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P. HARRIS I 62 AND THE PURSUIT OF FUGITIVE SLAVES

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## P. HARRIS I 62 AND THE PURSUIT OF FUGITIVE SLAVES

In the Ptolemaic period official involvement in the pursuit of fugitive slaves extended to the posting of public notices and the use of officials as recipients of information (*UPZ* I 121 and *P. Heid.* II 212 = *SB* VI 9532). Such official engagement might be defined as passive in distinction from an active engagement which would require the actual pursuit of the fugitive or the seeking of information about him. Evidence of an active involvement of the same officials and their assistants for all owners is open to question. Persons of position and influence might gain such assistance, but it has been argued that it was not available to all. Pavlovskaja<sup>1</sup> and Westermann<sup>2</sup> note that the Ptolemaic government only assisted in the posting of a public notice describing the runaways; an active search by officials was unknown. Scholl<sup>3</sup> and Biežuńska-Małowist<sup>4</sup> hold that official involvement extended to the search itself. A decision in this matter will depend on one's view (a) of the role played by Zenon in *BGU* X 1993 (= *SB* VIII 9779 = *P.Zen. Pestm.* 43 = Scholl, *Corpus der ptolemäischen Sklaventexte* I 72) and *PSI* VI 570 (= Scholl, *Corpus der ptolemäischen Sklaventexte* I 69) and (b) of the Ptolemaic government and its desire to exercise effective control over its subjects and their status. Would the government be content to take only a passive role in the pursuit of runaways given the disruption to control which this represented? Scholl and Biežuńska-Małowist believe that it would not, and they find corroboration for their position in the activities of Zenon and the *phylakitai* in *BGU* X 1993 and *PSI* VI 570. Their position seems the more probable.

The significance of *P. Harr.* I 62, a papyrus from the Roman period and dated to the reign of Antoninus Pius (AD 151), lies in the fact that it offers indirect support for an active involvement. However, before proceeding to a more detailed discussion of this document, an over-view of Roman legal developments is apposite. Before the reign of Marcus Aurelius, Roman law and administrative practice affirmed an official involvement in the apprehension of fugitives. For example, in Rome the praetor was to provide a *servus publicus* to act as *conquistor* of the fugitive; in the provinces an *apparitor*, if required, was to be provided by the governor. However, in both instances official involvement was only contemplated when the fugitive was in hiding on the property of a third party and was not handed over. The personnel provided by the magistrates did not seek out the fugitive, but rather intervened between two owners in the exercise of their property rights. It is not until the time of Marcus Aurelius that the state undertook a wider role in the apprehension of fugitives.<sup>5</sup> This emperor issued a general letter declaring that officials should assist the owner in his search and punish those who might conceal fugitives. Anyone could apprehend a fugitive and hand him over to a magistrate (*Dig.* 11.4.1.3). The latter was to guard the slave until his master should appear (*Dig.* 11.4.1.4). If the master failed to appear, the slave was to be sent to either the *praefectus vigilum* in Rome or the provincial governor (*Dig.* 11.4.1.8). This new procedure extended beyond the mere offer of assistance to the master in search of his slave. The state's role had become more active. This is further implied by the fact that magistrates were now to be informed of a fugitive's name, distinguishing features including scars and the name of his master (*Dig.* 11.4.1.8a). Such information would assist them in the search for

<sup>1</sup> A.I. Pavlovskaja, 'Die Sklaverei im hellenistischen Ägypten', *Die Sklaverei in hellenistischen Staaten im 3.-1. Jh. v. Chr.*, edd. T.V. Blavatskaja, E.S. Golubcova and A.I. Pavlovskaja (Wiesbaden 1972, trans. from Russian) 271.

<sup>2</sup> W.L. Westermann, *The Slave Systems of Greek and Roman Antiquity* (Philadelphia 1955) 39.

<sup>3</sup> R. Scholl, *Sklaverei in den Zenonpapyri. Eine Untersuchung zu den Sklaventermini, zum Sklavenerwerb und zur Sklavenflucht* (Trier 1983) 171 and 180.

<sup>4</sup> I. Biežuńska-Małowist, *L'esclavage dans l'Égypte gréco-romaine*, vol. 1 (Warsaw 1974) 103-5, vol. 2, 68-71, and eadem, 'Les esclaves fugitifs dans l'Égypte gréco-romaine', *Studi in onore di Edoardo Volterra* vol. 4 (Milan 1971) 86-7.

<sup>5</sup> H. Bellen, *Studien zur Sklavenflucht im römischen Kaiserreich* (Wiesbaden 1971) 12.

a fugitive. Bellen<sup>6</sup> argues that Septimius Severus further strengthened the engagement of the state and its officials. In a rescript to the *praefectus vigilum* he advised that the official should seek out fugitives and return them to their masters (*Dig.* 1.15.4). It is also assumed that the same obligation was placed on all provincial governors implicitly in their *mandata*.<sup>7</sup> It is at this stage that Bellen<sup>8</sup> sees the state as fully engaged in the pursuit of fugitives; it was not only acting to help a master in search of his slave but also taking the initiative in the search and apprehension of the fugitive.

The importance of *P. Harr.* I 62 resides in the fact that it attests an active official involvement in the pursuit and apprehension of fugitive slaves in Egypt already before this had become practice under Roman law.<sup>9</sup> The implication must be that the Romans were continuing an older practice. In the document one can see the *strategoï* of various nomes active in the notification of fugitives and their details, in the ordering of underlings to search for them and in the receipt and guarding of the same. The evidence suggests that in the Ptolemaic period official involvement extended to the search and apprehension of fugitives and that on assuming control of Egypt the Romans continued a practice which was consistent with the tendency of their own administrative practice and law. Given the significance of *P. Harr.* I 62, a better understanding of the document is desirable. In what follows an attempt is made to meet this need through a comparison of the text's formal characteristics.

### A Consideration of the Formal Elements of *P. Harr.* I 62

In the *editio princeps* the papyrus is described as a 'fragment from a τόμος συγκολλησίμος, probably of a *strategos*'. There is evidence of letters on the right-hand side of the preceding column, but they were not reproduced by the editor of *P. Harr.* I 62. The text as it is reproduced consists of a document concerning runaway slaves (*ll.* 1-20), an endorsement by the assistant (3rd hand) who entered the document in the τόμος συγκολλησίμος (*ll.* 21-22 and presumably the number θ at the top of the page) and marginal notes (2nd hand — the hand is misleadingly described as the 'third hand' in the editor's introductory description of the letter).

Concerning the document the editor observes: 'Here, the *strategos* of the Little Oasis passes on to a colleague a public notice of four runaways issued by a slave-owner in his district.' The observation needs clarification. As the slaves are described as 'undermentioned' (*l.* 8), their details must be those listed in *ll.* 19-20. Here only three slaves are named. If there was a fourth, his or her name and age would have had to have been recorded in the lost portion at the beginning of *l.* 19. But as it will be argued below, this is not the only possible reconstruction which might be suggested here. A second difficulty surrounds the editor's description of the correspondence as 'a public notice of four runaways', for the lines clearly do not resemble a notice for runaway slaves. In the first place if one compares *ll.* 7-20 with other notices (*UPZ* I 121, *P. Oxy.* LI 3616-7, and Lucian, *Fugitivi* 27; cf. also *P. Lond.* VII 2052) the absence of the slaves' distinguishing features is immediately apparent. And why, if this is a public notice, are officials ordered to search for the runaways (*ll.* 14-16)? A third confusion also needs to be clarified. To whom does the editor's penultimate 'his' refer? Does it refer to the slave-owner, the colleague or the *strategos*?<sup>10</sup>

<sup>6</sup> Bellen, *Studien zur Sklavenflucht* 13.

<sup>7</sup> Bellen, *Studien zur Sklavenflucht* 13-14.

<sup>8</sup> Bellen, *Studien zur Sklavenflucht* 14.

<sup>9</sup> The state is shown in *P. Oxy.* XII 1422 (ca AD 128) to be involved in the prosecution of persons who assisted fugitives. This is consistent with Roman law (*Dig.* 11.4.1.1-2), though probably not dependent on it. Unfortunately, *P. Oxy.* 1422 does not offer direct evidence for state involvement in the pursuit of fugitives. But the fact that the *strategoï* were involved in the prosecution of a person assisting the fugitive suggests that the state may well have been involved in the pursuit itself. See Biezuńska-Malowitz, 'Les esclaves fugitifs' 87.

<sup>10</sup> R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri* (Warsaw 1955) 84 n.84, in his description of the papyrus uses the same wording as that of the editor. There is no clarification of meaning. Bellen, *Studien*

Biežuńska-Małowist<sup>11</sup> offers a better description of the text. The papyrus is said to be an official copy of an arrest warrant for runaway slaves issued by the *strategos* of the Busirite nome and published in other nomes. The copy was transmitted or passed on by the *strategos* of the Little Oasis. The slaves' owner, Arabion, is thought to reside in a village of the Busirite nome. The final two lines (*ll.* 21-2) are described as the annotation of a functionary declaring that the document has been registered and posted. U. Hagedorn<sup>12</sup> notes that the papyrus gives the impression that the procedure described in it was not exceptional but rather routine. In other words, the text describes a rather typical administrative procedure. But again the reconstruction raises questions which need to be addressed. Why if *ll.* 7-20 are a copy of the arrest warrant issued by the *strategos* of the Busirite nome does the latter official refer to his own nome as ἐκείνου (*l.* 11)?<sup>13</sup> What is the implication of *ll.* 21-2? If they are by a different hand from the copy of the arrest warrant transmitted by the *strategos* of the Little Oasis, then what procedure was followed with the notification and registration of the arrest warrant?

It goes without saying that an interpretation of *P. Harr.* I 62 is made difficult by the fragmentary nature of its text and the lack of parallel documents with which to make a comparison. In order to address the difficulty an attempt was made to clarify meaningless strings of letters, e.g. τυπι *l.* 2, μια *l.* 7, αρεσταμε *l.* 11, δια τρ *l.* 14 and αλειτω in the marginal note, but unfortunately an electronic search of Duke Data Base fails to produce any satisfying reconstructions. A way forward, however, may be offered by certain documents which, albeit, offer partial parallels to the present papyrus.

*P. Oxy.* XLII 3032 (AD 218/9 or 223/3) offers a good parallel for the form of *P. Harr.* I 62 *ll.* 1-5. The document shows the four following formal characteristics:

- (1) page number
- (2) παρό + name and nome of the *strategos*
- (3) brief description of the attachments
- (4) dates relevant to the attachments

Unfortunately *P. Oxy.* XLII 3032 breaks off as the name of the emperor begins. The editor, who notes in passing the formal similarity between *P. Oxy.* XLII 3032 and *P. Harr.* I 62, describes the fragment as a 'covering note'. The attachments are copies of letters from two high officials. The interest of the papyrus, however, extends beyond the formal parallel offered to *ll.* 1-5 of our text. In particular, it allows one to identify ἔστι δέ (*l.* 6) as marking the attachment, the contents of which are described in brief in *ll.* 2-4. The lexical cohesion between *ll.* 2-4 and *ll.* 7 ff. is thereby explained; cf. προγράμματα par. προέγραψα; περὶ ζητήσεως par. περὶ ἀναζητήσεως;<sup>14</sup> δουλικῶν σωμάτων par. δουλικῶν σωμάτων; στρατηγῶν ἄλλων νομῶν par. στρατηγὸς Βουσιρίτου. The parallel document also suggests that γραφεῖσας (*l.* 3) may not refer to public notification but to the attachment. If the above inferences are correct, then *ll.* 7 ff. are not from the pen of Sarapion but from the *strategos* of the Busirite nome, as Biežuńska-Małowist has suggested.

A second parallel is to be found in documents which carry a note of publication and registration by the *strategos*'s assistant. Wilcken<sup>15</sup> correctly notes the erroneous parallel that the editor of *P. Harr.* I 62 (Powell) offers to explain the closing note regarding publication and registration. *P. Oxy.* IV 719 is cited by Powell but this papyrus concerns the public registration (δημοσίωσις) of a private document

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zur Sklavenflucht 10 n.51, appears to offer a similar reconstruction but now involving colleagues (plural). Again terminological referents are unclear and Bellen's meaning vague.

<sup>11</sup> Biežuńska-Małowist, *L'esclavage dans l'Égypte gréco-romaine* vol. 2, 127 and 141, and eadem, 'Les esclaves fugitifs' 76 n.6, 87-8.

<sup>12</sup> U. Hagedorn, *P. Turner* 41, p.168.

<sup>13</sup> Cf. *P. Oxy.* I 57 *l.* 21 and *SB* XIV 11381 *l.* 4.

<sup>14</sup> On the basis of a photograph D. Hagedorn (per litt.) reads ἀναζη(τή)σεως and not διαζη(τή)σεως in *l.* 8. On the omission of the syllable τη he refers to *P. Flor.* III 375 *l.* 46.

<sup>15</sup> U. Wilcken, *APF* 12 (1937) 235.

(i.e. a χειρόγραφον or note-of-hand)<sup>16</sup> and as such offers no parallel to the circumstances assumed by the present document. Instead, Wilcken argues that the lines confirm his interpretation of the subscription of the *strategos's* assistant in *P. Par.* 69 (= *WChr* 41). The latter document consists of seven columns from the day-book of a *strategos*. At the base of each column the assistant has written the formula: ὁ δεῖνα ὑπηρέτης προθεὶς δημοσίᾳ κατεχώρισα. From this it is concluded that the assistant had publicly posted each column on a separate sheet of papyrus and then soon afterwards registered it in the *strategos's* diary. Registration merely consisted in adding the appropriate formula and gluing the newly published column to the roll (i.e. diary) made from earlier postings.<sup>17</sup>

A similar procedure is understood to have stood behind *P. Flor.* I 2 (= *WChr* 401, AD 265). The text consists of a series of nominations to various liturgies which were posted publicly by order of the *strategos*. The formula under discussion is still extant (though very fragmentary) at the end of three notices (*ll.* 37-38, 200-201 and 260). Wilcken<sup>18</sup> concludes that these notices were publicly posted and then registered in (i.e. glued into) the day-book of the *strategos*; cf. also the page numbers at the top of columns 1, 2, 7 and 9. *P. Flor.* I 2, however, shows a number of differences from the day-book *P. Par.* 69. First, it will be noted that registration is not sequential with the date of the *strategos's* order. Entries do not follow exactly the day-to-day activity of the *strategos*. Second, though the document covers orders of the *strategos* over a period of approximately two months (Payni, Epeiph and Mesore), each concerns nomination(s) to a liturgy. Further, as it is most improbable that the *strategos* only concerned himself with liturgical matters during the same period, it follows that the documents were not registered in the day-book of the *strategos*, but rather in a register concerned with the publication of liturgical nominations.

The existence of such a register concerned with the publication of liturgical nomination is further confirmed by *BGU* I 18 (= *WChr* 398, AD 169) and *P. Leit.* 5 *ll.* 19-39 (AD 180).<sup>19</sup> Each document is described in its heading/introduction as a πρόγραμμα and concludes with the assistant's note regarding publication and registration. Importantly, however, they differ from *P. Flor.* I 2 in that each is a copy taken from the official register. As these two documents are important to an understanding of the description and form of *P. Harr.* I 62 *ll.* 7-22, a tabulated comparison is offered below (see Table of Formal Comparison). Any difference between the two sets of documents which affects the wording of element (2) is easily explained by the fact that *P. Harr.* I 62 deals with a different subject matter, i.e. an arrest warrant for runaways and not a public notice of a liturgical nomination. There are, however, three further points of difference which require comment; they are the absence of elements (3) and (5) as well as the abbreviated date in (4). The differences, I would suggest, are only superficial. The signature of the *strategos*<sup>20</sup> and ἔστι δέ could well have stood in the lost text at the beginning of *ll.* 18 and 19 respectively. The space is sufficient to fit these reconstructions. But it is not sufficient in the case of *l.* 19 to permit in addition the name and age of a fourth slave as has generally been suggested. The abbreviated date (i.e. month and day without regnal year) can easily be explained as redactional, for as the year had already been stated in the covering note (*ll.* 4-5), it was subsequently abbreviated by the scribe in copying the appended document.

<sup>16</sup> On δημοσίωσις see L. Mitteis, *Grundzüge* 125, and H.J. Wolff, *Das Recht der griechischen Papyri Ägyptens* (Munich 1978) 39 and 129-35.

<sup>17</sup> Copies could be made during the period of posting or afterwards from the diary. See U. Wilcken, *Grundzüge* 59-60. Wilcken argues that copies of the diary (ὑπομνηματισμός) were kept in the nome's δημοσία βιβλιοθήκη as well as in the βιβλιοθήκη ἐν Πατρικοῖς at Alexandria.

<sup>18</sup> U. Wilcken, *APF* 4 (1908) 424-5.

<sup>19</sup> *P. Oxy.* XIV 1633 (AD 275), an overbid for the purchase of state land, also contains a similar note of publication and registration (*ll.* 37-8). As it was possible for a still higher bid to be made, the overbid was publicly displayed, no doubt, in the hope of attracting a second overbid. After display the document was registered. Unfortunately in view of the state of preservation of the papyrus it is unclear whether the document was part of the *strategos's* τόμος συγκολλήσιμος.

<sup>20</sup> I.e. σεσημειωται without the name which was inferred from element (2).

**Table of Formal Comparison**

	<i>BGU I 18 and P. Leit. 5</i>	<i>P. Harr. I 62</i>
Description	πρόγραμμα	πρόγραμμα(Ι. 2)
Formal elements		
(1)	Name of the <i>strategos</i> or his deputy in nominative case	Ἐρμαῖος ὁ καὶ Δρύτων στρατηγός κτλ. (Ι. 7)
(2)	Orientation and reason for public notice with reference to those named below	περὶ ἀναζη(τή)σεως τῶ[ν ὑ]πογεγραμμένων δου[λικῶν] σωμάτων --- παραγγέ[λλεται (ΙΙ. 8-14)
(3)	Signature of <i>strategos</i> or his deputy (σεσημείωμα)	—
(4)	Date	Θῶθ δ̄ (Ι. 18)
(5)	ἔστι δέ	—
(6)	Names	[ ] Ἄρτεμίδωρος (ἐτῶν) κς, Ἰσίδωρο(ς) (ἐτῶν) κβ, Μάρτιλλα (ἐτῶν) λη
(7)	Assistant's note regarding publication and registration	Σύρος ὑπηρετῆς διὰ Ἡρακλήου υἱοῦ τοῦ ὑπογράφοντο[ς ὑπὲρ] αὐτοῦ προτέθειμαι δημοσίᾳ καὶ κατεχώρισα (ΙΙ. 21-22)

The formal analysis of the document raises the question whether the note of registration by the *strategos's* assistant Syrus (ΙΙ. 21-22) referred to an original notification of the arrest warrant and its registration in the archive of the *strategos* of the Busirite nome, as might be suggested by the comparison with *BGU I 18* and *P. Leit. 5* ΙΙ. 19-39, or whether it referred, as has been suggested by the editor, to the copy transmitted by the *strategos* of the Little Oasis and received, posted and registered in the archive of another nome. In other words, did ΙΙ. 21-22 refer only to ΙΙ. 7-20 or did they refer instead to the whole document. The answer hinges on the identification of a change in hand with ΙΙ. 21-22. As the change seems assured, then it must be supposed that the lines refer to the whole document. The formal similarity between *P. Harr. I 62* on the one hand and *BGU I 18* and *P. Leit. 5* ΙΙ. 19-39 on the other is thus not complete. However, the absence of a note of registration in the archive of the Busirite nome can be variously explained. For example, copies of the arrest warrant may well have been made and despatched to the *strategoι* of other nomes before the document had been registered in the originating nome. Alternatively, if the arrest warrant had already been registered in the archive of the originating nome, such a detail might reasonably have been omitted on copies sent to other *strategoι* or by a scribe in another nome preparing a copy for posting. Such details would be irrelevant to the new notice and potentially confusing. Again, a functional difference between the documents may also be alleged to explain the absence. The arrest warrant contained in *P. Harr. I 62* ΙΙ. 7-20 is an official document which required little authentication. Conversely, *BGU I 18* and *P. Leit. 5* ΙΙ. 19-39 are extracts from official archives and, as *P. Leit. 5* shows, may well have been made to serve as evidence. If so, the citation of official registration would naturally have been considered relevant to an extract's authenticity.

If the above reconstruction of *P. Harr. I 62* is correct, then it follows that it was the *strategos* of the Busirite nome who after being informed about the runaways issued an arrest warrant to the effect that the relevant officials conduct a search for the fugitives and bring them to him. A copy of the warrant was sent to the *strategos* of the Little Oasis. No doubt, it was thought that the runaways might be found there. The latter *strategos* then appended a copy of the arrest warrant (a copy of a copy, no doubt) to a

covering note which was then despatched elsewhere. To whom it was sent is uncertain. Here knowledge of the document's provenance might be of some assistance. The editor offers no observation on this point. He does, however, note that *P. Harr.* I 137 (a copy of a lease of three vineyards) is on the verso of our document. Since this later document names villages in the Oxyrhynchite nome, its provenance was in all probability that nome. If so, the covering note with its appended copy of the arrest warrant found its way to the Oxyrhynchite nome. Here it was posted and later registered. When this occurred is uncertain. Be that as it may, it would appear that our document is a surviving page from the τόμος συγκολλησίμος of the Oxyrhynchite *strategos*. The conclusion finds confirmation in the numeral θ at the top of the column and the note of registration at the bottom of the column (*ll.* 21-22).<sup>21</sup>

Two difficulties remain. First, how is the use of ἐκείνου (*l.* 11) in an arrest warrant issued by the *strategos* of the Busirite nome and with reference to his own nome to be explained? Though a definite answer cannot be given, one may reasonably suggest that whilst copying *ll.* 7-22 a scribe in either the Little Oasis or the Oxyrhynchite nome made the alteration to clarify the fact that the owner was from the Busirite nome. In other words, ἐκείνου was uttered from the perspective of a person residing outside the Busirite nome. In support of the contention that the scribe changed the text in making his copy of the warrant it suffices to note his apparent abbreviation of the date in *l.* 18 (on the abbreviation see above).

Second, from the photograph of the papyrus no kollesis is apparent to the left of the column containing the text of *P. Harr.* I 62. On the right the papyrus is broken. My colleague R. Cook observes in a note: 'There are several darkish lines (which could be folds) but any traces that appear to be a kollesis don't hold out for the entire height of the piece. It's really too difficult to judge from the photograph.' If there should prove to be no kollesis, it follows that this document was not posted alone but was one of two or more columns posted on the same kollema.

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<sup>21</sup> The covering note *P. Oxy.* XLII 3032, though issued by the *strategos* of Oxyrhynchus, was found in that nome. But this fact has little bearing on the provenance of *P. Harr.* I 62. The naming of only the issuing *strategos* in *P. Harr.* I 62 also makes more sense if the document comes from the archive of the receiving *strategos*; cf. *P. Panop. Beatty* 2, a register of numbered columns containing letters and proclamations received by the *strategos* of the Panopolite nome from Aurelius Isidorus, the procurator of the Lower Thebaid. Interestingly, the documents recorded in *P. Panop. Beatty* 2 col. 2 *ll.* 27-31, *ll.* 32-35, col. 8 *ll.* 208 — col. 9 *ll.* 221, co. 9 *ll.* 202-244, col. 10 *ll.* 250-258 also attest the delivery of letters and proclamations from Aurelius Isidorus to the *strategos* of the Panopolite nome through the *strategos* of another nome. It is such a procedure which is postulated in the above reconstruction.