a <i>nomikos</i> mentioned in proceedings about its authenticity; the scribe is present	?	Roman law, proceeding, <i>nomikos</i> present; p. 167

APPENDIX (continued)

Source	Date	Provenance	Nomikos	Role	Case-matter	Citizenship	Present/ t present	Notes
BGU I 326	194	Karanis	Gaius Lucius Geminianus, νομικός 'Ρωμαϊκός	private	Roman law of succession; the Roman <i>nomikos</i> translates the will of Kastor	Y	Y	Roman law; p. 167
P. Oxy. III 533	late 2nd – early 3rd cent.	Oxyrhynchus	Panechotes	private	<i>nomikos</i> involved in collection of payments, remuneration of 64 drachmae	N	n/a	private business letter; p. 173
P. Oxy. XLI 2983	late 2nd – early 3rd cent.	Oxyrhynchus	<i>nomikoi</i>	private	private letter, containing an epistle from a <i>nomikos</i> present in the place of the sender to another one in the place of the addressee	?	n/a	private business letter; pp. 176–177
BGU I 276	2nd–3rd cent., before 212	Arsinoites	Serenos	private	<i>harkos</i> sold (?) to Serenos, <i>nomikos</i> , the price should be collected by the addressee of the letter	N		private letter, no consultation involved; p. 174
PSI X 1126	3rd cent.?	Arsinoites	<i>nom(ikos)?</i>	private	petition for <i>parathesis</i>	?	n/a	p. 170
PSI X 1127	3rd cent.?	Arsinoites	<i>nom(ikos)?</i>	private	petition for <i>parathesis</i>	?	n/a	p. 170