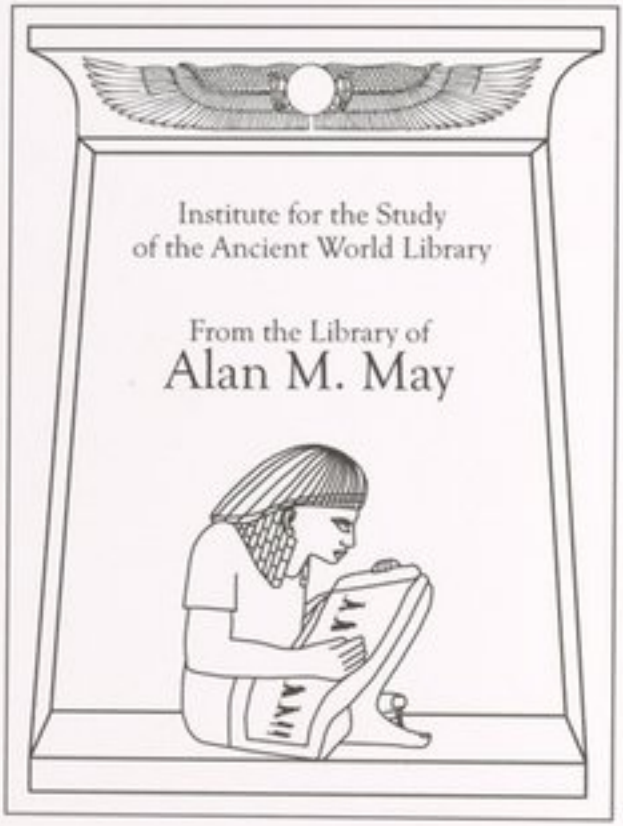
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ON GOVERNMENT AND LAW IN ROMAN EGYPT
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by
Naphtali Lewis

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Editor's Preface

The American Society of Papyrologists takes great pleasure in making available this collection of articles by Naphtali Lewis, Professor Emeritus of Brooklyn College and the City University of New York. Alan Bowman and Roger Bagnall proposed the notion of such a volume, and I, as editor of American Studies in Papyrology, was pleased the Society could undertake the project. Decisions about what to include were made by Naphtali Lewis, and his long-standing interests in Roman law and Roman society, especially in the province of Egypt, supply the collection's unity. Cora Acebron composed the volume, under the direction of Roger Bagnall, and the index is their joint work; to them both I am most grateful.

Naphtali Lewis is one of the founding members of the American Society of Papyrologists, formally established in 1961, when the papyrologists among members of a documentary studies group, accustomed to meet informally during the annual meeting of the American Philological Association, decided to establish a society whose aim was to foster the study of papyrology in North America. Lewis became the Society's second president, successor to C. Bradford Welles, and served from 1967 to 1970, as well as having repeated terms on the Society's Board of Directors. He was a vigorous promoter of the Program of Summer Study in Papyrology, which for five years, beginning in 1966, introduced graduate students from classics departments and ancient history programs across the country to the study of papyrology. With the support of grants from the National Endowment for the Humanities and the American Council of Learned Societies, and funds from private benefactors and the host universities, summer sessions were held at various universities—Yale, Princeton, Pennsylvania, California (Berkeley), and Toronto. Lewis has been instrumental, as well, in bringing the American Society into ever closer cooperation with its international parent body, the Association Internationale de Papyrologues, of which he is currently a président d'honneur; he was first appointed to the Comité International in 1949 and served as its vice president from 1965 to 1974 and president from 1974 to 1983.

Naphtali Lewis's productive scholarly career spans more than six decades, and this, in turn, means that this collection of articles is by necessity selective rather than inclusive. Items which have appeared in the Society's journal, the *Bulletin of the American Society of Papyrologists*, however, have been intentionally omitted. Concomitantly, special efforts

have been made to include those important articles not of easy access. A bibliography of Lewis's publications during the years 1976 to the present (below, pages xi-xiv) supplements "Naphtali Lewis: Bibliography" in *Studies Presented to Naphtali Lewis* (= *BASP* 15, 1978, 2-8).

Ann Ellis Hanson

Naphtali Lewis: Bibliography

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ΜΕΡΙΣΜΟΣ ΑΝΑΚΕΧΩΡΗΚΟΤΩΝ: AN ASPECT OF THE ROMAN OPPRESSION IN EGYPT

By NAPHTALI LEWIS

A NUMBER of ostraca from Thebes and Syene-Elephantine record payments for a tax, the name of which is given only in the abbreviated form *μερισμὸς ἀνακ( )*.[1] A clue, long neglected, for the resolution of *ἀνακ( )* is contained in SB 4338, in which we read *ἔσχο(μεν) ἀνακεχω( )*. There can hardly be any question that the abbreviations *ἀνακ( )* and *ἀνακεχω( )* refer to the same tax, and that Tait's resolution *ἀνακ(εχωρηκότων)*[2] is the indicated one. The significance of *μερισμὸς ἀνακεχωρηκότων* seems likewise clear: it must have been an extra tax levied in order to make up the deficits in revenue caused by persons who had fled their homes and defaulted their tax payments.[3] Such flight was called, in the language of Ptolemaic and Roman Egypt, *ἀναχώρησις*, and the fugitives, *ἀνακεχωρηκότες*. In the present article, in addition to an analysis of our information on the tax, an attempt is made to reveal its place in the administrative policy of the Roman government during the first three centuries of Roman rule in Egypt.

Flight from his dwelling-place (*ἰδία*) to a sanctuary or to another town or village was from Pharaonic times the refuge of the Egyptian peasant from injustice and oppression.[4] But while in the Ptolemaic period these flights often partook of the nature of strikes, which ended with the return of the fugitive upon the removal of the injustice against which the flight was a protest,[5] under the increased and ever-increasing fiscal oppression which the

[1] A chronological list of these ostraca, together with the most important data contained in them, is given in the Table of Payments of *Μερισμὸς Ἀνακεχωρηκότων*, p. 71. In WO 556 and 564 the abbreviation is *ἀνα( )*.

[2] Tait, *Ostr.* I, p. 69, No. 37. *Cf.* also BL II[1], p. 49, s. No. 135. From an unedited ostracon Wilcken (WO I, p. 152) cites the extract *ὑπ(ὲρ) ἀνακ( ) χο( ) Χά(ρακος)* (= SB 2081). Should we not read *ὑπ(ὲρ) ἀνακ(ε)χο(ρηκότων)* (*l.* -χω-) *Χά(ρακος)*?

[3] So, too, the *μερισμὸς ἀπόρων*, it now seems clear (*cf.* P. Corn. p. 188; BL II[1], pp. 67–8, s. No. 613), was 'an extra levy to make up deficiencies caused by the failure of *ἄποροι* [paupers] to pay taxes' (Grenfell and Hunt, cited by Wilcken, *Archiv* 4, 545). Johnson, *Roman Egypt to the Reign of Diocletian* (Baltimore, 1936), 546, 547, considers that *μερισμὸς ἀπόρων* was merely another name, used chiefly in the Fayyūm, for the *μερισμὸς ἀνακεχωρηκότων*, and accordingly identifies the two. This view seems to me untenable in the light of the evidence. In the first place, WO 613 which, as Johnson himself points out, attests the *μερισμὸς ἀπόρων* for Upper Egypt, is a receipt for payment of that tax by the same individual who in WO 612 pays his *μερισμὸς ἀνακεχωρηκότων* for the same year. Moreover, *ἄποροι* were not necessarily *ἀνακεχωρηκότες*. That many remained in their *ἰδία* is implied in the *ἀπόρων ἀνευρέτων* of P. Corn 24 (*cf. infra*, p. 65)—for if some *ἄποροι* were 'unfindable' because they had fled, the implication is that others could be found, *i.e.*, still remained in the village. Corroboration for this deduction is afforded by P. Lond. 911, a copy of a *γραφὴ ἀπόρων*, which has nothing to imply that the *ἄποροι* had fled and everything to suggest that they were still living in the village and were duly registered (*cf.* l. 2, *κατα[κε]χωρισμένον*) and certified as *ἄποροι* and unable to pay taxes.

[4] *Cf. Kolonat*, 73–4; F. von Woess, *Das Asylwesen Ägyptens in der Ptolemäerzeit* (*Münch. Beitr.* 5. Heft [München, 1923]), 33–47.

[5] *Cf.*, *e.g.*, PSI V, 502 (257/6 B.C.); P. Strassb. II, 111 (third century B.C.); BGU VI, 1245 (third or second century B.C.); P. Teb. I, 41 (*c.* 119 B.C.) [and 26 (114 B.C.)]; and *Kolonat*, 74, 217.

Roman domination brought for the Egyptian people[1] these 'strikes' became definite departures, with no intention—and then no possibility, because of the impending punishment[2]—of return. Under the Romans fugitives became also more numerous, and flights more frequent and widespread. No longer the peasants alone, but the propertied middle-class, to escape the crushing liturgies which sapped their personal fortunes, also had recourse to this expedient.[3] *Πρὸς τὸ δύνασθαί με ἐπιμένειν ἐν τῇ ἰδίᾳ, ὅπως μὴ μετανάστης γένωμαι ἐκ τῆς ἰδίας*, and similar formulae were used by liturgic official and peasant alike in their petitions for relief from their duties or for the remedy of a grievance.[4] *εἰ φυγαδεύσομαι*, 'Shall I take to flight?' was a question frequently put to oracles.[5]

It was not long before the headlong flight from the terror of the debtors' prison, and the maltreatment which awaited those who fell hopelessly behind in their tax payments, had reached such proportions as to result in, or threaten to result in, the desertion of entire villages. Already Philo, writing under the first Emperors, describes the brutal treatment which the impoverished suffered at the hands of ruthless tax-collectors, their despairing flight, and the resultant depopulation of villages and towns.[6] In the reign of Nero we again

[1] Even so ardent a champion of the policies of Augustus as the late T. Rice Holmes was willing to admit that 'the rules drawn up by order of Augustus for the guidance of the official known as the idiologus . . . have been aptly called ⟨a finished⟩ instrument of fiscal oppression' (*The Architect of the Roman Empire*, 27 B.C.–A.D. 14 [Oxford, 1931], 16, citing H. Stuart Jones, *Fresh Light on Roman Bureaucracy* [Oxford, 1920], 15). Philo (*cf.* n. 6 below, § 163) expressly speaks of rapacious tax-collectors as *δεσποτικοῖς πειθαρχοῦντες ἐπιτάγμασι*.

[2] *Cf. infra*, p. 69.

[3] *Cf.* BGU II, 372 (= W., *Chr.* 19; A.D. 154), I, 3–9, *πυνθάνομ[αί τινας] . . . [τὴν] οἰκείαν ἀπ[ολε]λοιπέναι . . . ἑτέρους δὲ λειτουρ[γεία]ς τινὰς ἐ[κφυγόντας] διὰ τὴν [τ]ότε περὶ αὐτοὺς δοθέισαν ἐν ἀλλοδαπῇ ἔτι καὶ νῦν διατρίβειν φόβῳ τῶν γενομένων παραντίκα προγρ[α]φῶν*; P. Lond. II, 342 (A.D. 185) (see p. 68, n. 7); P. Gen. 37 (= W., *Chr.* 400; A.D. 186), 6–10, and BGU VII, 1566 (between A.D. 198 and 209), 7–12 (for texts see p. 70, n. 5); BGU I, 159 (= W., *Chr.* 408; A.D. 216), 3–5, *ἀναδ[οθέντο]ς μου εἰς δη[μοσ]ί[α]ν λειτουργίαν βαρυτάτην οὖσαν, ἀφέστ[η]ν τῆς κώμης οὐ δυνάμενος ὑποστῆναι τὸ βάρος τῆς λειτουργίας*. *Cf.* also P. Oslo 79, and P. Graux 7 (p. 65, n. 2). Tax-farmers (who assumed their office purely voluntarily by bidding for the contract), it appears from P. Oxy. I, 44 (= W., *Chr.* 275; late first century A.D.), were also ready to flee rather than resume a collection which previously had brought them deficits and financial loss.

How serious the loss sustained by the holder of a liturgic office might be is particularly well shown by CPR 20 (= W., *Chr.* 402; A.D. 250) in which a man who not very long before had completed a term of office as *κοσμήτης*, and had used up a great part of his wealth in the fulfilment of his duties, offers to cede two-thirds of his remaining property rather than have his son named to the same office. Other noteworthy cases are: P. Flor. I, 91 (A.D. 146/7), 6–7, where a liturgic official has to mortgage part of his property to meet expenses; P. Fay. 106 (= W., *Chr.* 395; A.D. 140), 9–15, *ἀχθ[εῖς εἰς ἐπι]τήρησιν . . . ἐν τῇ χρ[είᾳ] ποιούμενος ἐξηοθέησα* (*cf.* p. 66, n. 1); and P. Oxy. III, 487 (= M., *Chr.* 322; A.D. 156), 10–12, *ἐμοῦ τε καταβαρηθέ[ν]τος ἐν ταῖς λειτουργίαις καὶ χρειώστου* (*l.* -χρε-) *γενομένου*.

[4] *Cf. Kolonat*, 205–6; *W. Gr.* 324, 355; and the following documents (*inter al.*): P. Fay. 296 (A.D. 113); P. Flor. I, 91 (146/7), 17–19; P. Teb. II, 439 (151); P. Oxy. III, 487 (= M., *Chr.* 322; 156), 15–18; P. Lond. III, 924, p. 134 (187/8), 18–19; P. Oxy. VI, 899 (200), 14; P. Cattaoui II (= SB 4284; 207), 10, 14–15; P. Gen. 16 (= W., *Chr.* 354; 207), 17–18.

[5] P. Oxy. XII, 1477 (= *Select Papyri* I, 195), 15. The papyrus contains a list of questions 'apparently intended to cover the principal subjects on which people were accustomed to appeal to the gods for information' (Grenfell and Hunt, introduction to 1477). P. Oxy. 1477 was written about the time of Diocletian, but the questions contained in the list must naturally have been current for some time.

[6] *De specialibus legibus* III, 30 (edd. L. Cohn and P. Wendland, Vol. V [Berlin, 1906], pp. 194–5, §§ 159–63)- § 159, *πρώην τις ἐκλογεὺς φόρων ταχθεὶς παρ' ἡμῖν, ἐπειδή τινες τῶν δοξάντων ὀφείλειν διὰ πενίαν ἔφευγον δέει τιμωρίων ἀνηκέστων, γύναια τούτων καὶ τέκνα καὶ γονεῖς καὶ τὴν ἄλλην γενεὰν ἀπαγαγὼν πρὸς βίαν, τύπτων καὶ προπηλακίζων καὶ πάσας αἰκίας αἰκιζόμενος, ἵν' ἢ τὸν φύγοντα μηνύσωσιν ἢ τὰ ἐνὲρ ἐκείνου καταθῶσιν οὐδέτερον δυνάμενοι, τὸ μὲν ὅτι ἠγνόουν, τὸ δ' ὅτι οὐχ ἥττον τοῦ φυγόντος ἀπόρως εἶχον, οὐ πρότερον ἀνῆκεν ἢ βασάνοις καὶ στρέβλαις τὰ σώματα κατατείνων ἀποκτεῖναι κεκαινουργημέναις ἰδέαις θανάτου*. 160—the tortures imposed. 161—suicide of sensitive onlookers

hear of depopulations. P. Graux 2 (= SB 7462; *Select Papyri* II, 281) is a draft of a petition to the Prefect of Egypt, Ti. Claudius Balbillus (Prefect, *c.* A.D. 55–9) from the collectors of the poll-tax (*πράκτορες λαογραφίας*) of the villages of Philadelphia, Bakchias, Nestou Epoikion, Soknopaiou Nesos, Philopator, and Hiera Nesos in the Arsinoite Nome. The praktores ask the Prefect to grant them a deferment[1] of their payments until their case can be examined by him at the assize of the nome (with a view to a revision downward of the total amount of revenue which they must pay in), pleading that (they are short of the amount for which they contracted, since) 'the formerly large number of inhabitants in the aforementioned villages has now fallen to a few, some having fled in poverty, others having died without heirs-at-law, and for this reason we are in danger, because of the general impoverishment (of the remaining inhabitants), of having to abandon the collectorship'.[2] Even allowing for the fact that the praktores, in their effort to obtain relief, would paint as black a picture as possible of the situation they faced, the decrease in the population must still have been considerable. For one of the villages concerned, Philadelphia, we known from P. Corn. 24 that the number 'of poor people who fled in the first year of Nero (A.D. 54/5) and whose whereabouts are unknown' (*πρώτου (ἔτους) ἀπόρων ἀνευρέτων*), was 44; and this number undoubtedly increased considerably in the years immediately following. Unfortunately, however, we cannot at present estimate the importance of this figure, since we do not know the total population of Philadelphia at this period.[3]

who could not bear the sight of these tortures. 162, *οἱ δὲ μὴ φθάσαντες ἑαυτοὺς διαχρήσασθαι, καθάπερ ἐν ταῖς τῶν κλήρων ἐπιδικασίαις, κατὰ στοῖχον ἤγοντο οἱ ἀπὸ τοῦ γένους πρῶτοι καὶ μετ' αὐτοὺς δευτέροι καὶ τρίτοι μέχρι τῶν ὑστάτων καὶ ὁπότε μηδεὶς λοιπὸς εἴη τῶν συγγενῶν, διέβαινε τὸ κακὸν καὶ ἐπὶ τοὺς γειτνιῶντας, ἔστι δ' ὅτε καὶ ἐπὶ κώμας καὶ πόλεις, αἳ ταχέως ἔρημοι καὶ κεναὶ τῶν οἰκητόρων ἐγίνοντο μεταναστάντων καὶ σκεδαννυμένων ἔνθα λήσεσθαι προσεδόκων.* 163, *ἀλλ' οὐδὲν ἴσως θαυμαστὸν εἰ φορολογίας ἕνεκα βάρβαροι τὰς φύσεις, ἡμέρου παιδείας ἄγευστοι, δεσποτικοῖς πειθαρχοῦντες ἐπιτάγμασι, τοὺς ἐτησίους ἀναπράττουσι δασμοὺς οὐ μόνον ἐκ τῶν οὐσιῶν ἀλλὰ καὶ ἐκ τῶν σωμάτων ἄχρι καὶ ψυχῆς τοὺς κινδύνους ἐπιφέροντες ὑπὲρ ἑτέρων ἑτέροις.*

The last sentence recalls the famous reply which Tiberius is said to have sent the Prefect of Egypt, when the latter paid in more revenue than had been called for, *κείρεσθαί μου τὰ πρόβατα, ἀλλ' οὐκ ἀποξύρεσθαι βούλομαι* (Dio Cassius lvii, 10. 5). Do we hear an echo of Philo's words in the Edict of Ti. Julius Alexander (OGIS II, 669, 16), *ἵνα αἱ πράξεις τῶν δανείων ἐκ τῶν ὑπαρχόντων ὦσι καὶ μὴ ἐκ τῶν σωμάτων*? For other devices to which rapacious tax-collectors resorted, see Princeton Pap. A.M. 8931 (middle second century A.D.), published with commentary by O. W. Reinmuth, *Classical Philology* 31 (1936), 146–62.

[1] *ἐπισχεῖν μέχρι τῆς σῆς διαγνώσεως* (l. 19) is not 'qu'il attende ta décision' (Henne), or 'and await your decision' (Hunt and Edgar), but 'that he grant us a postponement of our payments until your decision'. Similar phrases occur in PSI I, 103, 15–16 and BGU II, 599 (= W., *Chr.* 363), 4–5 (both second century A.D.), where the meaning of *ἐπέχειν* is clearly 'to defer the payment of taxes'. *Cf.* also *infra*, p. 67, n. 6, and p. 74.

[2] Ll. 7–13, *ἀπὸ τῶν ἔμπροσθεν πολυανδρούντων ἐν ταῖς προκειμένοις κώμαις, νυνὶ κατήντησαν εἰς ὀλίγους, διὰ τὸ τοὺς μὲν ἀνακεχωρηκέναι ἀπόρους, τοὺς δὲ τετελευτηκέ[ναι] μὴ ἔχοντας ἀγχιστεῖς, καὶ διὰ τοῦτο κ[ι]νδυνεύειν ἡμᾶς δι' ἀσθένειαν προλιπε[ῖν] τὴν πρακτορείαν.*

Ἀσθένεια = 'economic exhaustion': *cf.* W., *Gr.* 355, W., *Chr.* 395, 15 n. Does *προλιπεῖν τὴν πρακτορείαν* imply flight? *Cf.* Henne, 204; V. Martin, *Münch. Beitr.* 19 (Munich, 1934), 149.

[3] I must note here, against Henne and Wilcken, that P. Graux 1 (= SB 7461; A.D. 45) has no bearing on the question of *ἀναχώρησις*, and therefore must not be associated with the documents just discussed. P. Graux 1 is a letter to the strategos of the Herakleopolite Nome, probably from the strategos of the neighbouring Arsinoite Nome, who writes (ll. 3–10), *προσῆλθέν μοι Νεμεσᾶς, πράκτωρ λα[ογ]ραφίας κώμης Φιλαδελφείας, λ[έγ]ων ὀνόματα εἶναι ἐν τισιν κώμαις τοῦ ὑπὸ σὲ νομοῦ ὀφείλοντα λαογραφίαν. διὸ ἐρωτῶ σὲ συνπέμψαι τινὰς αὐτῶι, ὅπως τὰ ὀφειλόμενα αὐτῶι εἰσπραχθῆι καὶ χωρήσῃ εἰς τὸ δημόσιον,* 'Nemesâs, the collector of the poll-tax of Philadelphia, has come to me with the report that there are persons (from Philadelphia) in certain of the villages of the nome under your jurisdiction who owe their poll-tax. I therefore request you to send some (guards) with him, so that the taxes owing may be exacted by him and go to the fisc.' Henne, in his commentary (p. 195), points out that it is not stated that the inhabitants of Philadelphia in question had fled to the

In another papyrus of the first century (St. Pal. XXII, 33; provenience unknown), a son writes to his father (ll. 7–12), *γείνωσκε δέ, πάτερ, ὅτι πολλὴ θνῆσις γέγονεν ἐνθάδε ἐφ' ἔτους καὶ οἱ πλείονες τῶν παρ' ἡμῶν ἀνεχώρη[σαν*, 'and know, father, that there have been many deaths here this year, and most of our people have fled'. P. Berl. Leihgabe I, 7 (Dec. 1, A.D. 162) is a list of peasant cultivators of Lagis and Trikomia (two small villages in the Arsinoite Nome), named, in view of the approaching sowing season, to work certain parcels of land 'in place of fugitive and impoverished persons' (*ἀντὶ ἀνακεχωρηκότων καὶ ἐξησθενηκότων*)[1] numbering 14 and 3 respectively. In all probability, most, if not all, of the fugitives had fled since the last harvest (May), at the end of which they had found themselves with a crop which did not suffice to meet their tax obligations; by the same token, the three *ἐξησθενηκότες* would be those persons who had stayed and paid their taxes, but were impoverished thereby. Certain of the carbonized papyri from Thmouis tell us of the desertion, in the reign of Marcus Aurelius,[2] of a number of villages in the Mendesian Nome of the Delta: we hear of populations reduced in a comparatively short time[3] from 128 to a few, from 85 to 10 and then to 2, from 54 to 4 and then to 0![4] And other papyri, some thirty years later in date, testify to a not dissimilar state of affairs in other parts of the country. In P. Oxy. IV, 705, III (=W., *Chr.* 407; A.D. 202), addressed to Septimius Severus and Caracalla, we read (ll. 69–74), *κῶμαί τινες τοῦ Ὀξυρυγχείτου νομοῦ . . . σφ[ό]δρα ἐξησθένησαν ἐνοχλούμεναι ὑπὸ τῶν κατ' ἔτος λειτουργιῶν . . . κινδυνεύουσί τε . . . τὴν ὑμετέραν γῆν ἀγεώργητον καταλιπεῖν*, 'certain villages of the Oxyrhynchite Nome . . . have been utterly exhausted by the burdensome demands of the annual liturgies . . . and your [*i.e.*, the State] land runs the risk of being left uncultivated'. P. Cattaoui II (=SB 4284; A.D. 207) is a petition to the strategos *παρὰ τῶν δεόντων τῶν κε καὶ τ[ῶ]ν λοιπῶν δημοσίων γεωργῶν κώμης Σοκνοπαίου Νήσου* (ll. 2–6). The petitioners assert that they returned to their *ἴδια* and to the cultivation of their fields under the amnesty decreed by Septimius Severus and Caracalla during their visit to Egypt (A.D. 202), and complain that they are now being disturbed in their cultiva-

Herakleopolite Nome to avoid paying their taxes, but he assumes that this is so. (Wilcken, *Archiv* 8, 311, agrees.) But to read this implication into the text is entirely unwarranted. It was not in the least unusual for a person with a fixed residence in one village to be employed elsewhere. Neither the fact that the praktor of Philadelphia goes into the Herakleopolite Nome to collect from fellow villagers there, nor the request for a (police) escort to accompany him, can be taken as an indication that the circumstances in the present case were different. That this was, on the contrary, the usual procedure of collection from persons who happened to be away from their *ἴδια*, is abundantly clear from P. Teb. II, 391 (A.D. 99), in which the four *πράκτορες λαογραφίας* of Tebtynis agree to divide the work of collection as follows: two of them are to collect in the village of Tebtynis itself, the other two are to collect from *πάντας τοὺς ἐν ἑτέρες* (*l.* *-αις*) *κώμαις καταγεγραμένους καὶ ἐπικαθημένους* (ll. 13–14); the first two are to pay the salary of the guard (*μαχαιροφόρος*—l. 20) who accompanies them, the latter presumably are to furnish guards for themselves in the several villages which they visit, perhaps with the aid of just such a letter as P. Graux 1.

[1] On the meaning of *ἐξησθενηκότων*, *cf.* p. 65, n. 2.

[2] This group of papyri (see n. 4 below) dates, as Henne (p. 206, n. 3) remarks, from sometime after A.D. 168/9. But it is possible, I think, to be more precise. PSI I, 105, 15–16, *πρὸς] τὸ ια (ἔτοῦ) διαστέλλεται* (present tense!) [so also 107, 10–11; *cf.* 104, 18–19, *πρὸς τὸ ια (ἔτος) τὰ ἀργυρικὰ ἐνθ[άδε] τίθεται*] seems to fix the date as the eleventh year of Marcus Aurelius, or A.D. 170/1; *cf.* P. M. Meyer, *Berliner Philologische Wochenschrift* 33 (1913), 869.

[3] *Cf.* Wilcken, *Festschrift zu Otto Hirschfelds sechzigstem Geburtstage* (Berlin, 1903), 128; Henne, p. 201, n. 2.

[4] SB 8, 7–12; BGU III, 902, 3–7; PSI I, 102, 8–14. Other decreases in population attested by this group of papyri:

from 27 to 3 and then to 0—PSI I, 101, 11–15.
from 25 (?) to 2 and then to 0—PSI I, 105, 2–10.
from many to a few—BGU III, 903, 9–15.

(All these passages are cited by Henne, pp. 200–1.)

tion by the violent attacks of one Orseus, ἐκφοβῶν ἡμᾶς ἵν' [ἐκ το]ύ[το]υ κατὰ τὸ πρότερον εἰς τ[ὴν] ἄλλο[δ]απὴν φύγωμεν (l. 10). This must not be taken literally to mean that all the δημόσιοι γεωργοί of Soknopaiou Nesos had fled their homes prior to A.D. 202, but it is evident, nevertheless, that a considerable number were in flight at the time of the amnesty.[1]

These depopulations of the first, second, and early third centuries were rarely, if ever, complete and permanent, it is true.[2] It is apparent, nevertheless, that the problem of ἀναχώρησις and of keeping the peasants on the land is one which faced the administration from the very beginning of the Roman domination of Egypt.[3] The obvious remedy for the evil was to lighten the tax burden of the peasants; but as such a remedy stood in direct antithesis to the Roman policy of squeezing the greatest possible revenues of grain and money from the country, the administration characteristically evaded the issue and bent its efforts, not to solving the problem proper, but to insuring the fisc against any loss in revenue. Occasionally, indeed, when the situation grew so serious as to threaten to leave the land without cultivators, some mitigation was granted. Hadrian, on his accession to the Principate in A.D. 117, decreed a substantial reduction in the rental of State land, in order to bring cultivation back to normal after the ravages of the Jewish revolt of 115–17.[4] The Prefect Bassius Rufus, holding his assize in the Mendesian Nome in A.D. 168/9, apparently authorized a reduction in taxes for the villages which had suffered sharp declines in population (see above).[5] Instead of a reduction in taxes, however, the government preferred whenever possible to grant a moratorium (ἐποχή), which did not involve any diminution of its revenue.[6] Another type of concession, finally, was the amnesty for fugitives, such as was proclaimed by the Prefect M. Sempronius

[1] *Cf.* W., *Chr.* 354, introduction. In BGU II, 475 (A.D. 198/9—on the dating *cf.* *W. Gr.* 325), certain tax-collectors report that of 8 talents 4049 drachmas assessed for collection, 1 talent 2123 drachmas remained uncollected. The causes of the deficit, one of which is ἀναχώρησις, are enumerated; but since only the total deficit is given, and the amount due to each cause is not itemized, these data remain too indefinite for our use.

[2] Complete and final desertion of the villages in the Fayyûm (Arsinoite Nome) did not begin until about the middle of the third century: *cf.* P. Teb. II, pp. 360–1. But the causes for the final desertion were the same as those which previously had led to temporary depopulations, namely, the increasing difficulty, aggravated now by the gradual breakdown of the irrigation system, in meeting the ever-increasing demands of the State; *cf.* P. Thead. 16, 17, 20.

Henne (p. 210) is of the opinion that the depopulations mentioned by the Thmouis papyri must also have been temporary. The scarcity of papyri from the Delta leaves us, however, without any definite information on the subject such as we have for the Fayyûm.

[3] The evidence, it seems to me, is too uniformly eloquent of the misery and despair which drove an oppressed peasantry to flee their homes, for us to consider that these flights were merely 'part of an urban movement to join in the industrial activity of Alexandria, where life was more varied and less precarious than in the rural sections'—A. C. Johnson, *op. cit.* (p. 63, n. 3), 354, following the thesis of E. Bickermann, *Gnomon* 3 (1927), 671–5. While the city undoubtedly had its attraction for some of the country-dwellers, the evidence leaves little room to doubt that, fundamentally, ἀναχώρησις was the result of the Roman economic policy in Egypt.

[4] *Cf.*, above all, the analysis of Hadrian's decree by W. L. Westermann, *Hadrian's Decree on Renting State Domain in Egypt* in *JEA* 11 (1925), 165–78. The return demanded of the cultivators of State land was reduced from between 2 and $5\frac{1}{12}$ artabs per aroura (these, at least, are the limits attested by the group of papyri which constitute the evidence for the decree; the papyri are listed by Westermann, p. 165, n. 2, and in the introduction to P. Ryl. II, 96) to the uniform rate of $1\frac{1}{12}$ artabs per aroura.

The ἀτέλειαι and κουφοτέλειαι (total and partial exemptions from taxes) mentioned in the papyri and inscriptions were special privileges granted to certain land-owners, and therefore do not concern us here.

[5] BGU III, 903, 16–23. *Cf.* also ll. 4–9; SB 8, 13–14; PSI I, 103, 18–24. The expenses entailed by liturgies were apparently occasionally reduced by order of the Prefect: a reduction in the expenses of the gymnasiarchy was ordered by Rutilius Lupus (Prefect A.D. 113/4–117—*cf.* P. Amh. II, 70 [= W., *Chr.* 149]), and again perhaps by Valerius Firmus (Prefect A.D. 245–7—*cf.* P. Oxy. XII, 1418, 6).

[6] For instances see *Wörterbuch* s.vv. ἐνέχω (4), ἐποχή (1), and *cf.* p. 65, n. 1.

Liberalis in his edict ordering the return of fugitives to their ἴδία after the uprising of A.D. 153/4,[1] and such as the Prefects often included in the edict which they issued in every census year, ordering all persons back to their ἴδία for enrolment.[2] For the rest, intimidation and ever-increasing oppression form the keynotes of the policy pursued by the Roman government, and the general 'reforms' of the taxation system instituted by Septimius Severus and several of his successors were nothing more than attempts 'to devise a new method of extracting money to replace the one that had proved a failure'.[3]

When a person left the place of his residence 'for destination unknown',[4] his nearest relative hastened to depose before the proper authorities a sworn statement of flight.[5] In this statement he declared that 'X son of Y has fled his home' (ἀνεχώρησαν εἰς τὴν ξένην),[6] and requested that his name be entered in the list of ἀνακεχωρηκότες. The declarant particularly stressed the fact that the fugitive had left behind no property, real or movable (πόρος). It was no doubt to the declarant's own interest to depose this statement of flight, for the village officials and the tax-collectors were not above belaboring people in an attempt to make them reveal the whereabouts of fugitive relatives.[7] Hence also the stress on the fact that the fugitive had left no πόρος: if he had, the declarant would no doubt have been required to take over the property, and would have been held accountable for the taxes thereon and for any liturgies which the fugitive might have abandoned or been liable to[8]—would have been placed, in other words, in the same intolerable financial position which had caused the fugitive to flee. In BGU II, 447 (A.D. 175), for example, a man writes in his census declaration (ll. 4–6), ἀπογρ(άφομαι) ἐ]μαυτὸν . . . καὶ εἰμὶ ὁ Πτολλᾶς . . . καὶ τὸν ἀδ[ελφόν μου] Ἁρῃ[ο]κ[ρ]ᾶν ὄντα ἐν ἀναχωρήσει (l. -ει), and as to property, he declares (ll. 13–15),

[1] BGU II, 372 (= W., *Chr.* 19). The edict is referred to in P. Ryl. II, 78 (A.D. 157), 3–4, ἤγερ[σεν Σε]μπρωνίῳ Λιβεράλι . . . περ[ὶ τ]ῶν ἀνακεχωρηκότα(ν); and in P. Fay. 24 (A.D. 158), in which the ἀρχέφοδος of a village swears that he posted the ἐνιστολῆς γραφείσης ὑ[πὸ .] . . Σεμπρωνίου Λιβεράλι⟨ο⟩ς περὶ τῶν ἐνιξένων . . . ὥστε αὐτοὺς εἰς τὴν ἰδίαν ἀνέρχεσθαι (ll. 10–16).

[2] *Cf. Kolonat*, 209–10; W., *Gr.* 193; W., *Chr.* 202, introduction. Such an edict is that of C. Vibius Maximus, P. Lond. III, 904 (pp. 125–6), 18–43 (= W., *Chr.* 202; *Select Papyri* II, 220; A.D. 104). References to similar edicts: P. Gen. 16 (= W., *Chr.* 354; *Select Papyri* II, 289; A.D. 207), 18–20; P. Flor. I, 6 (A.D. 207), 11–12; BGU I, 159 (= W., *Chr.* 408; A.D. 216), 5–7. References to amnesties: SB 4284, 6–8 (amnesty decreed by Septimius Severus and Caracalla in A.D. 202—*cf. supra*, p. 66); P. Oxy. XIV, 1668, 17–18 (amnesty decreed by a Prefect in the third century). We are as yet entirely without information as to whether these amnesties carried with them cancellation of the fugitives' debt to the State. *A priori* it would seem inevitable that they should, if they were to induce the impoverished fugitives to return.

[3] J. G. Milne, *J. Rom. Stud.* 17 (1927), 8, of Septimius Severus' 'reorganization of the machinery of government'.

[4] Our own English expression is paralleled in P. Oxy. XII, 1438, 14–15, τινων [ἀναχωρησάντων] εἰς ἀγνοουμένους τόπους.

[5] The three examples which we have of these declarations come from the town of Oxyrhynchos, and are addressed to the officials who combined the duties of τοπογραμματεύς and κωμογραμματεύς: P. Oxy. II, 251 (A.D. 44)—mother declares flight of son; 252 (= W., *Chr.* 215; A.D. 19/20) and 253 (A.D. 19)—man declares flight of two brothers. In the villages (since only the chief town of a toparchy had a topogrammateus), the declarations of flight were no doubt addressed to the komogrammateus.

[6] Any person who, legitimately or not, was not in his ἴδία, was termed ἐνί ξένης, ἐνίξενος, ξένος: *cf. Kolonat*, 74–5; *Fachwörter, Wörterbuch*, s.vv.; and n. 1 above.

[7] *Cf.* Philo, *loc. cit.* (p. 64, n. 6), and P. Lond. II, 342 (pp. 173–4; A.D. 185), where an inhabitant of Soknopaiou Nesos protests to a beneficiarius that an elder of the village and his associates came and tried by force to make him produce (*i.e.*, reveal the whereabouts of) two of his relatives who ἐκφοβηθέντες (of being claimed for a liturgy—*cf.* Wilcken, *Archiv* I, 155) ἀφανεῖς ἐγένοντο.

[8] *Cf.* W., *Gr.* 196. That the tax-collectors did attempt to make relatives pay the taxes of fugitives is abundantly clear from Philo, *loc. cit.* (p. 64, n. 6).

ὑπάρχ(ει) δὲ μοὶ καὶ τοῖς ἀδελφ[οῖς (*i.e.*, Harpokrās and a sister, Ptolemaïs) μου πα]τρικ(ὸν) (ἥμισυ) μέρος οἰκ(ίας) καὶ αὐλ(ῆς) καὶ ἐλαιουργίας ψειλὸ(ς) τό(πος). In this case Ptollās and his sister may well have been held accountable for the taxes of their fugitive brother Harpokrās.

The κωμογραμματεῖς drew up annual lists of fugitives and the taxes owed by each, as did the tax-collectors for their several taxes;[1] these lists they probably sent to the strategos' office.[2] In addition, as each flight was reported to him, the komogrammateus notified the strategos,[3] who proscribed the fugitive[4] even as he proscribed fugitives from justice.[5] Thus outlawed and sought by the police,[6] the fugitives adopted, for the most part, one of the two following courses: either they fled to the cities, in particular Alexandria, where they could hope to be swallowed up in the large and heterogeneous population, or they joined together in robber bands and led a vagabond, marauding life.[7] Those who fled to Alexandria constituted there a floating population without fixed means of subsistence, which the administration strove repeatedly to drive from the city.[8] The robbers, when caught, were duly punished.[9] Yet it would seem, if we may generalize from a single

[1] Examples of such lists which have been preserved: P. Oxy. XII, 1438 (late second century A.D.), drawn up probably by the komogrammateus; P. Corn. 24 (A.D. 56), drawn up by the λογευτὴς λαογραφίας. In BGU II, 432 (A.D. 190), II, 2–4, 8–9, there is apparently a reference to similar annual lists drawn up by the sitologoi (*cf. infra*, p. 73).

[2] *Cf.* introduction to P. Oxy. XII, 1438 and 1434. The reports of the sitologoi mentioned in BGU II, 432, II, were also, it is clear from the context, sent to the strategos. On the analogy of these two documents, it may fairly safely be assumed that P. Corn. 24 was also intended for the strategos' office. For other types of documents in which fugitives are involved and which were sent to the strategos, see nn. 3 and 6 below; p. 70, nn. 4 and 5.

[3] *Cf.* P. Gen. 5 (A.D. 139–40), where a komogrammateus announces to the strategos, προσγίνεται τῇ τῶν ἀφανῶν γραφῇ τῆς διοικήσεως ὁ ὑπο[γ]εγραμμένος δούλος (ll. 4–5).

[4] *Cf.* BGU II, 372 (= W., *Chr.* 19; A.D. 154), I, 7–9 (cited in n. 3, p. 64); *Kolonat*, 207–9. The epistrategos, naturally, also had the power of proscription: in P. Teb. II, 411 (second century A.D.), a son writes to his father to come home, ὁ γὰρ . . . ἐπιστρατηγὸς ἱκανῶς σε ἐπεζήτησε, οἷός τε ἦν καὶ προγράψαι εἰ μὴ ἐπηγγειλάμην σήμερόν σε παρέσεσθαι (ll. 5–10).

[5] *Cf.* BGU II, 372, I, 20–1, τοὺς ἐ[ξ] ἧς δήποτε αἰτίας ὑπὸ τῶν στρατη[γῶν] προγραφέντας, and II, 13–14, ἄλλοις δὲ τῶν ποτε προγραφ[έ]ντων; *Kolonat*, *ibid.*

[6] *Cf.* BGU II, 372, I, 18–19, μ[ηδ]εμίαν . . . ζήτησιν ἔσεσθαι of those who return to their ἰδία under the amnesty proclaimed by the edict.

P. Graux 3 (= SB 7463; A.D. 51) is an oath addressed to agents of the strategos by a προβατοκτηνοτρόφος of Philadelphia, who swears that 'he has not with him' a certain πουμῆν. Is not the explanation of this curious oath precisely this: the προβατοκτηνοτρόφος is suspected of sheltering a fugitive who has been proscribed by the strategos and is being sought by the police? 'Par sa date, en effet, notre texte appartient à la période critique où Philadelphie se dépeuple', remarks Henne in his introduction.

[7] BGU II, 372, II, 1–3, ἐκό[ν]τας ἀπ[ο]δρᾶσι πονηρ[ὸν κ]ο[ι]νὸν βίον [ἐ]λαμ[ἐ]νοις μείγνυσθ[αι] (the Prefect goes on to say that he has ordered out soldiers to suppress these bands); SB 4284, 6–8, οἱ κύριοι . . . Αὐτοκράτορες . . . ἠθέλησαν καὶ τοὺς ἐν ἀλλοδαπῇ διατρίβοντας πάντας κατιέναι εἰς τὴν ἰδίαν οἰκείαν, ἐκκόψαντες τὰ βίαια [καὶ ἀν]ομα; *cf. Kolonat*, 209, 217.

[8] P. Giss. 40, II, 16–29 (= W., *Chr.* 22; *Select Papyri* II, 215; A.D. 215) contain an order from Caracalla to the Prefect of Egypt. The Emperor says, in part: Αἰ[γύπτι]οι πάντες οἱ εἰσιν ἐν Ἀλεξανδρείᾳ, καὶ μάλιστα ἀ[γ]ροικοι οἵτινες πεφε[ύγασιν] Ἀ[λαθεν .]. . πόντῳ πάντως ἐγβλήσιμοί εἰσιν . . . τοὺς δὲ ἄλλους ἐγβ[α]λλε, οἵτινες τῷ πλήθε[ι] τῷ ἰδίῳ κα[ὶ οὐ]χὶ χρήσει τηρόουσιν τὴν πόλιν . . . ἐ[κεῖνος] κωλ[ύ]εσθαι ἀφε[ί]λοιτο, οἵτινες φεύγουσι τὰς χώρας τὰς ἰδίας; *cf.* Dio Cassius epit. lxxviii, 23. 2, and the commentary of P. M. Meyer, P. Giss. I, ii, pp. 36–42. *Cf.* also the edict of C. Vibius Maximus (see p. 68, n. 2), in which all persons are ordered to return to their homes for the census, except those who can show a 'satisfactory reason' (εὔλογον—l. 30) for remaining in Alexandria; and P. Flor. I, 6, 10–12, ὁ . . . ἡγεμὼν Σουβριανὸς Ἀκύλας . . . καὶ τοὺς ἐ[ν Ἀλεξαν]δρείᾳ πρότερον ὄντας ἀνεπέμφητο εἰς τοὺς ἰδίους νομούς (in the year A.D. 202, probably).

[9] *Cf.* BGU II, 372, II, 11–13, το[ὺς] ληφθέντας ἐπ' αὐτ[ο]φ[ώρ]ῳ κακούργους μ[η]δὲν περαιτέρω τῶν ἐν αὐτῇ τῇ ληστείᾳ γενο[μ]ένων ἐξετάζειν.

document,[1] that fugitives could return at any time to their ἴδια without further penalty if they were in a position to pay the back taxes for the period of their absence.

Another aspect of the problem of ἀναχώρησις concerned the land abandoned by the fugitive peasants. Since most of the peasants in Egypt were lessees of State land (δημόσιοι γεωργοί), and since the taxes on State land were higher than on private land,[2] it was the State land, naturally, which most suffered desertion. The method adopted by the government to prevent abandoned State land from remaining uncultivated was of a piece with its general administrative policy: unless persons came forward voluntarily to lease the land,[3] the komogrammateus designated people (perhaps other δημόσιοι γεωργοί only) to work the land.[4] Similarly, persons of property were named to take over abandoned liturgies.[5]

There remains, finally, what may be called the fiscal aspect of the problem of ἀναχώρησις, or the question of the deficits in revenue caused by the tax-default of the fugitives.[6] The μερισμὸς ἀνακεχωρηκότων was, as we have said, an extra levy to make up these deficits. The tax is first attested in the reign of Trajan, but it is of course possible that this is the result of chance, and that the tax was instituted at an earlier date.[7] At whatever time it was

[1] P. Teb. II, 353 (= W., *Chr.* 269; A.D. 192) is a receipt issued to a man who returns from flight of his own free will (l. 6, *ἀπ' ἀναχωρήσεως κατισελήλυθώς* [*l.* -εισ-]), for payment of the taxes which have accrued during the four years of his absence. Further evidence must be forthcoming before we can determine whether this receipt reflects a regular practice or is an exceptional case.

[2] *Cf.* the Edict of Ti. Julius Alexander (OGIS II, 669, 31–2), *δίκαιον γάρ ἐστιν τοὺς ὠνησαμένους κτήματα καὶ τιμὰς αὐτῶν ἀποδόντας ὡς δημοσίους γεωργοὺς ἐκφόρια ἀπαιτεῖσθαι τῶν ἰδίων ἐδάφων.*

[3] P. Flor. I, 19 (A.D. 248) is a proposal for the lease of a parcel of public land (*πρότερον Αἰνῆ καὶ* [*Σαρ*]*απίωνος ἀναχωρησάντων* (ll. 6–7).

[4] P. Berl. Leihgabe I, 7 (A.D. 162) is a list, addressed by the komogrammateus of Lagis and Trikomia to the strategos, of men so impounded for the sowing of public land: *κατ' ἄνδρα τῶν γεωργούντ(ων) ἀντὶ ἀνακεχωρηκότ(ων) καὶ ἐξρηβεγηκότ(ων) κατασπ(ορᾶς) τῆς τοῦ ἐνεστῶτος γ (ἔτους)* (ll. 5–7). BGU I, 7 (A.D. 247) is perhaps a similar list of men put to work on public land—*cf. Kolonat*, 195; Oertel, 95, n. 4. *Cf.* also P. Fay. 123 (*c.* A.D. 100), 17, *ἦχθην ἰς γεωργίαν*; and P. Amh. II, 65 (early second century), on the interpretation of which see the introduction and *Kolonat*, 202, and, against these, Oertel, 96, n. 2. P. Flor. III, 379 (early second century), 28 and 33 mention, among the (public) lands under cultivation and paying taxes, a parcel whose lessee has fled ((*ἀρουρῶν*) *γ Πετῶτος ἀνακεχω(ρηκότος)*).

Priests (in general?) were exempted from being named to work public lands by an edict of Lusius Geta in A.D. 54 (OGIS II, 664). A like exemption for women was decreed by Ti. Julius Alexander in A.D. 68/9 and reaffirmed by Valerius Eudaimon in 141/2 and again by the epistrategos Minicius Corellianus in 146/7: BGU II, 648 (= W., *Chr.* 360; A.D. 164 or 196), 12–14; P. Oxy. VI, 899 (= W., *Chr.* 361; A.D. 200), 28–30. *Cf. Kolonat*, 195 and Oertel, 95–7.

On 'Zwangspacht' in general, see W., *Gr.* 292–6 and Oertel, 94–111.

[5] Two notifications of such nomination are preserved: P. Gen. 37 (= W., *Chr.* 400; A.D. 186), *ἀντὶ . . . τῶν δ δ[ν] κλ[ῆ]ρῳ πρακ(τορίας) ἀργυρι(κῶν) μὴ φανομένων, δίδομεν τοὺς ὑπογεγρα(μμένους) ὄντας εὐπόρους καὶ ἐπιτηδείους* (ll. 6–12). These four men fled while their names were still only on the list of possible nominees [*ἐν κλήρῳ*], even before the selection from this list was made—*cf.* W., *Gr.* 353; W., *Chr.* 400, introduction; Oertel, 203 § η); BGU VII, 1566 (between A.D. 198 and 209), *εἰς ὑπηλασίαν ἀντὶ Τ*[. . .]*τως Ὡρίωνος ἀν*[*ακεχω*]*ρη*[*κό*]*τος, δίδομεν τὸ*[*ν*] *ὑπογεγραμμένον ὄντ*[*α*] *εὔπορον καὶ ἐπιτήδ*(*ειον*) (ll. 7–12). These notifications are addressed to the strategos by the presbyteroi of the village, who are exercising the functions of the komogrammateus' office (*παρὰ τοῦ δεῖνος καὶ τῶν λοιπῶν πρεσβυτέρων διαδεχομένων καὶ τὰ κατὰ τὴν κωμογραμματείαν*).

[6] The treatment of returned fugitives with respect to their arrears of taxes has been discussed above, p. 68, n. 2, and n. 1 above.

[7] It is perhaps more than a coincidence, however, that the *μερισμὸς ἀνόρων*, so similar in nature to the *μερισμὸς ἀνακεχωρηκότων* (*cf.* p. 63, n. 3), is also first attested in the reign of Trajan (P. Fay. 53, 5–6), and that from his reign, too, dates the first of the known edicts ordering the return of fugitives to their *ἴδια* (P. Lond. III, 904 [pp. 125–6] = W., *Chr.* 202; *Select Papyri* II, 220; A.D. 104—*cf.* p. 68, n. 2). Trajan's reign is marked also by the extension, if not the institution, of the liturgy-system; *cf.* W., *Gr.* 340–1; Oertel, 384–6.

instituted, however, it reflects an important change in administrative policy. Previously all tax-deficiencies had to be borne by the tax-collectors, each supplying from his own personal means the deficit in his collections. For it will be recalled that the total amount which each tax-collector was to pay in by the end of the year was fixed at the beginning of the year, and he was required to guarantee this sum with his personal property. It was precisely the fear of deficits, and of the ruin which making them up might entail, which made persons reluctant to bid for collectorships in the days of free choice; and which, when the offices had become liturgic, made the nominees to, and incumbents of, the offices abscond.[1] The fear of deficits must certainly be placed, too, beside greed as a motive of the brutality of some of the tax-collectors. With the institution of the *μερισμὸς ἀνακεχωρηκότων*, the tax-collectors were

TABLE OF PAYMENTS OF *ΜΕΡΙΣΜΟΣ ΑΝΑΚΕΧΩΡΗΚΟΤΩΝ*

Ostracon	*Provenience*	*Amount paid*	*For the year* A.D.	*Paid on*
WO 101	Elephantine	2 dr. 2 ob.*	114/5	Sept. 4, 115
O. Strassb. 194	Upper Egypt	5 ob.	115/6 ?	May, 116.
SB 4338	Thebes	2 dr.	Reign of Hadrian	
WO 135	Elephantine	2 dr. ½ ob.	120/1 and 121/2	Aug. 3, 126
WO 556	Thebes–Charax	1 dr.*	132/3	June 23, 133
WO 564	" "	1 dr. 4 ob.*	133/4	June 25, 134
WO 579	" "	4 dr.*	136/7	Sept. 25, 137
WO 606	Thebes	8 dr.*	136/7	April 10, 142
Tait, *Ostr.* I, p. 69, No. 37	Thebes–Charax	8 dr.*	136/7	Sept. 23, 142
WO 585	" "	4 dr.	137/8	June 24, 138
		2 dr.	137/8	July 15, 138
WO 601	Thebes–Notos	4 dr.*	137/8	March 31, 141
WO 602	Thebes–Notos and Lips	3 dr.*	138/9	July 1, 141
PSI III, 271	Thebes–Notos	1 dr.*	138/9	July 1, 141
WO 1290	Thebes–Notos and Lips	[ ] dr.*	140/1	141/2 ? †
		2 dr. 2 ob. ? *	141/2 ?	
WO 612	Thebes–Charax	1 dr. 6 ob.*	141/2	Feb. 10, 143
WO 614	" "	7 dr. 2 ob.*	142/3	July 11, 143
WO 1583	Thebes–Agora Borra	4 dr. 1 ob.*	143/4	July 9, 144
WO 1437	Thebes–Charax	6 dr. 3 ob.	143/4	Nov. 10, 144
P. Lips. I, 74	Syene ?	4 dr.*	144/5	July 8, 145
WO 620	Thebes–Charax	6 dr. 3½ ob.*	144/5	Aug. 5, 145
WO 627	" "	5 dr. 4 ob.*	145/6	June 8, 146
WO 630	" "	3 ob.*	146/7	May 28, 147
WO 631	" "	3 ob.* thrice	146/7	June 11, 147
WO 635	" "	1 dr.*	147/8	July 27, 148
WO 642	" "	2 dr.*	149/50	July 3, 150
WO 651	Thebes–[ ]	4 dr. 4 ob.[* ?]	159/60 or 160/1	June 1, 161

* signifies that the payment is stated to be in δραχμαὶ ἀνταραί.
[ ] signifies that the datum is lost on the ostracon.
† *Cf.* BL II[1], p. 101.

relieved of a serious burden. Henceforth the financial responsibility for fugitives was placed upon the community, on which, in the last analysis, the responsibility for the satisfactory performance of all liturgies rested.[2] Henceforth the total annual deficit of each district which

[1] *Cf.* p. 64, esp. n. 3.

[2] *Cf.* BGU I, 235 (= W., *Chr.* 399; c. A.D. 137), 13–14; P. Flor. I, 2 (A.D. 265), 24–7, 55–8, 78–80, &c.; W., *Gr.* 214, 341; Oertel, 425; Henne, 202, n. 7. *Cf.* also P. Oxy. IV, 705, III, 69–74 (cited p. 66 above). An intermediate stage in the transition from the liability of the tax-collectors to the collective responsibility

constituted a fiscal unit was divided up among the remaining inhabitants, and was collected from them in the form of a surtax.[1]

The *μερισμὸς ἀνακεχωρηκότων* was collected in money by the 'collectors of money taxes' (*πράκτορες ἀργυρικῶν*). It will be seen from a glance at the Table that a payment *ὑπὲρ μερισμοῦ ἀνακεχωρηκότων* of any given year was sometimes not made until as many as two, three, and even five years later. On the other hand, the more numerous cases in which the tax was paid before the year was out are even more surprising, for the year's deficit from so uncontrollable a source could not be predicted, and could not, therefore, it would be supposed, have been calculated until the year was over and the final records compiled. It is clear, however, from the ostraca of the Table of Payments that the tax for any given year was calculated at least three months before the end of that year. Perhaps the rate each year was based upon the deficit from fugitives in the preceding year. In any case, however the total annual assessments were determined, we may be sure that the interest of the fisc was never neglected.

Since *μερισμός* usually denotes an equally distributed, or *per capita* tax,[2] it might be expected that the total fixed for collection in each fiscal district was divided equally among the tax-payers of that district. There is indeed, as Wilcken pointed out,[3] some evidence which tends to support this view, namely, WO 630, where one inhabitant of the Charax district of Thebes pays 8 obols for the *μερισμὸς ἀνακεχωρηκότων* of the tenth year of Antoninus Pius (A.D. 146/7), and WO 631, where another pays a like amount for himself and for each of two sons. But against this one case of equal payments we now have the following case, also from the Charax district, where different persons pay different amounts for the same year:

for the year 136/7: 4 dr.—WO 579.
8 dr.—Tait, *Ostr.* I, p. 69, No. 37.

Unless the larger payment be taken to include a fine for lateness (a supposition which other cases in the Table tend to discredit), this difference makes it clear that the *μερισμὸς ἀνακεχωρηκότων* was not a *per capita* tax, but was probably assessed on a property basis—land in the case of cultivators, and some other form of property in the case of industrials and

of the community is perhaps evidenced by St. Pal. IV, p. 70. In these three columns from a long roll containing the records of an amphodarch of the city of Arsinoë for the year A.D. 72/3, we read that the two potters remaining in the amphodon, who pay an annual *χειρωνάξιον* (the tax on *χειρώνακτες*, or artisans, on which see WO I, pp. 321–33) of 17 dr. ⅓ ob. each, are apparently required together to contribute a like amount, in year 4 and again in year 5, to make up the tax of a third potter of the amphodon who fled in year 3 of Vespasian (A.D. 70/1) (ll. 384–9, 418–24). It is interesting, and perhaps significant, that the payments of the potters are made to 'receivers of fines' (*ἀπὸ αἱρούντων κατακρι(ότων)*, ll. 384, 390). In any case, if the above interpretation is correct, it shows that under Vespasian the guild bore a corporate liability for the payment of the trades-tax of each of its members. Cf. Johnson, *op. cit.* (p. 63, n. 3), 393–5, 545.

[1] Johnson, *op. cit.* (p. 63, n. 3), 545, thinks that the purpose of the *μερισμὸς ἀνακεχωρηκότων* was to make up the deficits in the laographia caused by fugitives. While there is nothing in the evidence either to prove or to disprove this view, there are three considerations which seem to me to favour the interpretation that the tax was intended to cover the deficits in revenue of all (capitation?) taxes due to fugitives:

a. the very name of the tax;

b. P. Corn. 24, which lists the amount of *λαογραφία* and *χωματικόν* owed by each fugitive;

c. P. Teb. II, 353, where a returned fugitive pays the *λαογραφία, ζυτηρά, ὑκή, ὀφάνιον μαγδωλοφυλάκων καὶ ἄλλων μερισμῶν, χωματικόν* (all capitation taxes) and an unknown tax, *εν( )κ( )*, accumulated during his absence (*cf.* p. 70, n. 1).

[2] *Cf.* WO I, pp. 256–8; P. Col. II, pp. 11–12 (and Wilcken, *Archiv* 10, 271).

[3] WO I, p. 152.

professionals.[1] It must not be concluded from this, however, that the 3-obol payers represent the poorest class of the population, as opposed to the 8-drachma payers. For the same man who in WO 631 pays 3 obols, one *Ἀμενώθης Ἀρβήχιος*, the following series of payments is preserved:

for the year 133/4:	1 dr. 4 ob.	—	WO 564
137/8:	6 dr.	—	„ 585
142/3:	7 dr. 2 ob.	—	„ 614
144/5:	6 dr. 3½ ob.	—	„ 620
145/6:	5 dr. 4 ob.	—	„ 627
146/7:	3 ob.	—	„ 631
147/8:	1 dr.	—	„ 635
149/50:	2 dr.	—	„ 642

Not only, then, did the tax-rate vary considerably from year to year, but we may discern a certain trend in the fluctuation. We notice a sharp drop in the rate for the year 146/7, nor is this drop fortuitous. The preceding year, 145/6, was a census year. In census years, as we have already noted,[2] the Prefect frequently included an amnesty for fugitives in his edict ordering the return of all persons to their *ἴδια* for enrolment. In the months following the edict there would accordingly be an influx of people to the villages of their homes.[3] Fugitives in those months would naturally be few, and the low rate of 146/7, as opposed to the rate of 145/6 which is more than eleven times as high, would tend to support the suggestion made above that the rate of the *μερισμὸς ἀνακεχωρηκότων* in any year was computed on the basis of the deficit from fugitives in the preceding year. In any case, the connexion of the low rate of 146/7 with the census seems indisputable. In the following year the rate again rose sharply.

The *μερισμὸς ἀνακεχωρηκότων* is last attested in the last year of Antoninus Pius. This may again be the result of chance, but even if the tax continued into the reign of Marcus Aurelius, it probably was no longer in existence by the end of the second century. BGU II, 432 (A.D. 190), II, 6–10 preserve the beginning of what seems to be a ruling of the Prefect Tineius Demetrius in the matter of shortages in the amount of grain taken in by certain sitologoi; from the preceding document (ll. 2–4), to which the Prefect's ruling is appended, it seems that the shortages were due to fugitives. In the third century, no doubt as a result of the 'reform' of Septimius Severus, the peasants were apparently forced to lodge a bond with the village officials against their possible flight. Thus, in P. Gen. 42 (A.D. 224), the *δημόσιοι γεωργοί* of Philadelphia pay 20 dr. each to the presbyteroi of the village as a surety for their remaining and completing their stipulated work.

All these repressive measures were consistent with the general policy of the Roman government in Egypt, for they were directed not at solving the problem of *ἀναχώρησις* (which had arisen in the first instance as a result of the Roman oppression), but at protecting the fisc against loss. The result of applying this policy to the problem in question might have been foreseen: the number of fugitives at large in the country increased steadily, and the problem facing the administration became steadily more acute. The occasional grants of

[1] For other *μερισμοί* whose basis of assessment was not capitation, but property, *cf.* F. Blumenthal, *Archiv* 5, 333, n. 5; C. Préaux, *Les ostraca grecs de la collection Charles-Edwin Wilbour au Musée de Brooklyn* (New York, Brooklyn Museum, 1935), 50.

[2] *Cf. supra*, p. 68 and n. 2.

[3] M. Sempronius Liberalis, in A.D. 154 (not a census year, but *cf.* p. 68), allowed the fugitives three months in which to return: BGU II, 372, II, 16–18. This is the only case, however, where the time granted is known to us; we have no way of telling how much more or less time other Prefects may have granted.

reductions in taxes, the amnesties for fugitives—these were mere palliatives, not serious attempts to deal with the problem, and succeeded at best in delaying, but not in preventing, the economic exhaustion of the land.

There remain two documents which bear on our subject, but whose significance is insufficiently clear for them to have been incorporated in the foregoing discussion. Their possible implications should, however, be noted.

(1) PSI IX, 1043 (A.D. 103) would probably have been of prime importance for the problem of ἀναχώρησις if it were not in so sorry a state of preservation. At the end is a request for the deferment of certain tax payments (l. 21, ἐὰν φαύητ(αι) ἐπιρχ(εῖν)).[1] In lines 12–17 we find the clause, customary in leases and proposals for leases, which specifies whether lessor or lessee is to pay the taxes[2] or defray the expenses[3] involved; we read τῶν δὲ ἀνακεχωρηκ(ότων) μέχρι τῆς ἐνεστώση(ς) ἡμέρας ὄντων πρὸς τοὺς περὶ Πακῦσι⟨ν⟩, τῶν δὲ μετὰ τὴ⟨ν⟩ μίσθωσιν ταύτην ὄντων πρὸς ἡμᾶς, τῆς δὲ γειφρμέ(νης) δαπαρῆς ἥτε σιτικῆς ἥτε ἀργυρικῆς κ(αὶ) . . . οὔσης πρὸς ἡμᾶς.

If we consider, with Wilcken,[4] that μίσθωσις is here a lease of land, τῶν ἀνακεχωρηκότων will, by analogy with other leases of land, be a tax, that is, undoubtedly, the μερισμὸς ἀνακεχωρηκότων which we have been discussing. The papyrus would thus bring us at once our earliest known reference to the tax as well as the first from the Arsinoite Nome, and corroborative evidence for what we have already seen to be probable, namely, that the μερισμὸς ἀνακεχωρηκότων was assessed on land. But the question arises: Why the specification τῶν ἀνακεχωρηκότων instead of the usual τῶν δημοσίων πάντων which covers all taxes? It hardly seems likely that the lessees of a piece of land would have asked for the deferment of the payment of just this one tax!

This difficulty disappears, however, and a more satisfactory interpretation of the document as a whole is possible, if we take μίσθωσις to signify a tax-farming contract.[5] Indeed, the text itself points to this interpretation: ll. 7–9, κ(αὶ) παρὰ ἑκάστ[ο]υ γεωργοῦ ὑπὲρ δαπανῆς λόγον (l. -ου) πυροῦ ἀρτάβ(ης) μιᾶς, π[ρ]ὸς δὲ ἡμεῖς αὐτοὶ μετρήσομεν . . ., show that the collection of grain from a group of cultivators is involved; and the mention of δαπανή here and in line 16 (cited above) is congruent rather with the transfer of an office than with a lease of land. The situation before us, then, is somewhat as follows: Certain persons propose to take over the collection of a tax (or taxes) in kind. They ask, however, for a postponement of the day when they must pay in their receipts—perhaps in view of the fact that they are entering upon their duties so late in the year (the papyrus is dated Παῦνι δ̄ = May 29). They agree to make good the deficits caused by flights from the day they take over the collection; the deficits up to that day are to be supplied by the former collectors. Τῶν ἀνακεχωρηκότων no longer presents the highly improbable situation which it did under the assumption that the μίσθωσις in question was a lease of land. The specification of the deficits caused by the default of fugitives, instead of a general provision covering deficits from all sources, may be merely an indication that the number of fugitives was increasing rapidly and the problem of ἀναχώρησις becoming a serious one—which would be in keeping with our previous findings for the reign of Trajan.[6] At all events, this interpretation of the papyrus,

[1] *Cf.* introduction of the editors; Wilcken, *Archiv* 9, 82, 83; and p. 65, n. 1.

[2] In the case of leases of land—τῶν δημοσίων πάντων [or similar expression] ὄντων πρὸς τὸν δεῖνα.

[3] In the case of taking over of offices—*e.g.*, P. Lond. II, 306 (= W., *Chr.* 263; A.D. 145: transfer of a πρακτορία ἀργυρικῶν), 17–18, καὶ τῆς ἄλλης δαπανῆς οὔσης πρὸς αὐτόν.

[4] *Archiv* 9, 83.

[5] As it does, *e.g.*, in P. Oxy. I, 44 (= W., *Chr.* 275), 13.

[6] *Cf.* p. 70, n. 7.

if correct, shows that as late as the year 102/3 the tax-collectors had themselves to make up the deficits from fugitives, and consequently places the institution of the *μερισμὸς ἀνακεχωρηκότων* between that year and 114/5, when it is first mentioned by the ostraca.

(2) *Archiv* 5, p. 177, No. 29, an ostracon from Thebes (A.D. 146), is a receipt for a payment of 2 dr. 2 ob. for *ἐνοίκιον*, and of 2 ob. *ἀ(πὸ) Πετήσιο(ς) Πεβῶ(τος) ἐνοικ( ) ἀνακ( )*. At present this entry remains unintelligible to me. Johnson[1] makes two suggestions, but since these are possible only if one accepts his interpretation of the *ἐνοίκιον* (as against Wilcken's),[2] decision on these must be reserved. A revision of the original ostracon might result in an improved reading; in the absence of the original or a photograph thereof, it would be idle to speculate on possible emendations.

Addenda

To the Bibliography: V. Martin, *Münch. Beitr.* 19 (Munich, 1934), 143–64, and *Atti del IV Congresso Internazionale di Papirologia* (Milan, 1936), 225–50.

To p. 64, n. 3: *Cf.* also P. Lond. Inv. 2565 (publ. in *JEA* 21 [1935], 224–47; A.D. 250), 34, 46–7, and commentary, p. 243.

To p. 67, n. 2: Even the capital of the nome, Arsinoë, suffered depopulation in the middle of the third century: *cf.* P. Lond. Inv. 2565, 93–4 (and 100–2).

To p. 67, n. 3 (at the beginning): Martin (*loc. cit.*, esp. 143–50) reaches a similar conclusion, as against the older view (*e.g.*, M. Rostovtzeff, *The Social and Economic History of the Roman Empire*, 578 [Ital. ed. 351], n. 50; A. C. Johnson, *op. cit.* [p. 63 above, n. 3], VI, 246, 354, 482, *cf.* 545–6) that *ἀναχώρησις* became chronic in the second century, and that previous occurrences were due to exceptional circumstances. Martin considers, however, that, in view of the 'continuité de l'administration ptolémaïco-impériale' which regarded Egypt as a land to exploit, *ἀναχώρησις*, which that administrative policy engendered, was likewise a uniform phenomenon 'de Philadelphe aux Arabes'. This latter view is untenable, and Martin himself is obliged to acknowledge (p. 144) the essential difference between Ptolemaic and Roman *ἀναχώρησις* (for which see above, pp. 63–4).

To p. 69, n. 4: *Cf.*, in this light, P. Lond. Inv. 2565, 35.

To p. 70, n. 5: An edict providing for such nomination was issued by the Prefect M. Petronius Mamertinus in A.D. 134/5 (P. Oslo 79).

[1] *Op. cit.* (p. 63 above, n. 3), 561.

[2] WO I, p. 192.

Editor's note:
Ἀναχώρησις remains a subject of recurrent study, owing partly to its intrinsic interest and partly to the occasional appearance of new evidence. See, most recently, the article reproduced on pp. 357-74.

A SIDELIGHT ON DIOCLETIAN'S REVIVAL OF AGRICULTURE

By NAPHTALI LEWIS

IN *P. Cairo Boak* 9, a land declaration of the 16th year of Diocletian (A.D. 299), a parcel of land is described as ἰδιωτικῆς γῆς σπαρίσης ιδ (ἔτους) καὶ ιγ (ἔτους) καὶ ς (ἔτους) (lines 10, 14). The editor comments, 'I have been unable to find other instances of the use of the term σπαρίση (= σπαρείση), but it is obviously used in the sense of the more usual ἐσπαρμένη. Thus we should translate "private land sown in the fourteenth year", etc. As the declaration was drawn up in the 16th year of Diocletian, we are left to infer that the land in question was not sown in the intervening 15th year, although no explanation of this is given. The land could not have been uninundated, as it would have been classed as ἄβροχος.'[1] There is little doubt that Boak has translated the phrase in question correctly. I agree, further, that the land in question was not ἄβροχος.[2] But the inference that the land remained unsown in the 15th year after having been sown in the 14th seems unsatisfactory, particularly when we recall the strenuous efforts of the Diocletianic administration to restore to cultivation land which had been abandoned during the anarchy of the third century. I believe that the land here in question was sown in the 15th year as it was in the 14th, and that there is no mention of the 15th year because the phrase γῆ σπαρείση ιδ ἔτους means 'land *first* sown (i.e. restored to cultivation) in the 14th year. I shall attempt, in the discussion that follows, to show that the available evidence leads us to this conclusion, and to indicate the significance of this conclusion for the study of Diocletian's attempts to revive the impaired productivity of the Empire.

As Boak saw,[3] the phrase under discussion must be a verbal variant of the more common γῆ σπορᾶς *x* ἔτους, which occurs in several papyri of this period. The table on p. 72 contains all the pertinent instances known to me.

Certain significant facts emerge from the tabulation therein. First, on Boak's interpretation parcels Nos. 2, 3, and 5 would have lain idle for two years, the 14th and 15th, after having been sown in the 13th;[4] similarly, parcels 7, 8, and 11 would have remained untilled for at least two years, and parcel 9 for at least three; and in No. 12 we should be faced with cultivation in the 13th year followed by idleness for four years—or even five, since there would be nothing to indicate that the land was actually sown in year 18.

[1] *Études de Papyrologie*, III (1936), p. 10.

[2] I do not agree, however, with Boak's reasoning on this point. The fact that the land is here not designated as ἄβροχος means that it was flooded in the 16th year, but proves nothing about its condition in the preceding year. My reasons for rejecting the assumption that the land was uninundated in the 15th year will appear in the course of the discussion that follows.

[3] *P. Cairo Boak* 11. 9 n. (*Études de Papyrologie*, III [1936], p. 17).

[4] *P. Théad.* 54 is dated Tybi 18, which is after the normal sowing season: cf. Schnebel, op. cit., pp. 137–57. On Boak's interpretation it would therefore probably be necessary to assume that parcels 4 and 5 were not cultivated in the 16th year either, but lay idle for at least two and three years respectively.

Secondly, not only private, but also royal land is involved in the category under discussion; and in view of the government's well-known practice of assigning for cultivation state lands that were not voluntarily rented (ἐπιβολή), it seems hardly likely that the local administration would have allowed these parcels to remain untilled for two, three, four, and perhaps five years after they had once been cultivated.

No.	Document[1]	Date of Document: Year of Diocletian	Date of Document: = A.D.	Text
1	P. Cairo Boak 9. 10, 14	16	299	ἰδιωτικῆς γῆς σπαρίσης ιδ̅ϛ̅ʹ καὶ ιγ̅ϛ̅ʹ καὶ ε̅ϛ̅ʹ
2	" " 11. 9	"	"	βασιλικῆς γῆς σπο(ρᾶς) ιγ̅ϛ̅ʹ καὶ ιβ̅ϛ̅ʹ καὶ ε̅ϛ̅ʹ
3	" " 11. 11	"	"	ἰδιωτικῆς γῆς σπορᾶς ιγ̅ϛ̅ʹ καὶ ιβ̅ϛ̅ʹ καὶ ε̅ϛ̅ʹ
4	P. Théad. 54. 10–11, 17	"	300	βασιλικῆς γῆς σπορᾶς ιδ̅ϛ̅ʹ καὶ ιγ̅ϛ̅ʹ καὶ ε̅ϛ̅ʹ
5	" 54. 12–13, 18	"	"	" " " ιγ̅ϛ̅ʹ καὶ ιβ̅ϛ̅ʹ καὶ ε̅ϛ̅ʹ
6	" 55. 6, 14	[..]	[..]	" " ιδ̅ϛ̅ʹ καὶ ιγ̅ϛ̅ʹ καὶ ε̅ϛ̅ʹ
7	P. Col. Inv. No. 181 (11). 4	16 or later	299/300 or later	β(ασιλικῆς) σπορ(ᾶς) ιγ̅ϛ̅ʹ
8	" " " 6	"	"	ἰδιω(τικῆς) σ(πορᾶς) ιγ̅ϛ̅ʹ
9	" " " 11	"	"	" σπο(ρᾶς) φοιν(ικώνος)[2] ιβ̅ϛ̅ʹ
10	" " " 24	"	"	" σπορᾶς ιδ̅ϛ̅ʹ
11	" " " 37	"	"	βασι(λικῆς) σπορᾶς ιγ̅ϛ̅ʹ
12	P. NYU Inv. No. xv (26). 9	18	302	βασιλεικῆς γῆς σπορᾶς ιγ̅ϛ̅ʹ καὶ ιβ̅ϛ̅ʹ καὶ ε̅ϛ̅ʹ

Unless we are prepared to assume that they *could* not be cultivated in these years because they were left ἄβροχοι by a succession of low Niles—an extremely hazardous assumption in the total absence of supporting evidence[3]—the logical inference from these considerations is that the parcels of land under discussion continued in regular cultivation after the year specified. However, we do not have to be content with mere inference, for confirmation is at hand. *P. NYU* records a cession of land in which the royal land of parcel No. 12 is transferred along with some private land, to which, obviously, it had been attached through the ἐπιβολή.[4] In *P. Théad.* 54 and 55 each of our parcels is specifically described as τὸ ἐπιβάλλον αὐτῷ (or μοι) μέρος βασιλικῆς γῆς. Thus it is clear that these parcels at least (and presumably also the other parcels of royal land with which we are concerned) had in fact been assigned for compulsory cultivation on a permanent and hereditary basis; and the year 'of sowing' indicated for each parcel is, it seems logical to suppose, the year in which the land was saddled upon and first cultivated by its assignee. Finally, it is significant that while in *P. Cairo Boak* 11 γῆ σπορίμη and γῆ σπορᾶς *x* ἔτους are totalled separately, in *P. Col.* they are totalled together as γῆ σπορίμη. The designation σπορᾶς *x* ἔτους, in other words, was not retained for very

[1] The Columbia and New York University papyri are unpublished pieces from the same Karanis archive as the Cairo papyri published by Boak. They will hereafter be referred to simply as *P. Col.* and *P. NYU*. Revised texts of *P. Théad.* 54 and 55 are appended to *P. Cairo Boak* 11 (*Études de Papyrologie*, III [1936], pp. 18–24).

[2] Cf. M. Schnebel, *Die Landwirtschaft im hellenistischen Aegypten*, pp. 295–6.

[3] As a matter of fact, *P. Col.* contains a bit of evidence which renders this assumption all but impossible. Right near parcel No. 9—in the same τόπος of the same σφραγίς of the village of Karanis, and bordering on the same irrigation-channel (ἀδραγωγός)—lay a field described as σπορίμη. On the above assumption this would mean that in at least three successive years parcel No. 9 did not receive the flood waters, while a neighbouring, perhaps adjacent, field did—a conceivable occurrence perhaps, but a most improbable one.

[4] *P. NYU* thus affords a parallel to the document published by Bell, *Recueil Champollion*, pp. 261–71.

long, and the reason is apparent: such land became regularly sown ('seed') land, and was soon termed such, γῆ σπορίμη. However, the fact that the expression was used at all probably means that for a time at least the lands so designated formed a separate category of some sort; perhaps they were formerly derelict (royal) or neglected (private) lands on which an exemption or reduction of rental or tax was granted for the first few years after their restoration to cultivation.[1]

In any case, it is apparent that the lands in question continued to be cultivated after the year specified in the phrase σπορᾶς x ἔτους. What, then, does this phrase mean? For my part, I do not see what else it can indicate but the year in which the land so designated was *first* sown—i.e. first restored to cultivation. This year, it will have been noticed from the table, was in one case the 12th and in all the rest the 13th or 14th (= A.D. 295/6–297/8). This can hardly be a mere coincidence. It indicates, rather, that in the years immediately preceding the famous census of A.D. 297,[2] the administration, employing (as we have seen) its customary methods of compulsion tempered perhaps with certain concessions, made a concerted effort to increase agricultural production and, thereby, the revenues of the state. The census itself was an integral part, or a continuation, of this effort, for the government officials who checked the census returns saw to it that the maximum possible area was registered in the category of 'seed' land, which, being the most productive, was subject to the highest rate of tax or rental. We know from *P. Corn.* 20 that during the next census (A.D. 302), after the preliminary declarations had been submitted by the landholders, survey parties were sent out to see how much of the land declared as 'dry' or 'ownerless' (i.e. derelict) could be re-classed as 'seed' land. *P. Cairo Boak* 8–11 and *P. Thead.* 54 and 55 testify to the activity of similar survey parties in connexion with the census of 297.

[1] The suggestion that a similar inducement was resorted to in A.D. 302 in order to restore abandoned lands to cultivation is made by the editors of *P. Corn.* (p. 111; but cf. Wilcken, *Archiv*, VIII, p. 296). The history of such inducements in the Roman Empire is almost as long as the history of the Empire itself. Aurelian, for example, had ordered the *decuriones* of the towns to cultivate the abandoned lands within their territories, and in return had granted them a three-years' exemption from taxes on these lands (cf. Seeck, *Pauly-Wissowa*, VI, col. 30). Nearly a century earlier Pertinax had granted ten years' exemption from all taxes and outright title of ownership to those who undertook to cultivate derelict lands, whether private or imperial (Herodian, 2. 4. 6); and Pertinax' measure was but an extension of similar measures instituted by the Flavians and Hadrian (cf. Rostovtzeff, *Soc. and Econ. Hist. Rom. Emp.*, pp. 321–2, 374).

[2] This was the initial census of the new five-year cycle established by Diocletian. The census was presumably decreed in 297 in connexion with the new system of taxation instituted in that year (*P. Cairo Boak* 1; cf. 2, Introd.); but the actual taking of the census apparently did not begin until year 15 (298/9), and the verification of the preliminary declarations continued, in the Fayyūm at least, well into the following year (299/300): cf. *P. Corn.* 19, *P. Flor.* 32 (= Wilcken, *Chrest.* 228), *P. Cairo Boak* 2 and 8–11, *P. Thead.* 54 and 55.

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XI.—The Meaning of σὺν ἡμιολίᾳ and Kindred Expressions in Loan Contracts

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Σὺν ἡμιολίᾳ, when it occurs as a modifier of the amount of the loan in the acknowledgment-of-receipt clause (as opposed to the promise-to-repay clause), means "including 50% interest." While this formula had the undoubted advantage of brevity, it is possible that its use was dictated by more profound legal motives.

Loan agreements, which are exceedingly numerous among the papyri, have been the subject of frequent study[1] and are, on the whole, thoroughly understood, both in their technical and in their legal aspects. One type which is still sometimes misunderstood, however, is that in which the amount of the loan is qualified by the phrase *σὺν ἡμιολίᾳ*, *σὺν διαφόρῳ* or *σὺν τόκῳ*. Indeed, in the case of *σὺν ἡμιολίᾳ* misinterpretation is twofold, and the rule rather than the exception.

The individual terms involved are perfectly familiar. In the normal course of events the amount repaid on a loan might exceed the amount borrowed for one or more of three reasons. First, unless the loan were interest-free, there would be the stipulated interest (*Vertragszins*); secondly, many contracts provided a penalty, usually 50%, for failure to repay on time; thirdly, either instead of or (usually) in addition to[2] this penalty, late repayment might be subject to additional interest for the overtime (*Verzugszins*).

Ἡμιολία, "an additional one-half,"[3] may, it is now clear, denote any of these three added amounts when they equal 50%.[4] The

[1] For bibliography cf. R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri* (New York, 1944) 258 note *. This work is cited hereafter simply as "Taubenschlag."

[2] Cf. Taubenschlag 262; A. Berger, *Die Strafklauseln in den Papyrusurkunden* (Leipzig and Berlin, 1911) 118–120, 123–124; below, note 63. The second work is cited hereafter simply as "Berger."

[3] Cf. Berger 19, 22–23, 55. The term ἡμιολία alone will be used in this paper for the sake of simplicity. It should be understood, however, that what is said of ἡμιολία is equally true of equivalent expressions employing the adjectival form ἡμιόλιος, "increased by one-half."

[4] It has frequently been stressed that ἡμιολία denotes an *amount*, not an *annual rate*, of 50%: cf. Berger 24, 92 n. 5, 123–124; L. Mitteis, *Grundzüge* (Leipzig-Berlin,

term occurs most often in the papyri as the penalty for failure to discharge an obligation on time.[5] But it early became apparent that in loans in kind ἡμιολία is also used occasionally to denote interest of 50%, and not merely the overtime interest,[6] which is after all a kind of penalty,[7] but even more frequently the simple contractual interest.[8] Moreover, the word sometimes appears in two of these senses, or even in all three connections, in the same document.[9]

Τόκος hardly requires comment: it is the regular Greek word for interest of any sort, usually in money.[10]

1912) 118–119; A. Segrè, *Atene e Roma* N.S. 5 (1924) 125–126. Note Hesychius and Photius, *s.v.* ἡμιολία· τὸ ἥμισυ τοῦ κεφαλαίου. Cf. also note 20, below.

[5] Cf. Taubenschlag 261–263; Berger 14–23, 55.

[6] *P. Amh.* 147 (IV/V century A.D.), 14–15 (for text and commentary see below, p. 130 and note 20); cf. *P. Oxy.* 1040 (225 A.D.), 25–26 διάφορον τοῦ ὑπερκειμένου χρόνου ἐξ ἡμιολίας.

[7] Cf. Berger 118–120. That *Verzugszins* is really a penalty and not just a continuation of *Vertragszins* appears most clearly from *P. Oxy.* 1474 (216 A.D.), where the loan is interest-free but provides for overtime interest at the rate of half the principal.

[8] Cf. *P. Oxy.* 1040, Introd. (quoted below, p. 130); Berger 22 n. 2, 23–25, 91–92; Mitteis, *Grundzüge* 118; Segrè, *l.c.* (see note 4); A. C. Johnson, *Roman Egypt* (Baltimore, 1936) 460.

Ἡμιολία (ἡμιόλιος) in the sense of "interest of one-half" is found in the papyri from the third century B.C. (e.g. *P. Cairo Zenon* 59414; quoted below, note 43) to the fourth or fifth century A.D. (*P. Amh.* 147). One-half the principal was the regular interest on loans in kind in Greco-Roman Egypt and elsewhere: cf. Mitteis, *l.c.*; Segrè, *l.c.*, who cites Assyrian and Babylonian parallels; Johnson, *l.c.*; *Codex Theodos.* 2.33.1 (325 A.D.): quicumque fruges humidas vel arentes indigentibus mutuas dederint usurae nomine tertiam partem superfluam consequantur, id est ut, si summa crediti in duobus modiis fuerint, tertium modium amplius consequantur (cf. also the *Interpretatio*); Jerome, *Commentaria in Ezechielem Prophetam* (written at Bethlehem, ca. 400 A.D.) 6.210: solent in agris frumenti et milii vini et olei ceterarumque specierum usurae exigi . . . verbi gratia, ut hiemis tempore demus decem modios et in messe recipiamus quindecim, hoc est amplius partem mediam (Migne, *PL* 25, col. 184). Lower interest charges on loans in kind are sometimes found, e.g.: 40% — *P. Gen.* 9 (251 A.D.; text below, p. 136); 33⅓% — *P. Dem. Loeb* 3 (306/5 B.C.); P. Strassb. 71 (II century A.D.), on which see below, p. 138; *P. Fuad* 43 (190/1 A.D.); *P. Oxy.* 1640 (252 A.D.), overtime interest; and probably *P. Lond.* 218 (111 ? B.C.; text below, note 14) and *P. Flor.* 72 (128/9 A.D.), where the figures 13⅓ and 1⅓ artabs including interest strongly suggest loans of 10 artabs and 1 artab, respectively, at 33⅓% (cf. *P. Flor.* 72, 3 n.).

Ἡμιολία does not occur as interest in loans of money, on which the highest interest permitted by law was 2% per month: cf. Taubenschlag 260; Johnson, *op. cit.* 450–452; Berger 118.

[9] *P. Amh.* 147, 7 (interest) and 15 (overtime interest); *P. Oxy.* 1040, 10 and 44 (interest), 24 (penalty for failure to repay on time) and 25–26 (overtime interest) — text quoted below, p. 137 and note 63.

[10] Instances are too numerous to cite: cf., e.g., F. Preisigke, *Wörterbuch der griechischen Papyrusurkunden*, *s.v.*

Διάφορον basically, of course, means "difference." Hence it too is used to denote interest (which is, after all, the difference between what the borrower receives and what he repays).[11] It too may signify either contractual interest or overtime interest, and sometimes occurs in both these senses in the same document.[12] Moreover, until the fifth century (as the evidence now stands) διάφορον, like ἡμιολία, was used only of interest in kind on loans in kind.[13]

That ἡμιολία and διάφορον are used to denote interest on loans is thus not in question. Nor is there any room for misinterpretation when the interest clause of a loan contract is expressed with legal fullness, as, e.g., in *P. Rein.* 15 (109 B.C.), 13–18: ἐδάνεισεν] . . . πυροῦ ἀρτάβας εἴκοσι ἓξ δίμοιρ[ον] . . . τόκων ἡμιολίων, ἀρτάβα[ις δεκα]τρισὶ τρίτωι, τὰς δὲ πάσας πυροῦ ἀρτάβας τεσσαράκοντα ἀποδ[ότω] ὁ δεδανεισμένος κτλ, "X has lent . . . 26⅔ artabs of wheat . . . at interest of one-half (i.e., 13⅓ artabs), and the borrower is to repay the entire forty artabs of wheat," etc. At the other extreme from such elaborate fullness of expression is a formula compressed to an irreducible minimum, in which the borrower acknowledges that he has received and will repay σὺν ἡμιολίᾳ (διαφόρῳ, τόκῳ) ἀρτάβας *x*. This abbreviated formula, which (as the evidence now stands) makes its appearance late in the second century B.C. and continues increasingly in use until the late fourth or early fifth century A.D.,[14] has suffered

[11] Cf. *P. Oxy.* 1474, 14 n.; Preisigke, *Girowesen im griechischen Ägypten* (Strassburg, 1910) 93 n. 2 and *Wörterbuch* . . . *s.v.*, where, however, the following references should be deleted, since in these instances διάφορον does not denote interest: Petrie III 129a, b [cf. p. 319], p. 195; Rein 7, 18 [cf. Introd. and Transl.]; Lond. 194, 40; Soc 398, 10; Teb 99, 51; 120, 115 [cf. 115 n.]. Additional instances: *P. Fuad* 43 and note 13; on *P. Würz.* 6 (102 B.C.) in this connection see below p. 133. Cf. also *P. Oxy.* 1628 (73 B.C.), 16, where ἀδιάφορος = "interest-free" (cf. 16 n.).

Διάφορον thus occurs in the sense of "interest" in papyri from possibly the late second century B.C. (*P. Würz.* 6, 102 B.C.; but cf. below, p. 133) to the late sixth century A.D. (cf. below, note 13). With the exception of *P. Würz.* 6 (Theadelphia) and *P. Gen.* 9 (Heracleopolite nome), the papyri exhibiting this usage all come from Oxyrhynchus — which creates at least a strong presumption that the village of Πενισεχῳ mentioned in *P. Strassb.* 71 (provenience unknown) was located in the Oxyrhynchite nome.

[12] *P. Oxy.* 1040, 10–12 and 43 (interest) and 25 (overtime interest); *P. Oxy.* 1474, 14 (interest) and 18 (overtime int.). Cf. *P. Oxy.* 1640, 7 (overtime interest; beginning of document lost).

[13] Only in *P. Harr.* 86 (444 A.D.) and presumably in *P. Oxy.* 1042 (578 A.D.) does διάφορον denote interest in money. In *P. Oxy.* 1130 (484 A.D.) and *P. Warren* 10 (591/2 A.D.) διάφορον is used of interest in kind on a loan in specie.

[14] A. LOANS IN KIND

1. σὺν ἡμιολίᾳ.

P. Teb. 110 (92 or 59 B.C.): text below, pp. 130, 135.

P. Berl. Möller 4 (= *SB* 7341; 3 A.D.): text and signature below, note 59.

P. Oslo 37 (295 A.D.), 6–11: ὁμολογῶ ἔ[χε]ιν . . . σοὶ <ν> ἡμιολίᾳ πυροῦ

two kinds of misinterpretation, namely:

I. σὺν ἡμιολίᾳ taken to mean "including *penalty* of one-half" instead of "including *interest* of one-half"; and

II. σὺν ἡμιολίᾳ (διαφόρῳ, τόκῳ) taken to mean "*plus* interest" instead of "*including* interest."

ἀ[ρτά]βας πέντε μέ(τρον) α . . ., ὡς (*l.* ἃς) καὶ ἐκάνα[γκες ἀπο]δώσω κτλ; 20–21 (signature): ἔσχον τὰς τοῦ πυροῦ ἀρτάβ[ας] σὺν ἡ[μ]ιολίας [ἀρτάβας] πέντε μέ(τρον) α.

P. Col. Inv. No. 166 (ined.; 326 A.D.), I 6–11 and II 5–11: ὁμολογῶ ἐσχηκέναι . . . πυροῦ . . . κεφαλ[αί]ου σὺν ἡμιολείας ἀρτάβας ἐνενήκοντα . . ., δν[τ]ερ πυρὸν . . . ἐκάναγκ[ο]ν ἀποδώσω σοι κτλ.

PSI 42 (IV century A.D.), 1–7: ὁμολογεῖ . . . ἔχειν . . . σὺν [ἡμ]ιολείᾳ πυροῦ ἀρτάβας [τριακονταέξ] καὶ κριθῆς ἀρτάβας ἕξ, ὧν καὶ τὴν ἀπό[δοσιν ἐκά]ναγκον ποιήσεται κτλ.

P. Oslo 38 (374 A.D.), 4–10: ὁμολογεῖ] . . . ἔχιν . . . [σ]ίτου καθαροῦ σὺν ἡμιολίᾳ [ἀρτάβ(ας) τεσσα]ράκοντα ἥμισυ, ἅσπερ . . . [ἀπο]δώσι κτλ; 17–19 (signature): ἀπ(έσχον)] . . . τοῦ σίτου καθαροῦ σὺν [ἡμ]ιο[λίᾳ ἀρτάβ(ας) τεσ]σαράκοντα ἥμισυ καὶ ἀποδόσω κτλ.

P. Amh. 147 (IV/V century A.D.), 5–9: ὁμολογῶ ἐσχηκαίνε . . . πυροῦ καθαροῦ σὺν καὶ τῇ ἀνιλημμένῃ ἡμιολίᾳ ἀρτάβας δέκα ὀκτὼ ἥμισυ τέταρτον . . ., ἅσπερ ἐκάναγκες . . . ἀποκαταστήσω κτλ.

On *P. Würz.* 6 and *P. A.-M. Desrousseaux* see below, pp. 133–134.

2. σὺν διαφόρῳ.

P. Oxy. 1040 (225 A.D.): text below, p. 137 and note 63.

P. Gen. 9 (251 A.D.): text and signature below, p. 136.

On *P. Strassb.* 71 (II century A.D.) see below, pp. 137–138 and note 55.

3. σὺν τόκῳ (cf. LOANS IN MONEY, below).

P. Lond. 218 (Vol. II, p. 15; 111? B.C.), 2–5: ἐδάνεισιν . . . (πυροῦ) (ἀρτ.) ιγ γ' σὺν τόκῳ. τὸ δὲ δάνειον ἀποδότω κτλ.

P. Bad. 38 (105 A.D.), 1–3: ὁ]μ[ο]λογῶ ἐσχηκέν[αι] . . . χρῆσιν πυροῦ [σ]ὺν τόκωι ἀρτάβας ἑ[ξ]κοσι, (γίνονται) (πυροῦ) σὺν τόκ[ωι ἀρτάβαι κ], ἃς καὶ μετρήσω σοι κτλ.

P. Lond. 975 (Vol. III, p. 230; 314 A.D.), 6–12, which should almost certainly, on the analogy of the preceding document and those in B. below, be restored: ὁμολογῶ [μ]εμετρῆ[σθ]αι . . . χρῆσιν ἔντοκον κεφαλαίου [σὺν τόκ]ῳ ἀράκο[υ] μὲν ἀρτάβας [τρεῖς καὶ] τ[.]μίου ἀρτ[ά]βην μίαν ἥμι[συ] . . . [ἐπὶ τὸ αὐτὸ τ]έσσαρας ἥμισυ. δμοιᾳ δὲ ᾳ[οι μετ]ρ[ήσω κτλ; 23–24 (signature): μεμέτρημαι . . . ἀρτάβας τέσσαρας ἥμι[σ]υ καὶ μετρήσω κτλ.

B. LOANS IN MONEY (cf. esp. the wording of *P. Col.*, *P. Gen.*, *P. Amh.*, *P. Bad.* and *P. Lond.* 975 in A. above; cf. also note 50 below)

σὺν τόκῳ.

P. Lips. 11 (247 A.D.), 1–3: ὁμολογῶ ἐσχηκέναι] . . . χρῆ[σι]ν ἔν[τοκ]ον . . . [κε]φαλαίο[υ] σὺν τόκῳ ἀργυρί[ο]υ δραχμὰς [χ]ειλίας [δι]ᾳ[ρρ]ί[ο]ας . . ., ἃς καὶ ἀποδώσω σοι κτλ; 12–13 (signature): ἔσχον καὶ ἀπ[ο]δώσω τ[ὰ]ς τοῦ ἀργυρίου δραχμὰς χειλίας διακοσ[ί]ας κτλ.

P. Rainer Inv. No. 2016 (publ. in *CPR* p. 59; early IV century A.D.), 3–7: ὁμολογῶ ἐσχηκέναι . . . χρῆσιν ἔντοκον κεφαλίου σὺν ἀνιλημμένου τόκου ἀργυρίου . . . τάλαντα ἑξακόσια τεσσεράκοντα . . . , ἅσπερ σοι ἀποδώσω κτλ; Verso (cf. Preisigke, *Berichtigungsliste der griechischen Papyrusurkunden aus Ägypten*, Vol. I [Berlin and Leipzig, 1922] 113): χ(ρῆσις)

I

When Grenfell and Hunt, in 1902, published *P. Teb.* 110, they took ὁμολογῶ ἔχειν παρὰ σοῦ πυρῶν ἀρτάβας εἴκοσι τέσσαρες ἥμισυ σὺν ἡμιολίᾳ, ἃς καὶ ἀποδώσω κτλ (lines 3–5) as signifying that "this loan is the renewal of a loan of 16½ artabae, which had become 24½ through failure to repay at the proper time," and referred to previously published *P. Amh.* 147 as a similar case.[15] This view — that σὺν ἡμιολίᾳ in such a context indicates the novation of a previous loan with the ἡμιολία penalty for default included in the principal of the new loan — has met with wide acceptance,[16] despite the fact (frequently overlooked) that it was challenged by Rabel as early as 1907, and that in 1910, in the light of the new and explicit evidence afforded by *P. Oxy.* 1040, Hunt reversed his original position and pointed out that "in *P. Tebt.* 110 and *P. Amh.* 147 the ἡμιολίαι should probably be . . . explained [simply as interest] rather than as fines incurred in connexion with previous transactions."[17]

The evidence amply confirms the latter view. To begin with, *P. Amh.* 147, as Rabel saw,[18] offers two grounds for rejecting the idea of novation. In the first place it is specifically stated that the loan is being made for the approaching planting.[19] Alone, this argument could be regarded as inconclusive, for it is just barely conceivable that such a statement might, intentionally or other-

. . . κεφ(αλαίου) σὺν [ἀνειλημμένου τόκου κτλ.

CPR 229 (no date given), 3–5: ὁμολογῶ ἐσχη[κέναι] . . . χρῆσιν ἔντοκον . . . [κεφαλαί]ου σὺν τόκ[ῳ (cf. *P. Lips.* 11, Introd.).

[15] *P. Teb.* 110, 5 n.

[16] Cf. *P. Berl. Möller*, pp. 48–49; P. M. Meyer, *Zeitschrift der Savigny-Stiftung, Rom. Abt.* 50 (1930) 530; Taubenschlag, *Zeitschrift der Savigny-Stiftung, Rom. Abt.* 51 (1931) 88, 90, and *op. cit.* 263 n. 38; U. Wilcken, *P. Würz.* 6, 13 n., *UPZ* II, p. 192 n. 1, and *APF* 13 (1939) 137–138; P. Jouguet, *Mélanges Desrousseaux* (Paris, 1937) 237. E. Weiss, in *RE s.v.* "Novatio" 17, 1161, cautiously leaves the question open.

[17] E. Rabel, *Zeitschrift der Savigny-Stiftung, Rom. Abt.* 28 (1907) 321 n. 3; A. S. Hunt, *P. Oxy.* 1040, Introd. Previously, in 1905, T. Reinach had expressed in passing (*P. Rein.* pp. 37, 38), but not developed, the opinion that ἡμιολία in *P. Teb.* 110 denotes 50% interest. Cf. also Taubenschlag, *l.c.* (see note 16) 88 n. 4; Mitteis, *Grundzüge* 117 n. 3; V. Arangio-Ruiz, *Bullettino dell' Istituto di Diritto Romano* 24 (1911) 213; Berger 91–92 (on pp. 15–16, 23, 26, however, Berger cites *P. Amh.* 147 for the latest known occurrence of the ἡμιολία penalty).

[18] *L.c.* (see note 17).

[19] *P. Amh.* 147, 6–7 εἰς καταστορὰν τῆς εὐτυχοῦς μελλούσης ἢ ἰνδ(ικτίονος) πυροῦ . . . σὺν . . . ἡμιολίᾳ κτλ. Similarly, as Arangio-Ruiz pointed out (see note 17), in *P. Oxy.* 1040 the grain loaned is specifically described as derived from the last preceding harvest.

wise, be included in the novation of a defaulted loan. But the contract continues (lines 12–15): εἰ δὲ . . . τὴν ἀπόδοσιν μὴ ποιήσωμε, ἐκ{κ}τίσω σοι καὶ τῶν ὑπερπεσόντων χρόνων τὰς ὑπὲρ αὐτῶν ἡμιολείας. The important word here is καί: for to say "I will pay you *also* the 50% interest for the overtime"[20] almost surely implies "in addition to the already-mentioned 50% interest on the loan" — i.e., the σὺν ἡμιολίᾳ in line 7.

Furthermore, if σὺν ἡμιολίᾳ is taken as indicating novation, the contracts in question (note 14 A.1) are left without any mention of interest on the new obligation. Such unequivocal cases of novation as we do have regularly specify whether the novated loan is at interest or not.[21]

Completely conclusive, finally, is the evidence of *P. Oxy.* 1040 (which led Hunt to abandon the idea of novation) and the other contracts employing, in place of σὺν ἡμιολίᾳ, the parallel phrase σὺν διαφόρῳ or σὺν τόκῳ,[22] which cannot possibly mean "including penalty" but can mean only "including interest."

It is clear, then, that in contracts of loan in kind, σὺν ἡμιολίᾳ modifying the amount of the loan is not a sign of novation but means "including interest of 50%."[23] This conclusion may be of

[20] To be sure, τὰς . . . ἡμιολείας must here mean interest "at the rate of 50%" instead of the usual "amount of 50%" (cf. note 4); but this is surely, especially in view of the late date of the document (IV/V century), a natural and understandable ellipsis for διάφορον . . . ἐξ ἡμιολίας, as it is more fully expressed in *P. Oxy.* 1040, 25–26 (cf. also *P. Oxy.* 1474, 18 διάφορον ἐξ ἡμισείας, which the editors correctly translate "interest for the overtime at the rate of half the capital," and 1640, 7 διάφορον ἐκ τρίτου, which they translate "an extra payment at the rate of one-third").

Holding insistently to the principle that ἡμιολία is an amount not a rate, Berger (92 n. 5 and 124) is led to conclude that overtime interest can be designated as ἡμιολία only when the stipulated rate and the length of the overtime period combine to equal one-half the principal. This view might hold if the expression occurred in receipts for repayment of loans, but is manifestly impossible in a loan contract, such as *P. Amh.* 147, where, the duration of a possible future delay in repayment being unpredictable, overtime interest can be expressed only as a rate.

[21] Interest-free: *P. Adl. Gr.* 4; *BGU* 1156; *P. Grenf.* II, 27; *P. Lond.* 1766; *P. Par.* 7 (= *UPZ* 190); *P. Rein.* 8 and 31. Interest-bearing: *P. Grenf.* II, 89; *P. Lond.* 1699 (cf. 13 n.); *P. Teb.* 818. In *PSI* 389 (242 B.C.), on the other hand, it seems, even after taking the present mutilated state of the papyrus into account, as though no specific mention of interest was made. *P. Warren* 8 (= *SB* 7663; 86 A.D.) also makes no mention of interest, but the figures in which the amount of the debt is expressed — 181½ artabs of wheat and 87 artabs of barley — look very much as though they include the usual interest of one-half (121 + 60½ = 181½, 58 + 29 = 87).

[22] Cf. note 14 A. 2, 3 and B.

[23] If there is a characteristic phraseology of novation, it would seem to lie in the unambigious reference (frequently with the verb ὀφείλω or προσοφείλω) to the unpaid debt: cf. note 27 and the texts cited in note 21.

more than immediate significance, for with these contracts eliminated there remains no indisputable evidence that novation in Greco-Roman Egypt ever incorporated the penalty for the previous default.[24] *BGU* 1156 (15 B.C.) may record such a case, but is too lacunose for certainty.[25] *P. Par.* 7 (= *UPZ* 190) is commonly cited as the classic example of such an arrangement.[26] This loan of 22½ artabs is specifically stated to represent the novation of a previous loan of 14 artabs;[27] and the figure 22½ has usually been explained as consisting of 14 for the old loan + 7 for ἡμιολία penalty + 1½ for interest[28] — "peut-être à tort d'ailleurs, car ce n'est pas dit dans le texte," remarks Jouguet,[29] the only one even to question this view in recent years. Though he pursues this doubt no further, Jouguet carefully eschews the term "interest" and cautiously speaks of the 1½ artabs as "des frais supplémentaires." This caution is well-founded, for interest as low as 1½ artabs on 14 is unknown in Greco-Roman Egypt.[30] It would be much more consistent with what we know from other sources to picture the 22½ artabs as made up of the old loan (14) + ἡμιολία *interest* on the old loan (7) + unspecified extras (1½).[31]

[24] On the possible implication of this fact see the end of this discussion, pp. 134 f.

[25] Cf. Berger 91. In a letter to me, Dr. O. M. Pearl suggests that *BGU* 1053 (= Mitteis, *Chrestomathie* No. 105), a similarly worded contract, may present an analogous situation, namely, one contract for 120 drachmas increased by default to 180 dr., and one contract for 120 dr., both subsumed in the new contract for 300 dr.

[26] Cf. Wilcken, *UPZ* 190, Introd. (including bibliography of previous literature) and *APF* 13 (1939) 137–8; Taubenschlag, *Zeitschrift der Savigny-Stiftung, Rom. Abt.* 51 (1931) 88 and *op. cit.* 320 n. 4.

[27] Lines 16–20: τοῦτο δ' ἐστὶν τὸ δάνειον ὃ ἀνωμολογήσατο ἔχειν . . . ἀνθ' ὧν προ<σ>ώφειλεν . . . (πυροῦ) (ἀρτ.) ιδ. Note, incidentally, that there is no mention of ἡμιολία here; the term (ἡμιόλιον) occurs only in line 14, where it is laid down as the penalty in the event of default on the present (novated) loan.

[28] Cf. Wilcken, *ll. cc.* (see note 26), who similarly regards the 13 artabs of *P. A.-M. Desrousseaux* as consisting of 8 (old loan) + 4 (penalty for default) + 1 (interest).

[29] *L.c.* (see note 16).

[30] Cf. note 8, and the table of loans in G. Mickwitz, *Geld und Wirtschaft im römischen Reich des vierten Jahrhunderts n. Chr.* (Helsingfors, 1932) 207–225.

[31] Cf. *P. Rein*, pp. 37, 65 n. 4, 129 n. 3; perhaps Rabel, *l.c.* (see note 17) 319 (ambiguous on this point); Mitteis, *Grundzüge* 117 and *Chrestomathie* No. 225, Introd. Berger (91) suggests that the 1½ artabs represent overtime interest, but the document was drawn up on April 12, by which time interest for overtime since the preceding harvest would be about 4 or 5 artabs. However, in this novation a daughter assumes a debt contracted by her father, who died some time after defaulting the loan: might the overtime interest have ceased with the original debtor's death? In Roman law, death of the creditor could sometimes have this effect: cf. *Dig.* 22.1.9.1 (Papinian).

That the interest on the original loan was frequently included in novation is attested by Justinian's law illegalizing the collection of interest upon interest (*Cod. Just.* 4.32.28, 529 A.D.; cf. 7.54.3 pr. and 2, 531 A.D.).

There remain two quittances, *P. Würz.* 6 and *P. A.-M. Desrousseaux*, in which σὺν ἡμιολίᾳ is thought to indicate the penalty included in a novated loan.[32] Though hitherto unquestioned, this view is not only a priori suspect in the light of what has been demonstrated above on σὺν ἡμιολίᾳ in loan contracts, but is open to question also on other grounds. In *P. Würz.* 6 the creditor acknowledges the repayment of ἃς ὠφείλοσαν αὐτῶι κατὰ συγγραφὴν δανείου ἐξαμάρτυρον πυρῶν ἀρτάβας δέκα 'δύο' σὺν ἡμιολίαι καὶ τὰ <τού>των προσ[γ]εγενημένα διάφορα (lines 12–14).[33] Wilcken took this to mean that the debtors repaid "twelve artabs of wheat, including penalty of one-half, and the interest thereupon."[34] Now it is noteworthy that διάφορα is here plural, whereas "interest" is regularly expressed by the singular, διάφορον.[35] But even if it be granted that Wilcken's interpretation renders the individual terms correctly, one cannot help wondering whether a formula which was careful to specify that the principal of the loan included a penalty for a previous default would merely allude to the interest without stating its amount.[36] Jouguet, too, though he accepted the idea of novation, was apparently not satisfied with the interpretation of these διάφορα as interest, but preferred to regard them, like the 1½ artabs of *P. Par.* 7, as undetermined "frais supplémentaires."[37] But if the διάφορα are here unspecified extras, then σὺν ἡμιολίαι can mean "including 50% interest," as in the contracts discussed above — in fact, its appearance in the quittance is probably explained by its having been copied verbatim from the loan contract, to which specific reference is made (κατὰ συγγραφὴν δανείου) — in which case the loan becomes one of eight artabs at the usual interest of one-half, and the implication of novation disappears. A parallel situation where διάφορα represent not interest but some extras in addition

[32] Cf. Wilcken, *P. Würz.* p. 47 and *APF* 13 (1939) 137–8; Jouguet, *op. cit.* (see note 16) 229, 237; Taubenschlag 320 n. 4.

[33] Similarly in the signature, lines 32–36; lines 15–19 have καὶ μὴ ἐξέστωι . . . ἐπελθεῖν . . . περὶ τῶν π[ρ]ογεγραμμένων ⸗[υρο]ῦ ἀρτ[α]β(ῶν) δέκα δύο καὶ τῶν τούτων διαφόρων.

[34] Wilcken, *ll. cc.* (see note 32).

[35] For instances see notes 11–13 and 43.

[36] As is done, e.g., in *P. Oxy.* 1042.

[37] *L.c.* (see note 16). Again (cf. note 31) one inevitably wonders whether these "frais supplémentaires" represent overtime interest. If so, they must have been very small, since *P. Würz.* 6 is dated July 11 (i.e., still in the post-harvest repayment season) — a fact which, in turn, might explain why the διάφορα are merely mentioned without their amount being specified.

to interest occurs in *P. Oxy.* 1118 (I/II century A.D.), 6–7: *τοὺς προσοφειλομένους τόκους καὶ τὰ [διά]φορα.*

In *P. A.-M. Desrousseaux*[38] the presumptive evidence against novation is perhaps even stronger. In this case, we are told (lines 11–13), a cow had been given as security for the loan by means of a fiduciary sale, a procedure familiar in classical Greece (where it is known as *πρᾶσις ἐπὶ λύσει*) as well as in Greco-Roman Egypt (where the term is usually *ὠνὴ ἐν πίστει*). The object of a fiduciary sale passed immediately to the "purchaser" (i.e., the creditor of the loan), for his use during the term of the loan; he was obligated to return it upon repayment of the loan, but acquired the right to dispose of it if the loan was not repaid on time.[39] Under these conditions a *ἡμιολία* penalty would obviously be gratuitous, and it is in fact never found in such transactions.[40] In the case under consideration it is still possible to argue that the cow was given as security at the time of novation including penalty, rather than at the time the original loan was granted;[41] otherwise, *σὺν ἡμιολίαι* must mean "including interest of one-half."

To sum up: a definitive judgment on these quittances — and therefore on the larger question of the *ἡμιολία* in novation — is not yet possible in view of the ambiguities remaining; but, given especially the fact that *σὺν ἡμιολίᾳ ἀρτάβας x* in loan contracts means "*x* artabs including 50% interest," the burden of proof is surely upon those who would have this same expression mean something else in the quittances just discussed. What can be asserted, in any case, is that there is to date no certain evidence that the penalty for previous default was ever included in the novation of a loan in Greco-Roman Egypt — a fact which suggests that the

[38] Cf. notes 28, 32. Lines 5–10 read *ὁμολογεῖ . . . ἀπέχειν . . . ἃς ὤφειλεν . . . κατὰ συγγραφὴν δανείου ἐξαμάρτ[υρον] κριθῆς ἀρτάβας δεκατρεῖς σὺν ἡμιολίαι κτλ.*

[39] Cf. Taubenschlag 206–207.

[40] Cf. Taubenschlag, *ibid.* notes 7–10, for a list of pertinent documents, to which add now *P. Mich.* 328–330, 332, 335. The inapplicability of the *ἡμιολία* penalty in secured loans — a fact which has, I believe, hitherto been overlooked — is beautifully illustrated by *P. Teb.* 817 (182 B.C.), in which a man borrows some money, pledging his house as security: if he does not produce and guarantee the security as stated, the loan becomes payable forthwith; if then he does not repay the (now unsecured) loan, he becomes liable for the amount of the loan plus *ἡμιολία* penalty and overtime interest. Similarly, in *P. Rainer* Inv. No. 2016 (cf. note 14 B), since the loan is secured by a mortgage, provision is made for overtime interest but not for *ἡμιολία* penalty.

[41] As far as I can see there is unfortunately no way of deciding this crucial point from the text.

creditor's consent to novation of a defaulted loan may have entailed the waiver or extinction of penalties for the previous default.[42]

II

The parallel phrases σὺν ἡμιολίᾳ, σὺν διαφόρῳ and σὺν τόκῳ differ only in that ἡμιολία is restricted to interest of one-half, while διάφορον and τόκος can denote interest charges of any magnitude. Therefore, to avoid unduly cumbersome citation, ἡμιολία will be used in the discussion that follows to represent the whole group, and what is said below of σὺν ἡμιολίᾳ should be understood as applying, with the difference just noted, also to σὺν διαφόρῳ and σὺν τόκῳ.

There are a few contracts in which the borrower, after acknowledging his indebtedness, promises to discharge it σὺν ἡμιολίᾳ or μεθ' ἡμιολίας, "along with [i.e., plus] 50% interest."[43] It should be noted that in these cases the phrase σὺν ἡμιολίᾳ occurs in the promise-to-repay clause, and is an adverbial modifier of the verb "to repay." Quite different is the formula with which we are concerned — e.g. *P. Teb.* 110, 3–5 ὁμολογῶ ἔχειν παρὰ σοῦ πυρῶν ἀρτάβας εἴκοσι τέσσαρες ἥμισυ σὺν ἡμιολίᾳ, ἃς καὶ ἀποδώσω κτλ.[44] Here σὺν ἡμιολίᾳ is found in the clause acknowledging receipt, and is an adjectival modifier of the amount of the loan, not a modifier of the verb. Yet here too

[42] This is, of course, an *argumentum ex silentio*, but, barring the unlikely discovery of a legal text on the subject, no other kind of argument is or will be possible in the nature of the case. It is noteworthy, however, that *novatio* extinguished *mora* in post-classical Roman law: cf. *Dig.* 46.2.8 pr. (Ulpian) (but not in classical law: cf. Γ. Α. Πετρόπουλος, Ἱστορία καὶ εἰσηγήσεις τοῦ Ῥωμαϊκοῦ δικαίου [Athens, 1944] 758 n. 21). The creditor's chief *quid pro quo* for waiving the penalty for default would be the avoidance of the potential "headaches" of collection, on which cf. *P. Oxy.* 237, VIII, 9–18 and P. Collinet, *Atti del IV Congresso internazionale di Papirologia* (Milan, 1936) 89–92.

[43] The following may serve as examples:

ἡμιολία: *P. Flor.* 54, 14–15, 17–20; cf. *P. Cairo Zenon* 59414, 6–9 ἀποδώσομεν δὲ σοι ἐγ νέων ἡμιόλιον. This clause, which is simply a promise to repay with interest, must be carefully distinguished from the very common penalty-for-default clause ἐκτείσω (aut sim.) μεθ' ἡμιολίας (or ἡμιόλιον): cf. notes 5, 40, 63.

διάφορον: *P. Fuad* 43, 39–50; *P. Oxy.* 1042, 26–28; *P. Warren* 10, 14–15; cf. *P. Oxy.* 988, II, 1 ff. ἀποδώσω . . . τὰ προκείμενα κεφάλαια σὺν τοῖς συναχθησομένοις διαφόροις, where the plural διαφόροις may be due to the plural κεφάλαια. Cf. also below, p. 137 and note 55, on *P. Strassb.* 71. Similarly *P. Oxy.* 1474, 14 ταύτας ἀποδώσιν σοι χωρὶς διαφόρου.

τόκοι: *P. Oxy.* 507, 13.

ἐπικέρδεια is found in this context in the Byzantine period: *P. Lips.* 13 (366 A.D.), 18–19 (cf. 23–24) ἃ καὶ ἀποδώ[σ]ω . . . μετὰ τῆς συναχθησομένης ἐπικερδείας; similarly *P. Giss.* 53 (IV century A.D.), *P. Cairo Masp.* 67163 and 67309 (both 569 A.D.), *P. Lond.* 1737 (613 A.D.).

[44] The other texts employing this formula are listed in note 14.

σὺν ἡμιολίᾳ has sometimes been mistaken to mean "plus 50%."[45] In this erroneous view the borrower of *P. Teb.* 110 is pictured as receiving $24\frac{1}{2}$ artabs and promising to pay back $24\frac{1}{2} + 12\frac{1}{4}$, or $36\frac{3}{4}$ artabs. But, as most editors and commentators have already indicated,[46] the only sense grammatically admissible is "I acknowledge receipt of wheat to the amount, including 50% interest, of $24\frac{1}{2}$ artabs, which I will repay. . . ." In other words, the borrower received $16\frac{1}{3}$ artabs and was to repay $16\frac{1}{3} + 8\frac{1}{6} = 24\frac{1}{2}$ artabs. The figure $24\frac{1}{2}$ is not only qualified as "including the additional one-half" (σὺν ἡμιολίᾳ), but is further characterized as the amount to be repaid (ἃς καὶ ἀποδώσω).

If further proof is needed, it is provided by those cases where the formula reads σὺν τῇ ἀνιλημμένῃ (or ἐπηγμένῃ) ἡμιολίᾳ,[47] which can hardly mean anything but "with the 50% interest (already) added on."[48] And if any lingering doubt still subsists that this is what the σὺν ἡμιολίᾳ formula under discussion really means, it must be decisively dispelled by two of the texts in question, which express the contractual conditions with an explicitness that leaves no room for ambiguity. *P. Gen.* 9, a loan of money and seed, has (I, 2–10 and II, 2–9): ὁμολ[ο]γῶ εἰληφένα[ι . . . παρὰ] σοῦ δάν[ει]ον ἔντοκον . . . λαχανοσπέρμου ἀρτάβας δέκα . . . διαφόρου τοῦ λαχάνου [ἀρταβῶ]ν τεσσάρων, (γίνονται) λαχάνου σὺν διαφόρῳ [(ἀρτ.) ιδ, ἃ]περ πάντα ἀποδώσω σοι κτλ, "I acknowledge having taken from you an interest-bearing loan (consisting of) . . . ten artabs of vegetable seed . . . at interest of four artabs of vegetables — equals, including interest, 14 artabs of vegetables — all of which I will repay . . ."; after which the borrower signs (I, 24–26 and II, 23–25) δεδάνισμαι . . . λαχάνου σὺν διαφόρῳ ἀρτάβας δεκατέσσαρας καὶ ἀποδώσω ὡς πρόκειται, "I

[45] Reinach, *P. Rein.* pp. 37, 38 (on *P. Teb.* 110); Mickwitz, *Geld u. Wirtschaft* 207, 209, 216, 217, 219 (on *SB* 7341, *P. Bad.* 38, *P. Lips.* 11, *P. Oslo* 37 and 38, *PSI* 42, *P. Amh.* 147).

[46] Cf. C. Wessely, *CPR* p. 59 ("den Zins inbegriffen"); Mitteis, *P. Lips.* 11, Introd.; Rabel, *l.c.* (see note 17); Grenfell and Hunt, *P. Teb.* I, p. 471 ("including the additional one half"); Berger, 91 n. 5; Arangio-Ruiz, *l.c.* (see note 17); Wilcken, *P. Würz.* p. 47 ("einschliesslich der 50%") and *APF* 13 (1939) 137–8; Jouguet, *op. cit.* (see note 16) 233, 237 ("avec et y compris le(s) 50%"); H. C. Youtie and O. M. Pearl, *P. Mich.* VI, p. 102, where *P. Mich.* 399, 1–4 σίτου . . . σὺν εἰκ(οστῇ) ἀρ(τάβας) τρῖς δωδέκατον is correctly translated "of grain . . . including the twentieth, three and one-twelfth artabs." Note also how clearly "inclusive" (σὺν) and "plus" (καὶ) are distinguished in *P. Würz.* 6 (text quoted above, p. 133 and note 33).

[47] *SB* 7341, *P. Rainer* Inv. No. 2016, *P. Amh.* 147 (cf. note 14).

[48] Cf. Berger 91 n. 5. Note also the contrast between this perfect participle and the future συναχθησόμενος in note 43.

have borrowed . . . including interest, fourteen artabs of vegetables, and will repay as stated above." Equally explicit is *P. Oxy.* 1040: in lines 9–13 the borrowers acknowledge that they have received ἀρτάβας τέσσαρας ἐπὶ διαφόρῳ ἡμιολίας,[49] ὡς εἶναι ἐπὶ τὸ αὐτὸ πυροῦ σὺν διαφόρῳ ἀρτάβας ἕξ, ἅσπερ ἀποδώσω (sic) κτλ, "four artabs at interest of one-half, so that the total, including interest, is six artabs of wheat, which we will pay back . . ."; and further along penalties are provided in case they do not repay as agreed τὰ]ς προκειμένας τοῦ πυροῦ σὺν δι[αφό]ρῳ ἀρτάβας ἕξ (lines 22–23), "the aforementioned six (including interest) artabs of wheat."

It is thus eminently clear that the compressed formula ἔχω σὺν ἡμιολίᾳ ἀρτάβας *x*, like the more frequent χρῆσιν ἔντοκον,[50] has the effect of expressing the loan in terms, not of the amount actually borrowed, but of *the amount, including interest, to be repaid.* This is, no doubt, similar *in effect* to the modern practice of discount, or interest deducted in advance. But viewing the contractual situation in terms of modern practice involves a very real danger of misinterpretation, for while discount and interest are the same in that they both represent the difference between what the borrower receives and what he pays back, they are different when expressed as fractions or percentages: thus, a discount [deduction] of 50% (from the total amount to be repaid) equals interest [addition] of 100% (on the principal), a discount of 1/3 equals interest of 1/2, and a discount of 1/4 equals interest of 1/3.[51] The kind of error into which it is possible to fall by thinking of σὺν ἡμιολίᾳ in terms of discount can be seen in the case of *P. Strassb.* 71, in which a granary-guard is instructed: μέτρησον . . . Πάσειτι . . . ἀρτάβας τρεῖς καὶ γραψάσθω τοῦ πυροῦ σὺν διαφόρῳ ἐκ τρίτου (lines 2–9). Preisigke[52] explained this as meaning that the loan was subject to a 33⅓% discount, so that the farmer had to pay back three artabs but actually received only two. This interpretation is impossible be-

[49] Cf. lines 43–44 (signature), and *P. Fuad* 43, 30–31 ἐπὶ διαφόρῳ ἐκ τρίτου.

[50] Cf. G. Vitelli, *P. Flor.* 72, 3 n. For other occurrences of this expression see Preisigke, *Wörterbuch* . . . *s.v.*, 2); cases where χρῆσιν ἔντοκον is fortified by a subsequent σὺν τόκῳ are cited above, note 14 B (cf. also *P. Gen.* 9, above p. 136). Here, too, Mickwitz, *Geld u. Wirtschaft* 208–218, erroneously takes the amount specified as the principal of the loan.

[51] I.e.: $(1 - 50\%) = \frac{1}{2}$, but $(\frac{1}{2} + 100\%) = 1$; $(1 - 33\frac{1}{3}\%) = \frac{2}{3}$, but $(\frac{2}{3} + 50\%) = 1$; $(1 - 25\%) = \frac{3}{4}$, but $(\frac{3}{4} + 33\frac{1}{3}\%) = 1$.

[52] *P. Strassb.* 71, Introd.; cf. *Fachwörter des öffentlichen Verwaltungsdienstes Ägyptens* (Göttingen, 1915) 56, *s.v.* διάφορον 4: "im voraus bezahlter Zins, d. h. ein Zins der bei Empfang eines Darlehens im voraus vom Darlehen abgezogen wird."

cause the mathematical operation involved in *σὺν διαφόρῳ* is *addition* (interest), not *subtraction* (discount); under the terms envisaged by Preisigke the *interest* would have been one artab on two, or 50%.[53] The instructions to the granary-guard were: "measure out to Paseis three artabs of wheat, and let him sign (a note) for the wheat with interest of one-third" — which means, as Grenfell and Hunt saw,[54] that Paseis received three artabs and engaged to repay four.[55]

Correctly viewed then, *σὺν ἡμιολίᾳ* (*διαφόρῳ, τόκῳ*) in the context under consideration represents not "a sort of banker's discount,"[56] but *interest added on in advance.*[57] As already noted, the formula *ἔχω σὺν ἡμιολίᾳ ἀρτάβας x* by-passes the amount borrowed and at once couches the contract in terms of the amount to be repaid. A certain conciseness is thus inherent in this formula, but was conciseness its chief purpose? The fact that by this formula the borrower is placed in the position of *acknowledging actual receipt of the total amount (including interest) which he promises to repay,*[58] suggests that something more than the saving of words and paper is at stake. *P. Berl. Möller* 4 (= *SB* 7341) is particularly instructive in this connection: here we have the usual acknowledgment by the borrower that he has received the full contractual sum

[53] Johnson (*Roman Egypt* 449) notes this point but fails to see that it invalidates Preisigke's interpretation, which he accepts (cf. also 460 n. 61).

[54] *P. Oxy.* 1474, 18 n.

[55] It is at first sight tempting to conclude that the contract for this loan was, like those discussed above, to be couched (*γραψάσθω*) in terms of the amount, including interest (*σὺν διαφόρῳ*), to be repaid. Such a conclusion may, however, be unwarranted. As explained above (p. 135), *σὺν διαφόρῳ* means "including interest" when it occurs in the clause of the contract which acknowledges receipt, "plus interest" when it occurs in the promise-to-repay clause. In *P. Strassb.* 71, since the *μέτρησον* clause refers to the receiving, the *γραψάσθω* clause (in which *σὺν διαφόρῳ* occurs) may refer to the repayment—in which case the *γραψάσθω* clause would mean, in effect, "let him agree to repay the wheat plus interest of one-third," rather than "let him sign (that he has received) the wheat including interest of one-third."

[56] Johnson, *Roman Egypt* 449; cf. *P. Rein.* p. 92 n. 3 ("escompte en dedans").

[57] Cf. Rabel, *l.c.* (see note 17): "Die Zinsen . . . werden vornweg zum Kapital geschlagen und mit diesem als empfangen bezeichnet"; Berger 92; Mitteis, *P. Lips.* 11, Introd. and *Grundzüge* 118 n. 1.

[58] So, too, in the debtors' signatures cited above, note 14, and also in the signatures of a number of contracts antedating slightly the earliest instance of *σὺν ἡμιολίᾳ*: *P. Rein.* 9, 34–35; 15, 32–33; 16, 43–44 (surely to be restored, on the analogy of the others, ἔ[χο]μεν τὰς τοῦ [π]υροῦ ἀρτάβας ἑ[ιακοσίας πεντήκοντα]); 22, 32–33; 23, 31–32. "L'emprunteur se reconnaît *hic et nunc* débiteur du total d'artabes formé en ajoutant au capital prêté l'interêt de moitié" — *P. Rein.* p. 37; cf. Rabel, *l.c.* (see note 57). Similarly, in the quittance issued upon repayment, the creditor acknowledges receipt of the amount "which he lent": cf. *P. Rein.* 12, 3; 13, 6; 25, 7; 27, 1–2.

including interest (in this case, six artabs), followed by another clause reiterating that he actually received the six artabs at the time of the signing of the contract, after which the six artabs are twice specifically termed "the loan" to be repaid.[59] The clue to this seemingly inordinate insistence on identifying the loan with the amount to be repaid is found, I think, in those of the contracts which go on to stipulate the penalties to be exacted in case of failure to repay as agreed. In *P. Lond.* 218, *P. Teb.* 110 and *SB* 7341 this penalty is a sum of money for each artab; in *P. Oxy.* 1040 it is "an additional one-half" and overtime interest; *P. Rainer* Inv. No. 2016 and *P. Amh.* 147 provide for overtime interest. On what were these penalties calculated? Obviously on the amount of the loan.[60] But what was the "amount" of the loan? Was it the amount borrowed or the amount to be repaid?[61] If this were not made clear in the contract, a debtor in default and facing execution proceedings might conceivably claim that penalties should apply only to the principal and not to the interest. This is, indeed, specifically provided by some contracts.[62] Others are equally specific in making penalties apply to principal + interest, or the amount to be repaid.[63] This same effect is achieved with greater simplicity but equal finality by the σὺν ἡμιολίᾳ (διαφόρῳ, τόκῳ) formula, which, glossing over or omitting entirely any mention of the principal borrowed, establishes from the start the amount to be repaid as "the amount of the contract." Perhaps this, rather than brevity, was the primary purpose of the σὺν ἡμιολίᾳ formula.

[59] Lines 5–12: ἐδάνισεν . . . κριθῆς . . . ἀρτάβας ἓξ σὺν τῇ προσηγμένῃ ἡμιολίᾳ, ἃς καὶ ἔληφεν παρ' αὐτοῦ παραχρ[ῆ]μα ἅμα τῇ συγγραφῇ ταύτῃ τεθεμένῃ κυρίᾳ. τὸ δὲ δάνηον τοῦτο, τὰς ἓξ ἀρτάβας τῆς κριθῆς, ἀποδώσο κτλ; lines 31–37 (signature) ἔχω . . . τ[ὸ] δάνιον, τὰς τῆς κριθῆς . . . ἀρτάβας ἓξ σὺν τῇ προσηγμένῃ ἡμιολίᾳ . . ., ἃς καὶ ἀποδώσω κτλ. Möller's explanation (p. 50) is perforce sophistical, because it is based on the unreal assumption of a novation (cf. above, pp. 130–135).

[60] Cf., e.g., Berger 118: "ἡμιολία des Darlehensbetrag"; *P. Amh.* p. 180: "the due sums greater by half."

[61] This question has received scant attention in the many studies on loans. The evidence would probably repay a thorough study.

[62] The expression is ἀποτίνειν τὸ μὲν δάνειον ἡμιόλιον (or σὺν ἡμιολίᾳ), τὸν δὲ τόκον ἀπλοῦν: cf. e.g. *P. Mich.* 190 (172 B.C.), 22–24; *SB* 7532 (74 B.C.), 16–19; *BGU* 1147 (14/13 B.C.), 16–17.

[63] E.g. *P. Oxy.* 1040, 20–26 ἐ[ὰν] δὲ μὴ ἀποδῶ καθὰ ἐγραψάμε[θα τά]ς προκειμένας τοῦ πυροῦ σὺν δι[αφό]ρῳ ἀρτάβας ἓξ, **ταύτας** |<σ>αι| ἐκτεί[σω σ]ροι μεθ' ἡμιολίας καὶ διάφορον |[δι]άφορον| τοῦ ὑπερπεσόντος χρόνου [ὁμοί]ως ἐξ ἡμιολίας. Similarly τὰ **τούτων** διάφορα in *P. Würz.* 6 (cf. above, p. 133 and note 33). Cf. also *P. Rein.* p. 38 on *P. Rein.* 9 and 10.

TWO PETITIONS FOR RECOVERY

(P. Col. Inv. Nos 61 and 62; 318 A.D.)

The papyri which form the subject of the present article come from the fourth-century "Aurelius Isidorus archive," which is now distributed among the collections of the British Museum, the Cairo Museum, Columbia University, New York University, the University of Michigan and Mr. Wilfred Merton (in London). Pieces from this archive have previously been published by Boak in *Mélanges Maspero* II, *Etudes de Papyrologie* II-V (1934-39), *Harvard Studies in Classical Philology* LI (1940), *Byzantion* XVII (1944-45) and *The Journal of Juristic Papyrology* I (1945); and by Kraemer and Lewis in *Transactions of the American Philological Association* LXVIII (1937).

Among the Columbia pieces are two petitions from Aurelius Isidorus for the recovery of a defaulted debt. These petitions date from 318 A.D.,[1] but the antecedents of the affair — revealed by one of the Merton papyri,[2] which I am able to summarize here through the kind offices of Sir Harold Bell — go back to the year 314/5 A.D. In that year Isidorus leased from two brothers, Castor and Ammonianus, some 25 arouras of seed land ἐπὶ κοινωνίᾳ ἡμίσους μέρους. Presumably, as was usual in such métayage arrangements,[2a] Isidorus was to furnish the labor in exchange for half the produce. Actually, Isidorus advanced the seed, paid the hire of oxen to break up the ground and of reapers for the harvest, and in addition made Castor and Ammonianus a direct loan in money and kind. This cumulative indebtedness was no doubt to be deducted from Castor and Ammonianus' half share of the produce. After the harvest,

[1] See below, note to Inv. No. 61, line 17.

[2] This papyrus appears as No. 6 of Box xvi in the inventory of the 1924 group purchase directed by Sir Harold Bell. It will, accordingly, be referred to in this article as P. Merton ined. xvi. 6.

[2a] *Cf.* S. Waszyński, *Die Bodenpacht*, pp 153-156.

however, the brothers came and carried off the entire produce of the 25 arouras. Unable to obtain restitution by direct appeal to the culprits, Isidorus notified the *strategus (= exactor civitatis)*[2] and the *praepositus pagi*, and, on December 27, 315 A.D., petitioned the *praeses Aegypti Herculiae* for redress. This petition was returned with the *praeses'* subscript stating that the *exactor* would investigate and see that justice was done. On January 30, 316, Isidorus addressed another petition to the *strategus*, appending a copy of his petition to the *praeses* with the latter's subscript, and asking the *strategus* to proceed accordingly.

P. Col. Inv. No. 61 now picks up the story, revealing that the matter was settled in Phamenoth (=Feb./March) of 316 — no doubt after the intervention of the *strategus-exactor*, though this is not specifically stated. In the settlement Castor and Ammonianus apparently discharged their entire indebtedness to Isidorus except for 32 artabs of wheat and 18 artabs of kidney-beans. For his remaining debt they gave him a note secured by a hypothec upon three oxen; and simultaneously their brother-in-law, Tomis, executed a surety bond, guaranteeing Isidorus the possession of the three oxen if Castor and Ammonianus failed to repay their debt in Payni (= May/June, after the next harvest).

Payni came and went, but Isidorus received neither produce nor oxen. In the course of the next two years, during which, we must suppose, Isidorus made repeated attempts to collect, Castor died, Ammonianus resorted to flight (ἀναχώρησις), and Tomis and his brother Demetrius (who was also the husband of Atola, sister of Castor and Ammonianus) took possession of all of the property of Castor and Ammonianus. The new owners, however, were no more inclined than the old to discharge the outstanding obligation to Isidorus, and finally, on April 13, 318 A.D., Isidorus petitioned the *praeses Aegypti Herculiae* for redress. This petition (P. Col. Inv. No. 61) was returned to Isidorus with the *praeses'* subscript stating that the *praepositus pagi* would investigate and assist him to recover. Upon receipt of this response Isidorus, on July 13, 318, addressed a petition (P. Col. Inv. No. 62) to the *praepositus pagi*, append-

[2] *Cf.* F. Oertel, *Die Liturgie*, p. 219.

ing a copy of his April petition with the *praeses'* subscript, and asking the *praepositus* to summon the accused before him and render judgment.

Of particular legal interest in these two Columbia petitions are the hypothecation of oxen and the evidence on the judicial competence of the *praepositus pagi*.

In the documents from Graeco-Roman Egypt, mortgaged objects are usally *immobilia*, but hypothecs of movables are not unknown.[4] A hypothec of cattle has, however, not hitherto been encountered, as far as I know. An analogous but not identical situation is found in P. A.-M. Desrousseaux,[5] dating from 73 B.C., where a cow is the object pledged in a fiduciary sale (πράσις ἐπὶ λύσει or ὠνὴ ἐν πίστει). The two types of transactions were largely equivalent in practical effect, so much so, in fact, that the fiduciary sale was frequently thought of and expressed in hypothec terms; *cf. e. g.*

P. Heidelb. 1278 (= Mitteis *Chrest.* 233; 111 B.C.). 4-6 ὃν ὑπέθετο... κατὰ συγγραφὴν ὠνῆς ἐν πίστει,

P.A.-M. Desrousseaux (73 B.C.), 11-13 ὑπ]έθεντο... καθ' ...ὁμολογίαν πρά[σεως] βοὸς [θ]ηλείας πρὸς ἀσφ[ά]λειαν τοῦ δανείου,

BGU 650 (= Wilcken *Chrest.* 363; 46/7 A.D.). 6 ἀγορασμῶι ἢ καὶ ὑποθήκῃ κλήρου, and

P. Lond. 338 (= Mitteis, *Chrest.* 52; ca 150 A.D.), γράμματα χειρογράφου πράσεως [καὶ ὑ]ποθήκης κα(ὶ) δ[αν]είου.

From the legal point of view, however, there was this important distinction: under a hypothec the debtor retained possession of and title to his property, which was placed under lien; in the other case, since the transaction was in the form of a sale, title passed immediately to the "purchaser" (= creditor), while the object "sold" remained in the actual possession of the "seller" (=debtor).[6]

Another noteworthy feature of this hypothec is its inclusion of a suretyship (ἀναδοχή) to guarantee performance of

[4] *Cf.* L. Mitteis, *Grundzüge*, p. 132; for mortgaged slaves *cf.* F. Hamb. p. 120.

[5] Published by P. Jouguet, *Mélanges Desrousseaux* (Paris, 1937), pp 229-238.

[6] *Cf.* Mitteis, *op. cit.*, p. 135; R. Taubenschlag, *The Law of Greco-Roman Egypt*, pp 206-207.

the obligation. Such an arrangement, while not unique, was rare. Normally, a mortgage in Greco-Roman Egypt contained a βεβαίωσις or similar clause, in which the debtor-mortgagor himself expressed the necessary guarantees on his own liability;[7] sureties were generally required only for unsecured loans. It is clear, however, that sureties were occasionally demanded even where a debt was secured by a mortgage[8] — *cf. e. g.*, P. Cairo Zenon 59504 (third century B.C.); P. Oxy. 2134 (ca 170 A.D.); P. Mon. 14 (594 A.D.); and P. Oxy. 270 (= Mitteis, *Chrest.* 236 = Select Papyri 57; 94 A.D.), in which a mortgagor in turn guarantees to indemnify her surety: if he is called upon to pay her debt, he will receive the mortgaged property in exchange.

The *praepositus pagi* is a well-known administrative official of fourth-century Egypt.[9] His police and fiscal functions are attested by a considerable body of texts;[10] but

[7] *Cf.* A. B. Schwarz, *Hypothek und Hypallagma*, p. 55; Taubenschlag, *Atti del IV Congresso internazionale di papirologia*, pp 271-272 and *op. cit.*, pp 212, 226, 311 („in the course of time [i. e., in the third century B. C.] the debtor became his own surety.").

[8] So, too, in a second-century-B.C. law of Samos: *cf.* Taubenschlag, *op. cit.*, p. 210 note 31.

[9] *Cf.* M. Gelzer, *Studien zur byzantinischen Verwaltung Aegyptens*, pp 57-58; Oertel, *op. cit.*, pp 301-302.

[10] These may be classified as follows:

FISCAL

a. *Nominations to liturgic offices addressed to pr. p.:* P. Amh. 139 (= Wilcken, *Chrest.* 406); P. Cairo Preis. 18, 19; P. Goth. 5, 6; P. Lond. 1249; P. Oxy. 1425, 2124 (= Select Papyri 343, 344); PSI 1106, 1107; P. Théad. 50, SB 7757.

b. *Administration and revenues of mines:* P. Amh. 140; Stud. Pal. XX, 76.

c. *Miscellaneous:* P. Amh 142 (= *Chrest.* 65); BGU 21; P. Cairo Goodspeed 12; P. Cairo Preis. 6 (lines 1-5); P. Col. Inv. No. 181(19)+182 (published in *Transactions of the American Philological Ass'n* 68 [1934], pp 357-387); CPR 233 (= Wilcken, *Chrest.* 42); P. Flor. 36 (= Mitteis, *Chrest.* 64); P. Gen. 54?; P. Lond. 971 (= Mitteis, *Chrest.* 95); P. Oslo 113; P. Oxy. 1190 ?, 1253; SB 5356; PSI 309; P. Théad. 13, 16, 20, 32 (debt, presumably fiscal).

POLICE

a. *Petitions to pr. p.* (assault, theft): P. Amh. 141 (= Mitteis, *Chrest.* 126); P. Cairo Goodspeed 15 (lines 12-19)?; P. Théad, 21, 22.

b. *Oath of surety for appearance* (μονὴ καὶ ἐμφάνεια) *addressed to*

only a single document, P. Lond. 971 (= Mitteis, *Chrest.* 95), has hitherto indicated that he also exercised delegated judicial authority. This document is the record of a hearing before a higher official, presumably the prefect or *praeses.*[11] The complainant, possessor of a large holding of emphyteutic and other land,[12] protests that one of her overseers has been unjustly appointed to a tax-collection liturgy. Her advocate concludes his appeal with the characteristic plea[13] that his client be not hampered in her desire to cultivate her land and pay her rents to the state,[14] and the following exchange ensues (lines 19-20):

Magistrate: τίνα βούλεται δικαστήν;

Advocate: τὸν πραιπόσιτον τοῦ πάγου τὸν καὶ ἀπαιτοῦντα τὰ δημ[όσια].

Magistrate: ὁ [πρ]αιπόσιτος τοῦ πάγου μεταξὺ αὐτῶν [δ]ιαλήμφεται[15] τοῦ δικαίου π[.

The matter, in other words, is referred for judgment to the *praepositus pagi*, who (note the pointed epexegesis τὸν καὶ ἀπαιτοῦντα τὰ δημόσια) was the local official supervising appointments to liturgies and collection of taxes.[16]

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pr. p.: P. Würz 16 (fiscal implication' — *cf.* P. Oslo 113 and Mitteis, *Chrest.* 354, Introd.).

c. *Orders issued by pr. p.:* P. Cairo Preis 6 (lines 6-11); P. Oxy. 1505?, 1506.

d. *Searches:* P. Princ. 63?; P. Strassb. 129, 149.

[11] On Mitteis' conjecture (*Chrest.* p. 114) that this official was the Prefect of Egypt, see below note 18.

[12] Lines 16-17; *cf.* Mitteis, *Chrest.*, p. 115 note 17, and note 14 below.

[13] *Cf.* N. Lewis, *JEA* 23 (1937), p. 64 note 4.

[14] Line 18: καὶ τὴν γῆν παρ[αλ]αβε[ῖ]ν καὶ τοὺς φόρους τ[. τ[ελεῖν seems the obvious restoration. φόρους would encompass both the rents due on the emphyteutic land and the taxes on the land which she ἄ[λλ]ως ἐκληρονόμησεν (line 17).

[15] The *praeses'* subscript in P. Merton ined. xvi. 6 uses this same formula; *cf.* also the similar language of the subscript in P. Col. Inv. No. 61, 18-19 (see note 16).

[16] A similar procedure may be concealed in the summary wording of P. Théad. 13, 6-7. There we read that a *praeses* δέδωκεν βοήθειαν ὥστε διὰ τῶν πραιποσίτων ἀποκινηθῆναι τ[ὴ]ν... ἐνόχλησιν (sc. by the tax-collectors). In the light of P. Lond. 971 this probably means, not that the *praepositi* merely executed a judgment rendered by the *praeses*, but rather that the *praeses*, petitioned for relief from harassment by tax-collectors,

P. Lond 971, then, proves that the *praepositus pagi* could exercise judicial functions, at least in some matters pertaining to the state revenues. This text would indicate, further, to the *praepositus pagi* had no original jurisdiction, but had judicial competence only in specific cases delegated to him by a higher authority.

At this point the question naturally arises as to whether the *praepositus pagi* similarly exercised judicial authority in connection with his police functions. P. Théad. 22 makes it clear that, in certain criminal matters at least, he did not have judicial competence. In that document, a complaint concerning robbery, the petitioner asks the *praepositus pagi* first to take steps (the details of which are not clear) looking toward the recovery of the stolen property, and then to refer the petition to the *dux*, αὐτοῦ γάρ ἐστι τὰ τοιαῦτα τολμοῦντες (*l.* -ας) ἐκδικεῖν (lines 16-17). In other words, the *praepositus* is here asked to take certain steps in his police capacity, but his police powers obviously do not extend to judicial competence in criminal matters such as theft.[17]

To this picture of the judicial competence of the *praepositus pagi* the Columbia petitions here published make two significant additions, attesting a broader and more regular authority than has hitherto been apparent. To be sure, these petitions strengthen the previous evidence that the *praepositus pagi* served as judge only in cases specifically referred to him by a higher authority.[18] On the other hand, his judicial functions now appear not to have been limited to fiscal matters: the case here referred to him for judgment seems to be purely civil; no fiscal involvement is apparent.

referred the matter to the appropriate *praepositi*, who decided the case in favor of the petitioner and ordered the collectors to cease their molestations. *Cf.* also the wording of the *praeses'* subscript in the Columbia petition (Inv. No. 61, 18-19, No. 62, 23-24): ὁ πραιπόσιτος τοῦ πάγου διαγνοὺς μεταξὺ ὑμῶν τὴν προσήκουσάν σοι βοήθειαν... παρέξει.

[17] *Cf.* also P. Théad. 23, the same petition addressed to a *praefectus alae*.

[18] Here and in P. Théad. 13 (*cf.* above, note 16) the delegating authority is the *praeses*. This evidence suggests that the magistrate in P. Lond. 971 may also be the *praeses*, rather than, as Mitteis thought (see above, note 11), the *praefectus Aegypti*. I have the impression that the accumulated papyrological evidence would now repay a thorough study of these procedural channels in the legal administration of the fourth century.

and certainly none is mentioned — although, as noted above,[19] where such exist they are, for obvious reasons, customarily stressed. It is altogether likely, therefore, that the judicial competence here attested derives from, or is part of, the *praepositus pagi*'s police powers. In other words, though his police powers, as seen above, did not include criminal jurisdiction, they apparently did include jurisdiction in some civil matters. The other significant point lies in τῷ σ[ῷ δι]καστηρίῳ (Inv. No. 62, line 5), which suggests that the *praepositus pagi* may have had more than a mere *ad hoc* jurisdiction created by specific referrals of cases by higher authorities; it suggests that the *praepositus pagi* was, in the exercice of his normal police and fiscal functions, also the judge of a regular and permanent court, even though not a court of first instance.

Finally, a subsidiary question suggests itself: Why was this Columbia petition of Isidorus referred by the *praeses* to the *praepositus pagi*, whereas the earlier (Merton) petition had been referred to the *exactor*? The answer, I suspect, is to be found in the respective jurisdictions of these two officials. Tomis and Demetrius, against whom the (Columbia) complaint of 318 A.D. was lodged, were residents of the same village as Isidorus, the petitioner; thus, they all came within the jurisdiction of the local official, the *praepositus* of the fifth *pagus*. In the (Merton) petition of 313, on the other hand, Isidorus informed the *praeses* that the defendants Castor and Ammonianus, though registered inhabitants of Karanis, were then living in Bubastus, since the petitioner and the defendants were on that occasion not located in the same *pagus*,[20] the matter had to be referred to an official whose authority extended over the entire nome, namely the *exactor civitatis*.[21]

[19] *Cf.* note 13.

[20] On the location of Bubastus, *cf.* P. Teb. II, pp 352-3, 373-4.

[21] *Cf.* above, note 3. In P. Amh. 142 (= Mitteis, *Chrest.* 63), we find a land dispute referred to the *exactor*, who then instructs the *praepositus pagi* to accompany the *horiodeiktes* in verifying the boundaries of the disputed land. The *exactor* there does not, as Gelzer thought (*op. cit.* [note 9], p. 57), in turn delegate his authority in the matter to the *praepositus pagi;* he retains jurisdiction in the case, and merely calls upon the latter as the competent local official, to supply certain information which he (the *exactor*) needs in order to render a decision.

P. Col. Inv. No. 61

Cm. 25. 5 x 26. Medium brown; complete; six vertical folds.

On the *verso*, remains of ten lines in very small cursive hand, unconnected with the *recto* text.

Οὐαλερίῳ Ζίπερι τῷ διασημοτάτῳ ἡγεμόνι Ἡρ̣κουλ[ί]α̣ς Αἰγ̣ύπ̣τ̣ου

παρὰ Αὐρηλίου Ἰσιδώρου Πτολεμαίου ἀπὸ κώμης Καρανίδος τοῦ

Ἀρσινο̣[ίτου νομο]ῦ. κατ̣ὰ̣ τ̣ὸν

Φαμενὼθ μῆνα τῆς Σαβείνου καὶ Ῥουφίνου ὑπατείας, ἡγεμ̣ὼν δέσ̣[π]ο̣[τα,

Κ]ά̣σ̣τ̣ω̣ρ̣ καὶ ὁ τ̣ο̣ύ̣τ̣ου

ἀδελφὸ̣ς̣ Ἀμμωνια̣ν̣ὸ̣ς̣ ἀπὸ τῆς αὐτῆς κώμης ἐν χρίᾳ γενόμενοι

ἠ̣χ̣ρ̣[ηστήθησα]ν̣ παρ' ἐμ̣ο̣ῦ σίτου

5 ἀρτάβας τριάκοντα δύο καὶ φασήλου ἀρτάβας δέκα ὀκτὼ καὶ γραμμ̣α̣τ̣ε̣[ιά

μοι το]ύ̣τ̣ων ἔθε̣ν̣τ̣ο ἐπὶ ὑπο-

θήκ̣ῃ β̣ο̣ϊκῶν τετραπόδων τριῶν. κατὰ δὲ τὴν αὐτὴν ἡμέραν ὁ τ̣[ούτων

π]ε̣ν̣θ̣ερὸς Τῶμις ὁμολο-

γείας γράμματά μοι ἔθετο δι' ἧς τὴν ἀναδοχ̣ὴν τῶν βοῶν πεποίηται ἐφ̣'

ᾧτε ἐὰν μὴ εἴσω τοῦ Παῦνι μη-

νὸ̣ς τ̣ὴν τῶν ὀσπρέων παράδοσίν μοι ποιήσωνται δηλαδὴ τ̣ὴν τῶν βοῶν

ἔχ̣ειν με δεσποτίαν τοῖς

γραμματείοις ἀκολούθως. ἐπεὶ οὖν ὁ μὲν Κάστωρ ἐξ̣ῆλθεν τὸν βίον καὶ

Ἀμμωνια̣ν̣ὸ̣ς̣ ἐν ἀναχ̣ωρ̣ήσει

10 τυγχάνε[ι], ὅ τε π̣ρ̣ο̣κείμενος Τ̣ῶμ̣ις καὶ ὁ τ̣ο̣ύ̣τ̣ου ἀδελφὸς Δημήτριος

ἀ̣νὴ̣ρ̣ τυ̣γχ̣ά̣νων τῆς τῶν ὑπο-

χρέω̣ν μ̣ο̣υ ἀδελφῆς Ἀτολᾶς πάντων τῶν ὑπ' ἐκείνω̣ν καταλιφθέντ̣[ων] —

βοϊκῶν δὴ λέγω

ὀκτὼ καὶ οἰκ[ο]πέδων καὶ τῶν ἄλλων — ἐνκρατὶς ἐγένοντο, ἐμοὶ μηδὲν παρασχόμενοι μήτε τὰ ὄσπρεα μήτε τὰ βοϊκὰ τετράποδα τοσούτου χρόνου διαγενομένου, καταφρονοῦντές μου. τούτου ἕνεκεν καταλαμβάνω τὴν σὴν ἀνδρείαν δεόμενος καὶ παρακαλῶν ὅπως εἴ σοι δόξιεν κελεῦσαι δι' οὗ ἐὰν δοκιμάσῃς ἐπαναγκασθῆναι τοὺς ἀντιτεταγμένους ἢ τὰ ὄσπρεα ἀποδοῦναι ἢ τὴν τῶν βοῶν τριῶν ἀποκατάστασίν μοι ποιήσασθαι τοῖς γραμματίοις ἀκολούθως, καὶ χάριτάς σοι ὁμο[λογ]εῖν. διευτύχει. Φαρμοῦθι ιη.

(2nd hand)

ὁ πραιπόσιτος τοῦ πάγου διαγνοὺς μεταξὺ ὑμῶν τὴν προσήκουσάν σοι βοήθειαν ἐπὶ τοῖς χρεωστουμένοις παρέξι. κόλ(λημα) ξη.

4. *corr. fr.* αδελφη Αμμωνια. 17. *l.* ὁμολογήσω.

TRANSLATION

"To Valerius Ziper, *vir perfectissimus, praeses Aegypti Herculiae,* from Aurelius Isidorus son of Ptolemaeus, inhabitant of the village of Karanis, Arsinoite Nome.

In the month of Phamenoth in the consulship of Sabinus and Rufinus, my lord *praeses,* Castor and his brother Ammonianus, inhabitants of the same village, having fallen into need borrowed from me thirty-two artabs of wheat and eighteen artabs of kidney-beans, and they gave me a note for these, mortgaging three four-footed oxen as security. On the same day, their brother-in-law Tomis executed in my behalf a contract-bond by which he undertook the surety of the oxen, so that if they [i. e. Castor and Ammonianus] did not effect the return of the produce to me within the month

of Payni. I was clearly to acquire ownership of the oxen, in accordance with the mortgage.

Now since Castor has departed this life and Ammonianus happens to be in flight from his home, the aforesaid Tomis and his brother Demetrius, who happens to be the husband of Atola the sister of my debtors, have taken possession of everything left behind by them — viz., eight oxen, house (-lot)s and the rest — and, despising me, have given me nothing, neither the produce nor the four-footed oxen, though so long a time has passed.

Therefore, I appeal to your nobility, begging and beseeching you to instruct, if it please you, through whomever you think best that my opponents be compelled either to pay back the produce or to effect the transfer to me of the three oxen, in accordance with the mortgage, and I shall be grateful to you.

Farewell. Pharmouthi 18th".

(2nd hand) "The *praepositus* pagi, after having decided between you, will provide thee the appropriate assistance in the matter of the debt owed you." Col. 68.

1. The *nomen* of the *praeses*, Valerius, should be read also in the first line of P. Théad. 19, which can now also be dated more precisely on the basis of the Columbia document to ca 316–320. (P. Merton ined. xvi. 6 shows that one Aurelius Antonius was the *praeses Aegypti Herculiae* as late as December 27, 315 A.D.)
4. The locution ἐν χρείᾳ γινέσθαι has, I believe, not previously been encountered in the papyri.

   On σῖτος = wheat *cf.* M. Schnebel, *Die Landwirtschaft im hellenistischen Ägypten (Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* VII), 94—95.

   τὴχρηστήθησαν: the passive of ἠχρηστέω. "I lend," is well attested in the sense of "I am lent = I borrow"; similarly, δανείζω (active: "I lend," middle: "I borrow"), παραχωρέω and καταγράφω (active: "I cede, transfer," passive: "I am ceded = I acquire"); *cf.* Liddell-Scott-Jones and Preisigke, *Wörterbuch, s. vv.*
5. On the meaning of γραμματεῖον in the legal terminology of the Byzantine period, *cf.* A. B. Schwarz, *Die öffentliche und private Urkunde im römischen Ägypten (Abhandlungen der sächsischen Akademie der Wissenschaften, Phil.-Hist. Klasse,* xxxi 3), 23—24.
6. The form Τῶμις does not appear in Preisigke's *Namenbuch.*

6—7. The expression ὁμολογείας γραμματεῖον is, as far as I am aware, new. It signifies, no doubt, that the surety document was in the form of

an ὁμολογία; for examples of such agreements see Preisigke, *Wörterbuch* s. vv ἐγγυάω and ἀναδέχομαι 4).

ἐπὶ ὑποθήκῃ followed by the genitive is encountered also, *e. g.* in P. Oxy. 2134, 32 (*cf.* 14) and SB 4370, 41—42; the more usual construction places the object hypothecated in the appositive dative.

8. (also 13, 15). ὄσπρια, which earlier designated "all sorts of pulse and even mustard" (P. Teb. I, p. 288; *cf. e. g.* P. Oxy. 494 (156 A.D.), 10, πορὸν καὶ ὄσπρια καὶ γινήματα), had by the fourth century come to be used for any mixed produce, including grains: *cf. e. g.* P. Lips. 21 (382 A.D.). Our petition, in which ὄσπρια = wheat and kidney-beans, affords the earliest instance of this broader meaning.

9. (and 16). τοῖς γραμματείοις ἀκολούθως: Does the plural γραμματείοις here refer to the two documents mentioned — namely, the mortgage bond of Kastor and Ammonianus *and* the surety agreement of Tomis — or merely to the original note, which is itself designated (line 3) by the plural form γραμματεῖα? * The latter view seems preferable. In line 9 the phrase τοῖς γραμματείοις ἀκολούθως occurs in the statement of the terms of the surety agreement, which would more logically make reference to the loan being guaranteed than to both the loan contract and itself. It may be objected that, since a creditor had the choice of collection from either the debtor or the surety (*cf.* R. Taubenschlag, *The Law of Greco-Roman Egypt*, 312), Isidorus is strengthening his claim by basing it on both documents; the plural τοὺς ἀντιτεταγμένους in line 15 (*cf.* Inv. No. 62, 4-5, τοῖς αἰτιαθεῖ[σι]ν ὑπ' ἐμοῦ Τώμ[ει καὶ Δημη]τρίῳ) shows, however, that Isidorus seeks redress not solely from Tomis, who alone was the surety, but from both Tomis and Demetrius in their capacity as successors to the property of the original debtors.

This is, apparently, the first occurence of the expression ἐξέρχομαι τὸν βίον, formed perhaps on the analogy of the more familiar τὸν βίον τελεῖν or τελευτᾶν. The transitive use of ἐξέρχομαι is encountered in the papyri at least as early as the second century B.C.: *cf.* E. Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit* II 2, 311.

The evidence on ἀναχώρησις in the fourth century has been collected by V. Martin, *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* XIX, 161-162; for the earlier period see *ibid.* 143-161, *idem, Atti del IV Congresso internazionale di Papirologia* 225-230, and N. Lewis, *Journal of Egyptian Archaeology* XXIII (1937), 63—73.

11. The name Ἀτολά does not appear in Preisigke's *Namenbuch*.

14. καταλαμβάνω τὴν σὴν ἀνδρείαν: The first occurence of this locution was in P. Oxy. 67, 17, καταλαμβάνοντες τὴν σὴν ἀρετὴν δεόμεθα κτλ., which the editors translated "Knowing your goodness, I beg you" etc.

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* The surety agreement is also designated by a plural (γράμματα) in this copy of the petition (line 7), but in Inv. No. 62, 12 the singular γραμματεῖον is used.

However, with the publication of *Stud. Pal.* XX, 88 it became apparent that καταλαμβάνειν in such a context must mean not "to grasp with the mind = to know," but "to clutch at (for help) = to resort to, apply to, appeal to" (*cf.* Preisigke, *Wörterbuch* s. *v.* 2). This conclusion is now confirmed by the present petition, in which καταλαμβάνω can hardly have any other meaning.

14-15. On ὅπως with infinitive, *cf.* E. Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit* II, p. 257 *Anm.* 10.

15. κελεύσαι δι' οὗ ἐὰν δοκιμάσῃς ἐπαναγκασθῆναι occurs also in P. Amh. 83 (= Wilcken, *Chrestomathie* 230), 15, which is contemporary with our petitions; *cf.* also P. Théad. 19, 17 δι' οὗ ἐὰν δοκιμάσῃς ("l. ἐὰν δοκιμάσῃς — Jouguet, *apparatus ad loc.)*

16-17. The phrase χάριτάς σοι ὁμολογήσω was frequently used in the Byzantine period to close petitions for other instances see Preisigke, *Wörterbuch s. vv.*

17. Since the petition is dated only by the month and day, (Pharmuthi 18 = April 13), the problem arises of determining the year to which it is to be assigned. *Termini post* and *ante quos* are provided by lines 7-8, where we are told that the loan to Kastor and Ammonianus was due in May/June of 316 A.D., and by Inv. No. 62, which is dated (line 7) July 15, 318 A.D. This leaves April 13, 317 or 318 A.D. as the possible dates for Inv. No. 61. It may be objected that placing the petition in 318 leaves unexplained why Isidorus should have waited from June 316 to April 318 — nearly two years — to file his petition for redress. This time lapse may, however, reasonably be accounted for when we recall that Kastor had died, that Ammonianus had fled, and that Isidorus would presumably first apply to their successors, Tomis and Demetrius, to honor the debt before having recourse to legal proceedings. Assigning Inv. No. 61 to the year 317, on the other hand, is open to more serious objection. In the first place, if the petition were being written in April of 317, the year 316 would more likely have been referred to in line 3 as "last year," rather than as "the consulship of Sabinus and Rufinus" (*cf. e. g.* BGU 909, 12-13 [κα]τὰ τὸν πέρυσι ἐνιαυτόν). In the second place, the year 318 obviously fits better with τοσούτου χρόνου διαγινομένου in line 13 than does the year 317. Finally there is little doubt that Isidorus would address his petition to the *praepositus pagi* (Inv. No. 62) promptly upon the return of his original petition with the subscript of the *praeses* (Inv. No. 61). Since Inv. No. 62 is dated July 15, 318, assigning Inv. No. 61 to April of 317 would mean that Isidorus had to wait 15 months for the *praeses'* subscript on his original petition. This is hard to believe, especially since P. Merton ined. xvi. 6 shows that the petition which Isidorus sent to the *praeses* on Dec. 27, 315 was returned to him with the *praeses* subscript by Jan. 30, 316 — *i. e.*, in about one month. The conclusion seems practically inescapable, then, that Inv. No. 61 is to be dated April 13, 318 A.D.

18. μεταξύ: so also in P. Oxy. 1117 (ca 178 A.D.), 3, δεῖγνως μεταξὺ ἡμῶν; περί is usual with διαγιγνώσκω — *cf.* Mayser, *Grammatik* II 2, 447; Preisigke, *Wörterbuch s. v.*

18-19. Following the established procedure, Isidorus submitted this petition to the *praeses* in duplicate. One copy was retained in the *praeses* files; the second, which is the papyrus published here, was returned to Isidorus with a subscript containing the reply of the *praeses* and the number of the *kollema* under which the duplicate was filed in the *praeses'* office. In the parallel subscription of P. Théad. (lines 21-23), the reference to the files is given in the more usual way, by volume as well as page number.

One further difference between Inv. No. 61 and P. Théad. 19 may be noted: the former, bearing the subscript in a hand different from that of the petition, is obviously the original which the petitioner submitted and received back; in P. Théad. 19, the ὑπογραφή is in the same hand as the rest, so that that document is, as Jouguet saw (lines 21-23, note), a copy (*cf.* below, Inv. No. 62, 23-24).

P. Col. Inv. No. 62

Cm. 26. 5 x 26. Light brown; broken at right; surface badly rubbed and writing effaced in center. *Verso* blank.

Αὐρηλίῳ Γερεντίῳ π̣[ραιπ]ο̣[σί]τ̣ῳ ε̣ [π]ά̣γου

παρὰ Αὐρηλίου Ἰσι̣δώρου Πτολεμαίου ἀπὸ κ[ώ]μ̣ης̣ Καρ̣ανί̣δος. ὧν ἀνήνεγκα

βι̣βλ[ι]δ̣[ί]ω̣ν̣ τ̣ῷ κυρίῳ μου διαση-

μοτάτῳ ἡ̣γ̣εμ̣όνι τ̣ῆς Ἡρκουλίας Αἰγ̣ύπτου Οὐ̣[αλερ]ί̣[ω] Ζ̣ίπερι μεθ' ἧ̣ς

ἔτυχ̣ον ὑπὸ τοῦ μ̣εγ̣αλ̣ε̣ίου αὐτοῦ ὑ̣πογραφῆ̣ς τ̣ὸ ἀν-

τίγραφ̣ον ἑξῆ̣ς ὑ̣ποτάξ̣ας ἐ̣πιδίδωμί σοι, ἀξ̣ιῶ[ν] τ̣[ούτ]ω̣ν̣ τ̣ὸ ἴσον ἐ̣πιστα̣λῆ̣ναι

τοῖ̣ς αἰτιαθεί[σι]ν ὑπ' ἐμ̣οῦ Τ̣ώμ̣[ει καὶ Δημη-

5 τρίῳ ἀπὸ τῆς αὐτῆς κώμ̣ης̣, ἵν' εἴδωσι τὰ ..α....[..]α̣ [καὶ] π̣ροσεδ̣ρεύσωσιν

τῷ σ̣[ῷ δι]καστηρίῳ ἄχρι ἂ̣[ν τὰ με-

ταξὺ ἡ̣μ̣ῶν πέρατος τύχῃ. διευτύχει. ὑ̣π̣ατείας̣ τ̣[ῶν δεσπότ]ω̣[ν ἡμῶ]ν̣

Λ̣ικ̣ιν̣νίου Σεβ̣αστοῦ τ̣ὸ ε' καὶ Κρίσπου [τοῦ

ἐπιφ̣ανεστάτου̣ Καίσαρ̣ος τὸ α' Ἐπεὶφ̣ κα. Ἔ[στι] δέ· [Οὐ̣αλερίῳ Ζίπ]ερι̣

τῷ διασημ̣οτάτῳ ἡ̣γ̣εμ̣όνι Ἡρκο[υλίας

Αἰγύπτου παρὰ Αὐρηλίου Ἰσιδώρ[ο]υ Πτολε[μαίο]υ ἀπ[ὸ κώμης Καρα]νίδος
τοῦ Ἀρσιν[οίτ]ου νομοῦ. κατὰ τὸν
Φαμενὼθ μῆνα τῆς Σαβείνου καὶ Ῥ[ου]φ[ίνου ὑπατ]ε[ί]ας, ἡγεμόν δέσ]ποτα,
Κάσ[τωρ καὶ] ὁ τούτου ἀδελ[φὸς Ἀμ-
10 μωνιανὸς ἀπὸ τῆς αὐτῆς κώμης ἐν χρίᾳ [γενόμε]νοι ἠχρηστήθησαν
παρ' ἐμοῦ [σίτου ἀ]ρτάβας τρ[ιάκοντα
δύο καὶ φασήλου ἀρτάβας δέκα ὀκτὼ καὶ γρα]μματ]εία [μο]ι [τούτων]
ἔθεντο ἐπὶ ὁ[ποθ]ήκῃ βοϊκῶ[ν τετραπό-
δων τριῶν. κατὰ δὲ τὴν αὐτὴν ἡμέραν ὁ [τούτων πενθ]ερὸς Τῶμις
ὁμολογείας γραμματεῖόν μοι [ἔθετο
δι' ἧς τὴν ἀναδοχὴν τῶν βοῶν πεποίη[ται ἐφ' ὥτε] ἐὰν μὴ εἴσω τοῦ
Παῦνι μηνὸς τὴν τῶν ὀσπρέ-
ων παράδοσίν μοι ποιήσωνται δηλαδ[ὴ τὴ]ν [τῶν] βοῶν ἔχειν με
δεσποτίαν τοῖς γραμματίο[ι]ς
15 ἀκολούθως. ἐπεὶ οὖν ὁ μὲν Κάστωρ ἐξῆλθ[ε] τὸν βίον καὶ Ἀμμωνιανὸς
ἐν ἀναχωρήσει τυγχάνει,
ὅ τε προκείμενος Τῶμις καὶ ὁ τούτου ἀδελ[φὸς] Δ[ημή]τριος ἀ[νή]ρ
τυγχάνων τῆς τῶν ὑποχρέων μου
ἀδελφ[ῆς] Ἀτολᾶς πάντων τῶν ὑπ' [ἐκείνων καταλι]φθέντων — βοϊκῶν
δὴ λέγω ὀκτὼ καὶ οἰκοπέ-
δων καὶ τῶν ἄλλων — ἐνκρατεῖς ἐγ[ένοντο, ἐμοὶ] μηδὲν παρασχόμενοι μήτε
τὰ ὄσπρεα μήτε
τὰ β[οϊ]κὰ τετρ[ά]ποδα τοσούτου [χρ]όν[ου] διαγενομένου, καταφρονοῦντές
μου. τούτου ἕν[ε-
20 κεν καταλαμβάνω τὴν σὴν ἀνδρ[εί]αν [δεό]μενος [καὶ παρα]καλῶν ὅπως εἴ
σοι δόξιεν κελεῦσαι δι' οὗ [ἐὰν δο-

κιμά[σῃ]ς ἐπαναγκασθῆναι τοὺς ἀντιτετα[γ]μένους ἢ τὰ ὄσπρεα ἀποδοῦναι ἢ τὴ[ν] τῶν βοῶν τριῶν [ἀπο-

κατ[άστ]ασίν μοι ποιήσασθαι τοῖς γραμ[μ]ατίοις ἀκολούθως, καὶ χάριτάς σοι ὁμολογεῖν. διευτό[χει.

Φαρμοῦθι [ι]η. ὁ πραιπ[ό]σιτος τοῦ [πάγου διαγνοὺ]ς μεταξὺ ὑμῶν τὴν προσήκουσάν [σοι

βοήθειαν ἐπὶ τοῖς χρεωστουμένοις παρέξει. κολ(λημα) ξη. (2nd hand) Αὐρήλιος Ἰσίδωρος ἐ[πιδέ-

25 δωκα. Αὐρήλιος Σερῆνος ἔγραφα ὑπὲρ αὐτοῦ ἀγραμμάτου.

4. ἴσον pap.; επισταλῆναι — first α *app. corr. fr.* ο. 22. *l.* ὁμολογήσω

TRANSLATION

"To Aurelius Gerontius, *praepositus* of the fifth *pagus,* from Aurelius Isidorus son of Ptolemaeus, inhabitant of the village of Karanis.

Appending immediately below the petition which I submitted to my lord Valerius Ziper, *vir perfectissimus, praeses Aegypti Herculiae,* together with the subscription vouchsafed me by his highness, I present this to you, with the request that a duplicate be sent to those accused by me, namely Tomis and Demetrius, inhabitants of the same village, so that they may know... and may attend at your court until the issue between us is settled. Farewell.

Consulship of our lords Licinius Augustus for the fifth time and Crispus most noble Caesar for the first time, Epeiph 24th.

Copy:" (There follows a copy of Inv. No. 61).

1. This Gerontius is no doubt the same man who appears eight years later, in P. Amh. 138 (= Mitteis *Chrest.* 342; 326 A. D.), as στρα(τηγὸς) Α( ). By 326, in other words, he had been promoted from *praepositus* of the fifth *pagus* to the next higher office in the ad-

ministration, that of *strategus* of the nome (= *exactor civitatis; cf.* Gelzer, *op. cit.* p. 57; Oertel, *op. cit.*, pp 299-300; and above, p. 57 note 21). Barring the altogether unlikely assumption that his promotion involved his transfer to another nome, it now becomes clear that the abbreviation in P. Amh. 138 is to be resolved 'A(ρσινοίτου).

2-3. The same formula is found in P. Oxy. 66 (337 A.D.), 17-20.

5-6. ἄχρι ἂν... πέρατος τύχῃ: this formula (with ἕως in place of ἄχρι) is found also in P. Lips. 45, 16; 46, 13; 52, 15-16 (371-372 A.D.; *cf.* also 51, 16).

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ON OFFICIAL CORRUPTION IN ROMAN EGYPT: THE EDICT OF VERGILIUS CAPITO *

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GNAEUS VERGILIUS CAPITO was Prefect—i.e., governor—of the province of Egypt during part of the reign of the Emperor Claudius.[1] On the outer gateway of the temple at Hibis, in the Great Oasis west of Thebes, is inscribed the Greek text of an edict which Capito issued in Alexandria on December 7, A.D. 48, and ordered posted throughout the province. This has been for over a hundred years one of the best known inscriptions from Roman Egypt, figuring repeatedly in studies of the provincial administration.[2]

It was apparent from the start that the edict was directed against certain official abuses. A large step forward toward clearer understanding came in 1899 with Ulrich Wilcken's brilliant insight into the administrative machinery involved.[3] In one fundamental respect, however, the interpretation of the edict has remained unchanged to the present day. In the view of all commentators the Prefect's edict orders an end to the extortionate demands for accommodations, provisions, and transportation facilities made upon the population by military personnel and civilian officials when traveling through the country.[4] This view would appear to be firmly supported by a sizable body of literary, epigraphical, and papyrological evidence which proves that such extortion was common and widespread in the Roman provinces.[5] It is the purpose of this paper to show, however, (1) that Capito's edict has been fitted into this familiar

* This paper is a first product of a comprehensive study of compulsory public service in antiquity recently undertaken with financial assistance from the Penrose Fund of the American Philosophical Society, whose support of this research is here gratefully acknowledged.

[1] Capito is known to have held the office from A.D. 47 to at least 52.

[2] Yet, oddly enough, a definitive text of the inscription has been available only in the last fifteen years. Before that the "standard" text, based on various imperfect copies taken in the nineteenth century, was No. 665 in Dittenberger, W., *Orientis graeci inscriptiones selectae* 2, Leipzig, Hirzel, 1905, reprinted as No. 1262 in *Inscriptiones graecae ad res romanas pertinentes* 1, Paris, Leroux, 1911. An inspection of the inscription by P. Jouguet in the course of a brief visit to the Oasis produced substantial improvements in reading, which were published by him in *Atti del IV congresso internazionale di papirologia*, 4–22, Milan, "Vita e pensiero," 1936, and reprinted as No. 794 in *Supplementum epigraphicum graecum* 8, Leyden, Sijthoff, 1937. The definitive text, derived from photographs and a long and careful study of the original by H. G. Evelyn White a quarter-century earlier, was published by J. H. Oliver as No. 1 in *The Temple of Hibis in El Khârgeh Oasis, Part II: Greek Inscriptions*, New York, Metropolitan Museum of Art, 1938.

[3] Wilcken, U., *Griechische Ostraka aus Aegypten und Nubien* 1: 389–390, 501–502, 572, Leipzig and Berlin, Gieseke and Devrient, 1899.

[4] Franz, J., *Corpus inscriptionum graecarum* 3: 445, Berlin, 1843; Wilcken, *op. cit.*, 501, 671; Dittenberger, *op. cit.*, 377, note 22; 379, note 35; Rostowzew, M., *Klio* 6: 255, 1906; Martin, V., *Les épistratèges*, 143, Geneva, Georg, 1911; Oertel, F., *Die Liturgie*, 92, Leipzig, Teubner, 1917; Lesquier, J., *L'armée romaine d'Egypte*, 363, Cairo, Institut français, 1918; Milne, J. G., *A history of Egypt under Roman rule*, 3d ed., 160–161, London, Methuen, 1924; Abbott, F. F., and A. C. Johnson, *Municipal administration in the Roman empire*, 509, Princeton, Princeton Univ. Press, 1926; Uxkull-Gyllenband, W., *Der Gnomon des Idios logos*, 50, Berlin, Weidmann, 1934; Jouguet, *loc. cit.*, 4–12; Johnson, A. C., *Roman Egypt*, 624, Baltimore, Johns Hopkins Press, 1936; Pflaum, H. G., *Mémoires présentés . . . à l'Académie des Inscriptions et Belles-Lettres* 14: 229, 1940; Taubenschlag, R., *The law of Greco-Roman Egypt in the light of the papyri* 1: 343, New York, Herald Square Press, 1944. See also note 6, below.

[5] Some of these documents will be cited in the ensuing discussion. For further details see the editions of the texts cited in notes 8 and 9, below, and Rostovtzeff, M., *The social and economic history of the Roman empire*, 334, 363–364, Oxford, Clarendon Press, 1926. Although civilian officials as well as military personnel were involved in these abuses, it is probable that the latter, whether because they were armed or because they were more often on the road, were the chief offenders. This may be why Capito in his edict enumerates "soldiers, cavalrymen, orderlies, centurions, military tribunes," but does not similarly specify any particular categories of civil servants (*cf.* Pflaum, *loc. cit.*). A similar edict issued in A.D. 133/137 by the Prefect Marcus Petronius Mamertinus also focuses its attention on soldiers as the culprits: *cf.* Rostovtzeff, *op. cit.*, 592, note 34 (this edict—No. 446 of the *Pubblicazioni della Società italiana per la ricerca dei papiri greci e latini in Egitto* 5: Florence, Ariani, 1917—is reprinted with English translation as No. 221 in Hunt, A. S., and C. C. Edgar, *Select papyri* 2, London, Heinemann, 1934 [*Loeb Classical Library*]).

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framework only by dint of involving its language in a whole series of strains, ambiguities, and even contradictions, which are quite intolerable in a promulgation addressed to the general public; and (2) that the abuse against which Capito's edict was directed was in reality the soldiers' and officials' fraudulent practices in the expenditure of state funds for their personal convenience when traveling—that the issue here, in other words, is not extortion but the padding of expense accounts, not milking the populace but bilking the fisc.[6]

The edict reads as follows:[7]

Γ'ναῖος Ο[ὐεργί]λιος Καπίτων λέγει *vacat*
15 καὶ πάλαι μὲν ἤκουόν τινας δαπάνας ἀδίκους καὶ παραλογή-
σας ὑπὸ τῶν πλεονεκτικῶς καὶ ἀναιδῶς ταῖς ἐξ[ο]υσίαις ἀπο-
χρωμένων γείνεσθαι, καὶ νῦν δὲ ἐν τῇ τῶν Λιβίων μάλιστα
ἔγνων ὑποθέσει ὅτι ἀναλίσκεταί τινα ἁρπαζ[ό]ντων ἀδε-
ῶς τῶν ἐπὶ ταῖς χρείαις ὡς ὑποκείμενα εἰς δαπάνας
20 καὶ ξενίας αὐτῶν τὰ μήτε ὄντα μήτε ὀφείλοντα εἶναι,
ὁμοίως δὲ καὶ ἀγγα[ρ]ειῶν ὀνόματι. διὸ κελεύω τοὺς
διοδεύοντας διὰ τῶν νομῶν στρατιώτας καὶ ἱππεῖς καὶ
[σ]τάτορος καὶ ἑκατοντάρχας καὶ χειλιάρχους καὶ τοὺς λοι-
ποὺς ἅπαντας μηδὲν λαμβάνειν μηδὲ ἀγγαρεύειν εἰ μή
25 τινες ἐμὰ διπλώματα ἔχουσιν· καὶ τούτους δὲ στέγης μόνον δέ-
χεσθαι τοὺς διερχομένους, ὑποκείμενόν τε μηδένα μηδὲν πράτ-
τειν ἔξω τῶν ὑπὸ Μαξίμου σταθέντων. [ἐ]ὰν [δ]ὲ τις δῶι ἢ ὡς δε-
δομένον λογίσηται καὶ εἰσπράξῃ δημοσίῳ, τοῦτον τὸ δεκαπλοῦν
ἐγὼ ἐκπράξω οὗ αὐτὸς ἔπραξεν τὸν νομόν, καὶ τῶι μηνύσαντι
30 τό τε[τρ]απλάσειον μέρος δώσω ἐκ τῆς τοῦ κατακριθέντος οὐσί[α]ς.
οἱ [δὲ β]ασιλικοὶ γραμ[μ]ατεῖς καὶ κωμογραμματεῖς καὶ τοπογραμ-
[ματ]εῖς κατὰ νομὸν πάντα ὅσα [δ]απανᾶται ἐκ τοῦ νομοῦ εἴς τινα
ἢ πέπρακται παραλόγως ἢ ἄλλο τ[ι] ἀναγραφ[ί]σθωσαν καὶ ἐν ἡ[μέρ]αι[ς]
ἑξήκοντα ἐπιδότωσαν, οἱ δ' ἐπὶ τ[ῆ]ς Θηβαΐδος διὰ τετραμήνου, εἰς τὰ
35 λογιστήρια, καὶ πρὸς Βασιλείδην τὸν Καίσαρος ἀπελεύθερον, τ[ὸν] ἐπὶ
τοῦ λογιστηρίου, καὶ τοὺς ἐκλογιστὰς πεμπέτωσαν, ἵν' ἐάν τ[ι] παρὰ τὸ δί-
καιον λελογευμένον ἢ πεπραγμένον ᾖ, τοῦτο διορθώσομαι.

The remainder (about two-thirds) of the edict, though too mutilated in its present state to give reliable continuous sense, evidently dealt with different, if related, matters.

From an unprejudiced reading of the above text there emerge two major controlling considerations for its interpretation.

1. *There is no clearly demonstrable mention of extortion*

In the Greek vernacular of the eastern Mediterranean in Hellenistic and Roman times, extortion was expressed by διασείω and other compounds and derivatives of the verb σείω[8]—almost literal equivalents of our slang term "shake down"—and by similar language carrying an unmistakable imprint of intimidation and compulsion.[9] Such language is significantly absent from Capito's edict:

1. It is true that the traveling officials are at one point called "plunderers" (line 18,

[6] Scramuzza, V. M., *The Emperor Claudius*, 273–274, Cambridge, Harvard Univ. Press, combines a glimpse of the fact that "illegal expense, waste, graft" are involved with a grotesque distortion of the remainder of the edict: see below, notes 21 and 25.

[7] Capito's edict begins with line 14 of the inscription; the preceding thirteen lines are occupied by the letters of transmittal that accompanied the edict.

[8] E.g., Abbott and Johnson, *op. cit.* (note 4), No. 141: δα[πανώμεθα δὲ παρὰ τὸ ἄλογον καὶ παραπροσαιτούμεθα (lines 14–15; similarly lines 20–23 and 31). For other examples in inscriptions see *ibid.*, Nos. 143, 144; for the papyri *cf.* Preisigke, F., *Wörterbuch der griechischen Papyrusurkunden*, *s. vv.*, Berlin, Selbstverlag der Erben, 1925–27; L. Robert, *Revue de philologie* 17: 111–119, 1943; Taubenschlag, *op. cit.* (note 4), 342–343.

[9] A few examples will suffice for illustration. In the edict of Germanicus (note 16, below) we read καταλαμβάνεσθαι ξενίας πρὸς βίαν καὶ καταλήφεσθαι τοὺς ἵππους (lines 7–9, similarly 12–16), and later τὰ δὲ . . . ὑποζύγια . . . πρὸς βίαν παραιρεῖσθαι κωλύω (lines 26–28). In their well known petition (Abbott and Johnson, *op. cit.*, No. 139) the villagers of Scaptopara in Thrace complain, ἀναγκάζουσιν ἡμᾶς ξενίας αὐτοῖς παρέχειν (lines 34–35), and καταναγκάζουσιν παρέχειν αὐτοῖς τὰς ξενίας καὶ τὰ ἐνοίκια (lines 40–42, simi-

ἁρπαζόντων). To read this as referring to their treatment of their hosts-by-compulsion requires making ὡς ὑποκείμενα . . . εἶναι (lines 19–20) dependent on ἁρπαζόντων. But it is surely the more natural construction, *ceteris paribus*, for this member of the sentence to depend on the main verb, ἀναλίσκεται—and it will be further demonstrated below that this must in fact be the case. Under this construction it is because they *spend* money, not because they wrest it, that the traveling officials are called "plunderers." The moneys that best suit such a context are state funds.

The same sense, in somewhat more general terms, is conveyed by the preceding clause of the same sentence (lines 15–17). The formal parallelism of the two clauses is announced by their opening words, "even formerly—and now too" (καὶ πάλαι μὲν—καὶ νῦν δέ). Even before the present instance, says the first clause, the Prefect had heard of "certain expenditures . . . being made by [officials] . . . abusing their powers" (τινας δαπάνας . . . ὑπὸ τῶν . . . ταῖς ἐξουσίαις ἀποχρωμένων γείνεσθαι). The ἁρπαζόντων of the second clause is matched here by the equally pejorative ἀποχρωμένων. And here too the abuse of official position lies clearly not in extorting money, but in *spending* it.

2. No context of extortion is created by πράττειν in lines 26–27 or by the subsequent repetitions of that verb. In the first place, πράττω and its derivatives and compounds[10] are part of the regular terminology of the collection of debts, taxes, etc., through lawful channels and by lawful agencies. In the final sentence, to be sure, these collections are specifically characterized as fraudulent and illegal (παραλόγως, line 33; παρὰ τὸ δίκαιον, lines 36–37). But nowhere in this language is there even a suggestion of violence, intimidation, or compulsion. Accordingly, the context that emerges is not one of abusive exaction from hapless and defenseless victims, but one of fraud and illegality practised in the course of lawful collection procedures. We are dealing, in other words, with the language of embezzlement and malversation, not the language of extortion.

A second look at lines 28–33, moreover, provides corroboration for this inference. Three times in succession the Prefect expressly reiterates that the illegal collections with which he is concerned involve public moneys (εἰσπράξῃ δημοσίᾳ, ἔπραξεν τὸν νομόν, δαπανᾶται ἐκ τοῦ νομοῦ ... ἢ πέπρακται), and where he does not say so in so many words the context makes it clear.[11]

3. παραλογήας (lines 15–16). Here indeed is extortion, if the word intended is παραλογεία. Just as παραγράφω means "to make false entries," and παραπράττω, "to make illegal exactions" (*cf.* note 10), so παραλογεύω and its noun παραλογεία designate wrongful collections.[12] If such were Capito's meaning, it would be necessary, I imagine, to regard δαπάνας ἀδίκους as applying to the portion of the edict here under discussion (lines 15–37) and παραλογήας as referring to the illegalities condemned in the subsequent, mutilated portion of the inscription (lines 38 ff.).

There is, however, a much more satisfactory solution. Oliver is unquestionably right in taking the word before us to be παραλογία,[13] i.e., the abstract noun of παραλογίζομαι and παράλογος, denoting the opposite (παρά) of correct or honest reckoning (λόγος); it is no accident that the adverb of παράλογος occurs later (line 33) in a parallel context.[14] The picture evoked by this language is one of fraud through juggling of records. This too will find further confirmation below.

Summarizing, the language of the edict considered thus far points to fraud and peculation, delicts quite distinct from extortion.

larly 76–84). A recent addition to the texts on this subject is an inscription found in 1952 and published in that year by L. Robert, *Comptes-Rendus de l'Académie des Inscriptions et Belles-Lettres*, 592–596.

[10] With the notable exception of παραπράττω, where the connotation of illegality is in the prefix; *cf.* note 8, above.

[11] *Cf.* below, especially note 20. The equivalence of δημοσίᾳ and νομός was noted by Oertel, *op. cit.* (note 4), 93 note 1.

[12] "These action nouns [in -εία] are linked up with adjectives in -ειος and particularly with verbs in -εύω, in whose productivity they share in the Koine"—Palmer, L. R., *A grammar of post-Ptolemaic papyri* 1: 52, London, Oxford Univ. Press, 1945. *Cf.* Jouguet, *loc. cit.* (note 4), and for further examples see *s.vv.* in Hunt, A. S. *et al.*, *The Tebtunis papyri* 3, London, Oxford Univ. Press and Cambridge Univ. Press, 1933–1938, and in Liddell, H. G., R. Scott, and H. S. Jones, *A Greek-English lexicon*, Oxford, Clarendon Press, 1940.

[13] Evelyn White and Oliver, *op. cit.* (note 2), 10. The interchange of η, ει, and ι is one of the commonest phenomena of post-classical Greek: see, e.g., Mayser, E., *Grammatik der griechischen Papyri aus der Ptolemäerzeit* 1: § 11, Berlin and Leipzig, de Gruyter, 1923.

[14] "The group -ος, -ειν, -εια formed a close psychological unity. . . . Verbs in -ειν tend to pass to the class in -ίζω. A consequence of this confusion was that it became possible to form -εια abstracts from -ίζω verbs"—Palmer, *op. cit.*, 70. Note μετὰ παραλογίας = παραλόγως: Liddell, Scott, and Jones, *op. cit.*, *s.v.*

II. *The Prefect's concern is with the improper expenditure of* state *funds*

This point has already been touched upon in passing; it will now be examined in detail. The language of the edict is really quite explicit on this point, and renders untenable the common assumption that the expenditures in question are those which the populace was compelled to make.

First of all, as observed above, since these expenditures are specifically stated to be made "for expenses and accommodations *for themselves*" (lines 19–20, εἰς δαπάνας καὶ ξενίας αὐτῶν), it is clearly the officials who are spending the money. There is nothing anomalous in this situation. Soldiers and civilians traveling on official business were indeed entitled to requisition provisions and transportation facilities en route, but they were supposed to pay for these things, at least under the early Principate.[16] Two edicts issued some years before Capito's state this explicitly. The first, issued by Germanicus Caesar when visiting Egypt in A.D. 19, provides that "for boats or animals which we requisition for transport I order that hire be paid according to my schedule."[14] The second even shows close affinity of language to Capito's edict, which it antedates by six years; in it the Prefect Lucius Aemilius Rectus orders that "soldiers, police, and civilian officials in the public services . . . holding a permit from me shall be entitled to take sufficient supplies upon payment of the price therefor."[17] These payments, then, are the expenditures with which Capito's edict deals.

The next question is: Where did this money for travel expenses come from? The traditional preconception of forced exactions from the populace has obscured the fact that the edict is explicit on this point too. The evidence lies in the word ὑποκείμενα (lines 19, 26), which is the technical term for the proceeds of taxes earmarked for emoluments of office.[18] The ὑποκείμενα of traveling officials are thus their travel allowances, the sums of money allotted them *out of public funds* for the expenditures which they are authorized to make.[19] The abuse against which Capito's edict is directed is the expenditure of such funds for purposes for which there "are not and ought not to be" (line 20) any allowances. The permit issued by the Prefect's office, Capito emphasizes (lines 25–27), entitles the holder only to have a roof over his head at halts, and to draw from state funds[20] the ὑποκείμενα authorized by the Prefect Marcus Magius Maximus back in the reign of Augustus.

This view is further confirmed by the penalty clause that follows (lines 27–30). It is this clause, in fact, which constitutes the crucial obstacle to the traditional view that Capito's edict is concerned with forced payments *to* officials. For under that interpretation of the edict, ἐὰν δέ τις δῶι perforce refers to the person paying the money to the grasping official. The whole clause then presents the anomaly of punishing the unhappy victim of illegal treatment![21]

[16] It is important to remember that Capito's edict deals with the routine journeys (for inspections, dispatches, etc.) of minor and medium-grade functionaries, and not to confuse these on the one hand with the circuits of provincial governors, for which the places visited were obliged to cater at their own expense, or on the other hand with mass movements of troops, which entailed extraordinary measures for provisioning. At most these functionaries may have been entitled to lodgings free—this is a possible, though by no means inescapable, inference to be drawn from στέγης μόνον δίχεσθαι in lines 25–26 and the distribution of billets mentioned in lines 17–18 of Germanicus' edict (below, note 16); but there is no question here of "Gratisleistungen" (Oertel, *op. cit.*, 92–93) or of "free transportation" (Scramuzza, *loc. cit.* [note 6]). On the requisitioning of means of transport (ἀγγαρεία), see Rostowzew, M., Angariae, *Klio* 6: 249–258, 1906, and Oertel, *op. cit.*, 88–90.

[14] The text of the edict is reprinted, with English translation, as No. 211 in Hunt, A. S., and C. C. Edgar, *Select papyri* 2, London, Heinemann, 1934 (*Loeb Classical Library*); the quotation is from lines 18–21.

[17] British Museum Papyrus (P. Lond.) 1171 verso (c), reprinted as No. 439 in Mitteis, L., and U. Wilcken, *Grundzüge und Chrestomathie der Papyruskunde* 1 (2), Leipzig and Berlin, 1912.

[18] *Cf.* Liddell, Scott, and Jones, *op. cit.*, *s.v.* ὑπόκειμαι, II.7.b; also Preisigke, *op. cit.* (note 8), *s.v.*, 4 (the Capito edict is incorrectly listed and interpreted under 3). This substantive sense of ὑποκείμενα was established by Martin, *loc. cit.* (note 4): *cf.* Wilcken, *op. cit.* 1 (1): 37, 215, 375; Wallace, S. L., *Taxation in Egypt*, 333, Princeton, Princeton Univ. Press, 1938; Wolfe, E. R., *Trans. Amer. Philol. Assn.* 83: 98, 1952. Wrongly rejecting Martin's demonstration, Oertel, *op. cit.*, 92, notes 1 and 5, takes ἐφόδια in Aemilius Rectus' edict (above, note 17) as travel money and ὑποκείμενα in Capito's edict as supplies; but just the reverse is true—ἐφόδια are here what the traveling officials paid *for*, ὑποκείμενα what they paid *with*.

[19] In this the Romans probably adopted or adapted a practice of the preceding Ptolemaic administration: *cf.* Wilcken, *op. cit.* 1 (2): 488, and *Griechische Ostraka*, 389–390; Oertel, *op. cit.*, 25; and the evidence cited in Preisigke and in Liddell, Scott, and Jones, *loc. cit.*

[20] Here as in the following sentences of the edict, πράττειν is thus seen to refer consistently to collection or drawing of state funds; *cf.* the discussion of this term above.

[21] This "obscurity" has troubled a number of commentators. Oertel, *op. cit.*, 93, note 1, thought that τὶς "most

With the recognition that the issue before us is not forced contributions *to* officials but illegal disbursements *by* them, the entire difficulty disappears and the penalty clause falls into proper perspective. In this clause the Prefect ordains a tenfold penalty against any soldier or official who: (1*a*) pays out (ἐάν τις δῶι) travel money for an unauthorized purpose, or (*b*) records such a payment as having been made (ὡς δεδομένον λογίσηται), and (2) charges it to public expense (εἰσπράξηι δημοσίᾳ). It remains only to add a word of clarification for (1*b*). Can this still refer, in line with Johnson's suggestion,[22] to the state accountants, making them liable to the tenfold penalty if they enter in the public accounts an unauthorized expenditure made by a traveling soldier or official? This interpretation, plausible perhaps at first sight, encounters a twofold objection. First, it requires that τις refer to one type of official as subject of δῶι and to another as subject of λογίσηται. Secondly, it ignores ὡς ("as if") before δεδομένον. These are modest enough remedies, to be sure, when one is construing a barbarously composed or carelessly copied text. But Capito's edict is neither of these. It is grammatically and stylistically a representative piece of good chancery Greek, and it is inscribed without serious error. Once the edict as a whole is seen in its proper context, all that is required, here as throughout, is a straightforward reading of the text as written. Thus read, the ἐάν clause says, "If any [traveling official] pays out [*sc.* public money for an unauthorized purpose] or records as if paid out [*sc.* a sum not actually paid],[23] and charges it to public expense." What the Prefect is telling us here—and this will come as no surprise to any modern reader—is that the travel allowance "racket" had reached the point where, in addition to using state money for unauthorized expenditures for their own convenience, the soldiers and civilian functionaries were padding their travel expense accounts by listing fictitious expenses as well. This is in perfect concinnity, moreover, with the opening words of the edict, where—stating his theme, as it were—Capito announces his concern over precisely these two abuses: δαπάνας ἀδίκους in line 15 are the actual but unauthorized expenditures of ἐάν τις δῶι, and παραλογῆαι there (*cf.* the discussion above) are the bookkeeping frauds of ὡς δεδομένον λογίσηται. The same parallelism recurs also in lines 32–33, where ὅσα δαπαναῖται refers to money actually spent, and πέπρακται παραλόγωι to money obtained by fraud.

In order to enforce the penalty clause, the following clause (lines 31–37) establishes a procedure for detecting fraud and peculation. Local clerks are ordered to keep a record of all nome funds "spent or drawn fraudulently or otherwise"; every sixty days—every four months in the Thebaid—these records are to be submitted to the audit offices of the nomes and dispatched to Alexandria for scrutiny by the accountants of the provincial audit bureau, of which one Basilides, an imperial freedman, is in charge;[24] and the Prefect promises to take appropriate action when funds are found to have been "collected or obtained illegally."[25]

likely" referred to the local official in charge of the collection of provisions for traveling functionaries; but the verb λογίζομαι, as Wilcken had long before emphasized (*Griechische Ostraka*, 493–494), means "to account," in contradistinction to λογεύω, "to collect;" *cf.* notes 12 and 14, above. Jouguet, *loc. cit.* (note 4), 10, read this clause as intended to prevent the victim of extortion from obtaining reimbursement from the state; but he himself found this explanation unsatisfactory and suggested in a final afterthought, "Il s'agit peut-être aussi de fonctionnaires." Johnson, *loc. cit.* (note 4), observing that "lines 27 ff. . . . [seem] to deal with similar exactions from the nome, and not from private citizens," suggested that "illegalities practised by accountants" might be involved.

Scramuzza, *loc. cit.* (note 6)—taking his cue, as far as I can see, from Jouguet, but, if so, reversing Jouguet's idea—thought that the edict actually afforded a means of redress for individuals claiming that they had been subjected to excessive demands (see further note 25, below)! This is compounding the impossible.

[22] *Cf.* above, note 21.

[23] A similar occurrence of the verb λογίζομαι is found in Aristophanes, *Plutus* 381, where Chremylus remarks, "You'd like to spend three minae and bill me for twelve."

[24] The sense of this clause and the position of Basilides were correctly discerned by Wilcken (*op. cit.* [note 17] 1 (1): 208–209, and *Griechische Ostraka*, 502; *cf.* Dittenberger, *op. cit.* [note 2], 379 note 35); he even correctly conjectured the τῶν ἐνι which Evelyn White's later examination showed in fact to be on the stone at the end of line 35. From the inception of the Roman administration in Egypt the leading officials of the province were "attended by imperial freedmen and also by procurators who are entrusted with affairs of greater and lesser importance" (Strabo, *Geography* 17.1.2 [C 797]). The Emperor Claudius' increased employment of freedmen to staff the civil service departments, with freedmen of his own household at the heads of the departments, is a well known and significant development in the history of Roman imperial administration: *cf.*, e.g., Charlesworth, M. P., *Cambridge ancient history* 10: 686–690, Cambridge, Cambridge Univ. Press, 1934.

[25] Scramuzza's paraphrase of this clause (*loc. cit.* [note 6]), is replete with amazing misinterpretations: the *gram-*

Translated, then, in the light of the foregoing analysis, Capito's edict reads:

Gnaeus Vergilius Capito declares: Even before this I kept hearing that certain unlawful expenditures and frauds were being perpetrated by persons greedily and impudently abusing their powers, and now too I have noted particularly in the lawsuit of the Libyans that persons in the public services are brazenly peculating by making certain disbursements in the guise of allowances—which do not and ought not exist—for their expenses and accommodations, and likewise under the title of transportation requisitions. Wherefore I command that the soldiers, cavalrymen, orderlies, centurions, military tribunes, and all others journeying through the nomes shall take nothing and make no transportation requisitions, excepting those who have permits from me; and that even these travelers shall be provided with shelter only, and no one shall draw any allowance beyond those established by Maximus. And if anyone pays out or reports a sum as paid out and charges it to public expense, I will make him pay back ten times the amount which he obtained from the nome, and to the informer I will give a fourfold share from the property of the person convicted. The royal secretaries, the village secretaries, and the district secretaries in a nome shall record all sums expended from nome funds for any purpose or obtained fraudulently or otherwise, shall deliver [these records] every sixty days (the secretaries in the Thebaid every four months) to the audit offices, and shall send them to Basilides—the imperial freedman in charge of the Audit Bureau—and the state accountants, so that if anything has been illegally collected or obtained I will remedy the matter.

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mateis "are ordered . . . to redress within sixty days whatever wrongs have been inflicted [!]. An imperial freedman was appointed in every nome [!], and by Claudius himself [!!]. . . . Dissatisfied claimants could appeal from the freedman's decision to the prefect [!]."

ΤΗΙ ΦΡΟΝΤΙΔΙ ΤΩΝ ΟΙΚΕΙΩΝ ΠΡΑΓΜΑΤΩΝ ΕΞΑΡΚΕΙΝ

SUMMARIUM: Verba superscripta, quae in papyro "P. Col. 123" leguntur, ad sanitatem non animi sed corporis spectare hoc articulo demonstratur.

A proem of formal encomium were idle here: a half century of indefatigable scholarly activity at home and abroad, in prosperity and in adversity, has permanently established the name and fame of Raphael Taubenschlag in the international world of jurists and papyrologists. Americans can recall with pride that his splendid two-volume compendium on *The Law of Greco-Roman Egypt* was the product of the war years spent in New York at the papyrological *atelier* of the late William Linn Westermann. It seems particularly appropriate, therefore, for an American contributor to this testimonial volume to deal with a product of that workshop — one, moreover, in which the learning and guidance of Raphael Taubenschlag played a part.

The title of this article is a quotation from the ninth of the thirteen rescripts of Septimius Severus contained in P. Col. 123, the "Apokrimata" papyrus recently published by W. L. Westermann with a legal commentary by A. A. Schiller[1]. Rescript IX, dealing with release from municipal liturgies on account of illness, occupies lines 35—39 of the papyrus, where we read (in the revision by H. C. Youtie[2]):

Κρονίῳ Ἡρακλείδου.
αἱ πρόσκαιροι νόσοι τῶν πολιτικῶν οὐκ ἀπαλλάσουσιν λιτουργιῶν, καὶ οἱ ἀσθενεῖς δὲ τῷ σώματι λιτουρ-
[γ]οῦσιν ἐὰν τῇ φροντίδι τῶν οἰκείων πραγμάτων
ἐξαρκῖν δύνωνται.

"*To Cronius son of Heraclides. Temporary sicknesses do not afford release from municipal liturgies*", the rescript begins — on the sense

[1] *Apokrimata: Decisions of Septimius Severus on Legal Matters.* Text, translation, and historical analysis by William Linn Westermann; legal commentary by A. Arthur Schiller. New York, 1954.

[2] In *Chron. d'Eg.* 30 (1955), 333.

up to this point the two Columbia editors are agreed. On the remainder their interpretations differ. Westermann's translation continues "*Those who are physically sick are subject to liturgical services if they are mentally capable of conducting their household affairs*" (p. 10, 21). Schiller, on the other hand, pointing to the parallelism of the quotation from Ulpian in D. 27. 1. 10. 8 (*adversa quoque valetudo excusat, sed ea quae impedimento est quo minus quis suis rebus superesse possit, ut imperator noster cum patre rescripsit*), understands the last half of the Greek text before us to mean: "*And those physically sick are subject to liturgical services if they are able to undertake the care of their own affairs*" (p. 79). The purpose of the present article is to demonstrate that the latter interpretation is the correct one.

Persons who were mentally deranged were certainly released from the performance of liturgies in the time of the Severi[3]. This exemption is clearly stated and delimited in a number of legal texts dealing with the obligation to perform *tutela*, viz.

Frg. Vat. 238 (Ulpian): *valetudo vel furor vel morbus perpetuus excusat.*

D. 27.1.10.8 (Modestinus): ἐάν τις οὕτως νοσήσῃ ὡς δεῖν αὐτόν μὴ παντάπασιν ἀφεθῆναι ἐπιτροπῆς, εἰς τὸν τόπον αὐτοῦ κουράτωρ δίδοται. ῥαίσας δὲ πάλιν οὗτος ἀναλήψεται τὴν ἐπιτροπήν. εἰ δὲ καί τις εἰς μανίαν ἐμπέσῃ ὅμοιός ἐστιν τούτῳ.

D. 27.1.12. *pr.* (Ulpian): *furor non in totum excusat, sed efficit ut curator interim detur.*

D. 27.1.40 (Paulus): *post susceptam tutelam . . . furiosus aut valetudinarius deponere tutelam potest*[4].

The question that must now be asked is this: Is Septimius Severus' new rescript in P. Col. 123 an addition to the legal texts on mental incapacity? In so construing it Westermann took φροντίς to mean "mind", or "mentality", and understood the phrase τῇ

[3] Cf. A. Berger, *Encyclopedic Dictionary of Roman Law*, s. v. *furiosus*.

[4] The release of the insane from liturgy is, of course, but one aspect of their general legal incapacity, on which see e. g.: Paulus, *Sent.* 4.12.7: *neque furiosus neque pupillus exacti consilii capax est*; D. 50.17.5 (Paulus): *furiosus nullum negotium contrahere potest*; D. 50.17.40 (Pomponius): *furiosi ... nulla voluntas est*; D. 50.17.124.1 (Paulus): *furiosus absentis loco est et ita Pomponius ... scribit.* On the *curator furiosi* cf. also D. 27.1.2.9, and Berger, *op. cit.*, s. v.

φροντίδι τῶν οἰκείων πραγμάτων ἐξαρκεῖν as meaning, literally, „*to be competent in mind* [dative of respect] *for their private affairs* [objective genitive]". In other words, this phrase in Westermann's construction is equivalent to something like *mente privatis rebus sufficere*.

Though this interpretation may perhaps appear plausible at first sight, it is philologically quite untenable, and that for two reasons. In the first place, it asks us to accept an exceedingly unnatural — not to say impossible — grammatical construction, since the object of the verb ἐξαρκεῖν is regularly found in the dative, not the genitive; thus its natural object here would be φροντίδι, not πραγμάτων. In the second place, Westermann's interpretation takes φροντίς in a sense which belongs primarily to the figurative language of Greek tragedy[5], and ignores the well-established fact that in the technical terminology of Roman government — with which we are dealing here — φροντίς is the Greek rendering of the Latin *cura*[6]. So in D. 27.1 (*de excusationibus*), whose particular relevance to this new rescript has been indicated above, φροντὶς ἐπιτροπῆς occurs repeatedly as the Greek version of *cura tutelae*[7].

Clearly, then, the notion that Rescript IX of P. Col. 123 deals with mental incapacity must be abandoned. The correct interpretation is the one advanced by Schiller. The original Latin of the crucial phrase here discussed must have been something like *curae suarum rerum sufficere*.

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[5] Cf. Liddell-Scott-Jones, *Greek-English Lexicon*, s. v. II.

[6] See e. g. R. Mayr, *Vocabularium Codicis Iustiniani, Pars Graeca* (ed. M. San Nicolò), s. v. This use of φροντίς in Roman times is, moreover, a natural application of the basic meaning of the word: cf. Liddell-Scott-Jones, s. v. I, 1. Similarly, φροντίζειν = *curare*.

[7] 27.1: 4.1; 10.5; 12.1; 13.1; 15.3.

ON LEGAL PROCEEDINGS UNDER THE IDIOS LOGOS: ΚΑΤΗΓΟΡΟΙ AND ΣΥΚΟΦΑΝΤΑΙ

The most recent generally available treatment of the Edict of Tiberius Julius Alexander is that of Wilhelm Schubart in *Archiv für Papyrusforschung* XIV (1941) 36—43. A Tübingen dissertation by L. Laepple, which Schubart there announced as forthcoming, is presumably a casualty of the war. The 1951 Leipzig dissertation (in typescript) of W. Müller, *Das Edikt des Tiberius Julius Alexander*, is known to me at this writing only from its listing in *L'année philologique* (1951) 348. For the scholarly world as a whole, certainly, Schubart's opening words are still true: „Diese Urkunde, eine der wichtigsten aus der römischen Zeit Ägyptens, ist zwar vielfach benutzt worden, hat aber als Ganzes noch nicht die Behandlung erfahren die sie verdient."

In his article Schubart proposed a number of emendations to the unsatisfactory text of OGIS 669 (= IGRR I, 1263), unaware that a definitive text of the inscription, based on long and careful on-the-spot inspection of the stone, had been published in America three years earlier[1]. The true text of the edict confirms some of Schubart's conjecture to a greater or lesser degree, but negates the rest by depriving it of its presumed epigraphical foundation.

The present article concerns lines 39—45 of the inscription, or § 9 in Dittenberger's division. The text reads (the restorations in line 44, reproduced here as proposed by Oliver, are not an issue in the present discussion):

38 τὸ δ'αὐτὸ καὶ περὶ τῶν ἐν ἰδίωι λό⟨γ⟩ωι πραγμάτων ἀγομένων ἵστημι, ὥσ-

39 τε εἴ τι κριθὲν ἀπελύθηι ἢ{ι} ἀπολυθήσεται ὑπὸ τοῦ πρὸς τῶι ἰδίωι λόγωι τεταγμένου, μηκέτι ἐξεῖναι τούτωι εἰσαγγέλλειν κατηγόρωι μη⟨δ⟩ὲ εἰς κρίσιν ἄγεσθαι, ἢ{ι} ὁ τοῦτο ποιήσας ἀπαραιτή-

[1] H. G. Evelyn White and J. H. Oliver, *The Temple of Hibis in El Khârgeh Oasis*, Part II: *Greek Inscriptions* (New York, 1938) No. 4.

40 τως ζημιωθήσεται. οὐδὲν γὰρ ἔσται πέρας τῶν συκοφαντημάτων,
ἐὰν τὰ ἀπολελυμένα ἄγηται ἕως τις αὐτὰ κατακρείνηι. ἤδη{ι}
δὲ τῆς πόλεως σχεδὸν ἀοικήτου γενομένης διὰ τὸ
41 πλῆθος τῶν συκοφαντῶν καὶ πάσης οἰκίας συνταρασσομένης, ἀναγ-
καίως κελεύω, ἐὰν μέν τις τῶν ἐν ἰδίωι ⟨λ⟩όγωι κατηγόρων
ὡς ἑτέρωι συνηγορῶν εἰσάγηι ὑπόθεσιν, παρίστασθαι ὑπ'
42 αὐτοῦ τὸν προσαγγεί⟨λ⟩αντα, ἵνα μηδὲ ἐκεῖνος ἀκίνδυνος ἦι· ἐὰν
⟨δ⟩ὲ ἰ⟨δ⟩ίωι ὀνόματι κατενεγκὼν τρεῖς ὑποθέσεις μὴ{ι} ἀποδείξηι,
μηκέτι ἐξεῖναι αὐτῷ κατηγορεῖν, ἀλλὰ τὸ ἥμισυ αὐτοῦ
43 τῆς οὐσίας ἀναλαμβάνεσθαι. ἀδικώτατον [γά]ρ ἐστιν πολλοῖς ἐπάγοντα
κινδύνους ὑπὲρ οὐσιῶν καὶ τῆς ἐπ[ι]τιμίας αὐτὸν διὰ παντὸς
ἀνεύθυνον εἶναι. καὶ καθόλου δὲ
44 κ]ε̣λ̣ε̣ύ̣σ̣ο̣μαι τὸν γνώμονα τοῦ ἰ̣[δ]ί̣ο̣υ λ̣ό̣γ̣ο̣υ̣ [κεῖσθ]αι, τὰ καινο-
ποιηθέ̣ν̣τα παρὰ τὰς τῶν Σεβαστῶν χάριτας ἐ̣π̣α̣νο̣ρ̣θ̣ω̣σάμε̣νο̣ς̣.
προγράψω[ι δὲ] φ[ανερῶς ὅπως τοὺς ἤδη{ι} ἐξ-
45 ελε⟨γ⟩χθέντας συκοφάντας ὡς ἔδει ἐτιμωρησάμην.

I

The crucial problem for the understanding of this passage is the meaning of the terms κατήγοροι and συκοφάνται. Rudorff in 1828 interpreted these two terms as alternative designations for informers[2], and this view has held the field ever since. Rudorff's equation of the two terms was adopted and expanded by P. M. Meyer[3], who saw the κατήγοροι of the edict as a class of professional informers, and cited as additional support the expression συκοφαντώδου κα[τηγορί]ας in M. Chr. 68, 19—20 (A. D. 14) and the κατηγορούντων of M. Chr. 372 VI, 3 (early second century). Meyer's analysis was accepted by Hirschfeld[4], Plaumann[5], and Taubenschlag[6].

[2] *Rheinisches Museum* 2 (1828) 183—5. "κατήγορος und συκοφάντης bedeuten hier jeden, der dem Fiskus anzeigt.... κατηγορεῖν und εἰσαγγέλλειν dagegen unterscheidet sich wie *genus* and *species*" (183 note 3).

[3] *Festschrift zu Otto Hirschfelds sechzigstem Geburtstage* (Berlin, 1903) 149—152 and *Archiv für Papyrusforschung* 3 (1903), 87. Meyer went beyond Rudorff also in completely equating κατηγορεῖν and εἰσαγγέλλειν.

[4] *Die kaiserlichen Verwaltungsbeamten bis auf Diocletian* 2 (Berlin, 1905) 353 note 4.

[5] Pauly-Wissowa, *RE* IX (1916) 898 and *Abhandl. Preuss. Akad. Wiss., Phil.-Hist. Klasse* (1918) Nr. 17, p. 56.

[6] *Das Strafrecht im Rechte der Papyri* (Leipzig—Berlin, 1916) 102—3. Taubenschlag was the first to suggest, however, that a δημόσιος κατήγορος (P. Flor. 6)

The two terms were thereafter differentiated by Preisigke[7], but this distinction is obviously not yet generally accepted, since the most recent treatments of this text continue to adhere to Meyer's interpretation[8].

While it is true (as Rudorff pointed out) that Dio Cassius uses both κατηγορεῖν and συκοφαντεῖν in speaking of the delations at Rome under Tiberius (Dio also uses μηνύειν), I submit that such looseness of terminology is inherently improbable in the technical legal language of a prefectural edict; and I propose to show that the edict does in fact, by careful use of precise language appropriate to each, distinguish the two terms along the lines indicated by Preisigke, viz.:

συκοφάντης is, of course, the invidious designation of the delator, or common informer, who practices malicious or vexatious denunciation (συκοφαντημάτων, line 40) for personal profit[9].

κατήγορος, on the other hand, here denotes a functionary, namely a public prosecutor, serving in the Department of the Idios Logos (τῶν ἐν ἰδίωι λόγωι κατηγόρων, line 41).

It is apparent at a glance that the Prefect in lines 41—42 treats in succession two discrete situations: in the first (ἐὰν μὲν...) the κατήγορος in the Idios Logos Department brings a suit as advocate for another (ἑτέρωι συνηγορῶν εἰσάγηι ὑπόθεσιν), in the second (ἐὰν δὲ...) the κατήγορος prosecutes on his own responsibility (ἰδίωι ὀνόματι). What has hitherto not been clearly discerned is the relationship of this distinction to the text of the preceding sentences.

A key to the solution is provided, curiously enough, by a seemingly unimportant word: τούτωι in line 39. Some scholars have regarded this word as the modifier of κατηγόρωι, while others, di-

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might be an official. For an example he pointed to the ἐκλογιστής in § 8 of the edict of Tiberius Julius Alexander, but not, oddly enough, to the κατήγορος of § 9, where he followed the traditional interpretation; cf. also note 8 below.

[7] *Wörterbuch*, *s.vv.*: κατήγοροι — „die Anwälte für das Ressort des Idiologos." συκοφάντης — „Angeber, falscher Ankläger".

[8] Schubart, *loc. cit.*, 39—40; Taubenschlag, *The Law of Greco-Roman Egypt*[2] (Warsaw 1955), 548 and *Studi in onore di V. Arangio-Ruiz* (Naples [1953]), ~~Editor: This is the closing of the parenthesis begun on the preceding line, before Naples—thus: (Naples, [1953])~~ I, 501—7, (repeating in summary form the fuller presentation given in his *Strafrecht* 103).

[9] The material motive might be to obtain the informer's share from the victim's loss, or — as in M. Chr. 68 — to purchase the property from the state after it was confiscated by the Idios Logos.

sturbed by its apparent lack of antecedent, have resorted to emendation, Rudorff (followed by Plaumann) reading τοῦτο, Schubart more recently proposing ταὐτό[10]. To construe τούτωι with κατηγόρωι offends, as Schubart has remarked, against sense as well as syntax. But the proferred emendations are actually no improvement on either score, for the reason that they are based on the same fundamental misconception of κατηγόρωι as the performer of εἰσαγγέλλειν, and this error in turn stems from the mistaken notion that κατήγορος in this context is synonymous with συκοφάντης. Once this false preconception is discarded, τούτωι becomes quite unobjectionable, and all that is required is a straightforward reading of the text as it stands on the stone[11]. First, as to syntax, μηκέτι ἐξεῖναι τούτωι is normal, idiomatic construction, and it is moreover paralleled exactly by μηκέτι ἐξεῖναι αὐτῷ in line 42. To change τούτωι to an accusative (object of εἰσαγγέλλειν) and substitute κατηγόρωι for τούτωι as the dative governed by ἐξεῖναι, is to reject both idiom and parallelism in favor of grotesque abnormality. Conceivably, we might have to accept even such unnaturalness if the sense compelled us to do so. But sense too is violated by this alteration. For the function of the κατήγορος is not to lay information (εἰσαγγέλλειν), but, as we see in lines 41—42, to institute suits and prosecute (εἰσάγηι, κατηγορεῖν). Nothing could be more explicit than the differentiation in lines 41—42 between prosecutor (τις...κατηγόρων) and informer (τὸν προσαγγείλαντα). The same distinction is made in practically identical terms in line 39, where εἰσαγγέλλειν is the function of the informer, here designated by τούτωι[12], while κατηγόρωι, as the word order also indicates, is the

[10] Rudorff, *loc. cit.*, 150; Plaumann, *RE* IX, 898; Schubart, *loc. cit.*; Dittenberger, OGIS II, p. 401 note 76, left open the question of whether τούτωι, which he printed, should be taken as masculine with κατηγόρωι or as neuter with τι. Those who accepted τούτωι without comment apparently took it to modify κατηγόρωι. In Schubart's view, his emendation restores the „vollen Sinn" of the parallelism between §§ 8 and 9 of the edict; actually, however, the parallelism of these two sections is quite explicit as the text stands: see the discussion of this point in the next paragraph.

[11] Future studies of the document would do well to start with the recognition that the edict is, from beginning to end, a fundamentally sound example of idiomatic chancery Greek.

[12] Cf. Evelyn White, *op. cit.*, 33: "τούτωι indicates the accuser implied in εἴ τι κριθὲν κτλ." Schubart's objection (*loc. cit.*) to τούτωι — that „von 'diesem Ankläger' noch gar nicht die Rede war" — misses the point. Two things are pro-

indirect object of εἰσαγγέλλειν, i.e. the prosecuting officer to whom the informer brings his denunciation and by whom legal proceedings are instituted (ἄγεσθαι). Thus μηκέτι ἐξεῖναι τούτωι εἰσαγγέλλειν κατηγόρωι means, quite simply, just what it says: „this (informer) shall not again be permitted to submit (the same) denunciation to a prosecutor."

An additional measure of support for this interpretation of κατήγορος may be found in the parallelism of §§ 9 and 8 (lines 35—38) of the edict.[13] This parallelism is announced by the Prefect in the opening words of § 9: τὸ δ'αὐτὸ ἵστημι περὶ.... With the interpretation of κατήγορος offered above, the parallelism of the two sections extends beyond a mere reiteration of the principle of *res adjudicata* to the procedural particulars of the two situations. In both sections prosecuting officers are forbidden to reintroduce cases previously dismissed. In both sections their action in presenting cases for judicial consideration is expressed by the verb (εἰσ)άγειν. In § 8 this function is performed by an ἐκλογιστής, in § 9 by a κατήγορος.

Before proceeding from this conclusion to an analysis of the portion of the edict under discussion, it will be well to dispose of the other texts cited by Meyer in support of his interpretation of κατήγορος.

I turn first to συκοφαντώδου κα[τηγορί]ας in M. Chr. 68. Assuming that the restoration is correct (as it may well be, though other possibilities exist — e.g., κακουργίας), to interpret this phrase to mean that συκοφάντης and κατήγορος are equivalents is like concluding from an expression such as „slavish imitation" that „slave" is a synonym of „imitator". A reading of the whole papyrus shows that the adjective συκοφαντώδης is simply a pejorative descriptive

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hibited in this clause of the edict: 1. The same charge may not be introduced again. This is provided by εἰς κρίσιν ἄγεσθαι (the infinitive is passive, not middle; cf. note 13). 2. The same informer may not repeat a denunciation. This is specified by τούτωι. The identity of the informer is established by the necessity of his appearance in court (lines 41—42).

[13] The pertinent portions of § 8 read: καθόλου (δ)ὲ κελεύω{ι}, ὁσάκις ἔπαρχος ἐπ' αὐτὸν ἀχθέντα ἔρθασεν κρείνας ἀπολῦσαι, μηκέτι εἰς διαλογισμὸν ἄγεσθαι. ἐὰν δὲ καὶ δύο ἔπαρχοι τὸ αὐτὸ πεφρονηκότες ὦσι, καὶ κολαστέος ἐστὶν ὁ ἐγλογιστὴς ὁ τὰ αὐτὰ εἰς διαλογισμὸν ἄγων. ...διὰ τὸ καθ' ἕκαστον διαλογισμὸν τὰ αὐτὰ πράγματα εἰς κρίσιν ἄγεσθαι.

with which a petitioner, in asking that a charge against him be dismissed, deprecates the accusation by characterizing it as the kind of vexatious villainy that informers practice[14].

M. Chr. 372 can be passed over, since κατηγορούντων, standing there by itself, is quite inconclusive. Instead I may signalize P. Flor. 6 (A. D. 210), which distinguishes explicitly between proceedings initiated by private persons, who must post security against perpetrating συκοφαντία, and those brought by δημόσιοι κατήγοροι, public prosecutors[15].

II

If we turn now and re-read the whole section of the edict on Idios Logos matters in the light of the foregoing analysis, the following sequence of ideas emerges:

1. The first sentence (lines 38—40) is general in scope. Once the *Idiologus* has dismissed a case it is not to be revived; an informer may not again bring a denunciation in the same matter to a prosecutor (εἰσαγγέλλειν κατηγόρωι), and a prosecutor may not again bring up the matter for judicial consideration (εἰς κρίσιν ἄγεσθαι). This is, of course, an assertion of the familiar legal principle of *res adjudicata*[16].

2. The following sentences, as far as ἀκίνδυνος ἦι in line 42, concern denunciations brought by private informers (συκοφάνται) to the prosecutors (κατήγοροι). The Prefect wants to put an end to the vexatious denunciations with which „a host of informers" is keeping Alexandria in a turmoil (lines 40—41). In addition, therefore, to prohibiting the reintroduction of matters once dismissed (line 39), the Prefect also orders (lines 41—42) that when a κατήγορος brings an action on the basis of information supplied by a private individual, he must produce in court the person who submitted the denunciation to him (παρίστασθαι ... προσαγγείλαντα). The Prefect thus strikes a well-aimed blow at the professional informers by

[14] Similarly in P. Oslo 17 (report of a hearing before a strategus in A. D. 136), the accused say of a witness who has testified against them that they συκοφαντεῖσθαι ὑπ' αὐτοῦ (line 8).

[15] Lines 5—7: τοῦ δεῖνα βουλομένου μου κατηγορεῖν οὔτε ὄντος δη μισίου κατηγόρου ἀλλ'οὐδὲ ἀσφαλισαμένου τὸ ταμεῖον εἰς τὸ πρόστειμον τῆς συκοφαντίας.

[16] On the appearance of this principle in the papyri see Taubenschlag, *The Law of Greco-Roman Egypt*[2] 522 ff.

stripping them of the anonymity and secrecy in which delation flourishes. Furthermore, by the early third century at least, a private individual lodging information against another „was obliged to give security for the fine to which he was subject should his information prove to be false;"[17] whether this penalty was already in effect in A. D. 68, when Tiberius Julius Alexander issued his edict, is an open question[18].

3. The next sentence, beginning with ἐὰν δέ in line 42, turns to prosecutions originating with the κατήγοροι themselves, and provides penalties to deter them from launching prosecutions irresponsibly.

4. The portion of the edict aimed at discouraging vexatious accusations and prosecutions concludes, in the sentence beginning ἀδικώτατον γάρ (line 43), with an homiletic dictum, almost platitudinous in its sententiousness, on the justice of punishing persons who make a practice of persecuting others. This concluding statement provides the moral justification for the penalties decreed in the preceding sentences, and, though it follows directly upon the sanctions decreed against malicious κατήγοροι, it is a generalization, and as such, is equally applicable to συκοφάνται.

5. In the next sentence, beginning καὶ καθόλου (line 43), the Prefect, in a statement of general policy, declares his intention of enforcing the Gnomon of the Idios Logos in keeping with the declared wishes of the Emperors. This apparent digression from the specific subject of unwarranted prosecutions to which this section of the edict is otherwise devoted, is perhaps explained by the preceding mention of confiscation (ἀναλαμβάνεσθαι), with which so many provisions of the Gnomon are concerned. In that case the Prefect's train of thought would be: (a) a κατήγορος who is responsible for three unjustified prosecutions shall have half his property confiscated; (b) speaking of such matters, I want it known that all valid provisions of the Gnomon will be enforced. If this is in fact the sequence of ideas, it carries the important implication that we

[17] Taubenschlag, *op. cit.*, 548. The source is P. Flor. 6, 5—7, quoted in note 15, above.

[18] Another subject of speculation is whether, as Rudorff suggested (*loc. cit.*), there is any connection between these measures against informers promulgated by the Prefect of Egypt in the first month of Galba's reign and the action taken by the senate at Rome *recens Galbae principatu* (Tacitus, *Hist.* 2.10; cf. 4.42, *occiso Nerone*) to punish *delatores*.

have in (a) a hitherto unknown provision of the Gnomon. This is at present, however, no more than a possibility. As to the text of this sentence (and the next), it is worth repeating Evelyn White's admonition[19] that all previously proposed restorations, „except that of Franz [in CIG], are vitiated by the supposed infinitive ἐπανορθῶσαι (a misreading).... ἐπανορθωσάμενος ... is certain, and is clear ... in the original."

6. In the last sentence, προγράψω ... ἐτιμωρησάμην, the Prefect reverts briefly to the previous subject with a promise to make public his actions in meting out condign punishment to „convicted informers". Textually noteworthy is the thoroughly satisfactory ἐξ]ελε(γ)χθέντας, which replaces the previously misread ἐν]δειχθέντας.

III

In the light of the foregoing analysis I translate the section of the edict here under discussion as follows[20]:

„I also establish the same rule for matters brought up under the 'Special Account', so that if any matter has been judged and dismissed, or shall be dismissed, by the [procurator] appointed in charge of the 'Special Account', the [accuser] shall not again be permitted to submit it to a prosecutor nor shall it be brought to judgment, or the person so doing will be punished mercilessly. For there will be no end to vexatious denunciations if dismissed matters are brought up till someone decides to condemn. Since already the city has become practically uninhabitable because of the multitude of informers and every household is thrown into confusion, I perforce order that if any of the prosecutors attached to the 'Special Account' introduces a suit as spokesman for another, he shall produce the real accuser in court, so that the latter too may not be free from risk; and if he brings three suits on his own responsibility and does not prove them, he shall not again be permitted to prosecute, but half his estate shall be confiscated. For it is most unjust that a person who brings upon many the dangers of [loss of]

[19] *Op. cit.*, 33—34. This applies also to the subsequent proposal of Schubart, *loc. cit.*

[20] An English translation of most of the edict will be found in N. Lewis and M. Reinhold, *Roman Civilisation*, Volume II: *The Empire* (New York, 1955).

property and penalty should himself be completely free from liability. And in general I shall order that the code of regulations of the 'Special Account' remain in force, now that I have rectified the innovations practiced contrary to the grants of the Emporors. And I shall openly publicize how I have meted out condign punishment to already convicted informers."

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X. A Veteran in Quest of a Home

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Multa in parvo seems an apt characterization of the papyrus that I publish here with the kind permission of the authorities of the Cornell University Library.[1] For the philologist its syntax and phonetic spelling provide an unusually rich example of popular Greek speech in the second century A.D. For the student of Roman military institutions it captures *sur le vif* the picture of a discharged veteran looking for a place to settle in and deciding to try the village of a fellow-soldier. To the papyrologist it brings an improved perspective on the Terentianus letters of P. Mich. 467–81, with which it is almost certainly to be associated. It therefore seems desirable to publish the text without further delay, even though a close inspection of the papyrus might resolve some of the problems remaining in lines 21–23 as read from the photographs available to me.

P. Cornell Inv. No. I, 64

(Karanis) 17 × 11.5 cm. 136 A.D.

Οὐαλέριος Παυλεῖνος ὁ καὶ Ἀμμωνᾶς
Οὐαλερίῳ Ἀπολιναρίῳ τῷ ἀδελφῷ πλεῖ-
στα χαίρειν. γεινώσκιν φε θέλω ὅτι τὴν
μέλλων ἡνιαυτὸν μ[ό]νον στρατεύομαι
5 *καὶ ἀπολύομα· ἂν ὁ θεὸς θέλῃ, ἔρχομαί σοι*
τὴν ὄψιν προσκυνῆσαι μετὰ τῶν πατρῴ-
ων θεῶν. λοιπὸν οὖν σε ἐρωτῶ σινεστα-
μένον ἔχε τὸν μεσσίκιν τίς τὴν ἐπιστο-
λὴν φέρι σοι [[.]] Τερεντιανόν, καὶ γνώτω

[1] It is a pleasure to record here the generous help of Professor H. C. Youtie of the University of Michigan in the reading of the photographs and the reconstruction of the text.

The following abbreviations, in addition to those commonly used for papyrological publications, appear in this article: Blass-Debrunner = F. Blass, *Grammatik des neutestamentlichen Griechisch*[8], bearbeitet von A. Debrunner (Göttingen 1954); Mayser = E. Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit*[2] (Berlin and Leipzig, 1923–38).

10 ποταποὺς κωμίτας ἔχωμεν μὴ ἐπηρι-
ασθῇ. ἐπὶ ἔχων ἐστὶ καὶ θέλων ἐκῖ κατα-
μένιν, ἐκέλευσα αὐτῷ ἰς τὴν ἐμὴν οἰκίαν
κατὰ μὲν τοῦ ἐνεστῶτος ἡνιαυτοῦ καὶ τοῦ
μέλλοντες εἶνα δῦ (δραχμὰς) ξ, καὶ τοῦ εἰσιόντες
15 (ἔτους) κα̅ Ἀδριανοῦ Καίσαρος τὸν ἀγρόν μου
ἔχιν αὐτὸν ἐν μισθώσεως (δραχμῶν) ξ, τῶν (δραχμῶν) ρ̅κ̅
εἶνα μοι ἀγοράσῃ διά σου ἀπὸ τοῦ φίλου
ὀθωνοπώλου πρὸς τῷ τεμένῳ ἐν τῇ πόλ[ι
]δύω καὶ κλίνας δύω καὶ προσ-
20 κεφάλαια δύ]ω καὶ τὰ πλήσζματα καὶ τά.

– – – – – – (broken) – – – – – –

Along the left edge of the papyrus, written from top to bottom:

φάγε τᾷ ϙὰ καὶ πῖε. ἂμ μὴ ἔχις, ἐγὼ δώσω· ἀμέριμνος [γίνου?

On the verso, written from bottom to top (in terms of the recto):

]ανιστῃ Παυλείνου τοῦ μεσσικίου Ἀπολλωνίῳ υ . . .
τῷ ἀδ]ελφῷ

3 γινώσκειν 4 μέλλοντα ἐνιαυτὸν 5 ἀπολύομαι 8 μισσίκιον 9 φέρει 10 κωμήτας ἔχομεν, ἐπηρε 11 ἐπεὶ, ἐκεῖ 12 μένειν, εἰς 13 ἐνιαυτοῦ 14 μέλλοντος ἵνα δοῖ, εἰσιόντος 16 ἔχειν, μισθώσει 17 ἵνα 18 ὀθονιοπώλου, πόλει (the restoration [ι is dictated by space) 20 πλήσματα 21 ἂν, ἔχῃς 22 παυλει ╳ νου Pap. μισσικίου

Translation

Valerius Paulinus also called Ammonas, to his brother Valerius Apollinarius, warmest greeting. I want you to know that I am in service next year only, and (then) I am released: if the god wishes, I will come to reverence your countenance along with the ancestral gods. Now then I ask you, receive with my recommendation the discharged soldier Terentianus who brings you this letter, and let him know what sort of villagers we have, lest he get into trouble. Since he is a man of means and desirous of residing there, I have urged upon him that he pay for my house for the current year (a rental of) 60 drachmas, and that he have my field on lease for the coming 21st year of Hadrianus Caesar for 60 drachmas, and that with the 120 drachmas he buy for me through you from our friend the linen-merchant by the precinct in the city two . . . and two couches and two pillows(?) with their stuffing and . . .

Eat yours(?) and drink. If you don't have, I'll give: don't worry.
(*Address on verso*) . . . letter(?) of Paulinus, discharged soldier, to Apollonius . . . his brother.

Commentary

1–2. The writer, *né* Ammonas, received the Roman name Valerius Paulinus when he entered military service: cf. J. Lesquier, *L'armée romaine d'Egypte* (Cairo 1918) 220–23. Thus in *BGU* 423 (reprinted as W. Chr. 480 and *Sel. Pap.* 112; for other editions see J. G. Winter, *Life and Letters in the Papyri* [Ann Arbor 1933] 41–42) an Egyptian recruit named Apion writes to his father: ἔσ[τ]ι [δέ] μοι ὄνομα Ἀντῶνις Μάξιμος (lines 22–23). By the same token, the addressee Valerius Apollinarius would be Paulinus' older brother, who has already been discharged and has returned home.

3–5. Since Paulinus is already *missicius* (as we learn from line 22), the tone of this sentence is that of a veteran who, having been kept in the army beyond the statutory period of service, has just been given a definite date of discharge. Such retention of veterans in more or less active service began with Augustus and must often have been occasioned by the demands of a war in progress: cf. J. Marquardt, *De l'organisation militaire chez les Romains* (Paris 1891) 184–88. The date of this letter (cf. below, note to lines 13–15) suggests that Paulinus and other veterans in his situation were retained in service because of the Jewish revolt, which Hadrian's generals did not bring to an end in Judea till 135 A.D., and which may have had repercussions (τάραχος) in Egypt as late as 136/7 (cf. U. Wilcken, *Archiv für Papyrusforschung* 1 [1901] 557).

5. ἀπολύομα : The dropping of the final *iota* is a feature of Egyptian speech: cf. Mayser 1². 105.

8. μεσσίκιν: The reduction of the ending -ιον to -ιν is common in vulgar post-classical Greek: cf. Mayser 1². 260. The rendering of the first *i* of *missicius* by ε is an example of the "bekannten Wandel von ι zu ε . . . , der uns so oft in der Volkssprache der Papp. begegnet" (S. G. Kapsomenakis, *Voruntersuchungen zu einer Grammatik der Papyri der nachchristlichen Zeit* [Munich 1938] = *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte*, 28 Heft, 69, cf. also 63, 90–92, 109); the sounds ĕ and ī were apparently very similar in Egyptian speech: cf. Mayser 1². 80–82.

No evidence has yet appeared to make clear what the difference of meaning was, if any, between *missicius* and *veteranus*. In *ThLL* s.v., *missicius* is defined as meaning "i.q. militia solutus vel confecta militia missione donandus" (the same definition is applicable to the term *veteranus*: cf. Daremberg-Saglio s.v., and note to lines 3–5 above). Both these meanings are in fact confirmed by the present papyrus: Terentianus (*missicius* line 8) is clearly "militia solutus," while Paulinus (*missicius* line 22) is just as clearly "missione donandus." It has long been evident that a soldier in the Roman army or navy did not automatically acquire honorable discharge upon completing the statutory period of service: cf., most recently, *P. Dura* pp. 303, 309. Thus, the term *missicius*, like *veteranus*, appears to have designated a soldier who had been officially awarded his discharge, even if not yet actually released from service.

On the Hellenistic use of *τίς* as a relative pronoun cf. Mayser 2.1.80, Blass-Debrunner 187 (§ 298.4).

10–11. *μὴ ἐπηριασθῇ*: The (to us) piquant frankness of this remark suggests that in ancient as in modern times the well-to-do stranger was regarded as "fair game." On the spelling *-ρι-* for *-ρε-*, see note on *μεσσίκιν* above.

11. Since every veteran would have at discharge at least his enforced savings (Vegetius, *De re militari* 2.20) and his *praemia militiae*, presumably something more in the way of wealth is implied in *ἔχων*. The air of family affluence that pervades the correspondence in *P. Mich.* 467–81 is one of the many details that favor the identification of the Claudius Terentianus of those letters with the Terentianus of this Cornell letter.

11–12. *θέλων ἐκεῖ καταμένιν*: It is clear from this and the preceding lines that Terentianus does not come from the village in which the brothers Paulinus and Apollinarius reside but is looking for a place in which to make his home after his recent discharge. This circumstance fits well the identification of this Terentianus with the soldier of the same name in *P. Mich.* 467–81. "All [those] letters," as the Michigan editors remark (page 16), "seem to have been written in or near Alexandria." A prominent figure in the correspondence is Claudius Tiberianus, whom Claudius Terentianus addresses as "lord and dearest father." In *P. Mich.* 475 Tiberianus is, in the editors' opinion, "a veteran . . . at home in the Fayum" (page 17). That is, to be sure, a natural inference

from the fact that *P. Mich.* 467–81 were found at Karanis, but nowhere in the correspondence is it actually stated that Tiberianus lived in the Fayum. On the contrary, *P. Mich.* 476 and 477 speak of his "sailing up to the Arsinoite nome" not in the tone of a man going *to* his home, but rather of a man going *from* his home to a place where he has business interests. The picture that thus emerges accords well with the editors' above-quoted comment that the Michigan letters were all written in or near Alexandria: Terentianus was stationed there as a soldier, and the other correspondents lived in Memphis or the Delta. The letters were found in Karanis presumably because it was Terentianus, as we now infer from the Cornell letter, who went and settled there, taking his family records and papers—if not the family itself—with him.

The description in this letter of how Terentianus came to settle in his new home is interesting from another, and broader, viewpoint as well. Wilcken's remark, written in 1912, is still true: "Die Papyri haben uns mit einer grossen Zahl von Veteranen bekannt gemacht, die Landbesitzer (γεουχοῦντες) sind, doch ist nicht oft zu ersehen, auf welchem Wege sie in den Besitz gekommen sind" (*Grundzüge* 403). Settlements of veterans, called κολωνίαι, are attested in the Egyptian countryside from early in the reign of Hadrian (*P. Giss.* 60, *BGU* 587, *P. Oxy.* 653 [=M. Chr. 90], W. Chr. 461), and similar settlements are attested in Gaul from the time of Claudius onward (cf. E. Kornemann, *Klio* 11 [1911] 390–91). But these were not *coloniae* in the official, municipal sense; and these settlements were not always created through assignment of lands by the Emperor. Some, if not all, of the Egyptian κολωνίαι may have come into being through a process of voluntary natural accretion as discharged veterans came and settled in localities where other veterans had preceded them. Such, precisely, is the story of Terentianus as we read it in this letter. Such veterans—in answer to Wilcken's implied query—obviously became landowners by purchasing land with the not inconsiderable funds they carried with them on leaving military service. Cf. the discussion of the κολωνίαι by Lesquier (above, page 141) 328–32.

12–17. ἐκέλευσα . . . ἀγοράσῃ: Two *koinê* constructions are exemplified in this sentence:

(1) κελεύω with the dative: "In der *Κοινή* taucht dann der in der Sprache des Volkes wohl nie ganz ausgestorbene

Dativ . . . speziell c. inf. wieder auf" (R. Helbing, *Die Kasussyntax der Verba bei den Septuaginta* [Göttingen 1928] 209).

(2) κελεύω followed by ἵνα + the subjunctive in place of the classical infinitive: cf. Mayser 2.1. 243–44.

Here, interestingly enough, the verb is followed by both constructions in three parallel clauses, first the subjunctive (δῶ, line 14), then the infinitive (ἔχειν, line 16), and then the subjunctive again (ἀγοράσῃ, line 17).

13–15. Since ἐνεστώς designates the current year and the writer both here and above (line 4) uses μέλλων to refer to the coming year, εἰσιών might at first seem to be his way of denoting the year following that designated by μέλλων. But two considerations argue cogently against such a view. First, εἰσιών is the regular technical term for the year "coming in" after the current one; in fact, the stock phrase "the coming 21st year of Hadrianus Caesar" comes to the letter writer's mind and pen here from the formulaic language of land leases. Secondly, to understand three successive years here gives the anomalous result of having Terentianus rent Paulinus' house in the current and coming years, but his field not till the year after that (when, moreover, Paulinus expects to be home from the army: lines 3–5). Obviously what is really meant is that Terentianus will move into Paulinus' house now and will live there and cultivate the field during the coming year. At the end of that year there will be 120 drachmas of rental money to purchase house furnishings (lines 16–20) for Paulinus' return.

Thus μέλλων and εἰσιών both refer to year 21 of Hadrian, 136/7 A.D. Moreover, μέλλων suggests that the beginning of that new year is not far away. The date of the letter thus emerges as 136 A.D., some time before August 29th. Such a date, late in the year 135/6, also explains why Terentianus, although taking up residence in the house at once, will cultivate Paulinus' field only in the coming year: it is too late in the current year to do so.

14. μέλλοντες and εἰσιόντες for -ος: Interchange of ο and ε in unaccented syllables (both presumably approximating ə in pronunciation) is a common phenomenon in Hellenistic Greek: cf. Mayser 1². 94–97.

δῶ (i.e. δοῖ) is the *koiné* form of the third person singular aorist subjunctive of δίδωμι : cf. Blass-Debrunner 58–59 (§95).

18. The confusion of masculine and neuter nouns ending in -ος, evident already in classical Greek, increased in post-classical times: cf. Mayser 1². 286–88, Blass-Debrunner 35–36 (§51.2). τεμένῳ is accordingly to be taken as a heteroclitic of, rather than as an error for, τεμένει. This marks, I believe, the first occurrence of this particular heteroclitic.

19–20. The specification of *two* couches, etc., may possibly suggest that Paulinus, like so many veterans of the Roman army, will be returning with a wife acquired during his period of military service. In the first and second centuries such marriages, though common, were legalized only upon honorable discharge: cf. e.g. Lesquier (above, page 141) 262–79 (with bibliography), 313–18.

20. πλήσζματα: On σζ = ζ = σ cf. Mayser 1². 204, 209–10. In the present context the meaning "stuffing" (for the pillows or mattresses) practically imposes itself, even though πλῆσμα has not previously occurred in that sense. The related word πλήρωμα is cited from Pollux 10.41 as "stuffing for mattresses and pillows" by C. L. Ransom, *Couches and Beds of the Greeks, Etruscans and Romans* (Chicago 1905) 110.

22–23. The address on the verso does not appear to correspond to any of the familiar patterns. Since the letter is an *epistula commendaticia*, it is conceivable that the letters at the beginning of line 22 constitute the ending of a Greek adjective corresponding to *commendaticia*, with ἐπιστολή expressed or understood in the lacuna at the left; but I have been unable to find any such word that would fit the reading]ανιστη. (ἐμφανιστή, from ἐμφανίζω in the sense of "to explain," "to give orders" [*LSJ* s.v. 2], comes close to the sense desired but is not really satisfactory. *Commendaticia*, incidentally, is regularly rendered in Greek as συστατική.) Furthermore, toward the end of line 22, where one naturally looks for the name of the addressee, it seems quite impossible to read Ἀπολλιναρίῳ. Unless we are to assume that the letter-writer absent-mindedly wrote the name wrong, we must conclude that this Apollonius was an intermediary through whom Paulinus got the letter to Terentianus, who in turn took it personally (lines 8–9) to Apollinarius. Such a situation would call for line 23 to be restored ὥστε Ἀπολλιναρίῳ τῷ ἀδ]ελφῷ: cf. *BGU* 423 = W.Chr. 480 = *Sel. Pap.* 112. The ╳ drawn through παυλει ╳ νου —

marking the approximate middle point where the papyrus was to be folded in half for convenience in carrying, and hence the approximate middle of line 22—indicates the need of a restoration of about that length. By the same token it indicates that approximately eight lines are lost at the bottom of the recto.

Editor's note:
On p. 66, in the translation, line 10, add after "current year," "and the next."
The text is reprinted as *SB* VI 9636.

TWO TERMINOLOGICAL NOVELTIES.

1. Ex-strategos.

In the papyrus collection of New York University there is a loan document of 329 A.D. (inventory no. XV, 14; unpublished) in which the lender, one Antonius Sarapammon, is styled ἀπὸ στρατηγων.[1] While this expression for "former strategos," or "ex-strategos," is unprecedented, the designation of a previously held office or status by ἀπό followed by the title in the genitive plural is common enough in the documents of the fourth century and later. The following examples will show the pattern: ἀπὸ στρατιωτῶν for "retired soldier,"[2] ἀπὸ ἐπάρχων for "ex-prefect,"[3] ἀπὸ ἐπάρχων εἴλης for "former praefectus alae";[4] similarly ἀπὸ βενεφικιαρίων, ἀπὸ ἐξακτόρων, ἀπὸ πριμπιλαρίων.[5]

These parallels lead us to expect ἀπὸ στρατηγῶν in the NYU papyrus, and one's first temptation is to find that reading by punctuating στρατηγ{ι}ῶν. But Antonius Sarapammon is similarly styled in a similar document in the Columbia collection. It would be preferable, then, if the new form could be explained without postulating a scribal error in both instances. Two possibilities will be suggested here.

One possibility is that the expression employs the genitive plural of στρατηγία, "office of strategos." If the genitive *plural* of the abstract noun seems strange, it is nevertheless not without precedent: for example, ἀπὸ στρατειῶν (= *a militiis*) is found as well as ἀπὸ στρατείας.[6] Unfortunately, the picture is clouded by *P. Théad.* 15 (= *Select Papyri*, 262; 280/1 A.D.), where the advocate addressing the court is characterised as being ἀπὸ [συν]η-

[1] Antonius Sarapammon is known to have been strategos of the Arsinoite nome some fifteen years earlier: cf. *P. Strasb.* 45 (312 A.D.) and *P. Flor.* 54 (314 A.D.; revised text in *Archiv für Papyrusforschung*, IV [1908], p. 434); cf. now also *P. Cair. Isidor.* 54.

[2] Cf. J. Maspéro, *L'organisation militaire de l'Égypte byzantine* (*Bibliothèque de l'École des Hautes Études*, fasc. 201), p. 58.

[3] Cf. *P. Lips.* 14, 3, and note.

[4] Cf. *P. Lond.* 233, introd. (II, p. 272).

[5] *B. G. U.* 1049, 2; *C. P. R.* 247, 3; *P. Flor.* 71, 697.

[6] Cf. Liddell-Scott-Jones, *s. v.*, and D. Magie, *De Romanorum . . . vocabulis sollemnibus*, p. 127.

γοριῶν (line 2). The apparent discrepancy is perhaps explicable on the ground that *synegoria* is a professional status, which, once attained, is retained for life; while *strategia* is an administrative office, from which, once it is relinquished, one retains only an honorary title. In other words, an ἀπὸ συνηγοριῶν, one having attained the status of advocate, still enjoys that status, but an ἀπὸ στρατηγιῶν, one having held the office of strategos, no longer holds it.

A second possibility deserves consideration. The influence of Latin in the word-formation of postclassical Greek is particularly noticeable in the proliferation of adjectives ending in -ιος.[7] Therefore, since Latin *praetor* is rendered in Greek by στρατηγός, it would not be surprising if imitation of *praetorius*, in which the suffix *-ius* conveys the sense of rank derived from previous officeholding, produced the adjective στρατήγιος denoting "former strategos." Indeed the neuter, στρατήγιον, was from Hellenistic times the Greek rendering of *praetorium*, the general's headquarters.[8] Perhaps it is this adjective which is used in designating Aurelius Sarapammon as ἀπὸ στρατηγίων.

2. One Thirty-second.

Ancient Greek expressed small fractions (and their corresponding ordinal numbers) in two ways, e. g.

A. ἑξηκοστοτέταρτον, "a sixty-fourth"

or

B. τετρακαιεξηκοστόν, "a four-and-sixtieth."

In the case of the fraction 1/32, the "A" form is τριακοστόδυον. The "B" type has hitherto occurred only (I believe) in a few papyri of 299-303 A. D., *P. Cornell* 20 and 20a, and *P. Cair. Isidor.* 3 and 5. These texts appear, moreover, to evidence two discrete forms of the term. One, clearly attested in several occurrences, is δυοτρίαντον, a form obviously connected with the late (→ modern) Greek word for "thirty," τριάντα. The other is δυοτριακοστόν. This form, plausibly restored by the editors in *P. Cornell* 20a, line 53—but, unlike δυοτρίαντον, not admitted

[7] Cf. e. g. L. R. Palmer, *A Grammar of Post-Ptolemaic Papyri*, p. 31.

[8] Cf. Liddell-Scott-Jones, *s. v.* *Praetorius* in the sense of ex-praetor appears in Greek as στρατηγικός (similarly, ὑπατικός = *consularis*): cf. Liddell-Scott-Jones, and Magie, *op. cit.*, p. 83.

into the Liddell-Scott-Jones *Lexicon*—is definitely attested in P. Wisconsin inventory no. 56 (unpublished). In that petition of 244/6 A. D. the writer complains that an official has registered his seven-aroura parcel of land as ἀρούρας δέκα ἥ[μι]συ δυοτριακ[οσ]τ[όν, προ]σ | [ποι]ήσας ἀρούρας τρεῖς ἥμ[ισ]υ δυοτριακοστόν (lines 17-18).

Since the other words of the "B" type regularly connect the two component numbers with καί,* it may be postulated that the original form of this new word was *δυοκαιτριακοστόν. But with the example of the even further curtailed form δυοτρίαντον before us, there is no reason to doubt that, by the third century at least, δυοτριακοστόν was in fact pronounced as written.

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* Cf. 1/64, above; also 1/16 = ἑκκαιδέκατον, 1/22 = δυοκαιεικοστόν, 1/24 = τετρακαιεικοστόν, 1/72 = δυοκαιεβδομηκοστόν.

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IX. On Timber and Nile Shipping

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I

OGIS 674 = *IGRR* 1.1183, of 90 A.D., is a roster of tolls or fees to be collected on persons and goods moving between the town of Coptus on the Nile river and a Red Sea port.[1] This "Tariff of Coptus," as it is sometimes called, has elicited comparatively little comment in the fifty-five years since Dittenberger's annotated edition; and there has been no attempt, so far as I know, to explain why the list is made up of this particular farrago of items. Along with persons of various callings easily identifiable with the nautical life (captain, lookout, guard, sailor, shipwright's helper, artisan, prostitutes, other women) and conveyances (camel, donkey, wagon), there are listed two items of freight: a mast, and a yard-arm (lines 29–30).

This is a puzzling fact, which raises unanswerable questions. Why are only these two items listed? Were these really such common articles of freight on the Coptus road? And if so, then what about other elements of nautical gear? Are we to assume that they passed free of toll or fee? On these and similar questions the inscription is silent, leaving us to our rather fruitless speculations.

The editors of the inscription also felt that some explanation was called for at line 29. "Malus qui Copto ad litus maris Rubri portatur ut illic navi imponatur" is Dittenberger's footnote in *OGIS*, reprinted by the *IGRR* editors. Now supplies for ship

[1] To serve the needs of the caravans, the roads crossing the desert from Coptus to the Red Sea ports were provided with *hydreumata* at convenient intervals. The distance to Myus Hormus, 127 Roman miles, was usually covered in six or seven days (Strabo 17.1.45, C815). The trip to Berenice, 258 Roman miles, was made in twelve stages (Pliny, *NH* 6.26.102); although the distance was twice as great, Berenice was the preferred port in Ptolemaic and Roman times: cf. G. W. Murray, *JEA* 11 (1925) 138–47 (includes good map). J. G. C. Anderson, *CAH* 10 (1934) 246, follows Wilcken's view that the inscription records the dues collected for convoy service and protection provided on these desert roads. On Coptus as a center of Red Sea trade, cf. e.g. P. Jouguet, *Bull. de l'Inst. franç. d'arch. orientale* 31 (1930) 12–26.

repairs are needed in all seaports of any consequence, and this was, if anything, more than ordinarily true on the Red Sea, which was treacherous to ancient mariners.[2] But is it necessary, or even probable, to assume that the Romans' Red Sea ports received their supplies of nautical timber from the Nile valley?

Egypt, while not altogether devoid of trees, was (and is) notoriously poor in construction timber. To be sure, boats, mostly small ones but some of impressive size, have been built there of native woods—notably acacia—from Pharaonic times to the present.[3] Herodotus (2.96) tells of such boats, and he mentions that the masts too were made of acacia. But the domestic supply of wood has throughout Egypt's history had to be supplemented from external sources. This was one of the reasons why the Ptolemies were so anxious to control Cyprus, with its abundant forests, and Lebanon, with its famous cedars.[4] For the Red Sea region excellent shipbuilding timber was available from the East. For example, ships built on the Persian Gulf of teakwood, and remarkable for their longevity, were reported among the Greeks at least as early as the fourth century B.C.[5] In Roman times beams of teak were among the woods exported from India to Persian Gulf ports,[6] and, as one modern writer aptly puts it, "some must have reached the Roman Empire even if it went no farther than the eastern provinces."[7] Thus while the Tariff of Coptus no doubt applied to traffic in both directions, the masts and yardarms referred to in the inscription were perhaps more apt to be imports moving from the Red Sea to the Nile valley rather than domestic products moving in the opposite direction.

II

The need for replacement masts in Nile shipping is vividly illustrated by the following document—unprecedented, I believe—which I publish here with the kind permission of the authorities of the Cornell University Library. The papyrus, which is nearly

[2] Cf. M. Rostovtzeff, *Soc. Econ. Hist. Hell. World* 388.

[3] Cf. e.g. A. Lucas, *Ancient Egyptian Materials and Industries*[3] (London 1932) 388.

[4] Cf. e.g. Rostovtzeff (above, note 2) 381, 385, 1168–70.

[5] Theophrastus, *Hist. plant.* 5.4.7; Pliny, *NH* 16.80.221. Teak is still prized for shipbuilding.

[6] *Periplus maris Erythraei* 36.

[7] E. H. Warmington, *The Commerce between the Roman Empire and India* (Cambridge 1928) 214.

complete, contains an acknowledgment of the receipt of a year's rental and the return, in sound condition, of a ship's mast. The first hand, which wrote the acknowledgment, is upright, skilled, and not without a certain elegance. The second hand, which wrote the signature, is slanted and angular. The use of ι for ει is frequent and is not separately noted in the apparatus.

P. Cornell Inv. No. I, 81

(Oxyrhynchus) 22 × 11.8 cm. May 2, 299 A.D.

[ἐπὶ ὑπάτων τῶν κυρίων ἡμῶν Αὐτοκρατόρων Διο-]
κλητιανοῦ τὸ ζ— καὶ Μαξιμιαν]οῦ τὸ ς— Σεβα[στ]ῶν.
Αὐρηλία Ταπάμμων ...±8...]ου μη(τρὸς) Ταπαυσίριος
ἀπὸ κώμης Μουχιντάλ]ης κάτω το(παρχίας) [κα]ὶ ὁ ἀδελφιδέος Θεόδωρος
μη(τρὸς) —]κωνος ['Ρωμαίου
5 ἀμφότεροι(?) δι' ἐμ]οῦ Παυσίρι[ος Σ]αραπίωνος μη(τρὸς) Σοήριος
ἀπὸ τῆς α]ὐτῆς [κώμη]ς Αὐρηλίῳ 'Ιερακίωνι τῷ καὶ Διονυ-
σίῳ ὁ]μ(οίως) πρ[υτανε]ύσαντι βουλευτῇ τῆς λαμ(πρᾶς) καὶ
λαμ(προτάτης)
'Οξυρυγ]χιτῶν πόλ[εω]ς χαίρειν. ὁμολογοῦμεν ἀπεσχη-
κέναι πα]ρὰ σοῦ τὸν [φ]όρρῃ οὗ εἶχές μου ἱστοῦ πλοίου
10 διὰ το]ῦ χρόνου τῶν ἀπὸ ις— Φαρμοῦθι ἕως ιε— Φαρμοῦ-
θι τοῦ ἐν]εστῶτος ιᾳ (ἔτους) καὶ ιδ (ἔτους) καὶ ζ (ἔτους) πλήρη, τὸν
δ' αὐτὸν ἱστὸν
παρει]ληφάναι παρὰ σοῦ ὑγιῆ, καὶ μηδὲν σοὶ ἐγκα-
λεῖν μη]δὲ ἐγκαλέσιν περὶ μηδενὸς ἁπλῶς τὸ σύν-
ολον.]κυρία ἡ ἀποχή, καὶ ἐπερωτηθεὶς ὡμολόγησα.
15 ἔτους ι]ᾳ καὶ ιδ τῶν κυρίων ἡμῶν Διοκλητιανοῦ
καὶ Μαξι]μιανοῦ Σεβαστῶν καὶ ζ τῶν κυρίων ἡμῶν
Κων]σταντίου καὶ Μαξιμιαν[ο]ῦ τῶν ἐπιφανεστάτων
Και]σάρων, Παχὼν ζ—. (2nd hand) Αὐρήλιοι Θεόδωρος 'Ρωμαίου καὶ
Αὐρη]λία Ταπάμμων δι'ἐμοῦ τοῦ ἀνδρὸς Παυσί-
20 ριος ἀ]πέσχον τοὺς φόρους τοῦ ἱστοῦ ὃν καὶ παρι-
λήφα]μεν ὑ<γ>ιῆ καὶ οὐδ' ἐνκαλῶ οὐδ' ἐνκαλέσω
περὶ μ]ηδενὸς ἁπλῶς ὡς πρόκιται, καὶ ἐπερωτηθὶς
ὡμολόγ]ησα. Αὐρ(ήλιος) Σαραπάμμων ἔγραφα ὑ(πὲρ) αὐτῶν
παρόν]των ἀγ[ρα]μμάταον.

12 παρειληφέναι 12, 13 εγ'κα- Pap. 18 Αὐρήλιος 21 ὑκη Pap., ἐγκαλῶ, ἐγκαλέσω. 23 αυτων: ω corr. from ο 24 ἀγραμμάτων.

Translation

Consulship of our lords Emperors Augusti Diocletianus, 7th time, and Maximianus, 6th time. Aurelia Tapammon daughter of ————us and Tapausiris from the village of Muchintale in the lower toparchy, and her nephew Theodorus son of Romaeus and ————con, both(?) acting through me, Pausirius son of Sarapion and Soëris from the same village, to Aurelius Hieracion also called Dionysius son of *ditto*, ex-prytanis, councilman of the illustrious and most illustrious city of Oxyrhynchus, greeting. We acknowledge having received from you in full the rent on my ship's mast which you had for the period from Pharmuthi 16th to Pharmuthi 15th of the current year 15 and 14 and 7, and having gotten the said mast back from you in sound condition, neither make nor will make any claim about absolutely anything at all. The receipt is valid, and upon formal interrogation I have acknowledged it. Year 15 and 14 of our lords Diocletianus and Maximianus Augusti and 7 of our lords Constantius and Maximianus the most illustrious Caesars, Pachon 7th.

(2nd hand) Aurelius Theodorus son of Romaeus, and Aurelia Tapammon, acting through me, her husband Pausirius, have received the rents of the mast which we have also gotten back in sound condition, and I neither make nor will make a claim about anything at all as aforesaid, and upon formal interrogation I have acknowledged it. I, Aurelius Sarapammon, have written for them, in their presence, since they are illiterate.

Commentary

1. The restoration is assured by *P.Oxy.* 1204.

4. The name of the village restored here is the only one known which will fit the requirements of length, ending, and location in the lower toparchy, for which cf. *P.Oxy.* 1747.55, 2422.86.

Apparently the scribe, when he sat down to write the acknowledgment, did not have the name of the second acknowledging party and left blank space for the name at the end of line 4. When he came to write the name, however, he saw that the blank space would be quite inadequate. He therefore made the insertion in very small writing, carrying over what would not fit in line 4 into the interlinear space between lines 4 and 5.

8 ff. The acknowledgment begins here in the plural "we" but shifts in the next line to singular forms, which continue through line 23. For similar examples of such mechanical writing of formulaic language without regard to the instant situation, cf. e.g. *P.Cair.Isidor.* 95, 97, 98; *P.New York* Inv. No. XVI.1 (publ. in *Studi Calderini-Paribeni* 2 [Milan 1957], 321–23).

21. ὑιῆ, with γ omitted, is an example of the palatalization of gamma common in popular speech since classical times: cf. E. Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit* 1.163–64, 167–68.

24. There is no escaping the reading -ματαον at the end. The explanation appears to be this: Sarapammon first wrote -ματα, with something of a flourish to the final alpha; then observing that the genitive was called for, he added ον (for ων), but neglected to cancel the preceding alpha.

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the text is reprinted as *SB* VIII 9833.

Leitourgia Studies*

by

NAPHTALI LEWIS

It is natural to assume that the liturgic offices of Roman Egypt were coterminous with the calendar year, especially as we frequently encounter in the papyri expressions like " praktor in the 6th year ", " sitologoi of the 5th year ", " presbyteroi of the 7th year ", etc.[1] Thus, OERTEL in his pioneering and classic work concluded : " Dabei hat zunächst wohl und in der Regel als Amtsjahr das ägyptische Kalendarjahr gegolten." [2] But OERTEL saw, of course, that this was not always the case [3]; and recently WEGENER suggested that the term of office of the bibliophylakes, and perhaps of all liturgists, began on Mecheir 1.[4] This suggestion will not hold for *all* liturgies, because a plenitude of unequivocal evidence shows that many such offices did in fact begin on the first day of the calendar year. With respect to the βιβλιοφύλακες ἐγκτήσεων the idea of a mid-year starting date had occurred to me also [5] (but it must be abandoned, I think, in the light of an unpublished papyrus in the British Museum that came to my attention when I stopped in London on my way here [6]). My further investigation of this problem has produced the results presented in this paper, which consists of three distinct but connected parts :

* This paper deals with a number of specific problems that have arisen in the course of an extensive study of compulsory public service in antiquity. The materials for the study were collected with the aid of a grant from the Penrose Fund of the American Philosophical Society, which is here gratefully acknowledged.

1. E.g. BGU 715, 1046 (= W Chr 265), P Mich 371.

2. F. OERTEL, *Die Liturgie*, 363. This work is henceforth referred to simply as " OERTEL ".

3. Cf. ibid. 152, 186, 199, 271, 288, 363.

4. *Symbolae Taubenschlag* I (= Eos 48, 1 [1956]), 339. This article (pp. 331–53) is cited hereafter as " WEGENER ". OERTEL (199) had already noted one instance where " der Amtsbeginn war . . . wohl erst in Mecheir ".

5. Classical Philology 50 (1955), 219.

6. I wish here to record the invaluable assistance afforded by Sir HAROLD BELL's transcripts and notes, and to thank Mr. T. C. SKEAT for generously making them available to me. British Museum Papyrus 1976 shows (cf. Table p. 244) that the four ἐν κλήρῳ bibliophylakes of P Bon 24 (dated Mecheir 16) were functioning in office as early as Hathyr 24, hence presumably since the beginning of the calendar year.

Part I holds that officials designated as being ἐν κλήρῳ were nominees to the office functioning *pro tempore* while awaiting the final selection that would appoint one or more of them and release the others.

Part II argues that the evidence provides impressive, if not yet wholly decisive, support for the conclusion that in the first and second centuries certain liturgic officials—notably komogrammateis and sitologoi—regularly took up their duties on a date other than Thoth 1, most likely in Mecheir or Phamenoth. In the case of the sitologoi, at least, the rationale of such an administrative procedure is readily apparent: their term of office was tied to the crop they collected. The harvest took place toward the end of the calendar year; the sitologoi accordingly entered upon their office a few months before the harvest began, and they continued to collect the taxes on that harvest well into the following calendar year, as innumerable receipts and accounts attest.[1] In the case of the komogrammateis, induction *ca.* Mecheir would have the advantage of keeping the same person in the village control office to take cognizance of the changes in personal and property status from one calendar year to the next.

Part III of this paper challenges the accepted idea that the term of office of the βιβλιοφύλακες ἐγκτήσεων was fixed at three years. It will be shown that

(1) the evidence not only does not support such a conclusion, but appears in fact to render it impossible; and
(2) whether the term was one year or two—or even if it was three—it was evidently a common practice for at least one of the two βιβλιοφύλακες to be reappointed to successive terms, thereby providing this office with a continuity of personnel unknown in most other liturgies.[2]

In the course of these discussions new readings will be presented of the relevant parts of P Teb 323 and 508V.

I

Liturgists specified as being ἐν κλήρῳ or sent εἰς κλῆρον are no novelty. These designations imply that they were nominees to the office, from among whom the appointees were to be chosen by lot.[3]

1. Cf. in this connection e.g. P Strasb 45 (A.D. 312), where they are called "sitologoi of the produce (γένημα) of the 8th–6th–4th year".

2. The data on the ἐπιτηρηταὶ ἱερᾶς πύλης Σοήνης suggest the possibility of similar "Kontinuationen — freiwilligen oder erzwungenen —" in that office (Oertel, 243–4, cf. 248, 254).

3. Cf. V. Martin, *Les épistratèges*, 111–22; W Gr, 347; Oertel, index s.v. "Losung", esp. 100, 274, 365.

But it has long been clear beyond any doubt that persons so designated actually functioned in office [1]: declarations are addressed to them, receipts and reports are issued in their name. What, then, does the designation ἐν κλήρῳ really mean? Why—and when—were officials so designated?

WEGENER reviews the procedures of nomination and appointment to liturgic offices, and comes to the conclusion that "the drawing of the lot by the prefect is more or less a mere formality"—that the persons designated as being ἐν κλήρῳ have already been appointed to their offices by the strategos but the prefect has not yet "allotted to each of them the days or months on which they had to be in charge, and eventually also their district".[2] MARTIN, WILCKEN and OERTEL had long since noted that in the altered administrative structure of the third century nomination led directly to appointment, and sortition ("Losung") tended to disappear.[3] MEYER went one step farther and concluded that already in A.D. 148 "'Auslosung'... ist aber gänzlich bedeutungslos".[4] WEGENER now holds that it was an unimportant formality, a mere device for dividing up or parcelling out an already filled office among the incumbents, as early as the reign of Domitian.

WEGENER's conclusion (and MEYER's) must be rejected, as I see it, on both *a priori* and evidential grounds which may be stated briefly as follows:

(*a*) *A priori* the conclusion is suspect because it leaves the expression οἱ ἐν κλήρῳ σιτολογίας (πρακτορείας, κτλ.) functionally meaningless. By this I mean that there ceases to be a difference of function or status to account for the difference in designation between, for example, σιτολόγος and ὁ ἐν κλήρῳ σιτολογίας. Such distinctions may, of course, pale with the passage of time, but the ἐν κλήρῳ designation cannot have been a fossil from its inception: originally it must have been an administrative reality, and it must have continued as such until rendered vestigial or *pro forma* by changing circumstances. It should be noted in particular that the system whereby a single term of office was filled by several office-holders in

1. Cf. P Meyer, p. 16. Examples already in WO 271, 272, 285. "Die Leute ἐν κλήρῳ amtieren" — BGU 1586, 6–7 n.; cf. esp. OERTEL, 200.

2. WEGENER, 339.

3. MARTIN, loc. cit. (cf. p. 234, note 3); W Gr, 349; OERTEL, 274, 378. "Losung" was practised at least as late as A.D. 202/7 (P Lond 1220).

4. Loc. cit. (cf. note 1). This was his conclusion from the paradox that the ὑπηρέτης ἐν κλήρῳ in P Meyer 3 "noch nicht 'bestellt' ist, schon als solcher fungiert". But, as is shown below, the expression is not meaningless.

rotation was characteristic of the ἀρχαί of the third-century metropoleis—a subject to which WEGENER has devoted deep and fruitful study.[1] But the conditions and expedients of the third-century municipalities cannot be arbitrarily retrojected to the villages and towns of the first and second centuries.[2]

(*b*) As to the specific evidence, the two documents on which WEGENER's conclusion is based actually point in the other direction, namely, that those designated ἐν κλήρῳ were functioning because they had been nominated for the office, and the period of office had begun, but the selection by lot of the incumbents from among the nominees had not yet taken place; hence all the nominees were temporarily responsible for the functioning of the office till some were released by the definitive sortition.[3]

One of the two documents in question is P Bon 24 (A.D. 135), in which declarations are addressed to four men δοθ(εῖσι) εἰς κλῆρ(ον) βιβλ(ιοφυλακίας) ἐγκτ(ήσεων) Ἀρσ(ινοίτου). This WEGENER takes to mean that two are to be assigned to head the βιβλιοθήκη ἐγκτήσεων and two to head the βιβλιοθήκη δημοσίων λόγων, but the prefect has not yet drawn the lots for this assignment. The obstacle to such an interpretation lies in the fact that all four men are expressly designated as being ἐν κλήρῳ to take charge of the ἐγκτήσεων only. And since this record office regularly had two βιβλιοφύλακες in charge, it follows that the purpose of the sortition would be to choose the two incumbents from among the four nominees. Until that was done, all four nominees were titularly in office.

The second document is P Vindob 25 824.[4] In Col. V, 3–9, Mettius Rufus, Prefect of Egypt in A.D. 89–91, clearly orders the strategoi to send him for any liturgist who turns out to be unsuitable the names of three suitable candidates. "The obvious meaning," states WEGENER —and I agree—is that "for each liturgist to be discharged the names of three candidates were to be handed in, while the prefect appointed

1. *Symbolae van Oven*, 160–90, Mnemosyne 1 (1948), 15–42, 115–32, 297–325 (esp. 308–11).

2. Cf. e.g. W Gr, 346–50.

3. The *raison d'être* of this device is not difficult to discern: it assured against liturgic offices being left temporarily vacant because of delays in the many-stage nomination-and-appointment process. The temporary retention in office of non-incumbents is entirely in keeping with the underlying philosophy of the whole liturgic system, which was to get public work done at private expense and effort, at the same time guaranteeing the state against all risks and losses.

4. *Editio princeps* by H. METZGER, Museum Helveticum 2 (1945), 54–62; republished and discussed by A. KRÄNZLEIN, JJP 6 (1952), 195–237.

one of them by lot ".[1] But Mettius Rufus goes on to specify, *inter alia*, that the three candidates nominated may not be ἐκ μιᾶς] οἰκίας (VI, 2–3). Why this restriction if only one of three would actually be chosen to serve ? For KRÄNZLEIN this remained " einer unlösbar erscheinenden Schwierigkeit ".[2] For WEGENER it proves that no process of selection was involved ; that the three names sent in were those of the two remaining incumbents plus one replacement for the liturgist found unsuitable ; and that all three would serve in turn, as allotted by the prefect.[3] My objections to this explanation are that it disregards the plain language of the text,[4] adopts a third-century approach to a first- and second-century problem,[5] and presents us with an intricate and unrealistic administrative system based on assumptions that are unwarranted and even at times contradictory.[6]

1. WEGENER, 336. That such intra-term replacements, like original appointments, were in fact chosen by the κλῆρος procedure from a larger number of nominees is shown by the following documents :

(*a*) In W Chr 28 (A.D. 159), to replace a praktor improperly appointed (κεκληρῶσθαι) the epistrategos on Pachon 4 orders the strategos ἕτερα ὀνόματα ἀντ' αὐτοῦ εἰς τὴν χρέαν πέμψαι (lines 19–20).

(*b*) The praktores who issued WO 271 in Tybi of A.D. 172 are styled ἀναδοθέντες εἰς κλῆρον ἀντὶ X.

(*c*) In BGU 194 (A.D. 177, Hathyr 1) we find : a priest κλη[ρ]ωθ(έντος) . . . εἰς πρακτορείαν is exempt (lines 5–12) ; in a previous instance, ἀντὶ ἑτέρου ἱερέως ἀπολυθέντο(ς) ἕτεροι εἰς κλῆρον πεμφθέντος (l. -ες) ἐκληρώθησαν (lines 17–19) ; in this case also δίδωμει τοὺς ὑπογεγρ(αμμένους) {ἀντὶ αὐτοῦ} ὄντος (l. -ας) εὐπόρους καὶ ἐπιτηδείους πεμφθησομένους εἰς κλῆρον τῷ κρατίστῳ ἐπιστρ(ατήγῳ) (lines 21–24).

(*d*) BGU 235 (= W Chr 399 ; *ca.* A.D. 137) deserves to be mentioned in this group, even though it is too badly mutilated to provide much specific information.

2. JJP 6 (1952), 221.

3. WEGENER, 336–40, 352.

4. In the first place, I do not understand how the use of κατά instead of the (later) more common ἀντί suggests that the three names submitted consisted of " one new candidate and . . . the two officials who were not discharged " (WEGENER, 337). Secondly, the strategos is ordered to send in the three names προεξετάσας ἵν' ὦσιν ἐπιτήδειοι. Such an instruction is wholly inappropriate for incumbents, since their suitability had already been investigated and established. Cf. also note 1.

5. As already mentioned (above pp. 235-6), the practice of apportioning a single compulsory office among several holders during the year was an expedient resorted to by the municipalities in the troublous times of the third century, and can hardly be regarded as the norm for the first two centuries.

6. There is, for example, nothing to warrant the basic assumption that three men constituted the normal complement of a liturgic office ; there is, in fact, abundant evidence to the contrary. Furthermore, the assumption that the three names sent in to the prefect included those of incumbent officials (against which cf. note 4, above) conflicts with :

(*a*) the assumption that the prefect allotted turns of service. For when the names were sent in the supposed incumbents, being already in office, would already have been assigned their supposed turns. Would these now be reassigned ? And what

Consigning to footnotes (p. 237, notes 4-6) the refutation of specific elements in WEGENER's presentation, I confine myself here to essentials. In the first place it is clear, as already pointed out,[1] that when an improperly appointed liturgist was released from office more than one person was nominated to the κλῆρος from which his replacement was chosen. The second consideration is even more fundamental. It is, as we all agree, the very essence of the liturgic system in the first two centuries of Roman rule that co-liturgists were simultaneously in office and jointly responsible for its functioning during the full term of the office. This is abundantly evident, for example, from the form of their receipts and reports, which, even if signed or submitted by only one of them, are issued in the name of the whole group. Co-liturgists of course could, and doubtless often did, arrange to divide their work among themselves. But such divisions were purely *private* arrangements, not governmental regulations; they were contractual undertakings by which the liturgists delimited their responsibilities towards one another, without in any way reducing the full term or extent of their *official* responsibility.[2] Consequently, when Mettius Rufus' order is read in the light of these fundamental conditions of the contemporary liturgic system, it seems to me that the following sense perforce emerges:

When the holder of a liturgic office (V, 3: τῶν ἐν χρείαις ὄντων) is found to be unfit to serve, the strategos will send to the prefect the names and qualifications of three suitable candidates, from among whom a replacement will be chosen. Since, however, the office cannot be left vacant while the names are submitted, the selection made, and the strategos notified whom to appoint—all of which could, as we shall see, take a considerable time—all three nominees will function temporarily in the office as ἐν κλήρῳ designees. Hence all three nominees should not be from one household. Such a concentration of functional and fiscal responsibility would be an undue hardship for the οἰκία so burdened. In addition, as WEGENER puts it so well, "the

if one of the incumbents had already served his turn? What if both had? Why should their names be sent in along with that of a newcomer who had not served?

(*b*) specific evidence in the document that WEGENER analyses correctly. Thus, an injunction against three names from one οἰκία would be applicable only if the two incumbents were already from one household; but, as WEGENER herself correctly shows (p. 349), even two appointees from one οἰκία were at this time forbidden.

Other contradictions in WEGENER: p. 340 (top) vs. 336 (middle), 352 IV. 4 vs. 339–40.

1. Cf. p. 237, note 1.

2. A good example of such a private arrangement appears in P Teb 391 (A.D. 99), where, interestingly enough, the four πράκτορες λαογραφίας had divided themselves into two "teams" by drawing lots. In P Oxy 908 (= W Chr 426; A.D. 199) six eutheniarchs agree among themselves to divide the year's work of grinding wheat,

interests of the fiscus are better guaranteed when each candidate has a fortune of his own." [1] We learn from Col. I, 4–7 of the same document that Julius Ursus, when Prefect of Egypt (*ca.* A.D. 84–85), ordered that three from one house should not in the first instance be appointed to the same liturgy; what Mettius Rufus did was to extend this rule to nominations for replacements to be made during the term of an office.

II

But if I cannot accept WEGENER's interpretation of ἐν κλήρῳ and its implications for the liturgic system of Roman Egypt, I am in entire agreement with the direction of her thinking on the starting date of certain liturgic offices. I must reiterate, however, the following major reservation: With many offices tied to the calendar year by indisputable evidence,[2] a starting date on or about Mecheir 1 cannot be assumed for *all* liturgies; it can, however, be established with reasonable assurance for some.

I disagree, too, with WEGENER's use of P Vindob 25 824 + P Amh 65 as supporting evidence.[3] "Petitions for discharge [from liturgy]," she remarks, "were most times handed in immediately after the appointment (or reappointment) was made known." In fact, we should add, people usually did not wait till they were actually appointed, but acted as soon as they were nominated, either filing a protest,[4] or—if the situation were really desperate—resorting to flight.[5] Now the Vienna-Amherst papyrus records hearings on petitions for release from liturgy held before prefects of Egypt on Mecheir 19, 23, and Phamenoth 25. The significance of those dates is that they fall in the period of the year when the prefects held their annual assizes for Middle and Upper Egypt.[6] These dates tell us nothing, therefore, about the time of year when the complainants were nominated, or took office, or filed their petitions for release.[7]

1. WEGENER, 347.
2. Cf. p. 233, note 2.
3. WEGENER, 339–40.
4. E.g. P Lond 846 (= W Chr 325; A.D. 140), PSI 1243 (A.D. 208); also P Strasb 57, P Oslo 81, and BGU 180, which are discussed in the next paragraph.
5. Cf. P Gen 37 and BGU 159 (= W Chr 400 and 408; A.D. 186 and 216).
6. Cf. KRÄNZLEIN, JJP 6 (1952), 207–8.
7. In fact, at least one group of petitioners in this document had almost certainly been in office since well before Mecheir, namely the katasporeis of Col. VI. As supervisors of sowing, they must surely have been in office during the sowing season (cf. the λιμνασταί in BGU 91 [A.D. 170], 5–6), which was generally over or nearly so by Mecheir 1 (cf. M. SCHNEBEL, *Die Landwirtschaft im hellenistischen Ägypten*, 139–44).

But only cases incapable of adjudication at lower administrative levels were held over to await the prefect's *conventus*. Routine complaints, even when addressed to higher authority (prefect or epistrategos), were referred to the strategoi for disposition. Clearly, the dates that we find in such cases *are* closely related to the period of nomination and appointment.[1] In P Strasb 57 (late second–early third century) the writer complains on Tybi 4 to the epistrategos that he has been improperly nominated to be komogrammateus. A similar petition is apparently the subject of P Oslo 81 (A.D. 197); it probably was also submitted in Tybi, since it was referred on Mecheir 7 by the prefect's office to the strategos, who adjudicated the complaint on Phamenoth 7. These parallels suggest that in BGU 180 (= W Chr 396; A.D. 172) Mecheir 29 is not the date of the petitioner's protest against nomination, but the date on which the prefect referred the petition to the strategos. In any case, it is hardly likely that nominations would be made as far back as Tybi (or even Mecheir) for offices to begin the following Thoth 1. The normal time for such nominations appears, in fact, to have been in the period Pachon–Mesore.[2] The logical inference, therefore, is that komogrammateis, and presumably some other officials as well, were nominated *ca.* Tybi and took office in Mecheir or Phamenoth.

Supporting evidence for this view is found also among the ἐν κλήρῳ officials. In PSI 1245 an Arsinoite village has komogrammateis ἐν κλήρῳ in Pharmouthi of A.D. 207. Similarly, in P Lond 935 and 936 (A.D. 216 and 217) certain amphodogrammateis in Hermopolis are ἐν κλήρῳ on Phamenoth 16 and 20 in two successive years. Under the interpretation offered in Part I of this paper, the designation ἐν κλήρῳ means that these men were functioning in office on a temporary basis while awaiting the sortition that would decide which of them would be finally appointed to the respective offices. If so, men still ἐν κλήρῳ in Phamenoth and Pharmouthi are more likely to have been functioning thus since midyear than since the beginning of the year.

The relevant data on sitologoi ἐν κλήρῳ may be conveniently tabulated as follows:

1. Thus in P Oxy 1119 (= W Chr 397; A.D. 253) the strategos deals on Mesore 23 with a request received earlier the same month (lines 5, 14). In PSI 1245 (A.D. 207) a complaint addressed to the prefect in or before Pharmouthi was apparently settled by the strategos in Mesore (lines 10, 37).

2. Cf. BGU 18, 1046, P Gen 37, P Teb 327 (= W Chr 398, 265, 400, 394), BGU 6, 619, and W Chr 28 (all A.D. 155–86). The evidence for the third and fourth centuries, which I omit for present purposes, is mostly similar (but PSI 1243, for example, shows nomination as early as mid-Phamenoth [Oxy., A.D. 208]).

A.D.	*Month and Day*	*Document*
146	Mesore 12	P Mich inv. 6833c [a]
182	Hathyr 7	P Merton 77
185	Payni 30	P Lond inv. 1900
186	Pachon 18—Mesore 22	BGU 188
194/6	[Pharmouthi ?] [b]	P Teb 338
196	Payni	P Teb 508V [c]
204	Payni 15	P Mich 397
206	Thoth 9	P Teb 340 II
207	Hathyr 3	P Mich 398

a. Published by O. M. Pearl in Aegyptus 33 (1953), 16.

b. The month and day are completely lost ; the month is restored by the editors without comment, presumably on the basis of the length of the lacuna.

c. On a very clear photograph supplied by the University of California Library I read the caption of this document as follows :

πγ
Β]ωλα[νῷ] σ̣τ̣ρ̣α(τηγῷ) Ἀρσι(νοίτου) Θεμί(στου)
καὶ Π̣[ολέ]μω(νος) μερίδων
π]αρὰ 3-4ωνος Ἡρώδου
κα]ὶ μ̣[τόχ(ων)] ἐν κλή(ρῳ) σιτολ(ογίας) κ̣ώ(μης)
[ ]
] . . . . ο( ) τοῦ
Π̣[αῦ]γι [μηνὸς τ]οῦ ἐνεστῶ(τος) δ (ἔτους)
ἀπὸ γεν(ήματος) τοῦ αὐτ]οῦ ἔτους

While admittedly inconclusive in themselves for our problem, these statistics are more easily accounted for if the sitologia began in or near Mecheir than if it began with the calendar year in Thoth. In six of the nine tabulated documents the dates are in the last months of the year, Pachon to Mesore. Therefore, if the sitologia began in Thoth, we would be confronted with the incongruous situation of temporary sitologoi remaining ἐν κλήρῳ for nine months and even, in two instances, for the whole year. If we assume that the sitologoi took office in or soon after Mecheir, the ἐν κλήρῳ period is reduced in most cases to a few months, and the extreme cases—seven and nine months later—may perhaps be explained as replacements made during the term of office, rather than as original nominees.[1] It may be objected that the same suggestion would also account for the extreme cases if Thoth 1 were the starting date. True, but then six of the nine would have to be treated as extreme cases. It is surely preferable to accept the cluster of six cases as the norm, and treat the other three as exceptions.[2]

1. That the κλῆρος procedure was used in making such replacements has been shown above : cf. p. 237, note 1.

2. Holders of other liturgic offices than those considered here are also attested as being ἐν κλήρῳ, notably praktores. But their offices appear to coincide with the calendar year, and they will, accordingly, be treated separately in a future article.

Moreover, in PSI 1121 (A.D. 236/7) a man εἰσδοθεὶς ὑπὸ τοῦ ἀμφοδογραμματέως τοῦ ἐνεστῶτος γ (ἔτους) εἰς σιτολογίαν . . . τοῦ αὐτοῦ γ (ἔτους) swears that he will faithfully ⟨ἀν⟩τιλή[μ]ψεσθαι τῆ[ς] . . . σιτολογία[ς (lines 4–7, 9–10) : in other words, the calendar year has already begun, but the sitologia has not.

To sum up : The final element of definitive proof is not yet at hand, but the existing evidence points strongly to the conclusion that a number of liturgic offices commenced their term somewhere near the middle, rather than at the beginning, of the calendar year. Among the officials who appear to have taken office on or about Mecheir 1 were κωμογραμματεῖς and σιτολόγοι.

[ADDENDUM : Professor H. C. YOUTIE has kindly sent me a copy of a recently-transcribed papyrus, P Mich inv. no. 259, in which on Payni 1 of A.D. 223 two men characterized as ἀναδοθέντες τῷ ἐνεστῶτι ἔτει . . . εἰς σειτολογίαν hire a secretary to carry out the routine tasks of their office. There is, significantly, no mention of Thoth 1 or of the oncoming calendar year. The logical inferences from the language of the text appear to be that the sitologoi, appointed during the current year, are already in office on Payni 1, and that the secretary is to go to work for them at once. Though not in itself conclusive, the document brings strong additional support to the thesis advanced above on the starting date of the sitologia.]

III

In some liturgies the term of office was clearly longer than one year. "Die Leistungsfrist," wrote OERTEL, summarizing, " . . . für die überlassenen, also mehr kommunalen, von Haus aus und normalerweise ein Jahr, für die übrigen drei Jahre beträgt." [1] Since then it has been generally regarded as assured that the βιβλιοφύλακες ἐγκτήσεων were among those who (in the second century, at least) served for three years.[2] A re-examination of the evidence will show, however, that this view must be revised.

The principal evidence cited for the three-year term is P Giss 58 (A.D. 116), which lists the holders of seven different liturgic offices in Heptakomia and Apollinopolis Minor. The βιβλιοφύλακες ἐγκτήσεων are included in this list, from which MEYER concluded that "τριετία, ὁ τριετίας χρόνος ist die für alle hier aufgeführten λειτουργίαι feststehende Amtsdauer".[3] But on closer inspection

1. OERTEL, 363.
2. OERTEL, 288 ; P Fam Tebt 15, 47 n.
3. P Giss I, p. III 2.

we find that τριετία is certain only for the χωματοεπιμεληταί in Col. II, 17. The presumed occurrence in I, 5 rests on only three, quite inconclusive letters:]ε̣τ[.]α[; in II, 1, MEYER himself rejected OERTEL's restoration of τρι]ε̣τι̣α̣[ς as doubtful[1]; and even if the mutilated word is taken to be τριετία the office to which it would refer is lost in both these places. That is the sum total of this document's evidence on τριετία. It surely does not justify the broad assumption of a general three-year term, and there may even be in the document itself some evidence against it, if it is possible to make any connection between the officials apparently appointed in the sixteenth year (I, 2–3) and those appointed in the twentieth year (II, 20).

Another piece of evidence was put together by OERTEL out of CPR 18, P Teb 323, and P Lond 299 (= M Chr 84, 208, 204; A.D. 124, 127, 128), from which he calculated that Ision and Horos were bibliophylakes in the Arsinoite nome for a *Maximalamtszeit* of 4¼ years. This presumed evidence, too, must now be discarded, for the following reasons:

(*a*) The official in CPR 18, whose name OERTEL apparently took on the basis of P Teb 323 to be Κλαύδιος [Ἰσίω]ν, is merely styled βυβλιοφύλαξ, and since his function is to record a judicial decision, he is surely not a βιβλιοφύλαξ ἐγκτήσεων. Besides, St Pal XIII, p. 1 (= SB 5808) shows that the βιβλιοφύλακες ἐγκτήσεων at the time were Dionysios and Isidoros.[2]

(*b*) P Lond 299 turns out to be immaterial here. Since it is addressed to the bibliophylakes Dionysios and Theon, it served OERTEL as the *terminus ante quem* of Ision's incumbency. But the bibliophylax Ision is altogether an illusion, an *ignis fatuus* that will vanish into thin air in the next paragraph.

(*c*) As published, P Teb 323 is addressed Ἰσίῳνι [καὶ] Ὥ[ρ]ῳι κ̣[εκο]σ̣(μητευκόσι) γεγυμ(νασιαρχηκόσι) β[ιβλιο]φ[ύλ(αξιν)] ἐνκ[τ]ήσε(ων) Ἀρσι(νοίτου) (lines 3–4). Comparison with contemporary parallel documents (listed in the Table below) rendered this admittedly doubtful reading highly suspect, since (1) the first name appeared almost certain to be Dionysios, and (2) the βιβλιοφύλακες ἐγκτήσεων were at this time regularly styled ex-gymnasiarchs, never ex-kosmetai. In answer to my letter of inquiry, Professor DENYS L. PAGE, who was at the University of California at the time

1. BL I, p. 171.
2. Both documents are dated in A.D. 124, CPR 18 on Epeiph 21, SB 5808 on Phamenoth 27. A change of bibliophylakes between those two dates is out of the question.

TABLE

Date : A.D.	*Regnal Year*	*Month and Day*	*Bibliophylakes*		*Document*
72 *et post*	4	Payni 5	Apollonios	The[	BGU 184 = M Chr 202
78	10	Mecheir 3	Apollonios	Nikod(emos)	St Pal XXII, 175
84	3	Tybi 9	Socrates	Antipatros	BGU 536
87	7	Phaophi 26	Socrates	Antipatros	St Pal XXII, 86 [p. 158
100	3	Epeiph 13	Socrates	Antipatros	P Bad 219 = Archiv XVI,
105	8	Phamenoth 2	Socrates	Antipatros	St Pal XXII, 25
106 [a]	10	Phaophi 5	Socrates	Antipatros	St Pal XXII, 23
post : 120/1	5	[ ]	Dionysios	Herakleides	P Teb 472 (descr.)
post : 122	6	Pharmouthi 26	[Dionysios]	Herakleides	BGU 742
123	7	Phamenoth 27	[Dionysios	]	P Hamb 62 = P Fam Tebt 23
124	8	Phamenoth 27	Dionysios	Isidoros	St Pal XIII, p. 1 = SB 5808
127	11	Kaisareios 27	Dion]ysios	Theon	P Teb 323 = M Chr 208
128	13	Phaophi 29	Dionysios	Theon	P Lond 299 = M Chr 204
128	13	Hathyr 5	Diony[sios	Theo]n	St Pal XXII, 85
129	13	Mecheir 7	Dionysios	Theon	P Lond 300
ca. 129	[ ]	Mesore	Dionysios	Theon	P Fay 31 = M Chr 201
130/1	15	[ ]	Deios *alias* Ap[ollonios	Herodes] *alias* Diogenes	BGU 420 [p. 393
(131)	[	]	Dios *alias* Apollonios	Herodes *alias* Diogenes	P Hawara 308 = Archiv V,
131	15	Mesore 7	Deios *alias* Apollonios	Herodes *alias* Diogenes	P Gen 27
131	15	Mesore 8	Deios *alias* Apollonios	Herodes *alias* Diogenes	P Fay 32
131	15	Mesore 9	Deios *alias* Apollonios	Herodes *alias* Diogenes	BGU 459, P Mich 180, 181
131	15	Mesore	Deios (*alias* Apollonios ?)	Herodes (*alias* Diogenes ?)	P Fay 216 (descr.)
(*ca.*?) 131	15	Epagomene 5	Deios *alias* Apollonios	Herodes *alias* Diogenes	BGU 1047 IV
134	19	Hathyr 24	δοθ. εἰς κλῆρον : Deios, Herakleides, Horigenes, Ptolemaios		P Lond inv. no. 1976
135	19	Mecheir 16	δοθ. εἰς κλῆρον : Deios, Herakleides, Horigenes, Ptolemaios		P Bon 24 b, c
post [b] : 138/9	2	Hadrianos 3	Flavius Domettius	[ ]	BGU 328 I
143/4	7	[	Flavius D]omitius	[Mel]itios *alias* Thrakidas	PSI 921
155	19	Hadrianos 6	Isidoros	A[ntari]on *alias* Arsinoos	P Varsov 10 III
156/61	[*post* 19		Isidoros	Antarion *alias* A]rsinoos	PSI 189
157	20	Epeiph 8	Isidoros	Antarion *alias* Arsinoos	P Lond inv. no. 1975
161/9	[	]	Isidoros	Antarion *alias* Arsinoos	P Flor 67

a. A.D. 89 if the name of Domitian rather than that of Trajan is to be restored in line 22.
b. *Post* 138/9, as stated in PSI 921, 2 n., rather than *in* 138, as taken by O. Eger, *Zum ägyptischen Grundbuchwesen in römischer Zeit*, 7.

to deliver the 1957–58 Sather lectures, made a painstaking examination of the papyrus and sent me a careful drawing of the visible remnants of ink. Scanty as these are, they appear to me to accord with the reading Διον]ὑσιῳ̣ ϰ̣[αι] Θ̣[ε]ωῳ̣ γεγυμ( ), ϰτλ.[1]

Having swept away what had been thought achieved, what can we set in its place? The accompanying Table presents the relevant[2] data, from which the following conclusions seem warranted:

(1) With a new group of bibliophylakes appointed in year 19 of Hadrian and two other sets of bibliophylakes attested in years 13 and 15, a basic three-year term of office appears excluded, whether we calculate the term from Mecheir or from the beginning of the regnal (calendar) year. In the present state of the evidence it appears most likely that the term was either one year or two years.

(2) The repeated identity of name of one bibliophylax or both over periods of five to more than twenty years (Apollonios; Socrates and Antipatros; Dionysios; Deios; Isidoros and Antarion-Arsinoos) is too striking to be accidental. We are compelled to conclude that these men either sought, or at least accepted, reappointment for several terms of office in succession.[3]

1. It is a pleasure to record here my debt to Professor Page, and my thanks for his kindness and patience.

2. I.e., mentions of bibliophylakes uninstructive for our purposes are omitted.

3. A possibly similar case in Oxyrhynchus: declarations are addressed in A.D. 90 (list in P Ryl 597, introd.) to the same βιβλιοφύλακες ἐγκτήσεων as in A.D. 80 (P Oxy 248, 249). This means either that they were in office continuously for at least ten years (so Preisigke, P Strasb 34, 1 n.), or that they resumed the office after an interval (so Meyer, P Giss I, p. III 4, n. 5). No document has yet appeared to help decide which of these alternatives is the correct one, but the Arsinoite evidence should probably incline us toward the first of them.

THE NON-SCHOLAR MEMBERS OF THE ALEXANDRIAN MUSEUM

BY

NAPHTALI LEWIS

P. Oxy. 2471, recently published in Volume XXVII of the seemingly inexhaustible Oxyrhynchus series, serves to remind us how scantily informed we are about the Alexandrian Museum after the Hellenistic era. Our best and fullest information for the Roman period comes from the papyri; inscriptions add some details of interest. These sources have long since made it evident that under the Romans men of affairs as well as representatives of the arts and sciences were rewarded with membership in the Museum, with its attendant privileges of ἀτέλεια and σίτησις. It is in their capacity as public officials, or as parties to a business or legal transaction, that the non-scholar members occur in the papyri; their Museum membership is mentioned incidentally among their honorific appellations. To the ten such members of the Museum already known an eleventh is added by the third-century papyrus published below with the permission of the Cornell University Library [1]).

The essential data about the careers of these eleven men are summarized in the appended Table. All but one, it can be seen at a glance, had civil or military careers, or both. Almost all held, at one time or another in their careers, the office of archidikastes [2]), a coincidence suggestive of a more or less regular progression from the office of chief justice in Alexandria to the reward of Museum membership. However that may be, the expression τῶν ἐν τῷ

[1]) These are not, of course, the only Museum members known for the Roman period. For the poets and learned men, see e.g. *R-E* 16, 817-19.

[2]) Otto's ready assumption (*Priester und Tempel* I, 166-68) that the designation ἱερεὺς καὶ ἀρχιδικαστής was therefore an abbreviated appellation implying Museum membership was challenged almost immediately by Hirschfeld, *Die kaiserlichen Verwaltungsbeamten*², 362 n. 3, and Koschaker, Zeitschrift der Savigny-Stiftung, Rom. Abt. 28 (1907), 261-62.

Μουσείῳ φιλοσόφων has obviously become a stereotype when we find it applied to a public official or a champion athlete.

Since the reward of Museum membership for public service is attested from the first century of Roman rule in Egypt [1]), it is natural to inquire whether this practice was introduced earlier, by the Ptolemies. But in the absence of direct evidence this must remain an open question. The fact that one Κύδας ἐκ τῶν λογχο-φ[ό]ρων was head of the Library at Alexandria in the second century B.C. [2]) is suggestive, but indecisive.

P. Corn. inv. no. II, 25

Provenience unknown 17 x 15 cm. Ca. 220 A.D.

The papyrus, apparently a page from a τόμος συγκολλήσιμος, is torn at the bottom. The hand has all the characteristics of the early third century.

The document is an account of construction or repair work performed on an estate during a six-month period. The ends of lines of a preceding column visible at the left are no doubt from a similar report for the preceding months.

Οὐαλερίῳ Φανιανῷ νεωκόρῳ τοῦ μεγάλ[ου] Σαράπιδος
ἀπὸ ἐπάρ[χ]ων οὐιγούλων τῶν ἐν τῷ Μουσίῳ
σιτουμένων ἀτελῶν καὶ ὡς χρηματίζει διὰ
Αὐρηλίου Ἀρείου βουλευτοῦ ἐπιτρόπου
5 παρὰ Ἀλκιμέδοντος προνοουμένου κτήσεως
Σφηκὸς καὶ Ἀριστοκλέους.
λόγος ποιήσεως κόσμων κτήσεως Σφηκὸ[ς τ]ῶν ἀπὸ Φαμενὼθ
ἕως Μεσορὴ τοῦ ἐνεστῶτος β (ἔτους). ἔστι δέ·
πυλῶν ἐν ᾧ Θυρουρικὸν ὑπὸ Σαπρίωνα Θυρουρὸν χωρὶς ἐν[οικίου
10 καὶ ἐκ δεξιῶν ἰσερχόμενος [ἐ]κ λιβὸς ἐργαστήριον γερδια[κὸν
καὶ ἐκ κενῆς οἰκοδομήθησαν ἐν τῷ αὐτῷ ἐργαστηρίῳ
κέλλαι ς ὑπὸ Β[. . . .] καὶ Καλλῆν καὶ Σῆπιν μισθωτῶν
χωρὶς ἐνοικίου.

[1]) Müller-Graupa, *R-E* 16, 817, erroneously calls the practice a Hadrianic innovation (at the same time citing P. Ryl. 143, of 38 A.D.).

[2]) P. Oxy. 1241 II, 16-17.

α— ἐγγυ( ) κέλλα καταπεπτωκυῖα
15 β— ὁμοίως κέλλα κα[τα]πεπτωκυῖα
γ— κέλλα ὑπὸ Πασ[ ]—[
δ— κέλλα ὑπὸ Μ[ ]δ—[
ε— κέλλα ὑπ[ὸ] . κδ—δ . [
ς— κέλλα ὑπ[ὸ]— . δ— . [
20 ζ— κέλλα καταπ[επτωκυῖα]—ιβ—[
η— κέλλα ὑπὸ . [
θ— κέλλα ὑπὸ . . [χωρὶς]
ἐνοικί[ου
ι— κ[έλλα
25 ι[α—

2. ουϊγ-. 10. ϊσερ-, *l.* εἰσερ-. 12. *l.* μισθωτάς. 14. εγ'γυ—. 14, 15. -κυῖα.

Translation

To Valerius Fannianus, warden of great Sarapis, formerly *praefectus vigilum*, one of the tax-exempt maintained in the Museum, etc., via Aurelius Areios councilman, procurator(?), from Alkimedon, superintendent of the property of Sphex and Aristokles.

Account of improvements on the property of Sphex from Phamenoth to Mesore of the current 2nd year, viz.:

Gateway containing porter's lodge used by porter Saprion rent-free; also, on the right entering from the west, a weaver's shop; and an empty storeroom in the said shop was converted into 6 storerooms used by the lessees B_____, Kalles, and Sepis, rent-free.

1st—. . . collapsed storeroom
2nd—likewise collapsed storeroom
3rd—storeroom used by Pas_____
4th—storeroom used by_____
(etc.)

Notes

1. There is a hole in the papyrus after ουαλεριω, and all that is left of the next letter is a dot of ink high above the line. Unless more than one letter is to be restored, φ is the restoration which fits best; a large κ might also fit the space and the trace of ink.

Valerius Fannianus (or Canianus) is otherwise unknown.

5. The name Ἀλκιμέδων does not appear in Preisigke's *Namenbuch*.

7. The "production of adornments" seems to me in this context to be no more than an elevated circumlocution for the work of maintenance, repair, and improvement.

8. "The second year" is probably to be equated with 218/9 or 222/3 A.D.

9. θυρουρικόν: *addendum lexicis*.

14. It is not clear how the abbreviation should be resolved. One possibility is the comparative or superlative or ἐγγύς as a modifier of κέλλα. A second possibility is, perhaps, to be sought in a compound of γύψος, "cement", describing the work done; but any such compound in ἐν — e.g. ἐγγύψωσις — would be a new word, and one hesitates to accept a new word obtained under such conditions.

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Editor's note:
On this subject see also pp. 257-74. The Greek text published in this article (= *SB* VIII 9896) has since been revealed to be col. i of *P.Mich.* XI 620, q.v. Line 1, *l.* [T]ι[τ]*ανιανῷ*, 10 *-οις*, 11 *καινῆς*. Cf. *Mnemosyne* 17 (1964) 79, 293-99.

Notes to table:

[1]) I.e. ἀρχιδικαστὴς καὶ πρὸς τῇ ἐπιμελείᾳ τῶν χρηματιστῶν καὶ ἄλλων κριτηρίων.

[2]) The later date is to be preferred if Schwartz is correct (Chronique d'Egypte 27 [1952], 254-56) in conjuring up a Vibius Maximus *fils* as Prefect Egypt.

[3]) There is also a mention of a *ducenarius et a Musio* in an inscription, probably of the third century, published in Eph. Epigr. 5, no. 1346. An inscription of the second half of the third century, found at Ostia and published in Notizie degli Scavi 1930, p. 199, is a dedication to M. Aurelius Hermogenes, *immunitate Musii fulto* along with a military and civil career.

TABLE

A.D.	*Document*	*Name*	*Previous Office*	*Current Office*	*Honorifics*			*Miscellaneous*
38	P. Ryl. 143	Didymus	—	Strategos of Themistes meris Arsinoite nome			τῶν ἐν τῷ Μουσείωι σειτουμένων φιλοσόφων ἀτελῶν	Alexandrian citizen, deme Althaeus. Father's name: Hierax
ca. 50	P. Oxy. 2471	Ti. Claudius Demetrius	—	Archidikastes, etc. [1])	γυμνασίαρχος	ἱερεύς	τῶν ἐν τῷ Μουσείῳ σιτουμένων ἀτελῶν	Roman citizen, tribe Quirina. Father's name: Bion
107 or 126 [2])	P. Oxy. 471	Valerius Callinicus	Archidikastes	—			τῶν ἀπὸ Μουσείου φιλ[οσόφων	
125	P. Meyer 6	Andronicus	Strategos and antexegetes of Alexandria	Archidikastes, etc. [1])	νεωκόρος τοῦ μεγάλου Σαράπιδος	"	τῶν ἐν τῷ Μουσείῳ σιτουμένων ἀτελῶν	
128	P. Mil. Vogl. 26 = SB/ Bh. 2, 4	]apus	Military tribune	Strategos of Alexandria Archidikastes, etc. [1])		"	"	Father: [M]unatianus, former archidikastes
135	BGU 73 and 136 = MChr 207 and 86	Claudius Philoxenus	Praefectus cohortis I Damascenorum	Archidikastes	"	"	"	
144	BGU 729 = MChr 167	Dionysius	—	Archidikastes, etc. [1])	"	"	"	Father: M. Antonius Dius, former strategos of Alexandria, neokoros of Sarapis (P. Oxy. 100)
172	P. Flor. 68	Proclus	[?]	"	[?]	"	"	Father: M. Tillius Marcellus, former gymnasiarch (of Alexandria ?), former hypomnematographos
ca. 180	OGIS 714 = IGRR I, 154	M. Aurelius Asclepiades	—	—	"		" φιλοσόφων	Alexandrian citizen, athletic victor, ἀρχιερεὺς τοῦ ξυστοῦ κτλ. Cf. IGRR I, 152, 153.
ca. 220	P. Corn. inv. II, 25	Valerius Fannianus	Praefectus vigilum	—	"		"	
267	CPHerm 53 and 59 = WChr 39 and 151	Aurelius Plutio	—	Ducenarius and procurator			ἀπὸ Μουσείου	= PIR (2d ed.) I, No. 1576 [3])

A NEW DOCUMENT ON THE MAGISTER REI PRIVATAE

Magistro Rei Papyrologicae
necnon
Iuris Romani Perito
VINCENTIO ARANGIO-RUIZ
Memoriae Gratia

Concerning the office of *magister (rei) privatae* very little is known today beyond what Hirschfeld was able to write in 1905, or Wilcken in 1912[1]. Although much is far from clear in a welter of confusing terminology and inadequate evidence, the few essential facts are quickly summarized. Under Septimius Severus the property belonging to the emperor personally was established as a discrete administrative department, under a *procurator rei privatae*. Apparently under Diocletian or Constantine the head of this ministry was given the title of *magister*, that of *procurator* being retained for his subordinate(s)[2]. The *magister rei privatae* ranked with the *rationalis*, or finance minister, with whom he was closely associated;[3] in fact, in the Notitia Dignitatum, whose data are generally regarded as going back to the early or mid-fourth century, the title appears as *rationalis rei privatae* (one each in the Eastern and Western Empires). Finally, while *rationalis* continued in use, the title of the highest official was changed to *comes rerum privatarum*, the earliest reference to which is probably to be found in a constitution of 319 A.D.[4] Through all these changes

[1] O. Hirschfeld, *Die kaiserlichen Verwaltungsbeamten bis auf Diocletian*², pp. 35–39, 47, 358. U. Wilcken, *Grundzüge der Papyruskunde*, pp. 162–163; but cf. note 6, below. One may also consult the brief remarks of W. Liebenam, *R-E* 1A, cols. 263, 633; A. Berger, *Encyclopedic Dictionary of Roman Law*, *s.vv. procurator patrimonii, procurator rei privatae.*

[2] Cf. CIL III, 12044 = 13569, 26–28: [*in*] *officio rationa*[*l*]*is et privat*⟨*a*⟩*e magistri vel etiam procuratorum* [*u*]*triusque of*[*f*]*icii*. On the analogy of 12043 (cf. note 3, below), which contains Cod. Theod. 9.5.1 = Cod. Just. 9.8.3, this inscription may be dated 314–23 A.D.: cf. Mommsen, *CIL* III, p. 2045.

[3] Cf. CIL III, 17 and 18 = 6585 and 6586, on which Mommsen remarks in a footnote *videntur simul positae... a duobus magistratibus quasi collegis*; also 12044 = 13569, 26–28 (quoted in note 2, above) and 42–44: *quid super omnibus tam* [*p*]*raefectis nostris quam etiam praesidibus provinciarum, rationali quoque et privat*⟨*a*⟩*e magistro scripserimus* (similarly 12043, 46–48).

[4] Cod. Theod. 10.8.2. Some commentators ignore this constitution or question the identification of the *comes* mentioned therein and place the earliest mention of the *comes rerum privatarum* in 342 A.D. But cf. O. Seeck, *R-E* 4, col. 664, and for a general review of the history and duties of the office cols. 664–70.

of title the head of the *res privata* held the rank of *vir perfectissimus*; some time after 340 A.D. this was raised to *vir clarissimus*, and eventually to *vir illustris*.

A parallel administrative structure is discernible in the provinces. The corresponding titles occur in a handful of texts, all but one of them from Egypt[5]. *A magister rei summae privatae* appears in an undated inscription from Tunisia[6]. In Egypt a μάγιστρος πριουάτης and a subordinate ἐπίτροπος πριουάτης (= *procurator privatae*) are attested as early as 298 A.D.,[7] and again in documents of 307 A. D.[8] There is also a dedication to Constantine the Great by an official styled *mag(ister) privat(ae) Aeg(ypti) et Lib(yae)*[9]. An ἐπίτροπος πριουάτης appears also in documents of 301/2 and 338 A. D.[10] Thereafter, documents of 346 and 360 A. D. mention a καθολικὸς δεσποτικῶν κτήσεων, who, as Wilcken first conjectured, is perhaps to be recognized as the *rationalis rei privatae*;[11] in which case the ἐπίτροπος δεσποτικῶν κτήσεων, who appears in the same documents as a subordinate of the καθολικός, is to be identified as the *procurator rei privatae*.[12] [13]

To the texts cited above on the *magister rei privatae* may now be added the following, which I publish with the permission of the appropriate authorities of New York University.

[5] Wilcken's notion (*Gr.* p. 163) that the *magister privatae* was in Egypt the successor of the *idiologus* is controverted by Plaumann's study of the latter office.

[6] *CIL* VIII, 822.

[7] P. Beatty Panop. 1. I am indebted to Mr. T. C. Skeat for this reference.

[8] PSI 310 and MChr 196. BGU 927 (= WChr 178), which mentions an order τοῦ διασημοτάτου μαγίστρου [τῆς] πριουάτης, is undated.

[9] *CIL* III, 18 = 6586.

[10] PLond. 1271 (text in an appendix in P. Beatty *Panop.*) and PVindob. Sijp. (= Pap. Lugd.-Batav. 11) 1.

[11] PLond. 234 (= WChr 179) and POxy. 2267; cf. WChr 179, introd. Since the imperial domains were administered under the *res privata* (see below), the identification appears more than likely. It is accepted without question by W. Enssln, *R-E* 19, col. 669, and in POxy. 2267, 6n.

[12] So e.g. *WB* III, p. 117; P. Vindob. Sijp. 1, 16n. If the identification is correct, the change of title appears to have accompanied an increase in the number of such *procuratores*, with reduction of the sphere of authority of each. In 298 and 301/2 A.D. P. Beatty *Panop.* 1 and PLond. 1271 mention an ἐπίτροπος πριουάτης Θηβαίδος. In MChr 196, of 307 A.D., the title is ἐπίτροπος πριουάτης Αἰγύπτου. Does this mean all of Egypt except the Thebaid? In PVindob. Sijp. 1, of 338 A.D., the sphere of authority is not mentioned, but is presumably all of Egypt since the ἐπίτροπος τῆς πριουάτης of that document apparently has his office in Alexandria. But the authority of an ἐπίτροπος δεσποτικῶν κτήσεων extends only over one or two nomes: cf. POxy. 2267, 2–3 and note.

[13] P. Merton 90 (ca. 310 A.D.) mentions a καθολικός and an ἐπίτροπος, who are identified in the notes to lines 6f. and 8 as officials of the *res privata*. But, as F. Zucker has already observed (*Archiv* 17, p. 218), the case for the identification is not convincing; the notes in question should be discounted accordingly.

P. New York inv. no. XIVc, 50

Provenience unknown[14] 25×19 cm Early IV century

The papyrus is complete except at the left. Near the middle the surface is abraded and the fibres shredded, but it is possible to recover more of the text that would at first glance be expected. The verso is blank, and only the upper half of the recto is written upon. Both in general appearance and in certain specific details the hand resembles that of BGU 94, of 289/90 A. D., which is reproduced in W. Schubart, *Griechische Palaeographie*, Abb. 53.

In essaying the reconstruction of the text, the most obvious clue is found in lines 5—6, where the phrase κα/[τὰ τ]ὸ ἔθος can be regarded as reasonably certain. On this basis the loss at the left amounts to 3–4 letters in lines 5–10 and is correspondingly greater in the other lines, as indicated in the transcription.

Wilcken, commenting on the appearance of οὐσίαι ταμιακαί, suggested that the assignment of properties of the *patrimonium* (οὐσίαι) to the *fiscus* (ταμιεῖον) was part of the reorganization of the financial administration under Septimius Severus which also created the emperor's *res privata*[15]. In the third century „procurators of the *res privata*... in some cases... represented the interests of the *patrimonium* as well"[16]. Under the Diocletianic-Constantinian reform the *fiscus* (but not the term ταμιεῖον[17]) disappeared, and the imperial domains came fully under the administration of the *res privata*. The first direct evidence for the administration of properties of the ταμιεῖον by the *magister rei privatae* is now provided by lines 3–5 of the present papyrus[18].

The new text, which is addressed to the *magister privatae*, concerns the sale of estates and land parcels belonging to the ταμιεῖον. Some of the language — e.g. ἔδει in line 7 and τῇ ἐμῇ/[μετριότητι *aut sim.*] in lines 10–11 — suggests that the missive is a reprimand emanating from higher authority, presumably the Prefect of Egypt. The dereliction by the *magister privatae* appears to have been a failure to publicize the sale properly in advance, with the result that some prospective buyers were left uninformed of the impending sale until the very day when it took place (line 11). The rest remains obscure in the present state of the text.

].[ ]
]ἰου Θεοδώρῳ τῷ διασημοτάτῳ
]ῡ καὶ μαγίστρου πριουάτης

[14] Perhaps Oxyrhynchus: see below, on line 6 of the text.

[15] *Gr.* p. 154–155. Cf. Latin *praedia fiscalia*: Dig. 50.6.6.11 (Callistratus, ca. 200 A.D.), P. Dura 64 (221 A.D.), Cod. Just. 11.72–74 (398–426 A.D.).

[16] W. Enslin, *Cambridge Ancient History* 12, p. 381.

[17] Thereafter ταμιεῖον referred to either the *sacrae largitiones* or the *res privata*.

[18] The subsequent change of title to *comes rerum privatarum* caused no change in this assignment of duties: cf. O. Seeck, *R-E* 4, cols. 665–666.

...]ς πρ̲ά̲σ̲εως οὐ̣σ̣[ι]ῶν ταμιακῶν καὶ χωρίων οὐεντι-
5 .]...ων περιελθόντων εἰς τὸ ἱερώτατον ταμῖον κα-
τὰ τ]ὸ ἔθος αχθηστενθε ἐν τῷ Καπιτωλίῳ απαν
..τ]ῇ πρὸ ια Καλανδῶν Ἐμπτεμ̣βριῶν ἔδει δι(ὰ) τοῦ .ε̣.
...]π̣ρογράμμ̣[ατ]ο̣ς πᾶσιν φανερὸν καταστῆναι
...].ν οἱ βουλόμενοι πρίασθαι {πρίασθαι} περὶ
10 τοῦ ἱ]ε̣[ρωτάτο]υ̣ ταμίου προσελθόν̣τ̣ε̣ς τῇ ἐμ̣ῇ
]κατὰ τ[ὴν] αὐτὴν ἡμέραν ..
]. μὴ φανερὰν καταστήσωσι

3. l. μαγίστρῳ. 7. l. Σεπτεμβριῶν.

Line 1. All that remains of this line is the bottom of a long vertical stroke, more like that of ι than of φ or ρ. The line presumably contained the name and title of a higher official writing to the *magister privatae*. The higher authority most appropriate to the situation is that of the Prefect of Egypt. This would be more than a conjecture if it should be true, as suggested below (but unfortunately there is no way of knowing), that the addressee also holds the office of *rationalis*, than whom only the Prefect ranked higher: cf. P. Cair. Isidor. 69, 23n. For the restoration one thinks of ὁ δεῖνα ἔπαρχος Α]ἰ[γύπτου.

Line 2. The extent of the lacuna at the left suggests that Theodorus was here addressed by his *tria nomina*.]ου is the ending of his *nomen* (genitive being written for dative, as in line 3). There is no way of telling whether this is the same person as the *rationalis* Antonius Theodorus who appears in IGRR I, 1211 = SB 1002.

Line 3. It is impossible to know by what other title Theodorus was addressed in the lacuna at the left (in both titles read -ῳ for -ου). The close relationship between the *magister privatae* and the *rationalis* (cf. above, note 3) suggests the possibility of restoring καθολικο]ῦ̣, which also fits the space. In P. Beatty Panop. 1 and 2 (298 and 300 A.D.) the same man holds the offices of *magister privatae* and *rationalis*, respectively.

Lines 4–5. ουεντι/[.]...ων is obviously a Latin word in Greek transliteration, and is presumably an adjective modifying χωρίων. To the left of ων there is a vertical stroke which may be ι or the end of a ν. To the left of that there projects a minute sliver of papyrus, 5 mm. long by 1.5 mm. high, containing exiguous and indeterminable remnants of the preceding letter(s); at most these bits of ink suggest that if the letter before ων is ι, the letter before that may be κ, λ, or μ, possibly even σ.

Obviously, then, no word emerges which can be read with assurance. In attempting restoration at least three possibilities must be considered:

(a) The word may be a form of *vendere*: cf. οὐένδ(ιτον?) in P. Oxy. 1660, a fourth-century tax account. With some hesitation the reading ουεντι/[β]ι̣λ̣ίων, from *vendibilis*, might be defended. In that case the phrase would mean „salable land parcels which have devolved to the imperial treasury".

(b) The word may be a form of *vindicare*[18]. Although this verb is found mostly in the context of private claims, it was also used in speaking of claims made by the state. A passage from Ulpian in Dig. 5.10.5.1 seems particularly pertinent: *fines publicos a privatis detineri non oportet. curabit igitur praeses provinciae... si qua loca publica vel aedificia in usus privatorum invenerit,*

[18] Aside from the fact that *vindico* was occasionally written *vendico*, *vind-* might easily appear in Greek as ουεντ-: on the interchanges ε↔ι and τ↔δ, cf. e.g. E. Mayser, *Grammatik der griechischen Papyri* I, p. 80–82 and 175–177.

aestimare utrumne vindicanda in publicum sint an vectigal satius sit imponi[20]. If, then, the papyrus had some form of *vindicare* following χωρίων, the reference would presumably be to land parcels reclaimed or expropriated by the imperial authority.

(c) The possibility should also be considered that ουεντι — is the beginning of an adjective formed from a Roman name, e.g. Ventidius. It is possible to read χωρίων Ουεντι/[δι]ῳγῶν κτλ, which would mean that the land parcels had belonged to someone named Ventidius before becoming imperial property[21]. The fact that no Ventidius is known among the landowners of Egypt does not ipso facto negate this possibility[22].

Line 6. αχθηατενθε has so far defied all my attempts at interpretation. After αχθη,σ which is sure, it may be possible to read γ for τ, and σσ or υσ for ν.

Capitolia are attested in the papyri at Oxyrhynchus and Arsinoë. There may be a clue here to the provenience of the present papyrus, which was acquired as part of a lot in which a number of texts reveal Oxyrhynchite origin.

Line 7. The date is August 22nd. Perhaps there is some significance in the fact that the sale of imperial properties was held near the end of the Egyptian year.

Line 11. Particularly suggestive for the restoration of the beginning of the line is PLips. 38 (= MChr 97; 390 A.D.), 5: προσελ⟨θ⟩εῖν τῇ ἐξουσίᾳ τοῦ ... ἡγεμόν[ο]ς.

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[20] Cf. also Dig. 28.3.6.7, which states that a letter of Hadrian provided *ut... si intestato decessit (sc. miles) cognatis aut, si non sint, legioni ista sint vindicanda.*

[21] Imperial estates were commonly so designated by the names of the former owners: οὐσίᾳ Μακκηνατιανή, Ἀντωνιανή, etc. Cf. M. Rostovtzeff, *Social and Economic History of the Roman Empire*, Ch. VII, note 43 (1st ed.) — note 45 (2d ed.).

[22] O. Seeck's remarks on the functions of the *comes rerum privatarum* (*R-E* 4, cols. 665–66) are worth quoting here: „Wenn der Staat das Vermögen strafrechtlich Verurteilter, Schenkungen von Ketzer oder unter blutschanderischen Eheleuten, Erbschaften, die herrlos oder ungültig vermacht sind, Güter der Tempel oder der Städte für sich einzieht, so hat der Comes rerum privatarum die nötigen Anordnungen zu treffen... Sind Güter des Fiscus occupiert oder sonst in irgend Weise von Privaten entfremdet worden, so sorgt er für die Rückforderung."

A NOTE ON THE RECRUITMENT OF *BIBLIOPHYLAKES ENKTESEON*

BY

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In *Proceedings of the IX [1958] International Congress of Papyrology* (Oslo, 1961), pp. 243–45, I called attention to the fact that until the reign of Marcus Aurelius and Lucius Verus the *bibliophylakes enkteseon* of the Arsinoite nome were regularly ex-gymnasiarchs. In an Oslo papyrus of the time of Commodus, published by M. Eliassen in *Symbolae Osloenses* 36 (1960), pp. 40–41, one of the *bibliophylakes* is an ex-exegetes. The contrast exemplifies a change in government policy that took place in the intervening years.

The Oslo document is, moreover, not an isolated case. A hitherto unrecognized instance of an ex-exegetes serving as a *bibliophylax enkteseon* occurs in St. Pal. XX, 12, which can accordingly be assigned to the latter part of the second century. As published, this document is addressed to Alexandros, ex-gymnasiarch, and to 'H]ρα]ⁿ ἀρ̣?. But the specimen of the hand published with the text invites the reading γ̣ρ̣ᵐ ε̣ξ̣ᵍ, i.e. 'Ηρω( ) ἐξ̣η̣(γη̣τεύσαντι), and this is confirmed by my inspection of the original.

At this point P.S.I. 314 draws our attention. Dated in A.D 195, it is addressed 'Αλεξάνδρῳ τῷ καὶ Σουχάμμωνι [γυ] (μνασιαρχή̣σαντι) [κα]ὶ̣ .... ἱνῳ ἐξηγη̣[τ](εύσαντι) βιβλιοφύλ(ακ̣ιν) ἐνκτή̣σεων 'Αρσι (νοίτου).

One naturally wonders whether it is possible to read the name of the second man as Heroninos and identify these with the *bibliophylakes* of St. Pal. XX, 12. From a tracing of this portion of P.S.I. 314 kindly sent me by Professor Vittorio Bartoletti, it is clear that the second name cannot be Heroninos, but εξηγη̣ is indisputable.

The foregoing data and their implications may be summarized

as follows. Till A.D. 161–69 the *bibliophylakes enkteseon* of the Arsinoite nome were drawn exclusively from the class of ex-gymnasiarchs. Some time between A.D. 161–69 and 180–92, the gymnasiarchy ceased to be a prior qualification, and thenceforth ex-exegetai were also appointed. This increase in the number of eligibles obviously reflects the decline in prosperity (and population?), and the increasing reluctance of the *euporoi* to fill liturgic offices. When the existing pool of potential nominees became inadequate, the characteristic action of the Roman administration was to cast its net more widely.

The Structure of BGU IV 1046

In *Die Liturgie*, pp. 197, 199, 203 and 253, Friedrich Oertel made good use of this document (reprinted as Wilcken, *Chrestomathie* 265, under the title « Eine Praktoren-Liste ») to contrast the one-year « Amtsfrist » of sitologoi with the three-year term of praktores, and to note that one of the men listed served as *πράκτωρ ἀργυρικῶν* immediately after a term as *πράκτωρ σιτικῶν* (i.e. without enjoying the customary *ἄνεσις*).

It is also possible, I think, to reconstruct the schema of the whole document. The principal clue is the same praktor mentioned above, Demetrios son of Hermias, described in Column III 21-22 as *ὁ αὐ[τὸς] ἐπάν[ω γενό]μ(ενος) κ[αὶ] πράκ(τωρ) σιτικῶν διὰ κατοίκων ἀπὸ α (ἔτους)*. The earlier reference to Demetrios occurs in Column I 21-22, so that the relevant caption in I 17 must refer to Year 1, which may now be supplied in the lacuna at the left. The caption in I 10-12, corresponding to that in II 4-5, obviously refers to Year 4. Thus, from I 9 the document lists appointments of praktores in reverse chronological order (1), as follows :

Regnal Year	= A.D.	*πρακ. σιτικῶν*	*πρακ. ἀργυρικῶν*
6 M. Aurelius	166, 165	———	III 8, 12
4 »	164	I 10, II 4	III 18
			(papyrus breaks)
1 »	161	I 17, II 17	[lost]
21 Ant. Pius	158	I 23, II 25	[lost]

Since the regular cycle was obviously a triennial one with appointments announced in Pachon-Payni (I 12 - II 25 and III 19), the three appointments made in Hadrianos and Mesore of Year 6 were no doubt replacements for praktores who, for one reason or another (e.g. death, disappearance, incapacitating illness), had ceased to serve. This in turn causes us to revise Oertel's characterization (*op. cit.*, p. 196) of the *πρακτορεία ἀργυρικῶν* in *BGU* 1046 as « dreigliederig » ; con-

(1) Within a single month, however, the dates are sequential, not retrograde : cf. I 23 - II 1, and my comment below on I 4.

ceivably the number of praktores was three, but in all likelihood it was greater than that.

Next, what of Column I 1-8? These lines obviously contain the end of a similar list. The clue to identification is provided by notations appended to the names of five of the praktores (a possible sixth, III 11, is fragmentary and unusable). In four instances (II 7 and 16, III 1 and 16) the notation is *ὁ αὐτὸς ἐπάνω γενόμ(ενος) καὶ σιτολ-(όγος) τῷ α* (or *γ* or *ε*) (*ἔτει*), and the fifth instance (III 21) is that of Demetrios son of Hermias, *ἐπάνω γενόμ(ενος) καὶ πράκ(τωρ) σιτικῶν*. Since *πράκτωρ σιτικῶν* and *σιτολόγος* are the only offices thus mentioned as being listed *ἐπάνω*, and since the listing of *πράκτορες σιτικῶν* is preserved I 9 - III 6, the self-imposing conclusion is that I 1-8 is the end of the list of sitologoi. Further, it seems logical that the list of the sitologoi would, like that of the praktores, proceed backward in time, so that the end of the list in I 1-8 would refer to Year 21 of Antoninus; at any rate, none of the men referred to as having been sitologos in Year 5 or 3 or 1 (of Marcus Aurelius) appears in I 1-8.

In passing it seems possible to offer a better reading for I 4. In place of *Τῦβ]ι δὲ κβ̄* of the printed text, *ἔτ]ι δὲ κβ̄*, referring to Pachon and followed by Pachon 24th in line 6, would parallel the sequence of such dates found in I 23 - II 1 (1).

Finally, it becomes possible to date the document rather precisely. Oertel's « nach 166 n. Chr. » (*op. cit.* p. 201) is not as accurate as « nicht vor 166 n. Chr. » in the caption of W. *Chr.* 265. The latest date recorded in the document is Mesore 30th of Year 6 (III 10) = August 23, 166 A.D. The next regular appointments of praktores, due in Pachon or early Payni of Year 7 (= April-May, 167 A.D.), have not yet taken place — or, at least, are not here recorded. It follows that the lists in *BGU* 1046 = W. *Chr.* 265 were written down on or after August 23, 166 A.D., and in all probability before the end of May of 167 A.D.

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(1) One thinks also of *τ]ῇ δὲ κβ* (paralleling II 1), but a description of the papyrus, kindly communicated to me by Dr. Wolfgang Müller (letter of August 20, 1968) reveals that *]η* is impossible and *]ι* virtually certain.

The Limited Role of the Epistrategos in Liturgic Appointments

SINCE the early years of papyrological study it has been accepted that nominations for liturgic service were processed from the localities concerned through the nome strategos to the epistrategos, who chose the appointees by lot (1). The purpose of the present paper is to demonstrate that, on the contrary, the epistrategos made relatively few liturgic appointments: for most local offices the appointing officer was the strategos, and only certain liturgies or types of liturgies were normally referred to the epistrategos.

1. *Terminology*: *καθίστημι, κατάστασις*

Commenting on *P. Iand.* 33 (reign of Commodus), an oath of office by *νυκτοφύλακες*, Wilcken remarked, « Dass diese Nachtwächter überhaupt Liturgen sind, bestätigt u. a. der Ausdruck *κατασταθέντες* in Z. 8, denn damit ist durch den Epistrategen erfolgende Einsetzung ins Amt (*κατάστασις*) gemeint. » (2) In support of this statement Wilcken cited *BGU* 1046 (= W. *Chr.* 265), which does indeed list liturgists *κατασταθέντες ὑπὸ ... τοῦ κρατίστου ἐπιστρατήγου* (3). But this is not necessarily applicable to *P. Iand.* 33, which does not mention

(1) J. G. MILNE, *A History of Egypt under Roman Rule*, 1st-2nd edd. p. 5, 3rd ed. p. 126 ; V. MARTIN, *Les épistratèges*, p. 111 ; P. JOUGUET, *La vie municipale...*, pp. 234, 387 ; P. M. MEYER *P. Giss.* 59 introd. ; U. WILCKEN, *Grundzüge...*, p. 347 ; *P. Ryl.* 91, 3n. ; F. OERTEL, *Die Liturgie*, pp. 365, 368 (more cautiously, but with errors now corrigible) ; U. WILCKEN, *Archiv für Papyrusforschung* 6 (1920), pp. 297-98 ; *P. Corn.* 52 introd. ; O. W. REINMUTH, *The Prefect of Egypt from Augustus to Diocletian*, p. 15 ; A. H. M. JONES, *The Cities of the Eastern Roman Provinces*, p. 317. H. I. Bell, with the admirable caution that infused all his work, characterized the epistrategos' function as « the selection of persons nominated for *certain* liturgical offices » (*CAH* 10, p. 288 — my italics).

(2) *Archiv für Papyrusforschung* 6 (1920), pp. 297-98.

(3) On this document as a whole see now my article in *Chronique d'Égypte* 44 (1969), pp. 121-22.

the epistrategos. As used in papyri ranging in date from the second century B.C. to the fourth century A.D. the verb *καθίστημι* and its noun are not limited to the action of the epistrategos, nor, for that matter, to liturgic offices.

A few examples of the universality of the term will suffice. In *P. Fam. Tebt.* 24 (= *SB* 7404) the verb is used of the appointment of a salaried employee of bibliophylakes. In more than one document *κατάστασις* denotes the appointment to guardianship (1), a service analogous to liturgy in being compulsory. Guardians, it has long been apparent, were appointed not by the epistrategos but by more local officials (2), and in *P. Oxy.* 888 (= M. *Chr.* 329) those empowered to appoint guardians are themselves characterized as *οἱ τοῦ χειροτονεῖν κύριοι καθ[εστῶτες]*. Finally, in *P. Leit.* 5 (= *SB* 10196) a dioiketes instructs a strategos, if a petitioner's claim proves to be justified, *ἕτερον ἀ[ν]τ' αὐτοῦ εἰς τὴν χ[ρ]είαν κατασταθῆναι*, (3) after which the, village clerk nominates and the strategos appoints a replacement. That such liturgic appointments never involved the epistrategos is clear. It is further demonstrated by *P. Flor.* 2 (Col. VII = W. *Chr.* 401), where the notices of appointment are issued by the strategos on the same day as, or on the day after, he received the nominations from the village headmen.

Conclusion : The terms *καθίστημι* and *κατάστασις* are not in themselves evidence either of liturgy or of action by the epistrategos.

(1) For the noun cf. *WB* s. v. 1), for the verb M. *Chr.* 88, *P. Bour.* 20 and *P. Oxy.* 487 (= M. *Chr.* 96 and 322).

(2) Cf. L. Mitteis, *Grundzüge...*, p. 254. In *P. Teb.* 326 (= M. *Chr.* 325) a petitioner asks the Prefect of Egypt to order *τῷ τοῦ Ἀρσινοίτου νομοῦ ἔνθα γεουχοῦμεν στρατηγῶι τὴν κατάστασιν ... ποιήσασθαι*. That a similar petition for release from guardianship, *P. Oxy.* 487 (= M. *Chr.* 322), is addressed to the epistrategos is mere happenstance, and does not imply that he will appoint the replacement ; on the contrary, the petitioner asks the epistrategos *κελεῦσαι τῷ στρατηγῷ αἰπαναγκάσαε* (*l. ἐπ-, -αι*) *τὸν γραμματι* (*l. -εα*) *τῆς πόλε[ω]ς ἄ[λ]λ̣ο̣ν ἀ̣ν[τ'] ἐμοῦ κατασταθῆναι*. The procedure implied here is either that the town clerk will appoint (so Mitteis, *loc. cit.*) or — more likely (cf. *P. Leit.* 5 = *SB* 10196, quoted in the next sentence of this paper) — that the town clerk will nominate and the strategos will officially appoint the replacement (so F. Oertel, *Die Liturgie*, pp. 407-8 ; cf. *P. Oxy.* 898).

(3) Cf. the language of *P. Oxy.* 487 (= M. *Chr.* 322), quoted in note 2, above.

2. *Procedure* : *κλῆρος*

Did the epistrategos always designate appointees to liturgy by drawing lots? Oertel thought it « möglich, aber noch nicht sicher » (1).

Where the term *κλῆρος* or one of its derivatives appears in the text, the drawing of lots is clearly in evidence. But sometimes an appointment by the epistrategos is expressed by *προχειρίζομαι* (2), sometimes by *αἱρέομαι* (3), and there is nothing in these contexts that suggests a process of sortition. On the contrary, these verbs most often appear in contexts of appointment not related to the epistrategos, contexts where nominees were appointed with no occasion for resort to the drawing of lots. For example, in *P. Oxy.* 1119 (= W. *Chr.* 397), 9, an amphodon clerk is ordered *προχειρίσασθαι* replacements for the petitioners. Again, *αἱρέομαι* is probably the commonest verb for liturgic appointment, and in those instances where we know the circumstances — as in the case of the third- and fourth-century boule (4), for whose appointive acts *αἱρέομαι* was the term *par excellence* — there is no place for sortition. Finally, it is interesting to observe that *P. Cair. Preis.* 13 and 14 have *προχειρισθείς* where 16 and 17, parallel documents from the same time and place, have *αἱρηθείς*.

Conclusion : While it is still possible to hold that the epistrategos made all appointments that were referred to him by drawing lots, the weight of the terminological evidence appears to be strongly against such a view. Only a mention of *κλῆρος* is unequivocal evidence of sortition.

3. *Scope* : Appointments Made by the Epistrategos

The key role of the nome strategos in liturgic appointments has already appeared in the preceding sections. Further, it is to him that the local officials addressed their liturgic nominations, only a

(1) *Die Liturgie*, p. 368.

(2) E. g. *P. Amh.* 69 (= W. *Chr.* 190), *P. Flor.* 358, *P. Lond.* 376, *P. Oxy.* 2118, *PSI* 1236.

(3) E. g. *P. Brem.* 2 (= W. *Chr.* 238). Cf. also *P. Fam. Tebt.* 41, where the verb is lost.

(4) Cf. e. g. E. P. Wegener, *Mnemosyne* 1 (1948), pp. 19-35 ; P. Jouguet, *La vie municipale...*, pp. 387-91.

few of which state that they are destined for the epistrategos' *kleros* (1). Indeed, in most instances *kleros* is inapplicable, since the number of nominees is exactly equal to the number of posts to be filled (2). The public notice (*programma*) (3) converting these nominations into appointments was issued by the strategos, whose oath of office obligated him *τὰς ἀναδόσεις τῶν λειτουργῶν ποιήσασθαι ὑγιῶς καὶ πιστῶς* (4). Except for *kleros* none of these procedural steps makes mention of the epistrategos; on the contrary, the weight of the accumulated evidence leaves the clear impression that the appointing authority for most liturgic offices was the strategos.

What, then, was the scope of the epistrategos' responsibility in liturgic appointments? From the present documentation he appears to have (*a*) exercised the appointive power in situations transcending a single nome — hence beyond the authority of a strategos — and (*b*) administered the *kleros* in appointment to certain local offices.

(*a*)

The transmittal of records to Alexandria obviously required the liturgists performing that service to travel beyond the borders of their nome. Certain other liturgies, such as *ἐξαρίθμησις θρεμμάτων* and *ἐπίσκεψις γῆς*, were customarily carried out by appointees from other nomes. In these cases it is specified that the liturgists were chosen by the epistrategos (5).

(1) Out of a total of a hundred or so nominations and protests against nomination, only the following mention *kleros*: *BGU* 194 and 235 (= W. *Chr.* 84 and 399), *P. Gen.* 37 (= W. *Chr.* 400), *P. Lond.* 1220 (*kleros* performed by the Prefect), *P. Petaus* 59-62 and 65.

(2) It used to be thought (e.g. U. Wilcken, *Grundzüge*, p. 349, F. Oertel, *Die Liturgie*, p. 378) that this became the practice in the third century with the disappearance of the *kleros* procedure, but this practice is in fact in evidence from the early second century: *BGU* 18 (= W. *Chr.* 398) and 1566, *P. Leit.* 5 and 11 (= *SB* 10196 and 10203), *P. Lond.* 1159 (= W. *Chr.* 415), *P. Petaus* 56, 75-78, 85, 86 and 88, *SB* 7331.

(3) Examples: *BGU* 18 (= W. *Chr.* 398), *P. Flor.* 2 (Col. VII = W. *Chr.* 401), *P. Leit.* 5 (= *SB* 10196).

(4) *P. Oxy.* 82.

(5) *P. Amh.* 69 (= W. *Chr.* 190) and *P. Flor.* 358; *P. Brem.* 2 (= W. *Chr.* 238), cf. *P. Ross.-Georg.* II, 22; *P. Oxy.* 2117 and 2118. The verb of choosing is here regularly *προχειρίζομαι*, once *αἱρέομαι*, on which see Section 2, above. In *P. Lond.* 376 the liturgist is described as appointed by the strategos *ἀντὶ τοῦ συνήθους*

(*b*)

With respect to the large array of local offices, submission of candidates' names to the epistrategos for *kleros* appears to have been the regular procedure in the appointment of praktores and sitologoi, the principal collectors of taxes in money and in kind. At any rate, these are the only offices for which there exist numerous references to *kleros* over an extended period of time (1). There are also a few isolated attestations of *kleros* : once each in the case of *βιβλιοφύλακες ἐγκτήσεων*, *γραμματεὺς πόλεως* and *διέρασις* (2), twice perhaps for the office of *ἀμφοδογραμματεύς* (3), in three instances of *ὑπηρεταί* of strategoi (4) and four instances of *κωμογραμματεῖς* (5). It is of course conceivable that the *kleros* was the usual procedure in appointing to these offices ; but it is at least as likely and probably more likely that these sporadic instances reflect atypical circumstances not specified in or apparent from the documents (6).

προχιριζομένου ὑπὸ τοῦ κρατίστου ἐπιστρατήγου ἀπὸ ἄλλου νομοῦ. See also note 6, below.

(1) Praktoreia : *P. Aberd.* 35, *P. Amh.* 114, *P. Bad.* 220 (= *SB* 9540), *BGU* 194 (= W. *Chr.* 84), 425 and 1586, *P. Fay.* 41, *P. Gen.* 37 (= W. *Chr.* 400), *P. Leit.* 5 (= *SB* 10196), *P. Lond.* 1220, *P. Mich.* 385-387, *P. Petaus* 60-62 and 65, *St. Pal.* XXII 6, W. *Chr.* 28 and 392, *O. Tait* 648 and 669.

Sitologia : *BGU* 188, *P. Lond.* 1900 (ined.), *P. Merton* 77, *P. Mich.* 397 and 398, *P. Petaus* 59, *SB* 9435, *P. Teb.* 338, 340 II and 508v (published in *Proceedings of the IX [1958] International Congress of Papyrology*, p. 241).

PSI 1236, of 128 A.D., refers to a liturgist chosen by the epistrategos to conduct an accounting with the heirs of a defunct *πράκτωρ ἀργυρικῶν*.

(2) *P. Bon.* 24 b) c), *BGU* 820, *P. Teb.* 328.

(3) *P. Lond.* 935 and 936.

(4) *P. Lugd.-Bat.* XIII 11, *P. Meyer* 3, and *P. Mil. Vogl.* 129 (= *SB* 9314) and 156.

(5) *P. Petaus* 10 and 11, *PSI* 1245, *SB* 9331.

(6) It is not clear whether British Museum Papyrus 2013, published as *P. Fam. Tebt.* 41, belongs in category (*a*) or (*b*). Mr. T. C. Skeat, Keeper of Manuscripts of the British Museum, kindly informs me (letter of 5th March 1969) that Papyrus 2013 is one of a large group purchased in Cairo and coming « largely, though not entirely, from Tebtunis. » In the fragmentary text a nyktostrategos, characterizing himself as *αἱρηθεὶς ὑπὸ*] *τοῦ κρατ̣*[*ίστου ἐπισ*]*τρατήγου*, agrees to do the work of a sick colleague *ἐπὶ Τ*]*ε̣τρα̣στύλ̣ου Ἀντι*[*νόου*. If we suppose, with the editor (*P. Fam. Tebt.* 41, 6n.), that this tetrastyle of Antinoos was presumably in Antinoopolis, we may have here an instance of category (*a*), that is an appointee from another (the Arsinoite) nome. Conversely, it is entirely conceivable that the te-

Conclusion : Liturgists appointed by the epistrategos were those serving outside the nome of their residence, as well as praktores, sitologoi, and occasionally some other local officials.

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trastyle was in the capital of the Arsinoite nome, giving us an instance of category (*b*). Further elements of uncertainty are the little-known character of the liturgy in question (cf. my *Inventory of Compulsory Services* s.v.), and the fact that even if the papyrus was found in the Arsinoite nome (which is not certain) it need not have originated there. In sum, *non liquet*.

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ON THE STARTING DATE OF LITURGIES IN ROMAN EGYPT

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Fifty years ago it seemed reasonable to suppose that, "Dabei hat zunächst wohl und in der Regel als Amtsjahr das ägyptische Kalenderjahr gegolten."[1] Evidence accumulated in the intervening half century raises serious questions about this "general rule." Certainly it is now demonstrable that many liturgists took up their duties at times other than Thoth 1 (= August 29), the first day of the Egyptian calendar year. Some of the evidence is presented in my paper in *Proceedings of the IX [1958] International Congress of Papyrology*, pp. 239–42. Two further examples follow.

1. *PSI* 1245

The essence of this document is apparent, but its mutilated state obfuscates the details. Two helpful emendations by E. P. Wegener are recorded in *BL* III, p. 229.[2] Further analysis of the contents will, however, be rewarding.

In outline the document is a petition to the nome strategos (lines 1–6) incorporating a certified copy of an earlier petition to the Prefect of Egypt (lines 7–32) and the Prefect's instructional subscription (line 33), pursuant to which the petition to the strategos was drawn up. The certified copy is dated in Pharmouthi of year 15 (= March/April of 207 A.D.). This date carries the very strong implication that the Prefect's *hypographê* was affixed at his *conventus* of that year, and this

[1] F. Oertel, *Die Liturgie* 363.

[2] The emendation for line 33 is dubious as to the precise wording but correct in identifying the line as the Prefect's *hypographê*.

in turn would mean that the petition to the Prefect was submitted some time during the preceding twelvemonth. The date in Mesore (=July/August) at the end of the document (line 37) should be that of the petition to the strategos. One may wonder why the petitioner waited four or five months after the Prefect's reply before proceeding to petition the strategos. A possible answer is suggested by *BGU* 970 (=Mitteis, *Chrest.* 242) and *POxy.* 2131, which reveal how far a petitioner sometimes had to travel (or send) to obtain a copy of the Prefect's reply. In the first the Prefect's reply was posted in Juliopolis, a suburb of Alexandria, 150 miles from the petitioner in Karanis; in the second a petitioner from Oxyrhynchus received his answer in Antinoopolis, 50 miles away; perhaps the delay in *PSI* 1245 between the time of the Prefect's reply and that of the consequent petition to the strategos resulted from a similar situation.

Now to the petitioner's grievances. There begins in line 18 a plaintive tale of multiple, chronologically overlapping liturgies. The separate impositions are recounted as follows:

Lines 18–20

[τῷ] ιβ (ἔτει) . . . ἀνεδόθην [ὑπὸ τοῦ κωμο]γραμματέως κώμης Ἑρμοῦ πόλεως . . . εἰς [ἐπιτήρησιν γε]νηματογραφουμένων ὑπαρχόντων τῆς κώμης.	In the 12th year I was appointed[3] by the village clerk of the village of Hermoupolis[4] to a superintendency of confiscated properties of the village.

Lines 20–22

καὶ πληρ[οῦντός μο]υ τὸν ὡρισμένον τριετῆ χρόνον, μὴ δοθέντος ἀντ' ἐμοῦ ἑτ[έρου ἀνεδόθ]ην εἰς σειτολογίαν τῆς αὐτῆς κώμης.	And as I was completing the prescribed three-year term, with no other named in my place I was appointed a sitologos of the said village.

[3] δίδωμι and ἀναδίδωμι, as used in connection with liturgy, originally denoted nomination. But as nomination often was and increasingly became tantamount to appointment, the verb increasingly signified "to appoint." For examples earlier than *PSI* 1245, cf. *BGU* 18 (=Wilcken, *Chrest.* 398), 842, and 1566, *PLeit.* 5 and 11 (=*SB* 10196 and 10203), *PLond.* 1159 (=Wilcken, *Chrest.* 415), *PPetaus* passim, *SB* 7331.

[4] Not the metropolis of the Hermopolite nome, but a village in the Arsinoite.

Lines 22–24

ἔτ̣ι̣ [δὲ] κ̣αὶ δύο παρὰ τ[ὰ ἀπει- ρημένα[5] πονο]υμένου τῷ ιγ (ἔτει) καὶ ιδ (ἔτει) καὶ κατεχομένου μου καὶ ταύταις τα[ῖς χρείαις], οὐκ οἶδ' ὁπωσοῦν ἀνεδόθην εἰς ἑτέραν [ἐπ]ι̣τ̣ήρησιν κώμη[ς ?Πολυδευ]- κείας.	And while I was laboring under two (liturgies)—contrary to the injunctions[5]—in the 13th year and the 14th year and I was still engaged in these services, I was somehow appointed to another superintendency of the village of Polydeukia.

Inter alia the petitioner appears to be saying that he served two years simultaneously in the first epiteresis and the sitologia. Since a sitologos was normally appointed for a single year's harvest,[6] this point deserves closer scrutiny. The statement, we observe, is that he performed those two liturgies *in*—which does not necessarily mean *throughout*—years 13 and 14. There is, in fact, the greatest likelihood that sitologoi were among the liturgic officials who took office in midyear, in their case probably about February–March, in time for the harvest beginning in April–May.[7] In this light the sequence of offices recounted in *PSI* 1245 becomes readily intelligible, and may be tabulated thus:

Office	*Appointed*	*To Serve*
ἐπιτήρησις γεν. ὑπαρχ.	Year 12	Years 12, 13, 14[8] or 13, 14, 15
σιτολογία	Year 13	Latter part of year 13 to latter part of year 14
ἑτέρα ἐπιτήρησις	Year 14	Years 14, 15, 16[8] or 15, 16, 17

What happened, then, was this. The petitioner served in the first two offices mentioned. For a twelve-month period he served in both simultaneously even though, as he correctly asserts, this went beyond what could legally be required of him.[9] While he was so engaged,

[5] For the restoration cf. *Atti dell' XI* [1965] *Congresso Internazionale di Papirologia* 524 note 4. The policy of limiting the holding of liturgies to one at a time was reaffirmed by Septimius Severus and Caracalla: cf. *ibid.* 523. One of the relevant texts, *PSI* 1243, is given in Section 2, below.

[6] Cf. Oertel (above, note 1) 253–54.

[7] For the evidence see the paper cited in the opening paragraph of this article.

[8] Plus some time into the next year if the epiteresis began after Thoth 1 (cf. Section 2, below).

[9] Cf. above, note 5.

in year 14 he was named to the third office. Thereupon he submitted his petition, which received a favorable reply at the Prefect's next *conventus*, in year 15.[10]

The reliefs requested by the petitioner now also become understandable. In the original petition he asked the Prefect to order the strategos *ὅπως προνοήσῃ ἀπολῦσ[αί με τῶν ἄλλων χρει]ῶν κ(αὶ) κατάσχῃ με τῇ σειτολογίᾳ.*[11] This was his request in year 14: to be released from the two epitereseis and kept in the sitologia (which would soon terminate). When, subsequent to the Prefect's ruling, he addressed his petition to the strategos, he asked only (lines 5–6) [*ἕτερον*] *ἀντ' ἐμοῦ εἰς τὴν ἐπιτήρησιν ἀναδοθῆναι*—i.e. it was now late in year 15, the sitologia had come to an end, the first epiteresis was or would soon be over, and his request was now simply for release from the remaining epiteresis.

The grounds on which the petitioner based his plea constitute an eloquent commentary on the liturgic system. When the sitologia was piled on his epiteresis he accepted the double burden. The further addition of a second epiteresis finally drove him to protest, but his plea to the Prefect, after mentioning the chain of cumulation, emphasizes instead considerations of fortune and residence: his means are inadequate, and he neither owns nor farms land in Polydeukia.[12] It seems fair to conclude that in the early third century the injunction against simultaneous liturgies—even though reaffirmed by the reigning emperors[13]—was locally violated with impunity, and it was regarded as so ineffectual a protection that victims of its violation did not even bother to protest to higher authority. The clear implication is that such a complaint would fall on deaf ears unless bolstered by more pressing considerations.[14] Perhaps there is a further implication that

[10] Cf. *BGU* 908, where action on a petition to the Prefect against nomination to a liturgy is put off to the next *conventus*. Time lags of months in the normal processing of complaints were common in Roman Egypt: cf. e.g. *POxy.* 1119 (= Wilcken, *Chrest.* 397) 6 ff.

[11] Lines 30–31, restored following the lead provided by Wegener, *BL* III, p. 229.

[12] Lines 25–29, *ἐν* [*δὲ τῇ κώμῃ*] *οὔτε γεουχῶ οὔτε γεωργῶ οὔτε ἐστὶν τῆς αὐτῆς τοπαρχίας ο*[*ὐδὲ κωμο*]*γραμματίας. ὅθεν . . . ἀξιῶ διὰ τὸ ἄπορ*[*ό*]*ν με εἶναι, κτλ.*

[13] Cf. above, note 5.

[14] Thus the petitioner who complains of overlapping liturgies in *PStrasb.* 57 (176 or 208 A.D.) is able to plead non-residence.

this state of affairs developed as a result of a shortage of eligible candidates rather than from mere insouciance in provincial administration.

2. *PSI* 1243

Contemporary with the document analyzed above, *PSI* 1243 dates from Phamenoth 19 of year 16 (= March 15, 208 A.D.). It too is a petition to a strategos, and it too concerns overlapping liturgies, one of which is an epiteresis of confiscated property. The petitioner, after describing himself as a *δημόσιος καὶ οὐσιακὸς γεωργός* currently holding the office of village presbyteros (lines 4–5, *ὄντος καὶ πρεσβυτέρου τῆς αὐτῆς κώμης*), writes:

Lines 6–24

ἐπεὶ ὁ . . . κωμογραμματεὺς ἀνέδωκέν με νῦν εἰς ἐπιτήρησιν γενηματογραφουμένων ὑπαρχόντων . . . οὐ δυνάμενος ἀμφοτέρας τὰς χρείας ἐκτελεῖν, καθ' ἃ καὶ τοῖς κυρίοις ἡμῶν αὐτοκράτορσι ἔδοξεν μὴ ὑφ' ἕνα καιρὸν δύο λιτουργίας τινὰ ἐκτελεῖν, δέομαι, ἄνθρωπος πένης μόλις τὴν πρεσβυτερείαν καὶ τὴν γεωργίαν δυνάμενος ἐκτελέσαι βαρυτάτην οὖσαν, ἀπαλλαγῆναι τῆς ἐπιτηρήσεως καὶ κελεῦσαι ἕτερον . . . ἀντ' ἐμοῦ εἰσδοῦναι.	Whereas the village clerk has now appointed[15] me to a superintendency of confiscated property . . . being unable to carry out both services, in accordance with the decree of our lords the emperors that a person is not to (be required to) carry out two liturgies at one time, I beg—being a poor man barely able to carry out the office of presbyteros and my farming, a very heavy burden—to be released from the superintendency and that you order (the village clerk) to nominate another in place of me.

Nothing could be plainer. If the epiteresis had not yet begun at the time of writing, it would begin before the termination of the presbytereia, thus creating an overlapping, or "two liturgies at one time." The accumulated evidence of the papyri argues strongly that the one-year term of the presbytereia was coterminous with the calendar year.[16] If so, the epiteresis here being protested obviously began at some time other than Thoth 1.[17]

[15] Cf. above, note 3.

[16] Cf. Oertel (above, note 1) 151.

[17] Overlapping could still occur, of course, even if the presbytereia began on a date other than Thoth 1.

This conclusion accords well, moreover, with the nature of the office. It seems reasonable to suppose that such a superintendency would be created at the time when the property was confiscated. And if so, the pragmatic Roman administration would no doubt find it simpler to continue the same anniversary date in appointing the liturgic superintendents, rather than shift arbitrarily to a starting date of Thoth 1.[18] Situational flexibility in provincial administration was one of Rome's "secrets of empire."

[18] Fragments of support for these logical inferences may be at hand in the papyri. (1) *SB* 7173 refers in lines 12–13 to an official letter sent because *ἐπι[τ]ηρητὰς τῶν ὑπαρχόντων* were not appointed *ὅτε ἔδει*. (2) *PLeit.* 11 (= *SB* 10203) records the appointment of an epiteretes, after the previous incumbent had served the prescribed term and petitioned for release, in Hadrianus (= Choiak = Nov./Dec.), three months after the start of the Egyptian year. The relevance of this document is direct if, as I thought (*PLeit.* 11.4 note), it relates to a superintendency of confiscated property. If, as the editors of *PPetaus* argue (p. 274), *PLeit.* 11 concerns an *ἐπιτηρητὴς οὐσιακῶν*, it still constitutes a particularly close parallel, since confiscated property often passed into the imperial estates.

On Paternal Authority in Roman Egypt

by Naphtali Lewis

This reexamination of the evidence is evoked by a recently published papyrus of the second century, P. Mil. Vogl. (1) 229, in which a petitioner writes with reference to his married daughter, ὅθεν, ἐξουσίαν ἔχων τῆς θυγατρὸς κατὰ τοὺς νόμ[ους], ἀξιῶ κτλ.

A convenient summary of current views derived from previously published texts and commentaries may be found in Taubenschlag's familiar compendium (2) : for the non-Roman population of Egypt " *patria potestas* is ... nothing else but a kind of guardianship... *Patria potestas* for sons ends, according to local law, with their 14th year, for daughters with their marriage " (3).

Before proceeding to review the relevant texts it will be helpful to clarify some points of terminology. Latin *potestas* was commonly rendered in Greek by the term ἐξουσία, as for example in δημαρχικὴ ἐξουσία = *tribunicia potestas*. In the papyri the

(1) = *Papiri della Università degli Studi di Milano*. No. 229 is published on pp. 91ff. of Volume IV (Milan, 1967). Cf. my remarks in *BASP* 6 (1969), pp. 22-23.

(2) Pp. 130ff. in R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri* (2nd ed., Warsaw, 1955), hereafter cited as *Law*².

(3) *Law*², pp. 131, 136-137 (to the text there cited in note 20 add P. Oxy. 237 VII, 12-16, 28-29, and VIII, 4). Cf. also p. 138, " As for [Roman] daughters it is once mentioned that the *patria potestas* ends with their marriage, " restated more accurately p. 168, " One case mentions the guardianship over a woman terminated by her marriage. " These statements refer to lines 18-20 of P. Oxy. 907 = M. Chr. 317, of 276 A.D., where the subject is the guardianship of three minors, two boys and a girl ; the extension of these conditions from guardianship to *patria potestas* (which in Roman law was lifelong) is, at best, an inference. This text is discussed more fully, as an example of how " die volksrechtliche Auffassung ... die reichsrechtliche Entwicklung beeinflusst hat, " by Taubenschlag in *ZSS* 37 (1916), pp. 212-14 = *Opera Minora* II, pp. 301-4.

paternal power is denoted as ἡ τοῦ πατρὸς (or παιδὸς) ἐξουσία, and it is, accordingly, deceptive to say without further explanation that in P. " Oxy. 237 ... the paternal power is called ἐξουσία " (4). An example of misinterpretation resulting from such imprecision is the erroneous inclusion of P. Princ. 77 among the texts relating to *patria potestas* (5). In line 4 of that document, which concerns a marital couple, ἐ]ξουσίαν τῷ ἀνδρί is an ordinary Greek expression for some right or authority that is given to the husband; here, as so often, ἐξουσία functions in its basic sense as the noun of ἔξεστι. Furthermore, since our texts — at least prior to the Constitutio Antoniniana — lie outside the realm of Roman law, it will be advisable in discussing this problem henceforth to eschew as inappropriate the use of the expression *patria potestas* (6).

The following are the citations from Greek papyri essential to a study of paternal authority and its exercise in the non-Roman population of Roman Egypt (7).

No.	A.D.	Text
1	87	*P. Oxy.* 237 VII, 41-42 : Αἰγ[ύ]πτιοι οὐ μόνον τοῦ ἀφελέσθαι τὰς [θυγατ]έρ[ας ὧ]ν ἔδωκαν ἐξουσίαν, ἔχουσιν δὲ καὶ ὧν ἐὰν καὶ ἴδια κτήσωνται μεθέτερα (cf. VI, 14).
2	*c.* 115	*P. Brem.* 39, 8-10 : τ]έλειοι ἐγένοντο, ὁ μὲ[ν ... π]ροσβεβηκὼς τῆι λαογρα[φίαι, ἡ δὲ ...]γαμηθεῖσα ἀνδρί.

(4) *Law*², p. 131, n. 4, repeating *ZSS* 37 (1916), p. 178, n. 1 = *Opera Minora* II, p. 262, n. 5, where the citation given as P. Oxy. 237 VIII 8 should read 237 VIII 4. The following references should be deleted from p. 131, n. 4 : P. Oxy. 1472 (ὑπόχρεος is erroneously taken for ὑποχείριος), P. Oslo 152 and P. Wurzb. 21 (as well as P. Oxy. 1592 in n. 6, p. 133 : addressing a father or other family member as κύριος is a matter of respect, not of legal status — cf. *WB* I, p. 853, No. 12).

(5) *Law*², p. 131, n. 4, following P. Princ. 77, introd.

(6) Cf. also note 24, below.

(7) Documents later than the Constitutio Antoniniana are listed in *Law*², pp. 131-32 and 138, n. 25.

3	128	*P. Oxy.* 237 VII, 22-27 ([8]) : (a) ἄκουσαν τὴν θυγατέρα ἀπεσπακέναι... (b) τῇ κατὰ τοὺς νόμους συνκεχωρμένῃ ἐξουσίᾳ κεχρῆσθαι.
4	128	*P. Oxy.* 237 VII, 28-29 : προσέθηκεν, ἐὰν ἀπερίλυτος ᾖν ὁ γάμος, τὸν πατέρα μήτε τῆς προικὸς μηδὲ τῆς παιδὸς τῆς ἐκδεδομένης ἐξουσίαν ἔχειν.
5	138	*P. Oxy.* 237 VIII, 4 : ὑπὸ τοῦ πατρὸς ἐκδοθεῖσα [πρ]ὸς γάμον ἐν τῇ τοῦ π[α]τρὸς ἐξουσ[ίᾳ οὐ]κέτι γείνεται.
6	*c.* 140	*P. Mil. Vogl.* 229, 19-20 : ἐξουσίαν ἔχων τῆς θυγατρὸς κατὰ τοὺς νόμ[ους].
7	186	*P. Oxy.* 237 VI, 17-18 and VII, 5 : τοῦ νόμου διδόντος μοι ἐξουσίαν . . . ἀπάγοντι αὐτὴν ἄκουσαν ἐκ τῆς τοῦ ἀνδρὸς οἰκίας . . . ἠξίωσεν τὴν θυγατέραν ἄκ[ου]σαν ἀποσπᾶν.
8	186	*P. Oxy.* 237 VII, 12-16 : οὐδεὶς γὰρ νόμος ἀκούσας γηναῖκας ἀπ' ἀνδρῶν ἀποσπᾶν ἐφείησιν. . . ὑπέταξα . . . κρίσεις ἔτι τε καὶ νομικῶν προσφωνήσεις περὶ τοῦ τὰς ἤδη τελείας γυναῖκας γενομένας ἑαυτῶν εἶναι κυρίας . . . καὶ ὑποκεῖσθαι πατράσιν οὐ μόνον, κτλ.
9	third ([9]) century	*BGU* 1578, 8-9 and 20-21 : τῆς θυγατρός μου . . . ὑποχειρίας μοι οὔσης κατὰ τὸν νόμον. . . τῶν τε ὑπ' ἐμοῦ προστ( ) ([10]) [± 15 καὶ τῶν ὑπ' α]ὐτῆς ἐπικτηθέντων ἐμοὶ ὑποστελλόντων.

(8) A related text, *ibid.* 30-38, is discussed below.

(9) This text, which the editors assigned paleographically to the "Wende des 2. und 3. Jahrh. n. Chr.", probably belongs to the period after the Constitutio Antoniniana, as revealed by the words τοῦ ἱερωτάτου καθολικοῦ in line 6. This official is generally thought to have been introduced into Egypt by the reforms of Septimius Severus, but he is not certainly attested before 246 A.D. : cf. P. Merton 90, note to 6f.

(10) In *Laic*², p. 146 n. 61, this word is printed as προσ(ενεχθέντων). This, as the editors pointed out in their note *ad loc.*, is what we expect "dem Sinne nach", but clearly the editors were unable to make that reading.

It is noteworthy that except for No. 2 all these citations concern the power of a father over a married daughter. No. 2 is from a statement by a guardian of minors, and the release of τέλειοι from guardianship has been assumed to equate with liberation from paternal control ([11]). It is also remarkable that in all these cases appeal is made to indigenous law ([12]) even though the father in No. 9 is a veteran ([13]) (hence, a Roman citizen) and Nos. 1 and 3 involve parties named Sabinus *alias* Cassius, Sempronius, and Antonius (son of Apollonios).

The reader is immediately struck by the fact that these texts assert two flatly contradictory propositions. The texts of one group (consisting of Nos. 1, 3, 6, 7 and 9) declare on statutory authority that paternal ἐξουσία continues after the daughter's marriage, while those of the other group (Nos. 2, 4, 5 and 8) affirm that it terminates with her marriage (when she acquires a new κύριος, her husband). Since both of these propositions cannot be simultaneously true, some or all of our texts must be *ex parte* statements. As no extraneous source is at hand to help us decide where the truth of the matter lies, it becomes necessary to examine the circumstances of each of these assertions. It comes as no surprise, for example, to discover that each of the assertions of continuing ἐξουσία is made by a father engaged in a dispute with a daughter.

Nothing could be plainer than Nos. 2 and 8. Together they tell us, first, that a woman becomes τελεία when she marries, and second, that a woman who is τελεία is not subject to her father. Unfortunately, while these statements are quite unambiguous, neither is *per se* authoritative. The first is asserted by a guardian of minors appealing to be relieved of his guardianship, the second by a daughter resisting a father's claim. This latter assertion comes from P. Oxy. 237, the famous petition of Dionysia, which

(11) *Law*², pp. 136-37 ; cf. note 3, above.

(12) On this sense of νόμος cf. R. Taubenschlag, *JJP* 2 (1948), pp. 68 and (esp.) 71 = *Opera Minora* II, pp. 108-9 and (esp.) 113. Cf. also ὁ τῶν ὁ τῶν Αἰγυπτίω[ν νό]μος and ἐπιχώριον νόμον in P. Oxy. 237 VII 33 and VIII 34, and see further H.J. Wolff, *Written and Unwritten Marriages in Hellenistic and Postclassical Roman Law*, pp. 61-64.

(13) His name is not preserved ; his daughter is named Longinia.

provides more than half the texts in our list. It is to the texts of that petition that we turn next.

Proceeding *seriatim*, we begin with No. 7. At this point in the involved and seemingly endless litigation Dionysia's embittered father, Chairemon, has again petitioned the Prefect of Egypt, claiming the right under Egyptian law to remove his daughter from her husband's house even against her will. Underlying this petition was one of a year earlier in which Chairemon sought to take back the property he had bestowed upon her when she married ([14]); and Nos. 1 and 9 assert that Egyptian law extended a father's control even to property acquired by a daughter after her marriage.

Chairemon adds that he has appended a number of legal precedents in support of his claims ([15]). But we have his petition only to the extent that Dionysia quotes it in hers, and she, without reproducing her father's appended citations, merely dismisses them as warmed-over evidence that had already been dismissed by the previous Prefect as irrelevant ([16]). Thus, at this point we are still left with opposing *ex parte* statements; not having the legal precedents referred to, we are unable to judge the validity of the respective assertions.

Dionysia now (No. 8) proceeds to her reply, and in her own favor she does cite four specific precedents ([17]). One is a case tried before the *iuridicus* Umbrius, in which the advocate for the

(14) P. Oxy. 237 VI, 14 : ἀξιῶν τότε ἃ προσήνεγκα αὐτῇ ἀνακομίσασθαι κατὰ τοὺς νόμους.

(15) *Ibid.* 19 : ἀπὸ δὲ πλειόνων τῶ[ν] περὶ το[ύ]των πραχθέντων ὀλίγα σοι ὑπέταξα. See further note 17, below.

(16) *Ibid.* 27-29 : ... ἀνομοίαις οὔσαις εἰς παράδειγμα. In their note to line 28 (p. 168) Grenfell and Hunt wondered " whether Dionysia was quite ingenuous in saying that [the Prefect] Rufus paid no attention to the evidence of Chaeremon ".

(17) She matches and surpasses Chairemon's language (note 15, above), replying *ibid.* VII, 14 : ὑπέταξα σοι ἀπὸ πλειόνω[ν] περὶ τούτου κριθέντων ὀλίγας ἡγεμόνων καὶ ἐπιτρόπων καὶ ἀρχιδικαστῶν κρίσεις ἔτι τε καὶ κτλ. (see No. 8 in the list of texts). The cases and rulings cited by both parties, their force and value as precedent, are reviewed in detail by R.G. Katzoff, *Studies in Sources of Law in Roman Egypt* (diss. 1969), Chaps. 3 and 4.

father makes the statement listed above as No. 1. The conclusion of this case is lost in lacunas, but obviously Umbrius must have rejected the father's claim since Dionysia cites the case in support of her position.

A case heard by the Prefect T. Flavius Titianus is Dionysia's next precedent. In that case, the minute of which is quoted *in toto*, the father had actually removed his daughter from her husband (No. 3a) ([18]). The husband had appealed to the epistrategos, who, " being sympathetically disposed, " ruled for the couple " *if they wished to live together* " ([19]). The father thereupon petitioned the Prefect. In the ensuing trial the husband pleaded " that he not be parted from a wife affectionately disposed toward him " ([20]). In reply, an explanation of the father's motivation is coupled with the assertion that in acting as he did he had exercised his legal ἐξουσία (No. 3b). A rebuttal by the husband's advocate denies that a father retains any ἐξουσία over either a married daughter or her dowry (No. 4). The Prefect now rules : " *It makes a difference with whom the married woman desires to be* "([21]). Thus, this case brings us our first two authoritative statements. By implication affirming that the father has the right to take the daughter away from her husband, both the epistrategos and the Prefect nevertheless temper the execution of that right by insisting that the wishes of the wife be respected in the matter. In other words, *the father may not remove her against her will.*

This ruling is reaffirmed in the next precedent cited by Dionysia, the minute of a case heard five and a half years later by the epistrategos Paconius Felix. Here, too, the issue is a father's claim to take his daughter away from her husband, and reference is made to the Egyptian law on the subject. The husband's advo-

(18) Both here and in No. 7 the father justifies the removal as a requital for ὕβρις or βία that he has experienced or fears from one or both of the marital pair : *ibid.* VI, 13-18, and VII, 24 and 27.

(19) *Ibid.* VII, 23 : μεταπαθῶς ἀναστραφ[ἐν]τα ἀποφαίνεται ὅτι οὐ δεῖ αὐτὸν κωλύεσθαι εἰ συνοικεῖν ἀλλήλοις θέλοιεν.

(20) *Ibid.* 25 : μὴ ἀποζευχθῆναι γυναικὸς οἰκείως πρὸς αὐτὸν ἐχούσης.

(21) *Ibid.* 29 : διαφέρει παρὰ τίνι βούλεται εἶναι ἡ γεγαμημένη.

cates " replied that the former Prefect Titianus, on hearing a similar plea from Egyptians, had not followed the inhumanity of the law but the preference of the daughter, whether she desired to remain with her husband " (22). Accordingly, the epistrategos " *ordered that the woman be asked what she desired.* On her replying, ' To remain with my husband, ' Paconius Felix ordered that it be so recorded " (23).

As her final supporting document on this point Dionysia cites an advisory opinion of a jurist (24), which contains our text No. 5. In the light of the two preceding cases this unqualified denial of paternal ἐξουσία obviously presupposes that the woman is content to remain with her husband (25).

We are now in a position to evaluate the opposing assertions (Nos. 7 and 8) made half a century later by Chairemon and Dionysia. In No. 7 Chairemon is correct about the existence of the law (which had apparently never been formally abrogated), but incorrect in asserting its unimpaired applicability even to an ἄκουσα. In No. 8 Dionysia is incorrect in stating that there is no such law, but she is able to cite judicial rulings that have rendered it inapplicable to ἄκουσαι γυναῖκες.

No. 6 can now be elucidated in the light of the foregoing. What makes this assertion of paternal ἐξουσία over a married daughter particularly interesting is the fact that it is made in the context

(22) *Ibid.* 33-35 : ἀποκρειναμένων Τειτιανὸν τὸν ἡγεμονεύσαντα ὁμοίας ὑποθέσεως ἀκούσαντα [ἐξ] Αἰγυπτιακῶν προσώπων μὴ ἠκολουθηκέναι τῇ τοῦ νόμου ἀπανθρωπίᾳ ἀλλὰ τ[ῇ] ἐπι[νοί]ᾳ τῆς παιδός, εἰ βούλεται παρὰ τ[ῷ ἀνδρὶ] μένειν.

(23) *Ibid.* 37-38 : ἐκέλευ[σε]ν ... αὐτὴν ἐνεχθῆν[α]ι τί βούλεται. εἰπούσης, παρὰ τῷ ἀνδρὶ μένειν, Π[α]κώνιος Φῆλιξ ἐκέλευσεν ὑπομνηματι[σ]θῆναι.

(24) On the role of the jurist (νομικός) as unofficial legal adviser to government officials cf. *JEA* 21 (1935), p. 226 and the references there cited.

(25) I omit the jurist's further remarks about written and unwritten marriage because they are immaterial to our discussion, as L. Mitteis long ago observed (*Archiv für Papyrusforschung* 1 [1901], pp. 180-1) and as H.J. Wolff more recently demonstrated (*op. cit.* [note 12], p. 62). Wolff remarks further that here " the Roman jurist relies on a *Roman* idea, that of *patria potestas*, to make it possible to protect a satisfactory [Greek or Egyptian] union from paternal despotism ".

of the daughter's application for a divorce. In such a case, where the woman wishes to leave her husband, the paternal ἐξουσία presumably resumes its full force.

We return, finally, to the statements in Nos. 2 and 8 that married women were τέλειαι and κύριαι — in other words, free from tutorial and paternal ἐξουσία. Earlier we suspended judgment on these assertions because of their *ex parte* source. Now these stand revealed as accurate statements if ἡ γαμηθεῖσα is understood in its normal connotation of a married woman living with her husband.

Conclusion

The foregoing analysis of the evidence leads to the following conclusion.

Under the laws governing the mass (26) of the population of Roman Egypt the father had lifelong ἐξουσία over his daughter and her possessions. But before the end of the first century A.D. the severity of the law began to be mitigated by judicial rulings which rendered harmonious marriage proof against disruption by the wife's father. The happily married woman thus attained a *de facto* status in which she was liberated from parental authority. A woman lacking such protection — e.g. a spinster, a divorcee or a widow — presumably remained under or reverted to parental control.

Editor's note:
The preceding final sentence now finds pointed illustration in *P. Panop.* 28.3 (*ZPE* 10 [1973] 131).

(26) In Roman Egypt all but Romans and citizens of the autonomous Greek *poleis* had the status of Egyptians in the eyes of the law: cf. E. Bickermann, *Archiv für Papyrusforschung* 8 (1927), pp. 216-39. Bickermann's demonstration is firmly established and generally accepted: cf. e.g. H.J. Wolff, *op. cit.* (note 12), p. 64.

The γραφὴ δημοσίων of Roman Egypt

I. Its Role in Liturgy

With the appearance of *P. Petaus* the number of published *γραφαὶ δημοσίων* has been increased from half a dozen to more than twice that number : *P. Achmim* 7 (+ *P. Bour.* 41*a*), *BGU* 6, *P. Berl. Leihg.* 6, *P. Lond.* 199, *P. Oxy.* 2121, *P. Petaus* 66-68 and 71 (or 70)-74, *P. Ryl.* 89, *St. Pal.* XXII, 52 (range of dates : 158/9 - 209/10 A.D.). An analogous document of 256 A.D., *P. Oxy.* 2714, is entitled *γραφὴ λειτουργῶν*. The richer documentation helps clarify the nature and function of the *γραφὴ δημοσίων*.

The papyrological literature of earlier years contains comments on *γραφὴ δημοσίων* by a number of writers, notably Wilcken, Hohlwein and Collart (1). It is unnecessary to review here the details of each of the earlier interpretations. Suffice it to say that while Collart (as he himself remarked) carried forward Wilcken's ideas, it was Hohlwein who drew the most satisfactory picture — particularly in discarding, following Oertel (2), the notion that the strategos or epistrategos appointed the liturgists in question by selecting from the names listed in the *γραφὴ δημοσίων* (3).

An excellent up-to-date résumé on the form and purpose of the *γραφὴ δημοσίων* is now available in the introduction to *P. Petaus* 66. But here as in the earlier literature the *γραφὴ δημοσίων* is still regarded as the form in which the komogrammateus nominated the *δημόσιοι* (4). This point deserves to be reexamined.

(1) U. Wilcken, *Archiv* 4, p. 223 (misprinted as 423 in *P. Achmim* 7, introd.) ; N. Hohlwein, *Le stratège du nome* (reprinted as *Papyrologica Bruxellensia* 9), pp. 143-44 ; P. Collart, *P. Achmim* 7, introd., p. 63. There are comments in the appropriate places also by the editors of *P. Ryl.* 89 and *P. Berl. Leihg.* 6.

(2) Fr. Oertel, *Die Liturgie*, p. 151 : « Heranziehung im Meldeverfahren (Einreichung einer *γραφή* ohne Losung). »

(3) « Il n'y est pas question de l'épistratège, ni de tirage au sort par ce fonctionnaire ; les candidats sont présentés en nombre égal à celui des postes à conférer. »

(4) « Charakteristisch für sie alle ist, dass ihre Namen zur Nominierung auf einer einfachen Liste, eben der *γραφὴ δημοσίων*, vom Dorfschreiber dem Strategen eingereicht werden. »

The following details appear to be sufficiently established :

(1) The term *δημόσιοι* embraced the presbyteroi and the police guards of a village (1).

(2) Holders of these liturgies were named by the komogrammateus.

(3) Holders of these liturgies were recorded in a roster termed *γραφὴ δημοσίων*, which the komogrammateus sent (naturally retaining a copy for himself) to the strategos. That copy or another was deposited in the *βιβλιοθήκη δημοσίων λόγων* (2).

Now it is a striking fact that formal nomination documents — those in which the komogrammateus submits names to the strategos using the formula (*ἀνα-*) (*εἰσ-*) *δίδωμι τοὺς δεῖνα* — are totally lacking for the routine annual (3) appointments to the posts subsumed under the term *δημόσιοι*. Naturally therefore the thought arises that the *γραφὴ δημοσίων* may itself have served as the nomination document. But contrary evidence is at hand.

In the first place it is *a priori* improbable that an ordinary nomination proposal would be styled *γραφή* (list, roster), the more so as the nomination procedure had a clearly defined vocabulary of its own. Turning now to the documents themselves, we note that in *P. Leil.* 1 (= *SB* 10192) a komogrammateus nominates substitute presbyteroi using the formula *δίδωμι τοὺς δεῖνα*. The argument that this document is exceptional (4) because it concerns a midyear replacement rather than the normal annual cycle is undermined by *P. Leil.* 5 (= *SB* 10196), which affords unambiguous evidence (lines 19ff.) of a regular nomination procedure for the office of presbyteros — i.e. the komogrammateus submits a nomination (*δεδόσθαι, ἀναδόντος, ἀναδοθείς*) to the strategos, who issues a *programma* proclaiming appointment.

Next, in *P. Lond.* 846 (= W. *Chr.* 325) and in *P. Mich.* 426 reference is made to the fact that presbyteroi nominated their successors in office. It is perhaps necessary to allow for the possibility that in these instances the presbyteroi were serving also as acting-komogrammateus (*διαδεχόμενοι καὶ τὰ κατὰ τὴν κωμογραμματείαν*), although custo-

(1) *P. Oxy.* 2714 (256 A.D.), entitled *γραφὴ λειτουργῶν*, includes the komarchs with the police officers.

(2) *P. Lond.* 199 verso : *ἐκ βιβλ(ιοθήκης) δημοσίω(ν) λόγων ἐκ γρα(φῆς) δημοσίω(ν) θ (ἔτους)*.

(3) The *δημόσιοι* in *P. Petaus* 66 and 67 served for only half a year.

(4) As the editors of *P. Petaus* insist, p. 257 n. 3. A similar situation is reflected in *P. Petaus* 12.

marily that circumstance is carefully specified. The more realistic inference to be drawn is that presbyteroi nominated their successors and the komogrammateus included their designations in his nominations and the ensuing *γραφὴ δημοσίων*.

Finally, there is the overwhelming evidence of the *γραφαί* themselves. In the first place no *γραφὴ δημοσίων* contains a verb of nomination, or any mention of the *κίνδυνος* of the nominator. These are appropriate in a document of nomination, but inappropriate (and hence omitted) in a list of names of liturgists already appointed. Moreover, while a few *γραφαί* present the list of *δημόσιοι* for the coming year, most of them list the officeholders of the current period. Even if — as the editors of *P. Petaus* reasonably suggest — some of the extant lists are not the actual documents sent to the strategos but less formal copies prepared by komogrammateis for their own use, there remain the inescapable facts that these informal lists are also termed *γραφαὶ δημοσίων*, and that they do not nominate for an approaching year but record the incumbents already in office in the current year.

Subject, then, to possible revision in the light of new evidence, the following conclusion best accords with the present data.

In the last months of each calendar year the komogrammateus selected the individuals who were to serve in the coming year as presbyteroi and police functionaries of a given village. When these choices were completed and confirmed by the strategos' *pro forma* ratification, the komogrammateus prepared a summary list, termed *γραφὴ δημοσίων*, for the information of the strategos and the records of the public archive. These rosters were often submitted after the term of office had begun.

II. P. Achmim 7

This document, though now lacking its title, was correctly identified by Collart as a *γραφὴ δημοσίων* (1). For that reason the restorations of lines 63-64 and 75-76 require revision. With Wilcken's restorations (2), adopted by Collart, these lines are presented as follows :

(1) *P. Achmim*, p. 63 ; cf. *P. Petaus*, p. 256.

(2) *Loc. cit.* (p. 161, n. 1). Wilcken thought of these lines as « Subskriptionen », presumably because of the presence of a date. In reality these are entries like the others (see below). The fact that lines 63-64 are at the bottom of a column is fortuitous, not purposeful ; lines 75-76 come in the middle of a column.

63 κωμογραμμ[ατεὺς γνώμῃ τῶν ἀπὸ τῆς κώμης ἀνέδωκεν τῷ]
64 ἐνεστ[ῶ]τι ἔ(τει) Φ[αῶφι]

75 [κωμογραμματεὺς γνώμῃ] τῶν ἀπὸ τῆς κώμης
76 [ἀνέδωκεν τῷ ἐνε]στῶ[τ]ι ἔ(τει) Φαῶφι.

But a characteristic of the γραφὴ δημοσίων, as we can see even more clearly in today's greatly increased documentation, is that it contains no verb of nomination. The restoration ἀνέδωκεν is thus seen to be inappropriate. Also militating against the restoration as published is the total absence of descriptives for κωμογραμματεύς, not even a definite article. Finally, the month of Phaophi is an inappropriate time for nomination to these offices ; a consistent body of evidence reveals that village presbyteroi and police guards were regularly nominated in the latter part of the calendar year to take office on the following Thoth 1 (1).

In fact, projecting to the left as it does in line 63, κωμογραμματεύς is most naturally taken as simply the caption for one of the officials listed in the document, like the φύλακες, εἰρηνοφύλαξ, and other preceding titles. If this is correct it constitutes our first instance of the komogrammateus being included among the δημόσιοι (2). The komogrammateus would not figure in every γραφὴ δημοσίων since he was not replaced annually (3).

Furthermore, with the elimination of ἀνέδωκεν it is no longer necessary to regard lines 75-76 as a duplicate of 63-64 : they may or may not be. All we are certainly left with is :

63 κωμογραμμ[ατεὺς τῷ]
64 ἐνεστ[ῶ]τι ἔ(τει) Φ[ ]

75 [γνώμῃ - - - (4)] τῶν ἀπὸ τῆς κώμης
76 [τῷ ἐνε]στῶ[τ]ι ἔ(τει) Φαῶφι.

(1) *P. Amh.* 108, 109 (= W. *Chr.* 418), *BGU* 1062 (= W. *Chr.* 276), *P. Flor.* 2 (Col. VII = W. *Chr.* 401), *P. Gen.* 42, *P. Giss.* 109, *P. Leit.* 5 (= *SB* 10196), *P. Lond.* 197, 255 and 846 (= W. *Chr.* 272 and 325), 1246-1248, *P. Oslo* 93, *P. Oxy.* 1627, *P. Petaus* 66-68, *PSI* 1232, *SB* 9105, 9550.

(2) Cf. p. 162, n. 1.

(3) Cf. *P. Petaus*, pp. 18, 21.

(4) Both γνώμῃ καὶ κινδύνῳ and γνώμῃ καὶ ἐγγύῃ occur : *BGU* 235 (= W. *Chr.* 399), *P. Petaus* 59, 60, 62, 65.

Elsewhere I have pointed to the evidence suggesting that the komogrammateus entered office toward midyear (1). In that light the thought occurs that lines 63-64 may originally have read something like :

63 *κωμογραμμ[ατεὺς κατασταθεὶς τῷ]*
64 *ἐνεστ[ῶ]τι ἔ(τει) Φ[αμενώθ].*

It is understandable that this might be specified for the komogrammateus, since all (2) the other liturgies in this long *γραφή* began on Thoth 1. This restoration would imply, further, that *P. Achmim* 7 was drawn up some time between Phamenoth and the end of the calendar year ; hence the police officers in the list would most likely be those appointed to serve in the following year.

Alternatively, since we have no way of determining how many letters are lost at the right in line 63 or at the left in line 75, it is possible to retain *γνώμῃ - - - κώμης* and *Φαῶφι* in a restoration such as :

63 *κωμογραμμ[ατεὺς γνώμῃ - - - τῶν ἀπὸ τῆς κώμης ἀναδοθεὶς τῷ]*
64 *ἐνεστ[ῶ]τι ἔ(τει) Φ[αῶφι*],

and for another komogrammateia or some other office :

75 [*γνώμῃ - - -]τῶν ἀπὸ τῆς κώμης*
76 [*ἀναδοθεὶς τῷ ἐνε]στῶ[τ]ι ἔ(τει) Φαῶφι.*

Restoration along these lines would carry the implication that *P. Achmim* 7 was drawn up in or after Phaophi, when these liturgists had already been nominated, but before they had actually taken office.

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(1) *Proceedings of the IX [1958] International Congress of Papyrology*, pp. 240-42.
(2) Or all but one, if lines 75-76 refer to a liturgy other than that of komogrammateus.

BGU XI, 2064

Though much of the text is recoverable, its fragmentary state prevents this document from making its full contribution to our knowledge of the liturgic system of Roman Egypt. In form BGU 2064 is a petition against the simultaneous holding of two liturgies, closely resembling in its tone and in some of its language PSI 1243 and especially 1245 [1]. The editor of BGU XI, Dr. Herwig Maehler, has penetrated the general sense and correctly supplied a number of the missing details. The revisions offered below have benefited from an excellent photograph kindly supplied by Dr. Maehler and from his readiness to check my queries and suggestions against the original. An incidental gain resulting from these revisions is a probable date for the previously encountered but hitherto undated strategos Phanias (see notes to line 17).

Text

'Α]ν̣υλίῳ Καπιτωλείνωι τῶι κ̣[ρατίστωι ἐπιστρατή-
γωι
π̣]αρὰ 'Ισιδώρο(υ) Νικ[ό]νδρου τοῦ Σαραπ̣[ά]μμωνος(?) τῶν ἀπὸ
κ̣]ώμης Θεαφελφείας τῆς Θεμ̣[ίστου μερίδος τοῦ
5 'Α]ρσινοείτου νομοῦ. ἀναδοθέν̣[τος μου εἰς ἐπιτήρη-
σι]ν οὐσιακῶν κ̣τημάτων ἀντ[ί]λαβον τῆς χρείας (?)
κ̣]α̣ὶ̣ π̣ληρώσαντός μου ταύτην [τὴν ἐπιτήρησιν εἰς
μ]ῆ̣να Τῦβι τοῦ διεληλυθότος ιβ̣[ἔτους
..].κρατουμεν[.]ν μου ἐν ταύτ[ῃ τῇ χρείᾳ (?)
10 ὁ]ν̣τ' ἐμοῦ α[[]ρ̣[ε]θέντα αλλ̣[± 8 ἀναδοθέν-
τό]ς μου εἰς ἑτ̣[έρα]ν̣ χρείαν, π̣ρα[κτορείαν ἀργυρικῶν (?)
τῆ]ς π̣ροκειμ̣ένης κ̣ώμης, βα̣[
..]ς ἀπαιτούμ̣[ε]ν̣ος ὁ ὑπ' ἐμοῦ .[
μέ]χρι τούτου π̣[αρ]αμείνας σοῦ [τὴν εὐτυχεστάτην
15 ἐπι]δημείαν [δέ]ομαι ἐὰν σοῦ [τῇ τύχῃ δόξῃ γρά-

1) On these documents see my article forthcoming in TAPA 100 (1969).

φαι] τῷ τῆς Θ[ε]μ[ίστου κα]ὶ Πο[λέμωνος μερ[ίδος
στ]ρατηγῷ Φ[αν]ῳ ὅπως ἕ[τερος ἀντ' ἐμοῦ εἰς
τὴν] ἐπιτήρη[σιν ἀ]ναδοθῇ ἵ[να δυνηθῶ ± 5 τῇ
πρ]ακτορείᾳ [προσ]εὐκαιρεῖν [

The remainder becomes increasingly fragmentary. Lines 20-22 conclude the petition, 22-24 contain the date, and 25-26 were presumably the epistrategos' subscript.

Commentary

The range of the preserved text is 16-27 letters per line. The loss at the left is a trivial 1-3 letters per line, that at the right, judging from those lines whose restoration is assured or reasonably so, is a substantial 13-17 letters, or one-third to one-half of the original whole. Under these conditions an integral restoration of the text remains beyond our present capability, as does a continuous translation. But the overall sense is discernible, viz.

Lines 1-5: Address to the epistrategos.

Lines 5-6: I was appointed and served as superintendent of imperial properties.

Lines 6-10: When I had served in that liturgy up to Tybi of the past year another was to have been, but was not, appointed to succeed me in the office.

Lines 10-12: Instead, without being released from the superintendency, I was appointed to be a tax collector of my village.

Lines 13-19: As I could not obtain redress locally, I have waited till now for your visit to this area, and I now beg you to instruct the strategos to replace me in the superintendency so that I can give proper attention to the tax collectorship.

Notes on individual lines and passages follow.

1. If the date in line 8 is correctly read Aquilius Capitolinus, previously known to have been in office between November 169 and November 170 A.D. (P. Oxy. 2563, In.), is now seen to have been epistrategos as late as February/March of 173, the date of

this petition (lines 22-24).

3. The length of the restorations in the other lines calls for a longer name than the Σαραπ̣[ίωνος suggested in ed. pr.

5-6. πρακτορε[ί]ν, restored in ed. pr., is inappropriate because the praktoreia is current and the petitioner is content to retain it (line 19), wheras the office mentioned here ought to be over (lines 7-8) and the petitioner pleads to be released from it (lines 17-18). Thus the restoration required is ἐπιτήρη|σι]ν, giving the following sense: I held an epiteresis (lines 5-8) and was also appointed to a praktoreia (10-12); I ask that another be appointed to the epiteresis (17-18) so that I can attend to the praktoreia (18-19).

6. Another possible restoration (cf. P. Petaus pp. 273-74) is Ἀντ[ωνινιανῆς οὐσίας, the existence of which at Theadelphia is attested by BGU 1893 and 1894, P. Berl. Leihg. 1 Verso, P. Col. 1 Verso.

7. ἐπιτήρησιν : λειτουργίαν ed. pr. Either restoration gives the requisite sense.

7-8. The completion of a liturgy is commonly expressed in the documents as πληροῦν τὸν ὡρισμένον χρόνον (e.g. P. Leit. 11 = SB 10203). Obviously, the month of completion is specified here (as in BGU 235 = W. Chr. 399) because it is a material fact in the complaint. It may signify, as Dr. Maehler thought (ed. pr., note to line 8), that the office began on Mecheir 1 and thus terminated in Tybi. In that case it would be reasonable to suppose that the ἐπιτήρησις οὐσιακῶν κτημάτων, like the similar ἐπιτήρησις γενηματογραφουμένων ὑπαρχόντων [2], did not begin everywhere at one time but was instituted at whatever time of year the need arose in each specific situation. If the epiteresis in the present instance did terminate in Tybi of year 12, it is remarkable that the petitioner still had not been released from that office fourteen months later, when he filed this petition. An alternative explanation of our text seems to me, however, to be preferable. In P. Petaus 75-78 candidates for an ἐπιτήρησις οὐσιακῶν are nominated in Phamenoth, Pachon and Payni. Nominations at

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2) Cf. ibid.

that time of year were usually for offices beginning on Thoth 1. In this light the following construction becomes possible for BGU 2064: The petitioner was appointed to an ἐπιτήρησις οὐσιακῶν, the term of which was three calendar years[3], i.e. years 11-13 or 12-14. But in Tybi of year 12 - i.e. when he had served for either 5 or 17 months - the situation arose which led, eventually, to his filing this petition for relief from simultaneous liturgies. A close parallel is found in PSI 1245, 20-22: καὶ πληρ[οῦντός μο]υ τὸν ὡρισμένον τριετῆ χρόνον, μὴ δοθέντος ἀντ' ἐμοῦ ἑτ[έρου, ἀνεδέθ]ην εἰς λειτολογίαν.

8-10. Perhaps there was a reference here to a petition for release, as in P. Leit 11 (= SB 10203). Or perhaps the petitioner claimed here that he was promised (or owed) a replacement in the epiteresis before its term in exchange for taking the praktoreia (cf. note 7-8, above). The long horizontal extension of the final alpha of αἱρεθέντα, when compared with the similar flourish ending νομοῦ in line 5, suggests that the sentence ended here.

9. The difficulty of interpretation here centers about the meaning of κρατέω, whose only previous occurence in the context of a liturgy is in an even more fragmentary text, P. Leit. 4 (= SB 10195).

10. αλ̣λ̣ [: "The second λ if it is one, seems to have been rubbed off" - Maehler, by letter. If the reading is sound the restoration suggested in ed. pr. is attractive: ἀλλ' [οὐ δεόντως εἰσδοθέν|τος μου κτλ.

12. β̣α̣ρυτάτην οὖσαν, suggested in ed. pr., has the ring of truth, being almost formulaic in such contexts. But it is hard to see how to construe this with what follows in the next line.

13. "After the gap, a small dot of ink followed by traces compatible with σα and, as I now believe, another letter, apparently ο: ἀπαιτούμ[ε]νος ὁ ? All the traces after the [nu] are very faint indeed, but they do seem to belong to round letters (not ν, hardly α). The letter at the end of the line is ... not an iota but an upright of a letter like ν, κ, γ or the like" - Maehler, by letter.

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3) Cf. my Inventory of Compulsory Services, s.v.

13-14. The sense seems to be that the petitioner had to await the epistrategos' visit because he had been unable to obtain redress from the local officials or the nome strategos. The verb ἀπαιτέω implies demanding the payment or return of something. How to construe the masculine participle here is far from clear.

17. "Having looked at the papyrus again I now think that your suggestion fits beautifully and that one should, in fact, read Φ[αν]ίο here" - Maehler, by letter. Though the reading remains less than certain, we may now - tentatively at least - place Phanias in the list of strategoi of Themistes and Polemon between Megalonymos and Hierax.

17-19. It is noteworthy that the petitioner merely pleads to be freed from the burden of holding two liturgies at once; he is content to carry out the duties of the praktoreia without insisting on his right to a period of ἀνάπαυσις between two liturgies: cf. Atti dell' XI [1965] Congresso Internazionale di Papirologia, pp. 523-26.

19. προσ]ευκαιρεῖν : cf. P. Oxy. 1119 (= W. Chr. 397), 12.

New York Naphtali Lewis

"GRECO–ROMAN EGYPT": FACT OR FICTION?

Naphtali Lewis

To question at this late date the terminological validity of the expression "Greco-Roman Egypt" must seem at first sight like an exercise in futility. After all, technical terms, even if strictly speaking inaccurate, mean what the members of a profession want and use them to mean. Thus, for example, we use the term "Roman Empire" for that period in Roman history when the government was headed by emperors, even though Rome began to acquire an overseas empire more than two hundred years earlier. Yet no confusion results from our use of the term, because we all understand what it purports.

What, then, do we understand by "Greco-Roman Egypt"? The expression is, I imagine, as old as papyrology itself. To discover who first used it and when, might satisfy an idle curiosity but is immaterial to my purpose. We all know that for many decades, right down to the very present, the locution "Greco-Roman" has served as a convenient concise designation for the period in the history of the eastern Mediterranean that interests the classicist – the period following the conquest by Alexander the Great, when these territories were ruled first by Greek-speaking dynasties and then by the representatives of the emperors at Rome.

Now, if the expression "Greco-Roman Egypt" were simply a designation for this time span, it would indeed be a pointless quibble to question its accuracy in the face of its general and deeply imbedded acceptance. The fact is, however, that the expression has always carried a connotation of cultural and governmental continuity. This concept of continuity in Egypt's millennial history – "plus ça change, et plus ça reste la même chose" – has a central place in our papyrological literature, and it was the central theme in two of the last five papyrological congresses. At Geneva in 1952 the principal papers at our Seventh International Congress dealt with different aspects of "l'originalité de l'Egypte dans le monde gréco-romain," a theme proposed by the *comité d'organisation* "dans l'espoir de faire apparaître la physionomie particulière de l'Egypte en regard du monde gréco-romain, et les effets possibles d'une survivance des anciennes traditions de la Vallée du Nil."[1] Less than ten years later the organizing committee of our Tenth International Congress (Warsaw and Cracow, 1961), seeking "un tel sujet du Congrès qui pourrait attirer l'attention de tous les savants s'intéressant à la papyrologie," chose as its central theme "la continuité de la tradition pharaonique, grecque et romaine dans différents domaines de la vie de l'Egypte ptolémaique et romaine."[2] The relevant implications of the papers presented at that congress were summarized by C. Préaux, with her characteristic grace and perspicacity, in a *rapport de clôture*

1. *Museum Helveticum* 10, 1953, p. 129. Cf. further below, note 7.
2. I. Biezunska-Malowist, *Actes du Xe [1961] Congrès International de Papyrologues*, Avant-Propos, p. 5.

entitled "Les continuités dans l'Egypte gréco-romaine."[3] Today, at our Twelfth Congress, I return so soon again to the subject because my recent work has brought me to the point where I am compelled to question the validity of our *communis opinio* on the continuity of Ptolemaic Egypt in Roman times.

We are in an age of revision in papyrology. This is an entirely natural development in a discipline that is approaching its centenary. Today the second and third generations of papyrologists are reviewing and sometimes revising the work of our esteemed pioneers. For one thing, some of their *working concepts* now appear to us to require correction. Thus J. Modrzejewski now argues that in the study of law we must discard the ingrained notion of "reception" and think instead in terms of "penetration," and H. Kupiszewski, following the lead of E. Schönbauer, insists that the traditional contrast of "Reichsrecht und Volksrecht" provides an inappropriate framework for studying the provincial law with which we are concerned.[4] At the other end of the spectrum we have also been busy emending some of the *conclusions* which the founders of our discipline drew from the flood of new material that inundated the world of classical scholarship in their time. For example, from the Greek and native elements visible in the new documentation Ptolemaic Egypt appeared to them as a fusion of the two cultures. But today we realize that this was an illusion – understandable in its origins, but an illusion nonetheless. A recent work of popularization published in this country is still entitled *Hellenistic Culture: Fusion and Diffusion*.[5] But the careful work of papyrological scholarship has now made it abundantly clear that, as J. Bingen put it in a recent issue of *Chronique d'Egypte*, "on ne peut parler de civilisation mixte gréco-égyptienne" (this truism is further illustrated in the paper presented by Professor Bingen just this morning).[6] It is simply impossible to escape the ubiquitous evidence that for centuries, despite daily contact and occasional intermarriage, Greeks and Egyptians lived in intimate coexistence with only surface cultural interpenetration.[7] So much now seems established and agreed about Ptolemaic Egypt.

But when we turn to the transition from Ptolemaic to Roman rule in Egypt, we find that, even though contrary views were expressed in two of the principal communications at the Geneva Congress of 1952, the prevailing view of essential continuity remains undisturbed, an ineluctible backdrop against which studies of Roman Egypt are projected.[8] The readily recognizable changes

3. C. Préaux, *ibid.*, pp. 231-48.

4. J. Modrzejewski, *American Studies in Papyrology* I, New Haven, 1966, p. 136, and *infra* p. 317; H. Kupiszewski, *Studien zur Papyrologie und antiken Wirtschaftsgeschichte F. Oertel zum achtzigsten Geburtstag gewidmet*, Bonn, 1964, pp. 68-80.

5. By Moses Hadas, New York, 1959.

6. J. Bingen, *Chronique d'Egypte* 40, 1965, p. 512, and *infra* p. 35.

7. Among recent relevant studies may be noted two separate articles demonstrating the limited extent of bilingualism in the population: W. Peremans, *Studien . . . Oertel* (see note 4), pp. 49-60; R. Rémondon, *Chronique d'Egypte* 39, 1964, pp. 126-46. V. Martin's review of the evidence of onomastics points in the same direction: "Les différents milieux sont ainsi restés, en général, fidèles à leur onomastique traditionelle." And he adds, "On se rappelle que le Congrès de papyrologie de Genève en 1952, consacré à définir l'originalité de l'Egypte dans le monde gréco-romain, a plutôt fait ressortir l'imperméabilité de la civilisation indigène aux influences étrangères, sa résistance patiente . . . Ces conclusions [sont] solidement fondées" (*Akten des VIII. [1955] Internationalen Kongresses für Papyrologie*, pp. 89-90). Already at the Geneva Congress he had noted, "L'hellénisation restait de surface . . . il y avait des profondeurs où elle ne pénétrait pas, ou peu" (*Museum Helveticum* 10, 1953, p. 132).

8. Three representative examples will suffice here. J.G. Milne, *A History of Egypt under Roman Rule*, 3rd ed., 1924, p. 120: "The conquest of Egypt by the Romans caused no immediate change of importance in the internal organisation of the country." C. Préaux, *Chronique d'Egypte* 40, 1965, p. 497: "On sait que l'Egypte eut, jusqu'à Dioclétien, une structure singulière dans l'Empire et qu'elle garda ainsi, pendant trois siècles, cette singularité fondée sur sa vieille organisation ptolémaique à peine modifiée. Il n'y eut guère de tentative de "romanisation" de l'Egypte avant la fin de IIIe siècle." And most recently A. Bataille in *Recherches de Papyrologie* 4, 1967, p. 161: "L'essentiel de l'organisation administrative héritée des Ptolémées est conservé jusq'aux réformes de Dioclétien et de l'époque constantinienne . . . Tout cela est trop connu . . ." Similarly J. Modrzejewski, *infra* p. 323. Contrary views were heard at the Geneva Papyrological Congress: see, in *Museum Helveticum* 10, 1953, the remarks of B.A. van Groningen, pp. 180, 188-89, and those of A. Piganiol, whose presentation of "le statut Augustéen de l'Egypte," pp. 193-202, generally stresses the breaks with Ptolemaic practice.

are deemed to be minor, and to lie – again using J. Bingen's expression – "dans le syndrome responsabilité personelle-propriété individuelle."[9] The traditional emphasis has been on Roman rule as the culmination of trends and developments which had their origins under the Ptolemies. But in the papyrological literature of the last ten years or so, in a variety of studies by a number of different scholars, distinctive Roman elements have been more and more coming to the fore. Wherever we look at Egypt in the early years of Roman rule – at the governmental structure, administration, army, taxation, liturgy, land tenure – we find an *essential* change from the Ptolemaic pattern or practice. This, then, is my theme for today: that Roman rule brought changes more fundamental and sweeping than we have hitherto generally acknowledged; or, to put it another way, that the areas of Hellenistic continuity were less significant than those of Romanization.

Actually, this thesis was advanced half a century ago by Arthur Stein in his *Untersuchungen zur Geschichte und Verwaltung Aegyptens unter römischer Herrschaft*. Stein held that the "Sonderstellung" of Egypt among the Roman provinces resulting from retention of Ptolemaic structures and mechanisms was only a surface manifestation, while the underlying realities were essentially different. In the government of Egypt as in that of Rome itself, Stein argued, the Augustan policy was to retain traditional forms and titles as a means of rendering the new regime more palatable.[10]

Stein's monograph, which was published in Stuttgart in 1915, was in a very real sense a casualty of the First World War – not that it has failed to be widely used and cited in subsequent work, but because it never received, either upon its appearance or later, the systematic appraisal it deserved. The only serious review I can find is one of two pages in *Sokrates, Zeitschrift für das Gymnasialwesen* 7=73, 1919, pp. 106-8, where P. Viereck outlined Stein's views and warmly recommended the book for its "Klarheit und besonnenem Urteil."[11] If, ignoring Stein's caveats, papyrologists have persisted in regarding the Ptolemaic and Roman periods as essentially an unbroken continuity, it is – I think – because we have been bemused partly by the unchanging pattern of village life in the Nile valley,[12] and even more by the continuity of the Greek language[13]

9. *Loc. cit.* (note 6). Cf. also J. Modrzejewski's remarks on "rupture", *infra* p. 323.

10. "Und während zwar der Verwaltungsmechanismus in Aegypten auch nach der römischen Okkupation scheinbar ungestört weiter arbeitet, merkt man bei genauer Betrachtung doch die umwälzenden Veränderungen, die mit der Römerherrschaft in Aegypten zutage treten. Wir haben also im folgenden zu zeigen . . . dass . . . als unvermeidliche Folgeerscheinung mit der Neueinrichtung des Verwaltungsapparates, wie sehr dieser auch in den allgemeinen Grundzügen der bisherigen Uebung angepasst wird, sich doch in der Praxis vieler ändert . . . Dann liegt hier wieder das mehrfach schon erwähnte Bemühen des neuen Herrschers [Augustus] vor, mit seinem unvergleichlichen politischen Genie die grundlegende Veränderung aller Verhältnisse zu verdecken, die alte Schläuche mit neuem Wein zu füllen . . . Wenn nun aber auch in sovielfacher Hinsicht der Zustand Aegyptens rein äusserlich genommen von dem neuen Regiment fast unberührt bleibt, so ist doch um so tiefer und nachhaltiger die Wirkung der Römerherrschaft auf das Wirtschaftsleben der Bevölkerung" (pp. 80, 123, 125).

11. Paraphrasing, Viereck continues: "Trotz der vielerörterten Sonderstellung, die Aegypten bekanntlich zum Princeps hatte . . . , möchte Stein das Verhältnis doch nicht als eine Personalunion, sondern als eine Realunion bezeichnen, weil auf dem Gebiete der Finanzen und des Heeres der enge Zusammenhang mit dem übrigen Reiche gewahrt worden ist . . . Ein völlige Verschmelzung mit dem übrigen Reiche trat aber erst unter Diokletian ein."

12. So too Stein, *op. cit.*, p. 119: "Wenn sich aus all dem Gesagten vielfältig die Beobachtung ergibt, dass die bestehenden Einrichtungen und Zustände im allgemein unverändert fortdauern, mindestens insofern man die an der äusseren Oberfläche vor sich gehenden Erscheinungen in Betracht zieht, so wird dieser Eindruck noch verstärkt, wenn man sieht, wie überall das öffentliche Leben und Treiben in dem alten Geleise fortschreitet. Alles nimmt seinen gewohnten Lauf, nirgends ist eine deutliche Spur davon wahrzunehmen, dass Vorgänge von so grundlegender Bedeutung in der jahrtausendalten Geschichte des Pharaonenlandes eingetreten sind."

13. In similar vein J. Modrzejewski, speaking of the continuation of classical Greek legal concepts in Hellenistic Egypt: "Le principal facteur de cette continuité est sans doute la langue, qui est le véhicule du droit" (*American Studies in Papyrology* I, p. 136). A similar point is made in A.E. Samuel's paper, *infra*, p. 443.

and of the monarchy with all its trappings, including the cult of the living ruler which was so carefully avoided in the West by Augustus and most of his successors in the Principate.[14]

To test once again the issue of continuity vs. change in Roman Egypt let us review the configuration of governmental, economic and social organization, with particular attention to the results of recent scholarship.

GOVERNMENT

The advent of Roman rule was marked by a reorganization of the administrative machinery, both in Alexandria and in the *chora*. Some offices disappeared (e.g. laokritai, nome epistatai), and were replaced either by new ones (e.g. dikaiodotes = iuridicus) or, more often, by a redistribution of responsibilities. Offices which – or whose titles – survived were assigned altered functions conformable to the new order. Thus, epistrategoi and strategoi continued to govern their respective areas, but, stripped of military authority, they were now purely civil administrators; and, as V. Martin declared flatly over half a century ago, "ce fut Auguste qui transforma l'épistratégie."[15] The dioiketes was the finance minister of Ptolemaic kings, enjoying a status that was almost viceregal; under the Romans the title appears in a variety of lesser connections. The oikonomos (whose administrative competence was the subject of A.E. Samuel's communication at our last Congress) appears so infrequently after Ptolemaic times that I suspect he too was downgraded in the Roman administration. Significant changes are apparent also in the functions of archiereus, idios logos, nomarches and chrematistes: the restriction of the scope of the chrematistai and the eventual disappearance of the office are traced by H.J. Wolff in *Tijdschrift voor Rechtsgeschiedenis* 34, 1966, pp. 34-36; a monograph on the idios logos by P.R. Swarney, to appear in the series *American Studies in Papyrology*, discloses the change in scope and probably in the organization of that office beginning with Augustus; and I shall come presently to the broad array of offices and services that were continued but converted into liturgies.

Administrative change is apparent also in the records of judicial proceedings. R.A. Coles' study of the relevant documents, published two years ago, declares flatly in its opening words: "There is a complete difference in style between reports of proceedings in papyri from Ptolemaic Egypt and such reports from Roman times, reports of proceedings in Oratio Recta not being found before the first century A.D." And in what follows he develops the evidence for the conclusion that "we cannot provide a closely-documented date for this transition in style, but it seems likely to have been a result of the political transition."[16]

Roman rule brought a change also in the nature of the military establishment. The Ptolemaic system was one of military settlers living on *kleroi* allotted them by the crown. Under the Romans Egypt was held by an army of occupation living in camps located at strategic points. To be sure, numbers of veterans settled on the land after their discharge from service, but that practice bears no resemblance to the Ptolemaic *klerouchia*.

The system of taxation presents us with a whole series of contrasts. Whatever may be true about the still-debated Ptolemaic *syntaxis*, it is a simple fact that the poll tax called *laographia* was a Roman innovation.[17] As its concomitant Augustus instituted the fourteen-year census cycle,

14. On the monarchy and ruler cult see further below, p. 12.
15. Cf. Martin's review of the evidence, *Les épistratèges*, Geneva, 1911, pp. 83-95; the quotation is from p. 84.
16. R.A. Coles, *Reports of Proceedings in Papyri*, Brussels, 1966, p. 9.
17. Cf., most recently, J.A.S. Evans, *Aegyptus* 37, 1957, pp. 259-65; F. Uebel, *Atti dell' XI [1965] Congresso Internazionale di Papirologia*, p. 363.

for which there is no parallel in Ptolemaic times. Let us not forget Strabo's report (xvii.1.53, C819) that Augustus' first Prefect of Egypt had to put down a revolt that broke out in the Thebaid διὰ τοὺς φόρους: behind this laconic remark must lurk the fact that for the Egyptian peasants the advent of the Augustan regime meant higher taxes, or more efficient collection than under the last Ptolemies, or both.[18] The institution of the census was also accompanied by or resulted in, as H. Braunert has shown,[19] a change in the concept of *idia* from the place where one works to the place of first residence, where an individual is officially registered in the census and to which his taxes and other obligations are due.

The mechanisms of tax collection also show basic changes. Under the Ptolemies the actual collection was performed by salaried functionaries, while the so-called "tax farmers" (telonai) merely guaranteed the collections.[20] Under the Romans the various tax collectorships were transformed into liturgies, and where telonai are in evidence we find them acting like Roman publicani. The Ptolemies had a royal fleet to transport the grain collections, and payments were made to royal banks. Under the Romans we find private as well as public boats and banks, and the office of public banker becomes a liturgy.

I turn now to consider more particularly the question of liturgies. I have, as you know from previous communications, been making the liturgic system a subject of special study; and it is my findings in this area that have impelled me to reexamine the broader general question of the Romanization of Roman Egypt.

In the past the general tendency has been, again, to find the roots of Roman liturgy in Ptolemaic Egypt.[21] It is perfectly true that both the term *leitourgia* and forms of compulsory service are found in Ptolemaic Egypt. But, as in the case of the governmental offices I mentioned earlier, though the terms are retained they represent fundamentally different systems. Fifteen years ago A. Tomsin saw this in his study of the presbyteroi, where he introduces his section on the Roman period with the remark, "Nous exposerons d'abord cette conception nouvelle du rôle des presbyteroi introduite par Rome."[22] This is the point I wish to stress today: the liturgic system of Roman Egypt is not simply a quantitative expansion of what existed in Ptolemaic times; it is qualitatively and conceptually different.

The relevant data are presented schematically in my *Inventory of Compulsory Services*, published earlier this year.[23] Ptolemaic Egypt, one sees at a glance, exacted certain familiar kinds of compulsory labor or service for the king: transport, billeting, agricultural labor. In addition we have evidence of the following liturgic offices: agonothetes, gymnasiarch, exegetes, kosmetes, lampadarch, and an office, mentioned only once, having to do with food supply. For us the significant fact about these liturgic offices is that they are characteristic of the Greek *polis*, and that in Ptolemaic Egypt we also find them only in the cities and the communities of Greek military settlers. It is thus clear that – like the other Greek institutions traced for us by C. Préaux in a

18. Even so ardent an admirer of Augustus as T. Rice Holmes quoted with approval Stuart Jones' characterization of the Gnomon of the Idios Logos as "an instrument of fiscal oppression" (*The Architect of the Roman Empire* II, p. 16).

19. *JJP* 9/10, 1956, esp. pp. 226, 238-39, 292-93 and 305-23.

20. "Dans l'Egypte lagide, la ferme est une institution de garantie, non une institution de perception" – C. Préaux, *L'économie royale des Lagides*, p. 450.

21. E.g., "In vielen Punkten sind die Römer die Vollender dessen, was die Ptolemäer begonnen haben . . . Die ersten beiden nachchristlichen Jahrhunderte führen das ptolemäische System fort" – F. Oertel, *Die Liturgie*, pp. 62 and 94; similarly pp. 94, 110, 142-43.

22. A. Tomsin, *Etude sur les πρεσβύτεροι des villages* . . . , Bruxelles, 1953, p. 38.

23. *American Studies in Papyrology* III, 1968.

series of recent studies[24] – the liturgies of the Ptolemaic era are simply the traditional liturgies of the Greek *polis* transplanted by and for the Greeks of Egypt. How thoroughly this was understood in the Hellenistic age is illustrated by a remark of Diodorus Siculus. In i.79.3, describing the action of the Pharaoh Bokchoris in limiting the execution of loans to property, he adds that the motivation for eliminating execution upon the body was *ἵνα τὰς καθηκούσας λειτουργίας ἔχωσιν αἱ πόλεις*. Even though *leitourgia* is here used in its generalized sense of "service,"[25] the background of the writer is clearly revealed in his language: only cities have liturgies.

When we turn to the liturgies of Roman Egypt we are struck first, of course, by the enormous proliferation of such offices: in place of the six attested for Ptolemaic Egypt we now have over a hundred. We note, in addition, that the Roman system is all-pervasive, embracing the entire province down to the smallest localities. The offices serve the entire gamut of administrative functions: record keeping, tax collection, police, and so forth. Once again we find that some of the titles are preserved from Ptolemaic times, but under the Romans the offices become liturgies: among the examples that come most readily to mind are the sitologos, the komogrammateus, the praktor, the presbyteros. But in the main the titles are, together with the liturgic offices themselves, creations of the Roman era. Even the seemingly ageless dyke corvée underwent a Roman reorganization, for we have no evidence of a *penthemeros* prior to the first century of Roman rule.[26]

I have said enough, I think, to make my point about liturgy and compulsory services, and I move on to some telling aspects of economy and society.

ECONOMY

The economy of Egypt means, first and foremost, the land. One essential change in land tenure has been apparent since the earliest days of papyrology. In the age-old concept that the Ptolemies continued from the Pharaohs, the land of Egypt was a *Königseigentum*, from which the king made grants at his pleasure.[27] Abandoning this concept, which was alien to Roman tradition and practice, the Roman emperors frankly encouraged the acquisition of Egyptian land in full-fledged private ownership. As this audience well knows, there is discernible in the latter part of the Ptolemaic period a tendency toward treating the military *kleroi* as if they were private property. But that tendency, grudgingly conceded by the Ptolemies under the pressure of necessity and limited to the *kleroi*, is a far cry from the active stimulation of private ownership which was introduced by the Roman administration (and which, as we shall see in a moment, had its roots in Roman, not Hellenistic, tradition). An accompanying change was the discontinuance of the *katagraphe* procedure in the transfer of property, and the institution of the *bibliotheke enkteseon*.

These are the familiar facts, recorded in our handbooks. But in the last few years A. Tomsin has come forward with some valuable refinements and new insights. At our Tenth Congress, in 1961, he urged us to recognize that Augustus reorganized the land-tenure system of Egypt along

24. "De la Grèce classique à l'Egypte hellénistique": cf. e.g. *Chronique d'Egypte* 41, 1966, pp. 161-64 and 354-60.
25. Cf. *GRBS* 3, 1960, pp. 181-84 and 6, 1965, pp. 228-30.
26. Cf. P.J. Sijpesteijn, *Penthemeros-Certificates in Graeco-Roman Egypt* (*P. Lug. Bat.* XII), pp. 4-5.
27. The principal grant categories under the Ptolemies were temple holdings, *doreai* to court favorites, *kleroi* to military personnel.

the lines developed in Republican Rome.[28] Going beyond the long-since accepted equation of δημοσία γῆ with *ager publicus*,[29] Tomsin shows us in Roman Egypt such categories as *ager publicus stipendiarius redditus*, *ager quaestorius*, and *ager restitutus*, as well as *ager privatus vectigalisque*; he comments on the conversion of cleruchic tenure into Roman *possessio*, and he sees the *ousiai* as examples of *ager viritanus*. Thus, in its system of land tenure and exploitation Roman Egypt was, in Tomsin's gem of understatement, "bien moins loin des autres provinces de l'Empire qu'on ne le suppose."[30] As with most simple truths, we wonder that we did not see this sooner.

Let me add, briefly and in passing, just a word about *Zwangspacht*. The compulsory leasing of uncultivated land was resorted to by the Ptolemies only in exceptional circumstances (the first known occurrence dating from 164 B.C.). Under the Romans the various forms of *epibole*, *epimerismos*, etc., were a regular practice – in conformity, obviously, with what we noted above on the subject of liturgy.

A brief word, also, on monopolies. Under the *Königseigentum* concept the Ptolemaic government monopolized a considerable number of basic resources and economic activities. With the advent of the Romans the monopolies disappeared, to be replaced by a combination of private enterprise, taxation and liturgy. I have nothing to add to these familiar facts. F. Heichelheim's Pauly-Wissowa article "Monopol" is more than thirty years old; it is probably time for a fresh study of the subject.

SOCIETY

On the surface the picture of Egyptian society that emerges from the papyri appears to be unchanged in Ptolemaic and Roman times. But once again appearances are deceptive. The social cleavage under the Ptolemies was between the Egyptian and Greek-speaking populations. But there were no legal bars to intermarriage, and there was some encouragement, especially under the later Ptolemies, for Greek-speaking Egyptians to rise in the governmental bureaucracy. The Romans, in contrast, beginning with Augustus imposed a rigid separation of classes and severe restrictions against upward social mobility. Octavian's struggle-to-the-death with Antony and Cleopatra made Egypt in the Augustan propaganda the embodiment of Oriental evil, a threat to Roman tradition and to Rome's very existence.[31] This propaganda motif seems to have satisfied a psychological need in Italy; at all events, it took root and spread there. *Nunc est bibendum*, sang Horace, because Octavian Caesar had crushed *regina . . . contaminato cum grege turpium morbo virorum*; and echoes are heard in such disparate places as the *Elegies* of Propertius, the *Satires* of Juvenal and the wall graffiti of Pompeii.[32] This attitude of suspicion, hostility and disdain imbues the repressive policy of social rigidity which the Romans imposed in Egypt, and which

28. In his own words, "Les conceptions juridiques qui ont présidé . . . n'ont pu . . . rester étrangères aux traditions romaines en matière de législation agraire" – *Actes du Xe [1961] Congrès International de Papyrologues*, p. 85.

29. E.g., U. Wilcken, *Grundz.*, pp. 30-31; A. Stein, *op. cit.* p. 98; W. Schubart, *Einführung in die Papyruskunde*, p. 259 (quoted below, note 51).

30. *Op. cit.*, (note 28), p. 95.

31. Cf. e.g. R. Syme, *The Roman Revolution*, pp. 270-75, especially (p. 275): "To secure Roman sanction and emotional support for the [war against Antony] it was necessary to invent a foreign danger that menaced everything Roman . . . The propaganda of Octavianus magnified Cleopatra beyond all measure and decency."

32. Horace, *Carm.* i.37; Propertius iii.11 and iv.6; Juvenal 1.26-30 and 129-131, 4.1-33 (on Crispinus see *RE* IV, 1720-1); *CIL* IV, 1943 add. p. 465. Stein, *op. cit.*, p. 106, remarks that not one of the scores of centurions named in ancient sources originated in Egypt.

contrasts so strikingly with the easy, "open door" policy they practiced in other provinces. The Gnomon of the Idios Logos comes first to our minds, with its unusually detailed provisions and severe penalties aimed at maintaining what was in effect a caste system. Practically every degree of intermarriage was forbidden, even – you will recall – that of an Egyptian woman and an Alexandrian freedman.[33]

Forty years ago, in a well known and frequently cited article in *Archiv*, E. Bickerman concluded that with the advent of Roman rule the Hellenes of Egypt ceased to be a juridically cognizable class; Livy's remark (xxxviii.17) that under the Ptolemies *Macedones in Aegyptios degenerarunt* reflects the principle on which the administration of Augustus and his successors was based, namely that "in Aegypten wohnten wieder nur Aegypter."[34] Within this population, however, there were distinctions of status and privilege, most noticeable in the contrast between town and country. The Egyptian peasant pays his poll tax at the highest rate, and he obviously has little hope of attaining the more privileged status of the metropolites. As for Roman citizenship, that is of course even more unattainable, more remote: except through military service the only path, as one of Pliny's letters informs us, is through the intermediary step of the jealously-guarded Alexandrian citizenship.[35]

Clearly, the Roman administration sought to perpetuate a static society in Egypt. The principal status classifications are discrete and readily distinguishable. They are, in ascending order: the *peasantry*, preponderantly Egyptian; the *metropolites*, in essence presumably of Hellenic origin; the *citizens* of the *Greek* cities, notably Alexandria; and the *Romans*. These categories and their corresponding gradations of privilege were established in the early years of Roman rule. Ti. Julius Alexander assures us of this in his edict of 68 A.D. when, in forbidding the assignment of Alexandrians to *chorikai leitourgiai*, he adds that in so ruling he is following the policy laid down by preceding emperors.[36]

In such a social matrix, economic distress causes people to flee from the land to the towns and cities. In Roman Egypt this is the well-attested phenomenon of *anachoresis*, which has been repeatedly analyzed in our literature, most recently by H. Braunert in his detailed and comprehensive study of *Die Binnenwanderung*.[37] The attraction of the cities in general and of Alexandria in particular is attested already in Hellenistic times by the *Letter of Aristeas*, as C. Préaux reminded us at our last congress.[38] All the evidence suggests that the movement to the cities was accelerated by Roman fiscal and social policy.[39] Repeatedly, in their periodic census edicts and after major disturbances and street riots, Prefects of Egypt ordered non-residents back to their *idiai*.[40] The less famous second column of the famous and exasperating *P. Giss.* 40 shows us Cara-

33. *P. Gnomon* 49.

34. *Archiv* 8, 1927, pp. 216-39 and 9, 1930, pp. 24-44; the quotation is from p. 239.

35. *Ep.* 10. 6-7.

36. Lines 32-34 of *Hibis* 4 (= *OGIS* 669).

37. Cf. V. Martin, *Münchener Beiträge z. Papyrusforschung* XIX, 1934, pp. 143-61; N. Lewis, *JEA* 23, 1937, pp. 63-75; H. Braunert, *Die Binnenwanderung. Studien zur Sozialgeschichte Aegyptens in der Ptolemäer- und Kaiserzeit*, Bonn, 1964, index s.v. (p. 384), esp. pp. 165-89. Not all fugitives made their way to the cities, of course; some found other refuges or turned to a life of brigandage.

38. *Atti dell' XI [1965] Congr. Intern. di Papirologia*, p. 491, quoting the *Letter of Aristeas* 108-110. Cf. H. Braunert, *op. cit.*, pp. 66, 72-74.

39. Few adherents have rallied to the view elaborated by E. Bickerman in *Gnomon* 3, 1927, pp. 672-73, that the attraction of the towns and cities was the primary cause of this population movement, and fiscal pressure only accessory. The writers cited above, note 37, are all opposed: in H. Braunert's words, for example, the underlying cause was "der Druck der Steuern und Liturgien auf die Bevölkerung der χώρα" (*op. cit.*, p. 174).

40. E.g. *BGU* 372, *P. Lond.* 904, *P. Gen.* 16 (= *WChr.* 19, 202, 354); cf. also *SB* 4284, quoted below p. 11.

calla as late as 215 A.D., two years after the grant of universal citizenship, still trying to drive the unwanted *agroikoi* out of Alexandria and inveighing against Egyptian peasants who attempt to pass themselves off in the city as members of a higher class.[41] Recently E.G. Turner showed me the photograph of an unpublished Oxyrhynchus papyrus containing another proclamation issued by Severus and Caracalla on the same general subject some eight or ten years earlier. It was in that same decade, as we long ago learned from *P. Flor.* 6, that the Prefect Subatianus Aquila (205/6-10 A.D.) "ordered those abiding in Alexandria back to their own nomes for the harvest season"; and it is no accident, I think, that that dismissal order is expressed by a verb (ἀποπέμπομαι) which frequently carries an overtone of banishment. And it was only a few years earlier, during their visit to Egypt at the turn of the century, that the same emperors, in the words of *P. Cattaoui* II (=*SB* 4284), directed "all those sojourning elsewhere to return to their own *idia*." Laws and directives requiring such frequent repetition bespeak their own inefficacy, but the imperial policy went on unchanged.

Even for acquiring land Egyptian status was a handicap. For example, A. Tomsin in his article referred to above calls attention to the fact that in the documents dating from the first century of Roman rule in Egypt only Greek *katoikoi* appear as buyers of public land. Tomsin then mistakenly attenuates the importance of this remarkable finding by misreading a comment of Wilcken as signifying that such buyers were free to resell at will.[42] In reality, it is obvious that non-Hellenized Egyptians were ineligible to purchase catoecic land, ownership of which entailed exemption from poll tax and other privileges.[43]

In sum, Roman domination brought to Egypt a basic, qualitative change in the government's social policies. At the 1952 Papyrological Congress B.A. van Groningen, reviewing the situation of the Egyptian population after the advent of Roman rule, stated flatly that "ces rapports ne différaient point de ceux qui existaient dans les autres provinces récemment conquises."[44] This is perhaps an oversimplification, ignoring local and regional differences, but the essential point is clear and sound: the governing principles and policies were Roman, not Ptolemaic.

TWO FINAL CONSIDERATIONS

I come to my last two points. Logically they should have been introduced earlier, because they relate to governmental structure. But these findings are so new, so unexpected, and so relevant, that they claim attention here *extra ordinem*. They remind us once again how often the "unshakable truths" of one generation totter and fall under reexamination and reinterpretation by a succeeding generation.

The first point is this. Ptolemaic Egypt had three autonomous Greek cities, Alexandria, Naukratis and Ptolemais, and Hadrian created a fourth, Antinoopolis. Such is the standard doctrine of our handbooks and histories.[45] But only six years ago H. Braunert, restudying the charter of Antinoopolis as it emerges from the evidence of our documents, found that the Hellenistic

41. The text is reprinted as *WChr.* 22 and *Select Papyri* 215.

42. *Op. cit.*, (note 28), p. 87, citing Wilcken, *Grundz.*, p. 304 on *P. Lond.* 192.82ff., where the two categories of owners of the *kleroi* are not Greeks and Egyptians, but Alexandrians and local residents (ἐντόπιοι, which is not the same as ἐγχώριοι).

43. Cf. e.g. U. Wilcken, *ibid.*: "Die Privilegien, die die Katöken haben, haften . . . am Boden."

44. *Museum Helveticum* 10, 1953, p. 188; some examples are cited p. 189.

45. E.g., H.I. Bell, *Egypt from Alexander the Great to the Arab Conquest*, p. 85: "In 130 Hadrian founded the new Greek city of Antinoopolis in memory of his favourite Antinous."

elements were but a facade resting on a foundation which is nothing other than the Roman municipal structure.[46] Some have already applauded this analysis;[47] and it has, in my judgment, the ineluctible ring of truth that will gain it general acceptance.

As the second point we note that even the monarchic attributes of the Roman ruler of Egypt have come in for reappraisal. Citing with particular emphasis the continuity of the Oriental and Greek ruler cult, the first generation of papyrologists held that – at least as far as the indigenous population was concerned – the Roman emperors were simply a new dynasty in Egypt's millennial history. For example, J.G. Milne wrote in 1899, "The elaborate system of government which had gradually been developed by the native and Greek kings was therefore taken over bodily by the Roman emperors. In all probability [offices] . . . continued . . . undisturbed by the change of dynasty. For, indeed, the Roman conquest of Egypt was practically nothing more than a change of dynasty." And farther on in the same book he added, "The worship of the emperors was more Egyptian than Roman. From time immemorial the rulers of Egypt had occupied a semi-divine position in the minds of their subjects; and an emperor who was far away at Rome would be even more an object of mysterious awe than one who might be seen from time to time by his people."[48]

Essentially the same order of ideas is found in U. Wilcken's *Grundzüge* of 1912. In the opening chapter, entitled "Allgemeine Historische Grundzüge," we read, "Das ägyptische Volk aber hat, unbeirrt durch staatsrechtliche Finessen, den Oktavian . . . von vornherein als neuen Landesherrn, als Pharao anerkannt, dem dieselben göttlichen und weltlichen Ehren wie allen Vorgängern zustanden. Oktavian hat diese Ehren und diese Anschauungen sich gern gefallen lassen . . ." And the following chapter, on "Religion und Kultus," emphasizes that "Der Kult der vergötterten Kaiser war auch in Aegypten wie sonst in den östlichen Provinzen nicht ein römischer, sondern ein hellenistischer."[49]

Three years later Stein was still content with the traditional view of the monarchy: "In den Augen des ägyptischen Bevölkerung hatte sich an der Herrscherstellung des neuen 'Königs' gegenüber den früheren nichts geändert, wozu besonders auch der Herrscherkult beitrug . . . Der Caesar tritt als direkter Nachfolger der Ptolemäer in alle ihre Rechte und Machtvollkommenheiten ein."[50]

But shortly after Stein's work of 1915 – and partly perhaps in tacit acknowledgment of its impact in highlighting the fundamental Romanization of the provincial administration by Augustus and his successors – there begins to be discernible in the papyrological literature a gradual retreat from that simplistic position toward more nuanced evaluations. A first sign appears in Schubart's *Einführung*, published in 1918. Schubart, while agreeing that "Augustus und seine Nachfolger ebenso unumschränkt mit königlicher Gewalt regierten wie die Ptolemäer," nevertheless noted Augustus' abandonment of the *Königseigentum* concept and his incorporation of

46. *JJP* 14, 1962, pp. 73-88.

47. J. Modrzejewski has expressed his acceptance in *Amer. Stud. in Papyrology* I, p. 134: "Comme l'a montré récemment H. Braunert, la fondation d'Hadrien, malgré une façade d'institutions hellénistiques, n'échappe pas au schéma du régime municipal romain."

48. J.G. Milne, *A History of Egypt under Roman Rule*, pp. 1-2 and 149.

49. U. Wilcken, *Grundz.*, pp. 29 and 117.

50. A. Stein, *op. cit.*, p. 81, cf. 82-83; similarly, p. 34, "In Aegypten ist Augustus nur Nachfolger der Lagiden."

Egypt within the Empire, subject to *senatus consulta*, as derogations from absolute monarchy.[51] Likewise, the definition of the monarchy quoted above from Milne's *History* of 1899 is repeated in his second edition of 1913, but is replaced in the third edition of 1924 by a more cautious estimate. The controversy was summarized at the Geneva Congress of 1952 in the paper on "Le statut Augustéen de l'Egypte" presented by A. Piganiol: "L'annexion de l'Egypte à l'Empire doit-elle être considérée comme un simple changement de dynastie?" In answer Piganiol lists the holders of the opposing views expressed in the preceding half century. He does not state explicitly which view he himself favors, but the tenor of his whole presentation appears to align him with those who answered the question in the negative.[52]

Today, a half century after Schubart's *Einführung*, revision has advanced another major step. In different studies published within the past ten years K. Latte and G.W. Bowersock find that the imperial cult in the eastern Roman provinces was not the continuation of the cult of the Hellenistic monarchs, but derived rather from the religious honors accorded Roman magistrates in those regions in the late Republic.[53] At this point we are inevitably reminded that the office of the prefect who ruled Egypt as the emperor's viceroy also derived from the provincial administration of the Roman Republic: he possessed, as Ulpian tells us, *imperium . . . ad similitudinem proconsulis lege sub Augusto ei datum*, and his annual *dialogismos* was not the royal progress of a Hellenistic monarch but, as U. Wilcken and others long ago demonstrated, the Roman *conventus* which Augustus introduced "nach dem Muster der anderen Provinzen."[54] Finally, though it may be stressing the obvious, let us note here how the findings of Latte and Bowersock on ruler cult and those of Tomsin on land tenure in Roman – as distinct from Ptolemaic – Egypt parallel and reinforce each other.

CONCLUSION

The evidence reviewed above – in particular the recent findings on governmental structure, *idia*, land tenure, liturgy – point to the conclusion that Roman domination brought more change than continuity in the administration of Egypt. Within a seemingly unchanging framework of agricultural life and monarchic government there are discernible profound and pervasive departures from, and alterations of, the organizational structure and operational style of the preceding Ptolemaic era. Moreover, the fundamental decision – to impose the cadres of Roman rule with minimum disruption and maximum utilization of existing local institutions – was taken by the first of

51. W. Schubart, *Einführung in die Papyruskunde*, p. 259: "Augustus nahm sofort Aegypten allein in seine Hand . . . . Jedoch betrachtete er die Provinz nicht als Privatbesitz, sondern bezeichnete sie als einen Teil des imperium populi Romani und liess es zu, dass an die Stelle des ptolemäischen βασιλικόν das römische δημόσιον = publicum trat und Begriffe wie δημοσία γῆ = ager publicus und δημόσιος τραπεζίτης sich ausbildeten, wenn auch der Begriff βασιλικόν nicht verschwand; sogar vom Geltungsbereiche der Senatsbeschlüsse nahm er Aegypten nicht aus. Diese Zugeständnisse an die res publica Romana hinderten aber nicht, dass Augustus und seine Nachfolger ebenso unumschränkt mit königlicher Gewalt regierten wie die Ptolemäer."

52. A. Piganiol, *Museum Helveticum* 10, 1953, p. 194; cf. *supra*, note 8. But J. Modrzejewski, *infra*, p. 322, is still content to repeat the earlier view.

53. G.W. Bowersock, *Augustus and the Greek World*, Oxford, 1965, pp. 112-21; p. 115 n.1 cites K. Latte, *Römische Religionsgeschichte*, Munich, 1960, pp. 312ff. as "rightly finding the origins of the eastern imperial cult in republican worship of Roman magistrates and Dea Roma."

54. *Digest* i.17.1; U. Wilcken, *Archiv* 4, 1908, pp. 366-67, 407 (the quotation is from his *Grundz.* p. 32); cf. also A. Piganiol, *op. cit.*, p. 196.

the Roman rulers, Augustus, in keeping with the traditional policy of the expansionist Republic; the policies and regulations instituted by Augustus were elaborated by his successors in the Principate. It should also be noted that the more our studies bring to the fore the Roman elements in the organization of Roman Egypt, the less unique Egypt appears and the more it resembles other eastern provinces of the Roman Empire. "Die Sonderstellung Ägyptens" remains a fact, but not so absolute a fact as we used to think.

Finally, to return to the leading question with which we began, what of the expression "Greco-Roman Egypt"? To the extent that it connotes a unity or continuity of the Ptolemaic and Roman periods it helps to perpetuate an illusory half-truth. This is reason enough for discarding the expression from our terminology. In addition the expression suffers from imprecision and contributes to inconsistency. We apply it loosely to the whole span of the Ptolemaic and Roman eras. Accurately employed, however, it should denote a period when Egypt was characterized *simultaneously* by Greek and Roman elements, a condition which only commenced with the advent of Roman domination. And that period is clearly and adequately and customarily designated simply as Roman Egypt, just as we also speak of Roman Asia, Macedonia, Syria, etc. For the Greek-speaking parts of the Roman Empire, of which Egypt was one, our nomenclature eschews the specification "Greco-Roman" as otiose.

For all these reasons it seems to me that the expression "Greco-Roman Egypt" has outlived its usefulness. Our literature can only gain in clarity and precision if we discard it from our professional vocabulary. The historical periods that interest us are called Ptolemaic (or Hellenistic), Roman, and Byzantine: let us call them by their right names.

Editor's note:
See further pp. 298-305, below.

NOTES ON TWO DOCUMENTS FROM OXYRHYNCHUS

Naphtali Lewis, New York

1. P. Oxy. XXIV, 2407

An incomplete document consisting of sixty consecutive lines written on recto and verso suggests that we have before us a page from a codex, although the dimensions, 37 × 25 cm. (= 14½ × 10 in.), would be uncommonly large for that format.[1]) The text, late third century in date,[2]) is a portion "of the *ὑπομνήματα* of a meeting of a public body, and records the utterances of a *σύνδικος* named Menelaus and his interlocutors, mostly designated as past holders of the office of hypomnematographus or of unspecified *ἀρχαί*, and of an assembly (*σύλλογος*) and of 'the members of the first and second tribes.'"[3])

Owing to the poor state of preservation, the text is at many points missing or uncertain. Despite this handicap the editor, Professor J. W. B. Barns, has successfully penetrated the general sense and most of the details of the proceedings. Nevertheless, as he writes, "this text, besides adding to our knowledge, presents some problems. Why, if the body in question here is the *βουλή*, are the terms *βουλή, βουλευταί* . . . not found here, and *σύλλογος* used instead? . . . only two [*φυλαί*] are mentioned here. The purely local basis for their membership which some have postulated[4]) cannot have applied to these *ἄρχοντες*, for whom the representatives of the tribes can haggle with obvious disregard for their places of origin or residence." These difficulties vanish, however, if one follows the lead offered by Mr. T. C. Skeat:[5]) the milieu from which P. Oxy. 2407 emanates is not Oxyrhynchus or another nome metropolis, but one of the four semi-autonomous cities of Egypt (Alexandria, Antinoopolis, Naucratis or Ptolemais). In the administration of these cities

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[1]) See F. G. Kenyon, Books and Readers in Ancient Greece and Rome², p. 109, for a convenient summary of codex sizes. The largest sizes listed there are 12¼ × 7⅛ and 12 × 8½ inches for Greek codices, 14¼ × 10½ inches for Coptic.

[2]) It is dated to 294 or 300 A. D. by A. K. Bowman, The Town Councils of Roman Egypt (American Studies in Papyrology XI).

[3]) This quotation and the one in the next paragraph are from the editor's introduction, pp. 146–47.

[4]) Actually, this is more than a postulate. The equivalence of *amphodon* and *phyle* is well established in the Oxyrhynchite documents. This conclusion was reached by P. Jouguet, La vie municipale dans l'Egypte romaine (Paris, 1911), pp. 148, 410, and is reinforced by documents published since then.

[5]) P. Oxy. XXIV, p. 146 n. l.

efforts were made, in Jouguet's words, "d'égaliser l'effectif des tribus ... [pour] la participation aux charges et aux ἀρχαί"[1]) – precisely the tribal ἰσομορία referred to in P. Oxy. 2407 (cf. especially lines 10–35). On this hypothesis, since so little first-hand evidence is extant on the governmental apparatus of the cities, P. Oxy. 2407 becomes doubly welcome and important.

Whether in a polis or a metropolis, the σύλλογος of this document is clearly not a βουλή.[2] The context suggests that it is an assembly of tribes. The name of the body, derived from λέγω, suggests that the tribes are represented therein by selected delegates, but the dispute in lines 36–46 seems to imply that all members of the tribes had an obligation to attend the meetings of the σύλλογος.

The remarks which follow deal with individual points of reading and interpretation.

Line 7 διαμέμνησθ[ᾶι] should be accented thus, as a second person plural (so translated), not an infinitive.

9 τό̣[τε] δι̣ελ[άλ]ησα ἐ̣π̣[ὶ τ]ῶν ὑ̣πομνημά̣[των = in paraphrase, I said then and what I said is spread upon the minutes, i.e. "I said it then on the record." The specification ἐπὶ τῶν ὑπομνημάτων occurs again in lines 12 and 33. The plain inference is that much was said and done in meetings of the σύλλογος "off the record" and went unrecorded in the minutes. A priori the same inference ought to hold for the meetings of the metropolitan βουλαί.

9–10 τοῦ] χρόνο̣ῡ [πε]π̣λ̣ηρωμένου may mean, as translated, "when [since?] the time was ripe," but in the context of liturgy it has the specific sense of "when (since) the term of office had been completed": cf. BGU 235 (= W. Chr. 399), P. Leit. 11 (= SB 10203), PSI 1245, P. Petaus *s. v.*

10 The verb ἐκτεῖ[σαι strikes a false note in this context. Dr. John Rea, who kindly reexamined this place in the papyrus at my request, now reads the end of the line as χ̣αὶ μηδὲ̣ν̣ πλ̣ε̣ονεκτεῖ[ν, which affords excellent sense: the syndic wanted "to enrol the new additions in the two tribes so as to have an equal distribution and no advantage on one [side?]."

13 In third- and fourth-century documents ἐπίσταλμα is the technical term for the notice of appointment sent to a liturgist-designate: cf. WB s. v. 1), P. Leit. 10 (= SB 10202). The ἀντίγραφον requested at the end of line 13 is a copy of this notice, not of the minutes.

13–36 Forms of λειτουργέω and -ία occur repeatedly in these lines. In line 30 the reference is to the period of service of the syndic, now coming to an end. All the other instances seem to me to concern the obligation of the members of the tribes to serve as ἄρχοντες. Thus the translation "perform liturgies", while seemingly literal, has in this situation an erroneous conno-

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[1]) Jouguet, op. cit., pp. 147–48.

[2]) *Pace* H. J. Wolff's unsupported assertion, „trotz der Zweifel des Hrsg. doch wohl die βουλή" (ZSS 76 [1959], p. 571).

tation. The simple verb "serve" affords a better translation, with the context supplying the necessary implication. On the range of meanings of *λειτουργέω κτλ.*, see GRBS 6 (1965), pp. 227–30.

21 The translation "to be assigned this office by lot" is misleading. The reference is to the assignment of new members to the tribes by lot. Cf. lines 32–33.

30 Read ⟨*ἐ*⟩*πέπαυσο*, pluperfect.

31 and 35 *φθάσας ἠσφαλισάμην*, aptly translated "I have already certified", presumably refers to this man's previous statement in lines 29–30.

36 *τὰ [τέ]κνα τῶν πατέρων τὰ φθάσαντα ἤδη εἰς τὴν φυλὴν λειτουρ[γ]είτω*: The note interprets, "Nemesianus seems to be asserting that membership ought to go by heredity." To me the Greek implies that membership does go by heredity. Nemesianus is not asserting the tribe's obligation to take in the sons of members, but the obligation of the sons, once in, to discharge their share of the compulsory services. A similar, if not identical, situation is that of the *πατρόβουλος*, which is attested in several cities in the eastern part of the Roman Empire. L. Robert, Documents de l'Asie mineure méridionale (Paris-Geneva, 1966), p. 88, defines *πατρόβουλος* as "fils de bouleute, successeur désigné par son père et comme tel associé dès l'adolescence aux travaux de la Boulè." H. W. Pleket, Mnemosyne 22 (1969), p. 98, accepts Robert's definition with approval.

37–38 *πάντες συνεδρευέτωσαν ἀπὸ τῆς λ̄, συνεδρ[ευ]έ[τω]σαν / [ἀπὸ λ̄ τοῦ Φαῶ]φι μηνός*: I suggest a slightly different restoration. The point has just been made that the sons enrolled in the tribe ought to be attending meetings (*συνεδρεύειν*). As the meeting whose proceedings are here recorded took place on the last day of the Egyptian year (introd., p. 146), *ἀπὸ τῆς λ*, the date of the next meeting, must refer to Thoth, not Phaophi, 30th. Accordingly, something like [*ἐντὸς τοῦ Φαῶ*]*φι μηνός* would seem to be required.

52 The meaning of *ἑκάστου ἠσφαλ[ί]σατο* is, as the editor notes, unclear. Perhaps we should read *ἕκαστος*, making the statement a generalization referring back to Heron's *ἠσφαλ[ισάμη]ν* in line 48.

55 [*ὑπέβαλον*]: This verb seems too weak for the syndic's authority, nor in its other occurrences in this document is it used of his action. The missing verb is likelier to have been [*ἐξηῦρον*] or [*ἐπεξηῦρον*]: cf. lines 21, 47, 53, 54.

2. P. Oxy. XXIV, 2411

This important document begins with a petition, of which only the concluding lines are well preserved. The date is after 173/4 A. D. (line 30). The petitioner, a woman who is the creditor of a defaulted loan, requests that the property pledged as security for the loan be sold at public auction (*προκηρῦξαι*, line 32). The further details of this request will be considered in a moment, but there arises at once the question of why the creditor asks for an auction of the

property instead of proceeding to simple foreclosure.[1]) A reasonable answer – indeed the only one, I think, that is applicable – is that the owner of the property had become a fiscal debtor, or tax delinquent. Such property was sequestered and confiscated by the state; foreclosure by a private party was thus impossible, but the state could and did sell such property at public auction.[2]) The petitioner's first request, then, is that the authorities initiate that procedure.

Next the petitioner, who has already submitted a bid of two talents, asks that the property be turned over to her, if hers is the highest bid, at the bid price less the amount of the debt owed her for principal and interest; and if her bid is exceeded by another, that she be paid back the amount of the debt owed her. Two details in this request call for comment. In the first alternative the words *το]ῦ ὀφειλομένου ἐπ' ἀ[σφαλείᾳ κε]φαλαίου ⸗ᾳ̣ ⸗ῶν τόκων* (lines 34–35) are translated, "the amount owed to me by way of security for the principal and the interest." *ἐπ' ἀ[σφαλείᾳ* is probably the right restoration, but the translation "by way of security" is infelicitous, since the principal plus interest constitute the debt itself, not security for the debt. *ἀσφάλεια* must be used here in its basic sense of "protection," and the whole phrase means, "the amount owed to guarantee (recovery) of the principal and interest." In the second alternative, expressed in the edition as *ἐμοὶ ἀποδοθῆναι, ⸗ρρ[θύμ]ως θε̣[λ]ήσοντ[ι ἐξ]ωνήσασθαι αὐτά, τὸ ὀφειλόμενόν μοι ⸗ερφ[άλαι]ον ⸗αὶ τοὺς τόκους* (lines 35–37), the parenthetical *προθύμως . . . αὐτά* raises questions of reading and interpretation. In the first place, the reason for the restoration *ἐξ]ωνήσασθαι* is not apparent. In its single occurrence in the papyri, P. Fay. 21, 20 – as well as most commonly elsewhere (cf. LSJ s. v.) – this verb means to buy off, or ransom, in order to avoid penalties or difficulties or unpleasantness. That meaning hardly seems appropriate or applicable here.[3]) Secondly, the participle restored in the dative has an unnatural ring, and the whole phrase *προθύμως . . . αὐτά* seems out of place. In the first alternative

[1]) The note to line 32 merely states the fact that "this is informative, as showing a *ὑποθήκη* realized by the *auction* of the hypothecated land." H. J. Wolff remarks in his review, „Nicht ersichtlich ist, warum im vorliegenden Falle gerade die Gläubigerin, in deren Interesse doch eher der einfache Verfall des Pfandes gelegen hätte, sich für dessen Verkauf und die bloße Befriedigung ihrer Forderung aus dem Erlöse einsetzt" (ZSS 76 [1959], p. 570). It is safe to assume that the creditor would not have accepted a less advantageous procedure unless she had to do so.

[2]) Cf. R. Taubenschlag, JJP 4 (1950), pp. 78–82, for the procedure with respect to fiscal debtors.

[3]) Wolff's interpretation (loc. cit., note 1) of *ἐξωνήσασθαι* as denoting „Ersteigerung" is without foundation. LSJ *s. v.* has "in impf., *bid for*, Hdt. 1. 196"; but a glance at the passage in Herodotus shows that *bid for* is merely a way – more or less successful, depending on one's point of view – of expressing the conative force of the imperfect, while the sense of outbidding at auction is actually contained in the participle *ὑπερβάλλοντες* (other examples in LSJ *s. v.* II. 4): "they were trying to buy the most beautiful by outbidding one another".

the petitioner has stated that if hers is the top bid she expects to pay that amount minus the amount of the debt owed her. In this second alternative she considers the situation that will arise if she is outbid. In that case, obviously, she expects the amount owed on the mortgage she holds to be paid back to her by the successful bidder, the new owner of the property. A reexamination of the papyrus at this point, kindly carried out by Drs. Revel A. Coles and John R. Rea, reveals that this is in fact what the text says: *ἐμοὶ ἀποδοθῆναι π̣[α]ρὰ [τοῦ] μελλ̣ήσοντ[ος]*[1]) *ὠνήσασθαι αὐτὰ τὸ ὀφειλόμενόν μοι κτλ.*, "that there be paid back to me by the successful buyer the amount owed me," etc.

The document then continues with a prefatory paraphrase followed by the text of a letter sent in 159 A. D. by the then dioiketes, Mallius Crassus. The purpose of the citation is to prove *ὡς δὲ ταῦτα ἐκελε[ύσθη] παραδοθῆναι το[ῖς] δανειστα̣ῖς πρὸς ὑπεροχὴ̣ν μόνη̣ν*, "that it has been ordained that such properties are to be turned over to the creditors for the excess (of their bid over the debt due them) alone".

The letter itself, fragmentarily preserved and presenting problems of restoration and interpretation, is given as follows in the edition:

Μάλλιος Κρ̣ά̣[σσο]ς Ἡρώδῃ στρ(ατηγῷ) Μενδησίου [χ]αίρειν.
βιβλίδιον Δ̣α̣μ̣α̣ρ̣ίωνο[ς Γ]σι̣[δ]ῴ̣ρου σημιωσάμενος ἔπεμψά σοι·
εἰ οὖν̣ τ̣ὸ δ̣[η]λούμενον [δ]ά̣ν̣ε̣ι̣ρ̣ον ἐγένετο πρ̣ὶ̣ν Ἀπολλώνιον 45
τὸν ἕτερον τῶν ὑπ̣ο̣χ̣[ρέω]ν σ̣[τ]ρ̣ατηγῆσα̣[ι, κ]α̣ὶ τοῦτο τὸ δίκαιον ἐκ̣τοτε ἐπ̣ὶ τοῦ ὀ̣γ̣ό̣μ̣[ατος αὐ]τ̣ο̣ῦ̣ ἐν τῷ βι̣β̣λιο̣φυλ(ακίῳ) τῶν ἐνκτήσεων παρ̣[εδ]ό̣θη, [τὸ δάνειο]ν ἀπερίλυτό̣ ἐ̣στιν· ἐάν, ὡς οἱ χρ̣ημα[τ(ισταί(?) φασιν(?), χρ̣ηματι]σ̣μ̣οὶ(?) ἐπενεχθῶσι ἐκ τοῦ ἐν Ἀλεξανδρ̣[είᾳ] β̣ι̣β̣λ̣ι̣ο̣[φυλ(ακίου), ἱκ]α̣ν̣[ό]ν(?) ἐστιν τὰ ὑποθηκιμ[α]ῖα προ- 50
κηρυχθ[έν]τα [ἀποδοθῆναι(?), τ]ῇ̣ς ὑπεροχῆς, ἐάν τις ᾖ[ν], ἐκφερομέν[ης] τ̣[ὰ τοῦ δηλουμέ]ν̣ου Ἀπολλωνίου ὀφλήματα.

The ruling divides into two main parts. Lines 45–48 affirm the conditions for the validity of the loan in the dispute that evoked the ruling. Lines 48–52 affirm the right of the creditor to acquire the mortgaged property for the amount of his auction bid less the debt owed him; it is this passage that is directly relevant to the petition of P. Oxy. 2411. Comments on details follow.

Lines 45–48 "If in fact the loan referred to was contracted before Apollonios, one of the debtors, became strategos and this obligation was thereupon entered in the property registry in his name, the loan is not canceled." This legal principle is here enunciated for the first time in the papyri. Taken at face value it appears to imply, by simple antithesis, that a loan contracted by a strategos during his term of office would be invalid or uncollectable. But such a deduction is too drastic. The clue to proper understanding is provided by

[1]) The restorations [τῶν] μελλησόντ[ων] appear to be a bit long for the lacunas.

Hadrian's order, recorded in Digest 5. 1. 48, that magistrates (*ἄρχοντες*) might not sue or be sued during their year of office; suits could proceed upon the expiry of the magistracy.[1]) Against this background Mallius Crassus' ruling takes on the following sense: The first sentence, lines 45–48, means that the debt, while remaining in force (= "not canceled"), can not be collected till after the debtor's term of office has expired. Thereafter execution can proceed as detailed in the next sentence, lines 48–52.

Line 49 The proposed restoration raises questions, as the editor indicates. The probabilities are, I think, strongly against *χρημα[τ(ισταί)*. The objection from the standpoint of diplomatics concerns the need to postulate an abbreviation in a document little given to abbreviation. The difficulty on the historical side stems from the fact that the executional authority of the chrematistai may by this time have passed to the archidikastes: cf. H. J. Wolff, Tijdschrift voor Rechtsgeschiedenis 34 (1966), p. 36. An altogether likelier restoration is *χρημα[τισμοί*. While I cannot complete the lacuna, I imagine the sense of the conditional clause in lines 48–50 to be something like, "If, as the documents allege, proofs are adduced from the record office in Alexandria."

Line 50 In place of *ἱκ]α̣ι̣[ό]ν* a more usual term would be *δίκ]α̣ι̣[ό]ν*.

Lines 50–52 The editor translates, "It is sufficient(?) for the hypothecated property to be auctioned and sold(?), the excess, if any, settling(?) the debts of the aforesaid Apollonius." This, however, is a contresens to what is wanted. The excess (*ὑπεροχή*) does not "settle" – i.e., discharge, pay off – the debt; it is the overage, the amount by which the price bid at auction exceeds the amount of the debt. Expressed as simple algebraic formulas,

$$\text{auction price} = \text{debt} + \text{excess}$$
$$\text{or}$$
$$\text{debt} = \text{auction price} - \text{excess}.$$

The source of the trouble in the editor's text and translation becomes apparent when we read the footnote to line 51: "*ἐκφέρεσθαι* in the sense 'pay', 'settle' a debt seems unknown elsewhere; a sixth-century example of *ἐκφέρειν* meaning 'abliefern (Steuern)' is given in Wb." The study of documentary papyri has taught us to accept the familiar in an unfamiliar setting only for the most cogent reasons. No such support is apparent here. On the contrary, retaining *ἐκφέρειν* in its attested sense of "exact", I see the construction as follows: The participle *ἐκφερομένης* – passive, not middle – forms a genitive absolute with *ὑπεροχῆς*. This leaves *ὀφλήματα* as the object of the infinitive that is lost in the lacuna in line 51 – *λύειν*, or some other verb meaning to wipe out, pay off, settle. Accordingly, I restore and translate as follows:

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[1]) Digest 5. 1. 48 – Pars litterarum divi Hadriani: *τοὺς ἄρχοντας ἐν ᾧ ἄρχουσιν ἐνιαυτῷ μήτε εἰσιέναι δίκην ἰδίαν μήτε διωκόντων μήτε φευγόντων, μήτε περὶ ὧν ἐπίτροποι ἢ κουράτορες εἶεν κρινέτωσαν. ἐπειδὰν δὲ ἐξήκῃ ἡ ἀρχή, καὶ αὐτοῖς πρὸς τοὺς φεύγοντας καὶ τοῖς φεύγουσι πρὸς αὐτοὺς εἰσαγωγίμους εἶναι τὰς δίκας.*

δίκ]αι[ο]ν ἐστιν τὰ ὑποθηκιμ[α]ῖα προ- 50
κηρυχθ[έν]τα [λύειν – μόνης τ]ῆς ὑπεροχῆς, ἐάν τις ᾖ[ν], ἐκ-
φερομέν[ης] – τ[ὰ τοῦ δηλουμέ]νου Ἀπολλωνίου ὀφλήματα.

"It is just that the mortgaged property be auctioned to satisfy – only the surplus, if any, being collected – the debts of the said Apollonios."

UN NOUVEAU TEXTE SUR LA JURIDICTION DU PRÉFET D'ÉGYPTE (*)

Le texte qui fait l'objet de cette communication est écrit sur un morceau de papyrus, 22 × 10 cm, qui est conservé à la collection de la Yale University, à New Haven (Etats-Unis), sous le numéro d'inventaire 1606. La provenance du papyrus est inconnue. Le document, déchiré en bas, comporte trois colonnes d'écriture, dont la première est tellement abîmée qu'on n'y voit plus que quelques bribes de mots (p. ex. ἐν ἀρχῇ) et plusieurs lettres éparpillées. C'est donc le texte occupant les colonnes II et III qui seul retiendra ici notre attention.

Si le document portait une date, celle-ci est maintenant perdue. Le seul indice de date qui nous reste dans l'état actuel du papyrus est le style de l'écriture, ce qui veut dire qu'il faudra nous contenter d'une datation approximative. On voit du premier coup d'œil que l'écriture est celle d'un scribe professionnel. Au commencement, la main est soignée, avec même quelques enjolivures qui prétendent à un peu d'élégance, et les lettres individuelles sont verticales et nettes, presque sans ligatures ; mais à partir de la ligne 7 la main glisse plus rapidement et les lettres sont plus cursives, plus ligaturées, moins régulières, et la lecture de la partie inférieure des colonnes, où le papyrus est déchiré, en est rendue un peu difficile (1). Or, et dans les demi-onciales des premières lignes et dans la suite, les lettres se présentent dans des formes que nous trouvons le plus fréquemment dans les documents datés du deuxième siècle ap. J.-C., mais elles gardent, toutefois, deux ou trois éléments qui évoquent un style antérieur. La date de ce document se place donc, à mon avis, vers le milieu du deuxième siècle, et probablement un peu avant, plutôt

(*) Communication faite en septembre 1971 à la XXVIe Session de la S. I. D. A., à Bordeaux.

(1) Notons ici que c'est mon étudiant George M. Parássoglou qui, en vérifiant sur le papyrus la lecture faite par moi d'après une photographie, a trouvé la restitution qui s'impose aux lignes 11-12.

qu'après l'an 150. En insistant davantage sur tel ou tel trait de l'écriture on arriverait à reculer ou avancer cette date quelque peu, mais de toute façon, même en admettant les limites les plus larges, on ne saurait guère dépasser celles du deuxième siècle.

Voici à présent le texte :

P. Yale inv. nº 1606

ὁ ἡγεμὼν διαγνώσεται

περὶ φόνου
περὶ λῃστειῶν
περὶ φαρμακείας
5 περὶ πλαγιαρίας
περὶ ἀπελατῶν
περὶ βίας σὺν ὁ-
πλοις γεγενημένης
π(ερὶ) πλαστογραφίας
10 καὶ ῥαδιουργίας
π(ερὶ) ἀ]γῃρημένων
δι]αθηκῶν
π(ερὶ) ὕβρεως ἀνηκέστου
π(ερὶ) ὧν ἐὰν μέμφωνται οἱ
15 ἐλευθερώσαντες ἀπε-
λευθέρους ἢ γονεῖς παῖδ(ας)
οἱ λοιποὶ οὐκ ἄλλως
ὑπ' ἐμοῦ ἀκουσθήσονται
εἰ μὴ ἐπικαλεσάμενοι
20 καὶ παραβόλιον θέντες
τὸ τέ[ταρτον] μέρος ἐκ τιμή-
μα[τος περὶ?] οὗ ἐδικάσθη

Avant de procéder à l'analyse du texte, arrêtons-nous pour trois constatations préalables.

1º Ce texte, qui énonce dans quels cas et dans quelles conditions le préfet d'Egypte jugera personnellement de l'affaire, est sans parallèle parmi les milliers de papyrus publiés jusqu'ici.

2º Du premier coup d'œil on se rend compte qu'on a entre les mains la traduction grecque d'un original latin. Ceci se voit non seulement à la ligne 5, où le mot latin est tout simplement transcrit en lettres grecques, mais dans le document tout entier, comme nous le verrons en examinant le texte de plus près.

3º Comme on le sait depuis longtemps, dans l'Egypte romaine le latin est la langue du préfet, chevalier romain, du *ius civile*, et de l'armée, alors que pour le reste l'administration intérieure de la province utilise le grec (2). Le texte que nous avons devant

(2) A ce sujet on lit encore avec profit l'exposition détaillée de A. Stein, *Untersuchungen zur Geschichte und Verwaltung Aegyptens unter römischer Herrschaft*, Stuttgart, 1915, pp. 132-86.

nous est donc un avertissement, émanant du préfet et promulgué en grec à l'usage de fonctionnaires locaux ou régionaux ; on pense, en premier lieu, aux épistratèges et surtout aux stratèges, auxquels « le préfet aime particulièrement à déléguer... les pouvoirs qu'il tient de sa juridiction pénale (3) ».

Passons, maintenant, aux détails du texte.

Lignes 2-13

Après l'intitulé, « le préfet jugera, » vient d'abord une liste de crimes et délits, où la terminologie du droit romain transparaît facilement à travers cette version grecque. Ainsi :

περὶ φόνου = *de homicidio*
περὶ λῃστειῶν = *de latrociniis*
περὶ φαρμακείας = *de veneneficio*
περὶ πλαγιαρίας = *de plagiaria* (?) ou *plagiariis*
περὶ ἀπελατῶν = *de abigeis* ou *abigeatoribus*
περὶ βίας κτλ. = *de vi armata*
περὶ πλαστογραφίας κτλ. = *de falsariis et falso* (ou *fraude* ?)
περὶ ἀνῃρημένων διαθηκῶν = *de testamentis rescissis*
περὶ ὕβρεως ἀνηκέστου = *de iniuria atroci.*

La plupart de ces équivalences existent dans le *Corpus Glossariorum Latinorum*. Les sept premières de cette liste se retrouvent dans la confrontation de *Cod. Just.* 5. 17. 8, une constitution de l'an 449 ap. J.-C., avec sa version grecque dans *Nov.* 22. 15. 1, où l'empereur détaille les actes criminels qui autorisent la partie lésée — l'époux ou l'épouse — à dissoudre le mariage par le *repudium*.

Le mot *plagiaria*, qui se rencontre ici la première fois, est évidemment le nom abstrait correspondant à *plagiarius*, celui qui pratique le rapt d'enfants et d'esclaves pour les vendre à profit (4). Ailleurs — dans le Nouveau Testament, par exemple, et dans les gloses — le mot *plagiarius* est rendu par ἀνδραποδιστής (5). Il est donc d'autant plus intéressant de constater

(3) Sur la délégation des pouvoirs juridictionnels du préfet voir l'étude de M. Humbert, *La juridiction du Préfet d'Egypte d'Auguste à Dioclétien* (dans *Aspects de l'Empire romain : Travaux et recherches de la Faculté de Droit et des Sciences Economiques de Paris, Série « Sciences Historiques »*, N° 1 ; Paris 1964), pp. 108-16 (les paroles citées se trouvent à la page 109).

(4) P. ex. *Corp. Gloss. Lat.*, s. v. *plagiarius : qui inducit pueros et seducit* (ou *sollicitat*) *servos.*

(5) 1 *Tim.* 1 : 10 ; *Corp. Gloss. Lat.*, s. vv.

dans le *P. Yale* inv. nº 1606 que le mot πλαγιαρία, emprunté tel quel au latin, avait passé dans le langage — sinon quotidien, du moins juridique — de l'Egypte romaine.

Immédiatement après la *plagiaria* vient la mention des ἀπελάται (délit exprimé cette unique fois par le nom de l'agent au lieu du nom abstrait) : on passe du rapt d'êtres humains au vol du bétail, l'abigéat. Le mot ἀπελάτης se trouve assez rarement dans nos sources, et le *P. Yale* inv. nº 1606 est maintenant la source juridique la plus ancienne qui en fasse mention.

Mais, quel que soit l'intérêt de ces données terminologiques, ce sont le but et le contenu de ce document qui font son importance principale. Or, de nombreux cas, dans les papyrus, montrent que dans l'Egypte romaine plusieurs des délits de cette liste — p. ex. vol, violence — sont jugés d'ordinaire non pas par le préfet mais par un tribunal inférieur, local ; même quand la plainte est adressée et soumise au préfet, celui-ci en délègue la décision, généralement au stratège (6). Il faut donc que nous essayions de préciser à qui ou dans quelles circonstances les provisions du *P. Yale* inv. nº 1606 étaient applicables. Le résultat de cette enquête, que l'on entrevoit déjà dans la terminologie du droit romain transmise en grec, va émerger plus nettement des alinéas suivants du texte.

Lignes 14-16

« Des plaintes que pourraient porter les patrons contre leurs affranchis ou les parents contre leurs enfants. » Notons, tout d'abord, que le texte passe ici du droit criminel au droit civil. Or, le grief que les parents peuvent avoir de commun avec les patrons, c'est sûrement — on ne saurait guère en douter — l'*accusatio ingrati* (7). Nous voici donc tout franchement dans le domaine du *ius civile* : ce qu'on soupçonnait déjà en lisant les lignes précédentes est maintenant mis hors de doute. Aussi notre

(6) M. Humbert, *loc. cit.* (plus p. 127). Point de contradiction dans *P. Oxy.* 2704 (publié après l'étude d'Humbert), où le préfet T. Honoratus interdit d'introduire du bétail dans les récoltes sur pied, ajoutant qu'il connaîtra lui-même des infractions (κατὰ τοῦ ἀπειθοῦντος ταῦτα ἐνεῖναι δίκη(ν) ἐφ'ἡμῶν, lignes 10-12). Si ce préfet se prononce ici de cette manière en 292 ap. J.-C., cela nous permet de penser qu'avant cette date les dommages causés aux récoltes par le bétail — problème chronique en Egypte : cf. *P. Oxy.* 2704, introd. — ne figuraient pas parmi les méfaits soumis au jugement du préfet lui-même.

(7) Cf. p. ex. A. Berger, *Encyclopedic Dictionary of Roman Law*, s. v. *ingratus* (avec bibliographie).

texte est-il un apport précieux à la question fondamentale et toujours renouvelée de la pénétration du droit romain dans la pratique provinciale — question qui a été l'objet tout récemment d'une excellente mise au point due à J. Modrzejewski (8).

D'ailleurs, ce rappel du droit romain à propos des affranchis en Egypte évoque forcément pour le romaniste un texte devenu presque classique dans la littérature juridique, où il a été commenté à maintes reprises depuis sa première publication en 1904. Ce texte, le *P. Oxy.* 706, fut réédité par L. Mitteis (= *M. Chr.* 81), qui en a amélioré la lecture par plusieurs restitutions nouvelles et convaincantes ; il fut repris un quart de siècle plus tard par K. Harada, qui a essayé de le restituer intégralement (9). Le document contient la sentence par laquelle M. Rutilius Lupus, préfet d'Egypte en 113-117 ap. J.-C., régla un litige entre un patron, Hérakleidès, et son affranchi, Damarion. Ne trouvant ἐν τοῖς τῶν] Αἰγυπτίων νόμοις οὐδὲν περὶ τῆς... ἐξουσίας τῶν ἀπελευθερωσάντων, le préfet se prononce ἀ[κο]λούθως τοῖς ἀστικοῖς νόμοις. Quel est le sens de cette dernière locution ? Les uns — à savoir les premiers éditeurs du texte, B. P. Grenfell et A. S. Hunt, suivis notamment par L. Mitteis et M. Rostovtzeff — pensaient que, puisque les *astoi* qu'on rencontre dans les papyrus sont des Alexandrins, οἱ ἀστικοὶ νόμοι étaient les lois d'Alexandrie (10). R. Taubenschlag, cherchant à préciser, poussa plus loin dans cette même direction et avança la thèse suivant laquelle les *astikoi nomoi* étaient une codification, entreprise par les Romains, des lois applicables aux citoyens des *poleis* grecques d'Egypte (11). Cependant, il y a douze ans la question fut rouverte et renouvelée par H. J. Wolff, qui arriva à la conclusion, acceptée ensuite par E. Seidl et par J. Modrzejewski, que ces *astikoi nomoi* ne sont autre chose que le *ius civile* romain : pour l'empire romain « la ville » est Rome, à plus forte raison quand c'est le préfet d'Egypte, chevalier romain, qui s'y réfère (12). Or, le *P. Yale* inv. n° 1606 confirme maintenant de façon éclatante

(8) *Proceedings of the Twelfth [1968] International Congress of Papyrology*, pp. 317 sq., surtout 337-41.

(9) *Zeitschr. Savigny-Stift., Rom. Abt.*, LVIII, 1938, pp. 138-139.

(10) Cf. *P. Oxy.* 706, introd. ; *M. Chr.* 81, introd. ; M. Rostovtzeff, *Soc. Econ. Hist. Hell. World*, p. 1069 ; I. Biezunska-Malowist, *Atti del XI [1965] Congresso Internazionale di Papirologia*, p. 442. Voir aussi *infra*, note 13.

(11) R. Taubenschlag, *Law of Greco-Roman Egypt.*, 2e éd., Varsovie, 1955, pp. 17-19.

(12) H. J. Wolff, *RIDA* 3e sér., VII, 1960, p. 223 ; E. Seidl, *SDHI*, XXVII, 1961, p. 485 ; J. Modrzejewski, *loc. cit.*, p. 336.

que c'est bien le droit romain dont le préfet se sert dans le cas des affranchis (13).

Il nous reste encore à déceler l'étendue — les limites d'applicabilité — du nouveau texte. Dans le *P. Oxy.* 706 le préfet d'Egypte eut recours au droit romain pour régler un différend entre des plaideurs non romains parce que le droit local était muet dans le domaine du litige ; c'est donc un cas illustrant le principe énoncé par Julien : si les lois et les coutumes pérégrines font défaut *tunc ius quo urbs Roma utitur servari oportet* (14). Pour l'interprétation du *P. Yale* inv. n° 1606 la question qui subsiste est donc la suivante : ce nouveau document nous présente-t-il un cas analogue à celui du *P. Oxy.* 706, le droit romain n'étant invoqué qu'à défaut de dispositions applicables du droit local, ou bien visait-il seulement les citoyens romains d'Egypte ? La réponse à cette question peut en effet être déduite de n'importe quelle partie du texte, mais c'est la partie finale, à laquelle nous arrivons maintenant, qui nous permet la réponse la plus formelle.

Lignes 17-22

« Les autres (plaignants) ne seront écoutés par moi que s'ils sont appelants et s'ils déposent une caution d'un quart (?) de la valeur attribuée à la matière sur laquelle le jugement a été prononcé » (*sc.* par le tribunal de première instance).

Avant de procéder au commentaire, notons quelques détails textuels.

1. — Cet alinéa s'écarte de la formule employée précédemment. Il ne s'agit plus de περὶ tel délit ou telle plainte, mais — par une transition assez naturelle partant des patrons et des parents plaignants mentionnés dans les lignes immédiatement précédentes — on passe à émettre une règle générale embrassant οἱ λοιποί, c'est-à-dire tous les autres plaignants sur tout autre sujet.

2. — A la ligne suivante c'est l'expression ὑπ' ἐμοῦ qui attire l'attention. Le texte commence, à la ligne 1, en parlant du

(13) A la suite d'une curieuse méprise, M. Humbert, *loc. cit.*, p. 121, fait remarquer que « la décision prononcée est conforme au droit romain », tout en reprenant la thèse jusque-là traditionnelle que le préfet rend sa décision « en recourant à la loi alexandrine, aux ἀστικοὶ νόμοι. »

(14) Digeste 1, 3, 32, *pr.* Cf. J. Modrzejewski, *loc. cit.*, p. 336.

préfet à la troisième personne. Mais le contexte, la suite de ces dispositions, ne laisse point douter que ce « moi » qui se présente soudainement à la ligne 18 ne soit bien ce même préfet. Il est donc fort probable que les lignes 17-22 nous conservent, en traduction grecque, les *ipsissima verba* que le préfet avait dictés. C'est quelqu'un d'autre — un secrétaire, sans doute, dans le bureau du préfet — qui, en préparant l'avertissement que contient le *P. Yale* inv. nº 1606, a pourvu le texte de ce titre à la troisième personne.

3. — Ligne 19 : ἐπικαλεσάμενοι. Parmi les différentes significations de ce verbe il y en a une qui s'impose de toute évidence ici : c'est la traduction grecque du latin *appello* ou *provoco* (15). Nous allons revenir sur l'importance de cette constatation.

4. — Le mot παραβόλιον (ligne 20) se rencontre assez rarement dans les sources connues jusqu'ici. C'est une forme tardive, paraît-il, de παράβολον, terme qui, dans un fragment d'Aristote, désigne une somme d'argent déposée dans un procès d'appel (16). Dans notre texte, donc, le *parabolion* serait bien la caution que l'appelant doit déposer comme garantie de bonne foi et de but sérieux et qu'il perdra si le préfet se prononce pour son adversaire.

5. — Ligne 21. Au lieu de τέ[ταρτον on pourrait à la rigueur lire π[έμπτον.

Réfléchissons maintenant sur la signification de cet alinéa tout entier. Les ἐπικαλεσάμενοι sont sûrement, dans ce contexte, des appelants. Mais on ne voit jamais de trace d'une procédure d'appel au préfet parmi les milliers de documents de l'Egypte romaine. Comme le remarque M. Humbert dans la conclusion de son étude citée plus haut, « il est surprenant de voir ce juge souverain n'être saisi d'aucune demande d'*appel* (au sens procédural du mot) : nous n'avons en effet pas trouvé un seul exemple de recours contre une décision judiciaire qui soit adressé au préfet. La notion de l'appel existait pourtant en Egypte ; il en reste des exemples pour des juridictions autres que celle du préfet » (17). Il y a encore plus. Le mot ἐπικαλεσάμενοι, en traduisant la forme correspondante d'*appellare*, évoque non

(15) Cf. Liddell-Scott-Jones, *Greek-English Lexicon*, s. v. II. 2. b. Il y a, entre autres, le cas célèbre où Paul interjette son appel du tribunal du gouverneur à celui de l'Empereur : Καίσαρα ἐπικαλοῦμαι (*Acta Apost.* 25 : 11).

(16) Cf. Liddell-Scott-Jones, s. v.

(17) M. Humbert, *loc. cit.*, p. 140.

seulement la procédure de l'appel mais aussi un *droit* d'appel, dont seul le citoyen romain jouissait. Nous arrivons ainsi à cette conclusion inéluctable : notre liste des cas soumis à la juridiction personnelle du préfet n'est pas de portée générale et ne concerne pas toute la population de l'Egypte. Elle ne vise que la très petite partie, la plus privilégiée, des habitants, à savoir les citoyens romains ; ce sont eux qui bénéficient de la faveur d'être jugés par le préfet lui-même dans les circonstances stipulées dans notre texte.

Arrivé à cette conclusion, on voit tout de suite l'apport précieux que fait le nouveau texte au débat sur l'*edictum provinciale* sous le Principat. Dans son article récent, cité plus haut, J. Modrzejewski a suggéré qu' « il est également possible d'imaginer que les préfets d'Egypte aient réglé par voie d'édits des questions relatives au déroulement du *conventus* et aux délégations de leur pouvoir juridictionnel à des juges désignés par eux... En tout cas, toutes ces dispositions édictales — limitées probablement à des questions spécifiques... — ne concernent que les citoyens romains d'Egypte » (18). Ces conclusions se voient maintenant renforcées par le *P. Yale* inv. nº 1606.

Mon étude de ce document fascinant s'arrête ici pour l'instant. La prochaine étape sera de faire photographier le papyrus à l'infrarouge, dans l'espoir de récupérer le texte perdu de la première colonne. Il y aura un intérêt tout particulier à voir si les mots ἐν ἀρχῇ qui se lisent là à l'œil nu font partie d'une expression où le préfet mentionne le commencement de son gouvernement, p. ex. ἐν ἀρχῇ τῆς ἡγεμονίας μου (19). En attendant, on peut affirmer dès maintenant que si le *P. Yale* inv. nº 1606 n'est pas un morceau d'un édit provincial, c'est tout au moins un texte qui y est étroitement lié.

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(18) J. Modrzejewski, *loc. cit.*, p. 343. Voir aussi R. Katzoff, *Tijdschr. v. Rechtsgesch.*, XXXVII, 1969, pp. 415-437 ; R. Martini, *Ricerche in tema di editto provinciale*, Milan, 1969, pp. 129-149 ; H. Ankum, *Ἀνάμνησις* (*Gedenkboek E. A. Leemans*), Gand, 1970, pp. 63-69, et *Ann. Fac. Droit et Sc. écon. Toulouse*, XVIII, 1970, pp. 357-364 ; enfin, les remarques de J. Modrzejewski dans cette *Revue*, 1971, pp. 506-507.

(19) Cette expression se trouve, par exemple, dans *P. Med.* 70. 01 V (époque de Néron), document communiqué au XIIIe Congrès International de Papyrologie, Marbourg, août 1971.

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UN NOUVEAU TEXTE SUR LA JURIDICTION DU PRÉFET D'ÉGYPTE

(Complément)

Résumé. — Note complémentaire à l'article publié dans *R. H. D.* 1972, pp. 5-12. Les restes du document récupérés à l'aide de photographie à l'infrarouge montrent qu'il s'agit d'un édit de M. Petronius Mamertinus, préfet d'Egypte dans les années 133 à 137 de n. è. ; l'influence de la terminologie romaine est sensible dans ce fragment, malgré sa relative brièveté.

Il y a un an, paraissait dans cette *Revue* la première édition d'un papyrus de la collection de Yale concernant la juridiction du préfet d'Egypte (1). A la fin de cette publication, je suggérais que l'on pourrait essayer de rétablir la première colonne du papyrus, mutilée et indéchiffrable à l'œil nu, au moyen de photographies à l'infrarouge. Voici aujourd'hui les résultats obtenus. Dans ce travail, comme dans le précédent, j'ai bénéficié de l'aide compétente et avisée de M. George Parássoglou. C'est lui qui *inter alia* a décelé du premier coup d'œil les traces du nom du préfet que l'on trouve dans l'en-tête du document.

La moitié gauche du papyrus, qui porte la première colonne du texte, est lamentablement abîmée : elle est percée de trous presque comme une dentelle, et les surfaces qui restent ont été sérieusement usées par le frottement des grains de sable dans lequel le papyrus a été enterré pendant dix-huit siècles. Dans ces conditions il va sans dire que les photographies à l'infrarouge ne peuvent guère nous rendre le texte intégral — loin de là ! Néanmoins, les restes de l'écriture qu'elles font ressortir nous apportent deux données décisives :

(1) N. Lewis, *Un nouveau texte sur la juridiction du préfet d'Egypte*, dans *RHD*, 1972, pp. 5-12.

1° Le texte est en effet, comme on le supposait d'après la partie déjà publiée, l'édit d'un préfet d'Egypte.

2° La date de l'édit est maintenant assurée : il fut promulgué par M. Petronius Mamertinus, préfet d'Egypte entre 133 et 137 ap. J.-C. (2).

En outre, à la lumière des colonnes II et III publiées antérieurement, il n'est peut-être pas trop hardi d'entrevoir, dans les restes de la colonne I, des termes juridiques romains, à savoir διὰ βιβλιδίου = *per libellum*, λυσιτελές = *utile* ou *commodum* (cf. *Corp. Gloss. Lat.*).

Voici, maintenant, ce qu'on a pu déchiffrer du texte :

P. Yale inv. n°. 1606, col. I

Μά[ρκ]ος Π[ετρ]ώνιος Μαμερ[τ]ε[ῖ]νος·
. ἔπαρχο[ς] Α[ἰγύ]πτου [λέ]γε[ι].
α....ε.[.. διε]στείλατο [δ]ιὰ β[ι]βλει-
δ[ί.. ..]εν[.....]ων γρα[....] ἀναφε-
5 ρομεν.. [.....].πι.....κόντων α-
...[..]εν[..]. κ[α]θάπερ [....]ς ἐν ἀρχῇ
δ..[..]αμη.[... ἐ]πειδὰν λ[υ]σιτελὲς ᾖ
].[.....]ησ[.].[.] ποιούμενοι
]..[..].ουσιν[
10]..[.....].[

. . . . . .

2. Le reste d'encre visible au commencement de la ligne pose un problème, à moins que ce ne soit qu'un pâté. Il ne faut pas penser à lire ὁ, d'abord parce que dans cette formule introductive de l'édit préfectural l'article est régulièrement omis

(2) Sur la chronologie de sa préfecture, voir les indications dans O. W. Reinmuth, *A Working List of the Prefects of Egypt*, dans *Bull. Amer. Soc. Pap.* 4, 1967, p. 95 (et édition séparée, New Haven et Toronto, 1967, p. 21) ; plus récemment : R. Coles, *The Date of the Commencement of the Prefecture of Avidius Heliodorus*, dans *Proc. XIIth Intern. Congr. Pap.*, Toronto, 1970, pp. 85-87, selon qui Petronius Mamertinus serait resté en charge jusqu'à la fin de la 21ᵉ année égyptienne d'Hadrien (28 août 137) ; cf. *RHD*, 1972, p. 493-494.

avant ἔπαρχος, et ensuite parce que, même quand il y a une variante de cette formule, vers la fin du IIIe siècle, c'est toujours suivi d'une épithète que l'article est employé : ὁ δεῖνα ὁ διασημότατος ἔπαρχος Αἰγύπτου (e. g. *P. Oxy.* 888 [= *M. Chr.* 329] et 2558, 287 et *ca.* 305 ap. J.-C.).

3. Le monogramme en marge est d'ordinaire l'abréviation de χ(ε)ι(ρογραφία) ou χ(ε)ι(ρόγραφον), mais sa signification ici est peu claire.

Après le premier ε il y a une haste verticale qui pourrait être un ι ou le commencement d'un ν ou d'un ρ.

5. Après πι on lirait π ou τ — à la rigueur on pourrait *peut-être* retrouver les traces de πιπρασκόντων. Les restes de la lettre à la fin de la ligne sont ceux d'un ε (à la rigueur) ou d'un α (probablement).

6. La première lettre de la ligne semble avoir été écrite plus grand qu'à l'ordinaire, mais on ne voit que les restes d'une ellipse sur un axe NE-SO. Après κ[α]θάπερ : [?αὐτὸ]ς, (Parássoglou).

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EMPEROR OR PREFECT?

P. Yale inv. n° 1606, the *editio princeps* of which appeared in *RHD* 1972, pp. 5-12, and 1973, pp. 5-7, contains an edict issued by C. Petronius Mamertinus, who was Prefect of Egypt from 133 to 137 A.D. The edict, at least in its well preserved part, lists a series of major crimes and offenses that the Prefect himself will adjudicate. For the reader's convenience I reproduce here the text of the *editio princeps* (with the lines renumbered in a single sequence) and the Latin equivalents of the crimes and offenses listed.

Col. I

Μά[ρκο]ς Π[ετρ]ώνιος Μαμερ[τ]ε[ῖ]νος
.ἔπαρχο[ς] Α[ἰγύ]πτου [λέ]γε[ι].
α....ε.[..διε]στείλατο [δ]ιὰ β[ι]βλει-
δ[ί.. ..]εν[.....]ων γρα[....] ἀναφε-
ρομεν..[.....].πι.....κόντων α-
...[..]εν[..].κ[α]θάπερ [....]ς ἐν ἀρχῇ
δ..[..]αμη.[... ἐ]πειδὰν λ[υ]σιτελὲς ᾖ
].[.....]ησ[.].[.]ποιούμενοι
]..[..].ουσιν[
]..[.....].[

— — — — — — — — — — —

Col. II-III

ὁ ἡγεμὼν διαγνώσεται

περὶ φόνου
περὶ λῃστειῶν
περὶ φαρμακείας
περὶ πλαγιαρίας
περὶ ἀπελατῶν
περὶ βίας σὺν ὅ-
πλοις γεγενημένης
π(ερὶ) πλαστογραφίας
καὶ ῥᾳδιουργίας
π(ερὶ) ἀ]νηρημένων
δι]αθηκῶν

— — — — — — — — — — —

π(ερὶ) ὕβρεως ἀνηκέστου
π(ερὶ) ὧν ἐὰν μέμφωνται ο[ἱ]
ἐλευθερώσαντες ἀπε-
λευθέρους ἢ γονεῖς παῖδ(ας)
οἱ λοιποὶ οὐκ ἄλλως
ὑπ' ἐμοῦ ἀκουσθήσονται
εἰ μὴ ἐπικαλεσάμενοι
καὶ παραβόλιον θέντες
τὸ τέ[ταρτον] μέρος ἐκ τιμή-
μα[τος περὶ?] οὗ ἐδικάσθη

περὶ φόνου = de homicidio. — περὶ λῃστειῶν = de latrociniis. — περὶ φαρμακείας = de veneficio. — περὶ πλαγιαρίας = de plagiaria (?) *or* plagiariis. — περὶ ἀπελατῶν = de abigeis *or* abigeatoribus. — περὶ βίας κτλ. = de vi armata. — περὶ πλαστογραφίας κτλ. = de falsariis et falso (*or* fraude?). — περὶ ἀνῃρημένων διαθηκῶν = de testamentis rescissis. — περὶ ὕβρεως ἀνηκέστου = de iniuria atroci.

The problem to be reviewed in the present discussion is that posed by the change from the third-person caption of line 11 to the first-person ἐμοῦ in line 28. In the *editio princeps* I supposed that in ἐμοῦ the Prefect was speaking *in propria persona*, while the preceding third-person form was bureaucratic language referring to him. In a brief comment E. Seidl, citing as parallels *Cod. Theod.* 11. 36. 1 and 7 and the version of the latter in *Cod. Just.* 7. 65. 2, argues that in lines 11ff. « nicht der Präfekt sondern der Kaiser selber spricht ... Zunächst werden die Fälle aufgezählt, in denen der Präfekt endgültig entscheidet ... Sodann erklärt der Kaiser, dass in den übrigen Fällen die Apellation an ihn zulässig sei ... »[1] Attractive at first glance, especially as a seemingly obvious explanation of the shift from third person to first person, this interpretation on closer examinations runs into and founders on a host of other difficulties. These difficulties arise from three main sources : (*i*) the normal form of the prefectural edict ; (*ii*) the parallels in documents relating to appeal procedures in other eastern provinces of the Roman Empire : and (*iii*) the very constitutions cited by Seidl. Let us consider these in order.

i

There is no doubt that *P. Yale* inv. nº 1606 is a prefectural edict : the opening lines tell us so. There is equally no doubt that in such proclamations the Prefect speaks in the first person : a simple glance through the extant edicts (the most recent list is that of P. Bureth in *RHD* 1968, pp. 248-54) suffices to assure us of that. Thus, all precedent argues that ἐμοῦ in line 28 is the Prefect. The only way that word can be made to refer to the Emperor is to suppose that the Prefect's edict was a mere covering letter promulgating an imperial constitution, the text of which then followed beginning in the lost bottom of Col. I. This is, to be sure, a conceivable reconstruction not without extant parallels, but in the present state of the text the burden of proof for such a reconstruction rests upon its proponents.

[1] *Studia et Documenta Historiae et Iuris* 38 (1972), p. 320 ; reiterated in slightly expanded form in his *Rechtsgeschichte Ägyptens als römischer Provinz* (St. Augustin, 1973), p. 241.

ii

The second difficulty with Seidl's interpretation is that it makes the Prefect the court of last resort in crimes of violence and ingratitude, and allows an appeal to the Emperor only in issues to which a monetary value is assignable. Such a distinction sounds like a bizarre reversal of any normal or ordinary scale of values, and it is entirely impossible if, as I argued in the *editio princeps*, the regulations of *P. Yale* inv. n° 1606 applied to Roman citizens, who enjoyed an automatic right of appeal to the Emperor. Seidl hypothesizes that « die Tendenz — sowohl der altbekannten, wie der neuen Konstitution — ist erkennbar : bei besonders schweren Straftaten ist rasche Exekution wegen ihrer abschreckenden Wirkung wünschenswert ». On the contrary, the rationale and purpose of the constitutions in the Cod. Theod. are clearly stated to be the elimination of futile and dilatory appeals, as will be seen under *iii*.

Furthermore, several long-known documents from other eastern provinces of the Roman Empire reveal that it was quite common practice for ligitants to be required to post a sum of money as assurance of bona fides and financial responsibility when filing an appeal with the governor of the province. For example, in *IGRR* IV 1044 (= Abbott-Johnson, *Municipal Administration* N° 119) a first- or second-century proconsul of Asia orders, in an effort to put an end to abusive or dilatory (*ἐπηρείας* [*χάρι*]*ν*, lines 3-4) appeals : *δέ*[*ον τ*]*οίνυν, εἰ μὲν ἐπὶ τὸν Σεβαστὸν* [*ἡ ἐκ*]*κλησις γείνεται, πρότ*[*ε*]*ρον ἐμὲ* [*ἐξετ*]*άσαι τὴν ἀιτίαν · εἰ δὲ ἐπ' ἐμέ, τὸ* [*παρὸ*]*ν ἀξιοχρέως λαβεῖν τοὺς ἀ*[*ρραβῶν*]*ας δηναρίων δισχειλίων π*[*ε*]*ν*[*τακο*(*σίων*) *κατὰ*] *τὸ προτε*[*θ*]*ὲν ὑπ' ἐ*[*μ*]*ο*[*ῦ*] *σ*[*ύνταγ*]*μα διὰ τοὺς φυγοδ*[*ι*]*κοῦντας* (lines 4-11). Significant here are not only the *cautio* required for an appeal to the governor, but the clearly stated possibility of appealing also to the Emperor if the governor is satisfied that such appeal is justified. Another example is found in Hadrian's legislation regulating the Athenian oil trade, *IG* II-III² 1000 (= Abbott-Johnson N° 90) where, after providing for the trial of alleged violators of the regulations the Emperor also provides for appeal either to himself or to the provincial governor : *ἐὰν δὲ ἐκκαλέσηταί τις ἢ ἐμὲ ἢ τὸν ἀνθύπατον, χειροτονείτω συνδίκους ὁ δῆμος* (lines 54-56). Still another second-century document, an imperial rescript addressed to Sparta and preserved in part in *IG* V 21 (= Abbott-Johnson N° 121), forbids appeals to the Emperor in any case which (1) involves less than 1,000 denarii, (2) does not involve the death penalty, or (3) does not involve loss of civic rights. Here again the stated purpose of the ruling is to avoid vexatious appeals (*οὔτε ἀφορμὴν ταύτην γείνεσθαι τοῖς συκοφαντοῦσιν*, Col. II, lines 3-4), and the *synedroi* of Sparta are assigned the responsibility for screening appeals and deciding which are justifiably forwardable to the Emperor and which are to be rejected as merely dilatory in intent : *διὸ δὴ περὶ τῶν ἀμφισβητήσεων αἵτινες ἂν ὦσιν ἐλάττους* (*χιλίων*) *δηναρίων καὶ μήτε κριτήριον ἢ πρόκριμα κεφα-*

λικῆς δίκης ἢ ἐπιτιμίας ἔξουσιν, ἐπικαλεῖσθαί με ἢ πείθ[ε]σθαι τοῖς ἐπικαλεσαμένοις κω[λ]ύωι· τὰς δὲ ἐπικλήσεις ἃς [γ]είνεσθαι ἐπιτρέπωι, διακρινέτω[σαν οἱ σύνεδ]ροι πότερον δ(ι)καίως γείνονται ἢ ἐπὶ τῶι τ[ὰ]ς δί[κας....τάς τε π]ροβολὰς ποιεῖσθαι εἰς τὸ μὴ κριθῆ[ναι (Col. II, lines 5-12).

Thus, it appears from the above evidence that in the time of Hadrian, to which *P. Yale* inv. nº. 1606 belongs,

(1) cases arising in a province of the Roman Empire could be appealed either to the provincial governor or to the Emperor;

(2) whether an appeal would be forwarded to the Emperor was determined not by the specific charge or offense at issue but by the seriousness or importance of the matter, with local or provincial authority being assigned the duty or separating meritorious appeals from those judged to be vexatious or dilatory in intent;

(3) it was not uncommon for a *cautio* in cash to be required as a condition for submitting an appeal to the provincial governor.

iii

A close examination of the legal sources cited by Seidl also fails to support his interpretation of *P. Yale* inv. nº 1606. The texts read as follows.

Cod. Theod. 11. 36. 1 — November 2, 314 A.D., to the governor of Africa. Moratorias dilationes frustratoriasque non tam appellationes quam ludificationes admitti non convenit. Nam sicut bene appellantibus negari auxilium non oportet, ita his contra quos merito iudicatum est inaniter provocantibus differri bene gesta non decet. Unde cum homicidam vel adulterum vel maleficum vel veneficum, quae atrocissima facinora sunt, confessio propria vel dilucida et probatissima veritatis quaestio probationibus atque argumentis detexerit, provocationes suscipi non oportet, quas constat non refutandi spem habere quae gesta sunt sed ea potius differre temptare. Qui de variis litibus causisque dissentiunt, nec temere nec ab articulis praeiudiciisque nec ab his quae iuste iudicata sunt provocare debebunt. Quod si reus in homicidii vel maleficii vel adulterii vel veneficii crimine partem pro defensione sui ex testibus quaestioneque proposita possit arripere, parte vero obrui accusarique videatur, tunc super interposita appellatione ab eodem qui sibi magis quae pro se faciant testimonia prodesse debere adfirmat quam ea quae adversus ipsum egerint nocere, deliberationi nostrae plenum arbitrium relinquatur [1].

[1] The sixth-century *Interpretationes* often contain irrelevancies and misinterpretations. For whatever it may be worth the *Interpretatio* appended to *Cod. Theod.* 11. 36. 1 reads as follows:

In civilibus causis vel levioribus criminibus quae legibus non tenentur inserta, appellationi constituta legibus dilatio praestanda est et suspendenda est per appellationem sententia iudicantis. At vero homicidis, adulteris et reliquis quos lex ista comprehendit, si convicti confessique fuerint et appellare voluerint, dilatio denegetur sed statim in manifestis criminibus convictos iudicis est sententia proferenda aut certe de magnis criminibus et maioribus personis ad principis est notitiam deferendum.

There is no *Interpretatio* appended to *Cod. Theod.* 11. 36. 7.

Cod. Theod. 11. 36. 7 = *Cod. Just.* 7. 65. 2 — December 9, 344 A.D., to the governor of Syria.

(*Theod.*)

Observare curabis ne quis homicidarum veneficorum maleficorum adulterorum itemque raptorum argumento convictus, teste superatus, voce etiam propria vitium scelusque confessus audiatur appellans. Ut enim aequum est non convictos neque confessos — quia plerumque accidit ut fortuna iudicii argumenta conglutinet, quorum similitudine opprimatur reus qui non possit vera ratione convinci, vel adversarii calliditas testes subtrahat qui veritatem audacia vel acrimonia superet — vel confessos neque convictos, quod saepe vel repentinae formidinis vel inpositorum tormentorum cogit immanitas, uti in appellando ceteris etiam reis iure communi : ita et aliena et propria voce depressum non oportet, quod contempserit aequitatem ac moram tantum usurpandae lucis indebitae rursus inportunitates arripere.

(*Just.*).

Observare curabis ne quis homicidarum veneficorum maleficorum adulterorum itemque eorum qui manifestam violentiam commiserunt, argumentis convictus, testibus superatus, voce etiam propria vitium scelusque confessus audiatur appellans. Sicut enim haec ita observari disposuimus, ita aequum est testibus productis, instrumentis prolatis aliisque argumentis praestitis, si sententia contra eum lata sit et ipse qui condemnatus est aut minime voce sua confessus sit aut formidine tormentorum tentus contra se aliquid dixerit, provocandi licentiam ei non denegari.

The language of the constitutions is unmistakable on the following points that are relevant to the present discussion. The earlier constitution does not exclude appeals to the Emperor in all case of homicide, adultery, etc., but only in cases in which the conviction resulted from confession or from prima facie evidence [1]. If such cases appeals would be just a waste of time. On the other hand it is recognized that there are justified appeals (*bene appellantibus*), and in cases where there is evidence on both sides (*partem ... parte ... videatur*) [2] the way remains open for an appeal to the Emperor (*deliberationi nostrae plenum arbitrium relinquatur*).

The later constitution reconfirms the earlier : In cases of homicide, etc., appeal to the Emperor is denied to those convicted by the testimony of witnesses and open confession, but those not so convicted or alleging intimidation continue to enjoy the common right of appeal available to other defendants (*uti in appellando ceteris etiam reis iure communi*, Theod. ; *provocandi licentiam ei non denegari*, Just.).

[1] *In manifestis criminibus*, the paraphrase of the *Interpretatio*, seems apt.
[2] And, adds the *Interpretatio*, in cases *de maioribus personis*. No warrant can be found in this constitution for this addition.

It is thus apparent that even as late as the fourth century the reiterative imperial legislation directed toward suppressing dilatory and futile appeals did not go so far as to impose a total ban on appeals to the Emperor in cases of major crimes such as homicide.

Conclusion

All of the above considerations lead, it seems to me, to the following understanding of the text in *P. Yale* inv. nº 1606.

The text is that of an edict issued by the Prefect of Egypt, M. Petronius Mamertinus, as the caption in line 1 assures us. Following the formulary of such promulgations, the Prefect speaks *in propria persona*, that is, in the first person. In the lost bottom of Col. I the Prefect introduced a relevant document — e.g. an imperial order, or a pronouncement by an earlier prefect — from which he quotes in Cols. II-III, hence the verb in the third person in the caption of those columns. At line 27 Mamertinus resumes his own edict, speaking again in the first person.

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Editor's note:
The document is reprinted as *SB* XII 10929.
Corrections: Line 1 of the Greek text, Μᾶ[ρκ]ος. Page 762 (= 170 of this volume) l. 19 ἡ ἐπί]κλησις.
With this document cf. now *AE* 1974 no. 629 and *AJP* 100 (1979) 551.

ON JUDICIAL APPEALS IN ROMAN EGYPT

In Memoriam
James H. Oliver

Epigraphy and papyrology have complemented each other for the past hundred years, ever since the latter discipline came into being. Linguistic and institutional bridges connecting those two branches of classical studies have repeatedly been demonstrated and utilized, notably in the writings of J. H. Oliver, and most recently in his paper published in *AJP* 100 (1979) 543–58. There he draws upon three inscriptions and one papyrus to illustrate procedures by which, under the Empire, Greek litigants might carry their disputes to Roman courts. The papyrus is *P. Yale* inv. no. 1606, soon to be republished as *P. Yale* II 162.[1] Of the inscriptions, two deal *expressis verbis* with appeals to the emperor, the third has generally been interpreted as doing so, and to these Oliver adds the evidence of the papyrus. In the *ed. pr.* I had simply assumed from the context that the appeal in the papyrus was to the prefect of Egypt. As Oliver's challenge to that view is based upon a parallel he professes to find in contemporary inscriptions, the logical next step, surely, is to ask whether collateral papyri shed any light on the problem.

The Yale papyrus contains the remains of an edict issued by Marcus Petronius Mamertinus, who was prefect of Egypt in A.D. 133–137. The text presents a list of crimes that come under the personal jurisdiction of the prefect,[2] after which comes the following: *οἱ λοιποὶ οὐκ ἄλλως / ὑπ' ἐμοῦ ἀκουσθήσονται / εἰ μὴ ἐπικαλεσάμενοι / καὶ παραβόλιον θέντες / τὸ τ̣ἐ̣[ταρτον?] μέρος ἐκ τιμή / μα[τος περὶ] ο̣ὗ ἐδ̣ικάσθη* (lines 27–32).

Translations:

Ed. pr. (from the French): Other (complainants) will not be heard by me unless they are appellants and they deposit as

[1] *Ed. pr.* in *RHD* 1972, 5–12 and 1973, 5–7. See also *Le monde grec: Hommages à Claire Préaux*, 760–65.

[2] Oliver thinks (550) that the list is quoted from "a special order of Hadrian." That is possible, but as the reference to the source, if there was one, is lost at the bottom of Col. i, any such ascription remains hypothetical.

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security a fourth(?) of the value attributed to the matter over which judgement was rendered.

Oliver: The other (litigants) will be heard by me in the same way unless they appealed (to the emperor) and deposited a pledge equal to the quarter of a valuation over which the case arose.

Both versions accept that *ἐμοῦ* refers to the prefect.[3] Verbal variations aside, then, Oliver departs from the interpretation of the *ed. pr.* on two points: (1) He takes *οὐκ ἄλλως* as a rhetorical turn of phrase equivalent to *ὁμοίως*. (2) He insists that the appeal mentioned was to the emperor.

As to (1): There is obviously no *grammatical* obstacle to translating *οὐκ ἄλλως* as "in the same way." But what about the context? In the same way as what? There has been nothing in what precedes, nothing about court procedures or anything else, to which, strictly speaking, "in the same way" could refer. We could, perhaps, dismiss the inconcinnity as merely a matter of loose wording, but before we resort to such a desperate remedy let us consider the linguistic parallel found in *P. Hamb.* 29 = *Jur. Pap.* 85. In that document, an extract from the minutes of a hearing held before the prefect Marcus Mettius Rufus on 3 August A.D. 89, an attorney asks for a postponement without prejudice to his clients' case because [*ἄ*]*λλως οὐ δύνανται λέγειν τὴν δίκην εἰ μὴ λάβοιεν τὰ βιβλία παρὰ τῶ*[*ν*] *ἐπιτρόπων* (lines 13–15). There can be no doubt about what this means: the clients, in the translation of P. M. Meyer, "könnten nicht in die Verhandlung eintreten, bevor sie nicht die Akten (*βιβλία*) von den Vormündern . . . erhalten hätten."[4] Here the expression "not otherwise . . . unless" clearly posits a *sine qua non,* a delimiting condition in the absence of which the subject of the main verb cannot act. The parallel with the language of *P. Yale* 162, 27–29, is too striking to be ignored.

As to (2): The first point to be noted here is that there is no mention of an emperor anywhere in the preserved text of *P. Yale* 162. The question, then, is whether there are grounds in the text for inferring that the appeal mentioned was intended for him. It is true that Oliver's first inscription, the relatively new "letter" of Marcus Aurelius from the Athenian agora, contains a reference

[3] Cf. Oliver, 550 n. 14

[4] *Jur. Pap.* 85, introd. (p. 292), repeating almost verbatim *P. Hamb.* 29, introd. (p. 124).

by the emperor to "securities on appeals in the cases pleaded in my court."[5] But such posting of bonds is not by itself presumptive evidence of an appeal to the emperor. On the contrary, most extant instances of such posting of bonds, both in inscriptions and in papyri, clearly relate to intra-provincial appeals. A good example is the last inscription in Oliver's group, the well known letter of Gnaeus Domitius Corbulo, proconsul of Asia under Claudius, to the city of Cos.[6] In it the governor reminds the Coans of the established procedure: appeals to the emperor are submitted to the governor of the province, who then decides if they deserve to be forwarded; in appeals to the governor the appellant must post a bond of 2,500 denarii.[7] Among the papyri attention is claimed particularly now by *P. Strasb.* 709, a second-century document that was published after Oliver's article. In form that document is a petition to the *iuridicus* of Egypt, relating to a dispute over an inheritance. Some of the parties have Roman names.[8] In line 13 we read *καταδ[ικ]ασθεῖσα ὑπὸ Κλαυδίου Ἀπολιναρίου*, who may be a strategos known to have been in office in A.D. 164, and in the next line, *παραβόλιον θεὶς πρὸς Κλαύδιον*[, which looks very much like a reference to the same judge. Whether it is the same man both times or not, the entire legal procedure, including the posting of bond, clearly takes place within the judicial apparatus of the province. Pertinent here, too, is *P. Oxy.* XLVI 3296, the incompletely preserved record of a hearing before the prefect of Egypt, Titius Honoratus, held on 10 June A.D. 291. The hearing is on appeal (lines 11–12) from the court of a strategos or epistrategos (line 14), and an appeals bond of 4,625 drachmas is posted (line 15, *τοῦ τῆς ἐκκλήτου προστίμ[ο]υ*, where the last word obviously has the sense of "fee," not "penalty": cf. *WB* and *LSJ*, s.v. 2).

To sum up: The procedure enunciated in *P. Yale* 162, 27–32, fits most naturally within the framework of the administration of justice within Roman Egypt. Specifically, the text fits the lan-

[5] Oliver, 544. For essential bibliography on the inscription see 543.

[6] *AE* 1974 no. 629, an improved text of *IGR* IV 1044 = Abbott-Johnson no. 119.

[7] The new reading is *ἀρρα[βῶν]ας*, which confirms an earlier conjecture and dismisses Mommsen's restoration of *ἀρ[χοντ]ας*.

[8] On the possibility that Mamertinus' edict in *P. Yale* 162 affected only Roman citizens, see *RHD* 1972, 11–12.

guage and procedure of an appeal to the prefect of Egypt. A commentator seeking to wrest the text from that milieu must accept the burden of proof, and the proofs will need to be more compelling than any yet adduced.

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The Recipients of the Oxyrhynchus Siteresion

From a group of forty-nine documents published in *P.Oxy.* XL comes the information that the city of Oxyrhynchus practised, in at least part of the third century A.D., a system of free grain distribution modeled on that of Rome. What we thus learn about this *siteresion* at Oxyrhynchus and what has long been known about the *frumentatio* at Rome are mutually illuminating. The result is a significant advance in our knowledge of this important Roman institution. The parallels are highlighted in the detailed and penetrating commentary with which the editor of the Oxyrhynchus volume, John R. Rea, accompanies his skilful edition of the texts themselves. In particular, as he correctly emphasizes (p. 8), « It is very clearly confirmed . . . that the doles were not a provision for the very poor, but a perquisite of the already privileged middle class of the cities, as in Rome ».

Each recipient of the *siteresion* at Oxyrhynchus was enrolled in one of three categories. Their respective designations, together with the maximum number of recipients authorized in each category (as reasonably demonstrated by the editor) were : *ἐπικριθέντες* 3,000, *ῥεμβοί* 900, *ὁμόλογοι* 100.

Thus, the grand total of recipients when the three categories were at full roster was 4,000. What percentage this was of the total population or of the eligible male population of Oxyrhynchus, we have no way of knowing. *If* Rome was, as is generally supposed, a city of about a million souls (1), the 200,000 enrolled for the *frumentatio* there would represent some twenty per cent of the total population, or approximately one out of every two eligible males. *And if* the Roman parallel held in this respect too, then the 4,000-man *siteresion* would make Oxyrhynchus a city of 20,000. But all this is, of course, sheer speculation (2).

(1) It is generally agreed that the population peaked in the prosperous second century and declined in the course of the third. The estimates of the maximum population range from a low of 800,000 (Beloch, in 1886) to a high of 1,500,000 (Nissen, in 1902). The last full review of source material is that of U. Kahrstedt in L. Friedländer's *Darst. aus der Sittenge. Roms* IV[9] (Leipzig, 1921), pp. 11-21.

(2) In his 1935 Princeton dissertation Hugh MacLennan (who thereafter abandoned

ἐπικριθέντες

Understanding the make-up of this category presents no problems. From the early years of Roman rule all male inhabitants of Egypt except the citizens of Rome and of the autonomous Greek *poleis* paid a poll tax from the age of fourteen on. The metropolites, however — i.e. the citizenry of the towns that served as the capitals of the nomes — paid the tax at half the standard rate. As a boy of this class approached his fourteenth birthday, he underwent an *epikrisis*, or scrutiny, of his claim to be enrolled as a metropolite enjoying the privilege of the reduced poll tax. To establish the boy's claim to the satisfaction of the certifying officials his parents would cite documentary proof that the boy was their legitimate offspring, that both parents were themselves metropolites (note this continuation even in Roman times of the restrictive citizenship concept of the classical Greek *polis*), and that the father himself — and often more remote ancestors as well — had passed the *epikrisis* in such and such year. It would be logical to expect that the poll tax lapsed in 212 or 213 A.D., after the *Constitutio Antoniniana* extended Roman citizenship throughout the empire, but the tax did not in fact disappear forthwith. As a result of Caracalla's grant of Roman citizenship, the inhabitants of Egypt uniformly prefixed the Latin Aurelius to their names, but this did not ipso facto eliminate the distinctions among the classes of the population. Both poll tax and *epikrisis* have previously been in evidence at least to the middle of the third century, and the *siteresion* documents from Oxyrhynchus now show the *epikrisis* functioning as late as 270 A.D.

Thus, admission to the principal (i.e. the largest) category of recipients of the Oxyrhynchus *siteresion* depended first of all upon having passed the metropolitan *epikrisis*. But the *epikrisis* merely established eligibility. All *epikrithentes* were eligible, but not all eligibles received the

papyrology to become one of Canada's most successful novelists) remarked (*Oxyrhynchus, an Economic and Social Study*, p. 18), « Any attempt to estimate the population of Oxyrhynchus from the census documents is out of the question ». Though it has been objected that the dissertation as a whole « is one-sided and has a hobby-horse to ride » (E. G. Turner, *JEA* 38 [1952], p. 78 n. 2), the statement quoted on population corresponds — unfortunately — to the facts. Turner (*loc. cit.*, p. 81), noting how few « the indications are [that] we have to go on, » offers the yardstick that a metropolis [Oxyrhynchus] must have been considerably larger than » a village of 5,000-6,000 persons.

grain. The actual recipients were determined — as in Rome — by a lottery, held, it would seem, once a year to fill places vacated by death. Again as in Rome, there was no requirement for the recipient to demonstrate need. On the contrary, the *epikrithentes* belonged mostly to the local plutocracy ; most of them were very well off, and some of them were among the richest men in town. Their easy circumstances no doubt explain a curious fact observable in the documents : *epikrithentes* notified that their names had been drawn in the lottery sometimes waited several months before filing the formal application requesting to be enrolled among the recipients. The obvious explanation for the delay would seem to be that they clearly had no pressing need of the grain but were eventually moved to accept it for what it was, a form of public distinction.

ῥεμβοί

The next largest category of recipients, whose maximum authorized number was 900, are listed under the title of *rhemboi*. This is a new word in the language of documentary papyri. It is translated as « sundries » by the editor, but that, it seems to me, cannot be right ; for sundries means miscellanies, and there is nothing miscellaneous about this group. It is a very clearly defined and delimited category, having only a single qualification for admission, namely the completion of service in a *leitourgia*. As only those persons were appointed to liturgies whose wealth exceeded the minimum that the state regarded as sufficient to guarantee financial responsibility for the requirements of the several offices, it is clear that in this category too admission to the *siteresion* was not predicated upon poverty or need. It also seems clear — to me, at least — that we must try to find a meaning for the title *rhemboi* that corresponds to some major characteristic of the group it describes. Now the verb *ῥέμβω* is defined (LSJ) as meaning « to turn round and round » ; the middle voice, which is the usual form in both literature and papyri, denotes roving or wandering, and in at least one instance it carries the connotation of being away from one's assigned task (1). Such notions, I suggest, are quite germane to liturgy, compulsory tasks to which individuals were appointed by turns, with intervals of exemption (*anapausis*) between periods of liability ; in Athens, in fact, the

(1) *P.Oxy.* 1581 (second century A.D.), 5-7, *μὴ ἀφῇς ἀργεῖν καὶ ῥέμβεσθαι ἀλλὰ εἰς ἐργασίαν αὐτὸν βάλε.*

annual liturgies themselves were termed *enkyklioi*, « recurring in cycles ». Therefore, though no conclusion is demonstrable in the present state of the evidence, I propose that we tentatively regard the title *rhemboi* as designating a category of recipients who were enrolled for the *siteresion* in rotation, i.e. in the year following their completion of liturgic service (and perhaps only for the duration of that year or their period of *anapausis*?). I find further support for this view in the following facts : (1) There is no mention of a lottery for selecting the *rhemboi* to be enrolled as recipients, and no mention of their being selected to replace deceased recipients, both of which silences suggest that all ex-liturgists were automatically eligible to apply for enrollment. (2) Two documents in the group (*P.Oxy.* 2899 and 2900) inform us that recipients in this category had to apply for enrollment within three months after completing their liturgies.

A final detail is worth noting before leaving this group. As in Rome, freedmen were eligible for the *siteresion*. But in Oxyrhynchus they could not, because of their servile birth, be enrolled among the *epikrithentes* ; they are, however, specifically declared to be admissible to the category of *rhemboi* provided they met the stated requirement for admission, completion of a liturgy.

ὁμόλογοι

The enrollees of the smallest category, with an allowable membership of one hundred, are designated by the term *homologoi*. Following, apparently, an idea expressed by Grenfell and Hunt many years ago (1), the editor of *P.Oxy.* XL understands *homologoi* here as referring to individuals such as illegitimate offspring « who were not qualified to share the corn dole by their citizen status, but who were admitted as a concession » (p. 5). Accordingly, the caption in *P.Oxy.* 2927, 4, *κατ' ἄνδρα ὁμολόγων ἀπογραφέντων καὶ ἀπὸ γραφῆς ἀφηλίκων προσβάντων*, is rendered, « Register of individuals listed without demur and who have been promoted from the list of minors » (p. 88). The line of thought that leads to this result runs, presumably, somewhat as follows : since the verb *homologō* denotes « to agree », these *homologoi* are persons technically ineligible whom the others (or the authorities) have agreed to admit « as a concession », « without demur ». But such a conception of the term

(1) *P.Ryl.* 209, 10n., *P.Oxy.* 1452, 21 and n.

seems to me to point us in the wrong direction. There is, in the first place, a syntactical objection in that the *homologōn* of the caption is treated as a modifier of *apographentōn*, whereas *homologōn* is here clearly a noun modified by the two participles *apographentōn kai . . . prosbantōn*. Secondly, there is a substantival sense of *homologoi* that is well attested in the papyri and that suits our context perfectly. The characterization of these *homologoi* as having advanced from the status of minors, is obviously, as the editor observes (pp. 4-5), a certification that they had reached the age of fourteen and were subject to the poll tax. Then we need look no further, for « poll-tax payer » is actually the meaning of *homologos* in a number of documents from Roman Egypt, including at least one of the third century (1). It is also significant, I think, that *P.Oxy.* 2927 mentions the *homologoi* immediately after the *epikrithentes*. In other words, first come the *epikrithentes*, born to privilege and paying the poll tax at half rate ; next come the *homologoi*, born unprivileged and paying the poll tax at full rate ; and then come the *rhemboi*, whose admission to the *siteresion* is based on a criterion other than birth, namely public service.

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(1) *P.Ross. Georg.* IV, 20 (223 A.D.), possibly also *SPP* XX, 62. Cf. *WB* III, p. 275, s.v. The term *homologi* designated the *coloni adscripticii* (e.g. Cod. Theod. 11.24.6 [A.D. 415], *qui homologi more gentilicio nuncupantur*, on which U. Wilcken's remarks in *Gr. Ostr.* I, p. 254).

P.Oxy. 2820: Whose Preparations?

Naphtali Lewis

In *Chiron* 3 (1973) M. Treu offers an ingenious reconstruction of *P.Oxy.* XXXVII 2820 which would make it an account of autocratic measures, one of them verging on the treasonable, taken by Cornelius Gallus as Prefect of the newly annexed province of Egypt. One reads Treu's paper with growing excitement, for it appears to throw light on the reasons for Gallus' subsequent fall from imperial favor, reasons heretofore shrouded in our sources—as with Ovid a generation later—in allusive language conformable with Augustus' puritanism.[1] It is hardly necessary to emphasize the self-evident historic importance of such information; what must be emphasized, unfortunately, is that no such information is at hand. Treu's interpretation collapses under the weight of two objections. The first is merely logical: Gallus' disgrace and suicide occurred in 26 B.C., after his return to Rome. If treasonable or arrogant actions committed in 30–29 B.C. were the cause of his downfall, why was he kept in office for another three years? The second objection is utterly fatal: the key point in Treu's interpretation is highly dubious, and the textual reconstruction on which it rests is simply wrong, as will shortly appear.

The following is the transcription of the text as it appears in the edition (*P.Oxy.* 2820 col. i):

] μεταπεμποιτο[
] αφιστασθαικαιδια
] τουτο[. . . .].ε̣πλει
] ωτων.[. .]ν̣ων
5] [.]χαλκευε̣κ̣[. . .].η̣[
] [.]π̣ατρασνα.[
] μ̣ε̣τατονεκε[
] θανατονως.[.].
] ε̣ι̣κοσεξημε.[ ]
10] μενονπαλινεξ

] ηει.εφρουρα[[ι]]σε [
ται̣ς
] πιτησχωρασεμ [
] βολαι̣ε̣[.]στηκα[
] πανταοσαπρο[
15] πολεμονηνε[
] τρεπιζενως̣τ̣.[
].. α̣[.]ο̣.εντε̣ι̣λ̣[
]ολαβω.[
].[. . .]περ̣ι̣[

[1] Ov. *Trist.* 2.445, *linguam . . . non tenuisse*; Suet. *Aug.* 66, *ob ingratum et malevolum animum . . . accusatorum denuntiationibus*; Cass.Dio 53.5, ἐξύβρισεν ὑπὸ τῆς τιμῆς. πολλὰ . . . μάταια ἐς τὸν Αὔγουστον ἀπελήρει, πολλὰ . . . ἐπαίτια παρέπραττε. I omit Amm.Marc. 17.4.5, which Treu agrees (p.227) is a garbled version of earlier sources.

20] βαcαιγγ[. . .]ουcτων
] αλλωνεμμαιμα[
] χιμωτατουcπρω[
] τονμενπρουτρε[
] πεναυτουcεκ[
25] cιωcεπιτηνcτ.[
] . . .ανωcδουκ.[
] νεμχοντοπροc[
] . .[]ναt . .ε. . . .[].[
] λε.εto[
30]co. .[

1. Lines 3–5

This is the heart of Treu's thesis. He proposes the restoration

τά] τε πλεί-
ω τῶν κ[οι]νῶν
[ἐ]χάλκευε,

which he interprets (pp.229–30) as stating that Gallus struck copper coinage, using up the greater part of the Egyptian treasury. This is a most intriguing result, but the more closely one examines its details, the more impossible it becomes.

A first objection, though not perhaps an insurmountable one, is the restoration τά], which ignores Lobel's correct indication that the lacuna requires a longer restoration.

More important are the doubts stirred by the meaning here ascribed to χαλκεύω. Is the fact—adduced by Treu—that only copper coinage was issued in Egypt under Augustus really sufficient warrant for ascribing such an unprecedented acceptation to this verb? That would involve not a mere "Bedeutungsnuance" but a clear-cut distinction between two entirely different and differently expressed processes: between forging, fabricating—*i.e. working*—metal, which is the image conveyed by χαλκεύω in its many occurrences, and producing coins by die-stamping—*i.e. striking* the metal with a die—which was normally expressed in Greek by the appropriately descriptive κόπτω.

Doubt increases when we look at the meaning ascribed to τῶν κ[οι]νῶν. Are citations from Aristophanes, Demosthenes and Polybius really sufficient warrant for accepting this rare and unusual term in place of the well and widely known official designation of the treasury of the Ptolemaic state, τὸ βαcιλικόν?

The *coup de grâce* is provided by the papyrus itself: the reading κ[οι]νων is impossible. Treu states (p.230), "Vom ersten Buchstaben nach τῶν ist noch das untere Ende einer Senkrechten sichtbar. Das ergibt nicht unbedingt ein K, scheint mir jedoch nicht unvereinbar

mit diesem Buchstaben." Not so: the published photograph (Plate IX) clearly shows the bottom of not one but two "Senkrechten," positioned so close together as to rule out any possibility of reading *kappa*. Drs John Rea and Revel Coles have kindly confirmed this on the original, and the latter offers the reading ἱκανῶν, which seems excellent in every way.

The word ὅπλα, rejected by Treu (p.229), now seems the likely restoration in 3, giving the following text for lines 2–5: καὶ διὰ | τοῦτο [ὅπλα] τε πλεί|ω τῶν ἱκανῶν | [ἐ]χάλκευε, "and for this reason he forged a more than adequate quantity of weapons."

II. Lines 5–11

Lobel's note suggests the following restoration:

5 κ[αὶ τὸ] τῆ[c[a] Κλε-
ο]πάτρας ναυ[τικὸν
μετὰ τὸν ἐκε[ίνης
θάνατον ὥcπ[ε]ρ
εἰκὸc ἐξημελ[η-
10 μένον πάλιν ἐξ-
ῄει κ⟨αὶ⟩ φρουρὰc κτλ.

To cope with Lobel's *caveat* that this makes line 5 too long, Treu suggests reading κ⟨αὶ⟩, as in line 11. Two objections oppose this solution: (1) The spacing is wrong. There is room for four letters between κ[and]τῆ[c, thus no cause to postulate an omission through oversight. The difficulty comes at the end of the line, where there is no room for κλε. (2) The presumed justification in line 11 is nonexistent. There κ⟨αὶ⟩ is Lobel's counsel of despair to avoid the harsh asyndeton. The papyrus has not *kappa* but *epsilon*.

Returning to κλε: As there seems to be little doubt that a name ending in -πάτρας in this context must be the genitive of Cleopatra, and as blank papyrus after]τῆ[c] reveals that κλε was not written at the end of line 5, all of Κλεοπάτρας must have been written where there is now a hole in the papyrus at the beginning of line 6. The name may have projected into the left margin, or a few letters may have been added interlinearly.

Next there is the matter of the verb in lines 10–11. Lobel and Treu were both troubled by ἐξῄει, recognizing that what is wanted is a

[a] τ]ῆ[c Lobel, but the plate shows τη[c.

transitive verb, preferably in the imperfect tense, in sequence with ἐχάλκευε (line 5), ἵστη (13) and εὐτρέπιζεν (15–16). Here again Drs Rea and Coles have found the answer on the original: ἐξήρτυε.

This in turn leaves us face to face with the problem of the following asyndeton: the copula must be found or supplied. Lobel's apparatus notes that there are "above υρα traces of which the middle one resembles ι but perhaps all offsets." If these interlinear traces or smudges could be found to represent και, or even τε, the problem would be solved. Otherwise we must attempt to explain the omission of the copula, no doubt through oversight. The explanation may lie in the trouble that the scribe obviously had with the words immediately following: he initially wrote φρουραις in the dative before deleting the *iota*, and he had to add ταις interlinearly, which suggests that he may have started to write a non-coordinate continuation after ἐξήρτυε and neglected to insert the desiderate καί when changing back to coordination.

Thus, lines 5–11 now read: κ[αὶ τὸ] τῆ[ς |[3]Κλεο]πάτρας ναυ[τικὸν] | μετὰ τὸν ἐκε[ίνης] | θάνατον ὥσπ[ε]ρ | εἰκὸς ἐξημελ[η]|μένον πάλιν ἐξ|ήρτυε ⟨καὶ⟩ φρουρὰς κτλ., "and he refitted Cleopatra's fleet, which had—understandably—been neglected after her death, and (he stationed) garrisons," etc.

III. The whole text: Who is the subject of these verbs?

To the extent that we can decipher and reconstruct it our text now reads as follows.

μεταπέμποιτο [
ἀφίστασθαι καὶ διὰ
τοῦτο [ὅπλα] τε πλεί-
ω τῶν ἱκανῶν
5 ἐ]χάλκευε κ[αὶ τὸ] τῆ[ς
\Κλε/ο]πάτρας ναυ[τικὸν
μετὰ τὸν ἐκε[ίνης
θάνατον ὥσπ[ε]ρ
εἰκὸς ἐξημελ[η-
10 μένον πάλιν ἐξ-
ήρτυε ⟨καὶ⟩ φρουρὰς ἐ-
πὶ \ταῖς/ τῆς χώρας ἐμ-
βολαῖς [ἵ]στη κα[ὶ

[3] Or \Κλε/ο-.

πάντα ὅσα πρὸ[ς
15 πόλεμον ἦν ε[ὐ-
τρέπιζεν ὡστε[
]..α[.]ο. εντειλ[
]ολαβὼν[
].[ ]περι [θή-
20 βας Αἰγυ[πτί]ους τῶν
ἄλλων εἶναι μα-
χιμωτάτους πρῶ-
τον μὲν προὔτρε-
πεν αὐτοὺς ἐκ[ου-
25 σίως ἐπὶ τὴν στρ[α-
τείαν ὡς δ' οὐκ ἠ[-
νείχοντο προς[
..[]ναι..ε....[].[
λε.ετο[
30]σο..[

18, ὑπ]ολαβών Treu.

Reviewing *seriatim* the actions taken by the subject of the verbs, we find:

1. Lines 1–2. The verbs of summoning and defection, however suggestive of intrigue, can hardly be particularized to a specific person or situation in the absence of further clues.

2. Lines 2–5. "For this reason he forged a more than adequate quantity of weapons." During his brief prefecture of Egypt (29–26? B.C.) Cornelius Gallus put down local revolts against the new Roman rule at Heroonpolis and Thebes. Neither of these seems to be a likely occasion for massive production of new armaments: the first city δι' ὀλίγων εἷλε, the second ἐν βραχεῖ κατέλυσε.[4] Gallus then proceeded to the Egyptian–Ethiopian frontier, where he apparently put on a military display to 'show the flag', but for the rest his activities there were diplomatic rather than military.

In 26 B.C. Augustus assigned Aelius Gallus, his new prefect of Egypt, to lead an expedition into Arabia Felix.[5] Most of what we know about that expedition comes from Book 16 (ch. 4.22–24, C 780–82) of Strabo,

[4] Strabo 17.1.53 (C 819). In his commemorative inscription Gallus boasts that he subdued the Thebaid in fifteen days (*OGIS* 654 = Dessau, *ILS* 8995 = *IGRR* I 1293).

[5] Cassius Dio has already reached the year 24 B.C. before he tells of Aelius Gallus' expedition (53.29.3–8). But according to the plausible argument of S. Jameson, *JRS* 58 (1968) 78, the opening words of Dio's account, ἐν ᾧ δὲ τοῦτ' ἐγίγνετο, covers a period beginning in

who was with Aelius in Egypt (17.1.46, C 816), the base in which he prepared and from which he launched the expedition. A massive production of armaments is quite appropriate to an account of those preparations. In fact, Strabo (16.4.23, C 780) states that Aelius' first mistake (ἁμάρτημα) was to create a huge, unneeded war fleet. Our writer's dry πλείω τῶν ἱκανῶν reflects a similar overproduction of weaponry.

3. Lines 5–11. "He refitted Cleopatra's fleet, which had—understandably—been neglected after her death." This reference to the refurbishment of Cleopatra's fleet places the action of *P.Oxy.* 2820 in the first few years after her death, before the neglected hulls had deteriorated beyond salvage. The timing is thus right for Cornelius Gallus, but what would the occasion have been? Surely not his capture of Heroonpolis δι' ὀλίγων. As for his march on Thebes, it is true that the Ptolemies maintained a Nile river patrol (ποταμοφυλακία), but can the light vessels of that service by any stretch of the imagination be called the country's naval force, τὸ ναυτικόν? Perhaps in a wild burst of hyperbole, or even in vainglorious language such as that of Cornelius Gallus' own inscription,[6] but not in the flat matter-of-fact language of *P.Oxy.* 2820. Professor Lionel Casson calls my attention to Arrian 5.8.5, where τὸ ναυτικόν denotes the collectivity of vessels constructed on the spot to ferry Alexander's army across the Indus river and later reassembled for crossing the Hydaspes. But the situations are not the same. Alexander the Great marched across Persia to India with a land army, which created this *ad hoc* 'naval arm' when it was needed. In the Hellenistic kingdoms of Alexander's successors the naval arm of the military establishment operated on the sea, and the fleet of the Ptolemies was no exception.[7]

But if Cornelius Gallus had, so far as we can tell, no need of Cleopatra's fleet, his successor Aelius Gallus may well have had a use for it for his expedition to Arabia Felix. At the northwestern extremity of the Red Sea (present-day Suez), with a connection to the Nile, lay the

26 B.C. That, as further suggested (*ibid.* p.79), Aelius Gallus was already in Egypt as prefect "not later than the year 27 and conceivably earlier" is indeed possible but unprovable in the present state of the evidence.

[6] See n.4 *supra*.

[7] In a recent study by H. Hauben, *Callicrates of Samos: A Contribution to the Study of the Ptolemaic Admiralty* (*Studia Hellenistica* 18, Leuven 1970), and in the substantial body of earlier work there reviewed, the Ptolemaic and other Hellenistic navies are uniformly treated as maritime forces.

city of Cleopatris; here Aelius began his preparations with the construction and equipping of no fewer than eighty warships: *τὸ μακρὰ κατασκευάσασθαι πλοῖα . . . οὐκ ἔλαττον ὀγδοήκοντα ἐναυπηγήσατο δίκροτα καὶ τριήρεις καὶ φασήλους κατὰ Κλεοπατρίδα τὴν πρὸς τῇ παλαιᾷ διώρυγι τῇ ἀπὸ τοῦ Νείλου* (Strabo 16.4.23, C 780). Now, while *ἐναυπηγήσατο* describes the action of building ships (presumably from scratch), *κατασκευάσασθαι* refers, more properly, to equipping or outfitting existing ships.[8] The Ptolemaic fleet left at Alexandria at Cleopatra's death was not insubstantial, consisting of the sixty ships with which she returned from Actium (Plut. *Ant.* 64.1), plus whatever number she had left behind for the defense of Egypt in her absence, minus the small number lost in her vain last effort to flee.[9] It would have been elementary good sense for Aelius to move the most usable of those abandoned hulls from Alexandria, where they would in fact have been taking up berths needed for the new *classis Alexandriae*, to Cleopatris and refit them there.[10] In that case, Strabo's *κατασκευάσασθαι* and the synonymous *ἐξήρτυε* of *P.Oxy.* 2820 could refer to the same activity. In the present state of the evidence this interpretation must be regarded as no more than a possibility, but it does seem to be a very tempting one.

Another case—though a much more tenuous one, in my opinion—might be built on the possibility that the fleet in *P.Oxy.* 2820 is called Cleopatra's through confusion with *κατὰ Κλεοπατρίδα*. But in such a hypothesis, too, *P.Oxy.* 2820 would be a description of the preparations of Aelius Gallus for the Arabian expedition.

4. Lines 11–13: "He stationed garrisons at the entrances to the country." Such preparation hardly seems appropriate for Cornelius Gallus, since he dealt with the uprisings as purely local, limited affairs. No doubt he left a frontier garrison behind after his negotiations with the Ethiopians, but did he similarly garrison the other entrances to Egypt? For Aelius Gallus, who was preparing to lead his military force out of Egypt, such garrisoning would be an elementary precaution to safeguard both the province and his rear. Strabo's language is strikingly

[8] *Cf. e.g.* LSJ *s.v.*

[9] See n.10 *infra*.

[10] If the big vessels could not use the canal, they could be hauled across the narrow isthmus between the seas. By that method Cleopatra moved some of her ships to the Red Sea in a futile last effort to escape Octavian's pursuit (Plut. *Ant.* 69.2–3)—just as Octavian hastened that pursuit by having his fleet hauled across the isthmus of Corinth (Cass.Dio 51.5.2).

close: Aelius invaded Arabia using *μέρει τῆς ἐν Αἰγύπτῳ φρουρᾶς* (17.1.53, C 819) and the Ethiopians took advantage of his absence to attack *τῇ φρουρᾷ . . . κατὰ Συήνην* (17.1.54, C 820).

5. Lines 13–16: "He prepared everything needed for war." What war? Even the vainglorious language of Cornelius Gallus' own inscription is not so hyperbolic as to tout his local military actions as a 'war'. It speaks of *τὴν Θηβαίδα [ἀ]ποστᾶσαν*, *defection[is] Thebaidis*, and Strabo's language is similar, *τήν τε Ἡρώων πόλιν ἀποστᾶσαν . . . στάσιν τε γενηθεῖσαν ἐν τῇ Θηβαίδι*.[11] Aelius Gallus, on the other hand, was preparing to carry war to a potential enemy, a fact which is reflected in the vocabulary of Strabo's account: *καταστρέφεσθαι, ἐχθρῶν κρατήσειν, μακρὰ πλοῖα, πολέμου, πεζούς, τῶν συμμάχων, πολεμίου οὐδενός, συναψάντων . . . εἰς μάχην, πολεμίων*, and later, *Γάλλου Αἰλίου πολεμοῦντος πρὸς τοὺς Ἄραβας*.[12]

6. Lines 18–27: "Esteeming the Egyptians of the Thebaid to be better fighters than the others, he first encouraged them to volunteer for the expedition, but when they did not come forward [he resorted to a draft(?)]."

How does this statement fit Cornelius Gallus? He may well have considered that the Thebaid, which engaged him in two pitched battles and for a total of fifteen days, was peopled by tougher fighters than the rest of Egypt; and he was informed (as his inscription shows, *ILS* 8995.6–7) that Thebes, the seat of the priests of Amun, was the age-old center of opposition to the crown: *Thebaide, communi omn[i]um regum formidine, subacta*. It is conceivable that after defeating them he invited them, out of respect for their fighting qualities, to enlist with his forces. Their refusal would indicate, presumably, that defeat did not abate their hostility. But to what expedition of Cornelius Gallus would this text make reference? The only possibility that we know of would be his march from Thebes to the border with Ethiopia, which no extant source, not even his own lordly inscription, elevates to the status of an expedition. Since in the inscription he does speak of his *στρατιά*, one may consider whether that is the word intended in *P.Oxy.* 2820.25–26, but this possibility is effectively excluded by the fact that the careful writer of *P.Oxy.* 2820 nowhere confuses or interchanges *ει* and *ι*.

[11] *OGIS* 654 etc. (*supra* n.4) 2–3; Strabo 17.1.53 (C 819).
[12] Strabo 16.4.22–24 (C 780–82) *passim*, and 17.1.54 (C 820).

In sum, lines 18–27 taken alone can if necessary be accommodated to Cornelius Gallus and his march to the Ethiopian frontier. The ineluctable objection arises from trying to fit this interpretation with the preceding lines of *P.Oxy.* 2820. For if lines 18–27 refer to Cornelius Gallus, then he is also the subject of the parallel preceding verbs; that in turn means that all these preparations for his 'expedition' (forging arms, refitting a fleet, stationing garrisons, etc.) took place between the capture of Thebes and the march to the Ethiopian frontier —which is, of course, a patent absurdity.

How stands the case of lines 18–27 for Aelius Gallus? First and most obvious: an expedition is precisely what he was preparing, and Strabo twice designates it by the term *στρατεία*: *ἔστειλε τὴν στρατείαν ὁ Γάλλος . . . ἡ στρατεία αὕτη*.[13] Less obvious but possibly also apposite is Strabo's intervening remark that Aelius' infantry consisted of some 10,000 *τῶν ἐκ τῆς Αἰγύπτου Ῥωμαίων καὶ τῶν συμμάχων*. Among the allies, he adds (implying that there were also others?), were Jews and Nabataeans. If there was also a contingent of Egyptians, the Thebans, with their reputation as being *μαχιμώτατοι*, would be the prime recruits in any commander's eyes.

7. A FINAL POINT which should not be overlooked is the fact that the sequence of indicative verbs in *P.Oxy.* 2820 is not in the narrative aorist or even in the historical present but in the imperfect tense. In other words, these were actions that were carried on over a period of time—which, again, is more appropriate to the preparations of Aelius Gallus than to the actions of Cornelius Gallus.

SUMMARY. Gaius Cornelius Gallus, poet, friend of Vergil, soldier and statesman, was one of several 'Renaissance men', as they might be called today, those men of striking ability and versatility who assisted Octavian's rise to power. Information that would help solve the enigma of Gallus' downfall would be most welcome, but such information is not to be found in *P.Oxy.* 2820. Treu's attempt to relate that text to Cornelius Gallus rests on a combination of false reading and false idiom, and must be rejected. In contrast, a fairly strong case can be made out for interpreting *P.Oxy.* 2820 as an account of preparations for Aelius Gallus' expedition to Arabia Felix.

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[13] Strabo 16.4.23, 24 (C 780, 782). Dio's account of Aelius Gallus' expedition also uses *στρατεία* and *ἐπεστράτευσε* (53.29.3).

P. Oxy. 2820 : Gallus... Vous dites Gallus ? (*)

Il y a une quinzaine d'années, sous le titre d'« Egyptian History », Edgar Lobel publiait un fragment d'un ouvrage inconnu en prose (1). Une colonne de texte est conservée pour une bonne part, mais il ne reste que fort peu de choses de la colonne suivante. Ajoutons-y que ces colonnes sont inhabituellement étroites, puisqu'elles ne comportent que de 10 à 16 lettres, avec une moyenne de 12, du moins là où les lignes sont conservées ou peuvent être restaurées. Voici ce qu'on pourrait appeler l'état actuel du texte pour la partie utilisable de la première colonne (2) :

- - - | μεταπέμποιτο, | ἀφίστασθαι καὶ διὰ | τοῦτο [ὅπλα] τε πλεί|ω τῶν ἱκανῶν ‖ [5] [ἐ]χάλκευε κ [. .].η[| .]πατρας ναυ[τικὸν] | μετὰ τὸν ἐκε[ίνης] | θάνατον ὥσπ[ε]ρ | εἶκος ἐξημελ[η]‖ [10] μένον πάλιν ἐξ|ήρτυε φρουράς 'τ'' ἐ|πὶ 'ταῖς' τῆς χώρας ἐμ|βολαῖς [ἵ]στη κα[ὶ] | πάντα ὅσα πρὸ[ς] ‖ [15] πόλεμον ἦν ε[ὐ]|τρέπιζεν ὥστε | [ ] . . . . .εντε . [| ὑπ]ολαβὼν | [τοὺς] περὶ [Θή]‖ [20] βας Αἰγυ[πτί]ους τῶν | ἄλλων εἶναι μα|χιμωτάτους, πρῶ|τον μὲν προὔτρε|πεν αὐτοὺς ἑκ[ου]‖ [25] σίως ἐπὶ τὴν στρ[α]|τείαν, ὡς δ'οὐκ ἠ|νείχοντο - - - -

Dans son introduction, l'éditeur chevronné de tant de papyrus littéraires supposait que le texte conservé se rapportait à des « measures taken, possibly in the second quarter of the first century B.C., by a

(*) Comme on le devinera à la lecture, Jean Bingen a amicalement apporté quelques dernières touches à mon manuscrit et à son titre, un titre que seul Louis Jouvet pourrait lire en lui rendant pleine justice.

(1) *The Oxyrhynchus Papyri*, volume XXXVII (1971), n° 2820, pp. 97-100, pl. IX (« assignable to the first half of the second century », ed.)

(2) Sur deux points, la présentation du texte reste volontairement imprécise. Aux lignes 5-6, le τὸ] τῆ[ς Κλε|ο]πάτρας ναυ[τικόν, que Lobel envisage, mais écarte cependant pour des raisons d'espace et de lecture, se trouvait probablement sous l'une ou l'autre forme sur notre papyrus, sinon dans la première main, du moins dans une correction, marginale ou autre, de Κλεοπάτρας, correction dont la mutilation du papyrus nous cacherait la rédaction précise. D'autre part, l'aporie de la ligne 17 est reprise plus loin.

person of some authority in Egypt ». Le décor ainsi planté, Lobel, avec sa prudence coutumière, ajoute : « the details are too indefinite or too uncertain to make much of a contribution to knowledge ». Humour involontaire, si on songe à la bibliographie qui va bientôt surgir.

Deux ans plus tard, le papyrus a suscité un commentaire de la part de Max Treu : il entrevoit dans ces quelques lignes une tentative avortée de mutinerie fomentée contre Octavien par Cornelius Gallus, le premier préfet d'Égypte (1). J'ai réagi à cette interprétation dans un article où j'ai suggéré que la formulation du texte semblait convenir mieux à l'expédition qu'Aelius Gallus, le deuxième préfet d'Égypte, a montée contre l'Arabie Heureuse (2). Wolfgang Luppe répondit par un article qui soutenait l'interprétation de Treu (3). Giovanni Geraci, reprenant le problème, estime ne pouvoir suivre l'argumentation de Luppe et, après avoir circonscrit les limites dans lesquelles le papyrus pourrait s'adapter aux vicissitudes de l'une ou l'autre des préfectures en cause, constate que ces dernières ne constituent que deux des nombreuses hypothèses qu'appelle un texte dont on ne connaît même pas la nature exacte (4). De son côté, Ludwig Koenen admet que ce texte s'applique aux tribulations de Cornelius Gallus, et il essaye de contourner les dissonances textuelles qui en résultent en suggérant ce qui semble bien être une solution de désespoir : « Though the papyrus seems unavoidably to refer to [Cornelius] Gallus' preparations for a war against Octavian, this need not be historically correct » (5).

Au Congrès de papyrologie de Naples en 1983, c'est-à-dire indépendamment de la publication de Geraci et avant celle de Koenen, Hans Hauben a procédé à « un nouvel examen des sources » (6). Plus récemment, Steven E. Sidebotham a accepté sans commentaire l'attribution à Aelius Gallus (7).

Je voudrais examiner plus spécialement dans la présente note si cette remise sur le métier du papyrus d'Oxyrhynchus et des sources connexes

(1) *Chiron* 3 (1973), pp. 221-33.

(2) *GRBS* 16 (1975), pp. 295-303. — Sur l'expédition d'Aelius Gallus, voir maintenant Steven E. Sidebotham, *Roman Economic Policy in the Erythra Thalassa. 30 B.C.-A.D.217* (Leyde 1986), pp. 120-30.

(3) *APF* 26 (1978), pp. 33-38.

(4) *Genesi della provincia romana d'Egitto* (Bologne 1983), pp. 170-73.

(5) *BASP* 21 (1984), p. 141 et note 76.

(6) *Atti del XVII Congresso internazionale di papirologia* III (Naples 1984), pp. 1085-97.

(7) *Latomus* 45 (1986), pp. 592, n. 3, et 594, n. 14.

par Hans Hauben peut vraiment modifier notre vision des choses et nous contraindre à considérer l'hypothèse Cornelius Gallus comme définitivement acquise.

Sur le plan de l'argumentation, on s'inquiète d'emblée du fait que le « nous pouvons donc conclure » (p. 1089) se fonde sur l'enchaînement « il est fort probable que cette situation... n'a pas été créée par Elius. Elle doit remonter..., on avait dû prendre... » (p. 1088), surtout si on sait combien un tel emploi de « devoir » exprime en français une déduction qui peut être aléatoire.

L'analyse du verbe *ἀφίστασθαι*, qui oriente à tort ou à raison toute interprétation à partir du moment où on lui impose le sens de « faire défection », ne peut que mobiliser notre attention. Hans Hauben nous dit : « Les premières lignes (1-2) sont essentielles pour une bonne compréhension du texte... L'infinitif *ἀφίστασθαι* constitue donc sans aucun doute le motif pour toute la série des mesures prises par le sujet des verbes en question » (pp. 1089-90). Il s'agit en l'occurrence des verbes des lignes 5 à 16. Bien entendu, il n'y a pas lieu de mettre en doute que les deux premières lignes qui sont conservées forment la fin d'une expression de cause ou de motif ; la chose est assurée par le *καὶ διὰ τοῦτο* qui suit. Malheureusement, si on veut fonder une argumentation sur les deux premières lignes, il faut d'abord constater qu'il y a peut-être identité de sujet entre *ἀφίστασθαι* et les verbes qui suivent, mais que, dans l'état actuel du texte, il n'existe aucun moyen de savoir si c'est vraiment le cas, ni, pour la même raison, s'il est permis d'affirmer que « l'optatif *μεταπέμποιτο*... ne peut être qu'une proposition conditionnelle » (p. 1090) (1).

Tout aussi déterminantes pour l'orientation qu'elles semblent imposer au texte sont les restitutions que Wolfgang Luppe a proposées pour les lignes 16-18. Je lis à ce sujet : « Cette interprétation [*i. e.* l'identification Cornelius Gallus] se trouve confirmée par les nouvelles leçons (et les restitutions qui en découlent) aux lignes 16-18, que nous devons à W. Luppe : *ὥστε* [*στασι*]*άσαι, ὅτ' ἐν τέρμ*[*ατι εἴη*]. Or, dans tout ce que nous savons au sujet d'Elius Gallus et de Pétronius, il n'y a aucune trace de conjuration, aucun indice qu'ils se soient révoltés... » (p. 1090). Geraci a montré que rien n'imposait le recours au verbe *στασιάζω* pour une finale aussi banale que *-άσαι*. La lecture en est d'ailleurs incertaine. J'ajouterais que c'est une règle de fer de la critique documentaire

(1) Notons en passant que les lignes sont trop courtes pour qu'on puisse songer à restituer [*ἐδόκει*] à la fin de la ligne 1.

qu'une argumentation ne peut jamais être fondée sur une restitution, si alléchante soit-elle, et l'oublier peut mener à l'arbitraire. Que de déboires la méconnaissance de cette loi n'a-t-elle pas suscités ! Les manuels de papyrologie et d'épigraphie devraient mettre en exergue l'exemple fameux de la restitution *dignitate* dans *Res Gestae* 34. Venant de Mommsen ipsissimus, elle fut universellement acceptée comme obvie pendant près d'un demi-siècle, jusqu'au jour où elle fut balayée sans appel par un fragment trouvé à Antioche : Auguste avait utilisé le mot *auctoritate*, ce qui est autre chose, particulièrement dans un tel contexte. Et on pourrait multiplier les exemples.

Hans HAUBEN a tenté de prévenir les objections qu'on pourrait faire à l'identification qu'il soutient (pp. 1092-94), et a conclu qu'elles n'étaient pas insurmontables. Ici encore, et je n'en reprendrai pas le détail, nous nous trouvons devant un enchaînement séduisant, mais irrecevable, d'hypothèses non contraignantes, introduites, comme celles dont nous avons parlé plus haut, par des « pouvoir » ou des « devoir » annonciateurs de certitudes illusoires. D'ailleurs, Hans HAUBEN constate lucidement qu'il « continue à ressentir un certain malaise » (pp. 1094-95). Je crois que c'est là l'inévitable conclusion du débat tel qu'il l'a engagé. Le fait de répéter ou d'ordonner avec érudition des incertitudes ne peut leur ôter leur caractère incertain.

Puis-je suggérer à titre de conclusion qu'il est temps de reconnaître que toute explication décisive du *P. Oxy.* 2820, un lambeau mal en point, au texte discontinu, sera hors de portée tant qu'on n'en trouvera pas un peu plus ou que de nouvelles sources n'apparaissent pas ? Songeons au parallèle que nous offre un autre fragment largement discuté et commenté, celui de la *Laudatio funebris* d'Auguste pour Agrippa du *P. Köln* 10. Jean-Michel RODDAZ démontre après un examen exhaustif que, malgré toute l'encre et toute l'ingéniosité qui ont été mobilisées sur le problème depuis la première édition, le texte apparaît tout simplement comme trop fragmentaire pour apporter la moindre conclusion ferme sur l'extension des pouvoirs d'Agrippa (1). Avec le fragment d'Oxyrhynchus, nous ne sommes guère mieux lotis.

Naphtali LEWIS

(1) Dans son magistral *Marcus Agrippa* (Paris 1984), pp. 338-57.

The Severan Edict of P. Mich. IX 529

Tax liability was theoretically and legally an individual, not a collective, responsibility, but there is widespread evidence that in the Roman Empire enforcement of restrictions on tax collectors was spotty at best. The rapacity of tax collectors, stimulated in part by the greed-tempting conditions of tax farming, was proverbial. It is surely no accident that the evangelists denounced « publicans and sinners » in the same breath (e.g. Matthew 9 :10, Luke 7 :34) ; their words undoubtedly reflect the popular attitude. Another frequently cited passage is Philo, *De spec. leg.* 69, which depicts in pathetic terms the brutality with which ruthless collectors descended upon friends and family of delinquent taxpayers. Though officially deprecated, this endemic abuse remained a perennial threat, especially to the rural populace, remote from possible agencies of relief.

On the day corresponding to December 5, 199 A.D. (Hadrianus 8th of year 8) Septimius Severus and Caracalla, sojourning in Egypt, issued an edict forbidding exactions from anyone other than the individual who was specifically liable. That edict is preserved — in lamentably fragmentary state — in *P. Flor.* 382, 17-23, a somewhat improved text of which is given in *P. Mich.* IX, p. 29, as an appendix to *P. Mich.* 529. The opening words of that edict, *ἔτι πολλοί τινες* [*ἐνέτυχον aut sim.*], and the later statement *καίτοι ἄνωθεν διατε*[*τάχαμεν*], reveal that these same emperors had previously ordered discontinuance of the abuse and were now doing so again in response to continuing complaints. Even this iteration of the imperial edict did not bring prompt or universal compliance. Complaints and petitions to the emperors continued, and a few weeks later, in January or February of 200 A.D. (Mecheir of year 8), the edict was promulgated again, that is to say, a third time. This latest version is preserved in *P. Mich.* 529, 39-53. Though concerned with the same matter and repeating much of the earlier language verbatim, the Michigan edict cannot be dismissed as merely a delayed promulgation of the Florence edict but is revealed by its formulation to be a separate and further reaffirmation of the prohibition ordered twice previously. This repeated issuance, at strikingly short intervals, illustrates in glaring fashion how con-

sistently even imperial constitutions were ignored or frustrated in local practice (1).

Though better preserved than the Florence text, *P. Mich.* 529 is far from complete. In considerable measure the restoration of each text is aided by what is preserved in the other. *P. Flor.* 382 remains a fragment, its central lacuna largely unrestorable. But the Michigan version, as will be seen, can now be restored almost *in toto*, not always with assurance as to the *ipsissima verba* but with reasonable certainty as to sense.

The formulaic imperial nomenclature in the heading reveals the length of the restorations required in the Michigan text. At the left 4 letters are lost in line 40, 2 or 3 letters in the other lines ; at the right the loss is normally in the range of 12-14 letters, except in lines 47-48 where it amounts to 18 letters. In the text that follows, a question mark designates line endings where the restoration is not assured by common formula or by *P. Flor.* 382 but is offered *exempli gratia* to convey the general sense.

P. Mich. 529, 39-53

[Αὐ]τοκράτωρ Καῖ[σαρ] Λούκιος Σεπτί[μιος Σεουῆρος]
40 [Εὐσε]βὴς Περτίναξ Σε[β]αστὸς Ἀραβικὸ[ς Ἀδιαβηνικὸς]
[Παρ]θικὸς μέγιστος καὶ Αὐτοκράτω[ρ Καῖσαρ Μάρκος]
[Αὐρ]ήλιος Ἀντωνῖνος Εὐσεβὴς Σεβ[αστὸς λέγουσιν ·]
[ἔτι] πολλῶν ἐντυχόντων ὥσ[τε ἀφεθῆναι τοῦ ?]
[ὑπ]έραλλα ἀπαιτεῖσθαι ὡς ἐξ ἀλλ[ηλεγγύης παρὰ τὰ]
45 [ἄν]ωθεν διατεταγμένα, ἀν[αγκαῖον ἡγη-]
[σά]μεθα τὸ προηγορευμένον ἔ[κθεμα πάλιν ἀγο- ?]
[ρε]ύειν, μηδένα ἀπαιτεῖ[σθαι ὑπέραλλα μήτε πά-]
[τέ]ραν ὑπὲρ υἱοῦ μήτε [υἱὸν ὑπὲρ πατρὸς μήτε]
[ἄλ]λ̣ον ὑπὲρ ἄλλου μήτε ..[1-2]χ[— —]
50 [...]εσθαι προφάσει ἀπαιτήσεως [ἡστινοσοῦν ? (aut sim.)]
[ἐὰν] δέ τις φωραθῇ ὑπέραλλα ἀπαιτ[ῶν ὑβριστικῶς ?]
[τιν]α οὐ τὸν τυχόντα κίνδυνον ὑφ[έξει. vacat]
[πρ]οετέθη ἐν Ἀλεξανδρίᾳ (ἔτους) η Μεχ[εὶρ .. vacat]

(1) For the parallel situation in the administration of liturgies see *Atti dell' XI* [1965] *Congr. Intern. di Papirologia*, pp. 508-32. The editor of *P. Mich.* 529 misconstrues the edicts in that document and in *P. Flor.* 382 as providing « relief from a liturgy » (p. 25) ; the issue in these edicts is not liturgy but the collection of taxes and requisitions (ἀπαιτεῖσθαι).

Notes

42. *λέγειν* is the formulaic word of imperial and prefectural edicts, and *λέγουσιν* is preserved in *P. Flor.* 382, 18 (though incorrectly punctuated as the opening of the following sentence by the Florence and Michigan editors).

43. *ἔτι* is reasonably certain : it not only provides the required sense but also occurs at this point in *P. Flor.* 382, 18. The supplement at the end of the line, on the other hand, must be regarded as merely an indication of sense and construction.

44. *ὑπέραλλα*, as it occurs in *P. Flor.* 382 and *P. Mich.* 529, is clearly one word, not two. The adjective *ὑπέραλλος* is exceedingly rare, occurring only in these two papyri and, according to *LSJ*, once in Pindar where it means « above others », « exceedingly great ». Here in the Severan edict, however, the issue is not excessive payments but the practice of forcing one person to pay for another. It seems fairly certain, therefore, that the adjective *ὑπέραλλος*, though it has not occurred elsewhere in this sense, is here an alternative expression for the *ὑπὲρ ἄλλου* of line 49. As *ὑπὲρ ἄλλου* no doubt represents *pro alio* in the Latin original of this Severan edict, *ὑπέραλλα* may well translate *aliena*.

45-46. A variety of restorations can be imagined for filling the gap between *ἀν* and *μεθα*, but *ἀν[αγκαῖον ἡγη/σά]μεθα* + infinitive has by far the strongest claim, based on idiom and frequency of usage. This construction is found at such a juncture — i.e. following an opening genitive absolute or other « whereas » clause reciting the circumstances leading to the decision about to be announced — in private and public documents of Ptolemaic, Roman and Byzantine date, including the edict of Germanicus (*SB* 3924 = *Sel. Pap.* 211, 10) and the prefect's prefatory edict to Claudius' letter to the Alexandrians (*P. Lond.* 1912 = *Sel. Pap.* 212 = *Corp. Pap. Jud.* 153, 6). Other occurrences are *BGU* 824, 4 and 1874, 4-5, *P. Flor.* 278 II, 1-2, *P. Lond.* 1925, 4-5, *P. Oxy.* 1861, 1-2, *PSI* 826, 3, *SB* 7243, 3 and 8072 (= *P. Princ.* 20), 16, *SEG* IV, 512, 5, *SIG*³ 821 and 867 (= Abbott-Johnson 105). Similar expressions are *ἀναγκαῖον ... ἐνόμεισα ... διαπράξασθαι* in *SB* 6000 II, 21-22, and *ἀ[νάγ]/κη γεγένηται παραγγέλματι π[αράγ]/γελῆναι* in *P. Oxy.* 1411 (= *Sel. Pap.* 230), 7-9.

46. *ἐ[πίσταλμα*, ed., under the misapprehension that the present constitution is a rescript (introd., p. 25). It is, in reality, an edict (cf.

note to line 42, above). For *ἔκθεμα* as a Greek rendering of *edictum* cf. e. g. *OGIS* 664 = Abbott-Johnson 164, as well as *LSJ* and H. J. Mason, *Greek Terms for Roman Institutions* (*Amer. Studies in Papyrology* XIII, 1974), *s.v.*

46-47. While any of a number of other infinitives (e.g. *κελεύειν*) can supply the apparent sense, the rhetorical repetition of *ἀγορεύειν* has a special appeal. An element of rhetoric inheres (by definition) in public pronouncements, and Roman imperial constitutions are no exception to this general rule. In the vast literature on the relationship of rhetoric and Roman jurisprudence (for a recent example see B. Vonglis, *La lettre et l'esprit de la loi dans la jurisprudence classique et la rhétorique*, Paris, 1968, and its bibliography running to four and a half pages), relatively little attention has been paid to the rhetorical quality and components of legal language. Such a study, especially of the decrees, edicts, senatus consulta and the like brought to light in the last two centuries, is much to be desired. A Latin vocabulary of juridical import is collected from some rhetorical sources in F. Lanfranchi, *Il diritto nei retori romani*, Milan, 1938, pp. 577-668.

48. On the heteroclytic accusative *πατέραν* cf. Mayser, *Grammatik* I, p. 199.

49. Restoring the end of this line presents the following problems. The most attractive possibility deriving from the *ed. princ.* of *P. Mich.* 529 and the revision of *P. Flor.* 382 appended there is to restore *μη-δ̣[ένα ἀντιχρημα/τί]ζεσθαι*. But M. Manfredi writes me that *μηδένα* cannot be read in the Florence text, and H. C. Youtie regards *μηδ[* as an unlikely reading of the Michigan remnants. The *ἀν̣[τι]χ̣[ρημα-* of the *editio princeps* can be reconciled with the Michigan traces, but this produces a line-end supplement that is too short by 5 or 6 letters. The space can be filled by restoring *ἀν̣[τ' ἄ]λ̣[λου χρημα—*, but Youtie regards *χ̣* as a more likely reading than *λ̣*. Moreover, he finds no trace of zeta at the beginning of line 50. In sum, *non liquet*.

51. *ὑβριστικῶς* is suggested by *P. Flor.* 382, 22-23.

Translation

The Emperor Caesar Lucius Septimius Severus Pius Pertinax Augustus Arabicus Adiabenicus Parthicus Maximus and the Emperor Caesar Marcus Aurelius Antoninus Pius Augustus declare : Since many still petition to be freed from being forced, contrary to prior edicts,

to pay levies of others as if on mutual security, we deem it necessary to reaffirm our previously proclaimed edict on this matter, viz. that no one is to be forced to pay levies of another — neither a father for a son, nor a son for a father, nor anyone for anyone else — nor substituted (?) for another under the claim of any such collection. If anyone is revealed contemptuously collecting levies of another from anyone, he will suffer no ordinary danger. Posted in Alexandria, year 8 Mecheir —.

Yale University Naphtali Lewis

Editor's note:
This document is reprinted as *SB* XIV 11863. On ὑπέραλλα see also *ZPE* 23 (1976) 131-32, 135-36, and 28 (1978) 281-83.

The Michigan-Berlin Apokrima

P. Mich. IX 529 contains three documents of the Severan era. On the recto is a petition to the prefect Maevius Honoratianus (231-237 A.D.) (1), on the verso are two pronouncements of the first two Severi. The hands, though more or less contemporary, are very different: that of the recto is rapid, slanting, rather spidery — clearly the work of a skilled writer; that of the verso is a smallish, upright, clear but graceless semi-uncial little given to ligature (2).

None of the texts is completely preserved, but they are restorable to different degrees of completeness. The petition of the recto, regarding abusive appointment to a liturgy, can with the aid of parallels be reconstructed almost in its entirety, as I have shown in *BASP* 9 (1972), pp. 33-36. The second text of the verso, an imperial edict (lines 39-53 of the edition), can similarly be restored almost completely as to sense but with some uncertainty about the exact wording: see *CE* 50 (1975), pp. 166-71. I turn now to the remaining text, lines 25-38 of the edition. As with the rest of *P. Mich.* 529, the attempt at reconstruction that follows has benefited from a reexamination of the original at several points by Herbert and Louise Youtie.

Of the three documents in *P. Mich.* 529 the imperial constitution of lines 25-38 is richest in new information. But for that very reason it is the most difficult of the three to restore: the lack of parallels, formulaic and contextual, leaves voids in which both text and interpretation remain conjectural. The recent discovery of another copy of the document on a Berlin papyrus (3) increases the extant text by about a

(1) See the new list of prefects by G. Bastianini, *ZPE* 17 (1975), p. 310.

(2) A. Swiderek, taking issue with the Michigan editor, thinks the verso « est intimement lié à son recto. Il s'agit notamment de deux énoncés impériaux... probablement cités à l'appui de la requête qui se trouve au recto » (*Proc. XIV* [1974] *Int'l. Congr. of Papyrologists*, p. 296). On the contrary, the documents offer little basis for such association. To be sure, all three documents relate to administrative abuses, but the issue on the verso is improper tax collection, which has nothing to do with appointment to liturgic office, the issue of the recto.

(3) P. 7216, published by A. Swiderek, *loc. cit.* pp. 293-98 (references hereafter are to Swiderek and page). A photograph of the papyrus appears in *Aegyptus* 45 (1965) plate 8.

third, but as the Berlin text is also fragmentary it creates almost as many problems as it solves.

With their mutual supplements the Michigan (hereafter referred to as M) and Berlin (hereafter B) texts can be restored to the following extent.

M

Supplements of 2-4 letters are required at the left, 10-13 letters at the right. The line numbering of the edition is here retained to avoid confusion, but it should be noted that the lines numbered 35 and 37 are really interlinear corrections, in smaller script, of the lines below them, here numbered 36 and 38. Supplements offered *exempli gratia* are indicated by (?).

25 *ἐξ ἀπ]οκριμάτων θεῶν Σεουήρου κ[αὶ Ἀντωνίνου ·*
μεθ'] ἕτερα τὸ ἀνῆκον μέρος · Λολιαν[ὸς εἶπεν · τέλη
ποικ]ίλα ἐστὶν ἐν τῷ νομῷ ὧν μισ[θωτής ἐστιν,
ἀλλὰ] βαρύνι τοὺς γεωργοὺς καὶ τῆς [ἀβρόχου χώρας
τὴν] μονοδεσμίαν ἀπαιτῖ. δέον τοίν[υν τὰ μὲν ±4
30 ±3]*α τῶν τελῶν διὰ τῆς βουλῆς ἀ[πομισθοῦσθαι,*
τὰ δ]ὲ λοιπὰ τῇ γῇ ἐπιβάλλεσθαι οι[±12
±3].*ότερόν ἐστιν ἀνθρώπου ἑνὸ[ς* ±11
. *ί]α τοσαύτῃ. Ἀντωνῖνος Σεβασ[τὸς εἶπεν · ἐπι-*
τ[*ὰ τέλη*(?)
βλη]θήσεται τοίνυν τοῖς πλουσιωτ[έροις [[ὥστε (?) τοὺς]]
35 *ἵνα μ]ὴ οἱ ἄγροικοι ἐν τούτῳ βαρηθῶσει*
[[λεπτ]οὺς καὶ τοὺς ἀγροίκους μὴ βαρ[ηθῆναι σὺν (?)]]
(?) *μετὰ]τῆς* *vacat* [ς.
[[τῇ]]] τῶν βουλευτῶν συμφων[εία.

B

Supplements required: left, 10-12 letters in lines 2-9, 8 letters in lines 10-14; right, 0-3 letters.

ἐξ ±9] *τοῦ κυρίου ἡμῶν Σεούηρου*
Ἀντωνείνου Ε]ὐτυχοῦς Εὐσεβοῦς Σεβαστοῦ ·
Λολιανὸς εἶπε]ν · τέλη ποικίλα ἐστὶν ἐν τῷ

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νομῷ ὧν μισθω]τής ἐστιν, ἀλλὰ βαρύνει τοὺ[ς
5 λεπτοὺς (?) γεωργ]ο̣ὺ̣ς καὶ τῆς ἀβρόχου χώρας τ̣ὴ̣[ν
μονοδεσμία]ν ἀπαιτεῖ. δέονται νῦν τὰ μ̣[ὲν
±6 τῶν τε]λῶν διὰ τῆς βουλῆς ἀπομισ-
θοῦσθαι, τὰ δ]ὲ τῇ γῇ ἐπιβάλλεσθαι οἰμ̣ [. . .
±9 ότ]ερον ἀνθρώπου ἑνὸς .[
10 ±7 ί]α̣ τ̣οσαύτη. Ἀντωνεῖνος [Σεβασ-
τὸς εἶπεν ·] ἐπιβληθήσεται τοίνυ[ν τὰ τέλη (?)
τοῖς πλου]σιωτέροις. εἰ δ'οὖν. τοὺς λ[ε]πτοὺ[ς
καὶ τοὺς ἀ]γροίκους οὐ βαρήσι η εκτουο.[
σὺν τῇ (?) τῶ]ν βουλευτῶν συμφωνεία̣. vacat

13. Perhaps γ' ρ.

Commentary

I. *Comparison of the Two Copies*

It is apparent at a glance that M and B are not identical in wording. The captions are different, M attributing the text to Severus and Caracalla, B to Caracalla alone ; a possible further difference in the captions is discussed in § II, below. The notation *μεθ' ... μέρος* of M 26 is missing in B. At the beginning of line 5 B obviously had a word that is not in M before *γεωργούς*. In line 8, B omits *λοιπά* : the word neither follows nor, apparently, did it precede *δέ*. In line 9, B either omitted *ἐστίν* before *ἀνθρώπου* or had it in the lacuna after *ἑνός*. In lines 12-13, B diverges completely from both the original and the corrected (interlinear) version of M.

All these differences, major and minor, not only cry out for explanation but also raise once again the larger question of the sources and accuracy of ancient citations (1). On neither score is a ready answer

(1) A recently published letter of the prefect Balenus Blastianus shows similar textual variations, also greatest at the end, in its two copies : *Festschr. 150 Jahr Bestehen Berl. Aegypt. Museums* (= *Mitteil. aus der Aegypt. Sammlung* 8, 1975), pp. 426-27. There are also instances of different copies of official documents bearing different dates, e.g. *BGU* I 267 and *P. Strassb.* I 22, *P. Oxy.* XII 1405 and XLIII 3105. The universality of the problem is well illustrated by a remark of W. H. Stahl *Roman Science* (Madison, 1962), p. 257, « Even direct quotations are not to be taken as conclusive evidence that a compiler had handled a cited work. Greek compilers

available. Copying from dictation will obviously not account for differences of such scope as those encountered here. It would be easier to imagine that this ruling, like the accompanying edict on the verso of M (1), was issued on more than one occasion, once (M) among the imperial *apokrimata* of 200 A.D. and later, in slightly variant language (B), during Caracalla's sole reign (212-217 A.D.). But this explanation is effectively excluded by the fact that in both M (26-33) and B (3-10) the imperial ruling is preceded by the identical remark : clearly both copies or versions, M and B, relate to the same proceedings.

II. *The Restoration of the Caption and the Meaning of Apokrima*

There can be little doubt that the restoration *ἐξ ἀ]ποκριμάτων* in M 25 is correct. The only other possibility is *ὑ]ποκριμάτων*, a rare word having no attested connection with the world of government and law. The word *ἀπόκριμα*, on the other hand, is a familiar legal term, the Greek rendering of the Latin *responsum* ; and it is, moreover, one intimately associated with Septimius Severus and Caracalla since the publication of *P. Col.* 123, which records thirteen *apokrimata* issued by those emperors during three days of their stay in Alexandria in 200 A.D. (2).

The text of M (and B ? — see two paragraphs below) adds a new and broader dimension to the meaning of *apokrima*. The *apokrimata* of *P. Col.* 123 sound like brief replies (three to thirty-three words in length) to written petitions. But in the instance before us *apokrima* is clearly the judgment pronounced by the emperor after hearing oral presentations. That, as Wilcken long ago pointed out (in a footnote, where it has generally been overlooked), is also the meaning of *ἀπόκριμα* in *P. Teb.* 286 (= *M. Chr.* 83), where the word is used synonymously with *ἀπόφασις* (= *sententia*) (3).

were fond of seeming to be quoting Plato, but their quotations generally prove to be inaccurate, owing to careless transcriptions by generations of Platonists ». Stahl discusses the matter at considerable length ; see esp. pp. 254-58.

(1) Cf. *CE* 50 (1975), pp. 202-3.

(2) The text of *P. Col.* 123 must be read in the revision by H. C. Youtie, *CE* 30 (1955), pp. 332-34. *SB* 9526 unfortunately reprints the *ed. pr.* Another *apokrima* appears in *P. Oxy.* XLII 3018, 1-5 : see the editor's introduction ; J. H. Oliver, *AJP* 96 (1975), p. 230 ; and my remarks in *BASP* 13 (1976), pp. 160-1.

(3) *Corp. Gloss. Lat.* s.vv. Cf. U. Wilcken, *Hermes* 55 (1920), p. 32 n. 1.

Until the discovery of B it was possible to envisage the restoration of the body of M according to various concepts. But the supplements to M provided by B establish beyond reasonable doubt that the text before us is a procès-verbal (1). This identification hinges, to be sure, on the restoration *Λολιαν[ὸς εἶπε]ν* but that restoration, conforming to numerous parallels (2), seems inescapable in view of the small number of missing letters. Likewise, it is difficult to see what the nominative *Ἀντωνῖνος Σεβαστός* in M 33 = B 11 can be if not the subject of *εἶπεν* lost in the following lacuna (3).

The fact that the document is a procès-verbal affects in turn our thinking about the restoration of B 1. From the example of M it would perhaps be natural to assume that B also began *ἐξ ἀποκριμάτων*, and the slightly excessive length of this restoration of 13 letters could easily be explained on the further assumption that this caption, like many another, projected into the left margin. But since the captions of M and B do have different imperial attributions, since their texts do diverge significantly at the end, since we do have other evidence of *apokrimata* issued in the joint names of Severus and Caracalla and not of the latter as sole ruler, and since the normal caption for a procès-verbal is *ἐξ ὑπομνηματισμῶν* (4), it is at least possible and perhaps likely that the correct restoration of B 1 is *ἐξ ὑπομνηματ(ισμῶν)* (5).

III. *The Date of the Trial*

M, copied some time after 231-237 A.D. (6), ascribes this text to the *apokrimata* of Septimius Severus and Caracalla, issued a generation

(1) So Swiderek, hesitantly (p. 295). She goes on (p. 296) to apply the title of *apokrima* in M 25 also to the second of the pronouncements of the Michigan verso (lines 39-53), but that document is beyond any doubt an edict : cf. *CE* 50 (1975), p. 204.

(2) Cf. e.g. *M. Chr.* 79-86 ; R. Coles, *Reports of Proceedings in Papyri* (Brussels, 1966), pp. 40-46.

(3) Swiderek's willingness (p. 295) to supply either *εἶπεν* or *λέγει* ignores the distinction between these technical terms, *λέγει* being reserved for the opening of imperial and prefectural edicts.

(4) Cf. e.g. *M. Chr.* 79-86 ; R. Coles, *op. cit.* pp. 29-35.

(5) Abbreviated as in *M. Chr.* 90. The phrase *ἐξ ἀποφάσεων*, using the term which *inter alia* appears as a synonym of *apokrima* in *P. Teb.* 286 = *M. Chr.* 83 (see above), is the right length for the lacuna, but there is no evidence that it served as the caption of a procès-verbal.

(6) The date of the petition on the recto of *P. Mich.* IX 529.

earlier. B, on the other hand, is a contemporary copy, ascribed to Caracalla as sole ruler and copied during the period of his sole rule, i.e. 212-217 A.D. As already observed (§ I, above), the possibility that the same or similar rulings were issued on both occasions is effectively excluded. Obviously, then, both ascriptions cannot be correct.

Of the two, the ascription of B is the likelier to be right, for the following reasons :

(a) When M was copied both Severus and Caracalla were long since dead. This lapse of time makes an error in citation likelier in M than in B, which is contemporary with its claimed source. (Incidentally, if the citation in M is erroneous, it stands as an even more striking testimonial to the landmark position and lasting fame of the *apokrimata* of 200 A.D. than it would if it were correct.)

(b) In both copies the decision is rendered by Caracalla alone (M 33 = B 10-11). This is most improbable if the hearing took place in the spring of 200 A.D., when Caracalla was but rising fourteen years of age. The inclusion of Caracalla's name *along with* Severus' in the *apokrimata* of 200 A.D. poses no problem whatever : it is in fact the regular style of the period, all official acts having being promulgated in their joint names from the time when, in 196 A.D., Severus had the title of Augustus bestowed on the then 10-year-old boy as his designated successor. (A century later Licinius junior, it will be recalled, was proclaimed Caesar at the age of twenty months.)

If the clash of captions is thus resolved in favor of B, it is a reasonable conclusion that the audience recorded in M and B took place in 215 A.D., when Caracalla was again in Egypt.

IV. *Notes on the Texts*

M 26 = B 3

The notation *μεθ' ἕτερα τὸ ἀνῆκον μέρος*, missing in B, informs us that what follows is an extract from a longer text, preceding matter irrelevant to the present purpose being omitted. However it is to be reconstructed, the entire text that follows must have amounted to at least 65 words, of which the final pronouncement of Caracalla claims some 15-25 words (depending on which of the three versions one counts : see below on M 34-38 = B 12-14). This length accords well with the

apokrimata of *P. Col.* 123, which range from 3 to 33 words. The longest extant *apokrima*, that of *P. Teb.* 286 = *M. Chr.* 83, runs to 53 words (1).

M 26-27 = B 3-4

The word *ποικίλος* is rare in the language of the papyri. Here it is no doubt the Greek rendering of Latin *varius* (cf. *Corp. Gloss. Lat.* s.v.). In fact, this whole first clause, from *τέλη* without the definite article to the second *ἐστίν*, sounds in its wording and word order like a literal Greek version of a Latin original : *vectigalia varia sunt in nomo quorum conductor est* (*aut sim.*). For another instance see below on B 12-14.

The apparent Latinism of these lines accords well with the Latin name of the speaker (2). The tone of his remark — advisory rather than pleading — stirs the thought that he may have been a member of the emperor's entourage (perhaps even of the *consilium*?) rather than a local advocate. It is, in fact, difficult to escape the conclusion that he is the same Lollianus who appears in a similar role in the Dmeir inscription *SEG* XVII 759, the record of a hearing held by Caracalla in Syria in 216 A.D. There too, as W. Kunkel observed, « Dem Kreise der *amici* des Kaisers gehören wahrscheinlich auch die beiden Advokaten an, die in unserem Prozess auftreten. ... dass sie zum persönlichen Gefolge des Kaisers gehörten » (3). As the inscription also records the *nomen* Egnatius, Kunkel identified the man as L. Egnatius Victor Lollianus (= *PIR*² E36), a prominent political figure of the times, also celebrated as an orator.

The matter of tax farming, alluded to in these lines, is discussed below in the commentary on M 29-31 = B 6-8.

M 28-29 = B 4-6

Considerations of space reveal that B must have had a modifier between *τούς* and *γεωργούς* : *λεπτούς* is suggested by the expression

(1) Cf. now *AJP* 96 (1975), p. 230, where J. H. Oliver employs the « well-known brevity » of the Columbia *apokrimata* as a criterion in the interpretation of *P. Oxy.* XLII 3018.

(2) Cf. the echoes of Latin phraseology noted in *M. Chr.* 83 introd.

(3) W. Kunkel, *Festschr. H. Lewald*, p. 84. On the composition of the prefect's *consilium* cf. E. Balogh and H.-G. Pflaum, *RHD* 30 (1952), pp. 117-24.

in lines 12-13, but there are of course all sorts of possibilities (e.g. *ἐνθάδε aut sim.*).

While *βαρύνει τοὺς γεωργούς* is a cliché of the rhetoric of protest, there is abundant evidence in papyri and inscriptions that the abuse it describes was none the less real (1). The following clause (*καὶ ... ἀπαιτεῖ*), although syntactically coordinate, no doubt specifies the particular abuse concerned in these proceedings.

M 29-31 = B 6-8

M 29 has *δεοντοι* where B 6 just as clearly has *δεονται*.. The sentence can be construed with either reading, *δέον* giving the frequently encountered absolute construction, *δέονται* the plural verb with neuter plural subject, an increasingly common phenomenon in postclassical Greek (2). At the end of M 29 « the slight remnants will accomodate ν̣, but they are far from making it compulsory. » (Youtie)

The genitive *τῶν τελῶν* suggests that the preceding word was a comparative or a superlative, e.g. *πλείονα, πλεῖστα, μείζονα, μέγιστα, aut sim.* But if there is a parallel in the papyri or elsewhere than can deliver up to us that key word, it has escaped my notice.

B 7-8 : *ἀπομισ[θώσασθαι* ed., but a passive (not a middle) infinitive, paralleling *ἐπιβάλλεσθαι* is required, as is the present tense.

B 9 : The trace at the end suits *γ*, *π̣* or *ιτ̣*.

It is clear that the expansion of the liturgic system in the second century A.D. did not completely eliminate the practice of tax farming in Roman Egypt. But the evidence on tax farming in the third century is meagre and accumulates slowly (cf. most recently *P. Oxy.* XLIII 3104, of 228 A.D.), so that we are far from being able to define its boundaries or activities in any systematic way : for example, we cannot even tell what difference, if any, is conveyed by the terms *μισθωτής* and *τελώνης* (= *conductor* and *publicanus*, respectively ? cf. *Corp. Gloss. Lat.* s. vv.). Our information on the role of the third-century boule in tax collection is likewise spotty (3). The word lost in

(1) Examples abound. A typical case, from the time of Severus and Caracalla, is Abbott-Johnson 142. This and other examples are collected in N. Lewis and M. Reinhold, *Roman Civilization* II (New York, 1955), pp. 398-401, 452-54.

(2) Cf. E. Mayer, *Grammatik*... II.3, p. 29.

(3) Cf. e.g. P. Jouguet, *La vie municipale*... (Paris, 1911), pp. 431-38 ; A. H. M. Jones, *The Cities of the Eastern Roman Provinces*² (Oxford, 1971), p. 334.

M and B before *τῶν τελῶν*, if we could restore it with any assurance, would make a major contribution to our knowledge, defining as it does the area of the boule's responsibility for the leasing of tax farming contracts. Swiderek thinks (p. 297) that the distinction is drawn between direct and indirect taxes, but she admits that the bits of extant evidence on the *monodesmia* are contradictory.

M 31-33 = B 8-10

M 31 : *οι.*[ed. pr. The line « ends with *οι*[, and there is no least trace of ink after *ι.* » (Youtie)

In the edition M 32 has *πότερον*, which is accordingly restored by Swiderek in B 9. But the *π*, while possible, is not certain. H. C. Youtie writes, after reexamining the Michigan papyrus, « Immediately before *τερον* is an arc that might be the upper portion of *ο*. The arc is so extensive that it would take very little to close it at the bottom. In front of this is the right end of a horizontal, so placed that one might read, *γ*, *τ* or *π*.» To a specific further inquiry as to the possibility of reading]*σ*, his reply runs, « I should not like to make a categorical denial of *σ*, but it is noticeable throughout this hand that the top of sigma tends to have a slight dip to the right. On purely paleographical grounds I should still prefer *γ*, *τ* or *π*.» Accordingly, two possibilities may be envisaged for the reconstruction of this sentence :

1. with *πότερον*, an indirect question along the lines of « they ask whether it is within the power of one man to... » (similarly Swiderek p. 297, but as a direct question) ;

2. with].*ότερον* taken as a comparative, a statement along the lines of « such power (*aut sim.*) is more... than one man ought to be permitted to exercise. »

Either way the general sense is that the *μισθωτής* exceeded the powers, rights or privileges conceded to a single, non-official individual (cf. the sense of *ἄνθρωποι*, the emperor's subjects, in the *Constitutio Antoniniana*, *P. Giss.* 40, 6).

Whether *τοσαυτη* and its preceding noun end the speech of Lollianus (as is most likely) or introduce Caracalla's, they are apter to be in the dative than in the nominative. The noun may have been something like *ἐξουσία*, *ἐπήρεια*, *aut sim.*

M 33-34 = B 10-12

The nominative *Ἀντωνῖνος* at this point is not readily explained except as the subject of *εἶπεν* lost in the lacuna.

For the subject of *ἐπιβληθήσεται* two possibilities must be envisaged. Either it is understood from the general sense of the preceding sentence, which seems the weaker possibility (1) ; or else it must be found later in this sentence. The interlinear τ above M 34 — which appears to be a true addition, since nothing below is crossed out (unlike the cancellations in the following lines) — strongly suggests the possibility of restoring *τὰ τέλη* as the subject of the verb.

M 34-38 = B 12-14

Most of M 34-36 was canceled with a horizontal stroke of the pen and rewritten, apparently by the same hand, changing an infinitive construction to a subjunctive clause. No other extant *apokrima* shows anything comparable. Such extensive revision naturally raises a question (cf. note 4, above) about the source and accuracy of this copy of what was, after all, an official document.

Further it seems probable that the texts of M and B differed in these final lines even before M underwent its interlinear revisions. In the first place, the lacuna at the right of M 34 is a little too short for the opening words of the protasis that follows *πλουσιωτέροις* in B. Next, where B 13 has *οὐ* M 36 has *μή*, and while these negative particles are often used indiscriminately in postclassical Greek (2), the lack of identity at this point favors the conclusion that M and B were not copied from an identical source. Finally, B clearly had several more letters between *βαρήσι* and *βουλευτῶν* than the original state of M can accomodate.

The syntax of B in these lines remains a puzzle. The conditional sentence that opens in line 12 has no visible apodosis. If the word after *βαρήσι* in line 13 is *ἢ* it ought to be followed by another verb ; this would have to be found in the unpromising combination of letters and space immediately following, and even if found would merely continue the protasis. A grammatically more attractive possibility is to

(1) Cf. E. Mayser, *op. cit.* II.3, p. 3.
(2) Cf. ibid. II.2, pp. 550-2.

construe the eta after *βαρήσι* as the definite article for *συμφωνεία*, with the words between the two falling into the normal attributive position. Either way the text appears to end with *συμφωνεία* without providing an apodosis to the *εἰ δ' οὖν* opening of line 12.

With respect to M, the reasonable conclusion from all of the above is that its text never had the clause beginning *εἰ δ' οὖν* but rather a single main verb, *ἐπιβληθήσεται* in lines 33-34, followed by a subordinate clause that carried to the end. That clause was altered by appropriate cancellation and interlinear rewriting. The original version, as I reconstruct it, read *ὥστε τοὺς / λεπτοὺς καὶ τοὺς ἀγροίκους μὴ βαρηθῆναι σὺν / τῇ τῶν βουλευτῶν συμφωνίᾳ*. This was revised to read *ἵνα* (or *ὅπως*) *μὴ οἱ ἄγροικοι ἐν τούτῳ βαρηθῶσει / μετὰ τῆς τῶν βουλευτῶν συμφωνίας*.

A final point of detail: *τοὺς λεπτοὺς καὶ τοὺς ἀγροίκους* renders *homines rustici tenues*, as Swiderek aptly observes (p. 298 n. 6).

Translation

M	B
Extract from the *responsa* of the deified Severus and Antoninus. *Post alia*, the relevant portion.	Extract from the ... (1) of our lord Severus Antoninus Felix Pius Augustus.

Lollianus said: « There are in the nome various taxes of which he is the lessee, but he burdens the farmers (2) and exacts the *monodesmia* for unwatered land. Now, the ... of the taxes ought to be leased out by the boule and the rest imposed upon the land ... than (3) one man ... such great... » Antoninus Augustus said: « Therefore the taxes (?) will be imposed upon the wealthier

in order that the farmers not be burdened in this with the consent of the bouleutai. » (4).	If, then, he will not burden the poor people and the farmers... with the consent of the bouleutai ».

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(1) *Responsa* (?), minutes (?): see above, p. 44.
(2) Poor(?) farmers — B.
(3) Or « of ».
(4) Corrected from « so that the little people and the farmers not be burdened in this with the consent of the bouleutai ».

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Editor's note:
The texts are reprinted as *SB* XIV 11875 and 11876.

FURTHER THOUGHTS ON THE MICHIGAN-BERLIN APOKRIMA (1)

This apokrima of A.D. 215 is extant in two copies, both incomplete: *P.Mich.* IX 529, lines 25-38, and *P.Berol.* 7216 (shown as plate 8 in *Aegyptus* 45 [1965]; text published in *Proc. XIV Int'l. Congr. of Papyrologists* 293-98). The two copies, hereafter referred to as **M** and **B**, show only insignificant textual variations, but, as I remarked earlier, « the lack of parallels, formulaic and contextual, leaves voids in which both text and interpretation remain conjectural » (2). A subsequent attempt by J. H. Oliver at complete restorations of both texts is published, unfortunately, without translation and with an extremely laconic commentary (3), but it affords nonetheless a stimulus to further study of the problems involved. My reading of Oliver's reconstruction is that he has come forward with a brilliantly simple solution for the last sentence, but that his textual restorations do not, for the most part, withstand scrutiny.

Before proceeding to details I reprint, for the reader's convenience, the texts of **M** and **B**, minus their captions (which are not here at issue) and including only those restorations which are assured or highly probable. Departures from my earlier text in *CE* (see note 2) are noted in the apparatus.

M

Λολιαγ[ὸς εἶπεν · τέλη
ποικ]ίλα ἐστὶν ἐν τῷ νομῷ ὧν μισ[θωτής ἐστιν,
ἀλλ]ὰ βαρύνι τοὺς γεωργοὺς καὶ τῆς [ἀβρόχου χώρας
τὴν] μονοδεσμίαν ἀπαιτῖ. δέον τοί̣ν[υν τὰ μ ± 6
30 ±3]α τῶν τελῶν διὰ τῆς βουλῆς ἀ[πομισθοῦσθαι,
τὰ δ]ὲ λοιπὰ τῇ γῇ ἐπιβάλλεσθαι, οἵ[μαι ± 10
±3]̣ότερόν ἐστιν ἀνθρώπου ἐνὸ[ς ± 11
̣ι]ᾳ τοσαύτῃ. Ἀντ̣ωνῖνος Σεβασ[τὸς εἶπεν · ἐπι-
34 βλη]θήσεται τοίνυν τοῖς πλουσιωτ[έροις. εἰ δ' οὖν, τοὺς
36 λεπτ]οὺς καὶ τοὺς ἀγροίκους μὴ βαρ[ήσι ἡ ἐκ τοῦ ὁμολό-
38 γου] τῶν βουλευτῶν συμφων[ία.

(1) In the preparation of this paper I have benefited from extended discussions with J. David Thomas; in places his contribution verges on that of a co-author. A reading of the semi-final version by Herbert C. Youtie has resulted in more precise expression at several points. The remaining flaws must be imputed to me alone.

(2) *CE* 51 (1976) 320.

(3) *ZPE* 31 (1978) 139-40.

Subsequently the emperor's statement was altered by deletions and interlinear insertions to read:

33 [ἐπι-
34 βλη]θήσεται τοίνυν τοῖς πλουσιωτ[έροις] ‘τ[ὰ τέλη or τ[ὸ τέλος? ’
35 ‘ ἵνα μ]ὴ οἱ ἄγροικοι ἐν τούτῳ βαρηθῶσει ’
37 ‘ἐκ] τῆς ’
38 τῶν βουλευτῶν συμφων[ίας.

CE: 31 οι[(see B8) 34 πλουσιωτ[έροις [ὥστε τοὺς] 36 βαρ[ηθῆναι σὺν(?)] 38 τῆ]] ... συμφωνί[ᾳ.

B

Λολιανὸς εἶπε]ν· τέλη ποικίλα ἐστὶν ἐν τῷ
νομῷ ὧν μισθω]τής ἐστιν, ἀλλὰ βαρύνει τοὺ[ς
5 γεωργού]ς τε καὶ τῆς ἀβρόχου χώρας τὴ[ν
μονοδεσμίᾳ]ν ἀπαιτεῖ. δέονται νῦν τὰ μ[
± 6 τῶν τε]λῶν διὰ τῆς βουλῆς ἀπομισ-
θοῦσθαι, τὰ δ]ὲ τῇ γῇ ἐπιβάλλεσθαι, οἶμ[αι
± 9 ότ]ερον ἀνθρώπου ἑνὸς .[
10 ± 7 ἰ]ᾳ τοσαύτῃ. Ἀντωνεῖνος
Σεβαστὸς εἶπ]εν· ἐπιβληθήσεται τοίνυ[ν
τοῖς πλου]σιωτέροις. εἰ δ' οὖν, τοὺς λ[ε]πτοὺ[ς
καὶ τοὺς ἀ]γροίκους οὐ βαρήσει ἡ ἐκ τοῦ ὁμ[ο-
λόγου τῶ]ν βουλευτῶν συμφωνεία.

5 γεωργού]ς τε 11 Σεβαστὸς εἶπ]εν, Thomas (*per epistulam*) 6 δεονταινυν: see commentary, below 8 οἶμ[αι Oliver *CE*: 5 λεπτοὺς(?) γεωργ]ο̣ὺ̣ς 10-11 Σεβασ/τὸς εἶπε]ν 11 [ν τὰ τέλη(?) 13 η εκτουο.[14 συν τῆ(?)· τῶ]ν ... συμφωνεί[ᾳ

I

Two important propositions underlie my conception of how these texts must be approached.

1. When Egnatius Lollianus (*PIR*² E36), one of Caracalla's advisers, spoke to the emperor, and when the emperor pronounced his decision, they spoke in Latin. The Greek versions that we have in **M** and **B**, and in similar texts in inscriptions and papyri, were produced in the bureaux of the emperors or the provincial governors, as the case may be (4).

(4) Cf. *BASP* 13 (1976) 157-58; *CE* 51 (1976) 326; *RIDA* 25 (1978) 261-62.

2. There is no *structural* variation in the two texts before us except for the revision in the last three lines of **M**. The other differences are all slight and readily explicable as resulting from scribal carelessness. Even the two versions of the last three lines, while radically different in grammatical construction, do express essentially the same sense — which, in turn, makes it the more difficult to fathom why the change was made at all (5).

II

Now for the particulars of the texts.

M 28-29 = B 4-6

It is still true that « the evidence on tax farming in the third century is meagre and accumulates slowly... Our information on the role of the third-century boule in tax collection is likewise spotty » (6). But the meaning of this part of the document has become somewhat clearer with the recent publication of a group of receipts showing that in the years A.D. 228-231 the tax called *monodesmia* was paid εἰς τὸν τῆς βουλῆς λόγον and was collected not by tax farmers but by liturgic appointees of the boule (7). This tax, about which we know very little, apparently was levied on land, and perhaps it should not have been collected at all on the category of land here referred to, land that had not been reached by the fertilizing waters of the current year's Nile flood. At all events, while the tax farmer of **M-B** was entitled by his contract to collect a variety of taxes (ποικίλα), it is now clear that he exceeded his authority when he presumed to collect the *monodesmia*, and in so doing he βαρύνει τοὺς γεωργούς (8). There is the further implication here, which is made explicit in the emperor's statement (**M** 37-38 = **B** 13-14), that the tax farmer could not have abused his office in this way without the active complicity or at least the passive connivance of the boule, which had the responsibility of supervising the tax-farming contracts that it awarded.

M 29-31 = B 6-8

τὰ μὲν ὁλόκληρ]α and τὰ μὲ[ν (*sic*) διόλου, the restorations offered by Oliver for **M** and **B** respectively, are untenable because they violate known fact and logic.

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(5) As instanced by another part of *P.Mich.* 529, the same ruling was sometimes reissued in slightly variant language: cf. *CE* 50 (1975) 202-3. But **M** and **B** — despite their variant captions: cf. *CE* 51 (1976) 325 — both clearly refer to the same occasion.

(6) *CE* 51 (1976) 327.

(7) *P.Strasb.* 439 ter; 440; 440 bis; 441; 450; 453.

(8) The καί clause, « although syntactically coordinate, no doubt specifies the particular abuse concerned in these proceedings » — *CE*, *ibid.* n. 3; cf. Mayser, *Gramm.* II.3 p. 184, with abundant bibliography on parataxis for hypotaxis; cf. also *LSJ* s.v. A. I.2.

Fact: As already instanced in the preceding paragraph and attested by abundant other evidence, the taxes were not all farmed out for collection; many — indeed, the principal ones — were exacted by governmental instrumentalities, mostly liturgic (9).

Logic: There are no leftovers from a totality. If the first τὰ introduced an expression such as those proposed by Oliver, to what could τὰ δὲ λοιπά refer?

As τὰ δὲ λοιπά are stated to be land-based taxes, the contrast implies that the taxes referred to by τὰ μ[έν were levied on some other basis than land — e.g. capitation taxes, taxes on trades, and such. As for the lost word that contrasted with λοιπά it is not possible on present evidence to restore it with any assurance. To begin with, there is nothing to indicate whether the missing word was definitive, characterizing the class of taxes subject to tax-farming lease by the boule, or simply, like λοιπά, a general descriptive. If the former, one's first thought might be to supply πολιτικ]ά, since the boule was the administrative organ of the nome (metro)polis; but that notion must be discarded because taxes designated πολιτικά (a) included levies on land, and (b) were collected by liturgists, not tax farmers (10). And if the missing word or phrase was a general descriptive, the possibilities for filling the space are legion and, unless there is a prime clue that I have overlooked, it is pointless to speculate further (11).

Now for the two clauses of these lines taken together. With M's δέον Oliver accepts the indicated passive complement ἀ[πομισθοῦσθαι, but he argues that in B the active form ἀπομισ[θοῦν « must be restored because Egnatius Lollianus ... was an educated man to whom one dares not attribute the solecism of a plural verb (δέονται) with a neuter subject. » But Lollianus spoke Latin to the emperor (see above). This Greek did not issue from his mouth, but is the product of a government office employing the « späteren κοινή, die bei Sachen wie Personen den Plural des Verbs bevorzugt» with a neuter plural subject (12). Gramatically, therefore, both δέον τοίνυν and δέονται νῦν can stand, followed by the passive infinitive. In addition, however, given (a) the frequency of the absolute construction with δέον and similar participles, (b) the absence of a copula which an independent verb (δέονται) would require

(9) For examples see the listings in *ICS*, or in Oertel, *Die Liturgie*.

(10) Cf. e.g. *P.Oxy.* XII 1444; 1525.

(11) Especially in view of B's τὰ δέ without λοιπά, the restoration τὰ μ[έν becomes almost inescapable. But if the text did in fact run otherwise, something like τὰ μ[ηνιαῖα μέν]α τῶν τελῶν might deserve consideration, since at least some taxes imposed on a basis other than land — viz. χειρωνάξιον and others recorded κατ' ἄνδρα — are known to have been collected in monthly instalments: cf. Wallace, *Taxation in Egypt* 193-94, 320.

(12) Mayser, *Gramm.* II.3 p. 30.

after ἐπιβάλλεσθαι, and (c) the word τοίνυν in the emperor's response, reminiscent of a noticeable tendency toward rhetorical repetition in imperial pronouncements (13), the original text must surely have read δέον τοίνυν, correctly written in **M**, miswritten in **B**.

M 31-33 = B 8-10

Oliver's οἰμ[αι offers good sense here, but I doubt that many readers will be satisfied with ἐγὼ ὅτι restored in one version but omitted (for reasons of space) in the other.

The restoration δικα]ιότερόν is ruled out by the fact (14), overlooked by Oliver, that in **M** 32 the first omicron is preceded by a horizontal stroke that may belong to a gamma, pi, tau or possibly even sigma, but not possibly to iota.

The full stop that Oliver places before ἀνθρώπου creates a stylistic brusqueness that is out of character with the rest of the text. In addition, it may well be separating a comparative from the genitive that it governs. Surely the sentence would more naturally be expected to continue to τοσαύτῃ. Whether that word and its preceding noun are to be read as nominative or dative remains unclear.

After ἑνός Oliver supplies [μὴ ἔστω ἐξουσί]α. This makes good sense. Unfortunately it ignores the visible evidence at the right edge of **B**, where ἑνός is followed by a bold vertical and a truncated horizontal stroke, a combination which can be read as γ̣, π̣ or ι̣τ̣, but by no stretch of the imagination can it be made to produce a mu for μή.

M 34-38 = B 11-14

On the principle of repetition already referred to (see note 13), Oliver restores τοῖς πλουσιωτ[έροις] τ[ῇ γῇ] (the order of the datives reversed in **B**), echoing Lollianus' τῇ γῇ ἐπιβάλλεσθαι (**M** 31 = **B** 8). But the repetition here must lie in the verb alone. If the desired sense was, « It will be imposed upon the land of the wealthier », surely that could have been said simply enough without resorting to the anomaly of a staccato, unidiomatic double dative. Bureaucratic Greek, as exemplified in numerous inscriptions and papyri, might win few prizes for stylistic elegance, but it did conform to the ordinary idiom of the day. As for the interlinear tau of **M** 34, it is most naturally taken, I think, as the beginning of an insertion specifying the subject of the verb — either a noun such as τ[ὸ τέλος, or an adjective such as τ[ὰ πλεῖστα, *aut sim.*

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(13) Cf. *CE* 50 (1975) 205, and below on **M** 34 = **B** 11.
(14) For fuller details see *CE* 51 (1976) 328.

Oliver's indication of a lacuna at the end of M 35 should be removed, as the plate shows clearly that no more was written in that line.

While μή is common enough in the κοινή as the negative of a main clause (15), its use in M 36 must — in the light of the fact that B 13 has οὐ — be accounted, along with the re-casting of the rest of the emperor's statement, another of the vagaries of the copyist who produced M, or of his source.

At the end of B 13 the small trace of ink does, as Oliver acutely observes, suggest the beginning of a lambda or a mu, but his preference for « ὁλ[οκλήρου rather than ὁμ[ολόγου because of the gender » is bewildering, inasmuch as the two adjectives are homomorphs, offering comparable neuter forms as substantives. In fact, ὁμ[ολόγου has much the greater claim to consideration, either in the sense of contract (cf. *LSJ* s.v.) or, more likely here I think, understanding ἐκ τοῦ ὁμολόγου as a variant of ἐξ ὁμολόγου, « admitted, » « acknowledged. » But others will doubtless see other possibilities of restoration.

III

What the document says, as I understand it, may now be summarized as follows. (Exegetical remarks are enclosed in parentheses.)

M	B	
26-30	3-6	A tax farmer collecting various taxes in the nome has also been exacting the *monodesmia* on uninundated land.
28	4-5	In so doing he oppresses the small (tenant) farmers.
35-38	13-14	He does so with the connivance of the boule, which awards the tax-farming contracts (and many of whose members are among the wealthier landowners).
29-30	6-8	But the boule's authority to contract for the collection of taxes is limited to a certain category or certain types of taxes,
31	8	and all other taxes (including the *monodesmia*) are imposed on land (and are therefore not collectible under tax-farming contracts awarded by the boule).

(15) Cf. Mayser, *Gramm.* II.2 pp. 550-1.

31-33 8-10 It is inadvisable to leave so much power in the hands of one man (i.e. the tax farmer, who in this case exercises his power to the advantage of the bouleutic class and the disadvantage of the tenant farmers).

33-38 11-14 Caracalla's ruling (characteristically Severan in upholding the cause of the *humiliores* against the *potentiores*) is that henceforth the burden (of the *monodesmia*) will be imposed upon the wealthier (landowners), and thus the tax farmer, even if he has the tacit consent or even the active encouragement of the bouleutai, will no longer be able to practice this particular abuse of the peasantry.

IV

Translation

Lollianus said: « There are various taxes in the nome, of which he is the lessee; but he burdens the tenant farmers and exacts the *monodesmia* on uninundated land. Now as (only) the ... taxes are properly leased out by the boule and the rest are imposed upon the land, I think that ... more ... than (?) one man ... such great ... ».

Antoninus Augustus said: « Then it will be imposed upon the wealthier. And if so, the admitted connivance of the bouleutai will not burden the poor people and the peasantry. »

(In **M** the emperor's statement was rewritten to read: « Then the tax(?) will be imposed upon the wealthier, so that the peasantry may not be burdened in this as a result of the connivance of the bouleutai. »)

Easton

Naphtali Lewis

The Michigan – Berlin Apokrima: Iterata Invita

Naphtali Lewis (Cambridge/USA)

To Wolfgang Müller on the occasion of his sixty-fifth birthday

Amicus collega, amicior veritas. The late James H. Oliver, the noted epigraphist, would have been the first to agree. In ZPE 42 (1981) 133–36 he made a second attempt, hereafter cited as O^2, at restoring the obviously important and textually challenging apokrima of Caracalla of which we have two incomplete copies, one in the University of Michigan the other in East Berlin's Papyrus Collection.

In many ways O^2 is even less satisfactory than O^1 (ZPE 31, 1978, 139–40), to which I replied in Papyrologica Florentina 7 (1980) 127–33, hereafter cited as L^2. O^2 restores terminology unprecedented in contexts such as that before us; reads unnecessary – and untenable – complications into relatively simple administrative language; and asserts as facts assumptions that demand to be demonstrated. These will be reviewed *seriatim* in the following pages.

O^2 works with "the better preserved and more accurate copy in Berlin" (p. 133). That text, with only those restorations that are assured either by formula or by the Michigan copy, reads as follows:

] *τοῦ κυρίου ἡμῶν Σεουήρου*
Ἀντωνείνου Ἐ]ὐτυχοῦς Εὐσεβοῦς Σεβαστοῦ
Λολιανὸς εἰπε]ν· τέλη ποικίλα ἐστιν ἐν τῷ
νομῷ ὧν μισθω]τής ἐστιν, ἀλλὰ βαρύνει τοὺ[ς
5 *γεωργού]ς τε καὶ τῆς ἀβρόχου χώρας τὴ[ν*
μονοδεσμία]ν ἀπαιτεῖ. δέονται νῦν τὰ μ[
±6 *τῶν τε]λῶν διὰ τῆς βουλῆς ἀπομισ-*
±9 *δ]ὲ τῇ γῇ ἐπιβάλλεσθαι, οιμ[*
±9 *ότ]ερον ἀνθρώπου ἑνὸς . [*
10 ±7 *ί]α τοσαύτη. Ἀντωνεῖνος*
Σεβαστὸς εἰπ]ερ· ἐπιβληθήσεται τοίνυ[ν
τοῖς πλου]σιωτέροις. εἰ δ' οὖν, τοὺς λ[ε]πτοὺ[ς
καὶ τοὺς ἀ]γροίκους οὐ βαρήσει ἡ ἐκ τοῦ ο . [
±5 *τῶ]ν βουλευτῶν συμφωνεία.*

I. Text and Interpretation

Line 1. [- - ἀπόκριμα] (O^2) is a gratuitous rejection of the formulaic *ἐκ* with the genitive plural which was the standard heading for such excerpts, occuring also in the Michigan copy of this document.

Lines 4–5. O² supplies τοὺ[ς λεπ/τοὺς γεωργού]ς, which *may* be right. There is presumably enough space at the beginning of line 5 (note, however, the considerably shorter restorations in lines 12–13), but the four letters at the end of line 4 present a problem, since everywhere else in the document the loss at the right is 0–2 letters. We note also that the Michigan copy has τοὺς γεωργούς with no intervening word.

O² comments, futher (p. 135): "We need λεπτούς also. Without λεπτούς the emperor's comment [lines 12–14] would be unmotivated. He obviously understood λεπτούς from Lollianus, and without λεπτούς the enclitic τε of line 5 does not make sense." To answer the second point first, τε is not necessarily bound to a preceding adjective; as a stylistic fillip anticipating καί it appears in all kinds of contexts in the koinē: cf. Mayser, Gramm. II. 2 pp. 515–17, II. 3 pp. 159–65. As for the first point, the emperor's ruling was motivated not by λεπτούς, but by an abuse in the collection of taxes. The victims, for whom he now orders relief, were τοὺς ἀγροίκους (line 13); λεπτούς (line 12), an *ad captandum* word, highlights the pathos of their plight. Our text is a good illustration, it should be noted, of the clash between the interests of town and country that manifests itself repeatedly in the documents of the third century, a clash which here (as also e. g. in SB 7696) takes the form of an attempt by the town council to place an increased burden upon the peasantry. On the boulē's responsibility for tax collection in the whole nome, see A. K. Bowman, The Town Councils of Roman Egypt (American Studies in Papyrology 11, 1970), pp. 69–83.

Lines 5–6 (and 12–13). O² translates τῆς ἀβρόχου χώρας as "(those who work) the unirrigated land (i. e. the desert)." He comments, further, that the emperor's "aim was to relieve two groups, namely poor farmers who worked inferior land of their own and landless men who tried to raise crops laboriously in the neighboring desert. The two groups are mentioned by Lollianus in lines 5–6 and by Caracalla in lines 12–13" (p. 134). But the Greek simply will not support any such interpretation. In the first place, as every papyrologist knows (and a specialist in Attic epigraphy can perhaps be forgiven for not knowing), ἄβροχος in the language of Ptolemaic and Roman Egypt designated not the desert but cultivable land that was not reached by the Nile flood in any given year. Secondly, O² takes τε καί as distinguishing two categories of farmers, but it is plainly two verbs, not two nouns, that are thus connected: the first clause states that the tax-farmer oppresses the cultivators, and the second clause states that he exacts the monodesmia on uninundated areas. The second clause may, in fact, specify the nature of the oppression mentioned in general terms in the first clause. However that may be, one searches the Greek in vain for any clue or hint that the farmers of the second were different from those of the first clause, or any suggestion of "inferior land" or of "landless men".

With the disappearance of a presumed second category of farmers, there disappears also the presumed parallelism between what Lollianus says in lines 5–6 and what Caracalla says in lines 12–13. In the former passage, therefore, we no longer need to restore λεπτούς. In the latter passage λεπτοί are poor people and ἄγροικοι are farm people; and the two terms may constitute a hendiadys for "the poor peasants" (*homines rustici tenues*: cf. CE 51 [1976] 330).

Line 6. Monodesmia is not "the tax bundle" (O² p. 134), but the name of a single tax: see L² p. 129. Further: "The council had decided to lump all single taxes together in one bundle (monodesmia) and to lease out the right of collection from the totality of farmers or produce" (O² *ibid.*). Nothing in the history of Roman Egypt supports such an interpretation. The boulē had no such powers; its function was to

appoint and supervise collectors of those taxes entrusted to its care by the provincial government (see Bowman, loc. cit.).

Lines 6–7. O² restores τὰ μ[ο/νόφυλα? τῶν τε]λῶν, translates "the single? taxes" (p. 134), and comments, "The word μ[ο/νόφυλα, for which we can cite no good example, may not be exact but stands for the kind of word we expect from the general sense" (p. 135). That "expectation" arises from the misconstruction of monodesmia as a "bundle" of taxes. As for the word *monophylos*, it would indeed be hard to cite a parallel: it occurs not at all in papyri or inscriptions, and Stephanus and LSJ are able to cite but a single occurrence in all of Greek literature.

Lines 7–8. While accepting that the Michigan copy had ἀπομισθοῦσθαι, O² continues to insist that this Berlin copy had ἀπομισ/[θοῦν. As the two copies are, as far as we can see, essentially identical, this insistence must strike the reader as being simply perverse, or at the very least gratuitous. The "justification" offered is the same as in O¹: O² "still finds it hard to accept a neuter plural with a plural verb from a man like Lollianus" (p. 135). That argument carries no weight. Plural as well as singular verbs are found already in Herodotus and Thucydides, and in Ptolemaic papyri from all levels of society: cf. Mayser, Gramm. II. 3, pp. 28–30. The same phenomenon in the language of Roman officialdom in the East was signalized nearly a hundred years ago by Viereck (Sermo Graecus, p. 62 § 4).

What is more, the question does not even arise if, as seems likely, δεονταινν in the Berlin copy is a scribal slip for (as in the Michigan copy) δέον τοίνυν: see L² pp. 130–1.

Finally, the insistence that the taxes are the object, not the subject, of the infinitive compels O² to supply a subject: "Now (the people) ought, yes, to let out the single? taxes through the council" (p. 134). Whatever is meant by "the people" — presumably ὁ δῆμος, though no explanation is offered — such an interpretation is wholly inappropriate to Roman Egypt, where the post-Severan boulē is never seen to be acting as an agency of the dēmos.

Lines 8–9. O² dismisses — gratuitously, surely - - τὰ δ]ὲ λοιπά of the Michigan copy as "mistaken" (p. 135), in order to supply ταῦτα δ]έ in line 8 here.

At the beginning of line 9 O² supplies ἐστὶν ἀνετώτ]ερον, "which would reflect . . . ἀνε]τ̣ότερόν ἐστιν" (p. 135) of the Michigan copy. The objections to this restoration are the following. First, we are asked to suppose that the writer of the Michigan copy, who nowhere confuses omicron and omega, here wrote οτερον for ωτερον. Again, the word ἄνετος does not figure in the language of every day as we know it from the papyri, and the text before us is surely cast in the language of every day ("an ordinary upper-class Greek", O² p. 135). Finally, the translation "too vague" does little if anything to advance our understanding of the passage. In sum, whatever the word was, it is not likely to have been ἀνετώτερον.

Lines 12–13. Regarding the mistranslation of τοὺς λεπτοὺς καὶ τοὺς ἀγροίκους here as "those with poor land and those who have no irrigated land of their own (and work the desert)," O² p. 134, see above on lines 5–6.

Lines 13–14. ὁλ[ο/κλήρου (*sic*, not λ̣[) O², remarking, "The photograph published [in] Aegyptus 45, 1965, Plate 8 shows the last letter of line 13 as lambda rather than mu" (p. 136). What the photograph does in fact show at the end of line 13 is about one millimeter of ink belonging to the beginning of the letter that was written after omicron — much too small a remnant, surely, for anything approaching certainty as to the letter that was originally there. Still, it is possible to project a line in extension of that tiny speck of ink, and when that is done we can see that the angle of the

stroke corresponds to that of the first stroke of every mu visible in the document, whereas in every visible lambda the first stroke sets at a measurably steeper angle. Therefore, such evidence as there is argues that the reading μ[is very definitely to be preferred over λ̣[.

Objecting to the translation of ἡ ... τῶν βουλευτῶν συμφωνεία in L² as "the connivance of the bouleutai", O² writes, "For them [Caracalla and Lollianus] συμφωνεία is merely an agreement" (p. 136). But every agreement has an aim or purpose, and — by definition — agreement to commit or overlook a corrupt or improper act is connivance.

The words after ἡ, whatever they were, are by their position attributive to their following noun. This simplest of Greek constructions can in no way be distorted to signify "the agreement of the councilors to collect from ..." (O² p. 134). Neither grammatically nor semantically does the construction imply "to collect" or any other such verb to be supplied or understood; the only verb that the construction requires is written there, βαρήσει. The agreement amongst the bouleutai was not to collect, but, as we learn from lines 3–10, to allow the tax-farmer to exceed his authority while failing to exercise their own responsibilities in the leasing out of tax-farming contracts.

To sum up: The reconstruction of text and sense offered in O² collapses under the weight of misapprehension and false assumption. L², with all the problems of text and interpretation that it leaves open, remains our best basis to date for further work on the document. The text of L² — to repeat it here for the reader's convenience — is that given above with the following additional restorations: 1, ἐξ ἀποκριμάτων], perhaps projecting slightly into the left margin. 8, θοῦσθαι, τὰ δ]ὲ ... οἰμ[αι? 10, the first two words may be nominative or dative. 13–14, ὁμ[, while evoking no precise precedent, is suggestive of numerous possibilities for restoration: ὁμολόγου, ὁμοφώνου, ὁμιλήτου, κτλ.

(*Translation*) Extract from the *responsa* of our lord Severus Antoninus Felix Pius Augustus. Lollianus said, "There are various taxes in the nome, of which he is the lessee; but he burdens the tenant farmers and exacts the monodesmia on the uninundated area. Now, as the ... of the taxes ought to be leased out through the boulē and the rest imposed upon the land, I think(?) ... more ... than one man ... such great ..." Antoninus Augustus said, "Then it will be imposed upon the wealthier. And if so, the admitted(?) connivance of the bouleutai will not burden the poor peasants."

II. Original Greek or Translation Greek?

O² insists repeatedly that the text before us "is no translation, but a Greek original ... There is no indication that the text is a translation ... The emperor and Lollianus spoke an ordinary upper-class Greek together ... and in the presence of recording Greek scribes not even Latin." Further: "Groag once thought that Lollianus was from Prusa, but later for no very good reason assumed that he was Italian ... *If* Lollianus was an Easterner and *if* Caracalla had a Syrian mother, one would expect them in Egypt to discuss the problem in Greek" (pp. 134–35, italics mine).

Let us look more closely at these broad assertions and assumptions. The words "once thought" refer to Groag's statement in R–E 5, 2002 (published in 1905), „Lollianus Vaterstadt war vielleicht Prusa." That attribution — Groag was already

dubious – was based on an inscription published in 1883, in which Lollianus is termed *οἰκιστής* of Prusa. But in the 1906 republication of the inscription as IGRR III 33 the editor explains the meaning of *oikistai* in such contexts: "Conditores dicuntur qui sua pecunia curaverunt opera publica aedificanda aut restauranda." Thus, when Groag discarded Prusa as Egnatius Lollianus' possible birthplace, it was *not* "for no very good reason." The ensuing years brought evidence of a concentration of Egnatii in Italy. Accordingly, Groag wrote in 1939 (Die röm. Reichsbeamten von Achaia, p. 136 n. 564): „*πατρίς* ist in [IGRR III 33] auf die Dedikanten, nicht auf den gefeierten Statthalter zu beziehen." And in 1943 he characterized Lollianus as "origine sine dubio Italicus" (PIR² III, p. 73).

Lollianus, then, was most likely not a native speaker of Greek. What about Caracalla? Grant that his mother was from Syria and that his mother tongue was Greek. Note, too, that as a boy he had Greek as well as Latin tutors. But note also that he was born in A. D. 186 in Lugdunum, whence he moved on, when his father did, to Sicily and to Rome. Up to the age of five or seven, then, Caracalla grew up in the military circles of the Latin-speaking West: cf. R–E 2, 2439.

Well then, did Caracalla and Lollianus speak Greek together when they were in the East? Perhaps they did, but nothing in the evidence authorizes us to avouch it. Per contra, *pace* O²'s "there is no evidence that the text is a translation", there are in fact several suggestions in the text before us that it was translated from the Latin. As already noted above, the expression in lines 12–13 looks very much like a translation of *homines rustici tenues*. Then, too, the text shows a strong tendency toward having the verb at the end of its sentence or clause: see lines 4, 6–8. Finally, this is the text of an *apokrima*, a form of *responsum* best known from the thirteen examples in P. Col. 123, in the legal commentary of which half a dozen Greek expressions are signalized as translations of Latin (see Schiller, Apokrimata, pp. 74–97. On the linguistic question in general see now F. Martin, La documentación griega de la cancilleria del emperador Adriano, Pamplona 1982, esp. pp. 324–26.)

The Imperial Apokrima

by Naphtali Lewis

In Memoriam A. Arthur Schiller

I. The Meaning of the Term

Not unknown but relatively rare both in literature and in documents, the term ἀπόκριμα came dramatically into prominence with the publication of *P. Col.* 123, a sheet of papyrus containing thirteen *apokrimata* issued in Alexandria on Phamenoth 18-20 in Year 8 of Severus and Caracalla (= March 14-16, A.D. 200) (1).

The publication of these *apokrimata* precipitated among legal scholars a lively discussion not only about the contents but also about the following questions of form:

1. *Are these texts Greek versions of pronouncements originally drafted in Latin?* According to a "rule" enunciated over sixty years ago and still widely accepted despite early refutation, imperial rescripts to private individuals in the eastern provinces were drafted in Greek, not first in Latin and then translated (2).

2. *Are apokrimata to be classified as decisions, rescripts, sub-*

(1) W.L. Westermann and A.A. Schiller, *Apokrimata. Decisions of Septimius Severus on Legal Matters* (New York, 1954). The text of *P. Col.* 123 must be read in the revision by H.C. Youtie, *C d'E* 30 (1955) 332-34. *SB* VI 9526 unfortunately reprints the uncorrected text of the *ed. pr.*

(2) A. Stein, *Untersuchungen z. Gesch. u. Verwalt. Aegyptens unter röm. Herrschaft* (Prague, 1915), pp. 158-61, assailed by U. Wilcken, *Atti IV [1935] Congr. Internaz. Papirologia* (= *Aegyptus, Ser. Scient.* V), pp. 111-12.

scripts, or responses? All four terms have been used, often indiscriminately, in the discussions (3).

Opinions were divided on both questions. On the first, an overwhelming majority expressed the opinion — which I share — that a Latin original did underlie these Greek texts (4). On the second question, to which this first part of the present paper will be addressed, almost all regarded the *apokrimata* as examples of "private rescripts" — i.e. rescripts addressed (by *subscriptio*, ὑπογραφή) to private individuals in reply to their petitions (*libelli*, βιβλίδια), as opposed to those replying (by *epistula*) to letters from "individuals of high social standing ... as well as officials and cities" (5). The most recent treatment of the subject,

(3) The legal commentaries accompanying the *ed. pr.* and the revised text (above, note 1) are by A.A. Schiller. The principal reviews by legal scholars are : P. De Francisci, *Iura* 6 (1955) 185-86; F. Casavola, *Labeo* 1 (1955) 90-97; J. Gaudemet, *RHD* 33 (1955) 475-81; V. Arangio-Ruiz, *Gnomon* 28 (1956) 186-92; A. d'Ors, *Emerita* 24 (1956) 416-25; F. Pringsheim, *Eos* 48.1 (1956) 237-49; P. Stein, *Amer. Journ. Compar. Law* 5 (1956) 686-90; H.J. Wolff, *Sav.-Z.* 73 (1956) 406-18; E. Schönbauer, *Anz. österr. Akad. Wiss., Ph.-hist. Kl.* 94 (1957) 165-97; D. Daube, *JRS* 48 (1958) 234; M. David, *Mnemosyne* 11 (1958) 84-85; E. Sachers, *Anz. f. Altertumswiss.* 11 (1958) 103-6.

N.B. All of the above, plus W. Williams, *JRS* 64 (1974) 86-103, will be cited hereafter simply by name, accompanied by page reference when appropriate.

(4) Schiller 52 et *passim*, followed by Casavola 93, Daube, d'Ors 418, Gaudemet 477, Pringsheim 243-44 *et passim*, Stein 689, Wolff 408-9; also J.C. van Oven, *Labeo* 2 (1956) 86, A.H.M. Jones, *JHS* 76 (1956) 144, J. Guey, *REA* 61 (1959) 135. In *BASP* 13 (1976) 171 I take the same position regarding the newly published *apokrima* in *P. Oxy.* XLII 3018. *Contra* : Westermann, *ed. pr.* p. 11 (on mistaken grounds), Schönbauer 197. David, and Williams 102-3, in effect leave the question open.

(5) The quotation is from Williams 88. See also Arangio-Ruiz 187-88, Casavola 93, David, De Francisci 185 (cf. *idem*, *BIDR* 70 [1967] 194), d'Ors 418 and 425, Gaudemet 476, Pringsheim *passim*, Sachers 104, Schiller 45 *et passim*, Schönbauer 192, Wolff 407. So too in the older literature, e.g. *M. Chr.* 375 and 376, *Jur. Pap.* 54, *JJP* 6 (1952) 134. An exception is van Oven, who (*loc. cit.*) carefully refers to the *apokrimata* only as "réponses." The question is not touched upon by G. Schnebelt, *Reskripte d. Soldatenkaiser* (Karlsruhe, 1974), who, confining himself to literary sources, merely alludes in a single sentence to "eine wenige Reskripte, die als Inschriften und auf Papyri gefunden worden sind."

while adhering to this view, carefully eschews the looser terminology and consistently refers to *apokrimata* as subscripts ([6]). Over half a century ago as it happens, in an article universally cited as the definitive elucidation of the modalities of the emperors' replies, U. Wilcken stressed that "ἀπόκριμα etwas anderes als *rescriptum* ist" ([7]). But as that incidental observation occurs in a footnote and has consequently been generally ignored (even though referenced in *WB* I, s.v.) ([8]), I turn now to reexamine the matter in the light of today's expanded documentation ([9]).

The principal types of imperial pronouncements and their Greek equivalents were ([10]):

ἀντιγραφή — rescriptum
ἀπόκριμα — responsum
ἀπόφασις — sententia
διάταγμα — edictum
διάταξις — constitutio
ἐντολή — mandatum
ἐπίκριμα — decretum

Quodcumque imperator per epistulam et subscriptionem statuit legem esse constat — *Digest* 1.4.1.1 (Ulpian). The technical distinctions between *subscriptio* and *epistula* are explained in almost any handbook or reference work, e.g. *R-E* VI, 205, XIII, 33-35, 48-49, P. Jörs-W. Kunkel, *Röm. Privatrecht*, pp. 16-17, W. Kunkel, *Intr. to Rom. Legal and Const. History*, p. 120, F. Schulz, *Hist. of Rom. Legal Science*, p. 152, L. Wenger, *Die Quellen d. röm. Rechts*, p. 428. See further below, notes 14 and 15.

(6) Williams 86-103 (note esp. 88: "It is clear that the *apokrimata* of this papyrus are subscripts..."). So too Stein 689, and now also Schiller, *Festschr. E. Seidl* (Cologne, 1976), p. 153, and F. Millar, *The Emperor in the Roman World* (London, 1976), pp. 226, 244-45 (cf. below, note 28).

(7) "Zu den Kaiserreskripten," *Hermes* 55 (1920) 1-42 (the quotation is from 32 note 1), succinctly summarized by Williams 86-88.

(8) It is cited by Schiller 44 and Schönbauer 193. The former, regarding the *apokrimata* as "private rescripts," tries to exorcize the resulting dilemma by positing here a copyist's employment of the term in a general, non-technical sense. See further below, p. 265.

(9) I have touched briefly on the problem in *C d'E* 51 (1976), pp. 323-24.

(10) Cf. *Corp. Gloss. Lat.*, and H.J. Mason, *Greek Terms for Roman Institutions* (*Amer. Stud. in Papyrology* XIII, 1974), s. vv.

Ancient usage, however — Latin as well as Greek — did not always observe these distinctions with precision (11). On the Latin side, for example, even the legal writers are more often loose than strict in their use of *rescriptum*. In the single citation in which they appear together, *rescriptum* and *responsum* are clearly differentiated (12), and in other citations *rescriptum* is likewise contrasted with other types of *constitutiones* (13). But elsewhere *rescriptum* occurs in replies to private individuals (14) (where a stricter terminology would require *subscriptio* (15)), and at least once it is used interchangeably with *decretum* (16).

(11) Cf. Mason, *ibid.* pp. 126-30 on "the problem that [such] terms may overlap." The matter is also touched upon by J.H. Oliver, *Hesperia* Suppl. 13, pp. 35-37.

(12) *Digest* 4.4.7.9 (Ulpian), *hoc et rescriptum et responsum est.*

(13) E.g. *Digest* 43.30.1.3 (Ulpian), *et divus Pius decrevit et a Marco et a Severo rescriptum est.* Cf. also 2.15.7.2 (Ulpian), 27.1.44.2 (Tryphonius), 29.7.1 (Ulpian), 36.1.25 (Papinian), 50.1.2.5 (Ulpian).

(14) *Digest* 2.4.15 (Paulus), *libertus adversus patronum dedit libellum... si ad desiderium eius rescribatur*; 28.6.3.9 (Ulpian), *quoad princeps rescripserit ad litteras praesidis et libellum rei cum litteris missum*; 32.11.23 (Ulpian), *divus Marcus et Lucius Verus Proculae rescripserunt*; 49.5.4 (Macer), *dicit se libellum principi dedisse et sacrum rescriptum expectare. Cod. Just.* 1.3.52.4, κατὰ τὴν ... διάταξιν τὴν πρὸς Θωμᾶν ἀντιγεγραμμένην (= *rescriptam*); similarly 1.4.33.3, πρὸς τὰς πολιτικὰς ἀρχὰς ἀντιγεγραμμένην, but πρὸς τοὺς ἐνδοξοτάτους ἐπάρχους... καταπεμφθεῖσα in 1.4.22.2.

(15) Cf. *R-E* VI, 205, Casavola 91, Daube, d'Ors 418, Gaudemet 476, Schönbauer 194.

(16) *Collatio* 15.2.4 (Ulpian), *extat denique divi Pii decretum... cuius rescripti verba... pauca subieci.*

"By contrast with the rescripts, [*decreta*] are in fact genuine judicial decisions pronounced after an oral proceeding before the emperor's court" — W. Kunkel, *op. cit.* pp. 121-22. But the loose usage of the *Collatio* persists in modern literature, the publication history of *P. Teb.* II 286 affording a prime example. The *apokrima* of that document is called a rescript in the *ed. pr.* and in its republication as *M. Chr.* 83. The later reprint, *FIRA* III 100, renders *apokrima* as *rescriptum* in its title and introduction, and as *decretum* in the editor's Latin translation. *Decretum* is also used, with precision, to translate *epikrima* in line 4. Farther along *apophasis* (= *sententia*) is once rendered by *decretum* (so also R. Taubenschlag, *JJP* 6 [1952] 141, Schiller 44, Williams 89 note 28 but subsequently withdrawn, *ZPE* 22 [1976] 242), once by *sententia*, and

'Απόκριμα may appear at first glance to be a comparably imprecise term, perhaps a Greek rendering of *rescriptum* in its loose usage. The *ed. pr.* of *P. Col.* 123 goes even further, proffering the view, which has gained considerable currency, that *apokrima* was not a technical term at all, but one used here by the scribe's choice because it could "designate any type of decision" (17). I think, on the contrary, that both these views will be found on closer examination to be illusory. *Apokrima* will stand revealed as a technical term of very precise meaning, displaying almost none of the looseness noted in the use of Latin *rescriptum* (18). As for the ascription of *apokrima* in *P. Col.* 123 to a vagary of the copyist, that would not only a priori be difficult to reconcile with the official nature of the contents, but it also flies in the face of everything inscriptions and papyri have taught us about ancient practices in making copies of official documents (19). In such instances the genitive that follows ἀντίγραφον (ἐντολῆς, ὑπομνήματος, κτλ.: cf. *WB* IV, 172) is not the product of each

once, in misapplication of a remark in *M. Chr.* 83 intr., by *oracula*.

But, as Wilcken had stressed (*loc. cit.* above, note 7), "So wird das ἀπόκριμα in Teb. II 286, 1 (= Mitteis, *Chrest.* 83) später durch ἀπόφασις ersetzt. Die ἀποφάσεις des Traian und Hadrian in Z. 24 können nur Sentenzen, Urteilssprüche in Processen sein." I have found in the ancient sources but a single violation of the technical distinction between *decretum* (the judicial decision) and *sententia* (the pronouncement of judgment) : at one point in that curious document entitled *Divi Adriani sententiae et epistolae*, θεοῦ 'Αδριανοῦ ἀποφάσεις καὶ ἐπιστολάς, there occurs the expression *decreto praefecti* ἀποφάσι ἐπάρχου (*Corp. Gloss. Lat.* III, 31, 3-5 and 33, 10).

(17) Schiller 44, *adprobantibus* Casavola 92, De Francisci 185, Schönbauer 191, Wolff 408, Guey *REA* 61 (1959) 134, Williams 88 note 27.

(18) The only exception I have found is in *P. Giss.* 40 II (= *M. Chr.* 378), 8, διατάγματος ἐν ᾧ οὕτως ἀπεκριν[ά]μην. Caracalla's seven-word utterance that follows has the typical brevity of an *apokrima* : cf. below, p. 270.

(19) Cf. U. Wilcken, *Hermes* 55 (1920) 31-37 and the texts assembled by him in *APF* 9 (1930) 17, Williams 100 and notes 17, 52, 107, 109, 115. Of the legal commentators on *P. Col.* 123 Gaudemet is alone in his keen observation that the inclusion of the addressees' names in these copies "ne peut s'expliquer que par le souci d'être complet et d'authentifier le rescrit."

particular scribe's preference or imagination, but the standard technical term for the type of document being copied. Remaining doubt, if any, that this general rule applies also in the case of the *apokrimata* of Severus and Caracalla was dispelled with the publication (in 1971) of *P. Mich.* IX 529, where another extract, copied by another person, is also captioned ἐξ ἀπ]οκριμάτων.

a. Ἀπόκριμα = A Reply to an Embassy

In its earliest occurences the word ἀπόκριμα denotes a reply from one governmental authority to an embassy from another, as seen in the following examples ([19a]).

1. *Polybius 12.26b.1*: The Corinthian League is said πραγματικώτατον ἀπόκριμα δοῦναι τοῖς παρὰ τοῦ Γέλωνος πρεσβευταῖς.

2. *IGRR III 34* (*Prusa, ca. 72 B.C.*) — fragments of an inscription honoring a man who on repeated embassies to Rome ἐνδοξοτάτοις ἀποκρίμασιν τὴν πατρίδα ἐκόσμησε.

3. *Josephus, Ant. Jud. 14.210*: By order of Julius Caesar εἰς τὴν σύγκλητον εἰσάγωσι (Hyrcanus or his envoys) καὶ τὰ ἀποκρίματα αὐτοῖς ἀποδιδῶσιν ἐν ἡμέραις δέκα (Latin version: *ut in senatum eos introducant et responsa eis tradant*) ([20]).

4. *Sardis VII 8* (*5-1 B.C.*): This long recital of honors to Menogenes includes several embassies to Augustus ὑπέρ τε τοῦ κοινοῦ τῶν Ἑλλήνων καὶ τῆς πατρίδος, from which, on his return, καλλίστοις ἀποκρίμασιν τὴν πατρίδα... κεκόσμηκε (lines 30-35, 41-44, 57-59, 103-105, 124-125).

5. *Gk. Inscr. Brit. Museum 893* (*Halicarnassus, ca. 1 B.C.*): Honors are accorded to a man whose benefactions to his city

(19a) In addition to these an unpublished inscription from Aphrodisias, as Dr. Joyce Reynolds kindly informs me, contains a *senatus consultum*, probably of 39 B.C., which speaks of giving an *apokrima* to envoys from Plarasa and Aphrodisias.

(20) It is happily not necessary to enter here into the thorny dispute over the authenticity of documents cited by Josephus. Whether the language that appears here originated with Caesar or with Josephus or even with some third party, it is an authentic example of contemporary Greek usage.

included τὰ τῶν ἡγουμένων ἀποκρίματα/ἀναγκαιωτάτας τετελεκότα πρεσβείας (lines 45-46).

6. *IG VII 2711* (*Boeotia, A.D. 37*): The honoree, on an embassy to Caligula, ἤνεγκεν ἀπόκριμα πρὸς τὸ ἔθνος πάσης [φιλαν]θρωπίας καὶ ἐλπίδων ἀγαθῶν πλῆρες (lines 65-69; sim. 104-110 and 2712 [ca. A.D. 40], 36-48).

7. *IG XII(1) 2* (*Rhodes, time of Claudius*) ([21]): An embassy to the emperor is honored for bringing back τὰ εὐκταιότατα...τῇ πόλει ἀποκρίματα.

Beginning with Augustus such embassies to the emperor in pursuit of local interests descended upon Rome from every part of the empire (and beyond) in an unending stream. Under Claudius the preparation of replies to embassies was assigned to a particular office in the then inchoate palatine bureaucracy. One Ti. Claudius Balbillus held, in the course of a distinguished equestrian career that culminated in the prefecture of Egypt, the office of *ad legationes et resp*[*onsa Graeca Ca*]*esaris Aug. divi Claud*[*i* ([22]). Immediately or soon after him C. Stertinius Xenophon held the office, as recorded in a Greek inscription, of ἐπὶ τῶν Ἑλληνικῶν ἀποκριμάτων ([23]). Sometime after that Dionysius of Alexandria, we are told, ἐπὶ τῶν ἐπιστολῶν καὶ πρεσβειῶν ἐγένετο καὶ ἀποκριμάτων ([24]).

(21) = *IGRR* IV 1123 = Abbott-Johnson 52 = Smallwood *C.-Cl.-Nero* 412 (a).

(22) *AE* 1924 no. 78. (Millar, *op. cit.* p. 226, thinks *res*[*cripta* a "more likely" restoration, but offers no reasons for that judgment; to the contrary, the parallel of Stertinius Xenophon, immediately below, argues for *res*[*ponsa*.) For his whole career see H.G. Pflaum, *Les carrières procuratoriennes...* No. 15, Millar, *op. cit.* pp. 86-87.

(23) *Syll*³. 804. For his career see Pflaum, *op. cit.* No. 16, Millar, *op. cit.* pp. 85-86.

(24) Suidas Δ 1173 Adler. For his career see Pflaum, *op. cit.* No. 56. Though Pflaum (p. 1021) places Dionysius' incumbency in this triple office under Trajan, a date under Nero is much more likely, as I argue in detail elsewhere. In the second century such offices were normally separate (so too Pflaum p. 112) : cf. *OGIS* 494 = *ILS* 8860, probably of A.D. 161-180, where the dedicatee (= *PIR*² C832) is specially cited for having served the proconsul of Asia μ]όνος ὁμοῦ π[ίσ]τιν ἐπιστο[λῶ]ν ἀποκρ[ιμ]άτω[ν] διαταγμάτ[ων.

b. Ἀπόκριμα — An Imperial Reply to an Individual Plea

The bureau *ad responsa* disappeared, it seems — or at least it ceased to be known by that name — in Hadrian's reorganization of the palatine bureaux, its functions presumably absorbed by the office *ab epistulis* ([25]). But imperial *apokrimata* continued to be issued, now (if not already previously) addressed to private individuals. Such *apokrimata* are known from the time of Hadrian to that of Caracalla; they are ([25a]):

1. *P. Teb. II 286* ([26]). Characterized as a rescript in the *ed. pr.* and ever since ([27]), this is the text that led Wilcken to point out that "ἀπόκριμα etwas anderes als *rescriptum* ist" ([28]). The document records a judicial decision rendered in Egypt in A.D. 121 on the basis of an earlier *apokrima* of Hadrian, ἐ]κ μέρους ἀποκρίματος θεοῦ Ἀδριανοῦ. In the portion of the *apokrima* that is quoted the emperor says π[ρ]ώην σοι ἀπεφηνάμην, and in the text that follows there are references to imperial ἀποφάσεις (= *sententiae*), a term which here clearly embraces the cited

(25) Cf. H.G. Pflaum, *Les procurateurs équestres*, p. 60.

(25a) I omit:

(i) *P. Oxy.* XLIII 3116 (A.D. 275/6), because the συνήθη ἀποκρίματα mentioned there (relating to an athlete's victory) are likely, as the editor's note points out, not to be imperial.

(ii) *OGIS* 494 = *ILS* 8860, because — *pace* Millar, *op. cit.* p. 243 note 24 — the *apokrimata* mentioned there emanated not from the emperor but from the provincial governor (cf. above, note 24, and Dittenberger's note *ad loc.*).

(26) = *M. Chr.* 83 = *FIRA* III 100 (with valuable bibliography; cf. also above, note 16).

(27) So e.g. *LSJ* s.v., Schönbauer 194 ("unzweifelhaft Reskripte"), others cited by Schiller 42 note 12; cf. also above, note 16.

(28) *Loc. cit.* above, note 7. Wilcken's note continues, characterizing an *apokrima* as "meisst ursprünglich mündliche Antwort auf mündlichen Vortrag u. dgl.... Dann muss aber Z. 4-9 die dort und in 1 gemeinte Sentenz des Hadrian sein, wozu das καὶ... ἀπεφηνάμην gut passt, und nicht ein Reskript..." Citing the *apokrimata* of A.D. 199/200 as parallels, Millar, *op. cit.* p. 243, characterizes the *apokrima* of *P. Teb.* 286 as "almost certainly a *subscriptio*" (cf. above, note 6), but this overlooks the fact that the *apokrima* is there an oral pronouncement (as also in *P. Mich.* IX 529, No. 3 in this tabulation).

apokrima ([29]).

2. *The apokrimata of A.D. 199/200.* Extant are nearly two dozen replies to a wide range of petitions from individuals (see Part II, below).

3. *P. Mich. IX 529.* As in *P. Teb.* 286, the caption (ἐξ ἀπ]οκριμάτων κτλ.) is followed by a statement and then a judgment, in this instance pronounced by the emperor Caracalla ([30]).

c. Ἀπόκριμα = *Responsum*

The *apokrimata* of the second and third centuries (§ b) were clearly pronouncements, oral or written, made by the emperors in the exercise of their judicial function ([31]). Being replies to pleas from absent petitioners, they were not *decreta*, which were judicial decisions arrived at by the emperors in tribunal after hearing oral presentations by the parties (cf. above, note 16). As oral pronouncements of judgment they were akin to *sententiae* = ἀποφάσεις, with which they are sometimes associated in the sources ([32]); as written rulings on petitions they were akin to *subscriptiones* = ὑπογραφαί, with which they have been identified by most modern commentators (above, notes 5 and 6). In the manner of such rulings they were not formal rescripts ex-

(29) So already Wilcken, above, note 16. Whether this is also true in *SB* IV 7366 remains unclear : see below, note 37.

(30) A duplicate — *P. Berol.* 7216, published in *Proc. XIV* [*1974*] *Int'l Congr. of Papyrology*, pp. 293-94 — indicates a date of A.D. 215 rather than 199/200 : cf. *C d'E* 51 (1976), pp. 324-25.

(31) The *ed. pr.* repeatedly uses the term "decisions" to characterize the *apokrimata* of *P. Col.* 123. While most reviewers (and also A. Birley, *Septimius Severus*, p. 209) were content to accept that designation — pointedly supported by Casavola 91 ("attività decisoria") and d'Ors 418 ("actividad jurídica") — Arangio-Ruiz 187 objected on the ground of their epistolary form ; the form is, however, not that of an *epistula* but that of a *subscriptio* : cf. above, note 5. Schönbauer 195 coins a hyphenated combination, "Antwort-Bescheid."

(32) Their equivalence in *P. Teb.* II 286 was noted by Wilcken : cf. above, note 16. Moreover — just as is the case, for example, with the English word "pronouncement" — ἀπόφασις is used, by extension, of written as well as oral communication : cf. e.g. Polybius 12.25k.1.

pounding issues of government, but generally brief — even terse (33) — rejoinders to appeals from ordinary individuals on matters of their personal concern. They were, quite literally, *responsa*, a Latin term rendered quite precisely by the Greek ἀποκρίματα.

Will *responsum* = ἀπόκριμα prove in the final analysis to be but a synonym, or perhaps a particular category, of *sententia* = ἀπόφασις, or of *subscriptio* = ὑπογραφή? It must be granted that the nature and extent of present evidence leave that possibility open. But the weight of the accumulating evidence now points strongly to an opposite conclusion, viz. that the *responsum* = ἀπόκριμα constituted a discrete category of imperial *constitutio*.

II. The *Apokrimata* of A.D. 199/200

The historical commentary to *P. Col.* 123 *ed. pr.* includes "lists ... of the known *apokrimata* of the emperor Severus as they appear in the papyri" (34). To be sure, some of the thirty-one items in the lists are qualified by the editor as "not technically *responsa*", but it happens that many of the rest are also not *apokrimata*. A new list, recently published, eliminates most but not all of the intrusions (35).

(33) The known *apokrimata* of 199/200 range in length from three to ca. fifty words. On brevity as a criterion of such rejoinders, cf. J.H. Oliver, *AJP* 96 (1975) 230, Williams 88.

(34) P. 26 (Westermann). The lists follow on pp. 27-30.

(35) That list, Williams 89 with a supplement in *ZPE* 22 (1976) 241 note 8, calls for the following corrections :

(i) *P. Flor.* III 382 is cited as containing five subscripts. But lines 17-23 (= No. 1 in Westermann's lists) contain an edict, as shown by the word λέγουσιν following the emperors' titulatures : cf. now *C d'E* 50 (1975) 204-6. Lines 10-12 should also be eliminated, since not enough of the text remains on which to base a judgment. Cf. below, note 37.

(ii) The supplement now prefers to include *SB* X 10537, 5-8 (= *P. Corn.* inv. I, 76), but see below, note 37.

(iii) The supplement includes *P. Mich.* IX 529, 39-53, which is a repetition of the edict of *P. Flor.* 382, 17-23. (On *P. Mich.* 529, 25-38, captioned ἐξ ἀπ]οκριμάτων, see above, note 30.)

This group of *apokrimata* displays the following diplomatic and formulaic characteristics:

1. All were issued in Alexandria in Year 8 of Septimius Severus and Caracalla (= A.D. 199/200), and, on present evidence, within the five-month period December-April.

2. They are addressed to private individuals (not officials).

3. The form of address is skeletal: simply the addressee's name in the dative, with no verb of salutation or pronouncement.

4. The texts, notable for their laconism, usually consist of the bare bones of the rulings, without preamble ([36]).

Based on the above criteria, the following qualify as Severan *apokrimata* of A.D. 199/200 ([37]):

Document	Date
P. Flor. III 382, 24-26	Hadrianos 21 = December 18, 199
BGU I 267 ([38])	Tybi 3 = December 30
P. Oxy. XLIII 3105, 1-10	Mecheir = January/February 200
P. Flor. III 382, 1-4	Mecheir 27 = February 22

MILLAR, *op. cit.* p. 244 note 33, follows WILLIAMS, and requires the same corrections, on *P. Flor.* 382 and *P. Mich.* 529.

(36) Criteria 3 and 4 are also stressed by WILLIAMS 88. Except in cases of extreme laconism (e.g. *P. Col.* 123, 12, τοῖς ἐγνωσμένοις πίθεσθαι), the issue is generally discernible from the ruling itself.

(37) I omit:

(i) *SB* X 10537, 5-8, which "contains... the text of two pronouncements of Severus and Caracalla... However, since the addresses and final formulae of both decisions are lost, one cannot be certain" that they were issued in A.D. 199/200. (The quotation is from WILLIAMS 89 note 28.)

(ii) *SB* IV 7366. In favor of its inclusion are its date, Phamenoth 8th of Year 8, and its docket, εὐτυχὴς ἀπόφασις τῶν κυρίων (cf. above, note 32). But in addition to the objections offered by WILLIAMS, *ZPE* 22 (1976) 242-45, the following may also be noted regarding the text of lines 1 (or 34)-44: Being concerned (apparently) with a matter of provincial administration, its contents are out of keeping with the *ad hominem* tone and import of *apokrimata*, and its length is out of keeping with the brevity of *apokrimata* (cf. above, notes 33, 36).

(38) = *Sel. Pap.* 214 = *FIRA* I 84a. *P. Strassb.* I 22, 1-9, is a duplicate: see further below, note 44.

P. Amh. II 63, 1-6 (39)	Phamenoth 18 — March 14
P. Col. 123	Phamenoth 18-20 — March 14-16
P. Amh. II 63, 7-12 (39)	Phamenoth 24 — March 20
BGU II 473, 1-12 (40)	Pharmouthi [ ] — March/April
P. Oxy. XII 1405, 1-13 (41)	Pharmouthi — March/April
P. Oxy. XLII 3018, 1-5 (42)	Pharmouthi betw. 10 and 19 — April 5-14
P. Oxy. VI 899 V, 18-21 (43)	Pharmouthi 18 — April 13
P. Strassb. I 22, 1-9 (44)	Pharmouthi 24 — April 19

(39) = *M. Chr.* 376. Lines 1-6 appear again in *P. Col.* 123, 8-10.

(40) = *M. Chr.* 375.

(41) = ABBOTT-JOHNSON 185. *P. Oxy.* XLIII 3105, 1-10, is a duplicate: see further below, note 44.

(42) Cf. *P. Oxy.* 3018 introd., and *BASP* 13 (1976) 170-1.

(43) Correctly included in WILLIAMS' list (cf. above, note 35), despite its characterization by WESTERMANN, following the description of GRENFELL and HUNT, as "probably an edict." Favoring the identification as an *apokrima* are: (1) the date, (2) the brevity of the text, which, although mostly illegible, was confined to lines 19-21, and (3) the fact, conveyed to me by Dr. John REA, that the text proper is preceded by traces of ink (now illegible) where one might expect to find the addressee's name in the dative.

(44) = *M. Chr.* 374 = *Jur. Pap.* 54 = *FIRA* I 84b, a duplicate, with minor variations, of *BGU* I 267. The important difference is in the dates of the two copies. As this copy is the less accurate and was made after Caracalla's death while the Berlin copy is contemporary with the ruling, the date of this copy has been dismissed as a mistake or "clerical error" (J. HASEBROEK, *Unters. z. Gesch. d. Kaisers Sept. Sev.*, p. 119; K. HANNESTAD, *Class. et Med.* 6 [1944] 212). While a priori reasonable, that judgment may be too peremptory; P.M. MEYER, for example, was more cautious: "Eins der beiden Daten ist verschrieben" (*Jur. Pap.* 54 note 8f.). The possibility remains open, pending further evidence, that the copyist of *BGU* 267 made the error — that, for example, he copied the date of the petition instead of that of the emperor's reply.

Another explanation, offered as "very speculative" by WILLIAMS 99, is to consider that the *apokrima* "originally posted in December 199 was still available for copying in April 200." This suggestion may find additional support now in *P. Oxy.* XLIII 3105 (cf. 10n.), dated two months earlier than its duplicate, *P. Oxy.* XII 1405. Against it, however, is the incongruity of the words προετέθη ἐν Ἀλεξανδρείᾳ being followed, not by the date of posting as stated on the original, but by the date on which the

P. Oxy. VII 1020 (45) [
P. Flor. III 382, 13-16 (46) [

III. An Attempt at Restoring *BGU* II 473, 1-12

First published by Wilcken, *BGU* 473 was signalized by Mitteis for its welcome addition to the then scanty evidence on *cessio bonorum* (47), and later republished by him as *M. Chr.* 375. Since then nothing further has been done with the text (it is never easy to go beyond Mitteis or Wilcken, let alone both!), and a re-study within the new framework provided by the *apokrimata* may be rewarding.

The secure restoration of the formulaic titulatures in lines 1-2 reveals the original length of the lines; measurements on an outline of the papyrus kindly sketched for me by Dr. W. Mueller of the Aegyptisches Museum show the approximate number of letters lost in the following lines as 24 in lines 3 and 5, 20 in lines 4 and 6-11. There is also the additional consideration that the number of letters in the same amount of space can vary by as much as one-fourth (e.g. 27 letters extant in line 6, but 35 in line 8). With the loss of the text at the right thus determined to be ca. 40 % of the whole, a verbatim reconstruction is obviously beyond our powers. Wording aside, there is virtually no chance that so extensive a restoration can be correct in every

copy was made. That is not the kind of error skilled copyists are apt to make. It seems more likely that here too, as in *BGU* I 267 = *P. Strassb.* I 22, one of the dates represents an error in transmission (*P. Oxy.* 3105 was written ca. A.D. 230).

The earlier notion (e.g. L. Mitteis, *Grundzüge*... p. 286) that the two dates were those of the postings in Rome and in Alexandria, respectively, collapsed with Hasebroek's demonstration, *loc. cit.*, that Severus was in Alexandria on both dates. Cf. Williams 88.

(45) = *Jur. Pap.* 17. Although the date is lost, the two brief texts accord with the *apokrima* format in all details.

(46) Although the date is lost, the text displays the requisite brevity and the place of posting is the same as that of *P. Col.* 123.

(47) *Hermes* 32 (1897) 651-53. The only other texts then available were *Cod. Just.* 7.71.3 and *CPR* I 20, of A.D. 259 and 250, respectively.

detail of content. What does appear to be possible is a reconstruction, with the aid of several related documents, of what I conceive to have been the general sense, expressed on the Thucydidean principle of τὰ δέοντα μάλιστ' εἰπεῖν, ἐχομένῳ ὅτι ἐγγύτατα τῆς ξυμπάσης γνώμης τῶν ἀληθῶς λεχθέντων (1.22.1).

The principal documents assisting the reconstruction are the following. In language and content the closest parallels to *BGU* 473 are *P. Oxy.* XII 1405, 1-13 = XLIII 3105, 1-10, and *PSI* IV 292. Elements of applicable Severan language are found also in other *apokrimata*, most notably *P. Flor.* III 382. Of pre-Severan documents *P. Teb.* II 286 and *P. Ryl.* II 75 afford useful clues in language and content.

In general sense and construction, then — and, to repeat, with no pretense to verbatim accuracy — *BGU* II 473 may originally have looked something like this:

Αὐτοκράτωρ Καῖσαρ Λο[ύκι]ος Σ[επτίμιος Σεουῆρος Εὐσεβὴς Πέρτιναξ
Ἀραβικὸς Ἀδιαβηνικὸς Παρθι[κὸς Μέγιστος καὶ Αὐτοκράτωρ
Μάρκος Αὐρήλ(ιος) Ἀντωνεῖνος Εὐσεβὴς Σεβ[αστὸς τῷ δεῖνα· ἐπεὶ
ἀφίστασαι τῶν ὑπαρχόντων ἐγ κηδε[μονίᾳ ἡμῶν, οὐ ζημίας ἄσ-
5 τινας ὑπομενῖς μετὰ τὸ ἐκστῆναί σε. [ἔτι πρὸ τούτου ἔδοξεν ἡμῖν
νομοθετῆσαι ὅτι οὐ χρὴ τοὺς τὴν ἔ[κστασιν ποιησαμένους
ἐνέχεσθαι οὔτε πολειτικοῖς οὔτε ἰδιωτι[κοῖς ὀφειλήμασιν οὐδὲ
ἄλλῃ τινὶ ἐκτείσι κρατῖσθαι, ἀλλὰ ἀπολύεσ[θαι αὐτοὺς ἀνυβρίστους καὶ
ἕνεκεν χρηματικῆς δόσεως ἐλευθεροῦ[σθαι ἀπὸ τῶν λειτουργιῶν.
10 τοιγαροῦν, ἐν ἐπιτέρμου χώρᾳ καθιστα[μένων ἤδη πολλῶν, διεγνω-
σάμεθα τοὺς ἐκστάντας τῶν ὑπαρχόν[των οὐ δικαίως τὰς ἐπιτι-
μίας ἀφαιρῆσθαι. (ἔτους) η'' Φαρμοῦθ[ι. vacat

Doubtful letters: 5 initial τ, 8 final εσ.

Translation:

The Emperor Caesar Lucius Septimius Severus Pius Pertinax Arabicus Adiabenicus Parthicus Maximus and the Emperor Marcus Aurelius Antoninus Pius Augustus to X son of Y: Since you are surrendering your property under our benevolence, you will

suffer no penalties whatever after your relinquishment. Even before this we were moved to legislate that persons performing this relinquishment are not to be held responsible for public or private obligations nor liable for any other repayment, but are to be released without bodily harm and in return for their money payment to be freed from liturgies. Therefore, as many are now placed in a proximate situation, we have taken cognizance that persons who have relinquished their property have been unjustly deprived of their privileges. Year 8, Pharmouthi.

Notes and Commentary

(M. = Mitteis in *M. Chr.* 375)

Line 3

Σεβ[αστοί M., but subsequently published papyri reveal that the epithet was used here in the singular: cf. P. Bureth, *Les titulatures impériales...*, pp. 96-97.

Lines 4-5

(a)

The verbs ἀφ- and ἐξίστημι and their nouns were used as technical terms for the surrender of one's property, *cessio bonorum*: cf. *CPR* I 20 (= *W. Chr.* 402 = *St. Pal.* XX 54) I, 6-7, 13, 15-16, 18-19, II, 9; *P. Oxy.* XII 1405, 24 (= XLIII 3105, 20), and 1417, 6; *P. Ryl.* II 75, 6, 10, 16; *PSI* IV 292, 4, 15, 18.

(b)

"Ob ἐγ κηδε[μονίᾳ κατασταθείς und auf die Übertragung einer Cura bezüglich?" M. But, as then was not but now is evident, the term κηδεμονία is foreign to the language of officeholding and liturgy. It is common enough, however, as an evocation of the protective care of their subjects exercised by benevolent emperors and prefects: cf. *WB* I and Suppl., s.vv. κηδεμονία, -μών.

The restoration ἐγ κηδε[μονίᾳ ἡμῶν becomes especially attractive when read in conjunction with *P. Oxy.* XII 1405 = XLIII 3105. The pious, propagandistic assurance that the privilege of *cessio bonorum* was a manifestation of the emperors' protective

care apparently was misinterpreted in some quarters as meaning that the property was acquired by the fiscus. It therefore became necessary at some point to issue the clarification contained in *P. Oxy.* XII 1405, 2-5 = XLIII 3105, 2-4, "the cession is made not to our fiscus but to the person who named you to the liturgy". The latter phrase became the standard expression: cf. *PSI* IV 292, 4; *CPR* I 20 (= *W. Chr.* 402 = *St. Pal.* XX 54) I 6.

(c)

ζημίας: cf. *P. Flor.* II 142 (mid-third century), 8-9, ζημίαν πλείονα ὑπομένειν. Assurances that persons exercising their right of *cessio bonorum* will not suffer bodily harm are expressed in *P. Oxy.* XII 1405, 11-12 = XLIII 3105, 9, and *PSI* IV 292, 12 and 19 (quoted below, notes to line 8).

Lines 5-6

(a)

"[διὰ τὸ τὰς θείας διατάξεις?]" M. (no doubt suggested by τῶν θείων διατάξεων in line 15), the construction presumably depending on ὑπομενῖς as its main verb. It seems likelier — or, at the very least, equally possible — that a new sentence began here, continuing to the end of line 9.

(b)

ἔτι...ἡμῖν: Another supplement that deserves consideration is ἀναγκαῖον γὰρ ἡγησάμεθα (on the frequency of this expression in similar contexts cf. *BASP* 11 [1974] 52).

ἔδοξε usually expresses decisions of collective bodies (τῇ βουλῇ, κτλ.), but it is also used of pronouncements of the Ptolemaic king and the Roman emperor: cf. e.g. *SB* XII 10967 (ca. A.D. 170).

In *PSI* XIV 1406 an edict of the prefect of Egypt employs a combination of both of the above constructions: ἀν[α]νκαῖ[ο]ν ἔδο[ξ]έ μοι πυθέ[σ]θαι.

Line 6

The restoration, offered *dubitanter* by M., seems eminently suitable. (But *WB* s.vv. neglects to indicate that the words are restored.)

Line 7

The restoration πράγμασιν? (M., derived from *P. Oxy.* II 237 VIII, 28?) is accepted in *WB* s.vv. ἀπολύω, ἐνέχω, ἰδιωτικός, πολιτικός, and in *LSJ* s.v. ἐνέχω, as if the word actually occurs in the text. It is, moreover, a singularly colorless term, out of keeping with the usual accompaniment of ἐνέχεσθαι (λειτουργίᾳ, ζημίᾳ, κτλ.).

The considerations favoring the restoration ὀφειλήμασι are the following.

Idiom. "Public and private debts" is a frequent locution: see the examples cited in *WB* I pp. 690-1, esp. *P. Flor.* I 50 (A.D. 268), 113, εἴ τι δὲ ἐὰν ὀφείλῃ ὁ δεῖνα τῶν ἰδιωτικῶν καὶ πολειτικῶν τῷ ταμείῳ. Cf. also the formula ὃ δ'ἂν προσοφειλ[έσῃ] ἀποτεισάτω. *P. Oxy.* III 499, 28-29, similarly XVIII 2188, 9-10, XXII 2351, 52-53, *P. Fouad* 37, 8-9, *P. Mert.* II 76, 27 (A.D. 48-181).

Context. In a case of *cessio bonorum* the receiver of the property naturally assumed the liabilities along with the assets: cf. esp. *P. Oxy.* XII 1405, 2-8 = XLIII 3105, 4-6, and *PSI* IV 292, 9, περὶ τῶν ὀφειλομένων. The person making the cession was correspondingly relieved of the obligations involved. By the same token, for the latter to contract fresh debts thereafter on the security of the same property constituted an obvious fraud, as the prefect L. Munatius Felix ruled in a case that came before him in A.D. 150 (*P. Ryl.* II 75).

Line 8

ἀπολύεσ[θαι αὐτῶν? καὶ?] M., leaves almost half the lacuna unfilled.

In favor of ἀνυβρίστους *aut sim.* may be cited: 1. *CPR* I 20 (= *W. Chr.* 402 = *St. Pal.* XX 54) I, 15-16, τῷ] ἐκστάντ[ι] καὶ τῶν ἰδ[ί]ων ἀφισταμένῳ ὑπάρχει ἐκ τῶν νόμων καὶ τῶν θείων διατά-[ξ]εων...[βο]ήθεια τὸ μηδεμίαν βίαν πάσχειν. 2. *P. Oxy.* XII 1405, 11-12, = XLIII 3105, 9, οὐδὲ εἰς τὸ σῶμα ὑβρεισθήσει. 3. *PSI* IV 292, 12, τὴν εἰς τὸ σῶμα ὕβριν, and 18-19, ἔχειν με τὸ σῶμα ἀνεπηρέαστον καὶ ἀνύβριστον. 4. The fact that *BGU* 473 itself has in lines 16-17 ἀπαρενο]χλήτους φυλάσσεσθαι.

Restorations may be sought, of course, following other lines of thought, e.g. ἀπολύεσ[θαι πάντων τῶν τοιούτων (cf. *P. Oxy.* I 104, 30-31, ἀπο[λ]ελύσθαι αὐ[τὸν τῆ]ς ἐκτείσεως).

Lines 8-9

The rhetorical pairing of freedom and release is found also in *P. Oxy.* IX 1205 (A.D. 291), 10 (restored in 5-7).

Line 9

For the restoration cf. the Severan pronouncements in *P. Flor.* III 382, 7 and 11-12. Also noteworthy here is the language of *PSI* IV 292, 3-4, ἡ μὲν προκειμένη θεί[α αὐτοκρ]ατορικὴ διάτα[ξι]ς ἐλευθερ{ι}οῖ τ[ο]ὺ[ς...] ἐξισταμέν[ους τῶ]ν ὑπαρχ[ό]ντ[ων.

Line 10

Read ἐπιτέρμῳ. In *APF* 7 (1924) 84 n. 2 Wilcken suggested that this expression, which he took to mean "on the frontier", might refer to a *conventus* held in the Thebaid; but that interpretation is ruled out by the fact that Severus and Caracalla are shown by other documents to have been in Alexandria at the time: cf. W. Williams, *JRS* 64 (1974) 88 n. 26. In addition, the figurative sense of χώρα seems better suited to the general context than the literal geographical meaning.

Line 11

Cf. *P. Oxy.* XII 1405, 10-11 = XLIII 3105, 7-8, ἡ δὲ ἐπιτειμία σου ἐκ τούτου (sc. *cessio bonorum*) οὐδὲν βλαβήσεται.

Two considerations favor taking the infinitive as perfect rather than present tense: 1. The writer regularly iotacizes ει↔ι (lines 3, 5, 7, 8), hence we should expect the present infinitive to have been written -ῖσθαι. 2. His -αιρ- for -ηρ- can be explained as an instance of the disappearance of reduplication in postclassical Greek, on which cf. E. Mayser, *Grammatik*... I.2, p. 106.

Line 12

[Ἔρρωσο] M., on the assumption that the text is that of a rescript in epistolary form.

P. Yale inv. no. 299, recently published for its striking contents[1], provides incidentally an important piece of new evidence for the vexed chronology of Serverus' sojourn in Egypt. The editor of the papyrus offers a succinct but comprehensive summary of what has been written on the subject in the last half-century[2]. The choice, in essence, is between the "short chronology" of Hasebroek (arrival in Egypt ca. November of 199 A. D.) and the "long chronology" of Hannestad (arrival in January of 199)[3].

The text preserved on the papyrus is the latter part of a circular ordering the nome strategoi to assure the suppression of pseudo-prophetic and related fakery in their respective districts. Although the beginning of the document, where the author of this proclamation would be named, is lost, there can be no doubt that the order emanated from the prefect of Egypt. To the cogent arguments for that conclusion advanced by the editor[4] may be added still another, stylistic one: if the proclamation had been issued by the emperor Severus, then in joint reign with his young son Caracalla, the first-person verbs and adjectives would have been plural forms[5], not (as they are) singular.

The circular is dated in Pharmouthi[6] (the day of the month, if it was written, is lost) of Year 7 of Septimius Severus and Caracalla = March/April af 199 A. D. The date is important because a visiting emperor for the period of his sojourn superseded the governor in the exercise of supreme authority in the province[7]. It is no accident that no proclamation by the prefect is known for the period of Hadrian's visit to Egypt[8]; or that, of the more than two dozen prefectural letters, circulars and judgments of Severan date that we have or know

[1] The papyrus is published, with a perceptive and informative commentary, by G. M. Parassoglou as No. 30 in *Collectanea Papyrologica . . . in Honor of H. C. Youtie (Papyrol. Texte u. Abh.* 19. Bonn, 1976), pp. 262–74.

[2] *Ibid.*, p. 265.

[3] J. Hasebroek, *Untersuch. z. Gesch. des Kaisers Sept. Sev.* (Heidelberg, 1921), pp. 118–19; K. Hannestad, *Classica et Mediaevalia* 6 (1944), pp. 195–213. Others, as Parassoglou *loc. cit.* points out, have merely accepted one version or the other, without reexamining the problem *a fundamento.*

[4] Loc. cit., p. 262.

[5] Cf. *(inter alia plura)* P. Col. 123 = *Chronique d'Egypte* 30 (1955), pp. 332–34.

[6] Only the letters *mu omicron* survive, but they suffice to exclude all the other months of the Egyptian calendar.

[7] The classic citation is Dio Cassius 53.17.4 A notable instance is that of the Dmeir inscription SEG XVII, 759 (esp. lines 4–5, 7–8, 13–17, 28–31); cf. the pointed comments of P. Roussel and F. De Visscher, *Syria* 23 (1942–3), pp. 190–91, and W. Kunkel, *Festschr. H. Lewald*, pp. 89–90. Cf. also A. A. Schiller, *Apokrimata*, p. 46.

[8] He arrived in 130 A. D. and left before August of 131: W. Weber, *Untersuch. z. Gesch. des Kaisers Hadrianus*, pp. 247, 263.

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about[9], none was issued between the date of P. Yale inv. no. 299 and late in 200 A. D., when Severus left Egypt[10]. The clear inference is that Severus was not yet in Egypt in March/April of 199, when the prefect issued the administrative order contained in the Yale papyrus. This new *terminus post quem* for Severus' arrival supports Hasebroek's chronology as against that of Hannestad.

Easton Naphtali Lewis

[9] For both Hadrian and Severus see the lists compiled by P. Bureth, *RHD* 46 (1968), pp. 250–61.

[10] This is agreed: cf. above, note 3.

THE TAX CONCESSION OF A.D. 168

The text to be discussed is on the verso of P.Berol. 16036. The ed. pr. is by A. Świderek in *Festschr. 150jähr. Bestehen Berl. Aeg. Museums* (Mitt. aus d. Aeg. Sammlung VIII, 1975), pp.425-29.

The document, whose contents prove to be of more than passing interest, is a letter from Baienus Blastianus, prefect of Egypt, to the stategos of Themistes-Polemon in the Arsinoite nome. Its date corresponds to 21[1] February A.D. 168. Its subject is a concession in the matter of the capitations owed by ἀνακεχωρηκότες, a concession ordered by the prefect in an effort to induce the fugitives to return home. Verbal correspondences reveal that P.Strasb. 239, previously unidentified, is a fragment from another, slightly variant, copy of the order.

The brief commentary of the ed. pr. highlights the essentials of the document, but mistakenly concludes that the text confirms the identification of the μερισμὸς ἀνακεχωρηκότων with the μερισμὸς ἀπόρων.[2] On the contrary, this text should help to lay that particular ghost. For that and other reasons the text will repay closer scrutiny.

The body of the document (lines 3-18) reads as follows:

[τὰ] ἐπικεφάλεια τῶν ἀνακεχωρηκότων ἀπόρων συνήθως
4 [ἐκ μ]ερισμοῦ εἰσφερόμενα συνχωρῶι πρὸς τὸ παρὸν
[ἐπ]ισκεθῆναι, ἵνα οἱ ἐν ἀναχωρήσι ὄντες ἐπανέλθωσι
εἰς τὴν οἰκίαν καὶ οἱ ὄντες συμμένειν δύνονται,
καὶ ὅπως τοῦτο πάντες εἰδῶσι τῆς ἐπιστολῆς μου
8 τὸ ἀντίγραφον προτεθῆναι ἔν τε τῇ μητροπόλει καὶ
καθ' ἑκάστην κώμην. προσήκει δὲ καὶ σὲ μὴ μόνον
ταῖς τῶν πρακτόρων καὶ τῶν ἄλλων πραγματικῶν
προσφωνήσεσι προσέχειν, ἀλλὰ ἐπιμελῶς ἐξετάζε[ιν,]

1) Not the 20th (ed. pr.), since 167/168 was a leap year.

2) The identification was proffered (with "some doubt") by S.L. Wallace, *Taxation in Egypt*, p.137, and reasserted by R. Rémondon, *Ann. Serv. Antiq. Egypte* 51, 1951, 221-45. Contra: N. Lewis, *JEA* 23, 1937, 63, H. Braunert, *JJP* 9-10, 1956, 282 n. 207[d].

12 τίνες εἰσὶ οἱ τῷ ὄντι ἀνακεχωρηκότες τ̣[1-2]ς
προθέντα καὶ τὴν γραφὴν δημοσίᾳ ἐν τα̣ῖ̣ς κώμαις
ὅθεν ἕκαστοι ἀνεχώρησαν. εἰ γὰρ πρὸς τὸ παρὸν
ἀναγκαία ἐγένετο ὑπέρθεσις τῆς εἰσπράξεως, ἄλλου
16 προνοητέον ἐστὶν μηδὲ ὕστερον τοὺς ἐπι-
χωρίους κατ[αβα]ρεῖσθαι εἰσφοραῖς τῶν οὐκ ἀνακε-
χωρηκότων.

3 ἐπικεφάλια 5 ἐπισχεθῆναι, ἀναχωρήσει 6 δύνωνται 8 μητροπόλει
11 προσωνήσεσι 16 προνοητέον

3: The ed. pr. treats ἀνακεχωρηκότων and ἀπόρων here as two separate categories ("der wirtschaftlich Schwachen und Flüchtigen"); and so they sometimes are, but not here. Previously published documents -- notably P.Corn. 24, P.Graux 2 = SB IV 7462, and P.Ryl. IV 595 -- have made it clear that these were *aporoi* who had fled from their *idiai*, in contrast to those who chose to remain at home. The same contrast appears *expressis verbis* in lines 5-6 of this document, and by implication also in lines 17-18. For a fuller explication of this point see my remarks in *BASP* 17 (1980;forthcoming).

3-4 ἐπικεφάλια: In the first-century documents cited in the preceding paragraph the per capita taxes involved were λαογραφία, δικῆ and χωματικόν. Absent information to the contrary, we must envisage for P.Berol. 16036V, a century later, a similar if not identical frame of reference. See further H. Braunert, *loc. cit.* (above, note 2).

As D.H. Samuel recently reminded us (*Le monde grec: Hommages à Cl. Préaux*, p. 615) the concept that the μερισμὸς ἀπόρων was "an extra levy to make up deficiencies caused by the inability of ἄποροι to pay taxes," while generally accepted, has actually remained conjectural ever since Grenfell and Hunt proposed it over seventy years ago (*APF* 4, 1908, 545). The μερισμὸς ἀνακεχωρηκότων has been similarly perceived as supplying the tax deficit caused by defaulting fugitives. In lines 3-4 of Blastianus' letter we have, for the first time, textual confirmation that the amounts of capitation left unpaid by fugitives were in fact recovered through this *merismos*.

4: At first sight the expression πρὸς τὸ παρόν -- repeated in line 14, where it contrasts with ὕστερον in line 16 -- seems vague for a pronouncement of this kind. In A.D. 154, for example, M. Sempronius Liberalis (BGU II 372 = W. Chr. 19) allowed the fugitives three months to return; C. Vibius Maximus in 104 (P.

Lond. III 904 = W. Chr. 202) gave people only till the end of the month to return home to register in the census; and Hadrian's well known edict of 136 (SB III 6944 = P.Oslo III 78) granting a moratorium of the year's money taxes specified the number of years over which the payments were to be spread. Accordingly, in the text before us it is perhaps possible to think of understanding πρὸς τὸ παρόν sc. ἔτος, thus limiting the concession to the current year; but it is surely much more likely that πρὸς τὸ παρόν was here used in its normal indeterminate sense -- a deliberate choice of expression whereby the prefect left himself free to rescind the concession whenever he saw fit.

5-6: These lines contain the heart of the matter, stating both the nature of the concession and its purpose; and the key to understanding these lies in the meaning to be found in the infinitive at the beginning of line 5.

In the context of taxation ἐπέχω usually signifies "hold up" in the sense of stop temporarily, i.e. delay, postpone: cf. *WB* s.v. I 4, IV 4 (also s.v. ἐποχή 1). That sense seems unsuitable here, first because (as we have just seen, line 4) a moratorium or delay was normally granted for a fixed period; and secondly because the mere postponement of payment, while it might induce some residents to stay, could hardly be expected to induce large numbers of fugitives to return and reassume the tax burdens from which they had fled. But an outright forgiveness, or cancellation, of the taxes due would benefit both the fugitives, who could return with a clean slate, and the remaining population, which would be spared the additional impost of the *merismos*.

Logic, therefore, impels us to think of ἐπέχω as having here its extended sense: to "hold up" in the sense of to stop not for a time only, but altogether, i.e. to cancel (*LSJ* s.v. *IV*.2.b).[3] Textual support for this inference may be found in a group of fragmentary administrative documents contemporary with P. Berol. 16036V, namely PSI I 101-108, in which both these senses of ἐπέχω appear in the context of *anachoresis*. Thus, 101 and 102 make reference to komogrammateus reports that the male population of two villages had fallen from 27 and 54 to 3 and 4, οὕστερ ἐξασθενήσαντας ἀναχεχωρηκέναι. Next, 103 (sim. 108) states that certain tax payments ἐπ[ισ]χέσθ(αι) pending a decision by the prefect (obviously at his next *conventus*: cf. P.Fam.Tebt. 42, P.Graux 2 = *SB* IV 7462); the context leaves no doubt that here the verb means to hold in abeyance, to delay. In contrast, 104 speaks of taxes which from the year 5 ἄχρι τοῦ ι (ἔτους) ἐπεσ-

3) "To postpone indefinitely means to cancel" -- *Webster's Third New International Dictionary* s.v. defer. See also below, on lines 14-15.

χέθη, after which collection was again made in year 11; the taxes "suspended" for years 6-10 were, it seems, never collected -- in other words they were written off, or canceled. Finally, 105, though less well preserved, mentions another village left ὀλέρημον through *anachoresis*, and it appears to refer to a similar cancellation (τὰ ὑπὸ αὐτῶν ἐπισχεθέ[ντα) followed by a resumption of collections in year 11.[4)]

In sum, it would appear that confirmation is beginning to emerge from the documents for the view[5)] that prefects ordering ἀναχωρηκότες to return home must have offered them the inducement of a cancellation of taxes owed.

6: οἱ ὄντες in the sense of those remaining in the *idia* as opposed to those ἐν ἀναχωρήσει occurs also in P.Oslo inv. 1o26, 6-7 (*Symb. Osl.* 51, 1976, 146).

8-9: Like ἐπισχεθῆναι (line 5), the infinitive προτεθῆναι complements συγχωρῶ (line 4) but depends on the general notion of ordering that is implicit in that main verb. P.Strasb. 239 continues the construction with προσήκειν in the next clause, but there a finite verb fits the sense better and the supererogatory nu is best regarded as a scribal error.

9: καί, omitted in P.Strasb. 239, serves to emphasize the additional action that the strategos is to take in order to assure that the prefect's tax concession does not benefit persons not entitled to it.

10-11: Lists of fugitives and the taxes they owed were submitted by the praktores of the laographia (P.Corn. 24, P.Ryl. IV 595). Of the other pragmatikoi those most directly concerned would be the komogrammateus and the grammateus (metro)poleos, who were responsible for keeping the local records. In P.Berl. Leihg. 7, for example, a komogrammateus sends to the strategos the list of individuals whom he is assigning to cultivate lands ἀντὶ ἀναχωρηκότ(ων) καὶ ἐξηθεντηκότ(ων).

11-14: A strategos usually carried out an ἐξέτασις by ordering the basilikos grammateus or the komogrammateus to investigate and report back to him: cf. e.g. CPR V 3, St. Pal. XXII 184. The determination of which villagers were really fugitives was obviously a matter for the komogrammateus: cf. his role in P.Petaus 10 and 11.

The purpose of the *exetasis* here ordered by Blastianus is summarily stated

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4) Some of these details, though not with reference to ἐπέχω, were noted by P.M. Meyer, *Berl. Philol. Woch.* 1913, 870-1.

5) Premised by me in *JEA* 23 (1937) 68 n. 2.

in 14-18. As every name removed from the tax rolls increased the per capita tax burden distributed over the remaining taxpayers, the latter needed to be reassured that the list of the fugitives (and their tax delinquencies) was not padded, and that in paying the μερισμὸς ἀναχωρητῶν they were not in fact paying the head taxes of some nonfugitives. Thus, the komogrammateus might discover, in checking his records, that some on the list submitted by the praktores were not τῷ ὄντι ἀναχωρητάς but only away on a visit or temporarily residing elsewhere and readily reachable by the collectors (cf. P.Teb. II 391). It was also possible that some were temporarily in hiding, prepared to come out on learning that their names had been removed from the tax rolls. Such chicanery would not be possible, of course, without the connivance of the komogrammateus engaging in the widespread practice of σκέπη (*Atti XI Congr. Int. Pap.*, pp.509-12). Hence the prefect's order that the list be posted in the affected villages, where public scrutiny and outcry might uncover subterfuge, malfeasance or simple error.

12: In P.Strasb. 239 προθέντα follows immediately after ἀναχωρητάτος (*sic*). The Berlin copy, however, has some additional writing at the end of line 12. In attempting to decipher the slight remaining traces I have had the benefit of a photograph and a very careful sketch kindly provided by Dr. Z. Borkowski, to whom I here offer my warmest thanks. It may be that we should read τ̣[ίω]ς, or perhaps we are confronted by nothing more than a simple dittography, {τ̣[ε]ς}.

14-15: P.Strasb. 239 has καί preceding πρὸς τὸ παρόν, emphasizing the contrast with ὕστερον (line 16).

While ὑπέρθεσις generally denotes postponement, its underlying verb can also signify outright omission or cancellation: cf. *LJS* s.v. ὑπερτίθημι *II*.5.b.

TRANSLATION

The capitations of the propertyless fugitives, customarily collected through a special assessment, I allow to be suspended for the present in order that persons in flight may return home and those who are at home may be able to remain there; and that all may know this, a copy of my letter is to be posted in the nome-capital and in every village. It also behooves you not only to attend to the reports of the praktores and other functionaries, but to ascertain carefully who really are fugitives, also displaying the list publicly in the villages from which they severally fled: for if a

suspension of the collection has become necessary for now, (then surely) provision should be made to assure that also hereafter the country dwellers are not burdened with the tax payments of the non-fugitives.

Easton N. Lewis

Editor's note:
The text is reprinted as *SB* XIV 11374.

N. Lewis

A Ruling by Liberalis

Omaggio offerto alla preside geniale della papirologia milanese

A brief text, P. Mil. Vogliano 746 (Tebtynis, A.D. 158), is published with a brief commentary by M. Vandoni (hereafter cited as V.) in "*Festschrift für Erwin Seidl*", Köln 1975, pp. 167-68. The text is an extract copied -- κατεικ(όνισα), line 15 -- from the record of a hearing before M. Sempronius Liberalis, prefect of Egypt. Such extracts, as we know from a fair number of examples, tend to contain only the portion that was of immediate concern to the person for whom the copy was made. We are rarely given the background or underlying situation, but must try to reconstruct these as best we can from such clues as the laconic text may provide. So, too, with the document before us: the 18 words quoted from Liberalis' explanatory statement and the 7 words of his *subscriptio* are pregnant with important information in at least two areas, judicial procedure and taxation.

Before turning to consider these matters, it will be convenient to have the text before us[1]:

4 κληθέντος Ἀγάθου καὶ μὴ ὑ·
πακούσαντος, μεθ' ἕτερα
Λιβεράλις εἶπεν· τὰ ἐπ[ικε·
φάλια ἀφείθη αὐτῷ, τὰ
8 δοκ[ο]ῦντα εἶναι ἀχρε[ω·
κόπητα· τὰ χει[ρ]ωνάξ[ια,
ὅ ἐστιν τῆς ἐργασίας, ἀ·

[1] I am indebted to Dr. Vandoni for sending me a very clear photograph of the papyrus. The only essential in which my text differs from that published by her is in the punctuation of lines 7-9. I omit, as irrelevant for our present purposes, the date and other notations of lines 1-3 and 15-17.

παρτ(ω)εῖται, πρὸ[ς] ἄλλα τε[τ]α-
12 γμένος. καὶ ὑπέγραψεν· ε[ἰ
μὴ {εἰ μὴ} χρᾶται τῇ ἐργασίᾳ,
μὴ ἀγ[έ]σθω.

1. The Judicial Procedure

In the note to lines 4-5 V. aptly recalls P. Hamb. 29 (= *Jur. Pap.* 85 = FIRA III, 169; A.D. 89), in which the prefect proclaims that parties to a lawsuit who do not appear in court after their names have been called out twice ἀπόντες κριθήσονται[2]. But such absence was not necessarily prejudicial, as we now see from Liberalis' ruling in favor of the absent party. The present ruling was issued on the 16th of June, a time of year when the prefect would be in Alexandria[3], and when the harvest would be in full swing in the *chora*. That, plus the expense of travel, must have made a personal appearance in Alexandria difficult, if not impossible, for many an upcountry litigant. To inform litigants and petitioners not present or represented in Alexandria, prefectural rulings were posted in the affected places of the *chora* -- ὅνα οἱ βουλόμενοι τὰ διαφέροντα ἑαυτοῖς ἐκλαβῶν δύνωνται, in the words of P. Yale 61.

In the present instance, was Agathos the plaintiff or the defendant? And who was the other party to the dispute? The answers to these questions appear to me to lie in an analysis of the ὑπογραφή (*subscriptio*) of lines 12-14. In other extant examples the prefect's *subscriptio* is affixed at the bottom of a petition or procesverbal, and it either instructs the grievant (in the second person) to apply to the strategos or it informs him (in the third person) that

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[2] Note also the parallelism of the introductory language: κληθέντων τινῶν ... καὶ μὴ ὑπακουσάντων, Μέττιος Ῥοῦφ[ος] ἐκέλευσε, κτλ.

[3] So already WILCKEN, "Archiv", IV (1908), pp. 416-20; *Grundz.*, p. 33. Recently G.F. Talamanca expressed the view that these "deduzioni ... non appaiono trovare oggettiva conferma" (*Ricerche sul processo ... I. L'organiz. del 'conventus'* ..., Milano 1974, p. 96). However, BGU III, 970 (A.D. 177), the sole source of her doubt, does not invalidate Wilcken's conclusion; and she fails to allow for the fact that that document dates from a time when the administration of Egypt was trying to recover from the disruptive effects of wars, plague and the revolt of Avidius Cassius.

the (epi)strategos will investigate and take appropriate action[4]. The *subscriptio* of lines 12-14 fits neither of these categories. The subject of its third-person verbs is not the (epi)strategos but Agathos, the person whose tax payments are here at issue. It is clear, also, that the present hearing is on a charge brought against him, making him the defendant[5]. As that charge was on the question of his obligation to pay χειρωνάξια, the plaintiffs were most likely the praktores who collected that tax. Although the strategos is not mentioned in the prefect's ruling, the directive μὴ ἀγέσθω is in effect an instruction to him not to entertain prosecutions of individuals in Agathos' situation.

2. The Incidence of Χειρωνάξιον

Before issuing the ruling of the *subscriptio*, the prefect made -- as was customary -- an oral statement of relevant facts. Lines 6-12 reproduce a part of that statement. V. places a high point after αἰτῶ in line 7, and understands Liberalis to be contrasting τὰ ἐπικεφάλια with τὰ χειρωνάξια. To be sure, that is one's first impulse: many similar texts have conditioned us to expect that kind of construction. But at a second reading, if not at the first, one cannot fail to be struck by the unrelieved asyndeton of the statement: no μέν, and not even a δέ or καί. When the impact of this phenomenon has been absorbed, a totally different conception of the construction emerges: the two terms are not being contrasted but equated. Χειρωνάξια were capitation taxes, and as such are sometimes referred to in the papyri as ἐπικεφάλια[6].

What is meant by the characterization of such taxes as ἀχρεωκόπητα? As the word has occured only once before, and in a

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[4] E.g. δίδαξον τ[ὸν στρα]τηγὸν εἰ εἶ ἰατρὸς . . . καὶ ἔξεις τὴν ἀλειτουργησίαν (P. Oxy. I, 40 = Sel. Pap. 245 + BL V, p. 74), ὁποῖά σοῦ ἐστιν ἡ ἀξίωσις εἴσεται ὁ στρατηγός (P. Oslo 81). For an instance of referral to the epistrategos see P. Oxy. XVII, 2131.

[5] One might imagine that Agathos had in fact been compelled to make the payments and was now bringing suit (as plaintiff) against the collectors (as defendants). To me, however, the language of the document implies the reverse situation of the parties. If he had paid, why would he have been brought to court as a defendant (ἀγέσθω)?

[6] Cf. S.L. WALLACE, *Taxation in Egypt*, pp. 191-92.

magical papyrus at that[7], it is not possible to give a categorical answer to the question. The only translation I can find renders the word as "schuldentrückt", i.e. "debt-free[8]". *LSJ* explains, "free from debt, i.e. undiminished", which seems appropriate to the context, and which conforms with several occurrences of χρεωκοπέω, of which Plutarch, *Mor.*, 829C is the clearest: ὁ ... λαμβάνων ἔλαττον χρεωκοπεῖται. V. follows in this vein, translating "non remissibili" (and in the commentary "irriducibilità delle imposte artigianali" and "imposte 'ritenute irriducibili' "). But the difficulty in the way of applying that meaning in the text before us is that the issue here is not one of reducing taxes but one of outright exemption or total release (ἀφείθη, line 7, ἀπαρτ(ω)εῖται, lines 10-11). What is more, individual reductions in the taxes on trades never occur in Roman Egypt, so far as I am aware, but there is evidence that a total exemption was sometimes granted for sufficient cause. For example, P. Olso 124 contains a petition for release from payment of γερδιακόν on the grounds of old age and poor eyesight[9]. What Liberalis is saying, then, as I understand it, is that for the period in dispute Agathos has been released from the monthly payments[10] of his artisan tax, payments generally regarded (δοκοῦντα) as constituting an obligation that could not be terminated (ἀχρεωκόπητα)[11].

V. translates ἀπαρτεῖται as "sono finite", but the form must, of course, be future[12]. Furthermore, if the form is thus taken to

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[7] P. Mag. Par. 1, 523-527 (publ. in "*Denkschr. Wiener Akad.*", 36.2, 1888): δυνάμεως ἣν ἐγὼ πάλω μεταπαραλήψομαι ... ἀχρεωκόπητον.

[8] A. DIETERICH, *Eine Mithrasliturgie*, p. 5; in a footnote he cites Suidas and Plutarch (see below) and adds, "oder 'ohne Schulderlass'? "

[9] Cf. P. Oxy. I, 39, which V. analyzes as a case of exemption from the weaver's tax for poor eyesight. SB V, 8025 certifies that its beenficiary was exempted from payment of λαογραφία -- the capitation tax par excellence -- because he was ἀσθενής.

[10] As but a single individual is involved, and presumably therefore a single trade (note also the relative pronoun in the singular, line 10), this is how I understand the plurals of our text. It has long been known that taxes on trades were payable in monthly instalments: see below, note 16.

[11] There is no semantic difficulty here, since in compound verbs of which it is the second element -κοπέω usually carries the connatation of a complete severance rather than a reduction.

[12] On the contraction of ει into a single sound cf. MAYSER, *Gramm.*, I.1, p. 92; I.1², pp. 64-65; F.T. GIGNAC, *Gramm. Gk. Pap. Rom. Byz. Periods*, I, p. 298.

be passive, τεταγμένος is left dangling. The participle as nominativus pendens is common enough in the κοινή, but not when its subject is the same as that of the main verb[13]. I therefore take ἀπαρτ(ω-εῖται as middle[14], its subject modified by τεταγμένος.

After giving a rather neutral translation of ἀπαρτεῖται as "essendo passato", V. amplifies in the notes: "Agathos ha, per imposizione superiore, cambiato attività". This is surely right, but leaves one wondering: What higher authority? and in what circumstances? One possible answer to these questions is suggested by BGU VIII, 1572 = P. Phil. 10, of A.D. 139. There the weavers of Philadelphia complain to the strategos of their difficulty in filling a government order for garments on time because four of them, out of a total number of twelve, are away on a liturgic assignment: ἐδόθησαν εἰς ἐπίπλουν καὶ ο[ὗτ]οι ἕνεκα τῆς χρείας ἀφῃρέθησαν ἀφ' ἡμῶν καὶ εἰς Ἀλεξάνδρειαν ἐπορεύθησαν. Each of those four weavers could, manifestly, be characterized as πρὸς ἄλλα τεταγμένος[15]. And if the principle of Liberalis' ruling was already in effect (as I think likely) twenty years earlier, for the period of their enforced absence in liturgic service those weavers would not be liable for payment of their trade tax -- which, as has long been known, was payable in monthly instalments[16].

However, the future tense of ἀπαρτ(ω)εῖται appears to carry the implication that Agathos' change of occupation will be permanent. If that is in fact the case, it poses a problem for which I can offer no satisfactory solution. In the middle of the second century occupations and manpower were not yet being assigned by the state -- that came centuries later. Many slaves, of course, were skilled craftsmen[17], and an expression like πρὸς ἄλλα τεταγμένος

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[13] Cf. MAYSER, *Gramm.*, II. 3, p. 65.

[14] It is true that the occurrences of the verb listed in *LSJ* and *WB* are all active or passive, but there is no inherent reason against its use in the middle, and in the present context the connotation of self-interest is obvious.

[15] So e.g. P. Oxy. ined. ("ZPE", XXIV (1977), p. 48) line 10, πρὸς [τ]ὴν ἀπεργασίαν (sc. τῶν χωμάτων) διατεταγμένους.

[16] Cf. WO I, p. 172 for the weaver's tax, and pp. 323-24 for χειρωνάξιον in general.

[17] E.g. slave weavers: BGU II, 617; P. Grenf. II, 59; P. Lips. 26; P. Mich. V, 346; P. Oxy. II, 262; VI, 984; XIV, 1647; PSI III, 241; SB V, 8263; St. Pal. XXII, 36; 40; for details see E. WIPSZYCKA, *L'industrie textile dans l'Égypte romaine*, index

would be a satisfactory way of describing a slave reassigned by his master from a χειρωνάξιον-paying occupation to another, presumably more lucrative, activity. But if the document before us concerned a slave, one would expect to find in it some indication of that fact. As it stands, since a slave could not be a party to a lawsuit (though (s)he could of course be the subject of one), in the present instance Agathos would have to be understood as the master, while Liberalis' comment and *subscriptio* would have to refer to the slave. This interpretation seems to me to be very strained indeed, truly a counsel of despair, but faute de mieux it should perhaps not be dismissed out of hand.

There is no ambiguity, however, about the meaning of Liberalis' *subscriptio*. It is brief and to the point, and it provides us with a major piece of new information about the χειρωνάξιον. It enunciates the principle -- reiterating, I should think, one already established in the course of two centuries of Roman rule, rather than promulgating a new one -- that the artisan tax, though assessed per capita, was levied not on the artisan qua craftsman (not, in other words, on the fact that he was registered as a worker skilled in a particular craft), but only on the actual exercise of his skill. If he does not practice his craft, no action will lie against him (μη ἀγέσθω) for non-payment of the tax.

3. Translation

In the light of the foregoing discussion I translate as follows:

When Agathos had been called and had failed to respond, Liberalis said, *post alia*: "He has been exempted from the capitation-tax payments, generally regarded as an inescapable obligation; he will be rid of the artisan tax, which is that of a trade, since he has been assigned to other pursuits". And he subscribed: "If he does not

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s.v. The evidence on slaves engaged in trades is reviewed by I. BIEZUNSKA-MALOWIST, *L'esclavage dans l'Égypte gréco-romaine*, II, pp. 85-93.

practice the trade, he may not be prosecuted (sc. for non-payment of the tax)".

Easton NAPHTALI LEWIS

ADDENDUM

Probably the best way to construe τεταγμένος is as a middle with reflexive force (MAYSER, *Gramm.* II.1, p. 102), and to translate "since he has transferred to other pursuits".

N.L.

Editor's note:
This text is reprinted in notes to *SB* XIV 11379.

16
LITERATI IN THE SERVICE OF ROMAN EMPERORS: POLITICS BEFORE CULTURE

NAPHTALI LEWIS

Several years ago I published a papyrus which I regarded as exemplifying the *communis opinio* that "under the Romans men of affairs as well as representatives of the arts and sciences were rewarded with membership in the Alexandrian Museum, with its attendant privileges of ἀτέλεια and σίτησις."[1] But latterly a kind of revisionism has set in, taking the view concerning such "supposed 'non-scholar' members" that "some or even all may have been genuine scholars in their own right."[2] The unwitting catalyst of this revisionism is a certain M. Valerius Titanianus, whose career spanned the end of the second century and the first half of the third.[3] Long since attested in an inscription from Latium as *praefectus vigilum* (an eminence rarely attained by Greco-Egyptians), Titanianus is revealed by the above-mentioned papyrus and by an inscription published in 1965 to have held also the palatine office of *ab epistulis* and to have been a member of the Alexandrian Museum.[4] The new evidence has led to deductions such as "Titanianus in particular had a good claim to be a scholar in his own right, since we know that he once held the post of *ab epistulis Graecis*."[5]

Schematized as a syllogism, the revisionist view holds: 1) Titanianus was appointed to the office of *ab epistulis;* 2) Only literati or scholars were appointed to that office; 3) Therefore Titanianus was a scholar or literary figure. As the conclusion does indeed follow if the two prior propositions are sound, and as proposition 1 is an established fact, it becomes necessary to examine whether proposition 2 is also valid. This can best be done by reviewing the careers of the men known from ancient sources to have held the office of *ab epistulis*.

To this office—"the most influential, though perhaps not the most noticeable"[6] of the palatine secretariats—and to the persons who held it, no fewer than four detailed studies have been devoted in the space of less than twenty years.[7] That by Townend concentrates on the organization of the office, arguing that the division into separate

bureaus for Latin and Greek correspondence did not occur before ca. A.D. 166. Millar, Pflaum, and Bowersock, concerned to distinguish the kind of men appointed to head the office, emphasize "the relation of the position of *ab epistulis Graecis* to the rhetoric and culture of the Greek world," see this secretariat directed "par de grands hommes de lettres du monde grec," and find "oriental literati as *ab epistulis* . . . [in] substantial number."[8]

These statements are unexceptionable in reference to certain well-known holders of the office. But does the evidence justify the further, more extreme generalization that "in the second and early third centuries the office of *ab epistulis* for Greek correspondence is found to have been monopolized by eastern Greek sophists and rhetors," or that the office was "toujours confiée à un lettré d'origine grecque"?[9] Was this secretariat really reserved exclusively, or even preferentially, for such men? Were no other backgrounds and qualifications given at least comparable weight by the emperors when appointing to that office?

List I below is a conspectus of the careers of the men who are known, or can reasonably be inferred, to have held the office of *ab epistulis*. Preceding the name of each is the date when he held the office: this is in a few instances given in the sources, but for most it is but loosely approximated. The relevant sources for each individual are given in parentheses at the end of the entry, in most instances by a single reference to Pflaum, where the sources are collected. Problems of chronology, identity, and so on are noted at their respective places.[10]

LIST I

NO.	A.D.	NAME AND CAREER
1	44–54	Narcissus: freedman of the Emperor Claudius, ab epistulis (Dio Cass. 60.34; Suet., *Claud.* 28; *CIL* xv 7500 = *ILS* 1666).
2	ca. 60	Beryllus: paedagogus of Nero, ab epistulis[11] (Josephus, *AJ* 20.183–84.
3	ca. 65[12]	Dionysius of Alexandria: grammaticus, head of the Museum(?),[13] a bibliothecis, ab epistulis et ad legationes et responsa (Pflaum no. 46).
4	69	Secundus: rhetor, ab epistulis (to Otho) (Plutarch, *Otho* 9.3).
5	ca. 85	Abascantus: freedman of Domitian, ab epistulis (Statius, *Silv.* 5.1; *CIL* vi 8598, 8599).
6	ca. 90–105	Cn. Titinius Capito:[14] military offices and decorations, procurator ab epistulis et a patrimonio, iterum ab epistulis, praetoria ornamenta, ab epistulis tertio, praefectus vigilum (Pflaum no. 60).
7	ca. 117	C. Suetonius Tranquillus: writer, named military tribune but resigned in favor of a relative, flamen, local pontifex, a studiis, a bibliothecis, ab epistulis (Pflaum no. 96).

8	ca. 127	C. Avidius Heliodorus: rhetor(?), philosophus, ab epistulis, praefectus Aegypti (Pflaum no. 106; SHA *Hadr.* 16.10).
9	ca. 130	Valerius Eudaemo: procurator ad dioecesin Alexandriae, a bibliothecis Lat. et Gr., ab epistulis, proc. provinciarum, proc. hereditatium, proc. provinciarum (iterum), praefectus Aegypti (Pflaum no. 110; SHA *Hadr.* 15.3).
10	ca. 135	L. Julius Vestinus: sophist, archiereus "of Alexandria and all Egypt" and head of the Museum,[15] a bibliothecis Lat. et Gr., a studiis, ab epistulis (Pflaum no. 105).
11	137	Caninius Celer:[16] writer on rhetoric, ab epistulis (to Hadrian), instructed Marcus (the later emperor) in Greek rhetoric (Philostr. *VS* 1.22; SHA *M.Ant.* 2.4, *Ver.* 2.5; M. Aurelius, *Med.* 8.25; Suidas A528 Adler).
12	137	L. Domitius Rogatus: freedman, quattuor militiae, ab epistulis (to L. Aelius Caesar), procurator monetae, proc. Dalmatiae, pontifex minor (Pflaum no. 140).
13	ca. 150?	[ ]: procurator Achaiae, proc. Baeticae, ab epistulis Latinis (Pflaum no. 214 *bis*).
14	ca. 160–62	Sex. Caecilius Crescens Volusianus: praefectus fabrum, sacerdos curio, advocatus fisci Romae, procurator XX hereditatium, ab epistulis (Pflaum no. 142).
15	ca. 163	T. Varius Clemens: quattuor militiae, procurator provinciarum, ab epistulis (Pflaum no. 156).
16	ca. 165–75	C.(?)[ ]ilius: a commentariis (to the praetorian prefect), procurator Macedoniae, ab epistulis [Gr.? Lat.?], iuridicus Alexandriae, proc. Asiae, proc. summarum rationum, ab epistulis Latinis, senator with praetorian rank (Pflaum no. 178).[17]
17	ca. 166	C. Calvisius Statianus: ab epistulis Latinis, praefectus Aegypti (Pflaum no. 166).
18	ca. 168[18]	Sulpicius(?) Cornelianus: ab epistulis Graecis (Phrynichus, *Ep.* 225, 379, 418 Lobeck = 203, 356, 393 Rutherford; Ael. Aristides 50.57 Keil = 26.335 Dindorf).
19	170	Tarru(n)ten(i)us Paternus:[19] jurist, author (*De re milit.*), ab epistulis Latinis, carried out a diplomatic mission and a military command, praefectus praetorio, ornamenta consularia (Pflaum no. 172).
20	ca. 170	Alexander (the "Clay-Plato"): sophist, ambassador, ab epistulis Graecis (Philostr. *VS* 2.5).
21	172–75[20]	Ti. Claudius Vibianus Tertullus: ab epistulis Graecis, a rationibus, praefectus vigilum (Pflaum no. 252).
22	ca. 175	T. A(h)ius Sanctus:[21] ab epistulis Graecis, procurator rationis privatae, a rationibus, praefectus Aegypti, praef.[22] alimentorum, consul (Pflaum no. 178 *bis*, as revised pp. 1002–7).
23	175	Manilius:[23] ab epistulis Latinis to Avidius Cassius (Dio Cass. 73[72].7.4).

24	ca. 185	Hadrianus (of Tyre):[24] rhetor, sophist, ab epistulis (Philostr. *VS* 2.10; Suidas A528 Adler; Galen xiv, 627 [629]).
25	ca. 187	[Aurelius Larichus: ab [epis]tulis [Graecis] (*AEpigr* 1952 no. 6; *Hesperia* 36 [1967] 332).
26	ca. 190	Vitruvius Secundus:[25] ab epistulis(?) (SHA *Comm.* 4.8).
27	2/3d cents.	[ ]: militiae equestres, procurator ad alimenta, proc. ad census accipiendos, proc. ad dioecesin Alexandriae, proc. dioecesis, proc. patrimonii, proc. ab epistulis, a rationibus (Pflaum no. 271).
28	2/3d cents.	Sempronius Aquila:[26] rhetor(?), ab epistulis Graecis (his son-in-law: tribunus plebis, praetor designatus) (*IGRR* iii 188; also(?) Philostr. *VS* 2.11).
29	ca. 200	Aelius Antipater: sophist, tutor of Caracalla and Geta, ab epistulis Graecis, legatus Augusti (in Bithynia) (Pflaum no. 230).
30	ca. 210	Maximus (of Aegae): orator, ab epistulis (Philostr. *ApTy* 1.12.14).
31	214–15	Julia Domna: widow of Septimius Severus, mother of the reigning emperor Caracalla (Dio Cass. 78[77].18.2, cf. 79 [78].4.2-3: see also below, n. 29).
32	ca. 215	Marcius Claudius Agrippa: freedman, advocatus fisci, a cognitionibus, ab epistulis, praeses classis, ornamenta consularia, governor of Pannonia, the three Dacias and Moesia (Pflaum no. 287).[27]
33	ca. 216	M. Valerius Titanianus: ab epistulis Graecis, praefectus vigilum, a Museo Alexandriae (see above, n. 4).
34	217 or 218	[ ]inianus: procurator, a cognitionibus, ab epistulis Latinis (*AEpigr* 1966 no. 431).
35	ca. 220	Aspasius: sophist, ab epistulis Graecis (Philostr. *VS* 2.33).
36[28]	3d cent.	[ ]: advocatus fisci, ab epistulis (Pflaum no. 226 *ter*).

The significant facts—significant for the purposes of this inquiry—that emerge from List I may be summarized as follows. The first holder of the office of *ab epistulis* was the emperor Claudius's freedman Narcissus. At the other social pole from that exslave there is Julia Domna, to whom her son, the emperor Caracalla, for a time entrusted the management of the imperial correspondence.[29] Both of these extremes may be seen as instances of a natural tendency to turn to members of one's own household in times of crisis or emergency, the first in the stresses of bureaucratic innovation, the second under the pressures of a military campaign.[30] Between these extremes the known holders of the office are mostly men pursuing more or less traditional careers of the equestrian order.[31] Omitting the three imperial freedmen of the first century, the remaining thirty-three individuals in the list comprise three categories.

1. By the most generous count, fourteen can be credited with notable literary ability or pretensions, and for at least three of these fourteen the literary interests appear to be avocations from active

careers in imperial government.[32] Julia Domna is a good example of the three. No claimant to literary fame herself, she was the well-informed patroness of a literary salon which "gave the court [its] intellectual or pseudo-intellectual tone."[33]

2. Four others are cited only as holders of the office of *ab epistulis;* nothing more is known of their careers.[34]

3. Cultural attainments figure not at all in the careers of the remaining fifteen, the largest group. They held the office of *ab epistulis* at some stage in an equestrian *cursus* (civil, military, or usually both), which sometimes culminated in senatorial rank.[35]

Pflaum observes at one point (338) that to hold the post of *ab epistulis* "il fallait . . . des facultés stylistiques qui exigeaient une forte culture. Il fallait en outre la confiance entière du prince, ce qui supposait une connaissance longue et intime, nous dirions presque des relations amicales entre l'empereur et son ministre." The priority of these requirements should be reversed. Since the office was held at the emperor's pleasure, his favor was the sine qua non; the qualities of literati were valuable, lending an aura of refinement and cultural patronage to the imperial regime, but those qualities were hardly essential, because stylistic competence for the largely formulaic correspondence could undoubtedly be provided by the more or less permanent undersecretaries and clerks.[36]

It will be useful to review rapidly the evidences of imperial favor and even friendly intimacy discernible in the sources from which our list of *ab epistulis* is compiled. Again omitting the imperial freedmen of the first century (who were obviously trusted servants of the emperor), the following details claim attention. No. 9, who was entrusted as procurator with a larger than normal group of provinces, was probably the Eudaemo who figures in SHA *Hadr.* 15.3 as among the emperor's *amicissimos vel eos quos summis honoribus evexit.* No. 11 was tutor to a future emperor. No. 17 advanced from *ab epistulis* to prefect of Egypt with no, or only a slight, interval. The emperors' relationship to no. 18 is described as *λόγῳ μὲν ἐπιστολέα ἀποφήναντες, ἔργῳ δὲ σύνεργον ἑλόμενοι τῆς βασιλείας.* No. 19 held all the offices listed within the short span of six years. No. 23 is characterized as *τῷ Κασσίῳ συγγενομένου καὶ. . .μέγιστον παρ' αὐτῷ δυνηθέντος.* On no. 24 the title of *ab epistulis* was bestowed *νοσοῦντι . . . ὅτε δὴ καὶ ἐτελεύτα.* No. 25 was referred to by the emperor as *ὁ φίλος μου,* no. 30 as *ὁ φίλος μου καὶ διδάσκαλος.*[37] No. 32, born a slave, was advanced through an equestrian career to signal honors of senatorial rank.[38] No. 35 *ἦλθε δὲ καὶ ἐπὶ πολλὰ τῆς γῆς μέρη βασιλεῖ τε ξυνών.*

All in all, the known *ab epistulis,* after the freedmen of the early years, present us with a very mixed bag of persons and types: an octogenarian on his deathbed, who was obviously dignified with the title of the office *honoris causa;* friends, teachers, and imperial careerists, chosen by the emperors for reasons among which

trustworthiness and administrative ability surely loomed large. These men included several whose chief or only prior claim to fame lay in their intellectual activity, but the presence of a Suetonius in the list does not justify the generalization that "pour occuper la direction de ce secrétariat l'empereur faisait appel aux plus grands lettrés de l'époque."[39] The list also contains rhetoricians and sophists who were far from enjoying universal regard as paragons or exemplars of literary style and culture. Avidius Heliodorus (no. 8) is classed among *τοὺς μὲν μηδενὸς τοὺς δὲ βραχυτάτου τινὸς ἀξίους ὄντας*, and he is reported to have been told to his face that *Καῖσαρ χρήματα μέν σοι καὶ τιμὴν δοῦναι δύναται, ῥήτορα δέ σε ποιῆσαι οὐ δύναται.*[40] Celer (no. 11) is described as *βασιλικῶν μὲν ἐπιστολῶν ἀγαθὸς προστάτης μελέτῃ δὲ οὐκ ἀποχρῶν*, which suggests greater administrative than literary ability; and the style of Aspasius (no. 35) is characterized as *ἀγωνιστικώτερον* and as suffering from *ἀσάφεια*.[41] It is worth recalling also how many extant imperial letters and promulgations are anything but models of lucidity or style.[42]

Thus, while "literary accomplishments were a well-established basis for obtaining influential patronage and preferment,"[43] the evidence does not support the view that such accomplishments were the only, or even the primary, criterion by which emperors selected their *ab epistulis*. At times certainly, and very likely most of the time, political or military considerations or palace associations were the prime determinants. The case of Julia Domna may serve to epitomize the situation. When Caracalla entrusted her with the management of the imperial correspondence, was it because of her undoubted appreciation of literature and philosophy (manifested most prominently in the salon she patronized at court), or was it because of the influence that this politically powerful woman wielded in the councils of state, first as the wife of Severus and then, more than ever, as the empress mother?[44] Few will doubt that it was the latter.

In sum, the argument that only literati or scholars were appointed to the office of *ab epistulis* simply begs the question. The "revisionist syllogism" posed at the beginning of this paper has been tested and found wanting. Specifically, the presumed universality of proposition 2 collapses under the weight of the accumulated evidence. The office of *ab epistulis* is not by itself sufficient warrant for imputing to its holder any literary or rhetorical or scholarly distinction. We may now turn to examine whether Museum membership by itself justifies such an inference.

Founded early in the third century B.C. by the first or second Ptolemy,[45] the Alexandrian Museum and Library acted as twin magnets to attract the leading minds and talents of the age and make Alexandria the cultural capital of the Hellenistic world. Whether or not they were ever perceived as ivory towers dedicated to pure intellection, the Museum and Library,[46] situated as they were in the

city's Royal Quarter, cheek-by-jowl with the palace and the court,[47] were never totally free of the political ambience.[48] The administration of both institutions was tied to the crown, which appointed the Museum's director and the chief librarian. The fact that these appointments were not always based on literary or scholarly or scientific merit alone is strikingly illustrated by our sources. An inscription found at Delos celebrates one Chrysermos son of Herakleitos, a courtier of Ptolemy III or IV, whose offices included that of Museum director.[49] And in the list of chief librarians the famous editor of Homer, Aristarchos, is followed by an otherwise unknown Kydas, who is identified only by a military title appropriate to a courtier intimately associated with the king.[50]

Augustus retained the Ptolemaic pattern of control, appointing the members of the Museum and its head.[51] In this, as in so much of the "statut augustéen de l'Egypte,"[52] subsequent emperors followed in Augustus's footsteps, with "the Museum, now as under the Ptolemies a State institution, supported by a regular subvention and under the direction of an official of equestrian rank appointed by the emperor."[53] Direct contact with the Museum is recorded for Claudius and Hadrian: the former added a Claudian wing to the building and instituted an annual recital of two histories he had written in Greek; the latter, while in Egypt, "in Musio quaestiones professoribus proposuit."[54]

List II below summarizes the careers of the Museum directors and members known from the period of Roman rule in Egypt. The presentation follows the pattern of List I.

LIST II

NO.	A.D.	NAME AND CAREER (BESIDES MUSEUM MEMBERSHIP)
1[55]	ca. 35	Ti. Claudius Balbillus: superintendent(?) of sanctuaries "in Alexandria and all Egypt," supra museu[m, ab Alexandri]na bibliothece, archiereus, [ad Herm]en Alexandreon, ad legationes et res[ponsa Graeca, trib. le]g(ionis), praef. fabr(um), procurator, decorated in Claudius's British triumph (*PIR*² C813; Pflaum no. 15).
2	38	Didymus (son of Hierax): Alexandrian, nome strategus (*P. Ryl.* 143).
3[56]	ca. 40	Chaeremo: tutor to Nero, prior to that Museum head(?) (Suidas Δ1173 Adler, cf. *RE* 3, 2026).
4[56]	49	Dionysius (of Alexandria): grammaticus, Museum head(?), a bibliothecis, ab epistulis et ad legationes et responsa (Pflaum no. 46).
5	ca. 50	Ti. Claudius Demetrius: banker, Alexandrian, gymnasiarch, Roman citizen (*P. Oxy.* 2471).
6	107 or 126	Valerius Callinicus: archidicastes (*P. Oxy.* 471).

7	ca. 110–38	Polemo (of Laodicea): rhetor, sophist, grammaticus (Philostr. *VS* 1.25.3; Suidas Π 1889 Adler).
8	117–33	Areius: Homeric poet (*CIG* 4748 = *SB* 8355 = *IGLMemnon* 37).
9	117–38	Aelius Dionysius (of Miletus): sophist, promoted to equestrian order, praeses[57] provinciarum (Philostr. *VS* 1.22.3; *BCH* 4 [1880] 405).
10	ca. 120	[ ]: archidicastes, etc.[58] (*BGU* 231).
11	122/3	Servius Sulpicius Serenus: military officer in several campaigns, procurator (Pflaum no. 104 *bis*, where the first inscription now = *SB* 8340 = *IGLMemnon* 20).
12	125	Andronicus: strategus and acting exegetes of Alexandria, archidicastes, etc. (*P. Meyer* 6).
13	128	[ ]apus (son of [M]unatianus, who had been archidicastes): military tribune, strategus of Alexandria, archidicastes, etc. (*P. Mil. Vogl.* 26 = *SB* Beih. 2B4).
14	ca. 130	Pancrates: native of Egypt, poet[59] (Athenaeus 677e).
15	ca. 130	L. Julius Vestinus: sophist, archiereus "of Alexandria and all Egypt" and Museum head, a bibliothecis Lat. et Gr., a studiis, ab epistulis (Pflaum no. 105).
16	135	Claudius Philoxenus: praefectus cohortis, archidicastes (*BGU* 73 and 136 = *M. Chr.* 207 and 86).
17	mid-2d cent.	Tullius Ptolemaeus: strategus of Alexandria, archidicastes, eutheniarch, acting Museum head (*SB* 7027).
18	144	Dionysius (son of M. Antonius Dius, who had been strategus of Alexandria[60]): archidicastes, etc. (*BGU* 729 = *M.Chr.* 167).
19[61]	172	[M. Tillius(?)] Proculus (son of M. Tillius Marcellus, who had been gymnasiarch and hypomnematographus): archidicastes, etc. (*P. Flor.* 68).
20	173	Valerius Diodorus:[62] hypomnematographus (*P. Mert.* 19).
21	ca. 175	Ti. Claudius Eucles Polydeuces Marcellus (son of Ti. Charidemus, who had been archiereus Asiae, military tribune, lifetime gymnasiarch): archiereus, grammateus, benefactor of his city (*IMagn.* 187–90).
22	193–211	Fronto: rhetor, author of many works (Suidas Φ 735 Adler; Keil-Premerstein, *Zweite Reise in Lydien* 210).
23	2/3d cents.	Aelius Demetrius:[63] rhetor (*OGIS* 712 = *IGRR* i 1081).
24	ca. 217[64]	M. Valerius Titanianus: ab epistulis, praefectus vigilum (*BGU* 1617; *AEpigr* 1966 no. 474; *P. Mich.* 620).
25	ca. 217	L. Gellius Maximus: friend and chief physician of the emperor, lifetime priest of Aesculapius, procurator[65] ducenarius (*CQ* 21 [1971] 262).
26	ca. 240	Calpurnius Theo: no details (*P. Oxy.* 3047, 3048).
27	3d cent.	M. Aurelius Asclepiades: prize athlete, bouleutes, prytanis, (*IGURomae* 239–41, 250 = in part *OGIS* 714, *IGRR* i 153, 154, *CPHerm* 7).

28	3d cent.	Fl. Maecius Se[| Dionysodorus: bouleutes of Antinoopolis (*SB* 6012).
29	267	Aurelius Plutio: procurator[66] ducenarius (*CPHerm* 53, 59, and 124 + 125 = *W. Chr.* 39, 151, 40).
30	ca. 270	M. Aurelius Hermogenes: vir egregius, tribunus legionis, praefectus alae, procurator a studiis; patron, priest and official at Ostia (Pflaum no. 352).
31	ca. 275[67]	[ ]: no details (*SIG*³ 900).
32	3d(?) cent.	Balbianus (son of Balbianus, who had been procurator Augusti): praefectus cohortis, archidicastes, etc. (*P. Oxy.* 2978).
33	3d(?) cent.	[ ]us Clodianus: procurator (*AEpigr* 1936 no. 44).

Of the thirty-three individuals in List II, seven—if we include nos. 3 and 4 (see n. 56)—presumably owed their Museum membership to creative or intellectual achievement; it is possible that four more belong to this category, which would bring the total to eleven.[68] Concerning two others we know only that they were Museum members, nothing more.[69] The remaining twenty—nearly two-thirds of the total—had careers in local or imperial government, or in the military, or in both; so also did the four men noted above as possibly belonging to the first group. The possibility exists, surely, that behind one or another of these military or bureaucratic exteriors there lurked an aesthetic gift or scientific mind lost forever to posterity, but it strains credulity beyond the breaking point to suppose that that could be true of all or even of most of them.

A museum in the Greek world was organized as a confraternity devoted to the worship of the Muses; the museum head was the officiating priest of the cult.[70] Museum membership was sometimes indicated by a simple ἀπὸ (or ἐκ) Μουσείου, Latin *a Musio*, but the fuller, presumably official designation was τῶν ἐν τῷ Μουσείῳ σιτουμένων ἀτελῶν.[71] The additional epithet φιλόσοφος, which appears occasionally, must have been for some members more traditional and formulaic than literal: it occurs, for example, in the case of the man whose claim to fame was his widely displayed athletic prowess.[72] In contrast, the exemption from taxation (ἀτέλεια) that membership conferred was very real, a precious privilege enjoyed by relatively few in the Roman provinces.

The other specified benefit,[73] free maintenance (σίτησις) in the Museum, was also a material reality, but it was of no consequence to the many members who did not live in Alexandria. It is altogether possible that nos. 21 and 30, for example, had visited Alexandria at some time in their lives, but they obviously resided at Magnesia and Ostia respectively, and the same is presumably true of the others in our list whose record comes to us from places outside Egypt.[74] Even the members residing in Egypt did not always reside in Alexandria.

Men of means, they had their domiciles where their several pursuits or their individual pleasure dictated. We find no. 2, for example, exercising the office of strategus in the Arsinoite nome and no. 16 presiding at a hearing in Memphis. No. 28 lived at Antinoopolis and no. 20 at Oxyrhynchus, where his purchase of a small riverboat strongly suggests commercial activity.[75] No. 17, who held offices in Alexandria, also had some connection with Tentyra, where his statue was erected. Nos. 27 and 29, who had been all the way to Rome, lived at least some of the time in Hermopolis. In the case of no. 24, two alternatives present themselves: he may have retired to his extensive landholdings in the Arsinoite nome, but the fact that his properties were managed by agents suggests that he may have resided in Alexandria—next best after having to leave Rome?—as an absentee landlord paying occasional visits to his country estates.[76]

To sum up: List II reflects, *mutatis mutandis*, the same picture that was projected by List I. Some two-thirds[77] of the Museum members known from the first three centuries A.D. are identified, not with literature or the learned professions, but with military and political careers. It is readily conceivable that most or even all of these, including the champion pancratiast, were in varying degrees men of education or culture. But that is a far cry from the kind of learning that was rewarded with Museum membership. In other words, the assumption that Museum membership may be taken as prima facie evidence of literary or scholarly distinction is seen to be neither statistically nor logically probable. It does not seem possible to escape the conclusion that Museum membership, with its éclat and its substantial benefits, was an honor awarded by Roman emperors in recognition of notable performance or achievement in any of a wide variety of professional activities: arts and sciences, literature, government service, and even athletics.

Appendix 1: Dionysius of Alexandria—*ab epistulis* to Which Emperor?

According to the Suda (Δ 1173 Adler), Dionysius of Alexandria (no. 3 of List I; no. 4 of List II) ἀπὸ Νέρωνος συνῆν καὶ τοῖς μέχρι Τραιανοῦ. Pflaum (1021) lists him as *ab epistulis Graecis*[78] under Trajan, which may be just an oversight, since he elsewhere (112) observes that "nous aboutissons à l'hypothèse d'une nomination émanant de Vespasien ou de Titus, lesquels ont pu faire la connaissance de Denys pendant cet hiver 69–70 qu'ils ont tous deux passé à Alexandrie." Townend (380) omits Dionysius from his list, thus implying a tenure of office prior to A.D. 95. Millar (87) takes no position in the matter.

It seems to me likeliest, however, that Dionysius held the office of *ab epistulis* under Nero. Several bits of evidence point to that conclusion.

1. In describing Dionysius's highest office, the Suda says, ἐπὶ τῶν ἐπιστολῶν καὶ πρεσβειῶν ἐγένετο καὶ ἀποκριμάτων. In concert with Pflaum (112), I understand this expression as signifying the simultaneous discharge of three functions that usually occur in our sources, certainly by the time of Hadrian, as separate offices: *ab epistulis, ad legationes*, and *ad responsa*. Such a lumping together of responsibilities smacks of an early stage in administrative organization (which was initiated, it will be recalled, by Claudius). And in fact, the only other individual known to have borne a similar title dates from the time of Claudius. Ti. Claudius Balbillus (no. 1 of List II) in the course of his career held the office of *ad legationes et responsa Graeca Caesaris Aug. divi Claudii.*[79]

2. In A.D. 48 or 49, Chaeremo was summoned to Rome to serve as one of Nero's tutors, and Dionysius succeeded him as head of a school in Alexandria and perhaps also as director of the Museum.[80] Dionysius later followed his mentor to Nero's court. The fall of the emperor to whom he owed his preferment, and above all the circumstances of that fall, could have rendered his situation precarious and understandably have impelled him to return to Alexandria.[81]

3. Having served in Rome in the imperial office dealing with embassies, Dionysius might easily have been chosen by the Alexandrians to be a member of the delegation to Trajan that is recorded in *P. Oxy.* x 1242 (= *CPJ* ii 157).[82] Given a name as common as Dionysius, this identification cannot be pressed. But if it should happen to be right, the description ὁ ἐν πολλαῖς ἑ[πιτρο]παῖς γε[ν]όμενος suggests an old man at the end of a long career rather than one currently active.

Appendix 2: Greek Expressions for *ab epistulis*

Documents of the first three centuries A.D. consistently use ἐπὶ τῶν ἐπιστολῶν to refer to the office of *ab epistulis*, which no doubt was the official translation. Alternative designations do occasionally appear, as, for example, ἐπιστολεύς.[83] Rhetorical periphrases are found even in imperial pronouncements, as when Commodus refers to Laricus (no. 25 of List I) as ὁ φίλος μου καὶ τὴν τάξιν τῶ[ν Ἑλληνικῶν ἐπισ]τολῶν πεπιστευμένος, or Caracalla characterizes Antipater (no. 29 of List I) as ὁ φίλος μου καὶ διδάσκαλος κ[αὶ τὴν]ν Ἑλλη[νι]κῶν ἐπιστολῶν ἐπιτετραμμένος.[84]

Greek authors of the period, eschewing the pedestrian language of officialdom, designated the office in a variety of ways.[85] Aelius Aristides: τὸν γραμματέα . . . τὸν βασιλικόν (50.57 Keil = 26.335 Dindorf). Dio Cassius: τὸν τὰς ἐπιστολὰς αὐτοῦ διαγάγοντα (69.3.5); τὸν τὰς ἐπιστολὰς αὐτοῦ τὰς Λατίνας διὰ χειρὸς ἔχοντα (72[71].12.3); τὰς ἐπιστολὰς τὰς Λατίνας διοικήσαντος (73[72].7.4); τὴν τῶν ἐπιστολῶν . . . ἑκατέρων διοίκησιν (78[77].18.2). Philostratus: ἠξιώθη . . . βασιλείων ἐπιστολῶν (*Ap Ty* 1.12.14); βασιλικῶν ἐπιστολῶν . . . προστάτης[86] (*VS* 1.22.3); τὸ ἐπιστέλλειν Ἕλλησιν (2.5.3 sqq.); ἐψηφίσατο . . . τὰς ἐπιστολὰς ὁ Κόμμοδος (2.10.6); ταῖς βασιλείοις ἐπιστολαῖς ἐπιταχθείς (2.24.1 [sim. 4]); παρελθὼν ἐς βασιλείους ἐπιστολὰς . . . ἐπέστελλε (2.33.3). Phrynichus: (βασιλικὸς) ἐπιστολεύς (225, 379, 418 Lobeck = 203, 356, 393 Rutherford).

NOTES

1. *Mnemosyne* 16 (1963) 257. Müller-Graupa, *RE* 16, 817, had characterized such membership as "blossen Gnadengehalt. . . . Hohe Beamte und ehemalige Offiziere erhielten . . . diese Vergünstigung." See now also V. Nutton, *CQ* 21 (1971) 265-69; F. Millar, *The Emperor in the Roman World* (Ithaca, N.Y. 1977) 505-6.
2. J. C. Shelton, *P. Mich.* xi 620, 2-3n. (p. 84); so too R. A. Coles, *P. Oxy.* xli 75, J. R. Rea, *JEA* 60 (1974) 296, and (less insistently) J. F. Gilliam, *Mélanges . . . W. Seston* (Paris 1974) 219, 222 n. 30, 224. Shelton also cites as support E. G. Turner, *Greek Papyri: An Introduction* (Princeton 1968) 86, but what Turner says is rather different. He does not reject the view that " 'non-scholar members of the Museum' . . . were given this membership as an honor, much in the way academies today give honorary fellowships, or universities honorary degrees"; he merely adds that an individual so rewarded might "also have had some literary pretensions, as a bookish man if not as a writer." This is an apter appraisal. Many a procurator or praefectus then, like many an officer or financier now, might enjoy literature and accumulate a library without fancying himself anything more than an amateur of literature or scholarship; as an example, see Millar's thumbnail sketch (n. 1 above) 89-90 of the public career and literary patronage and dilettantism of Titinius Capito (no. 6 in the list of holders of the office of *ab epistulis* given below). A widespread interest in books, Turner thinks, can help account for the literary finds—remnants, presumably, of private libraries— in remote towns and villages such as Oxyrhynchus or Philadelphia.

3. For the reconstruction of his life span and career, see Gilliam (n. 2 above) 217-25, and my note in *BASP* 13 (1976) 165-66.
4. *Praefectus vigilum: CIL* xiv 4393 = *ILS* 465; *P. Mich.* xi 620. *Ab epistulis: AEpigr* 1966 no. 474. Museum member: *P. Mich.* xi 620. (In *P. Corn.* inv. ii, 25 = *SB* viii 9898, the cognomen was read as Φανιανῷ, which was quickly corrected by Gilliam, *Mnemosyne* 17 (1964) 193-99 to [Τ]ι[τ]ανιανῷ. The document was later discovered to be the first column of *P. Mich.* xi 620, where it is reprinted as corrected.)
5. Rea (n. 2 above). Similarly G. W. Bowersock, *Greek Sophists in the Roman Empire* (Oxford 1969) 53: "There is no warrant to call Vibianus Tertullus a sophist, but his qualifications will undoubtedly have included some kind of rhetorical or literary proficiency."
6. M. P. Charlesworth, *CAH* 10, p. 687.
7. These studies are: G. B. Townend, *Historia* 10 (1961) 375-81; H. G. Pflaum, *Les carrières procuratoriennes . . .* (Paris 1960) 246, 268, 271, 338, 683-84, 1004; Bowersock (n. 5 above) 50-56; Millar (n. 1 above) 87-93, 103-5, 224-27.
8. Millar (n. 1 above) 88; Pflaum (n. 7 above) 268; Bowersock (n. 5 above) 50.*
9. Bowersock (n. 5 above); Pflaum (n. 7 above) 1004.
10. The list includes *ab epistulis Latinis* as well as *ab epistulis Graecis* ("men of fairly similar types from both the Greek and Latin worlds," Millar [n. 1 above] 91). It can hardly be objected that a greater degree of literary skill would be demanded for the Greek correspondence (if anything, the reverse might be true); besides, as already noted, the office was initially and for a long time undivided, with a single head in charge of both Greek and Latin correspondence.
11. Josephus's attestation of the title has been impugned by some: see, most recently, G. Boulvert, *Esclaves et affranchis impériaux sous le Haut-Empire romain*, Biblioteca di Labeo iv (1970) 93 n. 9.
12. On this date see Appendix 1.
13. See n. 56. below.
14. He is the first equestrian holder of the office known to us by name, but according to Tacitus, *Hist.* 1.58, *Vitellius ministeria principatus per libertos agi solita in equites Romanos disposuit.*
15. These two offices are generally regarded as having been held in conjunction. The Museum director was a priest, who headed its cult of the Muses. See the discussion below and Pflaum (n. 7 above) 245.
16. On his identity see Bowersock (n. 5 above) 53.
17. He held the office twice, with an interval between. Pflaum (n. 7 above) 1021 assumes that he was *ab ep. Graec.* the first time, and Townend (n. 7 above) 381 joins Pflaum in designating him *ab ep. Lat.* the second time, but the source (*CIL* vi 1564 = *ILS* 1452) has only *ab epist*]*ulis Latinis . . . ab epistulis*[.
18. He was *ab epistulis* to emperors (plural), i.e., A.D. 161–69 or 176–80. Pflaum 1021 leaves the choice open: Bowersock (n. 5 above) 55 prefers the later period.
19. His name appears in various spellings: see A. Berger, *RE* 4A, 2405; E. Birley, *Bonner. Hist. Aug. Coll.* (1966-67) 44.
20. On the date see Bowersock (n. 5 above) 54, Millar (n. 1 above) 105.
21. Presumably the same man mentioned in SHA *Commodus* 1.6, *orator ei Ateius Sanctus fuit.*
22. The logical emendation by Pflaum (n. 7 above) 1004 for the inscription's *proc.*, which level of office would be out of place at this point in the *cursus*.
23. Thus Townend (n. 7 above) 381. Pflaum without comment lists him as Manilius Pudens, identifying him with the Pudens whose γράμματα Dio Cassius mentions in 72[71].29.1. The identification is possible, but far from certain. An alternative suggestion is that they were two men, one for the Greek and one for the Latin correspondence.
24. Tentatively included by Townend (n. 7 above) 381, but omitted by Pflaum without comment.

25. Listed by Pflaum (n. 7 above) 1021, without comment; by Townend (n. 7 above) with a question mark, for which there is good reason. All that is known about this individual is contained in SHA *Commodus* 4.8: *Vitruvium Secundum, Paterni familiarissimum, qui epistulas imperatorias curarat, interfecit.* The writer's graceless Latin leaves uncertain whether *Secundum* or *Paterni* (no. 19 in our list) is the antecedent of the relative clause. As Paternus was *praefectus praetorio* under Commodus (Dio Cassius 73[72].5.3), the pluperfect *curarat* could refer to his secretaryship under Marcus Aurelius.
26. See n. 31 below.
27. Born a slave, he ended his career in the senatorial class—the most striking degree of advancement in the entire list. He may be the Agrippa mentioned in *P. Oxy.* 3094; cf. the note to line 8 and M. W. Haslam, *AJP* 97 (1976) 189.
28. In addition, Pflaum (n. 7 above) 1021 and Millar (n. 1 above) 97 list L. Caecilius Athenaeus as *ab epistulis* (as the *ab studiis* of the inscription is presumably to be emended) *Latinis* under Severus Alexander (A.D. 222–35). But Pflaum also observes (825) that, in view of the low level of this man's other offices, his culminating title of *procurator ab epistulis Latinis* is in all probability to be understood as that of an undersecretary or some such (cf. Pflaum 448 on the distinction between *a rationibus* and *proc. summarum rationum*). In the first few decades of the office and perhaps as late as Hadrian, all members of the staff, from the head of the bureau to the lowliest clerk, were identified simply as *ab epistulis*. The evidence on this phenomenon is assembled and analyzed by P. R. C. Weaver, *Familia Caesaris* (Cambridge 1972) 252-66; for a brief account of secondary ranks (*proximus, adiutor*, etc.), see Boulvert, (n. 11 above) 93-94.
29. For a recently discovered example of Julia Domna engaged in imperial correspondence, see *AEpigr* 1966 no. 430 (where the reference to *REG*, etc. is in error for *RPh* 41 [1967] 44-64). See further n. 44 below.
30. It has been suggested that this was also the case in the appointment of T. Varius Clemens (no. 15): see Pflaum (n. 7 above) 372; Millar (n. 1 above) 104.
31. Precisely when the change from *liberti* to *equites* occurred is uncertain: see n. 14 above and Millar (n. 1 above) 89.
32. Nos. 3, 4, 7, 8, 10, 11, 19, 20, 24, 28-31, 35. Bowersock claims that "between the reigns of Hadrian and Caracalla twelve oriental literati can be distinguished as *ab epistulis*," but by his own admission two of the twelve (nos. 18, 25) are totally unknown except for having held the office and a third (no. 21), though not known to have been a sophist, is simply presumed to have had "some kind of rhetorical or literary proficiency" (Bowersock [n. 5 above] 50, 54). On present evidence, therefore, there is no reason to accord these three a literary or rhetorical background. As for no. 28, "some connection with Philostratus' Aquila from Galatia seems irresistible" (Bowersock 56); perhaps so, but the identification remains uncertain.
33. W. C. Wright, *Philostratus and Eunapius* (Loeb Classical Library 1922) x.
34. Nos. 18, 23, 25, 26.
35. Old beliefs die hard. Of no. 9, for example, Millar (n. 1 above) remarks (102-4), "There is no specific evidence that he was a literary man; but he could well be the Eudaemon whom Marcus Aurelius mentions . . . as brilliant . . . "; and, following Pflaum (n. 7 above) 372, he thinks the career background of no. 15 contrasts strikingly "with that of other *ab epistulis*."
36. On these see n. 28 above. R. Syme's remark in *Historia* 23 (1974) 481 is apt: "With the development of system, habit and bureaucracy, the character and quality of the ruler comes to matter less and less. Be he a boy, a buffoon, or a philosopher . . . the administration goes on unimpaired, being guided by friends and agents of Caesar."
37. Cf. Philostr. *VS* 2.24.2: διδάσκαλος . . . τῶν Σεβήρου παίδων.
38. Truly, in Pflaum's words (n. 7 above) 250, a "favori de l'empereur." See also Pflaum 612.

39. Pflaum (n. 7 above) 246; similarly repeatedly, e.g., 268, 338, 683-84, 1004. See the preceding discussion and n. 40 below.
40. Philostr. *VS* 1.22.3; Dio Cassius 69.3.4-5. However much this last may be discounted for tendentiousness, it surely calls into question Pflaum's characterization (n. 7 above) 268 of Heliodorus as an example of the "grands hommes de lettres du monde grec" in the office of *ab epistulis*.
41. Philostr. *VS* 1.22.3, 2.33.3. Wright (n. 33 above) calls Julia Domna's court "pseudo-intellectual, because when Philostratus speaks of her circle of mathematicians and philosophers, it must be remembered that the former were certainly astrologers . . . and that the latter were nearly all sophists."
42. To cite but one example, see *OGIS* 484, recently restudied by A. D. Macro, *GRBS* 17 (1976) 169-79.
43. Gilliam (n. 2 above) 219. For a recently published example from the fourth century, see *Illinois Class. Stud.* 2 (1977) 184-96.
44. On her imperial role see J. Bidez, *CAH* 12, 613; R. Rémondon, *La crise de l'empire romain* (Paris 1964) 81-82; M. Besnier, *Histoire romaine* 4.1 (Paris 1937) 60: "Uniquement occupé du soin de l'armée et de la défense des frontières, il abandonnait à sa mère, qui l'avait suivi, le gouvernement de l'Empire. Déjà très influente du vivant de Septime-Sévère, Julia Domna fut toute-puissante sous le nouveau règne." This last, like Wright's "virtual regent" (n. 33 above) is perhaps somewhat overstated, but cf. n. 29 above.
45. Whether it was Soter or Philadelphus has long been argued. The prevailing view attributes the foundation to Soter acting on the advice of Demetrius of Phalerum; see, most recently, P. M. Fraser, *Ptolemaic Alexandria* (Oxford 1972) 315.
46. They were certainly not so regarded by the Ptolemaic rulers, who obtained practical services from these institutions as well as the propaganda value of being the leading patrons of the arts and sciences in the Hellenistic world. See M. Rostovtzeff, *Social and Economic History of the Hellenistic World* (Oxford 1941) 1084-86, 1091, 1388 n. 103; see also n. 50 below.
47. Strabo 17.1.8 (C 793): *τῶν δὲ βασιλείων μέρος ἐστὶ καὶ τὸ Μουσεῖον.*
48. Thus F. E. Peters, *The Harvest of Hellenism* (New York 1971): "The Museum was created, subsidized and controlled by the Ptolemies" (p. 193). "The thinly veiled political allusions in the *Hymns* betray Callimachus in his guise as court poet and propagandist. . . .Callimachus, supported and sustained by the Ptolemies, was in turn giving voice to their policies: the exaltation of the ruling house. . . . The price for the comforts of the Museum, if not onerous, is, however, unmistakable" (pp. 204-5). So too E. A. Barber, *CAH* 7, p. 251: "The Museum is definitely under state-control." Or P. M. Fraser (n. 45 above) 305: "Much of the intellectual production of Alexandria derives directly from Ptolemaic patronage." An amusing anecdote about the stipend (σύνταξις) paid the members is told by Athenaeus 11.493f-494a.
49. *OGIS* 104 = *Insc. de Delos* 1525: *Χρύσερμον Ἡρακλείτου Ἀλεξανδρέα τὸν συγγενῆ βασιλέως Πτολεμαίου καὶ ἐξηγητὴν καὶ ἐπὶ τῶν ἰατρῶν καὶ ἐπιστάτην τοῦ Μουσείου.*
50. *P. Oxy.* x 1241 ii, 16-17: *Κύδας ἐκ τῶν λογχοφόρων.* This rarely occurring title (cf. *Prosop. Ptol.* 2, p. 225) has been interpreted as designating a member (honorary?) of the king's bodyguard; so too Barber, *CAH* 7, p. 253. Speaking of the others he observes, "It is a fair conclusion that the Chief Librarian was *ex officio* tutor to the Royal Family." So were some Museum members; Strato of Lampsacus, for example, was a tutor of Ptolemy Philadelphus.
51. Strabo 17.1.8 (C 794): *ἔστι δὲ . . . καὶ ἱερεὺς ὁ ἐπὶ τῷ Μουσείῳ, τεταγμένος τότε μὲν ὑπὸ τῶν βασιλέων, νῦν δ' ὑπὸ Καίσαρος.*
52. A felicitous expression first used by A. Piganiol at the Seventh International Congress of Papyrology (cf. *Museum Helveticum* 10 [1953] 193) and much repeated since.
53. H. I. Bell, *CAH* 10, p. 297; cf. also Müller-Graupa, *RE* 16, 817.

54. Suet. *Claud.* 42.2; Philostr. *Ap Ty* 1.185; SHA *Hadr.* 20. This recalls the case of Ptolemy Philadelphus, who "once asked Euclid if there was not a shorter road to geometry than through the way of the *Elements*, and Euclid replied that there was no royal road to geometry" (Proclus, *Comm. in Eucl.* 1.4 *ad fin.*, trans. G. R. Morrow, 57). The anecdote is also told of the mathematician Menaechmus and Alexander the Great (Stobaeus 4, p. 205 Meineke, trans. in *CAH* 7, p. 296). For Caracalla and the Museum, see n. 63 below.
55. *SEG* ii 332 is an inscription in which Delphi honors two Pergamene physicians who are [τῶν περὶ τὸ Μο]υσεῖον. The restored formula is conjectural, but it is agreed that the reference is to membership in the Alexandrian Museum; cf. P. Lemerle, *BCH* 59 (1935) 135. But, as the inscription dates from ca. 27 B.C., their appointment to the Museum is likely to have antedated Augustus's annexation of Egypt, and they are accordingly omitted from this list. Attested as "museum members" but also omitted from this list are physicians of Ephesus, as well as Ti. Pomponius Dionysius and Cassianus *alias* Synesius of Athens, because those are among the cities known to have created museums of their own on the Alexandrian model; cf. J. H. Oliver, *Hesperia* 3 (1934) 191-96 and Suppl. 13, 106; P. Lemerle, *loc. cit.*; P. M. Fraser (n. 45 above) 312-16; V. Nutton (n. 1 above) 264. A still further omission from the list is discussed below, n. 61.
56. We are told only that Chaeremo was head of a school at Alexandria, in which position he was succeeded, when he was called to Rome, by his disciple Dionysius. Müller-Graupa (n. 53 above) thought it likely that Chaeremo was director of the Museum ("wohl Vorsteher"); but H. R. Schwyzer, *Chaeremon (Klass.-phil. Studien* 4 1932) 11, had more cautiously concluded that on this evidence it remained an open question ("dahingestellt") whether Chaeremo and Dionysius actually held that office; and Millar (n. 1 above) 505 regards it as "no more than probable that the succession was as head of the Museum." In *P. Lond.* 1912 (= *CPJ* ii 153), which neither Müller-Graupa (n. 1 above) nor Schwyzer took into account, one of the Alexandrian envoys to Claudius is named Chaeremo (l. 17), perhaps the same man as the Chaeremo of our list, who is known to have included an anti-Semitic version of the Exodus in his *History of Egypt* (Josephus, *C. Ap.* 1.288ff.). This identification, should it happen to be correct, might strengthen somewhat the case for his having been head of the Museum; such a personage would lend dignity and intellectual tone to the delegation. The possibility of this identity is thus worth noting, but I know of no evidence that might help prove or disprove it.
57. The Greek word is σατράπης; for the Latin equivalent see H. J. Mason, *Phoenix* 24 (1970) 157, and *Greek Terms for Roman Institutions*, Amer. Studies in Papyrology 13 (Toronto 1974), s.v.
58. The full title is ἀρχιδικαστὴς καὶ πρὸς τῇ ἐπιμελείᾳ τῶν χρηματιστῶν καὶ τῶν ἄλλων κριτηρίων.
59. He was appointed by Hadrian as a reward for a bit of flattery, according to Athenaeus 16.677e, who quotes four hexameter lines from one of his poems. Forty more lines are preserved, in whole or in part, in *P. Oxy.* viii 1085.
60. On the father see *P. Oxy.* i 100.
61. It may be—though I think it unlikely—that we should insert at this point in the list Ammonius son of Archias, who in *SB* iii 6674, an inscription of ca. A.D. 170, is characterized as a former *basilikos grammateus* of the Antaeopolite nome τάξιν ἔχοντος ἐν τῷ Μουσείῳ. Weighing against understanding this to designate Museum membership (as the editor assumed without comment: *BSRAA* 19 [1923] 134) are the following considerations: 1) neither this expression nor anything like it occurs in reference to any of the known members; 2) an inscription such as this, which boasts of the public offices (exegetes, gymnasiarch, agoranomos) of the dedicator and of other members of his family for several generations back, would scarcely resort to this pallid periphrasis in place of the well-attested, grand-sounding formula of membership discussed below. In this light Ammonius's *taxis* in the

Museum seems likelier to have been a post in its administration than a place in its membership.

62. E. G. Turner, *JEA* 38 (1952) 92, identifies him as the author of a work on the orators, mentioned by the Suda and (probably) Photius. The identification may be right, but it is not, I think, "clinched" (Turner's word) by the evidence adducible. A particular obstacle is the description of the writer Diodorus, together with his father, as γεγονὼς ἐπὶ τοῦ Καίσαρος Ἀδριανοῦ (Suidas Δ1150, Π2166 Adler); the Diodorus of our list could, therefore, be the writer's grandson *aut sim.*, or even totally unrelated.
63. The case for his being a Museum member is his characterization as συσσίτου in the inscription, which comes from Alexandria; so Dittenberger ad loc., and recently reaffirmed by C. P. Jones, *CQ* 17 (1967) 311-12. Strabo 17.1.8 (C 794) mentions an οἶκον μέγαν ἐν ᾧ τὸ συσσίτιον τῶν μετεχόντων τοῦ Μουσείου φιλολόγων ἀνδρῶν, and according to Dio Cassius 78 [77].7.3 Caracalla wanted to burn the books of the Aristotelian philosophers and τὰ συσσίτια ἃ ἐν τῇ Ἀλεξανδρείᾳ εἶχον τάς τε λοιπὰς ὠφελείας ὅσας ἐκαρποῦντο ἀφείλετο. In *VS* 1.22 Philostratus explains to his readers, τὸ δὲ Μουσεῖον τράπεζα Αἰγυπτία ξυγκαλοῦσα τοὺς ἐν πάσῃ τῇ γῇ ἐλλογίμους. On the privilege of *sitēsis*, see the discussion below.
64. For the date, see *BASP* 13 (1976) 166.
65. Cf. Nutton (n. 1 above) 267.
66. Ibid., following *W. Chr.* 39 and 40 intros.
67. The inscription dates from A.D. 305-313, but the designation ἀπὸ Μουσείου appears to belong to the father (name lost), rather than to M. Aurelius Diophantes.
68. Nos. 3, 4, 7, 8, 14, 22, 23 and perhaps 9, 15, 20 (cf. n. 62 above) 25.
69. Nos. 26, 31.
70. A priestly title of one kind or another, including νεωκόρος τοῦ μεγάλου Σαράπιδος, is attested for nearly half the men in List II: nos. 1, 3, 5, 10-13, 15, 17-19, 21, 25, 27, 32.
71. No. 9 omits ἀτελῶν. No. 26, deceased, is styled τῶν . . . σειτηθέντων. No. 30 is characterized as *immunitate Musii fultus*. Hadrian is said to have appointed no. 7 τῷ τοῦ Μουσείου κύκλῳ ἐς τὴν Αἰγυπτίαν σίτησιν (Philostr. *VS* 1.25.3), and to no. 14 he granted τὴν ἐν τῷ Μουσείῳ . . . σίτησιν ἔχειν (Athenaeus 677d-e).
72. No. 27; the epithet is found also with nos. 2, 6, 9, 22, 28, 31. Turner's reminder (n. 2 above) that in this connection " 'philosopher' . . . has a technical sense, 'belonging to the philosophy section of the Museum' " does not alter the fact that some of these men were so assigned out of courtesy or administrative convenience rather than for their professional attainments. One can easily imagine the same kind of considerations at play as those which today determine that an honorary degree is to be L.H.D. rather than LL.D.
73. Under the Ptolemies the members also received a cash stipend (σύνταξις): see n. 48 above. Sources of Roman date do not mention such a stipend, unless it is implied among the "other benefits" that Caracalla is said to have canceled (n. 63 above). Caracalla's action—if actual, and not merely invented by a hostile tradition—presumably was rescinded by one of his successors. At all events, Museum membership, as List II shows, continued to be a valued honor.
74. Nos. 7, 9, 22, 25, 31, 33.
75. The characteristics of such boats, called πάκτωνες, are detailed by L. Casson, *Ships and Seamanship in the Ancient World* (Princeton 1971) 342.
76. So too Gilliam (n. 2 above) 222: "He may well have divided his time between the countryside and Alexandria, as many others did." Another such absentee landlord—though not a Museum member—who has recently come to light is Ti. Julius Theo, whose estate, when he died early in the second century, consisted of lands in several places and perhaps as many as a hundred slaves: cf. *P. Oxy.* xliv p. 170.
77. The number of these men, which now stands at twenty, would be increased almost fivefold if all archidicastae (92 are listed for the Roman period by A. Calabi,

Aegyptus 32 [1952] 410-18) were ipso facto Museum heads. But this view—put forward many years ago by W. Otto, *Priest. u. Tempel im hell. Ägypten* I (Leipzig 1905-8) pp. 166-68, 197-99; 2, pp. 388-89, questioned by O. Hirschfeld, *Kais. Verwaltungsb.* (Berlin 1905²) 362 n. 3, and in effect left open by U. Wilcken, *Grundz.* p. 118 n. 1—is rejected by Calabi, ibid. 407-9.

78. *Sic*, but *Graecis* is not in the Suda. The Greek and Latin sections of the office did not originally have separate heads; see above, p. 150.
79. Cf. the career of C. Stertinius Xenophon (Pflaum no. 16). Like Balbillus, he was decorated in Claudius's British triumph and held the office of ἐπὶ τῶν Ἑλληνικῶν ἀποκριμάτων = *ad responsa Graeca*, an office which apparently was discontinued by Hadrian (Pflaum, *Les procurateurs equestres* [Paris 1950] 60). He is further described as φιλοκέρωνα, and is identified as ἀρχιατρὸν τῶν θεῶν Σεβαστῶν (i.e., Claudius and Nero).
80. Cf. n. 56 above.
81. Cf. the case of Titanianus (n. 3 above). But Titinius Capito (no. 6 of List I) served as *ab epistulis* under Domitian, Nerva, and Trajan. (Pliny the Younger is, of course, our most familiar example of one whose subsequent career was not impaired by his having held office under Domitian.) If it therefore be asked why Dionysius could not similarly have stayed on after Nero's fall, a sufficient answer, I think, is found in the contrast between the bloody violence of "the four emperors" and the liberal benignity introduced by Nerva and Trajan.
82. The suggestion is made by W. Weber, *Hermes* 50 (1915) 49-50.
83. *OGIS* 679 = *IGRR* i 136.
84. *AEpigr* 1952 no. 6, and *Forsch. Ephesos* ii 26. Mason (n. 57 above) 141, gives the missing word as τάξιν, without, however, indicating that it is a restoration; Millar (n. 1 above) 226 n. 98 favors ?σύνταξι]ν.
85. Some of these expressions, mostly without citation of source, are given by Mason (n. 57 above) 141-42. Some may be translations of corresponding Latin expressions; see n. 86 below. Mason's *exegesin* is an error.
86. Cf. SHA *Hadr.* 11.3, where Suetonius is called the emperor's *epistularum magister*.

A Restudy of SB VIII 9897

With Plate 2

Naphtali Lewis, Easton

1. Introduction

This Jena papyrus, which contains important information on the exemption of Antinoites and their families from the obligation to perform liturgies elsewhere, was first published in 1952 by F. Zucker. His text was reprinted as SB VI 9312.

Subsequently, additional fragments of the papyrus were identified and the amplified text was published by F. Uebel in Listy filologické 86 (1963) 236–255 and reprinted as SB VIII 9897. Problems of reading and interpretation resolved or sufficiently explored in Uebel's detailed commentary are not resumed in the present paper.

In BASP 14 (1977) 158–159 I called into question Uebel's restoration *γραμματεὺς τῶν γε[ωργῶν* in line 4, but in the absence of a photograph I refrained from venturing to propose a revision. Thereupon Dr. Günter Poethke, who now supervises the Jena collection, very considerately sent me sua sponte a very clear photograph of the recto; and in the following months, as my attention was drawn beyond line 4 to the rest of the text, he made several minute examinations of the original to verify new readings that I proposed. His comments are quoted in a few places below, as are Uebel's marginalia that he found in the files and sent me. He is also the source of small improvements in the reading that are not separately noted, e. g. *στρατηγω* for [σ]τρατηγω in line 11, or *διονυσιου* for *-ιου* in line 1. I welcome this opportunity to record my obligation and thanks to Dr. Poethke for so generously and patiently placing his skill at my disposal. I am also deeply indebted to Dr. J. David Thomas for his views, expressed in an extended exchange of correspondence, on one after another of the problems presented by this document, which obviously finds its place in the second volume of his study of the office of epistrategos (forthcoming). While the present paper would not have been possible without the invaluable assistance of these two colleagues, they bear no responsibility for views advanced herein; that responsibility rests entirely with me.

2. Text and Translation

The papyrus is complete at top and bottom, torn at left and right. *Recto*: The additional fragments placed by Uebel give us (*a*) the beginnings of lines 1–7 in full and of 8–9 in part, and (*b*) small additions toward the ends of lines 1–3, 16–18, and probably 6–8. Lines 8–19 remain irregularly torn at the left, lines 1–13 at the right. *Verso*: The text is continued and completed on the verso, in six lines of writing by the same hand. About one-third of the verso text is lost at the right.

The problems of restoration are complicated by the following considerations of space. (1) The writing is uneven: rather spread out for the most part, it sometimes crowds together, most noticeably toward the end of a line and in the bottom lines of

the Recto. For example, line 16 ends with the eight letters of *γραμματι* and a blank, while the same amount of space contains eleven letters in lines 17 and 21. (2) In a number of places (see App. Crit.) the writer, for no apparent reason, left a blank space between letters within words. Rough spots in the surface of the papyrus may explain some, but not all, of these spaces.

In the following text a question mark (?) indicates supplements offered exempli gratia.

πα]ρὰ ⟨Σα⟩τορνείλου Σαραπίωνος τοῦ Διονυσίου τῷ[ν] τὴν [ἐπιγαμίαν
ἐχόντων πρὸ[ς] Ἀντινοΐδα καὶ τὸ ἐφέστιον ἐχ[όντων ἐν τῇ
Ἀντινόου πόλει. ἐπεὶ ὁ τῆς Τ[ε]πτύνεως κώμη[ς τῆς Πολέμωνος
μερίδος τοῦ Ἀρσινοείτου γραμματεὺς τὴν γε[ωργίαν διατάξας?
5 *κατ' ἄγνοι^ναν^ι ἢ κατ' ἐπήρειαν ἐπέβαλέν μ[οι ὡς γεουχοῦν-?*
τι βασι⟨λι⟩κὴν ἄρουραν μίαν, ἐμοῦ δὲ καμ[ηλ]ίτρ[υ ὄντος ἔτι
δε καὶ τὰ ἐπικεφάλεια διαγράφοντος ἐ[πὶ τὴ]ν ἐν [Ἀντινό-
ου π]όλει δημοσίᾳ[ν] τράπεζαν ἀκολο[ύθως] τ[οῖς κρι-?
θ]εῖσι, ὅθεν καταφεύγω ἐπὶ σὲ ἀ[ξι]ῶν [ἐὰν σοῦ τῇ τύχῃ
10 *δόξῃ κελε]ῦσαι γραφῆναι τῷ τῆς Πολέμ[ωνος μερίδος τοῦ*
Ἀρσινοείτ]ου στρατηγῷ διορθώσασθαι τ[ὸ εἰς με ἀδίκημα?
? τοῦτο, πρὸς] τὸ δύνασθαί με ἀνεπ[ηρ]εάσ[τον οὕ]τως γενέσ-
θαι καὶ ἀμερί[μνως ἐν τῇ Ἀντινόου διατρεί[βει]ν κἀθὰ ἐπ-
εστάλη ἄνωθ]εν ὑπὸ Οὐμβρικίου Καπιτωλείνου ἐπιστρατη-
15 *γήσαντος Θη]βαΐδος, ἧς ἐπιστολῆς ἐ^νε^ρστιν 'τὸ' ἀντίγραφον·*
"Οὐμβρίκιος Κ]απιτωλεῖνος Πτολεμαίῳ βασιλικῷ γραμματεῖ
? Πολέμωνος] διαδεχομένῳ καὶ τὴν σ[τρ]ατηγίαν χαίρειν· Λεον-
? τιος Ἀπολλω]νίου τοῦ Λύκου ἐνέτυχέν [μοι] διὰ βιβλιδίου, ὃ σημ-
μειωσάμενο]ς ἐπεμψά σοι, φήσας ἑα[υτὸν] πατέρα Ἀντινοέω[ς
20 *ὄντα μόνον ὁ]μ[ο]ῖ λιτουργεῖ[α]ν τῇ τ[ῶν Ἀντινο]έων ἀποικίᾳ. ἔγρα[ψα*
? ἵν' εἰδῇς ὅτι ἐναργε]ῖς μοι κρίσεις [περὶ τῶν ἀνδρῶν?] τοιούτων γεγέ(νηνται).

Verso

εὔλογον οὖν ἐστιν τὰ τοῖς τοιού[τ]οις[ς διὰ τῶν κρίσεων?
φυλαχθέντα δίκαια καὶ αὐτῷ τηρη[θῆναι. σὺ δὲ φρόντισον?
ἵνα ὁ κρατούμενος αὐτοῖς [τ]οῖς ἀποί[κοις καὶ τοῖς αὐτῶν?
25 *πόρος καθα[ρὸς] διαμεῖναι δυνηθῇ. [ἐρρῶσθαί σε βούλομαι.*
(ἔτους) κβ θεοῦ Αἰλίου Ἀιτωνείνου μηνὸς Ἀδρι[ανοῦ . ." ταῦτα οὖν ἀξιῶ?
Γ]ν' ὦ εὐ[ε]ργετημένος. διεντύ[χει.

7 lege τε 16 lege γραμματεῖ
Pap.: 2 -ΙΔα 5 ηκα τ 6 κ αμ 8 α κολ 10 π ολ 19 τι νο 22 εστ ιν 23 φυ λα 24 ΙΝ α, αποι [κ 25 π ορ, μειν αι

From Saturnilus son of Sarapion son of Dionysios, of the category privileged to marry an Antinoite woman and having their domicile in Antinoopolis. Since the clerk of the village of Tebtynis in the Polemon division of the Arsinoite nome, [when assigning] compulsory cultivation, unwittingly or abusively imposed one aroura of royal land upon me as a [landowner?], and since I am a [cameleer?] and in addition pay my head taxes to the public bank in Antinoopolis pursuant to the [decisions?], I therefore make this appeal to you, asking you to order, if your worship please, that the strategos of the Polemon division of the Arsinoite nome be instructed to right [the wrong

done me?], so that I may [thus] be unvictimized and may continue to live without worry in Antinoopolis, in keeping with the letter written [earlier] by Umbricius Capitolinus, the then epistrategos of the Thebaid, of which letter the following is a copy:

> "Umbricius Capitolinus to Ptolemaios, royal clerk [of Polemon?], greeting. Leon[tios? son of ?Apollo]nios son of Lykos has appealed to me in a petition – which I send you (herewith) with my notation – stating that he, as a father of an Antinoite, is [obliged?] to perform liturgies [only] in the colony of the Antinoites. I write [to inform you that?] I have on record [unequivocal?] decisions concerning such [persons]. It is clear, therefore, that the rights preserved for such persons [by the decisions?] are safeguarded for him as well, [and you must see to it?] that the property of the colonists themselves [and of their families?] under lien for liturgy may remain free of (such improper) encumbrance. [I bid you farewell.] Year 22 of the deified Aelius Antonius, the –th of the month Hadrianos."

[I therefore make this request] that I may be granted relief. Farewell.

3. The Parts of the Document

The structure of the document is familiar enough: a petition (lines 1–15) interrupts to cite as precedent or authority a letter from an epistrategos (16–26), after which the petition resumes and concludes (26–27). The date in line 26, in which the emperor has the epithet "deified", shows that the whole document before us (lines 1–27) was copied at a date later than April of A. D. 161, by which time the news of the death of Antoninus Pius should have reached Middle and Upper Egypt.

4. Dates and Jurisdictions

This is the most complicated problem presented by the document in its present state of preservation. It affects the restoration of line 17, the dating of an epistrategos, and our understanding of the jurisdictional limits of his office. The internal evidence of SB 9897 is conflicting and, as far as I can see, the conflicts are irreconcilable without the assumption of error or oversight at some point. The ultimate question thus becomes: Which is the least drastic or most probable error?

The essential indications of date contained in the document, and their resulting conflicts, are the following.

i. The *absolute* terminus post quem is 30 October A. D. 130, the date of the foundation of Antinoopolis. Realistically, however, that date must be moved forward by at least a few months, and more likely by a year or two, to allow time for the events leading up to the petition as well as for the precedent which the petition cites.

ii. The date of the letter of Umbricius Capitolinus given in line 26 corresponds to Nov./Dec. of A. D. 158.

iii. The merides of Themistes and Polemon were combined under a single strategos in A. D. 136/137 and adminstered jointly from then on: cf. G. Bastianini, Gli strateghi . . . p. 50. As Polemon in lines 10–11 has a strategos of its own, A. D. 136/137 thus becomes the terminus ad quem for dating the petition of lines 1–15 and 26–27.

iv. In P. Teb. II 522 a basilikos grammateus named Ptolemaios is securely dated as acting-strategos of Polemon in August of A. D. 133 (cf. CE 46 [1971] 126), and *Πολέμωνος* has the proper number of letters to fill the lacuna at the beginning of line 17.

Conflict no. 1. Since according to *iii* the petition cannot be later than A. D. 136/137, the letter of Umbricius Capitolinus that is cited as authority must be dated in or earlier than 136/137. And *i*, *iii* and *iv* do in fact combine to place his incumbency as epistrategos of the Thebaid in or ca. A. D. 133. But line 26, as noted in *ii*, gives the date of his letter as Nov./Dec. of 158. Either that date is the result of some kind of copyist's error or, if that date is sound, *τῆς Πολέμωνος μερίδος* in line 10 must be miswritten or carelessly written for *τῶν Θεμίστου καὶ Πολέμωνος μερίδων*.

Conflict no. 2. In the light of *iv* Zucker restored *Πολέμωνος*] at the beginning of line 17. Uebel (pp. 251–252) objected that, as Umbricius was epistrategos of the Thebaid, the beginning of line must have contained „einen thebanischen Gaunamen" (Polemon, in the Arsinoite nome, being outside his jurisdiction). If this argument is sound, it compels us to accept either the later date for Umbricius or the coincidence ca. 133 of two basilikoi grammateis named Ptolemaios, both serving as strategoi in their respective nomes, the one in the Arsinoite (Polemon), the other in a Theban nome (name lost in line 17) – surely a highly unlikely coincidence, even with so common a name as Ptolemaios.

Any attempt to assay the relative importance of these conflicting indications must, I think, weigh the following considerations.

A. Let us begin with the identification of the nome missing at the beginning of line 17. Uebel's argument for a nome in the Thebaid has the manifest appeal of logic. But the study of the papyri has long since demonstrated that the lodestone of Roman governmental decisions and policies was not consistency or logic but practicality. Thus, in P. Wurz. 9, 66–71 – a text which Uebel was wrong, I think, to discard as inapposite – the epistrategos of the Heptanomia, whose jurisdiction encompassed Antinoopolis, writes to a strategos in the Thebaid in whose nome Antinoite rights have been violated. Conversely, in SB 9897 Umbricius writes from the Thebaid to an acting-strategos in the Arsinoite, where his petitioner's Antinoite privileges have been ignored. It appears, then, that even if the authority of an epistrategos was normally exercised within the boundaries of his epistrategia, in protecting Antinoite privileges he communicated directly with lower officials beyond those boundaries. What remains unclear, pending new evidence, is whether such "extra-territorial" intervention was a function of his office or of the privileges of Antinoites.

B. Next there is the question of why Leon[tios?] addressed his petition to Umbricius rather than to the epistrategos of the Heptanomia, in which Antinoopolis lay. I think the parallel of W. Chr. 28 affords the likeliest answer to that question. W. Chr. 28 concerns a *πατὴρ Ἀντινοιτικῶν παίδων* who complained that he had been named to a liturgy in the Lycopolite, a nome of the Thebaid, where he obviously owned property (and whence he probably orginated, as did many of the colonists of Antinoopolis). He now lived elsewhere – presumably in Antinoopolis (so already Wilcken) – and only learned of the liturgic appointment on a visit (*ἐπιδημήσαντα*, line 13) to the Lycopolite. It was natural, as well as to one's interest, to file a protest against a liturgic appointment promptly upon learning of one's nomination: cf. e. g. P. Oxy. VIII 1119 = W. Chr. 397. This the petitioner of W. Chr. 28 did, writing to the epistrategos of the Thebaid, where he (as well as the liturgy in this instance) happened to be; he did not wait to get home and write to the epistrategos of the Heptanomia. On the analogy of this reconstruction of the situation in W. Chr. 28, Leon[tios?] in SB 9897 may be understood to have owned property in Polemon and to have learned of the violation of his liturgic exemption there while he was resi-

ding or visiting in the Thebaid; whereupon, like the petitioner of W. Chr. 28, he promptly complained to the epistrategos of the Thebaid.

The following circumstances may also be relevant. We know that the city of Ptolemais in the Thebaid was a prime source of colonists for Antinoopolis. We also know that the organization of the administrative machinery of the newly created city took several years: by 5 May of A. D. 133, for example, the demes and tribes had not yet come into being: cf. SB V 7603, and H. I. Bell, JRS 30 (1940) 138. Other administrative decisions that had to be made during the early years are discussed below, in the commentary to lines 8–9. It may be, therefore, that Leon[tios?] addressed his petition to Umbricius because Antinoites, and a fortiori fathers (as here) of Antinoites, were still under the jurisdiction of their nomes of origin. This in turn would argue for placing Umbricius c. A. D. 133, although we may note in passing that a conflict of jurisdictions between Antinoopolis and a resident's nome of origin kept cropping up for decades thereafter: P. Fam. Tebt. 42 reveals, for example, that late in the second century a strategos still had to be reminded that Egyptian husbands residing with their Antinoite wives paid their head taxes in Antinoopolis and not in the nomes whence they originated.

The earliest evidence for Antinoopolis under the jurisdiction of the epistrategos of the Heptanomia is SB V 7601 C, of 12 July A. D. 135. True, Hermopolis, just across the river, was in the Heptanomia all along. But the cachet of Antinoopolis was its distinctiveness, in its administrative status as a nomarchy as in other aspects. We know, moreover, that the status of administrative units was changed from time to time under Roman rule; some nomes, for example, had separate identities in some periods and not in others: cf. Rech. de Pap. 3 (1964) 28, J. D. Thomas, Akten XIII. Papyrologenkongr. pp. 397–403. There may be relevance also in the fact that Oxyrhynchus, which lay well to the north of Antinoopolis, continued to be called a *πόλις τῆς Θηβαίδος* long after it came under the authority of the epistrategos of the Heptanomia: cf. P. Oxy. III 486 and 494, of A. D. 131 and 156. Therefore, unless and until evidence not now available proves the contrary, there remains open the possibility that in its first three or four years of existence Antinoopolis was a responsibility of the epistrategos of the Thebaid.

C. Finally, let us consider the possible relevance of W. Chr. 28 for determining Umbricius' date. In that document, dated in April of A. D. 159, Aelius Faustinus, the epistrategos of the Thebaid, writes to a strategos in reference to a father of Antinoite children who had complained that he *κεκληρῶσθαι . . . ὑπὸ Ξεινοκράτους εἰς πρακτορείαν καταχρημάτων* (lines 10–12). Now, although Xeinokrates' title is not given, we know that it was the epistrategos who performed the sortition (*κληρόω*) by which the praktores were chosen: cf. CE 44 (1969) 341–344. Xeinokrates must, therefore, have been Aelius Faustinus' predecessor in the office of epistrategos of the Thebaid (thus the communis opinio: see M. Vandoni, Gli epistrateghi . . . p. 54), and in fact his predecessor until only a short time before, when he had selected the liturgist who was now protesting to Faustinus. Thus, with Faustinus in office on 29 April of 159 and with Xeinokrates as his immediate predecessor, it is manifestly impossible for Umbricius Capitolinus to have been epistrategos of the Thebaid in Nov./Dec. of 158, the date that appears in line 26 of SB 9897. In sum, W. Chr. 28 argues for assigning Umbricius to ca. A. D. 133.

Conclusion. The considerations reviewed above seem to me to favor the restoration *Πολέμωνος*] at the beginning of line 17 and the assignment of Umbricius Capitolinus

to the earlier of the two possible dates, viz. ca. A. D. 133. To account for the later date of line 26 I can offer nothing better than Uebel's suggestion – admittedly a counsel of despair – that the copy before us, made some years after A. D. 158, was somehow contaminated with the dating formula of that year.

5. Other Textual Details

Line 1. The addressee, not included in this copy, would normally have been the prefect or the epistrategos. In this instance it is likelier to have been the latter, since a letter from an epistrategos, the sole precedent or authority cited by the petitioner, would not necessarily influence, and would certainly not be binding upon, the higher authority of the prefect.

Line 4. For this sense of διατάσσω, see Fachw. s. v. and cf. P. Phil. 1, 38 and 46–47, also P. Leit. 5 (= SB VIII 10196), 45–46 and note. Other verbs might, of course, have been used here: P. Phil. 1, for example, has ἐπιμερίζειν in line 53, but that verb would be too long for the space here even if the writing were quite cramped.

Line 5. For the suggested restoration cf. BGU IV 1022 = W. Chr. 29, 12–13

Lines 5–6. So too in P. Oslo III 126 an Antinoite who owns land in the Panopolite protests against an epibole of royal land.

Line 6. κα̣μ̣[: The mu, though incomplete, is beyond doubt. Uebel's κάμ̣[νο]ι̣τ̣ο̣[ς, which he himself queried, does not meet the sense requirements of the passage. The genitive absolute beginning with ἐμοῦ δέ adduces two grounds for the petitioner's right to exemption from the liturgic assignment in Tebtynis. The distress of κάμνω, wheter physical or figurative, would not constitute such a ground, especially for an absentee landowner who would not be cultivating the land in person: cf. Atti XI Congr. pp. 518–521.

The reading κα̣μ̣[ηλ]ίτ̣ο̣[υ does provide a ground for exemption (cf. P. Leit. 6, introd.), and if that reading is correct the present text affords our earliest evidence of that exemption. It is interesting to note, in passing, that in P. Wurz. 9 the Antinoite privilege is invoked as ground for exemption from the liturgy of supplying camels from the Arsinoite nome.

Another approach is suggested by Thomas in a letter received too late for more than a simple mention here, viz. the possibility of reading ἐμοῦ δὲ κα⟨τα⟩μ̣[έν]ο̣ι̣ τ̣[ος κτλ. This not only makes very good sense, but does so in idiom appropriate to Antinoite privilege: cf. esp. P. Fam. Tebt. 42, quoted three paragraphs below. Thomas' proposal deserves serious consideration.

Lines 6–8. Not shown in the photograph is a tiny fragment containing traces of six or seven letters. Following Uebel, I place the fragment at the right side of these lines.

Lines 8–9. The restoration of the missing word ending in]εισι leads us to an interesting finding about the technical terminology used in referring to the initial grant of Antinoite privileges and to their subsequent confirmation and reconfirmation. (If this detail of terminology has previously been signalized, that has escaped my notice.)

Uebel's published text has τ̣[οῖς? κελευσθ?]εῖσι, a common term for orders emanating from prefects and other high officials. In his marginalia, as Poethke informs me, Uebel had jotted διαταχθεῖσι(?), but this word will not do here because, while in general διάταγμα may denote an emperor's or a prefect's *edictum*, in the context of Antinoopolis διατάσσω and the words built on its stem appear to be restricted to im-

perial constitutions. Thus in BGU IV 1022 = W. Chr. 29 the Antinoites are said to enjoy their exemption from liturgies elsewhere κατ]ὰ διάταξιν θεοῦ Ἁδριανοῦ, and the violation of that privilege is termed παρὰ τὰ διατεταγμένα (lines 9, 17). In other words, that exemption was a basic constitutional right, incorporated expressis verbis in the charter granted Antinoopolis by Hadrian. In contrast P. Fam. Tebt. 42, closely paralleling SB 9897, tells us (1) that Egyptians having the right of ἐπιγαμία with Antinoite women paid their ἐπικεφάλια not in the nomes of their origin but in Antinoopolis ὅπου καὶ καταμένουσι, and (2) that this rule applied ἀκολούθως τοῖς κριθεῖσι. So, too, we find ἐφ' ὁμοίων κεκρίσθαι in W. Chr. 28, 18, and οὐκ ὀφείλει . . . [ἐπιτρο]πεύειν εἰ μὴ Ἀντινοέως κέκριται in P. Mich. inv. 2922, 19–20 (= SB V 7558 = Sel. Pap. 260 = FIRA III 30; a corrected edition by H. C. Youtie appears in ZPE 13 [1974] 247). These three documents, in contrast to BGU 1022 = W. Chr. 29, refer to elements of privilege affirmed in judicial rulings by the prefects, who in the years following the creation of the city had to deal with questions and conflicts that arose in the day-to-day implementation of the charter. P. Fam. Tebt. 43 = SB I 5343 says it all in a nutshell when it speaks (lines 11–12, 26–27, 46–47) of a man κριθησόμενον (by the prefect) κατὰ τὰ ἐπὶ Ἀντινοέων διατεταγμένα (by the emperors). See further below, on line 21.

In the light of the above, the restoration of choice in lines 8–9 of SB 9897 ought to be ἀκολο[ύθως] τ[οῖς κρι/θ]εῖσι, but the space before εισι requires two letters. We must therefore assume either that there was between θ and εισι the same kind of uncalled-for space that the writer left in several other places (see App. Crit.), or that the text had κελευσθεῖσι aut sim. The first of these alternatives seems to me to have the stronger claim in the present context.

Line 14. There is not enough room for ἔτι ἄνωθ]ε̣ν̣. The visible traces may also be read as]ἔτ̣ι̣, but if that is right something more is required in the preceding lacuna.

Line 15. The letter after ἐπιστολῆς was corrected, and after that the surface of the papyrus is damaged. Perhaps the writer intended after correction to have simply ἐστιν.

Line 19. While the restoration Ἀντινοέω[ν is not excluded, the singular sounds stylistically preferable here.

Line 20. At the beginning of the line the faint traces will also support reconstruction as δεῖν μ]ό̣ι̣[ο]ν.

At the end of the line ε̣γ̣ρ̣α̣[is perhaps more a guess at, than a reading of, a group of blurs and daubs in which it has so far been impossible to distinguish what was written from what was rewritten. (Poethke confirms that the original is no more help than the photograph in this matter.) It does not, however, seem possible to restore ε̣ἰδ̣έ[ναι / σε θέλω, as there is only blank papyrus where the base of the delta would have to be.

Line 21. Without the missing words from the beginning of the line to guide us it seems impossible to tell whether the writer intended the letter before μοι as omicron or as sigma; the circle of the letter is not completely closed at the lower right. Visible to the left of that letter is a vertical line which can be read as iota or as the last stroke of a nu. Uebel suggested „vielleicht ἔνν]ομοι κρίσεις?" But these judgments, rendered by duly constituted authority, were by definition lawful; to characterize them as ἔννομοι would be gratuitous – unless the expression could denote, by an extension of meaning for which I have found no precedent, judgments having the force of law because they were rendered by the prefect, who was the emperor's deputy in Egypt,

and quod principi placuit legis habet vigorem (Ulpian's famous definition in Digest 1.4.1). Whatever the descriptive adjective may have been, the epistrategos here obviously regards those judgments as a setting a policy which is binding upon him and those below him, which means that they emanated from an authority higher than his – in this instance the prefect or prefects rather than the emperor, since Hadrian, after ordering the creation of Antinoopolis, did not remain in Egypt long enough to render interpretative or applicatory judgments (and imperial pronouncements other than those issued e tribunali were designated by terms other than *κρίσεις*: cf. above, on lines 8–9).

If, on the other hand, *μοι* is regarded as a separate word preceded by an adjective, that adjective could have been any of several that would make good sense here, e. g. *ἐμφανε]ῖς*, *σαφε]ῖς*, *συνεχε]ῖς*.

Uebel's notes, as I learn from Poethke, reveal that he thought of [*πολλαὶ περὶ τῶν*] *τοιούτων* as a possible restoration in the middle of the line. Although this fits both the sense and the space, it may be objected that *τοιούτων* was likely to have been preceded by the noun to which *τοιού*[*τ*]*οι*[*ς* in line 22 refers. Also, while the adjective may signify „solche Fälle", as Uebel translated it, in this context it is likelier, I think, to be masculine, referring to "such individuals", i. e. fathers of Antinoite children.

Line 23. For *φρόντισον* in a similar situation cf. W. Chr. 28, 16.

Line 24. For the restoration cf. P. Wurz. 9, 56–57 and 69.

Lines 24–25. The translation, following a lead provided by Thomas, offers the best provisional sense I am able to make of these lines: cf. BGU I 243 = M. Chr. 216, 13, *ἔστι καθαρὸν μηδενὶ κρατούμενον*, "it is free and clear, under lien to no one." As soon as an individual was nominated to a liturgy his poros was placed under lien to the state, which was thus guaranteed against possible default by the liturgist: see the documents cited in P. Mich. XIV 675, introd.

Line 25. *ἐρρῶσθαί σε βούλομαι* also appears in Uebel's unpublished notes.

Lines 26–27. After quoting the letter of Umbricius Capitolinus in lines 16–26, the petition of lines 1–15 resumes and concludes here. Uebel (p. 253 n. 45) cited the implied parallel in BGU II 613 = M. Chr. 89; a better example is now available in P. Leit. 5 = SB VIII 10196. Note that in this copy the date of the petition is omitted at the end (as was the address at the beginning: see above on line 1).

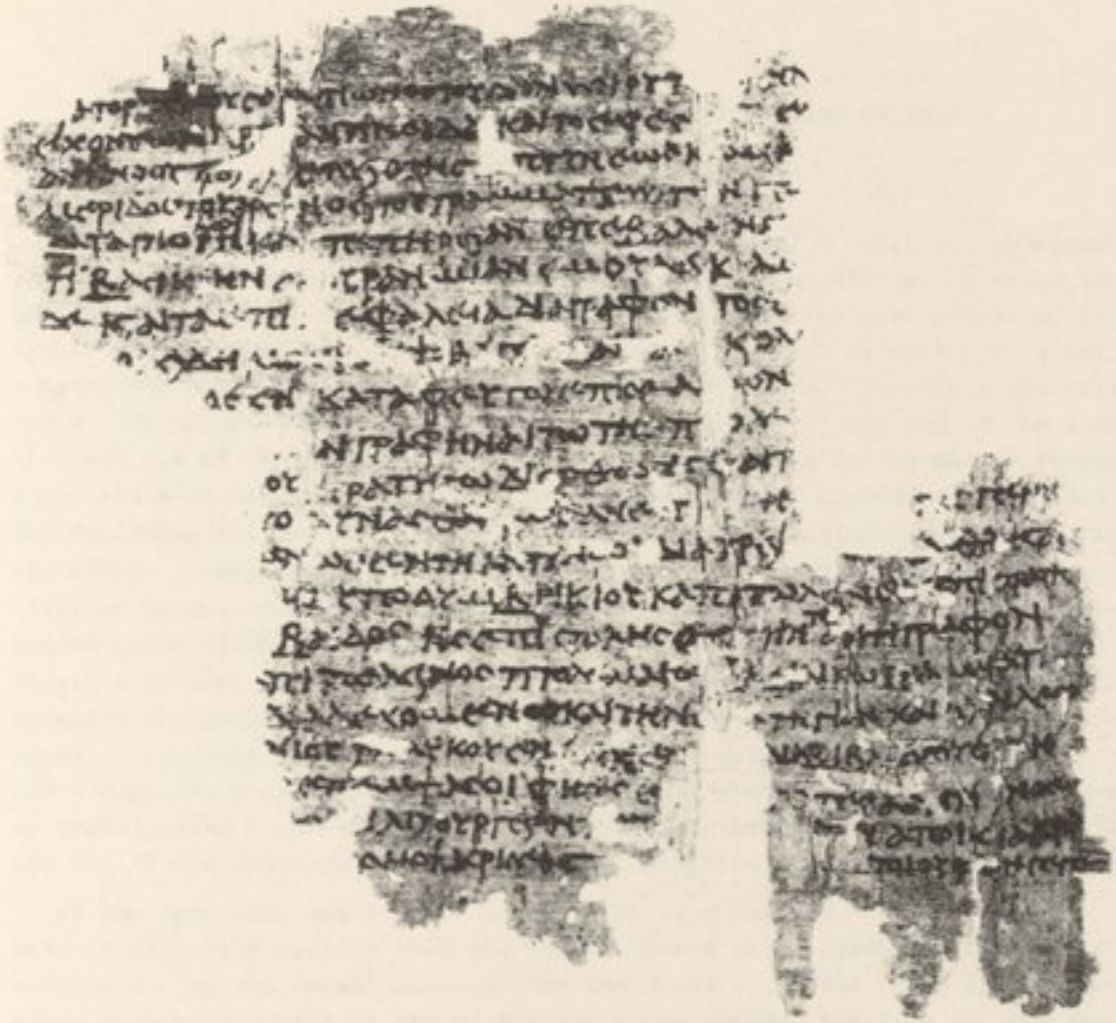

Abb. 2. P. Ien. Inv. 53r (SB VIII 9897)

THE METROPOLITAN GYMNASIARCHY, HERITABLE AND SALABLE

(A REEXAMINATION OF CPR VII 4)

CPR VII 4, preserving seventeen incomplete lines of Greek text, provides the basis for a quantum leap in our knowledge of the modalities by which the prestigous office of gymnasiarch might be acquired in the metropoleis of Roman Egypt. The document was copied in a semi-uncial hand by, or more likely for, someone who had an interest in that office and its attendant rights and privileges. The extant fragments offer us two lacunose texts: the end of one (lines 1-7) and all of another (lines 9-16) record of hearings before Marcus Sempronius Liberalis, prefect of Egypt. His rulings at those hearings established the following principles: (1) If a gymnasiarch or gymnasiarch-designate died, the office passed automatically to his heir, who thereby acquired also the lifetime honors attendant upon having held the office. (2) The heir of a deceased gymnasiarch-designate could sell his right to the office to another eligible person. As an additional bonus, it seems possible to deduce from the document the societal connotations (the denotation is self-evident) of the expression ἑκούσιος γυμνασίαρχος, which had previously occured only in *P.Oxy.* III 473 = *W.Chr.* 33. A similar expression, αὐθαίρετος γυμνασίαρχος, occurs in several inscriptions from other eastern provinces of the Roman empire: *IGRR* IV 1525, III 933 (= *OGIS* 583 = Ehrenberg-Jones 134), *IGLSyr* 166.

Of the date only the year (= A.D. 155/6) is preserved, but the contents make it virtually certain that the prefect heard those cases and issued the rulings during the annual *conventus* for the nomes of Middle Egypt and the Thebaid. As that was held in the winter and early spring, the date is thus narrowed to the first four months (plus or minus a few days) of A.D. 156.

The editor of *CPR* VII 4 was clearly nonplused by much of the text. His supplements are, as J.D. Thomas has already noted (*CR* 31, 1981, 266), frequently arbitrary; they are also of unequal length, some violate standard formula, and others supply the wrong sense. The readings are also amenable to improvement in several places. What follows, therefore, is a new edition.[1)]

The papyrus is broken at right and top. The lacuna between the two fragments is filled by 5-8 letters on a line; the loss at the right amounts to 7-10 letters per line, two or three more in lines 12-13.

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1) The preparation of the following edition was materially assisted by H. Harrauer, who sent me a print of the photograph from which the published plate was made, and also checked some of my proposed rereadings on the original. This paper has also benefited significantly from discussion with L. Koenen. I take this opportunity to record my warm thanks for their assistance.

]υ κληρον[ομι.. γ]εγένηται, εἰ[
β]ποσχέσεως Καλλινίκου εἰς πρᾶσιν. [Λιβερᾶλις]
[σκεψάμ]ενος με[τὰ τῶν ἐν τῷ] συμβουλίῳ εἶπεν· εἰ οἱ περὶ Ἀχοναρῆ [± 4–7 βου-]
4 λή[σοντ]αι τὴν γυ[μνασιαρ]χ[ίαν] ἀποδιδόναι, εἷς ἐξ αὐτῶν γυμ[νασίαρχος ἔσ-]
τω, [καὶ ο]ὗτος χρ[ηματισθή]τω γυμνασίαρχος, ἀγοράσει δὲ τὸ χω[ρί]ο[ν παρὰ τῶν]
κληρονόμων [ὥστε, ἐ]ὰν μὲν ὦσί τινες ἐκούσιοι ὑπεσχημέν[οι, μετ' ἐκεί-]
νους γυμνασιαρχ[εῖν, ἐὰ]ν δὲ μὴ ὦσι, μετὰ τὸν νῦν γυμνασίαρ[χον ἄρχειν *aut sim.*]
8 ἄλλο ἐπὶ τοὺς θαν[όντας·] *vacat*
Ἀρτεμιδώρου π[ροσαχθέ]ντος Σαραπίων νεώτερος ῥήτωρ εἶπε[ν· ὁ ἡμέτερος]
πατὴρ Κάσιος ἀ[νέσχετο] γυμνασιαρχίαν τῆς πόλεως ταύτης ἀ[πὸ τοῦ ις (probably)]
ἔτους εἰς τὸ ἑπτα[καιδέκα]τον (ἔτος). μὴ δυνηθέντος δὲ ἐκείνου ἐκτ[ελεῖν τὴν]
12 γυμνασιαρχίαν, ἐ[τι δὲ τελ]ευτήσαντος τῷ ιη (ἔτει) κατεσχέθη ὁ υ[ἱὸς αὐτοῦ καὶ]
ἐγυμνασιάρχη[σε ἐν τῷ] αὐτῷ ιη (ἔτει) καὶ αἰτεῖ ψηφίσματα πάν[τα νέμοντα (*aut. sim.*) τὰς]
τιμὰς ἃς ἀνέσχ[ετο δι' ἐ]ν[ι]αυτοῦ ταῦτα ἑαυτῷ φυλαχθῆναι. Λ[ιβερᾶλις]
ἐπύθετο· μή τις [ἀντιλέγε]ι; μηδενὸς ἀντειπόντος Λιβερᾶλ[ις εἶπεν· ἔχει *aut sim.*]
16 τὰς τιμάς. *vacat*

Line 17 contains the date = A.D. 156, no month given (see introduction).

TRANSLATION: ... (e.g.) since the gymnasiarchy] is in the inheritance [of their father Kallinikos, it is legal for it to be put up] for sale [in replacement] of Kallinikos' undertaking (to serve)." Liberalis, after reviewing the matter with the members of his council, said: "If the party of Achonareus are eager to perform the gymnasiarchy, let one of them be gymnasiarch and let that one be titled gymnasiarch, and he will buy the place (in the rota) from the heirs, so that, if there are any who have volunteered to undertake (the office), he will serve as gymnasiarch after them, and if there are no such, he will [hold the office] after the present gymnasiarch."

Another (ruling) with regard to dead gymnasiarchs:

The case of Artemidoros being called, Sarapion the younger, advocate, said: "Our (client's) father Cassius held the gymnasiarchy of this city from the [16th] year to the seventeenth year. As he could not carry the gymnasiarchy through to the end but died in the 18th year, his son was required to serve, and he did serve as gymnasiarch in the said 18th year, and he asks that all the resolutions bestowing the honors (of the office) which he held to the end of the year, that those be retained for himself." Liberalis asked: "There is no one who objects, is there?" As no one spoke against, Liberalis said: "Let him have the honors."

1–2: (a) [NN ῥήτωρ ὑπὲρ NN το]υ, the restoration of the edition, has little chance of being right in this context.

(b) το]υ κληρον[όμου ed., but Καλλινίκο]υ κληρον[ομία or -ίᾳ is probably likelier in this context.

(c) Σεμ[πρώνιος Λιβερᾶλις | ἔπαρχος Αἰγύπτου περὶ ed. This restoration is far too

long at the end of line 1, and the whole is inappropriate to the context even if the letter which I see as epsilon is read as sigma.

(d) κατ]ασχέσεως ed. As Thomas (*loc. cit.*) saw from the plate, the word is ὑπ]οσχέσεως. On a clearer photograph the end of the pi, shaped as in line 6, is visible.

(e) The expression to be restored in line 2 is likely to have been some form of the idiom ὑπερκεῖσθαι εἰς πρᾶσιν.

(f) Delete [προκειμένης] (ed.) at the end of line 2. The lacuna requires Λιβερᾶλις to go with what follows in line 3.

(g) While we cannot hope to recapture the *ipsissima verba* of the sentence ending with πρᾶσιν, we may envisage something along the lines of ἐπεὶ ἡ τῆς πόλεως γυμνασιαρχία ἐν | τῇ τοῦ πατρὸς αὐτῶν Καλλινίκο]υ κληρον[ομίᾳ γ]εγένηται, ἔ[ννομόν ἐστι | ταύτην ὑπερκεῖσθαι ἀντὶ τῆς ὑ]ποσχέσεως Καλλινίκου εἰς πρᾶσιν.

3 *ad fin.*: [... μὴ (ed.) is to be deleted; the case arose because they *did* want the office. Between the personal name and the verb of desiring an adverb may be missing, e.g. σφοδρῶς.

4-5: γυμν[ασιαρχησά]τω (ed.) is satisfactory as to sense and space, but ἔστω is surely more common in contemporary idiom.

5: χρ[ήσιμος ἔσ]τω (ed.) fits the space of the lacuna but is inapposite to the context. The prefect is not lecturing on ethics but ordering an administrative procedure to be followed; ergo χρ[ηματισθή]τω.

εἷς... οὗτος: see the commentary, below.

Ad fin.: τοῦ̣τ̣ο̣ π̣α̣[ed., remarking "τοῦ̣τ̣ο̣ ist nicht ganz befriedigend." Dr. Harrauer informs me that the letter after το can hardly be other than chi, and agrees that the traces of ink that follow can fit the reading χ̣ω̣ρ̣ι̣ο̣[on the assumption of an unusually wide omega.

5-6: Delete the restorations ἄλλων and ἐκείνου of the ed., the first as inappropriate to the context (there is nothing to suggest that there was dissension among the heirs), the second as unnecessary or intrusive.

6: ὑπεσχημέν[οι does not refer to "Bürgschaftspflicht", as suggested in the ed., but to the voluntary offer, or promise, to hold the office.

7: γυμνασιαρχ[ησάτω ed., but the surviving text points rather to an infinitive construction introduced by ὥστε.

Ad fin.: The restoration ἀποδότωσαν (ed.) is open to the same objection, and is in any case too long.

8: ἄλλ[ους (ed.) is not a possible reading.

9 *ad fin.*: "Vielleicht ... ὁ ἐκείνου ο. dgl." ed., but the indicated supplement is ἡμέτερος. It was — and is still — natural for advocates thus to identify themselves with their clients. In the papyri the usage is attested from the first century to the fourth (*P.Oxy.* I 37 = *Sel. Pap.* 257.16, *P.Col.* VII 174.46, 175.27).

9-10: As the son had a Greek name, the father's name Κάσιος is likelier to be the Latin Cassius than the Egyptian Kasis.

10 (and 14): Unlike κατέχω (line 12), ἀνέχομαι was not part of the technical vocabulary of liturgy: see my *The Compulsory Public Services of Roman Egypt (Papyrologica Florentina* XI, 1982), chapter I. Accordingly, ἀνέσχετο here carries no connotation of compulsion, stating merely that the father and then the son undertook the office. In the father's case, in fact, there is good reason to think that he volunteered to hold the office for three years: see below, p. 89f.

11: ἐκτ[ελέσαι ed., perhaps rightly, but the continuative present seems preferable: cf. e.g. *P.Cair.Isid.* 125.9 (with *BL* VI, p.25).

12: κατεσχέθη ὁ υ[ἱὸς γυμνασιαρχίᾳ ed. This supplement is too long, even omitting (as it does) the definite article, which would surely be required here.

13: ἔχει (ed.) is disconfirmable on the published plate.

Ad fin. [τα αἰτεῖται τὰς (ed.) makes too long a supplement, and the verb is now seen to be inappropriate here.

14: ἐ]πὶ αὐτοῦ ταύτας (ed.) is disconfirmable on the published plate.

15: *ad fin.* διαγνώσομαι (ed.) makes too long a supplement, and the verb is inappropriate here. There is no doubt about the sense to be restored at the end of the line. The preceding text makes it clear that the prefect granted the request. What remains uncertain is the best wording with which to restore that sense in the space available. The indications from the preceding lines are that after the two letters required to complete Liberalis' name, there would be room for a maximum of eight more letters. The restoration [ις εἶπεν· ἔξει exceeds that limit by one letter, but as three of the letters are iotas that restoration should not be rejected out of hand. Alternatively, we may think of [ις εἶ(πεν)· ἐχέτω, with or without the verb of saying. The abbreviated εἶ(πεν) occurs regularly from the mid-third century on, but is not unknown in the second century and perhaps even in the first: see R. Coles, *Reports of Proceedings in Papyri (Papyrologica Bruxellensia* 4, 1966), 40, 44, 50. As for the verb after εἶπεν, rulings by prefects and other officials employ various forms — direct imperatives addressing the party concerned (e.g. *P.Fam.Tebt.* 15.139ff., *P.Phil.* 3), present and future indicatives in second and third persons (*CPR* I 18, *P.Flor.* I 61, *P.Oxy.* IV 706, VIII 1102, *P.Teb.* II 286 = *M. Chr.* 83, and line 5 of the present document), and third person imperatives (*P.Amh.* II 64, *P.Hamb.* I 29 = *Jur.Pap.* 85, and lines 4-5 of the present document).

Commentary

THE FIRST CASE (lines 1-7)

The general sense seems to be that Kallinikos had been designated to hold the gymnasiarchy but had died before actually entering upon the office. A son would normally be expected to hold the office in place of a deceased father (see the second case, lines 9-16 below), even if the son was a minor (cf. *P. Oxy.* I 54 = *W.Chr.* 33). A man named (apparently) Achonareus offered to buy that privilege from the heirs.[2] The heirs were, I suspect, willing to sell, but

2) Cf. the parallel practice of selling vacant priestly offices.

the board of gymnasiarchs (or other officers having the responsibility in the matter), lacking a precedent to guide them, either objected to the sale or (more likely, I think: cf. the second case) joined the parties in petitioning the prefect for clarification. The prefect, after consultation with his legal advisers, ruled that it was indeed permissible for Achonareus to purchase — and for the heirs to sell — Kallinikos' place in the rota of future gymnasiarchs.

The significance of that ruling deserves to be emphasized. It held, in effect, that an appointment to the office of gymnasiarch — and, by implication, to the other honorific offices as well — was a thing of value that could be bought and sold. In similar wise, we may recall, in the early third century a prize athlete showered with honors galore sold some of his "surplus" benefits (*P.Lond.* III 1164i = *Jur.Pap.* 31); and even earlier in Rome enrolment in a particular tribe and entitlement to free grain were salable privileges.[3] In this light there arises the possibility that in the ruling on the gymnasiarchy Liberalis, his advisers finding no guidance for him in the law of the province, drew — he was, after all, a Roman at the peak of the equestrian career — upon an analogy provided by Roman law and custom. If that were so, this would be, along with the precedents cited in the famous Petition of Dionysia (*P.Oxy.* II 237 vii.29-viii.4), another relatively early example of the Roman influences that Roman government inevitably brought to bear upon the local law.

On a subsidiary matter, the prefect's emphasis upon εἷς ... οὗτος (lines 4-5) is too pointed to be ignored. But as we lack the background details of the case, we can only guess at the reason for his emphasis. The point, I suspect, is this: As Kallinikos' office passed to his heirs (plural), Achonareus asked to buy the office for himself and/or his sons. The prefect emphasizes, therefore, that only one of them may hold the office.

THE SECOND CASE (lines 9-16)

This case also concerned the gymnasiarchy as it was affected by death and also came before M. Sempronius Liberalis. In this instance a man named Cassius held the office in years 16 (according to the likeliest restoration) and 17 of Antoninus Pius, but he died while still in office in year 18 and his son Artemidoros was drafted to complete that year. The fact that Cassius had undertaken to hold the office for (at least) three years suggests very strongly that he was an ἑκούσιος γυμνασίαρχος (see further below, and p.90f.). For his generosity he would, on leaving office, have been awarded a series of honors reserved for civic-minded benefactors like himself. Thus, *P.Oxy.* III 473 = *W.Chr.* 33 (see my emendation in *BASP* 18 [1981] 78-80) decrees the erection of a statue

3) Juvenal 7.174-175 and several *Digest* passages, conveniently assembled and summarized by J.R. Rea, *P.Oxy.* XL, pp. 10-12.

to a man who had discharged in sumptuous fashion an ἑκούσιος γυμνασιαρχία.

At all events, Cassius had held the office for (at least, but also most likely) two years and the beginning of a third when he died. His son Artemidoros then held it to the end of that third year (δι' ἐνιαυτοῦ). Upon completion of the office he claimed the honors voted his father for holding it (13-14). The responsible local body was not opposed (μηδενὸς ἀντειπόντος), but they obviously felt that they had no precedent for either granting or denying Artemidoros' claim. The matter accordingly went up to the prefect for adjudication, and, on determining that no one had any objection, he ruled that Artemidoros was to have the honors voted for the office. Those lifelong honors would include the title of "sometime gymnasiarch" and the right to wear in public the distinctive garb of the office. Additional honors were presumably bestowed upon an ἑκούσιος γυμνασίαρχος, as in *P.Oxy.* 473 = *W.Chr.* 33 (see above), but the procès-verbal of the instant case gives us no information on that score.

ΕΚΟΥΣΙΟΣ ΓΥΜΝΑΣΙΑΡΧΟΣ AND THE TERM OF OFFICE

In *BASP* 16 (1979) 207-8 I concluded that there is no demonstrable instance in the third and fourth centuries of anyone holding the gymnasiarchy for more than a year. On the contrary, as the Severan reorganization of the metropoleis had (along with other factors) the effect of making the economic distress of the third century weigh most heavily upon the metropolite class, and as many metropolites saw their fortunes melt away in those years after A.D. 200, the opposite phenomenon occured: those liable for service sought strenuously to avoid appointment, and when they did hold a metropolitan office the honors and expenses of a single year were commonly divided among several incumbents.[4)]

Until late in the second century, however, the situation was very different. In that earlier period the gymnasiarchy and other metropolitan offices were readily accepted, even eagerly sought, for the lifetime status they conferred. What *CPR* VII 4 does, in addition to the matters discussed above, is to clarify two aspects, important and related, of the mid-second century situation — the issue of voluntary vs. compulsory service, and the question of the length of service.

The gymnasiarchy was the highest distinction to which a man could attain in the metropolite community. The designation of gymnasiarchs as ἑκούσιοι in *CPR* VII 4, of A.D. 156, is matched by ἑκούσιος γυμνασιαρχία in the previously cited *P.Oxy.* III 473 = *W.Chr.* 33, which also dates from the time of Antoninus Pius. Those two documents entitle us to infer that in the middle of the second century (1) there was a special distinction in holding the gymnasiarchy volun-

4) See my *Inventory of Compulsory Services* and *The Compulsory Public Services of Roman Egypt* (*Papyrologica Florentina* XI, 1982) s.vv. γυμνασίαρχος, ἐξηγητής, κτλ., see also δι' ὅλου ἔτους below, p. 91.

tarily; and (2) for years not covered by volunteers the metropolite "town meeting" would routinely elect the incumbents from among its members.[5)]

CPR VII 4 also makes a further inference very attractive. Cassius, in the second case, had intended to serve for three years (possibly — as the text is broken — but not probably longer). In the accumulated evidence of the papyri the term of metropolitan offices was normally one year or less: thus in *SB* V 7816 = *PSI* XII 1263, of A.D. 166/7, an ex-gymnasiarch emphasizes that he had served δι' ὅλου ἔτους. It seems reasonable to conclude that the expression ἑκούσιοι γυμνασίαρχοι designated those men who, like Cassius, had volunteered to serve for three years. For all other appointees, including Achonareus of the first case, the term of office was one year or a fraction thereof.

So much for now. But the last word has surely not been said on the text and import of this fascinating document.

Easton Naphtali Lewis

Editor's note:
The text is reprinted as *SB* XVI 13032.

5) *P.Ryl.* II 77, of A.D. 192, gives us the minutes of such a meeting.

PREFECTURAL EDICTS: A REJOINDER

NAPHTALI LEWIS

In the 1978 number of *Bar-Ilan Studies in History* Dr. Ranon Katzoff, citing evidence from several papyrus documents, sinks yet another nail in the coffin of a once flourishing but now moribund thesis — the thesis that on taking office, the prefect of Egypt, like any other Roman provincial governor, issued a general *edictum translaticium* setting forth the fundamental rules that would apply under his jurisdiction. Instead, as Dr. Katzoff shows, edicts issued by prefects of Egypt were cited as valid long after the term of office of the issuing prefect.

Dr. Katzoff's demonstration of this continuing validity is clear and convincing. Then, in his final paragraphs, he seeks to put this demonstrated authority of the *praefectus Aegypti* into historical perspective. Finding no warrant for it in the Roman *ius civile*, he suggests that it may have been a continuation of an attribute inherent in Ptolemaic kingship. But two points, I think, speak against such a deduction.

1. Dr. Katzoff cites Tacitus' classic statement (*Hist.* 1.11.1), *Aegyptum... iam inde a divo Augusto equites Romani obtinent loco regum*. But a close study of Tacitean vocabulary raises a question about how much can really be read here into the word *locus*. If we consult the Gerber-Greef *Lexicon Taciteum*, p. 781, even where the connotation is defined as *dignitas, auctoritas*, the parallels to *loco regum* are expressions like *loco parentis (-um), loco clientulorum*. Modern scholarship, if we may take the Budé and Loeb editions as representative, take *loco regum* in *Hist.* 1.11.1 to mean simply, "qui y remplaçait les rois," "in place of their former kings." What this implies, if anything, about continuity of regal or quasi-regal authority is at best an open question.

2. The lineal successors of the Pharaohs and the Ptolemaic kings were, of course, the Roman emperors. The prefect of Egypt was the emperor's viceroy, and the prefect's *ius edicendi* was part of his magisterial authority that originated, it seems to me, in a specific grant by Augustus, reported by Tacitus in *Ann.* 12.60.3: *nam divus Augustus apud equestres qui Aegypto praesiderent, lege agi decretaque eorum perinde haberi iusserat, ac si magis-*

tratus Romani constituissent. Ulpian, too, refers (*Digest* 1.17.1) to the prefect's *imperium quod ad similitudinem proconsulis lege sub Augusto ei datum est*. To be sure, as Dr. Katzoff remarks in his paper (p. 52), "a magisterial edict was not legislation." But even if we therefore set aside Ulpian by insisting that proconsular power was merely magisterial, Tacitus' *lege agi* leaves no doubt that Augustus specifically granted the *praefectus Aegypti* the power to make law in Roman Egypt.

THE SYMBOL N

NAPHTALI LEWIS

I. Introduction

A centenary volume is an appropriate place to review a problem that has been with us, defying solution, since papyrology's early days. The present centenary volume is doubly appropriate, because the most recently published of the six documents in question is a papyrus of the Rainer collection.

In order of publication the documents, all dating from the fourth century, are:

No.	Date	Provenience	Document
1	IVc	Hermopolis	P. Lips. 41 = M. Chr. 300
2	post 307	Theadelphia	P. Thead. 16 = P. Sakaon 35
3	ca. 325	?	P. Prine. III 119 as revised in ZPE 8 (1971) 15-27 = SB XII 10989
4	ca. 329	Panopolis	P. Köln Panop. 31 = SB XII 11224
5	342?	Karanis	P. Col. VII 174[1]
6	ca. 340?	Hermopolis	P. Vindob. G 39757, published in BASP 15 (1978) 115-23.

These six documents share the following characteristics:

(a) The principal text, written in a skilled and careful hand, opens with a statement of advocacy, λέγει ὅτιρ in nos. 2-4 and 6, λέγομεν ὅτιρ in no. 5, and ὅτιρ without a preceding verb in no. 1.

(b) To the left of the first word is a large, broad monogram in the form shown in the title of this paper. The monogram has universally been taken to be the letter N with an I or vertical stroke drawn through it[2].

(c) On the left side of the papyrus the writer left an unusually broad blank space, more than half the width of the principal text. In no. 2 the margin remains blank, but in the five other papyri it contains rapidly scrawled notes that excerpt, summarize, or otherwise relate to prominent elements in the body of the document. Since these notes in places overlap the left edge of the principal text, it is clear that the body of the text was written first and the marginal jottings afterwards[3].

(d) The document presents the case of one of the parties to a lawsuit.

(e) The document is unaddressed – unless the address be contained in the monogram, which seems unlikely on the face of it.

In his introduction to no. 1 L. Mitteis remarked that the "äusserlich sorgfältigere" handwriting militated against any attempt to explain away the lack of addressee by taking the document to be a preliminary draft rather than the finished product. His acute observation applies with equal force to the other five documents published subsequently. As to the nature of the document, Mitteis called it a complaint, but

[1] Ed. pr. by N. Lewis and A. A. Schiller, *Doubs Nostri*, Edinburgh, 1974, 187-200.

[2] "... ein großes N, von einem senkrechten wie I aussehenden Strich durchzogen" – L. Mitteis, P. Lips. pp. 137-38. "Es ist, wie Mitteis drückte, ein N, das durch einen langen Strich (ι) durchstrichen wird" – U. Wilcken, Archiv 4 (1908) 472 n. 1. "... un N majuscule traversé par un trait vertical" – P. Jouguet, P. Thead. p. 102. "Das am Anfang stehende N, welches durch einen langen senkrechten Strich durchgestrichen ist ..." – F. Preisigke, BL I, p. 208.

[3] For fuller descriptions see A. E. Hanson, ZPE 8 (1971) 16-17.

U. Wilcken in a review interpreted it as the speech of an advocate, and these texts have generally been so regarded ever since[4].

Wilcken suggested further that the initial monogram was an abbreviation of the advocate's name e. g. N(ικάμιον). But when the same monogram appeared again with the publication of no. 2, which relates to a different lawsuit in a different place at a different time, it became obvious that Wilcken's resolution of the symbol would not do. P. Collinet then proposed that the symbol be resolved as *n(arratio)*[5], and that interpretation has held the field almost to the present day.

Dissent, however, was voiced a few years ago by P. J. Sijpesteijn and K. A. Worp (hereafter cited as S-W) when they published the Rainer papyrus (no. 6). Their arguments were accepted and expanded by R. S. Bagnall in his introduction to P. Col. VII 174 (no. 5). The great merit of Bagnall's presentation is that it compels us once and for all to discard *n(arratio)*: that term applies in Roman law only to the statement of the plaintiff's case, and no. 3 is manifestly ex parte the defendant[6]. In place of *n(arratio)* Bagnall prints ν(ομικός), the resolution proposed by S-W[7]. In Part II of this paper I shall attempt to demonstrate that, and why, ν(ομικός) is unacceptable.

II. The Case against N(ομικός)

One point appears to be beyond dispute: The opening word λέγεις – the variant λέγομεν simply expresses the lawyer's identification with the client, still a common enough practice[8] – shows that these documents contain instructions to a rhetor who will present the case in court; in P. Col. 174 his name actually appears on the back of the document.

The position taken by Bagnall and S-W may fairly, I think, be reduced to two essential arguments:
1. In seeking to resolve the abbreviation Ν one should consider that the word it represents is likelier to have been Greek than Latin: "a single Latin word in a Greek text is very odd" (Bagnall, similarly S-W).
2. The skilled professional to whom one applied for the preparation of a legal brief was the *iuris peritus*, of which term νομικός was the Greek rendering.

It should be obvious that neither of these arguments, nor the two together, can claim to be decisive. In addition there are the following considerations:
With regard to 1: This argument has an undoubted a priori appeal, but it rests on an underlying assumption that the symbol Ν represents a single word. In the present state of the evidence we have no assurance that that is so. It is far from unprecedented for monograms and other such symbols to represent phrases of two or more words, as for example in the case of (πυροῦ ἀρτάβας). Also, it may be that the Ν and the vertical stroke each stand for a separate word, and Latin rubrics of more than one word are frequent in Greek documents of the fourth century, e. g. *iuridi(cus) Alex(andreae) d(izit)* ... *or(ator) adiecit* in P. Bour. 20 = M. Chr. 96 (similarly in P. Lips. 33 and 38 = M. Chr. 55 and 97). And finally, single Latin words do occur (at least in Greek transliteration) in Greek texts, e. g. ἰνγένουαν in a Greek inscription recently published by Sijpesteijn[9], or βενεφικιάριος, ὀπτίων, and similar military and technical terms which occur commonly in the papyri. Thus the argument against "a single Latin word" loses much, if not all, of its force.

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[4] Archiv 4 (1908) 472: "... das Stück einem Prozeßprotokoll angehört, in dem ja diese Bezeichnung der Klienten im Munde des Advokaten ganz geläufig ist"; thereafter P. Thead. 16 ("Discours d'un Avocat"), M. *Chrest.* 300 (introd., "Rede des Anwalts"), ZPE 8 (1971) 15 ("Speech of an Advocate"), P. Köln Panop. 31 ("Rede eines Advocaten"). Only P. Collinet (see below, note 5) and A. A. Schiller (loc. cit. pp. 194-96) dissented.

[5] *Nouv. rev. hist. droit fr. et étr.* 37 (1913) 264-65: "Les difficultés pourraient se dissiper, je crois, en résolvant l'abbréviation Ν par *N(arratio)*, au sens du mot dans la procédure, exposé de la demande en justice ... Dans [P. Thead. 16] il ne faut pas voir ... le "discours d'un avocat"; c'est, à mon avis, la *narratio* de l'un des trois demandeurs [i. e. Sakaon] ... dans les dossiers de qui le n° 16 paraît bien avoir été trouvé ... L'acte peut passer alors pour un modèle remis à Sakaon par un homme de loi qui a rédigé la *narratio* à prononcer par son client, le moment venu."

[6] A. Berger, *Encycl. Dict. Roman Law*, s. v. *narratio*: "The oral presentation by the plaintiff or his advocate of the facts and legal arguments on which he based his claim. The reply of the defendant = *responsio, contradictio*." H. C. Youtie's acceptance of the view that the documents "all conform to the definitions of the *narratio* given by Berger and Collinet" (*Scriptiunculae Posteriores*, I, 14) was written before the publication of Bagnall's commentary on P. Col. VII 174.

[7] S-W state that the suggestion of ν(ομικός) originated with a student of theirs, P. S. Verdolt.

[8] Another such instance occurs in P. Oxy. I 37 = Sel. Pap. II 257, 16. Youtie (loc. cit. 4) writes, "In P. Thead. 16 [the complaint] is made by one of the three plaintiffs speaking for all of them, hence consistently using the first-person plural." But the verb in P. Thead. 16 = P. Sakaon 35, 1 is λέγεις.

[9] Mnemosyne 31 (1978) 418 = AE 1978 no. 828.

With regard to 2: The arguments against accepting the resolution ν(ομικός) are of various kinds. They will be set forth in some detail.

a. The diplomatics of the monogram

In their commentary S-W call attention to comparable monograms representing χ(ρόγραφον) and χ(ιλίαρχος)[10]. They recognize, further, that on this analogy Ϫ ought (as Wilcken originally thought)[11] to represent ν( ). But instead of drawing the obvious conclusion that this analogy invalidates the resolution ν(ομικός), they arbitrarily reduce the monogram to a single letter, accept it as representing ν(ομικός), and even go so far as to wonder whether the parallel abbreviations should not be resolved as χ(ιρόγραφον) and χ(ιλίαρχος). In other words, the three monograms, composed of mu and nu and chi *bisected* by iota (a *vertical*), are treated as if they were not different from mu and nu and chi *followed by* the familiar *slanting* stroke indicating abbreviation.

Unfortunately for the ν(ομικός) argument, the form of a monogram cannot be so cavalierly ignored or distorted. There is no blinking the fact that monograms consist, by definition, of two or more letters, or that a combination of letters is what they regularly represent in Greek papyri, literary as well as documentary. I know of no exceptions. In the earlier period ☧ has rho representing the figure 100 and the monogram resolves into (ἑκατόνταρ)χ(ος), and later of course it stands for Χρ(ιστός). Again, ⲡ is the common monogram for ὑρ(α), and has also been found as the symbol for ὑρ(δινᾶτος), i. e. Latin *ordinatus*[12]. By the same token ☧ can only represent χ(ρόγραφον), not χ(ιρόγραφον), and Ϫ must be ν( ), not ν(ο).

b. The occurrence of νομικός in the papyri

The word νομικός refers in the papyri sometimes to a legal expert and in other instances to a notary or a writer or translator of documents[13].

It is, of course, the first of those senses that concerns us, and a first point to observe is that only the second sense appears to have survived in the usage of Egypt in the fourth century and thereafter. In no papyrus of the fourth century does the word νομικός designate a legal expert (*iuris peritus*)[14]. And in the papyri of preceding centuries when νομικός does designate a legal consultant he always appears as an adviser on provincial law to a sitting judge, either the prefect of Egypt or a lesser official[15]. A tabulation of the occurrences may be helpful:

A. D.	Document	Νομικός consulted by
73	P. Oxy. XXXVI 2757	*praefectus Aegypti*
107–112	PSI V 450, 37 and 45–46	*strategos*
107–112	P. Oxy. XLII 3015	*praefectus Aegypti*
113–117	M. Chr. 372 iii, 18	*praefectus Aegypti*
124	CPR I 18, 5 and 23–24 = SPP XX 4	*praefectus cohortis*
133–137	P. Berol. 9579[16]	*index datus* (delegated by the *praefectus Aegypti*)

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[10] BASP 15 (1978) 118. Note also χ(ρυσοῦ) in P. Oxy. IV 708 = W. *Chrest.* 432, 13.

[11] Loc. cit., note 2 above.

[12] Cf. Mnemosyne 28 (1975) 122 and Plate II, ZPE 38 (1980) 217. The ωρ monogram appears in still another sense in PSI VI 684. For more examples, including additional senses of the χρ monogram, see P. Lond. I, pp. 252–55 and Blanchard, *Sigles*, esp. 4, 6, 17, 23, 26, 44, 45.

[13] ν. = legal expert: The occurrences are tabulated in the next paragraph of this paper. ν. = notary, etc. (II–IV centuries, later occurrences omitted): BGU I 276, 8 – 10, 326 ii 22, 361 iii 2 (cf. 15), II 388 i 25–26 (cf. ii 29–30, iii 8); P. Berl. Leihg. II 27; P. Cair. Goodsp. 30 v 18; P. Flor. I 71, 262; P. Mich. VIII 476, 24, 477, 12, 478, 42; P. Oxy. I 34 iii 2, III 533, XLI 2983, XLIV 3195; P. Ryl. IV 627, 201; probably also P. Fouad 74, 2, P. Beatty Panop. 1, 194–195. Add now P. Ryl. inv. Gk. Add. I 28, 8, and see the editors' extensive note ad loc. (Bull. J. Rylands Univ. Libr. 61 [1979] 309), where the distinction between the two categories of *nomikoi* is also emphasized.

[14] The latest securely dated reference is that in P. Oxy. II 237 vii 14–15, of A. D. 186. On the analogy of CPR I 18 Wilcken restored the word *dabitanter* in P. Par. 69 = W. *Chrest.* 41 iii 18, of A. D. 232.

[15] Youtie, loc. cit. 9, also emphasizes this point: "The νομικός does not make an appearance in the papyri as adviser to a rhetor, or lawyer."

[16] Unpublished. Z. Borkowski had kindly sent me a copy of his transcription.

after 137	P. Yale II 141	*praefectus Aegypti*?
138-142	P. Fouad 25 verso i, 3-5	*strategos*
ca. 160	P. Strash. 629[17]	*iudex datus* (delegated by the *praefectus Aegypti*)
186 and earlier	P. Oxy. II 237 vii, 14-15 and viii, 2-3	*praefectus Aegypti*
IIe	P. Oxy. III 578	*iuridicus*
Probably also:		
232	P. Par. 69 = W. Chr. 41 iii, 18[18]	*strategos*
250	SB V 7696, 116	*praefectus Aegypti*

In sum, the νομικοί encountered in papyri of the Dominate are not lawyers, and those of earlier centuries serve only officialdom, not the public at large.

e. The nature of the document

As already noted (above, p. 122), there is a consensus on the nature of the fourth-century documents introduced by the symbol Ϫ. They contain instructions to a rhetor. That very fact, however, carries implications which further strengthen the case against resolving the symbol as ν(ομικός). The six extant documents introduced by Ϫ come from different places in Egypt and involve different parties in different lawsuits. To suppose that all over Egypt the lawyers decided, early in the fourth century, to rubricate their briefs with Ϫ strains coincidence beyond credulity – a fortiori in Egypt, historically a country of strong separatist tendencies, which were, if anything, enhanced under the Dominate by the division of the province into smaller administrative units. The only agency by which uniform regulations could be imposed was the governor's office in Alexandria. And it is difficult to imagine what administrative interest or bureaucratic purpose would be served by insisting that such documents open with the word νομικός alone. At the very least, as we know from countless examples of all types, government records would require the person's name, and most likely his place of origin or business as well. We note that in the sole instance of the six in which the rhetor is specifically mentioned (P. Col. 174), he is also named.

There is, finally, the matter of the marginalia. Their origin cannot be proved, only assumed. Except for Schiller, who regarded them as notes made by "the bureau officer . . . for presentation of the case to the higher official" (in which case, however, the officer would surely have written more legibly for the benefit of his superiors), commentators have taken the marginal jottings to be aides-memoire added by the rhetor to assist him in his oral presentation[19]. But there is an element in these jottings whose significance for their argument has been overlooked by the proponents of ν(ομικός). In half the documents – nos. 4, 5 and 6 – the marginalia contain language or information not found in the body of the document. If those notes were written by the rhetor, he can only have gotten the additional material from the client. And if rhetor and client were in direct consultation prior to the trial or hearing, the formal brief, beginning with the symbol Ϫ could easily have been prepared for the rhetor by his own clerk. The introductory λέγει; and λέγομεν fit perfectly into such a reconstruction of the situation.

To sum up Part II: No evidence, either external or internal, requires the symbol Ϫ to be resolved as ν(ομικός), and many considerations argue against such an interpretation.

III. The Latest Proposal: Νικῇ

In a posthumous paper which was read at the opening of the XVI International Congress of Papyrology[20] by his former student, P. J. Parsons, the late H. C. Youtie accepts S-W's reasons – Bagnall's clinching argument had not yet been published when Youtie wrote[21] – for rejecting n(*arratio*) but regards their ν(ομικός) as unacceptable. Instead he proposes that the monogram under discussion be resolved as νί(κῃ), an invocation of victory in the litigation, "a semi-religious motto" much in the spirit of the very common ἀγαθῇ τύχῃ "but one with a specialized professional slant"[22].

[17] Accepting the very suitable restoration offered by J. D. Thomas, Gnomon 52 (1980) 388.
[18] See note 14, above.
[19] See, mostly recently, P. Col. 174, introd.
[20] The paper is published in his *Scriptiunculae Posteriores* I, 1-15.
[21] See note 6, above.
[22] Loc. cit. 16.

Youtie's proposal rests essentially on three bases, each sound in its own right. They are:
1. The most common and greatest number of Greek words and names beginning with ν have to do with νίκη, victory.
2. There are instances in literary and magical papyri in which the monogram almost certainly stands for νίκη or one of its many compounds.
3. The word νίκη, written out in full, stands at the head of two second-century documents that clearly relate to pleadings in lawsuits.

Of the above, *1* is self-evident and requires no further comment here. For *2* the evidence is most striking in P. Lond. I 121 = PGM VII, 920–925, where the monogram occurs twice, the first time representing ν(ικητικόν), "a charm for victory", the second time in an invocation, δός ν(ίκην) ἰσχὺν δύναμιν τῷ φοροῦντι, "give victory, strength, power to the wearer". With this may be compared, in particular, P. Oslo I 1 = PGM XXXVI, 35–45, where νικητικόν (here followed by δικαστηρίων, what is more), νικήσεις and νίκην, all written out in full, occur in a similar relationship. The documents of *3* are P. Ryl. II 269 and PSI VIII 729.

All those pieces of evidence appear to converge in impressive fashion, and it may indeed be that Youtie, in a parting gift, has solved the riddle of the six fourth-century documents beginning with Ⲛ. Yet doubts and questions remain. How relevant is it, really, that such a monogram occurs in the margins of a Sophocles manuscript, where it apparently is the abbreviation of the name of an ancient commentator or editor? As we saw above, the same monogram can represent different words in different contexts. Or again, how far does the evidence of P. Ryl. 269 and PSI 729, brilliantly analyzed by Youtie, really apply? Those second-century documents obviously share with the six fourth-century documents the context of litigation. But in cleaving to the obvious parallel do we risk blinding ourselves to significant, if less patent, divergences? In P. Ryl. 269 and PSI 729 we have a caption word, written out in full; in the fourth-century documents we have a symbol, which may or may not have served the same purpose. In the second century this use of νίκη, evidenced in two similar but not identical documents, was clearly optional; in the fourth century all extant documents of the type under discussion show the symbol under discussion, and all also have the distinctive broad margin at the left. Surely only a government order had the power to impose such uniformity. What possible interest could the organs of judicial administration have had in requiring such legal briefs to begin with a prayer for victory? Moreover, as Nike was a pagan goddess, the invocation νίκη would inevitably be imbued with religious overtones — would be, as Youtie expresses it, "a semi-religious motto". In the fourth century, when, under the leadership of the emperor, Christianity was rapidly overspreading the whole empire, a pagan deity could expect official hostility, not endorsement.

The most reasonable view, surely, of the function or purpose of the Ⲛ monogram is that it served to identify the type of document at hand. "With the administrative reforms instituted by Diocletian judicial process was substantially altered[19]." Given the time of their appearance, the Ⲛ documents of the fourth century may well exemplify one of the formal or procedural changes that came in with the Dominate. If so, the relevance of P. Ryl. 269 and PSI 729 comes further into question.

IV. Δός μοι πᾶ στῶ

Ubinam gentium sumus? At this juncture of the investigation – with ν(arratio) shown to be inapplicable, ν(ομικός) inappropriate, and νί(κη) not impossible but hedged with uncertainties – the problem seemed to me to clamor for a fresh approach. From the very beginning it had always been assumed, without question, that the monogram was produced by writing a large N and then drawing a vertical stroke through it[20]. What, it occurred to me to ask, if the vertical stroke were written first and the N traced across it? In that case I and not N would be the first letter of the expression represented by the monogram[21].

To test this possibility Bagnall and I examined the monogram of the Columbia papyrus under a powerful binocular microscope, and I asked the colleagues who had ready access to other of the Ⲛ documents

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[19] A. A. Schiller, loc. cit. (note 1, above), p. 195.

[20] See note 2, above.

[21] In a different context A. S. Hunt long ago remarked, "The abbreviated name consists of an N with along I through the cross-stroke, and so may begin with either Ni or Iν" (P. Oxy. IX p. 72 n. 23, similarly IV p. 122 ad 671). Several more examples in such literary contexts have been published since then: see K. McNamee, Proceedings of the XVI International Congress of Papyrology, Chico 1981, p. 81.

to do likewise – for which assistance I take this opportunity to thank them[16]. The results of this little experiment were as follows:

P. Col. 174 – At the intersection of the oblique and vertical strokes a slight spreading of the ink succeeds in concealing the sequence of the strokes. *Non liquet.*

P. Köln Panop. 31 – There is a clear impression that the N was written over the I (but is that because the ink of the N is darker?).

P. Princ. 119 – The slanting stroke of the N clearly crosses over the vertical stroke.

P. Vindob. G 39757 – Though doubt remains, N appears to have been written first, then I.

In short, though the results are indecisive, the possibility appears to exist, and deserves to be considered, that I, not N, was the first letter of the word or expression expressed by the monogram. And in that case the word or expression would almost certainly be Latin, whether produced in Roman letters or in Greek transliteration[17]. Few if any Greek words would suit the abbreviation ο( ) or υ( ) ν( ), while the number of Latin that would suit *in*( ) or *i*( ) *n*( ) is legion, including a goodly number of legal terms. A word such as *in*(*terpellatio*) might fit the present context. Or, if two words are involved, one might think of some combination of *iudex* and *nosco* or *notio*, signifiying that this was a matter for judicial cognizance[18]. *Sed alia aliis occurrent.*

V. Conclusion

Has the problem of Ν in the six fourth-century documents been solved? Obviously not: or at least, not with anything approaching certainty. But progress had been made in dispelling error. *N*(*arratio*), long accepted, if only *faute de mieux*, is now known to be wrong. Ν(ομικός) cannot survive the fatal objections that have been raised against it. Νί(κη) makes good sense in a pagan context, and may possibly have survived in the increasingly Christian Egypt of the fourth century; in sum, though serious doubts of this and other kinds remain, νί(κη) could with further evidence turn out to be right – provided, of course, that Ν really was the first letter of the monogram. But all solutions beginning with Ν have now been placed in some doubt with the discovery that the abbreviation of the monogram may have begun with I. A clear determination on this point, at least, ought to be possible in the not too distant future by profiting from some of the newer technological advances that yield high-resolution three-dimensional images.

At all events, let us hope that the definitive solution will have been found before the Rainer papyrus collection celebrates its bicentenary.

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[16] They are D. Hagedorn (Köln), A. E. Hanson (Princeton), H. Harrauer (Wien).

[17] Cf. note 9, above.

[18] The expression *sine notione iudicis* occurs in a context of extortion and restitution in *Digest* 4.2.23.3 (Ulpian).

NAPHTALI LEWIS

THE ROMANITY OF ROMAN EGYPT: A GROWING CONSENSUS

To say that Naples — *docta Neapolis, hospita Musis*[1] — has a special relevance for us papyrologists is but to repeat the obvious. From the Castel dell'Ovo we look across the bay to nearby Herculaneum, where excavators from Naples, tunneling into the ruins of the ancient town, uncovered a library of several hundred papyrus rolls preserved in a petrified state under the fallout from the eruption of Vesuvius in A.D. 79. That famous find of two hundred thirty years ago startled the world of classical scholarship into a renewed awareness of the role of papyrus as the vehicle for the preservation of the writings of classical antiquity — *humanorum actuum servans fidele testimonium, praeteritorum loquax, oblivionis inimica*, in the words of Cassiodorus.[2] It was a century and a quarter later, however, after the valley of the Nile began to pour forth a flood of papyri, documentary as well as literary, that the classical discipline of papyrology came into being.

Gathered in our museums, universities, and private collections from finds both clandestine and authorized, tens of thousands of papyri have illuminated practically every aspect of public and private life in the thousand years between Egypt's conquests by Alexander the Great and the Arabs. As papyrologists and historians explored the riches of the new documents they were increasingly intrigued by a seeming sameness of Egyptian life from Pharaonic right through Byzantine times. There appeared to stretch across the millennia a seamless continuum, largely immune to changes in rulers and regimes — a case of plus ça change et plus ça reste la même chose. In that context Roman Egypt appeared, and was commonly described, as essentially a continuation of Ptolemaic Egypt. That impression of essential continuity in turn helped foster the notion of «die Sonderstellung Aegyptens», the idea that Roman Egypt was a special case, a province unlike any other

[1] Mart. V 78.14, Sil. Ital. XII 31.
[2] *Var.* XI 38.5.

province of the Roman empire in its status and administration. Those were accepted doctrines in my student days half a century ago, and they still figure prominently in our papyrological literature.[3] Not so very many years ago, it is worth recalling, our seventh and tenth congresses were organized around the theme of «l'originalité de l'Égypte».

But papyrologists and historians are increasingly becoming convinced by mounting evidence to the contrary. Where I stand on the issue is fairly obvious, as it was my paper at our 1968 congress that initiated the debate by calling attention to evidence, some of it then quite new, which challenged the long-established concepts of a Ptolemaic-Roman continuum and a «Sonderstellung Aegyptens» in the Roman Empire. Since then several scholars have spoken out in similar vein. Marcel Hombert, for example, in reviewing the *Proceedings of the XII Congress* cited my paper as «touchant au fondement même de nos études ... celle de la continuité illusoire à ses yeux ... dans l'historie de l'Égypte ... Ces pages méritent d'être méditées par tous les papyrologues et aussi par les historiens de l'Antiquité».[4] Five years later, in a masterly review of recent work on Roman imperial history, A.K. Bowman observed at one point: «As for Egypt's special status, the ancient sources have been subjected to much misinterpretation ... Tacitus uses two phrases which are at least partly to blame for the belief in a special status: 'seposuit Aegyptum' and 'ita visum expedire provinciam ... domi retinere' [*Ann.* 2.59.4] ... Brunt has recently noted [«Journ. Rom. Stud.» LXV 1975, p. 124] that the uniqueness of Egypt's local government (some features of which were owed to Ptolemaic precedents), and its lack of a κοινόν does not justify our refusing to call it a 'province'... If Egypt is in some respects atypical we must ... remember that other provinces also had peculiar features (which might induce us to regard them as atypical, if we knew as much about them ...). The important thing is to treat the evidence on its merits and to realize that, whilst the papyri may reveal details which are not literally applicable to provinces other than Egypt, they may, sanely applied, illuminate administrative, social and economic features of the Empire as a whole».[5] Most recently, in a review of the past quarter-century's work on Roman Egypt, J.G. Keenan signalized as one of the four major trends «that the lines of continuity from

[3] E.g. O. Montevecchi, *La papirologia* (Torino, 1973), p. 117: «La conquista romana non cambiò almeno nelle linee esteriori l'ordinamento dell'Egitto».

[4] «Chron. Ég.» XLVI (1971), p. 405.

[5] «Journ. Rom. Stud.» LXVI (1976), pp. 160 f.

Ptolemaic to Roman Egypt have come under question. There is a growing sense that the changes effected by the Roman takeover have been underestimated and, hand in hand with that view, that Egypt's status within the empire may not have been so special after all».[6]

My first purpose today is to add to the dossier on discontinuity by citing data and viewpoints that have appeared since I spoke to our twelfth congress in 1968. Some colleagues have faulted that presentation for passing too lightly over the elements of continuity, of which there is of course unequivocal evidence. Let me, therefore, here at the outset, emphasize more forcefully than I did then that the problem to which we address ourselves is not one of mutually exclusive alternatives: it is not a simple (or simplistic) question of continuity *or* change; both are in evidence, and the problem is to evaluate the relative importance of each.

The fundamental continuity over the millennia lay, of course, in the agricultural life, the life of the vast mass of the population. Each year in the month we call June the water level of the Nile began to rise, and every autumn, after the waters had receded leaving a fertilizing silt on the fields, there began for the peasantry the annual round of sowing, cultivating, harvesting. It did not matter to that annual sequence whether the ruler was an Egyptian, a Persian, a Macedonian, a Roman or an Arab. What did matter was the size of the flood, the height to which it reached; as soon as they read that on the Nilometers at Elephantine they would know whether there would be enough to eat the following year. «A rise of sixteen cubits is just right,» wrote Pliny in his *Natural History*, adding:

> Less water does not irrigate all places, and a greater abundance delays too long in receding, thus cutting into sowing time by keeping the soil soaked, while the opposite makes for no sowing season at all where the soil is parched. Egypt reckons as follows: with twelve cubits it faces famine, at thirteen it still goes hungry, fourteen brings happiness, fifteen freedom from worry, sixteen delight.[7]

Like the informing material conditions, the fundamental societal pattern also changed little through the millenia. True, there was a noticeable increase in urban and quasi-urban concentration under Ptolemaic and Roman rule, but the great majority of the Egyptian

[6] «Class. World» LXXVI (1982-83), p. 30.
[7] *Nat. Hist.* 5.58.

population continued its traditional village existence. A few years ago Jean Bingen (speaking, as it happens, of the early Hellenistic period) provided us with a succinct summary of the situation, citing «la continuité de structures traditionnelles tant sur le plan social que sur le plan économique, structures dont la stabilité repose sur le prestige et la puissance du clergé ... sur la prédominance de l'exploitation immuable de la terre, et le caractère limité de la fonction urbaine et de son artisinat».[8]

The change from Ptolemaic to Roman rule had little or no effect upon those traditional ways and values. In the context of that immutable economy and traditional society, the perception of the Roman conquest was, that a dynasty of foreign Pharaohs had been replaced by another foreign dynasty located even farther away. The changes in the government were, nevertheless, very real. They were immediately visible in the Roman officials installed in Alexandria, and it was not long before they began to be felt throughout the land in the administrative modalities introduced by the new regime. As more and more papyri are published they shed more and more light on the operation of that regime, and it is there, in the structure and administrative practices of the provincial government, that we find the clear imprint of Rome, an imprint recognizably distinct from that of the Ptolemies. When the late André Piganiol spoke to our seventh congress of «le statut augustéen de l'Egypte»,[9] he coined a felicitous phrase which many of us have repeated since then, for it reminds us in half a dozen words that the annexation of Egypt by Octavian wrought fundamental changes in its government, and that for the next three hundred years that government evolved within parameters determined by Augustus. More recently Jean Gaudemet has emphasized for us the profound cleavage between the concept of βασιλεία embodied in the person of the Ptolemaic king and that of Augustus and his successors as *principes* of a *res publica*.[10]

Once our minds are thus attuned to distinguish reality from appearance, the characteristic differences between Ptolemaic and Roman Egypt begin to multiply before our eyes. In many of the titles borne by officials, for example, the appearance of continuity is seen on closer examination to be an illusion of terminology. The case of the

[8] *Das ptolemäische Aegypten* (Akten d. intern. Symposions, Berlin, 1976), edd. H. Maehler & V.M. Strocka, p. 212.
[9] «Mus. Helv.» X (1953), p. 193.
[10] «Ktema» III (1978), pp. 165-75.

nome strategos is an obvious one, known since papyrology's earliest days: the title remained the same, but the office was stripped of the military command accorded it by the Ptolemies; under the Romans the strategos was a purely civil officer. In that connection we may also note the man with a Roman name who, in a complaint of A.D. 42 about damage done to a crop by cattle, is addressed as στρατηγὸς καὶ ἐπιστάτης φυλακιτῶν.[11] Seventy years after the publication of the document that title remains unparalleled and unexplained, but one thing is sure: the *phylakitai* whom that official commanded were not the same as the professional gendarmerie designated by that term under the Ptolemies, a gendarmerie disarmed and disbanded by Octavian when he set Roman army units to police the province.[12] The epistrategos is another who retained the title but not the functions of a Ptolemaic officer: the matter has been laid before us in all its details in J.D. Thomas' second volume, just off the press. A first caveat, then, is to remember that the retention of a word or expression by Octavian and his successors is no guarantee of continuity in the institution thus designated.

To such well — and long — known examples others have been added by texts and studies published in the last fifteen years. To stay with government offices for the moment, Dieter Hagedorn, in an as yet unpublished paper of which he has very kindly shown me the draft, traces the history of the office of dioiketes. This official's preeminence as the finance minister of the Ptolemaic regime ended with that regime. In only one of its half dozen occurences in papyri of the first century A.D. does the word clearly designate an official, and even there the office is clearly one of low rank, held perhaps by an imperial freedman.[13] It was only later, perhaps under Hadrian, that the office was reconstituted as one of procuratorial status.

The office of agoranomos, according to a study communicated to our thirteenth congress by M.G. Raschke, «reveals changes ... between the Ptolemaic and the Roman period».[14]

As a final example let us look at the functionaries called, in papyri of Roman date, Καίσαρος οἰκονόμοι. Under the influence of the «continuity» doctrine they were long assumed by papyrologists and

[11] *PRyl.* 152.

[12] Accordingly, in *PCol.* 1a and *PMich.* 374, both of the second century, we should replace the resolution φυλ(ακιτῶν) with φυλ(άκων).

[13] *PFouad* 21, of A.D. 63. HAGEDORN's exhaustive article will appear in «Yale Classical Studies» XXVIII.

[14] *Akten XIII. Intern. Papyrologenkongressess* («Münch. Beitr.» LXVI 1974), p. 349.

historians to have carried on the functions discharged by the Ptolemaic οἰκονόμοι τοῦ βασιλέως. But two studies, both (as it happens) published in 1970, emphasize that such was not the case: the Καίσαρος οἰκονόμοι were, it is now revealed, the imperial slaves called *dispensatores Caesaris* in Latin inscriptions.[15]

Far from being limited to administrative offices and their titles, the phenomenon of institutional change with terminological continuity permeates the entire panorama of life in Roman Egypt. G.M. Parássoglou's recent study shows us inter alia that the imperial estates were not a continuation of the Ptolemaic δωρεαί, but the term *dorea* did continue in use in Roman times to denote a privilege granted by the ruler.

In the area of diplomatics we have several recent examples from the pen of H.J. Wolff. (1) There are documents of Ptolemaic date attested by six witnesses. Some documents of the second and third centuries A.D. are designated by the expression δάνειον ἑξαμάρυρον, but they have in fact no witnesses. The six-witness practice must have ended with or soon after the advent of Roman rule, but the expression continued in fossilized or anachronistic use long after it had ceased to correspond to reality. (2) Wolff traces the expansion of the meaning of the term διαγραφή from a bank payment or record to a «selbständigen Bescheinigung», observing that the latter sense is found only in documents of Augustan date and later. (3) In the case of the much-mooted and still imperfectly undestood καταγραφή Wolff shows that its private-law function became obsolete as the result of «Urkunds- und Archivwesen» reforms instituted by the Roman administration in the first decades of the Principate.[16]

Let us move on now from changes of institutions or practices without change of terminology to two examples of administrative innovations dating from the time of Augustus and his successors.

A Milan papyrus published within the last ten years contains the confirmation, apparently by Nero, of the privileges granted by his predecessors to «the 6475 katoikoi» of the Arsinoite metropolis. In the view of J.F. Oates «the best timing for such a fundamental grant of

[15] G. Boulvert, *Esclaves et affranchis* ... (Bibl. di Labeo 4, 1970) *s.v.*, A. Swiderek, «Chron. Ég.» XLV (1970), pp. 157-60.

[16] *Das Recht der griechischen Papyri Aegyptens*, II (*Handb. d. Altertumswiss.* V.2, 1978), p. 72 f., 95-105, 221. Wolff had earlier devoted an exhaustive, eighty-page study to *katagraphè*, concluding with the flat statement that «*katagraphè* in the Ptolemaic period is one thing, and *katagraphè* in the Roman period ... is another» («Aegyptus» XXVIII, 1948, p. 96). On the mention but omission of witnesses cf. now the document of 26 B.C. published in «Journ. Eg. Archaeol.» LXVIII (1982), p. 278 and the editor's note to line 19.

privileged status would be in the period of the Augustan reconstitution of Egypt».[17] That conclusion is not only reasonable per se, but is reinforced by our knowledge that in the metropoleis of the Oxyrhynchite and Hermopolite nomes the roster of the privileged class of metropolites was constituted in or ca. A.D. 4/5.[18]

Another example is at hand from the «régime des eaux», the subject so exhaustively studied, to the profit of us all, by Mme. Danielle Bonneau. Commenting on the quotation from Ulpian in *Digest* 47.11.10, she notes the sharp conceptual contrast between the Ptolemaic and the Roman administrations in the penalties invoked or applied for damage to any part of the irrigation system, the lifeblood, so to speak, of Egyptian agriculture. In Ptolemaic times «c'est toujours une forme de la loi du talion, tandis que le fragment d'Ulpien ... rélève une autre pensée juridique ou même politique, qui paraît proprement romaine ... Nous sommes probablement en présence de règles issues de constitutions impériales d'époque augustéene».[19]

Finally, on the issue of «Sonderstellung» there is also a good recent example from Roman law. In the paper he read to our thirteenth congress Joseph Modrzejewski described how the *tutela feminarum* (*e lege Iulia et Titia et ex s.c.*) operated in Egypt. It applied, he observed, to the Roman citizens in the province — «un argument de plus contre l'idée d'une 'singularité' qui aurait été propre à l'Égypte et qui aurait dressé comme une barrière à la pénétration du droit romain dans ce province ... Sur ce point, l'Égypte paraît ... moins 'singulière' qu'on ne le croyait autrefois».[20]

To bring this review to a close, let me summarize how I think the issue of continuity *vs.* discontinuity stands today. Much of daily life in Egypt remained unchanged under Roman rule, most notably those elements dictated by geography and climate, and those imbedded in religious or social tradition. Even in its governmental plan and apparatus «le statut augustéen de l'Égypte» was not all change. Some institutions and practices that had existed under the Ptolemies were continued for a time before being discarded; others, found to be useful, were retained and even developed further; still others — the most important or most urgent in the view of the Roman conqueror — were

[17] «Bull. Am. Soc. Papyr.» XII (1975), p. 118.
[18] Cf., most recently, C.A. Nelson, *Status Declarations in Roman Egypt*, «Am. Stud. Papyr.» XIX (1979), p. 23.
[19] «Rev. Hist. Droit» XLVII (1969), pp. 25-28.
[20] Op. cit. n. 14, p. 292.

terminated at once and replaced with Roman cadres and personnel. The land was now a Roman province, and its government was altered to suit.

In much of the ink that used to be spilled in insisting that Egypt was assigned a unique status that set it apart from all other Roman provinces, moderns have been not too different from ancients in regarding Egypt as an exotic land of mystery and idiosyncracy. But such impressions are essentially touristic and folkloristic (when not outrightly romantic). The hardheaded Roman, looking dispassionately at the administrative organization of Egypt under Augustus, would have no trouble recognizing the usual pattern of Roman provincial government, a pattern based on a policy of easy toleration of local custom where it posed no threat to or offered no interference with the superimposed Roman administrative apparatus. In a frontier province like Egypt this last consisted, in its essentials, of a Roman governor heading a civilian bureaucracy and commanding an army of occupation whose mission was to assure internal tranquility and to deter attack from without — *parcere subiectis et debellare superbos*, in Vergil's immortal phrase.[21]

As the picture of Roman Egypt continues to change so rapidly before our eyes, we may sometimes feel like Archimedes pleading δός μοι πᾶ στῶ, and some of us may be reminded of a verse of William Butler Yeats, «Things fall apart, the centre will not hold». But the fact that we must revise our findings on one point after another in cause for joy, not despair. Nearly four hundred years ago Sir Francis Bacon penned these words of wisdom for us: «If we begin with certainties», he wrote, «we shall end in doubts: but if we begin with doubts, and are patient in them, we shall end in certainties». David Hilbert, who is generally recognized as one of the three or four seminally great mathematicians of the past hundred years, phrased it differently but with equal appositeness when he wrote, «As long as a branch of science offers an abundance of problems, so long is it alive; a lack of problems foreshadows extinction or the cessation of independent development». These are words of good cheer to papyrologists; for, if one thing is certain, it is that our discipline will not run out of problems for a long, long time.

[21] *Aen.* VI 853.

A ROMAN LAW OF HELLENISTIC ORIGIN?

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THE subject of Hellenistic influences discernible in the law and government of the Roman empire continues, by its self-evident importance, to engage the attention of classical and legal scholars. A recent contribution to the extensive bibliography is the article published by our distinguished colleague Jean Gaudemet in *Ktema* 3 (1978), 165-75. In the two legal examples which he cites (his other examples relate to political ideology and administration), Gaudemet argues that the devolution of *bona vacantia* to the fisc is unlikely, and *praescriptio longi temporis* is likely, to have been a Roman borrowing from Hellenistic principle or practice. His concluding sentences deserve to be quoted for their general applicability: "Les monarchies hellénistiques ont tenu trop de place dans le monde méditerranéen des IIIe et IIe siècles et elles ont trop préoccupé les Romains pour que ceux-ci soient restés indifférents à leurs idées et à leurs institutions. Mais si ces influences, voire des emprunts, ne sont pas inconcevables, il demeure jusqu'ici très difficile de les établir avec certitude."

Today I put before you what looks to me like another Roman borrowing of Hellenistic law. Mindful of Gaudemet's caveat, we will not engage in a futile hunt for certainty, but perhaps you will agree, after hearing my case, that it has the merit of probability.

Thanks to the hundreds of papyri published in the past hundred years, our knowledge of Hellenistic jurisprudence is dominated by that of Ptolemaic Egypt. Three centuries of Ptolemaic rule were succeeded by three centuries of the Roman Principate. During that time the emperors continued the policy, established under the senatorial Republic, of interfering as little as possible with local customs and practices in the provinces – a policy of haughty indifference or of wise statesman-

ship, according to one's point of view. While "le statut augustéen de l'Egypte"[1] introduced many administrative changes, some of them major ones, it left more or less intact the administration of justice within the province, and the prevailing system of laws, which Roman officialdom referred to – often, we can sense, with a note of disdain – as οἱ νόμοι τῶν Αἰγυπτίων. These laws governed practically the entire population of the province, since the Roman administration indiscriminately categorized all the inhabitants except Jews, urban Greeks, and of course Romans, as "Egyptians". Even the descendants of the χληροῦχοι – those Greek military settlers attracted to Egypt by the early Ptolemies – were now classified as part of the Egyptian mass. As Livy put it in another context, *Macedones in Aegyptios degenerarant.*[2]

But even with the government maintaining a basically neutral (or, as we say in the United States, a "hands-off") policy, no province could be administered for centuries by Romans without Roman influences being brought to bear on local law. In the period prior to and immediately after the Constitutio Antoniniana those influences infiltrated slowly, usually through ad hoc rulings established as precedents.[3] Disputes unresolved by courts below would be referred to the governor of the province, the *praefectus Aegypti,* for final adjudication. The prefects of Egypt were Romans of the equestrian order. They held the office – as we know from the evidence of the papyri – for periods of one to three years, rarely for as many as four or five, hardly long enough to acquire much expertise in local law even in the unlikely event that one or

[1] This felicitous expression was introduced into the papyrological literature by A. Piganiol in his communication to the VIIe Congrès International de Papyrologie: see *Museum Helveticum* 10 (1953) 193.

[2] Livy 38.37. The classic demonstration of the evidence of the papyri on Egyptian status is still that of E. Bickermann, *APF* 8 (1927) 239, 9 (1930) 35-43. The contempt for Egyptians that pervades Latin literature has recently been reviewed by M. Reinhold, *The Ancient World* 3 (1981) 97-103.

[3] On the "conflict of laws" and their resolution on Roman principles, a good brief summary is that of M. Kaser, *Roman Private Law* pp. 26-27, *Das römische Privatrecht* (*Handb. d. Altertumswiss.* X.3.3) I pp. 192-95. Fuller treatments of the legal principles applied in the administration of justice in Roman Egypt are those of J. Modrzejewski, *Proc. XII International Congress of Papyrology* pp.317-77, H. Ankum, *RIDA* 18 (1971) 367-79. Recently both H. J. Wolff and I have each had occasion to point to still another example of the operation of Roman rather provincial law in third-century Greek papyri: *SavZ* 96 (1979) 258-68, *BASP* 18 (1981) 73-74.

On the persistence of precedent in Roman Egypt see the excellent analysis by R. Katzoff, *Bar-Ilan Studies in History* 1978, 45-53, as well as his articles in *SavZ* 89 (1972) 256-92 and in *Studi Biscardi* II (1982) pp. 523-35.

another of them was so minded. There were experts, called νομικοί, whom they summoned when they wanted to know what the local law provided on this or that particular point. The legal principles with which they themselves and their top (Roman) advisers were familiar were those of the *ius civile*, and their natural tendency would be to draw upon those, especially when they were searching for solutions to conflicting claims of law and equity – *a verbis recedere et aequitate uti*, as Cicero expressed it in one of his speeches.[4] Examples are familiar enough to members of this colloquium. To recall but one, known since papyrology's early days: The famous petition of Dionysia, as her tangled dispute with her father was coming to a head in A.D. 186, cited a precedent from A.D. 128. There the prefect of Egypt, while acknowledging that οἱ νόμοι τῶν Αἰγυπτίων gave the father the power to remove a married daughter from her husband, introduced a new criterion to attenuate "the inhumanity of the law" (ἡ τοῦ νόμου ἀπανθρωπία). He ruled, διαφέρει παρὰ τίνι βούλεται εἶναι ἡ γεγαμημένη, "The deciding factor is with whom the married woman wishes to be." If we look for the conceptual roots of that ruling, we are likeliest to find them, I think, in the *ius civile*, where the woman in *iustae nuptiae* passed from the *potestas* of her father into the *manus* of her husband. Less than ten years after that prefect's ruling, a νομικός in an advisory opinion to a lower court stated flatly that the woman, "having been given away in marriage by her father, is no longer in her father's power" (ὑπὸ τοῦ πατρὸς ἐκδοθεῖσα [πρ]ὸς γάμον ἐν τῇ τοῦ π[α]τρὸς ἐξουσ[ίᾳ οὐ]κέτι γείνεται).[5]

All this is familiar. The reverse trend, however – that is, the introduction of Hellenistic principles and practices into Roman law – is much less evident, and specific instances are usually harder to trace.[5a] It is to the possibility of identifying one such instance that this paper is devoted. The evidence lurks in a Greek papyrus that was published many years ago and has been invoked in many discussions, but it has never, so far as I can discover, been exploited in the sense to be developed in the following pages.

[4] *Pro Caecina* 13.

[5] *P. Oxy.* II 237 vii, 29 - viii, 4. On νομικοί *P. Rainer Cent.* pp. 123-24.

[5a] For example, in Roman law the incapacity of women to act as guardians was mitigated after the second century. The attribution of that development to the influence of provincial law as manifested in the papyri has been both asserted and denied: for bibliography see *Aegyptus* 61 (1981) 110 note, especially the articles by La Pira, Frezza and Solazzi.

The papyrus, *BGU* II 462, was published as long ago as 1898, commented on by Rostowzew in 1901,[6] and reedited by Wilcken as No. 376 of his *Chrestomathie* (1912). Thereafter it appeared in some discussions of Section 111 of the Gnomon of the Idios Logos, which was published in 1919. Th. Reinach's commentary on the Gnomon, published the following year, explicated Section 111 in a paragraph that remains to this day the most detailed treatment of *BGU* 462, and we shall return to it shortly.[7] At the same time Lenel and Partsch published their commentary on the Gnomon, but for Section 111 they were content to give a Latin translation and a simple reference to *Digest* 49.16.9.pr. (the Marcian passage quoted below);[8] a few years later Seckel, commenting on the Gnomon, was also laconic with regard to Section 111, citing the three *Digest* passages that we shall examine in a moment, and adding, without further explanation, "Ausnahmen sind z. B. *BGU* 462 = Wilcken, Chrest. 376."[9] Uxkull-Gyllenband's commentary on the Gnomon devoted one sentence to *BGU* 462, offering either Reinach's explanation or an alternative of his own.[10] The brief commentary of Riccobono jr. merely summarized previously expressed opinions, adding nothing.[11] That was in 1950. Since then, silence. The case appeared to be closed, but I am about to reopen it.

The earlier commentators were interested mainly in what *BGU* 462 tells us about land ownership and cultivation in Roman Egypt. The more recent commentators have been interested in its implications for the rules governing the Roman armies of occupation in the provinces, and it is that aspect of the document that interests us here.

BGU 462 = *W. Chr.* 376 can be dated through its addressee, C. Statilius Maximus, who, as we now know, was epistrategos of the Heptanomia and Arsinoite nome ca. A.D. 155-156.[12] The writer of *BGU* 462, who identifies himself as C. Julius Apollinarius, a soldier of Cohors I Apamenorum, states that in the previous year he purchased, at an auction conducted by the epistrategos, six arouras of farm land

[6] *Das römische Kolonat* pp. 142-46.
[7] *RHD* 44 (1920) 97-98.
[8] *Sitzb. Heidelb. Akad. Wiss., Ph.-hist. Kl.*, 1920 no. 1, p. 31.
[9] *Sitzb. Preuss. Akad. Wiss., Ph.-hist. Kl.*, 1928 no. 26, p. 456.
[10] *BGU* V.2 (1931, publ. 1934), p. 46.
[11] *Il Gnomon dell' Idios Logos* pp. 250-1.
[12] The *ed. pr.* and Wilcken's republication give the *nomen* of the epistrategos as Valerius; on the revision to Statilius see *BASP* 19 (1982) 77-78, and J. D. Thomas, *Rom. Epistr.* p. 200.

that used to belong to his father and brother, from whom it had been confiscated for a fiscal debt. He asks that those who have been cultivating the land in the interim be compelled both to pay him the rent (which they have refused to do), and to remove themselves from the land since it now belongs to him.

We know that soldiers in Roman military units were forbidden to acquire land in the provinces in which they were serving. The earliest appearance of the rule is in the Gnomon of the Idios Logos, which in its extant form dates from the mid-second century but is Augustan in origin; the rule is reiterated in *Digest* quotations from three of the third-century jurists. Here are those texts:

Gnomon § 111 – ο[ἱ] στρατευόμενοι ἐχ̣ω̣λ̣ύ̣θ[ησαν καθ' ἣ]ν στρατεύονται ἐπα[ρ]χ[ί]αν ἐνχ̣[τ]ᾶ̣σθαι.

Digest 49.16.9 (Marcian) – milites prohibentur praedia comparare in his provinciis in quibus militant, praeterquam si paterna eorum fiscus distrahat: nam hanc speciem Severus et Antoninus remiserunt. sed et stipendiis impletis emere permittuntur. fisco autem vindicatur praedium illicite comparatum si delatus fuerit.... milites si heredes extiterint possidere ibi praedia non prohibentur.

Digest 18.1.62.pr.[13] (Modestinus) – qui officii causa in provincia agit vel militat praedia comparare in eadem provincia non potest, praeterquam si paterna eius a fisco distrahantur.

Digest 49.16.13.pr. (Macer) – milites agrum comparare prohibentur in ea provincia in qua bellica opera peragunt.... sed et agros in alia provincia comparare possunt. ceterum in ea provincia in quam propter proelii causam venerunt, ne sub alieno quidem nomine eis agrum comparare licet: alioquin fisco vindicabitur.

The soldier purchaser of *BGU* 462 = *W. Chr.* 376 would appear to qualify under the *praeterquam* exception stated by Marcian and Modestinus. The property had belonged to his father *(paterna)*, and it has been expropriated by the fisc *(a fisco distrahantur)*. But, argued Reinach, (1) that concession is plainly stated to have been legislated by Severus and Caracalla; (2) therefore in the instance before us, which occurred more than forty years earlier, C. Julius Apollinarius had no right to bid at the auction, and his petition accordingly does not claim a

[13] Uxkull-Gyllenband's citation (above, note 10) contains two errors, 48 for 18 and ei for si.

right (which was non-existent), but begs a special favor; and (3) that is why the farmers refused to pay the rent to him, because they knew that he could not legally be the owner of the land.[14] Agreed, wrote Uxkull-Gyllenband; or else C. Julius Apollinarius was not yet a soldier when the auction was held.[15] This last interpretation is unrealistic; the language of the papyrus is clearly against it, and we may dismiss it from consideration to concentrate on the more serious arguments of Reinach. Although those arguments have gone unchallenged for well over half a century, a closer examination arouses fatal objections.

First of all, is it realistic to suppose that the farmers refused to pay the rent to Apollinarius because they knew he was disbarred by law from owning land? Thousands of published papyri have taught us that the largely illiterate peasantry of Roman Egypt knew little enough about laws, except perhaps where they might be affected personally and directly. But let us concede the point and grant that, since land was their direct concern, they knew about the ban on soldiers' purchases. In that case, however, they (or anyone else) had only to notify the authorities and the land purchased by C. Julius Apollinarius would have been taken back by the fisc. That is stated in so many words in the *Digest* quotations from Marcian and Macer.[16] Surely the soldier himself would not have been so foolhardy as to file the present petition if thus calling attention to his purchase would result in the land being taken away from him. Clearly, then, there was no *delatio* of the purchase by Apollinarius because such a *delatio* would not have stripped him of his newly acquired six arouras. Per contra, what has been consistently overlooked in the discussions is that the purchase in *BGU* 462 is stated *expressis verbis* to have been made through the agency – and therefore with the approval, or at the very least the tacit consent – of the responsible Roman official, the epistrategos.[17]

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[14] *Loc. cit.* (above, note 7): "Evidemment, si les fermiers refusent de payer, c'est qu'ils considèrent que notre soldat n'est pas propriétaire légal du terrain, puisque, d'après la loi, il ne pouvait pas se porter enchérisseur; notre papyrus daté avec certitude entre 150 et 156 après J.C. est, en effet, bien antérieur au rescrit de Sévère; le pétitionnaire n'invoque donc pas un droit inexistant, mais sollicite une faveur particulière."

[15] *Loc. cit.* (above, note 10).

[16] Even if the words are interpolated, as some have held (e.g. Seckel, above, note 9), the provision must have been taken from some source and inserted as being relevant to the situation treated by the text.

[17] He held the rank of procurator: see H. G. Pflaum, *Les carrières procuratoriennes équestres...* p. 1090.

There remains, however, the chronological problem pinpointed by Reinach: This papyrus document antedates the relevant Severan legislation by more than forty years; how can we explain the discrepancy in time? A reasonable answer can be found, I think, if we apply not the letter of the law but the pertinent lesson of history. It was true in antiquity and it is still true today – indeed, it is probably a characteristic of organized human society in general – that legislation is often the culmination, the formal recognition, of a practice that has grown up over a period of years. Examples abound, and some must surely occur to the members of this audience even as I speak. Less widely known is the actual statement of that principle by the emperor Domitian, as it appears in an inscription found about twenty-five years ago: μένει γὰρ μέχρι νῦν παλαιὰ καὶ εὔτονος συνήθεια, κατ' ὀλίγον χωροῦσα εἰς νόμον εἰ μὴ ἰσχύειν κωλυθείη δυνάμει, "There subsists to this day an old and persistent custom which would gradually develop into law if it were not forcibly prevented from prevailing."[18]

We know from documents like the famous *P. Cattaoui* = *M. Chr.* 372 that, especially in matters affecting soldiers, the prefects of Egypt frequently replaced strict application of the operative law with beneficial modifications. In the instant situation we may therefore infer that, on an occasion prior to the one before us, some prefect of Egypt issued a ruling along the following lines: "Although a soldier is prevented by law from buying land in the province in which he is serving, it is right that So-and-so, enrolled in Auxiliary Unit Such-and-such, be allowed to acquire the property confiscated from his father." From some such precedent the practice grew, became firmly established, and was finally given general applicability through embodiment in a constitution of Severus and Caracalla.[19]

Whether by some such modality or some other, the *praeterquam* exception of the Severan legislation was already in force in Egypt by the middle of the second century A. D. That conclusion seems inescapable, and it brings us to our final – and central – question: What origin – legal, historical or conceptual – can we find for that concession? The source is not, so far as I can see, to be found in any Roman law or any military institution of the Republic or early Empire. Until the time of Hadrian auxiliary units as well as legions were normally stationed away

[18] *IGLSyr* V 1998 = *SEG* XVII 755; see my discussion in *RIDA* 15 (1968) 135-42.
[19] On prefectural rulings as precedents see Katzoff, *loc. cit.* (above, note 3).

from the regions in which they had been recruited. In those circumstances, with soldiers spending their years of active service outside the provinces where they might possibly have *praedia paterna*, the conditions for eliciting the *praeterquam* exception obviously would not arise.

Alien to Roman tradition, the concept that a soldier had a right to acquire a landed property previously his father's was deeply imbedded in a Ptolemaic institution that was prevalent when Egypt passed under Roman rule. The early Ptolemies had attracted Greeks to bolster their armed forces by offering them allotments of land (κλῆρος). The attraction was a powerful one to the land-hungry inhabitants of the Aegean world, and they flocked to Ptolemaic Egypt in considerable numbers. Initially the settlers (κληροῦχοι) had only the usufruct, not ownership, of their allotment. The land itself belonged to the king, and in theory it reverted to him when the cleruch's military serviceability was terminated by death or other eventuality. But already in the early days of the institution – perhaps even from its very beginning – the cleruch's son was granted the right to succeed, upon formal request within a stipulated time, to his father's κλῆρος and military status. We know this from *P. Lille* 4 = *W. Chr.* 336, of 218/7 B. C.: κατέχειν τὸν κλῆρ[ο]ν ἐν τῶι βασιλικῶι . . . ἕως τοῦ, ἐὰν ὑπάρχωσιν αὐτῶι υἱοί, ἐπιγραφῆναι (lines 30-32). Here then is the principle, firmly established in Egypt two hundred years prior to the Roman conquest – the principle that a soldier was entitled, as a matter of right, to have the land that had been his father's.

From such a right of succession it was but a natural step for the cleruchy to come to be regarded as hereditary: ὑπῆρχεν ἡ γῆ αὐτῶι καὶ ἐκγόνοις (*P. Lille* 4 = *W. Chr.* 336, 26-27). Language such as this implies a right to bequeath and inherit, and it was not long before those practices were sanctioned, or at least tolerated, by the Ptolemaic government under certain conditions. Eventually the right of succession was extended, in the absence of a son, to all other male relatives.

Since the cleruch was mobilizable at any time for active military service, he must have had from the start of the institution of cleruchy at least an implicit, perhaps even an explicit, right to lease his land for cultivation by other hands. Even when at home in times of peace many a cleruch preferred to continue to lease out his land and enjoy a rentier's existence. He could also mortgage his κλῆρος, but as a defaulted mortgage could lead to alienation of the property, such arrangments were carried out initially under official dispensation and surveillance.

But with the progressive weakening of Ptolemaic rule, the cleruchs expanded their rights of quasi-ownership to include outright cession to others. In the second and first centuries B. C. there are even instances where the holder-of-record of a κλῆρος is a woman.[20]

Such was the status of the κλῆροι when Octavian annexed Egypt and organized it into a Roman province. Then, in a culmination of the developments of the two preceding centuries, those κλῆροι that were not confiscated into imperial ownership were recognized as the private property of their possessors, who thereafter enjoyed the rights of outright ownership. As for soldiers, they were allowed – so Marcian assures us in the passage quoted above – to inherit land in the provinces in which they were serving. In Egypt that provision in effect sanctioned the continuation of the cleruchic pattern. And once the right to inherit was recognized, it was an easy and logical extension to allow a soldier to repossess a paternal property that had been alienated.

[20] The best general account of these developments is still that of C. Préaux, *L'Economie royale des Lagides* (Bruxelles, 1939), pp. 463-77. The key texts, in addition to *P. Lille* 4 already cited, are *BGU* IV 1185, VI 1261, *P. Hib.* I 48, *P. Petrie* III 104-106, *P. Teb.* I 124 and index s.vv. παραχωρεῖν, παραχώρησις.

THE PROCESS OF PROMULGATION IN ROME'S EASTERN PROVINCES*

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Introduction: The Problem

One of the volumes published to celebrate Columbia University's bicentennial thirty years ago was devoted to a document of major importance in the Columbia papyrus collection. Arthur Schiller wrote a lengthy legal commentary which comprised two-thirds of that book.[1] Early in his commentary he emphasized that the Columbia papyrus brings us important evidence that "the language in which [imperial] replies were drafted" was Latin, from which an imperial bureau translated into Greek for promulgation in Greek-speaking provinces.[2]

Arthur Schiller there took a position — which is also that of the present writer — in a debate that has been a running battle in classical scholarship for very nearly a hundred years, since the subject was broached in Paul Viereck's 1888 Göttingen dissertation. The battle is far from over, as we are reminded by a short anti-Latin volley fired in *ZPE* 42 (1981) 135. The chief focus of the debate is not, however, on pronouncements of the emperors sitting in Rome, but on the communications to provinces and localities from Roman governors and generals functioning in eastern Mediterranean lands. It is obvious that they communicated with the peoples of those regions in Greek — with the exception of a few bilingual inscriptions found in Asia Minor (see below, note 6), the edicts, rulings, letters, etc., found in papyri and inscriptions from the eastern provinces

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* Citations by author's name or initial:

Gignac = F. T. Gignac, *A Grammar of the Greek Papyri of the Roman and Byzantine Periods*. Vol. I, Phonology; Vol. II, Morphology (Milan 1976, 1981).

Mayser = E. Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit*. Two volumes in six parts. (Berlin-Leipzig 1906-1970).

P = G. M. Parássoglou in *ed. pr.* (see p. 129).

Pflaum = H. G. Pflaum, *Les carrières procuratoriennes équestres*... Four volumes (Paris 1960).

R = J. R. Rea's revision of *ed. pr.* (see p. 129).

Schiller = A. A. Schiller's legal commentary to *P. Col.* VI 123 (see below, note 1).

Viereck = P. Viereck, *Sermo graecus quo senatus populusque romanus magistratusque romani... usi sunt* (Göttingen 1888).

[1] W. L. Westermann and A. A. Schiller, *Apokrimata. Decisions of Septimius Severus on Legal Matters* (New York 1954). Revisions of the Greek text published by H. C. Youtie in *CdE* 30 (1955) 327-34 necessitated some revisions in the legal commentary, which Schiller provided in the pages immediately following, 334-45.

[2] Schiller p. 47 (with bibliography from 1915); the quotation is from p. 37.

are all in Greek. The gravamen of the dispute has been the language actually used by the issuing official himself: Did the Greek flow from his own pen, or did he compose in Latin, which was then translated into Greek by the bilingual members of his office staff?

What has long been apparent but generally ignored is that it is unrealistic thus to formulate the question as one of mutually exclusive alternatives. (The common-sense remarks of R. K. Sherk on the essence of the subject deserve wider notice than they appear to have received.[3]) The either-or argument leaves no room for personalities and individual variables. Whether the Roman official in a given situation composed in Latin or in Greek would be a personal decision, conditioned by such factors as his origins, his upbringing, his attitude toward Hellenic culture and the degree of his competence in its language. The imperial policy which avoided appointing "les hommes de langue grecque dans la partie latine de l'Empire, cela en raison de l'insuffisance de leurs connaissances linguistiques,"[4] had no reciprocal impeding the regular appointment of Romans of western (Latin-speaking) origin to govern the eastern (Greek-speaking) provinces. D. Magie's lists of governors, legates, etc., in the senatorial provinces of Asia Minor are eloquent witnesses.[5] In fact, in the senatorial provinces, as several extant examples show, communications from the emperor and the governor were sometimes inscribed in both Latin and Greek.[6]

The emperors, to be sure, were generally less hidebound than the senate, and they did occasionally place a Roman of eastern origin at the head of an imperial province. The point is well illustrated by the list of *praefecti Aegypti*, veritable viceregents chosen by the emperors from the equestrian class to rule that strategic province.[7] Ranon Katzoff, Arthur Schiller's last doctoral student, in a comprehensive survey of the sources of law in Roman Egypt observes, "...the [prefects'] edicts are invariably in Greek. Indeed there are hardly any signs that the Greek is translated from Latin. This is quite surprising considering that the prefects were for the most part native speakers of Latin."[8]

The facts are indeed as Katzoff states them, but there is no cause for surprise in the fact that the edicts were issued in good everyday Greek: the translators on the prefect's staff would obviously be chosen for their

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[3] R. K. Sherk, *Roman Documents from the Greek East* (Baltimore 1969) 86-87.

[4] Pflaum p. 253.

[5] *Roman Rule in Asia Minor* (Princeton 1950) 1579-1600.

[6] A list of such bilingual inscriptions is given by S. Mitchell, *JRS* 66 (1976) 110.

[7] The most complete and up-to-date list of the prefects of Egypts is that of G. Bastianini, *ZPE* 17 (1975) 263-328, with supplement in 38 (1980) 75-89.

[8] *Aufstieg und Niedergang der römischen Welt* II.13 (Berlin 1980), p. 821. On the preceding pages he lists a total of fifty-nine extant edicts.

linguistic competence. Let us illustrate by comparing the extant edicts of two prefects of very different, almost diametrically opposite, backgrounds. C. Avidius Heliodoros, prefect A.D. 137?-142, was a native of Greek-speaking Syria, an established rhetor and sophist before imperial favor made him governor of Egypt.[9] As we should expect, the edicts bearing his name display the style and idiom of the contemporary *koinē*.[10] In contrast, T. Haterius Nepos, a native of Umbria, prefect of Egypt A.D. 120-126, exemplifies the Roman of western origin who rose to high distinction in the military and civil career of the equestrian order: after the usual *tres militiae* his offices included a series of procuratorships, then the palatine secretaryship *a libellis*, and culminated in one and then another of the top prefectures.[11] Yet his edicts — what we have of them[12] — are couched in impeccable Greek, evidence, no doubt, of first-rate staff work.[13]

In sum, whether from a prefect's own hand or from that of a translator, the texts of prefectural edicts and other communications display the normal Greek idiom of business and government. It is bootless to search them for signs of Latin where none are apparent, but it is correspondingly foolish to ignore them where they do exist,[14] as in the *Apokrimata*,[15] and in the document to which we now turn.

An Illustrative Document: P. Yale inv. 299

a. Text, notes and translation

Published by G. M. Parassoglou (hereafter P) as *P. Coll. Youtie* 30; revised from the published plate by J. R. Rea (hereafter R), *ZPE* 27 (1977) 151-56 = *SB* XIV 12144, rendering otiose most but not all of the comments in N. Lewis, *Cd'E* 52 (1977) 143-46; to be republished by S. A. Stephens as *P. Yale* ii 175.

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[9] Pflaum, who summarizes his career under No. 106, is rather alone in rejecting the identification with the "philosopher" of the same name.

[10] *P. Oxy.* XLI 2954, *PSI* XIV 1406.

[11] Pflaum No. 95, *PIR*² H29.

[12] *P. Fouad* 10, *SB* XII 11236.

[13] Except for occasional rhetorical flourishes, edicts, letters and other such official documents are generally couched in the pedestrian, often turgid, language of bureaucracy. "Neither the Latin nor the Greek is a masterpiece of prose style," remarks Mitchell, *loc. cit.* (above, note 6). For stylistic analyses of pronouncements of Trajan, Hadrian, the Antonines and Caracalla, see W. Williams, *Latomus* 38 (1979) 67-89 and the bibliography cited in the opening paragraph of that article.

[14] Viereck p. XI: "[Epistulae] a Romanis esse scriptas inde elucet, quod plerumque et parum graece et nimis latine compositae sunt."

[15] Schiller pp. 74-97 signalized literal Greek renderings of *heredes scripti* (line 29), *falsum esse* (30), *ordo*, *cognitio* (34), *extra ordinem* (59) and *iudex dabitur* (60).

ἐντυχὼν πολλοῖ]ς οἰ[ηθ]εῖσιν μαντείας τρόποις ἐξαπατᾶσθ[αι
.]..[...ἀναγκ]αῖ[ον ἡγη]σάμην περὶ τοῦ μηδένα κινδυνε[ύειν
τῇ ἀ[2-3]ίᾳ αὐ[τ]ῶν ἐπακολουθήσῃ σαφῶς πᾶσιν ἐνταῦθα
διαγ[ορ]εῦσαι ἐπέ[χεσ]θ[α]ι τῆς ἐπισφαλοῦς ταύτης περιεργίας.
5 μήτ' οὖν διὰ χρη[σμῶ]ν ἤτοι ἐνγράφων διαγραφῶν ὡς
ἐπὶ τοῦ θείου διδομένων, μήτε διὰ κωμασίας ἀκαλμάτω[ν
ἢ τοιαύτης παγγανίας, τὰ ὑπὲρ ἄνθρωπόν τις εἰδέναι
προσποιείσθω καὶ τὴν τῶν μελλόντων ἀτηλείαν ἐπαγγ[ελ-
λέσθω, μέτε ⟨εἰς⟩ τοὺς περὶ τ[ού]του πυνθανομένους ἑαυτὸν
10 ἐπιδιδότω, ἢ ὅλως ἀπ[ο]κρινάσθω. ἐὰν δέ τις τὴν ἐπαγγελίαν
ταύτην παραμένων ὁραθῇ, πεπίσθω ὅτι τῇ ἐσχά[τ]ῃ 2-3?
τιμωρίᾳ{ν} παραδοθήσ[ε]ται. τῆς ἐ[π]ιστολῆς ταύτης τὸ ἀντίγρα-
φον δημοσίᾳ ἔν τε ταῖς μητροπ[ό]λεσιν καὶ κατὰ κώμην
φανεροῖς καὶ εὐαναγνώστοις τοῖς γράμμασιν ἕκαστος
15 ὑμῶν [εἰς λε]ύκωμ[α] προθῆ[ν]αι προνοησάτο, καὶ διὰ παν-
τὸς πολυπραγμονίτω ἐάν τι[ν]α παρὰ τὰ ἀπηγορευμένα
πράσσον⟨τα⟩ εὕρον δεδεμ[έ]νον ἐπὶ τὴν ἐμὴν διάγνωσιν
πεμφάτω. οὐδὲ γὰρ [ὑμῖν] ἀκίνδυνον ἔσται εἰ μάθοι⟨μι⟩
αὖ τοιούτον τινὸν ἐν [τοῖς ὑ]φ' ὑμᾶς νομοῖς περιορομένον,
20 ἀλλὰ τὴν ἴσην κόλασι[ν τοῖ]ς σκεπομένοις ὑποστήσεσθαι.
ἐκείνον μὲν γὰρ ἕκα[στος], εἰ καὶ τὰ παρὰ ἀπιρημένα τολμ[ᾷ,
εἷς γέ ἐστιν, ὁ δὲ μὴ παντ[αχό]θεν αὐτοὺς ἐπεσχὼν πολλοῖ]ς
κινδύνου αὐτὸς αἴτιο[ς γε]γένηται.

Lines 24-25, scrawled by another hand, give the date.

3 -θήσει 6 ἀγαλμ- 7 παγγ- see notes; ανθρωπον, ο corr. fr. ω 8 -ποιεισθω, θ corr. fr. τ; ἀδηλίαν 9 μήτε 11 πεπείσθω, θ corr. fr. τ 15 προθεῖναι -σάτω 16 -μονείτω 19 τοιούτων τινῶν...περιορωμένων 20 -σεσθε 21 ἐκείνων, ἀπειρημένα 22 ἐπισχών

1. **ἐντυχὼν πολλοῖ]ς οἰ[ηθ]εῖσιν**, R's brilliant restoration from insignificant traces, is very likely to be right, as it corresponds to contemporary edictal parlance: cf. e.g. *P. Mich.* IX 529 verso (as revised in *Cd'E* 50 [1975] 202-6).

2. R's proposal to restore an adverb at the beginning of the line makes excellent sense, but ε]ὐθ[έως is more than doubtful. The only clear remnant is about a millimeter of ink occurring at an angle suggestive of alpha or lambda. After that one sees a light brown dot, which may or may not be the shadow of what once was ink. If I were to hazard a guess I should think of π]ά[ντως or π]άν[τως.

ἀναγκ]αῖ[ον ἡγη]σάμην R. On this cliché of governmental language see my remarks in *BASP* 11 (1974) 52.

κίνδυνο[ν P, R. The papyrus is abraded and broken in such a way that neither omicron nor epsilon can be wholly justified from the peculiar shape of the remnant of ink. But reading epsilon simplifies both the otherwise cumbersome construction of περὶ τοῦ with the infinitive, and the construction of ἐπακολουθήση (see the note to line 3).

3. ἀ[γνο]ίᾳ P, ἀ[νο]ίᾳ R: Both readings are possible, owing to the hand's considerable variation in the width and spacing of individual letters. By the same token, then, any of several other words could have stood here — ἀμαθία, ἀνομία, ἀσκεία, ἀτοπία, to cite some of the more obvious.[16] It is impossible for us to insist upon any one of these over all the others, because we have no clue to the particular nuance the prefect chose to express here. The matter is further complicated by our inability to know whether αὐτῶν was intended to refer (strictly) to τρόποις or (loosely) to their practitioners.

ἐπακολουθήση: lege -σειν P, -σαι R; but neither emendation is really satisfactory, the first because it gives us the wrong tense, the second because the miswriting of η for αι is not unknown but relatively rare: cf. Gignac I, pp. 247-48.

4. ἐπέ[χεσ]θ[α]ι: εἴρ[γεσ]θ[α]ι (R) is disconfirmable on the papyrus. Enough remains of the second letter to show that the word does not begin with ει, a combination which in this hand has a characteristic form that clearly is not to be found here.

περιεργίας: The translation "inquisitiveness" (P, R), a pallid word, fails to conjure up the rich image that this cautionary term is meant, I think, to convey — a picture of busybodies running around poking their noses into everything.

5. διαγραφῶν P, διὰ γραφῶν R: R takes ἤτοι...γραφῶν as an epexegetical appositive of χρησμῶν, translating "that is, by means of written documents." Several considerations, however, argue against that interpretation. First is the fact that ἤτοι does not equate or associate; it emphasizes the disjunctive force of ἤ.[17] Accordingly, χρησμῶν and what follows ἤτοι are here presented as discrete alternatives, i.e. oracular responses delivered *viva voce*, and — as further emphasized by ἐνγράφων — those delivered in writing. Then again, how is one to explain διά? If treated as a separate word it is out of place by any standards except those of poetry, and there is little poetry in the workaday prose of this letter of Saturninus. (The misplaced διά cannot be attributed to imitation of a Latin original: a medial *per* would be equally out of place in Latin prose.)

[16] But ἀ[δε]ίᾳ, suggested by me in *Cd'E* 52 (1977) 144, is to be abandoned as obviously inappropriate to the general sense of the sentence as recovered by R.

[17] E.g. J. D. Denniston, *The Greek Particles*, p. 553: "The frequency of ἤτοι in the matter-of-fact style of Aristotle suggests that for him τοι did nothing more than emphasize the disjunction."

Let us now consider διαγραφῶν, of which R remarks, "possibly correctly." He adds, "If so, translate presumably 'by written ordinances'." But this last does not follow. It is hard to believe that a hostile prefect, placing a ban on such (unofficial, specious) pronouncements, would dignify them as "ordinances," a term pregnant with official and legal weight. Happily, that is only one of the several senses of διαγραφή, which needs only to be taken here in its basic sense of something written out. The effect of -γραφ- in both the noun and the adjective can be captured, perhaps, in some such translation as "written scripts."

7. παγγανίας: lege μαγγανείας is suggested by P (the misspelling is explicable — see below, p. 139) and accepted by R, who reminds us that processions in which cult statues were carried were features of Egyptian festivals. But that being so, would the prefect — even one relatively new on the job — really be so insensitive or so insouciant as to speak of "the parade of images and suchlike charlatanry"? Roman contempt for the Egyptians and their ways is certainly too well known to require fresh documentation here.[18] Yet it seems dubious that a Roman governor of Egypt would be so impolitic as to proclaim that contempt of a native ritual in a notice to be posted "in the nome capitals and in each village" (line 13). To be sure, the prefect is here condemning the imitative prostitution of sacred ritual by the fortune tellers, but even in that context he is hardly likely to have characterized the ritual itself as μαγγανεία.

P suggested, as another possibility, that παγγανία might be taken as an unprecedented noun meaning deception, "on the basis of Hesychius' suspect παγγάς· πλάνος." The credentials of such a noun obviously leave a great deal to be desired, but its sense would be just right in this context.

In sum, *non liquet.*

9. τοὺς...πυνθανομένους: lege τοῖς... -οις R. But given the writer's tendency to drop an occasional syllable (lines 17, 19; also 16 if R's insertion of καί is correct, but see below the note to line 16), he is more likely to have got the case right but omitted the proceding εἰς.

10. ἢ...ἀπ[ο]κρινάσθω (-ήσθω, R, is wrong): "or answer in any way whatsoever," R, requires reinterpretation. This is not a continuation of the preceding ban μήτε...ἐπιδιδότω, but the opposing conclusion, the sanction, that awaits anyone who violates any of the preceding prohibitions beginning with μήτ' οὖν in line 5. The word ἀποκρίνομαι in this context is not the neutral verb of answering, but has the technical legal sense of being hauled into court to answer to a charge (*LSJ* s.v. IV.2, cf. Latin *responde*), and ὅλως is peremptory, "or else," "in short," "without further ado."

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[18] A recent survey: M. Reinhold, *The Ancient World* 3 (1981) 97-103.

10-11. τῇ{ν} etc., R, but the accusative is surely right if παραμένων is miswritten for παραβαίνων (see two paragraphs below), and even παραμένω can govern the accusative: cf. *St. Pal.* V 52.31. Such an accusative is easily understood as replacing the disappearing dative: cf. Mayser II.2, pp. 297-98.

ἐπαγγελία is "better take[n] as referring back to ἐπαγε[λ]λέσθω in the sense of 'claim, profession'" R. But two considerations militate against that view: (1) ἐπαγγελία in that sense was alien to the language of government and business as we know it from inscriptions and papyri. (2) "This ἐπαγγελία" is a strange way to refer to an activity that has not only been condemned (hence we should expect some more dissociative term than "this"), but has been mentioned so far back that two clauses, one of them fairly long, have intervened. ἐπαγγελίαν is therefore best taken as referring here to the public notice to desist that is contained in the present document.

παραμένων: παραβένων, P, cannot be read; while part of the fifth letter of the word is lost in a small hole, more than enough is left to show that (1) the letter cannot have been beta, and (2) the form and angle of the initial stroke are characteristic in this hand only of mu. However, if this writer could have misheard and interchanged (voiced) mu and (unvoiced) pi (see above on line 7 and below on line 18), then he could even more easily have written mu here for beta, whether through mishearing (one voiced labial as another) or through miscopying.[19] If ἐπαγγελίαν has the sense proposed in the preceding paragraph, then the sense requires that it be the object of a verb of violating, and παραβένων (for -βαίν-) meets that requirement if we are prepared to accept the miswriting of mu for beta. Alternatively, if παραμένων is to be retained as written, it would be necessary to postulate the omission of a preceding μή. (I also examined the papyrus to see if παραμελῶν could be read, but it cannot; there is no doubt that the letter in question is nu, and nothing else.)

ὁραθῇ: [φ]ωραθῇ, R, is not a possible reading. The first letter of the word is distinctly an omicron, and the space between it and the preceding nu is blank, with no trace of any intervening letter (let alone a letter as broad as phi) and no lacuna wide enough to have contained a letter.

At the end of line 11 there are traces of ink which are probably nothing more than a smudge but could conceivably be remnants of two or three letters.

12. τιμωρίᾳ{ν}: The deletion is obviously required. Such irregularities are common in the papyri, especially with final nu: cf. Gignac I, pp. 112-14.

[19] See the list in H. C. Youtie, *The Textual Criticism of Documentary Papyri: Prolegomena* (*BICS* Suppl. 6, London 1958) 69; and cf. p. 138.

16. "Possibly the exemplar had κἂν," R, supplying ⟨καί⟩. The copy before us clearly has ἐάν. The space between omega and alpha is too narrow for even the narrowest kappa produced by this hand. Moreover, P dotted the epsilon because the middle of the letter is rubbed away, but the remaining portion leaves no doubt that the letter is epsilon and nothing else. Also, the insertion of καί is probably not necessary: see the next note.

17. εὕρον: lege εὕρῃ, P, R, but there is no compelling need to assume so extreme a misspelling, which would be a highly unlikely instance of either mishearing or miscopying. Reading εὑρόν as εὑρών (ο for ω being the writer's most common error: see below, p. 139), we find ourselves in the presence of a hybrid construction. "The clause began as a more vivid condition, but by the time the verb of the clause was reached it had been shifted to a participle in the nominative, modifying the subject of the third-person imperative to come" in the apodosis (πεμφάτω).[20] *P. Fay.* 21, a prefectural edict of A.D. 134, has a somewhat similar construction: ἐπεξελευσόμενος ἐάν τις ἄλλα παρὰ ταῦτα ποιήσας (lines 14-15).

18. ἐλάσσον]α, P, is too long for the space, which is just right for [ὑμῖν], R.

ἔσται: δέαται P, ἔσ{.}ται R. There is a stroke between sigma and tau, but it is not a full letter. What seems most likely is that the scribe started to write sigma, saw that he had already written that letter and proceeded to write tau, leaving the inchoate second sigma as a sort of exaggerated ligature.

18-19. μάθοι⟨μι⟩: R, observing that "what follows here looks like a succession of genitive plurals," wonders if this verb can be miswritten for πυθοίμην, which would give acceptable, perhaps even preferable, sense. But is that what the text had? How πυθ could be miswritten as μαθ is difficult to account for on any basis, and impossible if, as R. insists (cf. below, p. 138), this text was copied from a written prototype. It is inconceivable that the eye could misread pi as mu. Those two letters have diametrically opposite ductus, the arc of mu facing up, the arc or traverse of pi facing down. It is surely no accident that Youtie's tables of hundreds of corrected misreadings — where pi "merges for editors into the forms of fourteen other single letters and eleven combinations of two or three letters," and where mu shows a total of twenty such interchanges — contain not a single instance of pi or mu misread one for the other.[21] If *per contra* we accept, as I propose to demonstrate below, that the copy before

[20] The quotation is from *Cd'E* 52 (1977) 145; see further Mayser II.3, pp. 63 (3), 190 (1), 203, 205. A notable hybrid of a purpose clause and a condition occurs in *SB* X 10288 (1b. 11-12).

[21] *Op. cit.* (above, note 19), pp. 48, 53, 69.

us was made from dictation, then there is at least the possibility of supposing that pi was misheard as mu; but even this possibility is attenuated by the accompanying need to suppose that unaccented πυ (pronounced approximately *pī* at that time) could have been misheard as accented μα.

R also reports a suggestion of D. Hagedorn that μαθοι/αυ be viewed as miswritten for μάθοι/μι. That is an error which is easily explained paleographically; alternatively it would have to be attributed to the dictating person's misreading his own copy.

R quotes Hagedorn and agrees that μάθοιμι followed by accusative singulars (that case is also possible with πύνθανομαι) "is closer to the ordinary language of the papyri." It may also be noted that a personal object in the singular — more pointed and menacing than a plural — is characteristic of prefectural edicts in such contexts.[22] Nevertheless, as R observes, "τινον is more reasonably interpreted as the phonetic equivalent of τινων" than as an error for τινα. To which we may add that these same persons are referred to in the plural in the two following lines, σκεπομένοις and ἐκείνον (for -ων).

21. ⟨τὰ⟩ before ἀπιρημένα R, probably unnecessarily: see below, b.*i*.

22. ἐπεσχων (lege ἐπίσχων vel ἐπισχών) P, ἐπε[ι]σχών R, who remarks, "Ed. pr. may be right...but iotacism is always easier to accept than a downright mistake." But ed. pr. is right: the second epsilon is not doubtful, and nothing is lost between it and the following sigma. Interchange of epsilon and iota is sufficiently common to engender no surprise here.[23]

24-25. These lines, which do not need to be reprinted for the purposes of this paper, give (in a rapid scrawl by a second writer) a date in year 7 of Septimius Severus and Caracalla = A.D. 198/9. The last traces of ink visible in line 25 were reead by P as Φαρ]μο[ῦθι = March/April of 199. But the traces of ink are so faint that R forbore to attempt a reading. My reexamination of the original supports R's caution.

(Translation)

Cognizant of the opinion of many that] they were being duped by the ways of the diviners' craft, I deemed it [absolutely?] necessary, with a view to no one's being at risk through following them, hereby clearly to enjoin all persons to desist from that dangerous prying. Accordingly, neither through (spoken) oracles or inscribed messages issued ostensibly under divine guidance, nor through parade of images and suchlike mummery(?), is anyone to pretend to know the superhuman and discover the

[22] *Inter alia*: *P. Lond.* 1171 = *W. Chr.* 439, Hibis 1 = Smallwood, *Gaius*...382 = *SEG* VIII 794 = *OGIS* II 665 = *IGRR* I 1262, *PSI* V 446 = *Select Papyri* II 221.

[23] "Die Ägypter kein ī, sondern nur e kannten" — Mayser I.1², p. 65. For examples see *ibid.* I.1, pp. 80-82, I.1², pp. 45, 65-66, Gignac I, pp. 249-56.

obscure shape of things to come, and no one is to devote himself to those who inquire into this, or else he will answer for it. If anyone is found violating(?) this proclamation (of mine), let him be assured that he will be handed over to the extreme penalty.

Each of you is to see to displaying in public, on a whitened board in characters that are clear and easily legible, a copy of this letter in the nome capitals and in each village, and upon finding anyone acting in violation of my interdict, he is to send him in fetters for my judgment. Nor will it be without risk to you if I should learn of such ones being overlooked in the nomes under you, but you will undergo the same punishment as those being shielded. For each of them, even though he dares to act in defiance of my interdict, is but one person, but he who does not stay them in every way has ipso facto become the cause of danger to many.

b. The Latin behind the Greek

The document before us is a letter addressed in A.D. 198/9 to the strategoi of some or all of the nomes of Egypt. The unnamed writer is obviously the prefect of Egypt, who in 198/9 was Q. Aemilius Saturninus.

That the original version of this letter issued from Saturninus' lips or pen in Latin seems to me to be unmistakable: the Greek before us simply reeks of Latin terminology and idiom from the very first line. Let us list, *seriatim*, the most prominent evidences. (Arabic numerals refer to lines of the text.)

i. The absence of a definite article in Latin results, as Viereck already emphasized,[24] in its being omitted in the Greek versions promulgated in the eastern provinces. In the letter of Saturninus we note the absence of τοῖς (and τῆς?) in line 1, τῇ in 3, and the τά supplied by R in 21.

ii. In ordinary Greek idiom τρόπῳ, as a dative of manner or means, is regularly used in the singular. τρόποις in line 1 is no doubt a literal rendering of Latin *modis* (on which see *TLL* VIII, 176-77). μαντείας τρόποις = *divinationis modis*.

iii. ἐπακολουθήσῃ (3): If correctly taken as a noun, the dative here is likely to represent a Latin ablative of cause;[25] in the Greek idiom the dative with κινδυνεύειν usually expresses the respect or area in which the danger arises.

iv. ὑπὲρ ἄνθρωπον (7) can be found in Greek (e.g. Plato, *Laws* 839d), but τὰ...εἰδέναι sounds like a rendering of *res super hominem cognoscere* (cf. *TLL* VI, 2874).

[24] Viereck p. 60.
[25] Cf. Mayser II.2, pp. 280-1.

v. The position of τις (7) is alien to Greek idiom, but perfectly normal for a Latin indefinite pronoun.[26]

vi. ὁραθῇ (11). The aorist passive from the ὁρ- base was rare in literature (see *LSJ* s.v.) and notably absent from the *koinē* of daily life, business and government. This is the first example to appear in the papyri, in which only the aorist passive on the ὀπ- stem has hitherto appeared.[27] παραμένων ὁραθῇ = an instance of the common Latin clausula ending, an infinitive followed by a form of *videor*, here, in a future more vivid condition, *permanere* (or *violare*? — see above, note to line 11) *videbitur*.

vii. τῇ ἐσχάτῃ τιμωρίᾳ παραδοθήσεται (11-12) is perhaps an extension of the Greek usage, in which παραδίδωμι normally turns over an accused to a court or a trial. It should be noted, however, that the expression here conforms exactly to the Latin idiom, *ultimo supplicio* (or *ad ultimum supplicium*) *tradetur* (so e.g. Caesar, Livy, Nepos).

viii. A Greek verb sometimes stands at the end of its clause, but a Latin verb does so regularly. In the text before us fourteen of the eighteen verbs stand at the end of their clauses — surely a greater frequency than we should expect to find in a text of Greek origin. Note in particular line 15, where the verb comes at the end of a clause occupying nearly three long lines of text.

ix. The rest of the citable instances are equivocal. For example, κόλασιν ὑποστήσεσθε (20) may represent *poenam subibite*, but it is also an acceptable *koinē* expression. It would be fruitless to argue over such ambiguities. The case for a Latin background is sufficiently made by items *i-viii*, above.

c. Copying from Dictation

P: "Both the very handsome script and the vagaries in orthography and syntax could be explained by assuming that the present papyrus was one of the mass-produced copies by dictation."[28]

R: "The theory of the ed. pr. (p. 262), that this copy was dictated to a scribe is not acceptable. There is no evidence whatsoever in the documentary papyri for the use of dictation and any such suggestion requires detailed proof. The famous letter of Claudius, cited [by P] as the

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[26] The significance of misplaced τις was emphasized already by Viereck, p. 61.

[27] Aorist passive forms in ὀφθ- are found in *P. Ant.* 91, *P. Panop. Beatty* 2, *P. Cair. Isid.* 1, *P. Lips.* 33 and 64, *P. Oxy.* 1101. The perfect system also shows only the ὀπ- stem: *P. Mil. Vogl.* 24, *P. Petrie* II 13 (10).

[28] P added "destined for posting," but that was written before R gave us εἰς λε[ίχωμ]α in line 15.

outstanding example, itself contains errors which are best explained as visual, see P. Lond. VI 1912 introd. p. 3."

The issue could hardly be stated more clearly, and in this final section of this paper I propose to show that the desiderate detailed proof is in fact abundantly available in the letter of Saturninus.

Before returning to that text, however, a correction is in order regarding the letter of Claudius. Bell in his introduction to that document did not reject the idea of dictation; on the contrary, he accepted — and qualified — it, saying: "Such mistakes, which represent the pronunciation but not the orthography, suggest a scribe writing from dictation, but there are *others* [italics added] which seem to be due to copying from a written source.... It is quite possible that the text passed through two stages: it may have been read from the exhibited roll...to an amanuensis, from whose hasty manuscript it was subsequently copied out." In other words, it should occasion no surprise if a document exhibits errors of both kinds, aural and visual — a fortiori an official document, since those, as we know (usually, as in the present case, from internal evidence), were often issued in many copies, and were often recopied for forwarding to still other officials. In the letter of Saturninus the errors attributable to misreading a written copy are either few or nonexistent, while errors attributable to mishearing the spoken word, and spellings according to pronunciation, occur throughout.

R offers μαθοι in line 18 as an example of visual miscopying: "I suggest that the exemplar had εἰ πυθοίμην. The copyist might have misread the first letter as mu [and] emended μυθοι to μάθοι." But that kind of error could, almost certainly, have occurred only through mishearing — mishearing a labial surd as a labial nasal; as pointed out above, mis*read*ing pi as mu or vice versa is in the highest degree improbable, and mistaking πυ for μα is even more so.[29]

In line 3, *if* -θηση is in fact miswritten for -θησαι, that error is more likely to have been visual than aural: as every papyrologist knows full well, a scrawled η can look very much like αι. Again, *if* in line 9 -ους was twice miswritten for -οις those too *could* be instances of visual error.[30] But, as discussed above in the notes to the text, neither of those can be regarded as a certain instance of error, and beyond those two "possibles" I can detect no errors attributable to miscopying from a written exemplar. In contrast, the errors attributable to mishearing a dictated text are many. Here, listed by categories, are the most prominent examples of the

[29] See above, note 21.
[30] That error can also be aural: Gignac I, pp. 215-16.

scribe's writing what he heard or misheard. (Arabic numerals, once again, refer to lines of the text.)

Interchange of vowels.[31]

αι - ε	20
ε - η	9
ι - ει	11, 15, 16, 21
η - ει	3(? — see the note to the text)
ο - ω	7(corr.), 15, 19(*quater*), 21; also 17(? — see the note to the text)

Interchange of surds, sonants and aspirates.[32]

γ - κ	6
δ - τ	8
θ - τ	8, 11 (both then corrected)

Intrusive nasals.[33]

αγγ for αγ?	7 (see the note to the text)
final nu	12

Omitted syllables.

εἰς	9
καί	16(? — see the note to the text)
τα	17, 21(? — see the note to the text)

It is not easy to explain these omissions as *lapsus oculi*, but they are readily understandable as resulting from dictation that was going too fast for the writer.

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[31] Cf. *ibid.* pp. 192-93, 235-62, 275-77.
[32] *Ibid.* pp. 76-101.
[33] *Ibid.* pp. 112-14. See also the note to lines 10-11 of the text.

NOTES ON SEVERAL DOCUMENTS

A CLOSER LOOK AT *P.Mich.* XIV 675

I. Summary of Contents

This document is our only source attesting the imperial grant of exemption from liturgic service to fathers of five children. Improved readings and restorations of lines 26-33 are given in *ZPE* 49 (1982) 76-78 by D. Hagedorn and V. P. McCarren.

In its present state of preservation the document begins on 19 July AD 241. Earlier documents in the case are, in the usual way, quoted in toto or by reference along the way. In his brief review of *P.Mich.* XIV in *Cd'E* 59 (1984) 183-84, J. Bingen summarized the documents in the case in their chronological sequence, viz. (I give some of the dates somewhat differently):

(1) *AD 239, probably*[1] *ca. March-April* (i.e. at the *conventus* for the Oxyrhynchite nome). Aurelius Theon petitions the prefect of Egypt to instruct the nome strategos to designate him exempt from liturgies in accordance with imperial orders granting such exemption to fathers of five children.

(2) *AD 239, between 16 and 31 May*. The prefect so orders by *hypographe*.

(3) *Some time before (4), below*. Aurelius Theon petitions the nome strategos: He quotes (1) and (2) verbatim, then adds the names of his five children, and asks that the strategos notify the *bibliophylakes tōn enktēseōn* as well as the komogrammateus.

(4) *AD 241, 19 July*. The strategos sends a copy of (1), (2) and (3) to the *bibliophylakes tōn enktēseōn*.

(5) *AD 241, 20 July*. A notation is added as the last line of *P.Mich.* 675. Now lost except for the date and a preceding alpha, it probably certified that the privilege was duly recorded in the *bibliothēkē tōn enktēseōn* pursuant to (4).

In keeping with the petitioner's request (lines 28-30), a parallel document was presumably dispatched from the office of the strategos to the komogrammateus. The latter would thereby be placed on notice that he was not in future to nominate Aurelius Theon to any liturgy, just as the *bibliophylakes tōn enktēseōn* were by *P.Mich.* 675 instructed to update their records to show that, by virtue of his exemption, his property was not to be placed under fiscal lien in connection with any liturgy.

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(1) This is suggested by the fact that the prefect's *hypographē* (document 2) is dated in late May. Cf. e.g. *P.Yale* 61, where petitions submitted at the *conventus* in late March were posted with the prefect's subscriptions in late May.

II. The Problem

"Les raisons des delais apportés au règlement de cette affaire n'apparaissent pas dans ce qui nous reste du texte" — Bingen, *loc. cit.* Too true. There is a gap of more than two years between the date of the prefect's *hypographē* and the letter of the strategos giving effect to that *hypographē*. Exemptees were understandably quick to demand their rights, and in the present instance Aurelius Theon undoubtedly petitioned the strategos promptly after being notified of the prefect's favorable *hypographē*. Why, then, the two-year gap? Do we have any clue as to what happened during that unaccounted-for time? As Bingen correctly stated, there is no internal evidence on that point. Can we find any external guidance?

III. The Probable Explanation

In citing *P.Mich.* 675 in *Papyrologica Florentina* XI (1982) 95 I spoke *en passant* of "bureaucratic delays or . . . other reasons." The matter deserves fuller treatment.

From the rich documentation of liturgy in Roman Egypt it is clear that local officials, even when under orders of a higher authority, often moved at a snail's pace in enforcing the privilege of exemption. Take the notorious case of *P.Oxy.* 899 = *W.Chr.* 361. There, on 22 March AD 199 Apollonarion petitioned the dioiketes to be released from the obligation of *georgia*, her privilege as a woman. Two months later, on 22 May, on orders from the dioiketes the strategos wrote to the appropriate komogrammateis — not, however, instructing them to enforce her privilege, but only to investigate the facts in the case and report back to him (ὅπως . . . τὴν ἐξέτασιν ποιησάμενοι δηλώσητέ μοι, line 39). When eight more months had passed without result, Apollonarion wrote again (early January of AD 200) to the dioiketes asking him κ]ελεῦσαι ἐπιστρεφέστερον γραφῆναι τῷ νῦν στ[ρ]ατηγῷ τοῦ νομοῦ ὅπως ἐπαναγκάσῃ τοὺς πραγματικοὺς . . . τ[ὴ]ν μεταδιαταγὴν ποιήσασθαι . . . καθὼς [π]ρότερον ἐπ[ἐ]στειλας περὶ τούτου (lines 41-45). After seven more months the dioiketes replied by referring her to the strategos, whom she now (29 August 200) petitioned to order the village officials to effectuate her release, a release which, after seventeen months of bureaucratic "processing", she still had not obtained.

P.Oxy. 899 does not stand alone; for other examples see *Papyrologica Florentina* XI (1982) 100. As I wrote there, "release was often not attained till after the petitioner had been compelled to take on the challenged appointment. In other words, an appeal did not stop an appointment or hold it in abeyance; on the contrary, nominations and appointments were presumed to be valid unless and until declared otherwise by competent authority. In a recently published case the petitioner held an epiteresis for only a few days less than a year before his release was ordered." Add the deliberate stalling by local officials in

carrying out orders from above, and those words give us the probable clue to what Aurelius Theon of *P.Mich.* 675 was doing in the interval between documents (2) and (3): He was discharging a liturgy whilst his petition to enjoy the privilege of exemption to which he was entitled languished in the impenetrable arcana of the provincial bureaucracy.[2] His liturgic service lasted at least one year (239/40), and it took him almost to the end of the following year (240/1, documents 4 and 5) before he finally obtained an order from the strategos giving effect to his exemption.

AN EXAMPLE OF ALEXANDRIAN SLANG?

P.Oxy. LI 3611 contains a rescript addressed by the emperors Valerian and Gallienus to the ἱερονῖκαι of Antinoopolis, whose grievance is expressed in lines 7-14:

ἐπεὶ κατὰ τὸ̣ν ἕν[α μ]ὲν χρόνον δυοῖν
ἀφαιρέσεων τῶν καλουμένων παρὰ
Ἀλεξανδρεῦσι, τὸ̣[ν] τ̣ῶν πεντεκαίδεκά τε
10 μηνῶν καὶ ἡμερῶν ἑπτὰ γενόμενον,
τοὺς μὲν Ἀλε[ξ]ανδρέ̣α̣ς ἱ̣ε̣ρ̣ο̣ν̣ε̣ί̣κ̣α̣ς εἰληφέ-
ναι τὰς ἐπὶ τ̣ο̣ῖ̣ς ἀγῶ̣σ̣ι σ̣υ̣ν̣τ̣ά̣ξ̣ε̣ι̣ς παρὰ τοῦ
ταμείου φατέ, τ̣ὸ̣ δ̣[ὲ] κ̣α̣τ̣[ὰ] τ̣ο̣ὺ̣ς Ἀντινοέας
ὑμᾶς ἐπεσχῆ[σθαι,

Editor's translation: Since you claim that for one period of the two which are called among the Alexandrians "deprivations", the one that lasted for fifteen months and seven days, the Alexandrian winners in sacred games have received from the treasury the allowances in respect of games, but that what pertains to you the Antinoites was stopped. . .

The details of the complaint, as I read it, are:

1. There had been two periods during which the victors' subsidies payable to the ἱερονῖκαι had been suspended.

2. (By implication, those payments had subsequently been made good for one of the two periods of suspension, and) the Alexandrian ἱερονῖκαι but not the Antinoite had been compensated for the other period, that of fifteen months and seven days.

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(2) This is an inference from the parallels cited, not a conclusion to be drawn from ἔνθ[α] καὶ ἔλει[τούρ]γησα in lines 28-29, which refer to his previous liturgic services in general. In the language of the papyri the aorist often "correspond[s] to the English present perfect tense" — B.G. Mandilaras, *The Verb in the Greek Non-Literary Papyri*, p. 165.

3. The Alexandrians — the reference in line 9 is presumably to the populace as a whole, rather than to the ἱερονῖκαι alone — had dubbed those periods of suspension ἀφαιρέσεις.

The precipitating cause of the ἀφαιρέσεις remains obscure. As the editor's note to line 7 observes, we have no information that would enable us to attribute them to any particular "reigns of usurpers. . . [or] troubles such as plagues, persecution and civil disturbances, in Alexandria in the third century." The rescript merely informs us that, for whatever reason(s), those periods of suspension did occur. But what of the odd-sounding designation? Can we discern why the Alexandrians called those periods of suspension ἀφαιρέσεις?

In his note to line 7 the editor, J.R. Rea, highlights the difficulties in arriving at the precise import of ἀφαίρεσις in the present context. The following remarks are an attempt to arrive at that import from another direction, viz. by attempting to penetrate the implication of the modifier τῶν καλουμένων παρὰ Ἀλεξανδρεῦσι. The word "ἀφαίρεσις is rare in the papyri and always means a theft of goods" (Rea). Can the withholding of payments when due be termed a theft of property? Easily enough, I submit, if the tone is one of mockery or accusation — a tone easily found among the Alexandrians, who had a reputation all through Roman times for their wit and irreverence. Dio Chrysostom in his 32nd Oration characterized them in a dozen different terms, ending with ἵλαροὶ καὶ σκῶφαι πάντων δεινότατοι (§99; sim. Cassius Dio 39.58.1, 66.8.2, 78.22-1, Herodian 4.9). Or, in the summary of H.I. Bell, *CAH* X, p. 296, "fierce, fickle, turbulent, pleasure-loving, flippant in speech and ready of wit. . . the people of Alexandria were a perpetual anxiety to their Roman rulers."

It thus takes no great stretch of the imagination to see the Alexandrians calling it robbery when their athletic heroes are deprived of their bonuses. And the use of that pejorative term of Alexandrian colloquialism or slang by these emperors makes it virtually certain that those "robberies" occurred prior to their accession.

THE DOCUMENTS OF *P.Laur.* IV 157

As it preserves but "un quarto della larghezza originaria" (line 1n.), this handsomely, almost elegantly, written fragment hints at, without clearly disclosing, the bureaucratic and administrative channels through which this appeal against a nomination to a liturgy passed. The year is AD 290. The editor, Gabriella Messeri, calls attention to the parallels provided by *P.Oxy.* 2130.

I see no way of going much beyond the editor's commentary. It may, however, be *possible* — no more than that — to identify the several documents preserved here in such exiguous part. As I see it, four separate documents, representing four separate procedural steps, appear in *P.Laur.* 157. As usual, the documents are presented in reverse chronological order. The following seems to me to be the sequence of events.

Doc. no.	Lines	
I	15-17	These are the opening lines (the rest being lost) of an appeal by Aurelius Rhodopianos also known as Saras against his nomination to a compulsory public service. The appeal is addressed by the nominee to the systates who made the nomination. (The end of line 15 no doubt read Ὀξυρύ[γχων πόλεως παρὰ Αὐρηλίου Ῥοδοπιανοῦ τοῦ καὶ Σαρᾶ.) As the editor points out, the parallel of *P.Oxy.* 2130 suggests that the specific relief requested here may have been for the systates to forward the appeal to a higher authority.
II	9 or 10-14 or 15	Failing to obtain the relief requested in Doc. I, Aurelius Rhodopianos directs this appeal to a higher authority (the epistrategos?) for forwarding to the prefect of Egypt (line 12, ἐπὶ] Τίτιον Ὀνωρᾶτον). Cf. *P.Oxy.* 2130.
III	5 or 6-9	The sequence of the documents suggests that these slight remnants of text are quoted from the ruling of the prefect. Something like μ]ὴ φροντίσας τῶν νόμων καὶ τῶν πολλάκ[ις κελευσθέντων ὑπὸ τῶν κατὰ καιρὸν ἡγεμόνων may well have stood in line 8. The word οἰκία in line 9 perhaps indicates the basis of the appeal, i.e. that not more than one liturgist from the same household should serve at the same time (cf. *Papyrologica Florentina* XI, p. 98).
IV	1-5 or 6	Pursuant to the ruling of Doc. III. Aurelius Rhodopianos submits this request for an ὀπινίων, i.e. (cf. R. Katzoff, *Studi Biscardi* II, p. 533 n. 33) an explanation of the reason for the rejection of the appeal in Doc. I. It seems probable that Doc. IV cited the order of Doc. III to the systates, αὐτόν in line 4, preceded by κελε]ύοντα ("possible reading", G. Messeri *per epistulam* after examining the papyrus). In line 5 some form of the verb μαρτυροπ[οιεῖσθαι ("possible", G. Messeri *ibid.*) presumably refers to witnesses attesting the veracity of the documents written here, most particularly of the ruling of Doc. III.

A final detail: if, as seems likely, τῇ προδιελθούσῃ ἡμέρ[α in line 3 refers to Epeiph 3 in line 7, then the month and day to be restored in line 2 would be Ἐπεὶφ ε.

THREE TEXTS IN *P. Berl. Leihg.* II

42A

This papyrus preserves the formula of nomination to a liturgy, and the names and qualifications of five of an originally greater number of nominees, the rest of the names being lost where the papyrus is broken at the bottom. The date is mid-second century AD.

As in many other such documents, each nominee's name and *idia* is followed by a statement of his *poros*, here uniformly one talent, an impressive sum in those pre-inflation times. A *poros* of a talent or more occurs in connection with only six other liturgies: cf. *ICS*[2] (*Papyrologica Florentina* XI), pp. 20, 22, 30, 44, 50, 53.

In *P. Berl. Leihg.* 42A, after the statement of the *poros* the scribe added a few other details — which later he or someone else systematically crossed out — including a notation about a liturgy previously held by the nominee, e.g. γενόμ(ενος) ὁρμοφύλ(αξ), γενόμ(ενος) ἐπιτηρητ(ής). This pattern should also be applied in resolving the abbreviations in lines 7 and 18.

In line 7 the edition has, in the canceled notation, συνγενὴς Μέλανος γυμ(νασιαρχήσαντος) γενομ(ένου) ἐπιτηρητο(ῦ). But a liturgy previously held by Melas is irrelevant; as logic argues, and as other instances in this text demonstrate, it is the nominee's previous liturgy that is pertinent. Thus, after Melas is identified as an ex-gymnasiarch, the two remaining abbreviations should be resolved in the nominative case. In the absence of a photograph it remains unclear whether we should read γενόμ(ενος) ἐπιτηρη(τὴς) το(ῦ) $\overline{\lambda\varepsilon}$, or ἐπιτηρητὴ(ς) $\overline{\lambda\varepsilon}$.

In line 18, similarly, the corresponding abbreviations should be resolved in the nominative case.

42B

This is a list of "présentations pour le remplacement de liturges sortant de charge," a type of document familiar from several previously published examples, such as *P.Leit.* 1 = *SB* VIII 10192. The parallel documents reveal that the word to be restored at the beginning of line 1 (or in a preceding line now lost: cf. P.J. Sijpesteijn, *ZPE* 72, 1988, 71) in 42B is not παρά but ἀντί.

45

This document, the formula for a "proposition pour des désignations à des liturgies," belongs to a type familiar from dozens of examples (cf. *Papyrologica*

Florentina XI, Table 1). Still, as often happens even in such situations, it does bring us some interesting new information.

BL VII records an essential emendation discerned by Ludwig Koenen, which has the effect of negating the last paragraph of the editor's introduction and the first three paragraphs of the note to line 6. Incorporating Koenen's correction the brief text reads (omitting the caption by a second hand in line 1):

πρὸς ἐπιστολ(ὴν) γρα(φεῖσαν) ὑπὸ Φλ(αουίου) Γρα(τιλλιανοῦ)
τοῦ κρα(τίστου) ἐπιστρ(ατήγου) περὶ τοῦ
εἰς κλῆρον πέμφαι ὀνό(ματα)
5 σιτολ(όγων) καὶ πληρω(τῶν) καὶ ἄλλων
δίδω(μι) τοὺς ὑπογ(εγραμμένους) ὄντ(ας) εὐ̣π̣(όρους) κα̣ὶ̣ ἐπ(ιτηδείους)
κινδύνῳ τῶν ἀπὸ τῆ[ς] κώ(μης)
καὶ τῶν περὶ αὐτ(ὴν) γεωργῶ(ν) πά̣ντ(ων)
ἐξ ἀλ(ληλεγγύης) ὡς ἐκελεύ[σ]θη.

As the editor observes, the writer of this text must be the komogrammateus, but lines 2-3 must not be taken to imply that the epistrategos communicated directly with the village clerk: the strategos was the intermediary. We must therefore understand lines 2-3 as indicating that the strategos' office had transmitted to the komogrammateus a copy of the letter from the epistrategos together with instructions for the komogrammateus to submit the called-for nominations to the strategos, who would forward them to the epistrategos. That was the standard procedure. What deserves to be noted in addition, however, is that the formula of lines 2-3 occurs here for the first time in a nomination by a komogrammateus. In the common formula found in other such documents the komogrammateus writes αἰτούμενος ὑπὸ σοῦ ὀνόματα εἰς . . . (for good examples see *P. Petaus* index s.v. αἰτέω).

The words ὡς ἐκελεύσθη in line 9 also invite attention. In the editor's view those words refer to the instructions contained in the letter of the epistrategos cited in line 2. Comparison with parallel texts suggests a different interpretation. The closest parallel is found in *P.Petaus* 65.17-21, δείδωμει τοὺς ὑπογεγρα(μμένους) ὄντας εὐπόρους καὶ ἐπιτηδείους γνώμῃ καὶ κινδύνῳ τῶν ἀπὸ τῶν κωμῶν καὶ τῶν περὶ αὐτὰς γεωργούντων τῶν καὶ ἐγγυομέν(ων) αὐτ(οὺς) κατὰ τὸ ἔθ(ος) ἐξ ἀλληλεγγύη(ς) πεμφθησομένους εἰς κλῆρον τῷ κρατίστῳ ἐπιστρατήγῳ. Variants of the same formula are found in *BGU* I 235 = *W.Chr.* 399, *P.Oxy. Hels.* 20, and *P.Petaus* 59 and 62 (all AD *c.* 137-186). The likeliest explanation would therefore seem to be that ὡς ἐκελεύσθη in *P.Berl.Leihg.* 45 serves the same function as κατὰ τὸ ἔθος in the other documents cited. Furthermore, the orders establishing the collective responsibility of the villages are hardly likely to have been issued by epistrategoi for their limited circumscriptions, but must surely have stemmed from the superior, province-wide authority of the prefet of Egypt. (On the epistrategos as the prefect's deputy in the *kleros* procedure, see *Papyrologica Florentina* XI, p. 87).

ZPE 56 (1984) 73-78

This third-century contract of sale (presumably of two animals: see the parallels cited by the editor, p. 74) has an unusual ending, κ̣ύ̣ρία ἡ πρᾶ̣σ̣(ις) δ(ιὰ) ἑρμηνέως/ἐ̣[πη]ρωτήθη κ̣α̣ὶ̣ ὁμ̣ο̣λ⟨ό⟩γησεν/[δ](ιὰ) Αὐρηλ(ίου) Ἰσχυρίω̣ν̣ο̣ς̣ ἑρμηνέω̣ς̣ (lines 18-20). The editor, Guido Bastianini, leaves these lines without punctuation, but his translation (p. 76) has a stop at the end of line 18. In his note to line 18 (p. 77), observing that there are no other instances "della clausola di validità . . . in cui sia menzionato anche l'ἑρμηνεύς" (an alarm bell should ring here: *unicum ergo suspectum*), he considers the possibility that δ(ιὰ) ἑρμηνέως may belong with what follows, but he rejects that as improbable. The reason offered for the rejection, "dato che l'ἑρμηνεύς è di nuovo nominato . . . l. 20," strikes me as less than compelling. The repetition may be no more than an inadvertent dittography. More important, however, is the following consideration. Whatever the precise connotation of *hermeneus* here — whether "mediatore" (to which the editor, *ibid.*, inclines) or (as I prefer) "interpreter"[3] — his function was not, and could not be, to guarantee the validity of the contract. Therefore, taking δ(ιὰ) ἑρμηνέως in line 18 with what precedes results in a contresens. An additional consideration is the fact that the phrase κυρία ἡ πρᾶσις is, as many parallel examples confirm, a self-sufficient statement. Accordingly, we should punctuate by placing a stop after πρᾶσις. After that we could, *à la rigueur*, read [δ(ιὰ) ἑρμηνέως] at the end of line 18, but even that may be unnecessary. It is possible that διὰ ἑρμηνέως was deliberately written twice, once with each verb: "Through an interpreter he was asked the question, and he acknowledged through Aurelius Ischyrion, interpreter."

P.Oxy. LI 3614

This *decretum* of Septimius Severus is prefaced by the remark that the emperor, after consulting with friends, delivered his decision τῇ πατρίῳ φωνῇ (line 3). This provides another example of the dilemma which confronts us when unprecedented expressions occur in ancient documents: Is the expression exceptional, or has it not occurred before because the fact which it records — in this

(3) In *Das römisch-byzantinische Ägypten* (ed. Grimm-Heinen-Winter, Mainz, 1978), pp. 11-18, the late Willy Peremans observed that the specification "translated from the Egyptian" disappears from the documents between the early first and the sixth centuries. That is, however, only an item of diplomatics; interpreters continued, of course, to be needed and employed.

instance, that the emperor made his pronouncement in Latin — was so much the norm as ordinarily to go without saying? The editor of *P.Oxy.* 3614, John Rea, prefers the latter interpretation: "It seems to me likely that this was so much a matter of course as usually to be passed over in silence" (note *ad loc.*). Additional support for that view may be found in the following three considerations.

(1) In his *La documentacion griega de la cancilleria del emperador Adriano* (Pamplona, 1982), pp. 324-26, F. Martin finds that even the philhellenic Hadrian issued his *rescripta, decreta, mandata* and *edicta* in Latin. It must be supposed that that was the regular imperial practice.

(2) Septimius Severus' *apokrimata* reveal themselves by some of their expressions to be Greek translations of Latin originals. This has been disputed by some scholars, but there is no gainsaying the Latinity of the Greek at many points: cf. A.A. Schiller, *Apokrimata* pp. 47 *et passim* (cf. under "Greek rendition of Latin terms" in the General Index). On the question in general see, most recently, my article in *Studies in Roman Law in Memory of A. Arthur Schiler* (Leiden, 1986), pp. 127-39.

(3) *P.Oxy.* 3614 is dated by the consuls of AD 200, a time when in the papyri from Egypt consular dating is found only in Latin documents or Greek versions of such.[4] Of the sixty-odd occurrences of Roman consular dating in Egyptian papyri earlier than the late third century, all but five documents are written in Latin; and of those five — *BGU* 140 = *M.Chr.* 373 = *FIRA* I 78, *BGU* 1074, *P.Oxy.* 2476 and 2857, *P.Turner* 22 — two, although they mention the consuls of AD 43, were written in the third century, two are Greek versions of Latin documents, and the fifth is a sale contract drawn up in Pamphylia according to Roman formula, with a man named M. Aelius Gavianus (a soldier?) as *fideiussor*.

All these considerations reinforce the view that in *P.Oxy* 3614, as in other documents of similar import and formula, it was the norm for the emperor to speak Latin, even in the Greek-speaking eastern half of the empire. In *P.Oxy.* 3614 the words merely emphasize that fact, i.e. that the Greek text before us is a translation of what he said, not his *ipsissima verba*.

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(4) Cf. P.J. Sijpesteijn's similar observation, *ZPE* 33 (1979) 230 that "till about [AD] 300 all papyri in which Roman month names occur can be connected with the Roman government or with Roman institutions."

Hadriani Sententiae

Naphtali Lewis

HADRIANI SENTENTIAE is the title of a curious document with a curious history of scholarly acceptance followed by disdainful rejection and neglect. The *Sententiae* are preserved as part of a miscellany of texts presented in parallel columns of Greek and Latin word-for-word equivalences. The large extant number of such bilingual word-lists, known in Greek as *Hermeneumata* and in Latin as *Interpretamenta,* attests to their popularity as teaching tools in Roman times, especially in late antiquity. In addition to those reproduced from mediaeval and Renaissance manuscripts in the *Corpus Glossariorum Latinorum,* fragments of fourteen more have been found in papyri and parchments of the first century B.C. to the seventh century.[1]

Ascribed in the manuscripts—falsely, as long established—to the grammarian Dositheus, the miscellany in which the *Sententiae* are embedded is generally agreed to have the following characteristics: (1) "Both the Latin and the Greek texts [were] prepared by [an] unknown magister in the early years of the third century"[2]—or, at any rate, in the first half of that century. I shall have more to say, presently, about that date. (2) "The compiler of the exercises ... seemingly prepared a Greek translation for the Latin selections he made, with a Latin version for the [other] pieces he included which already existed in Greek." (3) "There was early, if not immediate, alteration of the Latin version ... to accommodate the Latin to the Greek."[3]

[1] J. Kramer, *Glossaria bilingua in papyris et membranis reperta* (Bonn 1983), with J. Lenaerts' review *ChrEg* 62 (1987) 241–45, and Kramer, *Tyche* 5 (1990) 37ff.

[2] *Cf.* A. Bataille, *RechPap* 4 (1967) 168.

[3] A. A. SCHILLER, "Vindication of a Repudiated Text, 'Sententiae et Epistolae Hadriani'," in *La critica del testo* (=*Atti, Secondo Congresso Internazionale della Società Italiana di Storia del Diritto* [Florence 1971: hereafter 'Schiller']) 717–27 at 722.

I

The wide use of these bilingual teaching tools affected the transmission of the text in a variety of ways. One that concerns us here was long ago noted in *RE*: "Their vigorous spread evoked many alterations or revisions of the original; therefore they have been transmitted in several, sometimes substantially divergent, versions."[4]

This last point is strikingly illustrated by the survival of the *Hadriani Sententiae* in a longer and a shorter version. The last serious edition is that of E. Böcking, *Dosithei Magistri Interpretamentum liber tertius* (Bonn 1832), reprinted in *Corpus Iuris Romani Antejustiniani* (Bonn 1841) 193–214. In his *Praefatio* Böcking describes the miscellany as consisting "ex trivialibus" but containing those Hadrianic items "quae ad veteris iuri historiam excolendam gratissimae nobis esse debent." But A. A. Pellat, yielding to the growing communis opinio of the document's juristic worthlessness, dropped the text from his *Manuale Juris Synopticum* after the third edition of 1862. Since then jurists, classicists, and ancient historians have almost universally ignored the *Sententiae*. In Leopold Wenger's mammoth *Die Quellen des römischen Rechts* (Vienna 1953)—973 quarto pages citing legal and literary texts, inscriptions, and papyri—there is no hint of the *Sententiae*. The rare writer who mentions the document has done so only to dismiss it as unworthy of notice.[5] The only place where the text is now conveniently available is in *Corp. Gloss. Lat.* III (30–38, 387–90), published exactly one hundred years ago. In the longer version the left-hand column is in Greek, the right in Latin; in the shorter version the positions are reversed. The significance (if

[4] J. Tolkiehn, "Lexikographie," *RE* 12 (1925) 2468.

[5] *E.g.* Paul Krueger dismissed the *Sententiae* as "eine Anekdotensammlung seichtesten Inhalts" (*Geschichte der Quellen und Litteratur des römischen Rechts* [Leipzig 1888] 252 n.52; [Munich 1912²] 285 n.56). Then, at the University of Jena in the 1892–93 academic year—that is to say, at the time of the publication of his *Corp. Gloss. Lat.* III—G. Goetz delivered a lecture reviewing *Divi Hadriani sententiarum et epistularum collectionem*. After outlining the MS. traditon, Goetz ended with an approving reference to the legal scholars, notably Krueger, who "narratiunculas ... nunc ... merito exclusaverunt" (as 'fontes iuris Romani'). In the *Handbuch der Altertumswissenschaft* Schanz-Hosius merely lists the *Sententiae* under Hadrian, without a word of comment or evaluation (III³ [1922] 8, IV² [1914] 179).

any) of this difference is not readily apparent. Bataille surmised in a 1964 lecture (*supra* n.2: 165) that in the papyrus fragments of these lists the Latin "traditionally" (his word) was in the left column because those vocabularies were prepared for teaching Latin to people in the Greek-speaking part of the Roman Empire. But in nine of the fourteen *Hermeneumata* found on papyrus, most of them published in the years since Bataille's lecture, that goal is discernible in the writing of the Latin words with Greek characters.[6]

In 1971 the late A. Arthur Schiller, in what he intended as the first of a series of studies, reasserted (*supra* n.3) the validity of the document, demonstrating that the *Sententiae* are not mere anecdotes, as held by the communis opinio of the preceding hundred years, but do correspond in form and content to the reports of such hearings before emperors and provincial governors that have been brought to light in recent years in papyri and inscriptions. In fact, soon after the appearance of R. A. Coles' 1966 monograph analyzing those reports of hearings,[7] Schiller turned his attention to the *Hadriani Sententiae.*

No doubt owing to its appearance in a remote publication (not in *L'Année philologique* till 1978), Schiller's paper escaped the notice of most scholars in ancient studies—even jurists. A lengthy monograph on the pronouncements of Hadrian preserved in Greek[8] does not mention the *Sententiae,* let alone consider them; and only one reviewer took the author to task for the omission.[9] As far as I can discover, Schiller's 'vindication' of the *Sententiae* has elicited no published comment whatsoever.

As a next step Schiller proposed (723f) to conduct a computer-assisted search of contemporary legal and quasi-legal Latin texts—*e.g.* known "constitutions of Hadrian and succeeding emperors ... Trajan's letters in his correspondence with Pliny, and even Pliny's letters to the emperor." He further announced that "the matching [computer] program for the Latin text of the Leiden manuscripts of the *Sententiae* has begun, and the results are eminently satisfactory." Schiller's friends and colleagues know that, prior to his sudden and untimely death in 1977, he

[6] Kramer (*supra* n.1) nos. 5–9, 11ff, 15; *cf.* also no. 1.

[7] *Reports of Proceedings in Papyri (P.Brux.* IV: hereafter 'Coles').

[8] F. Martín, *La documentación griega de la cancellaria del emperador Adriano* (Pamplona 1982).

[9] J.-L. Mourgues, *Latomus* 47 (1988) 896.

invested considerable time and effort in studying this "extraordinary matching of vocabulary and phraseology ... grammatical constructions and syntactical usages"; but, even with the assistance of his widow, all attempts to find his relevant notes and data have, unfortunately, been unavailing.

II

Accordingly, this review of the *Sententiae* must be taken up without benefit of Schiller's lost data. Even a quick perusal suffices to reveal that the document presents several kinds of problems, textual and contextual. Among the former I single out the following by way of example; no exhaustive analysis is attempted. Arabic numerals refer to page and line of *Corp. Gloss. Lat.* III.

Title. The short version has simply *Hadriani Sententiae,* Ἀδριανοῦ ἀποφάσεις (387.10). The title of the long version is θεοῦ Ἀδριανοῦ ἀποφάσεις καὶ ἐπιστολάς [*sic*], *divi Hadriani sententiae et epistolae* (31.3ff). *Divi,* of course, indicates that this compliation was made after—probably long after, as we shall see presently—Hadrian's death. The word *epistolae* in the longer version of the thirteen *Sententiae* is explained by the appendage of a letter of Hadrian to his mother, inviting her and his sisters to join him at dinner in celebration of his birthday.[10] This letter and two of the *Sententiae* are missing from the shorter version; whether the omission is intentional or accidental is unclear.

Two-way Translation. The current state of the text has clearly undergone many alterations. Most of the time the Greek of the *Sententiae* looks like a translation of the Latin, but there are clear or probable instances of the reverse. Here are three such: (a) 32.38f. ἀτόκους τόκους, *inusuras usuras.* The Greek is sufficiently idiomatic (although ἄτοκος χρῆσις is more usual), the Latin is not. There is no such word as *inusuras,* which looks like a literal (*in* + *usuras*), if uninformed, rendering of ἀ + τόκους. The editor of the shorter version simply changed *inusuras* to *iniquas* (387.51); Böcking accepted that change, but in a footnote he hesitantly offered *iniustas,* an obviously easier emendation. (b) 33.42. ἐξαυτῆς, *ex ipsis.* Since the required

[10] As M. T. Boatwright points out, *AJP* 112 (1991) 533 n.74, "Although this letter ... mentions 'sisters' of Hadrian, only (Aelia) Domitia Paulina is known."

sense is 'immediately', the Greek is right and the Latin looks like a botched translation treating the Greek as two words. The edited shorter version has *continuo*, ἐξαυτῆς (387.55). (c) 33.30 and 388.24. ἀνα-, μετακαλέσασθαι (middle), *revocari* (passive). The likeliest explanation of the inconcinnity is that the -σθαι ending caused the unwary Latin translator to take the Greek infinitive to be passive.

De Minimis ("non curat lex, at curant philologi"). (a) 34.13ff. *si qua alia fuissent iusta* appears in Greek as εἴ τινα ἄλλα γεγόνισαν δίκαια—perfection itself except for the pluperfect verb, where the translator—working, obviously, from Latin into Greek—not only omitted the augment,[11] but, in a more important error, matched the Latin plural form, overlooking the neuter plural subject requiring (in Greek) a singular verb. (b) 35.41f. The Greek genitive absolute has produced *petente mulieris* in the Latin. Here the translator was obviously working from Greek into Latin. (c) 36.9. While two manuscripts have ινα, which the sense requires, *Corp. Gloss. Lat.* prefers those that have—and it accordingly prints—ρϊα. This is patent nonsense, but a papyrologist does not have much trouble discerning how iota nu could be misread as rho iota, especially if the original iota had serifs at its ends or—a common phenomenon—a thickening of the ink at the top of the vertical stroke. The plenitude of such misreadings is apparent from a simple glance at the tables compiled by H. C. Youtie, *The Textual Criticism of Documentary Papyri. Prolegomena* (=*BICS* Suppl. 6 [London 1958] 69f; second edition, Suppl. 33 [London 1974] 68f).

Hopeless Confusion? (a) 33.14–17. The Greek has διαβολὴν ... ἣν δοῦλοι παρώξυναν (in a corrupted form). This appears in Latin as *crimen ... quod emerui concitaverunt.* Indicated by the text of the shorter version (see below), the correction of *emerui* to *serui* (so already Böcking) is easy semantically, puzzling palaeographically. The short version, instead of clarifying, increases the confusion: the petitioner there avers (388.16f) that he is *securum crimine quod ipsi concitaverunt.* In the Greek this becomes διαβολὴν δουλ(ε)ία ἣν αὐτοὶ παρώξυναν. The word αὐτοί, here dangling without an antecedent, presumably refers to the slaves of δουλία. Its Latin counterpart

[11] In -ισαν iota for epsilon is a common phonetic spelling: *cf.* F. T. Gignac, *Grammar of the Greek Papyri of the Roman and Byzantine Periods* I–II (Milan 1976–81) at I 249ff; on omission of augment see II 224, noting especially the pluperfect γεγόνει in *P.Mich.* VIII 492 (second century).

ipsi has no such antecedent. Also unconstruable as the text stands is the accusative case of διαβολήν. The best I can do with this is to suggest a haplography—⟨διὰ⟩ διαβολήν—which would adequately express the reason for the grievance but would hardly render *securum crimine.* (b) 33.38. The infinitive *circumventum* (*esse*) is rendered by ὑπονοθευθῆναι. To get from the Latin for 'defraud' to the Greek for 'adulterate' or 'corrupt' bespeaks a mental or palaeographical process to which I have not yet found—will I ever find?—a clue. For now my bafflement is complete, the more so as the short version renders *circumventum esse* by περιγεγράφθαι (388.31), impeccable both literally and figuratively.

III

Examples can be multiplied, but these should suffice as illustrations—*a paucis disce omnia.* Unless we are to leave it at that, however, we must now confront the central question, that of the document's authenticity. For that investigation there are, as I see it, two essential criteria, form and content.

Form. As already mentioned, Schiller's paper makes the point that the *Sententiae* conform to the records of hearings before emperors and other high officials that have been preserved in papyri and inscriptions published in the last hundred years. To be sure, only a very few of the extant documents record hearings before the emperor; the majority take place before provincial officials. But all adhere to certain standard formulas, which Coles carefully detailed.

Thus (a) beginning towards the end of the first century "the opening speech in the case, by one of the participants, is introduced by a Genitive [Latin Ablative] Absolute construction with a participle ... the speech itself being given in Oratio Obliqua" (Coles 41). The introductory participle is that of a verb of saying or petitioning; Coles lists a dozen variants that occur in papyri. Of the thirteen *Sententiae,* six begin with *petente quodam* and four with *dicente quodam* (or the like). *Dicente* is rendered in the Greek by λέγοντος, the same verb as in the hearings in papyri and inscriptions; *petente* is translated as αἰτοῦντος, which does not appear in the extant records. Those do sometimes have as the introductory participle one or another form of ἀξιόω, a common verb in legal texts in postclassical Greek. αἰτέω is a non-technical term conveying the

same sense, and its use in the *Sententiae* looks like the work of a translator—such as a schoolteacher—more at home in the language of literature than that of law. In the shorter version of the *Sententiae, petente* is twice replaced by *postulante,* which is translated once as αἰτοῦντος and once as ἀξιοῦντος. The editor of the shorter version obviously regarded the two verbs as interchangeable.

(b) As the record of a hearing continues, "the Genitive Absolute construction ... is never used by the presiding official, who now always has an indicative verb." Again from the late first century, that verb is most commonly εἶπεν, "which may derive from the use of *dixit* in Latin *commentarii* ... The construction ... occasionally ... is followed by Oratio Recta." The *Sententiae* conform exactly: Hadrian's name in the nominative is commonly followed by *dixit,* εἶπεν. These are occasionaly replaced by synonyms: *inquisivit,* (ἀν)εζήτησεν (34.17, 49; 389.19), *interrogavit,* ἐπηρώτησεν (35.32, 54; 387.17 and 389.4 have ἐξήτασεν, ἠρώτησεν), *porrexit,* ἐπέδωκεν (387.48).

"The εἶπεν-formula is also found together with other indicative verbs. The most obvious of these is ἀπεκρίνατο, which ... however, is *never* used by the presiding official" (Coles 42ff). Here, too, the *Sententiae* conform, with *respondit,* ἀπεκρίθη used of the petitioner or his advocate (33.49ff, 35.11; 388.37f, 389.33).

(c) The decision (κρίσις) is rendered in Oratio Recta, in the *Sententiae* as in the procès-verbaux analyzed by Coles (49–52).

Content. Let us turn from language and form to consider the substance of each of the *Sententiae*—to judge, using the touchstone of verisimilitude, whether they present us with actual cases or with rhetorical fictions, or perhaps with elements of both.

As already mentioned, the hundred-year-long rejection of the *Sententiae* stemmed from the conviction that an emperor would not have taken personal cognizance of these personal grievances and family disputes of ordinary people. This presumed justification was blown sky-high by the publication in 1954 of the ἀποκρίματα (=*responsa*) of Septimius Severus preserved in the now famous Columbia papyrus (*P.Col.* VI 123), of which Schiller was co-editor. A few more *apokrimata* have since appeared on other papyri, so that a challenge to their authenticity cannot even arise. And they do not deal with

empire-shaking events, or even with mid-level administrative matters. They are imperial replies to pleas from ordinary folk of no official status or eminence. A certain Artemidorus and his associates get only a three-word answer: "Obey the decisons." To a woman whose name is lost in a lacuna the emperor replies: "Women are not prevented from borrowing money or paying on behalf of others." The rest are in a similar vein. And we may note in passing that the existence of rulings such as these exemplify the masses of details that, as Fergus Millar has insisted for some time now, the emperor routinely saw to in person.[12]

Now for the *Sententiae* themselves. Case No. 1 (31.24–44; 387.11–21). An applicant for military service asks to be enrolled in the Praetorian Guard. Hadrian rules: "For the present serve in the Urban Cohort, and if you are a good soldier, at your third salary payment [*i.e.*, presumably, after a year] you will be able to transfer into the Praetorian." M. P. Speidel informs me (*per epist.* October, 1991) that he knows of no precise parallel for such promotion; attested in other sources are promotions into the Guard after five years' service in the *equites singulares Augusti*, or, in the third century, in the legions.[13] On the linguistic side, there is an interesting variant: where the longer version renders *stipendio* by ὀψωνίῳ, the shorter version has βαθμῷ, another puzzler to be added to those already noted above.

Case No. 2 (31.45–32.12, 387.22–33). A petitioner asks to be given the *congiarium* that his freedman would have received had he not been condemned to the quarries. The long version adds that the *praefectus aerarii* imposed that sentence upon the freedman under the *Lex Aelia Sentia*,[14] Augustus' famous law of A.D. 4 imposing conditions on manumission. Hadrian rules: "Why do you seek to ruin [long version: and steal the *con-*

[12] His views are summarized, after earlier articles, in *The Emperor in the Roman World* (London 1977) ch. V. Those views are far from gaining universal acceptance. Along with others, I have objected (*BASP* 13 [1976] 161ff) that Millar exaggerates the degree to which the emperor involved himself in the routine nitty-gritty. Also, different emperors no doubt varied in the extent to which they delegated and deputized.

[13] M. P. Speidel, *Die Equites Singulares Augusti* (Bonn 1965) 4.

[14] *Secundum legem aeliam sententiam*, with the letters *ten* crossed out, possibly by a modern hand.

giarium of] a man on whom you are already avenged? You are a scoundrel"[15]—in other words, "Case dismissed."

Four elements here call for comment. (1) A freedman could indeed be condemned to the mines, according to Ulpian, if he raised a hand against his patron.[16] (2) The emperor did indeed involve himself in rulings regarding condemnation to and release from hard labor in the mines: *Cod. Iust.* 9.51 contains a series of such orders by Caracalla and later emperors.[17] (3) We may not know all the provisions of the Aelian-Sentian Law. If this freedman's condemnation was in fact carried out under that law, this is new information. (4) A rôle for the *praefectus aerarii* in that condemnation seems incongruous. Either this is sheer fantasy of the compiler of the *Sententiae,* or there is some textual corruption here. In this latter regard, Ulpian's *De officio proconsulis* states *expressis verbis* (n.16) that provincial governors (*praesides*) had this power of condemnation. It should therefore be entertained at least as a possibility that *praefectus aerarii* is a corruption of *praefectus Aegypti.*

Cases Nos. 3 and 13 (32.13–32, 387.34–46; 36.49–37.15, 389.46–390.6). These are complaints by a father and a mother, respectively, of neglect by a son. The father pleads that he is ailing and indigent, having exhausted his own financial resources. Hadrian orders the son: "Take care of your father; it is for this that he begot you. And see to it that he does not again lodge a complaint against you with me." In the other case, the mother asks Hadrian "to order my son to give me something, since he neglects me." The son, who is present, asserts, "My lord emperor, I do not recognize her as my mother." To which

[15] *Improbus* in the longer version, *impudens* in the shorter.

[16] *Dig.* 37.14.1: *patronorum querellas adversus libertos praesides audire et non translaticie exsequi debent, cum, si ingratus libertus sit, non impune ferre eum oporteat ... quod si manus intulit, in metallum dandus erit. idem et si calumniam aliquam eis instruxit. Cf.* also 37.15.9.

[17] Two such release orders from the prefect of Egypt have been published: *P.Berl.* inv. 8997 (A.D. 139, Latin), a corrected text of *Ch.L.A.* X 421, published in *P.Congr.* XVIII (1986) II 351–56: "Avidius Heliodorus to ... [probably the military commander]. I order you to release Petesuchus son of Petesuchus, who was condemned to the alabaster quarry for five years by Petronius Mamertinus [*v. p.*] and has completed his time. Farewell." *P.Berl.* inv. 11532 (*SB* I 4639: A.D. 209, Greek), the prefect Subatianus Aquila to the nome strategos: "I have released Nigeras son of Papirius, who was condemned to the alabaster quarry for five years by Claudius Julianus *v. p.* and has completed the time of his sentence. Farewell."

Hadrian replies: "If you do not recognize her as your mother, I do not recognize you as a Roman citizen."

The rhetorical and somewhat cryptic quality of this second ruling does not dissociate it from the first in its reassertion of the duty of children towards their parents. This is in accordance both with longstanding Roman law (*e.g. Dig.* 37.15.1, 9), and with the imperial propaganda—on coins as well as in pronouncements and legislation of all sorts—celebrating the virtues (*benevolentia, clementia, etc.*) of the Roman emperor.[18]

Case No. 4 (32.33–56, 387.47–388.10) is a complaint about usurious practice. One of its problems has alrady been mentioned (*inusuras* in 36.38). There are also others—more, in fact, than in any of the other *Sententiae*. Unclear, for example, is the complainant's concern in the matter. Was he a victim of the illegal practice, or a third party looking to obtain an informer's reward? Since his complaint cites *plures faeneratores,* the latter possibility is perhaps the stronger. But the question remains open; the text identifies him only as *aliquis.*

Unclear, too, are the details of the alleged usury. The long version states the rate per hundred denarii; the short version has changed that figure to 1,000. In the long version *denarios* is rendered as χρυσίνους, which is surely a wrong translation for silver denarii. The short version has δηνάρια. The change to χρυσίνους was made, presumably, in the fourth century or later, when loans in gold became common.[19]

Hadrian's decision reads: "My prefect, *vir clarissimus,* will investigate this matter and will report back to me." (In the short version *clarissimus* is replaced by *eminentissimus,* and *excutiet* by *iudicabit.*) At least two considerable problems lurk here:

(a) Can we identify the prefect to whom Hadrian refers in such matter-of-fact fashion? I can think of two possibilities. (There may, of course, be others.) (1) The eminent jurist Julian (P. Salvius Julianus) was, in the course of his career, *praefectus aerarii Saturni* and *praefectus aerarii militaris* under Hadrian. It is perhaps no mere coincidence, then, that Case No. 2, as we saw above, refers to judicial action by the *praefectus aerarii.* (2) Beginning in the third century—just when this compilation is generally agreed to have been made—the *praefectus praetorio*

[18] Similarly, in *P.Enteux.* 25–26 fathers appeal to Ptolemy III and IV as beneficent rulers to order their maintenance by an abusive son and daughter, respectively.

[19] *Cf.* R. S. Bagnall, *Currency and Inflation in Fourth Century Egypt* (=*BASP* Suppl. 5 [1985]) 49–55.

was accorded a judicial competence. This possibility leads into the second problem.

(b.1) In our document the prefect is styled *vir clarissimus,* the exclusive honorific of the senatorial class in the first and second centuries. For the top-echelon prefects (*Aegypti, annonae, praetorio, urbis*), who were always members of the equestrian order, the corresponding epithet was *vir perfectissimus* or *eminentissimus* (this last substituted for *clarissimus* in the short version, 388.6). The picture for the third century is less clear. Taken at face value *Cod. Iust.* 9.51.1 identifies the praetorian prefects as *clarissimi viri* as early as the reign of Caracalla. But that designation is suspect for at least two reasons. First, it occurs in the caption, not the body, of the constitution; therefore its source may be Justinian's compilers rather than Caracalla's law. As A. H. M. Jones remarked in a different but related connection, "the evidence, mainly laws whose dates are dubious, is to my mind too tenuous to justify any but the most tentative conclusions."[20] Secondly, in a recently published inscription (*AEpigr* [1988] 1051) Ulpian, who was *praefectus praetorio* in 222–223, still bears the lesser designation of *eminentissimus vir.*

Whether or not the change in epithet began in the third century, the definitive change occurred under Constantine the Great. In *ILS* 8938, of 313–317, there are two praetorian prefects, the Licinian styled *vir eminentissimus,* the Constantinian *vir clarissimus.* Some ten years later—no doubt in a reorganization consequent to his defeat of Licinius—Constantine abolished the lesser appellations altogether, leaving only *clarissimus. Clarissimi* of equestrian rank are clearly in evidence in the second half of the fourth century.[21] From all this emerges, once again, the probability that the text of the *Sententiae* as we have it was, if not compiled, at least revised in the course of the fourth century.

(b.2) The Greek text, too, has its problems: *clarissimus* is rendered as ἐπισημότατος. The official term was, of course, λαμπρότατος, as every schoolmaster—indeed, every literate person, at least in the eastern half of the empire—surely knew. The Greek for *perfectissimus* was διασημότατος, never ἐπι-. We have before us, it seems, the work of an uninformed

[20] *The Later Roman Empire* (Oxford 1964) III 15 n.51.

[21] See Kramer, *Tyche* (*supra* n.1) 42.

person. Yet it is hard to leave it at that. The translator who mistranslated, or the copyist who miscopied, must have had something in mind. He presumably understood *clarus* in a non-technical sense of 'notable' or 'famous' (*cf. OLD s.v.* 6) and rendered it accordingly as ἐπίσημος. The editor of the short version of the *Sententiae* simply cut the textual Gordian knot, changing the adjectives to *eminentissimus* and ἐξοχώτατος (again a non-technical translation).

IV

As the problems encountered continue to be variants of those already examined, it should suffice for our present exploratory purpose to summarize the remaining *Sententiae* cursorily.

In Case No. 5 (32.57–33.25, 388.10–21) Hadrian stresses that the attainment of equestrian rank requires not only the stipulated wealth but also a life free of moral or criminal taint. Case No. 6 (33.26–36, 388.22–29), in which the petitioner asks that his father be allowed to return from exile, elicits from Hadrian the following response: "Let me look into my records (*commentarii*), and you be sure to come back to me." No doubt, details not stated here—the cause and circumstances of the sentence of exile—would be found in the imperial *commentarii.*

With Case No. 7 (33.37–34.5, 388.30–47) we return to patron-freedman relations. Here the complainant avers that his freedmen (plural, number not given), who conduct the business of his *tabernas* (ἐργαστήρια), have been pocketing the receipts and giving him nothing. Counsel for the defendants replies that, on the contrary, every one of the freedmen has long been conducting the business in the patron's interest and turning over the proceeds to him. The short version—longer in this instance—adds, "and are still prepared to do so if he would let them." Hadrian's ruling suggests his impatience with litigants who waste a court's time with such squabbles: "You freedmen see to it that he have no complaint. Have common sense."[22]

Case No. 8 (34.6–32, 388.48–389.8) shows the greatest textual divergence between the long and short versions. Both begin with the complainant's statement that his father's property was confiscated and he was deprived of the office of *decurio.* After that we have two quite different texts. It is not so much that the

[22] So the short version, which is preferable. In the long version this last sentence reads: "But he too has common sense."

long version has 36 words and the short only 23, but rather that the very words are almost all different, and the edited version, even though shorter, reads like an interpretative version of the longer. The duality extends even to Hadrian's ruling. In two completely different formulations he chides the petitioner for neglecting to come forward sooner, the longer version including also a reaffirmation of the principle of *stare decisis.*

In Case No. 9 (34.33–60, 389.9–23) Hadrian prevents a guardian from going through with a manumission detrimental to the interests of his ward. Case No. 10 (35.1–40, 389.24–45) involves a claim to a *congiarium,* and revolves around the identity of the designated recipient. Again there are substantial textual differences between the two versions. Hadrian finds against the petitioner. In Case No. 11 (35.41–36.14; not in the short version) the mother of an orphan charges that her child's guardian has failed to provide sustenance and has even made off with the child's *congiarium.* The guardian alleges a technical impediment: the absence of his co-guardian leaves him powerless to act alone. Hadrian brushes aside that excuse and orders him to perform the duty for which he was appointed and provide maintenance proportionate to the available means. It must be self-evident that not all such complaints reached the emperor's tribunal, but, human greed being apparently eternal, many a guardian of orphans must have been tempted toward malversation of the funds at his disposal. The recently published Babatha archive—also Hadrianic in date, as it happens—contains two similar complaints against the guardians of an orphan (*P.Yadin* 14f). There, too, the mother of the orphan asks that the child be maintained in a manner "commensurate with the style of life that befits him."

In Case No. 12 (36.15–48; not in the short version) a father of sons who have been selected for military service asks to be allowed to look after them lest their inexperience lead them to do something παρὰ τὸ καθῆκον, *extra ordinem.* He is prepared to go even as their servant. Hadrian, apparently touched by such devotion, rules: "May the gods forbid that I make you subservient to your sons ... You shall be their centurion." This episode smacks more of drama than of history; like Case No. 13, already reviewed, it provides an instance of Hadrian's human qualities as a benevolent ruler. Yet it could have happened: the emperor surely did not lack the authority to make such appointments.

This rapid survey points, I think, to the following assessment of *Hadriani Sententiae.* If authentic, they have suffered severe textual corruption. If rhetorical invention, they neverthless incorporate authentic elements, both formal and substantive. Enough has been said here, I think, to illustrate the kinds of problems that this puzzling document poses. Enough has been said, I hope, to convince the reader that those problems deserve to be addressed rather than ignored.

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The demise of the Demotic document: when and why

The decline of the Demotic business document after the Roman annexation of Egypt is attributed to the legal and administrative exclusivity of Greek under the new regime.

PUBLISHED papyrus documents written in the Demotic script[1] number more than 600 from the Ptolemaic period, but from the Roman period, even including Greek documents with brief Demotic notations or signatures, fewer than 60.[2] A discrepancy of such magnitude—it is even greater when we add on unpublished material[3]—is not likely to be accounted for by the hazard of the finds, the more so as:

(1) the Demotic inscriptions at Philae continue to AD 452;

(2) non-literary Demotic ostraca, while most numerous in the first century, are found as late as 232/3;[4] and

(3) the production of literary, religious and scientific texts continued unabated (and may even have increased) well into the third century, most notably in Upper Egypt.

In other words, the Egyptian language and culture survived without interruption in the subclass, i.e. the native masses, of Roman Egypt. But after less than a century of Roman rule it is clear that contracts written in or containing Demotic have become a thing of the past. After AD 50 only fifteen relevant papyri can be cited, and of those, eight are Greek documents with one to three lines of Demotic (identified as signatures in three instances; the rest remain untranslated) written at the foot of the Greek text. The latest securely dated document of this latter type is P. Teb. II 313 = W. *Chr.* 86, of AD 210/1.[5] The latest documents written entirely in Demotic are P. Tebt. Botti 2 and 3, contracts dated in AD 130 and 175/6, respectively. Not surprisingly, most of the latest Demotic documents, and even of the Greek documents with Demotic notations, stem from an Egyptian priestly milieu.[6]

[1] Willy Clarysse and Janet H. Johnson answered some of my questions about Demotic studies, *terra mihi incognita*. Roger S. Bagnall and Robert K. Ritner generously provided both information and detailed criticism of the first version of this paper. In recording here my thanks for their help, I remind the reader that what I have done with their help is my own doing, not theirs.

[2] For the statistical data presented in this and the next paragraph the principal resource remains P. W. Pestman, *Chronologie égyptienne d'après les textes démotiques* (= P. Lugd. Bat. XV, 1965); I have added P. Brem. 32 and counted as two the discrete documents of BGU III 910. The Ptolemaic-Roman ratio is not materially altered by the Demotic papyri published since 1965; of Roman date I have found only the four Berlin papyri published by K.-T. Zauzich, *Enchoria* 1 (1971), 29–42 and 2 (1972) 65–84.

[3] For example, as W. Clarysse observes, *CdE* 63 (1988), 140 n. 1, '... la publication des documents démotiques provenant du Fayoum est à peine entamée... Les papyrus Petrie grecs par exemple ont été publiés presque intégralement entre 1899 et 1905, tandis que les textes démotiques sont conservés depuis le début de ce siècle dans l'Ashmolean Museum à Oxford sans que personne ne les ait jamais regardés de près'. According to A. E. Samuel, quoting R. J. Williams, 'The Demotic corpus of the Ptolemaic period may approach the size of the Greek corpus... Newly excavated material is in the process of publication, and the numbers of texts in collections vastly exceeds those already published' (*From Athens to Alexandria* (Studia Hellenistica XXVI; Louvain, 1983), 109 and n. 130).

[4] It is noteworthy that as early as 2 BC Demotic ostraca begin to show some names or notations written in Latin or Greek. On Demotic ostraca, some with such notations, see most recently K.-T. Zauzich, *Enchoria* 12 (1984), 67–90; K. A. Worp, *ZPE* 80 (1990), 243–56. The ostraca published by Zauzich are reprinted as SB XVIII 13565–75; see also 13607, 13630 and 13794.

[5] There may be two fourth-century examples, SB VI 4436 *m* and *n*, but see the doubts expressed by R. S. Bagnall, *Enchoria* 8 (1978), 148 n. 21. Pestman, op. cit. (above, n. 2), omits these.

[6] 'From the Ptolemaic period onward (and probably much earlier) most property contracts (like property ownership) were confined to members of the native elite, whose wealth derived from accumulated positions within the various temple hierarchies. Virtually all wealthy families in Egypt had (multiple) priestly connections, and there was no distinction between "lay" and "priestly" upper and middle classes. Lower classes were illiterate, without property, and had little need for documents' (Robert K. Ritner, *per epist.* 12 April 1992).

The ineluctable fact, then, is that Demotic papyrus documents dwindle and eventually disappear altogether after the advent of Roman rule. But there is no consensus on why that happened when it did; indeed, the question of causality has rarely been addressed (cf. below, p. 281). Obviously, the practice ended when, or because, it ceased to serve a useful purpose; but that truism does not explain why it ceased to have a useful function.

Papyrologists concerned with Greek documents have traditionally viewed the disappearance of Demotic as a case of 'a largely non-alphabetic system, difficult to acquire and confined almost exclusively to priests and professional scribes, [being] allowed to slip into the oblivion toward which it had been headed for a long time'.[7] Accuracy aside,[8] this 'explanation' does not touch on etiology, unless it be implied in the reference to the nature of the script and to its professional associations. But that combination of factors had for centuries actually fostered the use of Demotic. Why did the Demotic business document, alone of the spectrum of uses of the script, lose its élan in the first century of Roman rule?

Another aspect of the change was recently remarked on by W. J. Tait: 'By the second century after Christ, the [Greek] reed pen has completely replaced the [Egyptian] rush, and is even employed for hieratic and hieroglyphic texts. At the same time, we see major modifications in the demotic script... The original cause of this may have been the decline of the professional demotic scribe, as Greek became more and more the language and script for purposes of daily life'.[9] The observation is keen and apt. But, again, this observation does not answer the underlying question: what causes, or circumstances, led to Greek so completely usurping the field?

The following pages will marshal evidence from Greek papyri and inscriptions to support the proposition that Egyptians stopped writing their business documents in Demotic because the Roman reorganization of the administration of Egypt denied such documents the recognition, or status, they had previously enjoyed. In other words, Demotic documentation was a victim, or casualty, of the Roman annexation of Egypt. Or, to put it in homelier language, the Demotic document did not just wither and fade with age, it was starved to death.

It will be up to Demotists to say whether evidence can be found in Egyptian texts to support this hypothesis. The evidence that I find in the Greek documents is, to be sure, largely inferential. But it is also cumulative, and the totality is replete with clamorous silences that cannot simply be dismissed as accidental. They bespeak a governmental policy, not of persecution or active repression (the evidence contains no 'smoking gun'), but of indifference or neglect.

The Greek evidence can be subsumed under several headings.

1. *Public pronouncements*

Starting with the discovery of the Rosetta Stone in 1799 and continuing to the present, finds of inscriptions and papyri of Ptolemaic date have revealed more than a dozen documents that are either (1) policy decisions by rulers and high officials concluding with an order that they be inscribed for public display in Greek and Demotic characters: *τοῖς Ἑλληνικοῖς καὶ ἐγχωρίοις* (or *Αἰγυπτίοις*) *γράμμασιν*, or (2), marked * in the Table below, resolutions by priestly synods

[7] H. C. Youtie, *ZPE* 17 (1975), 203.

[8] "The difficulty of Demotic is perhaps much overstressed; for the trained reader it is a quick and serviceable script. I find ligatured Greek paleography far more distressing and infinitely slower to read. My eyes are trained to look for clear word divisions and sense markers (determinatives)—all lacking in Greek. The continued success of Chinese, Japanese, etc. shows that there is no inherent superiority in alphabetic scripts. Further, Egyptian literacy had always been confined to the "priests and professional scribes"; Demotic literacy is no exception and represents no retrenchment in terms of class. Most importantly, the assessment that Demotic had been headed into oblivion "for a long time" is an argument incorrectly based on hindsight. Youtie presumes that because Demotic died out, it must have been headed in that direction all along. Your own conclusions show the dynamic nature of Demotic throughout the Ptolemaic Period followed by the abrupt change in documentary Demotic in the Roman Period. This does not suggest an inevitable, logical development but precisely the opposite. Had Roman policy not intervened, there is no reason why Demotic should not have continued. Indeed, it did continue in literary, religious and scientific fields among the same individuals who had previously used it for contracts' (Robert K. Ritner: see above, n. 6).

[9] *Proc. XVIII* [1986] *Int. Congr. Papyrology* (Athens, 1988), II, 481.

BC	Greek document (S = SEG XVIII)	Also known as the
259	P. Rev. Laws = W. *Chr.* 258, ix	
247–221	*S 630	
c. 245	*S 628, 629, *JEA* 70 (1984) 150	
238	*OGIS I 56 = SB V 8858 = S 631 + a,b	Canopus decree
221–203	*S 632	
217	*S 633 = SB III 7172	Raphia decree
196	*OGIS I 90 = SB V 8299 + S 634	Memphis decree; Rosetta Stone; later reissues = Philae I, II
165	PUG III 92	
100	P. Yale I 56 = C. Ord. Ptol. 90–1	
99	UPZ I 108	
95	IGFay III 152 = SB III 7259 = SEG VIII 466	
42	OGIS I 194	
41	SB IV 7337 = C. Ord. Ptol. 75	

that were, or are assumed by analogy to have been, inscribed in hieroglyphics (*ιεροις γράμμασιν*), Demotic and Greek, in that sequence.[10]

The question arises whether there should be included in this list the trilingual inscription—hieroglyphic, Latin and Greek—displayed on a temple wall at Philae in 30 BC by Cornelius Gallus, the first Roman prefect of Egypt.[11] I omit it for the following reasons. While it resembles the documents of the Table in form, its content and purpose are very different. Gallus' vainglorious and hyperbolic recitation of his military and political exploits is not a proclamation of policies or decisions. It is but a prelude to the dedicatory purpose expressed in the final words of the inscription. Also dedicatory or religious in nature are a few bi- and trilingual inscriptions and graffiti, extant in whole or in fragmentary condition, dating from Augustus at least to Vespasian. All through the Principate the emperors continued the traditional associations with the Egyptian temples in their role of successors to the Pharaohs, but there is no bi- or trilingual inscription or papyrus of Roman date that is comparable in nature or content to the documents of the above Table.[12]

A glance at the Table suffices to show that the practice of including Demotic versions in public displays of important pronouncements began early in and continued all through the Ptolemaic period. No such publicity in the Egyptian language is found in the Roman period. In theory, of course, that kind of silence of the sources may be shattered at any time by a new find. In the present case, however, after nearly two centuries of accumulating documentation, that theoretical

[10] In addition to the principal (best preserved) text cited in the Table, fragments have been found of other copies or later reissues of Canopus, Raphia and Memphis: see F. Daumas, in *Textes et langages de l'Egypte pharaonique: hommage à Jean-François Champollion*, III (BdE 74/3; Cairo, 1974), 41–5; additional bibliography is given by W. J. Tait, *JEA* 70 (1984), 150 n. 1.

[11] OGIS II 654 = IGPhilae II 128. Gallus' aping of Ptolemaic royalty, exemplified by this inscription, may have been a, or even the prime, reason for his recall to Rome and subsequent suicide. There is no need (fortunately) to enter here into this recurrent debate, condemned in any case to futility by inadequate evidence.

[12] The inscriptions of Roman date are tabulated in F. Daumas, *Les Moyens d'expression du grec et de l'égyptien* (Cairo, 1952), 274 (only one may be as late as the second century, if the date assigned to it by its editor is correct). Those issued under Augustus are discussed, most recently, by A. K. Bowman and D. Rathbone, *JRS* 82 (1992), 107–27. On the Roman emperor as Pharaoh see, e.g., N. Lewis, *Life in Egypt under Roman Rule* (Oxford, 1983), 233; Bowman, *Egypt after the Pharaohs* (London, 1986), 36, 38, 170.

possibility has surely approached the vanishing point. The Ptolemaic-Roman contrast is too striking, one might almost say too absolute, to be dismissed as merely the result of chance.

2. *Registration facilities*

Presumably already under Ptolemy I, certainly from the time of Ptolemy II on, private contracts written in Demotic could be registered in official archives. In exchange for the fee charged for that service, the parties to the contract received what amounted to a certification of authenticity. A royal decree (*πρόσταγμα*), probably of 146 BC, emphasized that 'unrecorded Demotic contracts are invalid'. Scholars have differed on just what that laconic precept implies. The prevailing view is that only Demotic documents registered in the archives had legal standing; in other words, registration was not obligatory but was patently advantageous, *a fortiori* for documents recording important transactions.[13]

Above and beyond such details, the essential fact is that the Ptolemies accorded Demotic documents the same status, recognition and validity that Greek documents enjoyed. The offices that served as registries of documents in the Roman period—the *βιβλιοθήκη ἐγκτήσεων*, and the others[14]—all operated only in Greek.[15] This would, quite obviously, cause increasing numbers of Egyptians to switch their business from Demotic to Greek scribes.

3. *Lawcourts*

One of the obvious advantages of registering a document in official archives was its automatic authentication in the event of a lawsuit.

Ptolemaic Egypt maintained separate courts for Egyptian and Greek lawsuits. The venue in any given civil suit was determined according to a principle enunciated (or reaffirmed) in a royal decree of 118 BC:

[13] The decree is referred to in a by now famous decree of 117 BC, UPZ II 162 (=C. Ord. Ptol. 71) iv. 13–15: *προστάγματος ἀντίγραφον περὶ τοῦ μὴ ἀναγεγραμμένα Αἰγύπτια συναλλάγματα ἄκυρα εἶναι*. U. Wilcken's assignment of the cited decree to 146 BC remains generally accepted: cf., e.g., H. J. Wolff, *Das Recht der griechischen Papyri Aegyptens*, II (=Handb. d. Altertumswiss. X.5.2; Munich, 1978), 38–9, 169. Still useful, and eminently readable, is the examination of the implications by C. Préaux, *L'Economie royale des Lagides* (Brussels, 1939), 320–4.

[14] Did the scribal bureau (*γραφεῖον*) of the village or metropolis also serve as a registry? When A. E. R. Boak published the *grapheion* records of Tebtynis he concluded that they did: cf. P. Mich. II, pp. 2–3. This long remained the accepted view: cf. Wolff, op. cit. (above, n. 13), 51, 54; W. E. H. Cockle, *JEA* 70 (1984), 110–12, with bibliography. However, in her recent study of 'Archives locales et archives centrales en Egypte romaine', *Chiron* 20 (1990), 191–216, F. Burkhalter points out that the evidence is at best ambiguous: see esp. 198 n. 26.

[15] '...communications addressed by Roman officialdom to the people of Egypt were always in Greek, as were petitions, declarations, complaints, land registers, tax registers... Those are literate who are able to write Greek, those who are illiterate are not able to write Greek. These labels take no such account of any similar accomplishments in Egyptian.' This succinct summary is by H. C. Youtie, *Harvard Stud. Class. Phil.* 75 (1971), 162. In similar vein, more recently, A. E. Hanson: 'The judgment that a man or a woman was semiliterate...was also made 'on the basis of their ability to write Greek' (*Literacy in the Roman World* (JRA Suppl. Series 3; Ann Arbor, 1991), 164, with bibliography).

In the case of the Greek translations of Demotic documents of Augustan date (below, no. 3), the notation of registration clearly applies to the Greek version. There was no registry for Demotic documents.

Six Demotic documents were found with the records of the Tebtynis *grapheion*: P. Mich. V 249, 250, 253, 308, 342, 347. Also, one of the records includes two payments to two men for writing Demotic: P. Mich. II 123 verso ii. 25 and ix. 28. Boak understood those entries to mean that 'there were clerks employed at the grapheion, including...others able to write Egyptian' (ibid., p. 4). In reality, the implication of the record is just the reverse, because P. Mich. 123 verso is a list, some 380 lines long, of moneys paid out for goods and services that the *grapheion* needed from outside sources. In other words, the *grapheion* did not serve the public to the extent of including in its staff writers of the Egyptian language. The above payments to the Demotic writers are 1 obol (the cost, also, of a loaf of bread) and 7 obols (for writing seven documents?).

I am indebted to Ann E. Hanson for checking details of the *grapheion* records at the University of Michigan.

They have likewise decreed with regard to lawsuits in which Egyptians and Greeks are opposed, that is, suits brought by Greeks against Egyptians or by Egyptians against Greeks...that Egyptians who have entered into contracts with Greeks in the Greek language shall sue and be sued before the *chrematistai* [Greek circuit-judges], but those who, even though enjoying Greek status, have entered into contracts written in the Egyptian language [Demotic] shall be sued before the *laokritai* ['people's judges'] in accordance with the law of the country.[16]

A sidelight on the operation of this principle is shed by a group of Greek documents captioned *ἀντίγραφον συγγραφῆς* (*aut sim.*) *Αἰγυπτίας μεθηρμηνευμένης κατὰ τὸ δυνατόν*.[17] The extant examples date from 146 BC to AD 11.[18] As early as 1909 P. M. Meyer understood that these translations were made so that the documents could be introduced in evidence before Greek-speaking judges, and U. Wilcken twice took the occasion to emphasize the point.[19]

The Roman administration of Egypt abolished that bipartite organization of the judiciary; it is surely no accident that there is no mention of the courts of the *laokritai* in any source of Roman date.[20] Presented with arguments from different legal traditions,[21] the courts nevertheless, like other organs of government, operated exclusively in Greek, the *lingua franca* in which the Roman government dealt with the (to it) unintelligible peoples of its eastern provinces.

4. *P. Oxy. XLVI 3285*

This by now famous document, published in 1978, is part of a Greek translation of what was at first called 'The Demotic Legal Code of Hermopolis West'.[22] With greater precision achieved through subsequent analyses by several scholars, the original is now seen to have been not a code but a vademecum, 'un coutumier sacerdotal démotique', that is, one of a number of Demotic collections which 'fournissaient aux juges et aux notaires des recettes pratiques pour la rédaction d'actes juridiques et des sentences; pour les cas rares ou controversés, ils indiquaient la meilleure solution à adopter'.[23]

The possible relevance of P. Oxy. 3285 to the subject of the present paper resides in its date. It is now generally agreed that the Greek version of the Demotic law-book(s) was produced, like the Septuagint, in the time of (and doubtless by order of) Ptolemy II. The utility, not to say necessity, of such a translation in the bipartite court system of the Ptolemies (above, no. 3) is obvious.

P. Oxy. 3285 is written 'in a careful documentary hand' on the back of previously used and discarded papyrus; this suggests that 3285 is a private (lawyer's?) rather than an official copy. The

[16] The royal decree is P. Teb. I 5 = C. Ord. Ptol. 53, lines 207–17. Much discussed in the literature since its initial publication in 1902, this legislation finds its definitive elucidation in the paper of J. Modrzejewski, in *Le Monde grec: hommages à Claire Préaux* (Brussels, 1975), 699–708 (interpretation endorsed and incorporated by C. Préaux, *Le Monde hellénistique* (Paris, 1978), 596; N. Lewis, *Greeks in Ptolemaic Egypt* (Oxford, 1986), 171). *Inter alia*, he interprets this legislation as benefiting the native population, enhancing the legal recognition of their Demotic contracts by prohibiting the *chrematistai* from expanding their jurisdiction into that area.

[17] List in CPR XV 1.1n. In some instances the Demotic original is also extant. The restoration *κατὰ δύ[ναμιν* in UPZ II 175a.2, contrary to both formula and idiom, is surely but an oversight for *δυ[νατόν*, or, *à la rigueur*, ⟨*τὸ*⟩ *δυ[νατόν*.

[18] There are references in P. Giss. I 36 (135 BC). 18–24 to contracts, not further identified, of 165–161 BC.

[19] P. Giss. Lii, 4 (similarly Jur. Pap., p. 82); UPZ I (1927), 602, II (1957), 129: '...die griechischen Gerichte den begreiflichen Anspruch erhoben, dass demotische Urkunden ihnen in griechischen Uebersetzungen vorgelegt wurden'. G. M. Savorelli concurs, CPR XV 1.1n.

[20] Wolff, in a rare lapse from his inveterate caution, declares that 'das...Gericht der Laokriten...im 2. Jh. v. Chr. ... zu funktionieren aufgehört hat' (op. cit. 170). It is the latest known reference to the courts of the *laokritai* that dates from the late second century BC (UPZ II 162 = M. Chr. 34 = Jur. Pap. 80 or P. Ryl. IV 572). The great likelihood is that those courts continued to function in the first century BC, but did not survive the advent of Roman rule.

[21] See J. Modrzejewski, 'La règle de droit dans l'Egypte romaine', *Proc. XII* [1968] *Int. Congr. Papyrology* (= *Am. Stud. Pap.* 10, 1970), 317–77.

[22] G. Mattha and G. R. Hughes, *The Demotic Legal Code of Hermopolis West* (B d'E 45; Cairo, 1975).

[23] The quotations are from the excellent *mise au point*, with bibliography, by J. Mélèze-Modrzejewski, *Proc. XVIII* [1986] *Int. Congr. Papyrology* II, 383–5.

editor, John Rea, makes the case for dating this copy in the second half of the second century AD.[24] That is precisely the time when contracts written in Demotic disappear completely from the extant documentation. It surely does not strain the imagination to see that disappearance as the motivation for the continuing production of copies of Greek versions of Demotic law manuals: Egyptians continued to document transactions in the traditional way, except that those documents were now indited in Greek, and consequently judges and lawyers needed, now more than ever, to have access to Egyptian legal principles and practices in the language in which they now operated.

5. *Perspective*

In conclusion, it may not be otiose to recall that the demise of the Demotic document was not an isolated phenomenon. It was related directly to, or congruent with, other aspects of the Roman governance of Egypt. There was, overall, the widespread Roman disdain of the Egyptians and their 'barbaric' ways—a set of attitudes that continued in a direct line from Octavian's venomous anti-Cleopatra propaganda.[25] Then, too, as has been emphasized increasingly in the papyrological literature of recent decades, there were fundamental administrative changes, wherein Rome broke, usually to the detriment of the native population, with pre-existing Ptolemaic practices.[26] Roger Bagnall sees particular relevance in the Romans' decreased funding of the native temples, a policy which shrank the independent power and influence of the Egyptian priesthoods; and they were the principal repository of Egyptian culture, including writing in the native language.[27]

With Demotic contracts deprived of the official recognition and validation that they had enjoyed under the Ptolemies, Egyptians needing to record business transactions turned perforce to the scribes who would produce the requisite papers in the officially recognized Greek. Unsurprisingly, Egyptian resentment shines forth in Demotic writings of other kinds. Just as that segment of the population which, under the Ptolemies, had enjoyed the ethnic cachet of 'Hellenes', but now *déclassés* under Roman rule,[28] found a vicarious vengeance in the creation of a tendentious, anti-imperial literature,[29] so too among the Egyptians there was a 'change in attitude in the so-called prophetic or apocalyptic literature (from anti-anyone who doesn't do things in the proper [i.e. Egyptian] fashion to anti-Rome as such)'.[30]

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[24] P. Oxy. XLVI, p. 31.

[25] Roman disdain for the 'effeminate' ways of Ptolemaic Egypt, and especially of its royal court, began long before Octavian, but it was he who introduced the exacerbated note of pure hatred. The best known example is no doubt Juvenal's Satire 15, its 174 hexameter verses describing how in 'demented Egypt' the absurd animal-worshipping religion engendered internecine savagery that did not stop short of cannibalism. (Egyptian also is Juvenal's personal *bête noire*, Crispinus: 1.27, 4.24.) Even the more level-headed Tacitus dispenses the common stereotypes when he speaks of Egypt as 'a province difficult of access, prolific in grain, contentious and mercurial because of superstition and license, knowing no restraints of laws, having no experience of magistrates' (*Hist.* 1.11).

[26] See, notably, G. Geraci, *Genesi della provincia Romana d'Egitto* (Bologna, 1983); id., in L. Criscuolo and G. Geraci (eds), *Egitto e storia antica dell'ellenismo all'età araba* (Bologna, 1989), 55–88, a complete historical survey of the changing interpretations in modern scholarship, with exhaustive bibliography. M. Amelotti's paper in *JJP* 20 (1990), 19–24, entitled 'L'Egitto augusteo tra novità e continuità', purports to be a revision of Geraci's *Genesi della provincia Romana* but is in reality only a nuance: his emphasis on 'il pragmatismo Romano' accords with the consensus that the Roman reorganization of Egypt preserved and continued Ptolemaic elements found to be congenial. To the bibliography add now A. K. Bowman and D. Rathbone, *JRS* 82 (1992), 107–27.

[27] See Bagnall, *Ktema* 13 (1988), 285–96, and *Egypt in Late Antiquity* (Princeton, 1993). For the restriction of the temples' authority and independence early in the Roman period, see, for instance, Lewis, *Life in Egypt under Roman Rule*, 91–2.

[28] *Macedones... in... Aegyptios degenerarunt*, as Livy remarks (38.17) in another context.

[29] The standard work is H. A. Musurillo, *The Acts of the Pagan Martyrs* (Oxford, 1954).

[30] Janet H. Johnson, *per epist.* 3 March 1992.

A Reversal of a Tax Policy in Roman Egypt

Naphtali Lewis

A BRIEF NOTATION in a lengthy, recently-published papyrus roll, when juxtaposed with data available for half a century and more, documents an unprecedented reversal of governmental tax-collection policy from collective to individual responsibility.

I. The Old Evidence

In non-nomadic societies the basic human impulse is to stay put; but when conditions become intolerable, flight remains a last resort. The advent of Ptolemaic rule in Egypt imposed, among other things, a monetized economy upon a countryside still rooted in barter. When that fundamental contradiction presented them with situations beyond their ability to understand or cope, Egyptian peasants and workmen would down tools and take to their heels.[1] Usually they would make for a nearby temple, where they could find asylum while awaiting a resolution of the difficulty.

That counsel of despair, flight, continued to play its rôle under Roman rule, but with a significant difference. Under the Ptolemies the flight from the job was in the nature of a strike, with the workmen waiting to negotiate a return to work; in the Roman period the flight was often a final solution: the fugitives would leave home with no hope or expectation of an early, or even eventual, return. This radical change resulted principally from the pressures of taxes and liturgies, which were applied more ineluctably under the Roman than under the feebler regime that preceded the Roman annexation of Egypt.

Unauthorized removal from one's *idia*, or registered place of abode, resulted automatically in outlawry. Such flight was

[1] For a case study see the brilliant analysis of *PSI* V 512 by J. Bingen, Proc.Congr. XII (=*Am.Stud.Pap.* 12 [1970]) 35–40.

termed ἀναχώρησις. The image from the underlying verb (ἀναχωρέω) is that of "going up" into the hills flanking the Nile valley. From those hideouts the fugitives lived by banditry, raiding populated places in the countryside for food and other loot. A certain number—we have, of course, no statistics—made their way to the cities, looking to disappear into the protective anonymity of the urban melting-pot and eke out at least a marginal subsistence there.[2]

Missing persons meant unpaid taxes, anathema to the Roman administration but grudgingly and temporarily accepted in times of crisis. One such instance occurred in the last years of Claudius and the first years of Nero. For reasons not stated in the documents,[3] the village of Philadelphia in the Arsinoite nome (the area of the present-day Fayum southwest of Cairo) suffered a loss through ἀναχώρησις of more than ten per cent of its adult male population. Among the documents relating to these developments is one in which a group of poll-tax farmers petitions the prefect of Egypt for a reduction of their contractual obligation because

> from their previously populous condition the aforesaid villages have been reduced to small numbers through some men having fled leaving no property and others having died leaving no next-of-kin, and therefore we are faced with the danger of having to abandon our collectorships because of lack of resources.[4]

[2] *E.g.* Caracalla's edict of 215, *P.Giss.* 40 ii (*Sel.Pap.* 215), ordered the expulsion of "countryside folk who have fled to Alexandria from other parts." Such evidence led A. C. Johnson, *Roman Egypt* (=T. Frank, ed., *An Economic Survey of Ancient Rome* II [Baltimore 1936]) 354 (similarly vi, 250), following the lead of E. Bickermann, *Gnomon* 3 (1927) 671–75, to the view that those flights were merely "part of an urban movement to join in the industrial activity of Alexandria, where life was more varied and less precarious than in the rural sections." While the city undoubtedly had its attraction for some of the country-dwellers, the overwhelming evidence of the papyri clearly defines ἀναχώρησις as essentially resulting from economic ruin or distress (*cf.* Fraser 16 *infra*). People reduced to that condition were termed *exasthenesantes*, on which see *P. Thmouis* 1 p.29.

[3] In the absence of evidence all suggestions must remain conjectural. For Egypt one naturally thinks first of a series of low Niles producing inadequate harvests: so *e.g.* D. Bonneau, *Le Fisc et le Nil* (Paris 1972) 236. On the depopulation of Philadelphia (which started, however, not in 45 but later: *cf. JEA* 23 [1937] 65 n.3), see *P.Mich.* X 594 introd.

[4] *P.Graux* 2 (*SB* IV 7462; *Sel.Pap.* 281).

The prefect's reply is not preserved, but there is every reason to suppose that he granted the abatement as a *pis aller*. We do know that he proclaimed a partial tax forgiveness that induced forty-seven of the 152 missing men to return home.[5]

Other papyri tell us of two such *philanthropa* under Hadrian. The first, occasioned presumably by the ravages of the Jewish revolt of 115–117, was a sizable reduction of the tax in kind to be paid by tenants of public and imperial lands; for example, one carefully detailed document shows reductions on different parcels of some fifty to eighty per cent. In the second century (136) the emperor, in view of two successive years of "insufficient and incomplete" Nile floods, granted the farmers a tax moratorium of two to five years.[6]

Concessions like the above were, however, but occasional responses to occasional emergencies. Mostly the trend, even under "the Good Emperors," was in the other direction: in the case of the liturgies and of at least some taxes, the whole community constituting the local tax unit (*e.g.* the village) was made collectively responsible for the obligations of its members.[7] On present evidence it was under Trajan that an inchoate liturgic system became full blown, and it was also under Trajan that there was introduced a new tax, *merismos anakechorekoton*, which annually prorated unpaid taxes of fugitives among the taxpayers remaining in the community.[8]

In any given year the amount to be raised by the *merismos anakechorekoton* would vary, of course, with the number of delinquent fugitives. From time to time, notably in his edict ordering the taking of the fourteen-year census, the prefect of Egypt would proclaim an amnesty in order to induce the fugitives to return home.[9] Obviously many availed themselves

[5] *P.Ryl.* IV 595.133–85. On this and related documents see J. F. Oates, *Am.Stud.Pap.* 1 (1966) 87–95, with my supplementary note, *BASP* 4 (1967) 17ff.

[6] *P.Brem.* 36; *P.Oslo 78* (*SB* III 6944; *FIRA* I 81).

[7] On collective responsibility for liturgies see my *The Compulsory Public Services of Roman Egypt* (=*Pap.Flor.* XI [Florence1982]) 70, 79.

[8] Details on dates are given two paragraphs below.

[9] A good example of such an edict is *P.Lond.* III 904 (*Sel.Pap.* 220; *W.Chr.* 202), of 90 (amnesty, though not pronounced *expressis verbis*, is surely implied); see also *BGU* I 159 (*W.Chr.* 408). *BGU* II 372 (*W.Chr.* 19), a similar edict, was issued by the prefect M. Sempronius Liberalis not in a census year but in order to induce fugitives to return home after the dislocations caused by the uprising of 153/154. *P.Ryl.* II 78 (157) refers to Liberalis' edict περ[ὶ τ]ῶν ἀνακεχωρηκότω(ν). *P.Fay.* 24 (158) to his order περὶ τῶν ἐπιξένων ... ὥστε

of that opportunity to return home, and this fact is reflected in the extant receipts for the payment of the *merismos anakechorekoton*: in the year after the census proclamation the payment made by one of the remaining taxpayers was less than a tenth of what it had been the year before.[10]

The earliest attestation of the tax dates from 103 (*PSI* IX 1043), the latest from 161 (*WO* 651).[11] But the significance of those dates has remained unclear: do they reflect a historical reality or merely the accident of the finds? With respect to 161 that question can now be answered.

II. The New Evidence

Papyri are not normally preserved in the damp soil of the Nile delta. Exceptionally, Greek papyri of the second half of the second and the first half of the third centuries, preserved because they were carbonized in the destruction of their repositories, have been found at two sites, mostly by clandestine diggers—which means, of course, that the finds were sold to various buyers through the antiquities markets. Fragments, more than 5,000 in number, from some three dozen rolls from the archives of the nome-capital Boubastos are today principally in the collections of Cologne and Vienna, with some 200 in Athens and some fifty at Duke University; found in the 1960s, they have recently begun to be published. The fragments from the archives of ancient Thmouis, capital in Roman times of the Mendesian nome, found between 1892 and 1906, are divided almost equally between Florence and Paris, with a few in Berlin, Geneva, and Manchester; some dozen of those fragments were published between 1903 and 1917.[12]

αὐτοὺς εἰς τὴν ἰδίαν ἀνέρχεσθαι. It is a pity that we cannot know more of the attendant circumstances of a letter writer's remark in *P.Oxy.* XIV 1668.17–21, ὁ ἡγεμὼν ἀμνησίαν ἔπεμψεν ἐνθάδε, καὶ οὐκέτι φόβος οὐδὲ εἷς ἔνει. ἐὰν οὖν θέλεις, ἴσελθε καταφρονῶν.

[10] *WO* 627, 631; *cf. JEA* 23 (1937) 73.

[11] Some three dozen receipts for the payment of this tax are extant: to H. Braunert's list (*JJP* 9–10 [1955–56] 281) add *SB* VI 9604, nos. 18–20 (*pace* the ed. pr. of Müller, see Excursus 2 below).

[12] These are listed in S. Kambitsis, ed., *Le Papyrus Thmouis 1, colonnes 68–160* (=*Publications de la Sorbonne, Sér. "Papyrologie"* III [Paris 1985]: hereafter 'Kambitsis') 2. *P.Bub.* I (=*Pap.Colon.* 15) was published in 1990.

The new evidence on the *merismos anakechorekoton* is found in *P.Thmouis* 1, published with exhaustive commentary and awesome mastery of its myriad details by Sophie Kambitsis, who devoted twelve years of assiduous effort to the decipherment, sequential arrangement, and elucidation of 109 fragments[13] that are anything but easy to read. Her edition includes columns 68–160 of the original roll; columns 10–67 and 161–77, as yet unpublished, are in Florence.

(a) *The Policy Change.* The matter that concerns us first appears at col. 70, line 16–col. 71, line 10. In a village that

> had now fallen from 150 men to only forty-five men, of whom thirty-four had fled because impoverished and only eleven remained, the village clerk [*komogrammateus*] took off the books the amount of unpaid taxes levied on the fugitives; and he further stated that Annius Syriacus, the then prefect [of Egypt], when he conducted his *conventus* for the nome in year 3 [=162/163], decided in similar cases that those who remained should pay [only] the amount levied on themselves.[14]

That decision of the prefect is referred to twice again in *P.Thmouis* 1. At 124.18–125.2 we read of two villages, that, "formerly populous, have now fallen to only fourteen men, of whom ten have fled and only four remain behind, and the amount of tax applicable to them must be collected in accordance with the decision in year 3 by Syriacus of excellent memory." And at 152.13–153.4 we read of another *komogrammateus* who reported that with regard to certain taxes deferred [by his predecesor as prefect] "Annius Syriacus, in the *conventus* that he conducted for the nome in year 3, subscribed as follows: '[Those remaining] are to pay the amount of tax levied upon them, and the others are to pay the rest whenever they return

[13] Thirty-three of them in Florence, the rest in Paris (see Kambitsis).

[14] 70.16–71.10: ἀπὸ ἀνδρῶν] ρ̄ν̄ ... νῦν εἰς μόνους κα[τηντηκέναι] ᾱγδ(ρας) μ̄ε̄, ἀφ' ὧν τοὺς [μὲν λδ ἐξασ]θενήσαντας ἀνακεχω(ρηκέναι) [μόνους δὲ ῑᾱ συν]εστάσθαι, ἐκού[φισεν τὸ ἐπιβάλ(λον) τοῖς ἀνακε]χω(ρήκασι) καὶ προσέθηκεν Ἄννιον Συριακὸν τὸν ἡγεμονεύ[σ]αντα ἐφ' ὁμοίων κεκρικέναι τῷ [γ] (ἔτει). ὅτε τὸν νομ(ὸν) διελογίζετο, τοὺς συμμένοντ(ας) τὸ ἐπιβάλ(λον) αὐτοῖς τελεῖν.

home'."[15] In all these instances the references are to several taxes, none of which is a *merismos*.

Though those three reports of Syriacus' decision are somewhat differently worded, their sense is the same, their import unmistakable: with that decision, made in response to a crisis of depopulation, the remaining taxpayers were required to pay only their own taxes; they ceased to be collectively liable for the taxes of the village's fugitives; the taxes of the latter were taken off the books of current receivables and classified as amounts to be collected from individual fugitives when (or if) they returned home.

At 77.10–78.16 the effect of Syriacus' ruling is recorded in detail with respect to the village of Psenathre in the Ptenchat toparchy:

> The *komogrammateus* reported that in year 16 of the deified Hadrian [=131/132] the number of men in the village registered in the census was 319, but now the number of poll-tax-paying men has fallen to only ten, of whom eight have fled because, he says, being few they can not pay the whole [village assessment of 432 dr. 3 ob. 3 ch.].... Of that sum the *komogrammateus* reported that there was due to be collected from the two men remaining 9 dr. 4 ob. (for, he says, at the time when it was first settled that the aforesaid sums be paid, there was levied on each man 4 dr. 5 ob.), and he took off the books the balance of 422 dr. 5 ob. 3 ch. of silver.[16]

Without the explanatory information a similar calculation for another village appears at 126.6–127.2.

[15] 124.18–125.2: πάλαι πολυάνδρους οὔσας νῦν εἰς μόνους ἰδ̣ κατηντηκέναι, ἐξ ὧν ἀνακεχωρηκ(έναι) ἄνδ(ρας) ῑ ὑπολείπεσθαι δὲ μόνους δ, ὧν τὸ αἱροῦν ὀφείλ(ειν) πραχθ(ῆναι) ἀκολούθως τ̣[οῖς] κ[ριθ(εῖσι) τῷ ῡ (ἔτει) ὑπὸ] τοῦ ἀρίστης μνή[μης Συρι]ακοῦ. The Greek text of 152.13–153.4 is at n.29 below.

[16] 77.10–78.16: ὁ κωμογρα(μματεὺς) ἐδήλ(ωσεν) εἶναι τῷ ις (ἔτει) [θεοῦ Ἀδ]ριανοῦ τοὺς ἐπ' αὐτῆς ἀνα[γραφομέ]νους ἄνδρας ῑῑθ, νῦν δὲ [εἰς μόνο]υς κατηντηκ(έναι) ὁμολόγους ... ἄνδ(ρας) ῑ, ἀφ' ὧν ἀνα[κεχωρηκ(έναι) ἄ]νδρας ῑ διὰ τό, φησί, μὴ [δύνασθαι ὀ]λίγους ὄντας τὸ πᾶν εἰσ[φέρειν] ... ἐξ ὧν ὁ κωμογρα(μματεὺς) ἐδήλ(ωσεν) ὀφείλειν ἀπαιτεῖσθαι παρὰ τῶν συνεστώτων ἀνδρῶν β (δρ.) θϝ, τῷ γὰρ χρόνῳ, φησί, ὅτε πρώτως ἐστάθη δίδοσθαι τὰ προκείμενα κεφάλαια ἐπιβεβληκέναι ἑκάστῳ ἀνδρὶ (δρ.) δ(πεντωβ.), καὶ τὰς λοιπ(ὰς) ἐκούφισεν ἀργ(υρίου) (δρ.) υκβ(πεντωβ.)χ^τ. On ὁμολόγους see n.25 *infra*.

We can, as it happens, date Syriacus' decision to a precise month. M. Annius Syriacus was prefect of Egypt in 161–164.[17] The prefect's *conventus* for the nomes of the eastern Delta was held annually in January.[18] In year 3 (of Marcus Aurelius and Lucius Verus) that would correspond to January 163. That is when, as we learn from *P.Thmouis* 1, the Roman government gave up demanding the taxes of the fugitives from those who remained behind, and it is thus no accident that the last extant receipt for a payment of the *merismos anakechorekoton* dates from 161.

At 120.13–21 *P.Thmouis* 1 cites some *komogrammateis* of 166/167 as reporting that certain villages were completely depopulated, and that "at his *conventus* Syriacus of excellent memory had canceled such taxes."[19] Although that order (as the editor carefully notes [45]) was issued "pendant le *conventus* d'une année non indiquée," it fits hand-in-glove with, and was very likely part of, Syriacus' above-discussed ruling of January 163: where a few taxpayers remained, Syriacus ended their collective liability for the taxes of the fugitives; where no taxpayers remained—*i.e.*, where the depopulation was total—the tax cancellation was total. In all likelihood, then, this last was also part of the decision of January 163. Alternatively, it could have been a supplement, or 'follow-up', issued at the *conventus* of January 164. After that Syriacus was out of office.

As it appears in *P.Thmouis* 1, Syriacus' policy change was not promulgated in a general edict addressed to all of Egypt, but was issued in a *conventus* in response to specific crisis situations in the Mendesian nome of the Nile delta region. But, as noted above, some *komogrammateis* of that region referred to Syriacus' having made the same ruling in "similar situations," and some of those situations may have been in other nomes, *e.g.* in

[17] *Cf.* G. Bastianini, "Lista dei prefetti d'Egitto dal 30ª al 200ᵖ," *ZPE* 17 (1975) 295f, and "Lista dei prefetti d'Egitto dal 30ª al 200ᵖ. Aggiunte e correzioni," 38 (1980) 82.

[18] The annual schedule for the prefect's *conventus* in Egypt was detailed by U. Wilcken, *ArchPF* 4 (1908) 366–433, 6 (1920) 373–76, further refined by G. Foti Talamanca, *Ricerche sul processo nell' Egitto greco-romano* I (Milan 1974).

[19] 120.13–21: φήσαντες τ[ὰς] κώμας πάλαι πολυά[νδ]ρους οὔσας νῦν εἰς ὀλί-[γους ὅ]λως περιεστάσθαι [οὓς καὶ ἐ]ν ἀναχωρήσει εἶναι, [προσέθηκ]αν δὲ καὶ Συριακὸν [τὸν ἀρίστ]ης μνήμης ἐπὶ τοῦ [διαλογισμ]οῦ τὰ ὅμοια ἀπολελυ[κέναι.

Upper Egypt, whence the extant receipts for the tax run, as noted above, only to 161. In any case, there is evidence of the same or similar dispositions in another nome not many years later.

On the day corresponding to 21 February 168 the prefect Q. Baienus Blassianus wrote to a strategos in the Arsinoite nome:

> The taxes of the destitute fugitives customarily collected through a *merismos* I grant for the present to be suspended in order that those in flight may return to their homes and those still there may be able to remain.... [20] And you must ... carefully ascertain who in reality are fugitives.... For, even if a postponement of the tax collection has become necessary for the present, care must be taken so that hereafter too the indigenes are not burdened with the taxes of non-fugitives.[21]

Like Syriacus' ruling, this suspension of the *merismos* sounds like an *ad hoc* response to a particular circumstance: note especially ἀναγκαία ἐγένετο, a stock phrase in imperial and prefectorial edicts.[22] Note also the repetition of πρὸς τὸ παρόν, emphasizing the prefect's expectation that the *merismos* would be reimposed after a brief respite (ὑπέρθεσις, a term that, perhaps significantly, does not occur in *P.Thmouis* 1). Whether it was later reimposed will be discussed in Excursus 2.

(b) *The Sequel.* In the Mendesian nome, as reflected in *P.Thmouis* 1, Syriacus' policy was continued by his successors in the prefecture for about ten years. In one village,

> pursuant to his report to the then prefect Blassianus that the village had been attacked and burned already in year 7 [=166/167], the *komogrammateus* suspended the taxes due, adding that the male population in the village had fallen from a large number to only two, and they had fled. Conse-

[20] That is, they will not have the additional burden of paying the fugitives' taxes. As appears from this and the previously quoted passages, 'suspend' in this context is tantamount to 'cancel': *cf. ZPE* 38 (1980) 251f.

[21] *SB* XIV 11374: τὰ] ἐπικεφάλεια τῶν ἀνακεχωρηκότων ἀπόρων συνήθως [ἐκ μ]ερισμοῦ εἰσφερόμενα συνχωρῶι πρὸς τὸ παρὸν [ἐπ]ισκεθῆναι (l. -σχε-), ἵνα οἱ ἐν ἀναχωρήσι ὄντες ἐπανέλθωσι εἰς τὴν οἰκίαν καὶ οἱ ὄντες συμμένειν δύνονται (l. -ωνται) ... προσήκει δὲ καὶ σέ ... ἐπιμελῶς ἐξετάζε[ιν] τίνες εἰσὶ οἱ τῷ ὄντι ἀνακεχωρηκότες ... εἰ γὰρ πρὸς τὸ παρὸν ἀναγκαία ἐγένετο ὑπέρθεσις τῆς εἰσπράξεως, ἄλλου προνοηταίον (l. -έον) ἐστὶν μηδὲ ὕστερον τοὺς ἐπιχωρίους κατ[αβα]ρεῖσθαι εἰσφοραῖς τῶν οὐκ ἀνακεχωρηκότων.

[22] *E.g. SB* I 3924.10 (edict of Germanicus, 19), *Hibis* 4 (*OGIS* II 669, *IGR* I 1263.8, 19, 41 [edict of Ti. Julius Alexander, 68]).

> quently, deferral continued from then [year 8] to year 10 [=169/170].

The nome secretary adds, in excellent bureaucratese, "Accordingly, [the taxes] have been suspended [by me] for year 11, since ... no [prefectorial] decision relating to them has been made known to me."[23] Similar language follows (116.2–16, 117.3–17) with respect to two other villages. Further, several *komogrammateis* report that

> they have taken off the books the taxes of the men registered in their villages, because in former times ... the villages had been populous but now some were completely deserted while others had fallen from a large number of men to a few, the majority of whom had fled because impoverished; and they further stated that Bassaeus Rufus, *vir clarissimus*, in year 9, when he conducted his *conventus* for the nome, canceled similar taxes for other villages of the nome.[24]

That was the *conventus* of January 169. Those suspensions also continued into year 11 (=170/171).

A modification of the policy came at the *conventus* of year 13, that is in January 173. On that occasion the prefect C. Calvisius Statianus ruled, with reference to some twenty villages, that a portion of the taxes taken off the books in prior years should be restored to the tax rolls as collectible.[25] In one instance, for example, the reinstatement amounted to 128 dr. 2 ob. 4 ch. from a total of 922 dr. 1 ob. 3 ch., in another 73 dr. 2 ob. from 300 dr. 4

[23] 114.6–20: ὁ κωμογρα(μματεὺς) ... φήσας τὴν κώμ(ην) ἐφόδου ἐμπεπρῆσθαι ἔτι ἀπὸ τοῦ ζ̄ (ἔτους) ἀκολούθως τοῖς Βλασσιανῷ τῷ ἡγεμονεύσαντι γρα(φεῖσι), διέστειλεν [the taxes of year 8] προσθεὶς τοὺς ἐν αὐτῇ ἄνδρας ἀπὸ πλείονος ἀριθ(μοῦ) εἰς μόνους β̄ κατηντηκέναι, οὕσπερ ἀνακεχωρηκέναι. ἔνθεν κατ' ἀκολουθ(ίαν) αὐτοῦ ἕκτοτε μέχρι τοῦ ῑ (ἔτους) ἐπεσχέ[θη]· παρ' ὃ καὶ πρὸς τὸ ῑᾱ (ἔτος), ἐπεὶ κα[θότι] πρόκειται οὐδὲν ὡς περ[ὶ αὐτῶν] κριθὲν φανερόν μοι ἐγέν[ετο], διαστέλλεται.

[24] 76.10–77.2: κεφάλαια ... ἐν τοῖς ἐπὶ τῶν κωμῶν ἀναγραφομένοις ἀνδράσι ἐκούφισαν ἐπὶ τῷ τοῖς πάλαι χρόνοις ... τὰς κώμας πολυάνδρους εἶναι, νῦν δ[ὲ] τὰς μὲν τέλεον ἐγλελοιπέναι τὰς δ[ὲ] ἀπὸ πλείονος ἀριθμοῦ ἀνδρῶν εἰς ὀλίγους κατηντηκέναι, ἀφ' ὧν τοὺς πλείστους ἐξασθενήσαν[τας] ἀνακεχωρηκέναι, προσέθηκα[ν δὲ] Βασσαῖον Ῥοῦφον τὸν λαμπρότ[ατον] τῷ θ̄ (ἔτει), ὅτε τὸν νομὸν διελογί[ζετο], τὰ ὅμοι[α ἐπὶ] ἑτέρων κωμῶν τοῦ νομ[οῦ] ἀπολελυκέναι.

[25] *E.g.* 73.19–22: τὰς εἰς ὁμόλ(ογον) ἀποκατάστ(αθείσας) ... ὡς κριθ(είσας) ὑπὸ Στατιανοῦ ἐν ᾧ ἐποιήσατο τοῦ νομοῦ διαλογισ(μῷ) τῷ ῑγ̄ (ἔτει) [ἀ]ρ-γ(υρίου) (δραχμὰς) (numeral). For other instances see the Index Général *s.v.* ὁμόλογον (p.187); the related sense of ὁμόλογος as poll-tax payer occurs at 77.13 (quoted above n.16); *cf.* *ChrEg* 49 (1974) 162.

ob. 3 ch., in a third 780 dr. 4 ob. 6 ch. from 1883 dr. 3 ob. 1 ch.[26] In no instance does the amount reinstated exceed forty per cent of the total suspended; in one instance it is as little as six per cent.

In none of those instances is a reason stated for the prefect's decision. Kambitsis suggests (30) two possibilities: (1) the money came from the confiscation and sale of property abandoned by the fugitives; or (2) it came from fugitives who returned home, able to pay their arrears. Of these, (1) is the less likely: it is difficult to find that imputation in the Greek of the references to Statianus' ruling, and we know that many (if not most) of the fugitives left no taxable property behind.[27] Suggestion (2), while conjectural, is a priori the stronger possibility; if confirmatory evidence ever appears, it would indeed imply that by the beginning of the year 173 "la crise qui sévissait dans le nome était en train de s'atténuer."

However that may be, we can be clear about what Statianus' action was and was not. It was a reimposition—for a reason or reasons at which we can only guess—of a small fraction of the total of taxes defaulted by fugitives, taxes whose collection had been suspended by the prefects of the preceding ten years in continuation of the policy instituted by M. Annius Syriacus. In the several references to Statianus' action there is not the slightest implication that the reimposed taxes were to be collected by reactivating the *merismos anakechorekoton*. In other words, Statianus' action of January 173 was not a return to the principle of collective responsibility. In fact, the language points in exactly the opposite direction. In each instance Statianus ordered the reinstatement of a precise sum, itemized to the last chalkous. Those can only have been the amounts owed by designated individuals, presumably returning fugitives. The purpose of the *merismos anakechorekoton* was to make good the totality of the tax shortfall caused by the disappearance of the fugitives, not the small fractions of Statianus' order. In short, Statianus did not reinstate the *merismos anakechorekoton*.

[26] 73.18–22, 80.14–18, 103.3–104.4.

[27] This is freqently emphasized; *cf. e.g.* the document quoted above 2f; also *P.Oxy.* II 251, 252 (*W.Chr.* 215), 253; XXXIII 2669; *P.Mich.* X 580.

Excursus 1: Causes of the Depopulation

While ἀναχώρησις was a chronic phenomenon in Roman Egypt, there were periods when extreme distress led to extreme depopulation of the rural villages.[28] One such period has long been known to have occurred in Marcus Aurelius' early years. With *P.Thmouis* 1 we acquire a much clearer picture of those events and of their dates.

(A) *Crop Failure.* Syriacus' policy change of January 163 came after a few years of tax deferrals granted by his predecessors. This is stated quite unambiguously in *P.Thmouis* 1 at 152.12–153.18:

> The *komogrammateus* reported in year 23 [of Antoninus Pius=159/160] that [certain taxes] had to be deferred until prefectorial cognizance owing to the abandonment of one village and because in the others, formerly populous, only two men are registered in the census and they have fled. As for the deferred sums, in the *conventus* that he conducted for the nome in year 3 Annius Syriacus subscribed as follows: "[Those remaining] are to pay the amount of tax levied upon them, and the others are to pay the rest whenever they return home."[29]

The text goes on to say that the suspension of the fugitives' taxes continued to year 11 (=170/171).

It thus becomes clear that severe depopulation began in the Nile delta even before the accession of Marcus Aurelius. The cause of the depopulation in those years appears at several other places in *P.Thmouis* 1. At 109.1–9 we read of taxes suspended on a vineyard that "the *komogrammateus* reported had for the first time in year 23 of the deified Antoninus Pius become *chersos* [dry]," *i.e.*, land unproductive because beyond the

[28] Although severe, total depopulations, such as those evidenced by *P. Thmouis* 1, were the result of occasional crises, ἀναχώρησις was a chronic and endemic phenomenon that simply peaked in those crises. As characterized by Kambitsis, ἀναχώρησις was "un fait fréquent et banal" (28). See Excursus 3 below.

[29] 152.12–153.4: ὁ κωμογρα(μματεὺς) τῷ κ̄γ̄ (ἔτει) ἐδήλωσεν ὀφείλειν διασταλῆναι ἄχρι ἡγεμονικῆς διαγνώσεως διὰ τὸ τὴν μὲν ἠρημῶσθαι, ἐπεὶ δὲ τῶν ἑτέρων πάλαι πολυανθρώπων οὐσῶν μόνους β̄ ἀναγράφεσθαι, οὓς καὶ ἀνακεχω(ρηκέναι). τῶν δὲ κεφαλαίων διασταλ(έντων) Ἄννιος Συριανκός, ἐν ᾧ ἐποιήσατο τῷ γ̄ (ἔτει) τοῦ νομοῦ διαλογισ(μῷ), ὑπέγραψεν οὕτως· ... τὸ [ἐ]πιβάλλον αὐτοῖς τελεσά[τ]ωσαν, τ[ὸ] δὲ λοιπὸν οἱ ἄλλοι ὅταν ἐπανέλθωσιν.

reach of the fertilizing Nile flood.[30] That tax suspension also continued to year 11. Another such vineyard case is recorded at 110.1–11.

At 156.17–157.7 there is a statement regarding certain parcels of land normally devoted to growing cereal crops: because they were found on inspection in year 22 (=158/159) to be *chersos* the taxes on them had been likewise deferred, in most cases continuously also to year 11.

Lastly, at 108.16–20 we read: "The taxes on a vineyard ... were suspended in year 1 [160/161] of our lord Aurelius Antoninus Caesar and the deified Verus upon its becoming *chersos.*"[31] It thus seems clear that the basic—though probably not the only—cause of the depopulation in the years leading up to Syriacus' decision reversing the practice of collective tax responsibility was a series of inadequate Nile rises and consequent crop failure or insufficiency.

(B) *Plague.* Early in 166 the ravages of a plague forced Lucius Verus to abandon a victorious campaign in Parthia and return his army to its base in Syria. Perhaps in extrapolation of Ammianus Marcellinus' report (23.6.24) that the plague swept the Roman Empire spreading its contagion everywhere *ad usque Rhenum et Gallias,* most historians of the nineteenth and twentieth centuries have tended to maximize—often in purple prose—the plague's deleterious effects upon the Empire, some even depicting it as causing death and devastation so extensive that "the ancient world never recovered from the blow inflicted upon it by the plague which visited it in the reign of M. Aurelius."[32] Not many, I think, still regard that plague as such an historical watershed, but it was surely an epidemic that spread to many parts of the Empire, including Rome itself.

Did the plague penetrate Egypt? Given the proximity to Syria, one would expect that it did. But until now the only ancient source to make mention of Egypt in that connection has been an

[30] 109.1–9: παρετέθη τὸν κωμογρα(μματέα) προσπεφωνηκέναι πρώτως τῷ κ̄ϛ̄ (ἔτει) θεοῦ Αἰλίου Ἀντωνίνου τὴν ἄμπελ(ον) ... κεχερσῶσθαι ... ἔκτοτε μὲν οὖν ἐδηλώθη τὰ τελέσματα ἐπεσχῆσθαι.

[31] 108.17–20: ἀμπέλου ... τὰ τελέσματα τῷ ᾱ (ἔτει) Αὐρηλίου Ἀντωνίνου Καίσαρος τοῦ κυρίου καὶ θεοῦ Οὐήρου ἐπεσχέθη ἐπὶ τῷ κεχερσῶσθαι.

[32] The most thorough review of the ancient sources is still that of J. F. Gilliam, "The Plague under Marcus Aurelius," *AJP* 82 (1961) 225–51; but his evaluation of the papyrological evidence must now be revised in the light of *P. Thmouis* 1. The quotation is at 225, citing B. G. Niebuhr.

obscure first- or second-century historian, Crepereius Calpurnianus, and he, following his Thucydidean model, describes the plague as originating in Ethiopia and spreading thence through Egypt into Parthia, where it remained—good riddance.[33] Nearly a century ago Wilcken acutely suggested that the severe depopulation recorded in the early-published carbonized fragments (*supra* n.12) resulted from the plague. A quarter-century later, with increasing evidence of ἀναχώρησις in published papyri and none of epidemic, Wilchen retracted his suggestion; it continued, however, to be espoused by others.[34]

A passage in *P.Thmouis* 1 now tells us *expressis verbis* that the plague did indeed spread into Egypt—at least into the Delta region—and decimate the population. From 104.9–18 we learn that in year 9 (=168/169) a *komogrammateus* "took off the books [certain] taxes, declaring that most of the inhabitants of the village had been killed by the rebellious Nikochites when they attacked and burned the village, and others had died of the pestilential condition, and the rest, very few in number, had fled."[35]

(C) *Rebellion.* A brief notice in Cassius Dio (72.4.1f) is our principal literary source for the revolt of the Bucoli, who launched their attacks—even against Alexandria, if we are to credit Dio—from their hideouts in the swamps of the Nile delta. Dio appears to place the outbreak of the uprising in 172/173. *P.Thmouis* 1 now reveals that the attacks on the villages of the Delta began as early as 166/167.

[33] *FGrHist* 208 with commentary. The statement is relevant to our concern irrespective of the controversy over the historicity of Creperius Calpurnianus *et al.*, on which see *e.g.* C. P. Jones, *Culture and Society in Lucian* (Cambridge [Mass.] 1986). I thank Everett Wheeler for this reference.

[34] Notably H. Braunert, *Die Binnenwanderung* (Bonn 1964) 166; also A. E. R. Boak, "The Population of Roman and Byzantine Karanis," *Historia* 4 (1955) 250. Wilcken's retraction of his 1903 conjecture came in *ArchPF* 8 (1927) 311. For further details and bibliography see *P. Thoumis* 1, 29 n.3. Relevant and possibly relevant documents from Egypt published since Gilliam's article (*supra* n.32) have elicited a fair amount of comment, notably from G. Casanova; see, most recently, "Altre testimonianze sulla peste in Egitto. Certezze ed ipotesi," *Aegyptus* 68 (1988) 93–97 with bibliography. It should be noted that Casanova's hypotheses and reconstructions are not universally accepted.

[35] 104.9–18: ὁ αὐτὸς κωμογρα(μματεὺς) ... ἐκούφισεν φήσας τοὺς πλείστους τῶν ἀπὸ τῆς κώμης ἀνειρῆσθαι ὑπὸ τῶν ἀνοσίων Νεικωκειτῶν ἐπελθόντων τῇ κώμῃ καὶ ἐμπρησάντων αὐτήν, καὶ ἄλλους τῷ λοιμικῷ καταστήματι τετελ(ευτηκέναι), καὶ τοὺς λοιποὺς ὀλιγίστους ὄντας ἀπο(πε)φευγέναι.

P.Thmouis 1 has three references to such attacks. (1) The first, referring to 168/169, is in col. 104, quoted just above in (B) of this excursus. The identification of those "rebellious Nikochites" with the Bucoli was made by M. Manfredi citing Achilles Tatius 4.12.7f, where Nikochis is called the headquarters of the Bucoli.[36] (2) At 114.6–10 we read of a statement by a *komogrammateus* "that the village was attacked and burned already in year 7 [=166/167], as was reported to Blassianus the then prefect."[37] While the Bucoli are here not cited by name, the parallelism with the language of col. 104 and the temporal proximity leave little doubt that they were in fact the attackers. (3) At 116.2–11 we read "that of the fisherman some were killed by the rebellious Nikochites who attacked the village (as reported ... to Blassianus the then prefect) and [the number of the rest] fell to only five men, [so that the *komogrammateus*] took the share of taxes of the missing twenty-six off the books."[38] The mention of year 8 that follows, combined with the reference to a previously-rendered report to Blassianus (who was prefect in 167–168), would seem to indicate that this village, like the one of (2) above, was attacked in 166/167.[39]

Excursus 2: Is the *Merismos Anakechorekoton* in Evidence after Marcus Aurelius?

The question is really bipartite: (1) After the the suspension was the tax later reimposed? (2) Was the tax collected without interruption in some nomes *e.g.* in Upper Egypt (far from the raids of the Bucoli and, as far as we know, from the plague)?

[36] *Cf. P.Thmouis* 1.104.13n. (p.99).

[37] 114.6–10: ὁ κωμογρα(μματεὺς) ... φήσας τὴν κώμ(ην) ἐφόδου ἐμπεπρῆσθαι ἔτι ἀπὸ τοῦ ζ (ἔτους) ἀκολούθως τοῖς Βλασσιανῷ τῷ ἡγεμονεύσαντι γρα(εῖσι).

[38] 116.2–11: ὁ κωμογ[ρα(μματεὺς)], φήσας τῶν ἀμφιβολ(έων) τοὺς μὲν τε[τε]λ(ευτηκέναι) τοὺς δὲ ἀνῃρῆσθαι ὑπὸ τῶν ἀνοσείων Νικωχειτῶν ἐπελθόντ[ω]ν ... καὶ περὶ τῆς ἐφόδου [γρ]α(φῆναι) ... τῷ ἡγεμονεύσαντι Βλασσιανῷ καὶ εἰς μόνους καταντῆσ(αι) εἰς ε̄, τῶν διαφερόντων κ̄ζ̄ τὸ μέρος ἐκούφισεν.

[39] So too Kambitsis 115 *ad* 115.21–116.18. In the following year, as we learn from 99.3–11, the remnants of the population of three villages, apparently because they were suspected of having sided with or helped the rebels, "were killed ... by the military force dispatched, and the villages are now [170/171] totally deserted" (ἀνῃρῆσθαι τῷ η̄ (ἔτει) ὑπὸ τῆς πεμφθείσης στρατιωτικῆς δυνάμεως καὶ ὀλερήμους εἶναι τὰς κώμας).

The evidence on *merisomoi* in general is far from clear-cut. There are, for example, dozens of receipts for taxes called *merismoi* without any following qualifiers. S. L. Wallace long ago contemplated and rejected as unlikely the notion that those (*sc.* or some of them) might record payments for the *merismos anakechorekoton.*[40] That leaves for our consideration a single document, an ostracon from Syene in the Ashmolean Museum published as *O.Tait* I 66 no. 21.

Tait, following the lead provided by *WO* in half a dozen examples, read the payment as made ὑπ(ὲρ) μερισμ(οῦ) ἀνδ(ριάντος) ἀν(α)κ(εχρυσωμένου). Those resolutions of the abbreviations were called into question by Wallace, who argued for revising to ἀνδ(ρῶν) ἀν(α)κ(εχωρηκότων).[41] This was rejected by W. Müller,[42] but his arguments are far from compelling; the reading ἀνδριάντ(ος) of *WO* 151, which he cited as "entscheidend," was revised to ἀνακεχ(ωρηκότων) in the re-edition of the ostracon as *O.Leid.* 181. Recently, ignoring Müller's intervention, the late John C. Shelton demonstrated convincingly that Wallace had been right all along about the ἀνδ( ) ἀνακ( ) receipts, and that Wilcken's century-old notion of a head tax to pay for regilding imperial statues was an insubstantial pipedream, a will-o'-the-wisp pure and simple.[43]

Having discarded the editor's resolution of the key abbreviations, do we then have instead in the Ashmolean ostracon a receipt for *merismos anakechorekoton*? If so, that would be decisive for the question of this excursus, because that receipt was very likely (from the probable identity of one of the tax collectors) written in 194. The sticking point is the assumption that ανκ was miswritten for ανακ, and that not only once but twice.[44] *Unicum ergo suspectum.* It might conceivably be argued that writing ανκ for ανακ was a (phonetically induced?)

[40] *Taxation in Egypt* (Princeton 1938) 167f. His argument from the tax rates or amounts, however, strikes me as less cogent than a simple a priori deduction.

[41] Wallace (*supra* n.40) 160f, followed by Braunert (*supra* n.11).

[42] *MODG* 6 (1958) 4.

[43] "Ostraca from Elephantine in the Fitzwilliam Museum," *ZPE* 80 (1990) 237f. Note especially, "The word ἀναχρυσόω is not attested outside of abbreviations in this context. That is, Wilcken invented it for the sake of this tax."

[44] A photograph of the ostracon obtained from the Ashmolean supports Tait's reading of αν^{δ} αν^{κ} in lines 6f.

vagary of this particular writer. But that is surely a shaky foundation of which to build a case, the more so as the rest of the text of the ostracon shows only a single instance of an omitted vowel, the second iota of the name Bienchis.

In sum, the suspension of the collection—in other words, the cancellation—of the *merismos ankechorekoton* in at least parts of Egypt under Marcus Aurelius is amply attested. Its survival or revival under Septimius Severus is, on present uncertain evidence, at most a possibility.

Excursus 3: Broader Implications

> If a man were called to fix the period in the history of the world, in which the condition of the human race was most happy and prosperous, he would, without hesitation, name that which elapsed from the death of Domitian to the accession of Commodus.... The forms of the civil administration were carefully preserved by Nerva, Trajan, Hadrian, and the Antonines, who delighted in the image of liberty and were pleased with considering themselves as the accountable ministers of the laws.... The labours of these monarchs were overpaid by the immense reward that inseparably waited on their success; by the honest pride of virtue, and by the exquisite delight of beholding the general happiness of which they were the authors (Edward Gibbon, *The History of the Decline and Fall of the Roman Empire* (1776) ch. 3.

From Gibbon to the present that has remained the accepted view of the Roman Empire: a world of great, probably unprecedented, well-being for an unprecedented number of people during the first two centuries of the Pax Romana, with the decline (leading to the fall) commencing in the tumultuous and distressed conditions of the third century.

Brilliant synthesizer that he was of awesome quantities of varied and widely diffused primary and secondary sources—and that in the pre-computer age—Rostovtzeff worked comfortably within that conventional framework. Thus, in his treatment of ἀναχώρησις (*Roman Empire* [1926] 528 n.50) we read: "The ἀναχώρησις remained the characteristic feature of Egyptian life even in the comparatively happy period of the first and the beginning of the second century. It seems, however, as if the mentions of ἀναχωρήσεις in this period may all be explained by exceptional circumstances." In the second edition (1957) Peter Fraser repeats this (677 n.52), citing *PSI* 1043 as possible addi-

tional support. But the impact of the increasing documentation is not lost on Fraser, who adds, "Yet the ultimate cause was undoubtedly the policy followed by the Roman government in the exploitation of Egypt" (with a reference to Rostovtzeff's own article in *JEconBusHist* 1 [1929]).[45]

Under Septimius Severus, as Rostovtzeff read the evidence, "the conditions of the land were very bad and ... ἀναχωρήσεις became a real plague" (599 n.15[1]=712 n.15[2]). By the middle of the third century, "under the pressure of these [anarchic] conditions ... people fled from their places of residence ... [to] a life of adventure and robbery in woods and swamps ... It was an everyday occurrence for a man to have his property sold up, to become a beggar, to flee from his place of residence" (424, 428[1]=476, 480[2]).

In reality, from accumulated evidence, old and new, it has become clear that long before the third century ἀναχώρησις was not the occasional, crisis-generated phenomenon envisaged by Rostovtzeff (crises, of course, made matters worse), but a chronic element of life in Roman Egypt, "un fait fréquent et banal" (Kambitsis 28). The unambiguous evidence of the *merismos anakechorekoton* is available for most of the second century from its earliest years, and the normal genesis of legislation makes it reasonable to suppose that the phenomenon of ἀναχώρησις had been around for some time (and growing) before the tax was introduced.

"Coming events cast their shadows before." In one matter after another ancient historians in our own time have discerned the seeds of third-century decay in the second-century prosperity. The history of the *merismos anakechorekoton* adds another item of supporting evidence for that view, at least for

[45] In *Klio* 75 (1993) 306–20 (a reference that I owe to Everett Wheeler), S. Link reverts—apparently unwittingly—to Rostovtzeff's position. *Anachoresis*, he posits, was in the first century not chronic but only sporadic, and often a canny scheme of tax avoidance rather than a sign of economic distress. The evidence? "Während des ganzen ersten Jahrhunderts finden sich nur wenige Hinweise darauf" (307). It ought not to be necessary to point out that such 'deduction' ignores the probability that the "wenige Hinweise" result from the chance of the finds, which, for almost any subject of investigation, has produced a vastly greater documentation for the second century than for the first.

Egypt.[46] This is hardly the place to enter into a discussion of that general view; but as a symbol of the general development we may perhaps cite the fate of Marcus Aurelius, the 'philosopher-king' who aspired to a life of quiet meditation as the *summum bonum* but was compelled to spend most of his Principate in military activities protecting the Empire's frontiers.

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[46] In the first half of this century most treatments of Roman Egypt emphasized what was conceived to be its uniqueness among the provinces of the Empire. That view, engendered by the sudden emergence of thousands of papyri with uniquely detailed information and bolstered by a tendentious reading of Tac. *Hist.* 1.11.1 and *Ann.* 2.59.4, has given way in recent decades to the realization that much of the 'uniqueness' is likely to be specious: it may look that way because we do not have comparably intimate information from other provinces. As Alan Bowman put it (*JRS* 66 [1976] 161),

> If Egypt is in some respects atypical we must not only remember that other provinces also had peculiar features (which might induce us to regard them as atypical, if we knew as much about them), but also ask ourselves what we might reasonably expect to be able to say about 'typicality' in the Empire. The important thing is to treat the evidence on its merits and to realize that, whilst the papyri may reveal details which are not literally applicable to provinces other than Egypt, they may, sanely applied, illuminate administrative, social and economic features of the Empire as a whole.

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