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NEW READINGS IN AN EDICT OF M. SEMPRONIUS LIBERALIS
(BGU II 372)

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NEW READINGS IN AN EDICT OF M. SEMPRONIUS LIBERALIS (BGU II 372)

In 1988 BGU II 372 (= W.Chr.19) was re-edited with an excellent photograph by Strassi-Zaccaria.¹ It reports an edict of M.Sempronius Liberalis, who was the prefect of Egypt from late in AD 154 to late in AD 158 or early AD 159.² The content sets out measures which have been taken to induce people, who fled their native village or town because of difficulties in being able to pay taxes or undertake the burden of performing liturgies, to come back and continue to work as normal. Two reasons are given for this: first is the desire that the crops should be properly harvested and secondly so that these people are not absent from their *idia* and wandering freely around the country. The prefect makes known that there is an incentive for such people to return to their homes as a general amnesty has been ordered by the emperor Antoninus Pius.³

Although the word does not appear in the text as we have it, it is clear that this text deals with some of the problems arising out of the phenomenon known as *ἀναχώρησις*.⁴ For a section of this text I present a possible supplement, which, I think, helps the understanding of the text and gives a clearer picture of what is going on. The section in question is Column 1, lines 14-21. I reprint these lines of the text as given in the above mentioned edition.

14 Ἴνα δὲ τοῦτο προθυμ[ότ]ε-
 15 ρο[ν κ]αὶ ἥδιο[ν π]ο[τή]σ[ω]σιν, ἴστωσαν [μ]ὲν τὸν τ[. . .].
 16 τ[. . .] ἐκ ταύτ[ης] τῆς αἰτ[ί]ας ἔτι κατεχόμενον ἀ[ί]σ-
 17 θ[ή]σεσθαι τῆ[ς] τοῦ μ[ε]γίστου Αὐτοκράτορος εὐ[μ]ε-
 18 ν[ε]ί[ας] καὶ χρη[σ]τότητος ἐπι[τ]ρεπούσης καὶ μ[η]δε-
 19 μίαν πρὸς ἀ[ύ]τους ζήτησιν ἔσεσθαι, ἀλλὰ μ[η]δ[ε]
 20 πρὸς τοὺς ἄλλ[ο]υς τοὺς ἐ[ξ] ἧς δήποτε αἰτίας ὑπὸ
 21 τῶν στρατη[γῶν] προ[γρ]αφέντας·

¹ S. Strassi Zaccaria, L'editto di M. Sempronius Liberalis, Trieste 1988 (cited hereafter as Strassi Zaccaria).

² For documentation of the period of office of M.Sempronius Liberalis as the prefect of Egypt, cf. Strassi Zaccaria, pp. 27-28, and ANRW II 10.1, 1988, pp. 486 and 509.

³ Cf. Strassi Zaccaria, p. 41. R. Katzoff, Sources of Law in Roman Egypt: The Role of the Prefect, ANRW II 13, 1980, p. 817 speaks of a "partial amnesty", but the phrasing in line 20 ἐ[ξ] ἧς δήποτε αἰτίας seems to me fairly conclusive evidence for a general amnesty.

⁴ In Egypt the practice of people leaving their own villages and disappearing without trace is often referred to as *ἀναχώρησις*. A list of the documents pertaining to this practice is appended in Strassi Zaccaria, pp. 76-91. For treatment of this subject cf. H. Henne, Documents et travaux sur l'anachoresis, Akten des VIII internationalen Kongresses für Papyrologie, Wien 1956, pp. 59-66; H. Braunert, IΔΙΑ. Studien zur Bevölkerungsgeschichte des ptolemäischen und römischen Ägypten, JJP 9-10, 1955-1956, esp. pp. 241-293; H. Braunert, Die Binnenwanderung. Studien zur Sozialgeschichte Ägyptens in der Ptolemäer- und Kaiserzeit. Bonn 1964, pp. 158-160, 165-179; S. Link, Anachoresis. Steuerflucht im Ägypten der frühen Kaiserzeit, Klio 75, 1993, pp. 306-320; N. Lewis, A Reversal of a Tax Policy in Roman Egypt, GRBS 34, 1993, pp. 101-118. Similar problems concerning *ἀναχώρησις* and absence from one's *ιδία* are the subject matter of a document, which dates from some 50 years later and was first published by J.D. Thomas, A Petition to the Prefect of Egypt, JEA 61, 1975, pp. 201-221 (text also published as P.Oxy. XLVII 3364). His discussion of the various aspects of these subjects is very elucidating and relevant to the section of the text of BGU II 372 under discussion, as well as to the rest of the text of the edict of M. Sempronius Liberalis.

This was translated as follows: “E affinché facciamo ciò con maggior zelo e più volentieri, sappiano che chi per questo motivo è ancora segnato (nelle apposite liste) godrà della benevolenza e del favore del grandissimo Imperatore, che concede anche che non ci sia alcuna inchiesta (non solo) nei loro confronti, ma nemmeno nei confronti degli altri che per qualsiasi motivo sono stati proscritti dagli strateghi.”

It seemed to me that it should be possible to supplement the end of line 15 and the beginning of line 16 by considering what contexts were suggested by the use of the participle *κατεχόμενον* (line 16).⁵ In the context of *ἀναχώρησις*, the practice of sequestering property occurred to me.⁶ Property was sequestered until debts had been paid (P.Mich. XI 616, c. AD 182). If the debts were not paid, or if a man was unable to meet the demands of the liturgy, for which he had been put forward, and fled, the property might be sold (P.Wisc. II 81, 11 February, AD 143). A way of expressing the sequestration of property is *τὸν πόρον κατέχειν* (e.g. P.Berl.Leihg. II 46.9-10, 1 April, AD 136). From this expression we can imagine that another way of referring to such property, which had already been sequestered, would be *ὁ πόρος ὁ κατεχόμενος* or *ὁ κατεχόμενος πόρος*.⁷ With this in mind it should be noted that Wilcken had read ἴστωσαν [μ]ἐν τ[ὸ]ν π[. . .]ι in W.Chr. 19.15.

I had the opportunity to examine the original papyrus in Berlin and this resulted in a few minor corrections, where I felt sure that a greater number of letters could be discerned than had been accounted for in the previous editions of the section of the text from lines 14 to 21.⁸ In line 15 traces of the last foot of the π from π[ο][ιή]σ[ω]σιν are clearly visible. At the end of this line, where Wilcken read a π, the breadth of the letter causes no difficulties as we can find examples of a similarly wide π in line 9 προτρέ[πομαι] and πάντας. Where Wilcken read an iota at the end of the line, there is a vertical ink-stroke, which can easily be taken as an iota, but after a close examination there appears to me to be a very fine diagonal stroke of ink which runs into the bottom of the descending vertical stroke and this I take to be a clear indication of the letter ν.⁹ So I supplement π[όρο]ν. In the following line τ[ὸ]ν is an easy supplement. After κατεχόμενον the α can be read quite clearly and just before the hole in the papyrus there is a trace of ink low down. Although it is difficult to be certain, it looks as if the trace is the bottom of a very slightly oblique line; the first vertical line of a π is quite possible. At the end of line 16 there is a rather fine ink stroke. It is slightly curved and elongated as is sometimes the practice with the last letter of a line (to fill space). I suggest that it is part of an upsilon and compare the upsilon at the end of line 6, where the form is

⁵ Strassi Zaccaria discusses various possibilities on pp. 37-41. In particular she notes the use of *κατέχεσθαι τὸ ὄνομα* in the edict of Tiberius Julius Alexander to refer to the practice of registering the names of supposed debtors to the state. In the end, however, she was unable to offer a conclusion, with which she was fully satisfied.

⁶ For a discussion of the practice of sequestration, cf. R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri*, Warszawa 1955, pp. 688-691; G. Chalon, *L'édit de Tiberius Julius Alexander. Étude historique et exégétique*. Olten 1964, pp. 129-131 and especially notes 36-38.

⁷ I have found no instance of this phrase. For different wordings of the same phenomenon I would compare, by way of example, P.Oxy. II 237 Col. IV 20 (AD 186) τῶν κατεχομένων μοι ὑπαρχόντων and SB XVI 12290.24-25 (after AD 158) ἵνα ὁ κρατούμενος αὐτοῖς [τ]οῖς ἀποί[κοις] καὶ τοῖς αὐτῶν [?] πόρος καθα[ρὸς] διαμεῖναι δυναθῆ.

⁸ I would like to thank Dr. G. Poethke for his kindness and help in making the original available for me during a brief visit to Berlin.

⁹ On the photograph in Strassi Zaccaria's book the traces which appear to be a rounded diagonal and ascending final stroke of a ν are not visible on the original.

unusual and displays an elongated final stroke, and at the end of line 31, in the second column, where the upsilon could be a very close parallel to what I think should be read here. At the beginning of line 17, after the large θ there is a hole in the papyrus. Out of this hole there emerge traces of ink. These can be taken as a portion of the horizontal stroke as well as the final vertical stroke of an η. In the same line the last section of the foot of μ from εὐ[μ]εν[εῖ]ας is clearly visible. In line 18 the ι of ἐ[πι]τρεπούσης is also clearly visible. In this same line after the second καὶ there is a μ followed by a vertical stroke, in ligature with the last rounded stroke of the μ. This is the first stroke of the η, then come a few faint ink traces which lead into the clearly visible ε.

For lines 14-19 of the text I now read:

14 Ἴ]να δὲ τοῦτο προθυμ[ότ]ε-
 15 ρο[ν κ]αὶ ἥδιον[ν] πο[ιή]σῳ[σιν, ἴ]στωσαν [μ]ὲν τὸν π[όρο]ν
 16 τ[ὸν] ἐκ ταύτ[ης] τῆς αἰτ[ίας] ἔ]τι κατεχόμενον ἀπ[ολ]υ-
 17 θήσεσθαι τῆ[ς] τοῦ μ[εγίσ]του Αὐτοκράτορος εὐμε-
 18 ν[εῖ]ας καὶ χρη[σ]τότητος ἐ[πι]τρεπούσης καὶ μηδε-
 19 μίαν πρὸς ἀ[ύ]τουδς ζήτησιν ἔσεσθαι,

The return of property, which had been sequestrated, is the incentive, which is offered.¹⁰ In the context of amnesty proclamations the verb ἀπολύειν is le mot juste.¹¹ It is more commonly used with people as direct objects, but the use with inanimate direct objects is also attested, e.g. harvested crops, γένημα (cf. F. Preisigke - E. Kießling, Wörterbuch der griechischen Papyrusurkunden IV, Berlin 1944, p. 253). Comparison with documents concerning inheritance also throws light on such phraseology. The verb κατέχω is also used of determining who will be heirs to one's belongings or to whom the inheritance has been left (P.Oxy. XLII 3015.19 & 22). In one particular case the wording is very clearly similar to what I suggest for BGU II 372.16-17: in P.Oxy. VIII 1102.18-22 we have:

18 Εὐδαίμονος διὰ τῶν παρεστώ-
 19 των λέγοντος κατεσχῆσθαι αὐτοῦ τὰς προσόδους καὶ ἀξιώσαντος ἀπολυ-
 20 θῆναι αὐτάς, ὁ ἱερεὺς καὶ ὑπομνηματογράφος· ἐπὶ τὰ ὑπ' ἐμοῦ κελευ-
 21 σθέν[τ]α γένηται κ[α]ὶ ἡ πόλις τὸ προσῆκον μέρος κομίσεται, ἀπολυθή-
 22 [σο]ν[τα]ι.

¹⁰ A case in P.Lond. VII 2188.122-149 (148 BC) proved helpful for the formulation. In this text a question of ownership has to be decided at the king's court. Until this could take place, measurements had to be taken. It was decided that the dues in kind were to be measured and paid as usual and that the remainder of the crop be impounded - τὰ δὲ λοιπ[ὰ ἐπιγενή-] μα{ναν}τα πάντα καὶ τὰλλα κατα[σχεθῆναι] (lines 135-136) cf. line 161 κα[τασχε]θῆνα[ι], where the reading is put beyond reasonable doubt - until the king's court had made a judgement about the ownership of the land. On the basis of this judgement the impounded produce would be returned to the legal owners of the land - ἴν' ὀποτέρω(ι) ἂν αὐτ[ῶν] ἡ κυριεῖα | τῆς γῆς περιγείνηται, τούτω(ι) τὰ ἐπι[γ]ενήματα | ἀποδοθῆι· (lines 140-142). For lines 16-17 of BGU II 372 the first consideration was to replace ἀ[ίσ]-θ[ή]σεσθαι with ἀ[ποδ]ο-θ[ή]σεσθαι or ἀ[π]ο-δ[οθῆ]σεσθαι. However from the traces that are visible an omicron at the end of line 16 is unattractive and, in the second case, a δ instead of a θ can not be defended.

¹¹ One can compare e.g. C.Ord.Ptol., p. 235, as well as the many examples in the royal ordinances themselves, and P.Kroll, pp. 12-15, 17, where many parallel passages are cited from documentary as well as historiographical sources. P.Kroll (SB VI 9316) has been re-edited as P.Köln VII 313.

The text of the whole section under discussion is now as follows:

14 Ἴνα δὲ τοῦτο προθυμ[ότ]ε-
 15 ρο[ν κ]αὶ ἥδιο[ν] πο[ιή]σῶ[σιν, ἴ]στωσαν [μ]ὲν τὸν π[όρο]ν
 16 τ[ὸν] ἐκ ταύτ[ης] τῆς αἰτ[ίας] ἔτι κατεχόμενον ἀπ[ολ]υ-
 17 θήσεσθαι τῆ[ς] τοῦ μ[εγί]στου Αὐτοκράτορος εὐμε-
 18 ν[εῖ]ας καὶ χρη[σ]τότητος ἐ[πι]τρεπούσης καὶ μηδε-
 19 μίαν πρὸς αὐ[τ]οὺς ζήτησιν ἔσεσθαι, ἀλλὰ μηδ[ὲ]
 20 πρὸς τοὺς ἄλλ[λο]υς τοὺς ἐξ[ῆ] ἢς δῆποτε αἰτίας ὑπὸ
 21 τῶν στρατηγῶν προ[γρ]αφέντας·

This I would translate: “And so that they do this more eagerly and readily, let them know that property, which is still under sequestration for this reason, will be released, since this is the instruction given by the good-will and generosity of the emperor, and that there will not be any judicial inquiry at all concerning them, nor indeed (will there be any judicial inquiry) concerning others, whose names had been hung up publicly by the strategi for whatever reason at all.”

In the Italian translation, the verb ἀ[ίσ]θη[σ]εσθαι is construed with τῆ[ς] . . . εὐ[μ]ελν[εῖ]ας καὶ χρη[σ]τότητος, which, in turn, is linked to the following accusative and infinitive construction by the participle ἐ[πι]τρεπούσης. Now the phrase τῆ[ς] τοῦ μ[εγί]στου Αὐτοκράτορος εὐμε-ν[εῖ]ας καὶ χρη[σ]τότητος ἐ[πι]τρεπούσης can be construed as an independent genitive absolute, which is, perhaps, slightly neater. ἴστωσαν governs τὸν π[όρο]ν . . . ἀπ[ολ]υθησεσθαι and μηδεμίαν . . . ζήτησιν ἔσεσθαι, both of which are joined by a normal copulative καί.¹²

The function and meaning of ἀλλά must also be considered, because its standard adversative force is somewhat difficult to see. The use of ἀλλά, which I think we have here, can be illustrated by comparison with other occurrences of the combination of ἀλλά and μηδέ. I have found six examples of ἀλλά μηδέ in the so-called Nichtangriffsklausel,¹³ which often begins μὴ ἐγκαλεῖν or μὴ ἐπελεύσεσθαι and continues with a list of how, for example, a debtor, who has paid everything off, will not in any way be molested or have claims made against him or her by the creditor.¹⁴ Normally the enumeration of each of the various actions, which may not and will not be allowed to take place, is introduced by μηδέ or μήτε.¹⁵ In the present context we might expect ἐπιτρεπούσης μηδεμίαν πρὸς αὐτοὺς ζήτησιν ἔσεσθαι μηδὲ πρὸς τοὺς ἄλλους τοὺς ἐξ ἢς δῆποτε αἰτίας ὑπὸ τῶν στρατηγῶν προγραφέντας, where μηδεμίαν . . . μηδὲ is all that is required to negate the two clauses. But the use of ἀλλά in such circumstances can be observed and occurs after at least one,

¹² For the use of μέν . . . καί, cf. Denniston, *Greek Particles*, Oxford 1966, p. 374 and Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit*, II, 3, Berlin-Leipzig 1934, p. 130.

¹³ For this so-called Nichtangriffsklausel, cf. H.-A. Rupprecht, *Studien zur Quittung im Recht der graeco-ägyptischen Papyri*, München 1971 (*Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte*. 57. Heft), pp. 94-103, H.-A. Rupprecht, *Βεβαίωσις und Nichtangriffsklausel. Zur Funktion zweier Urkundsklauseln in den griechischen Papyri bis Diocletian*, Symposium 1977. *Vorträge zu griechischen und hellenistischen Rechtsgeschichte*, ed. J. Modrzejewski and D. Liebs, Köln-Wien 1982, pp. 235-245, and A. Berger, *Die Strafklauseln in den Papyrusurkunden*, Leipzig 1911, pp. 125-127.

¹⁴ BGU IV 1111 (15 BC), P.Freib. IV 55 (AD 71), P.Fam.Tebt. 20 (AD 120-121), P.Fam.Tebt. 21 (AD 122), P.Kron. 52 (AD 138), P.Strasb. VI 512 (AD 196-197).

¹⁵ For an example cf. A. Berger, *Die Strafklauseln in den Papyrusurkunden*, Leipzig 1911, p. 225.

and usually more than one, negated clause. It seems to emphasise a particular phrase. In the context of the Nichtangriffsklausel it emphasises an attempt to encompass all possible events and situations that could happen. This is particularly clear in two cases where the phrase ἀλλὰ μηδὲ περι ἄλλου μηδενὸς ἀπλῶς makes very clear the all-encompassing intention and comes at the end of a number of things which may not take place.¹⁶ Stated more generally it broadens the spectrum of the groups or circumstances, which are the object of consideration.¹⁷ In the present context this fits rather well, because there will be no judicial inquiry concerning a particular group of people and moreover none concerning a further group of people. In other words, the scope of the measure is defined, in the first place, in terms of one group and then is made to encompass a broader section of people involved. It is worth noting the first six lines of a royal ordinance from the year 50 BC. BGU VIII 1730 (C.Ord.Ptol. 73) begins with the line Βασιλέως καὶ βασιλίσσης προσταξάντων. The order is expressed as follows: μηδένα τῶν ὑπὲρ Μέμφιν νομῶν ἀγοράζοντα πυρὸν ἢ ὄσπριον κατάγειν εἰς τὴν κάτω χώραν, ἀλλὰ μηδ' εἰς τὴν Θηβαΐδα ἀνάγειν παρευρέσει μηδεμίαι. Lenger defends this passage against the corrections of two editors, who wanted to delete ἀλλά.¹⁸

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¹⁶ P.Kron. 52.28-29, P.Strasb. VI 512.6-7.

¹⁷ Cf. Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit*, II, 3, Berlin-Leipzig 1934, p. 118: "mit steigendem καί, οὐδέ, μηδέ im zweitem Glied." Bauer-Aland, *Wörterbuch zum neuen Testament*, 6.Auflage, Berlin 1988, p. 75 ἀλλά -3. Steigernd with the examples. Kühner-Gerth, *Ausführliche Grammatik der griechischen Sprache*, 3. Auflage 1904, Nachdruck Darmstadt 1966, II §525 5., p. 261. For literary instances of this usage from roughly the same period I offer, by way of example: Plu. Lyc. 9.2.6, Caes. 66.10.1; Longus *Daphnis and Chloe* 2.17.1; Gal. de victu attenuante 68, 3 (*Corpus Medicorum Graecorum* V 4, 2), de diffentia pulsuum I (Kühn VIII, S. 539), commentarius I in Hippocratis prognosticon (Kühn XVIII b, S. 78).

¹⁸ M.-T. Lenger, *Corpus des Ordonnances des Ptolémées*, Bruxelles, 1980, p. 207.