

SOME NOTES ON P. HIB 198

The collection of third century B.C. ordinances under consideration here was published in 1955 as part of the second volume of Hibeh papyri, although it was not part of the cartonnage excavated by Grenfell and Hunt in 1902-3. It in fact had been purchased at Illahun. Its publication represented an immense amount of labor by the editors, Eric G. Turner and Marie-Thérèse Lenger, first in reconstructing the papyrus physically from its fragments, and then in the task of reading, restoring, translating, and commenting on the text. These labors compelled the scraps to yield up considerable information despite the exasperating state of preservation, a notable triumph.

In the discussion below I have re-examined more fully the questions of date and use of *P. Hib.* 198, in particular the question of to whom the document might have belonged. These questions have, inevitably, led me into more detailed investigation into certain parts of the papyrus, for which line commentary appears below. My comments are not, however, meant to replace the original commentary, since I do not cover all sections of the papyrus, nor restate points made by the editors which I think need no further discussion. I have reprinted the text only for the best-preserved parts of the diagramma, the only area in which I have deviated substantially from the text of the *editio princeps*.

CONTENTS AND COMPOSITION

The fundamental division of the contents of 198 coincides with the division between recto and verso both as reassembled and (so far as can be seen) if the fragments are included. Whether this was so in the original condition of the document, we cannot know, but it holds true now. The recto is, in turn, seemingly divided into two primary sections, with a subdivision within the first.

1. All that we have preserved from the start to line 41 appears to deal with the cleruchic system (see notes to lines 1-13). These dispositions include naming of men in eponymous commands and other cleruchic forces, control over use of *stathmoi* and *kleroi* and some fragmentary pieces apparently making further regulations about cleruchs, but whose exact contents are unknown. It is fair, I think, to make a division between column i, which lists specific men in positions, i.e. a personnel section, and the remainder of the cleruchic sections, which are general ordinances and regulations about treating cleruchs.

2. The remainder of the preserved portion of the recto was taken up by a long diagramma covering a variety of matters of security. It appears to have been some kind of comprehensive definition of the role of the police, who are frequently mentioned, in handling lawbreakers and offenses of various sorts. The

best preserved portions (lines 85-105 and 109-122) deal with the capture of runaway sailors and brigands who are fugitives from the law, sanctions against accomplices after the fact, and various problems of navigation. The latter is especially interesting, in that it probably includes in its scope the northern coastline of Egypt, and not merely the river (see note to lines 114-117).

It appears, in addition, that this diagramma continued after the break beyond which the papyrus has not been reassembled; at least material on similar subject matter did. A glance at the fragments shows the same themes recurring there: the police, the river, and brigandage all appear in Fr. 5, recto, for example. These fragments, mentioning the police repeatedly, may come from separate legislation appended, but their subject matter is clearly the same or similar to that of the diagramma.

The ordinances of the verso are united in their common concern with administrative and judicial law. The first extant prostagma is primarily financial, a matter of licensing. With the second, however, we move into the judicial affairs; the opening suggests the connection with the preceding — financial responsibility in the matter of revenues. The direct concern of the remainder of column vii and the start of viii seems to have been judicial procedure, and special courts for administrative cases. They are additionally linked, however, by the relevance of both offenses and offenders involved to the interests of the crown treasury (lines 154-160 are too badly preserved either to support or to vitiate this, of course).

The exasperatingly poor preservation of what follows, down to line 232, prevents much determination of what is involved here. From the scraps, however, it seems that procedure in legal treatment of various financial matters is involved. In particular, lines 191-196 and 213-223 apparently dealt with the procedure to be used in cases of seizing property as forfeited security and the sale of this property. Additionally, it appears that the latter of these sections modified the general rulings for a particular problem, localized geographically and restricted to certain types of people (I suggest the dependents of soldiers; see notes to line 219).

The substantive content of column xi is indeterminable; what remains are rules about procedure for court disputes. The fragments have fewer whole words which tie in to the verso than the corresponding fragments have for the recto, but stray words show the presence of prostigmata (fragments of the formula *βασιλέως προστάξαντος* in fragments 14 and 15), the importance of financial matters, and concern for judicial procedures, all features indicating affinity with the better preserved portions of the verso.

It should be clear that the document, even in its present state, has an entirely coherent internal organization, therefore, within the framework of three main divisions: cleruchic system, police duties and security, and judicial and financial administration. Within each division the grouping is less clear, both from uncertainty of subject matter because of poor preservation, and from lack

of close links in subject between some pieces where we can tell to some degree what is at stake. But this in itself is important. The method of composition may be guessed from it, in fact.

The copying of legislation *verbatim*, in rough ordering in subject divisions, but only roughly within these divisions, suggests the hand of a clerk or secretary following orders from a superior to put together for his use all of the documents from royal legislation and orders pertaining to those topics which were of importance to him. Clearly, the person ordering the compilation, or his agent, was not sifting the ordinances to take only material of direct relevance to his position, because there was no administrator in Egypt to whom the entire contents of 198 could possibly have been of much interest. Too many river nomes are mentioned, and perhaps even the coast. But 198 was not composed of excerpts of relevant ordinances and laws, rather of whole decrees; the net of a clerk of modest intellect gathered in all that he thought might be relevant. It was not for him to determine what his superior might find useful. Better to gather all that might be of use, and if some were not, no harm was done, except the waste of a bit of papyrus and ink.

DATE

a. There are several year dates given at the end of various ordinances in the papyrus; these are usefully tabulated in the table which the editors provide (*P.Hib.* II, p.76). On the recto there are dates of years 4, 8, and 8; on the verso, years 14, 15, 25, and 5. The editors took all but the last to be from the reign of Philadelphus. Since none of them has any royal title attached, only a closer look at internal evidence can make the decision. This may be done in two parts: prosopography, and subject matter.

b. Prosopography: Column i. For detailed discussion of men involved here, see line notes to the column (lines 1-13). Herakleides (line 4) may be identified with a man of that name appearing in 248/7; an Aischinas (line 7) appears in a Zenon letter; and a Nautas (line 8) appears as the father of an eponymous commander appearing between 236/5 and 222/1. Other possible identifications (see line notes *ad loc.* for references and details) place Timokles (line 5) in 221, Andronikos (line 9) in 223, and Asklepiades (line 10) in 237/6. None of these latter identifications carries much certainty, and even the three good identifications (Herakleides, Aischinas, and Nautas) are not individually beyond question; the first two names, at least, are not uncommon. Taken one by one, none of these men is of decisive importance for the dating of the list. But when every possible prosopographical parallel falls within the years 248/7 and 221 (with the chiliarch Aischines possibly slightly earlier, since the Zenon letter *PSI* 399 is undated; see note to line 7), there can be little doubt that we are justified in placing this list of officers in the reign of Euergetes I, and dating it to 243 B.C., his fourth year. It is true that there is not much material from year 4 of Philadelphus in which we might find parallels, but this argument from silence does not materially weaken the identifications made in the reign of Euergetes.

Epikydes, in lines 145 (year 14), 148 (date lost) and 154 (year 15): The editors identify him, rightly I think, with the man of that name appearing in *C.Ord.Ptol.* 6, which comes from the reign of Philadelphus (see *P.Hib.* II, p.77). His connection there with a Sostratos (also known in year 16 of Philadelphus in *C.Ord.Ptol.* 5) ensures that we are dealing here with years 14 and 15 of Philadelphus, i.e. 269 (April-May) and 268 (September) (and not 272/1 and 271/0, as the editors say; Samuel, *Ptolemaic Chronology*, pp. 25-28 and Chapter II, has demonstrated that the change in reckoning of regnal years of Philadelphus did not come until during year 16. There is no reason to think that the clerk compiling 198 would have taken the trouble to correct earlier dates to the new system. See also Pestman, *Chronologie Egyptienne*, 1967, p. 18, for confirmation from demotic texts).

Theon, undated in line 173: He is to be identified with the man of that name in *C.Ord.Ptol.* 5, of year 16 of Philadelphus, where he appears connected with just such an introductory formula as in line 173. While we have no date surviving on this latter ordinance, it may be safely put somewhere in the vicinity of those preceding it, in the early 260's.

Prosopography, then, gives us dates of year 4 of Euergetes, 243, for column i, lines 1-13; years 14 and 15 of Philadelphus, 269 and 268, for prostagmata in column vii; and a date around the same time for column viii, lines 173-182.

c. Subject matter: There are two important points in the subject matter which are directly useful for dating the papyrus. The first is the coincidence of the prostagmata about *stathmoi* with *C.Ord.Ptol.* 5-10, particularly *C.Ord.Ptol.* 7 and 8, as the editors pointed out (p. 77). This point has been discussed in the *editio princeps*, and we may summarize briefly: *C.Ord.Ptol.* 7 enunciates the principle that no one shall make profit from a *stathmos* which he has been assigned, and that if he does he shall be fined five times the amount (ὁ δὲ παραλαμβάνων εἰς π[ρ]α[χ]θ[η]σεται ἐπιτίμων εἰς τὸ βασιλικ[ὸν] ὁ ἄ[ν]θρωπος λάβη πενταπλοῦν (lines 4 to 6). The concluding formula in line 18 of 198 (οἱ γὰρ σταθμοὶ βασιλ[ικοὶ] εἰσι) also appears in *C.Ord.Ptol.* 8.7, where the last two words appear in reverse order.

d. Conclusions: The earliest dated element of 198 is the pair of prostagmata from 275/4, year 8 of Philadelphus. The latest is the prostagma of column xi, from 243, year 5 of Euergetes I. The arrangement of the papyrus is determined not by chronological order, but by subject. The lack of chronological order is demonstrated by the dating of column i to year 4 of Euergetes, if that date is correct. The logical ordering by subject, however, stands independent of this piece of evidence. Within each section, however, it is quite possible that chronological order prevailed. It might, indeed, be the natural outcome that the compiling clerk would put down ordinances as he came to them in the files. But the dominant arrangement of the papyrus is topical, not chronological, though only one section (column i) is demonstrably out of order in the present state of the papyrus.

The recto can hardly have been written down before year 4 of Euergetes, therefore. The latest ordinance on the verso comes from the following year and if the chronological principle within sections suggested above is accepted, there is a strong probability that this ordinance had been but recently issued. The compilation of the recto may have preceded that of the verso, and appears from the handwriting not to have been done quite all at once. Composition cannot have begun earlier than 243, nor terminated earlier than 242, and indeed can be later than this. The palaeography suggests a relatively early composition, however, and the latest dates suggest that compilation does not much follow them.

THE PURPOSE OF THE COMPILATION

We come, finally, to attempt to identify the official for whom this document was compiled. The document is concerned first with the affairs of military cleruchs in the chora, both with their identities (and hence possible use in need) and with the regulations which governed cleruchs in their *stathmoi* and (it appears from lines 37-41) their *kleroi*. This interest came first in order of treatment, and probably chronologically. Though the list of commanders in column i is contemporary with the compilation, the ordinances governing the cleruchs are the oldest (so far as we know) in the document. The military interest may also appear in lines 213-223 (see notes *ad loc.*).

Second, a good deal of the text is concerned with police and security matters, with the duties of the phylakitai and their superiors the archiphylakes and the epistatai of the police, and with the procedural rules which governed their investigations (cf. lines 62-72). Internal security on the waterways and brigandage are treated as well.

Finally, there is an interest, somewhat later in time (though stretching back in retrospect) in matters judicial. That the whole of the verso as extant was concerned with the judiciary and in particular its relationship to the crown finances—and perhaps also to cleruchs—is of great importance. It shows that the official for whom the document was compiled had a considerable interest in this field, although not necessarily a dominant one.

If one places the matters dealt with in 198 in the context of what we know of the period ca. 243-240, one official emerges as concerned with the matters treated in the text; that is, the strategos.¹ 1) He was present from the earliest period of Ptolemaic rule in the nome as commander of the military settlers in the area² and kept this function; his military character is still predominant throughout the third century,³ as appears, for example, from his grouping with military functionaries in *P. Rev. Laws* 37.2 ff.: [τοῖς στρ]ατηγοῖς καὶ τοῖ [ς ἱπάρχους κα]ὶ τοῖ [ς ἡγεμόσι κτλ. (259/8 B.C.). 2) He appears from mid-century as the head of the police establishment of the nome, a position

1. As Bengtson has also apparently concluded; see Wolff, *Justizwesen*, p. 59, n. 7.

2. Bengtson, *Die Strategie* III, p. 19.

3. *Ibid.*, pp. 24 f.

closely tied to his general disciplinary responsibility for the cleruchs under his jurisdiction.⁴ The strategos Agenor, for example, appears with the police in *P.Petr.* III 128.16 (and perhaps line 9, also: P. Kool, *De Phylakieten*, p. 17), and *PSI* 393.8 (+ *PSI* VI, p. xiii, = *CPJ* 14), involved in investigating a complaint. Likewise, *P.Hib.* 72. 3) And from his administrative competence over his cleruchs and the police grows a general judicial power, which we first see in the reign of Euergetes I. The strategos began to take over civil functions in the period 250-230, and was concerned also with the affairs of the nomarch and oikonomos, and of the courts.⁵ In *P.Enteux.* 12, year 4 of Euergetes I, for example, the strategos is the official whom the king is asked to have διακρῖνεν in a dispute over a *stathmos*. As chief military officer he had control over cleruchic arrangements, but the authority which he possessed appears to be judicial already rather than military. Later in the reign of Euergetes (years 25 and 26) the same type of subjects appear (*stathmoi* in *P.Enteux.* 13 and 14, for example); but the competence of the strategos is far wider, reaching to such problems as contracts about wine (*P.Enteux.* 35) and general problems of use of land (e.g. *P.Enteux.* 59), where parties involved may or may not be cleruchs, and where problems may no longer be directly related to the cleruchic system itself, but rather to ordinary problems of justice. The strategos was, by the end of the reign of Euergetes, the principal judicial officer of the nome. It may, of course, be argued that the competence of the strategos is still more administrative than judicial. But the distinction is largely one of modern categories imposed on the Ptolemaic situation; the strategos himself surely did not worry about the boundary between the two spheres.⁶

If we are correct in the judgment that the strategos was the man who had *P.Hib.* 198 compiled, we can then see the compilation, in turn, as important evidence for the growth of the powers of the strategos. As the strategos was drawn into more and more areas of competence, he had to have at his disposal the relevant legislation for each area. The more complex and unrelated to the cleruchic system the judicial matters brought before him became, for example, the more knowledge he needed about the interests of the crown treasury and the methods of proper judicial procedure. He was still in charge of more immediate cleruchic matters, but now spent most of his energy in various branches of the law-enforcement areas such as police action and judicial cases. The early years of Euergetes, clearly a time of change in the meaning of the strategos' position—and the time of the definition of the post as a nome post—produced the need for a summary of the rules by which the strategos was to operate, and some strategos responded by having one of his clerks draw up this group of ordinances. They reveal his post to be not a predefined one in which the bureaucracy at Alexandria told the officer what to do in detail, as they did to the oikonomos (*P.Teb.*

4. *Ibid.*, pp. 36, 38, 41.

5. *Ibid.*, pp. 36-37.

6. On the related problem of what terminology is appropriate for the activity of the oikonomos, see Samuel, *Atti XI Congresso*, pp. 44-450.

703). It was a position defining itself gradually, expanding to meet demands for central authority in the nome, left unsatisfied by the multiple responsibilities but limited competence of other officials.⁷

LINE COMMENTARY

Column i, lines 1-13

Most of what is left of this column is occupied by a list of men designated by military rank. They are distributed among three nomes, the Hermopolite or Cynopolite (probably), the Heracleopolite, and the Memphite. Ranks represented include both infantry and cavalry designations: hipparch and ilarch from the latter, pentakosiarch and chiliarch from the former. There are also some administrators, epistatai. For some of the men we are also told their eponymous commanders.

There are no near parallels to the text. The closest is *P. Petr.* III 54 (a)(4)ii(248/7 B.C.), which lists a number of officers with the abbreviations for their ranks. The upper part of that text is unfortunately mutilated; the papyrus was taken by the editors to be part of a group of texts involving the cavalry. None of the men in this list has an eponymous commander named, however, and there is no geographical indication given.

The purpose of the present document is therefore difficult to see. The editors suggested, doubtfully, "some type of royal decree organizing military squadrons, recording promotions, or even designating officers for a particular duty." (note *ad loc.*). On the face of it, we have appointments to positions and ranks. The most useful way of approaching the question, I think, is through the vexed question of the eponymous commanders mentioned several places in the text.

There is no recent comprehensive study of the eponymous commands, and even Lesquier treated the matter rather cursorily. The editors of *P. Yale* 27 made some pertinent observations on the problem, though unable to undertake comprehensive study of the problem, and I will attempt to extend these somewhat.

Eponymous commanders appear habitually in phrases like those in 198, ὁ δεῖνα τῶν δεῖνος. We have, therefore, a fair amount of information about the men in their commands, but almost none about the commanders themselves.⁸

7. It has been suggested that *P. Hib.* 198 might instead be a collection analogous to the *Dikaionmata*. While this cannot be entirely ruled out, two factors seem to me to militate against it. First, the personnel lists which begin our texts, and appear to have minimal use for judicial proceedings; second, and more important, the different hands of the recto and verso suggest that composition was not all of one piece, even if the two sides are not greatly separated in time of writing.

8. For example, we know that men of Hippokrates (*Pros. Ptol.* 1921) belonged to the second and third hipparchies, that some of them were hekatontarouroi, that some were Macedonians, Achaians, Thracians, Philadelphians, etc. But about their commander we know nothing.

These men are for the most part located in a single nome, but rarely localized within it, and on occasion dispersed over more than one nome. There are multiple commanders in a given area at a given time as well, on occasion (See *P. Yale*, pp. 63-64 for evidence). The dispersal of members of a unit geographically makes it difficult to think of the commands as units of a standing army on active duty. This conclusion is also reinforced by the fact that eponymous commands have on several occasions members both of the cavalry and of the infantry present. We may cite, for example, the commander Galestes (*Pros. Ptol.* 1870), who has both *hippeis* and a pentakosiarch (infantry); Eteoneus (*Pros. Ptol.* 1902), with an *ilarch* (cavalry), a pentakosiarch (infantry); Philon (*Pros. Ptol.* 2019), who has an *ilarch* and *dekanikos* (cavalry) and a chiliarch (infantry); and from 198, Petalos (*Pros. Ptol.* 1975), with a hipparch (cavalry) and a chiliarch (infantry).

That the men in the eponymous commands were not on active duty seems well-attested, as the editors of *P. Yale* 27 inferred from the appearances of men in the commands in many civil functions. Not only the examples cited there, but in fact also the vast majority of appearances of men from these commands, have nothing to do with military affairs, and are solely civil. The name of a man's eponym was part of his identification, like an ethnic.

Still more striking are the eponyms themselves, in particular the fact that we know almost nothing about them. It is clear from the evidence that the hipparchy, an apparently military unit, was a means of designating men within an eponymous command. Most eponymous commanders have but one hipparchy though this is not universally true. But there are no eponymous commanders also attested as hipparchs.⁹ In fact, the eponyms do not seem to appear in any of the other lists of military commanders of any rank (a possible exception being Asklepiades, 198.10; see note *ad loc.*).

The problem of what rank the eponyms held has disturbed students of the military situation. If a commander had in his jurisdiction men of the status of chiliarch and epilarch, he can hardly have been any lower than that, it is argued. Hegemon and strategos were therefore suggested (e.g. by Lesquier, *Institutions Militaires*, p. 81). A strategos τῶν Φιλίων in PSI 513 eliminated that rank from the quest. Wilcken, *Archiv* 8, 1927, p. 77, therefore suggested that the eponym was superior to the strategos in rank. But some nomes have multiple eponyms at a given time, and if it be assumed that the strategos was inferior in military rank to an eponym, problems of relative power could arise.

We have some information for a few of the eponymous commanders aside from their men. Most of the identifications following are to be treated with caution, because the documents illustrating a man's status as eponym and those pertaining to his other acts are mutually exclusive categories. Antiochos (*Pros. Ptol.* 1841) appears also as the priest of Alexander and the royal family, eponymous, as *Pros. Ptol.* III 4998. He may also perhaps be the strategos of that

9. Although *P. Sorb.* 17 a 7 and b 7 speak of a man as secretary τῆς Νικάδα ὑπαρχίας.

name. (For references, cf. introd. to *P.Col.* 49). Thuion (*Pros.Ptol.* 1913) is the father of the canephore Ptolemais (*Pros.Ptol.* III 5254) attested in her office in 245/4. Boethos (*Pros.Ptol.* 1869), an eponym attested from 134-129, is known also as the well-attested strategos and epistrategos of the Thebaid (*Pros.Ptol.* I 188). His eponymous status lasts after his strategeia (as Peremans and Van't Dack noted in *Pros.Ptol.* II, p.xxxiii). Similarly, Lochos (*Pros.Ptol.* 1940) is not only eponymous commander but strategos of the Thebaid and priest of the Pierian Muse (cf. *Pros.Ptol.* I 10, 195). Pythangelos (*Pros.Ptol.* 1998) may perhaps be identified with the Pythangelos who gave his name to an elephant-hunting area and a harbor in the area inland far down the Red Sea coast (mentioned in Strabo 16.4.14 and 15). Finally, the great dioicetes Apollonios may perhaps himself have been a commander (cf. *Pros.Ptol.* I 16; II 1844; *Archiv* 9, 1930, p.230; *PCZ* 59301).

The prosopography cites a few other possible commanders (1833, Amnos, one of the first friends; 1847, Apollonios; 1850, Aratos) who appear outside the normal context of an eponym. But they do not also appear as eponyms, and are called so by inference. The eponymous commanders do not appear in the lists of military men (with the possible exception noted above; see note to line 10).

We have no certain examples of an eponymous commander actually exercising any military function, therefore. From their own prominence in civilian life and the disposition and activities of the men, therefore, it may be surmised that the eponymous commands were not and were not intended to be tactical units, and that their commanders may not have been military men at all. If the eponymous commands be taken as a part not of the active military system, but as part of the cleruchic arrangements only, the situation is made easier. It may be that the eponyms were responsible for furnishing a body of men in any number required up to a certain amount, and had officers attached to their commands to take charge of these units in the event of their being called up. These suggestions are of course tentative; a full-scale study is still a major desideratum and would be able to test these conclusions.

Seen in this light, the list of officers here appears less as a document of the army and more as one of the cleruchic system. It would be of interest to administrators having jurisdiction over areas containing cleruchs, and perhaps to major administrative officials elsewhere. At the same time, it retains the links to the army which were of the essence in the cleruchic system.

The list is dated to year 4. The question of whose year 4 this is is dealt with in the general commentary. It will be seen from notes to specific men mentioned that the prosopographical indications point to Euergetes I (as Peremans emphasized, in his review of *P.Hib.* II: *Gnomon* 30, 1958, p.591).

3. The editors calculated that some 8 to 10 letters were missing in the left margin at this point on the piece, with the loss growing to nearer 12 by the end of the column. This yields a column from 2 to 6 letters shorter than subsequent better preserved columns, like v. The addition of this much more space, however, would have little effect on the problems of restoring line 3. We have the last four letters of what appears to have been a name in the genitive. In the

patterns of the list we can see two places for such a form: patronymic and eponym. If it is a patronymic, it is the last element of the entry, and we have no rank for the individual, so the entry is pointless in this context. If it is the eponym we are left—after subtracting for rank and the word $\tau\omega\nu$ —between 3 and 5 letters to make a name and the first part of the eponym; even if a wider column were assumed, we could claim only 3 or 4 letters more, and this would still be difficult. The editors (note *ad loc.*) apparently took it as a patronymic, which makes no sense in context. The only possibilities I see, therefore, are two extremely short names (I cannot think of names to fit) or that we are not dealing with a name at all but with some common noun. The complete absence of useful parallels, however, makes it impossible to guess at what this might be. And on this rests the question of what to restore in the 8 letter gap in line 2.

4. The editors noted Peremans' suggestion that Herakleides might be the same as the pentakosiarch of that name in *P.Petr.* III 54 (a)(4) ii.8, in 248/7 B.C. If this is the case, as seems *prima facie* likely, the dating of this list to year 4 of Euergetes, 243 is far more plausible than to year 4 of Philadelphus, 279/8.

5. There is a Timokles in *Pros.Ptol.* 2827, as a hekatontarouros in 221 B.C.; *P.Teb.* 815, Fr. 6.6-7. I see no merit in the classification of this man by Peremans and Van't Dack, who list our Timokles, read without doubt by the editors as chiliarch, as probably an ilarch, although admitting chiliarch only as a possibility (*Pros.Ptol.* 2256).

7. As the editors noted, there is an Aischinas listed (*Pros.Ptol.* 2302) as a pentakosiarch, in *PSI* 399.1-2 (undated), from the Zenon archive. The implication, as they recognized, is that 198 is later than *PSI* 399, since Aischines is a chiliarch in 198.

8. Nautas, the editors note, may be the father of Ptolemaios (*Pros.Ptol.* 1987) attested between 236/5 and 222/1. It is exceedingly unlikely that the same Nautas could have been active 45 to 50 years earlier; a later date, 243, fits admirably.

9. There is an Andronikos attested in *P.Eleph.* 28.3 (= *WChr.* 451) as a commander of hunters, in 223 B.C. (*Pros.Ptol.* 4419), but whether this is the same man we cannot say.

10. If the restoration of Asklepiades is correct, it may be worth noting the presence of an eponymous commander of that name in the Arsinoite Nome in 237/6 (*P.Petr.* III 2.4), *Pros.Ptol.* 1860.

11. The problem of the epistates is one tied to the dating of this document. If we have here, in 279/8, a group of military epistatai, it is 28 years before the first such title otherwise attested (*Pros.Ptol.* 2459), in 251 B.C. Otherwise, they are known from 244, 221, 145/142, 116, and the late second century B.C. Year 4 of Euergetes I, 243, is therefore considerably more comfortable for the presence of these officials than is a date some 36-37 years earlier.

The first epistates of police appears in 247 (cf. *Pros.Ptol.* 4542).¹⁰ The

10. The namesigenes is partly missing and in a demotic text. But the next attested officer (also in a demotic text) is only four years later (*Pros. Ptol.* 4531). The first Greek papyrus with an epistates of police is *P. Petr.* III 128.2 (239/8), where the name is lost.

date of the first attested epistates of any kind is disputed. *Pros.Ptol.* 723 lists one dubiously restored example from 259, and one from 258/7 (No. 697). The latter, however, was disputed by Bingen in his review of Lavigne's *De Epistates van het Dorp* (CE 23, 1948, p. 214). The Greek text involved, PCZ 59094, has a Pais involved as private individual in a transaction, but the editor of the demotic text (*P.Zen.dem.* 23.3), read Pn-jt(?)ntj, translating ntj as "untersucht," and taking it as equivalent to ἐπιστάτης. The demotic version is very confused and full of gaps, and its relationship to the Greek is quite unclear. In the Greek Pais is a patronymic of Inaros (line 18), and epistates is out of context here. There are, Bingen concludes, no epistatai of a village known before the reign of Euergetes. Only our military epistates noted above falls before the death of Philadelphus, and he only by a few years.

In this situation, the appearance of military epistatai at any time before late Philadelphus would be unique. The scantiness of our documentation prior to the 250's, of course, makes this quite possible. But dating the document to 243 puts the epistatai into a familiar context, and eliminates the problem of accounting for the presence of the title in this list.

Column ii, lines 28-33

We can tell almost nothing directly about the contents of this royal ἐντολή, except that it probably (line 33a) had something to do with cavalry (cleruchs) on a local level (line 37a). The composition and order of the list of addressees, however, raise some points of interest.

Circular letters, both royal and other, follow a general rule of grouping addressees by department; all members of a branch of the administration will be named before another branch will be listed. And these officials will be named in order of importance. There is only one exception to this rule among the letters, and that in a non-royal letter, *P.Petr.* II 42 (a), 255/4 B.C., in which the three top officials of their departments, the oikonomoi, nomarchs, and basilikoi grammateis, are followed by the phylakitai, komarchs, and komogrammateis (on this document cf. Rostovtzeff, *Large Estate*, p.47). Aside from this one case, the departmental rule is followed.

What is less clear is the order of the departments in the circulars. In general it does not appear that the relative importance of a department was a criterion; thus, the nomarch is named before the oikonomos in the royal ἐντολή *P.Rev. Laws* 37.2-5, but in the private circular *P.Petr.* II 42 (a), not far distant in date, the oikonomos precedes the nomarch. More important is the relevance of the subject matter of the letter to the department, apparently. In general, where the judicial and enforcing department is addressed at all, it comes first, since it is to see that the orders of the letter are obeyed. The department of the strategos and

the police is somewhat more prominent in royal circulars than in the others (contrast *P.Rev.Laws* 37.2-5, *P.Teb.* 6.13 ff. = *WChr.* 332, and *UPZ* 106-107 with *P.Grenf.* II 37 = *WChr.* 37, *P.Petr.* II 42 (a), *P.Teb.* 708 and 709).

In royal *ἐντολαί* after the enforcing department, the listing of officials depends, generally, on their closeness to the subject at hand. Thus, in *P.Teb.* 6 (140/39), which has to do with a wide variety of temple revenues and their collection, the epimeletai and oikonomoi follow the chiefs of police, and are followed by the basilikoi grammateis. In *P.Rev.Laws* 37.2-5, where the sixth to Arsinoe is involved, the agricultural officials, nomarchs and toparchs, precede the financial department, oikonomoi and antigrapheis.

Finally, a chronological factor must be borne in mind, along with the matter of the issuer and subject matter. Since we have only a few circular letters, and very few royal ones, and our distribution through time is uneven, chronological factors are hard to assess. But there is, for example, no instance of the nomarch in a letter after the third century (*P.Teb.* 708, only roughly datable to the late third, is the last).

Our circular in 198 is peculiar in that it does not begin with the judicial/enforcing department of the strategos and the police. Its earliness (probably reign of Philadelphus) does not entirely account for this, since *P.Rev.Laws* 37.2-5 begins with the strategos. The contents of the letter, then, evidently did not call for any particular police action for carrying them out, nor, we may guess, did they involve an existing dispute. Rather, they involve some part of the administration involving the bureau of the nomarch, and secondarily the basilikoi grammateis, and had something to do with cleruchs.

The nomarch's office in the third century¹¹ was involved closely with the supervision of the use of the land; this involved allotment of land, supervision of sowing (and distribution of seed for it), control of harvesting, and supervision of the harvested crops. This competence involved the cleruchic system in at least two ways. The nomarch had military personnel at his disposal for public works, apparently (attested by *P.Hib.* 44). More importantly, the nomarch had a role in the distribution of state lands to cleruchs. The evidence for this is found in somewhat vague contexts, and the details are unclear, but the fact of involvement is certain. *P.Lille* 31 joins a reference to the komarch with an account of a cleruchic holding; a komarch is mentioned in connection with a discussion of the land of a deceased cleruch in *SB* 4303. Rostovtzeff, *Large Estate*, p.155, deals with this problem and concludes that the nomarchs had a part in assigning new land to cleruchs. Later handling of the same class of land is attested by *PSI* 361, where a toparch has sold, in conjunction with a topogrammateus, part of a kleros.

11. The question of the internal organization of the bureau is discussed by Samuel, *Essays Welles* (ASP 1), 1966, pp. 213-229, who concludes that the hierarchical order nomarch-toparch-komarch was a theoretical one, only occasionally realized in practice. When I speak of the nomarch here, I refer to the bureau and its members, whoever may have been in charge at a given time in a particular area.

The nomarch's bureau was for the most part limited to the purely agricultural area of the bureaucracy. This state of affairs led to close contact with the clerical bureau, which kept the records so vital to the functioning of the various tasks of the nomarch.¹² The presence of the basilikos grammateus in the circular letter in 198, then, is entirely in keeping with the prominence of the nomarch's bureau and the absence of the strategos and the police. The circular must have been concerned with some matter falling in the jurisdiction of the nomarch acting jointly with the clerical branch, as outlined above. It most probably concerned cleruchs, in addition, and we may surmise that the distribution or later redistribution of cleruchic land was probably involved. More specific than that we cannot be.

Column v, lines 85-105

Text: line 87, read κα[.]ουσ [8-10]
 line 88, read ἐν [τοις] τ[όποι]ς φυλα[σσε]τωσαν
 line 89, read [τους] ἐφε]στηκότα[ς]

Translation:and he does not return (him), let him be liable to the same penalty as the brigand. Likewise, let the guards in the localities keep watch for the sailors bearing the brand.... from the fleet. As many as are caught, let them be sent up to the man in charge of the guardposts. If they do not send them up, upon conviction, they themselves shall be sent to the ships. And let those harboring the sailors be liable for theft from the crown. Let brigands and other malefactors and royal sailors be subject to seizure everywhere, and let no one hinder them, or let the one interfering himself be subject to the same penalties as the brigand and the man who leaves the ship. Likewise, let those harboring stolen goods from brigands or malefactors, or harboring them themselves, be liable to the same penalties....it is written...Let no one hinder them or let him be liable...let them make a search, taking the....of the epistates and the crown investigator.....but at night let no one go . . .

Besides the works cited below, see for this section Wolff, *Justizwesen*, pp. 59 and 63; Kunderewicz, "Ad P.Hibeh 198," *JJP* 15, 1965, pp. 139-143, and B.J. Müller, *Ptolemaeus Philadelphus als Gesetzgeber*, Diss. Köln, 1968 (which I have not been able to consult).

85. ἐπανάγω: the verb is very rare in papyri, with only two usages cited in the *WB*. Of these, *P.Strassb.* 102.19 is Ptolemaic, and it is passive, meaning to go up the Nile. An intransitive use of the verb, meaning to return, occurs in *UPZ* 122.20. Another Ptolemaic meaning, not cited by the *WB*, to get along, to be

12. Joint action of members of the nomarch's bureau with clerical officials is attested, for example, by *P. Hib.* 75, *P. Petr.* III 89, *P. Lille* 31, and *P. Petr.* III 37 (a) i.

faring (μετρίως, στενῶς) occurs in *P.Teb.* 755.6 and *UPZ* 60.15-16; 71.5; and 110.6, all second century B.C. The meanings cited in *LSJ* s.v., however, fit the use here adequately: bring up, lead back, bring back.

86. ληστής: the word here, as commonly in papyri (e.g. *PPetr.* III 28 (e) verso (a) may mean merely robber. Literary usage has a connotation of organized brigandage, and in particular piracy on the sea, but the loss of most of the preceding section prevents our giving exact context to the term here.

87. χαρακτηρα: the editors rightly saw this as one of the most intriguing features of this passage, and cited earlier Egyptian practices of branding. Their conclusion was that those bearing the brand were probably slaves in the fleet. Our evidence from post-Pharaonic Egypt, however, is limited to animal branding in the second century A.D. and later; nearly all of the *WB* references (*BGU* 88, 100, etc.) to branding refer to camels, in fact.¹³ We are faced with the question, therefore, of who these men are who are branded, and who apparently serve in the royal fleet.

The editors' conclusion that the branded men were slaves has been called into question recently by Naphtali Lewis (*AJP* 89, 1968, pp. 465-469; hereafter "Lewis"), in the light of Lionel Casson's recent argument (*TAPA* 97, 1966, pp. 35-44) that there is no evidence for the use of slaves in Hellenistic fleets. It will be useful to reexamine the evidence normally cited in support of Lesquier's statement (*Institutions Militaires*, p.256) that the fleet was recruited from the free population, impressed convicts, and slaves.

The evidence for conscription of slaves for the fleet is the apparent exemption, in the Rosetta Stone (*SB* 8299 = *OGIS* 90.17) of temple slaves from service in the fleet. Lesquier's conclusion from this was that other slaves were liable for such service. Whatever the nature of slavery and temple-slavery was in Ptolemaic Egypt (issues too large by far to consider here), it is clear that there was a difference between the two, a very marked difference; as Rostovtzeff said (*SEHHW* p.322), "to call these slaves in the Greek sense of the word is certainly misleading." Casson has made it abundantly clear that we have no other evidence for slaves in Hellenistic fleets as sailors, and in light of that it would certainly be rash to make the exemption of temple-slaves into evidence for the conscription of other slaves.

What of convicts, then? The only significant piece of evidence cited by Lesquier is *P. Petr.* III 43 (3).21, which connects πλήρωμα and τριήραρχος. The document in question is a letter about a πλήρωμα at work in a quarry, and which has been growingly restless over their continued work there. They threaten to complain to their trierarch if the situation is not remedied. Lesquier took the former term to mean a gang of convicts, and its conjunction at work in a quarry with the latter, a naval term, to indicate a connection between convicts and fleet.

13. Other uses of χαρακτηρ and its related words are for sealing, inscribing; the English sense of character of a person also appears (relatively late). These meanings are documented in the *WB* and uses since then add little to our knowledge, and nothing to the solution of the problem here.

There are two meanings of trierarch attested in Ptolemaic usage. The first holds a liturgical post, supplying a ship to the fleet from his private means; *PCZ* 59036, 257 B.C., demonstrates this position. Lewis, *Inventory of Compulsory Services* (ASP 3, 1968), Ptolemaic Period, II, suggests that only some Greek cities under the early Ptolemies were involved in this practice; the man in *PCZ* 59036 is a Halicarnassian. Other occurrences are generally in uncertain context, but Lewis takes them to be officers in the navy: *BGU* 1744, 1745, 1746; *P.Petr.* III 43(3) (the text in question here); *P.Teb.* 890.34, 93; *P.Ibscher* 12 (*JJP* 13, 1961, pp. 76-77, no. 2 = *SB* 9780); *P.Petr.* III 64b (an ὑποτριήραρχος). For a general discussion, see Wilcken, "Zur Trierarchie im Lagidenreich," *Raccolta Lumbroso*, pp. 93-99.

A πλήρωμα then, in the context of *P.Petr.* III 43(3), may most naturally mean the body of a crew, supplied or commanded by a trierarch. They are, reasonably, incensed at spending their time in a quarry rather than aboard ship; they threaten to complain to the man who either supplied them for naval service or is their present commander. The convicts vanish from the fleet.

We turn, next, to the problem of the lacuna at the end of the line. The editors took it to be a term coordinate with τοὺς τὸν χαρακτῆρα ἔχοντας, and referring to another class of fugitives. They proposed two possibilities, τ]οὺς [ἄλλους and τ]οὺς [ἀποστάτας, but accepted neither as very suitable. Lewis (p.466), argued for the latter, on the grounds that there was no longer a need for a distinction between slaves and others, a need which had prompted the editors to reject this restoration; with Casson's argument, essentially based on the facts above, the need no longer exists. Lewis prefers Casson's suggestion that the branded men were former offenders who had deserted again, while the plain "runaways" were first offenders.

There are several problems here. 1. There is no distinction between classes of runaways elsewhere in this passage. While this is hardly conclusive evidence against two terms here, it does not support the idea. 2. Surely the point of the phrase "those bearing the brand" is that this mark makes the men in question easily identifiable by the police. But how were the police to arrest men whom they cannot possibly recognize as deserters, when they have just been given an easily visible mark for the remainder of their targets? It is useless to tell them to do so. 3. To read [ἀποστάτας] in the lacuna is somewhat redundant, since the men with the brand also fit into that category of runaways, rather than being a class to be enumerated separately. 4. ἀποστάτης in Ptolemaic usage means a rebel in all uses in which we can be certain of the meaning, and perhaps in the others. The term refers to natives in revolt against the central government (*P.Amh.* 30.34 = *WChr.* 9; *WChr.* 10.12 = *Sel.Pap.* I 101; *P.Teb.* 781.7; the sense in *P.Hib.* 272, first-second century A.D., is unclear). These uses are all second century B.C., to be sure, and it is not impossible that the term meant something closer to "runaway" in the preceding century; there is some literary evidence for such a meaning (e.g. *Plut.Rom.* 9.2). But there must be at least serious doubt on the question. 5. We need not necessarily restore a coordinate adjective, since the κα[ι] is in part a restoration, and the τ]οὺς is to say the least uncertain.

I can see no easy solution to the problem. It is possible that there is a coordinate adjective, one that does not distinguish a class but adds a characteristic to the branded men. Perhaps the *πεφευγότας* which Lewis (p.466) mentions as an alternative restoration was in the hole. It is also possible that the entire portion after *ἔχοντας* was part of a word or phrase which we cannot now recover.

88. *ἐν [τοῖς] τ[όποις]*: restoration proposed by editors with some hesitation, because of reasons of space. Hence, it was not placed in the text. But it fits quite well in the passage as I understand it, and is not impossible paleographically.

φυλα[σσέτωσαν]: the editors translated the sentence "Similarly, in the case of sailors marked with the royal brand, and [other members?] of the fleet, the police are to convey to the commanders of the guard posts all who are taken in the act." This, surely, strains sentence order beyond endurance. In this interpretation, we would have first a long accusative of respect from the start of the sentence until *οἱ* in line 88, followed by a subject with numerous modifiers, then a clause for object, then the main verb, with another prepositional phrase following: "...the guards in? ? as many as are caught they shall send up etc." It is simpler to take the opening two lines of the passage as the object of a verb at the end of line 88, and to punctuate after this verb. The sense "keep watch for" of *φυλάσσω* also provides a natural sequence of thought to *ὅσοι ἂν ἀλώσω* in the following line: the police are to keep watch for these men, and as many as are caught, they shall send up to the commander. (Lewis, in his translation, p.469, implicitly stated the need for a verb in this place to make syntactical sense.)

89. Lewis, p.466, rightly reads *ἐφε]στηκότα[ς* and rejects the alternative restoration *καθε]στηκότα[ς*, citing *LSJ*, which gives the meaning of officer in command for *ἐφεστηκώς*, giving as reference Xen. *Oik.*21.9, where the term is coordinate with *ἐπιστάτης*. The sending of the captured men to the *ἐπιστάτης τῶν φυλακῶν* (whom I take, with Lewis, to be meant here), completes the natural movement of the sense of the passage. The police in the localities are to keep an eye out for these branded men, and if they capture any, are to send them to the epistates of the police for the nome. For the epistates' function of surveillance of the police in the entire nome, and their general competence, see P.Kool, *De Phylakieten in grieks-romeins Egypte*, Amsterdam, 1954; English and French summaries with comments in reviews by B.R. Rees, *JHS* 76, 1956, p.144 and E. Boswinkel in *Mnemosyne* 4 ser., 9, 1956, p.333.

90. The exact meaning of the provision of this line and line 91 has been the subject of considerable discussion. The editors translated it "If they do not so convey them," correctly, as Lewis (p.467) says. Lewis dissents, however, from the editors' remark in their notes about "policemen convicted of neglect of duty in failing to arrest the culprits." Lewis argues that failure to arrest is not at issue, only failure to return once arrest has been made. If our restoration of line 88 is correct, the question is neither one of arresting nor of returning arrested fugitives. Rather, it is a failure to take into custody already discovered sailors

and to pass them on. Failure to "arrest" already discovered men is an implicit part of the delict, but only part; similarly, failure to send up the men implies either failure to arrest or releasing already arrested men. The offense is an inclusive one: given that the police have been keeping watch and a culprit turns up in plain sight, marked with a brand, if he is not sent up to the epistates of the police, that is a crime.

91. The sending to the ships of men convicted of neglect of duty (line 90) has come under discussion also, as a sanction. The editors considered it to be completely original in Ptolemaic law; Lewis differs, citing the penalties for a surety for a defendant who fails to show as a parallel. The element they have in common is that we are dealing with a "failure to deliver wanted persons (over whom one has control) to the proper authorities." (Lewis, p.467). Crucial to the point is *P.Teb.* 156 (= *MChr.* 47; 91 B.C.), "in which two sureties undertake to deliver a third party to the police chief upon request in five days," (Lewis, p.468), and if not subject themselves to execution upon themselves and their property in place of the absconding defendant. The parallel clearly provides one means of understanding the present passage, which is an extension of the principle, as Lewis points out. But this does not get to the heart of the matter. There is an essential difference, in that the obligation of sureties was one assumed voluntarily and specifically for a person; in the case of the convicts this does not hold true. The difference in scope of application of the principle of responsibility for persons over whom one has control is considerable.

It is perhaps more useful to think of this section as combining the principle of responsibility for a person with the well-known principle, universal in the Ptolemaic bureaucracy, of financial responsibility of officials for any damage to the crown for which they are responsible. It is extended here to manpower: if you cost the crown a man, you provide it with a replacement, yourself. This understanding is also that of C. Kunderewicz (*Symbolae Taubenschlag, Eos* 48, 2, pp.101-115, esp. 109), who suggests that this passage of 198 "nous décrit une situation spéciale où la responsabilité pour les dommages subis par le trésor royal a un caractère de responsabilité personnelle." Liability to the crown treasury, of course, falls first on a man's estate. But replacing a lost man requires more than a man's goods. On personal execution in Ptolemaic Egypt, see J. Modrzejewski, *Rech. Pap.* 2, 1962. pp. 79 ff., where the point is made (p. 80) that "L'exécution sur la personne apparaît, avant tout, comme un privilège du Fisc royal; elle est refusée aux créanciers personnes privées."

91-92. The editors were uncertain of the meaning of this clause of the ordinances, and discussed at some length the possible meanings. The crux of the matter is the accentuation of $\phi\omega\rho\alpha\iota$: is it $\phi\omega\rho\alpha\iota$ or $\phi\acute{\omega}\rho\alpha\iota$? The former, well-attested with the meaning theft, would give a meaning of "Let those who shelter the sailors be liable for theft from the crown." The latter, more problematical, would lead to the translation, "Let those who shelter the sailors be liable to a royal investigation (or search)." A number of items must be considered: 1) the meaning of $\phi\omega\rho\acute{\alpha}$ and $\phi\acute{\omega}\rho\alpha$ and their occurrence, both in and out

of papyri; 2) the meaning of τὸν φῶρα τὸν βασιλικόν, in line 103, and his relation to the problem; 3) the nature and format of the liability clauses in this ordinance; 4) the usage of ἔνοχος in general, both in literary and papyrological texts.

1) Classical usage of φωρά with the meaning theft is well-attested (see *LSJ* s.v.). There is no papyrological example, however, with the possible exception of a text also claimed as the only example of φῶρα (*SB* 4638; see below). This latter word is defined by Hesychius as meaning search (= ἔρευνα), and is used in the sense of detection or discovery in Diogenes Laertius (1.96), Achilles Tatius (7.11), and Philodemus (*Acad.* *Ind.* p. 67 M). The meaning of search which Hesychius assigns does not occur in literary texts. We are left with the one papyrological text, *SB* 4638.17 (*SB Heidelberg*, 1911, 8 Abh., pp. 16 ff.; on the date cf. *P. Mert.* 5). This is a petition from the time of Euergetes II, to the epistrategos of the Thebaid about a disputed inheritance: προφανῶς ἔνοχοι ὄντες φῶραι λείας ἐφημμένοι ἀλλοτριῶν καὶ ταῦτ' ὀρφανικῶν: "being liable to investigation for robbery," or "being liable to the penalties for the theft of goods"? The original editors chose the former, *WB* apparently the latter. The passage is ambiguous, and the evidence for φῶρα thus inconclusive.

2) φῶρ: the word means thief in all classical usage (see *LSJ* s.v.). There are two and perhaps three papyrological uses known prior to 198. In *P. Petri.* III 59 (a) ii.10, we have a list of professions with numbers after some of them. One entry is φῶρες θ. It is difficult to see thieves being numbered in the census along with perfectly respectable professions. Hence the editors wished to see a detective of thefts, a finder of stolen property, in the φῶρ in their text. Some support is lent to this by the later uses of φῶρα and by the verb φωράω, which in both Attic and papyrological usage (e.g. *PSI* 483; third century B.C.; there is a passive form φωραθείς, anyone detected, caught, which appears in *BGU* 1730, 50/49 B.C. = *Papyrological Primer* No. 6) means to investigate or detect. The second use comes in a letter of Apollonios (*CE* 24, 1949, p. 290, line 14 = *SB* 9215) giving orders for a party to go out to cut wood for the navy, and to take with it the basilikoi grammateis, τοὺς ἐπὶ τῶν φυλακτικῶν, the φῶρας, and a group whose name is lost. It makes little sense to take along detectives, but it makes little more sense to take along thieves; if they are convicts, some word indicating that fact would have been more appropriate. It is not in their character as thieves that they are to be taken. It may be suggested as a third possibility that the word φῶρ here is ultimately derived from φέρω, and means "carriers" or "bearers." But there is no extant use of the word which demonstrably means this, though it makes very good sense in this letter and in the Petrie census list (though not in 198). There is perhaps a third occurrence of φῶρ in *PSI* 1317.15 (118 B.C.), but the text in fact reads τοῦ [φῶρ]ος, so it is hardly certain. The meaning here is pretty certainly "thief."

3) Lewis, pages 468-9, argues in favor of reading φῶραι, primarily on the grounds of the schema of offense-liability clauses in this section of 198. His schematization (page 469) lists the four such clauses between lines 85 and 100;

the three apart from the present one all fall into the form that the offender shall be liable to the ἐπιτίμους or ἐπιτίμῳ just as the brigand or sailor himself. This passage, therefore, should tell the actual penalty for harboring fugitives; since a search-party is nearer to a penalty than is theft, it must be decided for, Lewis argues. But there are problems here. One is that the clause is not in any case parallel to the other liability clauses in its internal organization, and that the omission of the word ἐπιτίμους and the phrase "just like the brigand" make it unique in the passage anyway. We need not, therefore, expect absolute uniformity with them. The second objection is more serious, and rests on the usage of the word ἔνοχος.

4) The idea of liability, of being ἔνοχος, in classical usage is in general concerned with various stages of the legal process. First, a man may be ἔνοχος to the penalties for a crime, expressed by a word like ἐπιτιμῶν (Antiphon 4.1.6) or ζημίας (Lys. 14.9). The word for penalty may be followed by the name of the crime for which it is given, in the genitive, as is the case in Antiphon 4.1.6. Secondly, one may be ἔνοχος to or bound by a legal code of some kind: νόμους (Plato, *Laws* 869a), or even, in koine, to a legal body, a court: τῇ κρίσει (Matthew 5.21).

A man may also be ἔνοχος to action for an offense, such as murder (Antiphon 6.46; Arist. *Pol.* 1269a3); the term may also mean guilty of and liable to the penalty for a crime. The dative is commonly used in such a construction.

So far, then, ἔνοχος is used in a fairly technical legal sense of one sort or another. A man is liable to some stage of formal legal proceedings, or to the legal penalty for being convicted in such. There are, however, a few somewhat less technical uses which may be examined. They are all from fourth-century prose, all but one from orators. Demosthenes (*Fals. Leg.* 201) speaks of a man's being ταῖς ἀπαῖς ἔνοχος, "guilty under the curse." The reference to the defendant is that he is guilty under the statutory blanket curse pronounced on the enemies of the state at the start of the meeting. He is, therefore, guilty under the curse in the same sense in which one would be guilty under a law and liable to its penalty. The analogy is legal.

In 51.4, Demosthenes speaks of men being ἔνοχοι δεσμῶ if they failed to launch their ships on time. They are liable, that is, to arrest and trial and subsequent punishment; to legal confinement. We are dealing here with a formal stage of the legal process, the commitment to jail of a man for an offense.

Plato, *Laws* 742b, states that a man who is an accomplice in hoarding foreign coinage which another has imported shall be ἔνοχος ἀρᾷ καὶ θνείδει along with the importer, and shall in addition be liable to a fine. The first part is not legal; the second is. But again, the analogy in the first part is to the second part; the curse comes with the fine, almost.

Aischines, *De Legat.* 46, speaks of a man as καὶ πολλοῖς ἑτέροις πρότερον ἁμαρτήμασιν ἔνοχον, chargeable with many other misdeeds in the past. The usage is a clear extension of the legal one, but is an extension and an analogy. Isocrates, finally, in *De Pace* 7 speaks of men as ἔνοχοι τοῖς ἀνομίαις, a term summing up his references to fear, grasping avarice, and the like. This is the one

clear usage from this group which has broken beyond the legal framework, to express liability to something, in the sense of the English word, that is not by extension or in fact either a legal penalty or a legal charge, or a legal procedure or body.

Papyrological usage of ἔνοχος retains the legal uses of the word, and some closely analogous, but drops the type of extension of meaning of which the English word liable is capable, and which seems to appear in Isocrates. 1) Liability to penalties (ἐπιτίμοις, θανάτῳ) appears, as it does especially in 198. 2) Liability for a misdeed, as in *P. Rev. Laws* 20.10, where one may be liable for ἀδικῶ πράξει if one exacts money unjustly, without giving proper receipts. 3) The most common use of ἔνοχος is connected with oaths; the standard formula, found as early as the third century B.C. (*P. Hib.* 65.22), and common in the Roman period, is ἔνοχος τῷ ὅρκῳ, essentially a contraction of the third century sanction: εὐορκοῦντι μεμ μοι εὖ εἴη ἐφωρκοῦντι δὲ ἔνοχον εἶναι τῇ ἀσεβείᾳ τοῦ ὅρκου (found with slight variations in *P. Eleph.* 23.19; *SB* 5680.20=*P. Fouad I Univ.* pp. 90 ff.; *PSI* 515.17). The offence is ἀσέβεια, and one is liable for the penalties from divine justice for committing the offence. The analogy to the legal use (2) is precise. 4) There are some Roman and Byzantine uses of ἔνοχος in other legal contexts, primarily those of suretyship (cited in *WB*), which continue the legal base of use of the term.

If we are to accept φῶρα as the result of harboring fugitives, as Lewis would wish, then, we are forced into an extension of the use of ἔνοχος which is not warranted by the extant usage. An investigatory search, an ἔρευνα, is not a penalty for a legal offence; it is a procedure preliminary even to charging or arresting. It in fact is not a legal proceeding at all, but an investigatory one. We want a legal penalty for sheltering runaways, not a procedure early in the investigatory process. Since the use of ἔνοχος with a dative of the crime committed is well-attested but the other type of use is unknown, it is impossible to assert the latter with any certainty. We may, in fact, accept that φῶρα here is theft, as Turner felt likely, with little hesitation.

103. The decision to read φῶραι in line 92 does not necessarily force an interpretation on the φῶρ here. The evidence cited above seems to me to lean toward interpreting φῶρ as an investigator rather than as a thief, but the mutilation of the passage does not permit certainty. There is, for example, the possibility that the printed text is incorrectly restored, and we should think rather of some such phrase as e.g. τὸν φῶρα τὸν βασιλέα καταβλάπτοντα (a suggestion made by Modrzejewski *per litt.*), "causing damage to the king." If it is to correspond with φῶρα, "thief" ought to be the meaning of φῶρ, and a different restoration than βασιλικὸν would make it easier to understand the passage. But obviously no certainty is possible here. See note to line 92 for a full discussion of the term.

Column v, lines 108-122

- ..[
 εχ[c. 14-15]. [
 ηι καὶ [.] : διακρυνέτ[ω]σ[α]ν δὲ περ[ὶ αὐτῶν οἱ κρι]-
 110 ται οἱ[σπερ καὶ το]ύς ληιστὰς κρύνειν συντέ[τακται καὶ οἱ]
 πλείον[τες εἰς τὸν π]οταμόν ὁρμίζεσθαι προτ[ιθέτωσαν ἡμέρας]
 ἐν τοῖς ἀ[ποδεδει]γμένοις τ[ό]ποις· νυκτὸς δὲ ἄμ[.]-
 ουνται[c. 9]. [. ἀπ]ολέσωσιν εὐ. [
 ἐάν δέ τι[νες ὑπὸ] χειμῶνος [ἐπι]κληθέντες οἱ οἰοὶ ὥσων]
 115 ἐπ' ἀκτῆς ὁ[ρμισ]θῆναι παρελθόντ[ε]ς ἐπὶ τ[ὸν ὄρμον καὶ τὰ
 συγκύρον[τα], προσαγγελλέτωσαν τοῖς φυ[λακίταις τήν]
 τε αἰτίαν κ[αὶ] τὸν τόπον ἐν ᾧ ὠρμίσθησαν [καὶ τοῖς προσ]-
 αγγεῖλασιν συναποστελλέτω ὁ ἀρχιφυλακ[ίτης φυλακὴν]
 ἱκανὴν οἷτινες φυλάξουσιν τοὺς ὁρμουῦντα[ς ὅπως μὴ ἐν]
 120 βίαιον γένηται· καὶ ἐάν τις παρὰ τοῦ [. ἀπεσ]-
 ταλμένοι κατὰ σπουδὴν πλείωσιν καὶ βούλ[ωνται πλείω]
 νυκτὸς, συμπρ[ο]πεμπέτωσαν τοὺτους καὶ .[

122. ω of συμπρ[ο]πεμπέτωσαν corrected.

Let the judges to whom it is appointed to judge brigands judge them.

Let those sailing toward the river to anchor give notice during the day at the appointed places; but at night . . . But if any, being driven by a storm are not able to anchor on the promontory when they come to the harbor and its appurtenances, let them announce to the police the reason and the place in which they have anchored. To those who have reported, the chief of police shall send a guard adequate to protect them while they are moored, so that no violence may be done. And if any sent from . . . sailing in haste and wish to sail at night, they shall provide them an escort and . . .

110-112. The editors took these lines to contain instructions for anchoring for the night, understanding the infinitive ὁρμίζεσθαι in an imperative sense. The author of this section of our document, however, uses the present imperative consistently. Further, the δέ after νυκτὸς in the succeeding phrase suggests a contrast which the text as the editors presented it does not supply. For these reasons I suggest that the construction be emended as shown above. The supplement εἰς τὸν before π]οταμόν is made in accordance with my interpretation of later portions of this ordinance. It may be noted that the omission of the article as proposed by the editors, though possible, is not common.

I suggest προτ[ιθέτωσαν] as a supplement in line 111 to provide the needed finite verb (present imperative). The word has a wide variety of meanings, several of which are "to give notice," "to publish," and the like. It is most common for the verb, when active, to have a direct object, but this is by no means necessary.

For example, a Ptolemaic inscription from Eresos refers to a man speaking *περὶ ὧν ἂ βολλὰ προεβόλλευσεν καὶ οἱ ἄρχοντες προτίθεισι* (Ἀρχ. Δελτ. 9, 1924/5, παρ. p. 53, lines 1-2). In *IG* 12 (2).526.a.21 we find *ἡ εἴπη ἡ πρόθη περὶ καθόδῳ ἡ τῶν κτημάτων κτλ* (Eresos, fourth century B.C.). Another usage with prepositional phrase occurs in *P. Hamb.* 29.6 (= *Jur. Pap.* 85 = *FIRA* III pp. 518-520): *οἱ προτεθέντες ἐπ' ἐμὲ καὶ μὴ ὑπακούσαντες ἴστωσαν*. The use of the verb with *ἐν τοῖς ἀποδεδοιγμένοις τ[ό]ποις* here, then, is entirely comprehensible.

112-113. Almost all of this provision is lost; it evidently concerned an alternative course of action, open to those who arrived at night rather than in the day. But is it impossible to make sense out of the remains. The editors' *ἀπολέσων* is puzzling in the context, particularly with *ἐν* following, but I can think of no other way to arrange the letters so as to make better sense.

114-117. The most important word for interpreting this sentence is *ἄκτῃ*, which the editors take to mean the banks of the Nile, without discussing the term. The word is not found in papyri apart from its use here; we must therefore rely on literary usage. The word is used a number of times in Homer to mean headland (*Od.* 5.405), rugged shore or ocean cliff (*Od.* 5.425; *Il.* 2.395), and various other aspects of the shore (references in *LSJ*). It can also mean specifically the Attic coast (as in *Eur. Hel.* 1673). There are four references, among the total, which have something to do with a river. Pindar, *Nem.* 9.40, speaks of the *ἄκται* of the Helorus, but the text after this reads *ἐνθα ῥέας πόρον*.¹⁴ The reference, therefore, is to the mouth of the Helorus at the sea. *Isthm.* 2.42 refers to sailing in winter *Νεῖλον πρὸς ἄκτας*. The obvious meaning is the headlands of the Nile delta, where the river meets the sea, where shelter could be found. Aeschylus, *Ag.* 697, refers to anchoring ships on the *ἄκτῃ* of the Simoeis. Here, too, it seems we are dealing with the area in which the river meets the sea. Finally, Sophocles, *Ant.* 813, speaks of the *ἄκτῃ* of Acheron; the exact topographical meaning is not clear, given our limited knowledge of underworld geography.

This use in the the *Antigone*, referring to an imaginary river, is, then, the only known use of the word which does not demonstrably refer to the seacoast. It is the more economical hypothesis, therefore, to assume that the present passage refers to a portion of ocean coast. In line with usage cited above, it may be suggested that the land around the mouth of the Nile is involved, and the passage makes, I believe, very good sense if this is assumed.¹⁵

We return now to *ἡ κληθέντες*, in line 114. The editors found no solution satisfactory to them for the supplement to or meaning of this word. They suggested a scribal error and formation from *κλείω*. There is another alternative, the verb *ἐπικέλλω*. The form makes good sense as an aorist passive participle. We have no extant example of this form of *ἐπικέλλω*, but formation on the analogy of *βάλλω* is reasonable. The word itself means "to bring to shore" or "to run aground." Hellenistic usage forms a considerable portion of the uses

14. Accepting the standard emendation to this from *ἐνθα ῥέας*.

15. The *ostia Nili* of the *Bell. Alex.* 13.1, in other words; discussed by Josephus in *Contra Apion.* 2.5.44.

known to me, four of seven. It is not found in papyri. There are three uses in Apollonios Rhodios (1.1362; 2.382; 3.575) in which it has the above meaning (e.g. *χέρσω ἐπέκελσαν ἐρετμοῖς* in 3.575). There is also an occurrence in *Acts of the Apostles* 27.41, where the meaning "run aground" appears. Ships sailing near the coast might well be driven in by storms — whether we mean "driven" physically or not. That they should seek to anchor on the *ἄκτῃ*, seeking shelter in the river mouth, is entirely reasonable.

The editors understood *συγκύροντα* to be the competent authorities. But an examination of the papyrological uses of the participle of *συγκύρω* (see *WB* s.v.) shows that this is unlikely. The word is nearly always used in the phrase *καὶ τὰ συγκύροντα*, "and the appurtenances thereto," added to a noun to cover miscellaneous effects as in *P. Rev. Laws* 43.14-15, where we hear of sesame, croton and *τὰ λοιπὰ τὰ συγκύροντα εἰς τὴν ἐλαϊκὴν*.

As supplement, then we need τ[ὸν or τὴν something καὶ τὰ] *συγκύρον[τα]*. If the ships are driven by a storm to anchor — or try to — at the *ἄκτῃ*, what will they arrive at (*παρελθόντ[ε]ς ἐπὶ*)? Harbor seems the most natural supplement, but we cannot be certain of the exact word, though it must be something close to *ὄρμος* if not the word itself.

We are left with the end of line 114 to fill. The sentence as it stands is a conditional clause, up to *προσαγγελλέτωσαν*, except that it is missing a verb. There are two participial phrases and an infinitive, but nothing governing the infinitive, which surely needs a verb of willing or being able. What follows (lines 116-117) suggests that the circumstances are not ordinary, but the reverse; special provisions are made for an emergency, stormy weather. The natural supplement, I suggest, is "are not able." I restore *οἱ οὐκ οἶσι ὥσω*, but *οἱ δὲ δύνωνται* is also possible.

The conditional clause, then, expresses a condition when ships, beset by storms, seek refuge in the river from the storms, but are not able to use the normal harbor facilities, and must anchor elsewhere. The natural requirement for the situation is that the authorities be notified and a guard posted. The earlier clause therefore makes more sense. Lines 110-112 establish rules for ships entering the river under normal circumstances; lines 112-113 make provision for night, and now 114-120 set regulations for emergency situations.

If the interpretation set forth above for this passage, and in particular for the word *ἄκτῃ*, is correct, we are faced with a problem of considerable magnitude. Particularly difficult is the notion that ships might be sailing toward the river mouth. The commerce of Ptolemaic Egypt was for the most part channelled through Alexandria. Herodotos (2.179) tells us that in earlier times only the Canopic mouth of the Nile, that leading to Naukratis, was legally open to trade, and that merchants arriving elsewhere had to swear that their arrival there was unwilling, and then sail to the Canopic mouth in the same ship. Naukratis lost most of its trade to Alexandria¹⁶ after the growth of the latter, but

16. On Naukratis in the Hellenistic period, see H. Kees in *RE* 16.2 (1935), col. 1964-6, with references. Some evidence of commerce in the Zenon papers, e.g. *PSI* 333, 503, and 533.

apparently still retained some commercial importance as a central stopping point on journeys from Memphis to Alexandria and from Pelusium to Alexandria. It would be surprising to find this clause referring to the Canopic mouth in the mid-third century B.C., therefore. The mouth never was particularly good for navigation, and tended to silt.¹⁷

Pelusium retained somewhat more commercial importance, though it, too, tended to silt up, until with the passage of time it was somewhat inland. It is clear from references in the Revenue Laws (52) that items like oil could be imported into Pelusium from Syria (see below, p. 97), and moved from there into the chora or to Alexandria, depending on circumstances. But Pelusium, too, was a port of secondary importance.

Given the relatively minor positions of Naukratis and Pelusium, then, the interpretation of ἀκτὴ as seacoast and of this passage as dealing with the coast must be open to some doubt. If the interpretation is right, the passage is a highly unusual one. But it is not impossible, given the evidence that Alexandria was not the sole port of Egypt.

On the matter of provisions about shipping forced to land contrary to plan, see the letter of Ziaelas in Welles, *Royal Correspondence in the Hellenistic Period*, No. 25.

117-120. This clause completes the ordinance, and is straightforward. The use of the present imperative continues, consistent with earlier usage.

120-122. This clause, the beginning of a new section (or perhaps a complete one, if the καὶ in 122 begins a sentence), is not, I think, to be taken too closely with what proceeds. The subject matter of the diagramma shifts without much warning, as line 110 shows. We have a clause on sailing at night given, another provision for unusual circumstances.

The use of συμπερ[ο]πεμπέτωσαν is interesting; it is a third papyrological ἀπαξ in this section, but is satisfactorily attested in classical and later authors in the present sense of "escort."

Column vi, lines 141-147

The editors restore and interpret this passage following a suggestion of Skeat which is surely correct. Greater precision in placing the ordinance in context is desirable, however.

1) We are missing the first prohibition of the prostagma. The second warns against giving tax-exemptions. Three possible cases are covered by this, the movement of goods normally taxed and hence subject not to the royal monopoly but only to customs, the movement of an item subject to the monopoly, preeminently oil, from Alexandria or Pelusium into the chora, and a third prohibition discussed below. Taking oil from a Greek city into the chora was permitted for personal use, at a duty of 25 per cent (*P. Rev. Laws* 52.15), but

17. For physical conditions, see D. G. Hogarth, *JEA* 2, 1915, p. 53, quoted with remarks by E. Bevan, *History of Egypt under the Ptolemaic Dynasty* (1927), p. 90.

prohibited for the purpose of sale (*P. Rev. Laws* 52.7-8); and the movement of oil (imported, as from Syria) across the chora from one city to another is permitted without payment of duty by *P. Rev. Laws* 52.26-29. The ἀτέλεια for the first two of these constitutes an exemption from the normal operation of the law, and for the third is the application of an exemption provided by the law.

2) The third prohibition is against κατὰγειν unless the conditions of (3) are met. The term κατὰγειν means to move downriver, and must apply to a monopoly item such as oil, whose very movement, irrespective of customs duties, was in the normal course of things forbidden by law. The Revenue Laws make provision against movement of oil from one nome to another.

3) From these prohibitions a means of escape is provided, the σύμβολον. The word means, in most Ptolemaic usage (e.g. *P. Hib.* 67.16; 68.9; 74.3,5; etc.) a receipt for the payment of a tax or other money owed. But in this context, that meaning must be excluded. All of the prohibitions which it is to avoid concern either exemptions from, not payments of, duties, or the exception to a regulation forbidding all movement of an item. The σύμβολον in this context, therefore, is a certificate or license, for exemption from the normal legal prohibitions or taxes.¹⁸ For the purposes of monopoly items, the exemption from duty is provided for by known laws in the case of movement from one city to another, but not for north-south shipment.

4) We turn to the procedure involved in the certificates. They are issued by Epikydes, and copies are deposited with Herakleides. These men are referred to by this general piece of legislation without further identification; they are to be presumed, therefore, to be men of considerable rank, whose names needed no explanation. Epikydes is the one man issuing these certificates. He is therefore most likely a member of the central administration in Alexandria. The location of Herakleides is not so clear, but he can hardly be a local official; his office is the official repository of copies of certificates. Finally, the text gives the impression that these certificates are not one-time licenses, but standing ones, on permanent record in the office of Herakleides. They are in the office for purposes of reference, to facilitate checking the claim of someone to have such a license. If there are many licenses, given for a specific occasion, checking each one with a central office would be absurdly time-consuming and inefficient. But where there are few, there is no need for the tax farmer to check with Herakleides usually, because he will know who have the licenses; in cases of doubt only will it be important to be able to refer to such a file.

The practical application and use of the licenses, the later steps in the procedure, are not outlined by the prostagma. We have, however, an apparent example of the workings of the system in *PCZ* 59375, a letter of Addaios to Zenon. Among other items, Zenon is requested σφραγίσαι Ζαπύρ[ωι μετὰ] τῶν τελωνῶν τὸ σύμβολον ὅπως ἂν ἡμῶν καταγάγη τὸ ἐλαιον (lines 10-11). What is happening here, apparently, is that Zenon, or perhaps the dorea of Apollonios,

18. Such a use of σύμβολον is attested in *PCZ* 59375 (see below).

has one of the *σύμβολα* discussed in the present prostagma. He is asked by Addaios to take the certificate, or perhaps a copy of it, go to the tax-farmers, and certify on it that the oil in question falls under the license and therefore may validly be included in the license. Zapyros will take the sealed license with him when he transports the oil to Alexandria, so that in case of need he can prove the legality of his transportation.

5) There remains the question of the reason for the provision for exemption, and of the identity of those receiving the *σύμβολον* of exemption. The presence of Zenon is our only direct evidence on the question. There is, however, the very compelling indirect evidence provided by the Revenue Laws. There is no provision made there for the oil supply of the Greek cities Alexandria and Pelusium. They cannot have produced oil for their own needs, and it would have been contrary to Ptolemaic policy to encourage unnecessary imports. Insofar as possible, the needs of the cities should be filled by surplus oil from the chora. The mechanism of the monopoly, however, provided no means of filling this need, and no doubt this omission was deliberate. The involvement of the contractors in work outside their nome would have run contrary to the entire compartmentalized spirit of the Revenue Laws, and would have provided enormous scope for corruption.

If this is true, another and more flexible means of supplying the city's needs had to be found. The combination of PCZ 59375 and 198 gives us the clear outlines of this system: licenses were issued to provide exemption from the normal prohibition on moving oil outside the nome for a select number of people. That the movement was downriver, to the cities, is guaranteed by *κατάγειν*. As is true of oil brought in from outside Egypt, the government played no part in the distribution of chora oil in the cities; the supply was left up to individuals. Addaios asks Zenon to see to sending oil directly, because it will be cheaper than buying from someone else.

It may be suspected that Alexandrian citizens holding land in the chora and those holding *doreai* from the king would be the first to be permitted to move oil from the country to the city; Zenon would fit well into such a picture. But this must remain in the realm of conjecture lacking more evidence. This prostagma is an important supplement to the Revenue Laws, and presents part of a comprehensive effort at regulating the loose ends of the oil monopoly.

143. *ἀντιγραφείς*: the editors' comment ("the one concerned here is the *ἀντιγραφεὺς τῆς ὥνης* nominated by the *oekonomos* to control the farming of a given tax") does not square with their translation of the term as "their checking clerks." The latter is to be preferred. The term *antigrapheus* is to be seen here — and elsewhere — not as an official position, but as a general word with the simple sense of "clerk." We are dealing here not with an appointee of the *oikonomos* but with an employee of the tax-farmer, the type of clerk referred to in *P. Rev. Laws* 54.15-16: *παρα[κ]αταστήσουσι δὲ οἱ πριάμενοι τῇ[ν] ὥ[ν]ην καὶ ἀν[τιγ]ραφεῖς ἐν Ἀλεξανδρείαι καὶ Πηλουσίῳ κτλ.*

Lines 191-232

The editors listed these sections as concerning pledges and sales, but considered the context too fragmentary to permit further elucidation. There is room for some additional comments, however. In no case in this section can we tell just what provisions have been made. But in several places we can get an idea of what these provisions concerned. In particular, lines 191-196 and 213-223 yield some information. In line notes below I have commented on individual features; here I will summarize the findings.

Both of these ordinances are concerned, apparently, with regulating the seizure and sale of property put up as security (for debt or payment) and forfeit in event of default. Among items covered are procedure for surrendering goods to creditors (involved in lines 191-3 and 218 ff., I think; see notes to line 191); declarations by creditors (lines 194-5); court decisions involved in the procedure (line 218); actual physical possession of the goods involved (line 220).

These provisions provide a clue to the contents of the fragments in which they sit, and of the unplaced fragments of 198 as well. Whereas lines 141 to 182 (and perhaps to 190) concerned items directly pertaining to the crown finances (customs, financial officials and their misdeeds, debts to the crown), the succeeding section turns to more private matters, though those in which the crown is still interested. Fragments 7 and 8 attest the same interest in procedures of execution and collection which are at stake in the two passages under discussion. These ordinances regulate the relations of creditors and debtors, and define the role of crown officials and courts in the procedures necessary.

The closest parallels to this interest lie in city ordinances, *P. Hal.* 1.234 ff. and *P. Hib.* 197. The former regulates conditions under which seizure of security is not allowed; what items (i.e. a horse) may not be publicly sold (*δημοσιεύειν*); the registration of seizure of security with the *thesmophylakes*; and times at which it is permitted to *ἐνεχυράζειν*. The section of *P. Hal.* 1 on securities is followed by one on sale of property. *P. Hib.* 197 is extremely scrappy, but involves the procedure used in seizing securities. Turner suggests (introduction *ad loc.*) that these are city ordinances rather than royal ones; this is correct, I think. The presence of the topic in 198 suggests that the problem of execution on securities was one of widespread importance, in both the Greek cities and the country at large. All of our legislation on the subject comes from the middle of the third century, and may reflect a comprehensive attack on the problem in the late years of Philadelphus.

Line 219 (see note) may reveal the presence of clauses covering the families of soldiers on active service or some such class.

191. *ἐν]ἐχυραζομένων*: no use would be served by a complete discussion here of execution, foreclosure, etc. Taubenschlag, *Law*², pp. 479-558, discusses the problem in detail, and references and bibliography may be found there. A list of uses in papyri may be of use: 1) in the active, to denote the taking possession of assets by a creditor from a debtor who has not satisfied his obligations, with or without the consent of the debtor. Texts range from

mid-third century B.C. to after A.D. 89, with the vast majority in Ptolemaic documents. In rough chronological order: *P. Petr.* III 32 (f) (= *WChr.* 262) verso ii.12; *P. Col.* 83.13; *SB* 6800.20; *P. Col.* 103.9; *P. Petr.* III 26.12; *P. Hal.* 1.236, 238; *P. Enteux.* 87.3; *UPZ* 15.14; *UPZ* 16.16-17; *P. Teb.* 768.10; *P. Würz.* 4.13; *BGU* 1170.56; *P. Mich.* 243.3; 244.11,19; 245.40; *P. Lips.* 120.12 (= *MChr.* 230). 2) in the passive, as a participle, modifying a subject which is a person (or persons) or property accepted by the creditor in a contract as the pledge for the payment or repayment owed. Possession presumably remains with the person giving the security until time of default. This use is attested over a similar time range, 221 B.C. to A.D. 47 (occurrences in *P. Enteux.* 38.3-4; *P. Teb.* 57.3 (= *WChr.* 69 = Witkowski, *Epist. Priv. Graec.* No. 55); *SPP* 1.1.10; *P. Mich.* 240.65 – if, as I suspect, the resolution *ἐνεχυρ(αζόμενος)* is incorrect and should read *ἐνεχυρ(ασμένος)*). 3) One use in the active apparently denoting the action of accepting as a pledge in a contract, the action attested passively in (2), *PCZ* 59077.2 from 257 B.C. 4) The middle is used after a person offering security in a contract, apparently, intransitively, in three second century A.D. documents relating to the execution of debts: *BGU* 1038.17 = *MChr.* 240 = *Eos* 48.3, 1956, p. 98; *P. Ryl.* 115.17; and *P. Fam. Teb.* 29, the fullest of these texts. 5) There are, finally, three texts in which the middle is used with the sense of the active in use (1), to seize for satisfaction of an unpaid debt. In two of these, *P. Petr.* III 26.10 (= Lenger, *Studi Paoli*, 1955, pp. 460-461), and *P. Hal.* 1.240, both third century B.C., we are assured of the identity of the two uses by the occurrence of the middle shortly after the active has been used, and clearly in the same context of action. *P. Teb.* 790.10, from the reign of Euergetes II, uses the middle in speaking of taxpayers and other persons who have made violent depredations on a temple precinct. It is not clear what the force of the verb is here, but the sense seems to be a generalized one of seizure, perhaps with the connotation of an act against a financially oppressive institution.

192. *δίδοσθαι*: presumably of the handing over of the goods to the creditor. The clause of *BGU* 1170.56 dealing with security (in a sale of the right of execution on a debt) specifies that the person buying the debt shall have the right *καὶ παραδίδου καὶ ἐνεχυράζειν καὶ ἐπὶεὐ καὶ τὰ γινόμενα ἀποφέρεισθαι εἰς τὸ ἴδιον*.

193. The phrase *ἐὰν μὴ χειρο[γραφ]....* and the presence of *ἐξομνῶν* in line 195 suggest that the ordinance went on to specify forms of formal legal declaration and oaths required of those executing on property given as security.

Column x, lines 213-223

213. The general subject matter of this section seems to be similar to that of lines 191-196. The specific geographical indication of this line (in Hermoupolis), coupled with the presence of women in line 219, suggests that the section may be a specific decision or modification of a general ruling (lines 191-196), to fit a particular situation.

216. *ἐνεχυραζομένων ἢ πωλουμένων*: see notes to line 191.

218. *συνεκρῶκ ι* : a suggestion, perhaps, of the legal process involved in the obtaining of right of execution on a security.

219. We can only guess at the import of the presence of women in this section. It may be that we are dealing with a situation analogous to those covered by *P. Hal.* 1.124-165, where judicial procedures for protecting the dependents of those who are in the army on active duty or are on some other royal business are put forth. The presence of *στρα* in line 208 lends credence to the suggestion, I think. If this hypothesis is correct, the relevance of these judicial ordinances to the cleruchic class is established, and a link with the cleruchic interests of the recto is present.

220. *ἐξιδιάξεσθα*ι: Papyrological usage shows that this word was not a technical legal term. It has two primary meanings, however. The first (represented by *P. Rein.* 14.18 (= *MChr.* 132), from 110 B.C. and *P. Ryl.* 663 iii.9, from the late third century B.C.) is of the receipt of grain lent or paid, the actual physical receipt of the grain. The second is less clear-cut, but involves the act of an individual or group in seizing something; there is usually some connotation or denotation of arbitrary or even illegal action. Thus in *SB* 4638.10, those attacked by a petition are said to have *τάς τε προκτήσεις τῶν ἐνγααίων ἐξιδιάσμενοι*. In *SB* 7657.14 (= *SB* 8033), first half of the second century B.C., the petitioner alleges that the man who bought land illegally confiscated from his wife appropriated, in addition, some surrounding land of hers. The petitioner of *PSI* 64.13, 18 (first century B.C.?) promises to return *πάντα οὐθὲν ἐξιδιασμένη*.

The meaning of the term in this context accords ill with either of these meanings, but comes closer to the second. What we have, I think, is a provision about a creditor's seizing property of a security; the verb may be the physical expression of the action of the legal term *ἐνεχυράζω*.

221. *δῶ[ο]σθα*ι: see note on line 192.¹⁹

UNIVERSITY OF TORONTO

ROGER S. BAGNALL

19. I am indebted for help and advice to a number of people: to Peter Parsons and T.C. Skeat for help in obtaining the photographs of the papyrus, and to the Trustees of the British Museum for permission to publish them here; to John F. Oates for interesting discussion and the opportunity to present part of my work to the Papyrological Seminar of Duke University; to E.G. Turner, who read the manuscript and made some helpful suggestions; to J. Modrzejewski, who drew on his vast knowledge of published material to give me a number of references, and suggested an alternative reading in one passage (noted above); to the late C. Bradford Welles, who read the manuscript and made many useful comments; and above all to Alan E. Samuel, whose constant encouragement and advice are the source of much of what value this study may have. All faults are, of course, my own contribution.