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AND THE ROC\nCA\nGL\nOR\nIO\nSOA LAW TABLET

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The O\nsc\na\n inscription on bronze from Roccagloriosa (Buxentum 1/\nLu 62)\n is one of two major inscriptions found at the site.\n It is a
fragment, in the form of a very rough square, of an originally much
larger bronze tablet (for photos, drawings and interpretation see Tocco
perfectly straight side makes up part of the bottom of side A of the in-
scription, and the top of side B. The bronze tablet is estimated by Gual-
tieri & Poccetti (2001: 191-7) to have been in the region of 0.28m wide
and 0.42m tall, while the fragment is 0.12m at its widest point, and 0.09m
high. Side A consists of 11 lines of text, while side B has 14 lines; the let-
ter height is 0.04-0.05m. No line preserves more than four words. It can
easily be seen, therefore, that the inscription as we have it reflects only a
small part of the original text; furthermore, since an unknown number
of letters precedes and follows every part of each line that we have, the-
re is little immediate context to allow for help in the interpretation that
remains. Nonetheless, comparison with other Oscan texts, especially the
Tabula Bantina (Bantia 1/Lu 1), and Latin legal texts, along with etymo-
logical and morphological analysis of the words found on the fragment,

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\footnote{The other is an Oscan curse tablet, perhaps with a Greek opening formula (Buxentum 3/Lu 45). See Gualtieri & Poccetti (1990), Campanile (1992), Poccetti (2010).}

\footnote{Note that Crawford et al. (2011) propose the existence of an additional line at the beginning of the text of Side A, without visible letter forms; this line is not included in the readings of other scholars. For several different readings of the text, notably \( \gamma\nu\xi\upsilon\gamma\nu\omega\delta \) for \( \tau\upsilon\gamma\xi\upsilon\gamma\nu\omega\delta \), see del Tutto (2006). The text given here follows the readings of Crawford et al. (2011), including Crawford’s line numbers, with one or two minor differences, which are the result of the authors’ own autopsy (11/04/2012, Soprintendenza per i Beni Archeologici di Salerno Avellino Benevento e Caserta, Salerno).}
makes it possible to identify the Roccagloriosa inscription as a fragment of a law code.¹

For ease of reference, we give here the text of side A:

Divided into lines, the translation as provided by Crawford et al. (2011) is as follows:

1  [?-]
2  [?-] whatsoever (?) [?-]
3  [?-] is to be three times [?-]
4  [?-] the priesthood of that (person) ?? [?-]
5  [?-] ?? ?? [?-]
6  [?-] the meddix himself in his term of office as meddix [?-]
7  [?-] he shall have [?-] or he shall have stolen them (fem. pl.) [?-]
8  [?-] he is to (and) he is to act, if ?? [?-]
9  [?-] small building, from which sort [?-]
10 [?-] he shall have spoken? or (?) he shall have ?? [?-]

¹ A few examples of features that suggest this is a legal text: the repeated use of the imperative in *-tid (spelt here -toup), cf. the Tabula Bantina, the Twelve Tables, Lex Repetundarum, Lex Agraria; mentions of the magistrate(s) (μεδεικα[τεν], nom. sg. or pl.) and his magistracy (μεδεικα[τεν], loc. with postposition), cf. Tabula Bantina; words implying the involvement of public bodies, such as τουτικας (public) and (τ)σνιγγνινωδ (decision - normally of the senate/assembly), both also found in Tabula Bantina. If line B.7 reads [με- δεικα[τεν πους μεδκς μένομα (the last letter is printed as μ by Crawford et al. and ST, but we were unable to see any traces of it), then this has a clear parallel in the specifications of correct legal procedure set out in the Tabula Bantina (l. 23-35), cf. also the Twelve Tables (Table 3), Lex Coloniae Genetiae: 1x1; see also Crawford (1996: 290; 432).

² Presumably following the comparison of ρουγωστ with arxut (Bantia 1/Lu 1.14, 16) tentatively suggested by Gualtieri & Poccetti (2001: 228-9). This is not a plausible translation; see below.
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11 [-?:] the son, ??? ??? ??? [-?:]  
12 [-?:] ??? he is to hold [-?-]

Despite the clear legal context of the inscription, the precise meaning of the words that appear on the fragment is frequently uncertain. This article will be largely devoted to the etymology and meaning of the word θουρωστ in line 10, and its context in the inscription. Up to now, the only certainly comprehensible part of line 10 is ΛΩ, which can be easily expanded to either ΠΔ ‘anything’ (3sg. neut. indefinite pronoun), or ΠΩΚΠ Δ ‘whatever’, which is found elsewhere in this inscription, and also in the Tabula Bantina (1.8, 31) and the Cippus Abellanus (Abella 1/Cm 1 B.26). Although the inscription is written in scriptio continua, and the remaining words have no clear etymology, they can be easily split up by reason of their morphology: θουρωστ has the usual Oscan 3sg. future perfect ending -ust/, while κερστ is a 3sg. future of a thematic verb with an ending in -st/. It is assumed that ειειει has a subordinating or coordinating function; for etymological suggestions see Gualtieri & Poccetti (2001: 227-8), and note that <ει> in this inscription represents both the diphthong /ei/ and /e¯e/ < *-e¯- and *-ı-.

In finding an etymology for θουρωστ, therefore, we can identify a ‘root’ θου-. Several different interpretations of the sequence θου- are in principle possible, since in this inscription the digraph <ου> can reflect either the Oscan phoneme /u/ from Proto-Italic *-ւ- or *-į-, or the diphthong /ou/. For <ου> = /u/ in this inscription we have examples such as άκτωδ (3sg. imperative) < *agitād (cf. Lat. agitād), θουστ (3sg. fut. perf.) < *bhist (cf. fust, Bantia 1/Lu 1 passim, Umbrian fust), and for <ου> = /ou/ e.g. θουτεκάς < *tōtikos (cf. tūtikos Herculaneum 1/Cm 10). So possible preforms for θου- are *μύρ-, *μύ-, and *μύρ-.

The only attempt at an etymology of this word of which we are aware is the discussion by Gualtieri & Poccetti (2001: 228-9), who compare the form urust (s)he will have prosecuted1 in Bantia 1/Lu 1.14, 16. However, they eventually decline to press this connection, since it would require emendation of θουρωστ to θουρωστ. In principle one could instead suppose a change μυ- > μ- in Oscan between the time of the Roccagloriosa tablet (probably C3rd) and the Tabula Bantina (probably C1st), against which there seem to be no possible counter-examples. But urust is usual-

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1 When given as citation forms, future perfects will be translated as ‘will have verb-ed’. However, in most contexts Oscan future perfects are best translated into English as ‘has verb-ed’ or ‘will verb’. Consequently, the translation used when quoting forms in context will use the form appropriate in English.
ly compared to Latin *ôrē 'treat, argue, plead', which cannot have had an initial *y-, whatever its further origin. Consequently, the connection between *ôrōust in the Roccagloriosa tablet and urust in the Tabula Bantina cannot be maintained.

The way is therefore open for another attempt to provide an etymology for *ôrōust. We will argue that this word means '(s)he have found', and can be related to formations of this meaning in other Indo-European languages. First we will lay out the comparative evidence, the phonological and morphological aspects of this analysis, and how *ôrōust may fit in syntactically with lines 7-10 of the inscription; this will be followed by an explanation of why the newly suggested meaning is particularly plausible in the context both of the inscription as a whole and of a legal text from ancient Italy.

As has already been mentioned, in the first instance we can morphologically segment *ôrōust as *ôrō-ost, with the second part reflecting the Oscan 3sg. future perfect ending /-u-st/. This leaves us with *ôrō- as the root – or stem – of a past tense formation. The possible preforms *muur- and *mur- do not provide any obvious foothold for an etymology of *ôrōust. But *mur- is considerably more promising: a verb with a formally identical past tense stem is to be found in the Old Irish preterite *fúair- (3sg.) '(s)he found’ < *me/re(t), and perhaps in the Greek aorist εὗρον (3sg.) ‘I found’, if from *yευρον.

According to Beckwith (1994 [1995]), followed by LIV (698), both of these forms are derived from a reduplicated aorist *με-yyρh-ε/ο- to a root *μυρh.-. This is formally unproblematic for the Old Irish form, in which *με-yyρh-ε/ο- > *με-yyρε/ο- regularly (for *με- > *-oμυ- in Celtic see McCone 1996: 64), with subsequent development to *fúair, although Schumacher (2004: 73, 681-2) objects to this analysis, and prefers to see the Irish form as reflecting an original perfect. Things are somewhat more difficult with regard to Gk. εὗρον, since *με-yyρh-ε/ο- >

1 Rix (1993: 331-5), followed by LIV (271), explains urust as coming from a perfect *h,ε-h,or of a root *h,er found also in Attic Greek ἱπά 'prayer' < *h,er-yeχο, Vedic āryanti ‘they acknowledge, admit’, Serbo-Croat oriti (sc) ‘to echo, resound’. He considers Lat. ôrē to be derived from a root noun *h,ôr. Despite the doubts of de Vaan (2008: 435-6), who prefers a derivation of Lat. ôrē from ôs ‘mouth’, given the formal and semantic similarity of Lat. ôrē and Oscan urust, the two must surely be connected.

2 But Arm. gerem ‘take prisoner’, also attributed to this root by LIV, may not belong here (Praust 2005).

3 With loss of the laryngeal after vocalic *-r- in a reduplicated formation according to the *yyρh-rule; for the continuing discussion on the loss of the laryngeal after syllabic sonorants see Fritz (1996) and Balles (forthcoming).
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*με-μυ-<ε/-ο might be expected to give *εζρον in the same way as ειπον ‘I said’ < *με-υκ-<ε/-ο (Lejeune 1972: 228; LIV 673-4). Beckwith (1995 [1995]: 26) suggests that the dissimilation “may have worked differently before -r-”, which is in a sense ad hoc, except that there seem not to be other certain examples of the dissimilation, which may therefore be sporadic rather than an exceptionless sound change.¹ The word-initial aspiration must be analogical after Gk. ἔλειν ‘to take, grasp’, because *γ- normally only gives aspiration when an *-s- follows in the word (e.g. ἐσπέρος ‘evening’, cf. Lat. uester; Lejeune 1972: 176-7). Such an analogy is also required for explanations such as the preforms *μερή-t or *μήθ,-ε/-ο- suggested by Peters (1980: 23-24, 27, 31), which can give εύρον according to a metathesis rule *μεC- > ευC- or *μήθHV- > *ΗμήV- respectively.²

Assuming that Beckwith’s derivation of both Gk. εύρον and OIr. fó·fúair from a reduplicated aorist *με-μυ-<ε/-ο is correct, such an origin would fit Oscan ʧουρόωςτ perfectly. However, as discussed, there are some problems in explaining these forms in such a way. If the Greek form in fact represents another formation from the root *μερή- and fó·fúair is to be explained instead as an original perfect, as preferred by Schumacher, the Oscan form could also be explained as a perfect just as easily. Strong stem forms like 1sg. *με-μυρά-<ε and 3sg. *με-μυρά,-ε, which would both have given *μαυρά (for *-ευ- > *-ου- in Oscan see Buck 1928: 46-7), would no doubt have been remodelled with the usual perfect endings. In the weak stem the 3pl. *με-μυρά,-ερ would also have given a ‘root’ *μώμερ. Comparison with the Irish and Greek forms thus provides a phonologically impeccable preform for ʧουρόωςτ, which has an exact morphological parallel in at least one, if not two, other Indo-European languages.

While we are confident in this new etymology and meaning for Oscan ʧουρόωςτ on the basis of the evidence shown above, it is a bonus for a text as fragmentary and difficult to understand as the Roccagloriosa tablet if a new etymology reveals something about the meaning of the text as a whole. We tentatively suggest that this may be the case here. While the comparison to urust ‘(s)he will have prosecuted’ in the Tabula Bantina led to few conclusions, the meaning ‘(s)he will have found’ raises a number of intriguing possibilities, particularly when taken with χλόπουςτ ‘(s)he will have stolen’ (A.7).

¹ As pointed out to the authors by an anonymous reviewer. For secondary examples of *με-μυ-<ε with loss of the second *-γ- and compensatory lengthening of the preceding vowel, see Lejeune (1972: 181).
² On the second rule see now Balles (2007).
With due hesitation, we would like to suggest that ‘(s)he will have found’ may be a continuation of a topic also dealt with in line 7, which reads |ςιτ ινυτ ιαφ κλόποςωσθι (to be translated ‘verb or (s)he has stolen these (acc.fem.pl.)’, assuming for the sake of argument that this form appears as part of a conditional clause).\(^1\) While κλόποςωσθι is a previously unknown lexeme, this division of the words is by far the most plausible, since etymologically it gives us an acceptable direct object pronoun (cf. Umbrian eaf and Marrucinian iaf acc.fem.pl. pronoun)\(^2\) and a third-person future perfect verb (see above). Based on this division of the words, Gualtieri & Poccetti (2001: 222) posit a possible connection to Greek κλέπτειν and Latin klep ‘I steal’, from *klep- which we accept.\(^3\) It

\(^1\) Printed as |ςιτ ινυτ ιαφ κλόποςωσθι by Crawford et al.; as can be seen shortly below, forms of the pronoun ιαφ(κ) both with and without the final particle -κ are attested in other Sabellian languages, so it is not clear whether we should expect a <κ> at the end of this word, while the κ at the beginning of κλόποςωσθι seems to us certain.

\(^2\) Gualtieri & Poccetti (2001: 222) suggest that a problem for the division of words in this way is that ιαφ, if a pronoun, ought to come from the full grade root of the pronoun *κι- rather than *κε-. However, <κι> in this inscription can represent both /i/ < *ι- and /e/ < *ẹ- and *ι-, as noted elsewhere by Gualtieri & Poccetti themselves (2001: 205); in the sequence *eʝu the intervocalic *ι- was lost already in Proto-Italic (cf. Lat. eatis), and in Proto-Sabellic the vowel *-e- was raised in hiatus to give /e/, as shown by other forms of this pronoun such as úk (Abella i/Cm i B.11, 16) nom.fem.sg < *eʝe-.κe-, cf. Lat. ea (Meiser 1986: 109), and by αὐς of bronze (Potentia i/Lu 5) < *aʝes-n-eʝu. The writing of this pronoun as eua nom./acc.neut.pl. elsewhere in the Roccagloriosa tablet (B.9, 10) does not represent directly the preform *eʝa, as implied by Gualtieri & Poccetti, but simply shows the variant spelling of /e/. A nominal derivation from this root is probably found in kulupu ‘of thieves’ (Cumae 8/Cm 14, 128, 36), for which see Rix (2002). The combination of o-grade and non-reduplication in this verb, not discussed by Gualtieri & Poccetti, requires explanation. A possible answer is that the root *klep- formed a root aorist, whose weak stem was zero-grade *klep- > Oscar *kelp- > *klep- after the present stem *klep- found in Latin klepō. The fact that Greek εἰκλέπειξα and Latin klepō point to an s-aorist is not necessarily a problem, since these were productive in both languages (Oscan κλόποςωσθι would then be a relic). According to Meiser (2003: 103-4, 162), original root aorists normally preserve full- rather than zero-grade in the root in Italic, but this is not always the case (e.g. Lat. strānī ‘I strewed’ < *str̩-n-, and relics such as parēnus ‘parent’ < *ph̩-ent-, diēns ‘client’ < *kle-ent-). One might also compare the lack of reduplication and o- or zero-grade found in Lat. uerī ‘turned’ < Old Latin iordī, Umbrian courtus(t) ‘will have returned’. According to Meiser (2003: 162) this reflects a special rule of de-reduplication of roots beginning with *γ-. Dupraz (2009, especially 111-16) argues instead that buras, found in a Latin inscription in the Paelignian area, is originally an Oscar perfect participle meaning ‘thankful’ from the root *γ̩erH- with o-grade carried over from a Proto-Italic perfect stem class which shows the o-grade and de-reduplication found also in κλόποςωσθι and courtus(t), and coincides, for unclear reasons, with thematic present stems. Lastly, de-reduplication of κλόποςωσθι < *ke klep- may have been due to generalisation of a syncopated form found in compounds, cf. Lat. tuī ‘I bore’ < *tuī-tuī < *tetuī (Meiser 1998: 210).
is possible that the word preceding the *xut* was also a verb, perhaps with a very similar meaning – Latin law, at least, was very prone to include synonyms to remove ambiguity – but this is speculative. The appearance of the imperative form *xxtowβ* in line 8 also suggests that this section of the text is structured as a series of possible actions and penalties in a way that has parallels in both the Tabula Bantina and, less closely, the Cippus Abellanus. We compare constructions such as *suæ pis contrud excic pruhipust motlo etanto estud n(ummum) M in(im) suæ pis ionc <fortis> meddis moltaum herest ... licitud*. ‘if anyone has prohibited (a meeting) in contravention of this (i.e. the law), the fine shall be this much: 1000 nummi; and if any magistrate wants to fine more strongly, ... it is allowed’ (Bantia 1/Lu 1.25-26) and ἰύκ. tıbrakkiuİf. pam. ῥυβλανύς tıbrakaİat{.}tuset. ῥιμύ ııttiıf. ῥυβλανύ stud ‘that building which the Nolani have built and its use, shall belong to the Nolani’ (Abella 1/Cm 1 B.11-14).

We repeat the text of lines A.7-10 of the Roccagloriosa tablet:

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[-?]\(\text{xut}\) ıαf ıκλοπουστ [-?]  
[-?]\(\text{jouδ}\) ıκτουδ ıσχαı ıfee [-?]
[-?]\(\text{τερεβίσεμου}\) eh ıπο IService [-?]  
[-?]\(\text{fωρουσε}\) ıεfeı ıκερεστ [-?]
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We believe that a plausible reconstruction of the meaning of these lines is as follows:

7. ‘(if he has verbed) ... or he has stolen these things ...'  
8. ‘... let him (the magistrate?) prosecute ... if ...'  
9. ‘... ?? out of whose ...'  
10. ‘... (if) he has found (anything) and (then) he κερεστ (let the magistrate do something?)’

1 ‘The final two words of the line eh ποΙαδ are probably the equivalent of Latin ex cuiā *out of whose* (Gualtieri & Poccetti 2001: 225). More problematic is τερεβίσεμου, which must be related to τρίβαμ ‘building’ (e.g. Pompeii 24/Po 3); it is possibly a noun meaning ‘building’, as briefly suggested by Gualtieri & Poccetti (2001: 225-6), and accepted by Crawford et al. (2011), who translate it as ‘little building’. But it is difficult to see what the formation is (a substantivised adjective in *-ıβο-*, cf. Lat. *uacı-ıβus* ‘unoccupied’; Weiss 2009: 298-97). An alternative possibility, also suggested by Gualtieri & Poccetti, is that it is the infinitive of a verbal stem such as *tréb-ı* or *tréb-ı* (but this would require emendation of some sort, as discussed by Poccetti 2002-2003: 310). On the assumption that this verb would mean ‘to build’, it is harder to see how this would fit into our interpretation of lines 7-10 as a section of a law code on theft. However, given the uncertainty over this word, we do not consider it necessarily to be a problem for our analysis, and of course a verb meaning ‘to build’ already exists in Oscan in the form of *tríbarakavúm* (Abella 1/Cm 1 B.2 and passim).
We note that Gualtieri & Poccetti (2001: 227-8), while leaving open the question of whether εἰς τέ δί is a co-ordinating or subordinating particle, suggest that γράφεται and κερεστ may constitute a hendiadic formula of two near-synonyms in a fashion familiar from Roman law, giving examples such as sumere consumere liceto, habeant posideantque. In a more recent article, Poccetti (2009: 220-21) emphasises this point, giving further Latin examples. However, we do not think that this is very likely, since there is clearly a difference in tense between γράφεται, which is future perfect (Poccetti’s ‘future i’), and κερεστ, which is future (Poccetti’s ‘future I’). Gualtieri & Poccetti address this problem by suggesting that “[l]a correlazione tra il futuro II γράφεται e il futuro I κερεστ ben si giustifica se il secondo è un verbo modale: nella Tabula Bantina in dipendenza dalla particella suae si presenta sempre il futuro I herest (4 volte), mentre gli altri verbi appaiono sempre al futuro II” (Gualtieri & Poccetti 2001: 228). But in all cases of suae … herest, the future-tense verb herest in the protasis describes a future action happening at the same time as the action in the apodosis, where the verb is normally in the subjunctive or the imperative in *-tōd. This can be seen in the example above and also in l.23-4 suae pis … com a<1>trud ligud agum herest ..., ne p|h}im pruhipid ‘if anyone wishes to bring an action according to statute against another … he (the magistrate) may not prevent him’ (compare l.8-9 pis pocapit post {post} exac comono hafie{[i]}st meddis … factud pous touto … deicans … ‘whatever magistrate holds an assembly after this, he shall make it that the people shall swear …’). Where a verb in the future perfect appears in the protasis, following suae, it clearly precedes the apodosis chronologically, as in l.4-5 suae pis pertemust … déiuatud ‘if anyone has probited … he shall swear’ or l.13-14 suae pis pru meddixud altrei … dicust izic comono ni hipid ‘if anyone has appointed a day for another by virtue of his magistracy, he may not hold an assembly’.

The only case in the Tabula Bantina of two verbs of different tenses in the protasis of a conditional clause is l.20-21 suae pis censtomen nei cebmust
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*dolud mallud in(im) eizeic uincter esuf comenei lamatir* ‘if anyone has not come to the census with malice aforethought and is convicted of this, he himself shall be whipped (?) in the assembly’, where *cebnust* is future perfect and *uincter* is present (for future: Buck 1928: 226), and there is a clear chronological sequence between the two verbs.

Consequently, we do not believe that ꞌςωρουςτ *εζει κερεςτ* is likely to be operating as a pair of synonyms in the manner proposed by Gualtieri & Poccetti, but that the verbs have different meanings, as suggested by the difference in tense.1 Assuming for the sake of argument that, as in our examples from the Tabula Bantina, these verbs form the protasis of an ‘if’ clause, and are followed by a 3sg. imperative in the apodosis, we prefer a translation ‘(if) he has found anything (whatever), and (then) he verbs (he shall …)’ or ‘(if) he has found anything (whatever), or he verbs (he shall …)’, where ‘has found’, in the future perfect, happens prior to verb in the future.2

Our interpretation of these lines of the tablet thus suggests that they refer to the legal procedure in a case of theft. Of course, the inscription as we have it now (representing, perhaps, a central third of the width of the original inscription at the fragment’s widest point; perhaps even less if the original inscription was larger than Gualtieri & Poccetti’s estimate) makes it impossible to divide the text into topics or paragraphs convincingly, as we can with more complete texts. Without knowing what was written in the intervening spaces, it is not clear that words in different lines belong to the same period, or even to a section dealing with the same topic. Legal texts of an early date such as this one can change topic abruptly, and the earlier the text in question the shorter, in general,

1 The other examples given by Poccetti (2009: 220) of pairs of synonyms, one in the future and one in the future perfect are not reliable: in A.7 ?-βετ αυτ ἢλπουστ ·· we cannot tell whether the first verb is in the future or future perfect; in B.2 <σε>πειδ αυτ δαυδ we have a sequence of perfect subjunctives (Gualtieri & Poccetti 2001: 224-6); in B.3 δεκερες εβει χαβους·· the status of δεκερες and χαβους is uncertain: if emended and reconstructed to δεκερες <κ> and χαβους·· respectively, they could be verbs, but they could also be nominative plural nouns (Gualtieri & Poccetti 2001: 236-9).

2 Obviously, in the absence of an etymology for κερεςτ, we do not know what verb is. However, we would like to float the suggestion that the separation of the words in this line as accepted so far may be incorrect, and that in fact the <κ> of κερεςτ belongs with the preceding word, to give εζεικ. This word would then end with the same deictic particle as found in the Oscan pronouns ἢθ: ἢθ ‘this’, ἢθ ‘thus’, and in Latin forms such as hic ‘here’, hic ‘thus’. This would give a final word εεικ; since <κ> is missing in <κ>πειδ on side B.2, it might not be going too far to restore it here too, which would leave us with <κ>εεικ ‘will want’, found several times in the Tabula Bantina, as can be seen in the examples above.
the periods – cf. the Twelve Tables (c. 450 BC) and the Senatus Consultum de Bacchanalibus (186 BC).

However, while κλοπωστ appears two lines above ξυρωστ, we do not find it unreasonable to suggest that the two words may be, if not part of the same period, then at least part of a section comprising several sentences on the topic of theft. Legal texts of a comparable date (assuming the Roccagloriosa text to be of the C3rd BC) are characterised by sentences which continue over several lines. The Lex Osca Tabula Bantina, which may be ultimately modelled on the charter of a Latin colony of the early third century,¹ has a sentence spanning lines 8-12, for example, and a number of other sentences that cover two to three complete lines of text. Even the shorter, pithier provisions of the Twelve Tables, of the C5th BC, when written out, could span several lines of this length. Based on other legal texts in both Oscan and Latin, therefore, we think it reasonable to suggest the possibility that the two words may form part of the same provision or related provisions.

In relation to this, we note the link between theft, searching and finding in the Twelve Tables. This document (no longer extant, but reconstructed by various scholars on the basis of later ancient accounts of its contents),² composed in around 450 BC, gives a number of provisions on the subject of theft.³ These lay down various penalties, based on two main variables: the status of the thief (slave, free, pre-pubescent), and the nature of the theft. It is the second of these variables which concerns us here. In particular, there is a contrast made between furtum manifestum (‘theft caught in the act’) and furtum conceptum, with the penalty for furtum manifestum being the more serious of the two (Crawford 1996: 614). Other than (presumably) catching the thief in the act of breaking and entering or similar, a theft could be ‘manifest’ if a search was undertaken cum lance licioque and the stolen goods were found in the thief’s possession.⁴

The exact nature of the objects lanx and licium is not clear – they seem to be some kind of plate and rope, but their purpose is unknown, despite much speculation (ancient and modern); since it is obvious that later Roman sources already do not know the exact meaning of the phrase, it

¹ For which see Crawford (1996: 276).
² Here, we follow the reconstruction of Crawford (1996).
³ 1.17 – 1. 22 (Crawford 1996); other scholars sometimes have these in table viii (viii.12 – viii.17).
⁴ Table 1. 20: <si> cum lance licioque <<<<quaesierit, ast inuerierit, furtum manifestum esto. >>>>
is possible that it was corrupted even then (Crawford 1996: 617). However, it is clear from the sources that the act referred to was a legalised, ritual search, undertaken in the nude (or at least without weapons). As it happens, there is comparative evidence from Classical Athens for ritual searches of this kind, and in both cases removal of clothing is specified as a necessary part of the process. Plato (Laws xi.954a-b) requires: the removal of clothing, an oath to the gods that the searcher expects to find the object, and a grant of permission from the householder. He goes on to specify the action to be taken if the householder is absent or refuses to allow the search. A further reference to this practice is found in Aristophanes’ Clouds (497-499): when Socrates asks Strepsiades to strip off before coming in, Strepsiades replies in confusion ‘ἀλλά οὐχὶ ἔφη βάρος ἔγω ἔπεσέ χυμα tau’ ‘But I’m not coming in to search the house’ (line 499).

In any case, the important aspect in this discussion is not the exact nature of the search that was carried out, particularly since many details of this are not understood. It is relevant here that there was an established legal mechanism for searching for stolen goods, because if the stolen goods were found in the alleged thief’s possession there was a change in the penalty; and that this mechanism may have been shared by legal systems in both Italy and Greece from (at latest) the fifth century BC.

Now, if the new etymology we have suggested for σουρούςτ provides possible evidence for a similar legal provision in Oscan, there are in theory at least four ways in which that similarity could have come about: (1) there could be a shared Indo-European tradition of ritual searches in the case of theft; (2) both Oscan and Latin law-makers may have borrowed the idea from Greek law; (3) Oscan law-makers may have borrowed the idea from Latin law, with no independent knowledge of Greek law; or (4) coincidence. As regards inheritance from a shared Indo-European tradition, legal language has not been explored as fully as, for example, poetic language, though see Watkins (1970; especially 435-46 on the Roman law of theft) and Watkins (1986) for some exploration of this possibility in general (though not in relation to the Roccagloriosa text). Such a shared inheritance is inherently difficult to prove and this explanation is perhaps not to be preferred in a case like this, where all the examples are from societies that were in contact with each other at the relevant period. Number (4), coincidence, is of course a possibility – since the independent use of searches, even naked searches, in a case of theft is not out of the question.

In general, though, the most recent scholarship has tended towards seeing contact between Greek, Latin and the other languages of Italy
as a particularly important factor in the development of the epigraphic habit of these cultures, including the development of legal frameworks (Clackson & Horrocks 2007: 41-5; Poccetti 2009: 237-41; Crawford et al. 2011: 13; Crawford 2011). The importance of cultural contact across the Mediterranean in the years when law-writing was being developed is supported by similarities in the content, language (e.g. convergence in the use of the future imperative: Poccetti 2009: 179-205), epigraphic presentation (e.g., in early texts, four-sided stelai, interruption of boustrophedon to mark new paragraph: Crawford 2011: 157-8) and social context of laws (e.g. the development of similar political structures and interconnecting networks: Poccetti 2009: 237-8; Crawford 2011: 158). The influence of Greek law, at least as an early catalyst, is also a part of the Romans’ own stories about how their laws developed (Courtney 1999: 13-14; Powell 2011: 480 n. 1) – unfortunately, we have no such stories from Oscan speakers. The use of Greek in a defixio also found at Roccagloriosa (Buxentum 3 / Lu 45), and the use of δήλος (μούσιν) for ‘public’ on the bronze handle of a caduceus at the same site (Buxentum 2), place the Roccagloriosa legal text in particular firmly in a Greek/Oscan bilingual environment (Gualtieri & Poccetti 2001: 239-40; Crawford et al. 2011: 5). This context makes it likely that legislators at Roccagloriosa may have been more familiar with Greek legal texts than Latin, though any outside influence may derive from either or both other languages. While we cannot trace the precise origin of ancient legal provisions in case of theft, the appearance of such a provision at Roccagloriosa may nevertheless be plausibly related to knowledge of other Mediterranean legal systems.

It is unlikely that the whole Roccagloriosa law tablet dealt with theft and the recovery of stolen goods, or even that it dealt with it at much length at all. In the fragment as it stands there is no direct proof that the

1 See for example Livy 3.33: *His proximi habiti legati tres qui Athenas ierant, simul ut pro legatione tam longinqua praemio esset honos, simul peritos legum peregrinarum ad condenda nova iura usui fore credebant* ‘The next [to be given magistracies] were the three envoys who had gone to Athens, both so that the honour would be their reward for so distant a mission, and because it was believed that their knowledge of foreign laws would be useful in establishing the new law’. Livy (1.18) also records the story, though with some disbelief, that Numa Pompilius travelled to the south of Italy to become an expert in *omnia divini atque humani iuris* (‘all human and divine law’) from Pythagoras. From our point of view, these traditions together suggest an ongoing contact, in terms of the legal tradition, between Greece, the cultures of southern Italy (including Greek colonies) and Rome; whether or not the stories that reached Livy were accurate, the fact that the Romans mentioned the possibility of this kind of contact is suggestive.
content of lines 7 and 10 must be linked thematically – though we hope to have shown that this is an intriguing possibility, which raises further questions about the links between Rome, Greece and the Oscan-speaking world. Rather, the new etymology we have proposed opens the way to seeing a possible subject for only one small section of the tablet (perhaps 3-4 lines out of an estimated total of more than a hundred, if the estimate of the inscription’s original size is correct and the writing was of a reasonably consistent size and density). On formal grounds, and comparison with formations in other Indo-European languages, an etymology of ΞRXURXV as coming from *με-γ(ο)θ- and meaning ‘will have found’ seems to us very plausible, and this is supported by its possible context in the Roccagloriosa tablet, and the Latin and Greek legal comparanda.

References


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