

Exempt from Tribute

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THIS SMALL TRIBUTE, not *phoros* but *syntaxis*, grows out of a visit to the Harry Ransom Humanities Research Center at the University of Texas at Austin.¹ *P.Austin*. 32, there housed, comprises six pieces, which float free in a plastic folder. Four can be joined, so that the text consists of two large and two small fragments, which belong to the same document, but do not join.² The document concerns allocation of land labeled χέρσος (καί) ἀφορολόγητος.

The latter designation is rare in the papyri, occurring elsewhere only at *P.Tebt.* III.1 737.22, 32 (restored), and *P.Thomas* 2.14, a papyrus from the Duke collection recently edited by John F. Oates (*P.Thomas* 2 = *P.Duk.in*v. 318). I worked on the Duke

¹The HRC catalogue reads: "Interesting but mutilated fragment (complete at the bottom and right side; partly so at the left side) concerning the episkopsis of land. 18 lines (the ends of a preceding column are still visible). III/II B.C. 18 x 16 cm." I owe thanks to Jack Kroll, who kindly brought me to the HRC and so to notice the papyrus, to the HRC for allowing me to publish it, and to Kent Rigsoy, Roger Bagnall, and John Bauschatz for their generous criticism and input.

²I made the joins on autopsy in January 2001. HRC policy prohibits reproduction of cropped and manipulated photographs. Thus, as the HRC archival photograph is of loose pieces, I have numbered them and describe here the steps by which the reader may join them as I have (see PLATES 1 and 2). All manipulation is keyed to PLATE 1. Pieces #2 and 4 overlap in the plastic sheath but are not joined. Rotate piece #4 90° CCW and flip on the vertical axis; piece #4 joins at the right edge of piece #3, to give "fr. A." Rotate piece #2 90° CW and flip on the vertical; piece #2 joins to the right edge of piece #1, to give "fr. B." I have been unable, on autopsy or manipulation of a scan of the photograph, to place or join pieces #5 (fr. C) and 6 (fr. D) to the remaining fragments. Rotate piece #5 180°; this fragment preserves a right margin, but whether it belongs between fr. A and B or above A is hard to say. It would be tempting to join C to the right edge of A, such that ρην (C.3) followed τρη (A.ii.3) and αβ (C.4) followed η (A.ii.4), but the tears and the fibers do not suggest this, and such a join would extend the right margin of fr. A far beyond the boundary suggested by fr. B. Rotate piece #6 90° CW and flip on the vertical.

papyrus as a graduate student. Stubborn, I protested that one other instance,³ the Tebtyris text, was insufficient to make me read the abraded letters in line 14 as ἀφορολόγητον. John had the better eye. Now, with the Austin text, we have three sparrow, and so a spring.

The document

P.Aust.in.v. 32 contains a letter or *hymnomena*. Its greeting is missing, along with the entire beginning, but its closing salutation, ἔρωστο, is preserved (B.ii.10). If the document does order the allocation of land to cleruchs, as it would appear, then it might be reasonable to suggest that its author was a *stratēgos* and its recipient a *basilikos grammateus*.⁴ The papyrus shows clear traces of a column of text to the left of the larger surviving section. These traces are insufficiently preserved to permit judgment as to whether the subject of the columns is the same. It seems likely that P.Aust.in.v. 32 comprises extracts, summaries, or copies that have been filed in a single papyrus, as a record of official correspondence,⁵ for it is difficult to see what role Tesenouphis, who is mentioned in the second column of the unplaced fr. D (D.ii.1), might have played in the allocation of land to cleruchs. Fragments B and C, however, preserve clear right margins with no evidence of having been glued to another sheet, so that whatever the document's original format we seem to have its right edge.

Date

The document provides no indication of precise date, no regnal year, no mention of a known person. The hand might suggest a date in the later third century B.C. *P.Enteux*. 65 with pl. VIII (221 B.C.), or *P.Heid*. VI 363 (224/3–219/8) furnish

³See below on the restored text at SB XXII 15213.12.

⁴*Stratēgos*: P.Thomas 2 p.77; P.Tebt. III.1 793.fr.1.iii.19–iv.6; J. F. Oates, *The Ptolemaic Basilikos Grammateus* (BASP Suppl. 8 [1995]) 32–33.

⁵As e.g. P.Tebt. III.1 793 (183 B.C.).

rough comparisons. I find no compelling parallels in the Zenon papyri. An additional factor may support a date in the last decades of the third century. One of the men allotted land in the Austin papyrus, Menneas, is designated Μακεδῶν τριακοντάρουπος (B.ii.3–4). We do not know another Menneas so designated. Thirty-aroura Macedonians, however, do not appear to be attested outside the last few decades of the third century.⁶ And so we might tentatively assign P.Aust.in.v. 32 to the period 230–200 B.C.

Aphoros and *aphorologētos*

The editors of P.Tebt. III.1 737 note (p.150, on line 22) that *aphorologētos* “is a new term in the papyri, where ἀφορος is the usual word, e.g. 60.7 ἰρόλογον ἀφ.” Usual for what? The word *aphoros* appears to be attested in the Ptolemaic period as a designation of land in but four documents on papyrus. Consensus suggests that the word *aphoros* indicated barrenness,⁷ but the papyri offer an alternative.

A report of crops at Kerkeosiris drawn up by Menches in 118 records land that was ἰρ[ο]λ[ό]γ[ο]ν ἀφόρου τοῦ ἐκρὸς μι(θῶσεως): derelict, *aphoros*, and not subject to lease from the Crown (P.Tebt. I 60.7). The designation *aphoros*, according to Hunt and Smyly, stressed that this land “was wholly unprofitable to the State.”⁸ Shelton added precision, suggesting that ἰρόλογος ἀφορος ἐκρὸς μιθῶσεως indicated non-Crown “land which by its nature was incapable of yielding crops,” such as “roads, waterways, threshing-floors and dovecotes.”⁹ A subsequent report filed by Menches records a small area of

⁶P.Enteux. 55.2 (222 B.C.), 75.1 (222 B.C.), 94.1 (246–205); P.Frankf. 1.7, 58 (214/3), 4.8 (216/5); P.Genoua III 103.2, 104.9–10, 105.1–2 (219? B.C.); P.Gur. 18.2 (III B.C.); P.Lille IV 26 (218/7); P.Petr. II 38.A.6–7 (198 B.C.); Μακεδῶνος τῶν ἰρὸν Φολέα (τριακονταρούπου).

⁷LSJ “barren”; WB IV “ertraglos.”

⁸P.Tebt. I p.541; see also Verhoogt, *Pap Lugd.Bat.* XXIX 109–111.

⁹P.Tebt. IV p.2; also *Pap Lugd.Bat.* XXIX 110 n.5: “infrastructure (dykes, waterways, etc.);” that is, land “not used for agriculture.”

land that was χέρσο[υ] διὰ τὸ παρακεῖσθαι τῆι Λουρῆι ἰ ἀφόρῳ,¹⁰ "dry on account of its adjoining the remaining *aphoros* land." This may have been arable land bordering on dykes or other infrastructure, or perhaps on undeveloped land.¹¹ In a letter to Zenon, Omnophris states that on surveying land held by some veterans, εὖρον ἐν αὐτῆι ἀλμυρῖδος ἀφόρου, which the editors translate, "I found salt, unproductive (land) in it."¹² Finally, a contract of leasehold of a vineyard, which dates from the period in which P. Austinv. 32 seems to have been written, permits the lessee to retain τοῦ δὲ ἀφόρου (ὄραχμάς) δ, "four drachmas from the *aphoros*," a full 10% of the amount which he was entitled to claim from produce.¹³

Prevailing opinion holds that the word *aphoros* describes an agricultural reality, that land was so called not simply because it did not, but because it could not produce crops. But could the word have arisen from an administrative context? Could *gê aphoros* have been land from which the state did not, for whatever reason, extract *phoros*, that is payment due in kind or cash?¹⁴ As the lease contract makes clear, *gê aphoros* could be envisioned as being at least moderately profitable. The land that Menches declared as *aphoros* may have included roads and other non-agricultural real estate, but its margins may well have been farmed for every bit of produce they could yield. Finally, if in Omnophris' report to Zenon *aphoros* indicated roads or the like, then the claim to have discovered so much ἀλμυρῖς ἀφόρος would have been redundant, if not ridiculous. Who cared

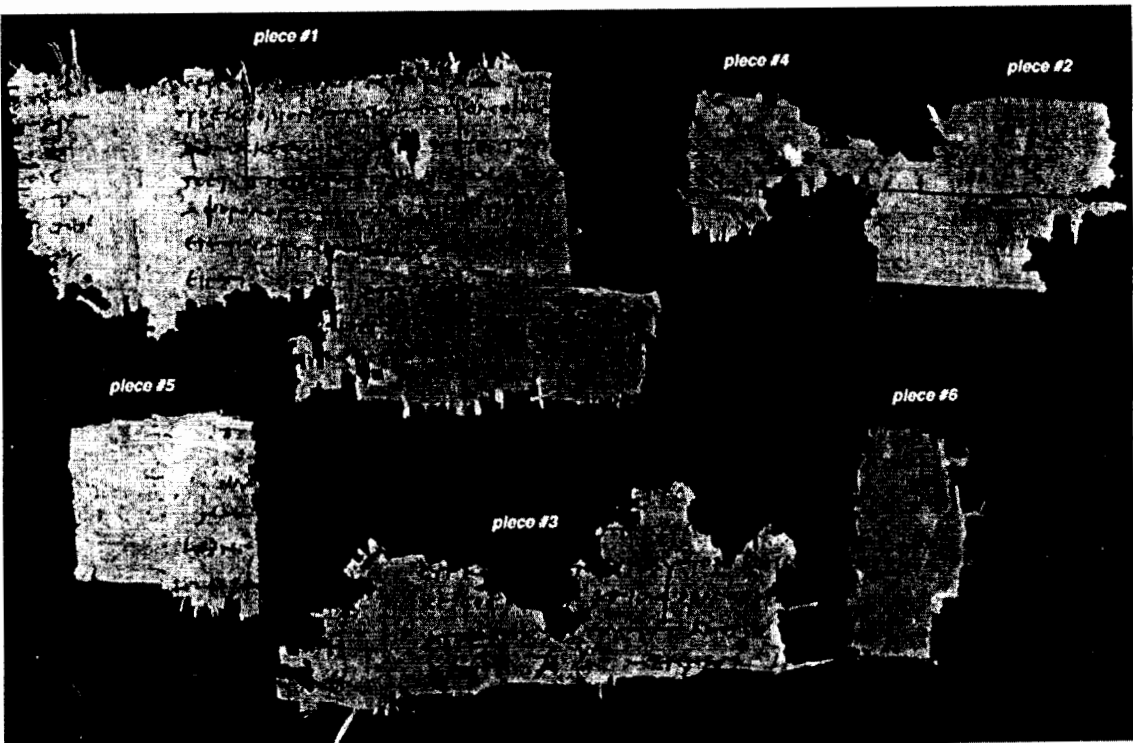
¹⁰ P. Tebt. I 74.56–57 (114/3 B.C.); reported again at 75.75 (112 B.C.).

¹¹ Cf. P. Tebt. I 60.42 (118 B.C.); ἐρημιόθει διὰ τὸ παρακεῖσθαι τῶι ὄρει; III.2 826.48–49 (172 B.C.); ἐρημιότης ἐν τῶι θ' (ἔτει) διὰ τὸ παρακεῖσθαι τῆι ὄρει τῆι Διόπυρι.

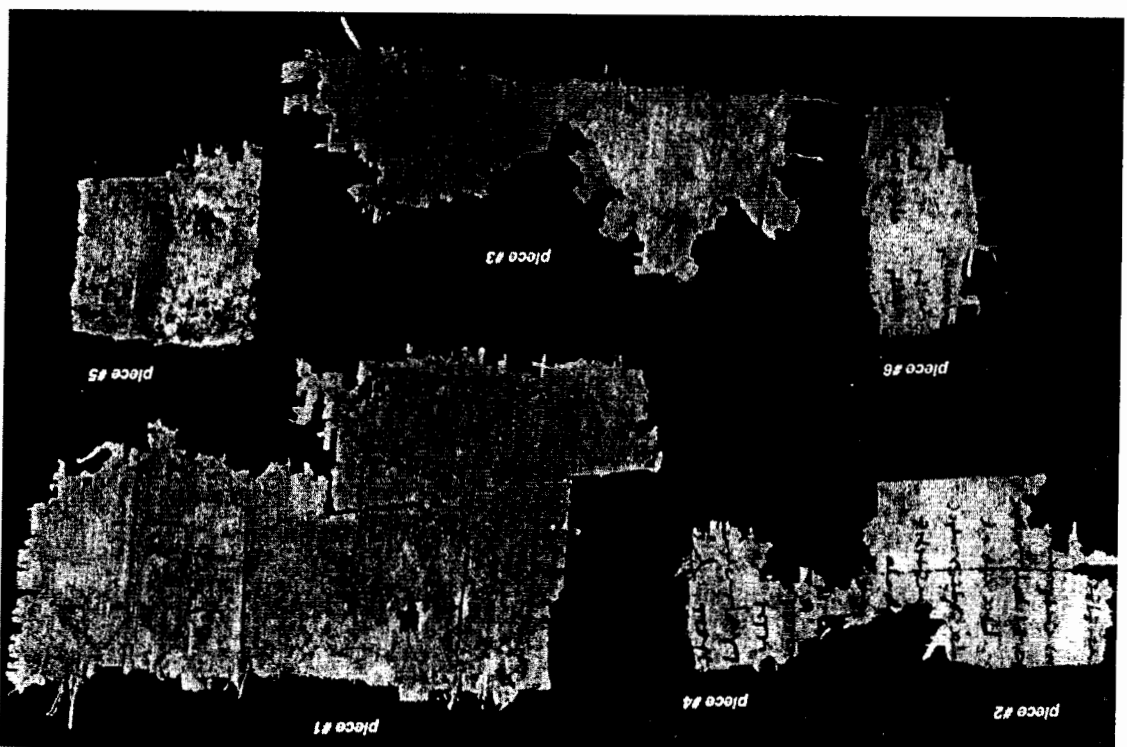
¹² P. Zen. P. Sistr. 38.6 (253 B.C.); see also line 8.

¹³ P. Tebt. III.1 815.fr.6.55–56 (228–221 B.C.): ἔξει δὲ τῶν πορτῶν (τῶν) ἐν-κλάστων (ὄραχμάς) μ, τοῦ δὲ νομοῦ (ὄραχμάς) κ, τῶν δὲ νεοφύτων (ὄραχμάς) ι, τοῦ δὲ ἀφόρου (ὄραχμάς) δ.

¹⁴ So Shelton, P. Tebt. IV p.2, described sacred and cleruchic land: "land for which the Crown forbore to ask rents."



P. AUSTIN INV. 32, VIEW 1
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whether a road was salty? But Onnophris was conducting a survey, squaring the books with the ground. He might well have informed Zenon that he found salty land that was not on the books as subject to rent. Salty land could be reclaimed. Onnophris was announcing the discovery of land—salty, as it happened—which was not on record as generating revenue. If it should be brought under cultivation, its profits might at least for a while be free from claim by the state. And if there was potential for unrecorded profits by the veterans or unwelcome loss by Zenon, surely it was Onnophris' job to notify his boss of the fact.

Thus, I suggest that in Ptolemaic Egypt *aphoros* indicated that an object was not registered as subject to *phoros*, not that it was incapable of production. *Gê aphoros*, therefore, might have been barren¹⁵ or variously productive,¹⁶ but whatever its fertility, its produce was free from claims by an outside party, here the state. The word denoted productivity on the books, but not necessarily on the ground. It arose from an administrative, but not necessarily agricultural reality. A memorandum from Menodoros to Zenon provides control. Menodoros had rented 120 goats from Zenon at an annual *phoros* of 1 1/4 kids per goat. From this group Menodoros carefully distinguished 30 females, apparently kids not does, which he received *aphoros* in the fourth year (*P. Mich.* I 67.6–7): $\chi\iota\mu\alpha\iota\rho\alpha\varsigma\ \lambda\ \acute{\alpha}\varsigma\ \pi\rho\omicron\sigma\text{-}\epsilon\lambda\alpha\beta\omicron\nu\text{||}\epsilon\lambda\alpha\beta\omicron\nu\ \acute{\epsilon}\nu\ \tau\omicron\iota\ \delta\ \text{L}\ \acute{\alpha}\phi\omicron\rho\omicron\upsilon\varsigma$. Rents were at issue. Context suggests that these kids were rent-free, not barren.

Zenon's rented goats point up an obvious semantic polyvalence inherent in the word *aphoros*. Liability to tribute was connected to productivity. Land that was not registered as bearing rent was most likely so classified because it was not agriculturally fruitful at time of inspection. So with the goats.

P. AUSTIN INV. 32, VIEW 2

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¹⁵As may have been the case at *P. Tebt.* I 74.56–57; 75.75; also perhaps *P. Zen. Pestm.* 38.

¹⁶As at *P. Tebt.* III.1. 815.fr.6.55–56; also *P. Tebt.* I 60.8–40.

The papyrus does not mention the age of the kids, but the kids would have had to reach 6–8 months of age before onset of estrus. Rent was to be paid in kind, 1 1/4 kids per goat, but the lessor did not exact *phoros* on livestock that were not yet productive. These juveniles were both rent-free and unproductive. Rent was negotiable, but fecundity was a matter of time. Both were subject to change.

Roman usage suggests a similar semantic range. *P. Panop. Beatty* 2.128–9 refers to a disturbance in the Lycopolite concerning ἐστραπμένης ἀπὸ ὑπολόγου ἀφόρου, there translated as “sown land reclaimed from the derelict category” (p.77).¹⁷ What was *aphoros* on the books could be reclaimed on the ground. A lexicon of administrative terminology from Oxyrhynchus explains *hypologos* as follows: “there is an inspection every three years of all imperial land that is *aphoros*; it is called ‘deducted’ (*hypologos*) because it is deducted from the area of the land, plot by plot, so that the balance is *emphoros*.”¹⁸ Periodic *episkepsis* was necessary because both the productivity of land and administrative categories could change. Productive land could fail or lapse from cultivation; unproductive land could be reclaimed. In either case the state would have to change the books accordingly. Both cases suggest the ephemerality of the designation *aphoros* and the potential semantic polyvalence of the word.¹⁹

The papyri suggest that *aphoros* indicated that no party held claim to exaction of *phoros* from an entity, not that the entity was incapable of production. Presumably, land that was

¹⁷Cf. also 2.131–32, 157 (A.D. 300).

¹⁸*P. Oxy.* XXXVIII 2847.12–15 (ca A.D. 200–250): ἀράουης τῆς ἀφόρο[λο]υ (ὄ)ουης κ[λο]υ[λακ]ῆ[ς] διὰ τριετίας ἐπισκευῆς γέινεται, κατέταται δὲ ὑπολόγος ἐρεσίῃ ὑπολογεῖται ἐκ τοῦ μέτρου τῆς γῆς τοῦ κατὰ πείθειον ὡς ὑπολειρωθήσονται τὸ λοιπὸν ἐμφοροῦν.

¹⁹At *P. Wisc.* I 34.12–13 (A.D. 144) *aphoros* seems to indicate lack of produce but could equally be construed as indicating lack of rent: at *P. Petous* 13.24 and 14.31 (184/5) the word indicates lack of income (“Einkünfte”); cf. *P. Mil. Congr.* XVII p.54.3 (III A.D.).

registered as free from rent was so designated because it was unproductive when the *episkepsis* was conducted. This need not mean that the land was “by its nature ... incapable of yielding crops,” though the two meanings are not incompatible under logic. No crops meant no rents. Semantic plurality would have been virtually inevitable.²⁰

Epigraphic evidence suggests a similar denotation for *aphorologētos* in the Hellenistic period. In late third- or second-century Aetolia a slave named Sotia was sold to Syrian Aphrodite, which is to say manumitted, on condition that she be both ἀνέφατρον ἀπὸ παντὸς ἀνθρώπου, which meant that no man could re-claim her as slave, and ἀφορολόγητρον (*IG IX.1²* 96.5–6). Manumission did not stipulate that Sotia be barren, but that she could not be compelled to pay *phoros*. She was free, and free to work as she would.²¹ Antiochos the Great swore to leave Lysimacheia autonomous, democratic ..., un-garrisoned, and *aphorologētos*, that is, exempt from payment of *phoros*, or tribute (*ILlilon* 45.12–15). Kings, Roman praetors, and others could declare cities free from *phoros*, in addition to recognizing or making them free, sacred, and/or inviolate.²² Iasians could, as a free, autonomous, un-garrisoned, and *aphorologētos* population, swear allegiance to Ptolemy I and all his descendants (*LIasos* I 2.30–31, 51). No slave was freed on condition of barrenness. No one granted right of barrenness as a benefaction. No population swore in its incapacity to produce crops. In the inscriptions ἀφορολόγητρος denotes freedom from

²⁰For an analogous semantic connection between biological and economic productivity see E. Cohen, *Athenian Economy and Society: A Banking Perspective* (Princeton 1992) 45, on τόκος, yield.

²¹We might speculate that the second stipulation freed the former slave from *paramonē*, the obligation to remain at the service of her erstwhile owner.

²²Rigsby, *Asyria* 7.6–8 (Delphi); 135.3–8, 153.19–20, SEG XLI 1003.A/B.18–19 (Teos); 189.11, 190.10, 207.2, 208.5 (Mylasa); *IErythrai* 30.34–35 (restored), 39–40 (restored); 31.21–28.

obligation to pay tribute.²³ Antiochus the Great's recognition of Tean inviolability secures this meaning, periphrastically: ἀφένες τῆμ πρόλιν καὶ τὴν χάφον ἱερὰν | καὶ ἄσυλον καὶ [π]απα-λυσάντες ἡμᾶς τῶμ φόρων (SEG XLI 1003.A/B.18–19). Here the latter "phrase is synonymous with ἀφορολόγητος and replaces it."²⁴

Thus, in epigraphic sources *aphorologētos* is the semantic equivalent of *aphoros* in the papyri. Neither makes a necessary claim as to negative productivity. Both, however, indicate freedom from outside claims on productivity. This meaning, moreover, seems to be reflected in the papyri.²⁵ At stake is whether the three Thracians in *P.Thomas 2*, or Menneas and Leon in *P.Aust.inv. 32*, received land that was irredeemably barren or—a grant of a different order—land that was at present free from the obligation of rent.

P.Tebt. III.1 737 suggests the latter. Around 136 B.C. a group of priests at Tebtynis petitioned for the right to lease (21–22) ἀπὸ τῆς | ἀφορο[λ]ογήτου χέρσου ἀρούρας [πεντακοσίας (?)]. The document is fragmentary but the nature of the priests' request is relatively clear. They appear to have proposed to take possession of three or four lots of dry land currently classified as *aphorologētos* for reduced rents, for set periods of time, after which some new arrangement was to obtain (21–36). The priests requested rights to one plot on condition that they hold it *aphori* for 10(?) years, after which time they would pay as rent some number of artabas of wheat per aroura (26–28): ἐφ' ὧν ἀφορὶ ἔξουσιν ἐπ' ἔτη [δέκα(?) μετὰ δέ] | ταύτα ρελέουσι τῆς (ἀρούρας) (πυροῦ) (ἀπράβας) [...]. The priests probably did not negotiate tenure of land on condition that it be barren. It

seems more likely that they became aware of potentially profitable land that was neither under cultivation nor registered by the state as revenue-generating. The priests negotiated to bring it under cultivation on condition that it be fully or partially sheltered from *phoros* for a set period of time, while it was being reclaimed, after which they would farm it at some cost.²⁶ They were in effect petitioning for a change in the land's official status. The temple absorbed additional land and the state, after a decade, additional revenues. All parties won. The category *aphorologētos*, like *aphoros*, was impermanent. The state would have to emend its books should land so classified be reclaimed and brought under cultivation.

One final text (*SB XXII 15213*) is worthy of mention. Some time in the third or second century B.C. Protarchos sent a memorandum to the *Basilikos grammateus* declaring that in a second regnal year he had erected two dovecotes and a goose-pen, οἱ εἰσιν ἕως τοῦ | νῦν ἀφορολόγητοι (11–12). Protarchos adds that he has notified the tax-collectors for the third year (13–17), and asks that the memorandum be registered in the *Basilikos grammateus'* office. Whether we should restore ἀφορολόγητοι²⁷ or ἀφοροί, the meaning is clear. Protarchos built the installations in the middle of the second year, so that for that year they were not visible on the state's books and so were "nicht versteuert."²⁸ But this temporary immunity would lapse in the third year, by which time the facilities would be operational and Protarchos' assets visible. The state would extract its share. Like Zenon's goats and the priests' land, Protarchos' birds were exempt from *phoros*, at least for the time being.

I suggest that the Thracians in *P.Thomas 2* and Menneas and

²³ "[L]ike 'sacred and inviolable' [*aphorologētos*] is a promise not to treat a city hostilely": Rigsby, *Asyria* p. 284.

²⁴ Rigsby, *Asyria* p. 283 n. 16.

²⁵ So, apparently, was Kießling's inclination, *WB IV.2 s.v. ἀφορολόγητος*: "abgabentfrei."

²⁶ Not an uncommon incentive: P. Gauthier, *Nouv. inscr. Sardes* II 6 with p. 128 n. 3.

²⁷ S. Paris, "Denuncia di due colunbaie," *Aegyptus* 74 (1994) 3–8, at 6: "La proposta ex. gr. risponde alla logica del passo e si fonda su P. Tebt. III, 737. 22, (cfr. r. 31) ἀφορο[λ]ογήτου χέρσου."

²⁸ B. Kramer, *ArchPrP* 43 (1997) 457.

Fr. D
col. i col. ii
] την Τεσενουφως τηης
] .ησιν . . . ν . . .
3] . . ο . . ν τ .

[A.ii] ... dry *aphorologētos* land ... and ... the dry ... and *aphorologētos*. The land from the east of the vineyards ... : to Leon four arouras, to Mennas four arouras ... [B.ii] ... 4 arouras of dry *aphorologētos* land of which ... the rent of the village likewise ... Mennas, thirty-aroura Macedonian (receives/has?) near the same vineyard, around the same village, four arouras of dry *aphorologētos* land and Spinther son of Herakleitos another four arouras in the thicket around the same village, so that there are N arouras. Therefore, survey if you will ... record for them ... When you have taken care of this (*or* when this has been taken care of), tell us. Farewell. Year ...

Notes

A.ii.2: ἀ[φορο]λο[λόγη]τον (?) very uncertain.

A.ii.3: Read οὖν or perhaps οὖν ἀντοῖς?

A.ii.5: Restore ἀντ[ὶ]ῶν?

A.ii.6, B.ii.3–4, C.2: The name Mennas is rare in the papyri, but better attested in inscriptions, especially in the islands; see LGPN I, II, IIIA, IIIB *s.v.*

B.ii.2: ὄν [ἐ]μνή]σαστο (*cf.* *P.Tebt.* IV 1101.1) would fit the space, and perhaps the context too, but I hesitate to restore as much at the top of such a fragmentary text.

B.ii.3: For *ekphorion* see *P.Tebt.* IV p.2 and on land and taxes 2–18.

B.ii.6: It is difficult to make sense of the letters after Ἡρακλειτου. The traces might also suggest δμ, which would not construe. The abbreviation ἄλλ() is less common than ἄλλ(), but not unattested: *BGU I* 49.8–9 (A.D. 179): ἄλλ(ας) | ὄρονμας; 186.28 (216/7): ἄλλ(η)

οικία. For ἄλλας ἀρούρας see *P.Tebt.* III.1 769.29 (237/6 or 212/1); *BGU VIII* 1815.20 (61/0); *P.Tebt.* II 382.11 (30–27); *PSI Corr.* I 1150.11 (27 B.C.); *P.Yale I* 67.10 (A.D. 31); *P.Sarap.* 22.8 (102/3).

B.ii.8: *Episkopsis* is the technical term for an official inspection. See D. J. Crawford, *Kerkosiris: An Egyptian Village in the Ptolemaic Period* (London 1971) 20. γοι δοκει is very uncertain, and εοι also seems possible.

B.ii.9: ?παρ]ἀδειξον: Presumably this is the official report of the results of the inspection. *P.Tebt.* IV 1101.1, 5. *Cf.* *P.Mil. Congr.* XVII p.5 lines 15, 24, with notes to line 15, pp.9–10.

B.ii.9–10: οικον]ομηθη or οικον]ομήτης? The letter is insufficiently well preserved to enable judgment as to agency. On the phrasing see *P.Zen.Pestm.* 49.23–24 (244 B.C.), γράφων δε και | προς ημάς, ως αν οικονομήτης; *P.Genoua* III 93.15 (III B.C.), ως δ' αν οικονομηθη και ημιν διασά]φισον? - -]; *P.Cair.Zen.* II 59225.7–8 (253): ἰσοτέρως δ' αν οικονομήτης, χαριει μοι γράψας την ταχίστην, ἵνα εἰδῶ εἰ | ὑπάργει μοι.

B.ii.10: The trace of ink remaining to the right of ἔρωσο seems to be the abbreviation for ἔρους.

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