

The Jurist's Nile: Exotic Exemplum?

The Nile often represented an exotic extreme in the Roman imagination, but it was just another river in Ulpian's interpretation of the Interdict on Rivers. The jurist uses the Nile effectively to support his legal argument, but his treatment of the Nile also has broader implications for Roman law and its application in foreign places such as Egypt. Ulpian demonstrates knowledge of the Nile's hydrology while he corrects and selects among common ideas about it. More importantly, his remarks reveal a paradoxical imperial ideology that deploys knowledge of provincial diversity to iron out differences through the application of Roman law.

Ulpian introduces the Nile in a comment on the Interdict on Rivers. An interdict was a magistrate's order, and this interdict protected boat traffic on public rivers by prohibiting activities that changed the course of the river (Fiorentini 2003, 188-89). Ulpian cites the Nile flood to distinguish prohibited activities from naturally occurring change. "In point of fact," he writes, "no one said that the Nile, which covers Egypt with its flood, changes or widens its banks; for when it returns to its capacity, its banks need to be shored up" (*nemo denique dixit nilum, qui incremento suo Aegyptum operit, ripas suas mutare vel ampliare, nam cum ad perpetuam sui mensuram redierit, ripae alvei eius muniendae sunt*, D. 43.12.1.5 Ulp. 68 ad Ed.). Ulpian was familiar with the Egypt and Nile's hydrology, not surprising as the topic was widely disseminated in imperial literature and art (Barrett 2019; Merrills 2017; Swetnam-Burland 2015). Moreover he held powerful positions in the court of Septimius Severus whose fascination with Egypt led him to visit (Birley 1999, 135; Syme 1972, 408; on the hydrology, Oleson 2000, 201-204). Romans often took an eclectic approach, for example, reporting several explanations for the flood (e.g. Sen. *Nat.* 4.2; Amm. 22.15.1-31). Instead, Ulpian proceeds selectively, ignoring

the problem of cause and isolating features of the hydrology that matter for the interdicts. In this process, the jurist practices legal reasoning, constructing an effective analogy to support his interpretation of the law. Indeed, his argument accords with earlier legal approaches to regulating rivers in the provinces with interdicts (Bannon 2017, 79). But Ulpian's treatment of the Nile also illustrates the ideological freight of legal interpretation.

Ulpian's application of law depends on an understanding of diverse environments of empire even as it erases distinctions. The Nile was the miraculous foreign landscape par excellence (*miracula*, Pliny, NH 5.55-58, Lucan, BC 10.196, with Swetnam-Burland 2015, 142-181). Ulpian's adverb, *denique*, acknowledges this common characterization but his use of the Nile corrects this impression. In his argument, the Nile represents a limiting example that grounds an a fortiori argument: if not in the case of this exceptional river, then surely not for more modest streams. Ulpian's proximity to the Severans may have influenced him as his interpretation coheres with Septimius Severus' regularization of imperial government in Egypt (Birley 1998, 136). By assuming that the interdict applies to the Nile like any other river, he asserts 'geographic authority' (for the term, Merrills 2017). In ideological terms, the jurist's legal opinion thus converts the extraordinary to the ordinary, ostensibly accommodating Roman law to provincial environments while in reality reducing their individuality for the sake of a unified legal concept.

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