

The Beersheba Tax Edict Reconsidered in the Light of a Newly Discovered Fragment *

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The inscription known under the name of the Beersheba Tax Edict consists of seven pieces of marble slab, which join into four separate fragments of what is believed by many scholars to be a single edict. However, in Alt's edition, the most complete and the one referred to in most discussions, the editor did not consider the four fragments as part of one edict,¹ and the same circumspection is shown by other scholars.² Yet Alt's fragments 1-3 appear to belong to a single text (though not engraved on a single slab), while fragment 4 shows noticeable palaeographical differences,³ and its wording does not develop along the same lines as in the other fragments. In fragments 1-3 we find a list of toponyms in genitive, each preceded by an abbreviated ἀπό and followed by a sum of money in solidi and, in the majority of cases, also by a smaller sum of solidi 'to the servants' (τοῖς δούλοις). Here and there also appears an additional sum of solidi 'for the vicarius' (ὑπὲρ τοῦ βικαρίου). Fragment 4 also contains toponyms in genitive and the key-word συντελεσται, indicating that it dealt with taxes; but it does not include sums of money or payments 'to the servants' (though the column is incomplete on the right-hand side and there is no guessing what may have been inscribed on the missing part of the stone). Moreover, though a vicarius is mentioned ('the vicarius of Second Palestine who is appointed'), apparently he is not a recipient of payment, but the giver of something unspecified — probably money or its equivalent. Different constitutions may well have

* This article originates from a paper read at the 12th International Congress of Greek and Latin Epigraphy, held in Barcelona in September 2002. The present paper not only enlarges but also supersedes in several points the earlier version, which is due to appear in the proceedings of the Barcelona conference.

¹ Alt 1921: 9. Alt's edition does not include a small fragment that joins his Fragment 3, but this is included in an addition to his *Griechischen Inschriften der Palaestina Tertia*, which appeared in 1923: 52-5, no. 1. In this note, Alt rejected again the hypothesis that all the fragments might come from a single edict.

² E.g., Isaac 1995: 138.

³ The most notable are the lunate *sigma* and *epsilon* (whereas in fragments 1-3 these characters are consistently square), the rounded *omega* whose two halves meet at a very low point (in fragments 1-3 this letter is formed with three straight bars of identical height, connected at the bottom by curved lines), and the *pi* with horizontal bar projecting at both ends (in fragments 1-3 it meets the vertical bars without projecting). All these letters appear in the described forms several times. Also the *mu* in fragment 4 (only one example), with its curvilinear and splaying legs, is different from the upright *mu* in fragments 1-3. One upright *mu* in fragment 4 is not a *mu* at all, but a mistake of the engraver who improperly copied an *alpha* followed by *lambda*. *Omicron* and *theta*, on the other hand, have the same pointed and slightly drop-shaped form as in fragments 1-3, indicating a date not earlier than Justinian's reign.

been included in the same inscription, but considering the combined diversity of wording and palaeography, it seems reasonable to set fragment 4 apart and consider it as belonging to a different text. Hereafter we shall refer only to Alt's fragments 1-3 as 'the Beersheba edict'.⁴

The name 'Beersheba edict' also merits a note, or rather two. First, in spite of its by now traditional appellation, the text is not an edict but an imperial rescript, i.e., a written decision of the emperor in answer to a petition or a query. As we shall see, abuses in the collection of an unspecified tax required the emperor to issue a pragmatic sanction with an attached schedule of the amounts to be paid by various fiscal units of the country. As to the attribution of the 'edict' to Beersheba, it must be stressed that, although all the fragments published in the early years of the 20th century were acquired there, it was by no means certain that the inscription originated from Beersheba. At the beginning of the 20th century the town was a Turkish administrative headquarters and a marketplace for the Bedouin of the Negev. Not a few of them dealt in antiquities looted from the ancient settlements in the desert, and they were not always forthcoming or truthful in the information they gave about the provenance of the artefacts to the representatives of European scholarship who came to Beersheba with a mind to buy antiquities. Scholars who connected the edict or edicts with payments made by soldiers or to the *officium* of the *dux* had no difficulty in accepting the provenance of the fragments from Beersheba, since this was known as a military centre of importance;⁵ but those who viewed the payments as due to the civil governor preferred to leave a question mark on the fragments' place of origin.⁶ The discovery of a new fragment in archaeological context in Beersheba provides a final answer to this issue. It must be noted that this is not the only inscription discovered in Beersheba connected to the *dux Palaestinae*.⁷

⁴ I refer to Alt's edition, in spite of the fact that the four fragments — also including the small addition to fragment 3 not included in Alt 1921 (see above, note 1) — have been recently republished: Migliardi Zingale 1994. Migliardi Zingale's edition is convenient for consultation and also offers a summary of past research, but as to the interpretation of the edict it adds nothing new.

⁵ A garrison in Beersheba is mentioned in Eusebius' *Onomasticon* (end of the 3rd to beginning of the 4th c.) in the Latin edition of the same by Jerome (late 4th c.) and in the *Notitia Dignitatum* (early 5th c.): Eus., *On.*, ed. Klostermann 1904: 50-1; *Not. Dign. Or.* XXXIV, 5, 18, ed. Seeck 1876: 72-3. For inscriptions mentioning members of the military order, see below, note 7.

⁶ For example, Mayerson 1986: 147 suggests that the edict may originally have come from Elusa, the only city of the Negev with the exception of Aila (Eilat).

⁷ An epigram celebrating a work of art, perhaps the dome of a bathhouse, commissioned by the *dux* Antipater (early 6th century: Martindale 1980: 106) comes from Beersheba: *SEG* VIII, no. 281. The dedicatory inscription of a statue erected in honour of the *dux* Dorotheus (ca. 452-453: Martindale 1980: 377-8; *SEG* VIII, no. 296; Feissel 1984: 545-58) comes from an unknown provenance in the Negev, but such a monument can only have been erected in connection with a public building, that is, either in Elusa or in Beersheba. Only one other inscription mentioning a *dux* was discovered in Palestine: the building inscription of a hostel built in Eleutheropolis (Beth Govrin) by the *dux* Flavius Quintianus in the second half of the 4th century: *SEG* XXXII, no. 1496. Inscriptions of the Byzantine period mentioning clerks of the provincial administration, a tribune (commander of a regiment) and a (military?) surgeon were also discovered in Beersheba: Alt 1921: 19-21, nos. 22, 26-27;

Archaeological exploration has also revealed a very large military camp in the town.⁸ It is my belief that the *dux*' headquarters were located in Beersheba, and that for this reason the edict was presented to the public here.⁹

A fragment of a white marble slab, broken on all sides except the upper edge, was uncovered in a salvage excavation carried out in 1996 near the southern entrance to the modern city of Beersheba, at a distance of less than 150 m from the military camp.¹⁰ The fragment, irregular in shape, is 49 cm long and 41 cm wide. It bears 9 lines of script. The letters are carefully engraved, 22-35 mm high (first line: 31-34 mm; second line: 30-32 mm; third line: 29-34 mm; fourth line: 29-33 mm; fifth line: 30-35 mm; sixth line 22-30 mm; seventh line: 28-32 mm; eighth line: 26-31 mm; ninth line: 24 mm); the distance between the lines is 10-12 mm. The characters closely resemble those of Alt's fragments 1-3, and their form points to a date not earlier than the mid-6th century. A blank margin, 4 cm wide, follows the upper edge of the stone, showing that the first preserved line was the first line of the text. The beginning and the end of each line are missing, and the fragment appears to have been part of a much larger inscription. The first seven lines form a continuous text, with a gap interrupting each line, while lines 8-9 belong to two parallel columns separated by a narrow blank strip. The gap is caused by a worn-off zone about 12 cm wide that runs diagonally across the surface of the fragment. The damage seems to have been caused by the rubbing of a rope, as might have happened if the stone was reused at the mouth of a cistern or a well.¹¹ At its discovery the slab was in secondary use in the pavement of an Umayyad building. In the Umayyad period the town had expanded, occupying cemeteries and agricultural areas around the Roman-Byzantine core, which was partly in ruins. Much material originating from churches, dwellings and agricultural installations was re-employed in the masonry of the Umayyad buildings, and

Figueras 1985: 18, no. 10. For comparison, in more than 400 inscriptions from Caesarea only three, or possibly five, mention members of the imperial administration (*chartularii*, *numerarii*, *scriniarii*, a *magistrianus* and a tax collector: Lehmann & Holum 2000: 101-2, 112-14, 173-4, 210, nos. 90, 91, 109, 237?, 345?), and no soldier appears after the end of the 3rd century, when the ducal office was created.

⁸ Fabian 1995.

⁹ This hypothesis was raised by a number of scholars in the past. For a discussion, see Fabian 1995: 239-40; Di Segni 1996: 580-2; ead. 2000: 787, n. 40. Admittedly, the presence of the edict is not conclusive proof that the *dux* had his headquarters here; on the other hand, not the smallest fragment of this rather extensive edict or of any similar text has ever been discovered anywhere else in the area of the three Palaestinae.

¹⁰ The excavation was conducted by Ofer Katz and Flavia Sonntag, on behalf of the Israel Antiquities Authority, in the compound of the Israel Electric Company. The fragment was discovered in secondary use in the pavement of a room in an Umayyad building (Area E, Locus 5033), near the beginning of the road to Nessana. I wish to thank the excavators and the IAA for permission to publish the inscription. Thanks are also due to the Israeli police for permitting us to inspect the stone in the Criminal Identification Laboratory at the Jerusalem headquarters.

¹¹ Visitors in Beersheba and vicinity in the 19th century could often observe ancient dressed stones reused at the mouth of wells, and 'polished and deeply fluted' with grooves caused by the rubbing of the water-drawers' ropes over the centuries. See for instance Tristram 1865: 369, figs. at pp. 370, 374. Our slab is not grooved but only worn, indicating that the rubbing did not continue for a very long time.

it is not unlikely that, after the inscription was dismantled, a fragment was used first at the mouth of a cistern or a well, and later in the Umayyad building where it was discovered.¹²

The text reads as follows:

- IKWC - 3 letters - - ΖΕΥΧΘΑΙΤΥΠΩΚΑΙ
 2 ΜΕΝ - - - ca. 6 letters - - - ΝΘΕΙΩΝΗΜΩΝ
 ΥΤΟΙÇA - - ca. 5 letters - - ΕΝΤΕΚΤΟΙÇA
 4 ΟΙΝΥΝC - - ca. 5-6 letters - - ΛΟΠΡΕΠΕ
 ΓΟΝΑΧΘΗ - - ca. 4-5 letters - - ΠΑΡΑΦ
 6 ΕΝΟΙΑΠΟΟΛ - - ca. 6 letters - - ΤΩΝ
 ΨΡΑCΙΔΙΩΤΑΙ - - ca. 6 letters - ΛΕ
 8 - - - ΥΚΝΕ - - -
 - - - ΑΟΙ - - -

A careful inspection of the stone in laboratory conditions revealed faint but legible traces of Ξ or Ζ in line 1 after the gap (giving ΞΕΥΧΘΑΙ or ΖΕΥΧΘΑΙ),¹³ and of ΑΙ on the left margin of the gap in line 7, thus completing the word ἰδιῶται. In line 2, a diagonal line touches the back of the Ε, probably belonging to a Μ in ligature with Ε, rather than to a Κ, and the curved bottom of a letter appears before the gap: it is likely to be Ο, Θ or Ω, rather than C or Ε, which are square throughout the inscription. In the same line, the letters ΝΗΜ are in ligature. At the beginning of line 7, the three vertical strokes probably represent Ω rather than ΙΗ or ΙΝ. The Ν in line 8 has a small overhanging dot, a miniature *omicron* representing the abbreviation of νο(μίσματα), like in the other fragments of the Beersheba edict.

The broken slab appears to be an additional fragment of the Beersheba edict. The nine lines can be joined to the first nine lines of Fragment 1 of Alt's edition,¹⁴ though it is impossible to put together the two pieces physically, as the actual location of Fragment 1 is unknown (Alt himself did not have access to it). Luckily, Abel published a good photograph of this fragment in his *editio princeps*.¹⁵ However, our fragment (hereafter fragment 1a) does not contain the beginning of the lines. It is clear that the gap on the left side was a large one: at least 24 letters, and more likely as many as 33 letters, are missing at the beginning of line 5, which can be restored with reasonable certainty. This shows that the entire first column (column 0) is missing on the left side of the slab. In Alt's fragment 1 all lines of column 2 lack the first letters, but fragment 1a gives us the beginning of lines 8-9 and enables us to evaluate the combined width of columns 2-3 — not in centimetres, for only approximate measures are available of the lost fragment 1,¹⁶

¹² I wish to thank Peter Fabian of Ben-Gurion University for providing details pertaining to this excavation.

¹³ For the administrative use of συζεύγνυμι, *coniungere*, see Preisigke 1927: 503.

¹⁴ Alt 1921: 4-8, no. 1.

¹⁵ Abel 1909: opposite p. 89.

¹⁶ Alt gives the approximate size of fragment 1: about 60 cm of width, about 84 cm of maximum length. Considering the size of fragment 1a, the number of letters in the first line of each fragment, and the probable number of letters lost from the beginning of the line, the original slab may have been 6 Byzantine feet long. If line 14 was the bottom one — which is not clear and cannot be checked — the slab would have been two Byzantine feet high.

but in number of letters that occupy the corresponding space in line 1: 44-45 letters. Moreover, the restoration of the left side of column 2 (where 4 or 5 letters are missing) indicates that the engraver of the inscription reserved an equal width for columns 2 and 3. We can confidently surmise that the same was true for columns 0-1, at least when measured together, and that the left margin of column 2 marked the axis of the original slab. If we trace the axis to the upper edge of the slab, it will be found to coincide with the *tau* of the word $\tau\acute{\upsilon}\pi\omega$, which gives us an estimate of 30 letters missing at the beginning of line 1.¹⁷ In the same way we can roughly estimate the number of letters missing at the beginning of line 5: about 32 or 33 letters.

A prospect of the number of missing letters in each of the seven lines of the heading shows the following estimate: line 1 — ca. 30 letters; line 2 — ca. 30 letters; line 3 — ca. 31 letters; line 4 — ca. 31 letters; line 5 — ca. 32 letters; line 6 — ca. 32; line 7 — ca. 33.

A tentative reconstruction of fragments 1a-1 follows. With the exception of line 5, the restorations suggested are purely hypothetical, but all exactly fill the gap corresponding to the estimated number of missing letters. For the reader's convenience, the text of Alt's fragments 2-4 is given in an appendix.

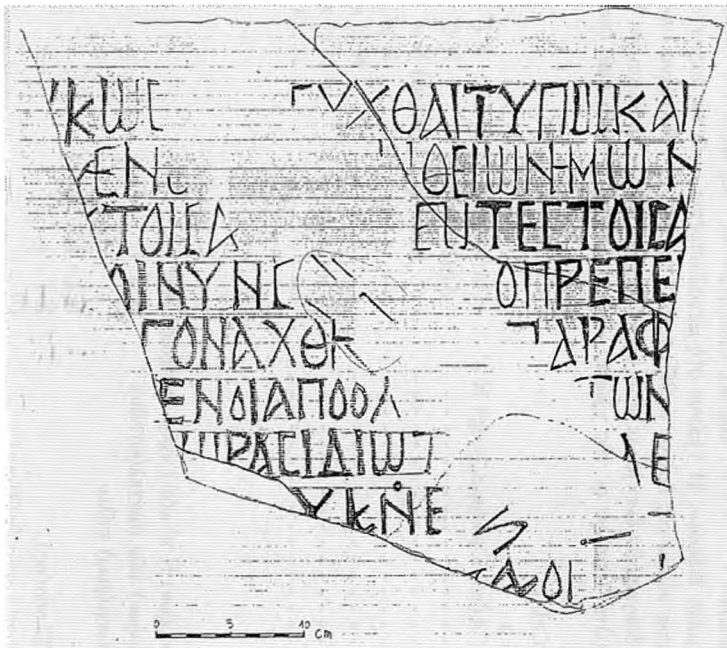


Fig. 1. Fragment 1a, drawing

¹⁷ If we reckon the length of the gap at the beginning of line 1 by the estimated length of line 5, the missing letters could be no more than 23 if we restore line 5 with the formula $\pi\rho\alpha\gamma\mu\alpha[\tau\iota\kappa\omicron\upsilon\ \delta\eta\lambda\omicron\upsilon\mu\epsilon\upsilon\alpha\ \nu\omicron\mu\omicron\upsilon\ \epsilon\iota\varsigma\ \xi\rho\gamma\omicron\nu]$. But in this case there will not be enough available space for a convincing restoration of line 1. Therefore it is preferable to choose the longer formula for line 5, which gives an approximate 29-30 characters for the lacuna in line 1, just as reckoned by fixing the axis of the slab through the estimated width of the columns.

Fragment 1a

Alt's fragment 1

- 1 [?] Ταῦτα βουλόμεθα τῷδε τῷ θεῷ πραγματικῶ σ[υνε]ζεύχθαι τύπῳ καὶ διαρρήδην θεσπίζοντες ὅπως ἐν κηρύγμασιν ἐκ
 2 [?] λοιποῦ ἢ γνώσις δηλωθῆ τῶν διωρισ]μέν[ων διὰ τῶ]ν θείων ἡμῶν τούτων προστάξεων ἵνα θαρροῦντες οἱ μέχρι νῦν
 3 [- - - - - ca. 32 letters - - - - - ? αὐ]τοῖς ἀ[δικηθ]έντες τοῖς ἀπαιτεῖν πειρωμένοις ἄπερ διεγράψαμεν τὴν εὐσεβῆ
 4 [?] γνώσιν ἐμφανίζοντες μόνα διδῶσιν. Ἡ τ]οῖνον σ[τῆ] μεγα]λοπρέπει α τὰ παραστάνα ἡμῖν καὶ διὰ τοῦδε τοῦ θείου πραγμα-
 5 [τικοῦ καὶ ἰδικοῦ δηλούμενα νόμου εἰς ἔρ]γον ἀχθῆ[ῖναι καὶ] παραφ υλαχθῆναι προσταξάτω.
 6 [?] Συντελεῖν ὀφείλουσιν διαγραφῶν ἕνεκ]εν οἱ ἀπὸ δλ[ης ἀρχῆς] τῶν κατὰ καιρὸν δουκῶν οἱ τε καθωσιωμένοι λιμιτανέοι καὶ ὑπο-
 7 [τεταγμένοι αὐτῷ στρατιῶται? καὶ γε οἱ τῆς χ]ώρας ἰδιῶται [συντε]λε σταὶ καθ' ἕκαστον ἔτος οὕτως·

Col. 0	Col. 1	Col. 2	Col. 3 (see below)
	1 a		1
8	[Ἄ(πὸ) C]υκ(ομάζονος) N ε'	[Ἄ(πὸ) Μάμ] ψ(εως) N ξ' κ(αὶ) τοῖς δούλ(οις) N δ'	
9	-----	A(πὸ) Ὁρ[δω] ν	N ξ' κ(αὶ) τοῖς δούλ(οις) N δ'
10	-----	[καὶ τῷ βι] καρ(ίψ) N ν'	
11	-----	-----IÇ	N μ' κ(αὶ) τοῖς δούλ(οις) N γ'
12	-----	-----	N λ' κ(αὶ) τοῖς δούλ(οις) N γ'
13	-----	-----	N κ' κ(αὶ) τοῖς δούλ(οις) N γ'
14	-----	-----	-- Ἄ(πὸ) Ἀσόων N ιη'

Col. 3

- 8 Ἄ(πὸ) Πριμοσ() N ιη'
 9 Ἄ(πὸ) στρ(ατιωτῶν) Ζοόρ(ων) N ν' κ(αὶ) τοῖς δούλ(οις) N δ'
 10 (καὶ) ἀ(πὸ) κοι(οῦ) Ζοόρ(ων) τῶν συντελ(εστῶν) N ρ'
 11 (καὶ) τῷ βικαρ(ίψ) τῷ γινομ(ένψ) πάλιν
 12 ἀπὸ τῶν συντελ(εστῶν) N [-]
 13 Ἄ(πὸ) τῆς ἀγρ(αρίας) Ἐλούσ(ης) N [-]
 14 Ἄ(πὸ) Ἀσουάδων N λ' (καὶ) τοῖς δούλ(οις) [N -]

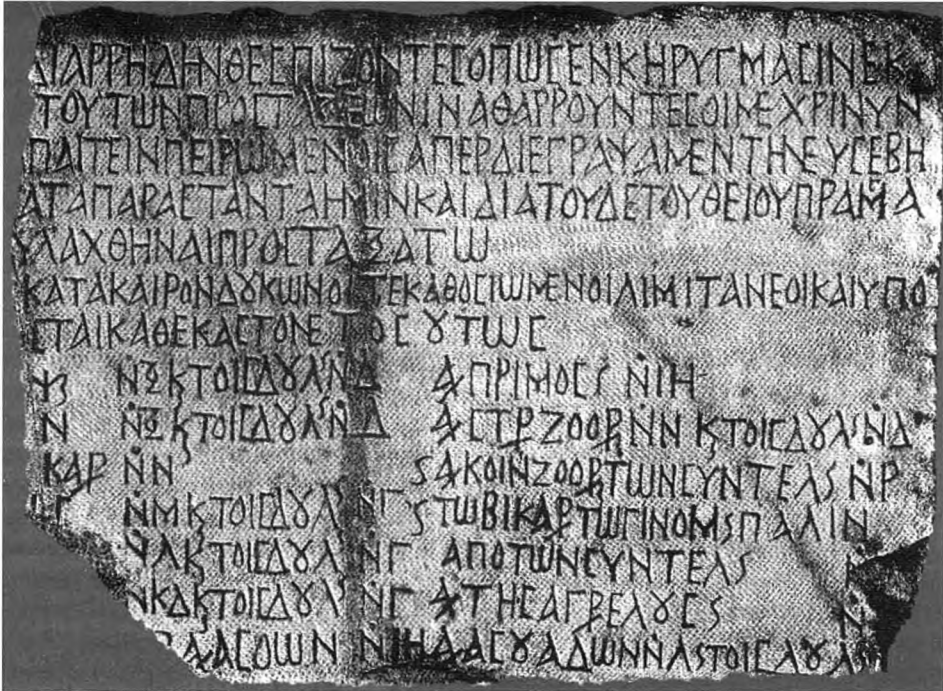


Fig. 2. Fragment 1, from *Revue Biblique* 1909

Lines 1-2 Alt 1921: 5 ἐκφαίνω - - ; but this verb does not seem to be used in the sense of 'to publish' in Justinian's Code and Novels.

Line 3 Abel 1909: 91 τοῖς τὰ εἶδη ἢ ἢ πλεον ἄ]παιτεῖν; Alt [ἡδικημένοι τελῶσι τοῖς πλεον ἄ]παιτεῖν. In fragment 1a a small diagonal stroke is visible before T: perhaps αὐ]τοῖς?

Line 4 Abel διάταξιν - - ταῦτ]α; Alt [γνώσιν. Ἡ δὲ σὴ ὑπεροχὴ ταῦτ]α. Διατύπωσιν is also possible, but the accusative cannot depend on διεγράψαμεν: an additional verb is required, in all likelihood a participle referring to the subject of διεγράψαμεν. The sentence must end with the subjunctive of a verb meaning 'to pay' and depending on ἵνα.

Lines 4-5 Abel διὰ τοῦδε τοῦ θεοῦ πραγμα[τικοῦ δηλούμενα τύπου ἢ σὴ ὑπεροχὴ - - παραφυλαχθῆναι; Alt πραγμα[τικοῦ τύπου δηλούμενα παρα]φυλαχθῆναι. For the formula: Τὰ τοίνυν παραστάνα ἡμῖν καὶ διὰ τοῦδε τοῦ θεοῦ πραγματικοῦ δηλούμενα τύπου (ἢ νόμου) ἢ σὴ μεγαλοπρέπεια (ἢ ὑπεροχῆ); εἰς ἔργον ἀχθῆναι καὶ παραφυλαχθῆναι προσταξάτω, or similar variants, cf. Novel 103, Epilogus; Novel 157, Epilogus; Edict II, Epilogus (Schoell & Kroll 1954: 499, 734, 760), etc.; the two separate halves of the formula are frequent in Justinian's Novels. In Novel 103 the constitution is defined as ὅδε ὁ θεῖος πραγματικὸς τύπος, ὅδε ὁ θεῖος πραγματικὸς νόμος, ἢ ὅδε ὁ θεῖος πραγματικὸς καὶ ἰδικὸς νόμος. Like Novel 8, this rescript refers to one specific province.

Line 6 Abel 1909: 91 οἱ δοῦλοι τῶν περιβλέπτων]; Alt 1930:68, n. 1 [Γνώσις ὧν τελοῦσιν ταῖς τάξεσιν τῶν] κατὰ καιρὸν δοκῶν; Mayerson 1986: 143 - - οἱ στρατιῶται] τῶν κατὰ καιρὸν δοκῶν. Γνώσις must be accompanied by a noun followed either by a participle passive (e.g. Γνώσις τῆς παρὰ δεῖνα ὀφειλοῦσης παρέχεσθαι ποσότητος: Novel 8, Notitia), or by a relative sentence (e.g. Γνώσις συνηθῶν ἄς παρίχον etc. in the Abydos tariff: Dagron 1985: 452; SEG XLV, no. 2342). The former is excluded because the names of those who pay are in nominative; the latter, or even the construction suggested by Alt, are possible, but what is to be

done with ENOI? -μ]ενοι could be the ending of a participle, but it seems preferable to link OI to the following ἀπό ὀλ[ης, which leaves EN as the ending of a word. A possible alternative is suggested by the schedule of *sportulae* for curiosi from Seleucia of Pieria, which simply opens: Καὶ ἔστιν οὕτως τὰ ὀφίλοντα δίδοσθαι κουρισίοις (Dagron 1985: 435). For the solution chosen above (one of several possible), cf. Novel 128, 1: ὅπόσον - - δημοσίων ἔνεκεν ἐπίκειται - - ὀφείλουσιν (subject: the taxpayers) τὰς συντελείας εἰσφέρειν.

Line 7 Abel ὑπο|τεταγμένοι - - - συντελε]σταί.; Alt ὑπο|τεταγμένοι καὶ οἱ ἄλλοι συντελε]σταί.

Col. 2 line 9 Abel ἀ(πὸ) Σάλτω]ν; Alt ἀ(πὸ) - - ν; line 11 the photo shows one or two upright strokes followed by a square sigma, ignored by both Abel and Alt: Μηνο]ῖς or Μην]ωῖς?

Col. 3 line 8 Abel ἀ(πὸ) Πριμοσ(πύλου); line 13 Alt ἀγρ(αρέας).

[We order the following] to be attached to [this divine pragmat]ic sanction, also explicitly decreeing that from [now on the schedule of the amounts fixed by] these divine regulations of ours [should be made public] in edicts,¹⁸ in order that those who up to this day [? were made to pay more than the amounts assigned] to them (?), and have suffered an injury, may take courage and [hand over] to those who attempt to exact (an unjust payment) [only] the amounts that we have prescribed [through the publication of] this sacred [disposition/schedule]. Therefore Your Magnificence shall order that our decision, as is [expressed] in this divine pragma[ti]c and special decree] will be acted upon and observed.

The people of the entire [domain] of the successive *duces* (of Palestine), (namely) the faithful *limitanei* and [the soldiers?] under [his orders, as well as the] private taxpayers of the country, [must pay] each year as follows:

Col. 0

Col. 1

[From S]yk(omazon)¹⁹ solidi 5.

Col. 2

[From Mam]psis²⁰ solidi 60 and to the servants solidi 4.

From Or[d]a²¹ solidi 60 and to the servants solidi 4

and for the *vicarius* solidi 50.

[From (?)Meno]is²² solidi 40 and to the servants solidi 3.

¹⁸ Κήρυγμα is consistently used in Justinian's Novels in the sense of edict issued by a local authority (usually the provincial governor) to divulge decrees of the central authority (the emperor or a praetorian prefect).

¹⁹ Small town in the northwestern Negev, episcopal see of First Palestine in the 5th-6th centuries: Tsafir, Di Segni & Green 1994: 238.

²⁰ Large walled village in the Negev: ibidem: 177. One or two epitaphs of Roman soldiers of the 2nd century were found in the northeastern cemetery (Negev 1993: 893, but see Isaac 1990: 125, n. 111), but there is no mention of a garrison at Mampsis in the Byzantine period, unless the present inscription and PNessana 39 are considered lists of military places. For a discussion of this point, see below.

²¹ A town in the northwestern Negev, in the Saltus Gerariticus, episcopal see of First Palestine in the 6th century: Tsafir, Di Segni & Green 1994: 198.

[From ---] solidi 30 and to the servants solidi 3.
 [From ---] solidi 20 and to the servants solidi 3.
 From Asoa²³ solidi 18.
 Col. 3
 From Primos(?)²⁴ solidi 18.
 From the soldiers of Zoora²⁵ solidi 50 and to the servants solidi 4,
 and from the association of the taxpayers of Zoora solidi 100
 and for the *vicarius* who is concerned, again,
 from the taxpayers solidi [-].
 From the garrison of Elusa²⁶ solidi [-].
 From Asuada²⁷ solidi 30 and to the servants [solidi -].

From the new fragment we learn several new facts, which were unknown or uncertain until now:

1. The inscription had no heading. This can be explained by the fact that it did not contain the full text of the constitution, but only the last part: lines 1-4 order the publication of a schedule attached to the constitution and explain the need for it, lines 4-5 place upon the addressee of the decree the responsibility of carrying out the dispositions therein, lines 6-7 contain the heading of the schedule, and lines 8-14 the schedule itself — or rather part of it, if Alt's fragments 2 and 3 also belong to the same schedule. The text that has reached us must have been exhibited to the public beside another inscription containing the text of the edict that imposed the tax (whatever it was), or at least a summary with the name of the emperor and the nature of the required payments.²⁸

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- ²² The reading is not certain, but is supported by the fact that Menois was near Orda, and like Orda, the centre of a *Saltus* (*Saltus Constantinianus*). In the 5th century it was a *castrum*, garrisoned by *Equites Promoti Illyriciani*; in the 5th and 6th centuries it was an episcopal see: Tsafir, Di Segni & Green 1994: 183.
- ²³ The place is not mentioned in any other source. It may perhaps be identified with Khirbet Sawa (Horvat So'a, map ref. 148/075), northeast of Beersheba: Tsafir, Di Segni & Green 1994: 234; Schmitt 1995: 71-2.
- ²⁴ Unknown.
- ²⁵ Fort garrisoned by *Equites Sagittarii Indigenae* in the 5th century, episcopal see of *Palestina Tertia* in the 5th-6th centuries: Tsafir, Di Segni & Green 1994: 263.
- ²⁶ The only city of the Byzantine Negev, except for Aila (Eilat): Tsafir, Di Segni & Green 1994: 119. This is the only mention of a garrison there. Like the unit stationed in Petra, the garrison of Elusa does not appear in the list of forces under the command of the *dux Palaestinae* in the *Notitia Dignitatum*: they were probably under the command of the governor of Third Palestine. See below, n. 31. Unlike Zoar, where both soldiers and citizens pay the tax, the citizens of Elusa are not mentioned — at least, not in conjunction with the soldiers of the garrison. The *agraria statio* may have been an outpost at some distance from Elusa, and perhaps the city itself was listed in a part of the inscription that has been lost.
- ²⁷ Unidentified, but probably in southern Transjordan. The *Ala Prima Miliaria Sebastena* was stationed there in the early 5th century (*Not. Dign.* XXXIV, 32, ed. Seeck: 73): Schmitt 1995: 74.
- ²⁸ See Nov. 128, 1 (545 CE) for the obligation laid upon the praetorian prefects to publish detailed schedules of the land tax, specifying the amounts imposed on each fiscal unit (*iugum*, *centuria* and the like), the amounts due by each province and city, the proportion of

2. The edict originated from an emperor (probably Justinian, judging by the appearance of the script), but was not addressed to the praetorian prefect, as tax edicts usually are. This is clear from the mode of address: the addressee is called ἡ σὴ μεγαλοπρέπεια (Your Magnificence), not ἡ σὴ ὑπεροχὴ (Your Excellency), as restored by Alt. In Justinian's time the address ἡ σὴ ὑπεροχὴ would have fit a praetorian prefect, but only a governor or a *dux* could have been addressed as *magnificentia tua*.²⁹

3. The list of names includes toponyms in First Palestine (Sycomazon and Orda, both in the western Negev), as well as in Third Palestine. Therefore the payments could not concern the governor of Third Palestine, or any single governor of one of the three Palaestinae. The personage addressed as Your Magnificence and made responsible for enacting the law — and obviously for exacting the payments — can only be the *dux*, who was in charge of all three provinces.

4. The expression 'the *duces* successively in charge' indicates that the reference is not to different duchies, but to a single duchy in which different *duces* succeeded one another. The list of toponyms confirms that the officer referred to was the *dux Palaestinae*, who was in charge of Palaestina Prima, Secunda and Tertia.

5. Three categories of inhabitants of the three Palaestinae were obligated to pay the amounts listed in the schedule. One was the class of the συντελεσταί (landowners subject to the land tax); the others both come under the heading οἱ καθοσιωμένοι. The epithet *devotissimi* was mostly reserved for soldiers of all kind (*limitanei*, *comitatenses*, *palatini*, *domestici*), for officers that fulfilled paramilitary as well as clerical tasks (e.g. *magistriani*), and also for clerks of the palatine ministries,³⁰ but it is doubtful whether the personnel of the bureau of the *dux* enjoyed the same distinction, and whether even in this case they would have rated special mention as a tax-paying category. The *dux Palaestinae* had under his command regular soldiers (στρατιῶται) as well as *limitanei* and *foederati*,³¹ and since στρατιῶται are explicitly mentioned in Column 3, it seems likely that this was the second category of military men subject to the tax. Apparently the noun

the whole to be paid in kind and in cash, as well as the quantity to be sent to the imperial treasury and the portion allowed for the expenses of the province. The schedule was to be sent to the provincial governors at the beginning of each indiction, and the governors were instructed to publish them in the cities of their province and to give copies to anyone who required it.

²⁹ The *comes Orientis* as well could be addressed as ἡ σὴ μεγαλοπρέπεια, as we can see in Nov. 157, but there would have been no reason to address a tax edict, and especially one exclusively referring to Palestine, to this personage.

³⁰ E.g. the clerks (*libellenses*) of the *quaestor sacri palatii* (Nov. 20, 9) and the *palatini sacram largitionum* (Ed. 13, 11, 4).

³¹ Nov. 103, 3, 1. This section of the Novel reveals that not all the regular soldiers of Palestine were under the command of the *dux*: some of them were permanently assigned to the proconsul of First Palestine. The governors of Second and Third Palestine must also have had some soldiers at their disposal, at least to maintain public order. In fact, an inscription in Petra dated 446 attests the presence of a *numerus* (the Tertiodalmatae?) there: IGLJ IV: 50. Petra is not listed among the locations of military units under the command of the *dux* in the *Notitia Dignitatum*, which reflects the situation about forty years earlier. Thus, if this or another unit was posted in Petra in the early 5th century, it must have been under the command of the civil governor.

was accompanied by some specification: if the restored formula ὑπο[τεταγμένοι αὐτῷ, or a similar one, is accepted, it may mean that not all the soldiers of Palestine were subject to the tax, but only those — probably the large majority — under the command of the *dux*, while the soldiers attached to the civil governors would have been exempt. The formula that opens the list of tax-paying groups, which I have restored with some hesitation οἱ ἀπο ὅλης ἀρχῆς] τῶν κατὰ καιρὸν δουκῶν, may be understood as referring to the two military categories, ‘those who belong to the command of the successive *duces*’, that is, the subordinates of the ducal authority. ‘*Ἀρχή*’ in the sense of magistracy or authority is very common in the language of Justinian’s Code and Novels; but in this case οἱ ἀπο ὅλης ἀρχῆς τῶν κατὰ καιρὸν δουκῶν would have to be understood as a hypallage for ‘all the subordinates of the successive *duces*’. I would rather understand *ἀρχή* here in the sense of ‘domain’, that is, the territory subject to the *dux*, which in the case of Palestine did not coincide with a province.³² In this interpretation, the expression would cover all the three groups subject to the tax and stress the fact that the constitution applied not to one province but to the entire land of Palestine.

6. The inclusion of the civil category of ‘the private taxpayers of the country’ invalidates the proposition that the list of toponyms in the Beersheba edict is a list of fortified sites in the *limes Palaestinae*. True, a majority of the sites are also mentioned in the *Notitia Dignitatum* and they certainly had a military post, but several were civil settlements where no military presence is attested: e.g. Sycomazon, Orda, and in fragments 2-3 Phaenon, Sebaste, Gischala. Therefore the mere mention of a toponym in the Beersheba fragments is not sufficient proof that the place was a fort or had a military camp.³³ Moreover, the coincidence of a list of toponyms with some of the toponyms listed in the Beersheba edict cannot be taken (as was done with *PNessana* 39) as an indication that the toponyms refer to military settlements.³⁴

³² In this sense, the missing word could also be *χώρας*, but this term would lack the precision of *ἀρχῆς*.

³³ For instance, Asoa, an unknown place, must not necessarily be identified with Hasta of the *Notitia Dignitatum* (Alt 1935: 24, 26, 40) or with a ruin containing a fort (cf. Schmitt 1995: 72, 180). Karkaria (Fragment 2, line 6, Alt 1921: 8; Schmitt 1995: 210-1) may well have been a *φρούριον* when Eusebius wrote the *Onomasticon*, but it is not mentioned in the *Notitia Dignitatum* and there is no reason to reject the possibility that in the 6th century it had become a civil settlement. Sirtha, Eisibon and Moa in Alt’s Fragment 2 must not be automatically identified with Cartha, Iehibo and Mohaila (Schmitt 1995: 138, 252-253, 312) just because if they are not, the coincidence of the Beersheba list with the *Notitia Dignitatum* would not be complete.

³⁴ Kraemer (1958: 122-4) used the Beersheba edict as a key for the interpretation of this papyrus. Later on, *PNessana* 39 was used to confirm the interpretation of the Beersheba edict, and even worse, after the papyrus had been made into a military document on the authority of the Beersheba edict, places that appear in the papyrus but not in the Beersheba edict were ‘promoted’ to the status of military points: see Casson 1952: 59. On the strength of Casson’s view, Negev (1990: 349-50) viewed the amounts in the papyrus as allowances for the soldiers and deductions from their wages (perhaps for the Saracens and for the *vicarius*, the governor of the province), and used the figures to estimate the military strength of the various places. Isaac 1995 used *PNessana* 39 together with the *Notitia Dignitatum* and the Beersheba edict for an appraisal of the deployment of the provincial army in Palestine before the 7th century, and so on.

In order to evaluate the significance of the above-mentioned data, let us briefly review the various interpretations given by different scholars to the Beersheba edict.

Clermont-Ganneau and Abel viewed the amounts in solidi listed in the edict as *annona* assessments, that is, *adaeratio* values of the *annona militaris*, to be paid annually by the *συντελεσταί* of the three *Palaestinae* to the office of the *dux* and to the *limitanei*.³⁵ Alt, while accepting the view that the main tax in the edict was the *annona*, believed that this was paid to the governor of the province (whose task it was to collect taxes) by the provincials and by the *limitanei*.³⁶ An important part of Alt's interpretation was his incorrect assumption that the term *βικάριος* designated the governor of Third Palestine.³⁷ As to the date, Clermont-Ganneau suggested the reign of Theodosius II, while Abel and Alt cited as parallels Anastasius' edicts discovered in Cyrenaica and Arabia, as well as laws issued by Anastasius and Justinian, regulating the commutation of taxes in gold.³⁸ Abel concluded by tentatively ascribing the Beersheba edict to Justinian.³⁹

In discussing PNessana 39, a mid-6th century papyrus, Kraemer appealed to the Beersheba edict for comparison. This papyrus lists nine place names in southern Palestine — three, Birsama, Sobila and Chermela, belonging to First Palestine, the rest, in the northern Negev, to Third Palestine. Each name is followed by series of figures: an assessment in solidi ranging from 524 to 2337; an assessment given first in carats and then converted into solidi, ranging from 9 to 43 solidi and amounting to about 1.85% of the first; and finally an assessment in solidi, from 31 to 141, corresponding to a little more than 6% of the first. Kraemer accepted Alt's view that the main tax in the Beersheba inscriptions

³⁵ Clermont-Ganneau 1903; 1906a: 87-91; 1906b: 412-32; Abel 1909: 95, and cf. Abel's restoration of the text at p. 91. Isaac, too, at first tentatively adopted this view (1990: 287-8), though later (1995: 138-9) he preferred to adopt Van Berchem's interpretation and date (see below).

³⁶ In his translation of lines 6-7 Alt (1921: 5) ignores *τε* and *καί* and translates: 'die treu-ergebenen unter[stellten] Grenzsoldaten [und die übrigen Steuerpflichtigen]'. But *ὑπο[-]* must refer to a different category of persons, and the width of the gap in line 7 requires an additional item, even if one does not accept the conclusion that the missing category consisted of persons subject to the *dux* and was included in the definition *devotissimi*.

³⁷ Alt 1921: 7.

³⁸ Clermont-Ganneau 1903: 129; Abel 1909: 101; Alt 1921: 6. For Anastasius' edicts on stone, see *SEG* IX: 356; XXXVIII: 1864 (Cyrenaica) and *I GLS* XIII, 1: 9045-9046; *SEG* XXXIX: 1664 (Arabia); and for Anastasius' and Justinian's policy of commutation of levies, see Jones 1964, I: 235, 460-1.

³⁹ This view was supposedly confirmed by the discovery of what was believed to be an additional fragment (VII) of the Beersheba edict, which contained the names of two Flavii and the beginning of the surname of one of them: *Ἰο[υστί]νος* or *Ἰο[υστι]λιανός*. This led Abel to date the edict to the period of the joint reign of Justin and his nephew, between 518 and 527 (Abel 1920: 123-4). In Abel's view, the two Flavii were either the emperors or the consuls of 521, Flavius Justinian and Flavius Valerius, or those of 524, Flavius Justin and Flavius Opilio. Later, however, a fragment adjoining fragment VII was located, which proved that this broken inscription came from Nessana and had nothing to do with the Beersheba edict. The two fragments were published together by Kirk & Welles 1962: 174-5, no. 96.

was the *annona militaris*, and maintained that it corresponded to the second column of values in the papyrus, while the first column would have listed land values, on the basis of which the taxes in Columns 2 and 3 would have been assessed.⁴⁰

D. Van Berchem proposed a different interpretation of the Beersheba edict. In Van Berchem's opinion, which is shared also by Jones, the edict pertains to the deduction of one twelfth of the soldiers' *annona* in favour of the *dux* and his staff. This practice was regulated by a Novel of Theodosius II (Nov. 24, 2, 443 CE) that exempted the *foederati* from this deduction. Since Alt's fragment 4 — which Van Berchem viewed as part of the same single edict, together with fragments 1-3 — mentions a κοινὸν τῶν ἀρχιφύλων among the payers, the scholar dated the Beersheba edict slightly before 443.⁴¹ This dating was accepted by L. Robert and, at least tentatively, by M. Sartre.⁴² Hartmann's comparison between the *Notitia Dignitatum* and the Beersheba edict would also support this conclusion, and may even lead to a dating under Arcadius.⁴³ Many scholars today favour this interpretation. However, such an early date is unacceptable on palaeographical grounds.

A new interpretation of the Beersheba edict was offered by Ph. Mayerson. He connected the edict with Justinian's Novel 103 (536 CE), which enhanced the status of the governor of *Palaestina Prima*, extended his powers and enlarged his *officium*.⁴⁴ In Mayerson's view, the inscription is part of an imperial decree establishing an extraordinary tax in order to cover the cost of the enlarged *officium*. The schedule would fix the assessments to be levied on three taxable classes: the general population (συντελεσταί), the military regulars (he restores στρατιῶται in line 7 and identifies them with *comitatenses*) and the settled frontier militia (*limitanei*). The δοῦλοι and the *vicarii* who appear in the list as recipients of annual assessments would be respectively 'aides' of the proconsul's office and representatives of the proconsul in Second and Third Palestine, appointed to carry out his orders and to command the troops that were under his control in these provinces. According to this interpretation, the edict would date from 536 or shortly after that.

In my opinion, none of the suggested explanations is admissible on the basis of the internal evidence of the edict and accessory evidence. The first interpretation, namely that the tax in question was the *annona militaris*, can be dismissed. First, the *annona* was collected by the civil governors, not by the *dux*, while the schedule, as we have shown, is addressed to the latter. Second, it concerned agricultural land, and while in this period *limitanei* could be expected to own taxable land, there is no reason why regular soldiers or any other group subject to the *dux* should have been held liable to the land tax. Third, this interpretation does not explain the payments to the servants and the *vicarius*. Fourth, the amounts are entirely inadequate for such a tax. Let us take as an example Third Palestine, which is the best represented of the three Palaestinae in the Beersheba edict. The amount of annual tax paid by Third Palestine — consisting almost in its totality of the land tax — is unknown; but a total of 12 *centenaria* or 86,400 solidi may be not too far

⁴⁰ Kraemer 1958: 119-25, no. 39.

⁴¹ Van Berchem 1952: 33-6; Jones 1964: I, 235; III, 43, n. 42.

⁴² Robert 1953: 190, no. 222a; 1961: 221, no. 537; Sartre 1993: 17-8.

⁴³ Hartmann 1913: 180-92.

⁴⁴ Mayerson 1986: 141-8.

from the truth.⁴⁵ Thanks to the Peutinger Map, the *Notitia Dignitatum* and the Beersheba edict we are rather well informed about the geography of this province: about 65 place names are known, from substantial cities and villages to hamlets and road stations, on the background of a sparsely populated region. Based on a global amount of 12 *centenaria*, the average tax paid by each settlement would be 1329 solidi per year. Even if one adds 20% to the figure representing the total number of settlements, to compensate for places whose names may not have come down to us, the average would be 1107 solidi. It is perhaps not surprising that the average of the amounts listed in the first column of PNESSANA 39 — the 'land values' according to Kraemer — is 1320 solidi. This, and not the assessment of 1.85% in the second column of the papyrus (average: 24 1/2 solidi), or that of 6% in the third column (average: 80 solidi), would be a likely sum for the annual land tax of a prosperous village. In the extant fragments of the Beersheba edict — Alt's fragments 1-3, and the new fragment — we have the amounts paid by 36 settlements (excluding the sums paid 'to the servants' and 'for the *vicarius*'): the amounts range from 5 to 150 solidi, with an average of 32.44 solidi per settlement.

These amounts might perhaps be considered adequate if the tax was the twelfth, as suggested by Van Berchem.⁴⁶ However, Van Berchem's interpretation encounters several difficulties. First, as was already observed, on palaeographical grounds the Beersheba fragments cannot possibly be dated to the 5th century. Such a date is also precluded by the fact that some of the settlements mentioned in the Beersheba edict, like Ainauatha

⁴⁵ According to Jones' calculations, two relatively poor provinces, Numidia and Mauretania Sitifensis, paid respectively 78,200 solidi (more than 10 *centenaria*) and 41,600 solidi (rather less than 6 *centenaria*), part in gold, part in kind, before the Vandal invasion, while Egypt may have paid as much as 200 *centenaria*, reckoning the whole tax in gold. Johnson and West (1949: 288) reckon at a million solidi (more than 138 *centenaria*) the taxes in gold collected in Egypt at the time of the Muslim conquest. The whole revenue in gold of the Eastern Empire is estimated at 400 *centenaria* per year (Jones 1964, I: 462-4; this amount did not include taxes paid in kind). By comparison, 12 *centenaria* is presumably not an exaggerated evaluation of the annual revenue of Third Palestine, and as its economy was based solely on agriculture, the revenue would mostly have derived from the land tax. After the Samaritan revolt, Justinian granted a partial remission of taxes to First Palestine, proportional to the damages suffered by its economy in two fiscal years. The total amount remitted was 12 *centenaria*, which may well represent 50% of the tax due for two years (Cyril of Scythopolis, *Vita Sabae*, chs. 73, 75, ed. Schwartz 1939: 177, 181). First Palestine was a much smaller province than Third, but considering the extension of cultivable land in each of them and its productivity, the economic strength of the two provinces was probably similar.

⁴⁶ We do not know how the *annona* was commuted in 6th century Palestine: it must have been something between the 5 solidi of Africa and the 12 of Egypt (Johnson & West 1949: 226-227). Considering a commutation of 5 solidi per *annona*, and another 4 per *capitum*, the lowest amount — 5 solidi — might represent the twelfth part of the wages of six soldiers, each receiving one *annona* and one *capitum* for his mount, and a petty officer with higher wages. Six soldiers, a modest police force, would perhaps have been enough for a small market town with hardly a territory to speak of, like Sycomazon. 150 solidi, the amount listed for Zoora, would represent the deduction of 200 privates, or rather a smaller number of privates and some low-ranking officers.

and Betorous,⁴⁷ were apparently located in the area between Wadi Mujib and Wadi el-Hasa that was transferred from Arabia to Palestine only in the late 5th or early 6th century.⁴⁸ This fact also precludes the interpretation of the Beersheba edict (Fragments 1-3) as a later re-edition of an original schedule attached to Theodosius II's Novel 24. Furthermore, why should the private landowners appear among the payers of the twelfth of the *annona*, when they were not among the recipients of the *annona*? Van Berchem's explanation, that they were landowners in possession of estates of former soldiers, which was unconvincing when Alt's fragment 1 only preserved unspecified *συντελεσταιί*, must be dismissed now that the new fragment permits the restoration 'the private land-tax payers of the land' (οἱ τῆς χώρας ἰδιῶται *συντελεσταιί*), which obviously means all the landowners without exception.⁴⁹ Third, if one admits that the lost third group of taxpayers consisted of regular soldiers or any other category subject to the *dux* and distinct from the *limitanei*, the edict cannot have anything to do with Theodosius' Novel, which pertained exclusively to *limitanei*. And finally, who are the *vicarius* and the *δοῦλοι* and why would they be entitled to enjoy monies intended for the *dux*? Van Berchem's explanation that the *vicarius* is a deputy of the *dux* is lame at best, since nowhere do we hear about the existence of such a post; and as for *δοῦλοι* 'evidently' designating the *δοικηκοί*, there is not a scrap of evidence nor truly the shadow of a philological likelihood that the two terms might be equivalent.

Mayerson's hypothesis presents no fewer difficulties than the others, though it has the merit of drawing attention away from the *annona militaris* and its dependencies and in the direction of an extraordinary tax, peculiar to Palestine. But a major fault in Mayerson's interpretation is that it fails to take full account of the dispositions of Novel 103. The novel indeed gives the governor of First Palestine a right of intervention in Second Palestine, but says nothing of the Third. This intervention was conditional upon special circumstances — when the governor of Second Palestine was unable to put down local disorders. This makes it very unlikely that the proconsul could keep permanent representatives in Second Palestine — not to speak of the Third, where he had no right of intervention at all, and with good reason, since Third Palestine was abundantly provided with soldiers, under the command of the *dux*. Far from having a permanent force to deal with his new duties, the novel specifies that in the event of need the proconsul was to co-opt soldiers from those under the control of the *dux*: obviously, he had no soldiers of his own in the other provinces, much less so officers to command them. The pay of the governor was raised according to his new rank to 22 pounds (1584 solidi) of gold, and the novel clearly states that this amount was to be divided between the governor and the

⁴⁷ Ainuatha is almost certainly identical with Auatha of the *Notitia Dignitatum* (ND XXXVII, 25, Seeck 1876: 81), tentatively identified with el-'Aina, map ref. 224/042 (Schmitt 1995: 48, 75). Betorous (ND XXXVII, 22, *ibidem*) corresponds to Lejjun, map ref. 232/071 (Schmitt 1995: 110).

⁴⁸ Between 451 and 535 according to Sartre 1982a: 73, n. 349; 1993: 22. In the latter, aware of the chronological difficulty presented by Van Berchem's dating of the Beersheba edict, Sartre considered anticipating the transfer of the area in question to Palestine to a date prior to 443: 1993: 22, n. 109.

⁴⁹ Χώρα in legal texts can mean 'province', but since more than one province according to the civil division are represented in the text, I prefer to translate with a general term, 'region'. But all the χώρα of the three Palaestinae was in fact one province in the military sense.

members of his staff: therefore, any enlargement of the *officium* was covered by the raise in pay, and there was no need to exact an extraordinary tax. Moreover, a majority of the places mentioned in the Beersheba edict are in Third Palestine, while the novel does not extend the authority of the proconsul of First Palestine to this province: how, then, could a tax be required from the inhabitants of Third Palestine for a service that did not pertain to them? And last but not least, how can the term δούλοι have come to mean aides (βοηθοί)?

In fact, all the editors and commentators of the Beersheba edict were content with the surmise that δούλοι had to mean personnel, 'Amtspersonal' in Alt's words, bureau functionaries of some kind. The English term 'civil servant' may have influenced scholars to believe that this explanation was possible: only Abel (1909: 97) had the honesty to admit that 'jusqu'ici, il m'a été impossible de trouver δούλοι comme synonyme de fonctionnaires inférieurs, d'employés de bureau'. Nothing has changed since he wrote this sentence.

It is my belief that the assessments in the Beersheba Edict represent an extraordinary tax, but we have no chance of guessing which, unless the unusual terms δούλοι and βικάριος provide us with a key. Of course, these terms are not unusual *per se*, but only in the context: is it possible that their appearance in this peculiar context may throw light on the significance of the inscription?

We should start from the surmise that δούλοι means nothing other than it usually means, namely, 'servants', 'persons of servile condition': there is no trace either in the legal or in the literary sources of any other meaning. The dative indicates that the payments were *given to* the servants: there is no possibility of this being a tax on owners of slaves or on the employment of slaves in public works.⁵⁰ In order to understand the position of these 'servants' in the context of the edict it will be useful to note, first, that servile persons who regularly receive money from the general public (the tax-payers) are not likely to be privately owned slaves, and second, that there is a contradiction in principle between slave status and entitlement to remuneration: any interpretation of the edict must provide an acceptable explanation of this apparent contradiction. As to the *vicarius*, there can be no question of his being the vicar of a diocese, as suggested by Negev,⁵¹ for in the Orient the task corresponding to the diocesan vicariate was entrusted to the *comes Orientis*. Nor was he the governor of Third Palestine, as suggested by Alt, for there is sufficient literary and epigraphic evidence to show that, like all governors of lesser provinces, he was a *praeses* (ἡγεμών, ἄρχων).⁵² A *vicarius* is mentioned in several inscriptions in Shivta, dated to the end of the 6th and the early years of the 7th century: in

⁵⁰ We shall not go into the debated question whether slavery still had a role in the economy of late antiquity (see for instance Fikhman 1997), since it is not relevant to the present discussion. However, it will not be superfluous to note that the literary sources pertaining to Palestine mention domestic slaves, but there is no evidence of massive employment of slaves in agriculture. On the status of labourers in the imperial factories (the textile works of Scythopolis are explicitly mentioned in CTh 10, 20, 8), see below.

⁵¹ Negev 1981: 88-91. While connecting the *vicarius* mentioned in several inscriptions in Shivta with the vicar of a diocese, Negev seems also to accept Alt's opinion that he was the governor of Third Palestine.

⁵² *Not. Dign.* I, 87 (ed. Seeck 1876: 4); Hierocles, *Synecdemos* 721.1 (ed. Honigmann 1939: 43); Nov. 8, *Notitia* 38; Negev 1981: 73-6, no. 92; *SEG XXXI*: 1401.

one he acted together with other officers of the *limitanei* (πρίωρες).⁵³ Another is mentioned in a papyrus from Nessana.⁵⁴ Theophanes describes the activity of a *vicarius* in command of soldiers performing garrison duty in settlements in the eastern part of Third Palestine at the time of the first Muslim attack on the region in 631.⁵⁵ Clearly the *vicarius* present in the *limes* area was the deputy of a tribune, a senior non-commissioned officer who commanded a unit of *limitanei* in the absence of the tribune.⁵⁶ From Theophanes' story it appears that the *vicarius* stationed in a village had under his command soldiers scattered in nearby villages. In the Beersheba edict, the payments for a *vicarius* are found after groups of toponyms: possibly the term *vicarius* designated not the same man in every occurrence, but different officers each in charge of an area comprising a number of villages, much as in the late Roman period a centurion or a *beneficiarius* was in charge of the public order in a whole district.⁵⁷

What kind of service may have been required from these officers and the 'servants', that a tax should be raised for it? An answer can perhaps be found in the journals of two pilgrims, Egeria (ca. 381-384), and the Piacenza Pilgrim conventionally known as Antoninus (ca. 570). Egeria relates that while travelling in the wilderness, the caravans of pilgrims were escorted by soldiers and officers from the *castra* in the desert, who accompanied them from one fort to the next. When they reached the state highway, the pilgrims dismissed their military escort. Ps. Antoninus mentions several *xenodochia*, some of which — those in the desert — were located in forts.⁵⁸ But no soldiers escorted the 6th-century caravan; on the contrary, the Piacenza Pilgrim implies that the company was escorted and assisted by camel-drivers and by Saracens of the desert.⁵⁹ On one occasion, at Pharan in Sinai, the pilgrims were received by the Saracen garrison of the fort and served by the soldiers' wives.⁶⁰ Who paid for these services? Not many people could have afforded going on the long pilgrimage to the Holy Land, and especially to Sinai,

⁵³ Negev 1981: 52, 55, 60-1, 65-6, nos. 51, 57, 66, 75; *SEG XXXI*: 1429, 1435, 1444, 1453. For the date of the inscription mentioning the *priores* — 599 rather than 505/6 as reckoned by Negev (*ibid.*: 66) — see Di Segni 1997: 814-7.

⁵⁴ PNessana 134, of the late 6th century; Kraemer 1958: 318.

⁵⁵ Theophanes, *Chronographia*, AM 6123, ed. De Boor 1883: 335.

⁵⁶ Βικάρηοι are often mentioned in papyri: see Preisigke 1931: 98, 205, and for Nessana, see above, note 54. After Justinian's time tribunes were often absentees: Jones 1964, II: 643, 675; III: 209, n. 158.

⁵⁷ Feissel & Gascoü 1995: 87-9 (PEuphr. 2); Gascoü 1999 (PBostra 1).

⁵⁸ *Itinerarium Egeriae* 7: 2, 4; 9: 3 (ed. Franceschini & Weber 1965: 47, 49); *Antonini Placentini Itinerarium* 7, 9, 35, 41 (ed. Geyer 1965: 132, 134, 146-7, 150). On the significance of these passages, and on the foundation of *mansiones* and *xenodochia*, both by the civil and by the ecclesiastical authorities, in the 4th, 5th and 6th centuries, see Isaac 1990: 205-7.

⁵⁹ *Antonini Placentini Itinerarium* 36 (ed. Geyer 1965: 147). The use of recruiting guides from the desert settlements for the pilgrimage to Mount Sinai continued after the Muslim conquest: see PNessana 72-3 (Kraemer 1958: 205-8).

⁶⁰ *Antonini Placentini Itinerarium* 40 (ed. Geyer 1965: 149-50). In this case, the Piacenza Pilgrim explicitly says that these men and their families did not till the soil or practise any other activity, but received rations of food and fodder, as well as clothing, in exchange for patrolling the area in order to protect the monasteries and hermits. As we learn from the description, they also protected the pilgrims and gave them hospitality.

had they been expected to shoulder their travelling expenses in full — maintenance, hospitality, and escort. Who manned the road stations, and who paid for their staff?

Travellers along the public roads would stop for the night at the *mansiones* and *mutationes* of the *cursus publicus*⁶¹ or at *burgi*, fort-like installations used also to host travellers, known in Palestine as well as in other provinces.⁶² The staff of the road stations — grooms, carpenters etc. — consisted of public slaves; the *burgi* were manned by *burgarii*, paramilitary personnel of the lowest class, whose status in the Theodosian Code was equated with the status of *servi publici* of the cities, mule-drivers of the *cursus publicus* and slave labourers of the imperial factories.⁶³ Several of the laws that bound these classes to their servile position passed into Justinian's Code, though the explicit terms *servi*, *mancipia*, and other words denoting servile status are rarer in the latter.⁶⁴ The public *xenodochia* where the Piacenza Pilgrim found hospitality had much in common with the *mansiones* and *burgi*, and most likely were similarly manned by people of servile condition; those in desert areas that required armed protection were probably guarded by low-class military men who, with their families, also provided the necessary services. The term *δοῦλοι* may well apply to such persons: the money paid to them should be understood as supplementary to the subsistence rations they received from the

⁶¹ The use of the *cursus publicus* was reserved for officers travelling on state business and members of the privileged classes who could obtain a special license: only they could be assigned horses, pack animals and carts (cf. the case of Melania in 437: *Vita Melaniae* 52, ed. Laurence 2002: 254-7). But anyone could stop at a road station to spend the night within its walls or to refresh himself with food and wine that could be bought there: see for example Theophanes' list of stops and of purchases in each during his journey from Egypt to Antioch and back (*PRylands* 627-638: the editor suggested that Theophanes may have travelled with a billet of the *cursus publicus*, but this is not clear), or the staging posts in the itinerary of the Bordeaux Pilgrim (*Itinerarium Burdigalense*, edd. Geyer & Kuntz 1965; 333 CE).

⁶² Isaac 1990: 178-86.

⁶³ CTh 7, 14, 1 = 8, 5, 58 (398 CE) forbade luring *muliones* away from the stations or harbouring them if they had escaped; if fugitive *muliones* were found, even though old and feeble, they were to be dragged back with their *peculium* and their wives and children. The same rule was enforced in the case of *burgarii* and of workers assigned to the manufacture of state clothing. This law was included in Justinian's Code: CJ 12, 50, 17. On the status of the *burgarii*, see also the anecdote in *Tos. Pesahim* II, 15 (Neusner 1981: 121), which describes a *burgarius* as inferior to a Jewish servant.

⁶⁴ On the servile status of various categories of public workers, see for instance CTh 7, 14, 1; 10, 20, 2, 3, 5, 6, 7, 15, 16, 17; CJ 6, 1, 5, 8; 11, 8, 3, 6. Jones 1964, II: 836 maintains that by the mid-fourth century the workers of state factories, theoretically public slaves, were *de facto* free persons bound by a hereditary tie to their trade. But the terminology used in the above-cited laws of both codes defined them as *mancipia* or *servi*; the marriage of a free woman to a *gynaeciarius* is called *contubernatio* and the woman assumes her husband's status; *muliones* and *servi publici fabricis seu aliis operibus deputati*, if they had abandoned their function, were to be dragged back to it with their families, even if they had married a free woman; in other words, even if individual members of these classes may have attained social mobility, the law still regarded the classes as servile and was worded accordingly.

state.⁶⁵ In one case at least — the monastery of St. Catherine at the foot of Mount Sinai — there seems to be explicit evidence of the replacement of soldiers with slaves, or perhaps the different terminology used by the sources attests the degradation of the personnel assigned to guard the pilgrimage centre from low-class soldiers to no more than servants.⁶⁶

There is no doubt that in the 6th century monasteries and churches offered hospitality to travellers. However, there is reason to believe that, when pilgrims traversed unpopulated areas of the Holy Land, or regions inhabited by a non-Christian majority and thus less provided with Christian religious foundations, they received assistance in *xenodochia* — part fortresses and part hostels — from ‘public servants’ under the supervision of the *dux*.⁶⁷ It seems likely that on the same desert dwellers also devolved the task formerly imposed on the soldiers, namely, escorting the caravans: certainly the pilgrims needed somebody to guide them along the desert paths and carry their water, provisions and luggage in the sparsely populated regions traversed by the pilgrim roads to Sinai — the Negev and southern Transjordan. How did this affect the *limitanei* stationed in this area?

A famous passage by Procopius of Caesarea states that after the peace between the Byzantine Empire and the Persians (the Eternal Peace treaty, signed in 532) the *limitanei*, whose wages were in arrears, ‘were compelled, on the supposition that they too would profit by the blessings of peace, to make a present to the Treasury of the pay owing to them for a specified period. And later on, for no good reason, he (Justinian) took away from them the very title of regular troops. Thereafter the frontiers of the Roman Empire remained destitute of guards, and the soldiers suddenly found themselves obliged to look to the hands of those accustomed to works of piety’.⁶⁸ The latter statement has been taken by some scholars as meaning that the *limitanei* were disbanded,⁶⁹

⁶⁵ A law of 370, CTh 8, 5, 31, forbade remunerating the staff of the public post, who had to be content with their allowances of subsistence and clothing: this indicates that remuneration was becoming usual, which may have brought about the situation attested in the Beersheba edict. It is not rare to discover that an abuse (like the reception of *sportulae*, or the deduction of the twelfth from the *annona*), first condemned by the law, is later regulated by law.

⁶⁶ Procopius of Caesarea says that Justinian erected a fortress manned by soldiers at the foot of the holy mountain (*Aed.* V, viii, 9, ed. Dewing 1940: 356-7). In the 10th century Eutychius of Alexandria wrote that the emperor built a fortified monastery for the defense of the monks scattered around the Burning Bush, and settled nearby men sent and provisioned by the prefect of Egypt. In the late 7th century these ‘slaves’ accepted Islam and the monks destroyed their dwellings, but Eutychius emphasizes that in his time the place still preserved the name of Deir el-‘Abd: *Annales* XVII, 5-7 (ed. Pirone 1987: 294-5), and cf. Mayerson 1978: 36-7; Dahari 2000: 56-7. There was also a *xenodochion* attached to the Monastery of the Bush, and servants waited upon the pilgrims (see Daniel of Raithou, *Vita Joannis Climaci*, PG 88: 608); thus it is possible that both soldiers and slaves dwelt in the quarters later known as ‘Monastery’ — or in this case, ‘Mansion of the Slaves’ — and only the latter remained there after the Muslim conquest; however, the name Deir el-‘Abd is suggestive.

⁶⁷ On the responsibility of the *dux* for building state hostels, see Di Segni 1995: 321; 1997: 663-5.

⁶⁸ *Anecdota* 24: 12-14 (tr. Dewing 1935: 282-5).

⁶⁹ Isaac argues against this interpretation and maintains that there was no large-scale systematic reduction of the provincial army in Palestine before the 7th century, though evidence of dis-

but Procopius does not say so: his phrasing rather suggests a slackening of their activities and a cut of their salary, which affected their economic independence. Certainly, Procopius in the *Anecdota* is sometimes far from truthful, but need we consider this statement as absolute untruth? If we put together his assessment of Justinian's policy pertaining to the *limitanei* with the data presented above, a tentative conclusion might be reached. The *limitanei* of the 6th century did not fulfil at least one task formerly imposed on them, namely, escorting the pilgrims (and other travellers?) from fort to fort in the wilderness and presumably hosting them in their *castra*. When in need of money — the Eternal Peace cost the Byzantine Empire 11,000 pounds of gold, and the five-year truce of 545 another 5,000, not to speak of the grants made to the Saracens allied to the Persians, so that they should leave the border regions in peace — Justinian may well have decided to cut the soldiers' wages, since they were now exempt from some of their former duties. The care for public hostels, however, devolved on the communities, and public hostels were very much needed in Palestine, because of the flow of pilgrims.⁷⁰ At the same time, some provision had to be made for their escort, if the soldiers were to be exempt from it. The situation was still more complicated because of the fact that most settlements in southern Palestine and Transjordan were also military bases, and the wages paid to the *limitanei* were part of their revenue. I suggest that the Beersheba edict represents an attempt to solve all these problems by means of a tax levied on the military class as well as on the civil landowners and assigned to the *dux* so that he could provide for the upkeep of the hostels, the rations of their staff and the wages of the escorts.⁷¹ The

bandment of garrisons does appear in the early 7th century (Isaac 1990: 210-3; 1995: 137-51, and esp. p. 149). Yet his arguments should now be revised, not only because the early date of the Beersheba edict cannot be accepted, but also in view of the fact that the edict and probably also PNessana 39 can no longer be considered lists of military sites.

⁷⁰ Another change in Justinian's policy reported by Procopius of Caesarea (*Anecdota* XXX, 1-12) should perhaps be recalled in order to clarify the picture. In his passion for saving money, Justinian cut the number of σταθμοί of the *cursus celer* in all the Orient up to Egypt, except on the roads to Persia, reducing them to one for each day's journey (210 stadia or about 38.5 km: cf. Proc. Caes., *Bell.* III, 1, 17) when formerly there were five to eight stations for each day's journey. This not only damaged the security of the state but also ruined the farmers, who used to make good money from selling fodder for the horses. If Justinian took away (or ceased to pay for) the animals and the staff of the stations, what happened to the stations? In sparsely inhabited areas they would have had a function besides the service of the *cursus celer*, for travellers, and particularly pilgrims, could not be expected to walk almost 40 km a day, and probably relied on road stations for water, food and a night's rest. Is it possible that the emperor just transferred the burden of maintaining the stations from the treasury to the local inhabitants? A trend in this direction can already be discerned in a law of 377 (addressed to Hesperius, praetorian prefect of Italy, Illyricum and Africa, and included in the Theodosian Code), especially in the form it assumed in Justinian's Code (CTh 8, 5, 34 = CJ 12, 50, 7).

⁷¹ Taxes and liturgies for the posting stations, for providing the pack animals and paying the grooms (*stabularii*), were well known in Egypt: Johnson & West 1949: 163-7, 247. The task of escorting convoys could be imposed on the provincials as a *corvée* (cf. CTh 11, 10, 1-2; CJ 10, 24, 1), or a tax could be exacted to provide guards (the παραφυλακή? See Johnson & West 1949: 296, 314). The situation in Palestine would have been peculiar because of the

yardstick for assessing the respective dues of every settlement would probably have been the land tax, but the assessment would also have varied according to the need for the service and the obligations of the inhabitants. Another, small tax was levied for the staff of the hostels, and a third for an officer — one for each large area, comprising several villages — who would have been in charge of supervising and coordinating the work of small units of camel-drivers acting as carriers, escorts and guides for the caravans. This solution would pertain particularly to Third Palestine, since in First and Second the public roads made military escort unnecessary, and the abundance of churches and monasteries — except in the Samaritan and Jewish areas — provided most of the hospitality;⁷² in addition, the greatest part of the *limitanei*, formerly charged with the escort duty, were settled in this province. This may well be the reason why only a few towns of First and Second Palestine were subject to the tax, as opposed to the long list of villages and cities of the western Negev and of Third Palestine.⁷³

Appendix

Fragments 2 and 3 may come from the same slab, in spite of the fact that the setting of the text and the width of the columns are not identical, for in fragment 3 the payments pertaining to a single place are sometimes set in one line, sometimes in two, and the columns appear to be of different width. Fragment 4 differs from 2 and 3 not only in several palaeographical details, but also in the thickness of the slab, and though it certainly contains a list, most likely of contributors, it is not certain that the names were followed by amounts of money to be paid.

Fragment 2

Fragment of marble slab, broken on the right side, 35.5 to 44.5 cm long, 80.4 cm wide, 0.6 cm thick. One column of 18 lines, all lacking an end. Alt 1921: 8, no. 2; Figueras 1985: 10-11, no. 3; Migliardi Zingale 1994: 207, Tb. 1.

- ἀπ(ὸ) Ἀδρόων Ν ξε' καὶ τ[οῖς δούλοις Ν -]
 ἀπ(ὸ) Αὐάρων Ν μγ' (καὶ) τ[οῖς δούλοις Ν -]
 ἀ(πὸ) Ζαδακάθων Ν λβ' (καὶ) [τοῖς δούλοις Ν -]
 ἀ(πὸ) Ἀμμάθων Ν κδ' (καὶ) τ[οῖς δούλοις Ν -]
 5 ἀ(πὸ) Ἀρριδήλων τῆς Γρα[- - Ν - - (καὶ) τ[οῖς δούλοις Ν -]
 ἀ(πὸ) Καρκαρίας Ν ιε' (καὶ) [τοῖς δούλοις Ν -]
 ἀ(πὸ) Σοβαείας ὀρίου Ἀριδ(δήλων) [Ν - - (καὶ) τοῖς δούλοις Ν -]
 ἀ(πὸ) Ῥοβάθας Ν μγ' (καὶ) τ[οῖς δούλοις Ν -]

massive presence of pilgrims, which would divert the focus from transportation to escorting and hospitality.

⁷² In fact, the Piacenza Pilgrim alludes more than once to the hospitality offered by religious institutions and Christ-loving citizens, for instance, in Ptolemais, Jericho, Gaza, and at St. John the Baptist's monastery in the place of the baptism on the Jordan (*Antonini Placentini Itinerarium* 2, 12, 13, 33, ed. Geyer 1965: 130, 136, 145).

⁷³ Among the toponyms that can be identified with certainty, only 4 belong to First and Second Palestine: Sycomazon and Orda in fragment 1, Diocaesarea, and Gischala (a village in the Upper Galilee) in fragment 3; to these may perhaps be added Sebaste, and Nicopolis, if this name can be read in fragment 3. All but one were episcopal sees.

	ἀ(πὸ) Ἑλληβάνων	N λς'	(καὶ) [τοῖς δούλοις N -]
10	ἀ(πὸ) Ἀφροῦς	N κδ'	(καὶ) τ[οῖς δούλοις N -]
	ἀ(πὸ) Σίρθας	N κδ'	(καὶ) τ[οῖς δούλοις N -]
	ἀ(πὸ) Φαινοῦς	N ιε'	(καὶ) τοῖς δούλοις N -]
	ἀ(πὸ) Μώας	N ιε'	(καὶ) τοῖς δούλοις N -]
	ἀ(πὸ) Τολοάνων	N ιε'	(καὶ) τοῖς δούλοις N -]
15	ἀ(πὸ) Εἰσεΐβων	N ιε'	(καὶ) τοῖς δούλοις N -]
	ἀ(πὸ) τοῦ Πρασιδίου	N ιβ'	(καὶ) τοῖς δούλοις N -]
	ἀ(πὸ) Θομάρων	N ε'	(καὶ) τοῖς δούλοις N -]
	ἀ(πὸ) Αἰναυάθας	N κ'	(καὶ) τοῖς δούλοις N -]

From Adroa 65 solidi and to [the servants - solidi]

From Auara 43 solidi and to [the servants - solidi]

From Zadacatha 32 solidi and to [the servants - solidi]

From Ammatha 24 solidi and to [the servants - solidi]

From Ariddela of the Gra[- - - solidi and to the servants - solidi]

From Carcaria 15 solidi and to [the servants - solidi]

From Sobaeia in the district of Arid(dela) [- solidi and to the servants - solidi]

From Robatha 43 solidi and to [the servants - solidi]

From Ellebana 36 solidi and to [the servants - solidi]

From Afrous 24 solidi and to [the servants - solidi]

From Sirtha 24 solidi and to [the servants - solidi]

From Fainous 15 solidi and to [the servants - solidi]

From Moa 15 solidi and to [the servants - solidi]

From Toloana 15 solidi and to [the servants - solidi]

From Eisiba 15 solidi and to [the servants - solidi]

From the Praesidium 12 solidi and to [the servants - solidi]

From Thomaron (Thamara?) 5 solidi and to [the servants - solidi]

From Ainauatha 20 solidi and to [the servants - solidi]

Fragment 3

Two adjoining fragments of marble slab; the larger one, 67 cm long, 48 cm wide, 0.6 cm thick, is broken on all sides except on the upper edge; the smaller, a max. 34 cm long, 27 cm wide and 0.6 cm thick, fits at the lower right corner of the former. Two columns of 15 lines at least. Alt 1921: 10, no. 3; Alt 1923: 53; Figueras 1985: 8-9, no. 2; Migliardi Zingale 1994: 208, Tb. 2.

	[ἀ(πὸ) - - -] N κβ'	(καὶ) τοῖς δούλ(οις) N β'	ἀ(πὸ) Αβαδ- - - - -	N -]
	[ἀ(πὸ) - -] οπόλεος	N ν'	(καὶ) (ὑπὲρ) τοῦ β[ικαρίου]	N -]
	[ἀ(πὸ) Β]ητωροῦς	N λ'	(καὶ) (ὑπὲρ) Βητο[- - -	N -]
	[ἀ[πὸ] - -] ἰωνα	N ιβ'	(καὶ) τοῖς δο[υλ(οις)]	N -]
5	[ἀ(πὸ τῆ]ς Σεβαστήης	N λς'	ἀ(πὸ) Βητοδ[- - -	N -]
	[ἀ(πὸ ὄ]ρίου Μωβηνῶν	N η'	(καὶ) Γισχαλ[- -	N -]
	[ἀ(πὸ -]αζήτας	N ιβ'	(καὶ) τοῖς δούλ(οις)	N -]
	[ἀ(πὸ)] Διοκαιοσαρ(είας)	N ξ'	ἀ(πὸ) Αειν[- - -	N -]
	[(καὶ)] (ὑπὲρ) τοῦ βικαρίου	N ρν'	(καὶ) τοῖς δούλ(οις)	[N -]
10	[- - - -] αιλια	N ς'	ἀ(πὸ) τοῦ Νέου Κάστρου	N [-]
	[- - - (καὶ) τοῖς δούλ(οις)	N ς	(καὶ) τοῖς δούλ(οις)	N α'
	[- - - - - - - -]	N ρν'	ἀ(πὸ) [τοῦ Ἰ]ορδάνου	N ς'
	[- - - - - - - -	- -	(καὶ) τοῖς] δούλ(οις)	N α'

[- - - - -] - - ἀ(πὸ) κώ]μ(ης) ᾿Αδάρων
 15 [- - - - -] - - ἀ(πὸ) τῶν συ]ντε[λ(εστῶν) N -

Left column

[From - - -] solidi 22 and to the servants	solidi 2
[From - -]opolis (Nicopolis? Areopolis?)	solidi 50
[From B]etorous (Beth Horon?)	solidi 30
[From - -]ona (Libona?)	solidi 12
[From] Sebaste ⁷⁴	solidi 36
[From the t]erritory of Moab	solidi 8
[From -]azea ⁷⁵	solidi 12
[From] Diocaesarea	solidi 60
[and for] the vicar	solidi 150
[From - - -]ailia ⁷⁶	solidi 6
[- - - - and to] the servants	solidi 6
[- - - - - - - - -]	solidi 150

Right column

From Abad[- - -]	solidi -]
and for the v[icar	solidi -]
and for (read: from) Beto[- - -]	solidi -]
and to the ser[vants	solidi -]
From Betod[- - -]	solidi -]
and (from) Giscal[a	solidi -]
and to the servants	[solidi -]
From Ain[- - -]	solidi -]
and to the servants	[solidi -]
From the New Camp	solidi [- -]
and to the servants	solidi 1
From [the J]ordan	solidi 6
[and to] the servants	solidi 1
From the village of Adara	
from the land-tax payers	solidi [- -]

⁷⁴ If the broken mark at the beginning of the line is really a sigma, I doubt if this can be Sebaste in Samaria: none of the proper toponyms is accompanied by the article. But general designations that have become toponyms are: 'The New *castrum*', 'The *praesidium*', 'The Terebinth', 'The Constantinian Estate'. Could ἡ Σεβαστή be ἡ Σεβαστή (πόλις), viz., Augustopolis? In the 6th century this was an episcopal see in Third Palestine, which Avi-Yonah 1976: 33 identified with et-Tafle in southern Transjordan. However, most scholars nowadays believe that Augustopolis was the name of Adrou ('Udruh) in the 6th century, when it became an episcopal see. Later it would have gone back to its old Semitic name: Schmitt 1995: 40-1. Adrou appears in fragment 2, line 1.

⁷⁵ Alt considered that one letter was lost at the beginning of the name, but there seems to be no space for it. Can the place be Zia, transcribed in Greek with a Semitic article? Josephus (*Ant.* XX, 2) and Eusebius (*Onomasticon*, ed. Klostermann 1904: 94) mention a village called Zia, in Peraea, 15 Roman miles west of Philadelphia, today Khirbet Zayy (Schmitt 1995: 339-40).

⁷⁶ Only the tips of the letters can be made out, and the reading is doubtful.

Fragment 4

Three adjoining fragments of a marble slab. The two fragments on the left side are missing, and Alt himself could not inspect them. The fragment that forms the right side is 36 cm long, 57 cm wide, 0.9 cm thick, broken on all sides, except possibly the lower edge where a wide blank strip may indicate the lower margin of the stone. Alt 1921: 12, no. 4; Figueras 1985: 7, no. 1; Migliardi Zingale 1994: 208, Tb. 3.

- Σάλτον --
 --- ρου ἀρχιφύλου τοῦ ἱερο[τά-]
 [τ]ου κοινοῦ τῶν ἀρχιφύλων
 4 τοῦ Κωνσταντινιανοῦ Σάλτου
 τῶν συντελ(εστῶν)
 (καὶ) ἃ δίδουσιν ὁ βικάριος δευτέρ(ας)
 Παλεστίνης ὁ προβαλλόμενος
 8 (καὶ) ἀπὸ τῆς Τερεβίνθου ἀπὸ τῶν
 [σ]υντελεστῶν
 ὀρίου Ἀρινδήλων
 ὀρίου Πέτρων

--- Saltus
 -- of the head of the most holy
 association of the phylarchs
 of the Saltus Constantinianus
 (who are) land-tax payers;
 and what the vicar of Second
 Palestine who is appointed gives;
 and from the Terebinth from the
 land-tax payers,
 of the territory of Arindela,
 of the territory of Petra ---

Alt's fragment 4 was probably not part of the same edict, but may have had some features in common with it. First, it probably comes from Beersheba, and if so, it is likely to have pertained to the ducal office. Second, it mentions toponyms in all the three Palaestinae, a hint that it pertained to the *dux*. Another hint in the same sense is the mention of the phylarchs, that is, the chiefs of tribes, in all likelihood of Saracens, who were *foederati* and thus subject to the *dux*. Third, it mentions a *vicarius*, in this case of Second Palestine, and the noun is accompanied by a participle in predicative position (ὁ βικάριος ὁ προβαλλόμενος), which we may translate: 'the vicar of Second Palestine that is (or when) appointed'. Clearly there were several deputy commanders of units in Second Palestine, but only one was appointed to some unspecified task in the whole province. Interestingly, here this officer does not receive but gives, apparently, money: this may remind us of the 'customary donatives' given to various imperial high-ranking officials by the provincial governors on their appointment, which Justinian regulated with the schedule attached to Novel 8. Possibly the vicar who was chosen among his brother officers to carry out a special task in the province, from which he could expect to make a

profit, was supposed to give a contribution to the bureau of the *dux*. It is also worth noting that the other contributors (if they are contributors) were not villages or towns, as in fragments 1-3, but two imperial estates, an association of phylarchs, the territories of two cities — both in areas that may have had a semi-nomadic population, besides the rural population settled in villages that were fiscal units — and finally ‘The Terebinth’: if the place indicated is the Oak of Mambre, this was not a village but the location of a famous annual fair.⁷⁷ All these entities could be expected to yield revenue on a yearly basis: if the vicar is listed together with them, one may surmise that his contribution was also given once a year. If so, the appointment of a *vicarius* to some special, province-wide task would have been an annual one.

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Abbreviations

- BASOR* — *Bulletin of the American Schools of Oriental Research*
BCH — *Bulletin de correspondance hellénique*
CCSL — *Corpus Christianorum, Series Latina*
CJ — *Corpus Iuris Civilis II: Codex Justinianus*, ed. P. Krueger. Berlin, 1954
CTh — *Codex Theodosianus*, edd. Th. Mommsen & P.M. Meyer. Berlin, 1954
IGLJ IV — M. Sartre, *Inscriptions grecques et latines de la Syrie*, Tome XXI, *Inscriptions de la Jordanie*, Tome IV, *Pétra et la Nabatène méridionale*. Paris, 1993
IGLS XIII, 1 — M. Sartre, *Inscriptions grecques et latines de la Syrie*, Tome XIII, 1: *Bostra*. Paris, 1982
IAA — Israel Antiquities Authority
JRA — *Journal of Roman Archaeology*
NEAEHL — E. Stern (ed.), *The New Encyclopedia of Archaeological Excavations in the Holy Land I-IV*. Jerusalem, 1993
PAES III — E. Littman, D. Magie & D.R. Stuart, *Publications of the Princeton University Archaeological Expedition to Syria in 1904-1905 and 1909*, Division III A: Greek and Latin Inscriptions. Leiden, 1921
PJb — *Palästinajahrbuch des deutschen evangelischen Instituts für Altertumswissenschaft des Heiligen Landes zu Jerusalem*
PRylands — C.H. Roberts and E.G. Turner, *Catalogue of the Greek and Latin Papyri in the John Rylands Library IV*. Manchester, 1952
RB — *Revue Biblique*
REG — *Revue des études grecques*
SCI — *Scripta Classica Israelica*
SEG — *Supplementum Epigraphicum Graecum*, Leiden
Waddington — P. Le Bas & W.H. Waddington, *Voyage archéologique en Grèce et en Asie Mineure III: Recueil des inscriptions grecques et latines de la Syrie*. Paris, 1870
ZDPV — *Zeitschrift des deutschen Palästina-Vereins*
ZPE — *Zeitschrift für Papyrologie und Epigraphik*

⁷⁷ Tsafir, Di Segni & Green 1994: 177-8.

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