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THE FATHERLESS AND FAMILY STRUCTURE IN ROMAN EGYPT¹

I. Introduction – Terms and Sources

Illegitimacy has not been a popular subject among students of Graeco-Roman Egypt, and there are only a few rather brief (but important) articles devoted to this problem.² The number of documents containing direct references to extramarital

¹ I am grateful to dr Jesse SIMON for correcting the English version of this article.

² Calderini (1953) approached this issue at the beginning of the 1950's: he noticed that terms describing people as 'illegitimate son/daughter', 'fatherless', 'bastard' appeared mostly in sources from the Roman period which, in his opinion, meant that 'illegitimacy' appeared in Egypt only in Roman times. Perhaps the best known work devoted to illegitimate children in Roman Egypt is an article by Youtie (1975), where he concluded that: children born out of wedlock were not socially stigmatised in Roman Egypt. Moreover, bastardy in Egypt was a Roman concept applied mostly to families of Roman soldiers. In an opening lecture at the 27th International Congress of Papyrology, Roger Bagnall discussed Youtie's statement and noticed that the group of illegitimate children could have not been limited to children born to Roman soldiers, as individuals recognised as illegitimate also appear in papyri dating from after the abolition of the marriage prohibition concerning soldiers (Bagnall [forthcoming]). Recently Myrto Malouta has approached the terms – ἀπάτωρ & χρηματίζων/χρηματίζουσα μητρός – which she recognised as a formal description of individuals born out of wedlock (Malouta [2007]; Malouta [2009]). In the most recent work devoted to illegitimate children Broux (2015) discussed both Malouta's and my statements (Nowak [2015]) concerning the social standing of people born out of wedlock and the origin of their descriptions; she rightly noted that, in some cases, being an illegitimate child had negative social, legal and administrative consequences. The specific aspects of illegitimacy in the Roman empire were approached more eagerly by students of the ancient world. One such popular topic was the families and children of Roman soldiers. Among

children, however, is abundant: the terms ἀπάτωρ ('fatherless', 'without father') and χρηματίζων/χρηματίζουσα μητρός ('officially known as son of such-and-such mother'), commonly recognised as descriptions of illegitimate children, are attested in over 300 documents,³ while the number of individuals indicated by either of these terms is over 600, as Herbert Youtie has already observed.⁴ Other descriptions, which appear less frequently in papyri, are: νόθος ('bastard'), *spurius*/σπούριος (a term derived from the Roman *praenomen* given as a patronym to illegitimate children – *Spurii filius/filia* – but used as a distinct term in the period discussed here), ὀθνεῖος, ἐκ μη νομίμων γάμων, παράνομος, *filius/filia naturalis, ex incerto patre*, and ἀλλότριος.⁵

Furthermore, there were other, less explicit ways of indicating individuals as having been born out of wedlock; for instance, if someone was not identified by a patronym, he or she was perhaps an illegitimate child (although this may also be the result of a scribal omission). At least three methods of describing people without using a patronym appear in documents from Roman Egypt: a personal name followed by the word μήτηρ (in the genitive) and a metronymic: (Χαιρήμων μητρός Θεασήτος); a personal name followed only by a female name in the genitive (Χαιρήμων Θεασήτος); a personal name not followed by any ancestral name (Χαιρήμων).⁶ Any individual who had only the *nomina* of their mother must certainly have been illegitimate, as Beryl Rawson observed in inscriptions from Roman Italy.⁷

Among the descriptions in papyri which allow us to recognise illegitimate children (even if they do not necessarily indicate extramarital status) we find *origo castris*, which was given to the sons of soldiers born in *canabae*. It is possible that the name Castrensis (Greek Καστρήσις) played the same role.⁸ The term φυσικός⁹ may have also been an indication of extramarital status, but such a hypothesis can be neither proven nor disproven based on the current state of the sources.

Indeed, none of the terms and expressions listed in this section indicate illegitimacy with absolute certainty. Even if we assume that every person whose name was followed by ἀπάτωρ – a term which may also refer to an individual disowned by their father or orphaned¹⁰ – was an illegitimate son or daughter, it would be methodologically unsound

the recent works a monograph authored by Phang (2001) or the 24th volume of *Cahiers du centre Gustave Glotz* devoted entirely to the Roman army must be mentioned. The different aspects of everyday life as seen through ostraca and papyri from Egyptian military camps located in the Western Desert were studied by Cuvigny (2003).

³ The provisional list of documents: <http://marianowak.bio.wpia.uw.edu.pl/files/2014/06/Appendix.pdf>.

⁴ Youtie (1975) 731: about 340 texts and 640 individuals.

⁵ For the discussion on those and other terms used to indicate someone's extramarital status see: Calderini (1953) 358.

⁶ Calderini (1953) 362 n. 3.

⁷ Rawson (1966).

⁸ Sołęk (2015) 104.

⁹ Sometimes used as counterpart of the word *naturalis* in Byzantine doctrinal sources. Wolff (1945) 31.

¹⁰ *TLG* s.v. ἀπάτωρ; *LSJ* s.v. ἀπάτωρ.

to claim that every person described solely with a personal name was an extramarital child; such occurrences may also have been the result of scribal omissions or, in some texts such as private correspondences, the patronym may simply have been irrelevant. Furthermore, as these descriptions were not formal categories, we should not expect them to appear in every papyrus mentioning an illegitimate child; conversely, even individuals identified with patronyms may have been illegitimate. In many cases, persons born out of wedlock were described in the same way as legitimate offspring, even in official documents such as the famous *P. Cattawi* or the *Gnomon of idios logos*.¹¹

The chronology of the sources is also puzzling: the distribution of the three descriptions – ἀπάτωρ, χρηματίζων μητρός and the sole metronym – is limited almost exclusively to the second and third centuries AD.¹² The subsequent disappearance of these terms from papyri may have been the consequence of two phenomena: the first was Constantine's legislation on illegitimacy, intended to limit the rights of extramarital children,¹³ and the second was the end of the Roman census in Egypt.¹⁴ The source material thus represents only the first three centuries of Roman rule in Egypt, even though illegitimacy and illegitimate children must surely have existed in Egypt in the Hellenistic period, and would have continued to exist after the age of Constantine.¹⁵

Although the source material referring to individuals born out of wedlock is abundant from the period between the first and third centuries AD, it is conclusive only to a limited extent: the vast majority of evidence consists of lists and other documents connected with Roman taxation, such as census returns and tax receipts.¹⁶ These documents usually provide only certain types of information, including the name of the person described as 'illegitimate', his or her family status indicated with one of the above listed descriptions, usually also the metronym; only on occasion do we find more detailed personal data such as age, occupation, or physical description.¹⁷ Some documents also list the amount and type of tax paid, which allows us to determine the civic status of an individual. Compared to the lists, the census returns tend to contain more personal details, but these are also limited to information of particular type.

In fact, children born out of wedlock were not a homogenous group: the child of

¹¹ See Nowak (2015) 211–212.

¹² The detailed chronological data in: Nowak (2015) 214–215 & 217.

¹³ On the legislation of Constantine, see Niziołek (1980).

¹⁴ Census declarations are not represented in the source material after AD 257/258: Bagnall & Frier (1994) 9.

¹⁵ Of course, this does not mean that collecting the material for illegitimacy in Ptolemaic and post-Constantine periods is impossible, but it must be based on careful case studies, as Roger Bagnall has demonstrated in his paper given at the XXVII International Congress of Papyrology, and the number of accessible attestations must be lower. Bagnall (forthcoming).

¹⁶ Detailed data in: Nowak (2015) 115 & 118.

¹⁷ See Malouta (2009).

an incestuous Roman couple¹⁸ would not have had the same social and legal standing as a child born of a mixed union which was not recognised as a marriage in Roman Egypt – for instance, the child of an Egyptian and a Roman – or a son born to a Roman soldier by his concubine, sometimes even legally married before his military service.¹⁹ The expressions we have discussed above, however, do not differentiate between categories of extramarital children; rather, in the vast majority of documents, they simply serve as equivalents or replacements for patronyms.

Although the body of source material is undeniably limited, it nonetheless provides important information regarding the problem of illegitimacy in Roman Egypt. The high number of documents containing one of the aforementioned expressions proves that illegitimacy in Roman Egypt was a widespread phenomenon, as observed by Aristide Calderini²⁰ and Herbert Youtie.²¹ The fact that these documents contained information regarding illegitimacy – and that this information constituted part of an individual's identification – may be interpreted in two highly contradictory ways: either children born out of wedlock were highly stigmatised or, *vice versa*, they were not socially stigmatised at all. The latter supposition was offered by Herbert Youtie;²² his assumption seems convincing but requires further proof. The question posed in the present study is whether blood bonds between illegitimate children and other people – apart from their mothers – can be detected in the papyri, and what this evidence might tell us about the family structure in Roman Egypt.

II. *The Fatherless vs. Family Structure*

Papyri relating to taxation help us reconstruct familial bonds; *inter alia* they reveal that individuals born out of wedlock had siblings. It is perhaps not surprising that one woman could have two or more children and no legal husband; however the recognition of blood bonds between such children in the documents is intriguing.

One such case is visible in a list from Theadelphia (AD 133) containing receipts for the payment of poll-tax and other burdens (published as *BGU IX* 1891). In line 73 we find the following entry: *νς Φάσεις ἀπάτωρ μη(τρὸς) Θερμουθ() η χ(ωματικῶ) σ(τατίωνος)*: '56, Phaseis fatherless whose mother is Thermouth() has paid 8 (drachmae) as a tax for the maintenance of dykes'. The next payer was: *ε Ἀρφαῆσις ἀδελφὸς() μη(τρὸς) τῆς α(ὐτῆς) η χ(ωματικῶ) σ(τατίωνος)*: '5, Harphaesis (his) brother of the same mother has paid 8 (drachmae) on account of tax for the maintenance of dykes'.

The same pair occurs in another list from Theadelphia, dating from the following

¹⁸ A number of children born of incestuous unions between Romans had to be rather insignificant in Roman Egypt, but it existed and continued even after the *constitutio Antoniniana*. See P. Pintaudi 42, a receipt for wet nursing, which openly states that a child given to a wet nurse was the son of a brother and sister (ll. 5-6).

¹⁹ See Phang (2001) 296-324.

²⁰ Calderini (1953).

²¹ Youtie (1975).

²² Youtie (1975).

year (*P. Col. II 1 recto* 1a-b, col. 5, ll. 11–13). In line 11 Phaseis is noted as a payer of other public burdens: νγ Φάσι[ε]ις ἀπάτωρ μητρ(ὸς) Θερμούθεω(ς) (ὁμοίως) η (χαλκοῦς β) μαγ(δωλοφυλακίας) δεσ(μοφυλακίας) ποτ(αμοφυλακίας) φυλ(ακίας): ‘53, Phaseis fatherless whose mother is Thermouthis (has paid) likewise 8 (drachmae) and (2 chalkoi) for the maintainance of the watch-tower, prison tax, river-guard tax and guard tax’. In the next line a man named Harsythmis, described with the expression ἀδελφὸς μητρ(ὸς) τῆς αὐτῆς (‘his brother of the same mother’), is said to have paid the same amount of 8 drachmae and 2 chalkoi for the same public burdens while, in the following line (14), Harphaesis, the brother already known from *BGU IX 1891*, is listed as ἄλλος μητρ(ὸς) τῆς αὐτῆς (‘another of the same mother’).

Thanks to *P. Col. II 1 recto* 1a-b, it is possible to restore of the full name of the mother – Thermouthis – in *BGU IX 1891*; even more importantly, the papyrus reveals three men born of the same woman, all ‘fatherless’ but nonetheless recognised as brothers, not only by themselves but also by the community in which they lived. This and other similar cases²³ would seem to support Youtie’s statement that children described as fatherless were in fact begotten by parents who could not be married for different legal reasons, but who still went on to form *de facto* marriages and families.²⁴

More puzzling are those cases in which the familial and even civic status of siblings is not identical. Such a case occurs in the tax list from Theadelphia, mentioned above. In line 29 of the alphabetically-organised second column (*P. Col. II 1 r.3*, col. 2, l. 29) a man is recorded as Ἡρακλῆς Ἀρφαήσεω[ς τοῦ Ἡρ]ακλήρο[υ] μητρ(ὸς) Ταψόιτος, ‘Herakles son of Harphaes son of Herakleos, his mother being Tapsois’. In the next line another man is recorded as [Ἡρα]κλ[ῆ]ς ἀπά(τωρ) μητρὸς [τῆς] αὐτ[ῆ]ς; ‘Herakles fatherless of the same mother (i.e. Tapsois)’. It may be that Tapsois had two sons – one born in marriage, the other out of wedlock – who were recognised officially as brothers, at least by tax authorities. What is perhaps most striking is the fact that both brothers were named Herakles. Although the name of the second Herakles is reconstructed, the reconstruction is paleographically certain, and further supported by the fact that the list is organised in alphabetical order; indeed the section of the document in question lists only individuals named Herakles. Although it seems somewhat extraordinary that the two sons would have the same name, it was evidently the case; from the evidence of a tax list, however, one cannot be sure if the two men were sons of the same or of two different fathers.

²³ In the above two lists at least six more pairs of ‘fatherless’ brothers could be distinguished: *BGU IX 1891*, ll. 83–84; *P. Col. II 1 r. 1a-b*, col. 7, ll. 9–10 (Psenobastis and Spartas sons of Heraklous), *BGU IX 1891*, ll. 115–116 (Nikias and Harphaesis sons of Tephorsais), *BGU IX 1891*, ll. 121–122 (Didas and Apollonios sons of Sarmasia), *BGU IX 1891*, ll. 186–187 & 566–567; *P. Col. II 1 r. 1a-b*, col. 5, ll. 20–21 (Pekusis and Orsenouphis sons of Herais or Heraklas: those could be two different pairs of brothers), ll. 261–262 (Ischeis Samba and Apynchis sons of Toreus), *P. Col. II 1 r. 1a-b*, col. 4, ll. 16–17 (Herieus and Harphaesis sons of Die...). The list of fatherless siblings in: Malouta (2009) 130 n. 50–51.

²⁴ Youtie (1975).



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Myrto Malouta has noted an even more intriguing case: in *BGU II 630*, a list of people grouped according to their family bonds, we find a pair of brothers who are not of identical civic status.²⁵ Soterichos, the first of the two brothers is described as Σωτήριχος ἀπάτωρ (col. 4, l. 2), while Sotas, the second, is recorded as Σωτᾶς ἀδελφός δοῦλος. It is possible that both brothers were born to a slave mother, but Soterichos was freed, while his brother Sotas remained in slavery. However another scenario is possible: Sotas was the son of a slave mother who was then freed and, afterward, gave birth to the second son, Soterichos. Interestingly, these two men – a slave and a free or freed man – were recognised as brothers by the community in which they lived.²⁶

These and other similar documents prove that illegitimate children were described not only by their metronyms but also by their kinship; moreover, this method could be applied even to people of unequal social and familial standing, as in the case of Sotas and Soterichos from *BGU II 630*. Certainly these forms of recognition contained an element of self-identification, as well as an element of identification within the community. This conclusion, however, prompts the further question: did siblings presented in tax lists as ‘fatherless’ belong to a common household? Were they raised together either by both parents forming a *de facto* marriage, or by their mother (and sometimes a step-father)? What was their position within the family structure of Roman Egypt?

In *P. Oxy. IV 728*, a *karponeia* contract made in Thosbis, a village located in the Oxyrhynchite nome, two brothers are recorded as being a party of the deed:

²⁵ Malouta (2009) 124.

²⁶ The name of their mother remains unknown. Other people on the list were indicated either with their profession or patronym or both, hence the word ἀπάτωρ constituted an equivalent for the patronym, so the metronym was not necessary in this case.

Παθώτης καὶ Λ[ί]βιος ἀμφότεροι χρη[ματίζον]τ[ε]ς ἐκ μητρὸς Ἀρσεῖτο[ς] ('Pathotes and Libios both officially known as sons of Harseis'). Not only were the two men recognised as brothers for the sake of identification, but they were able to lease land jointly; in presenting themselves as a party of the contract, they acted as members of one family, and it seems possible that they would have belonged to a single household consisting of at least three members: the two brothers and their mother. Interestingly their mother had a Greek name, while one of the sons had typical Egyptian name and the second a Greek version of the Latin name Livius, rarely attested in Egypt. If the onomastics are any indication, the two men might have been of different fathers.

Census declarations allow for further analysis of the family structure in Roman Egypt, and they also shed some light on the actual familial status of people described as 'fatherless'; such individuals may have been openly declared as 'fatherless', although perhaps not by their fathers. In *BGU* II 447, a census declaration from second-century Karanis, the household recorded in the document consisted of several members, including Xanaris, fatherless daughter of Taon, perhaps a female relative of the head of this household,²⁷ ll. 10–11: καὶ τῆς Τα[ῶ]τος θυγατέ[ρ]α Ξάναριν ἀπάτ(ο)ρα (ἐτῶν) ἰβ.

In *BGU* I 117, a census return from second-century Ptolemais Euergetis, the situation is even more complicated. The document illustrates an intriguing family history: Dioscoros, the declarant and head of the family, records his children – who are born of two different wives – as well as his grandchildren;²⁸ at the end of the preserved text, however two more members of this household are listed: Sarapous, age 8, and Than[...] age 29 (ll. 19–20). The latter of these two would have been too old to be either a daughter²⁹ or a granddaughter of the declarant, and the document does not indicate the position of either woman within the structure of the family. It also seems probable that they were not slaves, as the term ἀπάτωρ only makes sense when applied to free individuals.³⁰ Yet whoever these women were – and the sources do not allow any more than speculation – it is certain that they belonged to the household.

Another example of a household including fatherless members is *BGUXI* 2018, a census return from second-century Karanis. The declarant, Petsorapis son of Hatres, records his 13-year-old daughter, Soeris, born of his wife Tapetheus – who may, herself, have been dead or divorced, as she is not declared in the text – as well as three sisters, ll. 10–12: Πτολεμαίδα ἀπάτορα (ἐτῶν) κε καὶ Τκολλ()ν ἀδελ(φ)ήν ἀπάτορα (ἐτῶν) ιε καὶ Θαῆσιν ἄλλ[η]ν ἀπάτορα (ἐτῶν) δ.

The relationship between these individuals and the declarant is puzzling and our interpretation must be based on the poorly preserved fragment of line 10, in which the familial status of the three women was indicated. The first editor, Herwig Maehler, proposed the reading τὰς σ[τ]υγ(ατέρας), and claimed that the women were daughters

²⁷ On this family see: Youtie (1974) 238–239; Bagnall & Frier (1994) 250–251.

²⁸ For the reconstruction of this family tree see: Bagnall (1992) 104.

²⁹ Bagnall (1992) 104.

³⁰ See, however, *SB* I 5124 after Malouta (2009) 124; and *SB* XVI 12334.

of Petsorapis' wife, who was the mother of their legitimate daughter, Soeris. The eldest and middle sisters would have been born long before the marriage of their mother and Petsorapis and the subsequent birth of Soeris, while the youngest may have been born after both the birth of Soeris and the divorce of her parents; these events, moreover, would not have stopped the couple from living in a common household and raising all four girls together. Such an interpretation is possible, but rather unlikely.

Youtie disagreed with this interpretation, choosing instead to read the missing word in line 10 as συγγενεῖς. He identified the three sisters as the daughters of Petsorapis' sister or brother, and suggested that their parents would have maintained an informal relationship lasting at least 22 years and ending with the death of either of the partners.³¹ We can easily imagine that orphaned children of sisters – or other female relatives – could become the foster children of their uncle.

It is also possible that the girls were the declarant's daughters born of a slave woman and subsequently freed, or that they were born of a free woman whom the declarant did not want to marry; the lower status of their mother would explain why they were presented as ἀπατόρες by their own father. A similar situation is known from *BGU I 326*, the protocol of the opening of a Roman will, in which Gaius Longinus Kastor, veteran of *classis praetoria Misenensis*, freed and appointed his two slave-women as heirs, and their children as substitutes and legatees. Marcella and Kleopatra may have been Kastor's concubines whom he did not want to free and marry during his lifetime, although the children listed in the will were Kastor's offspring.³² There is, however, a crucial difference between *BGU I 326* and *XI 2018*: Gaius Longinus Kastor did not indicate that the children born of his freedwomen were 'fatherless' or 'illegitimate,' an observation to which we will return shortly. The evidence from other documents suggests that fathers presenting their own children as fatherless was not a common occurrence.

Individuals indicated as 'fatherless' or 'illegitimate' also appear in other census returns: there are, however, few examples and, in these cases, the declaring party is a woman. For instance, in *BGU XI 2019*, a second-century census declaration from Moithymis, Herakleia, a freedwoman, declared both of her daughters – Senamounis, age 20, and Tastuous, age 12 – to be 'fatherless', ll. 19–22: καὶ τὴν ἀπάτορά μου θυγατέρα Σεναμοῦνι(ν) Αβι³³ (ἐτῶν) κ, (hand 2) Ταστωοῦς ἀδελ(φή) (ἐτῶν) ιβ. The declarant in this example was relatively wealthy – she owned an entire house and a yard – and there are no men listed in her declaration, either as members of her household or as the father of her daughters.

A similar case is found in *P. Mil. Vogl. III 193a* (Tebtynis, AD 193), another census return from the Arsinoite nome: Kroniaine, an unmarried woman,³⁴ recorded

³¹ Youtie (1972); Youtie (1975) 728.

³² See Keenan (1994).

³³ Roger Bagnall ([1992] 114) claimed the second name with no other indication to be suspicious and suggested the reading ἀργ(ήν).

³⁴ Bagnall & Frier (1994) 19.

her 13-year-old daughter Hero as ‘fatherless’, ll. 10–13: εἰμὶ δέ | Κρονιαίνης (ἐτῶν) λη ἄσημος | καὶ τὴν θυγ[α]τέραν μου Ἡρῶ | ἀπάτωρα (ἐτῶν) ιγ ἄσημ(ον) (‘I am Kroniaine, 39 years old, without distinguishing marks, and my daughter (is) Hero, fatherless, 13 years old, without distinguishing marks’). In this case the woman was not a freedwoman, but her family status was well known; she was described by her patronym, and she was assisted in her declaration by her brother who was also her *kyrios*. Although the statuses of Herakleia and Kroniane were different, they were both heads of households consisting of themselves and their extramarital daughters.

In *P. Flor.* I 5, a third-century census return from the Arsinoite nome, the declarant, Aurelia Thermoutarion daughter of Ammonios also called Herakleides, who was an owner of some real estate, recorded her extramarital children and identified them with the term σπουρίοι.³⁵ The text is not well preserved, but it is possible that she recorded two children, a son Korpeios, and another child of 6, ll. 15–16: καὶ τὰ τέκνα μου Κόπρει[ι]ον]ωγος (ἐτῶν) καὶ σπουρίους μὴ ἀνά[.]. The name of the illegitimate son, Korpeios, is an intriguing detail. Again, the conclusion that the head of this household was an unmarried woman and a single mother seems inevitable.

Household structures in which mothers raised their children on their own also occurred outside the Arsinoite nome. In *P. Oxy.* LXXIV 4989, a census return from second-century Oxyrhynchos, the declarant, Didyme, daughter of Plutarchos, recorded her three sons, and described each as χρηματίζων μητρός, ll. 12–15: Πλουτίων χρημα(τίζων) | μητρός(ς) Διδύμη(ς) ἄτ(εχνος) ἄσημ(ος) (ἐτῶν) λ | Ἄνδρόμαχος ἀδελ(φός) μητρός(ς) τῆς α(ύτῆς) ἄτ(εχνος) ἄσημ(ος) (ἐτῶν) λδ | Ἀρμίουσις ἔτ(ερος) μητ[τ]ρός(ς) τῆς α(ύτῆς) ἄτ(εχνος) ἄσημ(ος) (ἐτῶν) -1-2-], ‘Ploution officially known as son of Didyme unskilled, without distinguishing marks, 36 years old, Andromachos, his brother of the same mother, unskilled, without distinguishing marks, 34 years old, Harmiusis, another brother of the same mother, unskilled, without distinguishing marks, [...] years old’. Another man was added to the declaration, but his description is mostly reconstructed, ll. 16–18: Ἐπι[.]ος [Πλ] ουτίωνος χρη[μα(τίζοντος) μητ(ρός) Διδύμης, μητ(ρός) [- ca.8 -] ἀδελ(φός) τοῦ πα(τρός): Ἐπι[.] son of Ploution officially known as son of Didyme, his mother being [...] sister of his father’. Therefore, it seems that Didyme had at least four children, three of whom were extramarital; the fourth child was a daughter married to the son Ploution but, as she was not recorded in the document, she was perhaps already dead at the time when the census return was issued.

Didyme, much like the other women listed above, was the head of her household and, as there is no mention of a father, it may be assumed that she raised the four children on her own. As she had only a part of a house and so many children with no profession, Didyme may have been rather poor. This, however, is not the rule, as there are several papyri attesting wealthier families with members described as fatherless.

³⁵ Perhaps the description σπουρίος was applied in this document as the term ἀπάτωρ was already disappearing in this time.

One example is the will of Taarpaesis *alias* Isidora (*P.Köln* II 100), a lady from second-century Oxyrhynchos who, when appointing her three children as heirs, described them as τὸς τρεῖς χρηματίζοντας μητρὸς ἐμοῦ. According to Herebert Youtie, the father of the children was Psenesis, who is also mentioned in the will of Taarpaesis *alias* Isidora; the testatrix bequeathed to him the use of her property until his death. It is certainly possible that Psenesis was Taarpaesis' life-partner, but the presumption that he was also the father of her children is based only on an onomastic argument. Youtie observed that Ptolemaios, the eldest son of Taarpaesis, had the same name as the father of Psenesis, and that her grandson – the son of her daughter Berenice – had the alternative name of Psenesis, Ision.³⁶ The name Ptolemaios, however, was one of the most popular names in Graeco-Roman Egypt; it is also easy to imagine that Berenice might have named her son after her step-father, especially if she did not know her actual father.

The above examples allow us to make further observations. Children indicated as ἀπάτορες or χρηματίζοντες μήτρος were declared by their mothers or relatives, but not by their fathers, which explains why many individuals born out of wedlock were not indicated as such, but nonetheless appear in a way similar to legitimate children. An example of this practice may be found in the famous Karanis tax roll:³⁷ in column 16, ll. 430–431, brothers Gaius Iulius Diodoros and Gaius Iulius Ptolemaios, sons of Tasoucharion, were listed as payers of the poll-tax. Their mother Tasoucharion was evidently an Egyptian woman who had had two sons with a Roman citizen. The sons, being Egyptians, bore their father's *nomina*. However, they were not described as *apatores* and, if they had not been listed as payers of *laographia*, we would not know that they had been illegitimate children.

The question is, what makes this case – along with a number of similar examples³⁸ – different from those in which people were described as fatherless. Both men had *tria nomina* and metronym, which were enough to distinguish them from other men named Diodoros and Ptolemaios. As none of the descriptions constituted a formal indication, it may not have been a necessary element of a presentation, even for someone born to parents who were not legally married. Indeed, it may have been the case that children who were actually raised by their fathers were not described as fatherless; this description may have applied only to those cases in which a father was not present. With this in mind, it is worth mentioning one further document.

P. Lond. II 324, p. 63 = *W. Chr.* 208 (Prosopite nome, AD 161) is a letter addressed from Anikos to Tamustha containing extracts from two census returns for the years AD 131–132 and 145–146. Anikos wrote to his sister describing her as his maternal fatherless sister: Ἄνικος Χενθνούφιος τῇ ὁμομητρῷ μου ἀδελφῇ Ταμύσθα ἀπάτορι χαίρειν. ἀναδέδωκά σοι τὰ προκείμενα ἀντίγραφα τῶν ἀπογραφῶν, ὧν ἐπιδείξω τὰ ἴσα ἐν καταχωρησίῳ, ὅπ[ό]ταν χρεῖα ἦν εἰς ἀπόδειξιν τοῦ εἶναί με [ό]μομη[ή]τριόν σου

³⁶ Youtie (1975) 727.

³⁷ Youtie (1975) 737.

³⁸ See Nowak (2015) 210–212.

ἀδελφ[ό]ν, ('I, Anikos son of Chenthnouphis, to my maternal fatherless sister Tamustha, greetings. I have given to you the above copies of the registers, whose originals I will display in the register, if it is necessary to prove that I am your maternal brother.')

Tamustha is not, however, described as ἀπάτωρ in the extracts of the census returns copied in this very letter. Indeed, the copied extracts might lead us to the opposite conclusion: since she is recorded as the sister of her brother and the daughter of her parents, Tamustha may have been a legitimate daughter. In lines 9–13 we find a copy of census return from AD 131–132 recording the entire family as follows: Θενθνοῦπις Ἀνίκου τοῦ Παθερμουθίου | μη(τρὸς) Θάσειτος Ἐρπαῆσις (ἐτῶν) με. | Δημητροῦς Σωτηρίχου ἡ γυνὴ μη(τρὸς) Θαμίστις. | Θαμίστις ἡ θυγάτηρ (ἐτῶν) vac. ? | Ἄνικος ὁ ἀδελφὸς τῶν αὐτῶν γονέω(ν) ἀφῆλ(ιξ) (ἐτῶν) ς, ('Thenthnouphis son of Anikos son of Pathermouthios, his mother being Thaseis daughter of Herpaesis, 45 years old; his wife Demetrous daughter of Soterichos, her mother being Thamistis; daughter Thamistis [blank] years old; Anikos her brother of the same parents being a minor of 6 years old.')

In lines ll. 25–28, text copied from the census return made in AD 145–146, the description appears as follows: Χεντμοῦφις Ἀνίκου τοῦ Παθερμούθιος | μη(τρὸς) Θάσ[ει]τος Ἐρπαῆσιος μεταλικὸς (ἐτῶν) νβ. Ἄνικος ὁ υἱὸς | μη(τρὸς) Δημητροῦτος Σωτηρίχου (ἐτῶν) κ. Θαμίστις ἡ ἀδελφὴ | τῶν αὐτῶν γονέων (ἐτῶν) κδ, ('Chenthmouphis son of Anikos son of Pathermouthis, his mother being Thaseis daughter of Herpaesis, miner, 52 years old; his son Anikos, his mother being Demetrous daughter of Soterichos, 20 years old, Thamistis his sister of the same parents, 24 years old.')

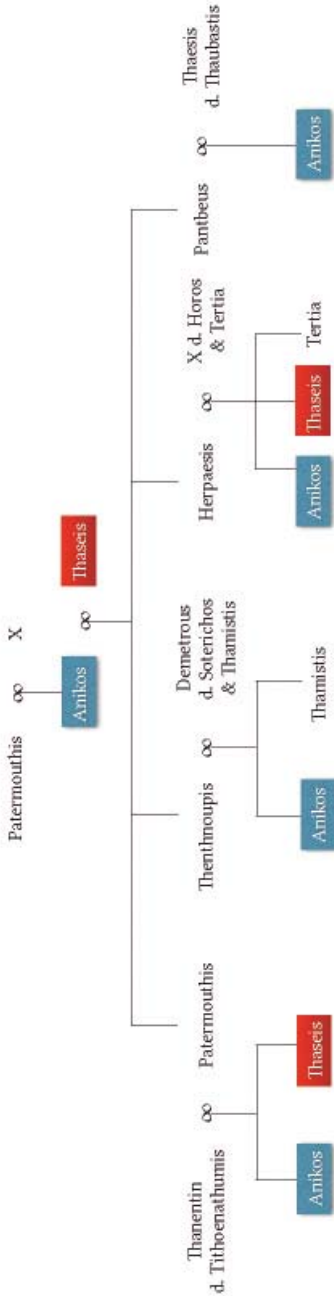
The returns were not copied carefully: names were misspelled – the name of the head of the family, for instance, appears in no fewer than three variants: Θενθνοῦπις, Χεντμοῦφις and Κενθνοῦπις – patronyms were written in the nominative, and the age of Kenthnouphis must have been entered incorrectly at least once, as he is listed as 45 years old in the census from AD 131–132, while in the census from AD 145–146 he is only 52 (perhaps the first number is correct). Finally, the name of the 'fatherless' sister of Anikos is recorded in two variants: in extracts of census returns the name is recorded as Thamistis (a name attested only in this document), while in the letter from Anikos to his sister she appears as Tamustha, which was a reasonably popular Graeco-Egyptian name. Although the part concerning Tamustha's status could be inaccurate, as Bagnall and Frier have claimed, it seems unlikely that the description was changed to such a degree.³⁹

There are various possible interpretations of this document. Youtie claimed that 'something drastic must have taken place to effect so far-reaching a revision in the legal status of Thamistis *alias* Tamustha'. After the death of Kenthnouphis there may have been a problem with the succession. As Kenthnouphis was not her father, Thamistis *alias* Tamustha would not have been entitled to inherit anything from his estate: her brother would have been the sole heir.⁴⁰ The extracts from the census returns, however, would have proven the opposite: as a sister τῶν αὐτῶν γονέω(ν) she would have been entitled

³⁹ Bagnall & Frier (1994) 63.

⁴⁰ Youtie (1975) 724–725.

to inherit together with her brother; using the returns as evidence in such a case would not have strengthened Anikos' legal position. Sabine Huebner claimed that the girl may have been adopted by Kenthnoupis after he had married her mother.⁴¹



⁴¹ Huebner (2013) 178.

A strong argument for the illegitimate status of *Thamistis alias* Tamustha comes from the onomastic habits cultivated within this family: Kenthnoupis, father of Anikos and Tamustha, had three brothers and each one, including Kenthnoupis, named his first-born son Anikos (ll. 8, 17 and 23) which was of course the name of their father. Moreover, two of the four brothers named their first-born daughters Thaseis (ll. 7 and 18), which was their mother's name. The youngest brother did not have a daughter, and Kenthnoupis recorded *Thamistis alias* Tamustha as his daughter. Interestingly her maternal grandmother appears also to have been named *Thamistis* (l. 11), and it is possible that *Thamistis alias* Tamustha was named after her. However it is also possible that *Thamistis alias* Tamustha had an elder sister, Thaseis, who was dead at the time of the first census.

Yet another interpretation of this document is possible: *Thamistis alias* Tamustha may have been a daughter of Kenthnoupis and Demetrous from before they had married. Her status would not have mattered during the lifetime of her parents, which would explain why she was described in the census as a legitimate daughter. This explanation would support Youtie's theory that illegitimate children were usually begotten by parents who had formed life-long relationships but could not marry because of various restrictions introduced by the Romans.⁴²

Both interpretations suggest that the woman, declared as having been born of the same parents as her brother, became 'fatherless' at some point. Youtie claims that such a 'diminution' of familial status was quite common in Roman Egypt, as in *P. Bour.* 42 which lists Kastor son of Tapasmutis formerly known (as his real status was discovered during some kind of investigation) as son of Ision.⁴³

In the case of *P. Lond.* II 324, however, such an explanation seems unlikely, as the text does not mention any procedure or investigation which would have resulted in a change of status. If the document had been written as a proof of Tamustha's illegitimate familial status, such a detail would have been essential.

Furthermore, since the woman was either an illegitimate daughter of either Demetrous alone or Demetrous and Kenthnoupis together, she would have had to be either adopted or officially recognised as his daughter. The former interpretation is improbable, because informing and providing proofs that an adopted sister was 'fatherless' would not make a lot of sense, especially so many years after the supposed adoption had taken place. Such an interpretation would only make sense if the adoption had been revoked; however this crucial fact would not, in my opinion, have been omitted in the document.

If one accepts the latter interpretation, one would have to agree that Anikos addressed his sister as 'fatherless' as a result of an investigation which had taken place before the document was written, and which had revealed his sister's real familial status. Consequently, we would have to accept that the legitimization of natural children was

⁴² Youtie (1975) 238–239.

⁴³ Youtie (1975) 725.

forbidden among Egyptians: Tamustha *alias* Thamistis would have remained *apator* despite of the subsequent marriage of her parents. Indeed, Romans could not provide legitimacy for their children by marriage until late antiquity,⁴⁴ but our sources do not provide evidence that the same prohibition was applied to Egyptians. Reasoning *per analogiam* would not be justified in this case, as the institutions of Roman family law usually did not copy the local law applied to non-Romans in Egypt.⁴⁵

For this reason, the supposed change of status of Tamustha *alias* Thamistis seems rather improbable. If the girl was indeed a daughter born to Demetrous of an unknown father before she married Kenthnoupis and gave birth to Anikos, it would mean that both children were raised together in the household of Kenthnoupis, and would have been declared as such in the census. When Demetrous died (she is not recorded in census return from AD 145–146) Tamustha remained in Kenthnoupis' household, but later perhaps moved out. After all, this woman was raised by Kenthnoupis and was recognised as his daughter or foster-daughter both by him and the community to which they belonged: her legal status did not matter in real life. At some point after her parents had died, Tamustha may have needed a copy of the census returns, and her brother fulfilled her request providing her with a proof that she belonged to the family of Kenthnoupis; in addressing her as 'fatherless', he may have been indicating her real status, but this would not have acted as proof of her legal status.

A further explanation is based on the various meanings of the Greek word ἀπάτωρ: it could also signify someone whose father had died.⁴⁶ Perhaps in addressing his sister, Anikos wanted to underline both the fact that their father had died and that they shared a common mother: τῆ ὁμομητρῖω μου ἀδελφῆ. Such a presentation of the sister would be easily understandable, if the extracts were to serve as evidence concerning maternal estate, but the usual meaning of ὁμομήτριος is an obstacle.⁴⁷

One final interpretation may be proposed, namely that Tamustha and Thamistis were two different women. Thamistis in this case may have been a legitimate sister of Anikos, while Tamustha was his maternal sister raised in another household (perhaps by relatives of her mother as in *BGU* I 117, II 447 and XI 1018). This would mean that the letter was sent to prove that Tamustha was not recorded in the census returns, and was therefore the maternal sister (not sister-german) of her brother. It is a common opinion that Thamistis is simply a variant or corrupted version of Tamustha; this reading, however, is not accepted by the authors of *trismegistos.org*, who treat the names as two separate entries. The changes of tau into theta, upsilon into iota and theta into tau are all plausible, but the change of declension is disturbing.

⁴⁴ *Legitimatio per subsequens matrimonium*, by which an illegitimate child became legitimate through subsequent marriage of its parents, was introduced only just by Constantine. His constitution was not preserved, yet the text may be restored thanks to Zeno's constitution (C. 5.27.5 pr.), Niziołek (1980) 25–26.

⁴⁵ See Alonso (2013).

⁴⁶ See n. 9.

⁴⁷ Youtie (1975) 739.

III. Conclusions

The source material presented here may lead us to a number of conclusions. First, it would seem that only those individuals raised with no father or step-father were described as fatherless; this would imply that the social status of an ‘illegitimate child’ was flexible. However, this same conclusion cannot be applied to legal documents concerning illegitimacy, especially to those papyri in which the status of illegitimate children of Romans was concerned.⁴⁸ In other words, in the first three centuries of Roman rule in Egypt, illegitimacy seems to have been a legal problem, not a social one.

Second, it would seem that situations in which mothers of different social and economic standings raised their illegitimate children on their own were not uncommon. Perhaps girls and women were attested more frequently as fatherless in census returns, but sons raised by their mothers were not exceptional.⁴⁹ It also seems that, at least on a social level, these children belonged to a family network, as they could belong to households whose heads were their kinsmen.

BIBLIOGRAPHY

- Alonso, J. L. (2013), ‘The status of peregrine law in Egypt: “customary law” and legal pluralism in the Roman Empire’, *The Journal of Juristic Papyrology (Special Issue. Papyrology AD 2013)*, 43, 351–404.
- Bagnall, R.S. (1992), ‘Notes on Egyptian census declarations. IV’, *The Bulletin of the American Society of Papyrologists*, 29, 101–115.
- Bagnall, R.S. (forthcoming), ‘Illegitimacy in Roman and late antique Egypt’.
- Bagnall, R.S. & Frier, B. W. (1994), *The Demography of Roman Egypt*, Cambridge.
- Broux, J. (2015), ‘Re: Apatores. Identification issues and loss of status in Roman Egypt’, *Zeitschrift für Papyrologie und Epigraphik*, 194, 212–214.
- Calderini, A. (1953), ‘Apatores’, *Aegyptus*, 33, 358–369.

⁴⁸ See Nowak (2015).

⁴⁹ Malouta (2009) 123–124 has noticed that men attested as fatherless are c. nine times as numerous as women. These numbers, however, are not conclusive, as the vast majority of entries were found in the documents related to Roman taxation.

- Cuvigny, H. (2003), *La route de Myos Hormos : l'armée romaine dans le désert oriental d'Égypte. Praesidia du désert de Bérenice I-II*, Le Caire.
- Huebner, S. (2013), *The Family in Roman Egypt. A Comparative Approach to Intergenerational Solidarity and Conflict*, Cambridge.
- Keenan, J. (1994), 'The Will of Gaius Longinus Castor', *The Bulletin of the American Society of Papyrologists*, 31, 101–107.
- Maloula, M. (2007), 'The terminology of fatherless in Roman Egypt: ἀπάτωρ and χρηματίζων μητρός', in: J. Frösén, T. Purola & E. Salmenkivi (eds.), *Proceedings of the 24th International Congress of Papyrology, Helsinki, 1—7 August, 2004*, Helsinki, 615–523.
- Maloula, M. (2009), 'Fatherless and formal identification in Roman Egypt', in: S. R. Huebner, D. M. Ratzan (eds.), *Growing up Fatherless in Antiquity*, Cambridge, 120–138.
- Niziołek, M. (1980), *Legal Effects of Concubinage in Reference to Concubine's Offspring in the Light of Imperial Legislation of the Period of Dominate*, Kraków.
- Nowak, M. (2015), 'Ways of describing illegitimate children vs. their legal situation', *Zeitschrift für Papyrologie und Epigraphik*, 193, 207–219.
- Phang, S.E. (2001), *The Marriage of Roman Soldiers (13 BC–AD 235): Law and Family in the Imperial Army*, Leiden-Köln.
- Rawson, R. (1966), 'Family life among the lower classes at Rome in the first two centuries of the empire', *Classical Philology*, 61.2, 71–83.
- Sołek, M. (2015), 'Origo castris and the local recruitment policy of the roman army', 103–115.
- Wolff, H.J. (1945), 'The background of the postclassical legislation on illegitimacy', *Seminar*, 3, 21–45.
- Youtie, H. (1972), 'BGU I 2018', *Zeitschrift für Papyrologie und Epigraphik*, 9, 133–137.
- Youtie, H. (1974), 'BGU II 447 and P. Mich. IV', *Zeitschrift für Papyrologie und Epigraphik*, 13, 238–239.
- Youtie, H. (1975), 'ΑΠΑΤΟΡΕΣ. Law vs. custom in Roman Egypt', in: J. Bingen, G. Cambier, G. Nachtergaele (eds.), *Le monde grec : pensée, littérature, histoire, documents. Hommages à Claire Préaux*, Brussels, 723–740 (reprinted in: Youtie, H. [1981], *Scriptiunculae posteriores*, vol. I, Bonn, 17–35).