

Procopius of Gaza and the Water of the Holy City

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PROCOPIUS OF GAZA (ca. 460–530) is one of a group of sophists, poets, and other literary men of Late Antiquity whom modern scholarship joins together as a “School of Gaza,” the other extant sophists being his contemporary Aeneas and his pupil Choricus, the most famous of the three.¹ Procopius’ extant works include a panegyric of the Emperor Anastasius I, some fragments of other speeches, an ecphrasis of a cycle of paintings on mythological subjects, numerous letters, and several *catenae* or collections of exegetical excerpts; he is in fact usually held to be the inventor of this genre.² The present paper will argue that his panegyric of Anastasius contains an unnoticed reference to the water-supply of Jerusalem about A.D. 500, in one of the periods of its greatest prosperity. This may also provide a reason for dating a well-known inscription found in the vicinity of Bethlehem to the reign of Anastasius rather than to that of Justinian.

Surviving in a single manuscript now in Venice, the panegyric was first published by d’Ansse de Villoison in 1781, and most recently by Alain Chauvot in 1986.³ The speech can be

¹ *ODB* II 825, with bibliography; C. A. M. Glucker, *The City of Gaza in the Roman and Byzantine Periods* (Oxford 1987) 51–57; Y. Ashkenazi, in B. Bitton-Ashkelony and A. Kofsky (eds.), *Christian Gaza in Late Antiquity* (Leiden/Boston 2004) 195–208.

² Procopius: W. Aly, “Prokopios 20,” *RE* 23 (1957) 259–273; A. Chauvot, *Procopé de Gaza, Priscien de Césarée: Panégyriques de l’Empereur Anastase I^{er}* (*Antiquitas* I 35 [1986]) 87–92; *ODB* III 1732–1733. On *catenae*, *ODB* I 391.

³ First edition: J.-B. C. d’Ansse de Villoison, *Anecdota Graeca* II (Venice 1781) 28–45 (*non vidi*); thereafter B. G. Niebuhr, *Dexippi, Eunapii, Petri Patricii, Prisci, Malchi, Menandri, Historiarum quae supersunt* (Bonn 1829) 489–516, with Latin translation of F. Ritter, and including Villoison’s notes on 601–610

closely dated between 498, when Anastasius abolished the tax called the *chrusarguron*, and 502, since there is no mention of the war with Persia that began in that year; 501 or 502 are the usually accepted dates.⁴ Four chapters towards the end of the work (18–21) describe the emperor’s generosity to various cities of the realm, a quality for which several authors praise Anastasius.⁵ The first of these chapters concerns a certain “holy city” (πόλις ἱερά), which is not explicitly named. The next two are “a city named after Caesar” (τοῦ Καίσαρος πόλιν ἐπώνυμον), evidently Caesarea of Palestine, and “the (city) of Alexander” (τὴν τοῦ Ἀλεξάνδρου), equally evidently Alexandria in Egypt. The last chapter concerns Constantinople, at least implicitly, though Procopius devotes all of his praise to the construction of the famous Anastasian Wall; Homer himself, it is alleged, on seeing this would have forgotten about the wrath of Achilles and summoned the Muses to celebrate it worthily.

The following is a text and translation of ch. 18; the Greek seems corrupt in places, especially in the description of the emperor’s aqueducts, though the general sense is clear.

πόλις ἐστὶν ἱερά, τῶν πρὸς ἥλιον ἀνισχόντων, ἐκ τῆς εὐσεβείας φέρουσα γνώρισμα καὶ ταῖς θεαῖς τελεταῖς τῶν ἄλλων προβεβλημένη· ὅθεν εἰς ταύτην φοιτῶσιν Ἴνδοι καὶ Πέρσαι καὶ Φοίνικες καὶ Σκυθῶν γένη καὶ τὰ σεμνὰ τῆς Ἑλλάδος, Ἴωνία τε πάσα, καὶ ὅσπερ τοῦ τῶν ἀνθρώπων γένους κοινήν ἂν εἴποι τις πατριδα. αὕτη τῶν ὑδάτων ἐνδεία μετὰ τῶν οἰκητόρων καὶ τοὺς πανταχόθεν ἤκοντας ἐλύπει. τοσαῦτα γὰρ παρείχεν ὅσα τῶν ὄμβρων ἢ τύχη, καὶ ἀντ’ ἄλλου τινὸς ὑδάτων θησαυροὺς ἐπεποιήντο, καὶ τὴν ἐνδειαν σοφίζόμενοι πρὸς τὸ δεινὸν οὕτω μόλις ἀντεῖχον. ἀλλὰ μεχρὶ σοῦ καὶ τοῦτο πάλιν ἐλύπει· τὴν τε γὰρ πόλιν ὄρου δεῖν τιμᾶσθαι τὰ πρέποντα, καὶ δεινὸν ἠγούμενος διὰ μᾶς ταύτης πάντας ἀνθρώπους πειράσθαι τῶν δυσχερῶν, ὄχετοὺς ὑδάτων εἰς ὕψος ἐπάρας καὶ εἰς ταῦτὸν ἀγαγὼν τὰ [μὴ] διανεστηκότα τοῖς μετεώροις, καὶ δι’ ἀνωμάλου καὶ τραχείας

(whence *PG* 87.2793–2826); excellent edition and commentary by C. Kempen, *Procopii Gazaei in Imperatorem Anastasium Panegyricus* (Bonn 1918); Chauvot, *Procopé*. A Teubner edition by E. Amato has been announced.

⁴ Chauvot, *Procopé* 95–97.

⁵ See J. B. Bury, *A History of the Later Roman Empire I* (London 1923) 447 with n.2.

γῆς εὐθείαν ὁδὸν διατυπώσας τῷ ῥεύματι, πηγὰς διὰ ταύτης πόρωθεν συνήπτες, καὶ ἐν αὐτοῖς διαφανή καὶ ἄφθονα ῥέυματα πέμπουσι, τῇ τῆς φορᾶς ὀξύτητι νικῶντα τὴν θέαν, ὡς καὶ τοὺς ἀφικνουμένους ἐπ' ἀδείας πανηγυρίζειν καὶ σὺν ἡδονῇ πάντος ἐνδιατᾶσθαι.

There is a holy city, belonging to those towards the East, populous, gaining its fame from piety and superior to all others by reason of the divine rites. Hence to this come Indians, Persians, Phoenicians, races of Scythians, the notables of Greece, and all Ionia, and one might call it almost the common city of the human race. Because of the shortage of water, this (city) burdened both the inhabitants and those coming from all directions, for it provided only so much as the vagaries of rainfall did, and for want of anything else they had made store-houses of water, and by managing their need in this way, they barely held out against the problem. But this too vexed them (only) up to your time;⁶ for you thought that the city deserved the proper honor, and you thought it intolerable that all mankind should experience hardship because of this one city. By raising water-conduits into the air, and collecting to one place (waters) that were separated in high regions, marking out a straight path for the stream through land both uneven and rough, by means of this you connected faraway sources. Through these (conduits) they [i.e. the waters] send clear, abundant streams, which by the speed of their passage surpass sight, so that people arriving here celebrate in security, and all take pleasure in spending time here.

De Villoison identified the “holy city” as Hierapolis, though noting the “deep silence” (*altum silentium*) of ancient writers on any such aqueduct there. He evidently inferred from the expression “towards the East” that this was the Syrian city of the name, not that in Phrygia or Cilicia (Castabala), and this identification has been accepted by all who have written on the oration since.⁷ The *Oxford Dictionary of Byzantium* adds a refinement: “The 6th-cent. rhetorician Prokopios of Gaza relates

⁶ Niebuhr thought the phrase μεχρὶ σοῦ corrupt; I take πάλιν to refer back to the reforms of Anastasius mentioned earlier in the speech.

⁷ Thus E. Honigmann, “Hierapolis,” *RE Suppl.* 4 (1924) 736–737; G. Goossens, *Hierapolis de Syrie* (Louvain 1943) 166; C. Capizzi, *L'Imperatore Anastasio I (491–518)* (Rome 1969) 214 no. 42; Chauvot, *Procopé* 96.

that Indians, Phoenicians, Scythians, Hellenes, and inhabitants of Asia Minor congregated in Hierapolis to hear panegyrics.”⁸

Yet the objections are several. It is odd that Hierapolis in Syria should lead off a series that includes Caesarea and Alexandria, and ends with Constantinople. Moreover, Syrian Hierapolis was famous for its fertility and the abundance of its springs. The Syriac name, *Mambog*, is said to mean “rushing waters,” and Arabic writers such as the geographer Yakut refer to the abundance of its water supply. Some of this was brought by an elaborate system of underground pipes (*qanat*), and the nineteenth-century explorer and surveyor, General Francis Chesney, observed several cisterns and an aqueduct, though the date of this seems unknown.⁹ Some fifty years before the date of Procopius’ speech, Theodoret of Cyrillus writes to a high official named Sallustius, perhaps *comes Orientis*, promising to send him a water-surveyor (*hudroskopos*), who Theodoret prays will bring “both help to the city and a reason for glory to Your Eminence” (καὶ τῇ πόλει χρεῖαν καὶ τῇ λαμπρότητί σου πρόφασιν εὐδοξίας); the city in question appears to be Hierapolis, though the letter is not fully clear.¹⁰ It would not surprise if Hierapolis, lying on a major route of communications between Antioch and Mesopotamia, might have needed to augment its water-supply in the mid-fifth century; but Procopius’ “holy city” was largely dependent on rainfall (“it provided only so much as the vagaries of rainfall did”), and this in no way describes Hierapolis.

While Hierapolis had been a famous center for the cult of the goddess Atargatis, that would hardly make it a “holy city” deserving of Anastasius’ special concern. Procopius’ “holy city” attracted many visitors, in fact “all mankind,” since it “[gained] its fame from piety and [was] superior to others by reason of the divine rites.” This is why “Indians, Persians, Phoenicians, races of Scythians, the notables of Greece, and all Ionia” con-

⁸ M. M. Mullett in *ODB* II 928.

⁹ All sources quoted from N. Elisséeff, “Manbidj,” *Encyclopaedia of Islam* 6 (1987) 377–383.

¹⁰ Theod. Cyr. *Ep.* 37 (*Coll.Sim.*) = SC 98, 100. On Sallustius, *PLRE* II 972 “Sallustius 5.”

gregate there, and when they do so “hold festival” (*panēgurizein*): this must be the meaning of the verb, not “to hear panegyrics,” and it is cleverly chosen, since it can refer to Christian “feasts” as well as to pagan celebrations.

On the other hand, none of these objections prevails against another “holy city,” Jerusalem. This indeed had grave problems with the supply of water. Old Testament sources mention several cisterns. Measures to tap outside sources are mentioned as early as King Hezekiah, who in 701 built a tunnel to bring water into the city when it faced an Assyrian siege; this may be the “Siloam tunnel” rediscovered in the nineteenth century.¹¹ In time the lack was supplied with several raised aqueducts, which apparently go back to the Hasmonean period, and were rebuilt or repaired in the second or third century, when the city had become Aelia Capitolina. Cyril of Scythopolis reports that in 520, in the fifth year of a drought, “so great was the lack of water that the poor of the Holy City (τῆς ἁγίας πόλεως) were begging for water and dying of thirst. In fact, because of the long drought and lack of rain the water had disappeared from the Siloam Pool and the Lucillian Pool; moreover, the springs of Colonia and Nephtho were much diminished.” The archbishop consulted an official named Summus, later to be *dux Palaestinae* and to receive a panegyric from Choricus, and on his advice turned to the holy monk Sabas, who prayed for rain with such effect that it filled up all the city’s reservoirs.¹² Later in the sixth century, the Piacenza Pilgrim, sometimes identified as an “Antoninus,” observes simply, “Jerusalem has no water of its own except the spring at Siloam” (*Hierusolima aquam uiuam non habet praeter in Siloa fonte*).¹³

¹¹ Hezekiah: 2 Chron. 32:30, cf. 2 Kings 20:20. Water supply of Jerusalem: G. Beer, “Jerusalem,” *RE* 9 (1914) 931; H. Geva in *New Encyclopedia of Archaeological Excavations in the Holy Land* 2 (1993) 746–747; U. Wagner-Lux, “Jerusalem I: Wasserversorgung,” *RAC* 17 (1995) 653–654; H. Bloedhorn, “Die Wasserversorgung Jerusalems in der Bronze- und Eisenzeit,” *AA* 2005, 105–118.

¹² Cyr. Scyth. *V.Sab.* 67 (p.145 Schwartz), cited by L. Di Segni, in D. Amit, J. Patrich, and Y. Hirschfeld (eds.), *The Aqueducts of Israel* (*JRA* Suppl. 46 [2002]) 60. On Summus, *PLRE* II 1038–39 “Summus.”

¹³ Anton. Plac. *Ilin.* 19 (P. Geyer, *Corpus Christianorum, Series Latina* 175

Moreover, while Hierapolis in the early sixth century could hardly have attracted visitors from “all mankind” to “hold festival,” that exactly fits Jerusalem around 500. “In the fifth century,” it has been said, “Jerusalem reached a pinnacle of population and wealth unequaled since the Herodian period.” In particular, the church of the Anastasis (Holy Sepulcher) founded by Constantine soon acquired a hospice where destitute pilgrims could stay without charge; it was here that the Younger Melania and her mother stayed on their arrival in Jerusalem in the 430’s. Wealthy residents from abroad such as Melania and the empress Eudocia, by building new churches and other religious foundations, greatly augmented both the transient and the permanent population. Justinian empowered the Patriarch to alienate church property because of the influx of visitors, “for it is clear to all men that the most holy Anastasis both receives and feeds those who collect there together from the whole world (τοὺς ἐκ πάσης τῆς οἰκουμένης ἐκείσε συρρέοντα).”¹⁴

The circumlocution for Jerusalem used by Cyril of Scythopolis, “the Holy City,” is inherited from the Old Testament and is common in Christian Greek. On the Madaba Map Jerusalem is marked with this same phrase, and a mosaic at the eighth-century church of St. Stephen, Umm er-Rasas, shows “a succession of major cities, all of which lie to the west of the Jordan River [and] begin with the holy city of Jerusalem at the top, in the place of honor and identified only as the holy city, *hagia polis*—much as it is in Arabic today, *al-quds*.”¹⁵ It might be asked why Procopius does not name Jerusalem outright, or at least use the familiar circumlocution, but the answer lies in his

[Turnholt 1965] 139); J. Wilkinson, *Jerusalem Pilgrims before the Crusades*² (Warminster 2002) 139. On this source, *ODB* III 1674.

¹⁴ Jerusalem: *ODB* II 1034. Melania: Geront. *V.Melan.* 35 (D. Gorce, SC 90 [1962] 192 with n.3). Justinian: *Nov.* 40 praef. (p.258 Schoell-Kroll). Cf. E. D. Hunt, *Holy Land Pilgrimage in the later Roman Empire, AD 312–460* (Oxford 1982) 145.

¹⁵ G. W. Bowersock, *Mosaics as History* (Cambridge [Mass.] 2006) 73, with plate of entire panel on p.12 and detail showing vignette of Jerusalem (ἡ ἁγία πόλις [sic]) p.74. See also D. Feissel, *Bull.épigr.* 1990, 946 = *Chroniques d'épigraphie byzantine 1987–2004* (Paris 2006) no. 905.

thoroughgoing classicism, evident in many ways. The speech observes Byzantine rules of accentual prose-rhythm, but in its verbal style and its frame of reference it shows almost no trace of its time, and in particular no overt references to Christianity. Hence, as has happened to other authors of Late Antiquity, Procopius has seemed to be not a Christian, or at least not yet one.¹⁶ In tracing the emperor's origin back to his native Epidamnos, he draws on Thucydides to make his subject a descendent of Heracles, and even of Zeus, whom he adjures with the classical oath "by Zeus," *μὰ Δία* (6). All his historical examples are drawn from the classical period of Greek history: Pausanias the Spartiate, Agesilaos, Philip, Alexander. The Isaurians, with whom Anastasius had recently concluded a difficult war, are the "Solymoi" (9), a term borrowed from Homer.¹⁷ Soldiers are "servants of Ares" (*therapontes Arêos*), another Homeric phrase. The influence of Aelius Aristides, above all of his *Panathenaicus*, is palpable everywhere. There is no direct mention of the Christian God, but only references to "a certain divine decision" or "the divine favor" (*δόγμα τι θεῖον*, 5; *τὸ θεῖον εὐμενές*, 29). Hence *Hierosolyma* would not have been sanctioned by classical usage, since the first instance in "pagan" Greek is in Polybius (16.39.4). The expression Procopius does use, "There is a holy city" (*πόλις ἐστὶν ἱερά*), enables him both to hint at the actual name, and to use the more classical *hiera* in preference to *hagia*.

Procopius refers to "Indians, Persians, Phoenicians, races of Scythians, and the notables of Greece and all Ionia" as visitors to the "holy city." A hundred years before, Jerome had used very similar language and mentioned several of the same peoples: "from India, from Persia, and from Ethiopia we welcome crowds of monks every hour. The Armenians have laid aside their quivers, the Huns are learning the psalter, the frosts

¹⁶ Thus Niebuhr xxxiii, "(Procopium) paganum adhuc religione fuisse, nemo dubitabit qui genus Anastasii ab illo ad Iovem referri attenderit."

¹⁷ Cf. Theod. *Hist.Rel.* 10.5 (*PG* 82.1392A; *SC* 234, 444), τῶν πάλαι μὲν Σολύμων, νῦν δὲ Ἰσαύρων ὀνομαζομένων; *Zos.* 4.20.1, Ἰσαυροὶ (καλοῦσι δὲ αὐτοὺς οἱ μὲν Πισίδας, οἱ δὲ Σολύμους, ἄλλοι δὲ Κίλικας ὄρειους).

of Scythia are warmed by the fire of faith.”¹⁸ Especially with so strict a stylist as Procopius, there is not much point in asking exactly which lands he means by most of these terms. “Indians” could be from the Indian subcontinent, but possibly from some nearer region such as Ethiopia or south-east Arabia.¹⁹ Similarly “Scythia” is very vague: thus Philostorgius speaks of “the Scythians across the Ister, whom the ancients called Getae, but are nowadays called Goths,” and also speaks of “Scythia within the Danube,” that is, the province of Scythia Minor in the Danube Estuary.²⁰ Procopius’ “Persians” no doubt refers to the numerous Christians of the Sassanid empire, who had grown in numbers after the Nestorian controversy of the previous century. His distinction between “the notables of Greece (*Hellas*)” and “all Ionia” perhaps contrasts the Greek heartland, where paganism still flourished, with Asia Minor, for which “Ionia” perhaps stands by metonymy. Nonetheless, the empress Eudocia herself, the consort of Theodosius II, was of Athenian origin, and at some date perhaps in the seventh century a native of Elateia in Phocis brought back a stone allegedly from Cana in Galilee where Jesus turned the water into wine; an inscription not much later in date from Amaseia in Pontus contains the verse, “Here are many specimens of the land trodden by God” (θεοστιβοῦς γῆς ὧδε πολλὰ δείγματα).²¹ It is notable that Procopius does not mention pilgrims from the west, since the earliest extant pilgrim accounts are both written by westerners, the Bordeaux Pilgrim of 333 and Egeria in 381–384. The reason is probably the

¹⁸ Hier. *Ep.* 107.2, as translated by F. A. Wright, *Jerome: Select Letters* (Loeb) I 342; cf. Hunt, *Pilgrimage* 54, calling this language “extravagant.”

¹⁹ Cf. A. Dihle, *RAC* 18 (1996) 15, 46. On the early history of Christianity in India, S. Neill, *A History of Christianity in India: The Beginnings to AD 1707* (Cambridge/New York 1984) ch. 2, “Christianity Comes to India.”

²⁰ Philostorg. 9.17, 11.8 (pp.123.10, 137.24 Bidez-Winkelmann). For the term “Scythian” in Late Antique texts, both Jewish and Christian, D. Goldberger, *JJS* 49 (1998) 87–102.

²¹ Elateia: Ch. Diehl, *BCH* 9 (1885) 32–36 (H. Leclercq, *Dar.-Sag.* 2.2.1816–17; B. Bagatti, *OCP* 15 [1949] 157 no. 75). Amaseia: G. E. Bean, *Belleten* 17 (1953) 171 no. 9, with the commentary of J. and L. Robert, *Bull. épigr.* 1958, 483. On *eulogiae* from the Holy Land, Hunt, *Pilgrimage* 128–135.

general tendency of authors writing in Greek under the “New Rome” to ignore the west, all the more if they could thus avoid ethnic adjectives not sanctioned by classical authors.²²

An argument in favor of Hierapolis and against Jerusalem might be extracted from the phrase with which Procopius moves to discussing Caesarea in the next paragraph, *πάλιν τὰ καθ’ ἡμᾶς*. Chauvot translates “Revenons vers nos régions,” as if the previous “holy city” was in another region altogether. If that is indeed the meaning of the phrase, it could be intended to contrast Caesarea with the “holy city” positioned towards “the rising sun”; but the expression could also mean, “Again in our region,” especially if printed as part of the same sentence that follows, *τοῦ Καίσαρος πόλιν ἐπώνυμον ... οὐ περιείδες*, and not isolated with a period as in printed texts.

It becomes imperative to ask if the archaeology of Jerusalem supports the identification proposed here. The city’s water-system has been intensely discussed in recent years. There are four aqueducts, of which two, the Arrub and the Wadi el-biyar ones, end at Solomon’s pools south-west of Bethlehem, and two, the “High Level” and the “Low Level” ones, continue from that point to the city, so that there is some disagreement about the nomenclature.²³ The High Level one was apparently built in the reign of Herod the Great on a Hasmonean base, but reinforced in Byzantine times, since “over the aqueduct and next to it were added repairs and reinforcements built in the Byzantine period; Byzantine fill was also exposed at the expected level.” The Low Level aqueduct was also “repaired during the Byzantine period.”²⁴ Procopius’ expression, “raising water-conduits into the air,” might suggest that he is thinking of the High Level aqueduct, but probably refers to “repairs and reinforcements” of the system in general.

²² For the fading memory of the “first” Rome after the foundation of Constantinople, G. W. Bowersock, *StudStor* 47 (2006) 977–991, especially 981–987.

²³ A. Mazar in *Aqueducts of Israel* 213, with map on 210; see also *The Barrington Atlas*, Map 70, G2.

²⁴ High Level: D. Amit in *Aqueducts of Israel* 256. Lower Level: Y. Billig, *ibid.* 249.

Both the High and Low Level aqueducts go through Bethlehem on their way to Jerusalem. An inscription datable to the sixth century, first seen in the hands of an antiquities dealer in Jerusalem, originally stood near one of these aqueducts in the vicinity of Bethlehem.²⁵ The text is as follows:

† Φλ(άουιος) Αινίας σιλεντιά[ρι]/ος κήτορσιν, ἐγλήμπ/τορσιν
καὶ γεωργοῖς· γινώ[σ]/κετε ὡς ὁ θιότατος καὶ εὖσε/β(έστατος)
δεσπότης ὅλης οἰκουμέ/νης ἐθέσπισεν μὴ ἐξεῖνα/ί τινει ἀπὸ ιε'
πο(δῶν) ἐξ ἑκατέρου μέρους τοῦ ὕδραγωγίου/υ κατὰ τὰς θίας
διατάξις //¹⁰ ἐπὶ τὰ ἔσω μέρη σπίρην ἢ / φοιτεύειν. εἰ δέ τις τοῦτο /
ἐπιχρήση ποιῆσαι, κεφα/λικὴν ὑπομένει τιμωρί/αν καὶ τὸ κτήμα
αὐτο//¹⁵ὸ δημεύετε. τὸ δὲ μέτρο/ν τοῦ ποδὸς ὑποτέτακται τούτοις
τοῖς τύποις. †

Flavius Aeneas, silentiary, to possessors, contractors, and farmers. Know that the most divine and pious master of the whole world has ordained that it is forbidden to anyone to sow or plant within fifteen feet on either side of the aqueduct according to the divine dispositions. If anyone attempts to do this, he is subject to the capital penalty and his property is confiscated. The measure of the foot is appended to these decrees. (There follows a line indicating the length of the foot.)

The inscription has usually been dated to the reign of Justinian. Thus M. Amelotti in his edition of 1985, while admitting that the arguments are “più o meno fragili,” mentions two: first, that the title ὁ θειότατος καὶ εὖσεβέστατος first appears in the papyri with Justinian, and second that the office of silentary assumed particular importance in his reign.²⁶ Against the first is that the two epithets are here used by an official referring to the emperor, and not incorporated in the emperor’s official titulature, and such informal usages, as with

²⁵ First publication by N. Svensson, *Kungl. Humanistiska Vetenskapssamfundet i Lund, Årsberättelse 1925–1926*, 65–72, with photograph; *SEG VIII* 171, with further bibliography; transl. in A. C. Johnson, P. R. Coleman-Norton, F. C. Bourne, *Ancient Roman Statutes* (Austin 1961) 253 no. 319, and by di Segni in *Aqueducts of Israel* 58–59, with photograph (*SEG LII* 1617; D. Feissel, *Bull.épigr.* 2005, 527); see also D. Milson, *ZDPV* 119 (2003) 166 with fig. 3.

²⁶ M. Amelotti in M. Amelotti and L. Migliardi Zingale, *Le Costituzioni giustiniane nei papiri e nelle epigrafi*² (Milan 1985) 113–114 no. 8 (mistakenly giving the provenance as Jerusalem).

optimus and *theiotatos* in the early Empire, can often precede their official adoption by decades.²⁷ As for the second, Anastasius himself was a silentiary at the time of his accession. Leah Di Segni has recently argued for an emperor later than Justinian, perhaps Maurice. Her reasons are, first, that this ordinance renews one that goes back originally to 9 B.C.E., and the latest known reaffirmation in the *Justinianic Code* is of the emperor Zeno:²⁸ and yet the text must be later than his reign, both because of the script and because of the title *theiotatos*. Second, the penalties laid down in the *Code*, proscription and confiscation, are lighter than the “capital punishment” of this decree, which must therefore must be subsequent to the *Code*. Against this last argument, Denis Feissel has observed that “capital punishment” implies only loss of citizen rights, for example by banishment to an island, not necessarily death.²⁹

While it would be rash to infer from Procopius that the inscription must refer to Anastasius, nevertheless the juxtaposition with his speech is at the least intriguing. The very next ruling in Justinian’s code after that of Zeno (11.43.11) is one of Anastasius, though this one concerns the right to tap water from aqueducts, not planting in their vicinity. A certain Theodosius, who wrote an extant work *De situ terrae sanctae* sometime shortly after the reign of Anastasius, mentions his building of a church of John the Baptist by the Jordan and his refoundation of the city of Dara in Mesopotamia as Anastasioupolis, but says nothing about an aqueduct for Jerusalem. Since, though, he is almost exclusively concerned with the city’s holy sites, this silence is not very telling. It may be more relevant that he mentions an action of the *praepositus sacri cubiculi*, Urbicius, who had been partly responsible for the elevation of Anastasius to the purple. This man wanted to make an altar by hewing a piece out of a rock three miles from Jerusalem where Mary had

²⁷ *Optimus*: S. Mitchell, *JRS* 66 (1976) 117. *Theios, theiotatos*: L. Robert, *OMS* II 833 with n.2 (*REA* 1960); J. Rougé, *RPhil* 43 (1969) 83–92 (J. and L. Robert, *Bull.épigr.* 1970, 136).

²⁸ Frontin. *Aq.* 126–127; *Cod.Theod.* 15.2.1 (Constantine), *Cod.Just.* 11.43.4 (Theodosius), 11.43.10 (Zeno).

²⁹ Feissel, *Bull.épigr.* 2005, 527.

dismounted on her way to Bethlehem. Though he intended to have the block transported to Constantinople, miraculously a team of oxen could get it no further than the gate of St. Stephen in Jerusalem, so that instead it came to serve as an altar in the Anastasis. This rock must already have been incorporated in the so-called Kathisma (“Sitting Place”), a church built in the fifth century at the place where Mary allegedly rested. Recently rediscovered, this church proves to have been octagonal in shape with the rock at its very center, and the actual rock (now only a flattened platform) survives.³⁰ The generosity of Urbicius to Jerusalem itself is attested by the Syriac chronicler known variously as Joshua the Stylite or Pseudo-Dionysius of Tel Mahre. He reports under the year 504/5 that Urbicius “had made rich gifts in the area of Jerusalem and other places,” and that in the same year, when Anastasius gave money for the reconstruction of Edessa, Urbicius gave ten pounds of gold for the building of a church of the Virgin there.³¹ Since he seconded the emperor’s activity in Edessa, and was a benefactor of Jerusalem, he might have influenced the emperor’s decision to increase the water supply of the Holy City. It does not seem possible to identify this Aeneas with any of the other known holders of the name, though an Aeneas who was a fellow-citizen of Procopius and educated in law is an attractive candidate.³²

To summarize, Procopius’ “holy city” to which people of all nations congregate, which lacked water, but was relieved at some date prior to 501 or 502 by the beneficence of Anastasius, is surely Jerusalem, and not Hierapolis in Syria. Some ten years

³⁰ Theodosius *De situ Terrae Sanctae* 20 (church of John), 29 (Dara), 28 (Urbicius) (Geyer 113–125). On Urbicius, E. Honigmann, “Urbikios 3,” *RE* 9A (1961) 992–994; *PLRE* II 1188–90 “Urbicius 1.” On the Kathisma, R. Avner, “The Recovery of the Kathisma Church and its Influence on octagonal Buildings,” in G. Claudio Bottini, L. Di Segni, L. Daniel Chrupcala (eds.), *One Land – Many Cultures: Archaeological Studies in Honour of Stanislaw Loffreda OFM* (Jerusalem 2003) 173–185. I am very grateful to Oleg Grabar for alerting me to this discovery and supplying bibliography.

³¹ Josh. Styl. *Chron.* 84, 87 (A. Luther, *Die syrische Chronik des Josua Stylites* [Berlin/New York 1997] pp.86, 89).

³² *PLRE* II 17 “Aeneas 4”; the silentary is *PLRE* III 20 “Fl. Aeneas” 2.

later, in 511, a nearly fatal breach occurred between Anastasius and the Jerusalem church, since the patriarch Elias was a fervent supporter of Chalcedonian orthodoxy, while the emperor had Monophysite tendencies. The patriarch therefore sent a delegation to the emperor, in which the monk Sabas both reconciled the emperor with Elias, and persuaded him to annul financial burdens recently placed on the Anastasis and other holy places.³³ But at the time of Procopius' speech this dispute lay in the future, and Jerusalem took first place in his catalogue of cities favored by the emperor.³⁴

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³³ Cyr. Scyth. *V.Sab.* 50–54 (pp.139–147 Schwartz). For the background, Bury, *History* 438–441.

³⁴ I am grateful to Glen Bowersock and to the others who commented on a version of this paper at Princeton University in March 2007, and to the anonymous referee for *GRBS*.