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## The πρόσταγμα in the papyri

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## THE ΠΡΟΣΤΑΓΜΑ IN THE PAPYRI

The problem of the πρόσταγμα as a notion defining a special type of authoritative ordinances was treated in the extant literature only incidently<sup>1</sup>. The three monographic works of Miss L e n g e r<sup>2</sup> recently published are limited exclusively to the Ptolemaic royal προστάγματα but also in this regard they require to undergo a certain revision. This contribution is devoted to perform that task as well as to give a representation of the notion of πρόσταγμα in its full length not only in the Ptolemaic but also in the Roman and Byzantine epochs.

### I

In the Ptolemaic period the term πρόσταγμα is used — first of all — as a definition of royal ordinances<sup>3</sup>. They can have — as already W i l c k e n stated<sup>4</sup> — two different forms: an epistolary with the prescript Βασιλεὺς Πτολεμαῖος χαίρειν τῶι δεῖνι and a non-epistolary one with the prescript βασιλέως προστάξαντος or some of its variations.

<sup>1</sup> Mitteis, *Reichsrecht u. Volksrecht* p. 54 f; Bouché-Leclercq, *Hist. d. Lag.* IV p. 75 f; Wilcken, *Grdz.* p. 5; Mitteis, *Grdz.* p. XIII and note 4; Semeka, *Ptol. Prozessrecht* p. 156<sub>4</sub> ff, 158<sub>3</sub>; Graeca Halensis, *Dikaiomata* p. 36 ff, 43 ff; Schubart, *Einführung* p. 248; Wilcken, *Sav. Z.* XLII p. 129 ff; UPZ I p. 510 on I 6-8; Collomp, *Chancellerie* p. 2 ff; Taubenschlag, *Atti Firenze* p. 260<sub>6</sub> f; Reinmuth, *Aegyptus* XVIII (1938) p. 10 ff; Taubenschlag, *Law* I p. 8<sub>32</sub>.

<sup>2</sup> Les lois et ordonnances des Lagides, *Chr. d'Eg.* N° 37 (1944) p. 108 ff; Les Prostagmata des rois Lagides, *Rev. int. d. dr. de l'ant.* I (1948) p. 119 ff; Les vestiges de la législation des Ptolémées en Égypte à l'époque romaine, *Rev. int. d. dr. de l'ant.* III (1949) p. 69 ff.

<sup>3</sup> The questions regulated by the king by means of the πρόσταγμα can be also decided by the royal διάγραμμα (cf. Bickermann, ΔΙΑΓΡΑΜΜΑ, *Rev. de Philol.* XII [1938]) cf. Mitteis, *Grdz.* p. XIII<sub>4</sub>.

<sup>4</sup> *Dikaiomata* p. 43 f; *Sav. Z.* XLII p. 129 ff (cf. P. Meyer, *Z. f. vgl. Rw.* XL [1922-3] p. 184).

To the royal epistolary προστάγματα belong:

1. Petrie III 20 verso Col. III. 8 — 12 = W. Chr. 450 (262 — 61 B. C.) on σταθμοί cf. Schubart, *Arch. f. Pap.* VI p. 329 and the literature quoted below p. 190—191.

2. Hal. 1<sub>166-85</sub> (middle III cent. B. C.) a letter of the king Philadelphus concerning soldiers billeted cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 118 f; add Taubenschlag, *Law I* p. 179<sub>32</sub>; 336<sub>70</sub> cf also Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>3</sub>, 125<sub>1</sub>.

3. BGU 1212 (the time of Ptol. Philopator) contains four ordinances from which two are epistolary προστάγματα: Frg. C<sup>5</sup> (v. 12 — 20) referring to the penalties for false weights and measures cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 128 add Taubenschlag, *Law I* p. 423<sub>11</sub>; and Frg. B — a similar prohibition as Tebt. I 5<sub>178 ff</sub> cf. Lenger l. c.

4. SB 5675<sub>8-24</sub> (184-3 B. C.)—on penal law cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 121; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>5</sub>, 125<sub>1</sub>, 131<sub>2,4</sub> add Taubenschlag, *Law I* p. 365<sub>2</sub>, 422<sub>9</sub>; Crawford, P. Fuad. p. 88 f.

5. Par. 63, XIII\*<sup>6</sup> = UPZ 111 (163 B. C.) an order to the strategos of Memphites to carry out the previously issued amnesty cf. Wilcken, *Arch. f. Pap.* VI p. 405<sub>1</sub>; *Klio*, XVII p. 97<sub>1</sub>.

6. Amh. 33<sub>29-37</sub> (ca 157 B. C.) on advocates cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 118; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>3</sub>, 125<sub>1</sub>, add Wenger, *Stellvertretung* p. 150, 151<sub>1</sub>; Taubenschlag, *Strafrecht* p. 65; Schubart, *Ein Jahrtausend am Nil* p. 1; Taubenschlag, *Law I* p. 8<sub>32</sub>, 45<sub>11</sub>, 424<sub>9</sub>, 425<sub>19</sub> and *passim*.

7. Tebt. I 6<sub>12-50</sub> = W. Chr. 332 (140-139 B. C.) on incomes of the priests cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 123; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>2</sub>, 125<sub>1</sub>, 127<sub>5</sub> add Rostówzew, *Arch. f. Pap.* IV p. 569; Wilcken, *Grdz.* p. 94; Taubenschlag, *Law I* p. 199<sub>3</sub>; *Law II* p. 76<sub>7</sub>.

8. Leid. H = UPZ I 108 (99 B. C.) to the strategos to put up a πρόγραμμα on a white table on the petitioner's house: see Wilcken's commentary p. 464 and note 2; cf. Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 125<sub>5</sub>.

9. SB 620\* = OGIS II 761 (97 — 6 B. C.) — a decree<sup>7</sup> of Ptolom. Alexandros probably to the ὑπομνηματογράφος καὶ ἐπιστρατηγός concerning the bestowal with the right of asylum cf. Wilcken, *Arch. f. Pap.* p. 246 f.

10. SB 7337 (41 B. C.) to the strategos of Heracleopolites—fiscal amnesty (the s. c. *le dernier décret des Lagides*) cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 127 f; *Rev. int. d. dr. de l'ant.* I (1948) 120<sub>4</sub>, 125<sub>2</sub>, 127<sub>5</sub>, 129<sub>2</sub>; *Chr. d'Eg.* 50 (1950) p. 324 ff add Schubart, *Arch. f. Pap.* VI p. 341 f.

<sup>5</sup> With a shortened prescript without χαίρειν, see on this form Wilcken in BGU VI p. 192.

<sup>6</sup> The asterisk(\*) indicates the documents (texts, excerpts and allusions) of which Miss Lenger did not take notice in her three articles. I counted about 45 omissions.

<sup>7</sup> This πρόσταγμα has — like BGU 1212 C—a shortened prescript.

To the non-epistolary royal προστάγματα belong:

1. Petrie III 20 verso Col. I v. 1—11 (ca. 275 B. C.) and
2. Petrie III 20 verso Col. II v. 10—16 (276—5 B. C.)—on σταθμοί; the literature is quoted below p. 190—1; cf. on verso Col. II<sub>14</sub> Schwartz, *Hypothek* p. 99<sub>2</sub>.
3. PER 24.552 = SB 8008 = Liebesny, *Aegyptus* XVI (1936) p. 257 ff (262—1 or 261—60 B. C.) 1<sup>0</sup> Col. I v. 1—32 referring to the ἀπογραφαί of ὑποτελής and ἀτελής λεία; 2<sup>0</sup> Col. I v. 33—37, Col. II v. 1—26 ordering the possessioners of σώματα λαϊκά ἐλευθερα to produce them to the οἰκονόμος within 20 days since the publication of the πρόσταγμα cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 117 f; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>5</sub>, 123<sub>3</sub>, 126<sub>4</sub>, 127<sub>5</sub>, 129<sub>1</sub>, 130<sub>4</sub>—add Rostowzew, *Soc. and. Econ. Hist. Hell. World.* p. 1393; Taubenschlag, *Law* I p. 403 ff, 403<sub>17</sub>; Biežuńska—Małowist, *Przegląd historyczny* XXXVII (1948) p. 110 f; Taubenschlag, *Journ. Jur. Pap.* III p. 49 f.
4. Amh. II 29<sub>20—26</sub> (ca. 250 B. C.)—probably regulations on markets, cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 119.
5. Grad. 1 = SB 6275 (269—8 or 231—30 B. C.) on auction of captured slaves by the king<sup>8</sup> cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 119; *Rev. d. dr. de l'ant.* I (1948) p. 125<sub>3</sub>, 129<sub>1</sub>; add Taubenschlag, *Law* I p. 8<sub>32</sub>, 53<sub>22</sub>, 70<sub>130</sub>; *Law* II p. 38<sub>7</sub>.
6. Mich.-Zen. 70 = SB 7447 (237 B. C.)—on surety<sup>9</sup> cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 119 f; *Rev. int. d. dr. de l'ant* I (1948) 125<sub>3</sub>, 127<sub>4</sub>, 131<sub>2</sub>, add Wilcken, *Arch. f. Pap.* IX p. 235 f; Zulueta, *J. E. A.* XVII p. 139; Taubenschlag, *Law* I p. 379<sub>9</sub>, 8<sub>32</sub>.
7. Col.-Zen. 120 (229—228 possibly 187—6 B. C.)—supplementary royal decree on collection of two-percent dorea on income from properties cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 120; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>2</sub>, 125<sub>3</sub>, 129<sub>1</sub>; the commentary of the editor p. 161 ff add Taubenschlag, *Law* I p. 177<sub>18</sub>.
8. BGU IV 1211 = SB 7266 (215-14—204 B. C.)—decree of Ptol. Philopator on the cult of Dionysos cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 120; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>2</sub>, 125<sub>3</sub>; add Schubart, *Einführung* p. 352; Kern, *R.E.* XVI p. 1302; Festugière, *Rev. Bibl.* 1935 p. 199 f; Taubenschlag,

<sup>8</sup> A similar case Ps.-Arist. *Epist.* (Wendland) (II cent. B. C.) § 22—25 cf. Wilcken, in P. Grad. 1 p. 12 ff; *Arch. f. Pap.* VI p. 365, 414; XII p. 223; Westermann, *Am. Journ. of Philol.* LIX p. 22 f; Wilhelm, *Arch. f. Pap.* XIV p. 30 ff (see Préaux, *Chr. d'Eg.* 34 (1942) p. 323 f). See also Lond. III, 642 (p. XXII)—προστάγματα or νόμοι from Philometor's reign concerning sales of slaves cf. *BL* 3 p. 271; Grenfell-Hunt, *Arch. f. Pap.* IX p. 559; Taubenschlag, *Law* II p. 38<sub>6</sub>.

<sup>9</sup> This document gives a mention about a special official ὁ ἐπὶ τῶν προσταγμάτων cf. Wilcken, *Sav. Z.* XLII p. 130<sub>1</sub> (see Petrie III 20 = W. Chr. 450 recto Col. IV v. 1—2); Peremans, *Prosopographia Ptolemaica* I p. 2. On bonds of surety and on the five days time in which the surety engages to produce the debtor see Taubenschlag, *Law* I p. 379<sub>9</sub>.

*Law I* p. 8<sub>32</sub>; Tondria u, *Aegyptus* XXVI (1946) p. 84 ff; Sokołowski, *Journ. Jur. Pap.* III p. 137 ff.

9. Tebt. III 698 (170—169 B. C.)—decree of Antiochus Epiphanes to the cleruchs of Arsinoite nome (contents obscure) cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 121.

10. S. E. G. IX 1, N° 5 (141—2 B. C.)—the inscription from Cyrene cf. above all Cl. Pr é a u x, *Chr. d'Eg.* 33 (1942) p. 133 ff add Schwind, *Publikation* p. 120<sub>1</sub> cf. also Taubenschlag, *Law I* p. 404<sub>17</sub>; Lenger, *Chr. d'Eg.* 37 (1944) p. 122; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>1,4</sub>, 125<sub>4</sub>, 126<sub>4</sub>, 127<sub>5</sub>, 131<sub>2,4</sub> Weiss, *Scritti Ferrini* IV (1949) p. 232 ff.

11. Tebt. III 700<sub>22—55</sub> (124 B. C.)—on associations cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 123 f; *Rev. int. d. dr. de l'ant.* I (1948) p. 125<sub>4</sub> add Wilcken, *Arch. f. Pap.* IX p. 147; Taubenschlag, *Law I* p. 74<sub>156</sub>, 202<sub>21</sub>, 423<sub>11</sub>, 424<sub>4</sub>; *Law II* p. 65 ff, 69; Cl. Pr é a u x, *Rev. int. d. dr. de l'ant.* I (1948) p. 189 ff (cf. Taubenschlag, *Journ. Jur. Pap.* III p. 199 ff).

12. Tebt. I 7 = M. Chr. 7 (114 B. C.)—ordering that finance officials directly subordinated to the διοικήσεις are to be judged not by the ordinary judges but by the διοικητῆς<sup>10</sup> cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 126; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>2</sub>, 125<sub>4</sub>, 131<sub>5</sub>.

13. BGU IV 1185 (60—59 B. C.)—amnesty decree to the favour of the κατοικοί ἱππεῖς from Herakleopolites cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 127; *Rev. int. d. dr. de l'ant.* I (1948) 125<sub>3</sub>, 127<sub>5</sub>, 129<sub>2</sub>, 130<sub>2</sub>; add Wilcken, *Grdz.* p. 385; Taubenschlag, *Strafrecht* p. 68; Kreller, *Erbrechil. Unt.* p. 8 ff; Taubenschlag, *Law I* p. 178, 178<sub>27</sub>, 325<sub>3</sub>, 421<sub>2</sub>.

14. BGU VIII 1730 = SB 7419 (50—49 B. C.)—forbidding the export of grain from middle Egypt under death penalty cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 127; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>2</sub>, 125<sub>4</sub> add Taubenschlag, *Law I* p. 8<sub>32</sub>; II p. 53 and the literature quoted there.

15. BGU VIII 1812 (49—8 B. C.)—on πίστεις cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 129; *Rev. int. dr. d. de l'ant.* I (1948) p. 120<sub>2</sub>, 127<sub>5</sub>, 131<sub>1</sub> add Schäfer, *Über πίστεις oder Schutzbriefe*, (Studi ital. di pap. ed. Vogliano I); Taubenschlag *Law. I* p. 8<sub>32</sub><sup>11</sup>.

16. OGIS 129 = W. Chr. 54 (ca 271 A. D.)—a decree of Zenobia and Vabalathus on a Jewish synagogue cf. Wilcken, *Berl. phil. Woch.* 1896 Sp. 1493 f; *Sav. Z.* XLII p. 131 (see Meyer, *Zt. f. vgl. Rw.* XL p. 184); Schürer, *Gesch. d. jüd. Volkes* III<sup>4</sup> p. 41.

Moreover we find numerous excerpts and allusions to the royal προστάγματα in the papyri where it is impossible to decide which was their form. The excerpts we know are:

1. Petrie III 20 = partly W. Chr. 450 (the time of Ptol. Philadelphos) 1<sup>0</sup> recto Col. IV. (=Petrie II 8 (3)); 2<sup>0</sup> verso Col. II v. 1—9 (=Petrie II 8 (1A)); 3<sup>0</sup> verso Col. III v. 1—7 (=Petrie II 8 (1B))—on σταθμοί cf. Lenger, *Chr. d'Eg.*

<sup>10</sup> On charges against officials concerned with revenues cf. Tebt. 29; Amh 33.

<sup>11</sup> Cf. also the πίστεις in BGU 1810; 1811; SB 1414.

(1944) p. 116 f; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>7</sub>, 125<sub>3</sub>, 127<sub>4</sub>, 128<sub>5</sub>, add Meyer, *Heerwesen* p. 29; Bouché—Leclercq, *Hist. d. Lag.* IV p. 22 f; Oertel, *Liturgie* p. 25—26<sub>1</sub>; San-Nicolò, *R. E.* III A p. 2178—82; Naber, *Aegyptus* XI (1930) p. 41; Smolka, *Ptolemejska ustawa kwaterunkowa*, Arch. Tow. Nauk. we Lwowie (1935) p. 1 ff; Préaux, *Chr. d'Eg.* 21 (1936) p. 131 ff; Rostowzew, *Soc. and Ec. Hist. Hell. World* p. 1385; Taubenschlag, *Law* I p. 179<sub>32</sub>, 190<sub>10</sub>.

2. Amh. 29 (ca 250 B. C.) 1<sup>0</sup> v. 1—6; 2<sup>0</sup> v. 7—13; 3<sup>0</sup> v. 16—19—probably regulations on markets cf. the literature quoted below. p. 189.

3. Petrie III 53 s\* (231 B. C.)—on registration of Egyptian contracts (?) cf. P. Meyer, *Sav. Z.* XLVI p. 324; Wilcken, *UPZ* I p. 608; Westermann, *Slavery* p. 27.

4. Rend.-Harr. 61 (176—170 B. C.)—concerning *ὀλογοειεία* cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 128; *Rev. int. d. dr. de l'ant.* III (1949) p. 76<sub>42</sub> with reference to Heichelheim, *J. E. A.* XXVI p. 154 add San-Nicolò, *Krit. Vjschr.* XXIX p. 249 f; Taubenschlag, *Law* II p. 38<sub>6</sub> 12.

5. *Arch. f. Pap.* XIII p. 32—33 (Mitford, *Nicosia Museum* N<sup>o</sup> 14) (145—4 B. C.)—extracts from general amnesty decree from Euergetes' 26<sup>th</sup> year cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 121 f; *Rev. int. d. dr. de l'ant.* I (1948) p. 126<sub>4</sub>, 127<sub>5</sub>, 129<sub>2</sub>.

6. Tebt. III 669 (145—144 B. C.)—*προστάγματα* relating to the temples and their belongings; the first one (v. 1—2) from the five excerpts corresponds to Tebt. 5<sub>80-3</sub>, the fourth (v. 15—17)—to Tebt. 5<sub>83-4</sub> cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 122; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>2</sub>, 127<sub>5</sub> add Taubenschlag, *Law* I p. 402<sub>8</sub>; II p. 70 ff, 70<sub>1</sub>.

7. Tebt. I 124 (ca 118 B. C.)—six (1<sup>0</sup>—v. 23—24, 2<sup>0</sup> v. 25—27, 3<sup>0</sup> v. 28—29, 4<sup>0</sup> v. 30—36, 5<sup>0</sup>—v. 37—40, 6<sup>0</sup> v. 41—46) excerpts from *προστάγματα* concerning cleruchs cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 126; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>2</sub>, 127<sub>5</sub>, 129<sub>2</sub>, 130<sub>2</sub>; add Taubenschlag, *Law* I p. 179<sub>23</sub>, 325<sub>3</sub>.

8. Tebt. I 61 b v. 236—238 (118—17 B. C.) = 72 v. 173—176 (114—13 B. C.)—on security of ownership to the cleruchs in Kerkeosiris cf. Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 130<sub>2</sub>.

9. Tebt. I 5 (118 B. C.)—a series of *προστάγματα* of Euergetes II and Cleopatra III cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 124 ff; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>2,3</sub>, 127<sub>1,4</sub>, 129<sub>2</sub>, 130<sub>2,5,6</sub>; add (to the editions): P. Meyer *Jur. Pap.* N<sup>o</sup> 69 (= v. 1—5); 75 (= v. 207—220); (to the literature, from the most important): Taubenschlag, *Law* I *passim*; *Law* II *passim*.

### Allusions to the royal *προστάγματα*<sup>13</sup>:

1. Bad. IV 47<sub>10</sub> (127 B. C.)—concerning a soldier cf. Wilcken, *Arch. f. Pap.* VIII p. 88; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 127<sub>2</sub>.

<sup>12</sup> See also below PSI 690; SB 6995; 6996.

<sup>13</sup> The allusions are enumerated in the order of the alphabet because it can not always be determined from which time derive the mentioned there *προστάγματα*.

2. BGU IV 1053 = M. Chr. 105 (13 B. C.) are mentioned (Col. II v. 4—8) a πρόσταγμα φιλανθρώπων cf. Wilcken, *Arch. f. Pap.* III p. 511; Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 75; and a πρόσταγμα ἐργασίας which probably regulated compulsory labour cf. Partsch, *Arch. f. Pap.* V p. 484; Taubenschlag, *Law* II p. 43<sub>4</sub> (with reference to Rostowzew, *Soc. Econ. Hist. Hell. World* p. 1534) cf. also Cair.-Zen. III 59451 = PSI 440 (III cent. B. C.) v. 2 ff., 12—17 see below p. 193.

3. BGU IV 1118<sub>21 f</sub> (22 B. C.)— πρόστάγματα (and διαγράμματα) dealing with taxes at lease of land cf. Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 74.

4. BGU IV 1119<sub>44 f</sub> (6—5 B. C.)— allusion to the πρόστάγματα φιλανθρώπων cf. Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 75.

5. BGU IV 1156<sub>26</sub> (15 B. C.)— similarly as in BGU 1053 (above).

6. BGU V (*Gnomon*) § 37 are mentioned πρόστάγματα βασιλέων ἢ ἐπάρχων— see Uxkull-Gyllenband, *Gnomon* p. 48 ff; Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 78 ff; Scherer, P. Fouad I Inv. 211 (*B. I. F. A. O.* XLI p. 43 ff); Cl. Préaux, *Chr. d'Eg.* N<sup>o</sup> 43 (1947) p. 151; Riccobono jr., *Il Gnomon* (1950) p. 172 f.

7. BGU VI 1213<sub>3 f</sub> (III cent. B. C.)— πρόστάγματα περί μεταβολῆς πατρίδος καὶ ὀνομάτων cf. below BGU 1250.

8. BGU VI 1213<sub>9 ff</sub>\* (III cent. B. C.)— royal πρόσταγμα, which obliged the treasurer not record the conveyance until the purchaser proved the manner of his own acquisition: περί τοῦ ὀνόμας μὴ καταγράφειν τοὺς ταμίαις ἐὰν μὴ ἐπιδείξει ὡς ἐκτήται cf. Hal. 1<sub>245 ff</sub> (see Feist-Partsch, *Arch. f. Pap.* IV p. 349); Schönbauer, *Liegenschaftsrecht*, p. 21 ff; Taubenschlag, *Law* I p. 243.

9. BGU VI 1216 (110 B. C.) A. v. 38—40 and Col. IV v. 57—on priests cf. Tebt. I 5<sub>57 (50—61)</sub> = W. Chr. 65; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 129<sub>2</sub>.

10. BGU VI 1250<sub>11 ff</sub> (II cent. B. C.)— decrees establishing the death penalty for changing of names and native places by local authorities cf. Schubart, *Einführung* p. 333; Plaumann, *Idioslogos* p. 26 § 37; Taubenschlag, *Law* I p. 424<sub>3</sub>; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>7</sub>; Taubenschlag, *Law* II p. 51 note 5 and 4<sup>14</sup>.

11. BGU VIII 1792<sub>6</sub>\* (ptol. epoch, without date)— probably common rules concerning the river-transport (see Rostowzew, *Arch. f. Pap.* III p. 201 ff; Wilcken, *Grdz.* p. 376 ff.)

12. BGU VIII 1816\* (60—59 B. C.) v. 23— in penal matters cf. the adnotation of the ed. p. 91.

13. BGU VIII 1834<sub>[15]</sub>\* (51—50 B. C.)— an ordinance by which the king bestowed some privileges upon a higher officer.

14. BGU VIII 1862<sub>12</sub>\* (ca 60 B. C.)— πρόστάγματα about the protection of the group of persons to which the petitioner belongs.

15. Cair.-Zen. I 59021<sub>14</sub>\* = SB 6711 (258—7 B. C.)— royal πρόσταγμα concerning currency cf. Taubenschlag, *Law* II p. 88 and the literature quoted there.

<sup>14</sup> On changing of names in the Roman period see W. Chr. 52 (cf. *Arch. f. Pap.* IV p. 128 ff); *Gnomon* § 42; P. Meyer, *Jur. Pap.* p. 330.

16. Cair.-Zen. III 59451 = PSI 440 (III cent. B. C.) v. 2 ff, 12—18— an order of the king and of the dioecetes exempting the *ιερόδουλοι* from compulsory labour (*καθὰ καὶ ὁ βασιλεὺς καὶ . . . ὁ διοικητῆς συντέταχεν*) see Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>7</sub> cf. BGU 1053 (above p. 192).

17. Cair.-Zen. V 59832<sub>24</sub> (III cent. B. C.)— a general *πρόσταγμα* concerning a category of debtors.

18. Edfou II 5<sub>24</sub> ff (III—II cent. B. C.)— on tax matters cf. Wilcken, *Arch. f. Pap.* XIII p. 227 f; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 129<sub>1</sub>.

19. Ent. 6<sub>11</sub>\* = Magd. 9 (222 B. C.) *προστάγματα* referring to building restriction such as Tebt. I 5<sub>134-138</sub> = 147—154 (cf. Preisigke, *Arch. f. Pap.* V p. 315) cf. Taubenschlag, *Law* II p. 52 f, 53<sub>2</sub>.

20. Ent. 12<sub>10</sub> and *verso* (243 B. C.)— allusions to the royal *πρόσταγμα* on *σταθμοί* cf. Taubenschlag, *Law* I p. 179<sub>32</sub>; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 127<sub>4</sub>.

21. Ent. 15<sub>13</sub> = Magd. 31 (221 B. C.)— on hypothec cf. Taubenschlag, *Law* I p. 9<sub>34</sub>, 213; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>6</sub>.

22. Ent. 16<sub>[6]</sub>\* (218 B. C.)— (see the reconstruction of the ed. p. 46) on validity of testaments cf. Taubenschlag, *Law* I p. 9<sub>34</sub>, 143<sub>2</sub>.

23. Ent. 37<sub>6</sub> (222 B. C.)— decrees regulating felling of trees cf. Tebt. I 5<sub>205-6</sub> Wilcken, *Grdz.* p. 253; Heichelheim, *R. E.* XVI Col. 188 ff; Lenger, *Chr. d'Eg.* 37 (1944) p. 108<sub>8</sub>; *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>7</sub>; Taubenschlag, *Law* II p. 77<sub>4</sub><sup>15</sup>.

24. Fouad Inv. 211<sub>14</sub> (160 A. D.)— *προστάγματα* of Soter I and his successors concerning the *βουλή* of Ptolemais cf. Scherer, *B. I. F. A. O.* XVI (1942) p. 43—72; Cl. Préaux, *Chr. d'Eg.* 43 (1947) p. 150 ff; Lenger; *Rev. int. d. dr. de l'ant.* III (1949) p. 77 ff.

25. Giss. I 4<sub>9-10</sub> = W. Chr. 351 (118 B. C.) + Lips. Inv. 266 (= Wilcken *Arch. f. Pap.* V p. 245) — *πρόσταγμα* γεωργίας cf. Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 75 and the literature quoted there: see also below p. 195 on UPZ I 110.

26. Hal. 1<sub>264</sub> ff\* (III cent. B. C.)— *πρόσταγμα* concerning the exemption of certain classes from the salt-tax cf. Wilcken, *Ostr.* I p. 141 ff; Taubenschlag, *Law* II p. 81 f.

27. Lille I 4<sub>33</sub> = W. Chr. 336 = P. Meyer, *Jur. Pap.* 56 b (218—17 B. C.)— establishing the period during which the descendant of a late cleruch received the *κληρος* that was temporary *seized* by the king cf. P. Meyer, *Jur. Pap.* introd. p. 187; Wilcken, *Arch. f. Pap.* V p. 222 ff; *Grdz.* p. 282; Rostowzew, *Kolonat* p. 11; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>6</sub>, 130<sub>1</sub>.

28. Lond. III 1200<sub>9</sub>\* (p. 2) (168 B. C.)— a *πρόσταγμα* probably establishing the amount of the *ἐγκύκλιον*.

29. Mich.-Zen. 57<sub>9,13</sub>\* (248 B. C.)— allusion to *προστάγματα* such as Mich.-Zen. 70 (see above p. 189).

30. Petrie II 38<sub>2</sub> b\* p. 122 (243—2 B. C.) = Petrie III 53 e = W. Chr. 300— a *πρόσταγμα* which establishes the price of oil cf. Taubenschlag, *Law* II p. 82 f.; see also *Rev. L. Col.* 38—58 = W. Chr. 229.

<sup>15</sup> For the Roman period see Wegener, *P. Oxford* p. 15 ff.



31. PSI V 502<sub>5</sub>\* (257 B. C.) — a *πρόσταγμα* to the dioecetes.
32. PSI V 513<sub>8-9</sub>\* (252—1 B. C.) — *πρόσταγμα* concerning the short-termed granting of *κλήροι* to the „year settler” cf. Sethe-Partsch, *Dem. Urk.* N° 4 p. 60 ff; Meyer, *Z. f. vgl. Rw.* XL p. 207 ff; Collomp, *Chancellerie* p. 149.
33. PSI V 514<sub>2</sub>\* (252—1 B. C.) *πρόσταγμα* περί τῶν εἰς τὰ στεφανηφόρια ξενίων cf. Taubenschlag, *Law* II p. 46<sub>6</sub>.
34. PSI VI 551<sub>5</sub> (272—1 B. C.) — the meaning of the *πρόσταγμα* is obscure—see Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 127<sub>3</sub> cf. Taubenschlag, *Journ. Jur. Pap.* III p. 149<sub>1</sub> f (see Meyer, *Z. f. vgl. Rw.* XXXIX p. 268 f).
35. Rein. 18<sub>21-22</sub> = M. Chr. 26 (108 B. C.) and 19<sub>4,14-15</sub> = M. Chr. 27 (108 B. C.) — concerning the privilege of freedom from being summoned during the sowing time cf. Reinach, p. 40 f; Wilcken, *Arch. f. Pap.* III p. 525; Lewald, *Personalexekution* p. 53<sub>3</sub>; Manigk, *Sav. Z.* XXX p. 315; Taubenschlag, *Law* I 391<sub>18</sub>, 407<sub>6,7</sub>; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>7</sub>, 131<sub>1</sub>; III (1949) p. 75<sub>34</sub>.
36. Ryl. II 155<sub>7-8</sub> (138—61 A. D.) are mentioned *προστάγματα φιλανθρώπων* in a contract of gift of house-property cf. Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 77.
37. SB 1161<sub>1</sub> = W. Chr. 70 (57—6 B. C.); 6152—6153<sub>1</sub> (93 B. C.); 6156<sub>1</sub> (57 B. C.) „*Άσυλον κατά πρόσταγμα ὅι μὴ πράγμα* and SB 6154<sub>1</sub> (69 B. C.); 6155<sub>1</sub> (69—8 B. C.); 6236<sub>1</sub> (70 B. C.) „*Άσυλον κατά τὰ προστεταγμένα* — allusions to the royal ordinances regulating the right of asylum, such as Tebt. 5<sub>83</sub>f (118 B. C.) or 699<sub>15-17</sub> cf. Wilcken, *Arch. f. Pap.* II p. 489.
38. SB 4542<sub>3</sub>\* (II cent. B. C.) — probably an amnesty decree.
39. SB 4626\* (II—I cent. B. C.) — on felling of trees, see Ent. 37 (above p. 193) cf. Taubenschlag, *Law* II p. 77<sub>5</sub>.
40. Tebt. I 24\* Col. III v. 69 (117 B. C.) — *προστεταγμένα* about officials probably similar as in Tebt. I 5<sub>188</sub>ff (see the introd. p. 96); cf. Wenger, *Arch. f. Pap.* II p. 501.
41. Tebt. I 73<sub>3-4</sub> (III cent. B. C.) — a *πρόσταγμα φιλανθρώπων* similar to Tebt. 5<sub>36-43</sub>; 124<sub>7</sub> cf. Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 130<sub>2</sub>.
42. Tebt. I 79\* Col. I v. 6. (148 B. C.) — on cleruchs.
43. Tebt. III 707<sub>9-10</sub> (118 B. C.) — a reference to provisions such as Tebt. 5<sub>207</sub>ff cf. Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 127<sub>4</sub>, 131<sub>3</sub>.
44. Tebt. III 786<sub>16-17</sub> (ca 138 B. C.) — *προστάγματα* regulating the position of Crown cultivators cf. Tebt. I 5<sub>138-43=155-61</sub>; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>7</sub>.
45. Tor. 1 = UPZ II 162 (117 B. C.) Col. II v. 26\* — an order on changing of home of the Taricheutai cf. Wilcken's commentary p. 76.
46. Tor. 1 = UPZ II 162 (=partly M. Chr. 31 = P. Meyer, *Jur. Pap.* 80) (117 B. C.) Col. IV v. 13—15; Col. IV v. 31 f — concerning the invalidity of *ἀναγγελαμένα Αἰγύπτια συναλλάγματα* cf. Taubenschlag, *Law* I p. 236 ff, 236<sub>6</sub>, 393 and note 25.
47. Tor. 1 Col. IV v. 30 f and VII v. 22 f — *προστάγματα* περί προθεσμιῶν cf. Mitteis, *Reichsrecht* p. 55; Partsch, *Longi temp. praescr.* 125 ff; Schönbauer, *Liegenschaftsrecht* p. 36; Wilcken, *UPZ* II p. 83; Taubenschlag, *Law* I p. 184<sub>1</sub>; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 127<sub>4</sub>.

48. Tor. I Col. V v. 21—24; Col. VII v. 17, 19, 23; Col. IX v. 21 ff, 27—28 f—allusions to the *προστάγματα φιλοπρόσώπων* cf. Mitteis, *Reichsrecht* p. 55; Wilcken, *UPZ* II 161 p. 60 ad v. 57 ff; 162 p. 79 ad Col. V, v. 21; Taubenschlag, *Law* I p. 8<sub>32</sub>, 184<sub>2</sub>; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 120<sub>8</sub>.

49. *UPZ* I 14=Lond. I 23 (158 B. C.)—allusions (v. 36, 39, 43 ff, 80—82, 86, 111, 124) to the royal *Kabinettsordre* cf. Bouché-Leclercq, *Hist. d. Lag.* IV p. 55; Wilcken, *UPZ* I p. 161 on v. 43—50 and note 1; p. 165 on v. 83; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 125<sub>5</sub>. See below 199<sub>38</sub>.

50. *UPZ* I 110<sub>27</sub> and *passim* = Par. 63 (164 B. C.) — *πρόσταγμα* περί τῆς γεωργίας cf. Bouché-Leclercq, *Hist. d. Lag.* III p. 318 ff; Rostowzew, *Kolonat* p. 57 ff; Oertel, *Liturgie* p. 26 ff; Wilcken's comment. *UPZ* I p. 475 ff; Meyer, *Sav. Z.* L p. 548; Rostowzew, *Soc. and Ec. Hist. Hell. World* p. 717, 719; Taubenschlag, *Law* II p. 76<sub>7</sub>; Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 76<sub>37</sub> (with reference to Cl. Préaux, *Econ. royale* p. 504 ff). See above p. 193.

51. *UPZ* 112 Col. I v. 7 = Par. 62 (203—2 B. C.) — *πρόσταγματα* which beside *διαγράμματα* and *νόμοι* concerned the leases of land cf. Wilcken, *Ostr.* I p. 513 ff; *Dikaionata* p. 42; Lenger, *Chr. d'Eg.* 37 (1944) p. 111<sub>1</sub>; Taubenschlag, *Law* I p. 295 and *passim*.

52. *UPZ* II 161 = Par. 15 Col. IV v. 57 ff — is mentioned a *πρόσταγμα φιλοπρόσώπων* from 145—4 B. C. cf. above on Tor I Col. V v. 21.

53. W. O. 787<sub>6</sub>\* (95—6 A. D.) — is mentioned a *πρόσταγμα γεωργίας* — see above on *UPZ* 110.

54. BGU VIII 1771<sub>7f</sub>\* (63—2 B. C.); BGU VIII 1772<sub>13</sub>\* (57—6 B. C.); Oxy XIV 1635<sub>10f</sub>\* (44—37 B. C.); — PSI X 1118<sub>12f</sub>\* (25—37 A. D.); Ryl. II 159<sub>16f</sub>\* (31—2 A. D.); PSI VIII 897<sub>71f</sub>\* (93 A. D.)—six allusions to royal *πρόσταγματα* on παραχώρησις and μετεπιγραφή of catocic land in the Ptolemaic as well as in the Roman period (cf. Taubenschlag, *Law* I p. 172<sub>29</sub>).

55. Lond. I p. 49 N° 50 v. 4 (III cent. B. C.) = W. Chr. 221 = *UPZ* 116; Petrie III 72 a v. 9 = W. Chr. 222 (III cent. B. C.); Tebt. III 869<sub>2</sub>\* (II cent. B. C.) — allusions to royal *πρόσταγματα* demanding declarations of property cf. Taubenschlag, *Law* II p. 37 f. and the literature quoted there; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 129<sub>1</sub>.

56. PSI IV 690<sub>5</sub> (I—II cent. A. D.); SB 6995<sub>13—15</sub> (124 A. D.); 6996 Col. I v. 10—11, Col. II v. 28—29 (127 A. D.) — references to the royal *πρόσταγμα* concerning the *οικογενεία* cf. Uxkull-Gyllenband, *Gnomon* p. 59 ff; Schubart, *Racc. Lombroso* p. 50 ff; Meyer, *Sav. Z.* XLVI p. 313 ff; Bickermann, *Arch. f. Pap.* IX p. 28 ff; Taubenschlag, *Sav. Z.* L p. 162<sub>1</sub>; *Law* I p. 70<sub>129</sub>; *Law* II p. 38<sub>6</sub>; Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 76.

57. Allusions to the royal *πρόσταγματα* (see Taubenschlag, *Journ. Jur. Pap.* IV (1950) p. 349) concerning the executorial proceedings of executorial documents which survived in the Roman time (cf. Jörs, *Sav. Z.* XL p. 2<sub>3</sub>; XXXVI p. 334<sub>1</sub>), <sup>10</sup> as a whole: Aberd. 19<sub>16f, 21f</sub> (II—III cent. A. D.); P. Fam. Tebt. 29 = P. Meyer, *Jur. Pap.* 48<sub>24—25</sub>\* = SB 5341 (133 A. D.) (cf. Jörs, *Sav. Z.* XXXVI p. 242); SB 7817<sub>25—27; 64—65</sub> (201 A. D.) <sup>20</sup> on καταγραφή (καταγέγραμμαι κατά τὰ προστεταγμένα, cf. Tebt. III 814<sub>10—28</sub> see Taubenschlag, *Law* I p. 403<sub>13</sub> and p. 409<sub>22</sub>): Flor. 56<sub>10—12</sub> = M. Chr. 241 = P. Meyer, *Jur. Pap.* 49\*

(233—4 A. D.) (cf. *B. L.* II, 2 p. 58; Hunt-Smyly *Tebt.* III 1 p. 272; *Mitteis, Sav. Z.* XXVII p. 345; Kalén, *Berl. Leihg.* p. 142); Gent. 1 = SB 6951\* Col. I v. 46 (the time of Antoninus Pius); *Berl. Leihg.* 10<sub>17</sub> (120 A. D.); 3<sup>0</sup> on the ten-days-period at the ἐκχώρησις and ἐμβασθεία (the same term in the Ptolemaic time cf. *Mitteis, Grdz.* p. 19<sub>4</sub>) κατὰ τὰ προστεταγμένα: Flor. 56<sub>10-18</sub> = *M. Chr.* 241 = P. Meyer, *Jur. Pap.* 49 (234 A. D.); Flor. 55<sub>20-21</sub>\* (88 — [96] A. D.); *Berl. Leihg.* 10<sub>14-16</sub> (120 A. D.) (cf. Wilcken, *Arch. f. Pap.* XI p. 140); BGU 1573<sub>19</sub>\* (141—2 A. D.); Oxy. 712<sub>18</sub> = *M. Chr.* 231 (late II cent. A. D.) (cf. Jörs, *Sav. Z.* XXXVI p. 334<sub>4</sub>); PSI 282<sub>12, 22</sub>\* (183 A. D.) (cf. Meyer, *Z. f. vgl. Rw.* XXXIX p. 278 ff; Taubenschlag, *Law I* p. 409<sub>23</sub>); PSI 1237<sub>22-3</sub>\* (162 A. D.); SB 7817<sub>25-27</sub> (201 A. D.); 4<sup>0</sup> execution of a χρηματισμός in the ὑπαλλάγματα: BGU 1038<sub>18, 25</sub> = *M. Chr.* 240\* (the time of Anton. Pius) (cf. Jörs, *Sav. Z.* XXXVI p. 334<sub>4</sub>).

We find also allusions to the royal προστάγματα in the non-papyrological sources e. g.:

1. Ps.-Arist. *Epist.* (Wendland) § 109, 110\* (II cent. B. C.)—restrictions on the freedom of movement προσέταξε μὴ πλέον εἰκοσι ἡμερῶν παρεπιδημεῖν cf. Meyer, *P. Giss.* I, 2 p. 38 f; Taubenschlag, *Law II* p. 30 note IV 2.

2. Strabo, II 3,5 (101)\*—a special order to the harbour commander to allow the applicant to depart (οὐδ' ἐξὸν ἦν ἄνευ προστάγματος ἐξ Ἀλεξανδρείας ἀνάγεσθαι) cf. Uxkull-Gyllenband, *Gnomon* p. 63 ff; Wallace, *Taxation in Egypt* p. 273; Taubenschlag, *Law II* p. 62 ff.

3. OGIS 59<sub>2ff</sub> (III cent. B. C.) = Strack, *Arch. f. Pap.* I p. 204 N<sup>0</sup> 13 = *I. Gr.* XII, III 327—a royal πρόσταγμα to the superdioecetes concerning estimation of taxes cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 130 f; *Rev. int. d. dr. de l'ant.* I (1948) p. 126<sub>4</sub> add Meyer, *Heerwesen* p. 31<sub>109</sub>; Wilcken, *Ostraca I* p. 493<sub>2</sub>; Mahaffy, *History of Egypt* IV p. 60<sub>1</sub>.

4. OGIS 90\* (Monumentum Rosettanum) v. 53 f, 59 f—on incomes of priests and taxes.

5. OGIS 90 v. 63—on vectigal cf. Lombroso, *Recherches* p. 314.

6. OGIS 90 v. 67 ff—amnesty for rebellious Egyptians if they turn back to their homes cf. Wilcken, *Grdz.* p. 27.

7. OGIS 168<sub>64f</sub> (ca 115 B. C.)—amnesty decrees of Euergetes II in the favour of the sacerdotēs cf. Lenger, *Chr. d'Eg.* 37 (1944) p. 133.

It is evident from the collected material that the epistolary προστάγματα may contain legislative or administrative matters<sup>16</sup> of general character as well as matters concerning individual persons<sup>17</sup>, on the other hand the non-epistolary προστάγματα —

<sup>16</sup> On the relation between the notions *Gesetz* and *Verordnung* see Semeka, *Ptol. Prozessrecht* p. 156<sub>4</sub>.

<sup>17</sup> E. g. the *Kabinettsordre* in *UPZ* 14.

only matters of general character<sup>18</sup>. Therefore the division introduced by Miss Lenger<sup>19</sup> — based on material criteria — into *προστάγματα* containing the contents of general character and *προστάγματα* containing the contents of particular character is, such being the case, already comprised in the formal division of Wilcken. But the objection of Miss Lenger<sup>20</sup> as if the division of Wilcken disregarded the *προστάγματα* called by her *prostagmata particulars* is wrong, especially the objection as if Wilcken disregarded: 1<sup>o</sup> petitions addressed to the king provided with the subscription (*ἐντεύξεις apostillées*), 2<sup>o</sup> the royal orders by letter to fulfill the petitions put before the king, 3<sup>o</sup> the letters addressed to the authorities of Greek cities containing a favorable arrangement of the applications of their delegates.

As regards the petitions provided with a subscription (*ὑπογραφή*), and rather as regards the only subscription as the proper form of the king's will declaration, — here Miss Lenger quotes<sup>21</sup> SB 6252 = 6253; 6154; 6155; 6156; 7259 referring to the granting of the right of asylum as well as Mey. 1<sup>22</sup> and Tebt I 43 = M. Chr. 46<sup>23</sup> — the division of Wilcken disregards indeed these documents for that plain reason that the subscription (*ὑπογραφή*) is not identical with the *πρόσταγμα*. Because the subscription — as a rule and of course in these documents — is a marginal decision<sup>24</sup> in opposition to the *πρόσταγμα* which always has the form of a separate act. Besides, the sources oppose very clearly

<sup>18</sup> Cf. Semeka, l. c. p. 158<sub>3</sub> „dass der Terminus *πρόσταγμα* einfach eine Anordnung bedeutet und ein *Allheilmittel* für die Verwaltung darstellt, indem auf diesem Wege die *verschiedensten Befehle* ergingen“.

<sup>19</sup> *Rev. int. d. dr. de l'ant.* I (1948) p. 124 f.

<sup>20</sup> l. c. p. 125 f.

<sup>21</sup> *Rev. int. d. dr. de l'ant.* I (1948) p. 125<sub>5</sub> with reference to *Chr. d'Ég.* 37 (1944) p. 129 ff.

<sup>22</sup> Cf. Wilcken, *Arch. f. Pap.* VI p. 403: „eine *ἐντεύξις* an das Königs-paar nebst Erledigung durch *ὑπογραφαί*“.

<sup>23</sup> Cf. Taubenschlag, *Journ. Jur. Pap.* III p. 149<sub>1</sub>. Cf. also Berneker, *R. E.* XVIII, 3 (1949) in the article on *παλινοδικία* (seen in a reprint): „der König griff mit einer Verordnung ein, mit der er die Bevölkerung von den ärgsten Missbräuchen der unbeschränkten π. schützte. Der Vollzug dieser Verordnung lag in den Händen des Strategen, *ὃς ἀκόλουθος ὦν τῆι βουλήσει κτλ.*“ — thus the *ὑπογραφή* refers to a former royal order.

<sup>24</sup> Cf. Wilcken, *UPZ* I p. 546 on v. 1: *ὑπογραφή* is a „*terminus technicus* für die unter einer Eingabe gesetzte Entscheidung der angegangenen Behörde“; cf. also Idem, *Grdz.* p. 6; Scherer *B. I. F. A. O.* XLI p. 56 on v. 18—19.

both these notions as it is evident from the protocol of the Hermias process where we are reading<sup>25</sup>:.... προστάγματος μέρος .... και... ὑπογραφῆς ἀντίγραφον...<sup>26</sup>. Although in some of the mentioned documents concerning the right of asylum there appears the expression προστεταγμένον<sup>27</sup> to denote the royal subscription, but it is used in a distinct opposition to the royal πρόσταγμα in the above given meaning<sup>28</sup>. Because the expression προστεταγμένον as well as other forms of the verb προστάσσειν may alongside the ὑπογραφαί<sup>29</sup> determine also νόμοι<sup>30</sup> or τελωνικοί νόμοι<sup>31</sup> with the aim of stating that they are something *commanding*<sup>32</sup>. Therefore if we were always willing to regard the verb προστάσσειν (προστεταγμένα) as a synonym of πρόσταγμα we were obliged to identify also νόμοι and τελωνικοί νόμοι with πρόσταγμα whereby the notion of πρόσταγμα as a technical term for a special kind of royal ordinances would undergo a total effacement.<sup>33</sup>

<sup>25</sup> UPZ II 162 Col. IX v. 21 ff.

<sup>26</sup> According to the sources we find this antithesis also in the literature: Wilcken, UPZ I p. 165 on v. 83 „das ποιεῖν ἃ ἡξίου erinnert allerdings an die Sprache der Subskriptionen, aber eben darum passt es nicht in den Stil des πρόσταγμα”; cf. also l. c. p. 546; Grdz. p. 6; Scherer, l. c.

<sup>27</sup> SB 1161<sub>2-6</sub> and 6156 v. 2-6: ...ἐντεύξεως... σὺν τῷ πρὸς αὐτὴν προστεταγ[μένον τὸ ἀ]ντί[γραφον ὑ]πόκειται. But in SB 6236<sub>6</sub> instead of προστεταγμένον is used the term χρηματισμός, see below p. 198<sub>35</sub>.

<sup>28</sup> The term πρόσταγμα appears also in these documents (e. g. SB 6156 (57 B. C.) v. 1 [Ἄσυλον κατὰ π]ρόσταγμα ᾧ μὴ πρᾶγμα) but it does not refer to the subscription but to the previously issued general royal ordinances regulating the right of asylum such as Tebt. I 5<sub>83f</sub> (118 B. C.) (cf. Wilcken, Arch. f. Pap. II p. 489) or Tebt. III 699<sub>15-17</sub>.

<sup>29</sup> E. g. Tebt. 790 (II cent. B. C.) v. 17, 30, 36 cf. Taubenschlag, Law II p. 99<sub>5</sub>; UPZ 58 verso v. 2 ff=Lond. I 41 (162 B. C.); 23<sub>22f</sub>=Lond. I 17 a. (162 B. C.); cf. also CPR 233<sub>8</sub> (314 A. D.) ὑπογραφῆ ἐξ ἀναφορᾶς ἐμῆς προ[σ]ταττούση and Knudtzon, Bakch. 1<sub>23f</sub> (193 A. D.) [π]ροστάξαι δι' ἱεράς ὑπογρα[φῆς σου] κτλ.

<sup>30</sup> Cf. Ryl. II 68<sub>24f</sub> (89 B. C.) (cf. Ent. 81<sub>21</sub>) see Taubenschlag, Law I p. 333<sub>54</sub>. See also Cair.-Masp. I 024<sub>40</sub> (ca 551 A. D.) νόμος ἀκριβείας προστάττει (the νόμος is here an imperial rescript, cf. Gelzer, Arch. f. Pap. V p. 370).

<sup>31</sup> Hib. 29<sub>22-23</sub> = W. Chr. 259 (ca 265 B. C.) — προστεταγμένα.

<sup>32</sup> Cf. also Oxy. II 237 Col. VIII v. 26 (186 A. D.) διατά[γ]ματι προστεταχέναι (ordained by a decree). For the Byzantine period see also PSI VI 684<sub>3f</sub> (IV-V cent. A. D.) ἡ δικτα ὧν τὸ μὲν προστάττει κτλ.

<sup>33</sup> In SB 7259 the priests ask the king (v. 29 ff): ἀξιοῦμεν... ἐπιχωρήσαντα ἡμ[ῖν] διὰ προστάγματος κτλ. but the royal decision is given in the form of a

As far as the other group is concerned Miss Lenger rightly states<sup>34</sup> that the division of Wilcken disregards *OGIS* 138 — 139, 168<sup>35</sup> and *UPZ* 107 = 106<sup>36</sup> because they are not *προστάγματα*; but she wrongly objects that Wilcken omits here cited by her<sup>37</sup> *UPZ* 108, Hal. 1 v. 179 — 184 and Lond 23 = *UPZ* 14<sup>38</sup> while they are involved in his division as epistolary *προστάγματα*. At last the royal letters<sup>39</sup> mentioned in the third group by Miss Lenger are epistolary *προστάγματα* and as such are comprised in the division of Wilcken. There it results out of it that all the objections put by Miss Lenger are unfounded and that the division of Wilcken quoted at the beginning, based on the formal criteria, is the only suitable one.

Beside a special kind of the royal ordinances the term *πρόσταγμα* may also determine orders issued by a higher Ptolemaic officer to a lower official. Such *προστάγματα* can be issued by the *dioiketes* or *hypodioiketes* as we find it in Cair.-Zen 59.236<sub>ε</sub> = *SB* 6744 (254 or 253 B. C.) where he recommends the late *oecnome* and the *royal scribe* to assess a vineyard like the others on the average yield of three years<sup>40</sup>. They can be also issued by the *strate-*

subscription, because the king had many ways to choose while settling the applications put before him, cf. Collomp, *Chancellerie* p. 109, 112.

<sup>34</sup> *Rev. int. d. dr. de l'ant.* I (1948) p. 126<sub>2</sub>.

<sup>35</sup> Cf. Dittenberger's commentary p. 219: „Responsum regis quod ad eiusmodi libellum datur χρηματισμοῦ nomine indicatur” (cf. Fay. p. 48 v. 20 ff: *παριέχουσα τῆς ἐντε[ύ]ξεως καὶ τοῦ πρὸς αὐτὴν χρηματισμοῦ τὸ ἀντίγραφον*) cf. Bouché — Leclercq, *Hist. d. Lag.* IV p. 246<sub>4</sub>: „*χρηματισμός* signifie au sens propre: decision en apostille *par opposition* à *πρόσταγμα* qui est un rescrit en forme”. The term *προστεταγμένα* occurring in *OGIS* 168<sub>45(64)</sub> refers to a previous order cf. above p. 196. Cf. also Plaumann, *Ptolemais* p. 35—36, who wrongly identifies such marginal decisions with the *πρόσταγμα*.

<sup>36</sup> It is an ἐντολή cf. Wilcken's commentary *UPZ* I p. 456 ff.

<sup>37</sup> *Rev. int. d. dr. de l'ant.* I (1948) p. 125<sub>5</sub>.

<sup>38</sup> The v. 43 — 50, which Miss Lenger holds for the *πρόσταγμα* is only a *Flickwerk* (cf. Wilcken, *UPZ* I p. 161 on v. 43—50), the *πρόσταγμα* was an epistolary one (cf. l. c. note 1).

<sup>39</sup> C. B. Welles, *Royal Correspondence* N<sup>o</sup>. 27 (after 340 B. C.); 21 (before 250 B. C.); 33 (after 205 B. C.).

<sup>40</sup> See the literature cited by the editors, p. 91; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 123<sub>5</sub>. An other case where the term *πρόσταγμα* is used probably to designate an order of the *διοικητής*: *PSI* V 539<sub>7</sub> (III cent B. C.) cf. Wilcken, *Arch. f. Pap.* VI p. 401.

gos what is evident from Gurob 2<sub>8</sub><sup>41</sup> where the πρόσταγμα denotes an order and an authorisation to the εἰσχωγεύς to establish a court of ten, or from Mich.-Zen. 71<sub>2,4</sub> = SB 7446 (reign of Ptol. III) where it denotes an order to the *praktor* to exact the debt from the surety, if he does not produce the debtor within ten days<sup>42</sup>. The προστάγματα can be also issued by the *epistates* as we see from Hib. 34<sub>2 f</sub> = M. Chr. 34 and Hib. 73<sub>19-20</sub> (243-2 B. C.) — an order to the *phylacites* to compel an unlawful possessor either to restore a donkey to his owner or to pay its value<sup>43</sup>. At last they can be given by the *nomarch* to the *toparchs* — as we see in Lill. 39 — 51<sup>44</sup> (ca 250 B.C.) — and signify orders to pay out in kind as a loan (προστάγματα ποιολογίας)<sup>45</sup>.

On the other hand it is difficult to state from what sort of officials derive the προστάγματα in: Col.-Zen. I 12<sub>4</sub> (257 B. C.)<sup>46</sup> to the οἰκονόμος; PSI VI 566<sub>8</sub> (254-3 B. C.) to the τελωνες<sup>47</sup>; Cair.-Zen. III 59.375<sub>8</sub> (III cent. B.C.) to one of the agents of Apollonios the διοικητής<sup>48</sup> and in Ent. 19<sub>2 ff</sub> (218 B.C.) an order of the authorities necessary for the acquisition of the *hereditas* at the inheritance *ab intestato*<sup>49</sup>. We must mention that in some cases also the verb προστάσσειν (προσπεταγμένον) can be used as a definition for the orders of the Ptolemaic officials<sup>50</sup>.

<sup>41</sup> = Petrie III 21 (g) = M. Chr. 21 (225 B. C.) cf. *Dikaiomata* p. 204 ff see however Semeka, *Prozessrecht* p. 153<sub>1</sub>; „πρόσταγμα ist ein Bescheid des Königs an den Strategiehilfen“; the same Bouché — Leclercq, *Hist. d. Lag.* IV p. 240 ff; Z u c k e r, *Philol. Suppl.* XII p. 43. On the court of ten and this document see Semeka, *Prozessrecht* p. 152, 160 and the literature cited by him p. 152 note 1, add Taubenschlag, *Law I* p. 369.

<sup>42</sup> Cf. Edgar, *J. E. A.* XIV (1928) p. 289 ff; Wilcken, *Arch. f. Pap.* IX p. 235 f; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 123<sub>5</sub>. Cf. Mich.-Zen. 70.

<sup>43</sup> Cf. Mitteis, *Grdz.* p. 16<sub>1</sub>; Taubenschlag, *Law I* p. 337<sub>72</sub>.

<sup>44</sup> Cf. N<sup>o</sup> 43 verso v. 21.

<sup>45</sup> Cf. Wilcken, *Arch. f. Pap.* VII p. 297; Cl. Pr é a u x, *Econ. royale* p. 121<sub>1</sub>; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 123<sub>5</sub>.

<sup>46</sup> Attinas, a higher officer cf. Cair. - Zen. IV 59.542<sub>10</sub>.

<sup>47</sup> Cf. Cair. - Zen. III 59.375 note to v. 8.

<sup>48</sup> Perhaps about delivery of some articles.

<sup>49</sup> Cf. Taubenschlag, *Law I* p. 141<sub>19</sub> — similar provisions for the Alexandrian law cf. l. c. p. 159<sub>2</sub> with reference to *Gnomon* § 5, § 9 cf. U x k u l l - G y l - l e n b a n d p. 18-19; S c h u b a r t, *Z. f. äg. Sprache* 56 p. 80 ff; P. Meyer, *Jur. Pap.* p. 319.

<sup>50</sup> PSI VI 587<sub>1</sub> (III cent. B. C.) an order of the ὑποδιοικητής. On Cair. - Zen. III 59451 see above p. 193. In Tebt. I 183 descr. (late III cent. B.C.) the μεριδάρχης

## II

In the Roman epoch the term *πρόσταγμα* retains its meaning of a technical term for a special kind of royal ordinances which had preserved their legal force<sup>51</sup> and moreover it begins to be used to define the orders of Roman officers. Thus this term appears as a definition of the edict of the prefect of Egypt<sup>52</sup>, promiscuously with the common term *διάταγμα*<sup>53</sup> as shows *OGIS* 665 (94 A.D.), where in the letter of the strategos we are reading about the provincial edict (v. 2-6): ...τῶι προστάγματι... and ...κατακολουθεῖτε τοῖς προστεταγμένοις ..., but in the letter of the very prefect (v. 13) the same edict is called *διάταγμα*.

It is necessary to note that also in this period the term *πρόσταγμα* never serves as a definition of the subscription (*ὑπογραφή*) of the prefect by means of which he settled — as previously the Ptolemies did — the petitions put before him.<sup>54</sup>

Moreover we find in this period the term *πρόσταγμα* used as a definition of the orders of the *καθολικός*<sup>55</sup> and the *ἐπιστρατη-*

(to the komarchs) *προσέταξεν τὰ δίκαια ποιῆσαι* (cf. Taubenschlag, *Arch. f. Pap.* IV p. 39 — 40). In Cair. - Zen. IV 59.620<sub>5</sub> (early reign of Euergetes II) the verb *πρ[ο]στάξαντος* is used to determine an order of the strategos which adjourns the proceedings until the actor would produce witnesses (cf. Wilcken, *Arch. f. Pap.* X p. 240). In Merton 5<sub>13f</sub> (149 — 135 B. C.) the verb *[προσέταξεν]* denotes an order of the *ἐπιστάτης* to the village scribe to assign a share of land in a suit (on the judicial functions of the epistates see: Taubenschlag, *Arch. f. Pap.* IV p. 28 ff; Semeka, *Prozessrecht* p. 102; Mitteis, *Grdz.* p. 10 ff). In Tebt. III 792<sub>16</sub> ff (ca 113 B. C.) we find *προσέταξας* referring to an order of *ὁ ἐπὶ τῶν προσόδων* which was being neglected by the *archisitologos*. BGU VIII 1756<sub>14</sub> (59 — 8 B. C.) an order of the *διοικητής* to the strategos to adjourn the proceedings at sowing time (cf. Rein. 18; 19; Taubenschlag, *Law.* I p. 391<sub>18</sub>).

<sup>51</sup> See on this question Lenger, *Rev. int. d. dr. de l'ant.* III (1949) p. 69 ff. (cf. Taubenschlag, *Journ. Jur. Pap.* IV (1950) p. 349).

<sup>52</sup> *W. Chr.* 13<sub>2f</sub> (34 — 5 A. D.) (cf. Wilcken, *Arch. f. Pap.* I p. 168 ff; *Grdz.* p. 60); *OGIS* 665<sub>2-6</sub> (94 A. D.) (cf. Meyer, *Giss.* II p. 26<sub>1</sub>; White and Oliver, *The Temple of Hibis*, N. Y. (1939) p. 1 ff; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 124<sub>1</sub>); Fuad 9<sub>3</sub> (I cent. A. D.); *Gnom.* § 37 (II cent. A. D.). (cf. above p. 192); Oslo III 179<sub>[3]</sub> (202-3 — 210 - 13 A. D.).

<sup>53</sup> See below p. 203<sub>65</sub>.

<sup>54</sup> Cf. Flor. 36<sub>27f</sub> (IV cent. A. D.); see Mitteis, *Grdz.* p. 38; Reinmuth, *The Prefect of Egypt* p. 89.

<sup>55</sup> Haw. 73<sub>1</sub> (early II cent. A. D.) (*Arch. f. Pap.* V p. 384) cf. Preisigke, *WB* s. h. v.



γός<sup>56</sup>. Similarly as in the previous so in the Roman epoch there are also used the verbal (especially the participial: προστεταγμένα or προσταχθέντα) forms of the verb προστάσσειν to determine the orders of Roman authorities. Over all it happens in the edict of the Emperor Decius of the year 250 A.D. concerning the persecution of Christians<sup>57</sup>, and in the edicts of the prefect of Egypt<sup>58</sup>—especially regarding the property registration<sup>59</sup> and the census<sup>60</sup>—as well as in his administrative orders<sup>61</sup>. In one case BGU 161 = 448 = M. Chr. 310 (ca middle II cent. A. D.) v. 23 f. is used the

<sup>56</sup> PSI VII 870<sub>10</sub> (II—III cent. A. D.).

<sup>57</sup> The *Libelli Libellaticorum*: BGU I 287<sub>10</sub>; Mey. 15<sub>7</sub>; 16<sub>7</sub>; 17<sub>9</sub>; Mich. III 157<sub>11</sub> = SB 6824; 158<sub>9</sub> = SB 6825; PSI V 453<sub>9-10</sub>; Ryl II 112 a) v. 6—7; b v. 9; c v. 8; SB 4435<sub>5-6</sub>; 4436<sub>9-10</sub>; 4439<sub>9</sub>; 4440<sub>10</sub>; 4444<sub>8-9</sub>; 4445<sub>10</sub>; 4448<sub>10-11</sub>; 4450<sub>10</sub>; 4451<sub>9</sub>; 4452<sub>8-9</sub>; 4455<sub>8</sub>; 5943<sub>9-10</sub>; 6827<sub>2</sub>; 6828<sub>10-11</sub> cf. Krebs, *Libellus libellatici*, (*Sitzbr. Pr. Akad. d. Wiss.* 1893); Wessely, *Patrologia Orientalis* IV 1907; Meyer, *Libelli*, (*Abh. d. Berl. Akad. d. Wiss.* 1910); Faulhaber, *Z. kath. Theol.*, 43 (1918) p. 439—66, 617—56; Knipfing, *Harvard Theol. Rev.* 16 (1923) p. 345—90; Cabrol-Leclercq, *Dict. Archéol. chrét.*, 9 (1929) p. 80—85; Bludau, *Röm. Quart.-Schr.*, Suppl.-H. 27 (1931) p. 4 ff.

<sup>58</sup> Oxy. I 34 Col. III v. 10 f (127 A. D.) on the 'Αδριανή βιβλιοθήκη (cf. Mitteis, *Grdz.* p. 91 ff); BGU I 340<sub>24-25</sub> (148—9 A. D.) edicts against διασεισμοί (cf. Wenger, *Rechtshist. Papyrus-studien* p. 148; Taubenschlag, *Strafrecht* p. 87; *Law* I p. 343<sub>120</sub>); Oxy. XII 1411<sub>19-20</sub> = P. Meyer. *Jur. Pap.* 73 (cf. his note to v. 19) (260 A. D.) ordering the bankers and all other persons engaged in commercial transactions to accept and to exchange all imperial coins, cf. Heichelheim, *Klio* XXVI (1932) p. 96 ff; Reinmuth, l.c. p. 27; BGU II 432 Col. I Frg. I v. 8 (190 A. D.)— edicts requiring persons to return to their *idia* when the term of census approached (cf. Taubenschlag, *Law* II p. 30<sub>3</sub>).

<sup>59</sup> BGU I 112<sub>7-9</sub> (58—9 A. D.) (cf. Wilcken, *Grdz.* p. 202 ff; P. Meyer, *Jur. Pap.* p. 195 ff); Mich. III 179<sub>8-9</sub> (64 A. D.) (cf. Wilcken, *Arch. f. Pap.* XII p. 230); Oxy II. 249<sub>5</sub> ff (80 A. D.); Oxy. II 247<sub>13-16</sub> (90 A. D.); Oxy. I 72<sub>6-10</sub> = P. Meyer *Jur. Pap.* 66 (90 A. D.); PSI VIII 942<sub>8</sub> ff (89—90 A. D.) (cf. Wilcken, *Arch. f. Pap.* IX p. 71); Rend.-Harr. 74<sub>10</sub> (99 A. D.); Oxy. III 481<sub>2</sub> ff (99 A. D.); 637 descr. (109 A. D.); Oslo II 24<sub>5</sub> ff (131 A. D.?).

<sup>60</sup> Hamb. I 7<sub>7</sub> (132 A. D.); SB 7460<sub>7-8</sub> (II cent. A. D.?) in Princ. III 129<sub>4-7</sub> (188—9 A. D.) we find: κατὰ τὰ κελευσθ(έντα)... ἀπὸ [τοῦ] προστ(άγματος) κτλ.

<sup>61</sup> Oxy. XII 1408<sub>11</sub> (ca 210—14 A. D.) concerning the vigilance against robbers (cf. Reinmuth l.c. p. 50<sub>2</sub>); Amh. 81<sub>4-5</sub> = M. Chr. 54 (247 A. D.) — a favorable reply before the strategos would undertake the service of summons (cf. Wenger, *Arch. f. Pap.* II p. 55; Reinmuth, l.c. p. 95) — a similar case Oxy. I 38<sub>14</sub> = M. Chr. 58 (49—50 A. D.); Oxy. XVII 2107<sub>5-6</sub> (262 A. D.) (cf. Reinmuth, l.c. p. 25<sub>1</sub>).

expression προστεταγμένα as well as regards the provincial edict as the Roman *lex Iulia vicesimaria* regulating the procedure when opening the last will<sup>62</sup>. Elsewhere προστάσσειν denotes the dispositions of the ἄρχοντες<sup>63</sup> or an order of the διοικητής to the strategi and the δεκάπρωτοι of Heptanomia and Arsinoite concerning the repairing of dykes and canals and the penalties for disregarding the commands<sup>64</sup>.

### III

Passing to the Byzantine period we are able to state that the term πρόσταγμα serves (instead of the term διάταγμα<sup>65</sup>), as a definition of the imperial edicts concernig the declarations of property<sup>66</sup> and persons<sup>67</sup> in connection with the new tax-system introduced by Diocletian<sup>68</sup>. On the other hand it denotes in one case Lips. 64<sub>42</sub> (ca 368 A.D.) the order of the *praefectus praetorio* concerning tax matters. Besides, it is used — as previously — to define the edict of the prefect of Egypt<sup>69</sup> and his administrative orders<sup>70</sup>

<sup>62</sup> Cf. Lenel, *Edictum*, II Aufl. § 167; Mitteis, *Grdz.* p. 241; Kreller, *Erbrechtl. Unt.* p. 312, 395, 399; Taubenschlag, *Rez. d. röm. Rechts (Studi Bonfante I, 1930)* p. 394; Reinmuth, *Prefect* p. 92 and note 7; Taubenschlag, *Law I* p. 152 f.

<sup>63</sup> Merton 26<sub>15</sub> (274 A. D.) — to enable the exegetes to act as *curator minorum* (cf. Jouguet, *Vie municipale* p. 317).

<sup>64</sup> Oxy. XII 1409<sub>20 f</sub> (278 A. D.).

<sup>65</sup> Cf. Plutarch, Marc. 24 τὰ διαγράμματα τῶν ἀρχόντων ‘Ἕλληνες μὲν διατάγματα Ἑωμαῖοι δὲ ἔδικτα προσαγορεύουσι, see the sources quoted by Meyer, P. Giss. II p. 26<sub>1</sub> cf. Stein, *Verwaltung Aegyptens unter röm. Herrschaft.* p. 153; Wilcken, *Sav. Z.* XLII p. 128 f; Wenger, *Inscript aus Nazareth* p. 377 ff; Lössch, *Diatagma Kaisaros* p. 9<sub>1</sub>.

<sup>66</sup> See the sources quoted by M. Lenger, *Rev. int. d. dr. de l'ant* I (1948) p. 124<sub>2</sub>.

<sup>67</sup> SB 7673<sub>5</sub> (309 A. D.); Strassb. I 42<sub>4</sub> = W. Chr. 210 (310 A. D.) cf. Wilcken, *Grdz.* p. 225 ff; Taubenschlag, *Law II* p. 40<sub>19</sub>; Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 124<sub>2</sub>.

<sup>68</sup> Cf. Wilcken, *Arch. f. Pap.* V p. 265; *Grdz.* p. 226 ff; Taubenschlag, *Law II* p. 40.

<sup>69</sup> PSI V 451 (IV cent. A. D.) v. 24 — it is not to be decided if the edict or an administrative order is concerned.

<sup>70</sup> Cf. Reinmuth, *Prefect* p. 24 ff.

contained in letters<sup>71</sup> to the subordinate officials<sup>72</sup>. Further we find this term as a definition for the orders of the *praeses Thebaidis*<sup>73</sup>, most often in tax matters<sup>74</sup>. The *πρόσταγμα* of the *praeses* can also denote — as in Cair.-Masp. III 281 (VI cent. A. D.) — an order engaging a person to the functions of *riparius*<sup>75</sup>, or — as in Lips. 66<sub>13f</sub> (390 A. D.) — an order concerning presentation of persons liable to the liturgical duty<sup>76</sup>.

Besides, we find the term *πρόσταγμα* as a definition for the orders of the *καθολικός*<sup>77</sup>, the *exactor*<sup>78</sup>, the *ἄρχοντες*<sup>79</sup>, the *protokometes*<sup>80</sup>, of police officials addressed to the local authorities to arrest a person<sup>81</sup> and at last as a definition for the legal decisions<sup>82</sup>.

<sup>71</sup> l.c. p. 25.

<sup>72</sup> Lips. 36<sub>3</sub> = M. Chr. 77 (376 or 378 A. D.) (cf. Wilcken, *Arch. f. Pap.* III p. 564; IV p. 466 ff; Mitteis, *Sav. Z.* XXVIII p. 388 ff); M. Chr. 78<sub>3ff</sub> (376 — 8 A. D.) (cf. Wilcken, *Arch. f. Pap.* IV p. 467) *πρόσταγμα* is an order to serve summons upon a person; Mich. III 160<sub>1,10</sub> (IV—V cent. A. D.) — tax ordinances.

<sup>73</sup> E. g. Lips. 40 Col. III v. 17 (IV—V cent. A. D.); Flor. III 377<sub>9,22ff</sub> (VI cent. A. D.).

<sup>74</sup> Especially the *annona* (cf. Ruillard, *L'adm. de l'Ég. byz.* p. 131; Johnson and West, *Byzantine Egypt* p. 222; ff); Cair.-Masp. I 030 (531 A. D.); III 280 (541 A. D.); 320<sub>5</sub> (541 A. D.); 321<sub>8</sub> (548 or 563 A. D.); Lond. V 1663 (VI cent. A. D.) (cf. Lenger, *Rev. int. dr. de d. l'ant.* I (1948) p. 123<sub>5</sub>); cf. also P. Antinoopolis 32<sub>6</sub> (339 A. D.); Lips. 64<sub>21,33</sub> (ca 368 A. D.) (cf. Lenger, *Rev. int. d. dr. de l'ant.* I (1948) p. 123<sub>5</sub>; the introd. of the ed. p. 182 on 58; Wilcken, *Arch. f. Pap.* III p. 566; IV p. 478); Lips. 63<sub>8</sub> (388 A. D.) (cf. Mitteis, *Arch. f. Pap.* II p. 268 f; Wilcken, *Arch. f. Pap.* IV p. 226 f.); Cair.-Masp. I 050<sub>1</sub> (VI cent. A. D.); 051<sub>2</sub> (VI cent. A. D.); 056 Col. IV v. 2 (VI cent. A. D.).

<sup>75</sup> Cf. Rouillard, l.c. p. 189.

<sup>76</sup> Cf. Mitteis, *Arch. f. Pap.* II p. 262 ff.

<sup>77</sup> Oxy. IX 1204<sub>17</sub> (299 A. D.).

<sup>78</sup> Ross.-Georg. V 60 *recto* v. 1—5 (late IV cent. A. D.) — to the *eirenarchs* of a village.

<sup>79</sup> Oxy. VII 1033<sub>8f</sub> (392 A. D.) command of the *lords superior officers* in accordance to which the *νυκτοστρατηγοί* are called upon for production of various persons.

<sup>80</sup> Cair. - Masp. II 200<sub>[1]</sub> (VI cent. A. D.).

<sup>81</sup> Got. 13<sub>11</sub> (IV cent. A. D.).

<sup>82</sup> Oxford 6<sub>14</sub> (350 A. D.) (cf. Taubenschlag, *Journ. Jur. Pap.* II p. 71); Cair. - Masp. I 002 Col. III v. 7 (522 A. D.?) (cf. Wilcken, *Arch. f. Pap.* V p. 285); Cair. - Masp. II 151<sub>291</sub> (570 A. D.).

It is necessary to note that — as in the previous — so in this period we meet also the forms of the verb *προστάσσειν* to determine the orders of the authorities. These forms may refer to the imperial constitutions<sup>83</sup>, the orders of the *praefectus praetorio*<sup>84</sup>, the administrative orders of the prefect of Egypt<sup>85</sup>, the commands given by the *praeses provinciae* in the proceedings *per libellum*<sup>86</sup>, and at last to the orders of the *praeses Thebaidis*<sup>87</sup>, the *καθολικός*<sup>88</sup> and the *dux Thebaidis*<sup>89</sup> and also the legal decisions<sup>90</sup>.

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To sum up, we can state that the term *πρόσταγμα* appears in the papyri of the Ptolemaic epoch as a technical term for the definition of a special kind of royal ordinances which can assume the epistolary or the non-epistolary form, as well as the definition of orders given by a higher Ptolemaic official to a subordinate one. In the Roman and Byzantine epochs this term is used to design the imperial edicts and the edicts of the prefect of Egypt (promiscu-

<sup>83</sup> PSI VI 685<sub>3ff</sub> (IV cent. A. D.)—imperial regulations concerning the *munera corporalia* (cf. Reinmuth, *Prefect* p. 23<sub>3</sub>; Taubenschlag, *Law* II p. 43<sub>6</sub>); Oxy. XVII 2106<sub>3,6</sub> (IV cent. A. D.) (cf. Wilcken, *Arch. f. Pap.* IX p. 93).

<sup>84</sup> Lips. 64<sub>41</sub>.

<sup>85</sup> Oxy. X 1252 Col. I v. 4; Col. II v. 19,29 (288—95 A. D.); Amh. 137 v. 6 (288—9 A. D.) concerning embarcation of grain (cf. Reinmuth, l.c. p. 40); Oxy. XVIII 2187<sub>8,13,32</sub> (304 A. D.).

<sup>86</sup> Oxy. 1879<sub>6</sub> (434 A. D.); 1876<sub>3</sub> (ca 480 A. D.); XVI 1877<sub>3</sub> (488 A. D.).

<sup>87</sup> PSI VI 716<sub>23</sub> (306 A. D.); Lips 58<sub>4ff</sub> (371 A. D.); Lips. 52<sub>10f</sub> (372 A. D.) (cf. Wilcken, *Arch. f. Pap.* III p. 565 f.); Lips. 61<sub>8</sub> (375 A. D.) (cf. Wilcken, *Arch. f. Pap.* IV p. 188 f.); M. Chr. 78<sub>4</sub> (376—78 A. D.); Lips. 62<sub>4—5</sub> (384—5 A. D.). BGU IV 1207 Col. I v. 17 (IV cent. A. D.) = W. Chr. 424; Flor. 95 Col. I v. 7,21; II v. 33; III v. 58,73 (IV cent. A. D.).

<sup>88</sup> Corn. 20 a) Col. I v. 6—8 (303 A. D.); SB 4295<sub>7</sub> (303 A. D.); Corn. 20 a) Col. II v. 26 f = W. Chr. 229 (303 A. D.) cf. Wilcken, *Grdz.* p. 226; *Arch. f. Pap.* V. p. 265<sub>3</sub>; Johnson and West, *Byzantine Egypt* p. 16 ff. Cf. also Oxy XVII 2106<sub>26</sub> (IV cent. A. D.).

<sup>89</sup> Lond. II 234<sub>6</sub> p. 286 f. = W. Chr. 179 (346 A. D.); Oxy. IX 1190<sub>5</sub> (347 A. D.); Ross.-Georg. V 30 (449—64 A. D.) = SB 7433.

<sup>90</sup> Bour. 20<sub>48</sub> (after 350 A. D.) = M. Chr. 96 (cf. Jouguet—Collinet, *Arch. f. Pap.* I p. 293 ff.); Lips. 35<sub>17f</sub> (ca 375 A. D.) (cf. Wilcken, *Arch. f. Pap.* III p. 563 f.; IV p. 188).

ously with the common term *διάταγμα*); it can be also used as a definition of the orders of other Roman authorities. It is to be noted that we also meet in the papyri the forms of the verb *προστάσσειν* (*προσπεταγμένα*) which in certain cases may correspond to the term *πρόσταγμα*<sup>91</sup>.

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<sup>91</sup> In this article there are not comprised the documents where the term *πρόσταγμα* appears in the meaning of : 1<sup>o</sup> a division of the army—Rein. 15<sub>30</sub> (109 B. C.) (cf. Preisigke, *WB* III p. 218; see however Liddell-Scott, *Greek-English Lexicon* II s. h. v. — unless an error for *τάγματος*); 2<sup>o</sup> a command of a god — e. g. Cair. - Zen. I 59034<sub>7</sub> = III 59426 = SB 6804 (III cent. B. C.); PSI IV 435<sub>12,19</sub> = SB 6713 (258—7 B. C.) (cf. Wilcken, *Arch. f. Pap.* VI p. 394 f; Deissmann, *Licht vom Osten*, p. 121 ff.); A. Rowe, *Temple of Sarapis at Alexandria, Suppl. d. Ann. du Serv. des Ant. de l'Eg.* N<sup>o</sup> 2 (1946) (cf. Cl. Préaux, *Chr. d'Eg.* N<sup>o</sup> 48 (1949) p. 363); SB 685<sub>2-3</sub> (II cent. B. C.); UPZ I 20<sub>27</sub> = Leid. B (164—3 B. C.); Lond. I p. 69 P. XLVI v. 138—9; (= Preisendanz, *Pap. Mag.* P. V p. 187); 3<sup>o</sup> — dispositions of private persons (*προσπεταγμένα* or *προστασσομένα*): Cair. - Zen I 59008<sub>3</sub> (ca 259 B. C.); 59080<sub>3</sub> (257 B. C.); Col. - Zen. II 66<sub>3,14</sub> (ca 256—5 B. C.); Oxy. VII 1062<sub>5ff</sub> (II cent. A. D.); P. Dura. N<sup>o</sup> X (v. 8) (121 A. D.); Lond. III 1008<sub>11-12</sub> (561 A. D.); Cair-Masp. II 159<sub>28f</sub> (568 A. D.); Strassb. I 40<sub>40</sub> (569 A. D.) (cf. Wilcken, *Arch. f. Pap.* V p. 260 f).