ἀντίδοσις in Roman Egypt: A Sign of Continuity or a Revival of an Ancient Institution?

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in

Proceedings of the 28th Congress of Papyrology

Barcelona 1-6 August 2016

Edited by Alberto Nodar & Sofía Torallas Tovar

Coedited by María Jesús Albarrán Martínez, Raquel Martín Hernández,

Irene Pajón Leyra, José-Domingo Rodríguez Martín & Marco Antonio Santamaría

Scripta Orientalia 3

Barcelona, 2019

Coordinación y edición: Alberto Nodar – Sofía Torallas Tovar
Coedición: María Jesús Albarrán Martínez, Raquel Martín Hernández, Irene Pajón Leyra, José Domingo Rodríguez Martín, Marco Antonio Santamaría
Diseño de cubierta: Sergio Carro Martín

Primera edición, junio 2019

Ausiàs Marc 92-98 – 08013 Barcelona

ISBN 978-84-9191-079-4 (Pamsa)
ISBN 978-84-88042-89-7 (UPF)
Edición digital
http://hdl.handle.net/10230/41902

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Proceedings of the 28th International Congress of Papyrology, Barcelona 2016
Universitat Pompeu Fabra (Barcelona 2019) 465-474

ἀντίδοσις in Roman Egypt: A Sign of Continuity or a Revival of an Ancient Institution?*

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In his study of aspects of Hellenism and its Social Goals in Ptolemaic Egypt, Alan Samuel has argued some forty years ago for a continuity in the premises of Greek life to be seen both in the Classical and Hellenistic periods.[1] Greek civilization in Ptolemaic Egypt was mainly based on Athenian models and ideas and was characterized by a principle of stability. Signs of this continuity and stability, he argued, could be found in all aspects of Greek life in the Hellenistic age: in agriculture as well as industry, architecture as well as literature, and in art as well as religion. Samuel sums up his thesis, emphasizing: «For the three hundred years of the Ptolemaic Dynasty in Egypt, the Greeks who had settled there carried on a Hellenism which drew little new from its surroundings».[2]

Although Samuel's theory has not gone unchallenged,[3] the link between mainland Greece and Greek culture in Egypt is more than obvious. The fact that the Greeks in Egypt have tended to be more conservative in the foreign milieu in which they found themselves, and that they progressively became more aware of their Hellenism vis à vis Egyptian civilization, has already been confirmed. They tended to live in their own world separated from the surrounding natives and to maintain as strongly as possible their language, culture and mode of life as signs proving their superior Hellenic identity.[4]

This new theory, which contradicts the view maintained by students of Hellenistic civilization in most years of the preceding two centuries, is elaborately detailed by Naphtali Lewis who has argued for the separateness of the Greeks in Egypt on the basis of the case studies which he included in his book entitled Greeks in Ptolemaic Egypt.[5] More important, however, is the fact that signs of continuity can also be traced in the Roman period, particularly during the first three centuries of our era. We are all familiar with Lewis' two papers, "Greco-Roman Egypt: Fact or Fiction?" given in the Twelfth International Congress of Papyrology in 1968, and "The Romanity of Roman Egypt, a Growing Consensus" given in the Seventeenth Congress in 1984. His views were summed up later in his book, Life in Egypt under Roman Rule, where he reiterated what was by then a famous expression: «plus

* I would like to thank Professor Roger Bagnall, who chaired the session in which this paper was read, for his knowledgeable comments afterwards. Thanks are also due to Professor José Luis Alonso for the stimulating discussion that followed the presentation and to the anonymous reviewer of this paper for his/her thorough reading and valuable comments and suggestions. This paper is also lovingly dedicated to the memory of my Professor Mostafa El-Abbadi who encouraged me to study this topic but did not live to see this dedication in print.

[1] Samuel (1983).

[2] Samuel (1983) 119.

[3] Thompson (1987) 240-241, e.g.

[4] Lewis (1986) 4: «What has become clear, and becomes clearer with each new study, is that in Hellenistic Egypt....the socio-political characteristic of the country was not coalescence, but rather the coexistence of two distant entities: 'we' and 'they', the conquerors and the conquered».

[5] Excluding, perhaps, the recluse Ptolemaios who lived in the Great Serapeion at Memphis; see Lewis (1986) 4-5. The same view is also expressed with some reservations by Bowman (1996) 122: «The Greek/Egyptian dichotomy might appear very stark in some spheres and some periods but in other boundaries are less rigid».

ça change, plus ça reste la mème chose».[6] It is to be noted, moreover, that in concluding his article on "Greco-Roman Egypt: Fact or Fiction?", Lewis was tempted to see that the tendency to change was much stronger in certain spheres: «Roman domination brought more change than continuity *in the administration* of Egypt» (my italics).[7] More recently, we are reminded by Rathbone that «issues of continuity and peculiarity are fundamental» while attempting to refute what he calls: «myth of the unchanging nature of Egyptian agriculture and agrarian culture».[8]

But how does all this relate to the subject of this paper? The point becomes clear when we consider that ἀντίδοσις was an acknowledged legal procedure in classical Athens, particularly in the fourth century BCE, and that it reappears in our documents in Roman Egypt, although not a single papyrus documenting the institution has been yet found from the Ptolemaic period. How should we interpret this phenomenon? Does it represent a sort of continuity with the preceding period about which we know nothing about? If not, how much can it be considered a revival in the Roman era of a more ancient institution? Attempting to answer these questions, I shall begin with the documents, move to their context, and finish with a study of their terminology.

1. The Papyri

Altogether, we have the evidence of almost half a dozen actual cases of resignation of property in Roman Egypt.[9] From the details of these documents it becomes evident that the procedure was used in cases of insolvent debtors but it was also used to avoid performing liturgy and serving in municipal offices. The earliest document, dated to the middle of the second century, comes from the minutes of a *conventus* of Munatius, the prefect of Egypt.[10] A person named Glycon was introduced before the prefect and his lawyer spoke on his behalf, stating that Glycon had no revenues and that he resigned his property. The prefect gave his decision to have an inquiry made about the possessions and to apply the principle which he used to adhere to, namely that if this step was done to defraud the creditors, it would not be valid:

προσαχθέντων Γλύκωνος Διονυσίου
καὶ Ἀπολλωνίου Γλύκωνος μεθ' ἕτερα
Ἀρχ[έλ]ᾳος ῥήτωρ εἶπεν: ἄπορός ἐστιν
ὁ Γλύκων καὶ ἐξίσταται. Μ[ο]υνάτιος
εἶπεν: ζητηθήσεται ὁ πόρος αὐτο[ῦ,] ἤδη
μέντοι τύπος ἐστὶν καθ' ὃν ἔκρινα
πολλάκις καὶ τοῦτο δίκαιον εἶναί
μοι φαίνεται ἐπὶ τῶν ἐξιστανομένων ὥστε, εἴ τι ἐπὶ περιγρ[α]φῇ
τῶν δανιστῶν ἐποίησαν, ἄκυρον εἶναι.

Then, another person named Sarapion moved forward to do the same thing, as told by his lawyer, Apollonius. The prefect repeated his previous decision with a further comment: Sarapion's resignation of property would be invalid should he obtain fresh loans with intent to defraud:

[6] Lewis (1983) 35.
[7] Lewis (1995) 140, quote at 148.
[8] Rathbone (2007) 698. See also Bowman (2000) 173 and Moyer (2011) 27.
[9] Taubenschlag (1955) 530 with n. 24. The quote is from Lewis (1983) 183 and cf. Lewis (1982) 104.
[10] P.Ryl. II 75 (= Sel.Pap. II 259; 150 CE).

προσαχθέντος Σαραπί-
ωνος Πτολεμαίου μεθ' ἕτερα, Ἀπολλώ-
νιος ῥήτωρ εἶπεν: ἐξίσταται τῶν πό-
ρων ὁ Σαραπίων. Ἀσκληπιάδης εἶπεν:
ἐπεξεχ[ρ]ήσα[το ..]ουσι τὰ ἑαυτοῦ. Μουν[ά]-
τιος εἶπεν: [ἐ]ὰν εὑρεθῇ ἐπεκχρησά-
μενος ἐπὶ π[ερι]γραφῇ, ἄκυρον ἔστω.

A later document by a certain Sarapion from Hermopolis Magna and presented to the ἔκδικος indicates further that the option continued to be available to debtors till the fifth century.[11] These documents refer to a case of resignation of property and state clearly that this was done as a response to failure to give back loans. Glycon and Sarapion presented their case in a court presided by the prefect and the proposal was formally introduced by lawyers. The decision of the prefect applies a well known precedent, namely that an investigation should be made according to which the resignation may be considered valid or not. We have here an obvious case of the Roman measure known as *cessio bonorum,* and it is in fact described as such in discussions of this and similar documents. On the basis of this evidence, Raphael Taubenschlag observes that the Roman law concerning debt, *Lex Julia de cessione bonorum*, which was originally applied to Romans was then extended to include others as well.[12] Another document probably refers to a similar case from the third century but is too fragmentary to discuss.[13]

In addition to the preceding cases of *cessio bonorum*, the same procedure appears in documents from the third century in a different context; here, petitioners sought to avoid performing a liturgy or serving in offices.[14] An early petition concerning liturgy was written by a certain Thonis who handed it on the following day of his nomination (τῇ διελθούσῃ ἡμέρᾳ) for the office of a πράκτωρ of grains (εἰς πρακτορείαν σειτικῶν) of the toparchy (ll. 16-17).[15] Instead of performing the liturgy, Thonis decided to resign his possessions and wrote this petition to the *strategos* of the nome, Aurelius Leonides. In the beginning of the document he quoted the prescript of Severus and referred towards the end to the divine measure (τὴν θείαν διάταξιν, ll. 22-23) regarding the case to confirm his legal position.[16]

Unlike Thonis who handed his petition on the following day, Stephanos made his move immediately after he knew of the event. His petition includes the same introduction and the same reference to the divine measure, on a document dated within the same decade as Thonis' and addressed to the same *strategos.*[17] Stephanos, who was a resident of the village of Sinkepha of the Oxyrhynchite nome, complained that he came to know on the same day (τῇ ἐνεστώσῃ ἡμέρᾳ [l. 17]) that he had been nominated to a liturgy by Aurelius Amois of the same village on the ground that, as Lewis reads it, he had «sufficient means and eligible [ὡς εὔπορον καὶ ἐπιτήδειον (ll. 22-23)] to succeed him in the office of collector of money taxes [εἰς πρακτορείαν ἀργυρικῶν (l. 20)]».[18] Stephanos objected to the nomination stressing that it was unreasonable and contrary to the rules of liturgy (οὐκ ἀνὰ λόγον οὖν οὐδὲ πρὸς [τὸ] μέρος τῆς λειτουργίας [ll. 23-24]). He further announced that he would give away his

[11] M.Chr. 71 (462 CE); Lewis (1982) 104.
[12] Taubenschlag (1955) 20-21, 30 and cf. de Ste Croix (1989) 166 who notes that the application of the law was however limited: «*ex hypothesi,* it would be of no use to the propertyless». See also the last section of this paper.
[13] P.Oslo III 190 and see Taubenschlag (1955) 20 n. 92.
[14] Jones (1938) 70; Lewis (1982) 103-104.
[15] P.Oxy. XLIII 3105 (229-235 CE).
[16] See below on the prescript.
[17] P.Oxy. XII 1405 ll. 1-13 and 25-26 (236/237 CE).
[18] Lewis (1983) 183.

possessions to his fellow villager Amois, who made the nomination, according to the divine ruling (ἀλλ᾽ ἐξιστανόμενος αὐτῷ κ̣ά̣τά τὴν προκειμένην θείαν [ll. 24-25]), and proceeded to enumerate his possessions.

From the same papyri collection of Oxyrhynchus, we have a third document written around the same time as the preceding two and forwarded, interestingly enough, to the same *strategos*.[19] The petitioner here is a certain Heracleides from the village of Talao. He was appointed to the same liturgy as Stephanus (εἰς πρακτορείαν ἀργυρικῶν [l. 15]). The name of the official who nominated him is Horus and it is likely that he was performing the same liturgy which Heracleides was nominated for.[20] The document breaks off where the petitioner starts to announce his objection to the nomination and his decision to resign his property, but the first ten lines of the document include the same prescript of Severus in a better condition than the preceding petitions of Stephanus and Thonis. To this group as well may be added a document from Arsinoe which dates to the second decade of the second century. The papyrus quotes the imperial rules but breaks off where the petitioner starts to explain his case.[21]

All preceding documents were handed to the *strategos* of the nome and a nomination to a liturgy took place by local officials living in the same local areas where the petitioners lived. Therefore they are somewhat different from the nomination to the municipal offices made by city councils in the *metropoleis*. In the latter case petitions were handed to the president of the council and were referred to higher authorities only in case of disagreement. In the earliest example from the third century, we encounter Septimius Eudaimon who was an *ex-gymnasiarchos* and *eutheniarchos* of the city of Oxyrhynchus.[22] He happened to be nominated one more time for the office of the *gymnarchos* and accepted the nomination but he was later nominated for the office of the *eutheniarchos*, as well. This last nomination proved to be «the last straw».[23] Eudaimon decided to resign his property to the president of the council (ἔκστασίν σοι προεβα̣λό̣μην), to whom he presented his complaint, objecting that it would be beyond his means to serve in all these offices. A similar complaint was made by Hermophilus who served in many offices in the city.[24] He admitted that he had some means but objected that he had spent most of it on performing several previous liturgies. Then, Hermophilus contended that his son Horion was nominated as a *kosmetes*, that the new office proved to be beyond their ability to fill, and moved on to resign all his property rather than accept the nomination.

From the second half of the third century comes yet another document which records Aurelius Kopreas' refusal to fill out the office of the *exegetes*.[25] As was the case with his predecessors, Kopreas offered to resign all his property. Another case comes from Oxyrhynchus and goes back to the last decade of the century.[26] Although it is not a petition, it does refer to an attempt by a certain Agathinus to avoid serving in the office of the *agoranomos* (ll. 33-34). The final document which comes also from Oxyrhynchus contains a report on a trial of two persons before the council of the city.[27] The document is too fragmentary to discuss in detail but it is clear that it pertains to a nomination to the office of

[19] P.Oxy. LXIV 4437 (229-236/237 CE).
[20] See Jones (1936) 68, 70.
[21] BGU 473 (= M.Chr. 375; 215 CE). The papyrus does not include the expression referring specifically to liturgies (εἰς τὴν λειτουργίαν) which is found in the other group of documents.
[22] P.Oxy. XXXVIII 2854 (248 CE).
[23] Lewis (1982) 104.
[24] CPR I 20 (= W.Chr. 402 = SPP XX 54; 250 CE).
[25] SB XXVI 16526; see also Palme (2011) 385.
[26] P.Oxy. XIV 1642 (289 CE).
[27] P.Oxy. XII 1417. Cf. the suggestion *ad loc.* that it might belong to the early fourth century than to the end of the third.

the *eutheniarchos* and that one of the two persons nominated, according to the editors, «threatened to resign his property and appeal to the praefect». The editors further note that this office which was responsible for the grain supply was difficult to fill at that time.

To conclude this survey of the documents, it is worthwhile to note their geographical distribution and chronology. Cases pertaining to debt and liturgy came from villages and appeared earlier than those dealing with offices which, in turn, belong to *metropoleis* and date mostly from the middle of the third century onwards. Moreover, all documents tend to refer to the imperial prescripts regarding *cessio bonorum*, but the phenomenon is most obvious in cases of liturgy and less so in cases of avoiding serving in offices. The contextual setting of each of the last two types is therefore an important issue to consider.

2. The Context

A close consideration of the cases mentioned in the last two groups of the documents, pertaining to avoiding liturgy and serving in municipal offices, shows that they share some elements that connect the institution of *cessio bonorum* in Roman Egypt to the more ancient Athenian measure of ἀντίδοσις. It has been shown in the preceding section that *cessio bonorum* was applied in various contexts the first of which deals with personal debts. There it has been argued that the law was originally limited to Roman citizens but was later extended to the Romans living in the provinces and then to peregrines.[28] The date suggested for this option to have become allowed to debtors is around 100 CE.[29] But, obviously, this case belongs to the private sphere of interaction. Of more interest to our topic, therefore, are the second and third usages where resignation of property concerned liturgies and serving in municipal offices. In spite of the geographical and chronological distribution of the papyri mentioned above, a common link between the two groups is easily noticeable in the obligation it entailed either directly (in case of liturgies) or indirectly (in case of offices) to the administration. The obligation is symbolized in both cases by the official judging the cases: petitions were submitted directly to the *strategos* in cases of liturgies and were referred to him when problems arose in the councils of the *metropoleis* regarding nominations to offices.[30]

Differences among the contexts of *cessio bonorum* did exist and had already been observed by scholars. In her famous article on "The βουλή and the nomination to the ἀρχαὶ in the μετροπόλεις of Roman Egypt", Eefje Wegener referred to the documents of liturgies and offices as pertaining to «administrative matters» and, maintaining that citizens of the *metropoleis* were not exempted from liturgies, she did not observe any significant distinctions among them.[31] Later on, Arnold Jones alluded briefly to the application of *cessio bonorum* to nominations to «magistracies and liturgies» and hoped to be excused not to go into «that highly controversial subject».[32] Raphael Taubenschlag distinguished between private and administrative cases of *cessio bonorum*.[33] The issue was taken a step forward by Naphtali Lewis who compared the private context of *cessio bonorum* with a public one.[34] Most

[28] Taubenschlag (1955) 20-21.
[29] Lewis (1982) 103.
[30] Cf. the disputes about the nominations to offices in P.Oxy. XII 1417, and XIV 1642. See also Bowman / Rathbone (1992) 123 on the ultimate control of the governors of the provinces and their representatives in the nomes.
[31] Wegener (1985) 79 and 82 for the expression.
[32] Jones (1938) 70 and cf. Lewis (1982) 106 n. 66.
[33] Taubenschlag (1955) 405 n. 23.
[34] Lewis (1982) 104, replacing administrative with public.

recently, the documents pertaining to liturgies and offices were also classified, probably following Taubenschlag, as «casi amministrativi».[35] In spite of the great attention given to the documents and the thorough comparison between them, no attempt was made in these studies to distinguish between the liturgical cases and those pertaining to serving in offices nor, as far as this paper is concerned, to invoke the Athenian model of ἀντίδοσις in the discussions.[36]

Although private documents do not concern us here, they provide us with important dates, procedure and terminology. They predate the other usages which begin to appear from the beginning of the third century (where, again, the liturgical documents predate those pertaining to offices).[37] Although the papyri refer in all cases to the imperial edicts regarding the status of the person ceding his property, variations did exist owing to the nature of the problem. It is significant to stress here the tendency of the documents pertaining to liturgies to quote the prescripts of Severus regarding liturgies (εἰς τὴν λειτουργίαν) in their introduction and to stress towards the end of the documents their conformity with those divine measures.[38] In all three documents bearing on the subject of liturgies it is stated clearly that the property of the recusant should be handed to the nominator and not to the *fiscus* and, in return, the ceder of the property was not to lose his status nor suffer any punishments.[39]

An important point to consider in this context is the extension of the procedure of *cessio bonorum* from the private to the public sphere. Arguing that liturgy avoidance implies from the administration point of view that liturgy was considered as a debt to the state and/or the nominees as debtors, Lewis envisaged a «certain parallelism» and moved on to discuss the documents of the magistracies and liturgies.[40] Still, as far as this paper is concerned, a line can also be drawn between cases of avoiding liturgies in the villages and those pertaining to serving in the offices in the *metropoleis*. If extension of the procedure from the private sphere to the public one was a significant step, it was no less significant and obviously much easier and quicker step to extend it from liturgies to offices. According to the present documents it was a matter of a dozen years or so.[41]

From the previous discussion it furthermore emerges that the closest cases of *cessio bonorum* in Roman Egypt to the procedure of ἀντίδοσις in classical Athens are those pertaining to offices. This suggestion was briefly expressed little less than a century ago by van Hoesen and Johnson in their study of a papyrus dealing with liturgies. They observe: «a form of the Athenian *antidosis* was adopted in Egypt whereby those named for liturgies… might offer to surrender their property to their nominator in lieu of performing the duties».[42] Although they do not differentiate between magistracies and liturgies, their observations are notably based on the fact that surrender of the property was made to the nominator and not to the *fiscus*. It is noteworthy that they refer to P.Oxy. XII 1405 where Grenfell and Hunt mention in their commentary on the papyrus that this stipulation probably came as response to a proposal

[35] Purpura (2012) 376 no. 71 and cf. 375 no. 68.
[36] See the following paragraphs on the exception to this rule.
[37] Cf. P.Ryl. II 75 (= Sel.Pap. II 259; 150 CE) private; P.Oxy. XLIII 3105 (229-235 CE) liturgy; P.Oxy. XXXVIII (248 CE) offices.
[38] P.Oxy. XLIII 3105: τὴν θείαν διάταξιν (ll. 22-23); P.Oxy XII 1405: τὴν προκειμένην θείαν διάταξιν (ll. 26-27); P.Oxy. LXIV 4437, however, breaks before the petitioner starts to explain his case.
[39] P.Oxy. XLIII 3105 (229-335 CE); P.Oxy XII 1405 (236/237 CE); P.Oxy. LXIV 4437 (229-236/237 CE). See also BGU 473 (= M.Chr. 375; 215 CE) ll. 6-8 which does not include the above reference to liturgy, and cf. Harker (2008) 64, 131.
[40] Lewis (1982) 104.
[41] All the three documents discussed concerning liturgies are dated between 229 CE and 237 CE while the earliest one concerning offices is dated 248 CE. They all go back to Oxyrhynchus which serves as another caveat that the suggestion must remain tentative, however.
[42] van Hoesen / Johnson (1926) 118; the papyrus is AM 8938 in the Princeton University Collection.

made by the petitioner of the papyrus «to cede his property to the Imperial *fiscus* instead of performing the duty; but his proposition was declined by the Emperors, who awarded the property to his nominator and made this person responsible for the liturgy».[43] Following these arguments, the procedure of *cessio bonorum* in the cases of offices and liturgies becomes even closer to the Athenian model of ἀντίδοσις, owing to the public nature of the disputes and the method developed by the administration to solve it on a personal basis.

ἀντίδοσις was a well known procedure in democratic Athens. Thanks to the famous speech of the fourth century Athenian orator and politician Isocrates,[44] the term has a reputation unequalled by any other ancient Athenian legal term.[45] References to the institution are abundant in Classical literature starting from Lysias,[46] the famous Athenian orator who provides us with the earliest testimony, to Demosthenes.[47] As far as the procedure is concerned, ἀντίδοσις involved some stages: challenging another person, changing the property in case of agreement or bringing the case before a court in case of difficulties. It is thus described as «a bureaucratic convenience that enabled the city to keep its liturgical ranks full with minimal commitment of public resources».[48] Considering the democratic context in which it appeared, it represented the «absolute responsibility of the liturgical class» towards the city and recognized differences among its members.[49]

Most of the previous remarks about ἀντίδοσις sound familiar in the Egyptian context and neatly apply to the cases of magistracies and liturgies in our documents. Both institutions of ἀντίδοσις and *cessio bonorum* deal with public services and were devised by their respective administrations (democratic in the first, authoritarian in the latter) to pay for the costs of these services. Moreover, the challenge was made in both cases to another person and was referred to a higher authority in case of disagreement.

There are of course some variations to note; notable among these is that the procedure involved, in one case, exchanging property with another person whom the nominee challenges, and resigning it to the nominator in the other. Also, we have the Greek appellation itself which comes in the Egyptian context as ἔκστασις. As will be shown in the following section on terminology, both differences can be explained by the historical development of the laws of *cessio bonorum* in the Egyptian context. Before doing this, however, it is worthwhile to explain how this development of *cessio bonorum* from the private case of debt to the public cases of magistracies and liturgies took place.

Explaining the view of the administration regarding the subject, Lewis observed in his passage mentioned earlier that the extension of the institution to the «recusant liturgists implies a certain parallelism in the eyes of the law».[50] However, the move towards such an extension most likely has been made by someone who was nominated to perform a liturgy,[51] and who was familiar with the Athenian institution and to whom some sort of parallelism with ἀντίδοσις was more than obvious.

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[43] Whether the imperial rule came as a response to a petition by nominee or to solve a dispute between him and a nominator it cannot be determined with certainty. In either case the point remains that the administration made it a personal issue to be solved between them.
[44] See the recent edition for his Antidosis by Too (2008), e.g.
[45] Maybe the term *phoros* can be considered another example as well; both were in fact used as titles of 'Festschrifts' dedicated to prominent classists and scholars.
[46] Lys. 3.20 e.g.
[47] Dem. 21.78-79 and 42.1 e.g.
[48] Christ (1990) 161-162.
[49] Christ (1990) 162-163.
[50] Lewis (1982) 104.
[51] As the earliest document, P.Oxy. XLIII 3105 (AD 229-235), shows.

As the extant literary papyri shows, classical authors were well known and widely read in the *metropoleis* of Roman Egypt and the works of the Athenian orator Demosthenes ranked, interestingly enough, in the second place after Homer.[52] More important than Demosthenes is Isocrates himself who, as Raffaella Cribiore lately observed, «remained enormously popular at all times».[53] Isocrates' works, moreover, found their way to the Dakhleh Oasis in a find which goes well into the fourth century.[54] In spite of the customary warning in these cases, namely that the number of the illiterate was usually small, the fact that the works of those authors, which have repeated references to ἀντίδοσις, were well known and read is in itself significant.

I suggest that the idea of borrowing the procedure may well have come up to the mind of a liturgist who was familiar with the orations of those orators. The willingness to resign one's property must have been a desperate step to take but the choices were limited and it corresponded to the increasing difficulties during the second and third centuries.[55] Before this option became available, the nominee either had to accept the nomination or to «take to his heels and disappear».[56] Nothing illustrates the severity of the conditions and the heavy burden of liturgies, which *cessio bonorum* tried to avoid or at least moderate, more than the repeated references from the middle of the second century to fugitives who could not afford to bear these burdens and whose property was confiscated.[57]

The *apokrimata* which came out during the reign of Severus and which are recorded in some of the preceding documents reflect the novelty of the issue and how it developed around that time. They further reflect as well the usual attitude of the Roman administration towards local customs and laws. As José Luis Alonso has argued in his article which he gave in the preceding congress, Roman courts «not merely tolerated but unfailingly applied» peregrine law.[58] In this particular case, however, ἀντίδοσις was not fully applied; rather we have what might be called, as we shall see, a Romanized form of the ancient Greek institution.[59]

3. *Cessio Bonorum* / ἔκστασις / ἀντίδοσις

According to Liddell and Scott, ἀντίδοσις means literally: «giving in return, exchange», being derived from the verb ἀντιδίδωμι. Technically, however, it means at Athens: «a form by which a citizen charged with λειτουργία or εἰσφορά might call upon any other citizen, whom he thought richer than himself, either to exchange properties or to submit to the charge himself».[60] But, it emerges from the preceding discussion that the Egyptian documents use another term in describing the institution which is different, still, from the one used by modern literature discussing the subject. Rather than ἀντίδοσις and ἀντιδίδωμι, we read in the documents mostly ἔκστασις, the verb ἐξίστημι, and the participle ἐξιστανόμενος.[61]

Both legal terms of ἀντίδοσις and ἔκστασις are absent from the papyri of the Ptolemaic

[52] Lewis (1983) 59, who speaks also about the devotion of the metropolitae to classical tradition (p. 61).
[53] Cribiore (2011) 330, see also her remarks on p. 327.
[54] Bagnall (1993) 103 with note 379. Cf. also his observations on the works of the Athenian orator Aeschines.
[55] De Blois (2006) 30-31.
[56] Lewis (1982) 103. See also Palme (2011) 385.
[57] Lewis (1983) 183-184; Bowman (1996) 69-70.
[58] Alonso (2016) 352. See also Yiftach-Firanko (2011) 557.
[59] Thus providing us with another example reflecting the readiness of the Romans to adapt their laws to the local conditions and to use, in this particular case, their typical *cessio bonorum* to other purposes. I have to thank the anonymous reader of this paper for this observation.
[60] Liddell and Scott, s.v. ἀντίδοσις.
[61] Liddell and Scott, s.vv. ἔκστασις, ἐξίστημι. For some other words, such as ἀφίστημι and παραχώρησις, used next to those, see Lewis (1982) 104 with n. 65.

period. An expedient explanation may be that the political and liturgical systems used by the Ptolemies were different. Instead, we hear then about fleeing and abandoning not only one's property but home as well, an option which was to be replaced, in the Roman period, by ἔκστασις. But the first occurrences of the term ἔκστασις came out in the private sphere as a translation of the Latin equivalent of *cessio bonorum,* where it referred to ceding property to avoid the harsh penalty imposed on defaulted debtors. Moreover, it was over a century during which ἔκστασις became an established legal term, a period roughly corresponding to the interval separating the earliest private document and the earliest public one.

With this background in mind, when ἔκστασις was extended from the private cases to include liturgy (and later on offices), it was neither necessary to change the term nor to invoke the full application and/or appellation of the Athenian model. Desperate conditions no doubt impelled desperate measures and an offer to exchange property instead of resigning it would have meant a longer period of litigation which petitioners could not possibly afford.[62] The novelty embedded in the new usage of ἔκστασις, which is the Greek translation of *cessio bonorum*, thus recalls the Athenian model of ἀντίδοσις albeit in a modified form corresponding to the particular conditions of Roman Egypt.

4. Conclusion

In studying Roman Egypt we are always reminded of the usual *caveat* that continuity in names and titles of offices and procedures do not mean that they were the same as in the preceding period.[63] As this discussion has shown, *mutatis mutandis,* the same warning can be applied in the case of ἔκστασις / *cessio bonorum* when it was applied to avoid liturgies and serving in municipal offices. A new title or name of an institution does not necessarily imply that the latter was completely different from a preceding one. Although we do not have evidence from outside Egypt to confirm the point, extension of the uses of the Roman right of *cessio bonorum* to include cases of avoiding liturgies and offices *de facto* revived the ancient Greek measure of ἀντίδοσις. Giving credence to Samuel's thesis cited in the beginning of this paper, this particular case reflects a revival that rather indicates continuity with a more ancient past. Since the term of ἔκστασις was already established, there was no need then to go back to the old appellation, nor was there a possibility, under the compelling conditions, to argue for exchanging property instead of resigning it. Thus, giving another legal case where the change in the title does not indicate the total novelty of the institution, ἔκστασις became in one of its two technical meanings ἔκστασις *alias* ἀντίδοσις.

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[62] Lewis (1983) 193-194.
[63] Lewis (1995) 142, 302.

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