

ZEITSCHRIFT  
FÜR  
PAPYROLOGIE UND EPIGRAPHIK

*herausgegeben*

*von*

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## A MANDATE FROM THE GREAT OASIS

One of the pleasures of the long-awaited appearance of the first volume of R. P. Salomons' *Papyri Bodleianae* is the publication of nine texts from the Great Oasis, part of the same group published in part by A. H. Sayce in 1894, in part in *P. Grenf.* II 68-78, with a few scattered elsewhere.<sup>1</sup> Among the new Oasite texts are two mandates (*P. Bodl.* I 32 and 33), which join a pair published by Sayce (SB I 4651, 4653) and *P. Grenf.* II 71 = *M. Chr.* 190. Like the rest of the dossier, most of the pieces of which concern *nekrotaphoi*,<sup>2</sup> the mandates are somewhat dispersed in time, but most of them belong to a period of about a decade in the middle of the third century. SB I 4653, in which the mandatary is (as Bingen recognized) Sarapion alias Philosarapis, dates from 240/1; *P. Bodl.* 32, which has lost its date, is issued to the same man and may well date to the same time. *P. Grenf.* II 71, addressed to the Kysite Aurelius Marianos son of Nachtis (a witness in *P. Bodl.* 32), belongs to the reign of the Philippi. SB I 4651 is dated to 250/1; the mandatary's name is lost, but he was a Kysite and could perfectly well have been Marianos. All four concern public registration (δημοσίωσις) of documents in Alexandria. In those where the early part is at least partially preserved, the formula is ὁμολογεῖ ὁ δεῖνα τῷ δεῖνι ἀποσυνεστηκέναι αὐτὸν ... καταπλέοντα εἰς Ἀλεξάνδρειαν δημοσιῶσαι παρὰ τῷ ἀρχιδικαστῆ χειρόγραφον.

Against the background of these four texts, *P. Bodl.* 33 stands out. It is, the editor argues, to be dated ca 300 or a bit after.<sup>3</sup> It uses a first-person formula and does not concern Alexandria. The editor has restored and interpreted the text to be a mandate to assume a liturgy on the writer's behalf. About half of the text is lost at left, probably the result of breakage along a center fold plus additional damage, and the lower part of the papyrus is also lost. The editor's text reads as follows:

Αὐρηλία Ἀσκαταρ]ία Σύρου τοῦ Πεξε-  
 χῶντος νεωτέρου νεκροτάφῃ τοπαρ-  
 χίας Κύσεως τῆς Ἰ]βιτῶν πό]λεως  
 4 ca. 14 letters ] νεκροτάφῃ τῆς αὐτῆς  
 τοπαρχίας χαίρ]ειν. Ὁμολογῶ ἀποσυ-  
 στησαί σε ἀ]ποδημῆσαι ἐπὶ τὴν ἄνω  
 . . . . . ]ν τὴν χώραν μου ἀποπλη-  
 8 ρῶσοντα ἐ]πὶ τοῦ προέδρου τῆς Μωθι-  
 τῶν πό]λεως κληρωθῆναι δι' αἰτή-  
 σεώς μου ἀκο]λύθως τῆ ἐκδοθείσῃ  
 ὑπὸ τοῦ ca 9 l. ] ὑπ[ογρ]αφ[ῆ]

The restorations of only one line may be regarded as certain, that of line 9. In line 6, one might look for the perfect infinitive found in the other mandates, divided σὺλνεστηκέναι, which would be acceptable.

<sup>1</sup> See generally J. Bingen, *Cd'E* 39 (1964) 157-66, who joined SB I 4654 and 4655 and corrected the other texts.

<sup>2</sup> On which Salomons gives a useful bibliography, p. 93, note to lines 2-6.

<sup>3</sup> This seems to me likely to be correct, but not for the reasons given. The basis for the editor's date is largely the occurrence of the office of *proedros*, which the editor takes not to have existed before about A.D. 300. He also suggests that the *terminus ante quem* may be 307/8, when the toparchies disappeared (although he notes the occasional anachronistic use of the term after that date). As to the *proedros*, the occurrence in *P. Panop. Beatty* 1 (298) certainly cannot be discounted. More importantly, Skeat showed there (p. xxxiii) that *P. Got.* 7, with a *proedros*, was probably to be dated to the middle of the third century. More to the point is the fact that Mothis is attested as a city, and the Mothite as a nome separate from the Hibite, no earlier than 308 (*P. Grenf.* II 75). In 301 the Hibite is attested, but it is hard to say if this is evidence for the separation of the Hibite and Mothite by that date (as argued in *P. Kell.* I 41.4n.) or for the fact that the Dakhleh Oasis was still part of the Hibite. For further discussion, see the introduction to my publication of the *Kellis Agricultural Account Book*, section 4(h). As to the *terminus ante quem*, the difficulty with the editor's criterion is that the term toparchy does not occur clearly read anywhere in the text, as the reading in line 2 is anything but clear and the other supposed instances were restoration or suggested restoration. A stronger argument is that nothing in the entire dossier has a preserved date later than 308.

The object (αὐτόν in the third-person formula) follows immediately after the infinitive. The editor's restoration gives 9 letters; the perfect would require 13. Line 9, with line 8, is at the widest point of the preserved papyrus, and the difference in preserved width allows about four additional letters in line 6. The editor's restoration thus tallies exactly ( $5 + 4 = 9$ ), where the perfect would be four letters longer, so it may be regarded as reasonably certain.

By the same token, however, line 8 may make us uneasy with its 8 letters, even though it has exactly the same size lacuna as line 9; and line 10 should be only a letter or so longer (i.e., 6-7), where it has 10 in the restoration. Now the editor saw the possibility of restoring διαιτητήν at this place, but rejected it because of "the fact that this functionary is only attested for the Ptolemaic and Late Byzantine periods. Moreover, the function is not known as a compulsory service" (note to lines 9f.). The latter objection is weak, because it assumes the correctness of the editor's interpretation of the papyrus as having to do with appointment to liturgy. I shall argue that this interpretation is incorrect. The former objection is equally without foundation. A case held before a διαιτητής, a "delegated arbitrator" in Revel Coles's description, is recorded in *P. Oxy.* LIV 3764, dated *ca* 326. The person in question was a councillor evidently appointed for this case. Not only does this papyrus provide a roughly contemporary instance of the use of an arbitrator, but it suggests that διαιτητήν is an excellent subject for κληρωθῆναι. Now that we do not need μου in line 10 either, the restoration is reduced to 6 letters, just what the space requires.

With σε no longer seen as the subject of κληρωθῆναι, the need for the participle of line 8 is removed, and we may restore instead the infinitive ἀποπλη[ροῦν ἐ]πί κτλ. As line 8 requires the same width of restoration as line 9 (5 letters), this restoration fits well. We are, however, left with difficult questions about the overall structure of the sentence.

In line 7, the editor did not restore anything, but his note ad loc. says that "the most attractive restoration of the beginning of 1.7 is τὴν ἄνω [7τοπαρχία]ν, which commonly has the meaning of 'southern toparchy' in Egyptian topography ... The rather vague order given to the mandatary of the present papyrus 'to travel to the southern toparchy etc.' perhaps means that he is to go to Mothis in the ἄνω-toparchy to meet with the president of the council." This hypothesis raises several difficulties. One is that the distinction of upper and lower toparchies in Egypt has to do with north-south position along the Nile, and in the middle of the western desert such terminology has no meaning. A second is that there is no evidence for ἄνω and κάτω in the naming of toparchies in the Mothite Nome (the Dakhleh Oasis). On the contrary, the evidence known so far points to the naming of toparchies after their chief places (see *P. Kell.* I G. 28.5n.). Moreover, given that the parties are from the Hibite, the toparchy would have had to be identified by the name of the nome, not only that of the toparchy, at first mention.

A more attractive restoration is χώραν, with ἄνω meaning "further away from the Nile, inland" as it so often does once the axis of travel is no longer the Nile valley. The ἄνω χώρα with respect to the Hibite is indeed the Mothite, some 150 km to the west. Of course the use of χώρα immediately afterward to refer to the 'place' or 'stead' of the writer would make the phrasing rather awkward, but the sense does seem correct. Now roughly 10 letters should stand before the nu of τήν, and χώραν and τη occupy 7 of them, indicating that a few letters should still be accounted for. At this point we may recollect that the sentence structure is harsh: ὁμολογῶ ... ἀποσυστήσαι σε ... τὴν χώραν μου ἀποπληροῦν. One wants something to bring ἀποπληροῦν into a more defined relationship with what precedes. The best possibility seems to be ὥστε. This would slightly overload the lacuna, but only by one letter, and that seems within the margin of possibility. The traces in this part of the line are very slight, and I cannot say for certain whether we should read ὥστ[ε] τήν, which is what the editor's text might encourage, or ὥστ[ε]τ[ε] τήν, which would fit the overall space requirements better.

There is still a difficulty in the following lines, in that the phrase with κληρωθῆναι is still not provided with a satisfactory construction. The editor's text certainly did not provide one: ὁμολογῶ ἀποσυστήσαι σε ... τὴν χώραν μου ἀποπληρώσαντα ... κληρωθῆναι. But neither does the sharp shift of "I acknowledge that I have authorized you to travel so as to act in my place ... for an arbitrator to be chosen." One would like an εἰς τὸ before κληρωθῆναι or perhaps in the lacuna in 8 before ἐ]πί. But it is

not there before κληρωθῆναι, it is hard to see that space could be found for it in the lacuna in 8, and I do not see any other solution to the problem. Since infinitives of purpose after verbs of motion are well attested in the papyri, it seems most probable that the writer simply wrote an infinitive without any other construction.<sup>4</sup>

We must now turn back to the opening lines. The restorations are ambitious and represent the editor's invention of a daughter for the Syros son of Petechon the younger known in *SB I 5679* and *P. Grenf. II 78*, both dated to 307. The justification of the invention is (a) the length of the lacuna in line 1, and (b) the existence of a Petechon in *P. Grenf. II 71* whose mother was named Asklataria. The first of these is reasonable, although I would be more inclined to put the lacuna at 13-14 letters. The second, however, is without foundation. The Petechon who has a mother named Asklataria is not Petechon νεώτερος who was the father of Syros. Moreover, there is a chronological difficulty. The Syros of *P. Grenf. II 78* is a married man with apparently minor children, whose wife and children have been claimed as slaves. The writer of *P. Bodl. 33* is an apparently adult woman acting on her own. And yet the latter text is supposed to be at least no later than the former. Given the very uncertain reading of Πετε[χώντος], the overall restoration is at best speculative.

The restoration of τοπαρχίας in line 5 is also uncertain. The lacuna at this point should be about 11 letters, where the restoration requires 13. Given that the only certain topographical indication earlier in the text is the city of the Hibites (line 3), restoration of πόλεως, leading to a restoration of 10 letters, seems more likely. As to line 2, I cannot see anything except specks. Overall, then, it seems better to adopt a policy of prudent non-restoration for lines 1-4, with indicated length of lacuna about one letter shorter than shown by the editor.

The mandate will, on the view proposed here, be much more like the others published from the Great Oasis than the editor's text suggested. The writer, a woman from the Hibite, authorizes the recipient to represent her at a hearing before the *proedros* of the Mothite nome at which an arbitrator will be appointed. One may suppose that the arbitrator will be designated to hear a matter in which the writer is involved, perhaps concerning property in the Mothite; but the present hearing is a purely procedural step and her representation at it can be left to a mandatary. Because the papyrus was presumably part of the same find as the others, it is likely that the mandatary (who kept the papyrus) was not only a *nekrotaphos* but specifically one from Kysis (Dush). That does not, however, tell us anything about the mandator, who could have come from elsewhere: simply ἀπὸ τῆς Ἰβιτῶν πό[λ]εως, or ἀπὸ κώμης -- τῆς Ἰβιτῶν πό[λ]εως, or as the editor suggests, ἀπὸ τοπαρχίας Κύσειως τῆς Ἰβιτῶν πό[λ]εως.

The results of the above discussion are the following text:

	[ ca 13 ]	ία Σύρου τοῦ Πετε-
	[ ca 13 ]	traces
	[ ca 8 ]	τῆς Ἰβιτῶν πό[λ]εως
4	[ ca 12 ]	νεκροτάφῳ τῆς αὐτῆς
		[πόλεως χαίρ]ειν. ὁμολογῶ ἀποσυ-
		[στήσαι σε ἀ]ποδημῆσαι ἐπὶ τὴν ἄνω
		[χώραν ὡστ]ε τὴν χώραν μου ἀποπλη-
8	[ροῦν ἐ]πὶ τοῦ προέδρου τῆς Μωθι-	
		[τῶν πό]λεως κληρωθῆναι διαιτη-
		[τὴν ἀκο]λούθως τῇ ἐκδοθείσῃ
	[ὕπὸ ca 11 ]	ὑπ[ογρ]αφῆ

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<sup>4</sup> See B. Mandilaras, *The Verb in the Greek Non-Literary Papyri* (Athens 1973) 320 §770.

## JUDAH'S BIGAMY

*Non multa verba.* In *ZPE* 109 (1995) 128-32, citing many details of Jewish custom and law, Ranon Katzoff argues in effect that, since Jewish society was—with, granted, a few known exceptions—essentially monogamous in the second century CE, absent evidence to the contrary we should interpret *P. Yadin* 26 and 34 to mean that Judah son of Eleazar Khthousion had divorced his first wife, Miriam, before he married Babatha.

The argument founders on the presence of evidence which, on its face, argues the contrary. It lies in the expression "my and your late husband," μου καί σου ἀνδρὸς ἀπογενομένου, *employed by both women*. In their dispute over rights to Judah's property, it is understandable that Miriam, even if a divorcee, would use that expression putting herself on a par with Babatha; but it is inconceivable that Babatha, if Judah's sole wife at the time of his death, would tolerate such language—in fact, she is the first to use it, and Miriam merely repeats it—blurring the distinction between herself, the lawful wife, and a divorced former wife.

Katzoff is aware of the problem. "Lewis would argue," he writes, "[that] while it would be in Miriam's interest to put herself, though a divorcee, on a par with Babatha in the phrase 'my husband and yours,' why would Babatha use such a phrase? I would answer that..." (p. 128). But what follows is Katzoff's argument from contemporary mores (summarized in the first paragraph, above); the point about the use of the same expression by both women is not discussed at all, but is perhaps dismissed by implication in a remark about "the ambiguity of the evidence" (p. 131). As to that, the simple, unforced sense of μου καί σου ἀνδρὸς ἀπογενομένου is that both women were wives (now widows) of the deceased, not one a wife and the other a divorcee. Therefore the burden of proof—linguistic, not cultural—rests upon those who would argue otherwise, and Katzoff has not discharged that burden.

The circumstances that led Judah to take Babatha as a second wife are not stated in the extant documents, but reading between the lines suggests some possibilities. He may well have regarded her as an attractive prize: she was a young widow and rich (in *P. Yadin* 17 she lends him money). For her the appeal of the marriage would be (*imprimis inter alia?*) the end of her widowhood, an unenviable state. Also, it may be significant that these Jewish families were not living in Judaea, but—in Babatha's case for at least two generations—in an area populated by Nabataeans. Proto-Arabs in the view of some (or most?) scholars, the Nabataeans may well have practised polygamy. We see in the apocryphal Book of Tobit that during the exile in Media Jews, living "far and across an international border from the family home," departed from Jewish marriage custom in violation of the injunction in Numbers 36:6-9. (The quotation is from R. Katzoff, *Classical Studies in Honor of David Sohlberg* [Ramat Gan, 1996], pp. 228-29.) When in Rome, as the saying goes, do as the Romans do. When *apud Nabataeos*...

## INHALT

Agosti, G., The ποικιλία of Paul the Bishop	31
Arnott, W. G., First Notes on Menander's Sikyonioi	1
Bagnall, R. S., A Mandate from the Great Oasis	149
Birley, A. R., Hadrian and Greek Senators	209
Bogaert, R., La Banque en Égypte Byzantine	85
Cotton, H. M., 'Η νέα ἐπαρχία Ἀραβία: The New Province of Arabia in the Papyri from the Judaeian Desert	204
Cribiore, R., Literary School Exercises	53
Dise Jr., R. L., Trajan, the Antonines, and the Governor's Staff	273
Dise Jr., R. L., Variation in Roman Administrative Practice: the Assignments of <i>Beneficarii Consularis</i>	284
Eck, W. – Roxan, M. M., A Diploma of Moesia Inferior: 125 Iun. 1	193
Ferreiro, A., Veremundu R(eg)e: Revisiting an Inscription from San Salvador de Vairão (Portugal)	263
Gargiulo, T., Fr. com. adesp. 1152,44 K.–A.	11
Gregori, G. L., Alcune iscrizioni imperiali, senatore ed equestri nell' Antiquarium Comunale de Celio	161
Hagedorn, D., Die „Kleine Genesis“ in P. Oxy. LXIII 4365	147
Harris, E. M., A Note on the Constitution of the Five Thousand	300
Hatzopoulos, M., Alexandre en Perse: la revanche et l'empire	41
Horstkotte, H. – Yakobson, A., “Yes, quaestor.” A Republican Politician Versus the Power of the Clerks	247
Jakobi, R., Zum neuen Tiberius Claudius Donatus	28
Jördens, A., P. Bodl. I 82: Ein προχρεία-Vertrag	81
Kloss, G., Die dritte Kolumne des <i>Carmen de Bello Actiaco</i> (P. Herc. 817)	21
Lalleman, P. J., Classical Echoes (Callimachus, Chariton) in the <i>Acta Iohannis?</i>	66
Lewis, N., Judah's Bigamy	152
Luppe, W., Nachlese und Überlegungen zum Mythographus-Homericus-Codex P. S. I. 1173	13
Nünlist, R., Zu den Lukrez-Buchrollen aus Herculaneum	19
Peachin, M. – Preuß, G., CIL VI 3836 (= 31747). Die Karriere des Aspasius Paternus?	176
Preuß, G. – Peachin, M., CIL VI 3836 (= 31747). Die Karriere des Aspasius Paternus?	176
Quecke, H., Eine griechisch-ägyptische Wörterliste vermutlich des 3. Jh. v. Chr. (P. Heid. Inv.-Nr. G 414)	67
Ridley, R. T., The Missing <i>Magister Equitum</i>	157
Roxan, M. M. – Eck, W., A Diploma of Moesia Inferior: 125 Iun. 1	193
Schmelz, G., Septuaginta-Fragmente aus der Heidelberger Papyrussammlung	61
Sosin, J. D., P. Duk. inv. 677: Aetos, from Arsinoite Strategos to Eponymous Priest	141
Tracy, St. V., T. Calestrius Tiro Proconsul of Achaia?	153
Walbank, M. B., Two Notes on Leases of Sacred Property in Attica	39
Williams, M. H., The Meaning and Function of <i>Ioudaios</i> in Graeco-Roman Inscriptions	249

Yakobson, A. – Horstkotte, H., “Yes, quaestor.” A Republican Politician Versus the Power of the Clerks	247
Inscriptiones Graecae: Stellungnahmen	301
Mitteilung	304