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**A PAPYRUS OF THE DRUSILLA  
LAWSUIT AND ITS IMPACT ON ROMAN  
LAW**

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# A PAPYRUS OF THE DRUSILLA LAWSUIT AND ITS IMPACT ON ROMAN LAW

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## 1. Introduction: the connection between *lex Laetoria* and papyrology

The content of *lex Laetoria* is well-known for everyone who has ever dealt with Roman law.<sup>1</sup> As the Encyclopedic [sic!] Dictionary of Roman Law by Adolf Berger elegantly summarises it, this Act “[p]rotected persons *sui iuris* under twenty-five years of age (*minores*) who have been defrauded in a transaction. The latter was valid in principle, but the minor, when sued for payment, had an exception, *exceptio legis Plaetoriae*, for his defense [sic!]. Besides, an *actio legis Plaetoriae* was available to anyone (*actio popularis*) against the person who exploited the inexperience of a minor (*circumscription adolescentium*)”<sup>2</sup>

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<sup>1</sup> The secondary literature on *lex Laetoria* is abundant. These works have been referred to on several occasions, still, any scientific paper should refer to them as a departure point. The most important works are as follows: Friedrich Karl von SAVIGNY: Schutz der Minderjährigen und Lex Plaetoria 1831. *Vermischte Schriften*, (1850) 321–395.; Félix SENN: *Leges perfectae minus quam perfectae et imperfectae*. A. Rousseau, 1902. 55–69.; Giovanni ROTONDI: *Leges publicae populi Romani*. Elenco cronologico con una introduzione sull'attività legislativa dei comizi Romani. Milano, Soc. Editrice Libreria, 1912. 271–272.; William Warwick BUCKLAND: *A text-book of Roman law from Augustus to Justinian*. Cambridge Univ. Press, 1921. 171.; Fritz SCHULZ: *Classical Roman law*. Oxford, Clarendon Press, 1951. 191.; Adolf BERGER: *Encyclopedic Dictionary of Roman Law*. New Jersey, The Lawbook Exchange Ltd., 2010., s. h. v.; Wolfgang KUNKEL: *Untersuchungen zur Entwicklung des römischen Kriminalverfahrens in vorsullanischer Zeit*. Abhandlungen der Bayerischen Akademie der Wissenschaften, Philosophisch-Historische Klasse. München, Verl. d. Bayer. Akad. d. Wiss., 1962. 52–53.; Max KASER: *Das römische Privatrecht*. Bd. 1. Handbuch der Altertumswissenschaft. München, C. H. Beck, 1971. 2. Aufl., 276–277.; Max KASER: *Über Verbotsgesetze und verbotswidrige Geschäfte im römischen Recht*. Österreichische Akademie der Wissenschaften, Philosophisch-Historische Klasse. Wien, Verl. d. Österr. Akad. d. Wiss., 1977. 39–42.; Bernardo ALBANESE: *Le persone nel diritto privato romano*. Palermo, Tipografia Montaina, 1979. 514–528.; Settimio DI SALVO: *Lex Laetoria. Minore età e crisi sociale tra il III e il II a. C.* Pubblicazioni della Facoltà di Giurisprudenza dell'Università di Camerino. Napoli, Jovene Editore, 1979. XVI, 340 S.; Andreas WACKE: Zum Rechtsschutz Minderjähriger Gegen Geschäftliche Übervorteilungen. *Tijdschrift voor Rechtsgeschiedenis*, 48 (1980), 203–225.; Hans-Georg KNOTHE: *Die Geschäftsfähigkeit der Minderjährigen in geschichtlicher Entwicklung*. Frankfurt – Bern, Peter Lang Verlag, 1983. 53–68.; Francesco MUSUMECI: L'interpretazione dell'editto sui minori di 25 anni secondo Orfilio e Labeone. In: Silvio ROMANO (ed.): *Nozione, formazione e interpretazione del diritto dall'età romana alle esperienze moderne. Ricerche dedicate al Professor Filippo Gallo*. II. Napoli, Jovene Editore, 1997 39–58.; Cesare SANFILIPPO: *Istituzioni di diritto romano*. Rubbettino Editore, 2002. 10<sup>a</sup> edizione, 60.; Francesco MUSUMECI: *Protezione pretoria dei minori di 25 anni e ius controversum in età imperiale*. Pubblicazioni della Facoltà di Giurisprudenza, Università di Catania. Torino, Giappichelli, 2013. XI, 262 S.; Elisabeth Christine ROBBA: *Die Drittwirkung der Minderjährigenrestitution im klassischen römischen Recht*. Berlin, Duncker & Humblot, 2014. 204 S.;

<sup>2</sup> Text cited from BERGER. s. v. “Lex Plaetoria”. Additionally, the textbooks and manuals generally report the same content; c.f. e.g. BENEDEK Ferenc – PÓKECZ KOVÁCS Attila: *Római magánjog*. [Roman Private Law] Budapest

This concise description of the Act also serves as a good collection of those subtleties the contemporary secondary literature registers as problematic or at least questionable. Since this paper is aiming to focus on the Drusilla lawsuit, these issues are merely enumerated here, as follows:

- (a) it is still debated whether the name of the Act was *lex Laetoria* or *Plaetoria*;<sup>3</sup>
- (b) question arose with this regard whether it was a *lex imperfecta*;<sup>4</sup> (cf. Senn v Kaser)
- (c) concerning the *actio* based on this Act, it is debated if the *actio legis Laetoriae* was a *iudicium publicum* or an *actio popularis*;<sup>5</sup> (cf. Mommsen v Kunkel)
- (d) as for the dupe of *minores*, there's a terminological diversity (*minor captus / circumventus / deceptus / laptus*).<sup>6</sup>

## 1. 1. The protection of *minores* in the *lex Laetoria* and in the praetorian edict

One might get the impression that the defence of *minores* was a set of complex legislative measures, which granted an ample variety of protection from guardianship and penal actions to processual remedies; and all of these carried out at a time. Contrary to this widespread view, the actual situation was that the protection of citizens below the age of 25 was put into effect in two separate stages. Stage one was the *lex Laetoria* or *Plaetoria* itself; an Act dating back to the end of the 3<sup>rd</sup> century or the beginning of the 2<sup>nd</sup> century BC.<sup>7</sup> This Act protected *minores*, adults under the age of 25 granting them additional or extra protection: despite having full capacity, *minores* were yet allowed to obtain a *curator* to be appointed to administer their affairs.<sup>8</sup> Simultaneously, an *actio legis Laetoriae* was often granted, which was a *popularis actio poenalis*, against whoever duped a *minor*.

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– Pécs, Dialóg Campus Kiadó, 2014. 2<sup>nd</sup> ed. 146.; FÖLDI András – HAMZA Gábor: *A római jog története és intézményei*. [The History and Institutes of Roman Law] Nemzeti Tankönyvkiadó, Budapest, 2010. 15<sup>th</sup> ed. 227.; Max KASER – ROLF KNÜTEL: *Römisches Privatrecht*. Kurzlehrbücher für das Juristische Studium. München, C. H. Beck, 2014. 20. Aufl. 94.; SANFILIPPO op. cit. 60.

<sup>3</sup> As for the name, *Plaetoria* is used in *Tabula Heracleensis / lex Iulia municipalis* szövegében (FIRA I, 112: „[...] *queive lege Plaetoria ob eamve rem, quod adversus eam legem fecit fe cerit, condemnatus est erit [...]*”), as well as in *Codex Theodosianus*ban (C. Th. 8, 12, 2: „[...] *donec is, cuius facultatibus cesserit, annos Laetoriae legis egressus legitimam compleverit aetatem [...]*”). *Laetoria* is used in two papyri (BGU II 378 „τυγχάνω γὰρ γεγραφώς [τ]οῦτο ἔτι ἐντὸς ὧν τοῦ Λαιτωρίου νόμου”; BGU II 611 „[*qui · ad ·] res · suás · age[n]das · legis · Laetoriae [utantur · au]xilió*”). Also, two Cicero texts refer to the Act as *Plaetoria* (Cic. de off. 3, (15), 61: „[...] *circumscriptio adulescentium lege Plaetoria [...]*”; Cic. ND 3, (30), 74: „[...] *inde iudicium publicum rei privatae lege Plaetoria [...]*”). Secondary literature is also divided with this regard; cf. e.g. ROBRA op. cit. 14.; as well as KASER op. cit. (1977) 39.

<sup>4</sup> Cf. KASER op. cit. (1977) 39–42.

<sup>5</sup> Cf. KUNKEL op. cit. 52–53.

<sup>6</sup> Cf. MUSUMECI op. cit. 65–103.

<sup>7</sup> As for chronology, there are cautious authors, such as BUCKLAND op. cit. 171.; DI SALVO op. cit. 19 sqq.; KNOTHE op. cit. 53.; SANFILIPPO op. cit. 60. At first, Wacke also determined the date of this Act by the century; in his late works he claimed it dates back to 190 BC. In detail cf. WACKE op. cit. 204. and 206.

<sup>8</sup> The fact that a *curator* could be appointed to administer the affairs of a *minor* is an indication of their full capacity, as the task of a *curator* was to administer the affairs of another person, should the latter be hindered or impeded by any means. The contribution of a *tutor* by comparison was aiming to provide protection to *sui iuris* persons: those under the age of puberty, if they lacked paternal power, as well as women in the absence of paternal or marital power over them. In detail cf. Gai. 1, 144: *Permissum est itaque parentibus liberis, quos in potestate sua habent, testamento tutores dare: masculini quidem sexus inpueribus, feminini uero inpueribus puberibusque, uel cum nuptae sint.*

Stage two ensured processual remedies established by the praetorian edict. This introduced *exceptio* on the one hand, and *in integrum restitutio* on the other. This is a clear indication why it is misleading to refer to this *exceptio* as *exceptio legis Laetoriae*, as this remedy wasn't based on the Act itself, but settled by the praetorian edict instead.

## 1. 2. The primary sources of *lex Laetoria*

The original text of the *lex Laetoria* is unavailable, yet there are many ancient records present which enable its reconstruction.<sup>9</sup> Its content is recapitulated in *Tabula Heracleensis (lex Iulia municipalis)*, in a fragment in *Codex Theodosianus*; both serve as legal sources of the Act.<sup>10</sup> Also as legal sources, the rules of the praetorian edict (EP 10, 41) are cited in book four, title four of the Digest, and it additionally contains the related practice as well.<sup>11</sup> Amongst literary sources, two texts by Cicero are the ones to be primarily mentioned; whereas everyday practice is reflected in two papyri, one of which is in Greek, the other is in Latin (BGU II 378 and BGU II 611).<sup>12</sup>

This is the point where the connection between a passage in an old Roman law manual and the ancient text of a crumbling papyrus is established. The two papyri mentioned in the previous paragraph both refer to *lex Laetoria*: the one in Latin is the transcript of a speech by Emperor Claudius concerning certain reforms of private and criminal processes. The Greek papyrus is more interesting with regard to our scrutiny in question. It contains a petition to Calpurnianus *iuridicus*, a complaint against a process of execution commenced by the petitioner's cousin.<sup>13</sup>

## 2. The Drusilla lawsuit

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<sup>9</sup> Cf. On this KASER op. cit. (1977) 39., and footnote no. 2; WACKE op. cit. 204., and mainly footnote no. 5, with literature; DI SALVO op. cit. 3., and footnote no. 3. Similarly, in recent literature cf. MUSUMECI op. cit. (2013) 10., especially footnote no. 3, with abundant reference to secondary works. Contrary to this view cf. e.g. ROBRA op. cit. 14.

<sup>10</sup> Cf. ROTONDI op. cit. 271.

<sup>11</sup> On this cf. Otto LENEL: *Das Edictum Perpetuum. Ein Versuch zu seiner Wiederherstellung*. Leipzig, 1927. 3. Aufl. 116.

<sup>12</sup> Cf. FIRA I, 112: „[...] *queive lege Plaetoria ob eamve rem, quod adversus eam legem fecit fe cerit, condemnatus est erit [...]*”; C. Th. 8, 12, 2: „[...] *donec is, cuius facultatibus cesserit, annos Laetoriae legis egressus legitimam compleverit aetatem [...]*”; Cic. de off. 3, (15), 61: „[...] *circumscriptio adolescentium lege Plaetoria [...]*”; Cic. ND 3, (30), 74: „[...] *inde iudicium publicum rei privatae lege Plaetoria [...]*”; BGU II 378 „*τυγχάνω γὰρ γεγραφῶς [τ]οῦτο ἔτι ἐντὸς ὧν τοῦ Λαιτωρίου νόμου*”, valamint BGU II 611 „*[qui · ad ·] res · suás · age[n]das · legis · Laetoriae [utantur · au]xilió*”. With regard to BGU II 611 cf. Pierangelo BUONGIORNO: Das "verleumderische" negotium. Geschichte einer Ergänzung von BGU II 611 *The Journal of Juristic Papyrology*, XL (2010). 111–134.

<sup>13</sup> On the literature related to this papyrus cf. Paul M. MEYER: Zum Drusilla-Prozess. *Archiv für Papyrusforschung*, III (1906). 247–248.; Henryk KUPISZEWSKI: The Iuridicus Alexandriae. *The Journal of Juristic Papyrology*, VII–VIII (1953–1954). 197.; Guido BASTIANINI: Lista dei prefetti d'Egitto dal 30<sup>a</sup> al 299<sup>p</sup>. *Zeitschrift für Papyrologie und Epigraphik*, XVII (1975). 290.

The central character of the so-called Drusilla lawsuit is lady, Tertia Drusilla, the widow of a soldier named Valerius Apollinarius, an inhabitant of the agricultural town of Karanis<sup>14</sup> during the Ptolemaic Kingdom. Between 119 and 128 AD, Valerius contracted several loans with another man named Iulius Agrippianus. To secure these loans, Valerius Apollinarius pledged certain estates. As being unable to reimburse the loans on expiration, Agrippianus seized the estates. Valerius Apollinarius passed away presumably no later than 129—135 AD; after which time his widow, Drusilla took over and partially reclaimed some of the estates from Agrippianus, a soldier *legio II Traiana Fortis* and the son of Agrippianus, who also died in the meantime. Proceeding on behalf of both herself and her children, Drusilla's basis of reclaiming the estates was that some of the pledged estates belonged to her dowry, whereas others made part of her children's legacy. The Drusilla lawsuit comes into two parts, Agrippianus' time of death serving as a dividing line. After this point, his son took over the place of the defendant against Drusilla. In accordance with the remaining papyri, the case was unsettled as of 148 AD.

## 2. 1. The *corpus* of the lawsuit

There's an archive consisting of 21 papyri related to Iulius Agrippinus, and the documents of the Drusilla lawsuit make part of this archive.<sup>15</sup> Its documents can be found in Berlin, London, Aberdeen, Geneva, Paris and Alexandria, 16 of which being directly related to the Drusilla lawsuit. Except for two texts, all 19 documents are undoubtedly belong to this archive.<sup>16</sup> Most of them are outgoing documents; mostly claims and petitions by Agrippianus, and his son, Agrippinus addressing different officials. The documents are primarily final drafts or copies of a petition.

The reason why *lex Laetoria* is related to the Drusilla lawsuit lies in this papyrus which is a petition by Agrippinus to Calpurnianus *iuridicus*.<sup>17</sup> The document covers a debate between Agrippinus and his cousin, Saturninus.

## 2. 2. The actual link between the protection of *minores* and the Drusilla lawsuit

The Drusilla lawsuit lasted for at least 15 years, it could most likely be dated between 135—148 BC. As it was mentioned previously, out of the 21-document archive 16 items are those which belong to the “Drusilla file”. In this archive 15 items were created in the period after the death of Agrippianus in 139 AD; 12 of which are related to the Drusilla lawsuit. It is therefore

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<sup>14</sup> Today referred to as Kom Oshim, the agricultural town of Καρνανίς, during the Ptolemaic Kingdom, was situated in the north-eastern segment of the Faiyum Oasis, in Arsinoe *nomos*. The term *nomos* (νομός) here is designates an administrative unit of Ancient Egypt with the meaning “district”; the parallel Egyptian term was *sepat* meaning “border”.

<sup>15</sup> Amongst the literature related to this archive the most important ones are as follows Paul M. MEYER: Papyrus Cattaoui. I. The Text. *Archiv für Papyrusforschung*, III (1906). 55–67.; Paul M. MEYER: Papyrus Cattaoui. II. Kommentar. *Archiv für Papyrusforschung*, III (1906). 67–105.; MEYER op. cit.. 247–248.; Erwin SEIDL: *Rechtsgeschichte Ägyptens als römischer Provinz*. Sankt Augustin, 1973. 62., 1.9. pont; Herwin MAEHLER: Neues vom Prozess der Drusilla gegen Agrippinus. In: Detlef LIEBS – Joseph MODRZEJEWSKI (ed.): *Symposion 1977. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*. Köln, 1982. 325–333.; Orsolina MONTEVECCHI: *La papirologia*. Milano, Vita e Pensiero, 1988. 2<sup>a</sup> edizione. 253., no. 36.

<sup>16</sup> Cf. e. g. MONTEVECCHI op. cit. ibid.

<sup>17</sup> Serving as the Emperor's legate, the *iuridicus* (ὁ δικαιοδότης) was an official who assisted the *praefectus* in *iurisdictio*. In detail cf. KUPISZEWSKI op. cit. 189–190.

a two-generation archive. With regard to its content, the core of the archive contains chiefly court files and official documents, and only a smaller segment of the material consists of private letters, or correspondence on all sorts of business transactions (sale, hire, lease, loans, etc.). From the aspect of Roman law, the papyrus in question is of high importance not only because via this document we can reconstruct a specific business transaction, but also because a piece of legislation, the *lex Laetoria* is expressly mention in lines 21—22, and this particular fact may lead us to certain conclusions beyond the actual case, to which the papyrus refers.

### 3. The papyrus (BGU II 378)

The text of this papyrus, the dimension of which measure a 33-cm high and 34-cm wide<sup>18</sup> document, is preserved and reconstructed due to the work of Mitteis<sup>19</sup> and Krebs<sup>20</sup>; both of them providing critical apparatus to the text. As for the establishment of its date, the names in the text are extremely useful; one should especially be point out, Claudius Neokydes (Κλαυδίου Νεοκύδους) who held his office in 141 AD.<sup>21</sup> In the second part of the text Lucius Valerius Proculus is also mentioned, who held the office of *praefectus* between 145 and 147 AD. Currently, the papyrus is dated between April 15<sup>th</sup> – 24<sup>th</sup>, 147 AD.<sup>22</sup> The document is written in Greek, and stems from Arsinoe, the Faiyum Oasis, where it was originally found. This *recto*-only document consists of 28 lines.

[- ca.20 - Καλ]πουρνιανῶι δ[ι]καιοδότῃ  
 [παρὰ Γαίου Ἰουλίου Ἀγριπίνου στρα[α]τιώτου λεγεῶνος]  
 [β Τ]ρ[αῖ]ανῆς Ἰσχυρᾶς (ἐκατονταρχείας) Πο]υβλικίου(\*) Σευή[ρου . . . . . ]  
 [- ca.28 -] . . [ . ]υτῆς ν[- ca.11 -] . . υ  
 5 [οὔ ἐπιδέ]δωκα τ[ῶ] κ[ρ]ατίστῳ [ῆ]γεμόνι βιβλειδίου(\*) καὶ τῆς ὑπ' αὐτό(\*)  
 [γενομένης ὑπογρα]φῆς ἀντίγραφον ὑποτάξας δέομαι, ἐάν  
 [σου τῆ] τ[ύ]χη δόξη π[ρ]ό[ς] τὸν ἀντίδικον Ἰ(\*)ούλιον Σατορνίνον  
 [ἀκού]σαί μου [ . . . . . ] . . ἀναπομπὴν καὶ [τ[ῆ]ν συν]  
 [ . . . ] μεν[- ca.12 -]εἰς . . παρ' αὐτῶ οὔσαν. διε[υτύ]χ(ει)  
 10 [- ca.11 -] . . ε.  
 Λ[ου]κίωι [Οὐαλερίωι Πρόκ]λωι ἐπάρχωι Αἰγύπτου  
 παρὰ Γαίου [Ἰ]ο[υ]λίου Ἀγρ[ι]π[ί]νου στρατιώτου λεγεῶνος β  
 Τραῖ(\*)ανῆ[ς Ἰ]σχυρᾶς (ἐκατονταρχείας) Σουλπι]κίου Σευήρου. περιγραφείς,  
 κ[ύ]ρ[ι]ε]  
 πρ[ό]ς τῆς . [- ca.10 - Ἰου]λίου Σατουρνείνου ἀνεψιοῦ μου  
 15 ἐντυγχάνω σο[ι] [- ca.10 -] μὲν [κ]ληρονόμος [τ]οῦ π[α]τρός  
 μου Ἰ(\*)ουλίου Ἀγριππινιαν[οῦ]. κακοπραγμόνως ὁ Σατορνείνο[ς]  
 ἐπ[ο]ίησεν πρ[ό]ς με κατά[σ]τασ[ι]ν ἐπὶ Κλαυδίου [Ν]εοκύδους

<sup>18</sup> Cf. BGU = *Aegyptische Urkunden aus den Königlichen Museen zu Berlin. Griechische Urkunden*. Band II., Berlin, 1898. 38. (hereafter BGU II.)

<sup>19</sup> Ludwig MITTEIS: *Grundzüge und Chrestomathie der Papyrskunde. Zweiter Band: Juristischer Teil, zweite Hälfte: Chrestomatie*. Stuttgart, Teubner, 1912. 67–68., with apparatus.

<sup>20</sup> BGU II. 38. (as for the apparatus see *ibid.* 355.)

<sup>21</sup> On this cf. MITTEIS *op. cit.* 67., who mentions that the petitioner is the same person as the one referred to on the *verso* of *Papyrus Cattaoui*. Cf. also MEYER *op. cit.* (II). 94–95.

<sup>22</sup> On this cf. Wolfgang HABERMANN: Zum Ende der Amtszeit des Präfecten L. Valerius Proculus. *Zeitschrift für Papyrologie und Epigraphik*, CXVII (1997). 181.

γε[ν]ομένου δικαιοδότη, ἀπαιτῶν με ἦν ἔλεγεν δεδωκ[έν]αι  
 τῷ πατρί μου παραθήκην, ἐπενέγκας μου χειρόγραφ[ο]ν. [ . ] . ν  
 20 χρ[υ]σίου μναϊ(\*)αίω[ν] ὀκτώ , [ὄ]πὲρ ἀνάγκασέν(\*) με γράψαι βία ἄκον-  
 τα, τυγχάνω γὰρ γεγραφῶς [τ]οῦτο ἔτι ἐντὸς ὧν τοῦ Λαιτωρίου νό-  
 μου, ἔτι δὲ καὶ ἐξισχύσας [μ]εταξὺ ἐκ παραλογισμοῦ ἐπ[ι]στολήν [τοῦ]  
 κρατίστου δικαιο[ο]δότη Καλπουρνιανοῦ τῷ τοῦ Ἀρσινο[ί]του στρα-  
 τηγῶ, ὅπως ἐν[β]ιβασθῆ [εἰ]ς τὰ ὑ[π]άρχοντά μοι, ὄντ[α] ἐν συ]ντι-  
 25 μήσει τα[λά]ντων δέκα καὶ πρὸς, χάριν [τ]ῶν προκειμ[ένων] τ[ο]ῦ  
 χρυ[σί]ου [μναϊ]αίων ὀκτώ , διαπεμψά[μ]ενος ὁ Σατορ[νε]ϊνος  
 τὴν ἐπ[ι]στολήν διὰ δύο στρατιωτῶν [τοῦ κρατίσ]του δικαιο[ο]δότη].  
 (ἔτους) ι Φαρμουῦθι β[ ] .

#### Apparatus

^ 3. cf. BL 6.11: [Σο]υπλικίου (l. [Σο]υπλικίου) prev. ed.; ^ 5. l. βιβλιδίου; ^ 5. l. αὐτοῦ; ^ 7. ἰουλιον papyrus; ^ 13. τραϊάνη[σ] papyrus; ^ 16. ἰουλιου papyrus; ^ 20. μναϊαίω[ν] papyrus; ^ 20. l. ἠνάγκασέν.

With regard to its content, this papyrus is a petition put forward by Gaius Iulius Agrippinus to Calpurnianus *iuridicus* (δικαιοδότης), in which he makes a formal complaint against Iulius Saturninus, who is Agrippinus' cousin (cf. line 14: ἀνεψιός). To this document another petition is enclosed; this latter file is legible from line 11. The fact that the document contains the copy of another official file is also clear from the term ἀντίγραφον in line 6. This copy was originally addressed to Lucius Valerius Proculus *praefectus*. The petitioner complains that a process of execution was launched to enforce the fulfilment of a loan, the subject of which was 8 *mina* gold (cf. line 20: χρυσίου μναϊαίων ὀκτώ). The reason Agrippinus' his complaint was that according to him the handwritten document (line 19: χειρόγραφον) containing information on the loan and his obligation to pay was violently extorted (cf. words βία and ἀναγκάζω in line 20) by his cousin, Saturninus.<sup>23</sup>

However, Agrippinus was a *minor* at that time, and therefore (as he assumes it in accordance with the text) the protection provided by *lex Laetoria* also applies to him (cf. line 21: τυγχάνω γὰρ γεγραφῶς τοῦτο ἔτι ἐντὸς ὧν τοῦ Λαιτωρίου νόμου). Still, Saturninus fraudulently (cf. line 22: ἐκ παραλογισμοῦ) wrote a letter to the governor of Arsinoe *nomos* (Καλπουρνιανοῦ τῷ τοῦ Ἀρσινοίτου στρατηγῶ), claiming that he should be admitted (line 24: ἐνβιβασθῆ) to the Agrippinus' property (ibid.: εἰς τὰ ὑπάρχοντά μοι).

#### 4. Conclusions

The papyrus presented above stems from the era of Emperor Antoninus Pius (138—161 AD). In accordance with secondary literature, *lex Laetoria* is dated from the turn of the 3<sup>rd</sup> — 2<sup>nd</sup> century BC; Salvius Iulianus compiled *Edictum Perpetuum* around 130 AD, that is during the reign of Emperor Hadrian, which compilation covered the praetorian and aedilician edicts, as well as the practices exercised by provincial governors. The rules of the praetorian edict based on *lex Laetoria* are reported in Title 4, Book IV of the Digest (“*De minoribus viginti quinque*

<sup>23</sup> The papyrus applies the form ἀνάγκασέν, which is incorrect according to the apparatus. The correct form is supposed to be ἠνάγκασέν, as a 3<sup>rd</sup> person *indicativus aoristos activi singularis* is due in this sentence.

*annis*”), where chiefly the responses by the jurists of the Law of Citations. The majority of the texts are by Ulpian who lived in the 2<sup>nd</sup> — 3<sup>rd</sup> century AD; altogether 50 fragments are attributed to him. Consequently, when the papyrus in question was written, both the practice of *lex Laetoria* and the praetorian edict had already been settled.

The text of the analysed papyrus outlines an actual case related to a loan, which was contracted between Agrippinus and Saturninus. Under the provisions of this contract, Agrippinus was obliged to pay on the basis of a written document, a *khirographum*. With reference to this written document, Agrippinus states that the *khirographum* was a result of an act of extortion. What is interesting at this point is that Agrippinus doesn’t set out to question the legal basis of the contract; he doesn’t claim that it was unlawfully contracted, or that the contract would be void. On the contrary, without contesting the legal existence of his obligation to pay, Agrippinus nonetheless emphasises a fact, namely the act of extortion, by means of which he wants to undermine Saturninus’ claim. As a result, we face an interesting situation here: Saturninus puts forward a claim for payment, which is of legal nature. Agrippinus confronts this legal claim with a fact; he therefore wouldn’t contest the legal ground for his obligation to pay.<sup>24</sup> He simply asserts that this demand, however well-established it may be from a legal aspect, is simply not claimable as a consequence of a fact which occurred subsequently. It is this fact, the act of extortion, which Agrippinus refers to as illegal, hence, it qualifies for barring any further claim to be brought on this matter. This is the reason why he demanded protection from Lucius Valerius Proculus *praefectus*. His petition for protection is based not only on facts, but also on the regulations of *lex Laetoria*: he strongly believes that the statutory protection brought about by this act is equally applicable to him at this instance, by virtue of his age, as he was a *minor* at the time when the loan was contracted. Still, what we experience is that Saturninus fraudulently addressed a letter to Calpurnianus *iuridicus* to process the execution based on the contract. Despite the act of extortion exercised originally when the loan was contracted; and despite Agrippinus’ plea for protection based on *lex Laetoria*, Saturninus still wants the loan to be repaid to him, as a consequence, he processes the execution for refund. Agrippinus wants the avoid execution, therefore he lodges a complaint against his counterparty’s claim, which is covered in papyrus BGU II 378: a complaint put forward by Agrippianus against the letter by Saturninus in which he asks for the execution for refund to be processed.

The case deciphered from this papyrus indicates what Roman law was like as law in action, thousands of miles away from Rome. Chronologically, the case dates back to the middle of the classical era, when the petitioner bases his claim on a statutory regulation and its elaborate everyday practice. In this claim, the reference to *lex Laetoria* appears only once: the claimant doesn’t use it as the basis of a gross argument; it is rather a “special guest” taking the cameo role of a reference point.

In addition to the opportunity to see Roman law as law in action, it is also fascinating to examine how Rome worked out as an Empire. This papyrus lets us travel back to the 2<sup>nd</sup> century BC Egypt, where we observe people with Roman names were trying to settle a dispute in Greek language, using material means, the papyrus, so typical to contemporary Egypt, to conserve their thoughts and arguments. This is multiculturalism *par excellence*, where each and every element adds to the bigger picture, and where you don’t seem to lose anything from your customs and traditions with adding to the big melting pot called the Roman Empire.

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<sup>24</sup> As the text of the papyrus indicates in line 15—16, κληρονόμος τοῦ πατρός μου Ἰουλίου Ἀγριππινιανοῦ, which means that Agrippinus got into this case as the heir of his father.



## SUMMARY

Amongst the primary sources of *lex Laetoria*, a Roman act from around the turn of the 3rd and 2nd centuries BC, granting additional protection to adults under the age of 25, a Greek papyrus (BGU II 378) comes up as a document preserving the name of the act. This papyrus is remarkable from a legal point of view: it contains a petition for the suspension of execution related to a contract of loan. In the text, the petitioner supports his claim with the fact that a key written document, a *khirographum*, in which he admits his obligation to pay was a result of an act of extortion. Beyond the actual case, this papyrus is significant because it outlines the social and economic milieu of the Roman world in Egypt around the 2nd century AD. Through the examination and analysis of the case in this papyrus, we get closer to the everyday reality of Roman law. The characters involved in the case bear Roman names, the case takes place in the Faiyum Oasis, in Egypt, the correspondence is in Greek and Roman law measures are used to settle the dispute. We sense multiculturalism in this one document, without the disturbing feeling of having lost or altered something important which may contribute to our specific character. In other words, we see an example of how Rome had managed to handle herself as an Empire.

This short paper is aiming to give a glimpse of this multicultural approach of Roman law in action through the analysis of the case in the papyrus BGU II 378.