

## Bardaisan the Proculian: Echoes of Roman Law in an Early Syriac Text

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Roman Law and Politics Panel

Bernards Township Public Schools,

March 25, 2022

Basking Ridge, NJ

### Proculian Puberty

A. Ulp. *Reg.* 11.28 (cf. Gaius, 1.196; *CJ* 5.60.3; )

For their part, the Cassians [another moniker for Sabinians] say that a *pubes* is one who appears to be a *pubes* with respect to the condition of his body, *i.e.* he is able to procreate. On the other hand, the Proculians say that a *pubes* is one who has finished fourteen years.<sup>1</sup>

Puberem autem Cassiani quidem eum esse dicunt qui habitu corporis pubes apparet, id est qui generare possit; Proculeiani autem eum qui quattuordecim annos explevit.

B. *BLC* 20 (= *Book of the Laws of the Countries*, 20; Nau p. 572, ll. 13-25; Drijvers p. 32, l.19 – 33, l.1)

Therefore, the body is led by nature, while the soul suffers and feels together with it. And the body is neither oppressed nor aided by fate in everything which it does again and again. For a man does not become a father before he is fifteen years old, and a woman does not become a mother before she is thirteen years old. And so too there is a law for old age, that women lack the ability to give birth and men lack their procreative virility.

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### Patria Potestas

C. *BLC* 29 (Nau 587, ll. 13-18; Drijvers 44, ll. 8-12)

And there are many regions in the kingdom of the Parthians in which men kill their wives, brothers, and sons and do not owe a penalty, while in the land of the Romans and the land of the Greeks whoever kills one of these places on his head more of a penalty because he has made himself deeply guilty.

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D. Eus. *Praep. Ev.* 6.10 (276c-d)

among the Greeks and Romans those who kill members of their household and relatives cast upon themselves a greater punishment

παρ' Ἑλληνισι δὲ καὶ Ῥωμαίοις μείζονι τιμωρία ὑποβάλλονται οἱ τῶν οἰκείων καὶ συγγενῶν φονευταί

E. D. 48.9.5 (Marcian) (cf. Val. Max. 5.9.1; Sen. *Clem.* 15.1-2; D. 48.8.2 (Ulpian); D. 28.2.11 (Paul))

When someone on a hunt had killed his own son, who had been committing adultery with his stepmother, the deified Hadrian is said to have deported him to an island, because he had in fact killed his son more by right of a brigand than that of a father. For *patria potestas* ought to consist of piety, not cruelty.

Divus Hadrianus fertur, cum in venatione filium suum quidam necaverat, qui novercam adulterabat, in insulam eum deportasse, quod latronis magis quam patris iure eum interfecit: nam patria potestas in pietate debet, non atrocitate consistere.

### Arabian Circumcision

F. *BLC* 43 (Nau 603, ll.19-27; Drijvers 56, ll. 12-19) (cf. Ps.-Clem. *Recogn.* 1.27, Eus. *Praep. Ev.* 10, 279b)

<sup>1</sup> All translations are my own.

