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letters. It seems to me that the passage from Malalas explains both why a Prince should be dressed in a *toga* and why it should be thought of as bright red.<sup>1</sup>

F. C. BURKITT.

### ΣΠΙΛΑΣ.—ΑΠΑΡΧΗ ΠΝΕΥΜΑΤΟΣ.

#### 1. σπιλάς.

In his note on Jude 12 (*J. T. S.* xiv 547, cf. xvi 78) Mr A. D. Knox writes that the word *σπιλάς* was understood in the sense 'squall' by 'the inventor of the word *κατασπιλάζειν*', for which he refers his readers to the *Thesaurus* (ed. Valpy or Dindorf). In this work various examples of the use are given from Patristic and Byzantine sources, but the references are somewhat inaccurate. The quotation from 'Eusebius' on Isaiah is in reality drawn from Cyril's Commentary on Isa. xvii 13 (Migne lxx 434 c): whilst the words incorrectly cited from Simocatta (the quotation should run: *ἀτὰρ ἀδοκῆτως τοῖς βαρβάροις . . . κατεσπίλασεν*) occur in 2. 10, not in 7. 3, where we read: *περὶ τὴν πόλιν οἷα διάττοντες οἱ βάρβαροι κατεσπίλαζον*.

By far the earliest example of this use has been brought to light by Dr Rendel Harris, in his *Fragments of Philo* p. 28, where, in an excerpt from the *Quaestiones in Genesim* contained in the Codex Rupefulcaldinus, we read: *πᾶς οὖν σοφὸς οὐκ ἄνθρωπος ἀλλὰ νοῦς καταθεώμενος καὶ περιαιρῶν περιπέφρακται πρὸς τὰ ἐνεστῶτα καὶ τὰ ἀδοκῆτως κατασπιλάζοντα*.

This passage, by implication, carries the use of *σπιλάς* = 'squall' back to a date anterior to the Epistle of Jude; Mr Knox's earliest example is drawn from an epigram of Philippus of Thessalonica (*Anth. Pal.* vii 382), of which both the date and the interpretation are doubtful.

#### 2. ἀπαρχὴ πνεύματος.

In 1919 W. Schubart published, as the first part of the fifth volume of the *Berliner Griechische Urkunden*, a papyrus of the first importance for Roman law and history, which contained an abstract of portions of the *Γνώμων τοῦ ἰδίου λόγου*, or Code of Regulations issued by the Department of Special Revenues in Roman Egypt. In § 47 of this Code we read:

*ἀστὴ συνελθοῦσα Αἰ[γ]υ[πτίῳ] κατ' ἄγνοιαν ὡς ἀστῶ ἀνεύθυνός ἐστιν. ἐὰν δὲ καὶ ὑπὸ ἀμφοτέρω[ν] ἀπ[α]ρχῇ τέκνων τεθῆ, τηρεῖται τοῖς τέκνοις ἡ πολιτεία.*  
which may be translated thus:

'If a woman, being a citizen [i. e. of Alexandria], marries an Egyptian in the mistaken belief that he is also a citizen, she is not liable to penalty; and if both parties present birth-certificates, their children preserve the status of citizens.'

<sup>1</sup> It should perhaps be stated that I gave this explanation of the colour of the Prince's *toga* in my revised translation of the 'Hymn of the Soul' published in the *Quest* (vol. v, no. 4) for July 1914.

Schubart, in his brief note, besides citing parallels for ἀπαρχή from other papyri, refers to Rom. viii 23. This seems to throw a new light on that passage. To put the matter briefly, ἀπαρχή is the technical term for the birth-certificate of a free person, just as οἰκογένεια is for that of a slave. This is made clear by a comparison of cols. iv and vi of the Cattaoui papyrus, included by Mitteis in his *Chrestomathie*, no. 372. Unfortunately Mitteis failed to grasp the precise nature of the distinction, but in *Berl. phil. Wochenschrift*, 1914, 136 ff. Gradenwitz, comparing other papyri such as *PFlor.* 57 and *PTeb.* 316, gave the true explanation, which is now generally accepted.

The parallel with Rom. viii 23 has not been noticed by the more recent editors of the Gnomon, viz. Paul Meyer *Juristische Papyri* (1920), no. 93, and Théodore Reinach in *Nouvelle revue historique et de droit* 1919, p. 608, 1920, p. 31. But it appears to deserve the serious consideration of theologians. I may perhaps be permitted to quote the following words from a lecture on the Gnomon which I delivered in March 1920<sup>1</sup>:—

‘When we read the passage which begins at verse 16, we see that St Paul is here arguing that our claim to spiritual freedom is based on the witness of the Spirit to our sonship, just as in Egypt the μαρτυροποιήσις of the parent was among the documents put in evidence in the procedure of ἐπίκρισις by which claims to privileged status were judged; and that in spite of this—in spite of the fact that we have, as it were, obtained through the mediation of the Spirit the certificate which entitles us to be registered as the Sons of God—we are still awaiting our formal release from the bondage of the flesh and the law.’

My knowledge of the Patristic exegesis of the passage is not sufficient to enable me to say whether any trace of such an interpretation is to be found in our sources: but it may be worth while to mention the curious fact that the text of the Vetus Itala gives *receptaculum* as a translation of ἀπαρχή.<sup>2</sup> The occurrence of this word in the Commentary of Ambrosiaster so puzzled Erasmus that in the fourth edition of his *Annotationes in Novum Testamentum* (Basel, 1527, p. 357) he suggested the emendation *inceptaculum*! The paraphrase (as Erasmus points out) throws no direct light on the meaning to be ascribed to *receptaculum*, though the use of the phrase ‘qui Dei Spiritum adiutorem habemus’ suggests that Ambrosiaster took it to mean ‘refuge’: could the translator have read καταφυγήν for ἀπαρχήν? It has also been suggested to me that *receptaculum* might refer to the case in which the precious document which certified an individual’s free birth was preserved: but this seems hardly possible.

H. STUART JONES.

<sup>1</sup> *Fresh Light on Roman Bureaucracy*, p. 21.

<sup>2</sup> In this connexion I have to acknowledge the kind help of the Dean of Christ Church.