

Sine dolo malo: The Influence and Impact of Latin Legalese on the Oscan Law of the *Tabula Bantina*

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Abstract

The Oscan law of the *Tabula Bantina* (*TBO*), the longest Oscan text found to this date, is the product of a politically significant time in Roman history in which the Italian *socii* revolted against, and tried to assert independence from, Rome. In spite of this, the *TBO* largely reads like a Roman law, particularly in vocabulary and phrasing. The aim of this article is to reveal the extent to which the *TBO* was influenced by Latin legal language. It will identify several remarkable syntactic, stylistic and epigraphic aspects of this Oscan law and compare them to conventions in the Latin legal register.

Keywords

Latin legalese; Oscan law; *Tabula Bantina*; formulae; Latin syntax; legal style

1. INTRODUCTION

The *Lex Osca Tabulae Bantinae* (*TBO*) (Lu 1 = Bantia 1)¹ is an Oscan legal document written in the Latin alphabet which deals with municipal regulations within the town of Bantia.² It is the longest Oscan text that has been found to this day³ and is preserved on one large and five smaller fragments of a bronze tablet, which were found in 1790 at Oppido Lucano.⁴ There is much debate concerning its exact date, though it is likely to be somewhere

¹ The references are to Rix (2002) and Crawford (2011) respectively.

² Cf. Baldi (2002, 130).

³ Cf. Rix (2002, 9).

⁴ Cf. Mommsen (1850, 150); Vetter (1953, 13) and Crawford (1996, 194).

around the very end of the 2nd or early in the 1st century BC,⁵ probably either just before or during the Social War.⁶ The Oscan law was therefore produced in a politically significant time and place, which involved a continuation of essentially ‘Roman’ practices on the one hand and political resistance to Rome on the other.⁷ On the other side of the tablet, there is another law inscribed in Latin: the *Lex Latina Tabulae Bantinae* (CIL IX, 416), which is most likely older than the Oscan law.⁸ In spite of earlier theories introduced by Mommsen,⁹ the *Lex Latina* does not deal with the same regulations as the *Lex Osca*.¹⁰ Instead, it appears to be concerned with the setting up of a *quaestio*¹¹ - i.e. a separate court dealing with particular criminal offences -, though the surviving text is fragmentary.

Investigating the legal language in the *TBO* necessarily involves a comparison to that of Roman statutes, given that its nature is, to say the least, very similar to that of Roman *leges*. However, such similarity is not always unavoidably caused by influence. As Watkins (1994, 423) states: “any linguistic comparatist will state that there are basically three possible explanations for similarity between languages: borrowing or diffusion, common inheritance, and independent creation due either to universality or to chance.” It is particularly likely that many similarities are due to common inheritance: both Latin and Oscan belong to the PIE branch of ‘Italic languages’. Nonetheless, we can find evidence of direct influence from legal / official Latin, not only in the *TBO*, but in Oscan legal language in general.¹² The legal term **trístaamentud** (Po 3 = Pompei 24) ‘testament’ (abl. sing.) is a clear borrowing¹³ from Latin *testāmentum*,¹⁴ revealed by the Latin suffix *-mento-*,¹⁵ and the political institution **senateís** in the *Cippus Abellanus* (Cm 1 = Abella 1) - an Oscan territorial agreement between the Nolani and Abellani - is likely to have been borrowed from the Roman political institution *senātus*.¹⁶

⁵ Cf. Enk (1928, 41); Bispham (2007, 142). For a lengthier discussion on the date cf. Crawford (1996, 274-276).

⁶ Cf. Torelli (1995, 137); Crawford (1996, 274); Bispham (2007, 142); Willi (2009, 596). This is also confirmed by paleographic evidence: cf. Torelli (1995, 134).

⁷ According to both Livy (*Periochae* 72) and Appian (*Civil wars* I.39), Lucania - where the town of Bantia is situated - was actively involved in the revolt against Rome during the Social War.

⁸ Cf. Crawford (1996, 195): “the fixing-hole is below the Latin text, but is surrounded by the Oscan text. This suggests that the hole was already in the bronze before the Oscan text was cut, and that this is therefore later than the Latin text”.

⁹ Cf. Lange (1853, 1).

¹⁰ This was already shown in the 19th century by Kirchhoff (1853) and Lange (1853).

¹¹ Cf. Crawford (1996, 199).

¹² Cf. Clackson and Horrocks (2011, 62).

¹³ In this Paper, I shall classify both loan translations and loan words under the common denominator of ‘borrowing’.

¹⁴ Untermann (2000, ‘trístaamentud’).

¹⁵ Cf. Buck (1928, 247.3): we usually find constructions with *-men-* (*-mn-*) rather than “the extended form *-mento-*”, for example: “U. *pelmner*: L. *pulmentum*”.

¹⁶ Untermann (2000, ‘senateís’).

Next to the linguistic evidence, the argument in favour of influence is also inspired by the political context and historical background. The spread of Roman power throughout Italy - and, with it, the spread of its institutions¹⁷ - also affected the town of Bantia, where the *Tabula Bantina* originates and with which it deals.¹⁸ This spread automatically precipitated the borrowing of some - particularly official - vocabulary as well as formulae and syntactic structures.¹⁹ The legal system being one of Rome's most wide-spread institutions, it is no surprise that legal Latin was particularly drawn upon. However, compared to other Oscan legal documents, such as the *Cippus Abellanus*, the *TBO* shows an exceptional degree of Latinisation.²⁰ This has led Crawford (1996, 276) to believe that the *TBO* was largely based on an originally Latin archetype for colonial charters, a claim worth exploring. In this paper, I will investigate in more detail several syntactic, stylistic and epigraphic aspects of the *TBO* and compare these to conventions in Latin legal inscriptions.

A considerable amount of research has already been done concerning Oscan legal syntax and its comparison to Latin legal language, both in the *TBO* and in Oscan inscriptions in general by Porzio Gernia (1970, 94-144), Campanile (1976, 109-120) and Poccetti (1982, 237-245). However, their research almost solely revolves around legal formulae, with the exception of Poccetti, who focuses on the adoption of *attractio inversa*. Nonetheless, I will start this paper with a discussion of formulae as they are, first of all, essential to a survey of the legal language in the *TBO* and, secondly, particularly interesting when we compare them to Latin legal formulae. I will attempt to contribute to the debate on formulae by including further examples from Latin *leges*, by deconstructing some longer adopted phrases into smaller units and by providing new evidence of formulae and their equivalents in Latin. In order to further contribute to these existing studies, I will proceed by focusing on certain stylistically relevant syntactical aspects which do not seem to have been discussed, such as several exceptions to the basic syntactic structure of the *TBO* and the position of numerals within the sentence.

¹⁷ Cf. Prosdocimi (1978, 893).

¹⁸ Cf. Torelli (1995, 137-8): "The microhistory of *Bantia* indicates a Romanization which assumes the form of an economic as well as an institutional homologation".

¹⁹ Cf. Clackson and Horrocks (2011, 71).

²⁰ Cf. Campanile (1976, 115): "in forma più aperta e concentrata si palesa la presenza del latino: ci riferiamo alla Tavola Bantina."

2. FORMULAE

One can detect a significant amount of essentially Latin legal formulae in the *TBO*, which reaffirms the view that the *TBO* was, at least, heavily influenced by Latin legal language. A first good example is *sipus perum dolom mallom* ‘consciously, without wrongful deceit’. *Sipus* is generally believed to be the Oscan equivalent of Latin *sciens*,²¹ however there is much disagreement concerning its morphological structure. Gusmani (1970, 145) argues that it should be interpreted as a fossilised active perfect participle of a verb corresponding to Latin *sapio*, though, as Wallace (1985, 123-6) points out, there are several difficulties with such an interpretation, particularly on a semantic level. In any case, it is clear that *dolud malud* and *perum dolom mallom* correspond to the widespread Latin legal formulae *dolo malo* and *sine dolo malo* respectively.²² Although these formulae have equivalents in Latin on their own, it is even more significant that both times *sipus* appears in the *TBO*, *perum dolom mallom* is attached to it. *Sipus perum dolom mallom* has a clear formulaic equivalent - though *sine* is usually absent - in Latin: *sciens dolo malo* and is therefore probably a calque - i.e. a borrowing in which the semantic constituents are literally translated into their equivalents in the borrowing language - of this Latin formula.²³ This particular formulaic phrase appears, for instance, in the *Lex Latina Tabulae Bantinae* (l. 18) and in its abbreviated form *sc(iens) d(olo) m(alo)* in the *Tabula Heracleensis* (*CIL* I², 593) (l. 107) and the *Lex Coloniae Genetivae* (*CIL* II Suppl., 5439) (E.1.23).

There are, however, many other formulae present. In lines 3 and 6-7 of the *TBO*, we find the formula *senateis tanginud* ‘in accordance with the decree of the senate’. I have already briefly mentioned the term **senateís** and its appearance in the *Cippus Abellanus* above, but it is noteworthy that it appears twice within the exact same formula in the *CA*: **senateís tanginúd** (lines A8 and B9-10). *Tanginud* ‘conclusion, decree’ (abl. sing.) seems to be an Oscan calque based on the root **t(e/o)ng-* + ablative marker, corresponding to Latin *sententia*.²⁴ It is worth noting that *tanginud* also underwent a semantic loan-shift from ‘thought’ to ‘decree’ based on *sententia*. This formula is, then, probably an oscanisation of the Latin formula *de senatus sententia*,²⁵ which recurs throughout Roman legal documents.

²¹ Cf. Wallace (1985, 123) and Untermann (2000, ‘*sipus*’); Crawford (1996, 286), on the other hand, argues - mainly on semantic grounds - that *sipus* is rather a verbal adjective, either with active or passive meaning.

²² Cf. Porzio Gernia (1970, 110); Campanile (1976, 117); Untermann (2000, ‘*perum*’).

²³ Cf. Porzio Gernia (1970, 126); Campanile (1976, 117).

²⁴ Cf. Untermann (2000, ‘**tanginúd**’); Rix (2001, 629).

²⁵ Cf. Porzio Gernia (1970, 119-120).

Next to the *TBO* and the *CA*, *senateis tanginud* also appears in several other inscriptions,²⁶ which provides evidence of a widespread Roman political and legal system, at least dating back to the beginning of the second century. A third phrase worthy of consideration is *manim aserum* (24). Although *aserum* seems to have a Latin cognate *asserere* and this corresponds to the Latin collocation *manum asserere* or *manu asserere*,²⁷ Untermann believed that this phrase is probably the result of confusion here.²⁸ *Manum asserere* can be translated as “to lay hands on, grasp”,²⁹ but in a legal context it more often means “to lay claim to the person of (as a slave, son, etc.)”,³⁰ cf. Varro’s gloss: *hinc adserere manu in libertatem cum prendimus (de Lingua Latina, 6.64)*. Given the context, it would therefore be more satisfying to agree with Untermann and interpret this as calque of *manum inicere*,³¹ with the meaning of “laying hands on for a judgment debt”,³² as in the *XII Tabulae: manus iniectio esto* (3.2).

Fourthly, we find the formula *suae pis contrud exeic fefacust* ‘if anyone will have acted against this’ in lines 11, 17 and - with *pruhipust* as the verb - in 25-26. Each time, it is part of a larger, internally repeated phrase.³³ It is, however, important to consider it separate from this larger repetition, as this constitutes another formula taken from Roman law.³⁴ When we translate the phrase into Latin, we get *si quis contra hoc fecerit*. This closely resembles the formula *si quis adversus ea fecerit*,³⁵ which recurs throughout Roman statutes in its variants:

sei ques esent, quei arvorsum ead fecisent (SCBacc., 24)

seive advorsus hance legem fecerit (Lex Latina Tabulae Bantinae, 8)

quei adversus ea fecerit (Tabula Heracleensis, 107)

si quis atversus ea fecerit (Lex Coloniae Genetivae, E.3.30-31)

²⁶ Cf. Sa 9 = Teruentum 33; Lu 2 = Atina Lucana 1 and Lu 5, 6, 7, 10 = Potentia 1, 9, 10, 4.

²⁷ “*Manim aserum* è certamente la formula giuridica latina *manum* (o *manū*) *asserere* ...” (Porzio Gernia, 1970, 107).

²⁸ Cf. Untermann (2000, ‘*aserum*’): “Wahrscheinlich übernahmen die bantinschen Übersetzer durch ein Mißverständnis die lat. Formel für die Vindikation anstelle der hier geforderten Formel für die Verhaftung.”

²⁹ OLD (1968, ‘*assero*’ 2.1).

³⁰ OLD (1968, ‘*assero*’ 2.2).

³¹ Campanile (1976, 118) considers *manum adserere* to be a more archaic form of *manum inicere*: “*manum adserere* è l’antecessore di *manum inicere*.” If this is the case, there should also have been a shift regarding its meaning in a legal context, for they are two different concepts to the law, as we have pointed out.

³² Cf. Berger (1991, ‘*manus iniectio iudicati*’); Crawford (1996, 283).

³³ Cf. Campanile (1976, 116); Adams (2003, 138).

³⁴ It should be pointed out that the phrase ‘if anyone acts / will have acted against this’ might have been universal. However, the exact correspondence in word order, lexical choice and morphology - the verb usually appears in the future perfect in Latin *leges* as well as in the *TBO* - point towards an adoption of this formula from Roman law.

³⁵ Cf. Porzio Gernia (1970, 141).

That this formula was widespread and well-known is further shown by the fact that it even appears as late as the 7th century in the *Lex Visigothorum: si quis contra hoc fecerit* (8.4.29). In this later legal text, we find *contra hoc* rather than the usual *adversus ea*³⁶ and the formula is followed by the exaction of a fine, both of which elements remind us of the *TBO*.

A fifth borrowed formula in the *TBO*, which, as yet, does not appear to have been discussed by scholars, is *eh exac ligud* ‘in accordance with this law’ (*Adamesteanu Fragment*, line 7). This is a calque of the Latin formula *ex hac(e) lege*, which is one of the most recurrent phrases in Latin legal language. For instance, it appears numerous times - often in its abbreviated form *ex h l* - in the *Lex Repetundarum* (*CIL* I², 583), the *Lex Agraria* (*CIL* I², 585), the *Lex Latina Tabulae Bantinae*, the *Tarentum Fragment* (*CIL* I², 2924), the *Lex Cornelia de XX Quaestoribus* (*CIL* I², 587), the *Tabula Heracleensis* and the *Lex Coloniae Genetivae*.

Alongside the smaller formulae which have been adopted from Latin *leges*, there is also evidence of longer phrases and even complete sentences in the *TBO* which were adopted from Roman statutes. A clear case is:

maimas carneis senateis tanginud amp[ert nei mins pam] XL osins pon ioc egmo com{.}parascuster (*TBO*, 3-4)

‘... in accordance with the decree of the larger part of the senate, provided that [no less than] 40 were present when the matter was being discussed.’

This is, as Adams (2003, 137-8) points out, an almost exact repetition of a phrase found in the *Lex Coloniae Genetivae*:³⁷

de m(aioris) p(artis) decurion(um) ... cum non minus L aderunt, cum e(a) r(es) consuletur (C.3.18-20)

In fact, this sentence is found quite often throughout Latin legal documents.³⁸ Porzio Gernia (1970, 142), Campanile (1976, 116) and Crawford (1996, 285) refer to other examples in the *Lex Coloniae Genetivae* itself, in the *Lex Repetundarum* and even in the *Senatus Consultum*

³⁶ That *adversus ea* was the usual way of constructing this formula is, for instance, shown by imitations of legal language in Cato (*Agr.* 144) and Livy (*AUC* 10.9.4).

³⁷ Also cf. Campanile (1976, 115-116).

³⁸ Cf. Campanile (1976, 116): “si tratta di un formulario tradizionale e antico.”

de Bacchanalibus of 186 BC (*CIL* X, 104), where an equivalent phrase recurs in lines 8-9 and 17-18:

*de senatuos sententiad, dum ne minus senatoribus C adesent, quom ea res
consoleretur*

It also appears in lines 5-6 of the *SCBacc.* with the slight difference that *de senatuos sententiad* is replaced by *utei senatus noster decerneret*. This is, then, clearly a widespread Latin legal formula used to specify the amount of officials that are needed to legitimize decisions made by the senate.

Part of a second larger sentence which we find in the *TBO* is, as Adams (2003, 138) - following Campanile (1976, 117) - points out, linked to a phrase in a law from Luceria:

suae pis herest meddis moltaum licitud ampert mistreis aeteis eituas licitud (*TBO*, 18)

‘If any *meddis* will want to fine, it is to be allowed, provided that it is for less than half of [the defendant’s] possessions, it is to be allowed.’

... *seive mac[i]steratus volet multare [li]ceto* (*CIL* P.401)

This particular sentence does, however, also appear elsewhere, most notably in the *Lex Latina Tabulae Bantinae*. Porzio Gernia (1970, 106) has only partly picked up on this: “è l’esatta riproduzione di formule latine [...] *Lex Bant. 12 sei quis mag(istratus), multam inrogare volet... liceto.*” The repetition actually stretches further than that:

*sei quis mag(istratus) multam inrogare volet [... dum minoris] partus familias taxsat,
liceto* (*Lex Latina Tabulae Bantinae*, 11-12).

Thus, even the fact that the fine should be smaller than half of the defendant’s possessions is repeated here. In this way, this does not merely constitute an adoption of a legal formula, but of a legal procedure and the definition of a punishment as a whole. Formulae are often inherently connected with legal procedures in this way and the adoption of a legal system thus necessarily requires the adoption of these formulae.

Porzio Gernia (1970, 123), in her discussion of *comitia habere*, refers to another larger adopted phrase in the *TBO*. The sentence *pis pocapi{.}t post {post} exac comono hafie{i}st*

meddis ‘if any *meddis* from here on, after this [law], will hold an assembly’ (8) has a clear equivalent in the *Lex Latina Tabulae Bantina: mag(istratus) qu[e]iquomque comitia conciliumve habebit* (5). She does, however, not mention the fact that this phrase is also in each case followed by a ‘future imperative’: a *-to* imperative in Latin and a *-tud* imperative in Oscan. In the *TBO*, it is followed by *factud* (9) and in the *Lex Latina Tabulae Bantinae*, it is followed by *sinito* (5).

A final example concerns a formula regarding officials. It has not been noticed by Porzio Gernia, Campanile, Adams or Crawford. In line 23 of the *TBO*, we find:

pr(aetur) suae praefucus pod post exac bansae fust

‘the praetor or praefect, whoever will be at Bantia after this [law] ...’

A very similar formula can be found in the *Lex Coloniae Genetivae*:

Ivir aedil(is) praefectus c(oloniae) G(enetivae), quicumque erit, post h(anc) l(egem)
(E.3.39-40)

The only differences are that other political titles have been used and that rather than *post exac*, we find *post h(anc) l(egem)*, although it is not unlikely that we should reconstruct *post exac [ligud]* in the *TBO*.

3. THE UNDERLYING SYNTACTICAL STRUCTURE AND ITS EXCEPTIONS

The syntactical structure of the *TBO* is quite consistently head-final - i.e. the verb is placed at the end of the clause - similar to that of the linguistically archaic Latin *leges*.³⁹ There are, however, three important exceptions to this rule, the first of which concerns the future imperative *amiricatud*, the second which involves the political title *meddis* and the third which covers a broad class of elaborations, specifications and afterthoughts.

The 3rd person singular future imperatives in the *TBO* are constructed with *-tud*, corresponding to Latin *-tō*, early *-tōd*⁴⁰ which, for instance, also appears in the *Duenos*

³⁹ Cf. Adams (1976, 91).

⁴⁰ Cf. Buck (1928, 236.1).

Inscription (CIL I².4) of the 6th-5th century BC:⁴¹ *statod* (l. 3). Imperatives in *-tud* are a feature of Oscan - as well as Latin - legal language, given that we only find these imperatives in three Oscan documents: the *TBO*, the *Cippus Abellanus* and the *Tab. Aen. Roccagloriosa* (Lu 62 = Buxentum 1). These three texts are all of a legal nature: the *Cippus Abellanus* deals with the marking of the territories of the Nolani and Abellani and the rules concerning the use of the temple of Heracles on the shared land and the *Tab. Aen. Roccagloriosa* is fragmentary, though clearly legal.⁴² It is not unlikely that these imperatives point to a shared Italic legal koinè, since they are also found in the Umbrian Iguvine Tables, on a presumably legal 5th century early Sabellic text⁴³ and potentially in South Picene.⁴⁴ I will, however, be particularly interested in their position. There are, in total, 15 *-tud* imperatives in the *TBO*. Of these, two lack context, making it impossible to situate them within a syntactical structure and 12 follow the usual head-final structure. However, one future imperative, *amiricatud* (l. 22), has been fronted - i.e. appears at the beginning of its syntactical structure: *amiricatud allo famelo*, or ‘he is to sell the whole of his estate’. The unusual position of this *-to* imperative would, at first sight, strengthen Untermann’s (2000, ‘*amiricatud*’) view that this verb is a passive perfect participle ablative singular instead,⁴⁵ i.e. ‘the whole of his estate having been sold’. Nevertheless, a future imperative would work better in the context of a series of punishments - all marked by *-to* imperatives - which are to take place when a citizen does not show up for the census and *inim* always introduces verbs proper rather than adverbial participles. This single inversion of the usual structure should therefore probably be regarded as a mere editorial mistake.

The second instance of inversion, not of the OV-structure, but of the SOV-structure, happens around the political title *meddis*. We find *pis pocapi{.}t post {post} exac comono hafie{i}st meddis* (cf. section 2) and *suae pis herest meddis moltaum* ‘if any *meddis* wants to impose a fine’. In each case the subject *meddis* follows the verbs *hafie{i}st* and *herest* instead of preceding them as the subject usually does. This inversion of the structure might be explained by the fact that in both cases it occurs within a formula (cf. section 2). The formulaic setting might, therefore, account for the unusual syntax.

⁴¹ Cf. Vine (1999, 293).

⁴² Cf. Rix (2002, 125): “Fragment eines Gesetzes.”

⁴³ Cf. τακιοσφοτοδ and σταλιοσφοτοδ (PS 20 = Blanda 1). Not much is known about these verbs, but for their interpretation as imperatives in **-tod* see La Torre (1991, 146ff.); Martzloff (2007, 182-3) and Clackson (forthcoming, 25-6).

⁴⁴ Cf. Crawford (2011, 13): *haligatú* and *de[datú]*.

⁴⁵ Also cf. Buck (1928, 38.2) who constructs a Latin equivalent **immercato*.

The third exception, or rather category of exceptions, is the most remarkable. Certain types of additional information consistently follow the verb as satellite expressions which have adverbial scope over the entire clause. A Latin example is *neque sese advorsum h(ance) l(egem) facturum scientem d(olo) m(alo)* ‘... and that he will not act in defiance of this law, knowingly with wrongful deceit’ (LLTB, 18). These last three words *scientem d(olo) m(alo)* have adverbial scope over the sentence in the sense that they form a type of condition which has to be met before the ruling in this legal clause carries weight. The most recurrent types of such satellite expressions are, as in the Latin example, the formulae *dolud malud* and *(sipus) perum dolom mallom*. As discussed (cf. section 2), these were identified as essentially Roman formulae by, amongst others, Porzio Gernia. It has, however, not been noted that each time we find these formulae: in lines 5, 11, 14-15, 20 and 21-22 (the examples from the *Adamesteanu Fragment* lack context), they always follow the verb without exception. What is more, Latin *leges* show the same pattern.⁴⁶ When placing the examples from the three Roman statutes - which we have referred to in our discussion of these formulae above - into their context, we see that the verb consistently precedes the afterthought: *facturum scientem d(olo) m(alo)* (LLTB, 18), *iubeto sc(iens) d(olo) m(alo)* (TH, 107) and *sederit sc(iens) d(olo) m(alo)* (LCG, CXXV.23). In other words, not only the formulae themselves are borrowed, but we also have a clear case of syntactic borrowing here.

These formulae are not the only type of additional information following verb in the *TBO*. A similar structure can be found regarding the specification of a fine - *molto etanto estud n(ummum) MM* (12), *molto etanto estud n(ummum) M* (26) - and a temporal specification - *ne p{h}im pruhpid mais zicolois X nesimois* (25) -, both of which are placed after the verb. However, this is the only example of a temporal specification appearing in this position, as it usually precedes the verb (cf. lines 15, 17 and A9). Moreover, it forms part of a comparative phrase: *mais zicolois X nesimois* ‘for more than the next ten days,’ just as both examples of the exaction of the fine: *molto etanto estud n(ummum)* ... ‘the fine is to be as much as ... nummi’. Therefore, the position of these financial and temporal specifications might be connected to a particular comparative structure, in which the exact amount of money or days follows the verb. Their position after the verb should, then, not be regarded as unusual.

⁴⁶ Cf. Clackson and Horrocks (2011, 28): “in the fragments of Laws of the XII Tables, believed to date from the fifth century BC, verbs always follow their objects and come at the end of the clause, except where followed by afterthoughts or elaboration.”

4. POSITION OF NUMERALS

Throughout Oscan inscriptions in general, the numeral consistently appears after the noun it quantifies. Examples include **pedú X** ‘10 feet’ in the *Cippus Abellanus* (l. B30), **p(edúm) LX** ‘60 feet’ (Sa 13 = Teruentum 12), **per(ekaís) X** ‘10 *per.*’ (length measure) and **perek(aís) III** ‘3 *per.*’ (Po 3 = Pompei 24), **aísívu XII** ‘of the 12 gods’⁴⁷ (Po 23, 24, 25, 28 = Pompei 114), **akun LII** ‘52 years’ (Po 51 = Teanum Sidicinum 24) and $\nu(\omicron\mu\omicron\varsigma)$ HHHΔΓI ‘316 nummi’ (Lu 5 = Potentia 1). The only potential exception would be *MCC arage-[...]* in the *Adamesteanu Fragment* of the *TBO*, which Crawford (1996, 284) translates as ‘a 1,200 of silver’.⁴⁸ Nonetheless, it is likely that the noun *nummum* has been left out here and that we should reconstruct a genitive *arage[teis]*, as Crawford (1996, 278) does. This means we should read (*nummum*) *MCC arage[teis]*, where we find *arage[teis]*, a partitive genitive, after the numeral, in the same position as the adjectives in the other numeric constructions of the *TBO*, as one might expect. The political title *trium nerum*, which appears in the *TBO* (lines 29 and 32) and in other inscriptions as well - though often in combination with other numbers⁴⁹ - should not be regarded as an exception. The latter is a calque from the Roman political titles *duumvir*, *triumvir*, etc.⁵⁰ Moreover, in original Oscan political titles constructed with qualifying rather than quantifying numerals, such as **meddís degetasis** (Cm1 A5, Cm 6 and Cm 7 = Abella 1, Nola 3 and Nola 2) or **meddís X** (Cm 4, 5, 9 = Cumae 2, 3 and 4), which might be an abbreviation of the former, the numeral does appear after the noun it qualifies. Other examples of potentially qualifying numerals in original Oscan political titles are **m. d. III** (Cm 48 = Nola 44) and **m. t. X** (tSa 24 = Bouianum 27), which might be short for **m(eddís) d(egetasis) III** and **m(eddís) t(úvčíks) X** respectively, both of which, if these interpretations are correct, support our theory.

In Latin legal inscriptions from the 2nd century BC onwards, the numeral also follows the noun. In the *Senatus Consultum de Bacchanalibus* (*SCBacc.*) of 186 BC (*CIL X*, 104), for instance, we find *senatoribus C* (l. 6, 9, 18), *homines V* (19), *virei duobus* (20), *mulieribus tribus* (20) and *diebus X* (29). Nonetheless, influence from Latin legal language concerning this particular position is not necessarily the case. In the much earlier *XII Tabulae*, which

⁴⁷ Cf. Crawford (2011, 795). For a different interpretation of **aísívu**, cf. Vetter (1953, 72b) who considered this to be a type of building measure.

⁴⁸ Also cf. Untermann (2000, ‘*aragetud*’).

⁴⁹ An example is **IIII n(erú)**, which we find in Po 40 = Pompei 34 and potentially in Po 41, 46 and 50 = Pompei 31, 35 and 33, although the latter inscriptions are difficult to interpret.

⁵⁰ Cf. Untermann (2000, ‘*niir*’).

probably dates back to 451-450 BC,⁵¹ numerals consistently appear in front of the noun they quantify. Examples of this are *XXX dies* (III.1), *quindecim pondo* (III.3), *tertiis nundinis* (III.6) and *sestertius pes* (VII.1). So there seems to have been a shift in the position of the numeral, but rather than being particular to Latin, the shift happens across the Italic languages. This is especially clear when studying Umbrian texts and, in particular, the *Tabulae Iguvinae* (Um 1).

The *Tabulae Iguvinae* are a series of bronze tablets which were found at Gubbio (ancient Iguvium) in 1444.⁵² They constitute the longest Umbrian inscription found to date and contain a description of the acts of a group of priests.⁵³ Some of the Iguvine Tablets were written in the Umbrian script and date back to the early 3rd century BC, while the others were written in the Latin alphabet some time during the first half of the 1st century BC.⁵⁴ In the older tables, the numeral appears in front of the noun it quantifies: **tre buf** - three bulls - (Ia.3), **tref sif** - three pigs - (Ia.7), **tref hapinaf** - three lambs - (Ia.24), **tref vitlaf** - three calves - (Ib.31), whereas in the later tablets, the numeral follows the noun it quantifies: *buf treif* (VIa.22), *buf trif* (VIb.1), *habina trif* (VIb.22), *abrof trif* - three boars - (VIIa.3), *vitla trif* (VIIa.41). In short, the same shift regarding the position of the numeral takes place both in Latin and Umbrian, which is indicative of a general shift across the Italic languages.

The *TBO* equally shows great consistency concerning the position of the numeral in that it directly follows the noun it quantifies. Examples of this are *n(ummmum) MM* (l. 12) - 2000 nummi (currency unit) -, *n(ummmum) M* (l. 26) - 1000 nummi - and *n(ummmum) II* (*Adamesteanu Fragment*) - 2 nummi. However, agreeing adjectives appear after the numeral: *zicolom XXX nesimum* (l. 17) - within the next 30 days -, *zicolois X nesimois* (l. 25) - for the next 10 days -, *acunum VI nesimom* (l. 31) - for the next 6 years. The effect is what I shall call a ‘sandwich-structure’, with the number surrounded by the noun and adjective on both sides. This order does not occur in other Oscan texts. The ‘sandwich-structure’ found in the *TBO* is most likely due to influence from Latin legal language, given that it occurs in a borrowed temporal expression which is calqued on the Latin phrase *in diebus ... proximis*. Note, for example, the *Lex Latina Tabulae Bantinae: in diebus (quinque) proxsumeis* (l. 14), *in diebus (decem) proxsumeis* (23).

⁵¹ Cf. Crawford (1996, 556).

⁵² Cf. Sisani (2001, 9); Baldi (2002, 136); Wallace (2007, 2); Weiss (2009, 3).

⁵³ Cf. Baldi (2002, 136); Weiss (2009, 3-5).

⁵⁴ *Idem*.

We only find this numeric ‘sandwich-structure’ in such temporal expressions in the *TBO*⁵⁵ and the Umbrian evidence suggests that both adjective and noun were always placed together on one side of the numeral. Before the shift in the position of numerals, they both followed the numeral and after the shift they preceded the numeral. Thus, in the older Iguvine Tablets the structure is either numeral + noun + adjective - **tref buf kalëruf** ‘three white? bulls’ (Ia.20) - or numeral + adjective + noun - **tref vitluf turuf** ‘three young bulls’ (Ib.1), whereas after the shift it is either adjective + noun + numeral - *vitlu toru trif* (VIb.45) - or noun + adjective + numeral - *si gomia trif* ‘three pregnant pigs’ (VIa.58). This evidence backs up the argument in favour of the borrowing of the ‘sandwich-structure’ *zicolom / acunum ... nesimum* in the *TBO* from the Latin temporal expression *diebus ... proximis*.

5. CONCLUSIONS

I hope to have shown that the *TBO* is, to say the least, heavily influenced by Latin legal language. Latin legalese is, in fact, so extensively present that we might even call it an ‘oscanised’ Roman statute. For this reason, several scholars, such as Crawford (1996, 276) and Mouritsen (1998, 79), argue that the *TBO* is of Roman origin, perhaps based on a model from Venusia. However, this is not necessarily the case. Given that the legal system at Bantia was at this point probably Roman and due to the inherent connection between the legal procedures and legalese, we expect a great influence from the language of Roman law. This *lex* could therefore just as well be a Bantian product. Despite being representative of Bantia’s potentially Roman legal system, the *TBO* is, as we have briefly discussed in the introduction, at the same time a product of a period in which the allied *socii* revolted against Rome and wanted to assert their independence. This assertion manifests itself on several levels, in spite of the inherently Roman legal nature of the *TBO*. The very fact that the document was drafted in Oscan in itself shows that there was a conscious attempt to establish a Bantian - or, more broadly, Oscan - identity in opposition to Rome.⁵⁶ Moreover, there are also several smaller linguistic aspects noticeable which might point to a type of political resistance to Rome, such as the fact that every Roman political title has been abbreviated: *q.* (*quaestor*), *pr.* (*praetor*),

⁵⁵ There is, however, next to these numerals also evidence of interposed adpositions throughout the Latin and the Sabellian languages. (cf. Clackson (2004, 391-402)) Nonetheless, as Clackson (2004, 402) states, rather than providing evidence of a shared syntactical feature, “the similarities between the interposed order of adpositional placement in Latin and Sabellian arise from different factors.”

⁵⁶ Cf. Del Tutto Palma (1983, 56); Crawford (1996, 276); Bispham (2007, 145-6); Wallace-Hadrill (2008, 95).

tr. pl. (tribunus plebis),⁵⁷ whereas every Oscan or ‘Oscanised’ political title was written out: *meddis, censtur, praefucus, trium nerum*, although abbreviations clearly existed for some of these titles.⁵⁸ In spite of these minor attempts to appropriate this statute - and, with it, aspects of an essentially Roman legal system - through the means of language, Latin legalese is omnipresent in the *TBO*, as I have shown. This indicates the extent to which Roman law and the *verba legum* are inherently connected. One cannot be adopted without the other and the *TBO* is, perhaps, the clearest attestation of that.

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⁵⁷ *Tr. pl.* could also be identified as the Oscan political title *tribuf plifriks*, though we follow Crawford’s (1996, 277-8) transcription, as our evidence suggests that *tribuf plifriks* would have been written out.

⁵⁸ Cf. **m** for **meddis** (Cm 48, tSa 24 = Nola 44, Bouianum 27).

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