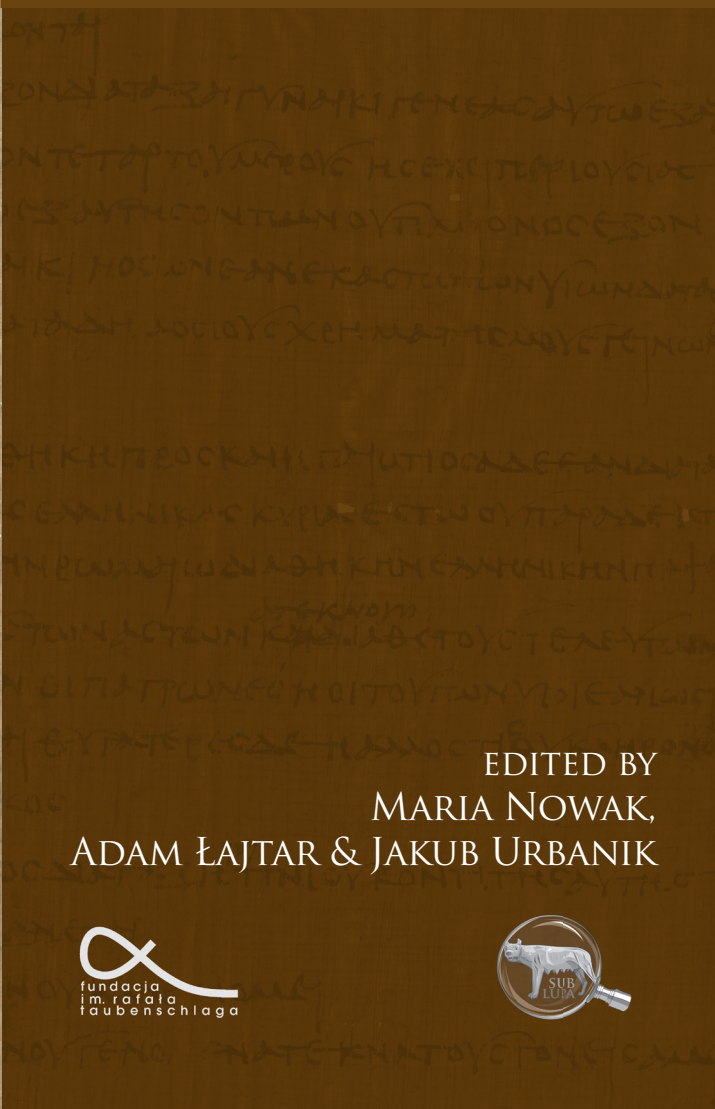
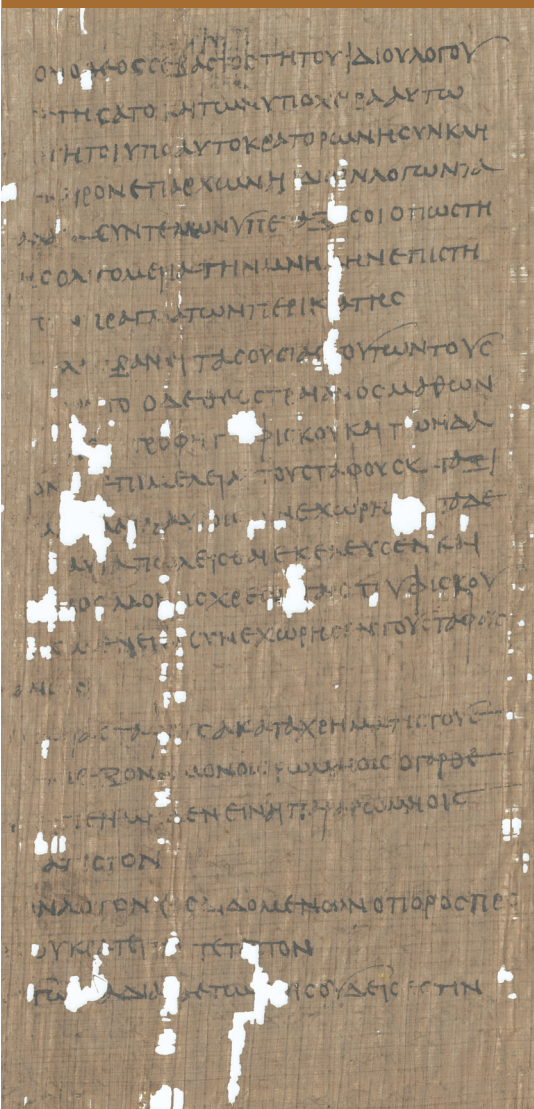


TELL ME WHO YOU ARE: LABELLING STATUS IN THE GRAECO-ROMAN WORLD

16 (2017)

U SCHYŁKU
STAROŻYTNOŚCI
STUDIA ŹRÓDŁOZNAWCZE



EDITED BY
MARIA NOWAK,
ADAM ŁAJTAR & JAKUB URBANIK


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‘And there, unworthy as I was, I wrote the names of my parents’:

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GET YOUR FREE CORN: THE FATHERLESS IN THE CORN-DOLE
ARCHIVE FROM OXYRHYNCHOS*

The current interest in identities and forms of identification in the ancient world (exemplified by this volume among others) has brought renewed impetus to the question of how we should interpret the various expressions in the papyri used to denote individuals who lacked fathers.¹ Although having no acknowledged father was largely free of the moral opprobrium which it provoked during much of European history, the fundamental importance of paternity in defining personal identity posed serious practical problems.²

The spread of terms used to denote the fatherless – specifically ἀπάτωρ and χρηματίζων μητρός – can be dated to the last two decades of the first

* This article is a result of the research project no. 2015/17/D/HS3/00376 funded by National Science Centre in Poland. I would like to thank Jane Rowlandson (King's College London) for her valuable remarks on a draft of the present article and to Jesse Simon for correcting my English.

¹ Main literature of the subject: A. CALDERINI, 'ΑΠΑΤΟΡΕΣ', *Aegyptus* 33 (1953), pp. 358–369; H. YOUTIE, 'ΑΠΑΤΟΡΕΣ. Law vs. custom in Roman Egypt', [in:] J. BINGEN, G. CAMBIER, G. NACHTERGAEL (eds.), *Le monde grec : pensée, littérature, histoire, documents. Hommages à Claire Préaux*, Brussels 1975, pp. 723–740 ; M. MALOUTA, 'The terminology of fatherlessness in Roman Egypt: ἀπάτωρ and χρηματίζων μητρός', *Pap.Congr.* XXIV, vol. 2, Helsinki 2007, pp. 615–624; EADEM, 'Fatherlessness and formal identification in Roman Egypt', [in:] S. R. HUEBNER, D. M. RATZAN (eds.), *Growing up Fatherless in Antiquity*, Cambridge 2009, pp. 120–138; R. BAGNALL, 'Illegitimacy in Roman and late antique Egypt', *Pap.Congr.* XXVII, Warsaw 2016, pp. 5–17.

² See M. DEPAUW & Y. BROUX, 'Identification in Graeco-Roman Egypt: The modalities of expressing filiation', in this volume, pp. 35–56.

century,³ although the earliest attestation of the term ἀπάτωρ is dated to AD 11.⁴ As Uri Yiftach has observed, ἀπάτωρ or χρηματίζων μητρός might have emerged as a response to changes in the identification cluster in κατ' ἄνδρα reports (the lists of individuals) during the Roman period: the Hellenistic label, based on patronym and the 'population unit' to which a person belonged, was replaced by a purely genealogical formula. This change would have led to an increased need to include (or substitute) each element of an individual's descent.⁵

The terms ἀπάτωρ and χρηματίζων μητρός served as a substitute for the patronym. They appeared instead of the paternal name, where the patronym was not available, that is in the case of fatherless persons the identification cluster was a 'person – ἀπάτωρ (– mother)': thus, Διονύσιος ἀπάτωρ (μητρός Διονυσίας). The regular identification with patronym was 'person – father (– grandfather – mother)', Διονύσιος Διονυσίου (τοῦ Διονυσίου μητρός Διονυσίας). It is probable that these terms were used to denote people who had no father in both the legal and social sense. The online database www.romanbastards.wpia.uw.edu.pl, which contains the vast majority of individuals described as either ἀπάτωρ or χρηματίζων μητρός along with many others recognised as having been born out of wedlock, does not contain instances of individuals who both had fathers and were described in these terms, with the exception of the dubious case of *P. Lond.* II 324, p. 63 = *W. Chr.* 208.⁶ The use of ἀπάτωρ or χρηματίζων μητρός increased in the

³ Six texts come from the 80's and 90's of the first century, ἀπάτωρ – *P. Soterichos* 7, l. 7 (AD 91); *O. Eleph. DAIK* 72 (AD 81–96); *P. L. Bat.* XXV 28, ll. 9, 15, 16 & 18 (AD 75–100); χρηματίζων μητρός – *P. Oxy.* II 345 descr. = *ZPE* 170 (2009), pp. 160–161, no. 1, ll. 14–16 (AD 88); *P. Oxy.* I 104, ll. 10–11 (AD 96); *P. Oxy.* II 379 descr. = *Scritti Zablocka*, pp. 135–143, l. 7 (AD 87–95).

⁴ *P. Lond.* II 256 recto d, pp. 97–98, l. 18: Kynopolis in the Arsinoite nome. M. MALOUTA, 'Fatherlessness' (cit. n. 1), p. 133.

⁵ U. YIFTACH, 'Apatōr metros: The rise of a formula in bureaucratic perspective. Response to Maria Nowak', [in:] D. LAO and G. THÜR (eds.), *Symposion 2015. Vorträge zur griechischen und hellenistischen Rechtsgeschichte (Coimbra 1–4 Setembro 2015)*, Vienna 2016, pp. 115–120.

⁶ Yet, see the explanation in: M. NOWAK, 'The Fatherless and Family Structure in Roman Egypt', [in:] *Symposion 2015* (cit. n. 5), pp. 108–112.

second century and the terms began to disappear in the second half of the third century.⁷

The original question of why the terms ἀπάτωρ and χρηματίζων μητρός were abandoned in the late third century, which I approached in my paper presented at the seminar ‘Tell Me Who You Are: Labeling People in the Graeco-Roman World’, proved too extensive for an article within a collective volume; it has instead been developed into a chapter of a forthcoming monograph. Here, I have chosen to focus on the corn dole archive of Oxyrhynchos, which provides us with the last precisely dated attestations of χρηματίζων μητρός.⁸ The fatherless are attested there at least four times, either with false filiation or with a metronym: *P. Oxy.* XL 2904, ll. 4–5; 2936, ll. 8 & 23; 2913,⁹ col. II. One further case is uncertain: *P. Oxy.* XL 2912. The archive, therefore, seems a valuable piece of evidence for understanding the position of the fatherless in the corn dole distribution system, and their legal standing in Roman Egypt. The fact that the fatherless were entitled to the *siteresio* only

⁷ On chronology MALOUTA, ‘Fatherlessness’ (cit. n. 1), pp. 133–134, or the database www.romanbastards.wpia.uw.edu.pl, where the user could generate graphs illustrating the chronologic dispersion of the terms.

⁸ Among the latest attestations of χρηματίζων μητρός only *P. Harr.* I 69 has a precise date contemporary to the texts discussed in this article. It had been initially dated to third-fourth century, but was re-dated to AD 269/270 by D. HAGEDORN, (‘Οξυρύγχων πόλις und ἡ Ὀξυρυχιτῶν πόλις’, *ZPE* 12 [1973], pp. 277–292, at p. 283) and it belongs to more or less the same scribal milieu as the corn dole archive. The date of *P. Oxy. Hels.* 43 is imprecise, it is the last quarter of the third century; while *PSIV* 456 is dated to AD 279–282, but χρη(ματίζοντος) μη(τρὸς) in l. 7 is reconstructed: this reconstruction is possible, yet not certain, as the patronym could have been short and μητρός abbreviated with a single mu, or, if we are indeed dealing with a fatherless man, the lacuna could be also reconstructed with μητρός written in full.

⁹ Malouta has not recognised these three cases: ‘This selection [*P. Oxy.* XL 2913, col. II – MN] contains the only certain example of a fatherless individual who thought himself eligible to receive the dole (there is only one other possibly fatherless applicant: *P. Oxy.* XL 2912, 4)’. M. MALOUTA, no. 4.4.4, [in:] J. G. KEENAN, J. G. MANNING & U. YIFTACH (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. Even if there could be doubts about *P. Oxy.* XL 2904, where the applicant is described with the sole metronym, ll. 4–5: παρὰ Αὐρηλίου Ἀπολλωνίου καὶ ὡς χρημ(ατίζω) | μητρός Ταμίτιος, yet, not with the expression χρηματίζων μητρός, *P. Oxy.* XL 2936, ll. 8 & 23 being a list of people receiving the *doron* in the group of *rhemboi* seems rather secure.

in certain groups of recipients also allows us to reconsider the organization of the *frumentum publicum*.

The corn dole archive from Oxyrhynchus was published by John Rea as the 40th volume of *The Oxyrhynchus Papyri*. It consists of 46 certain texts (plus two uncertain and one related) being individual applications for a corn dole, corrections, etc., different types of registers, and official correspondence related to the *frumentum publicum* in the city of Oxyrhynchus during the reign of Claudius II and Aurelian (AD 268–271).¹⁰ From the documents belonging to the archive, we know that the recipients of the *siteresion* in Oxyrhynchus (and elsewhere in Roman Egypt?: see *infra*) were divided into three groups – the ἐπικριθέντες, ῥεμβοί, and ὁμόλογοι – at least in the late third century.

In the scholarly literature, it is accepted that the first and most numerous group (the ἐπικριθέντες) consisted of a maximum of 3,000 male adult citizens of the city of Oxyrhynchus (as well as Alexandrians and Romans, presumably *domo Roma* individuals, or Romans from before AD 212) who underwent an *epikrisis* and were appointed by lot when a place within this group fell vacant by death, exactly as in Rome. Those who were successful in the lottery had to make an application to the proper officials. The personal labels found in the applications to this group vary,¹¹ but the vast majority of them contain a complete identification of the applicant – name, patronym, papponym, and metronym – as well as his *amphodon* and information on his *epikrisis*.¹² Admission to the group did not depend on need or service to the city, but on membership and lot.¹³ The fatherless are either absent or unattested within this group.

¹⁰ On the archive and text belonging thereto, see the article of K. GEENS, 'Archive of the corn dole of Oxyrhynchus' accessible through *Trismegistos Archives*, TM Arch id 47: <https://www.trismegistos.org/archive/57>.

¹¹ E. TURNER, 'Oxyrhynchus and Rome', *Harvard Studies in Classical Philology* 79 (1975), pp. 1–24, at pp. 16–17.

¹² *P. Oxy.* XL 2892, coll. I & II; 2893, coll. I & II; 2894, coll. II & III; 2895, coll. I & II; 2896; 2897; 2898, col. II; 2902; 2903 (?); 2908, col. II; 2913, col. III; 2916.

¹³ *P. Oxy.* XL, p. 3. N. LEWIS, 'The recipients of the Oxyrhynchus *siteresion*', *CdE* 49 (1974), pp. 158–162, at p. 160.

Eligibility for the *siteresion* in the group of maximum 900 ῥεμβοί presumably depended on the liturgy:¹⁴ those who performed a public service¹⁵ were entitled to the corn dole without taking part in any lottery.¹⁶ Although some applicants in this group also provided information regarding their scrutiny (*P. Oxy.* XL 2899; 2900; 2908, col. III; 2918), Rea claimed correctly that this was not obligatory for obtaining a place on the *rhemboi* list.¹⁷ A person entitled to, but not allotted, the dole among the *epikrithentes* could apply for corn as one of the *rhemboi* after having performed a liturgy.¹⁸ The description of applicants is not always as detailed as in the case of ἐπικριθέντες (*P. Oxy.* XL 2905; 2906; 2908, col. III: no papponym; 2911: no metronym and papponym).

¹⁴ J.-M. CARRIÉ ('Les distributions alimentaires dans les cités de l'empire romain tardif', *Mélanges de l'école française de Rome* 87.2 [1975], pp. 995–1101, at p. 1015) was of the opinion that the number 900 was too high to include only the liturgists rotating every year.

¹⁵ Although with exceptions: one case is *P. Oxy.* XL 2908, col. III. Aurelius Sarapiades petitioned for the *siteresion* on behalf of his τροφιμὸς ἀδελφός Aurelius Aphynchis, which was granted to him (ll. 36–37). The reason for enrolling Aurelius Aphynchis to the ῥεμβοί category was either that he was μωρός, 'of weak mind', or [Ῥω]μαῖος, a Roman *domo Roma* (?) (l. 12). Rea argued that the former reading is more likely as it is supported by the palaeography and the fact that he was represented by his foster brother, presumably acting as his representative (Rea uses the term 'curator' but this, in my opinion, overstates the influence of Roman legal institutions). (Commentary to *P. Oxy.* XL 2908, col. III, l. 12). Moreover, as Roman *domo Roma*, yet not a liturgist, he would have been eligible to the group of ἐπικριθέντες according to the rules governing this group (e.g. *P. Oxy.* XL 2927, ll. 1–4).

Alston suggested that he might have been registered as one of the ῥεμβοί, 'because he was not properly registered as a citizen, possibly because he was "of weak mind"'. (R. ALSTON, *The City in Roman and Byzantine Egypt*, London – New York 2002, p. 276.) Indeed, the text says that he was ἀναγραφόμενος (l. 10): he might have belonged to the class entitled to the grain by birth, but either his age or 'weakness of mind' would have prevented his *epikrasis*. If this reasoning is correct, we could come to the conclusion that enrolling Aurelius Aphynchis to the group of *rhemboi* would have been a kind of alimony: in this group he did not have to wait for the vacancy and lottery, and would thus have been in a privileged position compared with other *epikrithentes*. He may therefore have been included among the *rhemboi* instead of *epikrithentes* not because he was not entitled to be registered in the latter group, but rather as a means of supporting him.

¹⁶ *P. Oxy.* XL, pp. 3–4.

P. Oxy. XL 2899; 2900; 2901; 2904; 2905; 2906 coll. I & II; 2907, col. II; 2908, col. III; 2909; 2910, col. II; 2911; 2914, col. I; 2915; 2917; 2918; 2922; *P. Strash.* VII 616; VI 536 = *SB XII* 11263.

¹⁷ *P. Oxy.* XL, pp. 3–4.

¹⁸ LEWIS, 'The recipients' (cit. n. 13), pp. 161–162.

Since service to the city, rather than descent, would have justified an inscription to this category, the full genealogic label, as Rea observed, was not necessary. Three fatherless persons are listed among the *rhemboi* in *P. Oxy.* XL (2904, ll. 4–5; 2936, ll. 8 & 23).

The last of the groups consisted of a maximum of 100 ὁμόλογοι, whom Rea recognised as having been admitted not by status, but by concession.¹⁹ He suggested that this group would have consisted of people who could not belong to the *epikrithentes* on account of being the illegitimate children of metropolite mothers.²⁰ Lewis interpreted them as payers of full *laographia*, which neither opposes Rea's theory nor brings much to our understanding of this group, as he did not attempt to explain the criteria of accession to the *homologoi*.²¹ This group is especially difficult to interpret, as only two applications have survived, *P. Oxy.* XL 2912 and 2913, col. II.

Rea's interpretation of the *homologoi* as extramarital sons of female *metropolitai* is supported by a circular argument based on the two surviving applications: one was submitted by χρηματίζων μητρός (*P. Oxy.* XL 2913, col. 2), and the other was probably a similar case (*P. Oxy.* XL 2912). The editor suggested that a lacuna in *P. Oxy.* XL 2912, ll. 4–5: παρὰ Ἀύρηλίου [- c. 15 -] | Τεχόσιος, containing a part of the applicant's description, consisting of either filiation or false filiation, should be supplemented with an abbreviation of χρηματίζοντος μητρός, as the group to which the application was submitted might have consisted of extramarital sons of female *metropolitai*.²²

Another argument supporting this interpretation of the *homologoi* is based on how Rea understood admission to the *epikrithentes*: it would have been based on the rules governing scrutiny to citizenship of the city, thus οἱ ἀπὸ τῆς μητροπόλεως.²³ Extramarital children, who were debarred from

¹⁹ *P. Oxy.* XL, p. 5.

²⁰ *Ibidem*.

²¹ LEWIS, 'The recipients' (cit. n. 13), pp. 161–162.

²² Yet, he observed that a restitution of the short names of both the applicant and his father, e.g. Θ[έωνος Θεώνος μη(τρὸς)] Τεχόσιος, is also possible. See commentary to *P. Oxy.* XL 2912, l. 4.

²³ *P. Oxy.* XL, p. 3. LEWIS, 'The recipients' (cit. n. 13), p. 159: addition to the category would have depended on the scrutiny which in turn depended on birth from both parents of metropolite status.

epikrisis to this group, would have been given free grain as members of the *homologoi*.²⁴ If so, the *homologoi* would have been created as a privilege for those excluded from the basic group of corn dole receivers, οἱ ἀπὸ τῆς μητροπόλεως, due to their extramarital birth, and would further suggest the social and, above all, legal recognition of fatherlessness.

This interpretation is not supported by the sources: fatherless children of metropolite mothers were admitted to metropolite fiscal status.²⁵ Therefore, even if the second assumption, that they could not belong to the group of *epikrithentes*, is true, both the *epikrithentes* and *homologoi* need re-examination. Yet, before we attempt this, it is worth discussing whether the absence of the fatherless from the *epikrithentes* in *P. Oxy. XL* could not be explained on statistical grounds.

Perhaps the easiest explanation for why fatherless *epikrithentes* are absent from the archive would be that sources are few and such attestations were simply not preserved. This explanation is not as absurd as it might sound, since the majority of applications for the corn dole in *P. Oxy. XL* relate to the group of *rhemboi* (18 as opposed to 16 *epikrithentes* and 2 *homologoi*),²⁶ which is not a surprising result, as *rhemboi* were enrolled for the *siteresion* in rotation every year,²⁷ while *epikrithentes* were a stable group co-opted when one of its members died. Of the four preserved fragments of corn distribution registers, two attest to the group of *rhemboi* (*P. Oxy. XL* 2936 &

²⁴ *P. Oxy. XL*, p. 5.

²⁵ The sources proving that fatherless could be (and were) scrutinized as belonging to the metropolite fiscal order in: M. NOWAK, 'Fatherless among οἱ ἀπὸ τῆς μητροπόλεως – a revision', *ZPE* (forthcoming); *P. Ryl. II* 103 (Lykarous, daughter of a free woman and slave and mother of two sons admitted to the group οἱ ἀπὸ τῆς μητροπόλεως); *SB XXIV* 15987 interpreted together with *SB XIV* 11714 (Hermione ἀπάτωρ, mother of a man scrutinized as belonging to the metropolite group); *P. Petaus II* 22 (Dideis ἀπάτωρ ἀπὸ τῆς μητροπόλεως and her brother); *SB XII* 10953 (Aretion ἀπάτωρ registered in one of the quarters of Ptolemais Euergetis paying the privileged rate of *laographia*; on rates see: A. MONSON, 'Late Ptolemaic capitation taxes and the poll tax in Roman Egypt', *BASP* 51 [2014], pp. 127–160, at p. 156 tab. 6); *P. Oxy. XLIII* 3097 (Aurelius Epimachos χρηματίζων μητρός responsible for πρακτορεία σιτικῶν μητροπολιτικῶν λημμάτων).

²⁶ *P. Oxy. XL* 2910, col. I; 2914, col. II; 2916; 2919; 2920; 2921 do not provide enough data to infer the category.

²⁷ LEWIS, 'The recipients' (cit. n. 13), p. 161.

2937), while two list the *epikrithentes*.²⁸ Although the absolute numbers are close – over twenty in both cases with a slight dominance of *rhemboi* – they overrepresent *rhemboi* three times in comparison with the *epikrithentes*. All together *epikrithentes* were 3000 in number and *rhemboi* a maximum of 900 per year.²⁹ Social variety among the *rhemboi* is therefore more visible than in the group of *epikrithentes*, as attestations of the latter offer a much smaller representation of the group, around fifty to three thousand, than in the case of the *rhemboi*, around fifty to less than one thousand.

Furthermore, the total number of applicants and recipients whose identity was fully or partially preserved in the archive is less than one hundred; if around 4000 people were entitled to free corn, we possess information for only 2% of those who applied for or received it. Furthermore, as we have already mentioned, a few hundred of those 4000 rotated every year. We cannot be confident that so few surviving examples are a representative sample.

Yet there is one argument in support of the assumption that the lack of fatherless among the *epikrithentes* is not accidental: freedmen were not admitted to the group either.³⁰ First, freedmen are attested neither among the applicants nor the recipients in the group of *epikrithentes*. Second, and more importantly, in *P. Oxy.* XL 2927, ll. 1–10, we find formulae for the headings which the phylarchs were to use as a prefix to registers. *Epikrithentes* are described ἄνδρες ἐπικριθέντες (l. 1) and supplemented by Romans and Alexandrians (l. 3), *homologoi* – ἄνδρες ὁμόλογοι (l. 4), but *rhemboi* are divided into two categories: ἄνδρες λελειτουργηκότες and ἀπελεύθεροι λελειτουργηκότες (ll. 7–8). The pattern is then repeated in the actual registers, *P. Oxy.* XL 2930, ll. 4–5, 2932, l. 2, and especially 2937, col. II, a separate list of freedmen

²⁸ *P. Oxy.* XL, p. 99.

²⁹ Perhaps the number of *rhemboi* was much lower than 900 every year. See M. SHARP, ‘The food supply’, [in:] A. BOWMAN *et al.* (eds.), *Oxyrhynchus. A City and Its Texts*, London 2007, pp. 218–230, at pp. 224–225. Cf. Carrié’s observation, note 14 above.

³⁰ LEWIS, ‘The recipients’ (cit. n. 13), p. 161. The observation is correct, but not the explanation for the exclusion from the group. Lewis said that in Rome, freedmen were eligible for the *siteresio*. But in Oxyrhynchus they could not, because of their servile birth, be enrolled among the *epikrithentes*. Lewis therefore, seems to claim that freedmen could not be scrutinized, which would have excluded them from the first group of recipients. This is true only with respect to the gymnasial group, but certainly not in regard to οἱ ἀπὸ τῆς μητροπόλεως. See *infra*.

who have performed a liturgy. Freedmen could therefore only apply for the gift within the *rhemboi* group and, consequently, would have been excluded from applying to the group of *epikrithentes* and *homologoi*. This is an important conclusion with regard to our understanding of the entire system. Or, there were two separate lists of the *rhemboi* and their quotas.

Freedmen, as Peter van Minnen has proved, could qualify for scrutiny for themselves and their offspring in the metropolite group.³¹ Therefore, if both bastards and freedmen were excluded from the *epikrithentes*, the rules governing their scrutiny could not have been identical with the rules regulating accession to οἱ ἀπὸ τῆς μητροπόλεως. Robert Rowland noted in 1976 that it was not clear whether ‘the *epikrasis* undergone by applicants for the grain dole at Oxyrhynchus was identical with the scrutiny which granted metropolitan status’.³² It is beyond doubt that the *epikrasis* to the corn dole was separate from status *epikrasis*: the archive itself demonstrates that separate lists of persons entitled to the *doron* existed (*P. Oxy.* XL 2930–2937). To find a place on one of the lists, one would have had to prove that one was eligible, which would require a different kind of scrutiny (*P. Oxy.* XL 2898; 2915; 2916).³³ Yet in none of the applications to the group it is written that an applicant underwent an *epikrasis* to οἱ ἀπὸ τῆς μητροπόλεως; they mention only that the applicant was scrutinized in a certain quarter. Only in some of the applications is the status of metropolitans noted, as in *P. Oxy.* XL 2895, col. II, ll. 5–10: μητροπολίτης (l. μητροπολίτης) ὡ[ν καὶ] | ἐπικριθεὶς καὶ ἀνα[γρα]φόμενος ἐπ’ ἀμφοδ[ου] | Τεμμούθεως ἀκολού[θως] | ἡ ἐπήνεγκα ἐπικρί[σει] | τῷ ια (ἔτει). Therefore, to be accepted among the *epikrithentes*, one had to provide proof of membership in a fiscally privileged class, although not necessarily among οἱ ἀπὸ τῆς μητροπόλεως.

If it is true that freedmen and the fatherless were excluded from the *epikrithentes*, then the rules of admission would resemble the rules applied

³¹ P. VAN MINNEN, ‘AI AΠO ΓYMNΑΣIIOY: Greek women and the Greek elite in the metropoleis of Roman Egypt’, [in:] H. MELAERTS & L. MOOREN (eds.), *Le rôle et le statut de la femme en Egypte hellénistique, romaine et byzantine: acts du colloque international, Bruxelles – Leuven, 27–29 novembre 1997*, Paris 2002, pp. 337–353, at pp. 342–343.

³² R. ROWLAND, ‘The “very poor” and the grain dole at Rome and Oxyrhynchus’, *ZPE* 21 (1976), pp. 69–72, at p. 72.

³³ *P. Oxy.* XL, p. 5.

to the gymnasial group.³⁴ As Peter van Minnen has noted, the exclusion of freedmen (and bastards) from the gymnasium should be explained in terms of the circumstances surrounding the creation of the metropolitae and gymnasial groups. Gymnasial status was rooted in the Hellenistic (and even earlier) tradition of the Greek *gymnasion*, while the *metropolitai* were a group created by the Romans at the beginning of their rule in Egypt.³⁵ Therefore, the rules governing the metropolitae order differed from those applied to οἱ ἀπὸ τοῦ γυμνασίου, as the former order was based on Roman social practice (or to be more precise, Roman law), which allowed formally manumitted freedmen of Romans, as well as fatherless children of Roman mothers (in the strictest sense, which did not include people born of unions without *conubium*)³⁶ to become Romans.

A further argument supporting the hypothesis that admission to the corn dole was based on membership in οἱ ἀπὸ τοῦ γυμνασίου is found in three applications from Hermopolis Magna dated to the reign of Nero (*P. Heid.* IV 338–340).³⁷ The Heidelberg applications suggest that the Egyptian and Oxyrhynchite corn dole might have pre-dated the archive, but this has to remain a pure hypothesis until further material is published.³⁸ If the origin of this practice can be dated to the first century, it would be less surprising to

³⁴ It has already been suggested by TURNER in ‘Oxyrhynchus and Rome’ (cit. n. 11), p. 22: ‘they (*epikrithentes*) are middle- and upper-class inhabitants of the city, whether that class is defined as payers of the lower poll tax rate of 12 drachmas or as members of the gymnasium’.

³⁵ VAN MINNEN, ‘ΑΙ ΑΠΟ ΓΥΜΝΑΣΙΟΥ’ (cit. n. 31), pp. 340–341.

³⁶ On *lex Minicia* and Roman rules concerning mixed unions, see: D. CHERRY, ‘The Minician law: marriage and the Roman citizenship’, *Phoenix* 44 (1990), pp. 244–266; and the application thereof in Roman Egypt, see: R. BAGNALL, ‘Egypt and *lex Minicia*’, *JJurP* 23 (1993), pp. 25–28.

³⁷ Published by K. KRAUT, ‘Seven Heidelberg papyri concerning the office of exegetes’, *ZPE* 55 (1984), pp. 167–190, at pp. 180–187.

³⁸ Rea suggested that it might have been introduced after the *constitution Antoniniana*, *P. Oxy.* XL, p. 9, while TURNER suggests that it might have happened even later (‘Oxyrhynchus and Rome’ [cit. n. 11], pp. 23–24). Yet, at the time when they published on this problem the only evidence predating the Oxyrhynchite archive was from Antinoopolis and was recognized as a special case. See TURNER, ‘Oxyrhynchus and Rome’ (cit. n. 11), p. 23.

Sharp proposed to date the corn dole of Oxyrhynchus to an earlier date, as Romans attested in the archive as entitled to the corn dole should have been Romans from before the *constitutio Antoniniana*. Yet, he remained sceptical about dating the corn dole (or the corn dole as it is attested in *P. Oxy.* XL) to a much earlier date: SHARP, ‘The food supply’ (cit. n. 29), pp. 225–226.

find that the criteria of admission were based on the gymnasial system. We may note that all the three of the Heidelberg applications were submitted by members of the Hermopolite gymnasial order.³⁹ One must also, however, be cautious with this argument, as we know too little about how the corn dole functioned in Roman Egypt: it is not certain where the free corn was provided (it is attested in Alexandria, Oxyrhynchos, Hermopolis, and Antinoopolis),⁴⁰ when precisely it was established, or whether the rules of distribution were the same everywhere.

The gymnasial logic of the corn dole in Oxyrhynchos and the hypothesis formed by Rea regarding the *homologoi* is supported by both of the applications to this group preserved in the archive. In both cases, the applicants describe themselves as ἀναγραφόμενος ἐπ' ἀμφοδου xy, 'registered in a quarter so-and-so', ἀπογραφεὶς καὶ προσβ(ὰς) | ἀπὸ γραφῆς ἀφηλίκων τῷ α (ἔτει) | Δεκίων ἀκολούθως τοῖς ἐν κα|ταχωρισμῶ βιβλίοις (*P. Oxy.* XL 2913, col. II, ll. 7–10) or [ἀπο]γγραφεὶς καὶ προσβὰς ἀπὸ ἀπογρ[αφῆς] ἀφηλίκων, having been registered and advanced from the list of minors (according to the books in the register). The term γραφὴ ἀφηλίκων also occurs in registrations of children from Oxyrhynchos during the same period: Parents ask an official to place (ταγῆναι) their child or children in a list of minors recorded by this official in the category of his/their peers (διὰ τῆς καταχωριζομένης ὑφ' ὑμῶν γραφῆς ἀφηλίκων ἐν τῇ τῶν ὀμηλίκων τάξει). These registrations were submitted for children born of parents belonging to the gymnasial order.⁴¹ It therefore seems probable that the γραφὴ ἀφηλίκων recorded children who

³⁹ Two applications refer to the fact that the applicants became ephebes (*P. Heid.* IV 338, ll. 6–7; 340, ll. 4–5) and one that he belonged to the gymnasial order (*P. Heid.* IV 339, l. 5). John WHITEHORNE ('The ephebate and the gymnasial class in Roman Egypt', *BASP* 19 [1982], pp. 171–184, at pp. 180–183) proved that before AD 64/65, which is the date of the general *epikrisis* in Hermopolis, local ephebic records of gymnasium were the proof of gymnasial status. *P. Heid.* IV 338 and 340 are dated to AD 62 and 61/62.

⁴⁰ On the corn dole in those cities see: CARRIÉ 'Les distributions alimentaires' (cit. n. 14), pp. 1078–1082.

⁴¹ *P. Ups. Frid.* 6 (AD 273); *P. Oxy.* XLVI 3295 (AD 285); *P. Oxy.* XLIII 3137 (AD 295); *P. Oxy.* LXV 4489 (AD 297). In *P. Oxy.* XLIV 3183 (AD 292) the gymnasial status was not indicated. *P. Oxy.* XLIII 3096 is a correction to the γραφὴ ἀφηλίκων, saying that a son was entered with an incorrect description, as his *alias* was left out.

later aspired to either the gymnasial group or one of the other fiscally privileged groups of Oxyrhynchos.

Rea's original idea was that the applications to the *homologoi* were concerned with people who met the criteria of the *epikrithentes*, but were not yet of an appropriate age to be included in this group. If so, it would mean that fatherless persons were not excluded from the *epikrithentes* and *P. Oxy. XL 2913, col. II* would constitute a proof for that. Yet, the fact that neither of the applicants to this group were underage at the time of their application was sufficient to disprove this hypothesis by its author himself. Furthermore, in the case of *P. Oxy. XL 2913, col. II*, the individual made his application in AD 268/269 according to the list of minors of AD 249/250.⁴² Indeed it is difficult not to notice that 20 years after reaching maturity would have been enough to attempt the *epikrasis*. The possible scenario is, therefore, that both applications would have been brought by people who had been registered as children to the list of future οἱ ἀπὸ τοῦ γυμνασίου, the γραφὴ ἀφηλίκων, but for some reasons (e.g. because they could prove only one parent belonging to the group) would have been not scrutinized as such. There are, as of thus far, no papyri known to me that attest to the scrutiny of the fatherless to οἱ ἀπὸ τοῦ γυμνασίου.

The conclusion we may draw is that enrolment to the primary group of persons entitled to the *siteresion* originally depended on whether one belonged to the gymnasial group. As *metropolitai* are attested as applicants to the group of *epikrithentes*, they might have been admitted to the corn dole at a later stage. Yet, as the rules of scrutiny to the corn dole were more restrictive for the gymnasial class than the metropolite group, not all *metropolitai* – i.e. bastards and perhaps freedmen – would have been given the right to enjoy the *siteresion*. At some point the group of *homologoi* would have been created to admit those who belonged to the fiscally privileged group of *metropolitai* but not entitled to the *siteresion*. The next (or concurrent) step would have been to include those who were unable to join the gymnasial group (bastards). The group of *homologoi* would have been created in order

⁴² *P. Oxy. XL*, pp. 4–5. This is the also the opinion of Seth BERNARD, 'Food distributions and immigration in imperial Rome', [in:] L. DE LGT & L.E. TACOMA (eds.), *Migration and Mobility in the Early Roman Empire*, Leiden 2016, pp. 50–71, at p. 62.

to admit people who were not originally admitted to the corn dole; for this reason, the group of *homologoi* should be recognised as a privilege and understood as a clear sign of the social and legal recognition of the fatherless in Roman Egypt.

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GET YOUR FREE CORN: THE FATHERLESS IN THE CORN-DOLE ARCHIVE FROM OXYRHYNCHOS

Abstract

The present article deals with the presence of fatherless individuals – χρηματίζοντες μητρός – in the Oxyrhynchite corn dole archive (*P. Oxy. XL*). It examines how and why these individuals were admitted to the corn dole distribution in the group of *homologoi*; it also offers new observations regarding both the *homologoi* and *epikrithentes*.

Keywords: papyrology, Roman Egypt, fatherlessness, corn dole

WEŹ SWOJE DARMOWE ZBOŻE: BEZOJCOWCY W ARCHIWUM ZBOŻOWYM Z OXYRHYNCHOS

Abstrakt

Artykuł porusza zagadnienie obecności bezojcowców, χρηματίζοντες μητρός, w archiwum zbożowym z Oxyrhynchos (*P. Oxy. XL*). Celem jest odpowiedź na pytanie, dlaczego osoby te były beneficjentami rozdawnictwa zbożowego w grupie *homologoi*. Jednocześnie artykuł przynosi nowe wnioski dotyczące grup *homologoi* i *epikrithentes*.

Słowa kluczowe: papirologia, Rzymski Egipt, bezojcowcy, rozdawnictwo zboża



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