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### The Language of Law in Oscan and Pre-Samnite Italic

#### I. Introduction

#### II. Oscan and Italic

- Italic is a branch of PIE, containing Latino-Faliscan and Osco-Umbrian.
- Oscan written C4th BC to C1st BC, when Rome wins Social War and Latin becomes dominant language of Italy.
- Written evidence of other Italic languages goes back to C6th BC.

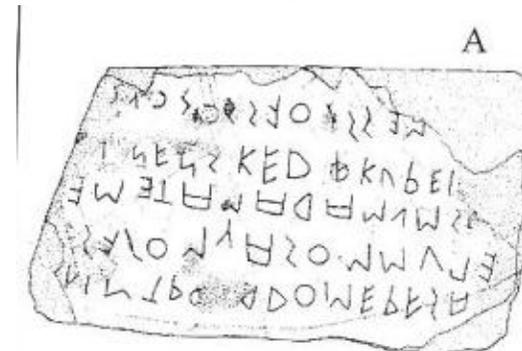
#### III. Legal language and legal traditions

- Greek: first laws C7th on Crete (on temple walls). Many other areas produce written laws from C6th/C5th. Can be on stone (walls or free-standing) or bronze.
- Latin: first legal-type texts (Lapis Niger, sacral law, C6th?; Corcolle altar, may be legal, c.500 BC). 'Twelve Tables' codified c. 450 BC (transmitted to us by ancient authors). First surviving lengthy legal texts on bronze c.200 BC onwards.
- Umbrian: Iguvine Tables (sacral laws and cult regulations on bronze, C3rd-C1st BC).

- Oscan: Tabula Bantina (procedures for trials, c. 90 BC); Cippus Abellanus (treaty between two towns, C2nd BC); Agnone tablet (details of religious procession, C3rd BC).

#### - New texts

- o Roccagloriosa bronze, c. 300 BC
- o Tortora stele, c. 500 BC



#### IV Syntax

Imperative in *-tōd* ('future' imperative, or 'imperative II')

Tabula Bantina (Osc) c. 90 BC:

11-12. *suae pis. contrud. exeīç fefacust... molto etanto estud*. 'If anyone acts against these (rules), the fine should be this much.'

17-18. *suae. pis. herest. meddis. moltaum. licitud*. 'If any magistrate wants a fine, it is allowed.'

But c.f. use of perfect subjunctive in prohibitions:

*ni hipid , nep fefacid, ni fuid*

Lapis Nīger (Latin) c. 550 BC?: *-od, -od, iouestod*

Corcolle Altar (Latin): *-tod*

Twelve Tables (Latin) c. 450 BC:

I.4 *adsiduo uindex adsiduus esto*. '(If) a guarantor (is needed) for an *adsiduus*, he (the guarantor) should be an *adsiduus*.'

Spoletto Cippus (Latin) c. 241 BC:

*ne quis uiolatod neque exuehito neque exferto*. 'No one should violate it nor carry it out nor take it out.'

Lex Repetundarum (Latin) 123 BC:

6. *quaestio eius pr(aetoris) esto*. 'The praetor is to have power of investigation.'

3. [*quod*] ... *ablatum captum coactum conciliatum auersumue siet, de ea re eius petitio nominisque delatio esto*. 'Whatever... may have been taken, seized, extorted, procured or diverted, he is to have suit and right of prosecution concerning that matter.'

Lex Agraria (Latin) 111 BC:

9. *neiue quis facito quo...* 'Nor is anyone to act such that...'

Tortora (early Italic): (B2-3. ο[VAC]φρι- / φτο-) (o...*fri-qto-*)  
c. 500 BC C3. νε πισ τα-ιοσφτοδ (*ne pis ta-iosqtod*)

Roccagloriosa (Osc): A2. ]εφτουδ (*estoud*)  
c. 300 BC (A7. ]ουδ) (-*oud*)  
A7. ακτουδ (*aktoud*)  
A11. ηαφειτουδ (*hafeitoud*)  
B8. καιουφετουδ (*kaioufetoud*)  
(B13. ]ουδ) (-*oud*)

Dreros, Crete c.625 BC (Greek) επει κε κοσμησει, δεκα φετιων  
τον αφτον μη κοσμεν. (infinitive)  
 ‘And when someone becomes *kosmos*, he  
 may not be *kosmos* again for ten years.’

Gortyn, Crete (Greek) αι δε κ'αγει, καταδικασατο. ‘And if he brings a  
 suit, he shall give judgement.’  
γυνα δε με αμπαινεθθο. ‘Let a woman not adopt.’

Phokis c.470-450 BC (Greek): τον φοινον με φαρεν. ‘Do not take the  
 wine’ (infinitive)  
αι δε κα φαρει, ηιλαξαστω... μεταθυσαστω καποτεισαστω...  
 ‘And if someone does take it, he should propitiate the god... he  
 should appease by sacrifice and he should pay...’

Chios c.600-550 BC (Greek): αποδοτω, εκκαλεσθω, πρησσετω

Elis c.500 (Greek): αι δε τις παρ το γραφος δικαδοι, ατελες κ' ειει  
αδικα. ‘And if someone... he will be...’ (optative)

Eretria c.550-525 BC (Greek) : ηοστισ αν : με ποιει : αυτον  
οφελεν. (infinitive) ‘If anyone  
 does not do it, he should pay...’

Verbs in Italic ‘normative’ texts (following Poccetti 2009)

Language	Positive (command)	Negative (prohibition)
Latin	imperative in -tod present subjunctive [present imperative]	present subj. (senatus cons.) imperative in -tod perfect subj. (rare) [caue + subj.] [present imperative]
Oscan	imperative in -tod present subjunctive perfect subjunctive	perfect subjunctive
Tortora stele	imperative in -tod?	imperative in -tod
Umbrian	imperative in -tod (rituals) subjunctive (decided on by council)	imperative in -tod

See also:

Greek	imperative in -tod (pres) imperative in -tod (aorist) present optative infinitive (for imperative) [present imperative]	infinitive (for imperative) aorist subjunctive imperative in -tod (pres) [present imperative] [aorist imperative]
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(Square brackets show other possible forms that, as far as I know, are not  
 used in legal texts.)

## V Ambassadors to Athens?

Livy (3.33) ‘... the three envoys who had gone to Athens... it was believed that their knowledge of foreign laws would be useful in establishing the new law’.

Livy (1.18) Numa Pompilius learns ‘omnis divini atque humani iuris’ (‘all human and divine law’) from Pythagoras.

## VI Epigraphy

- Chios law strikingly similar to Tortora - free-standing stele engraved on three of four sides, vertical writing, boustrophedon.
- Note that Chios uses Ionic alphabet, and Tortora in Achaian alphabet. Maybe writers are selecting from a number of sources?

## VII Conclusions

- While some specific phrases/words can be said to be calqued from Latin late in Oscan’s history, much of the similarity between Latin/Oscan legal texts has other explanations.
- There are considerable differences between Latin/Oscan - and Oscan/Tortora.
- This variety was available from Greek models. Both Latin and Oscan could select from among these, and not necessarily from the communities physically closest to them.

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