

Some Remarks on the Common Model of the Flavian Municipal Charters

IMRE ÁRON ILLÉS



Armando Ruiz Torrent in his paper,¹ which was published in his monograph,² too, re-examines the supposed common model of the Flavian charters, and argues that the texts of the different charters cannot be originated from a single common model (*modelo único*). However, Torrent takes up the term common model as a *stricto iure* general law only,³ because after denying the existence of a hypothetical Caesarean or Augustean universal *lex Iulia municipalis* and the likewise hypothetical *lex Flavia municipalis* of Domitian or Vespasian,⁴ he con-

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- ¹ A. Torrent, "De lege Irnitana: ¿Modelo único en las leyes municipales flavias?" *Revista Internacional de Derecho Romano*. Abril (2010), 88-157. (www.ridrom.uclm.es/documentos4/torrent_imp.pdf, 2010.08.21, 23:23)
 - ² A. Torrent, *Municipium Latinum Flavium Irnitanaum. Reflexiones sobre la ocupación militar de Hispania y subsiguiente romanización hasta la Lex Irnitana*, Madrid 2010, 101-133, it is the slightly altered version of the previous paper, the main points being the same.
 - ³ J. González, "Lex Villonensis," *Habis* 23 (1992), 116. used the term *modelo único* in the same meaning, but in the opposite direction: "Las coincidencias textuales nos permiten saber que todas ellas (sc. leyes municipales flavias) siguen un modelo único: la *lex Flavia municipalis*, texto reformado de la *lex Iulia municipalis*."
 - ⁴ The essence of the problem is whether a general *lex municipalis* of similar scope ever existed. If it did, whether it was the result of Caesar's or Augustus' legal activity, and what is the relationship between this *lex Iulia municipalis* and the *lex Flavia municipalis* serving as a basis for the Flavian charters. I will not examine here whether Torrent's refutation of the existence of these *stricto iure* laws is right or not because of the very controversial nature of this question. However, it must be emphasized that the scholars denying the existence of such *leges municipales generales* accept the existence of textual common models, e.g. H. Galsterer, "La loi municipale des Romains: chimère ou réalité?" *Revue Historique de Droit français et étranger* 65 (1987), 184-185. Hereafter in this paper I will try to prove the existence of a text-

cludes that there was no common model.⁵ However, he faces the problem that the similarity among the fragments of the Flavian charters is undeniable. To explain this fact – after denying any common model – he argues that the Flavian charters are the results of the consecutive chain (“*secuencia histórica*”) of the Roman municipal charters developed in different times and of the related decrees of the Flavian emperors. Therefore, the similarity among the charters can be explained by a uniform legal tradition (the earlier municipal charters) applied in a similar legal environment (the Flavian decrees concerning the Spanish towns) accordingly to the local particularities of the towns of Spain.⁶ He rightly emphasizes that the similarity can be due to the similar topics in part: the charters concerning the administration of the cities must regulate similar issues, and they can do this in a similar way;⁷ and he also rightly refers to the Roman practice that the drafters of a new charter/law often copied parts of earlier charters/laws word for word.⁸

However, Torrent’s argument has a serious methodological mistake. He tries to draw conclusions from the problem of the general *lex Iulia municipalis/lex Flavia municipalis* (that is extremely controversial and lacking adequate sources) for the textual model. But the opposite direction is much more viable: following Julián González⁹ and Xavier d’Ors¹⁰ method,¹¹ the existence of a

ual common model, and I will not examine the legal nature of this model (*stricto iure* law or unofficial draft etc.).

- ⁵ See e.g. Torrent, *Municipium Flavium Irnitatum*, 102, 129-130. There is a gap in Torrent’s logic, because for his conclusion (that is, there were no such general laws, therefore there was no common model at all) he should have proven previously that any supposed common model must have been a *stricto iure* general law. For the scholarly opinions on the legal nature of the model, see note 12.
- ⁶ Torrent, *Municipium Flavium Irnitatum*, 121, 128, 131. It must be emphasized now that Torrent attaches greater than real significance to the local particularities and the differences among the Flavian charters, because he has not examined the text – and the differences – of the single charters articulately. If he had examined the charters properly, he would know that the *lex Villonensis* and the *lex Basiliponensis* are the same charter (Torrent, *Municipium Flavium Irnitatum* 12 and 102, for the identity of these fragments see below); that the *fragmenta Lauracensia* are not Flavian and Spanish, but Severan and from Austria (Torrent, *Municipium Flavium Irnitatum*, 123); that the *lex Salpensana* and *lex Malacitana* do not supplement the lost 1st, 2nd, 4th and 6th tablets of the *lex Irnitana* (Torrent, *Municipium Flavium Irnitatum*, 104), but the *lex Malacitana* supplements tablet 6 only.
- ⁷ Torrent, *Municipium Flavium Irnitatum*, 103.
- ⁸ Torrent, *Municipium Flavium Irnitatum*, 125, for this practice in the field of municipal charters see J. G. Wolf, “Imitatio exempli in den römischen Stadtrechten Spaniens,” *Iura* 56 (2006-2007), 1-54 and M. W. Frederiksen, “The Republican Municipal Laws: Errors and Drafts,” *The Journal of Roman Studies* 55, (1965), 183-198. However, this method affects some chapters of a charter, and not the whole charter, and in the same charter borrowed chapters from different earlier charters can be found.
- ⁹ González, “Lex Villonensis.”

textual model must be clarified, because it *can* be clarified due to the extant fragments and the parallel texts of the charters. And *if* the existence of such a textual common model is to be denied – as Torrent argues –, the existence of a general *lex Flavia municipalis* must be refused, because this general model is the *raison d'être* to suppose a general Flavian municipal law.¹² Of course, following these two scholars would be inconvenient for Torrent, because both of them accept the existence of a common model.¹³ Because a bluffing variety about the

¹⁰ X. d'Ors, "Algunas consideraciones sobre 'variantes' y errores en las distintas copias de la *lex Flavia municipalis*," in Linares, J. L. (ed.): *Liber amicorum, Juan Miquel: estudios romanísticos con motivo de su emeritazgo*. Universitat Pompeu Fabra 2006, 749-804.

¹¹ Both authors examine the differences and similarities among the parallel places of the charters with philological methods and draw conclusions concerning the common model. González, "Lex Villonensis," 117-119. establishes that the differences among the texts of the *lex Irnitana*, *Malacitana* and *Villonensis* are orthographical ones or due to the different usage of the abbreviations, and there are some common errors that prove a common model. D'Ors examines the general tendencies of the individual charters, that is, the general usage of the abbreviations, the orthographical characteristics etc., and from these features infers the state of the different levels of the common model. For these questions see below. (I know that the *errores coniunctivi* are usually used to prove a common model, but in the case of the municipal charters the effect of some independent chapters cannot be excluded: e.g. see *a(b) iusto* below or d'Ors' opinion about the possibly independent error of *abeat/habeat* at chapter 29, d'Ors, "Algunas consideraciones," 796-797. note 209. Thus, the *errores coniunctivi* are deliberately not used in this paper.)

¹² The opposite is not necessarily true, that is, if there was a textual common model, it does not prove the existence of a general law, for the common model could be e.g. a draft for internal use of the governor – or the responsible member of his staff – (D. Mantovani, "Il iudicium pecuniae communis. Per l'interpretazione dei capitoli 67-71 della *lex Irnitana*," in L. Capogrossi Colognieri – E. Gabba (ed.), *Gli statuti municipali*. Pavia 2006, 262. note 1); or the text of the individual charter issued for the first concerned community that became a model for the other communities (J. Paricio, "La 'lex Aebutia', la 'lex Iulia de iudiciis privatis' y la supuesta 'lex Iulia municipalis,'" *Labeo* 49 (2003), 136. note 35); or an imperial decree, but not a regular *lex* (W. Simshäuser, "Review: Julián González: The *lex Irnitana*: a new Flavian municipal law (sic!); Alvaro d'Ors: La ley Flavia municipal; Alvaro d'Ors – Xavier d'Ors: *Lex Irnitana*," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung* 107 (1990), 543) etc. Torrent does not disprove these opinions, although, disproving them would be necessary for his conclusion (that is, there was no general law, therefore there was no common model). A distinction must be made between the hypothesis that the first individual charter was the common model for the later ones and Torrent's later discussed opinion that some Flavian charters together with other laws and decrees offered a model for the *lex Irnitana*. That the currently available charters were not copied from each other, see below.

¹³ The majority of the scholars accept the existence of a common model because of the similarity of the charters. Although, e.g. F. Lamberti, *Tabulae Irnitanae, municipalitatis e ius Romanorum*. Napoli 1993, 235-238 denies the existence of a common model, and she argues that each *lex municipii* was composed in Rome *ex novo* ac-

similarity of the different Flavian charters can be read in the literature,¹⁴ the question must be examined in detail, because to determine the measure of the differences is the prerequisite to make correct statements on the common model.

Before the examination of the differences and similarities it is useful to summarize the most important data about the Roman municipal charters, especially the Flavian ones.

Municipal charters of the Republic

The municipal charters or municipal laws (*lex municipii* or *lex municipalis*)¹⁵ are regulations concerning the administration of communities: the duties and rights of the magistrates, city council and popular assembly; the elections; the jurisdiction; the religious matters; the public monies etc. Probably not all the communities had their own charters, but presumably all the bigger ones (especially the *municipia* and *coloniae*) had them. These regulations were engraved on bronze tablets fixed on the wall of a public building. We do not have a complete text of any municipal charter yet; the majority of the fragments contain only some syllables or words. The fragments were found largely in the ancient province *Baetica* (cca. today Andalucía) and South-Italy. To draft these charters the Romans often borrowed chapters from different, earlier laws with slight alterations.¹⁶

ording to the particularities of the town in question (e.g. the population), but the chancellery would have had an up-to-date dossier with the regulations concerning the local, municipal administration. Therefore, it should have rather been a uniform system, and not a sole common model. The problem with Lamberti's opinion is very similar to Torrent's one: she does not make a difference between the textual common model and the general law. If all the fragments agree with each other word for word, this supposed dossier of the chancellery did not contain different regulations, decrees etc., the drafter of the municipal charters could select from, but it must have been the textual model, which of course was not a *stricto iure* law.

¹⁴ The scope goes from the word for word accordance (e.g. Wolf, "Imitatio," 6) to only a structural similarity (Lamberti, *Tabulae Irnitanae*, 238.), often according not to the facts, but to the authors' own opinions or hypothesis.

¹⁵ Although, neither the modern nor the ancient usage of these terms is fully coherent, it seems that the municipal charter/*lex municipii* refers to the text of a given town, while the municipal law/*lex municipalis* is rather a general regulation concerning more towns or areas. (Of course, the exact meaning depends on the authors' opinion on the existence of a model law etc.)

¹⁶ See Frederiksen, "The Republican Municipal Laws," and most recently see Wolf, "Imitatio."

The first extant fragment is the *lex Osca Tabulae Bantinae* written in the Oscan language from the beginning of the 1st century BC – perhaps before the Social War – and contains regulations about the jurisdiction.¹⁷

The charter of Tarentum, the *lex Tarentina*¹⁸ is usually dated between 89-62 BC; however, this date is brought into challenge.¹⁹ The fragment of this charter contains the first column of tablet 9 intact, where the improper handling of the public moneys; the security given by the magistrates and candidates; the property qualification for decurions; the demolition of buildings; the public roads and canals, and the departure from the city are regulated. These topics appear in the later charters in a more or less alternated form.

The *tabula Heracleensis*²⁰ of the middle of the 1st century BC has some very interesting features. On the one hand, this fragment has been identified as Caesar's supposed *lex Iulia municipalis* regulating the administration of the *municipia* of Italy uniformly.²¹ On the other hand, the structure and topics are curious: the first part refers to Rome as the city in question by name coherently, and not Heraclea, while the second part regulates the administration of different types (*municipium*, *colonia*, *praefectura*, *forum* and *conciliabulum*) of Italian cities. It is probable that different earlier charters were used to draft this text without proper interworking, that is, the name of Rome was not replaced by the name of Heraclea etc. The main topics are: some kind of professions; repairing and using of roads and public buildings in "Rome"; regulations for municipal government (magistrates and decurions), for local *census* and *municipia fundana*.

The *lex Ursonensis* or *lex Coloniae Genetivae Iuliae*, the charter of the Spanish town *Urso* is much longer than the previous ones.²² The colony was

¹⁷ For text, English translation and commentary see M. H. Crawford (ed.), *Roman Statutes I-II*. London 1996, 271-292.

¹⁸ See Crawford, *Roman Statutes*, 301-312.

¹⁹ U. Laffi, "Osservazioni sulla *lex municipii Tarentini*," *Rendiconti dell'Accademia Nazionale dei Lincei. Classe di Scienze morali, storiche e filologiche* 15 (2004), 636-637.

²⁰ See Crawford, *Roman Statutes*, 355-391.

²¹ In the wider literature this seems to be the *communis opinio*, but it is forced back increasingly by the specialists on the basis that similar general laws did not exist (e.g. Galsterer, "La loi municipale"), or that the *lex Iulia municipalis* must be attributed to Augustus, not Caesar, and this Augustean *lex Iulia municipalis* must have been the model for the so-called *lex Flavia municipalis* (this theory was elaborated by T. Giménez-Candela, "La 'Lex Irnitana'. Une nouvelle loi municipale de la Bétique," *Revue internationale des droits de l'antiquité* 30 (1983), 125-140 and A. d'Ors, "La nueva copia irnitana de la 'lex Flavia municipalis,'" *Anuario de Historia del Derecho Español* 53 (1983), 5-15 – following Wlassak and using the new information gained from the *lex Irnitana*). For a fresh summary see M. das G. Pinto de Britto, *Los municipios de Italia y de España: le general y ley modelo*, Madrid 2014 (it is not totally up-to-date, e.g. Torrent's and Andreu Pintado's theories are missing; it is rather an extended bibliography).

²² See Crawford, *Roman Statutes*, 393-460, for the new fragments A. Caballos Rufino (ed.), *El nuevo bronce de Osuna y la política colonizadora romana*, Sevilla 2006.

(re)founded in a place of an earlier Pompeian town by Caesar cca. 45 BC, and the charter was issued at the end of 44 or the beginning of 43 BC. The fragments were found at different times: 1870-71, 1925, and the most recent ones were published in 2006, so chapters 13-19.; 61-106. and 123-134. of the original text can be read with little hiatus. Although, the structure of the text is not so coherent as the structure of the Flavian ones, the charters can be divided into more or less thematic blocks. The text was slightly altered later (e.g. there is a reference to *Baetica*, which did not exist in Caesar's age), and the extant text was engraved in the Flavian age.²³

The so-called *fragmenta Lauriacensia* are not republican, but worthy of note here. They contain different pieces of a bronze tablet that probably were collected to be reused. There are some fragments of the Severan age among them, but it is controversial whether they belong to the same city, and this city was Lauriacum or not.²⁴

The Flavian municipal charters from Spain

The Flavian fragments are the most numerous, and among them can be found the longest municipal charter (the *lex Irnitana* completed by the *lex Malacitana*). Because this paper examines the relations of these fragments, a more detailed presentation is necessary.

The first two fragments, two tablets of the *lex Salpensana* and the *lex Malacitana* were found by potters exploiting clay near Málaga in 1851. Since the tablets were originally covered with cloth – pieces of which were found, too – and some bricks were used to sustain the tablets, it is highly probable that the tablets were buried intentionally to be preserved.²⁵ It is not known when and why the charter of *Salpensana* was carried to *Malaca*, neither the date and reason of hiding the tablets are apparent. Right after finding the tablets it was clear that the charters were engraved under the reign of Domitian (81-96), for he is the last, reigning emperor in the emperor-lists. The *lex Salpensana* refers to *civitas Romana per honorem consecuta*, therefore it must have been issued due to

²³ According to Caballos Rufino, *El nuevo bronce*, 402-411. the text was engraved between 20 BC and 24 AD.

²⁴ For the fragments see M. H. Crawford Appendix 2 (in J. González, "The Lex Irnitana: a New Copy of the Flavian Municipal Law," *The Journal of Roman Studies* 76 (1986), 241-243), recently see e.g. H. Grassl, "Neue Beiträge zu den Stadtrechtsfragmenten aus Lauriacum," *Tyche* 18 (2003), 1-4. (one charter of Lauriacum).

²⁵ See M. Rodríguez de Berlanga, *Estudios sobre los dos bronceos encontrados en Malaga, á fines de octubre de 1851*, Málaga, 1853; Th. Mommsen, "Die Stadtrechte der Latini-schen Gemeinden Salpensana und Malaca in der Provinz Baetica," in idem: *Gesammelte Schriften I.*, Berlin, 1905, 263-382; J. González, *Bronces jurídicos romanos de Andalucía*, Sevilla 1990, 101-123; Th. Spitzl, *Lex municipii Malacitani*, München 1984 (a commentary on the *lex Malacitana*) and A. U. Stylow, "La lex Malacitana, descripción y texto," *Mainake* 23 (2001), 39-50 (new edition of the *lex Malacitana*).

Vespasian's grant of *ius Latii* to Spain at the beginning of the 70s. Consequently, it was widely accepted that the issuing of the two charters was the result of the same process; therefore, chapters 21-29 of the *lex Salpensana* and the chapters 51-69 of the *lex Malacitana* could have been the copies of a common model.²⁶

This hypothesis was supported by the discovery (1981) and publication (1986) of the *lex Irnitana*, the most extensive municipal charter.²⁷ From the ten original tablets the 3rd, 5th and 7th-10th are extant. Since the text of tablet 3 is almost identical with the one of the *lex Salpensana*, and the text of tablet 7 with the one of the *lex Malacitana*, scholars obviously inferred that a model text²⁸ must have existed on which the charters of the communities converted into *municipia* by Vespasian's edict granting Latin right were based. Although the chapters of the *lex Irnitana* are not numbered, based on the overlapping chapters of the *lex Malacitana* and *Salpensana* tablet 3 contains the chapters 19-31, tablets 7-10 contain the chapters 59-97, and the two thirds of the lost 6th tablet can be made up with the help of chapters 51-59 of the *lex Malacitana*. Tablet 5 does not have a parallel text, therefore its chapters cannot be numbered, so for these chapters the letters A-L are used.²⁹ Due to the complementation with the *lex Malacitana* cca. the 70% of the original text is legible: the first 18 chapters, the chapters of tablet 4 – chapters 30 to A – and one or two chapters on tablet 6 are missing.

The provenience of the so-called *lex Italicensis* found in 1904 is controversial, it can be Itálica or Cortegana. Although, some scholars date the fragment to the

²⁶ Already A. d'Ors, "Miscelánea epigráfica. Un nuevo fragmen de Ley Municipal," *Emerita* 32 (1964), 106 developed this opinion based on the superfluous repetition *per quem steterit...* on two different fragments.

²⁷ The text has several editions, and the most accurate one is F. Fernández Gómez – M. del Amo y de la Hera, *La lex Irnitana y su contexto arqueológico*, Sevilla 1990 with colour photos, epigraphic and palaeographic analysis, but without any emendation. The most useful one is J. González, "La lex Flavia municipalis," in idem (ed.) *Epigrafía Jurídica de la Bética*, Roma 2008, 11-124 (the revised edition of González, "The Lex Irnitana"); it contains the majority of the earlier emendations and textual results; however, the commentary remains the same, thus the concordance of the old commentary with the new text is missing sometimes. The most recent edition (J. G. Wolf [Hrsg.], *Die Lex Irnitana. Ein römisches Stadtrecht aus Spanien*, Darmstadt 2011) has serious problems (see I. Á. Illés, "Die lex Irnitana," *Acta Classica Debr.* 49 (2013), 115-121, review of Wolf's edition).

²⁸ The existence of this model text is denied by Torrent, while other scholars identify it with the *lex Flavia municipalis* (e.g. Giménez-Candela, "La Lex Irnitana"), a *lex Lati* (W. D. Lebek: "La Lex Lati di Domiziano (Lex Irnitana): le strutture giuridiche dei capitoli 84 e 86," *Zeitschrift für Papyrologie und Epigraphik* 97 (1993), 160-164; A. U. Stylow, "Entre edictum y lex a propósito de una nueva ley municipal del término de Ecija," in J. González (ed.): *Ciudades privilegiadas en el Occidente romano*. Sevilla 1999, 233-234) or a text that was not *stricto iure* law, see note 12.

²⁹ While these chapters are identified with different numbers by scholars, the letters introduced by González, "The Lex Irnitana" are unambiguous.

2nd-3rd century AD because of the irregular form of the letters, the Flavian date is usually accepted. The fragment contains the bottom of the last (?) two columns of a municipal law (chapter 90 and the *Sanctio*),³⁰ but the “*addenda*” appearing at the end of the *lex Irnitana* are missing; however, it is controversial whether these *addenda* concern all the *municipia*, some of them or Irni only.³¹

Because the fragments of the *lex Irnitana* were found by “treasure-hunters”, and not by professional archaeologists, and the greater fragments originally were collected by three different museums, too, the Spanish archaeologists embarked on collecting all its fragments from the collections and depositories. Due to this research, numerous fragments of Flavian charters were identified. The first fragment of the *lex Villonensis* – now known through cca. twenty fragments – was found at the end of the 19th century,³² then it was augmented with a new fragment by A. d’Ors in 1964,³³ and with another four fragments by him³⁴ and J. González³⁵ at the beginning of the 80s under the name *lex Basiliponensis* from the city of *Basilipo* due to an erroneous *-ilipo-* reading. Finally, F. Fernández Gómez³⁶ and J. González³⁷ published the text with new fragments under the correct name *lex Villonensis* in 1991 and 1992.³⁸ These fragments mainly contain some words or syllables only; however, by the help of the *lex*

³⁰ González, *Bronces jurídicos*, 125-129; for the problem of the provenience see A. M. Canto: “A propos de la loi municipale de Corticata (Cortegana, Huelva, Espagne),” *Zeitschrift für Papyrologie und Epigraphik* 63 (1986), 217-220 and J. González, “More on the Italica Fragment of Lex Municipalis,” *Zeitschrift für Papyrologie und Epigraphik* 70 (1987), 217-221.

³¹ For this question see e.g. J.-L. Mourgues, “The So-called Letter of Domitian at the End of the Lex Irnitana,” *The Journal of Roman Studies* 77 (1987), 78-87. and F. Martín, “Las instituciones imperiales de Hispania,” in J. González Fernández (ed.): *Roma y las provincias. Realidad administrativa e ideología imperial*. Madrid 1994, 169-188.

³² C. G. Bruns (ed.), *Fontes Iuris Romani Antiqui*, Tubingae 1909⁷, 157. (nr. 31.)

³³ D’Ors, “Miscelánea epigráfica.”

³⁴ A. d’Ors, “La ley municipal de Basilipo,” *Emerita* 53 (1985), 31-41.

³⁵ J. González, “La ‘lex municipii Flavii Basiliponensis’ (Nuevos fragmentos de ley municipal),” *Studia Documenta Historiae et Iuris* 49 (1983), 395-399.

³⁶ F. Fernández Gómez, “Nuevos fragmentos de leyes municipales y otros bronce epigráficos de la Bética en el Museo Arqueológico de Sevilla,” *Zeitschrift für Papyrologie und Epigraphik* 86 (1991), 121-125.

³⁷ González, “Lex Villonensis.” Unfortunately, both editions have some errors, thus the pictures in González, “Lex Villonensis,” and the revised, new edition in J. González, “La lex Villonensis,” in idem (ed.): *Epigrafía Jurídica de la Bética*, Roma 2008, 145-158 should be checked for the correct text.

³⁸ The wrong name *lex Basiliponensis* appears in later works, too, e.g. Torrent (see above), Pinto de Britto, *Los municipios*, e.g. 131 and 136 (however, sometimes she makes a clear difference between the earlier wrong name and the real one).

Irnitana and the *lex Malacitana* the text can be reconstructed,³⁹ thus the fragments belong to chapters 64-71.

In a paper of 1991 F. Fernández Gómez published the so-called *ley modelo*,⁴⁰ too, that contains fragments of chapters 67-68 and 71.⁴¹ This text has two special features: on the one hand, the lines are much longer than the lines in the other charters,⁴² for it seems the text was not divided into columns. On the other hand, the places of the different numbers are left in blank.⁴³ It is not reasonable to infer from this fact that it must have been a prefabricated bronze tablet and the unfilled places could have been filled later according to the data of the city in question, because this method cannot be noticed in any other fragment. The individual data (the name of the city, some different numbers) were written by the same “hand(s)” in the charters. It is more probable – as the Spanish name suggests, too – that this text was a copy of a model text posted up in a major, frequently visited city,⁴⁴ so the commissioners of the communities could copy it into a wax-tablet or papyrus and fill the blank places with their own data. Lamberti rejected this interpretation of the *ley modelo* arguing that the engravers (*lapicidi*) copied the text from a papyrus and such a supposed metal blueprint would not have been economical and practical.⁴⁵ However, Fernández in his article was not talking about engravers (*grabadores*), but copyists (*copistas*),⁴⁶ that is, the *ley modelo* was not the model for the engravers who engraved bronze tablets, but was the model for the commissioners who copied the text into papyrus or wax-tablet, and this copy was used later by the engravers in the city. The practice that the Romans copied official texts from bronze tablets posted up in buildings is abundantly attested by the regular phrase *descriptum et recognitum ex tabula aenea, quae est fixa/proposita in...*⁴⁷ and by similar ones.

³⁹ For the methodology of identifying the small fragments see A. Caballos Rufino, “Un nuevo municipio flavio en el conventus Astigitanus,” *Chiron* 23 (1993), 157-162.

⁴⁰ *Ley modelo* means model law, I use the Spanish expression to make it clear that here this is the individual charter, and not the model law supposed e.g. by d’Ors.

⁴¹ Fernández, “Nuevos fragmentos,” 125-127.

⁴² In case of fragments with only some letters or syllables, the length of the lines can be estimated based on the reconstruction with the help of the extant charters and the number of letters between the fragmentary words under each other.

⁴³ Certain numbers could differ among the charters, e.g. the amount in dispute is 500 *sestertius* in chapter 69 of the *lex Irnitana*, but 1000 *sestertius* in the *lex Malacitana*.

⁴⁴ For this method in Spain see *SC de Gn. Pisone patre* 170-172: *item hoc s(enatus) c(onsultum) [hic] in cuiusque provinciae celeberruma[e] / urbe eiusque i<n> urbis ipsius celeberrimo loco in aere incisum figere/tur, itemq(ue) hoc s(enatus) c(onsultum) in hibernis cuiusq(ue) legionis at signa figeretur or Tabula Siarensis* Ilb23-27.

⁴⁵ Lamberti, *Tabulae Irnitanae*, 206.

⁴⁶ Fernández, “Nuevos fragmentos,” 126. “Creemos, por tanto, más probable, que se trate de un modelo para ser utilizado por los *copistas*.” (accentuation by IÁI).

⁴⁷ E.g. *FIRA I* 424-427. nr. 76.: *...testatus est se descriptum et recognitum fecisse ex tabula aenea, quae est fixa in Caesareo Magno, escendentium scalas secundas sub porticum*

The *lex Ostipponensis* published in 1983 contains chapters 62-63 and does not have any special features.⁴⁸

The most recent fragment is the so-called *tabula correghida*. Its two pieces were published in 2005 and contained some parts of chapters 27 and 31.⁴⁹ In this fragment chapter 27 followed chapter 30 (following the numeration of the other charters). According to Caballos Rufino this must be a separate anomaly due to the supposedly unnumbered chapters.⁵⁰

The *Duratón*-fragment published in 1995⁵¹ cannot be completed by the help of the longer charters; d'Ors reconstruction⁵² that places this fragment at the end of the lost chapter 17 and the beginning of the lost chapter 18 is baseless and easily refutable,⁵³ thus the location and the exact reconstruction remains unclear.

In addition to the above mentioned fragments many small fragments are known belonging to Flavian municipal charters based on the letters, the physical characteristics of the bronze pieces, but their exact identification is not possible yet, for they are too small or cannot be fit into the known texts.⁵⁴

dexteriolem secus aedem Veneris marmoreae, in pariete, in qua scriptum est et id, quod infra scriptum es[t]... Cf. Suet. Cal. 41.1 Eius modi vectigalibus indictis neque propositis cum per ignorantiam scripturae multa commissa fierent, sed et minutissimis litteris et angustissimo loco, ut ne cui describere liceret.

⁴⁸ González, *Bronces jurídicos*, 133-134.

⁴⁹ A. Caballos Rufino - F. Fernández Gómez, "Una ley municipal sobre una tabula aenea correghida y otros bronceos epigráficos," *Zeitschrift für Papyrologie und Epigraphik* 152 (2005), 269-276.

⁵⁰ Caballos Rufino - Fernández Gómez, "Una ley municipal," 273, the chapters are not numbered e.g. in the *lex Irnitana*. It seems that the chapters of the *lex Ursonensis* were not numbered originally, and here was a correction, too, because the engraver missed chapter 129 and the beginning of 130; after realizing the omission, he erased chapters 128-131 and engraved the correct text in this place with smaller letters, cf. Crawford, *Roman Statutes*, 395. It is possible that the same happened here, too, because the extant text was engraved in the place of an earlier, erased text.

⁵¹ J. del Hoyo, "Duratón, municipio romano. A propósito de un fragmento inédito de ley municipal," *Zeitschrift für Papyrologie und Epigraphik* 108 (1995), 140-144.

⁵² A. d'Ors, "Una aproximación al capítulo 'de iure et potestate duumvirorum' de la ley municipal," *Iura* 44 (1993), 149-164.

⁵³ D'Ors places the fragments into the middle column of the lost second tablet; however, the picture published by Fernández - del Amo, *La lex Irnitana* clearly shows that the fragment belonged to a bottom right corner of a tablet, that is to column 3.

⁵⁴ Cf. e.g. Fernández, "Nuevos fragmentos"; J. González, "Nuevos fragmentos de la ley Flavia municipalis pertenecientes a la lex Villonensis y a otros municipios de nombre desconocido," in idem: *Ciudades privilegiadas en el Occidente romano*, Sevilla 1999, 239-245; A. Caballos Rufino - F. Fernández Gómez: "Nuevos testimonios andaluces de la legislación municipal flavia," *Zeitschrift für Papyrologie und Epigraphik* 141 (2002), 261-280; R. S. O. Tomlin, "The Flavian Municipal Law: One or More Copies," *Zeitschrift für Papyrologie und Epigraphik* 141 (2002) 281-284; Caballos Rufino - Fernández Gómez, "Una ley municipal"; J. C. Saquete Chamizo - J. Iñesta

The most important overlaps in the Flavian charters are: chapters 21-29 of the *lex Salpensana* and the *lex Irnitana*; chapters 59-68 of the *lex Malacitana* and the *lex Irnitana*; chapters 64-70 of the *lex Villonensis* and the *lex Irnitana* (till the beginning of chapter 69 with the *lex Malacitana*, too); chapters 67-71 of the *ley modelo* and the *lex Irnitana* (at chapters 67-68 with the *lex Malacitana*, too). The *lex Irnitana*, the longest fragment provides parallel places for all the other fragments except chapters 51-59 of the *lex Malacitana*: its parallel text must have been in the lost sixth tablet of the *lex Irnitana*. For some places of chapters 64-71 we have four parallel texts, too (*Irnitana*, *Malacitana*, *Villonensis*, *ley modelo*).

Because of the almost word for word similarity of these charters the recent *communis opinio* assumes that there must have been a textual model the individual charters were copied from – perhaps through some intermediate levels.⁵⁵ However, all the scholars acknowledge that there are some differences among the texts of the charters, some of them due to the different data of the communities in question (e.g. the number of the *ordo decurionum*, the name of the city, the amount of penalties and disputes), some of them due to the usage of abbreviations, the orthography and some lapses of the pen.⁵⁶

Accepting or refusing Torrent's hypothesis denying the existence of a common model depends on whether these differences can be explained even in the case of the existence of a common model, and whether the process itself outlined by Torrent⁵⁷ can explain the similarities among the texts. Before a close examination of the texts Torrent's cardinal problems should be examined.

Mena, "Un fragmento de la ley municipal hallado en la Baeturia Turdulorum (conventus Cordubensis, provincia Baetica)," *Zeitschrift für Papyrologie und Epigraphik* 168 (2009), 293-297. For the interpretation of Stylow's new fragment (A. U. Stylow, "Zu einem neuen Gesetztext aus der Baetica und zur öffentlichen Präsentation von Rechtsordnungen," in R. Haensch – J. Heinsrichs (Hrsg.): *Herrschen und Verwalten*, Köln 2007, 357-365 with Taf. XXI.) see I. Á. Illés, *Vespasian's Edict and the Flavian Municipal Charters*, Budapest 2016, 61-70.

⁵⁵ According to H. Galsterer, "Die römische Stadtgesetze," in L. Capogrossi-Colognesi – E. Gabba (ed.): *Gli statuti municipali*, Pavia 2006, 47. between the model from Rome (*lex Flavia municipalis*) and the text engraved in a bronze tablet there must have been a papyrus-copy, which contained the local data. Yet (for the existence of these intermediate copy or copies, see note 80), according to d'Ors, "Algunas consideraciones," 766 there must have been more intermediate copies between the *lex Flavia municipalis* and the engraved text: a provincial copy in the governor's residence and another copy based on the governor's text, but containing the local data, too.

⁵⁶ For the differences see e.g. Caballos Rufino, "Un nuevo municipio," 117-119 and d'Ors, "Algunas consideraciones."

⁵⁷ The similarity of the Flavian charters is due to the fact that the texts of the charters were determined by the "*secuencia histórica*" of the earlier laws and the decrees of the Flavian emperors.

Methodological remarks

In Torrent's opinion, the *lex Malacitana* and the *lex Salpensana* were similar precedents of the *lex Irnitana* like e.g. the *lex Tarentina* or the *lex Ursonensis*. The only difference is that the *lex Malacitana* and the *lex Salpensana* are textually – and temporarily – closer to the *lex Irnitana* than the latter ones.⁵⁸ However, the available sources do not support this theory, for the *lex Salpensana*, *Malacitana* and *Irnitana* are on the same level of the "historical sequence." Scilicet Torrent made the usual error of scholars:⁵⁹ he dated the *lex Malacitana* and the *lex Salpensana* to the 80s – according to the earlier literature⁶⁰ –, while the *lex Irnitana* to the 90s.⁶¹ Dating the Flavian charters into the beginning of the 80s seemed to be right before the discovery of the *lex Irnitana*, for Domitian's *Germanicus* title is missing from the text that was used very consistently by Domitian after 83: if the title Augustus appears in an inscription, coin or papyrus, the *Germanicus* appears, too.⁶² However, the *lex Irnitana* was engraved after 11 October 91 according to the date of the so-called Domitian's letter, which has the same palaeographic characteristics as the other part of the charter, thus this date is valid for the whole text of the *Irnitana*, too.⁶³ At the same time the *Germanicus* title is missing from this text, too, therefore the lack of this title cannot be used to date the other charters either. Accordingly, there is no reason to date the *lex Salpensana* and the *lex Malacitana* to the beginning of the 80s.⁶⁴ Thus, these charters cannot be dated before the *lex Irnitana* automatically, that is, it cannot be supposed that these charters were among the models of the *lex Irnitana*. In fact we do not have any reason to suppose that any extant Flavian charter was used to

⁵⁸ "Estas afirmaciones permiten afrontar con total claridad la importancia de la secuencia histórica de las leyes municipales desde la *lex Tarent.* a la *lex Irn.*, cuyo contenido normativo tiene claros antecedentes, siendo más cercanos las *leges Salp.* y *Mal.*, pero también encontramos reglas análogas en *Tarent. Urs.*, en los bronce de Veleia y Ateste, ..." Torrent, *Municipium Flavium Irnitatum*, 126. "Pensemos que *lex Irn.* 29. reproduce *lex Salp.* 29., lo que nos permite calibrar la secuencia histórica de la legislación municipal." Torrent, *Municipium Flavium Irnitatum*, 108. note 403.

⁵⁹ Cf. e. g. J. Muñoz Coello, "La política municipal de los Flavios en Hispania. El *municipium Irnitatum*," *Studia Historica. Historia Antigua* 2-3 (1984-1985), 165; Wolf, "Imitatio," 5.

⁶⁰ That is, before the publication of the *lex Irnitana*, e.g. Mommsen, "Die Stadtrechte," 284.

⁶¹ Torrent, *Municipium Flavium Irnitatum*, 103.

⁶² Cf. A. Martin, *La titulature épigraphique de Domitien*, Frankfurt am Main 1987, 182-187.

⁶³ For the palaeographical characteristics of tablet 10 in general see Fernández – del Amo, *La lex Irnitana*, 65-69.; for the letter especially see González, "The *Lex Irnitana*," 238. and Mourgues, "The So-called Letter of Domitian."

⁶⁴ For the details see I. Á. Illés, "Domitianus Germanicus és az ún. *lex Flavia municipalis*. [Domitianus Germanicus and the So-called *lex Flavia municipalis*]. *Antik Tanulmányok* 53 (2009), 61-77. (The end of 83 as *terminus ante quem* is valid for the model text, and not the single charters, they can be later too.)

be a model for the other Flavian charters, for the charters do not take over each other's errors, but have the same types of errors, therefore a deliberate emendation should not be supposed.⁶⁵ Of course, such copying a charter from another, previous Flavian charter could occur,⁶⁶ but this cannot be proven in the case of the extant charters because of the *errores separativi*, therefore the similarities among them must be attributed to a common model, and not to the hypothesis that they were each other's model, as Torrent suggests.⁶⁷

Torrent is right that there are considerable similarities among the different laws/charters – not only the Flavian ones –, but these similarities concern individual chapters mainly, while in the case of the Flavian charters the similarities concern not only the individual chapters – and all of them! –, but the structure of the charters, too.⁶⁸ The similarities among single chapters can fit into the earlier tradition, for some examples are known from the 1st century BC, where the text was slightly altered according to some characteristics of the different types of the cities in question or to the advancement of the legal terminology – according to Wolf. However, these earlier tralatian elements are confined to

⁶⁵ E.g. the wrong *consequantur* (sA5) and *de/tulerant* (sA21/22) of the *Salpensana* are correct in the parallel places of the *Irnitana* (*consequentur* iIIIA46 and *detulerint* iIIIB11). However, it cannot be assumed that the copyist of the *Irnitana* – if he copied the text of the *Salpensana*, as Torrent suggests – emended the errors of the *Salpensana*, for similar mistakes can be found in the *Irnitana*, too, e.g. the *Salpensana* is correct at *consequentur* (sA13) and *proficiscetur* (sA26) while the *Irnitana* is wrong: *consequerentur* (iIIIA55) and *proficisceretur* (iIIIB18). For the discrepancies see below. [Hereafter the reference to the text is the following: i: *Irnitana*, m: *Malacitana*, s: *Salpensana*, v: *Villonensis*, l: *ley modelo*. The Roman numeral designates the table in the case of the *lex Irnitana*, and the fragment in the case of the *Villonensis* (according to González 1993, the photos must be emphatically observed, too), the capital letter designates the column, the Arabic numerals the lines. E.g. mD34 is the line 34 of the column D (=4th) of the *lex Malacitana*; the vII/1 is the line 1 of the fragment 2 of the *Villonensis*; iVIIIB27 is the line 27 of the column B (=2nd) of table 7 of the *lex Irnitana*.]

⁶⁶ If the existence of a common model is accepted, it is not probable that there was only one model for the single charters, but it must be assumed that there were more levels of the copying process (cf. note 55). If we had enough fragments, perhaps distinction would be made between the different branches of the “model texts,” e.g. the *lex Malacitana* and *Villonensis* have some common errors that are missing from the *lex Irnitana* (e.g. there was one common model [e.g. in Rome], and there are more intermediate levels, and at one of these levels some model texts could have been posted in different cities, and the habitants of *Malaca* and *Villo* used one of them, while *Irni* another one). However, it has to be emphasized that there are too little fragments to prove the existence of these branches. There is no reason to suppose contamination, because it must have been superfluous to use more models for a single charter.

⁶⁷ Even if he was right, the first of the charters would be the common model for the others.

⁶⁸ Except for two, otherwise irregular fragments (*tabula correghida* and *lex Italicensis*, see above).

single chapters, and not to all the chapters and the structure of the whole text.⁶⁹ Accordingly, the similarities among some chapters of the earlier charters without any single model cannot be used to prove that the complete identity of the structure and text of the Flavian charters is not due to a common model, but to a common legal tradition from different sources. Nevertheless, a “canon” we do not know about could be formed, for the evolution of more than 120 years is missing,⁷⁰ and the impact of the earlier texts is undeniable. In my opinion, too, it is possible that on the basis of the earlier legal tradition (“*secuencia histórica*”) considerable similarities could come into being without any certain “model” text. This opinion can be supported by the *edictum perpetuum* – although, Torrent does not use this example –, which was a collection altered year by year, but later it gained a better and better constant content, for the magistrates used their predecessors’ *edictum*, and later under Hadrian the content was actually fixed, or the dossier supposed by Lamberti could be conducive to a similar result.⁷¹ Accordingly, the municipal charters could reach a state by the Flavian age as the *edictum perpetuum* by Hadrian’s age, thus a considerable similarity of the content of the charters can be explained without any common model, if the drafters of the different charters independently from each other followed the traditional structure and text. However, Torrent rightly considers some Flavian⁷² decrees as a source for the Flavian charters, but these Flavian provisions could not have become the standard part of the “tradition” by the Flavian age, therefore the places affected by Flavian decrees must have differed in the text or order of the chapters in question.⁷³ Nevertheless, this did not occur, and the chapters supposedly affected by the Flavian provisions show the same similarity as the other parts of the charters, therefore a “canon” formed before the Flavian age can be excluded; at the best a “canon” formed under the Flavian age can be supposed.⁷⁴ Nevertheless, this hypothetical “canon” formed

⁶⁹ See Wolf, “Imitatio.” The similar chapters examined by Wolf are: *lex Ursonensis* 104 ~ *lex Mamilia* 54; *lex Ursonensis* 77 ~ *lex Tarentina* 5 ~ *lex Irnitana* 82. Although the similarities are undeniable, it has to be emphasized that Wolf sometimes does not reckon with some philological trifles: e.g. that the text of the *lex Mamilia* cited by Wolf is amended on the basis of the text of the *lex Ursonensis* (in the MS there are *fossae limites* instead of *fossae limitales*, *pecuniaeque* instead of *eiusque pecuniae*), therefore the similarity is not so much complete as Wolf suggests. However, his main points seem to be correct.

⁷⁰ The Flavian charters appeared from the beginning of the 80/90s AD, while the latest extant charters before the Flavian ones (*lex Ursonensis*, *tabula Heracleensis*) are from the middle of the 1st century BC.

⁷¹ See note 13.

⁷² Cf. note 6.

⁷³ E.g. the chapters 21-23 in the *Salpensana* and *Irnitana*, which refer to the Roman citizenship and the *ius Latii* granted by the Flavians.

⁷⁴ There is not enough evidence for the evolution of the text – maybe a canon – of the charters after the Flavians, because in spite of the text of the *fragmenta Lauriacensia* having some parallelism with the previous charters (e.g. chapter 25 of the *Irnitana*, see González, “The Lex Irnitana,” 242), it cannot be used to prove that the text be-

under the Flavian age is almost the same as the supposed common model. Finally, the real question is the degree of the similarity, if it is verbatim, this “canon” – if there was any – must have been the common model.

Discrepancies among the texts of the different charters

The reason that Torrent denies the existence of a common model in spite of the similarities among the texts must be that he attributes greater than real importance to the discrepancies among the different charters, for in his opinion “hoy se va abriendo paso la convicción de la existencia de variantes.”⁷⁵ He supports his opinion by the article of X. d’Ors,⁷⁶ but he totally misunderstands the real meaning and importance of the “variantes”, for d’Ors himself accepts the existence of a common model, and he attributes the differences to the different levels of copying, to the different copyists and engravers – doubtless rightly. Moreover, the “hoy” (today) is deceptive, too, for the majority of the earlier scholars admitted discrepancies besides the word for word similarities. The real question is not about the existence or non-existence of the discrepancies, but about correct interpretation of the unquestionably existent discrepancies, that is, whether the types or the degree of the discrepancies can exclude the existence of a common model, or they can be explained by individual orthographical features, errors of the pen of copying, usage of abbreviations etc.

As far as quantity is concerned, there are numerous discrepancies among the parallel texts, e.g. there is at least one discrepancy for each line of the *lex Irnitana* having a parallel text. However, the number itself does not testify against a common model, for there are many discrepancies in legal texts that had an unquestionable common model: e.g. there are more extant samples of the *Senatus Consultum de Gn. Pisone patre* in Spain, and they are the copies of the same *senatus consultum*,⁷⁷ thus they have an unquestionable common model. Even so, there are 140 discrepancies among the parallel texts of 125 lines according to the edition of 1996.⁷⁸ On the other hand, we can refer to the medieval textual tradition (i.e. “common models” but different readings due to the copying process) of the ancient authors; however, the simile does not work perfectly, because there were much more occasions for the errors during the centuries, but the methodology can help in our field, too, with the typical

came canonical under or before the Flavians, for similarity among single chapters was not rare among the earlier charters.

⁷⁵ Torrent Torrent, *Municipium Flavium Irnitatum*, 12. note 3. “Today, the conviction of the existence of discrepancies has gained ground.”

⁷⁶ D’Ors, “Algunas consideraciones.”

⁷⁷ For the text and commentary see W. Eck – A. Caballos Rufino – F. Fernández Gómez, (Hrsg.): *Das senatus consultum de Cn. Pisone patre*, München 1996.

⁷⁸ Eck – Caballos Rufino – Fernández Gómez, *Das senatus consultum*, 67-70.

errors etc.⁷⁹ That is, the task is to evaluate the discrepancies (“variantes”) correctly, and not to prove their existence.

If Torrent’s opinion was correct – that is, the reason of the discrepancies is the lack of a common model, while the reason of the similarities is the legal tradition –, we would expect that at least in some parts of the discrepancies the grammar and the content are correct, but the phrasing is different. Of course, the wrong grammar and content do not provide any information concerning the common model, for these types of discrepancies can be caused by individual errors or anomalies. Indeed, if we suppose that there was not a common model, there must have been individual models on papyri or wax-tablets that were not the same as the text on the bronze tablet. This is proven e.g. by the wrong resolution of the DDR abbreviation.⁸⁰ Because of the considerations above I will not discuss the difference in the usage of abbreviations, for X d’Ors⁸¹ has examined it in detail, and the undeniable existence of these individual models makes these differences meaningless concerning the common model,⁸² i.e. this type of differences do not prove that there was not a common model.

There can be three types of discrepancies: *errors*, where the grammar and/or the meaning of the text is wrong. *Orthographical anomalies*, in which

⁷⁹ Cf. M. L. West, *Textual Criticism and Editorial Technique*, Stuttgart 1973.

⁸⁰ The expression *dare damnas esto* (“is to be condemned to pay”) is abbreviated as DDE in mC69, while in the parallel place of the *Irnitana* (iVIIA45) it is written out as *decreto decurionum esto* (“is to be according to the decree of the decurions”), which is an existing expression in the charters, but does not fit the context here. Therefore, it must be assumed that there was a previous text where the abbreviation DDE occurs, and this abbreviation was written out wrongly later by a copyist, and the engraver had this text to engrave on the bronze tablet. Albeit Lamberti, *Tabulae Irnitanae*, 6 suggests that the engraver resolved the abbreviations during engraving the text, this assumption is highly improbable, for based on the errors and the wrong interpunction the engravers did not know the complex legal Latin language well enough to be able to write out the abbreviations on their own. In addition, Lamberti’s two assumptions, that the engraver wrote out the abbreviations, and that he followed the arrangement of the text on the papyrus roll at the same time, do not agree with each other: if he had written out the abbreviations on his own, the lines would have been longer, therefore, he could not follow the original arrangement and columns of the papyrus. Furthermore, the different tables of the *Irnitana* were engraved by different “hands” (probably at the same time, see Fernández - del Amo, *La lex Irnitana*, 32), therefore, it must be assumed that the text to be engraved on the single tablets was determined previously; thus, it could not be allowed to the engravers to write out the abbreviations on their own, because if they write out the abbreviations, the text would be longer, and would not fit the tablet. Even if the engraver had written out the abbreviation, he copied a (papyrus/wax-tablet)text that contained the DDE abbreviation.

⁸¹ D’Ors, “Algunas consideraciones.”

⁸² Of course, the abbreviations are of great importance to explain the different errors, e.g. an abbreviation can facilitate the confusion in singular and plural, for the very ending is missing, see below.

case the orthography of some words does not fit the “classical” rules, and they belong to a different layer of the language, but they are not erroneous and there is not any difference in the meaning. These two types are not of importance regarding the common model independently of their number, for these “errors” could be explained in the case of a common model by the process of copying or engraving in the bronze. After all, the “real” mistakes could not be deliberate, and even the orthographical anomalies could be caused by local custom or pronunciation. Therefore, they cannot be used to deny the existence of a common model, but to draw some conclusions concerning the Latin spoken in Spain, or the Latin knowledge of the copyists or engravers etc.

From the point of Torrent’s view, that is, denying the existence of a common model, the *discrepancies in wording or meaning* – that is, the text is grammatically correct, but the meaning and/or the wording is different among the parallel places – (can) have implications only because this type of discrepancies can prove that there was not a common model, but a common, legal tradition only. In the case of the Flavian charters the lack of this type of discrepancies can be explained by the assumption that using the same legal tradition under the same conditions (e.g. the communities in question were *municipia*, therefore, they did not have to change the *municipium* into *colonia* etc.) the result must be the same. Against this assumption, we have to refer to the presumption accepted by Torrent, too, that some parts of the charters refer to Flavian decrees, therefore, if there had been a very solid, almost compulsory legal tradition before the Flavians creating the uniformity of our charters, this uniformity must have been changed where the Flavian decrees are concerned in terms of the exact wording of the chapters or the place of these chapters in the text. If these Flavian decrees are used in the text in the same place and the same manner, there must have been a Flavian model.⁸³ In summary, I have to state it firmly that if there are discrepancies belonging to the first two groups – even in a great number –, it does not prove Torrent’s negative opinion concerning the common model, while if there are more discrepancies belonging to the third group, it supports Torrent’s view. After some examples of the discrepancies, I will examine some places cited by Torrent in detail.

The obvious *errors* are: the change of the letters, e.g. PAVCIOAVM (mC24) instead of *pauciorum* (iVIA11) or LICERIT (mC71) instead of *licebit* (iVIA46/47). This type can be totally accidental without any comprehensible reason, or can be caused by the similar pronunciation or the similar forms of the letters;⁸⁴ sometimes the error produces meaningful Latin words that do not

⁸³ Even the names of the Flavian emperors are written in the same way in the parallel places regarding the word order, the titles etc., cf. Illés, *Vespasian’s Edict*, 56-59.

⁸⁴ E.g. for the I - E confusion (*sententiam* iIIIB47 ~ *sentintiam* sB7) both must be reckoned.

fit in the context – e.g. *hac liberi* (sA1) instead of *ac liberis* (iIIIA41) –, and the confusion of singular and plural is quite frequent;⁸⁵ etc.

In many cases, the only difference is *orthographical*: the types of the *eius* ~ *eiius*,⁸⁶ or the *proximus* ~ *proxumus*⁸⁷ are frequent, as the change of the D to T and *vice versa* (e.g. *apud, id, at, quot*).⁸⁸ We cannot regard the interchange of the –*que* (and) and –*ue* (or)⁸⁹ as obvious errors, for the usage of these particles was not a solid one, as we expect based on our knowledge gained by reading the classical authors.⁹⁰ It is possible, too, that the *cui* was used “properly” instead of *qui* and *vice versa* due the similar pronunciation,⁹¹ etc.

Discrepancies in meaning or wording can be found, too, but in these cases the results are erroneous, or the difference affects the word order or the change of singular/plural, only.⁹² However, in the first case, an error of transmission must be supposed, while the latter two are frequent during copying, too!⁹³ Almost equivalent versions – with correct meaning and grammar – are very rare, and in most cases can be explained by an error of transmission. In addition, for the most cases the “correct” version can be determined, therefore, if we suppose that the drafters of the original text in the imperial or provincial staff⁹⁴ knows well the Latin language and the legal expressions, these discrepancies must be of local origin. For example:

in contione (iIIIB40/41) ~ *pro contione* (sB1): *in contione* is the regular one,⁹⁵ therefore it must be the original; however, *pro* is not wrong either.

⁸⁵ E.g. *ue/nerint* iIIIB4/5 ~ *uenerit* sA17; *dicat* iVIIB40 ~ *dicant* mD50; *incolaue* iVIIIA11 ~ *incolaue* mE68 etc.

⁸⁶ E.g. *eiius* iIIIB9, iIIIB49, iIIIB51, but *eius* sA20, sB9, sB10, cf. M. Leumann, *Lateinische Laut- und Formenlehre*, München 1977, 127; d’Ors, “Algunas consideraciones,” 289-290.

⁸⁷ E.g. *proximis* iIIIB37, iIIIB39 and iIIIC26, but *proxumis* sA42, sA44 and sB38, cf. Leumann, *Lateinische Laut- und Formenlehre*, 87-89.; d’Ors, “Algunas consideraciones,” 787., Quint. 1.7.21, and Adamik 2009. 214-215.

⁸⁸ E.g. *it* iIIIB18 and iIIIB28, but *id* sA27 and sA35; *aput* iIIIC4, but *apud* sB19; *at* iVIIC23, but *ad* mE17; *quot* iVIIC26, but *quod* mE22/23 and vV4; see d’Ors, “Algunas consideraciones,” 788.

⁸⁹ E.g. *quaeue* iIIIA43 ~ *quaeque* sA3; *conscriptisue* iIIIB21 ~ *conscriptisque* sA29 etc.

⁹⁰ Cf. Paul. Dig. 50.16.53pr.: *Nam cum dicitur apud ueteres “adgnatorum gentiliumque,” pro separatione accipitur. At cum dicitur “super pecuniae tutelae suae” tutor separatim sine pecunia dari non potest.*

⁹¹ E.g. *qui* iIIIB51 ~ *cui* sB10; *quique* iIIIB51 ~ *cuique* sB10. See d’Ors, “Algunas consideraciones,” 794. and E. Kalinka, “qui = cui” *Glotta* 30 (1943), 218-225. For the similar pronunciation of *qui* and *cui* see Quint. 1.7.27.

⁹² See below, at chapter 29.

⁹³ The *anakolouthons* caused by the confusion of singular and plural are frequent in the other charters containing long sentences with complex legal structures, too, e.g. *uiaie erunt* instead of *uia erit* in line 21 of the *tabula Heracleensis*.

⁹⁴ Even if there had not been a common model, the bronze texts must have had single models, see above at the abbreviation DDE.

⁹⁵ E.g. iVIIA3, mC13 (at the latter one with wrong accusative: *contionem*).

esse se redditurum (iIIIB19) ~ *esse rediturum* (sA27): considering the grammar, *esse se redditurum* and *esse se rediturum* can be correct, too. Based on the *redierit* in iIIIB28, the latter one must be better, but it is missing from the extant texts. However, both of the extant versions can be explained based on a supposed original *esse se rediturum*. In the *Salpensana* the similar ending of the *esse* could give the omission of the reflexive pronoun *se*, while in the *Irnitana redditurum* can be accidental, or it can be a hypercorrection by the copyist/engraver: because of the *Accusativus cum Infinitivo* the word *se* (Acc.) is necessary to designate the subject, but the copyist could have thought that *Accusative* should not be used with an intransitive verb (*redire* ~ *to come back*), therefore he used a transitive verb (*reddere* ~ *to give back*, *se reddere* ~ *to return*) writing *esse se redditurum* instead of the original *esse se rediturum*.

facturum (iIIIB26) ~ *acturum* (sA33): in this case, both solutions can be correct, but *facturum* fits the previous *facturum* and the usual expressions, therefore the version *facturum* must be the correct one. The variant *acturum* can be explained by the omission of the letter F at the beginning.

postulabitur (iIIIC23) ~ *postulatum erit* (sB36): see below.

sufferatur (iVIIIB45/46 and VIII2) ~ *referatur* (mD58): the grammar is correct in both cases, but *sufferatur* is better considering the meaning. Concerning the reading *referatur* González suggests⁹⁶ that Mommsen's original reading⁹⁷ is wrong, and Stylow⁹⁸ writes *sufferatur* in his new edition of the *lex Malacitana*, too. Therefore, this discrepancy does not exist. The discrepancies above do not prove the lack of a common model, rather they are due to the activity of the copyists or engravers.

The differences arising through the adaptation of the legal tradition or the common model to the local particularities (e.g. the number of the council) can be regarded as deliberate ones regarding the wording. However, d'Ors⁹⁹ and especially Torrent¹⁰⁰ attach too much importance to this adapting process assuming that the text could be modified greatly in certain places, but this type of

⁹⁶ González, "The Lex Irnitana," 168. and González, *Bronces jurídicos*, 120.

⁹⁷ Mommsen, "Die Stadtrechte," 278.

⁹⁸ Stylow, "La lex Malacitana," 47.

⁹⁹ D'Ors, "Algunas consideraciones," 760-761. thinks the number of the *apparitores* in chapter 73 of the *lex Irnitana* is too little and the regulations are too superficial especially compared with chapter 62 of the *lex Ursonensis*, and proposes the question whether the more considerable cities - e.g. Malaca - have the same low number, or they have bigger number and detailed regulations. In fact, we do not have any cause for assuming such a difference, because there are no similar differences in the extant parallel places. Additionally, the *lex Ursonensis* is a special charter for a single city, while the supposed model for the Flavian charters deliberately contained less specific rules in order to be applicable to different cities with different characteristics. (His father does not exclude some more discrepancies due to the adaptation process, cf. A. d'Ors, "La nueva copia Irnitana de la 'lex Flavia municipalis,'" *Anuario de Historia del Derecho Español* 53 (1983), 7.)

¹⁰⁰ E.g. Torrent, *Municipium Flavium Irnitatum*, 131.

modification is not attested in the extant parts! There are very few examples for deliberate, conscious differences necessitated by the local particularities of the communities in question. For example the numbers can differ; in chapter 69 the amount in dispute is 500 *sestertius* in the *lex Irnitana* and *Villonensis*, 1000 *sestertius* in the *lex Malacitana*, and the place of the exact number is blank in the *ley modelo*. According to these data, it can be assumed that other amounts in dispute could differ among the different communities; however, there are no parallel places to prove it. Chapter 31 of the *lex Irnitana* determines the minimal number of the local council as 63 members, and – although there are no parallel places – the wording of this chapter¹⁰¹ suggests that this number was different in the various communities.

The reference to the name of the cities is duplex, sometimes the actual name of the city (e.g. *municipium Flavium Irnitanum*) or the convenient form of the *id municipium* is written. However, in the parallel places the text follows the same method, that is, if a charter uses the *id municipium* in a given place, the others will use it in the parallel place, too. If a charter uses the actual name of the city, the actual name will be found in the parallel place, too. Besides these numbers and names, there are not any unequivocally deliberate discrepancies. Therefore, it cannot be proven that the adaptation to local particularities led to a significant alteration of the legal tradition. Moreover, the parallelism of the usage of the actual names of the city, the names of the emperors and the *id municipium* in the charters implies a common model. The different numbers can be perfectly explained e.g. by assuming that in a common model the place of these numbers were left blank.

For the correct understanding and evaluation of the discrepancies, a detailed examination of chapter 29 is necessary, because it has numerous discrepancies, and Torrent refers to it, arguing that this chapter of the *Irnitana* reproduces the same chapter of the *Salpensana*.¹⁰² As a preliminary it has to be emphasized that there is not any reason to suppose that the discrepancies are deliberate, because the meaning of the two chapters is exactly the same, while the deliberate, conscious difference and rephrasing in other charters is usually caused because of the content, e.g. if the original text concerns a *colonia*, but the new one will concern a *municipium*.¹⁰³ Additionally, some parts of the discrepancies lead to wrong results.¹⁰⁴ Let me examine all the differences one by one.¹⁰⁵

¹⁰¹ "...which was the number by the law and custom of that *municipium* before the passage of this statute..." (transl. M. H. Crawford)

¹⁰² Torrent, *Municipium Flavium Irnitanum*, 108. n. 403. "Pensemos que *Irn. 29* reproduce *Salp. 29.*, lo que nos permite calibrar la secuencia histórica de la legislación municipal." That this interpretation of the "secuencia histórica" is baseless, see above.

¹⁰³ Wolf, "Imitatio."

¹⁰⁴ Although in this chapter the readings of the *Irnitana* are usually better than the ones of the *Salpensana*, it is not reasonable to suppose that the drafter of the *Irni-*

quoi – *cui* (iIIIC16/sB30): *quoi* is the archaic form of *cui*,¹⁰⁶ therefore the meaning is the same. That a similar difference cannot be excluded in the case of a common model is proven by the fragments of the *SC de Gn. Pisone patre* found in Spain, which are the copies of the same *senatus consultum*, but have similar discrepancies: *cuiusq(ue)* A25 ~ *quouisque* B20; *cuius* A28 ~ *quoius* B22; *cuius* A57 ~ *quoius* B47.

eaue – *ereue* (iIIIC16/sB30): the reason of the difference must be the similarity of the letters A and R,¹⁰⁷ and the interpretation of the R (read instead of A) as the abbreviation of *res* (thing, business),¹⁰⁸ and it is used in ablative case following the *e(x)* preposition: ¹⁰⁹ *e reue* that does not fit the context.

pupillus pupillae non erit – *pupilli pupillae non erunt* (iIIIC17/sB31): because in the previous (*cui, is eaue ... erit*) and the following (*postulauerit, nominauerit*) sections singular is used, the latter version is wrong. The mistake could be caused by a wrongly resolved abbreviation, for the *pupillus* is written later in an abbreviated form *pupill-*,¹¹⁰ and if it was used in an abbreviated form here, too, the copyist could resolve it in a plural form, and wrote the predicate in plural, too (*erunt* instead of *erit*, it could be abbreviated in *e*).¹¹¹ Additionally,

tana simply corrected the errors of the *Salpensana*, for similar errors occur in the *Irritana*, too, and sometime the text of the *Salpensana* is better.

¹⁰⁵ The discrepancies concerning abbreviations will not be covered, cf. note 80. The control text is the *Senatus Consultum de Cn. Pisone patre* (henceforth: SC); this text is cca. 50 years earlier than the Flavian charters, and known by Spanish charters. The fragments of its copies contain similar errors as the Flavian charters, but they unequivocally have a common model (the original *senatus consultum*), therefore these types of errors do not deny the existence of a common model of the Flavian charters. For the SC the letters A and B sign the two longest fragments with parallel text according to Eck – Caballos Rufino – Fernández Gómez, *Das senatus consultum*.

¹⁰⁶ Cf. M. Leumann, *Lateinische Laut- und Formenlehre*, 478. and Quint. 1.7.27. (There is *quoi* in lines iVIIIA35 and iVIIIB3, too.)

¹⁰⁷ Cf. Fernández – del Amo, *La lex Irritana*, 32. Of course, this is the characteristics of the letters engraved on bronze, the ones on papyrus or especially on wax-tablet are different, for the cursive see R. Cagnat, *Cours d'épigraphie latine*, Paris 1890, 7-8. The A – R confusion works in both ways: PAVCIOAVM instead of *pauciorum* (mC24), EAIT instead of *erit* (sB34), ERQUE instead of *eaue* (sA36), LICERIT instead of *licebit* (mC71).

¹⁰⁸ In abbreviated form: iIIIC55-56 *de /e(a) r(e)*; iVIIA18 *de e(a) r(e)* = mC34 *d(e) e(a) r(e)*; iVIIC5 *d(e) e(a) r(e)*; iVIIIA3 *d(e) e(a) r(e)* = mE55 *d(e) e(a) r(e)*; iVIIIA15 *d(e) e(a) r(e)*; iIXB1 *q(ua) d(e) r(e)*; iXB5/48 *de e(a) r(e)*; iXB19 *d(e) e(a) r(e)*; iXB37/44 *d(e) e(a) r(e)*. Written out: iVA1, iVA3, iVA5, mD65 *de ea re*; vX10/vXI4 *de ea re*, iVA10-11: *in /ea re* etc.

¹⁰⁹ Of course, it is not necessary deliberate that ablative is used after the *e(x)* preposition; it can be explained by the fact, that *re* is a very frequent form of *res* in the charters.

¹¹⁰ Cf. sB36.

¹¹¹ E.g. mC67 *e(a) r(es) e(rit)*.

there are parallels for the *pupillaue* ~ *pupillaeue* error,¹¹² too. The confusion of the singular and plural is not a rare type of error,¹¹³ and the SC has many of them, too: *defenderent* A20 ~ *defenderet* B16; *pareret* A54 ~ *parerent* B44; *debebat* A61 ~ *debe]bantur* B50; *patitur* A61 ~ *patiuntur* B50 etc.

a *Iluiro iure dicundo eius municipi* – *ab Iluiris, qui i(ure) d(icundo) p(raeerunt) eius municipi* (iIIIC17-18/sB31): there are many discrepancies in this passage. The *eius* ~ *eiius* is a simple orthographical one, it has many parallels, and its usage is not coherent in the single charters.¹¹⁴ The usage of *a*~*ab* pair is not coherent either,¹¹⁵ according to the classical rules, *a* should be used before a vowel, and *ab* before consonant. Here the situation is a little bit more complicated, because the abbreviation begins with the letter *i* (it is basically a vowel, but its pronunciation can be consonant and vowel, too, e.g. *iam* and *Idus*), while the pronunciation should have been *duovir* or *duumvir*, therefore the difference can be easily explained. None of the singular *Iluiro* and the plural *Iluiris* is explicitly wrong; however, the singular *Iluiro* fits better the later *a quo postulatum*. Here, the difference can be explained by the fact that the different forms of *Iluir* can be abbreviated as *Iluir*,¹¹⁶ therefore after an *a(b)* it can be written out in singular or plural ablative, too. At the first glance, the explanation for *p(raeerunt)* in the *Salpensana* seems to be more difficult, but after a detailed examination a definite answer can be gained: for *Iluiris* usually appear in the charters as *Iluir iure dicundo* or *Iluir, qui iure dicundo praesse*, and the difference can be explained by the assumption that the copyist/engraver saw the stereotyped form, but did not pay attention to which one, thus used one of them. Additionally based on the form *eius municipi*, the original, correct phrase can be reconstructed: the charters use the *eius municipi* with the simple *Iluir* or *Iluir iure dicundo*,¹¹⁷ while with *Iluir, qui iure dicundo praesse* the phrase *in eo municipio* is the regular one,¹¹⁸ because in this case *eius municipi* does not fit the sentence properly. Therefore, the correct form is *Iluir iure dicundo eius municipi*, while *p(raeerunt)* is wrong here. Consequently, the copyist/engraver of the *Salpensana* wrongly used the type *Iluir, qui iure dicundo praesse* based on the original *Iluir iure dicundo*. That is, this difference seemed to have two equivalent forms with the same meaning, but the version of the *Salpensana* is not correct, and the errors can be easily explained.

¹¹² E.g. *aeque* instead of *aeque* (iIIIB29), *obligatae* instead of *obligata* (mD33); *incolaue* instead of *incolaue* (iVIIA11) etc.

¹¹³ See note 85.

¹¹⁴ E.g. *eiius* is more frequent in tablet 3 of the *Irmitana* and in the *Malacitana*, while *eius* is more frequent in other tablets of the *Irmitana* and in the *Salpensana*, e.g. *eiius* iIIIB9, 49, 51, 51, 52, *eius* sA20, B9, 9, 10, 21 and iVIIB5, 17, 26.

¹¹⁵ Cf. the case of *a iusto* \ *ab iusto*, and the similar difference at *ab decurionibus* iVIIA6 ~ *a decurionibus* mE50.

¹¹⁶ E.g. *Iluir(o)* sA25, *Iluir(orom)* sA41.

¹¹⁷ E.g. iIIIB53.

¹¹⁸ E.g. iXa27; iXC8; iIIIB35, iIXB43.

[- *det, eum* (iIIC18-sB32): the editors usually emend it as *det, et eum*, therefore – if the emendation is correct – it would be a common omission, but because of *homoeoteleuton* it can be an independent one, too.]

dari – dare (iIIC19-sB32): the active form *dare* is wrong. The error can be caused by the similar form of letters E and I – a dominant perpendicular line, which can get horizontal dashes at the top and the bottom in the case of the letter I, too –,¹¹⁹ or by the similar pronunciation, and the mistake can be facilitated by the fact that the form *dare* could be more familiar for a non-native speaker than *dari*. Additionally, mixing the letters I-E is frequent in the charters, and in the SC, too: *beneficio* A14 ~ *benificio* B11; *optulissi* A71 ~ *optulisse* B58.

uelit – uolet (iIIC19-sB32):¹²⁰ however, both forms can be interpreted, and the *uolet futurum* with a simple relative clause seems to be better than the *uelit coniunctivus*, which expects a result clause, or an oblique question, but in the latter case *eum* is superfluous. No matter which one of them is the original form, the copyist/engraver could easily miss the voice accidentally,¹²¹ especially because mixing the letters E-I is frequent, as we have seen. Similar errors of tense or mode occur in the SC, too: *fuit* A 37 ~ *fuert* B30; *sint* A49 ~ *sunt* B40; *ausus est* A59 ~ *ausus sit* B49.

tum – dum (iIIC19-sB32): considering the meaning *tum* is the correct one. The error could be facilitated by the standard mixture of letters T and D (vocal and aphonic dentals),¹²² and by the fact that *dum* and *tum* are existing words in Latin.

quo ita postulatum – quo postulatum (iIIC19-sB33): it is not known which is the correct version, for similar phrases appear with and without *ita* later. While the omission of *ita* can be more easily explained than the superfluous intercalation, the phrase with *ita* seems to be the original one. Omission of words is one of the most frequent type of error of transmission, e.g. in the SC: *Ti(berius) Caesar Diui Aug(usti) f(ilius)* A4 ~ *Ti(berius) Caesar Aug(usti) f(ilius)* B4; *Cn. Pisonis patris uisa* A6 ~ *Cn. Pisonis uisa* B5; *melior optari non* A14 ~ *melior non* B10; *quo cum manifestissima* A18 ~ *quod manifestissimum* etc.

[qum – tum: (iIIC21-sB34): the reading *qum* appears in Fernández – del Amo¹²³ only, it is apparently an error, perhaps with an intermediate *cum*.]

eiius municipi – municipi eius (iIIC21-sB34): in this case – beside the “regular” *eius-eiius* alternation – the order of the words simply changes. This is frequent in the SC, too: *nomen On.*¹²⁴ *Pisonis patris tolleretur* A82 ~ *p]atris nomen*

¹¹⁹ Fernández – del Amo, *La lex Irnitana*, 32, perpendicular lines were even more characteristic in wax-tablets.

¹²⁰ The reading was *uolet* in the *lex Irnitana*, too, but see Fernández – del Amo, *La lex Irnitana*, 77 and González “La lex Flavia municipalis,” 28.

¹²¹ E.g. *manumittet* iIIC9 ~ *manumittat* sB24; *est* iIIC10 ~ *esto* sB25; *fuert* iIIIA43 ~ *fuert* sA3 etc.

¹²² See note 88.

¹²³ Fernández – del Amo, *La lex Irnitana*, 77.

¹²⁴ Instead of Cn.

tolleretur A67; *ab ea causas sibi* A114 ~ *ab ea sibi causas* B87; *senatum laudare magnopere* A132 ~ *senatum magnopere laudare* B98.

erit – *eait* (iIIIC21-sB34): this is the A-R change examined above, but *e reue* by itself is meaningful, while *eait* is not.

ciu/ius – *cuius* (iIIIC22/23-sB36): it is a regular orthographical difference, like the *eius-eiuis*, and it is not coherent in the single charters either.¹²⁵

postulabitur – *postulatum erit* (iIIIC23-sB36): grammatically the latter one (*future perfectum*) is correct. It is possible that the copyist/engraver wrote or wrote out from an abbreviation into a partially correct form instead of the correct one (*imperfectum* instead of *perfectum*) due to the missing ending.¹²⁶

collegam non habebit collegaue – *non habebit collegamque* (iIIIC24-sB37): the error in the *Salpensana* can be explained in different ways. The simplest one is to assume that the copyist/engraver interchanged the two forms of the word *collega*,¹²⁷ and dropped out one.¹²⁸ However, a hypercorrection cannot be excluded either: the copyist deemed the first form of the word *collega* superfluous, and used the accusative form of *collega(q)ue* according to the transitive *habebit*. The *-que~-ue* alteration is not significant either.¹²⁹ Therefore, these are not equivalent versions because of the errors of the *lex Salpensana*.

eiius – *eius* (iIIIC25-sB38): see at the notes 86 and 114.

tum – *cum* (iIIIC25-sB38): *tum* is the correct one. The difference could be caused by the similarity of the meaning or the letters.

proximis – *proxumis* (iIIIC26-sB39): it is a regular orthographical difference, see at note 87. Similar difference in the SC: *plurimos* A50 ~ *plurumos* B41.

a iusto – *ab iusto* (iIIIC28-sB41 and iIIIC29-sB42): according to the classical rules, *a iusto* is the correct form; however, it is possible that *ab iusto* is a somewhat regular form in this context.¹³⁰ Because there are similar discrepancies in the SC (*a maioribus* A91 ~ *ab maioribus* B73; *a Ti. Caesare* A53 ~ *ab Ti. Caesare*), too, this difference cannot prove against a common model.

abeat – *habeat* (iIIIC28-sB41; *habeat* instead of *abeat* in iIIIC30 and sC42, too): the pronunciation of the H was very weak in Latin, therefore its omission is easily explicable. Since the correct form is *abeat*, it must be rather a hypercorrection. Similar discrepancies in the SC: *his* A54 ~ *is* B44, in the same way A62 and B51; *his* A67 ~ *iis* B55, in the same way A73 and B60.

[*qui* – *cui* (iIIIC29-sB42): *qui* appears in Fernández – del Amo, only.¹³¹ The dative *cui* is the correct one, for the mixing of *qui-cui*, see at note 91 above]

proximus – *proxumus* (iIIIC31-sB43): regular orthographical difference, see above.

¹²⁵ E.g. iVC12 *cuiius*, but iVIIIB43 *cuius*.

¹²⁶ For the similar differences concerning the conjugation see at *uelit* ~ *uolet*.

¹²⁷ For the examples, see at *eiius municipi* ~ *municipi eius*.

¹²⁸ For the examples of omitted words see above at *quo ita postulatum* – *quo postulatum*.

¹²⁹ See note 89.

¹³⁰ There is *ab* instead of *a* in FIRA III. no. 24 and 25, too.

¹³¹ Fernández – del Amo, *La lex Irnitana*, 77.

In conclusion, in the parallel places of the Spanish municipal charters there are not any discrepancies that are equivalent, alternative and deliberate variations. All the discrepancies without an exception can be explained by “regular” errors of transmission and orthographical anomalies. Therefore, a uniform, written legal “tradition” must be assumed that was compulsory, and determined both the text and structure of the charters literally and the places of minor alterations, too.¹³² Since the unity of this compulsory “tradition” does not break in the places affected by the Flavian decrees either, this “tradition” cannot be earlier than the Flavian age. Therefore this “tradition” must actually be a Flavian common model – after all, except for copying errors, orthographical particularities and small alterations in determined places, all the fragments are identical word for word –, and, although this model was based on earlier charters and laws, it acquired its final form under the Flavians only.

¹³² Cf. e.g. the actual name of the *municipium* and the phrase *id municipium*.