

THE GOVERNOR'S EDICT AT AIZANOI

Introduction

At the end of the (Latin) copy of Diocletian's edict on prices erected at Aizanoi there is inscribed, in Greek, the edict of the governor, Fulvius Asticus, promulgating the foregoing imperial edict to the people of the province (Phrygia).

After an earlier partial publication of a few lines¹, the governor's edict was published in full by M. H. Crawford and J. Reynolds (hereafter C-R) in *JRS* 65 (1975) 160-65. Their text is reprinted in *L'Année Epigraphique* 1975, no. 805. While *AE* reprints the text of C-R and the gist of their commentary, the reader must be alert to use the *AE* text with caution: it fails to put dots under the two score letters so marked by C-R; in the last line it erroneously prints προστεταγμένον for προτε-; and toward the bottom of p. 217 it gives the governor's *nomen* as Flavius instead of Fulvius.

In *AJP* 97 (1976) 174-75 J. H. Oliver (hereafter O) republished the text with proposed revisions in lines 2, 4, 5 and 6. These will be discussed in the appropriate places below, but I may say here at the outset that I find none of those changes convincing or acceptable, and Professor Crawford assures me (*per epist.* 10-10-91) that the readings which O claimed to find on the photograph published in *JRS* are simply wrong.

In addition to giving us the full text of a major (and, to judge from the photograph, hard to read) document, the C-R publication has the further merit of including a commentary which compares the language of the Aizanoi edict with that of the contemporary *P. Cair. Isid.* 1², and highlights many places where Asticus's language echoes —and indeed often exaggerates: instances in C-R pp. 161-62— that of the *Praefatio* of the imperial edict. Although C-R do not go so far as to claim it, I think there is little doubt that the Aizanoi text is in fact a Greek translation made in Asticus's office from his own Latin original. Pointing toward that

1. By R. and F. Naumann, *Der Rundbau in Aezani* [Deutsches Archäologisches Institut, Mitteilungen Beiheft 10], Tübingen 1973.

2. The edict of the Prefect of Egypt promulgating (A.D. 297) Diocletian's taxation reform. It «includes ... a statement of the purpose and a résumé of the content of Diocletian's edict» (*P. Cair. Isid.* p. 24).

conclusion are not only the Latinisms noted by C-R, but also the frequently clumsy Greek structure, the verbs at or near the end of their clauses, the final *clausula* προτεταγμένον φαίνεται = *propositum esse videtur*, and, following the Greek version, the governor's Latin order to publish it, *proponatur*.

Our comprehension of the text is hampered, however, by the rhetorical involution of its early-Byzantine bureaucratise, and by some uncertain readings and two brief but material lacunas, all compounded by careless work on the part of the stonemason and/or in the copy from which he worked. The following pages offer suggestions for possibly advancing our understanding. The Greek-Latin equivalents are quoted from *Corp. Gloss. Lat.*

Text

With three or four variations in reading (noted in the commentary), with slightly altered punctuation, and employing the brackets of the «Leiden system», following is the C-R text:

Φούλβιος Ἄστικος ὁ διασημότετος ἡγεμῶν vac. λέγ[ει]
καὶ τοῦτο τῆς θείας προμηθείας λέγον τῶν ἀηττήτων
καὶ πάντα γεικώγων δεσποτῶν ἡμῶν βασιλέων τε
καὶ Καισάρων εὐχέρειαν βίου· ἵνα τῶν ὠνίων [ca. 5]ρίας κα-
5 ταστάσης ἐν τειμαῖς δι[κ]αίαις κα[ι] ῥηταῖς [ca. 7]αῖς τὸ αὐτὸ ἢ ἀν-
θρώποις ἄπασιν καὶ δι' ὑπερβάλλουσαν ὄρμην καὶ φιλαργυρίαν
τινῶν ἀπορεῖν τῶν πρὸς τὴν χρεῖαν ἀνανκαίων μηδένα, ἀ-
πάσης περικοπέσης ἐνθυμήσεως πανούργου, ἴσην καὶ ὠ-
ρισμ vac. ἐνήν τὴν ἐφ' ἐκάστοις τετάχθαι τειμήν. ὅπερ ἵνα πα-
10 ραφυλ vac. {λ}άττηται καὶ δι' ἄπαντος α<i>ων{v}ος μένη τῇ θειότητι
αὐτῶν προενόξεται, ἀλλ' ἵνα καὶ ὑμεῖ{ι}ν δῆλον καταστῆ σὺν
{σύν} ἐπιμελεία{ς} πάση τοῦ θείου διατάγματος, τοῦ ἐπὶ τῇ τειμῇ
τῶν τε ὠνίων καὶ συναλλαγμάτων δοθέντος νόμου τὸ ἀντί-
15 γραφον μετὰ τοῦ προσήκοντος σεβάσματος τοῦδέ μου τοῦ δια-
τάγματος προτεταγμένον φαίνεται. Proponatur.

11 l. -νόηται

Commentary

2. O claimed that C-R's «προμηθείας ... lacks the sigma, which in this inscription should be lunate. Their supposed sigma is square and so must belong to an incompletely visible epsilon in the next word». This is, as stated above, wrong. The sigma is lunate, and the C-R text stands. (O then read ἔλεγον or

ἔλεγον <ἄν>, and translated, «I should say». This makes a shambles of the sentence beginning in line 2. Asticus' prose is, as O said, «inelegant», but it is not ungrammatical).

2-4. λεγόντων <τῶν>, C-R, *AE*, a simple, readily postulable haplography. But this emendation does not produce a satisfactory sense for the rest of the sentence. In what seems (to me, at least) a counsel of despair, C-R suggest (p. 161), «it seems to us that something like δεῖν εἶναι must be understood before εὐχέρειαν and δεῖν before ἀπορεῖν ... μηδένα». These suggestions are accepted *sans autre* in the *AE* translation.

The difficulty is obviated if we leave line 2 as it appears on the stone construing λέγον as modifying τοῦτο. Rendering a Latin original something like³ *hoc sacrae provisionis legens*, τοῦτο τῆς θείας προμηθείας λέγον expresses, «this (is) an indication of the divine forethought» of the emperors. Such use of a participle in place of a corresponding abstract noun is well attested in Silver Latin, e.g. Tacitus, *Ann.* 4.12.2 and 34.2.

Either way, the syntax of εὐχέρειαν remains a problem. With λεγόντων τῶν it is the subject-matter of the emperors' edict; with λέγον τῶν it is the object of their προμήθεια. Both versions can be served by reading <περὶ> εὐχέρειαν. With λέγον τῶν there is the additional option of taking εὐχέρειαν as miswritten for the genitive -είας.

As to the sense, in contrast to C-R's «a plentiful livelihood», I take εὐχέρεια = *facultas*, denoting «that which is necessary» (*Oxf. Lat. Dict.* s.v. 6). Cf. *Praef.* 20, where the emperors characterize their edict as *res constituta ex commodo publico*. «*euchereia* possibly *commodum* rather than *facultas*, with a sense more like 'convenience'?» —C *per epist.*

4. O restored [κανό]νας, «because the nu, which C/R dot, appears rather clearly in the photograph». But C-R note, «After the gap ΠΙΑC is possible and would suggest εὐπορίας (so R. Syme), which is not inconsistent with such traces as we seem to see in the gap».

O did not explain how he understood the construction, but to judge from his translation he took καταστάσης as a modifier of προμηθείας, and κανόνας as its object. Such an intrusion in the ἵνα clause is unacceptable. The Greek —once again— may be inelegant but it is not ungrammatical.

C-R, followed by *AE*, accept Syme's restoration in their translation, as do I.

4-7. ἵνα... μηδένα: I take this to be a two-part purpose clause, the first part expressed by ἵνα with the subjunctive ἦ (line 5), the second part by an infinitive,

3. *Corp. Gloss. Lat.* does not have a Latin equivalent of προμήθεια.

ἀπορεῖν (line 7). This variation of expression in paired clauses is another of the rhetorical features of Silver Latin. Found occasionally already in Livy, this device is quite common in Tacitus (see, e.g., the presentation of different types of such variation in H. Furneaux, *Annals of Tacitus*², I, pp. 70-71). A striking parallel for the interpretation here proposed for lines 4-7 is provided by a pair of Greek papyri of 165 B.C., *UPZ* 18 and 19. These are two preliminary drafts of the same document, written on the same day by the same person. *UPZ* 18.22-23 has δέξασθαι τὸν υἱὸν αὐτῆς [name] εἶνα διακονεῖ (l. -ῆ) ἡμῖν, and 19 has at the same place in the text προσλαβέσθαι τὸν ἐκείνης υἱὸν διακονεῖν ἡμῖν. (E. Mayser, *Grammatik*, II.1, p. 297, cites these passages as an instance of «die Konkurrenz der Finalpartikel ἶνα» with the infinitive expressing purpose in post-classical Greek.) Similarly, in *P. Beatty Panop.* 1, of A.D. 298, the communications from the strategos' office follow ἐπέστειλά σοι now with ὅπως ἔλῃ, now with ἐλέσθαι.

5. τὸ αὐτὸ seems abrupt or dangling without a preceding noun to modify, but Professor Crawford assures me (*per epist.* 29-10-90) that]ος (e.g., [τὸ βάρ]ος) cannot be read in place of αἷς. That being so, a restoration that may recommend itself is [καὶ κοιν]αἷς, the adjective perhaps echoing *Praef.* 17, *haec communis actus*.

O supplied [συμβόλ]αις<ν>, which is to be rejected for three reasons. First, according to O, in «[c. 7]αἷς, the final letter appears in the photograph ... as a completely round omicron... The missing nu seems to have been added in the right margin». As stated in the introduction, this is simply wrong. Secondly, συμβόλαιον is not a «transaction» (O's translation), but a written receipt or contract or covenant, which senses are hardly appropriate to the context. Finally, a noun preceding τὸ αὐτὸ should be accompanied by the definite article.

5-6. With ἀνθρώποις ἄπασιν C-R compare *Praef.* 6, where *avaritia* is termed *sine respectu generis humani*. In the Constitutio Antoniniana Caracalla extends his benefaction εἰς τοὺς ἐμοὺς ἀν[θρ]ώπους (*P. Giss.* 40 i.6).

6. O thought an insertion, «perhaps ... <ὥστε> καὶ, [would] account for the infinitive phrases ... in lines 7 and 9». No such insertion is required if the text is construed as presented above in the note to lines 4-7.

φιλαργυρίαν = *avaritiam*. C-R compare *Praef.* 7, *et gliscentis avaritiae ac rapidis aestuantis ardoribus*. In the imperial fustian of the *Praefatio* the word *avaritia* occurs more often than any other word except the forms of *esse, posse* and *res*.

7. C-R compare *Praef.* 19, *species victui adque usui necessarias*. εἰς τὴν ἀναγκαίαν χρεῖαν is a stock phrase of private loans, attested in numerous papyri.

8. As C-R observe, the first part of this line corresponds to *licentiam ... esse*

praecisam of *Praef.* 16, and is paralleled by τὴν κακίστην ταύτην καὶ ὀλέθριον συνήθειαν ἐκκόψαι of *P. Cair. Isid.* 1.4-5. Both are good examples of the sociopolitical rhetoric of the period.

8-9. C-R (p. 160, followed by *AE*) insist that instead of the Emperor's maxima not to be exceeded Fulvius here proclaims the prices of Diocletian's edict to be «fair and fixed» («juste et ferme», «le prix doit être juste» — *AE*). This does Fulvius Asticus and his Greek translator less than justice. ἴσος = *aequus*, fair; there is no dispute here. But ὠρισμένος denotes fixed not in the sense of immovable, but in the sense of limited. ὀρίζω is, after all, the denominative verb from ὄρος, a boundary or limit. The price edict itself uses the verb at 26.4, τὴν ὠρισμένην τιμὴν ὑπο[τέτακται]. The statement that the edict sets down prices which may not be exceeded (while cheaper prices are of course permitted and indeed encouraged), is reiterated too often in the *Praefatio* for Asticus to have missed it (in fact, as noted above, he frequently echoes the language of the *Praefatio*): 12, *modum statui*; 15, *non pretia venalium rerum (neque enim fieri id iustum putatur) ... sed modum statuendum esse censuimus*; 15, *avaritia ... statuti nostri finibus vel moderaturae legis terminis stringeretur*; 16, *ut omnes intellegant egrediendi eadem [sc. pretia] sibi esse praecisam*; 17, *in caritatis necessitate statuta rebus pretia non posse transcendere*; 17, *nusquam carius vendituros esse*. «The point about maxima rather than fixed prices warmly welcomed» — *C per epist.*

9. τὴν ... τιμὴν: cf. the beginning of the price edict (1.1), τί]νας τιμὰς ἐκάστου εἴδους ο[ὐδ]ενὶ ἐξέσται ὑπερβαίνειν ὑποτέτακται.

9-10. C-R point out that παραφυλάττω (note the Atticizing form, not the *koine* -άσσω) is used similarly in *P. Cair. Isid.* 1.19.

10-11. As C-R point out, τῇ θειότητι αὐτῶν προνοείται echoes *Praef.* 7, *remediis provisionis nostrae*. Cf. also 13, *providere ... remedii constitutio*; 17, *vilitatis beatudine, cui maxime provideretur*; 20, *maxime cum eiusmodi statuto ... universo orbi provisum esse videatur*.

15. «προτάσσω ... refers to the physical placing of one document before another», C-R, comparing (*inter alia*) *P. Cair. Isid.* 1.8-10. There are many examples of this usage in the papyri: see Preisigke, *Wörterbuch* s.v.

Proponatur is the governor's order, or authorization, to display the foregoing Greek text in public. C-R cite literary and legal parallels for the usage. For parallels in the papyri see Preisigke, *Wörterbuch* s.v. προτιθημι, *LSJ* s.v. II.3, and the analysis of such instructions by R. Katzoff, *ZPE* 48 (1982) 209-17.

Translation

(Giving effect to the preceding comments, I propose to translate as follows.)

The governor Fulvius Asticus, *vir perfectissimus*, declares:

This too is a manifestation of the divine forethought of our invincible and all-victorious masters, the Augusti and Caesars, for the necessities of life:

in order that, with an [abund]ance of vendibles established in just, specified [and universal] prices, (the cost) may be the same for all men, and that no one be in want of the requirements for his pressing need owing to the excessive drive and greed of some men, since all idea of villainy will have been foiled,

a fair and limited price has been assigned for each several thing.

That this (regulation) may be preserved and remain for all time has been provided by their divinity, but in order that it be clear also to you [the people] with all the care of the divine edict, a copy of the law issued regarding the price of vendibles and transactions⁴ appears displayed with the appropriate reverence above this edict of mine. [In Latin] Let it be posted.

The City University of New York

NAPHTALI LEWIS

4. This comes very close to our categories of «goods and services».