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**CIRCULATION OF IMPERIAL LEGISLATION
IN EGYPT BETWEEN 324 AND 525
CATALOGUE AND COMMENTARY***

1. INTRODUCTION

THE IMPERIAL CONSTITUTIONS PRESERVED IN PAPYRI have been extensively studied, but there are still gaps in the literature which this article aims to fill. A catalogue of all papyri referring to imperial laws, completed by Rafał Taubenschlag, opens the list of works devoted to the subject (Taubenschlag 1952). More than 50 years later, the catalogue was updated with new papyri and supplemented with literary sources and inscriptions by Gianfranco Purpura, who reached the impressive number of 572 constitutions and 125 secondary witnesses (Purpura 2009). Both works are catalogues in the strict sense, as they provide chronologically

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enumerated sources¹ with very brief descriptions of their contents, and as such are extremely useful to the user, but need to be updated soon after their publication.

The imperial legislation of almost all periods of the Roman Empire has been treated in separate monographs. The early Empire is covered by the monumental work of James H. Oliver (completed after his death by Kevin Clinton), in which he collected 293 epistles, edicts, rescripts, and instructions of Roman emperors from Augustus up to the year 274 (Oliver 1989; Anastasiadēs & Souris 2000). The testimonies of the imperial laws of the Tetrarchy have been collected and discussed in a volume by Simon Corcoran, a monograph that goes far beyond any kind of catalogue and is based on all kinds of sources, of which inscriptions and papyri are only a part (Corcoran 2000). Justinian's reign was covered in a study by Mario Amelotti and Giuseppe Ignazio Luzzatto, who collected 27 attestations of Justinian's laws preserved on papyrus and 27 on stone (Amelotti & Luzzatto 1972; Amelotti & Migliardi Zingale 1985). Numerous individual papyri transmitting the voice of emperors have been the subject of separate studies which are referred in individual entries.

The chronological scope of this study is therefore limited to the years between 324, when Constantine became the sole Augustus in the Empire, and 525, when Justinian became the sole ruler, as this period represents a gap in the study of imperial legislation attested by the papyri.

It is presented in the form of a catalogue divided into sections, grouping the material according to its genre and type, and each entry is commented on briefly. The first section of the catalogue contains fragments classified as legal literature: fragments of the *Theodosian Code* (*C.Th.*), literature on the *C.Th.*, and other collections of the imperial laws for which the connection with the *C.Th.* could not be established. The second section consists of the documentary papyri, divided into three parts: generally binding laws, rescripts, and references. Each part of the catalogue is preceded by a brief introduction.

¹ Taubenschlag's list is also ordered by the type of constitution, while Purpura's is divided in two parts: laws and references to laws.

2. CATALOGUE

2.1. *Legal literature*

C.Th. contained extracts from the general constitutions of the Christian emperors from Constantine I to Theodosius II.² As the only official collection of laws until Justinian's codification project, it was widely distributed in both the West and the East. Today books 6–16 are almost completely extant, while books 1–5 can only partly be reconstructed.³ Recently, new fragments from Egypt have been identified. So far, five sets of fragments are known, two of which have not yet been published (nos. 1–5).⁴ Our knowledge of the *C.Th.* and its dispersion in Egypt has been further enriched in recent years by the publication of two extracts from it (nos. 6–7).

The recently published Eastern direct witnesses offer a text different from the *Lex Romana Visigothorum* or the Western manuscripts. The witnesses provide evidence for the circulation of the genuine version of the *C.Th.* in Egypt. Although the exact origin and context of these fragments are unknown, it can be concluded that they originate from the provincial capitals of Upper Egypt, namely Oxyrhynchos, Hermopolis Magna, and Arsinoe. If the provenance is direct, it proves the use of the *C.Th.* at the lower level of the imperial administration as was originally intended and declared in Theodosius's original order (Salway 2012: 30). This conclusion is further supported by nos. 6 and 7, which demonstrate the active use of the *Code* by the summarising of it in local legal practice or even studies conducted on it.

Numbers are always relative and depend on the reference point. It is important to note that the fifth century, which is the period when the *C.Th.*

² The literature on *C.Th.* is extensive, for further references see one of the newest works, RIEDLBERGER 2020.

³ Other fragments are significantly smaller, see table 1 at p. 21 in AMMIRATI 2023. For the summary of the discussion and further literature, see SALWAY 2012.

⁴ AMMIRATI 2022: 618; see the list on the REDHIS website: <<http://redhis.unipvt/index.php/texts-static>> (accessed 27 December 2024).

was in use, is underrepresented in the available material.⁵ The work was also addressed to a limited audience consisting of higher personnel of the central and municipal institutions, some law teachers, a certain number of practitioners and elites who had their own bureaus for administering large land domains, while some works, such as Homer or Bible, were known to perhaps the entire literate population of Egypt. Considering these factors, we can be optimistic about the circulation of the *Code* in fifth-century Egypt.

Nos. 8 and 9 may have been connected to the *Code*, or they could be earlier and independent collections of imperial law. However, they also support the conclusion that the imperial laws circulated in Egypt in an organised form of planned collections.

2.1.1. Fragments of the *Theodosian Code*

1. *P. Oxy. XV 1813* (TM 64881; Purpura 2009: 210, no. 544)

Provenance: Oxyrhynchos.

Date: between 500 and 529.

Format: parchment codex.

The papyrus contains *C.Th.* 7.8.9–14 on billeting. Not much beyond the Oxyrhynchite provenance is known of the context in which the fragment was found,⁶ but the script suggests that it might have belonged to a high-quality official copy (Ammirati 2022: 638). Mario Varvaro's proposal, based on palaeographic analysis, suggests a narrow dating of the fragment to the first quarter of the sixth century (Varvaro 2015: 94).

⁵ The material from the fifth century is generally underrepresented in papyrological evidence, HABERMANN 1998. According to a Trismegistos search, only fifteen archives are assigned as the fifth-century: TMArch 5, 6, 46, 52, 82, 110, 221, 222, 380, 434, 465, 478, 541, 557, 605.

⁶ Amin Benaissa communicated to me *per litteras*: 'a note by Hunt indicates that it was given inventory number "156 E" at the time, which probably indicates that it was found in the first season (1896/7) and placed in tin box 156 layer E (only the first season produced as many as 156 boxes)'.

2. P. Vindob. L 95 = Ammirati 2022: 631–632 (TM 65157)

Provenance: Arsinoe (less likely Herakleopolis Magna).

Date: between 438 and 529.

Format: parchment codex.

The editor, Serena Ammirati, matched this fragment with *C.Th.* 14.22–25 on ports, oil shops, and grain supplies (Ammirati 2022: 630), but ll. 17–20 contain a law addressed *ad Symm]ach(um) p(raefectum) u(rbi)* absent in today's reconstructed *C.Th.* Thus, a new imperial *epistula* has been identified between *C.Th.* 14.24 (which discusses the oil shops) and 25 (which discusses the grain supply for Carthage). As the editor has suggested it may have been a law regarding the *mensae oleariae* from either 364–365 or 384–385 (Ammirati 2022: 635). Written in BR uncial it might have belonged to the genuine official version of the *Theodosian Code* (Ammirati 2022: 639).

3. P. Vindob. L 44 = Lowe 1963: 1526 (TM 64819)

Provenance: Arsinoe (less likely Herakleopolis Magna).

Date: between 438 and 529.

Format: parchment codex.

The edition of the fragment is under preparation by Gabriel Nocchi Macedo. As reported so far, it is a less formal copy written with minuscule script which overlaps with the 17th title of the fourth book of the *C.Th.* (Ammirati 2023: 24).

Not much is known about the provenance of P. Vindob. L 44 and L 95 (no. 2), only that they might have belonged to the so-called Erster Fayumer Fund,⁷ that is about 10,000 papyri acquired in 1882 and 1883 in the vicinity of Medinet al-Fayum (Arsinoe) and Ehnas (ancient Herakleopolis Magna). This material was catalogued by Karl Wessely according to its language, subject, and even size, but not in the order in which they

⁷ This was communicated to me by Claudia Kreuzsaler *per litteras*.

were purchased.⁸ Initially, Latin papyri were catalogued together with the Greek ones, but in 1932 they acquired separate numbers starting with L (Loebenstein 1983: 24–25). Although they are proportionally few (below 200), it is impossible to link one to another, for they represent various genres, periods, and provenances, even Italy.⁹

**4. P. Berol. P 14057 + 14059 + 14060 + 14061
+ 14062 + 14064 + 14065 + 14072 + 14075 + 16976 + 16986:
*Codex Theodosianus Berolinensis***

Provenance: Hermopolis Magna?

Date: between 438 and 529.

Format: papyrus codex.

The eleven not yet published fragments are under study by Serena Ammirati and Dario Mantovani. As reported so far, they belonged to a Latin copy of the fourth book of the *C.Th.* accompanied by Greek *glossae* containing jurisprudential references. The fragments contain at least four so far unknown laws.¹⁰

The pieces came to Berlin from archaeological excavations carried by Otto Rubensohn in al-Ashmunein, ancient Hermopolis Magna, in the season 1905/6 (Kuckertz 2015: 53–54). A number of other legal literary works dated to the fourth, fifth, and sixth centuries come from the same excavations.¹¹

⁸ See condensed version in MORELLI 2008: 142–143; the full story of acquisition and cataloguing in LOEBENSTEIN 1983.

⁹ *Ch.L.A.* XLV 1331: protocol from the *gesta municipalia* in Siracusa; or *Ch.L.A.* XLV 1349: sale of land from Ravenna.

¹⁰ On these fragments see: MANTOVANI 2018: 606–612.

¹¹ These are first inventory numbers 14057–14078 for 1905/6 excavations in al-Ashmunein. All of them except 14063 and 14078 are being edited within the framework of REDHIS project, see <<http://redhis.unipv.it/index.php/texts-static>> (accessed 27 December 2024). During the same excavation season the archive of Taurinos and his descendants as well as a library of classical Greek texts were discovered (TM Arch 259 and 691). The last

5. P. Vindob. L 128 = Ammirati 2022: 620–623 (TM 851592)

Provenance: Upper Egypt.

Date: between 438 and 529.

Format: papyrus codex.

This entry is placed at the end of the list due to uncertainty regarding its identification as a part of the *Theodosian Code*. It consists of nine papyrus scraps belonging to one or few closely located leaves of the codex, which the editor matched as follows: fr. 8 r^o, ll. 6–10 = *C.Th.* 2.1.12; fr. 8 v^o, ll. 1–9 + fr. 4 v^o, ll. 1–5 ? = *C.* 12.46.4, and suggested that they might have belonged to the second book of the genuine version of the *C.Th.* (Ammirati 2022: 626). However, it cannot be entirely ruled out that it belonged to the lost First Edition of the *Codex Iustinianus* (C.). The subject matter appears to be related to court jurisdiction, and the script format suggests that it is an official copy. Unfortunately, there is no information available regarding its acquisition.

2.1.2. Literature related
to the *Theodosian Code*

6. P. Vindob. L 81 = Mitthof 2006: 416–417 (TM 64820)

Provenance: Arsinoe or Herakleopolis.

Date: between 438 and 529.

Format: papyrus sheet.

The fragment was written on only one side of a papyrus sheet and may have been used for a law case in court. This Latin fragment is a quotation *ex codice Theo[dosiano]* (l. 1), containing an otherwise unattested fragment of constitution of Arcadius and Honorius.

owner of the archive was Flavius Sarapodoros who served as *agens in rebus* in the office of the *dux* of the Thebaid.

7. P. Vindob. L 164 = Mitthof 2003: 417 (TM 111306)

Provenance: Arsinoe or Herakleopolis.

Date: between 438 and 529.

Format: papyrus codex.

This small Greek fragment written on both sides of the sheet contains rubrics and an abbreviated inscription with the name Valentinian. Based on the text structure and the language, the editor, Fritz Mitthof, identified it as the only Greek *summa* of the *Theodosian Code* known so far. The text might have been written for the educational purposes, perhaps even deriving originally from law school materials at Beirut or Constantinople. The surviving Greek text seems to concern Egyptian matters (Mitthof 2006: 417–422).

2.1.3. Other works

8. P. Gen. inv. Lat. 6 = Radiciotti 2011: 106
= Ammirati, Mantovani, & Fresura 2015 (TM 67029)

Provenance: unknown.

Date: between 423 and 438.

Format: parchment codex.

The piece was bought on the antiquities market, so its origin is unknown. The fragments on both sides are from a constitution on the status of *curiales* and *cobortales* issued by Honorius and Theodosius II. This constitution is also preserved in *C.Th.* 6.35.14 and/or 12.1.184, but in a different, more complete version. The authors of the re-edition suggest that the fragment belongs to a pre-Theodosian collection, similar to *Constitutiones Sirmondianae*. This collection may have been created for professional use by a local office or legal practitioner (Ammirati, Mantovani, & Fresura 2015). Radiciotti (2011) suggested that the text might have belonged to the *interpretatio* of *C.Th.* 7 22.1 or 6.35.14/12.1.184.

9. *P. Ryl.* III 476 = *Ch.L.A.* II 225 (TM 64583)¹²

Provenance: Oxyrhynchos or Fayum.

Date: between 309 and 438.

Format: papyrus codex.

The papyrus contains fragments of 26 lines of a Greco-Latin text with marginalia, identified as a register of constitutions. The fragments have not been identified with any laws so far, but they seem to represent a collection of constitutions, which is suggested by the numbered items as high as 521,¹³ and mention of persons in dative which might have been addressees of the *epistulae* or rescripts *Ὁσίῳ ἐπισκό(πῳ)* (l. 6)¹⁴ and *φκα ἄρχοντ(ι) Ἡπείρου* (l. 9).¹⁵

2.2. *Documentary papyri*

Nos. 10–13 represent general imperial legislation. No. 10 is a copy of Constantine's law attested also in *Eus.*, *v.C.*, no. 13 contains an annual Easter amnesty, which is a type of imperial constitution known from other sources, while nos. 11 and 12 seem to be otherwise unattested.

Nos. 11 and 13 are important witnesses of the 'cascading' process through which the imperial law was transmitted in the provinces: The emperor addressed the *praefectus praetorio*, who forwarded the law together

¹² There are significant differences between the previous editions and the updated transcription on <<https://papyri.info/dclp/64583>> (accessed 27 December 2024), so the newest online version should be consulted. Cf. with the text in McNAMEE 2007: no. 2282.

¹³ AMMIRATI 2010: 71 suggested the numbered entries on the verso. Similarly, numbering is suggested in *CPL* 92. McNAMEE 2007: no. 2282 did not recognise these as numbers of entries.

¹⁴ Bishop Hosius is attested as an addressee of the letter of Constantine on the *manumissio in ecclesia* (*C.Th.* 4.7.1).

¹⁵ Three laws in *C.Th.* dated to the reign of Valentinian I are addressed to the *praeses* of this province: *C.Th.* 16.2.22 (Paulinus); 6.31.1 & 12.10.1 (Zosimos).

with his edict to provincial governors.¹⁶ In Egypt, the governor sent it with his own preface to the regional *metropoleis*, where it was distributed among relevant officials.¹⁷ No. 13 might have been a copy written in the office in Alexandria, while no. 11 a copy made lower down the administrative hierarchy, no. 10 was almost certainly copied in Arsinoe.¹⁸ Nos. 19 and 20 are orders given to a local lower official, *praepositus pagi*, by his superior, the *strategos*, which mention the entire chain of communication from the emperor to praetorian prefect to governor to *strategos* to *praepositus pagi*.

The main difference between nos. 10–13 is obviously the language. Only the last of them, no. 13, is in Latin. The two others were written in a cursive and rather casual Greek hand. They show that imperial laws circulated as both Latin copies and Greek translations in the fourth century. With this small sample it is difficult to say why some laws were translated, while others were kept as Latin copies, but it possibly depended on the topic. The Latin no. 12 was a standard law issued every year and perhaps known to the officials, while no. 11 was a much longer constitution on the abuses of local officials.

Nos. 14–17 are rescripts, which genre, although underrepresented for the period under discussion, constituted a regular response to requests from

¹⁶ *Cons. Sirm. 2: Hanc igitur legem sublimis magnificentia tua cunctas per dioceses sibi creditas publicabit edictis*. Or, later *Nov. Val. 26.1*. The process is described in RIEDLBERGER 2020: 53–55.

¹⁷ This way of delivering laws to the provincials is best attested in a slightly earlier edict of the prefect Aristius Optatus (297). He ordered local officials to publish the tax law of Diocletian and Maximian, the schedule of new taxes and his own edict so that they became known to everyone in the cities and in the *chora*. *P. Cair. Isid. 1*, ll. 14–18: *προσετάχθησαν δὲ οἱ ἄρχοντες καὶ οἱ προπολιτευόμενοι* (l. *προπολιτευόμενοι*) *ἐκά[σ]της πόλεως καὶ τοῦ θείου διατάγματος μετὰ μεγαλοῦ βρεοῦίου τὸ ἀντίγραφον ἔτι τε καὶ τούτου εἰς ἐκάστην κώμην εἴτ' ὅν τόπον ἀποστεῖλαι ὑπὲρ τοῦ εἰς γνώσιν ἀπάντων ἡτάχο[ς] ἐλθεῖν τὴν μεγαλοδωρίαν τῶν Αὐτοκρατόρων ἡμῶν καὶ τῶν Kaisáρων*, ‘The archontes and presidents of the council of each city have been ordered in the edict to dispatch to each village or place whatsoever a copy both of the imperial edict together with the schedule and also of this (edict of mine), so the munificence of our Emperors and Caesars may come as speedily as possible to the knowledge of all’ (modified transl. of *ed. pr.*). On the publication of laws RIEDLBERGER 2020: 54–59 (general) and KREUZSALER 2009 (Egypt). On the form in which the prefect communicated with the provincials, see KATZOFF 1982.

¹⁸ An example of an earlier cover letter for publishing the imperial constitution, e.g. *SB XII 10884* (unknown provenance, 200–201).

officials or parties for a privilege or an exception or legal interpretation of individual cases. At the beginning of his sole reign, Constantine declared that rescripts could not be applied by judges if they contradicted the *publica iura* (C.Th. 1.2.2). In other words, they could not correct or overrule existing laws. In time, further restrictions were introduced: a rescript could only be applied to the case for which it was issued, as expressed in the late fourth-century *epistula* of the emperors Arcadius (C.Th. 1.2.11). A constitution issued four decades later by Valentinian III confirmed that a rescript was binding only for the case, even if it was issued to a corporation, city, curia, or province. Abuse of this rule was punished, which we know through the excerpt of a law by Valentinian III preserved in the *Code of Justinian* (C. 1.14.2; Riedlberger 2020: 39). Nos. 14–17 reflect the changes that rescripts underwent between the Tetrarchy and Justinian and show that there were not any discrepancies between the theory and practice of their application.

The language of rescripts is also noteworthy. Although Latin is predominant, it is not exclusive, which is different from the period of Tetrarchy (Corcoran 2000: 46), but unlike in the Justinianic period, it is still the main language of official communications coming from the capital.

The provenance of the sources collected in this section of the catalogue is significant. They represent various urban centres, even though Hermopolis Magna is a predominant location (nos. 15, 19–24, 26). Importantly, a number of papyri collected in this section belong to identified (semi-)administrative archives, such as the archive of Aurelius Asklepiades, who received nos. 19–20 as a *praepositus pagi*, and Flavius Isidoros, *officialis* in the ducal office (nos. 15 & 21). Some could be connected directly to the ducal office, like a supposed dossier of the *dux* of the Thebaid (nos. 16–17). Some were related to courts (nos. 14, 15, 21, 27).

The topics of the collected material are both the administration of the province and private law (nos. 14, 16, 23?, 25) or protection of individual rights (nos. 21 & 27). The administrative subjects are better represented and, unsurprisingly, concerned the burdens due to the state. Obviously, some of these laws are attested elsewhere, but some only in papyri, which is indicated with each entry on the list.

The terminology used in the collected sources is not especially rigid. The most generic *νόμος* comes as a term for a rescript given in response

in an individual case in no. 14 (Corcoran 2000: 49), but not necessarily in no. 20 (θεῖος καὶ προσκυνητός), in which θεῖος νόμος seems to be a reference to a generally binding law. Similarly, νομοθεσία refers to a rescript once in no. 17, and twice, in nos. 18 and 22, to laws of wider scope, on the appointment of tax collectors or liturgies and provisions for recruits.

Some terms, such as διάταγμα, previously used for the *edictum* (Corcoran 2000: 171), are not attested at all. Others no longer constitute technical terms: although the earlier meaning of διάταξις was a rescript (WB, s.v. διάταξις), it does not seem to be the case in the fifth-century papyri anymore. Without a doubt, the term θεῖα διάταξις refers to general laws attested elsewhere in nos. 24 and 25, while in the fourth-century no. 21, it might have referred to an individual imperial decision. In nos. 19 and 20, the laws referred to as πρόσταγμα¹⁹ have not been clearly identified, making it difficult to deduce the precise meaning of the term. However, it is possible to consider them *epistula*, as the texts mention the entire process of publication of laws. The simplest conclusion would be that the terminology is imprecise, with the exception of no. 27, in which πραγματικός (instead of πραγματικόν) accurately conveys the meaning of the *sanctio pragmatica*.

2.2.1. *Leges generales*

10. *P. Lond.* III 878 descr. = SB VI 9218 = Skeat 1950 (TM 17873):
Constantine's *epistula* to the provincials
(Purpura 2009: 209, no. 534)

Provenance: Arsinoe?

Date: 324.

Format: papyrus chart.

Emperor: Constantine I.

¹⁹ The substantive πρόσταγμα was used to denote a prefectal edict, even though the main word would be διάταγμα (KATZOFF 1980: 819–820). On the development of the term between the Ptolemaic and Roman period, see MODRZEJEWSKI 1951: 187–206.

After Constantine had defeated Licinius, he issued this letter to the provincials of Palestine, restoring to the Christians the property they had lost during the persecutions. This is a special case in which the law attested in the literary work, Eus., *v.C.* 2.26–29, is also preserved as a documentary papyrus. It is also a crucial proof of the authenticity of the documents cited by Eusebius in his work (Jones & Skeat 1954; Corcoran 2000: 315).

The recto contains a fragment of a petition from Arsinoe addressed to the emperors. The text refers to the imperial (?) gift of restitution,]κῆς δωρεᾶ[ς π]αλινγενεσίας (l. 11), perhaps dated to the eighth indiction (l. 12), thus 319/20 (*SB VI* 9217), and concerning the sacrifices in] σπονδαῖς καὶ θυσία[ις (l. 13). The tax officials ὑποδέκται and πρακτῆρες are mentioned in lines 14 and 15. The text might have referred to sacrifices to pagan gods at the time of Licinius (Straub 1955). If so, the texts on both sides must have been connected.

II. *P. Laur.* IV 169 r^o = Nowak 2023 (TM 21271):

Constantine's *epistula*

Provenance: unknown metropolis.

Date: 14–30 September 326.

Format: papyrus sheet.

Emperor: Constantine I?

The writing is preserved on both sides. The fragment on the recto belonged to a Greek translation of an *epistula* issued in Nicomedia by Constantine (Keenan 1985),²⁰ of which only a part of the ‘publication’ clause and consular dating has survived. The hand and format suggest a casual copy, sent to lower officials at the local level. The verso is a fragment of a letter between officials referring to τὰ προστετ[αγμένα might have referred to the recto and belonged to a ‘cover letter’.

²⁰ BARNES 1989: 415–416 proposed to move to the date 354, but it does not seem likely. See also CORCORAN 2000: 197 n. 166, who maintained Keenan's dating.

Line 2, *προτεθέντων*²¹ αὐτῶν εἰς γνώσιν ἀπά[ντων (Nowak 2023: 117–118), must have been a part of a translation of the Latin clause often added at the end of imperial letters, by which the emperor instructed the addressee, usually the *praefectus praetorio*, to publish it in his edicts so it comes to the knowledge of everyone, for example: *Illustris igitur et magnifica auctoritas tua legem perpetuo valituram edictis propositis ad omnium notitiam perferri praecipiat* (Nov. Theod. 7.3.2).²² Interestingly, the same parts of the text survived in the earlier Latin fragment dated to 316 (PSI I 112 = Ch.L.A. XXV 781 = CPL 242).²³

**12. P. Nag Hamm. 143 (TM 32483) & 144 (TM 32484):
constitution on the abuses committed by tax collectors**

Provenance: Antinoopolis?

Date: after 309.

Format: papyrus.

Emperor: Galerius or later.

Although published more than forty years ago, these Greek papyrus fragments have gone completely unnoticed outside of the Nag Hammadi scholarship, and they certainly require a separate historical and legal

²¹ Examples of *προστάσσω* for the edicts and letters of prefects: CPR XXIII 32; P. Corn. 20a; P. Flor. I 95; P. Lips. I 63; P. Oxy. XLIII 3126, ll. 14 & 21; P. Oxy. LI 3613; P. Oxy. LIV 54 3758; M. Chr. 78; P. Lips. II 152; P. Meyer 16 & 17; P. Mich. III 157 & 158 are famous *libelli* of Decian persecution referring only to *κατὰ τὰ προσταχθέντα* or *κατὰ τὰ προστεταγμένα*, which would not be such an obvious instance, if we had not known that the sacrifices were introduced by Decius and executed locally by the governors. See SELINGER 2002: 33–39.

²² It was not always a part of complete constitutions, the content of the clause could vary in a significant way, and it did not even have to be placed at the end of the text (RIEDLBERGER 2020: 52–53). Other examples: Nov. Theod. 4.3; 5.1.5; 5.3.2; 7.1.3; 7.4.10; 8.3; 15.2.4; 17.1.5; 22.2.17; 25.8; Nov. Val. 3.5; 8.1.6; 14.3; 18.1; 21.1.7; 31.7.

²³ The preserved text must have belonged to the imperial pronouncement clause: the addressee of the *epistula*, *praefectus praetorio*, was ordered to make the law known to everyone, including the judges, and spread it in the provinces through the edicts of provincial governors (CORCORAN 2000: 193).

study, which is not offered within the scope of this article. Only some problems are signalled here.

Twenty-seven Greek pieces published as *P. Nag Hamm.* 143 a–l and 144 a–h made up part of the cartonnage found in one of the leather covers of the codices with Gnostic literature.²⁴ Although written by two hands they belonged to a single work written in columns.²⁵ However, the poor state of preservation does not allow us to know, how they relate to one another. The dating of both the codices and their bindings is far from precise,²⁶ but for the legal fragments John W. B. Barns proposed a *terminus post quem* of 309, which he based on the mentions of *exactores* in *P. Nag Hamm.* 143a, l. 11, 144h, l. 5, and of *praepositi* in *P. Nag Hamm.* 144h, l. 16 (Barns, Browne, & Shelton 1981: 88).

The expressions and content suggest that the fragments belonged to a copy of an imperial constitution. The first hint about the genre is the verb *προσετάξαμεν* (*P. Nag Hamm.* 143a, l. 10). Although *προστάσσω*, ‘to order’, could refer to ordering by edicts at all official levels (see above), the plural first person was used by either the collegial offices, including the imperial college, or by the single emperor.²⁷

Secondly, the text uses the term *κρίσις*, which could denote an imperial constitution or decision. Such a meaning is suggested by the textual context: *δι]ὰ τῆς ἡ[μ]ετέρας κρίσε[ως]* (*P. Nag Hamm.* 143b, l. 5), perhaps

²⁴ The documents found in this function in the Gnostic codes are a mixture of documentary and literary texts with no strong connection between them, for instance letters in Greek and Coptic, Greek contracts, Christian scriptures, that is fragments of the book Genesis and homilies, documents obviously related to the taxation and possibly originating from the office of the governor. It has been speculated that the fillings of the covers belonged to the nearby Pachomian congregation and represented its archive, but this hypothesis does not stand up to scrutiny. LUNDHAUG & JENOTT 2015 revived the hypothesis, but see the response by PIWOWARCZYK & WIPSZYCKA 2017.

²⁵ The hand changes in fragment 7c. It consists of two columns, the second starting a new hand, which continues in the rest of the fragments (BARNES, BROWNE, & SHELTON 1981: 88).

²⁶ The only precisely dated document from the cartonnage material (dated to 348) comes from codex VII (BARNES 1975: 12). For the discussion on the dating methods, see LUNDHAUG 2021.

²⁷ C. 1.3.43.11 and C. 1.15.2; *Nov.* 12.3; 19; 22.31; 31.3; 80.8; 110.1; e.g. *Geo. Al., v. Chrys.* 39.154 (emperor Arcadius); *Eus., v.C.* 3.65.1 (Constantine).

a reference to an earlier constitution of the same emperor(s), *ex nostra constitutione vel sim.*;²⁸ and διὰ τῆς ?] κοινης κρίσεως φανείη πε ... [(*P. Nag Hamm.* 144a, l. 9), *generalis constitutio*.²⁹

Another expression characteristic of the legislative style is ἐπαρχιώται, *provinciales*, (143b, l. 6; f, l. 18; 144a, l. 24).³⁰ The term may be used for *provinciales* denoting the people of all provinces, or inhabitants of only one province, for the laws could be addressed to only one province (Riedlberger 2020: 46). This latter meaning is suggested in the last line of *P. Nag Hamm.* 143: τῷ ἔθνει ὑπ' ὅψεσι[ν].³¹ The emperor may have issued the law with a view to the situation in a particular province, perhaps the Thebaid.³²

²⁸ In *Nov.* 115.5: καθάπερ καὶ ἡ ἔγγραφος προελθοῦσα περὶ τοῦ αὐτοῦ πράγματος ἡμετέρα κρίσις δηλοῖ, 'as it is shown in our written constitution on this matter'.

²⁹ The word is attested as an imperial edict in the so-called *Apokrimata*, legal replies of Septimus Severus to individual officials, *P. Col.* VI 123, ll. 24–25. In his commentary to the edition, Arthur Schiller opted for an understanding of κρίσις as a *decretum* or *rescriptum* that took the universal bidding (WESTERMANN & SCHILLER 1954: 67–70; PLISECKA 2017: 188).

As a general law, it occurs in a *libellus* from the time of Decius, *P. Oxy.* XII 1464, l. 6: κατὰ τὰ κελευσθέντα ὑπὸ τῆς θείας κρίσεως, 'according to the orders through the imperial constitution', and must refer to the edict on sacrifices. Similarly, *P. Sakaon* 16, receipts for payment of taxes, says that the amount was ἐκ θείας κρίσεως, and obviously, the taxes were regulated by general laws, to which tariff still making a part of this general edict could be appended (see below in the next chapter).

³⁰ It is attested in only a few papyri, but always in the texts dealing with the imperial laws. It is used twice in *P. Cair. Isid.* 1, ll. 5–6 and 11, edict of Aristius Optatus issued in 297 in order to publish the edict of the Tetrarchs reforming the land taxes. The edict served as a 'cover letter' for the actual text of the law and tariff attached to it. The addressees of the surviving document and the regulations published in it by Aristius Optatus are, therefore, the inhabitants of Egypt referred to as ἐπαρχιώται. Similarly, in the fourth-century *P. Aktenbuch*, p. 6, l. 24, an Alexandrian magistrate says that he was unable to release a man accused of murder because the [ο]ἱ λυποὶ [ἐ]νόι καὶ ἐπαρχιώται had already heard of the charge. *P. Sakaon* 30 (312–314), l. 9 is a fragmentary circular letter on the publication of Licinius's law on the regulations for recruits (dated after ZUCKERMAN 1998: 94 n. 40). In *P. Panop.* 30, l. 16, the reference is made to the provincial games in Panopolis (?) (YOUTIE, HAGEDORN, & YOUTIE 1973: 146).

³¹ No. 10 is, however, Constantine's letter to the provincials of Palestine which copy must have been sent to all provinces, judging by the note added at the end (Eus., *v.C.*, 2.42) and the Egyptian papyrus.

³² The term ἔθνος is attested in the imperial legislation for 'province' with the indication of the province in question, such as τὸ Πισιδῶν ἔθνος (C. 1.35.3), or as a general term, e.g.

The terms *exactores* and *praepositi* also sound familiar to a student of Roman Egypt. Those were hierarchically related offices responsible for the collection of taxes in their unit created with Diocletian's administrative and taxation reforms (Thomas 1959: 125). The same terminology *exactores* and *praepositi* is, however, attested in the imperial edicts also outside of Egypt,³³ even together.³⁴

Even though the law did not have to be exclusive for Egyptian affairs, it must have been applicable to the province, as suggested by the context in which it was found. Papyri reused for the bindings suggests that they were collected from the rubbish heap in the nearest city, which had an office responsible for making laws known to the people and providing them with justice. The office of the governor of the Thebaid seems a natural guess.

The law must have been given in response to abuses committed by tax collectors, either in Egypt or in the Empire. These events and actions of the erring officials are described with suggestive terms such as ἀρπαγή, πλεονεξία, ὕβρις or ἀναίσχυντος, πολέμιος, κινδύνους, κακία, ἀδικία. The officials against whom the law was directed were *exactores*, probably also *praepositi*, perhaps other officials. Their abuses must have been punishable by law, and the mention of possible sycophancy suggests that the penalties were severe and might have included confiscation of property. Obviously, such offences also required restitution, to which terms such as ἀπαίτησις, ἀπόδοσις, ἐκτὸς τῆς ὀρισμένης ποσότη[τος] may refer.

This law or laws would not be an isolated example. Abuses occurred, people complained³⁵ and the emperors took steps against the excesses

ἐν οἱῳδῇποτε ἔθνει, 'in any province', in the constitution of Theodosius II on seeking refuge in churches and alike (C. 1.12.3.2).

³³ A number of contemporary laws referred to *exactores* (C.Th. 1.12.7; 8.10.1; 11.1.3; 11.7.1; 11.7.9; 11.8.1; 12.6.22), but in more general meaning of the magistrates in charge of the collection of taxes answering directly to the governor (C. 12.60.1).

³⁴ Once in the law of Constantine (C.Th. 13.5.1 to the pretorian prefect) and once in that of Honorius (C.Th. 13.5.17 to the shipmasters of the Orient). The laws exempt shipmasters from public taxes and their ships from all compulsory services and state that various magistrates in charge of taxes should be informed, including *exactores* and *praepositi vectigalium*.

³⁵ For instance *P. Cair. Isid.* 73 (314), a petition to the prefect in which a village complained about financial abuses, such as excessive unauthorised collection of taxes and

committed by fiscal officials. The best example are the laws against the misconduct of *Caesariani*, officials of *res privata*, preserved in Latin and Greek epigraphic copies from Asia, Achaea, Crete, Lycia, Pamphylia, Paphlagonia, and possibly Epirus Vetus (Corcoran 2007; Corcoran 2012). Their themes and rhetoric are strikingly similar to those of *P. Nag Hamm.* 143–144.

**13. P. Vindob. L 75 = *Ch.L.A.* XLIV 1301 = Mitthof 2005:
Leo's *epistula* with the Easter amnesty**

Provenance: Oxyrhychos or Fayum.

Date: 18 March 465 or 466 or 467.

Format: papyrus sheet.

Emperor: Leo.

This Latin document is the best-preserved example of a constitution from the period under discussion. An amnesty for petty crimes³⁶ was issued by the emperors every year on the occasion of the Easter. Similar texts survive in the two Codes, the *Constitutiones Sirmondianae*, and in Cassiodorus.³⁷

The emperor addressed the *praefectus praetorio Orientis*, Pusaecus, to send it over to the *praefectus Augustalis* residing in Alexandria, from where the law was sent to the governors of the regions to be enforced throughout the province (Mitthof 2010: 50). The provenance of Fayum or Oxyrhychos, the informal script and the date written in a second hand (Iovine 2019: 181) suggest that this copy was completed already in Egypt.

*

appropriation of the village's property, committed by a *praepositus pagi* and *kommarchoi*. See PALME 2014.

³⁶ Some other versions enumerated offences, such as *crimen maiestatis*, homicide, or rape, which were not covered by the abolition (MITTHOF 2013: 366).

³⁷ Collected in MITTHOF 2013: 382–389: *C.Th.* 9.38.3, 4, 6, 7, 8 (= *C.* 1.4.3); *Const. Sirm.* 7–8; Cassiod., *Variae* 11.40.

2.2.2. Rescripts

14. *SB XVI 12692 = P. Col. VII 175*
 = *FIRA I*² 96 = *FIRA III*² 101 (TM 14649):

Rescriptum Constantini de quadraginta annorum praescriptione
 (Taubenschlag 1952: no. 38; Purpura 2009: 209 no. 538)

Provenance: Karanis.

Date:³⁸ between 326 and 333 (Taubenschlag 1953: 295).

Format: papyrus.

Emperor: Constantine I.

The papyrus may have belonged to an archive of the brothers Aion and Valerius, consisting of private texts documenting their life and business in Karanis.³⁹ It is a Greek record of the proceedings before the *σύνδικος Ἀρσινοίτου*, acting as *iudex datus* of the prefect. Since the archive does not contain any documents indicating the brothers' professional involvement in the ducal office, the papyrus must have been related to their own legal affairs.

The rescript of Constantine is referred to three times, once when a part of it is quoted. Even though it is referred to with the generic term *ὁ θεῖος καὶ προσκυνητὸς νόμος*, the law mentioned is a rescript addressed to a petitioner in an individual case, councillor Agrippinus, *Ἀγριππίνω βουλ(ευτῇ)* (col. 3, l. 4). The rescript explained that, unlike the regular *longi temporis praescriptio*, after forty years of holding the land, the legal title (and perhaps the original *bona fides*) was no longer required, and the possessor became unapproachable by the earlier owners.⁴⁰

³⁸ In nos. 13–26 the date is given for the law, if possible.

³⁹ TM Arch 250. The archive is a sad example of the early history of our discipline: The papyri, once found together as a result of unauthorised excavations, were divided and sold separately, some of them acquired in 1923 for the Egyptian Museum, and others in 1924 and 1925 by the American collections. *SB XVI 12692* has no definite connection with the archive, but it is a chronological match and its parts are held in Cairo and Columbia.

⁴⁰ KLINCK 2023: 1129–1130. The *longi temporis praescriptio* was developed in the Severan period for provincial lands that could not be acquired by means of regular usucapion. It

As was often the case with contemporary petitions and legal cases, the logic of the argument is not entirely clear to a modern reader. The rescript quoted was originally given to establish that the possessor was secure in his ownership, even though his land had been acquired without a proper legal title. In our case it was cited (three times!) to support the claim that the opponents were the owners of the land, because their father had held it for 45 years. However, the opponents did not even claim that the land had not been acquired by their father, but that someone else's land had been registered in their name in addition to the land they had inherited from their father.

Clearly, when this imperial response was cited rescripts were still regarded as generally-binding,⁴¹ so it was applied in a different case from the one for which it was issued. It addressed the petitioner directly and not the official in charge of the case. Since the document was a copy taken from the *curia*, we cannot know whether the rescript was actually copied and quoted in Greek in the court, or only partly translated/summarised in Greek for this private copy.

15. *P. Lips.* I 35 + 34= *Ch.L.A.* XII 524 (TM 22346)

Provenance: Hermopolis Magna.

Date: 375.

Format: papyrus.

Emperor: Valens.

was a defense given to a possessor against the owner on the grounds that the latter had not claimed it for a very long period of ten or twenty years. The rescript under discussion is not the first time that the protection was used in Egypt, or even attested in imperial rescripts from Egypt, *BGU* I 267 (199) and *P. Strash.* I 22 (217).

⁴¹ RIEDLBERGER 2020: 35. The function of the rescript on the provincial soil in CORIAT 1997. The same rule under the name of *lex Constantiniana* was transmitted under C. 7.39.2. However, it cannot be said with certainty that C. 7.39.2 refers to the rescript attested in *SB XVI* 12692. It might have been an edict or *epistula* on which the rescript was based.

The text cannot be classified as a rescript, but belongs to the procedure by rescript. It consists of two versions of a petition addressed to the emperors Valens, Gratian, and Valentinian, submitted by Fl. Isidoros and belonging to his archive (TM Arch 89), of which *P. Lips.* I 35 was written first and presented to the imperial chancellery, then returned to the petitioner, but with a Latin request for further evidence (repeated in Greek on the verso). It was later annotated by Fl. Isidoros and used to draft a new petition, *P. Lips.* I 34, which shows no signs of official use (Zuckerman 1998: 96–97).

Fl. Isidoros, *officialis*, was in charge of bringing the money collected in the Thebaid for new recruits (*aurum tironicum*) to the imperial court. However, before he arrived at the court, the recruit-tax was reduced by an imperial constitution (no. 22), so he took the surplus money back for the taxpayers. On the way, however, he was robbed. The case went to the governor and Fl. Isidoros had to pay back the lost amount. What he appealed to the emperors about was not the sums he had paid, but his fear of another trial, perhaps a criminal one, which would not have been consumed by the one for the return of money. The petitioner did not want to appeal against the decision, but on the contrary, he asked the emperor for an order to keep the decision already made in force (*res iudicata*) and not to allow a new one to upset it (ll. 20–23):

δέομαι τῆς [ο]ὐρανί[ο]υ ὑμῶν τύχης ἐπινεῦσαι βέβαια καὶ ἀσάλευτα μένε[ι]ν
τὰ ὑπομνήματα, τῶν νόμων οὕτως κελευόντων μὴ δεῖν παρασαλευθῆναι τὰ
ὑπὸ τοῦ ἄρχοντος ἅπαξ ἀποφανθέντα ἐξ ἀντικαθ[ε]σ[τ]ώτων β[ο]ηθ[ο]ῦ[ν]τος
τοῦ ἄρχοντος τῆς χώρας

I beg your heavenly fortune to approve to keep valid and unshaken the decisions, because the laws order that one should not undermine things for which there is already a decision of the governor, by replacing them with others with the assistance of the governor of the region.

The fact that he was asked for further evidence and attempted to draft a new petition could mean that the case had been brought before the Imperial Court, but this seems unlikely as there appears to be no ongoing proceedings, and, he did not contest the previous decision of the governor.

Rather, it seems to be a case in which the emperor asked for the evidence in order to issue a rescript.⁴² Or, the petitioner was told to give more evidence to the local court or the governor.

16. *Ch.L.A.* XVII 657 = *CPL* 243 (TM 69999):

two Latin rescripts on private law

(Taubenschlag 1952: 138 no. 43; Purpura 2009: 210, nos. 545 & 546)

Provenance: Syene or Elephantine.

Date: between 436 and 450.

Format: papyrus.

Emperor: Theodosius II?

These seven fragments noticed already by Theodor Mommsen (Mommsen 1863), spread over three collections, belonged to two original rescripts issued by the imperial chancellery, and addressed to Andreas, *frater amantissimus*, who might have been *comes Thebaidis* under Theodosius II (*PLRE* II: Andreas 2). They represent the use of *litterae caelestes*, the script reserved for the imperial chancellery (*C.Th.* 9.19.3: Valentinian I).⁴³ The first of the rescripts dealt not only with the case itself, but also with the jurisdiction for it. (Perhaps the plaintiff, Isidoros, was normally excluded from general jurisdiction and subject to *comes militum*; *C.Th.* 1.7.4 = *C.* 1.29.2.; Mommsen 1863). The first case concerned the restitution of property from a faultily contracted sale, another the return to slavery of an ungrateful freedwoman. Too much of the text is lost to say how these cases were connected.

The text contains the order to examine the facts before the decision developed by the emperor could be applied: [*si preci illi verita*]*s* *inest* [*et si*

⁴² As in *C.* 2.4.13, Diocletian asked a petitioner to provide evidence that she had contracted under real fear for her life and health (CORCORAN 2000: 244). The praetorian prefect discouraged Emperor Valens himself from hearing people's cases (RIEDLBERGER 2020: 25 n. 8).

⁴³ Yet, it has been demonstrated that the elements of the style could be detected also in documents coming from outside of the imperial chancellery. See the summary of the discussion and examples in MANSERVIGI & MEZZETTI 2017. Here also the study of the hand in *Ch.L.A.* XVII 657.

res ad iurisd]ctionem suam pertineret, ‘if there is truth in that request and the matter pertains to your jurisdiction’ (ll. 11–14). This is exactly how rescripts should work: The imperial chancellery did not examine the facts, but only gave a binding legal interpretation which application depended on the positive scrutiny of the facts presented in the petition. This procedure is attested in papyri until the sixth century, for example in archive of Dioskoros of Aphrodite (Fournet 2024).

17. *P. Leid.* II Z = *SB* XX 14606

= *Ch.L.A.* XLVI 1392 = *W. Chr.* 6 (TM 23768):

adnotatio of Theodosius II

(Taubenschlag 1952: no. 45; Purpura 2009: 209–210, no. 543)

Provenance: Syene or Elephantine.

Date: between 425 and 450.

Format: papyrus.

Emperor: Theodosius II.

This famous fragment consists mainly of the Greek text of the copy of the petition presented to the emperor by Appion, bishop of Syene and Philae, in which he complained of frequent attacks by the Blemmyes and the Nubians in the region and asked to be given command of the troops stationed in the vicinity for the protection of the churches of Syene and Elephantine (Worp & Feissel 1988: 105). The expected rescript seems to be named *νομοθεσία* (l. 11).⁴⁴

The badly mutilated upper Latin lines have been interpreted as *litterae caelestes* with a greeting (i.e. subscription) of Theodosius II.⁴⁵ It is not sure, however, that the emperor’s decision fulfilled the bishop’s request. The *adnotatio* reflected the personal decision of the emperor, unlike the majority

⁴⁴ The imperial *adnotatio* was an extraordinary measure, which meant that, unlike regular rescripts, it could contravene laws (CORCORAN 2000: 57).

⁴⁵ The words *bene valere te cupimus* in line 1a are interpreted as written in his own hand (MARICHAL 1952: 338–339).

of rescripts, which were made by *magister libellorum* (Corcoran 2000: 57). The papyrus may be, therefore, the only survival of a text written in the emperor's own hand.⁴⁶

Nos. 16 and 17 came from the imperial chancellery of the same emperor, Theodosius II, and might have belonged to the same archive, which would be the one of the *dux* of the Thebaid, perhaps the above mentioned Andreas (Worp & Feissel 1988: 97–98 n. 7, 106). Both are very early acquisitions from the antiquities market: no. 16 divided into pieces and spread among three collections was partly acquired together with no. 17 in 1828 for the Rijksmuseum van Oudheden in Leiden (inv. nos. AMS 5 vel 1–3 AMS 53 vel 1).

2.2.3. References

18. SB V 8944 = *P. Strash.* III 154 (TM 32696):
constitution on the liturgies or clergy
(Taubenschlag 1952: no. 30; Purpura 2009: 217, no. 82)

Provenance: Bacchias in Fayum.

Date: after 337.

Format: papyrus.

Emperor: Constantine I or later.

Neither the sender nor the addressee of this Greek letter is known, but it must have been between civil servants, since one was ordering the other to release a certain Paulos, a deacon, from a liturgy, since he had been appointed *apaitetes* of the Annona π[α]ρ[ὰ] τὴν νομοθεσίαν τῶν βασιλέων, 'against the law of the emperors' (ll. 3–4). Although it is not entirely clear from the text, which is missing at the top, why the appointment was against the laws, we can assume that it favoured a man of the church. In that case it must have post-date Constantine. However, the involvement of the clergy in the collection of taxes is attested in other documents (Schmelz 2002: 316–317).

⁴⁶ The signatures of the rulers written with their own hands are extremally rare, one of them is the famous subscription of Cleopatra VII (*P. Bingen* 45); see VAN MINNEN 2000.

**19. CPR V 10 (TM 16032):
constitution on the recruitment of soldiers**

Provenance: Hermopolis Magna.

Date: before or in 339/40.

Format: papyrus.

Emperor: Constantius II.

This Greek letter, like no. 19, belongs to a private bilingual Greco-Latin archive from Hermopolis Magna (TM Arch 28), and was addressed to its owner, Aurelius Asklepiades, *praepositus pagi*. The sender, *strategos-exactor* of the Hermopolite, gave Asklepiades the orders of the governor, ἡγεμῶν (l. 3), to deliver recruits for the navy to Antinoopolis, based on an imperial order, ὡς ἐκ θείου προστάγματος (l. 4), and the letters of the *perfectissimus comes*, γραμμάτων τοῦ κ[υρ]ίου μου διασημοτάτου κόμιτος (l. 5).

The reconstruction of the way which the constitution went through before it was enforced is as follows: the imperial πρόσταγμα came first to the *perfectissimus comes*, ranking higher than the *praeses* of the Thebaid, perhaps *comes Orientis* (Gizewski & Tinnefeld 2006), and only then the *praeses* gave his orders which were sent to the *exactores*, who further instructed the *praepositi* whose duty was to organise the travel of the soldiers.

**20. CPR XVII/1 37 (TM 17731):
constitution on the land tax**

Provenance: Hermopolis Magna.

Date: 340.

Format: papyrus.

Emperor: Constantius II.

This Greek letter belongs to the same archive as no. 19 and is based on a format similar to no. 18: the *strategos-exactor* sent orders from the governor about the land tax based on ὡς ἐκ θείου προστάγμ[ατος καὶ γραμμάτων τῶν] κυρίων μ[ου] τῶν λαμ[προτάτων], ‘as from the order and letters of my

most illustrious lords' (ll. 8–9; Worp 1991: 75). Unlike *CPR* V 10, the *γράμματα* seems to have been issued by *clarissimi*, that is a college of officials. *CPR* XVII/1 36 is another order sent to Aurelius Asklepiades along the same lines, but it does not refer to the imperial law.

21. *P. Lips.* I 33 = *Ch.L.A.* XII 525 = *FIRA* III 175
= *Jur. Pap.* 88 = *M. Chr.* 55 (only col. II) (TM 22344):
constitution on the *hereditatis petitio partiaria*
(Taubenschlag 1952: no. 39; Purpura 2009: 217, no. 92)

Provenance: Hermopolis Magna.

Date: 368.

Format: papyrus.

Emperor: uncertain.

Like *P. Lips.* I 34 + 35, the papyrus belongs to the archive of Fl. Isidoros and was written in Antinoopolis (TM Arch 89). It is the record the *litis denunciatio ex auctoritate* held in the case in front of the *praeses* of the Thebaid. The case concerned testamentary succession: A father left a will in which three daughters, Sarapiaine, Heliodora, and Theonina, were appointed heirs; two others, Dionysia and Nemesilla, were disinherited from their father's will because their share had been paid as a dowry before his death. Although disinherited, Dionysia and Nemesilla took possession of the paternal inheritance and both died sometime later.

The document records that one of the heirs, Sarapiaine, settled with the successors of one of the illegal possessors, Dionysia, and made a claim against the children of another, Nemesilla. As Sarapiaine considered Nemesilla's heirs to be unlawful possessors, she brought the *hereditatis petitio partiaria* against them. The document states (ll. 14–15):

διόπερ παραγγέλλω ὑμῖν περ[ὶ] τῶν ὑποτε[τ]αγμένων πραγμάτων τὸ τρίτον
ἐκδικῶν μέρος ἐξ [ἀδισ]κε[τ]ου π[ρ]ὸς τὸ ὑ[μ]ᾶς εἰς τὸ οἰκεῖον ἀποκρί-
νασθαι (l. ἀποκρίνασθαι) μέρος κατὰ τὴν θε[σίαν] διάτ[αξιν]

So I am making a statement to you about the following facts, claiming the third part of (the property held) *ab indiviso*, so that you may be responsible for your proper part according to the imperial constitution.

Ludwig Mitteis interpreted *θεῖα διάταξις* as an imperial rescript: the emperor would have explained the operation of the possessors' liability to the legal heir in this case or similar,⁴⁷ which interpretation was kept by Taubenschlag and Purpura. Obviously, it could not be a rescript given in this case, since the text does not show any trace of the imperial chancellery's involvement in the case *Sarapiaine vs. Nemesilla's successors*. The party might have referred to an earlier rescript, maybe even cited from the *Gregorian* or *Hermogenian Codes*, since in the 360s rescripts apparently were still considered citable in trial contexts (see above). However, this is by no means certain, especially as no details of this texts are given. The term *διάταξις* is vague and could apply to any kind of constitution, the claimant could also be referring to a general law that gave the lawful heir a claim against unlawful possessors.

**22. *P. Lips.* 1 35+ 34= *Ch.L.A.* XII 524 (TM 22346):
constitution on the provisions for recruits
(Taubenschlag 1952: no. 26; Purpura 2009: 217, no. 92)**

Provenance: Hermopolis Magna.

Date: 373.

Format: papyrus.

Emperor: Valens.

Lines 8–10 mention a law reducing monetary equivalent for recruits:

⁴⁷ MITTEIS 1907: 391–393. The possessors of the undivided *bona* to which they had no legal title would have been liable only to the part they held: each of the two one third in the share of each of the legal heirs. The third share would have been of the legitimate heir. The problem was discussed by the jurists of the Severan age, Ulpian (D. 5.4.1.3 and 4) and Paulus (D. 6.1.8).

ὁ δὲ τῆς θείας ὑμῶν καὶ φιλανθρώπου νο[μ]οθ[ε]σ[ί]ας τ[η]ς τὴν[ι] καὶ τα
καταπεμφθείσης (l. καταπεμφθείσης) ἐσθόμενος (l. αἰσθόμενος) περὶ τοῦ δέιν
δ[ε]κα μόνους χρυσίνους παρασχέιν τοῖ[s] νεολ[ε]κ[τ]οῖς

but he, having learned about Your recent imperial and humane legislation,
which was then sent, understanding the need of paying only 10 solidi to
the new recruits.

The law must have been given between February, when the petitioner collected the money for the recruits, and May 373, when he handed it over at the imperial *comitatus* in Hierapolis (see no. 14; Zuckerman 1998: 88). The νομοθεσία must be a reference to a general law.⁴⁸

23. *P. Hoogendijk* 37 = *SPP XX* 143 (TM 18751)

ⲙ *P. Hoogendijk* 38 = *SB VI* 9598 (TM 19107):

constitution on the *ius privatum salvo canone*

(Taubenschlag 1952: no. 31; Purpura 2009: 217 no. 94)

Provenance: Hermopolis Magna.

Date: 415 or earlier.

Format: papyrus.

Emperor: Valens ⲙ Valentinian I or Theodosius II.

These two Greek documents in the Reiner collection have recently been re-edited, interpreted, and commented on in detail by Andrea Jördens. Both record the sale of land(s) formerly belonging to the pagan cult but now abandoned and taken over by the fisc.⁴⁹ *P. Hoogendijk* 37 is a receipt issued to the seller, while 38 may be related to the registration of the same sale. Both documents were written around 427–435, but mention an earlier θεῖος νόμος, according to which the *ius privatum salvo canone* to the land

⁴⁸ This law belonged to the reforms on recruitment undertaken by Valens; see ZUCKERMAN 1998; LENSKI 2002: 313–316.

⁴⁹ Although probable, it is not certain whether both documents refer to the same land; see JÖRDENS 2021: 178.

was transferred, τὸν θεῖον νόμον ἰδιωτικῶ δικαίῳ σφωζομένου τοῦ κανόνος (P. Hoogendijk 37, ll. 4–5 & 38, l. 4).⁵⁰ It was a right on the *fundi patrimoniales*, between the ownership and *ius perpetuum*, which allowed the holder to alienate the object, but required the annual rent to be paid independently from the price (His 1896: 94–97). The right was created under Valentinian I and first mentioned in C.Th. 5.13.4 and C. 11.62.4. C.Th. 5.13.4.1 states that the land was transferred upon request, including an offer of the amount to be paid. Both laws mention the requirement of the annual rent.

24. PSI VI 684 (TM 31092):

epistula on the nomination of the *exactores* by city councils
(Taubenschlag 1952: no. 44; Purpura 2009: 218 no. 95)

Provenance: Hermopolis Magna.

Date: 450.

Format: papyrus.

Emperor: Theodosius II.

In this complaint about an illegal appointment of an exactor, the petitioner(s)⁵¹ referred to the imperial law and two edicts, τὰ μεγαλοφυῆ ἥδικτα. The constitution is cited in ll. 1–2: θε[ι]αν διάταξιν (...) τὴν διαγορε[ύουσιν] τοὺς ἐξάκτορας ἐξ ὁ[νο]μασίας τῆς βουλευτῆς δεῖν κ[α(?)]ταστ[αθῆναι(?)]. (BL III 224: κ[α]ταστ[αθῆναι] prev. ed.), ‘the imperial constitution speaking that the *exactores* should be appointed of the nomination of the council’. The same law is attested also in C.Th. 12.6.20.

The complaint mentioned δύο με[γα]λοφυῆ ἥδικτα (l. 3), but they are not imperial: the edicts are described as μεγαλοφυές, while the διάταξις is θεῖα. One allowed the appointment of an urban office, βουλευτικὸν

⁵⁰ In the earlier literature, it was suggested that it might have referred to C.Th. 16.10.20; see JÖRDENS 2021: 179.

⁵¹ The petition might have been issued by the councillors, who were dissatisfied with the appointment of a certain Taurinos, or by his representatives. See the summary of the discussion in MARGETIC 1985.

φρόντισμ[α], only with the council's nomination (ll. 3–5). The other (ll. 5–7) was originally interpreted as a reference to the tax solidarity of *decuriones*, but more recently to the rotational appointment to the offices according to their individual wealth (Margetic 1985: 91), they might have been issued by the governor or *praefectus praetorio* or the council itself (Schmidt-Hofner & Wiemer 2022: 359).

25. *FIRA III*² 52 = *SPP I*, pp. 6–7 (TM 35316):

epistula on making the wills

(Taubenschlag 1952: no. 46; Purpura 2009: 218 no. 98)

Provenance: Antinoopolis.

Date: 460.

Format: papyrus.

Emperor: Theodosius II.

A *kyria* clause in a will of Aurelius Kollouthos from Antinoopolis (ll. 29–31) refers to the law of Theodosius providing requirements for making wills (*Nov. Theod.* 16.2 = C. 6.23.21):

κυρίαν δὲ οὖσαν καὶ βεβαίαν αὐτὴν ἐθέμην ἐφ' ὑπογραφῆς ἐμῆς καὶ τῶν
αὐτῶν ἑπτὰ νομίνων μαρτύρων ὁμοῦ ὅ' συνηγμένων καὶ σφραγιζόντων κατὰ
τὴν θείαν διάταξιν

And I have made this (will) being valid and binding with the subscription of mine and these seven legal witnesses who gathered together and put their seals according to the imperial constitution.

This clause became a part of the testamentary model in late antiquity and is attested in later wills.⁵²

⁵² *P. Cair. Masp.* III 67324, ll. 12–13 and *P. Vat. Aphrod.* 7, ll. 15–18 (κατὰ τοὺς νόμους instead of κατὰ τὴν θείαν διάταξιν); *P. Cair. Masp.* III 67312, l. 20 and *P. Cair. Masp.* II 67151, l. 49, copy *P. Cair. Masp.* II 67152 (κατὰ τὴν τῶν νόμων δύναμιν).

**26. P. Ryl. IV 609 = CPL 274 = Ch.L.A. IV 246 (TM 17309):
constitution of the recruitment of soldiers
(Taubenschlag 1952: no. 47; Purpura 2009: 218 no. 99)**

Provenance: Hermopolis Magna.

Date: 505.

Format: papyrus.

Emperor: Anastasius.

This Latin letter is an order by a *comes Thebaici limitis* given to a tribune to enrol a certain young man to the Roman army.⁵³ The basis for the recruitment is the law of Anastasius. Lines 3–4 read:

*sacra iussione domini nostri Anastasii piissimi ac triumphatoris (l. triumphatoris)
semper Augusti [e qua n]umeris supplementi causa i[u]niores robustis corporibus
adsociarentur*

according to the order of our most pious lord Anastasius, the victor and eternal Augustus, by which (order) young men of strong bodies are to be enrolled for the sake of supplementing the number (of recruits).

**27. P. Vindob. G 31576 = Mitthof & Papathomas 2008: 120–121:
*sanctio pragmatica***

Provenance: Hermopolites.

Date: 5th/6th cent.

Format: papyrus.

Emperor: unknown.

This Greek letter was sent by an *agens in rebus* to his father. In the first part of the letter, the sender mentioned that an *exsecutor scholae agentum*

⁵³ This late use of Latin in a letter could be explained by the military context in which it was written (IOVINE 2019: 188).

in rebus arrived in Alexandria and deposited a *πραγματικός* (instead of *πραγματικόν*: Mitthof & Papathomas 2008: 127), that is the *sanctio pragmatica*, with the *comes Augustalis*. The *sanctio pragmatica* had an effect on the sender's fate (*φανερὰν δύναμιν ἔχοντα περὶ τῆς ἐμῆς τύχης*) and forced his subsequent appearance in Alexandria (*ἔτι μὴν καὶ παράστασί μου εἰς Ἀλεξάνδρειαν*).

The pragmatic sanction, which term replaced the earlier *rescriptum* (Riedlberger 2020: 29), must have been given in a response to a petition submitted by an individual. The papyrus does not explain how the *sanctio* affected the *τύχη* of the letter's author, but the editors suggested that it might have concerned his *lex fori* waving his privileged position and forcing him to the governor's court in Alexandria in a law suit in which he was involved as a private individual. The dispute had to do with the succession after an uncle of a wife of a philosopher Helladios (Mitthof & Papathomas 2008: 119–120).

2.2.4. Excluded documents

Some of the papyri that Taubenschlag and Purpura included in their lists of constitutions were excluded from the one presented here. This happened when there was no direct reference to a law, but the text simply said *κατὰ (τοὺς) νόμους*, the term for constitution was reconstructed in full or not given at all, or a more precise dating before Constantine was available. Even if we can assume that the content of an imperial law was known to an author of the document, but the source is not at least vaguely mentioned, we cannot be sure where it came from and whether the document refers directly to a constitution. These are *PSI V 452* (Taubenschlag 1952: 138),⁵⁴ *P. Lips. I 41 = M. Chr. 300* (Taubenschlag 1952: no. 27),⁵⁵

⁵⁴ PURPURA 2009: 217 no. 79 included it only with the question mark. The crucial [*διατάξεων*] in l. 15 is a conjecture.

⁵⁵ [*κατὰ τ*]οὺς νόμους in l. 14, referring to the divorce with the permission of the *curator*, which is not Roman law; see Jakub Urbanik's commentary to this document in KEENAN, MANNING, & YIFTACH-FIRANKO 2014: 173–175 (no. 4.2.6).

PSI VI 685 (Taubenschlag 1952: no. 40; Purpura 2009: 217 no. 94),⁵⁶ and *P. Oxy.* I 67 = *P. Lond.* III 754 descr. = *M. Chr.* 56 = *FIRA* III 173.⁵⁷

3. CONCLUSION

This critical collection of imperial laws could be seen to represent a picture that is much more than the sum of its parts. The newly discovered fragments of the *Theodosian Code* (nos. 2–5), meticulously collected and prepared for publication by Serena Ammirati, offer invaluable insights into the content and scope of the *Code*'s authentic books. Their discovery not only corroborates the presence and application of the *Code* in the province of Egypt, but also suggests the consistency and regularity with which it was employed. Otherwise, it would be challenging to account for the presence of these fragments in locations such as Fayum or the Oxyrhynchite nome. This conclusion is corroborated by nos. 6–7, which show that the *Code* also generated sufficient interest to produce commentaries or summaries. Moreover, nos. 8 and 9 demonstrate that the *Theodosian Code* was not the only corpus of imperial legislation circulating in this provincial context. The variety of corpora should not be unexpected in view of the considerable legislative output of the emperors. After all, the primary objective of the *Theodosian Code*, along with its predecessors, the *Gregorian* and *Hermogenian Codes*, was to impose order upon the prevailing chaos.

Only a small proportion of constitutions survived beyond antiquity, some due to the favourable conditions of the Egyptian climate. It is evident that the number of papyri that either transmit or mention the constitutions is relatively small in absolute terms, yet in relative terms, they constitute a significant group, as reading and copying laws was less common than reading Homer or drafting land leases. The interpretation of

⁵⁶ The dating is too early, 314–317 at the latest (or even 309–313); see VANDERSLEYEN 1962: 102–103; DAVENPORT 2015: 277.

⁵⁷ There is no mention of any law, but a general reference to the *κατὰ νόμους* (ll. 10–11). It is in the answer of the prefect to the petition of the party in which he instructed that the proper *litis denuntiatio* should be made. See ALONSO 2017: 281.

this group of sources in their individual contexts, such as the archives and scribal traditions to which they belonged, enables a more comprehensive understanding of the dissemination of laws among the subjects of Roman emperors: the papyri demonstrate that legal communication between Constantinople and the Egyptian capitals of Alexandria and Antinoopolis was maintained on a regular basis and that the laws issued by emperors were effectively disseminated to urban and rural populations.

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A new edition of the Byzantine papyrus letter SB XXVI 16519 1

Abstract: This is a revised edition of the Byzantine papyrus letter SB XXVI 16519 (P. Berol. 25706), which addresses matters pertaining to taxation and a riot that occurred within the context of circus races. The new readings allow for the identification of a cohort of magicians as the cause of the unrest, whom the crowd probably believed to have employed magical incantations with the intention of influencing the outcome of the race.

Keywords: papyrus, letter, Egypt, late antiquity, taxation, magic, law.

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The power of words: Insights from two Greek magical ostraca

from the citadel of Dongola 19

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Keywords: medieval Nubia, ostraca, amulet, magic.

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Abstract: Édition d'un papyrus de la Bibliothèque royale de Copenhague (P. Copenhagen Royal Library Udst. 32), remarquablement conservé, livrant un *epistalma* (demande de transfert d'imposition à la suite d'une mutation foncière) appartenant au dossier de Flavius Magistôr (Hermopolis, 622). Il présente l'intérêt d'être le dernier *epistalma* connu et, à ce titre, d'éclairer l'évolution formelle et diplomatique qu'a subi ce genre, dont plus de 30 exemples ont survécu. Une liste des *epistalmata* papyrologiques, avec leurs principales caractéristiques diplomatiques et formulaires, est donnée en annexe.

Keywords: *epistalma*, Flavius Magistôr, Hermopolis, monastère de la Méta-noia, fiscalité.

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Keywords: *homologia*, consensus, legal documents, contracts, papyri, Graeco-Roman Egypt, ancient Greek law.

Lorenzo LIVORSI

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Keywords: Gratian, *expositi*, Church and society, *Theodosian Code*, *Collectio Quyesnelliana*.

Gabriella MESSERI

SB XII 10892, riedizione 139

Abstract: The present article provides a new edition of *SB XII 10892*, a register of the land administration, plausibly from Karanis and presumably dated to 188/9 CE. It contains the description of cadastral parcels numbered in succession, including land 'once belonging to the Jews' and land 'once belonging to the Hellenes', which, having become the property of the State following confiscation, are gradually assigned on a five-year lease to δημόσιοι γεωργοί and to farmers' collectives. The papyrus was edited for the first time by Anna Świderek in 1971, but a series of abbreviations recurring in the record of each parcel remained unresolved, affecting the understanding of the purpose of the register. The administrative registers published in large numbers in the last fifty years allow us to satisfactorily resolve all the abbreviations that remained unclear, gaining full understanding of the contents of the register. The reading of other doubtful or incorrectly deciphered points has also been improved, prompting a re-edition of the entire text. The register is written on the recto, while the back was later used for a wine account which will be published separately in another contribution.

Keywords: Roman Egypt, land administration, Jews, Hellenes, numbered *sphragides*, abbreviation system.

Maria NOWAK

Circulation of imperial legislation in Egypt between 324 and 525:

Catalogue and commentary 177

Abstract: This article offers a list and commentary to imperial laws preserved on papyrus between Constantine the Great and Justinian. The aim of the presented work was to collect both constitutions and secondary witnesses, that is mentions of law, if they could be indeed identified as a piece of legislation. The work is divided into sections grouping the material according to its genre and type. The initial section of the catalogue contains fragments that have been categorised as legal literature, encompassing excerpts from the Theodosian Code, literature pertaining to the Codex Theodosianus, and other compilations of imperial legislation. The second section consists of the documentary papyri, which are divided into three parts: generally binding laws, rescripts, and references.

The collation of a compendium of papyrological witnesses of imperial laws permitted the drawing of some general conclusions regarding the scope of the use of these constitutions in Egypt. One of these is dedicated to the circulation of the Theodosian Code. The recent publication of new fragments

of the Theodosian Code, coupled with analysis of their provenance, has allowed a more optimistic assessment of the Code circulation than was previously proposed.

A further conclusion is reached regarding the process of communicating general laws and obtaining imperial rescripts in the province. The papyrological evidence provides a comprehensive reconstruction of the chain of communication, extending from the emperor to the praetorian prefect, governor, strategos, and lower officials otherwise known thanks to the C.Th. and the Code of Justinian. The rescripts, when collected, reflect the changes undergone between the Tetrarchy and Justinian's reign, demonstrating that there were no discrepancies between the theory and practice of their application. The interpretation of these sources in their respective contexts, such as the archives and scribal traditions to which they belonged, facilitates a more comprehensive understanding of the dissemination of laws among the subjects of Roman emperors.

Keywords: Imperial law, constitutions, late antiquity, Egypt, *Theodosian Code*, papyrology.

Paul SCHUBERT

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Abstract: This article is focused on the shift from the so-called 'Roman' to the 'Byzantine' period in the perspective of papyrologists: is there a clear sign of a change in the way scribes prepare their documents between the late third and early fourth century? This view is challenged on the basis of a survey of a specific category of documents, namely contracts (Greek deeds of private law). From a typological perspective, there are gradual changes from the third till the early sixth century, but the real change seems to take place in the fifth century, shortly before Justinian's lawyers formalise what could be observed among Greek papyri from Egypt in the preceding centuries..

Keywords: periodisation, Roman Egypt, Byzantine Egypt, typology, Justinian, contract.