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AMERICAN STUDIES IN PAPYROLOGY

AMERICAN STUDIES IN PAPYROLOGY

International Congress of Papyrology, 12th, University of Michigan, 1970.

AMERICAN STUDIES IN PAPYROLOGY
VOLUME SEVEN

PROCEEDINGS OF THE

TWELFTH INTERNATIONAL CONGRESS OF PAPYROLOGY

Edited by
DEBORAH H. SAMUEL

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THE TWELFTH INTERNATIONAL CONGRESS OF PAPYROLOGY

This was the first international congress of papyrology ever held in North America. It was organized by the American Society of Papyrologists and held at the University of Michigan. We would like to express our gratitude to the Classics Department of the University of Michigan, and in particular to Professors Gerald Else and Herbert C. Youtie, for their assistance in providing such excellent facilities for the congress. Professor William H. Willis was also extremely helpful in making local arrangements. To Mrs. Elinor M. Husselman and other members of the staff of the Kelsey Museum we are grateful for a pleasant reception in the museum. We thank the University of Michigan for all of its hospitality, and especially for the magnificent banquet which it provided in honor of participants in the congress.

It would not have been possible to hold the congress in the United States had it not been for a generous grant from the American Council of Learned Societies which helped to defray the transportation expenses of foreign scholars.

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TUESDAY, AUGUST 13

10.00 A.M.
OPENING OF THE CONGRESS

Greetings: Allan F. Smith, Vice-President for Academic Affairs, University of Michigan

10.30 A.M.
SYMPOSIUM: THE BACKGROUND OF PTOLEMAIC INSTITUTIONS

Speakers: C. B. Welles, A. E. Samuel
Discussant: J. Bingen

2.00 P.M.

SECTION A

E. Boswinkel, Ein Reskript des Kaisars Gordian III an der Rat von Antinoopolis
R. Coles, The Date of the Commencement of the Prefecture of Avidius Heliodorus
P. J. Parsons, M. Aurelius Zeno Januarius
J. R. Rea, Cn. Domitius Philippus, *Praefectus Vigilum, Dux*
A. Swiderek, The Date of the Prefecture of Baienus Blastianus
E. M. Husselman, Procedures of the Record Office of Tebtunis in the First Century A.D.

SECTION B

G. Häge, Die μὴ ἐλαττουμένου-Klausel in den griechischen Papyri Aegyptens
R. Katzoff, BGU 19 and the Law of Representation in Succession
H. Kupiszewski, Antichresis in the Papyri
H. Maehler, Neue Dokumente zum Drusilla-Prozess
H. Meyer-Laurin, Billigkeitserwägungen griechischer Beamten in ptolemäischen Aegypten
J. Modrzejewski, La règle de droit dans l'Egypte romaine

7.30 P.M.
COMPUTER USES IN PAPYROLOGY

T. C. Skeat and E. G. Turner, P. Oxy. XXXI on Computer
E. Evrard, Exploitation automatique de la documentation papyrologique: description d'un traitement en ordinateur
A. Bodson, Exploitation automatique de la documentation papyrologique: application à un corpus
A. Tomsin, Les papyrologues et le travail papyrologique par ordinateur
R. Glickman, The Computer and Literary Research: Basic Considerations in System Planning

WEDNESDAY, AUGUST 14

8.45 A.M.

SECTION A

G. Cavallo, Unità e particolarismo grafico nella scrittura greca dei papiri
I. Grumach, On the History of a Coptic Figura Magica
R. Roca-Puig, Frases "extra-textum en P. Barc. Inv. 154b-157
F. Gignac, The Language of the Non-Literary Papyri

SECTION B

I. Biezunska-Malowist, Le recensement et le contrôle public des esclaves dans l'Egypte gréco-romaine
D. Bonneau, L'administration de l'irrigation dans les grands domaines en Egypte au VIe siècle de n.è.
H. Cadell, Le vocabulaire de l'agriculture d'après les papyrus grecs d'Egypte: problèmes et voies de recherche

2.00 P.M.

SECTION A

W. G. Arnott, Two Unpublished Literary Papyri in the Brotherton Collection of the University of Leeds
D. Del Corno, I frammenti papiracei adespoti della commedia nuova
A. Hanson, P. Antinoopolis 184: Hippocrates, *Diseases of Women*
M. Manfredi, I papiri e gli studi su Euripide negli ultimi decenni

SECTION B

S. Bartina, A New Sa'idic Papyrus of the Gospel of St. John
J. Bingen, Grecs et Egyptiens d'après *PSI* 502
V. Poláček, P. Teb. 703, Its Significance Then and Today

4.30 P. M.

RECEPTION AT KELSEY MUSEUM

THURSDAY, AUGUST 15

8.45 A. M.

SECTION A

M. Galiano, Notes on the Madrid Ezekiel Papyrus
P. Mertens, Papyrus littéraires grecs et latins
W. H. Willis, An Unidentified Literary Fragment in the Robinson Collection

SECTION B

M. Amelotti, Testamenti ed atti paratestamentari nei papiri bizantini
A. A. Schiller, Reflections on *P. Yale* 61
H. J. Wolff, Some Observations on *Praxis*

1.00 P.M.

Excursion to Greenfield Village and Ford River Rouge Plant

FRIDAY, AUGUST 16

8.45 A.M.

SECTION A

D. Hagedorn, Papyri aus Panopolis in der Kölner Sammlung
E. Kiessling, Zwei unedierte Papyrusurkunden in der Giessener Sammlung
R. Rémondon, La date de l'introduction en Egypte du système fiscal de la capitation
E. G. Turner, Archive of Komon
H. C. Youtie, Callimachus in the Tax Rolls
R. Yaron, Aramaica Recentia

SECTION B

M. F. Galiano, Notes on the Madrid Ezekiel Papyrus
M. Naldini, La letteratura cristiana antica e i papiri
P. W. Pestman, A Family of Egyptian Scribes and Their Contribution to the Greek Administration after Alexander's Conquest
J. van Haelst, Les sources papyrologiques concernant l'Eglise en Egypte à l'époque de Constantin

2.00 P.M.

L. Koenen, The Prophecies of a Potter: A Prophecy of World Renewal becomes an Apocalypse
M.-T. Lenger, Ordonnances divines et *prostagmata* dans l'empire des Ptolémées
J. F. Oates, Landholding in Philadelphia in the Fayum (A.D. 216)
W. Peremans (with *E. van't Dack*), Les relations extérieures des Lagides
P. R. Swarney, Prefect and Idios Logos
J. D. Thomas, The Administrative Divisions of Egypt

7.00 P.M.
BANQUET TENDERED BY THE UNIVERSITY OF MICHIGAN

Host: William L. Hays, Dean of the College of Literature, Science, and the Arts, University of Michigan

Presiding: Frank Copley
Speaker: Naphtali Lewis, *"Greco-Roman Egypt": Fact or Fiction?*

SATURDAY, AUGUST 17

8.45 A.M.
Assemblée générale de l'Association Internationale de Papyrologues
Business meeting and closing ceremonies

PAPERS READ BY TITLE

G. M. Browne, Κρεοπωλικὴ καὶ Ταριχηρά (P. Mich. Inv. 178)
I. Crisci, La collezione dei papiri di Firenze
S. Daris, P. Med. Inv. 123
G. Diosdi, The Importance of *P. Oxy.* 2103 and *PSI* 1182 for the History of Classical Roman Legal Literature

I. F. Fikhman, On the Structure of the Egyptian Large Estate in the Sixth Century
H. G. Gundel, Vom Weltbild in den griechischen Zauberpapyri: Probleme und Ergebnisse
E. Maretti (with *G. P. Zarri*), Papyrology as an Investigation Field of Algorithmic Linguistics
N. Pikous, A propos de la *διαγραφὴ τοῦ σπόρου*
F. Uebel, Die Jenaer Papyrussamlung
E. Wipszycka, Les confréries dans la vie religieuse de l'Egypte chrétienne

Participants in the Twelfth International Congress of Papyrology

Amelotti, Professor Mario, University of Genoa, Italy
Ankum, Professor Hans, University of Amsterdam, Holland
Arnott, Professor William Geoffrey, University of Leeds, England
Bagnall, Roger S., University of Toronto, Ontario, Canada
Bagnall, Whitney (Scofield), Duke University, North Carolina, U.S.A.
Bale, Professor Oscar Ferdinand, Albion College, Michigan, U.S.A.
Bartina, Professor Sebastian, Theological Faculty, San Cugat del Vallés, Barcelona, Spain
Biezunska-Malowist, Professor Iza, University of Warsaw, Poland
Bingen, Professor Jean, University of Brussels, Belgium
Blanchard, Alain, C.N.R.S., Paris, France
Bodson, Arthur, University of Liège, Belgium
Bonneau, Dr. Danielle, University of Caen, France
Boswinkel, Dr. Ernst, University of Leiden, Holland
Bowman, Alan K., University of Toronto, Ontario, Canada
Bureth, Professor Paul, University of Strasbourg, France
Cadell, Hélène, C.N.R.S., Paris, France
Cavallo, Professor Guglielmo, University of Bari, Italy
Coles, Dr. Revel, Oxford University, England
Del Corno, Dario, University of Milan, Italy
Dunand, Françoise, Faculté des Lettres de Besançon, France
Evrard, Etienne, University of Liège, Belgium
Galiano, Professor Manuel F., University of Madrid, Spain
Gignac, Professor Francis T., Fordham University, New York, U.S.A.
Gilliam, Professor J. F., Institute for Advanced Study, Princeton, New Jersey, U.S.A.
Glickman, Professor Robert Jay, University of Toronto, Ontario, Canada
Grumach, Dr. Irene, University of Heidelberg, Germany
Häge, Dr. Günther,University of Freiburg, Germany
Hagedorn, Dr. Dietrich, University of Cologne, Germany
Hakkert, Adolf M., Amsterdam, Holland
Hanson, Ann E., Fordham University, New York, U.S.A.
Henrichs, Dr. Albert, University of Cologne, Germany
Hoard, Seth, Columbia University, New York, U.S.A.
Husselman, Elinor M., University of Michigan, U.S.A.
Husson, Geneviève, C.N.R.S., Paris, France
Katzoff, Ranon, Columbia University, New York, U.S.A.
Kiessling, Professor Emil, University of Marburg, Germany

Kingston, Professor Peter, McMaster University, Ontario, Canada
Koenen, Dr. Ludwig, University of Cologne, Germany
Kupiszewski, Professor Henryk, University of Warsaw, Poland
Lenger, Marie-Thérèse, Bibliothèque Royale, Belgium
Lewis, Professor Naphtali, Brooklyn College, New York, U.S.A.
MacCoull, L. S. B., Yale University, Connecticut, U.S.A.
Maehler, Dr. Herwig, Egyptian Museum, West Berlin, Germany
Malz, Gertrude, Newark, Deleware, U.S.A.
Manfredo, Professor Manfredi, University of Florence, Italy.
Mertens, Paul, University of Liège, Belgium
Meyer, Professor Robert T., Catholic University, Washington, D.C., U.S.A.
Meyer-Laurin, Dr. Harald J., University of Freiburg, Germany
Miller, Anne, University of Pennsylvania, U.S.A.
Modrzejewski, Professor Joseph, Faculty of Law, Paris, France
Naldini, D. Mario, University of Florence, Italy
Nelson, Professor C. A., Concordia Senior College, Indiana, U.S.A.
Oates, Professor John F., Duke University, North Carolina, U.S.A.
Oikonomides, Mr. A. N., Argonaut Inc. Publishers, Chicago, Illinois, U.S.A.
Pack, Professor R. A., University of Michigan, U.S.A.
Parsons, Peter, Christ Church, Oxford, England
Pearl, Professor O. M., University of Michigan, U.S.A.
Peremans, Professor Willy, University of Louvain, Belgium
Pestman, Peter W., University of Leiden, Holland
Peterson, Professor Norman R., Jr., Wellesley College, Massachusetts, U.S.A.
Plumley, Professor J. Martin, Selwyn College, Cambridge University, England
Poláček, Professor Vojtěch, Academy of Sciences, Prague, Czechoslovakia
Rea, Dr. John, Oxford University, England
Reif, Professor Joseph A., University of Michigan, U.S.A.
Rémondon, Roger, Ecole Pratique des Hautes Etudes, Sorbonne, France
Roca-Puig, Dr. Ramon, University of Barcelona, Spain
Rusch, Professor Frederick A., Concordia Senior College, Indiana, U.S.A.
Samuel, Professor Alan E., University of Toronto, Ontario, Canada
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Schiller, Professor A. Arthur, Columbia University, New York, U.S.A.
Schwartz, Professor Jacques, University of Strasbourg, France
Shiel, Dr. James, University of Sussex, England
Sijpesteijn, Dr. P. J., University of Amsterdam, Holland
Skeat, T. C., British Museum, London, England
Snyder, Professor Walter F., Clarion State College, Pennsylvania, U.S.A.
Sola, Professor Francisco de P., Theological Faculty, San Cugat del Vallès, Barcelona, Spain
Stephens, Susan A., Stanford University, California, U.S.A.
Swarney, Professor Paul R., York University, Toronto, Ontario, Canada
Świderek, Professor Anna, University of Warsaw, Poland
Thissen, Dr. Heinz-Josef, University of Wurzburg, Germany
Thomas, Dr. J. David, University of Durham, England
Tomsin, Alfred, University of Liège, Belgium
Turner, Professor Eric G., University of London, England
Vanderlip, Professor Vera F., Waterloo Lutheran University, Ontario, Canada
Van Haelst, Joseph, C.N.R.S., Paris, France
Vergote, Professor Joseph, University of Louvain, Belgium

Welles, Professor C. Bradford, Yale University, Connecticut, U.S.A.
Willis, Professor William H., Duke University, North Carolina, U.S.A.
Wolff, Professor Hans Julius, University of Freiburg, Germany
Yaron, Professor Reuven, Hebrew University, Jerusalem, Israel
Youtie, Professor Herbert C., University of Michigan, U.S.A.
Youtie, Louise, Ann Arbor, Michigan, U.S.A.
Zauzich, Dr. Karl-Theodor, University of Würzburg, Germany

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PROCEEDINGS OF THE

TWELFTH

INTERNATIONAL CONGRESS

OF

PAPYROLOGY

"GRECO–ROMAN EGYPT": FACT OR FICTION?

Naphtali Lewis

To question at this late date the terminological validity of the expression "Greco-Roman Egypt" must seem at first sight like an exercise in futility. After all, technical terms, even if strictly speaking inaccurate, mean what the members of a profession want and use them to mean. Thus, for example, we use the term "Roman Empire" for that period in Roman history when the government was headed by emperors, even though Rome began to acquire an overseas empire more than two hundred years earlier. Yet no confusion results from our use of the term, because we all understand what it purports.

What, then, do we understand by "Greco-Roman Egypt"? The expression is, I imagine, as old as papyrology itself. To discover who first used it and when, might satisfy an idle curiosity but is immaterial to my purpose. We all know that for many decades, right down to the very present, the locution "Greco-Roman" has served as a convenient concise designation for the period in the history of the eastern Mediterranean that interests the classicist – the period following the conquest by Alexander the Great, when these territories were ruled first by Greek-speaking dynasties and then by the representatives of the emperors at Rome.

Now, if the expression "Greco-Roman Egypt" were simply a designation for this time span, it would indeed be a pointless quibble to question its accuracy in the face of its general and deeply imbedded acceptance. The fact is, however, that the expression has always carried a connotation of cultural and governmental continuity. This concept of continuity in Egypt's millennial history – "plus ça change, et plus ça reste la même chose" – has a central place in our papyrological literature, and it was the central theme in two of the last five papyrological congresses. At Geneva in 1952 the principal papers at our Seventh International Congress dealt with different aspects of "l'originalité de l'Egypte dans le monde gréco-romain," a theme proposed by the *comité d'organisation* "dans l'espoir de faire apparaître la physionomie particulière de l'Egypte en regard du monde gréco-romain, et les effets possibles d'une survivance des anciennes traditions de la Vallée du Nil."[1] Less than ten years later the organizing committee of our Tenth International Congress (Warsaw and Cracow, 1961), seeking "un tel sujet du Congrès qui pourrait attirer l'attention de tous les savants s'intéressant à la papyrologie," chose as its central theme "la continuité de la tradition pharaonique, grecque et romaine dans différents domaines de la vie de l'Egypte ptolémaique et romaine."[2] The relevant implications of the papers presented at that congress were summarized by C. Préaux, with her characteristic grace and perspicacity, in a *rapport de clôture*

1. *Museum Helveticum* 10, 1953, p. 129. Cf. further below, note 7.
2. I. Biezunska-Malowist, *Actes du Xe [1961] Congrès International de Papyrologues*, Avant-Propos, p. 5.

entitled "Les continuités dans l'Egypte gréco-romaine."[3] Today, at our Twelfth Congress, I return so soon again to the subject because my recent work has brought me to the point where I am compelled to question the validity of our *communis opinio* on the continuity of Ptolemaic Egypt in Roman times.

We are in an age of revision in papyrology. This is an entirely natural development in a discipline that is approaching its centenary. Today the second and third generations of papyrologists are reviewing and sometimes revising the work of our esteemed pioneers. For one thing, some of their *working concepts* now appear to us to require correction. Thus J. Modrzejewski now argues that in the study of law we must discard the ingrained notion of "reception" and think instead in terms of "penetration," and H. Kupiszewski, following the lead of E. Schönbauer, insists that the traditional contrast of "Reichsrecht und Volksrecht" provides an inappropriate framework for studying the provincial law with which we are concerned.[4] At the other end of the spectrum we have also been busy emending some of the *conclusions* which the founders of our discipline drew from the flood of new material that inundated the world of classical scholarship in their time. For example, from the Greek and native elements visible in the new documentation Ptolemaic Egypt appeared to them as a fusion of the two cultures. But today we realize that this was an illusion – understandable in its origins, but an illusion nonetheless. A recent work of popularization published in this country is still entitled *Hellenistic Culture: Fusion and Diffusion*.[5] But the careful work of papyrological scholarship has now made it abundantly clear that, as J. Bingen put it in a recent issue of *Chronique d'Egypte*, "on ne peut parler de civilisation mixte gréco-égyptienne" (this truism is further illustrated in the paper presented by Professor Bingen just this morning).[6] It is simply impossible to escape the ubiquitous evidence that for centuries, despite daily contact and occasional intermarriage, Greeks and Egyptians lived in intimate coexistence with only surface cultural interpenetration.[7] So much now seems established and agreed about Ptolemaic Egypt.

But when we turn to the transition from Ptolemaic to Roman rule in Egypt, we find that, even though contrary views were expressed in two of the principal communications at the Geneva Congress of 1952, the prevailing view of essential continuity remains undisturbed, an ineluctible backdrop against which studies of Roman Egypt are projected.[8] The readily recognizable changes

3. C. Préaux, *ibid.*, pp. 231-48.

4. J. Modrzejewski, *American Studies in Papyrology* I, New Haven, 1966, p. 136, and *infra* p. 317; H. Kupiszewski, *Studien zur Papyrologie und antiken Wirtschaftsgeschichte F. Oertel zum achtzigsten Geburtstag gewidmet*, Bonn, 1964, pp. 68-80.

5. By Moses Hadas, New York, 1959.

6. J. Bingen, *Chronique d'Egypte* 40, 1965, p. 512, and *infra* p. 35.

7. Among recent relevant studies may be noted two separate articles demonstrating the limited extent of bilingualism in the population: W. Peremans, *Studien . . . Oertel* (see note 4), pp. 49-60; R. Rémondon, *Chronique d'Egypte* 39, 1964, pp. 126-46. V. Martin's review of the evidence of onomastics points in the same direction: "Les différents milieux sont ainsi restés, en général, fidèles à leur onomastique traditionelle." And he adds, "On se rappelle que le Congrès de papyrologie de Genève en 1952, consacré à définir l'originalité de l'Egypte dans le monde gréco-romain, a plutôt fait ressortir l'imperméabilité de la civilisation indigène aux influences étrangères, sa résistance patiente . . . Ces conclusions [sont] solidement fondées" (*Akten des VIII. [1955] Internationalen Kongresses für Papyrologie*, pp. 89-90). Already at the Geneva Congress he had noted, "L'hellénisation restait de surface . . . il y avait des profondeurs où elle ne pénétrait pas, ou peu" (*Museum Helveticum* 10, 1953, p. 132).

8. Three representative examples will suffice here. J.G. Milne, *A History of Egypt under Roman Rule*, 3rd ed., 1924, p. 120: "The conquest of Egypt by the Romans caused no immediate change of importance in the internal organisation of the country." C. Préaux, *Chronique d'Egypte* 40, 1965, p. 497: "On sait que l'Egypte eut, jusqu'à Dioclétien, une structure singulière dans l'Empire et qu'elle garda ainsi, pendant trois siècles, cette singularité fondée sur sa vieille organisation ptolémaique à peine modifiée. Il n'y eut guère de tentative de "romanisation" de l'Egypte avant la fin du IIIe siècle." And most recently A. Bataille in *Recherches de Papyrologie* 4, 1967, p. 161: "L'essentiel de l'organisation administrative héritée des Ptolémées est conservé jusq'aux réformes de Dioclétien et de l'époque constantinienne . . . Tout cela est trop connu . . ." Similarly J. Modrzejewski, *infra* p. 323. Contrary views were heard at the Geneva Papyrological Congress: see, in *Museum Helveticum* 10, 1953, the remarks of B.A. van Groningen, pp. 180, 188-89, and those of A. Piganiol, whose presentation of "le statut Augustéen de l'Egypte," pp. 193-202, generally stresses the breaks with Ptolemaic practice.

are deemed to be minor, and to lie – again using J. Bingen's expression – "dans le syndrome responsabilité personelle-propriété individuelle."[9] The traditional emphasis has been on Roman rule as the culmination of trends and developments which had their origins under the Ptolemies. But in the papyrological literature of the last ten years or so, in a variety of studies by a number of different scholars, distinctive Roman elements have been more and more coming to the fore. Wherever we look at Egypt in the early years of Roman rule – at the governmental structure, administration, army, taxation, liturgy, land tenure – we find an *essential* change from the Ptolemaic pattern or practice. This, then, is my theme for today: that Roman rule brought changes more fundamental and sweeping than we have hitherto generally acknowledged; or, to put it another way, that the areas of Hellenistic continuity were less significant than those of Romanization.

Actually, this thesis was advanced half a century ago by Arthur Stein in his *Untersuchungen zur Geschichte und Verwaltung Aegyptens unter römischer Herrschaft*. Stein held that the "Sonderstellung" of Egypt among the Roman provinces resulting from retention of Ptolemaic structures and mechanisms was only a surface manifestation, while the underlying realities were essentially different. In the government of Egypt as in that of Rome itself, Stein argued, the Augustan policy was to retain traditional forms and titles as a means of rendering the new regime more palatable.[10]

Stein's monograph, which was published in Stuttgart in 1915, was in a very real sense a casualty of the First World War – not that it has failed to be widely used and cited in subsequent work, but because it never received, either upon its appearance or later, the systematic appraisal it deserved. The only serious review I can find is one of two pages in *Sokrates, Zeitschrift für das Gymnasialwesen* 7=73, 1919, pp. 106-8, where P. Viereck outlined Stein's views and warmly recommended the book for its "Klarheit und besonnenem Urteil."[11] If, ignoring Stein's caveats, papyrologists have persisted in regarding the Ptolemaic and Roman periods as essentially an unbroken continuity, it is – I think – because we have been bemused partly by the unchanging pattern of village life in the Nile valley,[12] and even more by the continuity of the Greek language[13]

9. *Loc. cit.* (note 6). Cf. also J. Modrzejewski's remarks on "rupture", *infra* p. 323.

10. "Und während zwar der Verwaltungsmechanismus in Aegypten auch nach der römischen Okkupation scheinbar ungestört weiter arbeitet, merkt man bei genauer Betrachtung doch die umwälzenden Veränderungen, die mit der Römerherrschaft in Aegypten zutage treten. Wir haben also im folgenden zu zeigen . . . dass . . . als unvermeidliche Folgeerscheinung mit der Neueinrichtung des Verwaltungsapparates, wie sehr dieser auch in den allgemeinen Grundzügen der bisherigen Uebung angepasst wird, sich doch in der Praxis vieler ändert . . . Dann liegt hier wieder das mehrfach schon erwähnte Bemühen des neuen Herrschers [Augustus] vor, mit seinem unvergleichlichen politischen Genie die grundlegende Veränderung aller Verhältnisse zu verdecken, die alte Schläuche mit neuem Wein zu füllen . . . Wenn nun aber auch in sovielfacher Hinsicht der Zustand Aegyptens rein äusserlich genommen von dem neuen Regiment fast unberührt bleibt, so ist doch um so tiefer und nachhaltiger die Wirkung der Römerherrschaft auf das Wirtschaftsleben der Bevölkerung" (pp. 80, 123, 125).

11. Paraphrasing, Viereck continues: "Trotz der vielerörterten Sonderstellung, die Aegypten bekanntlich zum Princeps hatte . . . , möchte Stein das Verhältnis doch nicht als eine Personalunion, sondern als eine Realunion bezeichnen, weil auf dem Gebiete der Finanzen und des Heeres der enge Zusammenhang mit dem übrigen Reiche gewahrt worden ist . . . Ein völlige Verschmelzung mit dem übrigen Reiche trat aber erst unter Diokletian ein."

12. So too Stein, *op. cit.*, p. 119: "Wenn sich aus all dem Gesagten vielfältig die Beobachtung ergibt, dass die bestehenden Einrichtungen und Zustände im allgemein unverändert fortdauern, mindestens insofern man die an der äusseren Oberfläche vor sich gehenden Erscheinungen in Betracht zieht, so wird dieser Eindruck noch verstärkt, wenn man sieht, wie überall das öffentliche Leben und Treiben in dem alten Geleise fortschreitet. Alles nimmt seinen gewohnten Lauf, nirgends ist eine deutliche Spur davon wahrzunehmen, dass Vorgänge von so grundlegender Bedeutung in der jahrtausendalten Geschichte des Pharaonenlandes eingetreten sind."

13. In similar vein J. Modrzejewski, speaking of the continuation of classical Greek legal concepts in Hellenistic Egypt: "Le principal facteur de cette continuité est sans doute la langue, qui est le véhicule du droit" (*American Studies in Papyrology* I, p. 136). A similar point is made in A.E. Samuel's paper, *infra*, p. 443.

and of the monarchy with all its trappings, including the cult of the living ruler which was so carefully avoided in the West by Augustus and most of his successors in the Principate.[14]

To test once again the issue of continuity vs. change in Roman Egypt let us review the configuration of governmental, economic and social organization, with particular attention to the results of recent scholarship.

GOVERNMENT

The advent of Roman rule was marked by a reorganization of the administrative machinery, both in Alexandria and in the *chora*. Some offices disappeared (e.g. laokritai, nome epistatai), and were replaced either by new ones (e.g. dikaiodotes = iuridicus) or, more often, by a redistribution of responsibilities. Offices which – or whose titles – survived were assigned altered functions conformable to the new order. Thus, epistrategoi and strategoi continued to govern their respective areas, but, stripped of military authority, they were now purely civil administrators; and, as V. Martin declared flatly over half a century ago, "ce fut Auguste qui transforma l'épistratégie."[15] The dioiketes was the finance minister of Ptolemaic kings, enjoying a status that was almost viceregal; under the Romans the title appears in a variety of lesser connections. The oikonomos (whose administrative competence was the subject of A.E. Samuel's communication at our last Congress) appears so infrequently after Ptolemaic times that I suspect he too was downgraded in the Roman administration. Significant changes are apparent also in the functions of archiereus, idios logos, nomarches and chrematistes: the restriction of the scope of the chrematistai and the eventual disappearance of the office are traced by H.J. Wolff in *Tijdschrift voor Rechtsgeschiedenis* 34, 1966, pp. 34-36; a monograph on the idios logos by P.R. Swarney, to appear in the series *American Studies in Papyrology*, discloses the change in scope and probably in the organization of that office beginning with Augustus; and I shall come presently to the broad array of offices and services that were continued but converted into liturgies.

Administrative change is apparent also in the records of judicial proceedings. R.A. Coles' study of the relevant documents, published two years ago, declares flatly in its opening words: "There is a complete difference in style between reports of proceedings in papyri from Ptolemaic Egypt and such reports from Roman times, reports of proceedings in Oratio Recta not being found before the first century A.D." And in what follows he develops the evidence for the conclusion that "we cannot provide a closely-documented date for this transition in style, but it seems likely to have been a result of the political transition."[16]

Roman rule brought a change also in the nature of the military establishment. The Ptolemaic system was one of military settlers living on *kleroi* allotted them by the crown. Under the Romans Egypt was held by an army of occupation living in camps located at strategic points. To be sure, numbers of veterans settled on the land after their discharge from service, but that practice bears no resemblance to the Ptolemaic *klerouchia*.

The system of taxation presents us with a whole series of contrasts. Whatever may be true about the still-debated Ptolemaic *syntaxis*, it is a simple fact that the poll tax called *laographia* was a Roman innovation.[17] As its concomitant Augustus instituted the fourteen-year census cycle,

14. On the monarchy and ruler cult see further below, p. 12.
15. Cf. Martin's review of the evidence, *Les épistratèges*, Geneva, 1911, pp. 83-95; the quotation is from p. 84.
16. R.A. Coles, *Reports of Proceedings in Papyri*, Brussels, 1966, p. 9.
17. Cf., most recently, J.A.S. Evans, *Aegyptus* 37, 1957, pp. 259-65; F. Uebel, *Atti dell' XI [1965] Congresso Internazionale di Papirologia*, p. 363.

for which there is no parallel in Ptolemaic times. Let us not forget Strabo's report (xvii.1.53, C819) that Augustus' first Prefect of Egypt had to put down a revolt that broke out in the Thebaid *διὰ τοὺς φόρους*: behind this laconic remark must lurk the fact that for the Egyptian peasants the advent of the Augustan regime meant higher taxes, or more efficient collection than under the last Ptolemies, or both.[18] The institution of the census was also accompanied by or resulted in, as H. Braunert has shown,[19] a change in the concept of *idia* from the place where one works to the place of first residence, where an individual is officially registered in the census and to which his taxes and other obligations are due.

The mechanisms of tax collection also show basic changes. Under the Ptolemies the actual collection was performed by salaried functionaries, while the so-called "tax farmers" (telonai) merely guaranteed the collections.[20] Under the Romans the various tax collectorships were transformed into liturgies, and where telonai are in evidence we find them acting like Roman publicani. The Ptolemies had a royal fleet to transport the grain collections, and payments were made to royal banks. Under the Romans we find private as well as public boats and banks, and the office of public banker becomes a liturgy.

I turn now to consider more particularly the question of liturgies. I have, as you know from previous communications, been making the liturgic system a subject of special study; and it is my findings in this area that have impelled me to reexamine the broader general question of the Romanization of Roman Egypt.

In the past the general tendency has been, again, to find the roots of Roman liturgy in Ptolemaic Egypt.[21] It is perfectly true that both the term *leitourgia* and forms of compulsory service are found in Ptolemaic Egypt. But, as in the case of the governmental offices I mentioned earlier, though the terms are retained they represent fundamentally different systems. Fifteen years ago A. Tomsin saw this in his study of the presbyteroi, where he introduces his section on the Roman period with the remark, "Nous exposerons d'abord cette conception nouvelle du rôle des presbyteroi introduite par Rome."[22] This is the point I wish to stress today: the liturgic system of Roman Egypt is not simply a quantitative expansion of what existed in Ptolemaic times; it is qualitatively and conceptually different.

The relevant data are presented schematically in my *Inventory of Compulsory Services*, published earlier this year.[23] Ptolemaic Egypt, one sees at a glance, exacted certain familiar kinds of compulsory labor or service for the king: transport, billeting, agricultural labor. In addition we have evidence of the following liturgic offices: agonothetes, gymnasiarch, exegetes, kosmetes, lampadarch, and an office, mentioned only once, having to do with food supply. For us the significant fact about these liturgic offices is that they are characteristic of the Greek *polis*, and that in Ptolemaic Egypt we also find them only in the cities and the communities of Greek military settlers. It is thus clear that – like the other Greek institutions traced for us by C. Préaux in a

18. Even so ardent an admirer of Augustus as T. Rice Holmes quoted with approval Stuart Jones' characterization of the Gnomon of the Idios Logos as "an instrument of fiscal oppression" (*The Architect of the Roman Empire* II, p. 16).

19. *JJP* 9/10, 1956, esp. pp. 226, 238-39, 292-93 and 305-23.

20. "Dans l'Egypte lagide, la ferme est une institution de garantie, non une institution de perception" – C. Préaux, *L'économie royale des Lagides*, p. 450.

21. E.g., "In vielen Punkten sind die Römer die Vollender dessen, was die Ptolemäer begonnen haben . . . Die ersten beiden nachchristlichen Jahrhunderte führen das ptolemäische System fort" – F. Oertel, *Die Liturgie*, pp. 62 and 94; similarly pp. 94, 110, 142-43.

22. A. Tomsin, *Etude sur les πρεσβύτεροι des villages* . . . , Bruxelles, 1953, p. 38.

23. *American Studies in Papyrology* III, 1968.

series of recent studies[24] – the liturgies of the Ptolemaic era are simply the traditional liturgies of the Greek *polis* transplanted by and for the Greeks of Egypt. How thoroughly this was understood in the Hellenistic age is illustrated by a remark of Diodorus Siculus. In i.79.3, describing the action of the Pharaoh Bokchoris in limiting the execution of loans to property, he adds that the motivation for eliminating execution upon the body was *ἵνα τὰς καθηκούσας λειτουργίας ἔχωσιν αἱ πόλεις*. Even though *leitourgia* is here used in its generalized sense of "service,"[25] the background of the writer is clearly revealed in his language: only cities have liturgies.

When we turn to the liturgies of Roman Egypt we are struck first, of course, by the enormous proliferation of such offices: in place of the six attested for Ptolemaic Egypt we now have over a hundred. We note, in addition, that the Roman system is all-pervasive, embracing the entire province down to the smallest localities. The offices serve the entire gamut of administrative functions: record keeping, tax collection, police, and so forth. Once again we find that some of the titles are preserved from Ptolemaic times, but under the Romans the offices become liturgies: among the examples that come most readily to mind are the sitologos, the komogrammateus, the praktor, the presbyteros. But in the main the titles are, together with the liturgic offices themselves, creations of the Roman era. Even the seemingly ageless dyke corvée underwent a Roman reorganization, for we have no evidence of a *penthemeros* prior to the first century of Roman rule.[26]

I have said enough, I think, to make my point about liturgy and compulsory services, and I move on to some telling aspects of economy and society.

ECONOMY

The economy of Egypt means, first and foremost, the land. One essential change in land tenure has been apparent since the earliest days of papyrology. In the age-old concept that the Ptolemies continued from the Pharaohs, the land of Egypt was a *Königseigentum*, from which the king made grants at his pleasure.[27] Abandoning this concept, which was alien to Roman tradition and practice, the Roman emperors frankly encouraged the acquisition of Egyptian land in full-fledged private ownership. As this audience well knows, there is discernible in the latter part of the Ptolemaic period a tendency toward treating the military *kleroi* as if they were private property. But that tendency, grudgingly conceded by the Ptolemies under the pressure of necessity and limited to the *kleroi*, is a far cry from the active stimulation of private ownership which was introduced by the Roman administration (and which, as we shall see in a moment, had its roots in Roman, not Hellenistic, tradition). An accompanying change was the discontinuance of the *katagraphe* procedure in the transfer of property, and the institution of the *bibliotheke enkteseon*.

These are the familiar facts, recorded in our handbooks. But in the last few years A. Tomsin has come forward with some valuable refinements and new insights. At our Tenth Congress, in 1961, he urged us to recognize that Augustus reorganized the land-tenure system of Egypt along

24. "De la Grèce classique à l'Egypte hellénistique": cf. e.g. *Chronique d'Egypte* 41, 1966, pp. 161-64 and 354-60.
25. Cf. *GRBS* 3, 1960, pp. 181-84 and 6, 1965, pp. 228-30.
26. Cf. P.J. Sijpesteijn, *Penthemeros-Certificates in Graeco-Roman Egypt* (*P. Lug. Bat.* XII), pp. 4-5.
27. The principal grant categories under the Ptolemies were temple holdings, *doreai* to court favorites, *kleroi* to military personnel.

the lines developed in Republican Rome.[28] Going beyond the long-since accepted equation of δημοσία γῆ with *ager publicus*,[29] Tomsin shows us in Roman Egypt such categories as *ager publicus stipendiarius redditus*, *ager quaestorius*, and *ager restitutus*, as well as *ager privatus vectigalisque*; he comments on the conversion of cleruchic tenure into Roman *possessio*, and he sees the *ousiai* as examples of *ager viritanus*. Thus, in its system of land tenure and exploitation Roman Egypt was, in Tomsin's gem of understatement, "bien moins loin des autres provinces de l'Empire qu'on ne le suppose."[30] As with most simple truths, we wonder that we did not see this sooner.

Let me add, briefly and in passing, just a word about *Zwangspacht*. The compulsory leasing of uncultivated land was resorted to by the Ptolemies only in exceptional circumstances (the first known occurrence dating from 164 B.C.). Under the Romans the various forms of *epibole*, *epimerismos*, etc., were a regular practice – in conformity, obviously, with what we noted above on the subject of liturgy.

A brief word, also, on monopolies. Under the *Königseigentum* concept the Ptolemaic government monopolized a considerable number of basic resources and economic activities. With the advent of the Romans the monopolies disappeared, to be replaced by a combination of private enterprise, taxation and liturgy. I have nothing to add to these familiar facts. F. Heichelheim's Pauly-Wissowa article "Monopol" is more than thirty years old; it is probably time for a fresh study of the subject.

SOCIETY

On the surface the picture of Egyptian society that emerges from the papyri appears to be unchanged in Ptolemaic and Roman times. But once again appearances are deceptive. The social cleavage under the Ptolemies was between the Egyptian and Greek-speaking populations. But there were no legal bars to intermarriage, and there was some encouragement, especially under the later Ptolemies, for Greek-speaking Egyptians to rise in the governmental bureaucracy. The Romans, in contrast, beginning with Augustus imposed a rigid separation of classes and severe restrictions against upward social mobility. Octavian's struggle-to-the-death with Antony and Cleopatra made Egypt in the Augustan propaganda the embodiment of Oriental evil, a threat to Roman tradition and to Rome's very existence.[31] This propaganda motif seems to have satisfied a psychological need in Italy; at all events, it took root and spread there. *Nunc est bibendum*, sang Horace, because Octavian Caesar had crushed *regina . . . contaminato cum grege turpium morbo virorum*; and echoes are heard in such disparate places as the *Elegies* of Propertius, the *Satires* of Juvenal and the wall graffiti of Pompeii.[32] This attitude of suspicion, hostility and disdain imbues the repressive policy of social rigidity which the Romans imposed in Egypt, and which

28. In his own words, "Les conceptions juridiques qui ont présidé . . . n'ont pu . . . rester étrangères aux traditions romaines en matière de législation agraire" – *Actes du Xe [1961] Congrès International de Papyrologues*, p. 85.

29. E.g., U. Wilcken, *Grundz.*, pp. 30-31; A. Stein, *op. cit.* p. 98; W. Schubart, *Einführung in die Papyruskunde*, p. 259 (quoted below, note 51).

30. *Op. cit.*, (note 28), p. 95.

31. Cf. e.g. R. Syme, *The Roman Revolution*, pp. 270-75, especially (p. 275): "To secure Roman sanction and emotional support for the [war against Antony] it was necessary to invent a foreign danger that menaced everything Roman . . . The propaganda of Octavianus magnified Cleopatra beyond all measure and decency."

32. Horace, *Carm.* i.37; Propertius iii.11 and iv.6; Juvenal 1.26-30 and 129-131, 4.1-33 (on Crispinus see *RE* IV, 1720-1); *CIL* IV, 1943 add. p. 465. Stein, *op. cit.*, p. 106, remarks that not one of the scores of centurions named in ancient sources originated in Egypt.

contrasts so strikingly with the easy, "open door" policy they practiced in other provinces. The Gnomon of the Idios Logos comes first to our minds, with its unusually detailed provisions and severe penalties aimed at maintaining what was in effect a caste system. Practically every degree of intermarriage was forbidden, even – you will recall – that of an Egyptian woman and an Alexandrian freedman.[33]

Forty years ago, in a well known and frequently cited article in *Archiv*, E. Bickerman concluded that with the advent of Roman rule the Hellenes of Egypt ceased to be a juridically cognizable class; Livy's remark (xxxviii.17) that under the Ptolemies *Macedones in Aegyptios degenerarunt* reflects the principle on which the administration of Augustus and his successors was based, namely that "in Aegypten wohnten wieder nur Aegypter."[34] Within this population, however, there were distinctions of status and privilege, most noticeable in the contrast between town and country. The Egyptian peasant pays his poll tax at the highest rate, and he obviously has little hope of attaining the more privileged status of the metropolites. As for Roman citizenship, that is of course even more unattainable, more remote: except through military service the only path, as one of Pliny's letters informs us, is through the intermediary step of the jealously-guarded Alexandrian citizenship.[35]

Clearly, the Roman administration sought to perpetuate a static society in Egypt. The principal status classifications are discrete and readily distinguishable. They are, in ascending order: the *peasantry*, preponderantly Egyptian; the *metropolites*, in essence presumably of Hellenic origin; the *citizens* of the *Greek* cities, notably Alexandria; and the *Romans*. These categories and their corresponding gradations of privilege were established in the early years of Roman rule. Ti. Julius Alexander assures us of this in his edict of 68 A.D. when, in forbidding the assignment of Alexandrians to *chorikai leitourgiai*, he adds that in so ruling he is following the policy laid down by preceding emperors.[36]

In such a social matrix, economic distress causes people to flee from the land to the towns and cities. In Roman Egypt this is the well-attested phenomenon of *anachoresis*, which has been repeatedly analyzed in our literature, most recently by H. Braunert in his detailed and comprehensive study of *Die Binnenwanderung*.[37] The attraction of the cities in general and of Alexandria in particular is attested already in Hellenistic times by the *Letter of Aristeas*, as C. Préaux reminded us at our last congress.[38] All the evidence suggests that the movement to the cities was accelerated by Roman fiscal and social policy.[39] Repeatedly, in their periodic census edicts and after major disturbances and street riots, Prefects of Egypt ordered non-residents back to their *idiai*.[40] The less famous second column of the famous and exasperating *P. Giss.* 40 shows us Cara-

33. *P. Gnomon* 49.

34. *Archiv* 8, 1927, pp. 216-39 and 9, 1930, pp. 24-44; the quotation is from p. 239.

35. *Ep.* 10. 6-7.

36. Lines 32-34 of *Hibis* 4 (=*OGIS* 669).

37. Cf. V. Martin, *Münchener Beiträge z. Papyrusforschung* XIX, 1934, pp. 143-61; N. Lewis, *JEA* 23, 1937, pp. 63-75; H. Braunert, *Die Binnenwanderung. Studien zur Sozialgeschichte Aegyptens in der Ptolemäer- und Kaiserzeit*, Bonn, 1964, index s.v. (p. 384), esp. pp. 165-89. Not all fugitives made their way to the cities, of course; some found other refuges or turned to a life of brigandage.

38. *Atti dell' XI [1965] Congr. Intern. di Papirologia*, p. 491, quoting the *Letter of Aristeas* 108-110. Cf. H. Braunert, *op. cit.*, pp. 66, 72-74.

39. Few adherents have rallied to the view elaborated by E. Bickerman in *Gnomon* 3, 1927, pp. 672-73, that the attraction of the towns and cities was the primary cause of this population movement, and fiscal pressure only accessory. The writers cited above, note 37, are all opposed: in H. Braunert's words, for example, the underlying cause was "der Druck der Steuern und Liturgien auf die Bevölkerung der χώρα" (*op. cit.*, p. 174).

40. E.g. *BGU* 372, *P. Lond.* 904, *P. Gen.* 16 (=*WChr.* 19, 202, 354); cf. also *SB* 4284, quoted below p. 11.

calla as late as 215 A.D., two years after the grant of universal citizenship, still trying to drive the unwanted *agroikoi* out of Alexandria and inveighing against Egyptian peasants who attempt to pass themselves off in the city as members of a higher class.[41] Recently E.G. Turner showed me the photograph of an unpublished Oxyrhynchus papyrus containing another proclamation issued by Severus and Caracalla on the same general subject some eight or ten years earlier. It was in that same decade, as we long ago learned from *P. Flor.* 6, that the Prefect Subatianus Aquila (205/6-10 A.D.) "ordered those abiding in Alexandria back to their own nomes for the harvest season"; and it is no accident, I think, that that dismissal order is expressed by a verb (ἀποπέμπομαι) which frequently carries an overtone of banishment. And it was only a few years earlier, during their visit to Egypt at the turn of the century, that the same emperors, in the words of *P. Cattaoui* II (=*SB* 4284), directed "all those sojourning elsewhere to return to their own *idia*." Laws and directives requiring such frequent repetition bespeak their own inefficacy, but the imperial policy went on unchanged.

Even for acquiring land Egyptian status was a handicap. For example, A. Tomsin in his article referred to above calls attention to the fact that in the documents dating from the first century of Roman rule in Egypt only Greek *katoikoi* appear as buyers of public land. Tomsin then mistakenly attenuates the importance of this remarkable finding by misreading a comment of Wilcken as signifying that such buyers were free to resell at will.[42] In reality, it is obvious that non-Hellenized Egyptians were ineligible to purchase catoecic land, ownership of which entailed exemption from poll tax and other privileges.[43]

In sum, Roman domination brought to Egypt a basic, qualitative change in the government's social policies. At the 1952 Papyrological Congress B.A. van Groningen, reviewing the situation of the Egyptian population after the advent of Roman rule, stated flatly that "ces rapports ne différaient point de ceux qui existaient dans les autres provinces récemment conquises."[44] This is perhaps an oversimplification, ignoring local and regional differences, but the essential point is clear and sound: the governing principles and policies were Roman, not Ptolemaic.

TWO FINAL CONSIDERATIONS

I come to my last two points. Logically they should have been introduced earlier, because they relate to governmental structure. But these findings are so new, so unexpected, and so relevant, that they claim attention here *extra ordinem*. They remind us once again how often the "unshakable truths" of one generation totter and fall under reexamination and reinterpretation by a succeeding generation.

The first point is this. Ptolemaic Egypt had three autonomous Greek cities, Alexandria, Naukratis and Ptolemais, and Hadrian created a fourth, Antinoopolis. Such is the standard doctrine of our handbooks and histories.[45] But only six years ago H. Braunert, restudying the charter of Antinoopolis as it emerges from the evidence of our documents, found that the Hellenistic

41. The text is reprinted as *WChr.* 22 and *Select Papyri* 215.

42. *Op. cit.*, (note 28), p. 87, citing Wilcken, *Grundz.*, p. 304 on *P. Lond.* 192.82ff., where the two categories of owners of the *kleroi* are not Greeks and Egyptians, but Alexandrians and local residents (ἐντόπιοι, which is not the same as ἐγχώριοι).

43. Cf. e.g. U. Wilcken, *ibid.*: "Die Privilegien, die die Katöken haben, haften . . . am Boden."

44. *Museum Helveticum* 10, 1953, p. 188; some examples are cited p. 189.

45. E.g., H.I. Bell, *Egypt from Alexander the Great to the Arab Conquest,* p. 85: "In 130 Hadrian founded the new Greek city of Antinoopolis in memory of his favourite Antinous."

elements were but a facade resting on a foundation which is nothing other than the Roman municipal structure.[46] Some have already applauded this analysis;[47] and it has, in my judgment, the ineluctible ring of truth that will gain it general acceptance.

As the second point we note that even the monarchic attributes of the Roman ruler of Egypt have come in for reappraisal. Citing with particular emphasis the continuity of the Oriental and Greek ruler cult, the first generation of papyrologists held that – at least as far as the indigenous population was concerned – the Roman emperors were simply a new dynasty in Egypt's millennial history. For example, J.G. Milne wrote in 1899, "The elaborate system of government which had gradually been developed by the native and Greek kings was therefore taken over bodily by the Roman emperors. In all probability [offices] . . . continued . . . undisturbed by the change of dynasty. For, indeed, the Roman conquest of Egypt was practically nothing more than a change of dynasty." And farther on in the same book he added, "The worship of the emperors was more Egyptian than Roman. From time immemorial the rulers of Egypt had occupied a semi-divine position in the minds of their subjects; and an emperor who was far away at Rome would be even more an object of mysterious awe than one who might be seen from time to time by his people."[48]

Essentially the same order of ideas is found in U. Wilcken's *Grundzüge* of 1912. In the opening chapter, entitled "Allgemeine Historische Grundzüge," we read, "Das ägyptische Volk aber hat, unbeirrt durch staatsrechtliche Finessen, den Oktavian . . . von vornherein als neuen Landesherrn, als Pharao anerkannt, dem dieselben göttlichen und weltlichen Ehren wie allen Vorgängern zustanden. Oktavian hat diese Ehren und diese Anschauungen sich gern gefallen lassen . . ." And the following chapter, on "Religion und Kultus," emphasizes that "Der Kult der vergötterten Kaiser war auch in Aegypten wie sonst in den östlichen Provinzen nicht ein römischer, sondern ein hellenistischer."[49]

Three years later Stein was still content with the traditional view of the monarchy: "In den Augen des ägyptischen Bevölkerung hatte sich an der Herrscherstellung des neuen 'Königs' gegenüber den früheren nichts geändert, wozu besonders auch der Herrscherkult beitrug . . . Der Caesar tritt als direkter Nachfolger der Ptolemäer in alle ihre Rechte und Machtvollkommenheiten ein."[50]

But shortly after Stein's work of 1915 – and partly perhaps in tacit acknowledgment of its impact in highlighting the fundamental Romanization of the provincial administration by Augustus and his successors – there begins to be discernible in the papyrological literature a gradual retreat from that simplistic position toward more nuanced evaluations. A first sign appears in Schubart's *Einführung*, published in 1918. Schubart, while agreeing that "Augustus und seine Nachfolger ebenso unumschränkt mit königlicher Gewalt regierten wie die Ptolemäer," nevertheless noted Augustus' abandonment of the *Königseigentum* concept and his incorporation of

46. *JJP* 14, 1962, pp. 73-88.

47. J. Modrzejewski has expressed his acceptance in *Amer. Stud. in Papyrology* I, p. 134: "Comme l'a montré récemment H. Braunert, la fondation d'Hadrien, malgré une façade d'institutions hellénistiques, n'échappe pas au schéma du régime municipal romain."

48. J.G. Milne, *A History of Egypt under Roman Rule,* pp. 1-2 and 149.

49. U. Wilcken, *Grundz.,* pp. 29 and 117.

50. A. Stein, *op. cit.,* p. 81, cf. 82-83; similarly, p. 34, "In Aegypten ist Augustus nur Nachfolger der Lagiden."

Egypt within the Empire, subject to *senatus consulta*, as derogations from absolute monarchy.[51] Likewise, the definition of the monarchy quoted above from Milne's *History* of 1899 is repeated in his second edition of 1913, but is replaced in the third edition of 1924 by a more cautious estimate. The controversy was summarized at the Geneva Congress of 1952 in the paper on "Le statut Augustéen de l'Egypte" presented by A. Piganiol: "L'annexion de l'Egypte à l'Empire doit-elle être considérée comme un simple changement de dynastie?" In answer Piganiol lists the holders of the opposing views expressed in the preceding half century. He does not state explicitly which view he himself favors, but the tenor of his whole presentation appears to align him with those who answered the question in the negative.[52]

Today, a half century after Schubart's *Einführung*, revision has advanced another major step. In different studies published within the past ten years K. Latte and G.W. Bowersock find that the imperial cult in the eastern Roman provinces was not the continuation of the cult of the Hellenistic monarchs, but derived rather from the religious honors accorded Roman magistrates in those regions in the late Republic.[53] At this point we are inevitably reminded that the office of the prefect who ruled Egypt as the emperor's viceroy also derived from the provincial administration of the Roman Republic: he possessed, as Ulpian tells us, *imperium . . . ad similitudinem proconsulis lege sub Augusto ei datum*, and his annual *dialogismos* was not the royal progress of a Hellenistic monarch but, as U. Wilcken and others long ago demonstrated, the Roman *conventus* which Augustus introduced "nach dem Muster der anderen Provinzen."[54] Finally, though it may be stressing the obvious, let us note here how the findings of Latte and Bowersock on ruler cult and those of Tomsin on land tenure in Roman – as distinct from Ptolemaic – Egypt parallel and reinforce each other.

CONCLUSION

The evidence reviewed above – in particular the recent findings on governmental structure, *idia*, land tenure, liturgy – point to the conclusion that Roman domination brought more change than continuity in the administration of Egypt. Within a seemingly unchanging framework of agricultural life and monarchic government there are discernible profound and pervasive departures from, and alterations of, the organizational structure and operational style of the preceding Ptolemaic era. Moreover, the fundamental decision – to impose the cadres of Roman rule with minimum disruption and maximum utilization of existing local institutions – was taken by the first of

51. W. Schubart, *Einführung in die Papyruskunae*, p. 259: "Augustus nahm sofort Aegypten allein in seine Hand . . . . Jedoch betrachtete er die Provinz nicht als Privatbesitz, sondern bezeichnete sie als einen Teil des imperium populi Romani und liess es zu, dass an die Stelle des ptolemäischen *βασιλικὸν* das römische *δημόσιον* = publicum trat und Begriffe wie *δημοσία γῆ* = ager publicus und *δημόσιοι τραπεζῖται* sich ausbildeten, wenn auch der Begriff *βασιλικὸν* nicht verschwand; sogar vom Geltungsbereiche der Senatsbeschlüsse nahm er Aegypten nicht aus. Diese Zugeständnisse an die res publica Romana hinderten aber nicht, dass Augustus und seine Nachfolger ebenso unumschränkt mit königlicher Gewalt regierten wie die Ptolemäer."

52. A. Piganiol, *Museum Helveticum* 10, 1953, p. 194; cf. *supra*, note 8. But J. Modrzejewski, *infra*, p. 322, is still content to repeat the earlier view.

53. G.W. Bowersock, *Augustus and the Greek World*, Oxford, 1965, pp. 112-21; p. 115 n.1 cites K. Latte, *Römische Religionsgeschichte*, Munich, 1960, pp. 312ff. as "rightly finding the origins of the eastern imperial cult in republican worship of Roman magistrates and Dea Roma."

54. *Digest* i.17.1; U. Wilcken, *Archiv* 4, 1908, pp. 366-67, 407 (the quotation is from his *Grundz.* p. 32); cf. also A. Piganiol, *op. cit.*, p. 196.

the Roman rulers, Augustus, in keeping with the traditional policy of the expansionist Republic; the policies and regulations instituted by Augustus were elaborated by his successors in the Principate. It should also be noted that the more our studies bring to the fore the Roman elements in the organization of Roman Egypt, the less unique Egypt appears and the more it resembles other eastern provinces of the Roman Empire. "Die Sonderstellung Aegyptens" remains a fact, but not so absolute a fact as we used to think.

Finally, to return to the leading question with which we began, what of the expression "Greco-Roman Egypt"? To the extent that it connotes a unity or continuity of the Ptolemaic and Roman periods it helps to perpetuate an illusory half-truth. This is reason enough for discarding the expression from our terminology. In addition the expression suffers from imprecision and contributes to inconsistency. We apply it loosely to the whole span of the Ptolemaic and Roman eras. Accurately employed, however, it should denote a period when Egypt was characterized *simultaneously* by Greek and Roman elements, a condition which only commenced with the advent of Roman domination. And that period is clearly and adequately and customarily designated simply as Roman Egypt, just as we also speak of Roman Asia, Macedonia, Syria, etc. For the Greek-speaking parts of the Roman Empire, of which Egypt was one, our nomenclature eschews the specification "Greco-Roman" as otiose.

For all these reasons it seems to me that the expression "Greco-Roman Egypt" has outlived its usefulness. Our literature can only gain in clarity and precision if we discard it from our professional vocabulary. The historical periods that interest us are called Ptolemaic (or Hellenistic), Roman, and Byzantine: let us call them by their right names.

TESTAMENTI ED ATTI PARATESTAMENTARI NEI PAPIRI BIZANTINI*

Mario Amelotti

Lo studio del testamento nella tarda età romana deve al contempo e con pari importanza considerare gli atti di altra natura attraverso i quali si è cercato di raggiungere un fine successorio: donazioni tra vivi e dopo morte, divisioni d'ascendente, patti successorii autonomi, patti successorii inseriti in atti di adozione, in contratti matrimoniali, in documenti di divorzio e così via. In effetti i papiri greci, dal IV al VII secolo (prevalenti quelli del VI), egizi e di Nessana, cui qui ci limitiamo – ma i testi della coeva prassi occidentale danno un'impressione non diversa – mostrano una realtà in cui gli atti paratestamentari soverchiano, sostituendo spesso[1] o talora inquinando con loro clausole,[2] l'istituto testamentario, che è in piena crisi. Accentrare l'indagine su questo e ricordare marginalmente quelli – come per lo più si è fatto da romanisti e papirologi – significa non solo coartare tale realtà, ma rinunciare a coglierne i motivi di fondo. Motivi che a mio avviso vanno ricercati, oltre che nella possibile influenza dei diritti orientali, cui è estraneo il testamento nel senso romano,[3] essenzialmente in due direzioni: preferenza – rispetto al testamento, il cui vigore inizierà dopo la morte – per atti di validità immediata, anche se sospesi negli effetti; desiderio dell' immutabilità che pervade sia i disponenti, contro le altrui trasgressioni, sia i destinatari (in particolare chiese ed istituzioni benefiche), contro l'eventualità di revoche. E il testamento è fondamentalmente revocabile *usque ad vitae supremum exitum*. I due ordini di motivi si possono a loro volta ricollegare a quella inconsapevole aspirazione, che è propria delle epoche turbate e declinanti, alla certezza del diritto.

Venendo all'esame dei vari atti, e dicendo in primo luogo del testamento,[4] è da osservare

*Ho preferito conservare al testo la forma schematica e alle note il carattere di puri riferimenti testuali, sia per attenermi alla lettura fattane, sia perché si tratta di argomento ancora in corso di studio e destinato ad essere rifuso nel futuro secondo volume dell' opera *Il testamento romano attraverso la prassi documentale.*

1. Esempi di atti paratestamentari: donazioni tra vivi *P.Masp.* 67003; 67340 v; *SB* 4678; *P.Masp.* 67250 (VI sec.; il secondo e il terzo papiro fors'anche donazioni dopo morte); donazione con riserva d'usufrutto *P.Lond.* 1044 (VI sec.); donazioni dopo morte *P.Cair.Preis.* 42 (III-IV sec.); *P.Gron.* 10 (IV sec. secondo l'ed., ma probabilmente più tardi); *P.Masp.* 67154 v; 67096; *P. Lond.* 1729; *P.Monac.* 8 (VI sec.); divisione d'ascendente *P.Ness.* 21 (VI sec.); patti successorii autonomi *P.Masp.* 67156; *P.Lond.* 1727 (VI sec.); patti successorii inseriti in atti di adozione *P.Oxy.* 1206; *P.Lips.* 28 (IV sec.); in un contratto matrimoniale *P. Masp.* 67006 v (VI sec.); in un documento di divorzio *P.Flor.* 93 (VI sec.). Ricordo pure i due casi di ἀποκήρυξις *P.Masp.* 67097 v D e 67353 v A (VI sec.) in quanto preludono ad una diseredazione, e la probabile vendita simulata dei genitori ad un figlio in *P.Par.* 21 bis e 20 (VI sec.).

2. Commistione di donazione tra vivi e fedecommesso, in un lascito ad un monastero, entro il testamento *P.Masp.* 67151 (VI sec.); irrevocabilità e discorso diretto all' erede nel testamento *P.Lond.* 77 (VI sec.).

3. Ad ambiente ebraico appartengono forse le insolite disposizioni orali di *P.Oxy.* 131 (VI-VII sec.).

4. Esempi di testamenti: *P.Oxy.* 990; P.NYU. Inv. II 15 (IV sec.); quello celebre di Aurelio Kolluthos (cf. Arangio-Ruiz, *Negotia,* nr.52; V sec.); *P.Ath.* 31 (V-VI sec.); *P.Masp.* 67312; 67151; *P.Oxy.* 2283; *P.Ness.* 115; *P. Masp.* 67324; *P. Oxy.* 1901; *P.Michael.* 53; *P.Lond.* 77 (VI sec.); *P.Vind.Gr.* 25875; *P.Grenf.* I 62 (VI-VII sec.). Vi sono inoltre alcuni casi dubbi e allusioni varie: tra le più interessanti *P.Lips.* 33 (IV sec.); *P.Ness.* 30 (VI sec.); *P.Vind.Gr.* 26270 (VI-VII sec.), nonché *P.Oxy.* 1829 e *P. Lond.* 1709 (entrambi del VI sec.) di cui alle note seguenti.

che i papiri non rispecchiano quella varietà di forme che è nota al tardo diritto romano, in particolare ignorano i testamenti pubblici.[5] La regola è il testamento privato scritto, ma di redazione notarile, compiuto nel rispetto, spesso testualmente dichiarato, dei requisiti formali prescritti dalle leggi, in primo luogo da *Novella Theodosii* 16 = *Codex Iustinianus* 6.23.21.[6] Rarissimo è il testamento orale,[7] e raro è pure il testamento che si vale di attenuazioni formali, per esempio riguardo al numero dei testimoni *(testamentum ruri conditum?).*[8] L'intervento dei notai, forse non abbastanza lodato, giova d'altra parte a conferire ai testamenti una direttiva quanto alle clausole sostanziali, che la liberalizzazione legislativa a partire da Costantino avrebbe potuto lasciare nell'anarchia rivelata da certi papiri testamentari tardo-classici. Il susseguirsi ordinato delle clausole, l'influsso del linguaggio cancelleresco costantinopolitano, l'espressione sufficientemente corretta – magari anche classicheggiante – delle principali disposizioni[9] compensano in genere la stancante prolissità bizantina, la penetrazione di singole clausole aberranti, l'adesione più esteriore che sostanziale al diritto dell' impero.[10]

Un quadro più confuso e preoccupante offrono gli atti paratestamentari, che nella loro varietà e talvolta nella loro improvvisazione presentano risultati contradittorii e giuridicamente precari. Si pensi alla frequentissima donazione dopo morte che, nella sua irrevocabilità così cara alle parti, urta contro un essenziale carattere della *donatio mortis causa* del diritto postclassico-giustinianeo, anche se può trovare una sanatoria, sotto la veste della rinuncia alla revoca, nella *Nov.* 87, se addirittura non l'ha ispirata.[11] Si pensi ancor più a tutta la gamma dei patti successorii, cui il diritto romano rimane fondamentalmente avverso. Eppure – ripetiamo – sono proprio questi atti a trovare nella prassi la rispondenza più aperta: conclusione alla cui luce sarebbe da rivedere anche la documentazione copta.[12]

5. Tali non sono *P.Oxy.* 1829 (non *insinuatio testamenti apud acta,* ma produzione processuale) e *P.Masp.* 67151 (il *δημόσιος καὶ πρακτικὸς τόπος* non è che l'ufficio notarile).

6. Presenza dei sette testimoni (convocati, cittadini, puberi, onorati) e loro sottoscrizione; sottoscrizione anche del testatore.

7. A parte il discusso *P.Oxy.* 131, abbiamo solo il testamento orale menzionato nel documento copto *P.Lond.* 1709.

8. Cinque testimoni in *P.Lond.* 77; tre, di cui uno solo firma, in *P.Vind.Gr.* 25875.

9. Le clausole si presentano generalmente in quest'ordine: data; formula introduttiva e motivazione; piena coscienza e adesione alle prescrizioni formali; clausola codicillare e di conferma degli eventuali codicilli; istituzione d'erede (classicheggiante o introdotta da *βούλομαι καὶ κελεύω*; classicheggiante è pure la diseredazione); lasciti (in forma fedecommissaria); manomissioni (in forma fedecommissaria); sepoltura; clausole rafforzative (comminazione di multe; clausola di dolo) e finali (stipulatoria e *κυρία*); sottoscrizioni del testatore e dei testimoni; *completio* del notaio.

10. I soli richiami a prescrizioni sostanziali riguardano la *Novella Iustiniani* 131.12 (contro la legittima e a favore dei lasciti pii) e la *Novella Iustiniani* 1 (che tutela in generale l'adempimento dei legati).

11. L'unico caso di revoca di una donazione dopo morte è in *P.Masp.* 67154 v; altrove se ne dichiara sempre l'irrevocabilitá.

12. Per la quale rinvio intanto a Till, *Erbrechtliche Untersuchungen auf Grund der koptischen Urkunden,* e a Steinwenter, *Das Recht der koptischen Urkunden.*

TWO UNPUBLISHED LITERARY PAPYRI IN THE BROTHERTON LIBRARY OF THE UNIVERSITY OF LEEDS

W.G. Arnott

In the Brotherton Library of the University of Leeds there are two small scraps of papyri, which were bought in 1940 from Maggs Bros. Ltd., the London antiquarian booksellers, with money from the Professor W. Rhys Roberts Memorial Fund and the Library Manuscript Fund. Their ultimate provenience is unknown. Hitherto they have lain unpublished, but some details were communicated to R.A. Pack for inclusion in his *Greek and Latin Literary Texts from Greco-Roman Egypt*[2], nos. 1966 (P. Leeds Inv. 3) and 617 (P. Leeds Inv. 4), by my predecessor, Professor J.A. Davison, whose recent death has been a grievous blow to classical scholarship in many fields. He was a faithful and regular supporter of the post-war papyrological congresses, contributing to them several papers in which his expert knowledge of Greek lyric poetry and Homeric transmission afforded him new insights into the relevant papyri. He had hoped to come to America for this congress. And now his impressive and lively personality is greatly missed. To his memory this present paper is humbly dedicated. Its composition has benefited greatly from advice and information supplied by Professor J. Bingen, Mr. W.E.H. Cockle, Professor H. Erbse, Dr. W. Müller, Dr. J.D. Thomas, and particularly Professor E.G. Turner, who improved an earlier draft by his rigorous and helpful criticism. To all these thanks are owed and most gratefully given.

P. Leeds Inv. 3 8.4 x 7.2 cm. II/I B.C.

→ Late second or early first century B.C. The right-hand half of the papyrus contains the beginnings of eight lines of iambic verse. The space between the top line and the top edge is fractionally greater (.75 cm.) than the average distance between the lines of verse (.5-.6 cm.), and so this top line may originally have been the top line of a column. In the margin to the left of this line are traces of one wide or two narrow letters, whose decipherment is handicapped by a hole in the papyrus. The margin is 2.5 to 3 cm. wide; to its left are the remains of letters which may be interpreted as line-ends from the previous column. The surface is reasonably preserved, apart from a few holes and abrasion at the edges; but imperfections in the original constitution of the papyrus may have contributed to the thicker appearance of the strokes towards the right-hand edge and the blotching of a letter in the top line. The script is fluent, but cursive rather than bookhand and apparently quickly written. Although the letters are clearly shaped, there is a remarkable variation in the form of some of them (A, Γ, E, K, Λ, N, Π, Σ, Υ) which makes the interpretation of fragmentary traces unusually difficult. Tying strokes link letters to each other wherever possible, and especially after K, N and Ω. There are no accents, diacritical marks, or other signs such as dicola or paragraphi.

Column I

]. ς
]. .
]. ν
]ε. ης
5]. .

7]. υ

Column II

.. ἦ που .ασαφ̣[
αντιγονεβαλ.[
τῶν νῦν γυνα[
†εντευξαν̣α.[
5 ἥκω λιποῦσα[
ὁ γράφων ἀπαντ̣[
ἀ̣ρ̣έσαι δέ σοι κω[
]. μ[

Column I

1. before ς, traces of the curved foot of ? *α*, *η*: not *ε*, *υ* (whose top right-hand curves would have been visible), nor (probably) *ι*.

3. traces of the lower end of a vertical stroke, hooked or extended diagonally leftwards, but not descending below the level of the following *nu*: *ι* or *υ*?

4. after *ε*, a fleck of ink that could be the bottom of the left-hand vertical of a narrow *ν*, but *γ*, *λ*, *π* and *τ* are not excluded.

5. the traces correspond to the arc of a small *sigma* whose top crossbar has been abraded.

7. the *υ* is clear; before it, a faint trace of ink, which may indicate that the now inkless flap .4 cm. wide to the left of the *υ* has lost its original writing because of abrasion of the horizontal fibres.

Column II

1. margin: traces of the top corners of two apparently ill-shaped letters, whose decipherment is further impeded by a hole. The first could perhaps be *ε* or *σ*, hardly *γ*; the second *γ*, *ε*, or *σ*, hardly *ω*. Their marginal position best suits the abbreviation of a speaker's name in a dramatic text, but no relevant name appears to me to fit the traces.[1]

1. the fifth letter is blotched; *ε* and *θ* seem more likely than *σ*, but only *ἦ πού σ' ἀσαφ̣[ῶς* (or a congener of the supplemented word) would satisfy sense and metre alike. It would perhaps be easier to believe that the fifth and sixth letters were repeated because of the blotch, and that the scribe intended *ἦ που σαφ̣[ῶς* or something similar.

2. *Ἀντίγον' ἐβαλ.* or *Ἀντίγονε βαλ.* – after *λ*, traces of the left side of a round letter (*ε*, *ο*, *ω* are possible).

3. *γυνα[ικῶν* Davison; cf. Ar. *Thesm.* 550.

1. The courtesan whom Plautus names Selenium in the *Cistellaria* was called Plangon by Menander in the *Synaristosai*.

4. the first seven letters are clearly *εντευξα*; then *ν* (or *λι*?), *α*, and the sublineal curve of *β* or *ε*, hardly *σ*. *ἐντεῦξαν* (as nom./acc. singular of the aorist participle active of *ἐντεύχω*) is hardly plausible, and no other word-division produces acceptable Greek. Corruption must be postulated (e.g. for *'εντεύξ⟨ομ'⟩ ἀναβ[άλλουσα ταῦτα τῇ κόρῃ*, addressed to the newcomer in line 5? See below).

5. *λιποῦσα* or perhaps *λιποῦσ' α[* – The phrase may echo a tragic cliché used on the arrival of new characters (cf. Eur. *Andr.* 1232, *ἥκω Θέτις λιποῦσα, Hec.* 1, *Tro.* 1) which comedy was not slow to parody (Ar. fr. 1, Men. fr. 286.1).[2]

6. *ἀπαντ[* from *ἅπας* or *ἃ πάντ[*

7. *κώ[αιδε* Turner, *κώ[δυνος* Austin.

Identification even of the genre of literature to which this scrap belongs is difficult, since the intelligible phrases provide few clues to their context. The dialect seems to be Attic or *κοινή*, and the composition is clearly metrical, iambic trimeters or tetrameters in all probability. If *ἥκω λιποῦσα* in II.5 is not a literary quotation or evidence for a female writer, the presumption must be that the verses either are dramatic, a female speaker having newly entered at this point, or come from a narrative enlivened by direct speech of the characters concerned (cf. Machon's *χρεῖαι*). In a papyrus of this date the absence of paragraphi and dicola cannot be used as an argument against the former interpretation, while the marginal letters at II.1 support the suggestion of a dramatic source. But if drama, the address or apostrophe to Antigonos in II.2 may afford a clue to its type and date. This name occurs only once in extant drama, a fragment of Alexis' *Krateia* (fr. 111 Kock) contains praise of a recent victory won by 'Antigonos the King,' where the victory may be identified as that of Salamis in 306 B.C. and the king as A. Monophthalmos. In the papyrus the remains are too scanty for identification of its Antigonos as Monophthalmos, Gonatas, Doson, some other historical figure, or even an invented stage character. But at least there is no Antigonos known to tragic mythology or mentioned in any context before the mid-fourth century. The fragment may therefore be tentatively assigned to middle or new comedy, whether Athenian or Egyptian.

↓ Late second or early first century B.C. Four names, written in the top right-hand area of the scrap, with margins top and bottom, and evidence for a previous column to the left.

]		*Μενέλαος*	ⲝ· $\bar{a}$
]		*Μενέδημος*	ⲝ·[
]		*Μενέστρατος*	ⲝ·[
	]d	*Μενε {·} κράτης*	ⲝ·[

ⲝ is presumably a symbol for *πυ(ροῦ ἀρταβαι)*. The sign d (=¼) preceding the fourth name will originally have been attached as part of a grain assessment or payment to a name in a column to the left of the one extant. After the fourth letter of *Μενεκράτης* there is a short high stroke slanting down to the right; it may have been a scribal mistake over the beginning of the next letter. The four names are male, Greek, and previously recorded from Egypt (Preisigke, *Namenbuch,* s.vv.); they come from one small segment of the alphabet, and seem to have been preceded

2. The tragic and comic parallels were assembled by Dr. C. Austin.

by other names in one or more earlier columns; they are followed by payments or assessments in artabai. Accordingly, the scrap is probably an extract from a much bigger list recording assessments or payments of rent by catoeci. Further speculation is unprofitable without further information about provenance, etc.

P. Leeds Inv. 4 6.6 x 4.3 cm. I A.D.

→ First century A.D. Homer, *Iliad* i.522-34. The fragment, which appears to be part of a roll, is incomplete on all sides. The surface is moderately well preserved, but there is a little rubbing and several small holes. The script is a careful, fairly even book-hand. There are no accents or diacritical signs.

A further scrap from the same column of this roll is now preserved in Brussels (P. Brux. Inv. E.7160; Pack^2, no. 618; Hombert and Préaux, *Chron. d'Eg.* 13, 1938, p. 386; Lameere, *Aperçus de paléographie homérique*, p. 55; Bingen, *Chron. d'Eg.* 36, 1961, p. 218); this measures 6.2 x 3.8 cm., and contains portions of the middle of lines 534-46. Although there is no matching of edges between the two fragments of papyri, (the Brussels fragment begins in line 534 two letters on from the Leeds fragment with]πατρ[ος, where only the bottoms of the letters are preserved), there is no doubt about their derivation from the same roll. Their handwriting is clearly identical. Similar (if undecipherable) traces of letters can be made out on the right-hand portions of the ↓ side of both papyri. And a thin vertical band of darker brown fibres, which extends visibly all the way down the centre of the ↓ side of the Leeds papyrus, appears also on the ↓ side of the Brussels fragment in the matching position.[3] Unfortunately, the provenience of the Brussels papyrus is as obscure as that of its Leeds partner.

522 "ἀλλὰ] σὺ μὲν νῦν αὖ[τις ἀπόστιχε, μή τι νοήσηι
Ἥρη· ἐ]μοὶ δὲ καὶ ταῦτ[α μελήσεται, ὄφρα τελέσσω·
εἰ δ' ἄγ]ε τοι κεφαλῆ ἐπ[ινεύσομαι, ὄφρα πεποίθηις.
525 τοῦτ]ο γὰρ ἐξ ἐμέθεν [γε μετ' ἀθανάτοισι μέγιστον
τέκμωρ·] οὐ γὰρ ἐμὸν π[αλινάγρετον οὐδ' ἀπατηλὸν
οὐδ' ἀτε]λεύτητον, ὅ τί κ[εν κεφαλῆι κατανεύσω."
ἦ καὶ κ]υανέηισιν ἐπ' ὀ[φρύσι νεῦσε Κρονίων·
ἀμβρ]οσίη δ' ἄρα χαίτ[η ?
530 κρατὸ]ς ἀπ' ἀθανάτο[ιο· μέγαν δ' ἐλέλιξεν Ὄλυμπον.
τὼ γ' ὣς] βουλεύσαντε [διέτμαγεν· ἡ μὲν ἔπειτα
εἰς ἅλα] ἅλτο βαθεῖαν ἀ[π' αἰγήεντος Ὀλύμπου,
Ζεὺς δ]ὲ ἐὸν πρὸς δ[ῶμα· θεοὶ δ' ἅμα πάντες ἀνέσταν
ἐξ ἑδέ]ων σφο[ῦ πατρὸς ἐναντίον· οὐδέ τις ἔτλη . . .

There is, in addition to *P. Leeds* 4, another papyrus which contains fragmentary remains of this passage: P. Berlin Inv. 6869, dated to the late Ptolemaic or very early Imperial period (Pack^2, no. 572; *Berliner Klassikertexte* V, 1.3; Schubart, *Gr. Paläographie, Abb.* 73). Although a detailed

3. After the Congress, *P. Leeds* 4 was taken to Brussels, where it was duly matched with P. Brux. Inv. E.7160 and photographed (see plate xx). I should like here to express my thanks to all who made this valuable juxtaposition of the two papyri possible: particularly to Professor J. Bingen of the Fondation Egyptologique Reine Elisabeth in Brussels, and the Librarian of the Brotherton Library of the University of Leeds.

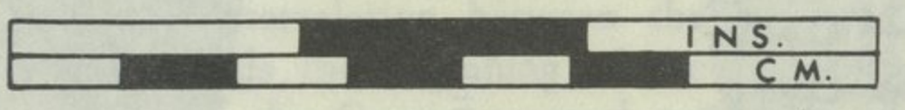
text of this Berlin papyrus has never been published, Dr. W. Müller, Director of the Papyrus Collection at the Staatliche Museen in Berlin, has kindly supplied information about its readings: The Leeds papyrus itself contains, in addition to the simple error at 523 and the wild variant in 529, a reading in 524 of considerable interest.

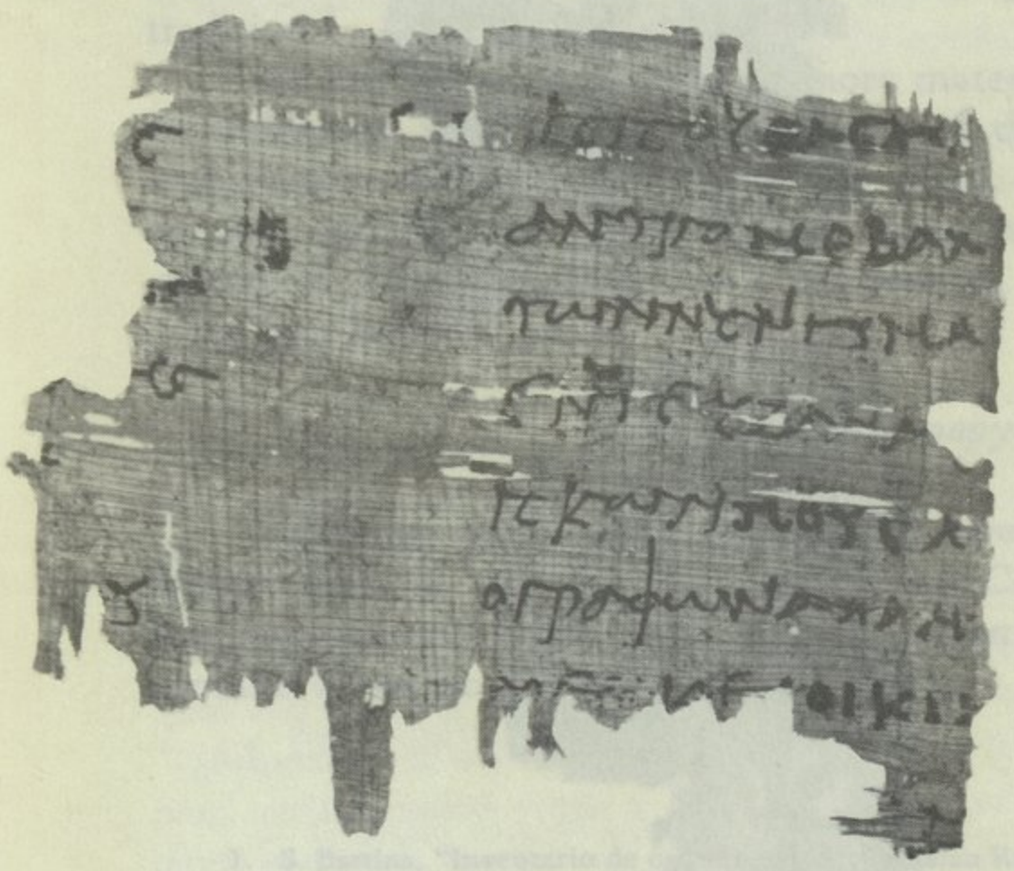
523: the substitution of an unmetrical *καὶ* for the correct *κε* is doubtless to be explained partly as an instance of the phonetic confusion between *ε* and *αι* which appears in papyri first in the second century B.C. (Mayser, *Grammatik*, I.107), and partly as a replacement of the relatively less familiar word by a common one.

524: the medieval manuscript tradition rightly has *κεφαλῃ κατανεύσομαι*, on which the Venetus scholiast writes *οὕτως κατανεύσομαι οὐχὶ ἐπινεύσομαι Ἀρίσταρχος ἐν τοῖς πρὸς Φιλητᾶν* (fr. 54 Kuchenmüller) *προφέρεται*. The Berlin papyrus shares with the Leeds one a preference for the reading rejected by Aristarchus, having at this point *επ[ι]ευσομαι*. Hitherto the *ἐπινεύσομαι* variant has not been recorded from a continuous text, although it was known not only from the scholiast but also from two brief quotations in Ath. ii.66c and Atticus in Euseb. *Praep. Evang.* xv.4.9 (796^a2).

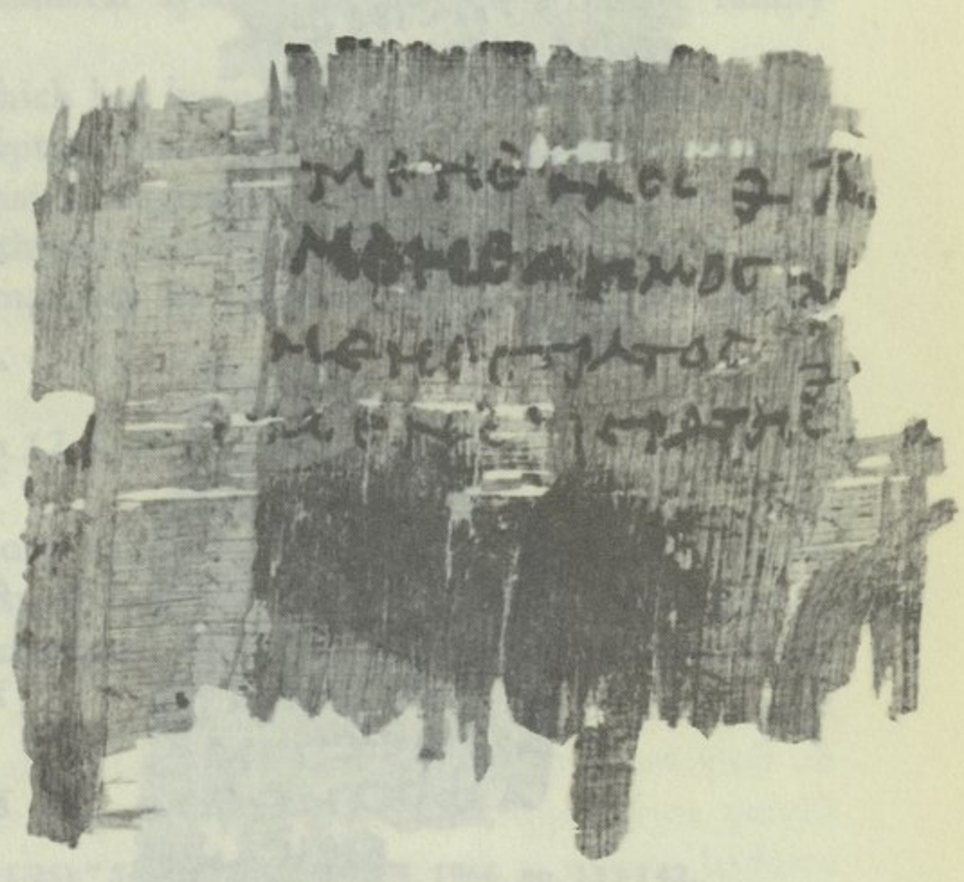
529: here the tradition of the medieval manuscripts (and also of the Berlin papyrus) is unanimous, *ἀμβρόσιαι δ' ἄρα χαῖται ἐπερρώσαντο ἄνακτος*. If *ἀμβρ]οσίῃ* in the papyrus is not a mere slip, it can have been followed only by *δ' ἄρα χαίτ[η* and a different verb form which it would be idle to guess at.

532: the itacism in *βαθῖαν* would not have called for comment if a similar spelling error had not occurred at line 544 of the Brussels fragment, *επιτα* for *ἔπειτα*.

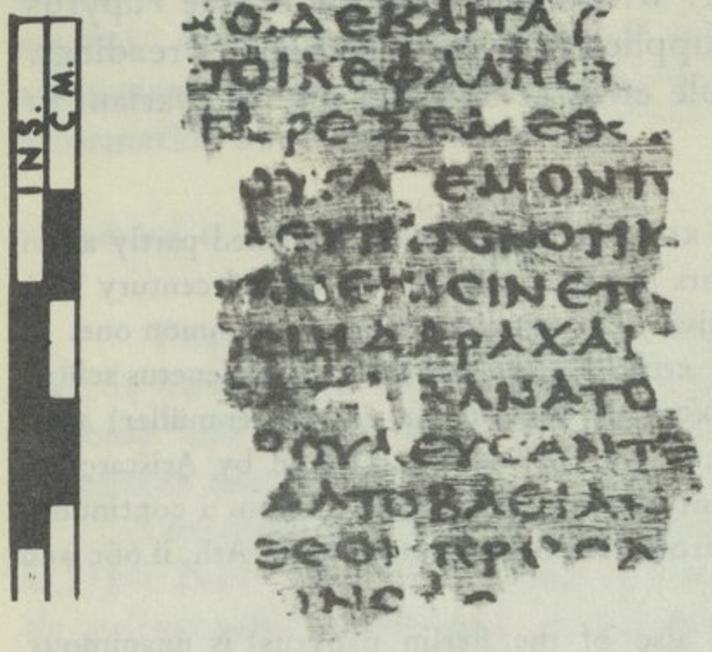




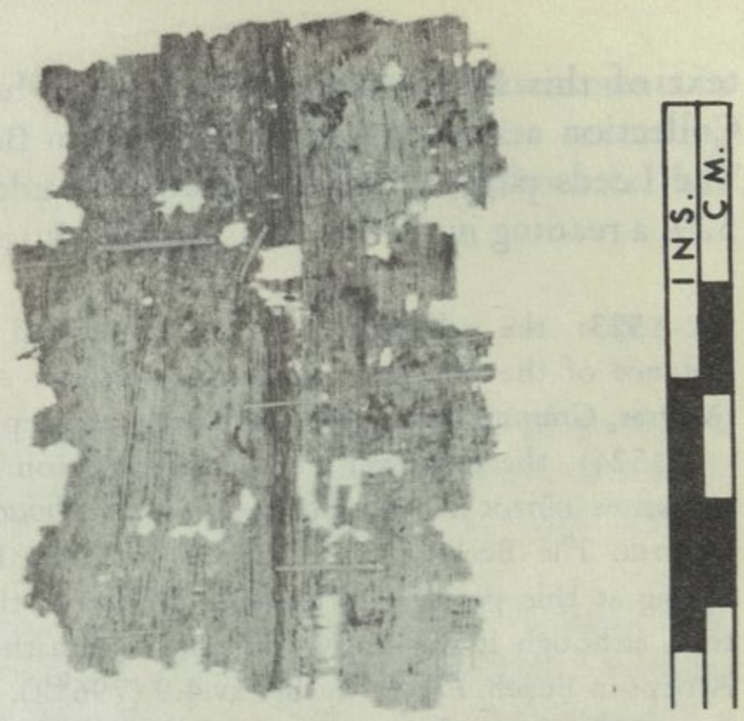
P. Leeds Inventory 3 →



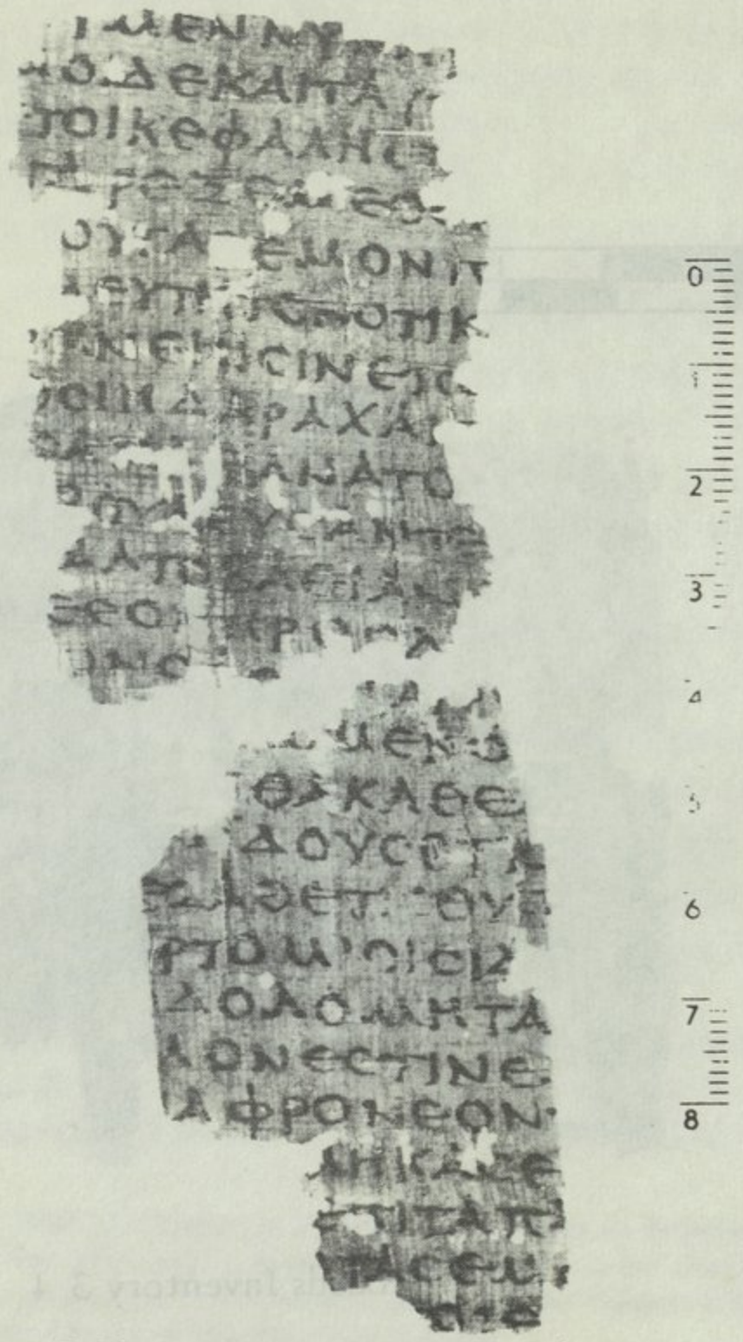
P. Leeds Inventory 3 ↓



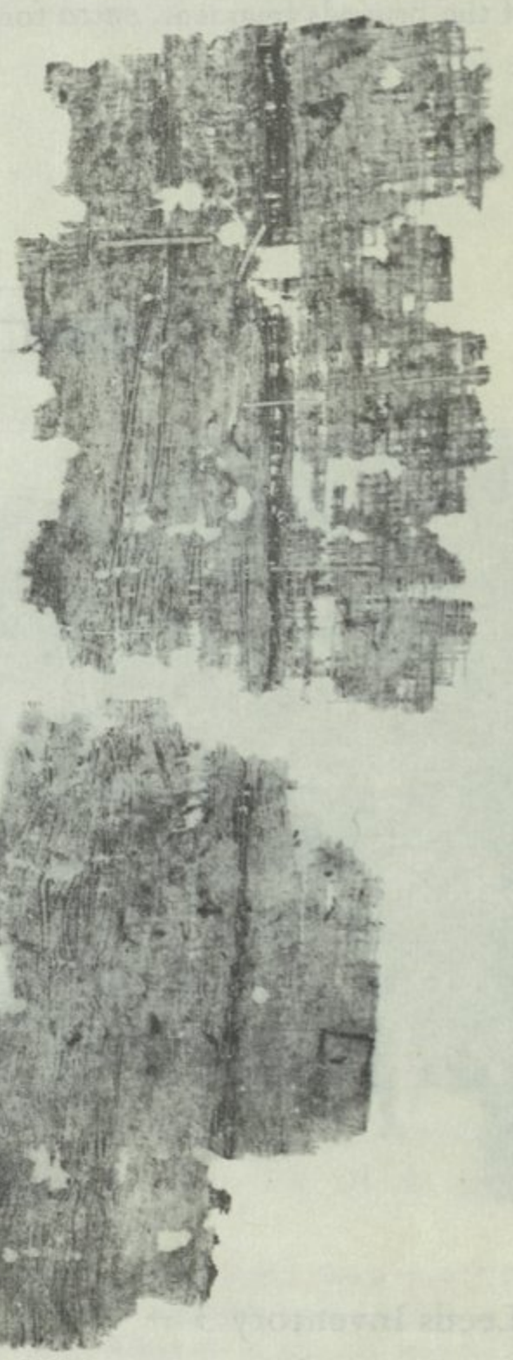
P. Leeds Inventory 4 →
Homer, *Iliad* I, 522-34



P. Leeds Inventory 4 ↓
Homer, *Iliad* I, 522-534



P. Brussels Inventory E. 7160 →
Homer, *Iliad* I, 534-546



P. Brussels Inventory E. 7160 ↓

A NEW ṢA'ĪDIC PAPYRUS OF THE GOSPEL OF ST. JOHN (Jn 17:8, 22; 21:16-17). P. Palau-Rib. Inv. 53.

S. Bartina

The Coptic Collection of P. Palau-Rib.

In the large and varied papyrological collection Palau-Ribes, of the Theological Faculty of Barcelona (Spain), section San Cugat del Vallés, there is abundant Coptic material, whose systematic publication has been undertaken.

I published the inventory on the Coptic ostraca, which number twenty-six pieces in all and form an interesting group. Many of these are in a blurred or scraped state and that makes their complete interpretation difficult.[1] Recently, I published the beginning of the third epistle of St. John in Ṣa'īdic. It was found on a short fragment of papyrus, written in rough characters for purposes probably of spiritual protection.[2] In the second half of the review *Studia Papyrologica*, corresponding to the second semester of the present year 1968, we shall issue an interesting document which will clarify the interrelation between the cursive Coptic ciphers and the incoming Arab culture, when towards the beginning of the IX century A.D. closed circles conserved tenaciously the secret of the Coptic numeral system in the heart of the family tradition.[3]

We can now announce some more material which has been carefully studied and will soon be published, and which forms a part of the Coptic Palau-Ribes stock in the Papyrological Department of Barcelona. In the first place, a Boḥairic fragment of Proverbs 15:27-16:6, with notable variations. Next, nine large leaves in parchment containing Daniel 11:29-14:41 with colophon. The remaining Coptic documents, the majority in papyrus, reach, in round figures, some four hundred pieces.

The new Ṣa'īdic papyrus Jn 17:8, 22; 21:16-17

Following this systematic plan of investigatory exploration, we think it opportune to present here, in this Twelfth International Congress of Papyrology, at Ann Arbor, Michigan, a new papyrus, with short but important contents. It consists of an opistographical fragment which contains verses from the Gospel of St. John.

1. S. Bartina, "Inventario de óstraca coptos (O. Palau Rib. inv. 1-26)," *Studia Papyrologica* 5, 1966, pp. 133-142.

2. S. Bartina, "Un papiro copto de 3 Jn 1-2 (P. Palau Rib. inv. 20)," *Studia Papyrologica* 6, 1967, pp. 95-97, with one photograph.

3. In fact it was published after this paper was read at the XII International Congress of Papyrology, Ann Arbor (Michigan): cf. S. Bartina, "Cifras coptas y cultura árabe (P. Palau Rib. inv. 65)," *Studia Papyrologica* 7, 1968, pp. 99-110.

Description of the Papyrus

The fragment is vaguely in the form of a truncated pyramid. Its maximum breadth is 12.2 cm. (minimum breadth 3.3 in the lower terraced extreme) and its maximum height is 7.2 cm. (the lowest 3 at one point). It is straw-coloured, a little dark. It is written in faded maroon ink which has been scratched off in places. The writing is elaborated and magnificent, first on the verso and then on the recto. On the verso, five lines and a very small part of a sixth remain visible. The five lines have 9, 12, 10, 10, 10 letters respectively. The second line, with twelve letters, clearly has had the final one added to it at some later date. The remains of three letters appear in the sixth line. On the recto six lines remain, the first and the sixth a little mutilated. There are signs of a seventh. They have 9, 10, 10, 11, 9, 10 letters respectively. The one that contains 11 letters appears to have had the last one added later. It appears clear that the average number of letters per line is ten. There has remained a margin 2.4 cm. broad to the left of the verso, corresponding to the one on the right of the recto. At the top there is a margin of 1.6 cm. This particular would have allowed the reconstruction of the columns and the entire page, if it had not been for the circumstance which we are going to explain.

The letters have been traced with the greatest care and reveal a master hand. Their appearance postulates a specialized school for books intended for official or liturgical use. The character of the letter is perfectly angular, carefully rounded into little balls in almost all the endings, as a sign of transition from the uncial majestic Coptic to the elongated capital ball-forms. Some letters are of a larger size than the normal, like the first ⲡ, whose horizontal extension measures 1.2 cm., and whose appearance imposes on the whole writing an air of horizontality; or the exceptionally long vertical track of the ⲧ, which measures 1.4 cm. and vertically reaches to the lines both above and below. The lower end of ⲫ always falls below the level of the base-line. At the end of the second line of the verso there is an enormous and disproportionate ⲧ, by all appearances a later addition, and in the fourth line of the recto, also at the end, a diminutive ⲉ which is out of harmony with the pattern, also added, to all appearances, afterwards.

Other Diacritic Signs

P. Palau-Rib. Inventory 53 offers five other classes of diacritic signs. The common dash superimposed, the cream, the point, some flying angles which look like circumflex periods and the comma. The superior horizontal *dash* or the vocalic murmur of the timber *e* (*oe*) is ordinary. In the whole papyrus there are seven legible cases. The dash is always on the top and occupies one third or at the most one half of the letter. Its position seems to depend upon this principle: when the consonant affected is an element of the following syllable, the little line is to the right; when it is an element of the preceding, to the left. The *diaeresis* or the *trema* always goes above the ⲓ of the diphthong ⲁⲓ (two cases: on the verso, lines 3 and 5). The *point* is between words with greater separation. There are four sure examples and two probably (the second and the fifth lines of the verso, where the papyrus is torn at the end). The purpose of these is clear: not only do they mark the division between verses, but they also indicate a longer pause in the reading.[4] *Flying angles* appear in abundance at the end of the words. On such a short material they have reached twelve in the original, even in contiguous words (line 4 verso). We believe that they serve to separate the words when their separation is not clear because of the compact and fluid

4. S. Daris, "Un nuovo frammento della Prima Lettera di Pietro (1 Petr. 2, 20 – 3, 12)," *Papyrologica Castroctaviana, Studia et textus* 2, Barcelona, 1967, p. 16. This papyrus has been admitted to the international list of the New Testament Papyri with the number P^{81}

appearance of the writing, which is a special difficulty in Coptic. Finally, there is also the *comma* (line 4 verso), but it seems to substitute for the upper angle, which could not be written here conveniently because of the superimposed letters. There can also be the coincidence of the full stop and the comma (line 4), and the full stop and the little angle (line 3). The general purpose of these signs is to obtain a good reading and probably an adequate intonation. This clearly indicates the communal purpose of the writing.

The Paleographic Dating of the Papyrus

The letters in the papyrus are typical capital Coptic, fairly evolutionized. The latest modern specimen which Cavallo offers still appears to be somewhat archaic with respect to the type of the papyrus in question.[5] This bears resemblances to the great uncial of the fragment of Genesis 3:2-7, which Lefort dates between the seventh and eighth centuries.[6] Besides, their affinity to the uncials of the ninth century which Stegemann offers[7] and to those which Maria Cramer dates in the year 848,[8] cannot be denied. On the other hand, Paul E. Hahle makes this type of persistent letter "probably of the early seventh century" and also "of probably the eighth century."[9] We propose, with the necessary reservations, that the best date for P. Palau-Rib. Inv. 53 is the eighth century A.D., that is to say, the beginning of the epoch that Rudolph Kasser has called the final Sa'îdic stage.

Transcription and Translation of the Fragment

The fragment, by its order, can be transcribed and translated thus:

Inv. 53v		
ⲁⲩ]		
ⲡⲓⲥⲧⲉⲩⲉ̇ ⲭⲉ ⲛ̄	crediderunt quod	
ⲧⲟⲕ̇ ⲁⲕⲧⲛ̄ⲛⲟⲟⲩⲧ	tu misisti me.	Jn 17:8 (21) (end)
ⲁⲩⲱ ⲁⲛⲟⲕ ⲁ̈ⲓ†̇	et ego dedi	
ⲛⲁⲩ ⲙ̄ⲡⲉⲟⲟⲩ., ⲛ̄	eis gloriam	
ⲧⲁⲕⲧⲁⲁϥ ⲛⲁ̈ⲓ	quam dedisti mihi	Jn 17:22 (beginning)
ⲭⲉⲕ[ⲁⲥ	ut. . .	
Inv. 53r		
[ⲙ̄]ⲙⲟⲕ̇. ⲡⲉⲭⲁϥ	te. Dixit	
ⲛⲁϥ̇ ⲭⲉ ⲙⲟⲟⲛⲉ	ei: Pasce	
ⲛ̄ⲛⲁⲉⲥⲟⲟⲩ̇. ⲡⲉ	oves meas. Di-	
ⲭⲁϥ̇ⲛⲁϥ̇ ⲙ̄ⲡⲙⲉϩ	xit ei ter-	Jn 21:16-17
ⲫⲟⲙⲛ̄ⲧ ⲛ̄ⲥⲟⲛ̇.	tia vice:	
[ⲭⲉ ⲥ]ⲓⲙⲱⲛ̇ ⲡⲱⲏ	Simon fi-	
ⲣⲉ]ⲛ̄ⲓⲱϩⲁⲛ]ⲛⲏⲥ	li Ioannis	

5. G. Cavallo, *Ricerche sulla maiuscola biblica*, Firenze, 1967, p. 152 and plates.

6. L. Th. Lefort, *Les manuscrits coptes de l'Université de Louvain*, I, *Textes Littéraires*, Louvain, 1940, Pl. I; Gn 3:2-7.

7. V. Stegemann, *Koptische Paläographie, 25 Tafeln zur Veranschaulichung der Schreibstile Koptischer Schriftdenkmäler auf Papyrus, Pergament und Papier für die Zeit des III.-XIV. Jahrhunderts, Tafelband,* Heidelberg, 1936, Pl. 14.

8. M. Cramer, *Koptische Paläographie*, Wiesbaden, 1964, Tafel 51, Nr. 20: "Pierpont Morgan Bibliothek, Ms 583, fol. 117v, Ende des Lobliedes auf Johannes den Täufer (46-117)."

9. Paul E. Kahle, *Bala'izah. Coptic texts from Deir El-Bala'izah in Upper Egypt*, I, London, 1954, Plate III, 2, "Liturgy of St. Basil"; Plate III, 6, "Encomium of a Bishop."

As can be seen, this double passage from the Gospel of St. John (Jn 17:8, 22; 21:16-17) contains part of the pericope called the collation of the primacy of Peter, close to the lake of Tiberias, from which one can integrate this name ⲥⲓⲙⲱⲛ.

Complete Work or Selection?

There remains one problem to be solved. The text of the papyrus skips fourteen verses (from 9 to 21), for it passes without breaking the continuity from 17:8 to 17:22. The contents of the verses skipped are highly theological. In them, there appears repeatedly affirmed the consubstantiality of God the Father with the Word incarnate, Jesus Christ. The concept of "name" (ⲡⲉⲕⲣⲁⲛ' *τὸ ὄνομα*), which has been suppressed over here, according to the phrase "the name which Thou has given me" (Jn 17:11-12), is, in the mind of St. John, in virtue of his Semitic background, the same as the Divine essence or nature in as much as it is manifested gloriously to men. The concept "glory" (ⲡⲉϩⲟⲟϥ, *δόξα*) coincides with the Divine essence or name: "I have showed them the glory which Thou has given me," making them participators by adoption of the divine nature and not only by the manifestation of miracles (Jn 17:22). The concept of consubstantiation is affirmed various times: "All my things are yours, and yours mine. In them consist my glory" (Jn 17:10); "That they may be one as We are one"; "That they may all be one thing, as thou Father in me and I in Thee" (Jn 17:21). It may be said that the suppression of this passage is the fruit of a censure or cutting-down in the heterodox circles of Christological thinking, or the effect of manipulations of the texts proceding from the early Gnostic movements.[10]

On the other hand, there is something very evident. The fragment of papyrus has been written on both sides, and so could be reconstructed with facility. Codices containing two columns per page are frequent.[11] Even supposing, in this concrete case, that three columns could be supplied, there would not be enough space to contain the three chapters which are missing between 17 and 21, without counting on the incompleteness of both. On the supposition that it were an unknown form of the Diatessaron of Thacian, it would not be possible to make room for the extensive sections which are contained between the attested passages of this fragment. One thing is certain: Whether it is the pure Gospel of St. John, or if it deals rather with the so-called harmonies, the recto seems to terminate the work.

Keeping in mind all the above-mentioned, we incline to think that this fragment of the Gospel on papyrus formed a part of a selected work, perhaps a type of liturgical lectionary.

Textual Criticism

The variations which the P. Palau-Rib. Inv. 53 offers are very few. Taking as a basis the apparatus offered by Horner[12] and completed by Kasser, in which the latter shows no modifications in these concrete passages, the most important variations are the following, in which the first reading is from the papyrus.

10. E. Massaux, "Quelques variantes importantes du P. Bodmer III et leur accointance avec la gnose," *New Testament Studies* 5, 1958-1959, pp. 210-212.

11. J. Garrido, "Hallazgo de un papiro del Nuevo Testamento en copto sahídico," *Estudios Bíblicos* 17, 1958, pp. 107-108, with one plate. There is Mt 14:20-22; *Idem*, "Un nouveau papyrus de l'Evangile de Saint Matthieu en copte sahidique," *Les Cahiers coptes* 15, Cairo, 1957, pp. 5-16.

12. G. Horner, *The Coptic Version of the New Testament in the Southern Dialect*, III, Oxford, 1911, pp. 270, 274-275 330-331.

17:8	ⲁⲕⲧⲛ̄]ⲡⲉⲛⲧⲁⲕⲧⲛ̄ ⲁⲕⲧⲛ̄ⲛⲟⲟⲩⲧ] ⲁⲕⲧⲛ̄ⲛⲟⲩⲧ	37 85 95.
17:22	ⲁⲩⲱ]	*om* d^1 m^1 Bo(T), *καγω* ℵ BC*DLUX. . .
21:16	ⲛⲁⲉⲥⲟⲟⲩ] *προβατα*	ℵ AD

Only by way of repetition have I added this last point, which shows that this short fragment does not admit the Greek words which appear in other witnesses.

The Coptic Papyri of the Gospel of St. John

In general, there are relatively few Coptic translations of the Gospels which contain this passage of John. Besides the extensive known versions, a few documents from the lists of Vaschalde, Till, Kasser Simon and Quecke can be added: Jn 17:1a*, 1b-26; 21:1-18b Col. Borgia, Cat. Zoega 76.73 (RB 31, 85); Jn 17:5-24a Bibl. Natio. Paris Delaporte Coptic Cat. BN 129^{10} ff. 168-172 = Zoega 60 (RB 31, 235); Jn 21:17a*, 17b-22a Id. BN 129 ^{10} f. 199 = Zoega 74 (RB 31, 236); Jn 21:14b-17a* Id BN 129^{10} ff. 33-48 (RB 31, 236); Jn 21:14-25 Col. Rainer SER 78 Vessely 2 (RB 31, 86); Jn 17:6-26 Woide Bodl. Hunt. 5 (RB 31, 88); Jn 21:13-24 Viena K. 9038; Jn 17:4-17 P. Morg.[1] ; Jn 17:1-11 P. Morg.[11]

But if we come down from the strict camp of the Coptic testimonies in general, to the papyri, the situation becomes much more precarious. Not only for the present passages of John, but even for the Gospel of St. John as a whole, there is little testimony from papyri. Enough to record those included in the last list of Kasser on the Coptic versions of manuscripts which attest, in whole or in part, the text of St. John.[13]

Two doubtful ones of Wadi Sarga, the 6th and the 7th, the last of which contains Jn 21:7-25. The Ahmimic edited by Rösch, of Jn 10-13 with missing fragments.[14] The important Bodmer III, in proto-Boḥairic, with Jn 1:1 – 7:5 with also missing fragments and Jn 8:12 – 21:25.[15] The Fayumic Boḥairic studied by Till in 1938 with only Jn 4:3-14.[16] The sub-Ahmimic, of Sa'ïdic background, explained by Thomson, with Jn 1-4, 8-20, lacking.[17] And finally, the extensive one in Fayumic language or middle Egyptian, which translates a model of classical Ṣa'îdic, studied magnificently by Elinor M. Husselman and published by the University of Michigan.[18]

Now, the Papyrological Department of the Theological Faculty of Barcelona, from its Palau Ribes Collection, has the honour of increasing the above list by presenting a new papyrus of the Gospel of St. John in pure Ṣa'ïdic (Jn 17:8, 21-22; 21:16-17), in homage to the University of Michigan (Ann Arbor) and to all that she represents, in this XII International Congress of Papyrology.

13. R. Kasser, *L'Evangile selon saint Jean et les versions coptes de la Bible,* Neuchâtel, 1966, pp. 28-43. Cf. O.H.E. Burmester, "New Fragments from the Gospel of St. John in the Sa'ïdic Dialect (s. XIII-XIV)," *Studia Orientalia Christiana* 9, 1964, ed. 1965, pp. 207-221, Pl. IX.

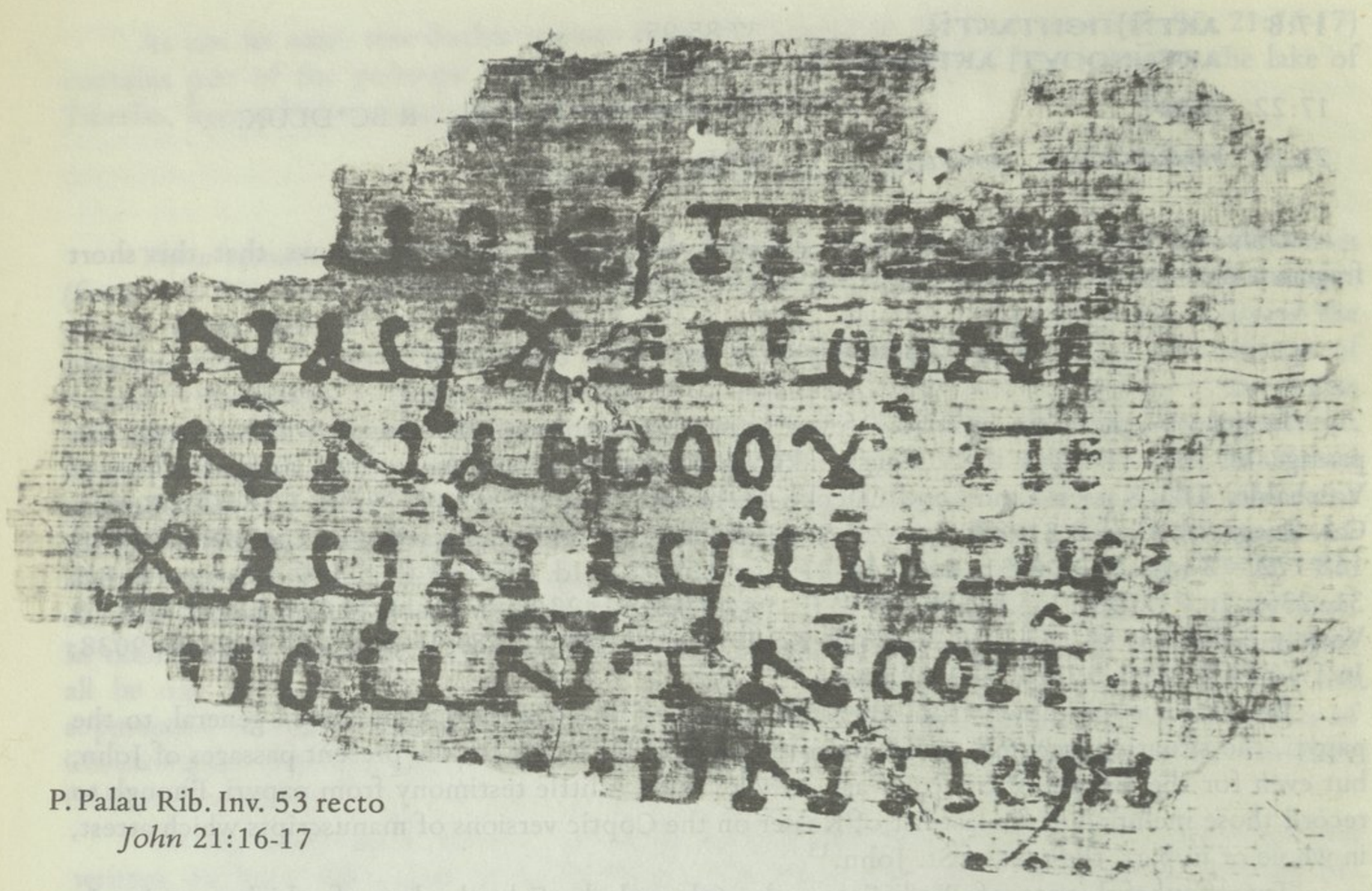
14. F. Rösch, *Bruchstücke des Ersten Clemèntsbriefes, nach dem achmimischen Papyrus der Strassburger Universitäts- und Landesbibliothek, mit biblischen Texten derselben Handschriften*, Strasbourg, 1910.

15. R. Kasser, "Papyrus Bodmer III. Evangile de Jean et Genèse I-IV, 2," *Corpus Scriptorum Christianorum Orientalium* 177-178, Louvain, 1958, pp. XIII-59, pp. II-45.

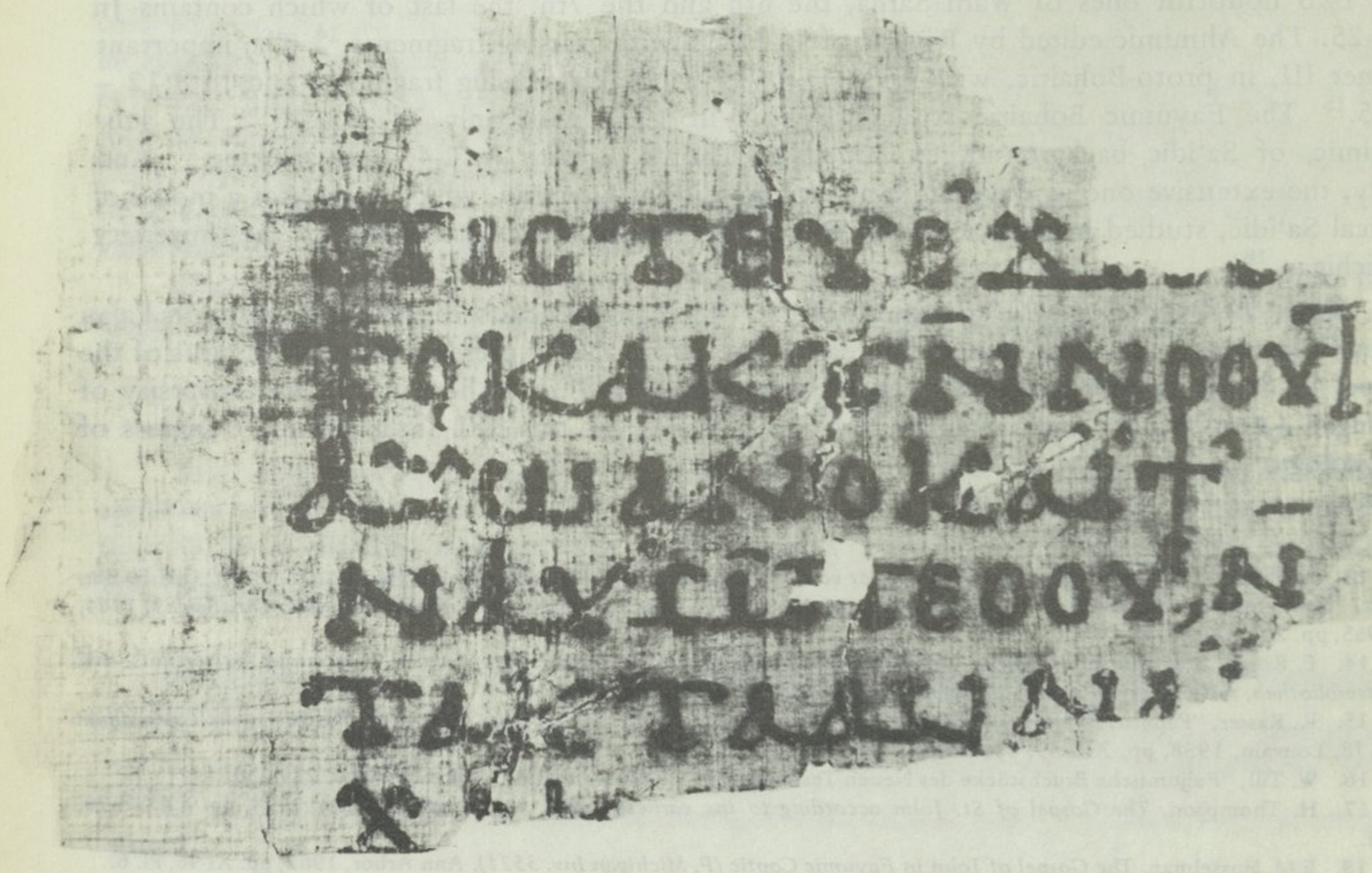
16. W. Till, "Faijumische Bruchstücke des Neuen Testamentes," *Le Muséon* 51, Louvain, 1938, pp. 229-230.

17. H. Thompson, *The Gospel of St. John according to the earliest Coptic manuscript*, London, 1924, pp. XXXIX-70, Pl. 43.

18. E.M. Husselman, *The Gospel of John in Fayumic Coptic (P. Michigan Inv. 3521),* Ann Arbor, 1962, pp. XI-96, Pl. 6.



P. Palau Rib. Inv. 53 recto
John 21:16-17



P. Palau Rib. Inv. 53 verso
End of *John* 17:8 and beginning of 17:22

LE RECENSEMENT ET LE CONTROLE PUBLIC DES ESCLAVES DANS L'EGYPTE GRECO–ROMAINE

Iza Biezunska-Malowist

Le sujet que je me suis proposé de traiter ici est naturellement trop vaste pour que je puisse le présenter d'une façon exhaustive. Bien que, sauf l'article de R. Taubenschlag de l'année 1930[1] et le livre de Westermann,[2] il n'existe pas de livres ou d'articles de fond sur l'esclavage dans l'Egypte gréco-romaine en général, maints problèmes de ce domaine furent traités dans plusieurs travaux concernant les questions économiques, sociales et juridiques de l'Egypte hellénistique. Surtout une vaste littérature traite justement du recensement et du contrôle de la propriété d'esclaves parce que comme c'est bien connu et comme ce fut souligné par Woess,[3] Taubenschlag,[4] Westermann[5] et d'autres savants, l'esclave appartenait en même temps aux "immeubles" et aux "personnes," c'est sont donc les travaux consacrés au régime des biens aussi bien qu'au régime des personnes, au contrôle de l'aliénabilité aussi bien qu'au recensement qui s'occupent du recensement des esclaves et de l'enregistrement des actes les concernant. Comme toujours une richesse énorme d'informations et de discussions se trouve dans les commentaires de papyrus. Dans un chapitre du livre que je prépare sur l'esclavage en Egypte je suis bien entendu obligée de reprendre tout les matériaux disponibles, puisque ce livre devrait servir surtout à ceux qui s'intéressent à l'histoire sociale de l'antiquité et à l'historie de l'esclavage ancien et qui ne sont pas toujours spécialistes de papyrologie. Mais ici je voudrais seulement rappeler les différentes formes du contrôle exercé par l'Etat sur la propriété et le marché des esclaves et parler d'une façon plus détailée de quelques questions seulement; je pense surtout aux problèmes que posent l'*oikogeneia,* l'*epikrisis,* et l'*anakrisis* des esclaves.

Sans aucun doute les propriétaires étaient tenus de déclarer les esclaves en leur possession déjà à l'époque ptolémaïque; c'est justement de ce temps là que nous possédons des textes contenants des prescriptions de l'Etat à ce sujet. Bien qu'ils soient fragmentaires et que chacun d'eux concerne des catégories spéciales d'esclaves ou soit en vigueur à Alexandrie[6] ou par exemple en Syrie et Phénicie,[7] l'ensemble de ces textes prouvent qu'il y avait dans l'Egypte ptolé-

1. "Das Sklavenrecht im Rechte der Papyri," *SZ* 50, 1930, pp. 140-169, réimpr. dans R. Taubenschlag, *Opera Minora II*, Warszawa, 1959, pp. 223-257.
2. *Upon Slavery in Ptolemaic Egypt*, New York, 1929.
3. F. von Woess, *Untersuchungen über das Urkundenwesen und den Publizitätsschutz im römischen Aegypten,* München, 1924, p. 79 et suiv.
4. *Op.cit.*, pp. 249-250; *The Law of Greco-Roman Egypt in the Light of the Papyri*[2], Warsaw, 1955, pp. 91-94.
5. *Op.cit.*, p. 10; *Slave Systems in Greek and Roman Antiquity,* Philadelphia, 1955, p. 53.
6. *P. Harris.* 61 II = *SB* 8993 II 1; v.F. Heichelheim, *JEA* 26, 1940, pp. 154-156.
7. CPR Inv. 24552 = *SB* 8008; v.H. Liebesny, "Ein Erlass des Königs Ptolemaios II Philadelphos über die Deklaration von Vieh und Sklaven in Syrien und Phönizien," *Aeg.* 16, 1936, pp. 257-288, 289-291. M.T. Lenger, *Corpus des Ordonnances des Ptolémées,* Bruxelles, 1964, n.22.

maique un système de contrôle de la propriété et de l'aliénabilité des esclaves. *P. Hib.* 29,[8] de l'année 265 av.n.è., le prostagma de Ptolémée II Philadelphe pour le Syrie et la Phénicie de l'année 260,[9] et de même celui d'Evergète I (266/5 ou 231/0),[10] *P. Col.* I 480 (198-197),[11] et *P. Harris* 61 (année 176-170)[12] forment ensemble une preuve suffisante comme l'avait déjà demontré Mlle Préaux[13] et dernièrement Braunert[14] de l'existence d'une obligation de déclarer au moins certaines catégories d'esclaves. La nouvelle lecture de *P. Harris* 61 prouve aussi qu'on respectait la différence entre esclaves achetés et esclaves *οἰκογενεῖς*, d'ailleurs cette différenciation était connue du *P. Lille* 29. En même temps *P. Col.* I 480 et *P. Hib.* 29 fournissent une preuve indirecte de l'existence de l'enregistrement de ventes privées d'esclaves, bien que nous ne possédions, autant que je sache, aucun acte d'achat et de vente d'esclave de l'Egypte ptolémaïque prouvant l'existence de cette pratique.

De la période romaine nous ne possédons presque pas de sources normatives à ce sujet, mais d'autre part nous avons plusieurs documents concernant différents stades du recensement des esclaves et de l'enregistrement du changement de propriété.

Nous avons d'abord les *κατ' οἰκίαν ἀπογραφαὶ* qui servent au recensement aussi bien des hommes libres que des esclaves. Toute la procédure liée au cycle quatrodécennal dans l'Egypte romaine aussi bien que ses antécédents ptolémaïques furent traités dans le livre de M. Hombert et Mlle Préaux[15] et il n'y a pas beaucoup à ajouter à leurs constations. Je voudrais seulement souligner ici que les *κατ' οἰκίαν ἀπογραφαὶ* servaient parfois de preuve du titre de propriété de l'esclave,[16] elles formaient donc probablement une des principales sources qui permettaient de dresser les listes d'esclaves. D'autre part la naissance et la mort de l'esclave, aussi bien qu'un changement de propriétaire, étaient objet de déclarations ou d'actes de vente et d'achat qui sans doute servaient aussi pour établir des listes d'esclaves. Cette dualité dans la situation juridique de l'esclave – traité parfois comme homme et toujours en tant qu'un bien – augmentait le contrôle public des esclaves, dont s'occupaient aussi bien les instances contrôlant le mouvement de la population que la *βιβλιοθήκη ἐγκτήσεων* et les offices de notaires.

Le début de la vie de l'esclave comme tel – qu'il soit né comme esclave ou devenu esclave par achat – était objet d'une déclaration. La naissance devait être déclarée par le propriétaire de la mère et constatée par un acte de naissance (*οἰκογένεια*) établi selon la déclaration du propriétaire.

Quelques actes de ce genre[17] conservés dans les papyrus furent commentés par W. Schubart dans son article "*Oikogeneia.*"[18] L'analyse de ces actes, aussi bien que du *P. Cattaoui* I (= *MChr.* 372), faite par Schubart prouve que l'établissement de l'acte de naissance des esclaves *oikogeneis* était obligatoire pour les propriétaires, et cela aussi bien dans la période romaine que sans doute

8. = *WChr.* 259, v.*C.Ord.Ptol.* All. 100.
9. V. ci dessus note 7.
10. *P.Grad.* 1 = *SB* 6275 = *C.Ord.Ptol.*25.
11. W.L. Westermann, *Upon Slavery in Ptolemaic Egypt.*
12. V. ci-dessus note 6.
13. C. Préaux, *L'Economie royale des Lagides,* Bruxelles, 1939, pp. 309-310.
14. H. Braunert, *Die Binnenwanderung. Studien zur Sozialgeschichte Aegyptens in der Ptolemäer-und Kaiserzeit,* Bonn, 1964, p. 57.
15. M. Hombert et C. Préaux, *Recherches sur le recensement dans l'Egypte romaine,* (= *P. Lugd. Bat.* V), Leiden, 1952.
16. Cf. *P. Oxy.* 1468, Woess, *op.cit.,* pp. 84-85.
17. *PSI* 690, P. Berol. 13295 = *SB* 6995 et *P. Lond.* 2226 = *SB* 6996 – tous provenant du IIème siècle de n.è. V. Lenger, *C.Ord.Ptol.* All. 119.
18. *Raccolta di scritti in onore di Giacomo Lumbroso,* Milano, 1925, pp. 49-67.

dans la période ptolémaïque. Ce sont les termes *ψήφισμα* et *πρόσταγμα*[19] employés dans les actes d'*oikogeneia* qui nous inclinent à lier cette pratique à la période ptolémaïque; *P. Harris* 61 – où sont traités à part les esclaves de naissance et les esclaves achetés – fournit aussi un argument pour cette thèse.[20]

Schubart en analysant les actes d'*oikogeneia* et les paragraphes du *Gnomon de l'Idiologue* concernant l'interdiction de la sortie d'Egypte des esclaves de naissance a ingénieusement remarqué la double signification du mot *oikogeneia* qui d'une part a le sens d'"'un acte de naissance" d'un esclave, d'autre part désigne un "groupe d'esclaves de naissance." D'après cette interprétation le paragraphe 67 du *Gnomon de l'Idiologue* aurait le sens suivant – je voudrais le rappeler ici en donnant la traduction de Schubart dans son article sur "*Oikogeneia,*" (p. 59): "Wer hausgeborene (Kinder) ägyptischer Sklavinnen [entweder: hausgeborene (Kinder) ägyptischer Sklaven oder aus der Zahl der ägyptischen Sklaven Hausgeborene] durch Einordnung oder Verkauf von der Haussklavenschaft entfernt, damit sie ausreisen können (wurde bald mit vollständiger Einziehung, bald zur Hälfte, bald zu einem Viertel bestraft.)" Cette traduction est suivie dans l'article de Schubart par une phrase – "Nicht nur durch (falsche) Eintragung wird der 'Stand' des Sklaven geändert sondern auch durch Verkauf, denn dadurch wird er *ὠνητός*." Ainsi d'après Schubart un esclave n'est *οἰκογενὴς* que jusqu'au moment de sa première vente, seulement donc pendant le temps qu'il passe dans la maison où il était né. Cette opinion est généralement admise, aussi bien en ce qui concerne les *oikogeneis* qu'en ce qui concerne les *vernae* des Romains. D'une façon très nette cette opinion est formulée dans l'article de Mlle Wegener,[21] qui penche vers l'avis que l'*anakrisis* remplaçait probablement après la première vente l'acte de l'*oikogeneia* pour les esclaves de naissance. Or, cette *communis opinio* me paraît fausse. J'emploie pour traduire *οἰκογενὴς* le terme "l'esclave de naissance" au lieu de "l'esclave né dans la maison du maître" comme c'est admis dans la littérature et comme je faisais moi-même dans mes précédents articles. J'ai changé la traduction du terme grec justement parce qu'il me semble qu'un esclave *οἰκογενὴς* reste tel jusqu'à la fin de ses jours, bien qu'il puisse changer une ou plusieurs fois de propriétaire. D'abord il me semble que le paragraphe 67 du *Gnomon de l'Idiologue* fournit ici une preuve décisive. On y parle de deux moyens de changer l'appartenance de l'esclave au groupe des *oikogeneis:*

1) déplacement de ce groupe – *τάσσειν* qui signifie ici probablement une inscription frauduleuse dans un autre groupe.

2) vente d'un esclave *οἰκογενής*.[22]

Or les deux moyens sont punis par une amende. D'autre part nous savons par les actes d'achat[23] que la vente et l'achat des esclaves *οἰκογενεῖς* était assez courante et de toute évidence tout à fait en accord avec les prescriptions en vigueur puisque on donne très souvent à l'esclave vendu l'épithète *oikogenes*. Si on punit une vente d'un *oikogenes* faite pour faciliter sa sortie d'Egypte, il peut s'agir ici d'une vente seulement fictive ou bien d'une vente faite sans mentionner la qualité de l'esclave comme *οἰκογενής*. Je penche plutôt pour la seconde explication. Si une

19. P. Berol. 13295 I.12: . . . *ἀπεγρά/ψατο εἰς τὴν οἰκογένειαν ἀκο/λούθως τῷ τε ψηφίσματι καὶ/ προστάγματι . . . . δοῦλον* cf. *P. Lond.* 2226 I 10, II 28-29, *PSI* 690.5.

20. V.*SB* 8993 II.1.

21. E.P. Wegener, "Miscellanea Papyrologica," *JJP* 9-10, 1956, p. 108: "When a houseborn slave was sold, his new owner registered him as an *ἀγοραστός* or *ὠνητός*, *ἐγχώριος*."

22. § 67 du *Gnomon de l'Idiologue:* *Οἱ Αἰγυ[πτ]ίων δούλων οἰκογενεῖς τάσσοντες ἢ πωλοῦντες [ἀ]πὸ οἰκογενείας ὑπὲρ/ τοῦ [ἐκ]πλεῖν αὐτοὺς ὅτε μὲν ἐξ ὅλων ὅτε δὲ ἐξ ἡμισου[ς ὅτ] ε δὲ ἐκ τετάρτ[ο]υ ἀνε/λήμ[φ]θησαν. . .*

23. Cf. O. Montevecchi, "I contratti di compra-vendità," *Aeg.* 19, 1939, pp. 13-16.

vente changeait automatiquement la qualité de l'esclave d'*oikogenes* en *ὠνητὸς* il serait vraiment presque impossible d'interdire l'exportation des esclaves égyptiens hors d'Egypte. Ce changement du groupe auquel appartenait l'esclave serait très facile. Je pense donc que malgré le changement de propriétaire l'esclave *οἰκογενὴς* restait "esclave de naissance" et appartenait à l'*oikogeneia* dans son sens de "groupe des esclaves de naissance." Une clause dans les actes de naissance interprétés par Schubart, *PSI* 690.15-16, indiquant que le document sera valable *παντα̣χοῦ ἐφ' οἷς περιέχει* fait aussi penser, comme l'a d'ailleurs souligné Mlle Wegener, que ce document accompagne l'esclave dans toute sa vie. Naturellement du point de vue commercial la valeur de l'esclave "*oikogenes*" acheté à son premier propriétaire était peut-être plus grande que celle d'un esclave de naissance mais qui avait déjà plusieurs fois changé de maître. Nous savons que dans le monde romain l'esclave vendu pour la première fois était apprécié davantage. Le même phénomène pouvait avoir lieu en Egypte. Mais aussi bien à cause des prescriptions spéciales concernant les esclaves de naissance en Egypte qu'à cause d'une plus grande valeur en général des esclaves de naissance – ils restaient toujours, d'après moi, dans le groupe des *οἰκογενεῖς* et non pas dans le groupe des *ὠνητοί*.

Si on accepte cette thèse, il faut aborder la question de la relation réciproque entre deux documents concernant l'esclave, l'*oikogeneia,* acte de naissance, et l'*anakrisis*.

L'*anakrisis* comme acte concernant les esclaves apparaît dans les papyrus à la fin du IIe siècle et disparaît au IVe siècle comme l'a dernièrement souligné Mr. Wolff dans son article sur *P. Herm. Rees* 18.[24] Mlle Wegener dans son commentaire du P. Vindob. Inv. 25817[25] supposait l'existence de l'*anakrisis* d'esclaves déjà au temps d'Auguste en se basant sur la mention d'*εἰκόνες* d'esclaves dans deux actes d'achat du temps d'Auguste.[26] Le problème de la datation de l'*anakrisis* est lié étroitement à l'interprétation du caractère de cet acte. Mlle Wegener voulait y voir une sorte de carte d'identité et en même temps une permission officielle de la vente de l'esclave. La plupart des auteurs – comme Woess,[27] Lewald,[28] Boswinkel[29] – n'y voyaient qu'une carte d'identité. Si on accepte cette interprétation, la mention d'un document contenant une description de l'esclave dans *BGU* 1059 et *P. Strassb.* 79 peut servir comme argument pour reculer la date de l'*anakrisis* jusqu'aux temps d'Auguste.

Mr. Wolff en interprétant *P. Herm. Rees* 18 comme présentant une procédure d'*anakrisis* penche vers l'avis[30] que l'*anakrisis* avait pour but la constatation du statut de l'esclave indispensable pour la permission de la vente. C'était donc une vérification que la personne vendue comme esclave avait vraiment ce statut.

La discussion sur l'*ἀνάκρισις* n'a pas encore – me semble-t-il – abouti à une explication décisive du caractère et de la fonction de cette pratique. Même si *P. Herm. Rees* 18 est vraiment un protocole d'*anakrisis*, ils ne permet pas de résoudre tous les doutes concernant cette institution.

24 "Neue Juristische Urkunden III, Beaufsichtigung des Sklavenhandels im römischen Aegypten: Die Anakrisis," *SZ* 86, 1966, pp. 340-349.

25. *Op.cit.,* p. 108.

26. *BGU* 1059 et *P. Strassb.* 79.

27. *Untersuchungen,* p. 83 se ralliant à l'opinion de Preisigke (Fachw.s.v.) contre l'hypothèse de Mitteis (*Chr.* 17 I 1 – comm.à la 1.15) et p. 172 et suiv.

28. H. Lewald, "Eine Synchoresis aus der Zeit des Commodus, P. Rainer G. 25817," *Studi Arangio-Ruiz* III, p. 436.

29. *P. Vindob. Boswinkel* 7 – comm. à la 1.21.

30. Cf. *P. Oxy.* 1451 et dernièrement Braunert, *Die Binnenwanderung,* pp. 220-221.

En tout cas, une chose paraît sûre, c'est que ce document était indispensable, au moins pendant une période de presque deux siècles, pour un acte d'achat valable d'esclave. Il suffisait, comme soulignent justement Woess, Wegener et Wolff, de faire passer l'esclave par l'*anakrisis* une fois et le document était valable aussi pour les ventes suivantes. Il n'était donc pas une permission de vendre l'esclave et il me semble tout à fait prouvé que l'*anakrisis* servait à établir le statut de l'esclave, bien que je ne sois pas tout à fait convaincue qu'il n'y avait pas dans cet acte aussi un signalement de l'esclave qui était objet de la vente.

Or si l'*anakrisis* servait à établir le statut de l'esclave, il faudrait se demander si elle était indispensable à la vente des esclaves de naissance. Rappelons que ceux-ci étaient déjà munis d'un document attestant leur statut d'esclave, c'est à dire, d'une *oikogeneia*.

Mr. Wolff remarque dans son article de la *Savigny Zeitschrift* que la majorité des actes mentionnant l'*anakrisis* concerne des esclaves importés en Egypte et il cherche à expliquer cette circonstance – entre autres – par le fait que les esclaves importés étaient objet du commerce d'esclaves bien plus souvent que les esclaves de naissance, qu'on se séparait plus facilement des esclaves provenant de l'étranger que de ceux d'Egypte et surtout de ceux qui étaient nés dans la maison du maître. C'est certainement une observation juste, mais cependant les esclaves égyptiens, les esclaves de naissance étaint aussi assez souvent objet de commerce – on le voit nettement en comparant tous les actes d'achat conservés dans des papyrus. Ne peut-on pas supposer que dans la majorité des ventes d'esclaves de naissance l'*oikogeneia* suffisait comme preuve du statut servile et qu'il était superflu de recourir à l'*anakrisis*?

Il n'y a que deux documents qui mentionnent l'*anakrisis* à l'occasion de la vente d'un esclave de naissance. Ce sont *P. Oxy.* 1209 (aussi bien *οἰκογε*]*νὴν* l.15, que *ἀνα* [*κριθίση*]ς dans la l.19-20 sont restitués mais semblent justes), et peut-être *P. Vindob. Boswinkel* 7 où on parle d'une esclave *ἐγχώριος* fille d'une Ammonarion. Mais dans ce dernier papyrus il s'agit d'une esclave égyptienne probablement, mais pas nécessairement d'une esclave de naissance. Reste le *P. Oxy.* 1209. Il se peut qu'il ait trait à une situation particulière: l'esclave est achetée par le fils de sa propriétaire précédente dont elle était *οἰκογενής*. Le vendeur de l'acte présent l'avait achetée lui-même quelques années plus tôt. On peut supposer que la propriétaire précédente l'avait vendue contre la volonté de son fils et que peut-être à tout hasard on crut bon de doubler les formalités.

Les actes d'achat du II-IV siècles qui ne mentionnent pas l'*ἀνάκρισις* sont: *P. Ross.-Georg.* III 27, *BGU* II 937, *SB* 9216, *P. Ryl.* 709. Tous ces papyrus sont très fragmentaires et comme M. Wolff l'a indiqué le manque de la mention d'*ἀνάκρισις* dans le texte conservé peut s'expliquer par les grandes lacunes. *P.Ross.-Georg.* concerne une esclave importée, de même *BGU* 937; les deux papyrus ont, de même que *SB* 9216, des lacunes énormes. *P. Ryl.* 709 est aussi très fragmentaire mais concerne une esclave de naissance, le manque d'*ἀνάκρισις* pourrait donc s'expliquer si on acceptait la supposition que je viens de formuler.

Le problême de l'*epikrisis* d'esclaves est lié aux questions générales concernant l'*epikrisis*. L'interprétation de la fonction de l'*epikrisis* a considérablement changé depuis la publication des *Grundzüge* de Wilcken et du livre de Woess. La publication de documents concernant l'*epikrisis* de *metropolitai*, de citoyens romains et d'esclaves a amené les savants à voir dans l'*epikrisis* une vérification du statut privilégié au point de vue fiscal – le taux de la capitation des esclaves suivait celui de leurs maîtres. Il y a quelques documents concernant l'*epikrisis* de femmes – qui étaient (sauf les juives payant le *Ἰουδαίων τέλεσμα*) en principe exemptes de l'impôt de la capitation. C'est pourquoi on a formulé l'hypothèse que l'*epikrisis* servait à établir le statut de personnes soumises à cette formalité. On y voit même – là où il y avait une *epikrisis* de toute la famille

(comme dans *P. Oxy.* 1451 et *BGU* 1033) – figurer des enfants au dessous de l'âge de 13 ans et des jeunes filles.[31] Naturellement les mêmes considérations sont valables quand il s'agit de l'*epikrisis* des esclaves. Là où ils étaient traités comme hommes, ils subissaient les mêmes formalités de recensement que la population libre – on le voit aussi bien dans les *κατ' οἰκίαν ἀπογραφαὶ* que dans les actes concernant l'*epikrisis*. Il me semble donc que d'une part toutes les formes du recensement des esclaves servaient à établir leur statut servile et leur appartenance à des propriétaires ayant eux-mêmes des statuts différents, et d'autre part qu'il existait une série de formalités concernant uniquement les esclaves, et que ces formalités outre la constatation de la propriété de l'esclave servaient aussi è établir le groupe servile auquel il appartenait – à savoir le groupe des *οἰκογενεῖς* ou celui des *ὠνητοί*.

31. Cf. E. Bickermann, "Beiträge zur antiken Urkundengeschichte" II "Ἀπογραφή, Οἰκογένεια, Ἐπίκρισις, Αἰγύπτιοι," *Archiv* 9, 1930, p. 24; J. Bingen, "Les papyrus de la Fondation Egyptologique Reine Elisabeth, XIV. Déclarations pour l'épicrisis," *CE* 31, 1956, pp. 116-117, H. Braunert, "Zur Terminologie der Volkszählung im frühen römischen Aegypten," *Eos* 48, 3, 1956, p. 53; et *Binnenwanderung*, pp. 130-131, 220-221, et passim. Dernièrement J. Schwartz, *P. Strassb.* 385, *Bull. de la Fac. des Lettres de Strassbourg*, Déc. 1968, p. 59.

GRECS ET EGYPTIENS D'APRES *PSI* 502

Jean Bingen

Un des problèmes fondamentaux de la papyrologie n'est-il pas celui des contacts de culture nés de l'implantation en milieu égyptien de Grecs, qui, même déracinés, étaient porteurs de traditions politiques et économiques prêtes à être utilisées dans cette dynamique particulière qu'est la dynamique de l'immigration? Le problème, comme tout problème sociologique, est complexe parce que ni le milieu grec, ni le milieu égyptien ne sont eux-mêmes homogènes et unis. Sauf dans quelques domaines, le mélange des cultures a été réduit. Les emprunts furent instinctivement limités de la part de la minorité privilégiée; ils le furent tout aussi inconsciemment de la part d'une majorité égyptienne qui s'est défendue par une certaine solidarité culturelle contre sa propre incapacité à concurrencer la minorité. L'implantation grecque avait suivi en général des formules peu originales, si ce n'est qu'elle avait rompu avec les types d'installation réalisés à Naucratis ou à Memphis. A un premier temps de l'occupation militaire ont succédé, en dehors des centres urbains (que nous connaissons mal pour l'époque ptolémaïque), le stade assez classique de l'implantation clérouchique et celui du développement d'un réseau royal d'administration du pays, réseau couronné par le milieu aulique. Le monopole que les Grecs ont possédé de ce que j'appellerais la dialectique de l'administration et de l'économie monétaire, a assuré progressivement à la population de langue grecque d'abord l'occupation du pouvoir, puis la possession de la terre et la disposition du capital, du moins dans une part prépondérante. On sait comment la population grecque, qui s'urbanise progressivement, aboutira au seuil de l'empire romain, au moment où elle perd ses dernières structures clérouchiques, à une société hiérarchisée où l'accès à la langue grecque devient pleinement le support des techniques d'administration, de gestion et de conservation des privilèges.

Notre documentation papyrologique nous éclaire malheureusement fort peu sur les premiers contacts entre des cultures aussi différentes que celles que représentent l'immigration grecque et la complexité mal structurée d'une Egypte en pleine stagnation. Nous devinons l'apport adventice de groupes grecs plus anciens, installés à Naucratis ou à Memphis. Mais, pour le reste, tout est obscur, et les textes les plus anciens, comme ceux de Hibeh ou les papyrus Petrie, nous éclairent surtout sur la forme clérouchique probablement assez traditionnelle qu'a prise la première stabilisation de la population grecque des épigones.

Les archives de Zénon, en multipliant les situations exceptionnelles nées dans le milieu artificiel de la dôréa, permettent peut-être de saisir certains processus sociologiques du contact des cultures sous des angles très divers, je dirais presque sous l'éclairage brutal d'une expérience de laboratoire. C'est par exemple dans ce milieu que, paradoxalement, on trouve un document épigraphique qui témoigne d'un effort d'acculturation absolument sans lendemain dans la documentation, la stèle dédiée par le kynoboskos Pasôs à Anubis pour le salut d'Apollonios et de

Zénon.[1] Elle est conçue dans la meilleure tradition épigraphique grecque, mais sous un bas-relief strictement égyptien et sous des hiéroglyphes. Cependant, ce qui frappe dans ce témoignage d'acculturation, c'est qu'il est sans lendemain.

A l'opposé de cet exemple d'étroite juxtaposition des deux cultures, je situerais le *PSI* 502. Ce papyrus a ceci de particulier qu'il confronte ce qui dans un milieu grec hétérogène est le type le plus dynamique, le plus "prométhéen," selon l'expression du sociologue G. Gurvitch, à ce qui, dans un milieu égyptien tout aussi diversifié, est l'élément le plus fermé aux nouvelles techniques de gestion qu'on veut lui imposer, un milieu mal structuré, détaché, semble-t-il, de son cadre traditionnel.

L'expéditeur de la lettre, ou mieux l'expéditeur du dossier, est un Grec de Carie, Panakestor, intendant du domaine d'Apollonios, domaine en élaboration depuis deux ans à Philadelphie du Fayoum. Il quittera bientôt la direction du domaine au profit d'un autre Grec de Carie, Zénon fils d'Agréophon, le "Zénon des archives." Et c'est précisément Zénon qui est le destinataire alexandrin de la lettre et du dossier qu'elle introduit. D'autres personnes sont citées que nous retrouverons plus loin: d'abord le moteur du drame, le ministre Apollonios, envers qui la position de Panakestor est fort ambiguë; puis un groupe d'agents de l'administration dont le rôle exact dans le domaine reste un problème non résolu. Il y a enfin, à point pour notre propos, un groupe de paysans égyptiens, qui semblent très peu organisés, puisqu'à aucun moment n'apparaît chez eux un chef ou un porte-parole.

A l'examen de ce document, nous sommes d'abord frappés par un élément de critique externe non négligeable: les dimensions de cette lettre sont exceptionnelles, 34 cm. sur 37 cm. L'affaire qui nous occupe est d'importance. D'ailleurs, Zénon veillera à ramener cette pièce d'Alexandrie à Philadelphie. Les sept premières lignes, adressées à Zénon, contiennent un message double qui illustre les contradictions de la position de Panakestor en juillet 256. D'une part, il s'agit d'une lettre où Panakestor demande non sans quelque raideur que Zénon intervienne en sa faveur auprès d'Apollonios (le patron qu'il va quitter), pour que celui-ci fasse hâter une décision royale à son égard. D'autre part, vers la fin, cette missive devient la note d'envoi d'un dossier constitué par deux lettres, un échange de correspondance entre Apollonios et son subordonné Panakestor. Ce dossier marque un désaccord complet entre les deux hommes à l'occasion d'un échec de la politique agricole du ministre dans son domaine.

Il s'agit d'abord, aux lignes 8-10, d'une brève lettre d'Apollonios du 22 juin: le maître du domaine y reproche sèchement à Panakestor de le laisser sans nouvelles sur l'évaluation des récoltes sur pied, la *συντίμησις τοῦ σπόρου*, ainsi que sur la récolte même du blé.

Le reste du *PSI* 502 est occupé par la longue réponse, justification habile, encore qu'embarrassée, d'un Panakestor qui, vexé dans son amour propre, n'en réussit pas moins à rester flatteur et à ne dire à aucun moment que l'échec est dû au manque de psychologie du maître, à son manque de familiarité avec le problème des contacts entre Grecs et paysans égyptiens.

Car, et c'est ici que le document rejoint notre propos, la difficulté est née du contact de deux états de culture très différents: d'une part, une dynamique exigeante de l'économie, en avance d'ailleurs dans le milieu d'Apollonios sur la dynamique moyenne de l'immigrant grec, agent de l'Etat ou clérouque, et, d'autre part, ces paysans mal organisés qui représentent dans la structure sociale complexe d'une Egypte en stagnation, un groupe particulièrement démuni face

1. *SB* 5796 = *SEG*, XX, 647. Cf. M. Rostovtzeff, *The Social and Economic History of the Hellenistic World* I, 1941, p. 319, Pl. XXXIX, 1.

aux techniques de gestion, aux techniques de l'argent qu'il ne manie pas, à la dialectique de l'immigrant grec. Si je voulais le situer par une image, je dirais, une paysannerie dont la faucille, ne l'oublions pas, vient de passer ou est en train de passer de l'âge du bronze à l'âge du fer.

Que s'est-il passé? L'affaire est obscure et les interprétations qu'on en donne n'en élucident jamais l'ensemble des données.

Dans le nouveau domaine, des terres à blé sont exploitées sous contrat par un groupe de ces γεωργοὶ égyptiens, des terres fort étendues, semble-t-il. En les confiant à des paysans égyptiens, Apollonios opérait un choix judicieux: ce paysan, si fruste soit-il, connaît bien la culture du blé, et y excellera, s'il a auprès de lui des Grecs pour prendre les décisions qui découlent de la nature spéciale du nouveau domaine et de l'idéal du profit qui en est la philosophie.

L'accord conclu par Apollonios avec les fermiers égyptiens est sagement resté dans l'ordre des procédures *concrètes* qui leur sont familières. La redevance à payer au maître du domaine est un tiers ἐκ τοῦ γενήματος, un tiers de la récolte à mesurer en grains sur l'aire de battage. Un boisseau va au maître du domaine pour deux boisseaux qui vont aux paysans. C'est un fermage partiaire, c'est-à-dire d'un type non grec attesté dans les contrats démotiques plus anciens. Le taux très favorable pour les paysans est dû sans doute à la mise en culture récente.

Alors qu'approchait le moment de la moisson, particulièrement tardive dans ce cas-ci (peut-être s'agit-il d'une seconde récolte de πυρὸς τριμήσιος), Apollonios, de ses bureaux d'Alexandrie, va modifier arbitrairement la méthode d'établir la redevance.[2] Au lieu du procédé concret du partage de la récolte, il impose maintenant une *estimation* préalable de la récolte sur pied. Il a expliqué la chose à Panakestor dans un ὑπόμνημα. Le document est perdu, mais nous imaginons bien ce qu'il devait être d'après ces messages un peu plus récents, véritables leçons de gestion du domaine, que les bureaux d'Alexandrie ont expédiés vers la χώρα avec un constant rappel de l'urgence qu'il faut apporter aux choses. De cette urgence, Panakestor est peut-être persuadé dans ce cas-ci, mais il a grand peine à réunir les gens capables de pratiquer la méthode spéculative de la συντίμησις. Il lui faut douze jours d'attente, puis cinq jours pour établir ce que j'appellerais le cadastre du problème: le relevé κατὰ γεωργὸν καὶ κατὰ φύλλον. Puis, notre Grec, aidé des basilicogrammates, essaye d'expliquer aux paysans égyptiens la décision d'Apollonios et leur demande de procéder soit à cette συντίμησις, soit, après avoir convenu d'un document-type (ἐντυπή), à l'établissement d'accords particuliers en fonction de celui-ci.

La réaction des paysans est négative, encore que prudente: "nous allons d'abord réfléchir." Trois ou quatre jours plus tard, ils se retirent dans le temple, rejettent toute forme d'estimation abstraite et menacent d'abandonner les champs au risque de tout perdre, en rappelant la convention partiaire concrète que les parties ont souscrite. On les chapitre longuement, on n'en obtient rien. Panakestor part chercher une aide qui se dérobe et doit revenir à Philadelphie, pour proposer aux Egyptiens qu'ils fassent des contre-propositions individuelles (ὑποτίμησις). Quelle en était la nature? On ne sait, mais Panakestor les transmit, dit-il, à Alexandrie, puis s'en fut à d'autres devoirs.

Cette historie est insolite même abstraction faite d'une série de points de détail que nous ne pouvons plus éclaircir avec çertitude, comme, par exemple, les dates exceptionnellement tardives dans l'année agricole où tout ceci se passe.

2. Je ne crois pas qu'avec Rostovtzeff, *Large Estate,* 1922, pp. 75-79 (particulièrement p. 79), on puisse concilier les termes du document avec l'hypothèse que le blé est déjà récolté. Ceci serait plus facile, mais rendrait l'attitude des paysans tout à fait absurde, la démarche d'Apollonios parfaitement odieuse, et le relevé des emblaves effectué par Panakestor et les basilicogrammates assez inexplicable.

La portée de la petite révolution qu'Apollonios a voulu imposer n'est pas claire. Panakestor l'appelle un "bienfait," des *φιλάνθρωπα*: à l'ombre des Ptolémés, le mot peut ne signifier rien d'autre que "décision," et masquer l'arbitraire, voire la malhonnêteté de l'opération. Qu'est-ce au fond que cette *συντίμησις*, particulièrement si, malgré la date tardive (mai et début juin), elle se rapporte, comme je le crois, à une estimation de la récolte sur pied?

Constatons d'abord qu'étrangère au traitement concret de la récolte qui semble propre aux Egyptiens, la *συντίμησις* de la récolte sur pied, méthode spéculative, fait partie des techniques économiques pratiquées par les Grecs. A Thasos, vers l'an 400 ou peu après, une loi réglemente l'achat sur pied de la future récolte d'un vignoble.[3] Loin d'interdire la chose ou de révéler que cette transaction *ex abstracto* répugne au "droit grec," le texte de Thasos, comme l'a bien vu Finley,[4] établit l'existence d'un type de vente qui a pour fondement une *συντίμησις*. Tout au plus a-t-on voulu empêcher à la fois les abus dus au caractère aléatoire d'une *συντίμησις* trop précoce et les pertes que le fisc devait y risquer. C'est d'ailleurs dans cet esprit, et particulièrement pour ses conséquences fiscales, que la vente sur pied d'une récolte de raisins finira par être interdite dans le Gnomon de l'Idiologue. La *συντίμησις*, au contraire, est largement attestée non seulement pour la vigne, mais aussi pour les vergers, les potagers et les oléagineuses, dans les documents ptolémaïques du IIIe siècle, et pour commencer dans les *Revenue Laws,* un document qui, contemporain du *PSI* 502, et issu des bureaux du même Apollonios, est de conception purement grecque. Ce qui peut paraître plus déconcertant, c'est que le procédé soit appliqué au blé, alors que, plus que tout autre produit en Egypte, le blé, une fois récolté, a une valeur stable avec un rôle parallèle à celui de la monnaie. Mais n'oublions pas que la *συντίμησις* de la récolte de blé est attestée aussi à Telmesse et dans la loi d'Hiéron.[5] Il s'agit encore d'une pratique grecque et, si elle est attestée à l'époque hellénistique, elle est sans doute plus ancienne.

La *συντίμησις* imposée par Apollonios à ses fermiers est malheureusement susceptible de deux interprétations (en plus de toutes celles qu'il faut rejeter sans plus), que nous la considérions comme une estimation sur pied ou comme une estimation sur l'aire de battage:

a) ce peut être l'*estimation de la récolte en artabes de grains,* telle qu'elle apparaît par exemple pour les oléagineuses dans les *Revenue Laws.*

b) ce peut être *l'estimation πρὸς ἀργύριον* de la récolte en unités monétaires, telle qu'elle est prévue pour la taxation des vergers dans les mêmes *Revenue Laws,* et pour celle des vignobles dans quelques papyrus *Petrie* ou pour la redevance sur des potagers dans le papyrus Zénon *P. Cair. Zen.* 59300.

Le dossier de Panakestor n'est pas explicite à ce sujet et ne nous permet guère de choisir. En faveur de la première hypothèse, estimation de la récolte en mesures de grains, il n'y a qu'un argument *e silentio*: nulle part n'apparaît l'expression *πρὸς ἀργύριον*. Dans ce cas, la réforme d'Apollonios n'est qu'une réforme technique de gestion. On intègre anticipativement dans les prévisions une masse économique disponible à brève échéance, en la fixant dès avant la récolte. Le seul risque, minime d'ailleurs, est celui d'une perte à l'évaluation. Le procédé est conforme à l'atmosphère d'accélération du rendement, au style *εὐθέως*, qui apparaît dans les lettres d'Apollonios dans les mois qui suivent notre incident. Ceci entre aussi fort bien dans le concept d'une gestion économique en termes comptables, qui semble une des caractéristiques du maniement

3. *IG,* XII, *Suppl.* 347.1-6.
4. "The Problem of Unity of Greek Law," *Storia del Diritto nel Quadro delle Scienze Storiche,* Florence, 1966, pp. 140-141.
5. Rostovtzeff avait dès l'abord (*Large Estate,* p. 79) rapproché le *PSI* 502 de ces législations qu'il a étudiées à plusieurs reprises.

grec du potentiel économique égyptien. Mademoiselle Préaux a montré l'ampleur et la variété de la comptabilité d'Apollonios.[6] N'ai-je pas démontré ailleurs[7] que, cinq siècles plus tard, dans les archives d'Héroninos, le grand domaine du IIIe siècle après J.-C. pratique une vie économique sans circulation interne d'argent, alors que les rapports mensuels de gestion sont établis suivant un plan comptable exprimé fictivement en argent pour une grande partie des activités.

L'autre hypothèse, la *συντίμησις πρὸς ἀργύριον*, aurait une signification plus décisive encore. D'abord, elle conserve, d'une manière plus directe, puisqu'elle est exprimée en argent, toute la portée que je donnais plus haut à l'adoption d'une *συντίμησις* de la récolte. Mais s'y ajouterait une autre motivation, la spéculation sur le blé. Et nous revenons ici à un aspect familier de la gestion du domaine, aspect que Mademoiselle Préaux a bien mis en valeur, le jeu sur la différence entre les prix imposés au paysan et les prix pratiqués réellement, différence qui explique comment il arrive que le domaine finit quelquefois par manquer de blé.[8] Dans ce cas, la *συντίμησις* imposée à l'approche des récoltes normales, est peut-être une façon d'augmenter considérablement, frauduleusement même, les bénéfices sur la récolte tardive. Car une *συντίμησις* en argent implique la mainmise sur l'ensemble de la récolte, une évaluation de la seule redevance au maître du domaine ne pouvant que lui être défavorable.

Quoi qu'il en soit, que la *συντίμησις* ne soit qu'une réforme de la gestion du domaine, ou que s'y ajoute une spéculation à grande échelle, cette *συντίμησις*, avec tout son caractère abstrait et aléatoire, ne se situe pas au niveau du concret, le seul où le paysan égyptien peut aborder le problème. Pour lui, il y a rupture de contrat (elle est d'ailleurs indiscutable), mais, en plus, on lui impose une discussion sur un plan dialectique qui lui échappe: la *συντίμησις*, l'abstrait.

Et c'est ici que se pose le problème de l'interprétation de la réaction de ce groupe. La fuite, l'*ἀναχώρησις*, la grève, sont des phénomènes fréquents dans notre documentation; mais l'intérêt du *PSI* 502, c'est précisément que les motivations logiques de ces autres cas, à une exception près, n'apparaissent pas ici. Il s'agit de tout autre chose que d'une fuite devant l'arrestation, devant le créancier ou le percepteur, devant la famine ou le manque d'eau. On a songé à une notion différente, plus organisée, la grève, mais celle-ci est un acte de suspension des rapports contractuels, entraînant comme sanction les pertes que subira l'autre partie. En réalité, il est difficile de s'arrêter à cette interprétation, à première vue séduisante. Si nous acceptons la thèse de Rostovtzeff que les paysans refusent la *συντίμησις* du blé déjà récolté parce que le procédé est défavorable au producteur, nous devons admettre que le geste des paysans est, à la fois, un acte concerté, organisé, et un acte complètement absurde. Ou bien, en abandonnant le blé récolté, ils perdent tout et ne font rien perdre. Ou bien, si l'estimation est une *συντίμησις* sur pied, on peut à peine parler plus raisonnablement d'une résistance qui aboutirait à la destruction de la récolte ou à sa confiscation. Rostovtzeff n'est-il pas influencé ici par les exactions de Verrès en Sicile, alors que la proposition d'Apollonios laisse au moins en apparence l'initiative de la *συντίμησις* aux paysans? Il nous faut choisir. Ou bien il y a grève; mais cet acte réfléchi de résistance ne "colle" pas aux données du document. Ou bien il y a fuite, et une fuite qui est une réaction purement affective. Dans le cas de *PSI* 502, nous échappons difficilement à cette dernière conclusion. Or la fuite est une réaction caractéristique d'un groupe archaïque, dans le sens ethnographique du mot, devant l'intrusion d'un groupe plus évolué, et particulièrement devant l'intrusion d'un groupe qui, ayant conscience de l'efficacité novatrice de l'intervention humaine, perturbe l'ordre solidaire

6. *Les Grecs en Egypte d'après les archives de Zénon*, Bruxelles, 1947, pp. 75-78.
7. *Chronique d'Egypte* 26, 1951, pp. 378-385.
8. *Les Grecs en Egypte,* pp. 62-63. Cf. *Economie royale des Lagides,* pp. 138-139.

existant. Il serait abusif d'opposer l'Egypte et la Grèce du IIIe siècle comme une civilisation archaïque, c'est-à-dire préhistorique pour l'ethnologue, face à une civilisation qui s'est intégrée dans l'histoire d'une manière "prométhéenne." Mais l'échantillonnage, extrême de part et d'autre, que nous fournit le *PSI* 502, met en valeur à l'aube de notre documentation papyrologique un contact de culture qui rappelle d'une manière à peine forcée le couple bien connu archaïsme/histoire.[9] D'une part, dans la paysannerie égyptienne, un archaïsme par régression, reflète ce caractère fondamental de l'archaïsme des ethnologues, le manque de conscience d'une insertion dans l'évolution, et, plus concrètement, l'inertie devant l'agression du contexte nouveau. A l'opposé, le milieu d'Apollonios présente, plus que tout autre milieu grec d'Egypte, ce caractère prométhéen de l'insertion consciente dans l'histoire, de la volonté, dans un esprit de lucre développé hors du cadre traditionnel, d'être le support du devenir par la grâce de décisions originales qui ignorent la tradition. La réaction des paysans est caractéristique de cet archaïsme, c'est une fuite devant l'insolite, et cette réaction, banale lors de premiers contacts avec des techniques encore inassimilables, est bien connue des ethnologues. C'est un refus, un refus de discuter, un refus de jouer le jeu. Et si le paysan égyptien ne disparaît pas dans la forêt protectrice comme le primitif africain ou sud-américain sollicité par des techniques commerciales ou fiscales qu'il ne comprend pas, c'est que le paysan égyptien s'inscrit dans une tradition historiquement déjà évoluée et que c'est l'autel qui lui paraît instinctivement assurer sa protection, c'est aussi que quatre-vingts ans de voisinage avec l'immigrant grec lui ont donné sinon le maniement de ses techniques, du moins les limites de son arbitraire et de ses appétits.

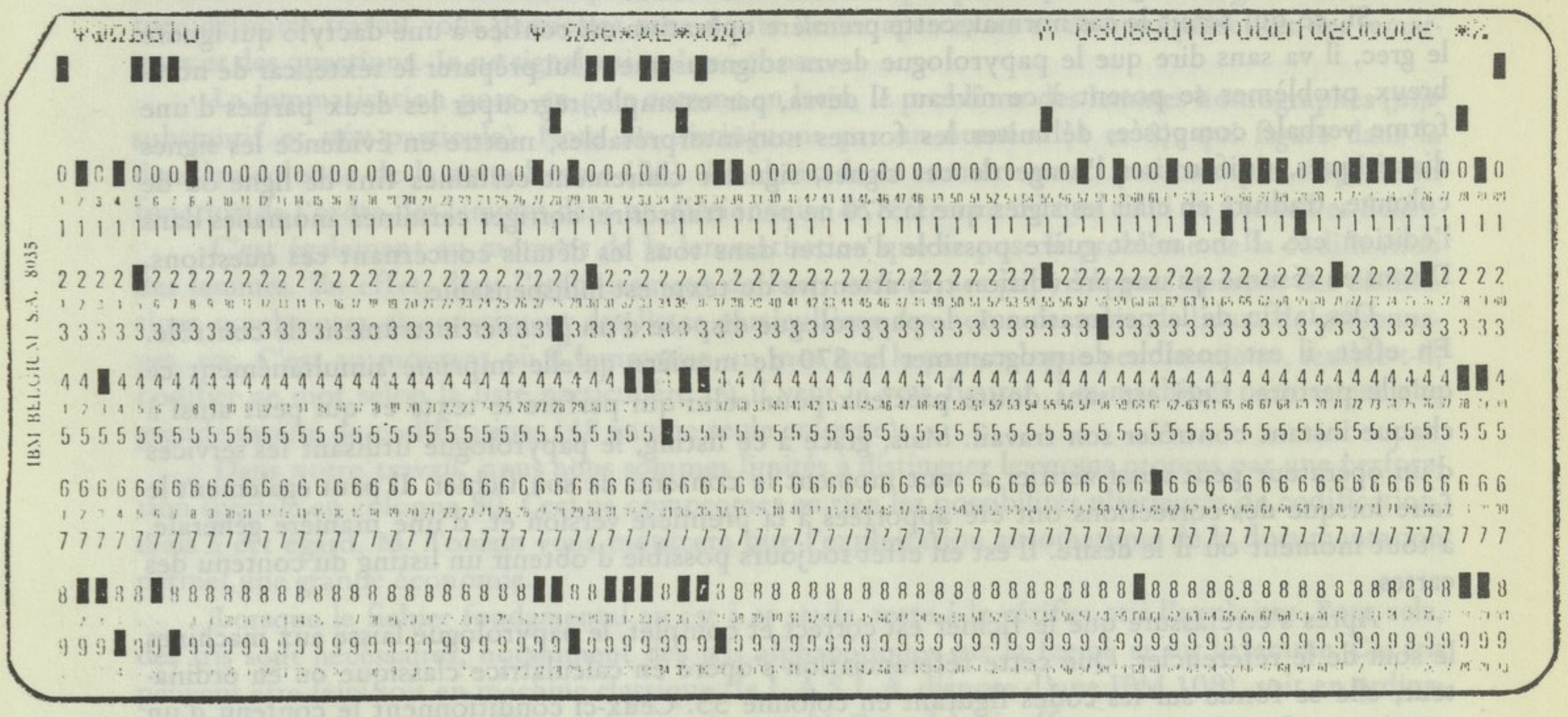
Certes le conflit entre un Apollonios prométhéen et une paysannerie archaïque sans structure politique et particulièrement démunie sur le plan social, n'a pu apparaître avec une telle acuité que dans le milieu artificiel de la dôrea et dans les circonstances, idéalement expérimentales, narrées dans le *PSI* 502. Mais ce conflit est probablement représentatif d'un certain nombre des problèmes d'acculturation qui se sont posés, d'une manière moins contrastée, après l'installation des Grecs en Egypte, problèmes qui ne se sont jamais résorbés entièrement. Bien entendu, on ne pourrait généraliser à tous les milieux égyptiens le type sociologique qu'est la partie faible du *PSI* 502. D'autres groupes égyptiens possédaient des techniques de prestige, source de pouvoir (prêtres), ou des techniques pratiques indispensables aux Grecs (secrétariat, administration des communautés indigènes). Elles les faisaient échapper d'emblée à un archaïsme régressif. Elles leur assuraient une structure apte à la confrontation ou les intégraient d'une manière pragmatique dans un système à coloration de lucre propre à l'immigration, fondé sur des modes de penser, de discuter et de gérer d'origine grecque. Il n'en reste pas moins que le fossé entre les deux cultures n'a jamais été comblé et que l'évolution ultérieure de la société gréco-égyptienne se fera en fonction de l'accès à la langue grecque et aux techniques administratives et économiques dont elle était en fait le support.

9. Cf. Y. Cazeneuve, *La mentalité archaïque*, Paris, 1961.

EXPLOITATION AUTOMATIQUE DE LA DOCUMENTATION PAPYROLOGIQUE: APPLICATION A UN CORPUS

A. Bodson

Après l'exposé général de M. Evrard, je voudrais, à la lumière de l'expérience que nous avons menée au L.A.S.L.A., vous décrire, étape par étape, le traitement d'un corpus papyrologique selon nos méthodes. J'insisterai particulièrement sur le rôle que doit jouer le papyrologue à chacune de ces étapes. J'espère ainsi vous montrer, d'une part, les avantages qu'il peut retirer du traitement automatique des textes, d'autre part, l'importance de son rôle et de ses responsabilités. Pour faciliter la compréhension de cet exposé, je vous ai fait remettre une carte mécanographique consacrée à un mot des textes que nous avons étudiés.



Dans tout travail, la première décision revient au papyrologue. C'est évidemment à lui de désigner le texte qu'il souhaite étudier et d'en choisir la version qui servira de texte de base.

Cela fait, une première opération – que nous appelons *perforation 1* – consiste à perforer le texte à raison d'une forme par carte. Les colonnes 27 à 54 sont réservées à la forme; ce champ de 28 colonnes a toujours été suffisant. Le système IBM 870 dont nous disposons pour la perforation et l'impression du grec permet, comme vous le savez, de perforer chaque forme non seulement avec esprit, accent et *iota* souscrit, mais encore avec les signes diacritiques dont elle peut

être accompagnée. Je ne puis m'étendre ici sur la description détaillée de cette machine.[1] Pour l'opérateur, sa manipulation est analogue à celle d'une simple machine à écrire grecque.

Lors de la perforation 1, des données autres que la forme sont portées sur la carte.

a) Nous y faisons figurer d'abord une perforation 12 en colonne 1. C'est un code de service qui signifie que la carte concerne une forme de l'édition de départ. Ce code est perforé automatiquement. Il permet, dans la suite du travail, de distinguer cette carte de celles portant, par exemple, une correction au texte, la fréquence d'un mot dans le corpus, etc.

b) D'autre part, l'opérateur perfore éventuellement en colonne 55 un code que nous appelons *code de ponctuation* ou *code de référenciation*. Ce code signale que la forme figurant sur la carte est la dernière d'une partie de texte intervenant dans le système de référenciation. Par exemple, dans les textes que nous avons étudiés, trois codes sont utilisés à cet effet. Le premier signifie *dernier mot de la ligne*, le second, *dernier mot de la colonne*, le troisième, *dernier mot du texte*. Ces codes sont indispensables en vue de la référenciation automatique; j'y reviendrai.

c) Enfin, toujours lors de la perforation 1, nous portons en colonnes 78 et 79 la ponctuation réelle du texte de départ, c'est-à-dire que nous y représentons, sous forme de perforations, les points, virgules, etc., qui figurent dans le texte. Ces perforations sont indispensables en vue de la réédition automatique du texte.

En résumé, après la perforation 1, chaque carte du texte de base porte une perforation 12 en colonne 1, une forme grecque en colonnes 27-54 et, éventuellement, un code de référenciation en colonne 55 ou un signe de ponctuation en colonnes 78-79.

Si, ce qui serait le cas normal, cette première opération est confiée à une dactylo qui ignore le grec, il va sans dire que le papyrologue devra soigneusement lui préparer le texte, car de nombreux problèmes se posent à ce niveau. Il devra, par exemple, regrouper les deux parties d'une forme verbale composée, délimiter les formes non-interprétables, mettre en évidence les signes diacritiques, uniformiser l'usage de ces signes, signaler clairement certaines fins de ligne ou de colonne, traduire en clair les sigles que la 870 ne peut transcrire, corriger certaines anomalies dans l'édition etc. Il ne m'est guère possible d'entrer dans tous les détails concernant ces questions. Disons en résumé qu'une pré-édition très attentive du texte est indispensable.

Dès la fin de la perforation 1, le papyrologue dispose d'un premier instrument de contrôle. En effet, il est possible de programmer la 870 de manière qu'elle imprime simultanément ce qu'elle perfore. Ceci est sans doute précieux pour celui qui perfore le texte et qui peut ainsi à chaque instant contrôler son travail. Mais, grâce à ce listing, le papyrologue utilisant les services d'un opérateur peut aussi vérifier à tout moment le contenu de son fichier. Il peut également le faire lorsque des corrections ont été apportées à la première version et, d'une manière générale, à tout moment où il le désire. Il est en effet toujours possible d'obtenir un listing du contenu des cartes.

Après s'être assuré que le fichier est correct et complet, le papyrologue laisse aux machines le soin de le référencier. Que cette référenciation s'opère en calculatrice classique ou en ordinateur, elle se fonde sur les codes figurant en colonne 55. Ceux-ci conditionnent le contenu d'un certain nombre de compteurs qui sont automatiquement perforés dans la carte. Ces compteurs sont, dans notre exemple, au nombre de 5: no. du texte, no. de la colonne, no. de la ligne, no. d'ordre du mot dans la ligne, no. d'ordre du mot dans le corpus.

1. Cf. E. Evrard, "Traitement des textes grecs anciens par la mécanographie et les ordinateurs", dans *Revue de l'Organisation Internationale pour L'Etude des Langues Anciennes par Ordinateur*, 1966, 3, pp. 21-45.

La référenciation ne demande pas de contrôle particulier; elle sera correcte dans la mesure où les codes de référenciation le seront. La seule exigence en cette matière est d'opérer *au plus tôt* cette référenciation. En effet, un fichier est toujours susceptible d'être dérangé; la perte d'une carte est toujours possible. Lorsque le fichier est référencié, de tels accidents perdent toute gravité. En effet, un simple tri permet de remettre rapidement le fichier en ordre. D'autre part, un contrôle de séquence pratiqué en ordinateur permet à tout moment de vérifier la présence de toutes les cartes dans le fichier.

Après la perforation 1, après la référenciation, la troisième étape est celle de la lemmatisation, où chaque forme du texte est rattachée à un mot du dictionnaire ou *lemme*.

Il est en effet indispensable, en vue de la constitution de l'index, de pouvoir regrouper les formes parfois très différentes d'un même mot sous une seule rubrique.

Comme vous l'a dit M. Evrard, nous n'en sommes pas encore, pour le grec, à la lemmatisation automatique, encore qu'elle soit possible. Au stade actuel, le papyrologue, dont le rôle est ici essentiel, dispose, comme je l'ai déjà signalé, d'une liste des formes telles qu'elles ont été perforées. A chacune d'elle, il adjoint un lemme qui est, à son tour, perforé dans la carte où il occupe les colonnes 2 à 26. C'est la *perforation 2*.

Ici encore, la 870 imprime le lemme en même temps qu'elle le perfore et un contrôle est possible à chaque instant.

Cette troisième étape ne manque pas, comme la première, de présenter un certain nombre d'aspects intéressants et aussi de problèmes. Il ne m'est pas possible de les envisager tous. La lecture de notre travail vous permettra sans doute de les apercevoir et de nous présenter des remarques et des questions. Je ne signalerai qu'une chose.

La lemmatisation pose, en grec comme en latin, le problème des lemmes homographes (μήν substantif et μήν particule). Nous les distinguons par un numéro (1 et 2), qui figure dans la dernière colonne de la zone lemme (26). Le choix de ce numéro peut, par exemple, s'opérer en fonction de l'ordre des lemmes dans un dictionnaire de référence tel que celui de Liddell et Scott.

C'est également au moment de la lemmatisation que se pose le problème de la codification des lemmes. En effet, dans l'établissement de leurs *indices*, les papyrologues opèrent des distinctions nombreuses et constituent des listes particulières des noms de mois, de lieux, de personnages, etc. C'est au moment où il lemmatise un mot que la papyrologue peut le mieux, semble-t-il, codifier ce mot selon la liste particulière où il veut le voir figurer. Les machines permettent une grande variété de codifications (48 en une seule colonne).

Dans notre travail, nous nous sommes limités à distinguer les noms propres par une perforation spéciale en colonne 80. Ceci ne compromet en rien les possibilités ultérieures de codification, mais à cet égard, M. Tomsin vous montrera que l'exploitation automatique de la documentation permet une grande économie.

Lorsque le fichier fondamental en est à ce stade, reste à le vérifier et à l'exploiter. Pour cela, des tris sont nécessaires, notamment des tris alphabétiques sur la forme et sur le lemme. Ces tris peuvent être faits soit en machine classique (le L.A.S.L.A. dispose d'une IBM 108), soit en ordinateur. Un programme vient d'être mis au point par M. Evrard à cet effet.

Un tri alphabétique sur les lemmes met le fichier en ordre d'index. Chaque carte reçoit à ce moment un numéro d'ordre dans l'index (colonnes 57-61): ces perforations permettent de passer à volonté de l'ordre du texte à l'ordre d'index.

Un listing du fichier dans cet ordre permet au papyrologue d'éliminer les dernières erreurs et incohérences de lemmatisation. C'est ainsi que se pratique le meilleur contrôle de la lemmatisation. En effet, le papyrologue peut, grâce à cette liste, vérifier s'il s'est montré cohérent dans sa

lemmatisation, s'il n'a pas varié dans l'orthographe ou dans le choix des lemmes. Toutes les données concernant le texte de départ sont ainsi mises en place.

A propos de cette phase fondamentale du travail, on peut donc dire que les machines permettent au papyrologue de se consacrer uniquement aux tâches qui requièrent sa compétence: préparation du texte, contrôle des perforations, lemmatisation, codification. On peut dire aussi qu'elles lui fournissent tous les instruments de contrôle dont il peut avoir besoin: liste dans l'ordre du texte, liste dans l'ordre d'index et même reproduction du texte de base, à titre de contrôle.

En contrepartie, le papyrologue ne peut pas attendre du laboratoire, des opérateurs ou des machines, la correction des erreurs qu'il aurait pu commettre. Celles-ci seront, comme le reste, scrupuleusement respectées et, par là même, amplifiées lors des traitements ultérieurs. La responsabilité du spécialiste reste donc entière et les machines exigent implacablement de lui une rigueur parfaite.

A partir du moment où le rassemblement des données est opéré, toutes les exploitations sont entièrement automatiques, à deux réserves près. Ces deux réserves concernent l'introduction des corrections dans le fichier et la constitution d'un apparat critique; ces deux opérations sont d'ailleurs étroitement liées. Toutefois, comme je vais tenter de le montrer, le papyrologue est ici encore placé dans les meilleures conditions de travail.

En ce qui concerne les corrections, trois cas peuvent se présenter:

a) une forme nouvelle se substitue à une forme ancienne;
b) plusieurs formes nouvelles se substituent à une seule forme;
c) une forme est supprimée.

Le papyrologue porte ces corrections sur un listing du texte. Il peut y ajouter un code désignant l'auteur de la correction. Il lemmatise la correction. L'opérateur constitue des cartes portant un code 11 en colonne 1 et portant la même référence que les formes anciennes. S'il substitue plusieurs formes à une seule, il les distingue par un numéro d'ordre. S'il supprime une forme ancienne, il lui substitue une carte vierge. Les contrôles du papyrologue s'opèrent de manière identique à ceux que j'ai décrits plus haut.

Il est donc possible de tenir un fichier constamment à jour, sans devoir le modifier profondément et d'obtenir des documents qui tiennent compte du dernier état du texte.

Quant à l'apparat critique, c'est uniquement pour des raisons contingentes que nous n'en avons pas automatisé la constitution.

Il resterait à dire comment furent réalisées les diverses parties du travail que nous vous avons remis. En fait, le processus est le même dans chaque cas: le fichier étant dans un ordre déterminé, il est traité par l'ordinateur au moyen d'un programme adapté aux exigences des papyrologues et les résultats des opérations sont imprimés automatiquement. Le rôle du papyrologue se réduit, à ce stade, à poser des questions. Le laboratoire est là pour trouver les moyens d'y répondre. Vient alors le travail de réflexion sur les documents fournis; mais ceci n'est plus de notre compétence: les machines peuvent aider les spécialistes dans leurs recherches en leur fournissant rapidement des données sûres; elles sont incapables de résoudre les vrais problèmes. Il faut encore d'excellents papyrologues.

L'ADMINISTRATION DE L'IRRIGATION DANS LES GRANDS DOMAINES EN EGYPTE AU VIe SIECLE DE N.E.

Danielle Bonneau

Cette étude de l'administration de l'irrigation au VIe siècle sera à la fois descriptive et historique.

Les renseignements fournis par la documentation papyrologique sont rassemblés en trois groupes: ce qui concerne le matériel du système d'irrigation, puis le personnel, enfin la gestion financière; nous essaierons d'en tirer ensuite quelques conclusions.

Plus de 150 documents papyrologiques ont été étudiés, qui s'étendent, chronologiquement, du milieu du Ve siècle au premier quart du VIIe siècle. La plupart de ces documents appartiennent aux archives des Apions.[1]

Les travaux matériels d'irrigation n'ont guère changé par rapport aux époques précédentes: on surveille toujours la montée des eaux au nilomètre,[2] il y a toujours deux sortes de distribution des eaux, celle qui se fait au moment de la crue et celle qui s'échelonne pendant la longue décrue d'octobre à mars inclus. La répartition est assurée par le système millénaire des canaux et des digues d'une part, et par l'emploi des machines hydrauliques inventées depuis longtemps d'autre part. La proportion des témoignages est intéressante: on voit peu paraître les travaux des ouvriers aux digues; il n'est guère question de la remontée de la terre sur les remblais qui les bordent que dans les contrats de location.[3] La raison en est que ces travaux sont assurés principalement par des manoeuvres, *ἐργαται*, difficiles à reconnaître dans les documents, et que leur emploi ne demande d'ailleurs pas une grande paperasserie.

I. *Le matériel d'irrigation.*

Nos papyrus débordent de riches renseignements pour ce qui concerne le matériel des appareils hydrauliques.[4] Ceux-ci sont nombreux à être utilisés dans les domaines au VIe siècle:

1. La littérature de départ pour cette étude comprend: E.R. Hardy, *The Large Estates of Byzantine Egypt*, New York, 1931; G. Rouillard, *La vie rurale dans l'Empire byzantin*, Paris, 1953; *eadem, L'administration civile dans l'Egypte byzantine*, Paris, 1928; M. Schnebel, *Die Landwirtschaft im hellenistischen Aegypten*, Munich, 1925; J. Lallemand, *L'administration civile de l'Egypte de l'avènement de Dioclétien à la création du diocèse (284-382)*, Bruxelles, 1964; I.F. Fikhman, *L'Egypte au tournant de deux époques: artisans et travail artisanal, du IVe au milieu du VIIe s.*, (en russe), Moscou, 1965 (résumé: J. Modrzejewski, *RHD* 44, 1966, pp. 532-533, et *Iura* 17, 1966, pp. 604-605), sur "le travail artisanal dans les grands domaines," IIIe partie du livre, pp. 206-248.

2. *P. Oxy.* 1830, nilomètre de Takona. C'est le seul document donnant les relevés d'un nilomètre que nous possédions pour l'époque byzantine (voir D. Bonneau, *Le Fisc et le Nil*, sous presse); les observations faites à Takona intéressent l'irrigation du Fayoum, où les Apions avaient des terres; le relevé des cotes dans le *P. Oxy.* 1830 était destiné à informer l'administration des Apions.

3. Par exemple: *P. Oxy.* 1968.8: "remontée des cubages de terre," *ἀναβολὴ τῶν νανείων* (propriétaire inconnu) (VIe s.); *P. Michael.* 34.8, même formule (VIe s.); *P. Baden* 95.215: "remontée (de la terre) de la digue de la nouvelle plantation à Kenembatou" (la propriétaire est une dame de nom inconnu) (VIIe s.).

4. L'étude technique du matériel des appareils hydrauliques sera faite dans le travail que nous préparons sur l'irrigation en Egypte aux époques grecque, romaine et byzantine.

depuis le shadouf, qui n'apparaît pourtant pas dans nos documents,[5] jusqu'à la sakieh, μηχανή, en passant par d'autres appareils (tambours, roue à palettes, etc.) dont l'utilisation tend à disparaître de nos jours.

Les renseignements que nous avons concernent essentiellement la sakieh, utilisée depuis les premiers siècles de n.è. Sans doute cette machine a-t-elle été perfectionnée: plus elle est grande, plus son débit augmente. Or, au Ve siècle, la sakieh peut avoir 36 dents à sa roue principale[6] ou davantage. Au VIe siècle, elle a atteint sa plus grande taille; nous connaissons une sakieh pour 12 aroures en 574.[7] Ainsi ces machines semblent avoir atteint au VIe siècle le maximum du progrès technique possible, et la limite de développement au-delà de laquelle le rendement de la machine ne progresse plus.

Il y eut également au Ve siècle une recherche plus grande de la solidité dans tout le système d'irrigation; elle se poursuit au VIe siècle.

Pour les sakiehs, par exemple, un équipement de fer a partiellement remplacé les pièces de bois des temps antérieurs. Ceci apparaît dans différents types de machines hydrauliques et dans diverses propriétés: ferrures d'une sakieh dépendant de l'Eglise en 551[8] ou d'"organon" dans la propriété de la Dame du *P. Baden* 95;[9] ferrures de sakieh appartenant à Anastasia, propriétaire dans le nome Oxyrhynchite,[10] et encore, ferrures dans l'appareil hydraulique d'une nouvelle citerne des terres du comte Ammonios.[11] Comme le fer n'était pas extrait en Egypte dans l'antiquité,[12] cet équipement de fer prouve que la circulation de ce matériau et son importation en Egypte étaient chose courante; le fer venait d'Asie Mineure et arrivait déjà traité; il ne restait plus aux forgerons égyptiens qu'à fabriquer les pièces spécialisées dont les appareils hydrauliques avaient besoin.

Dans le même souci de solidité se situe l'emploi de pierres au lieu de briques cuites dans la construction des citernes de sakiehs. Depuis longtemps les puits des citernes étaient parés de briques cuites, et la pierre utilisée dans les parements des canaux; le progrès au VIe siècle consiste à l'introduire plus couramment dans les constructions de sakiehs, de déversoirs, etc.;[14] il est

5. L'absence du shadouf (κηλώνειον) dans les documents administratifs des Apions et, plus largement, de l'époque byzantine peut s'expliquer, non par la disparition de l'emploi de cet appareil très simple, mais parce que, comme le souligne Barois, *Irrigations en Egypte,* p. 263, l'équipement du shadouf, fait d'une tige de bois, d'une corde de palmier, d'un seau de cuir et d'un contrepoids en terre agglomérée, ne coûte presque rien et a peu de raisons d'apparaître dans la bureaucratie. On peut faire la même remarque pour la vis d'Archimède, κοχλίας, qui n'apparaît pas non plus.

6. *P. Milan.* 64 (= *SB* 9503).8; c. 440 de n.è.; propriété impériale.

7. *P. Zill.* 7.17-18. Barois (*op.cit.* ci-dessus n.5), p. 268, indique qu'une sakieh irrigue 5 à 6 ha de nos jours. Douze aroures équivalent à 2.37 ha. Nous comptons l'aroure byzantine, comme A. Segrè, à 1980 m^2.

8. *PSI* 77.16, contrat de location d'une terre, pourvue d'une sakieh, gérée par l'Église.

9. *P. Baden* 95.383, 392, 458 (VI-VIIe s.): le texte porte ὑπὲρ σιταρ ( ) que je crois être pour ὑπὲρ σιδηρ(ωμάτων).

10. P. Giss. Univ. Bibl.Inv. 47.3 contrat de location de sakieh; ce texte, encore inédit, m'a été aimablement communiqué par J. Van Haelst, qui l'éditera. Sur ce dossier, voir du même auteur, "De nouvelles archives: Anastasia, propriétaire à Oxyrhynchos," *Atti dell'XI [1965] Congr. Intern. di Papirologia,* 1966, pp. 586-590.

11. *P. Masp.* 67139 V r.6 et 24. A la l. 24, frais "pour les ferrures de l'équipement des *organa,* 1 sou moins 2 carats"; J. Maspero proposait la résolution ὑπὲρ σιδηρ(εσίου); il me semble préférable de résoudre ὑπὲρ σιδηρ(ωμάτων). Cf. ci-dessus, n. 9. A la l. 6, frais "pour les ferrures de l'axe horizontal (τροχοβόλος) de la nouvelle citerne."

12. Cf. R.J. Forbes, *Ancient technology* IX, p. 181.

14. Nombreux exemples d'emploi de la pierre pour la partie inférieure de la sakieh, en particulier pour le puits que nous appelons plutôt "citerne," λάκκος. *P. Oxy.* 1911.166 (en 557): fourniture de 150 grandes pierres pour la citerne de la sakieh παρὰ ποταμόν, au prix de 13/100 de carat à l'unité, venant de la carrière de Ἰ ριγήου, transport compris, semble-t-il; gestion assurée par les Apions. *P. Oxy.* 134.26: 200 grandes pierres pour une citerne; coût, 1 sou d'or, transport compris, semble-t-il. *P. Oxy.* 2206 I.5, pierres fournies pour les digues de Νοτωῆς παροριόυ, coût, 2 sous (ce qui ferait c. 350 grandes pierres). Emploi de l pierre également pour les déversoirs: *P. Baden* 95.124, déversoir de deux pierres, coût 12 carats.

parallèle à l'emploi plus courant de la brique cuite au lieu de la brique séchée au soleil dans la construction des maisons et bâtiments d'exploitation, dans la seconde moitié du VIe siècle, au moins pour ce qui est du domaine des Apions. On voit apparaître encore un raffinement dont nous ne savons pas très bien en quoi il consiste: c'est l'emploi de l'*ἔγκαυμα* pour les briques destinées à une digue; s'il s'agit, comme nous le pensons, d'un enduit[15] qui assure à la brique une plus grande imperméabilité, son emploi révèle une certaine recherche, et, quel que soit son but réel, solidité plus grande ou décoration, il indique une élévation de la recherche de la qualité dans l'équipement matériel du domaine des Apions.[16] De même, on emploie l'acacia, bois rare et solide, pour les différentes pièces de sakieh.[17]

Ce matériel plus solide est l'objet d'un entretien surveillé. L'entretien du matériel des appareils d'irrigation suit au VIe siècle des règles administratives qui existent déjà au Ve siècle, comme le montre la gestion de domaines qui ne sont pas sous la domination économique des Apions. Par exemple, la fourniture des pièces de sakieh et le formulaire des documents comptables sont déjà fixés au Ve siècle; nous avons un reçu d'une pièce de sakieh située dans les domaines impériaux établi en 440,[18] un document du même genre datant de 476 pour une sakieh installée dans la propriété du stratège Alexandre;[19] le premier reçu de ce genre qui apparaît dans les papiers des Apions est de 497.[20] Sur ce point, les grands domaines s'alignent sur l'organisation déjà en place dans les domaines impériaux ou appartenant à des chefs militaires; plus tard, l'Eglise adopte à son tour cette forme de l'administration pour ses propriétés: le premier reçu de ce genre pour elle est de 528.[21] Si donc l'organisation de l'entretien des machines hydrauliques ne présente pas de modalités nouvelles au VIe siècle, elle est cependant perfectionnée. Le formulaire des locations de machines hydrauliques, dont les témoignages s'échelonnent dans la seconde moitié du VIe siècle, comporte une description détaillée de l'équipement de l'appareil.[22] Comme les petits cultivateurs ne peuvent s'offrir un équipement hydraulique coûteux, ils prennent en location les appareils et les grands propriétaires, tels les Apions, s'attachent ainsi ceux qui ont peu de moyens: le contrat est d'autant plus rigoureux dans ses détails que le locataire a moins de possibilités financières.

De nombreux papyrus concernant l'entretien du matériel d'irrigation des Apions sont parvenus jusqu'à nous; outre ceux qui ont trait aux pièces de rechange, un bon nombre renseignent sur les briques destinées à l'entretien des constructions liées aux machines hydrauliques, tels que puits, citernes, fontaines, réservoirs, etc. Ces papiers montrent un classement par genre de fourniture; cette division administrative est empirique: d'un côté le matériau facile à trouver et qui demande peu de manutention, de l'autre, celui qui demande une élaboration plus

15. *P. Oxy.* 2206, 9: "... prix du vernis (?) acheté ... pour le besoin de la construction de briques pour la digue (de Notinês Paroriou) le 30 juillet de la 13e indiction, 2 sous." On ignore le sens exact de *ἔγκαυμα*: sorte de mortier pour lier les briques ? ou plutôt vernis destiné à les rendre plus imperméables?

16. On peut mettre en parallèle un autre indice, plus tardif; l'équipement des thermes de Takona, gérés par les Apions, en vitres placées aux fenêtres (cf. L. Robert, "Noms de métiers dans des documents byzantins," *Mélanges Orlandon,* Athènes, 1964, p. 342) (*P. Oxy.* 1921.12).

17. Par exemple: *σωδργανον, ἱλαστήριον, κυλλὴ κυκλάς* (*P. Oxy.* 1985.12; en 543).

18. *P. Milan.* 64 (= *SB* 9503); voir ci-dessus, n. 6.

19. *P. Oxy.* 1899; "stratège" a ici son sens militaire; ce stratège Alexandre est connu par ailleurs (*C. Just.* i.57.1; 19 août 469. *C. Just.* ii.7.13; 1er septembre 468. *C. Just.* viii.52.3; en 469).

20. *P. Oxy.* 1982.

21. *P. Oxy.* 1900 (= *Stud.Pal.* I 80); 24 octobre 528.

22. *PSI* 77.15 (entre 551 et 565), sakieh appartenant à l'Eglise (?); *P. Zilliac.* 7.14 (en 574) sakieh sur des terres gérées par Philoxénos, sthénographe du bureau présidial; P.Giss. Univ. Bibl. Inv. 47 (voir ci-dessus, n. 10) (en 592/593?).

poussée: les pièces de rechange. A l'intérieur de chaque document de ce genre, le classement est également fait par division géographique ou administrative (c'est-à-dire selon le ressort territorial d'un administrateur) et non pas selon ce qu'on pourrait appeler la "réception" ou par "département de production." De plus, ce classement par fourniture n'émane pas non plus du producteur de cette fourniture. En effet, le circuit économique est la plupart du temps très restreint; sauf pour le fer et certaines pièces de bois, il se limite essentiellement au trajet de l'objet depuis le fournisseur du matériau extrait ou élaboré non loin du lieu d'utilisation, jusqu'à l'utilisateur (charpentier qui procède au montage de la sakieh ou maçon). Ceci souligne l'aspect primaire de cette organisation technique; mais en revanche, dans ce circuit économique simple, qui ne comporte tout au plus qu'un intermédiaire (le charpentier ou le briquetier), apparaît plus nettement la complexité du cheminement administratif qui intervient dans la comptabilité de l'entretien du matériel. Les Apions veulent savoir où va chacun des éléments utilisables de leur domaine; par exemple, lorsqu'une pièce de bois, prise sur le domaine lui-même dans le voisinage de la sakieh à réparer, est utilisée pour faire un axe, la transmission matérielle se fait de façon simple et directe pour économiser sur le transport, mais la comptabilisation de la pièce se fait de la même façon que pour un axe acheté à l'extérieur du domaine.[23]

Remarquons en passant le caractère particulier de notre information; le classement par fourniture apparaît situé dans la dernière étape du circuit, au niveau du répartiteur; les documents, en effet, appartiennent à la gestion interne des grands domaines et, de ce fait, notre connaissance de l'administration en Egypte au VIe siècle se trouve tout à fait limitée. Mais par ailleurs, elle nous permet de saisir sur le vif la préoccupation, dans la gestion des Apions, d'organiser le roulement du matériel de façon rationnelle. C'est alors qu'apparaît, comptabilisé, le remploi du vieux matériel; certes, utiliser un vieux bois n'est pas nouveau; ce qui est nouveau, c'est de voir la récupération du vieux matériel organisée administrativement et passée en écritures: lorsqu'une sakieh a besoin d'un axe neuf, en 587, le responsable doit rendre le vieil axe au "portier";[24] ailleurs, il est précisé qu'il n'y a pas de vieil axe à rendre.[25] Ce raffinement de comptabilité écrite semble dater du troisième quart du VIe siècle.

A peu près à la même époque, apparaît encore une autre précision administrative: la prévision de durée d'axes de sakiehs fournies par les Apions aux responsables de ces appareils dans leurs domaines, dont nous avons un témoignage pour 557[26] et un autre pour 587;[27] dans le premier cas, elle est pour sept ans, dans le second, pour cinq ans. Dans tous les cas, il s'agit d'axes achetés, ce qui permet de se demander si la garantie d'usage vient du fabricant lui-même, auquel cas la comptabilité des Apions ne ferait que l'enregistrer, ou si l'axe est fourni pour une durée minimum par les Apions eux-mêmes, et alors, ils ajouteraient une contrainte à leur "aide" à l'utilisateur. De toutes façons, étant donné que l'un de ces axes a été acheté "à la campagne," *ἐν ἀγροῖς*, et que la chose revient alors à une sorte d'autofourniture, ils seraient les propres garants de ce qu'ils vendent; mais bien plutôt ils ont cherché à faire porter la responsabilité du fonctionnement sur leurs paysans ou sur les artisans qu'ils emploient. Dans le cas de ces axes

23. *P. Oxy.* 2244: axes fournis par l'Eglise, l. 83 et 85; axes venus d'Alexandrie, l. 17 et passim.

24. *P. Oxy.* 1988.30-31 (en 587). Un axe de sakieh usé était utilisé par un *θυρουρός*, "portier"; mais à quelle fin? Peut-être le recoupait-on pour en faire une de ces poutres, à placer au-dessus d'une porte qui mesuraient 1.50 à 2 m (voir M. Nowicka, *La maison privée dans l'Egypte ptolémaïque,* Varsovie, 1969, pp. 82-83); il était tout à fait possible de trouver une poutre de ce genre dans un vieil axe qui pouvait mesurer de 2.50 à 5 m.

25. *P. Oxy.* 2244.35 (en 573/574): "(Livré) à Jean, fils de Paléous, originaire de l'esbeh de Léon, cultivateur (du champ) de la sakieh de la nouvelle citerne appelée Limeniou, 13 Phaophi, 6ème indiction, 1 axe de l'administration officielle (?); il n'y en a pas de vieux."

26. *P. Oxy.* 1911.162, 165 et 171 (en 557).

27. *P. Oxy.* 1988.30 (en 587).

fournis "pour sept ans," cette précision limite la responsabilité du propriétaire qui assure l'entretien et le renouvellement du matériel d'irrigation et augmente celle du paysan utilisateur;[28] toutefois le grand propriétaire s'engage ainsi à remplacer l'axe au bout de sept ans; ceci suppose aussi un calcul de l'usure moyenne des axes, une prévision, voire une planification du renouvellement du matériel.

Nous ne savons pas en quel bois étaient faits les axes dont la durée était ainsi garantie; les variations de cette durée, de cinq ans à sept ans, ne tenaient peut-être pas à la solidité du bois; si le cas de l'axe fourni "pour cinq ans" et réutilisé autrement, qui apparaît unique dans notre documentation, n'est pas un accident, ce raccourcissement du délai pourrait être dû à une attitude économique nouvelle: il y aurait eu, dans le dernier quart du VIe siècle, une politique de récupération liée à l'accélération du remplacement du matériel d'irrigation. Ce renouvellement aurait pu correspondre aux besoins d'un système d'irrigation usé; il faudrait alors examiner quelle fut la courbe du développement de ce système.

Sans remonter jusqu'aux premiers siècles de la domination romaine, nous pouvons dire que l'extension de l'usage des machines hydrauliques est antérieure au VIe siècle; elle a commencé aux IVe et Ve siècles et n'est pas due à quelque découverte technique; elle est peut-être en partie, à mon avis, la conséquence de la réforme fiscale amorcée par Dioclétien; il y a, au fur et à mesure de l'application de cette réforme, de plus en plus rupture du lien qui existait précédemment entre la production réelle d'une terre et la surface pour laquelle le tenancier de la terre paie des impôts fonciers;[29] si, d'un côté, il y eut des terres abandonnées cependant soumises à l'impôt foncier, d'un autre côté, les cultivateurs ont été incités à utiliser les machines d'irrigation qui permettent soit un rendement meilleur, soit une culture différente, pour des terres imposées uniformément; la culture alors répond à la demande locale, aux besoins de l'économie interne des grands domaines pour le VIe siècle et non plus aux nécessités vitales plus ou moins planifiées de l'Empire; cette évolution s'est faite à la longue, et les effets n'en sont perceptibles qu'à partir de la fin du IVe siècle.

Mais dans le cadre même d'une étude des moyens d'irrigation, qui ne serait que statique, la différence d'équipement est perceptible selon l'importance du propriétaire. Les terres des hauts fonctionnaires paraissent bien équipées. Par exemple, au IVe siècle, une terre à Oxyrhynchos, appartenant à un fonctionnaire du bureau du préfet d'Egypte, dont la surface est peut-être d'une dizaine d'aroures (c. 2 à 3 ha), est équipée d'appareils hydrauliques variés (*ὑδρεύματα*, *μηχανή*, *ὄργανα*) qui permettent d'arroser les parties non-inondées (*ἄβροχος*, l. 13) à partir d'un canal.[30] Au Ve siècle, dans le même nome Oxyrhynchite, les domaines de la famille impériale sont équipés de sakiehs d'une certaine importance.[31] De même, un homme comme Flavius Alexandre, qui réunit les pouvoirs civils et militaires en tant que stratège (au sens militaire) et préfet d'Egypte, possède une propriété qui paraît bien équipée et bien adminstrée.[32]

Pour le VIe siècle, l'état d'équipement en moyens d'irrigation est très variable, selon le niveau social des propriétaires. Les petits propriétaires ont un appareillage modeste; tel est le cas pour les lopins de terre de Dioscore ou de son père: ici une citerne,[33] là, deux;[34] les terres que

28. Voir dans ce sens, I.F. Fikhman (*op.cit.* ci-dessus, n. 1), p. 217.

29. Voir D. Bonneau (*op.cit.* ci-dessus, n. 2), conclusion.

30. *PSI* 1078 (25 novembre 356); la locataire s'engageant à prendre à sa charge "la remontée du cubage de terre" (l. 23-24; voir ci-dessus, n. 3), on peut en conclure que le terrain est non loin d'un canal.

31. *P. Milan.* 64 (voir ci-dessus, n. 6).

32. *P. Oxy.* 1899 (476); voir ci-dessus, n. 19 et ci-dessous, n. 80.

33. *PSI* 931 (6 octobre 524).

34. *P. Masp.* 67235.11 (8ème indiction; étant donné la date de la mort du père de Dioscore à la fin de 546, c'est donc 545, plutôt que 530).

gère Dioscore après la mort de son père ne paraissent pas mieux loties ultérieurement.[35] Des terres, qui appartiennent au village d'Aphrodito n'ont aussi qu'une citerne (λάκκος).[36] Ceci est vrai également pour d'autres régions: une seule citerne sert à arroser une petite propriété (κτῆμα) à Hermonthis en Thébaïde.[37]

Certes, on pourrait dire que le morcellement de la propriété explique ce médiocre équipement en matériel d'irrigation; mais la raison paraît être moins la surface même de la terre à cultiver que les possibilités économiques du propriétaire. Car cet état de choses dure dans la seconde moitié du VIe siècle; prenons le cas du médecin chef d'Antinoé, qui a une situation en vue dans sa ville; le vignoble dont il lègue une petite partie au monastère de Saint Jérémie en 570, contient des ὑδρεύματα, des κυκλευτήρια, des ὄργανα,[38] il est bien équipé.

Pour les domaines de l'Eglise, l'équipement en moyens d'irrigation paraît également modeste: un terrain non loin d'Aphrodito, voisin d'église, est équipé d'une citerne réservée au lot;[39] un verger dont la location est de la main de Dioscore et appartenant au couvent de Zmin n'a qu'une citerne;[40] une terre d'Eglise cédée par un évêque au milieu du VIe siècle sans aucun loyer, mais seulement en échange du paiement des impôts, est équipée d'appareils appelés globalement ὑδρεύματα.[41] Là encore, ce que nous savons pour le nome Oxyrhynchite est valable pour d'autres régions de l'Egypte: un vignoble clos appartenant à un monastère du nome Hermoupolite est muni seulement d'une citerne.[42] Tous ces exemples sont du milieu du VIe siècle. A la fin du même siècle, le monastère de Saint Phoibammon donne en bail emphytéotique un enclos "avec la citerne (λάκκος) qui est dedans, l'ὕδρευμα et le κυκλευτήριον."[43] Ce dernier cas peut être un indice des progrès de l'équipement hydraulique des terres en général. D'ailleurs, même dans les propriétés privées, on peut déceler quelques indices d'extension de l'emploi des appareils élévatoires pour l'irrigation: – dans le domaine du comte Ammonios, creusement d'une nouvelle citerne;[44] dans le territoire de Thebaiou (aux environs d'Iseion Panga, dans le nome Oxyrhynchite), inauguration d'une citerne neuve marquée par une distribution de vin;[45] dans le domaine de la Dame du *P. Baden* 95 (nome Hermoupolite), équipements neufs.[46] Mais dans l'ensemble, ces renseignements apparaissent bien peu nombreux au regard de ceux que fournissent les documents administratifs des Apions; ils ont toutefois pu nous donner des éléments de comparaison.

35. *P. Masp.* 67319.23, un ὄργανον. Dans les autres documents des archives de Dioscore, l'irrigation des terres est assurée par les locataires et nous ne savons pas quel en est l'équipement hydraulique; exemples d'arrosages assurés par le locataire de Dioscore ou de sa famille: *P. Masp.* 67128.14 (27 août 547); 67251.2 (18 octobre 549); *P. Flor.* 282,23-24; champ limitrophe d'une digue: *P. Masp.* 67134 v 2. Dans un contrat de mariage, un lopin de c. 38 a de terre à blé ne dispose que d'une partie proportionnelle d'appareils (ὑδρεύματα) (*P. Masp.* 67006 verso 50; VIe s.).

36. *P. Masp.* 67106.4 (9 octobre 539); 67107.10 (en 540); voir aussi un enclos replanté de vigne, arrosé en hiver et en été, *P. Masp.* 67104.6 (19 août 530). Autre exemple de terre équipée d'une seule citerne: *P. Masp.* 67099.9 (VIe s.). Dans le cas du *P. Michael.* 60, la mention d'une seule citerne n'est pas à ajouter ici, car la terre est probablement inondée directement par les eaux de la crue (l. 9-10).

37. *BGU* 669.5 (ép. byz.).

38. *P. Masp.* 67151.116-118 (15 novembre 570).

39. *P. Masp.* 67097.2 (16 décembre 558).

40. *P. Masp.* 67170 (16 avril 565).

41. *P. Michael.* 41.9 (539 ou 554).

42. *P. Giss.* 56.7 (11ème indiction VIe s.).

43. *P. Masp.* 67299.11 et 34-35 (VIIe s.?).

44. *P. Masp.* 67139.6 (c. 530-540); voir ci-dessus, n. 11.

45. *PSI* 165.2-3 (10ème indiction, VIe s.); voir ci-dessous, n. 49.

46. *P. Baden* 95 (fin VIe – début VIIe s.); de nouvelles plantations (l. 215) sises à Kenembatou, sont irriguées à partir de 2 τύμπανα qu'on achète pour elles (l. 132); elles ont un canal propre (l. 215) dont l'entretien est fait normalement; l. 457, un ὄργανον équipé coûte 12 sous moins 72 carats; vu ce prix élevé, il s'agit vraisemblablement d'une installation complètement neuve.

Les archives des Apions nous permettent-elles de savoir quand l'emploi des sakiehs particulièrement s'est répandu? Et d'abord que valent, numériquement, ces témoignages?

Essayons de faire un calcul. Il y avait au XIXe siècle environ 5000 sakiehs pour le Saïd;[47] les papyrus en mentionnent environ 200 (ce qui fait 1/25), approximativement pour cette même région. Mais la densité des renseignements papyrologiques est parfois considérable. Le *P. Oxy.* 2197, par exemple, concerne des chantiers de constructions en briques, soit neuves, soit en réparation, concernant une dizaine de villages; sur 145 chantiers dont l'état du papyrus nous laisse connaître la nature, 119 concernent des appareils hydrauliques (sakiehs, réservoirs, fontaines, etc.), autrement dit, plus des 4/5, et 26 autres seulement n'intéressent pas l'irrigation; nous avons donc une densité de presque 10 installations hydrauliques par noms d'agglomération, et, si l'on veut pousser plus loin la prudence en considérant qu'une sakieh peut comporter aussi une citerne, nous aboutissons néanmoins à environ 7 sakiehs par village; or, le document ne nous fait connaître qu'une partie des équipements hydrauliques de la région, et nous renseigne sur l'irrigation d'environ 40 ha par agglomération[48] seulement; l'équipement de ces terres des Apions paraît donc assez dense. C'est à partir de ces nombres que nous essaierons de travailler de la façon suivante: partant de l'hypothèse que les noms ont été donnés aux sakiehs peu à peu pour faciliter leur identification administrative, nous essaierons de distinguer une sorte de stratification chronologique dans les genres de noms qui leur ont été donnés, et d'en déduire la période où l'installation d'appareils hydrauliques a été la plus intense.

Sakiehs et citernes, au VIe siècle, sont personnalisées par des noms qu'elles reçoivent comme une véritable identité; leur mise en eau donnait lieu à des réjouissances,[49] sorte d'inauguration; de plus, l'habitude de leur donner un nom n'est pas antérieure au VIe siècle.[50]

Parmi les noms qu'elles portent, nous distinguerons quatre catégories.[51] Dans la première.

47. Cf. Chélu, *Le Nil*, p. 279, estime à 34.000 le nombre des sakiehs dans le Delta (vers 1890).
48. Cf. ci-dessus, n. 7.
49. Par exemple, distribution de vin, *PSI* 165.2-3; cette citerne est neuve, καινός. Cf. ci-dessus, n. 45.
50. Cf. *P.Lugd. Bat.* XIII 20, ad ll. 6-8.
51. Tableau de la répartition des noms de sakiehs:

Documents	noms de terroirs égyptiens	noms descriptifs	noms d'hommes	noms indiquant des appareils nouveau
P. Oxy. 2244	15	21	8	3
(573/574)	(32)	(45)	(17)	(6)
P. Oxy. 2195	5	4	8	0
(576/577)	(31)	(25)	(44)	
P. Oxy. 2197	25	c. 11	c. 45	c. 11
VIe s.	(27)	(12)	(49)	(12)
P. Oxy. 2037	4 (?)	3	1	1
fin VIe s.	(44)	(34)	(11)	(11)
Moyenne:	33.5	29.1	30.2	7.2

nous mettrons celles qui portent des noms de terroirs bien égyptiens, par exemple Piaa;[52] elles sont installées sur des terres cultivées depuis fort longtemps, dont l'irrigation remonte loin, et nous prendrons pour hypothèse que ces sakiehs, représentant l'aménagement meilleur d'une culture traditionnelle, sont parmi les plus anciennes; leur proportion est de plus d'1/3. La seconde catégorie est celle des sakiehs qui portent un nom vague et descriptif, nom d'"enclos," de "champ," etc.; elles peuvent remonter à un temps où les appareils hydrauliques n'étaient point baptisés, c'est-à-dire au début du VIe siècle; elles peuvent aussi servir d'indication pour une conquête de la culture sur des terres alors inexploitées, ce qui expliquerait qu'elles n'aient pas été nommées d'après le lieu-dit où elles ont été placées. Elles représentent à peu près 1/3 de celles que nous avons dénombrées. Celles qui portent des noms d'hommes, probablement de ceux qui s'en occupent ou qui les possèdent, forment la troisième catégoire, dont l'importance, au total à peu près équivalente aux groupes précédents, semble avoir été plus grande dans la seconde moitié du VIe siècle. Leurs noms, qui n'ont plus rien à voir avec le sol qu'elles permettent d'irriguer, révèlent une organisation administrative prééminente. Enfin, dans le bilan que nous tentons de faire pour cette partie du VIe siècle, les sakiehs dont la désignation indique une création récente sont très peu nombreuses: pas même 1/10 du total. Il apparaît alors que le développement de l'installation des sakiehs a presque cessé à la fin du VIe siècle; sa période d'extension semble se situer dans le milieu du VIe siècle. Y eut-il ensuite saturation d'implantation du matériel hydraulique? Car la surface de terre cultivable en Egypte n'est pas extensible à l'infini. Ou bien y eut-il essoufflement de la puissance économique des Apions? Peut-être pourrons-nous répondre dans la conclusion de cette étude.

II. *Le personnel.*

Parmi le personnel de l'administration de l'irrigation, nous distinguerons le personnel technique et le personnel bureaucratique.

Le premier s'occupe des tâches matérielles de l'irrigation. Les constructeurs de sakiehs sont connus depuis le IIIe siècle,[53] ce sont les "spécialistes du fleuve," les *ποταμίται*; on les voit dans leurs activités de puisatiers au VIe siècle;[54] ils sont aidés de manoeuvres;[55] ils exécutent le creusement des citernes, des canaux, dont le cubage a été calculé pour eux; ils assurent aussi l'entretien des digues; ouvriers spécialisés, les "potamites" vont là où une tâche se présente; ils travaillent indifféremment sur telle ou telle terre, de sorte qu'on les voit sous les ordres d'administrations diverses: municipales ou privées, par exemple celle des Apions.[56] Organisés en groupes, ils ont un chef d'équipe, l'"archipotamite," *ἀρχιποταμίτης*[57] et un directeur administratif, l'"épistate des potamites," *ἐπιστάτης ποταμίτων*,[58] ce qui montre à quel point ce métier

52. Piaa ("la [terre] du champ") se trouve dans les environs du village Phthla, *Φθλα*, proche d'Aphrodito dans le nome Antaeopolite. Le stratège Alexandre y possédait la partie appelée *Πιαα* (*P. Oxy.* 1899.8; en 476) qui plus tard apparaît dans la gestion des domaines des Apions (*P. Oxy.* 1912.31 et 116; fin VIe s.).

53. *BGU* 14 II.19 et passim. Voir J. Bingen, "Documents provenant des archives d'Héroninos," *CE* 49, 1950, pp. 87-101.

54. *P. Oxy.* 1776.3 (fin VIe s.): "J'ai envoyé les puisatiers pour qu'ils travaillent à la citerne neuve." *P. Oxy.* 2195.134-138: "A Apa Sion, puisatier, et à ses compagnons qui ont ôté la voûte de (litt.: découvert) la citerne de la sakieh du domaine de Evangilios (qui est) sous l'administration (?) d'Apa Hôros, prêtre, et de Phoibammon, cultivateur, originaire du même domaine, . . ." (en 576).

55. *P. Oxy.* 1911.157 (en 556/557): Frais versés à "Abrahamios le puisatier et ses compagnons qui travaillent à la voûte de la citerne de la sakieh des enclos . . orios et de Tarouseb;" la suite fait comprendre que le puisatier a 4 aides.

56. Affaires privées: *BGU* 818 (nome Arsinoite; époque byzantine). Archives des Apions: les documents cités ci-dessus, n. 54 et 55.

57. *P. Herm.Rees* 69.6-7 (Hermoupolis); l'"archipotamite" accuse réception du prix d'un travail dû jusqu'au 5 mai 410.

58. *BGU* 295.8 et 11 (en 591).

s'est développé; mais est-ce un développement numérique? Car ils étaient déjà nombreux au IIIe siècle puisque nous voyons, dans un document,[59] un potamite recevoir le salaire de 303 potamites d'un seul coup. Il faut plutôt penser que ce groupement s'est mieux organisé administrativement, peut-être en raison d'un contexte historique évoluant en général dans ce sens.

Quant aux réparateurs des divers outillages hydrauliques, ils ne sont pas spécialisés: une fois qu'une sakieh est conçue en fonction du débit qu'on attend d'elle, les éléments qui la composent sont exécutés indépendamment les uns des autres; à une sakieh, travaillent les maçons,[60] les céramistes,[61] le forgeron[62] et le charpentier[63] qui assure le montage de l'appareil. De tous ces artisans, seul le dernier doit être plus compétent pour les appareils d'irrigation; on voit en effet, au début du VIe siècle à Aphrodito, des "charpentiers de machines hydrauliques," *τέκτονες ὀργάνων*;[64] ils apparaissent groupés en corporation, puisqu'ils versent une contribution "pour l'entretien des troupes."[65] L'existence de ce groupe nous apprend deux choses: d'une part, que la construction d'"appareils hydrauliques," *ὄργανα*, créait alors tant d'emplois que les charpentiers pouvaient se spécialiser dans ce travail; d'autre part, comme ces "charpentiers d'appareils hydrauliques" apparaissent dans la "liste de contributions versées par le fils de Mélisseus," cela tend à prouver que l'équipe restait cohérente, ne s'éparpillait pas en divers lieux, et que, par conséquent, à cette époque (début du VIe siècle) et dans cette région (autour d'Aphrodito), il y avait un équipement intensif en appareils d'irrigation. Car nous ne pensons pas qu'il y ait eu, à Aphrodito, un centre de fabrication spécialisé dans les pièces de sakiehs en bois dont la vente et le montage se seraient faits au loin.

Nous en venons maintenant au personnel qui assure le fonctionnement de l'irrigation, ceux que nous appellerions "agents techniques" dans une entreprise moderne. Naturellement, il existait des ouvriers non spécialisés, *ἐργᾶται*, pour assurer les travaux ordinaires, réparation,[66] colmatage, etc. Cependant, l'ouvrier qui s'occupe d'un petit canal semble porter lui-même le nom de ce canal: *ὑδραγωγ(ός)*[67] est, dans le contexte où il apparaît, un homme au travail: on confond par des vocables voisins le travail humain et la source d'énergie matérielle. Pour les appareils hydrauliques, il se produit un transfert sémantique analogue; en effet, l'emploi du shadouf, du tambour, de la vis d'Archimède, demandent de la force et de la résistance physique, mais aucune compétence particulière, même lorsqu'il s'agit des appareils que l'on fait tourner avec les pieds; la sakieh est actionnée par des bovins, et surveillée par un homme. L'adjectif *μηχανάριος*, "qui fait marcher la sakieh," apparaît, depuis le Ier siècle jusqu'au VIe comme le nom du surveillant.[68] Comme il ne s'agit pas de perfectionnement technique, mais d'une

59. *BGU* 14 ii.19.
60. *P. Sorb.* 63 (VIe s.).
61. Céramistes fabriquant des pots de sakiehs: *P. Oxy.* 1913.23.
62. *P. Oxy.* 1913.19.
63. *P. Oxy.* 1913.23.
64. Le sens de ces mots n'est pas celui que suggérait l'éditeur ("fabricants d'outils").
65. *P. Masp.* 67147 r 6 (antérieur à 528).
66. Exemple: des *ἐργᾶται* réparent une citerne (*P. Baden* 95.226).
67. *P. Masp.* 67095.13 (1er avril 548); c'est un nom de fonction; J. Maspero dit à, ce sujet: "sans doute l'homme qui actionne la roue de ces puits spéciaux à l'Egypte, saqieh"; je ne le crois pas; c'est plutôt l'homme spécialisé dans l'ouverture et la fermeture, à la pioche, des petits canaux qui amènent l'eau.
68. Exemples du Ier s.: *P. Lond.* 131.508; *P. Oxy.* 985.9. Sur le *μηχανάριος*, voir *Stud.Pal.* IV, pp. 103-105; cet ouvrier figure avec les "ouvriers spécialisés," *τεχνῖται*, dans une liste de gratifications données pour la fête de Tybi (Epiphanie), ce sont: 4 maçons, 2 charpentiers, 1 sculpteur (qui est également prêtre) et ses aides (*Stud.Pal.* XX 260.10); il reçoit 2 (sous?), alors que les autres reçoivent chacun 3 (sous?); sa situation sociale semble donc inférieure à la leur.

"profession liée avec la construction et l'entretien des installations d'irrigation,"[68b] l'emploi plus fréquent de ces noms spécialisés[69] vient de la diffusion plus grande des appareils élévatoires; le même homme reste attaché au même outil parce qu'il y a assez de travail pour lui. C'est donc une fausse spécialisation, qui n'est pas technique, mais administrative; ces "agents techniques" ne sont que des éléments passifs de l'administration de l'irrigation; mais il est commode de leur donner ces noms spécialisés.

Du point de vue de l'observation des eaux, les services indépendants de ceux de l'Etat ne semblent pas exister;[70] ceux qui, matériellement, calculent et assurent la distribution de l'eau en fonction des plantations et des superficies à irriguer, au niveau du domaine, portent un nom particulier, les *ὑδροπάροχοι*;[71] ils sont en même temps parfois les "cultivateurs," *γεωργοί*.[72] En effet, au-dessus des agents techniques dont nous avons parlé plus haut, l'administration de l'irrigation ne semble pas avoir de hiérarchie spéciale; ceux que nous y voyons occupés le sont aussi d'autres tâches: les travaux d'irrigation font partie de l'ensemble des travaux agricoles; de plus, l'administration, qu'elle soit privée ou officielle, ne distingue pas les travaux d'entretien des travaux de fonctionnement; celui qui reçoit une sakieh et son terrain en location ou en attribution[73] est responsable de l'entretien et du bon fonctionnement du système d'irrigation dont il bénéficie, à l'exclusion de certaines tâches comme le remplacement des pièces de sakieh et la surveillance de l'ordre public en ce qui concerne sa machine. Le "cultivateur," *γεωργός*, peut, par ailleurs, exercer un autre métier;[74] il est l'échelon intermédiaire entre les hommes qui fournissent la main d'oeuvre pour l'irrigation et les hauts administrateurs du domaine; ceci apparaît aussi bien dans l'administration des biens d'Eglise[75] que dans celle des biens gérés par les Apions. Il faut souligner une exception: lorsqu'il s'agit d'une sakieh gérée par un ensemble de paysans formant une sorte de communauté villageoise – dont le statut est difficile à connaître parce qu'elle figure dans les archives administratives des Apions, mais semble garder une réelle indépendance, *οἱ ὑπὸ τὸν ἐντολέα Τοέ*,[76] – le gérant des sakiehs est dit "préposé," *καταμεῖν* (*ος*?), et les hommes qui s'occupent de chacune ne sont pas dits "cultivateurs." En général le "cultivateur" qui faire produire une sakieh (machine et terrain) est un *colonus adscripticius*; le statut juridique du cultivateur ne semble pas avoir d'incidence sur la responsabilité du fonctionnement de la sakieh; par contre, il en a sur sa gestion financière.

Dans la seconde moitié du VIe siècle, apparaît le *μηχανουργός*; il se distingue du *μηχανάριος* par la part de responsabilité qui lui incombe. Il a un rôle administratif: il sert d'intermédiaire entre les propriétaires (en l'occurrence les héritiers d'Apion II) et un Phoibammon

68b. Cf. H. Geremek, *Karanis, communauté rurale de l'Egypte romaine au IIe-IIIe siècle de notre ère*, Varsovie, 1969, p. 92.

69. Ajoutons à ces dénominations d' "agents techniques" celle du "manoeuvre qui fait tourner l'appareil," *κυκλευτὴς κυκλεύων τὸ ὄργ(ανον)* (*P. Lond.* 131.504 et 508), employé dès le Ier s. Par contre, nous n'ajouterons pas *τυμπ(ανιστής)*, "celui qui fait tourner le tympan," comme le suggérait l'éditeur du *P. Baden* 95 (l. 125); nous suivons ici Fikhman (*Egypte*, (*op. cit.*, n. 1), p. 219 qui pense qu'il ne s'agit pas d'hommes, mais des outils eux-mêmes.

70. Voir ci-dessus, p. 45 et n. 2.

71. Sur la répartition des eaux en temps de crue, et l'*ὑδροπάροχος*, voir R.S. Bagnall, "An order for nails," BASP 5, 1968, Oxy. Inv. [29] 46/A (1-3) (a) (fin du IIIe s.); voir surtout p. 101.

72. Cf. *P. Oxy.* 902.3 (c. 465).

73. Sur l'attribution d'une sakieh: *P. Oxy.* 1935; au nom des Apions, une sakieh est attribuée par leur dioicète à un cultivateur; avertissement est donné a) à un fonctionnaire privé, un phrontiste, b) à un fonctionnaire dont on ne sait à quel bureau il appartient, qui est seulement scribe et doit avertir les fonctionnaires de surveillance des champs, les *ἀγροφύλακες* (voir ci-dessous, n. 97).

74. *P. Oxy.* 2244.52: cultivateur et charpentier; l. 61: cultivateur et phrontiste.

75. *P. Oxy.* 1900 (en 528).

76. *P. Oxy.* 2244.64.

remplaçant du *defensor*, *ἀντέκδικος* [77] qui reçoit une pièce de sakieh; ailleurs,[78] deux *μηχανουργοί* reçoivent à titre privé un prêt sur leur salaire avancé par le banquier de la maison des Apions dont ils sont les employés. Le *μηχανουργός* paraît une innovation du VIe siècle, en liaison avec la gestion que les Apions assurent pour des catégories de terres qui n'appartiennent peut-être pas en propre à cette famille.

C'est donc au-dessus du cultivateur que la hiérarchie administrative se diversifie au cours du VIe siècle, entre lui et le propriétaire (ou le protecteur) de la terre. Ici, nous devons distinguer selon les époques d'abord. Le point de départ chronologique de nos renseignements est fourni par les documents concernant les terres impériales. En 440, le cultivateur responsable de la sakieh *τοῦ Καινοῦ*[79] dépend pour l'équipement de cette machine d'un curiale d'Oxyrhynchos "gérant (dioecète, *διοικητής*) des affaires de la très divine et très remarquable Maîtresse Arcadia." Il n'y a donc ici qu'un intermédiaire entre le maître du domaine (Arcadia) et celui qui cultive la terre: le dioecète. De même pour le domaine du stratège Alexandre qui, en 476, est représenté par son dioecète à Oxyrhynchos, lequel sert d'intermédiaire entre le propriétaire et celui qui s'occupera d'une sakieh sur ce domaine, Aurelios Symphônias.[80] De même pour l'Eglise la hiérarchie est alors la suivante:[81] en haut, l'Eglise personnifiée par l'évêque; intermédiaire: un prêtre-économe; en bas, le "cultivateur." Quant au domaine propre des Apions, *γεουχικὴ γῆ*, ses affaires sont d'abord gérées sans intermédiaire;[82] puis le domaine s'agrandissant,[83] la puissance des Apions croissant, des terres qui faisaient jadis partie des biens publics ou des domaines impériaux sont gérées par les Apions;[84] la gestion devient de plus en plus lourde et l'on voit même les sakiehs situées sur les terres privées des Apions, les *γεουχικαὶ μηχαναί*,[85] administrées par un personnel intermédiaire plus complexe: l'"intendant," *οἰκέτης*,[86] le "remplaçant du *defensor*," *ἀντέκδικος*,[87] l'"homme d'affaire," *πραγματευτής*.[88] Au VIe siècle, l'administration de l'irriga-

77. *P. Oxy.* 1987.21 (en 587). Voir aussi ci-dessous, n. 87. Autre exemple: *P. Ludg.Bat.* XIII 20.14 (VIe-VIIe s.).

78. *P. Oxy.* 1970.14 et 34 (en 554): *μηχανουργοὶ τοῦ ἐνδόξου οἴκου.*

79. *P. Med.* 64 (=*SB* 9503).

80. *P. Oxy.* 1899.8: le personnage est d'importance: "Flavius Joseph, très illustre administrateur des biens de (Flavius Alexandre) qui se trouvent à Oxyrhynchos."

81. Voir ci-dessus, n. 75.

82. *P. Oxy.* 1982 (en 497).

83. On ne sait pas bien comment le domaine propre des Apions s'est agrandi. Voir sur ce sujet le mémoire inédit de Jean Gascou, *La famille et la fortune des Apions,* exemplaire dactylographié, Faculté des Lettres et Sciences Humaines de Paris, 1968 (sous la direction de Madame Ahrweiler).

84. Nous en prenons pour preuve les indications suivantes: dans leurs archives apparaissent, administrés par eux de quelque façon: un "canal du praeses," *διῶρυξ τοῦ ἄρχοντος* (*P. Oxy.* 1911.169) et une "sakieh royale du cultivateur Apollôs" (*P. Oxy.* 2197.108), *μηχανὴ βασιλικὴ Ἀπολλῶ γεωργ(οῦ).*

85. Ce sont les sakiehs de Thryeitis en 497 (*P. Oxy.* 1983.10); Para Potamou en 543 (*P. Oxy.* 1985.10); Thôlthis en 582 (*P. Lond.* 774); Gêdiou Ananiou en 584 (*P. Oxy.* 137); une sakieh de nom abîmé dans *P. Oxy.* 1987.16, en 587; Tôn Chôriôn en 587 (*P. Oxy.* 1988.17); Perseboul en 590 (*P. Oxy.* 1989.13); Esôthen en 591 (*P. Oxy.* 1990.18).

86. Cette gérance privée semble transmise de père en fils pendant un siècle et demi.

87. Voir ci-dessus, n. 77; les éditeurs pensent que ce "remplaçant du *defensor*" serait un fonctionnaire municipal et que sa situation humble, dans le cas présent, serait une conséquence du pouvoir croissant de la noblesse féodale. Nous croyons plutôt que ce titre est emprunté à la hiérarchie officielle par l'administration des Apions et qu'il correspond à une fonction privée; les Apions, copiant l'organisation administrative des domaines impériaux depuis le milieu du Ve s., en viennent, dans la seconde moitié du VIe s., à installer sur les domaines gérés par eux ou leur appartenant, une administration parallèle. La confusion est d'ailleurs entretenue par le fait que les Apions ont eux-mêmes une fonction officielle: ainsi Apion II est pagarque d'Oxyrhynchos en 550 (*P. Oxy.* 133), pagarque d'Antinoé en 556 (*BGU* 305). Dans quelle mesure cette fonction est-elle la raison de l'apparition du participe *παγαρχουμένη* à propos de villages dont les Apions assurent l'administration, mais à titre privé? (*P. Lond.* 766 =*P. Oxy.* 1197, en 552: Pyôthis; en 612, *P. Oxy.* 1981.16: Ophis; *P. Oxy.* 129 =*Stud. Pal.* I 25.15: Adaiou; même date). Sur le *defensor,* voir Rees, "The defensor civitatis in Egypt," *JJP* 6, 1952, pp. 73-102.

88. *PSI* 60.22: le mot est entièrement pointé; c'est le seul exemple. Toutefois, et sous réserve d'une révision de lecture, le mot paraît vraisemblable.

tion apparaît essentiellement à travers les archives des Apions; les vastes ensembles de terres qu'ils gèrent sont divisés en "diocèses," administrés par un dioecète, comme nous l'avons vu pour les terres impériales, selon une vieille structure qui dure du IIIe siècle au VIIe siècle.[89] Ce dioecète, lui-même surmené de besogne, se décharge sur des commissaires temporaires, *ἐπικείμενοι*, préposés à des tâches définies.[90] Les travaux d'entretien sont alors gérés par des "conducteurs de travaux," *ἐργοδιώκται*[91] et toutes les charges peuvent encore à l'occasion être assurées par des "auxiliaires," *βοηθοί*.[92]

En somme, dans cette floraison d'administrateurs, pas plus que pour les agents techniques, nous ne trouvons de véritable spécialisation du personnel; il y a seulement, pensons-nous, division de tâches trop nombreuses pour un seul; le critère de division, qu'il soit géographique ou autre, n'apporte pas de précision spécifique dans l'organisation de l'administration: il semble qu'il y a seulement répartition, partielle ou occasionnelle, de charges plus vastes.

D'autres administrateurs encore sont responsables du bon fonctionnement du système d'irrigation en Egypte, ce sont les *riparii*; ils sont compétents aussi bien pour l'entretien et le fonctionnement du réseau qu pour son amélioration ou son extension éventuelle; ils ont surtout des fonctions de police, à l'échelon le plus élevé dans le nome.[93] Ce sont des fonctionnaires de l'Etat; du point de vue particulier qui nous concerne, celui de l'irrigation, ils devaient jouer le rôle de contrôleurs de travaux publics; si nous n'avons pas de papyrus illustrant leur tâche en rapport avec le Nil, il est cependant permis de supposer que c'est à eux que revenait la répartition des eaux de crue à l'échelon du nome, et, localement, l'appréciation de la nécessité du creusement de nouveaux canaux. Dans nos papyrus, nous les voyons diriger la protection du system d'irrigation;[94] en effet, celui-ci est très vulnérable, et le VIe siècle n'est pas sans exemples de révoltes qui ont détruit des appareils hydrauliques.[95]

Les grands domaines avaient leurs *riparii*, et un papyrus donne le tableau des *riparii* fournis par la maison des Apions pendant plus d'un siècle à d'autres domaines, montrant ainsi que cette famille s'était immiscée en maître dans un système déjà établi, depuis le milieu du Ve siècle.[96]

Pour assurer l'ordre, les *riparii* disposent des "garde-champêtres," *ἀγροφύλακες*;[97] ceux-ci surveillent non seulement que les appareils hydrauliques ne soient pas accidentellement détériorés, mais aussi que les usagers de ces appareils n'outrepassent par leur droit à l'eau qui, on le

89. Cf. *P. Oxy.* 1991 (en 616).

90. Par exemple: pour les digues, *P. Oxy.* 2205.10; pour la répartition de briques dont la plus grande partie est destinée à des chantiers concernant l'irrigation, *P. Oxy.* 2197.1. Sur son rôle dans la gestion des finances, voir ci-dessous, n. 113.

91. Par exemple: *P. Oxy.* 2197.176, 188, 206, 209, 213; le ressort de ces "conducteurs de travaux" est le *κτῆμα*.

92. Par exemple: *P. Flor.* 346 (Ve s.); *P. Oxy.* 2244.27-46.

93. Sur les *riparii* voir G. Rouillard, *Administration civile* (ci-dessus, n. 1), p. 156; J. Lallemand, *Administration civile* (*op.cit.* ci-dessus, n. 1), pp. 63-164. Par exemple: *P. Milan.* 45 (en 449); *P. Masp.* 67328 IX.10 (en 521); *P. Oxy.* 2039 (voir ci-dessous, n. 96); *Stud.Pal.* III 86 (voir ci-dessous, n. 96).

94. Cf. *P. Masp.* 67328 ix.

95. *P. Milan.* 45; *P. Masp.* 67002.21-22 (en 566/567); *P. Bon.* 22; de plus dans *P. Baden* 95.336, remplacement d'un petit tympan *ἀπολ(υθέντος)*, "détruit:" ce peut être à la suite de querelles.

96. *P. Oxy.* 2039. Grâce aux suggestions de R. Rémondon, l'interprétation de ce document peut être précisée sur deux points: a) ll. 19-22 est mentionnée la "Maison de Mousaios, fils de Stra . . . ;" ce Mousaios est le père de Flavia Euphémia; il est mort avant le 26 juillet 568 (*P. Oxy.* 1038). Le *P. Oxy.* 2039, d'une 11ème indiction, est donc au plus tard de 562/563. b) les *riparii* mentionnés s'échelonnent sur 7 cycles indictionnels, plus un 8ème commencé, soit au total 105 ans. L'intervention des Apions (l. 2 *ὁ ἔνδοξος οἶκος*) remonte donc à c. 457. Dans *Stud.Pal.* III.86 (de 563 ou 623), 2: "*riparius* de l'illustre maison des Apions;" ceux-ci ont leur propre hiérarchie de fonctionnaires (cf. ci-dessus, n. 87).

97. Mention des "gardes-champêtres" en relation avec l'irrigation: *P. Masp.* 67328 ix; *P. Oxy.* 1935.2; 1913.16: salaire de 10 artabes de blé versé "aux gardes-champêtres à l'extérieur de la Porte qui gardent les 2 sakiehs des vergers, la sakieh du maraîchage d'Eutrygios et la moitié de la sakieh de la nouvelle citerne qu'on a construite."

sait, est mesurée proportionnellement à la surface de la terre irriguée par sakieh. Les "gardes-champêtres" sont des fonctionnaires publics, dont, à Aphrodito au début du VIe siècle, le ressort administratif est la "décanie."[98] Des "gardes-champêtres" sont aussi en fonction sur des terres gérées par les Apions,[99] et l'étendue de leur ressort est la "sakieh" avec sa valeur de surface de terre. Dans un papyrus du VIe siècle,[100] certains sont accusés d'avoir négligé leur surveillance, et le cultivateur lésé dont la sakieh a été abîmée porte plainte; dans un autre, huit "gardes-champêtres" coupables doivent être amenés à la ville par les comarques pour comparution.[101] D'ailleurs, vers la fin du VIe siècle, la protection du système d'irrigation semble avoir besoin d'être renforcée de diverses manières: on voit une sakieh pouvue d'une tour;[102] on exige des responsables de sakiehs qu'ils signent une promesse d'honnêteté assortie d'une sanction en cas de défaillance, c'est-à-dire de payer une amende, qui est fort élevée.[103]

Les seuls administrateurs vraiment spécialisés qui apparaissent dans notre documentation sont les *χωματεπεῖκται* dont nous parlerons plus loin.[104]

Enfin, pour terminer notre étude sommaire du personnel qui, à quelque échelon et de quelque manière que ce soit, s'occupe de l'irrigation au VIe siècle, nous énumèrerons ceux qui ont un rapport avec la gestion financière de l'irrigation: dioecète, pronoète, épimélète, notaire, chartulaire, commissaire (*ἐπικείμενος*), percepteur (*ἐξκήπτωρ*), ripaire, etc. apparaissent parfois dans nos documents, sans que nous puissions déterminer leur rôle précisément; nous donnerons donc à leur sujet seulement des indications en abordant maintenant la gestion financière de l'irrigation dans les grands domaines.

III. *La gestion financière.*

Pour pouvoir nous faire une idée de l'administration des finances des grands domaines en ce qui concerne l'irrigation au VIe siècle, il faudrait établir une comparaison avec l'état de choses antérieur et avec l'administration officielle. Outre que ce sujet n'a pas été étudié, nous sommes très gênés par le nombre restreint de renseignements. Pour le Ve siècle, dans une attestation destinée au *magister* de Tentyra[105] établie par un fonctionnaire, Flavius Jean, se trouve une allusion à une "ordonnance des digues," *πρόσταγμα τῶν χωμάτων* (l. 11). Flavius Jean se déclare prêt à fournir 9 "autres" sous d'or à qui les lui réclamera en vertu de l'ordonnance en question. Les deux renseignements qui nous intéressent ici sont le *πρόσταγμα τῶν χωμάτων* et son rapport avec le *magister*.[106] Cette ordonnance émane des service officiels à un échelon élevé et G. Rouillard pensait qu'elle provenait du bureau du duc de Thébaïde; le sens de *πρόσταγμα τῶν*

98. Voir G. Rouillard, *Administration civile*, p. 166: "La décanie est une division du bourg;" cette définition serait à revoir.

99. *P. Oxy.* 1935; 1913 (voir ci-dessus, n. 97). Dans ces documents, il s'agit de "gardes-champêtres," privés apparemment; là encore, les Apions ont leur administration parallèle à celle de l'État.

100. *P. Milan.* 42.

101. *P. Flor.* 359. Voir encore *P. Ant.* 189.

102. *P. Oxy.* 2197.131. On pourrait objecter a) que le mot *μηχανή* signifie ici "champ" plutôt que "sakieh;" je ne le pense pas, car dans tous les exemples de ce même document le sens de "sakieh" convient ou s'impose (par exemple: l. 125, 129, etc.); b) que la tour en question servait de grenier; je ne le pense pas, car au voisinage d'une sakieh, il y a souvent de l'eau répandue et il paraît difficile de conserver du grain au contact d'une terre souvent mouillée.

103. *P. Oxy.* 139: l'amende est de 24 sous d'or, donc exorbitante, et menace le coupable de se trouver endetté pour toute sa vie.

104. Voir ci-dessous, n. 114.

105. *SB* 8262. Voir G. Rouillard, "*Φιλικόν* de Fl. Jean, officialis," *Mélanges Desrousseaux*, 1937, pp. 417-422.

106. Le *magister* est un fonctionnaire du bureau des comptes d'une caisse qui centralise des recettes; il est une sorte de trésorier (cf. G. Rouillard, *Administration civile*, p. 109).

χωμάτων, tel qu'il nous paraît être ici, pourrait être "ordonnance de financement pour l'entretien annuel des digues."[107] Ce plan d'entretien, établi chaque année à partir de celui de l'année précédente, comportant les modifications que les circonstances de la crue qui venait de se produire réclamaient, serait accompagné d'un plan de financement; nous pensons qu'il était fait pour toute l'Egypte et subissait ensuite des découpages selon la division administrative et financière de l'époque; l'intervention du *magister* se situe à l'échelon de la ville, ici Tentyra (l. 11 et 18); les frais d'entretien des digues étaient fournis par la caisse municipale, en partie croyons-nous; les éléments de ce papyrus ne nous indiquent rien, ni sur le mode de répartition de ce financement, ni sur la provenance de ces fonds. Mais le caractère insolite du document est à retenir: il semble bien que cet acte sous seing privé concerne des fonds publics; nous aurions déjà ici un exemple des imbrications que nous retrouverons fréquemment entre les fonds publics et les versements privés dans les archives financières des Apions.

Lorsque nous examinons la comptabilité des domaines privés autres que ceux des Apions, nous trouvons une organisation généralement simple. Par exemple, le domaine du comte Ammonios, vers 540, est géré de la façon suivante: il a un receveur privé (hypodecte) et un intendant (probablement un dioecète, mais le mot grec manque).[108] A une époque plus tardive, les comptes du domaine de la Dame du nome Hermoupolite[109] sont tenus par un pronoète, qui est donc à la fois gérant et comptable. Par contre, l'administration financière des terres des Apions paraît très complexe; il est impossible de l'analyser à partir de la fonction de ceux qui s'en occupent: le *notarios* est probablement un simple caissier;[110] le *chartularios* a un rôle important, mais difficile à déterminer: il reçoit l'annonce des diverses hauteurs qu'atteint chaque jour le Nil au moment de sa crue,[111] et s'occupe de ce qui semble être la ventilation de fonds destinés à l'irrigation.[112] Le "commissaire," ἐπικείμενος, s'occupe d'une tâche définie; ainsi nous rencontrons des "commissaires aux digues," χωμάτων ἐπικείμενοι,[113] qui ont d'autres fonctions officielles, puisque l'un (l. 3) est en même temps percepteur, ἐξκέπτωρ, et l'autre (l. 10), scriniaire; ces deux fonctionnaires fournissent des fonds publics pour les travaux aux digues de l'année qui semblent par ailleurs gérés par les Apions. C'est de la même manière que le chomatépictète, χωματεπείκτης, apparaît également dans la comptabilité des Apions.[114]

Un autre élément de complexité tient à l'ambiguité de la langue dans la comptabilité. Nous devrions, dans les papyrus qui nous livrent des fragments de registres comptables, pouvoir distinguer les entrées et les sorties; mais les prépositions sont difficiles à interpréter. Si παρά indique clairement l'individu ou l'organe verseur, et εἰς, la destination, il n'en est pas de même

107. Pour éclairer le sens de πρόσταγμα ici, M.-Th. Lenger a bien voulu nous communiquer sa documentation pour ce mot au VIe s., grâce à laquelle nous tenterons de préciser ailleurs le sens de πρόσταγμα en Egypte à l'époque byzantine. Voir J. Modrzejewski, "The πρόσταγμα in the Papyri," *JJP* 5, 951, pp. 203-205.

108. *P. Masp.* 67138: comptes où apparaissent des transports de briques pour la sakieh de Peto; *P. Masp.* 67139: frais de fourniture de briques cuites pour la citerne Pekysios, équipements de fer, puisatiers, etc.; la mention d'une "nouvelle citerne" (1.6) pour laquelle ces frais sont déboursés exclut, croyons-nous, qu'il s'agisse de frais d'entretien dans ce dernier document.

109. *P. Baden* 95 (VIe-VIIe s.).

110. *P. Oxy.* 1911.97 (556/57); *P. Oxy.* 2032.63 et 65.

111. *P. Oxy.* 1830.1; voir ci-dessus, n. 2.

112. *P. Oxy.* 2035: il répartit (semble-t-il) des fonds à destination d'une citerne (l. 11; 15; 23; 31; 33), d'un canal (l. 12), ou de digues (l. 35).

113. *P. Oxy.* 2205.3-12, est probablement un relevé de diverses rentrées de fonds publics (dont l'origine est le bureau municipal, 1.3; les domaines impériaux, l. 7; certains groupes de villageois, l. 5 et 8; le bureau militaire, l. 12).

114. *P. Oxy.* 1053; le chomatépictète ne verse pas entièrement la somme reçue à la caisse des Apions, mais il opère d'abord quelques dépenses au passage, dont son propre salaire de 6 sous (l. 24): encore un exemple des imbrications entre les comptes publics et la comptabilité des Apions.

pour ὑπέρ "en faveur de," qui est suivi aussi bien du nom de la personne qui a versé que de celle qui est payée; autrement dit, si le contexte n'est pas suffisamment explicite, il est impossible de distinguer si l'argent porté en compte est "versé *à* un tel" ou "versé *par* un tel."

Pour les sorties, il faudrait pouvoir distinguer les frais de fonctionnement, ceux d'entretien et ceux d'investissement. Ce vocabulaire moderne correspond aux différentes préoccupations de la gestion de l'irrigation à l'époque qui nous occupe; les frais de fonctionnement sont ceux qui sont faits au moment de la crue et se poursuivent dans le cours de l'année aussi longtemps qu'il y a de l'eau à répartir; les frais d'entretien concernent le remplacement du matériel usé dans l'outillage hydraulique dont nous avons parlé au commencement de cette étude. Quant aux frais d'investissement, ce seraient ceux qui assurent l'extension du réseau d'irrigation par le creusement de nouveaux canaux, de citernes supplémentaires, l'installation de sakiehs neuves, etc. Ces différents postes ne sont pas distingués dans nos papyrus. D'autre part, il faudrait pouvoir connaître ce que représentent ces frais par rapport à l'ensemble de la gestion des domaines. L'analyse a été faite pour un domaine qui n'est pas géré par les Apions[115] où il ressort que l'ensemble de ces frais monte en moyenne à 10% des débours faits pour le domaine au cours de trois années. Les entrées sont assurées de diverses manières: nous avons tout d'abord les ressources internes; elles comprennent: l'autofourniture pour laquelle nous prendrons pour exemple les axes de sakiehs tirés de la propriété des Apions;[116] les dépenses de fonctionnement assurées par des arrangements à l'amiable,[117] et des dépenses d'entretien payées par les cultivateurs sur leur compte avec les Apions,[118] qui peuvent nous autoriser à parler d'autofinancement de l'administration financière des domaines des Apions.

Les rentrées de fonds destinés à l'irrigation et venant de l'extérieur sont souvent mêlées de façon inextricable à la comptabilité privée des terres des Apions.[119] Par exemple, l'Eglise fournit des axes de sakiehs;[120] nous ne savons pas en quoi consiste cette forme de collusion économique: il est possible que les sakiehs ainsi équipées se trouvent sur des terres appartenant à l'Eglise, mais gérées par les Apions.

Ailleurs, l'exécution de travaux publics étant confiée aux Apions, des villages remettent à ceux-ci la somme fournie pour un travail occasionnel déterminé, par l'intermédiaire de leurs protocomètes.[121] Mais d'ordinaire, croyons-nous, les groupes de villageois qui ont confié aux Apions l'administration de leurs terres, font des versements forfaitaires destinés aux frais habituels de l'irrigation; ce serait ceux qui apparaissent identiques pour des indictions différentes, dans les papyrus suivants: *P. Oxy.* 1053; 2034; 2205; 2206.[122] Ce n'est pas le lieu d'exposer ici le mode d'établissement du montant de ce versement pour chaque village, qui nous semble remonter au milieu du Ve siècle.

115. *P. Baden* 95. Voir Schnebel, "An Agricultural Ledger in *P. Baden* 95," *JEA* 14, 1928, pp. 34-45.

116. *P. Oxy.* 1985: il s'agit d'une sakieh appartenant à la propriété privée des Apions, γεουχικὴ μηχανή, dont l'équipement est fait d'acacias provenant du même fonds (κτήμα).

117. *P. Oxy.* 1913.1-5 (c. 555): l'irrigation (ἄρδευσις) de vergers et de jardins sera faite par des cultivateurs à partir de leurs propres terres en échange de l'usage de boeufs du domaine des Apions.

118. Par exemple: pièce de sakiehs comptabilisée sur le compte du "cultivateur," soit sur πιττάκια (*P. Oxy.* 137; 1988.25), soit sur ἐντάγια (*P. Oxy.* 1989.18), soit sur ἀργυρικά (*P. Oxy.* 1991.30).

119. Par exemple, *P. Oxy.* 1053. Cf. ci-dessus, n. 114.

120. *P. Oxy.* 2244.81 et 84.

121. *P. Oxy.* 1917.111: "(versement fait) par les protocomètes de Taamôrou pour le canal creusé à l'est de Psélémachis, 4 sous."

122. Voici quelques exemples de versements annuels faits par des villages: Takona: 20 sous (*P. Oxy.* 1053.16; 2206.14). Tampeti: 12 sous (*P. Oxy.* 1053.15; 2205.19; 2206.15). Spania: 10 sous (*P. Oxy.* 1053.14; 2034.21; 2205.8; 2206.14). Mescanounis: 2 sous (*P. Oxy.* 1053.18; 2206.16). Sephô: 2 sous (*P. Oxy.* 1053.19; 2206.15).

Enfin, dans ces comptes de fonds destinés au système d'irrigation, nous trouvons le versement fait par les fonctionnaires impériaux.[123] Ce versement est probablement fait à titre forfaitaire comme contribution annuelle de la même manière que les versements des villages dont nous venons de parler. Ainsi, il ressort des documents comptables parvenus jusqu'à nous que le cycle financier de l'administration de l'irrigation passait, pour certaines régions, par la comptabilité des Apions; un des arguments essentiels permettant d'affirmer que la gestion financière était bien assurée par cette "illustre maison" est le fait que certains versements pour les digues étaient faits en monnaie alignée sur leur étalon privé (*P. Oxy.* 2034. 21). L'origine des fonds (Eglise, administration militaire, villages, domaines impériaux) montre clairement que la gestion des Apions s'étendait largement à des domaines dont ils n'étaient pas propriétaires; nouvel exemple des interférences entre les affaires publiques et les affaires privées dans les archives des Apions.[124]

IV. *Conclusion*

Nous voudrions conclure par quelques remarques qui découlent de ce qui a été analysé ci-dessus.

Tout d'abord, en ce qui concerne la comptabilité des fournitures de matériel, elle ne se préoccupe pas de la destination; par exemple, dans une liste de fournitures de briques, les constructions nécessaires à l'irrigation (citernes, fontaines, etc.) sont mêlées à celles de bâtiments d'exploitation (maisons, boulangerie, huilerie),[125] et dans une liste de fourniture d'axes de sakiehs, celui de la sakieh des thermes est comptabilisé avec ceux des appareils d'irrigation.[126] Notons de plus que ces documents ne comportent aucune estimation monétaire; la base de cette comptabilité est la nature du matériel; c'est une comptabilité à usage interne, à usage d'intendance. De plus, les comptes ne présentent pas de catégories différenciées; ils ne distinguent pas les charges fixes ou acycliques qui incluraient les achats de matériaux (pierre, bois, fer, etc.) et les charges cycliques qui comprendraient les dépenses faites pour l'entretien du matériel et du personnel chaque année, en liaison directe avec le retour estival de l'inondation du Nil.

Les comptes des Apions n'apparaissent jamais comme un bilan; le bilan fait état de la valeur du patrimoine, et nous n'avons rien de semblable; si de tels papiers avaient existé, c'eût été au niveau de la gestion de l'ensemble de leurs proprietés, à Constantinople sans doute; et là, l'irrigation, vraiment trop particulière à l'Egypte, n'apparaîtrait pas. De plus, la situation juridique ambiguë de beaucoup des terres qu'ils géraient, terres qui n'étaient pas à proprement parler leur propriété, ne leur permettait pas des projets à vaste échelle. Ce que nous avons donc, ce sont des comptes d'exploitation.

L'extension de l'utilisation des machines élévatoires qui apparaît dans nos documents n'est pas due, avons-nous dit, à des progrès techniques. Quelle en est alors la raison? Puisque ces appareils sont placés près de canaux déjà existants,[127] il ne s'agit pas de terres nouvellement mises en culture et conquises grâce à de nouveaux procédés. De plus, ce mode d'irrigation est

123. *P. Oxy.* 2205.7; 2206.16: *διὰ τῶν δεσποτικῶν.*

124. En voici un exemple voisin: *P. Oxy.* 2195, comptes des Apions (c. 576): "pour les gens de Tanchéô en faveur des aroures publiques (qui sont) dans l'esbeh de Nekônthis, 18 artabes de blé et 1 sou" (l.97).

125. *P. Oxy.* 2197.

126. *P. Oxy.* 2244.45-46.

127. Barois (*Irrigations,* pp. 370-371) pense que les cultures par irrigation fournie par les appareils élévatoires se faisaient soit sur les rives du Nil, soit sur les bords de certains canaux où il y avait de l'eau toute l'année.

efficace surtoût les années où il y a beaucoup d'eau.[128] La raison peut alors être la surélévation du sol.[129] Ce peut être aussi un mobile économique, à savoir la recherche d'un rendement meilleur; mais comme l'augmentation de l'eau n'entraîne pas toujours amélioration de production puisqu'il y a un degré optimum de mouillure pour chaque culture, il faut plutôt conclure à la substitution d'une culture à une autre, par exemple développement de la production du fourrage qui demande beaucoup d'eau et qui était si nécessaire aux chevaux que les papyrus nous montrent nombreux pour assurer la poste, *cursus uelox*, ou pour fournir les écuries de courses.[130]

D'autre part, le mode d'irrigation par sakiehs n'est pas compatible avec l'irrigation par bassins; or celle-ci exige une administration très centralisée à l'échelon de la vallée entière, tandis que l'usage des appareils élévatoires est compatible avec l'initiative individuelle. De là, dans le mode de gestion des domaines des Apions, le "cultivateur," γεωργός, garde au niveau de sa terre certains pouvoirs de décision et sa part de responsabilité dans le choix des cultures; en ce sens, il reste maître chez soi.

Cependant l'administration de l'irrigation prend de plus en plus un caractère privé. Les Apions possèdent leurs appareils hydrauliques;[131] à force d'arrangements privés, leur autorité prévaut. Le développement de leur puissance politique semble avoir facilité l'équipement hydraulique de leurs domaines: au troisième quart du VIe seècle, ils font même venir des axes de sakiehs par Alexandrie.[132] Peu à peu leur administration de l'irrigation englobe celle des villages, et, au début du VIIe siècle, pour des terres qui ne sont pas leur propriété, mais dont la gestion leur a été confiée par les villageois en raison de leur puissance politique leur rôle administratif prend un caractère privé.[133]

Par ailleurs, nous entrevoyons dans cette administration, une évolution tendant à planifier: à côté de la participation des "cultivateurs" aux frais occasionnels,[134] existe la contribution forfaitaire des villageois, nous l'avons vu; de plus, les charges d'entretien acycliques, comme le remplacement d'un axe de sakieh, tendent à se transformer en charges cycliques dont on prévoit le retour, ce qui suppose un calcul de répartition de la charge sur chaque année, et l'établissement d'un roulement du renouvellement du matériel dans les propriétés, donc un calcul de l'amortissement technique.

128. L'irrigation artificielle par machines hydrauliques ne permettait pas de corriger les défaillances de l'inondation; voir *P. Baden* 95, Schnebel (*op.cit.* ci-dessus, n. 115), p. 41.

129. Cf. Barois, *Irrigations,* p. 129. Dans le cas de surélévation du sol, les canaux présentent autant de dangers que d'avantages; pour pallier cet inconvénient, il faut maintenir les canaux à un niveau plus bas et amener l'eau sur les terres au moyen de machines élévatoires.

130. Cf. G. Rouillard, *Vie rurale* (voir ci-dessus, n. 1), pp. 22-23.

131. Si l'on admet l'interprétation de Fikhman (*op.cit.* ci-dessus, n. 1) pp. 220-221, sur la location d'appareils hydrauliques dans le *P. Baden* 95, celle-ci tiendrait une place assez importante par rapport aux achats (6 locations de machines hydrauliques pour 22 achats de pièces, soit c. 21 per cent de location pour c. 79 per cent d'achats), dans ce domaine du nome Hermoupolite qui n'était pas géré par les Apions.

132. *P. Oxy.* 2244.17, 42, 60, 74.

133. Par exemple, *P. Oxy.* 139 (en 612). Apion est ἰδιος δεσπότης; le village Adaiou est devenu une sorte de pagarchie privée (κώμη Ἀδαίου παγαρχουμένη). C'est à Apion, en la personne de son intendant privé (οἰκέτης) que le garde de ce village (πρωτοφύλαξ) adresse sa promesse signée de ne pas voler un équipement de sakieh, ni les animaux qui la font marcher. Cf. ci-dessus, n. 103.

134. Par exemple: *P. Oxy.* 1913.20 (c. 555): un forgeron qui a travaillé à 6 sakiehs situées "Hors de la Porte" reçoit un salaire de 10 artabes de blé dont 50 per cent versé par les Apions et 50 per cent par les cultivateurs de cet endroit.

Enfin, à propos de l'administration de l'irrigation dans les domaines des Apions, se pose le problème de l'investissement. Même si les papyrus nous fournissent parfois l'état de la production agricole réellement atteinte, nous ne pouvons comparer ce résultat avec la plus-value potentielle espérée ("good-will") par l'investissement que représentaient les frais accrus par l'extension de l'emploi des machines hydrauliques et par la multiplication des administrateurs intermédiaires; nous ne pensons pas que les Apions aient eu des hommes capables de calculer cette bonification espérée; l'administration de l'irrigation au VIe siècle en Egypte ne nous semble pas avoir fait l'objet d'un plan centralisé, autoritaire, chiffré.

C'est pourtant au milieu du VIe siècle que les Apions sont à l'apogée de leur fortune, du moins si l'on en croit les manifestations extérieures: élévation du niveau des constructions hydrauliques et extension maximum de l'usage des sakiehs au cours de la seconde moitié du VIe siècle; multiplication de la variété du personnel, et raffinement de comptabilité dans le troisième quart de ce même siècle sont entraînés par la multiplicité des tâches de gestion qui sont confiées, plus ou moins spontanément aux Apions. Le rapprochement avec les documents administratifs des autres grands propriétaires confirme ces vues: le domaine de la Dame de l'Hermoupolite au début du VIIe siècle dans le *P. Baden* 95 et celui d'Anastasia dans la dernière décade du VIe siècle ne soutiennent pas la comparaison. Pour les Apions, si l'irrigation a eu pour résultat une meilleure exploitation agricole, l'administration, elle, semble avoir abouti à un système plus alourdi et plus compliqué que profitable au-delà du VIe siècle.

ΚΡΕΟΠΩΛΙΚΗ ΚΑΙ ΤΑΡΙΧΗΡΑ
(P. MICH. INV. 178)*

Gerald M. Browne

This papyrus belongs to the group purchased for the University of Michigan by B.P. Grenfell and F.W. Kelsey in March and April, 1920. The sheet, which measures 8.0 x 21.2 cm., was folded twice vertically. Above the text is a margin of 2.0 cm., and to the left one of 1.7 cm. On the right the lines usually extend to the edge of the sheet, while below the writing there is a blank space of 5.5 cm. Three hands may be distinguished. The first is a clear cursive, with many letters written without ligature. It resembles *P. Graec. Berol.* 27, although it is faster and slants slightly to the left. The second and third hands are both angular, rather awkward cursives. The verso of the papyrus is blank.

The text is an application made by Onesimos, son of Amerimnos and grandson of Alkimos, to the *ἐπιτηρηταὶ ὑικῆς* for the right to sell and pickle meat in the villages of Theadelphia and Argias. The concession is to last one year, with the rental fixed at 600 drachmas. Subleasing is not permitted, and the concessionaire is to have one young man as his assistant. The application was drawn up on October 13, 183 A.D.

The same Onesimos appears in the following papyri:

1. *P. Milan.* 58, a contract in which Onesimos, who is referred to as a *μάγειρος*, receives a loan of 150 drachmas from a certain Ischyrion. The village of Sathro, near Theadelphia, is mentioned on the verso.[1] The date of the text has not been preserved.

2. *P. Fay.* 108, a petition concerning armed robbery committed near Theadelphia. It was drawn up around 171 A.D. by two pig merchants (*χοιριδιέμποροι*), one of whom is thus referred to: *Ὀνησ[ί]μου τοῦ Ἀμμωνίου ἀπ[ὸ ἀμ]φ[ό]δ[ο]υ Γυμνασίου* (4-5). Since the present Michigan papyrus shows that our Onesimos was registered in the Gymnasium quarter (see lines 4-5), the reading *Ἀμμωνίου* is almost certainly to be corrected to *Ἀμερίμνου*.[2]

3. *P. Mich. Michael* 17, a receipt issued in 195 A.D.[3] Because this text is not generally accessible, it is convenient to reproduce it here: [1]*Πτολεμαῖος Πτολεμαί-* [2]*ου ἐκ μέρους ἀγ⟨ο⟩ρανο-* [3]*μήσας Ὀνησίμῳ* [4]*Ἀμερίμνου μαγί-* [5]*ρῳ χαίρειν. ἀπέχω* [6]*παρὰ σοῦ ἃς ἔσχες* [7]*ἰς λόγον προ-* [8]*χρίας ἀργυρίου δραχμὰς* [9]*τριακοσίας καὶ οὐ-* [10]*δέν σοι ἐνκαλῶ.* [11](*ἔτους*) *τρίτου Λουκίου Σεπ-* *τιμ[ί]ου* [12]*Σεουήρου Περτίνακος* [13]*Σεβαστοῦ Φαρμοῦθι η̄.*

4. *P. Princet.* 48, a receipt written in 206 A.D. It was issued to Onesimos for payment of the *τέλος μόσχου θυομένου*. The village where the sacrifice took place has been lost through a

*I should like to thank Professor H.C. Youtie for permission to publish this papyrus, as well as for his invaluable help and encouragement.

1. For Sathro, which is often referred to in the Heroninos archive, see *P. Flor.* II, p. 59, and *P. Milan.*58.19, note.
2. I have not been able to verify the reading. The papyrus is now in Cairo, under the number 10797.
3. *P. Mich. Michael* = E. M. Michael, *A Critical Edition of Select Michigan Papyri,* Diss. Michigan, 1966.

lacuna (line 7), but the space is suitable for Θεαδελφίας.

The present Michigan text is one of sixteen applications, drawn up in the Roman period, for various concessions and rights. The content of these papyri is summarized in the following table.[4]

	Edition	Date (A.D.)	Granter of Concession
1	*P. Milan.* 6, (republished by S. Daris; see below, footnote 9)	26	ἐκλήμπτωρ βίβλου Ἰουλίας Σεβαστῆς καὶ τέκνων Γερμανικοῦ Καίσαρος (estate near Theadelphia)
2	*P. Grenf.* II 41=*MChr.* 183	46	ἀσχολούμενος τὸ γραφεῖον of Soknopaiou Nesos
3	*PSI* 459	72	ἐκλήμπτωρ ζυγοστασίου μητροπόλεως καὶ νομῶν καὶ ἄλλων ὠνῶν.
4	*P. Bibl. Univ. Giss.* 12	87/88	lost*
5	*P. Lond.* II 286 (p.183) = *WChr.* 315	88	ἡγούμενοι of temple of Soknopaiou Nesos
6	*P. Fay.* 36 = *WChr.* 316	111/112	ἐπιτηρηταὶ πλάνθου νομοῦ
7	*BGU* 2032	113	lost
8	*P. Lond.* III 906 (p. 107) = *WChr.* 318	128	lost (see *WChr.* p. 375)
9	*P. Aberd.* 45	141	lost
10	*P. Ryl.* 98a	154/155	ἐπιτηρηταὶ νομῶν δρυμοῦ of Theadelphia
11	*PSI* 458	155	ἐπιτηρηταὶ δρυμοῦ of Theadelphia
12	*P. Fay.* 93 = *WChr.* 317	161	see *WChr.*, p. 375
13	*P. Amh.* 92 = *WChr.* 311	162/163	nomarch of Arsinoite nome
14	*P. Ryl.* 98	172	ἐπιτηρηταὶ μισθοῦ βαφικῆς
15	*P. Strassb.* 269	ca. 180	ἐπιτηρηταὶ τῆς ἐλαικῆς καὶ ἄλλων πιασμάτων
16	P. Mich. Inv. 178	183	ἐπιτηρηταὶ ὑικῆς

4. In quoting passages from these texts, I have normalized the spelling and have corrected obvious blunders; I have also omitted editorial signs except where the reading is in doubt. The list includes only applications; other texts which pertain to the leasing of concessions are listed in R. Taubenschlag, *The Law of Greco-Roman Egypt*, 2nd ed., pp. 383-385, and in A.C. Johnson *Roman Egypt*, pp. 354-388. See also *P. Lugd. Bat.* XVI (=*P. Wisconsin* I), 6.

These texts, which all come from the Arsinoite nome, belong to the class of *ὑπομνήματα* and have the following structure:[7]

1. Address, in the form *τῷ δεῖνι παρὰ τοῦ δεῖνος*. The officials who grant the concession

Concession	Duration	Rent and Other Charges
βίβλον φέρειν ἀπὸ συνορίας Θεοξενίδος μέχρι ὁρίων Φιλωτερίδος καὶ φλοῦν ἐκ τοῦ δρυμοῦ καὶ βίβλον καὶ πλέκειν ψιάθους καὶ πωλεῖν	Payni to end of year	4 dr. 15 ob. *σὺν καθήκουσι καὶ προσδιαγραφομένοις καὶ συμβολικοῖς*
γραφεῖον of Soknopaiou Nesos	1 year	288 dr. including *σπονδή, σὺν καθήκουσι*[5] *καὶ προσδιαγραφομένοις καὶ συμβολικοῖς*
ἔρια πωλεῖν ποκιστὶ καὶ σταθμιστί in Karanis	Choiak to end of year	60 dr.
νομὰς Θεαδελφείας κώμης οὔσας ἐν τῷ δρυμῷ τῆς Θεαδελφείας καὶ θήραν ἰχθύας καὶ ἀγρίων[6] *καὶ ἀνθήλην καὶ φλόα καὶ κο[* (see ed.'s n. to line 6)	1 year	11,000 dr.
τὴν γναφικήν of Neiloupolis and Soknopaiou Nesos	1 year	240 dr.
τῆς πλινθοποιίας καὶ πλινθοπωλικῆς in Kerkethoeris	1 year	80 dr. + *τὰ τούτων προσδιαγραφόμενα* + *ἑκατοσταί* + *κηρυκικά*
δι(ά)φορον ξυ.[(see ed.'s introd., p. 34)	1 year	1300 dr. + 1 dr./mina for *ἑκατοσταί, θερμ[, κηρυκικόν*
τὴν χρυσοχοικὴν ἐργασίαν of Euhemeria	4 years	264 dr./year
lost (see *BGU* 2032, p. 34)	lost	lost
θηρεύειν καὶ ἀγριεύειν ἐν τῷ προκειμένῳ δρυμῷ πᾶν ὄρνεον ἐπὶ γῆς	1 year	40 dr.
θηρεύειν καὶ ἀγριεύειν πᾶν ὄρνεον ἐν τῷ προκειμένῳ δρυμῷ	Pachon to end of year	32 dr.
τὴν μυροπωλικὴν καὶ ἀρωματικὴν ἐργασίαν	1 year	45 dr.
κοτυλίζειν πᾶν ἔλαιον ἐν ἐργαστηρίῳ ἑνί in Herakleia	1 year	80 dr. 80 ob.
ἱστωναρχίαν of Archelais	1 year	300 dr.
κοτυλισμὸν παντὸς ἐλαίου of Herakleia	1 year	lost
κρεοπωλικὴν καὶ ταριχηράν of Theadelphia and Argias	1 year	600 dr.

5. Ed.: ω[..] *καθηκοσι*; for the corrected reading, see *P. Milan.* 6.16-17, note.

6. Pap. has a lacuna after *ἀγρίων*; it may have been filled by *πάντων* (see *Berichtigungsliste* II, ii, p. 67).

7. Cf. J. Herrmann, *Studien zur Bodenpacht,* Münchener Beiträge 41, 1958, pp. 25-39. Herrmann points out on p. 25 that the *ὑπόμνημα* was the "typische Mittel zur Beurkundung von Bodenpachten" in the Arsinoite nome from the 2nd cent. onward.

are usually *ἐπιτηρηταί*; they are often assisted by *ἐκλήμπτορες*.[8]

2. Statement of application: *βούλομαι ἐπιχωρηθῆναι* (or, less often, *μισθώσασθαι*) . . . *καὶ τελέσειν aut sim*. The earlier texts often have *ἐπιχωρηθέντος* (or *ἐπιχωρηθείσης*) *μοι* . . . *ὑφίσταμαι τελέσειν*.[9]

3. Signature of applicant, date, and subscription of officials. The order of these items varies, and omissions are common.

The present Michigan papyrus contains the only reference to the right to sell and pickle meat (*κρεοπωλικὴ καὶ ταριχηρά*), although the similar right, *παντοπωλικὴ καὶ ταριχηρά*, is mentioned in *PSI* 692.[10] Further, a concession involving *κρέα ταριχηρὰ καὶ τυρός* is referred to in *P. Petr.* III 58(a).[11] The meat trade was organized as a monopoly in Ptolemaic Egypt,[12] and continued as such in the Roman period, though doubtless on a smaller scale. It is important to remember that under the Roman rule of Egypt the Ptolemaic monopoly system, in which the government exercised a general control of production, was considerably reduced in importance. It was generally replaced by a system in which licenses were granted to private entrepreneurs.[13]

[Ἡ]*ρωνίνῳ καὶ Χαιρέᾳ καὶ τοῖς*
λοιπ(οῖς) ἐπιτ(ηρηταῖς) ὑικῆς
παρὰ Ὀνησίμου Ἀμερίμνου
τ[ο]ῦ Ἀλκίμου ἀ[π]ὸ ἀμφό[δ]ου
Γυμνασίου. βούλομαι ἐπιχω-
ρηθῆναι παρ᾽ ὑμῶν κρεο-
πολικὴν καὶ ταριχηρὰν κώμης
Θεαδελφείας καὶ Ἀργειάδος πρὸς
τὸ ἐνεστὸς κδ (ἔτος) θυειν ἐπὶ τῷ
τελέσαι ὑπὲρ φόρου τοῦ ἔτους
ἀργ(υρίου) (δραχμὰς) ἐξακοσίας ὧν καὶ τὴν
ἀπόδοσιν ποιήσομαι κατὰ μῆνα
τὸ αἰροῦν ἐξ ἴσου. οὐκ ἐξέσται δέ
μοι ἑτέρῳ μαγείρῳ μετα-
[μ]ισθοῦν, καὶ ἔξω σὺν ἐμοὶ
[χ]ωρὶς φόρου νεανίσκον ἕνα
[ἐ]ὰν φαίνηται ἐπιχω(ρῆσαι). (2nd hd.) *Ἡρωνῖνος*
[ἔσ]χον τούτο⟨υ⟩ τὸ ἴσον. (3rd hd.) *Δίδυμος*
[δι]ὰ Ζωίλου ἔσχον τούτου
[τ]ὸ ἴσον.

8. S.L. Wallace, *Taxation in Egypt*, pp. 308f.

9. Calderini, *P.Milan.* 6, introd., p. 27, makes a legal distinction between the earlier and later types; but cf. *MChr.* 183, 4-5, note, and see the revised edition of *P.Milan.* (= S. Daris, *Papiri Milanesi*, Pubblicazioni dell' Università Cattolica del Sacro Cuore . . . Pubblicazioni di Aegyptus, Vol. I, 1967) 6.5, note.

10. The Italian papyrus is a grant from the *ἀσχολού[μενοι τὴν παντο]πωλικὴν καὶ ταριχιρὰν [καὶ ἄλλας ὠνάς?]* (lines 1-2). Were it not for the fact that *παντοπωλική* appears in line 13 (see *Berichtigungsliste* I, p. 403), one would be tempted to read *κρεο]πωλικήν* in line 2.

11. See F. Uebel, "Μονοπωλία Φακῆς," *Actes du Xe Congrès International de Papyrologues*, p. 180.

12. *Ibid.*, pp. 179f.

13. Cf. F. Heichelheim, "Monopole," *Real-Encyclopädie* XVI, I, 194; Wallace, *Taxation*, pp. 182f.

(1st hd.) (ἔτους) κδ/ Αὐρηλίου Κομμόδου
Ἀ[ν]τωνίνου Καίσαρος τοῦ κυρίου
Φαῶφι ιε̄.

6-7. *κρεοπωλικήν.* 8. *Ἀργιάδος.* 10. *τελέσαι*: *α* corrected, perhaps from *ο*. 18. *ἴσον* Pap. *Διδυμος*: first δ corrected from ζ.

To Heroninos, Chaireas, and the other superintendents of the pig tax, from Onesimos, son of Amerimnos and grandson of Alkimos, of the Gymnasium quarter. I wish to be granted by you the right to sell and pickle meat in the villages of Theadelphia and Argias for the present 24th year . . . , on condition that I pay as rent for the year six hundred dr. of silver, the payment of which I will make monthly in equal installments. It will not be permissible for me to sublease to another butcher, and, apart from paying rent (?), I will have with me one young man, if it appears advisable to grant the concession.

(2nd hd.) I, Heroninos, have received a copy of this application. (3rd hd.) I, Didymos, acting through Zoilos, have received a copy of this application.

(1st hd.) 24th year of Aurelius Commodus Antoninus Caesar the lord, Phaophi 15.

2. *ἐπιτ(ηρηταῖς) ὑικῆς*: According to Wallace, *Taxation*, pp. 143-145, the *ὑική* was a property tax in Ptolemaic Egypt and was assessed in proportion to the number of pigs an individual had. By the Roman period, at least in lower Egypt, it was a capitation tax, which was often connected with the *λαογραφία*. The present Michigan papyrus shows, nevertheless, that it had not completely lost its original association with pigs.

The *ἐπιτηρηταὶ ὑικῆς* appear only here. Since the tax was normally collected by the *πράκτορες λαογραφίας* or *ἀργυρικῶν*, the *ἐπιτηρηταί* were probably exclusively concerned with the business of leasing concessions. It is, therefore, surprising that they should be called supervisors of the tax. That they should deal with the meat industry in general is not at all remarkable, since, next to fish, pork was one of its most important constituents. See Th. Reil, *Beiträge zur Kenntnis des Gewerbes im hellenistischen Aegypten*, pp. 158f.

4-5. *ἀ[π]ὸ ἀμφό[δ]ου Γυμνασίου*: for the Gymnasium quarter of Arsinoe, see C. Wessely, *Die Stadt Arsinoë (Krokodilopolis) in griechischer Zeit*, Sitzungsberichte der philosophisch-historischen Classe der Kaiserlichen Akademie der Wissenschaften CXLV, Vienna, 1903, iv, p. 24.

5-6. *ἐπιχωρηθῆναι*: see A. Schwarz, *Die öffentliche und private Urkunde im römischen Aegypten*, Abhandlungen der philologisch-historischen Klasse der Sächsischen Akademie der Wissenschaften XXXI, 1920, iii, pp. 224f. Schwarz points out that the word often occurs "im Sinne der Einräumung, Uebertragung einer Rechtsstellung: besonders ist es in solcher Hinsicht in bezug auf Pachtrechte nachweisbar."

7. *ταριχηράν*: for the process of pickling meat in Greco-Roman Egypt, see Reil, *Beiträge zur Kenntnis des Gewerbes,* pp. 162-164, and R.J. Forbes, *Studies in Ancient Technology*, III, pp. 191-196. Cf. also Suidas, s.v. *τάριχος*: *ἔστι . . . κρέας ἁλσὶ πεπασμένον.*

8. *Ἀργειάδος*: see *P. Teb.* 872.14, note.

9. *θυειν*: *ἀνειν* might also be read. In many texts the concession is designated by an infinitive (see the list above). It is possible that some such infinitive was mistakenly written here.

12-13. *κατὰ μῆνα τὸ αἰροῦν ἐξ ἴσου*: cf. *P. Iand.* 28.22, note.

13-15. On the restrictions against subleasing at times found with such concessions, see Taubenschlag, *Law of Greco-Roman Egypt*, 2nd ed., p. 384, and n.14.

14. *μαγείρῳ*: the *μάγειρος* functioned as butcher, cook, and retailer; see Reil, *Beiträge*, pp. 160f.

14-15. *μετα[μ]ισθοῦ*: on this ending, which does not become common until the Roman period, see the literature cited in E. Mayser, *Grammatik der griechischen Papyri* I, ii, p. 116, n.1.

15-16. A similar stipulation, without the phrase *χωρὶς φόρου*, occurs in *P. Ryl.* 98a.15-16 *ἔξω δὲ σὺν ἐμαυτῷ ἐργάτας δύο*. The precise pertinence of *χωρὶς φόρου* cannot be determined. It either means that, apart

from paying rent, Onesimos will undertake to maintain one assistant; or that he will be able to have one assistant without paying an additional fee for him. With the former explanation the clause *ἔξω σὺν ἐμοὶ χωρὶς φόρου νεανίσκον ἕνα* fits in with the other provisions in lines 9ff., all of which are obligations incumbent upon Onesimos.

18. *ἴσον*: official declarations were often submitted in several *ἴσα*, or copies, which had the same legal force as the original; see *P. Cair. Isidor.* 62.26, note.

23. *Φαῶφι ιε̄*: i.e., October 13.

LE VOCABULAIRE DE L'AGRICULTURE D'APRES LES PAPYRUS GRECS D'EGYPTE: PROBLEMES ET VOIES DE RECHERCHE

Hélène Cadell

En 1952, lors du congrès de Genève, S.G. Kapsomenos posait le problème de l'originalité linguistique de l'Egypte, en cherchant à déceler, d'après l'analyse du système phonétique et des structures syntaxiques, si le grec avait subi l'influence de la langue indigène et s'était développé de façon autonome.[1] Au terme de son enquête, il renonçait à distinguer un dialecte alexandro-égyptien différent de la *koinè*.

Les observations de J. Vergote, qui a relevé des exemples précis de contamination entre l'égyptien et le grec dans le domaine de la syntaxe,[2] suggèrent de nuancer cette conclusion. Et de fait, l'helléniste proprement dit, l'épigraphiste et a fortiori le papyrologue, tous sont bien convaincus de l'existence d'un "grec d'Egypte," avec sa physionomie propre. Sans doute peut-on saisir un aspect essentiel de cette originalité dans le jeu des évolutions sémantiques, et spécialement dans la constitution des différentes terminologies techniques.

Le choix du vocabulaire de l'agriculture pour thème de recherche tient d'abord à la nature de nos sources dont la moitié, sinon plus, touche peu ou prou aux faits agricoles. Mais aussi et surtout, ce choix trouve sa justification dans l'urgence et la primauté des problèmes d'exploitation agricole qui se sont imposés aux Grecs dès leur arrivée en Egypte, et qui les ont contraints d'adapter très vite et très tôt leur terminologie à des réalités nouvelles.

Les emprunts à la langue indigène et les créations originales ne font ici l'objet que d'un bref aperçu. Cette étude se propose surtout d'analyser un troisième procédé, d'autant plus intéressant qu'il a connu un certain développement: l'utilisation de termes classiques dans une acception nouvelle, procédé qu'illustrera l'examen de la signification du mot *ὄλυρα*.

Les contacts entre ingénieurs et clérouques grecs, formés à des techniques scientifiques nouvelles grâce aux travaux de l'école de Théophraste, et paysans égyptiens respectueux et fiers de leurs modes de culture ancestraux, auraient pu susciter des échanges linguistiques, l'emprunt de la chose entraînant généralement celui du nom.

On constate en fait que le nombre des termes indigènes mentionnés dans les papyrus est infime et que, hormis quelques mots attestés très rarement, voire une seule fois, comme *ἀνουχι*, "botte de broussailles" destinée à consolider les canaux d'irrigation,[3] *γρι* ou *κρι*, qui signifie sans

1. "Das Griechische in Aegypten," dans *Actes du VIIe Congrès International de Papyrologie* (*Museum Helveticum* X, 1953, fasc. 3-4), pp. 248-263.

2. W. Peremans - J. Vergote, *Papyrologisch Handboek*, Louvain, 1942, ch. VIII, pp. 123-125.

3. Les documents qui le mentionnent datent tous du IIIe S. avant notre ère (cf. *Wörterbuch* I et IV, 1, *s.v.*) après quoi ce moyen de consolidation reçut probablement une désignation purement grecque. Sur ce terme, voir par ex. le commentaire de M. Schnebel, *Die Landwirtschaft im hellenistischen Aegypten*, Munich, 1925, p. 40 et la note à *P.Col.Zen.* 37.33.

doute l'action de creuser,[4] *πκωμ* qui désigne une pièce de chariot[5] ou encore *ουρι* qui correspond à *ζυγόδεσμον*, "courroie de joug,"[6] ce sont surtout des noms d'espèces qui sont entrés dans le vocabulaire agricole grec: *ἄμι* (cumin), *βάϊς* (palme), *κίκι* (ricin), *κόμμι* (gomme d'acacia), *κούκι* (noix de palmier doum), *σεβένιον* (fibre de palmier).[7] Encore certains de ces emprunts remontent-ils à une époque nettement antérieure à l'arrivée d'Alexandre en Egypte.[8] Leur adoption s'explique donc par l'origine géographique de la plante qu'ils désignent, plante inconnue de la flore grecque.

Ainsi, dans le domaine considéré et sur ce point, le grec a été à peu près imperméable à l'égyptien, comme il le sera d'ailleurs au latin.[9]

Beaucoup plus fréquents sont les cas où, pour traduire les réalités égyptiennes, les Grecs ont créé de toutes pièces des mots nouveaux, sans antécédents classiques. Ils ont pour ce faire essentiellement recouru au procédé de la composition, si familier à leur langue. En voici quelques exemples choisis parmi les plus remarquables: *νειλοβροχεῖν* et *νειλόβροχος*, *συμβροχεῖν*, *σύμβροχος*, *συμβροχίζειν*, *συμβροχισμός* et *συμβροχικός*[10] qui s'appliquent à l'inondation du Nil et à l'irrigation, *περίχωμα* qui désigne un bassin fermé entouré de canaux,[11] *χορτάρακος*, son doublet *χορτάραξ*[12] et les innombrables composés en *χορτο-* qui, de *χορτάχυρον* à *χορτότηλις* sont exclusivement papyrologiques, sans parler de toutes les formations dérivées d'*ἄχυρον*, *κριθή*, *πυρός*, *σησαμόν*, *σῖτος* et des noms de maints autres produits de la terre.

4. *SB* 7756 (P.Lond. Inv. 2574, Oxyrhynchite, 359), où les lignes 3 et 16 consignent un versement pour un *mérismos γρι καὶ σιρώματος*. L'emploi de *σίρωμα*, qu'il faut probablement mettre en rapport avec *σιρός* et qui doit désigner un silo dans la terre ou son installation, d'autre part le rapprochement avec le copte *gri*, "creuser" (W.E. Crum, *A Coptic Dictionary*, Col. 828 a), suggèrent de voir dans le mot *γρι* un équivalent local du grec *ὄρυγμα*, et, dans ce *mérismos*, une charge pour le creusement de fosses et leur aménagement en silos.

5. *P. Masp.* 67303.15 (553), location d'un chariot appartenant à Dioscore d'Aphrodito pour le transport de la récolte: *ἐλκιστὴν ἅμαξαν . . . . . σὺν ἀλύσεσι καὶ ἄξονι καὶ ξυλινοβαστακίῳ ἤτοι πκωμ.*

6. *P. Fay.* 115.15 et 18, et *P. Fay.* 121.6 des archives de Lucius Bellienus Gemellus (autour de 100 ap. J.-C.); cf. les notes de Br. Olsson, *Papyrusbriefe aus der frühesten Römerzeit*, Uppsala, 1925, no. 57, p. 166 et no. 63, p. 178. Cf. encore *P. Lond.* 1821.113 (glossaire gréco-copte, *Aegyptus* 6, 1925, p. 188).

7. Pour les références à tous ces termes, voir en général le *Wörterbuch* I et IV, s.v., et pour *βάϊς*, qui a connu un développement important dans le vocabulaire patristique, les dictionnaires de Sophoclès et de Lampe, s.v.

Certains d'entre eux ont été productifs dans la *koinè* et dans le grec tardif: *βάϊς* hellénisé en *βάϊον* avec le dérivé *βαϊνή*, l'adjectif *βαϊνός*, les composés *βαϊοφορία*, *βαϊοφορεῖν* et *βαϊάντησις*; *κίκι* hellénisé en *κίκιον*, avec le composé *κικιουργός*, les adjectifs *κικιοφόρος* et *κίκινος*; *κόμμι* avec le dérivé *κομμίδιον*, les adjectifs *κομμιδώδης* et *κομμιώδης*, le dénominatif *κομμιόω*.

Κούκι ne figure pas dans le tome I du *Wörterbuch*, mais il est attesté dans *P. Bade* 35.23, du Ier S. (*κούκια*) et *O. Wilb.* 76, du IIe S., 6 (*κούκεα*) et 9 (*κούκεων*); cf. l'adjectif *κούκινος* dans *P. Oxy.* 1742.7. Voir le commentaire à *O. Wilb.* 76, mais en remplaçant la traduction "fruit du cocotier" par celle de "fruit du palmier doum," arbre bien connu en haute Egypte, cf. les remarques de O. Guéraud dans *Chronique d'Egypte* 10, 1935, no. 20, p. 392.

Enfin tous ces noms, que le latin a empruntés à son tour, font l'objet d'une rubrique dans le *Lexique des termes de botanique en latin* de J. André (Paris, 1956).

8. Citons les exemples caractérisitiques de *κίκι* et *κόμμι*, connus des Grecs dès le temps d'Hérodote, et attestés entre autres l'un chez Platon, l'autre chez Hippocrate.

9. Cette résistance à l'emprunt a joué de la même manière à l'époque romaine: à l'exception de *πωμάριον* et de ses dérivés, couramment employés à partir du IIe S. de notre ère jusqu'au VIIIe S., ou de *ὄρριον* (cf. S. Daris, "Lessico latino nella lingua greca d'Egitto," dans *Aegyptus* 40, 1960, pp. 177-314, s.v.), le vocabulaire agricole grec n'a pas subi à proprement parler d'influence latine.

10. Parmi ces composés, tous tardifs (les plus anciens n'apparaissent pas avant la fin du Ier S. de notre ère), *συμβροχισμός* n'a que deux attestations: *P. Leit.* 2.3 (fin du IIe S.), P. Sorb. Inv. 2224.13 (710; *Rech. de Pap.* 4, 1967, pp. 122-127), et *συμβροχικός* une seule: *P.Herm.Rees* 26.7 (Ve S.).

11. Voir par ex. sur les *περιχώματα* de la doréa d'Apollonios *P.Mich.Zen.*, introd., p. 31.

12. Il est attesté dans *SB* 9918. 8-9, de 180 (*P. Vratisl.* 4, *Rech. de Pap.* 3, 1964, pp. 98-99 et Pl. V), dont la reproduction permet de lire sans hésitation *χορτάρακει*. On connaît le terme simple sous deux formes: *ἄρακος*, classique et papyrologique. et *ἄραξ*, qui n'apparaît que dans les papyrus à partir du IIe S. et concurrence *ἄρακος* jusqu'au VIe S. (cf. *Wörterbuch* I et IV,1, s.v.; M. Schnebel, *op.cit.*, p. 185). Le *SB* 9918 présente donc un doublet, *χορτάραξ*, du composé connu *χορτάρακος*.

Il faut mentionner tout particulièrement le développement considérable des composés en *χερσο-*, alors que les composés en *ξηρο-*, connus à Nessana, sont complètement ignorés des papyrus d'Egypte.[13] Outre *χερσάμπελος*, *χερσοκαλαμία* dont les *P. Mich.* donnent une attestation,[14] *χερσάβροχος* apparaît comme une création typiquement égyptienne[15] et nous introduit dans la famille papyrologique si féconde d'*ἄβροχος* et *ἀβροχία*.

Achevons sur les étranges *ξυλαμή*, *ξυλάμησις*, *ξυλαμητής*, *ξυλαμιστής* et *ξυλαμῆσαι*, que les textes mentionnent continûment du IIIe S. avant au IVe S. après J.-C., pour désigner, semble-t-il, l'ensemencement des plantes fourragères, bien qu'à ce jour leur étymologie et le procédé spécifique auxquels ils sont relatifs demeurent inexpliqués.[16]

Outre l'emprunt et la création, il est une troisième voie d'enrichissement, qui consiste à doter d'un sens nouveau un mot du vieux fonds grec. Cet emploi d'un terme ancien pour désigner une réalité nouvelle, J. Vergote l'a signalé à propos du verbe *κυκλεύειν*, qui correspond au copte *kote*, "faire tourner la sakieh" et "irriguer."[17] C'est le cas de *σμῆμα*, que la langue classique et la *koinè* connaissent avec le sens de "détergent"[18] et qui, dans les papyrus, désigne aussi un produit utilisé dans l'agriculture, la viticulture en particulier.[19] Citons encore *νῆσος*, qui prend le sens de "terre rapportée;"[20] *ὅρος*, "bande de terre cultivable en bordure du désert;"[21] *φιλοκαλία*, d'emploi strictement philosophique dans la *koinè*, et qui, en Egypte, se dit entre autres de la mise en valeur d'un bien foncier.[22] C'est dans la même perspective que nous allons examiner maintenant le mot *ὄλυρα*, dont le sens n'a pas été jusqu'ici clairement établi et que les éditeurs ont coutume de transcrire par *olyra*, sans le traduire.

Ὄλυρα désigne une céréale déjà connue dans l'*Iliade*.[23] Les attestations papyrologiques en

13. *ξηροκηπίον* (que cite le dictionnaire de Du Cange) apparaît en effet dans *P. Ness.* 31.21 et 28 (lère moitié du VIe S.). Il est de formation analogue à *ξηραμπέλωος* (*Souda*, s.v.) qui suppose l'existence de **ξηράμπελος* (*χερσάμπελος* dans les papyrus).

L'idée de stérilité attachée à *χέρσος* explique l'importance prise, dans le contexte climatique égyptien, par cet adjectif aux dépens de *ξηρός*. Cette constation rend très suspecte l'interprétation d'un passage de *P. Oxy.* 2479 (VIe S.), pétition d'un colon qui souhaite réintégrer sa terre après une absence de trois ans sans avoir à payer l'arriéré des loyers, et qui décrit son dénuement en ces termes (24-25): *ὅτι το κλύσαι ἤτοι τὸ ξηρὸν ψώμιν οὐκ ἔχω φαγεῖν μετὰ τῶν ἐμῶν τέκνων*, traduits par "*inundation or drought, I have not a morsel to eat, nor my children.*" Outre que *ἤτοι*, non pas adversatif mais explicatif, introduit généralement un terme équivalent, *ξηρόν* pris au sens de "sécheresse" et opposé à l'inondation est particulièrement insolite. Mieux vaudrait rattacher *ξηρόν* à *ψώμιν* et comprendre "je n'ai pas même un morceau de pain sec à partager avec mes enfants." Resterait bien sûr à corriger la lecture *κλύσαι* dont l'éditeur lui-même a souligné dans son commentaire le caractère très douteux.

14. *P. Mich.* 310.7 et 21 (26/27).

15. *P. Ryl.* 207a.30 (Hermopolite, IIe S.). Cf. M. Schnebel, *op.cit.*, p. 28.

16. Voir entre autres sur cette question M. Schnebel, *op.cit.*, pp. 132-133; B. Olsson, *op.cit.*, p. 173; notes à *P. Fouad* 43.12 et 24.

17. *Papyrologisch Handboek*, p. 122.

18. Cf. R. Ginouves, ΒΑΛΑΝΕΥΤΙΚΗ: *Recherches sur le bain dans l'antiquité grecque*, Paris, 1962, p. 143, n. 3.

19. *P.Herm.Rees* 38.3 et 6 (Ve S.).

20. Cf. J. Yoyotte, "A propos des 'terrains neufs' et de Thmouis (toponymie de l'Egypte pharaonique, III)," dans *C.-R. du groupe linguistique des Etudes chamito-sémitiques* (GLECS), Paris, 8, 1957-1960, pp. 100-101.

21. *REG* 80, 1967, pp. 345-346.

22. Cf. par ex.: *P. Oxy.* 2239.11 (598) et *P. Lond.* II 483.42, 75 (Apollonopolite, 616), pour l'ensemble d'un domaine; *SB* 7369.11 (Hermoupolis, 512) et *Stud. Pal.* XX 218.20 (Hermopolite, VIIe S.) pour un vignoble; *P. Oxy.* 2478.17 (595/596) pour un verger. La *φιλοκαλία* est généralement liée à la *καλλιεργία*, autre terme technique qui désigne la culture des champs à l'époque byzantine (cf. G. Rouillard, *La vie rurale dans l'empire byzantin*, Paris, 1953, p. 200).

23. E196; Θ564. L'étymologie en est inconnue. Celle qu'a proposée A. Carnoy dans son *Dictionnaire étymologique des noms grecs de plantes*, Louvain, 1959, s.v., semble des plus fantaisistes.

sont relativement nombreuses au IIIe et au IIe S. avant J.-C.[24] Mais comme l'avait déjà noté M. Schnebel, les références se raréfient considérablement à partir du Ier S. de notre ère, signe du déclin de cette culture.[25] On en compte deux seulement au IIe S.: *P. Flor.* 379, fragment de compte agricole de Haute Egypte, et *P. Mich.* 481, lettre privée d'origine inconnue. On n'en relève plus aucune à partir du IIIe S.[26] Isolément, ὄλυρα reparaît au VIe S. dans un papyrus des archives de Dioscore d'Aphrodito.[27]

Le *Wörterbuch* et le dictionnaire de Liddell-Scott-Jones traduisent ὄλυρα par "épeautre" *(spelt),* entendons par là un blé rustique, vêtu, dont le grain adhère fortement à la balle, et qui est généralement cultivé dans les pays montagneux et les terres maigres.

Cette identification botanique repose essentiellement sur un passage de Pline, *H.N.* xviii. 92: *Ex arinca dulcissimus panis. Ipsa spissior quam far, et major spica, eadem et ponderosior . . . Exteritur in Graecia difficulter, ob id jumentis dari ab Homero dicta. Haec enim est quam olyram vocat. Eadem in Aegypto facilis fertilisque.* "Avec l'*arinca* (petit épeautre) on fait un pain très tendre. L'*arinca* est plus compacte que le *far* (épeautre): l'épi en est plus long et plus lourd. En Grèce, il est difficile de séparer le grain de la balle, c'est pourquoi, d'après Homère, on le donne aux bêtes de somme. C'est en effet cette même *arinca* qu'Homère appelle *olyra,* et, en Egypte, elle est facile et de bon rendement."

Cette traduction d'ὄλυρα par épeautre, deux spécialistes, A. Jardé[28] et M. Schnebel,[29] l'ont autrefois acceptée. Les commentateurs l'ont généralement reprise jusqu'en 1944, date à laquelle N. Jasny, à la suite des travaux de A. Schulz, a établi que le monde antique n'avait pas connu l'épeautre avant le Ier S. de notre ère, et que la céréale désignée sous ce nom était en réalité un "blé amidonnier" *(emmer),* entendons cette fois une variété de blé dur vêtu, le *triticum dicoccum.*[30] Cette interprétation fait depuis autorité.[31]

Cependant, que l'on prenne ὄλυρα au sens d'épeautre (*spelt, triticum spelta*), ou qu'on le prenne au sens d'amidonnier (*emmer, triticum dioccum*), il s'agit toujours d'une variété de

24. En particulier dans certaines catégories de documents comme: — plan d'ensemencement: *SB* 4369.37 (qu'il faut lire maintenant dans l'édition de P.Vidal-Naquet, *Le bordereau d'ensemencement dans l'Egypte ptolémaïque,* Bruxelles, 1967, pp. 25-36); — rapports d'opérations cadastrales: *P. Teb.* 61a, 67 (118/117) etc.; — ordres de prêt de semences: *P. Teb.* 701 (235); — comptes de sitologues: *P. Hib.* 212 (± 250), *P. Sorb.* 56 (215) etc.; — reçus de nauclères: *P. Teb.* 823 (185); — comptes agricoles: *P. Lille* 37 (246-221); — contrats de bail de terre: *P. Hib.* 209 (263/262), *PSI* 385 (246/245), etc.

Le dérivé ὀλυρίδιον apparaît dans *P. Hib.* 207.6 (260-245). Enfin le mélange ὀλυρόκριθον est mentionné à plusieurs reprises dans un long compte de fournitures de céréales des archives de Zénon, *P. Cair. Zen.* 59292 (250).

25. *Landwirtschaft,* pp. 96-99.

26. C'est par erreur que le *Wörterbuch* et M. Schnebel attribuent au IIIe S. ap.J.-C. *WChr.* 198.10. Ce texte, repris dans *CPJ* 36, date en réalité de 240 av.J.-C. Dans *SB* 8002, lettre privée d'origine inconnue, datée du IIIe S., la lecture d'ὄλυρα est plus que douteuse (Κόμισε διὰ . . . Πωλίωνος [κεράμ]ια ἐσφ[ρ]αγισμένα β ὀλ̣ύ̣[ρας]). Elle ne l'est pas moins dans *P. Strassb.* 137, contrat de bail de terre de l'Hermopolite (325), assez mutilé, pour lequel J. Schwartz a proposé dans les *corrigenda* de ses *P. Strassb.,* p. 184, de lire à la l. 10: [ἀρούρα]ς τέσσαρας εἰς κατάθεσιν ὠλυ[. .]ν [. . . . .]μαι (pour ὀλυρῶν?). Le loyer fixé, 20 artabes de blé, pour cultiver 4 aroures en *olyra* est impensable à cette époque. La diplomatique de baux parallèles (*P.Cair. Preis.* 39.12, de 347, et *BGU* 1092.13, de 372), invite à lire εἰς κατάθεσιν ὧν ἐὰν αἰρῶμαι.

27. *P. Masp.* 67002 III.10. Le souvenir en est aussi conservé dans la toponymie, cf. au VIIe S. le γεωργίον λεγόμε(νον) Τβῶτε, c'est-à-dire "le champ dit d'*olyra,*" dans le territoire du village de Thynis (*P. Lond.* III 1012, p. 266; Hermopolite, 633).

28. *Les céréales dans l'antiquité grecque,* Paris, 1925, p. 7.

29. *Op.cit.,* p. 98.

30. *The wheats of Classical Antiquity (Johns Hopkins Stud.Hist. and Pol.Sc.* LXII, 1944, 3), pp. 119-124. U. Wilcken, qui avait eu connaissance des travaux de A. Schulz, proposait déjà dans une note des *UPZ* (I, 1927, p. 178, n.8) ce sens d'amidonnier.

31. A. Segre, "Note sulla storia dei cereali nell'antichità," (*Aegyptus* 30, 1950, pp. 161-197), p. 177; J. André, *op.cit.,* p. 227, s.v. *olyra;* L.A. Moritz, *Grain mills and flour in Classical Antiquity,* Oxford, 1958, p. XX; T. Reekmans, *La sitométrie dans les archives de Zénon,* Bruxelles, 1956, p. 10 et n.3; P. Vidal-Naquet, *op.cit.,* p. 33, n.5.

triticum, autrement dit d'une variété de blé.[32] Les responsables de cette interprétation sont manifestement les botanistes anciens, Pline comme nous l'avons vu, et Théophraste qui, à deux reprises dans l'*Historia Plantarum* (viii. 1.3; 9.2), classe l'*ὄλυρα* parmi les *ὁμοιόπυροι*. Mais en fait, les textes écrits en Egypte ou sur l'Egypte rendent peu satisfaisante cette équivalence entre *olyra* et *triticum dicoccum*.

Tout d'abord Hérodote met la consommation de l'*olyra* au nombre des particularités de l'Egypte. Il écrit au chapitre 36 du livre II, précisément dans le passage relatif à l'originalité des Egyptiens: *Ἀπὸ πυρῶν καὶ κριθέων ὦλλοι ζώουσι, Αἰγυπτίων δὲ τῷ ποιευμένῳ ἀπὸ τούτων τὴν ζόην ὄνειδος μέγιστόν ἐστι, ἀλλὰ ἀπὸ ὀλυρέων ποιεῦνται σιτία, τὰς ζειὰς μετεξέτεροι καλέουσι.*[33] "Les autres hommes vivent de blé et d'orge; chez les Egyptiens, celui qui vit de ces grains est très mal vu. Ils emploient pour leur alimentation l'*olyra*, que certains nomment *zeia*." Ce texte oppose clairement *ὄλυρα* à *πυρός* et *κριθή*[34] et implique que l'*olyra* d'Egypte était une céréale complètement différente de celles que l'on cultivait en Grèce.

En second lieu, l'apparition du mot *πιστίκιον* au IVe S. après J.-C. soulève une difficulté. Il figure dans la liste des céréales de l'*Edit du Maximum* (i.7) où il correspond au latin *spelta munda*. On le trouve d'autre part attesté dans quatre documents des archives d'Isidôros: no. 11. 39, 41,43,45,46: rapport de sitologue de 312 sur les levées de 309; nos. 40.3 (299), 48.2,4 et 49.2,5 (309): reçus pour la livraison de grains. Les éditeurs (no. 11, introd., p. 107) et les spécialistes N. Jasny et A. Segre y reconnaissent le blé amidonnier (*emmer, triticum dicoccum*), ce qui revient à faire de *πιστίκιον* un synonyme d'*ὄλυρα*.

Il ne fait aucun doute que *πιστίκιον* soit un mot latin passé en grec,[35] et son emploi dans le texte de l'*Edit* n'a rien d'insolite. Si d'autre part on accepte son identification avec le blé amidonnier, on pourrait à la rigueur admettre que l'influence de la terminologie officielle de l'Edit et des textes administratifs ait entraîné dans les papyrus de Karanis le remplacement par ce terme du nom traditionnel en Egypte d'*ὄλυρα*.[36] Mais alors se posent deux questions. On sait que la culture de l'*olyra*-amidonnier est en perte de vitesse depuis le Ier S. de notre ère, et que jamais cette céréale n'a figuré parmi les fournitures de l'annone civile et militaire. Comment expliquer cette résurgence au IVe S., précisément dans des textes qui concernent les livraisons à l'armée? Le *P. Cair. Isidor.* 40 précise ensuite que le versement de *πιστίκιον* a été effectué *εἰς ἀρτοποιείαν*, c'est-à-dire pour la boulangerie, très probablement militaire.[37] Il serait surprenant qu'on ait affecté à la nourriture des "très nobles soldats" une céréale considérée comme particulièrement médiocre, jadis réservée aux indigènes et aux animaux,[38] et il est clair que la qualité du grain en question est sans commune mesure avec celle de l'*olyra*. Le problème se trouve résolu si l'on réserve à *πιστίκιον* le sens d'"amidonnier," et si l'on admet qu'*ὄλυρα* désigne autre chose.

Sur ce point, le témoignage de *P. Masp.* 67002 a son importance. Dans cette requête, adressée en 566 au duc de Thébaïde, les habitants d'Aphrodito déclarent (Col. III, ll. 10-11): *Ὡς μάρτυρα καλοῦμεν τὸν δεσπότην Θεὸν εἰς τοῦτο ὅτι ἐν τῷ χειμῶνι δρόξιμα καὶ ὀλύρας ἐσθίομεν, τῷ δὲ θέρει τὰ ἀποκαθάρματα ἤτοι ἀποκοσκωήματα καὶ καταστέλλματα τῆς ἐμβολῆς ἡμῶν*; "nous

32. Cf. la traduction proposée dans G.W.H. Lampe, *A Patristic Greek Lexicon*, p. 950 b: *a form of wheat.*
33. Cf. encore II, 77.
34. Cette même opposition se retrouve dans une lettre d'un fonctionnaire de l'Oxyrhynchite du milieu du IIIe S. avant notre ère, *P. Hibeh* 249.6-8: *κ[αὶ] τὴν μὲν κριθὴν καὶ ὄλυραν σύνεχε καθαρὰν οὖσαν, τὸ[ν δὲ] πυρὸν ἀποδοῦ.*
35. N. Jasny, *op. cit.*, p. 113, n. 18.
36. Voir J. Bingen, "L'Edit du Maximum et les papyrus," (*Atti dell'XI congr. int. Pap.*, Milan, 1966, pp. 369-378), p. 373.
37. Cf. *P. Théad.* 31.27 (319/320) et la remarque de J. Bingen, *op.cit.*, p. 373.
38. Voir ci-après, n.44.

prenons Dieu à témoin qu'en hiver, nous mangeons des herbes et de l'*olyra*, et en été, les déchets qui restent après le criblage et l'envoi du blé de notre *embolè*." Qu'*ὄλυρα* fasse ici allusion à la consommation réelle d'une nourriture d'indigents, ou que ce soit une image inspirée par une réminiscence littéraire ou scripturaire,[39] ce qui serait bien dans la manière de Dioscore, le mot et la chose s'opposent aussi nettement que chez Hérodote au blé de l'annone.

Précisément l'*olyra*, dans les rapports administratifs et les comptes agricoles, apparaît bien comme une troisième céréale, les rubriques se présentant généralement dans l'ordre suivant: *πυρός*, *κριθή*, *ὄλυρα*.[40] Il serait déraisonnable de croire qu'un sitologue de village – bien souvent un indigène – ait pu établir une distinction entre le *triticum durum* et le *triticum dicoccum*, distinction qui reflète un souci scientifique tout moderne et qui n'est vraisemblable que sous la plume d'un botaniste de métier. Au surplus, les variétés de blé ne manquaient pas en Egypte, comme en témoignent les archives de Zénon, par ex. *P. Col. Zen.* 69, un compte de versements en nature qui mentionne, outre le *πυρὸς Συριακός*, le *πυρὸς ἐπιχώριος*, *ἐνχώριος* et *μελαναίθηρ*[41] sans que ces variétés fassent à l'échelon du village ou du nome l'objet de comptes séparés. Il en est de même pour l'orge, dont on sait que les Egyptiens cultivaient deux espèces, et qui n'est jamais autrement désignée que par *κριθή*.[42]

Les papyrus nous apprennent directement peu de choses sur l'*olyra*. On y voit cependant: – qu'il s'agit d'une céréale rustique de valeur nettement inférieure à celle du *πυρός*;[43] – qu'elle servait à la nourriture des animaux;[44] – qu'elle continuait à entrer dans l'alimentation des indigènes: les jumelles du Sérapéum, par exemple, reçoivent 8 artabes d'*olyra* par mois. Ce devait être une des ressources de la classe paysanne pauvre, car les Grecs ont pour leur part conservé leurs habitudes alimentaires et même tenté de les généraliser. T. Reekmans a montré que les serviteurs indigènes recevaient comme les Grecs des rations de *πυρός*, la conversion en rations d'*olyra* étant très rare.[45] On conçoit alors aisément que la culture du blé ait supplanté rapidement celle de l'*olyra* en Egypte, en raison du mode alimentaire grec plus raffiné, mais surtout pour les besoins de l'exportation, et en particulier pour ceux des fournitures annonaires, civile et militaire. Ainsi s'explique qu'*ὄλυρα* disparaisse de nos documents à l'époque romaine, ce qui ne signifie pas pour autant que les indigènes aient cessé de la cultiver pour leur usage personnel.

Il y a enfin le témoignage d'*OGI* 729, du IIIe S. av. J.-C., une dédicace à Anubis trouvée à Alexandrie et faite par une corporation d'*ὀλυροκόποι*, dont l'onomastique purement indigène indique assez qu'ils exercent un métier tout local. Ce témoignage se recoupe avec celui de *BGU* 1288, fragment de compte du IIe S. av. J.-C., qui mentionne et un *ὀλυροκόπος* et un *ὀλυροπρά-*

39. Cf. page suivante.

40. Cf. les rapports cadastraux de *P. Teb.* I; *P. Hib.* 212; *P. Sorb.* 56; *SB* 8244, etc.

41. On connaît aussi le *Καλαύρωος* et le *Μηδικὸς πυρός*. Sur ces variétés, voir surtout H.A. Thompson, "Syrian Wheat in Hellenistic Egypt," dans *Archiv* 9, 1930, pp. 207-213.

Quant au *πυρὸς ὀλύρινος* mentionné dans *PSI* 537.6 (de 248/247), il faut y voir non pas une variante pour désigner l'*olyra* comme l'a cru A. Segre (*op.cit.*, p. 170) mais, selon l'interprétation des éditeurs et du dictionnaire de Liddell-Scott-Jones, un blé mélangé d'*olyra* (cf. la reprise de *πυρός* seul à la l.13); plus précisément: soit un mélange provenant du criblage sur l'aire de battage comme l'a supposé T. Reekmans (*Sitométrie*, p. 37, n.1), soit du blé dans lequel on a laissé pousser de l'*olyra* (cf. l'*ὄλυρα ἀλρώδης*, "mêlée d'ivraie," de *P. Teb.* 857.18, destinée aux animaux).

42. N. Lewis a montré que la *κριθὴ συριακή*, dont *P. Princet.* 49 (216/217) donne l'unique attestation, n'était pas une espèce particulière d'orge, mais l'objet d'une levée destinée à des troupes massées en Syrie (*Bull.Am.Soc.Pap.* 4, 1967, p. 15).

43. Cf. par ex. *P. Lille* 37; *P. Hib.* 85, etc.

44. *P.Cair.Zen.* 59165 (255) pour les veaux; *P. Hib.* 118 (250) pour les chevaux; *P. Teb.* 857 (162) pour veaux, porcs et chevaux; *O. Mattha* 258 (Ier S. av. J.-C.) pour les poulets.

45. *Sitométrie*, pp. 68-69.

της. On imagine mal que la langue populaire fasse une distinction entre des meuniers-boulangers qui seraient spécialistes en *triticum dicoccum* et ceux qui opéreraient sur le *triticum durum*. Une telle subtilité est inconcevable et l'*olyra* est nécessairement autre chose que du blé.

La solution, c'est la version copte de la Septante complétée par les *scalae* copto-arabes qui nous la donne. En effet, *ὄλυρα* figure à deux reprises dans le texte grec:[46] – Exode 9.32, *ὁ δὲ πυρὸς καὶ ἡ ὄλυρα οὐκ ἐπλήγη· ὄψιμα γὰρ ἦν*, "échappèrent à la destruction le blé et l'*olyra*, qui sont tardifs"; – Ezechiel 4.9, *καὶ σὺ λαβὲ σεαυτῷ πυροὺς καὶ κριθὰς καὶ κύαμον καὶ φακὸν καὶ κέγχρον καὶ ὄλυραν*, "prends donc du blé, de l'orge, des fèves, des lentilles, du millet, de l'*olyra*." Remarquons la place qu'occupe ici *ὄλυρα*, après *πυρὸς* et *κριθή* comme dans les papyrus, et à la fin d'une liste de produits de valeur manifestement décroissante. Or, dans ces deux passages, *ὄλυρα* est traduit en copte par *bote* qui a pour correspondant arabe *al-doura*.[47] Ce qui signifie qu'en Egypte, dès l'époque hellénistique, on identifiait l'*olyra* avec la dourah indigène, autrement dit un sorgho,[48] qui de nos jours sert encore à la nourriture des hommes et des animaux. Ajoutons que cette identification avait été autrefois pressentie par V. Loret[49] et acceptée par les papyrologues au début de ce siècle,[50] puis abandonnée à cause de l'équivalence soutenue par les philologues classiques entre l'*olyra* et l'épeautre, puis l'amidonnier.

Pour nous résumer, il n'est pas invraisemblable que l'*olyra* mentionnée chez Homère et les écrivains grecs classiques ait désigné un blé amidonnier. Mais dans l'Egypte grecque, les documents montrent qu'il s'agit nécessairement d'une céréale autre que le *triticum*, ce que confirment les textes copto-arabes en identifiant l'*olyra* avec la dourah, identification qui, finalement, pourrait bien être antérieure à Hérodote.

Pourquoi les grecs n'ont-ils pas adopté le mot égyptien *bote*? Nous connaissons leur répugnance à l'emprunt. Or pour désigner cette plante, bien méprisable à leurs yeux, ils disposaient du mot *ὄλυρα* qui devait s'appliquer à la plus médiocre des céréales cultivées en Grèce, si l'on en juge par une remarque de Théophraste[51] et surtout par une allusion de Démosthène dans le *Discours sur les affaires de la Chersonèse* (§ 45) où il dénonce la naïveté de croire à l'intérêt de Philippe pour les maigres ressources, millet et *olyra*, des silos de Thrace (*ὑπὲρ δὲ τῶν μελινῶν καὶ τῶν ὀλυρῶν τῶν ἐν τοῖς Θρᾳκίοις σιροῖς*). Et je verrais volontiers le jeu d'un reflexe psychologique de mépris dans cette attribution du sens de "dourah" au mot *ὄλυρα*.

En conclusion, deux remarques. D'une part, la terminologie agricole apparaît, par bien des aspects, originale. D'autre part, pour se constituer, elle a essentiellement fait appel aux ressources morphologiques et sémantiques du grec.

46. Cf. aussi *ὀλυρίτης*, "pain d'*olyra*," dans *Rois* III, 19.6.

47. Le mot copte *bote* remonte à l'égyptien *bdt*. Le sens de ce dernier aurait-il changé au cours des âges pharaoniques? Il apparaît, d'après une note de P. Lacau dans *BIFAO* 56, 1957, p. 169, et d'après un article de H. Wild, "Brasserie et panification au tombeau de Ti," *BIFAO* 64, 1966, pp. 95-120, qui s'appuie sur une bibliographie récente, que les égyptologues modernes identifient *bdt* avec le blé amidonnier, céréale dont la culture était, avec celle de l'orge, la plus développée à haute époque. On notera pourtant deux difficultés: l'existence de *zwt* (copte *souo*) qui désigne pour les uns un blé de qualité supérieure à grain nu, pour d'autres une variété de blé amidonnier; la contradiction entre la première de ces interprétations et l'opinion générale selon laquelle la culture du blé dur à grain nu n'a fait son apparition en Egypte qu'a l'époque gréco-romaine.

48. C'est le même mot, en copte *bote* et en arabe *dakhn*, qui traduit dans le texte d'Ezéchiel à la fois *κέγχρος* et *ὄλυρα*. Il n'y a rien là de surprenant puisque le millet et le sorgho appartiennent à des familles botaniques très voisines (cf. J. Adrian, *Les mils et les sorghos*, Paris, 1954). Mais il est exclu qu'*ὄλυρα* désigne le millet puisque ce dernier, *κέγχρος*, est attesté dans un compte de l'Hermopolite du IIe S. de notre ère, *P. Sarapion* 59.20.

49. *La flore pharaonique*, Paris, 1892, nos. 17 et 24.

50. F.G. Kenyon, *P. Lond.* I, p. 22; B.P. Grenfell-A.S. Hunt, *P. Hib.* I, p. 231. Cf. le commentaire de Dittenberger à *OGI* 729 et la remarque de A. Jardé, *Céréales*, p. 7 et n.3.

51. *Hist.Plant.* viii. 9.2: *ἡ δὲ ὄλυρα μαλακώτερον καὶ ἀσθενέστερον τούτων.*

Il existe donc un grec d'Egypte, disons un vocabulaire particulier à l'Egypte, à la langue et à la civilisation de laquelle il serait excessif de prétendre qu'il ne doit rien. Mais son adaptation à un pays nouveau, où les conditions naturelles étaient si favorables à l'essor de l'agriculture, le grec l'a faite par une évolution toute interne et propre à son génie.

UNITA E PARTICOLARISMO GRAFICO NELLA SCRITTURA GRECA DEI PAPIRI

Guglielmo Cavallo

A EDOUARD FRAENKEL

I più recenti metodi di indagine paleografica (mi riferisco soprattutto a certi risultati di grande importanza ormai acquisiti nel terreno delle scritture latine) e le frequenti pubblicazioni, in questi ultimi decenni, di papiri (o pergamene) provenienti per la maggior parte, certo, dall' Egitto, ma anche da altri territori, mostrano maturi i tempi per nuove e più accurate ricerche sullo svolgimento della scrittura greca dalle fasi più antiche al definitivo trionfo della minuscola. Tra la vasta problematica che un argomento così affascinante propone al paleografo, mi sembra possa suscitare interesse uno studio che prenda in esame, accanto e in relazione alle scritture greche di provenienza egiziana (le sole che ci è dato conoscere sufficientemente, per il periodo anteriore all' invasione araba, nella loro varietà, durata, evoluzione), anche le scritture greche vergate con sicurezza, o almeno con molta probabilità, da mani non-egiziane, le quali, pur scarsamente documentate, offrono spunti per una conoscenza di fenomeni inerenti alla scrittura greca nella totalità della sua evoluzione nei territori ellenizzati.[1] Il confronto, certo, è suscettibile di non poche ricerche, ma in questa sede è mio intento richiamare l'attenzione su un certo numero di testimonianze non-egiziane solo allo scopo di indagare se ed in che limiti lo svolgimento della scrittura greca si riveli *unitario* o *particolaristico* in manufatti provenienti da regioni diverse.[2] Senza dubbio a volte si potranno conseguire risultati non più che approssimativi o incerti, in quanto i reperti egiziani, come si sa, hanno restituito pochissimi papiri scritti fuori d'Egitto, e il materiale di altra origine resta comunque di gran lunga inadeguato perché si possano inferire conclusioni sicure; la documentazione non-egiziana, infatti, da qualsiasi area provenga, non abbraccia mai tutto l'arco e la varietà di svolgimento della scrittura greca nella fase maiuscola e preminuscola, quando, come per alcuni territori, non si riduca ad un solo esemplare o manchi del tutto.[3] Porprio per questo, tuttavia, uno studio d'insieme appare stimolante, nel tentativo di tracciare, se pure a linee imprecise e sommarie e limitatamente all'aspetto *unità-particolarismo*, il profilo di una civiltà grafica che non sia solo greco-egiziana, ma greca.

1. Notizie su ritrovamenti di papiri e pergamene fuori dell' Egitto sono sparsamente reperibili in diversi manuali e studi paleografici e papirologici: mi limito a segnalare M. Norsa, "Analogie e coincidenze tra scritture greche e latine nei papiri," in *Miscellanea Giovanni Mercati* VI (*Paleografia – Bibliografia – Varia*), Città del Vaticano, 1946, p. 108 n. 8; R. Taubenschlag, "Papyri and Parchments from the Eastern Provinces of the Roman Empire outside Egypte," in *JJP* 3, 1949, pp. 49-61; A. Bataille, *Les papyrus,* Paris, 1955, p. 11; E.G. Turner, *Greek Papyri. An Introduction,* Oxford, 1968, pp. 37-41.

2. Il problema è stato già considerato, se pur molto in breve, da non pochi studiosi, in particolare da W. Schubart, *Griechische Palaeographie*, München, 1925, pp. 41-43, 72 sg., 89, 92, 154 sg., e M. Norsa, *La scrittura letteraria greca dal IV secolo a.C. all'VIII d.C.,* Firenze, 1939, p. 13, e "Analogie e coincidenze" *cit.,* p. 108, i quali parlano senz'altro di *unitarietà* di svolgimento della scrittura greca.

3. Nessuna indicazione, è chiaro, possono dare lettere di egiziani temporaneamente emigrati (ad esempio *BGU* 27 e *BGU* 423 provenienti dall' Italia, *P. Bouriant* 25 da Apamea, *P. Cair. Zen.* 59016 da Tiro) o comunque scritte in ambiente greco-egizio, come *P. Amh.* 3(a) pur se proveniente da Roma.

Prima di entrare nel vivo del problema, mi sembra di dover chiarire i termini di *unità* e *particolarismo* grafico che costituiscono i cardini, per così dire, della trattazione. Se dal confronto paleografico tra manufatti di provenienza diversa emergono in certi secoli differenti e ben riconoscibili caratteristiche scrittorie, è da ammettere che siamo di fronte a differenziazioni geografiche nello svolgimento della scrittura greca, vale a dire ad un *particolarismo* che, se anche sembra presentarsi con fisionomia e significato diversi e comunque ben più limitati che nella civiltà scrittoria latina (nella quale, per tutta una serie di fattori storici e culturali che le sono propri, si giunge alla formazione di scritture nazionali), non è certo meno interessante. Le somiglianze saranno sempre molto più numerose, più forti e sostanziali delle differenze: è un fatto ovvio e facilmente constatabile nelle scritture greche come nelle latine,[4] ma non è lecito parlare di *unità* se poi differenze nella dinamica evolutiva, speciali legature o alcune peculiarità nel tratteggio anche solo di poche lettere non siano reperibili nei papiri d'Egitto e si rivelino quindi *particolari* di altre aree geografiche.

Unità e *particolarismo* hanno valore dunque in quanto termini contrapposti, stando la prima ad indicare un processo evolutivo del tutto indifferenziato della scrittura greca in regioni diverse, e l'altro il manifestarsi di caratteri esclusivi di determinate entità geografiche.

Prima di ogni altra testimonianza non-egiziana viene in considerazione il frammento orfico trovato a Derveni (Macedonia)[5] e riferito dall' editore, Stylianos G. Kapsomenos, al IV secolo a.C. sul fondamento di un'accurata analisi paleografica.[6] Sia tale papiro, sia il noto Timoteo di Abusir, P. Berol. 9875,[7] mostrano che le prime manifestazioni di scrittura greca letteraria restano sostanzialmente e *unitariamente* legate alle forme epigrafiche, anche se il *volumen* di Derveni rivela una maggiore elaborazione calligrafica, indice, forse, di un indirizzio di scuola.

Un'ampia documentazione della scrittura libraria greca fuori d'Egitto è offerta dai papiri di Ercolano, i quali in buona parte – è ipotesi plausibile e già avanzata dagli studiosi – potrebbero essere stati scritti in Grecia e quindi portati in Italia;[8] in tal caso noi saremmo in condizione di sapere qualcosa di meno vago sulla scrittura greca della madre-patria. Per quanto riguarda il tema che qui interessa, vale a dire *unità* e *particolarismo* grafico, ogni affermazione di qualche fondatezza si potrà fare solo quando la paleografia dei papiri di Ercolano sarà stata affrontata in tutta la sua vasta e problematica complessità;[9] mi limiterò pertanto ad alcune brevi notazioni. Appare molto probabile, innanzi tutto, che alcuni tra i papiri ercolanesi contenenti opere di Epicuro, o

4. G. Cencetti, *Lineamenti di storia della scrittura latina,* Bologna, 1954-1956, pp. 160 sg.

5. Tessalonica, Museo Archeologico. Per i papiri e le pergamene di cui non è data in nota la segnatura si vedano A. Calderini, *Papyri,* 3. ed., Milano, 1962, pp. 193-204, e, per i soli testi letterari, R.A. Pack, *The Greek and Latin Literary Texts from Greco-Roman Egypt,* 2. ed., Ann Arbor, 1965, pp. 13-15, ove sono reperibili elenchi delle collezioni con relativa segnatura.

6. S.G. Kapsomenos, "'Ο *ὀρφικὸς πάπυρος τῆς Θεσσαλονίκης*," in *Ἀρχαιολογικὸν Δελτίον* 19, 1964, pp. 17-25, in particolare pp. 20 sg.; facs. tavv. 12-15.

7. Ed. U. von Wilamowitz-Moellendorff, *Timotheos, die Perser,* Leipzig, 1903; facs. *The New Palaeographical Society. Facsimiles of Ancient Manuscripts* etc., ed. by E.M. Thompson, G.F. Warner, F.G. Kenyon and J.P. Gilson, I Series, 2 vols., London, 1903-1912, tav. 22; E.M. Thompson, *An Introduction to Greek and Latin Palaeography,* Oxford, 1912, facs. 1; W. Schubart, *Papyri Graecae Berolinenses,* Bonnae-Oxoniae, 1911, tav. 1 e *Griechische Palaeographie cit.,* fig. 64; Norsa, *La scrittura letteraria greca cit.,* tav. 1; C.H. Roberts, *Greek Literary Hands 350 B.C. – A.D. 400,* Oxford, 1956, tav. 1.

8. D. Comparetti, "La bibliothèque de Philodème," in *Mélanges offerts à M. Emile Chatelain,* Paris, 1910, pp. 127 sg.; B. Hemmerdinger, "Deux notes papyrologiques," in *REG* 72, 1959, p. 106.

9. Non più che valore largamente orientativo possono avere le ricerche di F.G. Kenyon, "The Palaeography of the Herculaneum Papyri," in *Festschrift Theodor Gomperz,* Wien, 1902, pp. 373-380, e del Comparetti, " La bibliothèque de Philodème" *cit.,* pp. 118-129. Gli sparsi cenni sulla paleografia dei papiri di Ercolano, reperibili in diversi manuali, raccolte, edizioni e studi passati e recenti, vanno approfonditi e verificati alla luce di un riesame diretto e di un discorso di carattere generale.

anche di certi seguaci del maestro, siano di gran lunga più antichi del termine *ante quem* del 79 d.C.,[10] come mi sembra, per esempio, *P. Herc.* 1417-1479 *del περὶ φύσεως* di Epicuro:[11] le analogie grafiche con il *Fedone* di Londra, *P. Petr.* I 5-8,[12] consiglierebbero di assegnare il testo epicureo al III secolo a.C., data alla quale viene riferito il papiro londinese, e nel contempo parrebbero indicare una fase scrittoria *unitaria*. In altri papiri, forse non più tardi del I secolo a.C.[13] e recanti per la maggior parte opere di Filodemo, sono constatabili certe affinità con le scritture coeve d'Egitto più nella composizione grafica generale che nei particolari: si può proporre il confronto tra *P. Herc.* 994-1676[14] e *P. Lond.* 354[15] o anche tra *P. Herc.* 1423[16] e *P. Berol.* 9775.[17] Aspetti *particolaristici* ben chiari si rescontrano invece in papiri di Demetrio Lacone, come *P. Herc.* 1013, *P. Herc.* 1014, *P. Herc.* 1429a,[18] che recano caratteristiche scrittorie non attestate nei papiri egiziani: sono da osservare in *P. Herc.* 1014 le speciali forme delle lettere *alpha, eta, omega,* e in *P. Herc.* 1429a, oltre che taluni elementi *particolari*, la marcata inclinazione della scrittura a destra, fenomeno che, si sa, nella maiuscola letteraria greco-egizia non è anteriore al II secolo d.C., mentre *P. Herc.* 1429a è senza dubbio più antico. Un altro aspetto *particolaristico* me sembra vada considerato l'influsso, già intorno al I secolo a.C., della capitale romana su certa scrittura greca: ne costituisce significativa testimonianza *P. Herc.* 380 della *Retorica* di Filodemo,[19] nel quale le influenze latine risultano tecnicamente più sostanziali che in tipi di scrittura greco-egizia del II secolo d.C., dove converrebbe parlare piuttosto di suggestioni di gusto. Manufatti greci prodotti in ambiente scrittorio latino dovevano necessariamente rimanere, almeno in parte, da questo influenzati, sicché, sotto il profilo *particolaristico,* il fenomeno potrebbe indicare i *volumina* di quasi sicura origine italica o anche campana. In conclusione i papiri ercolanesi (si pensi soprattutto a quelli di Demetrio Lacone) mostrano un primo indizio che lo svolgimento della scrittura greca non è stato sempre *unitario*.

Una conferma in tal senso costituiscono i papiri e le pergamene provenienti dall' oriente ellenistico. Vorrei iniziarne lo studio dalle pergamene trovate ad Avroman nel Kurdistan persia

10. Comparetti, "La bibliothèque de Philodème" *cit.*, pp. 127 sg.; F. Sbordone, "Due programmi papirologici all' inizio del secolo scorso," in *I papiri ercolanesi* I, Napoli, 1954, p. 59.

11. Segnalo l'edizione di A. Vogliano, *Epicuri et Epicureorum scripta in Herculanensibus papyris servata,* Berolini, 1928, pp. XV sg., 1-19, 99-107.

12. *P. Lit. Lond.* 145. Facs. *P. Petr.* I, tav. V (4); Schubart, *Griechische Palaeographie cit.,* fig. 67.

13. Kenyon, "The Palaeography of the Herculaneum Papyri" *cit.*, pp. 378 sg.

14. Estratti di *P. Herc.* 994 sono stati pubblicati da T. Gomperz, "Philodem und die ästhetischen Schriften der Herkulanischen Bibliothek," in *Sitzungsber. der Kais. Akad. der Wiss. Wien*, (*Phil-hist. Kl.* 123, 1891,VI Abh.; le colonne III-VIII sono state edite da F. Sbordone, "Udito e intelletto in un nuovo testo filodemeo (*Pap. Herc.* 994)," in *La parola del passato* 44,1955, pp. 390-403; le colonne XXI-XXXVIII sempre da F. Sbordone, "Filodemo e la teorica dell' eufonia," in *Rendiconti dell'Accademia di Archeologia, Lettere e Belle Arti di Napoli,* N.S. 30, 1955, pp. 25-51, facs. tavv. I e II. *P. Herc.* 1676 è stato pubblicato da J. Heidmann, *Der Papyrus 1676 der Herculanensischen Bibliothek (Philodemos περὶ ποιημάτων), Text und Uebersetzung*, Inaugural-Dissertation, Bonn, 1937; ma si leggano anche i recenti studi di F. Sbordone, "'Per un' edizione del *περὶ ποιημάτων* di Filodemo," in *Rendiconti dell' Accademia di Archeologia, Lettere e Belle Arti di Napoli,* N.S. 31, 1956, pp. 161-177, facs. tav. II; e "Filodemo contro Eracleodoro nel papiro ercolanese 1676," in *Rendiconti dell' Accademia di Archeologia, Lettere e Belle Arti di Napoli,* N.S. 32, 1957, pp. 173-180.

15. Facs. *P. Lond.* II, tav. 6; F.G. Kenyon, *The Palaeography of Greek Papyri,* Oxford, 1899, tav. XIV; Thompson, *An Introduction to Greek and Latin Palaeography cit.,* facs. 7; Norsa, *La scrittura letteraria greca cit.,* tav. 7a; Roberts, *Greek Literary Hands cit.,* tav. 9a.

16. Ed. S. Sudhaus, *Philodemi volumina rhetorica* I, Lipsiae, 1892, pp. 147-161.

17. *BKT* V 2. 131-139. Facs. Schubart, *Papyri Graecae Berolinenses cit.,* tav. 11b.

18. Dei papiri di Demetrio Lacone qui considerati ricordo l'edizione di V. De Falco, *L'epicureo Demetrio Lacone,* Napoli, 1923, pp. 61-65, 82-96 e 106-108.

19. Ed. S. Sudhaus. *Philodemi volumina rhetorica* II, Lipsiae, 1896, pp. 190-192.

no,[20] *Pg. Avroman* 1 dell' 88 a.C.[21] e *Pg. Avroman* 2 del 22/21 a.C.:[22] esse recano scritture rozze ed incolte. ricche di forme, legamenti e pseudolegamenti che non s'incontrano nei papiri d'Egitto; si osservino già solo in *Pg. Avroman* 2 *eta* a forma di *upsilon* minuscolo, *mu* di aspetto simile ad un *pi, nu* sovente di tipo minuscolo e le legature veramente caratteristiche *epsilon+iota, eta+iota, upsilon+tau* (forse uno pseudolegamento); ma ve ne sono anche altre. Le scritture del Kurdistan costituiscono senza dubbio un fatto *particolaristico*, ed è significativo che Ellis H. Minns concludesse di essere stato "singularly unsuccessful" nel cercare analogie tolemaiche per i legamenti di Avroman.[23]

Delle pergamene e dei papiri di Dura-Europos, la colonia macedone presso l'Eufrate, è stato già fatto, da C. Bradford Welles un valido studio paleografico;[24] non resta quindi molto da aggiungere. I primi scritti di Dura (si pensi a O. Yale Inv. 45 del III secolo a.C.[25] e a *Pg. Dura* 15 dell' inizio del II[26]) non mostrano spiccate differenze da quelli coevi d'Egitto (calzante il confronto, istituito dagli editori, tra l'ostracon Yale e *P. Eleph.* 3 del 284/3 a.C.[27]), ma tra il I secolo a.C. e il II d C. la scrittura documentaria (la sola ben attestata a Dura) si presenta uniforme, statica, priva di vitalità evolutiva, e quindi molto diversa nella struttura grafica generale dalla documentaria greco-egizia della stessa epoca: si confrontino (e richiamo l'attenzione soltanto su pochi tra i molti esempi) *Pg. Dura* 18 dell' 87 d.C.,[28] *Pg. Dura* 24 del 159/60,[29] *Pg. Dura* 17 del 180;[30] caratteristiche poi le lettere *beta* ed *epsilon* che sporgono *sempre* oltre il rigo superiore. In generale la scrittura greca a Dura dà la forte impressione di una realtà culturale arretrata e rappresenta anch' essa, almeno fino a tutto il II secolo d.C., un ramo evolutivo *particolare,* come del resto sembra implicitamente ammettere lo stesso Welles nel parlare di un "Dura style." Soltanto dopo alcuni decenni dalla conquista romana essa si adegua nel tratteggio delle forme e nel *ductus* al grado di svolgimento grafico che ci è ben noto dai papiri d'Egitto (basti ricordare *Pg. Dura* 12 del 225/50,[31] *P. Dura* 126 del 235,[32] *P. Dura* 29 del 251,[33] sicchè il *particolarismo* sembra vada ricomponendosi in *unità.*

Altre indicazioni sulla realtà scrittoria dell' Asia ci vengono da P. Vindob. G. 24552[34] e da

20. Ed. E.H. Minns, "Parchments of the Parthian Period from Avroman in Kurdistan," in *JHS* 35, 1915, pp. 22-65; facs. tavv. I e II. Per altre riproduzioni si vedano le successive note 21 e 22.

21. Londra, British Museum, Add. MS. 38895 A. Facs. *The New Palaeographical Society. Facsimiles of Ancient Manuscripts etc.*, ed. by E.M. Thompson, G.F. Warner, F.G. Kenyon, J.P. Gilson, J.A. Herbert and H.I. Bell, II Series, 2 vols., London, 1913-1930, tav. 51; Schubart, *Grieschische Palaeographie cit.,* fig. 18.

22. Londra, British Museum, Add. MS. 38895 B. Facs. *New Palaeographical Society . . . ,* II Series *cit.,* tav. 52.

23. Minns, "Parchments of the Parthian Period from Avroman" *cit.,* p. 27.

24. C.B. Welles in *P. Dura,* pp. 52-55; ma si legga anche, dello stesso Welles, "The Hellenism of Dura-Europos," in *Aegyptus* 39, 1959, pp. 26 sg.

25. New Haven (Connecticut), Yale University Art Gallery. Ed. R.N. Frye – J.F. Gilliam – H. Ingholt – C.B. Welles, "Inscriptions from Dura-Europus," in *YClS* 14, 1955, pp. 169 sg.; facs. tav. III, 2.

26. Parigi, Bibliothèque Nationale, Paris. suppl. gr. 1354. Facs. *New Palaeographical Society . . . ,* II Series *cit.,* tav. 156; P. *Dura,* tav. V, 1.

27. Cairo, Musée des Antiquitès Egyptiennes du Caire. Facs. Schubart, *Papyri Graecae Berolinenses cit.,* tav. 4a.

28. New Haven (Connecticut), Yale University Library. Facs. *P. Dura,* tav. VI. Sempre alla Yale University Library sono conservati i successivi *P.* e *Pg. Dura* qui presi in considerazione.

29. Facs. *P. Dura,* tav. XI,2.

30. Facs. *P. Dura,* tav. XIII.

31. Facs. *P. Dura,* tav. XXVIII,1.

32. Facs. *P. Dura,* tav. XXII,2; R. Seider, *Paläographie der griechischen Papyri* I, Stuttgart, 1967, tav. 28, fig. 45.

33. Facs. *P. Dura,* tav. XXV.

34. Ed. H. Liebesny, "Ein Erlass des Königs Ptolemaios II Philadelphos über die Deklaration von Vieh und Sklaven in Syrien und Phönikien (PER Inv. Nr. 24.552 gr.)," in *Aegyptus* 16, 1936, pp. 257-288.

P. Berol. 9008[35] vergati il primo probabilmente e l'altro di sicuro in Siria, da P. Berol. 7403[36] scritto a Side in Pamfilia, e da P. Berol. 7367[37] proveniente da Myra in Licia. Nel papiro di Vienna, riferibile al 262/60 a.C. non si notano differenze grafiche in relazione ai papiri egiziani (potrei suggerire il confronto con *PSI* 512 dell' archivio di Zenone),[38] mentre nell' altro papiro di Siria, P. Berol. 9008 databile tra il 138 e il 161 d.C., sono rilevabili talune caratteristiche non-egiziane: la linea mediana di *epsilon* inizia di regola fuori del corpo della lettera, a sinistra della curva, e il tratto finale di *alpha* in legamento con lettera seguente risulta innalzato al livello del rigo superiore, un po' allungato e perfettamente orizzontale. Anche nel papiro di Pamfilia, P. Berol. 7403 del 151 d.C., *alpha* in legamento assume una forma peculiare: la lettera mostra l'occhiello piccolo e la linea ascendente piegata verso sinistra, tanto da somigliare ad una *d* onciale latina. Nel papiro di Licia infine, P. Berol. 7367 del 206 d.C., già Wilhelm Schubart notava giustamente certe "genug auffällige Besonderheiten":[39] la speciale legatura *alpha+iota, delta* di tipo minuscolo e così talvolta *sigma*, la forma di *mu*, ma non sono le sole. Tale documentazione, pur tanto scarsa, parrebbe dimostrare che in Siria, Pamfilia, Licia, la scrittura greca assunse nel corso del suo svolgersi talunti caratteri sconosciuti in Egitto.

Un buon numero di testimonianze non-egiziane viene a noi dalla Palestina. Se *P. Cair. Zen.* 59003 del 259 a.C.,[40] vergato in Ammonitide, è dovuto a mano indigena (purtroppo non se ne può avere certezza assoluta), documenta una fase grafica *unitaria* in relazione ai papiri d'Egitto del III secolo a.C.: vi si ritrovano, infatti, le ben note forme dei documenti zenoniani. Ma più tardi, nel I-II secolo d.C., la scrittura sia letteraria sia documentaria in Palestina (o almeno sulle rive del Mar Morto, dove sono venuti alla luce papiri e pergamene di questo periodo), pur restando affine a quella greco-egizia coeva, presenta taluni elementi *particolari*. Nella libraria di frammenti membranacei dei Piccoli Profeti pubblicati da Dominique Barthélemy[41] si notano apici ornamentali proiettati fortemente verso destra, un fenomeno stilistico sconosciuto alla scrittura d'Egitto; qualche particolarità si incontra anche nei testi documentari, trovati in gran parte nelle grotte di Murabba'ât e riferibili quasi tutti alla prima metà del II secolo d.C.: da segnalare in *DJD* II 89,[42] *DJD* II 90,[43] *DJD* II 94,[44] *DJD* II 96[45] (tutti frammenti di pergamena) un tipo di *beta* molto simile ad una *S* maiuscola latina che, nelle scritture greco-egizie, sembra non sia reperibile prima del IV secolo. Tali caratteristiche (i coronamenti proiettati verso destra, il *beta* ora esaminato) appariranno, se pur sporadicamente, nel III secolo a Dura-Europos, mentre nelle scritture greche del Mar Morto sembrano ritrovarsi certi elementi del "Dura style": si tratta di influenze reciproche? Mi limito solo a porre il problema, proponendomi di discuterlo, con più ampia documentazione, in altra sede. Dalla costa mediterranea (quindi dalla Palestina extra-

35. *BGU* 895.
36. *BGU* 887.
37. *BGU* 913. Facs. Schubart, *Griechische Palaeographie cit.*, fig. 44.
38. Firenze, Biblioteca Medicea Laurenziana. Facs. M. Norsa, *Papiri greci delle collezioni italiane. Scritture documentarie* I, Roma, 1929, tav. IV.
39. Schubart, *Griechische Palaeographie cit.*, pp. 72 sg., il quale parla anche di "fremde Züge" nel papiro di Myra, ma resta tuttavia legato alla convinzione dell' *unitarietà* di svolgimento della scrittura greca.
40. Facs. *P. Cair. Zen.* I, tav. II.
41. Gerusalemme, Palestine Archeological Museum. Ed. D. Barthélemy, "Redécouverte d'un chaînon manquant de l'histoire de la Septante," in *RBi* 60, 1953, pp. 18-29 con facsimile; e *Les devanciers d'Aquila,* Leiden, 1963.
42. Gerusalemme, Palestine Archeological Museum. Facs. *DJD* II, tav. LXXIV. Sempre al Palestine Archeological Museum sono conservate le altre pergamene DJD qui prese in esame.
43. Facs. *DJD* II, tav. LXXV.
44. Facs. *DJD* II, tav. LXXVII.
45. Facs. *DJD* II, tav. LXXVIII.

giudaica) viene invece P. Berol. 5024,[46] il noto papiro di Ascalona del 359 d.C., nel quale la scrittura, senz' altro di mano cancelleresca, mostra stretta affinità con quella di P. Lond. 234,[47] lettera dell' archivio di Abinneo del 350 ca.[48] Infine, tutti di età bizantina, i *P. Colt*, provenienti da Nessana nella regione del Negeb (Palestina meridionale), non mostrano speciali caratteristiche grafiche:[49] nella prassi documentale è di uso comune la corsiva più o meno fluente e ormai minuscola (si può ricordare *P. Colt* 22 del 566[50] o *P. Colt* 44 del 598[51]) correntemente adoperata nei papiri greco-egizi del VI-VII secolo; per quanto riguarda le scritture librarie, sono attestate a Nessana le cosiddette "onciale slava" (ne sono buoni esempi *P. Colt* 1[52] e *P. Colt* 6[53]) e "onciale copta" (*P. Colt* 3[54] *P. Colt* 4,[55] *P. Colt* 5[56]), l'una e l'altra, come si sa, largamente diffuse anche in Egitto.[57]

Una fase scrittoria unitaria indicano anche i papiri scritti a Costantinopoli, almeno i pochi a noi giunti, tutti del VI secolo e dell' archivio di Dioscoro di Afrodito: *P. Cair. Masp.* 67126 del 541,[58] il quale non presenta "keinen Strich, der nicht ebenso in Aegypten hätte ausfallen können,"[59] e *P. Cair. Masp.* 67032 del 551;[60] inoltre – più interessanti perché provenienti dalle alte sfere burocratiche della capitale – P. Gen. Inv. 210[61] e P. Hamb. Inv. 410[62] (ambedue riferibili intorno al 550[63]), le cui forme cancelleresche trovano fondate analogie in P. Berol. 7027,[64] un *vadimonium* del 559 vergato a Memfi.[65] L'età bizantina del resto è quella in cui il mondo greco ritrova una nuova unità politica, sociale, economica e quindi culturale e scrittoria.

46. *BGU* 316. Facs. U. Wilcken, *Tafeln zur älteren griechischen Palaeographie,* Leipzig, 1891, tav. XVI; Schubart, *Griechische Palaeographie cit.,* fig. 57.

47. *P. Abinn.* 3 Facs. *P. Lond.,* tav. 95; *The Palaeographical Society. Facsimiles of Manuscripts and Inscriptions*, ed. by E.A. Bond, E.M. Thompson and G.F. Warner, II Series, 2 vols., London, 1884-1894, tav. 189; Thompson, *An Introduction to Greek and Latin Palaeography cit.,* facs. 36; Schubart, *Griechische Palaeographie cit.,* fig. 56; Bataille, *Les papyrus cit.,* tav. IV; Seider, *Paläographie der griechischen Papyri* I *cit.,* tav. 31, fig. 49.

48. Schubart, *Griechische Palaeographie cit.,* p. 89.

49. C.J. Kraemer, "The Colt Papyri from Palestine," in *Actes du Ve Congrès International de Papyrologie, Oxford, 30 Août – 3 Septembre 1937,* Bruxelles, 1938, p. 242.

50. Facs. *P. Colt* III, tav. 1.

51. Facs. *P. Colt* III, tav. 3.

52. Facs. *P. Colt* II, tavv. 1-3.

53. Facs. *P. Colt* II, tav. 5.

54. Facs. *P. Colt* II, tav. 4-5.

55. Facs. *P. Colt* II, tav. 5.

56. Facs. *P. Colt* II, tav. 6.

57. Si leggano per l'"onciale slava" W. Lameere, *Aperçus de paléographie homérique,* Paris-Bruxelles-Anvers-Amsterdam, 1960, pp. 177-181, e per l'"onciale copta" J. Irigoin, "L'onciale grecque de type copte," in *JOByzG* 8, 1959, pp. 29-51.

58. Facs. *P. Cair. Masp.* II, tav. I; Schubart, *Griechische Palaeographie cit.,* fig. 59.

59. Schubart, *Griechische Palaeographie cit.,* p. 92.

60. Facs. *P. Cair. Masp.* I, tavv. XXII-XXIII.

61. Ed. V. Martin, "A letter from Constantinople," in *JEA* 15, 1929, pp. 96-102. Facs. *The New Palaeographical Society,* II Series *cit.*, tav. 183; Seider, *Paläographie der griechischen Papyri* I *cit.,* tav. 35 fig. 55.

62. Ed. R.G. Salomon, "A Papyrus from Constantinople (Hamburg Inv. No. 410)," in *JEA* 34, 1948, pp. 98-108 con facsimile.

63. Sembra che P. Gen. Inv. 210 sia da riferire al 551 (Martin, "A Letter from Constantinople" *cit.,* pp. 96-99) e P. Hamb. Inv. 410 al 547/9 (Salomon, "A Papyrus from Constantinople" *cit.,* pp. 101-105).

64. *BGU* 255. Facs. Schubart, *Papyri Graecae Berolinenses cit.,* tav. 46; Seider, *Paläographie der griechischen Papyri* I *cit.,* tav. 37, fig. 58.

65. Un puntuale confronto tra le scritture dei papiri cancellereschi di Costantinopoli e *P. Berol.* 7027 è già stato istituito dal Salomon, "A Papyrus from Constantinople" *cit.,* pp. 107 sg.

Da tutto il precedente discorso risulta, se pure a linee imprecise e limitatamente all' aspetto *unità-particolarismo* grafico (peraltro non ancora indagato a fondo), quella che pare sia stata l'evoluzione della scrittura greca dei papiri, la quale, come fenomeno culturale, è parte della più complessa storia della civiltà greco-ellenistica. Insieme ai costumi, alla lingua, al pensiero, alla letteratura, si diffondeva attraverso l'immenso impero di Alessandro anche la scrittura greca, forse conservatasi per qualche tempo *unitaria* nei diversi territori ellenizzati. E'quanto lasciano credere le testimonianze non-egiziane del IV e del III secolo a.C., le quali, dal frammento di Derveni a *P. Herc.* 1417-1479 e all' ostracon Yale di Dura-Europos, appaiono prive di caratteristiche grafiche *particolari*. D'altra parte fino al 250 ca. a.C., vale a dire in quel periodo felicemente definito da Rudolf Pfeiffer "Hochhellenismus,"[66] i Greci all' estero si fusero molto scarsamente con le popolazioni indigene, sicché le prime manifestazioni della cultura ellenistica furono genuinamente greche. Ma un movimento di così vasta portata non poteva rimanere indifferenziato: l'ellenismo, si sa, ebbe nei paesi d'Occidente un corso diverso che in quelli d'Oriente, e negli uni e negli altri si svolse con ben marcate, ulteriori differenze a seconda di culture e tradizioni locali con cui veniva a contatto. La scrittura, come parte di questo movimento, ne seguiva le sorti.

Intorno al II secolo a.C. si passava così dall' *unità* al *particolarismo* grafico; pur se, per mancanza di una documentazione adeguata, non è possibile precisare in che limiti territoriali determinati fenomeni si siano manifestati, ne risulta senz' altro dimostrata l'esistenza. I papiri ercolanesi di Demetrio Lacone dànno un primo indizio che l'evoluzione della scrittura greca non è stata *unitaria*; ulteriore prova costituiscono i testimoni dell' oriente ellenistico: talune forme e legature del Kurdistan, le scritture statiche e arretrate di Dura-Europos, certi elementi reperibili nei papiri di Siria, Pamfilia, Licia o nelle pergamene delle rive del Mar Morto sono tutti aspetti di una realtà grafica differenziata in relazione a quella egiziana e pertanto *particolaristica*. Diventa quindi un mito del passato la tesi dell' assoluta *unitarietà* di svolgimento della scrittura greca tanto cara agli studiosi di ieri, da Wilhelm Schubart a Medea Norsa.

Soltanto con il III secolo d.C. sembra sia iniziato quel processo evolutivo che, gradatamente, conduce ad una rinnovata *unità*. Al fenomeno dovettero contribuire in campo documentario la sempre più efficiente e capillare organizzazione amministrativa delle provincie dell' impero, ed in quello librario la forza avanzante del cristianesimo con la conseguente diffusione dei testi sacri. Manca purtroppo, per i secoli IV e V d.C., un congruo numero di testimonianze sicuramente non-egiziane perché si possa ricostruire il passaggio dal *particolarismo* all'*unità* che pure, in quest' epoca, dovè senz' altro svolgersi: già il solo papiro di Ascalona del 359 ne mostra in atto il processo, il quale nel VI secolo, come provano i papiri di Nessana e di Costantinopoli, è ormai un fatto compiuto.

L'unità politica e culturale dell' impero bizantino, così fortemente sentita da Giustiniano, dava il definitivo suggello alla ricostituitasi *unità* scrittoria.

66. R. Pfeiffer, recens. a U. von Wilamowitz-Moellendorff, *Hellenistische Dichtung in der Zeit des Kallimachos,* 2 B.de, Berlin 1924. — *Callimachi Hymni et Epigrammata,* 4. ed., Berlin, 1925, in *DLZ* 46, 1925, col. 2136.

THE DATE OF THE COMMENCEMENT OF THE PREFECTURE OF AVIDIUS HELIODORUS

Revel Coles

Among the unpublished papyri from Oxyrhynchus belonging to the Egypt Exploration Society are two fragments from a third-century cession of land containing in a third-century hand on the verso two damaged columns from an official document or documents,[1] followed by a third column containing effectively intact in fourteen lines a copy of an edict of Gaius Avidius Heliodorus, prefect of Egypt, on the subject of jointly owned property. This third column is as follows:

Γάι[ο]ς [Ἀουί]διος Ἡλιόδωρος ἔπαρχος
Αἰγύ[πτο]υ λέγει· ὁρῶ πολλοὺς ἐν-
τυγ[χά]νοντάς μοι περὶ τῶν πι-
πρασκομένων κοινωνιμέων
κτημάτων ἄνευ τῆς τῶν κοι-
νωνῶν γνώμης· εἰ μὴ πρότε-
ρον διὰ μεταδό[σ]ιμον μεταδῷ
τοῖς μὲν κοινωνοῖς ἐν ἡμέραις
ἑξήκοντα, τοῖς δὲ γείτοσι ἐν ἡ-
μέραις τρ[ιά]κοντα, ὃς ἐὰν πω-
λήσῃ μὴ μεταδοὺς αὐτοῖς στερη-
θήσεται καὶ τῆς τειμῆς χωρὶς τοῦ
ἐπιπληχθῆναι. (ἔτους) κα Ἀδριανοῦ
Καίσαρος τοῦ κυρίου, Θὼθ ι.

A more general commentary will accompany a complete transcript of the papyrus when it is included in the *Oxyrhynchus Papyri* series; in this paper I am concerned with one particular problem only, namely the date in lines 13-14 – 10th of Thoth, 21st year of Hadrian, that is, September 7th, 136. The accepted latest date for Heliodorus' predecessor Petronius Mamertinus is May 26th, 137 (from *SB* 7367); the earliest date for Heliodorus is October 21st, 137, from *PSI* 1262 where Heliodorus is not mentioned but Mamertinus is mentioned as being out of office;[2] this is supported by *P. Philad.* 4, which shows Heliodorus in office on November 8th of the same year. It should be mentioned here that this particular changeover in the prefectural

1. The first column may be from a report of proceedings, the more fragmentary second column from an edict, perhaps cited in the case as Heliodorus' edict may have been; unless what we have is a collection of passages on a particular subject.
2. That Heliodorus directly succeeded Mamertinus seems likely from *P. Ryl.* 678.

lists has been bedevilled by misprints or errors of one sort or another virtually everywhere it has been treated.[3] A fresh consideration and reassessment of the accepted evidence is perhaps now due.

The accepted *terminus ante quem* for the commencement of Heliodorus' prefecture is given, as I have said, by *PSI* 1262, where Mamertinus is described as ἡγεμονεύσαντος. This papyrus is a series of receipts for the price of πυρὸς συναγοραστικός, contributed from the γένημα of an unspecified year in accordance with the orders of the then prefect Mamertinus. Can it be calculated when Mamertinus was in office and gave these orders? The evidence would indicate that πυρὸς συναγοραστικός was levied when corn prices were high particularly as the result of a poor (or excessive) Nile flood. A poor flood could affect prices over a period of nearly two years, by increasing retrospectively the price of produce of the harvest preceding, until produce became available from the harvest consequent on the *next* flood (assuming that was a normal one.) Which year's flood, then, gave rise to Mamertinus' order? The flood of 137 *could* theoretically be taken into account, but is barely possible; and in any case the evidence would indicate that the flood of 137 was adequate.[4] A poor flood in 136 *seems* the obvious answer, with the refund made on account of corn levied from the harvest of 137: so that Mamertinus' order could perhaps be put in autumn 136, thus contradicting the evidence of the new Oxyrhynchus papyrus. Do we know what sort of flood was that of 136? There is an edict of Hadrian, now known from three exemplars, according an 'alleviation' of the tax burden because of two consecutive poor floods; this edict was published in Alexandria in May or June of a year originally believed to be 137, so that the poor floods would be those of 135 and 136. By the publication of the third exemplar *(P. Osl.* III 78) this date had been put back from 137 to 136, so that the floods would be those of 134 and 135.[5] While conceding the possibility of a *third* consecutive poor flood, in 136,[6] it seems to me that there may be grounds for interpreting *PSI* 1262 as follows: that the refund was made after a long delay in October 137 on account of corn levied from the harvest of 136 in accordance with an order of Mamertinus consequent on a poor flood in 135 and made perhaps soon after, say in the autumn of 135.

The apparently latest date for Mamertinus' prefecture is provided by the petition to the iuridicus Julius Maximianus, *SB* 7367,[7] of May 26th (Παῦνι α) of an uncertain year. The

3. It may be of value to give a list here of the relevant *corrigenda*: I apologise to reviewers who may already have corrected these points. Stein, *Die Präfekten*, p. 68 margin, for 21 IX 137 read 21 X 137 (so p. 70 para. 2); in any case this is the *terminus ante quem* for Heliodorus, not the *terminus post quem* for Mamertinus. Page 70, for Frick read Frisk. Turner's review of Stein, *JEA*, 1952, p. 138, para. 3, for 8 ix 137 read 8 xi 137. Reinmuth, *A Working List of the Prefects*, *BASP* 4, 1967: p. 95 under Mamertinus, §2, for 21 Sept. 137 read 21 Oct. 137. Under Heliodorus, §1, for 8 Sept. read 8 Nov. Similar errors occur in Reinmuth, *RE* Suppl. 8, pp. 531-2. Reinmuth, *The Prefect of Egypt*, p. 134, has more such errors, but in any case is outdated by the newer material.

4. *PSI* 315.5-6. I am much indebted here and in what follows to Mme. Danielle Bonneau for information on individual Nile floods in advance of the publication of her book on this. In *P. Teb.* 610 ποταμοφορήτου occurs several times and a 22nd year is mentioned, but Mme. Bonneau does not think this should be assigned to the reign of Hadrian.

5. See the Oslo edition for references. There is independent evidence that the floods of 134 and 135 were unsatisfactory (*P. Oxy.* 810 for 134; *P. Iand.* 136 for 135). Hadrian's edict is also discussed in *P. Col.* V (*Tax Documents from Theadelphia*), p. 313. I have not myself been able to examine the Cairo exemplar A (*Journal d'entrée* 49359), in original or photograph, to verify the reading of κ for κα in line 24. However, the edict was *drawn up* at least in Hadrian's 20th year of *tribunicia potestas* (line 3; = 10 Dec. 135 – 9 Dec. 136); given that the 134 and 135 floods were poor, the 136 flood apparently satisfactory (see the next note) and the implausibility therefore of a delay of at least eight months between the drafting of the edict (before the 136 flood) and its supposed date of publication in Alexandria (Παῦνι 137), the new reading seems *a priori* probable.

6. A poor flood in 136? But Mme. Bonneau writes that such little information as she has gathered inclines rather in favour of an ordinary flood in this year.

7. *SB* 7367 = Frisk, *Aegyptus* 9, 1928, p. 286.

original editor dated the text to ἔτους β of Antoninus, that is 139, but Stein[8] changed this to ἔτους κα of Hadrian (that is, May 26th, 137), pointing out the mention of Mamertinus as ἡγεμόνος (that is, apparently still in office) and that Heliodorus was in office on May 26th, 139 and also on May 26th, 138; and that, on the other hand, Maximianus *was* known to be in office in 138 or 139, so that the latest possible date in Hadrian's reign was desirable. However, neither the known tenure of any other known iuridicus nor our knowledge of the length of tenure of the office preclude reading ἔτους κ, which *prima facie* will better suit the lacuna,[9] so that the petition *could* date from May 26th, 136, and thus forfeit its place as the *terminus post quem* for the end of Mamertinus' prefecture.

Working backwards, the next date for Mamertinus' prefecture is provided by *P. Würzb.* 9. 60-65, namely the 30th of Mecheir, 21st year of Hadrian, that is February 24th, 137. The date here is a 'direct' date; the passage is a copy of a letter of Mamertinus, with the date at the end, and no secondary considerations are involved. This is the only other fixed date for Mamertinus later than the date for Heliodorus given by the new papyrus. I owe to the kindness of the University Library in Würzburg a detail photograph of the relevant part of *P. Würzb.* 9, and there cannot be any real doubt about Wilcken's reading of the date. The issue thus becomes a straight fight between two texts each with a 'direct' date and each on its own of equal value to the other. Can any support be adduced for *P. Würzb.* 9? *P. Oxy.* 2413, an account of tax arrears in retrospective order, has at the top of its third column Πετρωνίου Μαμερτείνου χρόνων, κα (ἔτους) Ἀδριανοῦ. I think this may safely be taken as indicating that Mamertinus was in office *sometime* in the 21st year of Hadrian, that is 136/7; unless one is to try and force this into the few days before the 10th day of Thoth, this papyrus must combine with *P. Würzb.* 9 to reject the evidence for an early date for Heliodorus. To recapitulate, the latest safe date for Mamertinus is February 24th, 137 from *P. Würzb.* 9; the earliest safe date for Heliodorus is October 21st, 137 from *PSI* 1262.

However, I think, very conjecturally, that we can be much more precise than this. I have shown that I do not think Thoth 10 of the 21st year in our papyrus can be accepted as a date for Heliodorus; presumably we must regard it as a later (third century) writer's error. Yet if we are not to rule this later writer's evidence out of court altogether, it is possible that what was meant was (ἔτους) κβ of Hadrian, that is September 7th, 137, which would be a new *terminus ante quem* for the commencement of Heliodorus' prefecture. What of Mamertinus? I said a moment ago that *P. Oxy.* 2413 indicates that he was in office sometime during the 21st year. It may be that 2413's information is much more precise than this. The account works in reverse chronological order. The first column is supposed to have contained the heading Ἀουιδίου Ἡλιοδώρου χρόνων; the second column begins with β (ἔτους) (of Antoninus), then α (ἔτους) (line 12); we then pass straight to κα (ἔτους) of Hadrian (the second line of Column III), the 22nd year not being mentioned. This last fact, along with the inclusion of the 1st year of Antoninus, ought to indicate that we are dealing with the ends of years, and thus that the 21st year of Hadrian ended with Mamertinus still in office. Can we then pinpoint the changeover from Mamertinus to Heliodorus to between the end of Hadrian's 21st year and the 10th of Thoth of his 22nd, that is to say between August 28th and September 7th 137?

8. *Die Präfekten*, p. 70.
9. I have not seen the papyrus or a photograph of it.

LA COLLEZIONE DEI PAPIRI DI FIRENZE

Iginio Crisci

La collezione dei papiri di Firenze è attualmente costituita dalle note serie di testi pubblicati e da una notevole e variamente preziosa quantità di documenti inediti. I papiri che fino ad oggi sono stati oggetto di pubblicazione rientrano nelle due collane di volumi noti agli studiosi con le sigle dei *P. Flor. (Papiri Fiorentini)* e dei *PSI (Papiri della Società Italiana).*

Prima in ordine di tempo è apparsa la serie dei *P. Flor.* in tre volumi, dei quali il primo e il terzo a cura di Girolamo Vitelli rispettivamente nel 1906 e 1915, il secondo nel 1911 a cura di Domenico Comparetti. Tale raccolta, comprendente circa 390 "pezzi," è costituita in prevalenza da papiri documentarî, fra i quali, per importanza e notorietà, ricorderemo quelli dell' archivio di Eronino, il noto *φροντιστής* di Teadelfia nel III sec. d.C. (cf. *P. Flor.* II, pp. 41-252). La preziosa raccolta pervenne a Firenze in più riprese fra il 1901 e il 1904, in séguito ad acquisti effettuati sul mercato antiquario egiziano ad opera di Evaristo Breccia, Ernesto Schiaparelli e particolarmente del Vitelli, che riuscì ad assicurare a Firenze la maggior parte dei documenti eroniniani. Anche i papiri dei voll. I e III risalgono in gran parte ad acquisti effettuati a varie riprese fra il 1900 e il 1905 dallo Schiaparelli, dal Vitelli e dal Breccia in diverse località d'Egitto: Ghizeh, il Cairo, Medinet el-Faijûm, Kâu el-Gebîr. Intanto iniziavano, nel 1903, per conto del Vitelli, ad Ashmunên (Hermopolis) lavori di scavo ad opera dello Schiaparelli e del Breccia: attività ripresa e proseguita dallo Schiaparelli anche nei primi mesi del 1904. Tutti i papiri pubblicati nei tre volumi dei *P. Flor.* furono ceduti alla Biblioteca Medicea Laurenziana di Firenze, dove attualmente sono conservati, ad eccezione dei *P. Flor.* 111; 169; 187; 272 e 274, che, per il momento, devono considerarsi smarriti. Il no. 324 invece è conservato nell' Istituto Papirologico "G. Vitelli."

Il fervore di ricerca e di studio che aveva in pochi anni attirato su Firenze l'interesse e l'attesa dei papirologi, doveva trarre garanzia di continuità e di coordinamento grazie alla costituzione della "Società Italiana per la ricerca dei papiri greci e latini in Egitto" (1 giugno 1908), promossa e caldeggiata dal Dr. Angiolo Orvieto, scomparso nel dicembre 1967 a 98 anni d'età, e vivamente rimpianto. Tale "Società," di cui ricorre quest'anno il sessantennio, trovò larghe adesioni in Italia e determinò la ripresa di lavori di scavo e di contatti col mercato antiquario egiziano, che consentirono di dare inizio alla pubblicazione dei *PSI,* che, a decorrere dal 1912, in una serie ripartita finora in 14 volumi (il XV è di prossima pubblicazione), doveva assicurare a Firenze giusta rinomanza nel campo della papirologia. A tutt' oggi i *PSI* fra papiri, pergamene ed ostraca, contano un numero di 1452 testi pubblicati sotto la direzione di Girolamo Vitelli, Medea Norsa e Vittorio Bartoletti.

Non è nostro proposito in questo momento esporre dettagliatamente le vicende che hanno accompagnato le fasi della costituzione della ricca collezione fiorentina;[1] vorremmo soltanto offrire un lavoro limitato, ma che riteniamo utile agli studiosi. Capita di frequente che, nel proprio lavoro, il papirologo si trovi nella necessità di ricorrere per controlli e riscontri all'esame dei testi originali o almeno a buone riproduzioni fotografiche. Allo scopo pertanto di agevolare il reperimento degli originali e le richieste delle relative fotografie abbiamo pensato di presentare l'elenco dei papiri della "Società Italiana" accompagnati dall' indicazione del luogo in cui a noi risulta che attualmente siano conservati o se invece, al punto a cui è giunta la nostra ricerca, essi debbano considerarsi smarriti o distrutti. Ma prima di dare séguito all' elenco in parola, vorremmo fare un rapido accenno a un ultimo punto riguardante il nostro argomento: vogliamo riferici alla collezione dei papiri tuttora inediti e conservati nell' Istituto Papirologico "G. Vitelli" dell' Università di Firenze. Essa comprende oltre un migliaio di papiri di varia estensione e stato di conservazione, restaurati e ordinati secondo un numero d'inventario. Per la quasi totalità si tratta di testi documentarî di varia epoca a partire dall' età tolemaica fino al periodo arabo inoltrato: papiri e pergamene greci, demotici e copti, ai quali va aggiunto un piccolo gruppo di documenti arabi su carta in ottimo stato di conservazione.

Tale raccolta di testi inediti è il risultato di un lungo lavoro di restauro promosso e caldeggiato dal compianto Prof. V. Bartoletti ed effettuato su un'ingente quantità di papiri giacenti da tempo in cassette ancora nello stato, sovente assai precario, nel quale erano pervenuti a Firenze in séguito a misssioni di scavo promosse dall' Istituto Papirologico prima della seconda guerra mondiale.

Se volessimo dare anche brevemente un ragguaglio descrittivo di essi, andremmo al di là dei limiti di tempo consentito. Ci limitiamo a ricordare alcuni testi recentemente pubblicati in varie sedi e che troveranno sistemazione definitiva nel vol. XV dei *PSI*.[2]

Ma vorremmo anche aggiungere la menzione di alcuni frammenti omerici di una certa ampiezza, un frammento di scolî omerici (No. Inv. 122 = *PSI* 1464); un frammento epico (*PSI* 1466); un altro di tragedia (*PSI* 1473); e inoltre il No. Inv. 2001 (= *PSI* 1498) con Hesiod., *Theog. 341 sqq.;* No. Inv. 2012 con Demosth., *De falsa leg. 251-2, 253-4*; il No. Inv. 31: oroscopo; il No. Inv. 51: commentario ad espressioni poetiche (= *PSI* 1471); il No. Inv. 179: restituzione di un mutuo; il No. Inv. 151: testo astrologico; il No. Inv. 340 *κατ'οἰκίαν ἀπογραφή*; il No. Inv. 362: resoconto di un praktor allo stratego (= *PSI* 1547); il No. Inv. 497: conti e registrazioni d'età tolemaica e infine il No. Inv. 525: contratto d'affitto.

Pensiamo così di concludere questa rapida e forzatamente limitata rassegna dei papiri inediti della raccolta fiorentina, che, nel suo complesso, per numero, varietà e interesse dei testi, risponderà ancora, lo vogliamo sperare, nelle future pubblicazioni all' attesa degli studiosi di papirologia.

1. Per le notizie in proposito rimandiamo, oltre che alle introduzioni ai singoli volumi dei *PSI*, agli articoli di G. Vitelli, "I papiri della Società Italiana," in *Atene e Roma* N.S. *III*, 1922, pp. 81-94; di M. Norsa, "Papiri e papirologia in Italia," in *Historia,* 1929, pp. 1-30 e, in particolare, di V. Bartoletti, "La papirologia in Italia," in *Atene e Roma* N.S. *IV,* 1954, pp. 1-20.

2. V. Bartoletti, "Frammenti di un florilegio gnomologico in un papiro fiorentino," in *Atti dell'XI Congresso Internazionale di Papirologia,* Milano, 1966, pp. 1-14 (=*PSI* 1476). M. Manfredi, "Dai papiri della Società Italiana " (Estratto dal vol. XV dei *PSI*), Firenze, 1966. M. Naldini, "Papiro cristiano della raccolta fiorentina," in *Atene e Roma,* N.S. *V,* 1966, pp. 27-30 (= *PSI* 1560).

PAPIRI DELLA SOCIETA ITALIANA

Numero	Luogo di conservazione
1-8	Biblioteca Laurenziana di Firenze.
9	smarrito (?)
10-13	Biblioteca Laurenziana di Firenze.
14	smarrito (?)
15-117	Biblioteca Laurenziana di Firenze.
118	smarrito (?)
119-265	Biblioteca Laurenziana di Firenze.
266	smarrito (?)
267-269	Biblioteca Laurenziana di Firenze.
270	smarrito (?)
271-278	Biblioteca Laurenziana di Firenze.
279	smarrito (?)
280-432	Biblioteca Laurenziana di Firenze.
433-445	Museo del Cairo.
446-452	Biblioteca Laurenziana di Firenze.
453	Biblioteca Apostolica Vaticana. Città del Vaticano.
454-681	Biblioteca Laurenziana Firenze.
682	Istituto Papirologico Università di Firenze.
683-782	Biblioteca Laurenziana di Firenze.
783	Istituto Papirologico Università di Firenze.
784-806	Biblioteca Laurenziana di Firenze.
807	Museo del Cairo.
808-819	Biblioteca Laurenziana di Firenze.
820	Museo del Cairo.
821-870	Biblioteca Laurenziana di Firenze.
871-896	Museo del Cairo.
897-900	Biblioteca Laurenziana di Firenze.
901-918	Museo del Cairo.
919-920	Museo Archeologico di Firenze.
921-939	Museo Greco-Romano d'Alessandria.

Numero	Luogo di conservazione
940-980	Biblioteca Laurenziana di Firenze.
981	Museo del Cairo.
982-986	Biblioteca Laurenziana di Firenze.
987	smarrito (?)
988-995	Biblioteca Laurenziana di Firenze.
996	smarrito (?)
997-1013	Biblioteca Laurenziana di Firenze.
1014-1025	Museo Egizio di Torino.
1026-1040	Biblioteca Laurenziana di Firenze.
1041	Biblioteca Apostolica Vaticana. Città del Vaticano.
1042	Biblioteca Laurenziana di Firenze.
1043-1061	Museo Greco-Romano d'Alessandria.
1062-1083	Biblioteca Laurenziana di Firenze.
1084	smarrito (?)
1085	Istituto Papirologico Università di Firenze.
1086-1097	Biblioteca Laurenziana di Firenze.
1098	Museo del Cairo.
1099-1160	Biblioteca Laurenziana di Firenze.
1161	Biblioteca Apostolica Vaticana. Città del Vaticano
1162-1187	Biblioteca Laurenziana di Firenze.
1188-1189	Museo del Cairo.
1190-1191	Biblioteca Laurenziana di Firenze.
1192	Museo del Cairo.
1193-1194	Biblioteca Laurenziana di Firenze.
1195-1196	Museo del Cairo.
1197-1198	Biblioteca Laurenziana di Firenze.
1199	Museo del Cairo.
1200	Biblioteca Laurenziana di Firenze.
1201	Museo del Cairo.
1202-1203	Biblioteca Laurenziana di Firenze.
1204	Museo del Cairo.
1205	Biblioteca Laurenziana di Firenze.

Numero	Luogo di conservazione
1206	Museo del Cairo.
1207	Biblioteca Laurenziana di Firenze.
1208	Museo del Cairo.
1209	Biblioteca Laurenziana di Firenze.
1210	Museo del Cairo.
1211	Biblioteca Laurenziana di Firenze.
1212	Museo del Cairo.
1213-1214	Biblioteca Laurenziana di Firenze.
1215-1216	Museo del Cairo.
1217-1218	Biblioteca Laurenziana di Firenze.
1219	Museo del Cairo.
1220	Biblioteca Laurenziana di Firenze.
1221	Museo del Cairo.
1222-1242	Biblioteca Laurenziana di Firenze.
1243	Museo del Cairo.
1244-1247	Biblioteca Laurenziana di Firenze.
1248-1250	Museo del Cairo.
1251-1258	Biblioteca Laurenziana di Firenze.
1259	Museo del Cairo.
1260-1273	Biblioteca Laurenziana di Firenze.
1274-1275	Museo del Cairo.
1276-1278	Biblioteca Laurenziana di Firenze.
1279-1281	Museo del Cairo.
1282-1283	Biblioteca Laurenziana di Firenze.
1284-1285	Museo del Cairo.
1286-1287	Biblioteca Laurenziana di Firenze.
1288-1295	Museo del Cairo.
1296	Istituto Papirologico Università di Firenze.
1297	Distrutto per cause belliche.
1298-1299	Museo del Cairo.
1300	Biblioteca Laurenziana di Firenze.
1301-1303	Museo del Cairo.

Numero	Luogo di conservazione
1304	Istituto Papirologico Università di Firenze.
1305-1306	Museo del Cairo.
1307	Biblioteca Laurenziana di Firenze.
1308	Distrutto per cause belliche.
1309	Museo del Cairo.
1310-1314	Biblioteca Laurenziana di Firenze.
1315	Museo del Cairo.
1316	Biblioteca Laurenziana di Firenze.
1317-1318	Istituto Papirologico Università di Firenze.
1319-1320	Biblioteca Laurenziana di Firenze.
1321	Istituto Papirologico Università di Firenze.
1322	Museo del Cairo.
1323-1326	Istituto Papirologico Università di Firenze.
1327-1330	Museo del Cairo.
1331	Biblioteca Laurenziana di Firenze.
1332-1334	Museo del Cairo.
1335	Istituto Papirologico Università di Firenze.
1336	Museo del Cairo.
1337-1340	Istituto Papirologico Università di Firenze.
1341	Biblioteca Laurenziana di Firenze.
1342	Istituto Papirologico Università di Firenze.
1343-1344	Museo del Cairo.
1345	Istituto Papirologico Università di Firenze.
1346	Museo del Cairo.
1347-1348	Biblioteca Laurenziana di Firenze.
1349	Istituto Papirologico Università di Firenze.
1350	Biblioteca Laurenziana di Firenze.
1351-1355	Istituto Papirologico Università di Firenze.
1356-1358	Museo del Cairo.
1359-1360	Istituto Papirologico Università di Firenze.
1361-1362	Museo del Cairo.
1363-1364	Istituto Papirologico Università di Firenze.

Numero	Luogo di conservazione
1365	Museo del Cairo.
1366	Istituto Papirologico Università di Firenze.
1367-1368	Museo del Cairo.
1369-1370	Istituto Papirologico Università di Firenze.
1371	Biblioteca Laurenziana di Firenze.
1372-1398	Istituto Papirologico Università di Firenze.
1399-1400	Biblioteca Laurenziana di Firenze.
1401	Distrutto per cause belliche.
1402-1410	Istituto Papirologico Università di Firenze.
1411	Di proprietà della Famiglia Paoli, Firenze.
1412-1440	Istituto Papirologico Università di Firenze.
1441	Biblioteca Laurenziana di Firenze.
1442-1448	Istituto Papirologico Università di Firenze.
1449	Biblioteca Laurenziana di Firenze.
1450-1451	Istituto Papirologico Università di Firenze.
1452	Museo Archeologico di Firenze.

P. MED. INV. 123

Sergio Daris

Con il numero di inventario 123 è conservato nella raccolta dell'Università Cattolica di Milano un frustulo di papiro che non solo appare irregolarmente spezzato lungo i quattro lati ma presenta anche la parte di testo superstite in condizioni non buone. Il papiro, che raggiunge le dimensioni massime di cm. 7.5 di larghezza e di cm. 11 di altezza, è stato utilizzato in due momenti successivi. Sul recto (che ha maggiormente sofferto del deterioramento) resta, più o meno visibile, la parte finale di 13 righe di scrittura documentaria, appartenente ad un testo contabile, relativo a prodotti dell'agricoltura, che però non è in nessun modo utile per ricavare elementi circa la provenienza del papiro stesso. Non sembrano possibili dubbi sulla datazione del recto attribuibile alla seconda metà del secondo secolo dopo Cristo.

Il verso (a foglio capovolto) è occupato completamente da una colonna di scrittura libraria, per un totale di 18 righe che ne costituiscono la parte conclusiva; l'ultima riga è seguita dal margine inferiore bianco, alto non meno di 4 cm. La rottura del papiro a sinistra interessa direttamente l'inizio di ciascuna riga, ma la lacuna non supera l'ampiezza di una lettera alle righe 3-10 e si mantiene in proporzioni modeste anche in quelle successive. A destra il testo può considerarsi completo; per il tratto centrale (in corrispondenza delle righe 6-12) si conserva uno spazio bianco di cm. 1.5 circa che è quanto resta della divisione tra colonna e colonna.

La scrittura del verso appartiene al tipo calligrafico più diffuso tra la fine del secolo II e l'inizio del III, dalle forme angolose ed inclinate sensibilmente a destra. Non eccelle per eleganza tanto da non disdegnare, alla riga 12, una abbreviazione di chiara origine documentaria. Il contrasto tra le lettere strette e le lettere larghe è molto marcato; stettissime e tendenzialmente angolose sono ϵ e σ con le quali fa opposizione l'ampiezza del ν e dell' α, angolosa e divaricata. In un esempio di scrittura tanto comune può essere ricordata come caratterizzante la forma dell'ω che appare costituito da due tratti verticali ugualmente concavi verso destra ed uniti alla base da un tratto assolutamente rettilineo.

La lunghezza di ciascuna riga tende a stabilizzarsi su una media di 18 lettere nella sezione iniziale e finale del frammento là dove maggiore attenzione è dedicata dallo scriba all'armonia del suo testo. In due occasioni, alla fine delle righe 3 e 4, rispettivamente di 17 e 16 lettere, viene usato il segno di completamento ⟩.

Tra i numerosi elementi di confronto che il papiro suggerisce sembra particolarmente utile richiamare il Dioscoride del Michigan[1] del secolo II che ripete esattamente il contrasto nella

1. C. Bonner, "A Papyrus of Dioscurides in the University of Michigan Collection," in *TAPA* 53, 1922, pp. 142-168, *P. Mich.* 3 = Pack^{2}346, v. la tavola III; le righe 51-87 della colonna III sono riprodotte in C. Roberts, *Greek Literary Hands 350 B.C. — A.D. 400,* Oxford, 1956, tavola 15 c.

dimensione delle varie lettere e l'impiego dei segni di completamento in righe peraltro di lunghezza quasi doppia. Come esempio di questo tipo calligrafico ma in un testo a colonna stretta si può citare *PSI* XII 1284 tav. VII, anch' esso attribuito al secolo II.[2] L'evidenza di questi confronti e soprattutto il rapporto con la scrittura documentaria del recto inducono a datare entro la fine dello stesso secolo anche la stesura del testo letterario.

Il passo conservato dal papiro è chiaramente diviso in due sezioni, la seconda delle quali (righe 13-18) è introdotta da un titolo che ne annuncia la natura paradossografica e segna l'avvio di un rapido elenco (addirittura scheletrico nella forma) di fenomeni aberranti dall'ordine consueto della realtà.

Analogo carattere di rassegna—evidentemente da collocare in un contesto diverso—hanno le righe precedenti che sono tutte consacrate all'elenco dei nomi dei cani di Atteone e rappresentano un nuovo apporto, di interesse non trascurabile, alla varia e tormentata tradizione di questo catalogo che appare essere stato elemento integrante nel mito dell'eroe beota.[3]

E' noto che, oltre alle notizie, riprese da numerose fonti, intorno alla morte di Atteone, esistono precise testimonianze che accertano la presenza, già in data molto antica, di un brano catalogico nel quale, nome per nome, erano menzionati i cani che avevano partecipato allo scempio del padrone. A questa tradizione mitografica si ispirano i due brani di poesia citati da Apollodoro[4] ed il frammento di Eschilo[5] riportato da Polluce,[6] dai quali affiorano alcuni nomi non sempre recuperabili con certezza.[7] Di ben altro respiro e di peso maggiore sono le informazioni che si ricavano circa il catalogo dalle due fonti di lingua latina, Ovidio ed Igino.

Il primo, che dedica all'episodio di Atteone uno dei brani più celebri dell'intero poema,[8] si indugia nella trattazione catalogica con una prima serie ininterrotta di 19 versi[9] ai quali aggiunge successivamente un'altra coppia di esametri.[10] L' elenco che ne risulta è, di conseguenza, considerevolmente abbondante con il suo totale di 36 nomi che fanno di esso il repertorio onomastico più ricco.[11]

2. Cf. inoltre *PSI* 1304 tav. IV (sec. II), *P. Oxy.* 447 tav. VI (sec. II), *P. Oxy.* 1604 tav. I, *P. Oxy.* 2619 tav. III (sec. II-III), per la forma dell'*omega*, *P. Med.* 16 tav. III (sec. II-III).

3. Per le fonti del mito v. V.H. Roscher, *Ausführliches Lexikon der griechischen und römischen Mythologie*, I coll. 214-217, Leipzig, 1884, *RE* I coll. 1209-1211; per l'elaborazione letteraria in particolare L. Castiglioni, *Studi alessandrini II- Atteone e Artemis*, Catania, 1913.

4. Apollodori, *Bibliotheca* iii.4.4 ed. R. Wagner, Leipzig, 1894 (*Mythographi Graeci* I, *Epic. adesp.* fr. 1 Powell (*Collectanea Alexandrina* Oxford, 1925, p. 71) sul quale ora cf. G. Salanitro," Actaeonis epillium" in *Helikon* 7 1967, pp. 428-432; i due brani di poesia sono stati ricongiunti e attribuiti – assieme al frammento *adesp.* 37 A – all' Ἀκταιονίς di Stesicoro da T. Bergk, *Poetae Lyrici graeci* III[4], Leipzig, 1882, fr. *adesp.* 39; cf. Stesich. fr. 236 in *Poetae melici graeci* ed. D.L. Page, Oxford, 1962; per una possibile attribuzione esiodea cf. A. Casanova, "Il mito di Atteone nel Catalogo esiodeo," in *Riv. Filol. Istr. Class.* 97, 1969, pp. 31-46.

5. Aesch. fr. 423 Mette: *τὰ μὲν δὴ τῶν* Ἀκταίονος *κυνῶν ὀνόματα κατὰ τὴν* Αἰσχύλου *δόξαν* "Κόραξ Ἅρπυια Χάρων Λυκόττας." il frammento proviene dalle Τοξότιδες: sulla collocazione del passo nella tragedia v. L. Castiglioni, *op. cit.*, p. 23.

6. Poll. *Onom.* v. 47 Bethe (*Lexicographi graeci* IX, Leipzig, 1900).

7. Sembrano appartenere ad un catalogo i nomi del frammento di Alcmane fr. 87 d Page (= Alcm. 85 D.[2], fr. *adesp.* 37 A Bergk): Μελάμποδά *τ'* Ἀρπολυκόν *τε*.

8. Ovid. *Met.* iii.138-252; cf. A. Dal Zotto, *La leggenda di Atteone in Ovidio Met. III 138-252*, Feltre, 1907.

9. *Met.* iii.206-225.

10. *Met.* iii.232-233.

11. In ordine alfabetico essi sono: Aello (219) Agre (212) Agriodus (224) Alce (217) Asbolus (218) Canache (217) Cyprius (220) Dorceus (210) Dromas (217) Harpalus (222) Harpyia (215) Hylactor (224) Hylaeus (213) Ichnobates (207) Labros (224) Lachne (222) Lachon (219) Ladon (216) Laelaps (211) Leucon (218) Lycisce (220) Melampus (206) Melanchaetes (232) Melaneus (222) Nape (214) Nebrophonus (211) Oresitrophus (233) Oribasus (210) Pamphagus (210) Poemenis (215) Pterelas (212) Sticte (217) Theridamas (233) Theron (211) Tigris (217) Thous (220); Ovidio lascia intendere di conoscerne altri ancora (v. 225).

Il mito di Atteone è ripreso nelle *Fabulae* 180-181 di Igino,[12] la seconda delle quali è della massima importanza per il nostro argomento. Il consueto racconto dei fatti è completato dal mitografo latino con l'aggiunta di un doppio catalogo dei nomi dei cani, raggruppati in maschi e femmine,[13] come avviene nel nostro papiro. Il primo elenco, citato senza l'indicazione della fonte, mostra una totale dipendenza dal passo ovidiano, fedelmente ripreso persino nell'ordine della elencazione ma non sempre bene capito come dimostra la bizzarra attribuzione del sesso.[14] A questa prima rassegna ed a uno scolorito accenno sulla sua provenienza,[15] tien dietro immediatamente il secondo catalogo che annovera 46 animali, 25 maschi e 21 femmine, del tutto nuovi rispetto all'elenco di origine ovidiana.[16]

Appare subito chiaro che a questo secondo catalogo si accosta la rassegna del nuovo frammento, vicina ad esso anche nella somma totale di 47 cani.[17] Dei 29 nomi dei cani di sesso maschile originariamente citati dal papiro, 22 sono superstiti;[18] ciononostante il confronto per questa parte si rivela ugualmente istruttivo e bene ci illumina sui contatti e le divergenze nell' interno delle due serie del papiro e di Igino.

Nei sette casi di perfetta corrispondenza del gruppo maschile,[19] i nomi si richiamano in una identica successione, la quale rispecchia una tecnica abituale per questo catalogo. Se la congettura della riga 2 è accettabile, uno solo dei 6 nomi testimoniati[20] dal papiro ed assenti anche dalla seconda lista di Igino non sarebbe nuovo in senso assoluto;[21] tra gli altri di certa lettura e sconosciuti anche alle altre fonti, merita una particolare attenzione la serie *Atreus, Aineus, Dion, Myros*: una simile predilezione onomastica è estranea ai cataloghi di Igino ma si ritrova in uno dei passi di poesia citati da Apollodoro.[22]

Pressapoco analoghi, sul piano statistico,[23] sono i rilievi che si possono fare circa il gruppo dei nomi femminili e sulla loro corrispondenza o novità nei confronti del secondo catalogo di Igino.[24] Anche in questa sezione si ottiene une conferma del particolare rapporto tra il papiro e

12. Hygini *Fabulae recensuit prolegomenis commentario appendice instruxit* H.I. Rose, Leiden, 1963.
13. Nel primo catalogo la divisione resta solo nelle intenzioni cf. Hyg. *op. cit.* p. 126 Rose.
14. L' unica differenza è offerta da *Asbolus* che non figura nella lista di Igino e da *Aura* che manca in quella di Ovidio.
15. Hyg. *Fab.* 181.5: *item alii auctores tradunt haec nomina.*
16. Due soli nomi di questo elenco appartengono anche alla lista di Ovidio: *Melampus* (cf. app. crit. *ad loc.* e Alcm. fr. 87 d Page). Il secondo catalogo di Igino comprende – in ordine di presentazione – i seguenti nomi: Acamas, Syrus, Leon (?), Stilbon, Agrius, Charops, Aethon, Corus (?), Boreas, Draco, Eudromus, Dromius, Zephyrus, Lampus, Haemon, Cyllopodes, Harpalicus, Ichneus, Melampus (?), Ocydromus, Borax, Ocythous, Pachylus (?), Obrimus (maschi); Argo, Arethusa, Urania, Theriope, Dinomache, Dioxippe, Echione, Gorgo, Cyllo, Harpyia, Lynceste, Leaena, Lacaena, Ocypete, Ocydrome, Oxyrhoe, Orias, + Sagnos, Theriphone, + Volatos, + Chediaetros. Si può notare come, nella maggior parte dei casi, siano ben lontane le norme pratiche suggerite per la scelta dei nomi dagli scrittori tecnici, cf. Xenoph. *Cyneg.* vii.5.
17. Tra le fonti più importanti, il solo Apollodoro *Biblioth.* iii.4.4 dà espressamente il tradizionale numero di 50.
18. Mangos (?), Charops (Hyg. *Fab.* 181.5, Roscher, *Lex.* I 886-7 n.5), Aithon (Hyg. *loc. cit.*, Roscher, *op. cit.* I 200 n.8), Atreus, Aineus (conosciuti solo come antroponimi), Boreas (Hyg. *loc. cit.*, fr. *adesp.* 39 B Bergk), Dracon (Hyg. *loc. cit.*, Roscher, *op. cit.* I 1200), Dion, Myros (conosciuti solo come antroponimi), Haimon (Hyg. *loc. cit.*, Roscher, *op. cit.* I 1816), Ichneumon (non appare altrove sotto questa forma ma corrisponde ad Ichnobates di Hyg. *op. cit.* 181.3 ed a Icneus di 181.5), Ocydromos (Hyg. *op. cit.* 181.5).
19. Charops Aithon – Boreas Dracon – Haimon – Ichneumon – Ocydromos.
20. Dorkas, Mangos, Atreus, Aineus, Dion, Myros.
21. Dorkas, cf. Ovid. *Met.* iii.210 e Hyg. *Fab.* 181.3.
22. Fr. *adesp.* 39 Bergk Λυγκεὺς καὶ Βαλώς.
23. Su 14 nomi leggibili, 6 sono nuovi; Harpyia (Hyg. *Fab.* 181.5, Roscher, *Lex.* I 1847), Kelaino, Harpe (sconosciuti come nomi per animali), Gorge (Hyg. *loc. cit.*), Lygre, Arge (Hyg. *loc. cit.*), Aithusa (forse equivale ad Arethusa di Hyg. *loc. cit.*), Marma-, Therophone (Hyg. *loc. cit.*, Roscher, *op. cit.* V 655), Leaina (Hyg. *loc. cit.*, Roscher, *op. cit.* II 1919), Oxyboe, Ly-, Ocythoe (Roscher, *op. cit.* II 828 s.v. *Ocypete*), Deinomache (Hyg. *loc. cit.*, Roscher, *op. cit.* I 979).
24. Kelaino, Harpe, Lygre, Marma-, Oxyboe, Ocythoe.

la fonte latina, improntato ad una trasparente affinità ma non ad una stretta interdipendenza mentre risulta innegabile nel catalogo del papiro una accentuata organicità di struttura che potrebbe indicare in una lontana ma unica fonte[25] l'origine dell' estratto.[26]

Alla riga 13 gli interessi del nostro testo sembrano cambiare e spostarsi alla considerazione dei fatti prodigiosi dei quali, poco dopo (riga 15), incominciava un elenco che oggi si interrompe con la fine della colonna ed in coincidenza del secondo esempio citato.

Il primo posto della nuova rassegna è occupato dall' Idra di Lerna[27] la quale viene ricordata per il numero delle teste qui precisato in 50 secondo il mito variamente diffuso ed accolto già da Simonide.[28] La menzione di un simile essere prodigioso in un contesto di tale natura riveste il carattere di ossequio alla tradizione più comune di questa trattatistica; ad essa non sono neppure estranei gli altri mostri del ciclo di Eracle com'è provato persino dalle testimonianze più tarde.[29]

Se la ragione precisa che giustifica la presenza del secondo esempio non ci è conservata dal papiro, non è forse impossibile individuarne gli elementi fondamentali. La Licia[30] ed il territorio dei Faselitidi non sono sconosciuti alla paradossografia la quale ricorda l'esistenza di un fuoco perenne proprio in queste regione.[31] E' verisimile perciò che a questa caratteristica del tutto eccezionale faccia allusione il nostro testo,[32] considerata anche l' asciutta brevità con la quale è strutturata la rassegna.

Il problema più stimolante sollevato dal papiro concerne l'identificazione esatta della natura del testo che esso ci mette a disposizione. Le indicazioni utili a questo fine appaiono molto tenui e disponibili per conclusioni tra loro diverse, se si cerca di superare i limiti di una attribuzione generica in virtù della quale potremmo pensare sia ad uno scritto mito-paradossografico[33] sia ad una più modesta compilazione scolastica.[34]

25. Cf. nota 22.

26. Può essere interessante notare, nella serie dei nomi superstiti, una intensa aggettivazione euripidea: *Ὠκύδρομος* (riga 6) *Bacch.* 873 *ὠκυδρόμοις τ' ἀέλλαις θρῴσκει πεδίων*; *Γοργή* (riga 9) *Andr.* 458, *Phoen.* 146 *ὄμμασι γοργός*, *Suppl.* 322 *γοργὸν ὄμμ' ἀναβλέπει*; *Θηροφόνη* (riga 10 a) *Hipp.* 216 *θηροφόνοι στείβουσι κύνες*, *Herc.* 378 *θηροφόνον θεάν* (Artemide); fr. 773.32 (=*Phaet.* 80) *κυναγοὶ στείχουσω θηροφόνοι*; *Ὠκυθόη Suppl.* 993 *ὠκυθόαι νύμφαι*; *Μαρμα-* (riga 10) *Herc.* 884 *Λύσσα μαρμαρωπός*. Così non va trascurato neppure il rilievo che da uno dei più importanti paradossografi, Antigono di Caristo, derivano (*Hist. mir.* 115.2) i frammenti 420-421 Mette di Eschilo, appartenenti alle *Τοξότιδες* -nella quale tragedia si narrava la morte di Atteone, – oltre al già citato passo catalogico (fr. 423 Mette).

27. Roscher, *op. cit.* I, 2 coll. 2769-70, *RE* IX, 1 coll. 44-50; tra le testimonianze letterarie di recente acquisizione v. Hipp. 102 Masson cf. p. 153 (*P. Oxy.* 2175 I.11=Pack^2 548]*ὕδρον ἐν Λέρνῃ* cf. anche A. Farina, *Ipponatte*, Napoli, 1963, fr. 86.11 e p. 146) nonchè *P. Heid.* 181 II.3 (Epicharm. ?) =Pack^2 1623 *Λερνᾶτ[ι]ν ὕδραν* [; per la parte iconografica cf. R. Hampe, *Frühgriechische Sagenbilder in Böotien*, Atene, 1963.

28. *PML* fr. 569 Page = Schol. Hes. *Theog.* 313 (p. 245 Flach) = Alc. fr. 443 L-P.

29. Per tutte si veda Isid. *Etymol.* xi.3.33; per Cerbero cf. Sophocl. *Trach.* 1098 *Ἄιδου τρίκρανον σκύλακ'*, *ἀπρόσμαχον τέρας*, *δεινῆς Ἐχίδνης θρέμμα*, e per il Leone Nemeo (Theocr.) xxv.168 *κακὸν τέρας ἀγροιώταις ibid.* 214. *ὀλὸν τέρας ἐσκοπίαζον*.

30. Antig. *Hist. mir.* 17 (*Paradoxographorum graecorum reliquiae* recognovit, brevi adnotatione critica instruxit, latine reddidit A. Giannini, Milano, s.d.) e (Aristot.) *Mir. ausc.* 127.4.

31. Antig. *Hist. mir.* 166 = Callim. F 44 Giannini (=Ctesias fr. 45 c J.): *Περὶ δὲ πυρὸς Κτησίαν φησὶν ἱστορεῖν, ὅτι περὶ τὴν τῶν Φασηλιτῶν χώραν ἐπὶ τοῦ τῆς Χιμαίρας ὄρους ἔστιν τὸ καλούμενον ἀθάνατον πῦρ· τοῦτο δέ, ἐὰν μέν τις ὕδωρ ἐμβάλῃ, καίεσθαι βελτίον, ἐὰν δὲ φορυτὸν ἐπιβαλὼν πήξῃ τις, σβέννυσθαι.* (Aristot.) *Mir. aus.* 127.4: *καίεται δὲ συνεχῶς καὶ περὶ Λυκίαν καὶ Μεγάλην πόλιν τὴν ἐν Πελοποννήσῳ.*

32. Il tema paradossografico *περὶ πυρός*, oltre ai passi citati, figura anche in (Aristot.) *Mir. ausc.* 33a, 35-38a, 105 b 2, 114.

33. Sulla impossibilità di segnare confini netti tra questi due settori v. A. Giannini, "Studi sulla paradossografia greca I," in *Rend. Istit. Lomb. Classe di Lettere* 97, 1963, p. 249 sgg.

34. Nel primo caso si intende qui un'opera organicamente concepita, secondo un disegno preciso, il che non esclude affatto uno schema a rubriche; per compilazione scolastica un'opera preparata espressamente per gli usi della didattica con materiale desunto da fonti diverse e disposto nelle forme più conformi alle esigenze dell'insegnamento. (Il caso dell'opera letteraria, utilizzata nella sua forma genuina nella scuola, non interessa al nostro scopo e comunque rientra nella prima definizione. Per tutti i problemi connessi i testi scolastici v. G. Zalateo, "Papiri scolastici," in *Aegyptus* 41, 1961, pp. 160-235).

Davanti ad una soluzione che resta sospesa tra questi termini lontani tra loro sarebbe di non poco peso accertare la tecnica con la quale l'intero brano è articolato; il che significa stabilire l'esistenza o meno di un rapporto tra il catalogo dei cani ed il catalogo dei prodigi. Anche per questa circostanza sarà possibile soltanto ricorrere a qualche ipotesi, suggerita dall'attuale condizione del passo e dalla successione degli argomenti.

E' sin troppo evidente[35] che la rassegna dei prodigi, intesi come eccezioni alla natura, è limitata alla speciale rubrica (riga 15 sgg.) nella quale, per l'autore, il catalogo dei cani non aveva motivo di rientrare. Se però l'intero passo ha una sua logica e deve essere interpretato unitariamente piuttosto che come un accostamento di rubriche tra loro autonome, potrebbe risultare chiara la relazione tra i due brani. In nessun momento del mito di Atteone l'autore poteva ritrovare un sovvertimento delle leggi naturali;[36] ad esse si adegua anche la rabbia improvvisa dei cani che mai dimostrano caratteristiche naturali di eccezionalità. Di qui l'accostamento per opposizione dei due brani.[37]

L'importanza di una interpretazione unitaria o meno, ai fini di un più preciso orientamento, appare in tutta la sua evidenza in quanto determina il peso che le due opinioni (testo paradossografico o testo scolastico) hanno nella soluzione del problema. E' naturale che questo solo elemento di giudizio non sarà determinante per stabilire la vera natura del brano, ma risulta di non poco vantaggio per accostarci ad esso con minore incertezza. Se di un brano unitario si trattasse, non sarebbe illogico ritenerlo prodotto della trattatistica mitografica e paradossografica; quando invece si dovesse sottolineare nel nostro testo una struttura non organicamente concepita, non sarebbe facile negare ad esso la tecnica della elaborazione scolastica.

].σ[....]λα..
]κας Μάγγος Χάροψ
[A]ἴθων Ἀτρεὺς Αἰνεὺς ›
[B]ορέας Δράκων Δίων ›
Μύρος Αἷμων Ἰχνεύμων
Ὠκύδρομος γίνονται κθ̄
θήλειαι αἵδε·
[Ἄ]ρπυια Κελαινὼ Ἅρπη
[.]τεθ[...]μη Γοργὴ Λυγρὴ Ἀργή
[.]λα[...]. Αἴθουσα Μαρμα-
.... [Θ]ηροφόνη
[.]..ρεα Λέαινα Ὀξυβόη Λυ[
[Ὠ]κυθόη Δειν[ο]μάχη γί(νονται) ιη̄ [
Τ]άδε παρὰ φύσιν
τέ]ρατα μυθολογεῖται
[Ὕδρα] ἡ Λερναία ἐν Ἄργε[ι]
[πεν]τήκοντα κεφαλὰς
[ἔχου]σα.
[Ἡ χ]ώρα ἐν Λυκίαι πῦρ ..[

(*margine bianco*)

35. Cf. le note alla trascrizione a pagina 102.
36. La stessa metamorfosi di Atteone è dovuta ad un intervento soprannaturale della dea.
37. Nulla impedisce che ad una sezione di *Mirabilia περὶ μύθων* seguisse un'altra di *Mirabilia varia* (*de corpore, de igne*).

2.]κας: Δορ]κάς? cf. *Dorceus* in Ovid. *Met.* iii.210, Hyg. *Fab.* 181.3 (dove figura anche un *Arcas* che, quasi certamente, è da espungere.)

5. Μύρος: la lettera iniziale è da ritenersi sicura trattandosi di una lettera molto larga; per il nome cf. W. Pape, G. Benseler, *Wörterbuch der griechischen Eigennamen*, Braunschweig, 1911,[3] p. 962. E' quasi certo che proprio a questo punto iniziasse la riga come lo prova sia il numero delle lettere (18) sia la posizione in rapporto alla riga che segue; in caso contrario numerose sono le possibili congetture come si deduce da Hansen, *Rückl. Wörterb. Eigennam.* p. 283.

9. [.]τεθ[...]μη: Cf. Hyg. *Fab.* 181.6: *Ocypete, Ocydrome*. La sezione occupata dai nomi delle cagne è particolarmente disordinata con la conseguenza che il calcolo delle lettere per ciascuna riga diventa molto aleatorio; a questo si deve aggiungere che lo scriba non ha esitato a sfruttare lo spazio bianco dell'interlinea. Nelle cinque righe debbono trovare posto 18 nomi dei quali 14 sono leggibili del tutto o in parte; la localizzazione dei 4 nomi mancanti appare molto ipotetica anche per la ragione che non è da escludere la presenza nell'interlinea di almeno un secondo nome, quasi scomparso. In tale caso nella lacuna iniziale delle righe 9-10 sarebbero da recuperare 3 nomi.

10. Μαρμα-: l' ultimo nome è diviso tra due righe; come quello precedente deriva da una qualità esteriore dell'animale.

10a. Davanti al nome lievissime tracce di scrittura.

11. Λυ[: cf. Hyg. *Fab.* 181.6: *Lynceste* e Ovid *Met.* iii.220, Hyg. *Fab.* 181.3: *Lycisce*; entrambi i nomi sarebbero divisi tra due righe e bene si adatterebbero allo spazio della lacuna.

13. sgg.: La colonna riprende una disposizione più accurata sino all'ultima riga. E' chiaro che lo scriba vuole segnare graficamente l'inizio di una nuova rubrica; a tale scopo scrive il titolo, su due righe, al centro della colonna, come'è possibile arguire dallo spazio lasciato bianco a destra. Ne consegue che il numero delle lettere mancanti a sinistra si mantiene nei limiti ristretti delle righe precedenti, nonostante la materiale estensione della lacuna da questo punto sino alla fine (righe 13-18). Tale uso per i titoli è confermato anche dalla riga 7 con la quale le righe 13-14 perfettamente si allineano.

I FRAMMENTI PAPIRACEI ADESPOTI DELLA COMMEDIA NUOVA

D. Del Corno

Di molti fra i testi papiracei appartenenti alla commedia nuova, che sono venuti alla luce dalla fine del secolo scorso ai giorni nostri, la coincidenza con passi già noti ha permesso di individuare l'autore in Menandro. Ma non sempre si è prodotto questo caso fortunato; e numerosi frammenti sono rimasti adespoti. Fatta eccezione per alcuni tra i maggiori, questi sono stati piuttosto trascurati dai critici. La raccolta di Schröder ha ormai piú di cinquant'anni; e in seguito solo Page ha accolto nella sua silloge una scelta dei frammenti piú importanti.[1] Sarà dunque benemerita la nuova edizione annunciata da Colin Austin. Frattanto, mi sono proposto di delineare, in forma affatto schematica, un quadro d'assieme di questi testi, da cui ne risultino almeno le principali caratteristiche.

Preliminarmente occorre circoscrivere il materiale sottoposto all'indagine. In prima istanza, esso comprende i papiri comici adespoti, che occupano nel catalogo del prof. Pack i numeri dal *1642* al *1697*.[2] Prescinderemo infatti dai passi contenuti in antologie, gnomologi, testi scolastici, e da altri estratti analoghi, la cui tradizione presenta caratteri particolari, che esulano dai nostri fini. Tra questi rientrano anche i nn. *1691, 1695* e *1697* Pack, che dunque vanno stralciati dall'elenco, come pure i nn. *1665* e *1694*, parafrasi in prosa per cui vale lo stesso discorso.[3] Da tale complesso occorre poi togliere i nn. *1647* e *1656*, ora riconosciuti come appartenenti al *Sikyonios* di Menandro, e *1658*, relativo al *Misoumenos*; e inoltre altri tre frammenti, la cui appartenenza a Menandro si può ritenere certa: *1648* (*P. Oxy.* 1239 = Men. *fab. inc.* V Mette); *1659* (*P. Ant.* 15; *P. Schubart* 23 [?] = Men. *fab. inc.* II Mette) e *1654* (*PSI* 99, dall'*Encheiridion*);[4] vi lasceremo rientrare invece i frammenti per cui la paternità menandrea è soltanto presunta, anche se probabile.[5] Infine, ad esso vanno aggiunti alcuni ritrovamenti recenti, che non

1. O. Schröder, *Novae comoediae fragmenta in papyris reperta exceptis Menandreis,* Bonn, 1915; D. L. Page, *Greek Literary Papyri*, Vol. I (Poetry), nn. 59-72. Inoltre diversi sono esaminati da T. B. L. Webster, *Studies in Later Greek Comedy*, Manchester, 1950; cf. anche M. F. Galiano, "Los papiros de comedias griegas descubiertos en los ultimos años," *Arbor* 6, 1946, pp. 131-150.

2. R. A. Pack, *The Greek and Latin Literary Texts from Graeco-Roman Egypt,*[2] Ann Arbor, 1965, pp. 94-96, alla cui numerazione faranno poi riferimento in seguito i numeri stampati in corsivo. A p. 110 si trova una tavola di concordanza con gli estremi delle pubblicazioni dei singoli papiri, limitata – per ragioni di spazio – ai 36 frammenti definitivamente presi in esame (cf. p. 104). Mi scuso se per gli altri citati in precedenza debbo rimandare a una consultazione diretta del catalogo Pack.

3. Nega ora fondatamente che *1694* (*P. Schubart* 26) sia l' ipotesi di una commedia L. Koenen, *ZPE* 4, 1969, p. 7, n. 2.

4. Nei vv. 20-21 del primo si riconosce la formula stereotipa di conclusione, che ricorre in altri drammi menandrei (*Dyscolos, Misoumenos, Sikyonios*): cf. C. Corbato, *Studi menandrei*, Trieste, 1965, pp. 89 ss.; E. W. Handley, *BICS* 12, 1965, p. 62. Nell' intestazione di *P. Ant.* 15 si può decifrare la scritta M]ε̣[νανδ]ε̣ [ο̣]: cf. H. J. Mette, *Lustrum* 10, 1965, p. 180 (piú cautame e considerano la possibilità di questa lettura – e cosí l'appartenenza di *P. Schubart* 23 alla medesima commedia – J. W. B. Barns e H. Lloyd-Jones, *JHS* 84, 1964, p. 27; ma cf. anche C. Austin, *CR*, N.S. 17, 1967, p. 134, il quale propone di leggere nel rigo sottostante il titolo Ἄπισ]τ̣ος̣). Infine nel terzo compaiono i nomi Straton e Kerdon, rarissimi nella commedia, che in un pannello dei mosaici menandrei di Mitilene figurano quali personaggi dell' *Encheiridion* (v. una mia nota di imminente pubblicazione sulla *Parola del Passato*).

5. Ad esempio *1642* (*P. Ant.* 55 = Men. *fab. inc.* IV Mette) e *1645* (*P. Hib.* 181, attribuibile alla *Perinthia*: cf. A. Barigazzi, *Hermes* 88, 1960, pp. 379 ss.; Mette, pp. 165 s.).

figurano nel catalogo Pack: *P. Oxy.* 2533 e 2658, *P. Ant.* 122. L'insieme dei frammenti cosí ottenuto-va esaminato e classificato sotto tre diversi aspetti. Il primo (che concederà un' ulteriore selezione) riguarda il loro stato di conservazione; il secondo, le caratteristiche librarie e paleografiche; il terzo, l'analisi interna dei testi in essi tràditi.

Riguardo alla loro estensione e leggibilità, i nostri frammenti si possono suddividere in quattro gruppi. Il primo comprende i frammenti cosí mal ridotti, che non si può stabilire con certezza neppure se appartenessero alla commedia nuova: *1664, 1667, 1672,*[6] *1675, 1678, 1680, 1682, 1684, 1686, 1690, 1692, 1696*; in totale, 12 frammenti.[7] Il secondo gruppo comprende i frammenti attribuibili alla "nea" su vari fondamenti (nomi dei personaggi, presenza di alcune parole-chiave delle situazioni e del lessico che le sono propri),[8] ma che non concedono una soddisfacente comprensione delle scene in essi rappresentate: *1644, 1645, 1651, 1652, 1655, 1669, 1670, 1674, 1676, 1681, 1683, 1685, 1688, 1689, 1693, P. Oxy.* 2658, *P. Ant.* 122; in totale 17 frammenti. Il terzo gruppo include i frammenti, nei quali si individuano, sia pure in modo incompleto, i motivi fondamentali di una scena (ed eventualmente pochi versi o resti inutilizzabili di altre): *1643, 1649, 1650, 1653, 1661, 1668, 1671, 1673, 1677, 1679, 1687, P. Oxy.* 2533; in totale, 12 frammenti. Il quarto gruppo include i frammenti che contengono resti utilizzabili di due o piú scene: *1642, 1646, 1657, 1660/2,*[9] *1663, 1666*; in totale, 6/7 testi.

Questa prima classificazione, pur con le cauzioni dovute al suo carattere soggettivo, consente di valutare l' effettiva entità della documentazione di cui disponiamo; inoltre autorizza a escludere dal seguito della nostra indagine i testi del primo gruppo, di cui dunque non terremo piú conto, limitandoci a quelli la cui attribuzione alla "nea" si può considerare sicura.[10]

Passiamo quindi a considerare le caratteristiche librarie di questi 36 frammenti, suddividendoli anzitutto secondo l' epoca di appartenenza:

s.III a.:	*1643, 1645, 1660, 1661, 1662, 1666, 1668, 1674.* (8)
s.III/II:	*1657, 1676.* (2)
s.II:	– (–)
s.I:	*1673.* (1)
s.I p.:	*1663, 1671, 1683, 1693.* (4)
s.I/II:	*1646, 1651, 1655, 1670, 1689.* (5)
s.II:	*1653, 1681, 1688, P. Oxy.* 2533, *P. Oxy.* 2658. (5)
s.II/III:	*1650, 1677.* (2)
s.III:	*1649, 1652, 1679, 1685, P. Ant.* 122. (5)
s.IV:	*1642, 1644.* (2)
s.IV/V:	*1669.* (1)
s.V:	*1687.* (1)

6. W. Morel, *Philologus* 107, 1963, p. 151, ha supposto che questo frammento (*P. Ant.* 16) portasse la stessa commedia di *P. Ant.* 15 (*1659*; v. n. 4); ma certi aspetti della dizione ne revocano in dubbio l'appartenenza stessa al genere comico (cf. Barns e Lloyd-Jones, *art. cit.*, pp. 33 s.).

7. In questo gruppo rientrano anche *P. Leeds* 3, presentato in questo Congresso dal prof. W. G. Arnott, e *P. Murab.* 108 (*1983* Pack), per cui cf. J. Bingen, *CE* 36, 1961, pp. 410 s.

8. Tali, ad esempio, in *1644* le parole *μειρά̣κ[ιον* (⇒11) e *παρθένον*(↓3). (Quando non avverto altrimenti, seguo la numerazione dei versi usata dai rispettivi editori.)

9. Questi due frammenti, di volumi diversi ma contemporanei, contengono la stessa commedia.

10. Per lo stesso principio, ho rinunciato a prendere in considerazione i frammenti classificati da Pack sotto altri denominatori, ma che potrebbero appartenere, in via d'ipotesi, anche alla commedia nuova.

I sei frammenti sottolineati appartenevano a codici; tra essi, solo *1642* era pergamenaceo. Dal quadro cronologico constatiamo che i testi della "nea" sono assai frequenti nel secolo immediatamente posteriore alla sua fioritura; ma nei due successivi scompaiono quasi totalmente: ne rimane un solo esemplare, del I sec. a. C. Tale fenomeno corrisponde alla situazione dei papiri menandrei: per la stessa epoca, restano soltanto i due frammenti berlinesi del *Kitharistes* e del *Georgos*,[11] entrambi pure del I sec. Occorre tuttavia guardarsi dall'attribuire eccessiva importanza a questo dato statistico;[12] e non saprei se sia sufficiente per dedurne un calo dell'interesse per la "nea" in questo periodo, almeno in Egitto. Con il I sec. p. C. i testi della commedia nuova riappaiono, e la loro frequenza si intensifica nel II sec. p.C., mantenendosi alta pure nel successivo. Abbiamo ancora una corrispondenza con i dati quantitativi dei frammenti menandrei nello stesso periodo; qui si potrà forse trovare una motivazione complementare nel favore che la "nea," e soprattutto Menandro, incontrò nella scuola. I testi adespoti posteriori a quest' epoca hanno maggiori probabilità di appartenere a Menandro, e inoltre di rientrare in un ambito limitato di suoi titoli. I comici minori erano sicuramente scomparsi, né appare che si leggessero ancora Filemone e Difilo; e dai resti giunti a noi si può dedurre che tra le cento e piú commedie del repertorio menandreo si venisse affermando, a partire pressappoco da quest' età, una selezione assai piú ristretta, per quanto ancora allo stato fluido.[13]

Qualche altra caratteristica di questi testi merita di venire notata. I nomi dei personaggi, in margine o nell' interlinea, si trovano – in forma compendiata e applicati, come di consueto, solo sporadicamente – in tre frammenti (*1642, 1646, 1649*), tutti d'epoca successiva al I sec. p.C. (v. n. 20); anche questo dato corrisponde alla situazione dei frammenti menandrei.[14] Delle sigle corrispondenti alle prime tre lettere dell' alfabeto, o piú precisamente ai primi tre numerali ordinali,[15] appaiono in *1663* e in *1689*,[16] del I o II sec. p.C.:[17] è verosimile che con esse si indicassero gli attori, in testi di tradizione teatrale, diretta o mediata.[18] La presenza della scritta ΧΟΡΟΥ in due o tre testi (*1657, 1668,* forse *1660*) è motivata, ovviamente, da ragioni fortuite; piú notevole è il fatto che due papiri, entrambi del III sec. a.C., presentino, fortemente rientrata, la terminazione]ΟΣ, seguita da bianco (*1674*.15 e *1676*.12): è probabile che fosse scritto ΧΟΡΟΥ ΜΕΛΟΣ.[19] Tre frammenti (*1645, 1668, 1688*) presentano scritte marginali: dagli scarsi

11. *P. Berol.* 21106, pubblicato da H. Maehler, *MH* 24, 1967, pp. 77 s.

12. Cf. E. G. Turner, *Greek Papyri. An Introduction*, Princeton, 1968, pp. 45 s.

13. Cf. D. Del Corno, *Dioniso* 38, 1964, pp. 130 ss. Alla documentazione ivi addotta vanno aggiunti i due nuovi testi del *Misoumenos, P. Oxy.* 2657 (III sec.) e *P. Oxy.* 2656 (IV sec.).

14. Cf. D. Del Corno, *Dioniso* 36, 1962, pp. 145 ss. Il piú antico testo di Menandro con note dei personaggi è *P. Oxy.* 1238 (*Sikyonios*), del I sec. d.C.

15. Cf. E. G. Turner, *The Oxyrhynchus Papyri* XXVII, 1962, p. 76.

16. J. C. B. Lowe, *BICS* 9, 1962, p. 41 n. 41, avanza anche la possibilità che la sigla β presente in quest' ultimo (v. 17) sia un segno sticometrico. Incerto è il valore da attribuirsi a un δ nel margine sinistro tra i vv. 14 e 15 di *1668* (III sec. a.C.); mentre è improbabile che un' indicazione sticometrica fosse è il P̣ in margine a *1657*. 15, come ritennero Demiańczuk e Schröder: cf. Webster, *op. cit.*, p. 220 n. 1. La numerazione di una colonna è indicata, forse, con un *o* nel margine superiore di *1666*, fr. A col. II.

17. Sigle analoghe si trovano in *P. Hib.* 180 (Men. *fab. inc.* III Mette), del III sec. a.C., ma è dubbio se avessero la stessa funzione: cf. Lowe, *art. cit.*, p. 35; E. J. Jory, *BICS* 10, 1963, pp. 65 s.

18. Probabilmente ha origine scenica pure la sigla ΧΝΧ in *1643*, di cui sfugge tuttavia il preciso significato: cf. Del Corno, *Dioniso* 36, 1962, pp. 142 ss.

19. Come nel frammento tragico *P. Hib.* 174, 10. Questa ricostruzione è proposta da E. W. Handley, *CQ*, N.S. 3, 1953, p. 58 n. 3, per *1674*, ma si può estendere senz' altro anche a *1676*: dal facsimile appare possibile che la terz' ultima lettera fosse una Λ, e dai resti dei versi immediatamente precedenti pare di riconoscere che il personaggio che li pronuncia sta abbandonando la scena. Non è tuttavia da escludere, soprattutto per *1674* (cf.]ακηκο[al v. 16), l' eventualità che vi fosse una parepigraphe del tipo di ῥοῖβδος in *P. Oxy.* 1174 (Soph. *Ichn.* 107) o di ποππυσμός in *P. Oxy.* 2161 (Aesch. *Dict.* 803) (per altre indicazioni di questo tipo nella tradizione medievale, cf. J. Andrieu, *Le dialogue antique*, Paris, 1954, pp. 185 s.).

resti non è possibile accertare se si trattasse di varianti, di correzioni e aggiunte, oppure di scolii.[20] In otto testi (*1657, 1660, 1661, 1668, 1670, 1681, 1683, P. Oxy.* 2533), che vanno dal III sec. a.C. al II p.C., i cambiamenti di interlocutore all'interno di un verso sono segnalati da spazi bianchi.[21] Infine, si riconosce l'esistenza di un esemplare illustrato (*1670*), pur se l'illustrazione, originariamente a colori, è ormai scomparsa; esso trova corrispondenza nei disegni a penna di soggetto menandreo *P. Oxy.* 2652 e 2653.

Passando ad analizzare i dati interni offerti dai nostri frammenti, il discorso dovrà limitarsi ancora di piú a un certo numero di fatti significativi. Solo in rarissimi casi si può intravvedere qualcosa sulla localizzazione della vicenda. In *1661* (fr. I col. I.7) è menzionato un nomarca: la storia si svolgeva dunque in Egitto, ma uno dei personaggi sembra avere legami con la Grecia (fr. II.3), né sembra necessario pensare a un poeta locale. Forse anche *1666* si svolgeva in un paese straniero (v. 36 s. Schr.), o che allora era comunque in guerra con la città del protagonista (v. 12 e 21), poiché l'intensità con cui è espresso il desiderio di pace (v. 22 s.) fa ritenere che fosse riprodotta un situazione reale. *1660/2* era localizzata nell' unico luogo dell' ecumene dove ancora vivono gli dei (*P. Hib.* 5, fr. A col. II.4 ss.): si tratta ancora dell' Egitto, come è stato supposto, o piuttosto della tradizionale "*laus Athenarum*" (cf. Eur. *Med.* 825)? Tra gli edifici scenici, in cui talvolta si possono riconoscere con certezza le dimore dell' uno o dell' altro personaggio, compariva forse un' osteria in *P. Oxy.* 2658. L' altare aveva una funzione di rilievo in *1642*. Come in Menandro, non accade mai che nella stessa scena figurino piú di tre personaggi parlanti; né – a mio parere – si danno situazioni che richiedessero l' impiego di piú di tre attori.[22]

Notevoli acquisizioni riguardano l' onomastica. Ritroviamo molti nomi già noti dai testi menandrei:

i vecchi Laches (*1649, 1663, 1679*) e Demeas (*1660, 1666, 1671*);

i giovani innamorati Moschion (*1643, 1663, P. Oxy.* 2533, forse *1642*, fr. b *v* 14), Chaireas (*P. Oxy.* 2533), Pheidias (*1685*), forse Sostratos (*1666*. 119 Schr.);

i giovani amici del protagonista Chairestratos (come negli *Epitrepontes,* ma nome di vecchio nell' *Aspis*) e Nikeratos (nome di giovane in Ter. *Andr.* 87, ma di vecchio nella *Samia*; ciò conferma che già negli originali greci la corrispondenza fra nomi e ruoli subiva delle eccezioni) in *1657*;

il soldato Thrason (o Thrasonides, o Thrasyleon) in *1642*;

la fanciulla Pamphile (*1649*);

20. Nel caso di *1668*, l'editore pensava a sigle dei personaggi e ad indicazioni parepigrafe; ma le poche lettere decifrabili non accertano quest' ipotesi, che richiederebbe di essere suffragata da elementi piú sicuri, anche per l' alta datazione del papiro.

21. Per l' impiego di questo "signe diacritique d'interlocution" nel papiro Sorbonniano del *Sikyonios*, cf. J. Bingen, *CE* 40, 1965, pp. 111 ss.

22. Nei casi in cui Schröder e Page sembrano postulare questa necessità, è possibile una diversa distribuzione delle battute. Ad esempio, in *1657*.14-19 Page il padre della fanciulla amata da Phaidimos si dispera davanti alla porta della casa di Nikeratos, dove essa si è rifugiata: insieme a lui è un servo, secondo le suddette edizioni; mentre Phaidimos ascolta nascosto. Al v. 19 i primi due entrerebbero in casa, e al verso successivo compare Nikeratos. Tale vicenda richiederebbe evidentemente quattro attori; ma la presenza dello schiavo è superflua. Il padre, solo, si rivolge drammaticamente alla figlia fuggita, e le sue parole sono commentate, a parte, da Phaidimos, il quale da esse scopre la situazione ed è indotto a dubitare di Nikeratos. A lui vanno attribuite le battute [τύος] - ποιῶν; (v. 14 s.), ἄρτι μανθάνω τὸ πρᾶγμα (seguito da spazio bianco! v. 16 s.) e ἐκεῖ; (fine del v. 17). Quindi il vecchio entra in casa, e nelle vesti di Nikeratos compare il terzo attore, finora assente dalla scena. (A Nikeratos vanno attribuitii vv. 20-23, fino a πέμψας. Chairestratos è stato mandato da Nikeratos in cerca di Phaidimos, e non viceversa, come già visto da Robert, *GGA* 1918, p. 190; è quest' ultimo che ritorna da un lungo viaggio, e di lui un σύμπλους [v. 68] ha dato notizia a Chairestratos, che lo cercava. Indicativo è anche il v. 70 s.: Φαίδιμος (lettura cortesemente confermatami per lettera da C. Austin) αὐτός, e l' effusione con cui si salutano qui i due amici sarèbbe fuori luogo, se essi si fossero lasciati poco prima).

i servi Dromon (*1642, 1650),* Parmenon *(1643*), Daos (*1645, 1646, 1655, 1660* = *P. Heid.* 184, fr. 2.12 e 17), Syros (*1688, 1689*);
l' ancella Doris (*1643* dove è un personaggio muto, *P. Oxy.* 2658).

Altri figuravano già nella tradizione indiretta della "nea," o presso i comici latini:
il vecchio Simon (*1646*; cf. Don. ad Ter. *Eun.* 971, Ter. *Andr.*);
il giovane Phaidimos (*1657*; cf. Diph. fr. 38 K.; fr. ad. 130 K.);
Antiphon (*1674*), che è nome di vecchio nello *Stichus* di Plauto, ma nome di giovane nell' *Eunuchus* e nel *Phormio* terenziani, mentre nel nostro passo non se ne riconosce il ruolo;
la giovane (meretrice?) Dorkion (*1643*; cf. Ter. *Phorm.* 152, dove così si chiama una ancella);
i servi Strobilos (*1660*; cf. Plaut. *Aul.*) e Lydos (*P. Ant.* 122; cf. fr. ad. 720 K.; Plaut. *Bacch.*, ora apparso anche nel *Dis exapaton*);
il cuoco Libys (*1660* = *P. Heid.* 184 fr. 9.6; cf. Men. fr. 404 Kö.).

Infine, alcuni sono affatto nuovi (sempre relativamente alla "nea"):
il vecchio Sosthenes (*1671*), il servo Noumenios[23] (*1666, 1683*); mentre non si lascia caratterizzare il ruolo di Nicophemos (*1660* = *P. Heid.* 184 fr. 12.13); e altri nomi sono dubbi: in *1649*, per Μι̣ξ΄ iniziava probabilmente il nome del giovane cui Laches dà in moglie la figlia; una Philostrate (ma potrebbe essere anche Philostratos) compare in *1689*; e un nome di donna iniziante per Κλε[era in *1650*.15.

In due casi sembra individuabile la composizione del coro: giovani avvinazzati, come di consueto, in *1642* (fr. e *v* 5 ss.), e, sorprendentemente, la *φυλακή*, la guardia della città, in *1650*. Il loro approssimarsi è segnalato, come in Menandro, dai personaggi alla fine di un atto, che appunto tale analogia insegna essere il primo.

Ma altri schemi drammaturgici abitualmente usati da Menandro ricorrono nei nostri frammenti. Tra questi, un espediente tipico è il monologo deliberativo di un servo, che ritroviamo in *1642, 1646, 1663, 1677* e forse nella seconda colonna di *1643*. Pure frequenti sembrano le scene, in cui un personaggio osserva e commenta, non visto, quello che altri fanno o dicono: *1650*,[24] *1657* (cf. n. 22), *1666*.[25] Una convenzione tecnica cara a Menandro, per cui si immagina che due personaggi, uscendo di casa, continuino una conversazione già in corso, appare in *1650*.5 ss.[26]

Un fenomeno affine è il ripetersi di scene, che si potrebbero definire "tipiche." Il caso piú evidente è costituito dalle scene, in cui un padre dà in moglie la figlia a un giovane (*1649, 1679,*

23. K. Gatzert, *De nova comoedia quaestiones onomatologicae*, diss. Giessen 1913, p. 48.

24. Chi parla nei vv. 23 ss., che presentano una singolare analogia con *Perik.* 71 ss., commenta il dialogo tra madre e figlio (vv. 5-22), cui ha assistito di nascosto.

25. Il giovane, cui Demeas ha offerto aiuto, e il suo servo (?) non lasciano la scena al v. 38, in quanto l' episodio con Demeas non è concluso, ed essi devono attendere il suo ritorno o altrimenti motivare in qualche modo la loro anticipata partenza (cf. Robert, *art. cit.*, p. 183). Frattanto l' attore che impersonava Demeas, uscito al v. 31, ritorna sulla scena (v. 39) nei panni (o, per essere piú precisi, con la maschera; trattandosi egualmente di un vecchio, è probabile che l'abito rimanesse il medesimo, e la sostituzione della maschera non doveva richiedere che pochi secondi) del vicino di costui, e inveisce contro la moglie, personaggio muto; gli altri due ascoltano e commentano il suo discorso (cf. v. 46).

26. Il discorso che comincia al v. 5 non si collega con i versi che precedono. In esso un giovane sta esponendo alla madre la sua situazione (cf. a proposito di *ὅπερ λέγω* Wilamowitz, *Menander, Das Schiedsgericht*, Berlin 1925 [1958], p. 78), mentre chi parla nei vv. 1-4 decide di agire in rapporto a una situazione già nota. In questi versi è probabile che non vi fosse un dialogo, come generalmente si suppone, bensí la fine di un monologo, in cui, nel v. 1, il personaggio si rivolgeva a sé stesso, pressappoco come nei primi versi di *1657*. L'unica paragraphos si trova sotto il v. 4, e i punti in alto distinguono le pause del discorso, come al v. 5 dopo *μαμμία*.

P. Oxy. 2533), per le quali si trovano numerosi raffronti in Menandro: l'impiego di formule identiche o affini ne sottolinea ancor piú il carattere stereotipo. Anche la preparazione del festino nuziale in *1646*.43 ss. rientra in queste scene quasi "formulari." Pure i contrasti appartengono al patrimonio fisso di scene della "nea," che li derivò dalla precedente tradizione comica. Uno sfogo del marito contro la moglie si ha in *1666*.39 ss.; e qualcosa del genere era, forse, in *1655* (cf. v. 8 con Men. *Heros* 72). Una vivace discussione tra padrone e servo s'incontra in *1673* e *1681*(?). Di contro, il padrone confida i suoi guai al servo – altra scena frequente, sia pure in varie forme, che riposa su una situazione topica – in *1642* e *1646*. Una congiura tra due servi, infine, è in *1660* (*P. Heid.* 184 fr. 2 + *P. Hib.* 5 fr. C col. I). Le scene che, almeno ai nostri occhi, hanno carattere di maggiore originalità sono ovviamente piú difficili da valutare, quando il testo sia, come generalmente nei nostri frammenti, assai lacunoso. Ma qualcuna di esse, che definirei "potenzialmente tipica," presenta una situazione che poteva venire variamente e ripetutamente sfruttata: il ritrovamento e la lettura di uno scritto in *1642*; l'interrogatorio di una persona che ignora, o finge d'ignorare, tutto di sé in *1670*. Altre scene sembrano piú caratterizzate in rapporto a una determinata vicenda. Tra queste, limitiamoci a ricordare *1657*, 20 – 86 Page: il malinteso tra Phaidimos e Nikeratos, e il successivo chiarimento a opera di Chairestratos; e *1666*, 1 – 38: l'aiuto di Demeas a un giovane che, pur dovendo fuggire da una città nemica, rilutta ad accettarlo. In entrambe la magistrale conduzione del dialogo, la penetrazione psicologica e la nobile umanità dei personaggi richiamano da vicino gli accenti piú elevati di Menandro.

Per un certo numero di testi traspaiono le vicende di base, su cui doveva poggiare l'intera commedia. Di queste è impossibile sia esplorare i dettagli, sia dare un rendiconto completo di quanto si riconosce. Le trame della "nea" si fondano su un numero limitato di situazioni, ma contemplano un gioco di intrecci e di motivazioni psicologiche che introducono una vastissima gamma di variazioni, sì che ogni singola storia riesce profondamente diversa da tutte le altre. Ad esempio, in *1666* lo spunto abusato dell' amore del giovane protagonista per una fanciulla, e la seduzione di questa, sono inseriti in una complessa situazione politica e militare, che a noi rimane celata, ma che doveva proiettare la vicenda in una prospettiva affatto nuova. Comunque, si individuano i consueti motivi di fondo, tra cui principale quello amoroso. Talvolta i resti giunti a noi non consentono che questo generico accertamento, altre volte riconosciamo gli sviluppi abituali: seduzioni di fanciulle (*1668*), che si trovano ora prossime al parto (*1653*) o che hanno già partorito (*1666, 1685,* forse *1642* fr. b*v* 6); padri che combinano per i figli matrimoni diversi da quelli che essi desiderano (*1650, 1663,* forse anche *1646* e *1657*).[27] Difficoltà di ogni genere (e non tutte individuabili: *1642, 1687*) si frappongono al raggiungimento dell' amata: la necessità di disporre del denaro per riscattarla in *1643*, un amante geloso – nomarca per di piú – in *1661*. Talvolta sembrava offrire un rimedio la fuga della fanciulla (*1657*),[28] altrove un ratto (*1679*; forse simulato, come in Men. *fab. inc.*, con cui il nostro frammento presenta una certa somiglianza?). Alla fine, comunque, si imponeva la soluzione convenzionale delle nozze, attestata dalle scene

27. In *1646* non è certo se fosse stato predisposto dal padre del giovane protagonista il matrimonio cui egli ora rilutta, invaghito di una bella straniera; ma ciò sembra probabile dal confronto con l'*Andria* di Terenzio. In *1657*, il padre cui si allude al v. 55 s. Page, il quale intendeva privare Phaidimos dell'amata, è quello dello fanciulla o quello dello stesso Phaidimos, che si opponeva a questo matrimonio del figlio? La prima ipotesi sembra a prima vista la piú ovvia; ma se è esatta la ricostruzione dei vv. 14-19, che ho proposto alla n. 22, Phaidimos ha già appreso che il padre della fanciulla non sa nulla dei motivi che hanno spinto costei alla fuga. Egli può sospettare che Nikeratos abbia voluto approfittare delle difficoltà frapposte a lui dal suo proprio padre per sottrargli la ragazza.

28. In *1666* non appare con certezza se il giovane intendesse portare via con sé l'amata, né se questa si fosse già allontanata dalla casa del padre (ma lasciandovi il bambino?).

"tipiche" sopra ricordate; in *P. Oxy.* 2533 si verificava un doppio matrimonio, altro evento frequente nella "nea." Soltanto il caso ci avrà negato un'ampia messe di agnizioni: se ne intravvede, e male, solo una in *1668*; e il chiarimento di un equivoco, che senz'altro preludeva a una soluzione matrimoniale, traspare in *1685*. Ma appaiono anche altri ingredienti fissi della commedia nuova: soprattutto intrighi di servi (oltre ai luoghi citati a proposito dell' impiego di monologhi, cf. *1650* e *1660*) e lunghi viaggi, che hanno tenuto lontano alcuni personaggi dal teatro degli avvenimenti (*1657, 1663, 1671*).

Di pochi personaggi soltanto, come è naturale, riusciamo a intravvedere il carattere: incontriamo vecchi di nobile sentire che non esitano a venire in aiuto di un nemico e giovani generosi che sfidano una situazione pericolosa per assistere la fanciulla amata (*1666*), altri a cui ripugna rinnegare una vecchia amicizia, anche se credono che questa sia stata tradita, o che non temono di apparire in cattiva luce pur di soccorrere un amico (*1657*), una donna che si priva dei suoi ornamenti per aiutare due innamorati (*1643*), servi astuti e intriganti, ma sinceramente devoti alla causa dei padroncini (soprattutto *1642, 1646, 1663*); è evidente, e sorprendente, come da tutte queste figure spiri la *φιλανθρωπία* propria del teatro menandreo.

Spigolando tra quelli che, in senso lato, si possono dire atteggiamenti concettuali, ricaviamo qualche osservazione interessante. L'appassionata invocazione di pace in *1666*. 22s., che abbiamo già ricordato, ripete in termini piú immediati e commossi i dolenti accenni ai mali attuali della Grecia, che risuonano in vari passi di Menandro. Nello stesso frammento (v. 36 s.) ritroviamo un concetto che ha corrispondenza in *Perik.* 428 ss.: la nobiltà di sentire è indizio di carattere ellenico. Ad esso segue immediatamente una mesta considerazione sull' indifferenza di Tyche per i meriti degli individui: siamo qui ancora in piena aura menandrea. Invece una singolare novità appare nel prologo *1671*; qui pare di cogliere una polemica contro i comici che si dilungano, appunto nei prologhi, a esporre gli antefatti e ad anticipare le conclusioni dei loro drammi. Abbiamo qui il precedente – come è stato riconosciuto – delle polemiche letterarie svolte nei loro prologhi dai comici latini; in Menandro non si trova nulla di simile. Su un tono piú scherzoso è tenuta la critica contro la raffigurazione tradizionale del cuoco comico in *1660* (*P. Heid.* 184 fr. 11). Uno spiritoso accenno al convenzionalismo delle soluzioni tragiche "*ex machina*" si ha in *1643*. 12 s. Ora è l' intervento di una generosa donna a propiziare la soluzione della vicenda, ma l'artificio rimane il medesimo; e il poeta sembra sorridere consapevolmente della rigida convenzione nel momento stesso in cui si piega ad essa.

Quest' indagine intendeva solo raccogliere un complesso di dati, e non suggerire una conclusione; né mi sfugge la sua incompletezza, in quanto rimarrebbero da vedere la lingua, e piú in generale lo stile di questi frammenti, e inoltre le particolarità della metrica. Tuttavia da essa emerge una constatazione, per quanto limitata e provvisoria: sotto i vari aspetti esaminati i nostri frammenti presentano una considerevole affinità con i resti di Menandro. Ciò indurrebbe a pensare che la tematica, la drammaturgia e l' intonazione etica della "nea" fossero tanto uniformi, che Menandro, Difilo, Filemone e gli altri poeti minori appartenenti ad essa si differenziavano solo per i caratteri formali e stilistici dell' espressione. Ma il quadro che della "nea" si ricava dai comici latini dà un' impressione assai piú multiforme e variegata. Dobbiamo allora pensare che pure i nostri frammenti adespoti, o almeno i meglio leggibili tra essi, appartenessero a Menandro? Quest' ipotesi è verosimile, come si è detto, quanto piú essi sono di epoca tarda; ma per i testi piú antichi può sembrare troppo radicale. D' altronde, tali considerazioni rischiano di condurre sul pericoloso terreno di congetture difficilmente accertabili. In passato vi fu una pronunciata tendenza a negare l' attribuzione a Menandro di molti tra questi frammenti, per lo piú sul fondamento di argomenti linguistici e metrici; ma grazie all' incremento

della nostra conoscenza di Menandro e ad un piú approfondito esame dei testi, alcune di queste obiezioni possono venire rimosse.[29] Un ulteriore importante passo in avanti si potrà fare alla comparsa della nuova edizione annunciata; nell' attesa, basti avere accennato al problema: e auguriamoci che nuovi studi e, ancor meglio, nuove scoperte portino piú consistenti e decisive chiarificazioni.

TAVOLA DI CONCORDANZA (cf. p. 103 n.3)

Pack[2]	Edizioni
1642	*P. Ant.* II 55
1643	*P. Hamb.* 120 (Inv. 656)
1644	*P. Harris* 11 (Inv. 174b)
1645	*P. Hib.* II 181 (Brit. Mus. Inv. 2954)
1646	*P. Oxy.* I 11 (Brit. Mus. Inv. 740)
1649	*P. Oxy.* XV 1824
1650	*P. Oxy.* XXII 2329
1651	*P. Rain.* III 26 (Inv. 30486)
1652	*P. Ryl.* III 498
1653	*P. Mil. R. Univ.* 8
1655	*P. Lund Univ. Bibl.* 4
1657	P. Jouguet, *BCH* 30, 1906, pp. 123-149 (P. Sorb. Inv. 72)
1660	*P. Ryl.* I 16a; *P. Hib.* I 5 (Brit. Mus. Inv. 1823); *P. Baden* VI 180, poi *P. Heidelberg* N.S. II 184
1661	*P. Grenf.* II 8b (Brit. Mus. Inv. 694)
1662	*P. Petrie* I 4,1 (Brit. Mus. Inv. 487A)
1663	*PSI* X 1176
1666	*P. Hib.* I 6 (Brit. Mus. Inv. 1824)
1668	*P. Rain.* III 22 (Inv. 29811)
1669	*PSI* VI 723
1670	*PSI* VII 847
1671	P. Strassb. Inv. Gr. 53 (G. Kaibel, *NGG* 1899, pp. 549 - 555)
1673	*BKT* V, II 19A (P. Berol. 9941)
1674	*P. Hib.* I 12 (Bodl. Libr. Gr. Class. g 55 (P))
1676	*P. Lit. Lond.* 92 (Brit. Mus. Inv. 2294)
1677	*P. Oxy.* I 10
1679	*P. Oxy.* III 429
1681	*P. Oxy.* III 431
1683	*P. Oxy.* IV 677

29. Cf. ad esempio Mette, *Lustrum* 10, 1965, p. 16 n. 1.

1685	*P. Oxy.* VI 862
1687	*P. Oxy.* XV 1825
1688	*P. Ryl.* I 16
1689	*P. Ryl.* III 484
1693	*P. Schubart* 25
–	*P. Oxy.* XXXI 2533
–	*P. Oxy.* XXXIII 2658
–	*P. Ant.* III 122

THE IMPORTANCE OF *P. OXY.* 2103 AND *PSI* 1182 FOR THE HISTORY OF CLASSICAL ROMAN LEGAL LITERATURE

György Diósdi

1. Some scholars of Roman law are wont to speak of juristic papyrology with a slight disdain. The papyrological sources are said to have deceived the initial expectations by failing to furnish a new picture of Roman law.[2] This statement is true in some respects. The papyri indeed have not radically modified the prevailing views as far as the main institutions of Roman private law are concerned. Nevertheless two seemingly modest fragments of the *Institutes* of Gaius, now catalogued as *P.Oxy.*2103 and *PSI* 1182,[3] may rightly claim a capital importance for the history of Roman legal literature. It seems however that their significance has not been sufficiently realised yet, although the first of them was published forty years ago. Thus a reexamination of the matter need not be justified by this incidental anniversary. I shall try to draw all the conclusions that can be gathered from the very existence, the date, and the text of these documents, even if those conclusions may discredit a considerable part of modern scholarship which assumes post-classical alterations in classical legal writings.

2. *P. Oxy.* 2103 was discovered in 1927. The fragment fills in a gap in our unique manuscript of the *Institutes*, the so-called *Codex Veronensis*, a palimpsest of eastern origin dating back to the middle of the fifth century A.D.,[4] but it contains also parallel texts of striking identity.[5] The papyrus was written about 250 A.D., thus seventy years after Gaius' death.[6] Few manuscripts of antiquity come so near to their author's lifetime.[7]

The document was first edited in 1928 by Hunt and Buckland.[8] Unfortunately the circumstances were rather unfavourable for its appraisal. The passionate search for interpolations was at its full height. Scholars of course did not spare the *Institutes*; some even thought it was a post-classical work wrongly attributed to Gaius.[9] So this discovery, while refuting such assumptions, filled the heart of many a scholar with disappointment and terror.

1. The lack of necessary financial funds deprived me of the possibility of attending the Congress. I am very much indebted to the editors of the *Proceedings* for having been so kind as to consider my communication for publication.

2. So, e.g., M. Kaser in his fundamental work, *Das römische Privatrecht* I, München, 1955, p. 7.

3. For references to the literature see: F. Schulz, *Geschichte der römischen Rechtswissenschaft,* Weimar, 1961, pp. 191 ff.

4. Cf. the short paper of A.E. Loewe, "Il codice veronese di Gaio," *Atti Verona* I, Milano, 1953, pp. 3 ff.

5. *Gai.* 4.57; 4.68-72.

6. Gaius died about 180 A.D., as has been recently shown by A.M. Honoré (*Gaius. A biography,* Oxford, 1962, p. 58 and 69).

7. Cf. E. Levy, "Neue Juristenfragmente aus Oxyrhynchos", *SZ* 48, 1928, p. 541: "Diese zeitliche Nähe sichert dem Papyrus einen hervorragenden Rang unter den antiken Handschriften ganz allgemein."

8. Cf. *The Oxyrhynchus Papyri* XVII, pp. 173 ff.

9. Cf. Ebrard, *SZ* 45, 1925, p. 144.

Although the first editors and commentators of the new source (Collinet, Hunt, Levy, and Zulueta) soberly pointed to the fact that the papyrus strengthens the authority of the *Codex Veronensis* by refuting supposed post-classical alterations of the text,[10] the guess-work concerning post-classical glosses was undisturbedly carried on.[11]

A few years later another fragment of the *Institutes* was found. The manuscript, dating back to the middle of the fourth century A.D.,[12] also contains passages substantially identical to the *Codex Veronensis*,[13] but to the great relief of interpolation-hunters it includes a treatise on the most ancient form of society: the *ercto non cito*, which has been deliberately omitted in the Veronese manuscript. The great scholar Levy however was not led astray by it. He argued, that the omission of an excursus of purely historical interest neither permits one to suppose further omissions, nor alters the classical essence and trend of thought.[14] He also showed that *PSI* 1182 proves the classical origin of expressions like "*naturalis ratio*" held for post-classical interpolations.[15] But interpolation-hunters did not pay any attention to his remarks. The above-mentioned omission meant for them a justification of their methods. Albertario triumphantly declared: 'If those searching interpolations . . . adopt rigorously the logical-juristic method . . . They need not fear, on the contrary, they may but gain by the discovery . . . of genuine texts.'[16] Dealing with the new source, Albertario naturally exaggerated the mechanical deviations between the manuscripts, and – rather surprisingly – deemed it justified to consider an expression as interpolated even if it occurs in *both* texts.[17] This approach, fortunately already out of date,[18] needs no detailed refutation.

3. In more recent literature thus this extremist view has lost much of its influence. Pringsheim and Weiss in the fifties still adhered to the old-fashioned attitude, considering the Veronese text as a planned epitome of a mythical "Ur-Gaius."[19] But Schulz, Wieacker and Wolff, the leading scholars of the new method – the "*Textstufenforschung*," admit that the text of the *Institutes* was substantially stabilized by the third century A.D., i.e. still in the classical period, and that

10. Cf. P. Collinet, "Les nouveaux fragments des instituts de Gaius," *RHD* n.s. 7, 1928, pp. 92 f.: Hunt, *loc.cit.*; Levy, *SZ* 48, 1928, pp. 532 ff.; F. Zulueta, "The Oxyrhynchus Gaius," *Law Quart. Rev.* 44, 1928, p. 200.

11. Cf. e.g. E. Albertario, "I nuovi frammenti di Gaio," *Studi di diritto romano* V, Milano, 1937, pp. 463 ff.; G. Beseler "Romanistische Studien," *SZ* 54, 1934, pp. 1 ff. and passim; "Unklassische Wörter", *SZ* 57, 1937, pp. 1 ff. and passim. Solazzi strove systematically to discredit the text of the Institutes in his well-known "*Glosse a Gaio*". For bibliographical references see: *Studi in onore di Siro Solazzi,* Napoli, 1948, pp. XIII-XX.

12. First edited by V. Arangio-Ruiz in: *PSI* XI, 1933, pp. 1 ff. The dating is based on paleographical reasons. Cf. also, e.g, Arangio-Ruiz, "Il nuovo Gaio. Discussioni e revisioni," *BIDR* n.s. 1, 1934, pp. 571 ff.; Collinet, "Les nouveaux fragments des instituts de Gaius," *RHD* n.s. 13, 1934, pp. 96 ff.; Levy, "Neue Bruchstücke aus den Institutionen des Gaius," *SZ* 54, 1934, pp. 258 ff.

13. *Gai.* 3.153-154; 3.167-174; 4.16-17 (partly destroyed in the Veronese manuscript); 4.18 (partly).

14. Levy, *SZ* 54, 1934, pp. 270 f.

15. *Ibid.* p. 272.

16. " . . . gli scopritori di interpolazioni . . . quando operano con rigoroso procedimento logico-giuridico . . . nulla hanno da temere, anzi tutto hanno da guadagnare dalla scoperta . . . di fonti genuine." (Albertario, *op.cit.*, p. 477). His reassuring words are evidence of the panic the new discoveries caused among interpolation-hunters.

17. Albertario, *op.cit.*, pp. 464 f.

18. Cf. especially: Kaser, "Zum heutigen Stand der Interpolationenforschung", *SZ* 69, 1952, pp. 60 ff.

19. E. Weiss, "Untersuchungen zum neuen Gaius", *Festschrift Schulz* II, Weimar, 1951, pp. 79 ff.; F. Pringsheim, "Noch einmal Gai 3.163 und Inst. Just. 3.26.8", *SZ* 72, 1955, pp. 55 ff. and p. 87. The old attitude however has not completely disappeared. Cf., e.g., U. Robbe, 'Osservazioni su Gaio", *Gaio nel suo tempo,* Napoli, 1966, pp. 111 ff. and Flume's article (note 35).

not many post-classical glosses are to be reckoned with.[20]

But Romanists, obsessed by the idea that classical legal writings were constantly revised, re-edited and altered, could not give up all hope. Since it had been proved that the text remained practically unaltered from the third century on, the supposed period of alterations had to be restricted to the lapse of the seventy to ninety years after Gaius' death. Those unacquainted with the ingenuity of Romanists would naively ask how the alleged alterations could be proved, since our most ancient text dates back to the third century exactly, i.e., to the end of the supposed period of rewritings. Striking as it is, Romanists did not hesitate to attack the classical text, although it was documented in three ways, by comparing it with texts preserved in the law-books of Justinian, without paying any attention to the fact that the emperor expressly instructed his codification committee to remodel the classical texts.[21]

4. The most daring assumption – rejected even by Wieacker[22] – was strangely enough forged by a Romanist who is at the same time an outstanding papyrologist: H.J. Wolff.[23] His hypothesis runs as follows: not only were the so-called *Res cottidianae*, the fragments of which are preserved in the *Digest*, not written by Gaius,[24] but even the *Institutes*, in their present form, are the remodellings of an already transcribed text of the classical lawyer.[25] To put it more simply: Gaius wrote a text book about 161 A.D. Between then and 250 A.D., a period of only ninety years, somebody rewrote the original text adding glosses to it. On the basis of this second text two different works were composed: the *Institutes* – as preserved in the available manuscripts, and the *Res cottidianae* in two versions. The original text and the second edition disappeared, leaving no traces behind, having been annihilated perhaps by the very pupils of Gaius.[26] After this short period of diligent remodelling a perfect standstill took place. For three centuries nobody touched the text; not even Justinian altered it. This view seems at first sight somewhat doubtful, and the arguments Wolff adduces in favour of his hypothesis hardly alter the first impression.

He compares some passages dealing with the same subject in the *Codex Veronensis*, the *Institutes* of Justinian and in the fragments of the *Res cottidianae* preserved in the *Digest*. In most cases he finds that the text as codified by the emperor is more reliable, standing nearer to the original version, than the Veronese manuscript.[27] The criteria are arbitrary enough, as can be

20. Cf. Schulz, *op.cit.* pp. 191 ff.; F. Wieacker, "Oströmische Gaiusexemplare", *Festschrift Schulz* II, especially pp. 139 ff.; "Vorbedingungungen einer kritischen Gaius-Ausgabe", *Atti Verona* I, pp. 55 ff; *Textstufen klassischer Juristen*, Göttingen, 1960, pp. 186 ff.; H. J. Wolff, "Zur Geschichte des Gaiustextes", *Studi Arangio-Ruiz* IV, Napoli, 1953, especially pp. 192 ff.

21. *Const. Deo Auctore* 7; *Const. Tanta* 10.

22. Wieacker, *Textstufen*, pp. 187 f. and *BIDR* n.s. 18-19, 1956, p. 279.

23. Wolff, *op.cit.* (in note 20).

24. An opinion widely diffused in literature. Cf., e.g., Arangio-Ruiz, "Ancora sulle *res cottidianae*," *Studi Bonfante* I, Milano, 1930, pp. 495 ff. and "Noterelle Gaiane," *Festschrift Wenger* II, München, 1945, pp. 56 ff. Against this view: G. Grosso, *Il sistema romano dei contratti*,[3] Torino, 1963, p. 13; Honoré, *op.cit.*, pp. 113 ff; D. Liebs, "Gaius und Pomponius," *Gaio nel suo tempo*, pp. 63 ff.

25. Wolff, *op.cit.*, p. 171 and pp. 192 ff.

26. Wolff indeed suspects Gaius' pupils of having remodelled their master's work, (*op.cit.*, p. 196), but he says nothing about the supposed annihilation of the original version.

27. E.g. *I.*2.1.15 against *Gai.* 2.68 (pp. 174 ff.); *D.*41.1.7,7-13 against *Gai.* 2.73-79 (pp. 178 ff.); *I.*3.26.8 against *Gai.* 3.161 (pp. 186 ff.) Sometimes, it must be admitted, he prefers the Veronese text as in the case of *Gai.* 3.161 (the part: *mandaverim . . . ut*).

shown by a few specimens.

In *Gai.*2.79 according to Wolff, the examples are superfluous. Consequently this part cannot be of classical origin. He adds: "Gaius hätte nicht in der Erinnerung späterer Zeiten als der grosse Lehrer fortgelebt,hätteer die Geduld seiner Schüler mit derartigen Plattheiten auf die Probe gestellt."[28] But the good teacher, when he is trying to explain the subject to beginners, always adduces a lot of examples, even if they may seem dull for a scholar.

Wolff suspects in *Gai.*2.74 the expression "*multoque magis*," because it hurts his sense of logic. He asks, rather rhetorically, why the planted tree should belong "even more" to the owner of the soil than the building.[29] The answer is simple. If the more precious and practically unremovable house built by a stranger belongs to the owner of the soil, it is *a fortiori* obvious that a young tree planted on his soil should become his property.

He declares also, in the apodictic style of Beseler, whom he indeed quotes surprisingly often,[30] that the expression "*naturalis ratio requiritur*" *cannot* be classical.[31] Arguments are lacking, although the majority of recent authors does not share this view anymore.[32]

It can be seen that Wolff uses unhesitatingly all the out moded weapons of interpolation-hunters, supposing a linguistically and logically impeccable classical model.

5. If the methods of arguing are of dubious value, the starting points of Wolff's view are even less reliable. His two underlying ideas run as follows: Justinian's committee slavishly copied the text of Gaius, while unknown lawyers and scribes, lacking authority and knowledge, diligently altered it. On the other hand he supposes a substantial identity of the three sources, i.e., of the *Institutes* of Gaius and Justinian, and of the *Res cottidianae*. As a matter of fact, his whole analysis is necessarily based on the belief that we are dealing with the same text. As to the *Institutes* of Justinian it is easy to refute this assumption by the very words of the emperor:

Imperatoriam 6: *Quas ex omnibus antiquorum institutionibus et praecipue ex commentariis Gaii nostri tam institutionum quam rerum cottidianarum aliisque multis commentariis compositas.*[33]

Justinian must have known that several works were used in compiling his *Institutes*, and consequently deviations between it and the *Institutes* of Gaius are first of all due to this fact. Thus it is not permissible to treat Justinian's *Institutes* as a copy of *one* classical text book.

The quoted text as well speaks against the supposed common root of the *Institutes* of Gaius and the *Res cottidianae*. We have no proofs that the latter would be a variant of the *Institutes* made by an unknown person. Moreover, stylistic arguments seem to confirm the authorship of Gaius, and the differences show that we are dealing with two different works of his.[34] Thus it is probable that Gaius wrote two works of the same type, the *Institutes* and the *Res cottidianae*, as Justinian and his compilers tell us. We are not entitled to suppose a common root, a unique act of revelation, as believers do with the Bible. Since it is improbable that we have three variants of the same text, the hypothesis of Wolff lacks a solid basis.

28. Wolff, *op.cit.*, p. 180.
29. Wolff, *op.cit.*, p. 185.
30. He quotes Beseler as an authority eleven times.
31. Wolff, *op.cit.*, p. 183.
32. Cf. e.g: Levy, "Natural Law in Roman Thought", *SDHI* 15, 1949, pp. 1 ff.
33. Cf. A. Biscardi, "Postille Gaiane", *Gaio nel suo tempo*, p. 18.
34. Honoré, *op.cit.*, pp. 113 ff.

6. Scholarship in Roman law may seem a dull and peaceful business to the outsider. Nonetheless it sometimes offers amusing experiences. So the most fierce attack against Wolff's view was surprisingly enough led by a follower of the extremist conservative line: Flume.[35] Flume refutes nearly all the arguments of Wolff only to adduce in favour of his own view equally refutable arguments of the same kind.[36] He tries to prove that the *Codex Veronensis* is nothing but a planned epitome of the *Res cottidianae.*[37] Without entering into details, it is sufficient to mention that the remnants of the latter work are surely too fragmentary to prove such an assumption.[38] Flume indeed found some parallel texts where the *Res cottidianae* treats the subject more abundantly, but contrary examples also exist,[38] a fact he carefully avoids pointing out. Flume is certainly more conservative than Wolff, because he does not even take notice of the very existence of the papyrological manuscripts.

7. Wieacker treated the history of the *Institutes* of Gaius in several articles, trying to identify the different manuscripts of it.[40] While following essentially the same method as Wolff, he displays more moderation. He shares the view that the alterations are to be dated to the short period between 161 and 250 A.D.,[41] but he does not suppose as many remodellings as Wolff,[42] and comes rather soberly to the conclusion that all the variants contain substantially Gaius' thoughts,[43] while the deviations are mainly due to mechanical errors of copying.

I have dealt at length with the methods of Wolff, so I suppose that a detailed analysis of Wieacker's views would be superfluous. But a short remark does not seem to be out of place. Wieacker treats the texts of undoubtedly classical – or at least pre-Justinian – origin and the lawbooks of Justinian as equals, in order to choose between the variants on aesthetical grounds. He labels the different expressions as "better" or "worse" according to his taste. Thus it is hard to see why the expression "*maior asperitas*" would be "feiner" than "*maior quoque asperitas*,"[44] or "*illud proprium*" better than "*hoc vero proprium.*"[45] Since legal texts are not poetry, selection in terms of aesthetical considerations seems arbitrary to me, and so the conclusions of Wieacker are open to doubt.

8. Because the attempts to prove several layers in the *Institutes* of Gaius failed, we have to draw the following conclusion. The three pre-Justinian manuscripts (*P. Oxy.* 2103, 250 A.D.; *PSI* 1182, 350 A.D.; *Codex Veronensis*, 450 A.D.) in my opinion show clearly, that *we actually*

35. W. Flume, "Die Bewertung der Institutionen des Gaius", *SZ* 79, 1962, pp. 1 ff.

36. So the use of the expression "*fera natura*" instead of "*fera animalia*" seems to him a matter of the greatest importance (p. 4). In the list of animals open to occupation he sees a "kunstvolle Steigerung" (p. 5). It is rather improbable that a Roman lawyer gifted with creative strength would have cared for such poetical subtleties.

37. Flume, *op.cit.*, p. 1 and pp. 18 ff. On the contrary, it is clearly to be seen that the text of the *Res cottidianae* is dependent on the Veronese text. Cf., e.g., F.B.J. Wubbe, "Gaius et les contrats réels", *TRG* 35, 1967, pp. 523 ff.

38. The fragments of the *Res cottidianae* fill in 9 1/2 columns in the *Palingenesia Iuris Civilis* (I.252-261), and this amounts approximately to one-tenth of the text preserved in the *Codex Veronensis.*

39. So *Gai.* 3.143-144 and 146 are lacking in the *Res cottidianae* (*D.*19.2.2).

40. Cf. note 20.

41. Wieacker, *Atti Verona* I, p. 59; *Festschrift Schulz* II, p. 141; *Textstufen*, p. 188.

42. Cf. note 41.

43. Wieacker, *Atti Verona* I, pp. 60 f.

44. Wieacker, *Festschrift Schulz* II, p. 121.

45. *Ibid.*, p. 126. In the article cited, Wieacker consequently speaks of the *Codex Veronensis* as of a manuscript coming from the west, while the manuscripts used by the compilers are labelled as "eastern". I do not see his reasons for doing so, because according to the opinion of paleographers (cf. note 4), the Veronese text was written in the eastern part of the empire.

possess the original text. 'Original text,' of course, does not mean 'original manuscript,' but only the text as written by Gaius and left substantially unaltered in post-classical ages.

Small differences between the manuscripts naturally exist, but apart from the omission of "*ercto non cito*" *every* deviation can easily be explained by mechanical faults of the copyists.[46] The scribes probably did not write from dictation. Legal texts were hardly ever reproduced in this way, since they were never as popular and as much in demand as literature in the strict sense. So the scribes usually were looking at the text they copied. Nobody would copy each word separately but whole sentences. Now it is a psychological fact, that words of no substantial importance are often changed in this way. Thus, "*velut*" instead of "*veluti*" or "*quod enim*" instead of "*nam quod*"[47] are normal consequences of this copying technique. Legal texts are never regarded by contemporaries as sacrosanct, where a special value should be attributed to every insignificant word like "*sed*" or "*autem*"; nobody cared about such divergences. I fear it is a sign of decadence when contemporary scholarship in Roman law attaches any weight to such interchangeable words which are entirely inconsequential for the history of law.

9. But we may go even further. If a work of great popularity, the basic text book of Roman law for centuries, and of a small size, has not undergone substantial changes from 250 until 450 and has even passed into Justinian's codification nearly unaltered, it is *a fortiori* to be supposed that more voluminous and less diffused writings were even less altered.

This conclusion coincides rather well with the acute observations of Watson.[48] By a clever interpretation of the Law of Citation he comes to the conclusion that by the fifth century the works of the five authoritative lawyers had not undergone substantial changes. Watson also argues against the supposed "standard-editions" of their writings – a rather anachronistic idea deriving from the modern technique of book-editing, – adducing a very sober and practical argument: "One can at least in the case of the huge commentaries *ad edictum* and *ad Sabinum* completely exclude the idea that an unofficial revised 'edition' could drive earlier 'editions' from circulation. The cost of a copy of Ulpian's 83 books *ad edictum* would be so enormous that few jurists would throw away their existing copies and rush to buy a new 'edition' for the sake of what would be mainly non-Ulpianic additions . . . Moreover the smallness of the market and the enormous size of the undertaking is very much against the idea of planned multiple copying here."[49]

A possible objection to my conclusion must be considered. One may argue – as it has been done indeed[50] – that since text books are a more conservative type of legal literature than works for forensic use, the *Institutes* cannot serve as a model. I admit that text books bear indeed a somewhat conservative character, but a book constantly used throughout centuries would surely have been rewritten – as happened in fact in the western law schools – if rewriting of classical legal works had been in practice at all. Thus if any book had been substantially modified, certainly the *Institutes* of Gaius would have been. It is short, easy to copy, and it would be not too expensive to buy a new one, if the older manuscript were no longer taught in law schools. On the other hand, it is unbelievable that voluminous works were constantly reedited and the older manuscripts

46. So, the lack of "*aeneaque libra*" (3.167 *PSI*); "*nomen domini*" instead of "*domini nomen*" (3.167 a *PSI*); "*prisca lingua*" instead of "*pristina lingua*" (4.18 *PSI*) etc.

47. It occurs even nowadays, although typewriting enables the copyist to fix his look only at the page he is copying. If the reproduction is done by hand, such faults are simply inevitable.

48. A. Watson, "The Law of Citation and Classical Texts in the Post-Classical Period", *TRG* 34, 1966, pp. 402 ff.

49. Watson, *op.cit.*, p. 404.

50. Cf. Wieacker, *Festschrift Schulz* II, p. 142; Watson, *op.cit.*, p. 403.

recklessly annihilated.[51] It is even probable that only very few of them were really used.

10. These conclusions also find textual support in the two enactments of Justinian, by which the emperor announced and put into effect the *Digest*.

In *Deo Auctore* Justinian forbids any commentaries to the *Digest*, evoking the bad examples of the past: 12.

> *nullis iuris peritis in posterum audientibus commentarios illi applicare et verbositate sua supra dicti codicis compendium confundere; quemadmodum et in antiquioribus temporibus factum est, cum per contrarias interpretantium sententias totum ius paene conturbatum est.*

One would be inclined to think that Justinian alludes to glosses and interpolations, but *Tanta* 21 shows that the emperor means the commentaries written to the praetorian edict:

> *Quod et in antiquis edicti perpetui commentatoribus factum est, qui moderate confectum huc atque illuc in diversas sententias producentes in infinitum detraxerunt, ut paene omnem Romanam sanctionem esse confusam.*

Justinian also tells us that a considerable part of the legal literature collected in the *Digest* was out of use, even hardly heard of, thus refuting the assumption of a regular rewriting of these texts:

> *Tanta* 17: *Homines etenim qui antea lites agebant, licet multae leges fuerant positae, tamen ex paucis lites perferebant vel propter inopiam librorum, quos conparare eis inpossibile erat, vel propter ipsam inscientiam, et voluntate iudicum magis, quam legitima auctoritate lites dirimebantur. In praesenti autem consummatione Digestorum e tantis leges collectae sunt voluminibus, quorum et nomina antiquiores homines non dicimus nesciebant, sed nec umquam audiebant.*[52]

11. All this rehabilitates, at least partly, the older view – now spoken of in a derisory manner[53] – which ascribed the interpolations found in the *Corpus Iuris* generally to the compilers of Justinian. The present prevailing opinion, which considers Justinian's committee a club of philologists who hardly altered the texts, and which supposes, on the other hand, that there were several remodellings of classical legal literature in the post-classical period, needs, in my opinion, a thorough revision.[54]

Of course it would be excessive to exclude the possibility of pre-Justinian interpolations or glosses,[55] but their number and significance is surely much less than supposed by the prevailing view. Post-classical lawyers worked in the imperial bureaucracy[56] drafting enactments and deci-

51. Of course practical works of moderate size are likely to have undergone alterations, as it seems to be proved for the "*Sententiae*" attributed to Paulus. Cf., e.g., Kaser, *SZ* 69, 1952, pp. 69 ff. and p. 80. But even in such cases the alterations took, at least partly, the form of a separate interpretation, as stressed by Kaser.

52. The emperor originally intended to codify only those works, which were in constant use. Cf. *Const.Deo Auctore* 10. The contradiction between it and the *Const.Tanta* 17 (cited in the text) is so apparent, that it seems the committee, in order to save as much as possible from the classical legal literature, did not strictly obey the order, and once the huge work had been accomplished, the emperor changed his mind.

53. Kaser calls this method simply "Schwarzmalerei", *SZ* 69, 1952, p. 60.

54. A critical attitude to the presently prevailing view can be observed in a recent monograph: K.H. Schindler, *Justinians Haltung zur Klassik*, Köln-Graz, 1966, especially p. 54 and p. 343.

55. According to Kaser the difference between interpolations and glosses must not be exaggerated (*SZ* 69, 1952, p. 63 note 11).

56. This was clearly explained by Schulz (*op.cit.*, pp. 335 ff.), but very few took notice of his words. Indeed, what would induce an official of the imperial chancellery to rewrite out of date legal literature?

sions, and hardly cared for rewriting classical legal literature, a considerable part of which was unknown or out of use.

Thus it would be useful to revise systematically the recent assumptions as to pre-Justinian interpolations. However, this revision should not be based on the traditional and often fallacious linguistic considerations, but first of all on a comparison of post-classical imperial enactments and legal literature.[57] This, if carried through by abandoning the phantom of a linguistically and logically impeccable classical model, surely promises some surprisingly new results.

The excellent documentation of the fate of the *Institutes* for centuries, enabling us to have more faith in the preservation of classical texts in the post-classical period, and less faith in the orthodoxy of Justinian's compilers, is a contribution of papyrology to Roman law. Thus the cardinal importance of *P.Oxy.* 2103 and *PSI* 1182 for Romanistic research can hardly be overestimated.

57. I do not mean by it a total elimination of linguistic considerations. I am only against the method, which, having invented a classical ideal, compares the texts with this ideal. If, e.g., typical phrases of post-classical imperial enactments occur in legal literature of an earlier date, this may be a sign of interpolation. It seems, however, that the "*bonus et diligens iuris consultus*", always writing simply, accurately and logically, as he is imagined by scholars, never did exist. The interpolation-research on linguistic grounds has also another serious weakness in that it neglects entirely the contemporary non-juristic literature. We have to bear in mind, that Apuleius with his vibrating and quite unclassical style lived in the second century A.D., i.e. when classical legal literature flourished most.

EXPLOITATION AUTOMATIQUE DE LA DOCUMENTATION PAPYROLOGIQUE: DESCRIPTION D'UN TRAITEMENT EN ORDINATEUR

Etienne Evrard

On a tant dit que l'ordinateur peut tout et que, pour lui, il n'y a pas de problème insoluble, qu'il ne faut pas s'étonner si toutes les sciences (et, parmi elles, la philologie avec les disciplines qui gravitent autour d'elle) cherchent à mettre à leur service une machine aux capacités si extraordinaires.

Mais, s'il est vrai que l'ordinateur peut tout, il ne le peut que dans la mesure où la besogne lui a été préparée, ce qui suppose que l'on a résolu une masse considérable de questions difficiles et complexes. Une légende tenace fait trop souvent croire qu'avec l'ordinateur, il suffit de pousser sur un bouton pour obtenir tout ce que l'on veut. La vérité est malheureusement tout autre.

L'ordinateur, capable de traiter toute espèce de données, n'accepte pourtant que celles qu'il peut "comprendre," si l'on me permet ce langage un peu trop anthropomorphique. Force est donc d'élaborer une méthode de codification et d'enregistrement des données qui satisfasse à la fois aux exigences techniques et aux nécessités proprement scientifiques.

Une fois choisi ce mode d'enregistrement, il convient de l'appliquer aux textes qu'on a l'intention de traiter. C'est là une tâche qui demande une extrême minutie dans les contrôles et les vérifications: toute erreur à ce niveau se répercuterait gravement dans les résultats.

Une fois les données mises en forme, il faut encore élaborer et tester les programmes d'ordinateur nécessaires à leur exploitation. Or, tous ceux qui se sont occupés de programmation savent combien ce travail exige à la fois d'imagination, de patience et de temps.

C'est seulement après avoir réalisé toutes ces tâches préliminaires que l'on se trouve à pied d'oeuvre. Ainsi donc, les facilités qu'offre l'ordinateur à la recherche scientifique supposent la mise en place préalable de toute une infrastructure.

A première vue, il semblerait normal de confier la conception et la mise au point des programmes à des programmeurs professionnels. C'est d'ailleurs ce qui se fait le plus souvent. Mais l'expérience que nous avons acquise au L.A.S.L.A. nous a persuadés que, sur ce point, une collaboration entre techniciens et chercheurs est moins efficace que le travail d'une équipe dont certains membres au moins possèdent une double compétence: technique et scientifique. Nous rejoignons ainsi les remarques faites récemment par le cabinet MacKinsey, qui s'occupe d'organisation des entreprises, pour un domaine tout différent. Dans le rapport qui vient d'être publié par cet organisme, on lit que l'emploi des ordinateurs dans le monde des affaires n'a guère le rendement qu'on pourrait en attendre parce que les programmeurs, peu instruits des matières dont ils s'occupent, se livrent à des prouesses techniques sans efficacité réelle, tandis que le personnel de direction, ignorant des possibilités des machines, ne pensent pas à leur demander ce qu'elles seraient capables de leur fournir.

Revenons au L.A.S.L.A. Dès la création de cet institut, en 1961, son directeur, M. le Professeur L. Delatte, a tenu à ce que les membres de l'équipe qui travaille sous sa direction se familiarisent avec la technique des machines et, dans le même ordre d'idées, il a créé tout récemment un ensiegnement de troisième cycle portant sur la linguistique computationnelle. En fait, les programmes dont je vous parlerai aujourd'hui ont tous été réalisés par des collaborateurs du L.A.S.L.A. qui, philologues de formation, se sont en outre spécialisés dans les techniques de programmation.

La double compétence dont je viens de parler suppose, chez celui qui l'acquiert, plus qu'un intérêt occasionnel pour les problèmes que pose le traitement automatique des informations. Au reste, le chercheur qui n'envisagerait le recours à l'ordinateur qu'en vue d'une recherche particulière, en dehors de tout plan d'ensemble, se préparerait sans doute de profondes déceptions.

Le temps requis par les tâches préliminaires que j'ai énumérées tantôt est indépendant de la masse des données à traiter (si ce n'est pour la consitution du fichier). Il en résulte que les délais demandés par la programmation risquent fort de paraître disproportionnés eu égard aux dimensions de la recherche envisagée.

Sans doute fera-t-on observer que certaines opérations se retrouvent à peu près identiques dans le traitement de fichiers et de problèmes distincts. Mais un programme conçu pour un type particulier de données n'est pas facilement adaptable à des conditions nouvelles, si légères soient les différences. Or, l'expérience nous a appris qu'une parfaite identité de conditions ne se rencontre à peu près jamais lorsqu'on passe d'une série de données à une autre.

Si l'on veut que l'emploi des ordinateurs dans le domaine philologique soit vraiment justifié et fructueux, il faut le soumettre à un plan d'ensemble qui porte virtuellement sur la totalité des textes et des documents, et sur toutes les questions qui se posent à leur sujet. Telle est l'idée qui, sous l'impulsion de M. Delatte, a inspiré le L.A.S.L.A. dès le départ.

L'opération fondamentale, à notre sens, consiste à enregistrer les textes, une fois pour toutes, avec toutes les informations nécessaires ou utiles aux divers traitements ultérieurs. Cet enregistrement doit obéir à une méthode uniforme, avec, toutefois, des adaptations prévues aux particularités de certains types de données.

L'exploitation des fichiers polyvalents ainsi constitués se fait au moyen d'un jeu de programmes qui, en raison même de l'uniformité de la méthode d'enregistrement, sont applicables à toutes les données. Ici encore, il convient de prévoir des adaptations pour le cas des problèmes qui, fondamentalement identiques, présentent pourtant des différences matérielles parfois importantes.

Les diverses adaptations auxquelles je viens de faire allusion posent des problèmes techniques sur lesquels je m'en voudrias d'insister trop lourdement ici. Je me bornerai à quelques exemples.

Dans l'enregistrement des formes grecques, les codes qui représentent les esprits et les accents sont mêlés aux codes proprement alphabétiques. Or, pour un tri, ces derniers doivent seuls être pris en considération. Si l'on veut donc qu'un seul programme de tri puisse traiter indifféremment des textes latins ou grecs, il faut y insérer une option correspondant à l'opération que je viens de suggerer.

Voici un autre exemple. Toutes les opérations de comptage ont ceci de commun qu'elles dénombrent les éléments qui présentent un certain caractère. On pourra ainsi compter les occurrences d'un même catégorie grammaticale. Un seul programme peut suffire à ces diverses opérations à condition qu'on lui fournisse le moyen de choisir à chaque fois le critère voulu.

Dans les cas de ce genre, la technique consiste, au début de chaque utilisation, à donner les précisions nécessaires soit au moyen d'une carte initiale, soit par un message à la machine à écrire connectée à l'ordinateur, soit encore par la position des switches de la console.

La méthode générale dont je viens d'esquisser les caractéristiques présente des avantages évidents.

Du point de vue scientifique, le seul travail préliminaire que l'on demande au philologue ou, dans notre cas, au papyrologue, c'est de préparer et de contrôler le fichier de base. Cet effort est largement compensé par la fécondité de ce fichier, sur lequel pourront se greffer toutes les recherches possibles. Une fois l'enregistrement de départ réalisé, le papyrologue, délivré des tâches ancillaires et mineures que suppose la mise au point d'une documentation, pourra réserver tous ses efforts au choix des questions à traiter et à l'interprétation des résultats fournis par la machine. Bien mieux, la facilité des traitements automatiques lui permettra sans aucun doute d'élargir ses investigations dans une mesure insoupçonnée et l'homogénéité des données ouvrira la voie à des comparaisons absolument sûres.

Quant au point de vue technique, le programmeur n'hésitera pas à préparer des programmes complexes et à y introduire tous les raffinements souhaitables, puisqu'il sait que leur aire d'efficacité est pratiquement infinie.

Telles sont les idées générales qui nous ont conduits. Les possibilités d'application de nos méthodes à la papyrologie se manifestent, du moins partiellement, dans le petit volume dont un exemplaire été remis en début de séance à chaque congressiste: J. Bingen, A. Tomsin, A. Bodson, J. Denooz, J.C. Dupont, Et. Evrard, *Choix de papyrus, Essai de traitement automatique* (Travaux publiés par le Laboratoire d'Analyse statistique des Langues anciennes, sous la direction du Professeur Louis Delatte). La responsabilité de l'aspect proprement papyrologique de ce travail a été assurée par MM. Bingen et Tomsin. Du point de vue technique, il est le fait de l'équipe qui travaille au L.A.S.L.A. sous la direction de M. Delatte. Cette équipe est formée des philologues classiques dont les noms se trouvent sur la page de titre.

Je voudrais commencer par deux remarques. Tout d'abord, parmi les programmes que nous avons utilisés, certains existaient depuis plusieurs années et l'utilisation particulière que nous en avons faite ici a été possible grâce aux cartes initiales auxquelles je faisais allusion tantôt. Quant aux programmes nouveaux, ils ont été conçus dans l'esprit que j'ai exposé et ils sont utilisables dans d'autres domaines que la papyrologie.

Par ailleurs, dans les travaux de documentation papyrologique, l'impression de textes joue un rôle capital. De ce point de vue, nous disposons au L.A.S.L.A. d'une IBM 870 (c'est-à-dire une perforatrice doublée d'un lecteur de cartes et d'une machine à écrire automatique) qui grâce à une série d'adaptations, est capable d'imprimer le grec sous son aspect traditionnel, avec esprits, accents et *iota* souscrit. J'ai eu l'occasion de décrire ce système dans un article de la *Revue de l'Organisation Internationale pour l'Etude des Langues anciennes par Ordinateur*, 1966, no. 3, pp. 21-45. Depuis, nous avons réalisé de nouvelles modifications, grâce auxquelles nous pouvons désormais représenter d'une manière satisfaisante les signes diacritiques. Quelques perfectionnements sont d'ailleurs encore possibles de ce point de vue.

Des problèmes techniques posés par l'enregistrement des textes, le premier porte sur le choix d'un support. Nous avons adopté la carte mécanographique et avons décidé de l'utiliser à raison d'une carte par mot. Ce procédé individualise parfaitement le mot, qui est l'élément auquel se

rattachent le plus facilement les informations complémentaires (référence, analyse, lemme, etc.). Ceci n'exclut évidemment pas la possibilité de traiter des éléments plus petits (lettres) ou plus longs (contextes de plusieurs mots).

Par ailleurs, les cartes perforées à dessin fixe se prêtent au traitement en machines mécanographiques classiques. C'est là, dans certains cas, un avantage réel qui permet parfois d'adopter des solutions de secours, par exemple en cas de surcharge de l'ordinateur. Il est évident qu'une fois enregistré sur cartes, un fichier peut être reporté sur des mémoires plus évoluées, par exemple les disques magnétiques.

Je n'entrerai pas dans le détail des informations portées sur la carte. M. Bodson vous en parlera tout à l'heure. Je me bornerai ici à quelques indications. La première opération consiste à perforer les formes du texte, accompagnées éventuellement d'un code indiquant la fin des subdivisions utilisées pour la référenciation. Quant à la référenciation, elle est perforée automatiquement, soit par une calculatrice classique, soit par l'ordinateur. Chaque forme est normalement accompagnée d'un lemme et d'un code d'analyse grammaticale, auquel on peut ajouter un code sémantique (mot relatif à tel domaine de signification). Pour le latin, nous disposons d'un programme d'ordinateur qui lemmatise et analyse les formes. Ce programme a été décrit par M. Bodson et moi dans la *Revue de l'Organisation*, 1966, no. 2, pp. 17-46. Pour le grec, il n'existe encore rien de tel et c'est pourquoi, dans l'expérience que nous vous présentons, les papyrologues se sont bornés à la lemmatisation, à laquelle ils ont ajouté un code distinguant les noms propres (et qui serait naturellement susceptible de diversification). L'équipe du L.A.S.L.A. étudierait volontiers un programme grec parallèle à son programme latin, mais elle devrait être sûre que les données à traiter lui viendraient en abondance. En attendant, il existe, dès à présent, un programme qui lemmatise automatiquement les formes identiques à leur lemme, cette opération comportant éventuellement la suppression des signes diacritiques et la modification de l'accent des barytons.

Une fois le fichier de base achevé, les exploitations se distribuent en trois grandes catégories: tâches d'édition, inventaires du contenu des textes, recherche des passages parallèles.

En ce qui concerne l'édition, nous disposons d'un programme à trois variantes. La plus simple consiste à produire un fichier d'impression qui reproduit l'édition de base. Ce fichier, imprimé par la machine 870, fournit des feuilles qu'il suffit de reproduire en *offset*.

Dans une seconde variante, le programme ne retient que les signes réellement présents sur le papyrus, et il remplace les autres par des blancs. La transcription diplomatique ainsi obtenue reproduit dans la mesure du possible la disposition du document original.

La troisième variante, enfin, permet de produire très simplement une édition émendée. Les corrections sont portées sur des cartes caractérisées par un code distinctif. Ces cartes sont intégrées automatiquement dans le fichier de base et l'ordinateur, lorsqu'il les rencontre, sait qu'il doit les prendre en considération et néglige les cartes primitives qui, matériellement, restent pourtant présentes dans le fichier.

Comme les corrections peuvent porter sur des améliorations de lecture, les variantes 2 et 3 peuvent se combiner.

Pour compléter les travaux d'édition, il est encore possible d'extraire automatiquement du fichier de base les éléments d'un apparat critique.

Les inventaires consistent principalement en listes ordonnées et en dénombrement réalisés selon certains critères. Ils présupposent presque toujours un tri plus ou moins complexe. Le tri

grec en mécanographie classique présente des particularités que j'ai exposées dans l'article cité plus haut (*Revue*, 1966, no. 3, pp. 37 ss.). Mais nous disposons également d'un programme de tri sur ordinateur, qui à chaque utilisation, permet de choisir un critère de tri aussi complexe qu'on le désire et comporte un dispositif d'élimination des esprits et des accents. Le même programme est aussi capable de faire des dénombrements dans les mêmes conditions. Il est évident, par ailleurs, que les dénombrements sont aussi possibles en mécanographie classique.

D'autre part, lorsqu'un fichier est trié en ordre alphabétique des lemmes, nous disposons d'un programme qui crée automatiquement un fichier de fréquence, chaque lemme étant représenté par une carte portant, outre le lemme lui-même, le nombre de ses apparitions dans l'ensemble étudié. Le même programme peut en outre calculer la distribution du vocabulaire, c'est-à-dire le nombre de mots employés 1, 2, 3, *x* fois. Ce programme a été décrit dans la *Revue*, 1967, no. 3, pp. 81-95.

Un programme de composition automatique permet alors à l'ordinateur de composer les pages d'un index et de perforer le fichier qui en assurera l'impression. A chaque utilisation, on détermine les caractéristiques de l'index, tant pour la disposition matérielle que pour la nature et l'ordre des éléments retenus. Je ne puis m'étendre sur les diverses variantes possibles. Je me borne à en citer deux, qui sont représentées dans notre volume: l'index proprement dit et la liste de fréquence. J'ajoute qu'un programme permet de constituer, tant en latin qu'en grec, un index inverse (lemmes ou formes): c'est là un instrument dont l'utilité est bien connue.

Quant à la recherche des passages parallèles, c'est l'objet propre du programme de concordance. Ce programme fournit, pour l'élément auquel on s'intéresse, la référence et le texte des passages où il se rencontre. La longueur du contexte fourni est choisie librement à chaque utilisation. Elle est comptée en nombre de caractères avant et après l'élément central, les deux nombres étant indépendants l'un de l'autre. Ajoutons que, pour la lisibilité, le contexte reprend toujours en totalité le mot qui conteint le caractère limite.

Pour ce qui concerne l'élément sur lequel s'exerce la recherche, le programme comporte diverses variantes. Ce peut être un groupe de lettres du texte (de une à vingt), compte non tenu des espaces entre mots et des signes non alphabétiques. Ce peut être, ensuite, un élément quelconque: forme, lemme, code grammatical. Ce peut être, enfin, un élément quelconque dans le contexte duquel se trouvent un ou plusieurs autres éléments déterminés: tel est le cas, par exemple, de la concordance des contextes qui, centrés sur le lemme ἔτος, contiennent aussi le lemme *καῖσαρ*.

Ce n'est pas mon rôle de signaler l'intérêt de telles concordances; M. Tomsin le fera mieux que moi.

Avant de terminer, je voudrais insister sur deux points. Comme le dit M. Delatte dans sa Préface, le petit livre que vous avez sous les yeux est entièrement issu d'un seul fichier de base, dont les machines ont tiré automatiquement éditions, index, listes, concordances. J'ajoute que les informations de ce fichier ne sont pas totalement épuisées dans notre publication. D'autres programmes, existants ou possibles, pourraient en extraire d'autres résultats. Je dois ici noter que les suggestions des papyrologues concernant le type de documentation qu'ils souhaitent personnellement nous seraient grandement utiles quand nous aurons à compléter notre jeu de programmes. Dans ces conditions, il faut avouer que le livre n'est plus qu'un produit secondaire. Ce qui compte vraiment, c'est le fichier, dont n'importe quel chercheur peut extraire le renseignement précis dont il a besoin. L'illustration la meilleure est peut-être celle des concordances. La publication de con-

cordances complètes avec contextes suffisants (s'ils le sont jamais) produirait des volumes peu maniables en raison de leurs dimensions, et dont le contenu serait d'ailleurs en grande partie inutile. N'est-il pas plus simple de demander à la machine les concordances des mots auxquels on s'intéresse, avec des contextes dont la longueur soit ajustée à la nature de la recherche que l'on fait? La machine répondra à une telle demande avec précision, d'une manière exhaustive et sans grand délai.

Mais si l'on veut que toutes ces possibilités se changent en réalités, il faut quitter l'ère des expériences limitées conduites sur des collections restreintes. A quoi servent les ressources des programmes si l'on ne peut les appliquer qu'à un ou deux maigres fichiers? Si les papyrologues pensent que les réalisations qui leur sont présentées ici, et d'autres de même genre, peuvent les aider dans leurs recherches, il est temps d'envisager la mise en oeuvre d'un plan d'ensemble, prévoyant un enregistrement progressif des documents selon un système uniforme. Sur ce point, vous trouverez dans la Préface de M. Delatte quelques suggestions et vous entendrez tout à l'heure les réflexions de M. Tomsin. Mais auparavant, M. Bodson vous parlera d'une manière plus concrète d'une expérience dont je vous ai exposé les grandes lignes et les principes généraux.

ON THE STRUCTURE OF THE EGYPTIAN LARGE ESTATE IN THE SIXTH CENTURY[1]

I. F. Fikhman

The legal sources have long allowed us to believe that large estates were developing in the fourth to sixth centuries in Egypt. The papyrological findings, and the papyri of the Apions in particular, not only proved this assumption but supplied scholars with a great quantity and variety of documentary material which throws light on different aspects of the organization and economic activities of large estates and, to some extent, on their social structure.

I. The papyrological data available prove that the lands of a large estate were not a compact unity and were only slightly tilled by the workers of the estate, the so-called *autourgia*. The lands of large estates extended widely and were subdivided into a number of administrative districts (*διοίκησις*, *μερίς*), run by the representatives of the administration of a large estate. These had different titles according to the time and place. In turn those administrative districts were subdivided into small plots of land cultivated sometimes by free men but mainly be dependents, usually hereditary tenants. As shown by the papyri these tenants were known as *γεωργοί*, sometimes more precisely as *ὑπεύθυνοι γεωργοί* – the obliged, the dependents[2] – and mainly as *ἐναπόγραφοι γεωργοί*. The latter term, which is found not only with the word *γεωργός*,[3] occurs in the documents addressed to landlords (deeds of surety, receipts for pieces of farm machinery, etc.). In the juridical sources the term *ἐναπόγραφος γεωργός* is none other than the Latin *colonus adscripticius*. The *enapographoi* of the papyri should be considered as *coloni adscripticii*.

In addition to these terms whose meanings are certain (it is questionable how much the status of the *enapographoi* mentioned in the papyri corresponded to the prescriptions of the legal sources), there appeared another term in 1948 in the nineteenth volume of the Oxyrhynchus papyri which has been neglected, except in the editors' comments.

In *P. Oxy.* 2243 (a) (590 A.D.), which is an inventory of receipts from and expenditures for estates, we read in line 18: *π(α.) Ἰωάννου καταμ( ) ἀπὸ τ[ῆς αὐτῆς κώμ(ης)] [(νο(μ)..]*. The unpreserved part of the line has been restored by analogy with previous stereotyped entries, and hence seems to give no reason for doubt. The verb *καταμένω* means "to be resident" (out of the *ἰδία*) but in this case the interpretation, as was rightly commented by the editors, is unlikely to suit this, for the stereotype formula uses *καταμένων ἐν* + dat. or *ἐπί* + gen.,[4] while *ἀπό* usually points to origin. The names occurring in the papyrus are sometimes specified more exactly by the indication of occupation and post; hence it is more natural to assume that we have a similar case

1. The literature on large estates: I.F. Fikhman. *Egipet na rubeze dvukh epokh. Remeslenniki i remeslennyi trud v IV-Seredine VII v.n.e.* Moskva, 1965, p. 206, note 1.
2. *WChr.* 383 (Oxyrhynchus, 583 A.D.) introduction; *WB*, s.v.; *P. Oxy.* 1894.14-15 (573 A.D.).
3. E.g.: *ἀγροφύλαξ*: *P. Lond.* III 778.14 (Oxyrhynchites, 568 A.D.); *κηπουρός*: *P. Amh.* 149.4 (VI A.D.); *πωμαρίτης*: *P. Oxy.* 2478.15-16 (Oxyrhynchites, 595 A.D.); *φύλαξ* (?): *P. Oxy.* 1979 (613 A.D.).
4. See *WB*, s.v. *καταμένω*.

in καταμ( ).

P. Oxy. 2244 (VI A.D.), published in the same volume, is a list of supplies of axles for water-wheels; here there are two entries with the abbreviation καταμειν( ): line 39: Παμβηχίῳ υἱῷ Ἀνουθί[ο]υ καταμειν( ) τοῦ βοηθ(οῦ) Πετρωνίου μηχ(ανῆς) καλουμένης Θεωνᾶ κτλ. – one axle; line 65: εἰς χρείαν τῆς μενάλ(ης) μηχ(ανῆς) Παρὰ Ποταμ(ὸν) δι(ὰ) Πετρωνίου καταμειν( ) τοῦ κόμ(ετος) Σχολαστικοῦ κτλ. – one axle.

Despite some difference in the formula, these two entries have one important feature in common: viz., they deal with καταμειν( ) of definite persons. Hence we can be certain that those to whom καταμειν( ) applies were in the service of or dependent on these persons.[5]

Comparing the entry in line 39 with many other entries of the same papyrus (composed according to the formula γεωργῷ μηχανῆς καλουμένης – one axle, Pambechius, like other persons listed in the papyrus, appeared to be an estate tenant, but he was simultaneously καταμειν( ) τοῦ βοηθ(οῦ) Πετρωνίου. Lines 65-66 are more difficult to interpret. They differ from the above-mentioned entries prevailing in the papyrus, nor are they like the entries concerned with the administration of Τοέ of which they are a part (the formula: for the μηχανή... ὑπό + acc. is used there). In this entry instead of ὑπό + acc. we find the construction διὰ + gen. which occurs in other documents, as, e.g., in the receipts for axles to indicate the person delivering it.[6] It might be assumed that καταμειν( ) delivers the axles, but there are circumstances which contradict this interpretation: a) No entry mentions the man delivering the axles. b) Assuming that Petronius delivers the axles, it is not clear who receives them, whereas in all other entries the receiver (the receivers) is always mentioned. c) In lines 83 and 85 we find the entry διὰ τῶν ἀπὸ Ταμπετί but οἱ ἀπὸ Ταμπετί are obviously not the people delivering the axles. Hence despite the poor formula we believe it to be more accurate that καταμειν( ) Petronius, like Pambechius of line 39 and Ioannes καταμ( ) of *P. Oxy.* 2243(a).18, was a tenant of a large estate.

But why should there be indications that two of the three above-mentioned tenants are καταμειν( ) of some persons? And what are they? We know that the βοηθός Petronius was head of one of the estate subdivisions (διοίκησις). At any rate there were five such subdivisions (the very beginning of the document is not preserved), and three of them (lines 27, 47, 75) were headed by βοηθοί. Incidentally the μηχανή which was in Pambechius' charge belonged to Petronius' διοίκησις. In *P. Oxy.* 2243(a).2 the heirs of a certain βοηθός Petronius (they may be the heirs of Petronius of *P. Oxy.* 2244.39) are mentioned as tenants of a large estate. We know nothing about the *comes* Scholasticus but *comites* frequently occur in papyri which deal with large estates; and there they serve as high-ranking officials in the administration of the estate. Incidentally the word *comes* occurs twice in this papyrus (lines 17[7] and 80), line 80 dealing with the head of the *dioikesis*, i.e. a person of such high position as the *boethos* Petronius.

The following interpretation of the entries in *P. Oxy.* 2244.39, 65 might be suggested. Sometimes members of the administrative staff of the large estate did not confine themselves to the duties provided for in their agreements with the large estate, but were also tenants of the large estate. They were not obliged to till their plots themselves and could hand them over to dependents καταμειν( ); this transmission most likely would be registered officially or at least

5. E. Wegener (*P. Oxy.* 2243(a), comm. to line 18) proposes to read in *P. Oxy.* 1889 (496 A.D.) καταμύη τοῦ αὐτοῦ δημοσίου λουτροῦ, but if her suggestion were accepted we are very unlikely to be dealing with the same kind of workers.

6. I.F. Fikhman, "Remeslo i krupnoe imenie v vizantijskom Egipte (po dannym grecheskich papirusov)," *Palestinskij sbornik*, 7 (70), 1962, p. 60; *idem, Egipet*. . . , p. 216.

7. He is mentioned as well in *P. Oxy.* 2195.109 (VI A.D.).

would be brought about with the consent of the large estate. This accounts for the estate directly supplying the καταμειν( ) with machinery.

Something similar is probably meant in *P. Vindob. Sijpesteijn* 7 (Heracleopolites, 462 A.D.), published in 1963. A tenant (μισθωτής) becomes surety to a large landowner for his fellow-villager and probably his servant (ἅμα λειτουργός), who may have been imprisoned by the landowner. He guarantees that his fellow-villager will permanently remain in the hamlet and do his duties of vinegrower within a certain term, and then he will become lessee instead of his surety. In other words the former lessee hands over the plot of land to his dependent with the consent of the landowner.

Provided our interpretation is correct the documents cited, unfortunately very few and not well enough formulated, possibly prove some slight initial trends in the fifth to sixth centuries towards hierarchical land tenure in which a tenant of a large estate hands over rented plots to his dependents. This situation can not be classified as subleasing, a phenomenon which is seldom mentioned in the papyri of that time.[8] While ordinary lease and sublease are concerned with the interests of a limited group of people who are directly interested in them, in this case we are dealing with a complex system of economic and social relations. Besides, the second and third (lower) links of the chain are of greater dependence on higher persons than that which proceeds from ordinary lease agreements, since the first and second links of the chain are persons of considerable social and sometimes political importance who have their own means of compulsion.[9] It holds good not only for large landowners, but also for their administrative staff.

What was the καταμειν( )? The editors believe that we deal here with "client or serf,"[10] referring to the Latin "*mansionarii, manentes*" and to *P. Oxy.* 2238.11 (551 A.D.), where we read παραμένοντα αὐτῇ ἐν τάξει δουλελευθέρου. In their opinion this expression has the same meaning as καταμ( ), καταμειν( ). Indeed, the verb καταμένειν comes very close to the παραμένειν; but the latter, as recently stressed by B. Adams, has also the meaning "to serve" in contracts.[11] The καταμειν( ) mentioned in the Oxyrhynchus papyri as well as the παραμονάριος was likely to be a man in service and therefore in dependence on the person with whom he concluded a contract. But the dependence might have been weaker than the hereditary dependence of the *enapographoi* prescribed by the imperial legislation.

2. In spite of the imperial bans, large estates succeeded in preserving their own means of compulsion: that is, the armed troops, prisons, etc.,[12] which have been repeatedly referred to in literature.

The armed servants of the estate were of different kinds, from various categories of guards and armed messengers to private *riparii*. The most common and correct term for denoting private troops of large estates is *bucellarius*, which was initially applied to the members of private bodyguards of military leaders and then used to denote military servants of a large estate.[13]

8. J. Herrmann, *Studien zur Bodenpacht im Recht der graeco-aegyptischen Papyri,* München, 1958, pp. 198-199
9. See below, the second part of the paper.
10. *P. Oxy.* 2243(a), comm. to line 18.
11. B. Adams, *Paramoné und verwandte Texte, Studien zum Dienstvertrag im Rechte der Papyri,* Berlin, 1964, p. 53.
12. See: E.R. Hardy, *The Large Estates of Byzantine Egypt,* New York, 1931, pp. 60-71.
13. Cf. J. Maspero, *Organisation militaire de l'Egypte byzantine,* Paris, 1912, pp. 66-68; R. Grosse, *Römische Militärgeschichte von Gallienus bis zum Beginn der byzantinischen Themenverfassung,* Berlin, 1920, pp. 283-291.

In the papyri there are sometimes persons denoted by their names with the designation *νεώτερος* (junior). Since this was done to differentiate those persons from others by the same name, the editors of *P. Oxy.* XVI and E.R. Hardy translated the word in the same way. In 1961 R. Rémondon, proceeding from *P. Got.* 18 (VII A.D.) and some other texts assumed that *νεώτερος* should be considered as a newly enrolled soldier (recruit),[14] and that in *P. Oxy.* 1858 (VI-VII A.D.) we deal with a *bucellarius*,[15] although he did not mention the word *νεώτερος*, which is given in line 2 of that papyrus.

P. Oxy. 2480 (565-66 A.D.), published a year later and coming from the Apions' archives, confirms R. Rémondon's assumption. The papyrus is an inventory of wine delivery. Among the individuals and groups who received the wine (their composition is diverse) *bucellarii* and the so-called *neoteroi*[16] occupy a place of some importance.

The *bucellarii* and *νεώτεροι* of Cynopolis, Heracleopolis and the village of Coma are often referred to in the papyrus. We shall first be concerned with the entries dealing with the Heracleopolis detachment.

a) Line 64: 18 *bucellarii* from Heracleopolis receive 4 1/2 dipla of wine for the 15th of Pharmouthi.
Line 70: 18 *neoteroi* from Heracleopolis receive 4 1/2 dipla of wine for the 16th of Pharmouthi.
Line 74: 18 *bucellarii* from Heracleopolis receive 4 1/2 dipla of wine. The date is missing but since the previous and the following entries refer to the 17th of Pharmouthi the delivery is understood to have taken place on the 17th of Pharmouthi, i.e. the succession of the dates is obvious.
Line 78: 18 *bucellarii* from Heracleopolis receive 13 1/2 dipla of wine for the 18th, 19th and 20th of Pharmouthi.[17]

b) Line 110: 16 *bucellarii* from Heracleopolis receive 4 dipla of wine for the 16th of Epeiph.
Line 113: 16 *neoteroi* from Heracleopolis receive 4 dipla of wine for the 18th of Epeiph.
Line 115: 16 *neoteroi* from Coma and 16 from Heracleopolis receive 9 dipla of wine for the 19th of Epeiph.[18]
Line 117: 16 *bucellarii* from Coma and (16)[19] from Heracleopolis receive 6 dipla of wine[20] for the 15th of Epeiph.

14. R. Rémondon, "Soldats de Byzance d'après un papyrus trouvé à Edfou," *Recherches de Papyrologie* 1, 1961, p. 65.
15. R. Rémondon, "Soldats," p. 91.
16. The editor translated "young men" (p. 197); they are placed in Index IX but there is no question of their identity with the *bucellarii* in the introduction though the both terms are mentioned together.
17. 8 more *bucellarii* from Heracleopolis are mentioned in lines 87, 89, and in line 94 there is an erroneous total – 25 *bucellarii*. The quota of wine delivery to them for the 21st of Pharmouthi is half reduced for some reason. Together with 19 *bucellarii* from Coma (44 *ὀνόματα*) they receive 5 1/2 dipla of wine, and not 11 dipla (1/4 dipla x 44).
18. 16 *neoteroi* from Coma receive 5 dipla and 16 *neoteroi* from Heracleopolis receive 4 dipla (see lines 113-114). Those from Coma should have received 4 dipla too (1/4 x 16 = 4), but as on the 15th of Epeiph 32 *bucellarii* (16 from Coma + 16 from Heracleopolis) receive only 6 dipla, but not 8 dipla (1/4 x 32 = 8) (see lines 115-116), and it is the 16 *bucellarii* from Coma who receive less wine apparently, they are twice granted 5 dipla instead of their 4.
19. The figure 16 is omitted (cf. lines 112-115).
20. See note 18. This entry should have preceded line 110. The entry for the 17th of Epeiph is missing.

The identity of the terms *βουκελλάριος – νεώτερος* is also confirmed by the entries referring to the village of Coma. Moreover this identity is referred to by the scribe himself. Thus, lines 112- and 115 deal with the delivery of wine to 16 *neoteroi* from Coma and 16 from Heracleopolis; in line 117 wine is delivered to the same 16 *bucellarii* from Coma and (16) from Heracleopolis (*τοῖς αὐ(τοῖς)*).

The case with the armed troops from Cynopolis is more complicated. Although they were more than once mentioned in the papyrus,[21] the author did not interchange the terms, as in the instances mentioned above, except perhaps in lines 13 and 16. In line 13, 27 *bucellarii* and Theodoros *meizoteros* (28 *ὀνόματα* in all mentioned) receive 29 annonae – 7 1/4 dipla of wine; in line 16, 27 (the 24 in the text is a mistake[22]) *neoteroi* and Theodoros *meizoteros* (28 *ὀνόματα* in all) receive 29 annonae – 7 1/4 dipla of wine. True, both entries have the same date – the 10th of Thoth – but "*ι*" is not completely preserved in line 14 and there might be another figure there. Besides – and it is of great importance – identical entries of the same date do occur in the papyrus (cf. lines 50 and 51).

Thus, *P. Oxy.* 2480 undoubtedly proves that *neoteros* is another term for *bucellarius* and not merely a designation for a category or a rank of soldiers or *bucellarii* ("incorporé récemment") as Rémondon assumed from the evidence available to him. Such an understanding of the term provides a good interpretation of a number of texts, as was shown by its substitution in them.

In the same papyrus, when groups of *bucellarii* or *neoteroi* are mentioned, in some cases the person accompanying or heading a detachment is also mentioned: tribune,[23] *meizoteros*[24] and *antigeouchos.*[25] Three formula are used: *καί* + nom., *σύν* + dat. and *μετά* + gen. The comparison of the entries in lines 3, 6, 13, 16 with the entry in line 68 shows that the formula *σύν* + dat. is identical with the formula *καί* + nom. In most entries with this formula the person accompanying the unit (tribune, *meizoteros*) receives the delivery due to him in conjunction with the *bucellarii.*[26] The formula *μετά* + gen. is applied only to the *antigeouchos* who does not usually receive his share of the delivery. Therefore mention of him together with the *bucellarii* (there are two of them)[27] is not a usual phenomenon but an incidental and temporary one. Thus, except for the cases in which the person in charge of the *bucellarii's* detachments is not mentioned, they move under either a tribune (the Heracleopolis detachments, the detachments from the village of Coma, the detachments of uncertain residence) or *meizoteros* (the detachments from Cynopolis).

No wonder that the detachments of *bucellarii* are headed by a tribune; a tribune in charge

21. 27 people (lines 3, 6, 13, 16); 35 people (lines 68, 75, 80); 20 people (lines 102, 104); 32 people (line 109). The assignment of the 8 *bucellarii* going to Cynopolis (line 8) is not clear, but they probably do not belong to the Cynopolis detachment.

22. See editors' comments to line 16.

23. Lines 29, 35, 66. In line 29 a tribune receives two days' deliveries, in lines 35 and 66, none. Apparently, the tribune is omitted in the entries in lines 72 and 76; cf. line 66. In lines 29 and 35 there is no mention of the permanent residence of the detachment; lines 66, 72, 76 deal with the *bucellarii* from the village of Coma.

24. Lines 3, 6, 13, 16, 68, 102. They all deal with the Cynopolis *bucellarii*; in the first four entries there is Theodorus *meizoteros* receiving two deliveries as annonae; in the last two entries no name is mentioned; the holiday deliveries are meant. The *meizoteros* did not receive them (like the tribune: line 66 and apparently lines 72 and 76).

25. Line 55. The number of the *bucellarii* does not exceed two, for the delivery equals 1/2 dipla. Therefore, the *antigeouchos* received nothing. He was followed by other kinds of workers: the stablemen from Tacona, 30 Crommydiotai (i.e. the inhabitants of Crommydion, as the editor believes, may be stablemen). See lines 47-54, 57-60. And in the entries there is no delivery of wine to the *antigeouchos.*

26. See above.

27. See above.

of a military detachment is well known from the sources.[28] The term *meizoteros* is polysemantic,[29] but as far as we know it has not so far been associated with *bucellarii*. A study of the texts proves this connection in some cases: in *P. Oxy.* 1851 (VI-VII A.D.), the *meizoteros* Theodorus is asked to send wine through a *neoteros*; in *P. Oxy.* 1853.8 (VI-VII A.D.) an *antigeouchos* demands that a tribune or a *meizoteros* be sent; in *P. Oxy.* 1854.5-6 (VI-VII A.D.) an *antigeouchos* mentions a secretary together with a *riparius* and a *meizoteros*; in *P. Oxy.* 1861 it is mentioned that a horse is in Cynopolis at the *meizoteros* Theodorus (can it be the same Theodorus who is mentioned in *P. Oxy.* 2480?); in *PSI* 238.12 (VI-VII A.D.) Serenus, καθοσιωμένος μειζότερος, is mentioned, whereas the epithet καθοσιωμένος is known to have been applied to military and civil officials who are organized on a military basis,[30] and so on.[31] Moreover in *P. Oxy.* 2480 together with the *meizoteros* Theodorus from Cynopolis, the tribune Theodorus is also mentioned (line 29). If we succeeded in proving that we are concerned here with the same person, we would possess obvious proof of the identity of the two terms. But the name Theodorus was rather common; and while the *meizoteros* Theodorus is often referred to together with the Cynopolis *bucellarii*, the residence of the *bucellarii* of the tribune Theodorus is not mentioned. They are most likely the *bucellarii* of the central estate or of the village of Coma (cf. line 66), where a tribune is mentioned as well. At any rate from the above it is evident that in future the texts concerned with *meizoteros* should also be approached from this point of view.

These considerations concerning the terms *neoteros* and *meizoteros* enable us to enlarge the number of the sources elucidating the means of non-economic compulsion on Egyptian estates in the sixth century.

28. References: S. Daris, "Il lessico latino nella lingua greca d'Egitto," *Aegyptus* 40, 1960, pp. 293-294; about him: J. Maspero, *L'organisation. . . .*, pp. 88-89; R. Grosse, *Römische Militärgeschichte...* pp. 145-150.

29. G. Rouillard, *L'administration civile de l'Egypte byzantine,* Paris, 1928, pp. 69-70; *WB* III, p. 133.

30. O. Hornickel, *Ehren- und Rangprädikate in den Papyrusurkunden, Ein Beitrag zum römischen und byzantinischen Titelwesen,* Diss. Giessen, 1930, p. 18 (there is no reference to the papyrus, there is no *meizoteros* as well in the list of bearers of epithets on p. 38).

31. Perhaps both *meizoteroi* and ἀπὸ μειζοτέρων of *P. Princet.* 96 (566-567 A.D.) should be referred to here.

NOTES ON THE MADRID EZEKIEL PAPYRUS

Manuel F. Galiano

Joseph Ziegler, the masterful editor of the Prophets in the Göttingen Septuagint, says of papyrus 967 of the Greek Old Testament that "hatte nicht nur das Missgeschick, dass viele seiner Blätter verloren gingen, sondern dass er auch in verschiedene Hände geriet, die ihn gesondert veröffentlichten."[1] Today perhaps this statement should be partly corrected. In the first place, the number of preserved leaves is now bigger than it was twenty years ago, and it might still be possible to hope for more of them if, as we suspect, there is a last unsold section of the codex in the possession of the dealer who has been slowly releasing his precious goods. Nor has it been, we think, wholly disadvantageous for the study of our manuscript that there were forced delays in the publication of its different parts: on the contrary, it has had several chances to be compared, during more than thirty years, with other specimens of the same text.

In 1937, Sir Frederic George Kenyon, whom every papyrologist cannot but revere as an unforgettable master, published, in the Chester Beatty series,[2] a lot of more or less broken leaves coming from a beautiful codex written in the uncial script of the late second or early third century. Somewhat later, in 1938, a certain number of pages, many of them very well preserved, were published in Princeton, as one of the John H. Scheide biblical papyri,[3] by Johnson, Gehman and Kase, whose edition was really not less wonderful, in every respect, than the one given to the press by Kenyon. The new manuscript, which received all the attention due to the oldest text in any language of Ezekiel, Daniel and Esther, was commented, in the same year,[4] by Gehman himself, who devoted one article to the relations between the Scheide papyrus and the Ezekiel Hebrew text and another one to the relations between the newly found codex and the remaining Greek manuscripts of the Prophet. In 1943, Filson[5] commented on two important omissions of 967, about one of which something will be said below. Five and six years later, in 1948 and 1949, Payne[6] compared the Chester Beatty Ezekiel with the Vaticanus B, and Ziegler, whose findings were to be summed up in the prologue of his Ezekiel,[7] gave a very useful survey of new

1. Ziegler, "Die Bedeutung des Chester Beatty – Scheide Papyrus 967 für die Textüberlieferung der *Ezechiel – Septuaginta*," *Zeitschr. Alttest. Wiss.* 61, 1945/1948, pp. 76-94.

2. Kenyon, *The Chester Beatty Biblical Papyri. Descriptions and Texts of Twelve Manuscripts on Papyrus of the Greek Bible. VII. Ezekiel, Daniel, Esther, Text.* London, 1937. *Plates,* 1938.

3. Johnson, Gehman and Kase, *The John H. Scheide Biblical Papyri. Ezekiel,* Princeton, 1938.

4. Gehman, "The Relations between the Hebrew Text of *Ezekiel* and that of the John H. Scheide Papyri," *Journ. Am. Or. Soc.* 58, 1938, pp. 92-102; "The Relations between the Text of the John H. Scheide Papyri and that of the other Greek Mss. of *Ezekiel*," *Journ. Bibl. Lit.* 57, 1938, pp. 281-287.

5. Filson, "The Omission of *Ezek.* 12.26-28 and 36.23 b-38 in Codex 967," *Journ. Bibl. Lit.* 62, 1943, pp. 27-32.

6. Payne, "The Relationship of the Chester Beatty Papyri of *Ezekiel* to *Codex Vaticanus*," *Journ. Bibl. Lit.* 68, 1949, pp. 251-265.

7. Ziegler, *Septuaginta. Vetus Testamentum Graecum auctoritate Societatis Litterarum Gottingensis editum. Vol. XVI pars 1. Ezechiel ed. J. Z.,* Göttingen, 1952, pp. 10-11, 23-28.

elements contributed by the new papyrus to the critical problems of Septuagintal texts. Extremely interesting are also the conclusions arrived at in 1951 by Wevers[8] on the rendering in Greek of the Hebrew *status constructus* as shown by this codex.

Large sections of 967 have appeared during the last ten years, again in two different countries. In Köln, Father Leopold Jahn, who, in a very unselfish way, has let us take advantage of his collations, is working on a set of new pages, most of which are absolutely unscathed. As for us, we have in Madrid, as a part of the generous Photiadès Foundation, twenty entirely preserved and readable pages of this important manuscript, which can now be reconstructed fairly easily.

It would be, according to Kenyon, a single-quire codex formed of 59 sheets of papyrus, folded in the middle so as to produce 118 leaves. By this method, the verso side of each leaf would precede the recto in the first half of the codex, and the recto would precede the verso in the second half. It was in accordance with this structure that the then preserved Ezekiel leaves all had the verso first, and *vice versa* for Daniel and Esther.

Pages 1-18 of the codex have yet to be found; 19-34 are divided between the Chester Beatty collection and Köln; 35-38, 41-42, 57-58, 105-122 are kept in Köln; 39-40, 43-44 are divided between Köln and Princeton; 45-56, 59-64, 67-74, 79-90 are in Princeton; 65-66, 75-78, 91-104, in Madrid. Such is the geographical distribution of the first section of those cruelly *disiecta membra*. The Ezekiel text, as Johnson and his collaborators had foreseen, ends on page 122, that is to say, extends four pages beyond the middle point of the codex. This fact proves, we think, that Kenyon was wrong when he said that, as we have two scribes who copied, respectively, the text of Ezekiel and the one of Daniel and Esther, one could imagine the first scribe using as many sheets as were necessary for Ezekiel on the first halves of the sheets, and then handing them over to the second scribe, who added the other books on the second halves. Apart from the fact that this procedure is highly unlikely, since the second scribe would have the sheets handed to him by the first one in an order exactly the reverse of his needs, we now see that Kenyon's theory proves impossible.

As for Ezekiel, the sections of the codex which are preserved in the Chester Beatty collection, Köln, Princeton and Madrid or which are lost for the moment amount, respectively, to 6, 30, 33, 17 and 14 per cent of the whole book. The chapters entirely or partially preserved in the Madrid leaves are 28-29, 32-34, 37, 40-43. Our section, containing the description of the temple, is full of technical details which have been the source of many a difficulty for the Greek and even for the Hebrew scholars: Paleographically, on the other hand, the codex poses no problems. Very good descriptions of it can be found in the introductions to Kenyon's and Johnson's editions. We have found at least one marking in cursive script, at the top of page 104, clearly intended, as in the Princeton leaves, for public use by the readers, who, with its help, might more easily find the desired passages. So, here μετανοιασ is a reference to 43.7-11, where God's people are exhorted to repentance.

We omit here secondary questions concerning the use of ν movable, systematically employed by this scribe before consonants; the usual itacisms; the single $\overline{\kappa\sigma}$ as chosen to designate the *nomen sacrum*; the various and chaotic spellings employed in Greek renderings of technical Hebrew words (αιλαμ, θεε, θραελ and others); the variations in voice, mood, tense, number and person of verbal forms, or in gender, number or case of the nouns, adjectives and pronouns. We will concentrate instead on the most interesting readings.

8. Wevers, "Evidence of the Text of the John H. Scheide Papyri for the Translation of the *status constructus* in *Ezekiel*," *Journ. Bibl. Lit.* 70, 1951, pp. 211-216.

Let us see, first of all, the passages in which the new codex agrees with Vaticanus B. We have nearly thirty cases in which the words or sentences expelled from their texts by both manuscripts—or not admitted to them— are hexaplaric restorations usually marked with the asterisk in some or all of the Origenian manuscripts. Ziegler's edition, of course, follows B in every one of these passages.

29.3 *φαραω* 967 B *Co(ptica translatio) Arab(ica translatio) Z(iegleriana editio)*] *φαραω βασιλευ αιγυπτου* A *rel(iqui)* / ⁘ *H(exaplaris recensio)* / "Pharao, König von Aegypten" *M(assoreticus textus secundum Zimmerlianam translationem)*

37.9 *ελθε* 967 B *Z al(ii)*] *ελθε το πνευμα* A *H L(ucianica recensio) c(um) transl(ationibus) pl(erisque)* / ⁘ *H* / "komm, Lebensgeist" *M*

41.18 *φοωικεσ* 967 B *L Z al.*] *φοωικεσ και φοωιξ* A *rel.* / ⁘ *H* / "und Palmen. Und eine Palme" *M*

Sometimes the asterisk is not to be found. When this happens, it is not always easy to choose between three possibilities: either the reason for the absence of the words or sentences in B and in 967 has been independently accidental, which is not likely; or it the asterisk which, also accidentally, has disappeared from the hexaplaric witnesses; or (we can only point it out as a merely theoretical possibility) most of the manuscripts have added the doubtful section on the basis of a possible prehexaplaric revision.

33.31 *μιασματων* 967 B *Z al.*] *μιασματων αυτων* A *H C(atenis instructi codices) Co Arab Arm (enia translatio)* Hi(eronymus) / "hinter ihrem Gewinn" *M*

When the cause of the differences between manuscripts is just a substitution of one word for another, the new papyrus usually confirms the readings of B.

28.25 *εθνων* 967 B *c. pl. Z*] *χωρων* A (cf. 20.41 *apud omnes)*

33.8 *αμαρτωλω* 967 B *c. pl. Z*] *ανομω* A *Arab*

33.22 *συνεσχεθη* 967 B *c. pl. Z*] *συνεκλεισθη* A *Arab*

In most of these cases, Ziegler had already followed the Vaticanus, but not so always.

33.30 *τα τειχη* 967 A B *c. pl.*] *τουσ τοιχουσ L* Th(eodore)t(us) *Z* (cf. 42.12, 13, 17 etc.)

An interesting question is posed by one versicle.

28.19 *στεναξουσω* 967 B *Co*] *στυγνασουσω* Tyc(onius) A *c. pl. Z (cf. 26.16, ubi στυγνασουσω* 967 *solus praebet)*

Ziegler adopted *στυγνάσουσω*, following Tyconius, A and other sources against B, because in 26.16 the only manuscript which employed this word to translate the Hebrew verb וְשָׁמְמוּ was 967; but now we see that here our codex renders the same word by *στεναξουσω*, like B. This should move us to a certain caution in viewing 967.

Very different is one concrete case in which A was rightly suspected because of its agreement with the Massoretic text.

37.10 *πολλη* 967 B *c. pl. Z*] *μεγαλη* A *Bo(hairica translatio)* Tert(ullianus) / "grosses" *M*

In several passages we find transpositions in which 967 comes to agree with B; but there is at least one versicle whose text in both manuscripts conforms to Hebrew word order.

33.22 *μου το στομα* 967 B *c. pl. Z*] *το στομα μου* A *c. al(iis)*

41.24 *θυρα τη δευτερα* 967 B *c. pl. Z*] *δευτερα θυρα* A

37.9 *επι το πνευμα προφητευσον υιε ανθρωπου* 967 B *c. pl. Z*] *πρ . υιε ανθρ. επι το πν.* A *C Arab Arm* Hi / "über den Lebensgeist, prophezeie, Menschensohn" *M*

The same thing happens in another reading, common to B and to 967, which Ziegler was perhaps rightly led by A and others not to accept.

40.17 *τησ αυλησ κυκλω* 967 B *H L* Hi / *κυκλω τησ αυλησ* A *c. rel(iquis) Z* / "im Hofe ringsherum" *M*

As for a last case, it seems that the text given by 967 and B, in accordance with Eusebius and Tyconius, should be admitted into the editions as suggested some time ago by Katz.

37.24 *εσται ποιμην εισ* 967 B Eus(ebius) Tyc] *και π . εισ εστ.* A *c. pl. Z*

The agreement of 967 and B must not prevail, we think, against stylistic reasons in unessential variants involving suppressions or additions of the article or of *καί*.

33.6 *χειροσ* 967 B *al.*] *τησ χειροσ* A *c. rel. Z*

41.9 *τα ανα μεσον* 967 B] *ανα μεσον* A *c. rel. Z*

Sometimes it seems better to go against B, 967 and the Massoretic text.

43.2 *την προσ ανατολασ* 967 B *H L Arm* Hi Tht] *τησ πυλησ τησ βλεπουσησ πρ. αν.* A *c. rel. Z* / "von Osten her" *M*

And the same can be applied even to cases in which A agrees with the two manuscripts: Ziegler continues to be a sure guide when he follows other witnesses or the advice of scholars like Katz in correcting paleographical slips, mechanical omissions and mistakes of all sorts.

32.32 *τησ* 967 A B *c. al.*] *γησ* Tyc *c. pl. Z*

37.22 *εισ εθνοσ εν* 967 A B *c. al.*] *εισ εθν. εν εν H Co Aeth(iopica translatio) Arab Arm* Hi *Z*

40.17 *εσωτεραν* 967 A B *c. rel.*] *ἐξωτέραν* Katz *Z*.

Now let us come to the discrepancies between 967 and B. We have not much space left to comment on the cases in which B alone goes wrong against every other witness or earlier readings of Ziegler against A and B which are confirmed, sometimes brilliantly, by the new pages of 967.

41.7 *μεσων* 967 A *c. pl. Z*] *γεισων* B

41.18 *ανα μεσον χερουβ και χερουβ* 967 A *c. pl. Z*] *ανα μ. χ. κ. ανα μεσον χ.* B

41.19 *ολοσ ο οικοσ* 967 A *c. pl. Z*] *ο οικοσ* B

29.4 *σου και παντασ τουσ ιχθυασ του ποταμου σου* 967 A *c. pl. Z*] *σου* B

37.27 *εσονται μοι λαοσ* 967 A *c. pl.* Tyc *Z*] *μου εσονται λαοσ* B

29.10 *ερημον και ρομφαιαν* 967 *c. pl. Z*] *ερ. ρομφ.* B *H Co c. al.*: *ερημον* A / "Trummerstätte" *M* ("in diesem Zusammenhang ist dann die Drohung mit dem Schwert aus 8 hereingeraten")

40.20 *το* 967 *c. pl. Z*] *το τε* A B *c. al.*

40.25 *θυριδεσ* 967 *L c. al. Z*] *αι θυρ.* A B *c. rel., perperam a* 22 *lectionem trahentibus*

40.41 *αυτασ* 967 *c. pl. Z*] *αυτα* A B *c. al. (ante σφ-)* / *apud* B *aliosque αυτα invenitur in* 42, *ubi nullum σ sequitur*

The variants of our manuscript alone against the whole tradition are in these pages more than 150. We must leave aside here some curious notes on gender, number or case of the nouns; tense, voice or endings of the verbs; use of simple verbs instead of the compound ones; different prepositions before the nouns,etc. And, of course, a whole lot of misspellings and faults.

Additions are not too frequent, which proves to us once more the sound prehexaplaric quality of the text. In some of them, the mechanical production of the wrong reading can be easily traced.

40.24 *πυλη η* 967] *πυλη rel.*

40.41 *και κατεναντι* 967] *κατεναντι rel. / cf. ibidem και κατα nonn(ulli) : κατα rel.*

Of the 53 omissions, 33 are related to syntactic peculiarities of *καί*, the article, the pronouns or the prepositions. The usual sentence *λέγει κύριος* is once suppressed by the scribe. The remaining 19 instances can be regarded as more or less typical cases of *homoeoteleuton*. We can show, among others, a passage in which there is hardly anything to comment on; a wholly casual coincidence with the obelisation by an hexaplaric witness; and an omission in which the main corruption must have been already in the manuscript from which 967 itself derives.

28.26 *αυτων* 967] *αυτων και ο θεος των πατερων αυτων rel.*

37.21 *των* 967] *παντων. των rel.* / ⁝ Vat. Chig. R VII 45 / "von allen Seiten her" *M* ("voller *ἀπὸ πάντων τῶν περικύκλῳ αὐτῶν*")

29.4 *ποταμου επι* 967] *ποταμου σου και καταβαλω σε εν ταχει και παντας τους ιχθυας του ποταμου σου επι rel. / interfuisse videtur, inter archetypum et* 967, *codicem qui ποταμου σου επι (homoeoteleuton genuinum) vel ποταμου και καταβαλω. . . ιχθυας του ποταμου επι praebebat*

The transpositions never before found are twelve. We would remark on three special cases. In one of them, the extremely difficult nature of the text has brought about a whole chain of disturbing mistakes; as for the two last passages, it is perhaps possible to trace again the origin and development of the new reading.

37.24 *αυτων εν μεσω* 967] *εν μεσω αυτων* A B *c. rel. Z*

40.6 *ισον τω καλαμω εξ εξ το δια τησ αυλησ* 967] *εξ ενθεν και εξ ενθεν και το αιλαμ τησ πυλησ ισον τω καλαμω* A *Z* / *εξ εξ pro εξ. . .ενθεν, δια pro αιλ* (cf. 40.48, 41.3), *αυλησ pro πυλησ, omisso και, inesse veri simile est*

40.7 *ισον τω καλαμω μηκοσ και πλατοσ* 967] *ισ. τω κ. το πλ. και ισ. τω κ. το μ. Z c. pl. / ισ. τω κ. πλ. κ. ισ. τω κ. μ. fortasse apud archetypum scriptum esse, ex illo per homoeoteleuton ισ. τω καλαμω μ. exortum, adiectum esse postea και πλ. coniecimus*

40.19 *τησ πυληση τησ βλεπουσησ κατα ανατολασ πηχεισ ρ* 967] *τησ π. τησ βλ. εξω π. εκατον τησ βλ. κατα αν. Z c. rel. / τ. π. τησ βλ. κ. αν. primum exortum esse, πηχεισ ρ adiectum a nostro videtur*

As to the big transposition, by which the chapters 38-39 have been placed before 37, the new pages have revealed to us nothing that was not long since known; we can only regret that, unhappily, these leaves do not confirm the hopes of Zimmerli and others, for whom there still existed the possibility of a future discovery of the section (36.23-38) omitted in its right site. The problem, which was not solved by the contradictory theories of Filson and Irwin, is still far from solution. An additional complication would be the fact that, according to our reckoning, there may have been perhaps another important omission in the first eighteen pages of the codex.

We have compiled a list containing the most significant variants of 967 against all manuscripts.

28.26 *εκει* 967] *επ αυτησ* A B *Z* : *επ αυτοισ, εν αυτησ, εν αυτη al.*

29.7 *επεκροτησαν* 967] *εκροτησεν* B^1 : *επεκροτησεν* B^2 *H L Co Aeth Arm* Tht : *επεκρατησεν* A *c. rel. Z*

33.8 *αμαρτια* 967] *ανομια rel.*

33.9 *ρυση* 967] *ερ(ρ)υσω* A Aq(uila) Th(eodotion) : *εξηρησαι* B *c. pl. Z*

33.30 *λαλουσι* 967] *διαλαλουσι L* : *λαλησουσι* Tht : *οι λαλουντεσ Z c. rel.*

37.5 *επαγω* 967] *εισαγω H L* Tht : *φερω* A B *c. rel. Z*

37.23 *ηνομησαν* 967] *ημαρτοσαν* A B *c. pl. Z*

37.26 *αυτοισ* 967] *μετ αυτων rel.*

37.27 *εν μεσω αυτων* 967] *εν αυτοισ* A B *c. pl. Z* : *επ αυτοισ*, *μετ αυτοισ al.*
40.43 *κυματιων* 967] *γεισοσ rel.* / "Abstellplatten" (?) *M*
41.1 *εισηλθεν* 967] *εισηγαγε(ν) με rel.* / "er führte mich" *M*
41.4 *πυλων* 967] *θυρωματων* A *c. al.* : *θυρων* B *c. rel. Z*
41.13 *τοιχου* 967] *οικου rel.*
41.20 *διαγεγραμμενοι* 967 (cf. 42.3)] *διαγεγλυμμενοι rel.*
41.25 *καλα τα* 967] *σπουδαια rel.* : *κρηπιδιαῖα vel ζυγοειδῆ vel ζυγώδη dubitanter Katz* / *σπουδαια, quod tantum hic apud LXX invenitur, plane emendandum est, sed in -λατα corruptio prioris -δαια nescio an lateat*
42.2 *ευροσ* 967] *πλατοσ rel.*
42.3 *κατα στιχον* 967] *εστιχισμεναι* A B *c. pl. Z*
42.13 *στανονται* (*sic*) 967] *φαγονται rel.* / "essen" *M*
43.8 *συνεγγυσ* 967] *ωσ συνεχομενον rel.*

The new word *κυματιων*, substituted for *γεῖσος* in 40.43, appears four times in Exodus, in connexion with the ark's building, as a translation for the Hebrew noun זֵר. As for *στανονται*, it must be a mistake for *ἱστάνονται*. We have found the verb *ἱστάνω*, used intransitively, just once in the Septuagint, but precisely in Ezekiel (17.14). It seems that the scribe of the codex from which 967 has copied did not understand what a verb "to eat" could have to do with the activities of the priests in the temple.

THE LANGUAGE OF THE NON-LITERARY GREEK PAPYRI

Francis T. Gignac

This paper will embody my prolegomena to a grammar of the Greek papyri of the Roman and Byzantine periods, a project on which I have been working for ten years.

These papyri, as you know, constitute our richest source of knowledge of the living Greek Koine, and remain the only major collection of Greek documents lacking a comprehensive linguistic description. Most importantly, they offer evidence of the Greek language in transition, and reveal the early steps of many developments in pronunciation and grammar which have resulted in the Modern Greek language. In reflecting the language of Greco-Roman Egypt, they also present the interesting case of a common Greek language, evolved from earlier dialects, now subject to foreign influences and showing phenomena which do not fit into the pattern found in the direct line of development from ancient to modern Greek.

Scholars have long recognized the value of the non-literary papyri for the study of the post-classical Greek language, and have cited papyri examples for nearly a century now. Among these scholars were Hatzidakis,[1] Dieterich,[2] and Thumb;[3] the New Testament scholar Deissmann;[4] and the New Testament grammarians Moulton,[5] Robertson,[6] Rademacher,[7] Blass and Debrunner.[8]

The need for a comprehensive study of the language of the papyri was already felt by the turn of the century. Good preliminary analyses of specific items were made by Völker,[9] Kuhring,[10] Harsing,[11] and Horn;[12] and a monumental grammar of the Ptolemaic papyri was pro-

1. G. N. Hatzidakis, *Einleitung in die Neugriechische Grammatik,* Bibliothek indogermanischer Grammatiken, Bd. V, Leipzig, 1892.

2. Karl Dieterich, "Untersuchungen zur Geschichte der griechischen Sprache von der Hellenistischen Zeit bis zum 10. Jahrhundert n. Chr.," *Byzantinisches Archiv,* Ergänzung der *Byzantinischen Zeitschrift,* Heft 1, Leipzig, 1898.

3. Albert Thumb, *Die griechische Sprache im Zeitalter des Hellenismus,* Beiträge zur Geschichte und Beurteilung der Κοινή, Strassburg, 1901.

4. G. Adolf Deissmann, *Bibelstudien,* Marburg, 1895; *Neue Bibelstudien,* Marburg, 1897; *Licht vom Osten,* Tübingen, 1923.

5. James Hope Moulton, *A Grammar of New Testament Greek,* Vol. I, Prolegomena, 2nd ed., Edinburgh, 1906; Vol. II, Accidence and Word-Formation, with Wilbert Francis Howard, Edinburgh, 1919-29; Vol. III, Syntax, by Nigel Turner, Edinburgh, 1963.

6. A. T. Robertson, *A Grammar of the Greek New Testament in the Light of Historical Research,* 3rd ed., New York, 1914.

7. Ludwig Rademacher, *Neutestamentliche Grammatik,* Tübingen, 1925.

8. Friedrich Blass & Albert Debrunner, *Grammatik des neutestamentlichen Griechisch,* 10 eds., 1896-1959.

9. Franciscus Völker, *Papyrorum Graecarum Syntaxis Specimen* (de accusativo; acced. ii tract. de -ν et -ς finali), Bonn, 1900; *Syntax der griechischen Papyri,* I. Der Artikel, Münster, 1903.

10. Gualtherus Kuhring, *De Praepositionum Graecarum inChartis Aegyptiis Usu Quaestiones Selectae,* Bonn, 1906.

11. Carolus Harsing, *De Optativi in Chartis Aegyptiis Usu,* Bonn, 1910.

12. Robert C. Horn, *The Use of the Subjunctive and Optative Moods in the Non-literary Papyri,* Philadelphia, 1926.

duced by Mayser.[13] Valuable critical studies of post-Ptolemaic papyri were done by Salonius,[14] Zilliacus,[15] Ljungvik,[16] and Kapsomenos;[17] and a complete analysis of word formation by suffixes was published by my mentor, Leonard Palmer.[18] Unfortunately, none of these scholars was able to see his proposed grammar through to completion. A comprehensive grammar of the papyri of the Roman and Byzantine periods, in the words of Professor Youtie, "remains a chief desideratum of papyrology to this day."[19]

It is with considerable diffidence that I have embarked upon such a project. I have been able to bring my study of the phonology and morphology of the Roman and Byzantine papyri almost to completion, and I have made some progress in syntax. In this paper, I wish to summarize for you briefly the main linguistic phenomena which I have observed, and present approaches towards their interpretation.

In phonology, my study attempts to determine how Greek was actually pronounced in Egypt at this period, and thus to show what phonological developments have taken place within the Greek language since classical times, and to what degree the speech habits of non-native Greek speakers have introduced a foreign accent. The pronunciation in use by writers of the papyri is established by means of an analysis and interpretation of spelling variations in the papyri.

The validity of orthographic variations for determining the pronunciation of a dead language is based upon the linguistic principle that symbols are not generally confused in writing unless the sounds they represent have become identified in speech. If certain letters or groups of letters interchange only rarely and irregularly, another explanation is sought; but when they are confused frequently, so that one letter or group of letters stands for another and vice versa in document after document, this establishes a strong presumption that this confusion corresponds to some confusion in the speech of the writers concerned. Indiscriminate confusion of two or more symbols indicates a virtual identity of the sounds which they represent.

When therefore we find both short and long ι confused with ει from the middle of the third century B.C. in all types of documents from all areas of Egypt in literally thousands of different words,[20] we are forced to the conclusion that the different sounds which these symbols originally represented had coincided in one phoneme /i/.

Naturally there are inherent limitations to the value of orthographic variations in determining the pronunciation of any dead language. In a dead language, neither the original sounds nor the transitional sounds can normally be assigned precise phonetic values. Phonemic oppositions, however, can be established; that is, a given sound can be distinguished from other sounds which are significant in the language at a particular time and place, and relative phonetic values for these sounds can be drawn up.

In the papyri, there is much evidence of other identifications of sounds. The diphthong αι

13. Edwin Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit,* Leipzig, 1906-36.
14. A. H. Salonius, *Zur Sprache der griechischen Papyrusbriefe,* Helsingfors, 1927.
15. Henrik Zilliacus, *Zur Sprache griechischer Familienbriefe des III Jahrhundert nach Chr.,* Helsingfors, 1943.
16. Herman Ljungvik, *Beiträge zur Syntax der Spätgriechischen Volkssprache,* Uppsala, 1932.
17. S. G. Kapsomenakis, *Voruntersuchungen zu einer Grammatik der Papyri der nachchristlichen Zeit,* Münchener Beiträge zur Papyrusforschung und antiker Rechtsgeschichte, Heft 28, München, 1938. The author's real name is Kapsomenos, as appears in later articles. The name Kapsomenakis seems to have been the result of an error of a university registrar in Munich.
18. Leonard R. Palmer, *A Grammar of the Post-Ptolemaic Papyri,* Vol. I, Accidence and Word-Formation, part 1, The Suffixes, London, 1946.
19. Herbert C. Youtie, "The Textual Criticism of Documentary Papyri," *University of London Institute of Classical Studies Bulletin,* Supplement no. 6, 1958, p. 49.
20. Examples from the Ptolemaic period are in Mayser I, pp. 87-94.

begins to interchange with ε from the second century B.C.,[21] and this confusion of symbols becomes nearly as frequent as that of ει and ι by the first century A.D., pointing to the identification of the sounds they represented in one phoneme /ε/, as in Modern Greek today. Similarly, we find the diphthong οι sporadically interchanging with υ in the Ptolemaic papyri.[22] This identification, probably in the sound /y/, seems completed by the first century A.D., when a marked confusion of οι and υ can be observed in the papyri.[23]

The pronunciation of the other vowels and diphthongs in the Greek of Egypt as indicated by spelling variations in the papyri is as follows. The classical Greek diphthongs were uniformly reduced to simple vowels. The classical long diphthongs show evidence of having been reduced to their corresponding simple vowels by the end of the first century B.C.[24] In the early Roman period, these diphthongs are more often than not written without the -ι, and conversely an -ι is not infrequently added erroneously to a simple α, η, or ω in words in which it was not etymologically present.[25] The diphthong υι, identified already in fifth and especially fourth century Attic inscriptions with υ,[26] shows little evidence of confusion with the simple vowel in the Ptolemaic papyri.[27] But in the papyri of the Roman period, this identification is amply attested directly by the omission of the ι,[28] and indirectly by the expansion of the second element to ει, which graphically expressed a glide element before another vowel.[29] The diphthongs αυ and ευ show sporadic instances already in the second century B.C. of the reduction of their second element to a consonantal sound.[30] A more exact chronology of this phonetic shift can be gleaned from the papyri of the Roman and Byzantine periods, throughout which the υ continues to be occasionally omitted.[31] During the first four centuries, the closure of the second element to a [w] sound is indicated by the occasional expansion of the αυ and ευ to αου and ευ, and sometimes even to αυου and ευου;[32] while in Byzantine times, the occasional interchange of the υ with β especially after ε[33] points to its closure to that of a bilabial fricative [β], a sound midway between the original vocalic [u] and the Modern Greek [v] or [f]. The diphthong ου has by the beginning of the papyri advanced to the more closed [u] sound which it has in Modern Greek

21. *Ibid.*, pp. 103-8.

22. *Ibid.*, p. 111.

23. Cf. from the first century A.D. λυπέ (for λοιπαί) *P. Mich.* 327.26 (I); ὔκου (for οἴκου) *P. Mich.* 260-1.12 (35 A.D.); μυ (for μοι) *P. Mich.* 258.2 (32/33 A.D.); οἰπέρ (for ὑπέρ) *P. Teb.* 409.6 (5 A.D.); ἄ̣κοιρον (for ἄκυρον) *P. Oxy.* 2349.14 (I); μηνοίω (for μηνύω) *P. Lond.* 280.12 (55 A.D.)

24. Mayser, I, pp. 119, 122, 133-4.

25. E.g., ὁμολογῶι *P. Fay.* 89.9 (9 A.D.); *P. Mich.* 294.1 (I); etc.; ὀκτώι *P. Mich.* 293.3 (I); *P. Fay.* 47.13 (61 A.D.); ἔτηι *P. Merton* 10.9 (21 A.D.); *P. Oxy.* 721.15 (13/14 A.D.); etc.

26. K. Meisterhans, *Grammatik der attischen Inschriften*, dritte Aufl. von Eduard Schwyzer, Berlin, 1900, pp. 59-60.

27. Mayser I, pp. 112-13.

28. E.g., τετελευκύης *P. Mich.* 304.1 (42 A.D.); ειδύης *BGU* 1579.28 (118/19 A.D.); ὑύ (for υἱοί) *P. Mich.* 300.9 (I); υ⟨ι⟩ός *P. Mich.* 186.36 (72 A.D.); *P. Oxy.* 1860.13 (VI/VII).

29. E.g., νειοῦ *SB* 7663 (=*P. Lugd.-Bat.* 8).26 (86 A.D.); sim. *P. Oxy.* 1110.21 (188 A.D.); γεγοννειής, τετελευτηκυειής *P. Teb.* 381.7, 8 (123 A.D.).

30. Mayser, I, pp. 113, 115.

31. E.g., α⟨ὐ⟩τοῦ *P. Mich.* 187.38 (75 A.D.); *P. Iand.* 9.15 (II); *P. Ross-Georg.* 3, 1.11 (270 A.D.); *P.Klein.Form.* 42,5 (VI); etc.; ἀπολα⟨ύ⟩οντας *P. Lond.* 1912.94 (41 A.D.); ἀναπα⟨ύ⟩ομαι *SB* 4317.11 (ca. 200 A.D.); etc.; δε⟨υ⟩τέρου, ε⟨ὐ⟩ρησιλογίας *P. Ryl.* 600.7, 14 (8 B.C.); ε⟨ὐ⟩χαριστῖ *BGU* 843.9 (I/II); etc;

32. E.g., αὑτοῦ, etc.: *SB* 9109.2, 7 (31 A.D.); *P. Mich.* 260-1.13, 14 (35 A.D.); *P. Mich.* 123 verso, Col. V, 13 (45-7 A.D.); etc.; ναούλου *SB* 4821.10 (464 A.D.); ὑπογραφεούς *P. Mich.* 311.24-5 (34 A.D.); ἐρμηνεούς *P. Mich.* 123 recto, Col. XXI, 8 (45-7 A.D.); σκεούει (for σκεύη) *P. Mich.* 343.5 (54/5 A.D.); etc.; ταυοῦτα *BGU* 615.7-8 (II); δευουδέρου *CPR* 198.5 (139 A.D.); δουλεύουετε *SB* 6263.20 (Rom.); etc.

33. E.g., προσαγόρεβσε *P. Iand.* 101.9 (V/VI); sim. *P. Ross-Georg.* III, 10.6, 7, etc. (IV/V); conversely ἐυδόμῃ *P. Lond. 1914.47 (IV)*; cf. ἐυβδομήκοντα *SB* 7621.i. 6, 8 (IV); sim. *SB* 5638.11 (VIII). The interchange of αυ and αβ seems to occur only when the υ represents a Latin consonantal *u* (normally represented by ου), as in Φλαβίου *PSI* 1254.18 (237 A.D.).

today. This is shown mainly by transcriptions of Egyptian names in the papyri.[34]

The simple vowels have for the most part preserved their classical pronunciation, with however all loss of quantitative distinction between long and short, at least by the end of the second century B.C.[35] Evidence from the papyri shows frequent interchange of long vowels and diphthongs with short vowels. The diphthong ει interchanges with an etymologically short ι as well as a long ι; αι interchanges with ε, οι with υ, and, most frequently, ω interchanges with ο in all types of words and in all phonetic conditions. This loss of quantitative distinction in turn reflects a change in the nature of the Greek accent from pitch to stress. A strong stress accent in the period of the papyri is corroborated by considerable interchange of vowels in unaccented syllables.

The determination of the sounds represented by the letter η presents a particular problem. Its sound or sounds would be expected to be somewhere intermediate between its classical [æ] sound and its Modern Greek identification with the [i] vowels. There is on the one hand considerable evidence from papyri of the first century of the Roman period of a confusion of η with ι and ει,[36] suggesting that η may already have been pronounced [i]. On the other hand, η interchanges frequently with ε, not only in the first century, but virtually throughout Roman and Byzantine times.[37] The problem presented by these data is how η can be identified at one and the same time with symbols representing the sound [i] and a symbol representing the sound [ε], when these symbols do not unconditionally interchange with each other.

A similar problem arises on examination of the evidence for the pronunciation of the consonants. There is some evidence in the papyri of all periods that the voiced stops /b, g, d/, represented by β, γ, δ, have become fricatives, as in Modern Greek.[38] On the other hand, there is much evidence from the same types of documents of the same time and place that these voiced stops were still plosives, for they interchange very frequently with their corresponding voiceless stops, γ with κ, δ with τ, and β occasionally with π.[39] Similar evidence is found for the pronunciation of the aspirated stops represented by χ, θ, φ, which also interchange not infrequently in

34. See a summary of these transcriptions in J. Vergote, *De Oplossing van een Gewichtig Probleem: De Vocalisatie van de Egyptische Werkwoordvormen*, Brussels, 1960, pp. 11-12.

35. Mayser, I, pp. 138-42.

36. E.g., *μέρι* (for *μέρη*) and *μί* (for *μή*) *P. Ryl.* 160d (=*SB* 5109-10) Col. I 2, 7 (42 A.D.); *πάσι βεβαιώση* (for *πάση βεβαιώσει*) *P. Mich.* 280.6 (I); sim. *P. Mich.* 249.4; 250 I.6 (I); *ἐπιστολίν* (for *ἐπιστολήν* rather than *ἐπιστόλι⟨ο⟩ν*) *P. Oxy.* 2353.7 (I); *ἑμῖς* (for *ἡμεῖς*) *SB* 7660.13 (I/II); *εἳ* (for *ἤ*) *P. Fay.* 113.5 (100 A.D.); *εἰμιαρουρίου P. Merton* 10.34 (21 A.D.); conversely, *ἠδιοτικῶν* (for *ἰδιωτικῶν*) *P. Mich.* 256.8-9 (29/30 A.D.); *ἤνα* (for *ἵνα*) *P. Oxy.* 528.22 (II); *δάνηον SB* 7341.11 (3 A.D.); *χρήαν P. Oxy.* 731, 7 (8/9 A.D.); *τελήους P. Teb.* 409.7 (I); etc.

37. E.g., *[ἀ]ναπλεροῦντα P. Mich.* 245 (=*SB* 8030).38 & sim. 35 (47 A.D.); *μετέρα P. Teb.* 412.4 (II); sim. *P. Oxy.* 1550. 25 (156 A.D.); *ἔ* (for *ἤ*) *P. Cair. Isidor.* 70.7 (ca. 310 A.D.); *ἐπιδέ* (for *ἐπειδή*) *P. Oxy.* 1683.17 (IV); *αὐτῆς* (for *αὐτῆς*) *PSI* 66.4 (V?); *κ̄ομῆς* (for *κομῆς*) *P. Klein. Form.* 123.1 (VI); etc.; conversely, *πέντη* (for *πέντε*) *P. Oxy.* 1561.8 (268 A.D.); sim. *O. Mich.* 1057.6-7; etc.; *πλήων P. Ryl.* 600.15 (8 B.C.); *ἐννήα* (for *ἐννέα*) *WO* 46.7 (97 A.D.); *ἐνήκω* (for *ἐνέγκω*) *P. Oxy.* 1678, 16 (III); *ἤκτης* (for *ἔκτης*) *SB* 5590.3 (VIII).

38. For /b, g/, see Mayser I, pp. 115, 163-4, 167. For /d/, cf. the loss of ι after δ in *δ⟨ι⟩απέσηι SB* 7376.44 (3 A.D.); *δ⟨ι⟩ά P. Ryl.* 160c; Col. II 41 (32 A.D.); etc.; the interchange of δ with ζ in *ζειαβαλεῖν* (for *δια-*) *P. Oxy.* 1158.22 (III); *ζοθῆναι* (for *δοθῆναι*) *P. Oxy.* 1777.9 (IV); conversely, *ἀσπάδι* (for *ἀσπάζει*) *P. Oxy.* 1670.24 (III); *δυγῷ* (for *ζυγῷ*) *SB* 9011.10 (V/VI); and the interchange of δι and ζ in *ζώρυγα* (for *διώρυγα*) *P. Meyer* 20.18 (III); *τραχμὰς ζακοσίας* (for *δραχμὰς διακοσίας*) *P. Oxy.* 1646.31 (III).

39. E.g., *κειτονος* (for *γειτονες*) *P. Ryl.* 160b.2 (37 A.D.); *δμολοκῶ BGU* 189 (=*MChr.* 226).4 (7 A.D.); *γυριόυ* (for *κυρίου*) *BGU* 975.12 (45 A.D.); *P. Princet.* 141.1 (23 A.D.); etc.; *πατριγῆς* (for *-κῆς*) *P. Mich.* 329-30.2 (I); etc.; *τημοσίων* (for *δημοσίων*) *Stud.Pal.* XXII, 20.15 (IV); sim. *P.Mich.* 329-30.9 (I); *ειτέναι* (for *εἰδέναι*) *SB* 8952 (=*PSI* 1319) A.34, B.81 (76 A.D.); *δόκους* (for *τόκους*) *P. Princet.* 141.3 (23 A.D.); *ἔδι* (for *ἔτι*) *P. Mich.* 276.17 sim. 30 (47 A.D.); *σεπάσμ(ιον)* (for *σεβάσμιον*) *PSI* 40.18 (129 A.D.); *βόλιν* (for *πόλιν*) *P. Oxy.* 1070.36 (III).

some documents with their corresponding voiceless stops in all phonetic conditions.[40] Moreover, the frequent interchange of both voiced and aspirated stops with voiceless stops seems to be foreign to Greek. For although both the voiced and aspirated stops have undergone phonetic shifts and changed to fricatives in Modern Greek, they have never become confused with those of another order, but have remained phonemically distinct to the present day. The identification of these stops in the speech of some of the writers of the papyri seems therefore to occur outside the mainstream of the evolution of the Greek language.

Other anomalies in the phonology of the papyri also appear foreign to Greek. One such anomaly is the frequent interchange of *α* with *ε* or *ο*, mainly in unaccented syllables, but also occasionally in accented syllables as well.[41] Another is the confusion of *λ* and *ρ*, which, although found in some degree elsewhere in Greek,[42] is nowhere found in the same frequency as in the papyri from Egypt.[43] Another is the occasional interchange of *σ* and *ζ*, not only before voiced consonants, as attested elsewhere in Greek,[44] but in other positions as well.[45]

When such anomalies as these are considered from the viewpoint of historical Greek grammar alone, one arrives at an impasse. For the evidence of the papyri for the pronunciation of the various sounds is so conflicting that examples can be found to support almost any theory about the pronunciation of Greek at this time. This is obviously an unsatisfactory solution, and seems to lead to scepticism about the value of orthographic variations for determining the pronunciation of a dead language.

However, if these anomalies cannot be explained satisfactorily within terms of the Greek language itself, it seems reasonable to look outside of Greek for possible external causes. Given the fact that these anomalies appear most strikingly in documents which can be confidently asserted on other criteria to emanate from the Egyptian element of the population,[46] one is led to seek an explanation of these apparently non-Greek elements of the language in terms of interference from the native language of the writers of these papyri. An analysis of the Coptic phonemic system reveals at once that an Egyptian speaker's native language was of such a structure as to account for these anomalies within Greek if Greek was his second language. For there was no phonemic distinction between voiced and voiceless stops in any dialect of Coptic. Aspirated stops were phonemic only in the Bohairic dialect. There was no phonemic distinction between voiced and voiceless sibilants, nor between liquids in at least the Fayumic dialect. The letter *η* seems to have been bivalent, and in no dialect of Coptic were there more than two phonemes

40. E.g., *ἐπεσκηγέναι P. Lond.* 1168.33 (44 A.D.); *χαταβένω* (for *καταβαίνω*) *BGU* 380, 17 (III); *τυγατρεί SB* 8013 (=*P. Strassb.* 131).18 (363 A.D.); *θιμήν SB* 4362.3 (145 A.D.); *ἀσπαλίσαι P. Oxy.* 298.60 (I); *φεντακοσίας P. Mich.* 331.4 (IV); 340. 105 (I).

41. Mayser, I, pp. 55-61. Cf. *ἔκουσα* (for *ἄγουσα*) *BGU* 1106 (=*MChr.* 108).51 (13 B.C.); *ἐνέτου* (for *ἐνάτου*) *P. Amh.* 87.4 (125 A.D.); *ἐτάρις* (for *ἐτέροις*) Grenf. II.41 (=*MChr.* 183).26 (46 A.D.); *μετοξύ P. Lond.* 177 (=*MChr.* 57).11 (I); *πάλω* (for *πόλω*) *P. Fay.* 20.22 (III/IV); etc.

42. Cf. Edmund Rüsch, *Grammatik der Delphischen Inschriften, I,* Berlin, 1914, p. 201; Karl Hauser, *Grammatik der griechischen Inscriften Lykiens,* Basel, 1916, 60; Eduard Schwyzer, *Griechische Grammatik,* München, 1950-53, I, p. 213; Thumb, *Hellenismus,* pp. 192, 249.

43. E.g., *καθαλά* (for *καθαρά*) *P. Ryl.* 166.22 (26 A.D.); *καθάπελ* (for *καθάπερ*) *P. Mich.* 310.16 (26/7 A.D.); *θέρης* (for *θέλης*) *P. Oxy.* 1291.9 (30 A.D.); *πυρῶνος* (for *πυλῶνος*) *P. Mich.* 295.4-6 (I).

44. Meisterhans-Schwyzer, p. 62; Rüsch, p. 206; Schwyzer, I, p. 217.

45. E.g., *ξώσξεσθαι* (for *σώξεσθαι*) *P. Mich.* 499.6-7 (II); *ἴξου* (for *ἴσου*) *P. Klein. Form.* 384.3 (V/VI); *μίσονος* (for *μειξονος*) *P. Amh.* 130.16 (70 A.D.); etc.

46. Cf. especially the Demotic-Greek contracts from first century Soknopaeou Nesos, e.g., *P. Ryl.* 160-160d, *BGU* 713, etc., the Michigan contracts (several of which are in part Demotic) from first century Tebtunis (*P. Mich.* 249-356), and the Coptic contracts with Greek protocols and subscriptions found in *SB* 5555-5613.

corresponding to the three Greek phonemes represented by *a*, *ε*, and *o*.[47]

These are obvious instances of foreign interference in the Greek of the papyri. But the degree and extent of bilingualism in Egypt during the period of the papyri is difficult to determine. Surely not all the spelling variations which reflect a pronunciation of Greek unparalleled elsewhere can be so directly explained in terms of bilingual interference. But it is easy to fail to recognize the scope of bilingual interference either by making an *a priori* judgment about the nature of the language in question and excluding a large number of documents from consideration on grounds that they are bad Greek,[48] or by making an *a priori* judgment about the nature of bilingualism by implying that any document containing evidence of interference is written by an Egyptian and that his language had no effect on the Greek language as a whole in that place and period. The possibility of interference from Coptic upon the Greek of the papyri has in fact long been recognized by grammarians, but it has usually not been invoked to explain more than isolated phenomena.[49] A contrastive approach to the two languages in contact helps to delineate the potential areas of interference and reduces the likelihood of underestimating the extent to which bilingual interference can permeate the language in question.

Once bilingual interference is established in any sphere of the language, it may be appealed to for a more adequate explanation of tendencies inherent in the Greek language itself, but apparently further advanced in Egypt than elsewhere. For instance, it is commonly thought that the change in the nature of the Greek accent from pitch to stress came about through the transfer by non-native Greek speakers of their own accentual patterns to their Greek.[50] The strong stress accent indicated for some writers of the papyri might therefore be attributed to the influence of the stress accent habit of Coptic speakers, in whose language the stress was so strong that few vowel qualities were distinguished in unaccented syllables. Similarly, the advanced itacism of the papyri, while representing a true phonetic tendency within the mainstream of the Greek language, may well have been furthered by the nature of the Coptic vowel system. For the Coptic speaker had only three front vowel phonemes as compared with the four Greek front vowels; and the widespread confusion especially of *η* and *υ* suggests that a Greek speaker habituated to the Coptic phonemic system might have experienced difficulty in distinguishing the front vowels of Greek which did not correspond to significant sounds in his own language. In consonants, the bilabial fricative quality postulated for Greek *β* when it interchanges with *ου* /w/ or *υ* /y/ coincides with the established quality of the Coptic ⲃ.[51] The fricative quality of intervocalic *γ* found in connection with rounded back vowels in many papyri[52] may represent the labiovelar fricative quality of the Coptic /w/. The widespread loss of initial aspiration may be connected in Egypt with the similar phenomenon in Coptic at this period. The frequent loss of nasals in pronunciation, not only in final position (a tendency which has continued in spoken Greek to the present day), but also internally especially before stops, may also be connected with

47. See J. Vergote, *Phonétique historique de l'égyptien*, Vol. I, Les consonnes, Louvain, 1945; William H. Worrell, *Coptic Sounds*, Ann Arbor, 1934; Wilhelm Czermak, *Die Laute der ägyptische Sprache*, Wien, 1931-4; T.O. Lambdin, "The Bivalence of Coptic Eta and Related Problems in the Vocalization of Egyptian," *Journal of Near Eastern Studies* 17, 1958, pp. 177-93; Ebbe E. Knudsen, "Saidic Coptic Vowel Phonemes," *Acta Orientalia* 26, 1961, pp. 29-42.

48. As did Salonius, *op. cit.*, p. 4.

49. So usually Mayser, e.g., I, p. 58.

50. Cf. Schwyzer, I, p. 393, and Clara M. Knight, "The Change from the Ancient to the Modern Greek Accent," *Journal of Philology* 35, 1919, pp. 51-71.

51. Worrell, pp. 40, 84, 88; Vergote, *Phonétique*, pp. 11-17.

52. E.g., Φλαυ{γ}ίῳ, etc., *P. Oxy.* 504, *passim* (II); εὐ{γ}εργετημένος *P. Oxy.* 487.19 (156 A.D.); νομιτογώμενον (for νομ. τευόμενον) *P. Oxy.* 2007.10-11 (VI); προσαγωρεύγω (for προσαγορεύω) *PSI* 1430.10 (VII).

bilingual interference. For in Coptic, a voiceless stop had a voiced allophone following a nasal. This, combined with underdifferentiation of voiced and voiceless stops, may have made *ντ*, *τ*, *δ*, and *νδ*, for instance, simple orthographic variants of the same sound /t/. This would also apply to the other series of stops, and explain the loss or irrational insertion of a nasal in these positions.

Bilingual interference is not expected nor found in morphology to any great extent, since the inflectional systems of Greek and Coptic are not at all parallel. The most striking morphological phenomena in the papyri show the language in a transitional stage between ancient and modern Greek.[53] The dual has disappeared except for sporadic remnants in *δύο* and *ἄμφω*.[54] In declension, there is much analogical levelling within each declension and among the various declensional types. Nouns of the first declension in *-ρᾰ* tend to form their genitive singular in *-ρης* on the analogy of those in *-σσα*, *-σσης*, etc., in which consonants other than /r/ precede the /a/.[55] Masculine nouns of the first declension in *-ης* or *-ας* sometimes replace the anomalous genitive *-ου* by the stem vowel *-η* or *-α*.[56] Certain types of masculine and neuter nouns of the second declension drop the *ο* from the nominative and accusative singular and apparently shift the accent to the ultimate in the genitive and dative singular. These are nouns in *-ως* or *-ον* which tend to be readily abbreviated: names, titles, and diminutives.[57] They form a new declensional type which, combined with the loss of final *-ν*, resulted in the Modern Greek type *-ί*ς/*-ί*, *-ωῦ* {-is/-i}, {-ju}. Most nouns of the Attic second declension are either inflected according to another declensional type or show heteroclitic forms.[58] Contract nouns tend to fluctuate between contracted and non-Attic open forms and to show heteroclitic forms of the consonantal stem declension.[59] There is also some variation in the gender of feminine nouns of the second declension and of some masculine and neuter nouns.[60] Nouns of the third declension show considerable variation from classical Attic both in the endings and in the formation of the stem. The accusative singular of consonantal stem nouns appears occasionally already in the Ptolemaic period and frequently in the Roman period with a final *-ν*, on the analogy of vocalic stem nouns of all declensions.[61] The accusative plural of masculine and feminine nouns is sometimes given up in favor of the nominative during Roman times.[62] This represents a middle stage in the evolution of the nominative and accusative plural *-ες* as the first declension plural in Modern Greek. A ten-

53. The description of the morphology (and syntax) of the papyri is of course based as far as possible upon the actual spoken form of the word, as determined by phonology. In this way, simple orthographic variants are distinguished from true morphological changes. For instance, once *ει* and *ι* are established as allographs of the phoneme /i/, dative singulars of the third declension *-ι-* stems occasionally written *-ι* instead of *-ει* are eliminated as mere orthographic variants.

54. E.g., *δυοῖν P. Giss.* 99.15 (II/III); *P. Oxy.* 1119 (=*WChr.* 397).20 (254 A.D.); *δυεῖν PSI* 905 (dupl. of *P. Mich.* 252).7 (25/26 A.D.); *BGU* 256.5 (II); etc.; *ἀμφοῖν P. Teb.* 326 (=*MChr.* 325).5 (266 A.D.); *P. Flor.* 93.12 (569 A.D.); etc.

55. E.g., *ἀρούρης passim*; *σπείρης Stud.Pal.* XX, 4.1, etc. (124 A.D.); *γεφύρης P. Mich.* 233.8 (25 A.D.); *μοίρης P. Lond.* 130. 58, etc. (I/II); etc.

56. E.g., *ἀπηλιώτη P. Mich.* 308.4 (I); *στρατειώτη P. Teb.* 583 (III); sim. *P. Lond.* 417 (=*WChr.* 129 & *P. Abinn.* 32).6 346 (A.D.); *δεσπότη PSI* 843.5 (V/VI); *ναύτη P. Oxy.* 1948.7 (VI); *P. Klein. Form.* 303.2 (VI); etc.

57. Mayser I^2, 2, pp. 15-16. Cf. *Κρόνις P. Fam. Teb.* 6.9 (99 A.D.); *κύρω BGU* 632.15 (II); etc.; *ἀργύρω P. Oxy.* 2353.5-6 (32 A.D.); *πανάρω P. Oxy.* 300.4 (I); etc.

58. *ναός* and *λαός* are the usual forms. *ἅλως* has a gen. *ἅλω P. Oxy.* 1734.5, etc. (II/III), dat. *ἅλῳ P. Ryl.* 122.20 (127 A.D.); acc. sg. *ἅλω P. Oxy.* 1049.2 (II), and acc. pl. *ἅλως P. Fay.* 112.20 (99 A.D.), and also an -n stem nom. *ἅλων BGU* 651 (=*MChr.* 111).5 (192 A.D.), and gen. pl. *ἀλώνων P. Lond.* 1239.13 (III); etc.

59. E.g., *τῶ νῶ* (for *τῷ νῷ*) *P. Mich.* 514.8 (III); and *ἐν νόῳ BGU* 385 (=*WChr.* 100).5 (II/III); gen. *ἀδελφιδοῦ P. Flor.* 319.3 & 7 (II), etc., and *ἀδελφιδοῦς P. Oxy.* 1282.7 (83 A.D.).

60. E.g., *τοῦτον νῆσον* (*sic*) *P. Oxy.* 1101.24 (IV); *τὸ μέγα οἶκος SB* 8000.18 (III/IV); *πολλὴν σῖτον P. Masp.* 75.3 (Byz.).

61. E.g., *γυναῖκαν P. Mich.* 276.24 (47 A.D.); etc. *μητέραν P. Mich.* 203.26 (I); *μῆναν PSI* 908.18 (43 A.D.).

62. E.g., *γυναῖκες BGU* 114 (=*MChr.* 372), II, 2 (134 A.D.); *τὰς δύο μαγίδες P. Teb.* 414.6 (II); *τοὺς δέκα στατῆρες PSI* 1432.5-6 (I); *τοὺς τέκτονες P. Oxy.* 121.25 (III).

dency toward a vocalic stem declension is also indicated by occasional -*o*- and -*a*- stem endings observed in third declension nouns.[63] Analogical levelling is also observed in the mixed dental and -*ι*- stem nouns,[64] and the vocative morpheme of -*ρ*- stems tends to be lost.[65]

Adjectives are in general subject to the same influences as the nouns of the declensional types to which they belong. Some fluctuation, for instance, is found between contracted and open forms of the contract adjectives.[66] Many adjectives of the first and second declensions which in classical Greek are adjectives of only two terminations tend increasingly frequently to form a distinct feminine.[67] This tendency has reached completion in Modern Greek, where all such adjectives are of three terminations. The comparison of adjectives is regularized to some extent by extensions of the -*τερος* and *τατος* formations.[68] Anticipations of Modern Greek forms are found in the first and second personal pronouns, including the expanded accusative singular in -*ν* or -*να*,[69] and the emphatic forms *ἐσοῦ*, etc., on the model of *ἐμοῦ*.[70] Numerals reflect many of the phonetic changes which have led to their Modern Greek forms.[71] The numerals above ten are normally so formed that the larger numeral precedes and the unit follows. But after the Ptolemaic period, the number eleven reverted to its classical form to be followed in Byzantine times by the number twelve, which had fluctuated between the two formations in Roman times.[72] The 'teen ordinals lost the separate inflection of their elements by the beginning of the Ptolemaic period and changed their first element to the corresponding cardinal.[73]

In conjugation, unnecessary morphemes like the augment and reduplication are sometimes omitted in the papyri of all periods,[74] leading to the partial loss of augment and complete loss of reduplication in Modern Greek. Stem formation tends to become increasingly regularized. A single stem vowel or consonant is sometimes extended through the paradigm in verbs whose stem was modified in the formation of tenses in classical Greek.[75] Late present formations have arisen through phonological or analogical alterations of the same stem or the addition of a suffix.[76] Some contract futures are already replaced by sigmatic futures in the Ptolemaic papyri,[77] and others formed on etymologically different stems begin to be eliminated in the Roman period by

63. E.g., *γενημάτου BGU* 61 I.8 (II/III); *ἔτου SB* 9109.18 (31 A.D.); *Stud.Pal.* XX, 1.33 (83/4 A.D.); *Πολυκράτην P. Mich.* 240.20 (46/7 A.D.).

64. E.g., *χάριτα P.Bonon.* 43 (=*SB* 7615).11 (I), etc.; *κλεῖδα P. Oxy.* 113.3 (II); *κλεῖδες P. Oxy.* 2146.5 (III).

65. E.g., *πατηρ* (accent?) *P. Mich.* 476.5 (II); *μήτηρ SB* 7353.5 & 9 (ca. 200 A.D.).

66. E.g., *ἀργύρεα* & *ἀργυρᾶ P. Lond.* 1007.3 & 26 (558 A.D.); *χάλκεος* & *χαλκοῦν P. Ryl.* 110.15 &18 (259 A.D.).

67. E.g., *αἰωνίᾳ P. Grenf.* II, 71 (III); *βεβαία P. Amh.* 85 (=*MChr.* 274).21 (78 A.D.); *σπορίμης P. Amh.* 68 (=*WChr.* 374).8 (I); etc.

68. E.g., *ἡδύτερον P. Oslo* 54.9 (II/III); *ταχύτερον P. Teb.* 410.11 (16 A.D.); etc.; and double comparison in *καλλιότεραι P. Oxy.* 1672.6 & 8 (III); *μειζότερος P. Lips.* 28 (=*MChr.* 363).8-9 (381 A.D.); *μεγιστότατος P. Lond.* 130.49 (I/II).

69. E.g., *ἐμένᾳ PSI* 972.8-9 (IV?) and *ἐμέναν P. Oxy.* 1683.17 (IV); *σέν SB* 7242.7 (II); *P. Oxy.* 1069.6 & 18 (III); etc.

70. E.g., *ἐσοῦ P. Fay.* 119.9 (I/II); *P. Mich.* 482.15 (133 A.D.); 473.31 (II); etc. Cf. nom. *ἐσύ P. Mich.* 518.19 (IV).

71. E.g., *ἕναν P. Flor.* 51 (=*MChr.* 186).3 (138/61 A.D.); *P. Mich.* 507.4-5 (II/III); *τριάντα P. Oxy.* 1874.7 (VI); *σαρά-κο{υ}ντα P. Oxy.* 1998.7 (VI); *πανήντα SB* 1979 (VI).

72. See Mayser I^2, 2, pp. 75-76, and cf. the rare post-Ptolemaic *δεκαμίας P. Oxy.* 248,23 (80 A.D.). *δεκαδύο P. Mich.* 327.16-17 (I), etc., vs. *δώδεκα BGU* 293.11 (II), etc.

73. Mayser, I^2, p. 76.

74. E.g., *διάγραψεν PSI* 181.3 (91 A.D.); *πλήρωσεν P. Grenf.* II, 75.7 (308 A.D.); *μίσθωκα P. Amh.* 87.3 (125 A.D.).

75. E.g., *προσοφειλέσῃ* in leases, as *P. Oxy.* 640 (120/1 A.D.); *φορέσῃς P. Mich.* 214 (=*SB* 7247).33 (296 A.D.); *ἐκλέπῃ P. Ryl.* 134.13 (34 A.D.); *σήμανον P. Merton* 62.11 (VI); etc. *βαστάξαι P. Fay.* 122.6-7 (I/II); *ἁρπάξας P. Flor.* 36 (=*MChr.* 64).11 (312 A.D.).

76. E.g., *ἐκχύοντες P. Mich.* 326.51 (48 A.D.); *ἁρμόξει SB* 7599.26 (95 A.D.); *ἀπολεμπά[ν]εσθαι PSI* 61.24 (609 A.D.); *κατ]αλιμπάνειν P. Grenf.* I, 60.46 (581 A.D.); *ἐνδιδύσκειν P. Lond.* 1711.27 (VI).

77. Mayser I^2, 2, p. 129.

the formation of new futures based on the aorist stem.[78] The tendency towards regularization has likewise led to the replacement of some ancient root aorists by new sigmatic ones.[79] Considerable variation is found in the formation of the perfect stem of individual verbs.[80] Second aorist passive formations are preferred in Ptolemaic and Roman times, but some classical Attic first aorist passive formations recur in Byzantine times.[81] Analogical levelling has brought about the occasional use of future actives in verbs which formed a future middle in classical Greek.[82] Some new aorist and future passive formations appear in verbs which have only an aorist or future middle in classical Greek.[83] In addition, some classical deponent verbs show occasional active forms.[84] These phenomena reflect a process of simplification in the use of voice forms in Greek which led eventually to the elimination of the middle voice as a morphemic system in Modern Greek.

Analogical levelling has also led to a frequent interchange of endings of various tenses and moods of thematic verbs. The endings of the first aorist encroach upon those of the imperfect,[85] future,[86] perfect,[87] and especially second aorist;[88] those of the present, future, and second aorist upon those of the first aorist[89] and perfect;[90] those of the perfect upon those of the second aorist.[91] This levelling has led to the simplified conjugational system of Modern Greek with its two basic sets of endings, namely the primary and the secondary. There is some confusion of the different classes of contract verbs in the papyri of Roman times,[92] and some contract verbs show non-contract forms.[93] Athematic -μι verbs show a definite tendency towards thematic inflection already in the Ptolemaic papyri. This is reflected by the adoption of thematic endings or thematic formations especially in the present system.[94] In addition, analogical levelling is found within individual tense systems of -μι verbs throughout the period of the

78. E.g., ἐνένκω *P. Mich.* 494.12 (II); ἀνανέγκω *P. Oxy.* 1757.9-10 (II), etc.

79. See Mayser I^2, 2, p. 138; 144-5; & cf. ἤξα (for ἤγαγον) *P. Oxy.* 933.13 (II); *SB* 6222.32 (III).

80. E.g., γεγραφήκεω *BGU* 1141.28 (13 A.D.), etc., with γέγραφα *P. Mich.* 314.7 (I), etc.; δεδοικώ[ς *BGU* 361 Col. III. 6 (184 A.D.); εἴρηχας *P. Fay.* 111.9 (95/6 A.D.); λελογχέναι *P. Teb.* 382.5 & 10 (I); etc.; ἀγείοχα *P. Oxy.* 283.14 (45 A.D.); ἐνήλεπα *P. Oxy.* 294.15 (22 A.D.); ἐνήνεχαν (for -ασι) *P. Mich.* 482.6 (133 A.D.); ὁμώμεκα *P. Oxy.* 251.29-30 (44 A.D.).

81. Mayser I^2, 2, pp. 155-65. Cf. εἰσαγγελέντος *BGU* 16 (=*WChr.* 114), 10-11 (159/60 A.D.), etc., and παραγγελέντα *P. Oxy.* 1032.18-19 (162 A.D.), but παραγγελθείς *P. Masp.* 87.17 (543 A.D.).

82. E.g., ἀκούσω *P. Oxy.* 294.15 (22 A.D.); ὑπακούσεω *P.Oxy.* 1667.11 (III); ἀπαντήσεω *P. Lips.* 53.8 (372 A.D.); ἐπικλαύσω *P. Amh.* 154.9 (VI/VII); ἀναπλεύσεω *P. Amh.* 131.7-8 (II); σπουδάσεις *P. Oxy.* 746.8 (16 A.D.).

83. E.g., ἠσθάνθην *P. Mich.* 486.7 (II); ἐγαμήθη *P. Oxy.* 361 (76/7); ἀποκριθῆναι *P. Ryl.* 122.11-12 (127 A.D.).

84. E.g., ἀσπάζω *SB* 6262.20 & 22 (II); etc.; βούλεις *P. Lond.* 1927.57 (IV); ἐδέησεν *P. Lond.* 1915.10 (330/40 A.D.); ἔρχω *P. Iand.* 22.2 (VII); μέμφε *P. Mich.* 473.7 (II).

85. E.g., προεῖχαν *P. Grenf.* II, 41 (=*MChr.* 183).5 (46 A.D.); ἔλεγας *BGU* 595.9 (70/80 A.D.); κατε[ί]χοσαν *P. Mich.* 421.18 (I); εἶχα *P. Cair. Isidor.* 65.5 (298/9 A.D.); ἤμελλα *P. Oxy.* 1160.15 (III/IV).

86. E.g., ἐπελεύσασθαι *P. Mich.* 250.6 (18 A.D.); παρέξασθαι *PSI* 1118.17 (I); etc.; οἰκονομήσαντα *P. Flor.* 86 (=*MChr.* 247).24 (I).

87. E.g., εἰλήφαν *P. Mich.* 333-4.11 (52 A.D.); etc.; εἴρηχαν *BGU* 595.13 (70/80 A.D.); γέγοναν *BGU* 597.19 (75 A.D.).

88. E.g., ἦλθας *BGU* 530.11 (I), etc.; ἔλαβα *SB* 7572.2-3 (II); ἔσχαμεν *WO* 504.2 (II); ἐμάθαμεν *P. Oxy.* 1032.25 (162 A.D.); κατέφαγαν *P. Ryl.* 152.13-14 (42 A.D.); γενάμενος *P. Hamb.* 88.8 (II).

89. E.g., ἔπεμψες *SB* 7356 (=*P. Mich.* 203).4 (I); ἔγραψες *BGU* 38.13-14; 261.24-5 (II/III); ἐποίησες, etc., *P. Oxy.* 119 *passim* (II/III); ἐκομίσου *P. Oxy.* 300.6 (I).

90. E.g., ἀπέσταλκες *BGU* 1141.29-30 (13 A.D.); οἶδες *P. Mich.* 203.28 (I), etc.; δέδωκες, etc., *BGU* 261.14, etc. (II/III).

91. E.g., ἐπήλθασι *BGU* 275.5 (215 A.D.); ἀπελθώς...καὶ[λ]αβώς *P. Thead.* 51.2-4 & 7 (IV).

92. E.g., τολμοῦντες *P. Lond.* 245 (=*P. Abinn.* 45).19 (343 A.D.); προσδοκοῦμεν *P. Oxy.* 1299.7 (IV); ζημιᾶσθαι *BGU* 1044.13-14 (IV).

93. E.g., συνκύροντα *P. Mich.* 307.3 (I), etc., with συνκυροῦντα *P. Oxy.* 907 (=*MChr.* 317).9 & 13 (276 A.D.).

94. Mayser I^2, 2, pp. 121-7. Cf. also ὀμνύω *P. Oxy.* 259.4 (23 A.D.); ἐπιδεικνύω *P. Amh.* 142 (=*MChr.* 65).13 (IV); συνειστᾶ (impf.) *P. Oxy.* 2349.21 (70 A.D.); συνιστανόμενος *P. Oxy.* 727.25 (154 A.D.); ἀποστάνομαι *P. Gen.* 53 (=*P. Abinn.* 36). 21 (ca. 346 A.D.); ἐπιστήκων *P. Mich.* 515.2 (III); ὑποτιθοῦσα *BGU* 350.19 (I); ἀφίονται *P. Mich.* 174.6 (146/7 A.D.); δίδω *SB* 9121.7 (I); δύνομαι *P. Mich.* 477.11 (II).

papyri, especially in the extension of the first aorist and the perfect formations.[95]

Word formation by suffixes has been adequately treated by Mayser for the Ptolemaic papyri and by Palmer for the post-Ptolemaic papyri. To Mayser's analysis of word formation by composition,[96] I can add for the papyri of the Roman and Byzantine periods that nouns composed of two substantives are the most productive, both when the determination is attributive and in dvandva formations.[97] Also very productive, much more so than in classical Greek, are the combinations of an attributive adjective and substantive,[98] and of an adverbial prefix and substantive.[99] The most productive adjectival formations, again as opposed to classical Greek, are compounds of two substantives,[100] or of an adjective and substantive in attributive and determinative compounds.[101] Adjectives compounded of a substantive or adverb with a verbal form are also more productive than in classical Greek.[102] Privativa in both nominal and verbal stems of adjectives and adverbs remain quite as productive as in classical Greek.[103] Adjectives composed of an adverbial prefix and a nominal stem are hardly productive.[104] There are almost twice as many new tripla verbal formations, composed of two verbal prefixes and the verb stem, as there are simple compound verbs with only one verbal prefix, and I know of one tetrapla formation with three verbal prefixes.[105]

In syntax, the parallel phenomena of the internal development of the Greek language and of bilingual interference are again found. The papyri represent Greek in a stage of evolution from the structurally complicated and highly inflectional language of the classical period to the simpler, more analytical language spoken in Greece today.

There is considerable variation in concord. The Attic construction is often given up,[106] and there are such inconcinnities as a singular verb with a plural subject, especially when the verb precedes and the subject is abbreviated.[107] In particular, concord is frequently violated by nouns in apposition and participles,[108] in which there is a predilection for the accusative.[109]

The article rarely preserves its demonstrative use;[110] in this use it is sometimes replaced by the relative.[111] Conversely, the definite article not infrequently replaces the relative pronoun in papyri of the third century A.D. and later.[112] I have found one case of an indeclinable *πού* used

95. E.g., *ἔδωκαν BGU* 415 (= *MChr.* 178).26 (II), etc.; *ἐπέθηκαν BGU* 759.13 (II); *ἐνῆκαν P. Amh.* 133.9-10 (II); *ἔστηκα SB* 8246.9 (340 A.D.); and *συνέστακας P. Fay.* 109.9 (I), etc., with *ἐστώς*, etc., limited to the participle and rarely the infinitive.

96. Mayser I^2, 3, pp. 163-263.

97. E.g., *ξυλοπάκτων BGU* 812.2 (II/III); *σκαφοπάκτων P. Oxy.* 1554.7 (III).

98. E.g., *γλυκόπυρος BGU* 1067.16 (II).

99. E.g., *ἡμίκοπος SB* 4630.16 (II); *PSI* 683.33 (II); *ἡμίαυλον P. Fay.* 104.7 (III).

100. E.g., *ἀφακόχερσος Stud.Pal.* V, 120, r, Col. I 2, 20 etc. (III); *δρακοντοκέφαλος BGU* 1065.9 (I).

101. E.g., *ἀληθινόπεινος CPR* 22.6 (II); *μακρόσημος SB* 1988 (III/IV).

102. E.g., *καλαμότομος BGU* 865.15 (II); *νειλόβροχος P. Ryl.* 208.30 (II).

103. E.g., *ἀμετάστρεπτος P. Oxy.* 705.62 (III).

104. E.g., *πανένδοξος P. Masp.* 2, Col. III 24 (VI).

105. *προσεπιπαρακαλέω BGU* 249.18 (I); 248.4 (I).

106. E.g., *P. Oxy.* 2342.18 (102 A.D.).

107. E.g., *P. Oxy.* 1433 Col. I, 27-29 (238 A.D.).

108. E.g., *P. Oxy.* 992 (V); *BGU* 911.5-6 (18 A.D.); *P. Oxy.* 478.3-4 (132 A.D.); *P. Teb.* 322.25-26 (189 A.D.); *P. Teb.* 384.6 (10 A.D.).

109. E.g., *P. Oxy.* 1021.14-18 (54 A.D.); *P. Ryl.* 113.9-12 (II).

110. E.g., *P. Oxy.* 2351.17-18 & 73-74 (II).

111. E.g., *P. Oxy.* 1189.7 (ca. 117 A.D.).

112. E.g., *P. Mich.* 221.8 (ca. 296 A.D.); *P. Lond.* 414 (= *P. Abinn.* 5).8-10 (ca. 341-4 A.D.); *P. Oxy.* 1683.21 (IV); *P. Princet.* 119.39-40 (IV); *P. Ant.* 92.15 (IV/V); *P. Oxy.* 1862.26-7, 43 (7).

in its Modern Greek relative sense.[113] The indefinite article is beginning to be represented by εἷς.[114]

Personal pronouns occur with the redundancy characteristic of colloquial languages.[115] They sometimes repeat in the normal position a substantive which for emphasis or other reason has been placed first in the sentence.[116] The frequent indiscriminate use of the pronoun αὐτός has led to its use as the ordinary third personal pronoun in the nominative as well as in the oblique cases.[117] The reflexive pronoun of the third person, ἑαυτοῦ, etc., is used occasionally in the singular and commonly in the plural for that of the first and second person.[118] The reflexive pronoun sometimes stands for the third personal pronoun,[119] and even for the intensive αὐτός.[120] This evidence, combined with the regular use of the uncontracted forms ἑαυτοῦ, etc., for the reflexive throughout the Koine, including the documentary papyri, suggests that a form of αὐτός, even when used reflexively in the papyri, represents not a contracted Attic reflexive form αὑτοῦ, etc., but simply a form of the personal pronoun. The reciprocal ἀλλήλων, etc., is likewise sometimes replaced by the reflexive ἑαυτοῦ, etc., without distinction of persons.[121] The demonstrative ὅδε rarely occurs as a substantive pronoun,[122] but often as an attributive, limited to certain recurring formulae.[123] The pronoun ἕτερος is sometimes replaced by ἄλλος.[124]

There is considerable fluctuation in the use of the cases. In particular, both the genitive and the accusative have encroached upon the domain of the dative, where both sometimes stand even in place of a dative of the indirect object, especially when this indirect object is a personal pronoun.[125] The occasional converse substitution of the dative for the accusative reflects an underlying uncertainty about its use.[126] The dative has of course been eliminated in Modern Greek except in some few stereotyped expressions. The syntactic device functions of the individual cases have largely been taken over by prepositions, so that, for instance, the partitive genitive is supplemented by ἀπό[127] or ἐκ,[128] as is the genitive of material.[129] Likewise, ἐκ introduces a genitive of price,[130] and διά a genitive of the agent.[131] The accusative of extent of time is often

113. *P. Gen.* 75.14 (III).

114. E.g., *P. Oxy.* 1668.19-20 (III); *P. Flor.* 185.10 (254 A.D.); *P. Oxy.* 1119 (= *WChr.* 397).13 (253 A.D.); *P. Oxy.* 2110.23 & 27 (370 A.D.); *PSI* 98.4 (VI).

115. E.g., *P. Mich.* 220 (= *SB* 7252), 28-31 (III); *P. Mich.* 216.3-4 (III); 217 (= *SB* 7249).13-14 (III); 214.12-14 (III).

116. *P. Zen.* 29.10-11 (III); *P. Oxy.* 299.2 (I); *P. Oxy.* 1862.43-8 (VII).

117. E.g., *SB* 7655.23 (VI?); *P. Mich.* 490.15 (II); *P. Oxy.* 1671.7 & 15 (III).

118. Singular: a) first person: *P. Mich.* 253.1 (30 A.D.); b) second person: *P. Giss.* 21.13 (n.d.); *P. Oxy.* 295.5-6 (I); *P. Oxy.* 129 (= *MChr.* 296).5 & 7 (VI). Plural: a) first person: *P. Oxy.* 745.5 (ca. 1 A.D.); *P. Mich.* 276.8 (47 A.D.); *P. Amh.* 65.2 (II); *P. Iand.* 25.3 (VI/VII); b) second person: *BGU* 1078 (= *WChr.* 59).12 (39 A.D.); *P. Oxy.* 115 (= *WChr.* 479).11 (II); *P. Fay.* 136.6 (IV); *P. Lips.* 64 (= *WChr.* 281).4 (IV).

119. E.g., *P. Mich.* 322a.16 (46 A.D.); *P. Ryl.* 161.31 (71 A.D.); *P. Teb.* 319.20 (248 A.D.); *P. Oxy.* 1880.11 (427 A.D.).

120. *P. Thead.* 19.6 (IV).

121. E.g., *P. Lips.* 26.6 & 11 (IV); *P. Gen.* 11 (= *P. Abinn.* 62).6 & 8 (350 A.D.); *P. Cair. Isidor.* 91.7 (309 A.D.); 92.7 (314 A.D.).

122. E.g., *BGU* 195.17 (161 A.D.); *P. Oxy.* 1216.10 (II/III).

123. E.g., *P. Flor.* 272.7 (258 A.D.); *P. Gen.* 46 (= *P. Abinn.* 59).6 (345 A.D.); *P. Lips.* 37.25 (389 A.D.); *P. Oxy.* 2337.19 (498 A.D.); *P. Klein. Form.* 411.6 (VII).

124. E.g., *BGU* 456.12 (348 A.D.); *P. Lips.* 40, Col. III 3 (IV/V).

125. E.g., *P. Grenf.* II, 41 (= *MChr.* 183).20-22 (46 A.D.); *P. Oxy.* 1641.6 (68 A.D.); *P. Oxy.* 929.5-6 (II/III); *P. Oxy.* 744.8 (1 B.C.); *P. Oxy.* 119.4 (II/III).

126. E.g., *P. Mich.* 203 (= *SB* 7356).17-18 (II); *P. Oxy.* 903.35 (IV); *P. Oxy.* 1299.3 (IV).

127. E.g., *P. Lond.* 196.29 (ca. 138 A.D.); *P. Fay.* 31.9 (ca. 129 A.D.).

128. E.g., *P. Grenf.* II, 71, col. II 11 (244-8 A.D.); *P. Oxy.* 131.5 (VII).

129. E.g., *P. Mich.* 291-2.3 (I); *P. Oxy.* 707 Col. II 28 (136 A.D.).

130. E.g., *P. Oxy.* 745.2 (ca. 1 A.D.).

131. E.g., *P. Oxy.* 2193.6 (V/VI). See further examples in Ljungvik, pp. 29-32.

introduced by ἐπί[132] or εἰς.[133] Similarly, διά with the genitive can substitute for the dative of means,[134] and μετά with the genitive for the dative of the instrument.[135] Individual prepositions are confused, so that διά can stand for περί,[136] εἰς for ἐν,[137] ἀπό for ὑπό,[138] ἕνεκα for περί,[139] ἐπάνω[140] and χάριν[141] for ἐπί.

In verbs, the middle voice begins to lose its force. The indirect middle, where the subject is not the direct object of the verb, is often accompanied by a reflexive pronoun.[142] The present tense can stand colloquially for the future.[143] The perfect tends to be replaced by periphrastic constructions.[144] The subjunctive is the regular mood in purpose clauses in primary and secondary sequence even in the Ptolemaic papyri.[145] The introductory particle ἵνα becomes increasingly more frequent than ὅπως. The most frequent conditional protasis throughout the papyri is ἐάν with the subjunctive.[146] There are, of course, irregularities: ἐάν is sometimes used with the indicative[147] and εἰ with the subjunctive.[148] The subjunctive is the normal tense in general relative clauses.[149] The optative is restricted in use. It is found most frequently in wishes, especially in wish formulae.[150] The potential optative with ἄν is quite frequent in the Ptolemaic papyri but is rare after the Roman period.[151] The optative is used more frequently in temporal clauses in the Byzantine period.[152] The articular infinitive is very popular, especially in the papyri of the Roman and Byzantine periods, and is used with prepositions as a substitute for many other constructions.[153] After such prepositions, the article itself is sometimes omitted, especially in accounts, but also in less abbreviated writing.[154]

Sentence structure in the papyri of all periods reflects coordination rather than subordination; the connective καί takes on adversative, explicative, illative, consecutive, and final nuances.[155] Finally, asyndetic parataxis is very common.[156]

These syntactical phenomena indicate that the language of the Greek papyri is in a stage of evolution. Many of the features which characterized classical Greek are in the process of being

132. E.g., *P. Oxy.* 911.10 (III).
133. E.g., *P. Fay.* 117.28 (II); *P. Oxy.* 1123.18 (II).
134. E.g., *P. Mich.* 492.22 (II); *P. Oxy.* 1862.47 (VII).
135. E.g., *P. Oxy.* 1851.3 (VI/VII); *P. Oxy.* 2234.15-16 (I).
136. In the meaning "about" *P. Oxy.* 1862.41-2 (VII); *P. Oxy.* 1871.5-6 (V).
137. E.g., *P. Oxy.* 1842.7 (VI); *P. Mich.* 514.30 (III).
138. Of the agent, *P. Oxy.* 94.17 (83 A.D.); *P. Oxy.* 237,Vol. VI 21 (186 A.D.).
139. E.g., *P. Oxy.* 1157.4 (III); 1071.3 (V).
140. In the meaning "in the hands of" *P. Oxy.* 1838.2 (VI); in the meaning "to act for" *P. Oxy.* 131.15 (VI/VII).
141. In search of," "after" *P. Oxy.* 743.29-30 (2 B.C.); 1583.6 (II); *P. Oxy.* 1773.12 (III).
142. E.g., *P. Grenf.* II, 78.3 (307 A.D.); *P. Oxy.* 71 col. II.9 (303 A.D.).
143. E.g., *P. Mich.* 217 (=*SB* 7249).5-6 (III); 218 (=*SB* 7250).12-13 (III).
144. E.g., in the subjunctive and optative active and passive, *P. Teb.* 297.12 (ca. 123 A.D.); *P. Gnom.* 45.125 (II); *P. Oxy.* 2234.24-5 (31 A.D.); *SB* 7987.11 (I); *BGU* 326 (=*MChr.* 316), col. I.15 (II); in the indicative, *P. Oxy.* 496 (=*MChr.* 287).11 (127 A.D.); *P. Oxy.* 285.10-11 (I); *P. Mich.* 512.5 (III).
145. Mayser II, 1, pp. 236-52.
146. See Horn, pp. 38-62.
147. E.g., *P. Oxy.* 1068.19 (III); 1071.4-5 (V); *P. Teb.* 333.13 (216 A.D.).
148. E.g., *P. Oxy.* 904.4 (V); *P. Ryl.* 234.12 (II).
149. See examples in Horn, pp. 67-88.
150. E.g., χαίροις· μὴ γένοιτο· εὖ εἴη· ἢ ἔνοχος εἴην· εἴη μέν μοι ὑγιαίοντι· ὃ μὴ εἴη.
151. See Mayser II, 1, pp. 291-2; Horn, p. 155.
152. E.g., ὁπόταν βουληθείη *P. Grenf.* II, 89.4 (VI); 90.11 (VI).
153. See Ljungvik, pp. 50-53 for examples of πρὸ τοῦ, πρὸς τό, διὰ τό.
154. E.g., in accounts *P. Teb.* 120.13 & 57 (I); *P. Oxy.* 736.6 (ca. 1 A.D.); in fuller writing *P. Oxy.* 1675.11 (III).
155. See Ljungvik, pp. 54-87.

eliminated; many of the features of Modern Greek are found in their rudimentary stages. On the other hand, there are other phenomena observable in the syntax of the documentary papyri which have no clear connection with either classical or modern Greek, but rather seem quite foreign to Greek. In light of the findings made in connection with phonology, I think we are justified in looking for an explanation of these anomalies also in the relam of possible interference from Coptic. I propose the following examples for your consideration.

Bilingual interference seems more likely to account for occasional alternations in the gender of nouns unconnected with a general shift within Greek when these alternations are in the direction of the gender of the corresponding Coptic word, as when the word *ἡμέρα* is modified by a masculine article on the analogy of the Coptic word ϥοογ.[157] Another form of bilingual interference seems to be found when a pendent case, usually the nominative, is used to express the logical, as opposed to the grammatical, subject at the beginning of the sentence and then taken up by a pronoun in the following clause in the case required by the syntax, as in the phrase *καὶ ὁ ἐνιγών σοι τὴν ἐπιστολήν, δὸς αὐτῷ ἄλλην.*[158] This phenomenon, cited above as a feature of colloquial language, might receive a more adequate explanation as a tendency inherent in Greek furthered by interference from Coptic, in which such a word order is common.

Similarly, a relative pronoun is sometimes further qualified by a personal pronoun, as in the phrase *μηδενὸς ὧν ἔχομεν αὐτῶν φειδομένη.*[159] This usage parallels that of Coptic, in which a specification of a relative by a pronominal suffic is required by the indeclinability of the relative ⲉⲧⲉⲧⲉ.

Another form of bilingual interference may be the use of the preposition *ἐν* to express nuances of instrumentality or accompaniment.[160] In Coptic, the preposition ϧⲛ̄ has the same functions. Another may be the formation of the distributive numeral by repetition of the cardinal, as in *κατὰ δύο δύο*,[161] on the model of the Coptic ⲕⲁⲧⲁ ⲥⲛⲁⲩ ⲥⲛⲁⲩ. Another possible example is the use of the particle *ἰδού*, so familiar to readers of the Greek Bible, thrown into the middle of a sentence for the sake of emphasis, or even as a temporal particle, as in *γινώσκω ἐ[θ]έλω ὅτι . . . ἡ μήτηρ σου . . . ἀσθενεῖ εἰδοὺ δέκα τρῖς μῆνες.*[162] The basis for this usage in a bilingual context can also be found in the parallel Coptic usage of the interjection ⲉⲓⲥ. I suggest therefore that there is evidence in syntax as well as in phonology for bilingual interference in the Greek of the non-literary papyri.

In conclusion, I wish only to make a plea. The main factor delaying my preparation of a grammar of the Greek papyri of the Roman and Byzantine periods for publication has been the impossibility of having all the linguistic data of the papyri available for instant checking and rechecking, so necessary to make the grammar comprehensive and accurate. I have read more than 20,000 papyri and made slips of significant grammatical phenomena. This time-honored

156. See Ljungvik, pp. 87-102.

157. *P. Oxy.* 893 (= *MChr.* 99).7 (VI/VII). This example cited, and the five following, were quoted by Vergote in "Grec Biblique" in *Dictionnaire de la Bible*, Supplément Vigouroux VIII, 1938, cols. 1355-1359, arguing to bilingualism in the papyri. They remain the clearest examples.

158. *BGU* 385 (= *WChr.* 100).7-8 (II/III); sim. *BGU* 794.4-5 (II); *P.Lond.* 235 (=*P.Abinn.* 29).7-9 (ca. 346 A.D.); *P. Oxy.* 1862.43-46 (VII).

159. *P. Oxy.* 1070, 25-6 (III); cf. *P. Oxy.* 117.14-16 (II/III).

160. E.g., *ἐν μαχαίρῃ (-αις) P. Teb.* 16.14 (114 B.C.); 41.5 (ca. 119 B.C.); 45.17; 46.15 (113 B.C.).

161. *P. Oxy.* 886.19-20 (III); cf. *τρία τρία P. Oxy.* 121.19 (III), etc.

162. *BGU* 948.4-6 (IV/V).

method of slipping remains somewhat unwieldy and unsatisfactory: unwieldy because of the hundreds of thousands of slips which have had to be kept on file and referred to again and again, and unsatisfactory because an individual slip could not immediately inform me of all other relevant linguistic phenomena appearing in the same document or others written by the same person. The only way I know of accomplishing my purpose in a way that would be of the greatest benefit to papyrologists and other users of my grammar is to have all of the documentary papyri stored on magnetic tape and available for linguistic analysis as well as for the other purposes and uses envisioned for computers in papyrology. I hope that last night's meeting on computer uses in papyrology, and subsequent discussions, may soon lead to the preparation of all the documentary papyri for computer analysis.

THE COMPUTER AND RESEARCH IN PAPYROLOGY: SOME BASIC CONSIDERATIONS IN SYSTEM PLANNING

Robert Jay Glickman

In this paper, I should like to discuss some basic questions of system planning which might be of interest to papyrologists who work with computers. I shall devote attention to aspects of three broad topics: the establishment of input conventions for identification codes and textual data, the making and utilization of dictionaries, and the need for increasing the effectiveness of standard research tools such as word-indexes and concordances.

Input Conventions

Input conventions are necessary for two types of data: identification labels and the text proper. The design of input codes is influenced by the nature of the material being classified; by the needs, preferences, and inventiveness of the users of that material; and by the capabilities of the input equipment that is available. Thus, there can be no single, "right" way to design an encoding system. Nevertheless, in cases where significant numbers of people utilize the same material in their research, the standardization of codes becomes a necessity. Of course, when there exists an official or a generally accepted corpus of texts, it is easier to establish encoding conventions than when there are few official texts, or perhaps none at all. In this respect, papyrologists have been more fortunate than scholars in many other fields.

The entrance of computers into literary and linguistic research makes it advisable to re-examine existing conventions that affect the identification and the transcription of papyrus texts. By reviewing such conventions, the Comité International de Papyrologie could perform a most useful service. If the Comité undertakes such a task, it might find it profitable to consider the following principles. First, input conventions should be applicable to all texts in the field. Second, they should be as simple as possible. Third, since computers are destined to play an ever greater role in papyrological research, encoding conventions should be formulated jointly by experts in the computer field and by experts in papyrology. And fourth, those conventions should be within the capacity of all encoding devices, so that texts in machine-readable form, either without being subjected to coding changes or after being processed by simple conversion programs, might be utilized by scholars on a universal basis. It is my belief that if principles such as these were used as guidelines for the establishment of input conventions, the efficiency of computerized research in all centers of papyrological study would be significantly increased.

Identification Codes. The components of identification (ID) codes may be grouped into two general categories. First, elements which should be coded automatically by the computer. These may be designated as "automatic codes." Second, elements which should be entered by the keypunch operator when the text is transcribed into machine-readable form. These may be designated as "punched codes."

Some automatic codes may be invariable throughout the corpus. A good example would be the name of the corpus itself (e.g., *P. Oxy.*). This information might be entered into one or more header units, that is, cards or paper tape records, which introduce the text proper. After all the keypunching has been done, the text will have to be re-transcribed onto a magnetic tape or a disc file. A simple subroutine inserted into the transcription program could automatically add the information contained on the header units to the punched code of every record. Thus, if the full ID code of a given word consisted of the following elements:

name of the collection	POXY
number of the papyrus within the collection	00114
number of the line within the papyrus	0008
number of the word within the line	02

and if the papyrus number (00114) and the line number (0008) had already been punched into the card or paper tape record, then the name of the collection (POXY) could be automatically prefixed to the punched code when this line of text is transferred onto the magnetic tape or disc file.

Is this the best time to add such data to every tape or disc record, however? My feeling is that, if only one papyrus collection is being processed, header information should not be added to every record. The reason is simple: the program will be faster and more economical if it has fewer characters to deal with. In view of this, the proper time to add header information to tape or disc files is after all computing operations have been completed and the text is ready to be used for research whose success depends on the association of words with a specific corpus.

In contrast to elements such as the name of the collection, some automatic codes may vary with each entry. A case in point would be the position a word occupies in its line. This is clearly the type of information which could be supplied without risk of error at the time of re-transcription (e.g., cards to tape). Since papyrus texts frequently have incomplete lines as a result of deterioration or through accident, one might wonder about the efficacy of such a procedure. My answer would be that no trouble would arise if, during the keypunching phase, any gap found *after the first word in the line* were called "X"; and any gap found *at the beginning of the line* were called "Y", so that words occurring after the gap could be designated by the computer as Y+1, Y+2, etc.

If these are the types of ID components best assigned by the computer, which are the ones that should be assigned by the scholar? My impression is that papyrus numbers and line numbers should fall into the punched code category. This is particularly important when card input is used, for the presence of these codes on each data unit makes it possible to return cards to their proper place in the deck if they have been purposely extracted or if the deck has been accidentally put out of sequence. From what I have been told about the number of items in papyrus collections and the number of lines in each item, it appears that a 5-digit code would be sufficient for the papyrus number, and a 4-digit code would be extensive enough for the line number. However, if papyrologists are to devise standardized ID codes, the question of quantity would naturally have to be studied in detail before final decisions could be reached.

In my own work, the ID field occupies the first 10 places on each punch-card; thus, 70 places are left available for the text. As far as the ID field is concerned, columns 1-9 are used for the punched codes which I have just described, and column 10 is used for editorial purposes. This addition to the ID field is called the "continuation-line code." It has the following functions:

1. In poetry, it shows whether a verse has been split into two or more segments, each of which occupies a different line in the text. In the following example taken from *Alma América* by José Santos Chocano (Peru, 1875-1934), you can see how an eleven-syllable verse has been split by the author into three parts, and how each part of the verse (line 102 of "Evangeleida") has been assigned a distinct continuation-line code:

```
102  0  Y así fue:
102  1            Soledad.
102  2                    Mudo desierto,
```

2. In prose, the continuation-line code has a different, but related function. When the text is taken from a printed edition whose lines are longer than the space available on a punch-card, as many complete words as can fit into the 70 positions of the text-field are punched on one card. This card is given a continuation-line code of "O". All spill-over is punched on a second card, and this is assigned a continuation-line code of "1".
3. Finally, the continuation-line code may be used in prose or poetry to indicate the presence of lines which are either blank or are occupied by non-verbal symbols. As may be seen from the following excerpt – lines 105-112 of "Estival" by Rubén Darío (Nicaragua, 1867-1916) – continuation-line codes make it possible to insert blanks, part numbers, and asterisks without disturbing the sequence of text-line codes:

```
105  O  y en torrente de vida brota y salta
106  0  del seno de la gran naturaleza.
106  1
106  2                    IV
106  3
107  0            El príncipe de Gales, va de caza
108  0  por bosques y por cerros,
109  0  con su gran servidumbre, y con sus perros
110  0  de la más fina raza.
110  1
110  2                    *
110  3
111  0            Acallando el tropel de los vasallos,
112  0  deteniendo trahillas y caballos,
```

Since papyrologists give a number to every line which has notations in ink, the case of the Roman numeral in line 106/2 and the asterisk in line 110/2 would probably be of little interest. The presence of the *vacat* in lines 106/1, 106/3, 110/1, and 110/3, however, would be of import to papyrologists. The following example will make this point clear. In *P. Yale* 56, one finds a *vacat* after lines 3, 10, and 14:

]..*ασι σ*[
ἐν]*τὸς τῶν ὡρισμ*[*ένων*
γενομ]*ένων ἐσόμεθα ἀντειλημ*[*μένοι.*
vacat
[Βασιλεὺς Πτολε]*μαῖος ὁ ἐπικαλούμενο*[*ς Ἀλέξανδρος καὶ*]
[Βασιλισσα] Βερ[*ανί*]*κη ἡ ἀδελφὴ Χάρμω*[*ι χαίρειν.*]
[– 9 –]...[..]*ξαι τὸ ὑπ*[*ο*]*τετ*[*α*]*γμέν*[*ον πρόσταγμα*]
[–*μεταγρα*]*φὲν τοῖς Ἑλληνικοῖς καὶ ἐγχω*[*ρίοις γράμμασιν*]
[*ἐν τοῖς ἐπ*]*ισημοτάτοις τόποις τῆς κατὰ* [– 8 –]
[*φρόντισον ὅπως*] *ἕκαστα ἐπιτελεσθήσεται ἀ*[*κολούθως τοῖς*]
[? –*ἐνταῦθ*]*α διηγορευμένοις. ἔρρω*(*σο*). (*ἔτους*) *ιδ*′, M[–]
vacat
[Βασιλέω]*ν προσταξάντων. μηθένα ἀλ*[*ῶναι θηρεύοντα* ?]
[– 7 –]*ι παρευρέσει μηδεμιᾶι τὸν ὀξύρ*[*ρυγχον* –]
[– 6 *κ*]*αὶ τὸν χοιρόγυνον. ὃς δ*᾽ *ἂν ἁλῶ, θα*[*νάτωι ἔνοχον*]
[*εἶναι.*]
vacat
]*τοῖς ἐν τοῖς ἄλλοις νομ*[*οῖ*]*ς.*

By using the continuation-line code, one can record the presence of a *vacat* without affecting the enumeration of text-lines. This function of the continuation-line code is of particular importance when it is necessary to print an edition of the text by computer.

Conventions for Transcribing the Text. Thanks to the development of input and output machines capable of handling a wide variety of symbols, papyrologists will soon have at their disposal a character set as diversified as the one used when papyri are printed by conventional typesetting procedures. With their extended character sets and their ability to accommodate additional symbols, both the old and the new printchains used by the University of Toronto Library are excellent examples of the kind of sophisticated mechanisms that can be designed for scholars working in literature and linguistics. So far, the most diversified output machines have been created for languages using the Latin alphabet. However, by exerting organized pressure on computer manufacturers and on the universities that rent or purchase computers, scholars who work with languages written in other alphabets can expect to acquire machines with equal capabilities. The availability of such machines will lead to a computerization of research by ever larger groups of humanists; and, if I may make a prediction, papyrologists will be in the front ranks of this movement.

Given the circumstances, it is clear that papyrologists would benefit greatly if guidelines were established for the encoding of texts in each papyrus language, and if scholars obliged to use input machines with less inclusive character sets were counselled on how most effectively to adapt the recommended system to the capabilities of their own machines. If agreement could be reached on these matters, it would be possible, with the aid of simple conversion programs, for texts encoded on any input machine to be processed on virtually any computer and to be printed in optimum form on any output device having a complete character set.

One of the implications of the broad utilization of capabilities like this is that scholars will have to repress their desire to incorporate editorial notations when they put texts into machine-

readable form. That is, post-editing will have to take the place of pre-editing. If an encoded text is clean, other scholars will be able to use it for their own research without any problem. However, if the text is cluttered with editorial notations which are of import to only one person or research team, others will find it difficult or impossible to use the text and will be obliged to have it punched all over again.

Pre-editing, though, is equally unwise when the text is of interest to only one person. First of all, pre-editing forces the scholar to think of several problems at the same time, and because attention is divided, the rate of error is almost certain to increase. Secondly, it puts a greater burden on the keypunch operator; this reduces the speed and accuracy of the encoding process. Finally, pre-editing leaves no room for afterthoughts: that is, it makes it impossible for the scholar to broaden the scope of his annotations when new ideas come to him.

The Making and Utilization of Dictionaries

When the analysis, indexing, or concording of texts is contemplated, a computerized dictionary is one of the most useful tools that a scholar can have at his disposal. For this reason, it would be a distinct advantage to papyrologists if a standard dictionary for each papyrus language could be compiled, maintained, and updated at designated computer centers around the world. Each dictionary could contain word-forms, word-lemmas, and word-functions. A sample of such a dictionary for Spanish is shown in Plate 1.

In addition, special dictionaries of forms could include information pertaining to morphology and word-stress. For example, the morphological dictionary would present the form of each word and then show the prefix, root, and suffix of which it is composed. The word-stress dictionary would divide each form into syllables and would indicate how each syllable should be stressed.

Upon request, a dictionary center could supply scholars with one or more of these standard dictionaries for use in their own research. Once a scholar had processed his own text according to a method which will be described presently, he could send a copy of his output to the center. The center would conjugate all verbs and decline all nouns and adjectives by means of a simple "morphology program" and would automatically incorporate all new words, plus their lemma and function, into its master dictionary.

Utilizing the Dictionary. If standardized dictionaries containing basic information were made available to scholars working in a given language, those scholars could compare every word in their text with the entries in the dictionary. This would require the following kinds of programs:

1. A program to sort all words in the text into alphabetical order. This program could process punctuation marks in the same way as it processed words; or it could eliminate punctuation. It could also suppress brackets and other conventional editorial notations within words, so that only the alphabetical characters would be available for comparison with the dictionary.

2. A program designed to compare the alphabetized list of text-words with the alphabetized list of dictionary entries. Whenever this program found that a text-word matched a form listed in the dictionary, it would transfer all data about the word (e.g., its lemma and syntactic function) from the dictionary to an output tape. Whenever the program could not locate a word in the dictionary, it would write the word on tape, but would leave the lemma and function fields blank. And whenever the program found that the dictionary contained homographic entries for a

given word-form, it would transcribe all data about each homograph onto the output tape.

3. A program that would sort the Program 2 output tape in such a way that all word-forms were listed in the same order as they appear in the source document. Instead of being arranged horizontally on the page, however, the words of the text would be printed in vertical format. A typical "Vertical List" is shown in Plate 2. The illustration is taken from a poem by Julián del Casal (Cuba, 1863-1893). As you can see, the words are arranged in such a way that the poem may be read without difficulty. The only omissions made in this listing are punctuation marks and an indication of which letters had been capitalized in the printed edition of the text. These omissions were made at the discretion of the scholar, however, for options exist in the Vertical List program which make it possible to include or suppress such information.

If Program 2 had not found a word in the dictionary, Program 3 would print that word in its proper position on the Vertical List, but would leave the lemma and function fields blank (see *anhela* in line 15; the plus signs +++ indicate that information must be added). It would also produce a card containing the information that appeared in the Vertical List. The card for *anhela* would show the identification code 008 015 06 (i.e., poem 8, line 15, word 6) and the word-form *anhela*; the lemma and function fields, of course, would be blank. The scholar could then make the appropriate entries on the card and use it to update his Vertical List tape.

If Program 2 had found a set of homographs in the dictionary, Program 3 would transcribe onto the Vertical List all similar characters in the lemma and function fields of the dictionary entries; all dissimilar characters would be represented as blanks on the Vertical List. For example, if the word *reino* appeared in the text, and the dictionary contained the following homographic entries:

Form	*Lemma*	*Function*
REINO	REINAR	V.1PI
REINO	REINO	N.MS

then, as shown in line 14 of Plate 2, the Vertical List would read:

REINO	---REIN	---

At the same time as it made this entry on the Vertical List, the program would produce as many cards as there were homographs in the dictionary, and each card would contain an identification code as well as complete data on form, lemma, and function. The scholar would examine the word as used in the text, would determine its correct lemma and function, would eliminate any card containing information which did not apply in that context (this is the meaning of the minus signs --- in the Vertical List), and would update his Vertical List with the card that had the appropriate information. In the case of *reino*, the program would produce two cards: one for the verb *reino* ⟨ *reinar*, and one for the noun *reino*. Since the word used in Casal's poem is a noun, the verb card would be eliminated and the noun card would be used for updating purposes.

Finally, in cases where a word found in the dictionary should require different lemma and function information because of its specific usage in the text, a correction card would be punched, and this card would be used to update the Vertical List tape.

After these post-editing operations had been performed, the updated Vertical List could be used in a variety of ways. The following are some of the principal possibilities open to scholars:

a. Statistical computations about word-frequency or word-function might be made.
b. Indexes of word-forms, lemmas, roots, prefixes, or suffixes might be compiled.
c. Indexes based on word-function (e.g., proper nouns) might be produced.
d. Lemma and/or function information found in the Vertical List might be used as the

basis for complete or partial concordances.

e. The Vertical List might be used as a point of departure for syntactic or stylistic analyses that depend on a knowledge of function sequences (e.g., preposition + noun), word-stress sequences (i.e., rhythmic patterns), or formulaic sequences – all of which are of particular significance in papyrology.

f. And, since 12 columns are available for coding in the function field, the Vertical List might be used as a point of departure for the further editing of special classes of words.

Index or Concordance?

In the last few years, a great deal has been said about the advantages of word-indexes over concordances and vice versa. One of the journals that has consistently provided space for defenders of the several positions has been *Revue*, the publication of the International Organization for Ancient Languages Analysis by Computer. It is not my purpose to summarize the arguments and counter-arguments that have been so well presented by the participants in this debate. Instead, I propose to express some views which have led to the development of a research tool that may be of use to papyrologists.

For some time, I have been convinced that word-indexes and concordances have very important roles to play in literary analysis, but that both have deficiencies which must be corrected if research is to be facilitated. I have found, for example, that serious word-location problems can arise when indexes and concordances are compiled on the basis of word-forms. Obviously, the *compiler's* task is simplified when the listing is made from word-forms. But it is equally clear that such a listing criterion makes the *user's* task discouragingly complex. Indeed, the more highly inflected the language, the more wearisome and inefficient is the lookup job.

Another set of problems stems from the listing procedures that are used in indexes and concordances. There is little doubt that the alphabetical listing of words is indispensable for locating the occurrences of a given word. Unfortunately, however, the manner of listing the *location* of each occurrence is less efficient from the standpoint of the user. The situation is this: since it is customary to list occurrences in order of their appearance in the text, the scholar is frequently forced to copy whole passages onto slips of paper before he can proceed with his analysis of those passages. If he uses a word-index as his research tool, he will have to copy from the text itself. If he uses a concordance, he will have to copy from the concordance, if it provides sufficient context for each word; or from the text, if the contexts displayed in the concordance are of insufficient length. Only after the copying chore is over can he group the selected passages into categories which are meaningful to his study. The conclusion is obvious: clerical activities of the kind described here waste precious research time.

As we have just seen, indexes are inadequate for many types of research because words are not shown in context, and concordances are often deficient because they display words in too little context. If the reference guide is a concordance, it might present an even more serious problem: many words might be omitted in order to reduce the bulk of the concordance. Usually, the "function" words are the first to be sacrificed.

In order to overcome these problems, I recommend that scholars produce a more flexible research tool than the ones that are currently in use. This new instrument would have the following features. First, it would contain a master index of lemmas for every word in the text. This index would be based on information in the Vertical List of which I spoke earlier. At the

discretion of the compiler, the master index would include any or all of the following data (see Plate 3):

a. The frequency of each lemma.
b. An indication of the syntactic function of each lemma.
c. A separate entry for each subgroup in every homographic category.
d. The location of each lemma. (In Plate 3, location entries show the book, poem, and line where each occurrence will be found.)

Second, the research tool would include indexes of a more specialized nature. Among the possibilities are:

a. Location-indexes of words in special syntactic categories. (Plate 4 shows a sample index of proper nouns.)
b. Location-indexes of words in special positions within the text. These can be of great utility in the study of poetry, for instance. (Plate 5 contains an index of words that appear in initial position in the line.)
c. Location-indexes of words classified on the basis of a selected component. (Plate 6 shows an index of rime-words listed alphabetically by ending.)
d. Frequency-order indexes of words or parts of words. (Plate 7 has an index which is based on rime endings.)
e. Where the corpus consists of several texts (e.g., different papyri in a collection, different acts of a play, different books by an author, or the works of two or more authors), there could be comparative-frequency indexes which list words in alphabetical order and show their frequency of occurrence in each part of the corpus. (Plate 8 shows an index of words in initial position in the line and their frequency in each of Casal's three books of poetry.)

A third feature of the new research tool is that it could contain concordances of a specialized nature. For example, it might include a Key Word in Context (KWIC) concordance of "function" words, with sufficient context for proper analysis of their usage; or a true concordance of words in special "content" categories, with enough context to allow for a rapid identification of particularly meaningful passages.

All of these aids to research would have one thing in common: the information necessary for their compilation would be found in the Vertical List.

The fourth, and truly indispensable, feature of the tool I am describing is the text itself. What is novel here is the format in which the text is presented. The characteristics of this format are shown in Plate 9. The sample is taken from the *Divina Commedia* of Dante Alighieri.

a. A printout of the punched text is proofread by the scholar. When all errors have been corrected, the edition is printed by computer and is reproduced by photo-offset.
b. The text is not bound in the conventional manner. The contents are printed on card-like pages which are 7 inches wide by 5 inches high. The pages may be held together in loose-leaf fashion, or they may be stored in cardboard containers specially designed for them.
c. The text is printed on only one side of the page.
d. Each page is identified by two distinct sequence numbers. The first, an ordinary page number, is printed in the middle of the right-hand margin. The second, a two-line identification code, appears for convenience in both the upper right- and upper left-hand corners of the page. The top line of the code shows the name of the

collection and the number of the item within the collection (in Plate 9, the code I 1 means "Inferno," Canto 1). The bottom line of the identification code gives the number of the first and last text-line on the page.

e. The textual material is displayed in a specially designed text-field. The center portion of the field contains the lines of the text, properly enumerated. Above the center portion of the field is a series of unnumbered lines representing that part of the text which immediately *precedes* the main section. Below the center portion is a series of unnumbered lines representing that part of the text which immediately *follows* the main section. Horizontal lines separate the text proper from the "repeat lines" that are printed above and below it. The function of the repeat lines is to provide an extended context for any word found in the first or last lines of the center section. The number of repeat lines used in the edition is determined by the nature of the material. For example, since the tercet is the principal thought unit of the *Divina Commedia*, three repeat lines are used at the beginning and end of each page of my printout of that work.

It is clear that a book published in this *special format* can be read in the same way as any conventional book. However, the unique characteristics of the special format edition offer particular advantages to scholars engaged in textual analysis. Because the text is printed by computer and then reproduced by photo-offset, no errata such as those found in books printed by conventional typesetting procedures can mar the finished product. Because each page has an ID code identifying the collection item and the numbered lines on the page, the context of any word listed in a location-index can be found quickly. Because a maximum of 20 lines of text and from 2 to 12 repeat lines can be printed on each page, all words can be displayed in sufficient context to guarantee a meaningful analysis of usage. Needless to say, this feature of the special format edition is of particular value where "content" words are concerned. Because the text is printed on only one side of the page, and because the pages are not permanently bound, any group of pages may be extracted and placed in whatever order the scholar deems appropriate. This feature of the special format edition has two advantages over the conventional concordance: it relieves the scholar of the need to copy contexts, and it allows him to categorize contexts quickly and easily. Because each page of the edition is assigned a sequential page number, it is quite simple for the user to return pages to their proper order after he has completed his study. And in conclusion, because only small portions of the text (i.e., the repeat lines) are duplicated, the overall bulk of the publication is much less than that of a true concordance. This makes it possible for the scholar to produce and disseminate not only an accurate edition of the text, but also a multifaceted research tool composed of indexes, specialized concordances, and statistical summaries such as those described earlier in this paper. Though perhaps occupying the same number of pages as a true concordance, this tool would clearly be of greater utility than an index or a concordance alone.

Plate 1: Spanish dictionary of word-forms, word-lemmas, and word-functions

FORM	LEMMA	FUNCTION
DABA	DAR	V.1II0000000
DABA	DAR	V.3II0000000
DALIA	DALIA	N.FS00000000
DALIAS	DALIA	N.FP00000000
DALILA	*DALILA	N.0100000000
DALM2ATICA	DALM2ATICA	N.FS0000000*
DALM2ATICAS	DALM2ATICA	N.FP0000000*
DAMA	DAMA	N.FS00000000
DAMAS	DAMA	N.FP00000000
DAMASCO	*DAMASCO	N.0100000000
DAME	DAR	V.2+X0000000
DAN	DAR	V.6PI0000000
DANDO	DAR	V...20000000
DANTE	*DANTE	N.0100000000
DANTESCA	DANTESCO	AJFS00000000
DAR	DAR	V...10000000
DARDEA	DARDEAR	V.3PI0000000
DARDEAR	DARDEAR	V...10000000
DARDO	DARDO	N.MS00000000
DARDOS	DARDO	N.MP0000000
DARLE	DAR	V...10000000
DARME	DAR	V...10000000
DAR2IO	*DAR2IO	N.0100000000
DE	DE	P.0000000000
DEBA	DEBER	V.0PS0000000
DEBAJO	DEBAJO	AV0000000000
DEBAMOS	DEBER	V.4PS0000000
DEBAN	DEBER	V.6PS0000000

Plate 2: Vertical List compiled from the poetry of Casal

```
                    PAGE    58                  POEM    8
6   DEL                         DEL                     /.
7   CIELO                       CIELO                   N.MS

                    LINE    11
1   VENGO                       VENIR                   V.1PI
2   A                           A                       P.
3   ENJUGAR                     ENJUGAR                 V...1
4   LAS                         LA              $       A.FP
5   GOTAS                       GOTA                    N.FP
6   DE                          DE                      P.
7   TU                          TU                      AJ S
8   LLANTO                      LLANTO                  N.MS

                    LINE    12
1   VENGO                       VENIR                   V.1PI
2   A                           A                       P.
3   OFRECER                     OFRECER                 V...1
4   A                           A                       P.
5   TU                          TU                      AJ S
6   DOLOR                       DOLOR                   N.MS
7   CONSUELO                    CONSUELO        *       N.MS

                    LINE    13
1   Y                           Y                       C.
2   COMO                        COMO            $       C.
3   UN                          UN                      A,MS
4   PADRE                       PADRE                   N.MS
5   POR                         POR                     P.
6   SUS                         SU                      AJ P
7   HIJOS                       HIJO                    N.MP
8   VELA                        VELAR                   V.3PI

                    LINE    14
1   AUN                         AUN                     AV
2   DESDE                       DESDE                   P.
3   EL                          EL                      A.MS
4   TRISTE                      TRISTE          *       AJ S
5   REINO               ---REIN                         --- .
6   DEL                         DEL                     /.
7   OLVIDO              ---OLVID                        --- .
```

```
                    LINE   15
1    MI                        MI                        AJ S
2    CORAZ2ON                  CORAZ2ON                  N.MS
3    QUF                       QUE                $+++
4    TU                        TU                        AJ S
5    VENTURA                   VENTURA                   N.FS
6    ANHELA              +++                        +++

                    LINE   16
1    CONSEJOS                  CONSEJO                   N.MP
2    TE                        TE                        PN2
3    VA                        IR                        V.3PI
4    A                         A                         P.
5    DAR                       DAR                       V...1
6    HIJO                      HIJO                      N.MS
```

A dollar sign $ indicates that the entry shown in this line will be made automatically every time the word-form printed here appears in the text. This instruction is inserted by the scholar at the time that he makes the dictionary. His decision is based on the fact that one of the homographs has an extremely high probability of occurrence. For example, the word *las* is always interpreted as a definite article. In cases where it functions as a direct object pronoun, a correction will have to be made in the vertical list.

Plate 3: A master index of lemmas. Homographs are indented.

```
7 tinte (n)                H: 3/23.  N: 42/6; 43/14; 44/41;
                             47/31.  R: 21/54; 24/23.
1 tinto (aj)               N: 18/21.
1 típico (aj)              R: 19/44.
5 tirano
   2 tirano (aj)           H: 13/1.  R: 5/9.
   3 tirano (n)            H: 17/21; 38/1.  R: 41/23.
1 tisis (n)                R: 32/54.
4 titán (n)                H: 2/34.  N: 2/54, 2/89; 10/2.
2 toca (n)                 N: 40/5; 54/36.
5 tocar (v)                H: 35/5.  N: 4/83; 10/5; 45/27.
                             R: 11/11.
2 toda (pn)                N: 2/51.  R: 30/37.
7 todavía (av)             H: 26/t, 26/14; 27/11; 44/8;
                             46/18.  N: 3/26; 23/2.
39 todo
   23 todo (aj)            H: 2/15, 2/16, 2/57; 4/44; 22/6;
                             41/34.  N: 19/8; 23/13; 34/10,
                             34/13, 34/14; 44/86.  R: 3/21,
                             3/31, 3/32; 12/8, 12/14; 20/4;
                             26/52; 28/7; 29/6; 32/35; 36/14.
   16 todo (pn)            H: 5/41; 25/33; 38/19; 40/17
                             N: 2/34; 22/10; 23/14
                             R: 3/43, 3/44; 6/45; 19/5,
                             19/13; 21/44, 21/44; 34/37;
                             38/29.
```

Plate 4: A location-index of proper nouns

E

```
1 Echydna                  N: 2/23.
1 Edén                     H: 47/58.
1 Edcuard                  N: p5/d.
1 Eduardo                  N: p2/d.
4 Elena                    N: 12/t, 12/13; 18/86, 18/103.
1 Eleonora                 N: 54/43.
1 Eloa                     N: 54/39.
2 Eloísa                   H: 41/48.  R: 34/20.
1 Elsa                     R: 34/19.
1 Eneas                    H: 45/51.
1 Engadí                   N: 4/20.
4 Enrique                  H: 10/d.  N: p3/d; 2/d
                             R: 37/t.
1 Estinfalo                N: 17/4.
2 Europa                   N: 16/t, 16/3.
```

Plate 5: A location-index of words in initial position

```
 2 aun (av)              H: 3/109; 8/14.
 5 aůn (av)              H: 12/13, 12/17, 12/21; 44/5.
                           N: 47/9.
14 aunque (c)            H: 13/1; 38/5, 38/40; 41/11;
                           45/15, 45/29.  N: 2/59, 2/65;
                           32/5; 38/5; 45/37; 47/53
                           R: 21/23; 28/34.

 5 ăureo (aj)            H: 3/64; 33/5.  N: 18/55;
                           47/40; 54/10.

 1 aureolado (aj)        N: 7/3.
 2 ăvido (aj)            N: 3/16; 4/44.
 3 ay (i)                N: 44/94.  R: 24/37; 32/47.
 1 ayer (av)             H: 36/7.
 1 ayudar (v)            H: 38/33.
 1 azafranado (aj)       N: 3/5.
 1 azul (aj)             H: 20/19.
```

Plate 6: A location-index of rime-words listed by ending

```
-aca
            laca  R: 24/16.
        destaca  R: 24/17.
-aces
       deshaces  R: 33/9.
         haces  R: 33/10.
-acio
        topacio  N: 15/2.
          lacio  N: 15/3.
        palacio  N: 15/6.
        espacio  N: 15/7.
        espacio  N: 18/33.
        topacio  N: 18/35.
-acios
       palacios  N: 47/13.
       espacios  N: 47/15.
```

Plate 7: A frequency-order index of rime endings

18	-illo	14	-ina
16	-ama	14	-oca
16	-ares	14	-olas
16	-aso	14	-ombra
16	-ata	14	-ona
16	-eda	14	-osos
16	-eras	14	-umbre
16	-eros	14	-una
16	-erra	13	-aba
16	-iza	13	-aña
16	-osas	13	-ombre
15	-anta	12	-anas
15	-aria	12	-astro
15	-eo	12	-eños
15	-ista	12	-erna
15	-ito	12	-eso
14	-aje	12	-eta
14	-al	12	-idas
14	-anto	12	-ismo
14	-ella	12	-oso
14	-eve	12	-uto
14	-idos	11	-ero

Plate 8: A comparative-frequency index of initial words in Casal's three books of poetry

F	WORD	H	N	R
387	y (c)	121	157	109
203	de (p)	84	74	45
198	que (pn)	55	83	60
158	como (c)	44	41	73
151	en (p)	55	69	27
114	el (a)	39	44	31
93	la (a)	47	30	16
74	donde (c)	16	36	22
69	del (/)	29	27	13
64	al (/)	27	15	22
62	con (p)	18	17	27
61	por (p)	20	30	11
54	no (av)	25	14	15
52	yo (pn)	23	6	23
48	a (p)	13	24	11
45	cual (c)	14	10	21
45	ni (c)	20	14	11
41	ya (av)	14	16	11
40	o (c)	8	16	16

Plate 9: The opening lines of the Divina Commedia printed in special format

I 1
1- 15

CANTO I

I 1
1- 15

1 Nel mezzo del cammin di nostra vita
2 mi ritrovai per una selva oscura,
3 chè la diritta via era smarrita.
4 Ah quanto a dir qual era è cosa dura
5 esta selva selvaggia e aspra e forte,
6 che nel pensier rinnova la paura!
7 Tant' è amara che poco è più morte;
8 ma per trattar del ben ch' io vi trovai, 1
9 dirò de l' altre cose ch' io v' ho scorte.
10 Io non so ben ridir com' io v' entrai;
11 tant' era pieno di sonno a quel punto
12 che la verace via abbandonai.
13 Ma poi ch' i' fui al piè d' un colle giunto,
14 là dove terminava quella valle
15 che m' avea di paura il cor compunto,

---

guardai in alto, e vidi le sue spalle
vestite già de' raggi del pianeta
che mena dritto altrui per ogni calle.

I 1
16- 30

CANTO I (cont.)

I 1
16- 30

Ma poi ch' i' fui al piè d' un colle giunto,
là dove terminava quella valle
che m' avea di paura il cor compunto,

---

16 guardai in alto, e vidi le sue spalle
17 vestite già de' raggi del pianeta
18 che mena dritto altrui per ogni calle.
19 Allor fu la paura un poco queta
20 che nel lago del cor m' era durata
21 la notte ch' io passai con tanta pieta.
22 E come quei che, con lena affannata,
23 uscito fuor del pelago a la riva, 2
24 si volge a l' acqua perigliosa e guata,
25 così l' animo mio, ch' ancor fuggiva,
26 si volse a rietro a rimirar lo passo
27 che non lasciò già mai persona viva.
28 Poi ch' ei posato un poco il corpo lasso,
29 ripresi via per la piaggia diserta,
30 sì che 'l piè fermo sempre era 'l più basso.

Ed ecco, quasi al cominciar de l' erta,
una lonza leggiera e presta molto,
che di pel maculato era coverta.

(Reduced 10 %)

ON THE HISTORY OF A COPTIC FIGURA MAGICA

Irene Grumach

When Coptic magical texts began to be studied in terms of development and seen as evidence of the inner growth of Egyptian Christianity,[1] the opinion was expressed that by the seventh or eighth century the Egyptian gods and numerous demons in them had been almost completely replaced by the Trinity, the archangels and the presbyters.[2] Lately more attention has been given to the continued dependence of the texts on the old Egyptian religion, in structure as well as in matter.[3] In discussing their contents no consideration has been so far taken of the illustrations accompanying them. Therefore an attempt shall be made here to define the background of such a magical figure.

We are dealing with *P. Heid.* 500/501, a collection of love-spells from the eighth century A.D. (Plate 1). Here the same motif appears in four variations: two demons, with human or animal heads, are depicted either at the sides of the woman over whom the spell is cast or together, connected in an almost geometrical manner.[4] *P. Heid.* 473a, of uncertain date and sadly destroyed but obviously also intended for use in erotic magic,[5] preserves the rest of a similar animal head (the traces to its right suggest that it too was part of a group) and with it the names ⲓⲱⲣⲃⲏⲧ, ⲓⲱⲡⲁⲅⲉⲣⲑⲏ [etc., known to us from the Greek magical texts as the "true names" of the Egyptian god Seth (Plate 2).[6] So we can identify the figures in both texts as those of Seth,

1. V. Stegemann, *Die Gestalt Christi in den koptischen Zaubertexten, Quellen und Studien zur Geschichte und Kultur des Altertums und des Mittelalters* D 1, 1934; H.J. Polotsky, "Zwei koptische Liebeszauber," *Orientalia* 6, 1936, pp. 119-131; compare V. Stegemann, "Neue Zauber – und Gebetstexte aus koptischer Zeit in Heidelberg und Wien," *Le Muséon* 51, 1938, p. 73, note 2.

2. V. Stegemann, "Die koptischen Zaubertexte der Sammlung Papyrus Erzherzog Rainer in Wien," *SHAW*, Phil.-Hist. Kl., 1933/34, p. 6.

3. On the structural dependence of Greek and Coptic spells on Egyptian ritual see S. Morenz, *Gott und Mensch im alten Aegypten*, 1964, pp. 19 ff., 140 ff. On elements of literary tradition in Coptic texts: L. Kákosy, "Remarks on the interpretation of a Coptic Magical Text," *Acta Orientalia Hung.* 13, 1961, pp. 325-328; S. Donadoni, "Un incantesimo amatorio copto," *Atti della Accademia delle Scienze di Torino* 100, 1965/66, pp. 285-292; in Greek texts: L. Koenen, "Der brennende Horusknabe. Zu einem Zauberspruch des Philinna-Papyrus," *CE* 37, 1962, pp. 167-174. D. Wortman, "Der weisse Wolf." *Philologus* 107, 1963, pp. 157-161. Compare S. Morenz, "Fortwirken altaegyptischer Elemente in christlicher Zeit," in: *Koptische Kunst, Christentum am Nil*, 1963, p. 59; S. Morenz, *Die Begegnung Europas mit Aegypten*, *SSAW*, Phil.-Hist. Kl., 113.5, 1968, pp. 102 ff.

4. Edited by F. Bilabel, *P. Baden* V (*Griechische, koptische und arabische Texte zur Religion und religiösen Literatur in Aegyptens Spätzeit*), 1934, no. 123. The text, termed by Bilabel "Zauber gegen einen ungetreuen Liebhaber," has been defined more exactly as a collection of nine spells, each consisting of Arabic πρᾶξις and Greek ἐπῳδή by F. Pfister in *Byzantinische Zeitschrift* 35, 1935, p. 390. The four drawings belong to spell 1 (lines 1-24), 2 (lines 25-42), 5 (lines 81-88) and 6 (lines 89-100).

5. Bilabel, *P. Baden* V 134. For line 3: ⲥⲓ ⲡⲥⲟ ⲛ [compare *P. Baden* V 123, line 62: ϫⲉⲧⲛⲁⲃⲓ ⲧⲉϫⲁⲣⲓⲥ ⲥⲉⲛⲡⲉⲫⲥⲟ "take the grace from his face;" also "you will take the grace from his face"; no. 142, line 9 f.: ⲧⲉⲧⲛⲃⲓ ⲧⲉϫⲁⲣⲓⲥ [ⲉ]ⲡⲉⲃⲥⲁ "take the grace from his face;" also no. 139, line 45: ⲛⲉ ⲡⲉⲥⲥⲁ ϫⲓ ϫⲁⲣⲓⲥ "her face shall take no grace."

6. K. Preisendanz, *Papyri Graecae Magicae* I, 1928, p. 80 (P. IV, line 278).

shown, as usual in Graeco-Roman times, with the head of an ass.[7]

The geometrical way in which the demons are joined two times in *P. Heid.* 500/501 reminds us of the illustration at the end of the Greek *P. Lond.* 121 (third century A.D.) which was probably intended for use in an ἀγωγή (Plate 2). On a box filled out by diagonal lines sit two asses' heads; the drawing is surrounded by the names of Seth, ιωερβηθ, ιωπακερβηθ, ιωσεσεσρω and ιωπημφ, written in the "grape-like" manner.[8] It seems that here we have an older form of the motif in *P. Heid.* 500/501.

To explain the snake beneath the box in *P. Lond.* 121 we have to take a step farther backwards, to the beginning of the Egyptian New Kingdom. In the guide to the underworld called the *Amduat* we find, in the "seventh hour" of the nightly journey of the sun-god Re, four figures very similar to the one in *P. Lond.* 121.[9] Box-like, they each bear two human heads and a knife and they participate, like the goddesses standing in front of them, in the slaying of Re's enemy, the dragon Apophis (Plate 3).[10] The *Amduat* describes them as coffins in which manifestations of the sun-god have taken their place, that is, have united themselves with Osiris, the god of the underworld.[11] So it is Re himself who here is engaged in the battle against the dragon. We note that he is assisted not only by Isis but also by Seth, the "ancient of charms,"[12] and that another scene of the same book, from the "second hour," shows him, in his aspect as Horus-falcon, united with Seth in one double-headed body (Plate 3).[13] Thus it becomes understandable that the double-headed coffin of Osiris as shown in the "seventh hour" serves later, with human[14] or asinine heads as well as under other forms, as a symbol of the united action of the two gods.

We shall pursue some other developments of the motif before returning to *P. Heid.*

7. Compare K. Preisendanz, *Papyri Graecae Magicae* II, 1931, Pl. 2, fig. 11 (P. XII, Col. XIV); F. Lexa, *La magie dans l'Egypte antique* III, 1925, Pl. 48; G. Michailides, "Papyrus contenant un dessin du dieu Seth a tête d'ane," *Aegyptus* 32, 1952, pp. 45-53; S. Bartina, "Seto el horrendo y grunidor jabali," *Studia papyrologica* VI, 1967, pp. 109-21. On the older form of the god, interpreted in various ways, see last, H. te Velde, *Seth, God of Confusion, Probleme der Aegyptologie* XI, 1967, pp. 13-26.

8. Preisendanz, *PGM* II, Pl. 1, fig. 3 (P. VII, Col. XXVII). In the ἀγωγή line 467 ff. of the same text the τυφωνιακόν ξῴδιον mentioned two times is missing; the illustration at the end of the papyrus seems to have been added as an afterthought (A. Procopé-Walter, "Iao und Set. Zu den figurae magicae in den Zauberpapyri," *ARW* 30, 1933, p. 36 note 4, with other examples of ξῴδια left out by mistake or because of the insufficient drawing talents of the writer). The form of the illustration in Col. XXVII and the names accompanying it seem to prove its identity with the one mentioned in lines 468 and 477, though Procopé-Walter, *op.cit.*, pp. 49f., doubts its relation to Seth.

9. E. Hornung, *Das Amduat. Die Schrift des verborgenen Raumes,* I/II, *Aegyptologische Abhandlungen* VII, 1963. See Vol. I, plate in the appendix.

10. Compare the explanation given by the *Amduat*, translated by Hornung, *Das Amduat* II, p. 134: "Die Köpfe und die Messer, die in ihnen sind, kommen hervor, wenn sie das Bezaubern des *nḥ3-ḥr* vernehmen." Hornung stresses the "Dornröschenmotiv" (beings in the underworld come alive when the sun-god is near them), used several times in the book. Here, by mentioning the knives and the spell cast against the Apophis, the fight with the latter seems to be emphasized as the object of the reanimation.

11. Hornung, *Das Amduat* II, p. 135. On the union of the sun-god with Osiris which is the central theme of the "sixth hour" *op.cit.* p. 124.

12. On the identity of the "ancient of charms" (*ḥk3w-smsw*) with Seth see Hornung, *Das Amduat* II, p. 131. Seth may here be understood as the aggressive aspect of the sun-god himself, see te Velde, *Seth,* pp. 105 f.

13. Hornung, *Das Amduat* I, plate in the appendix. On the idea of totality expressed by the figure see te Velde, *Seth,* p. 70.

14. E.A.W. Budge, *The Gods of the Egyptians or Studies in Egyptian Mythology* I, 1904, p. 234 with note 3, connects the figure in the "seventh hour" of the *Amduat* with the passage from the *Hieroglyphica* of Horapollo (I.24): "When they wish to denote a phylactery, they draw two human heads, one a male, looking in, the other a female, looking out. For thus, they say, no demon will touch one. And even without an inscription, they protect themselves with the two heads." (I cite the translation by G. Boas, *The Hieroglyphics of Horapollo,* 1950, p. 73.

ɔu0/501. The snake under the box in *P. Lond.* 121 of course now can be explained as the overwhelmed Apophis. The first spell of the *P. Mimaut* (ca. 300 A.D.)[15], used in erotic magic and against circus competitors,[16] shows in its illustration a human being between the two gods under whose power it has fallen (Plate 3).[17] Preisendanz has identified these as Helios and the ass-headed Seth whose position has mistakenly been reversed (Seth, as correction-notes to the picture show, belongs with his names on the left side).[18] This interpretation is supported by the coffin of Osiris in the upper left hand corner, which seems to demand the representation of just these two gods.[19]

In another way the symbol is used in the Roman *defixiones* (ca. 400 A.D.). They show (as central figure) an animal-headed demon accompanied by two human busts at the right and left (Plate 4). It has been explained by Wünsch as the ass-headed Seth in the middle of two aspects of Sarapis, Osiris-Apis and Osiris-Mnevis. Sarapis is identified with Helios, as the use of the name Phrê (copticized form of Re) in the invocations seems to intend.[20] On the other hand Preisendanz, missing the "true names" of Seth in the spells, has preferred to take the demon for a horse-god, as appropriate to the use of the tablets in the circus, and the two human beings at his side for jockeys on their chariots.[21]

Now these two *προτομαί*, bearing, as noted by Wünsch, the name of Osiris-Apis and Osiris-Mnevis, recall by their form the heads on the coffin of Osiris in the *Amduat*:[22] Therefore the central figure should indeed be Seth, but in some sort of identification with Re, and this seems to be indicated by the sun-disc in its hand[23] and the name Phrê (connected with the *προτομαί* by Wünsch) above its head. The names Eulamo and Bachych which take a prominent place in the invocations now also fall into place as directed to this union of Seth and the sun,[24] depicted here by the figure of the one and the attribute of the other.[25]

15. Preisendanz, *PGM* I, Pl. 2, fig. 3 (P. III, Col. III).

16. Preisendanz, *PGM* I, p. 38 (P. III, line 164).

17. S. Eitrem, *Les papyrus magiques grecs de Paris, Skrifter Videnskapsselskapet i.Kristiania* II, 1923, p. 27, note. A. Procopé-Walter, *Iao und Set,* p. 52, note 7, sees a human also in the figure on the left. This would seem a contradiction to the usual scheme of illustrations in the binding spells. Compare R.Wünsch, *Sethianische Verfluchungstafeln aus Rom,* 1898, Pl. 29, with actual binding of the middle figure.

18. K. Preisendanz, *Akephalos der kopflose Gott*, Beihefte zum *Alten Orient* VIII, 1926, pp. 54 ff.; K. Preisendanz, *PGM* I, p. 36, note.

19. Interpreted as coffin, of one or the other god mentioned in the text, by A. Delatte, "Etudes sur la magie grecque 5: Ἀκέφαλος θεός," *Bull.corr.hell.* 33, 1914, p. 232 (Receptacle of the limbs of Osiris, held by Isis); Preisendanz, *Akephalos*, p. 55 sq. (coffin of the cat which is "made into Osiris" according to the πρᾶξις and from which Helios will rise).

20. R. Wünsch, *Sethianische Verflufung stafeln aus Rom*, 1898, Pl. 16A and pp. 82 ff.

21. Preisendanz, *Akephalos*, pp. 22 ff.

22. In another form the coffin appears in the upper left hand corner of the tablets. The connexion of this representation with that in the *P. Mimaut* was noted by Delatte,"' Ακέφαλος θεός," p. 232.

23. Taken to be the κύκλος τῆς Ἀνάγκης by Wünsch, *Sethianische Verfluchungstafeln,* p. 95, a wheel by Preisendanz, *Akephalos*, p. 29. It is to be noted that two of the tablets, Wünsch Pll.1 and 12, show bow (and arrow), the attributes of Seth, in the hands of the figure. Compare the drawing on P. Palau Rib.inv. 3 (studied by G. Michailides and S. Bartina, see above note 7).

24. Βαχυχ occurs mainly as the name of lion-headed and sun-gods, see C. Bonner, *Studies in Magical Amulets Chiefly Graeco-Egyptian,* 1950, p. 58. Compare the combination χυχβαχ ευλαμω ιωερβηθ appearing two times in Carthaginian *defixiones* (Audollent, *Defixionum tabellae,* 1904, no.252, line 13 ff.; no. 253, line 22 ff.) which adds the "true name" for Seth missing in our tablets (dismissed as accidental by Preisendanz, *Akephalos*, p. 27).

25. Perhaps a gem in the University of Michigan collection (Bonner, *Studies in Magical Amulets* D 155, pp. 113 f. and Pl. 7) may be mentioned here: It shows on the obverse an animal-headed demon related to the one depicted in our tablets. Bonner, based on Preisendanz, interprets it as horse-headed. The picture of Osiris on the reverse and the object at the side of both figures (explained by Bonner as an altar, but resembling the coffin of Osiris as represented in the *P. Mimaut,* though on a triangular base) make the ass-headed Seth possible.

P. Oslo 1 (4th century A.D.)[26] proceeds in the opposite way. Here the cock-headed and serpent-footed Iao bears the attribute of Seth (a bundle of lightning) and is accompanied by the latter's "true names" (Plate 5).[27] That the combination is not accidental[28] but intended, seems to be proved by the illustration of Column VII which probably belongs to an ἀγωγή; it shows the coffin of Osiris (Plate 5).[29]

Returning now to *P. Heid.* 500/501 we are not surprised to find the names Bachouch and Bikmen over the heads of the two Seth-demons in the first spell (Plate 1). The figures are accompanied by the names of their partner the same way that they were in Greek times. (Bikmen may be Egyptian *bjk* "Hawk";[30] the Pe invoked two times in the papyrus[31] may be mutilated Phrê). It seems that our text carefully copies a Greek model in the names and illustrations, and probably also in the πράξεις, though they are translated into Arabic. Only the spells have been worked over, so that now Bachouch and Bikmen are described as two angels expelled from paradise.[32] But the adaptations are very slight (two of the spells retain the identification of the magician with the invoked demon in the old Egyptian way)[33] and not carried through; the third as well as the two last spells give only πρᾶξις or illustration, without any ἐπῳδή.

In the last spell the double-being appears under another form, this time unmistakably marked by the names Hôr and Seth (Plate 2, bottom).[34] We can by their help identify the figure as that of an animal with an ass's head and a falcon's body.

The name Kôk that is added to it connects *P. Heid.* 500/501 with *P. Lond. Or.* 10414, a Coptic ἀγωγή of the seventh century A.D., illustrated by the pair of asses already known to us (Plate 6).[35] In the text the demon is addressed as Kok Tparkokok (Greek Chych Bachachych),[36] "he whose head is in the abyss, his feet in hell." The mentioning of the abyss must be a reminiscence of the sun's journey through the underworld as represented to us by the

26. S. Eitrem, *Papyri Osloenses,* Fasc. I, *Magical Papyri,* 1925, no.1; Preisendanz, *PGM* II (P. XXXVI).

27. Col. I (Eitrem, *Papyri Osloenses,* Pl. 1; Preisendanz, *PGM* II, Pl. 3, fig. 14). The picture was interpreted by Eitrem, *op.cit.,* pp. 37 ff., as Seth-Typhon, so also Preisendanz, *op.cit.,* p. 163, note, with the explanation of the object in the demon's hand as a bundle of lightning, that fits in well with Seth's nature as god of thunder (te Velde, *Seth*, p. 118). That the figure itself, despite the names of Seth accompanying it, is Iao, was noticed by A. Procopé-Walter, "Iao," pp. 34 ff. Compare the same, pp. 46 ff., for Col. III, the figure which also Eitrem, *op.cit.* p. 54, had described as a "cock-headed" demon.

28. A. Procopé-Walter, "Iao," p. 69: "Zu Zauberzwecken angewandt, bleibt solch eine Art von Vereinigung eine äusserliche, insofern zufällig, und ist deshalb für tiefere geschichtliche Folgerungen über das Wesen der dem Iao und Set gewidmeten Kulte nicht von Belang."

29. The illustration is not identical with that demanded by the text, see Eitrem, *Papyri Osloenses,* p. 81, and Preisendanz, *PGM* II, p. 169, note, and compare above, note 8. That the "apparatus, which is quite enigmatic (a vessel?)" seems to be identical with the one in the *P. Mimaut* was noted by Eitrem, p. 82.

30. Coptic ⲃⲏϭ , W.E. Crum, *A Coptic Dictionary,* 1939, p. 48b. Compare the derivation of Apollobêx in *P.Leid.J* 384 (Preisendanz, *PGM* II, p. 66-P. XII, line 121) from Egyptian bak "sparrow-hawk" by A. Wiedemann, *Die Religion der alten Aegypter,* 1890, p. 145.

31. Spell 1, line 23; spell 6, line 91.

32. Line 12 ff. See C.D.G. Müller, *Die Engellehre der koptischen Kirche,* 1959, p. 73 with note 563 (Bachouch misread as Baruch). Müller supposes the remnant of a lost apocryphal tradition, but we may as well have here a myth created ad hoc, compare F. Lexa, *La magie dans l'Égypte antique* I, 1925, pp. 55 f. The mentioning of the strength of the two demons in line 12 (ⲥⲛⲁϥ ⲉⲧⲉⲛⲁⲧⲟⲥ ⲛϫⲱⲣⲡⲉ ⲉⲛⲧⲉϥϭⲟⲙ) is connected by Müller with *Gen.*6,4; by Stegemann with *Ps.* 102,20 ("ⲟⲩϫⲱⲣⲡⲉ ⲉⲛⲧⲉϥϭⲟⲙ = stark," *AZ* 71, 1935, p. 82). Perhaps in this particular case strength is stressed as an attribute special to Seth (te Velde, *Seth*, p. 132, note 7).

33. Spell 5 and 6. Compare S. Morenz, *Aegyptische Religion,* pp. 242 f. Stegemann, *Die Gestalt Christi,* p. 12 with note 4, "Die koptischen Zaubertexte," p. 7 with note 1, acknowledges the survival of this usage only until the 3rd or 4th century A.D.

34. Esth as a reversal of Seth has been identified by A. Kropp, *Ausgewählte koptische Zaubertexte* III, 1930, p. 10.

35. Edited by W.E. Crum, "Magical Texts in Coptic II," *JEA* 20, 1934, pp. 195-200, Pl. 26.

36. Compare ⲡⲁⲕⲟⲕ = βαχυχ, mentioned, after Apollo and Zeus, in *P. Heid.* 500/501, line 52 in spell 4.

Amduat.[37] Thus this text, like *P. Heid.* 500/501 preserves pagan remnants in text and illustration alike.[38]

P. Heid. 1681, a parchment from the tenth century A.D., takes up the motive of Bachouch, now changed into Baruch, and Bôk, the old *bjk* or Bikmen (Plate 6).[39] The arrangement of the figures and names shows that the composition of the group (the two demons leading the woman under the spell in their middle) is not understood any more. But the small figure with the asinine head that stands apart, and the reference in the text to the "hot wind," as well as to Adam and Eve and four hundred angels, still contain a recollection of Seth, particularly in his aspect as god of the desert and the sand-storm.[40]

A paper from the eleventh century A.D., belonging to the Egyptological Institute of the University of Heidelberg, keeps closer to the original grouping (Plate 7).[41] The names given here are Baruch and Prim,[42] the last surely another contamination of the old Phrê. The bird's head on the figure to the right points to Horus, a last trace of the placing of the sun-god on the right side, as in *P. Mimaut* (Plate 3)[43] and one of the Roman *defixiones* (Plate 7).[44]

Three of the four Coptic texts we mentioned come from the Fayum or nearby.[45] The fidelity to tradition in these cases may be explained by the fact that Oxyrhynchus was one of the nomes of Seth[46] and here he did not suffer condemnation as in other parts of Egypt. The occurence of the coffin of Osiris, symbol of common magical action of Re and of Seth in the underworld, in binding- and love-spells may be connected with the usage of burying such texts[47] or depositing them in wells, thus placing them under the influence of the dead.

We have examined a Coptic magical drawing and have been able to follow the survival of an ancient Egyptian tradition until as late as the eleventh century A.D. The impression seems to be confirmed[48] that the Coptic magical texts may not be taken as evidence of the growth of Egyptian Christianity alone. They represent a popular religion of their own[49] which, while reflecting the new, preserved much older beliefs. In evaluating these more help might come from study of the illustrations which seem, for the small group we touched, to constitute an

37. Is this conception more original than that of Iao "whose head is in heaven, whose feet are in the abyss" (P. Michigan Inv. 4932 f., edited by H. Worrell, "Coptic Magical and Medical Texts," *Orientalia* 4, 1935, pp. 184-194, cited by H.J. Polotsky, "Zwei koptische Liebeszauber," *Orientalia* 6, 1937, p. 123)? Polotsky connects the passage with Iao's role as first of the seven rulers of the planets. But perhaps the animals mentioned in its continuation as well as those in line 89 ff. of *P.Lond.Or.* 5987 (Kropp, *Ausgewählte koptische Zaubertexte* I, 1931, D) compared by Polotsky are to be derived not from a reduction of the seven symbols of the planets, but from an addition to the two animals of the Horus-Seth-union. For this would speak the mentioning of the falcon *P. Lond. Or.* 5987, line 91, and of Barucha = βαχυχ there line 93 and 128.

38. Crum, *JEA* 20, p. 200, takes "the persons here named (as) exclusively biblical, or, if one includes the angel-names, rabbinical."

39. *P. Heid.* 1681, edited Bilabel, *P. Baden* V, no. 139.

40. H. Bonnet, *Reallexikon der aegyptischen Religionsgeschichte,* 1952, pp. 703 f.

41. Edited by V. Stegemann, "Neue Zauber-und Gebetstexte aus koptischer Zeit in Heidelberg und Wien," *Le Muséon* 51, 1938, pp. 73-87, no. 1 (Inv. 1030).

42. Compare *P. Heid.* 518, edited Bilabel, *P. Baden* V, no. 131, line 29 (ⲡ̈ⲣⲓⲙ, ⲡⲣⲓⲙ̈ⲡⲉ).

43. Compare above note 18.

44. R. Wünsch, *Sethianische Verfluchungstafeln,* Pl. 29.

45. *P. Heid.* 500/501; *P. Heid.* 1681; P.Heid.Aeg.Inst.Inv.1030. From the Greek texts *P. Oslo* 1 comes from the Fayum, as does P.Palau Rib. inv. 3 (compare above note 23).

46. Te Velde, *Seth,* p. 90.

47. Compare *P. Heid.* 500/501, spell 2, line 27; spell 3, line 46.

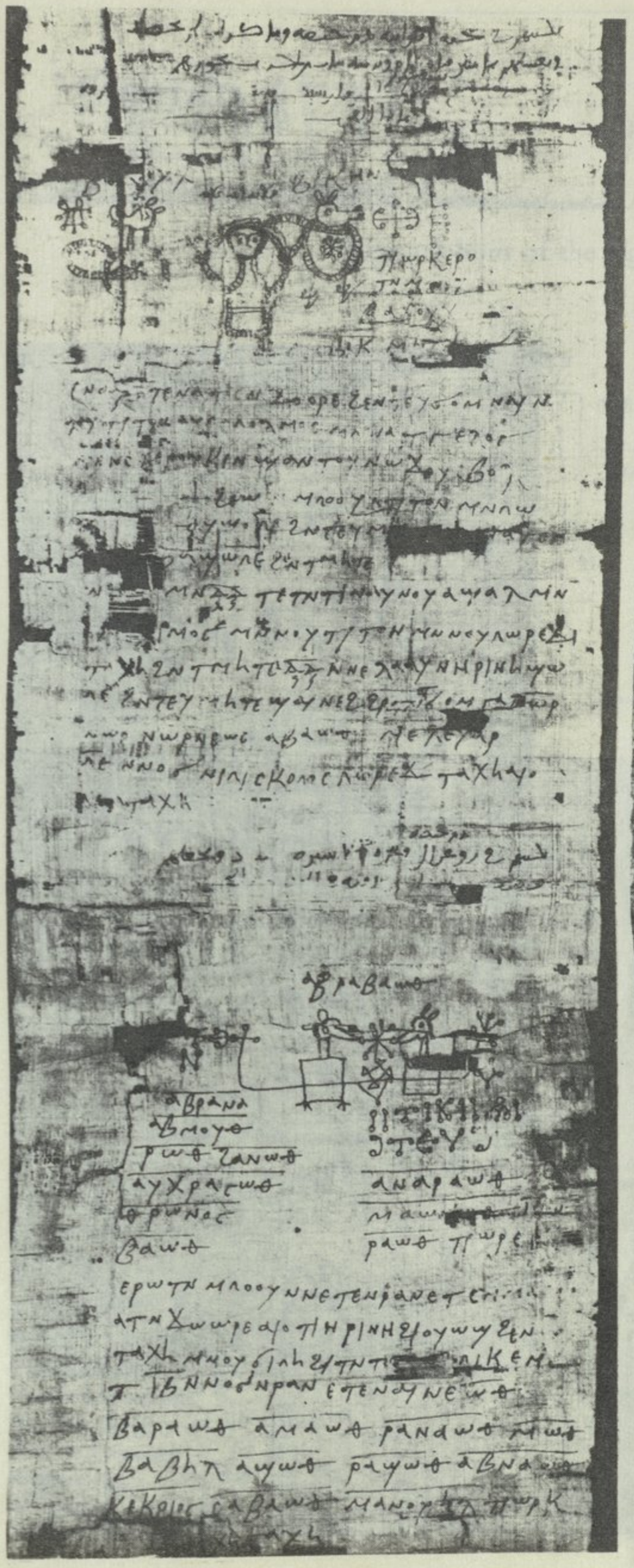
48. Compare above note 3.

49. I am grateful to Professor C.B. Welles for making clear to me this distinction in the discussion following the presentation of this paper.

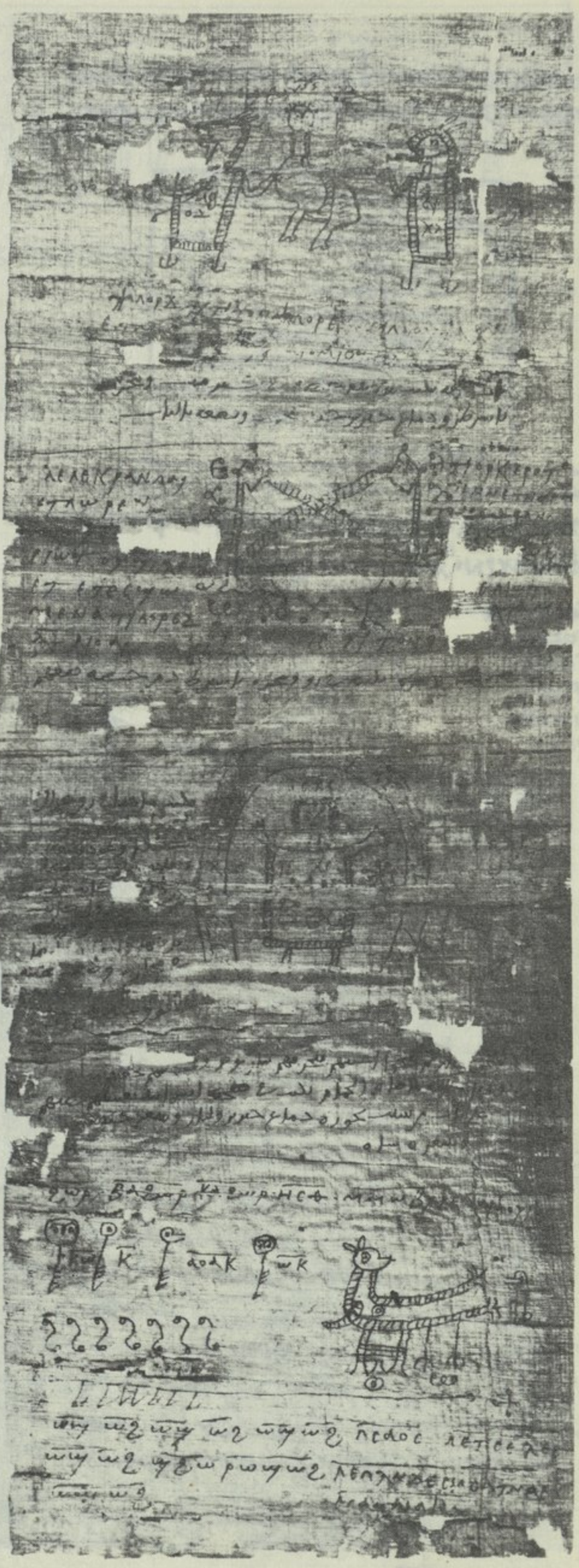
autonomous element, able to throw light on the texts they accompany. For this reason, too, a corpus of Graeco-Egyptian *figurae magicae*, which could help us to trace all the lines of development, remains as desirable as ever.[50]

50. S. Eitrem, in a recension of Preisendanz, *Akephalos*, *Gnomon* 3, 1927, p. 170: "Man muss auch darauf gefasst sein, dass die Forschung, wenn das Corpus papyrorum magicarum bald verwirklicht sein wird, nach einem Corpus imaginarum signorumque verlangen wird." A.D. Nock, "Greek Magical Papyri," *JEA* 15, 1929, p. 233: "I would close by remarking on those tasks which await accomplishment. First, the proper study of the voces magicae; second, the making of a Corpus of magical drawings in the papyri and the accompanying study of their iconographic bearings; third, the making of a Corpus of the so-called Abraxas gems."

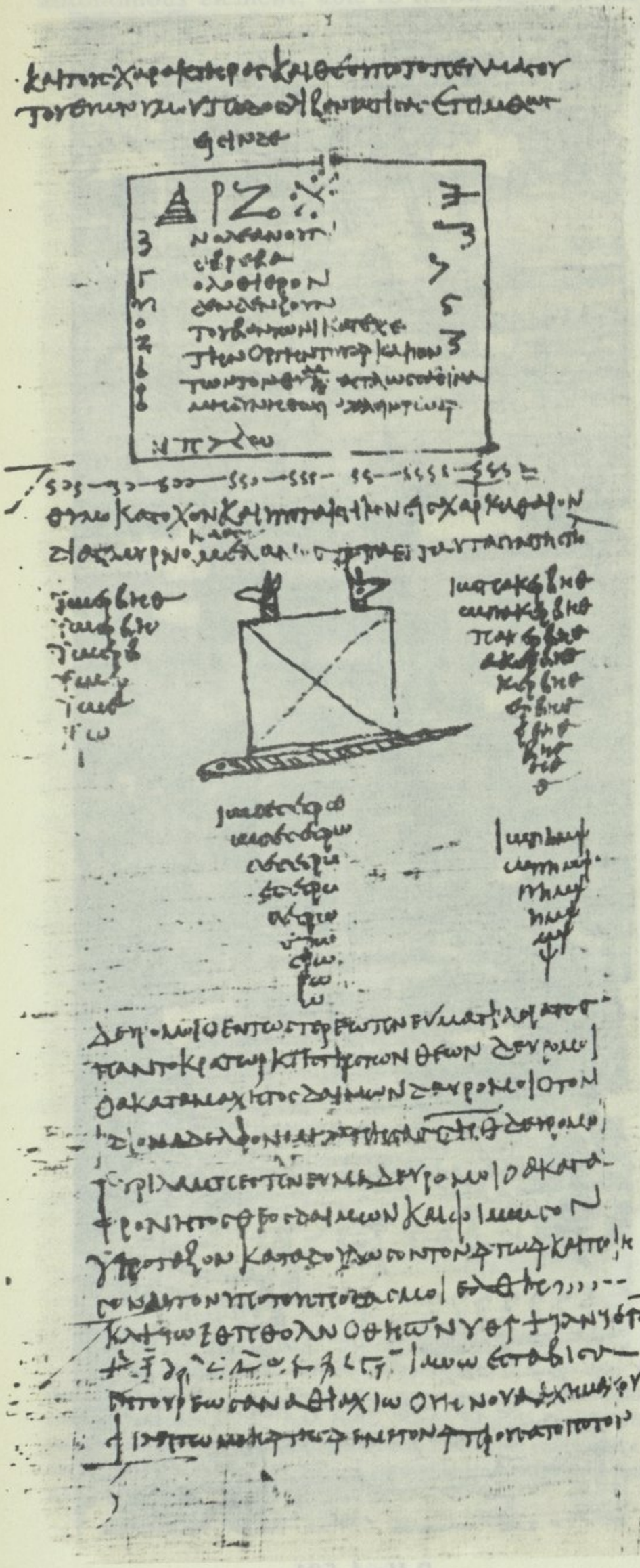
PLATE I



P. Heid. 500

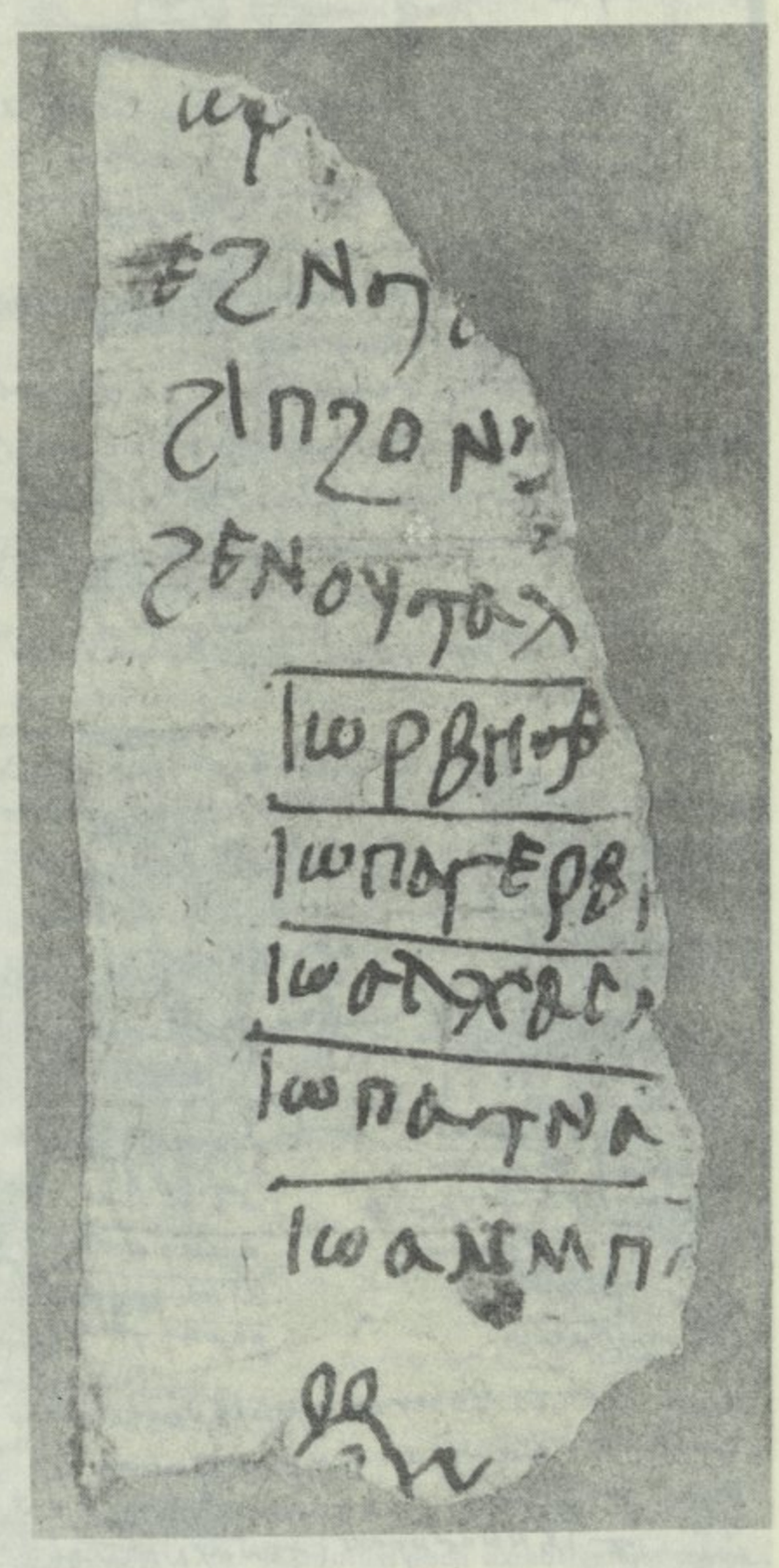


P. Heid. 501

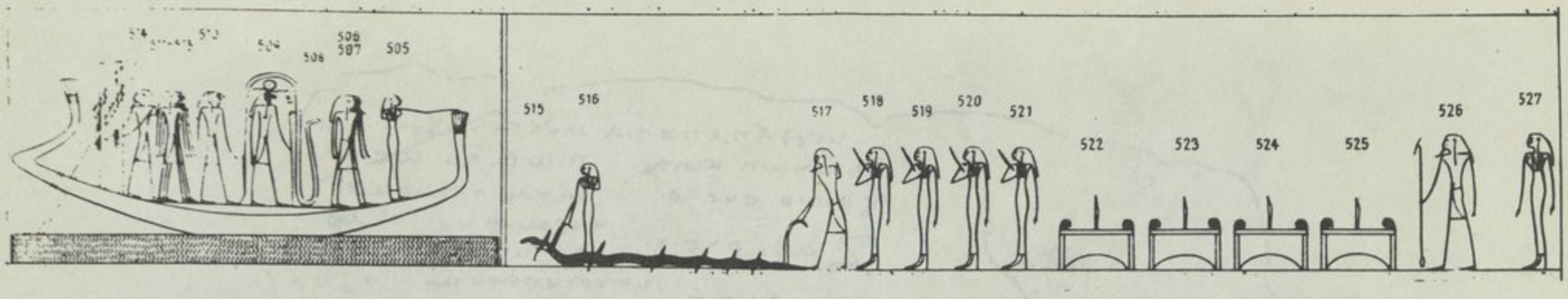


P. Lond. 121

PLATE II

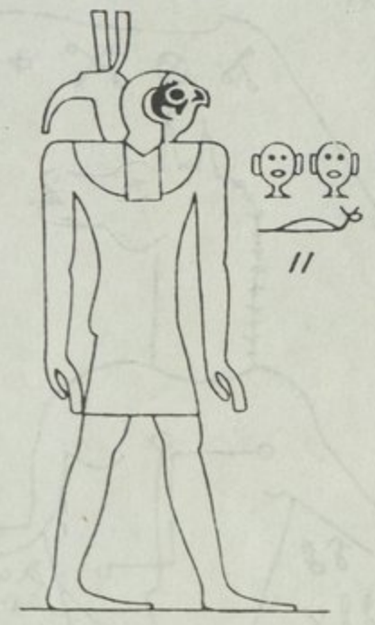


P. Heid. 473a

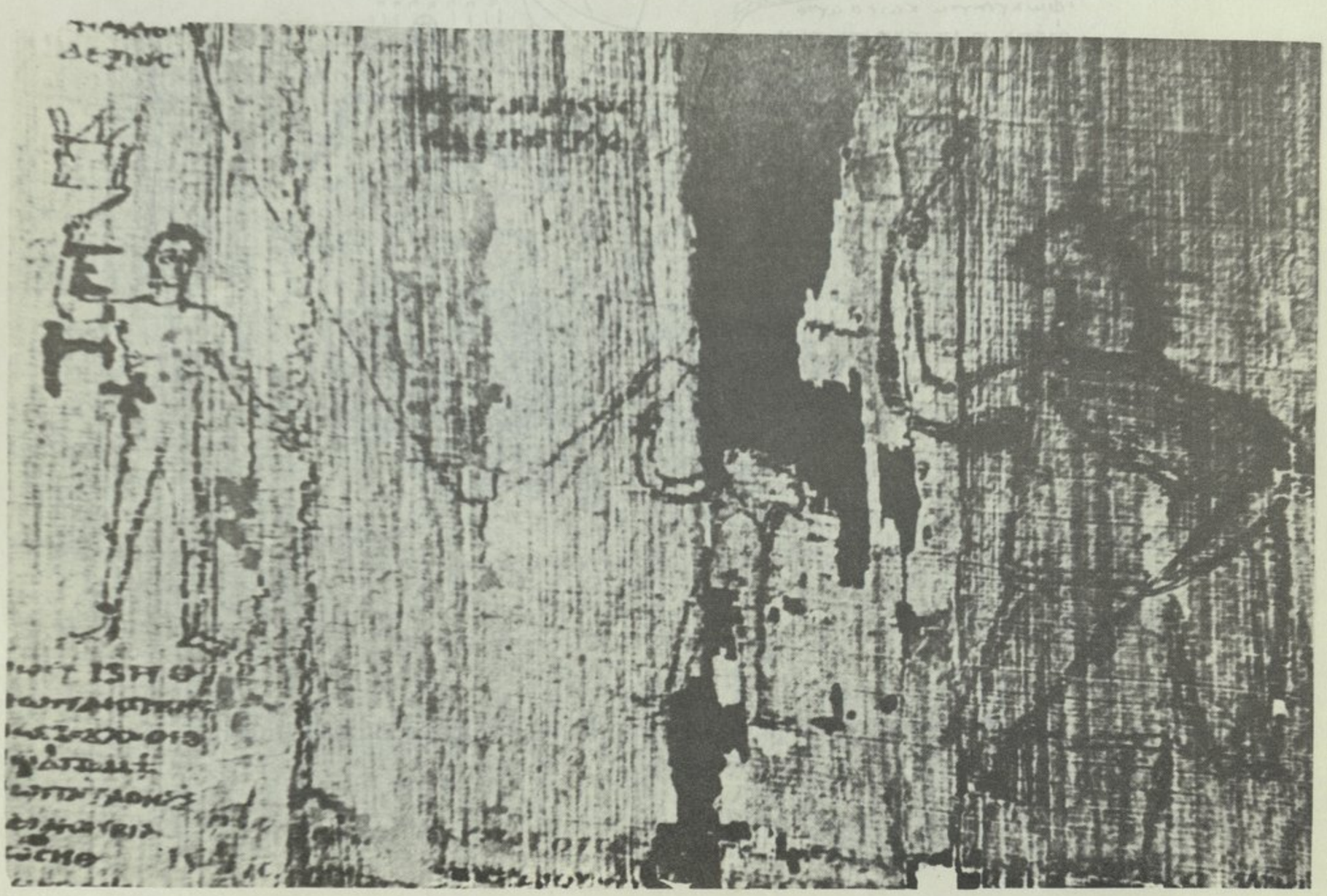


'Seventh hour of the nightly journey of Re'

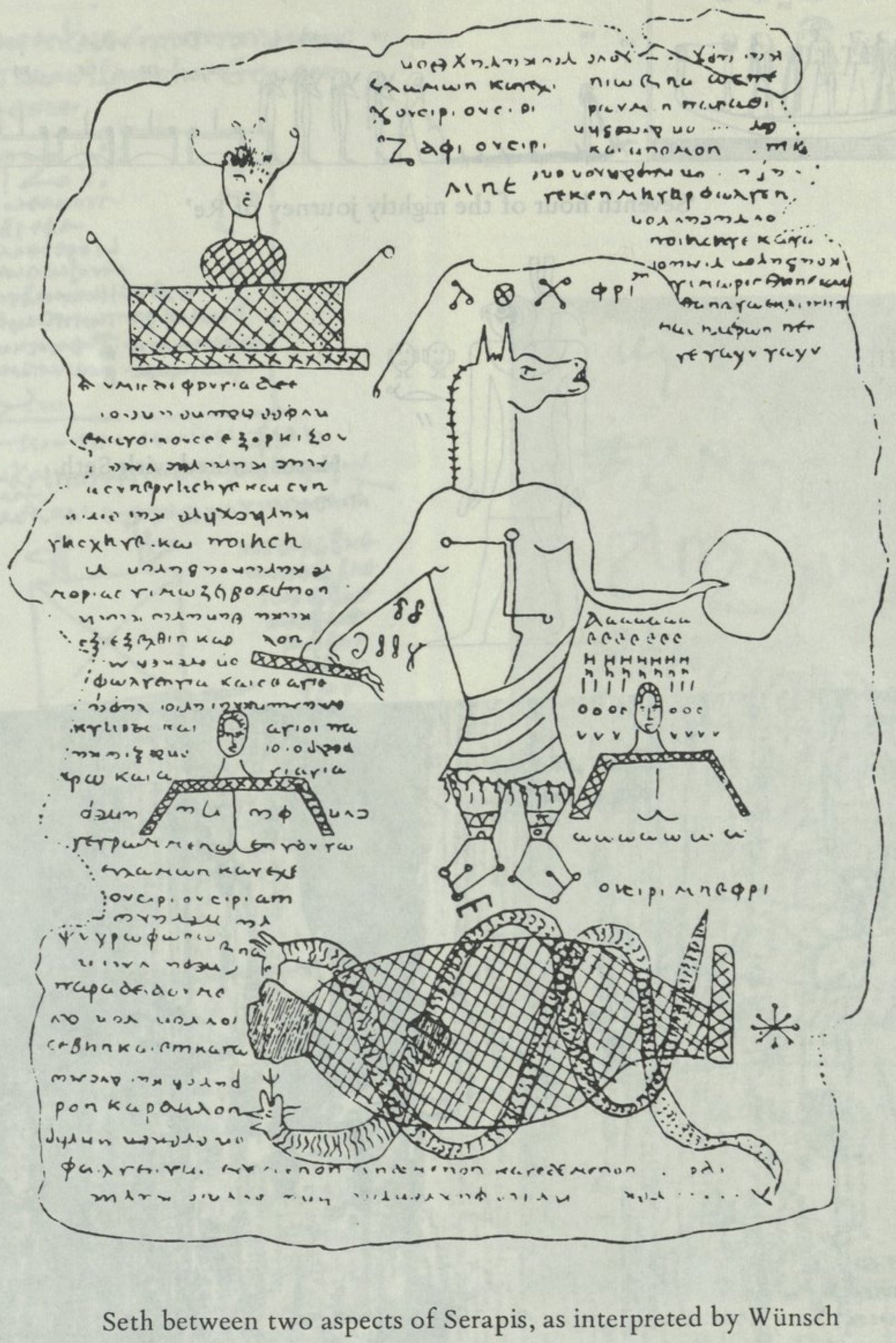
PLATE III



Horus, united with Seth



P. Mimaut, illustration of the first spell

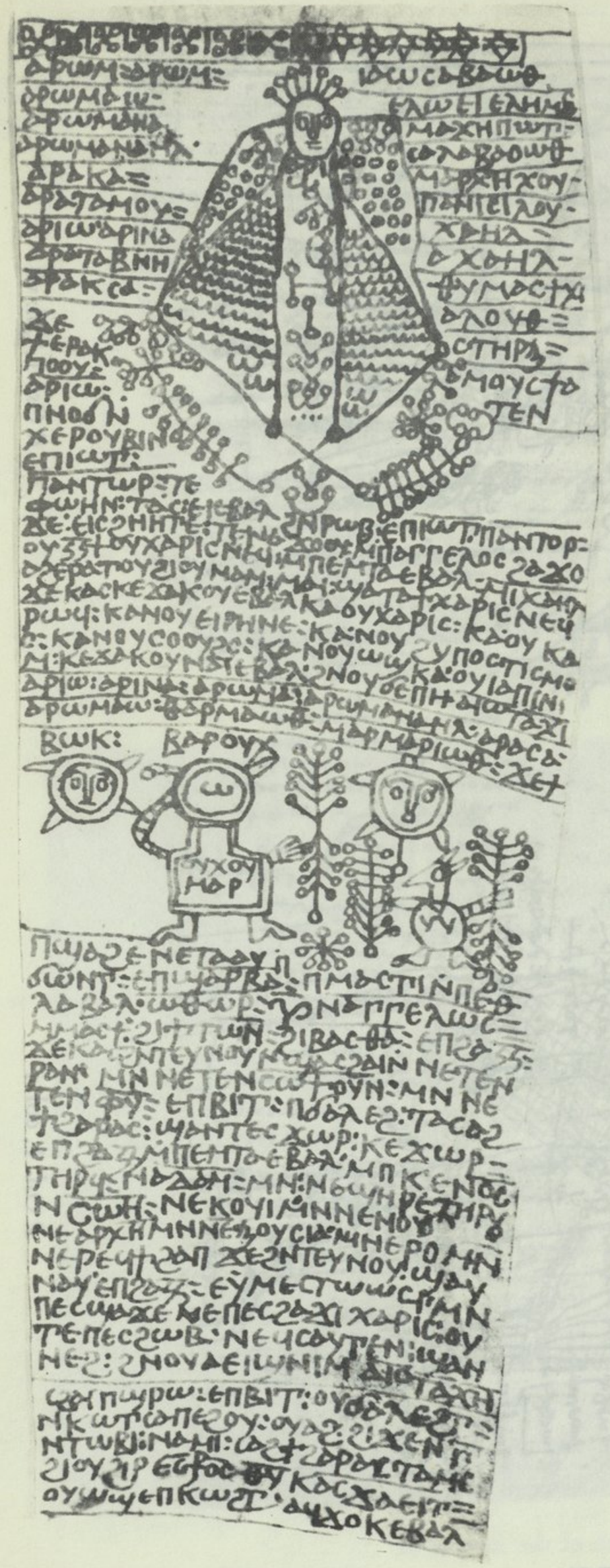


Seth between two aspects of Serapis, as interpreted by Wünsch

P. Osl. 1, col. vii

P. Osl. 1, col. i

PLATE V



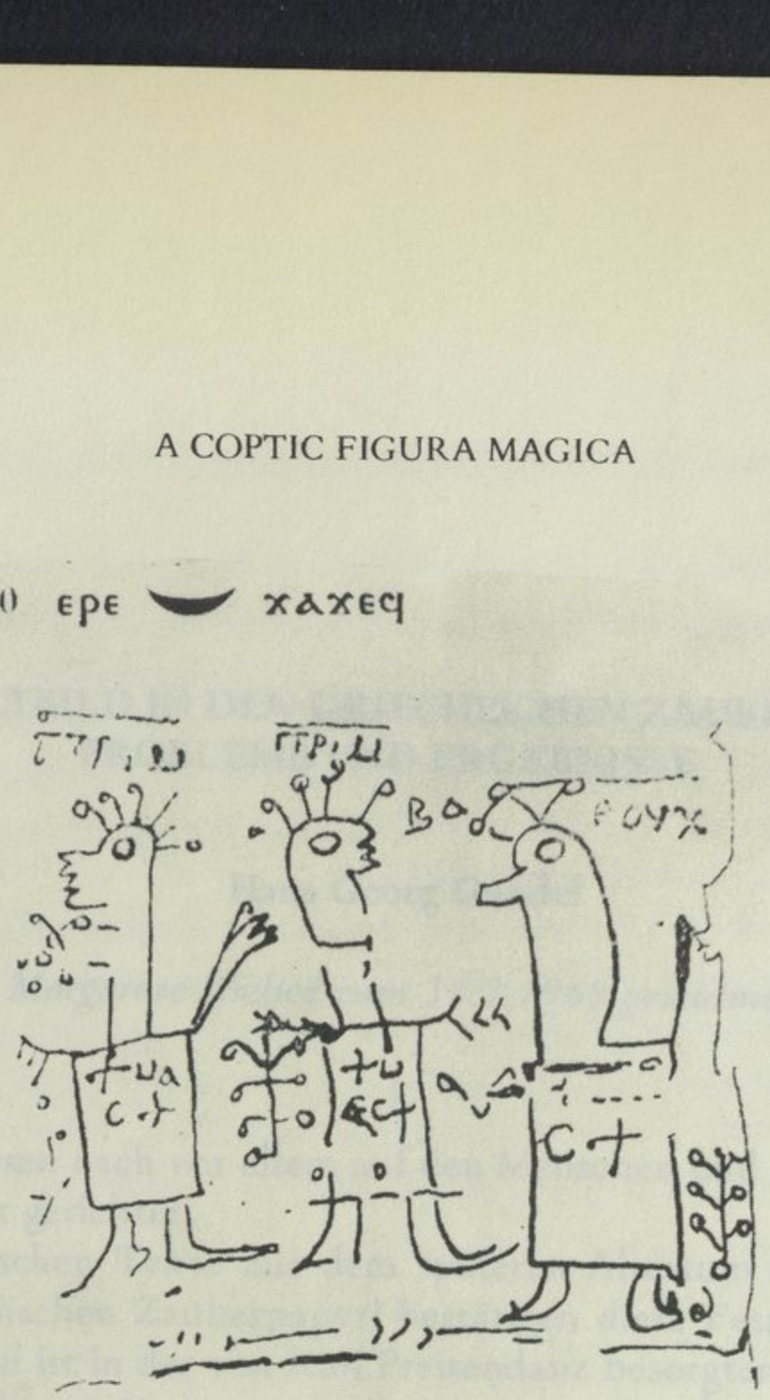
P. Heid. 1681



P. Lond. Or. 10414

PLATE VI

60 ερε ⌣ χαχεϥ

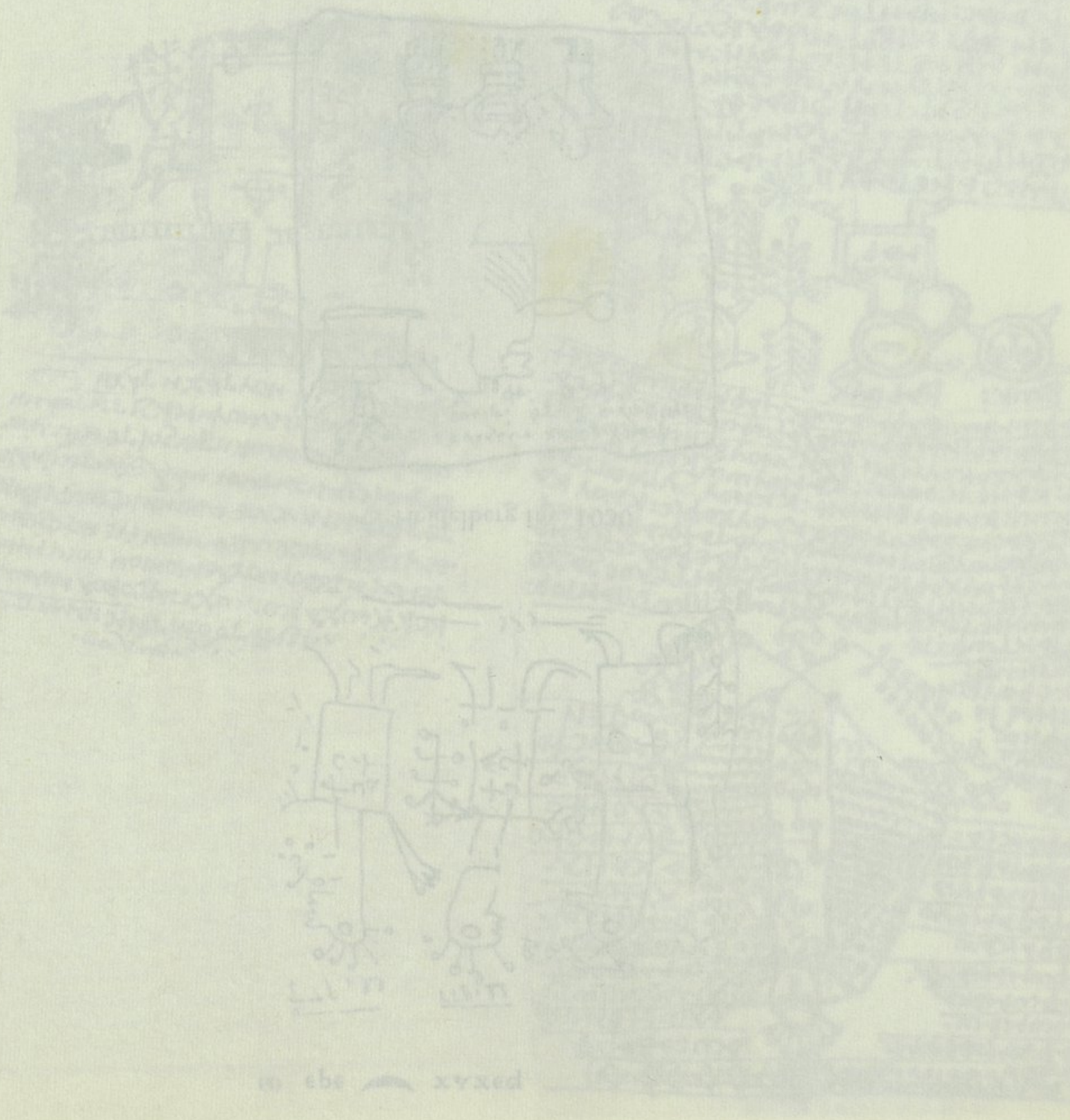


Heidelberg Inv. 1030



Defixio, from Wünsch, pl. 29

PLATE VII



VOM WELTBILD IN DEN GRIECHISCHEN ZAUBERPAPYRI
PROBLEME UND ERGEBNISSE

Hans Georg Gundel

Margarete Bieber zum 31.7.1969 gewidmet

I

Zauber ist seinem Wesen nach vor allem auf den Menschen und sein Verhältnis zur personellen und materiellen Umwelt gerichtet.

Die vielfältigen magischen Texte aus dem späteren Altertum und die schier verwirrenden Zauberpraktiken der griechischen Zauberpapyri bestätigen diese Feststellung. Das uns heute zur Verfügung stehende Material ist in der von Karl Preisendanz besorgten Edition der *Papyri Graecae Magicae* I-II, 1928-1931, und in einigen neueren Ergänzungen dazu[1] zugänglich.

Diese griechischen Texte zeigen natürlich primär den spätantiken Menschen in seinen geglaubten oder gewollten Beziehungen zum Mitmenschen. Sie geben darüber hinaus aber auch zahlreiche Aufschlüsse über den Himmel und den Kosmos, d.h. die Welt ausserhalb der Erde, natürlich stets in immanentem Zusammenhang mit zwischenmenschlichen magischen Vorstellungen.

Seit um 1900 hat sich die Wissenschaft immer einmal wieder auch mit dieser Seite der Zaubertexte befasst, und manche gewichtige Arbeit ist zur Interpretation einzelner Papyri oder im Aufzeigen gewisser allgemeiner Zusammenhänge vorgelegt worden; ich erinnere insbesondere an die Untersuchungen von Albrecht Dieterich über die sog. Leidener Kosmopoiie (*Abraxas*, 1891) und über den "grossen Pariser Zauberpapyrus" (*Eine Mithrasliturgie*, 2. Aufl. 1910), von A.-J. Festugière über "la valeur religieuse des papyrus magiques" (*L'idéal religieux des Grecs et l'Evangile*, Paris, 1932), von Th. Hopfner über Selene (*Pisciculi,* F.J. Dölger dargebr., 1939, S. 125 ff.) und von M.P. Nilsson über die Religion der griechischen Zauberpapyri (zuletzt in *Opuscula selecta* III, 1960, S. 129-166) – um nur einige Namen und besonders bedeutende Spezialarbeiten hier zu nennen.

Im Anschluss an nachgelassene Notizen meines Vaters Wilhelm Gundel († 1945) habe ich in den letzten Jahren versucht, die griechischen Zauberpapyri einmal insgesamt auf die in ihnen greifbaren kosmischen, astralen und astrologischen Reflexe hin zu untersuchen. Das Ergebnis dieser von einer Bestandsaufnahme ausgehenden Arbeiten konnte ich inzwischen im Heft 53, 1968, der Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte unter dem Titel *Weltbild und Astrologie in den griechischen Zauberpapyri* vorlegen.

1. Preisendanz *PGM* vol. I (=*P.* I-IV), II (=*P.* VII-LX; *P.* 1-20, christl.), III (nur in Umbruchkorrektur zugänglich: *P.* LXI-LXXXI; *P.* 21-24). – Vgl. ferner K. Preisendanz, "Neue griech. Zauberpap.", *Chron. d'Egypte* 26, 1951, S. 405-409; "Zur Ueberlieferung der griech. Zauberpap.", *Miscellanea critica* I, Leipzig 1964, S. 203-217; *Byz. Zeitschr.* 59, 1966, S. 391, 1. – R.A. Pack, *The Greek and Latin literary texts from Greco-Roman Egypt*[2], Ann Arbor 1965, S. 2, note. Nicht mehr berücksichtigt werden konnte die 1969 erschiene wertvolle Edition von D. Wortmann, "Neue magische Texte," *Bonner Jahrb.* 168, 1968, S. 56-111. Allgemein nachzutragen ist: M. Vandoni, "Il papiro magico Palau Reb. 126," *Istituto Lombardo (Rendic. Lett.)* 102, 1968, S. 532-534. I. O'Callaghan, *Chron. d'Egypte* 43, 1968, pp. 111 f.

II

Es hat sich dabei herausgestellt, dass den kosmischen Vorstellungen in den Zauberpapyri, weit über den grossen Pariser Zauberpapyrus (Nr. IV Preisendanz) und die berühmte Leidener Kosmopoiie (XIII) hinaus, eine sehr grosse, man darf wohl sagen: eine grundlegende allgemeine Bedeutung zukommt. Es war also ein Forschungsproblem, diesen vielfältigen Niederschlag kosmischer Gegebenheiten zu erfassen, um ihn in neuer Gesamtbeleuchtung der weiteren Interpretation zumindest dieser Texte selbst dienstbar zu machen.

Natürlich werden bei dem Versuch einer derartigen Gesamterfassung von bestimmten sachbezogenen Vorstellungen in einer so disparaten Textgruppe, wie es die Zauberpapyri nun einmal sind, zahlreiche zu Bedenken Anlass gebende Schwierigkeiten deutlich und viele Probleme sichtbar.

Ganz abgesehen davon, dass die uns bekannten Texte nur einen zufallsbedingten Ausschnitt aus dem ursprünglich vorhandenen Gesamtmaterial darstellen, erhebt sich sogleich die Frage, ob und wie denn die greifbaren Einzelvorstellungen gewissermassen auf einen Nenner gebracht werden können und dürfen.

Und wenn man sich dazu entschlossen hat, die Reflexe natürlicher Phänomene und Vorstellungszusammenhänge in einer durch die Teile des Kosmos sich ergebenden Gliederung zu behandeln, dann erhebt sich die Frage nach der Berechtigung und Zweckmässigkeit einer solchen systematischen Analyse. Würde nicht, so wird man vor allem einwenden müssen, eine historische Analyse ergebnisreicher sein und auch richtiger, d.h. eine Behandlungsart, bei der den einzelnen Texten durch Abhebung gewisser entwicklungsbedingter Schichten Erkenntnisse für die Eigenentwicklung abgewonnen werden. Hier wird man darauf hinweisen dürfen, dass einmal eine systematische Erfassung noch nicht vorliegt und daher als solche eine Aufgabe für sich darstellt und dass zum anderen die relevanten Zauberpapyri alle aus der Spätantike, bes. aus dem 3. und 4. Jahrhundert n. Chr., stammen.[2] In ihnen spiegelt sich also gewissermassen das Endstadium eines freilich oft sehr langen und komplizierten Entwicklungsgangs, wobei man unterstellen darf, dass die uns greifbaren Vorstellungen weitgehend dem geistigen Horizont und den allgemeinen Ansichten der damaligen Benutzer derartiger Texte entsprachen.

Auch wenn man sich nach vielen Bedenken entschlossen hat, den Versuch zu wagen, ein Gesamtbild zu entwerfen, dann brechen selbst bei allen Vorbehalten und im Bewusstsein der Lückenhaftigkeit und des fragmentarischen Zustandes dessen, was bestenfalls erzielt werden kann, sogleich noch weitere Fragen auf. Sie ergeben sich aus den verschiedenen quellenbedingten Querverbindungen und Verzahnungen, die in dem mit einer gewissen Wahrscheinlichkeit als statisch anzusprechenden Gesamtbild sichtbar werden und etwa auf gnostische oder iranische Provenienz deuten. Damit sei der weite Bereich des Synkretismus und der spätantiken Geistesgeschichte angedeutet, in den nun einmal diese Texte gehören. Hier öffnet sich für Interessenten noch ein weites Arbeitsfeld, auf das ich im einzelnen nicht eingehen konnte. Es galt vielmehr, zunächst einmal das Gesamtfeld abzustecken, mag dies auch infolge der soeben angedeuteten Problemlage und der auswertbaren Quellen noch so fragmentarisch sein.

III

Von diesem durch die sichtbaren kosmischen Phänomene und ihren tatsächlichen oder

2. Die einschlägigen Texte habe ich im Heft 53 der *Münchener Beiträge z. Papyrusforschung*, 1968, als Anhang 1, S. 83 ff. zusammengestellt; über die o. Anm. 1 genannten Texte hinaus sind neuere Papyri weder K. Preisendanz (nach freundlicher schriftlicher Mitteilung) noch mir bekannt geworden. Grundsätzlich muss man jedoch stets mit einer Erweiterung des heute greifbaren Materials rechnen. – In den folgenden Ausführungen kann nur eine kleine Auswahl von Belegstellen – und diese auch nur für bestimmte Zusammenhänge gegeben werden; für Weiteres sei auf "Weltbild und Astrologie" verwiesen.

geglaubten Einfluss bestimmten Weltbild in den griechischen Zauberpapyri allein möchte ich im folgenden einen kurzen Ueberblick geben. Ich werde dabei sprechen 1. Zur Himmelskunde; 2. Zur Astrologie; 3. Zum Weltbild.

In den beiden ersten Teilen will ich mich dabei so knapp wie irgend möglich halten und nur die für das Verständnis der im dritten Teil zu beleuchtenden Zusammenhänge unbedingt nötigen Grundlagen herausheben.

1. Zur Himmelskunde

Die astralen und kosmischen Vorstellungen in den griechischen Zauberpapyri entsprechen – in oft vielfältiger Brechung und mit manchen Lücken – im wesentlichen dem diesbezüglichen Wissen des späten Altertums und den auf einem breiten Substrat ruhenden Glaubensvorstellungen in diesem Bereich.

Sehr stark tritt dabei die Sonne in Erscheinung. Das Gestirn an sich wird, da allgemein bekannt, kaum geschildert, gilt jedoch als Scheibe bzw. Diskos von riesigen Dimensionen, als "Kreis in Feuergestalt," als "Lichtspender" u. ä. – um nur einige Epiklesen hier hervorzuheben.[3] Von ihr gehen die Strahlen (Aktines), gelegentlich 12 an der Zahl, aus. Vereinzelt wird die Sonne auch als Urheber der Windbewegung angesehen.

Viel zahlreicher sind demgegenüber die Stellen, an denen die Sonne als Gottheit genannt, angerufen oder beschworen wird. Dabei gehen Vorstellungen verschiedener Herkunft oft bunt durcheinander. So sind Bestandteile des ägyptischen Himmelsbildes noch in der Spätzeit festgehalten und tradiert vor allem durch die Rê-Auffassung, zu der die Vorstellung von der Sonnenbarke und Anlehnungen an die himmlische Dodekaoros gehörten.[4] Von hier aus sind auch manche theriomorphe Auffassungen erklärbar, etwa in der Stunden-Chronokratorie, wie z. B. *P.*II.506: "in der dritten Stunde hast du die Gestalt eines Katers . . .". Auch die ägyptische Auffassung vom Sonnengott als einem männlichen, menschengestaltigen Wesen lebt fort; interessant ist dabei die Analogie von der Geburt am Morgen bis zum Eingehen in die Unterwelt am Abend; so hat nach II.106 f. der Sonnengott "die Gestalt des unmündigen Kindes, das sitzt auf einer Lotosblume." Von hier aus bekommen andere Stellen Farbe, an denen der Sonnengott bezeichnet wird als der, "der du auf dem Lotos sitzest und erleuchtest die ganze Welt," oder als Harpokrates "mit dem Finger in dem Mund" – eine Bildauffassung, die übrigens vor einigen Jahren durch ein bemaltes Giessener Papyrusfragment eine neue Stütze erfahren hat.[5] Auch die Lehre, dass täglich drei verschiedene Sonnen geboren werden und sich am Himmel ablösen bzw. wieder in den Leib der Himmelsmutter (Nut) zurückgehen, hat ihren Niederschlag III.217 ff. gefunden.

Die anthropomorphe Auffassung des Sonnengottes ist für die spätantike Geisteswelt prävalent. Für die Verfasser und Schreiber von griechischen Texten ist die Berücksichtigung der hellenischen bzw. hellenistischen Sonnengötter – vor Helios und Apollon – eine Selbstverständlichkeit. Zuweilen überragt dabei in den Sonnengebeten und Hymnen der Zaubertexte[6] ein griechischer oder ein fremder solarer Allgott alle anderen Sonnengötter, wie etwa Helios, Apol-

3. IV.34, 548, 580. – III.137.

4. Dieser Tierzyklus als Entsprechung des Zodiakos (vgl. Boll, *Sphaera*, S. 295 ff. A. Scherer, *Gestirnnamen bei den indogerman. Völkern,* 1953, S. 207 ff.) lässt sich fassen in *P.* III. 500 ff.; IV (5 ff.). 1645 ff.; XXXVIII.1 ff.

5. P. Giss. Inv. Nr. 1080: H.G. Gundel – J.M.A. Janssen, "Das kolorierte Giessener Papyrusfragment," *Nachr. d. Giessener Hochschulges.* 31, 1962, S. 127-131 (= *Kurzbericht aus den Giessener Papyrussammlungen* Nr. 13, 1962/3). Neuausgabe mit weiterführendem Interpretationsversuch bei H.G. Gundel, *Weltbild u. Astrologie,* 1968, Anhang 2, S. 86-90, mit Taf.

6. Zu den Hymnen jetzt E. Heitsch, "Die griechischen Dichterfragmente der röm. Kaiserzeit," *Abh. Akad. Göttingen, Phil.-hist. Kl.* 3, Nr. 49, 1961, S. 179 ff.

lon, Zeus, Mithras, Sarapis, Abraxas, Jao, Adonai oder ein jüdischer Sonnenengel. Der Zauberer zählt beim Anruf alle möglichen Namen des Sonnengottes auf, wie z.B. *P.*V. 4 ff.: "Ich rufe dich an, Zeus, Helios, Mithras, Sarapis, Unbesieglicher, Meliuchos, Melikertês,.Meligenetôr . . . grosser, grosser Sarapis . . . , erscheine und erweise Achtung dem, der erschienen ist vor Feuer und Schnee." Mit solchen synkretistisch besonders stark angereicherten Partien suchte der Magier der Allmacht des Sonnengottes gerecht zu werden.

Als Herr und König der Welt, als Kosmokrator, steht der Sonnengott über allen anderen Gestirngöttern. So gilt er auch als Erscheinungsform der meisten Dekane, die selbst vielfach alte Sonnengottheiten waren; man versteht unter Dekanen bekanntlich bestimmte Sterne und Sternbilder, die zur Festlegung der Nachtstunden der Zehntagewoche von den Aegyptern seit dem 3. Jt. verwendet worden sind und die im Hellenismus zu imaginären Herren von je 10 Grad der Sonnenbahn bzw. der durch sie gekennzeichneten Himmelszone geworden sind.[7] Es ist gelungen, eine ganze Anzahl von Dekannamen in den Zauberpapyri nachzuweisen,[8] aber gerade auf diesem schwierigen Forschungsfeld sind noch eingehendere Untersuchungen nötig. Die enge Verbindung von Sonnengott und Dekanen kommt auch in dem Geheimnamen zum Ausdruck, der 36 Buchstaben enthält (IV.1985), und in der heiligen Zahl des Sonnengottes 3663 (IV.937), die von vorn und hinten gelesen als sog. Palindrom die 36 Dekane enthält. Der Sonnengott vereint in sich auch die 365 Tagesgötter der Monomoiriai (der Ausdruck selbst kommt in den ZP nicht vor), die 28 Phasen und die 28 heiligen Namen des Mondes und endlich alle 7 Planeten. Die "Spitzen" aller Planeten sind in ihm vereinigt (XIII.556 f.), und er umfasst alle sieben Vokale.[9] In der gleichen Linie der Kosmokratorie liegt es, wenn der Sonnengott alle ausserzodiakalen Gestirne beherrscht und ihr "Sternbezwinger" ist (IV.603), bes. eindrucksvoll in der sog. Mithrasliturgie an der Stelle, an der der solare Mithras in seiner Rechten das goldene Schulterblatt eines Rindes, d.h. das ägyptische Bärengestirn, hält (IV.700 ff.).

Immer wieder tritt so der Sonnengott als Kosmokrator schlechthin, als Herrscher bzw. Herr der Welt, als Schöpfer des Alls, grösster Gott, Vater, König, Wohltäter und in verwandten Epiklesen entgegen. Als Herr über Raum und Zeit gebührte ihm nach diesen Texten eine – natürlich durch die bestimmte Zaubersituation bedingte – absolute Alleinherrschaft. Die Pluralität der Auffassungen in den Zauberpapyri zeigt daneben jedoch auch eine andere Tendenz. Nach ihr bilden Sonne und Mond am Himmel eine Art Doppelkönigtum, wobei diese Gestirne sich mit ihren jeweiligen Dienern und Verbündeten alternierend in die unbeschränkte Herrschaft über den Tag bzw. über die Nacht teilen. Hier aber ist auch vom magischen Himmelsbild aus gesehen der Ansatzpunkt für die Rolle des Mondes in den Zaubertexten.

In den zahlreichen für den Mond in den Zauberpapyri greifbaren Epiklesen und Einzelheiten spiegeln sich auch gewisse astronomische Kenntnisse wie etwa die Tatsache, dass der Mond sein Licht von der Sonne erhält und in seinen Phasen durch die jeweilige Stellung zu ihr bedingt ist. Aber wie auch bei der Sonne werden derartige Kenntnisse eingekleidet in die gleichfalls einen starken Synkretismus aufweisenden religiösen und anthropomorphen Auffassungen des Erdtra-

7. Grundlegend: W. Gundel, *Dekane und Dekansternbilder,* mit einem Beitrag von S. Schott, *Studien Bibl. Warburg* 19, 1936 (2. Aufl., bes. von H.G. Gundel, Darmstadt, 1969); ders. "Dekane," *RE* Suppl. VII, 1940, S. 116 ff. – Aus der neueren Literatur über die altägyptischen Dekane: R. Böker, *Zeitschr. f. ägypt. Sprache* u. *Altertumskde* 82, 1957, S. 73 ff. O. Neugebauer – R.A. Parker, *Egyptian Astronomical Texts, I, The Early Decans,* Providence-London, 1960 (Monumentalwerk). B.L. Van der Waerden, *Anfänge der Astronomie*, Groningen, 1965, S. 17 ff.

8. Vgl. ausser W. Gundel, *Dekane,* bes. K. Preisendanz, *Göttinger Gel. Anz.* 201, 1939, S. 129-149. A. Scherer, *Gestirnnamen*, 1953, S. 212-221. H. Gundel, *Weltbild*, 1968, S. 17 ff.

9. IV.743 u.a. Grundsätzlich vgl. F. Dornseiff, *Das Alphabet in Mystik und Magie,* 1922, S. 81 ff.

banten als einer für den Zauber sogar sehr bedeutenden sichtbaren Gottheit; dabei treten die griechischen Auffassungen als Selene, Mene, Hekate, Persephone oder Artemis[10] ebenso hervor wie die Gleichstellungen mit Isis, Astarte oder Ereschigal, während andererseits auch die männliche Einordnung als Thoth – Hermes recht deutlich wird.

Verschiedene Beobachtungen und Eigenheiten gehen bereits durcheinander, wenn es von Thoth-Hermes (V.409) heisst: "Kreis des Mondes, runder und viereckiger," und "Auge der Sonne," während Mene an einer Stelle (IV.2264) eindeutig als der "ernährenden Sonne bedürftig" charakterisiert wird. An zahlreichen Stellen kommt die Auffassung der vom Mond ausgehenden Strahlen zum Ausdruck, und in einer "Abwehrenden Inschrift an Selene" heisst es (IV.2241 ff.): "Sei gegrüsst, heiliges Licht, Herrin des Tartaros, die du mit Licht schlägst . . . ," womit auf die Mondanfälligkeit der Epileptiker angespielt ist. Ein Text scheint dem Mond sogar so etwas wie eine kosmische Mittelpunktstellung einzuräumen (IV.2550 ff.) – ohne dass man dabei jedoch an ein selenozentrisches Weltbild denken dürfte – : "komm jetzt, Nächtliche, Unterirdische, Heilige, du im schwarzen Gewande, um die sich im Kreise dreht des Kosmos unter Sternen schreitende Natur, wenn du stark zunimmst."

Bewegung und Bahn entsprechen vereinzelt nach ägyptischer Auffassung einer Fahrt in der Barke,[11] viel häufiger aber nach griechischer Anschauung einer Fahrt auf einem von Stieren gezogenen Wagen bzw. einem Ritt der Mondgöttin. So sitzt die dreigesichtige Selene "auf wildblickenden Stieren" und fährt "wie Helios auf dem gleichen Weg im Wagen" (IV.2791), oder sie "umreitet" wie Moira alles (XII.221). Die Mondphasen waren naturgemäss für den Magier von besonderer Wichtigkeit. Wir weisen dabei zunächst auf einen Text hin, nach dem die Mondgöttin "aus dem Unsichtbaren zum Lichte wächst und aus dem Lichte in Finsternis vergeht (die du beginnst abzunehmen)" (VII.765), d.h. eine periodische Palingenesie erfährt. Die Bewertung der Phasen ist nicht einheitlich: bald wird der Neumond, bald der abnehmende oder zunehmende, bald auch der Vollmond als besonders günstig für eine Zauberhandlung angesehen. Diese vier Mondphasen sind auch greifbar in Attributen wie "Viergesichtige, Viernamige, Vierwegige" sowie in der auffallenden Bezeichnung des Hermes-Thoth als "viereckiger" (V.400). Daneben steht die alte Unterscheidung von drei Phasen, die in zahlreichen Epitheta deutlich wird, in denen die Mondgöttin als "dreiköpfige, dreispitzige, dreigesichtige, dreinackige" mit dreifachem Mund und dreiwegige – im Anschluss an Hekate – angesprochen wird (IV.2523 ff.). Zu dieser Teilung gehört es auch, dass der Mond über die drei Dekaden von Nächten gebietet (IV.2528), dass die Mondgöttin in den "drei Gestalten der drei Chariten" tanzt oder die drei Moiren in sich enthält (IV.2794 ff.).

Weitere Zeiteinheiten im Rahmen der Mondbewegung werden durch Tiergestalten, Symbole und Buchstaben, durch die verschiedenen Mondtage, die "14 Genossen" des Namens der Mondgöttin – von Neumond bis Vollmond – und durch die 28 Mondgestalten, die man jedoch nicht als Vorläufer der 28 Mondstationen ansprechen kann,[12] sowie durch ähnliche Vorstellungen zum Ausdruck gebracht.

Die Macht des Mondes erstreckt sich nach den Zaubertexten auf den ganzen Kosmos, die

10. Verwiesen sei auf die glänzende Untersuchung von Th. Hopfner, "Hekate – Selene – Artemis und Verwandte in den griech. Zauberpapyri," *Pisciculi*, F.J. Dölger dargebr., 1939, S. 125-145, durch die ein näheres Eingehen auf diesen Komplex sich erübrigt.

11. IV.2274.

12. Name aus 15 Buchstaben VIII.44 f. "die Zahl seiner Buchstaben nach den Tagen des zunehmenden Mondes". – 14 Genossen VII.765-779. – 28 Mondgestalten VII.780 ff. (vgl. Boll, *Kl. Schriften*, hrsg. von V. Stegemann und E. Boer, 1950, S. 105. H. Chatley, *Isis* 31, 1939, S. 394 ff.) – 28 Lichter IV.2251. – 28 Lorbeerblätter V.370 ff. – 4x7 Vokale XII.253.

belebte und unbelebte Natur und auf die Teile der Zeit bis hin zur Stunden-Chronokratorie.[13] Im Vordergrund stehen naturgemäss die erhofften magischen Wirkungen auf die menschliche Umwelt. Dabei ist die Meinung verbreitet, der Zauberer könne den Mond zu Dienstleistungen auf die Erde herabzwingen und zwar nicht nur in Gestalt von "Abflüssen" – ähnlich wie die thessalischen Zauberinnen – sondern auch ganz konkret; so heisst es einmal: "wenn ich dem Mond befehle, wird er herabsteigen" (XXXIV.2 ff.) und an anderer Stelle (IV.2868): "komm auf meine Opfer hin und erfülle mir diese Sache."

Nach Sonne und Mond als den auffallendsten und für das Leben auf der Erde grundlegenden Gestirnen wenden wir uns den Planeten zu und können dies mit um so grösserer Berechtigung, als Sonne und Mond in der Antike allgemein zu den Planeten gerechnet worden sind.[14] Das kommt auch in den Zaubertexten an den Stellen zum Ausdruck, an denen "die sieben Sterne," d.h. die 7 Planeten, genannt sind (XIII.24 u.ö.); nur an einer Stelle ist die Rede von den "fünf Sternen" (VII.513). So werden die Planeten als Asteres, gelegentlich als "Wandersterne" und nur vereinzelt mit ausgefalleneren Gesamtbezeichnungen bezeichnet. Ihre Namen lauten entsprechend der späteren hellenistischen Terminologie in ihrer mit dem erdfernsten Planeten beginnenden kosmischen Reihenfolge: Kronos, Zeus, Ares, Helios, Aphrodite, Hermes, Selene; nur an einer Stelle findet sich in einem Gebet an Venus die etwas ältere Bezeichnung "Stern der Aphrodite" (IV.2890).[15] Als Geheimnamen werden verschiedene Vokalreihen genannt (XIII.557 ff.). Nach einem Text war der Sonnengott der Schöpfer der 5 Planeten –ein nicht unbeachtlicher Ansatzpunkt für eine sonst fehlende Gesamtmythologie der Planeten (VII.512 f.), in dem man sogar kosmogonische Rudimente finden könnte, die der modernen Auffassung sehr nahestehen.

Für die einzelnen Planetensphären werden in einem christlichen Text (*P.* 10.15-20) die folgenden Materialien (und zugleich Farben) genannt: "Icẖ beschwöre ihn (den Geist) bei den (7 Kreisen, besser Sphären) des Himmels: dem ersten [. . .], dem zweiten hyazinthenen, dem dritten stählernen, dem vierten malachitenen, dem fünften [. . .], dem sechsten goldfarbenen, dem siebten elfenbeinernen." Wir gehen jedoch auf diese Spekulation nicht näher ein, zumal sie manchen evidenten Fehler aufweist und von anderen derartigen Listen stark abweicht.[16]

Die einzelnen Planeten wurden im Himmelsbild zweifellos als Sterne angesehen. In jedem von der direkten Beobachtung losgelösten Zusammenhang wurden sie jedoch personifiziert aufgefasst als die sichtbaren Götter, deren Gestalt durch die Namen der olympischen Götter bzw. ihrer synkretistischen Entsprechungen recht eindeutig festgelegt war. Hier sei nur gesagt, dass alle 5 Planeten in den Zauberpapyri genannt werden, dass es aber manchmal nicht leicht zu entscheiden ist, ob an einer bestimmten Stelle lediglich der betreffende Gott oder in kosmischer Deutung sein planetarisches Phänomen gemeint ist.

Der scheinbare Weg der Sonne und der Planeten ist bekanntlich durch die Ekliptik und den Tierkreis festlegbar. Es liegt daher nahe, den Uebergang von den Planeten zu den Fixsternen mit

13. Ungünstige Tage für eine Zauberhandlung: VII.272 ff. vgl. Hopfner, *Offenbarungszauber* I § 829. – Besondere Mondtage z.B. III.702 u.ö. – Mondstunden: VII.891 ff. (vgl. W. Gundel, "Stundengötter," *Hess. Bl. f. Volkskunde* 12, 1913, S. 126. H. Stern, *Le calendrier de 354,* 1953, S. 51 ff.)

14. Es sind die "zwei Lichter" u.ä., vgl. W. u. H. Gundel, "Planeten bei Griechen und Römern," *RE* XX, 1950, S. 2017-2185, bes. 2023 f.

15. Vgl. F. Cumont, "Les noms des planètes et l'astrolâtrie chez les Grecs," *L'Antiquité Classique* IV, 1935, S. 5-43. – Wenn wir heute wissen, dass die Bezeichnung "Stern der Aphrodite" älter ist als die Bezeichnung "Aphrodite," dann verdanken wir dies den langwierigen Untersuchungen Cumonts. Aehnliche Vorarbeiten für andere Namen und astronomisch-astrologische Sachzusammenhänge müssten zunächst durchgeführt werden, bevor man einmal wirklich den Versuch einer "Schichtenanalyse" der Zaubertexte mit einer gewissen Aussicht auf Erfolg unternehmen kann.

16. Das übrige Material bei F. Boll, "Farbige Sterne," *Abh. Akad. München, Phil.-hist. Kl.,* 1918, S. 19 ff.

einer Betrachtung des in den Zauberpapyri für den Zodiakos[17] – der übrigens mit diesem Wort nicht erscheint – greifbaren Materials zu beginnen. Für die Gesamtheit der Tierkreisbilder finden sich einige ausgefallenere Bezeichnungen wie "die zwölf Elemente" ("Stoicheia"), die "12 Herren von 30" ("Triakontarchai") und vielleicht auch die "12 Götter." Das einzelne Zwölftel, d.h. der Bogenabschnitt von 30°, heisst wie üblich "Bild" ("Zodion"). Die Namen der Tierkreisbilder bieten keine Besonderheiten, wenn man von einigen noch ungeklärten Zaubernamen absieht (VII.810 ff.); die an gleicher Stelle aufgeführten Charaktere können nicht als Vorläufer der erst mittelalterlich bezeugten astronomischen Symbole für die Zodiakalzeichen angesprochen werden. One of the most difficult chapters in the general history of astronomy (O. Neugebauer)[18] kann nach erneuter Durcharbeitung der Zaubertexte auch für die übrigen astralen Symbole nicht gefördert werden.

Der Zodiakos hat im Zauber nicht von sich aus gewirkt, sondern erst in Kombination mit anderen Himmelskörpern. So wird nach dem "Mondkreis" genannten Text (VII.285 ff., fragmentiert III.277 ff.) der Mondstand in jedem einzelnen Zodiakalbild – angefangen mit der Jungfrau – entscheidend für die Vornahme bestimmter Zauberhandlungen. Die Planetenhäuser werden als bekannt vorausgesetzt, und von den astrologischen Kategorien der Tierkreisbilder sind in den Texten nachweisbar: festländisch, weiblich und segenbringend.[19]

Die Fixsterne insgesamt, zu denen natürlich auch die Sternbilder des Zodiakos gehören, sind "die nicht wandelnden Sterne" (XXII b.23) oder "der Sterne sichtbarer Chor" (IV.245 f.) in Analogie zu auch sonst bekannten und bis hin zum Tanzen ausgestalteten Vorstellungen. Der einzelne Stern wird öfters charakterisiert als "runder Stern" oder als "glänzend" bzw. "strahlend," ohne dass daraus etwa auf Sterngrössen geschlossen werden dürfte. In den Texten kann überdies das Wort "Stern" durch einen meist achtstrahligen Stern abgekürzt bzw. ersetzt werden.

Die ausserzodiakalen Sterne und Sternbilder treten verschiedentlich entgegen, so höchstwahrscheinlich mit einem nicht näher bestimmbaren Teil in den 24 "Elementen des Kosmos," die neben den 12 Stoicheia des Zodiakos einmal genannt werden (XXXIX.19). Im übrigen sind den Texten besonders bekannt: Sirius und Orion, die Pleiaden und der Grosse Bär bzw. die Bärengestirne. Hierbei kann man die – wiederum magisch bedingte – Uebertragung der obersten Gewalt etwa an die Göttin Arktos beobachten; nach dem "Arktischen Gebet" (VII.686 ff.) dreht sie als "Herrscherin des Himmels, der Sterne und des gesamten Kosmos" die Weltachse und "meistert das ganze Weltgebilde mit Gewalt und Notwendigkeit." Höchstwahrscheinlich wird auch der heute Alcor, "Reiterlein," genannte Stern 5. Grösse über dem mittleren Deichselstern als "Erotylos" hervorgehoben (VII.478 ff.).

Dieser Ueberblick muss genügen, um zu zeigen, dass alle elementaren Bestandteile des antiken Himmelsbildes in den Zaubertexten bekannt waren. Die Magier stellten diese Kenntnisse in einem fast überraschend grossen Umfang und in weiter Streuung mehr oder weniger bewusst in ihren Dienst und suchten durch Anrufungen, Beschwörungen usw. die Hilfe der himmlischen Phänomene für ihren Zweck zu gewinnen. Dabei spielte natürlich der offenbar weitverbreitete Glaube an die Möglichkeit eines Zwanges zur sichtbaren Epiphanie der himmlischen Mächte eine grosse Rolle.

17. Ich darf verweisen auf H.G.Gundel, "Zodiaco," *Enciclopedia dell'Arte Antica e Orientale* VII, Roma, 1966, S. 1274-1283; "Zodiakos," *RE* X A (gesetzt, erscheint wohl Ende 1969).

18. O. Neugebauer, *Trans. Am. Philos. Soc.* 35, 1942, S. 245 ff. Ihm ist durch kritische Analyse eine neue Beleuchtung des Problems gelungen, vgl. *The Exact Sciences in Antiquity* (2. Aufl.), Providence, 1957, S. 67 f.

19. XIII.1033; – V.45; XXXVI.331; V.48, 172.

2. Zur Astrologie

Universalastrologische Vorstellungen lassen sich in den Zauberpapyri lediglich mit gewissen zur Astralmeteorologie zu rechnenden Formulierungen nachweisen; sie sind meist in solchen Zusammenhängen zu finden, in denen allgemein von der Macht der Himmelskörper gesprochen wird. Unbedingt vorherrschend sind demgegenüber die in das Gebiet der Individualastrologie gehörenden Einzelheiten. Diese Beobachtung schon ergibt einen für die Datierung solcher Textpartien nicht unwesentlichen terminus post quem; denn die individuelle Sterndeutung ist erst in der wirklich ausgeprägten Astrologie des Hellenismus seit dem 3. Jh. v. Chr. entwickelt worden.[20]

Mehrere Techniken und Lehren haben in den Papyri deutliche Spuren hinterlassen. Bei drei persönlichen Horoskopen mit Konstellationsangaben aus den Jahren 217, 219 und 244 n. Chr. fehlen leider die Gutachten.[21] Ein Bruchstück aus der gelehrten Astrologie stammt aus einem Kapitel über die klimakterischen Jahre und behandelt die Herrschaft der sieben Planeten über den Zeitraum vom 54. bis zum 65. Lebensjahr (IV.835-849). Von den vulgären Methoden ist die banale Technik zur Beantwortung der Fragen, ob einer leben oder sterben, siegen oder unterliegen werde, unter der hochtrabenden Bezeichnung "Demokrits Sphaira" mitgeteilt (XII.351 ff.). Wiederholt sind Lehren der astralen Chronokratorie erwähnt oder mehr oder minder verkappt angewandt. Die astrologische Melothesie, d.h. die Lehre von der Zuweisung bestimmter Teile des menschlichen Körpers an verschiedene Gestirnmächte, lässt sich zumindest in Vorstufen und Uebergangserscheinungen nachweisen (IV.304 ff.; 2374 ff.).

Im Gegensatz zur gelehrten Astrologie und ihrer Praxis sieht man in den Zauberpapyri allerdings den Hauptwert auf die Offenbarung astrologischer Konsequenzen aus bestimmten Gestirnungen gelegt. Der herbeigerufene oder zur Epiphanie gezwungene astrale Zeitregent orientiert – wie man glaubt – über die Gebieter der einzelnen Zeiteinheiten wie Stunden usw., nennt aber auch den Herren des Horoskops und die besonders gefahrvollen Sterne und Konstellationen (XIII.611 ff.; 708 ff.); denn er kennt den Eigendämon, die Tyche und die ganze Moira der "Genesis," weiss von den Krankheiten und den Möglichkeiten ihrer Heilung, für die er geeignete Mittel mitteilt, und sagt Gefahren und die Todesstunde voraus (I.173 f.; 188 f.; III.428 f. u.a.). Während der Astrologe seine Prognosen in mühsamer Kleinarbeit mit seinen Hilfsmitteln errechnet und kombiniert, erhält der Magier entsprechende direkte Auskünfte durch die von ihm herbeigezwungenen Astralmächte; diese können ihm im Traum oder leibhaftig erscheinen, sie können schriftliche Fixierungen hinterlassen oder ein Horoskopbrett entsprechend einstellen. Auf diese Weise hoffte der Zauberer das ganze gewünschte Sternenschicksal zu erkennen. Ob er es sodann aufgrund eigener astrologischer Kenntnisse noch weiter zu deuten beabsichtigte, ist nicht erwähnt und kann unentschieden bleiben.

Der Kern des bis zum Individuum reichenden astrologischen Determinismus und des ganzen differenzierten praktischen Regelwerkes ist mit den Begriffen Heimarmene, Sternschicksal, und Ananke, astrale Zwangsmacht, gekennzeichnet.[22] Neben diesen beiden Grundvorstellungen lassen sich jedoch auch noch weitere astrale Kräfte und Mächte nachweisen wie die Moiren bzw. die Moira, die Tychen, Dämonen, Erzengel, Engel oder Parhedroi. So heisst es einmal – um nur ein

20. Diese Aussage gilt für die griechische, in der Horoskopierkunst die Planeten und den Zodiakos besonders berücksichtigende Astrologie. Die ältesten keilinschr. Horoskope stammen aus dem ausgehenden 5. Jahrhundert v. Chr. (Oxf. Bodl. Libr. AB 251, 410 v. Chr., vgl. F.H. Cramer, *Astrology in Roman Law and Politics,* 1954, S. 6, fig. 1), vgl. M.P. Nilsson, *Opuscula selecta* III, 1960, S. 552 ff.

21. *P.* LXII.52-75 (= *P. Warren* 21), O. Neugebauer – B.A. Van Hoesen, *Greek Horoscopes,* 1959, S. 53, 56, 57.

22. Vgl. die Darstellung von M.P. Nilsson, *Opusc. selecta* III, 1960, S. 162 ff.

Beispiel zu geben (XII.254 f.) – vom Kosmokrator: "dein sind die wohltätigen Ausflüsse der Gestirne, Dämonen, Tychen und Moiren." Auch bei der Gestalt der Pronoia darf eine astrologische Deutung nicht ausgeschlossen werden (IV.475 f. LVII.35 f.).

Neben den Gedanken, dass der Mensch dem Sternenschicksal nicht entrinnen kann, tritt jedoch in den Zaubertexten eine die reine Neugier überschreitende Hoffnung auf die Möglichkeit, Zukünftiges im voraus zu erfahren und es unter Umständen zu lindern. Da die Zaubertexte in sehr viel breiterer Form, als dies noch z.B. V. stegemann annahm, erweisen, "dass auch die Zauberer die drückende Last des astrologischen Schicksals empfanden und seine eisernen Fesseln zu brechen suchten" – um M.P. Nilsson zu zitieren –,[23] bieten sie einen wertvollen Einblick in astrologisches und astromagisches Fühlen und Praktizieren im Alltag breiter Volksschichten zumindest im Raum des hellenisierten römischen Aegypten während der späteren römischen Kaiserzeit.

Angefügt sei hier, dass die Namen astrologischer Autoren (wie Moses, Zoroaster, Ostanes usw.), die in den Zauberpapyri genannt werden, zwar einige Aufschlüsse, insgesamt aber keine Bereicherung unserer diesbezüglichen Kenntnisse gegeben haben.[24]

3. Vom Weltbild

Das Suchen nach einem den Erscheinungen gerecht werdenden und mathematisch wahrscheinlichen Weltbild gehört seit dem 4. Jh. v. Chr. zu den grossen Problemen der Astronomie und der antiken Geistesgeschichte. Es hatte im 3. Jh. v. Chr. zu dem einsamen Höhepunkt eines heliozentrischen Systems bei Aristarch von Samos geführt, ohne dass dieser Hypothese ein bleibender Erfolg beschieden war. Es festigte sich vielmehr immer mehr die geozentrische Auffassung, die dann bekanntlich in dem Werk des Ptolemaios um 150 n. Chr. ihre für fast 1 1/2 Jahrtausende verbindliche Darstellung gefunden hat. Dieses geozentrische Weltbild war in der römischen Kaiserzeit, d.h. in der Epoche, aus der die uns erhaltenen Zauberpapyri stammen, bei den Gelehrten und weitgehend in den gebildeten Kreisen der Bevölkerung anerkannt.

Vor diesem allgemeinen Hintergrund haben wir nunmehr abschliessend die diesbezüglichen Vorstellungen zu beleuchten, die sich aus den Zaubertexten gewinnen lassen.

Zunächst muss darauf hingewiesen werden, dass die für ein kosmisches Gesamtbild aufschlussreichen Stellen eine konsequente Auffassung eines bestimmten Weltbildes nicht erkennen lassen. Es finden sich vielmehr – ähnlich wie bei Sonne und Mond – Reste sehr viel älterer Vorstellungen. So lebten zweifellos Einzelheiten des vorhellenistischen ägyptischen Weltbildes fort in Formulierungen wie "herabgerissen wird der Himmel, die zwei Berghöhen werden eins sein" (V.283 f.) oder wenn von den "vier Ecken des Himmels" (VIII.8) gesprochen wird; nur zu deutlich wird an die Auffassung des Himmels als einer auf vier Ecken ruhenden Kastendecke erinnert, die in der Kaiserzeit auch z.B. in den Nut-Darstellungen der Sargdeckel fortlebt.[25] Darüber hinaus kann an beiden Stellen die Erde unmöglich als Kugel aufgefasst worden sein.

Derartige Rudimente treten jedoch fast völlig zurück gegenüber der grossen Zahl von Stellen, die eindeutig auf die Kugelgestalt des "himmlischen Kosmos" deuten (vgl. I.301, III.212).

Der Himmel – *Uranos* – wird als "Prozessionsweg" der Sonne und als "ewiger Tanzplatz"

23. V. Stegemann, *Orientalia* 4, 1935, S. 393. Nilsson l. l. 165.

24. Zu diesem Thema verweise ich auf W. u. H. Gundel, *Astrologumena. Die astrologische Literatur in der Antike und ihre Geschichte* (Beiheft 6 zu *Sudhoffs Archiv*), Wiesbaden, 1966.

25. Vgl. H. Schäfer, "Das Weltgebäude der alten Aegypter," *Die Antike* 3, 1927, S. 91-127. – Ein Sargdeckel z.B. bei Boll-Bezold-Gundel, *Sternglaube und Sterndeutung* (5.Aufl.,bes. v. H.G. Gundel), 1966, Taf.II,4.

der Sterne angesehen. Es heisst nicht nur (IV.1137 ff.) "O grosses, grösstes, kugelförmiges, unbegreifliches Gebilde der Welt," wobei ich *enkyklion schema* nicht mit Preisendanz als "kreisförmig," sondern als "kugelförmig" übersetze: wir hören auch von der Kreisbewegung des "oberen Kosmos" (IV.570) und der "rundumdrehenden Kugelachse des Himmels" (IV.680 f.). Die Entfernung zur abschliessenden Kugelsphäre galt als recht gross (III.480). Für die Bewegung der Achse und des gesamten Kosmos machte man verantwortlich die "Polherrscher des Himmels" (IV.676 f.), die "Dreher der Spindel" (IV.1358), die "Polbeweger" (IV.1372), die Arktos (IV. 701) oder einen kosmischen Allherrscher (LXXI.1). Die Texte berichten von "eigenen Himmeln" und "eigener Bahn" (IV.259, 1060 f.), von den "sieben Polen" oder besser sieben Himmeln (IV.1026. XXXVI.298 f.), dem 7. Himmel (XXII a.18 ff.) und dem Allgott bzw. den Planeten in sieben Himmeln (XXXV.1-7) oder den Himmeln schlechthin (IX.15 f.; XIII.784). Aus derartigen Formulierungen spricht Kenntnis und Bejahung eines Weltbildes, das durch die Sphären der Planeten gekennzeichnet ist und das im astronomischen und kosmologischen System des Ptolemaios damals "modern" war.

Von der Gliederung des Kosmos in verschiedene Sphären dürfte auch die Vorstellung von den "Toren des Himmels" künden (XII.325), die wir in christlicher Vorstellung als "Schleusen der Himmel" wiederfinden (15 a.5 ff.). Die in diesem Kosmos stillschweigend vorausgesetzte zentrale Stellung der Erde ist auch dort selbstverständlich, wo in einem durch die magische Situation erklärbaren Zusammenhang einmal die Sonne (XIII.335) und der Mond (IV.2552 f.) als "Mitte des Weltalls" gefeiert werden – gemeint ist die Stellung zwischen Erde und Fixsternsphäre. Das Wort Uranos ist dort als Gesamtheit der Sphären aufzufassen, wo es von Helios heisst: "du bist die Schönheit und der Lichtglanz (Doxa) des Himmels" (IV.2986 f.), und wo die fünf Planeten als "Eingeweide des Himmels" gekennzeichnet werden (VII.513 f.). In diesem Himmel nun kennt der Magier zahlreiche Dynameis – Arktos wird als "grösste Dynamis im Himmel" charakterisiert (IV.1277) –, die zahlreichen astralen Götter, Dämonen, Engel, Diensttuer usw. und schliesslich alles überhöhend und zusammenfassend einen in nahezu allen spätantiken Religionen nachweisbaren Weltherrn, den Kosmokrator, oder den Allgott, den Pantokrator. Wenn man vom Weltbild in der Vorstellung der Zaubertexte spricht, darf man diese vielfältigen religiösen Grundkomponenten niemals ausser acht lassen.

Uranos kann aber auch den Bedeutungsinhalt "abschliessende Fixsternsphäre" haben. Dies ist dort der Fall, wo der Allgott angerufen wird als "Herr des gesamten Heeres unter dem Himmel" (XXXV.13); nicht weit entfernt sein dürfte die Vorstellung vom Himmel als "Thron Gottes" (LXXVII.12). Auch die Vorstellung der Tierkreisbilder als der "12 Stoicheia des Himmels" gehört hierher (XXXIX.19).

Wenn dieser Himmel voller sichtbarer und unsichtbarer Götter, Dämonen und anderer Mächte als Schöpfung einer Gottheit angesprochen wird (VII.261, 270; XXXV.38), dann ist darin ein Reflex der späten Kosmogonie zu sehen. Für diese selbst liegt ja die berühmte Leidener Kosmopoiie in XIII vor![26]

Damit dürften die für die Himmels – und Kosmosvorstellungen aufschlussreichen Stellen aus den Zauberpapyri im wesentlichen erfasst sein. Dabei hat sich das Wort Uranos ergiebiger gezeigt als das Wort Kosmos. Beide Begriffe greifen ineinander, und die Zaubertexte erlauben keine klare Fixierung von Kosmos als dem übergeordneten Begriff, so naheliegend dies auch wäre. Es bleibt noch anzufügen, dass der Exorzist an diese Welt ausserhalb der Erde seine "kosmischen

26. *P.* XIII.114-212, 435-544, 671-707; A. Dieterich, *Abraxas,* 1891, S. 3-20; 167-205. Preisendanz *PGM* II, S. 86 f.

Gebete" richtet (IV.1170 f.), dass er den Himmel beschwört (III.394), dessen Teile er bis zur Epiphanie auf Erden zwingen zu können glaubt und den er in magischer Ekstase zu beschreiten vermeint (IV.484, 537 ff.).

Das zuletzt untersuchte Material zum Weltbild macht im Zusammenhang mit vorher umrissenen Ansichten astromagischer, astrologischer und astralreligiöser Art deutlich, dass die – in der überwiegenden Mehrzahl anonymen – Verfasser der Zaubertexte den Kosmos im wesentlichen als ein Kugelgebilde mit der freischwebenden kugelförmigen Erde in seinem Mittelpunkt angesehen haben. Damit aber haben diese Texte von ihrer Warte aus und für die Menschen, die sich mit ihnen befassten, einen nicht zu unterschätzenden Beitrag geleistet zur Ueberwindung älterer Formen des Weltbildes, auch wenn sie von diesen noch gewisse Vorstellungen weiter tradierten. Durch sie ist das zumindest seit Ptolemaios als erwiesen angesehene Bild vom geozentrischen Aufbau des Kosmos weiten und wahrscheinlich besonders den niederen Bevölkerungsschichten nahegebracht und bald wohl auch selbstverständlich geworden.

IV

Abschliessend dürfen die Ergebnisse der neuen Untersuchungen zu zwei methodischen Gesichtspunkten zusammengefasst werden:

1. Die in den griechischen Zaubertexten fassbaren Reste von älteren, d.h. vorhellenistischen Formen des Weltbildes dürften teilweise noch recht lebendig bei den Menschen gewesen sein, an die sich diese Texte richteten; sie sollten daher nicht lediglich als antiquarischer und kaum noch verstandener Traditionalismus gewertet werden, sondern wurden – in welcher Amalgamierung auch immer – in das als allgemein richtig angesehene geozentrische Weltbild eingefügt.

2. Auch die sich vielfältig durchdringenden Gebiete der Kosmologie, Astromagie und Astrologie müssen als ein nicht unwesentlicher "roter Faden" durch die so disparate Vorstellungswelt der Zauberpapyri angesehen werden.

Das allgemeine Weltgefühl dieser Texte, die aus einer astrologisch und dämonologisch äusserst vitalen Zeit stammen, sei abschliessend mit den Worten eines Magiers skizziert (IV.574):

"ich bin ein Stern, der mit euch wandert,
wenn auch aus der Tiefe aufglänzend."

DIE MH ΕΛΑΤΤΟΥΜΕΝΟΥ-KLAUSEL IN DEN GRIECHISCHEN PAPYRI AEGYPTENS

Günther Häge

Die unter dem Titel 'Die *μὴ ἐλαττουμένου*-Klausel' gemachten Untersuchungen können sich nicht allein auf diese Klausel beschränken, vielmehr soll ein Vorgang dargestellt und erklärt werden, für den sich auch andere Formulierungen finden. Gewählt wurde diese Ueberschrift, weil die *μὴ ἐλαττουμένου*-Klausel (*μ.ἐ.*-Klausel) die gebräuchlichste der vorkommenden Klauseln gewesen zu sein scheint. Eine Untersuchung dieser Klauseln erscheint angebracht, weil sie in ihren verschiedenen Erscheinungsformen bisher mehrfach zum Anlass für fehlgehende Einordnungen von Urkunden wurden.

Ausgangspunkt dieser Darstellung ist die Tatsache, dass zwischen den Parteien eines Kreditgeschäftes – Daneion, Chresis, Paratheke und typenloser Kredit – noch andere Rechtsverhältnisse bestehen konnten. Betrachtet man die einschlägigen Urkunden, so scheint es sicher zu sein, dass von Seiten des Gläubigers eines Darlehens, beispielsweise, Auswirkungen auf dieses Geschäft befürchtet wurden; Auswirkungen, die daher rührten, dass Pachtverträge oder auch weitere Kreditgeschäfte zu anderen Bedingungen – über andere Gegenstände und mit anderen Fristen – mit dem Darlehen parallel liefen. Insoweit sprechen wir von Parallelgeschäften und Parallelkrediten.

Was aber hatte der Gläubiger zu befürchten? Er war wohl in Gefahr, an der Durchsetzung und am Vollzug der Praxis gehindert zu werden, indem ihm der Schuldner die Quittung über eine andere, schon erbrachte Leistung präsentierte und sich nicht scheute zu behaupten, er habe schon geleistet. Konnte der Schuldner dies glaubwürdig genug dartun, so war es anscheinend möglich, dass der Praktor die Vollstreckung einstellte. Der so geschädigte Gläubiger mochte dann vielleicht mit der Dike Blabes klagen,[1] jedenfalls war ihm aber das einfachere Vorgehen aus der mit der Praxis-Klausel versehenen Schuldurkunde unmöglich gemacht.

Die Ursachen für die Befürchtungen des Gläubigers haben wir in der allem Anschein nach sehr formalen Handhabung und Durchführung der Praxis[2] aus den Krediturkunden[3] und in der regelmässig erfolgenden Quittierung zurückbezahlter Kredite zu suchen.

Da die Urkunden die Kredite genau nach Betrag, Laufzeit und Rückzahlungstermin spezifiziert ausweisen, möchte man meinen, dass es ein Leichtes gewesen sein müsse, Parallelkredite

1. Zur Dike Blabes bei Kreditgeschäften s. Kühnert, *Zum Kreditgeschäft in den hellenistischen Papyri Aegyptens bis Diokletian*, Dissertation Freiburg, 1965, S. 87, 119, 190, und Rupprecht, *Untersuchungen zum Darlehen im Recht der graeco-aegyptischen Papyri der Ptolemäerzeit, Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte*, Heft LI, 1967, S. 107.

2. Zur Praxis-Klausel und zu ihrer über eine Vollstreckungserleichterung hinausgehende Funktion s. Wolff, *Beiträge zur Rechtsgeschichte Altgriechenlands und des hellenistisch-römischen Aegypten*, S. 102 ff., 114 ff.

auseinanderzuhalten. Jedoch wurden die Rückzahlungsfristen häufig nicht genau eingehalten, sogar um Jahre überschritten,[4] und von den Schuldnern Teilzahlungen erbracht, so dass von den ursprünglichen Erkennungskriterien des Einzelkredites nur wenig übrigblieb und Verwechslungen zum Schaden der Gläubiger, sei es unbewusst oder manipuliert, möglich waren. Hinzukommt die übergrosse Vorsicht und Aengstlichkeit der Parteien, von der noch zu sprechen sein wird.

I.

Zunächst sollen die bei den Daneia vorkommenden Parallelgeschäfte dargestellt werden, es folgen dann die bei den Chreseis, bei den Paratheken und schliesslich die bei den typenlosen Krediten.

Die ersten Belege für Parallelgeschäfte gehören dem 3. Jh. v. Chr. an. Hier sind es parallel laufende Pachtverhältnisse, die in den Rückzahlungsklauseln der Krediturkunden erwähnt werden, indem die Rückzahlung zugleich mit den Pachtzinsen (*ἅμα τοῖς ἐκφορίοις*) angeordnet wird.[5] Schuldner und Pächter sind jeweils ein und dieselbe Person.[6] Die Formulierung *ἅμα τοῖς ἐκφορίοις* wird sich aus den Einzelfällen ergeben haben und war wohl mit Rücksicht auf den landwirtschaftlichen Verwendungszweck eine von den Parteien gewollte gleichzeitige Zahlung zweier verschiedener Verbindlichkeiten. Einen als Parallelgeschäftsklausel gedachten Hinweis können wir darin nicht sehen, wenn auch dadurch zugleich auf weitere Geschäfte verwiesen wird.

Der zeitlich nachfolgende Beleg bringt die Formel *τοῦτο δ'ἐστὶν τὸ δάνειον*, die wir nicht mit Cvetler[7] als Identitätsklausel sondern wohl richtiger als Identifizierungsklausel bezeichnen können, da sie sich nicht nur auf die Identität des in der vorliegenden Urkunde geschlossenen Geschäfts mit einem früheren bezieht. Die Wendung *τοῦτο δ'ἐστὶν* in den Darlehensurkunden der Ptolemäerzeit wird zwar allgemein als eine Formel betrachtet, die auf ein fiktives Darlehen schliessen lasse,[8] fiktiv in dem Sinn, dass die in der Urkunde genannte Darlehensauszahlung entweder überhaupt nicht erfolgt oder ganz bezw. teilweise nicht zur Begründung dieses Darlehens vorgenommen worden sei.[9] Daher bringe diese Formulierung eine Gleichsetzung zweier Beträge zum Ausdruck, des in der Darlehensurkunde als Darlehensgegenstand genannten Betrages

3. Mangels einer speziellen Dike kam der Praxis-Klausel in den Krediturkunden die Bedeutung zu, die Kreditgeschäfte vollstreckbar zu machen, s. Kühnert S. 187ff., der auf die Bindung des Daneions und der Praxis-Klausel an die Urkunde hinweist (S. 38). S. ferner Rupprecht S. 104ff., 111 (weitere Lit. s. dort), der in anderem Zusammenhang, Herrmann, *JJP* 14, 1962, S. 29ff., folgend, von der absoluten Beweiskraft der Urkunde spricht (S. 85).

4. S. Kühnert S. 58f., 104, 170.

5. *P. Cair. Zen.* 59173 = *SB* 6742 (255/4 v. Chr.): neun Daneia fast gleichen Inhalts zum Ankauf von Eseln, nicht aber ein Darlehen an neun Bauern, s. Rupprecht, S. 65 Anm. 9. *P. Lille* 39-49 (249 v. Chr.): staatliche Getreidedarlehen. *P. Petrie* III 89 (3. Jh. v. Chr.): Saatkreditanweisung.

6. Anders in *P. Cair. Zen.* 59257, hier ist Schuldner des Kredits der Verpächter Asklepiades, Zenon ist als Kreditgläubiger und Pächter befugt, die Darlehenssumme durch Aufrechnung mit dem fälligen Pachtzins zu tilgen, s. Kühnert, S. 56 Anm. 4. Dies bleibt meines Wissens der einzige Fall, in dem sich bei Parallelgeschäften Gläubiger- und Schuldnereigenschaft kreuzen.

7. *Daneion a zapujzka v pravu ptolemajskeho Egypta. Prispevek k anticke obligaci hlavne na zaklade papyru*. V Praze, 1934, S. 97.

8. Pringsheim, *The Greek Law of Sale*, S. 253; Rupprecht, S. 118f.

9. Rupprecht, S. 118. Anders Kühnert, S. 20ff., 28ff., 150ff., der nur von Fiktion spricht, wenn zukünftige Zinsen dem Darlehenskapital bei der Auszahlung zugeschlagen wurden oder wenn ein Darlehen ohne Valutierung vereinbart wurde und eine frühere umwandelbare Schuld nicht bestand. Stundungen und Kapitalisierungen verwirkter Strafzuschläge wertet er als Verfügungen, indem er wohl zu Recht *δανείζειν* als 'kreditieren' im weiten Sinn versteht. Aehnlich Häge, *Ehegüterrechtliche Verhältnisse in den griechischen Papyri Aegyptens bis Diokletian, Graezistische Abhandlungen* Bd. III, 1968, S. 111ff., zu *δάνειον* und *δανείζειν* in gräko-ägyptischen Ehekontrakten, anderer Auffassung ist Rupprecht, S. 130f.

mit einer anderen Summe. Rabel[10] jedoch weist schon darauf hin, dass diese Wendung nicht immer als Schuldumwandlung zu deuten sei. Auch Rupprecht[11] nennt als Ausnahmen von der Schuldumwandlung zwei Urkunden, es handelt sich aber nicht um Parallelkredite. In *UPZ* 125 (89 v. Chr.) liegt die schriftliche Fixierung eines 14 Tage zuvor mündlich verabredeten und ausbezahlten Darlehens vor. Um vorherige Auszahlung handelt es sich wohl auch in *P. Ryl.* 587 (87 v. Chr.).[12]

In *P. Teb.* 815 fr. 2 v I Z. 15-22, einem Registerauszug aus Tebtynis (228-221 v. Chr.) heisst es nun zunächst: *ἐδάνεισεν Ἀντιφάνης Δωρίωνι Ἀπολλωνίου πυροῦ ἀρτάβας* (unbekannte Menge), dann fährt der Schreiber fort: *τόδ' ἐστιν ὃ δάνειον προσωφείλησεν Δωρίων πρὸς τὰ ἐκφόρια τοῦ Ἀντιφάνους κλ(ήρου) ὀρφανοῦ ἐν τῶι (ἔκτωι) [?] (ἔτει)*. Zu übersetzen ist der Test folgendermassen: Dies ist das Darlehen, das Dorion zu den Pachtzinsen . . . . . dazuschuldete. Die Herausgeber der Urkunde verstehen den griechischen Text im Sinne einer Novation,[13] wie auch sonst diese Urkunde als ein Darlehensvertrag über den Rest einer Naturalpachtzinsschuld, also eine Stundung, angesehen wird.[14] Da der Text nicht im Sinne einer Novation[15] übersetzt werden muss und auch sachlich es für die Annahme einer Stundung keine zwingenden Anhaltspunkte gibt, glaube ich, dass hier diese Formulierung dazu bestimmt war, die neben dem Darlehen bestehende parallele Pachtschuld zu kennzeichnen, wobei Schuldner und Pächter wieder identisch sind.

Trotz ähnlicher Terminologie überliefert uns *PSI* 389 (243/2 v. Chr.) mit *BL* I einen anderen Fall, der uns für die Wendung *τοῦτο δ'ἐστίν* die zweite Bedeutung erkennen lässt, die der Novation. Hier wird in Darlehensform eine Restschuld gestundet.[16] Die Identifizierungsklausel, die hier im Sinne Cvetlers auch eine Identitätsklausel ist, lautet: *τοῦτο δ'ἐστὶν τὸ ἀργύριον ὃ συνεχώρη[σεν ὁ Νίκανδρος ἔχειν παρ' αὐτ]οῦ ἀντὶ τῶν υμε (δραχμῶν) ἃ[ς προώφειλεν] κτλ.* Hierbei wird durch das Wort *ἀντὶ* in Zeile 4 die Stundung besonders deutlich, und zudem ist im Text nicht *προσοφείλειν*, sondern sicher zu Recht *προοφείλειν* = 'von früher her schulden ergänzt.'

Ebenfalls eine Stundung in Darlehensform unter Einschluss von Strafzahlungen überliefert uns *P. Par.* 7 = *UPZ* 190 = *MChr.* 225 (98 v. Chr.). Wir finden die Wendung *τοῦτο δ'ἐστίν*, der Schuldersatz wird auch hier mit *ἀντί* und *προοφείλειν* verdeutlicht.[17] Mit *προσοφείλειν* ist hingegen in der Regel ein echtes 'Dazuschulden' gemeint und nicht der Ersatz einer alten Verbindlichkeit durch eine neue.

Προσοφείλειν begegnet uns auch beim ersten Parallelkredit, der aus dem Jahr 174 v. Chr. stammt. In *P. Teb.* 818 = *CPJ* 24 heisst es: *τοῦτο δ'ἐστὶ τὸ δάνειον ὃ προσωφείλησεν Ἀγαθοκλῆς Ἰούδα[ι] ἀπὸ τῶν πέντε ταλάντων ὧν εἰλήφη παρὰ τοῦ Ἰούδου εἰς προβολὴν κοινῆς*

10. *SZ* 28, 1907, S. 321 Anm. 1.
11. S. 118 Anm. 2.
12. S. Kühnert, S. 34f., Rupprecht S. 123, der den letzten Fall aber offen lässt.
13. In der Uebersetzung: This is the further loan due from Dorion for the rent of the orphan's holding of Antiphanes in the [ ] 6th year.
14. Rupprecht, S. 124, 141 Anm. 42.
15. Wenn hier von Novation gesprochen wird, wird zwar ein römisch-rechtlicher Terminus gebraucht, dem aber 'die Novation des griechischen Rechts' (so Partsch, *SZ* 42, 1921, S. 259) ihrem Wesen nach als Geschäft mit nicht materiellrechtlicher sondern nur prozessualer Wirkung juristisch nicht voll entspricht, s. hierzu Rupprecht, S. 146f. mit weiterer Literatur in Anm. 71.
16. So auch Kühnert, S. 20 und Rupprecht, S. 120.
17. Die von Wilcken, *UPZ* 190, vorgeschlagene Ergänzung eines *σ* zu *προ⟨σ⟩οφειλειν* ist nicht erforderlich, vielmehr zerstört sie die meines Erachtens gerade gewollte Unterscheidung von *προ-* und *προσοφειλειν*, so auch Kühnert, S. 24 Anm. 4 mit Literatur. Zur Interpretation der Urkunde s. auch Rupprecht, S. 122f.

ἐργασίας μεταβολικῆς κατὰ συγγραφὴν ὁμολογίας ἐφ' ἧς συγγραφοφύλαξ Ἀνανίας. Auch hier halten die Herausgeber und andere diesen Vorgang für eine Novation mit Stundungseffekt eines Teiles des Vorschusses von fünf Talenten für den gemeinsamen Betrieb eines Geschäfts.[18] Dass dem nicht so sein muss, ergibt sich daraus, dass die Syngraphe Homologias, die den früheren Kredit betrifft, noch beim Urkundenhüter hinterlegt ist und hierauf deutlich hingewiesen wird. Warum erklärte man sie nicht einfach für ungültig? Ausserdem fehlt bei der vorliegenden Urkunde aus unbekanntem Grund die sonst immer vorhandene Praxis-Klausel.[19] Das bedeutet, dass eine vertragliche Haftung hinsichtlich der zwei Talente 500 Drachmen nicht eintrat, sondern nur eine deliktische. Nun kann man zwar den Hinweis auf die Syngraphe Homologias und die fehlende Praxisklausel in Zusammenhang bringen und sagen, weil die Klausel fehlte, bedurfte es noch der alten Urkunde.[20] Diese unübliche Umständlichkeit bleibt aber höchst unklar, zumal der Schuldner Gefahr lief, wenn es sich um die Stundung eines Restbetrages gehandelt haben sollte, dass der Gläubiger in voller Höhe aus der alten Urkunde vollstreckte. Bei der Interpretation der Urkunde ist auf die Ausdrucksweise des Schreibers zu achten, *προσωφείλησεν . . . . ἀπὸ τῶν πέντε ταλάντων*, d.h. 'er schuldete dazu . . . . neben den fünf Talenten,' was sich meines Erachtens nur als Parallelschuld begreifen lässt und nicht als den Ersatz einer alten Schuld durch eine neue.

Auch die Identifizierungsklausel in *P. Grenf.* II 27 (103 v. Chr.) mit dem nachfolgenden *ἀπὸ χα(λκοῦ) (ταλάντου) α (δραχμῶν)* 'ΕΣ (Z. 16 ff.) lässt eher an eine Parallelschuld denken als an die Stundung eines von dieser Summe herrührenden Restbetrages.[21]

Anders wiederum *PSI* 1311 (137/6 v. Chr.), wo zwar auch eine Identifizierungsklausel mit *προσοφείλειν* gebraucht wird, es heisst dann aber *εἰς τὸ λοιπὸν τῆς φερνῆς* und nicht *ἀπὸ τοῦ λοιποῦ τῆς φερνῆς*. Zudem ergibt sich aus der Urkunde eindeutig der Stundungscharakter der zur Mitgift noch geschuldeten zehn Kupfertalente.[22]

In den zeitlich nachfolgenden Belegen *P. Rein.* 8 und 31, aus den Jahren 113/2 und 109 v. Chr., finden sich Formulierungen, die bisher als Stundungen gedeutet wurden, die sich aber auch als Parallelkreditklauseln verstehen lassen. In beiden Urkunden wird anscheinend *προσοφείλειν* gebraucht.[23] In *P. Rein.* 8 lesen wir bezüglich eines Kredites von 142 Artaben Weizen: *ἃς προσωφειλ[ήκασιν* (s. *Berichtigungsliste* = *BL* I und II) *οἱ δεδ]ανεισμένοι Διοσκουρίδει ἀπὸ συναλλαγ[μάτων αὐτῶ]ι συνηρμένων ἅμα τῆι σ[υ]γγραφῆι ταύ[τηι ἀναφερομέ]νηι*. Und in *P. Rein.* 31 heisst es: *τοῦτο δ'ἐστὶν τὸ δ[άνειον ὃ ἔτι προσ]ωφείληκεν Διονύσιος Ἑρμίαι ἀπ[ὸ συναλλάγματος δαν]είου οὗ συνῆρται αὐτῶι ἅμα τῆι συ[γγραφῆι ταύτηι ἀ]ναφερομένηι*. Reinach bezeichnet beide Kredite als 'renouvellement.'[24] Er – und ähnlich auch andere[25] – begründet seine Meinung, es handle sich um Novationen, mit der Zinslosigkeit und der Möglichkeit, die fälligen Bussen seien vom Gläubiger in die Novation miteinbezogen worden. Es ist aber kein

18. S. Rupprecht, S. 121 mit Literatur auf S. 118 Anm. 2. Von einem weiteren Rechtsverhältnis spricht dagegen auch Kühnert, S. 36 Anm. 4.

19. Zur Praxisklausel bei Kreditgeschäften s. Kühnert, S. 187ff., beim Darlehen s. Rupprecht, S. 104ff.

20. So Rupprecht, S. 144. Wolff, *Beiträge*, S. 120 Anm. 39, erklärt das Fehlen der Praxis-Klausel damit, dass die Parteien Juden waren und der Zugriff vielleicht nach jüdischem Recht ohne vorherige Haftungsunterwerfung möglich war.

21. So Rupprecht, S. 121f. Für eine ausführliche Darstellung der umstrittenen Einzelheiten der Urkunde ist hier kein Raum, s. hierzu die Uebersicht der Meinungen bei Rupprecht, S. 121 Anm. 21.

22. So auch Kühnert, S. 22f. und Rupprecht, S. 124.

23. Hierzu s. unten Anm. 26.

24. S. 129: Le renouvellement de prêt prend la forme d'un prêt nouveau sans intérêts.

25. Rabel, *SZ* 28, 1907, S. 319f.; Mitteis, *Grundzüge*, S. 117; Brandileone, *Sulla supposta obligatio litterarum nell' antico diritto greco*, S. 51ff.; Taubenschlag, *SZ* 51, 1931, S. 87f.

Grund ersichtlich, warum das Praxisrecht der Gläubiger hinsichtlich Kapital, Zinsen und Bussen plötzlich seinen Wert verloren haben und eine Novation nötig geworden sein sollte. Auch hier ist daran zu denken, dass die genannten Klauseln als Absicherungen der Gläubiger dienten, die Manipulationen der Schuldner in der eingangs skizzierten Weise befürchteten. Dies lässt sich aber nicht mit völliger Sicherheit sagen, denn wie Rupprecht gezeigt hat, lassen sich auch Gründe für die Aufhebung der alten Verträge und für die Kreditierung in neuen anführen.[26]

Verlassen wir kurz die Parallelkredite und – geschäfte und wenden uns einem Gebiet zu, in dem auch das Problem einer Praxisstörung für den Gläubiger bestanden zu haben scheint. Hierbei handelt es sich um die Vollstreckung wegen noch geschuldeter Teilbeträge von Krediten, nachdem über Teilrückzahlungen Quittungen ausgestellt worden sind. In der Quittung *PSI* 1023 (106 v. Chr.) heisst es am Ende: *ἔτι ἐνλίπει μοι ἐκ τοῦ δανίου τοῦ προγεγρα(μμένου) χα(λκοῦ) τάλαντον ἓν δρα(χμὰς) πεντάκις χιλίας διακοσίας* Die Frage liegt nahe, wie der Schuldner angesichts der eindeutigen Zahlen, die dieses Kreditgeschäft allein schon identifizieren, die gegen ihn gerichtete Praxis hätte stören können, vielleicht durch die Behauptung, diese Teilzahlung habe die letzte fällige Teilschuld betroffen? Ich glaube aber, dass wir die Frage nach einer akuten Praxisbeeinträchtigung nicht stellen dürfen, weder hier noch bei den oben genannten einschlägigen Urkunden.[27] Vielmehr wird die Furcht der Gläubigerpartei vor generell möglichen Praxisstörungen schon genügt haben, diese und ähnliche Formulierungen entstehen zu lassen.

Auf zwei ähnliche Vorgänge sei hingewiesen. Bei Hypothekenbestellungen finden wir regelmässig die Festellung des Schuldners, er gewähre die Hypothek *ἀνεπιδάνειστος ἄλλου δανείου*.[28] Nun war aber bestimmt nicht jeder Hypothekenbesteller schon Doppel – oder Mehrfachschuldner.

Als zweites Beispiel sei ein Ehescheidungsformular genannt, das im Arsinoïtischen Gau im 2. Jh. n. Chr. über 60 Jahre lang – mindestens von 113 bis 177 n. Chr. – verbreitet war. Wir finden darin die Formulierung *ἐξεῖναι ἑκατέρῳ αὐτῶν τὰ καθ' ἑαυτὸν οἰκονομεῖν ὡς ἐὰν αἱρῆται*, die die vermögensrechtliche Liquidierung der Ehe betrifft, eine Formulierung aber, die sich bei näherer Untersuchung als rechtlich nicht notwendig erweist, da mit Auflösung der Ehe und nach Rückzahlung der Pherne wechselseitige Rechte, wie z.B. das Mitwirkungsrecht des Ehemannes als Kyrios bei Geschäften seiner Frau, ohnehin endeten. Dass es sich hierbei wirklich nur um ein Scheidungsformular handelt, das alle denkbaren Anlässe zu Klagen von vorneherein ausklammern will, wird am deutlichsten an dem der geschiedenen Ehefrau vertraglich eingeräumten Recht zur Wiederverheiratung. Dass sie dessen zum Abschluss einer neuen Ehe nicht bedurfte, liegt auf der Hand.[29]

Doch nun wieder zurück zu den Parallelkrediten. In den zeitlich nachfolgenden Belegen werden die Formulierungen, die dem Schutz des Gläubigers vor Praxisbeeinträchtigungen gelten, deutlicher. So heisst es in der alexandrinischen Urkunde *BGU* 1162 aus dem Jahr 17/16 v. Chr.: *Τοῦτο δ'ἐστὶν τὸ δάνηον ἐκτὸς οὗ [ὀφείλου]σιν αἱ αὐταὶ Ἀριστοκλήα καὶ Τρύφαινα [Σωσιπά]τρῳ*

26. So das Fehlen der sonst in den Reinachpapyri vorkommenden Auszahlungsklausel (S. 31) und der Vermerk über die Aufhebung der alten Verträge–*συναίρεω*=aufheben(?)–(S. 32, 121, 124, 142). Für Rupprechts Annahme könnte in beiden Urkunden sprechen, dass sich auch *προοφειλεω* und nicht wie neuerdings *προσοφειλεω* lesen bezw. ergänzen lässt, für *P. Rein.* 8 s. Edition und *BL* II, für *P. Rein.* 31 s. Edition und die bei Rupprecht, S. 121 Anm. 19 genannte Literatur.

27. *P. Teb.* 815 fr. 2 v I Z. 15-22, *P. Teb.* 818; *P. Rein.* 8 und 31 ?.

28. So z.B. *P. Hamb.* 28 (1. Hälfte 2. Jh. v. Chr.); weitere Belege s. *Preisigke, Wörterbuch* I, S. 118, und Preisigke-Kiessling, *Wörterbuch* IV, S. 153.

29. S. z.B. *P. Milan. Vogliano* II 85. Hierzu mit weiteren Belegen s. Häge, *Ehegüterrechtliche Verhältnisse*, S. 158ff.

καθ' ἑτέραν συνχώρησιν διὰ τοῦ [αὐτοῦ] κριτηρίου ἄλλων ἀργυρίου ταλάντων τριῶ[ν].[30] Diese neue Identifizierungsklausel *τοῦτο δ' ἐστὶν τὸ δάνειον ἐκτός* κτλ. meint auch hier das Geschäft, das in der vorliegenden Urkunde abgeschlossen wurde, verweist aber eindeutig auf fortbestehende Schulden.[31] Eine andere Urkunde derselben Zeit – *BGU* 1156 (15 v. Chr.) – zeigt, dass bei Novationen und Stundungen fälliger Kredite mit Strafzuschlag die Identifizierungsklausel nicht mehr für notwendig erachtet wurde.[32] Hier erklärte man die alte Urkunde einfach für ungültig.[33]

Für Parallelkredite bringt uns eine Urkunde aus gleicher Zeit auch noch eine andere Ausdrucksweise, die mit *μένειν* eingeleitet wird. Wir lesen in *BGU* 1151 *μενούση(ς) τῶι Γαίωι Ἰουλ(ίῳ) Φιλ(ίῳ) τῆ(ς) ἐπὶ τοὺς αὐτο(ὺς) ἐφ[όδου περὶ ὧν] ἄλλων ὀφειλουαιν αὐτῷ ἀμφοτέρους καὶ – ἄλλους καθ' ἑτέρας ἀσφαλείας*. Im Summarium auf dem Recto heisst es kurz: *[χ]ωρὶς ὧν ὀφειλ(ουσιν)* κτλ.

Als Zwischenergebnis ist festzuhalten, dass die *τοῦτο δ' ἐστίν* Formel mit der Fortführung *ἐκτὸς οὗ ὀφείλει* im 1. Jh. v. Chr. zweifelsfrei der Kennzeichnung von Parallelgeschäften dient. Dies allein lässt schon Bedenken gegen die Annahme aufkommen, die ältere *τοῦτο δ'ἐστίν*-Klausel sei nur eine Novationsklausel gewesen. Dagegen sprechen auch die Urkunden *UPZ* 125 und *P. Ryl.* 587, die keine Novationen zum Inhalt haben, bei denen vielmehr die *τοῦτο δ'ἐστίν*-Klausel sich auf die vorausgegangene Auszahlung mündlicher Darlehensabreden bezieht.[34] Im Wirklichkeit war sie eine Identifizierungsklausel, die darüber Auskunft geben sollte, ob neben dem abgeschlossenen Kredit noch anderes dazugeschuldet wurde (*προσοφείλειν*)[35] oder ob dieser neue Kredit frühere Schulden (*προοφείλειν*) umfasste.[36]

Die bisher vorgelegten Papyri, mit Ausnahme der Quittung *PSI* 1023 über Teilzahlungen, haben gemeinsam, dass sie als haftungsbegründende Urkunden – im Sinn der Praxisunterwerfung – die Vermerke über Parallelgeschäfte tragen. Das bedeutet, dass die Parallelkredite früher abgeschlossen wurden und auch früher zurückgezahlt werden sollten, so dass die Gefahr einer Praxisbeeinträchtigung nur für das Kreditgeschäft bestand, dessen Schuldurkunde uns überliefert ist, für das zweite Geschäft also. Folglich konnte derselbe Effekt, der des Schutzes vor Verwechslungen und vor Manipulationen des Schuldners, dadurch erreicht werden, dass man in der Rückzahlungsquittung des ersten Kredites auf den bereits abgeschlossenen, aber noch nicht fälligen zweiten Kredit hinwies. Diese Art der Absicherung war wahrscheinlich sogar noch vorteilhafter, weil der Schuldner von vorneherein ausserstande gesetzt wurde, mit der Quittung des ersten Kredites, die auf den zweiten verweist, diesen zweiten als schon zurückgezahlt darzustellen; der Schuldner also sein eigenes Vorbringen durch die Vorlegung der Quittungsurkunde sofort selbst widerlegt hätte. Bei der bisher geübten Methode hatte der Gläubiger hingegen die fälschlich vorgewiesene Quittung durch seine Schuldurkunde, die des zweiten Kredites, zu entkräften.

30. Sehr ähnlich sind *BGU* 1054, 1055 und 1166.

31. So auch Rupprecht, S. 119 Anm. 6.

32. Vgl. Rupprecht, S. 119 Anm. 7; Taubenschlag, *SZ* 51, 1931, S. 88; Schnebel, *Aegyptus* 13, 1933, S. 35ff.

33. Die Bar- und Bankzahlung kann sich hier nur auf das ursprüngliche Kapital, aber nur in Höhe von 120 Drachmen, beziehen (Z. 8f.); s. Kühnert, S. 18 Anm. 4, Rupprecht, S. 85 Anm. 56 und Berger, *Die Strafklauseln in den Papyrusurkunden*, S. 91.

34. S. o. bei Anm. 11.

35. So *P. Teb.* 815 fr. 2 v I Z. 15-22, *P. Teb.* 818 (228-211 und 174 v. Chr.); unsicher sind *P. Rein.* 8 und 31 (113/2 und 109 v. Chr.).

36. So *PSI* 389 (243/2 v. Chr.), *PSI* 1311 (137/6 v. Chr.), *P. Par.* 7 = *UPZ* 190 = *MChr.* 225 (98 v. Chr.).

Die erste Rückgabequittung dieses Typs liegt uns in *BGU* 1124 aus dem Jahr 18 v. Chr. vor. Auf den Parallelkredit, ein Daneion, das aber nur einen der Schuldner betrifft, wird hingewiesen mit den Worten: *ἣν δὲ ἀνενήνοχεν ὁ εἷς αὐτῶν Ταυρῶνος εἰς τὸν προγεγραμένον Νῖλον διὰ τοῦ καταλογείο(υ) συνχώρησιν τῷ Ἐπὶφ – περὶ ἐπιχρητίου δανείου ἀρ(γυρίου) (δραχμῶν) (ἑπτακοσίων) καὶ τόκων μένειν κυ[ρί]αν τῷ Νιλῷ κατὰ μηδὲν [ἐλατ]τουμένωι.*

Hier begegnet uns auch erstmals die *μ.ἐ.*-Klausel, allerdings noch in Verbindung mit *κυρίαν μένειν*. Sie ist ihrer Aufgabe nach nur dort notwendig, wo Parallelkredite nicht gleichzeitig zurückgezahlt und die Schuldurkunden durch Akyrosis aufgehoben werden.[37] Rückgabequittungen mit Parallelkreditklausel bleiben aber in der Minderzahl.

Im 1. Jh. n. Chr. wird die Art der Absicherung der Gläubiger mehrerer Kredite in der Formulierung teils sorgfältiger teils breiter, was vielleicht daher rührt, dass häufig mehrere oder verschiedenartige Geschäfte zwischen denselben Parteien abgeschlossen wurden.[38] Die Vermerke in den Schuldurkunden überwiegen. Eine derartige ausführliche Formulierung bringt uns die Urkunde *SB* 9569 (91 n. Chr.), die von einem Weinlieferungskauf berichtet und zugleich zeigt, dass die vom Gläubiger befürchtete Beeinträchtigung auf dem Gebiet der Vollstreckung liegt. Es heisst dort: *κατὰ μη[δὲν ἐλατ]τουμένου σου τοῦ Κλ[αυδ]ίου Πτολεμαίου ἐν τῇ πράξει [ὧν ἄλλων] ὀφείλομέν σοι [κατὰ χ]ειρόγραφον γεν[όμ(ενον)] διὰ τῆς [.... τρα]πέζης οἴνου κερα[μίων τ]ετραχόων λε[γομ(ένου) ἐξήκ]οντα [ἐφ' οἷς] περιέχει δικαίοις.*[39]

Gradenwitz[40] hat die *μ. ἐ.*-Klausel als ein Instrument angesehen, das den Einwand verhindern solle, eine andere Urkunde sei nunmehr wegen Novation überholt. Das bedeutet also, dass seiner Meinung nach die Entwicklung von der *τοῦτο δ'ἐστίν* – Formel als positive Novationsklausel – das ist das Darlehen, das von früherher geschuldet wurde – zur *μ. ἐ.*-Klausel als einem negativen Novationsvermerk hinging, der besagt, ein früherer Kredit wird in dieser Urkunde nicht noviert. Wenn man einen Schutz vor Novationseinreden erreichen wollte, läge es dann wohl nicht näher, diesen Effekt weiterhin durch eine positiv formulierte Wendung in den Novationsurkunden selbst herbeizuführen? Wie wir aber schon sahen, begnügte man sich nunmehr bei Novationen mit der Akyrosis der ersten Urkunde.[41]

Die Lösung von Gradenwitz, die hinsichtlich der Funktion der Klausel als eines Instrumentes zur Vermeidung von Praxisbeeinträchtigungen meinem Vorschlag ähnlich ist, scheint mir aus dem eben genannten Grund wenig wahrscheinlich, aber auch deshalb, weil Novationen im griechischen Vertrag nur ausnahmsweise notwendig waren und deswegen auch weit seltener vorkommen, als man bisher allgemein annahm.[42] Gegen den Vorschlag von Gradenwitz sprechen auch die *μ. ἐ.*-Klauseln in Quittungen,[43] die ihrer Bestimmung nach als Novationsurkunden ausscheiden. Zu nennen ist ebenfalls *P. Merton* 14, ein typenloser Kredit aus dem Jahr 103 n. Chr., in dem die *μ. ἐ.*-Klausel für eine durch Erbgang zum Parallelkredit gewordene Schuld[44] verwendet wird.

37. Vgl. *BGU* 1148, 1154.
38. Vgl. *P. Flor.* 86 = *MChr.* 247 (82 n. Chr.), Eudaimon hatte Didyme hintereinander fünf Darlehen gegeben.
39. Aehnlich sind *PSI* 1131 (41 n. Chr.), wo die Rechte aus Ammenverträgen nicht berührt werden sollen, und *P. Mich.* 333/334 (52 n. Chr.).
40. *Einführung in die Papyruskunde*, S. 31f.
41. S. o. bei Anm. 32.
42. S. die einseitige Interpretation der *τοῦτο δ'ἐστίν* -Klausel der Ptolemäerzeit.
43. So besonders in *BGU* 1124, wo die Parallelschuld nur einen der Schuldner der Haftung unterwirft; s. aber auch die *μ. ἐ.* -Klauseln für Restschulden in Teilrückgabequittungen unten Anm. 46 und 47.
44. Durch den Tod des Gläubigerbruders, den. der Urkundenaussteller auch etwas schuldete, entstand der Parallelkredit.

Auch hier gilt, dass die gemeinsame Rückzahlung paralleler Schulden die μ. ἐ.-Klausel überflüssig macht.[45]

In *P. Cair. Preis.* 43 = *P. Oxy.* 306 descr. (59 n. Chr.) bezieht sich die μ. ἐ.-Klausel nicht auf die Praxis, gemeint ist vielmehr die Bebaiosis des Schuldners hinsichtlich eines Hauses, dessen gestundeten Kaufpreis er zurückzahlt. Es liegt also kein Parallelkredit vor.

Aber auch im 1. Jh. n. Chr. finden wir einfachere Fassungen, wie zum Beispiel in *PSI* 1028 (15 n. Chr.), wo es nur heisst: *χωρὶς ἄλλων ὧν ὀφείλει ὁ Ὀρσεῦς* [etwa 15 Bstb. *τῶι Ἀκουσι*]-*λάωι κ*[*αθ' ἑτέ*]*ρας ἀσφαλείας.*

Wir können bisher feststellen, dass die Entwicklung von der in der Ptolemäerzeit gebrauchten Identifizierungsklausel *τοῦτο δ'ἐστίν* in der römischen Epoche zum direkten Vollstreckungsvorbehalt am Schluss der Schuldurkunde führt und die Hinweise auf parallele Daneia sich nur selten in Rückzahlungsquittungen finden.

Die Urkunden aus dem 2. und 3. Jh. n. Chr., die von Parallelkrediten und Restschulden nach Teilzahlungen berichten, ändern an dem gefundenen Ergebnis nichts mehr. Die μ. ἐ.-Klausel überwiegt, teils mit Bezugnahme auf die Praxis,[46] teils ohne diese.[47] Daneben finden wir Fassungen, die mit *προσεδάνεισεν* beginnen[48] oder *χωρὶς ὧν ἄλλων ἐδάνεισεν* anfügen,[49] und auch solche, die mit *μένοντος* gebildet werden: *μένοντός σοι τοῦ* [*λόγου πρὸς ἐ*]*μὲ καὶ τὸν πατέρα μου περὶ ὧν ἄλλων* [*ὀφειλομέ*]*ν σοι δανείων.* [*κυρί*]*ων καὶ βεβαίων ὄντων* [*τῶν προτέρ*]*ων γραμμάτων.*[50]

Ausser den Parallelkrediten ist noch *PSI* 877 (152 n. Chr.) zu nennen. Der Verpächter eines Kleros ist besonders vorsichtig und vermerkt sogar in der Pachtzinsquittung, dass der Pächter zugleich Darlehensschuldner ist (– *παρὰ σοι ὄν*[*των*] *δαν*(*είου*) *σπερμ*(*άτων*)). Dass die Quittung fiktiv sei und das Saatgut jetzt kreditiert werde, so der Herausgeber, lässt sich der Urkunde nicht entnehmen. Zudem fehlt die Praxis-Klausel, die sonst regelmässig bei Kreditgeschäften anzutreffen ist,[51] so dass der Gläubiger nicht aus der Urkunde unmittelbar vollstrecken könnte. Vielmehr soll der Hinweis auf das Daneion verhindern, dass der Schuldner bei der Vollstreckung aus dem Daneion die Pachtzinsquittung präsentiert.

II.

Wenden wir uns nun den Chreseis zu. Erst für das 2. Jh. n. Chr. finden wir in den Chreseisbelegen Klauseln, die den Gläubiger vor Praxisbeeinträchtigungen schützen sollen. Die Gründe für das späte Auftreten derartiger Klauseln sind in der Entwicklung der Chresis vom zinslosen mündlichen Gefälligkeitskredit der Ptolemäerzeit zum schriftlichen Geschäftskredit mit Zinsvereinbarung in der römischen Epoche zu finden.[52] Die Klauseln weisen die gleichen Erscheinungsformen wie in den Daneia auf und werden sowohl bei Parallelgeschäften verwendet als auch dann, wenn aus anderen Gründen die Praxis gefährdet zu sein scheint. Die μ. ἐ.-Klausel

45. Vgl. *P. Milan.* 7 (vor 39 n. Chr.) Paramone und Daneion, *P. Oxy.* 508 (102 n. Chr.) zwei Daneia.

46. *P. Oxy.* 506 = *MChr.* 248 (143 n. Chr.), *PSI* 473 (168-173 n. Chr.) Restschuld, *SB* 9201 (203 n. Chr.) Restschuld, *P. Lugd. Bat.* VI 29 (100 n. Chr.) hier ist sowohl ein Teil des Daneions als auch der Parallelkredit Inhalt der Klausel. Die Gläubigerin grenzt in ihrer Eingabe die beantragte Praxis entsprechend ab.

47. *SB* 9571 (138-161 n. Chr.), *P. Harris* 66 (155 n. Chr.) Restschuld.

48. *P. Flor.* 81 (103 n. Chr.)

49. *SB* 9190 (131 n. Chr.): anscheinend wollen die Parteien einen zwei Jahre zuvor gegebenen Kredit, eingangs als Parallel-daneion gekennzeichnet, mit einem neuen Darlehen vereinigen. Der Papyrus bricht leider ab. *Stud. Pal.* XXII 69 (187 n. Chr.).

50. *P. Gen.* 9 (252 n. Chr.).

51. S. o. Anm. 19.

52. So Kühnert, S. 86ff., 90f., 100f. Zu ähnlichen Ergebnissen gelangt für die Ptolemäerzeit Rupprecht, S. 35f.

ist mehrfach belegt, sie wird für noch ausstehende Teilschulden,[53] für die Haftung eines Bürgen[54] und bei Parallelkrediten[55] gebraucht. Die Wendung, die mit *χωρὶς ἄλλων ὧν* beginnt und mit *ὀφείλειν* fortgesetzt wird, kommt hier häufiger vor.[56] Desweiteren kann die Vollstreckung aus den Urkunden des Parallelkredites mit den einleitenden Worten *κυρίων μενόντων ὧν* formularmässig geschützt werden.[57]

Die Parallelkreditklauseln zeigen also in ihrer Anwendung bei den Daneia und den Chreseis keine Unterschiede, können auch trotz der verschiedenen Geschäftstypen keine aufweisen, da die Chresis in der von uns untersuchten Zeit zum Geschäftskredit mit Praxisunterwerfung geworden[58] und die Funktion der Klauseln einheitlich auf den Schutz der Praxis aus der Urkunde gerichtet ist.[59] Soweit die Praxisunterwerfung nicht vereinbart wurde,[60] erklärt sich dies aus der Entwicklung der Chresis aus dem zinslosen Gefälligkeitskredit, an dem man auch teils weiterhin noch festhielt.[61] Die Parallelkreditklausel mag aber auch dort für das Vorgehen gegen den säumigen Chresisschuldner von Bedeutung gewesen sein,[62] allerdings mangels Praxisunterwerfung nicht für eine Vollstreckung aus der Urkunde. Denkbar ist daher auch, dass die Klauseln im Zuge der Entwicklung der Chresis in Urkunden aufgenommen wurden, in denen sie den beabsichtigten Gläubigerschutz gar nicht herbeiführen konnten.

III.

Bei den Paratheken sind uns, soweit ich sehe, nur drei Parallelgeschäfte überliefert. Die Eingaben *P. Oxy.* 1472 (136 n. Chr.) und *P. Oxy.* 71 I = *MChr.* 62 (303 n. Chr.) berichten von zwei jeweils nacheinander ausgestellten Parathekenurkunden; Klauseln, die dem Vollstreckungsschutz dienen könnten, enthalten sie nicht, was sich aus den Eingaben als solchen und der genauen Erwähnung der Paratheken erklärt.

Anders verhält es sich bei *P. Lugd. Bat.* VI 11 (112 n. Chr.). Der Gläubiger und Deponent gibt seinem Vater ein Darlehen (Col. I) und eine Paratheke (Col. II). Auf früher abgeschlossene Synchoreseis bezieht sich die Klausel *μενόντων κυρίων ὧν* in Col. II. Das auf demselben Papyrus abgeschlossene Daneion wird nicht genannt, was sich daraus erklären mag, dass beide Geschäfte

53. *PSI* 1140 (139 n. Chr.): Die Klausel zielt auf die noch nicht erbrachte Teilleistung des dritten Schuldners, der mit den Quittungen seiner Mitschuldner eine eigene Leistung behaupten könnte. S. auch Kühnert, S. 106.

54. *Stud.Pal.* XXII, 4 III (127/8 n.Chr.): Der Glaübiger will sich die Vollstreckung wegen 50 Drachmen gegen den Vertragsbürgen sichern, *μὴ ἐ[λα]ττωμένου μοῦ περὶ ὧν ὀφίλει μοι ὁ Ταυ[ρῶν]ος* (ergänzt nach Preisigke, *Namenbuch*) (*δραχμῶν*) (*πεντήκοντα*).

55. *P. Cair. Preis.* 31 X = *P. Ross. Georg.* II 180 (139/40 n. Chr.): *μὴ ἐλατ(τουμένου) αὐτοῦ* ist in Z. 52 Ende nach *τόκου δραχ[μιαίου* zu ergänzen, anschliessend in Z. 53 Anfang *ἐν ᾧ* und in Z. 53 Ende und Z. 54 Anfang . . *ἀκολού/θως*.

56. Parallelkredite mit Erwähnung der Schuldscheine: *P. Lond.* II 336, S. 221 = *MChr.* 174 (167 n. Chr.), *PSI* 929 (111 n. Chr.), *P. Osl.* 39 (146 n. Chr.) mit Ergänzung zu Z. 22 von Kühnert, S. 92, *BGU* 857 mit *BL* I, S. 74 (113 n. Chr.). Ohne Hinweise auf die Schuldurkunden: *P. Milan. Vogliano* II 108 (102 n. Chr.), *P. Bad.* 40 (104 n. Chr.), *BGU* 70 = *MChr.* 175 (131 n. Chr.), *Stud. Pal.* XXII 53 (149 n. Chr.), *P. Ryl.* 175 (168 n. Chr.), ähnlich *BGU* 645 (139 n. Chr.), wobei nach *κυρίου αὐτοῦ* in Z. 9 *χ[ωρὶς οὗ* vor *π]εποίηται* zu ergänzen sein dürfte.

57. *P. Flor.* 46 = *MChr.* 185 (182/3 n. Chr.): *κυρίων μ[ενόν]των [ὧν] ἔχομεν ἐγώ τε καὶ ὁ ἀδελφός μ[ου] Ἀπ[ολ]λώνιος – ἄλλ[ων] γραμ[μ]άτων ὡς περιέχει*. So auch *P. Ryl.* 177 (246 n. Chr.), ohne *κυρίων* aber mit *ὀφειλεω BGU* 69 = *MChr.* 142 (120 n. Chr.) und *P. Fay.* 90 (234 n. Chr.).

58. Literatur s. o. Anm. 52.

59. Die Praxis-Klausel enthalten: *PSI* 929, *BGU* 69, *P. Osl.* 39, *P. Lond.* II 336, S. 221, *P. Flor.* 46 (alle 2. Jh. n. Chr.) und *P. Fay.* 90, *P. Ryl.* 177 (3. Jh. n. Chr.).

60. *P. Milan. Vogliano* II 108, *P. Bad.* 40, *BGU* 857, *Stud. Pal.* XXII 4 III, *BGU* 70, *BGU* 645, *Stud. Pal.* XXII 53 (alle 1. Hälfte des 2. Jh. n. Chr.) und *P. Ryl.* 175 (168 n. Chr.).

61. S. Kühnert, S. 190.

62. Zur Haftung ohne Praxis-Klausel bei den Chreseis s. Kühnert, S. 190.

auf einem Schein protokolliert wurden und Verweisungen sich deshalb erübrigten. Wenn hier der Sohn gegenüber seinem Vater nicht auf den Parallelgeschäftshinweis verzichtet, so ist dies wohl weniger ein Mangel an Vertrauen, als ein Zeichen dafür, wie sehr derartige Klauseln Bestandteil der Urkundenpraxis geworden waren.[63]

IV.

Zum Schluss sind die Kreditgeschäfte zu untersuchen, die weder als Daneia, noch als Chreseis oder Paratheken eingeordnet werden können und die ich, Kühnert[64] folgend, als typenlose Kredite bezeichne. Da hier bei Parallelkrediten in gleicher Weise wie in den Fällen der Geschäftstypen die Vollstreckung durch den Schuldner gestört werden kann, ist es nicht überraschend, wenn sich die hier vorkommenden Fassungen mühelos den schon bekannten Formeln zuordnen lassen.

Für das 2. Jh. v. Chr. ist die Identifizierungsklausel in der Form *τ[αῦτα δὲ] ἐστὶν ἃ προσωφίλητό σοι κτλ.* in *P. Adler* G 4 (109 v. Chr.) belegt, doch handelt es sich hier anscheinend trotz des Gebrauches von *προσοφείλειν* um die Novation einer Restschuld.[65] Nur mit *προσοφείλειν* wird später auf parallele Schulden hingewiesen.[66]

Die *μ. ἐ.*-Klausel finden wir seit dem letzten Jahrzehnt v. Chr. sowohl in Schuldurkunden[67] als auch in Rückgabequittungen. Bei letzteren ist wieder zu unterscheiden zwischen solchen, bei denen die volle Schuld getilgt wird und ein anderes selbständiges Geschäft weiterbesteht[68] und jenen mit Teilzahlungen, in denen die *μ. ἐ.*-Klausel nur für die Restschuld gebraucht wird.[69]

Die Formelfassung *μένοντος τοῦ λόγου περὶ ὧν ὀφείλει*[70] begegnet uns weniger häufig als die uns auch schon bekannte Formulierung *χωρὶς ἄλλων ὧν ὀφείλει κτλ.*[71]

Hervorgehoben sei noch der Fall eines besonders vorsichtigen Gläubigers, der die anderweitig ihm gegenüber bestehende bürgschaftliche Verpflichtung seines Schuldners nicht unerwähnt lässt.[72]

63. Zur Kreditparatheke in römischer Zeit s. Kühnert, S. 121ff., 139f.

64. S. 141. Rupprecht, S. 36, nennt sie neutrale Darlehen.

65. S. Rupprecht, S. 118f., 124.

66. *P. Oxy.* 2351 (112 n. Chr.): gestundete Pachtzinsen werden zu einem Saatkredit dazugeschuldet. Weniger deutlich in der Eingabe *P. Oxy.* 1118 (um 100 n. Chr.): Zinsen sind im Verhältnis zum Kapital *προσοφειλόμενοι.*

67. *SB* 9289 (6/5 v. Chr.), *P. Merton* 14 (103 n. Chr.) s.o. bei Anm. 44, *P. Osl.* 40 A und B (150 n. Chr.): A wurde im Pharmuthi und B in den Epagomenai desselben Jahres abgeschlossen, B enthält unter Hervorhebung des Vollstreckungsrechts einen Hinweis auf A (Z. 63ff.: *μὴ ἐλαττουμένου σου τοῦ Ἀπίωνος · ἐν τῇ πράξει ὧν ἄλλων ὀφειλω σοι κατ' ἕτερον χειρόγραφον δισσὸν κτλ.*). Der einmalige Vermerk in B konnte genügen, da er sowohl die Vollstreckung aus A als auch aus B schützte. Einen ähnlichen Vorgang, wenn auch mit anderer Klausel (s. u. bei Anm. 70), überliefert uns *PSI* 1250 i.V.m. 1249 (beide 265 n. Chr.), halbjährliche Lieferungskaufverträge über Wein. Die Klausel steht in Nr. 1250 und bezieht sich auf einen früheren Lieferungskauf. Der dem Vertrag Nr. 1249 – 5 1/2 Monate nach Nr. 1250 abgeschlossen – nachfolgende Vertrag wird die Klausel wieder enthalten haben. S. aber die Hypographe des Bürgen in Nr. 1249 Z. 59f. Gemeint ist damit wohl nicht Nr. 1250, sondern eine eigene Schuld des Bürgen, vgl. hierzu *SB* 7667 (320 n. Chr.) unten bei Anm. 72.

68. *PSI* 1235 (42 n. Chr.), *P. Lugd. Bat.* VI 9 (107 n. Chr.).

69. *P. Lond.* II 341 S. 213 (183 n. Chr.), *P. Lond.* II 343, S. 213 (188 n. Chr.).

70. *BGU* 272 = *MChr.* 143 (138 n. Chr.); *PSI* 1249, 1250 (265 n. Chr.) zum Fall s. o. Anm. 67; *PSI* 702 (3 Jh. n. Chr.): Parallelkredite. *Stud. Pal.* XX 18 (205 n. Chr.): Restschuld. *BGU* 1657 (231 n. Chr.): Restschuld und Parallelkredit, den der Schuldnerbruder zurückzuzahlen hat, *μένοντός μοι τοῦ λόγου περὶ τῶν τῆς κριθῆς ἀρταβῶν τεσσεράκοντα πέντε καὶ ὧν ἐτέρω[ν] ἔχω ἐκ τούτου τοῦ χειρογράφου πρὸς τὸν Τούρβωνα.* Ἕτερα sind also nicht die Zinsen, wie Schubart (Anm. auf S. 180) vermutet, sondern Cheirographa, so dass der zweite Halbsatz lauten muss *καὶ ὧν ἐτέρω[ν] ἔχω ἐκ(τὸς) τούτου τοῦ χειρογράφου ⟨χειρογράφων⟩ πρὸς τὸν Τούρβωνα*, vgl. etwa *BGU* 1054.

71. *BGU* 664 (1. Jh. n. Chr.), *P. Lugd. Bat.* I 8 (86 n. Chr.), *Neutest.* 7 (95 n. Chr.), *PSI* 814 (1./2. Jh. n. Chr.), *P. Amh.* 113 (157 n. Chr.), *P. Cair. Isidor.* 88 (308 n. Chr.).

72. *SB* 7667 (320 n. Chr.): *χωρὶς ἄλλων ὧν τίσει ὁ ἐγγυητὴς κτλ.* Umgekehrt in *PSI* 1249 (265 n. Chr.), wo die anderweitige Schuld eines Bürgen erwähnt wird, s. o. Anm. 67.

V.

Als Ergebnis ist zusammenzufassen, dass die Entwicklung von der Identifizierungsklausel *τοῦτο δ'ἐστίν* als der ältesten Formel zu ausdrücklichen Vollstreckungsvorbehalten in den Fassungen *μὴ ἐλαττουμένου*, *χωρὶς ἄλλων ὧν ὀφείλει* oder *μένοντος τοῦ λόγου* und *κυρίων μενόντων* führt, die gleichermassen bei Daneia, Chreseis, Paratheken und typenlosen Krediten vorkommen, wenn Parallelschulden oder Restschulden bestehen. Sie werden auch dann gebraucht, wenn es auf eine forbestehende Bebaiosis (*P. Cair. Preis* 43, 59 n. Chr.) oder auf eine neben der Schuld stehende Bürgschaft (*SB* 7667, 320 n. Chr.) oder umgekehrt beim Bürgen auf eine anderweitige Verpflichtung (*PSI* 1249, 265 n. Chr.) hinzuweisen gilt. Alle diese Vermerke nehmen bei Parallelgeschäften und Restschulden den Schuldnern die Möglichkeit, dem Zahlung fordernden Gläubiger in der Vollstreckung versehentlich oder absichtlich unzutreffende Urkunden, seien es zurückgegebene Schuldurkunden oder Quittungen, entgegenzuhalten.

PAPYRI AUS PANOPOLIS IN DER KOELNER SAMMLUNG

Dieter Hagedorn

Was ich im Folgenden vortragen werde, ist nicht das Ergebnis einer ausgereiften wissenschaftlichen Untersuchung, sondern es ist der Bericht von einer Arbeit, die noch in den ersten Anfängen steckt; denn obwohl die Gruppe von Papyri, über die ich referieren will, zahlenmässig nicht sehr gross ist und sie in Professor Youtie, Frau Youtie und mir immerhin drei Bearbeiter gefunden hat, existieren doch noch nicht von allen Stücken komplette Abschriften, geschweige denn eine vollständige Auswertung. Trotzdem lassen sich über den allgemeinen Inhalt der Urkunden und einige besonders affallende Einzelheiten schon vorläufige Mitteilungen machen, die abgesehen von dem üblichen Interesse, das noch unedierten Papyri entgegengebracht wird, auch wegen der Herkunft der Urkunden aus Panopolis gerechtfertigt scheinen.

Die Informationen über die Verwaltung und das tägliche Leben im griechisch-römischen Aegypten, die uns die Papyrusfunde und Publikationen seit etwa hundert Jahren in so reicher Fülle vermittelt haben, stammen nämlich aus wenigen, im Verhältnis zu ganz Aegypten gesehen kleinen Teilen des Landes. Auf der einen Seite sind wir aufgrund unserer Detailkenntnisse geradezu in der Lage, Bevölkerungslisten oder Grundbücher einzelner Gebiete z.B. des Arsinoites oder Oxyrhynchites aufzustellen; wir kennen genau die Gepflogenheiten und Formeln, mithilfe derer die Bewohner dieser Gaue ihre Rechtsgeschäfte abwickelten; die Aufeinanderfolge der höheren Verwaltungsbeamten, wie z.B. der Strategen und Königlichen Schreiber, ist für manche Zeiten lückenlos rekonstruierbar. Aber unser Wissen von entsprechenden Einrichtungen des Deltas ist demgegenüber gleich Null, und auch für viele Gaue Mittel-und Oberägyptens sieht es nicht viel besser aus. Zwar besitzen wir zahlreiche Ostraka aus Theben, Syene, Elephantine oder Diospolis Magna, aber ihre Informationen sind recht einseitig; zumeist handelt es sich um Quittungen, Zahlungsanweisungen und dergleichen. Alle Papyri, die nicht aus dem Oxyrhynchites, Arsinoites, Hermopolites oder Herakleopolites stammen, haben daher einen gewissen Seltenheitswert; häufig haben sie ihr Ueberleben nur der Tatsache zu verdanken, dass sie schon in der Antike einzeln oder auch in Gruppen in eine der genannten Gegenden gebracht wurden, so z.B. im Falle des berühmten Archivs des Strategen Apollonios, der im Gau Apollonopolites Heptakomias amtierte, nach Ablauf seiner Amtszeit seine Papiere aber wohl mit sich in den Hermopolites genommen hatte, wo sie gefunden wurden. In anderen Fällen stammen die Zeugnisse aus Einzelfunden, die dann für kurze Zeiträume auch auf Teile weniger günstig gelegener Gaue mehr Licht fallen lassen, ohne jedoch ein geschlossenes Bild vermitteln zu können.[1]

1. Man vergleiche dazu z.B. die Zusammenstellung und Beurteilung von F. Zucker, "Papyri aus der Thebais. Bestand und Wert," *Actes du Xe Congrès International de Papyrologues*, Breslau-Warschau-Krakau, 1964, S. 161-163.

Auf ebendiese Weise ist für einen der oberägyptischen Gaue, den Panopolites mit der Hauptstadt Panopolis, dem heutigen Achmim, vor kurzem unerwartet reichhaltiges Material bekanntgeworden, und zwar durch die Publikation der beiden Papyrusrollen mit Sammlungen amtlicher Korrespondenz, die T.C. Skeat 1964 aus der Kollektion von Sir Chester Beatty veröffentlicht hat.[2] Die eine dieser Rollen enthält die Schreiben, die im September 298 n.Chr. aus dem Büro des Strategen des Panopolites an andere Beamte abgegangen sind, die zweite alle Post, die der Stratege im Februar 300 von Aurelius Isidorus, dem Prokurator der Unteren Thebais, empfangen hat. Was dieser Komplex von Urkunden für unsere Kenntnis der frühbyzantinischen Verwaltung Aegyptens nach den Reformen Diokletians, speziell aber Oberägyptens und dort wieder des Panopolites, bedeutet, ist schon evident, wenn man nur die Zahl der vor dieser Veröffentlichung aus dem Panopolites bekannt gewordenen Papyri vergleicht. E.G. Turner hat vor kurzem jüngere Publikationen solcher Papyri zusammengestellt.[3] Wenn man einmal von den literarischen absieht und der Zahl der von Turner genannten Urkunden die schon früher veröffentlichten Stücke hinzurechnet, dabei aber nur die berücksichtigt, deren Herkunft aus dem Gau von Panopolis entweder ausdrücklich angegeben wird oder sich doch mit einiger Sicherheit erschliessen lässt, so kommt man auf kaum zwei Dutzend.[4] Darüberhinaus gibt es natürlich noch einige Papyri, die zwar nicht im Panopolites geschrieben worden sind, aber die Stadt oder den Gau doch erwähnen und irgendwelche Informationen über sie vermitteln.

Zu dieser bescheidenen Anzahl wird in absehbarer Zeit die genannte Gruppe Kölner Papyri hinzukommen. Es handelt sich um etwa 30 mehr oder minder gut erhaltene Stücke, die aus den Jahren 298 bis 341 n.Chr. stammen, wobei ein deutliches Uebergewicht von Daten aus dem 3. und 4. Jahrzehnt des 4. Jh. feststellbar ist;[5] mehr als die Hälfte der Urkunden ist zwischen 320 und 340 geschrieben worden.

Die Namen einiger panopolitanischer Bürger tauchen immer wieder auf, so dass man zuerst geneigt ist, das Ganze für ein geschlossenes Archiv zu halten, aber es ist noch nicht gelungen, eine Beziehung zwischen den Personen nachzuweisen; vielleicht sollte man daher einstweilen besser von Resten mehrerer Familienarchive sprechen. Die am häufigsten auftretenden Personen sind Aurelius Pasnos, Sohn des Alopex, Aurelius Pasnos, Sohn des Besas, und Aurelia Theodora, Tochter des Paniskos. Unter ihnen fällt besonders der Name des ersten auf, Aurelius Pasnos, Sohn des Alopex; der Vatersname, Ἀλώπηξ "Fuchs," ist in den Papyri wie in den übrigen Quellen überaus selten; er fehlt in Preisigkes Namenbuch und ebenfalls in dem ersten Heft des von Foraboschi besorgten Supplements dazu.[6] Pape-Benseler[7] konnten nur auf die Suda verweisen, wo Alopex als *ὄνομα κύριον* bezeichnet wird. Der einzige andere Beleg, von dem ich weiss, steht in den erwähnten Chester Beatty Papyri aus Panopolis, und zwar nicht auf den von Skeat edierten Rektoseiten, sondern auf dem Verso. Die beiden Rollen, die die Korrespondenz des Strategen

2. *Papyri from Panopolis in the Chester Beatty Library Dublin,* edited by T.C. Skeat (*Chester Beatty Monographs* No. 10), Dublin, 1964. Vgl. auch den ersten Hinweis auf die Existenz der Rollen in *Proceedings of the IX International Congress of Papyrology,* Oslo, 1961, S. 194 ff.

3. E.G. Turner, *Greek Papyri. An Introduction,* Oxford-Princeton, 1968, S. 51 ff.

4. *P. Par.* 20; *SB* 5285/6; *P. Masp.* II 67170/1; *P. Lips.* 45, 46, 58, 59, 60; *P. Lond.* III 870 (S. 235); *P. Aberd.* 59; *P. Achmim* 6-9; *PSI* 1233; *SB* 7666; *P. Got.* 3, 4, 7 (vgl. *P.Beatty Panop.* S. XXXII f.); *P. Strassb.* 229; *Rec. Pap.* 2, S. 37-73 (=*SB* 9902); *P. Leit.* 10 (=*SB* 10202). *P. Heid.* 224 (=*SB* 9544). Die Liste erhebt keinen Anspruch auf Vollständigkeit; auch Papyri aus dem Thinites; die naturgemäss viele Beziehungen zum Panopolites aufweisen, sind nicht aufgenommen.

5. P. Köln Inv. 1240-1259; 1370-1374; 1695-1701.

6. D. Foraboschi, *Onomasticon Alterum Papyrologicum,* Milano-Varese, 1967.

7. *Wörterbuch der griechischen Eigennamen,* s.v.

Apolinarios enthielten, waren, wie Skeat dargelegt hat,[8] schon in der Antike auseinandergeschnitten worden; man hatte gleich grosse Stücke mit den schon beschriebenen Rektoseiten gegeneinander geklebt und aus den daraus resultierenden Blättern mit jeweils zwei noch unbenutzten Versoseiten durch Uebereinanderschichten einen Kodex geformt, der einer panopolitanischen Familie während der Jahre 339 bis 345 als Quittungsbuch diente. Unregelmässig verteilt liest man auf den Seiten des Buches einzelne Steuerquittungen. Diese hat Skeat bei der Publikation der Strategenkorrespondenz nicht mitediert, sondern nur zwei von ihnen exempli gratia auf S. VIII seiner Einleitung abgedruckt, und ebendort lesen wir in Z.7 den Namen Πασνῶς Ἀλώπηκος. Angesichts der Seltenheit des Namens Alopex und der Uebereinstimmung von Ort und Zeit scheidet ein Zufall aus: die beiden Personen müssen identisch sein. Das bedeutet dann aber, dass der Dubliner Kodex und die Kölner Papyri, zumindest soweit sie Pasnos, dem Sohn des Alopex gehörten, Teile eines einzigen Archivs sind und wahrscheinlich aus demselben Fund stammen. Natürlich war es wünschenswert, bei der Bearbeitung der Kölner Stücke die Quittungen auf dem Chester Beatty Papyrus mitheranziehen zu können, und in der Tat hat uns Dr. Hayes, der Bibliothekar der Chester Beatty Library, in zuvorkommender Weise die Publikationserlaubnis erteilt.

Was ist nun der Inhalt der Kölner Urkunden? Zahlenmässig am stärksten vertreten sind unter ihnen die Landpachtverträge; sie machen ungefähr ein Drittel des Ganzen aus. In der Regel handelt es sich nicht um die Verpachtung von Ackerland; denn die Fälle, in denen das Land für den Anbau irgendeiner Feldrucht gedacht ist, sind in der Minderzahl. Meist werden Dattelpalmenhaine, Obstgärten und Oelhaine verpachtet. Man wird daraus wohl nicht nur auf die Beschaffenheit des Grundbesitzes der jeweiligen Verpächter schliessen dürfen, sondern auch auf die überwiegende Art der Bodennutzung in Panopolis überhaupt: Die Baumkulturen dürften hier den Anbau von Feldfrüchten aller Art an wirtschaftlicher Bedeutung weit übertroffen haben. Dieser Eindruck wird auch von den drei bisher bekanntgewordenen Landpachtverträgen aus dem Panopolites bestätigt: In *P. Masp.* 67170 handelt es sich um einen Hain von Dattelpalmen und Oelbäumen, in *PSI* 1233 wahrscheinlich um einen Weinberg mit einzelnen Bäumen, und nur *SB* 7666 hat möglicherweise Getreideland zum Gegenstande. Beliebt scheint übrigens gerade die gemischte Pflanzung von Oelbäumen und Dattelpalmen gewesen zu sein;[9] denn das Pachtobjekt wird häufig mit dem Wort *ἐλαιοφοινικῶν* bezeichnet. Dieser Terminus, eine ganz reguläre und nicht auffällige Bildung, ist nichtsdestoweniger neu; er findet sich in keinem unserer Lexika, ist aber in den Kölner Papyri auf mindestens vier verschiedenen Urkunden bezeugt, ein Zeichen dafür, wie sehr die Terminologie der Papyri von den Gegebenheiten des Herkunftsgebietes abhängt.

Wie zu erwarten war, findet sich auch in den Formeln dieser Verträge manches Neue, hatte sich doch auch bisher schon gezeigt, dass das Formular der Privatverträge in den einzelnen Gauen häufig variiert. So wurden im Panopolites z.B. bei der Pacht der Dattelhaine anscheinend des öfteren Bestimmungen darüber getroffen, welche der beiden Parteien für die Instandhaltung der Bewässerungsanlagen zu sorgen habe. Der Pächter liess sich bisweilen bescheinigen, dass er mit Hilfe der Einrichtungen des Verpächters auch fremde Felder bewässern dürfe, die er bearbeitete, ohne dafür einen besonderen Zins zu zahlen. Der Terminus für diesen Bewässerungszins, *φόρος ὑδρείας* oder vielmehr das Wort *ὑδρεία*, das in den hier besprochenen Urkunden mindestens

8. *P. Beatty Panop.* S. VIII f.
9. Vgl. dazu auch Schnebel, *Landwirtschaft,* S. 295; ein Beispiel aus dem Panopolites ist auch *P. Masp.* 67170.

zweimal vorkommt, ist in den Papyri ebenfalls nicht belegt gewesen. Der oben erwähnte panopolitanische Pachtvertrag *PSI* 1233 aus den Jahren zwischen 321 und 324 n.Chr. zeigt, wie es scheint, in seinen Formulierungen manche Parallele zu den Kölner Stücken.

Die nach den Pachtverträgen nächstgrösste Gruppe besteht in Bittschriften, die an verschiedene hohe Verwaltungsbeamte adressiert sind, nämlich an Praesides der Thebais und an den Strategen bzw. Exaktor von Panopolis. Aus ihnen erfahren wir manche prosopographische Neuigkeit. Ein Schreiben, Inv. 1371, ist an den Praeses Valerius Victorinianus gerichtet, der auch aus schon früher publizierten Urkunden bekannt ist, nämlich aus *P. Cair.* 10466,[10] *P. Strassb.* 296 und vielleicht auch aus *Stud. Pal.* XX 100.[11] Sicher datiert ist von diesen dreien nur *P. Strassb.* 296 und zwar auf den 19. Nov. 326. Die Kölner Petition stammt nun von April/Mai 323; daraus ergibt sich, dass Valerius Victorinianus mindestens von April/Mai 323 bis Nov. 326, also länger als dreieinhalb Jahre, tätig war. Das ist, soweit ich sehe, die längste Amtszeit, die uns bislang für einen Praeses mit Sicherheit bezeugt ist. Die genannten Daten dürften daher recht nahe an die Anfangs- bzw. Endpunkte seiner Laufbahn als Praeses herankommen.

Valerius Victorinianus war übrigens von J. Lallemand[12] und C. Vandersleyen,[13] die sich zuletzt mit dieser Materie beschäftigt haben, in Unkenntnis des Strassburger Papyrus für einen Praefectus Aegypti gehalten worden, weil nämlich ein Londoner Papyrus[14] aus dem Jahre 308 ihn als solchen zu zitieren schien. Aber die Edition von *P. Oxy.* 2674 hat jüngst gezeigt, dass der Präfekt in Wirklichkeit Valerius Victorinus und nicht Valerius Victorinianus hiess; wir haben es also mit zwei verschiedenen Personen zu tun.[15]

Der nächste Praeses, von dem wir in den Kölner Papyri hören, war bislang unbekannt. Sein Name ist Flavius Gregorius. Pasnos, der Sohn des Besas, wendet sich am 9. Juli 329 um Hilfe an ihn, weil seine Tochter von ihrem Mann verstossen worden ist, aber nicht ihre Mitgift zurückbekommen hat.[16] Nur wenig mehr als zwei Jahre später war ein neuer Praeses im Amt: Flavius Quintilianus,[17] der ebenfalls bisher unbekannt war; er wird in zwei Urkunden des Pasnos, des Sohnes des Alopex, genannt. Pasnos war trotz seines hohen Alters von der Priesterin Besus für eine Liturgie nominiert worden; dagegen hatte er an den Praeses appelliert und war auch befreit worden. Nichtsdestoweniger hatte man ihn gezwungen, die Liturgie zu übernehmen. In einer erneuten Petition (Inv. 1696) ging er daher im Juli 332 den Exaçtor des Panopolites um Schutz an, wobei er sich auf den Entscheid des Praeses Flavius Quintilianus berief.[18] Es kam zu einer Verhandlung, von der uns ein Protokoll vorliegt (Inv. 1699). In der Verhandlung wurde als Beweisstück ein Brief des Ekdikos des Panopolites vom 23. Okt. 331 verlesen, der den früheren Entscheid des Praeses schon voraussetzt. Flavius Quintilianus war also mindestens vom Okt. 331 bis zum Juli 332, dem Datum der erneuten Petition an den Exaktor, tätig.

Die Liturgie, für die Pasnos nominiert worden war, ist übrigens ebenfalls von besonderem Interesse; sie wird mit dem Wort κτηναρχία bezeichnet. In Analogie zu εὐθηνιαρχία können wir

10. Vgl. Cantarelli, "La serie dei prefetti di Egitto II," *Memorie della R. Accademia dei Lincei* 14, 1911, S. 328.
11. Vgl. C. Vandersleyen, *Chronologie des préfets d'Egypte de 284 à 395*, Brüssel, 1962, S. 107.
12. J. Lallemand, *L'administration civile de l'Egypte de l'avènement de Dioclétien à la création du diocèse (284-382)*, Brüssel, 1964, S. 239.
13. A.a.O., S. 106-108.
14. P. Lond. Inv. 2226; vgl. Lallemand a.a.O., S. 265.
15. Vgl. *P. Oxy.* 2674.3 Anm.
16. P. Köln Inv. 1697.
17. P. Köln Inv. 1696 hat die Variante Quintilinianus.
18. Vgl. Inv. 1696, 4:

schliessen, dass dieses Amt mit der Aufsicht bei der Beschaffung oder Bereitstellung von κτήνη, also Transporttieren, zu tun hatte; es bleibt allerdings offen, wieso gerade eine Priesterin dazu berechtigt war, Ktenarchen zu ernennen. Das Wort κτηναρχία, und das ist das Besondere, war bis vor kurzem unbezeugt; der einzige Beleg, der andernorts aufgetaucht ist, steht in *P. Leit.* 10, ebenfalls einem Protest gegen die Ernennung zu dieser Liturgie aus dem 3. oder fühen 4. Jh. Diese Urkunde stammt bemerkenswerterweise gleichfalls aus Panopolis. Man sieht auch hier, wie das Bild, das wir uns von den Institutionen des römischen Aegypten machen, neue Züge gewinnt, wenn wir Nachrichten aus bisher weniger bekannten Gauen hinzubekommen.

Die beiden bisher behandelten Gruppen machen zwei Drittel der Kölner Papyri aus; die verbleibenden Urkunden beschäftigen sich mit unterschiedlichen Angelegenheiten. Erwähnenswert ist darunter ein Blatt, auf dem der Entwurf eines Advokaten für ein Plädoyer vor Gericht niedergeschrieben ist, und zwar in zweifacher Ausfertigung, einmal in Stichworten, einmal ausführlicher. Die Langfassung wird durch eine Wendung eingeleitet, die bisher in nur vier Urkunden aufgetaucht ist. Sie beginnt mit einem kapitalen N, das senkrecht durchstrichen ist, und darauf folgt λέγεις ὑπὲρ τοῦ δεινός. Das ℕ ist von Collinet und Jouguet als Abkürzung für *narratio*, also etwa "Anklagerede," identifiziert worden.[19] Die Formel steht nur in Urkunden der ersten Hälfte des 4. Jhdts., in *P. Thead.* 16.1; *P. Lips.* 41.1; einem noch unedierten Papyrus der Columbia University und, wie H.C. Youtie kürzlich entdeckt hat, in *P. Princet.* 119.1. Die Herausgeber hatten dort statt ℕ λέγεις das Substantiv ψ(ευδο)λογεία lesen wollen. Wie in dem Kölner Stück und dem Columbia-Papyrus steht die Formel auch in *P. Princet.* 119 am Kopf der zweiten Kolumne, doch ist die erste Kolumne von den Herausgebern überhaupt nicht erwähnt worden. Mrs. A. Hanson bereitet daher eine Neuedition vor.

Endlich gibt es mehrere Steuerquittungen, von denen zwei eine neue Steuer und einen bisher unbekannten Terminus dafür nennen, nämlich χλαμυδαρχικόν. Zweifellos hängt diese Steuer mit der Kontribution von Kleidung für die Truppe, der *vestis militaris*, zusammen, aber ob es sich um eine einfache Ersatzzahlung in Geld, also *adaeratio*, oder um eine zusätzliche Steuer handelt, ist nicht erkennbar. Interessant ist aber auch hier wieder die Bestätigung: Urkunden aus einem neuen Gau eröffnen neue Aspekte, bieten neue Begriffe, neue Fakten.

19. P. Collinet, *La procédure par libelle,* S. 208ff.; *Nouv. Rev. d'histoire de droit,* 37, 1913, 264f.

P. ANTINOOPOLIS 184: HIPPOCRATES, *DISEASES OF WOMEN*

Ann E. Hanson

Eight treatises in the *Hippocratic Corpus* can be referred to as "gynecological" in their content.[1] The first extensive piece of Hippocratic gynecology from Egypt is *P. Antinoopolis* 184, a papyrus codex dated to the sixth century; it contains pieces from one of the small treatises, *Superfetation* (περὶ ἐπικυήσιος), followed by more extensive fragments from one of the large treatises, *Diseases of Women* in two books (περὶ γυναικείων $\alpha^{-}\beta^{-}$).[2] The papyrus is a valuable addition to textual studies in this section of the *Hippocratic Corpus* because it helps to substantiate the following suggestions: 1) gynecological treatises could be grouped and circulated without attribution to a specific medical writer;[3] 2) agreement between the three oldest Byzantine manuscripts (Θ, M, V)[4] tends to give the more ancient version of the text, not yet encumbered by the many additions which characterize their descendants and the published editions;[5] 3) the readings which isolate each of these three oldest manuscripts from each other have not yet crystallized by the time of the production of the papyrus. I propose to examine the papyrus as it relates to each of these suggestions.

1. The discussion presented here has profited much through talks with Professor J. J. Keaney of Princeton University; what flaws remain are my own. I also wish to thank Professor W. D. Smith and the Department of Classical Studies of the University of Pennsylvania for encouragement and help in securing microfilms of the manuscripts involved. Thanks are due as well to Professor E. G. Turner of the University of London, and to Dr. Revel Coles of Oxford for supplying me with a photograph of the papyrus.

In addition to the eight treatises in the Littré edition of Hippocrates, Paris, 1839-61, H. Diels, "Die Handschriften der antiken Aerzte, Teil I: Hippokrates und Galenos," *Abhnd. der königl. preuss. Akademie der Wiss.*, 1905, 39, lists a treatise under the title περὶ γυναικῶν : *De Mulieribus*. What he has listed as a single treatise is actually two fragments of other parts of the *Corpus*: in *Hauniens*. 224, the piece given under the title περὶ γυναικῶν is chapter six through nine of *Regimen in Health* (Jones, *Hippocrates* IV [LCL] 52.7-58.4); in *Barberin*. I. 127 περὶ γυναικῶν is chapter 214 of *Barren Women*, written in a type of code whereby 22 figures are equated to the 24 Greek letters; the scribe is not the codifier since his transcription has used the wrong code figures at several points.

2. R. A. Pack, *The Greek and Latin Literary Texts from Greco-Roman Egypt*^{2}, Ann Arbor, 1965; in addition, Pack lists only two strictly gynecological pieces among the nearly one hundred anonymous medical fragments: *PSI* 117 is a fourth century codex of Soranus and A. Bäckström in *Archiv* 3, 1906, pp. 158-62 another possible Soranus fragment. For *P. Ryl.* 531, see below, note 27.

3. The gynecological treatises seem to belong to the fourth century; they antedate the developments in anatomy at Alexandria which are apparent in Soranus. At the same time, the use of the word στοιχεῖα in the sense of "first elements" (8.444.4L) and mention of a pessary apparently named after Philistion of Locri (8.386.9L and 7.360.14L) point to the fourth century; see also Emile Littré, *Hippocrates*, Paris, 1839-61, 1.57-58L, and Holger Thesleff, "Scientific and Technical Style in early Greek Prose," *Arctos* 4, 1966, pp. 110-111.

4. The manuscripts were dated by J. Ilberg, "Zur Ueberlieferung des Hippokrat. Corpus," *RhM* 42, 1887, pp. 436-61, as follows: Θ (*Vindobon. Med. Gr.* 4) to the ninth century; M (*Marc. Gr.* 269) to the eleventh century; and V (*Vat. Gr.* 276) to the end of the twelfth. For Θ and V, see also E. Nachmanson, *Erotianstudien*, Upsala, 1917, pp. 228-32 and 211-18; and for M and V, B. Alexanderson, *Die Hippokratische Schrift Prognostikon*, Göteborg, 1963, pp. 87-88 and 90-91.

5. The early Latin translations seem to agree: for some small fragments of *Diseases of Women* 1, see George Walter, "ΠΕΡΙ ΓΥΝΑΙΚΕΙΩΝ A^{-}," *BHM* 3, 1936, pp. 599-606.

Circulation of the Gynecological Texts

Many attempts have been made to join the name of Hippocrates to specific treatises in the *Hippocratic Corpus*, but the obvious diversity of the *Corpus* itself has made it difficult to reach agreement as to which treatises represent Hippocrates' work. There are many contradictions within the *Corpus*, and, as far as the gynecological treatises are concerned, the most conspicuous contradiction is the permissive attitude toward abortion and abortives in the eight gynecological treatises, in contrast to the sentence forbidding their use in the Oath of Hippocrates. Soranus, a contemporary of Hadrian, indicates that he and others are well aware of this discrepancy.[6] In 1935, Ludwig Edelstein, in his Pauly-Wissowa article on Hippocrates (*Suppl.* VI), argued strongly for the total separation of the doctor of Cos, who belonged to legend, from the treatises. For some of the gynecological treatises, however, the question of authorship still presents an interesting problem.

Emile Littré, whose monumental ten volume edition of Hippocrates appeared in Paris during the years 1839-61, suggested that we should group a number of Hippocratic gynecological treatises together because he believed that they were written by a single author. His grouping included both books of *Diseases of Women, Young Girls* (*περὶ παρθενίων*), and *Barren Women* (*περὶ ἀφόρων*). He considered the opening sentence of *Young Girls* – *Ἀρχή μοι τῆς ξυνθέσιος τῶν αἰειγενέων ἰητρικῆς* (8.466.1 L) – as an appropriate beginning for the great gynecological corpus he envisioned.[7] Littré's successors, F. Ermerins and J. Ilberg, pointed out that the treatises which can apparently be assigned to this single author are of a more diversified sort and include non-gynecological subjects: *Diseases of Women* 1, *Young Girls, Nature of the Child* (*περὶ φύσιος παιδίου*), *The Generating Seed* (*περὶ γονῆς*) and *Diseases* 4 (*περὶ νούσων δ*¯).[8] This author identifies himself in these treatises by his scholarly habit of referring the reader to his discussions in other works which he has written.[9] But there are virtually no indications that this group of treatises, which shows definite unity of authorship, appeared as a unit in antiquity,[10] – beyond their ultimate inclusion in the great pre-Alexandrian collection of medical writings known as the *Hippocratic Corpus*. The personality of this medical writer, which appears at numerous points in the five treatises mentioned, was apparently not strong enough to keep these treatises from being mixed in with the rest of the medical writing attributed to Hippocrates.

P. Antinoopolis 184, fragment 3, contains a section from the conclusion of *Superfetation* on one side, and on the other the beginning section of *Diseases of Women* 1. In this codex a treatise by our author is preceded by a treatise which gives no sign of being his. The order of treatises in the papyrus does not coincide with the full ordering of female treatises in the manuscripts; that is, in neither Θ, M, nor V does *Superfetation* directly precede *Diseases of*

6. *Gynaecia* 1.60 (Ilberg ed., *CMG* IV, Leipzig, 1927, 45.1-19).

7. Littré, 8.8 and 532-33; cf. 527-32 for a discussion of the translation of the passage in *Young Girls*; cf. A. Heidel, "Hippocratea," *HSCP* 25, 1914, pp. 174-76.

8. F. Ermerins, *Hippocratis Reliquiae* 2, Utrecht, 1862, lxxviii and lxxxv; J. Ilberg, "Die Aertzschule von Knidos," *Berichte d. Gesellschaft d. Wiss. Leipzig*: Phil.-Hist. Kl. 76, 1924, p. 9; cf. also, Gossen, *RE* VIII, 1913, 1828-29, s.v. "Hippokrates."

9. For example, in *The Generating Seed* 4 (7.476.15-16L): *εἰρήσεταί μοι ἐν τῆσι γυναικείησι νούσουσιν*. Cf. also *Nature of the Child* 15 (7.496.9-10L); *Diseases* 4.57 (7.612.21-22L); *Diseases of Women* 1.1 (8.10.7-8L); 1.2 (8.22.1-2L); 1.41 (8.98.10L); 1.44 (8.102.5L); 1.73 (8.152.22-154.1L).

10. Galen, *In Hippocratis Epidemiarum Librum* II (Wenkelbach-Pfaff edition for Teubner 1934, 297, lines 22-24, preserved only in the Arabic version) does mention *Diseases of Women* and *Nature of the Child* together, but with no implications about their authorship. Neither Erotian's list of treatises (36 = p. 9N) nor that preserved in the Brussels life of Hippocrates (text in H. Schöne, "Bruchstücke einer neuem Hippokratesvita," *RhM* 58, 1903, pp. 59-66) puts these treatises in any sort of relationship to one another.

Women.[11] It is possible that the ordering of the papyrus may reflect that which we see in Erotian, the Neronian glossator of Hippocrates.[12] But in any case, the method of arrangement which we see for the gynecological treatises in the ancient lists, in the papyrus codex, and in the medieval manuscripts depends upon a common subject matter as its organizing principle and passes by the possibility of grouping around the medical author, who wrote on gynecological and non-gynecological subjects.

Agreement and Disagreement between Θ, M, and V and the Papyrus

The importance of these three manuscripts for this section of the *Corpus* was felt by Littré, although he knew not a single one at first hand: for Θ, which contains only *Diseases of Women* 1 and 2 and *Nature of Women*, he used a collation by Charles Daremberg; for M, he used a number of Paris manuscripts which he called F, G, H, I, J, K; for V, he followed a Paris manuscript which he called C.[13] Although he had at his disposal the strands of the tradition, he was over-influenced by the preponderance of manuscripts of the M-family.[14] Subsequent manuscript studies have re-emphasized the importance of these three manuscripts, if they contain the treatises which are being investigated.[15] However, for this section of the *Corpus*, agreement between Θ, M, and V has not yet been reflected in a printed text; the papyrus from Antinoopolis often agrees with these three manuscripts, making it clear that agreement between Θ, M, and V gives an older form of the text. The little clarifying additions, characteristic of the later manuscripts and printed editions, apparently accrued during the process of transmission after the earliest Byzantine manuscripts. The following list represents agreements between Θ, M, V and *P. Ant.* 184 against readings chosen by Littré; I have tried to restrict the points of comparison either to readings which actually appear on the papyrus or to restorations where the space available speaks

11. The order in the gynecological sections of Θ, M, and V is as follows:

Θ	M	V
Diseases of Women 1	*Excision of the Fetus*	*Superfetation* = Va
Diseases of Women 2	*Diseases of Women* 1	*Seven Months' Child*
Nature of Women	*Diseases of Women* 2	*Eight Months' Child*
	Barren Women	*Young Girls*
	Superfetation	*Nature of Women*
	Seven Months' Child	*Dentition*
	Eight Months' Child	*Places in Man*
	Young Girls	*Diseases of Women* 1
	Nature of Women	*Diseases of Women* 2
		Barren Women
		Superfetation = Vb
		Excision of the Fetus

12. *Superfetation* does not appear as one of the treatises which Erotian cited by name in his preface, yet it is a possible source for the mutilated gloss on σταφίς (T25 = 86.5N and 8.500.22L = *Superfetation* 32). The ordering of the glosses requires that this word come from a treatise standing just in front of *Diseases of Women* 1; Nachmanson (above, note 4), 414, considers only three other possible *loci*. Galen too may have cited *Superfetation* in his glossary, s.v."εκμιαώεται (19.96.4K) and 8.500.6L = *Superfetation* 31; cf. Littré, 1.379 and note 4.

13. Littré, 7.311 and 8.8-9. Littré learned of the duplication of *Superfetation* in V too late to use it in constituting his text (10.lix-lx); see now the unpublished Kiel dissertation by C.-D. Lienau, *Die hippocratische Schrift περὶ ἐπικυήσιος / De superfetatione*, as summarized by H. Diller in his review of A. Rivier, *Recherches sur la tradition manuscrite du traité hippocratique 'De morbo sacro'* in *Gnomon* 36, 1964, p. 237.

14. See especially Littré's ordering of chapters 21-25 in *Diseases of Women* 1, where the better order – that of Θ and V – puts chapter 21 after the first sentence of chapter 25.

15. Only *Diseases of Women* 1 and 2 and *Nature of Women* occur in all three of these manuscripts and there are, as far as I know, no modern textual studies of these treatises. Insofar as M is concerned, Alexanderson (above, note 4) has suggested that, in his treatise, I (Paris 2140) is a witness of equal value with M for their archetype; A. Rivier, *Recherches sur la tradition manuscrite du traité hippocratique 'De morbo sacro,'* Basel, 1962, p. 147, shows I as an indirect descendant of M.

dramatically in favor of one reading over another.[16]

		ΘMVPap		Against Littré
6a.9-10	=	8.66.11 L	*επιλαμ/[βανει* ΘM-*βάνηι* V -*βάνει* (cum *η supra*) } *βληχρον*]	*ἐπιλαμβάνει αὐτὴν βληχρόν*[17]
6b.7	=	8.68.7 L	*και ην* { *σμι[κρον*-MVPap / *μικρόν* - Θ } *θνησκει*]	*καὶ ἢν σμικρὸν ἐτὶ ἢ θνήσκει*
6b.8	=	8.68.7 L	*πιη η φ[αγη]*	*φάγῃ ἢ πίῃ*
7b.4		8.78.8 L	*αὐται απ[ωλοντο]*	*αἱ μητέρες ἀπώλοντο*
9b.7-8	=	8.364.15-16L	[*ενι εν*]/*τεριωνην* [*ενιαυσιην*]	*ἔνι. Θεραπεύσθω δέ· ἐντεριώνην παλαιὴν ἐνιαυσίην*
10a.9-10	=	8.394.7 L	(omit *και τιθεναι*) [*ετε*/*ρον*] *προσθετο*[*ν*]	*καὶ τιθέναι ἕτερον πρόσθετον*
10a.14-15	=	8.394.9-10L	*γαλακτ*[*ι ομου*/ *τριβε*]*ιν* { *γυνε*[*κος*] / *γυναικός* ΘMV	*γάλακτι γυναικείῳ ὁμοῦ τρίβειν*
10a.20	=	8.394.12 L	*βουλη* -VPap / *βούληι* -ΘM } *σμυ*[*ρναν*]	*βούλῃ ποιῆσαι σμύρναν*
10a.23	=	8.394.14 L	[*υστερεων στο*/*μα*]	*ὑστερέων καὶ τὸ στόμα*
10b.11	=	8.396.3-4L	[*μαλ*]*λον δε αιματωδεα τ*[*ων*]	*Αἱματώδεα πάντα μᾶλλον τῶν*
10b.12	=	8.396.4 L	[*α*]*γει και* { *μαλασσει* -VPap / *μαλθάσσει* -ΘM	*ἄγειν δύναται καὶ μαλάσσειν*
10b.16	=	8.396.6 L	*τρη*[*χυνο*]*με*[*ν*]*η* -*μενηι* Θ	*τρηχὴ μέν*
10b.19	=	8.396.8 L	[*οσονπερ ελατηριον μελι*] *ολ*[*ιγιστον*]	*ὅσον τὸ ἐλατήριον μέλι ὀλίγον*
10b.22	=	8.396.10 L	[*κ*]*ηκιδα*	*κικίδα*

16. The variety in number of letters afforded by the apparent choice between Ionic or Attic forms (5b.5 [*αειρεται*] and Θ at 8.18.13L *αἴρεται*; 10a.13 *ὁ καλο*[*υσι*] and Θ at 8.394.8L *ὁ καλέουσι*) or the influence of itacism (3a.1 *σειδιον* and M-Va-Vb at 8.508L *σίδιον*; 6a.1 [ ]*χω* and Θ at 8.66.6L *ἴσχειν*) makes precise counting of letters difficult. Cf. A. C. Clark, *The Descent of Manuscripts*, Oxford, 1918, pp. 11-12, for the variations in letters in a given line when the average is 26 letters per line.

17. The method of citation here is taken from the papyrus, giving fragment number and line number; all unaccented forms represent readings from the papyrus.

In the following three instances, the readings which Θ, M, and V together give should be restored in the papyrus, rather than the readings which appear in the *editio princeps*:

4b.7-8	=	8.14.7 L	[απ/αγει τι τ]ης ικμαδ̣[ος]
5a.3	=	8.16.19 L	[εμεεται][18]
6b.1-2	=	8.68.4 L	[οι/ πε]ρ̣ι̣ε̣χ̣ου̣[σω][19]

These examples demontrate the need for new textual studies in this part of the *Corpus* and for a new text of the gynecological treatises which takes cognizance of this agreement among the early manuscripts.

There are in addition certain points at which the consensus of Θ-M-V diverges from the papyrus:

6a.6 = 8.66.9-10 L *καταβαι/[νη το φλεγμα δριμυ] απο της κε/[φαλης ες την κοιλιην] και κ̣α̣τ̣α̣ρ̣ρ̣η̣σ̣η/ [ες την κοιλιην]*

The manuscripts read:

Θ *καταβαίνηι*
M *καταβαίνει*
V *καταβαίνῃ*

} *τὸ φλέγμα δριμὺ ἐς τὴν κοιλίην καὶ* { *καταρήσσηι* Θ; *καταρήσσει* M; *καταρρήσῃ* V }

ἀπὸ τῆς κεφαλῆς ἐς τὴν κοιλίην

The papyrus has the better reading here and it is clear that in an ancestor of our three manuscripts the phrase *ἀπὸ τῆς κεφαλῆς* slipped from before the first *ἐς τὴν κοιλίην* to before the second.

4a.2 = 8.12.11 L. This is another point where consensus of Θ-M-V seems to disagree with the papyrus; if I am correct in my suggestion for the reading of the papyrus, this example, like the previous one, points ultimately to an error common to Θ-M-V not shared by the papyrus. The manuscripts read as follows: Θ- *εὐστάθμωι ἴσον*;[20] M- *εὐστάθμως ἴσον*; V- *εὐστάθμω ἴσον*. Because of line length, the editor of the papyrus proposed to read either [*ευσταθμω ισον*] or, as he suggested in the note, [*ευσταθμω ισο*]. This phrase is noted in *LSJ*[9] s.v.: "...-μως,' *ἴσον precisely* equal *in weight*, Hp. *Mul.* 1.1." The italicized words seem to be an attmpt to create a relationship between this and the use of *εὔσταθμος* which appears frequently in late texts to speak of money which is of full weight.[21] Evidence for the medical use of this word is not great. However *συσταθμία* frequently appears in the context of measuring drugs.[22] In addition, Galen's lexicon to Hippocrates contains the following gloss: *σύσταθμον* : *ἰσόσταθμον* (19.143.15K). No Hippocratic passage now extant preserves *σύσταθμον*. It seems likely that the adverb *συστάθμως*

18. The future of *ἐμέω* is often deponent, as in *Nature of Man* 5 (6.42.11L).

19. The second line of the *editio princeps* here is uncomfortably long at 34 characters and the omission of [*αν/το*] not only reduces it by two, but brings the papyrus into agreement with Θ, M, and V. Similarly at 6b.5-6, the consensus gives [*επην*] *γαρ*.

20. The *iota* adscript – otiose and natural – often appears in Θ, as well as inaccuracies in diacritical marks and misreadings of majuscule forms.

21. For example, *Cod. Just.* 10.27.2.6 and *P. Oxy.* 1932.6; cf. also Preisigke, *Wörterbuch* III, Abschn. 17, Münzen, s.v. *εὔσταθμος*. *P. Teb.* 5.85, 2nd B.C., seems to refer to measures which are greater than the correct ones: *παρὰ τὰ εὔσ⟨ταθμα⟩*. However, in the anatomical text, *BKT* 3.15, cited in *LSJ* for the comparative of *εὐστάθμως*, the editor reads [*ε*]*υσταθμωτερον*.

22. For references, see E. T. Withington, cited in the note on *συσταθμίαν* in line 17 in *P. Mert.* 1.12, "Letter to a Physician."

stood in the archetype of PapΘMV. However, in the direct ancestor of Θ-M-V, *συ-* was misread as *ευ-*, an easy confusion. Once that change occurred, the *ἴσον* then became a necessary addition for sense. In the papyrus *συσταθμως* can stand meaningfully without *ισον* and the shorter line seems preferable.

The manuscript tradition seems to have the better readings in the following instances:

6a.1 = 8.66.6-7 L *ην δε καθ̣[αρσις] π̣λ̣ε̣ω̣[ν]*

Θ -M -V *ἤν* {*οἰ* ΘM / *οἶμαι* V} *κάθαρσις* {*πλείων* ΘM[24] / *πλεῖον* V}

6b.3-5 = 8.68.5 L *[φα]/γωσιν παρ[α το ε]θος η πιωσιν π[αρα / το]*
ε̣θο̣ς̣

Θ-M-V *φάγωσι παρὰ τὸ ἔθος ἢ* {*πίωσι* M / *πίωθι* Θ}

9a.11 = 8.364.1 L *[φ]υ̣ρε̣ω̣ν̣*

Θ -M-V {*φυρᾶν* Θ / *φυρῆν* M-V}[25]

10b.10 and 16 = 8.396.3 and 6 L (omit *ελαφου*) *σ̣τ̣ε[α]ρ̣*

Θ -M-V *ἐλάφου στέαρ*

The papyrus also preserves better readings at 10b.6 = 8.396.1 L with *[ισον μ]ι̣σ̣γειν δε* as opposed to *ἴσον μίσγειν· μίσγειν* (*σμ-* M) *δέ*, and at 10b.13-14 = 8.396.5 L with *συνγισγειν δε τουτ̣[ο και γυ/ναι]κ̣ος γαλα κ[α]ι̣ [τρ]ιβε[ι]ν*[23] as opposed to *συνμίσγειν* (*ξυμ-* MV) *δὲ καὶ γυναικὸς γάλα τρίβειν*.

Finally at several troubled spots in the text, where no manuscript is totally satisfactory, the papyrus either is too fragmentary to give a solution or indicates that the passages involved were confused in its time.[26]

6a.5-10 = 8.66.9-11 L *[ην . . . η] και καταβαι[νη] . . . και κ̣α̣τ̣α̣ρ̣ρ̣η̣σ̣η . . . [και] . . . επιλαμ[βανει]*
Θ *ἢν . . . ἤι καὶ καταβαίνῃ . . . καὶ καταρήσσηι . . . καὶ . . . ἐπιλαμβάνηι*
M *ἢν . . . ἤι καὶ καταβαίνει . . . καὶ καταρήσσει . . . καὶ . . . ἐπιλαμβάνηι*
H
V *ἢν . . . εἰή καὶ καταβαίνῃ . . . καὶ καταρρήσῃ . . . καὶ . . . ἐπιλαμβάνει*

23. For the papyrus readings, see the note *ad loc.*, p. 139, where this is suggested as an alternate; for *συνγισγειν* read *συνμισγειν*. *τουτ[ω]* is also possible, but cf. *Diseases of Women* 1.37 (8.92.9L).

24. In this case the very common beginning *ην δε* occurs at a point where it is already dependent for meaning on a preceding *ἢν δέ* clause. Hence I prefer the *ἢν οἱ* of which V's *οἶμαι* is a variation.

25. The presence of pseudo-Ionic forms does not seem to differentiate and separate the earliest manuscripts from one another. There is little consistency here, although *their* descendents tend to show the same forms. Cf. Alexanderson (above, note 4), pp. 88-89 and 90-91, who lists dialectal characteristics along with the treatises contained in M and V. The dialectal and general orthographic correspondence between Θ and the papyrus against M and V is strong: 5a.3 *λιπο[θυμησει]*; 6b.11-12 *[χω]ρεοντος*; 9a.9 *[υπο]θυμιαν*; 9a.10 *σμυρναν*; 9b.10 *βακκαρει*; 10a.14 *σ[υ]ν*; 10b.14 *συ[ν]*; 10b.15 *[α]λιφα*; 10b.17 *πε[αρ]*. At the same time, at 8a.1, the papyrus has *[ὁ]κοταν* with M and V against Θ's *ὅταν*. Further, consensus of Θ–M–V disagrees with the papyrus at: 5a.1 *αυτε̣ο[ισι]*, *αὐτοῖσι*; 6b.9 *ισχυρεως*, *ἰσχυρῶς*; 8b.2 *εις*, *ἐς*. It may never be possible to understand the precise nature of the Ionic dialect employed by the Hippocratic writers. For Herodotus papyri, see A. H. R. E. Paap, *De Herodoti Reliquiis in Papyris et Membranis Aegyptiis Servatis*, Leyden, 1948, pp. 87-95.

26. Passages which I find too fragmentary to aid in solving the disagreement between Θ–M–V occur at 9b.2-7, 10b.4-6 and 10b.22-23.

The solution which Ermerins gives (ἦν . . . ᾖ, followed by indicatives) makes the best sense; the error is then common property to all preserved texts.

6a.12 = 8.66.12 L	[και ασιτιη εχ]η
Θ	καὶ ἀσιτίῃι ἔχει
M	ἦν δὲ καὶ ἀσιτίη ἔχηι
V	δὲ καὶ ἀσιτίη ἔχει

The subjunctive in the papyrus goes unexplained; for sense, Θ is the best reading, once the *iota* adscript is eliminated.

10a.3-5 = 8.394.4-5 L	[τη]ξασα[27] . . . [αναφορι]σσων . . . [προστι]θεσθω
Θ-M-V	τῆξαι . . . {ἀναφορύξασα -ΘM / ἀναφορύσσειν -V} . . . προστιθέσθω

Feminine singular participles appear frequently in directions for medications, and Littré (7.312, note 9) briefly considered the possibility of a *sage-femme* working in conjunction with the male doctor. However, manuscript evidence is seldom unanimously consistent for her existence in any particular passage and neither is the papyrus here.

The papyrus, as the oldest and most extensive textual evidence for *Diseases of Women*, bolsters our confidence in Θ, M, and V. The papyrus does give some readings for which there is no evidence in our manuscripts; yet a possible split in the tradition which may be represented by the difference in the position of ἀπὸ τῆς κεφαλῆς in the papyrus and the consensus, and the variation in the use of the adverbial εὐστάθμως ἴσον or simply συστάθμως need not antedate the papyrus, since it seems to preserve the better readings.

The Relation of Θ, M, V *to P. Ant. 184*

Because two Antinoopolis papyri of the *Aphorisms* of Hippocrates, published in previous volumes, have shown divergences from that of the medieval text so extensive in character that the editor cautiously suggested that the local medical school may have had a textual tradition of its own,[28] and because the editor of *P. Ant.* 184 indicated a very close agreement between the papyrus and Θ,[29] it seems necessary to examine the papyrus with collations of the three manuscripts.

27. The text of this fragment comes from a small section of treatments and prescriptions listed in *Diseases of Women* 2 as μαλθακτήρια (8.392.17L-394.5L). A slightly shorter and very similar text occurs in *Nature of Women* 32 (7.366.1-7); this latter text looks like an abridgement of the former, made at a time when the confusion between O—Θ would permit the ὅϊὡς which appears in *Diseases of Women* 2 to be misread and ultimately become the θεῖον in *Nature of Women*. This passage in *Nature of Women* has the participle τήξας. Many chapters of recipes and treatments occur in several gynecological treatises in more or less similar form, although the exact relationship between them is unclear. *P. Ryl.* 531 (3rd B.C.) shows this same type of contact with the recipe in *Nature of Women* 32 (7.352.5-6L). In this case there is no corresponding section under the appropriate heading ("Lochial Purifications") in *Diseases of Women* 1.78 (8.174.14-176.8).

28. *P. Ant.* 1.28 (page 70) and *P. Ant.* 2.86 (page 84).

29. *P. Ant.* 3.184 (page 30).

Pap-M-V				Θ
6a.14	=	8.66.13 L	[και α]υτη	(omit και) αὐτηι
6b.3	=	8.68.4-5 L	[κ]ην M- ἡν	[δρι]μυ τι η πικρον — κἦν δριμύ τι κἦν πικρόν
6b.4	=	8.68.5 L	πιωσιν	πίωθι
8a.2	=	8.356.6 L	ναρκη εχει	νάρκα ἴσχει
9a.7	=	8.362.21 L	[εισεισιν]	εἰσίν
10b.4	=	8.394.21 L	[χριεω ροδινω]	λούειν σὺν ῥοδινῶι
10b.9	=	8.396.2-3 L	[και] προστιθεναι	(omit καὶ προστιθέναι)

In each instance, with the possible exception of the omission of καὶ προστιθέναι at 10b.9, Θ preserves the poorer reading.

Pap-Θ-V				M
3b.3	=	8.10.12 L	[αποκα]θ̣α̣[ιρεται]	καθαίρεται
4b.3	=	8.14.4 L	ο̣υδε θερμαι̣[εται]	οὐδ' ὑπερθερμαίνεται
7b.2	=	8.78.7 L	ουκ εξ[εισι γάρ]	(omit οὐκ ἔξεισι γάρ)
7b.3	=	8.78.7 L	[χαλεπωτερα]	χαλεπόν
10a.15-16	=	8.394.10 L	δι̣ε̣ῖναι Θ διεῖν V [δι/ει]ν Pap	διϊέναι

In all instances except the last, M preserves poorer readings. At 10a.15-16, however, it is only M which shows the correct διέναι. The editor of the papyrus suggested that it followed V with διεῖν, in an incorrect striving after Θ's διεῖναι, but the reading in the papyrus codex must remain in doubt. for evidence is lacking.

Pap-Θ-M				V
3b.1	=	8.10.11 L	[παρα]σ̣χ̣ο̣[ντος]	παρέχοντος
5a.2-3	=	8.16.19 L	[αλλοτε και αλλοτ]ε	ἄλλοθι καὶ ἄλλοθι
6a.9	=	8.66.11 L	[π]υρ μω	πυρῶν
6a.10-11	=	8.66.11 L	[π]αλμοι εστω / [ησω]	παλμοὶ εἰσὶν ἦσιν
10a.10	=	8.394.8 L	το Ινδι[κον][30]	τὸν Ἰνδικόν
10b.4	=	8.394.21 L	[εν]ε̣ργει δε̣ κ̣[αι]	ἐνεργεῖ δὲ (omit καί)

30. There is no room on my photograph for the *nu* between the *omicron* and the *iota* to give the τον Ινδι[κον] reported by the editor. The Galen glosses on Ἰνδικόν (19.105.12K) and μυρτίδανον (19.123.11K) show that the neuter form is the correct one. Similar passages involving an explanation of Ἰνδικόν occur at *Diseases of Women* 1.81 (8.202.15L) and *Nature of Women* 32 (7.364.2L).

At 10a.7 = 8.394.6L the papyrus shows *ουχ ελκ*[ ]. Θ-M have the correct *οὐχ ἑλκοῖ* while V reads *οὐχ ἕλκεται*. The control of line length is not close enough to force one restoration over the other here.

From the evidence above, then, there is no instance where the consensus of the papyrus plus two manuscripts shows compelling agreement in error against a single manuscript. When there is agreement among three witnesses and one of them is the papyrus, the reading appears to be the correct one. The papyrus shows agreement with M-V, Θ-V, and Θ-M. That the papyrus exhibits the usual habit of showing significant agreement now with one manuscript and now with another is likewise shown by the following instances.

Pap-Θ				M-V
6a.13	=	8.66.13 L	[*κωδυνος εστιν*]	*κώδυνος* (omit *ἐστίν*)
9b.2	=	8.364.12 L	*και το βρε*̣[*γμ*]*α και*	(omit *καί*) *τὸ βρέγμα καί*
10b.20-21	=	8.396.9 L	[*ποιεεω*/ *η νετωπον*]	*ποιέεω αἱμαγογόν· ἢ νέτωπον*

In all three instances, the papyrus-Θ combination seems to show the better reading. But at 10a.9, if the papyrus did read [*ως ηδ*]*υ̣ν̣τ*[*ην*], this is an instance of agreement with Θ against the more correct reading of M-V which omits *ὡς*.

Pap-M				Θ-V
7b.5	=	8.78.9 L	[*αμ*]*φω*	*ἀμφότερα*
9a.6	=	8.362.19 L	[*ε*]*φ ο*̣ *εξομενης*[31]	*ἐφ' ὁ ἐξομένη* -V *ἰζομενη* -Θ

In the first instance the reading of papyrus-M is preferable. However, in the second, the dative *ἐξομενῃ* is what is required.[32] Thus the papyrus and M agree in showing the same incorrect reading at 9a.6. Similarly, where the papyrus displays a nonsensical *ωρει* at 6a.2, this shows closer affinities with M's inferior reading *χωρέει*; the subjunctive of Θ (*χωρέηι*) and V (*χωρέῃ*) is necessary.

Pap-V				Θ-M
4a.4	=	8.12.12 L	*π*̣*ολλ*̣*ῳ*	*πολλόν*
9a.8-9	=	8.362.20 L	[*ειμα*]*τα κυκλος* / [ ]	*ειμετα* -Θ *εἵματα* -M } *κυκλόσε τιθέναι*
			(*εἵματα καὶ κύκλος ἐντιθέναι* -V)	
10a.11	=	8.394.8 L	[*τρι*]*ηκοντα και το*	*τριήκοντα* (omit *καί*) *τό*
10b.12	=	8.396.4 L	*μαλασ*̣*σ*̣*ει*	*μαλθάσσει*

31. I owe this reading to John R. Rea of Oxford University.

32. Littré understood Θ–V's {*ἰζομενη* / *ἐξομένη*} as a nominative, but this is untranslatable; however, Ermerins (above, note 8) 768 (=8.362.19L), understands it as a dative and he is correct in doing so.

In the first, third and fourth instances, the readings of papyrus-V are preferable. In the third instance, although neither Littré nor Ermerins accepted V's *καί*, I submit that parallel uses of *κόκκοι* make it more likely that this is a drug in its own right.[33] Hence the omission of *καί* produces asyndeton, and the text is more clear when *καί* appears. At 9a.8-9 the papyrus reads: [*ειμα*]*τα κυκλος*/[ ]. The *epsilon*, necessary to change the *κύκλος*, which makes no sense here, to *κυκλόσε*, does not appear in the preserved part of the papyrus. The lacuna at the beginning of the next line may well have contained the missing *epsilon*, although from this scribe's writing of [*επαιου*]/*σι* at 6b.10-11, we might have expected him to divide between *κυκλο-* and *-σε*. A line division at this point, like that in the papyrus, may have ultimately been responsible for the separation of the suffix-*epsilon* from *κυκλος*. V's reading may be the final result of a mistaken reaction to *ειματακυκλοσετιθεναι*. The papyrus suggests how easily the *epsilon* could have become separated from the *κυκλος*. The papyrus may itself have carried V's *ἐντιθέναι* or the correct *τιθέναι*, but the evidence here is lacking. Nonetheless, the papyrus is pointing in the direction of V's error, even if it does not participate in it.

P. Ant. 184 shows affinities with Θ, M, and V as a group and with each of the manuscripts individually. However, for *Diseases of Women* nothing compels one to see the readings which later characterize Θ, M, or V in this part of the *Corpus* as already crystallized into separate and exclusive units.[34]

33. There are essentially two kinds of *κόκκοι*, those called "Cnidian" and those "of pepper" (8.192.9L and 202.15L or 206.12L); at times one can apparently omit the adjective "Cnidian" and assume that the reader will supply it (cf. 8.384.7L). One can also mix "Cnidian" *κόκκοι* with *Ἰνδικόν* (8.336.7L and 7.364.2L), and so it is here.

34. For other sections of the *Corpus*, see the results achieved by Rivier (above note 15) and Robert Joly, "La traduction latine du livre II du *Regime* et l'unité de la tradition Hippocratique," *AntCl* 33, 1964, pp. 45-47, in relating Θ and M. One should now see Helga (Trapp) Plieninger *Die Hippokratische Schrift De Natura Muliebri* (Diss. Hamburg 1967), and, announced as forthcoming, *Hippocratis qui fertur de morbis mulierum liber primus*.

PROCEDURES OF THE RECORD OFFICE OF TEBTUNIS IN THE FIRST CENTURY A.D.

Elinor Husselman

The papyri from Tebtunis published as *P. Mich.* II and V,[1] together with eighteen papyri from the same source purchased by the Società italiana per la ricerca dei papiri in Egitto (*PSI* 901-918),[2] form the major part of an archive of documents from the grapheion, or record office, of that village during the first half of the first century A.D. Two additional texts have been separately published.[3] There remain in the Michigan collection about fifty-five unpublished papyri, which with the one hundred and fifty-five noted above make the extent of the archive well over two hundred items. Many of the documents exist in two or more copies, the significance of which has been discussed in the introduction to *P. Mich.* V and in the introductions to the separate texts.

The importance of these documents for a reconstruction of the operations of a village record office during the early years of the Roman domination of Egypt was recognized by Boak and discussed by him in the two volumes of Michigan papyri. It was also treated by Angelo Segrè,[4] chiefly on the basis of a preliminary article by Boak[5] and of the limited number of texts in the Italian collection. This study will add little that is new, but it is hoped that it may make somewhat clearer many points that are obscure or confused because of the piece-meal method of publication.

It might be well first to summarize briefly what can be determined to be the organization and personnel of the grapheion at this time. It is clear that it was operated as a concession under lease. From at least 7 A.D., the date of the earliest document,[6] to 26 A.D. it was under the direction of Apion; and following his death in 25/26 A.D.,[7] it was taken over by his son, Kronion, who continued to operate it until 56 A.D.[8] An office operated by two members of the same family for a period of almost fifty years is clearly not liturgical. That it was held under lease is substantiated by *P. Grenf.* 141 (46 A.D. = *MChr.* 183),[9] in which a certain person makes a bid

1. *Papyri from Tebtunis*, Part I by A.E.R. Boak; Part II, by E.M. Husselman, A.E.R. Boak and W.F. Edgerton (Michigan Papyri, vols. II and V). Ann Arbor and London, 1933 and 1944.
2. *Pubblicazioni della Società italiana per la ricerca dei papiri greci e latine in Egitto*, vol. VIII 901-918, Firenze, 1927.
3. E.M. Husselman, "Two New Documents from the Tebtunis Archive," *TAPA* 81, 1950, pp. 69-77 (=*SB* 9109-10).
4. A. Segrè, "Note sul documento greco-egizio del grapheion," *Aegyptus* 7, 1926, pp. 97-107.
5. A.E.R. Boak, "The Anagraphai of the Grapheion of Tebtunis and Kerkesouchon Oros, Pap. Michigan 622," *JEA* 9, 1923, pp. 164-7.
6. *P. Mich.* 345.
7. P. Mich. Inv. 631 (=*SB* 9110).
8. *P. Mich.* 335 (56 A.D.) is the latest document in the collection and the only one subsequent to 52 A.D., the last year in which Kronion occurs with the title of nomographos (*P. Mich.* 354).
9. See below, note 13.

to sublease the grapheion of Soknopaiou Nesos and to submit the required reports.

The record office of Tebtunis included also the neighboring village of Kerkesoucha Orous and it was called *γραφεῖων Τεβτύνεως καὶ Κερκεσούχων Ὄρους* (*SB* 9109 and *P. Teb.* 383) or *τὸ ἐν τῇ κώμῃ καὶ Κερκεσούχων Ὄρους γραφεῖων* (*P. Mich.* 322a), or simply *τὸ ἐν Τεβτύνει γραφεῖων* (*P. Mich.* 266). Apparently associated with it in some way is the grapheion of Talei and other villages, since a number of documents from Talei and Theogonis are included in the collection. This grapheion is called either *τὸ γραφεῖων Ταλεὶ καὶ ἄλλων κωμῶν* (*P. Mich.* 251, 311, 312) or *τὸ γραφεῖων Ταλεὶ καὶ Θεογονίδος* (*P. Mich.* 287).

In the four documents in which Apion occurs with his official title it is *νομογράφος Τεβτύνεως* (*P. Mich.* 345, 7 A.D. and *P. Teb.* 586, 20/21 A.D.), *ὁ τῆς κώμης νομογράφος* (*P. Mich.* 233, 25 A.D.) and *νομογράφος Τεβτύνεως καὶ ἄλλων κωμῶν* (*SB* 9110, 26 A.D.).[10] Kronion, on the other hand, is referred to in 31 A.D. (*SB* 9109) as *ὁ πρὸς τὸ γραφεῖων Τεβτύνεως καὶ Κερκεσούχων Ὄρους* and in 36 A.D. as *ὁ τὸ γραφεῖων πραγματευόμενος* (*P. Mich.* 232). In 37 A.D., on the verso of an unpublished document (P. Mich. Inv. 648) he is addressed as *νομογράφος Τεβτύνεως*, and he bears this title also in subsequent documents (*PSI* 909, 44 A.D.; *P. Mich.* 338, 45 A.D.; 353, 48 A.D.; and 354, 52 A.D.). In the three documents from the grapheion of Talei in which the title of the official in charge is given (*P. Mich.* 251, 311, 312), he is called *ὁ πρὸς τὸ γραφεῖων*.

There is little evidence as to the precise meaning of the title nomographos,[11] and it is not possible to determine on the basis of the Tebtunis material that there is actually a difference in meaning between the two titles. We do know, however, that the grapheion served two functions. It was a writing bureau in which all kinds of documents were prepared for private individuals, and by which a fee, the *grammatikon,* was charged for this service. Attached to the office were various assistants, scribes and clerks, including some able to write demotic and in three instances one hired to write at night.[12]

More important from an administrative point of view was the responsibility of collecting into a *τόμος συγκολλήσιμος* copies of the contracts drawn up in the grapheion, and in addition of compiling abstracts of such contracts in the form of a roll, the *εἰρόμενον*, and of making a further list of these contracts by title alone, the *ἀναγραφή*.[13] It may be suggested that *νομογράφος* was the official title of the person who contracted to compile these records, while the person who simply operated a grapheion was styled *ὁ πρὸς τὸ γραφεῖων*. That both duties might be performed by one person is obvious. The title nomographos has not been found in connection with the grapheion of Talei and Theogonis, which was apparently subsidiary to that of Tebtunis. The only other mention of a nomographos in the Tebtunis records is to a certain Heronas, who figures in

10. *P. Teb.* 384, 10 A.D., reads in line 14: *ἔτους λθ Καίσαρος Μεσορὴ ις δι[ὰ] . . . σ.( ) νομογράφου*. This should probably be corrected to *δι[ὰ] Ἀπίων(ος) νομογράφου*.

11. The only significant reference appears to be *PSI* 1105, 173 A.D., a petition from a nomographos, who states that he is unable to pay the tax fixed by the Idios Logos for exercising the office. The editor points out that this confirms the view advanced by Koschaker (*Z. der Savigny-Stiftung*, 29, 1908, p. 17, note 2) that the nomographos was a public official, not a private scribe or notary.

12. Five demotic contracts with Greek subscriptions, as well as a receipt in demotic, are found in the archive. The necessity for employing a scribe to work at night is difficult to understand. Since two instances (123 verso, II.14 and 22) occur on the 12th and 17th of Tubi, the first month of the second quadrimester for which registers were compiled, and the third (123 verso, IX.29) is on the 20th of Sebastos, also the first month of such a four-month period, it is possible that the pressure of work involved in preparing the final copies of the reports required this additional assistance.

13. See Mitteis, *Chr.* 183, 46 A.D., in which the applicant for the sub-lease of the grapheion of Soknopaiou Nesos undertakes to prepare every four months *παντος του* (l. *πάντας τοὺς*) *δι' ἐμοῦ οἰκονομηθησομένους χρηματισμοὺς ἐν τόμου συνκολλοσίμου καὶ εἰρομένι ἐνὶ καὶ ἀναγραφῇ μιᾷ*.

Kronion's accounts.[14] His sphere of activity is not given, but he has official claims on Kronion's hospitality, and may have been connected in some official capacity with the *βιβλιοθήκη* in Arsinoe and have exercised some supervision over the office in Tebtunis.

Unfortunately there is no direct evidence for either the *βιβλιοθήκη δημοσίων λόγων* or the *βιβλιοθήκη ἐγκτήσεων* in the first half of the first century, nor is any supplied by the Tebtunis archive. Von Woess notes that the first mention of the *δημοσία βιβλιοθήκη* is in *BGU* 112 (after 59/60 A.D.) and that the *βιβλιοθήκη ἐγκτήσεων* is first met with in *BGU* 184 (72 A.D.).[15] Nevertheless the commonly accepted view appears to be that the former was established early in the Roman period and the latter shortly after the middle of the first century. It is also agreed that both were true archives in which documents of various types were deposited. The separate *βιβλιοθήκη ἐγκτήσεων*, which was concerned with transactions involving private property, may have become necessary because of the increase of private ownership under Roman rule and the great number of documents that would require care and storage. Although Mitteis, *Chr.* 183, cited above, gives us information about the registers the nomographos was required to compile, it offers no information as to their ultimate destination. The sub-lessee contracts merely to transmit them to the lessor, who either kept them, or dispatched them to the *βιβλιοθήκη δημοσίων λόγων* in the capital of the nome, if we accept the assumption that it was in existence at this time.

The view of Mitteis was that the original contracts in the form of the *τόμος συγκολλήσιμος* remained in the grapheion, while the *εἰρόμενον* and the *ἀναγραφή* were transmitted to the bibliotheke.[16] On the basis of the Tebtunis archive Segrè, followed by Boak, believed that the *eiromenon* and *anagraphe* as well as the original contracts, were retained in the grapheion. *P. Mich.* 121 is part of an *eiromenon* in its final form, with on its verso an index covering not only the abstracts on the recto, but also the transactions for the remainder of the four-month's period to be reported on.[17] *P. Mich.* 283 is a complete *anagraphe* of contracts, with the fees paid for their preparation, and it also covers a full quadrimester. Since these two documents were found in the grapheion archive, it would appear that they were not transmitted to the bibliotheke, unless, of course, an additional copy was made of each for deposit in the central archive of the nome. There is, however, no evidence to substantiate this hypothesis.

The question of the disposition of the original contracts is not so easily determined. The presence of so many contracts in the archive, even though nothing in the form of a *τόμος συγκολλήσιμος* was found, led both Segrè and Boak to the conclusion that such documents were also kept in the record office, but that through laxity on the part of the nomographos they were simply filed away without being assembled in rolls. Naturally, if such rolls were transmitted to the bibliotheke, nothing of the sort would be found in the grapheion archives. It may also be noted that among the individual documents, relatively few are complete contracts of the type that would have been incorporated into the *tomos*.[18] There are five demotic sales of property

14. 123 verso, V.21; VIII.35; 124 recto, III.15; and 127, I.5.

15. F. von Woess, *Untersuchungen Ueber das Urkundenwesen und den Publizitätsschutz im römischen Aegypten*, München, 1924 (Münchener Beiträge, 6 hft.). His discussion of the bibliothekai necessarily rests on evidence subsequent to the middle of the first century.

16. *Gründzüge*, pp. 63-5.

17. Boak estimated that at least three more rolls of the same length as 121 would have been required for the abstracts of all the documents listed in the index.

18. On the question of the many subscriptions without the body of the contract see *P. Mich.* V, pp. 3-11.

with Greek subscriptions,[19] and five complete leases, as well as nine other leases that have not yet been published. Otherwise the contracts lack subscriptions, have spaces left for additional information to be inserted, are rough drafts, or are receipts and other kinds of documents that are not recorded in the *eiromenon* or *anagraphe* as represented by 121 and 238. This evidence seems to lead to the conclusion that the *tomos*, made up of the original documents, was actually transmitted to the archives in Arsinoe, while the abstracts and lists were retained in the village record office.

There are other considerations that support this view. If we analyze the two complete reports covering the business of the grapheion during a four-month period, we find 247 entries in 121 (42 A.D.), and 239 in 238 (46 A.D.). This means that in the course of a year of normal activity close to 1000 contracts would have been made up into *tomoi* or otherwise filed; and that during the fifty years that the office was conducted by Apion and his son Kronion some 50,000 documents would have been accumulated. Since it is apparent that the office was maintained in the family home of Apion and Kronion and not in a public building, it seems hardly likely that a private house would have the facilities for storing such a collection of original documents.[20]

It also seems unreasonable to assume that all the records should be kept in one place, with nothing in the control of higher officials in the nome. Since the presence of the *eiromenon*, 121, and the *anagraphe*, 238, in the archive appears to demonstrate that these records remained in the grapheion, it is logical to assume, without evidence to the contrary in the archive, that the *tomos* was deposited in the bibliotheke. In the case of litigation the original copy of the contract would certainly have greater evidential value than an abstract made from it, and both its security and accessibility would be greater if it were kept in a place especially organized for that purpose. The abstracts and the *anagraphe* kept in the grapheion would enable the local official to locate quickly any document wanted, and information could then be transmitted to the bibliotheke, from which a certified copy could be obtained if necessary.

To sum up we may suggest the following conclusions. There were record offices in many villages, frequently serving several smaller communities in their immediate neighborhood. In these offices contracts and other documents were drawn up and registered by the official in charge, ὁ *πρὸς τὸ γραφεῖον*. Apparently a number of such grapheia were subordinate to a single office in one of the larger communities, to which they submitted the copies of the contracts they had prepared. This office, as in Tebtunis, was operated by the nomographos, whose responsibility it was to make abstracts of the contracts (the *eiromena*) and separate lists of them by brief title (the *anagraphai*), and then to collect the original copies into rolls and transmit them to the central archive in the metropolis of the nome.

The duplication of individual contracts was discussed in the introduction to *P. Mich.* V. The extensive duplication in the registers was also treated, chiefly in the introduction to *P. Mich.* 238, and also in notes on the various documents that were duplicated. Before the problems of the complicated relationships of these texts are taken up, they, as well as a number of others still unpublished, are here described and analyzed in the following table.

19. According to von Woess, *Urkundenwesen*, pp. 184-5, demotic documents drawn up by notaries in the temples had to be sent to Alexandria for registration. Whether such contracts as these, prepared presumably by a demotic scribe attached to the grapheion and provided with Greek subscriptions, were considered to be *δημόσιοι χρηματισμοί* and not subject to this regulation is uncertain.

20. *P. Fam. Teb.* 15 (*P. Lond.* 1885), part of which was originally published by H.I. Bell in *Archiv für Papyrusforschung* 6, 1920, pp. 100-104, illustrates the confusion into which the *βιβλιοθήκη ἐγκτήσεων* in Arsinoe had fallen by the beginning of the second century. Records had been damaged, destroyed and lost, and it became necessary to construct a new building in which they could again be properly stored. If the bibliotheke was not established till after the middle of the first century, the period of time in which such conditions had come about would have been no longer than that represented by the Tebtunis archive.

DATE	NUMBER	DESCRIPTION	CONTENTS	REMARKS
15 A.D.	P. Mich. Inv. 947	Single sheet of papyrus that may have formed part of a roll.	An *eiromenon* with the heading (ἔτους) β Τιβερίου Καίσαρος Σεβαστοῦ μηνὸς Σεβαστοῦ δ. Five abstracts follow, with the date $\bar{\epsilon}$ preceding the third. A single slanting line to the left marks each entry. The first two abstracts are *συγγραφαὶ τροφίτιδες*, the third a lease of a pottery; the last two are *ὁμολογίαι*, but have not yet been read.	This appears to be the beginning of a quadrimestrial register of the type of *P. Mich.* 121 recto. It is written on the verso of the papyrus, the recto being blank except for abbreviated names and signalments in the upper left corner (cf. *P. Mich.* 356) and a single name written upside down some distance below. There is some indication that other writing may have been expunged, but this is uncertain.
16 A.D.	*P. Mich.* 241	A narrow strip of papyrus, but complete.	An *eiromenon* with the heading (ἔτους) γ Τιβ[ε]ρίου [Καίσ]αρος Σ[ε]βαστοῦ μη(νὸς) Σεβ[αστ]ο[ῦ]. . Four abstracts follow, each marked by a slanting line to the left. No day dates, but see Boak's introduction. Abstracts are for a sale and relinquishment, two loans, and service in a pottery.	Written on the verso of a subscription (*P. Mich.* 346, 13 A.D.), which also has notes and memoranda on two contracts in the same hand as the *eiromenon* on the recto and probably on the same date.
17 A.D.	P. Mich. Inv. 940	Large sheet of papyrus, probably part of a roll. Very fragile, badly frayed and eroded.	Recto: *eiromenon*? Apparently one column broken off on left and illegible, followed by a second column, the left side of which is so defaced that it can only be identified as a series of abstracts by what appears to be a slanting check mark to the left of line 12. Verso: an *eiromenon* with the heading *ἀγαθῇ τύχῃ* (ἔτους) γ Τιβερίου Καίσαρος Σεβαστοῦ μηνὶ[(ὸς)]. Five entries are marked by double slanting lines to the left; the first is a lease, but the others have not been read. The badly frayed right side makes it impossible to determine whether there is the beginning of a second column or the lines of the first extend all the way across the sheet.	Although little has been read the entries on the verso do not correspond to those in the preceding register. If each register covered a period of four months, this must be the second or third quadrimester and hence be dated 17 A.D.
Before 26 A.D.	P. Mich. Inv. 949	Badly defaced sheet of papyrus, broken off on both sides. Probably part of a roll.	An *eiromenon*; one column broken off on left, with double slanting lines to the right indicating that another column followed. Part of the first two abstracts have been read; one is a contract for *ἐνοίκησις*, the second a resignation of claims to an inherited estate in return for dowry.	The hand and the general character of the papyrus make it probable that it was drawn up by Apion. Although no dates have been found, this would place it before 26 A.D.

DATE	NUMBER	DESCRIPTION	CONTENTS	REMARKS
33/34 A.D.	P. Mich. Inv. 950	Large sheet of papyrus, apparently complete. Frayed at the bottom and somewhat broken. Writing on recto much abraded.	Recto: apparently three columns of an *eiromenon*, all canceled by cross-hatching. The text is so badly effaced that little has been read, but a lease in column II mentions the coming *ακ* (sic) *ἔτους Τιβερίου Καίσαρος Σεβαστοῦ.* Verso: three columns. The first, very narrow, contains an abstract or preliminary draft of a loan, which is to be repaid in Pauni of the *εἰσιόντος ακ* (*ἔτους*). At the top of the second column is what appears to be the beginning of a document with the heading only: *ἔτους εἰκοστοῦ Τιβερίου Καίσαρος Σεβαστοῦ μηνὸς Γορπιαίου ιδ Ἐπὶφ ιδ ἐν Ταλεί*, etc., Below after a blank space of 14 cm. is the abstract of a lease of which only the first three lines are legible. In the third column, 10 cm. from the top, is an abstract or preliminary draft of a loan of barley.	The signatory in the loan in column I of the verso is Dios, son of Dios, who was also the scribe of *P. Mich.* 312 (34 A.D.). The lease in column II of the verso is probably the same as that for which the subscription is preserved in *P. Mich.* 316. The lessor, Ptolemaios, son of Apion, may now be identified with the person of the same name in a lease of public estates, *P. Mich.* 311 (34 A.D.).
36/37 A.D.	P. Mich. Inv. 939	Large sheet of papyrus, broken off on left, deeply frayed at top and bottom of left side, with writing much abraded.	Recto: *eiromenon* in three columns of which only the ends of the lines of the first remain, and column II is for the most part illegible. The third column contains abstracts of at least three leases. Canceled by cross-hatching. Verso: notes, not read, in lower left corner, and remains of ten lines of a brief index of contracts in upper right. Apparently subsequent to these notes, since the text is indented at the bottom to avoid those on the left and extends below those on the right, is what seems to be a preliminary draft of a document. Some faint lines may indicate that this too has been canceled.	The date is very uncertain although in two of the abstracts it may be possible to read *κγ* (*ἔτους*) *Τιβερίου*. Further study of the defaced text might provide a different reading. In two of the abstracts space has been left for the addition of information, in one for the name of the signatory and in the other for the identifying marks of one of the contracting parties.

37/38 or 41/42 A.D.?	P. Mich. Inv. 738	Sheet of papyrus badly frayed and broken off on right.	Recto: at the bottom and extending the width of the papyrus are 10 lines headed β (ἔτους) λόγος . . . . It does not appear to be an account like those in *P. Mich.* 123 verso, but more study would be necessary to clarify its significance. Above and to the right is the beginning of a column, almost illegible. The last line, which extends somewhat to the left, begins ἐμίσθωσε Χαίως Παποντῶτος and appears to be an unfinished abstract. Verso: Several items, obviously drafts and notes. Little has been read.	This appears to be in the hand of Kronion and, if so, the date must be the 2nd year of Gaius (37/38) or of Claudius (41/42).
42 A.D.	*P. Mich.* 121	Large roll, broken off on left but otherwise well preserved.	Recto: abstracts of contracts of all types drawn up in the grapheion of Tebtunis between Pachon 5 (April 30) and Pauni 3 (May 28) of the 2nd year of Claudius. Verso: Index of contracts from Pachon 3 (April 28) to Epagomenon 5 (August 28), including those on the recto.	Certainly the first column on the recto was broken off, and probably at least three more rolls of the same extent were used to contain the remaining abstracts for the four-month period covered by the index on the verso. Fifty abstracts are preserved and there are 247 entries in the index.
43 A.D.	*P. Mich.* 237	Badly damaged sheet, broken off on right.	Beginning of an *anagraphe* of contracts only, originally covering the first four months of the 4th year of Claudius, but preserved only through Phaophi 5 (October 2).	Since the right side is broken off, it is impossible to say whether the record of the γραμμάτικα was included, but this is probable, since the only comparable list that omits them is *P. Mich.* 121, in which the *anagraphe* is clearly simply an index to the abstracts on the recto.
45/46 and 46/47 A.D.	*P. Mich.* 123	Large roll, almost complete, but damaged. One column may be lost at end.	Recto: *anagraphe* of all types of documents drawn up in the grapheion for the 6th year of Claudius, with the *grammatika* noted and with periodic summaries of receipts and expenditures. Verso: accounts of the grapheion for the whole of the 6th year and the first four months of the 7th year of Claudius.	Duplicated in part in *P. Mich.* 125 and 128.
45 A.D.	*P. Mich.* 125	Single sheet, frayed and broken at lower edge.	At the top are 8 lines of accounts, followed after a blank space by entries for an *anagraphe* for the month Sebastos.	The *anagraphe* duplicates *P. Mich.* 123 recto, II.5-25.

DATE	NUMBER	DESCRIPTION	CONTENTS	REMARKS
45/46 and 46/47 A.D.	*P. Mich.* 128	Large sheet of papyrus, in bad condition.	Three columns with a confused arrangement, containing accounts of the first four-month period of the 7th year of Claudius, and an *anagraphe* of contracts partly of the 6th and partly of the 7th year.	The accounts are duplicated in *P. Mich.* 123 verso, the *anagraphe* in part in *P. Mich.* 123 recto and in part in *P. Mich.* 238, 240 and P. Mich. Inv. 3501.
45/46 A.D.	*P. Mich.* 127	Single sheet, broken off on right and with other breaks in the text.	Private accounts of Kronion for the first five months of the 6th year of Claudius.	
46 A.D.	*P. Mich.* 238	Long roll, complete and well-preserved.	An *anagraphe* of contracts only, in five columns, for the first four months of the 7th year of Claudius. The *grammatika* are noted.	Duplicated in part in *P. Mich.* 124, 126, 128, 239, 240, and P. Mich. Inv. 3501.
46 A.D.	*P. Mich.* 124	Large sheet broken off on right, badly frayed and rubbed.	Recto and verso: *anagraphe* of documents of all types drawn up in the grapheion, with records of the *grammatika* and summaries as in *P. Mich.* 123. Also one column of accounts for the month Neos Sebastos.	Entries for contracts are duplicated in *P. Mich.* 238. From a comparison of the two documents it is clear that recto and verso in the original publication should be reversed.
45/46 and 46/47 A.D.	*P. Mich.* 240	Two pieces of papyrus, each with one column of writing, badly worn along both edges.	An *anagraphe* of contracts only. No month dates, because left margins on both pieces are broken off.	Duplicated in part in *P. Mich.* 128, and in part in *P. Mich.* 238 and P. Mich. Inv. 3501.
46 A.D.	*P. Mich.* 126	Single sheet, somewhat abraded.	At the top is an *anagraphe* of the type of *P. Mich.* 123, containing entries for Phaophi 7 of the 7th year of Claudius. It is followed by a summary of a lease, and at the bottom is a brief account of bread.	The date is fixed by the correspondence of the contracts entered in the *anagraphe* with those of the same date in *P. Mich.* 238.
46 A.D.	*P. Mich.* 239	Narrow piece of papyrus, broken off at top and bottom.	Apparently preliminary compilation for *anagraphe* of the type of *P. Mich.* 123.	Duplicated in part in *P. Mich.* 238 and 124 verso.
46 A.D.	P. Mich. Inv. 3501	Narrow piece of papyrus, badly tattered and broken at the bottom.	Abstract of a loan, followed by an *anagraphe* of contracts only of the type of *P. Mich.* 238.	The *anagraphe* duplicates part of *P. Mich.* 128, 238 and 240.
49 A.D.	*P. Mich.* 122	Large sheet of papyrus, worn and broken.	Two columns of writing containing formulae for a report of contracts affecting titles to property drawn up during a period of three years and eight months. Includes formula for oath to be taken by grapheion official.	A narrow column on the verso is almost completely illegible. One entry on the recto, separated from the rest of the text by short horizontal lines, is probably a note made on the sheet before it was used for the main text.

From the above analysis it may be seen that the registers fall into four categories. First is the *εἰρόμενον*, containing abstracts of all contracts drawn up in the grapheion, arranged in chronological order. The most complete representative of this category is *P. Mich.* 121, and the index on the verso of this document shows that each *eiromenon* covered a period of four months. Other examples of *eiromena* are *P. Mich.* 241 and P. Mich. Inv. 939, 940, 949 and 950.

Second is the *ἀναγραφή* of such contracts, with the fee paid for their preparation, represented chiefly by *P. Mich.* 238, and also by *P. Mich.* 237 and 240 and P. Mich. Inv. 3501. It also covered a period of four months and is certainly the *anagraphe* that the nomographos was required to prepare according to Mitteis, *Chr.* 183.

Third is the *ἀναγραφή* in which all documents drawn up in the grapheion are listed, with the fees paid and with periodic summaries of such fees. Such an *anagraphe*, covering a full year of operation of the record office is *P. Mich.* 123 recto. Of the same type is *P. Mich.* 124. *P. Mich.* 125, 126 and 239 are apparently preliminary lists that would later be incorporated into the final copy of such an *anagraphe*.

Finally, associated with the preceding record, are the accounts of the receipts and expenditures of the grapheion, found on the verso of *P. Mich.* 123. Brief accounts of the same sort are found in *P. Mich.* 124, 125 and 128.

P. Mich. Inv. 738 can scarcely be classified, but it contains notes and drafts that must have been intended for use in compiling various registers or in preparing contracts. *P. Mich.* 127 is a personal account of Kronion, and *P. Mich.* 122 contains forms for drawing up what was apparently to be a special report on contracts affecting titles to property.

Of the *eiromena* in the collection four date from Apion's period of office. A noticeable feature in all of them is that each abstract has been checked off by a single or double slanting line to the left of the first line. Its significance is uncertain. It might have been made as each entry was recorded in the *anagraphe*; or it is equally possible that the original documents that made up the *τόμος συγκολλήσιμος* were checked off against it to insure that none had been inadvertently omitted.

Of the three documents attributable to Kronion no check marks are found in *P. Mich.* 121, which differs in format from the earlier *eiromena* prepared by Apion in that it is written in very long lines, the columns being on an average 70 cm. in width, while those in the earlier documents are scarcely a quarter of that width. P. Mich. Inv. 939 and 950, which date from the early years of Kronion's administration, are similar to those prepared by Apion. No check marks have been noted, but both documents are canceled by cross-hatching, which probably indicates that they had been copied into another register and then discarded. The versos of both documents were used for notes and preliminary drafts.

The *eiromena* and the *anagraphai* of the type of *P. Mich.* 238 are apparently those that the nomographos was required to prepare in addition to the *τόμος συγκολλήσιμος*. The complete record of the operations of the office, together with the summaries of receipts and the associated accounts, found in *P. Mich.* 123, was probably kept for the use of the operators of the grapheion, although it may well have been open for inspection and have formed the basis for the assessment of the lessor's payments.

No *anagraphai* have been found dating from Apion's period of office. Of those prepared by Kronion nine date from the sixth and seventh years of Claudius, and they are of particular interest because of the amount of duplication to be found in them. This is shown in the following tabulation, and an analysis of their relationship should throw some light on their purpose.[21]

21. The tables have been compiled as carefully as possible. A few more correspondences might be found by a re-examination of the texts, particularly since the very cursive hands and the dilapidated condition of many of the documents, made the original readings often doubtful, especially in the case of numbers and personal names. Such additions and corrections, however, would probably not change the conclusions given below.

P. Mich. 123	125	128	238	240	Inv. 3501
r. II. 5-19	15-28				
r. II. 20-24	10-13				
v. VIII. 34-42	II. 28-36				
v. IX. 1-7	II. 37-42				
v. IX. 8-11	I. 1-6				
v. IX. 12	II. 44				
v. IX 13-14	I. 8-9				
v. IX. 15	II. 45				
v. IX. 16-30	I. 10-25				
r. XXII. 47-49	II. 2-4				
	II. 5-27	1-21			
	III. 1-32	22-52			
	1-4				
	III. 34	5	53	9-10	
	III. 35	6	54	11	
	III. 26	7	46		
	8-11				
	Ib. 4	12-13	69-70		
	III. 36	14	55	12	
	III. 37	15	56	13	
	III. 38	16	57	14	
	17-20				
	III. 39	21	58	15	
	22				

128	238	240	Inv. 3501
II. 40	23	59	16
III. 41		60	17
III. 42, 44	24	61	18
III. 43	25	62	19
	26		
III. 45	27-28	63	21-22
Ib. 1		66	
Ib. 5		71	
Ib. 6		72	
Ib. 7		73	
Ib. 8	29	74	
	30-31		23-24
	32		25
	33		
			26
	34		27
	35		28
	36		29
	37		
			30
	38-45		31-38
Ib. 2	46		
	47-56		39-48?

238	124
57	v. II. 14
58-59	v. II. 16-17
60	v. II. 18?
61	v. II. 20?
62-63	v. II. 22-23
64	v. I. 12
65	v. II. 25
66	v. II. 27?
67-73	
74	v. II. 24?
75-82	
83	v. I. 2
84	v. II. 15
85-86	
87	v. II. 26
88	v. I. 13
89	v. II. 28?
90	v. I. 10
91-93	
94	v. I. 14
95	v. I. 15
96	v. I. 17
97	v. I. 18

238	239	124	126
98		v. I. 20	
99		v. I. 22	
100		v. I. 25	
101		v. I. 21	
102-106			
107		v. II. 30	
108	15		
109-111			
112		v. I. 4?	
113		v. I. 8	
114		v. I. 9	
115		v. II. 31	
116		v. II. 34	1?
117		v. II. 35	3?
118			9
119			10
120			11
121			12
122			13
123-124			
125		v. III.2?	
126		v. III. 3?	
127		v. III. 4?	
128		v. III. 5?	

238	239	124
129		v. III. 6?
130	1	v. III. 10
131	2	v. III. 11
	3-4	v. III. 12-13
132	5-6	v. III. 14-15
133		v. III. 19-20
134-135		
136	7	
137	8	
138-139	9-11	v. III. 16-17
140	12-14	v. III. 18
141-142		
143		v. III. 21-13
144		v. III. 24-25
145-146		v. III. 28-30
147		
148		v. III. 32-33
149		v. III. 38-39
150-153		
154		v. III. 40-41
155		v. III. 42-43
156-162		
163		r. I. 8
164		r. I. 9

238	124	238	124
165	r. I. 10-11	205	r. II. 14
166	r. I. 13	206	r. II. 16
167-168	r. I. 14-15	207	r. II. 17
169		208	r. II. 20
170	r. I. 17	209	r. II. 22
171	r. I. 19	211-247	
172	r. I. 20		
173	r. I. 22-23?		
174	r. I. 24		
175	r. I. 25		
176	r. I. 27		
177	r. I. 26		
178	r. I. 28		
179-94			
195	r. II. 3		
196	r. II. 4-5		
197	r. II. 6		
198	r. II. 7		
199	r. II. 8		
200	r. II. 9		
201	r. II. 10		
202	r. II. 11		
203	r. II. 12		
204			

The full *anagraphe* of the sixth year of Claudius, *P. Mich.* 123, is duplicated in part in *P. Mich.* 125 and 128. The few lines of accounts at the top of 125 are not found elsewhere, but the *anagraphe* duplicates 123 recto II.5-24. Boak considered that the discrepancies between the two are such that 125 cannot be regarded as a copy of 123 or as a temporary record, but that it was probably a list drawn up for some special purpose on the basis of the same documents. This seems rather unlikely. A large blank space was left between the accounts and the first entry of the *anagraphe*. When the bottom of the sheet was reached the entries were continued in the blank space above. This hardly seems the form in which a special list would be compiled. The variations in form and content are not significant and can easily be explained on the assumption that, when the items were transferred to the complete register, they were checked with the original documents or with the abstracts and corrected as necessary and expanded or condensed as the copyist thought fit.

The same may be said of *P. Mich.* 128, which appears clearly to be a preliminary compilation of data, drawn up early in the seventh year and containing some entries belonging to the sixth year as well. The accounts duplicate some of those in 123 for the last days of the sixth year and the first month of the seventh. That the accounts were not as carefully kept as the *anagraphe* is indicated by the arrangement of the columns on the verso of 123, although it is not impossible that these accounts were later checked and copied in more regular form in some roll that has not survived.

Only three entries in the *anagraphe* of 128 can be assigned with certainty to the sixth year. These are lines 2-4 in column II, which apparently agree with 123 recto, XXII.47-49. Lines 5-27 of column II and 1-32 of column III, however, are duplicated in *P. Mich.* 240. 1-52, where they precede the entries of the first of the seventh year, as shown by the correspondence of lines 53-63 with *P. Mich.* 238. 5-29. Since 123 is broken off on the right after column XXII, it is reasonable to assume that these entries would have been included in another column of 123 now lost. No correspondence between the entries for Epeiph, 128, II. 12-27, have been found in 123, but column XIX of that document is badly defaced and the possibility of their belonging there cannot be completely excluded without further examination. Of column 1b or 128 three entries are found also in 238 and 240, and four of the remaining five in 240 only.

It is clear, however, that 128 was a preliminary compilation of accounts and *anagraphe*, drawn up at the beginning of the seventh year and including entries that belong in both the sixth and seventh years. Many entries are out of the correct chronological arrangement, and the lack of year and month dates must have given the compiler some trouble in straightening them out for their proper placement in the final registers.

It is possible that *P. Mich.* 240 represents another step in the final compilation. The first 52 lines are apparently from the last month of the sixth year, and lines 53-74 belong to the beginning of the seventh. Although it covers part of two quadrimesters which would be reported on separately, the arrangement is more orderly than that of 128, and the items could be more easily transferred to the final copies.

Still another papyrus, the unpublished P. Mich. Inv. 3501, provides a third copy of the *anagraphe* for most of the first month of the seventh year. From its form it is clearly a preliminary copy, written on a narrow strip of papyrus, at the top of which is an abstract of a loan. It is badly worn and the bottom is deeply frayed, but although it has not been completely deciphered, it has been determined that it duplicates most of the items listed in 238.5-26.

P. Mich. 124 has three columns on both recto and verso. Because of its condition, frayed and much abraded, Boak published only the recto and column I of the verso. After it was found

that it duplicated much of 238.57-209, it was possible to read much of the remaining two columns on the verso, and also to determine that the verso should precede the recto as published. *P. Mich.* 124 is, however, an *anagraphe* of the type of 123 and includes all types of documents prepared in the grapheion; only the entries for contracts are entered in 238. The sequence of entries also varies considerably from that in 238, which possible indicates less care in preparing this type of record, kept perhaps for the personal use of the grapheion officials rather than for the use of the administration.

Two small documents, *P. Mich.* 126 and 239 provide still further duplication of 238. Both are certainly preliminary notes and memoranda. The former is of the general type of 123 and only the entries for contracts are found also in 238. The latter contains entries found in 124 verso as well as in 238.

If we try to make some order out of this chaos of duplicated records, we may draw the following conclusions. Early in the seventh year some preliminary entries were made on 128, both for the *anagraphe* and for the accounts. The accounts were transferred to the verso of 123, which contained accounts covering both the sixth year and the first four months of the seventh. The items entered in the *anagraphe* that recorded transactions in the latter part of the sixth year were transferred to 123 recto; those for the early seventh year were included in 238. Possibly as a step in the preparation of the final registers they were checked with the original documents or the *eiromenon* and put in proper chronological order in 240. *P. Mich.* 124 and 238, on the other hand are not duplicate registers, but represent the two types of *anagraphai* prepared for different purposes. The other papyri, *P. Mich.* 125 and 126, 239 and P. Mich. Inv. 3501, are simply brief preliminary notes and lists to be used in the compilation of the complete registers.

There are numerous variants in the several copies of the *anagraphai*, although most of them are minor and consist only of variations in the form of recording the information, differences in the spelling of names, and the omission of some descriptive words. Occasionally the description of a contract differs in the preliminary list from that in the final copy, when the fact that the date and the persons are the same makes it probable that the same transaction is being recorded. Entries in the preliminary lists are sometimes omitted in the complete register, and some entries in the latter are not found in the former. It is reasonable, therefore, to assume that the lists were checked with the original documents, or with the abstracts, before the official copy was drawn up.

The most puzzling divergence is in the amount of the *grammatikon* and in the indication of its non-payment. When the preliminary copies record the fact that the *grammatikon* is still owed, it is simple to assume that payment was made between the time of the first listing and the compiling of the final register. In a number of instances, however, the reverse is true, and the *grammatikon* given in the first record is noted as being owed in the last. Here we can only suppose that the payment or non-payment of the *grammatikon* could be checked against other records, just as entries in the *anagraphe* could be checked with the original documents or the abstracts. A number of apparent variations have been eliminated by a re-examination of the texts, but the results of such revision are not sufficiently significant to warrant the time and effort that would be required to check them. In the end we should probably have to admit that some discrepancies must be attributed to simple human error.

Whether these preliminary notes, compilations, and rearrangements were all normal steps in the preparation of the *anagraphe* cannot, of course, be determined. That in this archive all except one date from the first quadrimester of the seventh year of Claudius may be the result of pure chance. It is interesting to note, however, that it is in the course of the sixth year that we

encounter a second official of the grapheion associated with Kronion. This is Eutycheides, also known as Eutychas, who also occurs in *P. Teb.* 383. In this document, dated 46 A.D., registration is made through Euthcheides and Kronion, with Kronion adding his signature. By the sixth year of Claudius Kronion had been in charge of the grapheion for twenty years, and he had probably been as assistant of his father, Apion, for some years prior to the latter's death. It is possible that by this time he felt the need of assistance in the operation of the office and that Eutycheides was being trained in the duties he would be required to perform. Perhaps these preliminary notes and compilations were necessary for someone who had not yet acquired the proficiency of his predecessor. Whether Eutycheides ultimately succeeded Kronion as nomographos and thereafter kept the records in his own home is a matter of speculation only.

BGU 19 AND THE LAW OF REPRESENTATION IN SUCCESSION

Ranon Katzoff

BGU 19 (=*MChr.* 85) is the copy of a verdict given by a certain Menander, former basilicogrammateus, serving as κριτής in 135 A.D. by delegation of the prefect Petronius Mamertinus.[1] The verdict includes a short account of the delegation of the case to him, his letter to the prefect explaining the case and asking for instructions, the prefect's answer, and Menander's final verdict. The case concerns the claim of the plaintiff, an Egyptian woman,[2] to succession to that part of her deceased paternal grandmother's estate which would have fallen to her father, had he not predeceased the grandmother. In other words, she wishes to "represent" her deceased father in the division of the grandmother's inheritance. The defendants are, of course, other descendants of the grandmother – an uncle and a cousin of the plaintiff. When the case came before Menander, the plaintiff demanded to represent her father by virtue of a grant, χάρις, of Hadrian giving the right of representation to Egyptians. In support of her claim she produced as a precedent a decision of the epistrategos of 134, Gellius Bassus, part of which is quoted.[3] Menander then asked the prefect whether Hadrian granted this right, and, in view of the fact that the grandmother died before the grant, whether the grant was retroactive. The prefect instructs Menander to follow the grant and rule for the plaintiff.

Precisely to whom the grant was addressed and what its legal background was, is not at first apparent from the papyrus. The common opinion on the subject dates back to Mommsen's article in *SZ* 14, 1893, pp. 1-10. He took as his starting point the question Menander asked the prefect – εἰ [κ]αὶ «αι» Αἰγυπτίων υἱωνοῖς καὶ ὑϊδ[αῖ]ς δέδοται| τὰ μαμμῷα [δι]ὰ τῆς τοῦ κυρίου Ἀδριανοῦ Καίσαρος χάριτος (I. 6-7). From the first καὶ he inferred that the χάρις was mainly intended for some group other than Egyptians, and that Menander is asking whether it is to be extended to Egyptians as well. Who, then, he asks, were the direct beneficiaries of the grant? They could not be the Romans, for Roman law did not allow the inheritance of a mother's estate at all before Marcus Aurelius, and not of a grandmother's until Justinian. Therefore the recipients must have been the Alexandrian Greeks. Given this, Mommsen could then reconstruct the law of inheritance as follows. Until Hadrian both Greeks and Egyptians could succeed their mothers. Hadrian by his grant allowed the Greeks alone to succeed their grandmothers as well. This was confirmed in the decision of Gellius Bassus the epistrategos cited as precedent.

1. I wish to express my gratitude to Professor A. Arthur Schiller, under whose direction this study was written.

2. I use "Egyptian" in the sense the papyrus uses Αἰγύπτιος, all residents of Egypt who were not citizens of Rome or of the autonomous Greek cities. Cf. E. Bickermann, *Archiv* 8, 1927, pp. 216ff. and 9, 1930, pp. 24ff.

3. This is certainly a precedent and not a previous decision in this same case. If it were the latter we could hardly explain the appearance of the case before Menander. Furthermore, the decision of the epistrategos awards the inheritance τοῖς ἐκείνου τέκνοις (II. 6) in the plural, not in the singular as would be required in our case.

Then the plaintiff requested that the grant be extended to Egyptians too, and that it be considered retroactive in force. Though, Mommsen says, neither of these requests would have been covered by the grant itself, the prefect used his legislative power, both to extend the grant, and to make it retroactive. Twenty years later, Hans Kreller subjected the entire question of representation in the law of the papyri to a searching review.[4] He found no conclusive evidence on the subject from any other papyri and concluded that the reconstruction of the law must rest on *BGU* 19 alone. After critically examining five alternative reconstructions, he settled on Mommsen's interpretation, and so the matter has stood.[5]

The necessary implications of Mommsen's historical reconstruction were drawn by Mitteis.[6] Accepting Mommsen's theory, he points out that accordingly before Hadrian's grant neither Greek nor Egyptian law would have allowed representation of deceased heirs. Now, we have no information, he says, on the Egyptian law, but in Greek law of classical times there definitely was representation in the inheritance of a grandfather. The conclusion must then be drawn that the Greek law, at least, distinguished between the estates of deceased men and women with reference to representation, allowing it in the case of a grandfather, and not in the case of a grandmother; and that this distinction was maintained as late as Hadrian's time. Thus far the Mommsen-Mitteis theory.

The distinction which Mitteis finds, however, between men and women seems illogical. Whether or not representation is allowed depends on the notion of the nature of the personality of the deceased primary heir, or of the nature of the relationship between the secondary and the primary heir and the *de cuius*. Thus the sex of the heirs could conceivably affect the law of representation. The law should not be affected, however, by the sex of the *de cuius*.

There are further difficulties in the interpretation of the papyrus that arise from the Mommsen-Mitteis theory: 1) What could have been the motive of Hadrian in allowing the Greeks to succeed not only their grandfathers but also their grandmothers? The grant is particularly surprising in view of the conflict with Roman law which is thus created. We could hardly explain this as a desire to iron out an anomaly in Greek law many centuries old, and as an aspect of Hadrian's famous philhellenism. 2) Although, according to Mommsen, the grant was given only to Greeks, the judge's statement of the plaintiff's plea certainly sounds as if the grant was in fact given to Egyptians (*τῇ χάριτι τοῦ . . . Αὐτοκράτορος | καὶ Αἰγυπτίοις συγκεχωρημένου τὰ μαμμῷα κληρονομεῖν*, I. 21-II.1). 3) What, in the Mommsen-Mitteis interpretation, is the function of the citation of the epistrategos' decision, to support the grant to the Greeks, or to support the request for the extension to Egyptians? If it is the former, then in the description of the epistrategos' judgement, *κεκρικότος καὶ τοὺς τῶ[ν] | παίδων παῖδας μετουσίαν ἔχειν τῆς τῶν μαμμῴων κληρονομίας* (II. 2-3) the *καὶ* is misplaced. For according to Mommsen-Mitteis the grant was to extend the right of representation also to the grandmother's estate, so that the phrase should read *μετουσίαν καὶ τῆς τῶν μαμμῴων κληρονομίας*. One might attempt the answer that in the particular case of the epistrategos the result of the grant was to allow also the grandchildren to share in the inheritance. However, we must keep in mind that this phrase is Menander's statement of the legal implications of the decision as they apply to the case before himself, and is not the epistrategos' phrase. If on the other hand, the case is cited to support the extension of the grant

4. *Erbrechtliche Untersuchungen auf Grund der Graeco-Aegyptischen Papyrusurkunden*, Leipzig and Berlin, 1919, pp. 158-164.
5. Cf. Taubenschlag, *Law*[2], p. 187 n. 14.
6. *Hermes* 30, 1895, pp. 583 f.

to Egyptians, then the main point is missing, for nowhere is the nationality of the principals in the epistrategos' case mentioned.

I believe we can avoid all these difficulties by the following reconstruction of the legal background. Both Greek and Roman law had the institution of representation, with no sex distinctions at all. That is, with certain exceptions, the heirs of a deceased heir normally took his place in whatever inheritance would have fallen to that deceased heir had he remained alive. In Egyptian law, on the other hand, I suggest, the notion of representation was completely absent. Hadrian's grant introduced the notion to Egyptian law, thus allowing grandchildren too to share in the inheritance of their grandparents. Hadrian's motive for this would be to extend Roman law in this area and to achieve greater uniformity of legal institutions in the empire. Thus the judge correctly speaks of Hadrian as having in fact made this grant to Egyptians. The repeated reference to *τὰ μαμμῶα* was retained simply because Greek has no neuter term for "grandparent." Thus the judge's question to the prefect (I. 6-7) quoted above should be understood not as "Is Hadrian's grant to be extended also to Egyptians? " but rather, "Did Hadrian's grant give to Egyptians too what the Romans and Greeks had all along, the institution of representation? "

But if this was explicitly Hadrian's grant, what then was the doubt in the mind of Menander? I believe the explanation might lie in the form of Hadrian's grant. Although Mitteis refers to the grant as an edict, the fact remains that the vast majority of imperial constitutions known from the papyri are rescripts and decrees,[7] addressed to individuals. Aside from any other considerations, then, we should first think of the grant as having been given in a rescript or decree addressed to an individual Egyptian. The problem facing the judge, then, was whether to consider the emperor's decision to be a precedent for general application or a *privilegium*, a favour (*χάρις*) granted only to that particular individual,[8] in other words, whether it was issued *generaliter* or *specialiter*. This would indeed by a problem with all rescripts and decrees of the emperors.[9]

We now can understand why the decision by the epistrategos was added to that of the emperor, namely, to show that the grant was being generally applied. We also understand now why the nationality of the principals in that case was not mentioned. Since the entire discussion concerned only a grant and its application to Egyptians, it was obvious that the people involved here were Egyptians. Why this decision was not enough to convince Menander remains a puzzle, though minor. Perhaps he felt that this was too important a matter (*καθολικόν*, I. 5) to rely on a decision of an epistrategos. More important, he may also have been deterred by the newness of the legal change. Mommsen dated Hadrian's grant to the year of his visit to Egypt, 130, Gellius Bassus is known as epistrategos in 134/5, and the case came before Menander in February 135.[10]

7. Cf. R. Taubenschlag, "The Imperial Constitutions in the Papyri," *JJP* 6, 1952, pp. 121-142. He avoids classifying the constitution in *BGU* 19.

8. For *χάρις* as *privilegium* cf. *P. Lond.* 1912.58; *SB* 7601 c 5; *P. Fouad.* 21.15; and R. Taubenschlag, "Die kaiserlichen Privilegien im Rechte der Papyri," *SZ* 70, 1953, pp. 277-298.

9. W.W. Buckland, *Textbook*, pp. 19f.

10. This whole interpretation depends, of course, on confirmation, or at least on lack of disconfirmation, of my proposal that native Egyptian law did not have the institution of representation. I find nothing on the matter in Seidl's three volumes on Egyptian law. Taubenschlag, *Law*^{2}, p. 185, says that in Egyptian law "grandchildren represented their deceased parents." His references for this, however, are confined to Kreller, who, as I have mentioned in the text, had to base his conclusions on our papyrus alone, and to P. Yale Inv. No. 222.8 and 225.20 (now = *SB* 9317 a and b), which, dating from 148, show the situation as it was after the changes in the law indicated by *BGU* 19. Indeed, the editor of the Yale papyri, A.M. Harmon, "Egyptian Property Returns," *Yale Classical Studies* 4, 1934, p. 145, tells us that the relevant phrase "*νἰωνοὺς ἐξ ἑτέρων τέκνων οὐκ ἐχούσης* (222.8)"

If, then, my interpretation of the papyrus is correct, we have results in two areas. First, we gain more accurate information on the law of succession among the Greeks and the Egyptians. The Greeks had always the rule of representation in the estates of both grandfathers and grandmothers. The Egyptians did not have the rule at all until Hadrian. Secondly, we gain a nice example of the manner in which imperial rescripts were used in court as precedents.

is new, which would tend to support my thesis. Reinmuth's statement in *The Prefect of Egypt from Augustus to Diocletian, Klio* Beiheft 34, Neue Folge Heft 21, Leipzig, 1935, p. 106 concerning our papyrus, that the prefect "decided a case of succession among Egyptians in accordance with native law," is wrong.

The only writer I have found who takes the papyrus generally as I do is Dareste, in *Journal des Savants*, 1895, p. 22, who describes this papyrus briefly in his review of *BGU I*. Mitteis's brief sentence in his *Grundzüge* 233 can also be taken to agree with my thesis. However, in view of his remarks in *Hermes* 30, 1895, pp. 583f. and the lack of any indication that he changed his opinion, it is not probable that he does.

ZWEI PAPYRUSURKUNDEN AUS DER GIESSENER SAMMLUNG
(Ein Ehevertrag und eine Strafanzeige wegen Gewalttätigkeit)

E. Kiessling

Bei den beiden Texten handelt es sich um zwei Papyri Jandanae der Universitätsbibliothek Giessen: P. Jand. Inv. Nr. 155 und P. Jand. Inv. Nr. 302.[1]

I. Der zuerst gennante Text ist ein Ehevertrag, in dem die güterrechtlichen Verhältnisse der Ehegatten geregelt werden. Er ist im Jahre 1907 durch das deutsche Papyruskartell erworben worden (Höhe: 11.8 cm.; Breite: 15.5 cm.).[2]
Herkunftsort: Theadelphia.

Datum: 14. Juni 114 n.Chr.

[Ἀντίγρ]αφον ὁμολ[ογίας ⌊]ιξ Α[ὐ]τοκρά[τορ]ος Καίσαρος Ν[έρουα]
[Τραιανοῦ Σεβαστοῦ [Γερ]μαν[ι]κοῦ Δακικ[ο]ῦ, Παῦνι κ̄, ἐν Θεαδε[λφίᾳ]
[τῆς Θε]μίστου μερί[δ]ο[ς το]ῦ Ἀρσ[ωο]ει[του ν]ομοῦ. Ὁμολογεῖ ὁ
[Μύστης] Τιθοείους (?) [Πέρ]σης τῆς ἐπ[ιγονῆς ὡ]ς ἐτῶν πεντήκο[ντα..]
5 [...οὐ]λῇ παρὰ ταρσ[ὸν δεξι]ὸν τ[ῇ προούσῃ κ]αὶ συνούσῃ αὐτῶι[γυ]ν[αικὶ]
[Ταμαρ]ε[ῦ]τι Μάρωνο[ς ὡς ἐτῶν τεσσαράκο]ντα ἑπτὰ οὐλῇ κα̣ρ̣[π]ῷ [δεξιῷ]
[μετὰ] κυρίου τοῦ ἑαυτ[ῆς - - - -] φαι [- - - - - - - - - - - -]φ̄[...]ωνσεως
[ὡς ἐτῶ]ν τεσσαράκον[τα- -οὐ]λ[ῇ δακτύ]λῳ μικρῷ χιρὸς ἀριστερᾶς [ἔ-]
[χειν πα]ρ᾽α[ὐ]τῆς ἔτιπ[....]..[ ]δ[ω]σι κατὰ τήνδε τὴν ὁμο[λογίαν ἀργυ-]
10 [ρίου δ]ραχμὰς δια[κοσία]ς χωρὶς ἧς ὀφι[λει] ὁ Μύστης τῇ Ταμαρ̣[εῦτι]
[κατὰ συ]νγραφὴν ὁμ[ολογία]ν γάμου τὴν διὰ τοῦ αὐτ[ο]ῦ γραφί[ο]υ [τελει-]
[ωθεῖσα]ν φερνῆς α[...].ἀργυρίου δραχμῶν τεσ[σ]α[ρ]άκοντα[
[- - - -]ρ.ι..ως.. [- - - - - - - - τὴν] φερ[νὴν] ἀργυρίου δραχμ[
[- - - - -]..[τ]εσσαρ[άκοντα - - -] καὶ παράφερνα. [Σ]υνβιούτωσ[αν οὖν]
15 [ἀλλήλ]οις [ἤ]τε Τ[αμαρεῦς κ]αὶ Μύστης καθότι κ[αὶ π]ρότερον συν[ῆσαν].
[Ἐὰν δὲ] διαφο[ρᾶς αὐτοῖς γεν]αμένης χ[ω]ρ[ίζονται ἀ]π᾽ ἀλλήλ[ων]
[οἱ γα]μ̣[οῦντες ± 11 Bstb.]τ̣ω.ν Ταμ[± 11 Bstb.] αὐτῆς ..[
[- - -].σ.[- - - - - - - - - -] ἀπο[δό]τωι ὁ [Μύστης τῇ Ταμαρ]εῦτι τὰς.[
[- - -].φ.[- - - - - - - - - - - - -

1. Nach den erhaltenen Buchstaben kann es sich nur um den Kaiser Trajan handeln. Er nannte sich nach dem ersten dazischen Feldzug [101-102 n.Chr.] Γερμανικὸς Δακικός, vgl. P. Bureth, *Les titulatures impériales dans les papyrus, les ostraca et les inscriptions d'Egypte (30 a.C.-284 p.C.)*, 1964, S. 51 f. Das Vorkommen des Titels Δακικός im 3. Regierungsjahr des Trajan, das Bureth allerdings mit einem ? versieht, ist unrichtig. In *BGU* 829.16 muss es sich daher bei L γ (= 99/100 n.Chr.) um eine falsche Lesung handeln.

4. Τ̣ι̣θ̣ο̣ε̣ί̣ο̣υ̣ς̣, Lesung ist sehr zweifelhaft. – Nach *πεντήκο̣[ντα ..]* |5 [...ist eine Zahl mit 5 Buchstaben zu ergänzen: etwa *ἐννέα* oder *πέντε*.

5. *ταρσός*, vgl. *P. Mich.* 121 r Col. II 1.1; Col. III.1.3; Col. IV 4.2 [42 n.Chr.] – Zur weiteren Ergänzung der Zeile vgl. z.B. *BGU* 252.4 [98 n.Chr.]: *τῇ προούσῃ καὶ συν[ο]ύσῃ αὐτῶι [γ]υναικὶ Ταarπαγάθῃ.*

6. *τεσσαράκο]ν̣τ̣α*, mŏglich auch *πεντήκον]τ̣α.*

7. Viell. zu ergänzen: *ἑαυτ[ῆς συγγενοῦς.* – Φαι̣ oder Φαῃ wohl Anfang eines Personennamens.

8. Nach *τεσ̣σ̣αράκο̣ν̣]τα* viell. Raum für ἓξ vorhanden.

9. Viell. zu ergänzen: *ἔ̣τ̣ι̣ π̣[άλαι, ἃς καὶ ἀπο]δ[ώ]σι*, vgl. *P. Teb.* 38(.19 [12 v.Chr.]. *BGU* 1045 Col. I.11; Col. II.11 [154 n.Chr.].

10. *χ̣ω̣ρ̣ὶ̣ς̣ ἧς ὀφ̣ί̣λ̣ει*, vgl. z.B. *BGU* 664.6 [I.]. *P. Flor.* 24.12 [II.].

11. Das Schluss *-ν* bei *ὁμ[ολογία]ν* ist wohl ein Schreibfehler, vgl. *UPZ* 123.6[157/56 v.Chr.]. *P. Lips.* 27.16 [123 n.Chr.]. – *[τελει-]* |12 *[ωθεῖσα]ν̣*, vgl. *P. Warren* 9.16 [109 n.Chr.]: *καθ' ὁμολογίαν τὴν διὰ τοῦ κτλ. γραφείου τελειωθεῖσαν.*

13. Ungefähr zu ergänzen: *ὥσ̣τ̣ε̣ [εἶναι ἐπὶ τὸ αὐτὸ τὴν] φερ[νὴν] ἀργυρίου δραχμ̣[ὰς δια-]* |14 *[κοσίας τ]ε̣σ̣σ̣α̣ρ̣[άκοντα··]*, vgl. *P. Oxy.* 496.4 [127 n.Chr.].

16. *γεν]α̣μ̣έ̣ν̣η̣ς* anstatt *γεν]ομένης.*

19. u. 20. Nach *CPR* 27.19 [190 n.Chr.] ist etwa zu ergänzen: *[ἐπὶ μὲν τῆς ἀποπομπῆς παραχρῆμα ἐπὶ δὲ τῆς ἐκουσίου ἀπαλλαγῆς ἐν ἡμέραις τρι]άκοντα[[ἀφ' ἧς ἐὰν ἀπαιτηθῆι, τὰ δὲ παράφερνα παρα]χρῆμα [···*

Abschrift eines Vertrages, errichtet am 20. Pauni des 17. Regierungsjahres des Autokrator Kaiser Nerva Trajanos Sebastos Germanikos Dakikos in Theadelphia, gelegen im Themistos-Bezirk des Arsinoitischen Gaues.

Es erklärt *Mystes*, Sohn des Tithoes (?), *Πέρσης τῆς ἐπιγονῆς*, ungefähr 59 (oder 55) Jahre alt, Narbe an der rechten Fussohle, seiner jetzigen und mit ihm zusammenlebenden Ehefrau *Tamareus*, Tochter des Maron, ungefähr 47 (oder 57) Jahre alt, Narbe am rechten Handgelenk, mit ihrem Frauenvormund N.N. im Alter von ungefähr 40 (oder 46) Jahren, Narbe am kleinen Finger der linken Hand, dass er von ihr nach dem vorliegenden Vertrag 200 Silberdrachmen erhalten habe [, welche er ihr zurückzahlen werde (?)] ausser der Mitgift von 40 Silberdrachmen, welche der Mystes der Tamareus gemäss dem im gleichen Notariat errichteten Ehevertrag schuldet.

Von Zeile 13 ab ist der Text derart zerstört, dass eine zusammenhängende Uebersetzung unmöglich ist.

Die Transkription des schwer lesbaren Textes war nur möglich durch die zahlreich erhaltenen Eheverträge, wie z.B. durch den Ehevertrag *CPR* 27 [190 n.Chr.], der ebenfalls aus dem Fayûm stammt.[3]

3. Ausführliche Literaturübersicht bei R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri*, 2. Aufl., Warschau, 1955, S. 101-102; dort insbesondere H. J. Wolff, *Written and Unwritten Marriages in Hellenistic and Postclassical Roman Law*, APA Monograph IX, Haverford, 1939. Derselbe, "Die Grundlagen des griechischen Eherechtes," *Tijdschr. v. Rechtsgesch.* 20, 1952, S. 1 ff. Ferner J. Modrzejewski, "Note sur *P. Strasb.* 237. Une contribution au problème de l'*ἄγραφος* et *ἔγγραφος γάμος*," *Eos* 48, fasc. 3 = *Symbolae R. Taubenschlag* III, 1957, S. 139-154. – P. W. Pestman, *Marriage and Matrimonial Property in Ancient Egypt, P. Lugd. Bat.* IX, Leiden, 1961. Kürzlich erschienen ist die Freiburger Dissertation von G. Häge, einem Schüler von H. J. Wolff, über die *Ehegüterrechtlichen Verhältnisse in den griechischen Papyri Aegyptens bis Diokletian, Graezistische Abhandlungen* III, Weimar, 1968.

Das Schema der Urkunde entspricht im allgemeinen dem der uns bekannten Eheverträge, in denen die güterrechtlichen Verhältnisse der Ehegatten geregelt werden. Das Besondere unseres Ehevertrages liegt darin, dass es sich hier um einen Nachtrag eines im selben Notariat in Theadelphia errichteten Vertrages handelt, in dem die Mitgift nur auf 40 Silberdrachmen festgesetzt war. Aus der Erhöhung der Mitgift um 200 Silberdrachmen hat sich die Notwendigkeit eines Nachtragvertrages ergeben. In Zeile 14 f. wird betont, dass die Erhöhung der Mitgift auf die im ersten Vertrag übernommenen ehelichen Verpflichtungen ohne Einfluss sein solle. Das Ehepaar soll weiter ehelich zusammenleben wie seither.

Von Zeile 16 an werden dann die finanziellen Belange nach Auflösung der Ehe geregelt. Da unser Text aus dem Fayûm stammt, wo es Regel ist,[4] dass der schuldige Ehemann die *φερνή* sofort zurückgeben muss, während der unschuldig befundene Ehemann eine Rückstellungsfrist von 30 Tagen hat, können wir auch bei unserem Text eine solche Regelung voraussetzen. Einzelne Wörter, die in dem stark fragmentierten Schlusstück unserer Urkunde noch lesbar sind, geben uns weitere Anhaltspunkte hierfür. So steht in Zeile 19 *ἐν ἡμέραις τρι]άκοντα*, in Zeile 20 *παρα]χρῆμα[*, was sich hier allerdings auf die *παράφερνα* beziehen mag. Der Ehefrau leistet bei der Errichtung des Ehevertrages ein *κύριος* Beistand, wie es in dieser Zeit üblich ist.

Eine freiere Stellung der Frau finden wir in dem bekannten griechischen Ehevertrag vom Jahre 311 v. Chr.[5] Bei diesem Vertrat stammen alle Beteiligten aus Grossgriechenland, wo sich im Gegensatz zu der strengen Oikosordnung des Mutterlandes schon früh eine grössere Selbständigkeit der Frau entwickeln konnte. Auch werden in den Verträgen, die in Steininschriften der Kykladeninseln Tenos und Mykonos erhalten sind, ähnliche vermögensrechtliche Regelungen getroffen wie in dem Papyrus aus Elephantine.[6] Warum in den späteren Eheverträgen aus Aegypten ein Frauenvormund in Erscheinung tritt, konnte bis heute noch nicht überzeugend nachgewiesen werden.

II. Die zweite Urkunde ist eine Strafanzeige wegen Gewalttätigkeit. Sie ist im Jahre 1926 in Madinet el-Fayûm erworben worden. Die Höhe beträgt 11 cm., die Breite 14 cm.
Datum: 30. Juni 258, 259 oder 260 n.Chr.
Der Text lautet:

1 [L .Αὐτοκρα]τόρων Καισάρων Πουπλίου Λι[κι]ν̣ν̣ίου Οὐ[αλεριανοῦ καὶ Πουπλίου Λικιννίου Οὐαλεριανοῦ Γαλλιηνοῦ]
2 [Γερμανικ]ῶν Μεγίστων Εὐσεβῶν Εὐτυχῶν καὶ Πουπλ[ίου Λικιννίου Κορνηλίου Σαλωνίνου Οὐαλεριανοῦ τοῦ ἐπιφα-]
3 [νεστάτου] Καίσαρος Σεβαστῶν Ἐπεὶφ ς̄
4 [.....Α]ὐρήλ[ιο]ς Ἀλέξανδρος ὁ καὶ Διογένης Ἀντινοεὺς Ὀλύμπ̣[ιος (?)

5 [.....].....πεπονθέ̣ναι ὑπὸ Αὐρ[ηλ]ί̣ου Ἑρμ[ο]γένους[Es folgt wohl eine weitere Personalangabe.
6 [ἀπ' Οξυρυγχ]ιτῶν π̣όλεως καὶ ἰν' ὑπάρχῃ α̣ὐτῷ ἡ ἐκ[δικία
7 [.....]...αὐτῶν συσταθῆναι ἐν δικαστηρίῳ αἰτούντω̣[ν

4. Z.B. *CPR* 27; vgl. Mitteis, *Grdz.*, S. 219.
5. *P. Eleph.* 1.
6. W. Erdmann, *Die Ehe im alten Griechenland, Münchener Beitr. z. Papyrusforsch.* XX, 1934, S. 313 f. – Es ist bedauerlich, dass wir über das Eherecht in den Städten Grossgriechenlands so wenig orientiert sind und deshalb immer wieder auf die zum Teil anders gearteten Verhältnisse des griechischen Mutterlandes zurückgreifen müssen.

Aurelius Alexander, der auch Diogenes heisst, beantragt in diesem Text die Bestrafung des Aurelius Hermogenes aus Oxyrhynchos wegen einer Gewalttat, die dieser ihm zugefügt hat. Er verlangt ein gerechtes Urteil in einem gerichtlichen Verfahren.

Besonderer Betrachtung wert ist die Datierungsformel. Sie enthält zwei Kaisertitel. Der erste bezieht sich auf den Kaisen Valerian und ist zum grössten Teil erhalten. Der Kaiser regierte von 253 bis 260 zusammen mit seinem Sohn Gallien, dessen Titel in unserer Urkunde ergänzt werden muss. Die Beinamen *Γερμανικοὶ Μέγιστοι* haben sich die beiden Kaiser nach dem Germanenfeldzug [254] beigelegt.[7]

Der Papyrus ist auf der linken Seite gleichmässig im Umfang von etwa 8 Buchstaben abgerissen. Nach der mit Ausnahme der Jahreszahl sicheren Ergänzung des Anfangs der ersten Zeile[8] müssen auf dem zerstörten Teil zu Beginn aller folgenden Zeilen auch etwa 8 Buchstaben gestanden haben. Die zweite Zeile ist daher mit *[Γερμανικ]ῶν Μεγίστων* zu ergänzen.

In dieser zweiten Zeile wird ferner durch das *καὶ Πουπ[λίου* einer der beiden Söhne des Kaisers Gallien in der Datierung als Caesar angefügt. Es gibt zahlreiche Belegstellen in den Papyri, in denen Gallien einmal zusammen mit seinem älteren und zum anderen mit seinem jüngeren Sohn erwähnt wird.[9] Für die Datierung unseres Textes ist es von Bedeutung festzustellen, um welchen der beiden Kaisersöhne es sich handelt.

Der ältere Sohn hiess Licinius Cornelius Valerianus, der jüngere P. Licinius Cornelius *Saloninus* Valerianus (Saloninus genannt nach seiner Mutter Cornelia Salonina).[10] Für den ersten Teil der Datierungsformel, in der die beiden Kaiser als *Γερμανικοὶ Μέγιστοι* neben einem der Caesaren in Erscheinung treten, hat sich ein festes Schema herausgebildet, das in zahlreichen Urkunden immer wiederkehrt.[11] Danach umfasst die erste Zeile nach der Lücke am Anfang bis zum Zeilenschluss etwa 82 Buchstaben. Dementsprechend muss auch in der zweiten Zeile nach der Anfangslücke von 8 Buchstaben mit ungefähr 82 Buchstaben gerechnet werden.

Für den zweiten Teil unserer Datierungsformel, in der der Caesar angefügt wird, gibt es keinen feststehenden Wortlaut ausser den immer wiederkehrenden Worten am Schluss der Datierung: *τοῦ ἐπιφανεστάτου Καίσαρος Σεβαστοῦ*. In Zeile 3 sind vor dem erhaltenen *Καίσαρος* 8 Buchstaben *[νεστατου]* zu ergänzen. Der Anfang dieses Wortes *[ἐπιφα]* gehört somit an den Schluss der zweiten Zeile.

Für die weitere Ergänzung dieser Zeile, die nach der mit *[Γερμανικ]* ausgefüllten Anfangslücke noch etwa 82 Buchstaben umfassen muss, stehen nach Bureth vier Varianten zur Verfügung.[12] Die Variante 4, die für die Jahre 255-258 belegt ist, bezieht sich auf den älteren Sohn Galliens, die Varianten 1-3 betreffen den jüngeren Sohn namens Saloninus, der nach dem Tode seines Bruders an dessen Stelle zum Caesar ernannt worden ist.

Für die Ergänzung der Zeile 2 kommen die Varianten 2, 3 und 4 wegen ihrer zu geringen Buchstabenzahl nicht in Betracht.[13] Lediglich die Variante 1 vermag den Raum von etwa 82 Buchstaben auszufüllen. Die zweite Zeile unserer Urkunde kann daher nach dieser Variante

7. *CPR* 176.1 [255].

8. Häufig wird die erste Zeile am Anfang der Datierung etwas nach links ausgerückt, so dass man hier im Gegensatz zu den folgenden Zeilen mit einem Buchstaben mehr rechnen kann.

9. Vgl. *WB* III, S. 64. P. Bureth, *Les titulatures impériales dans les papyrus, les ostraca et les inscriptions d'Egypte*, 1964, S. 118 f.

10. Vgl. L. Wickert, *RE* XIII Suppl. 236 ff. Nr. 46 u. 47.

11. Nachweise bei P. Bureth, *op. cit.*, S. 118, Zeile 9-10 von unten.

12. *Op. cit.*, S. 118 u. 119.

13. Variante 2: 61 Buchstaben, vgl. z. B. *P. Lond.* 211.1 [18. Sept. 259]. Variante 3: 72 Buchstaben, vgl. z. B. *P. Ryl.* 110.21 [Sept./Okt. 259]. Variante 4: 72 Buchstaben, vgl. *CPR* 176.1 [255]. *Archiv* 4, S. 116 I.6; 16; II.6. *P. Oxy.* 1717.10 [beide 258]. In *P. Oxy.* 1277.15 [255] beträgt die Anzahl der Buchstaben nur ca. 56.

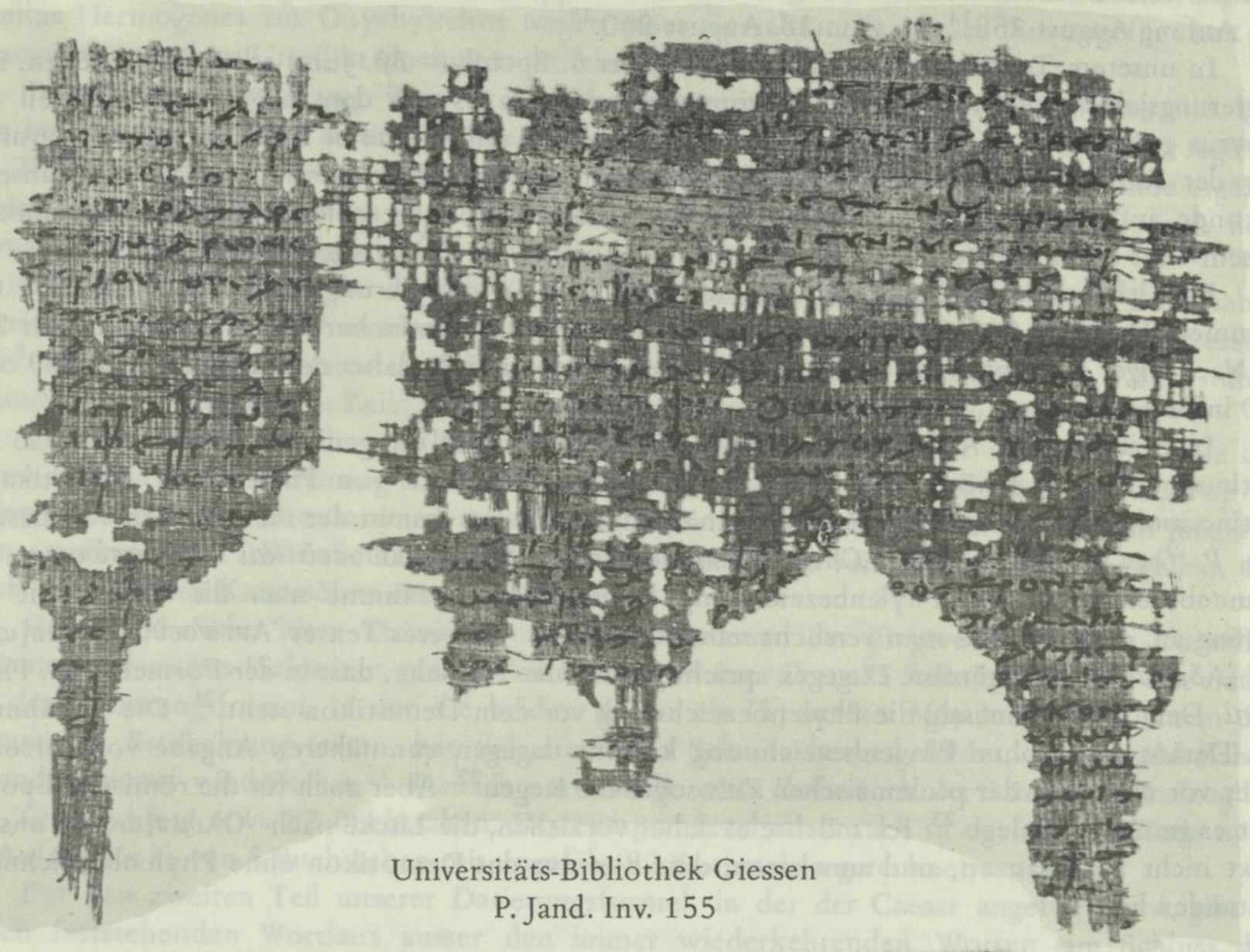
ergänzt werden. Ihr Wortlaut ist durch zahlreiche Papyrusurkunden belegt, und zwar für die Zeit von Anfang August 258[14] bis zum 28. August 260.[15]

In unserem Text ist nur das Tagesdatum, der 6. Epeiph (= 30. Juni) erhalten geblieben. Das Regierungsjahr kann nicht genau bestimmt werden, da es auf dem abgebrochenen Teil des Papyrus gestanden hat. Saloninus wurde nach dem Tod seines älteren Bruders im 5. Regierungsjahr der Kaiser Valerian und Gallien Anfang 258 zum Caesar ernannt. Die Datierung unserer Urkunde auf den 30. Juni des Jahres 258 ist deshalb nicht ausgeschlossen. Wir hätten damit in diesem Text den frühesten Beleg für die in Frage kommende Datierungsformel vor uns.[16]

Die Urkunde könnte aber auch aus dem 6.[17] und 7.[18] Regierungsjahr [258/59 und 259/60] stammen. Das Jahr 261 scheidet aus, weil Macrianus und Quietus bereits am 29. September 260 als Nachfolger bezeugt sind.[19] Als Datum des Textes kommen daher der 30. Juni 258, 259 oder 260 in Betracht.

In Zeile 4 wird Aurelius Alexander Ἀντωεὺς Ὀλύμ̣π̣[ιος genannt. Er stammte also aus Antinoopolis und gehörte zum Demos Ὀλύμπιος. Die Liste von Phylen und Demotika in Antinoopolis, die Ernst Kühn[20] gibt, enthält diesen Demos nur in der recht unsicheren Lesung von *P. Oxy.* 1110.4 [188 n.Chr.]: *Διοσκουρίδου* Ἀδ[*ρ*]*ιανείου τοῦ καὶ* Ὀλ[*υμπίου*, wo die Demenbezeichnung der Phylenbezeichnung beigegeben ist. Nimmt man die Richtigkeit der Lesung an, dann könnte man versucht sein, in der Zeile 4 unseres Textes Ἀντωεὺς Ὀλύμπ[*ιος ὁ καὶ* Ἀδ*ριάνειος* zu ergänzen. Dagegen spricht jedoch die Tatsache, dass in der Formel "NN, Phyle *ὁ καὶ* Demos" regelmässig die Phylenbezeichnung vor dem Demotikon steht.[21] Die Erwähnung des Demos allein ohne Phylenbezeichnung kommt dagegen zur näheren Angabe von Personen öfter vor und ist in der ptolemäischen Zeit sogar die Regel.[22] Aber auch für die römische Epoche gibt es genügend Belege.[23] Ich möchte es daher vorziehen, die Lücke nach Ὀλύμπ[ιος in unserem Text nicht zu ergänzen, und annehmen, dass hier nur das Demotikon ohne Phylenbezeichnung gestanden hat.[24]

14. *P. Oxy.* 2560.23 [└ε Μεσορὴ ι.].
15. *P. Oxy.* 2186.12 f. [└ζ Μεσο(ρὴ) ἐπαγ[ ] ϵ̄].
16. Bisher gilt als frühester Beleg *P. Oxy.* 2560.25 f. [nach dem 3. August 258].
17. Belege sind: *P. Princet.* 29.21 [29. August 258]. *P. Oxy.* 2284 B.15 [27. Sept. 258]. *P. Oxy.* 2108.11 [25. Febr. 259]. *P. Giss.* 50.12,27 [vor dem 6. Mai 259]. *SB* 9878.32 [24.-29. Aug. 259].
18. *P. Oxy.* 1273.42 [27. Jan. 260]. *P. Oxy.* 2186.12 [28. Aug. 260].
19. *P. Oxy.* 1476.1.
20. *Antinoopolis* (Diss. d. Philos. Fak. Leipzig, 1913), S. 124.
21. Vgl. auch F. G. Kenyon, *Archiv* 2, 1903, S. 70 ff.
22. W. Schubart, *Archiv* 5, 1913, S. 81 ff.
23. Z. B. *P. Oxy.* 243.1 [79 n. Chr.]. *P. Oxy.* 261.8 [55 n. Chr.]. *P. Oxy.* 263.2 [77 n. Chr.]. *P. Oxy.* 271.4 [56 n. Chr.]. *P. Oxy.* 2349.20,21 [70 n. Chr.]. Aus Antinoopolis: *P. Oxy.* 1110.1 [188 n. Chr.].
24. Möglich auch Ὀλυμπ[ιονίκης, worauf mich Prof. Bingen während der Diskussion freundlicherweise hingewiesen hat.



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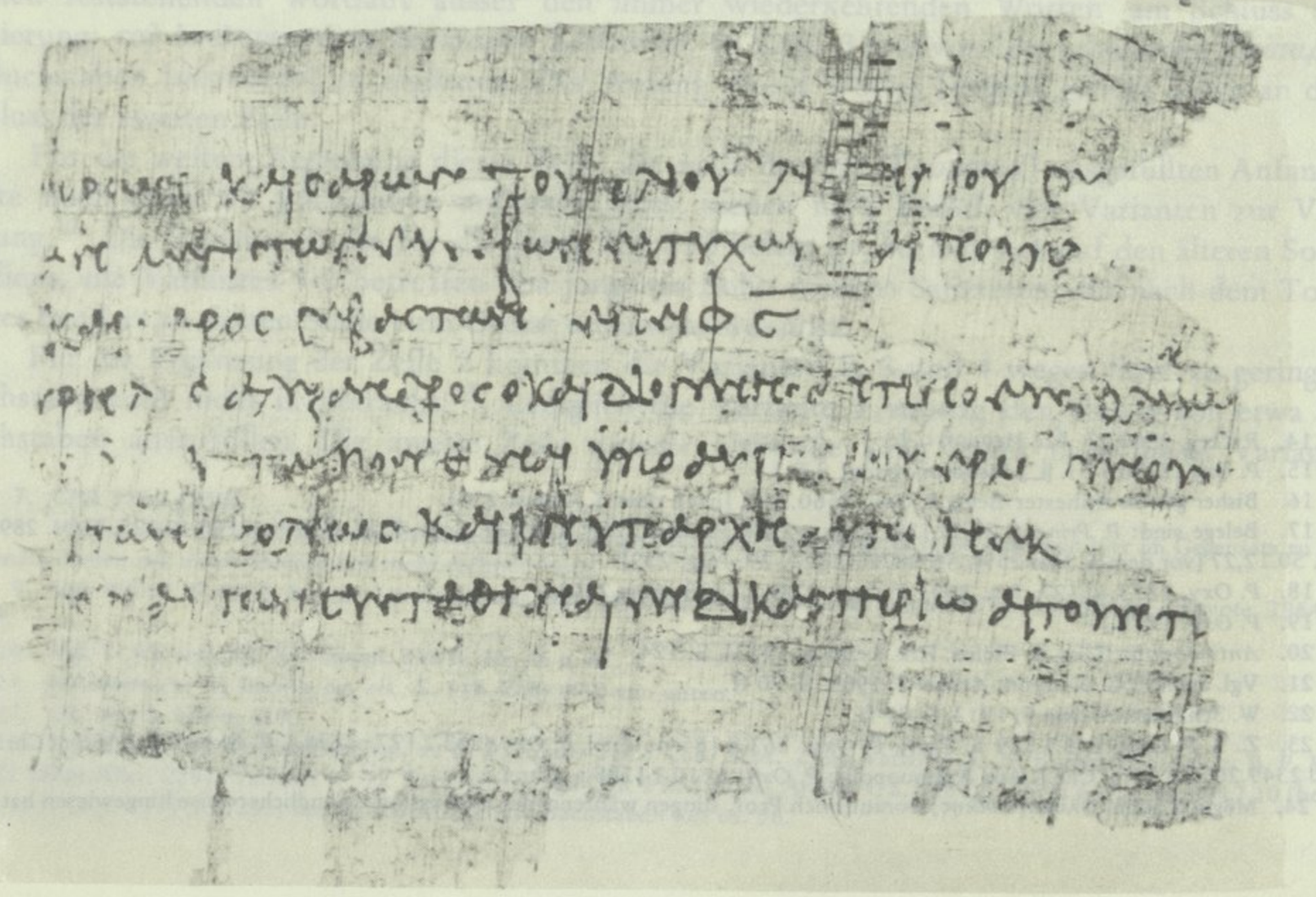

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THE PROPHECIES OF A POTTER: A PROPHECY OF WORLD RENEWAL BECOMES AN APOCALYPSE[1]

Ludwig Koenen

There is no need to explain the special importance of the Potter's Oracle. This text provides the historian with evidence of the intellectual resistance on the part of Egyptian national groups to Greek hegemony and of the aspirations enkindled among these groups by the bloody strife that existed in the royal house about 130 B.C. The historian of religion can use this prophecy as a model to study how eschatological prophecy arises in a specific historical situation. Eschatological prophecy projects the myth and rite of enthronement into the future during a period of desperation. It is this point that we intend to deal with here.

I. The Content of the Potter's Prophecies

The prophecies are found within the framework of a story. We are told in the introductory narrative how, during the reign of king Amenhotep, a potter, at the command of Hermes-Thot, goes to the island of Helios-Re where he practices his art. But the people are upset by this sacrilegious action. They pull the pottery out of the oven, break it and drag the potter before the king. The potter defends himself by interpreting this action as a prophetic sign. Just as the pottery has been destroyed, so Egypt and, finally, the city of the followers of the evil god Typhon-Seth will be destroyed. The king recognizes the potter as a prophet and orders the prophecies to be written down and stored in his treasury, as the conclusion of the papyrus tells us.

The potter is acting as an incarnation of the divine potter Chnum. This god was the primeval creator who formed man on a potter's wheel. As the potter makes his pottery, he repeats the creative act of Chnum, and at the same time, he gives a visible sign of the future: the world will be recreated. The incident takes place on the island of Helios. In Egyptian this island is known as the "Island of Flames" on which, at the beginning of time, the sun god was born. On the surrounding waters he defeated the enemies of the gods who represented the powers of Chaos, and he established order. It is on this island that the prophetic action has announced the defeat of the powers of Chaos and the reestablishment of divine order. The theme of the prophecies proper, spoken by the potter before the king, is the same.

These prophecies consist of various predictions that the order of nature as well as the political, economic and social order of Ptolemaic Egypt will collapse. The country will sink into chaos, but finally a saviour-king will come and reestablish the country. This basic conception corresponds to the myth and rite of Egyptian enthronement.

1. I am indebted to A. Henrichs and R. Merkelbach for their advice. A new edition of the text of the Potter's Oracle can be found in the *Zeitschrift f. Pap. u. Epigr.* 2, 1968, pp. 178ff. (cf. 3, 1968, p. 137), where the date of this prophecy, the potter's prophetic acts on the island of Helios and the interpolations inserted into the original text of the prophecies are discussed at full length. This paper is a summary of a more detailed treatment which I hope to publish soon.

II. The Prophecies of the Potter and the Egyptian Conception of Kingship

The Egyptian king in his person and his actions repeated what the gods had done in the beginning of time and what was related in the myths. The Egyptians did not have abstract treatises *περὶ βασιλείας*; instead the myths related how, in the beginning, the gods became kings. There was one story, for instance, about the accession of Geb.[2] When Shu, the king of the gods, died, the country was overcome with grief. It was devastated by a storm that lasted nine days during a period of darkness. A revolution broke out. Then Geb, the son of Shu, ascended the throne and crowned himself with the royal diadem. Thus, order was restored to the country. Rebellion and chaos had preceded the new creation. The world had fallen into primordial chaos in order to be recreated by the establishment of the new rule.

The prophecies of the potter show the same structure: Chaos accompanied by an eclipse of the sun and by a storm, on the one hand, and reestablishment of order under the new ruler, on the other hand. But in the Potter's Oracle the prophecies are patterned after the myth of Osiris. The followers of Seth (*οἱ Τυφώνιοι*) bring misfortune upon the land. The myth recounts how Seth revolts against Osiris and kills him. This is the beginning of chaos: the Nile dries up, the soil loses its fertility and order collapses. In the potter's prophecies, the followers of Seth are identified with the Greeks who are foreigners. According to temple rituals, Seth returns during a period of foreign domination and "plans to rob violently as if he were destroying places and tearing down temples as he did formerly."[3] Seth is the master of the winds which devastate Egypt in the potter's prophecy.

According to this prophecy, the new king is installed as Horus by his mother, Isis. Like Horus, every king takes revenge on Seth for his father, Osiris. He overwhelms Chaos and recreates the new order. He awakens his father, that is to say, the northwinds, the *ἐτησίαι*, blow and the waters of the Nile return; for the northwind brings the flood of the Nile, and the Nile is Osiris. At the end of the prophecies, it seems to be said: "When the evils come to an end, he (the new king) will water everything in his kingdom that was dry." And: "The Nile, which had no water, will come with a high flood." Under the new ruler the winds will be calm; they will blow during the proper season.

The city of the followers of Seth will be destroyed at the end of the period of misfortune. The city of the rebels is always the city of Seth; when according to Manetho the lepers rebelled against Amenhotep, their city Auaris was called a city of Seth (*FGrH* 609 F 10). The later prophecy of *PSI* 982 also mentions the destruction of a city. When Epiphanes came to the throne, he captured Lycopolis, a city held by rebels. In this place – following the Rosetta stone – Re and Horus had defeated the followers of Seth in the same way. According to the decree of Raphia, Philopator killed his enemies just as in the myth "Horus, the son of Isis, had cut down his enemies."

It is obvious that the savior-king of the prophecies plays the role of Horus. In this role, he overwhelms the chaos of Seth, as does every Egyptian king, and he restores equilibrium to Egypt.

In the prophecies the new king comes from the sun god. The Egyptian king is the son of the sun god. As such, he repeats the creative act of this god, who at the dawn of creation emerged on

2. H. Kees, *Religionsgeschichtliches Lesebuch* (ed. by A. Bertholet), 10 Aegypten, Tübingen, 1928[2], p. 23 nr. 30; G. Roeder, *Urkunden zur Religion der alten Aegypter*, Jena, 1923, p. 153.

3. S. Schott, "Altägyptische Vorstellungen vom Weltende," *Analecta Biblica* 12, 1959, p. 330.

the primordial hill in the primordial ocean and destroyed all the enemies of the gods. It is to this myth that the introductory narrative of the Potter's Oracle refers, as we have already seen.

In this connection we do not forget that Egyptian hymns praise the kings in their role of creator. For example, a hymn celebrating the enthronement of Merenptah deals with the suppression of evil-doers, with the inauguration of a new era, with the flooding of the Nile and with the joy brought about by the new order. The same themes can be found in a hymn to Ramses the fourth.[4]

Now we begin to understand that the potter's prophecies concerning chaos and the subsequent renewal of the world reflect the Egyptian conception of kingship. This becomes completely obvious when we compare this prophecy with that of Neferty which dates from 1991 B.C. and constitutes the earliest extant prototype for the potter's prophecies.[5] Many of its various predictions which announce the outbreak of chaos correspond exactly to the Potter's Oracle which was written nearly 2000 years later. The conclusion of both relates the coming of the savior-king who is victorious over enemies and brings peace and order, thereby repeating the creative act of Re. In the first part of Neferty's prophecy, it is stated that, "Re must begin the foundation (of the earth) over again."

This new creation of Re is the task of the new king. He is called by name: Ameni, that is, Amenemhet the first. Thus, a specific king is represented in the role which the ritual drama of succession prescribes for every new king. He is the legitimate king because he assumes the role of Re, the creator. Amenemhet's claim to sovereignty is presented in the form of prophecies which allegedly were given to Snofru, the legendary founder of the fifth dynasty. This means that the kingship of Amenemhet has been sanctioned since the old times of Egypt.

Neferty's prophecy about the destruction of the world and its recreation, therefore, reflects the Egyptian conception of kingship. The same is true of the potter's prophecy.

III. The Prophecies as Political Propaganda and their Disassociation from a Specific King

In the case of Neferty it has already become obvious that prophecies of this type are used by the king as political propaganda. I mention only one later example, the so-called "Demotic Chronicle."[6] After the battle of Raphia, native contenders for the throne went into rebellion against the Ptolemaic rule for a long time in Upper and Lower Egypt. In order to support the claim of one of these rebellious contenders and of the dynasty that would begin with him, the "Demotic Chronicle" quotes oracles that allude to temple rites and hereby announce the deeds of Egyptian kings, especially those of the rebel mentioned. He appears as the long awaited savior-king after a period of domination by godless foreigners. But on the other hand, the author of the "Chronicle" alludes to historical facts and tells us their rather exact dates, for example those of the

4. For a translation of the hymn to Merenptah see J.A. Wilson in *Ancient Near Eastern Texts* (ed. by J.B. Pritchard), Princeton, 1955, p. 378, and H. Frankfort, *Kingship and the Gods,* Chicago, 1948, p. 58; for the hymn to Ramses IV see W. Spiegelberg, *Orientalische Literaturzeitung* 30, 1927, pp. 73ff. and J.A. Wilson, *op. cit.*, pp. 378f. Compare also, for instance, the hymn celebrating the enthronement of Haremheb (A. Gardiner, *JEA* 39, 1953, pp. 13ff.) and the final hymn of the Israel-stela, glorifying the victory of Merenptah (Wilson, *op. cit.*, p. 377).

5. J.A. Wilson, *op. cit.*, pp. 444ff. For further references see G. Posener, *Littérature et politique dans l'Egypte de la XIIe dynastie*, Paris, 1956.

6. W. Spiegelberg, *Die sogenannte demotische Chronik des P. 215 ber Bibl. Nat. zu Paris....*, *Demotische Studien* H.7, Leipzig, 1914; G. Roeder, *Altägyptische Erzählungen und Märchen,* Jena, 1927, pp. 238ff. Cf. E. Meyer, *Kleine Schriften* II, Halle, 1924, pp. 69ff., and for the connection of the "Chronicle" with the prophecies announcing the destruction of the world and its renewal see C.C. McCown, "Hebrew and Egyptian Apocalyptic Literature," *HThR* 18, 1925, p. 374 and J. Doresse, *La table ronde 110,* 1957, pp. 32f.

beginning of his insurrection and of his coronation at Memphis. When the "Chronicle" was composed, the rebel had already been crowned, and it was in favor of this new king that by means of the traditional motifs of prophecies the author spread political propaganda.

Omitting other examples, I should like to stress one fact: The use of prophecies in struggles for political power made it necessary to adapt the traditional motifs to the specific historical situation, sometimes to such an extent that the prophecies begin to lose their original character. This tendency can be traced in the Potter's Oracle. When this prophecy was written, about 130 B.C., there was a rebellion, and some of the people pinned their hopes on the rebel Harsiesis; his actual position, however, was such that he had no chance of defeating the Ptolemies.

This was realized by the author of our prophecy. There was no longer any native contender powerful enough to beat the Greeks and to become king of the whole of Egypt. This is the reason why the portrait of the savior king in the potter's prophecies is vague and without individual feature. It is not he who defeats the Greeks; the Ptolemies will destroy each other. Nor is he the destroyer of Alexandria; the destruction will result from the departure of the protective deity. And finally, he is not the one who recovers the statues of the gods which had been carried off; they will come back on their own.

The prophecies of the potter, as well as Neferty's prophecies, serve as propaganda for the ideal Egyptian king, but the Potter's Oracle no longer applies to a king who is actually ruling. Still, the evil-doers, in this case the Greeks, are destroyed. The prophecies of the potter are not so much propaganda in favor of a specific king as propaganda directed against the Greeks. Similarly, the prophecy of *PSI* 982 is propaganda against the Jews rather than propaganda in favor of a specific king.[7]

IV. A Reinterpretation of the Potter's Prophecies: Cyclical Renewal

The prophecies of the potter did not come true. The Greeks settled their differences, and Alexandria was not destroyed. In order to preserve the validity of the prophecies, they were given a new interpretation by commentators, whose comments have survived as interpolations in the text of the oracle. They referred to older prophecies that had been given to king Bacharis, our Bokcharis, by a lamb. The lamb was the animal of Chnum; it represented this god, as the potter did. Thus the prophecies of the lamb, like the Potter's Oracle, were composed by the priests of Chnum.

The prophecies of the lamb, which date from the time of the Persian domination, are extant in fragmentary form on a demotic papyrus that was written in the thirty-third year of Augustus.[8] Allegedly they were given to king Bokcharis in the sixth year of his reign; that is, shortly before his death. They proclaim that within 900 years a period of disaster will befall Egypt and that finally prosperity will return.

First of all, the period of 900 years has a symbolic meaning. The 900 years correspond to the nine days during which, as we have seen, the world sank into chaos between the reigns of the god Shu and his son and successor Geb. The Egyptian word for nine (pśḏ) has the same root as another word that is used to designate the rising of the sun and also the festival of the new moon. Thus, the number nine could well be used to indicate the beginning of a new era. But the pro-

7. *PSI* 982 = *CP Iud.* 520, cf. G. v. Manteuffel, *Mélanges Maspero* II, 1934, pp. 119ff. and *Gnomon* 40, 1968, pp. 257f

8. J. Krall, "Vom König Bokchoris," *Festgaben zu Ehren Max Büdingers*, Innsbruck, 1893, pp. 3ff. Further references are given in *Zeitschr. f. Pap. u. Epigr.* 2, 1968, p. 189 n.22.

phecies of the lamb do not say nine days or nine years, but 900 years. When this prophecy was written, it was a well recognized fact that salvation could not be expected in the near future.

If one reckons from the end of the reign of Bokcharis, a new meaning for the 900 years emerges. If we place his death in the year 709, the period of 900 years runs to 192 A.D. The change for the better is supposed to occur within this period. Let us assume, for example, that the prophecies of the lamb, in the same way as those of the potter, had assigned a fifty-five years' reign to the first ruler of the better time, and let us subtract the fifty-five years from 192 A.D. The change for the better would have been expected in the year 137 A.D. 139 A.D., two years later, was in fact the beginning of a new Sothis Period. When the priests of Chnum composed the prophecies of the lamb, they may not have expected any improvement in conditions before the beginning of the next Sothis Period; at any rate, when all hope that a new Pharaoh would come soon had been abandoned, the expectations of the Egyptians for renewal were projected into the distant future.

The interpolator of the Potter's Oracle took advantage of this development. By inserting a reference to the prophecies of the lamb, he makes the Potter's Oracle similiar in significance. Salvation will not come before the beginning of a new time cycle. According to the original parts of the prophecies, under the new savior-king both winter and summer will come at the proper time. Obviously this will happen at the beginning of the new Sothis Period when the calender year and its festivals coincide with the natural year. Thus, the content itself suggested to the interpolator that they be reinterpreted in terms of the Sothis Period.

The potter's prophecy, therefore, in which the idea of the concrete savior-king had virtually disappeared, was reshaped by historical reality. It became something new, namely, a prophecy of a new world cycle. What was originally a prophecy based upon the Egyptian concept of kingship was in the process of being transformed into an apocalypse.

V. Reinterpreting the Potter's Prophecies as an Apocalypse

Copies of the Potter's prophecy were still being made in the third century A.D. From the fact that one of these copies lacks the narrative framework which precedes and follows the prophecies proper, it can be deduced that interest was focused on the prophecies themselves. Two explanations are possible: either the potter's prophecy was given a new historical interpretation or it was understood as an apocalypse.

It can be shown that the latter alternative is the correct one. A gnostic apocalypse, known as the apocalypse of Asclepius, was being circulated in Egypt at that time.[9] Again, this text follows the pattern of the prophecies described here and represents a further reinterpretation of the Potter's Oracle. Many details in its description of the disaster resemble the potter's prophecies.

In the Asclepius apocalypse the period of disaster is placed in the final stage of this world cycle. During the subsequent renewal, nature is reconstituted for the pious. According to the Coptic version, this renewal has not yet begun; it will take place only during a new cycle of time. Thus, the renewal of Egypt at the beginning of the new Sothis Period, which is what the interpolator read into the potter's prophecies, has been transformed into an announcement of a new

9. *Corp. Herm.* II p. 326, 15-332, 22 Nock (§ 24-27). An edition of the Coptic version, found in Cod. VI of the Nag Hamadi Papyri, is prepared by M. Krause; see Krause, "Der Stand der Veröffentlichungen der Nag Hammadi-Texte", *Studies in the Hist. of Rel.*, Suppl. Numen 12, 1967, pp. 61-88.; cf. also J. Doresse, *Les livres secrets des gnostiques d'Egypte*, Paris, 1958 (= *The Secret Books of the Egyptian Gnostics*, London, 1960), pp. 260f. and *La table ronde 110*, 1957, pp. 34f.

world year by the author of the Asclepius apocalypse.

This was not yet the final stage of the development. Lactantius, for example, in the seventh book of his *Divinae Institutiones*, quotes a passage of the Asclepius apocalypse, and connects it with statements of Old Testament prophets, with sayings of the Sibyl, and with the eschatological writings of the Iranian Hydaspes. In this way, he depicts the great final disaster, which will come at the very end of the world and the following millennium of peace which will be inaugurated by Christ.

Under the influence of Iranian eschatology and the *interpretatio Christiana*, Egyptian prophecies about the savior-king became eschatology. The same development can be traced in the Coptic apocalypse of Elias.[10]

The thought that the world could come to its definitive end was not entirely unimaginable to the Egyptians. But the hope that after the destruction a new and better world would emerge was stronger than the fear that the world would end in nothingness. These human aspirations changed in the course of history, but their mode of expression remained the same. In the prophecies of Neferty they were associated with a new king. Similarly, now-a-days we still tend to expect a miraculous improvement in society from a new government. In the potter's prophecies these expectations were dissociated from the person of a specific king. In the prophecies of the lamb and in the reinterpretation of the Potter's Oracle by the interpolator, they were connected with the beginning of a new time cycle. But the renewal of Egypt was still the main theme. In the apocalypse of Asclepius, however, these aspirations no longer have a nationalistic character; it proclaims a new world subsequent to the beginning of a new time cycle. Finally, in early Christian authors, they were again joined to the reign of a king, Jesus Christ, the true king of the world. The prophecy of world renewal by the new king at his inauguration had become eschatological prophecy.

10. G. Steindorff, *Texte und Untersuchungen* 17, 1899; P. Riessler, *Altjüdisches Schrifttum ausserhalb der Bibel*, Heidelberg, 1927, pp. 114ff. The Greek original has been used by the author of the prophecies, published by P.J. Alexander (*The Oracle of Baalbek, The Tiburtine Sibyl in Greek Dress*, Washington, 1967 = *Dumbarton Oaks Stud.* 10).

ORDONNANCES DIVINES ET *PROSTAGMATA* DANS L'EMPIRE DES PTOLEMEES

Marie-Thérèse Lenger

Je voudrais présenter ici un dernier aspect de mes recherches sur la notion de *πρόσταγμα* dans les documents grecs d'époque ptolémaïque. En effet, le terme en question ne s'applique pas seulement aux ordonnances royales[1] et aux ordres administratifs;[2] il est attesté aussi pour désigner l'expression impérative de la volonté divine. J'avais abordé le sujet dans la version demeurée inédite de ma thèse de doctorat;[3] je l'ai repris et développé sur la base d'une documentation sensiblement accrue.

Nos sources sont à la fois papyrologiques et épigraphiques: les unes quasiment limitées à l'Egypte, les autres permettant au contraire d'en franchir les frontières et d'étendre l'enquête aux possessions extérieures des Lagides. Les papyrus, au nombre de quatre seulement, proviennent des archives de Zénon[4] et du Sérapéum de Memphis:[5] à l'exception du songe de Nectanébo (*UPZ* 81), il s'agit de témoignages sur le culte de Sarapis, qui montrent dans quelles circonstances les adeptes de ce dieu peuvent être amenés à solliciter son intervention et à répondre à ses injonctions. Quant aux inscriptions, elles sont beaucoup plus nombreuses, et accusent en outre une plus grande diversité d'origines: pour l'Egypte, elles nous viennent en tout cas d'Alexandrie[6] et de

1. Voyez mon *Corpus des ordonnances des Ptolémées (C.Ord.Ptol.)*, Bruxelles, Palais des Académies, 1964, in-8°, p ll., 368 p. (Académie royale de Belgique. Classe des Lettres. Mémoires in-8°. Tome LVII, fasc. 1).

2. Voyez mon article sur le thème suivant: "Ordres administratifs et prostagmata dans l'Egypte ptolémaïque," *Chronique d'Egypte* 42, 1967, no. 83, pp. 145-155.

3. *Les prostagmata des rois lagides. Contribution à l'étude de la législation ptolémaïque*, Bruxelles, 1947, in-4°, 819 p. dactylogr. (Thèse de doctorat en philologie classique de l'Université libre de Bruxelles). Voir pp. 39-43, le chapitre de l'introduction intitulé: "Les *prostagmata* divins."

4. *P. Cair. Zen.* 59034 (= *PSI* 435) (14 février 257 avant J.-C.: date de réception du document, transposée d'après les tables de concordance de A.E. Samuel, *Ptolemaic Chronology,* Münch. Beitr. z. Pap. XLIII, 1962, pp. 161-169); *P. Cair. Zen.* 59426 (= *SB* 6804) (milieu du IIIe siècle avant J.-C.).

5. *P. Leid.* B (= *UPZ* 20 et *C.Ord.Ptol.* 36) (8 octobre 163 avant J.-C.); *P. Leid. U* (= *UPZ* 81): version grecque d'un conte populaire égyptien, le songe de Nectanébo (5/6 juillet 343 avant J.-C.), conservée dans une copie de la main d'un des reclus du Sérapéum de Memphis (2e quart du IIe siècle avant J.-C.).

6. C'est le cas de la dédicace bilingue que portent les tablettes d'or, d'argent, de bronze, de verre opaque et de faïence retrouvées dans les dépôts de fondation de la chapelle d'Harpocrate consacrée par Ptolémée Philopator dans l'enceinte du Sérapéum d'Alexandrie: *SB* 9300 (221-205 avant J.-C.), d'après A. Rowe, *Discovery of the Famous Temple and Enclosure of Serapis at Alexandria. With an Explanation of the Enigmatical Inscriptions on the Serapeum Plaques of Ptolemy IV*, by E. Drioton, Le Caire, 1946, pp. 54-58, pl. XVI, et pp. 97-112. (Supplément aux Annales du Service des Antiquités de l'Egypte. Cahier no. 2); voir aussi: P. Jouguet, "Les dépôts de fondation du temple de Sarapis à Alexandrie," *Académie des Inscriptions et Belles-Lettres. Comptes rendus des séances de l'année 1946*, pp. 680-687 et surtout p. 686; A.J.B. Wace, "Recent Ptolemaic Finds in Egypt," *The Journal of Hellenic Studies* 65, 1945 (publié en 1947), pp. 106-109, fig.; J. & L. Robert, "Bulletin épigraphique," *REG* 61, 1948, p. 208, no. 255; A. Rowe & B.R. Rees, "A Contribution to the Archaeology of the Western Desert: IV. The Great Serapeum of Alexandria." *Bulletin of the John Rylands Library* 39, 1956-57, pp. 485-520, pl., et plus particulièrement pp. 489 et 509; J.J. Clère, "Deux nouvelles plaques de fondation bilingues de Ptolémée IV Philopator," *Zeitschrift für ägyptische Sprache und Altertumskunde* 90, 1963, pp. 16-22, ill., et spécialement pp. 16-17.

Memphis;[7] hors d'Egypte, principalement de Délos,[8] mais aussi d'Ephèse,[9] de Tinos,[10] de Démétrias,[11] voir même de Néapolis en Macédoine.[12] Ces textes concernent surtout les cultes égyptiens, sans toutefois exclure d'autres divinités, grecques et orientales. Il s'agit enfin, pour la plupart, de dédicaces qui témoignent de la consécration de sanctuaires, de la construction de temples et de chapelles, de la constitution d'offrandes et d'ex-voto, le tout "conformément à un ordre divin" (*κατὰ πρόσταγμα τοῦ θεοῦ*).

Ainsi définies, ces deux catégories de sources touchent à deux problèmes d'histoire des religions dans l'Empire des Ptolémées, auxquels elles apportent des éléments de réponses: d'une part, le problème de la révélation et de ses modes d'expression dans les cultes égyptiens, plus particulièrement celui de Sarapis; d'autre part, le problème de la diffusion de ces mêmes cultes dans les milieux helléniques, tant à l'intérieur qu'en dehors de l'Egypte.

Abordons le premier point[13] par le témoignage que nous offre le récit du songe de Nectanébo dans sa version grecque (*UPZ* 81):[14] Onouris se plaint à Isis que le temple que le roi lui a consacré à Sébennytos est resté inachevé, et il accuse Samaus, le grand-prêtre désigné par la déesse elle-même, de s'être montré négligent et d'avoir enfreint ses ordonnances (*καὶ τοῖς ἐμοῖς*

7. Un témoignage assuré: *SB* 685 (IIe siècle avant J.-C.), d'après J.G. Milne, *Catalogue général des Antiquités égyptiennes du Musée du Caire. Nos. 9201-9400, 26001-26123, 33001-33037. Greek Inscriptions*, Oxford, 1905, p. 44, no. 27567. (Service des Antiquités de l'Egypte); voir aussi: U. Wilcken, *Urkunden der Ptolemäerzeit (Aeltere Funde)*, I, Berlin-Leipzig, 1927, pp. 13, 17-18, 32 et 33. On complétera le relevé des inscriptions provenant d'Egypte par deux documents d'origine inconnue: 1) *SB* 8954 (IIIe siècle avant J.-C.: Ptolémée Sôter Ier ou Ptolémée Evergète Ier), d'après L. Robert, *Collection Froehner. I. Inscriptions grecques*, Paris, 1936, no. 71, p. 116 et pl. XXXVII. (Bibliothèque nationale. Département des Médailles et des Antiques); 2) *SEG*, XX, 698 = *SB* 9823 (fin du IIIe siècle avant J.-C.), d'après P.M. Fraser, "Inscriptions from Ptolemaic Egypt," *Berytus* 13, 1960, pp. 144-145, no. 9 et pl. XXXI; voir aussi: J. Bingen, *Chronique d'Egypte* 36, 1961, p. 225; J. & L. Robert, "Bulletin épigraphique," REG 75, 1962, p. 213, no. 350.

8. Source la plus importante: *IG*, XI, 4, 1299 (fin du IIIe siècle avant J.-C.), d'après P. Roussel, *Les cultes égyptiens à Délos du IIIe au Ier siècle av. J.-C.*, Paris-Nancy, 1915-1916, no. 1, pp. 71-83, 245-252, 269-270 et 291-292. (Annales de l'Est, publiées par la Faculté des Lettres de l'Université de Nancy, 29e et 30e années, 1915 et 1916); voir aussi: *Sylloge*^{3}, II, 663 (= ll. 1-29 de l'inscription); A. Wilhelm, "Zu dem Gedichte des Maiistas IG XI 1299," *Symbolae Osloenses* 13, 1934, pp. 1-18; J. & L. Robert, "Bulletin épigraphique," *REG* 66, 1953, pp. 154-155, no. 147; P.M. Fraser, "Two Studies on the Cult of Sarapis in the Hellenistic World," *Opuscula Atheniensia* III, Lund, 1960, pp. 1-54, *passim* et plus particulièrement pp. 22-23 et 50-51; *Die delische Sarapisaretalogie*. Herausgegeben und erklärt von Helmut Engelman. Meisenheim am Glan, A. Hain, 1964, in-8°, 60 p. (Beiträge zur klassichen Philologie XV). On y ajoutera les quelque soixante dédicaces déliennes dont la liste est dressée en annexe, dans l'index des sources.

9. Deux témoins: *SEG*, XV, 706 (*ca.* 262 avant J.-C. ?) et 707 (*ca.* 244-204), d'après J. Keil, "Denkmäler des Sarapiskultes in Ephesos," *Anzeiger der Oesterreichischen Akademie der Wissenschaften*, Philosophisch-historische Klasse, 91, 1954, no. 17, pp. 221-222, ill., nos. 2-3; voir aussi: J. & L. Robert, "Bulletin épigraphique," *REG* 68, 1955, p. 258, no. 193; P.M. Fraser, "Bibliography: Graeco-Roman Egypt. Greek Inscriptions (1955)," *JEA* 42, 1956, p. 114, no. 46.

10. Cf. *IG*, XII, 5, 969 (IIe siècle avant J.-C.) et Suppl. p. 141, d'après P. Graindor, "Fouilles et recherches à Ténos (1909)," *Le Musée belge* 14, 1910, p. 32, no. 10.

11. Voir L. Robert, *Hellenica*, I, Limoges, 1940, pp. 66-67: publication d'une dédicace, sans indication de date, d'après un carnet de voyage de G. Fougères.

12. Cf. *SEG*, XIV, 481 (IIIe siècle avant J.-C.), d'après D.I. Lazaridis, "Ἄρτεμις Ὀπιταὶς ἐξ ἐπιγραφῆς τῆς Νεαπόλεως," Makedonika II, 1941-1952, pp. 263-265; voir aussi: J. & L. Robert, "Bulletin épigraphique," *REG* 64, 1951, p. 170, no. 131.

13. Dans la bibliographie la plus récente, voyez les trois articles suivants: P.M. Fraser, "Two Studies on the Cult of Sarapis in the Hellenistic World," *Opuscula Atheniensia* III, Lund, 1960, pp. 1-54 et surtout pp. 41-42; D. Del Corno, "Contributi papirologici allo studio dell'onirocritica," *Atti dell'XI Congresso internazionale di papirologia, Milano 2-8 settembre 1965*, Milan, 1966, pp. 109-117; Cl. Préaux, "De la Grèce classique à l'Egypte hellénistique. Traduire ou ne pas traduire," *Chronique d'Egypte* 42, 1967, no. 84, pp. 369-383 et spécialement pp. 372-375.

14. Cf. note 5 ci-dessus; outre l'édition commentée d'Ulrich Wilcken (*UPZ* I, pp. 369-374), voir aussi: G. Manteuffel, *De opusculis Graecis Aegypti e papyris, ostracis lapidibusque collectis*, Varsovie, 1930, pp. 38-39 & 112-116; R.A. Pack, *The Greek and Latin Literary Texts from Greco-Roman Egypt*. Second revised and enlarged edition, Ann Arbor, 1965, p. 130, no. 2476; B.E. Perry, "The Egyptian Legend of Nectanebus," *TAPA* 97, 1966, pp. 327-333.

προσστάγ | γμασιν (= προστάγμασιν) ἀντιπέπτωκεν, Col. III, ll. 5-6).[15]

Ce type d'ordres divins, nous le retrouvons évoqué, en termes plus circonstanciés, un siècle plus tard, à propos de Sarapis, dans un document très connu des archives de Zénon (*P. Cair. Zen.* 59034):[16] Zôilos, un habitant d'une ville portuaire d'obédience ptolémaïque hors d'Egypte, s'est vu, à plusieurs reprises, intimer en songe par la divinité l'ordre (χρηματισμός, cf. l. 6) de se rendre à Alexandrie et d'y informer le ministre Apollônios de sa volonté, en l'occurrence, l'obligation de lui faire construire un temple dans le quartier grec de la localité où réside son adepte. Tel est l'objet des *prostagmata* divins que recouvre la formule τοῖς ὑπὸ τοῦ | θεοῦ προστάγμασιν (ll. 18-19) dans une requête à ce sujet, adressée par Zôilos à Apollônios. Le requérant raconte qu'ayant voulu se dérober aux injonctions de l'oracle, il a été frappé d'une très grave maladie, dont il n'a été guéri qu'en promettant d'exécuter l'ordre reçu (ποιή[σει]ν τὸ ὑφ' αὐτοῦ | προστασσόμενον, ll. 11-12). Dans l'intervalle, d'autres contretemps ont surgi, qui sont venus contrecarrer la réalisation de la promesse. Mais à présent, Zôilos écrit au ministre pour lui exposer les rétroactes de l'affaire et le supplier de pourvoir aux moyens de construire le temple requis.

L'analyse de ce papyrus révèle plusieurs données significatives, dont l'interprétation repose sur la suite de nos sources. La volonté de Sarapis s'est manifestée par un oracle transmis en songe à l'un de ses fidèles: qu'il s'agisse d'un procédé courant, l'existence même d'interprètes des songes attachés à certains sanctuaires le prouve suffisamment; une inscription provenant du Sérapéum de Memphis ne porte-t-elle pas l'enseigne d'un Crétois, investi de cette fonction par ordre du dieu.[17] D'autre part, le fait de ne pas avoir exécuté les instructions de l'oracle a entraîné, dans le chef du contrevenant, une lourde sanction de caractère morbide; en revanche, c'est le pouvoir de guérisseur de Sarapis qui s'est exercé lorsque Zôilos a modifié son attitude: on connaît l'allusion, dans une lettre des archives de Zénon, à un *prostagma* divin qui prescrit du miel attique comme remède aux affections des yeux.[18] Dans cet ordre d'idées interviennent aussi les impératifs moraux qui ont inspiré à Sarapis et imposé à ses adeptes certaines décisions généreuses: dans une requête à Ptolémée Philométor et Cléopâtre II, les prêtresses jumelles du Sérapéum de Memphis rappellent qu'après avoir été abandonnées de leur mère, elles ont été recueillies par le reclus Ptolémaios, un ami de feu leur père, et cela κατὰ πρόσταγμα δὲ τοῦ θεοῦ.[19] Enfin, le cas de Zôilos est un exemple caractéristique des circonstances dans lesquelles un nouveau temple de Sarapis peut être implanté: il nous permet, dès lors, d'aborder le second problème soulevé par nos sources, le problème de la diffusion des cultes égyptiens dans les milieux grecs.

15. On remarquera également, dans ce texte, l'emploi répété du verbe προστάσσειν pour qualifier des ordres d'exécution émanant aussi bien d'Isis (Col. II.20) que de Nectanébo (Col. III.13; Col. IV.1, 3-4).

16. Cf. note 4 ci-dessus; voir aussi: Cl. Préaux, *L'économie royale des Lagides*, Bruxelles, 1939, pp. 561 et 562; Id., *Les Grecs en Egypte d'après les archives de Zénon*, Bruxelles, 1947, pp. 73 et 81; P.M. Fraser, *op. cit.*, pp. 41-42 et 54; D. Del Corno, *op. cit.*, p. 113; Cl. Préaux, *op. cit.*, p. 375 (cf. note 13 ci-dessus).

17. *SB* 685 et note 7 ci-dessus; cf. en outre P.M. Fraser, *op. cit.*, p. 42, n.1 et D. Del Corno, *op. cit.*, p. 113. Le texte mérite d'être cité intégralement: Ἐνύπνια κρίνω, | τοῦ θεοῦ πρόσταγ|μα ἔχων, τύχ' ἀγα|θαι· Κρὴς ἐστιν ὁ | κρίνων τάδε.

18. *P. Cair. Zen.* 59426.6-7 et note 4 ci-dessus; cf. en outre P.M. Fraser, *op. cit.*, p. 42, n.1 et Cl. Préaux, *op. cit.*, p. 375, n.2 (cf. note 13 ci-dessus).

19. *UPZ* 20.27 (cf. note 5 ci-dessus), d'après l'interprétation et les commentaires de l'éditeur (*UPZ* I, pp. 33 et 202). La même ordonnance divine est invoquée, sous la formule τοῦ θεοῦ ἐπειτάξαντος, dans un brouillon de la requête aux souverains: *P. Par.* 23 (= *UPZ* 18).30 (163 avant J.-C.).

A cet égard,[20] le témoignage le plus éloquent reste toujours *IG*, XI, 4, 1299:[21] une longue inscription délienne de la fin du IIIe siècle avant J.-C., qui porte, gravée sur une colonne de marbre *κατὰ | πρόσταγμα τοῦ θεοῦ* (cf. ll. 1-2), une chronique en prose du prêtre Apollônios II (ll. 1-28), suivie d'un hymne en hexamètres homériques de l'arétalogue Maiistas (ll. 29-94). Ces textes exposent, sous deux formes différentes, les étapes successives de l'implantation du culte de Sarapis è Délos: l'introduction de la statue du dieu par le prêtre Apollônios, venu du Memphis, et l'installation d'une chapelle privée par ses soins; la poursuite de l'exercice de ce culte par son fils Démétrios et enfin la construction d'un temple par son petit-fils Apollônios II. Le document évoque aussi les diverses manifestations de la volonté divine, sous la forme d'oracles communiqués en songe aux prêtres intéressés: en particulier, l'autorisation accordée à Démétrios d'ériger dans son sanctuaire sa propre statue (cf. ll. 9-11 et 43-46), l'ordre donné à Apollônios II de construire un Sarapieion en un endroit désigné (cf. ll. 13-18 et 46-65) et ensuite d'y dresser une stèle commémorative (cf. ll. 1-2), ainsi que l'intervention miraculeuse de Sarapis lors du procès intenté par les adversaires de son prêtre (cf. ll. 23-26 et 66-90).

Cette importante source d'informations nous livre la clef de l'interprétation de toutes les dédicaces fondées sur un *prostagma* divin, quels qu'en soient l'objet, le(s) destinataire(s) et le(s) auteur(s).[22] Outre des consécrations de sanctuaires, des constructions de temples et des fondations de chapelles,[23] on y trouve les types caractéristiques d'offrandes et d'ex-voto connus par ce genre de documents.[24] La plupart d'entre eux ont pour dédicataires des dieux égyptiens, associés ou non: Sarapis, Isis, Anubis, Osiris et Harpocrate;[25] mais quelques-uns aussi s'adressent à d'autres divinités, grecques et orientales, assimilées ou non aux précédentes.[26] Quant aux dédicants, si l'on excepte le cas d'un souverain,[27] il s'agit essentiellement de prêtres[28] et de dévots,

20. Outre l'exposé général de H.I. Bell, *Cults and Creeds in Graeco-Roman Egypt*, Liverpool, 1957, pp. 1-24 et plus spécialement pp. 19-22, voyez surtout les deux études récentes de P.M. Fraser: "Two Studies on the Cult of Sarapis in the Hellenistic World," *Opuscula Atheniensia* III, Lund, 1960, pp. 1-54; "Current Problems Concerning the Early History of the Cult of Sarapis," *ibid.*, VII, 1967, pp. 23-45 et pll. I-IV, figg. 1-8. On y ajoutera plusieurs éditions et rééditions nouvelles d'inscriptions relatives aux cultes égyptiens dans le monde hellénistique: L. Robert, *Hellenica* VI, Paris, 1948, pp. 9-13 (="I. Inscriptions de Magnésie du Sipyle: 1. Dédicace aux dieux égyptiens et liste de thérapeutes"); X, Paris, 1955, pp. 24-28 (="I. Dédicaces et reliefs votifs: 6. Dédicaces aux divinités égyptiennes"); XI-XII, Paris, 1960, pp. 85-91 et pl. V (="VII. Inscription hellénistique d'Iran"=*SEG*, XX, 325); D.M. Pippidi, "Sur la diffusion des cultes égyptiens en Scythie Mineure," *Studii Clasice* 6, 1964, pp. 103-118 et 3 pll. (cf. J. & L. Robert, "Bulletin épigraphique," *REG* 79, 1966, pp. 398-399, no. 271); J.J. Pollitt, "The Egyptian Gods in Attica: Some Epigraphical Evidence," *Hesperia* 34, 1965, pp. 125-130 et pl. 40 (=*SEG*, XXII, 114 & 167; cf. aussi J. & L. Robert, *ibid.*, pp. 363-365, no. 167); M. Calvet & P. Roesch, "Les Sarapieia de Tanagra," *Revue archéologique*, N.S., 1966, fasc. 2, pp. 297-332 et 5 figg.; F. Dunand, "Sur une inscription isiaque de Mégalépolis," *Zeitschrift für Papyrologie und Epigraphik* 1, 1967, pp. 219-224.

21. Cf. note 8 ci-dessus, où l'on trouvera une bibliographie du document.

22. Sans prétendre être exhaustif, notre relevé de textes (cf. notes 6 à 12 ci-dessus) nous a paru suffisamment nombreux et varié pour être significatif.

23. Aux deux témoignages qui viennent d'être commentés, s'en ajoutent deux autres sensiblement contemporains: à Ephèse, un fragment d'inscription qui commémore, sous la domination ptolémaïque, la consécration d'un sanctuaire et la construction d'un temple (*SEG*, XV, 707 [*ca.* 244-204] et note 9 ci-dessus); à Alexandrie, les tablettes de fondation de la chapelle d'Harpocrate par Ptolémée Philopator dans l'enceinte du Sérapéum (*SB* 9300 [221-205] et note 6 ci-dessus).

24. Exemples: offrandes d'autels et de bases d'autels (*SEG*, XV, 706; *IG*, XI, 4, 1225; *I. Délos* 2099, 2474), de statues et de statuettes (*IG*, XI, 4, 1231; *I. Délos* 1901, 2080), de contributions aux frais d'érection de certains bâtiments (*IG*, XI, 4, 1246; *I. Délos* 2047, 2059, 2098, 2100, 2628); ex-voto de pèlerins portant des empreintes de pieds (*IG*, XI, 4, 1263; *I. Délos* 2103).

25. Parmi les inscriptions recueillies (cf. notes 6-12 et 22 ci-dessus), il en est ainsi de toutes celles qui ne sont pas reprises dans la note suivante.

26. *SEG*, XIV, 481; *IG*, XI, 4, 1273; *I. Délos* 1901, 2220, 2264, 2278, 2280=2281, 2294, 2303, 2307, 2321, 2355, 2364, 2374, 2380, 2389, 2424, 2437, 2451, 2474, 2628.

27. Ptolémée Philopator: cf. *SB* 9300 et note 6 ci-dessus.

28. Exemples: *I. Délos* 1901, 2047, 2059, 2628.

ces derniers intervenant soit à titre individuel,[29] soit au nom de membres de leurs familles,[30] soit encore groupés en associations.[31]

La dispersion géographique de nos sources, jointe à la diversité des données qu'elles contiennent, semble indiquer un usage généralisé, dans le monde hellénistique, de ces dédicaces suscitées par un *prostagma* divin et des formes d'oracles auxquelles elles répondent. Sans être limités aux cultes égyptiens, ces témoignages n'en sont pas moins significatifs du processus de leur diffusion.

Je voudrais conclure cet exposé par deux observations, qui me ramènent à mon point de départ. Comme dans les acceptions d'ordonnance royale[32] et d'ordre administratif,[33] le terme *πρόσταγμα* survit aussi, dans les documents grecs des premiers siècles de l'Empire romain, avec la signification d'injonction divine. Deux exemples suffiront à illustrer cette première remarque: d'une part, dans l'hymne à Isis provenant d'Oxyrhynchus, une invocation des bienfaits qui s'attachent à deux (?) *prostagmata* de la déesse;[34] d'autre part, trouvé dans les fouilles de Kymè en Eolide, un ex-voto d'une certaine Dôrothéa *κατὰ πρόσταγμα τῆς Εἴσεως*.[35] Quant à la seconde observation, elle m'est inspirée par une étude récente du professeur Erwin Seidl sur les "jugements de dieu" en Egypte, aux époques saïte et perse, avec leurs prolongements sous la dynastie des Lagides.[36] S'il est vraisemblable, comme l'a suggéré l'auteur, qu'en leur double qualité de juges et de souverains divinisés, les Ptolémées ont rendu des jugements et pris des décisions qui, aux yeux de leurs sujets requérants, pouvaient apparaître comme des sortes d'oracles, l'utilisation d'un terme commun pour désigner les ordonnances royales et les ordres divins semble être d'autant plus justifiée.

29. Ex.: *SEG*, XIV, 481; XX, 698 (= *SB* 9823); *IG*, XI, 4, 1231, 1233, 1235, 1237, 1246, 1247, 1251, 1253, 1256, 1257, 1262, 1263; XII, 5, 969; *I. Délos* 2099-2101, 2103-2108, 2180-2181, 2280 = 2281, 2294, 2303, 2321, 2355, 2364, 2374, 2389, 2437, 2474.

30. Ex.: *SB* 8954; *IG*, XI, 4, 1230, 1238; *I. Délos* 2098, 2109, 2264, 2380.

31. Cf. *IG*, XI, 4, 1224-1225 et *I. Délos* 2080, 2628.

32. Voir la série des "cas de survivance des *prostagmata* des Ptolémées à l'époque romaine": *C. Ord. Ptol.* All. 114-123 (pp. 269-272).

33. Voyez mon choix d'exemples dans l'article suivant: "Les prostagmata des rois lagides. Contribution à l'étude de la législation ptolémaïque," *Revue internationale des droits de l'Antiquité* 1, 1948, p. 123 et n.5.

34. *P. Oxy.* 1380.156-157 (début du IIe siècle après J.-C.). Sur l'ensemble du document, on verra notamment: G. Manteuffel, *op. cit.*, pp. 18-21 & 70-85; G. Vandebeek, *De interpretatio Graeca van de Isisfiguur*, Louvain, 1946, *passim* (cf. Indices, p. 154). (Studia Hellenistica IV); D. Müller, *Aegypten und die griechischen Isis-Aretalogien*, Berlin, 1961, *passim*. (Abhandlungen der Sächsischen Akademie der Wissenschaften zu Berlin. Philologisch-historische Klasse. Band 53, Heft 1). Quant à l'interprétation des *prostagmata* invoqués, on se demande s'il faut simplement les rattacher au thème général d'Isis *θεσμοθέτης*, *θεσμοφόρος* (cf. G. Vandebeek, *op. cit.*, pp. 102-110 et D. Müller, *op. cit.*, pp. 26-28) ou y voir une allusion plus précise à certaines ordonnances de la déesse (cf. la gamme des dédicaces *κατὰ πρόσταγμα τοῦ θεοῦ*).

35. *SEG*, XVI, 732 (début du IIIe siècle après J.-C.), d'après R. Haken, "Bronze Votive Ears Dedicated to Isis," *Studia antiqua Antonio Salač septuagenario oblata*, Prague, 1955, pp. 170-172 et pll. XI-XII; voir aussi: P.M. Fraser, "Bibliography: Graeco-Roman Egypt. Greek Inscriptions (1955)," *JEA* 42, 1956, p. 115, no. 48; J. & L. Robert, "Bulletin épigraphique," *REG* 69, 1956, p. 159, no. 244.

36. "Die Gottesentscheidungen der Saiten- und Perserzeit," *Essays in Honor of C. Bradford Welles*, New Haven, 1966, pp. 59-65. Voir aussi, du même auteur, *Aegyptische Rechtsgeschichte der Saiten- und Perserzeit*, 2. neubearbeitete Auflage, Glückstadt, 1968, pp. 29-31.

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Inscriptions

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Hellenica I, pp. 66-67	11	*SEG*, XIV, 481	12, 26, 29
IG, XI, 4, 1299 = *Sylloge*^{3}, II, 663	8, 21	*SEG*, XV, 706	9, 24
IG, XII, 5, 969	10	*SEG*, XV, 707	9, 23
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SB 9300	6, 23, 27	*Sylloge*^{3}, II, 663 = *IG*, XI, 4, 1299	8, 21
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–antérieures à 166 avant J.-C.

IG, XI, 4 = Roussel, *CED*[38]

1224	no. 45, p. 109	1247	no. 6, pp. 87-89
1225	no. 45bis, p. 109	1249	no. 58, p. 114
1230	no. 4, p. 86	1251	no. 30, p. 103
1231	no. 47, p. 110	1253	no. 49, pp. 110-111 (= *Sylloge*^{3}, III, 1129)
1233	no. 33, p. 104	1256	no. 55, p. 113
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–postérieures à 166 avant J.-C.

I. Délos	= Roussel, *CED*[38]	Roussel, *DCA*[39]
1901		no. 45, p. 426
2047	no. 90, pp. 136-137	
2059	no. 121, p. 149 (= *Sylloge*^{3}, III, 1131)	
2080	no. 151, pp. 164-165	
2098	no. 69, p. 120	
2099	no. 75, p. 128	

37. Les chiffres renvoient aux numéros des notes.

38. = P. Roussel, *Les cultes égyptiens à Délos du IIIe au Ier siècle av. J.-C.*, Paris-Nancy, 1915-1916; cf. note 8 ci-dessus.

39. = P. Roussel, *Délos, colonie athénienne*, Paris, 1916, pp. 410-432. (Bibliothèque des Ecoles françaises d'Athènes et de Rome, fasc. 111).

I. Délos = Roussel, *CED*[38]	Roussel, *DCA*[39]
2100 no. 81, p. 131	
2101 no. 82, pp. 131-132	
2102 no. 100, pp. 140-141	
2103 no. 122, p. 149	
2104 no. 166, p. 173	
2105 no. 169, p. 175 (= *Sylloge*[3], III, 1127)	
2106 no. 169, p. 175 (= *Sylloge*[3], III, 1127)	
2107 no. 181, p. 191	
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NEUE DOKUMENTE ZUM DRUSILLA-PROZESS[1]

Herwig Maehler

Der 11. Band der *BGU* enthält vier[2] Urkunden, die sich auf den bekannten Prozess zwischen Tertia Drusilla, der Witwe des Valerius Apollinarius, und C. Iulius Agrippinus, dem Sohn des Veteranen C. Iulius Agrippianus, beziehen: *BGU* 2012, 2013, 2070 und 2071. Die ersten beiden Texte sind Eingaben des Agrippinus, aus denen hervorgeht, dass auf Seiten Drusillas noch eine weitere Person an diesem Prozess beteiligt war, eine Frau namens Athenaïs alias Heraïs aus Karanis, und dass der Prozess sich bis 147 n. Chr., wenn nicht noch länger, hinzog. *BGU* 2070 recto enthält umfangreiche Teile einer Abschrift eines ausführlichen Verhandlungsprotokolls, das Verso eine detaillierte Aufstellung der Forderungen des Gläubigers. In *BGU* 2071 sind zwei Auszüge aus Protokollen früherer Verhandlungen erhalten. Diese beiden Texte verdienen eine eingehendere Betrachtung im Zusammenhang mit den übrigen Akten und Eingaben dieses Prozesses, zumal da ich sie in der Edition nur sehr knapp behandeln konnte.

Grundlage des Prozesses waren verschiedene Darlehen, die C. Iulius Agrippianus dem Valerius Apollinarius schon im Jahre 118 (*MChr.* 87 II.23; *BGU* 2070 v I.5) und dann noch mehrfach, zuletzt im Jahre 128/9 (*MChr.* 88 I.10), gewährt hatte, die durch Hypotheken auf verschiedenen Grundstücken des Schuldners gesichert waren. Als die Rückzahlung ausblieb, nahm der Gläubiger die ihm verpfändeten Grundstücke in Besitz,[3] noch zu Lebzeiten des Apollinarius. Erst nach seinem Tode hatte die Witwe Tertia Drusilla dann Klage erhoben beim Archidikastes[4] Asklepiades: gegen Agrippianus auf Herausgabe der Grundstücke, und gegen die Tutoren ihrer Kinder wegen Vernachlässigung von deren Interessen. Das war der Ausgangspunkt dieses ungewöhnlich langwierigen Prozesses. Asklepiades entscheidet, dass die Tutoren vorgeladen werden sollen und dass Agrippianus keine Verfügungen über die strittigen Grundstücke treffen darf[5] (*MChr.* 88 I.30-33). Danach scheint zunächst nichts geschehen zu sein; jedenfalls klagt Drusilla erneut, diesmal vor dem Iuridicus M. Iulius Maximianus, der Agrippianus vorladen lässt: darauf bezieht sich die Eingabe *SB* 7367 vom 26. Mai 137,[6] in der Agrippianus um baldige Ansetzung der Verhandlung bittet, da er schon seit dem 16. April in Alexandria sei und darauf warte, gehört zu werden, nun aber dringend zur Ernte nach Hause reisen müsse.[7] Sehr wahrscheinlich ist es aber im Sommer 137 dann gar nicht mehr zur Verhandlung gekommen, sondern erst im folgenden Jahr: jetzt wendet sich Drusilla wieder an Maximianus, der daraufhin den Strategen des

1. Das Material ist zusammengestellt in der Einleitung zu BGU 2012 (vielleicht gehört ausserdem *P. Aberd.* 17 dazu, s. unten Anm. 29). Die grundlegende Behandlung des komplizierten und langwierigen Falles ist der Aufsatz von Paul M. Meyer, *Archiv* 3, 1906, S. 91-105 und 247 f., im Anschluss an die Neuedition des P. Cattaoui verso durch Grenfell und Hunt (ebda. S. 61-67, =*MChr.* 88) und an *P. Lond.* II 196, S. 152 f. (=*MChr.* 87).

2. Vielleicht fünf: s. zu *BGU* 2014.

3. ἐχρήσατο . . . τοῖς νομίμοις *MChr.* 88 I.12, dazu Meyer, *Archiv* 3, S. 96; vgl. *BGU* 2070 r I.23-24.

4. In *MChr.* 88 I.20 ist der Titel nicht erhalten, er ergibt sich aber aus *BGU* 2070 r I.24-25, wo]ιδικαστηι zu lesen ist. Das spricht sehr für Meyers Vermutung (*Archiv* 3, S. 99), dass dieser Richter der Archidikastes Ulpius Asclepiades sein könnte, der im 18.Jahr Hadrians im Amt war (*MChr.* 372 I.15-III.10). Demnach musste Apollinarius zwischen etwa 130 und 133/4 gestorben sein.

5. Die Felder gehen also nicht in seinen Besitz über, sondern werden sequestriert: darüber s. unten. Gegen die ἐμβαδεία hatte auch der μεσέγγυος gleich Einspruch erhoben (*MChr.* 88 I.13), dazu vgl. Meyer, *Archiv* 3, S. 97.

6. Das Datum ist zu ergänzen (ἔτους) [κα] Παῦνι ᾱ, vgl. A. Stein, *Die Präfekten von Aegypten*, S. 70.

7. Um eine der späteren in *MChr.* 88 II.1 ff. erwähnten Verhandlungen kann es sich deshalb nicht handeln, weil der dort genannte Stratege Tib. Claudius Cerialis erst für 138/9 bezeugt ist und sein Vorgänger Vegetus alias Sarapion noch am 21. Oktober 137 im Amt war, vgl. Henne, *Liste des stratèges* 52; Mussies Nos. 68 und 69.

Herakleidesbezirks Tib. Claudius Cerialis beauftragt, die Akten zu prüfen und die beteiligten Personen zur Verhandlung zu laden (*MChr.* 88 II.1-9).[8] Darauf fand eine weitere Verhandlung vor Maximianus statt, zu der Drusilla, die Tutoren Antistius Gemellus und Sabinus[9] sowie Agrippianus vorgeladen waren; der Iuridicus entscheidet, dass der Stratege innerhalb von 20 Tagen neue Tutoren ernennen wird, die dann in 5 Tagen die Prüfung der Angelegenheit beenden sollen (*MChr.* 88 II.10-III.14); bis zur Klärung soll der Gläubiger in Alexandria bleiben (*MChr.* 88 II.28-29). Das geschieht, und in der nächsten Verhandlung, in Gegenwart der neuen Tutoren Iulius Gemellus und Longinus Apollinarius, beauftragt der Iuridicus den Strategen, die Besitzverhältnisse und Verbindlichkeiten des verstorbenen Schuldners nachzuprüfen (*MChr.* 88 III.14-26). Der Stratege ernennt daraufhin zwei Rechnungsprüfer (λογοθέται), je einen auf Vorschlag jeder Partei, denen Agrippianus eine Aufstellung über die Schulden und Zinsen einerseits und die Einkünfte aus den beschlagnahmten Grundstücken andererseits übergibt (*MChr.* 88 III.27-IV.7).

Etwa um 139-140 muss der Gläubiger Agrippianus dann gestorben sein. Drusilla erneuert ihre Klage jetzt gegen seinen Sohn und Erben Gaius Iulius Agrippinus beim Strategen, der jedoch die Sache wieder an die Rechnungsprüfer zurückverweist und überdies anordnet, dass die Erträge des strittigen Landes bis zur Entscheidung des Falles verkauft und der Erlös bei einer Bank deponiert werden soll; das geschieht dann mehrere Jahre hindurch (*MChr.* 88 IV.8-35). Inzwischen ist Agrippinus Soldat geworden, und zwar zu einem Zeitpunkt, als Claudius Neocydes der Nachfolger des Maximianus als Iuridicus geworden war,[10] d.h. nicht vor 141, aber auch nicht später als 144/5.[11] Neocydes übernahm den Fall; sehr wahrscheinlich hat schon die nächste, in *MChr.* 88 V.16-30 referierte Verhandlung vor ihm stattgefunden.[12] Auch in dieser geht es wieder um die Ernte (oder den daraus erzielten, bei der Bank deponierten Erlös?), anscheinend hatte Drusilla die Herausgabe verlangt. Jedenfalls dringt jetzt der Iuridicus auf Beschleunigung; die λογοθέται sollen ihre Prüfung innerhalb von 30 Tagen abschliessen, und zwar soll der Stratege Apollinarius[13] sie zur Eile drängen (*MChr.* 88 V.25-30; *BGU* 1019.6-8). Gleichzeitig hatte Neocydes dem *praefectus castrorum* T. Flavius Vergilianus[14] geschrieben, er möge Agrippinus zur Verhandlung schicken (*MChr.* 87 I.5-6). Diese Verhandlung, bei der auch Drusillas ältester Sohn Philippos anwesend ist, findet dann freilich nicht vor Neocydes statt, sondern vor dem Dioiketen Iulianus, der den vorübergehend abwesenden Iuridicus vertritt (*MChr.* 87 I; *BGU* 1019.11-12).[15] Iulianus bemängelt zunächst (*MChr.* 87 I.9-11), dass die Angelegenheit im

8. Zum Datum s. die vorige Anmerkung.

9. Vielleicht dieselben in *BGU* 256; in Karanis lebten zu dieser Zeit mehrere Personen mit Namen Antistius Gemellus: vgl. A. E. R. Boak, *JEA* 18. 1932. S. 73; *P. Mich.* 224.3752,5140,5423 (Marcus Antistius Gemellus); ohne Praenomen in BGU 613.3; und in einer noch nicht veröffentlichten Urkunde in West-Berlin (P. Berol. 21638).

10. Vg. *MChr.* 87 I.1-4. Was in *MChr.* 88 V.1-16 referiert wird, ist wegen der vielen Lücken nicht recht klar; jedenfalls ist dort von der Mutter des Agrippinus die Rede, was doch wohl bedeutet, dass er zu dieser Zeit schon bei der Legion ist. Am Ende der vorhergehenden Columne (IV.35) könnte Satzende sein: "... und desgleichen wurden dann (*sc.* während Drusilla die λογοθεσία hinauszögerte, wie Agrippinus behauptet) auch die Einkünfte der folgenden Jahre deponiert, während ich in der Armee war."

11. *BGU* 195.16; in dieser Eingabe aus dem Jahr 148 beschwert sich Agrippinus, der noch bei der Legion ist, über zwei Leute, die ἀπὸ τοῦ η (ἔτους) Ἀντωνίνο[υ] . . . [μ]έχρι τοῦδ[ε] σφετερίσζοντα[ι] τολμήσαντε[ς..].εκ.απας (= κλοπὰς ?) ποιεῖσθαι καὶ κα[τ]αμελεῖν τῶν προσηκόντων ἔργων . . . ⟨ε⟩ἰς τὸ τέλ⟨ε⟩ιον χερσώσαντες τὴν ὕπ[αρ]ξιν – d.h. es waren Verwalter, die in seiner Abwesenheit für die Bebauung des Landes hätten sorgen sollen. Daraus ergibt sich ein sicherer *terminus ante quem*; möglich ist allerdings, dass Agrippinus schon einige Zeit vor dem genannten 8, Jahr des Antoninus (144/5) zur Legion eingerückt war.

12. Vgl. Meyer, *Archiv* 3, 102 Anm. 2; Stein, *PIR*^{2}, II, No. 940, S. 218 f.

13. Er ist als Stratege bezeugt zuerst am 30.1.141, zuletzt am 30.1.143, vgl. Henne, *Liste des stratèges* 53; Mussies No. 71.

14. Vgl. *CIL*, III, 6025 = Dessau 2615; *PIR*^{2}, III, No. 395, S. 180.

15. Kurz davor fand auch eine Verhandlung vor dem *tribunus militum* Sentius Maximus statt, von der in *MChr.* 88 VI die Rede war; davon ist jedoch fast nichts kenntlich.

Arsinoites (ἐπὶ τῶν τόπων) verhandelt werde, d.h. vor dem Strategen Apollinarius und den λογοθέται, während doch Agrippinus als Soldat im Legionslager bei Alexandria sei;[16] ausserdem (*MChr.* 87 I.13-17) lässt er die Prozessparteien einen Vermittler (μεσίτης) wählen, einen ehemaligen Exegeten namens Domitius; an ihn richtet Agrippinus dann seine umfangreiche Eingabe *MChr.* 88.

Einem späteren Stadium des Prozesses gehört *BGU* 1019 an,[17] ein Fragment wohl eines Verhandlungsprotokolls (oder einer Eingabe?), in dem der Anwalt des Agrippinus die Vorgeschichte des Prozesses zusammenfassend bis zur Einsetzung des Domitius als μεσίτης referiert; der Iuridicus Neocydes ist zu diesem Zeitpunkt nicht mehr im Amt. Schliesslich zeigt die Eingabe *BGU* 2013, die Agrippinus an den Iuridicus Marcius Crispus richtet, an den die Sache durch den Präfekten Petronius Honoratus delegiert worden war, dass auch zu dieser Zeit, um 147-148,[18] der Prozess immer noch nicht abgeschlossen war.

Nun zu den beiden neuen Urkunden. Unter *BGU* 2071 habe ich zwei Fragmente zusammengefasst, die freilich nicht unmittelbar aneinanderstossen, deren Zusammengehörigkeit mir aber durch die Identität der Hände und durch den Inhalt gesichert erscheint: es sind der schon publizierte[19] *P. Alex.* 5 und ein bisher unveröffentlichter Westberliner Papyrus, der auf dem Recto offenbar die Zeilenenden dazu enthält und auf dem sonst unbeschriebenen Verso den Vermerk trägt ὑπομνηματισμὸς Ἰουλίου Ἀγριππίνου. Darin kommen vier Personen in *oratio recta* zu Wort, deren Aeusserungen jeweils mit εἶπεν eingeleitet werden:[20] Maximianus, Neocydes, Kallinikos, und ein Stratege. Die beiden ersten sind ohne Zweifel die Iuridici, die nacheinander über Drusillas Klage verhandelt haben; der dritte trat als Anwalt in einer vor Neocydes geführten Verhandlung auf,[21] und wir werden sehen, dass er der Anwalt Drusillas war; der Stratege wird Tib. Claudius Cerialis sein, der Stratege des Herakleidesbezirks um 138-139.[22] Da nun Maximianus und Neocydes nicht gleichzeitig und in derselben Verhandlung den Vorsitz geführt haben können, haben wir es hier mit Auszügen aus Protokollen verschiedener Verhandlungen zu tun. Zu welchem Zweck diese Zitate hier zusammengestellt worden sind, ist nicht deutlich; da sie von derselben Hand stammen wie die Eingabe *BGU* 2013, für die das Jahr 147 den terminus post quem bildet, könnte es sich um eine Zusammenfassung der Hauptergebnisse früherer Verhandlungen handeln, die vielleicht einer Eingabe zu einem späteren Stadium des Prozesses beigefügt war.[23]

Jedenfalls bezieht sich der erste Teil des Textes auf eine Verhandlung vor Maximianus, bei der der Gläubiger Agrippianus, Agrippinus' Vater, und der Stratege anwesend waren. Damit muss die Verhandlung gemeint sein, deren Ergebnis Agrippinus in seiner grossen Eingabe an Domitius (*MChr.* 88 III.18 ff.) mit den Worten zusammenfasst ἐκρίθη τὸν τοῦ νομοῦ στρατηγὸν ἐξετάσαι πάντα τὸν τοῦ ὑποχρέου πόρον καὶ ἐν πόσοις ἐστὶ τὰ ὀφειλόμενα καὶ δηλῶσαι αὐτῷ. Dazu würden die Zeilen 2-7 des neuen Textes sehr gut stimmen; allerdings ist wegen der Lücke die Konstruktion nicht klar: ποιήσω ἐξετάσαι (Z.5) muss sich auf den Strategen beziehen, aber was wäre dann Subjekt zu θήσει, und wozu ist καλῇ πίστει zu ziehen (Z.3)? Subjekt muss jedenfalls eine dritte

16. Das zitiert Agrippinus etwas später wörtlich in seiner Eingabe an den Präfekten *BGU* 2012, in der er um Vorladung der Gegenpartei nach Alexandria bittet.
17. Dazu vgl. Meyer, *Archiv* 3, S. 247 f.
18. Zur Amtszeit des Petronius Honoratus vgl. Stein, *Die Präfekten* S.78-80.
19. A.Swiderek – M. Vandoni, *Papyrus grecs du musée gréco-romain d'Alexandrie*, Warszawa, 1964, . 50 f. mit Taf. II.
20. Dazu vgl. R. A. Coles, *Reports of Proceedings in Papyri*, Bruxelles, 1966, S. 41 ff.
21. *MChr.* 87 I.11; derselbe vielleicht auch in *P. Cair. Preis.* 1.11.
22. Ueber ihn x. oben Anm. 7.
23. Vgl. unten Anm. 32.

Person sein, vermutlich einer der beiden zu wählenden oder schon gewählten λογοθέται. Dem entspricht in *MChr.* 88 IV.2-7 die Angabe, dass daraufhin Agrippianus den λογοθέται Aufstellungen eingereicht habe τῶν τε ὀφειλομένων αὐτῷ κεφαλαίων καὶ τόκων καὶ ὧν ἔσχε προσόδων. Möglich erscheint mir, dass der erste Teil dieses Satzes (bis ἐξετάσαι Z.5) besagte, der eine λογοθέτης, nämlich der von Agrippianus vorgeschlagene Ptolemaios (*MChr.* 88 III.33), solle dessen Forderungen prüfen,[24] während dann (von καὶ Z.5 bis φανερόν [μοι] ποιῆσαι Z.7) gesagt war, der andere, nämlich der von Drusilla vorgeschlagene Alkimos (*MChr.* 88 III.30), solle die Vermögensverhältnisse des verstorbenen Schuldners nachprüfen, darüber eine Zusammenstellung machen (συνάξει, wenn so in Z.6 zu lesen ist) und diese dem Strategen zur Kenntnis bringen.[25]

Während sich so die Worte des Strategen ohne weiteres mit den übrigen Zeugnissen über diese Verhandlung in Einklang bringen lassen, bereitet die vorangehende Aeusserung des Maximianus eine gewisse Schwierigkeit: was heisst τὰ νόμιμά σου τῆς ὑποθήκης ἐλύθη? Bekanntlich heisst λύειν oder περιλύειν im Zusammenhang mit Verpflichtungen und Verbindlichkeiten "lösen, einlösen, zahlen, löschen, annullieren" und kann sowohl vom Schuldner wie auch vom Gläubiger gesagt werden; speziell im Zusammenhang mit Hypotheken werden mit νόμιμα die "Rechtsmittel" bezeichnet, die dem Gläubiger bei Nichtzahlung gegen den Schuldner zustehen, insbesondere die ἐμβαδεία,[26] und wir wissen, dass Agrippianus davon Gebrauch gemacht hat (*MChr.* 88 I.11-12).[27] Angenommen also, τὰ νόμιμα wäre hier die ἐμβαδεία, was heisst dann ἐλύθη? Die Bedeutung "zurückzahlen" scheidet aus, da dann ja die Hypothek selbst gelöscht wäre und nicht die νόμιμα (was auch immer dann damit gemeint wäre); ausserdem wurden die Hypotheken ja tatsächlich *nicht* zurückgezahlt. Also muss der Satz wohl bedeuten, dass die νόμιμα "aufgehoben" wurden,[28] d.h. dass die Inbesitznahme der hypothezierten Felder suspendiert wurde, offenbar auf Grund des Einspruchs des μεσέγγυος (*MChr.* 88 I.13), und das würde auch mit den oben erwähnten Anordnungen des Archidikastes und des Strategen übereinstimmen, dass der Gläubiger keine Verfügungen darüber treffen durfte und dass der Ertrag daraus auf einem Sperrkonto deponiert werden sollte; Agrippianus bekam also nicht den Eigentumszuschlag (ἐπικαταβολή, προσβολή) an dem verfallenen Pfand, sondern es blieb bis zur Klärung der Ansprüche sequestriert.

Der Zusammenhang von Z.7-11 ist mir nicht ganz verständlich; in der *editio princeps* des linken Stückes war Z.7 aus Versehen weggelassen worden, und auf der Photographie ist wenig zu erkennen. Sicher ist nur, dass von ἐπίτροποι die Rede ist; da sie anscheinend beschuldigt werden, jemand geschädigt zu haben (Z.9), könnten es die früheren Tutoren sein, denen Drusilla vorwarf, sie hätten die Interessen ihrer Kinder vernachlässigt.[29]

In Z.10 läge es nahe, μ]ετὰ ταύτην τὴν [κατάστ]ασιν zu ergänzen, wahrscheinlich war die Lücke aber doch um einiges länger. Des weiteren ist dann von "Briefen" die Rede, wobei zu bedenken ist, dass ἐπιστολή eine Anordnung eines hohen Beamten sein kann; κύριαι (aus κύριε

24. Vielleicht ἐξετάσ]ει oder ἀναζητήσ]ει? Nach σοι oder nach πίστει ist wohl zu interpungieren.

25. Die beiden λογοθέται Ptolemaios und Alkimos sind ehemalige Gymnasiarchen von Arsinoe, Nos. 89 und 90 in Sijpesteijns Liste; warum als Datum dort (S. 14) nicht 138-139, sondern 150 angegeben wird, für Alkimos im Register (S. 56) sogar 158, verstehe ich nicht.

26. Zum Verfahren vgl. besonders *BGU* 1573; weiteres bei Taubenschlag, *Law*[2], S. 533-535.

27. S. oben Anm. 3.

28. Vgl. *BGU* 2070 r I.24 λῦσαι βουλομένη (*sc.* τὰ νόμιμα.).

29. Vielleicht ist in Z.7 zu ergänzen ἐὰν κατηγ]ορῇ περὶ τούτων τῶν ἐπιτρόπων = "wenn sie (*sc.* Drusilla) wegen dieser Sache die Tutoren verklagt." Ob *P. Aberd.* 17 hiermit etwas zu tun hat, ist mir deshalb unsicher, weil dort anscheinend von einer Tochter (]την παῖδα, Z.17) die Rede ist, während als Kinder Drusillas sonst nur 2 Söhne erwähnt werden; ein entscheidendes Hindernis wäre das freilich nicht, und die Hand von *P. Aberd.* 17 ist der von *BGU* 2013, 2070 und 2071 ausserordentlich ähnlich.

verbessert) müsste hier Adjektiv sein, so dass *κύριαι ἐπιστολαί* vielleicht als "Schreiben des Kyrios," d.h. des Präfekten, aufzufassen wären, aber ich muss gestehen, dass mich diese Deutung nicht recht befriedigt.

Z.12-14 beziehen sich dann auf eine spätere, vor Neocydes geführte Verhandlung. Was hat Neocydes gesagt? Als Objekt zu *ἐπέθηκεν* kommt ein Wort wie *ὅρος*, *τέλος* oder *πέρας* in Frage (vgl. *MChr.* 87 I.2,9,12) und vielleicht hat in Z.12 *οὖν πέ̣[ρας* gestanden. In Z.13 scheint vor der Lücke etwas wie *κρ̣αι̣[*, *κ̣ο̣λ̣π[* oder dergleichen gestanden zu haben: paläographisch wäre die Ergänzung *ὁ κρά̣τ̣[ιστος δικαιοδότ]ης* möglich.[30] Am Zeilenende scheint *Μαξιμῖνος* gestanden zu haben, da die Lücke für 2 Buchstaben zu schmal wäre. In der letzten Zeile kommt Kallinikos zu Wort; da mit *ὁ ἀντίδικος* nur Agrippinus gemeint sein kann, müssen wir in Kallinikos den Anwalt Drusillas sehen. Was er über Agrippinus sagt, ist nicht klar, da das Verb am Ende der Zeile nicht sicher zu lesen ist; die Spuren nach der Lücke passen vielleicht zu *ὑ̣π̣έστη*, womit gemeint sein könnte "A. hat (das und das) zugesichert." Da der Papyrus rechts neben dieser Columne in einer Breite von 14 cm. unbeschrieben ist, wird dies das Ende der Rolle sein; da aber Verhandlungsprotokolle nicht so unvermittelt abzubrechen pflegen,[31] kann dieser abrupte Schluss als Bestätigung dafür angesehen werden, dass der vorliegende Text nur Auszüge, genauer gesagt: eine Auswahl der unter einem bestimmten Gesichtspunkt relevanten Zitate aus Protokollen früherer Verhandlungen enthält, möglicherweise als Dokumentation zu einer Eingabe.[32]

Das andere Stück, *BGU* 2070, war ebenfalls schon zu einem Teil bekannt: H. Frisk hatte 1931 in seinen "Bankakten aus dem Faijûm" ein Stück der 1. Columne veröffentlicht (Nr. 2 S.72 ff. = *SB* 7516); dazu sind seither noch 3 ziemlich umfangreiche Stücke in den Berliner Sammlungen gefunden worden, davon 2 in Ostberlin und eines in Westberlin. Das Recto enthält ein langes Verhandlungsprotokoll.[33] Da es von derselben Hand geschrieben zu sein scheint wie der eben besprochene Text *BGU* 2071 und die Eingabe *BGU* 2013, wird es eine von der Partei des Agrippinus angefertigte, private Abschrift aus den Akten sein. Der Richter, der die Verhandlung führt, ist jener Domitius, der von dem ehemaligen Dioiketen und stellvertretenden Iuridicus Iulianus als *μεσίτης καὶ κριτής* (*iudex pedaneus*) eingesetzt worden war; wie wir jetzt sehen, führte er einen Doppelnamen: *Οὐαλέριος Δημήτριος ὁ καὶ Δομίτιος* (I.19-20, II.21-22, III.6), während er in den übrigen Akten nur Domitius heisst. Die ersten 3 Zeilen von Col. I werden die üblichen Einleitungsformeln enthalten haben, etwa *ἀντίγραφον ὑπομνηματισμοῦ* oder *ἐξ ὑπομνηματισμῶν τοῦ δεῖνα*, danach die Delegationsangabe *ἐξ ἀναπομπῆς Ἰουλιανοῦ*, ferner das Datum und den Ort.[34] Dann waren die anwesenden Prozessparteien genannt, wie sich aus *πρὸς . . .* (I.4) schliessen lässt; in I.5 steht der Rest eines Namens auf *-φίων* im Genitiv, was vorläufig unklar bleibt; danach ist *Τερτ[ία Δρούσιλλα* gennant: da sie hier mit zwei Namen bezeichnet wird, während sie später regelmässig nur *Δρούσιλλα* heisst, ist sie wohl in I.5 zum erstenmal erwähnt.[35] Ausserdem sind, wie sich aus dem Folgenden ergibt, noch anwesend:

30. Vgl. *MChr.* 372 IV.21, wo der Präfekt Eudaimon von seinem Vorgänger als *ὁ κράτιστος Ἡλιόδωρος* spricht (nicht *ὁ γενόμενος*).

31. Vgl. Coles, *Reports of Proceedings*, S. 52 ff.

32. Ein ähnlicher Fall scheint in *BGU* 2058 vorzuliegen: die fast verlorene 1. Columne könnte vielleicht die Eingabe enthalten haben, der in Col. 2 der Brief des Präfekten sowie Entscheidungen (*κεκριμένα*) vorangegangener Verhandlungen in Abschrift beigefügt waren.

33. Die Versoseite enthält eine sehr detaillierte Aufstellung über die Forderungen des Gläubigers; deren 1. Columne (= Frisk, *Bankakten*, S. 76) deckt sich fast vollständig mit *MChr.* 87 II, die übrigen 3 Columnen sind leider so stark zerstört, dass eine Rekonstruktion kaum möglich erscheint.

34. Vgl. Coles, *Reports of Proceedings*, S. 29 ff.

35. Vgl. Coles, *Reports of Proceedings*, S. 38 f.

Agrippinus und seine Anwälte;[36] Kallinikos, der Anwalt Drusillas, und Philippos, ihr ältester Sohn.

Von I.7 an spricht offenbar ein Anwalt des Agrippinus, dessen Namen wir nicht wissen. Der Anwalt beginnt mit den durch Hypotheken gesicherten Darlehen, die der Vater des Agrippinus dem verstorbenen Mann Drusillas gewährt hatte, I.7-9 (am Ende von Zeile 9 bzw. Anfang von Z.10 stand vielleicht dessen Name: Ọ̣ὐ̣[*α*]-[*λερίου Ἀπολωναρίου*?). Dann war anscheinend in I.10-11 von Ansprüchen Drusillas auf den Besitz ihres Mannes die Rede. Danach wird von einer Verhandlung berichtet, die vor dem ehemaligen Dioiketen Iulianus stattfand, der den Iuridicus vertrat;[37] damit sind wir schon im Jahr 141 (oder wenig später), da der abwesende Iuridicus Neocydes ist, der seit 141 im Amt war. Von dieser Verhandlung erfahren wir nur, dass Iulianus einen *iudex pedaneus* einsetzte; daraus ergibt sich, dass diese Verhandlung dieselbe ist, die in *MChr.* 87 I referiert wird, und dass dieser *iudex pedaneus* der dort genannte Domitius ist. Daher ist in I.13 wohl zu ergänzen *σὲ μεσί*]*τ̣ην* oder *κρι*]*τ̣ὴν αὐτοῖς ἔδωκε*, vgl. *MChr.* 88 I.1-4. Dann (I.14-15) erfahren wir, dass Agrippinus eine Eingabe an den Präfekten gerichtet hatte; damit könnte *BGU* 2012 gemeint sein, da dort am Schluss (Z.29-30) derselbe Balbus, *praefectus castrorum*, gennant ist wie hier in I.17; ich möchte also *τούτῳ τῷ βιβλιδίῳ ὑπογράψας* auf die *ὑπογραφή* in *BGU* 2012.29-30 beziehen;[38] was der *στρατοπεδάρχης* dann unternehmen soll, wird nicht gesagt und ist auch hier nicht ganz klar, offenbar schreibt er einen Brief (I.18-19).[39] Unklar bleibt noch, wer Subjekt zu *προστιθεὶς* I.15 ist: das folgende Zitat (*ὑπερέθου τὴν* [- - - *διάγν*]*ωσι*ν̣ *ὥστε*?) ist vielleicht so aufzufassen, dass Agrippinus der Drusilla ihre Verzögerungstaktik vorwirft;[40] möglich ist freilich auch, dass dies Worte des Präfekten sind.

Ein Zwischenraum nach *ἐπιστολήν* I.19 deutet an, dass hier ein neuer Satz beginnt. Domitius lässt jetzt anscheinend etwas vorlesen;[41] da das Folgende von *Ἐγὼ δὴ* . . . offenbar von ihm gesprochen wird, wird [*ἀνα*]*γνωσθῆν*[*αι*] sich nicht darauf, sondern auf die eben erwähnte Eingabe und den Brief des *στρατοπεδάρχης* beziehen; es fragt sich aber, ob die *oratio recta* schon mit *ποιησ* . . oder erst mit *ἐγὼ δὴ*...beginnt. Für das Letztere spricht, dass das *ε* von *ἐγὼ* grösser ist als gewöhnlich und dadurch den Satzanfang markiert. Dann fehlt hier offenbar ein *verbum dicendi*, wie es sonst regelmässig in diesem Text die *oratio recta* einführt.[42] Was davor liegt, habe ich bisher nicht befriedigend ergänzen können; *ποιήσα*ς̣ [*τα*]*ῦ*[*τ' ἀνα*]*γνωσθῆν*[*αι*] könnte die Lücken ausfüllen. Domitius sagt demnach, er habe sich, sobald die Angelegenheit von Iulianus an ihn delegiert worden sei, zur Verfügung gehalten, die Parteien anzuhören, die Verzögerung sei also nicht von ihm verschuldet, sondern von den streitenden Parteien, die die Sache ständig hinausgeschoben hätten. Sie sollen sich jetzt äussern; auf *βούλεσθε* folgte ein Infinitiv, allerdings hat sich der Anfang von I.23 noch nicht herstellen lassen.

Nun kommen wieder Agrippinus' Anwälte zu Wort; sie rekapitulieren die Ergebnisse des bisherigen Prozessverlaufs: der Gläubiger habe die *ἐμβαδεία* vollzogen, Drusilla habe diese Massnahme rückgängig machen wollen[43] und sich deshalb nach dem Tode ihres Mannes an Asklepiades gewandt und die Herausgabe verlangt, einschliesslich alles dessen, was der Gläubiger

36. Agrippinus wird hier von mindestens zwei Anwälten unterstützt, vgl. I.23.
37. In I.12 ist vielleicht *δι*]*καιω*[*δοσία* zu ergänzen.
38. Dort ist vielleicht in Zeile 30 *ἔντυχ*[*ε* zu ergänzen.
39. Vielleicht ist auch in I.18 *ἐπι*[*στολήν* zu ergänzen.
40. Vgl. auch *MChr.* 88 IV.29-31.
41. I.20 wird *ἀνα*]*γνωσθῆν*[*αι*] zu ergänzen sein.
42. Die gleiche Inkonsequenz finden wir aber auch in *MChr.* 87 I und öfter, vgl. Coles, *Reports of Proceedings* S. 44. 1.
43. Zu *λῦσαι* I.24 muss als Objekt *τὰ νόμιμα* gezogen werden; in diesem Sinne (= "die Zwangsmassnahmen aufheben") wird man demnach wohl auch in *BGU* 2071.1-2 *τὰ ν*]*όμιμα* . . . *ἐλύθη* aufzufassen haben.

inzwischen aus dem beschlagnahmten Besitz veräussert hatte. Danach habe Drusilla sich an Maximianus gewandt, der entschieden habe, sie solle die verpfändeten Felder zurückbekommen, wenn die Forderungen des Gläubigers erfüllt würden; deren Umfang aber sei strittig gewesen, und so habe Maximianus den Strategen beauftragt, Buchprüfer zu ernennen, die dann die jeweiligen Forderungen bzw. Verbindlichkeiten der beiden Parteien nachprüften. Diese haben dann etwas vereinbart (*συνκατέθεντο*, I.31), und Agrippinus, der als Erbe seines inzwischen verstorbenen Vaters die Forderungen übernommen hatte, wolle, dass diese Buchprüfung jetzt abgeschlossen werde (*ἀπαρτισθῆναι [τ]ὴν [λογοθεσίαν* ist wohl in I.32-33 zu ergänzen), und er wolle, wie es ja entschieden worden sei (?),[44] die Schulden zurückgezahlt bekommen; dazu habe die Gegenpartei sich auch bereit erklärt.[45]

Leider ist die 2. Columne so schlecht erhalten, dass nirgends ein längerer Text herstellbar ist, ich möchte darum nur die Punkte herausgreifen, wo sich ein Zusammenhang fassen lässt. Zunächst (II.2 ff.) erwidert Kallinikos, der Anwalt der Gegenseite. Aus *πεψευσμένο[* II.3 ist wohl zu entnehmen, dass er die Darstellung der Agrippinus-Partei bestreitet. In II.6 fällt dann das Stichwort *προίξ*, das im Folgenden noch eine wichtige Rolle spielen wird, und von hier an hat offenbar Drusilla selbst das Wort, die erklärt, von ihrem verstorbenen Mann werde ihr die Mitgift geschuldet, d.h. sie macht ihr Dotalpfandrecht geltend. In II.8 ist *Ἡλιόδωρος* erwähnt, d.h. der *Praefectus Aegypti* C. Avidius Heliodorus; ich habe den Titel nach dem Namen zu *ἡγ[εμονεύσας* ergänzt, weil seine Amtszeit Ende 141 oder spätestens Anfang 142 ablief,[46] während die gegenwärtige Verhandlung später liegt als die in *MChr.* 87 referierte, die frühestens 141 stattfand, und auch später als die Eingabe *MChr.* 88, die darauf folgte; da auf dem Recto dieser Eingabe, das sicherlich vor dem Verso beschrieben wurde,[47] eine Sammlung von Präjudizien verschiedener Präfekten und delegierter Richter steht, von denen das späteste vom 26. August 142 datiert ist (*MChr.* 372 IV.16), haben wir damit einen *terminus post quem* für die vorliegende Verhandlung. Auf die Präjudiziensammlung *MChr.* 372 komme ich noch zurück.

Mit den folgenden Zeilen (II.9-18) kann ich leider gar nichts anfangen, da dort meist nicht einmal ganze Wörter zu lesen sind. In II.19-21 ist dann offenbar von Drusillas Sohn Philippos die Rede; es spricht entweder Kallinikos oder Drusilla. Anscheinend war gesagt, dass Philippos die Erbschaft seines verstorbenen Vaters angetreten habe: *ἐ]ν̣ τῇ πατρῴᾳ κ[λ]ηρονομ[ίᾳ]* II.20. Was *χρεία* in II.21 bedeutet, ist nicht klar, vielleicht "Dienst, Funktion," wie so oft in den Liturgenvorschlägen. – Danach spricht Domitius zu Philippos; leider ist das Folgende so schlecht erhalten, dass ich den Sinn nicht habe erraten können. II.24 könnte von Philippos gesprochen sein, in II.25-26 spricht vielleicht Domitius zu Drusilla (falls ihr Name im Dativ am Ende von II.25 vor *εἶπεν* zu ergänzen ist), offenbar geht es um die *κληρονομία* (II.26). Vielleicht reicht die Rede des Domitius bis . . . *τοῖς τέκνοις σου φυλαχθῇ* II.29, worauf Drusilla ihm erwidert; sie kommt wieder auf die Mitgift zu sprechen (*π̣ρ[οῖ]κα*, II.31) und weist jetzt ausdrücklich auf ihr Dotalpfandrecht hin: *πρωτοπραξ[ί]αν*[48] *γὰρ ἔχω* II.31. Das bestreitet Agrippinus: erstens habe Drusilla keinen Anspruch auf Herausgabe der *προίξ*, und zweitens, selbst wenn sie ihn hätte – was in II.33 weiter gesagt war, ist nicht sicher herzustellen, es lässt sich aber, denke ich, dem Sinne nach rekonstruieren: zu *τὰ π[ρ]ὸς στρατιῶτας γενόμεν[α* ist vielleicht *τέκνα* zu ergänzen, jedenfalls wird diese Ergänzung durch die Reste der beiden folgenden Columnen nahegelegt; dort möchte ich in

44. *καὶ ὡς ἐκρίθ]η* in der letzten Zeile ist nur *exempli gratia* ergänzt.
45. *οἱ περὶ τὸν Φί[λιππον* ist vielleicht in II.1 zu lesen.
46. Vgl. Stein, *Die Präfekten von Aegypten* S. 72 ff.
47. Vgl. P. Meyer, *Archiv* 3, 1906, S. 92.
48. *πρωτοπραξ[ι]ον* muss ein Schreibfehler sein. Zur Protopraxie der Witwe auf die Mitgift vgl. jetzt G. Häge, Ehegüterrechtliche Verhältnisse in den griechischen Papyri Aegyptens bis Diocletian (Köln, 1968), S. 170 ff.

III.9 ergänzen *κληρονόμος τοῦ* 'Απολ]*ιναρίου γεγονώς*, womit Philippos gemeint wäre, von dem ja auch in III.5 die Rede ist; vgl. auch *τ]έκνον* III.11. Wenn man diese Ergänzung voraussetzt, ginge es hier um das Erbrecht von Soldatenkindern, und diese Interpretation scheint mir auch mit dem Wenigen, was von Col. IV erhalten ist, in Einklang zu stehen; jedenfalls ist auch dort von Soldaten die Rede und (in IV.12-13) von etwas, was ihnen erlaubt oder nicht erlaubt war, je nachdem, ob man vor *ἔξεστω* IV.12 ein [*οὐκ*] ergänzt oder nicht. Im ersteren Fall war vielleicht an das Heiratsverbot der Soldaten erinnert, im letzteren Fall vielleicht daran, dass Soldaten ihre Kinder auch aus solchen während der Legionszeit geführten Ehen, die nach römischem Recht nicht als *matrimonium iustum* galten, doch als vollberechtigte Erben einsetzen konnten;[49] dann wäre dem Sinne nach etwa zu ergänzen *ἔξεστιν δὲ τοῖς* [*στρατιώταις κληρονόμους καταλείπειν* oder dergleichen. Demnach scheint der Gedanke des Agrippinus oben in II.32-33 gewesen zu sein: Drusilla hat keinen Anspruch auf die Mitgift, weil ihre Ehe mit Valerius Apollinarius während dessen Militärzeit geschlossen worden war, folglich war ein Ehevertrag, in dem die Mitgift festgelegt war, nicht gültig, also kann von Mitgift auch keine Rede sein;[50] aber selbst *wenn*[51] Drusilla eine *πρωτοπραξία* auf ihre *προίξ* hätte, würde es ihr nichts nützen, denn nach seiner Auffassung geht es hier gar nicht um Mitgift, sondern um Erbschaft: "wir (nämlich meine Anwälte und ich) werden nachweisen" (*ἀποδείξομεν* II.33), dass die den Soldaten geborenen Kinder das uneingeschränkte Erbrecht haben, – und Philippos hatte offenbar die Erbschaft angetreten. Der Erbe aber hat keine *πρωτοπραξία* gegenüber den Forderungen Dritter, sondern wenn er die Erbschaft antritt, erbt er damit auch die Schulden, er ist also zur Rückzahlung verpflichtet.

Wenn diese Rekonstruktion das Richtige trifft, dann erscheint auch der berühmte Cattaoui-Papyrus in einem neuen Licht. Schon Grenfell und Hunt hatten bemerkt,[52] dass die Präjudiziensammlung auf dem Recto (*MChr.* 372) und der Entwurf der Eingabe des Agrippinus an Domitius, der auf dem Verso steht (*MChr.* 88), von derselben Hand geschrieben waren, der Versotext allerdings kursiver und flüchtiger. Nun geht es aber in allen sieben Protokollen der Rectoseite, wie Paul Mayer mit Recht hervorgehoben hat,[53] um das Eherecht der Soldaten und den rechtlichen Status der Soldatenkinder, also um genau dieselben Fragen, die für Agrippinus gegenüber Drusilla und Philippos relevant sind. Insbesondere die Entscheidungen des 3. und des 7. Protokolls,[54] welche Ansprüche aus verschleierten Dotalverträgen zurückweisen (*MChr.* 372 III.2-4, VI.18-23), mussten für Agrippinus' Partei willkommen sein, wenn er Drusillas Dotalpfandrecht bestritt; ebenso wertvoll mussten für ihn die Entscheidungen sein, in denen das uneingeschränkte Erbrecht der Soldatenkinder betont wird (besonders *MChr.* 372 IV.12-15), denn er will ja darauf hinaus, dass Philippos das Erbe seines Vaters übernommen hat (und damit auch dessen Schulden, für die er dem Gläubiger haftet). Folglich liegt der Schluss nahe, dass die Präjudiziensammlung des P. Cattaoui recto (= *MChr.* 372) von Agrippinus' Anwälten zusammengestellt worden ist im Hinblick auf seine Auseinandersetzung mit Drusilla; sie haben also wohl in den Archiven in den Amtstagebüchern der Präfekten oder delegierten Richter nach vergleichbaren Fällen gesucht und daraus das Wesentliche exzerpiert, insbesondere die Entscheidungen, die sich auch in Agrippinus'

49. Vgl. besonders *MChr.* 372 IV.12-15 und Hadrians Brief an Rammius Martialis, *MChr.* 373.

50. *Dotis appellatio non refertur ad ea matrimonia quae consistere non possunt: neque enim dos sine matrimonio esse potest. ubicumque igitur matrimonii nomen non est, nec dos est* (Ulpian, *Dig.* XXIII, 3, 3).

51. S. unten Anm. 57.

52. *Archiv* 3, S. 56.

53. *Archiv* 3, S. 68.

54. Uber das 2.Prqtokoll (*MChr.* 372 I.5-13) s. die nächste Anmerkung.

Sache anführen liessen.[55] Derselbe Anwalt hat dann auf der Rückseite die Eingabe entworfen, die Agrippinus an Domitius richtete (*MChr.* 88). Da nun die in *BGU* 2070 wiedergegebene Verhandlung etwas später liegt als die Eingabe,[56] steht nichts der Annahme entgegen, dass die Eingabe zu eben dieser Verhandlung führte, in der dann die Agrippinus-Partei die oben besprochenen Argumente zum Dotal- und Erbrecht vorlegte, die sich durch die auf dem Recto des Eingabeentwurfs gesammelten Präjudizien stützen liessen.

Wie der Prozess schliesslich ausgegangen ist, wissen wir freilich immer noch nicht. Immerhin erfahren wir durch die neue Urkunde von einer wichtigen Vorentscheidung, die noch zu Lebzeiten des Gläubigers Agrippianus von dem damaligen Iuridicus Maximianus getroffen worden war: I.28-29 *ἔκρινεν δοθῆναι* (*scil. τῇ Δρουσίλλῃ*) *τὴν ἀνα[κομι]δὴν εἰ [ἀπ]ολαμβάνοι ὁ δα[νειστὴς πάντ]α ὅσα μετήρχετο*, d.h. Maximianus hatte die Forderungen des Gläubigers ausdrücklich als berechtigt anerkannt; und wenn Drusillas Ehe mit Valerius Apollinarius während dessen Militärzeit geschlossen und deshalb, jedenfalls zur Zeit des Dotalvertrages, kein *iustum matrimonium* war, konnte sie sich gegen diese Forderungen auch nicht auf das Dotalpfandrecht der Ehefrauen berufen. Falls die Ehe aber doch gültig gewesen sein sollte,[57] stellte sich die Frage, ob der umstrittene Besitz dann als ihre Mitgift anzusehen sei oder vielmehr als das Erbe des Sohnes: aus dem Edikt des Mettius Rufus (*MChr.* 192.35-36) ergibt sich, dass die Kinder nach dem Tode des *parens praedefunctus* ein Besitzrecht (*κτῆσις*) und eine Anwartschaft (*κατοχή*) auf das Vermögen des *parens superstes* hatten, welches den Kindern verfangen war (*κεκράτηται*), und das gleiche Privileg hatte Hadrian in seinem Brief an den Präfekten Rammius Martialis den Kindern aus Soldatenehen verliehen (*MChr.* 373). Selbst im Falle der Gültigkeit der Ehe hätte demnach die Argumentation des Agrippinus eine starke Stütze. Allerdings ist nicht ganz klar, wie sich die *κατοχή* zugunsten der Kinder, von der Hadrian spricht (*MChr.* 373.24), gegenüber der *πρωτοπραξία* der Witwe verhält.

Ob und wieweit Domitius, der Richter, sich den Argumenten des Agrippinus angeschlossen hat, wissen wir nicht, da seine Entscheidung nicht erhalten ist. Ein abschliessendes Urteil kann er nicht gefällt haben, da der Prozess sich auch nach dieser Verhandlung weiter hinzog. Ueber den späteren Verlauf wissen wir freilich vorerst sehr wenig (s. zu *BGU* 2013), doch erscheint die Hoffnung nicht ganz unbegründet, dass noch weitere Dokumente zu diesem interessanten Fall zu Tage kommen werden.

55. In diesem Sinne möchte ich *ἀποδείξομεν* in *BGU* 2070 II.33 verstehen; möglicherweise haben die Anwälte in den hierauf folgenden Columnen tatsächlich aus den Protokollen des P. Cattaoui recto zitiert. Daraus folgt, dass auch die umstrittene Entscheidung des 2.Protokolls (*MChr.* 372 I.9-13) im Zusammenhang sowohl mit den übrigen Protokollen als auch mit Drusillas Fall gesehen werden muss. Diese Erwägung spricht sehr gegen die Deutung von Erwin Seidl (*Studi U. E. Paoli*, Firenze, 1956, S. 663-667), der diese Entscheidung isoliert behandelt und auf die ursprüngliche Interpretation von Mitteis (*Hermes* 30, 1895, S. 580, damals noch ohne Kenntnis der folgenden Columnen) zurückgreift; bestätigt wird dagegen die Deutung von Gradenwitz und Paul Meyer (*Archiv* 3, S. 73), der sich Mitteis selbst später anschloss (*Grundzüge* 284).

56. Da Iulianus in *MChr.* 88 I.1 als amtierender *διοικητής*, in *BGU* 2070 I.12 dagegen als *ὁ γενόμενος διοικητής* bezeichnet wird.

57. Dieser Punkt war anscheinend nicht ganz klar: mit den Worten *μήτε εἰ ὠφείλετο* (*sc. αὐτῇ ἡ προίξ*) gesteht Agrippinus immerhin die Möglichkeit zu, dass Drusillas Anspruch berechtigt, dass ihre Ehe also vielleicht doch gültig gewesen sein könnte.

I PAPIRI E GLI STUDI SU EURIPIDE NEGLI ULTIMI DECENNI

Manfredo Manfredi

E' mio dovere precisare subito che non mi propongo davvero di presentare un panorama della bibliografia euripidea più recente, bensì semmai soltanto di delineare qualche veduta di scorcio su temi importanti affrontati dagli studiosi di Euripide negli ultimi decenni in stretta connessione con i papiri.

Si può ben dire che l'interesse per Euripide in genere si è progressivamente rinvigorito e diffuso: anche i papiri non hanno certo esaurito la loro capacità di contribuire a rinnovare le ricerche e le mète con testi tragici nuovi o già noti, con brani di incerta attribuzione, con antologie e citazioni, quali ad esempio quelle raccolte nello gnomologio che Vittorio Bartoletti presentò al precedente Congresso Internazionale.

Se avessi avuto il tempo di esaminare e valutare l'intera letteratura concernente Euripide e gli apporti dei papiri, sarebbe stato opportuno dividere questa relazione in tre sezioni: 1) letteratura relativa ai papiri recanti nuove testimonianze di drammi pervenuti tramite i manoscritti medievali; 2) letteratura relativa ai drammi restituiti per la prima volta frammentariamente dai papiri; 3) valutazione globale del contributo dei ritrovamenti papiracei alla storia della tradizione del testo euripideo.[1]

Ma, proprio in questi ultimi decenni, si sono susseguiti importanti studî sulla tradizione del testo di Euripide che richiamano su di sé la nostra attenzione in modo particolare in quanto da essi possiamo renderci conto quali risultati d'insieme siano stati conseguiti grazie ai papiri e quali prospettive si aprano per il futuro.[2]

Ci ha fatto veramente piacere leggere nell'introduzione all'edizione commentata dell'*Ippolito* del Barrett che i papiri, pur non recando notevoli contributi diretti al testo, hanno gettato notevole luce sulla più antica storia del testo ed hanno indotto lo studioso a proporre "con-

1. Il nuovo Euripide è stato oggetto di studi e ricerche che muovono dai *Greek Literary Papyri* I di D. L. Page, London, 1942, per giungere alla meritoria edizione dell' *Ipsipile* a cura di G.W. Bond, Oxford 1963, e ai recentissimi *Nova Fragmenta Euripidea in papyris reperta* a cura di C. Austin, Berlin, 1968, attraverso i decisivi contributi di H. Van Looy citati in Bibliografia.

2. Dal lavoro di J.A. Spranger, "A Preliminary Skeleton List of the Manuscripts of Euripides," *CQ* 33, 1939, pp. 98-107 e dai saggi di P.G. Mason — *CR* 62, 1948, pp. 105-107; *CQ* 44, 1950, pp. 61-68; *CQ* 48, 1954, pp. 56-60 — si è fatta molta strada grazie ad Alexander Turyn (*The Byzantine Manuscript Tradition of the Tragedies of Euripides,* Urbana, Ill., 1957), a Günther Zuntz (*An Inquiry into the Transmission of the Plays of Euripides,* Cambridge, 1965) e a Vincenzo Di Benedetto (*La tradizione manoscritta euripidea,* Padova, 1965; "Precisazioni sulla tradizione manoscritta di Euripide," *Maia* 18, 1966, pp. 379-391), nonché a W.S. Barrett (*Euripides, Hippolytos,* Oxford, 1964). Agostino Pertusi ("Selezione teatrale e scelta erudita nella tradizione del testo di Euripide," *Dioniso* 19, 1956, pp. 111-141; 195-216; 20, 1957, pp. 18-37; cf. anche *IMU* 3, 1960, pp. 104-156) ha compiuto un importante ed intelligente tentativo di valutare le testimonianze papirologiche al fine di stabilire le origini della "scelta" delle tragedie euripidee, per lo più accolto favorevolmente dalla critica (vedi H. Erbse, *Geschichte der Textüberlieferung* I, pp. 238 s.), ma che offre il fianco a fondamentali riserve (cf. ad es. Zuntz, *An Inquiry cit.,* pp. 249 ss.) proprio riguardo la metodologia che nella presente relazione si raccomanda.

siderable modifications of the existing views" (p. vi); ed ancor più abbiamo gradito che lo Zuntz nella sua ricerca sulla trasmissione dei drammi euripidei, a proposito dei risultati conseguiti dallo studio di un papiro dell' *Elena*, dichiari che, oltre ad illuminare la storia del testo in genere, il frammento papiraceo ha consentito di cogliere la fugace visione di un testo che eclissa la concezione del brano poetico quale si era formata attraverso una documentazione imperfetta (p. 246). La nostra soddisfazione è derivata dal fatto di constatare la concreta efficacia e la vitale problematica fornita dai papiri per (*a*) lo studio del testo (varianti antiche ed errori antichi), (*b*) lo studio della metrica (in particolare della colometria), (*c*) lo studio della storia della tradizione.[3]

I lavori più recenti dedicati all'ultimo problema (e che tengono nel debito conto il contributo dei papiri)[4] sono orientati sulla divisione della storia della tradizione delle tragedie euripidee in quattro periodi: testo pre-alessandrino; testo alessandrino; testo dell' età romana; testo dell' età tardo-romana e bizantina (prima della traslitterazione).

E' opinione prevalente che le testimonianze dirette offerte dai papiri consentono di accertare una certa preponderanza numerica di esemplari per le tragedie di maggior successo (teatrale o letterario) e comprese nella famosa "scelta," o addirittura nella "triade"; non consentono invece di instaurare un serio controllo statistico più particolare a causa della scarsezza (o meglio insufficienza) degli elementi di valutazione disponibili dovuta al basso numero in assoluto di papiri attestanti questa o quella tragedia. Anzi, alcune delle tragedie perdute alla tradizione medievale (e quindi, secondo la maggior parte degli studiosi, da porsi sullo stesso piano delle tragedie "alfabetiche" per ciò che riguarda la tradizione antica) sono attestate più e meglio che non tragedie a noi pervenute nella "scelta."[5]

Alcuni dei papiri più antichi (*P. Strassb.* WG 304A-307, *P. Hib.* 24, ecc.) ci rivelano una stesura più sensibilmente lontana da quella che è la tradizione a noi volgarmente nota, ma sembra che questo fenomeno si verifichi specialmente nei passi lirici che, nei papiri a noi pervenuti, sono scritti senza apparenti indicazioni colometriche.[6] Meno facile dunque la conservazione di un buon testo, recuperato poi almeno in parte dal lavorio degli alessandrini. E' invece accertato che l'edizione alessandrina (di Aristofane) ha modificato notevolmente la situazione generale. La massima parte dei papiri, come ha confermato anche lo Zuntz, riporta per lo più varianti tali che dimostrano come il testo euripideo allora costituito sia praticamente lo stesso che noi conosciamo attraverso la tradizione medievale. Gli esemplari di età romana si mantengono sulla stessa linea.

Il problema aperto è – e rimane – quello dell' inizio della tradizione bizantina. Qui entra in gioco un ulteriore elemento distintivo dovuto alla presenza del commentario marginale per nove su dieci drammi della "scelta" nella tradizione manoscritta medievale. Gli studiosi sono divisi tra sostenitori della tesi di una "edizione commentata" bizantina, capostipite dei codici medievali, e assertori della continuità di tali commenti dedicati soprattutto ai drammi di maggiore successo già in età ellenistica, poi in età romana, e soltanto rielaborati e ridotti in età bizantina, per finire

3. Zuntz, *An Inquiry cit.*, p. 31 ss., ha dimostrato che la tradizione colometrica alessandrina è praticamente rispettata nei codici *MB* e *LP*: "Now that it is realized that the verse division in the medieval manuscripts derives from the authoritative Alexandrian edition, that is, from Aristophanes of Byzantium, its neglect by editors and students in general would seem to be hard to maintain." (p. 35)

4. Vedi sopra, n. 2.

5. Diamo qui e in séguito alcune osservazioni ricavate da controlli e valutazioni personali, senza distinguerle particolarmente.

6. Questo fatto, pur chiaramente attestato, è d'altra parte singolarmente problematico e dovrebbe essere approfondito nelle sue origini e cause.

trasferiti sui margini di un codice medievale.[7] Mi sembra opportuno precisare che, in base ai pezzi finora restituitici dell' Egitto, non credo si possa giungere a una conclusione definitiva: ma è probabile che, se di testo bizantino si deve parlare, questa volta non sarà stato il centro alessandrino a preparare l'edizione, ma quello di Bisanzio stessa; sarà dunque meno facile per noi recuperarne tracce sicure in Egitto, che forse troppo tardi, per la sua storia politica, sarebbe venuto a conoscenza di tale "edizione."

E "aperta" potrebbe anche restare la tradizione euripidea, come è stato recentemente sostenuto, più o meno dichiaratamente, da alcuni studiosi e con particolare abbondanza di documentazione da Vincenzo Di Benedetto.[8]

Il lavoro che rimane da fare non è poco, e forse merita farlo, anche se i risultati di studî più approfonditi non credo che modificheranno in modo sensibile le conclusioni raggiunte, se non nei particolari. Una discussione generale delle varianti notevoli offerte dai papiri è già stata fatta da Carlo Prato in un lungo articolo che elenca in modo pressoché completo tutti i dati disponibili entro il 1964, fa una rassegna di studî e discussioni di passi particolari e spesso dà un originale contributo alla soluzione di problemi testuali.[9]

Tuttavia ritengo che non si insisterà mai abbastanza sulla opportunità di richiamare ancora una volta l'attenzione dei filologi di professione sul tipo di contributo e di suggerimento che può venire dalle testimonianze papiracee (cosa che già è stata ripetutamente sottolineata da papirologi quali il prof. Turner). Infatti, sarebbe davvero sconcertante constatare che, dopo tanti anni di studî nel campo della papirologia (e della paleografia greca), i criterî di valutazione applicati nella scelta e nella classificazione dei testimonî manoscritti siano vincolati a convincimenti poco più che lachmanniani. Poiché, mentre i teorici, come Pasquali o Van Groningen o Dain o Timpanaro,[10] sanno indicare in modo logico e convincente e formulare con chiarezza la metodologia di base, si può verificare che nel caso concreto i singoli editori di testi si stacchino a malincuore da vedute

7. In una nota a p. 274 di *An Inquiry cit.*, lo Zuntz nega che anche il Callimaco di *P. Oxy.* 2258 (certamente non anteriore alla fine del VI secolo) costituisca un valido antesignano del codice con commento marginale, tipico del medioevo bizantino: tuttavia non si deve dimenticare che le esigenze erano assai mutate nel IX secolo, quando le annotazioni dovevano essere per forza di cose più (elementarmente) esplicative ed interpretative che non nei secoli precedenti (lingua mutata, tradizione scolastica meno costante). Dunque in età romana o tardo-romana non ci si può aspettare un rotolo o un codice papiraceo con commento marginale di tale portata.

8. Vedi soprattutto *La tradizione manoscritta euripidea, cit.*, passim. — Non so se la tradizione euripidea possa più o meno facilmente e definitivamente dirsi "aperta"o "chiusa": tuttavia, alcuni punti dell' intelligente argomentazione dello Zuntz (p. 269) a favore dell' archetipo possono essere controbattuti: (*a*) non credo che la trascrizione da maiuscola a minuscola comportasse sempre un "vast scholarly labour": la variazione nella scrittura era avvenuta gradualmente anno dopo anno attraverso tutta l'antichità; i testi erano stati sempre ricopiati in scritture diverse, rispondenti a gusti diversi; ma contemporaneamente alle conservatrici "librarie" si sviluppa tutta una storia delle "corsive" (che origineranno la minuscola!) alle quali la gente era altrettanto (e più) abituata. Ritengo inoltre che non sempre e non necessariamente tutta l'opera di un autore sia stata traslitterata unitariamente. Perché lo spurio *Andr.* 7 è stato omesso da *P. Oxy.* 449 (III^{P})? Forse semplicemente perché il testo non interpolato era l'unico "diffuso" allora per questa tragedia? Tutto questo deve esser tenuto presente da chi condivide la diffusa e un po'aprioristica convinzione che ogni testo sia stato traslitterato nell'atto stesso di presentarne una "nuova edizione." (*b*) non è necessario che un maggior numero di traslitterazioni inducano a presupporre un numero molto maggiore di varianti ecc., perché le copie di traslitterazione potrebbero essere state affini e non appartenere a due recensioni diverse (contro il Pertusi). (*c*) alcune delle osservazioni particolari a pp. 270 s. potrebbero non essere condivise. — Il che non significa che si pensi di poter derivare i nostri codici medievali direttamente e "puramente" da due o più filoni diversi, bensì che ogni copiatura procedeva su larghe basi di contaminazione, mentre qualche volta saranno sfuggite note minori pur presenti nel testo copiato (chi ha provato a far trascrivere papiri a studenti lo sa bene). Sulla terminologia e problemi connessi, si può ora vedere G.B. Alberti, *'Recensione chiusa' e 'recensione aperta'*, Firenze, 1969, (spec. pp. 15-16).

9. "Il contributo dei papiri al testo dei tragici greci," *cit.* in Bibliografia (praticamente dedicato tutto ad Euripide).

10. Particolarmente, Sebastiano Timpanaro, *La genesi del metodo del Lachmann,* Firenze, 1963, p. 91, e "Ancora su stemmi bipartiti e contaminazione," *Maia* 17, 1965, p. 399.

paleografiche ormai invalidate – nella loro rigida applicazione – da una esperienza diretta propria particolarmente dei papirologi. Questa esperienza, talvolta quasi inconscia, formatasi per la necessità – e l'abitudine – allo studio minuzioso dei particolari di ogni testo, anche documentario, ha fornito e fornisce continuamente nuove e più adeguate spiegazioni al fenomeno degli errori grafici, fatto fondamentale nello studio filologico dei codici. Per non perpetuare questo monopolio vorrei sforzarmi di identificare e formulare alcune caratteristiche dello studio dei papiri da porre in connessione con la storia della tradizione di un autore classico di primo piano, quale Euripide.

Anzitutto dal punto di vista "librario" si potrebbero ottenere chiarimenti utilissimi alla situazione generale della più antica storia della tradizione. Di fatto non si è tenuto conto sufficiente delle profonde differenze che esistono a distinguere i frammenti papiracei conservanti parti di drammi euripidei. I libri veri e proprî, che possono a loro volta essere stati copie per studiosi o per attori o per lettori o infine destinate alla scuola, costituiscono una categoria di testimonî nettamente diversa da quella cui appartengono ad esempio le trascrizioni scolastiche su fogli singoli o su ostraca, o da quella costituita dalle antologie (da un solo autore o da diversi, di puro testo o in forma gnomologica o retorica, ecc.) o ancora da quella che è formata dalle citazioni più o meno occasionali che ricorrono presso altri autori o comunque in contesti differenti. Anche solo a una provvisoria e cursoria valutazione dei dati offerti da Pack^2, vediamo che – eccezion fatta per le grandi favorite, come *Fenicie, Medea, Oreste, Andromaca* e *Ippolito* (per il quale ultimo i "libri" papiracei sono già ridotti a 4) – per altre sette tragedie superstiti il numero delle testimonianze librarie è praticamente uguale all' unità. Per il *Telefo*, ricordiamo, esistono invece resti di 4 rotoli, per non citare le altre tragedie attestate anch' esse una sola volta, ma soltanto dai papiri.

Se poi volessimo essere più accurati, e suddividere questi resti di rotoli o di codici per secoli, vedremmo che solo l'*Andromaca*, le *Baccanti,* l'*Ecuba,* l'*Elena,* l'*Ippolito*, la *Medea,* l'*Oreste* e le *Fenicie* sono presenti lungo tutto l'arco di tempo, mentre le altre tragedie sono attestate unicamente o agli inizî (III sec. a.C.) o verso la fine (IV/V sec. d.C. e seguenti): ma la testimonianza dei papiri resta lacunosa per certi periodi in ogni caso. Il che significa che – a parte l'evidente predilezione riservata ad alcuni pochi pezzi particolari – i papiri non riescono ancora ad informarci esattamente.[11]

E' vero che le testimonianze improprie e indirette e le citazioni contribuiscono in qualche grado alla ricostruzione di un ambiente culturale e alla identificazione dei testi conosciuti più o meno diffusamente dalle scuole e dai retori; tuttavia a me sembra di primaria importanza non solo per la costituzione del testo ma anche per la storia della tradizione che le profonde differenze esistenti all' interno del materiale papiraceo vengano chiaramente segnalate dal papirologo editore ma soprattutto tenute ben presenti dal filologo, specialmente ai fini di statistiche che possano essere utili.

Infine non va dimenticato che anche la presenza, e la particolare tradizione testuale nei papiri, delle tragedie perdute alla tradizione medievale conta e pesa nello studio della tradizione manoscritta euripidea in generale.

Un' appropriata e soddisfacente utilizzazione dei reperti papiracei ai fini della costituzione del testo è esemplificata nell' edizione dell' *Ippolito* del Barrett: in particolare, negli *Addendis Addenda*, ha preso in considerazione il P.Sorb. Inv. 2252, brillantemente edito dalla Signorina

11. Questa analisi è stata fatta, ma in modo imperfetto, da A. Pertusi nei suoi saggi apparsi in *Dioniso* 1956 e 1957 (vedi n. 2).

Cadell, e non solo ne ha tratto le necessarie conseguenze sul piano testuale, ma se ne è valso per confermarsi nel convincimento di portata generale sulla tradizione pre-alessandrina, che egli ritiene sempre vivace anche dopo che Aristofane di Bisanzio aveva creato un canone destinato a dominare nel futuro.

Lo Zuntz, dal canto suo, si sforza di ricostruire la rispettiva situazione di due stadî di un testo separati da oltre mille anni di tradizione diretta, utilizzando *P. Oxy.* 2336. E' un esempio da imitare, almeno sul piano metodologico; credo che innegabilmente lo Zuntz abbia compiuto qualcosa di unico. Accostando i due testi ricostruiti (un codice e il papiro), e valutando le singole varianti, tende poi a risalire all' originale, certo con molta fede oltre che bravura e dottrina. Ma è giusto che sia cosî: più giusto che il seguire la metodologia dell' incertezza fine a se stessa, quale è quella che si presenta nelle elencazioni di varianti prive di uno spirito interpretativo di base. Dunque il papiro in questione, oltre e più che per la costituzione del testo del breve passo dell'*Elena*, è stato adeguatamente studiato sotto il profilo della presentazione colometrica, con ovvie conseguenze di carattere generale circa l'impostazione dell' "edizione alessandrina" e quindi per la storia della tradizione.

Alcune di queste operazioni, talvolta in modo soltanto embrionale, confido che i papirologi editori di testi le compiano automaticamente, pur lasciando ai filologi il compito di riprenderle a quel punto: ma da parte di questi sembra che perduri una certa sfiducia (o trascuratezza) nei confronti della tradizione papiracea. Fanno naturalmente parte a sé quei testi che solo i papiri ci hanno tramandato, perché in tal caso il papiro diventa *codex* più o meno *unicus* e il filologo è costretto ad assumere le vesti del papirologo e a lavorare con criterî, che abbiamo visto non sempre del tutto validi, al nuovo testo, che fa pur parte della letteratura greca. Le manchevolezze principali consistono nella mancanza di un opportuno senso della prospettiva, nella scarsa capacità di prendere diretto contatto con gli autori, nel mediocre addestramento a valutare sensatamente varianti o congetture.

Ad esempio, lo Zuntz, che abbiamo appena finito di lodare per il suo metodo e per la grande abilità nell' applicarlo, grazie alla conoscenza di molti fattori concomitanti, nello studio del papiro dell' *Elena* ha tentato due volte una via, a mio avviso, errata. Al v. 633 ritiene superiore la variante *ἀνεπτέρωσα* su basi paleografiche: nelle scritture maiuscole un κ non potrebbe diventare ς, bensî viceversa. La asserzione è infondata, sia perché la possibilità esiste sempre in entrambi i sensi, sia perché l'errore è quasi sempre dovuto ad altri fattori concomitanti (qui la *lectio facilior* dell' aoristo nei confronti del perfetto); semmai, comunque, sarebbe paleograficamente più vero il contrario.[12] Al v. 642a giustamente esclude che lo scriba possa aver saltato la prima sillaba di *συμφοράν* e congettura [*τύχαν*]: i papirologi sanno che è più probabile ancora che lo scriba abbia tralasciato una parola intera, ad esempio *τᾶσδε*, dopo aver scritto *συμροράν*. Ottima invece la ricostruzione di 640 s., che è del tutto convincente (forse per l'attribuzione delle battute si possono condividere i dubbi della Signorina Alt).[13]

Infine non sono d'accordo con lo Zuntz e con quanti ritengono che, se la dizione di un originale (in definitiva il vero archetipo) si trova riprodotta con notevole fedeltà in un manoscritto 1500 anni più tardi, questo sia un miracolo o quasi: credo che l'esperienza papirologica la quale ci riporta spesso in contatto con l'originale di un testo (non necessariamente letterario) ci insegni che le possibilità di errore esistono per tutti, compreso l'autore, e che quindi occorre

12. *Contra* C. Prato, "Note linguistiche e filologiche al testo dei tragici greci," *StudUrb* 39, 1965, p. 174.
13. K. Alt, "Bemerkungen zum Text der Helena," *Philologus* 107, 1963, pp. 173 ss.

notevole cautela nel giudicare di un amanuense. Insomma ho molta più fiducia nelle capacità intellettuali dei copisti antichi di quanta normalmente non ne dimostrino i colleghi filologi. "There is a lesson for editors here," dice lo stesso Zuntz; e non dimentichiamo che per ogni lettura un po' meno ovvia dobbiamo concedere ancor più fiducia al filologo di quanta non se ne voglia concedere allo scriba.

In conclusione, una valutazione obiettiva dei reperti papiracei con testi euripidei, quale è in buona parte ancora da fare, conduce ad avvertire che le parentele tra codici medievali sono spesso istituite senza sufficiente fondamento, basate solo su una maggiore o minore "percentuale" di errori comuni; in realtà il criterio – che ovviamente non neghiamo sia l'unico possibile – è insufficiente allo scopo, dal momento che costringe il filologo a chiudere gli occhi su diversi particolari. Inoltre i paleografi hanno la tendenza a giudicare "mani" diverse anche quelle che presentano minime variazioni, per lo più dovute al cambio di penna o di inchiostro da parte dello scriba. Ma il termine "mano" dovrebbe essere riservato a indicare scribi diversi (almeno nei limiti delle attuali conoscenze), in modo da evitare spiacevoli inconvenienti che derivano da impropria denominazione, come è accaduto per la mano di Demetrio Triclinio in *L.* Ebbene, il papirologo difficilmente si lascia ingannare dalle minori differenze, anche perché addestrato dalla lettura delle corsive a cogliere il vero elemento distintivo del *ductus* di un amanuense. Questo affinché la paleografia possa configurarsi come quella "scienza dello spirito" di cui parlava molti anni orsono Giorgio Pasquali.[14]

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PAPYROLOGY AS AN INVESTIGATION FIELD OF ALGORITHMIC LINGUISTICS

Enrico Maretti and Gian Piero Zarri

Introduction

One of the most interesting tendencies to be found today in the field of the disciplines which deal with the utilization of electronic computers is a progressive displacement of the field of interest from the original strictly mathematical area towards an ever wider use in the whole range of human activities. The reason for this lies in the fact that the operational capacities of computers, in contrast to other machines, are only in small part dependent on the constructional characteristics of their component devices and on the rigid interaction of these latter; rather they are principally linked to the different sequences of operations (programs) introduced in the system. The possibilities of changing a particular program, depending on the procedures to be carried out, give the computer a freedom of greatly different dimensions than that of ordinary machines. Each computer acts, indeed, as an unlimited family of machines in which each member is generated not by a new construction, buy by a simple program substitution.

This unlimited availability of the computer for the solution of very different problems has lead scholars in the humanistic fields to include the computer among the tools of their trade, under the stimulus of certain practical difficulties (particularly large quantities of data to be processed and a corresponding slowing down or in certain cases impossibility of carrying out the research) which are encountered in their investigations. Until now however, there has been no organic treatment which goes beyond these practical motives and attempts to look at the application of automatic calculation techniques to linguistic procedures in such a way as to bring out the basic motives which make the introduction of computers in the humanistic fields advisable. These basic reasons can be expressed synthetically with the phrase "operating preciseness", meaning by this both certainty that the programmed linguistic procedures have actually been executed and a check on the completeness and the coherence of these procedures themselves – as will be clear from the following section in which we synthetically describe the way in which the computers work. It is to be noted however that this careful examination has been simply taken for granted – on one hand with a whole category of useless and distorting computer applications which can be classified more as a fashion ("quantophrenia," as Sorokin calls it) than as a science, and on the other with the diffusion of a strange mystique of the computer as a thinking machine which has made it difficult to perceive clearly the limits of its applications.

In the pages which follow, these general considerations will be examined more closely and illustrated with problems pertaining to Greek papyrology.

Linguistics, Formalisms and Computers

We think that it is useless to present here a detailed resumé of the functioning of a digital computer; in order to justify the statement in the preceeding section it will be sufficient to ex-

plain synthetically the operations which are carried out in the computer using the concept of algorithm. This furthermore will permit us to justify the name "algorithmic linguistics" which is commonly used to designate the applications of electronic calculating procedures to data in non-numerical form. The notion of algorithm which is often referred to in intuitive fashion as "an effective or mechanical calculation procedure" has always been present in the world of mathematics, even if only now the works of Markov, Turing, Post, Kleene and their followers have fully clarified its meaning and its numerous theoretical implications in mathematics and logic. Here we shall keep to Markov's formulation of the problem[1] as we hold it to be the most useful for comprehending, first, how linguistic procedures must be adapted in order that they may be executed by the computer and second, how the computer carries out its own operations when it executes non-numerical calculations. *Markov normal algorithm*, which from now on we shall call *Markov algorithm*, for brevity's sake, can be defined as a transformation procedure carried on certain sequences of symbols (strings). In the realm of these transformations fall for example those carried out by mathematics when we pass from the sequence "2 x 3" to the sequence "6," or else by morphology executing the passage from the string "rosa" to the string "rosae." Let us now consider some strings constituted by characters belonging to a finite set of characters, for example the Latin alphabet, which we can indicate with the notation

$$\Omega = (a, b, c, d, \ldots, z) \tag{1}$$

in which the characters "(","," and ")" and "," do not belong to the alphabet, but represent graphic artifices used to specify it. We shall call *Markov elementary production* the sequence

$$A \rightarrow B \tag{2}$$

in which A and B are strings of characters belonging to the alphabet Ω, and *Markov conclusive production* the sequence

$$A \rightarrow .B \tag{3}$$

Again the characters "→" and " . " do not belong to the alphabet Ω.

Let us now turn our attention to the formulae (2) and (3) which can be interpreted as "commands," for certain operations to be carried out. It is a matter of substitution operations to be executed in two successive stages:

– the part to the left of the character "→" orders the search from left to right in the string being examined for a sub-string equal to A;

– the part to the right of the character "→" orders the substitution of the string A, if found, with the string B.

If he (man or artifact) who must execute the specified operation does not succeed in finding sequence A in the elementary production of type (2), he must go on to the examination of a successive elementary production; in the case that he has not been provided with further productions he must stop, and then we have *an anomalous stop*. The *normal stop* is instead characterized by rules of type (3), in which the conclusive production is carried out completely. If the left hand part of a production matches a certain string S, we say that it is *applicable* to the string; if not, that it is *not applicable*. It should be noted that the applicability of a string A to a string S refers to the first recurrence A, if it exist, which is found beginning the examination of S from the left.

Thus we have all the elements for a definition of Markov algorithm: *it consists in a succession of productions P1, P2, P3, ... , Pn applied to strings of characters of an alphabet.* The application of a particular algorithm is defined by the cyclical use of the following rules, calling the

1. A.A. Markov, *Theory of Algorithms*, translated from the Russian by J. J. Schorr-Kon and PST Staff, Israel, Program for Scientific Translation Ltd., Jerusalem, 1962.

string of characters to which the algorithm is initially applied S, and S' the string which derives from the execution of a generical production Pj:

1) search for a Pj whose left part recurs in S or in S' and execution of the substitution there indicated;

2) if Pj is a Markovian conclusive production, the algorithm comes to a stop. The string thus obtained is the result (normal) of the application of the algorithm to S;

3) if the search, as in 1), does not succeed we still have the stop of the algorithm. The string thus obtained is the result (anomalous) of the application of the algorithm to S.

In order for an algorithm to be applied, it must furthermore consist of a finite number of productions such that in the execution there is never a cyclical situation, a situation, that is, in which it is impossible to come to a stop (anomalous or normal).

In order to make clearer what has been set forth above, we now see a very simple example of an algorithm. In what follows we shall indicate a null sequence with a "Λ"; a generical sequence, provided that it is constituted with characters belonging to the alphabet considered, with Latin capital letters; and a generical character of this alphabet with Greek lower case letters.

If then we have a certain alphabet Ω and we wish to transform the string B into the string BA, the algorithm which satisfies this transformation is hence the following:

$$\begin{array}{ll} 1) & *\gamma \rightarrow \gamma* \\ 2) & * \rightarrow .A \\ 3) & \Lambda \rightarrow * \end{array} \qquad (4)$$

In the algorithm indicated the character "*" does not belong to the alphabet Ω, but is an auxiliary character used as a demarcation element between two characters belonging to the alphabet.

If we now suppose that B = rosa and A = e, the succession of the various passages needed to reach a final sequence "rosae" is indicated below, keeping in mind that the character "⇒" indicates how the initial sequence comes to be successively transformed; beside each passage the production used in the passage itself is indicated.

rosa	⇒	*rosa	3)
*rosa	⇒	r*osa	1)
r*osa	⇒	ro*sa	1)
ro*sa	⇒	ros*a	1)
ros*a	⇒	rosa*	1)
rosa*	⇒	rosae	2)

The explanation of how the algorithm described works is very simple. The operator will look in (4) for the first production applicable to the initial string "rosa"; because the auxiliary character "*" has not been introduced, the only production applicable will be 3), keeping in mind that this is applied to the null sequence to the left of "rosa." Once the transformation indicated by 3) has been carried out and again beginning (in sequence) the exploration of the productions of the algorithm, the first production which appears applicable is 1), which determines the displacement of one character to the right of the sign "*". 1) will be used again and again until the character "*" has passed to the right of the entire sequence "rosa"; 1) is then no longer applicable and we go on to the conclusive production 2) which determines the normal stop of the algorithm. Up to now we have made no hypotheses on the executor of the algorithm, which in principle can just as well be a man as a machine, properly set up to execute algorithms – a digital computer for example. In this second case, the algorithm, properly translated into a notation which is intelligible for the computer, is nothing more than the program which the machine must carry out in order to arrive at a certain result – for example, to pass from the string "rosa" to the string "rosae." At this point, the meaning of the expression "operating preciseness" which we

used in the previous section should be clear: if the program which must be given to the computer so that it can carry out a certain linguistic procedure can be seen as a translation into an opportune programming language of a Markovian algorithm, it must be clearly foreseen in all its moves before the execution begins. That is, the computer is able to arrive at the correct solution of a problem only if it has been provided *a priori*, and in non-contradictory fashion, with all the indispensable elements. It is to be noted that this requirement that the procedures to be used be completely stated ahead of time has always been needed in the technical field – if for no other reason, because of technology's habit of synthesizing its procedures through the most general possible mathematical formulation. In the humanistic field, on the contrary, procedures are carried out in a climate of complete freedom; they are, at least normally, left more to the intuition of the individual scholar than to the rigor of a general method. In this situation, even verifying the results becomes very problematical, as does the generalization of research methods. It is because of this that we maintain that algorithmic linguistics, understood as the application of algorithmic procedures to non-numerical data, is valid, even more than for the immediate practical results, for the job of clarification which it imposes on its users.

Functional Divisions of Algorithmic Linguistics

Having given an example, on a general level, of the functioning of the computer through the concept of algorithm, we shall now propose a functional division (and the relative classification) of linguistic problems suited to electronic computers. The classification proposed must be understood as a simple tool, to give a general idea, and does not hence have a final character.[2]

The first division, at the most general level, derives from assuming as a criterion of division the way in which the linguistic material is modified:

1) modifications in the grouping of the elements
2) modifications of the elements.

The element is defined for purposes of the particular analysis which is being carried out; thus according to the circumstances, it can be the word, with all morphological variants, the proposition, the text, or else, in the opposite direction the morpheme, the letter and so forth.

Considering point 1) more closely, we obtain two divisions which go under the name of "sorting procedures" and "search procedures." The sorting consists in assigning to the elements in a grouping arrangements different from the original ones, depending on particular criteria stated each time, such as: alphabetical order, order or frequency values, etc. The search consists in isolating from the original grouping, the subgroups, in function of criteria such as the total or partial identity of elements of the subgroups, the likeness, the analogy of grammatical structures, etc.

Indicating as *dominion* the totality of the elements of the original grouping and as *rank* the totality of the elements of the grouping after sorting or search operations have been carried out on them, in the case of sorting operations the dominion will coincide with the rank. This does not hold in the case of search operations, except in the degenerated case of a search of all the elements of the original grouping. As is very clear from statement 1), the characteristic common to both sorting and search procedures is that of not intervening with any *final* modification within the elements themselves of the original grouping. Naturally it may happen that in an inter-

2. Another possible classifying criterion for the applications of algorithmic linguistics consists in taking as the discriminatory element the degree of interest from the linguistic point of view of the algorithm used; see, for example, G.P. Zarri, "Linguistica algoritmica e meccanizzazione della 'collatio codicum' ", *Lingua e Stile*, anno III, n.1, April 1968.

mediate operational phase some elements may be transitorially modified; the type of this transitory modification naturally depends on the type of procedure used and on the functional characteristics of the means. Sorting procedures and search procedures can then be variously combined with each other; a typical search is that for the particular subgroups of the original grouping and the subsequent sorting within these. Because these search and sorting procedures are very common, indeed they cover almost all the applications attempted up to now in algorithmic linguistics (indices, concordances, etc.) it is well to distinguish them in a precise way, assigning them the name of *filing procedures*. In fact, they exhaust the research possibilities within a file, being possible to reduce updating to a normal search and sorting procedure if in one or more points of the original grouping, a subgroup, with elements compatible with those of the former, has previously been introduced.

We can illustrate what we have said up to now by briefly examining the set of experimental programs which we have designed to illustrate some of the simplest possibilities of using computers in the papyrological field and which have been given the name ARSINOE 1.[3] ARSINOE 1 is composed of five independent subprograms, which process papyri transcribed on punched cards by a transliteration into Latin characters (we shall return to the problem of transliteration in the following section). Leaving ARSINOE 1/1 aside for the moment, we can take ARSINOE 1/2 as a good illustration of a simple search program: wishing to have an idea of the type of lexicon contained in the fifty "Milanese" papyri chosen for the first experiment, we obtained, through this program, two distinct lists of lexical forms, one including all the common nouns in the papyri examined and the other containing all the proper nouns, without introducing any particular ordering. With the same program, the single forms found are transferred to punched cards, one form to the card so as to constitute a file in which subsequently further searches and possibly sortings can be carried out. A mixed filing procedure, including, that is, a search to which is added a particular type of sorting, is carried out by ARSINOE 1/3. This program has served to trace all the occurrences of the names of the months present in the fifty papyri of the experiment, and to order them according to the natural succession of these names, from JWJ to MESORH. As the fragment of print out given in Table 1 clearly indicates, each occurrence is labeled with the symbol PMV (*Papiri Milano Vogliano*) followed by the classification number of the papyrus in which it was found, as well as by the number of the paragraph (to the left of the comma) and by that of the line. It is to be noted that in ARSINOE 1/3, the alternatives PAUNI – PAUNEI and EPEIF–EPIF, present in the fifty papyri had been foreseen as they had been pointed out by the search executed through Arsinoe 1/2.

ARSINOE 1/4 and ARSINOE 1/5 are still only research procedures, without any particular added sorting, but of a more complicated type than the preceeding ones. With these two programs we pass from the search for single words to the search for complex "formulae," meaning by formula an expression constituted by characteristic and well-identified reference points separated by sequences of variable and, *a priori*, unknown words. The general aspect of one of these formulae can be synthetically indicated thus:

(*x words*) + P + (*y words*) + Q + (*z words*) + R + ...

where P, Q, R, etc., are the reference elements – that is, words or constant diacritical marks, while x, y, z, etc. are numerical variables which can assume any integer value including zero.

3. For a more detailed description of this program, see G.P. Zarri, "Une experience pour l'automation des recherches de papyrologie", *Revue*, 4, 1967.

Table 2 gives the entire print out of ARSINOE 1/4, which does not require particular explanation; as can be seen, first the list of all the papyri included among the fifty which fall within the general formula given at the beginning of the print out is made, and then subgroups are formed according to the values of P and Q. ARSINOE 1/5 too, groups papyri according to certain formulae found, but in this case the point of the program is not purely demonstrative, for it serves a practical purpose. Among the fifty papyri in the experiment there are two, identified by the symbols "PMV 00067" and "PMV 00195" whose beginnings are missing – that is, we do not have the part which normally contains the classification elements. Consequently, to classify them, we need to have recourse to a secondary element common to the two papyri, that is, to the expression:

£ + EAN + FAINTAI + MISJWSAI (5)

where the sign "£" indicates the beginning of a paragraph. The two papyri will then be listed according to the formula which characterizes the other papyri containing the same expression. That is, one must find all the papyri which contain (5) and eliminate from these the two documents which are to be classified. The group formed by the remaining papyri is then compared with each of the groups obtained through a search analogous to that of ARSINOE 1/4, carried out on the formulae which it is thought may be found in the body of documents used for experiment. It must be noted that, since element (5) is a secondary element, overlapping between the two groups can never be complete in that (5) is not always present. By means of the ARSINOE 1/5 program nine different types of formulae were introduced in the computer (as can be seen from Table 3, none of the fifty papyri contained the first of these). The computer, consequently, formed eight groups of papyri, plus a ninth, including the texts in which expression (5) is found. Eliminating "PMV 00067" and "PMV 00195" from this last group a subgroup of the group characterized by the fifth formula is obtained as can be immediately verified, and the problem is thus resolved.

The procedures which we have indicated are only a simple example of the possibilities offered by the application of algorithmic linguistics to papyrology; always within the range of filing procedures, there are, for example, all the possible selections which can be made according to different diacritical marks, the filling up of unintegrated lacunae using sorted lists in which analogous situations are described, and so forth.

As we have said, the major part of the applications of algorithmic linguistics attempted up to now fall among the filing procedures. This seems to us to be a positive element, in as much as the possibility of obtaining, without excessive work in programming, results which are meaningful for linguistics allows us to begin to overcome that barrier of incomprehension which often exists between scholars of different disciplines. Keep in mind, however, that the possibilities of algorithmic linguistics are not exhausted in simple filing procedures, and that indeed the most interesting applications are precisely those having to do with the classification criterion indicated with (2), in which, that is, transformations which regard the internal structure itself of the elements in play are executed.

Besides, the modification criterion in the elements can be further narrowed down and the criterion of subdivision can vary according to the particular applications which are to be classified. In fact, we can take as a classification criterion the way in which the modifying intervention acts, e.g. partially or totally; or according to the different three relations between original and resulting elements: many – one, one – one, one – many.

A further classification criterion is to establish whether the rules of modification can act in dependence on isolated elements of the original grouping (context – free rules), or else in depen-

dence on sequences of elements (context – sensitive rules); we shall not insist on this point however, because we still do not have a sufficiently differentiated class of applications of algorithmic linguistics having to do with the modification of elements which could justify a further subdivision. Simply as an example we indicate two types of computer linguistics applications which are included in this second category. First we may cite the generative grammars. Synthetically we may describe these as composed of:

– an inventory of elements (dictionary)
– a set of elementary productions of the type: sentence → subject + development
– a random number generator.

The generative grammars give rise to the construction, within the framework of the bonds or limits established by certain chosen rules of construction, of random sequences composed of elements of the dictionary; the random number generator has the job of substituting the dependencies which give origin to man's single enunciations.[4]

A second example refers to an application of relation theory with the scope of generating a set of *stemmata codicum*, starting from manuscripts belonging to a certain tradition. The analytical procedure is articulated into two quite distinct phases, of which the first refers to the *collatio codicum* and the second to the generation of the stemmata according to the results of the collation.

Here, in contrast to the preceeding example, the final results do not appear as a succession of directly meaningful elements in the language field, but as algebraic type expressions which, when interpreted by the philologist, express the families of hierarchical relationships which exist within the tradition.[5]

We must now mention the debated question of whether we should consider as belonging to algorithmic linguistics linguistic applications on a purely mathematical level, where, that is, the framework of the procedures is constituted by arithmetical operations and the results, which are numerical, can be interpreted *sub specie linguistica* only through extra-linguistic hypotheses. Without going more deeply into this question we shall limit outselves to pointing out that applications of this kind are generally statistical and among these we can also find procedures of interest to philology: see for example A.J. Pfiffig's work on the interpretation of the dice from Tuscania.[6]

The Transcription Problem

An important question, which is completely marginal in relation to the difficulties of formulating complete and non-contradictory algorithmic procedures, but which is absolutely essential if we are to attack the problem of rational use of the computer, has to do with the transformations which the linguistic material has to undergo in order to be put into a form which is "legible" for the computer. It would seem at first sight that, at least in regard to the purely mechanical operation of the transfer onto punched cards, linguistic type operations would be privileged in comparison with those of an economic, administrative type, in which the input data are continually renewed, thus requiring continuous transcription work. In the case of linguistic applications, in-

4. A now classic example of English generative grammar is to be found in V.H. Yngve, "Random Generation of English Sentences", *The First International Conference on Mechanical Translation,* Teddington, 1961, Her Majesty's Stationery Office London, 1962.

5. See E. Maretti and G.P. Zarri, "L'arte dell'edizione critica è da meccanizzare? ", report given at the Twelfth International Congress of Romance Philology, Bucarest, April 1968.

6. A.J. Pfiffig, "Sussidi matematici nella interpretazione di lingue ignote", *Convegno sul tema 'L'automazione elettronica e le sue implicazioni scientifiche, tecniche, sociale,'* Accademia Nazionale dei Lincei, Rome, 16-19 October 1967.

stead, the same transcribed text may be processed in the most different ways, using filing procedures, grammatical analysis, statistical investigations, etc. – even at different computer centers which have exchanged the same base material, properly transferred from the punched cards to magnetic tape.

In reality such a situation presupposes our having already completed the phase in which the most complete and economical transcription system is still being sought – that is, it presupposes our having reached the point of having universally accepted transcription codes for the different kinds of texts. And today we are very far from such a situation. Perhaps the most convincing example can be found in the field of papyrology, where each research center proposes a different type of transcription with the consequence of annulling the advantage of having the same material to be exchanged between different centers and processed in the different ways mentioned above.

The principle reason for this situation lies, in our opinion, in the lack of agreement as to the final goal of computer applications to papyrology. The end to be reached conditions, in fact, the type of processing required, and hence, in the final analysis, the choice of a particular form of transcription.

At the LASLA Center of Liège, for example, the concept of using the print out directly for printing indices, according to the normal conventions of ancient Greek writing, has prevailed. This has obliged them to design a system of transcription into punched cards which would take into account breathings, accents, *iota* used as a subscript, etc., consequently redistributing the codes of normal IBM punching machines, using for example the keys for special signs to represent the different combinations of breathings and accents.[7] In the Cybernetics Center of the University of Milan, in writing up the project for the ARSINOE 1 programs illustrated in the preceding paragraphs, we started instead with the idea of giving the papyrologist a tool, not suitable for the direct printing of final text respecting all orthographic conventions, but furnished with a set of diacritical marks as complete as possible so as to permit all different kinds of processing, from the formula search illustrated in the preceding section to all the different kinds of selection to grammar research and so on. Obviously the texts which we have punched are not compatible with those of Liège. If however there were to be an international division of the work of punching texts, it should not be difficult to come to an agreement which, taking into account the continuous progress of computer technology, would succeed in mediating the exigency of impeccable editions with that of not cutting off – *a priori* – the possibilities of satisfying research requirements which may be felt in the future.

We shall now briefly analyze the transcription system which we used for ARSINOE 1, taking into account the limitations which this system presents in regard to the print out and keeping in mind that, even along the lines of "usefulness if not beauty," the system represents nothing more than a methodological indication. Subsequently in carrying out other works of the same type, such as the transcription on punched cards of meroitic documents and Roman epigraphs, we ourselves in fact modified some of the criteria used for papyri in order to make the research easier and more economical. Table 4 indicates the Latin transliteration used for the Greek alphabet; Table 5 gives the system of diacritical marks used to describe orthographical pecularities and the state of preservation of the documents.

In order to avoid weighing our text down further, we shall not describe here all the details of transcription onto cards: we prefer to reproduce, in Table 6, a fragment of the print out of the

7. Et. Evrard (pour l'équipe du LASLA), "Traitement des textes grecs anciens par la mécanographie et les ordinateurs", *Revue* 3, 1966.

fifty papyri chosen for the experiment in which each line of writing corresponds to a different card. As you can see, we used two types of cards: "identification" cards characterized by the digit "1" preceded by a "blank" in the last right hand column of the card, and those of the text, designated by the digit "3" in the same position. The identification cards indicate the place of discovery of the papyrus (in our case, this is always "Tebtunis"), the century (in the papyri of Table 6 this is always the second century after Christ: "02P"), and possible auxiliary informations, such as the presence in the text of two column lists, *LIST.

In the last columns to the right of the identification card we find the symbol of the edition, always of three letters (for example, PMV = *Papiri Milano Vogliano*), followed by the number of the document within the edition and by the number of the identification card among the cards pertaining to the document (in our case this is always "001" in that we have never had to use more than one identification card per papyrus). On the text cards as well, in the columns furthest to the right of the card are given, as a check, the edition number and symbol, as well as the number indicating the order of the card among those pertaining to the document.

And thus we have come to the right place to talk about the ARSINOE 1/1 program, whose description was omitted in the preceding section. Initially the task entrusted to ARSINOE 1/1 was simply that of providing the papyrologist with a clearer edition of the punched cards, especially as a check. As is clear from Table 7, ARSINOE 1/1 respects the division into paragraphs of the original document, expands abbreviated indications such as those pertaining to the century, modifies some diacritical marks so as to bring them closer to the normal conventions of papyrology, and, above all, carries out the automatic numeration of the lines and the paragraphs. But to this function of clarification, another even more important one was added. During the work of transcribing the fifty papyri on cards, we realized that, while the papyrologist in charge of the task immediately noticed any errors concerning the spelling of words, it was much more difficult for him to recognize mistakes regarding diacritical marks and the formal characteristics of transcription in general. The further function of ARSINOE 1/1 is then that of pointing out these formal errors (disagreements between the indications of the edition, omission of the identification card, the last card of a document without the indication of the end of the papyrus, indications of the beginning of a lacuna not followed by a corresponding indication of its end, the addition or omission of "meaningful blanks," omission of paragraph indications, or the indication that the papyrus is mutilated, etc.). See for example Table 8, where the computer has interrupted the edition of papyrus PMV 00072, having found, at the point underlined, a difference between the number of open parenthesis and closed ones; the indication "ERROR *AWP/11" allows us to recognize this type of error. This function of recognition of formal errors which ARSINOE 1/1 performs is of the greatest importance, independently of the system used, in that it is unthinkable to carry out any type of research without first being absolutely certain that the diacritical marks used are coherent and that the conventions of transcription have been respected.

Hardware and Software in Non-numerical Applications

In the preceding paragraphs we have intentionally neglected the physical support of the different algorithmic procedures; we now wish to conclude with some considerations on the possible solutions of the hardware problem for the elaboration of non-numerical data.

Under the influence of industrial applications such as data logging and direct digital control,

today we have two basic, apparently antithetical tendencies in regard to the development of the organization of the computer systems. On one hand in fact we have the creation of computer centers of vast dimensions and hence of a definite functional polyvalence, on the other, the installation of small computers, which are extremely specialized in their functions.

In regard to the hardware, the large size computer center is characterized by the interconnection with satellite terminals and other computer centers, as well as by an elevated "memory" capacity; with regard to the software, it is possible to have a completely automatic supervisory system in regard to the management of the programs. This, seen from the user's point of view, means the possibility of carrying on a true dialogue with the machine, with a practically immediate response to the problem proposed (time-sharing, multiprogramming, etc.). The small computer has a reduced memory capacity, which impedes the automatic management of the programs – and normally the conversational systems – and hence programming difficulties are increased; there is however the advantage that, once the programs have been put into final form for problems which may be very specific but which in practice drop up continually in scientific work, operating expenses go down and returns are greatly increased.

Keeping in mind that the small computers discussed above are often the terminal satellites of a large computer center, let us examine the hypothetical configuration of a system on an international basis for processing non-numerical data such as that illustrated in Table 9. As you see, we have indicated several large-scale computer centers, each at the center of a network of terminals formed of small computers and connected to each other; we shall indicate with "utilization E" the use of large-size computers, and with "utilization e" the independent use of the small terminals. If then we introduce the parameters N and P to indicate, respectively, the using conditions of data and of programs according to the following table:

– numerous data	N_1
less numerous data	N_2
– complex programs	P_1
simple programs	P_2

from it derive immediately the different types of utilization for the different pairs of parameters:

$N_1 - P_1$	utilization E
$N_2 - P_2$	" e
$N_1 - P_2$	" E and/or e
$N_2 - P_1$	" E and/or e

The situation indicated in the last two lines does not have a very precise solution because in these cases the choice between E and e depends in substance on the distribution conditions of the data. Supposing for example that we have a body of papyri transcribed on cards and distributed between three different E centers, if we wished to carry out on this corpus a filing procedure which however would require a preceding transformation of the material contained in the text, we would first use an E center to recall the set of texts and carry out the transformation, and then delegate the standard filing procedure and perhaps the conservation of the processed material to one of the satellite terminals.

In any case, keep in mind that, even leaving aside the use of an interconnected system of vast dimensions such as that illustrated in Table 9 which clearly does not enter into present predictions – the optimization of automatic calculating procedures on non-numerical data can be reached keeping as much as possible to a sharp division of the work into two parts: that is, all programs of experimental character must be entrusted to a large-scale computers: the novelty of

the subject, the uncertainty as to the results which can be obtained and the very nature of the input data make indispensable the use of user-oriented languages like COMIT, SNOBOL, LISP,[8] especially designed to meet the requirements of the person approaching a non-numerical problem for the first time. These languages, because of their particular structure, are generally not available on small computers. The ARSINOE 1 program is written in fact in COMIT language for an IBM 7040 computer. When the problem has reached a high degree of definition and the logical procedure for solving it has been established with absolute certainty, it may be worthwhile, if the problem comes up frequently, to translate it into a language which is closer to the machine language and to economize on its operation, transferring it if possible to a small computer.

We have given hereby a short summing up of the possible field of application of computer to philology and papyrology: indeed we have touched only the most evident arguments, hoping that it would be possible to establish a deep collaboration with scholars in order to obtain soon practical results and to start theoretical studies. A few years ago computers were felt only as accelerating means: we firmly believe that in the humanistic field the dictum "Quid hoc ad aeternitatem?" is still valid. What is really fundamental in such applications is what we have called before "operating preciseness" which is perfectly in line with the guiding lines of philology.

8. E. Maretti, "Un linguaggio simbolico per la programmazione non numerica: COMIT", *Automazione e Automatismi* 6, November-December 1962.

TABLE 1

```
FAMENWJ          PMV 00051
                 4 , 22
                 PMV 00058
                 1 , 17
                 PMV 00154
                 1 , 1
                 PMV 00156
                 3 , 11

FARMOUJI         PMV 00054
                 4 , 11
                 PMV 00058
                 1 , 25
                 PMV 00133
                 2 , 37

PACWN            PMV 00058
                 1 , 33
                 PMV 00092
                 2 , 4
                 PMV 00154
                 2 , 5
                 PMV 00185
                 2 , 17

PAUNI            PMV 00058
                 1 , 41
                 2 , 49
                 PMV 00067
```

TABLE 2

```
ARSINOE  1/4


GENERAL  FORMULA  TO  FIND  OUT  =

£ + ETOUS + ( X WORDS ) + £ + EIRGASTAI + P + ( Y WORDS ) + Q + *E

X , Y  =  INTEGER  VARIABLES
*E     =  END  OF  THE  PAPYRUS

      PMV 00090
      PMV 00091
      PMV 00092
      PMV 00093
      PMV 00094
      PMV 00095
      PMV 00109
      PMV 00162
      PMV 00163
      PMV 00164
      PMV 00165
      PMV 00166

P  =  UPER
      PMV 00090
      PMV 00091
      PMV 00092
      PMV 00093
      PMV 00109
P  =  EF * HMERAIS
      PMV 00162
      PMV 00163
      PMV 00164
                                  PMV 00165
                                  PMV 00166
                          P  =  CWMATIKWN
                                  PMV 00094
                                  PMV 00095

                          Q  =  SESHMEIWMAI
                                  PMV 00090
                                  PMV 00091
                                  PMV 00092
                                  PMV 00093
                                  PMV 00094
                                  PMV 00095
                                  PMV 00162
                                  PMV 00163
                                  PMV 00165
                                  PMV 00166
                          Q  =  SESHMMEIWMAI

                          Q  =  SESHMIWMAI
                                  PMV 00164
                          Q  =  ( ANY OTHER WORD
                                  PMV 00109
```

TABLE 3a

ARSINCE 1/5

1ST FORMULA =

£ + (X WORDS) + P + £ + PARA

P = CAIRIN , CAIREIN

2ND FORMULA

£ + (X WORDS) + P + £ + Q + PARA

P = CAIRIN , CAIREIN
C = APECOMEN , APECW , APESCON , ESCON

PMV 00054
PMV 00056
PMV 00146

3RD FORMULA =

£ + (X WORDS) + P + (Y WORDS) + £ + Q + SI + SUCCFAI

P = CAIRIN , CAIREIN
Q = ERRWSO , ERRWSJAI

PMV 00050
PMV 00051
PMV 00059
PMV 00161

TABLE 3b

```
4TH  FORMULA  =

£ + ( X WORDS ) + PARA + ( Y WORDS ) + £ + ( Z WORDS ) + EKBEBHKENAI

     PMV 00087
     PMV 00088


5TH  FORMULA  =

£ + ( X WORDS ) + PARA + ( Y WORDS ) + P + MISJWSASJAI

P  =  BOULOMEJA , BOULOMAI , BOULOME

     PMV 00053
     PMV 00089
     PMV 00133
     PMV 00134
     PMV 00141
     PMV 00143


6TH  FORMULA  =

( X WORDS ) + P + £ + OMOLOGW + PEPRAKENAI

P  =  CAIRIN , CAIREIN

     PMV 00102


7TH  FORMULA  =

£ + ( X WORDS ) + P + £ + Q + R

P  =  CAIRIN , CAIREIN
Q  =  OMOLOGOUMEN , OMOLOGW , OMOLOGWI
R  =  ECIN , ECEIN

     PMV 00108
```

TABLE 3c

8TH FORMULA =

£ + ETOUS + (X WORDS) + £ + (Y WORDS) + P

P = MEMETRHMAI , MEMETRHMEJA

PMV CC171
PMV CC172
PMV CC173

9TH FORMULA =

(X WORDS) + £ + ONOLOGOUSIN + ALLHLOIS + (Y WORDS) + SUNHRSJAI

PMV CC185
PMV CC185

THE EXPRESSION =

£ + EAN + FAINHTAI + MISJWSAI

CAN BE FOUND IN THE FOLLOWING PAPYRI

PMV CC153
→ PMV CC167
PMV CC189
PMV CC133
PMV CC143
→ PMV CC195

TABLE 4

TRANSLITERATION IN LATIN CHARACTERS

Α	A	Η	H	Ν	N	Τ	T
Β	B	Θ	J	Ξ	X	Υ	U
Γ	G	Ι	I	Ο	O	Φ	F
Δ	D	Κ	K	Π	P	Χ	C
Ε	E	Λ	L	Ρ	R	Ψ	Y
Ζ	Z	Μ	M	Σ	S	Ω	W

The remaining Latin letters Q and V are used, respectively, to indicate the numbers "coppa" and "sampi." For the number "stigma" the figure "6" is used.

TABLE 5

DIACRITICAL MARKS

+n	proper name
-n	number in figures
-n-	number in letters
-,n	fractional number
*C p = q *C	correction made by the scribe: "p" is the word (or words) crossed out or erased; "q" is the final form
*M1	beginning of the first "hand"
*M2	beginning of the second "hand"
*M3	beginning of the third "hand"
*M4	beginning of the fourth "hand"
3	apostrophe

SYMBOLS REGARDING CHARACTERISTICS OF FORM AND CONSERVATION

£	beginning of a paragraph
£000	mutilated papyrus
/	end of line on the original document
//	end of line with interruption of a word
(n)	integrated lacuna
*(n)	uncertain integration
((n))	expanded abbreviation
.	missing letter whose presence is certain (or else illegible letter)
.*X.	undefined number of missing (or illegible) characters
1	beginning of the first column of a list
2	beginning of the second column of a list
*W	beginning of the text on the verso
£END	end of the papyrus

In these conventions the letter ṅ indicates any number of characters chosen among the signs in Table 4 and 5.

TABLE 6

```
OULH METOPW KAI O TOUTOU PATHR +AUNHS                                    PMV00185011 3
+ONNOFREW((S)) / WS ETWN -TESSERAKONT(A)- -(E)X- (OU)LH                  PMV00185012 3
ANTIC((EIRI)) ARISTERWI / OI -TESSARE(S)- +TEFERSAIS MEN KAI             PMV00185013 3
TEBTUNIS
                                                                  02P    PMV00164001 1
£ ETOUS -EKKAIDEKATOU- +AUTOKRATOROS +KAISAROS / +TRAIANOU               PMV00164001 3
+ADRIANOU +SEBASTOU £ EIRG((ASTAI)) EF 3 H((MERAIS)) / -PENTE-           PMV00164002 3
UPER CWMATICWN ERGWN / TOU AUTOU -I6 ((ETOUS)) +FAW((FI)) -H -IB         PMV00164003 3
/ EN CWM((ATIKHI)) DIW((RUGI)) +KERKH((SEWS))                            PMV00164004 3
+TEBTUNEW((S)) / +PAKH((BKIS)) +KRONIWNOS TO((U)) +KRONIW(NO)S /         PMV00164005 3
((MHTROS)) +TAORSENOUFEWS / *M2 £ +DEIOS SESHMIW((MAI)) £END             PMV00164006 3
TEBTUNIS
                                                                  02P    PMV00165001 1
£ E(TOUS) -EIKO(STOU)- +AUTOKRATOROS +KAISAROS / +TRAIANOU               PMV00165001 3
+ADRIANOU +DAKIKOU +PARJIK(OU) / £ EIRG((ASTAI)) EF 3 H((MERAIS))       PMV00165002 3
-PENTE-. UPER CWM((ATIKWN)) ERGWN / TOU AUTOU -K ((ETOUS))               PMV00165003 3
+EPEIF -IZ -KA EN ORINH DIW((RUGI))                                      PMV00165004 3
+TEBTUNE((WS)) / (.*X.) (+KRO)NIW((NOS)) TO((U)) +CEWTOS /               PMV00165005 3
(((MHTROS))) +JENAPUGC((EWS)) / (.*X.) SESH((MEIWMAI)) £END             PMV00165006 3
TEBTUNIS
                                                                  02P    PMV00166001 1
£ (ETOUS) -(.*X.)OU- +AUTOKRATOROS +KAISAROS / (+TRAIANOU)               PMV00166001 3
(+A)DRIANOU +SEBASTOU £ EIRG((ASTAI)) / (EF) (3) (H)((MERAIS))           PMV00166002 3
(-PENTE-) (UPE)R (CWMA)TIKWN ERGW((N)) / TOU AU(TOU) ((ETOUS))           PMV00166003 3
+PAUNEI -KE -KJ / (EN) AP(O) (NOT)OU DIW((RUGI))                         PMV00166004 3
+TEBTUNEWS / (.*X.)..(.) +KRONIW((NOS)) TO((U)) +CEWTOS /               PMV00166005 3
((MHTROS)) +JEN(A)PUGC((EWS)) / (.*X.)... SESH((MEIWMAI)) £END           PMV00166006 3
TEBTUNIS
                                                                  02P    PMV00171001 1
£ ETOUS -DEKATOU- +AUTOKRATOROS +K(AISAROS) / +TRAIANOU +ADRIANOU       PMV00171001 3
+S(EBASTO)U *(+PAUNI) / -IA £ +WRIWN KAI METOC((OI))                     PMV00171002 3
SI(T((OLOGOI))) (+TC)P(TUNE)W((S)) K(AI) ALL(WN) (KWMWN) /               PMV00171003 3
MEMET((RHMEJA)) APO TWN GENHM((ATWN)) TOU AUTOU ((ETOUS)) EIS            PMV00171004 3
+AR(FAHSIN) / +KRONIWNOS PUROU METRW DHM((OSIWI))                        PMV00171005 3
XUST((WI)) EPAITO(N) (ARTABAS) (-PENTE-) / FOLET((ROU)) +TALEI           PMV00171006 3
-EIKOSI- -TRIS- -,HMISU- -,OGDON- / £ ((GINETAI)) TO SUMBOL((ON))        PMV00171007 3
```

TABLE 7

```
TEBTUNIS , PMV 00059 , 02 P. CH. N.

CLASSIFICATIONS = UMISIT

 1 , 1     C +PTOLLARIWN +KRONIWNI
 1 , 2     C((AIREIN))
 2 , 3     C TW(I) AP(O)DID(ONT)I SOI TO E-
 2 , 4     PIS(TO)LEI(DI)ON MOU METRH-
 2 , 5     SON (CX W)N COW CRWMAI
 2 , 6     SCIT((IKWN)) AR(TAB)WN METRWI DROMWI
 2 , 7     PUROU ARTABAS CX ALLA +VE-
 2 , 8     MESIWNA TON ADELFON
 2 , 9     PARALABWN KAI AUTOS PA-
 2 , 10    (L)IN SFRAGISATW ALLA POI-
 2 , 11    (H)SON AUTA PROPEMFJH-
 2 , 12    (I)A(I) DIA TOUS APO THS KWMHS
 2 ; 13    E(PE)I AN(A)GKAIOS TILOS
 2 , 14    MOI PERI TOUTOU EPEJFTO KATELEIPEIN OUK HOUNHJH(N)
 3 , 15    C ERPWSJAI SE EUCOM((AI))

           *VERSO
 1 , 1     C +KRONIWNI FRONTI((STHI)) +PTOLLARIWNOS
```

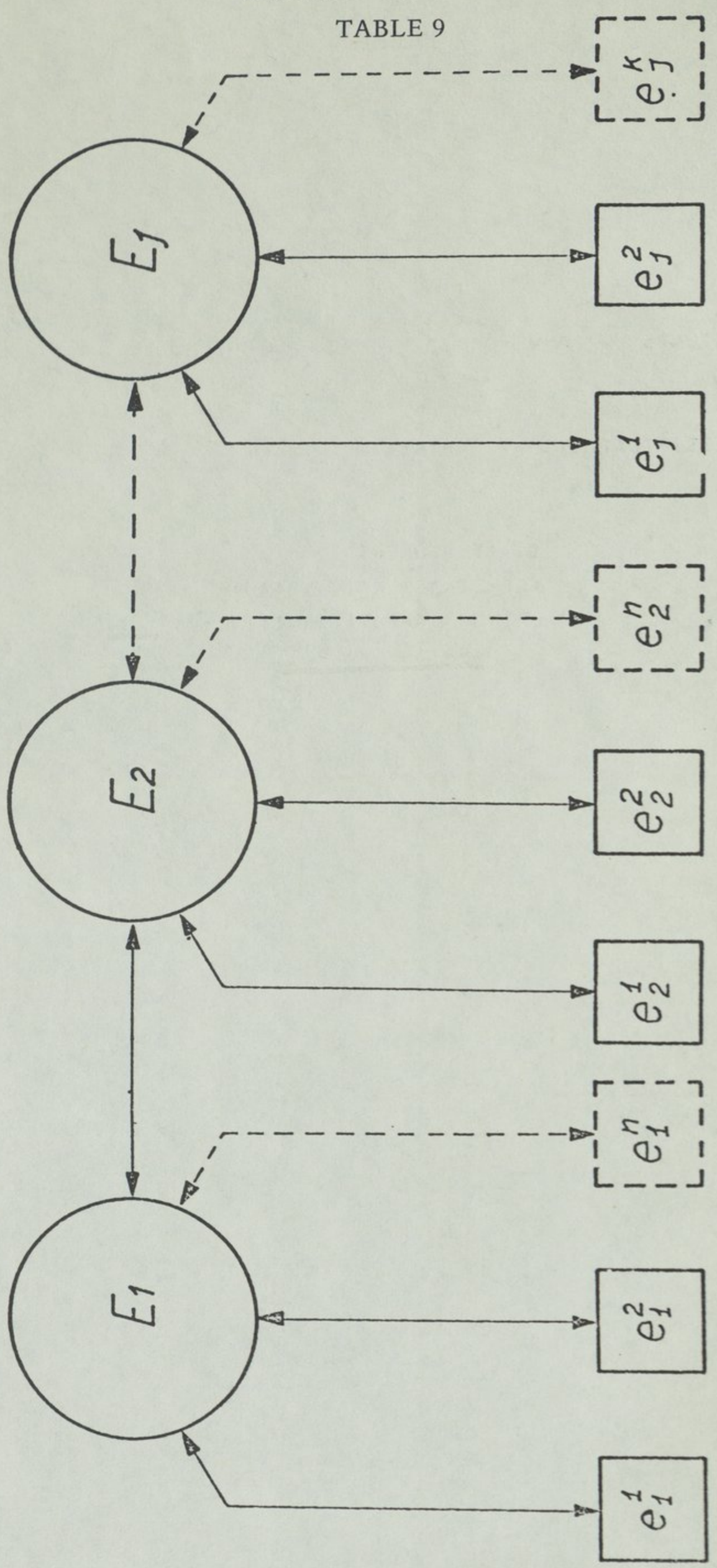
TABLE 8

```
TEBTUNIS  ,  PMV  00072  ,  02  P.  CH.  N.

CLASSIFICATIONS  =  OMISIT

1  ,  1        £  +TEPTUNEWS
1  ,  2        +GEMEINOS  KAI  +P(AU)-
               LEINOS  AMFOT((ERDI))  +PAP(.))
                  *ERROR  *AWP/11
```

TABLE 9



PAPYRUS LITTERAIRES GRECS ET LATINS

Paul Mertens

Comme je l'ai expliqué dans le résumé préliminaire confié au *Bulletin of the American Society of Papyrologists*,[1] ma communication au XIIe Congrès avait pour but – tout en annonçant le second fascicule de mes *Recherches de Papyrologie littéraire* – d'exposer quelques résultats de l'exploitation sur la trieuse et l'ordinateur des renseignements que j'ai enregistrés sur cartes perforées à partir de la deuxième édition de la liste de Roger A. Pack, *The Greek and Latin Literary Texts from Greco-Roman Egypt*.[2] Pareil travail vise surtout à établir des statistiques et des classements portant sur la totalité des papyrus littéraires grecs et latins considérés à toute une série de points de vue.[3] Les critères retenus à Ann Arbor étaient essentiellement la date, la provenance et un troisième qui rassemble la forme sous laquelle se présentent les textes (rouleau, codex, sillybos, etc.) et la matière constituant leur support (papyrus, parchemin, éclat de poterie, etc.).

Au préalable, il convient peut-être d'avertir le lecteur qu'il n'y a pas lieu de s'étonner si l'on constate entre cette contribution et le fascicule auquel il est fait allusion plus haut de légères divergences dans les chiffres de certains postes: il est souvent permis d'hésiter quand on se demande s'il faut compter pour une ou pour plusieurs unités un ensemble cité sous un seul numéro dans Pack^2. Ainsi, le no. 348 peut n'être compté que pour une unité si l'on envisage sa véritable origine et sa date[4] mais sa provenance est double[5] et la quantité des cotes d'inventaire qu'il réunit prouve qu'en fait il "vaut" près de vingt fragments. Il faut donc admettre au départ que la rigueur des chiffres repose, dans un certain nombre de cas, sur des conventions qui pourraient éventuellement être modifiées sans pour autant affecter la stricte réalité des faits. Le total de 3.088 auquel j'aboutis ci-dessous s'obtient en retenant les 3. 026 textes de la grande liste et ceux du "Supplément" (pp. 156-159), à l'exception de quelques numéros qui ont été reconnus pour des doubles emplois ou pour des inclusions sans doute abusives.[6] Quoi qu'il en soit, il n'a jamais été tenu compte des textes patristiques réunis dans l'"Appendix" (pp. 152-155).

D'autre part, il importe de signaler que les statistiques rapportées ici ont été élaborées à partir des renseignements tels qu'ils figurent dans Pack^2. Bien des fois, un retour à l'*editio princeps* et, plus souvent encore, à l'original sera requis pour trancher les cas douteux ou pour

1. Tome 5, 1968, pp. 73-74.
2. Ann Arbor, 1965. Cité *infra* Pack^2.
3. Effectués à l'Université de Liège sur les machines du Laboratoire d'Analyse statistique des Langues anciennes (L.A.S.L.A.; direction: prof. L. Delatte), ces traitements délicats n'auraient pu être réalisés sans l'aide de nos collègues et amis Et. Evrard et J. Denooz, dont je me plais à reconnaître une fois de plus la serviabilité et la compétence.
4. Poèmes de Dioscore d'Aphrodito, VIe s.
5. Aphrodito et Antinoé.
6. J'ai fait entrer dans cette catégorie les numéros 1333, 2063 et 1320 a.

vérifier les traits qui se révéleraient discordants, voire suspects. C'est là d'ailleurs une des raisons pour lesquelles je souhaite rassembler les photographies de *tous* les papyrus littéraires encore accessibles.[7]

Enfin, il est certainement superflu de rappeler aux papyrologues que l'interprétation des tableaux chiffrés qui vont suivre exige toujours la prudence: le hasard des fouilles – depuis le choix des sites en général jusqu'aux contingences de toutes espèces (géologiques, historiques, etc.) propres à chacun d'eux – est responsable de telles ou telles particularités pour lesquelles il serait dangereux de chercher, . . . et de trouver, de savantes explications. Nous savons pourquoi les papyrus en provenance de Hibeh sont pratiquement tous ptolémaïques et pourquoi, au contraire, ceux qui furent exhumés à Oxyrhynchus et Antinoé sont en grande majorité ou exclusivement d'époque romaine et byzantine, ces deux derniers endroits étant cités à dessein parce que les facteurs qui y furent déterminants dans ce sens n'ont rien de commun entre eux.

Je suis néanmoins persuadé que, à condition d'être exploités avec les précautions qui s'imposent, les classements reproduits ci-dessous méritent de retenir l'attention.

Le premier concerne la répartition chronologique des trouvailles. La marge d'approximation adoptée par les éditeurs m'a amené à faire la distinction entre les papyrus datés par époque, par siècle(s) ou par année(s).[8] Les sous-totaux "ptol./rom./byz." figurent à titre purement indicatif et s'appliquent, de façon un peu arbitraire, aux papyrus qui datent respectivement d'avant l'ère chrétienne, des trois premiers siècles de notre ère et des siècles postérieurs.

A. *Répartition chronologique*

Papyrus datés	par époque	par siècle(s)	par année(s)	Totaux	
EP. PTOL.	6			6	
IV[a]		1	1	2	
III[a]		129	38	167	
III/II		21	10	31	
II[a]		73	1	74	397 ptol.
II/I		20	4	24	
I[a]		78		78	
I[a]/I		30		30	
EP. ROM.	15			15	
I		221	3	224	
I/II		177	7	184	
I/III		4		4	
II		717	3	720	2006 rom.
II/III		303	9	312	

7. Cf. *Archives photographiques de papyrologie littéraire*, dans *Chron. d'Ég.* 36, 1961, pp. 428-430, ainsi que *Actes du Xe Congrès International de Papyrologues*, Wroclaw-Varsovie-Cracovie, 1964, pp. 65-67.

8. Comme on peut s'y attendre en matière de papyrus littéraires, les années en question sont rarement des dates précises: il s'agit le plus souvent de plusieurs décennies ou de tout un règne. C'est essentiellement la tâche matérielle de perforation des cartes qui m'a entraîné à respecter ces distinctions; le lecteur peut d'ailleurs les négliger en consultant uniquement la colonne des totaux mais elles offrent l'avantage de refléter le degré d'approximation atteint par les éditeurs dans leur travail de datation. Je tiens à ajouter que, pour des raisons de clarté, le présent tableau ne rend pas compte des points d'interrogation ni des mentions "*circa*" qui accompagnent parfois les dates: ces scrupules ont cependant été consignés sur les fiches mécanographiques.

Papyrus datés	par époque	par siècle(s)	par année(s)	Totaux	
II/IV		2		2	
III		475	3	478	
III/IV		102	2	104	
III/V		3		3	
EP. BYZ.	23 [9]			23	
IV		155		155	
IV/V		82	2	84	
IV/VI		3		3	
V		102	1	103	615 byz.
V/VI		60	3	63	
V/VII		1		1	
VI		66	1	67	
VI/VII		36		36	
VII		12		12	
VII/VIII		10		10	
VIII		1		1	
VIII/IX		2		2	
Datation non proposée, ou trop étendue (No. 2269)			70	70	
	44	2886	88	70	3088

Dans le second tableau, les papyrus se trouvent répartis selon les provenances précises ou approximatives signalées par les éditeurs. Certaines mentions figurent entre guillemets, p. ex. "Fayoum." J'ai voulu attirer par là l'attention du lecteur sur le fait que le chiffre y afférant correspond aux papyrus classés sous cette étiquette générale. Pour connaître le nombre total des fragments littéraires en provenance du Fayoum, il faut y ajouter les chiffres donnés pour tous les sites de cette région nommément désignés (Tebtynis, Karanis, etc.), ce qui ferait entre 400 et 500 textes.

B. *Répartition selon les provenances*

Provenance inconnue	1260	
Oxyrhynchus	970	
"Fayoum"/"Nome Arsin."	200	(cf. aussi 755 et 2735)
Hibeh	85	
Antinoé	75	(cf. aussi 348 et 351)
Tebtynis	74	
Hermopolis	69	(cf. aussi 755 et 2735)
Thèbes et "Thébaïde"	38	
Soknopéonèse/Dime	31	(cf. aussi 2616 et 2622)
Karanis	27	" " " "

9. En ce compris le no. 2735: III-VII.

"Haute-Égypte"	23				
Gourob	22				
Théadelphie/Harît	19				
Philadelphie	18				
Memphis	16				
Panopolis	13				(cf. aussi 1318)
Arsinoé/Crocodilopolis/M.-el-Fayoum	13				
Aphrodito	11				(cf. aussi 348 et 351)
Hawara	11				
	2975	+	7	=	2982
"Égypte"					4
32 autres sites					102
					3088

On voit d'après ces chiffres que la prépondérance d'Oxyrhynchus est peut-être plus nette encore qu'on ne s'y attendait. Au surplus, nous pouvons supposer que parmi les papyrus de provenance inconnue beaucoup sont également d'origine oxyrhynchite. L'ordre des grandeurs révélé par la répartition chronologique (v. Tableau A: IIe s. = 720, IIIe s. = 478, Ier s. = 224) s'explique d'ailleurs entièrement par l'abondance des trouvailles faites sur ce site; nous le comprendrons mieux en regardant le troisième tableau, qui concerne les papyrus littéraires oxyrhynchites. J'ai par la même occasion classé les données selon la forme et le matériau. Les sigles figurant en tête des colonnes doivent être interprétés comme suit:

PP: rouleau ou fragment de rouleau en papyrus
CP: codex en papyrus
XP: papyrus de forme indéterminé (rouleau ou codex); il s'agit ici du no. 443 de Pack^2
RO: rouleau opisthographe (?); en l'occurrence, le no. 1634
FO: fragment ou feuillet opisthographe; respectivement, les nos. 2216, 1183, 2484, 1178 et 2320
MM: rouleau ou fragment de parchemin; dans l'ordre, les nos. 504, 2420, 932 et 2139
CM: codex en parchemin; le premier d'entre eux est le no. 3000
SP: sillybos en papyrus (1481, 1460 et 1323)
SM: sillybos en parchemin (1540)
OS: ostracon. Il n'y en a que deux pour Oxyrhynchus (2729 et 2717)!

Les mêmes sigles sont évidemment valables pour les trouvailles d'Antinoé, que j'ai choisie en raison de sa contemporanéité avec Oxyrhynchus, afin de voir si l'on pouvait faire quelque constatation intéressante sur le chapitre de l'emploi des formes et des matériaux. Pour permettre au lecteur de juger pleinement par lui-même, je donnerai ici aussi les références à Pack^2 en ce qui regarde les postes les plus discutables ou les plus typiques:

FO: il s'agit respectivement des numéros 1206, 2307 et 2779
MM: 1564 et 1464
SM: 1350

Des tableaux C et D, j'ai extrait – simplement à titre d'exemple – les chiffres relatifs à l'emploi, pour les codices, du papyrus et du parchemin. Les "fractions" de papyrus figurant dans le tableau E s'expliquent aisément: désireux d'utiliser les données aux fins d'établir des graphiques, j'ai dû résorber les datations portant sur deux ou trois siècles en attribuant à chaque siècle la moitié ou le tiers des papyrus impliqués.

C. *Oxyrhynchus*

	PP	CP	XP	RO	FO	MM	CM	SP	SM	OS	
II^a	1										1
I^a	15										15
I^a/I	11										11
I	68				1						69
I/II	52				1		1	1			55
I/III	3										3
II	318	2			1			1	1		323
II/III	131	3								1	135
III	207	24		1							232
III/IV	10	6									16
IV	8	11	1		2		11				33
IV/V	5	5				2	5			1	18
V	4	23				1	3				31
V/VI	2	6				1	2				11
VI		4					2				6
VI/VII		3					1				4
?	6							1			7
	841	87	1	1	5	4	25	3	1	2	970

D. *Antinoé*

	PP	CP	FO	MM	CM	SM	
II	1			1			2
II/III	2	1	1				4
III	2	5			8	1	16
III/IV		2					2
IV	2	3	1		7		13
IV/V	2	3			2		7
IV/VI					1		1
V	2	2			1		5
V/VI	2	8	1		1		12
VI	5	2			2		9
VI/VII	1	2		1			4
?		2					2
	19	30	3	2	22	1	77

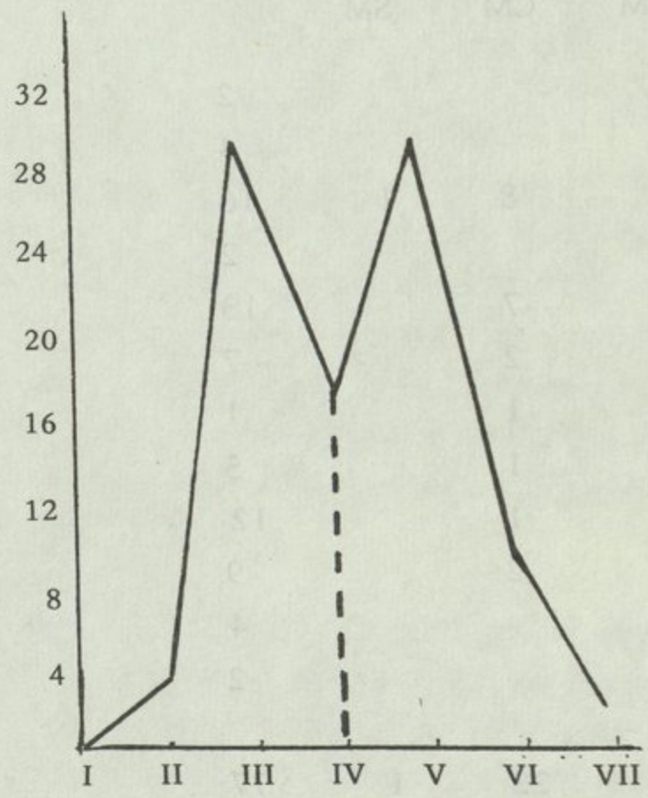
E. *Emploi du papyrus et du parchemin dans les codices*

	CP		CM	
	Oxy.	Antin.	Oxy.	Antin.
I			0,5	
II	3,5	0,5	0,5	
III	28,5	6,5		8
IV	16,5	5,5	13,5	8,33
V	28,5	7,5	6,5	2,83
VI	8,5	7	3,5	2,83
VII	1,5	1	0,5	
?		2		
	87	30	25	22

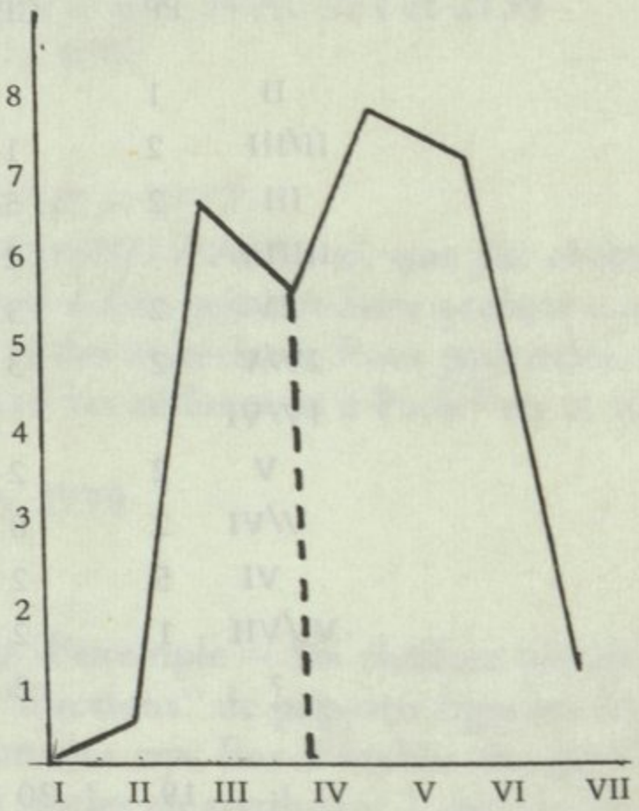
Graphiques

1. Codices en papyrus

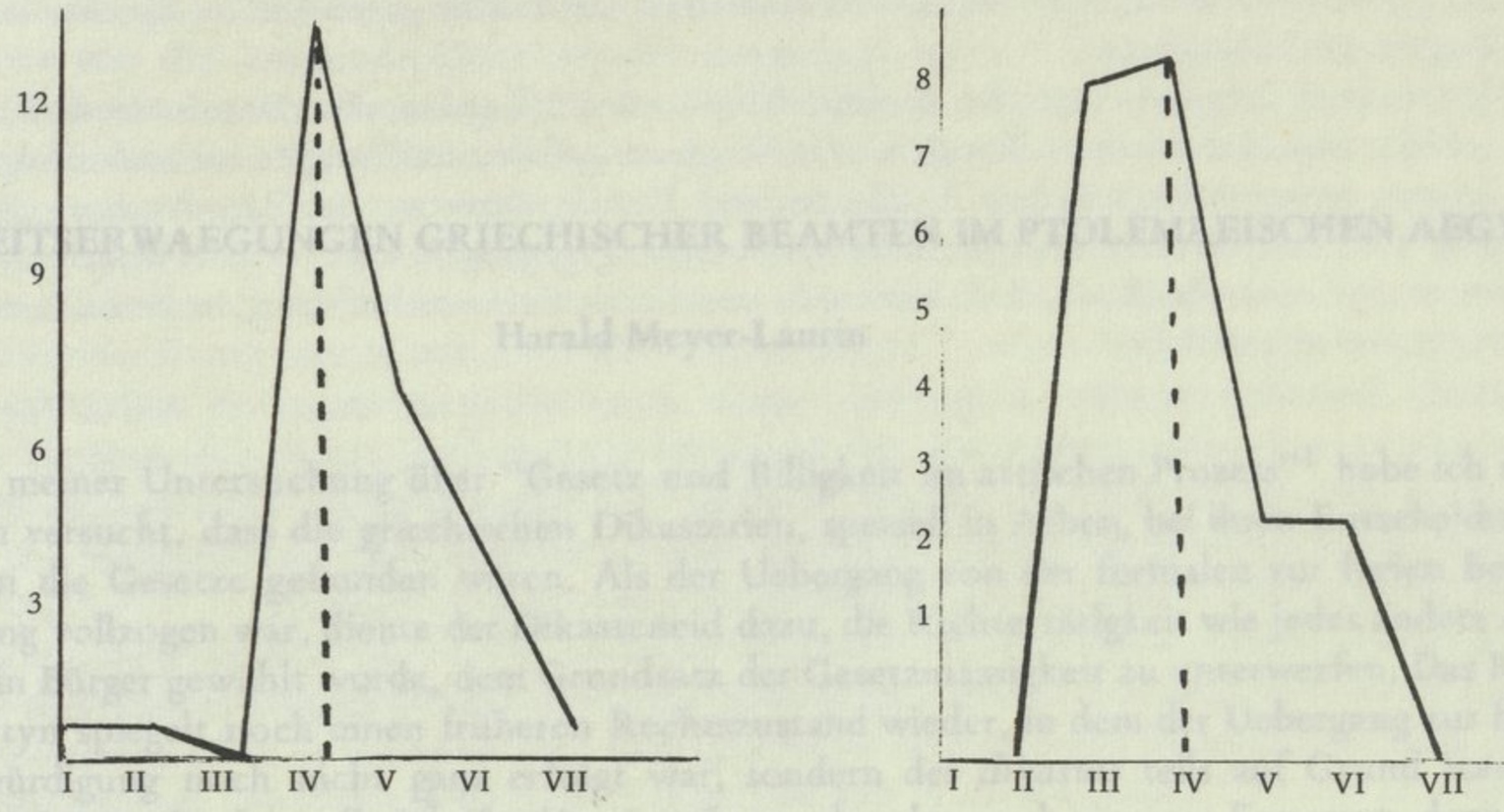
à Oxyrhynchus



à Antinoé

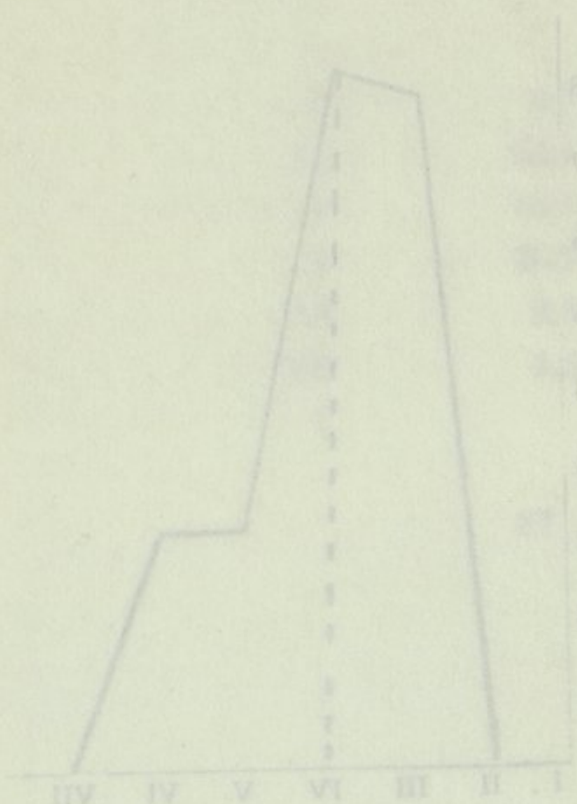


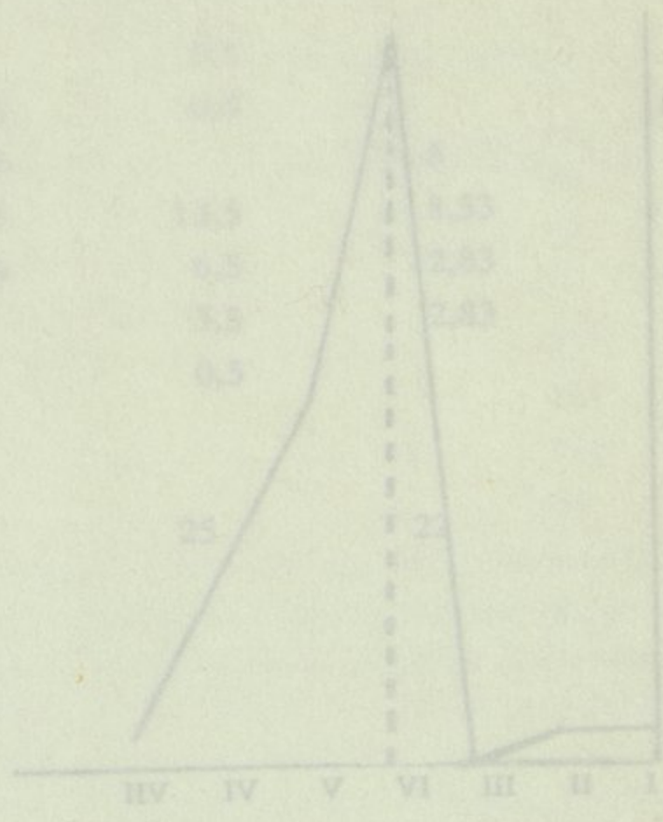
2. Codices en parchemin



Tout en répétant qu'il serait dangereux de tirer des conclusions définitives de ces chiffres et de ces graphiques – en raison surtout du nombre relativement restreint des textes antinoïtes, on doit bien reconnaître que les deux sites présentent des similitudes que l'on peut résumer ainsi: pour le codex en papyrus, le IVe siècle correspond à un creux entre deux sommets tandis qu'il culmine en ce qui regarde l'emploi du codex en parchemin.

On pourrait, à partir des tableaux ABCD, tracer quantité d'autres graphiques en changeant le point de vue envisagé. Mais telle n'était pas mon intention à Ann Arbor, où j'ai simplement voulu montrer la richesse et la maniabilité d'un fichier mécanographique que je mets volontiers, j'y insiste, à la disposition de tous les chercheurs.





BILLIGKEITSERWAEGUNGEN GRIECHISCHER BEAMTEN IM PTOLEMAEISCHEN AEGYPTEN

Harald Meyer-Laurin

In meiner Untersuchung über "Gesetz und Billigkeit im attischen Prozess"[1] habe ich nachzuweisen versucht, dass die griechischen Dikasterien, speziell in Athen, bei ihren Entscheidungen streng an die Gesetze gebunden waren. Als der Uebergang von der formalen zur freien Beweiswürdigung vollzogen war, diente der Dikasteneid dazu, die Richtertätigkeit wie jedes andere Amt, in das ein Bürger gewählt wurde, dem Grundsatz der Gesetzmässigkeit zu unterwerfen. Das Recht von Gortyn spiegelt noch einen früheren Rechtszustand wieder, in dem der Uebergang zur freien Beweiswürdigung noch nicht ganz erfolgt war, sondern der *dikastas* teils auf Grund formaler Beweise "das Recht feststellte"[2] (*δικάζειν*), teils ungebunden nach eigenem Ermessen, dann aber "schwörend," urteilen konnte (*ὀμνύντα κρίνειν*):[3]

Erst im 2. Jh.v.Chr., im Kriegsabwickelungsgesetz von Ephesos (Dittenberger, *Syll.*[4], 364; *Recueil* I, S. 30 ff.), wurde mit der nur ausnahmsweise und bezeichnenderweise durch ausdrückliche gesetzliche Ermächtigung erteilten Zulassung der freien Schätzung in bestimmten Fällen den Richtern die Möglichkeit für Entscheidungen nach billigem Ermessen eröffnet.[4] Eine bewusste Korrektur des strengen Rechts bei der Behandlung von Einzelfällen scheint dagegen schon erstmals ersichtlich zu sein in zwei Papyrusurkunden der Ptolemäerzeit aus dem 3.Jh.v.Chr., die jedoch beide – nach dem oben Gesagten nicht überraschend – nicht der Eigengerichtsbarkeit der in Aegypten privilegierten Volksgruppen, sondern dem Bereich der königlichen Gerichtsbarkeit angehören.

I

Das königliche Prostagma *P. Mich.* 70 (= *SB* 7447) aus dem Jahre 237 v.Chr. betrifft die Zulässigkeit verspäteter Gestellung bei einer Paramonebürgschaft. Der Adressat der Anordnung ist Zenon.[5] In welcher Eigenschaft er hier genannt wird, ist in der Literatur umstritten und hängt im wesentlichen von der Interpretation ab, die man Z. 3-4 gibt: *ἀπαγγειλαντος Ζήνωνι ὑπὲρ οὗ ἐνέτυχεν Ἡνίοχο*[ς].

1. *Graezistische Abhandlungen,* Bd. 1, Weimar, 1965.

2. Wolff, *Traditio* 4, 1946, S. 75=*Beiträge zur Rechtsgeschichte Altgriechendlands und des hellenistisch-römischen Aegypten. Forschungen zum römischen Recht,* 13. Abh., Weimar, 1961, S. 73.

3. Vgl. Meyer-Laurin, *Gesetz und Billigkeit,* S. 30 und die dort Anm. 102 zitierte Literatur.

4. Siehe hierzu Pringsheim, *SZ* 52, 1932, S. 89 ff.=*Gesammelte Abhandlungen,* Bd. 1, Heidelberg, 1961, S. 180f.; Meyer-Laurin a.a.O. S. 40 f.

5. Uebermittelt wurde der Bescheid durch einen Unterbeamten des Sostratos, der für die Veröffentlichung der königlichen Erlasse zuständig war, vgl. Edgar, *P. Mich.* I, Ann Arbor, 1930, S. 147; Wilcken, *Archiv* 9, 1930, S. 235. Bedenken äussert Lenger, *CE* 53, 1952, S. 229 Anm. 2.

Edgar hatte in der Erstpublikation des Papyrus (*JEA* 14, 1928, S. 291) am Ende von Z. 3 hinter *Ζήνωνι* einen Satzschluss angenommen. Das würde bedeuten, dass die Verkündung an Zenon lediglich bezweckt hätte, für den öffentlichen Aushang zu sorgen.[6] Petent – dem übrigens die Entscheidung dann nicht zugestellt worden wäre – müsste bei dieser Auslegung der Taxiarch Heniochos gewesen sein, der sich in einem Rechtsstreit des Eukles gegen Kallias für die Gestellung des Beklagten verbürgt hätte.[7]

Gegen diese Annahme spricht, dass im 10. Jahr des Euergetes, dem Datum der Urkunde (Z. 15: *Ϟι, Αὐδναίου*), der Dioiktet Apollonios in Ungnade gefallen und bereits tot und infolgedessen auch Zenon seiner halbamtlichen Funktion, auf Grund derer er für den Aushang der Entscheidung hätte in Betracht kommen können, verlustig gegangen war.[8] Hinzu kommt, dass der Text keine der sonst beobachteten Merkmale amtlicher Bekanntmachung, insbesondere keinen Publikationsbefehl, enthält.[9]

Diese Bedenken werden ausgeräumt, wenn man, wie jetzt Edgar (*P. Mich.* 70), hinter *Ζήνωνι* ein Komma setzt. Dann hätte sich Zenon für die Gestellung des Kallias verbürgt, und der Erlass wäre an ihn als den eigentlichen Petenten addressiert worden, während der Taxiarch Heniochos lediglich als Mittelsmann des Zenon aufgetreten wäre, was angesichts der erst wenige Jahre zurückliegenden Vorkommnisse um Apollonios verständlich erschiene.

In materieller Hinsicht macht es keinen Unterschied, ob der Entscheidung eine Angelegenheit des Heniochos oder des Zenon zugrunde gelegen hat. Das Prostagma besagt, dass sich der Garant einer anscheinend privaten Paramonebürgschaft von der bereits fällig gewordenen Einstandspflicht befreien könne, sofern er den Beklagten, wenn auch verspätet, noch gestellen würde. Zugleich wird angeordnet, dass künftig in allen derartigen Fällen ebenso verfahren werden solle, Z. 6-14: *εἰ ἔγγυος γεγένηται παραμονῆς* Καλλίου *πρὸς* Εὐκλῆ, *καταστήσας τὸ σῶμα ἀφείσθω τῆς ὑπερημερίας, κατὰ ταὐτὰ δὲ καί ὅσοι ἐγγυῶνται παραμονῆς τινες καταστήσαντες τὸ σῶμα ἀφείσθωσαν τῆς ἐγγύης καὶ μὴ ἐκκλειέσθωσαν τῆς ὑπερημερίας.*

Schwierigkeiten bereitet das Verständnis der Worte *καὶ μὴ ἐκκλειέσθωσαν τῆς ὑπερημερίας* in Z. 13-14. Edgar übersetzt zwar sprachlich richtig "and not debarred from exceeding the term," doch gibt das juristisch nichts her, während die von San Nicolò[10] vorgeschlagene Uebersetzung, dass "sie wegen einer (erfolgten) *ὑπερημερία* nicht ausgeschlossen (präkludiert) werden dürfen," auf sprachliche Bedenken stösst, da *ἐκκλείειν τινά τινος* "jemanden von einer Sache ausschliessen" bedeutet.[11] Um einen Sinn in den Text zu bekommen, muss man folglich entweder

6. Wilcken, *Archiv* 9, 1930, S. 235 f.; *Archiv* 10, 1932, S. 75 f.; Berneker, *SZ* 83, 1966, S. 407.

7. San Nicolò, *ByzZ* 30, 1929/30, S. 159; Wilcken, *Archiv* 10, 1932, S. 75. Die Vermutung von Berneker, a.a.O. S. 407, dass Heniochos ohne eigenes Interesse lediglich in Vertretung des Zenon in der Klagesache der ihm unterstellten Eukles und Kallias um eine Auskunft gebeten habe, lässt ungeklärt, weshalb es im Prozess zwischen diesen um die Frage der nachträglichen Befreiung des Gestellungsbürgen hat gehen können.

8. Edgar, *P. Mich.* I, S. 47; Préaux, *Les Grecs en Egypte d'après les archives de Zenon*, Brüssel, 1947, S. 11, 25, 44; Wolff, *Das Justizwesen der Ptolemäer. Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte*, Heft 44, München, 1962, S. 11 Anm. 21. Keine derartigen Bedenken hat Wilcken, *Archiv* 9, 1930, S. 236. Die Vermutung von Lenger, *CE* 53, 1952, S. 229, das Datum des Papyrus als einer Kopie sei nicht das des Erlasses selbst, ist unwahrscheinlich und gekünstelt.

9. Wolff, *Justizwesen*, S. 11 Anm. 21. Siehe hierzu v. Schwind, *Zur Frage der Publikation im römischen Recht mit Ausblicken in das altgriechische und ptolemäische Rechtsgebiet. Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte*, Heft 31, München, 1940, S. 98 ff.

10. *ByzZ* 30, 1929/30, S. 160.

11. Wilcken, *Archiv* 10, 1932, S. 75.

wie Wilcken[12] vor *τῆς ὑπερημερίας* ein *ὑπό* oder *διά* einfügen oder mit Wolff[13] das *ἐκκλει-ἐσθωσαν* verschrieben für *ἐγκαλείσθωσαν* halten. Einig sind sich jedoch alle bisher genannten Autoren über die Bedeutung der Worte, dass sich nämlich der Gestellungsbürge trotz Terminversäumnis von der dadurch an sich verwirkten Haftung gänzlich befreien könne, wenn er den Beklagten noch gestellen würde. Eine etwas andere und zunächst verblüffende Erklärung, dass der Bürge zwar von der Einstandspflicht aus der Bürgschaft befreit, aber für den Verzugsschaden haftbar bleiben solle, hat Berneker[14] dieser Stelle gegeben, indem er lediglich das *καί* in Z. 13 satztrennend versteht. Sprachlich erscheint das nicht ausgeschlossen. Allerdings müsste dann notwendig, wie schon Edgar vermutet hat,[15] zwischen Z. 8 und Z. 9 der Ausfall einer ganzen Zeile mit dem Wortlaut *τῆς ἐγγύης καὶ μὴ ἐκκλειέσθω* angenommen werden, da sonst ein sachlicher Widerspruch zwischen der Instruktion des Einzelfalles und der verallgemeinernden Norm bestünde. Damit würde sich auch die von San Nicolò[16] aufgeworfene Frage, wer den durch den Terminverlust entstandenen Schaden zu tragen habe, von selbst beantworten. Doch die separate Haftung für einen Verspätungsschaden ist für das hellenistische Recht noch nicht vorstellbar und erscheint zu modernrechtlich gedacht. Die Praxis, der sich der Bürge unterwarf, ging auf eine bestimmte Ablösungssumme, die entweder ganz oder gar nicht verfallen war.[17]

Dagegen hält es Kränzlein[18] neuerdings für unwahrscheinlich, dass der König wegen eines so einfachen Falles angerufen worden wäre. Er vermutet, dass es sich um einen aussergewöhnlichen Sachverhalt gehandelt haben müsse, der nach den bestehenden Gesetzen nicht habe gelöst werden können. Dabei denkt er an eine Fristversäumnis wegen Todes des Beklagten und stützt seine Annahme auf die Verwendung des Wortes "*σῶμα*" in Z. 8 und Z. 12.[19] Edgar, der diese Möglichkeit zuerst erwogen hatte, verwirft sie jetzt mit dem Hinweis, dass dieser besondere Umstand sonst klarer im Text hätte zum Ausdruck kommen müssen.[20] Das entscheidende Argument gegen Kränzleins Hypothese ist jedoch, dass im Falle des Todes des Beklagten nicht nur die fristgerechte, sondern auch die verspätete Gestellung ausgeschlossen war, so dass das Dekret, wenn es sich darauf bezogen hätte, unsinnig gewesen wäre.

Die Gestellung des Beklagten muss vielmehr noch möglich gewesen sein. Andererseits kann sie aber nicht rechtzeitig erfolgt sein, da es sonst überflüssig gewesen wäre, über die Befreiung des Bürgen bei Terminversäumnis zu befinden.[21] Von dem Vorliegen weiterer, besonderer Umstände sagt der Text nichts. Sie zu unterstellen, besteht schon deshalb keine Veranlassung, weil sich ein aussergewöhnlicher Sachverhalt nicht zur Normierung eignen würde. Wenn man hingegen annimmt, dass es sich hier um eine alltägliche Frage gehandelt hat, erhalten erst das Schutzgesuch

12. a.a.O. S. 75.
13. *Justizwesen,* S. 12.
14. *EPap* 2, 1933, S. 69.
15. *P. Mich.* I, S. 148 Anm. z.Z. 12-14; zustimmend Wilcken, *Archiv* 9, 1930, S. 236; *Archiv* 10, 1932, S. 76; dagegen San Nicolò a.a.O. S. 160 Anm. 1.
16. a.a.O. S. 160 f.
17. Nach *P. Hib.* 92.17 ff. (=*MChr.* 23) von Jahre 263/2 v.Chr. haftete der Bürge für den Fall des Ausbleibens auf Kapital, *ἐπιδέκατα* und *γινόμενα* zusammen und war der *πρᾶξις κατὰ τὸ διάγραμμα* unterworfen, vgl. Partsch, *Griechisches Bürgschaftsrecht* I, Leipzig/Berlin, 1909, S. 210 ff.; Mitteis, *Grundzüge* 18; San Nicolò, *ByzZ* 30, 1929/30, S. 161. In *P. Hib.* 41 (um 261 v.Chr.) unterwarf sich der Bürge für den Fall der Nichtgestellung einer genau bezifferten Konventionalstrafe, vgl. Partsch a.a.O. S. 212. P. Frankf. Inv. 17 (Lewald, *SZ* 42, 1921, S. 126) gibt für Berneker nichts her.
18. *DLZ* 88, 1967, S. 531 f.
19. Auch Seidl, *Ptolemäische Rechtsgeschichte,* 2. Aufl., *Aegyptologische Forschungen,* Heft 22, Glückstadt-Hamburg-New York, 1962, S. 12 hält diese Bedeutung von *σῶμα* hier für möglich.
20. *P. Mich.* I, S. 147; auch Liddell-Scott übersetzen *σῶμα* an dieser Stelle mit "person."
21. San Nicolò, *ByzZ* 30, 1929/30, S. 160.

des Petenten an den König unter Umgehung des "ordentlichen" Rechtsweges vor dem für Griechen zuständigen Dikasterion und die darauf ergangene Entscheidung des Monarchen in Form eines Prostagma ihre besondere Bedeutung.

Der Paramonebürge garantierte das Erscheinen einer Person innerhalb einer bestimmten Frist oder zu einem bestimmten Termin. Wenn er sie gestellte, wurde er von seiner Haftung frei, Z. 11-13: *καταστήσαντες τὸ σῶμα ἀφείσθωσαν τῆς ἐγγύης*,[22] anderenfalls trat die mit der Bürgschaft übernommene Rechtsfolge ein.[23] Da im vorliegenden Fall die Gestellung des Beklagten, wie der Ausdruck *ὑπερημερία* in Z. 9 und Z. 14 beweist, an einem bestimmten Termin erfolgen sollte, der versäumt worden war, ergibt sich, dass der Bürge nunmehr dem Zugriff des Klägers aus der auf diesen Zeitpunkt abstellenden Praxisklausel aus der Bürgschaftsurkunde unterlag.

Angesichts dieser klaren Rechtslage ist nicht recht ersichtlich, weshalb hier "den Gesetzen die Lösung nicht entnommen werden konnte."[24] Zutreffend verweist vielmehr Edgar auf die "contradiction between the decree and the terms of the contract."[25] Denn mit seiner Entscheidung modifizierte der Monarch ausgehend von einem konkreten Fall den bestehenden Rechtszustand, der seiner Rechtsauffassung offenbar nicht entsprach.[26] Die nach Berneker[27] nicht zu klärende Frage, "ob er sich dabei von Billigkeitserwägungen leiten liess oder nur eine Lücke in der Gesetzgebung ergänzte," kann also wegen Fehlens der letzteren im ersteren Sinne beantwortet und insoweit von einer Billigkeitsentscheidung gesprochen werden.[28]

Wir haben hier ein Beispiel für das unmittelbare Eingreifen des Königs in die Rechtsprechung auch bei Privatstreitigkeiten. Wie seine Anrufung nicht in den Formen der Einreichung einer Klage bei dem Gerichtsvorstand erfolgte, sondern einem eigenen Zeremoniell unterlag,[29] war auch der Monarch nicht an die Regeln des gerichtlichen Verfahrens gebunden, weder formell, was den Gang des Verfahrens mit Gerichtsverhandlung und anschliessendem Urteil anbelangt, noch materiell, was die Bindung an das strenge Recht betrifft. Seine Rechtsschutzgewährung erweist sich auch hier wieder als Ausdruck der uneingeschränkten Staatsgewalt, die es ihm jederzeit und ausserhalb des ordentlichen Rechtsweges erlaubte, in alle Belange seiner Untertanen von

22. San Nicolò a.a.O. S. 159.

23. *P. Hib.* 92.17 ff. (=*MChr.* 23); *P. Hib.* 93.9 ff. (=*MChr.* 353); *BGU* 581.10 ff.; *BGU* 891.16; *P. Oxy.* 259.14 ff.; *P. Flor.* 8.7 ff. (=*MChr.* 355); *P. Teb.* 156 descr. Siehe dazu Partsch, *Gr. Bürgschaftsr.* I, S. 210 ff.

24. Kränzlein, *DLZ* 88, 1967, S. 531 Aehnlich spricht Berneker, *SZ* 83, 1966, S. 407 von einer "zweifelhaften Rechtsfrage."

25. *P. Mich.* I, S. 147.

26. Dagegen meint Kränzlein a.a.O. S. 531, ein solcher Erlass wäre gegen "das Interesse des Staates an der rechtzeitigen Erfüllung übernommener Verpflichtungen" und "wenn überhaupt, wohl nur als rechtspolitische Massnahme mit dem Ziel denkbar, die Bürgschaftsfreudigkeit der Untertanen zu heben – unter Inkaufnahme grösserer Laxheit hinsichtlich der Pünktlichkeit –, als Produkt der Beschäftigung mit einem Einzelfall . . . kaum vorstellbar." Die verallgemeinernde Norm ist aber ohne Zweifel erst durch die vorangegangene Erledigung des konkreten Einzelfalles zustande gekommen, Z. 9-10: *κατὰ ταὐτὰ δὲ καὶ ὅσοι . . .*

27. a.a.O. S. 407.

28. Wolff, *Justizwesen,* S. 11 f.; *Tijdschrift* 34, 1966, S. 18; Modrzejewski, *SZ* 80, 1963, S. 46. Auch Seidl, *Ptol. Rechtsgesch.*[2], S. 12 erblickt hierin, wenn es sich um die verspätete, und nicht durch den Tod unmöglich gewordene Gestellung des Beklagten handelte, einen humanen Akt, zu dem sich der König bekannte, soweit es nicht um seine Einkünfte ging.
Ob und wie weit das Dikasterion eine Gesetzeslücke nach dem allgemeingriechischen und im Diagramma (*P. Gurob.* 2.40 ff.) bestätigten Prinzip der *δικαιοτάτη γνώμη* von sich aus hätte schliessen können, braucht hier nicht erörtert zu werden, siehe dazu Weiss, *Griechisches Privatrecht* I, Leipzig, 1923, S. 76 Anm. 142; Arangio-Ruiz, *L'Eg. Contemp.* 29, 1938, S. 26=*Rariora,* Rom, 1946, S. 245 f.; Wolff, *SZ* 70, 1953, S. 28 f., S. 45 Anm. 76; *Gewohnheitsrecht und Gesetzesrecht in der griechischen Rechtsauffassung. Deutsche Landesreferate zum VI. Internationalen Kongress für Rechtsvergleichung in Hamburg 1962*, Sonderveröffentlichung von Rabels Z., S. 16; Modrzejewski, *RHDFE* 37, 1959, S. 483 mit Anm. 143; *SZ* 80, 1963, S. 68 Anm. 100.

29. Vgl. dazu Bickermann, *Archiv* 9, 1930, S. 155 ff.; Wolff, *Justizwesen,* S. 8 ff.; Modrzejewski, *SZ* 80, 1963, S. 46.

oben her einzugreifen.[30] Aeusseres Kennzeichen hierfür ist die in Form eines königlichen Prostagma ergangene autoritäre Regelung des Einzelfalles, verbunden mit der allgemeinen Anordnung an die Gerichte, in Zukunft ebenso zu entscheiden.[31] Das aber lässt wieder erkennen, wie streng die Dikasterien "an die Grenzen der gesetzlich normierten oder durch die Tragweite der den Urkunden eingefügten Praxisklauseln umschriebenen *δίκαι* gebunden waren,"[32] und dass sie vorher und von sich aus eine derartige Entscheidung so wenig hätten fällen können, wie sie sie nunmehr auf Grund des Prostagma zu treffen hatten. Somit wird schliesslich klar, weshalb sich der Petent, da er eine Billigkeitsentscheidung erlangen wollte, mit diesem an sich so einfachen Fall direkt an den König gewandt hatte.[33]

II

Der zweite Beleg, mit dem wir uns in diesem Zusammenhang zu beschäftigen haben, ist *P. Enteux.* 54 (= *P. Magd.* 12 = *MChr.* 130) vom Jahre 218 v.Chr.

Der Petent, ein ägyptischer Priester namens Petoys, hatte die *κλῆροι* der wohl griechischen Antragsgegner Lachares und dessen Sohn Alexander gepachtet. Bei dem Monographen war hierüber eine *συγγραφὴ μισθώσεως* errichtet und hinterlegt worden. Die Beurkundung war vor Zeugen erfolgt, doch war die Siegelung wegen der vorgerückten Stunde unterlieben. In der Folgezeit hatte der Pächter von den Verpächtern unter Bezugnahme auf den Pachtvertrag noch ein sog. Saatdarlehen erhalten und damit das Land bestellt. Als er die versehentlich unterbliebene Siegelung der Urkunde nachholen lassen wollte, verweigerten dies die Verpächter und vertrieben ihn noch vor Einbringung der Ernte von den *κλῆροι*. Der Pächter bittet jetzt, die Vertreibung nicht zuzulassen und bis zur gerichtlichen Entscheidung darüber den Verpächtern zu verbieten, die Ernte einzubringen.

Es wird überwiegend angenommen, dass die vorliegende *συγγραφὴ μισθώσεως* in Form einer griechischen Doppelurkunde errichtet worden ist.[34] Aus ihr wird abgeleitet, dass die Siegelung ein gesetzliches Formerfordernis der Doppelurkunde gewesen sei.[35] Dagegen hat Berneker unlängst behauptet,[36] die Urkunde sei trotz fehlender Siegelung gültig gewesen.

Zwar ist wahrscheinlich, dass die Siegelung kein gesetzliches Formerfordernis war, sondern nur dazu gedient hat, dem Einwand der Fälschung zu begegnen. Nach dem Sachverhalt von *P. Enteux.* 54 kann aber kaum ein Zweifel bestehen, dass der vorliegende Pachtvertrag wegen fehlender Siegelung nichtig und sich der Petent des formalen Mangels wohl bewusst war.[37] Dass

30. Wolff a.a.O. S. 12; *Tijdschrift* 34, 1966, S. 17; Modrzejewski a.a.O. S. 46 f.; vgl. auch Herrmann, *IURA* 14, 1963, S. 324.

31. Gerade die Form des Prostagma scheint typisch zu sein für die mehr durch einen Einzelfall veranlasste Anordnung im Gegensatz zum Diagramma, das rein gesetzgebenden Charakter hatte, vgl. Wolff, *SZ* 70, 1953, S. 26 f. Das vorliegende Prostagma zeigt jedenfalls, wie der König gleichzeitig rechtsprechend und gesetzgeberisch tätig wurde, vgl. Wolff, *Tijdschrift* 34, 1966, S. 19.

32. Wolff, *Justizwesen,* S. 109.

33. Wolff a.a.O. S. 12; *Tijdschrift* 34, 1966, S. 18; Meyer-Laurin, *Gesetz und Billigkeit,* S. 53.

34. Lesquier, *P. Lille* II, Paris, 1912, S. 102; Guéraud, *Enteuxeis,* Kairo, 1931, S. 134 Anm. z.Z. 4-5; Seidl, *Ptol. Rechtsgesch.*[2], S. 59, 128. Dagegen hält sie Mitteis, *Römisches Privatrecht* I, Leipzig, 1908, S. 303 Anm. 51; *Grundzüge,* S. 53, 54 Anm. 1; *Chr.* S. 145 für einen demotischen Vertrag.

35. P.M. Meyer, *Klio* 6, 1906, S. 457 mit Anm. 2; Mitteis a.a.Oen (für ägyptischen Vertrag); Seidl a.a.O. S. 59, 128; vgl. auch Wenger, *RE* II A 2, 2410 s.v. *Signum* (Doppelurkunden).

36. *SZ* 83, 1966, S. 408; vgl. auch Kränzlein, *DLZ* 88, 1967, S. 532.

37. Herrmann, *Studien zur Bodenpacht im Recht der graecoaegyptischen Papyri, Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte,* Heft XLI, München, 1958, S. 180.

es auf die beabsichtigte Siegelung ganz entscheidend angekommen ist, ergibt sich aus der sonst überflüssigen Schilderung, weshalb sie unterblieben war, Z. 4: *συνέβη ὑπὸ τῆς ὥρας ἐκκλεισθέντας ἀσφ[ρά]γιστον τεθῆναι αὐτὴν παρὰ Ζωπύρωι* und der Darlegung, wie sich der Pächter dann vergeblich um Nachholung bemüht hatte, aber stattdessen von den Verpächtern einfach und ohne eine Rechtfertigung vor dem Epistaten verjagt worden war, Z. 7-9: *ἐμου δὲ ἐντύχοντος κατ' αὐτῶν Στρατίωι τῶι ἐπιστάτηι οὐδένα λόγον ἐποιήσαντο, ἀλλὰ ἐγβεβλήκασώ με ἐκ τῶν κλήρων*. Man wird daher, wenn die Parteien den Abschluss eines Vertrages durch eine gesiegelte Urkunde haben vornehmen wollen, die Einhaltung des gewillkürten Formerfordernisses als Gültigkeitsvoraussetzung anzusehen haben.[38]

Auf die Frage, ob die physische Uebergabe des Pachtgrundstücks zu den wesentlichen Erfordernissen des Pachtgeschäfts gehörte oder nicht,[39] ist es dem Petenten offensichtlich nicht angekommen. Es ging ihm aber auch nicht so sehr darum, "ob dann, wenn das Verhältnis beurkundet werden sollte, die blosse Uebergabe des Pachtgrundstücks allein und vor Vollendung des Beurkundungsaktes den Pächter schon in die vollen ihm nach der Abrede einzuräumenden Rechte einsetzte."[40] Vielmehr scheint er aus der Tatsache, dass die Verpächter ihm unter Bezugnahme auf den Pachtvertrag – die Rückgewähr sollte zusammen mit der Bezahlung des Pachtzinses erfolgen, Z. 6: *ἐφ' ὧι ἀποδώσω αὐτοῖς ἡμιόλιον ἅμα τοῖς ἐκφορ[ί]οις* – ein Saatdarlehen gewährt hatten und er damit das Land bewirtschaftet hatte, zu folgern, dass sich die Verpächter nicht mehr auf die Formnichtigkeit berufen dürften, nachdem sie mit dem Anerkenntnis des Pachtvertrages bei der Gewährung des Getreidedarlehens auf das Formerfordernis verzichtet hätten.[41] Dafür spricht die ausführliche Erwähnung dieses Vorganges gerade in diesem Zusammenhang, Z. 5: *μετὰ δὲ ταῦτα, ταξάμενοί μοι ἐπὶ Διονυσίου δῶσειν εἰς σπέρμα πυρῶν (ἀρτάβας) ι[α]*, und die daraus vom Petenten abgeleitete Schlussfolgerung, dass die nach dem Abschluss des Saatdarlehens erfolgte Weigerung, die Siegelung nachzuholen, sich also wieder auf die Nichtigkeit zu berufen, ein *παράγειν* der Verpächter darstelle, Z. 6-7: *ἐμοῦ δὲ λαβόντος ια (ἀρτάβας) καὶ κατασπείραντος, παρήγαγόν με οὐ βουλόμενοι σφραγίσασθαι τὴν συγγραφήν*.

Trotz der ihm bekannten Formnichtigkeit des Vertrages bittet er jedenfalls den König, Z. 9-12: *προστάξαι Διοφάνει τῶι στρατηγῶι γράψαι Στρατίωι τῶι ἐπιστάτηι, ἀποστεῖλαι αὐτοὺς ἐπ[ί] Διοφάνην διακριθησομένους μοι καὶ ἐὰν ἦι ἀληθῆ, μὴ ἐπιτρέπειν αὐτοῖς ἐγβάλειν με ἐκ τῶν κλήρων, ἕως δὲ τοῦ διέξοδον λαβε[ί]ν τὴν κρίσιν, μὴ θερίζειν αὐτούς*. Er will die Zulässigkeit der Vertreibung in einem gerichtlichen Verfahren nachprüfen lassen und ersucht um vorläufigen Besitzschutz, um nicht in der Zwischenzeit der Ernte verlustig zu gehen. Es ist bereits darauf hingewiesen worden, dass ein an das strenge Recht gebundenes Gericht wohl auf die offenkundige Formnichtigkeit des Vertrages hätte abstellen und somit gegen den Pächter erkennen müssen.[42] Insoweit kann man daher das Begehren des Pächters als ein Billigkeitsgesuch bezeichnen.[43]

Uns interessiert vor allem die darauf ergangene Subskription des Strategen, deren vollständige Lesung erstmals Guéraud (*Enteuxeis*, S. 132) gelungen ist, Z. 14: *Στρατίωι. Μά(λιστα)*

38. Rabel, *SZ* 28, 1907, S. 337; Wolff, *JJP* 1, 1946, S. 66 = *Beiträge*, S. 143; Rupprecht, *Untersuchungen zum Darlehen im Recht der graeco-aegyptischen Papyri des Ptolemäereit, Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte*, Heft LI, München, 1967, S. 49, 140.

39. Herrmann, *Bodenpacht*, S. 179 f.

40. Wolff, *Justizwesen*, S. 108 Anm. 37. Seidl, *Ptol. Rechtsgesch.*[2], S. 128 stellt allein auf die Tatsache der Bewirtschaftung ab.

41. Mitteis, *Chr.*, S. 145 hebt ebenfalls das Anerkenntnis durch die mündliche Uebereinkunft hervor.

42. Wolff, *JJP* 1, 1946, S. 66 = *Beiträge*, S. 143; *Justizwesen*, S. 107 f.; Meyer-Laurin, *Gesetz und Billigkeit*, S. 54.

43. Wenger, *RE* II A 2, 2410 s.v. *Signum* (Doppelurkunden) spricht von der Bitte um *aequitas* gegenüber dem *ius strictum*.

δι(άλυσον) ἀὐ(τούς). εἰ δὲ μή, ἀπό(στειλον) ἡμ( ) [ὅπ̄(ως) ἐ]πὶ τοῦ κα(θήκοντος) κρ(ιτηρίου) διακρ(ιθῶσιν).[44] Bei einem Scheitern des Schlichtungsversuches durch den Epistaten sollten die Parteien zum Strategen kommen, damit der Fall vom *καθῆκον κριτήριον* entschieden werde.

Zunächst einmal fällt auf, dass der Stratege nicht ausdrücklich die beantragte einstweilige Anordnung erlassen, sondern nach dem vergeblichen Dialysisversuch durch den Epistaten die Entscheidung durch ein Gericht vorgesehen hat.[45] Zur Entscheidung des Rechtsstreites wäre nach dem Status der Parteien das Koinodikion zuständig gewesen. Dieses hat der Stratege jedoch in seiner Hypographe gerade nicht in Betracht gezogen, wenn er den Fall an das *καθῆκον κριτήριον* verweisen wollte.[46] Die Lesung *κρ(ιτηρίου) διακρ(ιθῶσιν)* ist nach Guéraud[47] ganz sicher.

Nach Semeka[48] wurde zwar mit *καθῆκον κριτήριον* "jedes in Betracht kommende zuständige Gericht" bezeichnet, und es konnte damit u.a. auch das Koinodikion gemeint sein.[49] Die am 12. und 13. Tybi des 1. Jahres des Philopator ergangenen Subskriptionen des arsinoitischen Strategen Diophanes zeigen jedoch,[50] dass sich an ein und demselben Tag Verfügungen *einerseits* an das *καθῆκον κριτήριον*[51] und *andererseits* an das griechische Dikasterion,[52] das Koinodikion[53] und die Laokriten[54] finden. Am 29. Hathyr des 4. Jahres des Philopator wurde vom Strategen zwischen *καθῆκον κριτήριον*[55] und *καθῆκον δικαστήριον*[56] unterschieden,[57] wobei Wolff[58] zeigen konnte, dass mit letzterem stets eines der in den Verfügungen vom 12. und 13. Tybi des 1. Jahres namentlich oder mittels der zitierten Formel bezeichneten Eigengerichte gemeint war. Dies lässt den Schluss zu, dass zwischen *κριτήριον* und *δικαστήριον* auch an anderen Tagen[59] sachlich bewusst unterschieden wurde.

Die Frage, warum der Stratege statt des an sich zuständigen Koinodikion das *καθῆκον κριτήριον* in Betracht gezogen hat, lässt sich, da in der Person der Parteien keine besonderen Gründe ersichtlich sind, die die Verweisung an eine besondere Spruchinstanz erforderlich gemacht hätten, nur mit dem "ungewöhnlichen Sachverhalt"[60] beantworten. Wenn man sich in diesem Zusammenhang noch einmal vergegenwärtigt, dass das an das strenge Recht gebundene Koinodikion allein auf ein durch einen gültigen Pachtvertrag gegründetes Besitzrecht des Pächters hätte abstellen und, da es fehlte, gegen ihn entscheiden müssen, liegt die Vermutung nahe, dass

44. Während die Subskription von Lesquier, *P. Lille* II. 12 schon weitgehend entziffert worden ist, hat sie Mitteis, *Chr.* 130 nur ganz bruchstückhaft erkannt.

45. Doch auch in den übrigen Enteuxeis, in denen eine einstweilige Anordnung beantragt wurde, ist sie nicht ergangen, vgl. *P. Enteux.* 11, 23, 37, 69, 87. Siehe dazu Berneker, *EPap* 2, 1933, S. 67.

46. Zu Unrecht hält es Guéraud, *Enteuxeis,* S. LXXXI hier für gegeben.

47. a.a.O., S. LVIII, vgl. auch S. 134 Anm. z.Z. 14.

48. *Ptolemäisches Prozessrecht* I, München, 1913, S. 57.

49. a.a.O. S. 65.

50. Nach der übersichtlichen Tabelle bei Guéraud a.a.O., S. L ff.

51. *P. Enteux.* 38, 43, 91.

52. *P. Enteux.* 8, 41, 64, 74 mit der Formel *ὅπως κατὰ τοὺς νόμους τὸ δίκαιον λάβωσιν*, vgl. hierzu Berneker, *Kr. Vj. Schr.* 62, 1933, S. 379 ff.; Wolff, *Justizwesen,* S. 102 f.; a.A. Guéraud, *Enteuxeis,* S. LXXVII f.

53. *P. Enteux.* 11, 44, 65, 70.

54. *P. Enteux.* 50, 83.

55. *P. Enteux.* 29, 60.

56. *P. Enteux.* 21, 32, 56, 66, 69.

57. Guéraud a.a.O., S. LVIII ist sich der Auflösung des Kürzels mit *δικαστήριον* nicht völlig sicher, betont aber, dass jedenfalls nicht *κριτήριον* zu lesen sei.

58. *Justizwesen,* S. 104 f.

59. Für den 27. Phamenoth des 4. Jahres des Philopator fehlen vergleichbare Belege.

60. Wolff, *Justizwesen,* S. 107.

der Stratege den Fall der Gerichtsbarkeit des Eigengerichts deshalb entzogen hat, um dem Pächter zu helfen.[61] Ist das richtig, muss aber, um die Verweisung des Strategen sinnvoll erscheinen zu lassen, das *καθῆκον κριτήριον* eine Spruchbehörde gewesen sein, die über die Befugnisse der Eigengerichte hinaus einen weiteren Ermessensspielraum gehabt hat und unter Umständen auch nach Billigkeitsgrundsätzen entscheiden konnte.

Welche Spruchinstanz hier gemeint war, lässt sich so wenig wie in den anderen Fällen, in denen durch das *καθῆκον κριτήριον* entschieden werden sollte, ausmachen.[62] Daraus, dass es in der Hypographe *ἀπό(στειλον) ἡμ( )* heisst, was nach Guéraud[63] mit *ἡμῶν* oder, wenn das fehlende Kürzel für *πρός* ergänzt wird, mit *πρὸς ἡμάς* aufzulösen ist, lässt sich noch nicht die Zuständigkeit des Strategengerichts erweisen.[64] Aus sachlichen Erwägungen ist es hier zwar nicht auszuschliessen, doch wird in erster Linie an die Chrematisten zu denken sein.[65] Denn, und hier schliesst sich der Kreis unserer Betrachtung, wenn man berücksichtigt, dass die in *P. Mich.* 70 ergangene Billigkeitsentscheidung durch den König erfolgte, ist es naheliegend, dass es auch hier eine Spruchbehörde war, deren richterliche Kompetenz so umfassend wie die des Monarchen selbst war, und die ungeachtet der Volkszugehörigkeit der Parteien unmittelbar in seinem Namen Recht sprach.

61. Wolff a.a.O. S. 108; Meyer-Laurin a.a.O. S. 54. In *P. Enteux.* 69, bei einem Rechtsstreit zwischen Griechen, in dem die Petentin auch eine einstweilige Anordnung beantragt hatte, wurde die Sache hingegen an das *καθῆκον δικαστήριον* verwiesen.

62. Erschwert wird die Feststellung noch dadurch, dass das Adjektiv *καθῆκον* auf mehr als nur eine als *κριτήριον* bezeichnete Spruchstelle hinzuweisen scheint.

63. *Enteuxeis,* S. LVIII, S. 134 Anm. z.Z. 14.

64. Das hat Berneker, *Zur Geschichte der Prozesseinleitung im ptolemäischen Recht,* Diss. München, 1930, S. 54 f. gegen Semeka, *Ptol. Prozessrecht* I, S. 57 ff. dargelegt.

65. Ueber diese siehe Wolff, *Justizwesen,* S. 64 ff.; *Tijdschrift* 34, 1966, S. 23 ff.; Modrzejewski, *SZ* 80, 1963, S. 58 f.

LA REGLE DE DROIT DANS L'EGYPTE ROMAINE
(Etat des questions et perspectives de recherches)*

Joseph Modrzejewski

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* Cette étude reprend, en le développant, le thème d'un bref exposé présenté le 13 août 1968 devant le XIIe Congrès international de Papyrologie à Ann Arbor (résumé dans *BASP* 5, 1968, pp. 68-69) et d'une communication sur "Les droits locaux dans l'Egypte romaine" faite le 31 janvier 1969 à l'Institut de Droit Romain de l'Université de Paris. Comme le travail sur la *Règle de droit dans l'Egypte ptolémaïque* auquel elle fait suite, elle signale, pour l'époque romaine, certains résultats d'une recherche plus vaste sur les facteurs de formation du droit en Egypte, de la conquête macédonienne à la conquête arabe. Les notes qui indiquent les sources et la bibliographie ne prétendent pas être exhaustives sur tous les points. Une "Bibliographie sommaire" et un index des sources, que l'on trouvera à la fin de cet article, tendent à faciliter l'orientation du lecteur dans la documentation que nous avons utilisée et expliquent les abréviations et les sigles qui apparaissent dans les notes.

INTRODUCTION

Dans une communication présentée en septembre 1965 au XIe Congrès International de Papyrologie à Milan et publiée un an plus tard, nous avons tenté d'esquisser une vue d'ensemble de l'évolution juridique de l'Egypte à l'époque ptolémaïque.[1] Partant de l'analyse de la notion de *νόμοι πολιτικοί*, nous avons distingué deux facteurs principaux dans la formation du droit à cette époque: les actes législatifs des rois Lagides et les *nomoi* régissant la vie juridique des Grecs et des Egyptiens. Droit applicable devant les tribunaux ptolémaïques et s'imposant aux fonctionnaires royaux dans leur activité coërcitive, les *nomoi* grecs et égyptiens nous sont apparus comme deux fonds de coutumes "légalisées" par la monarchie lagide grâce à la sanction judiciaire qui leur avait été conférée dans le cadre du système organisé par Ptolémé II Philadelphe.

Prolongeant pour l'époque romaine le thème de cette recherche, la présente étude s'attache aux problèmes que posent les sources du droit privé en Egypte sous l'Empire. Ces problèmes sont nombreux, et il n'est pas question de les traiter tous ici. Ils ont suscité une abondante littérature dont l'examen suffirait à lui seul à fournir la matière d'un volumineux mémoire; nous n'avons pas l'intention d'inventorier les travaux de nos devanciers, dont nous tiendrons cependant compte dans la mesure où ils concernent de manière directe les questions que nous nous proposons d'étudier. Il ne s'agit pas non plus d'établir ou de compléter des catalogues de documents qui seraient autant d'éléments d'un tableau représentant l'évolution juridique de l'Egypte à l'époque romaine. Faute de pouvoir épuiser un sujet trop vaste et trop complexe, il a paru possible de soumettre à la réflexion du lecteur un schéma général qui offre, espérons-nous, le cadre où viendront s'inscrire les textes capables de nuancer sur des points de détail les formules inévitablement sommaires d'un essai de synthèse.

L'idée directrice de ce travail est de rechercher les éléments d'une réponse à la question posée pour l'historien et le juriste modernes par la persistance des droits locaux en Egypte sous la domination romaine. Quelle qualification théorique convient-il de donner au phénomène de survie dont témoignent nos sources pour les traditions juridiques pérégrines après la conquête romaine de l'Egypte?

Il semble que pour formuler cette réponse il faille insister sur les différences de valeur qu'il est possible de constater entre les divers groupes de règles juridiques en présence; il est nécessaire de considérer les limites de leur portée, le niveau de leur rang, les rapports de subordination ou d'inclusion qui s'établissent entre elles. Exprimée en termes de théorie moderne, cette méthode tend à appliquer à notre documentation la distinction que les juristes retiennent aujourd'hui entre la loi et la coutume en tant que principales espèces de règles juridiques. [2] Autrement dit, les droits locaux se maintiennent dans l'Egypte romaine à titre de coutumes admises *de facto* et c'est leur qualité de coutumes qui explique le mécanisme de leurs relations avec le droit romain, d'abord au cours des deux premiers siècles de l'Empire, puis dans l'évolution qui suit la généralisation de la *civitas Romana* par l'Edit de Caracalla de 212. La formule est loin d'être inédite, et nous n'avons nullement la prétention d'en revendiquer la paternité.[3] Mais jusqu'à

1. J. Modrzejewski, *Règle de droit dans l'Egypte ptolémaïque* (résumé dans *Actes Milan*, p. 594); voir le c.r. par M. Th. Lenger, *Chron. d'Eg.* 42, 1967, pp. 433-434.

2. Voir p. ex. H. L. et J. Mazeaud, *Leçons de droit civil*, t. I, 4ème éd., par M. de Juglart, 1, Paris, 1967, pp. 93-116; J. Carbonnier, *Droit civil*, I, Paris, 1967, pp. 7-13; H. Lévy-Bruhl, *Sociologie du droit*, 3ème éd., Paris, 1967, pp. 39-65.

3. Citons seulement J. Gaudemet, *Formation*, p. 106 (=*Labeo* 2, 1956, p. 147): ... "si, dans les provinces, Rome tolérait le plus souvent l'application des droits locaux, ceux-ci ne pouvaient valoir qu'en tant que coutumes"; formule analogue: *Loi et coutume*, pp. 51-52; *L'autorité de la loi et de la coutume*, p. 24; *Institutions*, pp. 571-572. Dans le même sens M. Kaser, *Röm. Privatrecht* I, p. 194 (cf. *infra*, note 258).

présent elle n'a pas été, à notre connaissance, appuyée d'une manière suffisante sur la documentation disponible: l'enquête qui va suivre tend à combler cette lacune.

Précisons tout de suite que la notion de coutume telle que nous l'employons dans cette étude ne prétend pas rendre compte des conceptions des Anciens au sujet de la loi et de la coutume en tant que facteurs de formation des règles de droit.[4] Les travaux du VIe Congrès International de Droit Comparé (Hambourg, 1962) ont montré combien les déficiences de leurs doctrines en cette matière divisent les opinions des savants modernes. Selon que l'on subordonne la réflexion des juristes d'aujourd'hui aux constructions doctrinales de leurs prédécesseurs antiques ou que l'on s'attache aux réalités sociales et historiques on arrive soit à conclure que la coutume n'est pas, pour les Grecs et pour les juristes romains classiques, une source du droit positif, soit à lui reconnaître au contraire un rôle capital dans ce domaine.[5] Tenant compte de ces difficultés, nous ne chercherons pas la justification de notre méthode dans une doctrine antique déficiente. Mais nous tâcherons, pour autant que cela est possible, de faire coïncider avec le point de vue des Anciens les conclusions que l'examen des sources suggère au juriste moderne; on verra qu'au terme de l'analyse les deux approches se rejoignent.[6]

Ajoutons qu'il n'est pas dans nos intentions de postuler une distinction globale entre le monde juridique grec, considéré comme le domaine d'un "droit coutumier," et le droit romain, conçu comme le domaine de "la loi." Pour la Rome républicaine confrontée avec la Grèce classique, pareil schéma serait contraire à la réalité historique. On sait combien le droit grec,[7] en particulier celui de l'Athènes classique, est attaché à une conception "légaliste" qui donne à la loi écrite une place de premier ordre dans l'organisation de la cité et refuse, malgré l'effort des philosophes, de considérer la coutume comme un facteur créateur de règles juridiques.[8] En revanche, la coutume est assurément la principale source du droit privé dans la Rome ancienne:[9] seule une modeste partie de ce droit découle des *leges* comitiales; ses concepts fondamentaux – *obligatio, dominium, patria potestas* – n'ont pas une origine "légale"; il faut attendre l'avènement du principat pour que l'activité législative des empereurs, l'essor de la jurisprudence et la fixation de l'édit prétorien réduisent le rôle de la coutume dans la formation du droit romain. Cette différence est si frappante qu'un éminent romaniste n'a pas hésité à qualifier, par une heureuse métaphore, le monde romain de "pays de droit coutumier," par opposition au monde grec, "pays de droit écrit."[10]

4. Vue d'ensemble et amples éléments bibliographiques dans J. Gaudemet, *L'autorité de la loi et de la coutume*, particulièrement pp. 9-12, en note.

5. J. Gaudemet, article précité, p. 13, 23 sq. Cf. *infra,* notes 234 et suiv.

6. Cf. *infra*, II, 4. D. Nörr, *ZSS* 84, 1967, pp. 454 sq., annonce un travail d'ensemble sur la théorie de la coutume à Rome, dont il laisse connaître provisoirement quelques éléments méthodologiques (pp. 456-457; voir aussi son article cité *infra*, note 245); il note à ce propos la nécessité d'interpréter les faits historiques à l'aide d'instruments conceptuels modernes, sans cependant transporter mécaniquement les concepts d'une époque à une autre. Notre méthode s'inspire des mêmes principes. En même temps, elle est conforme au voeu formulé récemment par l'Association des historiens des Facultés de droit françaises, selon lequel "nous devons, pour interroger les expériences du passé de fructueuse manière, partir, au moins à titre provisoire, d'un cadre conceptuel solide qui ne peut pas ne pas devoir beaucoup à notre temps" (*RHD* 45, 1967, p. 707).

7. Voir H. J. Wolff, "Gewohnheitsrecht und Gesetzesrecht in der griechischen Rechtsauffassung," dans *Deutsche Landesreferate zum VI. Intern. Kongress für Rechtsvergleichung in Hamburg* (*Rabels Ztschr. f. ausländisches und intern. Privatrecht*, Sonderveröffentl.), Berlin-Tübingen, 1962, pp. 3-18; dans un esprit différent. J. Imbert, "Loi et coutume, manifestations d'autorité et sources d'enseignement dans la Grèce antique," dans *Etudes de droit contemporain. Travaux et recherches de l'Institut de droit comparé de l'Univ. de Paris* 23, Paris, 1962 pp. 13-33.

8. Cependant, plusieurs notions fondamentales du droit grec – comme *κυριεία*, *ἐγγύη*, *ὁμολογία* – n'ont jamais été formulées par aucune loi: cf. H. J. Wolff, article précité, p. 5.

9. Voir seulement J. Gaudemet, *Loi et coutume*, pp. 50 sq.; *Institutions*, pp. 381-382.

10. V. Arangio-Ruiz, "La règle de droit et la loi dans l'Antiquité classique," dans *L'Egypte contemporaine* 29, 1938, pp. 17-42 (= *Rariora*, Rome, 1946, pp. 231-269), particulièrement p. 23.

La situation se modifie par la suite. La diffusion du droit grec dans les monarchies issues des conquêtes d'Alexandre le Grand étend le champ d'action de la coutume: les notaires prennent la relève des législateurs. Dans l'Egypte ptolémaïque, le droit hellénistique sort du cadre des loïs poliades. Peu soucieuse des problèmes de fond, la législation royale se limite à assurer la sanction judiciaire de comportements conformes aux règles issues de la tradition grecque. Elle protège en même temps le droit indigène contenu dans les *νόμοι τῆς χώρας*:[11] apparemment peu favorables primitivement à la loi,[12] les Egyptiens manifestent une activité législative dès l'époque saïte et perse;[13] les traces en sont vivaces sous les Lagides.[14] Mais ces "codes" démotiques ne sont en fait que des recueils de coutumes élevées au rang de droit applicable à la population autochtone devant les tribunaux des laocrites. L'évolution subie par le droit grec et la place reconnue au droit égyptien dans l'Egypte lagide accentuent le rôle de la coutume dans la vie juridique du pays.[15]

A ces changements répond une évolution inverse du droit romain. Celui-ci tend à rompre, dès la fin de la République, avec ses origines coutumières. A l'effort combiné des préteurs et des prudents qui détermine les limites dans lesquelles les intérêts privés peuvent recevoir une satisfaction en justice[16] vient se joindre l'activité toujours grandissante des empereurs dans le domaine législatif. Et si la réflexion des juristes porte encore souvent sur des règles qui demeurent coutumières dans leur substance,[17] le droit romain classique ne laisse à la coutume qu'une place insignifiante parmi les sources du droit. Négligeant les conceptions des rhéteurs[18] la doctrine des

11. Cf. *infra*, note 82.

12. En faveur de l'existence des lois dans l'Egypte ancienne, A. Théodoridès, "A propos de la loi dans l'Egypte pharaonique," dans *RIDA* 3e sér., 14, 1967, pp. 107-152; réserves de B. Menu et I. Harari, *RHD* 46, 1968, pp. 526-527, qui optent pour la thèse traditionnellement admise d'un système juridique reposant sur un droit coutumier.

13. Sur la législation attribuée à Bocchoris, à Amasis et à Darius, voir le récit de Diodore de Sicile, Bibl. hist. i. 94.5-95; il paraît confirmé, pour Darius (Diodore, i. 95.4-5), par la "Chronique cémotique," *P. dém. Paris Bibl. Nat.* 215 (IIIe ou IIe siècle av. n.è.), verso, Col. C, lignes 8-16 (W. Spiegelberg, *Die sogenannte demotische Chronik des Pap. 215 der Bibliothèque Nationale zu Paris*, Leipzig, 1914, pp. 30-32); cf. V. J. Reich, "The Codification of the Egyptian Laws by Darius and the Origin of the 'Demotic Chronicle'," dans *Mizraim* 1, 1933, pp. 178-185; E. Seidl, *Aegyptische Rechtsgeschichte der Saiten- und Perserzeit*, 2ème éd., Glückstadt, 1968, pp. 1-2. Une loi d'Amasis est mentionnée par le P. bibl. univ. Giss. Inv. 101 (inédit démotique d'époque ptolémaïque), décrit par E. Seidl, *Das Giessener Fragment einer demotischen Zivilprozessordnung*, Giessen, 1963 (*Kurzberichte aus den Giessener Papyrusammlungen* 16).

14. Voir E. Seidl, *Ptolemäische Rechtegeschichte*, 2ème éd., Glückstadt, 1962, pp. 3-8. Sur le plus important de ces textes, un papyrus démotique (époque de Ptolémée II Philadelphe ?) trouvé en 1938 à Tounah-el-Gebel (Hermoupolis Ouest) et demeuré inédit à ce jour, voir nos "Réflexions sur le droit ptolémaïque," dans *IVRA* 15, 1964, pp. 32-56, particulièrement pp. 37-38 n. 20; cf. J. Klíma, "Zum Rechtscharakter der demotischen Gesetzesfragmente von Hermopolis," dans *Arch. Or.* 34, 1966, pp. 417-420; la nature de ce document, qui serait un commentaire plutôt qu'un "code de lois," a été analysée par E. Seidl dans une communcation faite à la XXIVe session (Amsterdam, septembre 1969) de la Société internationale "Fernand De Visscher" pour l'histoire des droits de l'Antiquité.

15. Voir notre *Règle de droit dans l'Egypte ptolémaïque*, pp. 161-166. E. Seidl, *SDHI* 33, 1967, p. 543, nous reproche à ce propos de considérer comme coutumier un droit qui s'est conservé sous une forme écrite. Cette critique nous paraît sans objet: nous croyons avoir assez souligné (pp. 152-153) la différence qu'il y a entre la forme, écrite ou orale, des normes et leur qualité de loi ou de coutume, qui est une question de fond. Civilistes et romanistes sont d'accord pour reconnaître que la différence matérielle entre le droit écrit et non écrit, quoique frappante, n'est pas essentielle pour la distinction entre la loi et la coutume (J. Carbonnier, *Droit civil* [cité *supra*, note 2], p. 11); en effet, "il est évident que la coutume n'est pas un droit non écrit qui se distinguerait de la loi écrite, car il est des coutumes rédigées par écrit et les lois archaïques ne furent pas écrites" (J. Gaudemet, *L'autorité de la loi et de la coutume*, p. 13). Nous ne suivrons donc pas l'opinion isolée de E. Seidl qui ne retient qu'une relation mécanique entre la "loi écrite" et la "coutume orale."

16. H. Lévy-Bruhl, *Sociologie du droit* (cité *supra*, note 2), pp. 67-68; Idem, "Prudent et préteur," dans *RHD* 5, 1926, pp. 5-39.

17. Voir A. A. Schiller, "Custom in Classical Roman Law," dans *Virginia Law Review* 24, 1938, pp. 268-282, particulièrement p. 275; cf. J. Gaudemet, *Loi et coutume*, p. 52.

18. Voir les références dans B. Schmiedel, *Consuetudo*, pp. 15 sq.

juristes ne l'admet même pas, comme on l'a souvent souligné, à figurer dans les "catalogues" des sources;[19] il faut attendre le Bas-Empire pour qu'une théorie de la coutume s'affirme dans les textes juridiques:[20] à cet égard, le droit romain classique n'est pas celui d'un "pays de droit coutumier."[21]

Vue sous cet angle, la rencontre du "Reichsrecht" et des "Volksrechte" en Egypte pourrait paraître réductible à un affrontement entre la "loi" romaine et les "coutumes" hellénistiques et égyptiennes. Ce serait cependant trop simplifier la réalité historique que de vouloir s'autoriser d'une pareille opposition: il ne faut pas perdre de vue le caractère spécifique du droit romain sous le Haut-Empire, dont l'essentiel est la jurisprudence et non pas la loi, ni négliger le rôle d'éléments formellement législatifs dans l'héritage ptolémaïque reçu par la pratique pérégrine de l'Egypte impériale. Mais au-delà du critère formel qui opère la distinction entre la "loi écrite" et la "coutume orale," l'interprétation des faits historiques pose une question de fond: il s'agit de savoir quelles sont la valeur que l'on peut reconnaître aux droits locaux et l'autorité dont ceux-ci jouissent devant les jurisdictions provinciales. La définition que l'on retient ici s'attache à ces réalités.

En effet, la notion de coutume ne s'applique pas seulement à des règles formées par l'usage, conservées par la tradition orale, limitées à un groupe social ou ethnique, localisées sur un espace restreint; elle englobe aussi des règles écrites, suivies et sanctionnées à la manière d'un texte légal, mais que distingue de la loi le fait qu'elles ne sont pas la création immédiate d'organes qui détiennent le monopole du pouvoir législatif. Dans cette acception, elle explique en particulier les situations où un ensemble de règles juridiques se trouve, par l'effet d'une conquête ou d'une autre mutation de structures politiques, privé de leur qualité de normes légales et réduit au niveau de règles purement coutumières. Cet état de choses est précisément celui qui correspond le mieux à la nature des droits locaux en Egypte sous la domination romaine.

Partant de ces considérations, nous allons tenter une mise au point. Son objet rejoint, on le voit, le débat traditionnel sur le thème "Reichsrecht und Volksrecht." On sait que sur ce terrain s'affrontent, depuis la fin du siècle dernier, les opinions, parfois diamétralement opposées, des papyrologues et des romanistes; on connaît l'ampleur du débat et son importance aussi bien pour l'histoire juridique de l'Egypte dans le cadre de l'Empire romain que pour l'évolution des institutions provinciales en général, dont les documents papyrologiques sont les principaux témoins en matière de droit privé. Nous n'avons pas la vaine ambition de proposer ici la solution définitive d'un problème complexe parmi tous. Nous renonçons également à analyser tous les éléments du débat, dispersés dans les innombrables travaux qui l'animent depuis l'oeuvre de Mitteis. Notre but sera atteint si le point de vue exposé ici aide, en regroupant les données du problème, à en saisir l'état actuel et à dégager quelques perspectives de recherche pour les études à venir.

Nous étudierons d'abord les problèmes que pose la survie du droit hellénistique et du droit égyptien au cours des deux premiers siècles de l'Empire. Nous l'envisagerons comme une

19. Gaius, *Inst.* I. 2; Papinien, 1. 1. 7; Pomponius, D. 1. 2. 2. 12.

20. Voir J. Gaudemet, "La coutume au Bas-Empire. Rôle pratique et notion théorique," dans *Labeo* 2, 1956, pp. 147-159 (=*Formation*, pp. 106-118); *Institutions*, pp. 729-731; H. Schmiedel, *Consuetudo*, pp. 42 sq.

21. En effet, le "Juristenrecht" romain d'époque classique n'est pas assimilable à un droit coutumier: le travail des juristes est comparable à celui du législateur; cela est vrai en particulier pour les bénéficiaires du *ius respondendi ex auctoritate principis* à qui, selon la formule de Gaius, "il est permis de créer les règles de droit" (Gai., *Inst.* I. 7: *quibus permissum est iura condere*). Voïr, en dernier lieu, les études de A. A. Schiller, "The Nature and Significance of Jurists Law," dans *Boston Univ. Law Review* 47, 1967, pp. 20-39, et "A definition of Jurists Law," dans *Symbolae M. David*, I, Leyde, 1968, pp. 181-200.

continuité des traditions juridiques locales ayant survécu à la conquête romaine à titre de coutumes. Nous les confronterons avec le droit romain tel qu'il se manifeste en Egypte dans les actes normatifs, dans les décisions des tribunaux provinciaux et dans les documents de la pratique. Cette confrontation nous conduira à examiner, dans une deuxième partie, les questions que soulève, à la suite de la généralisation de la citoyenneté romaine en 212, le maintien des droits locaux après l'Edit de Caracalla.

I. LES DROITS LOCAUX ET LE DROIT ROMAIN EN EGYPTE JUSQU'A L'EDIT DE CARACALLA

1. *Les droits locaux après la conquête romaine.*

Le 1er août 30 av. n.è., Octave prend Alexandrie et la conquête romaine achève une longue période d'interventions de Rome dans les affaires de l'Etat lagide.[22] "Soumise à la puissance du peuple romain,"[23] mais interdite aux sénateurs,[24] l'Egypte reste entre les mains de l'empereur qui la retient "rattachée à la maison impériale."[25] Elle suit sa vocation agricole au service du pain de Rome: son rôle est désormais de "contribuer avec zèle, au sein de la prospérité, à l'approvisionnement et à la très grande félicité des temps présents."[26] En même temps que Rome, selon la formule célèbre de Mommsen, "a capitulé devant la flotte annonaire,"[27] l'Egypte, "séquestrée" par Auguste[28] et plongée dans un isolement voulu, est devenue le grenier à blé de l'Empire.[29]

Successeur des Lagides, le vainqueur de Cléopâtre maintient à peu près intacts l'organisation administrative du pays, le calendrier qu'il se contente de régulariser, la monnaie, le système de poids et mesures; il assume, avec le rôle religieux des pharaons, les fonctions rituelles liées à la crue du Nil et accepte les honneurs divins dus traditionnellement au souverain d'Egypte:[30] à cet

22. Pour une vue d'ensemble, en dernier lieu: E. Will, *Histoire politique du monde hellénistique* (323-30 av. J.-C.), t. II, Nancy, 1967, pp. 253 sq., 302 sq., 356 sq., 435 sq. Voir aussi les récentes thèses allemandes: E. Olshausen, *Rom und Aegypten von 116 bis 51 v. Chr.*, Erlangen, 1963, et H. Heinen, *Rom und Aegypten von 51 bis 47 v. Chr.*, Tübingen, 1966.

23. *CIL*, VI, 1. 701 et 702: *Aegypto in potestatem populi Romani redacta.* A cette formule que l'on peut lire sur l'obélisque dressé à Rome en 10 (ou 9) av. n.è. répond la déclaration d'Auguste, *Res gestae*, c. 27 (lat. V, ligne 24): *Aegyptum imperio populi [Ro]mani adieci*; (gr. XV, ligne 1): Αἴγυπτον δήμου Ῥωμαίων ἡγεμονίαι προσέθηκα.

24. Cette interdiction, à laquelle l'empereur peut apporter des dérogations individuelles, s'étend également à l'élite des chevaliers; voir Tacite, *Annales* II, 59: *. . . vetitis, nisi permissu, ingredi senatoribus aut equitibus Romanis inlustribus*; cf. Dion Cassius, LI, 17, 1.

25. Tacite, *Histoires* I, 11: *Aegyptum copiasque, quibus coerceretur, iam inde a divo Augusto equites Romani obtinent loco regum; ita visum expedire, provinciam aditu difficilem, annonae fecundam, superstitione ac lascivia discordem et mobilem, insciam legum, ignaram magistratum, domi retinere.*

26. *Edit de Tib. Jul. Alexander*, lignes 4-5; cf. G. Chalon, *Edit de Tiberius Julius Alexander*, p. 99. Nos références à ce document sont faites selon l'édition de G. Chalon (fondée sur H. G. Evelyn White et J. H. Oliver, *The Temple of Hibis in El Khargēh Oasis*, II: *Greek Inscriptions*, New York, 1938, nos. 3 et 4), qui remplace les éditions précédentes, notamment celle de G. Dittenberger, *OGIS* 669 (= *SB* 8444).

27. Th. Mommsen, *Röm. Staatsrecht*, p. 1038: "Vor der Getreideflotte am Nil hat die Stadt Rom capitulirt und ihre alte Freiheit um die Leistung des täglichen Brotes verkauft . . . "

28. Tacite, *Annales* II, 59: *. . . nam Augustus, inter alia dominationis arcana . . . seposuit Aegyptum, ne fame urgeret Italiam quisquis eam provinciam claustraque terrae ac maris quamvis levi praesidio adversum ingentis exercitus insedisset.*

29. Sur la situation de l'Egypte dans le cadre de l'Empire romain, la meilleure vue d'ensemble demeure l'article de B. A. Van Groningen, "L'Egypte et l'Empire. Etude de droit romain public," dans *Aegyptus* 7, 1926, pp. 189-202; voir aussi les études sur le thème "L'originalité de l'Egypte dans le monde gréco-romain" réunies dans les *Actes Genève*, en particulier le rapport de synthèse de Cl. Préaux, "Les raisons de l'originalité de l'Egypte," pp. 203-221. En dernier lieu, F. De Martino, *Storia*, IV, 2, pp. 762-774 ("Egitto e il suo ordinamento").

30. Sur ces aspects religieux du poivoir impérial en Egypte, voir nos observations en marge de l'ouvrage de P. Bureth (*Les titulatures impériales dans les papyrus, les ostraca et les inscriptions d'Egypte*, Bruxelles, 1964): "Les titulatures impériales dans les documents d'Egypte," dans *RHD* 43, 1965, pp. 644-649, particulièrement pp. 647 sq.

égard, la conquête romaine n'a peut-être été pour les habitants du pays qu'un changement de dynastie régnante.[31]

La continuité domine la vie juridique des populations égyptiennes. Les mêmes formulaires sont utilisés et conservent le fond du droit privé; plusieurs règles remontant à la législation royale des Lagides, aux traditions de la *koinê* juridique, aux dispositions du droit urbain des villes grecques et à celles des "codes" démotiques survivent dans la pratique; les particuliers les appliquent et les juges les sanctionnent en cas de litige, comme auparavant.

Mais la rupture n'en est pas moins profonde. Elle est complète dans le domaine du droit public, dont l'initiative appartient désormais aux Romains seuls: un chevalier romain, gérant des intérêts du prince, a pris la place des anciens rois.[32] La rupture est également totale dans le domaine législatif que le conquérant monopolise au profit des constitutions impériales et des édits préfectoraux. Elle l'est enfin dans le domaine judiciaire: les juridictions ptolémaïques sont remplacées par la *cognitio* provinciale; la justice appartient à présent à l'autorité romaine, qu'elle soit exercée directement par le préfet d'Egypte ou déléguée par lui aux fonctionnaires locaux; le fait que ceux-ci peuvent trancher à l'occasion les différends des pérégrins selon les principes de leur droit national ne change rien à cet égard.[33]

Continuité et rupture,[34] l'équivoque du statut de l'Egypte romaine est une donnée fondamentale pour la qualification des institutions locales qui ont survécu à la conquête dans le domaine du droit privé. Pour en mesurer la véritable portée, il faut situer le cas de l'Egypte dans la perspective des relations qui s'établissent entre les Romains et les peuples conquis par eux.

31. Formule qui remonte, sauf erreur, à A. Stein, *Untersuchungen zur Verwaltung Aegyptens unter römischen Herrschaft*, Stuttgart, 1915, pp. 34 sq., 81 sq. On peut citer à ce propos un curieux document, édité en 1962 par P. Sattler (*SB* 9624) et repris comme *P. Oxy.* 2551 (IIIe ou IVe s. de n.è.): liste de souverains d'Egypte, de Xerxès à Cléopâtre (recto) et d'Auguste à Philippe l'Arabe (verso).

32. Représentant personnel de l'empereur, le préfet gouverne *loco regum* (Tacite, *Histoires* I, 11; cf. *supra*, note 25) ou, si on préfère la formule de Strabon à celle de Tacite, "tient la place des rois" (Strabon, *Geogr.* XVII, 1, 12: *τὴν τοῦ βασιλέως ἔχει τάξιν*; cf. Ammien Marcellin, XXII, 16, 6: *Aegyptus . . . regio iure regitur ab praefectis*); on lui attribue, dans les requêtes, des vertus royales, et un antique tabou lui interdit de voyager sur le Nil en crue, comme il le défendait aux rois (Pline l'Ancien, *Hist. nat.* V. 9. [10]: *cum crescit, reges aut praefectos navigare eo* [scil. *Nilo*] *nefas iudicatum est*; sur la portée de cet interdit, voir D. Bonneau, "Le souverain d'Egypte voyageait-il sur le Nil en crue? ," dans *Chron. d'Eg.* 36, 1961, pp. 377-385).

33. L'existence, au début de la domination romaine en Egypte, de juridictions locales autonomes pour des affaires mineures est admise par E. Seidl, "Zur Gerichtsverfassung in der Provinz Aegypten bis ca. 250 n. Chr.," dans *Labeo* 11, 1965, pp. 316-328 (= *Festheft E. Schönbauer*, pp. 37-49), et "Il processo cognitorio nella provincia romana d'Egitto," dans *Antologia giuridica romanistica ed antiquaria*, I (*Univ. di Milano, Pubbl. della Fac. di Giurisprudenza, ser.* II, *Studi di diritto romano*, 7), Milan, 1968, pp. 201-210; cet auteur modifie ainsi l'opinion, conforme à celle de la majorité des historiens, qu'il exprimait encore dans *SDHI* 24, 1958, p. 427 ("Der ganze Prozess ist schon von Augustus an römisch"); mais les arguments qu'il invoque pour mettre en doute la doctrine dominante, qui remonte à L. Mitteis, nous ont paru fragiles: voir nos réserves dans *RHD* 44, 1966, p. 534.

Ce point litigieux mis à part, il faut rappeler que les tribunaux ptolémaïques ont disparu déjà avant la conquête romaine: il n'y plus de trace des dicastères après la fin du IIIe s. av. n.è., plus de laocrites au Ier s. av. n.è. (sauf peut-être le collège dans *BGU* 1849 [48-46 av. n.è.] qui pourrait être composé de laocrites et d'un ancien gymnasiarque: cf. E. Seidl, *Ptolemäische Rechtsgeschichte*^{2} [cité *supra*, note 14], p. 71, n. 8); seuls restent les chrématistes, confinés dans la procédure exécutoire (cf. *infra* note 125), et les fonctionnaires locaux, tel le stratège, qui n'avaient sous les Ptolémées qu'un pouvoir coërcitif et non pas des attributions judiciaires proprement dites (cf. H. J. Wolff, *Justizwesen*, pp. 113 sq., et notre article "Zum Justizwesen der Ptolemäer," dans *ZSS* 80, 1963, pp. 42-82, particulièrement pp. 60 sq.).

34. Le problème évoqué ici a fait l'objet d'une pertinente analyse dans le discours prononcé le 16 août 1968, à l'occasion du banquet de clôture du XIIe Congrès international de Papyrologie, par N. Lewis sur le thème "Greco-Roman Egypt: Fact or Fiction? " dont on peut trouver le texte dans les présents *Actes* (pp. 3-14). Pour le savant américain, la rupture l'emporte dès le début sur la continuité. Il semble cependant que l'on pourrait nuancer ses conclusions par une précision chronologique: à certains égards, la continuité paraît, au début de la domination romaine en Egypte, plus sensible que la rupture; celle-ci s'accentue progressivement pour triompher avec les réformes des Sévères. En tout cas, nous admettrons volontiers avec N. Lewis que l'expression "l'Egypte gréco-romaine" repose sur une fiction qui favorise trop les apparences de la continuité; la formule "l'Egypte grecque *et* romaine" ferait mieux ressortir la réalité de la rupture.

Deux séries de faits doivent être retenues à ce propos: d'une part, l'option que Rome se réserve, dans l'organisation de ses conquêtes, entre l'établissement des relations susceptibles d'être qualifiées d'internationales et la soumission totale du vaincu par la *redactio in provinciam*; d'autre part, la différence concernant le type de structures politiques et sociales propres aux populations soumises, qui se traduit dans les textes romains par la distinction entre les *civitates* et les *gentes*.[35]

Les Romains peuvent laisser subsister l'indépendance d'un pays avec lequel ils établissent des relations de type international.[36] Il est certain que l'on ne traite pas alors de la même manière avec les magistrats représentant une cité étrangère qu'avec un dynaste: on peut confirmer l'autonomie législative et judiciaire de celle-là, on se contente de reconnaître à celui-ci un pouvoir sur ses sujets dans les limites imposées par les intérêts romains. Le plus souvent, un pays conquis est réduit à l'état de province;[37] la question principale que soulève une *redactio in provinciam* est celle du statut des cités qui se trouvent sur le territoire annexé: les *leges provinciarum* d'époque républicaine en font foi.[38] Il s'agit de refuser ou d'accorder la liberté aux cités, et la concession de la liberté conditionne le privilège *suis legibus uti*,[39] conformément au schéma des juristes romains pour qui l'existence d'un *ius civile* est liée à une *civitas* capable d'en assurer le maintien.[40]

Ainsi, la dualité: *civitates* et *gentes* détermine les modalités de l'organisation des conquêtes.[41] Elle répond à l'existence dans le monde antique des deux types d'Etat et de rapports sociaux: à l'idéal grec et romain de la cité souveraine, cadre de la vie collective du corps de citoyens libres, l'expérience des conquêtes oppose, en Orient notamment, les sociétés de type despotique, caractérisées par la soumission généralisée d'une population essentiellement agricole

35. Pour les détails, voir M. Lemosse, *Le régime des relations internationales dans le Haut-Empire romain*, Paris, 1967, dont l'analyse juridique nous paraît juste, malgré quelques défauts de méthode dans l'utilisation des sources, très sévèrement jugés par A. H. M. Jones, *Tijd. v. Rg.* 36, 1968, pp. 433-434; cf. D. Nörr, *ZSS* 85, 1968, pp. 461-470, et Cl. Nicolet, *RHD* 47, 1969, pp. 484-487.

36. M. Lemosse, *op. cit.*, pp. 17 sq. ("*externae gentes*"); cf. Th. Mommsen, *Röm. Staatsrecht*, III (1), pp. 645 sq. Un exemple de ce type de relations politiques a été étudié par B. Nadel, "Reges amici de la côte septentrionale de la mer Noire et leurs rapports politiques et juridiques avec Rome au dernier siècle de la République et aux deux premiers siècles de l'Empire" (en polonais), dans *Eos* 51, fasc. 1, 1961, pp. 119-134.

37. M. Lemosse, *op. cit.*, pp. 127 sq. ("*redactio in provinciam*"); cf. Th. Mommsen, *Röm. Staatsrecht*, III (1), pp. 716 sq.

38. Voir *infra*, notes 55-58.

39. Cicéron, *II In Verrem* II. 13. 32: *Siculi hoc iure sunt, ut quod civis cum cive agat, domi certet suis legibus; Ad Atticum* VI. 1. 15: . . . *ut Graeci inter se disceptent suis legibus; ibid.* VI. 2. 4: . . . *omnes* [scil. *civitates*] *suis legibus et iudiciis usae αὐτονομίαν adeptae revixerunt*. La loi *Antonia de Termessibis* (71 av. n.è.) accorde le même privilège aux habitants d'une ville de Pisidie, reconnus *amici et socii populi Romani*: *CIL*, I 2^2 589 (S. Riccobono, *Leges* 11). Pour d'autres exemples, voir Th. Mommsen, *Röm. Staatsrecht* III (1), p. 745 n. 2; W. Liebenam, *Städteverwaltung im römischen Kaiserreich*, Leipzig, 1900, p. 465 n. 1; cf. G. I. Luzzatto, *Epigrafia giuridica greca e romana*, Milan, 1942, p. 20 sq., 231 sq. et *passim*.

40. Gai., *Inst.* I. 1: *ius civile, quasi ius proprium civitatis.*

41. M. Lemosse, *op. cit.* (*supra*, note 35) p. 17. Une distinction analogue est faite par les auteurs grecs entre πόλις et ἔθνος: voir, par exemple, Aristote, *Politique* 1261 a, 1276 a; un texte, souvent cité, de Dion de Pruse (*Orat.* XLVII, 10) oppose, à propos des exilés et des apatrides, les Grecs, qui vivent dans les cités, aux barbares, qui ne connaissent que le village: φυγάδες . . . καὶ ἀπόλιδες . . . μᾶλλον δ' ᾑροῦντο διοικεῖσθαι κατὰ κώμας τοῖς βαρβάροις ὁμοίως ἢ σχῆμα πόλεως καὶ ὄνομα ἔχειν.

au gouvernement absolu d'un roi et à l'arbitraire de ses agents.[42] Seules les cités peuvent être titulaires de la liberté, condition nécessaire du maintien d'un régime juridique à proprement parler qui, aux yeux des juristes romains, suppose un lien étroit entre la jouissance des droits et la qualité de citoyen; la conquête posera le problème de la confirmation de cette liberté et partant celui de la concession d'une autonomie législative et judiciaire. Pour les hommes des *gentes*, le problème ne se pose pas: la liberté ne leur étant pas accessible, il ne s'agira pas pour eux de garder ou de perdre avec elle un ordre juridique national; tout au plus, ils changeront de maître, sans que rien ne soit modifié dans leur condition de sujets.

Ces considérations permettent de clarifier l'ambiguïté de la situation de l'Egypte sous la domination romaine; elles aboutissent à deux constatations complémentaires.

Tout d'abord, malgré toute sa singularité, le régime de l'Egypte romaine n'est pas, sur le plan institutionnel, une simple continuation de la monarchie hellénistique. S'il en était ainsi, la survie des droits locaux s'expliquerait comme l'effet normal de la fiction qui fait de l'empereur l'héritier des Lagides: le nouveau roi maintiendrait en vigueur les règles et les institutions juridiques formulées ou sanctionnées par la volonté de ses prédécesseurs. Mais il n'en est rien.

Sans doute, la conquête augustéenne prolonge-t-elle d'une certaine manière la monarchie hellénistique ainsi que la royauté pharaonique; mais en même temps elle signifie pour l'Egypte l'établissement d'une domination étrangère dont le centre se trouve à Rome. A la différence de la conquête perse ou de la conquête macédonienne, la continuité du pouvoir politique a été rompue par Octave. L'Egypte a cessé d'être l'Etat souverain qu'elle était encore formellement à la fin de l'époque ptolémaïque malgré l'importance croissante des interventions de Rome; elle a été réduite à l'état de province, soumise par annexion à l'*imperium* du peuple romain.[43] Il est donc vain de

42. Nous reviendrons ailleurs sur ce probleme, qui est essentiel pour l'histoire des institutions de l'Antiquité. Il s'agit d'établir, en confrontant les sources disponibles avec les données sociales et institutionnelles, une typologie de l'Etat antique; celle-ci partirait de la distinction fondamentale entre la monarchie despotique d'Orient et la cité classique, pour mesurer ensuite le dosage de ces deux éléments dans des structures de type "mixte," comme les monarchies hellénistiques et l'Empire romain. Le lecteur averti aura remarqué l'intérêt qu'une pareille recherche présenterait pour le débat actuellement très vif parmi les historiens marxistes à propos de la théorie des deux modes de production dans l'Antiquité, "esclavagiste" et "asiatique," formulée par K. Marx dans un texte rédigé en 1857-1858, mais publié seulement en 1939: "Formes qui précèdent la production capitaliste" ("Formen, die der kapitalistischen Production vorgehen," texte allemand dans *Grundrisse der Kritik der politischen Oekonomie,* Berlin, 1953, pp. 375-415; version française dans *L'homme et la société. Revue internationale de recherche de synthèse sociologique,* 1965). La bibliographie est abondante; citons seulement la préface de P. Vidal-Naquet à la traduction française de l'ouvrage de K. A. Wittfogel, *Le despotisme oriental,* Paris, 1964, pp. 7-44; M. Godelier, *La notion de mode de production asiatique et les schémas marxistes d'évolution des sociétés*, Paris, 1965; les articles de J. Pecirka, "Die sowjetischen Diskussionen über die asiatische Produktionsweise und über die Sklavenhalterformation," dans *Eirene* 3, 1964, pp. 147-169, et "Von der asiatischen Produktionsweise: zu einer marxistischen Analyse der frühen Klassengesellschaft," *ibid.* 6, 1967, pp. 141-174; en dernier lieu, un recueil d'études (publiées précédemment dans la revue *La Pensée*), intitulé *Sur le "mode de production asiatique,"* avec une préface de R. Garaudy, Paris, 1969, où l'on trouvera d'amples éléments bibliographiques.

43. Cf. *CIL*, VI, 1, 701 et 702, et *Res Gestae* V, 27, cités *supra*, note 23. Sans doute, la sincérité d'Auguste n'est-elle pas indiscutable, mais elle est confirmée sur ce point par les historiens et les juristes romains qui emploient le mot de *provincia* à propos de l'Egypte: voir les textes de Tacite, *Annales* II, 59, et *Histoires* I, 11, cités *supra*, notes 25 et 28, et celui d'Ulpien, D.1, 17, 1, cité *infra*, note 49; cf. Suétone, *Auguste* XVIII, 2: *Aegyptum in provinciae formam redactam*; Macrobe, *Saturn.* I, 12, 35: *sed et Aegyptus hoc mense* [le mois *Sextilis* devenu *Augustus*] *in potestatem populi Romani redacta*; Ammien Marcellin, XXII, 16, 24: *Aegyptus . . . provinciae nomen accepit, ab Octaviano Augusto possessa.* Le changement de vocabulaire: δημόσιος (*publicus*) au lieu de βασιλικός ("royal") et δημόσιον (*fiscus*) se substituant au βασιλικόν, est également significatif, comme on l'a souvent souligné. Sans doute certains historiens modernes, comme E. Will (*Histoire politique du monde hellénistique*, II [cité *supra*, note 22], p. 467), peuvent-ils continuer à penser que l'histoire de l'Egypte, de la conquête macédonienne à la conquête romaine, "s'inscrit entre deux périodes, non point de provincialisation, mais de réduction à l'état de domaine privé d'un souverain étranger"; pour le juriste, la monarchie lagide n'est pas un "domaine privé," mais un Etat fondé sur une conception patrimoniale du pouvoir, alors que la conquête romaine signifie bien une "provincialisation": voir par exemple H. J. Wolff, *Faktoren*, p. 51, et *Romanisierung*, p. 3, n. 7; F. De Martino, *Storia*, IV, 2, p. 763.

s'illusionner sur la possibilité d'une "survie légale" des droits locaux qui aurait été fondée sur la continuité du pouvoir politique.

La deuxième constatation a trait au déséquilibre qui caractérise l'Egypte en ce qui concerne les rapports entre la ville et la campagne. Parmi toutes les monarchies hellénistiques, l'Egypte lagide est celle où l'expansion de la cité grecque a été la plus restreinte: une ancienne colonie, Naucratis, deux cités fondées au début de la domination macédonienne, Alexandrie et Ptolémaïs; ce n'est que sous l'Empire que la fondation d'Antinoopolis porte à quatre le nombre des villes grecques en Egypte: inutile de dire combien ce chiffre est faible. Pour le reste du pays, le cadre de la vie juridique est constitué par des communautés villageoises, incapables d'être "libres" et de prétendre à un régime juridique autonome. Les habitants de la *chôra*, qui forment la majorité de la population provinciale, sont voués au destin de sujets, propre aux hommes des *gentes*. Leurs traditions juridiques ne peuvent être rattachées à l'existence d'une cité pérégrine, susceptible de devenir titulaire d'une autonomie législative et judiciaire. Dans le *Contre Apion*, Flavius Josèphe dit à ce propos que "les Romains, maîtres du monde, ont interdit aux Egyptiens de participer à une quelconque *politeia*."[44] Sa formule éclaire l'étonnement de Pline le Jeune sur l'anomalie de leur pérégrinité[45] et le mépris de Tacite pour une Egypte paysanne "ignorant les magistrats et ne connaissant pas de lois."[46]

En somme, pour les Romains, les droits pratiqués dans la *chôra* égyptienne n'ont pas la valeur de règles légales: la *redactio in provinciam* laisse subsister un ensemble de traditions juridiques du peuple conquis qui ne peuvent se maintenir que par la seule tolérance de l'autorité provinciale. Cette situation affecte, nous le verrons, les chances laissées aux cités grecques pour leurs aspirations à la liberté, condition du maintien d'un ordre juridique autonome.

2. *Le statut augustéen de l'Egypte.*

Après ce qui vient d'être dit au paragraphe précédent, il pourraît paraître superflu d'insister davantage sur les circonstances historiques qui au début de la domination romaine en Egypte ont déterminé le destin des droits locaux. Le caractère spécifique du régime provincial égyptien et la souplesse de la politique romaine nous engagent cependant à envisager l'hypothèse d'un acte qui aurait, dès la conquête, réglé le sort des droits locaux dans le cadre du statut donné par Auguste à l'Egypte.

Une telle hypothèse a été admise par R. Taubenschlag: pour notre regretté maître, le statut de l'Egypte romaine reposerait sur "a great basic law regulating the legal institutions of both the Romans and peregrines"; nous serions en présence d'une *lex provinciae*, semblable à celles qui, selon une pratique constitutionnelle établie dès l'époque républicaine, fixaient au lendemain des conquêtes le régime provincial des pays réduits à l'état de province: cette loi, "réglementant les institutions juridiques des Romains et des pérégrins," aurait légalisé la survie des droits locaux et précisé leurs rapports avec le droit romain.[47]

Cette hypothèse soulève plusieurs doutes; ils concernent aussi bien la forme du statut que

44. Flavius Josèphe, *Contre Apion* II, 4, 41: *μόνοις Αἰγυπτίοις οἱ κύριοι νῦν Ῥωμαῖοι τῆς οἰκουμένης μετα λαμβάνειν ἥστινος οὖν πολιτείας ἀπειρήκασιν.*

45. Pline le Jeune, *Epist.*, X, 6 [22]: *ego autem, quia inter Aegyptios ceterosque peregrinos nihil interesse credebam . . .*

46. Tacite, *Histoires* I, 11 (cité *supra*, note 25). Comme le remarque Cl. Préaux (*Actes Genève*, p. 217, citée *supra*, note 29), "on pourrait, sur ce thème, faire un triste recueil où voisineraient Strabon, Tacite, Flavius Josèphe, Juvénal, l'empereur Caracalla, Ammien Marcellin, Isidore de Péluse."

47. R. Taubenschlag, *Law*^{2}, p. 29.

son contenu.

Quant à la forme du statut augustéen de l'Egypte, l'analyse présentée par A. Piganiol devant le VIIe Congrès International de Papyrologie (Genève, 1952) tend à rejeter l'idée d'une *lex data* comportant un grand règlement de base: "s'il paraît certain" – conclut ce savant – "que l'isolement de l'Egypte fut décidé dès l'an 30, l'impression demeure que le statut du pays est constitué par un ensemble de textes de dates diverses." [48]

C'est ainsi que les pouvoirs du préfet d'Egypte ont été définis, non pas dans le cadre d'une *lex data* octroyée par Auguste, mais par une loi comitiale qui a conféré au préfet un *imperium ad similitudinem proconsulis*: nous le savons par un texte d'Ulpien qui paraît digne de confiance malgré les soupçons des chasseurs d'interpolations.[49] Créant une apparence de régularité constitutionnelle pour le gouvernement alexandrin, cette loi s'insère dans la politique augustéenne de "restauration républicaine" et elle rejoint les déclarations d'Auguste à propos de la souveraineté du peuple romain sur l'Egypte;[50] mais donner l'*imperium* à un chevalier était un geste audacieux, et C. Cornélius Gallus, premier titulaire de ce pouvoir, allait en supporter les conséquences.[51] La loi mentionnée par Ulpien ne semble cependant pas avoir précisé le détail des attributions du préfet d'Egypte: ses compétences ont été définies par la suite, non plus par une loi, mais par voie de constitutions impériales, portant surtout sur la juridiction du préfet.[52] D'autres constitutions ont sans doute fixé les modalités du système administratif, comme la division en épistratégies, [53] et les principes de l'organisation financière: le Gnomon de l'Idiologue rappelle, sur ce dernier point, une *forma divi Augusti*, complétée par la suite par des décisions des empereurs, des préfets, du Sénat et des idiologues successifs.[54]

Quelle que fût la forme du statut, rien dans les textes qui nous en conservent les traces n'indique que son contenu ait pu intéresser le destin des droits locaux. Toutes les mesures prises par Auguste à propos de l'Egypte, pour autant qu'on les connaisse par nos sources très parcimonieuses en cette matière, paraissent limitées à des questions relatives aux attributions du préfet d'Egypte, à l'administration et à la fiscalité. Elles n'affectent pas de manière directe le droit privé des pérégrins.

A cet égard, le témoignage des sources relatives à l'Egypte peut être confirmé par ce que nous savons des *leges provinciarum* romaines d'époque républicaine.[55] Leur contenu est dominé par des questions de droit public; et surtout, on l'a déjà signalé, leur principal objet est de définir

48. A. Piganiol, "Le statut augustéen de l'Egypte et sa destruction," dans *Actes Genève*, pp. 193-202 (citation textuelle p. 194). Cf. F. De Martino, *Storia* IV, 2, pp. 764 sq.

49. Ulpien, D. 1, 17, 1: *Praefectus Aegypti non prius deponit praefecturam et imperium, quod ad similitudinem proconsulis lege sub Augusto ei datum est, quam Alexandriam ingressus sit successor eius, licet in provinciam venerit: et ita mandatis eius continetur*. Selon S. Solazzi, "Di una pretese legge di Augusto relativa all'Egitto," dans *Aegyptus* 9, 1928, pp. 269-302 (=*Scritti di diritto romano*, III, Naples, 1960, pp. 269-273), la phrase mentionnant la loi d'Auguste dans ce texte d'Ulpien serait une glose post-classique où le terme *lex* désignerait une constitution impériale; mais cette critique ne paraît pas fondée: voir F. De Martino, *Storia*, IV, 2, p. 765.

50. Cf. *supra*, note 23, et l'article de B. A. Van Groningen, cité *supra*, note 29.

51. J.-P. Boucher, *Caius Cornélius Gallus*, Paris, 1966, p. 38, souligne à ce propos la hargne du Sénat contre Gallus lors de sa disgrâce et la "rancune contre celui qui avait le premier bénéficié de ce statut nouveau," l'*imperium* conféré à un procurateur équestre étant "une manière d'outrage à la dignité du Sénat."

52. Cf. *infra*, notes 60 et 61.

53. V. Martin, *Les épistratèges. Contribution à l'étude des institutions de l'Egypte gréco-romaine*, Genève, 1911, pp. 83 sq.

54. *Gnomon*, préambule, lignes 1-4.

55. On connaît les lois suivantes: *lex Rupilia*, pour la Sicile (Cicéron, *II In Verrem*, II, 13, 23; 13, 34; 15, 37; 15, 38; 15, 39; 17, 42; 18, 44); *lex Aemilia*, pour la Macédoine (Tite-Live, XIV, 17; 18; 19); *lex Caecilia*, pour la Crète (Tite-Live, *per*. 100); *lex Pompeia*, pour la Bithynie (Pline le Jeune, *Epist*. X, 79 [83]; 80 [84]; Strabon, *Geogr*. XIII, 3, 1); *lex Gabinia*, pour la Syrie-Palestine (Cicéron, *De prov. cons*., V, 10).

le statut des cités comprises dans les frontières d'une province. Etablissant la division de celle-ci en circonscriptions administratives, ces lois règlent les détails relatifs à la situation des villes: les limites de leur territoire, les rapports entre les diverses cités et leurs relations avec l'autorité romaine; elles déterminent ainsi les dimensions de la liberté qui peut être accordée éventuellement aux cités et partant la mesure dans laquelle celles-ci échappent, selon les modalités de leur autonomie, au pouvoir du gouverneur.[56] Elles peuvent aussi comporter des dispositions purement restrictives, comme l'interdiction du *conubium* et du *commercium* entre les habitants de quatre régions (μεριδες) macédoniennes, à l'occasion du partage opéré par la commission envoyée en 167 av. n.è. par le Sénat pour régler avec Paul-Emile le sort de la Macédoine après Pydna.[57] Enfin, elles fixent les conditions dans lesquelles s'exerce la justice du gouverneur. Mais en dehors de ces mesures concernant les cités et l'administration de la justice, les *leges provinciarum* restent indifférentes à l'égard du droit privé des populations conquises.[58]

Selon cette tradition, le statut augustéen de l'Egypte pouvait bien, en dehors des décisions intéressant les problèmes administratifs et financiers, contenir des dispositions relatives aux cités grecques; disons tout de suite que nous n'en n'avons aucune trace dans les sources. On peut également admettre qu'il comportait des mesures concernant l'administration de la justice; peut-être organisait-il le *conventus*.[59] Un texte de Tacite et un fragment de Modestin mentionnent une constitution d'Auguste qui autorisait le préfet à instruire les procès et à prononcer des décrets comme un véritable magistrat[60] et qui confirmait son droit de procéder aux affranchissements *vindicta*.[61] En revanche, rien ne justifie l'hypothèse d'une décision par laquelle Auguste aurait réglementé "les institutions des pérégrins." Nous croyons pouvoir l'écarter de notre recherche. On verra plus loin qu'il en est de même des hypothèses qui tendent à fonder la continuité des droits locaux sur des codifications attribuées à l'initiative des Romains et sur des mesures d'ordre judiciaire qui auraient été contenues dans l'édit provincial juridictionnel du préfet d'Egypte.

Ainsi, la conquête romaine de l'Egypte implique pour les droits locaux une mutation qualitative. Elle a rompu le lien qui existait jusque là entre les règles de droit et le pouvoir étatique de la monarchie lagide; aucun principe officiel n'a été posé pour établir un lien nouveau. Dans la mesure où elles découlaient de la législation lagide, les dispositions du droit ptolémaïque ont perdu la qualité de règles légales. Il en va de même pour les règles juridiques qui n'avaient pas leur origine directe dans les *diagrammata* et les *prostagmata* royaux: la force obligatoire de ces règles dans l'Egypte lagide résultait de leur insertion dans le système judiciaire créé par la monarchie; ce système est à présent remplacé par la *cognitio* provinciale. En perdant le contact

56. Cf. F. De Martino, *Storia*, II, pp. 324 sq.; D. Nörr, *Imperium u. Polis*, pp. 62 sq.; M. Lemosse, *Le régime des relations internationales* (cité *supra*, note 35), pp. 154 sq.

57. Tite-Live, XLV, 29, 10. Sur les difficultés du problème posé par le statut de la Macédoine, voir A. Aymard, "L'organisation de la Macédoine en 167 et le régime représentatif dans le monde grec," dans *Class. Phil.* 45, 1950, pp. 96-107 (= *Etudes d'histoire ancienne*, Paris, 1967, pp. 164-177).

58. On ignore si la *lex Bithynorum* mentionnée par Gaius, *Inst.* I, 193, à propos de la tutelle des femmes, est la loi de Pompée (*supra*, note 55) ou une règle locale; la deuxième hypothèse paraît plus vraisemblable (cf. J. Gaudemet, *Loi et coutume*, p. 51, n. 7).

59. Voir J. N. Coroï, "La papyrologie et l'organisation judiciaire de l'Egypte sous le principat," dans *Actes Oxford*, pp. 615-662, particulièrement pp. 632 sq. (avec sources et bibliographie).

60. Tacite, *Annales* XII, 60: *nam divus Augustus apud equestres qui Aegypto praesiderent lege agi decretaque eorum proinde haberi iusserat ac si magistratus Romani constituissent.*

61. Modestin, D. 40, 2, 21: *Apud praefectum Aegypti possum servum manumittere ex constitutione divi Augusti.* Cf. *Gnomon* § 21, qui mentionne la *manumissio vindicta* effectuée devant le préfet.

direct avec la volonté législative des rois et le bénéfice de la sanction officielle que leur conféraient les tribunaux royaux, les règles du droit hellénistique et du droit égyptien ont cessé d'être un "système juridique" pour devenir des coutumes locales propres aux populations soumises.

Ce point étant acquis, il faut souligner qu'il ne s'agit pas d'un ensemble homogène, susceptible d'être opposé en bloc au droit officiel de l'Empire. Les droits locaux comportent en Egypte des règles qui n'ont pas la même origine et ne s'expriment pas dans les mêmes formes. Nous devons examiner d'abord les cas de "survivances" de lois ptolémaïques et retenir les manifestations de la continuité de la pratique dans les milieux grecs et dans les milieux égyptiens de la *chôra*; ensuite, le droit des cités grecques méritera une attention spéciale.

3. *La survie des droits locaux dans la* chôra.

Grâce au *Corpus des Ordonnances des Ptolémées* établi par M.-Th. Lenger nous disposons d'un catalogue de *prostagmata* ptolémaïques ayant survécu à la conquête romaine. Il s'agit de dispositions concernant les modalités d'exécution des contrats de bail, la protection des cultivateurs contre les poursuites des créanciers pendant la durée des travaux agricoles, le régime des mutations de terres clérouchiques, les charges liées aux baux de terre royale, les privilèges des prêtres en matière fiscale, les esclaves nés dans la maison de leur maître, les donations d'immeubles, les attributions de la *boulê* de Ptolemaïs, la confiscation des biens frappant les contrevenants "aux édits des souverains et des préfets," les voies d'exécution des dettes privées.[62]

D'une manière analogue, les dispositions de certains *diagrammata* continuent à être invoquées sous l'Empire. Un exemple typique à cet égard est fourni par le *BGU* 1118, où, à propos des charges imposées aux locataires d'un jardin, les *diagrammata* sont cités à côté des *prostagmata* et des "anciennes coutumes" (ἐξ ἀρχῆς ἐθισμοί).[63] Les dispositions d'autres *diagrammata* survivent, semble-t-il, en matière de dépôt, d'hypothèque et d'arrhes: elles apparaîtraient dans les mentions des *νόμοι τῶν παραθηκῶν*, *τῶν ὑποθηκῶν* et *τῶν ἀρραβώνων*, dont le sens précis reste encore à déterminer.[64] Les clauses relatives au taux des intérêts dans les contrats de prêt d'époque romaine reflètent une réglementation qui avait été fixée par des *diagrammata* de Ptolémée II Philadelphe.[65] Une enquête plus approfondie apporterait sans doute d'autres exemples de telles survivances.[66]

Dans tous ces cas nous sommes en présence d'une continuité certaine de règles émanant de lois promulguées par les souverains lagides. Si une constitution impériale ou un édit préfectoral

62. *C. Ord. Ptol., All.* 114-123. Cf. M.-Th. Lenger, "Les vestiges de la législation des Ptolémées en Egypte à l'époque romaine," dans *RIDA* 3 (=*Mélanges F. De Visscher*, II), 1949, pp. 69-81.

63. *BGU* 1118 =*C. Ord. Ptol., All.* 114 (22 av. n.è.), ligne 22.

64. Un jeune papyrologue prépare actuellement à Marbourg une thèse de doctorat sur ce sujet. Voir, au demeurant, V. Arangio-Ruiz, *Application*, pp. 112-114, et les indications dans notre *Règle de droit dans l'Egypte ptolémaïque*, p. 156, n. 126. Le *P. Oxy.* 2677 montre que la référence au *νόμος τῶν παραθηκῶν* faisait partie du formulaire contractuel au IIe siècle de n.è.

65. Voir, en dernier lieu, H. A. Rupprecht, *Untersuchungen zum Darlehen im Recht der gräko-ägyptischen Papyri der Ptolemäerzeit*, Munich, 1967 (*Münch. Beitr.* LI), p. 74.

66. Par exemple, la législation royale protégeant les poissons sacrés, dont nous connaissons l'aspect pénal par le *P. Yale* 56 (100 av. n.è.), paraît se maintenir à l'époque romaine, comme le suggère le *PSI* 901 (46 de n.è.). En revanche le *νόμος τῶν πράσεων*, invoqué dans le XIIe rescrit des *Apokrimata* de Septime Sévère (*P. Col.* 123 [200 de n.è.], ligne 55), ne serait pas une loi ptolémaïque (hypothèse signalée par F. Pringsheim, "Some Suggestions on P. Col. 123," dans *Symbolae R. Taubenschlag*, I, 1956, pp. 237-249, particulièrement p. 248), mais plutôt une constitution impériale: voir A. A. Schiller, dans H. C. Youtie et A. A. Schiller, "Second Thoughts on the Columbia Apokrimata (P. Col. 123)," dans *Chron. d'Eg.* 30, 1955, pp. 334-345 (particulièrement p. 344, n. 4).

reprend une solution reposant sur une loi ptolémaïque, celle-ci vaut désormais comme loi romaine; elle fait partie du droit provincial romain qui consacre ainsi, nous le verrons encore, certaines institutions hellénistiques, élaborées par la pratique ou autrefois sanctionnées par les *prostagmata* et les *diagrammata* des rois Ptolémées. On peut alors, si l'on veut, qualifier de "réception" de tels emprunts faits par le droit provincial à la législation royale.[67] Mais dans la plupart des cas il s'agit seulement d'une survie *de facto* de règles n'émanant plus directement de l'autorité législative qui les avait formulées. On aurait tort de considérer toutes ces survivances comme autant de "lois" fondées à présent sur la volonté du législateur impérial en tant que successeur des Ptolémées.[68]

Manifestations du pouvoir souverain de législateurs disparus, les *diagrammata* et les *prostagmata* ptolémaïques se perpétuent dans l'Egypte romaine. Rome les tolère comme elle tolère les institutions pérégrines qui n'ont pas leur source dans les actes normatifs de la législation royale. Elle peut aussi mettre fin à leur persistance, tel cet édit d'Hadrien qui abroge un *πάλαιον πρόσταγμα* pour alléger les conditions d'affermage des parcelles de terre dite royale.[69] Mais Rome ne reconnaît pas à ces dispositions la qualité de règles légales: dans la mesure où elles n'ont pas été intégrées dans le droit provincial romain, les dispositions des anciennes lois ptolémaïques ne se maintiennent dans la pratique de l'Egypte romaine qu'à titre de coutumes locales.[70]

Il en va de même pour les institutions juridiques pérégrines que ne tirent pas directement leur origine des actes législatifs ptolémaïques. Comme ceux-ci, elles ont perdu par la conquête la qualité de règles légales ou sanctionnées comme telles.Leur continuité est due à l'action solidaire de deux facteurs complémentaires: l'attachement des hommes à leurs habitudes ancestrales et l'attitude tolérante de l'autorité romaine. En principe, toute la vie juridique des habitants des villages et des métropoles est à présent entièrement soumise à la discrétion du gouverneur romain et de ses agents locaux. En fait le gouverneur est surtout préoccupé par la tâche primordiale du ravitaillement de Rome; la vie juridique des pérégrins lui importe peu: pourvu que le pays soit calme, que les impôts soient payés et que les livraisons de blé se fassent de manière satisfaisante, les pérégrins d'Egypte peuvent compter sur l'indifférence de l'autorité romaine envers l'exercice de leurs pratiques juridiques ancestrales. On verra plus loin les manifestations de cette tolérance dans la juridiction du préfet d'Egypte; il est évident qu'elle est encore plus grande lorsque la justice est rendue aux pérégrins par leurs "compatriotes," fonctionnaires locaux délégués par le préfet, parlant la même langue et partageant les mêmes habitudes.

Laissant libre cours aux pratiques des pérégrins, le gouvernement provincial s'en remet aux formulaires notariaux pour l'organisation de la vie juridique dans la pratique quotidienne. On aimerait savoir dans quelle mesure leur étonnante pérennité répond aux conceptions que les Grecs d'Egypte se font du droit et de la justice. Il est certain que la conscience collective des pérégrins est solidaire de la persistance des pratiques locales. Le problème mériterait des enquêtes atten-

67. Voir à ce propos M. Amelotti, "L'epigrafe di Pergamo sugli *ἀστυνόμοι* e il problema della recezione di leggi stranieri nell'ordinamento giuridico romano," dans *SDHI* 24, 1958, pp. 80-111.

68. *Sic* E. Schönbauer, *JJP* 9-10, 1956, p. 26: " . . . königliche Prostagmata — nun als Ausdruck des römischen Rechtswillens."

69. *C. Ord. Ptol., All.* 117 (=*P. Giss.* 4 = *WChr.* 351).

70. Ainsi, par exemple, nous serions tenté d'admettre que les nombreuses références à des *prostagmata* ptolémaïques à propos de la procédure d'exécution des dettes privées (*C. Ord. Ptol., All.* 123, d'après la liste que nous avons établie dans *JJP* 5, 1951, pp. 195-196) indiquent seulement un mode de procédure selon les voies fixées par ces ordonnances (*τοῖς προστεταγμένοις ἀκολούθως, κατὰ τὰ προστάγματα*), sans impliquer que les opérations procédurales se fassent en vertu des *prostagmata* eux-mêmes. Pour une interprétation analogue de la *πρᾶξις κατὰ τὸ διάγραμμα* dans les documents ptolémaïques, voir H. J. Wolff, "Some Observations on Praxis," communication faite le 15 août 1968 au XIIe Congrès International de Papyrologie à Ann Arbor, dont on peut trouver le texte dans les présents *Actes*, pp. 519-527.

tives.[71]

La disparition des formulaires propres aux documents démotiques pose, au IIe siècle de n.è., un autre problème qu'il convient d'évoquer à propos des droits locaux dans la *chôra*.[72] Ce phénomène ne signifie nullement la disparition du droit indigène lui-même: le droit égyptien se maintient à l'état latent parmi les paysans autochtones, pour resurgir à l'époque byzantine; la référence à l'*ἐπιχώριος νόμος*, dans le testament d'Abraham, évêque d'Hermonthis, pourrait être révélatrice de cette renaissance.[73] Aussi des spécialistes, comme A. Steinwenter, reconnaissent-ils la survie coutumière du droit égyptien à travers le vide de quelque quatre siècles qui sépare les documents démotiques des documents coptes.[74]

Au total, les sources concernant la situation juridique de la *chôra* égyptienne paraissent confirmer les conclusions formulées plus haut à propos de la survie des droits locaux d'après ce que l'on sait de l'Egypte et de son statut au lendemain de la conquête romaine. Les résultats de notre enquête sur ce point nous aideront à la poursuivre dans les secteurs qui restent encore à examiner: le droit des villes grecques, puis la pénétration du droit romain en Egypte et les rapports de celui-ci avec les pratiques locales. Mais auparavant, un problème particulier appelle quelques mots de commentaire: il s'agit de la notion de *νόμος τῶν Αἰγυπτίων*.

4. *Le νόμος τῶν Αἰγυπτίων*

Les Romains ont-ils entrepris une codification des droits locaux? L'hypothèse a été avancée par notre regretté maître R. Taubenschlag.[75] Selon ce savant, le *νόμος τῶν Αἰγυπτίων*, qui apparaît dans nos documents dès le début du IIe siècle de n.è., serait un "code de lois" imposé par les Romains aux populations de la *chôra*; il serait maintenu en vigueur même après l'Edit de Caracalla, si l'on en croit un texte fort mutilé, d'après lequel ce *nomos* serait encore invoqué sous le règne de Gallien.[76] Si cette hypothèse pouvait être retenue, la survie des pratiques grecques et égyptiennes dans la *chôra* serait favorisée par une action consciente du législateur romain. Mais les sources n'autorisent pas pareille conclusion.

Le dossier est mince. Il est composé de cinq documents, dont on peut tout de suite éliminer le dernier en date, qui vient d'être cité: ce texte, où le mot *νόμος* ne figure que par conjecture et dont le sens demeure obscur, est sans valeur dans l'état où il nous a été conservé; il ne justifie aucune des interprétations qui avaient été proposées à son sujet.[77] Les quatre autres témoignages,

71. Nous avons tenté autrefois d'en étudier un aspect à la lumière des lettres privées grecques: J. Modrzejewski, "La notion d'injustice dans les papyrus grecs," dans *IVRA* 10, 1959, pp. 67-85 (cf. H. J. Wolff, *Arch. f. Pap.* 17, 2, 1962, pp. 200-201).

72. Cf. E. Seidl, *SDHI* 24, 1958, p. 428.

73. *P. Lond.* I 77, p. 231 (=*MChr.* 319) (VIe siècle de n. è.), ligne 58; cf. R. Taubenschlag, *Law*^{2}, p. 8.

74. A. Steinwenter, "Zum Problem der Kontinuität zwischen antiken und mittelalterlichen Rechten," dans *IVRA* 2, 1951, pp. 15-43, particulièrement p. 25: " . . . das Fortleben der enchorischen Rechtinstitute im Gewohnheitsrechte."

75. R. Taubenschlag, *Law*^{2}, p. 6-7 (cf. Idem, "Νόμος in the Papyri," dans *JJP* 2, 1948, pp. 67-73 = *Op. min.* II, pp. 107-114, particulièrement pp. 108-109). Dans un sens analogue (collections semi-officielles établies par les autorités romaines à l'usage des juridictions locales), déjà V. Arangio-Ruiz, *Persone e famiglia nel diritto dei papiri*, Milan, 1930, p. 81, et S. G. Huwardas, *Beiträge zum griechischen und gräko-ägyptischen Eherecht der Ptolemäer- und frühen Kaiserzeit*, Leipzig, 1931, p. 53 et 54, n. 4. *Contra*: H. J. Wolff, *Faktoren*, p. 43.

76. *P. Oxy.* 1558 (267 de n.è.).

77. On a pu voir dans ce texte aussi bien une allusion à une constitution impériale qui aurait interdit l'usage du droit égyptien (V. Arangio-Ruiz, *Application*, pp. 99-100) qu'un témoignage du maintien de ce droit après la *Constitutio Antoniniana* (E. Schönbauer, *Anzeiger d. Oesterr. Akad. d. Wiss.* 86, 1949, p. 384). Mais le document, dans son très mauvais état de conservation, n'autorise aucune conclusion sûre: c'est ce que note avec raison H. J. Wolff, *Romanisierung*, p. 11, n. 20 *in fine*, qui écarte en même temps (p. 6, n. 15) une autre interprétation de ce papyrus, proposée par R. Taubenschlag (*Op. min.* I, pp. 494-495, article cité *infra*, note 149). De même, E. Schönbauer, *IVRA* 4, 1953, p. 380, renonce à invoquer ce texte à l'appui de ses thèses.

tous du IIe siècle de n.è., concernent diverses questions de droit privé: les rapports entre le patron et l'affranchi,[78] les moyens de défense légale mis à la disposition du propriétaire d'un terrain contre l'auteur d'une construction illégalement élevée sur celui-ci,[79] les droits du testateurs[80] et ceux du père à l'égard de sa fille mariée.[81]

Rien dans ces sources ne milite en faveur de l'hypothèse d'une codification faite par les Romains pour les populations de la *chôra*. Deux indices peuvent cependant être retenus à propos de ces quatre témoignages: d'une part, la relation qu'il pourrait y avoir, s'agissant d'habitants de la *chôra*, entre le *νόμος τῶν Αἰγυπτίων* et le *νόμος τῆς χώρας* ptolémaïque; d'autre part, le fait que dans toutes les pièces du dossier nous sommes en présence de litiges tranchés par un haut fonctionnaire ou un officier romain.

Le *νόμος τῶν Αἰγυπτίων* serait-il une nouvelle dénomination du *νόμος τῆς χώρας*, terme qui à l'époque ptolémaïque et au début de l'époque romaine désigne les dispositions du droit égyptien indigène?[82] Cette identification a été envisagée par H. J. Wolff.[83] Le fait que les institutions auxquelles se réfèrent ces deux *nomoi* ne se recouvrent pas ne saurait à lui seul contredire l'hypothèse:[84] les sources relatives à chacun d'eux nous mettent, à la suite du hasard des trouvailles, en présence de données très fragmentaires dont rien n'empêche qu'elles puissent faire partie d'un même ensemble plus vaste.[85]

Si l'on devait suivre cette suggestion, il faudrait admettre que, sous sa nouvelle dénomination, la "loi des Egyptiens" tend à englober, à côté du droit indigène, des règles d'origine grecque. La mention du *νόμος τῶν Αἰγυπτίων* dans les actes du procès de Dionysia semble révélatrice d'une telle extension de la notion.[86] Il est en effet peu probable que le père de Dionysia, ancien gymnasiarque d'Oxyrhynchos, donc un "Hellène," fasse appel à une "loi" démotique afin de justifier le droit qu'il prétend avoir sur la personne de sa fille mariée pour reprendre celle-ci, contre son gré, de la maison de son mari. En revanche, il est possible de voir là la manifestation d'une tradition grecque, remontant peut-être à l'*ἀφαίρεσις* du droit attique, et conservée dans la *kyrieia* qui donne au père de famille des pouvoirs plus étendus sur les enfants que la *patria potestas* romaine.[87] Pour le juge romain qui tranche l'affaire, cette différence est une donnée principale du litige; l'origine grecque de la règle invoquée par le père de Dionysia est secondaire. Aux yeux du juge provincial il n'y a, face au droit romain qui lui sert d'étalon de mesure, qu'une règle locale qualifiée par simplification d'égyptienne.[88]

78. *P. Oxy.* 706 (=*MChr.* 81) (vers 115 de n.è.), ligne 7.

79. *P. Tebt.* 488 (121-122 de n.è.). Cf. R. Taubenschlag, "Der Schutz der Rechtsverhältnisse an Liegenschaften im gräko-ägyptischen Recht," dans *ZSS* 55, 1935, pp. 278-288 = *Op. min.* II, pp. 381-396, particulièrement p. 394; Idem, "La costruzione sul terreno proprio e sul terreno altrui," dans *Aegyptus* 32, 1952, pp. 453-456 = *Op. min.* II, pp. 400-404 particulièrement pp. 401-402; Idem, *Law*^{2}, p. 253, n. 17.

80. *CPR* 18 (=*MChr.* 84=*Jur. Pap.* 89) (124 de n.è.) ligne 16. Cf. H. Kreller, *Erbrechtliche Untersuchungen auf Grund der gräko-ägyptischen Papyrusurkunden*, Leipzig-Berlin, 1919, pp. 167-168.

81. *P. Oxy.* 237; cf. *infra*, notes 86, 91, 95-96.

82. *BGU* 1214, ligne 5; *P. Tebt.* 776, lignes 9-10; *P. Ryl.* 572, lignes 31-32 (tous trois du IIe siècle av. n.è.); *P. Tebt.* 5 = *C. Ord. Ptol.* 53 (118 av. n.è.) lignes 217-220; *P. Tor.* 1 = *UPZ* 162 (117 av. n.è.) Col. IV, lignes 17-20 et Col. VII, lignes 1-4; *BGU* 1148 (24 av. n.è.) ligne 17. Un témoignage sujet à caution: *P. Oxy.* 795 (81-95 de n.è.), fragment d'un contrat de mariage où les éditeurs restituent la formule *κατὰ τοὺς τῆς χώρα[ς νόμους]*.

83. H. J. Wolff, *Faktoren*, p. 43.

84. Objection de R. Taubenschlag, *Law*^{2}, p. 6 n. 14.

85. Réplique de H. J. Wolff, *Romanisierung*, p. 4 n. 10 (cf. *RIDA*, 3e sér., 7, 1960, p. 215).

86. *P. Oxy.* 237, Col. VI, ligne 17; Col. VII, lignes 27, 33, 34-35, 40.

87. Voir U. E. Paoli, art. "Aferesi," dans *Nov. Dig. Ital.* 1, 1957, pp. 356-357 (où l'on trouvera la bibliographie antérieure) Cf. R. Taubenschlag, *Law*^{2}, pp. 130 sq.

88. Dans un sens analogue, Cl. Préaux, "Le statut de la femme à l'époque hellénistique, principalement en Egypte," dans *Rec. Soc. J. Bodin*, XI: *La Femme*, 1ère partie, Bruxelles, 1959, pp. 127-175, particulièrement pp. 163-164.

Nous serions tenté d'admettre que la même interprétation peut être adoptée pour les autres pièces du dossier. Toutes se rapportent, on vient de le souligner, à des différends entre pérégrins de la *chôra* qu'un fonctionnaire romain, civil ou militaire, est appelé à régler. Pour celui-ci il est sans importance de savoir à quelle tradition, grecque ou égyptienne, se rattachent les règles pérégrines impliquées dans le litige. On sait que sous l'Empire la notion d'*Αἰγύπτιοι* confond, dans une catégorie commune, aussi bien les Egyptiens de souche que les milieux hellénisés des métropoles et des villages.[89] De même, le *νόμος τῶν Αἰγυπτίων* pourrait être tout simplement un terme désignant les traditions juridiques des uns et des autres, sans distinction d'origine. Il serait, dans la bouche d'un Romain, une notion générique englobant la totalité des coutumes locales ayant cours dans la *chôra*.[90]

La lecture du *nomos* dans un des procès dont font état les actes de Dionysia montre que cette notion peut s'appliquer à des textes écrits.[91] Nous ignorons la nature du texte dont il est fait mention dans le procès-verbal rapporté par le *P.Oxy.* 237. Les actes du procès d'Hermias, au cours duquel, trois siècles auparavant, des fragments du *νόμος τῆς χώρας* sont lus devant le fonctionnaire ptolémaïque qui dirige l'audience,[92] suggèrent le rapprochement retenu par H. J. Wolff: dans les deux cas nous serions en présence d'une traduction grecque du même "code" démotique. Mais il est également possible que le terme *νόμος*, dont on connaît le caractère ambigu et peu technique dans les papyrus de l'époque romaine,[93] désigne ici une ancienne loi urbaine ou une ordonnance royale.[94]

Le juge romain refuse de s'incliner devant l'argument tiré de cette "loi inhumaine."[95] C'est assez dire combien est fragile l'hypothèse d'une codification du droit de la *chôra* par les Romains, puisque ceux-ci ne tiennent pas compte de l'oeuvre dont on voudrait leur attribuer l'initiative. Mais c'est aussi un indice qui aide à qualifier la véritable portée du *νόμος τῶν Αἰγυπτίων*: ses dispositions, même lorsqu'elles apparaissent dans un texte écrit, n'impliquent pas l'existence d'une norme légale qui s'imposerait au juge; le texte apporte seulement la preuve de l'usage effectivement pratiqué que le juge peut respecter ou condamner en vertu de son pouvoir discrétionnaire. Les anciennes "lois" ne valent plus qu'en tant que coutumes soumises à l'appré-

89. Voir E. J. Bickerman, "Beiträge zur antiken Urkundengeschichte, II," dans *Aegyptus* 9, 1929, pp. 24-46, particulièrement pp. 40-42 ("*Aegyptii*").

90. Nous rejoignons H. J. Wolff, *Written and Unwritten Marriages in Hellenistic and Post-Classical Roman Law*, Haverford, Penn., 1939, pp. 63-64.

91. *P. Oxy.* 237, Col. VII, ligne 33: *ἵνα ἀναγνωσθῇ ὁ τῶν Αἰγυπτίω[ν νό]μος*; cf. ligne 35: *ἀναγνωσθήτο ὁ ν[ό]μ[ος. ἀ]ναγνωσθέντος κτλ.*

92. *P. Tor.* 1 (=*MChr.* 31 =*UPZ* II 162) Col. IV, lignes 17-20.

93. Cf. notre *Règle de droit dans l'Egypte ptolémaïque*, pp. 155-156, notes 124 à 126; sur le *P. Lond.* II 354, p. 164 (ca. 10 av. n.è.) et l'origine du principe *bis de eadem re ne sit actio*, voir à présent D. Liebs, "Die Herkunft der 'Regel' bis de eadem re ne sit actio," dans *ZSS* 84, 1967, pp. 104-132, particulièrement pp. 118-119.

94. On sait que les cités grecques d'Egypte ont à l'époque ptolémaïque légiféré en matière de mariage et de divorce: voir par exemple *P. Fay.* 22 (=*MChr.* 291) (Ier siècle de n.è.); cf. notre *Règle de droit dans l'Egypte ptolémaïque*, p. 145, n. 85. L'hypothèse d'un *diagramma* royal est également possible: voir *ibid.*, p. 129, pour les *diagrammata*, à la vérité très rares, intéressant le droit privé.

95. *P. Oxy.* 237, Col. VII, lignes 34-35: *μὴ ἠκολουθηκέναι τῇ τοῦ νόμου ἀνανθρωπίᾳ.*

ciation de l'autorité romaine.[96]

5. *Le droit des villes grecques.*

La survie du droit des villes grecques pose un problème plus délicat. En effet, seules les *poleis* d'Egypte pouvaient prétendre au privilège de la liberté impliquant le maintien d'un ordre juridique pérégrin indépendant. En fait, la liberté des cités d'Egypte et leur autonomie législative et judiciaire paraissent fort problématiques à la lumière de nos documents.[97]

On a déjà souligné le silence des sources au sujet des mesures qui auraient pu être prises en faveur des cités au moment de la réduction de l'Egypte à l'état de province. Ce que l'on sait pour Alexandrie paraît indiquer au contraire qu'elle est privée des organes indispensables à l'exercice d'une autonomie politique. Supprimée sous les derniers Ptolémées, la *boulê* alexandrine n'a pas été rétablie par Auguste;[98] il a fallu attendre le voyage en Egypte de Septime Sévère, en 199-200 de n.è., pour que la *boulê* fût rendue à Alexandrie, en même temps que des conseils ont été donnés aux métropoles locales, dans le cadre d'une réforme dont le but principal était de mieux fixer le système des liturgies.[99] Pas plus que les autres Egyptiens, les Alexandrins ne jouissent d'une véritable *politeia.*[100] On connaît les documents qui montrent combien ils en sont irrités: un vrai "complexe d'infériorité" s'extériorise dans l'impertinence que les *Acta Alexandrinorum*[101] prêtent aux ambassadeurs affrontant les empereurs.[102] Abandonnée au gouvernement des procurateurs impériaux, Alexandrie peut difficilement être qualifiée de cité libre.[103] La situation ne semble pas être meilleure pour Naucratis, dont le sort à l'époque romaine est obscur,[104] ni pour Antinoopolis, administrée, malgré ses privilèges, comme une subdivision du

96. Le dossier de Dionysia fait état de trois procès dans lesquels des juges romains ont eu à se prononcer sur le droit du père pérégrin de rompre le mariage de sa fille en vertu du *νόμος τῶν Αἰγυπτίων*: un cas jugé en 128 par T. Flavius Titianus (préfet d'Egypte de 126 à 133 de n.è.), *P. Oxy.* 237, Col. VII, lignes 19-29; un deuxième cas analogue, soumis six ans plus tard à Paconius Félix, *epistrategus Pelusio*, Col. VII, lignes 29-38; enfin, un cas tranché en 87 par le *iuridicus* Umbrius, Col. VII, ligne 39-Col. VIII, ligne 2. Dans tous ces cas, la règle locale est écartée par les procurateurs romains qui reconnaissent la liberté de la femme de rester auprès de son mari malgré la prétention du père tendant à rompre le lien conjugal.

En revanche, dans la querelle familiale rapportée par le *P. Mil. Vogliano* 229 (Tebtunis, vers 140 de n.è.), le droit du père qui prétend exercer une "puissance légitime" sur sa fille mariée (lignes 19-20: *ἐξουσίαν ἔχων τῆς θυγατρὸς κατὰ τοὺς νόμ[ους]*) est reconnu par le stratège de l'Arsinoïte: on voit bien que l'attitude d'un fonctionnaire local à l'égard du principe pérégrin est contraire à celle d'un procurateur ou d'un haut officier romain. Dans une communication faite à la XXIVe session de la Société internationale "Fernand De Visscher" pour l'histoire des droits de l'Antiquité (Amsterdam, septembre 1969), sur le thème "Paternal Authority in Roman Egypt," N. Lewis a étudié ce texte en le confrontant avec le *P. Oxy.* 237 et d'autres documents ayant trait au problème de la puissance paternelle; il a montré comment la règle pérégrine relative à cette matière a été rendue caduque par l'intervention de l'autorité romaine au profit des femmes refusant de quitter leurs maris en dépit du droit invoqué par leurs pères. Sur les points essentiels, les conclusions de N. Lewis semblent corroborer notre interprétation.

97. Pour le détail, les sources et la bibliographie, voir A. H. M. Jones, *The Cities of the Eastern Roman Provinces*, Oxford, 1937, pp. 296-350 (et notes, pp. 468-484), et R. Taubenschlag, *Law*^{2}, pp. 571-578.

98. Sur le problème de la boulê d'Alexandrie et le débat suscité par le *PSI* 1160 (= Acta Alexandrinorum, no. I, pp. 1-3) (début du Ier siècle de n.è.), voir le commentaire de H. A. Musurillo, *The Acts of the Pagan Martyrs*, Oxford, 1954, pp. 84-88, où l'on trouvera l'essentiel de la bibliographie.

99. Voir *infra*, n. 266.

100. Cf. Flavius Josèphe, *Contre Apion* II, 4, 41, cité *supra*, n. 44.

101. Voir les textes dans l'ouvrage de H. A. Musurillo, cité *supra*, n. 98.

102. Cl. Préaux, *Actes Genève* (citée *supra*, n. 29), p. 217.

103. Dion de Pruse, *Orat.* XXXII, 87, refuse à Alexandrie la qualité de *polis*, les Alexandrins ne méritant pas à ses yeux d'avoir une cité digne de ce nom.

104. La mention des lois naucratites dans *WChr.* 27 (IIe siècle de n.è.) pourrait cependant témoigner du maintien d'une certaine autonomie au profit de Naucratis sous l'Empire (cf. *infra*, n. 109).

nome Hermopolite;[105] seule Ptolémaïs paraît garder l'autonomie qui lui avait été conférée par son fondateur lagide et les successeurs de celui-ci, mais l'administration impériale en a certainement restreint les limites.[106]

Il est difficile de parler, dans ces conditions, d'une vie juridique autonome des cités grecques d'Egypte dans le domaine du droit privé. Ce que nous savons du droit urbain sous l'Empire ne répond pas à l'idée d'un ordre juridique pérégrin au sens admis par les juristes romains. Une partie de ce droit est constituée par des règles remontant à l'activité législative des *poleis* sous les Lagides.[107] Les Alexandrins qui mettent dans la bouche d'Hadrien ou de Trajan l'affirmation de l'identité de leurs lois avec celles des Athéniens,[108] les Antinoïtes qui déclarent avoir emprunté les leurs à Naucratis[109] sont les témoins de cette continuité. En revanche, les règles nouvelles créées pour les citoyens des *poleis* d'Egypte sont l'oeuvre des empereurs romains. Il suffit de citer comme exemples les dispositions rapportées par le Gnomon de l'Idiologue au sujet des successions des Alexandrins[110] ou les privilèges des Antinoïtes dans les domaines familial et fiscal.[111] Toutes ces règles relèvent, quant à leur source, du droit provincial romain et non pas du droit urbain grec.[112]

Cette activité a-t-elle abouti à une "codification" du droit des cités? On a cru pouvoir l'affirmer. Un papyrus du IIe siècle de n.è., déjà cité à propos du *νόμος τῶν Αἰγυπτίων*, comporte la référence à des *νόμοι ἀστικοί* dont la signification ne résulte pas de manière claire de ce document.[113] Selon L. Mitteis, ce terme s'attacherait au droit alexandrin: [114] il serait l'équivalent romain du *πολιτικὸς νόμος* ptolémaïque, au sens de "loi alexandrine" que donne à cette expression le *P.Hal.* 1. [115] En revanche, pour R. Taubenschlag il s'agirait d'une codification entreprise par les Romains: applicable aux citoyens des *poleis* et aux membres des *politeumata*, cette codification, appelée *ἀστικοὶ νομοί*, serait la contrepartie urbaine des *νόμοι τῶν Αἰγυπτίων*, considérés, eux, comme un code s'appliquant aux habitants de la *chôra*.[116]

105. Voir, en dernier lieu, H. Braunert, "Griechische und römische Komponenten im Stadtrecht von Antinoopolis," dans *JJP* 14, 1962, pp. 73-78.

106. Le principal document sur Ptolemaïs à l'époque romaine est le P. Fouad Inv. 211 (=*SB* 9016), édité par J. Scherer, dans *BIFAO* 41, 1942, pp. 43-73: la cité possède encore une *boulê*, une assemblée et des magistrats, mais le contrôle romain paraît assez fort; voir G. Plaumann, *Ptolemais in Oberägypten. Ein Beitrag zur Geschichte des Hellenismus in Aegypten*, Leipzig, 1910, p. 29, et le commentaire de J. Scherer, *l.c.*, pp. 66-71: "Les institutions de Ptolémaïs à l'époque romaine."

107. Voir, pour les sources, notre *Règle de droit dans l'Egypte ptolémaïque*, p. 142, n. 71, pp. 144-145, n. 83 à 86.

108. *P. Oxy.* 2177, lignes 12-15 (*Acta Alexandrinorum*, no. X, pp. 61-64): *τοῖς γὰρ αὐτοῖς νόμοις χρῶ(ν)ται Ἀθηναῖοι καὶ Ἀλεξά(ν)δρεῖς*. Voir le commentaire de H. A. Musurillo, *The Acts of the Pagan Martyrs* (*supra*, n. 98), pp. 196-201, et notre *Règle de droit dans l'Egypte ptolémaïque*, p. 135, n. 43.

109. *WChr.* 27 (IIe siècle de n.è.) ligne 22: *Ναυκρατεῖται, ὧν τοῖς νόμοις χρώμεθα*.

110. *Gnomon* §§ 5, 6, 9-15. Cf. S. Riccobono jr., *Il Gnomon dell'Idios Logos*, Palerme, 1950, pp. 117 sq., 122 sq.

111. Voir Ph. V. Pistorius, *Indices Antinoopolitani*, Leyde, 1939, pp. 83 sq.; R. Taubenschlag, "Die kaiserlichen Privilegien im Rechte der Papyri," dans *ZSS* 70, 1950, pp. 277-298 = *Op. min.* II, pp. 45-68, particulièrement pp. 46-51, et *Law*^{2}, pp. 17-18, n. 48; H. Braunert, cité *supra* (n. 105), pp. 76 sq.; N. Lewis, "Exemption from Liturgy in Roman Egypt," dans *Actes Varsovie*, pp. 69-79, particulièrement pp. 73-75; H. Cadell, "P. Caire IFAO Inv. 45, P. Oxy. XIV 1719 et les privilèges des Antinoïtes," dans *Chron. d'Eg.* 40, 1965, pp. 357-363 (le texte du P. Caire IFAO Inv. 45 est repris dans *SB* 10275).

112. H. Kupiszewski, *Festschrift F. Oertel*, 1964, pp. 79-80 (cf. *infra*, n. 144), l'a bien vu à propos du principe selon lequel l'enfant issu d'une union mixte entre une femme d'Antinoopolis et un Egyptien suit le statut de la mère; ce principe, qui s'écarte du droit romain officiel, n'en n'émane pas moins de l'autorité romaine qui l'a formulé à l'usage des citoyens d'Antinoopolis.

113. *P. Oxy.* 706 (=*MChr.* 81) (vers 115 de n.è.), ligne 9.

114. L. Mitteis, *Chrest.*, p. 90, suivi notamment par M. Rostovtzeff, *Social and Economic History of the Hellenistic World*, Oxford, 1941 (rééd. 1953 et 1959), p. 671.

115. *P. Hal.* 1 (milieu du IIIe siècle av. n.è.), lignes 79-80. Comme nous l'avons déjà noté ailleurs (*Règle de droit dans l'Egypte ptolémaïque*, p. 131, n. 24 et pp. 143-144, n. 79), le terme de *πολιτικὸς νόμος* n'apparaît pas dans les documents de l'époque romaine: c'est à tort que E. Schönbauer utilise (*JJP* 9-10, 1956, p. 46) ce terme comme une donnée prouvée à propos des lois des *poleis* d'Egypte sous l'Empire.

116. R. Taubenschlag, *Law*^{2}, pp. 17-19. Cf. *supra*, n. 75.

Les deux interprétations paraissent contestables. La première se fonde sur une supposition tout à fait gratuite: rien n'indique que les personnages impliqués dans le litige auquel se réfère ce document relèvent d'une manière ou d'une autre du droit alexandrin. Quant à voir dans les *ἀστικοὶ νόμοι* la trace d'une codification à l'usage des citoyens des villes grecques, l'hypothèse paraît encore plus difficile à retenir. Aussi préférons-nous admettre avec H. J. Wolff que les *ἀστικοὶ νόμοι* du *P. Oxy.* 706 se réfèrent tout simplement au *ius civile* romain.[117] A défaut d'une règle locale susceptible d'offrir la solution du différend qui lui était soumis, le préfet d'Egypte ferait appel au droit romain. Il appliquerait ainsi le principe énoncé par Julien, selon qui le recours à ce droit s'impose en l'absence d'une disposition du droit pérégrin: *tunc ius, quo urbs Roma utitur, servari oportet.*[118]

Comme dans le reste de l'Orient hellénisé,[119] le droit des *poleis* présente donc en Egypte une structure composite: autour d'un noyau constitué par des règles issues de lois élaborées à l'époque ptolémaïque se forme un droit nouveau qui est la création directe de l'autorité romaine. A l'arrêt d'une activité législative propre répond l'absence de juridictions autonomes. Il en va ainsi pour le *καταλογεῖον* et le *κριτήριον* que mentionnent les *synchôreseis* alexandrines d'époque augustéenne.[120] La nature exacte de ces organes n'est pas établie de manière sûre; peut-être faut-il les identifier avec le collège des chrématistes alexandrins.[121] En tout cas, ce sont là des institutions royales qui se maintiennent au début de l'époque romaine, et non pas des tribunaux urbains représentatifs d'une autonomie judiciaire de la cité.[122] Les hauts fonctionnaires impliqués dans l'administration de la justice, qui dirigent les services centralisés à Alexandrie, incarnent évidemment des juridictions romaines: le *iuridicus Alexandreae*, doué d'une compétence propre qu'il tient directement de l'empereur;[123] l'idiologue, chef du contentieux fiscal;[124] l'archidicaste, chef du collège des chrématistes;[125] et jusqu'à "l'exégète de la ville d'Alexandrie" (*ἐξηγητὴς τῆς πόλεως Ἀλεξανδρέων*), dont les attributions judiciaires sont d'ailleurs mal connues.[126]

L'existence d'une citoyenneté locale n'implique donc pas, pour les citoyens des villes grecques d'Egypte, celle d'un "ordre juridique" autonome. Sans doute, dans la mesure où il remonte aux lois poliades d'époque ptolémaïque, le droit pratiqué dans les cités revêt-il une forme plus "légale" que les usages ayant cours dans la *chôra*. Mais en l'absence d'organes législatifs et judiciaires propres, les *politai* se trouvent dans le même état de dépendance à l'égard de l'autorité romaine que les habitants des métropoles et des villages. Ainsi, en dernière analyse, la survie du droit urbain est-elle, elle aussi, une survie coutumière d'un résidu d'actes législatifs anciens encadrés par les normes du droit provincial, dont l'application est soumise à la discrétion des autorités romaines.

117. H. J. Wolff, *RIDA*, 3e sér., 7, 1960, p. 223, no. 80 (suivi par E. Seidl, *SDHI*, 27, 1961, p. 485).

118. D. 1, 2, 32 pr. En l'occurrence, il s'agit des relations entre patron et affranchi au sujet desquelles les *νόμοι τῶν Αἰγυπτίων* restent muets d'après le *P. Oxy.* 706.

119. D. Nörr, *Imperium u. Polis*, pp. 22 sq.

120. Voir H. J. Wolff, *Justizwesen*, pp. 79-82.

121. Voir H. J. Wolff, *ibid.*

122. Les attributions du nomarque antinoïte en matière de police (R. Taubenschlag, *Law*^{2}, p. 492, n. 76; H. Braunert [cité *supra*, n. 105], *JJP* 14, 1962, p. 75, n. 11) ne sauraient être considérées, elles non plus, comme la trace d'une autonomie judiciaire de la cité d'Antinoopolis.

123. H. Kupiszewski, "The Iuridicus Alexandreae," dans *JJP* 7-8, 1954, pp. 187-204.

124. En dernier lieu, P. R. Swarney, *The Ptolemaic and Roman Idiologos*, thèse Yale, 1965, particulièrement pp. 95 sq., 188 sq. (cf. *RHD* 45, 1967, p. 168).

125. Voir, en dernier lieu, H. J. Wolff, "Organisation der Rechtspflege und Rechtskontrolle der Verwaltung im ptolemäisch-römischen Aegypten bis Diokletian," dans *Tijd. v. Rg.* 34, 1966, pp. 1-40, particulièrement pp. 34-36.

126. *P. Ryl.* 119 (54-68 de n.è.); cf. N. Coroï (cité *supra* n. 59), *Actes Oxford*, p. 630.

L'enquête relative aux manifestations de la survie du droit local dans l'Egypte romaine amène donc, pour les deux premiers siècles de l'Empire, à reconnaiître trois groupes de règles juridiques pérégrines maintenues à titre de coutumes locales: vestiges de la législation royale des Ptolémées, pratiques conservées par les traditions des populations de la *chôra*, dispositions du droit urbain des cités grecques d'Egypte. Nous allons à présent les confronter avec le droit romain, tel qu'il se manifeste dans les actes normatifs et dans le domaine judiciaire, puis, tel qu'il s'applique dans les documents de la pratique.

6. *Le droit provincial et la justice romaine.*

Dès la conquête romaine le droit des vainqueurs commence à pénétrer dans la pratique égyptienne. Il faut distinguer à ce propos deux séries de normes juridiques de portée inégale: ce sont, d'une part, des dispositions de lois républicaines, de sénatus-consultes, de constitutions impériales, ainsi que des règles élaborées par la jurisprudence; elles forment le "Reichsrecht," droit de l'Empire de portée générale, dont l'application peut être étendue aux provinces; [127] d'autre part, ce sont des mesures législatives prises à l'intention de la seule province égyptienne et limitées à elle: c'est le "Provinzialrecht," droit provincial, distinct à la fois du "Reichsrecht" officiel et des "Volksrechte" pérégrins locaux.[128]

Dans le premier groupe, on peut rappeler la législation matrimoniale d'Auguste dont l'extension à l'Egypte est attestée par le Gnomon de l'Idiologue [129] et par les documents faisant état du *ius liberorum*. [130] De même, l'édit de Tiberius Julius Alexander mentionne une "constitution du divin Auguste" (*βούλευσις τοῦ θεοῦ Σεβαστοῦ*) qui paraît avoir introduit en Egypte les dispositions de la *lex Iulia de cessione bonorum*.[131] Un sénatus-consulte semble avoir eu le même

127. Voir L. Mitteis, *Reichsrecht u. Volksrecht*, pp. 118 sq. Sur l'autorité des constitutions impériales, en dernier lieu, J. Gaudemet, *Institutions*, p. 582, avec la bibliographie essentielle (n. 4) où l'on retiendra en particulier, pour une application générale des constitutions dans les provinces depuis Hadrien, R. Orestano, "Il potere normative degli imperatori et le costituzioni imperiali," Rome, 1937, pp. 22 sq., et "Gli editti imperiali. Contributo alla teoria della loro validità ed efficacia nel diritto romano classico," dans *BIDR* 44, 1937, pp. 237 sq.; voir aussi G. I. Luzzatto, "Ricerche sull'applicazione delle costituzioni imperiali nelle provincie," dans *Scritti di diritto romano in onore di C. Ferrini pubbl. dalla R. Univ. di Pavia*, Milan, 1946, pp. 263-293.

128. C'est à E. Schönbauer que revient le mérite d'avoir précisé la notion de "droit provincial": "Reichsrecht, Volksrecht und Provinzialrecht," dans *ZSS* 57, 1937, pp. 309-355, particulièrement pp. 351 sq.; mais il a tort (p. 352) d'inclure dans cette notion le droit local en tant que "partikulares Provinzialrecht" (même formule dans *Arch. f. Pap*. 13, 1939, p. 59; réserves de H. J. Wolff, *Romanisierung*, p. 4, n. 10); il semble que la même confusion puisse être reprochée à F. De Visscher, "L'expansion de la cité romaine et la diffusion du droit romain" (cité *infra*, n. 201), selon qui la coutume locale, tolérée par les Romains, serait comprise dans le droit provincial (cf. E. Seidl, *SDHI* 24, 1958, pp. 427-428). Bonne classification dans J. Gaudemet, *Formation*, pp. 119-123.

129. Voir R. Besnier, "L'application des lois caducaires d'Auguste d'après le Gnomon de l'Idiologue," dans *RIDA* 2 (= *Mélanges F. De Visscher*, II), 1949, pp. 93-118, qui analyse les § § 24 à 31; pour le § 4, J. Modrzejewski, "La dévolution au fisc des biens vacants d'après le Gnomon de l'Idiologue," dans *Studi Volterra*, VI, Milan, 1969, pp. 91-125. Voir aussi les *tabulae nuptiales* dans *P. Mich*. 434 (= V. Arangio-Ruiz, *Negotia* 17) + *P. Ryl*. 612 (= *CPL* 208-209) (début du IIe siècle de n.è.), lignes 1-2, se référant à la *lex de maritandis ordinibus* (cf. V. Arangio-Ruiz, "Les documents du droit romain," dans *Actes Genève*, pp. 238-247, particulièrement pp. 240-242, et K. Ayiter, "Noch einmal Papyri Michigan VIII 434 [Inv. No. 508, 2217] und Rylands Papyri 612," dans *Ann. Fac. Droit Istanbul* 4-5, 1955, pp. 79-89), et la *testatio* dans *P. Mich*. 436 (= *CPL* 161) (138 de n.è.), mentionnant, à propos d'un enfant illégitime, les lois *Aelia Sentia* et *Papia Poppaea*. L'extension, par un sénatus-consulte, des dispositions des lois d'Auguste aux Romains résidant dans les provinces est signalée par *Tit. Ulp*. 11. 20; cf. L. Mitteis, *Reichsrecht u. Volksrecht*, p. 118; R. Taubenschlag, *Law*^{2}, pp. 32-33, n. 107.

130. La documentation est réunie par P. J. Sijpesteijn, "Die *χωρὶς κυρίου χρηματίζουσαι δικαίῳ τέκνων* in den Papyri," dans *Aegyptus* 45, 1965, pp. 171-189: plus de quatre-vingts cas connus, dont une dizaine de cas antérieurs à la *Constitutio Antoniniana* (de 149 à 209 de n.è.).

131. *Edit de Tib. Ju. Alexander*, ligne 16; cf. G. Chalon, *Edit de Tiberius Julius Alexander*, pp. 116 sq.

effet pour la loi *Iulia et Titia* en matière de *datio tutelae*.[132] Interdite aux sénateurs, l'Egypte ne l'est pas en effet aux interventions du pouvoir législatif du Sénat qui, en réalité, expriment la volonté de l'Empereur.[133] Le Gnomon de l'Idiologue mentionne les sénatus-consultes dans son préambule;[134] quelques-uns de ses paragraphes se réfèrent implicitement aux dispositions du s.-c. Largien, du s.-c. Calvisien et du s.-c. Pernicien.[135] Au IIIe siècle, les règles successorales du s.-c. Orfitien justifient les *agnitiones bonorum possessionis* conservées par les papyrus, dans la mesure où ces requêtes concernent des héritages maternels.[136] A partir de cette époque, les textes des juristes romains laissent des traces indiscutables dans la documentation papyrologique.[137]

A côté de toutes ces manifestations du "Reichsrecht" dans les documents d'Egypte, ceux-ci nous font connaître surtout un droit romain provincial, fait à l'intention de la seule Egypte. Deux sources principales l'alimentent: constitutions impériales et édits préfectoraux. L'orientation dans ce domaine est facilitée par les travaux qui leur sont consacrés: signalons seulement le catalogue des constitutions impériales dans les papyrus établi par R. Taubenschlag,[138] celui des édits des

132. Voir par exemple *SB* 6223 (= V. Arangio-Ruiz, *Negotia* 25) (198 de n.è.) et *P. Oxy.* 720 (*MChr.* 324 = *Jur. Pap.* 13 = *Negotia* 24) (237 de n.è.); cf. R. Taubenschlag, *Law*^{2}, p. 174, n. 21.

133. En dernier lieu, J. Gaudemet, *Institutions*, pp. 572-574. Sur les sénatus-consultes en tant qu'élément du "Reichsrecht," voir aussi A. A. Schiller, "Senatus consulta in the Principate," dans *Tulane Law Review* 33, 1959, pp. 491-508.

134. *Gnomon*, préambule, lignes 3-4.

135. *Gnomon*, §§ 22, 24, 26; cf. S. Riccobono jr., *Il Gnomon dell'Idios Logos*, Palerme, 1950, pp. 143 sq., 149., 152 sq.; R. Taubenschlag, *Law*^{2}, p. 32, n. 104. Sur *Gnomon* § 23 et le s.-c. de 49 (mariage de la nièce avec l'oncle paternel), voir S. Riccobono jr., *op. cit.*, pp. 145 sq., et notre article dans *ZSS* 81, 1964 (cité *infra*, n. 294), pp. 70-71 et n. 65.

136. *SB* 1010 (= *Jur. Pap.* 27 = V. Arangio-Ruiz, *Negotia* 61) + *SB* 9298 (249 de n.è.); cf. *P. Oxy.* 1208 (291 de n.è.) et *P. Oxy.* 1114 (237 de n.è.): voir E. Volterra, "Il senatoconsulto Orfiziano e la sua applicazione in documenti egiziani del III s. d.C.," dans *Actes Milan*, pp. 551-585 (cf. *RHD* 45, 1967, pp. 506-507); voir aussi, sur ce sénatus-consulte, M. Meinhardt, *Die Senatusconsulta Tertullianum und Orfitianum in ihrer Bedeutung für das klassische römische Recht*, Gratz, Vienne et Cologne, 1967, qui malheureusement n'utilise pas la documentation papyrologique disponible.

137. Voir la liste dans R. A. Pack, *The Greek and Latin Literary Texts from Greco-Roman Egypt*^{2}, Ann Arbor, 1965, nos. 2277-2286 (textes grecs et bilingues gréco-latins) et 2953-2993 (textes latins). Ces fragments sont réunis dans le *CPL* de R. Cavenaile (nos. 70-101) et par L. E. Sierl, dans sa thèse *Nachträge zu Lenel's Palingenesia iuris civilis*, Fürth, 1958 (cf. E. Volterra, *IVRA* 10, 1959, pp. 316-320), qui a été utilisée pour compléter la réédition de la *Palingenesia* de O. Lenel, Gratz, 1960 (*Supplementum . . . ad fidem papyrorum*, en appendice). Il faut éliminer de la liste le *P. Mich.* 431 (Pack^2 no. 2986; *CPL* 70), qui n'est pas un fragment de littérature juridique mais une page d'essais d'écriture: A. Welkenhuysen, "Document juridique ou exercice d'écriture? Le P. Mich. VII 431 reconsidéré," dans *Antidorum W. Peremans* (*Studia Hellenistica* 16), Louvain, 1968, pp. 309-316. Parmi les textes publiés ultérieurement, on retiendra, pour l'époque tardive, les fragments de littérature juridique dans les *P. Ant.* 152 et 153 (VIe siècle de n.è.); cf. *RHD* 46, 1968, p. 152. Si l'on en croit E. Seidl (*IVRA* 3, 1952, pp. 380-381, compte rendu de l'ouvrage de S. Riccobono jr., cité *supra*, notes 110 et 135) et F. Schulz (*Geschichte der römischen Rechtswissenschaft*, Weimar, 1961, p. 184 n. 5), le Gnomon de l'Idiologue devrait également figurer, comme l'oeuvre d'un juriste local, parmi les spécimens de littérature juridique romaine trouvés en Egypte (dans un sens analogue, mais plus prudemment, H. J. Wolff, dans *ZSS* 76, 1959, p. 574, et 84, 1967, p. 496); il s'agirait en tout cas, à notre avis, d'une compilation faite par un praticien local (ou un employé des services de l'idiologue) à l'usage interne de l'administration fiscale, à partir de *mandata* impériaux et de décisions de procurateurs romains (préfets d'Egypte et idiologues), et non pas d'un commentaire comparable aux traités *de iure fisci*, comme ceux de Callistrate et de Paul (*sic* Seidl), et susceptible d'être qualifié de "literarische Arbeit" (Schulz).

138. R. Taubenschlag, "The Imperial Constitutions in the Papyri," dans *JJP* 6, 1952, pp. 121-142 = *Op. min.* II, pp. 3-28 (cf. Idem, "Die kaiserlichen Privilegien" [cité *supra*, note 111], *dans Op. min.* II, pp. 45-68). Un complément notable à ajouter: les *Apokrimata* de Septime Sévère dans le *P. Col.* 123, treize rescrits affichés à Alexandrie les 14, 15, et 16 mars 200; éd. W. L. Westermann, avec un commentaire juridique de A. A. Schiller, *Apokrimata. Decisions of Septimius Severus on Legal Matters*, New York, 1954; à consulter dans le texte révisé et corrigé par H. C. Youtie: H. C. Youtie et A. A. Schiller, "Second Thoughts on the Columbia Apokrimata (*P. Col.* 123)," dans *Chron. d'Eg.* 30, 1955, pp. 327-345; ce texte a été repris, par l'intermédiaire d'un article de E. Schönbauer ("Die neugefundenen Reskripte des Septimius Severus, P. Col. 123," dans *Anzeiger d. Oesterr. Akad. d. Wiss.* 94, 1957, pp. 165-197), dans *SB* 9526, où le nom de H. C. Youtie n'a malheureusement pas été mentionné.

préfets dû à G. Chalon [139] et la très utile liste des documents papyrologiques relatifs aux préfets d'Egypte dont P. Bureth vient de donner une nouvelle édition mise à jour.[140]

Dans leur grande majorité, ces actes normatifs intéressent le droit public. Ce sont des mesures d'ordre administratif et fiscal tendant à organiser la vie de la province conformément aux intérêts de l'Empire, compte tenu des particularités propres aux conditions géographiques de l'Egypte et aux traditions locales. Sans nous appesantir sur ces dispositions, qui n'intéressent pas de manière directe l'objet de notre étude, retenons seulement les interventions du pouvoir romain dans le domaine du droit privé.

Pour autant que nous puissions en juger d'après les sources papyrologiques, le droit provincial fait apparaître une double tendance de politique législative. D'une part, il tend à introduire en Egypte certaines règles conformes aux solutions proprement romaines: il est alors un facteur de romanisation de la vie juridique du pays. Des constitutions impériales soustrayant les tombeaux en tant que *res religiosae* à l'exécution fiscale,[141] confirmant les privilèges des vétérans[142] ou proclamant l'*in integrum restitutio* au profit des mineurs [143] relèvent d'un droit provincial romanisateur. En revanche, d'autres actes normatifs de la législation provinciale soutiennent la règle locale; ils la consacrent dans des dispositions qui s'inspirent de traditions égyptiennes; ils élèvent ainsi les coutumes pérégrines au niveau d'institutions officielles.

Dans une étude parue en 1964 H. Kupiszewski a examiné quelques-unes de ces institutions.[144] Il a retenu des exemples concernant la juridiction du préfet, la publicité foncière, la *longi temporis praescriptio*, la réglementation de la *protopraxia* favorisant la femme mariée contre le fisc, le statut de l'enfant issu d'une union mixte entre une femme antinoopolite et un Egyptien. Dans toutes ces dispositions, la part des règles locales est considérable.[145] Si l'on

139. G. Chalon, *Edit de Tiberius Julius Alexander*, pp. 251-256, donne la liste de quarante-deux édits intégralement ou partiellement conservés; ajouter: *P. Mert.* 101 (109 de n.è.), deuxième exemplaire de l'édit de S. Sulpicius Similis conservé dans *P. Oxy.* 237, Col. VIII, lignes 21-27 (no. 16 de la liste de G. Chalon); *BGU* 2056 (entre février et juin 212), édit de L. Baebius Aurelius Iuncinus proclamant en Egypte la *damnatio memoriae* de Géta décrétée par le Sénat après son assassinat par son frère Caracalla en février 212 (ou en décembre 211); *P. Oxy.* 2704 (292 de n.è.), édit de Titius Honoratus portant mesures répressives en vue de la protection des récoltes contre les dommages causés par le bétail; *P. Oxy.* 2558 (302-306 de n.è.), début d'un édit de Clodius Culcianus (cf. *infra*, note 268); peut-être aussi le fragment P. Colon. Inv. no. 37 présenté par L. Koenen dans *Ztschr. f. Papyr. u. Epigr.* 1, 1967, p. 54 (=*SB* 10495); enfin, deux inédits de Berlin: P. Berol. Inv. No. 11564 (1er avril 136), édit de M. Petronius Mamertinus concernant des sitologues qui ont détourné des fonds publics pour prendre fuite avec ceux-ci (cf. O. W. Reinmuth, *BASP* 5, 1968, p. 105, d'après une information de W. Müller), et P. Berol. Inv. no. 16024 (206-210 de n.è.?), édit de Ti. Claudius Subatianus Aquila (?) en matière d'*ἀναχώρησις* (cf. A. Swiderek, *Przegl. Histor.* 49, 1968, pp. 467-468).

140. P. Bureth, "Documents papyrologiques relatifs aux préfets d'Egypte," dans *RHD* 46, 1968, pp. 246-262 (particulièrement pp. 248-254: "édits et ordres divers").

141. *BGU* 1085 (époque de Marc Aurèle). Il faut rapprocher ce texte des § § 1 et 2 du Gnomon de l'Idiologue concernant l'insaisissabilité des biens funéraires en vertu d'un rescrit d'Hadrien (§ 2) et le droit de saisie sur les dépendances somptuaires admis par un édit de Trajan (§ 1) (interprétation de F. De Visscher, *Le droit des tombeaux romains*, Milan, 1963, pp. 225-237).

142. Voir R. Taubenschlag, "Die kaiserlichen Privilegien" (cité *supra*, n. 111), dans *Op. min.* II, pp. 55-57; N. Lewis, "Exemption from Liturgy in Roman Egypt" (cité *ibid.*), dans *Actes Varsovie*, pp. 72-73. Il s'agit notamment d'une *χάρις* de Néron (*P. Fouad* 21 [63 de n.è.]), d'un édit de Domitien (*WChr.* 463 = S. Riccobono, *Leges* 76 [88/89 de n.è.]), et de *διατάγματα* (ou *διατάξεις*), constitutions impériales dont l'auteur n'est pas connu, garantissant aux vétérans l'exemption de liturgies pendant cinq ans après la fin du service (*BGU* 180 = *WChr.* 396 [172 de n.è.]).

143. *P. Oxy.* 1020 (= *Jur. Pap.* 17) (199-200 de n.è.), deux rescrits (lignes 1-6 et 7-8) de Septime Sévère et Caracalla reconnaissant à des mineurs de 25 ans la protection conforme aux principes de la loi *Plaetoria* et de l'édit prétorien.

144. H. Kupiszewski, "Römisches Provinzialrecht in Aegypten," dans *Studien zur Papyrologie und antiken Wirtschaftsgeschichte. Festschrift F. Oertel*, Bonn, 1964, pp. 68-80.

145. Voir le compte rendu de l'étude précitée de H. Kupiszewski par H. J. Wolff, dans *ZSS* 82, 1965, p. 370, qui souligne l'origine locale des dispositions relatives à la *βιβλιοθήκη ἐγκτήσεων* (préparée par la *καταγραφή* ptolémaïque: H. J. Wolff, *Aegyptus* 28, 1949, pp. 61 sq.) et à la *protopraxia* de la femme (remontant peut-être à l'*ἐνεπίσκηψις* du droit attique: Idem, art. "Proix," dans *RE* 23, 1, 1957, Col. 150).

poursuivait cette enquête dans d'autres directions on s'apercevrait sans doute qu'elle est prépondérante. Dans le domaine du droit pénal, par exemple, un texte d'Ulpien concernant les dommages causés aux arbres et aux digues reflète, comme l'a montré D. Bonneau dans une conférence faite à l'Institut de Droit Romain de Paris (janvier 1968), une réglementation provinciale d'inspiration typiquement égyptienne.[146]

Ainsi, le droit provincial, romain quant à ses sources formelles, se montre quant au fond favorable à la coutume pérégrine; en adoptant les solutions qui la régissent et en l'élevant ainsi au rang de règle légale, il apparaît comme un puissant soutien de la continuité des droits locaux en Egypte.[147]

Bénéficiaire de la protection légale que lui accordent empereurs et préfets, la règle pérégrine prétend s'assurer la protection judiciaire des tribunaux romains. Elle sort victorieuse de cette épreuve. Si parfois les décisions judiciaires du préfet d'Egypte et des juges délégués par lui s'opposent aux solutions suggérées par les règles locales, elles les sanctionnent dans un grand nombre de cas qui nous sont connus par la documentation papyrologique.[148]

Une enquête faite en 1951 par R. Taubenschlag permet de préciser cette constatation sur une série d'exemples concrets.[149] Ils sont fournis par des décisions judiciaires intéressant le statut personnel des pérégrins (droit de cité alexandrine), le droit des personnes et de la famille (affranchissement, renonciation au patronat, *agraphos gamos* et ses effets pour la puissance paternelle), les successions à cause de mort (successions *ab intestat*, dispositions successorales dans les contrats de mariage), les obligations et les biens (responsabilité familiale en matière de dettes, transactions sur les choses futures), les modalités du droit procédural (sentences partielles). Dans tous ces cas, la justice provinciale fait sien le point de vue local, souvent contraire à l'orthodoxie romaine.

Le mémoire de M. Humbert sur la juridiction du préfet d'Egypte sous le Haut-Empire confirme ces observations.[150] En vertu de son pouvoir discrétionnaire pratiquement illimité, le

146. D. Bonneau, "Ulpien et l'irrigation en Egypte (Digeste 47, 11, 10)," dans *RHD* 47, 1969, pp. 5-28.

147. Le fait est souligné par H. J. Wolff, *Faktoren*, p. 52.

148. A. A. Schiller a bien voulu attirer notre attention sur le problème que posent les décisions judiciaires envisagées comme sources du droit provincial en Egypte: à côté des constitutions impériales et des édits préfectoraux, les sentences du préfet d'Egypte, du *iuridicus* et des juges délégués, jusqu'au plus bas échelon de la hiérarchie administrative, pourraient être considérées comme autant d'éléments créateurs de règles juridiques; selon la classification adoptée dans cette étude, ces règles relèveraient du droit romain provincial; dans la mesure où de telles sentences, surtout celles des fonctionnaires locaux désignés comme *iudices pedanei*, sont conformes aux principes locaux, la différence entre le droit provincial et le droit pérégrin local s'effacerait dans la pratique: il n'y aurait plus qu'un droit provincial, émanant toujours de l'autorité romaine, par voie législative ou par voie judiciaire.

Nous ne saurions partager sans réserve cette vue. Il est possible de reconnaître une certaine valeur normative aux décisions judiciaires dues à de hauts procurateurs, comme le préfet d'Egypte, le *iuridicus* ou les épistratèges; c'est ainsi que dans le dossier de Dionysia (*P. Oxy.* 237) on trouve invoqués côte à côte des édits préfectoraux et des jugements prononcés par ces fonctionnaires; ce témoignage est d'ailleurs loin d'être isolé (voir H. F. Jolowicz, "Case Law in Roman Egypt," dans *Journ. Soc. Publ. Teachers of Law*, 1937, pp. 1-15). Mais les dossiers ainsi constitués sont l'oeuvre de praticiens privés et les "précédents judiciaires" qu'ils contiennent ne paraissent pas doués d'une autorité contraignante pour le juge; quant aux décisions des fonctionnaires locaux prises en vertu d'une délégation préfectorale, elles consistent à appliquer le droit existant — romain ou pérégrin — et non pas à créer de nouvelles règles positives. Nous nous rallions à H. J. Wolff, *Faktoren*, p. 53, selon qui il n'y pas de place dans l'Egypte romaine pour une véritable "Präjudizialjustiz," comparable au système anglo-saxon de "case law." En tout cas, nous sommes persuadé que la distinction entre le droit provincial (romain) et les droit locaux (pérégrins) ne saurait être abandonnée pour des raisons ayant trait à la pratique judiciaire.

149. R. Taubenschlag, "The Roman Authorities and the Local Law in Egypt before and after the C.A.," dans *JJP* 5, 1951, pp. 121-141, et en allemand: "Die römischen Behörden und das Volksrecht vor und nach der C.A.," dans *ZSS* 69, 1952, pp. 102-127 = *Op. min.* I, pp. 477-504.

150. M. Humbert, "La juridiction du préfet d'Egypte d'Auguste à Dioclétien," dans *Aspects de l'Empire romain* (*Travaux et recherches de la Faculté de Droit de Paris*, sér. "Sciences historiques," 1), Paris, 1964, pp. 95-144.

préfet d'Egypte applique tantôt une règle romaine et tantôt adopte un principe du droit local pour trancher les différends qui lui sont soumis. Soucieux avant tout d'assurer la défense des intérêts de l'Empereur sans heurter inutilement les traditions des justiciables, le préfet apparaît à la fois comme "un agent d'extension du droit romain aux populations provinciales"[151] et comme un protecteur de la coutume pérégrine. Les recherches de D. Bonneau sur le régime du Nil montrent que le même principe inspire la juridiction préfectorale dans ce domaine particulièrement caractéristique pour l'Egypte.[152]

S'agit-il d'un état de fait ou d'un "programme" formulé de manière officielle? La question concerne la nature et le contenu de l'*edictum provinciale*, édit judiciaire du préfet d'Egypte.

7. *L'édit provincial.*

Les romanistes admettent généralement que, dès l'époque républicaine, les gouverneurs de province promulguaient un *edictum provinciale* en vertu de l'*imperium* qui leur était conféré; réplique de l'édit prétorien, il se distingue par son contenu judiciaire des édits spéciaux publiés à diverses occasions pour régler des questions qui nécessitent, notamment dans les domaines administratif et fiscal, l'intervention du gouverneur.[153] D'une manière semblable, le préfet d'Egypte promulguerait, à côté d'édits de caractère circonstanciel dont les traces sont nombreuses dans les papyrus,[154] un édit proprement juridictionnel, l'*edictum provinciale* égyptien.[155]

L'existence d'un tel édit dans les provinces romaines est attestée, pour l'époque républicaine, par les sources littéraires, en particulier par une lettre de Cicéron qui relate la rédaction de son édit en Cilicie;[156] pour l'époque impériale, elle l'est par le commentaire de Gaius *ad edictum provinciale*, dont les fragments nous ont été conservés par le Digeste,[157] ainsi que par quelques témoignages papyrologiques.[158] Mais des doutes sérieux planent sur son contenu et son rôle

151. M. Humbert, mémoire précité, p. 124.

152. D. Bonneau, "Le préfet d'Egypte et le Nil," dans *Mélanges J. Macqueron* (sous presse).

153. Voir, par exemple, E. Weiss, *Studien zu den römischen Rechtsquellen*, Leipzig, 1914, pp. 63 sq.; O. Lenel, *Das Edictum perpetuum*^{3}, Leipzig, 1927 (réimpr. 1956), pp. 4-5; L. Falletti, *L'évolution de la juridiction civile du magistrat provincial sous le Haut-Empire*, Paris, 1926, pp. 71 sq.; F. De Martino, *Storia*, II, pp. 329 sq., et IV, 2, pp. 733-735; G. Chalon, *Edit de Tiberius Julius Alexander*, pp. 72-75 (qui donne l'essentiel des sources et de la bibliographie).

154. Voir *supra*, notes 139 et 140.

155. *Sic* R. Taubenschlag, *Law*^{2}, pp. 33-34, qui résume la doctrine traditionnelle.

156. Cicéron, *Ad Atticum*, VI, 1, 15: *breve autem edictum est propter hanc meam διαίρεσιν, quod duobus generibus edicendum putavi. Quorum unum est provinciale, in quo inest de rationibus civitatum de aere alieno, de usura, de syngraphis, in eodem omnia de publicanis; alterum, quod sine edicto satis commode transigi non potest, de hereditatum possessionibus, de bonis possidendis vendendis, magistris faciendis, quae ex edicto et postulari et fieri solent. Tertium de reliquo iure dicunde ἄγραφον reliqui: dixi me de eo genere mea decreta ad edicta urbana accommodaturum.* Sur ce texte, voir, en dernier lieu, A. J. Marshall, "The Structure of Cicero's Edict," dans *AJP* 85, 1964, pp. 185-191, et G. Pugliese, "Riflessioni sull'editto di Cicerone in Cilicia," dans *Synteleia V. Arangio-Ruiz*, Naples, 1964, pp. 972-986. Cicéron signale d'autres édits provinciaux: celui de Scaevola, pour l'Asie, à qui il déclare avoir emprunté certaines règles de son édit (*Ad Atticum, loc. cit.*), et celui de Bibulus pour la Syrie (*Ad Atticum, loc. cit.*; cf. VI, 8, 5 et *Ad Famil.* II, 10, 2).

157. O. Lenel, *Palingenesia iuris civilis*, I, Leipzig, 1889, pp. 189-237; C. Bizoukidès, *Gaius*, III (*Fragmenta Gaiana*), 1ère partie, Thessalonique, 1939. Pour les éléments d'une étude de ce commentaire, voir R. Feenstra, *Remarques sur le commentaire de Gaius ad edictum provinciale*, conférence faite à l'Institut de Droit Romain de Paris le 13 avril 1956, et F. Wieacker, *ZSS* 81, 1964, pp. 401-412 (compte rendu de l'ouvrage d'A. M. Honoré, *Gaius*, Oxford, 1962). La doctrine paradoxale de F. von Velsen, "Das edictum provinciale des Gaius," dans *ZSS* 21, 1900, pp. 73-148, selon qui le commentaire de Gaius aurait porté sur l'édit du préteur pérégrin et non pas sur l'édit provincial, n'a été adoptée par aucun romaniste.

158. Voir *infra*, notes 164 à 166.

exact dans le fonctionnement de la justice romaine provinciale.[159]

Selon la thèse de W. W. Buckland, l'édit provincial ne serait qu'un moyen d'extension du droit prétorien au profit des Romains résidant dans les provinces; sa fonction principale consisterait à rendre accessible à ceux-ci la protection judiciaire offerte par le préteur dans le cadre de la procédure formulaire.[160] Cette thèse, adoptée par la quasi-totalité des romanistes, a été mise en doute par des recherches plus récentes.[161] Pour les provinces impériales, et tout spécialement pour l'Egypte, elle soulève une grave difficulté: la procédure formulaire n'ayant jamais été appliquée en Egypte,[162] la principale fonction de l'édit provincial postulée par Buckland apparaît sans objet.[163]

Il n'en reste pas moins que des dispositions édictales sont invoquées dans les sources papyrologiques. C'est ainsi qu'une lettre d'Hadrien au préfet Q. Rammius Martialis accorde aux enfants de soldats nés pendant la durée du service de leur père la *bonorum possessio* dans la classe prétorienne *unde cognati*;[164] au IIIe siècle, l'octroi de cette même *bonorum possessio* est sollicité par des successeurs auxquels elle est promise par l'édit;[165] un papyrus de Genève concerne un cas d'*inspectio ventris*, apparamment en application de l'édit *de inspiciendo ventre custodiendoque partu*.[166]

159. Les difficultés du problème sont bien soulignées par E. Volterra, *Diritto romano e diritti orientali*, Bologne, 1937, pp. 269-301.

160. W. Buckland, "L'edictum provinciale," dans *RHD* 13, 1934, pp. 81-96.

161. Voir l'étude de G. Pugliese, citée *supra*, note 156.

162. Sur ce point, l'unanimité des savants est faite, depuis L. Mitteis, *Grundzüge*, p. 24; voir, par exemple, H. J. Wolff, article cité *supra*, note 125, pp. 32 sq.; M. Kaser, *Das römische Zivilprozessrecht*, Munich, 1966, pp. 369-370.

163. Il n'en reste pas moins que la *cognitio* provinciale peut avoir recours aux formules de l'édit prétorien pour les utiliser comme modèle dans la rédaction des instructions adressées par le magistrat déléguant au juge délégué (L. Boulard, *Les instructions écrites du magistrat au juge commissaire dans l'Egypte romaine*, Paris, 1906). Un exemple caractéristique en est fourni par le *P. Mich.* 159 (= V. Arangio-Ruiz, *Negotia* 64 = *CPL* 212) (41/42 de n.è.), où l'on voit, en pleine procédure extraordinaire, un centurion statuer dans un différend successoral conformément aux instructions d'un *praefectus castrorum* (sans doute à la suite d'une délégation préfectorale, à moins d'admettre avec E. Seidl, *Labeo* 11, 1965, pp. 321-322, et *Il processo cognitorio* [cité *supra*, note 33], p. 205, une compétence judiciaire propre du *praefectus castrorum*) rédigées selon les schémas de la procédure formulaire (voir E. Levy, "Sententia des iudex datus in einem Erbrechtsprozess unter Claudius," dans *ZSS* 46, 1926, pp. 276-285 = *Gesammelte Schriften*, I, Cologne-Gratz, 1963, pp. 493-501; M. Lemosse, *Cognitio. Etude sur le rôle du juge dans l'instruction du procès civil antique*, Paris, 1944, pp. 119-120). On ne doit pas perdre de vue la différence fondamentale (soulignée dernièrement, avec raison, par M. Humbert [ouvrage cité *supra*, note 150], p. 98) entre ces instructions, régies par les principes de la procédure bureaucratique, et les formules dont le texte, approuvé par le magistrat et accepté par les parties, est un véritable accord entre celles-ci; la comparaison avec les rescrits impériaux (Boulard, *op. cit.*, chap. 5) est également abusive. — En dehors de l'Egypte, l'emploi des formules est attesté par un des documents publiés par H. J. Polotsky dans *Erets Israel* 8 (= *Mélanges Soukenik*) Jérusalem, 1967, pp. 46-51, no. 3 = *SB* 10288 (3) (cf. *RHD* 46, 1968, p. 159, et E. Seidl, *SDHI* 33, 1967, pp. 550-552), qui reproduit en grec les termes de la formule de l'action de tutelle: voir E. Seidl, "Ein Papyrusfund zum klassischen Zivilprozessrecht," dans *Studi G. Grosso*, II, Turin, 1968, pp. 345-361, et M. Lemosse, "Le procès de Babatha," dans *The Irish Jurist*, N.S., 3, 1968, pp. 363-376.

164. *BGU* 140 (= *MChr.* 373 = S. Riccobono, *Leges* 78) (119 de n.è.); sur ce texte (reproduit encore dans d'autres recueils que nous nous dispensons de citer) voir, dans une bibliographie copieuse, B. d'Orgeval, *L'Empereur Hadrien. Oeuvre législative et adminstrative*, Paris, 1950, pp. 94-95; E. Volterra, "Sulla condizione dei figli dei peregrini a cui veniva concessa la cittadinanza romana," dans *Studi A. Cicu*, II, Milan, 1951, pp. 645-672, particulièrement pp. 670-672; A. Berger, "'Αναλαμβάνεσθαι in the Epistula Hadriani," dans *JJP* 1, 1946, pp. 28-33 = *BIDR* 55-56, 1951, Suppl. "Post Bellum," pp. 112 sq. Un écho de cette constitution d'Hadrien se retrouve dans *Gnomon* § 35.

165. P. Giss.Inv. 40 = *SB* 1010 (= *Jur. Pap.* 27 = V. Arangio-Ruiz, *Negotia* 61) + P. Iand. Inv. 253 = *SB* 9198 (249 de n.è.); *P. Oxy.* 1201 (258 de n.è.); *PSI* 1101 (271 de n.è.); voir aussi des allusions à des *agnitiones bonorum possessionis* dans *P. Ryl.* 610 (223 de n.è.), *P. Oxf.* 7 (256/257 de n.è.) et *P. Got.* 12 (fin du IIIe-début du IVe siècle de n.è.).

166. *P. Gen.* (147/148 de n.è.), éd. J. Nicole, *Rev. archéol.* 3, 24, 1894, pp. 65 sq.; le texte, réédité par U. Wilcken, "Zu den Genfer Papyri," dans *Arch. f. Pap.* 3, 1906, pp. 368 sq., n'a pas été repris dans le *SB*. Sur ce document voir, en dernier lieu, A. Metro, "La datazione dell'editto 'de inspiciendo ventre custodiendoque partu'," dans *Synteleia V. Arangio-Ruiz*, Naples, 1964, pp. 944-957, particulièrement pp. 953 sq.

Sur la foi de ces sources, il paraît certain que le préfet assurait l'application en Egypte d'institutions qui avaient leur source dans l'édit du préteur: la *bonorum possessio*, création prétorienne par excellence, ne pouvait fonctionner que par référence à l'édit; il était nécessaire que des dispositions édictales la mettent en oeuvre.[167] Il est également possible d'imaginer que les préfets d'Egypte aient réglé par voie d'édits des questions relatives au déroulement du *conventus* et aux délégations de leur pouvoir juridictionnel à des juges désignés par eux.[168] Au contraire, l'hypothèse d'un *edictum provinciale* complet, régulièrement promulgué par les préfets successifs, paraît fragile:[169] il ne semble pas qu'à côté d'édits spéciaux, qu'il publiait pendant l'exercice de ses fonctions, chaque préfet d'Egypte ait proposé à son entrée en charge un édit judiciaire qui serait, conformément à la doctrine des romanistes au sujet de l'*edictum provinciale* sous l'Empire,[170] calqué sur celui du préteur.[171] A l'inverse, il ne faut pas confondre ces édits spéciaux avec l'édit provincial au sens propre et voir dans ceux-là autant d'exemplaires divers de celui-ci.[172]

En tout cas, toutes ces dispositions édictales – limitées probablement à des questions spécifiques (*edictum successorium, edictum de inspiciendo ventre custodiendoque partu*, etc.) – ne concernent que les citoyens romains d'Egypte.[173] Toutes les spéculations que l'on essaierait de fonder sur un hypothétique *edictum provinciale* à propos de la sanction judiciaire des règles locales paraissent vaines: il est fort peu probable qu'un tel édit ait fixé les principes ou les limites de la tolérance dont les procès-verbaux d'audience témoignent à l'égard des institutions pérégrines

167. Nous sommes en présence d'une de ces institutions qui, selon l'expression de Cicéron (*Ad Atticum*, VI, 1, 15, cité *supra*, note 156), *ex edicto et postulari et fieri solent* (voir M. Kaser, *Röm. Privatrecht*, I, pp. 582-585).

168. Sur ces délégations, voir le mémoire de M. Humbert, cité *supra*, note 150, pp. 107 sq.

169. Cette hypothèse, admise par R. Taubenschlag (*supra*, note 155), l'est encore dans des études récentes comme celle de G. Chalon (*Edit de Tiberius Julius Alexander*, p. 75) ou celle de H. Kupiszewski (citée *supra*, note 144, p. 70). Doutes de H. J. Wolff, *ZSS* 82, 1965, p. 370 (à propos de l'étude de Kupiszewski) et dans notre compte rendu de l'ouvrage de G. Chalon, *RHD* 43, 1965, pp. 98-99.

170. Cette doctrine est fondée sur le commentaire de Gaius (*supra*, note 157), si proche de l'édit prétorien qu'il a pu être utilisé par Lenel dans la reconstruction de celui-ci, à côté des commentaires *ad edictum* (*praetoris*). Mais il n'est pas impossible que l'édit provincial ait également fait à cette époque une place – nous ignorons laquelle – aux règles propres à la vie juridique provinciale (*genus provinciale* de Cicéron, cf. *supra*, note 156) que les Byzantins auraient éliminées du commentaire de Gaius (cf. O. Lenel, *Edictum*^{3} [cité *supra*, note 153], p. 5).

171. La référence à l'édit dans l'*epistula Hadriani*, *BGU* 140, lignes 25-27 (*supra*, note 164), concerne, comme l'a bien vu L. Mitteis (*Hermes* 30, 1895, p. 614, malgré les réserves de U. Wilcken, *ZSS* 42, 1921, pp. 135-136), l'édit urbain et non l'édit provincial du préfet d'Egypte. Les requêtes citées plus haut (note 165) semblent attribuer au préfet d'Egypte l'édit en vertu duquel la *bonorum possessio* est sollicitée par les postulants: *ex ea parte edicti qua* ⟦*e*⟧ [*legi*]*timis heredibus b(onorum) p(ossessionem) daturum te polliceris* [c'est nous qui soulignons] (*SB* 1010, lignes 6-7); ἐξ ἐκείνου τοῦ καιφαλαίου τοῦ διατάγματος οὗ [=ᾧ] τοῖς νομίμοις κληρονόμοις διακατοχὴν ὑπαρχόντων δοῦναι ὑπίσχῃ (*SB* 9298, lignes 14-18; formule analogue dans *PSI* 1101, lignes 11 sq.; mais style objectif dans *P. Oxy.* 1201, lignes 17-19: ἐξ ἐκείνου τοῦ μέρους τοῦ διατάγματος τοῦ τοῖς νομίμοις κληρονόμοις τ[ὴ]ν διακατοχὴν δίδοντος). Faut-il considérer cette formule comme aberrante puisque l'édit "n'existe qu'à Rome et dans les provinces sénatoriales" (*sic* V. Arangio-Ruiz, *Negotia*, p. 183: *edictum . . . quod non nisi Romae apud praetorem et in senatus provinciis apud proconsules proponebatur . . .*)? Nous admettrions plutôt que la deuxième personne du singulier se rattache seulement à la décision préfectorale donnant satisfaction à la requête (*SB* 1010, ligne 12: *Ex edicto. Recognovi*), sans impliquer nécessairement l'idée d'un édit judiciaire attribuable au préfet: la formule dit bien *daturum te polliceris*, mais non pas *ex ea parte edicti "tui"*; pour les rédacteurs des requêtes il y a donc un édit considéré comme le fondement légal de l'*agnitio* soumise au préfet; rien ne prouve cependant que le préfet soit l'auteur de cet édit.

172. Dans ce sens, O. W. Reinmuth, "The Edict of Tiberius Julius Alexander," dans *TAPA* 65, 1934, pp. 248 sq.; nous nous rallions aux critiques de G. Chalon, *Edit de Tiberius Julius Alexander*, pp. 71 sq., sans partager cependant tous ses arguments (cf. *supra*, note 169).

173. En particulier, l'hypothèse d'une *bonorum possessio* qui aurait été accordée à des pérégrins en vertu de l'édit, admise par R. Taubenschlag (*Op. min.* I, p. 229 [étude citée *infra*, note 178]; *JJP* 1, 1946, p. 123; et *Law*^{2}, p. 216, n. 13), ne paraît pas démontrée; les sources invoquées à ce propos (*P. Bad.* 41 [108 de n.è.] et *P. Mich.* 422 [197 de n.è.]) ne sont pas probantes.

à l'occasion des procès devant les juges romains.[174]

Quoi qu'il en soit, la législation provinciale et l'attitude des tribunaux favorisent la continuité des droits locaux au cours des deux premiers siècles de l'Empire plutôt qu'elles n'aboutissent à leur préférer la supériorité du droit romain. A la bienveillance des législateurs et des juges répondent les rapports qui s'établissent dans la pratique entre le droit romain et les traditions juridiques locales grecques et égyptiennes.

8. *La romanisation de la vie juridique.*

Avec l'accroissement du nombre de ses citoyens en Egypte,[175] l'influence de Rome progresse dans la vie juridique égyptienne. Il est notoire que les *cives Romani* d'Egypte n'appliquent pas dans leurs actes un droit romain pur; les détails de ce phénomène sont connus et nous n'y insisterons pas.[176]

Certains actes de la pratique romaine provinciale impliquent une contamination par le milieu hellénistique environnant. Telle est certainement la raison des anomalies caractérisant les actes des citoyens de fraîche date, Hellènes romanisés, qui s'efforcent de vivre selon le droit romain tout en restant prisonniers de leur mentalité pérégrine. D'autres "déviations" des Romains d'Egypte pourraient s'expliquer par le divorce existant de tout temps entre le droit réellement pratiqué et les principes voulus par le législateur ou formulés par les grands jurisconsultes: les manifestations du droit dit vulgaire accompagnent l'intrusion d'éléments hellénistiques dans le droit romain en Egypte.[177]

A son tour, la pratique pérégrine subit une influence de règles et de conceptions juridiques romaines. Ce double processus, que la doctrine traditionnelle désignait par le nom peu exact de "réception," a depuis longtemps retenu l'attention des savants.[178] Les points controversés résident dans la chronologie et la portée réelle de la diffusion du droit romain en Egypte et, plus généralement, dans les provinces de l'Orient hellénisé.

Pour Mitteis, le droit local se serait maintenu à peu près intact pendant les deux premiers siècles de l'Empire; précédée d'une romanisation très insuffisante, l'intrusion massive d'un droit nouveau à la suite de l'Edit de 212 aurait provoqué un choc dans la vie juridique des provinciaux.[179] De manière brutalement irréfléchie – "mit brutaler Gedanklosigkeit"[180] – Caracalla

174. Ainsi H. Lewald, "Conflits de lois dans le monde grec et romain," dans *Arch. Idiot. Dik.* 13, 1946, pp. 30-77 (=*Labeo* 5, 1959, pp. 334-369), particulièrement p. 64 (=p. 359), admet l'inclusion dans l'*edictum provinciale* égyptien des dispositions relatives à la prescription extinctive des actions, comme celles dont se fait l'écho le *P. Flor.* 61 (=*MChr.* 80) (85 de n.è.). En fait, ces dispositions remontent à un édit spécial, promulgué *ad hoc*, plutôt qu'elles ne font partie d'un *edictum* général juridictionnel (cf. M. Amelotti, *La prescrizione delle azioni in diritto romano*, Milan, 1958, pp. 176 sq., et l'étude de H. Kupiszewski, citée *supra*, note 144, p. 76). – Cet article étant déjà sous presse, R. Katzoff a bien voulu nous communiquer le texte d'une recherche qu'il avait consacrée au problème de l'édit provincial en Egypte: "The Provincial Edict in Egypt," à paraître dans *Tijd. v. Rg.* 37, 1969; nous avons été heureux de constater que, sur les points essentiels, son analyse aboutissait au même résultat que la nôtre.

175. Sur les Romains en Egypte, voir, parmi les derniers travaux, I. Bieżuńska-Malowist, "L'extension du droit de cité romaine en Egypte aux Ier et IIème siècles de l'Empire," dans *Actes Oslo*, pp. 277-285, et J. F. Oates, "Philadelphia in the Fayum during the Roman Empire," dans *Actes Milan*, pp. 451-474, qui annonce une étude d'ensemble.

176. Voir, par exemple, L. Mitteis, *Reichsrecht u. Volksrecht*, pp. 143 sq., 154 sq.; R. Taubenschlag, *Law*^{2}, pp. 46 sq.

177. Sur le droit vulgaire, voir *infra*, notes 323 et suiv.

178. Voir surtout R. Taubenschlag, "Die Geschichte der Rezeption des römischen Privatrechts in Aegypten," dans *Studi P. Bonfante* I, 1930, pp. 367-440 = *Op. min.* I, pp. 181-289. Sur le problème de la "réception," cf. notre *Règle de droit dans l'Egypte ptolémaïque*, pp. 133 sq.: *mutatis mutandis*, les observations faites dans cette étude à propos de la diffusion en Egypte du droit grec à l'époque lagide valent pour la pénétration d'éléments romains dans la vie juridique du pays sous l'Empire.

179. L. Mitteis, *Reichsrecht u. Volksrecht*, pp. 109-110, 159 sq.

180. L. Mitteis, *op cit.*, p. 110.

aurait suscité un affrontement dramatique entre le "Reichsrecht" et le "Volksrecht."

A cette vue pessimiste s'oppose l'image d'une romanisation spontanément acceptée par les pérégrins, dès le début de la domination romaine. C'est dans cet esprit que le regretté F. De Visscher insistait avec force sur le "refoulement des usages locaux devant la supériorité technique du droit romain et le prestige des juridictions romaines";[181] une romanisation volontaire aurait ainsi préparé la généralisation du droit de cité: l'Edit de Caracalla aurait été l'aboutissement formel d'une situation déjà acquise et non pas le point de départ d'une situation nouvelle. Sa véritable portée aurait consisté "à constater un degré de romanisation suffisant, encore que fort variable suivant les provinces, pour justifier une extension universelle du droit de cité."[182]

Il semble que la vérité, comme d'habitude, tienne le milieu entre ces vues extrêmes. Sans doute, le jugement sévère de Mitteis sur la "brutalité" de la Constitution Antoninienne appelle-t-il une appréciation très nuancée. Mais il ne faut pas non plus, croyons-nous, exagérer l'adhésion volontaire des pérégrins aux principes du droit romain. Et surtout, il est nécessaire de faire à ce propos une nette distinction entre l'Orient et l'Occident.[183]

Dans les provinces occidentales, dépourvues de solides traditions juridiques nationales, la romanisation aura été assez rapide et assez profonde: les Gaulois ou les Espagnols n'avaient pas grand chose à perdre en adhérent spontanément au droit romain.[184] En Orient, dans des pays de vieilles traditions culturelles et juridiques, la résistance paraît au contraire avoir été plus forte que l'adhésion. Une première difficulté, sans doute majeure, venait du partage linguistique entre l'Occident latin et l'Orient grec.[185] L'usage du droit romain implique le recours à un vocabulaire difficile, *certa et solemnia verba*, inassimilable pour les profanes sans l'aide des juristes avertis.[186]

181. F. De Visscher, "Le statut juridique des nouveaux citoyens romains et l'inscription de Rhosos, II," dans *AC* 14, 1945, pp. 29-59 = *Nouvelles études de droit romain public et privé*, Milan, 1949, pp. 77-107 (citation textuelle pp. 106-107).

182. F. De Visscher, "La condition des pérégrins à Rome jusqu'à la Constitution Antonine de l'an 212," dans *Rec. Soc. J. Bodin, IX: L'Etranger,* 1ère Partie, Bruxelles, 1958, pp. 195-208 (avec un résumé dans *IVRA* 10, 1959, pp. 368-369, auquel est emprunté notre citation textuelle). Dans le même esprit, parmi les derniers travaux du regretté savant belge, "La Constitution Antonine et la dynastie africaine des Sévères," dans *RIDA* 3e sér., 8, 1961, pp. 229-242 = *Bull. Acad. Belg.* 47, 1961, pp. 33-44 (et en italien: "La Costituzione Antoniniana e la dinastia africana dei Severi," dans *Ann. Univ. Bari* 16, 1962, pp. 29-44); "Bürgerrecht und Kultureinheit im Imperium Romanum," dans *Oesterr. Zeitschr. f. öffentl. Recht* 12, 1962, pp. 71-85.

183. Cette distinction, déjà mise en relief par L. Mitteis, *Reichsrecht u. Volksrecht*, pp. 7 sq., est soulignée notamment par M. Kaser, *Röm. Privatrecht* I, p. 192, et *Röm. Rg*^{2}, pp. 158-159.

184. L. Mitteis, *Reichsrecht u. Volksrecht*, p. 8; M. Kaser, cité à la note précédente; J. Gaudemet, *Formation*, p. 120.

185. Grégoire le Thaumaturge, *Paneg. ad Origenem* I, 7 (Migne, *Patrol. Gr.*, X, p. 1052) relève cette difficulté: les lois romaines sont "raisonnables" (*σοφοί*), "précises" (*ἀκριβεῖς*), "admirables" (*θαυμαστοί*), "très proches de l'esprit hellénique" (*Ἑλληνικώτατοι*), mais elles sont exprimées et transmises dans la langue des Romains, difficile pour un Grec: *οἱ θαυμαστοὶ ἡμῶν νόμοι, οἷς νῦν τὰ πάντων τῶν ὑπὸ τὴν Ῥωμαίων ἀρχὴν ἀνθρώπων κατευθύνεται πράγματα, οὔτε συγκείμενοι οὔτε καὶ ἐκμανθανόμενοι ἀταλαιπώρως· ὄντες μὲν αὐτοὶ σοφοί τε καὶ ἀκριβεῖς καὶ συνελόντα εἰπεῖν Ἑλληνικώτατοι, ἐκφρασθέντες δὲ παραδοθέντες τῇ Ῥωμαίων φωνῇ . . . φορτικῇ δὲ ὅμως ἐμοί.* (cf. *infra*, notes 254 à 257). Sur les problèmes soulevés par les réformes de Dioclétien tendant à introduire le latin dans l'administration égyptienne, voir E. T. Turner "Latin versus Greek as a Universal Language: The Attitude of Diocletian," dans *Language and Society, Essays presented to A. M. Jensen*, Copenhague, 1961, pp. 165-168; cf. J. Lallemand, *L'administration civile de l'Egypte de l'avènement de Dioclétien à la création du diocèse*, Bruxelles, 1964, pp. 159-160 (les procès se déroulent en grec au niveau inférieur; devant les juges supérieurs — gouverneur, *iuridicus* — ils sont bilingues; mais il semble que l'emploi des langues dans les tribunaux ne soit pas soumis à des règles rigoureuses).

186. La complexité de la terminologie juridique romaine a souvent été notée par les romanistes; voir seulement L. Mitteis, *Reichsrecht u. Volkrecht*, pp. 185 sq., et M. Kaser, *Röm. Rg.*^{2}, p. 157.

Et l'on sait que le niveau professionnel des *nomikoi* locaux était déplorable, en Egypte notamment.[187]

D'autres difficultés tiennent à la nature même des institutions romaines. La perfection technique des solutions élaborées par les juristes classiques n'empêche pas le droit romain de garder toute sa spécificité. Plusieurs de ses institutions ne s'expliquent que par une évolution historique que les Orientaux ne pouvaient comprendre et dont ils ne devaient guère apprécier les conséquences pratiques.[188] Que l'on songe seulement au parallélisme du droit civil et du droit prétorien qui aboutit à une double réglementation de questions aussi vitales que les moyens de protection de la propriété ou le régime des successions à cause de mort: le désarroi des provinciaux n'en fut que plus profond.[189] "Trop savant, trop subtil, trop compliqué,"[190] le droit romain ne pouvait s'imposer aux populations de l'Orient hellénisé par sa seule supériorité technique et par son seul prestige.

Il n'en est pas moins certain qu'une romanisation de la vie juridique s'amorce en Egypte dès le début de l'époque impériale.[191] Assez paradoxalement, elle affecte plus vite et plus profondément le droit familial et le droit successoral que les opérations contractuelles et le régime des biens. Pour le juge romain il était en effet plus facile de respecter l'autonomie de la volonté des parties s'exprimant dans un contrat pérégrin ou de sanctionner un transfert de propriété conforme au régime provincial de la publicité foncière que de protéger les institutions familiales fidèles aux principes locaux.[192] L'attitude des autorités provinciales aura ainsi déterminé la pénétration d'éléments romains dans les divers secteurs de la pratique pérégrine.

187. Sur la science du droit romain en Egypte, voir R. Taubenschlag, "The Legal Profession in Greco-Roman Egypt," dans *Festschrift F. Schulz*, II, Weimar, 1951, pp. 188-192 = *Op. Min.* II, pp. 159-165 (particulièrement pp. 161 sq.); E. Seidl, "Die juristische Bildung der Richter in Aegypten," dans *Symbolae R. Taubenschlag*, I, 1956, pp. 251-260; Idem, "Die Jurisprudenz der ägyptischen Provinzialrichter byzantinischer Zeit," dand *Festschrift F. Rabel*, II, Tübingen, 1954, pp. 235-261; auparavant, L. Mitteis, *Reichsrecht u. Volksrecht*, pp. 189 sq.; voir aussi H. Kreller, "Spuren römischer Jurisprudenz in ägyptischer Praxis," dans *Aegyptus* 33, 1933, pp. 260-274 (qui examine deux cas concrets: *P. Oxy*. 237, Col. VII, lignes 34-36, et *P. Strasb*. 22, lignes 17-24). Les fragments de textes de juristes romains conservés par les papyrus (cf. *supra*, note 137) montrent la diffusion de la littérature juridique romaine dans les milieux égyptiens; mais la formation professionnelle des "spécialistes" laisse beaucoup à désirer: il n'est pas possible de parler d'une véritable science du droit dans l'Egypte romaine. On partagera à ce propos la conclusion réaliste de W. Kunkel, *Herkunft und soziale Stellung der römischen Juristen*, Weimar, 1952, p. 359 (suivi notamment par H. J. Wolff, *Faktoren*, p. 56, n. 106, et *Romanisierung*, p. 19, n. 45). Il n'est pas sûr que cette situation se soit améliorée par la suite: le jugement favorable d'E. Seidl (*Festschr. Rabel*, cité plus haut) sur le niveau des praticiens égyptiens à l'époque byzantine paraît trop optimiste (cf. H. J. Wolff, *Romanisierung, loc. cit.*). Le célèbre blâme infligé à l'école alexandrine par les rédacteurs de la *constitutio Omnem* — parmi lesquels se trouvaient sans doute des professeurs de Constantinople et de Beyrouth — peut ne pas être entièrement impartial; il laisse néanmoins subsister un doute grave sur le niveau de l'école d'Alexandrie où se recrutaient les praticiens d'Egypte: *quia audivimus etiam in Alexandrina splendidissima civitate . . . quosdam imperitos homines devagare et doctrinam discipulis adulterinam tradere . . . (c. Omnem* § 7).

188. Sur la spécificité du droit romain, voir p.ex. M. Kaser, *Röm Privatrecht* I, p. 192, et *Röm. Rg.*^{2}, p. 157.

189. Les exemples cités par V. Arangio-Ruiz, *Application*, pp. 111 sq., montrent à quels résultats aberrants aboutissaient les efforts des provinciaux tentant d'appliquer un droit dont ils étaient incapables de saisir les subtilités: il suffit de mentionner la clause stipulatoire accompagnant un testament ou une déclaration de décès, les soeurs qui se déclarent tutrices de leurs frères en se prévalant d'un très hypothétique droit romain, ou les mères donnant leurs filles en mariage et invoquant à ce propos les lois matrimoniales d'Auguste.

190. J. Gaudemet, *Formation*, p. 119.

191. Nous n'étudierons pas ici le détail de ce processus. Les résultats des enquêtes antérieures (cf. *supra*, note 178) appellent aujourd'hui un patient travail de révision, dont H. J. Wolff a indiqué la méthode à propos du droit contractuel (*Romanisierung*). Il faudrait à cette occasion confronter les témoignages papyrologiques avec les sources qui attestent la romanisation de la vie juridique dans d'autres provinces de l'Empire: voir par exemple E. Pólay, "Die Zeichen der Wechselwirkungen zwischen dem römischen Reichsrecht und dem Peregrinenrecht im Urkundenmaterial der siebengürgischen Wachstafeln," dans *ZSS* 79, 1962, pp. 51-85; K. Visky, "Tracce di diritto ereditario romano nelle iscrizioni della Pannonia," dans *IVRA* 13, 1962, pp. 110-132; E. Swoboda, "Zur Frage der Romanisierung," dans *Anzeiger d. Oesterr. Akad. d. Wiss*. 100, 1963, pp. 153-173.

192. H. J. Wolff, *Romanisierung*, p. 9. Dans un sens différent, J. Gaudemet, *Institutions*, pp. 533-534.

Au total, cette romanisation paraît moins profonde que ne l'admettent les partisans de la supériorité technique du droit romain.[193] L'idée d'un "droit local romanisé"[194] ne rend pas compte de la réalité historique de l'Egypte pré-antoninienne. Après deux siècles de domination romaine en Egypte, les institutions locales n'ont dans l'ensemble subi aucune modification sensible. Sur ce point, la thèse de Mitteis est confirmée par les sources et les trouvailles ultérieures.

C'est alors qu'intervient l'Edit de Caracalla soulevant le délicat problème de la persistance des droits locaux dans un Empire qui abandonne la distinction entre Romains et pérégrins.

II. LE DROIT DE L'EMPIRE ET LES COUTUMES PROVINCIALES APRES LA CONSTITUTION ANTONINIENNE

1. *L'Edit de Caracalla et le problème des droits locaux.*

Resté seul au pouvoir après l'assassinat de Géta, Caracalla confère en 212[195] le droit de cité romaine à tous les habitants libres de l'Empire excepté les déditices.[196] Promus au rang de *cives Romani*, les anciens pérégrins continuent cependant – notamment en Egypte – à exercer leurs pratiques anciennes auxquelles ils restent obstinément fidèles malgré les efforts de romanisation.

Selon la conception de Mitteis, nous serions en présence d'une "lutte": le droit local, réduit

193. Conclusion de H. J. Wolff, *Faktoren*, pp. 52 sq. Dans un sens analogue M. Kaser, *Röm. Rg.*^{2}, p. 157.

194. *Sic* R. Tabenschlag, *Law*^{2}, p. 51: " . . . a Romanized local law."

195. La date de la *Constitutio Antoniniana* a fait l'objet d'une discussion au cours de ces dernières années. F. Millar, "The Date of the Constitutio Antoniniana," dans *JEA* 48, 1962, pp. 124-131, contestait la date traditionnellement admise de 212 et proposait de retenir celle de la deuxième moitié de 214; mais ses arguments, comme il le reconnaît lui-même, ne sont pas décisifs; à son tour, J. F. Gilliam, "Dura Rosters and the Constitutio Antoniniana," dans *Historia* 14, 1965, pp. 74-92, retenait comme l'extrême limite pour la promulgation de l'Edit le début de janvier 213 (ses conclusions ont été approuvées par J. et L. Robert, "Bulletin épigraphique 1965," no. 84, dans *REG* 78, 1965, pp. 93-94); mais W. Seston, "Marius Maximus et la date de la 'Constitutio Antoniniana'," dans *Mélanges J. Carcopino*, Paris, 1967, pp. 877-888, suggérait que "c'est pendant l'été ou l'automne de 213 . . . que Caracalla donna à tous les habitants de l'Empire qui ne l'avaient pas encore le titre de citoyen romain" (p. 887). Il semble cependant que la date de 212 doive être conservée: dans ce sens A. d'Ors, *Actes Milan* (article cité *infra*, note 203), pp. 409-411; J. Gaudemet, *Institutions* p. 528, et surtout J. et L. Robert, "Bulletin épigraphique 1967," no. 116, dans *REG* 80, 1967, pp. 464-466, qui soulignent, à propos de l'étude précitée de W. Seston, le lien entre la prise du pouvoir par le seul Caracalla après le meurtre de Géta et la *Constitutio Antoniniana*; ils optent pour une date plus proche de la mort de Géta, rejoignant ainsi les suggestions de C. B. Welles, "Another Look at P. Giss. 40 I" (compte rendu de Ch. Sasse, *Constitutio Antoniniana*), dans *Et. Pap*. 9 (tiré-à-part anticipé, 1962), p. 19, qui retient la date de mars 212. Sans entrer dans le détail de la documentation, on peut signaler ici le P. Colon. Inv. 265 (publié par D. Hagedorn, *Ztschr. f. Papyr. u. Epigr*. 1, 1967, pp. 121-126 = *SB* 10497) qui montre qu'à la date du 7 juin 213 le stratège oxyrhynchite Anoubion porte déjà le nom d'Aurélius: cet indice tend à écarter l'hypothèse de W. Seston qui repousse la date de l'Edit vers l'été ou même l'automne 213. Le moment précis de la promulgation de l'Edit de Caracalla ne saurait être fixé avec certitude; en attendant des témoignages plus explicites, on se contentera de retenir deux éléments qui permettent une approximation. C'est, d'une part, la mort de Géta, que l'on date généralement de février 212, mais qui pourrait remonter à décembre 211 (suggestion de W. Seston: voir *RHD* 47 [1969] pp. 570-571), et la condamnation de sa mémoire, mesure appliquée en Egypte par l'édit de L. Baebius Aurelius Juncinus (*BGU* 2056, cf. *supra*, note 139) avant le 15 juin 212 (*SB* 9324); d'autre part, c'est la limite suggérée par le deuxième édit du *P. Giss*. 40 (Col. II, lignes 1-15 = *MChr*. 378), daté du 11 juillet 212: rien ne prouve en effet que l'ordre chronologique dans lequel ont été rec piés (après 215) les deux édits de la colonne II du *P. Giss*. 40 ne doive pas également être pris en considération pour la datation de la *Constitutio Antoniniana* conservée par la colonne I. Par conséquent, on s'en tiendra à une date comprise entre le début de 212 et juin/juillet de cette même année.

196. Sur l'étendue de la concession, voir Ch. Sasse, *Die Constitutio Antoniniana*, particulièrement les conclusions, pp. 120 sq. Quant à la nature du bénéfice accordé aux pérégrins, nous tenons pour acquis qu'il s'agit de la *civitas Romana*, et non pas, comme le suggère Ch. Saumagne ("Quelques observations sur la 'Constitutio Antoniniana'," dans *Mélanges J. Carcopino*, Paris, 1966, pp. 849-861), de "l'octroi du *beneficium generale* du *ius Latii*" (voir les réserves de A. d'Ors, dans *Actes Milan*, p. 432).

à l'état d'usages formellement illégaux,[197] résisterait farouchement au droit romain, seul obligatoire pour tous les citoyens de l'Empire.[198] D'éminents savants, comme V. Arangio-Ruiz, partagent ce point de vue, en nuançant seulement la vision sans doute exagérée d'une lutte dramatique entre des "Volksrechte" sournoisement tenaces et un "Reichsrecht" incapable de s'imposer.[199]

Pour d'autres, comme E. Schönbauer,[200] la persistance des traditions locales après la *Constitutio Antoniniana* représenterait au contraire un phénomène parfaitement légal;[201] la théorie de la double citoyenneté en fournirait l'explication: l'apparente contradiction entre la force obligatoire du droit romain et le maintien des droits locaux se résoudrait dans l'appartenance à deux collectivités, cité romaine et cité d'origine.[202]

Le débat s'est engagé dans une impasse. Sans entrer dans le détail,[203] on peut en indiquer la cause principale qui réside dans le dogmatisme des deux constructions doctrinales en présence. Leur défaut commun est de concevoir d'une manière trop schématique le rapport entre droit de cité et statut de l'individu en matière de droit privé. On aboutit ainsi à un double malentendu:

197. L. Mitteis, *Reichsrecht u. Volksrecht*, p. 8: "formal gesetzwidrige Gewohnheiten."

198. L. Mitteis, *op. cit.*, pp. 160 sq. et passim.

199. V. Arangio-Ruiz, *Application* (et résumé en italien: "L'applicazione del diritto romano in Egitto dopo la Costituzione di Caracalla," dans *Ann. Sem. Giur. Catania*, 1, 1947, pp. 28-37); *Doppia cittadinanza*; *Storia*, p. 341, n. 1 et pp. 424-427; art. "Editto di Caracalla," dans *Nov. Dig. Ital.* 6, 1960, Col. 402-404. Adhésion plus nuancée à la doctrine de Mitteis dans les travaux de H. J. Wolff, qui se déclare partisan de cette doctrine dans *Romanisierung*, p. 2, n. 5, et dans son article cité *infra*, note 260.

200. E. Schönbauer, "Reichsrecht gegen Volksrecht? Studien über die Bedeutung der Constitutio Antoniniana für die römische Rechtsentwickling," dans *ZSS* 51, 1931, pp. 277-235; "Reichsrecht, Volksrecht und Provinzialrecht. Studien über die Bedeutung der Constitutio Antoniniana für die römische Rechtsentwicklung," dans *ZSS* 57, 1937, pp. 309-355 (cité *supra*, note 128); "Die Inschrift von Rhosos und die Constitutio Antoniniana," dans *Arch f. Pap.* 13, 1939, pp. 177-209; "Diocletian in einem verzweitelten Abwehrkampfe? Studien zur Rechtsentwicklung in der römischen Kaiserzeit," dans *ZSS* 62, 1942, pp. 267-346; "Die Doppelbürgerschaft im römischen Reiche und ihre Wirkung auf die Rechtsentwicklung," dans *Anzeiger d. Oesterr. Akad. d. Wiss.* 86, 1949, pp. 343-369; "Das römische Recht nach 212 in ausschliesslicher Geltung? " *ibid.*, pp. 369-389; "Munizipien und Doppelbürgerschaft im Römerreiche," dans *IVRA* 1, 1950, pp. 124-149; "Wortlaut und Sinn der Constitutio Antoniniana," dans *Atti del Congr. intern. di dir. rom. e di storia del dir.* (Verone, 1948), IV Milan, 1951, pp. 105-138; "Die rechtliche Stellung der Metropoleis im römischen Aegypten," dans *Epigraphica* 11, 1949-1951, pp. 115-146; "Deditizier, Doppelbürgerschaft und Personalitätsprinzip," dans *JJP* 6, 1952, pp. 17-72; "Untersuchungen über die Rechtsentwicklung in der Kaiserzeit," dans *JJP* 7/8, 1954, pp. 107-148, et 9/10, 1956, pp. 15-95; "Neue Rechtsquellen zum Constitutio-Antoniniana-Problem," dans *Symbolae R. Taubenschlag*, I, 1956, pp. 473-498; "Eine neue wichtige Inschrift zum Problem der Constitutio Antoniniana," dans *IVRA* 14, 1963, pp. 71-108.

201. Les théories de E. Schönbauer ont rallié l'adhésion de certains romanistes et papyrologues, notamment R. Taubenschlag (cf. *supra*, note 149) et F. De Visscher; pour ce dernier, voir (outre les études citées *supra*, notes 181 et 182): "Le statut juridique des nouveaux citoyens romains et l'inscription de Rhosos, I," dans *AC* 13, 1944, pp. 11-35 (=*Nouvelles études de droit romain public et privé*, Milan, 1949, pp. 51-77); "La cittadinanza romana," dans *Ann. Sem. Giur. Catania* 3, 1948-1949, pp. 1-17; "La dualité des droits de cité dans le monde romain, d'après une nouvelle interprétation de l'édit III d'Auguste trouvé à Cyrène," dans *Nouvelles études de droit romain public et privé*, Milan, 1949, pp. 109-118; "L'expansion de la cité romaine et la diffusion du droit romain," dans *Bull. Acad. Belg.* 41, 1956, pp. 29-46 (et version abrégée en italien: "L'espansione della civitas Romana e la diffusione del diritto romano," dans *Conferenze romanistiche dell'Univ. di Trieste* 4, 1957, pp. 1-16); "La dualité des droits de cité et la 'mutatio civitatis'," dans *Studi P. De Francisci*, I, 1956, pp. 39-62 (fondé sur une communication publiée dans *Bull. Acad. Belg.* 40, 1954, pp. 49-67).

202. Le problème de la "double citoyenneté" a suscité une copieuse bibliographie dont on ne saurait indiquer ici le détail; en dehors des études de V. Arangio-Ruiz, E. Schönbauer et F. De Visscher, citées dans les notes précédentes, voir, pour une meilleure orientation, les manuels: M. Kaser, *Röm. Privatrecht*, I, p. 193; F. De Martino, *Storia*, IV, 2, pp. 692 sq.; J. Gaudemet, *Institutions*, p. 364 n. 2 et pp. 532 sq. Voir aussi *infra*, notes 208 et suiv.

203. Pour la bibliographie, nous renvoyons à Ch. Sasse, "Literaturübersicht zur Constitutio Antoniniana," dans *JJP* 14, 1962, pp. 109-149, et 15, 1965, pp. 329-366; voir aussi H. J. Wolff, "Juristische Literaturübersicht," dans *Arch. f. Pap.* 17, 2, 1962, pp. 193-210, particulièrement pp. 201 sq. ("Constitutio Antoniniana und Verwandtes"); A. d'Ors, "Nuevos estudios sobre la 'Constitutio Antoniniana'," dans *Actes Milan*, pp. 408-432, et nos "Chroniques" dans *RHD* 41, 1963, pp. 138-139; 42, 1964, p. 161; 43, 1965, pp. 145-146; 44, 1966, pp. 540-541; 45, 1967, pp. 171-172; 47, 1969, pp. 569-571. Pour une vue d'ensemble: F. De Martino, *Storia* IV, 2, pp. 694 sq., et J. Gaudemet, *Institutions*, pp. 528 sq.

proclamer le monopole du droit romain comme effet automatique de la généralisation de la *civitas Romana*[204] ou affirmer au contraire, à l'aide de la théorie de la double citoyenneté, une pluralité d'ordres juridiques parallèles et concurrents.[205]

En effet, la doctrine de Mitteis est fondée sur le postulat en vertu duquel le citoyen deviendrait prisonnier du droit national de sa cité: c'est établir une corrélation trop mécanique entre la citoyenneté et l'usage du droit privé. En fait, selon la conception romaine, la qualité de citoyen n'impose nullement l'obligation d'employer le droit romain; elle confère seulement le privilège d'utiliser les actes réservés aux *cives Romani*. Aucune norme contraignante ne soumet le citoyen au droit fait pour les membres de la communauté civique; pour un *novus civis*, l'option en faveur du droit romain ou l'attachement aux traditions pérégrines anciennes n'est pas, aux yeux des juristes romains, une alternative susceptible de se traduire par une "lutte."[206]

La thèse contraire procède implicitement du même postulat: si les *novi cives* échappent à la contrainte du droit romain, c'est qu'ils restent, soutient-on, citoyens de leurs communautés d'origine et continuent pour cette raison à pratiquer le droit propre à chacune d'elles. Ce postulat, qui soumet l'individu au régime juridique de sa cité, est multiplié par le nombre de citoyennetés possibles: à l'exclusivité du droit romain, déduite mécaniquement de la *civitas Romana*, on oppose de manière aussi mécanique la pluralité des droits de cité avec autant d'ordres juridiques parallèles et indépendants. Cette conception ne rend pas compte, elle non plus, de la réalité historique qu'elle prétend expliquer.

C'est en dépassant les horizons trop étroits et trop dogmatiques de la savante querelle qu'il convient de rechercher la solution du problème en l'insérant dans le contexte social et politique de l'époque; nous sommes ainsi amené à reprendre la question de la "double citoyenneté" dans son état actuel.

2. *La "double citoyenneté."*

On sait l'importance que la théorie de la "double citoyenneté" a prise dans le débat sur le maintien des droits locaux après 212; il ne s'agit pas d'examiner ici ses multiples aspects à travers une bibliographie surabondante: on s'en tiendra à l'essentiel.

Au point de départ, la République romaine ordonne la vie juridique des citoyens en fonction de leur appartenance à la communauté civique; il en va de même pour les *poleis* grecques, où seuls les *politai* participent de plein droit à la vie juridique de leur cité.[207] Dans ce type d'organisation étatique, l'appartenance à un corps de citoyens exclut la participation à une autre communauté semblable: en principe, la qualité de *civis Romanus* est incompatible avec

204. Tout en reconnaissant qu'il ne s'agit que d'une "exclusivité seulement officielle"; *sic* V. Arangio-Ruiz, *Doppia cittadinanza*, p. 77: " il vigore ufficialmente – dico *ufficialmente* [souligné par V. Arangio-Ruiz] – esclusivo del diritto romano."

205. *Sic* E. Schönbauer, *JJP* 6, 1952 (cité *supra*, note 200), p. 21: "Meine These sieht das Bild des Rechtslebens im Römerreich nach 212 mannigfalt und komplex, weil ja in den Poleis und *civitates* die verschiedenen eigenen Rechtsordnungen . . . bestehen bleiben."

206. Pour L. Mitteis, *Reichsrecht u. Volksrecht*, p. 161, cette soumission est une donnée naturelle qui va de soi: il s'agirait d'un "axiome" qui impliquerait "la toute-puissance et l'omniprésence du droit romain" à l'exclusion de toute règle particulière d'origine pérégrine. En fait, s'il semble bien que l'alternative d'un choix entre le droit romain et les règles d'origine pérégrine soit absente dans la pensée des juristes classiques, cette attitude n'exclut nullement le maintien des traditions locales auxquelles les juristes romains ne prêtent pas un grand intérêt. En somme, le droit romain, loin de s'imposer de manière exclusive, devient un "étalon de mesure" à l'aide duquel sont appréciées les situations qui échappent à ses principes: dans ce sens, par exemple, H. J. Wolff, *Romanisierung*, p. 8; D. Nörr, *Origo*, p. 596; et surtout W. Selb, "Römisches Recht und östlich geprägte Gegebenheiten. Eine Studie zum Thema 'Reichsrecht und Volksrecht'," dans *Jahrbuch der Oesterr. Byzant. Gesellschaft* 14, 1965, pp. 35-50.

207. Voir V. Ehrenberg, *Der Staat der Griechen*[2], Zurich et Stuttgart, 1965, p. 97.

l'admission à une cité étrangère.[208] Cette incompatibilité, qui se manifeste encore au dernier siècle de la République,[209] disparaît à la veille du Principat[210] et la double citoyenneté devient désormais possible.[211] Mais s'il est permis alors de devenir citoyen romain tout en restant membre d'une communauté civique pérégrine, c'est que les progrès des conquêtes ont rompu l'équilibre primitif entre la *res publica* romaine et les cités étrangères: celle-là étend sa souveraineté à l'*orbis terrarum*, celles-ci perdent la leur au profit de l'Empire naissant; le problème de la vie juridique de l'individu dans le cadre de la cité s'en ressent.[212]

208. Cicéron, *Pro Balbo*, XI, 28: *duarum civitatum civis noster esse iure civili nemo potest*; *ibid.* XII, 29 *sed nos non possumus et huius esse civitatis et cuiusvis praeterea*; dans le même sens, *Pro Caecina*, XXXIV, 100: *ex nostro iure duarum civitatum nemo esse potest*. En parfait accord avec cette règle, T. Pompeius Atticus, ami de Cicéron, refuse la citoyenneté athénienne qui lui a été offerte, pour ne pas devoir renoncer à la citoyenneté romaine (Cornélius Népos, XXV, 3). Toutefois, il n'est pas sûr que les idées de Cicéron soient tout à fait conformes aux principes du droit romain de l'époque: voir, à ce propos, les remarques d'E. Levy, "Libertas et civitas," dans *ZSS* 78, 1961, pp. 142-172 (=*Gesammelte Schriften*, II, Cologne et Gratz, 1963, pp. 3-24), et la dernière analyse du *Pro Balbo*, proposée par H. Braunert, "Verfassungsnorm und Verfassungswirklichkeit im spätrepublikanischen Rom," dans *Der altsprachliche Unterricht* 9 (1), 1966, pp. 51-73; en particulier, on peut se demander si le principe de l'incompatibilité énoncé par Cicéron "est exclusivement applicable aux citoyens romains" (*sic* F. De Visscher, *Bull. Acad. Belg.* 40, 1954 [cité *supra*, note 201], p. 61) ou bien s'il empêche également les citoyens pérégrins d'acquérir la citoyenneté romaine (*sic* V. Arangio-Ruiz, *Doppia cittadinanza*, p. 56); cf. D. Nörr, *Origo*, p. 562 n. 171, et H. Braunert, article précité, p. 70 n. 51. Voir aussi Th. Mommsen, *Röm. Staatsrecht*, III (1), pp. 47 sq., 641 sq., 698 sq.; A. N. Sherwin-White, *The Roman Citizenship*, Oxford, 1939, pp. 32 sq.; F. De Martino, *Storia*, II, pp. 67 sq.; J. Gaudemet, *Institutions*, pp. 358-367 (particulièrement p. 364).

209. Les concessions du droit de cité romaine à cette époque s'adressent à des bénéficiaires qui aux yeux de la loi romaine n'appartiennent à aucune cité étrangère et ne posent par conséquent aucun problème pour le principe de l'incompatibilité; tel paraît être le cas des chevaliers espagnols gratifiés de la *civitas Romana* en 90 av. n.è. par la *lex Pompeia*, seul témoignage épigraphique que nous ayons à ce sujet pour cette époque: *CIL* I 2^2 709 = VI 37045 (S. Riccobono, *Leges* 17); *sic* V. Arangio-Ruiz, *Doppia cittadinanza*, p. 60, suivi notamment par D. Nörr, *Origo*, p. 562; voir, sur ces concessions, A. Krawczuk, *Virtutis ergo. Les concessions du droit de cité romaine par les chefs militaires sous la République*, Cracovie, 1963 (en polonais, compte rendu par W. Litewski, *IVRA* 15, 1964, pp. 315-319), particulièrement, sur la loi précitée, pp. 47-65. En revanche, les citoyens d'une *polis* étrangère ne paraissent pas avoir accès à la cité romaine: ainsi, en 78 av. n.è., le sénatus-consulte d'Asclépiade (*CIL* I 2^2 588 = S. Riccobono, *Leges* 35), accorde plusieurs privilèges à trois navarques grecs qui obtiennent l'*amicitia populi Romani*, mais non pas la *civitas Romana* (cf. De Martino, *Storia*, II, p. 29). Ajoutons que, dans le monde grec classique, l'*isopoliteia* n'est pas une "double citoyenneté" au sens admis par les historiens modernes: les clauses relatives à la proxénie dans les traités d'isopolitie et de sympolitie montrent que l'admission d'étrangers à une cité grecque présente toujours un caractère facultatif (c'est ce qu'avait déjà bien montré E. Szantos, *Das griechische Bürgerrecht*, Fribourg en Brisgau, 1892, mais que l'on a souvent tendance à oublier); ce n'est qu'à l'époque hellénistique que la possibilité pratique de cumuler les appartenances à deux cités distinctes paraît acquise, mais il s'agit alors d'une citoyenneté honorifique (cf. D. Nörr, *Origo*, pp.557 sq.).

210. Premier témoignage notable: inscription publiée par P. Roussel, "Un Syrien au service de Rome et d'Octave," dans *Syria* 15, 1934, pp. 33-74 (= S. Riccobono, *Leges* 55), et reprise, avec une ample bibliographie, par L. Jalabert et R. Mouterde, *IGLSyr.* III, 1950, no. 718 (pp. 395-411); ce texte concerne le navarque Séleucos de Rhosos à qui Octave accorde, entre 36 et 30 av. n.è., le droit de cité romaine mais qui paraît bien rester citoyen de sa *polis* (Col. IV, ligne 88, selon l'interprétation de F. De Visscher).

211. Deux exemples souvent cités: dans les *Actes des Apôtres* (XXI, 39; XXII, 3), le *civis Romanus* Paul proclame sa qualité de citoyen de Tarse en Cilicie (voir, en dernier lieu, C. B. Welles, "Hellenistic Tarsus," dans *Mélanges de l'Université St. Joseph* 38, fasc. 2, 1962, pp. 43-75, particulièrement pp. 59 sq.); Hérode Atticus, sénateur romain, est citoyen athénien (Philostrate, *Vies des Sophistes*, II, 1; cf. V. Arangio-Ruiz, *Doppia cittadinanza*, p. 71). Seuls les *politai* des cités grecques peuvent bénéficier de ce double statut: la cas de Harpocras, médecin égyptien pour qui Pline le Jeune sollicite auprès de Trajan et la citoyenneté alexandrine et la citoyenneté romaine (Pline le Jeune, *Epist.* X, 5-7 et 10), montre que pour un affranchi égyptien l'admission à la *civitas Alexandrina* était la condition de la concession du droit de cité romaine (cf. Ch. Sasse, *Constitutio Antoniniana*, pp. 76-83; en dernier lieu, A. N. Sherwin-White, *The Letters of Pline. A Historical and Social Commentary*, Oxford, 1966, pp. 568 sq.).

212. L. Mitteis, *Reichsrecht u. Volksrecht*, pp. 114 sq., l'avait déjà vu: il souligne la dégradation progressive des cités (p. 115: "...die Erscheinung, ...das allmählich die ehemals selbstständigen Staaten auf den Rang von Städten herabsinken") et note à ce propos (pp. 114-115) le changement dans le régime du *postliminium*: admis par le juriste républicain Aelius Gallus (chez *Festus*, s.v. *postliminium receptum*; Lindsay, p. 244) dans les rapports entre Rome et les cités pérégrines, il ne l'est plus par Proculus, à l'époque de Néron (D.49, 15, 7); cf. J. Imbert, *Postliminium. Etude sur la condition juridique du prisonnier de guerre en droit romain*, Paris, 1945, pp. 60 sq., et (pour le texte de Festus) H. Kornhardt, " 'Postliminium' in republikanischer Zeit," dans *SDHI* 19, 1953, pp. 1-37.

A partir de là, l'évolution au cours des deux premiers siècles de notre ère opère une transformation profonde dans les rapports entre Rome et les collectivités locales qui sont le fondement de l'Empire.[213] Elle tend à supprimer les différences qui déterminent les diverses formes d'organisation urbaine: municipes, colonies, cités pérégrines; à la veille de la *Constitutio Antoniniana* toutes les villes sont soumises à un régime municipal à peu près uniforme.[214] Pour les cités libres de l'Orient hellénisé la situation est équivoque: elles sont sur le point de devenir des unités territoriales douées d'une simple autonomie administrative, sans avoir perdu tous les caractères d'une forme d'organisation étatique.[215] La notion de citoyenneté ne rend plus compte de l'appartenance à une telle communauté urbaine provinciale; elle cède la place au concept d'*origo*, produit hybride d'un état de chose ambigu: [216] échappant à une qualification rigoureusement juridique, un lien d'appartenance locale attache les citadins à la cité; sans plus pouvoir prétendre au rang d'Etat souverain, celle-ci demeure pour les esprits cultivés, comme Dion de Pruse ou Plutarque, le cadre idéal de la vie sociale.[217]

En même temps, avec l'extension de la puissance romaine aux dimensions d'un Etat mondial, la *civitas Romana* prend, elle aussi, des dimensions extraordinaires: elle devient le synonyme de la participation à l'immense communauté romaine de l'Empire.[218] A cet égard, la *Constitutio Antoniniana* peut bien être considérée comme l'aboutissement d'une "romanisation" déjà accomplie: non pas qu'elle consacre la victoire d'éléments romains dans la vie juridique des pérégrins, mais parce qu'elle traduit en termes de droit le sentiment d'appartenance à l'Empire de la grande masse de ses habitants.[219] Les liens qui rattachent les provinciaux à leurs communautés d'origine n'en sont nullement affectés; il n'y a aucune commune mesure entre ces liens et celui, infiniment plus général, qui fait de tous les hommes libres de l'*orbis Romanus* les citoyens de l'Empire: les uns sont compris dans l'autre, comme la qualité de *municeps* l'est dans celle de *civis Romanus* selon la théorie cicéronienne des "deux patries."[220]

Inclusion et non point cumul, cette double appartenance est le résultat de l'action solidaire de plusieurs facteurs qui déterminent l'évolution du monde antique sous la domination romaine au début de notre ère: urbanisation croissante, uniformisation du statut municipal, consolidation de l'Empire romain comme Etat mondial; elle n'est pas traduisible en une "double citoyenneté"

213. Pour une vue d'ensemble: F. De Martino, *Storia*, IV, 2, pp. 626 sq., 666 sq., 746 sq.; J. Gaudemet, *Institutions*, pp. 511 sq.

214. Dans ce sens, A. N. Sherwin-White, *The Roman Citizenship* (cité *supra*, note 208), pp. 221 sq.; A. Aymard et J. Auboyer, *Rome et son Empire*, Paris 1956 (rééd. 1962), pp. 300-301; D. Nörr, *Origo*, pp. 566 sq.

215. D. Nörr, *Origo*, pp. 576 sq. et *passim*; Idem, *Imperium u. Polis*, pp. 115 sq.

216. D. Nörr, *Origo*, pp. 564 sq.

217. Dion de Pruse, *Orat.* XXXVI, 20, donne la définition stoïcienne de la cité: *πλῆθος ἀνθρώπων ἐν ταὐτῷ κατοικούντων ὑπὸ νόμου διοικούμενων*; Plutarque, *Moralia* X (*An seni res publica gerenda est*) 791 e, décrit la *πολιτεία* comme *βίος ἡμέρου καὶ πολιτικοῦ καὶ κοινωνικοῦ ζῷου*; cf. D. Nörr, *Imperium u. Polis*, pp. 77 sq.

218. Dans ce sens, p.ex., G. I. Luzzatto, "La cittadinanza dei provinciali dopo la 'Constitutio Antoniniana'," dans *Riv. ital. stud. giur.* 6, 1952-1953, pp. 218-249; D. Nörr, *Origo*, pp. 585 sq.; J. Gaudemet, *Institutions*, p.531.

219. *Roma communis nostra patria est:* Modestin, D. 50, 1, 33; cf. Callistrate, D. 48, 22, 18 [19].

220. Cicéron, *De legibus*, II, 2, 5: *Ego mehercule et illi et omnibus municipibus duas esse censeo patrias, unam naturae, alteram civitatis: ut ille Cato quom esset Tusculi natus, in populi Romani civitatem susceptus est, ita, quom ortu Tusculanus esset, civitate Romanus, habuit alteram loci patriam, alteram iuris.* Cette théorie suppose une inégalité substantielle entre Rome, "patrie civique," et la ville d'origine, "patrie de la nature," celle-ci étant comprise dans celle-là (*dum illa sit maior, haec in ea contineatur*; *ibid. in fine*). Ainsi, on peut être *civis* à Rome et *municeps* à Tusculum, comme Caton, à Arpinum, comme Cicéron lui-même (*Ad Familiares* XIII, 11) ou à Cumae, comme les *equites Campani* mentionnés par Tite-Live (XXIII, 31, 10: *latum ad populum ut cives Romani essent, item uti municipes Cumani essent*). Sur cette théorie cicéronienne et sa signification pour le problème des deux appartenances sous l'Empire, voir D. Nörr, *Origo*, pp. 553 sq., 583 sq.

au sens dogmatique du mot que les interprètes modernes donnent à cette notion.[221] Il est encore moins possible de fonder sur cette double appartenance le maintien des droits locaux comme ordres juridiques opposables au droit romain: devenues simples unités administratives, les villes ne sont pas capables d'assumer ce rôle que veut leur attribuer la théorie pluraliste de Schönbauer.

A l'inverse, il ne faut pas sous-estimer non plus la réalité de l'autonomie municipale. L'affermissement du pouvoir impérial et les progrès de l'urbanisation font surgir dans le monde romain du Haut-Empire une structure étatique complexe: la République se transforme en une monarchie à tendance absolutiste; un pouvoir central coordinateur se superpose à une multitude de villes qui supportent les charges de l'administration locale:[222] l'Empire c'est la somme de ces villes.[223] Tendant à devenir une "monarchie despotique," l'Empire brouille la distinction entre *civitates* et *gentes*: la campagne devient le territoire de la ville,[224] alors que les villes apparaissent à leur tour comme la "campagne de Rome," seule "cité" digne de ce nom.[225] Dans de telles conditions, les cadres de la vie juridique provinciale sont sans doute trop faibles pour soutenir l'existence d'une quantité d'ordres juridiques divers, mais ils sont assez fermes pour favoriser le maintien des régionalismes locaux: il n'est pas vraisemblable que ceux-ci aient été balayés d'un seul coup par un édit impérial et condamnés à l'illégalité, comme le veut la thèse moniste de Mitteis.

Replacés dans ce contexte, les témoignages de nos sources échappent à l'alternative brutale du débat traditionnel. De même qu'on ne peut comparer la *civitas Romana* avec les liens d'appartenance aux communautés locales, il n'est pas possible de mettre sur le même plan le "Reichsrecht" officiel et les "Volksrechte" qui subsistent dans les provinces. La question n'est pas de se demander si les droits locaux ont été éclipsés par le monopole du droit romain ou s'ils ont réussi à lui résister dans un système de coexistence égalitaire; elle est de savoir comment ils ont été intégrés dans le droit de l'Empire et inclus dans l'ordre juridique romain, tout comme les liens d'appartenance locale l'ont été dans la *civitas Romana*.

Partant de cette constatation, nous pouvons reprendre l'interprétation des sources juridiques dans un sens conforme à la réalité historique de l'époque.

221. Aussi de nombreux romanistes préfèrent-ils, avec raison, écarter du débat sur les droits locaux après 212 le faux problème de la "double citoyenneté": ainsi surtout V. Arangio-Ruiz, *Doppia cittadinanza*, qui trouve (pp. 75-76) "veramente singolare che proprio per il tempo dopo la C.A. una corrente scientifica, non soltanto numerosa, ma autorevola voglia ritenere largamente diffuso, anzi estesso a tutti gli abitanti, un regime di doppia cittadinanza"; dans le même sens, G. I. Luzzatto, *La cittadinanza dei provinciali* (*supra*, note 218); D. Nörr, *Origo*, pp. 578, 580; J. Gaudemet, *Institutions*, pp. 532 sq.

222. Juridiquement, la concession du droit de cité ouvre l'accès aux actes du *ius civile* et aux fonctions réservées aux citoyens romains; mais avec la disparition des comices et le déclin des magistratures, l'exercice de ces fonctions à l'échelle locale impose plus de charges qu'il ne confère de privilèges: voir, par exemple, F. De Martino, *Storia*, IV, 2, p. 694.

223. C'est la conception grecque de l'Empire considéré comme *κοινόν* des cités: voir D. Nörr, *Imperium u. Polis*, pp. 82 sq. Encore au début du IVe siècle, Libanius, *Orat.* XVIII, 104, désigne l'Empire par le collectif *αἱ πόλεις*, en parlant de l'empereur Julien: *ἄρχοντάς τε ἐπὶ τὰς πόλεις ἐξέπεμπεν*.

224. Sur le *pagus* comme partie du territoire urbain, voir par exemple J. Marquardt, *Römische Staatsverwaltung*, 2e éd., Leipzig, 1881-1885, I, p. 13. Selon Ulpien, D. 50, 1, 30, l'originaire d'un *vicus* ou d'un *pagus* a sa "patrie" dans la ville à laquelle ceux-ci sont rattachés: *qui ex vico ortus est, eam patriam intellegitur habere, cui rei publicae vicus ille respondet.*

225. Cette image est présente dans l'*Eloge de Rome* d'Aelius Aristide, en particulier 214: *ὅπερ δὲ πόλις τοῖς αὐτῆς ὁρίοις καὶ χώραις ἐστίν τοῦθ' ἥδε ἡ πόλις τῆς ἁπάσης οἰκουμένης, ὥσπερ αὐτῆς χώρας ἄστυ κοινὸν ἀποδεδειγμένη* (cf. D. Nörr, *Origo*, p. 584; Idem, *Imperium u. Polis*, p. 100); on la retrouve dans le discours de Mécène chez Dion Cassius LII, 19, 6 et dans Jean Chrysostome, *Contra Iudaeos* IV, 3.

3. *Les coutoumes provinciales.*

Trois groupes de sources méritent l'attention à propos de la situation que l'on vient de décrire: la continuité de la pratique que reflètent les documents papyrologiques, les réactions du pouvoir central dont les constitutions impériales se font l'écho, enfin les décisions des autorités judiciaires provinciales connues par les papyrus postérieurs à 212.

On ne saurait se fier aux seuls documents de la pratique. Une convention privée témoigne du droit effectivement utilisé par les parties contractantes, sans être nécessairement et dans tous les cas l'expression du droit qui est officiellement en vigueur. Les documents conservés par les papyrus postérieurs à 212 attestent aussi bien l'attachement des provinciaux à leurs habitudes ancestrales que leurs efforts d'appliquer le droit romain; à eux seuls, ils ne nous permettent pas de savoir si les actes conformes aux traditions pérégrines jouissent d'une continuité légalement reconnue ou bien s'ils relèvent, selon la thèse de Mitteis, de phénomènes "formellement illégaux" par rapport au droit romain réputé désormais officiellement obligatoire.[226]

La confrontation de ces témoignages avec les textes officiels fait apparaître, sinon une "lutte," du moins une opposition entre les "Volksrechte" d'Orient et le "Reichsrecht" de Rome. C'est ainsi que plusieurs rescrits de Dioclétien rappellent aux provinciaux les principes les plus élémentaires du droit romain. On sait quelles interprétations controversées avaient été proposées à ce sujet: défense désespérée du droit romain devant les hérésies juridiques des provinciaux ou patience bienveillante du souverain incitant les nouveaux citoyens à adopter volontairement un "Reichsrecht" difficile.[227] En fait les témoignages des rescrits impériaux permettent seulement de constater une différence des points de vue: d'une part, ils reflètent la persistance de pratiques juridiques locales, hellénistiques ou orientales,[228] en rejoignant à cet égard les documents de la pratique; d'autre part, ils montrent que les juristes de la chancellerie impériale ont recours aux principes du droit romain pour formuler les réponses qui sont données aux consultations adressées à l'Empereur par des provinciaux d'Orient: les vues peu orthodoxes de ceux-ci sont ainsi rectifiées à l'aide d'un étalon de mesure officiel.[229]

L'attitude des juridictions provinciales paraît plus souple. L'enquête faite par R. Taubenschlag montre que les tribunaux romains protègent en Egypte, après 212, des règles locales, dans des cas où ils leur offraient cette protection avant l'Edit.[230] Les exemples réunis par ce savant n'autorisent toutefois pas la conclusion générale qu'il en tire: reconnaissance officielle de toutes les institutions pérégrines attestées par les actes de la pratique mais dont nous ne savons cependant pas comment les juridictions romaines les auraient appréciées en cas de litige. On verra plus loin que pour certaines de ces institutions, comme les unions endogames[231] ou l'*apokeryxis*,

226. Cf. *supra*, note 197.

227. Pour l'état du débat, voir M. Amelotti, *Per l'interpretazione della legislazione privatistica di Diocleziano*, Milan, 1960, pp. 71 sq., où l'on trouvera la bibliographie antérieure.

228. R. Yaron, "Reichsrecht, Volksrecht and Talmud," dans *RIDA*, 3e sér., 11, 1964, pp. 281-298, a montré comment des rescrits impériaux du IIIe siècle de n.è. peuvent s'éclairer non seulement par les documents grecs mais aussi par les sources talmudiques, considérées comme un dénominateur commun des traditions orientales.

229. Voir *supra*, note 206.

230. R. Taubenschlag, "Die römischen Behörden und das Volksrecht vor und nach der C.A." (cité *supra*, note 149), dans *Op. min.* I, pp. 494 sq.

231. Voir *infra*, note 294.

l'hypothèse d'une sanction judiciaire est exclue.[232] On pourrait aussi supposer que telle règle locale, consacrée par une constitution impériale et par un édit préfectoral avant la *Constitutio Antoniniana*, continue à être invoquée devant les tribunaux romains après 212 en tant que disposition du droit provincial.[233] L'indulgence des juges n'en est pas moins frappante: fidèles à l'esprit de tolérance qui domine la justice romaine en Egypte depuis le début de l'Empire, ils s'inclinent devant l'attachement des justiciables à leurs traditions nationales. Les résultats de cette enquête militent donc contre l'idée d'une "condamnation" des droits locaux par Caracalla; ils suggèrent au contraire que ceux-ci bénéficient d'une protection officielle, tout en indiquant en même temps qu'ils ne gardent qu'une valeur limitée par rapport aux principes impérieux du "Reichsrecht" romain.

Vues dans leur ensemble, les données de ces trois groupes de témoignages s'inscrivent harmonieusement dans la réalité historique de l'époque postérieure à la Constitution Antoninienne: si la survie d'institutions locales est un fait indéniable, on constate en même temps un effort de conciliation entre le "Reichsrecht" officiel et les traditions juridiques d'origine pérégrine qui tend à intégrer celles-ci dans celui-là avec le souci de sauvegarder le primauté du droit romain à l'égard des droits locaux absorbés par lui.

S'il est permis de reprendre ici la formule qui jusqu'à présent a guidé nos réflexions, on serait tenté de situer le "Reichsrecht" sur le plan supérieur des normes légales, ne reconnaissant aux "Volksrechte" survivants que la qualité inférieure de coutumes. Mais la généralisation du droit de cité romaine aura introduit un élément nouveau dans cette distinction; avec la promotion des pérégrins au rang de *cives Romani*, leurs institutions ont été elles aussi "romanisées": elles ont été incluses dans l'ordre juridique romain. Nous avons à présent, face à un "Reichsrecht" général et supérieur, autant de coutumes qu'il subsiste d'institutions locales admises à se perpétuer subsidiairement sur des espaces restreints à l'usage des citoyens provinciaux. Les coutumes locales pérégrines sont devenues des coutumes provinciales romaines. Cette conclusion paraît conforme, nous allons le voir, au point de vue des auteurs grecs et romains eux-mêmes.

4. *La "consuetudo" et les droits locaux.*

La définition des droits locaux après 212 comme coutumes provinciales intégrées dans le "Reichsrecht" impérial rejoint les éléments de la doctrine qui, dans les ouvrages des jurisconsultes et dans les constitutions impériales, viennent former une théorie de la coutume; elle répond, semble-t-il, à l'opinion que les Grecs se faisaient de la situation créée dans le domaine de la vie juridique par l'Edit de Caracalla.

On sait que les textes romains relatifs à la *consuetudo* se réfèrent très souvent à des problèmes posés par la pratique provinciale: *consuetudo regionis (provinciae, loci, civitatis), mos regionis (mores regionum, provinciarum).*[234] Il est vrai au'il s'agit de textes suspects d'interpolations et dont l'interprétation pose des problèmes délicats; il n'en semble pas moins légitime de rechercher des coïncidences entre ces témoignages anciens et la réalité historique sur laquelle portent les raisonnements des modernes.

Un fragment d'Ulpien, tiré du traité *de officio proconsulis*, ouvrage dont l'autorité sous

232. Voir *infra*, notes 302 à 310.

233. H. J. Wolff, *Romanisierung*, p. 10 n. 20 ("Fälle, in denen echtes, d.h. römisch verordnetes Provinzialrecht als *lex specialis* eingriff").

234. Voir H. Schmiedel, *Consuetudo*, pp. 20-41.

l'Empire est aujourd'hui révélée par une inscription publiée récemment,[235] mentionne la *consuetudo* dans un contexte qui a trait à la vie juridique provinciale.[236] Nous n'irons pas jusqu'à chercher dans ce fragment, comme on a voulu le faire, une définition générale des droits locaux survivant en tant que coutumes;[237] ici comme ailleurs, l'esprit casuistique de la jurisprudence romaine invite à une grande circonspection devant des généralisations hâtives. Mais quelle que soit l'interprétation que l'on retiendra, le rapport entre la pratique provinciale et le concept de *consuetudo* paraît, à la lumière de ce texte, n'avoir pas été étranger à la doctrine des juristes sous les Sévères.[238]

Plus généralement, comme d'autres l'ont déjà noté avant nous, la plupart des fragments réunis au Digeste 1. 3 à propos de la *longa consuetudo* pourraient être interprétés en fonction des rapports entre le "Reichsrecht" romain et les "Volksrechte" locaux.[239] Le problème présente un aspect chronologique. Si l'on considère avec de nombreux romanistes que la fonction normative de la coutume n'a pas été reconnue par le droit romain classique,[240] on conclura que les droits locaux subsistant dans les provinces sont des coutumes provinciales à nos yeux de modernes mais ne le sont pas pour les juristes romains;[241] c'est pour cette raison que Mitteis, après voir envisagé la possibilité d'une survie coutumière des "Volksrechte" après 212, l'a rejetée en se fondant sur le

235. J. Keil et G. Maresch, "Epigraphische Nachlese zu Miltners Ausgrabungsberichten aus Ephesos," dans *Jahreshefte des Oesterr. Archäol. Instituts* 45, Vienne, 1960, Beiblatt (paru en 1963), pp. 75-100, no. 8. Voir, sur ces inscriptions (trouvées dans les fouilles de 1955 à 1958), J. et L. Robert, "Bulletin épigraphique 1965," dans *REG* 78, 1965, p. 154 (no. 341), et L. Robert, "Sur les inscriptions d'Ephèse: fêtes, athlètes, empereurs, épigrammes," dans *RPh.* 41, 1967, pp. 7-84, qui mentionne (p. 46) le document comportant la référence au traité d'Ulpien. Ce document est reproduit et commenté par E. Schönbauer, "Drei interessante Inschriften aus Ephesus," dans *IVRA* 16, 1965, pp. 105-115, particulièrement pp. 108 sq. Pour la datation et l'analyse de cette inscription, nous renvoyons à l'étude de W. Seston annoncée dans sa conférence: *Une référence épigraphique au "De officio proconsulis" d'Ulpien*, faite le 17 mars 1967 à l'Institut de Droit Romain de Paris.

236. D. 1, 3, 33: *Diuturna consuetudo pro iure et lege in his quae non ex scripto descendunt observari solet.*

237. *Sic* U. von Lübtow, *Das römische Volk. Sein Staat und sein Recht*, Francfort s. M., 1955, pp. 513 sq., qui propose pour D. 1, 3, 33 la lecture suivante: *diuturna consuetudo ⟨civitatis et provinciae⟩ pro iure* [*et lege*] *in his quae non ex* [*scripto*] *⟨lege⟩ descendunt observari solet.* Pour une critique de cette hypothèse, voir E. Schönbauer, *JJP* 9-10, 1956, pp. 39-53; cf. B. Schmiedel, *Consuetudo*, pp. 27 sq.

238. Dans la forme où il nous est conservé par le Digeste 1, 3, 33, le texte d'Ulpien paraît considérablement altéré; on y retrouve les échos des doctrines tardives concernant le *ius non scriptum* dans ses rapports avec *ius* et *lex* (F. Wieacker, *Recht und Gesellschaft in der Spätantike*, Stuttgart, 1964, p. 62; Idem, *Allgemeine Zustände und Rechtszustände gegen Ende des römischen Reichs* [*Ius Romanum Medii Aevi* I, 2a], 1963, p. 26 n. 69). Nous pouvons en tout cas tenir pour acquis qu'Ulpien avait fait un rapprochement entre *consuetudo* et le droit applicable dans les provinces: dans ce sens, en dernier lieu, B. Schmiedel, *Consuetudo*, qui suggère (p. 30) la restitution suivante du texte original: *diuturna consuetudo in his quae non ex lege ⟨provinciae⟩ descendunt observari solet*; la *consuetudo* viendrait ainsi compléter le silence des *leges provinciarum* en matière de droit privé (cf. *supra*, notes 55-58).

239. *Sic*, parmi les auteurs cités par U. von Lübtow (*supra*, note 237), p. 514 n. 246, A. Steinwenter, art. "Mores," dans *PWRE* 16, 1933, col. 290-298, particulièrement col. 293: "die einschlägigen Fragmente des Digestentitels 1, 3 dürften sich ursprünglich nur mit der Frage des Verhältnisses zwischen lokalem Brauch oder partikulärem Gewohnheitsrecht gegenüber dem Reichsrecht befasst haben"; dans le même sens, A. A. Schiller, *Virginia Law Review* 24, 1938 (cité *supra*, note 17), pp. 277-278.

240. *Sic*, A. Steinwenter, "Zur Lehre vom Gewohnheitsrechte," dans *Studi P. Bonfante*, II, 1930, pp. 419-440, qui considère la reconnaissance de cette fonction de la coutume par les juristes romains comme le produit d'une doctrine tardive; dans le même sens, M. Kaser, *Röm. Privatrecht* I, p. 173 (*in fine*); plus récemment, parmi les participants du VIe Congrès International de Droit Comparé (cf. *supra*, note 3), A. A. Schiller ("custom is not an expression of authority in classical Roman law," cité d'après J. Gaudemet, *L'autorité de la loi et de la coutume*, p. 23; cf. son article sur la coutume dans *Virginia Law Review* 24, 1938 [*supra*, note 17]) et J. A. C. Thomas, pour qui "l'inclusion de la coutume parmi les sources du droit est une innovation post-classique" (J. Gaudemet, *loc. cit.*; cf. J. A. C. Thomas, "Custom and Roman Law," dans *Tijd. v. Rg.* 31, 1963, pp. 39-53). De même, pour B. Schmiedel, *Consuetudo*, pp. 2, 36-37 et *passim*, la *consuetudo*, simple fait ("Gewohnheit"), ne devient source du droit ("Gewohnheitsrecht") qu'après 300 de n.è.; mais cette conclusion, fondée sur la distinction équivoque entre "Gewohnheitsrecht" et "Rechtsgewohnheit" et opérant une opposition trop forte entre textes juridiques et témoignages littéraires, est sujette à caution: voir les comptes rendus cités *infra*, note 243.

241. *Sic* B. Schmiedel, *Consuetudo*, p. 26 n. 5, pp. 36-37 et *passim*, à la suite de M. Kaser, "Mores maiorum und Gewohneitsrecht," dans *ZSS* 59, 1939, pp. 52-101, particulièrement pp. 81 sq.

prétendu silence de la doctrine romaine à cette époque.[242] Si au contraire on reconnaît à la coutume une place parmi les sources du droit dans la pensée des juristes classiques,[243] on conviendra que la pratique provinciale offrait à leur réflexion un terrain particulièrement favorable dans ce domaine; leurs textes faisant appel aux notions de *consuetudo provinciae* et de *mores regionis* en matière de droit privé peuvent en témoigner:[244] peut-être est-ce cette pratique qui a stimulé l'évolution d'idées à peine ébauchées vers la formation d'une doctrine juridique plus élaborée.[245]

Le témoignage des constitutions impériales, promulguées à l'époque où cette doctrine avait déjà pris des contours plus précis, est également plein d'intérêt. On a pu remarquer que ces constitutions appartiennent surtout au domaine du droit administratif:[246] celles où la mention de la *consuetudo* a trait au droit privé, absentes dans le Code Théodosien,[247] sont très rares dans le Code de Justinien;[248] il est d'autant plus significatif de relever dans ces textes des références des coutumes locales attestées par des documents en provenance de provinces hellénisées. Voici un exemple: une constitution de Gratien, Valentinien Ier et Théodose Ier, datée de 381, interdit le cautionnement pour garantir la restitution de la dot;[249] des papyrus grecs du début de la domination romaine en Egypte montrent que cette pratique est une institution de droit hellénistique: nous sommes en présence d'une mesure qui abroge une coutume provinciale autorisée jusque là par l'autorité impériale.[250]

242. L. Mitteis, *Reichsrecht u. Volksrecht*, p. 161.

243. Ainsi surtout J. Gaudemet (*Loi et coutume*, pp. 52-53; *L'autorité de la loi et de la coutume*, p. 24; *Institutions*, pp. 570-571), selon qui le rôle de la coutume comme source du droit à Rome est une donnée indéniable de l'époque classique. D. Nörr le rejoint dans son compte-rendu des ouvrages de B. Schmiedel et G. Stühff, *ZSS* 84, 1967, pp. 454-466, particulièrement pp. 459 sq., où il plaide (pp. 458-459) pour la classicité du texte de Julien, D. 1, 3, 32 (Schmiedel, pp. 42 sq.); mêmes réserves sur la thèse de B. Schmiedel dans d'autres comptes rendus de son ouvrage, par exemple G. Le Bras, *RHD* 45, 1967, pp. 295-296; J. Gaudemet, *IVRA* 18, 1967, pp. 233-237; J. Imbert, *Latomus* 26, 1967, pp. 1066-1067; C. A. Cannata, *SDHI* 33, 1967, pp. 481-486; en dernier lieu, Th. Mayer-Maly, "Necessitas constituit ius," dans *Studi G. Grosso*, I, Turin, 1968, pp. 179-199, particulièrement pp. 198-199, à propos du texte de Modestin D. 1, 3, 40, dont B. Schmiedel ne tient pas compte.

244. Par exemple, usages en matière de vente: Gaius, D. 21, 2, 6 et Papinius Iustus (citant un rescrit de Marc Aurèle et Vérus), D. 18, 1, 71 (itp.? cf. H. Schmiedel, *Consuetudo*, pp. 35-36); *inspectio ventris*: Ulpien, D. 25, 4, 1, 15; *usurae*: Papinien, D. 22, 1, 1, pr.; Ulpien, D. 17, 1, 10, 3; 22, 1, 37; 26, 7, 7, 10; 27, 4, 3, 1; 27, 7, 4, 2; 30, 39, 1; Scaevola, D. 33, 1, 21 pr. (Schmiedel, *op. cit.*, pp. 38-39); interprétation des contrats: Ulpien, D. 50, 17, 34 (cf. G. Gandolfi, *Studi sull'interpretazione degli atti negoziali in diritto romano*, Milan, 1966, pp. 350 sq., et le compte rendu de cet ouvrage par J. Gaudemet, *RHD* 46. 1968, p. 289).

245. Voir D. Nörr, "Zur Entstehung der gewohneitsrechtlichen Theorie," dans *Festschrift W. Felgenträger*, Göttingen, 1969, pp. 353-366. – Aux arguments des romanistes qui reconnaissent à la *consuetudo* une place parmi les sources du droit romain classique on peut joindre un document épigraphique publié par R. Mouterde et Cl. Mondésert dans *Syria* 34, 1957, pp. 278-287, no. 1 = *IGLSyr*. V 1998; il s'agit d'une constitution de Domitien dans laquelle il est interdit de réquisitionner sans autorisation impériale des logements et des bêtes de trait; l'empereur dénonce à ce propos un "usage ancien et persistant qui risque d'acquérir force de loi" (ligne 14-17: *μένει γὰρ μέχρι νῦν παλαι⟨ά⟩ καὶ εὔθονος συνήθεια, κατ' ὀλίγον χωροῦσα εἰς νόμον εἰ μὴ ἰσχύε⟨ω⟩ κωλυθείη δυνάμει*); cette inscription, où l'expression *παλαιά καὶ εὔθονος συνήθεια* annonce l'*inveterata consuetudo* de la doctrine postérieure, montre que la valeur normative de la coutume est prise en considération par les juristes de la chancellerie impériale dès la fin du Ier siècle de n.è. Voir sur ce texte, J. et L. Robert, "Bulletin épigraphique 1965," no. 461, dans *REG* 72, 1959, p. 263; N. Lewis, "Νοήματα λέγοντος, 8," dans *BASP* 4, 1967, pp. 28-29; Idem, "Domitian's Order for Requisitioned Transport and Lodging," dans *RIDA*, 3e sér., 15, 1968, pp. 135-142 (réédition améliorée du texte et commentaire approfondi).

246. J. Gaudemet, *Formation*, pp. 108-109 (=*Labeo* 2, 1956, pp. 149-150); cf. B. Schmiedel, *Consuetudo*, pp. 76 sq.

247. Cf. G. Stühff, *Vulgarrecht im Kaiserrecht*, pp. 56-62.

248. J. Gaudemet, *Formation*, p. 109 n.2 (=*Labeo* 2, 1956, p. 150 n. 18) citant C.J. 5, 20, 1 (381 de n.è.); 1, 3, 34 [35] pr. (472 de n.è.); 4, 32, 26 (528 de n. è.); 8, 48 [49], 6 (531 de n.è.); 9, 13, 1, 2, (533 de n.è.); 6, 23, 31, 2, (534 de n.è.).

249. C.J. 5, 20, 1.

250. Nous suivons G. Stühff, *Vulgarrecht im Kaiserrecht*, pp. 65-67, qui cite à ce propos le cautionnement garantissant la restitution de la *φερνή* dans *BGU* 1104 et 1051 (époque d'Auguste); *P. Oxy*. 266 (=*M.Chr*. 292) (96 de n.è.) et 905 (170 de n.è.); cf. G. Häge, *Ehegüterrechtliche Verhältnisse in den griechischen Papyri Aegyptens bis Diokletian*, Cologne-Gratz, 1968, pp. 100 sq., 177 sq., 245-246. De même l'appel fait à la *consuetudo* dans une constitution de Justinien de 534 de n.è. (C.J. 6, 23, 31, 2), à propos de la forme du testament, peut trouver son illustration dans le testament d'Abraham d'Hermonthis, déjà mentionné (*P. Lond*. I 77, p. 231 = *MChr. 319; cf. supra*, note 73). Les trois constitutions réunies dans le bref titre du C.J. 8, 52 [53] sont dominées par le problème des droits locaux: voir G. Lombardi, "Sul titolo 'quae sit longa consuetudo' (8, 52 [53]) nel Codice Giustinianeo," cans *SDHI* 18, 1952, pp. 21-87.

Aux textes juridiques romains que l'on vient d'évoquer répond le témoignage de Ménandre de Laodicée, auteur d'un manuel de rhétorique composé vers la fin du IIIe siècle de n.è.:[251] il n'est plus possible de faire convenablement l'éloge des villes, se plaint-il, car "toutes les villes sont romaines" (constatation fort gênante pour les partisans de la "double citoyenneté");[252] inutile aussi, à l'heure qu'il est, de disserter sur les lois, parce que ce sont "les lois communes des Romains qui nous gouvernent"; mais si les villes n'ont plus de lois, chacune d'elle garde cependant "des coutumes qui lui sont propres," et qui peuvent faire l'objet d'un éloge.[253] Voilà une précision qui cautionne, semble-t-il, notre démonstration: un "Reichsrecht" situé au niveau des normes légales, "lois des Romains communes à tous les habitants de l'Empire" (*κοινοὶ τῶν Ῥωμαίων νόμοι*), dans lequel sont inclus autant de "Volksrechte" qu'il subsiste, dans le cadre municipal, de *consuetudines civitatum* (*ἔθη τῶν πόλεων*) conservant les traditions pérégrines des provinciaux.

Ce texte explique le sens d'un autre témoignage grec contemporain: un demi-siècle après l'Edit de Caracalla, Grégoire le Thaumaturge, évêque de Néocésarée, fait l'éloge des "lois qui ordonnent aujourd'hui les affaires de tous les hommes soumis au pouvoir des Romains."[254] Cette formule a pu être invoquée aussi bien pour soutenir la doctrine du "pluralisme juridique" dans l'Empire après 212[255] que pour justifier la thèse contraire du "monopole oecuménique" du droit romain.[256] En fait, les "admirables lois" que vante le disciple d'Origène n'ont nullement éclipsé, on vient de le voir, les traditions juridiques locales qui survivent comme *consuetudines civitatum*; mais elles gardent un rang supérieur à l'égard de celles-ci et indiquent une ligne de conduite permettant de rectifier les comportements peu orthodoxes des provinciaux.[257]

5. *La "clause de sauvegarde."*

Ces échos de pratiques locales dans les textes juridiques romains concernant la *consuetudo* et leurs reflets dans la pensée des provinciaux cultivés d'Orient militent en faveur de la construction théorique qui fait appel à la notion de coutume pour expliquer la survie des droits locaux après 212.[258] Reste à savoir si l'inclusion de ces droits dans l'ordre juridique romain est

251. Ménandre de Laodicée, *Περὶ ἐπιδεικτικῶν*, éd. L. Spengel, *Rhetores Graeci*, III, Leipzig, 1856, pp. 329-367; particulièrement: *Πῶς δεῖ ἀπὸ ἐπιτηδεύσεων τὰς πόλεις ἐγκωμιάζειν*, pp. 359-367.

252. *Ibid.*, p. 360: *τοῦτο δὲ τὸ μέρος τῶν ἐπαίνων κινδυνεύει σχεδὸν ἀργὸν εἶναι ὑπὸ γὰρ μιᾶς αἱ Ῥωμαϊκαὶ ἅπασαι νῦν διοικοῦνται πόλεις.*

253. *Ibid.*, p. 363: *ἀλλὰ τὸ τῶν νόμων ἐν τοῖς νῦν χρόνοις ἄχρηστον· κατὰ γὰρ τοὺς κοινοὺς τῶν Ῥωμαίων νόμους πολιτευόμεθα, ἔθεσι δ' ἄλλη πόλις ἄλλοις χρῆται, ἐξ ὧν προσῆκον ἐγκωμιάζειν.* Ce texte, passé longtemps inaperçu dans le débat autour du "Reichsrecht und Volksrecht," a été relevé par S. Mazzarino, *Trattato di storia romana*, II, Rome, 1956, p. 398, et par W. Seston, dans ses conférences sur la *tabula Banasitana*, citées *infra*, note 263 (voir *CRAI*, 1961, p. 322); il a été également remarqué par D. Nörr, *Imperium u. Polis*, p. 120 n. 16. Il fera prochainement l'objet d'une analyse détaillée par M. Talamanca, "Su alcuni passi di Menandro di Laodicea relativi agli effetti della 'constitutio Antoniniana'," dans *Studi Volterra*, à paraître en 1970.

254. Grégoire le Thaumaturge, *Paneg. ad Origenem*, I, 7 (*supra*, note 185): *οἱ θαυμαστοὶ ἡμῶν νόμοι, οἷς νῦν τὰ πάντων τῶν ὑπὸ τὴν Ῥωμαίων ἀρχὴν ἀνθρώπων κατευθύνεται πράγματα κτλ.*

255. E. Schönbauer, "Reichsrecht gegen Volksrecht? " (cité *supra*, note 200), dans *ZSS* 31, 1951, p. 279.

256. V. Arangio-Ruiz, *Application*, pp. 94-95; *Storia*, p. 425; *Editto di Caracalla* (cité *supra*, note 199), col. 404.

257. Dans un sens analogue, D. Nörr, *Origo*, pp. 595-596, qui cite d'autres sources littéraires témoignant de la supériorité du "Reichsrecht."

258. Nous rejoignons la conclusion de M. Kaser, *Röm. Privatrecht* I, p. 194: "Vielleicht kommt man der römischen Anschauung am nächsten, wenn man annimmt, das die römischen Behörden vor *und besonders nach der const. Anton.* [c'est nous qui soulignons] die bisherigen partikulären Rechte auf die römischen Neubürger als Ortsgewohnheiten angewandt haben . . . Mit einer solchen Annahme gliedert sich die Anwendung des Lokalrechts auch in die römische Ordnung ein." Dans un sens analogue, H. J. Wolff, *Romanisierung*, p. 5, n. 10 *in fine;* J. Gaudemet, *Institutions*, p. 731; auparavant déjà G. Lombardi, *Sul titolo quae sit longa consuetudo* (cité *supra*, note 250), pp. 65 sq. Voir aussi M. Lauria, *Ius. Visioni romane e moderne*, 3e éd., Naples, 1967, pp. 232 sq.

l'effet du seul jeu des facteurs politiques et sociaux déjà décrits ou bien si elle suppose une mesure de confirmation officielle: c'est revenir au problème posé par le texte de la *Constitutio Antoniniana*, tel qu'il nous est transmis en version grecque par le *P. Giss.* 40.I.

L'hypothèse d'une confirmation officielle est séduisante. Les récents essais de reconstitution de la fameuse lacune du *P. Giss.* 40.I, lignes 8-9, tendent à l'appuyer sur le texte même de l'Edit:[259] il s'agirait d'une "clause de sauvegarde" par laquelle Caracalla aurait garanti la continuité des droits locaux après la généralisation de la *civitas Romana*; les points controversés concernent l'étendue et la portée réelle de cette mesure.

Selon H. J. Wolff, seules les lois des cités grecques auraient bénéficié de cette clause pour autant qu'elles avaient été maintenues en vigueur sous l'Empire.[260] Tel serait par exemple le cas des *νόθοι*, enfants illégitimes; l'influence des règles locales qui concernent leur statut paraît décelable dans la législation impériale du Bas-Empire.[261] S'il en était ainsi, nous serions en présence d'une situation paradoxale: les citadins, plus cultivés et partant mieux préparés à adopter le droit romain, auraient gardé la liberté de ne pas l'appliquer; au contraire, les campagnards, moins aptes à abandonner d'un jour à l'autre leurs habitudes ancestrales au profit d'un droit subtil et difficile, se seraient brusquement trouvés sous le régime exclusif de ce droit; la multitude des documents provenant des campagnes égyptiennes, dans lesquels se manifeste la survie du droit local après 212, aggrave la paradoxe.[262]

C'est pourquoi il nous paraît préférable de suivre l'interprétation retenue par W. Seston à la suite du rapprochement proposé par ce savant entre le texte du *P. Giss.* 40.I et une inscription latine, déjà célèbre, trouvée en 1956 au forum de Banasa au Maroc.[263] Ce texte concerne la concession du droit de cité romaine par Marc Aurèle et Commode à un chef de tribu berbère et à sa famille; la formule latine qu'on y lit comporte une double réserve: *his omnibus civitatem Romanam dedimus, salvo iure gentis sine deminutione tributorum et vectigalium populi Romani et fisci*. Transposant cette formule dans le texte du *P. Giss.* 40.I, W. Seston propose la restitution suivante de la clause *μένοντος*: *Διδωμι τοί[ν]υν ἅπα[σιν ξένοις τοῖς κατὰ τ]ὴν οἰκουμένην π[ολιτ]είαν Ῥωμαίων [μ]ένοντος [παντὸς δικαίου τῶν πολιτευμ]άτων χωρ[ὶς] τῶν [δε]δειτικ-ιων*. Cela donne pour l'original latin présumé: *do omnibus peregrinis qui in orbe terrarum sunt civitatem Romanam, salvo omni iure civitatum praeter dediticiorum.*[264]

La formule reste fidèle au schéma des juristes romains: la confirmation des droits pérégrins passe par le cadre des *civitates*. Mais celles-ci se sont multipliées depuis le début de l'Empire et leur situation a changé: les villes des pérégrins, et parmi elles les cités libres d'Orient, ont rejoint les villes de citoyens, colonies et municipes dans un régime municipal généralisé. Ainsi l'Edit

259. On trouvera dans la thèse de Ch. Sasse, *Constitutio Antoniniana*, pp. 13-14, et dans l'article d'A. d'Ors, "Nuevos estudios" (cité *supra*, note 203), dans *Actes Milan*, pp. 421-429, un relevé de quelque trente conjectures qui jusqu'à ce jour ont été proposées pour la lecture de l'énigmatique ligne 9 du *P. Col.* 40, col. I. La dernière en date, due à A. d'Ors ("Una nueva hipótesis sobre P. Giss. 40 I," dans *Kurzberichte aus den Giessener Papyrussammlungen* 22, Giessen, 1966, pp. 4-7, et *Actes Milan*, p. 431), suggérant une "interprétation militaire" de l'Edit, est sans doute séduisante, mais elle paraît contestable pour les raisons paléographiques (cf. *RHD* 44, 1966, p. 541, et *IVRA* 17, 1966, p. 250).

260. H. J. Wolff, "Zu P. Giess. 40 col. I," dans *Symbolae R. Taubenschlag*, I, 1956, pp. 367-371; restitution proposée: *μένοντος [κυρίου παντὸς νόμου ταγμ]άτων χωρ[ὶς] τῶν [δε]δειτικίων = manente falida omni lege civitatum praeter dediticiorum.*

261. H. J. Wolff, "The Background of the Post-Classical Legislation on Illegitimacy," dans *Seminar* 3, 1945, pp. 21-45.

262. Celui-ci est relevé par V. Arangio-Ruiz, *Application*, p. 96, qui en tire cependant un argument en faveur de la thèse de Mitteis.

263. W. Seston, *La citoyenneté romaine d'après l'inscription de Banasa*, conférence faite le 1er mars 1963 à l'Institut de Droit Romain de Paris (texte dactylographié); W. Seston et M. Euzennat, "La citoyenneté romaine au temps de Marc Aurèle et Commode d'après la 'Tabula Banasitana'," dans *CRAI*, 1961, pp. 317-324.

264. Version adoptée dans l'article sur "Marius Maximus et la date de la C.A." (cité *supra*, note 195), pp. 878-879.

proclamerait aussi bien le respect des règles particulières propres aux municipes de citoyens romains[265] et aux *poleis* grecques que celui des usages pratiqués par les habitants des communautés urbaines privées à l'origine d'une vie juridique indépendante. En Egypte, la clause de sauvegarde intéresserait autant les *politai* des quatre cités que les habitants des métropoles locales, devenues *civitates* à la suite des réformes de Septime Sévère;[266] elle serait destinée à profiter à l'ensemble des populations égyptiennes:[267] si au début de l'Empire l'Egypte n'était qu'une vaste campagne entourant de rares cités, un siècle après Caracalla il n'y aura sur les bords du Nil que des *civitates* avec leurs territoires (*ἐνορίαι*) constitués par les anciens nomes.[268]

Selon cette hypothèse, la confirmation des *iura civitatum* aurait donc une portée pratiquement illimitée: elle concernerait tous les habitants libres de l'Empire, citadins et compagnards, excepté les déditices, c'est-à-dire les rebelles et ennemis extérieurs vaincus ainsi que les affranchis de la loi *Aelia Sentia.*[269] C'est pourquoi W. Seston a pu conclure: "une citoyenneté, la romaine, mais, conformément à la *Contitutio Antoniniana*, en droit comme en pratique, autant de *leges* et de *iura* qu'il y a de communautés politiques, cités de toutes les traditions et peuples de toutes les coutumes – tel paraît être le statut des habitants libres de l'Empire après Caracalla."[270]

Cette conclusion lucide coïncide avec les résultats fournis par l'analyse de nos sources. Sans doute l'énigme de la clause *μένοντος* peut-elle encore susciter des controverses; une conjecture n'est jamais une certitude scientifique et il serait vain d'espérer que la *Tabula Banasitana* permette de clore les discussions sur le texte du *P. Giss.* 40.I. La confirmation des droits locaux par la "clause de sauvegarde" paraît probable, "car c'est donner à la formule un sens important qui répond à ce qui effectivement se produisit après 212."[271] Mais que l'on accepte la conjecture ou non, on doit reconnaître que le maintien des règles locales après la *Constitutio Antoniniana* reflète une situation juridiquement régulière. Il est secondaire de savoir si cette situation est l'effet d'une mesure législative ou si elle s'inscrit simplement dans la ligne d'une évolution politique dont cette mesure serait l'expression formelle.

Si l'on suit cette idée on peut, sans recourir à l'argument spécieux de la double citoyenneté, reconnaître le bien-fondé des objections avancées par les contradicteurs de Mitteis en faveur du maintien des droits locaux après 212. En même temps, on rejoint l'auteur du "Reichsrecht und Volksrecht": pour Mitteis comme pour nous la survie des droits locaux relève d'un "Gewohn-

265. Aulu-Gelle, *Nuits Attiques* XVI, 13: *municipes ergo sunt cives Romani ex municipiis, legibus suis et suo iure utentes.*

266. Sur les réformes de Septime Sévère qui, à l'occasion de son voyage en Egypte en 199-200 (la date est confirmée par les *Apokrimata* du *P. Col.* 123), a donné des *βουλαί* à Alexandrie et aux métropoles des nomes, et sur les institutions municipales en Egypte au IIIe siècle, voir P. Jouguet, *La vie municipale dans l'Egypte romaine,* Paris, 1911 (réimpr. 1968), pp. 345 sq.; E. P. Wegener, "The *βουλή* and the Nomination to the *ἀρχαί* in the *μητροπόλεις* of the Roman Egypt," dans *Mnemosyne,* 4ª S., 1, 1948, pp. 15-42, 115-132, 297-326; A. H. M. Jones, *The Cities of the Eastern Roman Provinces* (cité *supra,* note 97), pp. 329-338.

267. V. Arangio-Ruiz, *Application*, p. 97, doute que la concession du statut municipal aux métropoles égyptiennes ait pu avoir une signification pour la vie juridique de "ces villes qui, n'ayant jamais été des cités, n'avaient jamais joui d'un droit privé particulier"; mais s'il est vrai "qu'il n'y a jamais eu un droit d'Oxyrhynchos ou d'Héracléopolis ou d'Hermoupolis-la-Grande qui ait différé d'une façon quelconque des règles appliquées dans la *χώρα*" (*loc. cit.*), ce sont ces règles locales qui ont bien pu être confirmées comme *iura civitatum* au profit des habitants des métropoles.

268. Voir, en dernier lieu, J. Lallemand, *L'administration civile de l'Egypte* (citée *supra*, note 185), pp. 96 sq.; on trouvera dans cet ouvrage les détails relatifs aux réformes à la suite desquelles, au IVe siècle de n.è., le nome devient le *territorium* de sa métropole, administré comme elle sous la responsabilité de la curie, les toparchies cèdent la place aux *pagi*, la notion de *μητρόπολις* disparaît définitivement, vers 320, au profit de celle de *πόλις*, déjà employée dans certains documents du IIe et du IIIe siècles. C'est aux membres de ces *πόλεις* locales que se réfère l'édit de Claudius Culcianus, préfet d'Egypte de 302 à 306, dans le *P. Oxy.* 2558, qui n'a évidemment rien à voir, malgré les suppositions de E. Seidl (*SDHI* 33, 1967, p. 575), avec le problème de la "double citoyenneté."

269. Sur la portée de la mention des déditices dans le *P. Giss.* 40, Col. I, ligne 9, voir Ch. Sasse, *Constitutio Antoniniana*, p. 120; cf. F. De Martino, *Storia*, IV, 2, pp. 700-708, et J. Gaudemet, *Institutions*, pp. 529-530.

270. W. Seston et M. Euzennat, *La citoyenneté romaine* (cité *supra*, note 263), pp. 321-322.

271. J. Gaudemet, *Institutions*, p. 529.

heitsrecht";[272] mais là où Mitteis voyait une dégradation des règles pérégrines au niveau d'usages illégaux, nous voyons au contraire la promotion de ces règles au rang d'un droit romain subsidiaire, de portée limitée, subordonné à la primauté des lois de l'Empire; et cette vue se concilie mieux avec les témoignages de nos sources que l'image d'une lutte entre un "Reichsrecht" sévère mais impuissant et des "Volksrechte" proscrits mais rebelles.

Il va sans dire que le maintien des droits locaux au profit des citoyens provinciaux ne pouvait manquer de susciter des conflits entre la lettre du droit officiel et les règles d'origine étrangères intégrées par celui-ci. Il était nécessaire de concilier le "Reichsrecht" avec les coutumes provinciales et de soumettre celles-ci, en cas de conflit, aux exigences impérieuses de celui-là. Car si l'Edit de Caracalla n'a pas imposé aux anciens pérégrins l'usage obligatoire du droit romain, pas plus qu'il n'a consacré une pluralité d'ordres juridiques à l'aide de citoyennetés multiples, l'attitude des autorités romaines à l'égard des pratiques locales n'en est pas moins dominée désormais par une donnée nouvelle: ce sont à présent des citoyens de Rome qui comparaissent devant des juridictions provinciales et qui soumettent aux empereurs des questions à trancher par voie de rescrits; juges et empereurs répondent à ces citoyens en appliquant plus rigoureusement qu'auparavant les principes du droit romain.[273] Les problèmes qui surgissent recevront, selon le cas, des solutions diverses.

Parmi les institutions locales certaines présentent un caractère "juridiquement anodin": elles reposent sur des techniques étrangères au droit romain, sans pour autant en contredire les principes sur le plan moral ou politique; on peut alors, par un artifice, les adapter au droit officiel, à la double satisfaction du législateur impérial et des provinciaux attachés à leurs traditions anciennes. D'autres se prêtent plus difficilement à de telles adaptations: elles sont tantôt condamnées et ne subsistent que comme des usages illicites; tantôt, vidées de leur substance, elles ne conservent qu'une apparence de survie purement formelle. Enfin, dans certains cas, le "Reichsrecht" cède à la coutume provinciale qui parvient à triompher comme droit officiel à l'échelle de l'Empire. Quelques remarques s'imposent à propos de chacune de ces trois situations.

6. *Les accommodements.*

Voyons d'abord quelques accommodements. En droit hellénistique, l'affranchissement des esclaves pouvait être accompli par un acte notarial;[274] des documents postérieurs à Caracalla montrent que ce mode d'affranchissement, inconnu du droit romain, subsiste dans la pratique égyptienne pendant la deuxième moitié du IIIe siècle.[275] En cas de contestation judiciaire, un tribunal romain n'aura aucune difficulté pour adapter, sur ce point, la coutume provinciale aux dispositions du droit officiel en matière d'affranchissement; il lui suffira de considérer le document comme une expression formelle de la volonté de l'affranchissant, assimilant ainsi l'acte de type local à la *manumissio inter amicos* romaine. Celle-ci n'est en effet liée à aucune condition rigoureuse de validité, mais suppose simplement un affranchissement non formaliste, à la seule condition que la *voluntas manumittendi* soit exprimée de manière non équivoque pour justifier la protection prétorienne: la volonté d'affranchir s'exprime de manière libre et explicite dans l'acte

272. Cf. *supra*, note 197.
273. H. J. Wolff, *Romanisierung*, p. 7.
274. R. Taubenschlag, *Law*^{2}, pp. 97 sq.
275. Par exemple *BGU* 96 (2ème moitié du IIIe siècle de n.è.); cf. *P. Osl.* 129 (IIIe siècle de n.è.), *PSI* 1040 (IIIe siècle de n.è.); voir R. Taubenschlag, "Die römischen Behörden" (cité *supra*, note 149), dans *Op. min.* I, p. 497 et n. 85.

notarial, et c'est ainsi que celui-ci continue, conformément à la *consuetudo regionis*, à produire des effets juridiques à côté de procédés plus conformes au droit officiel, utilisant à la même époque la formule *μεταξὺ φίλων* dans des documents rédigés sous forme de *testatio* typiquement romaine.[276]

Autre exemple: le droit hellénistique admettait la femme à exercer la tutelle sur les enfants mineurs; cette pratique ne concerne pas seulement les mères à l'égard de leurs enfants, mais aussi les soeurs et les grand-mères à l'égard des jeunes frères des unes ou des petits-enfants des autres.[277] Pour les Romains, la tutelle est un *virile munus* dont les femmes sont exclues en raison de leur *infirmitas sexus*: Alexandre Sévère le rappelle dans un rescrit postérieur de douze ans à l'Edit de Caracalla.[278] On peut voir dans ce texte un écho de la persistance d'une pratique régionale peu conforme au droit officiel. Mais déjà avant l'Edit de Caracalla cette pratique était adoptée par les Romains en Egypte.[279] Une retouche de forme permettait de concilier l'*infirmitas sexus* avec la "virilité" de l'*officium tutoris*: la femme intervient, non pas comme un *tutor* au sens propre, mais comme "assistante," *ἐπακολουθήτρια*, d'un tuteur (*ἐπίτροπος*) qui se contente d'un pouvoir nominal.[280] Sous cette forme, l'institution peut se maintenir dans les provinces de l'Orient hellénisé après 212, sans risque de conflit avec le droit officiel, qui d'ailleurs finira, lui aussi, par autoriser la tutelle exercée par les femmes.[281]

D'une manière semblable, on arrivait sans doute à surmonter l'incapacité patrimoniale des fils de famille par une fiction: on considérait comme agissant au nom de leurs pères les fils des provinciaux qui se prétendaient propriétaires de leurs biens,[282] à la seule condition qu'ils ne cherchent pas à aliéner ces biens contre le gré du titulaire légal.[283] Les testaments non conformes aux exigences du droit officiel échappaient peut-être à la nullité grâce à l'assimilation aux codicilles romains.[284] Les mariages conclus dans des formes locales passaient pour des *matri-*

276. Voir V. Arangio-Ruiz, *Application*, p. 101, qui suit A. Biscardi, *Manumissio per mensam e affrancazioni pretorie*, Florence, 1939, p. 19; plus récemment, A. Biscardi, "*Μεταξὺ φίλων* clausola di stile nei documenti dell' Egitto romano," dans *Actes Milan*, pp. 396-407.

277. R. Taubenschlag, *Law*^{2}, p. 158.

278. C.J. 5, 35, 1 (224 de n.è.): *Tutelam administrare virile munus est, et ultra sexum femineae infirmitatis tale officium est.*

279. Exemple: P. Mich. Inv. 2922 = *SB* 7558 (172/173 de n.è.).

280. Voir S. Solazzi, "L'istituto greco-egizio della madre *ἐπακολουθήτρια* e il diritto romano," dans *Atti Accad. Napoli* 55, 1933, pp. 3-24 = *Scritti di diritto romano* III, Naples, 1960, pp. 411-426. Cf. Cl. Préaux, *Le statut de la femme* (cité *supra*, note 88), pp. 144-145.

281. V. Arangio-Ruiz, *Application*, p. 129. Cf. *infra*, note 311.

282. Voir les textes dans V. Arangio-Ruiz, *Parerga*, Naples, 1945, pp. 8 sq.; voir aussi *P. Grenf.* 149 (220-221 de n.è.) où un père déclare comme appartenant à son fils mineur un navire dont lui-même ne serait que le *κυβερνήτης* (cf. V. Arangio-Ruiz, *Application*, p. 111 n. 2).

283. C.J. 8, 46 [47], 3 (227 de n.è.); cf. V. Arangio-Ruiz, *Application*, p. 129.

284. *Sic* V. Arangio-Ruiz, *Storia*, pp. 339-340, à propos des testaments ne comportant pas une *institutio heredis* explicite ou disposant seulement d'une partie des biens successoraux en dépit du principe *nemo pro parte*, etc. Sur le testament romain en Egypte, voir M. Amelotti, *Il testamento romano attraverso la prassi documentale*, I. *Le forme classiche di testamento*, Florence, 1966. Selon cet auteur, partisan de la thèse de L. Mitteis, l'obligation, qui aurait été faite aux provinciaux d'employer exclusivement le droit romain après 212, aurait entraîné une "adultération" de ce droit en matière testamentaire; une constitution d'Alexandre Sévère, autorisant l'usage du grec dans la rédaction des testaments, aurait facilité la disparition du testament *per aes et libram* au profit des formes hybrides, contaminées par des usages locaux (*op. cit.*, pp. 217 sq.). Mais, comme le note J. Gaudemet (*RHD* 45, 1967, pp. 113-114), ces changements dans la pratique testamentaire s'expliquent plus aisément dans l'hypothèse de la liberté laissée aux nouveaux citoyens de tester selon des formes traditionnelles du droit local; au lieu d'avoir subi un échec grave à trop exiger, le droit romain n'aurait ainsi cédé que sur la forme à la coutume locale, en évitant les conflits de fond grâce à des accommodements tels que ceux dont parle V. Arangio-Ruiz.

monia iusta, la remise de la dot étant considérée comme l'expression du consentement des époux.[285]

A ces exemples concernant le statut des personnes et le droit familial vient se joindre un autre, typique entre tous, dans le domaine des opérations contractuelles. En cette matière, la romanisation, amorcée à l'époque précédente, continue faire des progrès après 212. Mais comme l'a montré H. J. Wolff, il s'agit de modifications somme toute très extérieures au fond du droit: elles consistent essentiellement à greffer des notions romaines sur des schémas traditionnels; il faut attendre le Ve siècle pour que cette romanisation pénètre plus profondément dans la pratique en lui imposant des concepts nouveaux, comme le consensualisme dont le droit grec n'avait jamais auparavant ressenti le besoin ni compris l'utilité.[286] Aussi longtemps que les provinciaux continuent à conclure leurs contrats dans les formes traditionnelles, ceux-ci ne sont, aux yeux de la loi romaine, que des *nuda pacta* ne donnant pas lieu à une action en justice; ils sont incapables d'opérer un transfert de propriété, en cas de vente par exemple, car *dominia rerum nudis pactis non transferuntur.*[287]

Les inconvénients de cette situation sont surmontés par un artifice: pour permettre aux contrats des provinciaux de produire des effets susceptibles de protection judiciaire, on a recours à la clause stipulatoire; cette clause peut donner à toute convention quelle qu'elle soit la valeur d'une obligation verbale abstraite créatrice d'effets exécutoires en justice. Affublés de la formule *καὶ ἐπερωτηθεὶς ὡμολόγησα*, les contrats conçus selon le schéma local donnent satisfaction au droit officiel tout en perpétuant les habitudes hellénistiques des contractants.[288] La multiplication soudaine de contrats munis de cette clause [289] à partir de 221 tend à accréditer l'hypothèse d'un acte formel pris par l'autorité romaine soucieuse de sauvegarder à la fois la coutume provinciale et la lettre du droit officiel: une constitution impériale,[290] un édit préfectoral[291] ou une décision judiciaire refusant à l'occasion d'un *conventus* la reconnaissance d'obligations contractées comme pactes nus[292] aurait ouvert la voie à l'accommodement. Il a fallu moins d'une dizaine d'années pour que cette mesure astucieuse permît de résoudre les conflits sans elle inévitables.[293]

285. Voir W. Selb, "Reichsrecht und lokale Eheschliessungsformen in den römischen Ostprovinzen," dans *JJP* 15, 1965, pp. 98-118.

286. H. J. Wolff, *Romanisierung*, pp. 15 sq., 22 sq.

287. Nous paraphrasons Dioclétien, C.J. 2, 3, 20 (293 de n.è.): *Traditionibus et usucapionibus dominia rerum, non nudis pactis transferuntur*. Cf. H. J. Wolff, *Romanisierung*, p. 12.

288. Pour L. Mitteis, *Reichsrecht u. Volksrecht*, p. 488, cette formule n'était qu'une "sinnlose Floskel"; sa fonction juridique a été mise en relief par V. Arangio-Ruiz, *Application*, pp. 121 sq., suivi notamment par H. J. Wolff, *Romanisierung*, pp. 12 sq., et F. Pringsheim, "Stipulationsklausel," dans *Gesammelte Abhandlungen*, II, Heidelberg, 1961, pp. 194-256. Voir aussi E. Pólay, "Die Rolle der Stipulation in den Urkunden der siebenbürgischen Wachstafeln," dans *JJP* 15, 1965, pp. 185-220.

289. Etude d'ensemble, où l'on trouvera toute la documentation disponible: D. Simon, *Studien zur Praxis der Stipulationsklausel*, Munich, 1964 (*Münch. Beitr.* XLVIII).

290. V. Arangio-Ruiz, *Application*, p. 126.

291. D. Simon, *Stipulationsklausel* (cité *supra*, note 289) p. 25.

292. H. J. Wolff, *Romanisierung*, pp. 13-14.

293. Une autre explication de la clause *ἐπερωτηθεὶς ὡμολόγησα* avait été proposée par F. De Visscher, "La pseudo-stipulation *ἐπερωτηθεὶς ὡμολόγησα*," dans *Symbolae R. Taubenschlag* II, 1957, pp. 161-169 (= *Etudes de droit romain public et privé*, 3ème sér., Milan, 1966, pp. 307-317), et "D'une clause de style gréco-égyptienne à la stipulation écrite," dans *BIDR* 63, 1960, pp. 19-37 (= *ibid.*, pp. 319-337): la formule, qu'il faudrait selon lui traduire par "lu et approuvé," serait d'origine grecque ou orientale et n'aurait rien de commun avec la stipulation romaine. Cette interprétation a été rejetée par les romanistes; voir, par exemple, E. Seidl, *SDHI* 23, 1957, pp. 358-360 (qui semble avoir changé d'opinion dans *SDHI* 33, 1967, p. 555); M. Amelotti, *SDHI* 24, 1958, p. 383 n. 5; D. Simon, *op. cit.*, pp. 3 sq.; elle est reprise par Cl. Préaux, "'Επερωτηθεὶς ὡμολόγησα et l'"Alceste' d'Euripide, vers 1119," dans *Chron. d'Eg.* 42, 1967, pp. 140-144, dont la démonstration ne nous a pas convaincu (cf. *RHD* 46, 1968, p. 166). Sur l'emploi aberrant de la clause, par exemple dans les testaments, voir M. Amelotti, *Il testamento romano* (cité *supra*, note 284), p. 243; sur son emploi possible en matière d'*acceptilatio*, M. Amelotti, *IVRA* 16, 1965, pp. 236-244 (compte rendu de l'ouvrage de D. Simon), particulièrement p. 239, et E. Seidl, *SDHI* 33, 1967, p. 555, qui cite à ce propos les *P. Oxy.* 2568 (264 de n.è.) et 2587 (289 de n.è.).

7. *Les coutumes illicites*

Certaines pratiques locales heurtent de front l'ordre public romain: aucun accommodement ne peut alors éviter le conflit. L'institution inassimilable doit être condamnée; si elle persiste, elle n'est plus qu'un usage illicite.

L'exemple le plus frappant à cet égard nous est fourni par les unions endogames. Institution du droit matrimonial hellénistique, elles persistent dans l'Egypte romaine comme coutume pérégrine hors du champ d'application du "Reichsrecht": c'est ainsi qu'elles échappent aux sanctions civiles et pénales que celui-ci édicte à l'égard des unions reconnues incestueuses. Mais la concession générale du droit de cité met fin à cette survivance paisible d'une pratique pérégrine contraire à l'ordre public romain: après la *Constitutio Antoniniana* le mariage endogame ne peut subsister à titre de coutume provinciale officielle. Il est réduit au niveau d'un usage local illicite dont les constitutions impériales répriment sévèrement les rares manifestations dans l'Orient hellénisé.[294]

Autre exemple: la pratique qui consiste à donner en gage les enfants du débiteur pour garantir sa dette. Le droit impérial, qui autorise exceptionnellement la vente des nouveau-nés, interdit la vente et l'engagement des adolescents;[295] le droit hellénistique au contraire reconnaît au père de famille le droit d'engager ses enfants [296] et semble même étendre ce pouvoir à la mère comme le montre une lettre privée du IIe siècle de n.è.[297] Cette pratique subsiste après la *Constitutio Antoniniana*; les constitutions impériales la condamnent. Dioclétien dénonce formellement pareils abus de la puissance paternelle: *liberos a parentibus neque venditionis neque donationis titulo neque pignoris iure . . . in alium transferri posse manifesti iuris est.*[298] Mais les documents de l'Egypte byzantine, en dernier lieu le *P. Herm. Rees* 7, montrent que la pratique défie ces prohibitions;[299] celles-ci sont réitérées par Justinien en 556: l'empereur s'élève contre les créanciers qui osent accepter les enfants comme gage.[300] Treize ans plus tard, le *P. Caire-Masp.* 67023 apporte la preuve que la pratique égyptienne reste insensible à l'interdiction qui la condamne:[301] il s'agit, de toute évidence, d'un usage illicite et non pas d'une institution pérégrine absorbée par le droit officiel.

294. Voir notre étude "Die Geschwisterehe in der hellenistischen Praxis und nach römischem Recht," dans *ZSS* 81, 1964, pp. 52-58, où l'on trouvera le détail de la documentation. – Comme le mariage endogame, la polygamie est un usage illicite; voir C.J. 5, 5, 2 (Dioclétien et Maximien, 285 de n.è.): *Neminem, qui sub dicione sit Romani nominis, binas uxores habere posse vulgo patet.*

295. Voir Th. Mayer-Maly, "Das Notverkaufsrecht des Hausvaters," dans *ZSS* 75, 1958, pp. 116-155; cf. M. Kaser, *Röm. Privatrecht* II, p. 144, et J. Gaudemet, *Institutions*, p. 716 n. 4.

296. Voir les sources dans R. Taubenschlag, *Law*^{2}, pp. 139-140, et dans B. Adams, *Paramoné und verwandte Texte*, Berlin, 1964, pp. 47-48.

297. *P. Oxy.* 1295 (fin du IIe–début du IIIe siècle de n.è.); cf. notre étude "Le droit de la famille dans les lettres privées grecques d'Egypte," dans *JJP* 9-10, 1956, pp. 339-363, particulièrement pp. 355-356.

298. C.J. 4, 43, 1 (294 de n.è.); même interdiction proclamée par le même empereur: C.J. 8, 16 [17], 6 (293 de n.è.) et 4, 10, 12; le texte post-classique des Sentences de Paul s'en fait l'écho: *Idem nec pignori ab his* [=les fils de famille par leurs pères] *aut fiduciae dari possunt; ex quo facto sciens creditor deportatur* (*P.S.*. V, 1, 1; cf. Paul, D. 20, 3, 5: *creditor, qui sciens filium familias a parente pignori accepit, relegatur*).

299. *P. Herm. Rees* 7 (IVe siècle de n.è.); voir l'analyse de ce document par H. J. Wolff, dans *ZSS* 83, 1966, pp. 409-412. Voir aussi *P. Jews* = *P. Lond.* 1915 et 1916 (330-340 de n.è.): les créanciers se saisissent des enfants de leurs débiteurs; s'agit-il d'un gage sur la personne de l'enfant (*sic* H. I. Bell, *Jews and Christians in Egypt*, 1924, pp. 72-73) ou de la responsabilité solidaire des membres d'une famille pour les dettes contractées par l'un d'eux (*sic* R. Taubenschlag, *JJP* 5, 1951, p. 137 et *ZSS* 69, 1952, p. 122 = *Op. min.* I, p. 499)?

300. Nov. 134, 7: ὅτι οἱ δανεισταὶ τὰ τέκνα τῶν χρεωστούντων τολμῶσι κατέχειν - - - εἰς ἐνέχυρον κτλ.

301. *P. Caire-Masp.* 67023 (= *Jur. Pap.* 12) (15 mai 569 de n.è.).

Ce texte montre en même temps, pour l'institution étudiée, que le droit de Justinien, même celui des Novelles, n'est pas appliqué en Egypte. Nous rejoignons sur ce point les conclusions d'A. A. Schiller dans son étude "Sources of Byzantine Law in VI-VII Century Egypt," qui sera présentée au prochain Congrès international de Droit comparé (Pescara, 1970); nous remercions vivement l'auteur d'avoir bien voulu nous faire connaître les résultats de son travail avant la publication de celui-ci.

Pour une raison analogue, l'expulsion de l'enfant, l'*apokeryxis*, est interdite par le droit impérial dans la mesure où elle équivaut à une aliénation, c'est-à-dire où elle entraîne pour l'enfant la perte de sa qualité de *suus*.[302] Selon le droit romain, le père peut chasser de sa maison – *relegare* ou *abdicare* – un fils se trouvant sous sa puissance paternelle, mais il ne peut renoncer par cet acte à la *patria potestas* elle-même; au contraire, l'*abdicatio liberi* est une manifestation de la *potestas* du père qui garde tous ses droits à l'égard de l'enfant expulsé, de même que celui-ci garde les siens à l'égard du père, notamment dans le domaine successoral: l'*abdicatus* reste *suus*.[303] En revanche, l'*apokeryxis* grecque consiste, dans sa forme primitive, à rompre de manière définitive tout lien entre l'enfant et l'*oikos* dont le père est le chef.[304]

Dans la pratique pérégrine de l'Egypte romaine, où son maintien est attesté par un papyrus du début du IIe siècle de n.è.,[305] l'*apokeryxis* opère à coup sûr la même rupture; après la désagrégation de l'*oikos* à l'époque hellénistique, cette rupture n'affecte plus que le lien personnel entre père et fils.[306] Dans la mesure où cette pratique se maintient après 212, elle aboutirait, si elle était officiellement autorisée, à un résultat inacceptable du point de vue de l'autorité romaine: abandon de la puissance paternelle comportant exhérédation de l'enfant.[307] C'est contre cette conséquence de l'*apokeryxis* que proteste Dioclétien: *abdicatio, quae Graeco more ad alienandos liberos usurpabatur et apoceryxis dicebatur, Romanis legibus non comprobatur.*[308] Justinien réitère l'interdiction en insérant dans son Code le texte cité. Notons que celui-ci emploie l'imparfait, comme s'il se référait à une institution du passé: l'*apokeryxis* a-t-elle disparu? Loin de là! Nous la retrouvons en 567 dans deux papyrus byzantins.[309] Mais un changement de fond est intervenu à un moment que nous ne connaissons pas, mais qu'il serait logique de placer entre Caracalla et Dioclétien: l'*apokeryxis* de l'Egypte byzantine ne garde de son modèle grec que le nom et la forme extérieure; quant à ses conséquences juridiques, elle a été assimilée à l'*abdicatio* romaine: l'enfant expulsé reste *suus* et garde ses droits successoraux. Nous ne sommes plus en présence d'un acte qui *ad alienandos liberos usurpabatur*, mais d'une forme régionale de l'*abdicatio*, institution consacrée par le droit romain depuis l'époque républicaine. La

302. Nous suivons R. Düll, "Iudicium domesticum, abdicatio und apoceryxis," dans *ZSS* 63, 1943, pp. 54-116, à qui nous renvoyons pour les sources et la bibliographie du sujet. Voir aussi R. Taubenschlag, *Law*^{2}, pp. 137-138; M. Kaser, *Röm. Privatrecht*, II, p. 151.

303. R. Düll, *op. cit.*, pp. 71 sq. Cf. M. Kaser, *Röm. Privatrecht* I, p. 62 n. 9; p. 295.

304. Voir, en dernier lieu, A. R. W. Harrison, *The Law of Athens*, I. *The Family and Property*, Oxford, 1968, pp. 75-77. Le droit du père est confirmé par la loi; cf. Démosthène, XXXIX (*Contre Boétos*, I), 39: *ὁ μὲν νόμος . . . τοὺς γονέας ποιεῖ κυρίους οὐ μόνον θέσθαι τοῦνομ' ἐξ ἀρχῆς, ἀλλὰ κἂν πάλιν ἐξαλεῖψαι βούλωνται καὶ ἀποκηρῦξαι*; la rupture est soulignée par les lexicographes (textes dans Harrison, *op. cit.*, p. 77 n. 1), qui établissent à ce propos une comparaison entre l'*ἀποκήρυξις* et l'*ἐκποίησις*, les deux institutions entraînant pour l'enfant une séparation définitive de l'*oikos* paternel (par exemple la Souda, s.v. *ἐκποίητον γενέσθαι: ἀποκηρυχθῆναι τοῦ γένους*); Platon, *Lois* 928 d-e, relève le caractère répressif de l'*apokeryxis*.

305. *P. Oxy.* 2342 (102 de n.è.) ligne 6; cf. R. Taubenschlag, *JJP* 9-10, 1956, pp. 566-567.

306. Nous reviendrons ailleurs sur le problème de la désagrégation de l'*oikos* dans la société hellénistique; nous en avons présenté quelques aspects dans une communication sur le thème "Structures familiales et régime foncier dans l'Egypte ptolémaïque" à l'occasion d'un colloque organisé à Paris en avril1967 par le Centre de recherches comparées sur les sociétés anciennes (Ecole Pratique des Hautes Etudes) et le Centre d'études sur l'histoire de l'Antiquité (Sorbonne).

307. C'est ce que l'on voit dans le *P. Oxy.* 2342 (*supra*, note 305) où l'expulsion des enfants a pour effet leur exhérédation: *ἀποκηρύξας τὰ τέκνα ἐπὶ καταγνώσει διάδοχον* (lignes 6-7).

308. C.J. 8. 46 [47], 6 (288 de n. è.).

309. *P. Caire-Masp.* 67097 verso (= *Jur. Pap.* 11 = V. Arangio-Ruiz, *Negotia* 15) et *P. Caire-Masp.* 67353 (les deux du VIe siècle de n.è., vers 567).

coutume provinciale sauvegarde cette forme, mais le fond du droit a été romanisé.[310]

Ces exemples montrent que la généralisation du droit de cité romaine n'a entraîné ni une reconnaissance en bloc de toutes les coutumes pérégrines ni leur retrait généralisé devant le prétendu monopole du droit romain. L'insertion de pratiques pérégrines dans le droit officiel comme coutumes provinciales s'accompagne de l'exclusion de certaines d'entre elles en raison de leur caractère contraire aux principes de l'ordre public romain; pour d'autres, elle entraîne des transformations de fond laissant subsister la seule forme locale.

8. *Les coutumes victorieuses*

Pour terminer, faisons une place aux institutions locales qui, après leur reconnaissance comme coutumes provinciales, ont fini par s'imposer comme droit officiel de l'Empire.

Les droits reconnus aux femmes en matière de tutelle et d'adoption fournissent des exemples caractéristiques à cet égard. On sait comment la législation post-classique a admis les femmes à exercer la tutelle, en consacrant ainsi l'influence d'une pratique hellénistique dont on a déjà vu les manifestations dans l'Egypte romaine.[311]

Il en est de même de l'adoption. Mode de création de la puissance paternelle, la faculté d'adopter est refusée aux femmes par le droit romain classique;[312] le droit hellénistique paraît au contraire l'avoir autorisée: un papyrus d'Oxyrhynchos du début de IIe siècle de n.è. fait état du testament d'une femme qui lègue sa fortune en premier lieu à son mari, en second lieu à ses fils adoptifs;[313] Eusèbe de Césarée rapporte le cas d'une dame alexandrine qui avait pris soin d'Origène après la mort de son père martyr; cette personne charitable favorisait un hérétique "qu'elle gardait chez elle comme son fils adoptif."[314] Ces deux témoignages montrent qu'à la veille de la *Constitutio Antoniniana* l'adoption est pratiquée par les femmes grecques en Egypte, à Alexandrie comme dans la *chôra*.

C'est sans doute un écho de cette même pratique locale que nous trouvons dans une constitution de Dioclétien de 291; l'empereur rappelle que les femmes, qui n'ont pas de *potestas* sur leurs fils, ne peuvent adopter: *a muliere quidem quae nec suos filios habet in potestate, adrogari non posse certum est.*[315] Mais il autorise une femme, sinon à adopter, du moins à garder son gendre comme s'il était son fils adoptif, pour la consoler ainsi de la perte de ses propres enfants.[316] L'entorse au principe classique est faite et, bien que quelques textes tardifs le réaffirment encore,[317] ce principe s'efface dans la législation justinienne: les femmes sont

310. Cf. R. Düll, *op. cit.* (*supra*, note 302) pp. 106 sq., et sa conclusion pp. 115-116. Dans un sens différent, W. Selb, *Römisches Recht und östlich geprägte Gegebenheiten* (cité *supra*, note 206), pp. 40 et 49, qui confronte l'*apokeryxis* avec l'*exheredatio* testamentaire; voir son livre *Zur Bedeutung des Syrisch-Römischen Rechtsbuches*, Munich, 1964 (*Münch. Beitr.* XLIX), pp. 72 sq.

311. Cf. *supra*, notes 279-281. Pour les détails, nous renvoyons à M. Kaser, *Röm Privatrecht*, II, pp. 162-163 (qui reconnaît l'influence hellénistique sur ce point). Voir aussi G. Crifò, "Sul problema della donna tutrice in diritto romano classico," dans *BIDR* 67, 1964, pp. 87-166.

312. Gai., *Inst.* I, 104: *feminae vero nullo modo adoptare possunt.*

313. *P. Oxy.* 583 (119-120 de n.è.) (texte seulement décrit).

314. Eusèbe, *Hist. ecclésiast.* VI, 2, 13: *θετὸν δ' υἱὸν αὐτὸν εἶχέν τε σὺν ἑαυτῇ.*

315. C.J. 8, 47 [48], 5 (291 de n.è.).

316. Voir l'interprétation de la constitution précitée par M. Amelotti, *Legislazione privatistica di Diocleziano* (cité *supra*, note 227), pp. 139 sq.

317. *Tit. Ulp.* 8, 8 a: *feminae vero neutro modo possunt adoptare*; *Epit. Gai.* 1, 5, 2: *feminae vero adoptare non possunt* (cf. Gai., *Inst.* I, 104, cité *supra*, note 312).

admises à adopter *ex indulgentia principis ad solacium liberorum amissorum.*[318] Dans ces limites, le "Reichsrecht" consacre la coutume provinciale comme une institution officielle de portée générale.

Des victoires semblables sont remportées par la coutume provinciale dans divers secteurs du droit des personnes et de la famille. Certaines d'entre elles restent limitées à la partie orientale de l'Empire: l'adoption dite *minus plena*, l'hypothèque générale en matière de dot, les *parapherna*, l'efficacité d'un affranchissement accompli par un copropriétaire.[319] D'autres, antérieures au partage de l'Empire, s'étendent aussi à l'Occident: la *manumissio in ecclesia,* la *revocatio in servitutem*, l'*arrha sponsalicia* et la *donatio ante nuptias*, le *libellus repudii*, les diverses manifestations de déclin de la puissance paternelle, souvent au profit de la mère.[320] Dans le domaine des droits réels, la propriété par étages pourrait fournir un exemple de l'influence hellénistique sur le morcellement du concept romain de la propriété.[321] Cette influence est moins sensible dans le domaine des obligations et des successions, où elle se manifeste cependant par le rôle croissant de l'acte écrit et l'importance plus grande donnée aux héritages maternels.[322]

Sans doute ne faut-il pas exagérer ces influences. Souvent des victoires apparentes de modèles provinciaux d'Orient sont en fait le résultat de l'évolution interne du droit romain lui-même. Le droit post-classique, par les simplifications qui le caractérisent, est plus proche des traditions hellénistiques que le rigoureux droit romain de l'époque classique. La coutume provinciale rejoint alors le droit vulgaire.[323]

Les parts respectives de ces deux facteurs dans la formation du droit romain tardif sont encore loin d'être déterminées avec précision; ce n'est pas ici le lieu d'entrer dans le détail de cette matière délicate.[324] Notons seulement que l'idée d'un "Vulgarrecht" oriental, englobant les

318. *Inst.* 1, 11, 10: *feminae quoque adoptare non possunt, quia nec naturales liberos in potestate sua habent: sed ex indulgentia principis ad solatium liberorum amissorum adoptare possunt.*

319. Nous nous limitons volontairement aux exemples retenus par M. Kaser, *Röm. Privatrecht*, II, pp. 5-8, à qui nous renvoyons pour tous les détails.

320. M. Kaser, *op. cit.*, p. 8.

321. Ce problème fait actuellement l'objet d'une thèse de doctorat en préparation par un collaborateur de l'Institut de Papyrologie de Marbourg.

322. M. Kaser, *Röm. Privatrecht* II, pp. 238-239. On peut mentionner également l'influence hellénistique en matière de privilèges du fisc à laquelle nous avons consacré une étude encore inédite; voir au demeurant F. Wieacker, "Protopraxie und ius pignoris im klassischen Fiskalrecht," dans *Festschrift P. Koschaker*, I, Weimar, 1939, pp. 218-257, et nos articles: "La dévolution à l'Etat des successions en déshérence dans le droit hellénistique (Note sur P. Doura-Welles 12)," dans *RIDA*, 3e sér., 8, 1961, pp. 79-113, et "La dévolution au fisc des biens vacants d'après le Gnomon de l'Idiologue" (cité *supra*, note 129).

323. Le problème du droit vulgaire a suscité au cours des dernières années une abondante littérature. Les études de base sont les ouvrages de E. Levy, *West Roman Vulgar Law*- [I]: *The Law of Property*, Philadelphia, 1951; *Weströmisches Vulgarrecht* [II]: *Das Obligationenrecht*, Weimar, 1956, et le mémoire de F. Wieacker, *Vulgarismus und Klassizismus im Recht der Spätantike*, Heidelberg, 1955 (*Sitz.-Ber. d. Heidelb. Akad. d. Wiss., Philos.-hist. Klasse*, 1955, 3. Abh.). Pour l'ensemble du problème, nous renvoyons à M. Kaser, art. "Vulgarrecht," dans *PWRE* 9 A 2, 1967, col. 1283-1304, où l'on trouvera une mise au point et une bonne orientation bibliographique; voir aussi, du même auteur, "Zum Begriff des spätrömischen Vulgarrechts," dans *Studi E. Betti*, Milan, 1962, pp. 541-572, et J. Gaudemet, "A propos du droit vulgaire," dans *Studi B. Biondi*, I, 1963, pp. 274-284. En dernier lieu, utile résumé des opinions formulées au sujet du droit vulgaire par divers savants, dans G. Stühff, *Vulgarrecht im Kaiserrecht*, pp. 6 sq.

324. C'est le mérite de E. Levy d'avoir montré, dans ses ouvrages cités à la note précédente, combien de phénomènes autrefois attribués à des influences hellénistiques sont en réalité, dans le droit du Bas-Empire, le résultat de conceptions et de pratiques vulgaires; F. Pringsheim, *JJP* 7-8, 1954, p. 166, souligne le progrès ainsi accompli par la recherche historique.

traditions juridiques d'origine locale,[325] paraît aussi dangereuse que celle d'un droit romain "hellénistique," qualificatif donné au droit du Bas-Empire par un usage abusif, autrefois à la mode[326] mais aujourd'hui proscrit par les romanistes.[327] Le droit vulgaire, style culturel et phénomène historique,[328] est un fait romain; il ne saurait être confondu avec les éléments de culture juridique remontant aux droits pérégrins des provinces orientales.[329]

Un point commun subsiste cependant entre les deux notions: c'est le rôle du facteur coutumier, dont nous avons tenté de montrer la signification pour la survie des droits locaux sous le Bas-Empire et dont les romanistes reconnaissent volontiers la prépondérance dans la formation du droit post-classique.[330] Et c'est peut-être la double action de ce facteur, en Occident comme en Orient, qui plus que tout autre aspect de l'évolution juridique marque l'unité du droit de l'Empire à l'époque de son déclin où se termine notre enquête.

CONCLUSION

L'étude des sources du droit privé en Egypte sous l'Empire amène à distinguer deux phases principales dans l'histoire des droits locaux et dans leurs rapports avec le droit romain: une période de subordination, qui couvre en gros le Ier et le IIe siècles de notre ère, débouche sur une période d'inclusion des droits locaux dans l'ordre juridique de l'Empire; la constante de cette évolution réside dans l'inégalité de rang qui permet de situer le droit romain au niveau supérieur de règle légale face à laquelle les droits locaux n'ont que la valeur inférieure de coutume.

Dans la première phase, les droits locaux survivent dans la pratique à titre de coutumes pérégrines, en dehors du champ d'application du droit romain. L'attitude du conquérant, qui les tolère et les protège sur le plan judiciaire, favorise cette survie coutumière de traditions locales; la législation provinciale les élève parfois au rang d'institutions officielles; une influence inverse permet une lente pénétration d'idées et de techniques juridiques romaines dans la pratique pérégrine. Au total, ces contacts sont faibles et rares: les deux ensembles de règles de droit évoluent dans deux espaces distincts et situés à des niveaux différents, sans risque de conflit.

La deuxième phase, préparée par l'extension progressive du droit de cité romaine, suit dans le domaine de la vie juridique la généralisation de la *civitas Romana* par Caracalla: après 212, les

325. Cette idée semble avoir séduit E. Levy: les traditions locales des provinces hellénisées seraient une "subdivision" du droit vulgaire, considéré, lui, comme un "terme générique" (*West Roman Vulgar Law*, I [cité *supra*, note 323], p. 6); par la suite, le regretté romaniste a adopté une formule plus nuancée: le "Volksrecht" hellénistique ne serait une "espèce" ("Spielart") de droit vulgaire que dans la mesure où, après avoir été pénétré d'éléments romains, il aurait exercé une influence (très limitée selon Levy) sur la vie juridique de l'Occident (*Weströmisches Vulgarrecht*, II [cité *ibid.*], pp. 7-8). Le même savant a également signalé des cas de "vulgarisme" présentant un caractère identique en Occident comme en Orient: il s'agirait d'un "West-östliches Vulgarrecht," commun aux deux *partes imperii* (*ZSS* 76, 1959, pp. 1-36; cf. *ZSS* 77, 1960, pp. 1-15 = *Gesammelte Schriften* I, Cologne et Gratz, 1963, pp. 264-288 et 295-304). G. Stühff, *Vulgarrecht im Kaiserrecht*, pp. 129 sq., critique cette conception; elle n'admet que l'origine occidentale du droit vulgaire et suppose son extension à l'Orient par voie de constitutions constantiniennes: "hypothèse intéressante, mais que l'on aurait souhaité voir mieux étayée par des éléments de preuve" (J. Gaudemet, *Gnomon* 39, 1967, p. 843).

326. Un exemple, typique parmi beaucoup d'autres: P. Bonfante, *Histoire du droit romain* (trad. franç. par J. Carrère et F. Fournier), Paris, 1928, t. II, pp. 28 sq. ("droit romano-hellénique").

327. En dernier lieu, M. Kaser, *Röm. Rg.*[2], p. 220.

328. F. Wieacker, *Vulgarismus und Klassizismus* (cité *supra*, note 323), pp. 12 sq., 40 sq.

329. L. Mitteis, *Reichsrecht u. Volksrecht*, p. 5, insiste sur cette différence: "Vulgarrecht und Volksrecht fallen nicht zusammen. Das erstere ist entartetes, das zweite überhaupt nicht römisches Recht." Dans le même sens, parmi les auteurs plus récents, F. Wieacker, *op. cit.*, pp. 27 sq.; M. Kaser, *Zum Begriff des röm. Vulgarrechts* (cité *supra*, note 323), pp. 562-563; J. Gaudemet, *Formation*, p. 127.

330. Voir les travaux de E. Levy, H. Lévy-Bruhl, J. Gaudemet, M. Kaser et F. Wieacker, cités par G. Stühff, *Vulgarrecht im Kaiserrecht*, pp. 37 sq., avec une prise de position critique qui ne paraît cependant pas convaincante.

droits locaux se trouvent inclus dans l'ordre juridique de l'Empire à titre de coutumes provinciales. Point de "lutte" entre un "Reichsrecht" légal et des "Volksrechte" illégaux; point d'équivalence entre plusieurs systèmes juridiques parallèles et concurrents: l'alternative du débat traditionnel paraît sans objet à la lumière de notre recherche. Soumis à la primauté du "Reichsrecht," ajustés à ses techniques, amputés d'éléments incompatibles avec l'ordre public romain, les droits locaux subsistent dans le droit de l'Empire comme coutumes de rang secondaire et de portée territorialement restreinte.

Ce schéma juridique semble rendre compte des données historiques qui forment le cadre des rapports entre le droit romain et les droits locaux dans les provinces de l'Orient hellénisé. Au point de départ, une cité victorieuse affronte des *gentes* et des *civitates* conquises; pour les premières, incapables de prétendre à un régime juridique proprement dit, elle ne reconnaît que l'existence d'usages qu'elle accepte de tolérer; pour les secondes, douées d'une structure politique analogue à la sienne, elle conçoit le maintien d'une autonomie judiciaire et législative. Mais dans un pays éminement agricole comme l'Egypte, le poids du contrôle impérial réduit à peu de choses l'autonomie des *poleis*, et le droit de celles-ci rejoint les coutumes conservées par la pratique de la *chôra*.

La situation se modifie par la suite. Cité républicaine devenant un Etat mondial de type "despotique," Rome multiplie les villes et les dégrade en même temps au niveau de simples unités administratives; dans un régime provincial uniforme, la différence entre *civitates* et *gentes* tend à s'estomper; la spécificité de l'Egypte s'efface. Aux citoyennetés pérégrines se substituent des liens plus faibles d'*origo* locale, alors que la *civitas Romana*, lien infiniment plus général, devient le symbole de l'appartenance à la communauté mondiale des Romains. Au moment où l'Edit de Caracalla donne à tous l'accès à cette communauté, les collectivités locales qui composent l'Etat romain ne sont plus capables d'ordonner souverainement la vie juridique de leurs membres; mais elles constituent une charpente assez solide pour le soutien des régionalismes locaux dont font partie les traditions juridiques pérégrines: en même temps que la citoyenneté romaine absorbe en elle les appartenances locales, les droits locaux sont incorporés dans le droit de l'Empire. Ils font partie de l'héritage culturel que Justinien lèguera à l'Occident.

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Actes Milan = *Atti dell'XI Congresso internazionale di Papirologia* (Milan, 2 - 8 septembre 1965), Milan, 1966.
Actes Oslo = *Proceedings of the IXth International Congress of Papyrology* (Oslo, 19 - 22 août 1958), Oslo, 1961.
Actes Oxford = *Actes du Ve Congrès international de Papyrologie* (Oxford, 30 août - 3 septembre 1937), Bruxelles, 1938.
Actes Varsovie = *Actes du Xe Congrès international de Papyrologues* (Varsovie-Cracovie, 3 - 9 septembre 1961), Wroclaw-Varsovie-Cracovie, 1964.

AC = *L'Antiquité Classique* (Louvain).
Aegyptus = *Aegyptus. Rivista italiana di Egittologia et di Papirologia* (Milan).
AJPh. = *American Journal of Philology* (Baltimore).
Ann. Sem. Giur. Catania = *Annali del Seminario Giuridico dell' Università di Catania.*
Ann. Univ. Bari = *Annali dell' Università di Bari.*
Anzeiger d. Oesterr. Akad. d. Wiss. = *Anzeiger der philosopisch-historischen Klasse der Oesterreichischen Akademie de Wissenschaften* (Vienne).
Arch. f. Pap. = *Archiv für Papyrusforschung und verwandte Gebiete* (Leipzig).
Arch. Idiot. Dik. = Ἀρχεῖον Ἰδιωτικοῦ Δικαίου (Athènes).
Arch. Or. = *Archiv Orientální* (Prague).
BASP = *Bulletin of the American Society of Papyrologists* (New Haven et Toronto).
BIDR = *Bulletino dell' Istituto di Diritto Romano* (Rome).
BIFAO = *Bulletin de l'Institut Français d'Archéologie Orientale du Caire* (Le Caire).
Bull. Acad. Belg. = *Bulletin de la Classe des Lettres de l'Académie royale de Belgique* (Bruxelles).
Chron. d'Eg. = *Chronique d'Egypte* (Bruxelles).
Class. Phil. = *Classical Philology* (Chicago).
CRAI = *Comptes rendus de l'Académie des Inscriptions et Belles-Lettres* (Paris).
Eirene = *Eirene. Studia Graeca et Latina* (Prague).
Eos = *Eos. Commentarii Societatis Philologae Polonorum* (Wroclaw).
Epigraphica = *Epigraphica. Rivista Italiana di Epigrafia* (Milan).
Gnomon = *Gnomon. Kritische Zeitschrift für die gesamte klassische Altertumswissenschaft* (Munich).
Historia = *Historia. Zeitschrift für Alte Geschichte* (Wiesbaden).
IVRA = *Iura. Rivista internazionale di Diritto Romano e Antico* (Naples).
JEA = *The Journal of Egyptian Archaeology* (Londres).
JJP = *The Journal of Juristic Papyrology* (Varsovie).
Labeo = *Labeo. Rassegna di Diritto Romano* (Naples).
Latomus = *Latomus. Revue d'Etudes Latines* (Bruxelles).
Münch. Beitr. = *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* (Munich).

Nov. Dig. Ital. = *Novissimo Digesto Italiano* (Turin).
PWRE = *Pauly's Realencyclopädie der classischen Altertumswissenschaft*, neue Bearbeitung, begonnen von G. Wissowa, fortgeführt von W. Kroll, K. Mittelhaus und K. Ziegler (Stuttgart).
Rec. Soc. J. Bodin = *Recueils de la Société Jean Bodin pour l'Histoire comparative des Institutions* (Bruxelles).
REG = *Revue des Etudes Grecques* (Paris).
RHD = *Revue Historique de Droit Français et Etranger* (4ème sér., depuis 1922) (Paris).
RIDA = *Revue internationale des Droits de l'Antiquité* (3ème sér. depuis 1954) (Bruxelles).
RPh. = *Revue de Philologie* (Paris).
SDHI = *Studia et Documenta Historiae et Iuris* (Rome).
Seminar = *Seminar. Annual Extraordinary Number of The Jurist* (Washington, D.C.).
Syria = *Syria. Revue d'Art Oriental et d'Archéologie* (Paris).
TAPA = *Transactions and Proceedings of the American Philological Association* (Cleveland).
Tijd. v. Rg. = *Tijdschrift voor Rechtsgeschiedenis. Revue d'Histoire du Droit* (Groningue).
ZSS = *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung* (Weimar).
Ztschr. f. Papyr. u. Epigr. = *Zeitschrift für Papyrologie und Epigraphik* (Bonn).

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LA LETTERATURA CRISTIANA ANTICA E I PAPIRI
Note e osservazioni

Mario Naldini

I contributi papirologici alla storia del cristianesimo, in particolare alla letteratura cristiana antica, sono giunti, come è noto, a tale vastità e varietà che oggi si parla a buon diritto di "papirologia cristiana" come di una disciplina che dispone di una propria metodologia, in un campo determinato e insieme ampio e complesso.[1]

Non è certo il caso di tentare qui una rassegna più o meno esauriente dei numerosissimi papiri che ci hanno restituito finora testi letterari cristiani nuovi o già noti, e per i quali disponiamo soltanto di qualche indice e di cataloghi parziali. D'altra parte, un elenco sistematico di tutto il materiale letterario pubblicato è oggi sentito e atteso come uno strumento essenziale di lavoro, ed è auspicabile che veda al più presto la luce il "catalogo ragionato" cui attende il collega Rev. Van Haelst.[2] Mi sia tuttavia consentito di menzionare di sfuggita alcuni di quei testi che compaiono nelle varie pubblicazioni, fra le quali emergono le due collezioni universalmente note, di contenuto prevalentemente biblico, Chester Beatty e Bodmer.

Il *P. Bodmer* XI ci restituisce per la prima volta il testo greco di un' *Ode di Salomone,* l'undicesima della già nota raccolta siriaca; ed è interessante trovare questa breve e singolare composizione poetica in un codice miscellaneo riferibile al III secolo, accanto a scritti di evidente contenuto cristiano, e riscontrare in essa, insieme ad affinità formali con alcuni passi di lettere paoline, sorprendenti influssi dei così detti *Inni del Mar Morto* e del *Libro dei Giubilei,* due composizioni queste provenienti dalla comunità essena di Qumrân. Uno scritto relativamente nuovo, anch' esso della Raccolta Ginevrina, è contenuto in *P. Bodmer* XX: è l'apologia di Filea vescovo di Thmuis nella redazione greca, che ha suscitato stimolanti raffronti con la versione latina di quello stesso processo, e il cui testo, qua e là frammentario, attende nuove cure e nuovi contributi. Fra i papiri che documentano il *Pastor Hermae* si distingue in misura eccezionale il codice di Michigan databile alla metà del III secolo:[3] esso ci restituisce una parte considerevole di quel notissimo scritto del periodo subapostolico, ed è entrato con autorità nella problematica circa la composizione e l'autore o gli autori del testo.[4]

1. Cf. O. Montevecchi, "Progetto per una serie di ricerche di Papirologia cristiana," in *Aegyptus* 36, 1956, pp. 3-13.
2. Cf. J. Van Haelst, "A propos du catalogue raisonné des papyrus littéraires chrétiens d'Égypte, grecs et latins," in *Actes du Xe Congrès International de Papyrologues,* Varsovie-Cracovie, 1964, pp. 215-225.
3. C. Bonner, *The Michigan Codex of the Shepherd of Hermas, with a Fragment of the Mandates,* Ann Arbor, 1934.
4. Cf. R. Joly, *Hermas. Le Pasteur,* Paris, 1958, pp. 15, 61; S. Giet, *Hermas et les Pasteurs. Les trois auteurs du 'Pasteur' d'Hermas,* Paris, 1963; e "Les trois auteurs du Pasteur d'Hermas," in *Studia Patristica* VIII, 2, ed. F.L. Cross, Berlin, 1966, pp. 10-23.

E questo fuggevole e sintetico cenno potrebbe largamente estendersi: ai papiri di Tura contenenti, fra l'altro, alcuni scritti di Origene e i commentari di Didimo il Cieco;[5] ai frammenti di opere di Ireneo e di Clemente Alessandrino, di Basilio Magno, Gregorio Nazianzeno e Gregorio Nisseno, del Crisostomo, e via dicendo. Nessuno poi ignora quanto la letteratura cristiana antica, fra le altre discipline, sia singolarmente debitrice alle ricerche papirologiche di sempre nuove scoperte, che ci hanno fatto conoscere nuovi testi anonimi e così detti minori, eppure tanto preziosi per una maggiore e approfondita comprensione di altri scritti già noti come i libri del Nuovo Testamento, e per l'apporto di nuova luce sulla tradizione delle varie Liturgie, sulle opere dei Padri Apostolici, degli Apologisti e degli stessi grandi nomi dell' intera patristica. Basti un semplice accenno ai frammenti – in particolare al gruppo dei *P. Oxy.* fra i quali emerge il no. 840 – che ci restituiscono numerosi Λόγια Ἰησοῦ rivelatisi eccezionali e positive testimonianze circa il valore dei Vangeli canonici;[6] ai papiri contenenti apocrifi neotestamentari, agli eucologi, ai frammenti liturgici, agiografici, agli innumerevoli testi che riflettono il complesso e diffuso fenomeno del sincretismo religioso, e soprattutto all' inesauribile e multiforme produzione gnostica.

Si tratta di un materiale molteplice che accompagna quasi passo passo lo sviluppo della storia letteraria del cristianismo, dal suo nascere fino alla tarda età bizantina, toccandone gli svariati settori, da quelli più propriamente letterari a quelli di carattere, per così dire, dimesso e popolare, e tuttavia non meno interessanti. Ed è chiaro che un campo di studio così vasto non si potrebbe esplorare se non parzialmente e in rapida sintesi nel breve giro di tempo disponibile per la nostra conversazione. Senza pensare che l'orizzonte della documentazione letteraria del cristianesimo antico si allarga notevolmente e riceve un necessario complemento, se ai papiri greci, che costituiscono la stragrande maggioranza, si aggiunge, oltre la modesta serie dei testi papiracei latini, la messe già copiosa e sempre in aumento dei papiri copti, fra i quali eccelle la biblioteca gnostica scoperta nel 1945 a Nag Hammadi, nell' Alto Egitto.

Mi è parso opportuno, pertanto, di limitare l'attenzione ad alcuni apporti papirologici che interessano variamente la letteratura cristiana, sia scegliendo dal vasto repertorio dei testi appartenenti ad autori noti, sia anche addentrandomi rapidamente nel terreno tuttora quasi inesplorato dei frammenti adespoti, con l'intento di presentare qui alcune annotazioni passibili di ulteriore sviluppo e, naturalmente, di precisazioni e rettifiche. Non so rinunziare ad esprimere anche da questa sede un profondo sentimento di gratitudine per il compianto e indimenticabile maestro Vittorio Bartoletti, dal quale fui avviato e guidato allo studio dei papiri cristiani.

Il *P. Oxy.* 1782, frammento di codice pergamenaceo riferibile alla fine del IV secolo, contiene alcuni righi dei primi tre capitoli della *Didachè*: pochi righi che misero a soqquadro la critica testuale di quella primitiva operetta cristiana, e fecero tacere, almeno in parte, tante discussioni. A me interessa considerare il formato 'tascabile' del codice originario e, come osservano gli editori, la modesta cultura dello scrivano resa palese dall' ortografia e dal modo in cui sono divise le parole:[7] indizi che fanno pensare ad un piccolo *vademecum* largamente diffuso nella vita dei primi cristiani, e ad una valida testimonianza della trasmissione popolare di quell'antichissimo codice di vita cristiana.[8] Il formato tascabile del libretto è stato anche posto in relazione con la

5. Cf. O. Guéraud, "Note préliminaire sur les papyrus d'Origène découverts à Toura," in *Revue de l'histoire des religions* 131, 1946, pp. 85-108; H.-C. Puech, "Les nouveaux écrits d'Origène et de Didyme découverts à Toura," in *Revue d'histoire et de philosophie religieuses* 31, 1951, pp. 293-329.

6. Cf. J. Jeremias, *Gli Agrapha di Gesù,* trad. O. Soffritti, Brescia, 1965, pp. 68 ss., 151 ss.

7. P.B. Grenfell e A.S. Hunt, *The Oxyrhynchus Papyri* XV, London, 1922, p. 13.

8. J.-P. Audet, *La Didachè. Instructions des Apôtres,* Paris, 1958, pp. 26 s.; cf. L. Amundsen, "Christian Papyri from the Oslo Collection," in *Symbolae Osloenses* 24, 1945, p. 127; C.H. Roberts, "The Christian Book and the Greek Papyri," in *JThS* 50, 1949, pp. 155 s.

prassi di portare sulla propria persona un manoscritto di contenuto religioso a modo di "filatterio," conforme a certa superstizione popolare.[9] A parte la necessaria discrezione nel giudicare semplicemente superstiziosa la consuetudine di portare con sé scritti sacri, nel caso nostro mi pare che il formato ridotto del libro rispondesse, secondo l'intenzione di chi ebbe a curare quella edizioncina della *Didachè*, ad una pratica utilità religiosa: essere a portata di mano per ricordare al fedele, in qualsiasi ora della giornata, le regole etico-liturgiche della vita cristiana. E quel carattere, direi, normativo sembra trovare conferma nel tipo di redazione presentato dal frammento di Ossirinco, che si distingue per l'esclusività di due lezioni nel testo, assenti anche nel VII libro delle *Costituzioni Apostoliche*. L'espressione *ἄκουε τί σε δεῖ ποιοῦντα σῶσαί σου τὸ πν(εῦμ)α π[ρ]ῶτον πάντων* del cap. 1.4, variamente giudicata, è stata ritenuta un'interpolazione.[10] Al cap. 3.1, dopo *φεῦγε ἀπὸ παντὸς πονηροῦ*, si registra ancora un'aggiunta nella pergamena ossirinchita, *πράγματος*, che precisa e chiarisce il valore del precendente *πονηροῦ*.[11] Si ha l'impressione che le due lezioni del frammento rispecchino una mentalità direi pedagogica e intenzioni prevalentemente etiche, quelle caratteristiche cioè di ordine pratico che dominano la primitiva letteratura cristiana. Sulla base di tali verosimiglianze si può anche supporre che quelle due lezioni, se pure non furono già presenti nel testo originario, risalgano ad una redazione molto anteriore alla composizione del piccolo codice di Ossirinco, la cui provenienza potrebbe immaginarsi in ambiente ecclesiastico pastoralmente impegnato nella catechesi popolare.

La fama e l'autorità di Melitone, vescovo di Sardi nella seconda metà del II secolo, sono state confermate ed illustrate da due codici papiracei: *P. Chester Beatty* XII, pubblicato da Campbell Bonner nel 1940, che ci restituiva gran parte della rinomata omelia sulla Pasqua,[12] e *P. Bodmer* XIII, edito da Michel Testuz nel 1960, contenente per intero la stessa omelia.[13] I due codici, databili, su base paleografica, rispettivamente al secolo IV e al III-IV, hanno reso possibile l'identificazione e una precisa valutazione di vari frammenti non solo del testo greco, ma anche di traduzioni copte, siriache e latine di quel sermone, la cui evidente celebrità poté essere causata, almeno in parte, dalla nota e vivace controversia circa la celebrazione della Pasqua cristiana, che si protrasse fino al Concilio di Nicea. Un aspetto non trascurabile di questo famoso testo della primitiva letteratura patristica restituitoci dai papiri è costituito dai singolari punti di contatto che vi si riscontrano con gli *Acta Joannis*, apocrifo della metà del II secolo:[14] in *Περὶ Πάσχα* 9, a parte qualche inciso che poté generare sospetti di eterodossia, à posta in rilievo l'azione salvifica di Cristo (*λόγος*, *χάρις*) e della S.S. Trinità con tale giro di frase ed espressioni che richiamano da vicino *Act. Jo.* 94 e 98, e lo stesso Vangelo canonico di Giovanni.

Questi contatti hanno fatto supporre, con ragione, una "comune tradizione teologica,"[15] centrata, come pare, sul tema trinitario-cristologico. Particolarmente significativo è l'accostamento di *Περὶ Πάσχα* 9 ad *Act. Jo.* 98, per l'uso tipico di *χάρις* attribuito a Cristo e per l'analogia concettuale di termini cristologici comuni all' autore del IV Vangelo, come *ἄρτος*,

9. Amundsen, *op.cit.*, p. 128.
10. Cf. A. Neppi Modona, "Un frammento della '*Didachè*' in un nuovo papiro di Ossirinco," in *Bilychnis* 11, 1922, p. 184; K. Bilhlmeyer, *Die Apostolischen Väter,* Tübingen, 1956, p. XVII.
11. Cf. Neppi Modona, *op.cit.*, p. 185; Audet, *ibid.*
12. C. Bonner, *The Homily on the Passion by Melito Bishop of Sardis and Some Fragments of the Apocryphal Ezekiel,* London-Philadelphia, 1940. Cf. il facsimile del codice papiraceo in F.G. Kenyon, *The Chester Beatty Biblical Papyri, VIII: Enoch and Melito,* London, 1941.
13. M. Testuz, *Papyrus Bodmer XIII. Méliton de Sardes. Homélie sur la Pâques,* Cologny Genève, 1960.
14. M. Bonnet, *Acta Apostolorum Apocrypha* II, 1, Hildesheim, 1959 (rist. ed. Leipzig, 1898), pp. 151-216.
15. Stuart G. Hall, "Melito's Paschal Homily and the Acts of John," in *JThS,* N.S. 17, 1966, pp. 95-98.

σπόρος, ἀνάστασις. Tale affinità, presupponendo l'esistenza di un filone teologico comune al Περὶ Πάσχα di Melitone, notoriamente antignostico,[16] e al quasi contemporaneo apocrifo, e risalente al IV Vangelo, ha qualcosa di sorprendente, e sembra proporre nuovi elementi di valutazione per quanto concerne il noto e pur manifesto gnosticismo degli *Acta Joannis*. D'altra parte, quell'aspetto – si direbbe – folcloristico, dal sapore gnostico, di *Act. Jo.* 94-95, in cui si legge un inno recitato da Gesù danzante con i discepoli, è stato messo in relazione, sulla scorta di Περὶ Πάσχα 80, con l'analoga prassi nella Pasqua ebraica.[17]

Fra le varie διάλεκτοι, "conversazioni dialettiche," di Origene, di cui abbiamo notizia più o meno generica, di una sola ci è pervenuto il testo grazie alla scoperta di un codice papiraceo di Tura contenente il 'dialogo' di Origene con Eraclide, in una scrittura che l'editore Jean Scherer riferisce al sec. VI-VII:[18] un codice che nella sua forma integrale conteneva molto probabilmente una raccolta di 'dialoghi' origeniani. Nella struttura di questo dialogo *sui generis*, cui partecipano vari personaggi sotto la direzione di Origene allo scopo di verificare o meno la sospettata eterodossia cristologica del vescovo Eraclide, si fa luce un elemento essenziale e meritevole di nota, che consiste nell'attiva partecipazione dei semplici fedeli al dibattito non riservato, come pare, all'autorità dei vescovi.[19] In realtà, Origene proclama che lì è presente e in ascolto tutta la Chiesa: ὅλη ἡ ἐκκλησία πάρεστω ἀκούουσα (i.17-18); e, dopo essersi appellato al beneplacito "di Dio, dei vescovi, dei presbiteri e del popolo," propone ai suoi interlocutori di approvare e in qualche modo codificare gli articoli di fede discussi ἐπὶ διαμαρτυρίας τοῦ λαοῦ (vi.5). Il senso di questa formula, non molto chiara nel contesto e soggetta a qualche ambiguità, può essere precisata dal valore tecnico-giuridico del termine διαμαρτυρία che dal classico giunge fino ai papiri di età bizantina col significato di "contestazione" di un'azione processuale,[20] e intanto compare, fra l'altro, in testi cristiani a designare una "deposizione giurata o dichiarazione solenne."[21] A quanto pare, dunque, la testimonianza dei fedeli nella διάλεκτος origeniana aveva un peso ragguardevole ed era improntata ad una certa solennità giuridica: elemento questo che, insieme agli altri precedentemente sottolineati, caratterizza il testo tramandatoci dal papiro di Tura: non un semplice e comune dialogo, ma come la relazione di un dibattito, si direbbe, ecclesiale, e quasi verbale di un piccolo sinodo.

Lo studio della letteratura cristiana antica, come accennavamo, allarga il suo campo e si approfondisce mediante l'apporto già da tempo cospicuo di quei testi papiracei – fra i quali primeggiano i frammenti di contenuto teologico – il cui autore rimane ancora ignoto, e con il contributo di quella schiera innumerevole di papiri così detti "quasi letterari," come le preghiere, gli 'amuleti' e simili:[22] in essi non di rado si svelano rilevanti e problematici rapporti sia con i testi biblici, sia anche con altre opere letterarie di autori noti. Non v'è dubbio che soltanto una ricerca analitica e insieme complessiva – e certo laboriosa – di quella ricca messe di papiri

16. Cf. R. Cantalamessa, "Méliton de Sardes. Une christologie antignostique du IIe siècle," in *Revue des Sciences Religieuses* 37, 1963, pp. 1-26.

17. Si veda W.C. van Unnik, "A Note on the Dance of Jesus in the 'Acts of John'," in *Vigiliae Christianae* 18, 1964, pp. 1-5.

18. J. Scherer, *Entretien d'Origène avec Héraclide et les évêques ses collègues, sur le Père, le Fils, et l'âme*, Le Caire, 1949; e *Entretien d'Origène avec Héraclide*, Paris, 1960.

19. Cf. Scherer, ed. 1960, pp. 17 s.

20. Cf. E. von Druffel, *Papyrologische Studien zum byzantinischen Urkundenwesen im Anschluss am P. Heidelberg 311.* München, 1915, pp. 26, 41 ss., 46 n. 1; E. Schönbauer, "Παραγραφή, διαμαρτυρία, *exceptio, praescriptio*. Zur antiken Einrede der Unzulässigkeit des Streitverfahrens," in *Anzeiger d. phil.-hist. Klasse d. österreich. Akad. d. Wiss.* 10, 1964, pp. 202-231.

21. Cf. G.W.H. Lampe, *A Patristic Greek Lexicon*, s.v., 2.

22. Cf. Van Haelst, *op.cit.*, p. 219.

anonimi sparsi nelle svariate collezioni e riviste, può approdare a risultati concreti, forse anche sorprendenti; ed è comprensibile l'attesa direi impaziente del "Corpus" relativo a quei testi cristiani, in elaborazione presso la "Patristische Arbeitsstelle" di Münster. Non mi è parso tuttavia privo di qualche interesse presentare, sia pure a modo di semplice saggio e come indagine provvisoria, qualche noterella su alcuni testi, tra i quali un inedito della raccolta fiorentina, allo scopo di sollecitare utili ed apprezzati suggerimenti.

Il *PSI* 1296 (a) ci restituisce parte di una *συνζήτησις* fittizia – una sorta di indagine dialogica – su temi cristologici, di Basilio Magno e Gregorio Nazianzeno; della quale *συνζήτησις* fu pubblicata, come ha dimostrato egregiamente il Card. Giovanni Mercati nella *editio princeps,* "una redazione più breve" databile, per quanto sappiamo, ad un'epoca non anteriore al secolo IX. Il frammento fiorentino apparteneva ad un codice pergamenaceo di contenuto miscellaneo, la cui scrittura è riferibile al sec. VII.[23] All' inizio della pagina 3, rr. 1-2, la domanda posta da Basilio, *πόθεν γνῶμεν ὅτι οὐσίᾳ καὶ οὐκ ἐνεργείᾳ κατῆλθεν* (*scil. ὁ υἱὸς θεοῦ*), appare come un' eco viva delle polemiche cristologiche sviluppatesi avanti e dopo il Concilio Costantinopolitano I (381) fino all'Efesino (431; e non è da escludere che quelle parole prendessero di mira il latente sabellianismo di Marcello vescovo di Ancira (+ 374),[24] verso il quale i due grandi Cappadoci condussero una polemica vivace e severa.[25] A pagina 4, rr. 10-13, si legge: *σὺν τῷ σώματι ἀνε[λήμ]φθη· σὺν τῷ σώμα[τι κα]θέζεται· σὺν τῷ [σώμα]τι ἐλεύσεται* (scil. *ὁ Χριστὸς*), dove si vuole evidentemente porre in risalto la realtà della carne del Cristo nei misteri conseguenti alla sua resurrezione; e non è improbabile che si mirasse così a colpire le conclusioni eterodosse cui era giunto lo stesso Marcello di Ancira con le sue ambiguità circa l'incarnazione del Verbo, da lui ritenuta, per via del suo giudizio negativo sulla carne, una sorta di "estensione" della sola *ἐνέργεια* divina.[26]

In base a questi elementi, in particolare alla vivacità con cui viene trattato il tema cristologico nel quadro della non improbabile polemica nei confronti di Marcello di Ancira e delle discussioni teologiche caratteristiche nel periodo che intercorre fra il Concilio Costantinopolitano I e quello Efesino, mi son chiesto se il testo originale della *συνζήτησις* parzialmente restituitaci dalla pergamena fiorentina, non si possa collocare in epoca piuttosto antica, e farlo risalire fino all'inizio del V secolo, se non addirittura alla fine del IV. Ma l'autore rimane ancora nell' ombra, sebbene le circostanze possano far pensare a qualche persona non estranea all' ambiente stesso dei due celebri Cappadoci.

Un rapido accenno, infine, ad un settore dei papiri classificati come "quasi letterari," che costituiscono, per modo di dire, una zona periferica ma anche – vogliamo ripetere – tanto fertile, nei confronti della letteratura cristiana antica: e precisamente al settore dei papiri di contenuto magico-religioso o con qualche tendenza o influsso della magia; dove, a prescindere dai rari elementi più o meno distintamente eterodossi, si riscontrano evidenti e talvolta sorprendenti rapporti, tanto di contenuto che di forma, con opere propriamente letterarie.[27] E vorrei prendere

23. Cf. G. Cavallo, *Ricerche sulla maiuscola biblica,* Firenze, 1967, p. 120, dove è precisata al sec. VII la datazione VII-VIII proposta dall' editore.

24. Cf. J. Tixeront, *Histoire des Dogmes,*[2] II, Paris, 1909, pp. 39 s., 43, 76 ss.; W. Gericke, *Marcel von Ancyra,* Halle, 1940, pp. 23 ss., 137 ss.

25. Vedi Basilio Magno, *Epist.* LXIX, 2; CXXV. Cf. M.D. Chenu, in *Diction. de Théol. Cathol.* IX, 2 Col. 1996-1998.

26. Tixeront, *op.cit.,* p. 40; Chenu, *op.cit.,* Col. 1998.

27. Cf. K. Preisendanz, "Zur synkretistischen Magie im römischen Aegypten," in *Akten VIII. internat. Kongr. Pap.,* in *Mitteilungen aus d. Papyrussammlung d. österreich. Nationalbibliothek,* N.S., V. Folge, Wien, 1956, pp. 111-125; dove si accenna ad alcuni rapporti dei papiri magici con la letteratura classica.

lo spunto dai così detti 'amuleti' esorcistici, accennando al *P. Iand.* 6 (sec. V-VIp). in cui al r. 9 si parla di esorcismo di Salomone *πρὸς πᾶν ἀκάθαρτον πν(εῦμ)α*. Il frasario e la significativa menzione di Salomone, che la religiosità popolare riteneva eccezionalmente potente contro gli spiriti maligni e simbolo dello stesso Cristo,[28] c'inducono a ravvisarvi qualche non generica affinità col noto e singolare apocrifo *Testamentum Salomonis,* databile all'inizio del III secolo,[29] e forse anche anteriormente,[30] per il quale i papiri sono stati finora piuttosto avari.[31]

Ma il rapporto riceve conferma e ulteriore precisazione da un frammento inedito della raccolta fiorentina (Inv. no. 319), un foglietto papiraceo parzialmente mutilo, con scrittura riferibile alla prima metà del V secolo. Nel testo, in cui risaltano elementi propri degli 'amuleti' esorcistici, ricorre due volte il nome di Salomone, e ai rr. 13-14 si legge: *μήτε βλάψῃς τὴν δού[λην* (r. 13), *ἀπὸ τοῦ πλάσματος θ(εο)ῦ* (r. 14). Il passo è in evidente analogia con *Testamentum Salomonis* xviii.20, *ὁρκίζω σε κατὰ τοῦ θεοῦ — ἀναχώρει ἀπὸ τοῦ πλάσματος τοῦ θεοῦ,* un' espressione entrata poi quasi *ad litteram* negli esorcismi della Liturgia Battesimale: e l'affinità appare tale da proporre e forse esigere qualcosa come . . . *δού[λην, ἀλλὰ ἀναχώρησον* nella lacuna di fine r. 13 del frammento fiorentino.

Da questi pur fugaci riscontri esce chiaramente confermato il rapporto dei papiri cristiani di tipo esorcistico con il *Testamentum Salomonis* ed è anzi da rilevare che l'apocrifo neotestamentario trova ora specifiche ed espressive rispondenze in uno di quei papiri egiziani non estranei a tendenze magico-religiose.[32] Possiamo così domandarci se in base a questi elementi non sia il caso di rivedere il giudizio circa il luogo e l'ambiente di origine del *Testamentum Salomonis,* che potrebbero ricercarsi – senza o quasi le difficoltà che finora sembravano opporsi[33] – nell' Egitto giudeo-cristiano.

In conclusione, se i papiri, come ben sanno i biblisti, hanno da tempo sconvolto e liquidato, per così dire, le tesi di certa critica neotestamentaria, e aperto nuovi orizzonti alla storia del testo sacro, si può anche constatare che con altrettanta incisività essi hanno posto e pongono il peso della loro voce suggestiva sul tavolo dei problemi concernenti la letteratura cristiana antica, non solo restituendoci nuovi testi che toccano ed illustrano le sorgenti stesse del cristianesimo, ma anche riproponendo spesso, attraverso la documentazione minore, di considerare in termini nuovi, e cioè in un contesto più vivo, le opere letterarie, il loro ambiente, le loro fonti e i loro molteplici influssi.[34]

Ma i nostri non sono stati che brevi cenni e quesiti appena sfiorati, come si vede; tuttavia sufficienti – voglio sperare – a porre in risalto ancora una volta con quale incalzante fecondità la scienza papirologica sia in grado, fra l'altro, di stimolare e guidare i multiformi e vivi fermenti che caratterizzano le attuali indagini sul cristianesimo antico.

28. Cf. P. Perdrizet, "ΣΦΡΑΓΙΣ ΣΟΛΟΜΩΝΟΣ," in *Rev.Ét.Gr.* 16, 1904, pp. 42-61; C. Bonner, *Studies in Magical Amulets,* Ann Arbor, 1950, pp. 209 ss.

29. C.C. McCown, *The Testament of Salomon,* Leipzig, 1922, pp. 107 s.

30. Cf. Claire Gorteman, in *Chronique d'Égypte* 34, 1959, p. 147.

31. Cf. K. Preisendanz, "Ein wiener Papyrusfragment zum Testamentum Salomonis," in *Eos* 48, 1957, pp. 161-167.

32. Cf. K. Preisendanz, *Papyri Graecae Magicae* II, Leipzig u. Berlin, 1931, pp. 189 ss., 198; C. Wessely, *Les plus anciens monuments du christianisme écrits sur papyrus* I, Paris, 1906, p. 183; II, Paris, 1924, pp. 339 s.

33. Cf. McCown, *op.cit.,* p. 110.

34. Cf. W. Derouaux, "Littérature chrétienne antique et papyrologie," in *Nouv. Rev. Théol.* 62, (1935), pp. 810-843.

LANDHOLDING IN PHILADELPHIA IN THE FAYUM (A.D. 216)

John F. Oates

P. Yale Inv. 296 is a roll about one meter long which contains seven columns of names, the first of which gives the names of five Alexandrians and fourteen citizens of the metropoleis who hold land in Philadelphia, the other six of which list alphabetically by initial letter all the residents of Philadelphia who hold private land. The heading tells us that the list was drawn up as the basis for a tax to benefit Caracalla's army fighting in Syria in 216, and that it is a list of private land (*ἰδιωτικὴ γῆ*). Individual entries are given in the categories of grain land (*σιτικὴ γῆ*) and orchard land (*δενδρικὴ γῆ*). I have discussed other aspects of this text at the Eleventh Congress in Milan and that discussion was published in the Acts of the Congress. The papyrus was not published in *P. Yale* I as further study was indicated. This paper presents some of the results of that additional study.

It is first of all reasonable to believe that we have listed in this text all the private land (*ἰδιωτικὴ γῆ*) under the jurisdiction of the village of Philadelphia and all the names of owners of such land. There is no indication given that such is not the case and because of the nature of the levy we would expect the list to be complete. Furthermore, the amount of land held privately in this text is larger than that of any other village for which we have evidence. Here we have a total of 3,583 and a fraction arouras of private land in the two categories of grain and orchard land. *P. Berl. Leihg.* 5 (A.D. 158/9) gives for the village of Theadelphia, out of a total of 5,283 arouras, 2,161 5/32 arouras of private land. *P. Bouriant* 42 (A.D. 167) gives the respective totals for four villages or sub-villages: Ptolemais Nea, 3,924 1/16 arouras total of which 1,465 1/2 are privately owned; Hiera Nesos, 4,061 23/32 arouras total of which 1,317 13/64 are privately owned; Drymos of Hiera Nesos, 1,753 49/64 total of which 622 1/4 are privately owned; Drymos of Kerkeesis, 556 23/32 total arouras of which 287 1/4 arouras are privately owned. Percentages of privately owned land run in these cases approximately from one-third to one-half of the total area. We have no clear cut evidence which allows us to assume that the same pattern persists over the 50 to 60 years that separate these documents from the Yale tax list, but, if we could so assume, the area of Philadelphia in all land categories would range from 7,000 arouras to more than 10,000 arouras, from about 12 to 16 square miles. *P. Cair. Isidor.* 11, A.D. 312, from Karanis is a report of sitologoi in which wheat and barley taxes were collected on 2,212 5/16 arouras of private land and 2,006 21/32 arouras of royal land. Designation of land categories are, however, so different from those in our text that it is impossible to draw any conclusions based on comparisons.

It is of course impossible to locate this land exactly in the Fayum, but it probably is to be located inside the great circuit canal which bounds the Fayum on the west, and with Boubastis less than a mile to the south of Philadelphia, the land belonging to the village must have extended in a northwesterly direction into the Fayum. Also we must consider that Bacchias lies six miles away in the north-west and there are other villages to be located in this general area. But what-

ever the precise location, P. Yale Inv. 296 provides further evidence that Philadelphia was one of the largest of the villages in the Fayum.

Because of the relative completeness of this text, we can examine some of the statistics of land-holding in Philadelphia in 216/7. There are 201 entries here; 196 possess some grain land and 83 some orchard land. There are 15 entries altogether missing for grain land and 12 for orchard land. The 181 entries add up to 2,486 113/192 arouras of grain land and the 71 entries for orchard land add up to 627 19/48 arouras. There is in addition at the end of the list a separate entry for *adespotos* and *almyros* land which gives a total of 270 arouras of grain land and 44 9/32 arouras of orchard land. It is not clear whether this is to be considered part of the totals given in the heading of if it is a separate category. The following are some statistics which emerge from the lists.

Average holdings of grain land

14.06 arouras	based on total given, 2,826 arouras, divided by the total entries 201.
14.41 arouras	based on total figure, 2,826 arouras, divided by 196, the total number of those who possessed any grain land.
13.73 arouras	based on actual entries preserved: 181 entries, which give a total of 2,486 arouras.
13.04 arouras	based on entries outside of Column I: 170 entries with a total of 2,217 arouras.
24 arouras	Average holding of grain land in Column I based on 11 preserved entries and 269 total arouras of grain land.

Average holdings of orchard land

9.12 arouras	based on total figure of 757 arouras divided by number of holders of orchard land, 83.
8.83 arouras	based on actual number of entries preserved, 71, divided into total of these entries, 627 arouras.
6.57 arouras	average holdings for listings outside of Column I; 61 entries holding 401 arouras.
22.6 arouras	Average holding of the 10 preserved entries in Column I.

Average holdings among categories of the population

Veterans, 18	own 231 5/8 arouras grain land, 15 5/6 arouras of orchard land. Average holding of grain land 12.87 arouras.
Soldiers, 10	own 95 3/4 arouras of grain land, 40 5/6 arouras of orchard land. Average 9.575 arouras of grain land, 4.08 arouras of orchard land.

Those who live ἐν τῷ Νέστῳ (probably to be identified with the Νέστου ἐποίκιον)

9 persons own 77 1/2 arouras of grain land and 2 arouras of orchard land. Average 8.6 arouras of grain land.

6 persons who reside elsewhere own 58 2/3 arouras of grain land and 4 arouras of orchard land. Average grain land 9.8 arouras.

Women

For the 31 women who own private land, 28 entries are preserved for grain land which total 413 1/4 arouras; there are 8 entries for orchard land which total 126 5/12 arouras.

Average holding of grain land 14.76 arouras.

Average holding of the 8 who actually own some orchard land 15.8 arouras.

There are 72 instances where the entry of grain land for an owner of orchard land is preserved. These total 1509.625 arouras or an average holding of 20.97 arouras. Outside of Column I, there are 62 such cases where the total is 1252.5 arouras, an average holding of 20.2 arouras. There are 13 entries in Columns II-VII which show a holding of more than 30 arouras of grain land. These total 639 7/12 arouras, an average holding of 49.2 arouras.

One thing emerges clearly from these statistics: no one group dominates the land of Philadelphia. The Alexandrians and Metropolitans listed in Column I have slightly larger holdings than the resident population, but it is not a dominant position. There is a group that controls larger pieces of land but it is fairly widespread and no one person holds more than 100 arouras. To be sure, those owning private land comprised the upper stratum of the population in economic position, but there was a good number of them.

We note also the relative scarcity of people from outside the village save for the Alexandrians and Metropolitans; the nine who live ἐν τῷ Νέστῳ reside close by and there are only five others on this list. Actually the situation here seems to agree with that described by Braunert, *Die Binnenwanderung*, Bonn, 1965, for he points out that in the early third century the great amount of movement of persons from village to village had ceased. This was replaced by the heavy investment and involvement in the villages by Alexandrians and citizens of the nome metropoleis. In our text we have not yet reached this latter state, but we may be observing the beginnings of it in the list of names in Column I, the five Alexandrians and the fourteen Metropolitans. Our text then represents a transitional stage.

Subtracting all those with *idiai* elsewhere, we find 168 Philadelphians who own ἰδιωτικὴ γῆ under control of the village. It is impossible to translate this into population figures, but it is a fairly large number and combined with our assessment of the land area of Philadelphia shows that this was certainly one of the largest villages in the Fayum and probably equalled or nearly equalled Karanis in size and population.

M. AURELIUS ZENO JANUARIUS

Peter J. Parsons

M. Aurelius Zeno Januarius has had a firm footing among the Prefects of Egypt. His position depends on two documents, both returns for the census of A.D. 229/230. These returns refer as usual to the official order under which they had been submitted:

(1) *P. Lond.* III 946.4-7 (p. 31):[1]

κα[τὰ τὰ κελ]ευσθέντα ὑπὸ [Κλαυδίο]υ Μασκουλείν[ου
τ[οῦ .....]τα ἡγεμον[εύσαντος κ]αὶ Μάρκ[ου
[Αὐρηλίου Ζήν]ωνος Ἰαν[ουαρίου τοῦ λ]αμπρο[τάτου
[± 11]υ

Date: 17 Pachon (12 May), 231.[2] Provenance: Hermopolis.

(2) *PSI* 1112.4-9:[3]

κ[ατὰ
τὰ κελ(ευσθέντα) ὑπὸ Αὐρηλίου Ζή-
νωνος Ἰανουαρίου κ[αὶ
Κλαυδίου Μασκουλλίνου
τοῦ ἡγεμονεύσαντος

Date: Mesore (July/August), 231. Provenance: Oxyrhynchus

This clause is set form in census-returns; and the orders cited are always those of the prefect or prefects who held office at the time of the census. In most cases only one prefect was involved. But occasionally the prefecture changed hands in the course of the census: hence three returns for 187/8 refer both to the former prefect Aurelius Verianus and to the new prefect Tineius Demetrius;[4] one return for 215/6 refers both to the former acting prefect Aurelius Antinous and to the new prefect Valerius Datus.[5] A similar situation clearly obtained in 231: the documents

1. The revised text of Mr. Skeat, printed by Martin in *Atti del IV Congresso . . . di Papirologia, Firenze,* table facing p. 231, note 2. In line 5 supplement διασημότα]τα (see e.g. *P. Oxy.* 2674.3, note); or perhaps λαμπρότα]τα (as in *P. Lond.* Ined. 1157 r (a) 6, below p. 391 for the same prefect).
2. *P. Lond.* III, 946, introduction.
3. Again, the revised text printed by Martin *loc. cit.* (note 1).
4. *BASP* 4, 1967, pp. 102-5.
5. *P. Oxy.* 2671.

cited set Januarius side by side with the former prefect Claudius Masculinus.

All precedent, then, justifies the inference that Januarius held office as prefect of Egypt. But there are difficulties. In *PSI* 1112 he has no title at all, which is odd. In *P. Lond.* III 946 he had a title, but not the title expected: τοῦ λ]αμπρο[τάτου] | [± 11]ῦ – not, that is, ἡγεμόνο]ς (since the final trace excludes sigma), nor ἐπάρχο]υ (since it is too short for the space). Mr. Skeat saw this difficulty; Stein brushed it aside;[6] Hombert and Préaux tried to meet it by proposing διαδεχομένο]υ,[7] which fits space and trace but (as they admitted) contravenes normal usage (we expect a following accusative with this verb).

The impasse can now be resolved. Among the unpublished papyri of the British Museum there is another return for the census of 229/230;[8] and this shows that Januarius held the title not of prefect or acting-prefect, but of στρατηλάτης.

1. P. Lond. Ined. 1157 recto (a)

P. Lond. Ined. 1157 recto and verso contains a miscellany of documents relating to Alabastrine in the Hermopolite nome. The recto has a single main text: a long account of money-taxes.[9] Before the account, at the beginning of the roll, there was originally a blank space. At a later date, a different writer filled this space with a single column of documentary writing.[10] It is the additional column – P. Lond. Ined. 1157 r (a) – which concerns us here. The editors of *P. Lond.* III mentioned it, and identified it as a census-return; but gave no details and printed no transcript.

6. *Die Präfekten*, p. 217 n. 405.

7. *Recherches sur le Recensement*, p. 55.

8. A fourth return, P. Lond. Inv. 2193 B (mentioned by Hombert-Préaux, *Recherches* 175), contributes nothing to the problem: the upper half is badly damaged. A fifth, to which Prof. Jean Bingen refers me, simply raises new difficulties. There is indeed no doubt that this text, *P. Heid. Sattler* 244, should be identified as a return for the census of 229/30: Bingen proved it in *Chronique d'Egypte*, 1964, pp. 168ff. (Professor Lewis, *BASP* 5, 1968, pp. 91-2, suggests a different — and to my mind less attractive – reconstruction.) But the crucial passage resists therapy:

12 [κατὰ τὰ κε]λευσθέ[ντα]
13 [ὑπὸ Κλαυδί]ου Μα[σκου·]
14 [λείνου τ]οῦ ..[...]
15 [.....].. ρ[.....]
16 [.....].. το[.....]
17]..[·

———

(Bingen's text, with small amendments from the photograph in *P. Heid. Sattler* Plate IV. The photograph has nothing to correspond with 'line 15' of Bingen's text as it appears in *Chronique d'Egypte*, 1964, p. 171: that line is presumably a printer's error; I have deleted it and renumbered the other lines.) In line 14 there are substantial remains of two letters after τ]οῦ. The first looks most like ε; the second should be γ, π or τ. This excludes all normal titles and epithets of the prefect. In the context I can think of nothing more plausible than τ]οῦ ἐπ[άρχου. If this were right, we should have at least two possible approaches to lines 15ff. (a) We might looks for Januarius. The traces in line 15 might just allow the restoration: [καὶ ὑπὸ] Μάρ[κου. But 16 will clearly not fit any continuation of the name. (b) We might pursue the expected formula of these Heracleopolite returns with a reference to property, e.g.

15 [εἰς τὴν ὑ]πάρ[χου·]
16 [σάν μοι πε]ρὶ το[....]

As matter, this is possible (Hombert-Préaux, *Recherches*, p. 112); but the readings suggested for the damaged letters are doubtful, to say the least. We need to reexamine the original papyrus. Meanwhile, one thing can be said. It has proved impossible to fit Januarius into this passage. Inference: Masculinus was still prefect at the time of this return; the other returns were drawn up later, when he had gone out of office. Similarly with Aur. Verianus and with Aur. Antinous, pp. 392-93 below.

9. Published in *P. Lond.* III p. 61.

10. Certainly a later insertion: its line-ends encroach on the first column of the account.

I am grateful to the Keeper of MSS. at the British Museum, Mr. T.C. Skeat, for allowing me to make use of the full text.[11]

The papyrus has suffered considerable damage: the written surface is obscured or abraded in places; and the whole left side (10-15 letters at the beginning of each line) has been torn away. Consequently, the details of persons and property declared often remain doubtful; whereas the formulaic framework can be restored with certainty. The details have some general interest, but are not immediately relevant, nor indeed intelligible without prolonged commentary. I have thought it less confusing to print the text only in excerpts, and to postpone a full transcript to some other place.

The declarant is a priest, Harendotes, domiciled at Alabastrine. He makes his return thus (lines 5-12):

5 ἀπογρά(φομαι)
κατὰ τὰ κελευσθ]έντα ὑπὸ τοῦ λαμπρότατα ἡγεμονεύ-
σαντος Κλαυδίου Μ]ασκουλλίνου καὶ ὑπὸ Μάρκου Αὐρηλίου
Ζήνωνος Ἰανουα]ρίου τοῦ λαμπροτάτου στρατηλάτου
εἰς τὴν κατ' ο]ἰκίαν ἀπογρ(αφὴν) τοῦ θ (ἔτους) Μάρκου
10 Αὐρηλίου] Σεουήρου [Ἀλ]εξάνδρου καίσαρος
τοῦ κυρίου] ἐ(μαυτόν)
Αὐρήλιον] Ἀρενδώτην Πυτάκιος (ἐτῶν) νζ κ.τ.λ.

Harendotes registers sons aged six and eight, both of them priests of the same temple; and property belonging to him inside and outside the precinct. Then follows the oath by the genius of Alexander Severus. Finally, the date and subscription (lines 24-27):

(ἔτους) . αὐτοκ]ράτο⟨ρο⟩ς καίσαρος Μάρκου Αὐρηλίου
25 Σεουήρου Ἀλεξά]νδρου εὐσεβοῦς εὐτυχοῦς
σεβαστοῦ Πα]χὼν κε . Αὐρήλιος Ἀρενδώτου[12]
..... ἐ]πιδέδωκα.

This is all more or less straightforward. *P. Lond.* III 946 and *PSI* 1112 guarantee the restoration in lines 6-8;[13] for the rest, the formula follows the Hermopolite pattern.[14] One point remains obscure: the precise date of the return.

The date-formula in lines 24ff. is damaged; only the day of the month, Pachon 25, survives. The year may have been the census-year itself, 229/230; or that following, 230/231. Two considerations favour the later date. (a) Returns for 229/30 are unlikely to arrive as early as Pachon in that same year.[15] (b) All the Hermopolite returns which carry dates belong to the

11. The text was referred to briefly in *JRS* 57, 1967, p. 137 n. 29; and made available to Prof. Reinmuth for his new list of prefects, *BASP* 4, 1967, p. 114.

12. Read Ἀρενδώτης.

13. After λαμπ in line 6 the traces are slight; the text printed is divination, not reading. But note that the final trace is υ rather than σ: i.e. ἡγεμόνος cannot be read.

14. *P. Hamb.* 60; *P. Lond.* III 935, 936 and 946; *P. Oslo* 99 with P. Mich. Inv. 158 (which together comprise four copies of one and the same return from Alabastron Polis).

15. Hombert-Préaux, *Recherches*, p. 77: Payni 19 is the earliest date otherwise attested.

second year of their census-period;[16] and there is local consistency in such matters.[17] Neither argument is conclusive; but the balance of probability is clearly for 230/231.[18] Pachon 25, then, is May 20, 231.

2. The Career of Januarius

We now have three census-returns which mention Januarius:

P. Lond. III 946	12 May, 231
P. Lond. Ined. 1157 r (a)	20 May, 231
PSI 1112	25 July / 23 August, 231

Thus his career as directly attested runs only for some three months. Nor can it be extended by inference from the form of the returns. Stein did indeed argue that, if two prefects are cited as having ordered the census, the prefecture must have changed hands before the end of the census year itself.[19] Januarius, whatever his precise position, functioned as prefect for purposes of the census; Stein's argument would imply that he had taken office (and Masculinus left office) before 28 August, 230. But the argument is unsafe. (1) In general, it seems natural that the mention of a new prefect should depend, not on his date of accession, but on whether his name was known to the declarant or his scribe at the moment when the declaration was drawn up; and the substantial majority of the declarations came in late, not during the census year but during the year following.[20] (2) In particular, the facts do not favour Stein. We know two other censuses which are relevant; their dated returns may be tabulated as follows:

187/8	*P. Oxy.* 1110: 187/8 *PSI* 1227: 12 August, 188	Aur. Verianus (prefect) alone
	P. Harris 71: 24 August, 189[21] *P. Oxy.* 2762: 188/9 *P. Princet.* 129: 188/9	Aur. Verianus (ex-prefect) & Tineius Demetrius (prefect)

16. *P. Lond.* III 935 breaks this rule, and indeed the previous one: it is a return for the census of 215/6, dated Phamenoth 16 of the same year. But this dating looks like a scribal error: (a) *P. Lond.* III 936, described by the editors as "a companion piece", is actually dated on Phamenoth 20 of the *next* year; (b) both pieces mention orders of the new prefect Valerius Datus, and say nothing of the former acting-prefect Aurelius Antinous; they are not likely to be earlier than *P. Oxy.* 2671, which mentions both Antinous and Datus; but *P. Oxy.* 2671 carries the date 216/7 (see below p. 393). That is, 'year 24' in *P. Lond.* III 935 should be emended to 'year 25', 216/7.

17. Hombert-Préaux, *Recherches,* pp. 77ff.

18. It may be as well to exclude one counter-argument. The return is submitted (line 9) 'for the census of the 9th year', not 'for the census of the *past* 9th year'. In other nomes it might reasonably be inferred that the return was actually written in the 9th year, 229/230. But practice was less explicit in the Hermopolite, as *P. Lond.* III 936 and P. Mich. Inv. 158 show beyond doubt.

19. *Die Präfekten,* pp. 130f.

20. Hombert-Préaux, *Recherches,* p. 77.

21. See *BASP* 4, 1967, pp. 102-5.

215/6	*P. Rein.* 49: 215/6	Aur. Antinous (acting prefect) alone
	P. Oxy. 2671: 216/7	Antinous (ex-acting-prefect) & Valerius Datus (prefect)
	P. Lond. III 935: 12 March, 217[22] *P. Lond.* III 936: 16 March, 217	Valerius Datus (prefect) alone

In the second case it is possible that Datus had already taken office by the end of the census-year (28 August, 216). But in 188 Verianus still held office on August 12, little more than a fortnight before the end of the year; we have no special reason to think that his successor arrived by the 28th. That is, the census of 215/6 accords with Stein's view; that of 187/8 comes close to disconfirming it. And it would be dangerous to expect too much precision in the haphazard operations of Egyptian officialdom.

We have no justification, then, for assuming that Januarius took up his office before the end of 229/230. There is indeed a positive argument against this assumption.[23] The argument involves an additional premise, for which I shall argue in the next section: that Januarius functioned in place of a prefect, not concurrently with one. Now *P. Mich.* 164.20 (the military roll discussed by Dr. Rea below p. 428)[24] reads:

]ọ ṭụnc praef· aeg· III kal· sẹpṭ· Agricola et Ç[lementino cos·

The date corresponds to August 30, 230; and at that date the ruler of Egypt bore the title 'prefect'; his name is lost, but he is likely to have been Claudius Masculinus, Januarius' immediate predecessor.

To sum up: we know that Januarius held office in May/August, 231. If it is true that he replaced the prefect, we can say that his term began *after* 30 August, 230, and ended *before* 26 January, 232 (since the first date of the prefect Maevius Honoratianus is Tybi, 231/2).

3. Στρατηλάτης

M. Aurelius Zeno Januarius wielded authority in Egypt in 231 A.D. with the title στρατηλάτης. This title, which corresponds with Latin *dux*, is a rare one. In Egypt, only one parallel offers: Gn. Domitius Philippus. I summarize Philippus' career, which has been brilliantly reconstructed by Dr. John Rea (below p. 429): he held the titles of *praefectus vigilum* and *dux*; his presence in Egypt is first attested for January 1, 241, and last in April 242.

Dux is a military title. What business had these generals in Egypt in 231 and in 241/2? We have two kinds of evidence: the particular activities of Januarius and Philippus as revealed in the documents; and the general picture of the *ducatus* given by non-Egyptian sources.

Januarius occurs in only one context: he, and the former prefect Masculinus, ordered the census of 229/230. This is remarkable in itself: it is the business of the prefect as such, not of a military commander, to order the census.

Philippus shows a wider activity. (1) *P. Berl. Leihg.* 9: he orders supplies for a party of soldiers. (2) *P. Oxy.* 2231: he receives a claim for *possessio bonorum*. (3) *SB* 9200: he receives a *professio liberorum natorum*. (4) *P. Mich.* 164: he promotes two soldiers of the Egyptian gar-

22. Above note 16.
23. I owe this argument to Dr. John Rea.
24. I quote *P. Mich.* 164 as revised by J.F. Gilliam and O.M. Pearl, *TAPA* 88, 1957, pp. 159-161.

rison. Of these, (1) is purely military and unimportant. The rest are normal functions of the prefect: (2) and (3) the exercise of civil authority over the Roman citizens in Egypt, (4) the activity of the commander-in-chief of the garrison. *P. Mich.* 164 is very revealing: in every legible entry, except the two which concern Philippus, the promoting official is the Prefect under that title.

Both Januarius and Philippus, then, occupied themselves with routine matters of administration which elsewhere always fall to the prefect – and some at least of this business (the census, the *professiones*) can have had very little to do with any military operations. The *dux* to some extent replaced the prefect in the day-to-day running of Egypt.

Indeed I should guess that at these times the prefect was replaced altogether. No proof of this is possible; we rely on the dangerous negative argument, that no document so far published attests any prefect as such within the periods of office assigned to Januarius and Philippus. For Januarius, of course, this is not surprising: his term may have been no longer than three or four months, too short to produce many documents.[25] But Philippus held office for a year and three months at least, at a date which fits neatly, and without overlaps, between the two proximate prefects – L. Lucretius Annianus,[26] who was in office at some time in 239/40[27] and out of office by 25 April 241,[28] and Aurelius Basileus, who appears first on 18 August, 242.[29]

This may be chance: subsequent documents may prove that both Januarius and Philippus coexisted with prefects of the normal type. But the basic oddity remains: the *duces* did take over part at least of the normal administrative duties of the prefect. How does this fit what we know of the *ducatus* from elsewhere?[30]

In the fourth century the position is quite clear. Military and civil power are separated: the *dux* commands the permanent legionary garrison of a frontier province; civil authority in the same area rests with a coexisting civilian governor. The *dux Aegypti*, as a regular appointment, is first attested in 308/9.[31]

It is at least possible that such posts existed in the third century, on the *limes Tripolitanus*[32] and on the Euphrates at Dura Europos.[33] Dura was exposed to Parthians and Persians, Tripolitania to the Bedouin: it seems not unlikely (though the documentation is too scattered to prove it) that they had regular frontier-garrisons with regular commanders. Were there analogous *duces Aegypti* before Diocletian? I can find no good reason for thinking so. First, the Egyptian frontier remained quiet at least until Decius, when we first hear of the Blemmyes attacking from the south;[34] in this it differs from Tripolitania and Dura, and from Egypt itself in the Byzantine period; there was really no fighting force to command. Second, Januarius and Philippus wielded

25. For what it is worth, the evidence is this: the prefect Masculinus was out of office by 12 May, 231 (*P. Lond.* III 946); the next known prefect, Maevius Honoratianus, is first attested for Tybi (28 Dec./26 Jan.), 231/2.

26. 'Annianus' in published texts; the full name appears in a new Oxyrhynchus document.

27. An unpublished Oxyrhynchus document mentions him in the third year of Gordian.

28. Mitteis, *Chr.* 93.

29. *P. Oxy.* 1277 verso. Stein, *Die Präfekten*, p. 138, registers an earlier date; but this depends on a false reading in *P. Mich.* 164 (see *TAPA* 88, p. 160 note on line 3).

30. See Professor Gilliam's discussion of Philippus, *Chronique d'Egypte* 36, 1961, pp. 386ff.

31. J. Lallemand, *L'administration civile de l'Egypte*, p. 44.

32. Pflaum, *Syria* 30, 1953, pp. 299-304 (a *dux*); van Berchem, *L'armée de Dioclétien*, pp. 40f. (a *praepositus limitis* under Philip the Arabian).

33. *P. Dura* pp. 23f.

34. Zosimus 1.71.1; SHA *Probus* 17.

civil power throughout Egypt; their authority, that is, was much wider than that of the regular *duces* of the third or fourth century.

But the third century offers epigraphic evidence for *duces* of a different kind – 'commanders of troops temporarily assembled for a campaign or some extraordinary mission.'[35] In more than one case, the *dux* was a provincial governor who left his own province to intervene militarily in another.[36] Each command was created for a special purpose and a particular individual.

Suppose that Januarius and Philippus held commands of this kind. What took them to Egypt in 231 and in 241/2?

4. Persian Wars

231 certainly marks a military emergency. Ardashir had recently established the new Sassanian kingdom in Persia; he had made unsuccessful attacks, first on Hatra, then on Armenia; he had then attacked Mesopotamia beyond the Tigris, and threatened Syria, claiming all the territory of the Achaemenids as his by right. Roman troops offered small resistance; those in Mesopotamia mutinied and killed their commander. The news of the Persian attack came as a great shock in Rome. Alexander sent an embassy to protest; when this achieved nothing, he mobilised and set out for the East.[37]

Only the climax of these preliminaries is precisely dateable: coins with the legend PROF(ECTIO) AVG(VSTI) belong to 231 (*trib. pot. x*).[38] Of course Rome may have begun to prepare for war rather earlier, with the raid on Mesopotamia or the initial attempts at Hatra and in Armenia; but we have no means of telling how much earlier. In 231 the emperor set out, and marched through Illyricum and so to Antioch. The greatest efforts of preparation had been made; selected troops were mobilised from every province.[39] From Antioch the army advanced to the frontier. Here some detachments mutinied – troops which had come from Egypt, and also Syrian troops.[40] The mutiny was suppressed, and the advance continued.

Chronologically, then, Januarius' mission in Egypt may well coincide with the beginning of war. Suppose that the mission and the war are connected. What precisely was Januarius' business? He may have been sent to hold Egypt against attack, in case the Persians should succeed in overrunning Mesopotamia and Syria. Or he may have been commissioned to mobilise the resources of Egypt for Alexander's campaign. For the second guess there is mild support: the reference to mutinous troops from Egypt among the Roman expeditionary force.[40] The Egyptian garrison (one legion with a substantial group of auxiliaries) cannot have provided much; but the province had been so peaceful for so long that at any rate 'selected troops'[41] could safely be withdrawn. As well as troops, Egypt no doubt supplied baggage-animals and provisions, as in Caracalla's Parthian war;[42] though, so far as I know, no documents attest this.

Januarius completed his mission by the end of 231. If his business was in fact to mobilise an Egyptian contingent, he no doubt left Egypt with his force to join the Emperor in Syria.

35. Gilliam, *TAPA* 72, 1941, p. 163: see the whole article for the position of these *duces*.
36. Pflaum, *Procurateurs Equestres*, pp. 127ff.
37. Dio 80.3-4 and Herodian 6.2-6.
38. Sydenham and Mattingly, *Roman Imperial Coinage* IV ii, *Severus Alexander* nos. 524 and 666a.
39. Herodian 6.3.1.
40. Herodian 6.4.7.
41. Herodian 6.3.1 ἔκ τε αὐτῆς Ἰταλίας καὶ τῶν ὑπὸ Ῥωμαίοις πάντων ἐθνῶν λογάδες.
42. Wilcken, *Chr.* 245 attests the requisitioning of camels in 216/7; a new Oxyrhynchus document (to be published by Dr. Rea) shows that barley too was collected for the armies in Syria.

Only temporal coincidence connects Januarius with the Persian war. But the temporal coincidence repeats itself when we come to consider Philippus. Philippus held the office of *dux* in Egypt already on January 1, 241; and continued in office at least until April 242. These were the years of Gordian III's Persian war: war broke out in 241; the emperor opened the temple of Janus and set out for the front in 242.[43] There is of course a difficulty: Philippus must already have been in Egypt at the outbreak of war, if the dates of the Augustan History are correct. On the other hand, the outbreak cannot have come as a surprise. The Persians had raided Roman territory in previous years – Nisibis and Carrhae under Maximin,[44] Dura Europos in 238.[45] And it is at least interesting that Philippus, like Januarius, disappears from Egypt about the time at which the Roman advance was beginning.

Philippus' was certainly an extraordinary mission; for he held the office of *praefectus vigilum*, which would normally have kept him in Rome. Dr. Rea compares another *praefectus vigilum*, Julius Placidianus, who had taken charge of an encampment in Narbonensis in 269.[46] This all accords with the general tendency in this period to meet emergencies with special authorities[47] – here by assigning regular equestrian civil-servants to extraordinary commands. Januarius may well have had a similar career. Three inscriptions from Caesarea, the capital of Mauretania Caesariensis, refer to a (Marcus) Aurelius Zeno Januarius: in one he is *praeses provinciae*, in another *proc. Aug.*; the third is a sepulchral monument *memoriae Aur. Zenonis Januari c(larissimi) v(iri)*.[48] None of the inscriptions carries a date, but it seems likely enough that they all refer to one and the same man, and indeed that the Mauretanian Januarius is identical with the *dux* Januarius. If so, we know three stages of his career: (1) governor of Mauretania Caesariensis; (2) *dux*; (3) some office which entitled him, by the time of his death, to the senatorial rank *clarissimus*. There is no means of telling in what order he held (1) and (2).[49] But his *ducatus*, like that of Philippus, was evidently an episode in a regular equestrian cursus.

5. Conclusions

P. Lond. Ined. 1157 r (a) allows one certain conclusion: M. Aurelius Zeno Januarius held office as στρατηλάτης, not as prefect of Egypt.

Further, two tentative conclusions. (1) He took over one at least of the civil functions of the prefect: and this was such a routine function (the ordering of the census) that I think it

43. SHA *Gordian* 23.5, 26.3. (The SHA's dates are naturally suspect, but we have at present no means of overthrowing them: see Ensslin, *Zu den Kriegen des Sassaniden Schapur I (SB München* 1947, no. 5) pp. 5-12.) Last had already connected Philippus with the Persian war: *P. Oxy.* 2231.14-16, note.

44. Ensslin, *loc. cit.* 6 (Syncellus 681.7f.; Zonaras 12.18).

45. Ensslin *loc. cit.* 6 (Baur, Rostovtzeff and Bellinger, *The Excavations at Dura Europos . . . Fourth Season*, pp. 112-114).

46. Below p. 427.

47. Cf. *JRS* 57, 1967, p. 139.

48. For the evidence see Pflaum, *Carrières Equestres* II, pp. 806-9.

49. It might be tempting to think of the *ducatus* as a promotion. But the career of P. Sallustius Sempronius Victor is a warning. From *IGR* IV 1057 (Cos) he seems to have held the following offices successively: (1) *Praefectus vehiculorum;* (2) procurator of Sardinia; (3) τῆς ἐπὶ πᾶσαν θάλασσαν ἡγησάμενος εἰρήνης μετ' ἐξουσίας σιδήρου; (4) procurator of Pontus and Bithynia. The extraordinary command here stands between two perfectly routine governorships. Victor's career has further interest, since it seems to belong to much the same period as Januarius' (that is, a man of the same name held the governorship of Mauretania Caesariensis under Severus Alexander and Macrinus: Pflaum, *Carrières Equestres* II, pp. 840-2). Domaszewski conjectured (it is only conjecture) that his extraordinary command too derived from the Persian war of 231: clearing the sea of pirates, and so securing the supply-lines to the Eastern front (*Rh. Mus.* 58, 1903, p. 384).

reasonable to infer that he replaced the prefect altogether. (2) This happens in 231, the year in which Severus Alexander began his large-scale campaign on the Eastern frontier: Januarius' mission was part of the preparations for war.

The tentative conclusions can be reinforced from the parallel case of Gn. Domitius Philippus, the other Egyptian *dux*. He too took over the government of Egypt at the beginning of a Persian war.

If these conclusions are admitted for Januarius and for Philippus, we gain a momentary insight into the operations of the Roman imperial government in the third century. In 231 and in 241/2 the government projected major campaigns on the Euphrates. Every resource had to be mobilised. Egypt was rich and adjacent. An equestrian official was taken from his regular post and sent on special mission, with the title of *dux*, to take full control of Egypt and direct its war-effort. The mission completed, the *dux* departed, the war proceeded, and Egypt returned to the rule of a prefect.

ADDENDUM

Another return for the census of 229/230 has turned up among the unpublished Oxyrhynchus papyri. Dr. John Rea, who catalogued the box, has been kind enough to make the text available; and I print it below, with minimal notes.

The formulae conform to Oxyrhynchite practice: *PSI* 1112 makes a close parallel.

P. Oxy. Ashmo. Ined. Box 13 B4/4 (c) 1. 5 x 9.5 cm. A.D. 231/2

π(αρὰ) Αὐρηλίων Ματρέο[υ
οὐ μητ(ρὸς) Διεῦτος καὶ .[
ἀμφότ(έρων) ἀπ' Ὀξ(υρύγχων) πόλεως. κ[ατὰ τὰ κελευσθέντα ὑπὸ
Αὐρηλίου Ζήνωνος Ἰα[νουαρίου τοῦ λαμ(προτάτου)
στρατηλάτου καὶ Κλαυ[δίου Μασκουλείνου
τοῦ λαμπρότατα ἡγεμ[ονεύσαντος ἀπογρ(άφομεθα) πρὸς
τὴν τοῦ διελθ(όντος) θ (ἔτους) Μάρ[κου Αὐρηλίου Σεουήρου
Ἀλεξάνδρου καίσαρος τ[οῦ κυρίου κατ' οἰκ(ίαν)
ἀπογρ(αφὴν) τὸ ὕπαρχον ἡμε[ῖν
νικ.[....]. μερ[.]ς .[
η.[.....].ιουθεων[
σ[.....].ατρεου[
...[
.[

— — — —

3. Alternatively, κ[ατὰ τὰ κελ(ευσθέντα) ὑπὸ Μάρκου κ.τ.λ.
9-10. Something like τὸ ὕπαρχον ἡμε[ῖν ἐπ' ἀμφόδου Ποιμε]νικῆ[ς ...]. μέρος
11. Αὐρη]λίου Θέων[ος (he will have been the former owner of the property).
12.] Ματρέου [

The new return reinforces P. Lond. Ined. 1157 r (a) in two important points: λαμπρότατα in the titulature of Masculinus, and στρατηλάτου in the titulature of Januarius.

LES RELATIONS EXTERIEURES DES LAGIDES

W. Peremans and E. Van't Dack

La préparation du sixième volume de la *Prosopographia Ptolemaica*, qui sortira de presse bientôt, nous a fourni l'occasion d'examiner de plus près les relations extérieures des Lagides. Celles-ci se subdivisent en de nombreux secteurs et posent d'intéressants problèmes parmi lesquels celui des rapports entre Alexandrie et Athènes a spécialement retenu notre attention.

La ville de Périclès, qui avait connu un passé grandiose, continuait à jouer dans le milieu hellénistique un rôle important non seulement dans la vie intellectuelle et artistique[1] mais aussi dans le domaine politique, puisqu'elle se trouvait à l'avant-plan dans la lutte que se livraient les Lagides et les Antigonides.

L'étude des rapports entre Athènes et les Lagides soulève de nombreux problèmes. Parmi ceux qui sont à l'ordre du jour, nous citons la guerre de Chrémonidès, la construction du Ptolemaion, la statue de Sarapis, exécutée par Bryaxis. Et il y en a d'autres qui, pour n'avoir pas été réexaminés au cours des dernières années, n'en sont pas moins aussi difficiles ou aussi importants. Nous songeons par exemple à la datation et à l'interprétation des faits qui se sont passés entre les années 295 et 285 av. J.-C. On pourrait facilement en trouver d'autres dans un très vaste ensemble qui embrasse l'histoire politique, militaire, celle des échanges commerciaux, l'arrivée des dieux égyptiens à Athènes ainsi que les arts, les sciences, la littérature et la tradition athénienne qui se retrouve aux bords du Nil.

Mais, dans le cadre de cette communication, nous n'avons nullement l'intention d'aborder ces multiples problèmes, bien que nous partagions pleinement l'avis de J.R. McCredie, qu'il faut reconsidérer l'histoire du 4e et 3e s. av. J.-C.[2] et que nous voudrions même voir réexaminer toute la période des Lagides. C'est dans ce but que nous avons entrepris un autre travail préliminaire à une étude systématique de la politique extérieure des Lagides.

Nous avons essayé de dresser une liste complète de toutes les personnes connues, qui ont joué un rôle, important ou modeste, dans les rapports entre Athènes et les Lagides. A cette fin les ouvrages de F. Heichelheim[3] et de M. Launey[4] ont été complétés par la *Prosopographia Ptolemaica* qui est plus récente et qui mentionne en outre les Alexandrins et les autres Egyptiens civils et

1. S'il faut en croire Héraclide le Critique, qui décrit la situation à la fin du 3e s. av. J.-C., "Athènes l'emporte sur d'autres cités pour tout ce qui contribue aux joies et à l'ennoblissement de la vie dans la mesure où les autres cités l'emportent sur la campagne". Cf. F. Pfister, *Die Reisebilder des Herakleides* (*Sitzungsber. Oesterr. Akad.*, Phil.-Hist. Kl. CCXXVII, 2), Vienne, 1951, pp. 99-100. Voir également W.S. Ferguson, *Hellenistic Athens*, Londres, 1911, pp. 261 sqq.

2. *Fortified Military Camps in Attica* (*Hesperia*, Suppl. 11), Princeton, 1966, p. 103 n. 6.

3. *Die auswärtige Bevölkerung im Ptolemäerreich* (*Klio*, Beiheft 18), Leipzig, 1925; "Nachträge", *Archiv* 9, 1930, pp. 47-55 et 12, 1937, pp. 54-64.

4. *Recherches sur les armées hellénistiques*, Paris, 1949-1950.

militaires à Athènes. Enfin nous y avons ajouté les noms de ceux qui ne rentrent pas dans le cadre de cette prosopographie tout en ayant une importance réelle pour l'étude du problème envisagé. Nous songeons par exemple aux partisans de la politique pro-égyptienne à Athènes.

Cette liste, dressée par ordre alphabétique pour la facilité du lecteur, est ensuite subdivisée en plusieurs sections. Nous passons en revue successivement:

I. *Les Athéniens en Egypte*, chez lesquels nous distinguons les sections suivantes:
   1. La vie à la cour d'Alexandrie.
   2. La chancellerie du roi.
   3. Les ambassadeurs.
   4. Les proxènes.
   5. Les théores.
   6. Les administrateurs, les officiers et les navarques.
   7. Les exilés politiques.
   8. La vie religieuse.
   9. La vie intellectuelle.
   10. La vie artistique.
   11. Clérouques et autres personnes de rang inférieur.
   12. Les autres Athéniens en Egypte.

II. *Les Athéniens*, partisans de l'Egypte, *à Athènes*.

III. *Les Alexandrins et autres Egyptiens à Athènes*:
   1. La vie religieuse.
   2. Les vainqueurs aux jeux à Athènes.
   3. Philosophes et historiens.
   4. Autres Alexandrins et Egyptiens à Athènes.

IV. *Les citoyens d'autres états* qui interviennent dans les rapports égypto-athéniens:
   1. Hommes politiques et militaires.
   2. Hommes de science et médecins.
   3. Prêtres.
   4. Grammairiens, historiens.
   5. Philosophes.
   6. Graveurs de gemmes.

Ces données prosopographiques méritent un commentaire approfondi. Nous nous bornerons toutefois à vous soumettre quelques réflexions relatives à l'ampleur de cette documentation, à la situation sociale des personnages mentionnés et à la période qui fournit la plupart des renseignements.

La liste, dont nous disposons, se compose d'environ 175 personnes. Si l'on compare le résultat de nos recherches prosopographiques à la documentation dont dispose normalement l'historien de l'antiquité, on a l'impression que la situation dans laquelle nous nous trouvons est éminemment favorable. Toutefois, avant de porter un jugement définitif sur ce point, il faudra examiner de près la façon dont cette liste est composée.

En parcourant les différentes subdivisions que nous venons d'énumerer, on constate non seulement des lacunes mais aussi un manque d'équilibre entre les différents secteurs.

Jusqu'au règne de Philométor les Athéniens séjournant en Egypte sont plus nombreux que les Alexandrins et les autres Egyptiens vivant à Athènes. On connaît des ambassadeurs, des proxènes, des théores, des exilés politiques, venus d'Athènes à Alexandrie. Mais nous ne sommes pas renseignés sur ces mêmes catégories de personnes, venant d'Alexandrie à Athènes. Ce qui semble indiquer que les Athéniens sentaient le besoin de contact, plus que les Alexandrins qui disposaient des richesses et du pouvoir.

D'autre part, dans la vie scientifique, littéraire et artistique, les Athéniens sont moins souvent cités que les Alexandrins et les autres Egyptiens. Prenons par exemple le cas des philosophes, qui nous semble être très révélateur. Nous ne connaissons aucun philosophe athénien qui se soit rendu en Egypte. Ce qu'il aurait pu faire pour visiter le Musée ou pour y travailler sous la protection des Lagides. Mais dans nos listes il n'y a pas moins de dix-neuf philosophes portant un ethnique égyptien et qui sont allés à Athènes pour s'y engager dans différentes sections de la philosophie: celle de l'Académie, des Stoïciens, d'Epicure. Il faut y ajouter les philosophes étrangers et

qui furent formés à Athènes avant de se rendre à Alexandrie. Il semble qu'Athènes continuait à faire figure de métropole de la civilisation grecque et que dans ce domaine le prestige de la ville de Périclès était intact.[5]

Dans d'autres subdivisions les personnages sont moins nombreux et il arrive, comme par exemple dans la chancellerie des Lagides, qu'on ne retrouve qu'un seul Athénien, notamment Stolos, sous le règne de Ptolémée IX Sotèr II.

On peut donc parler de lacunes dans notre documentation ainsi que d'un manque d'équilibre entre les différentes sections.

On en est à se demander si les sources disponibles nous donnent un reflet fidèle de la réalité. Nous ne connaissons que deux ou trois théores, partis d'Athènes à Alexandrie, et aucun théore alexandrin n'est mentionné dans nos textes. Il est clair cependant que de nombreuses théories ont circulé entre Athènes et Alexandrie dans les deux directions.

Et s'il en est ainsi pour les théores, peut-on se fier à nos sources pour les autres secteurs de notre documentation? La réalité n'a-t-elle pas été gravement déformée?

En examinant à présent la situation sociale des personnages que nous rencontrons dans nos textes, nous nous proposons également de mieux déterminer la valeur de nos sources.

Ce statut social n'est pas toujours évident et des points d'interrogation subsistent dans de nombreux cas. Prenons par exemple la série mal définie des autres Alexandrins à Athènes, dont la plupart ne sont connus que grâce à une inscription funéraire. Comme celle-ci ne fournit aucun renseignement sur la classe sociale de la personne en question, il est impossible de se prononcer. A moins qu'on ne veuille trouver dans le fait même d'une inscription funéraire, l'indice d'un rang social plus élevé.

Faisant abstraction des cas douteux, nous rencontrons surtout des personnages qui font partie de la haute société: des hommes politiques, des militaires, des prêtres, des savants, des artistes etc. Nous soupçonnons qu'ils appartiennent, en grand nombre, à la "herrschende Gesellschaft" décrite par Chr. Habicht.[6] Il serait sans doute fort intéressant de grouper, si possible, ces différents personnages non pas par fonctions mais par familles. Mais cela suppose une documentation autrement complète que celle dont nous disposons.

Quelles sont donc les sources qui nous fournissent les renseignements?

La partie de la *Prosopographia Ptolemaica*, relative aux relations extérieures des Lagides, se base dans une très large mesure sur des textes littéraires et épigraphiques: des inscriptions honorifiques, des dédicaces religieuses, des décrets de proxénie, des récits d'auteurs, Télès, Polybe, Diodore, Strabon, Plutarque, Pausanias, Athénée, Polyen, Appien, Elien, Diogène Laerce et d'autres écrits parmi lesquels des auteurs latins comme Cicéron, Tite-Live, Pline l'Ancien et le lexique Suda.

Les papyrus, dont l'apport est beaucoup moins important, et qui mentionnent des personnes de rang inférieur, des clérouques, des témoins d'un contrat, des gens qu'on rencontre dans la vie journalière, sont peu nombreux. Disons d'une façon concrète qu'on a retrouvé une bonne vingtaine de textes papyrologiques qui nous renseignent sur les rapports entre Athènes et Alexandrie. A l'exception de deux papyrus,[7] mentionnant la prêtrise éponyme de Glaucon, fils d'Etéoclès, ils citent en passant, sans leur consacrer la moindre attention, des personnes de condition plus humble.

5. Voir *Prosopographia Ptolemaica* VI, p. XXXIX.
6. *Vierteljahrschrift für Sozial-und Wirtschaftsgeschichte* 45, 1958, pp. 1-16; voir p. 9 n. 27.
7. *P. Cairo Zen.* 59173 et 59182.

Cette situation n'est pas sans présenter de graves inconvénients car l'exposé qui se base sur pareille documentation sera forcément incomplet.

Les textes utilisés sont orientés vers la vie politique, les événements militaires, la situation religieuse, mais ils ne parlent guère des fluctuations de la vie économique, ni des problèmes sociaux qui pourtant se sont posés aussi bien à l'époque hellénistique qu'à d'autres moments de l'histoire grecque.

D'autre part on ne parvient pas à se faire une idée globale ni des personnages qu'on rencontre, ni des événements dans lesquels ils sont impliqués. On connaît bien le nom d'un ambassadeur, mais on ignore la mission qu'il doit remplir, la raison qui l'a fait désigner, le résultat qu'il a obtenu. Ce n'est qu'en réunissant tous les textes qui se rapportent à une seule personne qu'on a le plus de chances d'arriver à un début de synthèse.

Celle-ci sera, heureusement, plus facile à réaliser pour des personnages de marque mentionnés par les auteurs et les inscriptions, que pour de simples mortels, cités dans les papyrus. Les auteurs et les inscriptions révèlent parfois des données précieuses, relatives à la carrière de ces personnages. Il suffit de voir par exemple les notices consacrées dans la *Prosopographia Ptolemaica* à Patrocle (VI, no. 15063) ou à Philoclès (VI, no. 15085). Les contacts qu'ils ont eus avec Athènes s'y retrouvent dans le cadre plus large de toute une carrière brillante qui les conduit non seulement à Athènes mais aussi dans de nombreux autres endroits du monde grec.

Il s'agit en effet dans leur cas, comme dans celui d'autres personnages éminents, de gens qui influencent parfois les décisions prises au sommet de la pyramide et, par leur entremise, nous nous rapprochons du centre névralgique de l'état où convergent les activités politiques, militaires, scientifiques, artistiques, religieuses. Grâce à la situation exceptionnelle de ces personnes et à l'attention qu'on leur a consacrée, les recherches prosopographiques portent des fruits. Il suffit de lire la page consacrée par M. Rostovtzeff à Stolos et à Simalos,[8] à leur milieu familial, leurs richesses et leur aisance, pour voir que nos textes, à condition d'être utilisés de façon judicieuse, fournissent des éléments de synthèse. Et il n'y a pas que Stolos. "Cremonide: un dissidio fra politica e filosofia" a fait l'objet d'une étude fouillée de F. Sartori[9] et d'autres contributions du même genre ont été signalées au sixième volume de la *Prosopographia Ptolemaica*.

Sans doute il nous est impossible de suivre les traces de ces chefs politiques ou militaires, de ces savants et des autres personnages aussi loin que nous voudrions. La connaissance que nous avons d'eux n'est pas comparable à celle que nous révèlent les archives d'un Zénon ou d'un Sarapion. Pour ne parler que de ce dernier, dans la très belle publication de J. Schwartz, *Les archives de Sarapion et de ses fils*,[10] Eutychidès, le fils de Sarapion, est décrit comme un travailleur et un timoré (p. 340). Pour écrire cette seule ligne, l'auteur doit avoir disposé de renseignements nombreux et certains, qui dans les cas qui nous occupent, font malheureusement défaut.

La valeur de nos listes prosopographiques dépend non seulement du nombre des données et de leur contenu, mais aussi de la période sur laquelle elles nous renseignent.

Sous ce rapport on constate un parallélisme presque parfait entre les indications fournies par la prosopographie et celles qui nous parviennent d'ailleurs. La prosopographie confirme pleinement ce qu'on pouvait déjà supposer, notamment que la période active des rapports entre Athènes et les Lagides ne s'étend pas au delà du milieu du deuxième siècle av. J.-C. Ici comme ailleurs le cours de l'histoire hellénistique semble avoir changé après la bataille de Pydna.

8. *Cambridge Ancient History* VIII, p. 649.
9. *Miscellanea di Studi Alessandrini in memoria di Augusto Rostagni,* Turin, 1963, pp. 117-151.
10. Le Caire, 1961.

On pourrait être tenté de trouver une contre-indication dans le fait qu'entre 105 et 88 av. J.-C. Ptolémée IX Sotèr II fait appel à un Athénien éminent, Stolos, fils de Théon, pour l'assister en qualité d'épistolographe. Disons qu'il n'est pas seul à être mentionné et qu'il faut essayer d'interpréter ces données d'une façon judicieuse.

Voici un aperçu global des données prosopographiques, que nous avons pu recueillir, classées par pays et par période, si possible par règne.
Treize cas indéterminés ne sont pas repris.

	Venant d'Athènes en Egypte	Venant d'Egypte à Athènes
Ptolémée I	25	4
Ptolémée II	9	2
Ptolémée III	12	1
Ptolémée IV	2	1
Ptolémée V	2	11
Ptolémée VI	9	3
3e siècle	9	6
$3^{e}/2^{e}$ siècle	–	4
2e siècle	6	12
$2^{e}/1^{er}$ siècle	1	12
1er siècle	12	18

Ces chiffres permettent de tirer des conclusions intéressantes à condition toutefois de tenir compte du rang social et des activités de chacune des personnes. Nous laissons au lecteur la liberté d'interpréter ces données qui, faut-il le répéter, risquent de ne pas rendre très fidèlement la réalité.

Pour se faire une idée plus exacte du caractère particulier des relations d'Athènes et des Lagides, il faudrait étudier en même temps les rapports de ces rois avec tous les états, rois et cités du monde hellénistique.

Mais la documentation nous manque pour établir cette comparaison d'une façon complète.

A titre d'exemple, disons que parmi les Crétois émigrés en Egypte ou dans les possessions extérieures des Lagides, sur un total de 126, arrêté provisoirement, un peu moins d'un tiers appartient aux classes supérieures. Il s'agit d'ambassadeurs, de théores, de théorodoques, de proxènes, de prêtres éponymes, d'hommes de lettres, d'athlètes, d'administrateurs et d'officiers. Les instances militaires y sont de loin les plus nombreuses, étant au nombre de vingt-trois.

Les deux tiers qui restent représentent surtout des militaires, des clérouques et leurs parents, des membres de l'épigone.

Il saute aux yeux que la situation des Athéniens vis-à-vis des Lagides est très différente de celle des Crétois.

A PROPOS DE LA ΔΙΑΓΡΑΦΗ ΤΟΥ ΣΠΟΡΟΥ

N. N. Pikous

L'interprétation de terme *διαγραφὴ τοῦ σπόρου* qui concernait dans l'Egypte hellénistique des plantations de céréales, d'oléagineuses et de lin a pris, comme on le sait, sous la plume de certains savants une signification de principe. En partant de cette interprétation on en vient à caractériser non seulement des rapports agraires, mais aussi la structure sociale, économique et politique de l'Etat des Ptolémées dans son ensemble. Le problème de la réglementation annuelle d'ensemencements et, sur un plan plus général, celui de la "planification" de l'économie dans la vallée du Nil a été posé d'une manière particulièrement tranchante et tendencieuse par M. Rostovtzeff dans son rapport bien connu, fait à Oxford et publié peu après dans *JEA*.[1] Cet article, surtout dans sa deuxième partie, déborde le cadre d'une étude scientifique et prend un aspect politique. Néanmoins, le point de vue de M. Rostovtzeff – selon lequel la production agricole et artisanale dans l'Egypte hellénistique aurait été nationalisée et le pouvoir central avec les autorités dans les nomes procéderait annuellement à un "planification" forcée des ensemencements – a connu une certaine faveur.

On sait qu'à différentes occasions des savants aussi connus que M. Schnebel, F. Heichelheim, Cl. Préaux, J. Bingen, M. Rostovtzeff (dans ses ouvrages ultérieurs), C. B. Welles et d'autres ont prêté attention à la *διαγραφὴ τοῦ σπόρου* en employant ou non ce terme.[2] Ces chercheurs, reconnaissant l'existence de la planification de céréales, d'oléagineuses et de lin, en concluaient qu'il aurait existé dans l'Egypte hellénistique le capitalisme d'Etat, ou le socialisme, ou encore le socialisme agraire, etc.

Les historiens soviétiques se sont occupés, eux aussi, des problèmes de l'agriculture, des rapports agraires dans l'Etat ptolémaïque et, plus spécialement, du terme *διαγραφὴ τοῦ σπόρου*. Dès 1935, O. O. Krüger, après avoir souligné que "Le mesurages des terres était le point de départ de toute la vie économique en Egypte"[3] et que "Depuis longtemps déjà les papyrologues discutent la question de savoir: dans quelle mesure Ptolémée et les gouverneurs romains planifiaient-ils les ensemencements," écrivait: "L'Etat dont l'agriculture était essentiellement orientée vers les exportations, était intéressé au plus haut point à ce que toutes les terres fussent

1. M. Rostovtzeff, "The Foundation of Social and Economic Life in Egypt in Hellenistic Times," *JEA* 6, 3, 1920, pp. 161-178.

2. Voir, par ex.: M. Rostovtzeff, *P. Teb.* III, 1, 1933, p. 85; *idem, Social and Economic History of the Hellenistic World,* vol. I, pp. 279, 286, 302 et les suiv.; M. Schnebel, *Die Landwirtschaft . . .*, 1925, pp. 127-129; F. Heichelheim, *RE* Suppl. VI, 1935, s.v. *Sitos,* Col. 886; Cl. Préaux, *L'économie royale . . .*, 1939, pp. 117-120; J. Bingen, "Les colonnes 60-72 du P. Revenue Laws . . .," *Chr. d'Eg.* 21, 1946, pp. 127-148; C. B. Welles, "The Ptolemaic Administration," *JJP* 3, 1949, p. 47.

3. O. O. Krüger, "Production agricole dans l'Egypte hellénistique. Céréales," (en russe) *IGAIMK (Izvestia Gosoudarsvennoï Akademii isorii materialnoï koultoury),* fasc. 108, p. 57.

ensemencées, qu'on disposât de semences en quantités suffisantes, qu'il y eût un bon équilibre entre les différentes céréales et que l'ensemencement des champs fût suffisamment dense."[4] "La planification des semailles pour chaque espèce se faisait conformément aux dispositions spéciales édictées chaque année. Bien entendu, cette planification ne touchait directement que "la terre royale" et ses détenteurs. Si les affermataires d'autres terres recevaient du proprétaire des instructions concernant les semailles, cela n'était lié qu'indirectement avec la planification citée ci-dessus. Les raisons en étaient dues à la conjoncture économique. *P. Teb.* 703.57-60 permet de tirer au clair cette question importante.[5] A. B. Ranovitch a traduit *διαγραφὴ τοῦ σπόρου* par "horaire planifié" et, se référant au *P. Teb.* 5 (200-204) l'a appliqué non seulement à la terre royale, mais aussi aux terres concédées. Faisant le point, il écrivait: "Le gouvernement réglementait dans tous les détails la production agricole elle-même, depuis la préparation des terres aux labours et aux semailles jusqu'à la livraison des produits dans les entrepôts de l'Etat."[6] En mettant au point la traduction du *P. Teb.* 703, faite dans les années 30 par O. O. Krüger, j'ai traduit *διαγραφὴ τοῦ σπόρου* en termes philologiques plus directs par "horaire d'ensemencement."[7]

Mais en général le terme *διαγραφὴ τοῦ σπόρου* n'a pas une valeur de principe pour les historiens soviétiques. En effet, on ne saurait en aucun cas ne pas tenir compte des millénaires qui séparent le monde antique de notre XXe siècle. Nul n'ignore qu'à l'époque de l'hellénisme, même dans les sociétés et les Etats les plus évolués, on n'employait qu'une technique manuelle, des instruments de travail manuels. Le transport des produits et des marchandises était lent, l'exercice rapide du contrôle fort difficile. Le trafic maritime, le plus développé à cette époque, était dangereux non seulement en raison de l'imperfection technique des navires, mais aussi parce que ces derniers étaient exposés à des actes de brigandage de toutes sortes. C'est sur cette base matérielle et technique primitive que se développaient les conditions objectives d'existence, la vie quotidienne des gens dans le monde hellénistique, que se formaient et se développaient des dépendences sociales et juridiques déterminées par le niveau trés bas du développement des forces productives, comme le dit la science historique marxiste. Ces conditions objectives excluaient la possibilité de l'apparition du capitalisme d'Etat ou du socialisme – formes sociales qui ne se font jour qu'à un niveau beaucoup plus élevé de développement, avant tout, de la technique créée par les mains des hommes et, en style imagé, changeant à son tour les mains qui l'ont créée et les formes sociales qui l'ont engendrée. Certains chercheurs parmi ceux qui ne partagent pas les opinions des historiens soviétiques font remarquer la différence substantielle qui existe entre le monde hellénistique et les temps modernes. W. W. Tarn, par exemple, écrit dans la préface de son ouvrage *Hellenistic Civilisation* à propos de la société hellénistique: "It was a world empty of machines and full of slaves. This last fact cannot be overemphasised. To see hellenistic society as it existed, the slave background must never be lost sight of."[8] Mais par la suite W. W. Tarn n'a pas développé cette thèse dans son livre intéressant.

Souvenons-nous aussi du grand penseur de la Grèce antique Aristote qui dans sa *Politique* affirmait l'immuabilité des rapports esclavagistes en alléguant précisément le niveau de développement bas de la technique: *κατὰ γὰρ τὴν παροιμίαν, οὐ σχολὴ δούλοις* (Arist. *Pol.*

4. *Ibid.*, p. 58.
5. *Ibid.*, p. 60.
6. A. B. Ranovitch, "L'hellénisme et son rôle historique" (en russe), Moscow, 1950, p. 199.
7. *Chrestomatia po istorii grevniego mira,* t. II, sous la red. de V. V. Strouve, Moscow, 1951, p. 271.
8. W. W. Tarn, *Hellenistic Civilisation,* London, 1941, p. 4.

vii.1334a. 20-21), *οὕτως αἱ κερκίδες ἐκέρκιζον αὐταὶ καὶ τὰ πλῆκτρα ἐκιθάριζεν, οὐδὲν ἂν ἔδει οὔτε τοῖς ἀρχιτέκτοσιν ὑπηρετῶν οὔτε τοῖς δεσπόταις δούλων* (*Pol.* i.1253b.37-39).

Ainsi, les éléments de planification de semailles de certaines cultures qu'on peut relever dans le contenu de quelques papyrus d'affaire de l'époque ptolémaïque ne tèmoignent, à notre point de vue, ni des rapports propres au capitalisme d'Etat, ni de ceux du socialisme. En effet, chaque propriétaire a toujours cherché, sur son lopin de terre, à mettre à profit toutes les possibilités dont il disposait dans les conditions objectives données. Tel était aussi le but des Ptolémées sur les terres qui se trouvaient sous leur contrôle direct par droit de conquête et selon la vieille tradition pharaonïque. On ne saurait, à aucun moment, identifier l'esprit pratique d'un propriétaire ancien avec celui des propriétaires d'une société moderne. Les Ptolémées disposaient d'un appareil de coercition et, dans les conditions de la société esclavagiste méditerranéenne, ils ont réussi, par des moyens esclavagistes de coercition, à faire travailler pour eux une partie importante de la population rurale locale. Il serait utile de se rappeler ici l'opinion de O. O. Krüger, citée plus haut, sur le caractère de l'activité des Ptolémées dans le domaine de l'agriculture dont les récoltes étaient destinées principalement à l'exportation, et aussi sa thèse: "Le mesurage des terres était le point de départ de toute la vie économique en Egypte" (v. le référence 3). Précisons que les mesurages des terres y avaient toujours été indispensables, étant donné la pénurie de terres cultivées dans l'oasis égyptienne, et que l'on y procédait depuis les temps les plus reculés. Le Nil et le réseau de canaux, dont une partie pouvait être utilisée pour la navigation au moyen de canots, et le fait que les terres cultivées formassent une zone étroite sur les deux rives du Nil, facilitaient, sans aucun doute, le contrôle sur une partie des plantations.

Passons maintenant à l'analyse du contenu des papyrus d'affaire qui nous intéressent. Dans les papyrus publiés que je connais, le terme *διαγραφὴ τοῦ σπόρου* se rencontre rarement, mais l'existence d'un bordereau d'ensemencement se fait sentir dans la correspondance ayant trait à l'agriculture et à l'artisanat basé sur la production agricole. On trouve la mention de la *διαγραφὴ τοῦ σπόρου* aussi bien dans des documents destinés à l'ensemble de l'Egypte que dans des textes d'importance locale. *P. Teb.* 703 (III siècle avant n.è.) et *P. Par.* 63 = *UPZ* 110 (II siècle avant n.è.) font incontestablement partie des premiers et *P. Lille* 26 (III siècle avant n.è.) et *P. Teb.* 808 (II siècle avant n.è.) – des seconds textes. *P. Yale* 36 (III siècle avant n.è.) occupe une place particulière. D'une part, c'est un document local. Mais les renseignements concrets qu'il contient sur les modalités d'établissement et d'entérinement de la *διαγραφὴ τοῦ σπόρου* reflètent sans aucun doute les pratiques qui avaient cours dans toute l'Egypte. Cette constatation découle du caractère général et du style de ce document. Rappelons-nous les contextes dans lesquels la *διαγραφὴ τοῦ σπόρου* est citée dans ces cinq documents.

Dans *P. Lille* 26, un certain Apollonios écrit une lettre d'affaire à son père. Tous deux hommes d'affaire dans l'agriculture, ils se faisaient enregistrer par les organismes financiers comme remplissant des charges du Basilicon: *χρηματίσασθ[αι] [τὴν] παρὰ τοῦ βασιλικοῦ χορηγίαν* (*P. Lille* 26.5-7). C'étaient, semble-t-il, des détenteurs importants de la terre royale qui préparaient les terres reçues du Basilicon, conformément au bordereau d'ensemencement pour la 15e année, afin de les donner à ferme aux cultivateurs: *ἐπὶ τῆς διαγραφῆς τ[ο]ῦ [εἰς τὸ] ιε ⊥ σπόρου μεμισθῶσται τοῖς γεωργοῖς.*

P. Teb. 808 contient une déclaration, adressée à un fonctionnaire de l'administration locale, dans laquelle le paysan Musthes prie de remettre son lopin de trois aroures sur la terre royale à un certain Ptolémée et de l'inclure *ἐν τῇι τοῦ αὐτοῦ (ἔτους) [δια]γραφὴ τοῦ σπόρου καὶ τῆι [κα]τὰ φύλλ[ο]ν γεωμετρίαι διὰ τῶν ε[ἰ]θισμένων* (lignes 11-14) au mois de choiak.

L'information sur *διαγραφὴ τοῦ σπόρου* dans *P. Teb.* 703 paraît beaucoup plus importante: *ἵνα*

δὲ καὶ τ[*οῖ*]*ς κατὰ τὴν δια*|*γραφὴν τοῦ σπόρου γένεσω ὸ νομὸς* | *κατασπείρηται κείσθω σοι ἐν τοῖς* | *αναγκαιοτάτοις* (lignes 57-60). "Prête particulièrement attention à ce que le nome soit ensemencé conformément à la *διαγραφὴ τοῦ σπόρου*," écrivait un dioecète à un économe dans une instruction où il avait pris soin de noter tout ce qu'il avait dit à l'économe en le déléguant dans le nome (*P. Teb.* 703.257-261). De *P. Lille* 26 on peut déduire également que le bordereau d'ensemencement était établi d'avance, puisque Apollonios de *P. Lille* 26 avait écrit sa lettre au mois de tybi de la 14e année alors qu'il préparait la terre pour l'affermer aux cultivateurs qui devaient l'ensemencer de sésame conformément au bordereau d'ensemencement pour la 15e année. Dans *P. Teb.* 808 il est question d'inclure un terrain déjà ensemencé dans la *διαγραφὴ τοῦ σπόρου* de cette année.

Dans *P. Teb.* 703 c'est, visiblement, le dioecète lui-même qui insiste sur la nécessité de respecter le bordereau d'ensemencement. Mais du fait que l'instruction mentionne le nome on ne saurait conclure que le bordereau d'ensemencement s'étend à toutes les catégories des terres existant dans le nome. D'après le contexte de *P. Teb.* 703.40-63, on voit qu'il s'agit de la terre royale et de la masse de producteurs directs, des cultivateurs royaux. La mention de la réglementation des semailles dans la lettre du dioecète Herodos (*P. Par.* 63 = *UPZ* 110.42) n'ajoute rien de nouveau aux données du III siècle avant n.è. Mais le contenu général des lettres d'Herodos est lié aux nouvelles mesures agricoles du Basilicon, mesures inconnues au III siècle avant n.è. et qui lui étaient étrangères: il s'agit de tentatives d'imposer aux cultivateurs l'affermage obligatoire de terrains. Le papyrus local *P. Teb.* 808 datant également du II siècle avant n.è. n'apporte, lui non plus, de données nouvelles. Dans le vaste *P. Teb.* 61 b, encore plus récent, qui relate de la terre et des semailles dans la région du village Kerkeosiris la *διαγραφὴ τοῦ σπόρου* n'est pas mentionnée bien que le contenu de ce compte-rendu s'en ressente.

Les chercheurs s'intéressent à la question de savoir: comment était établi le bordereau d'ensemencement. Comme nous l'avons déjà signalé plus haut, des savants étrangers et soviétiques, partant des documents existants, étaient enclins à penser que le bordereau d'ensemencement était envoyé dans les nomes d'Alexandrie, c'est-à-dire qu'il était imposé d'en-haut. Le problème était seulement de savoir: à quelles terres ces dispositions s'étendaient-elles. Mlle Cl. Préaux, par exemple, parle d'un réglement venant d'en-haut: "Lorsque la liste des cultures arrive d'Alexandrie au chef-lieu du nome, il est procédé à une répartition par village."[9] Au moyen de prêts obligatoires de semence, qui devaient être rendus tout de suite après la récolte et étaient accordés non seulement aux cultivateurs royaux, mais aussi à de nombreux clérouques, voire même aux propriétaires des terres en don, le bordereau d'ensemencement pouvait aussi concernait partiellement ces terres-là. La terre sacrée, au II siècle avant n.è., se trouvait également sous un contrôle vigilant du Basilicon. Mlle Cl. Préaux cite d'autre part le papyrus bien connu *P. Cair. Zen.* 59155 dans lequel le roi propose au dioecète Apollonios de planter le champ pour la deuxième fois de blé mûrissant en trois mois. Mais l'auteur, avec la circonspection qui lui est propre, indique que cet ordre du roi ne saurait être considéré comme une preuve de l'ingérence du Basilicon dans l'économie des terres en don. Il s'agissait peut-être d'un conseil personnel, puisque Apollonios était, par son activité, étroitement lié au roi.[10]

P. Yale 36, papyrus des archives de Leon, publié par C. B. Welles en 1954 dans *JJP* parmi d'autres papyrus de ces archives, jette une nouvelle lumière importante sur les modalités de l'établissement de la *διαγραφὴ τοῦ σπόρου*.[11] C'est une lettre d'affaire – l'ordre d'un certain

9. Cl. Préaux, *L'économie . . .*, p. 117.
10. *Ibid.*, pp. 118-119.
11. *JJP* 7-8, 1953-1954, pp. 35-41. C'est le prof. C. B. Welles qui m'a indiqué *P. Yale* 36.

Apollonios (probablement un épimélète) – adressée au toparque Leon de la toparquie de Philadelphie. Cette lettre, comme l'a établi C. B. Welles, est datée du 23 septembre 232 avant n.è. (le 9 mesore de la 15e année). A cette missive l'épimélète Apollonios a adjoint la copie d'une consigne qu'il avait reçue du dioecète Athénodoros et en application de laquelle il a envoyé sa lettre à Leon. C. B. Welles qui avait attentivement analysé et commenté le contenu des deux lettres d'affaire est arrivé à la conclusion convaincante: la *διαγραφὴ τοῦ σπόρου* n'était pas un ordre envoyé annuellement d'Alexandrie, mais elle était établie chaque année dans les toparquies et même dans les villages par l'administration financière locale, compte tenu des données sur la montée des eaux du Nil dans l'année en cours. Ces renseignements étaient envoyés d'urgence par les services de la police locale à la chancellerie du dioecète à Alexandrie où l'on étudiait aussi vite que possible les bordereaux d'ensemencement locaux pour établir et entériner une *διαγραφὴ τοῦ σπόρου* générale. Les parties respectives de ce bordereau d'ensemencement corrigé, approuvé par le dioecète, étaient rapidement renvoyées là d'où elles étaient reçues. Elles pouvaient revenir du centre modifiées et ne plus correspondre aux bordereaux soumis à l'approbation du dioecète. La relative rapidité avec laquelle était élaborée la *διαγραφὴ τοῦ σπόρου* s'explique par la nécessité de faire connaître ses dispositions à chaque village dans le délai compris entre le commencement de la décrue du Nil et le début des nouvelles semailles, puisque les possibilités réelles de la récolte dépendaient de la montée des eaux du Nil. Le bordereau d'ensemencement devait être établi sous trois formes: par personne, par village et un bordereau général *κατ' ἄνδρα καὶ κατὰ κώμην καὶ ἐπὶ κεφα*[*λαίων*](*P. Yale* 36.12). C'est le toparque Leon qui était chargé de le composer après consultation sur place et de l'envoyer rapidement à l'épimélète Apollonios; celui-ci réunissait les bordereaux des toparques pour les expédier avec l'archiphylacite Leucippe au dioecète, sur son ordre, et ensuite assurait leur retour. Ces bordereaux étant envoyés à Alexandrie chaque année, il n'était pas difficile de comparer leurs données pour une assez longue période. Mais puisque les niveaux des crues du Nil étaient mesurés depuis des temps immémoriaux, les amendements apportés à la *διαγραφὴ τοῦ σπόρου* à Alexandrie ne pouvaient pas, à notre avis, être importants. Si l'on songe que la pénurie de terres fertiles dans la vallée du Nil exigeait toujours qu'on tienne compte des possibilités de l'agriculture, il devient évident que ces problèmes étaient réglés ici suivant une tradition séculaire. La politique économique des Ptolémées, on le sait, était orientée vers l'utilisation des conditions locales existantes, elle ne modifiait pas sans besoin, mais intensifiait seulement les procédés d'exploitation employés depuis des siècles, s'ils permettaient de rentrer des récoltes, devenues plus abondantes grâce à l'amélioration générale du système d'irrigation effectuée sous les premiers Ptolémées. La *διαγραφὴ τοῦ σπόρου* élaborée en détail pour chaque exploitation, comme on le voit d'après *P. Yale* 36.12 et *P. Teb.* 703.40-41, constituait une information annuelle sur les possibilités réelles d'ensemencement, conditionnées par les crues du Nil, et une fixation de ses possibilités, introduites dans les accords de fermage des cultivateurs royaux, plutôt qu'une planification, au sens propre du mot, de cultures céréalières et oléagineuses.[12] En effet, selon *P. Yale* 36.12, on établissait d'abord par village des bordereaux d'ensemencement renfermant des données sur chaque exploitation et ensuite, d'après *P. Teb.* 703.40-41, ils étaient vérifiés après la fin des semailles par l'inspection de chaque terrain. La *διαγραφὴ τοῦ σπόρου* avait pour objet essentiellement les céréales, dont on préparait le bordereau d'ensemencement au cours des mois d'epiphi et de mesore, c'est-à-dire à la fin de l'année égyptienne. Les semailles de ces cultures commençaient au mois d'athyr, déjà dans l'année suivante, ce qui

12. Notons l'intérêt que présentent à cet égard les considérations de P. Vidal-Naquet dans son intéressante monographie *Le Bordereau d'ensemencement dans l'Egypte ptolémaïque* publiée en 1967 à Bruxelles. Ce chercheur souligne entre autres avec force la différence fondamentale entre les planifications antique et moderne (*Le Bordereau* . . . p. 11).

explique pourquoi la *διαγραφὴ τοῦ σπόρου* était établie, en règle générale, pour l'année venant après celle de son élaboration. Le bordereau d'ensemencement du sésame et d'autres cultures, pour lesquelles les termes variaient suivant les espèces, était, sans doute, adjoint au bordereau général d'ensemencement des céréales.

Les semailles du lin étaient réglementées comme celles des autres oléagineuses. Mais on tenait compte également des besoins de la *ὀθονιηρά*, ce qui ressort d'un fragment de *P. Rev.* (Col. LXXXVI) et de certains papyrus des archives de Zénon, *P. Lille* 31, *P. Petrie* II 28 Col. V et autres. *P. Teb.* 769, datant selon toute apparence de 237-6 avant n. è., est fort intéressant sous ce rapport. Ce papyrus assez fragmenté contient une longue requête d'un entrepreneur (le début du texte ne s'étant pas conservé, nous ignorons son nom), qui était probablement un concessionnaire ayant affermé des plantations de lin sur la terre royale, puisque les récoltes de cette terre étaient frappées d'un impôt en nature versé au trésor du roi. (*ἐκφόριον*, ligne 33). Comme il apparaît du contenu de cette requête, l'étendue des champs de lin était fixée annuellement, mais pour l'année en cours elle fut augmentée de 1550 aroures sans l'accord du concessionnaire. Il est important de noter que l'auteur de la requête considère cette augmentation des ensemencements comme illégale. Le protestataire, qui depuis plusieurs années s'occupait de l'organisation de la culture du lin sur la terre royale, en y faisant travailler des paysans, souligne à plusieurs reprises l'importance de cette branche de l'agriculture qui doit intéresser tout particulièrement le trésor royal. Le lin fournissait une double récolte: graines oléagineuses et fibres.

Il est intéressant de mentionner les enchères organisées par le Basilicon en vue d'affermer la production et la vente des huiles, ces concessions étant accordées aux compagnies de concessionnaires qui promettaient et garantissaient – par leurs biens et les biens de leurs répondants – la plus grande production de l'huile et sa vente à la population. Ce fait apporte un correctif substantiel à la soi-disant "planification" des ensemencements et corrobore notre point de vu sur les modalités d'établissement de la *διαγραφὴ τοῦ σπόρου* annuelle d'oléagineuses. Les étendues des champs pouvaient être précisées seulement après les enchères et la conclusion des accords avec les compagnies de concessionnaires qui avaient offert le prix le plus élevé. Il était impossible de prévoir d'avance les résultats des enchères et, par conséquent, d'établir un bordereau d'ensemencement plus ou moins stable. La *διαγραφὴ τοῦ σπόρου* devait être modifiée chaque année d'une manière ou d'une autre selon les résultats des ventes aux enchères. Le bordereau d'ensemencement pour le sésame et le crothon, conservé dans *P. Rev.* (*SB Bh.* I, Col. 60-72) ne contredit point cette thèse.[13] *P. Rev.* (*SB Bh.* I, Col. 57, 6-10) fait état de la non-observation d'un bordereau d'ensemencement, sans toutefois employé ce terme.

On peut donc conclure que la *διαγραφὴ τοῦ σπόρου* n'est pas tellement un lan," mais plutôt une généralisation approximative, par le Basilicon, de renseignements locaux sur les possibilités de la récolte pour l'année en cours, rendue obligatoire après son approbation à Alexandrie.

13. Cf. Jean Bingen. Les colonnes 60-72 du *P. Revenue Laws, Chr. d'Eg.* 41, 1946, pp. 127-148.

P. TEB. 703, ITS SIGNIFICANCE THEN AND TODAY
(Some remarks on interpretation and methodology)

Vojtěch Poláček

Since Mr. Rostovtzeff published his commentary on *P. Teb.* 703 in 1933[1] it has been the center of attention for several scholars. If I have chosen to bring it to the common attention of papyrologists, historians and historians of ancient law once more and if I venture to digress from the usual interpretation of ancient documents, I do not do so in order to introduce any heretically new ideas. But there is no lack of voices that are ready to take ancient documents and the facts contained in them for something belonging to the good old times and treat them only as subjects for "archeological" meditations[2] which have no relation to and no significance for the practical present-day society.

There is no doubt, of course, that ancient history and especially ancient law, are not able to compete with the success of modern technology. But ancient history is far from being a dead science, and we may prove it on the document in question.

As is known, *P. Teb.* 703 dates from the third century before our era and it was addressed by the Greek Minister of Alexandria, the dioiketes, to one of his subaltern officials in the country, probably an oikonomos.[3] When reading the ancient document closely, we cannot fail to

1. Cf. A. S. Hunt, J. G. Smyly and others, *The Tebtunis Papyri*, Vol. III, 1, London, 1933, pp. 66 ff. (with a commentary drawn up by M. Rostovtzeff; in the ensuing footnotes "Commentary").

It is nearly a general opinion that the analyses of the above papyrus started with the above-mentioned Commentary of Rostovtzeff. (Thus, first, also the author of this thesis; cf. below in this note.) However, the named scholar gave account of the papyrus thirteen years *before* the above digest of the *Tebtunis Papyri* was published (cf. his article "The Foundations of Social and Economic Life in Egypt," in *JEA* 6, 1920, pp. 163, 173 ff.).

As to the literature about this topic, cf. especially: L. Wenger, in: *Aegyptus* 13, 1933, pp. 582 ff. (official form of the papyrus); U. Wilcken, *Archiv für Papyrusforschung* 11, 1935, pp. 148 ff. (parallel with the *mandata principis* and the *ἐντολαί* ?); E. Berneker, *Sondergerichtsbarkeit im griechischen Recht Aegyptens* (*Münchener Beiträge zur Papyrusforschung*), München, 1935, pp. 52, 70 f., 81, 102 (question of the addressee, parallel with the one of the oldest "code of morals," the instructions of the "Vizier" Ptaḥḥotep, 2450 B.C.; cf. below n. 31); Cl. Préaux, *Chronique d'Egypte* 21, 1936, p. 163 (question of the addressee); *eadem*, *L'économie royale des Lagides*, Bruxelles, 1939 (cf. the quotations indicated on p. 634); M. Rostovtzeff, *The Social and Economic History of the Hellenistic World*, I-III, Oxford, 1941 (cf. the quotations indicated in Vol. III, p. 1777); *idem, Die hellenistische Welt, Gesellschaft und Wirtschaft*, I-III, Tübingen, 1955-1956 (cf. the quotations indicated in Vol. III, pp. 1592, 1593); N. N. Pikus, *Vestnik drevnej istorii*, 1947, No. 1, pp. 249 ff. (the date of the papyrus); C. Bradford Welles, *JJP* 3, 1949, pp. 32 ff. (comparison with analogous institutions of the pharaonic epoch); V. Poláček, *Actes du Xe Congrès international de Papyrologues*, Wrocław-Varsovie-Cracovie, 1964, pp. 201 ff. (moral aspects and public administration); *idem, Archiv orientální* 32, 1964, pp. 223 ff. (agricultural problems); *idem, RIDA* 15, 1968, pp. 21 ff. (magistrates in the ancient world); P. Vidal-Naquet, *Le Bordereau d'ensemencement dans l'Egypte ptolémaïque*, Bruxelles, 1967, pp. 14 ff.

(Remark to the above "vizier" Ptaḥḥotep: we have used this term "vizier" according to the common custom. A modern reader would perhaps get a more vivid idea when learning, e.g., that that Ptaḥḥotep was *t3t*, i.e. something like "Prime Minister" of the epoch. Cf. on this point A. H. Gardiner, *Ancient Egyptian Onomastica*, Oxford, 1947, I, p. 19*; W. Helck, *Untersuchungen zu den Beamtentiteln des ägyptischen Alten Reiches*, Glückstadt-Hamburg-New York, 1954, pp. 16, 56 f.).

2. Cf. *JUS* 4, 1953, pp. 130 f.

3. Berneker, *op. cit.*, pp. 52, 72, 102, and, perhaps, also E. Seidl, *Ptolemäische Rechtsgeschichte*, Glückstadt-Hamburg-New York, 2nd edition, 1962, p. 83 stress the idea that the memorandum in question was addressed to a *strategos*. On the contrary, in accordance with M. Rostovtzeff (*JEA cit.*, p. 163; Commentary p. 66); Cl. Préaux, *loc. cit.*; *eadem, Economie royale*, p. 550, n. 4 (cf. also pp. 121, 288, 458, 526); H. J. Wolff, *Das Justizwesen der Ptolemäer*, München, 1962, p. 189, n. 69; Poláček, *Archiv orientální cit.* p. 224; *idem, RIDA cit.* p. 30; A. E. Samuel, "The judicial competence of the oikonomos in the third century B.C.," in *Atti dell'XI Congresso internazionale di papirologia*, Milano, 1966, pp. 445 f.

see a striking number of practical instructions of high value, both formal and material.

Before entering into details, let us give a short outline of the particular topics as far as the papyrus has preserved them.

First, attention is paid to the irrigation works.[4] Then follows an invitation to the addressee to make regular tours of inspection to clear, on the spot, any question touching agricultural matters, and to supervise the harvest.[5]

In the further points of the memorandum, provisions are made concerning the following matters:

cattle and how to stable them,[6]
corn and its transport to Alexandria,[7]
textile production,[8]
revenue and taxes,[9]
oil-factories,[10]
and again, cattle, their registration, as well as taxes imposed on them,[11]
the price policy,[12]
and once more, cattle, with special regard to calves,[13]
afterwards, the planting of certain trees,[14]
the care of the king's real estate,[15]
the combating of absenteeism and desertion,[16]
general care to be given to law and order in the country,[17]
advice concerning the administrative contact between the author and the addressee of the memorandum,[18]
and by way of conclusion: directions for the personal conduct of the addressee, and a recommendation for his further career.[19]

It has been said in the literature concerning the papyrus that this document doesn't possess any particular juristic or juridical importance. We cannot deny that a set of administrative instructions do not create either a new law or a new legal system. But any administrative instruction, and the papyrus in question especially, affords a view of the actual economic, social and/or legal status of the society.

Yet let the sources speak first.

The preserved part of the *P. Teb.* 703 begins, as mentioned above, with irrigation facilities. By general working directions, the author of the memorandum invites the addressee to inspect the water-conduits which run through the fields and from which the peasants are accustomed to lead water on the land cultivated by them, and to see whether the water-intakes into them have the prescribed depth and whether there is sufficient room in them. Then follow further technical instructions concerning cuttings, intakes and entries into the conduits from the river.

Thereupon, the dioiketes turns his attention to agricultural work, imposing on his subaltern official the duty to visit every place in the district, to make inquiries on the spot if the peasants

4. Lines 29-40.
5. Lines 40-63.
6. Lines 63-70.
7. Lines 70-87.
8. Lines 87-117.
9. Lines 117-134.
10. Lines 134-164.
11. Lines 165-174.
12. Lines 174-182.
13. Lines 183-191.
14. Lines 191-211.
15. Lines 211-214.
16. Lines 215-222.
17. Lines 222-234.
18. Lines 234-257.
19. Lines 257-280.

complain about the local authorities, and to stop any improper doing as far as possible.

The following passages make it obvious that sowing had been a subject of particular interest to the central authority. The Greek Minister of Alexandria invites the oikonomos to keep under careful watch, by personal rounds of inspection, the progress of new plantings, to notice the quality of the agricultural work, and especially, to see that the nome be sown with the kinds of crops prescribed by the sowing schedule.

By way of conclusion to this part of the memorandum, human aspects of agricultural problems come to the fore: if there be any who are hard pressed by their rents or completely exhausted, the affair should not be left unexamined.

Agriculture was connected, also in ancient Egypt, with the raising of cattle. We learn from the papyrus that the addressee was obliged to make a list of the cattle employed in cultivation, both royal and private, and to give particular care to the progeny of the royal cattle, when old enough to eat hay.

Then, the sequence of ideas turns to the corn again and to its transportation to Alexandria. The document hints at a special list, sent by the dioiketes to the addressee, prescribing the supplies of corn which had to be brought down to Alexandria punctually, not only correct in amount but also tested and fit for use.

The following instructions, among the broadest and most extensive (30 lines) in the document, refer to some of the most important manufacturing works of the country, the weaving-houses and other related activities.

The dioiketes requests that the oikonomos have the largest possible number of looms in operation, and we learn that an amount of embroidered stuffs had been prescribed for the nome, and that the prices of them had been fixed by ordinance. The oikonomos also is instructed to keep watch on the quality of linen.

The idea of inspection is well to the fore again: the official in question has to visit washing-houses where flax is washed and to make a list, and to assure that there always is a supply of castor-oil and natron for washing. He has also to keep lists (= "books") about the monthly quantity of pieces of linen that have been made. We find there detailed directions concerning this duty which evoke the idea of a kind of bookkeeping already in use at that time.

Some hints of bookkeeping appear anew in the next passage touching the revenue account. The above mentioned office holder has to audit these accounts, if possible, village by village (the memorandum lays stress on that); if not, by toparchies at least, passing in the audit payments to the bank only in the case of money taxes; if corn or oil-bearing produce are concerned, then only deliveries to the sitologi are to be booked. Particular provisions are made in case there be any deficit in deliveries.

The second largest part of the memorandum (30 lines) likewise touches upon manufacturing activities, the oil-factories. The oikonomos is charged, here also, with the duty of frequent inspections of the local factories and store-houses. Provisions are imposed upon him to be made in order to eliminate a black market both with regard to the raw material and to the finished products.

Then, the author of the instruction returns to questions concerning cattle, this time in connection with the revenue from the pasturage and the registration of cattle. Directions are given as to how these duties may best be discharged.

Thereupon, attention is paid to the price policy. The instruction distinguishes goods which must not be sold at prices higher than those prescribed, and goods which have no fixed prices. These prices must be supervised (by the oikonomos) and a fair profit only is to be allowed.

And now, for the third time, the memorandum returns to agricultural problems concerning cattle: the duty of inspection of the calf-byres is imposed on the addressee and directions, with reference to other (probably previous) more detailed regulations, are given about supplying calves with food.

Immediately following these dispositions, minute instructions are given about planting certain trees, as well as about the places where and the manner how they shall be planted. The duty to inspect is also imposed upon the oikonomos.

The material directions terminate in a brief instruction charging the addressee to make a list of the king's real estate, to watch over the order and condition of these premises, and to report what attention from the higher authorities this or that royal house or garden requires.

By way of conclusion, directions are given for the combating of absenteeism and desertion of native soldiers (there is a hint on particular instructions concerning men who absconded from their work), of sailors, and other people, perhaps.[20]

The final part of the papyrus (58 lines) contains personal advice. The author of the memorandum starts on instructions given with regard to the security of the country (we shall consider these aspects later on[21]), then he passes on to the directions regulating the mutual official relations between him and the addressee, and finishes by advice given to the oikonomos with regard to his behaviour in his district and with a view of ensuring his further career.

When analysing the document from the formal point of view, we cannot fail to state that the items have not been dealt with all in the same manner. Thus, we can notice that some passages have been compiled with regard to all essential aspects of the matter in question (so e.g. the instructions concerning irrigation plants, sowing, corn deliveries, textile and oil industry, cattle, planting of trees, personal advice contained in the final part of the memorandum). On the other hand, some instructions have been intimated in a brief manner only, supposing detailed provisions made by other official directions (so e.g. the supervision of the sowing schedule, the textile quota goods and their prices, the system of the revenue accounts, sale of goods standing under fixed prices, food rations prescribed for cattle, duties of native soldiers).

Another time, the briefness of some instructions indicates that a reminder of a kind had been held to be sufficient in this case.

Finally, some instructions are of a general nature only the concrete realization of them having been left to the discretion of the addressee (so: peasants overburdened by rents; goods sold without price restriction but on the basis of supply and demand).

We also cannot fail to take notice of the repetition of some identical or allied subjects in different places in the memorandum. As we have seen above,[22] agricultural matters (sowing and harvesting) are dealt with in two different places, stock-farming is touched three times, revenue and taxes four times.

Some affairs, particularly the revenue accounts and the oil production, are declared as matters of primary importance. Nevertheless, the official directions about them find their places in the middle of the document only.[23]

The sequence of single items, embracing so large a field of activities that it would have been

20. There are lacunae in this passage.
21. See below p. 417.
22. Sowing and harvesting: see above nn. 5 and 7; stock-farming: nn. 6, 11 and 13; revenue and taxes: nn. 6 (lines 60-63), 8, 9 and 11.
23. See above nn. 9 and 10 (lines 117-164).

impossible for one person to master them, indicates that the document had been compiled in a way similar to the practice of today. The officials in charge of the respective sections of the economic ministry in Alexandria produced such instructions as they considered necessary for the performance of their official duties, and the secretary of the dioiketes, so to speak, couched the act in its final form.[24]

Another circumstance corroborating this opinion is the respectable logical and juridical standard of the regulations we have just mentioned above. Without underestimating the personal qualities of the official author, the collaboration of a number of authorized, skilled counsellors must have been inevitable. It was inevitable also, without doubt, that not even the addressee, the oikonomos himself, could execute and implement all these dispositions given to him by the memorandum. The latter likewise had his office and his subaltern officials and helpers. Nevertheless, the idea of responsibility was strictly personal: only the oikonomos himself was personally responsible to the dioiketes. This idea has been expressed in an explicit way in several places in the document.

We usually take the assertion of this idea for granted in antiquity, as we meet with it in other nations and peoples of that period, while we seldom find similar regulations in modern laws. Yet the change in the conception of the above idea shows the profound modification which human society has met with down through the ages.

At that time the principle of personal responsibility of the lower office holders towards their superior authorities made it possible for the official claims and duties to be realized with immediate effectiveness. There was a continuous, uninterrupted flow of execution from the king down to the last peasant. Modern society has mostly placed the burden of personal responsibility and execution upon the final link in the chain.

In antiquity, the primary interest of every subaltern official was to show that he was able to satisfy the higher authorities (or, in a more exact manner, the heads of the authority in question) in the best possible way. This meant, practically, to transmit to the superior authority, and in the final analysis to the king, the most possible revenue. The revenues of the royal treasury were really the *alpha* and *omega* of the "public" life of those times.

The document we deal with furnishes evidence of the situation: After having reminded the oikonomos of his all and singular duties—and we can learn from the memorandum upon which subjects the author attaches particular importance—the dioiketes adds some ethical admonitions where the idea of securing the revenues is expressed yet again.[25] And when the author orders that the addressee should take care of stopping any nuisance of the past,[26] it is not impossible to judge that such doings had taken place prior to that time when the document was issued. Hence but a small step is needed to evoke the opinion that all these ethical admonitions had been nothing but an arrant hypocrisy. Indeed, we are willing to blame the Egyptian kings for their greedy exploitation of their subjects. It is known, of course, that the class contradictions often burst out into open conflicts.[27] For there were always three different worlds of interest there: first, the kings wanting to have enough means for their needs and plans; secondly, their administrative machinery guided not only by the interests of the king but also by the personal interest of all and each individual functionary; last but not least, the mass of subjects that often

24. It is especially the different extent of single prescriptions embodied in the memorandum which bears witness about that conclusion. Besides, the same may be said with regard to the fact that matters of the same kind are dealt with in different places (see the preceding note).

25. Lines 233-234.

26. Cf. below n. 65.

27. Cf. the greatest social revolution in ancient Egypt we possess written evidence of (*P. Leid.* 344).

felt very hard the burden imposed upon them. For it is an experience of long standing that men never are willing to work for another's sake unless they are personally interested or kept by force to do so. On the other hand, though several social revolutions took place in the history of ancient Egypt, neither the kings nor the revolutionary masses were able, at those times, to create a new and better social order.[28] We shall have the opportunity to speak about these problems later on again.[29] Let us state here that the impossibility of creating another social system determined the conditions of social living.

The experience that troubles and disorder do more harm than good—without doubt —induced able kings and their high dignitaries to stop any undesirable excess;[30] it likewise induced the inhabitants to believe that without the king and without protection from his part their own lives would have been much more unsafe.

If for all that, from time to time, some conflicts burst out, it was but the result of the fact that sufferable measures had been seriously exceeded. The consequence of such doing must have been floating in the minister's mind when he addressed to the oikonomos admonitions that he should secure social peace in his district.

However, we must not exaggerate those ancient events: we had, a short time ago, the not very pleasant opportunity to observe that serious social conflicts might take place, also, in our pretentious, modern world. And it is not unknown that modern society, or more precisely, the representatives of the ruling class, have always been ready to quash such dangerous doings both by force and by appeasing slogans and/or promises and various new instructions concerning the behavior of the lower authorities. We may ask what entitles us to tax the ancient Egyptians with hypocrisy, when we ourselves are not in the position to use or at least to devise better means in such situations.

In many old Egyptian documents, indeed, the moral aspects of the human corporate life are

See to this point: A. H. Gardiner, *The Admonitions of an Egyptian Sage from a Hieratic Papyrus in Leiden*, Leipzig, 1909; A Erman, *Die Literatur der Aegypter*, Leipzig, 1923, pp. 130 ff.; J. Pirenne, *Histoire des Institutions et du Droit privé de l'Ancienne Egypte*, III, Bruxelles, 1935, pp. 467 ff.; J. Spiegel, *Soziale und weltanschauliche Reformbewegungen im alten Aegypten*, Heidelberg, 1950, pp. 8-47; Fr. v. Bissing, *Altägyptische Lebensweisheit*, Zürich, 1955, pp. 129 ff.; S. Herrmann, *Untersuchungen zur Ueberlieferungsgestalt mittelägyptischer Literaturwerke*, Berlin, 1957, pp. 8 ff.; J. van Seters, in *JEA* 50, 1964, pp. 13 ff.; R. O. Faulkner. *ibid*. pp. 24 ff.; and in *JEA* 51, 1965, pp. 53 ff.

Some authors put those ancient events (reported by *P. Leid*. 344) on a par with the great socialist revolution in Russia (so e.g. G. Farina, in *Aegyptus* 2, 1921, pp. 3 ff.; M. Pieper, *Die ägyptische Literatur*, Wildpark-Potsdam, 1928, pp. 23 ff.). However, the goals of these two revolutions were completely different: in Egypt, the leading idea of the revolutionists was carried by individual tendencies (to seize hold of goods of the rich by the poor). The socialist revolution in Russia aimed at the collectivization of means of production and at a classless society.

It is also in place to remember, in this connection, the strike of royal workers which took place under the reign of Rameses III, or the decree of King Haremhab or innumerable social conflicts in the reign of the Ptolemies.

Cf. on this subject Cl. Préaux, *Economie royale*, especially pp. 491 ff., 514 ff.; *eadem, Les Grecs en Egypte d'après les archives de Zénon*, Bruxelles, 1947, pp. 50 ff., 68 ff.; M. Rostovtzeff, *History* I, pp. 339, 411, 413; II, 725, 877 ff., 898, 908; A. H. Gardiner, *Ramesside Administrative Documents*, London, 1948, pp. xiv-xvii, and 45-58; W. F. Edgerton in *JNES* 10, 1951, pp. 137 ff.

As to the decree of King Haremhab, cf. K. Pflüger, *JNES* 5, 1946, pp. 260 ff.; W. Helck, in *Zeitschrift für ägyptische Sprache und Altertumskunde* 80, 1955, pp. 109 ff.; *idem*, "Urkunden der 18. Dynastie," in S. Steindorf, *Urkunden des ägyptischen Altertums*, Berlin, 1961, pp. 416 ff.; G. Roeder, *Die ägypt. Religion in Texten u. Bildern*, IV, *Der Ausklang der ägyptischen Religion mit Reformation, Zauberei und Jenseitsglauben*, Zürich-Stuttgart, 1961, pp. 90 ff.; J. Pirenne, *Histoire de la Civilisation de l'Egypte Ancienne*, II, Neuchâtel-Paris, 1962, pp. 341 ff.

28. In the above quoted *P. Leid*. 344 the author himself says that the "mighties" of yesterday have become slaves today, and the servants of yesterday have today become masters (cf. especially II.2-10; IV.1-4, 8-14; V.6-7; VI.11-12; VII.7-9,5).

29. Below, p. 418.

30. Cf. e.g., above n. 27, decree of King Haremhab.

emphasized.[31] But this testifies less to a hypocrisy than rather to the undoubted fact that those ethical ideas had been profoundly anchored in the collective conviction of the whole population. Otherwise there would be no reason for even the highest court dignitaries to emphasize even in their tombs that they always had served the *maât*, Justice, Equity and Truth.[32]

Therefore there is every reason to believe that the document in question presents a vivid picture of the life of the time with all its problems and difficulties. Besides, the document presents also an instructive picture of the economic features of the country.

We can find there instructions which seem, at first glance, to have been issued on behalf of the interest of the royal treasury. This may be said about the revenue accounts and the activities with them; further, about some activities connected with sowing, textile and oil manufacture (especially the supervision of idle looms, oil-presses and their supernumerary implements), the planting of certain trees, the supervision of the king's real estate, the fighting against absenteeism and desertion of native soldiers and workers.

Some instructions pursue the interest of inhabitants, the working class first. We can quote there the admonitions on behalf of the peasants complaining of the local authorities, further admonitions on behalf of the overburdened renters, the instructions concerning the quality of goods, the price policy, the fight against peculation and any other wrong.

Further, there are instructions of a "neutral" character, given in "common interest" from the first. We have to cite here the directives about irrigation facilities; further, those about the inspection of sowing, the care of raw materials needed for the weaving- and washing-houses and for the oil-factories.

Finally, some instructions are given, as we have seen above, for the addressee himself. Let us deal with some of those instructions in a more detailed manner.

There is no oddity about directives issued in the interest of the king. There is no reason to be astonished by the number and profundity of the provisions regulating these matters. The wish was the father of the thought here. However, the special character of these matters is remarkable and we must not omit to notice it in a more concrete way in special instances.[33]

As far as the instructions are concerned which had been issued on behalf of the inhabitants, we cannot deny that they might have pursued, also, directly or indirectly, the interests of the ruling class and, eventually, the interests of its supreme representative, the king. For while guaranteeing a certain minimum of human rights to those who have been exposed to systematic

31. Cf. the oldest document we know, the Maxims of Ptahhotep. See on this subject especially: Erman, Literatur, pp. 81 ff.; F. Lexa, *Enseignements moraux généraux des anciens Egyptiens*, II, Prague, 1928 (in Czech and in French); J. Spiegel, *Das Werden der altägyptischen Hochkultur*, Heidelberg, 1953, pp. 455 ff.; O. Faulkner, in O. Firchow, *Aegyptologische Studien* (= *Festschrift Grapow*), Berlin, 1955, pp. 81 ff.; v. Bissing, *Lebensweisheit*, pp. 45 ff.; Z. Zaba, *Les maximes de Ptaḥḥotep*, Praha, 1956; G. Fecht, *Der Habgierige und die Maat in der Lehre des Ptahhotep (5. und 19. Maxime)*, Glückstadt-Hamburg-New York, 1958; J. Leclant, in *Les sagesses du Proche-Orient ancien, Colloque de Strasbourg*, 17-19 mai 1962, Paris, 1963, pp. 5 ff., especially 7 ff., 18 ff.; A. Volten, *ibid.*, pp. 73 ff.; J. Vergote, *ibid.*, pp. 170 ff.

Cf. also other works of Old Egyptian literature like *The Wisdom of Anii* (especially chapters 17, 22, 29); *The Teaching of Amenemope* (chapters 2, 7, 11-13, 20, 25, 28, 29); *The Admonitions*, mentioned above (note 27); the *Precepts of Kagemni*; *The Teachings for King Merikare*; the *Dialogue of the Pessimist with his Soul; The Eloquent Peasant*.

(As for bibliography, cf. J. Pirenne [and A. Théodoridès], *Introduction bibliographique à l'histoire du droit et à l'ethnologie juridique*, Bruxelles, 1966, pp. 24-28.)

32. There is an extensive literature about this subject which proves the attention that modern scholars have paid to these problems.

Cf. especially: Pirenne, *Institutions*, I, pp. 221 f.; A. Moret, in *Revue d'Egyptologie* 4, 1940, pp. 1 ff.; J. A. Wilson, *The Culture of Ancient Egypt*, Chicago, 1951, pp. 48 f., 93, 119 ff.; R. Antes, in *Journal of American Oriental. Soc.*, Baltimore, Suppl. XIV, April-June, 1952; H. Bonnet, *Reallexikon der ägyptischen Religionsgeschichte*, Berlin, 1952, pp. 430 ff.; H. Brunner, in B. Spuler, *Handbuch der Orientalistik*, I.2 *Aegyptologie, Literatur*; Leiden, 1952, pp. 93 ff.; Spiegel, *op. cit. passim*, especially pp. 373 ff., 415 ff., 508 ff.; H. Frankfort, *Kingship and the Gods*, 2nd ed., Chicago, 1955, pp. 51 ff.; S. Morenz, *Gott und Mensch im alten Aegypten*, Heidelberg, 1965, pp. 118 ff.; Volten, *loc. cit.*

33. See below p. 420.

exploitation, the representatives of the ruling class secured themselves against the wrath of the exploited. That may be quite right. But the stumbling-block lies somewhere else.

Recently, some hints have been dropped at socialist literature in order to give to the interpretation of ancient history a prominent feature. However, we shall do well to substitute the socialist *working* method of scientific research for casual quotations. More than one hundred years ago, Karl Marx gave the following formulation of the social relations between man:

> "In the social production of their life, men enter into definite relations that are indispensable and independent of their will; these relations of production correspond to a definite stage of development of their material forces of production. The sum total of these relations of production constitutes the economic structure of the society—the real foundation, on which rises a legal and political superstructure and to which correspond definite forms of social consciousness . . ."[34]

We need not have any intention to discuss, in this connection, political ideas. The method applied by the above author, historical materialism, is—in the first place—a *working* method, the validity of which only might be questionable. Yet, there is no reason to suppose that the formulation we have quoted just now, contradicts the historical truth. There is likewise no reason to doubt that:

> "mankind always sets itself only such tasks as it can solve; we will always find that the task arises only when the objective conditions necessary for its solution already exist or are at least in the process of formation."[35] Therefore: "No social order ever disappears before *all*[36] the productive forces for which there is room in it have been developed; and new, higher relations of production never appear before the material conditions of their existence have matured in the womb of the old society itself."[37]

When examining history, we must not fail to see that there are no isolated phenomena in the world; on the contrary, all phenomena of the epoch are interconnected and interdependent. Therefore, every social system and every social movement in history must be evaluated not from the standpoint of some preconceived idea, or without any idea at all, in an "absolutely objective"[38] manner but from the standpoint of the conditions which gave rise to that system or to that social movement and with which they are connected. The whole world is in a state of a constant movement and development, in a constant struggle of opposites, which operate on the basis of the contradictions inherent in things and phenomena.[39]

Let us examine our document from this historical point of view. It turns out, certainly, that in the document all those factors are reflected which characterize the aims of those who had the power in their hands and were aware of the dangers and cliffs arising from the patent and latent contradictions within the very essence of the given social structure. And from this point of view we cannot fail to avow that the official author (and his collaborators) had done his (their) utmost in order to preserve the interests of the king, on the one hand, and to guarantee the indispensable interests of the population, as far as possible, on the other hand. That they were not able to find

34. Cf. K. Marx, *Selected Works*, Engl. ed., Moscow, 1946, Vol. I, p. 300.

35. Cf. Marx, *loc. cit.* (the author himself uses the expression "material conditions," as he speaks about social order as such; we have made use of the words "objective conditions," adapting Marx's idea to a broader application, not limited to the material life of the society only).

36. The italics are mine.

37. Marx, *op. cit.*

38. That "absolutely objective" manner equals a static description or an "infertile archeological work," (Cf. *op. cit.* above, n. 2, especially p. 131.)

39. Cf. the excursus about dialectical and historical materialism, in *History of the Communist Party of the Soviet Union (Bolsheviks)*, Moscow, 1949, p. 133.

an ideal, all-comprising and all-people-satisfying solution, is evident. We rather ought to be astonished if they were.

As far as the directives of "neutral" character are concerned, a multi-faced insight into the problems offers itself. This may be a practical example only:

The dioiketes gave to the addressee detailed instructions concerning technical aspects of irrigation facilities. He also could simply say: "You must look after the irrigation plants that they always should be in good order." The question arises about what was the purpose of those detailed instructions? Agriculture was the *nervus rerum* in ancient Egypt, and irrigation was the most important factor. The interest of the dioiketes (and his authorized officials) can be understood from this point of view. But it can be also understood from another field of vision: it might be the purpose of the instructions to induce the oikonomos to pay heed to *all* details which ought to have been cared for. We can repeat, in this connection, what we have stated above: there are no isolated phenomena in the world. Irrigation works, agriculture, cattle, etc., were no abstract notions for people of that time. All inhabitants of the country were dependent upon them, each group from the point of view of its own.

Most of these aspects were matter of course for all members of the society of the epoch. When for all that the dioiketes took detailed instructions for necessary, it was not only the intention to point out all circumstances where care and control seemed to be needed, but also to point out the riffs where bad human qualities and unconcern might have caused dangerous situations.

This idea, to reconcile all those often antagonistic factors, efforts and aims, was the very beginning, the chief idea of the memorandum in question. It is especially stressed in the final part of the document where personal admonitions are given to the addressee. Naturally, there is always a long way from the intent, however good it may be, to the realization.

There is no reason to doubt that the memorandum does not reveal good intentions. To what extent they may have been realized, the document does not say, of course. But the author and his counsellors surely believed that the whole contents of it were realizable.

To this end, the author ordered to lay stress on those aspects of the problems which he and his counsellors felt to be important. There were no "neutral" matters for them, indeed. Everybody was concerned, directly or indirectly with every problem of the country. Irrigation works were a matter of importance for the king as well as for the last peasant. Order in the king's treasury was not of no account for the population, either, though no revenue has ever been agreeable and no chief has ever satisfied all of his subordinates. However, the whole matter is in essence and from the outset, as we have seen above, a perpetual "struggle" of opposites.

Now let us examine the general aspects of the memorandum as far as the economic structure of the society is concerned.

From the formal point of view, our above analysis has shown that detailed working instructions have been given to the oikonomos as to how to handle matters of essential importance. We can divide them into two groups. First, we find there instructions given for the *creative* activity of the addressee, viz.:

inquiries about complaints presented to him by the peasants;
registration of cattle;
corn supplies to be sent to Alexandria;
provisions to be made in order to keep in good repair and working the local factories and store-houses;

provisions to be made in order to suppress black market;
bookkeeping about production and revenues;
price policy;
sale of oil;
provisions to be made about planting certain trees;
further, those (provisions) to be made in order to suppress absenteeism and desertion, as well as peculation and any other wrong;
and finally, the duty of reporting about any matter of any importance at all.

The second group of instructions deals with *control* activities, as we have seen above, from inspection of irrigation works to the care of royal premises, and finally, to the general admonition given to the addressee to see that nothing of that which had been ordered is neglected.

Both sides, the author and the addressee, were aware of the fact that the most of the business between them ought to be conducted in writing. Thus, written official documents likewise had their significance by that time. We deduce this not only from the given instructions themselves, but also from other places in the memorandum where other documents of the kind are quoted or alluded to, namely:

prescribed dimensions of irrigation plants,
sowing schedule,
registration of cattle,
prescribed supplies of corn,
prescribed amount of embroidered stuffs,
prescribed number of weft threads of the linen(!),
public contracts concerning manufacturing works and–further on–planting of certain trees,
amounts of raw material to be delivered to the oil makers,
revenues and taxes at all,
instructions issued with regard to the regime of calf-byres and to supplies of food for cattle.

The question arises not only as to the purpose these instructions served, but also, what they give evidence of.

Not very long ago, some scholars regarded the economic system of ancient Egypt as a kind of state socialism, and most of them evaluated this fact in compliance with their personal sympathy for or antipathy to this kind of modern social system.[40] However, the opinion that we could speak about a kind of socialism in antiquity has no support in ancient reality. The substance of socialism consists–as is well known–in the collectivization of means of production and in creation of a classless society. Neither the technical level nor the productivity of work of the epoch made it possible to bring out a social order of that sort.

Recently, a contrary opinion was pronounced, namely that there is no place to speak about "directed" or "planned" economy in ancient Egypt at all.[41] The substance of planned economy is said to consist in planning for systematic technical progress which was impossible to realize

40. It is a personal right and duty of any scholar to defend his ideas, of course. But, as there are, in principle, two different ideological worlds, it is an inevitable consequence that the so-called "law of the excluded third" must take place in this case, too. There is no completely "unpolitical" science. Science is not in the position to avoid politics while the whole life of human society has always been hallmarked by struggles of this kind. Therefore, when speaking about economic problems, one cannot completely elude the question of whether one is "for" a certain kind of economy or "against" it.

Cf. on this point also Poláček, *RIDA cit.*, p. 24, n. 6 and literature (and Rostovtzeff, *JEA cit.*, pp. 162, 164).

41. Vidal-Naquet, *op. cit.*, p. 11.

under the "primitive"[42] conditions of antiquity. When, in support of this opinion, some books of socialist literature are quoted, it turns out that it is necessary to analyze the question closely.

In the first place, we cannot fail to be deeply sorry for the limited knowledge of Slavic languages in general, and the Russian language in particular.

Three years ago, a criticism was published in the leading Soviet theoretical journal, *Kommunist*, of defects in Soviet historiography.[43] Though the criticism was directed toward the ranks of Soviet scholars, it has a more general significance. Therefore, let us quote here some chief ideas of the article.

The author emphasizes the inevitable duty of all true historical research to evaluate every historical phenomenon, every historical event, and every historical institution by a *historical* approach, that is to say that they must be evaluated—as we have seen above[44] —from the standpoint of the objective conditions which were peculiar to the epoch in question; otherwise the picture presented does not correspond to the historical truth. Only an *objective* historical approach based on an objective analysis of the given historical conditions and relations is able to save the science of history from becoming a jumble of accidents and an agglomeration of most absurd mistakes. For the science of history, the author says, the topicality of the problem is of primary importance. The thesis must be taken for wrong that "present time" begins only some years or some decades ago. Consequently, it is impossible to separate the past from the present; both are connected insolubly.[45]

In another place, the author gets at the root of the question.[46] He states that books have been published in which historical facts have been ordered haphazardly, and objective analysis of these facts and documents has been replaced by empty quotations of foreign works. Rash conclusions have been drawn and unfounded theses pushed, under the pretext that "new knowledge of science" is of the essence.

There is no doubt that *all* historical research is concerned with the above critical reminders. The question may arise about what, then, an objective, true dialectical interpretation is. The answer is already given by a slightly adapted version of Engels' formulation of dialectics: the dialectic outlook on history means no more than simply conceiving the historical phenomena as they really existed and/or exist, without any foreign, especially without any preconceived, admixture.[47]

After this short excursion into the sphere of methodology, let us revert to the question of "planning" in ancient Egypt.

In its very essence, "planning" means, as is know, to "settle," to "arrange things or affairs according to certain ideas and with regard to certain aims." As we have seen above, it is beyond dispute that our document presents a clear picture about clear targets and concrete ways which had been earmarked as leading to them.

Everybody plans in this way: each man has certain needs and certain, not unlimited, means, and he searches for a balance between them. Consequently, is the planning of a department store

42. It is out of place to confuse "ancient" and "primitive" at all. Cf. H. Schneider, *Kultur und Denken der alten Aegypter*, Leipzig, 1907, p. xviii; further Poláček, *JJP cit.*, p. 245, and n. 10.

43. Cf. *Kommunist* 17, November, 1965, pp. 41 ff., especially 48 ff.

44. Above p. 418.

45. *Kommunist cit.*, p. 49.

46. *Op. cit.*, pp. 42 f.

47. Cf. F. Engels, *Ludwig Feuerbach*, Engl. ed., Moscow, 1934, p. 79 (cited according to *History*, quoted above n. 39; p. 136).

owner a real "planning," when he plans for profit, and not for technical progress? According to the opinion quoted above, it is not. In socialist countries, however, it is. There are also other fields where official schedules are laid out though these plans don't contemplate technical progress as their main goal or technical progress at all.[48]

Therefore, it becomes evident that the sense of "planning" is much wider than that opinion pretends which would like to restrict it to technical progress only.

When examining the contents of the papyrus from this point of view, the following aspects come to the fore:

Written documents, where figures must have played the leading role, present the basis on which, as a "superstructure," the working instructions of our memorandum are rooted.[49]

The sowing schedule, stating quantity and quality of corn to be sown, was incontestably the basic regulation for supervision of sowing and harvest; for the prescribed supplies of corn, a similar provision, as well. The same must be presumed for the activities of textile and oil factories. Analogous provisions must have been made, as we have seen, about supplies of food for cattle. Figures were indispensably connected with registration of cattle, with lists (books) about revenues and taxes; with *technical* directions concerning irrigation facilities, etc.

The memorandum in question was but a working instruction concerning the realization of schedules regulating goals and claims of the royal treasure, or in other terms, it was a regulation issued by the ministry of economic affairs of that time, to the same purpose. Consequently, was the economy of ancient Egypt a "planned economy"? There is no reason to believe that one should speak about anachronism when answering in the affirmative.[50] For, as we have noticed above, analogous goals and methods had been applied "then," and find application today, "then" in a simple (or more simple) way, of course, corresponding and appropriate to the conditions of the epoch.[51] The same social and/or human factors were and are always ready to exert positive

48. E.g. plans of armed forces; schedules of the state banks; plans of transportation organisations, etc.

We often are led astray by the fact that most "plans" of today are based upon figures. But this manner of planning is due to another fact, namely that figures, by their anonymity and universality substitute (or better, have substituted) quantity for quality and individualities. Nevertheless, not even the most perfect numerical language is able to dispense with words (items; indices etc.; instructions given by higher planning places to their subordinates; commentaries to the schedules submitted by lower planning echelons to their higher bodies). Sometimes, there are plans, too, where figures play a second-rate part (e.g. working plans of political parties and other social organizations; those of scientific institutes dealing with social sciences, etc.).

49. As is known, it has also happened, and we learn it even from official documents, that modern plans, compiled and considered most progressive, sometimes not only failed in their effect, but also turned out as a brake for any progress at all. We must not forget that to err is human: the idea is one thing, the reality is another. It does not say anything against planning, which no human being, tenacious of purpose, can dispense with (cf. below n. 50). But it warns against rash and inconsiderate conclusions disposed to see in "planning" a magic wand of modern times.

We also must not be overweening of administrative contrivances attributed to modern time only. As is well known, even ancient authors subjected to literary examinations various questions concerning the political and economic structure of their society, and some of them explicitly speak about *planning* public affairs (cf., e.g., Cicero, *De Re Pub.*, especially 1.26, 41-27, 43).

Finally, the old Egyptians themselves had, as is known, a concrete notion concerning "plan," "planning." The word *šḫr*  in the sense of "idea, counsel, plan" has been documented since the Old Kingdom. In Egyptian documents the word *šḫr* is used in the following senses: to "realize anybody's plans," to "follow such a plan," to "be content with somebody's plan"; further: "how to do (to realize) the project." In the documents originating in the Old Kingdom, the word *šḫr.w* means a "written document" of the land administration.

Cf. A. Erman and H. Grapow, *Wörterbuch der aegyptischen Sprache*, IV, Leipzig, 1930, pp. 258, 259, 260 and 261; *iid.*, *Wörterbuch der aeg. Sprache, Die Belegstellen*, IV, Berlin-Leipzig, 1953, p. 44.

When reading the above expressions in connection with the modern definition quoted below n. 50, we cannot fail to see a striking analogy.

Cf. also W. Helck, in *Journal of the Economic and Social History of the Orient*, Vol. 2, part 1, 1959, p. 15.

50. As to the concept of planning, at least two American authors shall be cited: cf. R. A. Dahl and Ch. E. Lindblom, *Politics, Economics, and Welfare*, New York, 1963 (originally published in 1953), p. 20: "planning is an attempt at rationally calculated action to achieve a goal." Cf. also the literature, quoted *op. cit.*, n. 25-27.

It is necessary to distinguish, of course, between "planning" in *general*, and particular kinds of *modern* planning, e.g. "socialist planning." It is a question of quality in dialectical sense.

51. Cf. above text to n. 38.

or negative (destructive) influence on matters of "common" interest. It is necessary to see not only men of "that time" with critical eyes.

A particular example is, e.g., the sowing schedule. The *διαγραφή τοῦ σπόρου* was compiled in collaboration with the villages so that this schedule expressed the real possibilities of the peasants.[53] Other voices doubt the reality of this conception.[54] It would undoubtedly be exaggerated to speak, in that time, about a kind of plan of the state administration and a counterplan of the local bodies upon whom the burden of implementation was laid. But, on the other hand, the regulations issued by the qualified authorities were sure not to be imaginary figures. When imposing charges upon peasants and villages, the "planning" body in question must have had an idea about what was possible and what was not.[55]

The author of our memorandum was clearly aware of the difficulties "owing to the variety of circumstances inherent in the present situation."[56] However, or exactly with this in mind, he charged the addressee to inform him about all matters of account. It is beyond doubt that sowing was a matter of that kind. When imposing charges on the "subjects," the authorities must have considered, also, their aims, needs and possibilities. Thus, they implemented activities that differed from "planning activities" of today in point of formal quality only.

The question may be open whether the *διαγραφή τοῦ σπόρου* did concern the royal land, or if it was applicable to all land in the country. Logic suggests the idea that *διαγραφή τοῦ σπόρου* concerned only *γῆ βασιλική*. However, some scholars think that it has applied to *γῆ ἐν ἀφέσει*, too.[57] It is beyond the framework of our considerations to examine this question in a more detailed way. Our memorandum deals with king's land. But the sources offer enough documents proving that any change in the cultivation required, even in the Roman period, the authorization of the state administration. Besides, other documents bear witness that techniques analogous to the royal diagraphe were operated in great private enterprises.[58] It would be superfluous to repeat, in this connection, the arguments we have exposed in general. We can only refer to them for details. It is out of the question that great private landlords (whether obliged to observe general or detailed orders of the king's central authorities in point of sowing, or not) would not imitate the royal system of regulating the sowing in their private possessions without practical

52. Cf. about this point the polemics of Vidal-Naquet, *op. cit.*, pp. 7 ff. and 41 ff., with literature.
The above characterization of the *diagraphé tou sporou* is analogous to the descriptions given by M. Rostovtzeff, *Commentary*, p. 85; *History* I, pp. 279, 286; Cl. Préaux, *Economie royale*, p. 117; J. Bingen, *Chronique d'Egypte* Nos. 41-42, 1946, p. 136; C. B. Welles, *JJP* 7-8, 1953-54, pp. 36 f.
The *diagraphé tou sporou* was simply an official document which regulated the sowing of crops in the nome. It was not identical either with the report on the land actually sown, or with the documents compiled for the purpose of calculating the *ekphorion*, or with the *diagraphai sitikai* (cf. on this point Rostovtzeff, in *Archiv für Papyrusforschung* 3, pp. 202-203).
These different kinds of official documents by which the royal administration directed and controlled the economic system of the country give evidence that this system was in no way a heap of fortuities only.
53. Especially Welles, *loc. cit.*, Cl. Préaux, *Rec. de la Soc. Jean Bodin*, II, *Le servage*, 2nd ed., Bruxelles, 1959, p. 38.
54. Cf. Vidal-Naquet, *op. cit.*, especially p. 41.
55. Cf. above n. 50. See also Welles, *op. cit.*, p. 37.
56. Lines 235 ff.; cf. *Commentary*, p. 101 (there are some lacunae in the original text).
57. R. Taubenschlag, *The Law of Graeco-Roman Egypt in the Light of the Papyri*, 2nd ed., Warszawa, 1955, p. 659. On the contrary Rostovtzeff, *Commentary*, p. 85 (cited also by Taubenschlag) expresses the opinion that the fact that the memorandum appears to speak exclusively of royal land and royal cultivators and does not mention the *γῆ ἐν ἀφέσει* suggests that the control of the royal administration over this latter was less strict, and supports the view that the holders of such land were free in the choice of crops, except, of course, those of which the produce was monopolized by the state, i.e. oil-producing plants and flax (cf. also *JEA cit.*, p. 175; *History* I, p. 286).
As for the *γῆ ἐν ἀφέσει*, cf. also J. Herrmann, in *Chronique d'Egypte* 30, 1955, pp. 95-106, who proposed a new interpretation of the notion; in his opinion *γῆ ἐν ἀφέσει* was the land the produce of which was given free by the royal administration. Vidal-Naquet, *op. cit.*, p. 18, n. 2, controverts this opinion (and likewise a different theory of E. Seidl). However, Herrmann seems to have hit – from a certain point of view – the mark.
58. Cf. Cl. Préaux, *Les Grecs en Egypte d'après les archives de Zénon*, Bruxelles, 1947, p. 30, with documents.

motives.

It is correct that after 118 before our era the diagraphe seems to disappear from practical use. Did the economic system of the country essentially change, too? There is no support to any idea like that. Some formal techniques always change in course of time; yet, it is not a single procedure that determines the process of social life. It is the mode of production of material life that determines the social, political and intellectual life process in general.[59] No change of economic foundation took place in the history of ancient Egypt. It was names and some formal provisions that changed. As is well known, even in the Roman epoch, the land was administrated in the same way as in the Ptolemaic period.[60]

The branches of economics, touched in the papyrus, embrace all the economic activity of the royal administration. There were also other state activities (from banking to shipping and postal service; the memorandum touches some of them in passing). Taking these activities all in all, an instructive picture arises of a fairly developed state economy. The Romans took over this legacy of the Ptolemies, and most of these inherited institutions survived the conquerors. Hardly any system would prove so vital, if not adequately based and organized upon real foundation of the society.[61]

By way of conclusion, a short remark about the person of the addressee. The majority of scholars allow that it was an oikonomos for whom the memorandum was destined. There is no reason, indeed, to believe that the very memorandum was destined for another or for a particular official.[62] As we can judge even from its contents, the document was, to all appearances, not only a brief for a newly inaugurated official, but rather a copy of general regulations which had already been in use, written or unwritten, for a long time.[63]

Then, it will be necessary to answer the question we have asked ourselves by the title of this paper, namely what was the significance of the document "then" and what is it "today"?

The chief aim on the part of the author was, without doubt, to secure the economic system of the country both by laying out principles for the working order of some branches of the state economy, and by stopping the abuses that had been vexing the country up to that time. We can learn from it the detailed manner in which the economic system of the epoch was conceived, and

59. K. Marx, *Selected Works cit.*, p. 300.
Finally, the question may arise as to whether the disappearance of the *diagraphé tou sporou* as such was not influenced, in some way, by the progressive urbanisation of the land.

60. Cf. Taubenschlag, *op. cit.*, p. 660, and literature with references.

61. When some "Western" authors appeal to Marxist literature in order to "overthrow" opinions which they don't like, let us see what the classics of dialectical and historical materialism say to their questions: We may find in K. Marx, *op. cit.*, p. 301, the following conclusion: " . . . mankind always sets itself only such tasks as it can solve; since, looking at the matter closely, we will always find that the task itself arises only when the . . . conditions necessary for its solution already exist or are at least in the process of formation."
The American philosopher J. Dewey, *How we think*, Boston-New York-Chicago, 1910, pp. 9 ff., 65, 73 ff., expressed the same idea in the following manner: "Men begin to think about problems when they are forced to solve them."

62. Cf. above n. 3. A. E. Samuel, *op. cit.* (above n. 3), p. 228. gives utterance to the idea that the monarchy of the Ptolemies was not in the position to find a particular honorific for every office-holder. Vidal-Naquet, *op. cit.*, p. 42, infers from it that the whole Ptolemaic bureaucracy was, in short, "more intentional than realistic." The author is not wrong, in substance, of course, but it would be advisable to answer the question first as to whether that was but a characteristic of Ptolemaic Egypt (or of antiquity at all).

63. It was already M. Rostovtzeff, *JEA cit.*, p. 163 and *Commentary*, p. 72, who emphasized, in this connection, the striking analogy with the instructions given by King Tuthmosis III (XVIIIth Dynasty) to his "Grand Vizier" Rekhmerē.
Cf. on this subject K. Sethe, *Untersuchungen zur Geschichte und Altertumskunde Aegyptens*, V, 2: *Einsetzung des Wesirs* (1909), Leipzig, 1912, pp. 49 ff.; *idem, Urkunden der 18. Dynastie*, Leipzig, 1914, pp. 1086 ff., 1103 ff.; J. H. Breasted, *Ancient Records of Egypt. Historical Records*, 3rd ed., II, Chicago, 1927, pp. 266 ff.; N. De Garis Davies, *The Tomb of Rekh-mi-rê at Thebes*, I-II, New York, 1943; R. O. Faulkner, "The Installation of the Vizier," in *JEA* 41, 1955, pp. 18 ff.; E. Seidl, *Einführung in die ägyptische Rechtsgeschichte bis zum Ende des Neuen Reiches*, 3rd ed., I, Glückstadt-Hamburg-New York, 1957, pp. 19 ff.; W. Helck, *Zur Verwaltung des Mittleren und Neuen Reichs*, Leiden-Köln, 1958, pp. 29 ff.

we can infer that the managers of that system put at their disposal what might be called economic instruments, without knowing the laws of political economy or those of accounting, and finally, that they were able to understand the psychological aspects of practical life without having studied psychology.

And what is the significance of the document today? Here I prefer to submit a practical example. Some months ago, I presented to the editors of one of the leading Czech papers some excerpts from the papyrus concerning agricultural matters which I had but slightly modified with regard to the modern style of documents of this kind.[64] To my question about what authority might be the author of those regulations, the answer was prompt and unanimous: "The ministry of agriculture or one of its regional departments, no doubt." And the press men were much surprised to learn that the document in question was more than two thousand years old. This anecdote answers, I dare say, any question of the vitality of many institutions of antiquity.

To the example just given we could add some more, of course. They would concern not only the scheme of the economic system of that country as we meet it in the memorandum, but also the ethical ideas that transcend their application to the ancient world. Let us present at least one of them in a slightly adapted fashion:

"Nobody has a right to do what he likes, but everything is managed in the best way for common welfare."[65]

How good it would be to remind some people of this, as valid both in our public and private lives. But, how often these words also have been used (or misused) as a façade for quite another goal.

The past has not yet lost its truth and its significance, and there is no support for the opinion that ancient history (and ancient law) is (are) no longer living and of no use for modern society. It is necessary, of course, to find the line of contact between "then" and "today."

There is no doubt that here, too, papyrology has a large field of activity. Naturally, some targets are peculiar to it and take absolute priority, namely, publication and literary interpretation of the documents. But literary interpretation must not be left to the final stage of research. If historical sciences want to be of real use for contemporary society, they must not make analogous mistakes to those which were criticised, for just reasons, by the Soviet methodologists, three years ago,[66] that is to say, they must not believe that history has nothing to say to the present times. They must not see in ancient events and institutions special cases, *casus sui generis*, dead matters that happened once and are finished. They likewise must not fail to see behind all

64. It is the following instruction which came into question, *P. Teb.* 703, lines 40 ff.; modified words are printed in italics; we have followed, in the main, the translation compiled by M. Rostovtzeff:

"In your tour of inspection try in going from place to place to cheer everybody and to summon their hearts; and not only should you do it be words, but also, if any of them complain of the *local authorities* about any matter touching agricultural work, you should make inquiry and put a stop to *irregularities* as far as possible.

"When the sowing has been completed, it would be no bad thing if you were to make a careful round of inspection; for thus you will get an accurate view of the sprouting of the crops and will easily notice the lands which have been badly sown or have not been sown at all, and you will thus know those who have neglected their duty and will become aware if any have used the seed for other purposes.

"You must regard as one of your most indispensable duties to see that the nome be sown with the kinds of crops prescribed by the sowing schedule.

"And if there be any who are hard pressed by *taxation* or are completely exhausted, you must not leave it unexamined.

"Make a list of the cattle employed in the cultivation, both the *state-owned* and the private, and take the utmost possible care that the progeny of the *state-owned* cattle, when old enough to eat hay, be consigned to the calf-byres . . . " Etc.

65. *P. Teb.* 703, lines 230-232.

The original text says: "no one having a right to do what he likes, but everything being managed in the best way," "for every single resident in the country must clearly understand . . . that they are free from the bad conditions of the past" (*op. cit.*, lines 225-230).

Cf. also the *Commentary*, p. 101.

66. See above n. 43.

events and institutions of those "old times" living people with all their problems, efforts and struggles. They must be aware that all these people were faced with the same or analogous problems as we are today, and they must seek the answer to the question of how people of the epoch managed them.

Twenty years ago, Paul Koschaker in his book about Europe and the Roman Law [67] appointed to papyrology but a second-rate significance. This standpoint corresponds to the general approach to historical sciences in that time: they were mostly cultivated as a kind of "*Stubengelehrsamkeit,*" and the "laity" were disregarded. This brought about, however, the danger which has been mentioned in the very beginning of this article.

I have chosen *P. Teb.* 703 in order to present a modest application of the above ideas.[68] I cannot but ask the kind reader to judge to what extent I have proved my contention that ancient history still has life.

67. P. Koschaker, *Europa und das römische Recht*, München-Berlin, 1947, especially p. 303, note 1.

68. This interpretation of the papyrus is really a modest one. The main goal was to bring out the human and practical aspects of the document, and to pick out the line of contact between events of that epoch and analogous problems of the present. Thus, some objective aspects which have already been dealt with in the literature in a more detailed way had to recede to the background, and I was obliged to limit myself to general references only.

I also felt obliged to explain certain consequences of using different methods of interpretation in the field of historical sciences. It is beyond doubt indeed that there are more mental worlds there, with different manners of thinking and different methods of working. It was my sincere wish not to disregard the basic rules both of the game and of the method in question, and, above all, to see people and their social institutions as they *really* were.

CN. DOMITIUS PHILIPPUS, *PRAEFECTUS VIGILUM, DUX* [1]

John Rea

Cn. Domitius Philippus appears in the lists of prefects of Egypt on the testimony of three papyri. Of these only *P. Berl. Leihg.* 9 is unambiguous. He is described there as *τοῦ λαμπροτάτου στρατηλάτου* (line 2) and is concerned with the provisioning of the army, as befits a *dux*. The papyrus is dated only by the regnal year, 4 Gordian = A.D. 240/1.

The second document is a declaration of birth of the type known as *professio* made on the 17th March, A.D. 242 *apud Gn.*[2] *Domitium Philippum pr*[*aefectum Aegypti* (*Et. Pap.*6, 1940, p. 23 = *CPL* No. 163 = *SB* 9200.2).

Thirdly, in *P. Oxy.* 2231 of the 1st January, A.D. 241 the petitioner states that she had applied to him for *bonorum possessio*. Here too he is seen performing an administrative, not a military duty. He is described, according to the published text (lines 14-16) as *ἐπάρχῳ, ο⟨ὐ⟩χὶ τότε ο[ὔ]ν στρατηλάτῃ*. In spite of the uncertainty of the readings between *ἐπάρχῳ*, and *στρατηλάτῃ* it has been accepted that he was promoted from *dux* to prefect of Egypt before A.D. 241.

On examination of the original, however, it seemed to be possible to read *ἐπάρχῳ οὐιγούλων στρατηλάτῃ*.[3] At first sight extremely improbable, this was confirmed by an inscription of A.D. 241 giving the name of the *praefectus vigilum*. The two copies of the lost stone (*CIL* VI, 1092) give it as .....]*ltius Philippus* and .....]*itius Pilippus*.[4] Stein first suggested the identity of the names, thinking that the *praefectus vigilum* had been promoted *praefectus Aegypti* (*PIR*^{2} III, D. 157). This he withdrew in view of the date of *P. Oxy.* 2231, the very first day of A.D. 241(*Die Präfekten*, p. 138), but it now appears that he was on the brink of the truth.

It is most unusual to find a *praefectus vigilum* outside his bailiwick, the city of Rome, and holding an extraordinary command. There is a single parallel known from an inscription of A.D. 269 containing a dedication to the emperor Claudius II from troops *tendentes in Narb. prov. sub cura Iul. Placidiani v.p. praefect. vigil.* (*CIL* XII, 2228 = *D.*569; see *PIR*^{2}IV, I 468).

1. I am grateful to Peter Parsons, whose investigation of another *dux*, M. Aur. Zeno Januarius, gave me the starting point for this article. His familiarity with the problem has been of great help to me.

2. From the plate in *Et. Pap.* 6 *GN·* can be read clearly, though it is reported as *C·*. For *Gn.* instead of *Cn.* see Cagnat, *Cours d'épigraphie*,[3] pp. 39-40. Another mistake, repeated in *CPL* and *SB* and taken over into Degrassi's *Fasti,* is the reading of the consular date – of the birth, not the declaration – as *Sabino Se*[ ] *Venusto cos.* It reads, correctly, *Sabino II* [*et*] *Venusto cos.* (A.D. 240). Line 14 should be restored with the short form *A*[*ttico et Prae*]*/ textato cos.*

3. Professor Youtie points out to me that C.H. Roberts had already offered *ωv* as an alternative to *ο*[*ὐ*]*ν*, see Stein, *Die Präfekten*, n. 435.

4. The suggestion that the copies are very bad and that the inscription relates to the emperor Philip, whose *nomen* was Julius, has been made and received with varying degrees of coldness, see Howe, *Pretorian Prefect*, pp. 79f.

The papyrus perhaps throws some light too on the function of *Marcius Montanus, curator cohortium vigilum* (VI, 1092. 6). It is an obvious possibility that he was the prefect's deputy in Rome during the excursion to Egypt, cf. Baillie Reynolds, *Vigiles*, pp. 37n., 112.

From the new text of *P. Oxy.* 2231 we know that Philippus was still *dux* sometime before, but presumably not long before, 1st January, A.D. 241. The question arises whether he was really *praefectus Aegypti* on 17th March, A.D. 242, when the *professio SB* 9200 was laid before him. The two exact parallels (*P. Oxy.* 894, 2565) were executed before prefects and prefects are also mentioned in the related certified copies of birth declarations (*CPL* Nos. 148, 150-157). Nevertheless Philippus performed administrative non-military duties as *dux*, as we see in *P. Oxy.* 2231, so that the suspicion remains that we should supply in *SB* 9200.2 not *pr*[*aefectum Aegypti*, but *pr*[*aefectum vigilum ducem*, or rather an abbreviated version of it, since there are only sixteen letters lost in the line below.

Fresh consideration must now be given to the mention of a *dux* in office not much more than a fortnight after the date of the *professio*, on the 2nd April, A.D. 242. This is in *P. Mich.* 164.3 with the revised readings by J.F. Gilliam and O.M. Pearl in *TAPA* 88, 1957, pp. 159-164. The papyrus is a fragment of an army muster roll; under each man's name is given a date, presumably that of enlistment, followed by the statement that he was promoted to his present rank from a lower one by a named high-ranking officer, generally the prefect of Egypt, on a specified date. The promoting authority and date in line 3 read].[.]. *v(iro) p(erfectissimo) tunc duce IIII nonas Apriles Attico et Prae*[*textato cos.*[5]

Working with the data of the published texts Professor Gilliam believed that Philippus was certainly prefect of Egypt on the 17th March, A.D. 242 (*SB* 9200) and that consequently the *dux* on the 2nd April here was a successor to his old office. He discussed these officials in his article "Egyptian *duces* under Gordian" (*CE* 36, 1961, pp. 386-92).

The closeness of the two dates suggested that the references might be to the same man. Study of the Michigan text at another point has produced confirmation of this. Professor Gilliam had cast doubt on the readings of line 15 given in *P. Mich.* 164 (*TAPA* 88, p. 162). For the end of the line he suggested *I*]*dus A*[*pr*]*iles A*[, and envisaged, among other possibilities, that the consular date might be that of A.D. 242, *A*[*ttico et Praetextato cos.* Since this would not be many days later than the entry in line 3 (*IIII nonas Apriles*), it was essential to try to read the earlier part of the line. At one point the letters *FILIP* fitted what could be seen on the plate in *TAPA* (facing page 159), but I remained in doubt about this and about the traces of the rest of the line. I therefore submitted to Professor Youtie the suggestion that line 15 was parallel to line 3 and that it contained the name of Philippus. He was good enough to work on the original and to send me photographs, including enlargements of the relevant spots. I reproduce his reading of line 15, because he has seen the original[6] and because of the authority which his expert statements carry:
-]*e*[7] *a* [*Domit*]*io Filippo v´p´* [*tu*]*n*[*c duce* (day) *I*]*dus A*[*pr*]*iles A*[*ttico et Praetextato cos.*

The reading in line 3 still remains something of a difficulty, though there can hardly be a doubt that it too contained the name of Philippus. The plate shows two descenders before *v.p.*, transcribed].[.]. Between these Professor Youtie has uncovered another trace which was previously folded under. I had suggested to him that the last descender might perhaps come from the *f* of *Aufidius* in line 1. He replied, "If, as you say, the short vertical could be traced back to F in line 1, the rest could easily be read Filip]po. I have examined the papyrus as closely as its present state permits. There is evidence that the back of F in line 1 penetrated line 2. If it continued into

5. The readings are given with the confirmation of Professors Fink and Youtie in *CE* 36, 1961, p. 387.
6. I was, of course, able to see the papyrus myself during the Congress and found nothing to add.
7. Probably something like *ex eq(uite)* [*leg(ionis) ... Gordiana*]*e*. Professor Youtie also approved my suggestion for the consulship of line 14,]*Alexandro e*[*t Dion*]*e cos.* (A.D. 229).

line 3, the short vertical would be in position to represent it at the end of its progress. I can't say more, but this is a good deal in view of the fact that F in line 18 passes through line 19 and descends at least to the top of line 20. I suspect that here again you are right. I should be very much tempted to read Filip]po in line 3."

From this document, then, we have recovered two more mentions of Philippus in A.D. 242, one of 2nd April and one in the period 8th to 12th April inclusive. These sufficiently indicate that it is wrong to restore *pr[aefectum Aegypti* in *SB* 9200.2, of 17th March, A.D. 242. All the references are to a career as *praefectus vigilum* and *dux*, extending from the end of A.D. 240 to April, A.D. 242. It will be useful to set them all out in a table.[8]

A.D. 240/1 (no month or day).	λαμπροτάτου[9] στρατηλάτου	*P. Berl. Leihg.* 9.2
1st Jan., A.D. 241 (*terminus ante q.*)	ἐπάρχῳ οὐιγούλων στρατηλάτῃ	*P. Oxy.* 2231.13-15
A.D. 241 (no month or day).	*praef. vigil.*	*CIL* VI, 1092.5
17th March, A.D. 242	*pr*[: restore perhaps *pr*[*aef(ectum) vigil(um) ducem*	*SB* 9200.2
4th April, A.D. 242	*v.p.*[9] *tunc duce*	*P. Mich.* 164.3
April (8th to 12th) A.D. 242	*v.p.*[9] [*tu*]*n*[*c duce*	*P. Mich.* 164.15

We know also, as Professor Gilliam has pointed out, that his term of office ended before the end of Gordian's reign, because an *ala* in *P. Mich.* 164 is still called *Gord*[*iana* and *tunc duce* means *dux* at the specified date but no longer at the time of writing, cf. *P. Dura* 97.2, 4, 5 etc.

8. I have left out of account two rescripts in the *Codex Justinianus*, one of 3rd November (or February) A.D. 240 addressed to *Domitio p.p.* (i. 50.1), and another of 19th May, A.D. 240 addressed simply to *Domitio* (viii. 30.2). Howe, *Pretorian Prefect*, p. 78, No. 44, accepts both as directed to a *p(raefectus) p(raetorio)*. The Domitius in Aur. Vict. *Caes.* 26 seems to have controlled the praetorian cohorts on that occasion in A.D. 238. Even if there is reason to suspect that the passages in the *Codex* are addressed to a *p(raeses) p(rovinciae)* — so *P. Oxy.* 2231.14-16n. — there is no means of settling whether or not he is our Philippus, whose function in Egypt is still uncertain.

We ought perhaps to consider also an inscription from Ostia of 4th Feb., A.D. 239 in which the name of the *praefectus vigilum* has been erased. It might be that the name of our Philippus was erased by repercussion after the deaths of the Philippi, as the *cognomen* of Lusius Geta suffered after Caracalla's murder of his brother Geta (Stein, *Die Präf.*, p. 32). In this case the whole name is obliterated, though the final 'o' is still just legible. The first edition (*Notizie degli Scavi*, 1889, p. 39) indicated a line and a half chiselled away, subsequent copies (*Eph. Epigr.* vii, 1892, 1210; *CIL* XIV, 4397; D 2158) only half a line. The later editions are correct, as I know from photographs generously sent to me by Dr. Fausto Zevi of the Soprintendenza alle Antichità at Ostia. There appears to be no hope of reading the name, which is thoroughly chiselled away, except for the last 'o'. The space would accommodate *Domitio Philippo*, without *praenomen* or other addition. However, since only a very tenuous explanation can be put forward for the erasure of his name, which was left intact in *CIL* VI, 1092, it seems more likely that the prefect of A.D. 239 was another man.

9. It is worth noting that the *dux* is both *p(erfectissimus)* = διασημότατος and λαμπρότατος = *clarissimus*, as the third century prefects of Egypt are. Stein's explanation is that λαμπρότατος continued to be used as a traditional title of respect even after the rank was properly denoted by διασημότατος (*Die Präfekten*, p. 178). In Egyptian contexts there could very rarely be any risk of confusion with senators.

LA DATE DE L'INTRODUCTION EN EGYPTE DU SYSTEME FISCAL DE LA CAPITATION

Roger Rémondon

C'est un problème rebattu. Mais Mlle J. Lallemand lui a donné un regain d'actualité dans sa monographie récente et déjà classique sur *L'administration civile de l'Egypte de l'avènement de Dioclétien à la création du diocèse*. Et, sur ce point, elle apporte sa caution à la thèse soutenue par plusieurs historiens éminents de la fiscalité.[1]

En résumé cette thèse est la suivante: en Egypte, le système de l'impôt foncier, tel qu'il peut s'induire de l'édit du préfet Aristius Optatus du 16 mars 297 (*P. Cair. Isidor.* 1), diffère profondément de la capitation que Dioclétien instaure dans d'autres provinces à la même époque. En effet personnes et terres sont soumises en Egypte à deux impôts distincts, un impôt personnel de capitation dont l'unité d'imposition est la tête de paysan (*πόσα ἑκάστῃ κεφαλῇ τῶν ἀγροίκων ἐπεβλήθη*, lignes 7-8), et un impôt foncier dont l'unité d'imposition est l'aroure (*πόσα ἑκάστῃ ἀρούρᾳ . . . ἐπεβλήθη*, ligne 7). Cette fiscalité qui lui est propre, l'Egypte la conserve jusqu'au milieu du IVe siècle.

Mais la grande nouveauté intervient, au plus tard en 359, et c'est une réorganisation sur le modèle du reste de l'Empire qui introduit en Egypte l'unité abstraite de taxation, *jugum* ou *κεφαλή*, base de la capitation.

Le document sur lequel cette thèse se fonde pour l'essentiel est le P. Lond. Inv. 2574, publié par H. I. Bell dans les *Mélanges Maspero* II, premier fascicule (1934), pp. 105-111, reproduit dans *SB* V, 7756.[2] Ce papyrus provient de l'Oxyrhynchite et date du 27 septembre 359. Nous en donnons successivement la transcription et la traduction.

Διώρυγος Ἀλεξανδρίας μερι-
σμῶν β τῇ κεφ(αλῇ) α (δηναρίων μυριάδες) ογ
γρι καὶ σιρώματος τῇ κεφ(αλῇ) α (δ. μ.) γ
πρωτίου τῇ κεφ(αλῇ) α (δ. μ.) με
ἀναβολικοῦ τῇ κεφ(αλῇ) α (δ. μ.) ξη
ναύλ(ου) στιππίου τῇ κεφ(αλῇ) α (δ. μ.) κε
τριμιταρίων τῇ κεφ(αλῇ) α (δ. μ.) οε

1. J. Lallemand, *op. cit.*, pp. 131, 168 sq., 184-185, 197, 202-204 (cf. C. Préaux, dans *Chronique d'Egypte* 40, 1965, p. 500); A. Déléage, *La capitation du Bas-Empire*, pp. 112-118; W. Seston, *Dioclétien et la Tétrarchie. I. Guerres et réformes. 284-300*, pp. 285-287; Edgar Faure, *Etude de la capitation de Dioclétien d'après le Panégyrique VIII* (dans *Varia. Etudes de droit romain*, Paris, 1961), pp. 106-110. A l'opposé, en faveur de l'introduction en Egypte, en 297, de la capitation, rappelons les études de A. H. M. Jones, "*Capitatio* and *Iugatio*," dans *JRS* 47, 1957, pp. 88-94, et de J. Karayannopulos, *Das Finanzwesen des frühbyzantinischen Staates*, pp. 28-43.

2. Ce texte a été commenté, en particulier, par A. Déléage, *op. cit.*, pp. 112-114, et par A. H. M. Jones, *op. cit.*, pp. 92-93; remarques prudentes d'E. Faure, *op. cit.*, pp. 106 et 108.

ναυτῶν Ἰνδίας τῇ κεφ(αλῇ) α (δ. μ.) ν ς′
μερισμῶν α (ἔτους) καὶ β (ἔτους)
τῇ κεφ(αλῇ) α (δ. μ.) τπγ ς′
ὑ(πὲρ) κεφ(αλῆς) α ς′ (γίνονται) (δ. μ.) υν
κὲ στιππίου δεσ(μαὶ) β γ′
(2e main) *Παρέσχεν Φιλαδέλφη θυγάτηρ*
Θέωνος ἀπὸ β(ενε)φ(ικιαρίων) ὑπὲρ γενημά(των)
β (ἔτους) ἰνδικτ(ίονος) διώρυγος Ἀλεξανδρεί-
ας καὶ γρει καὶ σιρώματος καὶ πρωτίου
καὶ δευτερίου καὶ ἀναβολικοῦ καὶ ναυ-
τῶν Ἰνδίας α (ἔτους) καὶ β (ἔτους) μερισμοῦ
καὶ τριμιταρίων ὑπὲρ ἐποικιώτου
ἐνὸς ἐκ τοῦ ἐποικίου Ταγχεῶ τὰ αἰρ-
οῦντα πλήρης
(Ἔτους) λς ∫″ ϵ ∫″ θῶθ κθ″ (3e main) *Εὐλόγιος πραι(πόσιτος)*
δι᾽ ἐμοῦ τοῦ υἱοῦ σεσημίωμαι

"Canal d'Alexandrie, 2 répartitions, 1 *képhalè* 73 myriades de deniers; creusement[3] et aménagement de silos, 1 *képhalè* 3 myriades; vin (?) de première qualité, 1 *képhalè* 45 myriades; anabolicum, 1 *képhalè* 68 myriades; transport du lin, 1 *képhalè* 25 myriades; tisserands des métiers à trois lices, 1 *képhalè* 75 myriades; bateliers de l'Inde, 1 *képhalè* 50 myriades 1/6, pour les répartitions de la 1ère et de la 2e année. Total pour 1 *képhalè*: 383 myriades 1/6, soit pour 1 *képhalè* 1/6: 450 myraides et 2 bottes 1/3 de lin.

"A versé Philadelphè fille de Théôn, ancien bénéficiaire, sur la récolte de la 2e année de l'indiction, pour le canal d'Alexandrie, le creusement et l'aménagement de silos, le vin (?) de première et de deuxième qualité, l'anabolicum, les bateliers de l'Inde, répartition de la 1ère et de la 2e année, les tisserands des métiers à trois lices, au nom d'un habitant du hameau de Tanchéô, sa quote-part en totalité.

"L'année 36 = 5, le 29 Thôth. Le prévôt Eulogios, représenté par moi son fils, j'ai signé."

Le papyrus a été l'objet de l'interprétation que voici: ce reçu complexe d'impôt de 359 donne d'abord (lignes 1-9) un extrait du barême fixant à tant de myriades de deniers par *κεφαλή* le taux de certaines taxes, dont quelques unes sont insolites; or ces taxes sont certainement des taxes foncières, comme le montre la comparaison avec des taxes analogues, celles de monopole par exemple ou de transport, qui sont établies sur une base foncière, *ad arouram*, par les barêmes de la première moitié du IVe siècle;[4] donc les propriétés du contribuable, pour lequel une quote-part est ensuite calculée (lignes 10-11) et un reçu enfin rédigé (lignes 13-23), valent 1 *κεφαλή* 1/6.

Ainsi dès 359, plus précisément 357/358, 1ère année du cycle indictionnel, le système de l'unité abstraite d'assiette foncière aurait été appliqué à l'Egypte. L'aroure, unité fixe et concrète de superficie, aurait été remplacée par une véritable unité de compte, le *jugum* ou *κεφαλή*, et la taxation par aroure aurait été désormais abandonnée.

Ce sont là des conclusions et une interprétation du papyrus de Londres qui me paraissent

3. Pour cette interprétation de *γρι*, voir W. E. Crum, *A Coptic Dictionary*, 828 a.

4. Cf. J. Lallemand, *op. cit.*, pp. 184-185. Les témoignages les plus caractéristiques de l'assiette foncière de ces taxes ou de taxes analogues sont: *P. Cair. Isidor.* 11 (312 – blé, orge); *P. Cair. Isidor.* 13 (314 – paille); *O. Mich.* 264 (début de IVe s. – blé); *P. Fouad I Univ.* 30 (début du IVe s. – blé, paille, argyrica); *P. Oxy.* 2113 (316 – transport); *P. Hib.* 220 (335 – fourrage); *PSI* 781 (341 – équipement militaire, transport); *P. Amh.* 140 (349 – mines); *P. Lond.* 1297 (IVe s. – or coronaire); *P. Wisc. I* 28 (IVe s. –

difficilement acceptables.

Certes, il est hors de doute que dans la 1ère moitié de IVe siècle l'aroure est l'unité concrète de taxation, et sert de base à tout impôt foncier, quelle que soit son affectation – budget civil ou budget militaire; quelles que soient ses modalités de recouvrement – en nature ou en espèces; quelles que soient ses modalités de liquidation – par répartition ou par quotité.[5]

Mais il faut ajouter que si l'*arouratio* est un fait assuré, il l'est surtout à un certain niveau du calcul de l'impôt, c'est-à-dire à l'échelle de la province, à celle de la cité et de son territoire, à celle de l'entité villageoise. Il ne l'est pas nécessairement à l'échelle du contribuable individuel, pour le calcul de sa quote-part à l'intérieur de l'unité de perception. A Karanis par exemple, en 310/311, le taux de l'impôt de la paille est fixé à 25 livres par aroure et, la superficie du territoire possédé par les villageois étant de 4183 aroures 63/64, le montant total de l'imposition s'élève à 104.600 livres de paille.[6] Mais le relevé des recouvrements contribuable par contribuable, de l'*ἀπαιτήσιμον κατ' ἄνδρα*, révèle que cette même année les versements individuels ont été de 1, 2, 3, 4, 5, 6, 7, 8 sarganes de paille, soit 150, 300, 450, 600, 750, 900, 1050 et 1200 livres, chiffres qui correspondraient à des propriétés dont les superficies seraient 6, 12, 18, 24, 30, 36, 42, et 48 aroures. Or il est clair qu'à Karanis, à cette date, la répartition de la propriété foncière entre les villageois n'a ni cette régularité, ni cette étroitesse d'éventail.[7]

Il me paraît aussi hors de doute que la taxation par aroure en Egypte n'a pas été abondonnée après l'année 357/358. Les preuves en sont multiples, et je n'en choisirai que quelques unes en procédant à une sorte de compte à rebours.

Aux VIIe–VIIIe siècles les papyrus d'Aphrodito d'époque arabe attestent l'existence d'un *δημόσιον* foncier de quotité, dont l'unité d'imposition est l'aroure. Vers 700, selon le *P. Lond.* 1427, le taux est de 1/4 de solidus par aroure.[8]

Au VIe siècle, le *P. Masp.* 67057 a conservé le barême officiel de l'imposition en blé du nome antaeopolite. Les taux sont, à l'aroure, de 1 artabe 1/4 pour la terre arable, 1 1/2 pour la terre dite des îles, 23/40 pour la terre à joncs, 7/12 pour les vignobles.

Dans une requête au duc de Thébaïde, *P. Lond.* 1674 des premiers mois de 568, les villageois d'Aphrodito rappellent que "depuis longtemps, avec l'ensemble des propriétaires de l'Antaeopolite, ils ont été imposés au taux de 2 carats seulement par aroure de terre arable, et de 8 par aroure de vignoble," *ἐκανονίσθημεν . . . δύο μόνα κεράτια ἑκάστης ἀρούρας σπορίμης γῆς τῆς δὲ ἀμπέλου ὀκτώ.*

En 524, *P. Masp.* 67329, 15 aroures 11/16 de terre arable sont transférées au territoire du village d'Aphrodito. Le bureau des comptes d'Aphrodito s'engage à calculer, lever, verser au Trésor l'impôt portant sur ces aroures "en conformité avec l'ensemble de l'*arouratio* du village," *καθ' ὁμοιότητα πάσης τῆς ἀρουρατίονος τῆς κώμης.*[9]

5. Cf. la note précédente. Parmi les impôts fonciers, il convient cependant de distinguer, en fonction des modalités de liquidation au niveau du contribuable individuel, ceux qui sont de quotité et ceux qui sont de répartition.

6. *P. Cair. Isidor.* 13.

7. *P. Cair. Isidor.* 10; cf. A. E. R. Boak, dans *Etudes de Papyrologie* 7, 1948, pp. 31-50. Quant à la répartition de la propriété foncière, on en trouvera une image partielle dans le "Land Register" conservé par *P. Cair. Isidor.* 6.

8. Voir aussi le commentaire de H. I. Bell à *P. Lond.* 1419, pp. 170-171.

9. E. Faure écrit, *op. cit.*, p. 108 (cf. aussi p. 93), que l'ancienne aroure égyptienne – unité fixe de superficie de 2756 m^2 – a été remplacée par une nouvelle aroure, "véritable unité de compte, le *jugum* égyptien, qui a fait son apparition dans la seconde moitié du IVe siècle, et dont nous ne connaissons pas l'évaluation avec certitude, mais qui répond à l'exigence essentielle du nouveau système, unité d'assiette foncière, exprimable en superficie." Ainsi, à l'intérieur d'un même dossier (celui de Dioscore d'Aphrodito par exemple), à l'intérieur d'un même document (*P. Lond.* 1686 par exemple), le mot *ἄρουρα* désignerait tantôt une unité fixe de superficie – quand il s'agit d'arpentage ou de baux de terre –, tantôt – quand il s'agit de fiscalité – une unité de compte applicable à diverses mesures réelles selon des critères tenant au mode de l'exploitation et à la qualité du sol. Cette hypothèse est évidemment inadmissible.

Ve siècle: le *PSI* 1342, de l'Hermopolite, est une lettre que deux sitologues du village d'Alabastrinè envoient à l'ermite Apa Sabinos pour lui réclamer les impôts dûs au nom du forgeron Victor. L'éditeur a daté cette lettre, non sans quelque hésitation, de la première moitié du IVe siècle. Je préfèrerais la placer au Ve, peut-être au début du Ve, pour quatre raisons: l'écriture, qui est caractéristique du Ve siècle;[10] l'emploi, ligne 12, de l'appellation abstraite honorifique *ἡ σὴ μεγαλόνοια*, dont l'apparition et la diffusion sont tardives;[11] celui, dans l'adresse portée au dos de la lettre, du mot *ἐπίδος*, qui se substitue à *ἀπόδος* dans le courant du Ve siècle;[12] l'expression en myriades de talents d'argent des montants des impôts, car le sigle qui figure aux lignes 19, 21, 22, une croix de Saint-André non barrée d'un trait horizontal, est celui du talent et non du denier.[13]

Au Ve siècle donc, les impôts dûs au nom du forgeron Victor sont d'une part un impôt personnel ou professionnel de 2500 talents, et d'autre part un impôt foncier de 18.900 talents, portant sur 3 aroures, *ὑπὲρ ἀρουρῶν τριῶν* (ligne 20). Une simple division montre que cet impôt, qu'il soit de quotité ou de répartition, est calculé au taux de 6300 talents par aroure.

En 385, *P. Lips.* 62, la Trésorerie de Thébaïde encaisse 10 livres d'or provenant de l'*arouratio,* effectuée en 383/384, de la taxe des deux grammes, *ἀπὸ λόγου χρυσοῦ ἀρουρατίονος διγράμματος*.

En 360, *P. Oxy.* 2267, un procurateur des domaines impériaux de l'Oxyrhynchite déclare qu'il est tenu à lever par aroure 4 myriades de deniers, *ἑκάστης ἀρούρας μυριάδας τέσσαρας δῶν τὴν ἀπαίτησιν παρ' ἐμοῦ γενέσθαι.*

Reste le cas du *P. Oxy.* 1905. Ce papyrus, sans date précise, établit le barême *ad arouram* de multiples taxes, parmi lesquelles figurent celle des mules (ligne 7, 1 gramme d'or par 46 aroures 1/6) et celle du primipile (ligne 10, 1 solidus par 1660 aroures). Or pour ces deux dernières, le barême du papyrus d'Oxyrhynchos trouve son application exacte dans un reçu d'impôt de l'Hermopolite dont l'attribution aux dernières années du IVe siècle ne saurait être mise en doute, *P. Lips.* 87.[14]

D'après ce reçu en effet, un contribuable a versé 7/8 de gramme d'or au titre de la taxe des mules, et 5/192 de solidus au titre de celle du primipile. Selon les taux du papyrus d'Oxyrhynchos, le montant de la première correspondrait à une propriété foncière d'environ 41 à 42 aroures. Appliqué à cette superficie, le barême d'Oxyrhynchos donnerait pour le calcul de la taxe du primipile une imposition de 4, 8/192 de solidus: le contribuable a versé en fait 5/192.

L'examen de son écriture avait conduit les éditeurs du *P. Oxy.* 1905 à le dater de la fin du IVe siècle. Pour les besoins de leur cause, les historiens de la fiscalité l'ont rejeté dans la première moitié du siècle. Peu importe en vérité. Ou bien nous acceptons cette dernière datation, et l'*arouratio* qu'atteste le barême se maintient à des taux inchangés jusqu'à la date du reçu de Leipzig, c'est-à-dire jusqu'à la fin du siècle. Ou bien, plus vraisemblablement, les deux papyrus sont contemporains et, dans ce cas encore, l'*arouratio* est vivante dans les dernières décennies du siècle.

10. Cf. C. Préaux, dans *Chronique d'Egypte* 29, 1954, p. 334: "L'écriture du papyrus est tout à fait du type de celles du Ve siècle: la planche XI permet de s'en rendre compte."

11. H. Zilliacus, *Untersuchungen zu den abstrakten Anredeformen und Höflichkeitstiteln im Griechischen,* pp. 72, 89. Cf. pour les attestations papyrologiques *SB* 9597 (entre 365 et 385), *P. Flor.* 303, P. Lov. Gr. Inv. 8 b A (VIe s.).

12. Cf. *P. Oxy.* 1831.14, note des éditeurs.

13. Les exemples les plus caractéristiques sont apportés par *P. Merton* 33, *P. Flor.* 78, *P. Lond.* 1804.

14. Sur la date des documents fiscaux provenant d'Hermoupolis et appartenant aux collections de Florence, Leipzig et Strasbourg, voir les remarques de J. Schwartz à propos de *P. Strassb.* 246.

Absence à ce jour de toute preuve d'une taxation par unité de compte abstraite, continuité de la taxation par aroure: quelle est donc la signification du P. Lond. Inv. 2574, ou celle plutôt du terme *κεφαλή* qui y figure?

Aux lignes 19-20 du texte, l'expression *ὑπὲρ ἐποικιώτου ἑνὸς ἐκ τοῦ ἐποικίου ταν̣χεω̃* est à tous égards insolite: à cause de la présence de l'article *τοῦ*, que rend inutile la détermination de l'*ἐποίκιον* par le toponyme *ταν̣χεω̃*; à cause de l'emploi d'une préposition, qui introduit une liaison maladroite entre *ἐποικιώτου* et *ἐποικίου*; à cause surtout du choix de *ἐκ*, car il y a longtemps que pour exprimer l'origo ou l'appartenance à un groupe *ἀπό* s'est substitué à *ἐκ*.[15] L'expression usuelle à laquelle on s'attendrait serait soit, à la rigueur, *ἐποικιώτου ἑνὸς ἀπὸ ἐποικίου ταν̣χεω̃*, soit plutôt *ἐποικιώτου ἑνὸς ἐποικίου ταν̣χεω̃*.

Ces difficultés diverses, d'ordre syntaxique et d'ordre historique, se résolvent aisément par le rapprochement des deux mots *ἐκ* et *τοῦ*, et par la reconnaissance dans *ἕκτου* du nombre ordinal: nous entendrons *ὑπὲρ ἐποικιώτου ἑνὸς ἕκτου ἐποικίου ταν̣χεω̃*, "pour 1 habitant 1/6 du hameau de Tanchéô." L'expression est la reprise exacte, dans le reçu proprement dit, de celle qui se lit plus haut, ligne 11, dans le calcul de l'imposition: *ὑπὲρ κεφαλῆς μιᾶς ἕκτης*, "pour 1 *képhalè* 1/6."

Il est évident dès lors qu' *ἐποικιώτης* et *κεφαλή* sont synonymes, et que cette *képhalè* n'est aucunement un *jugum,* une unité abstraite d'assiette foncière qui serait exprimable en superficie. Elle est tout simplement la tête de paysan, la *κεφαλὴ τῶν ἀγροίκων* de l'Edit de 297, sur laquelle reposent non seulement l'impôt personnel de capitation, mais aussi, à l'intérieur d'une communauté villageoise, toute quote-part individuelle d'un *μερισμὸς κατ' ἄνδρα.*[16]

Le rapprochement du papyrus de Londres s'impose donc avec une série de documents relatifs à ce genre de *μερισμοί.* Je me bornerai à citer les plus caractéristiques:*P. Cair. Isidor.* 71, 72 et 73 (en 314); *BGU* 21 et *P. Goodsp. Cair.* 12 (en 340); *BGU* 909 (en 359); *P. Strassb.* 255 (en 397 ou 403); *P. Lond.* 1793 (en 472).

Le rapprochement est particulièrement net avec le *P. Goodsp. Cair.* 12. Dans ce document, les chefs d'un village de l'Hermopolite établissent la liste, individu par individu, de la répartition de certaines charges publiques qui sont à répartir dans le village pour la 14e indiction, *τὸ κατ' ἄνδρα τῶν δημοσίων τοῦ μερισμοῦ τῆς τεσσαρεσκαιδεκάτης ἰνδικτίονος*. Cette liste énumère les contribuables du village, et le nom de chacun est suivi d'une indication numérique (1/4, 1/2, 3/4, 1, 1 1/2), qui exprime sa part contributive. De même, dans le *BGU* 21, le total de ces contribuables, évalués en quelque sorte en unités de contribution, s'élève à 125 *ἄνδρες* 1/2, imposés chacun de 25 talents.

La réunion de ces textes permet de démonter le mécanisme de ces *μερισμοί.* Comme dans le cas du papyrus de Londres, il s'agit en général de charges extraordinaires, épisodiques, voire de réquisitions, indépendantes des impôts réguliers. Le montant global à recouvrer est fixé d'avance, et il est ensuite réparti entre les diverses unités de perception, dont les *κώμαι* et les *ἐποίκια*, compte tenu de la superficie de leurs territoires. Puis, à l'intérieur de ces unités, les notables locaux répartissent les charges entre les divers contribuables en ayant égard aux facultés contri-

15. Mayser II, 2, pp. 341, 377, 383.

16. Selon A. H. M. Jones, "*Capitatio* and *Iugatio*," pp. 92-93, le terme *κεφαλή*, dans le P.Lond. Inv. 2574, serait employé au sens d'impôt personnel de capitation, et l' *ἐποικιώτης* payerait, en plus de son propre impôt, 1/6 de *κεφαλή* qui serait sa part de l'impôt dû par les contribuables du même village en vertu du principe de la responsabilité collective. Cette thèse est inacceptable: (1) parce que l'impôt personnel de capitation est une taxe bien déterminée et non une base de calcul pour d'autres impôts, ce qu'est la *κεφαλή* du papyrus de Londres; (2) parce que les taxes énumérées dans le papyrus sont des taxes foncières, comme l'a justement remarqué Mlle. J. Lallemand; (3) parce que surtout *κεφαλή* et *ἐποικιώτης* sont synonymes.

butives de chacun, notion difficile à préciser s'il en est. C'est évidemment à ce niveau qu'apparaît l'arbitraire, source de plaintes dont le *P. Cair. Isidor.* 71, entre autres, se fait l'écho: *καθὼς βούλονται οἱ κώμαρχοι μερίζουσιν. . .οὔτε κλήρῳ οὔτε τῷ δικαίῳ φροντίζουσιν ἀλλ' ὡς βούλονται πράσσωσιν.*[17]

En conclusion, il n'y a pas lieu de penser que le papyrus de Londres, document de série, apporte la révélation que certains ont cru pouvoir y trouver: il ne prouve pas que la capitation a été introduite en Egypte vers le milieu de IVe siècle. Cette conclusion va d'ailleurs de soi. Car il est difficilement imaginable qu'une réforme fiscale, conçue et réalisée à chaud dans les années 300, ait été appliquée aussitôt à l'Empire entier, l'Egypte exceptée, et qu'après quelque cinquante ou soixante années écoulées, elle ait gardé assez de vie et assez d'actualité pour valoir encore d'être introduite dans le domaine excepté. Ou l'Egypte n'a jamais connu de réforme ou de mise en ordre de son système fiscal, ou elle a connu celles-ci en même temps que les autres provinces de l'Empire, à l'époque de Dioclétien.[18]

Il reste à savoir si la capitation égyptienne diffère, ou en quoi elle diffère, de la capitation ou des capitations des autres provinces. Mais il faudrait, pour en juger, déterminer en quoi consiste le système fiscal de la capitation. La succession des thèses contradictoires qui l'ont tenté depuis un siècle convainc malaisément que ce soit là une recherche fructueuse, ou même utile.

17. Cf. aussi *BGU* 909 = *WChr.* 382 (en 359): *κωλύει τοὺς γιγνομένους μερισμοὺς ἐν τῇ κώμῃ τῶν δημοσίων πραγμάτων.*

18. Je pense donc, comme A. H. M. Jones et J. Karayannopulos, que la "capitation" a été introduite en Egypte en 297. Je reviendrai ailleurs sur l'apparente contradiction entre l'enseignement des papyrus (*P. Oxy.* 1905 par exemple) et le texte de la constitution impériale de 377 (*Code Théodosien* vii.6.3): "per Aegyptum et Orientis partes in triginta terrenis iugis . . . annua vestis collatio dependatur."

FRASES "EXTRA TEXTUM" EN P. BARC. INV. 154b-157

R. Roca-Puig

Dimos a conocer,[1] en breve resumen, la Anáfora griega que, junto con otros textos cristianos, forma parte del mismo códice que proporcionó el himno "*Psalmus responsorius*" en latín, ya publicado.[2]

En efecto, terminado dicho himno, sigue inmediatamente una página ocupada por un dibujo (Inv. 154a); en la página siguiente (Inv. 154b) empieza un grupo de composiciones cristianas que, a diferencia del citado "*Psalmus*" en latín, fueron redactadas en lengua griega. Suman, en total, siete páginas, cuya escritura aparece acompañada de ciertos dibujos ornamentales, objeto de breve comentario al final de este artículo.

Las dimensiones de los cuatro folios son aproximadamente las mismas del "*Psalmus*," algo más de 12 por 10 cm. El estado de conservación es bastante bueno; el folio más deteriorado es el tercero, partido por el medio, en sentido vertical. Mas la lectura del texto se logra en su totalidad.

Las cinco piezas en griego y el "*Psalmus*" que precede forman una colección homogénea de textos litúrgicos o paralitúrgicos.[3] Conviene no olvidar que antes y después de las piezas cristianas el mismo códice contiene otras de autores paganos; descuella entre ellas un texto de Cicerón. No sería, por consiguiente, exacto aplicar al mencionado códice el nombre de "Eucologio," a menos que se limitara tal denominación al grupo de las seis piezas cristianas. Propiamente hablando, dicho códice es una "Miscelánea" compuesta de textos literarios paganos y cristianos, escritos ya en lengua latina, ya en lengua griega.

Es digno de notarse que, desde época relativamente tan remota, se encuentran hermanadas en un mismo libro, planeado probablemente *ad hoc*, las dos culturas, la pagana y la cristiana. El interés que tal cualidad confiere a nuestro códice sube de punto si se admite que fue concebido como una "Miscelánea didáctica," destinada a la formación de la juventud cristiana. Espontáneamente nos preguntamos si este ejemplar fue copiado en un *scriptorium* de las primitivas comunidades cristianas. Aunque nos seduce la respuesta afirmativa, tal vez por falta de documentación no se podrá jamás responder de un modo definitivo.

Como sea, la idea, por algunos insinuada o admitida, de la aversión que en los ambientes cristianos anidaba hacia la literatura pagana, merece ser considerada de nuevo a la luz de P. Barc.

Antes de abordar el tema conviene tener una idea del contenido de las piezas cristianas entre las cuales se hallan las frases "*extra textum.*"

1. La primera pieza en griego es una "Anáfora" o cánon de la Misa. Lleva el título *εὐχαριστία περὶ ἄρτου καὶ ποτηρίου*. Ocupa enteras las dos primeras páginas (menos 1.1) de 25 y

1. R. Roca-Puig, "Sui Papiri di Barcellona, Anafora greca secondo la liturgia di San Marco," *Aegyptus* 46, 1966, pp. 92-92.
2. *Idem, Himne a la Verge Maria, "Psalmus responsorius," Papir llatí del segle IV*, Barcelona, 1965, 2ª edició.
3. El himno latino o "*Psalmus*" que abre la colección de piezas cristianas y el griego que la cierra no fueron, a nuestro entender, destinados al uso litúrgico, sino que el desconocido autor de cada uno de ellos procuró imitar el estilo a la sazón en boga. Esto nos parece indudable por lo que al "*Psalmus*" se refiere, obra de un copto erudito en literatura latina.

27 líneas, respectivamente. Su ideología, estructura, vocabulario, etc., nos reclaman a la Liturgia Alejandrina o de San Marcos, especialmente en sus estadios primitivos, según nos muestran, de modo fragmentario, algunos papiros. No faltan, sin embargo, en la Anáfora de Barcelona elementos propios que revelan, en parte por lo menos, una forma anterior al proceso de diferenciación en varios tipos.

2. Una *εὐχή* eucarística, sin título. Ocupa 17 líneas de p. 3. Aparece separada de la Anáfora por la doxología. Mas la primera palabra de la *εὐχή* o sea *ἔτι* parece indicar la continuación del mismo acto litúrgico. Corrobora esta suposición la semejanza de contenido y estructura con la última sección de la Anáfora, constituida por la segunda Epíclesis; en ambas se piden los frutos de la Metálempsis o Comunión. La *εὐχή* puede considerarse bien una simple variante bien una iteración. Tiene como propio el concepto de "acción de gracias," *καὶ εὐχαριστοῦμεν*, que no existe en la última sección de la Anáfora. Termina también con una doxología.

3. Oración para pedir la salud de los enfermos. Incluye el gesto de "Imposición de manos" de acuerdo con el titulo: *χειροθεσία ἐπὶ ἀσθενούντων*. Ocupa 8 líneas de p. 3 y 5 de p. 4.

4. Un "exorcismo" del óleo para los enfermos, bajo el título *ἐξορκισμὸς ἐλαίου καθημένων*. Con el título ocupa 20 líneas de p. 4 y 3 de p. 5. Nótese que este título es el único de P. Barc. escrito en letras de tamaño superior a las del texto; además está adornado con frisos a modo de marco, semejantes a los de las frases "*extra textum*."

5. Cierra el grupo de piezas cristianas un himno alfabético. Carece de título. Ocupa 28 y 19 líneas de p. 6 y 7, respectivamente. Ofrece analogías con otros dos himnos, también en papiro, a saber, el de la colección Amhrest,[4] y el de Berlín.[5] En cambio, tanto por la expresión poética como por el ritmo, el himno de P. Barc. difiere del procedente de Oxirinco, famoso por ir provisto de notación musical.[6]

Expuesto sumariamente el contenido de las cinco piezas, pasemos al argumento principal, las palabras ajenas a dichas composiciones. Al principio o al final de éstas, sin alterar la regularidad de la escritura, se encuentran doce pequeñas frases, alguna de una sola palabra, en las páginas 1, 3, 5, 7. Algunas se repiten, de modo que las frases diferentes son únicamente siete. Considerando el aspecto y colocación de alguna de ellas, por ejemplo a 1.1, podría considerarse como un título rodeado de frisos que le confieren especial relieve. Las transcribimos observando el mismo orden en que se encuentran, sea que así las dispusiera el primer copista, sea que alguna fuera añadida posteriormente.

Página primera. 1.1 *εἷς θεός. ἰησοῦς ὁ κύριος.*

Las dos frases aparecen dentro de un marco formado por dos frisos paralelos, cerrado a la derecha con el anagrama ☧ a la izquierda con un pequeño dibujo. El título de la anáfora ocupa la línea siguiente.

Página tercera. 3.1 *εἷς θεός*; 3.18 *εἷς θεός*.

La misma frase, pues, precede y sigue a la *εὐχή* eucarística. A 3.18 después de *ἀμήν* cuatro rayitas angulares y un pequeño círculo cierran la composición. Sigue *εἷς θεός* en letras de tipo cuadrado; preceden y siguen unas pequeñas rayas ornamentales que no concuerdan con las que indican el término de la composición. Por consiguiente la adición de 3.18 no parece ser obra del primer copista.

4. *P. Amh.* 23.
5. P. Berol. 8299 (= *BKT* VI 125).
6. *P. Oxy.* 1786, "Christian Hymn with Musical Notation."

Página quinta. 5.4-10 *εἷς θεὸς ἐν οὐρανῷ. εὐλογεῖτε* (pap. *ευλογητε*). *εἷς θεὸς ἐν οὐρανῷ.* ΙΧΘΥΣ. *ἐπ' ἀγαθῷ. ἐν εἰρήνῃ.*

En esta página el texto ocupa sólo dos líneas y media. El espacio, proporcionalmente grande, que quedó en blanco fue rellenado mediante seis frases, cuatro de ellas escritas en caracteres de tipo cuadrado. Además fue dibujado seis veces el *ankh* o signo de vida de los antiguos egipcios, adoptado luego como signo cristiano, la cruz "ansada." Al final de las dos primeras frases hay el anagrama ☧ que vimos ya en 1.1. Notemos que la segunda frase *ευλογητε* (*sic*) y el anagrama fueron escritos con la página préviamente vuelta al revés.

Página séptima. 7.20-21 *εἷς θεὸς ἐν οὐρανῷ.* 7.22 *εἷς θεὸς ἐν οὐρανῷ.*

El espacio libre al pie de la página fue rellenado escribiendo dos veces la misma frase. La primera dentro de un rectángulo con ansas a los dos lados, formando un marco semejante al de p. 5, aunque más simplificado. La cruz ansada aparece también dibujada seis veces; la repetición de la frase está situada al borde de la página, entre los palos paralelos de dos cruces. Debido a erosión del papiro, algunas letras han perdido parte de los extremos inferiores.

Con la denominación "*extra textum*" distinguimos estas frases de otras "añadidas" que se encuentran también en papiros, a saber: 1) Glosas y comentarios, en los márgenes o entre las líneas, que ilustran alguna palabra o expresión del texto literario.[7] 2) Traducciones, por lo común de una o pocas palabras, a lengua distinta de la del texto.[8] 3) "Hermeneias" o breves comentarios, exhortaciones, exégesis, etc., que se hallan en un número, hasta ahora reducido, de papiros neotestamentarios.[9]

A diferencia de los otros dos grupos, la "Hermeneia" no se escribe en el margen ni entre líneas, sino a continuación del pasaje que comenta, o en las últimas líneas de la página. En este último caso presenta la misma disposición que vemos en las notas de los libros actuales. La distribución de la escritura permanece inalterada, razón por la cual la "Hermeneia" no debe calificarse como *marginalis*.

Cada uno a su manera, los tres grupos de palabras añadidas a un texto literario guardan cierta relación con la obra que acompañan. En cambio, las frases de P. Barc. nos parecen ajenas a la Anáfora y a las composiciones cristianas.[10]

Considerando que ninguna de las frases "*extra textum*" representa una novedad, será de algún provecho examinarlas brevemente a la luz de otros documentos que las exhiben.[11]

7. C.H. Roberts, "The Antinoë fragment of Juvenal," *JEA*, 1935, pp. 199-209. *Idem*, "A Latin parchment from Antinoë," *Aegyptus* 15, 1935, pp. 297-302. A este fragmento fueron añadidas glosas en latín o en griego a fin de que resultara más asequible su difícil texto poético.

8. El códice de Isaías de Fr. G. Kenyon, *The Chester Beatty Biblical Papyri, Fasc. VI, Text,* London, 1937 contiene notas marginales que traducen al copto algunas palabras del texto griego.

En *PSI* 110, "Frammenti della Catilinaria di Sallustio" se añadió la versión en griego de algunas palabras del original latino.

9. Véase la "Hermeneia" en los cuatro siguientes papiros: *MPER*, N.S., 26.214 (P. 55), Peter Sanz, *Mitteilungen aus der Papyrussammlung der Nat. Bibliothek in Wien,* t. IV, Wien, 1946, pp. 58-59.

P. Colt 3 y 4 (P. 59 y P. 60), N. Casson - E.L. Hettich, *Excavations at Nessana,* t. II, *Literary Papyri*, Princeton, 1950, pp. 79-111.

P. Barc. 83 (P. 80), R. Roca-Puig, "Papiro del Ev. de S. Juan con 'Hermeneia'," *Atti dell' XI Congr. Intern. di Papirologia,* Milano, 1966, pp. 225-236.

10. Algunas frases "*extra textum,*" por ejemplo *ιησοῦς ὁ κύριος*, es posible que fueran pronunciadas a modo de *acclamationes* o *plausus* por los asistentes a la celebración litúrgica. Sin embargo, ignoramos si existe algún indicio que confiera probabilidad a semejante hipótesis.

11. Entre otros, pueden consultarse con provecho los libros siguientes:

M.G. Lefebvre, *Recueil des Inscriptions grecques chrétiennes d'Egypte,* Le Caire, 1907.

Togo Mina, *Inscriptions coptes et grecques de Nubie*, Le Caire, 1942.

A. Bataille, *Les Inscriptions grecques du Temple de Hatshepsout à Deir El-Bahari*, Le Caire. 1951.

εἷς θεός. Para el cristianismo, lo mismo para el judaismo,[12] la unidad de Dios es verdad fundamental, proclamada a menudo frente a los politeistas.[13] Esta frase y su ampliación εἷς θεὸς ἐν οὐρανῷ[14] constituyen pues en P. Barc. una afirmación de monoteismo, del mismo modo que en los grafitos,[15] epitafios,[16] etc., de origen cristiano. Mas esta frase es anterior al cristianismo y fue largamente usada en sentido encomiástico, no incompatible con la creencia en la pluralidad de dioses.[17]

κύριος es aplicado frecuentemente a Jesucristo en los Evangelios;[18] toma luego la forma de aclamación ἰησοῦς ὁ κύριος, atestiguada en San Pablo.[19] No es mera casualidad que en 1.1 las dos aclamaciones estén juntas, dado el profundo vínculo que la teología paulina establece entre la unidad de Dios y la noción de κύριος atribuída a Jesucristo.[20]

La exhortación εὐλογεῖτε en el sentido de tributar alabanzas a Dios (P. Barc. 1.5-6 σὲ εὐλογεῶ) es verosímil que proceda del lenguaje litúrgico.[21]

El acróstico ΙΧΘΥΣ (y su equivalente, un pez dibujado) se formó con las iniciales de Ἰησοῦς Χριστὸς Θεοῦ Υἱὸς Σωτήρ.[22] Alcanzó gran popularidad en el mundo helenístico cristiano a partir de la segunda mitad del siglo II.[23] Sustancialmente coincide con la respuesta del eunuco al apóstol Filipo, Act 8.37 πιστεύω τὸν υἱὸν τοῦ θεοῦ εἶναι ἰησοῦν χριστόν con la palabra σωτήρ añadida.[24]

ἐπ' ἀγαθῷ pertenece al lenguaje clásico.[25] Frecuente en inscripciones votivas a los dioses,[26] grafitos,[27] etc., su uso persiste entre los cristianos.[28] Significa tal vez "para un buen fin, con rectitud de intención"; el deseo de provecho para una acción propia o ajena; quizás, a modo de saludo, exprese el ideal cristiano de generosidad hacia el prójimo.

ἐν εἰρήνῃ, tan abundante en los libros bíblicos,[29] se emplea en oraciones cristianas,[30] con

12. Epistula ad Diognetum III.2 ἰουδαῖοι . . . καλῶς θεὸν ἕνα τῶν πάντων σέβειν καὶ δεσπότην ἀξιοῦσι φρονεῖν.

13. Según Zoega 378, la multitud, al contemplar un milagro realizado por "Sinouthius" prorrumpe en gritos de εἷς θεός. Véase G. Zoega, *Catalogus codicum coptorum qui in Museo Borgiano Velitris adservantur,* Roma, 1810, Reimpr. Leipzig, 1903.

14. Ps. 113:11 ὁ δὲ θεὸς ἡμῶν ἐν τῷ οὐρανῷ ἄνω.

15. Bataille, *op. cit.,* no. 142;con texto ampliado, no. 89 εἷς θεὸς ὁ βοηθῶν ὑμῶν.

16. Los epitafios coptos (Mina, *op. cit.*) a "Un solo Dios" suelen añadir "inmortal, creador, auxiliador, de los cristianos, de todos," etc.

17. E. Peterson, Εἷς θεός, Göttingen, 1926.

18. Jesús aprueba explícitamente esta denominación, Joh 13:13.

19. Debe proclamarse oralmente, Rom. 10:9; nadie puede pronunciarlo sino en el Espíritu Santo, I Cor. 12:13; será universalmente reconocido, Phil. 2:11, etc.

20. I Cor. 8:6, contra la pluralidad de dioses; Eph. 4:5-6, exhortando a la unidad.

Sobre la noción de κύριος véase *Recueil Lucien Cerfaux,* vol. I, pp. 1-188, *Série I, Le titre Kyrios,* Ed. J. Duculot, Gembloux, 1954.

21. El cántico de Dan. 3:57 ss., por ejemplo. Véase I Cor. 10:16.

22. F.J. Dolger, ΙΧΘΥΣ I, Roma, 1910, Münster, 1928, II, Münster, 1922.

23. Además del testimonio de Tertuliano en el *de baptismo*, hay la inscripción de Abercio, suficiente ella sola para determinar la época. Véase la bibliografía a J. Quasten, *Patrología I*, Madrid, 1961, p. 168 y 562. G. Ferretto, *Note Storico-Bibliografiche di Archeologia Cristiana,* Roma, 1942, pp. 404-406.

24. Las ediciones críticas eliminan Act 8.37 por su ausencia en los manuscritos antiguos. Procede probablemente de una profesión de fe que el candidato al bautismo recitaría antes de recibir este sacramento. Por encontrarse en Ireneo, etc., su inserción en el relato del eunuco es muy antigua. Véase el aparato crítico de C. Tischendorf, *Novum Testamentum Graece, Ed. octava critica maior*, II, Lipsiae, 1872.

25. Véanse algunas citas a Liddell-Scott-Jones.

26. E. Drioton, *Fouilles de l'Inst. Fr. d'Arch. Or. du Caire*, 1926, no. 416. Es del año 291. Dice . . . ἀνέθηκεν εὐσεβείας καὶ εὐχαριστίας χάριν ἐπ' ἀγαθῷ.

27. Bataille, *op. cit.,* no. 64.

28. Por ejemplo el no. 584 de Lefebvre, *op. cit.*, del año 577.

29. Entre las varias acepciones bíblicas el lector consultará con provecho: Sapientia Solomonis 3.1-3; Ps. 4:9; Luke 2:29; I Cor. 7:15; II Pet. 3:14; Jacobi Epistula 2:16; 3:18.

30. H.G. Evelyn-White, *The Monastery of Epiphanius at Thebes, Part II, Greek Ostraca and Papyri,* New York, 1926, Nos. 678, 682, etc.

frecuencia en epitafios.[31] El sentido en P. Barc. puede que sea análogo al del colofón en que, terminado su trabajo, el copista desea la paz para si mismo y para el lector.[32]

El "bien" es a menudo consecuencia de la "paz" y por este motivo la unión de ambos conceptos surge espontánea tanto en el lenguaje literario como en el popular. No es, pues, por azar que se encuentran aquí juntos ἐπ' ἀγαθῷ y ἐν εἰρήνῃ, anticipándose al medieval "*Pax et bonum.*"[33] De la misma manera que, según vimos más arriba, las dos frases de 1.1 se hallan unidas por influencia probable de las epístolas paulinas, con fundamento más sólido opinamos que la unión de ἐπ' ἀγαθῷ, ἐν εἰρήνῃ son eco de una tradición antiquísima,[34] representada en el A. T. por los pasajes en que los vocablos טוֹב y שָׁלוֹם se complementan.[35]

Unos dibujos ornamentales en forma de marco, según repetidamente hemos dicho, dan relieve a las frases "*extra textum*" y al título de 4.6-7. Lejos de tratarse de un caso aislado, los papiros literarios cuyos títulos o colofones se adornan con dibujos análogos son bastate numerosos. Sería, sin duda, interesante disponer de un panorama de conjunto,[36] mas para nuestro propósito será suficiente indicar algún papiro cuyos dibujos, por sus características y época, admitan comparación con los de P. Barc.

Destacan en primer lugar los dibujos del *Dýskolos* de Menandro.[37] Sin necesidad de exagerar las semejanzas, algunos pormenores dan pie a suponer que ambos, si no proceden del mismo *scriptorium*, han recibido influencias de una misma escuela o tradición artística. En la lám. 2.1 de Menandro, el título δύσκολος se halla dentro de un marco formado por frisos de pequeñas rayas onduladas; su ejecución, aunque más simplificada, recuerda el estilo de P. Barc. Al final de la comedia, lám. 21, el nombre del autor y el título de la obra, escritos en dos líneas, μενάνδρου δύσκολος, se encuentran asimismo dentro de un marco; obsérvese el detalle del friso horizontal que rellena el pequeño espacio que hay entre las dos palabras y compárese con P. Barc. 7.20-21.

El códice de Enoc y Melitón,[38] encierra los títulos en dibujos muy decorativos;[39] la corónide, repetida a derecha e izquierda, puede compararse con la de P. Barc., p. 7, izquierda.

El P. Morgan de Homero,[40] lleva dos asteriscos, uno a cada lado del marco, de ocho rayos

31. Véanse numerosos ejemplos en Mina, *op. cit.* y Bataille, *op. cit.*

32. M. Testuz, *Papyrus Bodmer VII-IX*, Cologny-Genève, 1959; véase p. 56 y 70, final de I Pet. y II Pet. respectivamente.

33. G. Joergensen, *S. Francesco d'Assisi*, Roma, 1919, p. 85 y p. 126, nota 14.

34. Con "paz y bien" empiezan a menudo las cartas procedentes de las cancillerías del antiguo Medio Oriente, las cuales se servían de la misma expresión en los documentos oficiales. Véase L. Lamadrid, *Un saludo eminentemente bíblico*, Tierra Santa, no. 479, vol. 44, Enero, 1969, pp. 6-11.

35. Citamos, a continuación, algunos pasajes que matizan, mas no de modo exhaustivo, las diversas modalidades que pueden tomar ambos conceptos juntos. a) Escena de despedida: Gen. 26:29 "Te hemos hecho únicamente bien y te despedimos en paz." En las versiones griegas טוֹב es traducido generalmente por ἀγαθόν mas en este pasaje lo es por καλῶς y en Deut. 23:7 por συμφέροντα. b) Saludo del peregrino al llegar a las puertas de Jerusalén: Ps. 121 (122): 8, 9 "Sea la paz en ti . . . imploraré el bien para ti." c) Felicidad de los que sirven al Señor: Ps. 127 (128): 5-6, ". . . veas el bien de Jerusalén . . . la paz sobre Israel." d) Sentido moral: Ps. 34:15, "apártate del mal y haz el bien, busca la paz . . . ." e) Promesas mesiánicas: Jer. 33:9 (40:9), "todo el bien que les haré . . . toda la paz que les concederé."

Ninguno de los pasajes que hemos examinado en la versión griega del A.T. contiene los dos vocablos con las mismas preposiciones ἐπί, ἐν de P. Barc.

36. W. Lameere, *Aperçus de Paléographie Homérique*, Paris-Bruxelles, 1960. Véase p. 190 s. y nota 2; Láminas a p. 192 ss. En relación con P. Barc. véase a lám. II el Papiro Morgan de Homero (también la nota 40 de nuestro artículo) y el *P. Oxy.* 7.1011, "Papiro de Calímaco."

37. V. Martin, *Papyrus Bodmer IV, Ménandre, Le Dyscolos*, Cologny-Genève, 1958.

38. F. G. Kenyon, *The Chester Beatty Biblical Papyri*, VIII, *Enoch and Melito*, Plates, London, 1941, fol. 13, r.

39. Kenyon, *op. cit.*, a p. 9 dice: "The excerpt from Enoch is followed immediately on the same page, after a decorative flourish enclosing the title of the former work by the homily of Melito, headed by the name of the author . . ."

40. Publicado por U. von Wilamowitz-Moellendorf, G. Plaumann, *Sitz. Berl. Akad.*, 1912, pp. 1198-1219. Reproducido parcialmente en W. Schubart, *Palaeographie*, München, 1925, Abb. 95, p. 138; también, en dibujo a mano, en Lameere, *op. cit.*, Lam. II.

terminados con un diminuto círculo, como el de P. Barc. 4.6-7.

El grafito no. 141 de Bataille, *op. cit.*, contiene un *proskýnema* dentro de un rectángulo con ansas,[41] más simplificado que los de p. 5 y 7 en P. Barc. Este grafito demuestra la popularidad de la tarja con ansas, ya en época anterior a la de P. Barc.[42]

Merecen mención aparte los dos símbolos, ☧ , ☩ que, según dijimos, se hallan entre los dibujos ornamentales. El primero fue dibujado tres veces, 1.1 y 5.4-5; está claramente formado de la X y la P superpuestas.[43] El segundo o cruz ansada aparece en distribución simétrica, seis veces en p. 5 y otras tantas en p. 7; dentro del ansa puede haber un punto y uno o más círculos concéntricos. Junto con las frases *"extra textum"* y el anagrama P. Barc. nos proporciona un nuevo testimonio acerca del *ankh* o signo de la vida de la antigua religión egipcia, que fue transformado en signo cristiano y reproducido profusamente sobre toda suerte de materiales.[44]

Véase Pahor Labib, *Coptic Gnostic Papyri in the Coptic Museum at Old Cairo*, Cairo, 1956. Al final de algunos libros hay un friso, mas los títulos llevan simplemente unas rayas horizontales, lám. 80, 99 y 145.

41. La tarja o rectángulo con ansas fue usado como relieve en arquitectura; vemos en pedestales de estátuas, en sarcófagos con inscripción o sin ella; la misma forma suelen tener las etiquetas de madera en que se escribía el nombre de la momia.

42. Bataille, *op. cit.*, pp. XXIV-XXV.

43. A. Deissmann, *Licht vom Osten,* Tübingen, 1923; véase al índice *Monogramme Christi,* especialmente p. 217, nota 3. C.R. Morey, *Early Christian Art*, Princeton, 1953, p. 128. Véase G. Zeretelli, O. Krueger, *Papyri Russischer und Georgischer Sammlungen*, I, Tiflis, 1925, Reimpr. Amsterdam, 1966. Al no. 23, "Christliche Beschwörung," del s.IV, lín. 25, hay tres signos que por no ser reproducidos fotográficamente, no sabemos si representan la cruz ansada o el anagrama de Cristo, mas con el palo horizontal en vez de la ☧ .

44. Sobre el empleo y difusión de la cruz ansada entre los cristianos coptos véase M. Cramer, *Das Altägyptische Lebenszeichen,* Wiesbaden, 1955, especialmente p. 45, "6. Handschriften mit Lebenszeichen."

THE GREEK ELEMENT IN THE PTOLEMAIC BUREAUCRACY

Alan E. Samuel

[This article, which uses data from Hibeh, is in one sense preliminary. Since I am certain that documents from that site have not yet all been identified, and because new texts will certainly be published, the statistics which appear here will certainly be modified by new material.[1] Furthermore, the mere rendering of the data into statistics was a process of judgement, and I am aware of hesitation and change in the course of my own work, so that I should expect to change my own mind about categories in a few instances. Nevertheless, the direction in which the evidence points is so clear, and the quantity of items considered is so large, that I should not expect the conclusions to change with occasional modifications of numerical figures.]

In examining the role of Greeks in Egypt in the settlement of the country under the first three Ptolemies, it has been tempting and easy to be overwhelmed by the evidence of these Greeks scurrying about the basin of Lake Mareotis in the Fayoum, adapting the land to Greek habits. We can hardly fail to be impressed by the activity of Zenon, the agent of the finance minister Apollonios, an activity which seems to have been rarely halted by fatigue, and was involved in all sorts of matters of agriculture and administration. Papyrologists and historians have not overlooked the opportunity for detailed investigation which this wealth of documentation has provided. Willy Peremans, with his *Vreemdelingen en Egyptenaren*, was able to show in 1937 much of the impact of the foreigners who came into the country, and described for us in detail the tasks which Egyptians and foreigners took up in the expanding bureaucracy. The continuing *Prosopographia Ptolemaica* provides more and more material on the activities of individuals, and special studies like that by John Oates in 1963 have investigated particular aspects of nationality problems. However, to my knowledge we have not yet subdivided our material, either geographically or temporally, and it is the fruit of such a division and the results of examination of the material after it that this paper reports. I have found again and again in my study of administrative institutions that time and place make differences, and that the coalescing of all evidence on a subject can produce deceptive conclusions.

1. Of the documents which, in my opinion, come from Hibeh, those which have provided the data for this study are: all documents (in which names appear) in *P. Hib.* I and II, except *P. Hib.* 198; *P. Bad.* II 13; IV 82; *P. Fouad I Univ.* III (Cat. No. 71); Cat. No. 20; *P. Grad.* 2-14; 18 (cf. republication of some of these texts in *P. Fouad I Univ.* and in *SB*, cited in *P. Fouad I Univ.*); *P. Grenf.* II 14 a-c; *P. Hal.* 13; *P. Hamb.* 169-178; 180; 181; 183-187; 189-191; *P. Ross.-Georg.* II 1-3; *P. Ryl.* 225; 260; *SB* 6303; 7176-7179; *P. Teb.* 774-749; these publications also contain other Hibeh texts; but I have included here only those Hibeh texts which provide data. Also from Hibeh, but not considered in the statistics, is *Rech. de Pap.* 4, 1967, p. 69 (cf. my comment thereon in *BASP* 5, 1968, pp. 44-45). Unpublished papyri from Hibeh may be found, *inter alia*, in the collections of Frankfort, Hamburg, Heidelberg, and the remaining Gradenwitz texts in Cairo, and the Jena texts, not considered in the statistics here, seem to be related to Hibeh (cf. the discussion of the Jena collection by Uebel, below, pp. 491 ff.).

This study deals with the bureaucrats at Hibeh, and the material derives from a prosopography of all the documents which I have been able to assign to that site. Basing a study on Hibeh provides a limitation of place by necessity, and, with the documents themselves mostly dating to the later years of Ptolemy II and the early years of Ptolemy III, imposes a limitation in time as well. The conclusions are interesting: many Greeks penetrated even to Hibeh quite early; they brought their Greek culture with them; despite the influx of Greeks, Egyptians could find their way into the bureaucracy and work up even to higher ranks; the Greek ethnics, in this place and at this time, reflected a real Hellenic origin.

There are enough individuals in the texts and enough transactions recorded to provide a satisfactory mass of evidence with which to analyze the Greek material. There are over 1,000 entries: excluding the names of fathers in patronymics, excluding persons who clearly were not in the area, like the dioiketes, or others who may be determined from context or other evidence as external to Hibeh, excluding the eponymous commands, and counting only one entry per papyrus per person, and, finally, not counting any Greek alias names, I find these totals:[2]

Total number of entries	1,050
Total entries, non-Greek names	281
Total entries, Greek names	700
Fragmentary entries	69

These rough figures should be modified to reflect the fact that there are Greek ethnics in 13 of the fragmentary entries, so that these should be classed as Greek-name entries, to produce the following figures:

Total non-Greek entries	281
Total Greek entries	713
Fragmentary entries	56
Total Entries	1,050

These figures immediately suggest that Greeks were a great deal more active at Hibeh than were non-Greeks. Of course, we are dealing here with Greek documents, and it may well be that we find in these texts only such Egyptians and non-Greeks who deal in the Greek language. Indeed, the evidence of entries for taxation, which would affect even those "illiterate" in Greek, confirms this view: for payment or assessment of taxes, there are 69 entries for non-Greek names, and only 47 entries for Greek names, a significant preponderance for the non-Greeks, and a direction in the reverse of that for the entries over all. These results show that in the texts, non-Greeks are far better represented in tax transactions than they are for more general administrative or business activities. One might suppose that non-Greeks, who did not know Greek, might appear more readily in tax lists and the like because those entries would not be affected by the language of the individual concerned, than they could in contracts, administrative correspondence and so forth, documents which would require knowledge of Greek by most of the

2. It is well to point out here what I mean by a Greek name. I count as such a name which is recognizable from texts, literary and otherwise, in the Greek area before the Hellenistic period. So I would call "Greek" any name made up of compounds, both parts of which are Greek, or a name which is of a type familiar in the Aegean, counting the North and East shores as "Greek." This means that a name like Ammonios would not be counted as Greek, and it is decisions like that which make me think that, although the statistics have general validity, they are based on decisions which cannot in every case have been right. Ammonios in many instances must be a name used by a Greek. See below, notes 10 and 14. But statistics requires some decisions about categories, and I have chosen to classify the name as Egyptian, aware that in some cases it belongs to both categories, and as this would affect the statistics, in such instances I have noted the differing effects of such classification.

persons concerned. An analysis of the number of entries per identifiable individual is interesting in light of these observations.

The material provides some guide to the number of actual persons involved in the transactions. Of the 281 non-Greek entries, there is a total of 124 different names, and, investigating these occurences, we may determine that the entries represent a minimum of 155, and a maximum of 233 actual individuals. Of the entries with Greek names, the 713 entries show 289 different names, with a minimum of 321, a maximum of 580, separate individuals. With these figures, we can compare the ratios between individuals and entries.

Non-Greek names	
Number of entries per individual (minimum individuals)	1.802
Number of entries per individual (maximum individuals)	1.204
Greek names	
Number of entries per individual (minimum individuals)	2.217
Number of entries per individual (maximum individuals)	1.228

It is clear that there is not much difference in the ratios. The ratio of entries per individual, maximum individuals, is virtually the same for both Greek and non-Greek names, and the slightly higher ratio for the Greek names of minimum individuals may be accounted for by the presence of some features, e.g., ethnics, which make it possible to make more identifications on the Greek side, and thus reduce the minimum more than that for the non-Greek names. In any case, the higher Greek total does not seem to be a significantly greater one.

This conclusion suggests that, once a person with a non-Greek name enters into the Greek-language area, and deals and communicates in Greek, he is as active as any person with a Greek name. That is, the Greek documents attest a frequency of transaction per individual, an activity level, as high for people with non-Greek names as for people with Greek names. When we consider that the statistics of tax activity show more entries for non-Greeks than for Greeks, while over all, there are more Greeks than non-Greeks, we would conclude that the entries and individuals represented by these Greek texts do not comprise a fair sampling of all the individuals and transactions in the Hibeh area, but rather a sampling of those which can operate in the context of the Greek language. Then, when we consider that the activity level in the Greek texts is the same for non-Greeks as it is for Greeks, we come to the interesting result that, once individuals cross into that language community, they operate there with the same frequency as do the Greeks themselves.

In the treatment of these statistics, I have treated the people with Greek names as if they were really of Greek origin, and those with non-Greek names as if they were not. I think that is correct, and a close study of the material will justify it.[3] The evidence which bears on the origins

3. That a Greek name indicates a "Greek" in the third century B.C., although not necessarily so later, has often been stated. Wilcken's comment (*Grundzüge*, p. 23) that names were unreliable from the second century B.C. on, was echoed by Bell (*JEA* 8, 1922, p. 146), who assumed that the Greek name could be trusted as an indicator in the third century. A full study of the foreigners attested up to 1925, F.M. Heichelheim's *Die Auswärtige Bevölkerung im Ptolemäerreich* (new edition, 1963, with some additions), p. 5, accepted this position, as did Peremans ("Noms de personne et nationalité," *Museon* 59, 1946, p. 243), taking the names as a guide for the third century as a general rule and citing his predecessors in questioning their value for the second and later centuries. More recently, Martin ("L'onomastique comme indice des rapports entre indigènes et occupants dans l'Egypte gréco-romaine," *Akten VIII Intern. Kongr. Pap. 1955*, Vienna, 1956, p. 89) has expressed some reservations about the assumption of valuelessness in the later centuries.

of the Greek-named people at Hibeh comes from ethnics, patronymics, and from such information as we can derive from the texts about the culture of the people responsible for the documents found at Hibeh.

The question of the *echtigkeit* of the ethnics, whether those used alone or those with the modifier *tes epigones*, is a vexed one, and I may refer to the discussions cited by Oates in the footnotes to his discussion of *Persai tes epigones*.[4] But a few conclusions come from a study of the Hibeh material, and they are very interesting. First of all, of the 21 different ethnics attested at Hibeh, Kurenaios is by far the most frequent. 22 *individuals* have that ethnic, 15 with the ethnic alone, and seven with the modifier *tes epigones*. The proximity of Cyrenaica, and its status as part of the Ptolemaic realm, would make that natural if the ethnic had meaning, and the statistic thus lends support to real meaning for the ethnic.[5]

Secondly, ethnics seem to come from the areas under the control of Ptolemy. Not counting 8 Persai, 1 Ioudaios, and 4 fragmentary entries, there are 72 individuals identified by ethnics, that is, just over 12 per cent of the Greek named individuals can be identified by ethnic. The distribution is as follows:

Athenaios	2	Thraix	10	Makedon	10
Barkaios	1	Korinthios	2	Mesembrianos	1
Boiotios	1	Kres	2	Mysos	4
Erythrites	1	Kromnites	1	Sinopeus	1
Eretrieus	1	Kurenaios	22	Chalkideus	5
Herakleotes	3	Koios	1		
Hesperites	3	Libys	1		

A heavy proportion of these come from cities or areas over which the Ptolemies had some control, particularly during the first half of the hird century, before the naval disasters which weakened Ptolemaic overseas influence. In addition to 22 people from Cyrene, we find men from Barka, Crete, Cos, and Libya. The large number of Thracians[6] may be attributable to Arsinoe's origin, or, like the 10 Macedonians, they may merely represent the composition of the army of Alexander. But it is noteworthy that very few of the ethnics cannot be attributed either to places in which Ptolemaic interests were strong, or the original composition of the army, like the large number of Macedonians. The ethnics, therefore, fitting as they do the historical situation, are most easily understood as truly reflecting the family or individual origin of the people who use them, and, entirely apart from any bureaucratic or status significance which they may have, they show the cities or areas whence Hellenes came to Egypt.

Finally, ethnics seem to run in families. In *P. Hib.* 110 we find that a man named Herakleitos had two sons, Phoinix the younger and Phoinix the elder; both are called Macedonian. In *P. Hib.* 92 there are two men, Mnason and Timokles, both called sons of Simos, and both called Thracians *tes epigones*. The editors thought that they were probably brothers, and that, almost

4. *Yale Class. Stud.* 18, 1963.

5. What I mean by 'real meaning' is ethnic significance, not legal or administrative effect. Oates (*op. cit.*) seems more or less to have accepted Bickerman's thesis (*Archiv* 8, 1927, pp. 216-239) that ethnic designation did not reflect a situation in which the ethics had legal significance (cf. also below, p. 447, note 8). That the administration was, however, somewhat concerned about the use of ethnics is shown by *P. Hamb.* 168, which, setting forth proper denomination in legal process, makes ethnics part of identification in certain cases. The text is discussed briefly by Uebel, *Die Kleruchen Aegyptens unter den ersten sechs Ptolemäern*, Berlin, 1968, pp. 11-13; Uebel now collects all the data for the ethnics of the cleruchs for the early period.

6. The Thracian quality of the name Ἀρομηώτης Θραῖξ in *P. Hib.* 33 lends additional support to the thesis that the ethnics really do indicate origin.

surely right, would present another instance of consistency of ethnic in a family.[7]

It may be belaboring the obvious to restate the proposition that the Greek ethnic – I do not speak here of *Perses tes epigones* – had a basis in reality. Early documents like *P. Hib.* 84a, of the 40th year of Ptolemy I, with Epimenes the Athenian and Timokles the Chalcidian, must predate any degeneration of the meaning of these designations. Indeed, it is likely that the influx of Greeks into Egypt before the destruction of Ptolemaic sea power in the fifties and forties of the third century may have kept the meaning of the ethnics alive for some time after immigration on a large scale ceased.

Now I cannot take up here the question of whether – or when – such ethnics as Thraix, Boiotios, Mysos, and the like, designating areas or cities, became fictional to any extent.[8] That question involves status, which I do not take up here, and also requires a tracing of usage area by area in Egypt, a possibility not provided by the Hibeh evidence. But it is important to emphasize that the evidence from Hibeh, for the third century, is completely consistent with the thesis that people with Greek ethnics were of Greek origin: the sources of the ethnics fit the historical picture, the greatest number of ethnics, Kurenaioi, refer back to a place geographically and politically close to Egypt, and whatever evidence there is of family procedure, the ethnics are used consistently within families.

We may now turn to the evidence of patronymics. This data supports a confidence in the ethnic reality of names, at least for the period with which we are concerned. There are 47 Greek patronymics intact enough to show the characters of the names of both father and son, or, in a few cases the name of the father appears with a name, lost, but designated by a Greek ethnic. In every one of these 47 instances, the names of both father and son are Greek, save in the few cases in which the "Greekness" of the son's name can be deduced from the presence of the Greek ethnic. Thus we have consistency in the carrying forward of Greek names from father to son.[9] Similarly, in the non-Greek names, there also is consistency.[10] There are 46 patronymics which are non-Greek. In every one of these cases of non-Greek patronymics, the name of the son is also not Greek. There is not a single case of a man who gives a Greek name who shows a non-Greek patronymic.

7. Another example of consistency of ethnic in a family may show succession through generations. In *P. Hib.* 37, year 3 of Ptolemy III, there is the name Στράτιος Στράτωνος Θραῖξ τῆς ἐπιγονῆς and in *P. Hamb.* 189, year 7 of Ptolemy IV, there appears one Ἀριστόλοχος Στρατίου Θραῖξ τῆς ἐπιγονῆς. If the Stratios father of Aristolochos is the Stratios of the Hibeh text, we have here an example of the carrying of the ethnic into the next generation.

8. Modrzejewski's view ("La règle de droit dans l'Egypte Ptolémaïque," *ASP* I, 1966, p. 148) that the ethnics do not preserve any connection between "city of origin" and the carrier of the ethnic, and do not place him under any national law, acknowledges the fictional character of some ethnics (see above, p. 446, note 5). But his view that the ethnic assures access to the Greek community is in consonance with the view I take here that the ethnic indicates "Greekness," and is not in conflict with the position that, in the third century, the ethnic was an indicator of origin, without creating any special legal relationships because of the origin.

9. And, possibly, of ethnics as well. See note 7.

10. The only apparent inconsistency comes from the name Ammonios, which, as I have noted above, is a name which must surely have been used by "real" Greeks and non-Greeks alike. The prevalence of the name Ammonios in the Greek world is amply attested, and one must accept it as a name used by Greeks. There is an Ammonios father of Inarous in *P. Hib.* 115.21. This could be an Egyptian Ammonios with an Egyptian-named son, preserving the consistency, although it is also possible that the father Ammonios was a Greek; probabilities cannot be assessed. Ammonios as father to a Greek-named son appears in *P. Hib.* 90.23: Ammonios father of Eukleion, Cyrenaean of the epigone. While it may be tempting to see in this instance the growth of the use of the name Ammonios, a name of Egyptian origin, by Greeks in the neighborhood of Egypt, we have in any case a clear instance of Ammonios as a patronymic of a man with a Greek name and ethnic. Again, we may, without assessing probabilities, guess that father and son were both Greeks. This instance, taken with that of *P. Hib.* 115, illustrates the versatility of usage of this name and the impossibility of demonstrating its real nature in each case.

These correlations alone would seem to be enough to shake our confidence in the view that Egyptians readily changed from native to Greek names, a view which certainly must have been encouraged by the occasional appearance of double names like Σεμφθεὺς ὁ καὶ Ἡρακλεόδωρος in *P. Grad.* 3 and 4.[11] But such double names are rare in the Hibeh texts, and the evidence of the consistency of names would suggest that name change itself was relatively rare also. Indeed, such a combination as Ziochoros, father of Ebruzemis, Semitic names for both father and son, in *P. Hib.* 81, shows not only a failure to change a name, but a preservation of the nature of a name which is ethnically neither Greek nor Egyptian. All in all, we should conclude that for Hibeh at least, the ethnic nature of names was passed on from father to son, that there is little evidence for name change, and that in the area of Hibeh, for the first half of the third century at least, we may confidently take a man's name as an indicator of his ethnic origin.[12]

Indeed, it may well be that we have been wrong in assuming widespread name change in any part of Egypt. I am sure that we are all aware that in Roman times there is in the documents a higher percentage of Egyptian to Greek names than there is in the Ptolemaic period. It will not do to ascribe this solely to a greater knowledge of Greek among the Egyptians, since the phenomenon is apparent even from the mass of tax receipts among the Bodleian ostraka. It seems to me that this vigorous survival of the Egyptian personal names argues strongly against a hypothesis of extensive name change.

To return to the evidence of Hibeh, we may sum up the evidence of ethnics and patronymics. From both these points of examination, the data supports the conclusion that Greek names designate people who are Hellenic ethnically. The ethnics seem to be based in reality, supporting the "Greekness" of the personal names, and the consistency in the nature of name and patronymic, both Greek and non-Greek, lends further support to the significance of the names. These demonstrations entitle us to accept the evidence of the texts, so that we are on firm ground in our initial analysis of the roles of the Greek-named and the non-Greek-named individuals at Hibeh. That analysis showed not only that non-Greeks, once they had learned Greek, participated fully in activity at Hibeh, but the evidence of the large number of Greek names would suggest a heavy concentration of Greeks. That conclusion is borne out by evidence of Greek culture at Hibeh, evidence which provides yet another support for the thesis I am developing.

11. It is worth emphasizing that the name of this man's Egyptian father is here used even when he gives his Greek name also, and, more important, there is a clear indication of the reason for change of name, a phenomenon which, as I have said above, is not so common. Semphtheus-Herakleodorus is being 'apprenticed' to a banker in *P. Grad.* 3 (227/6 B.C.) and that document is a contract of surety for him. The man who goes surety is Herakleodoros son of Herakleodoros, *Perses tes epigones*. It seems most reasonable to believe that Herakleodoros is for one reason or another making himself 'responsible' for Semphtheus-Herakleodorus because he has an interest in him – for any number of reasons which we may imagine – and it is because of this relationship that Semphtheus has taken his new name. For comment on *Perses*, see next note, and for recent discussion of the double names, cf. Martin, *op. cit.* (note 3 above).

12. With regard to *Perses, tes epigones*: if the ethnics had real meaning, *Persai* should mean Persian, but all such in the third century B.C. have Greek names (cf. Oates, *op. cit.*, especially p. 116). Oates, pp. 116 ff., has concluded that although this ethnic in the later Ptolemaic period meant a "hellenizing Egyptian" it was a "Greek ethnic . . . used by Greeks who had claim to no other," as "the least honorific status a person of the ruling class could have." Oates could not solve the question of the genesis of the term, and I will hazard a suggestion which arises from my view of the ethnics as designators for identification, as much as or more than for advantage or status, which seems to be behind Oates' suggestion. If one designates Greeks with ethnics, and Ἕλλην is not an ethnic (Oates, p. 116) what about the many Greeks in Egypt who had been there for generations and had lost all connection with their native cities? It is at least plausible that Πέρσης designated a Greek who had lived in Egypt under Persian rule. So may the ethnic have begun – at the time of Alexander's conquest or in the early years of Ptolemy I – and the original meaning would have become more and more eroded by time as the ethnics of a real Greek sort fell in significance.

Hibeh, as we all know, was not a major center. It looms important today only because the good fortune of Grenfell and Hunt brought major finds from the area. But no one familiar with the geography of the area would be impressed by it. Looking east from the Nile at what was in the third century the Koite Toparchy, one does not see a vast expanse of rich and arable land, like that of the Delta or the Fayoum. There is a slight widening of the arable land on the East Bank of the river, but that arable area is not even as wide as that on the West Bank. There was no metropolis in the area in the Ptolemaic period, and the toparchy was rather an appendage of the Herakleopolite Nome, with close relations also with the Oxyrhynchite.

Not having a metropolis, the Koite Toparchy would not have been an administrative center, nor would it have been a center of culture, if I may use such a term for any of the metropoleis in the countryside of Egypt. Nevertheless, among the papyri from Hibeh there are a surprisingly large number of literary texts, and these texts are, of course, those of the culture of old Greece. The texts represented make an impressive list: Anaximines, *Rhetorica ad Alexandrum*; Astydamas, *Hector*(?); Epicharmos, *Gnomai*; Euripides, *Iphigenia in Tauris, Oeneus*(?), and an unidentified fragment, as well as what is probably a school text of the five line chorus which closes a number of plays; a text of Hippias, *Discourse on Music*(?); Homer, fragments from both *Iliad* and *Odyssey*; Lysias, *In Theozotidem*; Philemon(?); Theophrastus(?); Sophocles, *Tyro*(?); a rhetorical exercise; sayings of Simonides; a poetical onomasticon; a lexicon; Life and Aphorisms of Socrates; a treatise on poetry; a logical exercise; ethnographical and mythological fragments; part of an agricultural manual; astronomical instructions and calendar; as well as a number of unidentified fragments of comedy, epic, tragedy, medical texts, and other poetical and prose fragments. In addition to these, I would guess that some of the third century B.C. literary texts in *P. Hamb.* II came from Hibeh, since Snell suggests that *P. Hamb.* 127, *inter alia*, might have been mummy cartonnage,[13] and many of the third century documents of that collection are prosopographically identifiable with Hibeh.

It is noteworthy that, with all these literary texts, and with the large number of documents found at Hibeh, there is little evidence of legislative texts or administrative regulations. Apart from correspondence in archives, there is very little administrative material of the sort found in much greater quantity, for example, at Tebtunis. There are fragments of royal ordinances on city constitutions (*P. Hib.* 28) or finances (*P. Hib.* 29); a very fragmentary city law of Alexandria (*P. Hib.* 196), some scraps of royal ordinances (*P. Hib.* 197) and perhaps the small fragments published as *P. Hamb.* 168. *P. Hib.* 198, the long and valuable legislative text published in the second volume of the *Hibeh Papyri*, was not excavated and is not cartonnage, but was purchased at Illahun, and so does not belong to the body of relevant evidence. All in all, legislative material makes up fewer than a half-dozen items.

This paucity of legislative material both supports my representation of Hibeh as an out of the way place, and makes the evidence of literary texts more significant. All this literary material provides a strong showing for the Greek element of culture at Hibeh, and thus helps to confirm what we have found from the prosopographical evidence: there was a sizable immigration of Greeks to even so minor a place as Hibeh, yet another indication that we are right to take as Greek those people with Greek names. These are the people responsible for lodging Greek letters in the small town on the East bank of the Nile.

13. In the introduction to *P. Hamb.* 127, Snell makes this suggestion, and that comment is valid for *P. Hamb.* 128, 140, 153, as well.

Having found that we may accept the "Greekness" of the Greek-named people at Hibeh, and that large numbers of Greeks came into the area in the first half of the third century, we saw that although these Greeks played a dominant role in the administrative and economic life of the community, natives were not excluded from playing a similar role. Rather, the activity level of non-Greeks was about as high as that of Greeks, showing that once the non-Greeks had learned Greek and were prepared to operate in that language, they suffered no impediment from their ethnic origin, or indeed, from the ethnic nature of their names. Turning from investigation of all transactions in general to the sphere of official activity, we can see how this situation affected the bureaucracy.

If we compare the numbers of officials among the Greek-named people with the numbers of non-Greeks, we find a surprising number of non-Greeks of official rank, even this early during the Greek occupation of Egypt. 56 of the individual Greeks have official titles:

archiphylakitai	2	nomarches	1
archisomatophylax	1	phylakitai	8
chrematogogos	1	postal messengers	6
dokimastai	2	praktor	1
epistatai	4	oikonomoi	6
grammateis	4	sitologoi	2
hyperetes	1	strategoi	2
komogrammateus	1	toparches	1
logeutai	5	trapezitai	7
naukleros	1		

Expressed in terms of percentages of actual individuals, it appears that the people with official titles make up about 17.4 percent of the minimum (321) individuals with Greek names, and 9.5 percent of the maximum (580) individuals with Greek names.

The figures for the non-Greeks with official titles make remarkably similar ratios. There are 21 such with official titles:

basilikoi grammateis	2	nomarchai	2
dokimastai	2	oikonomos	1
grammateus	1	phylakitai	3
hegemon of machimoi	1	pros tois thesaurois	1
komarchai	2	toparches	1
logeutes	1	topogrammateus	1
machimos	1	trapezites	1
naukleros	1		

These individuals are 13.5 percent of the minimum (155) number of non-Greeks, and 9.0 percent of the maximum (233) number of non-Greek individuals.[14] These ratios are remarkably close to the percentages of the Greeks, and they suggest that, once Egyptians learned Greek and were operating in a Greek context, they had more or less equal opportunity, at least at the local level, to join the ranks of officials.

14. The calculation assumes that the *Ammonios oikonomos* of *P. Hamb.* 169 *et al.* is not Greek. He could easily be so, raising the number of Greeks to 57 and dropping the non-Greeks to 20. This would alter the percentages as follows: Greek-named persons with official titles — 17.8 per cent (minimum individuals), 9.8 per cent (maximum individuals); non-Greek-named persons with official titles — 12.9 per cent (minimum individuals), 8.6 per cent (maximum individuals).

Indeed, not only does the opportunity to join seem to have been equal, but the opportunity to rise seems to have been there as well. I see no differentiation in the types of jobs held. Non-Greeks became nomarchs, basilikoi grammateis, and filled a variety of important offices. The ranks of the local bureaucracy seem to have been filled indifferently by Greeks or non-Greeks.

The only difference between Greeks and non-Greeks shows up in a comparison between official activities as a ratio of all transactions, and that difference is easily understandable in terms of the situation in which many of the non-Greeks who figure as entries must have been, as in tax payments, non-Greek speakers, so that they do not really represent a realistic number of individuals who *could* have been engaged in official activities. A discussion of the figures will make this clearer. Taking first the Greek side, we find that the 56 people designated as officials by title engaged in 98 transactions which may reasonably be designated as official. Besides these, there are another 156 transactions in which officials are not cited, but which neverthless seem to have been official, so that altogether, Greeks engaged in 254 official transactions. Now, examining the individuals involved in these transactions, determining minimum and maximum numbers thereof, and expressing the relationship of official transactions to total entries, minimum individuals in official transactions to total number of minimum Greek individuals, and maximum individuals in official transactions to the total number of maximum individuals, the whole set of statistics may be presented:

713 entries total	254 official	percentage 36
321 minimum individuals	88 official	percentage 24
580 maximum individuals	149 official	percentage 26

The same kind of study may be made for the non-Greeks, taking the 42 official activities in which the 21 titled officials engage and adding other official activities in which non-Greeks engage, to establish minimum and maximum numbers of non-Greeks involved in official activities:

281 entries total	52 official	percentage 19
155 minimum individuals	20 official	percentage 13
233 maximum individuals	36 official	percentage 15

The picture obtained by these analyses is a consistent one: the percentage of involvement by non-Greeks in official activities is significantly smaller than that by Greeks.[15] This is easily explained by assuming that a far larger proportion of entries for non-Greeks involves transactions by people who might not know Greek (i.e., payments of taxes) than entries of that type for Greeks, so as to make the total non-Greek entries greater than the real potential of activity, while the figure for the Greek entries is a true potential. An example of just this sort of disparity is attested by the figure of 69 tax entries for non-Greeks against only 47 for Greeks. In other words, all the Greeks would have known Greek, and the figures of percentages for official activities realistically show how many minimum/maximum individuals participated in such transactions. On the other hand, not all the non-Greeks who appear in the texts would have known

15. Since this statistic too is based upon the assignment of Ammonios the oikonomos to the non-Greek side of the calculation, the figure for the Greeks would rise, and that for the non-Greeks would drop, if he should be transferred to the Greek side, and the differences between Greeks and non-Greeks would be even more striking.

Greek, so that the general minimum/maximums are inflated in terms of those who could have been involved, thus reducing the final percentage.

This makes even more striking the fact that roughly the same percentage of non-Greeks as Greeks had official titles. If my reasoning above is correct, that would mean that the percentage of Greek-speaking non-Greeks with official titles would be higher (in some indeterminate amount) than for the Greeks themselves. This has a great deal of significance for the whole process of recruitment into the bureaucracy.

A summary of the results of the various analyses will clarify the picture. We have seen that:

1) Greeks are better attested in the Hibeh documents than non-Greeks;
2) the general activity ratios are the same for non-Greeks as for Greeks;
3) the ethnic nature of a name is a satisfactory indication of the individual concerned, since
   a) Greek ethnics have a basis in reality,
   b) there is complete ethnic consistency in patronymics, and,
   c) strong evidence of Greek culture supports the prosopographical evidence of large numbers of Greeks at Hibeh;
4) although a smaller percentage of non-Greeks seem to have been involved in official activities, the absolute percentage of non-Greeks with official titles is the same as that for Greeks;
5) so that the percentage of Greek speaking non-Greeks with official positions was probably higher than the percentage of Greeks themselves.

What does all this mean? In the first place, it seems clear that it was not difficult for a non-Greek to enter the bureaucracy, and that there was neither necessity, pressure, nor even a tendency for non-Greeks to change their names to Greek. This suggests that Rostovtzeff was right in stating that we should not be induced to examine the evidence to find evidence for the racial policy of the Ptolemies.[16] There does not seem to be any indication of a policy here, unless one calls complete indifference to ethnic origin a policy. The evidence shows an openness of the bureaucracy to non-Greeks, and we seem to have a situation in which the only requirement for full participation in the life of the country is knowledge of the dominant language.[17] Finally I

16. For Rostovtzeff's judgement that this question deals with issues "almost wholly imaginary" cf. *Soc. Econ. Hist. Hell. World* III, p. 1396.

17. Indeed, all the conclusions here derive from that group in the population, whether Greek or non-Greek originally, which knew the Greek language. The accessibility of the bureaucracy is relevant only to that part of the population which did know Greek, and it is very difficult to assess the extent of that knowledge.

The question of bilingualism in Egypt has been much mooted. It has long been Peremans' view that bilingualism was greater in the lower classes ("Over Tweetaligheid in Ptolemaeisch Egypte," *Antiquité Classique* 4, 1935, pp. 403-407; *Vreemdelingen en Egyptenaren*, 1937, p. 182) and he has recently emphasized that bilingualism was not so common: "der Hang zu Isolierung stärker als der zur Annäherung gewesen ist," ("Ueber die Zweisprachigkeit im Ptolemäischen Aegypten," *Festschrift Oertel*, 1964, p. 60). The reasons for Egyptians learning Greek are obvious; motives for the reverse must have been varied – cultural, as pointed out by Rémondon, "Problèmes du Bilinguisme dans l'Egypte Lagide," *Chron. d'Egypte* 39, 1964, pp. 126-146 – and the phenomenon has been taken to illustrate "tendances cosmopolites," e.g., C. Préaux, "Lettres privées grecques d'Egypte relatives a l'éducation," *Rev. Belge* 8, 1929, pp. 757-800. In the earlier period, the evidence points in the direction of non-Greeks learning Greek, and Peremans' view of the matter as a class one is generally supported by, *inter al.*, Rostovtzeff, *Soc. Econ. Hist. Hell. World* II, p. 883, and the opinion of modern scholars has been in recent years shifting towards seeing the two cultures and languages as co-existing, rather than coalescing (as Peremans, 1964, *loc. cit.*; more generally, C. Préaux, "Réflexions sur l'entité hellénistique," *Chron. d'Egypte* 40, 1965, pp. 129-139, and her series of articles "De la Grèce classique à l'Egypte hellénistique": similarly, for law, J. Modrzejewski, "La règle de droit," *ASP* I, 1966, pp. 125-173). But in this development of the understanding of the tenacity of the two cultures, we should not lose sight of the fact that people could and did function in terms of both cultures. That language was the only necessary key, as suggested by this study, is particularly understandable in terms of a situation in which there was no policy aimed at the destruction of the native culture, and such an approach to the cultural situation could easily lead to a period of co-existence of two cultures.

have one other comment about these statistics, which should be taken in light of other evidence about early Ptolemaic Egypt.

The statistics about percentages of official titles in the two categories should not be taken to present any absolute relationships with regard to the whole, but rather, relative relationships between the two groups, one to the other. That is, the evidence is, after all, only a sampling, and I do not think it can be taken to show that, in absolute terms, a certain percentage of individuals had official titles. Rather, the similarities in percentages between the two groups shows only that, whatever the absolute percentage was, it was the same, in all probability, in both groups. But being the same, it shows how quickly the native Egyptians and other non-Greek residents of the country were able to adapt themselves to the new regime, learn its language, and join the ranks of its officials.

The evidence also shows how willing the new rulers were to use native talent in administration.[18] Of course, it is not hard to find reasons for the readiness of the Ptolemaic bureaucracy to take on non-Greek members. I have shown elsewhere that there was, in the third century B.C., a shortage of personnel, which necessitated *ad hoc* arrangements in the running of the country.[19] Although an elaborately structured bureaucracy had been planned, there seem not to have been enough competent people to run it or to fill the posts which had been planned. Under these circumstances, it is small wonder that the ruling power was willing to use the services of any able person. Natives knew the country and the non-Greek residents of Egypt could be put to good service, and they were readily accepted into the ranks of government officials once they learned Greek. We have seen that they could rise at least as high as the rank of nomarch, and that non-Greeks could even take over such quasi-military positions as hegemon.

The evidence of Hibeh shows the state of Egypt in the earliest hellenizing period. Even in an area not subject to radical expansion like that which was taking place in the Fayoum, large numbers of Greeks swarmed in and settled, bringing with them the culture of old Greece. But despite these numbers, there was more than enough room in the ranks of the bureaucracy for the long-time residents of the area, and natives were rapidly assimilated, in terms of official positions, into the governing body. The hellenization of the country proceeded apace. But that hellenization was not promoted by any conscious policy of denigrating or suppressing the native culture, language, or peoples, but almost by a reverse tendency. All that was needed for participation in the new regime was knowledge of its language. There seems to have been no tendency to exclude natives, nor any significant tendency toward change of name which would indicate anti-native ethnic policy. It is probably just because language was the key to success, and because ethnic origin made little or no obstacle to advancement, that natives learned Greek and participated in the bureaucracy with such alacrity, and this tendency must have been a major factor in the rapid hellenization of the country.

18. It is worth quoting Bickerman (*Archiv* 8, 1927, p. 228) here: "Der 'Hellene' als solcher besass nämlich im ptolemäischen Aegypten ***keine*** rechtliche ***Priviligien***, die soziale Hierarchie wurde vielmehr ausschliesslich durch den Königsdienst oder durch die Königsgnade bestimmt."

19. "The Internal Organization of the Nomarch's Bureau," *ASP* I, 1966, pp. 213-229, and especially pp. 228-9.

PREFECT AND IDIOS LOGOS

Paul R. Swarney

Although studies of the idios logos have examined the administrative aspects of the department and its interrelation with the other departments within the bureaucracy of Roman Egypt,[1] the primary interest of papyrologists since the publication of *BGU* V (*The Gnomon of the Idios Logos*) has of course been drawn to the *Gnomon* and the various and enormous juridical problems presented by that famous and oft-mentioned document.[2] My own dissertation, *The Ptolemaic and Roman Idios Logos,* which will appear in the *American Studies in Papyrology* series, has, on the other hand, focused exclusively on the functions and development of the department *per se*. The structure of my study, however, left little room for extensive speculation on the relationship of prefect to idios logos. What I hope to accomplish in this paper is simply to add a lengthy footnote to my study of the idios logos. My plan is to review first those areas wherein both the idios logos and prefect appear to have administrative or judicial competence and second those documents which mention both idios logos and prefect. It is my intention to ask this evidence two questions:

1. Did the idios logos ever act explicitly as a delegate of the prefect?
2. In what sense did the prefect control the idios logos?

I shall confine my discussion to the first century A.D. for the reason that in the second century the expanding competence of the idios logos into areas which had been within the prefect's administration during the first century, particularly matters concerning civil status and inheritance, presents problems too complex to be unravelled in a few pages.

One area of common interest to prefect and idios logos was *γῆ ἐν ὑπολόγῳ*. We know from *P. Amh.* 68 that the prefect L. Julius Vestinus in 60 A.D. set a price of 20 drachmas per aroura for *γῆ* sold *ἀπὸ ὑπολόγου*. From a London papyrus dated to the reign of Domitian[3] we learn further that *γῆ* sold *ἀπὸ ὑπολόγου* was *γῆ δημοσία* which had become dry and unproductive and was to be sold *ἐκ τοῦ δημοσίου*. But in 13 A.D. an offer to purchase land *ἀπὸ ὑπολόγου* was addressed to C. Seppius Rufus who was head of the idios logos (*P. Oxy.* 721). These three texts seem to imply that either the idios logos was commissioned by the prefect in 13 to sell land *ἀπὸ ὑπολόγου* or that the idios logos on behalf of the prefect, who of course controlled *γῆ δημοσία*, was administrator for *γῆ δημοσία* to be sold *ἀπὸ ὑπολόγου*.

1. Gerhard Plaumann, *Der Idios Logos, Untersuchung zur Finanzverwaltung Aegyptens in hellenistischer und römischer Zeit* in *Abhandlungen der preussischen Akademie der Wissenschaften*, Jahrgang, 1918, Phil.-hist. Kl., Nr. 17, 1919; Plaumann's article "Idios Logos," *RE* IX, 1916, Cols. 882-903; Paul M. Meyer, "Διοίκησις und Ἴδιος Λογος," *Festschrift zu Otto Herschfelds sechzigstem Geburtstage*, 1903, pp. 131-163.
2. Cf. the bibliography compiled by Salvatore Riccobono, Jr. for his *Il Gnomon dell' Idios Logos*, pp. ix-xix (to 1950).
3. Roberts and Skeat, "A sale of ΥΠΟΛΟΓΟΣ at Tebtunis in the reign of Domitian," *Aegyptus* 13, 1933, pp. 455-471.

The idios logos, however, was already sales agency and administrator for unproductive *ἀδέσποτα* in its own right by 11 A.D., as is amply demonstrated in the lengthy and complex Nestnephis Process[4] and in two papyri from Oxyrhynchos, *P. Oxy.* 1188 and 2277. Property falling to the administration of the idios logos to be sold *ἐκ τοῦ ἰδίου λόγου* was described in a *gnomon* referred to in each of the Oxyrhynchos bids to purchase *ἀδέσποτα*. A reasonable alternative, therefore, to the implication suggested above is that the prefect remained as responsible authority for *γῆ δημοσία ἐν ὑπολόγῳ* but that once he released this land for sale *ἐκ τοῦ δημοσίου* the idios logos became responsible for the actual sale. The department's function was not, I am inclined to believe, in this case assigned by delegation from the prefect but was performed by virtue of its role as administrator and sales agency for unproductive *ἀδέσποτα*.

A similar "intrusion" on the part of the idios logos into the province of the prefect is indicated by the department's involvement in certain aspects of the ecclesiastical administration. I cannot here enter upon a discussion of the role played by the idios logos in temple affairs – a role which became quite prominent in the second century. In my study I have rejected Plaumann's suggestion that the head of the idios logos may have functioned as high priest during the first century[5] and I have tentatively rejected all hypotheses that the two offices were ever united in the second. In general I agree with Reinmuth[6] that the prefect controlled priestly and temple life in terms of both cult and financial administration. The idios logos' concern for ecclesiastical matters in the first century is revealed in *P. Vindob. Boswinkel* 1. This document, dated 89 A.D. is the summary of a case involving a *propheteia* and *lesoneia*. Several priests from Nilopolis, who composed the summary, sent a delegation to Claudius Geminus who we know was *ὁ πρὸς τῷ ἰδίῳ λόγῳ* from the inscription placed on the garden tomb of Pompeia Mousa.[7] The question to be decided in 89 was how much was to be paid *ὑπὲρ εἰσκριτικοῦ* by the priests before the new prophetes-lesones assumed office. The priests in their brief included a ruling given by Tullius Sabinus on July 25, 45 A.D. which was evidently favorable to the priests. From the fragmentary remains of this part of the text a brief history of the dispute over the *propheteia-lesoneia* can be reconstructed. A group of priests had purchased the two offices for three talents prior to 45 A.D. on condition that the offices be transmissible for a payment *εἰς τὸν δημόσιον ὑπὲρ εἰσκριτικοῦ* of 77 drachmas. A prior condition to the transmission of the offices was *εἰς τὸν* – and here the text breaks off, except for an *iota* and an *omicron mu* several spaces on. Boswinkel filled the lacuna as follows: *ἰ[διον λόγον εἰσκρι]ομ[ένον*. That is, transmission of the offices required prior registration in the idios logos. The reason for the difficulties in 45 and 89 was that nome officials apparently insisted that a much higher payment *ὑπὲρ εἰσκριτικοῦ* was due.

Another aspect of temple life of concern to the department is provided by the identification of Tullius Sabinus as *ὁ πρὸς τῷ ἰδίῳ λόγῳ*. *P. Teb.* 298 listed in the temple records of Soknebtunis a certain Pakebkis aged 74 who was among those in the 5th year (no emperor is given) *ἐπικεκριμενον ἐπὶ Λουκίου Τουλλίου* and here the editors read *κ.β...ου*. The date of the papyrus is 107/108 and since the priestly *epikrisis* was around the fourteenth year, we return to Tullius Sabinus whose cognomen should be read in the fragmentary portion of the Tebtunis papyrus. A second Pakebkis, aged 75, was similarly *ἐρικριμένος* in the same 5th year *ἐπὶ Σερουιάνου Σεουάρου* who must have been *ὁ πρὸς τῷ ἰδίῳ λόγῳ* before Sabinus since the elder of the two priests

4. Plaumann listed the documents in his monograph, pp. 44ff.
5. Plaumann, pp. 31ff.; and Walter Otto, *Archiv* 5, pp. 181-182.
6. O.W. Reinmuth, *The Prefect of Egypt from Augustus to Diocletian*, Klio Beiheft xxxiv, pp. 22-32.
7. *JRS* 48, 1958, pp. 117ff.; *SEG*, XVIII, 646; *SB* 9801 and 10044.

underwent *epikrisis* before him. The priestly *epikrisis* was both a religious and financial matter involving a payment of 52 drachmas.

From these two texts I conclude:

1. The idios logos supervised the transmission of hereditary temple offices and the payments *ὑπὲρ εἰσγριτικοῦ* for these same offices; it, furthermore, settled any disputes that arose over the transmission.

2. The idios logos was responsible at least for the financial aspects of the priestly *epikrisis* and probably for the actual examination.

3. Quite probably the department sold saleable temple offices.

4. The idios logos did not in these matters act under the supervision or by order of the prefect, who, however, was responsible for temple offices before and after they were properly filled and for priests after *epikrisis*.

In these specific areas of the land and ecclesiastical administration it is possible that the prefect and idios logos divided but did not necessarily share or exchange responsibility. In no instance in any of these cases of apparent concurrence of administrative competence is there direct evidence that the idios logos was acting for or by order of the prefect.

The first of the documents explicitly linking prefect and idios logos further illustrates the department's involvement with ecclesiastical life. *SB* 9016[8] narrates a dispute between the boule at Ptolemais and the priests of the temple of Soter at Coptos over the question which of the two had the right to designate the neokoros at the temple. Between 48 and 160 the question had arisen four times and had been decided by at least three different authorities. On March 27, 48 A.D. the prefect, Cn. Vergilius Capito, heard the case and ruled in favor of the boule. On January 27 in 69 A.D. and again in 88 evidently at the conventus in Memphis, Lysimachos *ὁ πρὸς τῷ ἰδίῳ λόγῳ*[9] ruled in favor of the boule, in each instance probably after the office had been vacated by the neokoros appointed subsequent to the previous decision. Finally in April 160 the antarchiereus Ulpius Serenianus resolved the question again, citing the three previous opinions as ample evidence in favor of the boule. At first glance the change of authority is quite simply explainable: the prefect heard the case in 48, but in 69 and 88 he delegated the matter to the office of idios logos; in 160 it was delegated to the office of high priest, which is readily understandable if one accepts the long standing theory that the offices of idios logos and high priest were one.

The issue in each case was not, however, quite the same and another explanation for the alteration of authority is possible. In 48 when the prefect ruled in favor of the boule the issue was not merely one concerning the transmission of a temple office; it also involved the rights of the boule at Ptolemais. The idios logos never in its long history entered into such questions. The rights of a boule were determined by prefect or emperor. By 69, when the rights of the boule were clearly established in this matter, the dispute can be seen from a financial point of view; that is, which of the proposed candidates was to pay the fees necessary for assuming the position and succeeding the last neokoros. The same would have been true in 88. Such questions had been within the competence of the department at least since 45 when Tullius Sabinus ruled in favor of the priests at Nilopolis. In 160 the antarchiereus decided that the old decisions were still binding and ruled in the case neither for prefect nor for idios logos, but as a routine matter within the

8. P. Fouad Inv. 211, published by Sherer with extensive commentary, *BIFAO* 41, pp. 59-60.

9. Lysimachos did not remain department head for 20 years, if indeed this is the same Lysimachos and he was in 88 head of the idios logos. *P. Ryl.* 598 offers the name of Mummius Gal[lus] for 73.

ecclesiastical administration. In sum, the prefect ruled on the rights of the boule in 48; in 69 and 88 the candidate who was to pay the appropriate installation fees was determined by the idios logos; and in 160 the antarchiereus found a neokoros to fill the vacated *neokoria*. In other words, the idios logos was acting for the prefect in 69 and 88 no more than the antarchiereus was acting for the idios logos in 160.

Norbanus Ptolemaius *ὁ πρὸς τῷ ἰδίῳ λόγῳ* was present *in consilio* with the prefect and other officials for at least two hearings held *pro tribunali* on September 4, 63 A.D., the minutes of which are recorded in *P. Fouad* 21 and P. Yale Inv. 1528.[10] The prefect, Caecina Tuscus, delivered the *sententia* in the latter document as he presumably had done in the lost portions of the former. Whether or not the head of the idios logos was present *ex officio* or any conclusion we might make from this occasion about the relation of idios logos to prefect is, however, contingent on the fact that Norbanus Ptolemaius while head of the idios logos was also juridicus. This is the only instance where the idios logos was quite definitely joined to another department in the Roman bureaucracy.

The pronouncements of the prefect Cn. Vergilius Capito on the idios logos in the final portion of his edict of December 7, 48 A.D.[11] are so fragmented as to allow no interpretation other than the conclusions which may be drawn from the edict of T. Julius Alexander.[12] Immediately after Alexander had stated his policy concerning cases of double jeopardy at the conventus, he continued in line 38, "The same holds true for matters brought before the idios logos." I assume that he meant at the conventus. He went on to issue pronouncements on procedure in cases in the idios logos. Anyone who in the future prosecuted on a matter that had been dismissed or decided would be unmercifully punished. If anyone prosecuted three times without obtaining a favorable verdict, one half of his property would be confiscated.

It is here quite obvious – Alexander used *κελεύω* – that the prefect could restrict or modify the procedure to be followed by those prosecuting in the idios logos and could designate penalties to be leveled against those who misused this opportunity to bring cases to the department. It is probable, in my opinion, that anyone who disregarded the prefect's orders would be prosecuted, not in the idios logos but before the prefect, on a charge arising from the violation of an edict.

The most important statement in the edict so far as this paper is concerned follows these pronouncements in lines 44/45. The Oliver-White transcription[13] translates approximately as follows: "And in general I shall order (*κ]ελεύσομαι*) that the *gnomon* of the idios logos remain (*κεισθ]αι*) when I have set straight the innovations contrary to the benefactions of the emperors." I will here suggest, as Professor Welles suggested to me, that for [*κείσθ]αι* we read [*φανῆν]αι*, "that the *gnomon* be made public." I would also like to draw attention to *κ]ελεύσομαι*. Alexander up to this point in the edict used *κελεύω* or, when discussing weightier matters that would be referred to Rome, *κελεύσω*. The question I have is: why the future? I suppose because he had not yet corrected the alterations in the *gnomon*. But then why future middle? *κελεύω* in the middle is usually found only in compounds and perhaps we ought to accept von Bissing's reading

10. C.B. Welles, *JRS* 18, 1938, pp. 41-49.

11. H.G. Evelyn White and J.H. Oliver, *The Temple of Hibis in El Kargeh Oasis, Part II: Greek Inscriptions*, *Publications of the Metropolitan Museum of Art Egyptian Expedition* Vol. XIV, 1938, number 3. P. Jouget's readings, *Atti de IV Congresso internazionale di Papirologia,* pp. 4-22 (*SEG*, VIII, 794) are considerably altered by Oliver-White.

12. Oliver-White, *op. cit.*, number 4.

13. Gergard Chalon, *L'edict de Tiberius Julius Alexander*, 1964, does not differ from the Oliver-White transcription of these lines.

[ἐπι|κ]ελεύσομαι, that is, "I shall recommend that the *gnomon* be published when I have corrected the innovations." There is a break in the stone at the end of 44 and at least one space available at the beginning of 45. There is no hint or clue as to the source of the innovations contrary to the benefactions of the emperors.[14]

From the edict I conclude:

1. The prefect could in his edicts make pronouncements concerning procedure to be followed by prosecutors before the head of the idios logos at the conventus and presumably in cases heard from day to day in the department.

2. The prefect could correct innovations in the *gnomon* contrary to the benefactions of the emperors and subsequently either order or recommend that the corrected *gnomon* be published.

3. The prefect in this edict is not demonstrably capable of altering the *gnomon* or the administrative and judicial competence of the idios logos.

I might note that the prooemium of *BGU* 1210, the *Gnomon of the Idios Logos*, is of no relevance to this conclusion since the additions to the *gnomon* on the part of the prefect referred to there were, in my opinion, no more than decisions of prefects which affected rulings from the idios logos in the same sense that the decision of Capito in 48 when he ruled on the rights of the boule at Ptolemais had to be considered by Lysimachos in 69 and 88. The entries in *BGU* 1210 attributable to prefects were precedents that had to be considered by the head of the idios logos or any nome official hearing cases for the idios logos, especially since the department in the second century had acquired competence in many areas that were in the first under the control of the prefect.

A more dramatic and most perplexing juxtaposition of prefect and idios logos I mention with great reluctance. It is described in the inscription that was placed on the garden tomb of Pompeia Mousa.[15] The text reveals that a certain Rufus, a καρπιστής by profession, met the prefect M. Mettius Rufus who was passing through, διερχομένου. Rufus gave the prefect an *anaphorion*. He, taking the *anaphorion*, gave it to Claudius Geminus ὄντι ἰδίωι [λόγωι] πρὸς ἐξέτασιν. The relationship between prefect and idios logos seems simple and straight forward. Mettius Rufus was too busy to consider the case outlined in the *anaphorion* and turned it over to the head of the idios logos, or the idios logos as the inscriber called him, for investigation. Or perhaps the department is merely performing a function vaguely hinted at in Strabo's loose description of the office under Augustus, "an investigator of *adespota* and of those things whic ought to fall to Caesar."[16] But from what I was able to discover about the functions of the idios logos in the first century I concluded in my study that the idios logos never investigated anything which did not fall within its own administrative competence. Strabo would have been more to the point if he had said, "an investigator of those things which ought to fall to the idios logos." In addition to this absence of a first century precedent for Geminus' apparent role in this instance there is some difficulty in the way the case seems to have been terminated. If Geminus were commissioned by the prefect merely to undertake an investigation on the prefect's behalf why should his word be final in the case? For the findings of Geminus did not appear to have

14. If the innovations were from the prefect (and were valid) the prefect would have obviously had control over the *gnomon* and perhaps over most of the department's functions. The source and nature of these innovations (perhaps alterations of the definition of ἀδέσποτα) are unclear. They may have been from Rome or from within the department.

15. Cf. above, note 7.

16. Strabo xvii.1.12.

needed any further approval from the prefect. Furthermore, if the case had been delegated by the prefect to the head of the idios logos, should there not have been mention of a *subscriptio*? Of course *πρὸς ἐξέτασιν* may have been part of a *ὑπογραφή*. Without going into the elaborate interpretation of the inscription that I devised in order to fit the matter into the competence of the idios logos as I understood it, I would like to suggest the distinct possibility that Mettius Rufus turned the matter over to Claudius Geminus because the case fell directly within the competence of the idios logos and the prefect could not handle the matter even if he had the time and the patience.

Let me now return to the two questions which I want to ask of this material. First, however, I should like to make it clear that I can accept as an answer to both questions that the prefect controlled the administration of the idios logos throughout the first century and continually delegated cases to the head of the department. This would in no way upset my analysis of the department's first century responsibilities.

To the first question we could answer no, the head of the idios logos with the possible exception of Claudius Geminus never in the first century acted explicitly as a delegate of the prefect. The evidence indicates as an answer to the second that the prefect controlled the idios logos only so far as the prefect might recommend or order that the *gnomon* be published after he had corrected innovations contrary to the benefactions of the emperors and only so far as the prefect might regulate the procedure to be followed by those prosecuting in the idios logos. Beyond this the prefect could not interfere with the idios logos, either by adding to the department's administrative province or by overruling or altering decisions made in the department on matters within the department's administration.

By way of summary, the prefect of Egypt throughout the first century and definitely during the Julio-Claudian period, was in general responsible for the administration of government property and ecclesiastical affairs with these possible exceptions:

1. *ἀδέσποτα*, which by definition in a *gnomon* were appropriable to the idios logos;
2. the sale of *γῆ ἀπὸ ὑπολόγου*;
3. the priestly *ἐπίκρισις*;
4. the supervision of payments *ὑπὲρ εἰσκριτικοῦ* and the transmission of hereditary temple offices; and perhaps
5. the sale of temple offices.

Authority in these four or five areas resided in the idios logos, which was responsible not to the prefect but to Rome. A full understanding of the precise relationship of the department to the bureaucracy of Roman Egypt must await further study of other departments, particularly a re-examination of certain aspects of the ecclesiastical administration.

THE DATE OF THE PREFECTURE OF BAIENUS BLASTIANUS

Anna Świderek

The Institute of Papyrology of the University of Warsaw has been lent a considerable number (ca. 70) of unpublished papyri by the Staatliche Museen in Berlin, represented by Doctor Wolfgang Müller, to whom we wish to express herewith our profound gratitude. These texts, all documents from the first four centuries A.D., will be published in due time as a *BGU* volume.

One of the new Berlin papyri, Inv. no. 16036, is a part of a roll containing some taxation registers on the recto; six columns of text are found on the verso: only traces are left of the first column, the third to the sixth contain excerpts from a taxation register of a toparchy analogous to *BGU* 1894[1], the second column presents a copy of an ἐπιστολή of the prefect Baienus Blastianus and a petition concerning some land near Theadelphia.

The letter of the prefect is addressed to Phocion, strategus of the merides of Themistes and Polemon of the Arsinoite nome. The prefect enjoins the strategus to determine if all the persons declared as ἀνακεχωρηκότες are really absent from their legal domicile and to take care in the future not to charge the remaining population with the taxes of people who have not fled.[2]

I intend to reserve the discussion of the problems raised by this text, interesting because they reveal a new aspect of the anachoresis, for the future edition of the text itself. Here I propose instead to deal with the person of the prefect Baienus Blastianus, and – strictly speaking – with the date of his prefecture.

In the Berlin papyrus only the cognomen of the prefect is preserved in full, its form being here Blostianus, and the ending – νος is all that is left from the nomen. There can be however no doubt that he is the prefect known from *P. Oxy.* 2413 as Baienus Blastianus and from the inscriptions as Q. Baienus Blassianus.[3]

The Berlin letter of Blastianus, dated 26 Mecheir of the 8th year of an unspecified emperor, is addressed to Phocion, strategus of the Themistes and Polemon merides, who is known to have exercised this function in the 8th year of Marcus Aurelius.[4] In this manner the exact date of the

1. Cf. P. Berol. Inv. 16036 verso III.1: εκ τοπαρ^{χ} ια∟ *BGU* 1894.1: τοπαρχικος λημματων κ∟ Αντωνινου, the editors' addition τοπαρχικὸς ⟨λόγος⟩ λημμάτων proven unnecessary by the new Berlin papyrus.

2. Lines 9-12: προσήκει δὲ καὶ σὲ μὴ μόνον ταῖς τῶν πρακτόρων καὶ τῶν ἄλλων πραγματικῶν προσφωνήσεσει προσέχειν, ἀλλὰ ἐπιμελῶς ἐξετάξε[ιν] τίνες εἰσὶ οἱ τῷ ὄντι ἀνακεχωρηκότες κτλ. lines 16-17; μηδὲ ὕστερον τοὺς ἐπιχωρίους κατ[αβα]ρεῖσθαι εἰσφοραῖς τῶν οὐκ ἀνακεχωρηκότων. A very badly preserved fragment of another copy of the same letter was published in 1962 as *P. Strassb.* 239.

3. Cf. O.W. Reinmuth, "A Working List of the Prefects of Egypt: 30 B.C. – 299 A.D.," *The Bulletin of the American Society of Papyrologists* 4, 1967, pp. 94-95; H.G. Pflaum, *Les carrières procuratoriennes équestres sous le Haut-Empire romain*, I, Paris, 1960, pp. 304-314.

4. Cf. H. Henne, *Liste des stratèges des nomes égyptiens*, pp. 27, 50-65; G. Mussies, "Supplément à la liste des stratèges des nomes égyptiens de H. Henne," n.132. See also N. Lewis in the commentary to *P. Leit.* 5.31.

Blastianus letter is obtained: 21 February 168.

For the years 164-169 two prefects are so far attested; the latest date for T. Flavius Titianus (II[5]) being 24 June 167, and M. Bassaeus Rufus appearing in Egypt after 10 March 168 (on which date he is still praefectus vigilum) and before the end of the 8th regnal year, i.e. before 29 August 168.[6] Thus Baienus Blastianus could very well be in office in February 168.

But Professor O.W. Reinmuth in his new list of prefects of Egypt places Q. Baienus Blassianus (*vel* Blastianus) in the year 133, between T. Flavius Titianus (I; latest date 27 March 133) and M. Petronius Mamertinus (earliest date 8 August 133[7]).

The inscriptions mentioning Blassianus provide no date, Professor H.G. Pflaum in his work *Les carrieres procuratoriennes equestres sous le Haut-Empire romain* puts the career of Blassianus approximately in the years 130-160, but he notes in the same time that M.E. Birley places most of his posts rather during the reign of Marcus Aurelius.[8] The sequence Flavius Titianus, Baienus Blassianus, Petronius Mamertinus, was established therefore by Professor Reinmuth solely on the basis of *P. Oxy.* 2413.

P. Oxy. 2413 verso records a judicial proceeding dated 184 A.D. The recto is an account of tax arrears containing entries in reverse order. Of the first column nearly nothing is left; the second begins with the 2nd year of an unspecified emperor, evidently Antoninus Pius, because after the mention of his first year (Col. II.12) the third column opens with the 21st year of Hadrian (Col. III.22). The editor, Professor John Barns, informs us that "the remains of checking strokes to the right of the top of Col. III show that a fourth column followed it; since none are visible lower down, Column IV was evidently short and ended the document." The text is supposed to be written "after 140," since the 7th year occurring in lines 7, 8, 26, and 31 was assumed to be the 7th year of Antoninus Pius.

Three names of prefects of Egypt are mentioned in the document: the well known prefect of the years 133-137, M. Petronius Mamertinus,[9] is named only once at the beginning of Column III (line 21), in the heading of the entries which cover the years 21-18 of Hadrian. The name of Flavius Titianus appears five times in the document: four times (lines 3, 13, 24, 30) he is mentioned as a former prefect, the last time (line 36) as the prefect in office up to the 16th year of Hadrian. Although there are two prefects of the name T. Flavius Titianus (the one in office in the years 126-133, the other in the years 164-167[10]), the entry in line 36 has, quite naturally, led to the conclusion that the Flavius Titianus of *P. Oxy.* 2413 is the first of these. Baienus Blastianus appeared for the first time in a papyrus document in *P. Oxy.* 2413, and was, according to the wording of the text, immediate successor of Flavius Titianus. These observations induced both the editor of the Oxyrhynchus text and Professor Reinmuth to place the prefecture of Baienus Blastianus between Flavius Titianus I and Petronius Mamertinus, i.e. between 27 March 133 (the latest date attested for Flavius Titianus I) and 8 August 133(the earliest date for Petronius Mamertinus).[11]

5. There are two prefects of Egypt by the name of T. Flavius Titianus: T. Flavius Titianus I in the years 126-133 and T. Flavius Titianus II in the years 164-167, cf. O.W. Reinmuth, *op. cit.*, pp. 94 and 99.

6. Cf. A. Stein, *Die Präfekten von Aegypten in der Römischen Keiserzeit*, Bern, 1950, pp. 93-94; O.W. Reinmuth, *op. cit.*, p. 99.

7. O.W. Reinmuth, *op. cit.* pp. 94-95 (p. 95 evidently a typographical error: 134 for 133).

8. H.G. Pflaum, *op. cit.*, p. 314.

9. O.W. Reinmuth, *op. cit.* p. 95-96.

10. Cf. n.5.

11. Cf. O.W. Reinmuth, *loc. cit.*

Should we conclude therefore that there were two prefects Baieni Blastiani, the one of *P. Oxy.* 2413 and the one of P. Berol. Inv. 16036, both succeeding a Flavius Titianus? The coincidence goes rather far.

The solution is to be found in another direction. There is no real ground to assume that all years mentioned in the text without the name of an emperor are the years of Antoninus Pius. What would be the meaning of the recurring note "up to Tybi, the 4th year, until the time when Flavius Titianus was the Prefect"? [12] No Flavius Titianus was prefect of Egypt in the 4th year of Antoninus Pius or of Hadrianus. On the other hand all is explained if the year in question is the 4th year of Marcus Aurelius, when Flavius Titianus II entered his office.

P. Oxy. 2413 is an account of tax arrears as found in Tybi of the 4th year of Marcus Aurelius, when Flavius Titianus II became prefect of Egypt, and again in Mesore of the 7th year of the same emperor, when Baienus Blastianus succeeded Flavius Titianus.[13] The arrears left from successive years and from successive prefectures are listed separately. The preserved part of the document opens with the arrears from the years 2 and 1 of Antoninus Pius, when the Prefect was Avidius Heliodorus,[14] whose name was without doubt to be found in Column I, now lost, since his prefecture did not end with the 2nd year of Antoninus Pius, named in Column II.1. The arrears from the time of the prefecture of Petronius Mamertinus,[15] from the years 21, 20, 19, and 18 of Hadrian, as well as those from the time of the prefecture of Flavius Titianus I,[16] from the years 16 and 15 of the same emperor, are listed in Column III. The arrears from the preceding years of Hadrian were probably entered in the lost Column IV.

Baienus Blastianus *vel* Blassianus was therefore the immediate successor of Flavius Titianus II (164-167), not of Flavius Titianus I (126-133). The Oxyrhynchus text suggests that he entered into office in Mesore of the 7th year of Marcus Aurelius (25 July – 25 August 167), which tallies well with the fact that the latest date so far attested for Flavius Titianus, is 24 June 167. From P. Berol. Inv. 16036 it is clear that Blastianus was still in office on 21 February 168, and Bassaeus Rufus succeeded him as prefect between 10 March and 29 August 168.

The earliest document known hitherto, which mentioned the prefect Flavius Titianus II was from August 164[17] the latest date for his predecessor Annius Syriacus being 9 August 163. [18] The interpretation here proposed of *P. Oxy.* 2413 leads to the conclusion that Flavius Titianus II entered into office in Tybi of the 4th year of Marcus Aurelius, i.e. in the last days of December 163 or in January 164.

Thus P. Berol. Inv. 16036 helps us to a new interpretation of *P. Oxy.* 2413 and permits us at the same time to revise the dates of Flavius Titianus II and of Baienus Blastianus. The document may now be dated very probably to the years 168-169. It was possibly drawn during the prefecture of Bassaeus Rufus[19] who succeeded Baienus Blastianus, since his name does not appear in the text and the last year mentioned is the 7th year of Marcus Aurelius.

12. Lines 3-4, 13-14, 23-25, 29-31: *εἰς μῆνα Τῦβι τοῦ δ (ἔτους) εἰς τοὺς Φλαυίου Τιτανοῦ τοῦ ἡγεμονεύσαντος χρόνους*. The interpretation proposed here by the editor ("the second εἰς here and below may be taken to mean 'and further extending into' ") seems to me untenable.

13. For the entries concerning Flavius Titianus see the preceding note. For Baienus Blastianus see lines 9-11, 18-19, 25-27, 31-33: *εἰς μῆνα Μεσορῆ τοῦ ζ (ἔτους) εἰς τοὺς Βαιήνου Βλαστιανοῦ τοῦ ἡγεμονεύσαντος χρόνους*.

14. Cf. O.W. Reinmuth, *op. cit.*, pp. 95-96.

15. Line 21: *Πετρ[ωνί]ου Μαμερτεί̣ν̣ου χρόνων*.

16. Line 36: *Φλαυίου Τ[ιτ]ι̣ανοῦ χρόνιον*.

17. *IGR* 1273, cf. O.W. Reinmuth, *op. cit.*, p. 99.

18. *BGU* 1694, cf. O.W. Reinmuth, *op. cit.*, p. 96; in *BGU* 2058 Annius Syriacus appears now to be prefect still in Pharmouthi of the year 4th of Marcus Aurelius, but the document in question gives rise to many doubts.

19. Cf. *BGU* 903, an edict of Bassaeus Rufus which may point also in the same direction.

THE ADMINISTRATIVE DIVISIONS OF EGYPT

J. David Thomas

The term administrative division could be used to describe any unit in the administration of Egypt from the village upwards. Even to deal with the more important of these units, i.e. the nomes and their groupings in larger areas, would need, and could well merit, a monograph. All I shall attempt to do in this paper is to examine some problems that relate to the largest of the administrative divisions in the Roman period, the epistrategiae.[1]

It is logical to begin with the epistrategia of the Thebaid which was not formed into an administrative unit by the Romans, but taken over by them from the Ptolemies. Since the second century B.C. special officials are found in charge of the whole Thebaid, called strategi and sometimes also epistrategi;[2] but even before this the area was in a peculiar position administratively, as is shown in the Revenue Papyrus, where Θηβαΐς is treated as a single unit on a par with the nomes in lower and middle Egypt.[3] The problem here is to know what area was designated by the term Thebaid, and in particular where its northern boundary lay. In the Revenue Papyrus it clearly embraced all the nomes south of the Hermopolite, and this can be shown to be true also for Agatharcides, Strabo and Pliny.[4] As there is no evidence to contradict it, we may confidently suppose that this was the area administratively known in the Ptolemaic and Roman periods as the Thebaid. But this will not do for all uses of the term. Hermopolis is referred to as τῆς Θηβαΐδος on several occasions in the Ptolemaic and early Roman period, and the same is true of course for Oxyrhynchus, which is regularly so referred to in the first and first half of the second century A.D.[5] Yet these places were in the Roman period undoubtedly in the epistrategia of Middle Egypt; Oxyrhynchus was never administratively incorporated in the Thebaid, and Hermopolis not until the reign of Diocletian. Clearly when these two cities are said to be 'in the Thebaid' the expression is being used in a non-technical sense to describe a geographical area. How far north did this extend, and in particular did it include the whole of the Nile valley from Memphis to the border? One piece of evidence suggests that it did – an inscription in which the Greeks in the Delta are contrasted with those inhabiting τὸν Θηβαικὸν νομόν.[6] But this inscription is hardly likely to be accurate in its use of technical terms, and on general grounds I think it unlikely that Thebaid ever meant the whole Nile valley. There are traces in the Roman period of the traditional

1. The basic discussion of this subject remains that of Martin, *Les Epistratèges*, 1911; cf. also Wilcken, *Ostraca* I, pp. 424-28, and *Gr.* pp. 8-10, 35-37; Gauthier, *Les nomes d'Egypte*, pp. 175-78.

2. Bengtson, *Die Strategie in der hellenistischen Zeit*, III, 1952, pp. 91-127; Van't Dack, *Aegyptus* 32, 1952, pp. 437-50.

3. *P. Rev.*, re-edited Bingen, *SB Bh.* 1, 1952,.Col. xxxi and lx-lxxii.

4. Agatharcides (2nd cent. B.C.), *GGM* I 122, sect. 22; Strabo xvii. 1.41, both of whom mention a customs post between the Hermopolite and Lycopolite nomes; Pliny *NH* v.61.

5. Hermopolis: *SB* 7632, *P. Rein.* 8 and 12, *P. Ross. Georg.* II 7, *P. Flor.* 81; Oxyrhynchus: see *WB* III; the latest examples I have noticed belong in the second half of the second century, *P. Merton* 18 (A.D. 161), *P. Oxy.* 495 (Commodus).

6. *SB* 8276 = *OGIS* 709 (A.D. 149-54): καὶ οἱ ἐν τῶι Δέλτα τῆς Αἰγύπτου καὶ οἱ τὸν Θηβαικὸν νομὸν οἰκοῦντες Ἕλληνες.

bipartite split of Egypt into a Lower and an Upper half, but when they wished to refer to the whole of Upper Egypt the Romans seem regularly to have used either the cumbrous Ἑπτὰ *νομοὶ* Ἀ*ρσινοίτης Θηβαίς* or the shorthand Ἄ*νω Χώρα*.[7] Although the terms Κ*άτω Χώρα* and Δ*έλτα* were undoubtedly interchangeable, there would seem to be insufficient evidence to suppose the same for Ἄ*νω Χώρα* and *Θηβαίς*.[8]

Between the Thebaid and the Delta there was a section of the country for which we might expect to find a geographical description in use, and indeed such an expression is known, namely *ὑπὲρ Μέμφω*; it is constantly employed of Heracleopolis and the corresponding nome, and at least twice of Hermopolis and once of Oxyrhynchus.[9] Its most interesting use is in a royal decree of the first century B.C., where the nomes above Memphis are contrasted with those of the Κ*άτω Χώρα*, and with those of the Thebaid.[10] The existence of this decree is not, however, sufficient proof that this area was being administered as a distinct unit in the Ptolemaic period. The date of the creation of the epistrategia of Middle Egypt remains controversial, and on this point I have no new evidence to offer and will confine myself to two points. In the document which remains the *terminus ante quem* for the epistrategia's existence, *P. Teb.* 302 of A.D. 71/2, the relevant section goes on to refer to a year 41; if this is a regnal year, it can hardly be other than one of Augustus, so that there is some positive evidence for the existence of the epistrategia this early, though of course far too little for proof. Secondly, I believe that the edict of Tiberius Julius Alexander should not be brought in to confuse this issue further. In the relevant passage of the edict, which is rhetorical in character, it is perfectly possible to suppose the prefect to be saying that the abuse in question has not merely made its appearance in the remote parts of the country (*ο]ὐκ ἐπὶ τὴν Θηβαίδα μόνη[ν*), nor even comparatively near at hand (*οὐ]δὲ ἐπὶ τοὺς πόρρωι νομοὺς τῆς κάτωι χώρας*), but was right on their doorstep (*ἀλλὰ καὶ τὰ προάστια τῆς πόλεως*); thus a restoration on the lines suggested by Dittenberger could be accepted and there is no need to look for a mention of Middle Egypt.[11]

The area embraced by this epistrategia was seven nomes plus the Arsinoite. Of these nomes the Memphite, northern Aphroditopolite, Heracleopolite, Oxyrhynchite, Cynopolite and Hermopolite are known, but the seventh is uncertain.[12] It might be the Small Oasis, but I think this unlikely: in *P. Lug. Bat.* III 5 of the early third century the expression *ἐπιστρατηγήσα]ντος* Ἑπ*τὰ νομ[ῶν κ]αὶ Ἀρσινοείτου καὶ Αὐάσεως* is used, and similarly *P. Amh.* 137 (A.D. 288-9) speaks of the Ἑ*πτανομίας καὶ Ὀάσεως Μικρᾶς*, both of which suggest that the Small Oasis was additional to the basic seven nomes. As it was probably not always under a separate strategus,[13] this special status for it seems readily comprehensible, and if the Arsinoite was mentioned separately in the title of the epistrategia because it lay outside the Nile valley, the same would apply *a fortiori* to the Small Oasis. The only document which would appear to have a complete

7. *P. Oxy.* 709 = *WChr.* 32 (1st cent. A.D.) *Θηβαίδαν Ἑπτὰ νομοὺς Ἀρσινοίτην*, *P. Amh.* 137.15 (A.D. 288-9) *Ἑπτανο]μίας καὶ Θηβαίδος*; so also probably *P. Berl. Zilliacus* 3 (A.D. 177-80), see note 20. For Ἄ*νω Χώρα* see *PSI* 1148 (A.D. 210), *P. Oxy.* 2265 (A.D. 119), with a discussion of this point by Lewis, *AJP* 76, 1955, pp. 63-64.

8. For Κ*άτω Χώρα* = Δ*έλτα* see Strabo i.2.23 and xvii. 1.4.

9. Heracleopolis: see *WB* III, cf. *P. Oxy.* 2582.2 note; Hermopolis: *P. Flor.* 86 = *MChr.* 247 (1st cent. A.D.), *P. Brem.* 68 (A.D. 99); Oxyrhynchus: *P. Hib.* 95 (256 B.C.) *ἐν Ὀξυρύγχων πόλει τῆι ὑπερθε Μέμ[φ]εως*.

10. *BGU* 1730 = *SB* 7419 = *C. Ord. Ptol.* 73 (50 B.C.): *μηδένα τῶν ὑπὲρ Μέμφω νομῶν . . . . κατάγειν εἰς τὴν κάτω χώραν, ἀλλὰ μηδ' εἰς τὴν Θηβαίδα ἀνάγειν*.

11. For this edict see Chalon, *L'Edit de Tiberius Julius Alexander*, 1964, and on the specific passage pp. 209-10 (though I cannot agree with his conclusions). Dittenberger's reading is *Θηβαίδα μόνην [εὖρον ἐκτεινόμενα / οὐ]δὲ ἐπὶ τοὺς πόρρωι νομούς* (*OGIS* 669).

12. Cf. on this problem Gauthier, *op. cit.*, pp. 175-77.

13. Cf. Lewis, *Recherches de Pap.* 3, 1964, p. 28.

list of the nomes in this area, *P. Iand.* 140 (A.D. 151), is unfortunately incomplete at this point. From a photograph which Professor Gundel kindly sent me I have been able to verify the correctness in general of the original editor's (Curschmann's) reading of this tattered and tantalising document, but I can find no justification for his supposition that at the point at which the nome names appear the loss at the left is nearly twenty letters less than in the rest of the papyrus. His difficulty arose from the fact that the names he tried to fit in filled too small a space to complete lines of normal length. The way out of this difficulty lies, I suggest, in substituting for his Ἡρ]ακλε[ο]π(ολείτου) in line 13 Ἡρ]ακλείδ[ου μερ(ίδος), (presumably abbreviated), i.e. the merides of the Arsinoite nome were mentioned separately. If we then reject his Ἀ[ρσι(νοείτου) at the end of the same line, which is only advanced as a very tentative reading,[14] we can complete a list of the nomes in this area, including both the Arsinoite and the Small Oasis, from the Memphite to the Hermopolite in correct geographical order.[15] Before the Memphite, in line 12, we read]πολείτου; Curschmann suggested Ἑρμο]πολείτου, placed first out of its correct geographical order because it was specially concerned in the edict. I suggest we revert to his first thoughts which were to supply Λητο]πολείτου. The idea that the Letopolite formed the missing seventh nome in Middle Egypt has usually been rejected because Ptolemy, our only literary authority to mention the Heptanomia, puts the Letopolite in the Delta.[16] But Ptolemy's testimony, while generally sound, is not infallible. In this part of Egypt alone he makes two errors: his seventh nome is the Antinoopolite, whereas we know that at this date it was not a nome but a nomarchy and, more important, did not exist when the epistrategia of the seven nomes plus the Arsinoite was created; and he includes in this area both Oases, whereas the Great Oasis was, as its geographical position made logical, in the Thebaid. If we did not have the evidence of Ptolemy we should, I am sure, have little hesitation in putting the Letopolite in Middle Egypt. The description in Strabo clearly places it outside the Delta, in one list in the Revenue Papyrus it is mentioned after the Memphite along with the nomes of Middle Egypt, and it formed with most of these nomes the fourth-century province of Arcadia.[17] That it was included with the Delta nomes in the old Pharaonic nome lists is no argument, as the same can be said of the Memphite. Thus, and this is a point worth emphasising, it is not true that the Roman divisions followed the lines of the ancient Egyptian ones. Further support for the grouping of the Letopolite with the nomes in Middle Egypt, and incidentally for the separate mention of the merides of the Arsinoite in a nome list, is provided by an unpublished Oxyrhynchus papyrus to which Dr. John Rea kindly drew my attention. The papyrus, which almost certainly belongs in the second century A.D., is a very small fragment, broken at top, bottom and left. In the first line of what remains we read Ἡρακλ]είδου [μ]ερί[δος], in the second Ἀφροδει]τοπολείτου, then the end of another nome name, presumably the Memphite, before, in line 3, Λητοπο [λείτου. In line 5 there begins a list of nomes in the eastern Delta, which goes down to line 10, after which Μετη[λείτου can be read before the fragment comes to an end (i.e. we are now in the northwest Delta). The papyrus does not, however, prove that the Letopolite was in the Heptanomia, since at the end of the

14. In line 13 the reading after ακλε is very obscure; on the reading Ἀ[ρσι(νοίτου) see Curschmann's comment in *P. Iand.* VII, p. 307; I can see no trace of a letter after Ὀάσ[ε]ω[ς in the photograph.

15. It would be wrong to imply that this suggested reading does away with all difficulties: if the merides of the Arsinoite were separately mentioned it is hard to find room for the Θεμίστου καὶ Πολέμωνος μερίδες. Was the name abbreviated, or could we suppose it absent, and connect this in some way with the fact that the covering letter comes from the strategus of this district? It is difficult too to fit in the Heracleopolite, and it seems necessary to assume some abbreviation.

16. Ptol. iv. 5.46.

17. Strabo xvii. 1.30; *P. Rev.* Col. xxxi.

nome list for this area it reads (in line 4) *νομοὶ ιᾱ* (and it reads *νομοὶ ιᾱ* again in line 10, at the end of the list for the eastern Delta). This mention of eleven nomes in Middle Egypt suggests a connection with *P. Teb.* 569, the minutes of a trial before an official *διαλογι]ζ[ο]μένου καὶ τοὺς ια νομούς*, and with another unpublished Oxyrhynchus papyrus, which is also the report of a trial conducted by an *ἐπιστρατήγου ιᾱ νομῶν.*[18] The latter belongs in the joint reign of Marcus Aurelius and Commodus (A.D. 176-80); the former in the reign of Marcus Aurelius alone. As one report is from the Fayum and the other from Oxyrhynchus there can be no doubt that the epistrategus in question controlled Middle Egypt, i.e. the area usually referred to as the epistrategia of the seven nomes and the Arsinoite. If my suggestion about the Small Oasis and the Letopolite is accepted, we can see that this area regularly comprised nine nomes. What the other two here were we do not know. Possibly the Antinoopolite nomarchy was ranked as a nome, or the Arsinoite, which had two strategi at this date, may have counted as two, or the Prosopite, which is sometimes joined administratively with the Letopolite at about this period,[19] may have been included. But these are mere speculations. No doubt the new grouping of eleven nomes was shortlived and so it has made a very slight impression on our sources.[20]

Finally, the Delta. When he published his study of the epistrategia, Martin assumed the existence of an epistrategus *τῆς Κάτω Χώρας*, although none of this title was then known. It is a remarkable fact that in more than fifty years since Martin wrote, no example of this title has appeared. Its absence from the papyri is perhaps not too surprising, but it is odd that the many inscriptions, both those from the Delta and those scattered all over the empire which give the career of procurators, have failed to produce a single instance. What has appeared is an *epistrategus Pelusio.*[21] Is he the missing epistrategus of the Delta?[22] It is rather hard to believe so in view of Pelusium's isolated geographical position. It is not impossible that he was a military official with charge over the eastern frontier (compare the *proc(urator) Alex(andreae) Pelusi P[ar(aetoni)]* of a third-century inscription, who was in charge of the three gateways into Egypt[23]), or that he controlled the nomes who had their *conventus* at Pelusium, a very small percentage of the nomes of Lower Egypt.[24] More probable perhaps, in view of the Oxyrhynchus nome list already referred to, is that he was the epistrategus in charge of the eleven nomes there recorded which belong (at least in so far as their names survive) to the eastern half of the Delta.[25] There is evidence in a decree

18. Note the absence here of the definite article. A great deal of this papyrus is missing at the left. The remaining part of line 2 reads *]ου Κομμόδου Σεβαστῶν Ἀρμενιακῶν.*

19. E.g. *SB* 9197 (A.D. 156), *P. Aberd.* 37-38 (A.D. 198).

20. The dating of *P. Berl. Zilliacus* 3 to A.D. 177-80 would give us a reference to the Heptanomia at virtually the same date (if the reading is correct; cf. the editor's doubts *ad. loc.*); cf. Stein, *Die Präfekte von Aegypten*, p. 98. But Pflaum, *Les carrières procuratoriennes équestres*, p. 1001, argues against the identification of Minicius Sanctus, the prefect here mentioned, with the Sanctus of *P. Oxy.* 635 (A.D. 177-80), and would identify him with a procurator of Achaea in A.D. 132, supposing the Sanctus of *P. Berl. Zilliacus* 3 (Pflaum wrongly says 4) to have been prefect under Pius.

21. References assembled in Pflaum, *op. cit.* III, 1090.

22. Pflaum, *op. cit.* I, 120, seems tacitly to assume this with regard to the *proc. Aug. epistrat[e]gia[e] [P]elusi* of *CIL* XII, 671, 'épistratège du Delta à Pelusium'; but on p. 239 he describes the *epistrateg. Pelusio* of *ILS* 9506 as 'épistratège du Delta *oriental* [my italics] à Pelusium'. These are the only two inscriptions which record the epistrategus' title.

23. *ILS* 1433; cf. Pflaum, *op. cit.* II, 925; but note that most of *Paraetoni* is supplied. The post cannot be identical with that of *epistrategus Pelusio,* as it carried a higher salary (see Pflaum, *loc. cit.*); cf. also Pflaum, *Les procurateurs équestres*, p. 100f.

24. *P. Oxy.* 709 = *WChr.* 32.

25. Sufficient remains for the following to be identified with certainty: Athribite, Leontopolite, Pharbaethite, Mendesian, Tanite, and (probably) Sethroite; to be supplied are most probably Heliopolite, Boubastite, Nesyt, Arabia, and the nome [..]ia of *P. Oxy.* 709.6. This gives a remarkably exact parallel with the cities later incorporated in Augustamnica, cf. Jones, *Cities of the Eastern Roman Provinces*, pp. 345-46.

of Hadrian that the Romans recognised a tripartite division of Egypt (apart from that for the *conventus* which was on somewhat different lines), into the Κάτω Χώρα, the Heptanomia and the Thebaid;[26] but there would seem to be no direct evidence that each of these regions was subordinate to an epistrategus. The Ptolemies created a special administration for the Thebaid because of its remoteness from the central government. It is not inconceivable that the Romans developed this idea further, creating new epistrategiae of the Heptanomia and the eastern Delta. In this case the western Delta could have remained directly under the control of the prefect, much as Aegyptus Jovia did in the fourth century, in contrast to Herculia and the Thebaid, which had their own *praesides*. This, however, will not quite meet all the evidence. The documents which may refer to an epistrategus in the Letopolite clearly need not detain us,[27] nor need much weight be attached to two Alexandrian inscriptions whose text does nothing to indicate their provenance.[28] Three pieces of evidence remain: 1) one of the judgements cited in the petition of Dionysia (*P. Oxy.* 237) was given by an epistrategus in the Upper Sebennytic nome;[29] 2) an inscription from Xois has Aurelius Jason as eponymous epistrategus;[30] 3) a letter from the strategus of the Alexandrian chorā and the Cabasite speaks of *τῆσδε τῆς ἐπιστρατηγίας*.[31] This may be sufficient to prove the existence of an epistrategus in the western Delta, but does not of course prove his identity with the *epistrategus Pelusio*. This would seem to be as far as we may go at the present, but there is ground for hope that new evidence will emerge which will indicate just how well-founded is the traditional view that Roman Egypt was divided into three, and only three, epistrategiae.

26. *SB* 6944, *P. Osl.* 78.

27. Two inscriptions from near the Sphinx, which may have been in the Letopolite, *SB* 8305, 8561 (cf. Wilcken, *Arch.* III, 508 on *BGU* 1046, and Henne, *Liste des stratèges*, suppl., 14-15; placing the Letopolite in the Heptanomia is another way out of the difficulty); also perhaps *BGU* 1138 = *MChr.* 100 (19-18 B.C.).

28. *SB* 8449 = *IGRR* I, 1057 (A.D. 39-40), cf. Martin, *op. cit.*, p. 179; *SB* 8269 (A.D. 187-8).

29. *P. Oxy.* 237 VII.30 (A.D. 133); the words *ἐν τῇ παρὰ ἄνω Σεβεννύτου*, must, as the editors remark, be at fault, but this probably does not affect the point here at issue.

30. *OGIS* 708 (A.D. 181) = *SB* 8912.

31. *PSI* 870a (second/third cent. A.D.); the letter is addressed to the strategus of the Oxyrhynchite and it is perhaps just possible that the document should be restored so as to make the epistrategia referred to that to which the Oxyrhynchite belonged.

LES PAPYROLOGUES ET LE TRAVAIL PAPYROLOGIQUE PAR ORDINATEUR

Alfred Tomsin

Le travail papyrologique par ordinateur est désormais possible grâce à la programmation établie par M. Evrard;[1] les modalités de son application à la constitution d'un *Corpus* de papyrus traités selon cette technique nouvelle, ont été décrites par M. Bodson.[2] Il convient de montrer maintenant l'intérêt que ce travail présente pour les papyrologues, les avantages qu'ils en retireront pour leurs recherches, l'importance de la collaboration qui leur sera demandée pour sa réalisation, le mode d'organisation qu'il faut prévoir à cette fin ainsi que pour rendre aisé le recours à cette source d'informations.

Je me référerai notamment pour cet exposé aux enseignements que l'on peut tirer du travail expérimental réalisé au *Laboratoire d'analyse statistique des langues anciennes* de l'Université de Liège, placé sous la direction de M. le Professeur L. Delatte, et dont le *Choix de papyrus* remis aux participants du Congrès constitue l'aboutissement. Outre MM. Evrard, Bodson et moi-même, M. Bingen a participé à cette publication ainsi que MM. Denooz et Dupont, assistants attachés au Laboratoire de Liège.[3]

Notre recherche, telle qu'elle se présente dans cet ouvrage, porte exclusivement sur des textes documentaires; il faut pourtant signaler que pour tout ce qui concerne l'édition – préparation du texte, confection des index, impression – notre programme convient également aux textes littéraires, mais comme leur traitement par ordinateur relève de programmes spéciaux d'analyse déjà établis pour l'étude des oeuvres transmises par la tradition manuscrite,[4] nous ne les avons pas inclus dans notre plan.

Les textes de notre *Choix de papyrus*, tous documentaires, sont d'époque impériale, mais rien n'empêcherait le traitement des textes ptolémaïques par les mêmes moyens, les problèmes à envisager sont en effet identiques.

Quant aux raisons qui ont présidé au choix des documents retenus, M. Bingen les a exposées excellemment dans l'introduction de notre ouvrage. Il s'agissait "de présenter à l'équipe du L.A.S.

1. E. Evrard, "Exploitation automatique de la documentation papyrologique: Description d'un programme d'ordinateur", pp. 121-126.
2. A. Bodson, "Exploitation automatique de la documentation papyrologique: Application à un corpus", pp. 41-44.
3. J. Bingen, A. Tomsin, A. Bodson, J. Denooz, J.L. Dupont, Et. Evrard, *Choix de Papyrus grecs, Essai de traitement automatique*, Université de Liège, Faculté de Philosophie et Lettres, Travaux publiés par le Laboratoire d'analyse statistique des langues anciennes sous la direction du Professeur Louis Delatte, Liège, 1968.
4. Par exemple: J. De Bie, "Codification d'un texte grec sur cartes mécanographiques IBM 80 colonnes", *Revue de l'Organisation Internationale pour l'Etude des Langues Anciennes par Ordinateur*, Liège, 1966, pp. 31 et ss. et 1967, pp. 17 et ss.

L.A. un nombre élevé de problèmes précis que devait affronter nécessairement la première étape que ce centre a fixée au traitement automatique de la documentation papyrologique. Le projet prévoyait en effet comme départ, la perforation intégrale des éditions princeps existantes, en tenant compte des accents, esprits, majuscules et signes diacritiques (y compris la lettre pointée), cette unique perforation devant servir de base à la fois à une reproduction éventuelle du texte et surtout à toutes les investigations automatiques ultérieures au moyen de l'ordinateur."[5]

C'est le travail d'édition qui bénéficiera évidemment d'abord de l'automatisation du travail papyrologique.

Dès le déchiffrement du texte, là où il s'agira de fixer le choix entre deux lectures possibles ou de proposer une restitution, toute la recherche effectuée actuellement en consultant des dictionnaires et des index inverses pour y trouver des solutions, puis les textes des recueils pour y découvrir des passages parallèles, se fera à l'intervention des machines, et l'étude ainsi menée pourra, par surcroît, être à la fois bien plus précise et plus étendue. L'ordinateur est en effet capable non seulement de donner au départ des dernières lettres d'un mot la liste des mots dans lesquels elles peuvent entrer, rôle de l'index inverse,[6] mais de le faire également en considérant n'importe quel groupe de lettres occupant n'importe quelle place dans le mot: tête, corps ou fin de mot. Il présentera en outre ces mots dans tous les contextes, de longueur variable, dans lequels on les trouve effectivement employés. La concordance pour le groupe *-ντ-* dans notre recueil[7] représente un cas extrême de cette collaboration précieuse que l'ordinateur pourra nous prêter.

L'abondance de la documentation ainsi fournie pourrait toutefois être confuse; l'ordinateur y fera une sélection pour rester dans le cadre du texte en cours de déchiffrement, par exemple en se bornant aux renseignement puisés dans des textes identiques par leur objet, leur date et leur localisation; le programme permet tous ces tris.[8]

Les mots et les formules présentées par l'ordinateur pourront aussi faire l'objet de dénombrements qui indiqueront la fréquence des solutions proposées,[9] et, partant, leur indice de probabilité; ce calcul peut se faire par simple étude des pourcentages ou à l'aide d'autres formules plus précises en usage en statistique.[10]

Une fois le papyrus prêt pour l'édition, la transcription du texte sur cartes perforées permettra l'impression automatique du document et, par la suite, sa réimpression selon l'édition *princeps*, en transcription diplomatique ou dans le dernier état du texte émendé, possibilités qui sont prévues dans le programme[11] et dont notre *Choix de papyrus* montre la réalisation.[12] Cette faculté d'avoir, à tout moment, pour la reproduction ou pour l'exploitation de l'information, le dernier état du texte, est un des avantages précieux qu'offrirait le *Corpus*.

Lors de l'édition, l'ordinateur peut aussi se charger de la confection d'un index. Celui de notre *Choix de papyrus* ne se présente pas dans la forme habituelle des index de nos éditions. Pour chaque mot, il fournit le lemme avec l'indice de fréquence de l'emploi du mot; il donne ensuite les références avec la forme du mot dans le texte pour chacune d'elles, mais il ne comporte que deux grandes divisions: les noms propres et les autres mots.[13] Il ne s'agit là que d'un état provi-

5. *Choix de papyrus,* introduction.
6. *Choix de papyrus,* Index inverse, spécimen, pp. 115 et ss. cf. pl. 1.
7. *Choix de papyrus,* Les concordances, Concordance à contexte variable pour des groupes de lettres de longueur variable, spécimen pour les lettres *ντ*, cf. pl. 2.
8. E. Evrard, *op. cit.*, pp. 121 ff.
9. *Choix de papyrus,* Liste de fréquence, pp. 107 et ss., cf. pl. 3.
10. Voir par ex. Morice et Chartier, *Méthode statistique;* Monjallon, *Introduction à la Méthode Statistique.*
11. E. Evrard, *op. cit.*, pp. 121 ff.
12. *Choix de papyrus,* pp. 1 et ss., 37 et ss., 45 et ss.; cf. pl. 4.
13. *Choix de papyrus,* pp. 51 et ss., 93 et ss.; cf. pl. 5.

soire, nous envisageons d'opérer par la suite également la répartition des mots en index spéciaux. La codification sémantique nécessaire pour opérer le tri se fera manuellement en attendant l'automatisation prévue.[14]

Il convient toutefois de signaler que les exigences du papyrologue à l'égard de la présentation de l'index, se réduiront sans doute quand il s'agira de traiter des textes perforés, car la méthode de travail ne sera plus la même qu'actuellement. L'index ne sera plus le dernier état d'un outil dont le chercheur doit se servir pour trouver seul les renseignements nécessaires à son étude, il sera devenu le répertoire à l'aide duquel le papyrologue interrogera l'ordinateur, intrument actif, pour en obtenir toute la documentation contenue dans un recueil concernant le sujet qui l'intéresse. Cette information l'ordinateur la présentera, selon le désir exprimé par le chercheur, sous forme de listes de références ou de copies des textes reproduits partiellement ou intégralement.

Nous abordons ici en fait un nouvel aspect de l'aide apportée par l'ordinateur, qui ne concerne plus seulement la confection de l'index, mais la constitution de dossiers, travail qui précède toute étude.

Lorsqu'il s'agit d'institutions ou d'organisation économique ou administrative le rassemblement des textes se fonde habituellement sur un ou plusieurs mots-clefs qui orientent le dépouillement des recueils effectué selon les méthodes traditionnelles: recours aux index, lecture des textes, copie ou photocopie des passages utiles. Tout ce travail mineur sera désormais épargné au chercheur, l'ordinateur s'en chargera, faisant ainsi gagner un temps précieux qui sera dévolu aux activités essentielles de l'interprétation des documents et de l'élaboration des conclusions.

La concordance relative à *στρατηγός* qui figure dans notre recueil, est un exemple fort modeste, donné à titre indicatif, de ce que l'ordinateur pourra fournir.[15] Bien que relativement brève et fondee sur un seul mot, on remarquera pourtant que la concordance donne pour les cinq textes où ces renseignements figurent, le nom et le ressort administratif du stratège.

Si la concordance devient sélective en portant sur deux termes, la documentation fournie se précise et s'enrichit, ainsi celle qui est donnée dans notre *Choix de papyrus* pour les contextes de *ἔτος*, qui contiennent aussi *καῖσαρ*,[16] tire automatiquement des textes perforés les dates qui y sont mentionnées en année du règne. Les autres dates caractérisées par d'autres termes que *καῖσαρ* pourraient être obtenues de la même façon.

Pour une recherche prosopographique comme celle que j'avais présentée au Congrès de Milan,[17] une concordance fondée sur n'importe quel nom de personne et étendue à une dizaine de mots fournirait, dans la plupart des cas, le nom complet du personnage et les liens de parenté qui le concernent, tels qu'on les trouve dans nos index; mais grâce à l'ordinateur, en ajoutant au programme de tri d'autres critères, comme le nom d'une fonction ou d'une occupation et de certaines formes d'activité qui s'y rapportent: *μετρέω* pour un sitologue, *μισθόω* pour un cultivateur, ou d'autres précisions comme les unités de mesure ou les noms de produit traités dans notre concordance sur *πυρός* et *ἀρτάβη*,[18] on arriverait à la constitution de notices déjà riches relatives à chaque personnage.

14. E. Evrard, *op. cit.*, pp. 121 ff.

15. *Choix de papyrus,* Les concordances, Concordance simple à contexte de longueur variable, Spécimen pour le mot *στρατηγός*; cf. pl. 6.

16. *Choix de papyrus,* Les concordances, Concordances sélectives à contextes de longueur variable, Spécimen: contextes de *ἔτος* qui contiennent aussi *καῖσαρ*; cf. pl. 7.

17. A. Tomsin, Projet de prosopographie de l'Egypte romaine", *Atti dell'XI Congresso Internazionale di Papirologia,* Milan, 1966, pp. 195 et ss.

18. *Choix de Papyrus,* Les concordances, Concordances sélectives à contextes de longueur variable, Spécimen: Contextes de *πυρός* qui contiennent aussi *ἀρτάβη*; cf. pl. 8.

D'autres travaux pourraient compter sur une réalisation automatique obtenue grâce au concours de l'ordinateur.

On réclame depuis longtemps un *Corpus* des papyrus classés selon l'ordre géographique comme dans les recueils d'inscriptions grecques et latines ou selon l'ordre chronologique; la confection de catalogues de textes suivant les mêmes classifications est également envisagée.[19] L'ordinateur peut les créer, mais peut-être ces travaux ne seront-ils plus aussi nécessaires quand il s'agira de textes perforés; quel que soit le classement adopté pour le fichier, il contiendra en effet toujours en puissance tous les types de classement que l'on pourra demander selon les exigences d'une recherche; l'ordinateur pourra même les réaliser pour l'ensemble des recueils, puis remettre par après, automatiquement, les documents dans leur ordre initial; ce travail est prévu dans le programme d'établissement d'un *Corpus*.[20]

La constitution d'archives – les travaux publiés dans ce domaine ou en cours d'élaboration sont nombreux[21] – ou de recueils de documents sur des sujets spéciaux[22] peut aussi bénéficier de cette intervention de l'ordinateur. Il est évident pourtant que cette aide, dans la plupart des cas, ne dispensera pas du recours aux textes mêmes; mais on y sera souvent ramené avec des possibilités de les considérer d'un point de vue tout différent grâce aux facilités offertes pour procéder à des confrontations, à des classements, à des comptages pour lesquels les ressources du travail manuel sont en général bien faibles en face de la masse des matériaux.[23]

Dans l'étude d'un texte particulièrement long et complexe comme les *Tax Rolls from Karanis* où l'on voit, sous certaines rubriques, les mêmes personnes se regrouper différemment dans des relations fiscales changeantes sans qu'on puisse toujours en discerner les causes,[24] l'ordinateur pourra, par exemple, enregistrer toutes les situations et grâce à la puissance de sa mémoire analyser les données sous tous leurs aspects et nous permettre d'élucider les problèmes d'interprétation qui se posent.

Il semble que des recherches où il s'agit de découvrir des nuances de sens, de préciser des notions de droit comme celles qui ont fourni le sujet de publications récentes sur le statut de Πέρσης τῆς ἐπιγονῆς,[25] sur la nature de la παραμονή[26] ou le caractère propre d'un impôt[27] sont susceptibles de tirer aussi un large profit de l'automatisation, il en est d'autres.

L'étude de la langue des papyrus documentaires est un domaine où bien des travaux restent encore à entreprendre. On attend toujours une grammaire spéciale des textes d'époque romaine et byzantine comme celle que Mayser a donnée pour les papyrus ptolémaïques;[28] pour cette étude une carte supplémentaire d'analyse s'imposerait.[29] Nous manquons aussi de vocabulaires spéciaux,[30] des concordances en rassembleraient aisément la matière.

19. O. Montevecchi, "Aspetti e problemi di organizzazione degli studi papirologici", *Atti dell'XI Congresso Internationale di Papirologia,* Milan, 1966, pp. 47 et s.

20. A. Bodson, *op. cit.,* pp. 41 ff.

21. Cf. E.G. Turner, *Greek Papyri, An Introduction,* Oxford, 1968, pp. 47 et ss., J. Van Haelst, "De nouvelles archives: Anastasia, propriétaire à Oxyrhynchus", *Atti dell'XI Congresso Internationale di Papirologia,* Milan, 1966, pp. 586 et ss.

22. Par ex.: S. Daris, *Documenti per la storia dell'esercito romano in Egitto,* Milan, 1964.

23. E.G. Turner, *op.cit.,* pp. 151 et ss. signale l'obstacle que constitue la masse des documents pour de nombreuses recherches qui sont encore à faire dans le domaine de la papyrologie.

24. Par ex.: *P.Mich.* 223.2700-7, 224.3427, 359 F 28 , 224.3423, 359 F 31.

25. J.F. Oates, "The Status Designation Πέρσης τῆς ἐπιγονῆς", *Yale Classical Studies* 18, 1963.

26. A.E. Samuel, "The role of the *paramonè* clauses", *Journal of Juristic Papyrology* 15, Varsovie, 1965, pp. 247 et ss.

27. F. Uebel, "Die frühptolemäische Salzsteuer", *Atti dell'XI Congresso Internationale di Papirologia,* Milan, 1966 pp. 325 et ss.

28. E.G. Turner, *loc.cit.*

29. Une codification grammaticale des textes grecs a été établie par J. De Bie, cf. n.4.

Au XIe Congrès M. Daris avait attiré l'attention sur l'aspect stylistico-formulaire de la langue des papyrus documentaires;[31] avec quelle facilité l'ordinateur montrerait-il la constitution des formules autour des mots que M. Daris appelle des mots-échos. L'étude des particularités régionales de langue pourrait également se faire en regroupant, par type et par région, les formes et les orthographes fautives que l'on découvre d'emblée sur les listings de cartes perforées où formes et lemmes sont juxtaposés comme dans notre index.[32]

Le bénéfice à retirer du travail de l'ordinateur est donc incontestable dans un grand nombre de domaines propres aux études papyrologiques; mais l'importance de la charge que représenterait pour les papyrologues l'établissement d'un *Corpus* des papyrus sur cartes perforées ne réduirait-elle pas à néant les avantages qu'on retirerait de cette entreprise?

Les précisions fournies par M. Bodson dans son étude de l'application du programme de perforation à l'établissement d'un *Corpus*,[33] ont donné une réponse anticipée à cette question: contrairement à ce que l'on pourrait croire, l'intervention du papyrologue sera relativement réduite. En concevant ainsi l'organisation du travail, nous répondions d'ailleurs au voeu exprimé par le président et le secrétaire de notre Association quand ils visitèrent en 1966 le Laboratoire de Liège.[34]

En fait toute la perforation peut être assurée par le personnel de la dactylographie. Il ne sera fait appel au papyrologue que là où le texte de l'édition de base présentera des difficultés pour sa répartition par carte. Il s'agira surtout des passages lacuneux où la distribution du nombre de lettres perdues et des groupes de lettres isolées demande une personne initiée.

Evidemment le choix des variantes à introduire dans l'édition élaborée, la lemmatisation et la codification des lemmes incombent aussi au spécialiste, mais ce genre de travail ne l'éloigne pas de la sphère normale de son activité, d'autre part on sait que la lemmatisation est déjà partiellement automatique et qu'elle le deviendra entièrement dans un stade ultérieur ainsi que la codification.[35]

Entretemps, l'intervention d'un collaborateur du papyrologue est possible pour les deux dernières opérations comme pour la correction des listings de formes et de lemmes, mais un contrôle vigilant est alors nécessaire, car si la machine ne commet pas d'erreurs qui lui soient imputables, elle ne corrige pas les erreurs humaines non décelées; au contraire elle les reproduira avec les conséquences qu'elles peuvent entraîner dans les manipulations ultérieures.

On pourrait cependant encore craindre, malgré tout, que l'oeuvre envisagée ne soit, en raison même de ses dimensions, irréalisable à moins d'y consacrer un temps, des ressources et un effort démesurés.

L'organisation du travail telle que la conçoit M. le Professeur L. Delatte dont le concours nous a été si souvent précieux, montre que la constitution d'un *Corpus* des papyrus documentaires n'a rien d'utopique.

La cellule de base devrait être, selon lui,[36] un centre doté d'une perforatrice accouplée à une machine à écrire automatique. Le prix de location d'un groupe de machines de ce genre est de 207 dollars par mois. Le rendement d'un tel centre serait de 400.000 mots perforés par an.

30. E.G. Turner, *op.cit.* p. 152.
31. S. Daris, "Per lo studio della lingua dei papiri", *Atti dell'XI Congresso internationale di Papirologia,* Milan, 1966, pp. 86 et ss.
32. *Choix de Papyrus,* pp. 53 et ss.; E.G. Turner, *loc.cit.*, signale l'intérêt et le besoin d'une étude de ce genre.
33. A. Bodson, *op. cit.*, pp. 41 ff.
34. Cf. J. Bingen, "Editorial", *Revue,* Liège, 1966, pp. 3 et s.
35. Cf. n. 14, p. 473.
36. L. Delatte, *Choix de Papyrus,* Préface.

M. Delatte envisageant la création d'un groupe même limité de centres a raison d'écrire: "Si un centre général regroupait tous les fichiers, il ne serait pas ridicule d'imaginer qu'en quelques années, un corpus général de papyrologie pourrait être constitué." Ajoutons qu'il ne faudrait pas attendre l'achèvement du travail pour en tirer profit; l'exemple du fichier de l'oeuvre de Sénèque constitué au Laboratoire de Liège montre en effet que chaque perforation partielle est immédiatement utilisable pour entreprendre des études dont l'importance croît au fur et à mesure que le fichier s'enrichit.[37] Il en sera de même pour les recueils de papyrus.

Le centre général de regroupement, qui pourrait être le Laboratoire de Liège, comporterait seul un ordinateur pour le traitement des données; afin d'assurer l'information des chercheurs avec le maximum de facilités, un ou deux centres supplémentaires devraient sans doute être crées par la suite.

Avant de passer à la réalisation quelques décisions urgentes devraient cependant être prises pour obtenir une uniformité absolue dans la présentation des textes, condition indispensable pour assurer l'échange des informations entre centres; la plus grande diversité règne encore chez les éditeurs dans l'emploi de la majuscule dont il faudrait limiter l'usage aux noms propres, des sigles numériques que les uns résolvent, d'autres pas, enfin des signes diacritiques au début et en fin de ligne quand le texte qu'ils encadrent s'étend sur deux ou plusieurs lignes. En ce qui concerne l'accentuation et l'*iota* souscrit dont il faut souhaiter la généralisation, les divergences sont heureusement moins importantes.[38]

Il faudrait aussi choisir les signes diacritiques que nous ajouterons aux cinq signes de la Convention de Leyde utilisés dans notre *Choix de papyrus*. L'accolade et les traits obliques manquent en effet sur notre perforatrice du grec.

Comme nous ne disposons plus que de deux codes libres, c'est à dire d'un seul signe nouveau[39] pour compléter la série, je proposerais de l'affecter à l'accolade désignant les lettres supprimées par l'éditeur. Le trait oblique indiquant l'addition interlinéaire serait rendu par l'utilisation des accents grave et aigu, le signe serait un peu moins visible que celui actuellement en usage. Une autre solution est possible: reporter dans un apparat critique cette disposition du texte. Elle serait enregistrée lors de la perforation par un sigle accompagnant la forme sur la carte.[40]

Une fois ces décisions prises dans un accord unanime, le travail pourra être entrepris dans les meilleures conditions, sans qu'on coure le risque de devoir y apporter ultérieurement des modifications toujours compliquées.

Je souhaite ardemment que cette mise en oeuvre débute au plus tôt sous l'égide de notre Association, dans le cadre d'une collaboration internationale; j'espère alors qu'au prochain Congrès, une équipe élargie pourra présenter comme réalisation non plus un *Choix de papyrus*, mais plusieurs recueils de textes mis sur cartes perforées.

37. Par ex.: L. Delatte, E. Evrard, S. Govaerts et P. Hazette, *Sénèque, Consolation à Helvia, Les longueurs de phrases,* La Haye, 1963, pp. 257 et ss.; l'étude est fondée sur les données statistiques fournies par les deux premières oeuvres de Sénèque mises sur cartes perforées.

38. Cf. J. Bingen, *Chronique d'Egypte* 42, 1967, pp. 224 et 420.

39. Chaque signe manquant est en effet un signe double: { }, ` ´.

40. Le sigle (η) a été utilisé dans l'index général de notre *Choix de Papyrus* pour indiquer les formes appartenant à une addition interlinéaire, cf. *Choix de Papyrus,* p. 52.

PLATE I

κιτῶνα	κιτωνα	τεϐϐαράκοντα	τεϐϐαρακοντα
ρα	ρα	ἑξήκοντα	εξηκοντα
καθαρὰ	καθαρα	πεντήκοντα	πεντηκοντα
παρὰ	παρα	κυριεύοντα	κυριευοντα
τέϐϐαρα	τεϐϐαρα	ζωφυ[το]ῦντα	ζωφυτουντα
τέσ[σ]ερα	τεϐϐερα	ἑ[πτά	επτα
πατέρα	πατερα	εὐάρεϐτα	ευαρεϐτα
μητέρα	μητερα	πλεῖϐτα	πλειϐτα
ἀριϐτε(ρᾷ)	αριϐτερα	μάλιϐτα	μαλιϐτα
χεῖ(ρα)	χειρα	α[ὐ]τὰ	αυτα
βορρᾶ	βορρα	λυτὰ	λυτα
ἀργυρᾶ	αργυρα	φυτὰ	φυτα
ἀθηνοδώρᾳ	αθηνοδωρα	φιλώ[τᾳ	φιλωτα
εἶαϐα	ειαϐα	ἔνγραφα	ενγραφα
ὁμολήγηϐα	ομοληγηϐα	εἴληφα	ειληφα
ὡμ]ολόγηϐα	ωμολογηϐα	τάχα	ταχα
ἐποίηϐα	εποιηϐα	ἔγραψα	εγραψα
δυνεφόνηϐα	δυνεφονηϐα		
κατεχώρηϐ(α)	κατεχωρηϐα		
τριϐϐὰ	τριϐϐα	ε	ε
ἐθεράπευϐα	εθεραπευϐα	γε	γε
κινδυνεύουϐα	κινδυνευουϐα	δὲ	δε
ὑπάρχουϐ[α	υπαρχουϐα	τάδε	ταδε
ἀνήλωϐα	ανηλωϐα	ἄνελθε	ανελθε
τὰ	τα	ἐξομολογήϐαϐθε	εξομολογηϐαϐθε
ὕδ[ατα]	υδατα	ιε	ιε
κατὰ	κατα	κύριε	κυριε
γράμματα	γραμματα	κὲ	κε
τελέϐματα	τελεϐματα	κε	κε
μετὰ	μετα	εἴρηκε	ειρηκε
πάντα	παντα	δυνέϐαλε	δυνεϐαλε
[ἅ]πα[ν]τα	απαντα	ἐπιϐτῖλέ	επιϐτιλε
ὑπο[νοϐ]ήϐαντα	υπονοϐηϐαντα	με	με
χιαϐθέντα	χιαϐθεντα	ἐμὲ	εμε
κελευϐθέντα	κελευϐθεντα	ἀκήκοε	ακηκοε
τριάκοντα	τριακοντα	εἶπε	ειπε

INDEX INVERSE
spécimen

PLATE II

CONCORDANCE A CONTEXTE DE LONGUEUR VARIABLE

POUR DES GROUPES DE LETTRES DE LONGUEUR VARIABLE

SPECIMEN POUR LES LETTRES ντ

2 1
εὐσχήμονι ο[ι]κονόμωι τῆς ἐν τῶι ἀρσινοείτηι [τιβερίου
2 4
καταγεινομένου ἐν ἐποικίωι ἀντωνία[ς δρούσου* διὰ ψενεριεῦτος
2 6
τέσ[σ]ερα ἀπὸ τοῦ εἰσιόντος τρίτου ἔτους ν[έρωνος κλαυδίου
2 9
εἴκοσι ἑ[πτά ἀνὰ μέσου ὄντος* 25] 2ικοντε[10 ὧν ἐν τῆι
2 9
ἀνὰ μέσου ὄντος* 25] 2ικοντε[10 ὧν ἐν τῆι π]ρ[ώτηι μὲν σφραγεῖσι
2 10
ὄντος* 25] 2ικοντε[10 ὧν ἐν τῆι π]ρ[ώτηι μὲν σφραγεῖσι
2 13
ἐν αἰγιαλῶι λιβὸς πα[λλαντιανῆς οὐσίας ἐσάφηι ἀπηλιώτου
2 16
ἀναπο*δότους τελέσωι ἐκφόριον τοῦ παντὸς [κατ'ἔτος τῆς φα*νησομένης
2 17
τελέσωι ἐκφόριον τοῦ παντὸς [κατ'ἔτος τῆς φα*νησομένης
3 1
μεμέ(τρηται) εἰς τὸν τῆς διοικήσ(εως) θησ(αυρὸν)
5 7
ἐπέρχεταί μοι καὶ [νῦν ἐν τῇ ἰδίᾳ μου οἰκίᾳ ὕβρεις ἀνηκέστ[ας
5 8
ὕβρεις ἀνηκέστ[ας μοι συντελεῖ οὐ μόνον κακολογῶν ἀ[λλὰ
5 15
διὰ τῆς σῆς [βοηθείας καὶ ἀντι*λήψεως ἐν τῇ ἰδίᾳ μετ'ἠ[συχίας διαζῆν
5 15
[βοηθείας καὶ ἀντι*λήψεως ἐν τῇ ἰδίᾳ μετ'ἠ[συχίας διαζῆν

PLATE III

μετά	7	ῥώννυμι	5
μή	7	υἱός	5
μισθόω	7	φόρος	5
πόλις	7	χρεία	5
πρόκειμαι	7	χρόνος	5
ρα	7	ἀλλήλων	4
φ	7	ἀργυρικός	4
δ	6	ἀργύριον	4
ἑαυτοῦ	6	δηλόω	4
ἑκατόν	6	ἔδαφος	4
ἴδιος	6	ἑξήκοντα	4
κράτιστος	6	ἐπέρχομαι	4
μήν 1	6	ἕως	4
νομός	6	ἡμέρα	4
οἰνοπράτης	6	ἡμέτερος	4
ὁμολογέω	6	θησαυρός	4
οὖν	6	θυγάτηρ	4
τε	6	ἵνα	4
α	5	καθαρός	4
ἀνά	5	λόγος	4
ἀναδίδωμι	5	μάτιον	4
γῆ	5	ὀκτώ	4
γραμματεύς	5	ὅτι	4
δίδωμι	5	οὐλή	4
διευτυχέω	5	ὀφείλω	4
εἰ·	5	σημειόω	4
εἴκοσι	5	τετάρτη	4
ἕκαστος	5	τὶς	4
ἐνίστημι	5	τότε	4
ζ	5	φαίνω	4
ἥμισυς	5	χείρ	4
θ	5	ἀγράμματος	3
ις	5	ἀλλά	3
λοιπός	5	ἄλλος	3
μέν	5	ἀναγκαῖος	3
πολύς	5	ἀξιόω	3

LISTE DE FREQUENCE

PLATE IV

1 MANDAT D'AMENER

P. Wisc. 23. – Oxyrhynchite, Ière moitié du Ier siècle.

ἐφόδοις Ψώβθεως.
ἐκπέμψατε
Θῶνιν Ὧρου
καὶ Διονύσιον Ἅρπα
ήσιος καὶ Παυσεῖριν
Πετσείριος καθ' [ὧν
ἐνέτυχεν
Ἀρίστανδρος.

ἐφόδοις Ψώβθεως.
ἐκέπεμψα Πε
θῶνιν Ὧρου
καὶ Διονύσιον Ἅρπα
ήσιος καὶ Παυσεῖριν
Πετεσείριος. καθ[4
ἐὰν ἐντυγχάν[ητε.
Ἀρίστανδρος.

εφοδοις ψωβθεως
εκπεμψατε
θωνιν ωρου
και διονυσιον αρπα
ησιος και παυσειριν
πετσειριος καθ[
ενετυχεν
αριστανδρος

PLATE V

2 Ἄγκυραι
Ἀγκυρῶν 8 7
Ἀγκυρῶν 8 12
7 Ἀδριανός
Ἀδριανοῦ 5 19
Ἀδρι]ανοῦ 6 1
Ἀδριανοῦ 7 2
Ἀδριανοῦ 8 21
Ἀδριανοῦ 9 10
[Ἀδριανοῦ 9 20
Ἀ]δριανοῦ 9 26
1 Ἀθᾶς
Ἀθᾶτος 18 2
1 Ἀθηνοδώρα
Ἀθηνοδώρᾳ 21 9
1 Ἀθιόεις
Ἀθιόει 27 4
3 Ἀθύρ
Ἀθὺρ 3 2
Ἀθύρ 5 19
Ἀθύρ 25 9
2 Αἴλιος
[Αἰλί]ου 9 20
Α[ἰλίου 9 26
1 Αἴλουρος
Αἰλούρου 9 11
4 Αἰμίλιος
Αἰμίλλ[ιος 6 4
Αἰμίλλιον 6 12
Αἰμιλλίωι 6 17
Αἰμιλίου 22 15
1 Ἀλεξάνδρεια
Ἀλε*ξάνδρειαν 13 3(κ)
1 Ἀλῆς
Ἀλῆτος 22 21
1 Ἀλύπιος
Ἀ*λυπίου 25 4
1 Ἀμᾶτις
Ἀμᾶτι 14 6
1 Ἀμάτοκος
Ἀματόκῳ 14 5
2 Ἄμμων
Ἄμμων 17 1
Ἄμμων 26 23
1 Ἀμμώνιος
Ἀμμ[ω]νίῳ 14 4
1 Ἀμμωνίων
Ἀμμωνίωνι 28 22
1 Ἀμόϊς
Ἀμόιτος 8 13
1 Ἀνθέστιος
Ἀνθέστιος 8 2
1 Ἀννιανός
Ἀννιανοῦ 28 6
1 Ἀντίνοος
Ἀντινόου 8 4
1 Ἀντωνία
Ἀντωνία[ς 2 4
8 Ἀντωνῖνος
Ἀντωνίνου 9 6

PLATE VI

CONCORDANCE SIMPLE A CONTEXTE DE LONGUEUR VARIABLE

SPECIMEN POUR LE MOT στρατηγός

5 1
ἠρώδῃ τῶι καὶ τιβερίωι σ[τρ(ατηγῶι) ἀρδι(νοίτου) θεμ(ίστου)

7 1
ὑπομνηματισμῶν θέωνος γενομένου στρατηγοῦ προσωπίτου *ἔτους κ θεοῦ

7 4
πανδβέως καὶ ἰμούθῃ ὥρου ὁ στρ(ατηγὸς) ἀροννήβει τί περὶ τούτων

7 8
συκοφαντεῖσθαι ὑπ' αὐτο[ῦ] ὁ στρ(ατηγὸς) τότε αὐτῷ οὐ συνεγέν[ου

7 9
τοιοῦτο ἀκήκοε παρ' ἡμῶν ὁ στρατ(ηγὸς) εἰ καθαρὰν εἶχετε συνείδησι[ν

7 12
ἐργαζόμενοι ἐν κτήματι ὁ στρ(ατηγὸς) καὶ τὴν αἰτίαν δι' ἣν ἐπηρε[ά*σατ[ε]

7 14
μὴ κεκοφέναι ἀμπέλους ὁ στρ(ατηγὸς) ποῦ ἐστιν ὁ ἀρχέφοδος ὑποδειχθέν[τος

7 16
παρεῖναι ἐκεῖνον γὰρ ἀσθενεῖν ὁ σ[τρ(ατηγὸς) τῶι ἰμ[ού]θῃι ἱκανόν σοι

9 1
οὐ]λλερίωι ἀπολιναρίωι [στρ(ατηγῷ) λυ]κ(ο)πολ(ίτου) πα]ρὰ

11 14
ἐπισ*τολὴν τῷ τοῦ νομ[οῦ στρ]ατηγῶι [[φα]] ((ἐξετάσαι κἂν α[ὐ]τὰ

11 16
[ἀπολῦσ]αί με καὶ ἀφίθην ὑπὸ τοῦ στρ(ατηγοῦ) φανεὶς)) ἐπὶ <<σ>>τῆς ἐξετάσεως

11 18
πρόγραμμα οὕτως ἔχων φωκίων [στρα]τηγὸς ἀρδινοίτου θεμίστο[υ καὶ]

16 8
ἐθεράπευσας δίδαξον τ[ὸν στρα*τηγὸν εἰ ἰατρὸς εἶ δημοσ[ιε]ύων

27 2
καὶ σάρων τὸ [ε αὐρηλίωι ἀπίωνι στρατηγῶι ἀρδινο[είτο]υ παρὰ αὐρηλίων

27 6
ἡμετέραν [κώ]μην ποιού*μεθα στρατηγῶν ἄριστε μακρόθεν τυγχά[νο]μεν

PLATE VII

CONCORDANCES SELECTIVES A CONTEXTES DE LONGUEUR VARIABLE

SPECIMEN : CONTEXTES DE ἔτος *QUI CONTIENNENT AUSSI* καῖσαρ

2 5
βούλομαι μισ[θώσασθαι ἐπὶ ἔτηι τέσ[σ]ερα ἀπὸ τοῦ εἰσιόντος
τρίτου ἔτους ν[έρωνος κλαυδίου καίσαρος σεβαστοῦ γερμανικοῦ
αὐτοκράτορος
5 16
ἠ[συχίας διαζῆν καὶ ὧι ὑπὸ σοῦ πεφιλανθρω[πημένη
διευτύχει *ἔτους δωδεκάτου αὐτοκράτορ[ος καίσαρος τραιανοῦ
ἀδριανοῦ σεβαστοῦ
6 1
ἔτους ιε αὐτοκράτορος καίσαρος τραιαν[οῦ ἀδρι]ανοῦ σεβαστοῦ
παχὼν
9 4
πλουτογένους ἀπολλωνίου** ἀπογράφομαι εἰς τὸ ἐνεστὸς
[θ] *ἔτος ἀντωνίνου καίσαρος τοῦ κυρίου κατὰ τὰ κελευσθέντα
ὑπὸ τοῦ κρατίστου
9 17
πορε[5] θυγ[ατέρα] *ἐτῶν κα ἰσαροῦν σαρεῦτος ὀ[ρφαν]ή[ν*]
*ἐτῶν η** καὶ ὀμνύω τὴν [αὐτοκράτορο]ς καίσαρος τίτου
[αἰλί]ου [ἀδριανοῦ
9 22
καὶ ἐπ'ἀλ[ηθεί]ας ἐπιδεδωκέναι τὴν πρ[οκειμ]έ*νην ἀπογραφήν
*ἔτους θ αὐτο[κρά]τορος καίσαρος τίτου α[ἰλίου ἀ]δριανοῦ
ἀντων[ίνου
10 1
ἔτους δευτέρου αὐτοκράτορο[ς] καίσαρος μάρκου αὐρηλίο[υ
ἀντωνείνου
11 29
χρείας ἐπι*λά[βηται] εἰς τὸ ἐν μη[δεν]εὶ μεμφθῆναι
δεδη*μί[ω]μαι *ἔτους η αὐτοκρ[άτο]ρος καίσαρος
μάρκ[ου αὐρηλίου] ἀντωνείνου σεβ[αστοῦ

PLATE VIII

SPECIMEN: CONTEXTES DE πυρός QUI CONTIENNENT AUSSI ἀρτάβη

2 18
λήμ[ψομαι σπερμάτων κατ'ἄρουραν πυροῦ ἀρτάβῃ μιᾷ ἑκάστῃ
ἀρ[ούρης

3 5
διοικήσ(εως) ἐξ ἀβρόχ(ου) *πυροῦ *ἀρτάβην μίαν ἥμισυ τρίτον

3 6
μίαν ἥμισυ τρίτον *γίνεται *πυροῦ *ἀρτάβη α *ἥμισυ γ'
κρι

4 5
πυροῦ δωδέκατον *γίνεται *πυροῦ *ἀρτάβης ιβ αν() δεση(μείωμαι)

21 16
πυρῷ ἐκφορίου ἀπ[οτά*κτου πυροῦ ἀρταβῶν δώδεκα ἀκί]νδυνα

25 14
ἀπὸ τοῦ τόπου τοῦ θησαυροῦ πυροῦ ἀρτάβας ἓ[ξ καὶ
ψωμίων καθα[ρῶν

ARCHIVE OF KOMON

E.G. Turner

In this paper I give a short report on a small archive of the first century after Christ identified first by Dr. John Rea during the course of making a rough inventory of the unpublished Oxyrhynchus papyri. The texts were part of the subject matter of a papyrological seminar held in the University of Cambridge in 1967/8, and it is hoped they will be published in a forthcoming volume of *The Oxyrhynchus Papyri* (perhaps Volume XXXVIII) from the transcripts and commentary on them furnished by members of the seminar. One of the texts (No. 7 bis) that constituted this archive was published as long ago as 1898 by B. P. Grenfell and A. S. Hunt. It is possible that other published texts may also be found to belong. I have made no systematic search outside *P. Oxy.* and *PSI*, and such a search is desirable (if a full prosopography of Oxyrhynchus or a computer-programmed concordance were available, the task would be easy).

Fourteen texts have so far been identified as part of the archive. They run in time from the reign of Claudius to that of Domitian. Individually the texts are of no outstanding interest, but taken together they offer a short family history which may help to enlighten us about the social conditions in first century Oxyrhynchus. By giving them a context archives lend significance to single documents, as is well-known, and this archive may take its place as a source of information about Oxyrhynchus alongside that of the weaver Tryphon of a slightly earlier date.[1]

The appended list (p. 488) offers an inventory of our fourteen texts. They include three private or business letters (1, 5, 6); four sitologus receipts (2, 5 bis, 10, 12), one repayment of a loan (3), one receipt for payment of rent (4), two documents connected with a manumission (7, 7 bis), one sale of a donkey (8), one list of practors (9) and one death certificate (11).

The manumission (7) clears up a number of juristic points left uncertain by *P. Oxy.* 48. In this latter text, dated Phaophi = October A.D. 86, a certain Chaeremon, who does not specify his *locus standi* (Grenfell and Hunt regarded him as a banker), gives instructions to the agoranomos: δος ἐλευθέρωσιν "grant liberty by Zeus, Earth and Sun to Euphrosyne . . .," the sum involved being ten drachmas of coined silver and ten talents 3000 drachmae of copper. The new text (which will be edited by Miss Joyce Reynolds, Fellow of Newnham College) is much fuller. Absence of signatures, of precise dates and of some details of personal description suggests that it is still a draft. It is dated *Epagomenai* of the month Kaisareios, i.e. nearly two months earlier than

1. See E. H. Brewster, "A Weaver of Oxyrhynchus," *TAPA*, 1927, pp. 132-154; *idem*, "A Weaver's Life in Oxyrhynchus," *Classical Studies in Honour of J. H. Rolfe*, University of Pennsylvania Press, 1931, pp. 19-45; A. Swiderek, "Z zycia drobnego rzemiéslnika w Egipcie rzymskim," *Meander* 8, 1953, pp. 111-124; M. V. Biscottini, "L'Archivio di Tryphone, Tessitore di Ossirinco," *Aegyptus* 46, 1966, pp. 60ff., pp. 186ff.

P. Oxy. 48.[2] The text reads: "Aline, daughter of Komon, with her son Komon acting as *κύριος* [the *κύριος* in *P. Oxy.* 48 is Komon, the son of her brother Dioscoros] has given freedom in the street by Zeus, Earth and Sun before the agoranomi Theon and Dios and Dionysios to Euphrosyne [detailed description] for ten drachmae of coined silver (*ἀργύριον επίσημον*) and the ransom-price paid on behalf of Euphrosyne to her former mistress by Theon son of Dionysios . . . of Oxyrhynchus amounting to 800 drachmae of silver of imperial coinage (*ἀργυρίου σεβαστοῦ νομίσματος*) consisting of (*ἐκ*) ten talents 3000 drachmae of copper, neither Theon nor anyone acting for him being permitted to request payment from Euphrosyne who is being manumitted, nor those acting on her side nor [three words unread]. The certifier of the manumission is [blank]."

The phrase in which the ransom price is stated runs as follows: [19]*λύτρων ἀργυρίου σεβα*[*σ*] [20]*τοῦ νομίσματος δραχμῶν ὀκτακοσίων ἐκ χαλ* [21]*κοῦ ταλαντ.. δέκα τισχι*[*λ*]*ιαις*. There is certainly an error in the writing of the first syllable of *τρισχιλ-*, and probably an error in its termination; the last letter of *ταλαντ-* cannot be read as *ν* [i.e. *ταλάντων*], and is more likely *υ* than *σ*, as though the scribe had written *ταλάντου δέκα τ⟨ρ⟩ισχιλιάις*. The easiest correction is to *ταλάντων δέκα τρισχιλίων*. In this formula *ἐκ χαλκοῦ* does not mean "at the rate of" but "consisting of," *ἐκ* and the genitive defining the material, i.e. the type of coin in which the price was paid (a rare use, but cf. E. Mayser, *Grammatik d. gr. Pap.* II 2, p. 347). The phrase therefore means that 800 drachmas of silver of Augustan coinage were held equal to ten talents 3000 drs. of copper, which gives a ratio of just below 80:1. The ratio commonly accepted by historians for the latter part of the first century is 400 or 450:1. Before the present example is dismissed as mere error, we should note another unusual ratio, to which Miss Reynolds and Professor Youtie called attention. It is in P. Col. Inv. 551 verso, published by W. L. Westermann in *Aegyptus* 13, 1933, pp. 229ff., reproduced in *SB* 7533 (probably also from Oxyrhynchus in view of the name Sinthonis). The formula in this document of A.D. 160/161, a sale of a slave, runs (line 51): *τὰς δὲ συμπεφωνημένας ὑπὲρ τειμῆς τοῦ αὐτοῦ δούλου ἀργυρίου σεβαστοῦ νομίσματος δραχμὰς χειλίας τριακοσίας αὐτόθι ἄπεσχεν ὁ Σαραπίων παρὰ τοῦ Ἀγαθοῦ Δαίμονος ἐκ πλήρους χαλκοῦ ταλάντων δέκα τρισχειλίας*. Perhaps we should write ⟨*ἐκ*⟩ *χαλκοῦ*, the preposition being lost by haplography after *ἐκ πληροῦς*. However that may be, the case of *ταλάντων* suggests that it also is a genitive of material. The ratio in this text is 48:1, which A. C. Johnson, L. C. West, *Currency in Roman Egypt*, p. 15, treated as a freak.

The number of practors mentioned in text 9 is also worth a comment. Twelve names for a single village suggests a single college of officials, not here differentiated into practors of corn and practors of money. F. Oertel, (*Die Liturgie*, p. 196) reckons six to a college; in *BGU* 1046 there are six corn practors, three money practors. Since the Komon concerned is clearly Komon III, the date is likely to be under the Flavians.

Elucidation of one of the sitologus receipts (10) is due to Professor Youtie, who suggested that the abbreviation γ^{-} (gamma with superposed horizontal line) and further three letters immediately following the sign for "wheat" should be taken as $\gamma^{\mu 3}$ and expanded (*πυροῦ*)

2. We may observe in passing that we have not yet traced the still unpublished papyrus from Oxyrhynchus found in 1904 which Grenfell and Hunt in publishing *P. Oxy.* 722 say they employed as a model. Since the model is dated to the reign of Commodus it cannot be this text. All the new texts of this archive belong to their third season, i.e. were found in 1904.

3. The horizontal line of the monogram for *πυροῦ* leads straight to the horizontal stroke of what it is proposed to read as *γ*, the stroke above which is also a straight line. A. Blanchard, who is reluctant to accept this stroke as doing double duty (to show that *γ* is the ordinal *τρι-*, and also part of *-μ(ήνου)*) has proposed the extension (*πυροῦ*) *τὰ σύνπ(αντα)* [or better, *τὰ(ς) συνπ(άσας)*]. But this suggestion has its own difficulties: the stroke looks like *γ*, not *τ*; the article *τὰ* with *σύνπ(αντα)* is not in the parallel text *P. Oxy.* 384, and indeed the phrase *τὰ σύνπαντα* is not cited in either Mayser, *Grammatik* or *Wörterbuch* for these accounts (*πᾶν* is, and the phrase *γίνεται τοῦ σύμπαντος* in a money-account is common).

(τριμήνου) σύνπ(αντα) = "three months' wheat" – i.e. wheat sown in spring (cf. *LSJ* s.v.; M. Schnebel, *Die Landwirtschaft im hell. Aegypten*, pp. 145-6). A similar sitologus receipt from Oxyrhynchus, *P. Oxy.* 384, is stated by Grenfell and Hunt (*P. Oxy.* II, p. 280, n. on 287.7) as reading πυροῦ τρίω( ) σύνπ(αντα). Professor Youtie's "strong suspicion" that τριω should be read τριμ was fully confirmed on examination of the original, now B.M. pap. 812. A probable third example put forward by him, *P. Oxy.* 287, has not yet been reinspected. It is now in the Collection of Columbia University in New York. I should welcome a reinspection of the original to see whether it also could have had (πυροῦ) γ⁻ σύνπαντα (γ⁻ for (τριμήνου)); the part concerned is damaged and left as a lacuna by Grenfell and Hunt. We should then have three first century A.D. examples of "three months' wheat," previously cited in papyri only from the Zenon archive.

The most straightforward way to summarize the general information from the archive is to discuss the members of the family, of which a stemma is offered (p. 489). The central figure is Aline, daughter of Komon I, mother of Komon III, aunt of Komon II (the Komons belong either to the generation of Gaius and Claudius or of Nero to Domitian). She is still alive in A.D. 86 (number 7); her age is stated (but is unfortunately unreadable), a widow since A.D. 50 when her husband Mnesitheos died (number 11). Since she was certainly the mother of two children she is likely to have been born not later than about A.D. 25. It is even possible that she, not her son Komon III, was the custodian of these papers. The name Ἀλώη is not of common occurrence. An unpublished payment order to sitologi in Oxyrhynchus dated 7th Hadrian *Epagomenai* is sent by Theon son of Heraclides son of Sarapion, his mother being Aline (to be published by Dr. Gerald Browne). An Ἀλώη described as ἀστή (i.e. citizen of Alexandria) appears in a first century A.D. Oxyrhynchus text, in which a man is accused of stealing her jewellery (*P. Oxy.* 259). This lady's father's name is Dionysios, not Komon, and therefore she is not our Aline; but she could be our Aline's aunt.[4] But it is worth noting that in our family the Greek names Komon and Kleopatra, Aline's parents, Dionysios and Dioskoros, her brothers, are on the lady's side; her husband Mnesitheos (or Mnesithes) has a Greek name, but his father is the Egyptian Petesouchos.

In the later texts (numbers 7, 8) Aline and her son are described as τῶν ἀπ' Ὀξυρύγχων πόλεως, i.e. they are metropolites, not villagers. Mnesitheos moreover in his death certificate (number 11) is described as registered in the *laura* of the Dromos (of Sarapis).

In 4 Mnesitheos is described as "farmer," γεωργός: he and a partner are cultivating land "from the kleros of Pyrrhias," that is, cleruchic land, for which they are paying rent. They are *not* δημόσιοι γεωργοί. This land was in the toparchy of Thmoisepho. The receipts show taxes paid on land in other toparchies: to sitologi of the upper (number 2), though the village of Kerkeura (also number 2, cf. numbers 5 bis, 12) is in the middle toparchy. One would like to know whether any land was owned in the lower toparchy, in a village of which (Sesphtha) Komon III

4. Perhaps the best-known Ἀλώη is the lady whose portrait on linen was found in a tomb at Hawara (Berl. Inv. 11411, E. Pfühl, *Malerei und Zeichnung d. Griechen* II, p. 925, Tafel 678; K. Parlasca, *Mumienporträts und verwandte Denkmäler* pp. 33-4, 94-6, Tafel VIII, 1). On grounds of style Parlasca accepts a date in the time of Tiberius for the picture, instead of Marcus Aurelius; and his view is supported by the false *iota* adscript in Aline's name in the accompanying inscription (such *iotas* were commonly added in the early first century A.D., not in the second). This Aline is therefore a contemporary of our family. To prove that she was a member we should have to show that their dead were transported to the 'labyrinth' of Hawara for mummification and burial.

The name Komon at Oxyrhynchus is also not of frequent occurrence, cf. *PSI* 942 (89/90); 1029 (A.D. 52/3); 1109 (A.D. 93/4). In the last-named text, the alternation of names Dionysius (undergoing epikrisis) - Komon - Dionysius - Komon makes one wonder whether we have a Komon IV, son of Dionysius, brother of Aline.

was practor. The large amount of the loan of wheat (129 artabae) repaid by Mnesitheos in 3 makes one wonder whether this was not a commercial transaction. Moreover number 11, Mnesitheos' registration of death, is addressed to an official described in A.D. 50 as *ἐγλήμπτωρ οὐσίας τοῦ κυρίου Τιβερίου Κλαυδίου Καίσαρος Σεβαστοῦ Γερμανικοῦ αὐτοκράτορος*, i.e. to a private individual who has made a contract to lease and exploit the whole or part of the reigning emperor's *οὐσία* at Oxyrhynchus.[5] The fact that this certificate was addressed to such a person (of course other copies might have been sent to the normal recipients; the registration of death, *P. Oxy.* 262, is addressed to the *ἐγλήμπτωρ γερδιακοῦ* or *-ίων*, cf. *P. Phil.* 6 and 7) implies that Mnesitheos had a connection with, and possibly obligations towards, this particular estate.

Here then is our Oxyrhynchite petit bourgeois family. They own a slave girl "born in the house" (*οἰκογενής*) of a slave mother; the son has money to buy a donkey; a correspondent writes to Komon III about an *ergasterion* (number 6, the word may mean no more than a shop) and its woman owner; another writes to Aline (number 5) that he is on the track of a runaway slave. Komon III must have had a certain income, social standing and ability to serve as practor (number 9). The documents are all damaged so that no actual example of the handwriting of any member of the family survives. But they seem to have been accustomed to receiving and keeping documents. One wonders what other first century Oxyrhynchite documents may have survived because they were in the custody of this family; and whether any texts of literature were owned by them.

CALENDAR OF THE ARCHIVE OF KOMON

1. Private or business letter, Dioskoros (?) to Mnesitheos, no date.
2. Receipt given by sitologi of Sko, 3/8 artabae wheat paid by Aline for Kerkeura. 3/8/75
3. Acknowledgment given by X son of Mnesitheos to Mnesitheos son of Petesouchos of repayment of loan of wheat, 129 artabae. 19/7/42
4. Acknowledgment given by Sarapion son of Chaeremon to Mnesitheos son of Petesouchos and Gaius Koutios son of Marcus, *γεωργοί*, of payment of rent (*ἐκφόρια*) (amount not stated) on land (area not given) near Tholthis in toparchy of Thmoisepho. 9/7/50

5 bis Much damaged receipt for a payment (? of wheat to sitologi) by Aline daughter of Komon, involving Kerkeura. 2/9/64

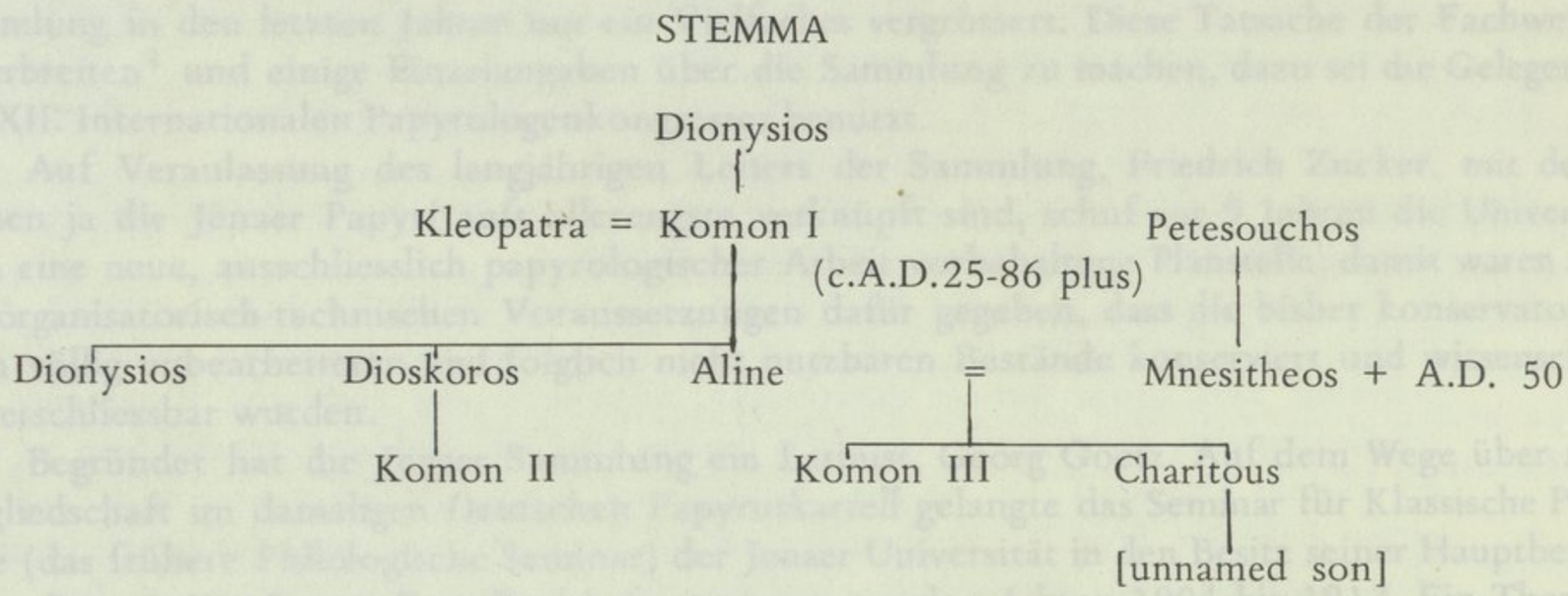
5. Conclusion of a private letter, presumably to Aline, with greetings to "your son Komon and Charitous and her son." July 62
6. Letter of Kephalion to Komon, mentions an *ἐργαστήριον* of a woman Nemesous. Kaisareios 5, no year date.
7. (Draft?) certificate of manumission by Aline daughter of Komon and Kleopatra before the agoranomi of the houseborn slave Euphrosyne. 24-28/8/86. This transaction was completed in Oct. 86 by

7 bis Instruction of Chaeremon to the agoranomos, Oct. 16 A.D. 86, P. Oxy. I 48.

5. An imperial estate at Oxyrhynchus at this date is not known from other sources; nor is an *ἐκλήμπτωρ* of/or on the estate of a reigning emperor, the nearest parallel being the *ἐγλήμπτωρ βίβλου* of Livia at Theadelphia in A.D. 26 while Livia was still living, *P. Mil.* 6. We should perhaps mentally supply a further noun in the title, i.e. *ἐκλήμπτωρ ⟨ ⟩ οὐσίας*, and regard Heraclides as entrepreneur exploiting a limited area, cf. the *ἐγλήμπτωρ γερδ( )* at Oxyrhynchus in A.D. 61 to whom also a death notification is addressed, *P. Oxy.* 262.

8. Sale by Ammonis son of Heraclas of Sinary to Komon son of Mnesitheos and Aline of the city of Oxyrhynchus of a male donkey price (100 plus dr.), date lost.
9. List giving names of 12 persons including Komon son of Mnesitheos headed "Sesphtha, Praktors."
10. Sitologus receipt (Southern toparchy, village of Senokomis) for payment by Aline daughter of Komon of 9 artabae of 3-months-wheat, 20/7/85
11. Attestation of death of Mnesitheos son of Petesouchos certified by Aline daughter of Komon to Heraklides, *ἐγλήμπτωρ οὐσίας*, August 50
12. Much damaged receipt from sitologi of Psychis to [? Mnesitheos son of] Petesouchos for wheat for Kerkeura, Claudius(?).

STEMMA



DIE JENAER PAPYRUSSAMMLUNG

Fritz Uebel

In den einschlägigen Werken[1] findet sich über die Grösse der Jenaer Papyrussammlung nur die Angabe, es seien 60 verglaste Stücke vorhanden. Durch konservatorische Aufarbeitung ihres alten Bestands und durch eine Dauerleihgabe hat sich die Zahl der inventarisierten Stücke der Sammlung in den letzten Jahren um ein Vielfaches vergrössert. Diese Tatsache der Fachwelt zu unterbreiten[2] und einige Einzelangaben über die Sammlung zu machen, dazu sei die Gelegenheit des XII. Internationalen Papyrologenkongresses benutzt.

Auf Veranlassung des langjährigen Leiters der Sammlung, Friedrich Zucker, mit dessen Namen ja die Jenaer Papyri aufs allerengste verknüpft sind, schuf vor 9 Jahren die Universität Jena eine neue, ausschliesslich papyrologischer Arbeit vorbehaltene Planstelle; damit waren auch die organisatorisch-technischen Voraussetzungen dafür gegeben, dass die bisher konservatorisch noch völlig unbearbeiteten und folglich nicht nutzbaren Bestände konserviert und wissenschaftlich erschliessbar wurden.

Begründet hat die Jenaer Sammlung ein Latinist, Georg Goetz. Auf dem Wege über seine Mitgliedschaft im damaligen Deutschen Papyruskartell gelangte das Seminar für Klassische Philologie (das frühere Philologische Seminar) der Jenaer Universität in den Besitz seiner Hauptbestände an Papyri. Die Jenaer Kartellankäufe stammen aus den Jahren 1904 bis 1913. Ein Theologe war es dann, der in den Jahren 1907, 1912 und 1914 die ersten 3 Papyri der jungen Sammlung veröffentlichte: Hans Lietzmann. Zu den von ihm edierten Texten gehört auch der wertvollste der Jenaer Papyri: Reste einer Rolle mit Teilen vom Hauptwerk des Kirchenvaters Irenäus (*Adversus haereses* v. 3.2-13.1). War schon damals die wissenschaftliche Arbeit an den Jenaer Papyri in erfreulicher Weise in Gang gekommen, so muss man doch heute mit Bedauern festellen, dass der äusseren Behandlung der Sammlung in diesen ersten Jahren anscheinend nicht die nötige Sorgfalt zuteil wurde, besonders was die Sicherung der Provenienz und die Konservierung betrifft. Irgendwelche auskunftgebenden Listen existieren aus dieser Zeit überhaupt nicht. F. Zucker fand, als er nach dem ersten Weltkrieg mit einem Lehrstuhl für Klassische Philologie in Jena auch

1. K. Preisendanz, *Papyrusfunde und Papyrusforschung*, Leipzig, 1933, S. 278 f.; derselbe in: F. Milkau-G. Leyh, *Handbuch der Bibliothekswissenschaft*^{2} I, a3, Wiesbaden, 1952, S. 184 Anm. 9.

2. Kurze Mitteilung über den Gesamtbestand der Sammlung schon bei F. Uebel, "Koptische und koptisierende Stücke der Jenaer Papyrussammlung," *Koptologische Studien in der DDR* = Sonderheft der *WissZUniv. Halle-Wittenberg*, 1965, S. 86-94.

die Papyrussammlung übernahm, 60 verglaste und numerierte[3] sowie 47 grob geglättete, überwiegend unnumerierte Stücke vor; nur die Nummern 75 und 76 waren bereits besetzt. Alles übrige befand sich, verpackt in Zinkblechkästen und ähnlichen Behältnissen (deren Herkunft zum Glück heute noch feststellbar ist), im Fundzustand, also in jener heillosen Verfassung geknüllter, zerbrochener, verwahrloster Fetzen, in der die Papyri über die Finder und Verkäufer an den Aufkäufer des Kartells gelangt waren. Es erwies sich, dass die in Jena vorbehandelten und teilweise verglasten 107 Stücke ziemlich willkürlich aus den Kästen entnommen worden waren, ohne dass dazu vermerkt worden wäre, aus welchem Kasten sie stammten, und ohne dass man die Kästen gründlich auf Erfassung sämtlicher Fragmente eines Papyrus untersucht hätte. Im Zuge der 1959 von mir begonnenen Aufarbeitung konnten daher aus den Kästen einige Fragmente zu Tage gefördert werden, die zu schon verglasten Stücken gehörten, wodurch sich die Provenienz einiger Papyri mit alten Inventarnummern nachträglich wieder herausstellte.

Die seitdem geglätteten 'Knüllfunde' der Jenaer Sammlung sind inventarisiert unter den Nummern 61-657. Im einzelnen sind es folgende Komplexe:

Nr. 61-64 eine kleine Gruppe meist belangloser ptolemäischer Fetzen aus Assiût (Lykopolis). Zu dieser Gruppe gehören auch unter den Nummern 54 und 55 ein leider fragmentarisches Schreiben an ἱερεῖς und θιασῖται aus dem 2. Jh. v.u.Z. und eine Enteuxis an ein Chrematistenkollegium etwa um 100 v.u.Z.

Nr. 65-111 sind die schon vor 1918 grob geglätteten Stücke verschiedener Provenienz, darunter ein paar koptische und arabische Texte.

Die Nummern 112-258 kommen aus dem Faijûm. Es sind griechische Papyri aus römischer und byzantinischer Zeit sowie 6 arabische Papyri.

Auf die Nummern 259-472 ist ein Ankauf aus Edfu (Apollinopolis Magna) verteilt: einige ptolemäische Urkunden aus dem 3. und 2. Jh., einige aus römischer, viele aus byzantinischer Zeit sowie wenige demotische, koptische und arabische Fragmente. Der Irenäuspapyrus entstammte ebenfalls diesem Ankauf, und an Literarischem ist noch ein kleines Fragment (Inv.Nr.266) darunter mit Resten der Chorverse 64-69 aus Euripides' *Bakchen*, etwa II^{P} in sorgfältigster Buchschrift[4] und doch fehlerhaft (καμετην statt καματὸν v.66) geschrieben. Interessant auch eine Inventarliste aus dem 3. Jh. u.Z. (Inv. Nr. 267), deren Hauptbestandteil ein Bücherverzeichnis ist; an Autoren begegnen Philemon, Eratosthenes (Buchtitel Εἰς τὸν ἐν τῇ Ἰλ[ιάδι---), ferner ein Ἐγκώμιο(ν) Ῥούφο(υ) εἰς ο[, Πλάτωνο(ς) λέξεις, eine Schrift Τὸ εἰς τὰ ἔπη Πρείσκου (einer der beiden bei Ovid *Pont.* iv.16.10 genannten Epiker?) und weiteres.

Die Nummern 473-657 umfassen einen Ankauf aus Eschmunên (Hermopolis magna), meistens Byzantinisches, auch einige koptische und arabische Stücke, davon ein koptisches auf Pergament und je eines zusammen mit Griechisch bzw. Arabisch auf

3. Innerhalb der Numerierung 1-60, die zumindest teilweise eine nicht mehr rekonstruierbare noch ältere Numerierung ersetzt hat, sind die Nummern 1 und 4 jetzt unbesetzt (der von H. Lietzmann publizierte "Papyrus Ienensis Nr. 1" trägt in dieser noch jetzt gültigen Zählung die Inv. Nr. 41). Es lässt sich nicht mehr ermitteln, ob hier ein Fehler in der Zählung (infolge Verwechslung alter und neuer Numerierung?) zugrunde liegt, oder ob zwei heute unbekannte Stücke irgendwann verloren gingen, etwa durch Kriegseinwirkung wie im Falle einiger publizierter und unpublizierter Teile des Irenäuspapyrus (*s.Eirene* 3, 1964, S. 52-54) und im Falle des von F. Zucker publizierten P. Ien. Inv. 40, oder ob einige Teile des Irenäuspapyrus einst diese Nummern erhalten hatten; letzteres ist nicht sehr wahrscheinlich, lässt sich aber nicht ganz ausschliessen, weil der Irenäuspapyrus nicht unter einer einheitlichen Inventarnummer zusammengefasst zu sein scheint: Kol. VIII, die einzige noch jetzt mit einer alten Nummer versehene Kolumne des Papyrus, läuft unter der Inv. Nr. 21, eine Gruppe kleiner, überwiegend zum Irenäuspapyrus gehörender Fragmente unter der Inv. Nr. 18.

4. Die Schrift ähnelt stark der des Iliaspapyrus *P. Oxy.* 20.

Hadernpapier. In einem mit roter Tinte geschriebenen christlichen literarischen Text dieses Ankaufs (Inv. Nr. 536), etwa 5. oder 6 Jh., ist Μωυσῆς πρὠτοπροφήτης, letzteres wohl ein ἅπαξ λεγόμενον, erwähnt.

Den zahlenmässig grössten Zuwachs haben die Jenaer Papyri seit 1959 durch die Auflösung von Mumienkartonage erfahren; sie erbrachte rund 500 griechische und mehrere hundert demotische Fragmente aus der Zeit vom ersten Drittel des 3. Jh. bis in die erste Hälfte des 2. Jh. v.u.Z., überwiegend aus dem Oxyrhynchites und der Κωίτης-Toparchie des Herakleopolites. Bis jetzt sind bei den griechischen Stücken die Nummern 658-1097, bei den demotischen die Nummern 1150-1281 festgelegt.

Jeder, der schon einmal mit der Auflösung von Mumienkartonage zu tun hatte, wird vermutlich erfahren haben, aus wie vielen kleinsten, zerrissenen Papyrusfetzen diese Kartonage vielfach schon ursprünglich zusammengestückelt war, und dazu kommt noch der Verfall seit 2 Jahrtausenden und die Behandlung durch die Finder. Die Sargfetzen der Jenaer Kartonage jedenfalls bestanden fast durchweg aus erbärmlichem Bruchwerk. Nur selten entstiegen unbeschädigte ganze Papyrusblätter oder auch nur grössere Fragmente dem Essigsäurebad. In besonderen Glücksfällen liessen sich die chemisch aufgelösten und mühsam auseinandergezogenen Fetzen wieder zu den ursprünglichen Urkunden vereinigen. Das war der Fall bei der nahezu kompletten Doppelurkunde v. J. 247 v.u.Z., die ich auf dem Warschauer Kongress 1961 hatte vorlegen dürfen: Die sie bildenden Einzelteile hatten bis dahin im Verborgenen als 4 stucküberzogene kleine Sargfetzen in 3 verschiedenen Blechkästen der Sammlung gelagert.

Da man den Fragmenten bei der Konservierung oft nicht von vornherein die Zusammengehörigkeit mit anderen Stücken ansieht, da andererseits jeder kleine Fetzen bei späteren Zusammenfügungen wichtig werden kann, bekamen vielfach auch kleinste Fragmente ihre eigene Inventarnummer. Daraus ergibt sich die einschränkende Feststellung, dass die Anzahl der wissenschaftlich verwertbaren Jenaer Papyri weit geringer ist, als die ungefähr 2000 Inventarnummern, auf die sich die Jenaer Papyrussammlung nach Abschluss aller konservatorischen Arbeiten voraussichtlich belaufen wird, anzudeuten scheinen. Aber das ist wohl in jeder Sammlung so.

Bei manchen Jenaer Kartonagefetzen konnten Beziehungen zu Stücken fremder Sammlungen entdeckt werden. Von den Resten des amtlichen Briefwechsels zwischen einem Lykomedes und einem Hippodamos, deren 4 Mlle Cadell als *P. Sorb.* 9-12 veröffentlichte, besitzt auch Jena 3 freilich wenig ergiebige Fragmente (Inv. Nr. 681, 684, 685). Briefe an einen Akestias, der etwa um die Mitte des 3. Jh. v.u.Z. in der Steuereintreibung des Oxyrhynchites tätig gewesen sein dürfte, sind auf Jenaer (Inv. Nr. 717, 718, 725, 726) und – nach Mitteilung meines Berliner Kollegen W. Müller – auf Berliner Papyri enthalten. Ein Stück der Jenaer Kartonage (Inv. Nr. 905) entpuppte sich als die Fortsetzung eines Hamburger Fragments – *P. Hamb.* 188 –, Klerospachtvertrag aus Tholthis v. J. 218 v.u.Z. Ein weiteres Jenaer Fragment (Inv. Nr. 901) ermöglicht die Rekonstruktion eines Darlehensvertrags v. J. 244 v.u.Z. aus Oxyrhynchos, dessen Wortlaut sich so eng mit der als *P. Ross.-Georg.* II 1[5] veröffentlichten Urkunde berührt, dass man Identität beider Vertragstexte wird annehmen dürfen. Eine mir von Frau Dr. M. Bystrikova aus Leningrad gesandte Abbildung ergab freilich keine Identität der Hände, doch konnten als Teile dieser jetzt in Leningrad befindlichen Urkunde wiederum 3 andere Jenaer Fragmente ermittelt werden.

Diesen Beziehungen der Jenaer Kartonage zu Stücken anderer Sammlungen entspricht auf dem Gebiete der 'Knüllfunde' die Beziehung zwischen Jenaer, Giessener und Leipziger Fragmen-

5. Trotz der Bedenken des Herausgebers O. Krüger gehört gewiss auch *P. Ross.-Georg.* II 2 zur gleichen Urkunde.

ten aus Euhemeria, die ich *Archiv* 17, 1962, S. 115-146 und 18, 1966, S. 39-43 aufzeigte.

Urkunden bilden bei den griechischen Jenaer Kartonagepapyri die Hauptmasse; unter ihnen seien noch einige weitere besonders erwähnt.

Höchst bedauerlich ist der fragmentarische Zustand von Inv. Nr. 904. Dieser Text böte bei besserer Erhaltung möglicherweise das einzigartige Zeugnis eines Ehevertrags eines griechischen Geschwisterpaares aus dem ersten Drittel des 3. Jh. v.u.Z.: Ein Fragment des Aktpräskripts führt das 9. (oder, weniger wahrscheinlich, das [1]9.) Jahr des Philadelphos und den Vertragsort Tholthis an und charakterisiert den einen Vertragskontrahenten als [*ἰδι*]*ώτης τῶν* Τελέστου,[6] den anderen als *τῆι* [*ἐ*]*αυτοῦ ἀδελ*[*φῆι* (oder *ἀδελ*[*φιδῆι*?). Weitere Fragmente,sicher von derselben Hand und sehr wahrscheinlich derselben Urkunde zugehörig, nennen die Namen der Kontrahenten, Praxidamas und Sosio, und lassen mit den (auf verschiedene Fragmente verteilten) Passagen *τεκνοποιεῖσθ*[*αι*, [*πειθα*]*ρχείτω* Πραξιδάμαι, [*ἐγ*]*βαλεῖν* Σωσιοῦν und *ἀπόκ*[*οιτον* im beurkundeten Rechtsgeschäft einen Ehevertrag erkennen.

Die zahlreichen, sehr umfänglichen Fragmente von Inv. Nr. 992, auf Verso eines ebenso ausgedehnten demotischen Textes stehend, enthalten Reste von 12 Kolumnen einer aus der Zeit des zweiten oder dritten Ptolemäers stammenden Personenliste, deren leider schlecht lesbarer Kopf mit (*Ἔτους*) *ιη Φαρμοῦ*(*θι*), *ἀπογραφὴ ἀλικῆ*[*ς* beginnt. Die Salzsteuerpflichtigen sind, ähnlich wie in *P. Petr.* III 58(c) und (d),[7] haushaltsweise zusammengestellt, am Schluss jedes Haushalts findet sich die Gesamtpersonenzahl und die Teilsumme der männlichen Personen des Haushalts. Es begegnen, soweit bisher entziffert, ausschliesslich griechische Namen; bei ihren Trägern dürfte es sich um die Mitglieder von Kleruchenfamilien handeln. Die Nennung von rund 300 Personen in diesen Fragmenten ist namenkundlich nicht ohne Interesse.

Inv. Nr. 881, der Schrift nach aus der ersten Hälfte des 2. Jh. v.u.Z., ist ein Register von Verträgen; normalerweise sind nur Kontrahenten, unter ihnen auffällig viele Frauen, und die Art des Vertrags notiert: *δάνειον*, *ἀποχή* oder *ὁμολογία*. War es ein Agoranomenbüro, das ein solches Register verfertigt hat?

Auch eine Federzeichnung verdient Erwähnung: Darstellung der Isis mit dem Kuhkopf der Hathor; auf der Rückseite steht eine griechische Eingabe, wohl Enteuxis eines Inhaftierten an Euergetes I. (Inv. Nr. 701).

Die Zahl der literarischen Stücke aus Jenaer Kartonage ist sehr gering, nur 7 leider durchweg fragmentarische Texte sind anzuführen, wenn man von den ganz kleinen Fetzen absieht: ein Homerkommentar mit Zitat von *Il.* 9, 32-36 (Inv. Nr. 659), Fragmente mit unbekannten lyrischen Partien (Inv. Nr. 658, 864 Verso, 1076) und unbekannten Prosatexten (Inv. Nr. 660, 661, 672).

Ein wesentliches Hilfsmittel für die Lesung der oft schwer zu entziffernden Kartonagepapyri soll nicht unerwähnt bleiben: die Infrarot-Photographie. Die Aufnahmen dieser Art, die in Jena ein Fachmann der Universitäts-Bildstelle ausführt, machen die Schrift stets wenigstens ebensogut, vielfach aber besser als auf dem Original lesbar.

Im Frühjahr 1962 erfuhr die Jenaer Sammlung noch eine sehr willkommene Bereicherung dadurch, dass Friedrich Zucker ihr seine Privatsammlung kleinerer ägyptischer Altertümer als Dauerleihgabe überliess. Auf diese Weise kamen hinzu: 70 Ostraka ptolemäischer, römischer und byzantinischer Zeit, und zwar griechische, demotische, koptische und ein lateinisches – eine

6. *Prosopographia Ptolemaica* II 2009.

7. Zu den beiden Petriepapyri vgl. F. Uebel, *Atti dell'XI Congresso Internazionale di Papirologia*, Milano, 1966, S. 361 f.; 362 Anm. 1.

Abrechnung – wie auch ein hieratisches Ostrakon; ferner 3 griechische Holztäfelchen (2 Mumienetikette und eine Bankquittung wohl aus Syene, in einem 6. Jahr [111[a]?] den Pastophoren des m.W. bisher unbezeugten Gottes Osorzmithis ausgestellt), weiterhin 2 Kästchen mit hauptsächlich koptischen Papyrusfetzen, 2 kleine griechische Inschriftensteine und weniges andere.

Bisher ist vom Inhalt der Jenaer Sammlung nur ein kleiner Teil durch Veröffentlichungen allgemein bekannt. Von H. Lietzmann wurden der Irenäuspapyrus und 2 weitere christliche Papyri,[8] von F. Zucker 12 urkundliche Texte,[9] von mir (neben den um neue Fragmente erweiterten Wiederausgaben des P. Ien. Inv. 59 und des Irenäuspapyrus[10] und neben einem Ueberblick über das koptische Material der Sammlung[11]) 7 urkundliche Papyri und ein christliches Ostrakon[12] publiziert. Die Demotika der Sammlung fanden in E. Lüddeckens einen der kompetentesten Sachbearbeiter; er hat für die Katalogisierung der Orientalischen Handschriften in Deutschland eine erste Durchsicht dieses Komplexes vorgenommen und wird, so steht zu hoffen, einzelne ergiebigere Stücke edieren. Um alle Texte der Sammlung in Wortlaut oder Beschreibung der Fachwelt zugänglich zu machen, bedarf es noch vieler Mühe an Konservierung, Vereinigung zusammengehöriger Stücke, Entzifferung und interpretatorischer Tätigkeit; die Mitwirkung auswärtiger Fachkollegen hierbei wird stets dankbar begrüsst werden.

8. "Papyrus Ienensis Nr. 1," *Zeitschrift für wissenschaftliche Theologie* 50, 1907, S. 149-151; Abdruck in *Texte und Untersuchungen zur Geschichte der altchristlichen Literatur* 67, 1958, S. 367-369 (= Inv. Nr. 41). "Der Jenaer Irenaeus-Papyrus," *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen*, phil.-hist. Kl., 1912, S. 292-320; Abdruck in *Texte und Untersuchungen* 67, 1958, S. 370-409; Neuausgabe s. Anm. 10 (zu Inventarnummern s. oben Anm. 3). "Ein Psalterfragment der Jenaer Papyrussammlung," *Neutestamentliche Studien, G. Heinrici zu seinem 70. Geburtstag dargebracht = Untersuchungen zum NT* 6, 1914, S. 60-65; Abdruck in *Texte und Untersuchungen* 67, 1958, S. 410-415 (= Inv. Nr. 22).

9. F. Zucker (-F. Schneider), *Jenaer Papyrusurkunden (und spätmittelalterliche Urkunden)*, Zwickau, 1926 (= Inv. Nr. 27, 38, 13, 16 = *SB* 7165-7168). "Griechische Urkunde oberägyptischer Herkunft aus einem Erbstreit v.J. 226 v.Chr.," *Festschrift A. Cartellieri zum 60. Geburtstag,* Weimar, 1927, S. 168-180 (= Inv. Nr. 40 = *SB* 7267). "ΓΥΜΝΑΣΙΑΡΧΟΣ ΚΩΜΗΣ," *Aegyptus* 11, 1931, S. 485-496) (= Inv. Nr. 75 = *SB* 8964; dazu *P. bibl. univ. Giss.* Inv. 412, s. *Archiv* 17, 1962, S. 120 Anm. 2). "Beeidete Uebernahme der Vormundschaft über eine Minderjährige," *Festschrift für L. Wenger* II = *Münch. Beitr. zur Papyrusforschung u. ant.Rechtsgesch.* XXXV, 1945, S. 149-167 (= Inv. Nr. 32 = *SB* 9049). "Papyri Ienenses," *Aegyptus* 32, 1952, S. 73-84 (= Inv. Nr. 19B, 39, 25, 60 A Verso = *SB* 9129-9132). "Aus einer Urkundenfolge hadrianisch-antoninischer Zeit," *WissZUniv. Jena,* 1952/53, gesellschafts- u.sprachwiss.Reihe Heft 1, S. 45-51 (= Inv. Nr. 59 = *SB* 9312; Neuausgabe s.Anm. 10).

10. "Ueber Liturgie- und Steuerprivilegien für Angehörige antinoitischer Bürger (Neuedition des P. Ien. Inv. 59)," *Listy Filologické* 83, 1963, S. 236-255 (= *SB* 9897). "Der Jenaer Irenäuspapyrus. Ergebnisse einer Rekonstruktion und Neuausgabe des Textes," *Eirene* 3, 1964, S. 51-109.

11. Siehe oben Anm. 2.

12. "Griechische Papyri der Zeit Euergetes' II. aus Euhemeria in Giessen und Jena," *Archiv* 17, 1962, S. 115-146; dazu Leipziger Fragmente, s. *Archiv* 18, 1966, 39-43 (= Inv. Nr. 76 A, 76B, 78, 79, 77, 80, 76C = *SB* 9674-9680). "ΤΑΡΑΧΗ ΤΩΝ ΑΙΓΥΠΤΙΩΝ. Ein Jenaer Papyruszeugnis der nationalen Unruhen Oberägyptens in der ersten Hälfte des 2. vorchristlichen Jahrhunderts," *Archiv* 17, 1962, S. 147-162 (= Inv. Nr. 263 = *SB* 9681). "ΜΟΝΟΠΩΛΙΑ ΦΑΚΗΣ. Ein bisher unbezeugtes Handelsmonopol frühptolemäischer Zeit in einem Jenaer Papyrus (P. Ien. Inv. 900)," *Actes du XeCongrès International de Papyrologues,* Wroclaw-Varsovie-Cracovie, 1964, S. 165-181 (= *SB* 9841). "Ein christliches Ostrakon der Jenaer Papyrussammlung (O. Zucker 36)," *Klio* 43-45, 1965, S. 395-409.

LES SOURCES PAPYROLOGIQUES CONCERNANT L'EGLISE EN EGYPTE A L'EPOQUE DE CONSTANTIN

J. van Haelst

L'historien qui veut étudier les institutions ecclésiastiques en Egypte dispose d'un matériel de choix; à côté des sources littéraires telles que l'*Histoire Ecclésiastique* d'Eusèbe, il peut recourir à des témoins immédiats: les documents papyrologiques. L'objet de la présente étude est de dresser un inventaire des témoins les plus anciens et, ensuite, d'en présenter un premier essai d'exploitation.

Pour des raisons à la fois papyrologiques et historiques, l'inventaire portera sur la période comprise à peu près entre les années 270-350, c'est-à-dire du *P. Amh.* 3a jusqu'au dossier des *P. Abinn.* Le *P. Amh.* 3a est en effet le premier document sûrement chrétien que nous possédons actuellement; d'autre part, c'est dans cette période que l'Eglise d'Egypte prend corps et trouve un visage dont les traits seront fixés ensuite pour une très longue période.

Notre recherche portant sur l'Eglise en tant qu'institution, nous n'utiliserons que les documents qui nous apportent des renseignements précis et sûrs, qui nous parlent en clair de cette institution (églises et monastères de la χώρα) et de son clergé (prêtres, diacres, lecteurs, moines). Nous ne ferons donc aucun cas de toutes ces lettres prétendues chrétiennes.[1]

Actuellement, nous comptons une soixantaine de documents. Nous les classerons par genre: archives, lettres, documents, etc., et nous nous efforcerons en même temps de suivre l'ordre chronologique, puisque certaines pièces sont datées, d'autres datables, et que d'autres encore peuvent être attribuées à telle ou telle époque par la paléographie ou la stylistique.

On sera peut-être surpris de ne pas voir figurer au début de l'inventaire les 43 déclarations de sacrifice du temps de Dèce (250). Nous les avons laissé de côté, parce que nous ignorons si ces *libelli,* actes d'allégeance à la religion de l'empire et à l'empire, émanent de païens ou de chrétiens. Il y a une exception, le *WChr.* 125, et il s'agit d'une déclaration païenne: elle provient d'une prêtresse du dieu Petesouchos.

1. Le premier document sûrement chrétien est le *P. Amh.* 3a des années 264-282. Il conserve des fragments de la correspondance échangée entre une communauté de l'Arsinoïte et l'un de ses membres, qui réside à Rome pour affaires. Entre eux, c'est l'Eglise d'Alexandrie, son évêque Maximos et le futur successeur de Maximos, Théonas, qui servent de boite aux lettres et de banque.[2]

1. Il existe une certaine inflation des lettres chrétiennes du IIIe et IVe siècles, par exemple dans les ouvrages de Ghedini, O'Callaghan et Naldini. Les *P. Herm. Rees* ont prouvé une nouvelle fois qu'il faut être prudent avant de conclure au caractère chrétien d'une lettre de cette époque en se fondant exclusivement sur des formules dites chrétiennes. V. Martin, dans l'introduction au *P. Abinn.*, p. 30, affirme que l'expression ἀγαπητὸς ἀδελφός est caracteristique du vocabulaire chrétien. Or, on trouve celle-ci dans la correspondance du païen Théophanès.

2. M. Musurillo, S.J.; "Early Christian Economy. A reconsideration of *P. Amherst* 3(a) (= Wilcken, *Chrest.* 126)," *CE* 61, 1956, pp. 124-134.

2-12. En raison de considérations paléographiques et stylistiques (cf. le commentaire des *P. Gron.* 17,18 et du *P. Alex.* 29), il faut attribuer au dernier tiers du IIIe siècle, et non au IVe siècle, une dizaine de lettres d'introduction et de recommandation qu'un chef de communauté envoie à un autre chef de communauté en faveur de frères, de catéchumènes ou d'ἐκλεκτοί, *electi,* c'est-à-dire de chrétiens qui vont être baptisés, ou de type analogue (*P. Alex.* 29, *P. Got.* 11, *P. Gron.* 17 et 18, *P. Iand.* 100, *P. Oxy.* 1162, 1492 et 2603, *PSI* 208 et 1041, *SB* 7269). Le type de ces lettres est toujours: "Réjouis-toi dans le Seigneur, mon cher frère Maximos. Sotas te salue. Notre frère Diphilos qui vient vers toi, accueille le dans la paix, et par son intermédiaire, toi et ceux qui sont avec toi, nous te saluons. Je prie pour ta santé, mon cher frère, dans le Seigneur."

13. Vers 295-300, nous avons 2 textes de nature similaire, le *P. Oxy.* 43 et le P. Gen. Inv. 108, publié par V. Martin, *Recherches de Papyrologie,* II, 1962, pp. 37-73. Le *P. Oxy.* 43, une liste des édifices d'Oxyrhynchos, révèle l'existence de deux églises, celle du Nord et celle du Sud. A l'époque, nous connaissons l'existence d'une douzaine de temples et d'une synagogue.

14. Le P. Gen. Inv. 108, un relevé topographique des immeubles de la métropole de Panopolis, mentionne une maison, transformée en église, *οἰκία ἤτοι ἐκκλησία.*

15. La grande persécution de Dioclétien a laissé des traces dans quatre documents: *SB* 7315, *P. Oxy.* 2601 et 2673, *P. Lond.* 1920. Le *SB* 7315, une inscription probablement alexandrine, est l'épithaphe de trois martyrs: Ploution, Berecon et son fils Conon.

16. Le *P. Oxy.* 2601 est une curieuse lettre de Coprès à sa soeur Sarapias, où il est écrit: "Je veux que tu saches, écrit Coprès à sa soeur, que nous sommes arrivés le 11 (sans doute à Alexandrie, venant d'Oxyrhynchos) et que nous avons appris que ceux qui se présentent devant le tribunal sont contraints de sacrifier. J'ai donc établi une procuration en faveur de mon frère."

17. Le *P. Oxy.* 2673, daté du 5 février 304, est une déclaration sous serment confirmant une déclaration antérieure. Un lecteur, ἀναγνώστης, de l'église de Chusis, déclare que la porte de bronze de son église a été envoyée au λογιστής d'Alexandrie.

18. Dans un papyrus postérieur, le *P. Lond.* 1920, un prêtre du village d'Hipponôn dans le nome Héracléopolite, porte le titre de confesseur, ὁμολογητής, ce qui implique qu'il eut à souffrir durant la grande persécution.

19. Au début du IVe siècle, il faut situer le dossier de la grande oasis de Khargeh: *P. Grenf.* II, 73, *P. Giss.* 103 et *P. Bas.* 16. Dans les années 300, le *P. Grenf.* II, 73, la lettre de Psenosiris, nous apprend l'existence de deux églises, l'une dans la grande oasis de Khargeh, l'autre à Toëto dans la Thébaïde inférieure. Toëto qui possède un κάστρα, près duquel est cantonné l'Ala II Herculia Dromedariorum et dont les *P. Beatty Panop.* viennent de révéler l'importance.

20. Peu après 309, le *P. Giss.* 103 (Ghedini 24), une lettre, qui mentionne un prêtre et un diacre, appartenant sans soute à cette église de l'oasis, et qui sont en relations d'affaire avec un pastophore, c'est-à-dire un prêtre païen.

21. Il faut très probablement rattacher à ce dossier une troisième lettre, le *P. Bas.* 16 (Ghedini 3).

22-23. Dans les années 300-325, les *P. Cair. Isidor.* 9 et 14, dans lesquels quelques habitants du bourg de Caranis, dans le Fayoum, portent les noms de Johannes, Paulos ou Petros. Présence du χμγ.

24. Dans le premier quart du IVe siècle, le *SB* 8162, une inscription du mons Porphyritès, dans le désert oriental, atteste la fondation d'une église dépendant de l'évêque Mélitios de Lycopolis.

25. Entre 317 et 324, le *P. Ryl.* 624, une des lettres des archives de Théophanès, un avocat

païen d'Hermoupolis, conseiller juridique auprès du rationalis d'Egypte, contient une allusion "à ceux qui dans la ville ne pensent pas comme nous" (1.18: *τῶν ἄλλως φρονούντων*). Il s'agit probablement et même sûrement de chrétiens, cf. *P. Hermoup. Rees,* p. 5, note 33.

26. Le 15 janvier 324, dans le *P. Oxy.* 1574, un certain Ammonios donne au frère Castor l'ordre de distribuer un cnidion de ven "aux frères." Dans le contexte, le sens de l'expression "les frères" ne fait aucun doute.

27. Entre 325 et 341, le *PSI* 311, une lettre qui signale un voyage auprès de l'évêque de Laodicée, près d'Antioche, Théodotos, qui fut consacré durant la grande persécution et mourut avant 341.

Avec les années 330, les documents à la fois se font plus nombreux et sont d'un type tout autre. A côté d'archives de monastères, qui apparaissent pour la première fois, on se trouve en présence d'une série de requêtes, cautions, locations, etc. faites par des membres de l'Eglise ou en faveur de ceux-ci.

28. En 330, *Stud. Pal.* XX 86 (= *MChr.* 69), un arbitrage rendu par un prêtre de l'église d'Hermoupolis.

29-35. Entre 330 et 340, les *P. Jews* = *P. Lond.* 1913-1920: les archives du monastère d'apa Paieu dans le Cynopolite. (Pour le *P. Lond.* 1920, cf. no. 18 du présent inventaire).

36. De la même époque, les *P. Flor.* 71 + 81, un cadastre des propriétés du nome Hermopolite, auxquels il faut rattacher

37. le *P. Lond.* 1832, une des plus anciennes locations de terre appartenant à l'Eglise: témoignages précieux sur la propriété foncière du clergé chrétien et du clergé païen.

38. De la même époque, *SB* 8698, une inscription murale dans laquelle Athanase s'insurge contre le porte à porte arien.

39. En 336, le *P. Oxy.* 2344, une requête de l'évêque de l'église d'Oxyrhynchos au stratège pour récuser une tutelle.

40. En 340, le *P. Vindob. Sijpesteijn* 4, un acte de cautionnement présenté par un prêtre de l'église de Sénomorro, dans l'Hermopolite.

41. En 341 (-346), le *P. Amh.* 142, une requête d'un ermite propriétaire de terre dans l'Héracléopolite.

42. Avant 341, une inscription du Wadi Qattar, dans le désert oriental, publiée par Tregenza, cf. *CE* 55, 1956, p. 132, se rapportant à la construction d'une église par le préfet de Thébaide. L'évêque de la *καθολικὴ ἐκκλησία* est Hatrès.

43-47. Entre 342-350, les archives d'Abinnaeus: 4 lettres de l'apa Miôs (*P. Abinn.* 6, 7, 8 et 19), et la requête de l'évêque Kaor à Abinnaeus en faveur d'un soldat déserteur (*P. Abinn.* 32).

48. En 343 ou 357, le *P. Ross. Georg.* III 28, un contrat de mariage. Parmi ceux qui rédigent l'acte figure l'évêque Aurélios.

49. En 343, *SB* 9622, requête d'un diacre de l'église du village moribond de Théadelphie.

50-51. Avant 346, les *P. New-York-Lewis* 8 et 10, deux reçus pour la livraison de blé. Présence de symboles chrétiens.

52. En 346, le *P. Osl.* 113, un acte de cautionnement présenté par un diacre de l'église du village de Poïs.

53. En 346, le *P. Oxy.* 897, une déclaration d'un prêtre du village d'Isieion dans l'Oxyrhynchite.

54. En 349, le *P. Würzb.* 16, un acte de cautionnement présenté par un diacre de l'église de Kerkéséphis en faveur d'un prêtre du village de Tristomon, et écrit par l'ermite Agathon.

55. En 351, le *P. Abinn.* 55, la requête du diacre de l'église de Bérénice à Abinnaeus.

56. En 354, le *P. Oxy.* 722/Edm., d'Eléphantine, un affranchissement d'esclave au nom de l'Eglise.

Il y a enfin un certain nombre de documents qu'on peut attribuer à la première moitié du IVe siècle, sans que l'on puisse préciser davantage:

57. *P. Lips.* 43, d'Hermoupolis, une *audientia episcopalis.*

58. *P. Oxy.* 903, une *audientia episcopalis.*

59. *P. Gron.* 10, de Pathyris, une *donatio mortis causa.* Un ancien chef militaire donne ses biens à l'église locale, une moitié après sa mort, et l'autre moitié après la mort de sa femme.

60. *P. Grenf.* I 53, lettre d'une femme à son mari soldat au sujet du comportement de ces deux filles "si tu veux apprendre les débordements (*πορνεύματα*) de tes filles, ce n'est pas moi qu'il faut interroger, ce sont les prêtres de l'Eglise."

61-64. Les archives d'Apa Johannes: 4 lettres (*P. Herm. Rees.* 7, 8, 9 et 10).

65. *P. Princ.* 100, d'Oxyrhynchos, une lettre. Il y est question de mesurer l'orge de l'impôt avec la mesure du prêtre.

66. *P. Ross.-Georg.* III 6, d'Oxyrhynchos? , une lettre dans laquelle on fait allusion aux bateliers de l'Eglise.

Parmi les nombreux traits du visage de l'Eglise des années 260-350 que nous révèlent cette soixantaine de papyrus, nous soulignerons ceux qui nous semblent les plus importants et les plus caractéristiques.

Ce qui frappe d'abord, c'est le *rythme de son expansion.* Quel que soit le hasard qui préside à la conservation, à la découverte et à la publication des textes, cette documentation par sa relative et surtout croissante abondance, par son contenu aussi, atteste l'ampleur et la rapidité, surtout à partir de 330, de l'expansion de cette première Eglise de la *χώρα* égyptienne. On peut y distinguer très nettement deux périodes.[3] Entre 260 et 330 approximativement, une vingtaine de textes révèlent que l'Eglise, avec ses édifices, avec ses prêtres, avec ses moines aussi (car la première communauté pachomienne de Tabennesi, dans un temple abandonné de Sarapis, est de 323), devient une réalité quotidienne dans les villes et dans les villages de la province égyptienne. Avec les années 330 commence vraiment une époque d'explosion. Une quarantaine de textes, qui, entre 330 et 350, s'échelonnent presque d'année en année, témoignent de l'activité de l'Eglise dans tous les domaines de la vie publique et privée. Grâce à Constantin, l'Eglise reçoit une nouvelle impulsion, que les papyrus attestent d'une façon très nette. L'Eglise jusque là présente et active, mais réduite au silence, reçoit enfin la liberté de s'exprimer et de se présenter au grand jour.

Les documents païens apportent ici une confirmation intéressante puisqu'ils témoignent d'une régression des institutions païennes à la même époque. Des 22 témoignages papyrologiques postérieurs à 300 et relatifs à des temples ou à des prêtres païens, 2 seulement sont postérieurs à 342: le *P. Oxy.* 1116, de 363, relatif à la surveillance des biens envoyés au Caesareum d'Alexandrie, reflète évidemment la politique de Julien (ce Caesareum avait déjà auparavant été

3. Le silence des papyrus documentaires avant 260 (*P. Amh.* 3a) ne devrait pas trop nous étonner: le christianisme, jusqu'à cette date, est l'affaire d'une petite minorité, et c'est surtout une affaire alexandrine, c'est-à-dire extérieure à la *χώρα* égyptienne.

converti en église, cf. *P. Merton* 401); le *P. Strassb.* 243, de 371, mentionne un prêtre d'un temple d'Apollon, et c'est la dernière mention que nous ayons d'un prêtre et d'un temple dans les papyrus, sinon pour nous dire qu'il y a des temples abandonnés qui sont annexés au patrimoine et vendus à des citoyens privés. Le sort de trois temples connus à Oxyrhynchos est un exemple précis de l'évanouissement du paganisme. En 295 existaient à Oxyrhynchos à côté de 2 églises chrétiennes, une douzaine de temples et une synagogue (*P. Oxy.* 43). Dans la seconde moitié du IVe siècle et sans doute avant les grands édits de Théodose de 391 et 392, l'Hadrianeion a été transformé en prison (*P. Oxy.* 2154), le Caesareum en monument public et puis en église, et le temple de Thoëris en maisons d'habitation (*PSI* 175).

Rien n'illustre mieux la décadence économique du clergé païen que le registre des terres possédées, dans les années 330-340, par les habitants d'Hermoupolis et d'Antinoé (le cadastre de *P. Flor.* 71 + 81). Six prêtres païens sont mentionnés, qui possèdent respectivement 8 1/4, 7 1/2, 7, 5, 4 et 2 1/2 aroures. A côté d'eux, si l'ermite Macaire n'a que 3/4 d'aroure, le prêtre chrétien Pancratès en possède 42, et l'évêque Dios, d'Hermoupolis, plus de 470.

Certes, des îlots de paganisme continuent à exister, par exemple à Panopolis et à Philae. On peut cependant affirmer que sur l'ensemble du territoire de la *χώρα* le paganisme tend à régresser. Des auteurs ont insisté sur la longue survie du paganisme. A la lumière des papyrus, il est préférable de parler, d'une part, de la survie de pratiques, de manières d'être conservées du paganisme, et, d'autre part, d'un paganisme, d'un hellénisme violent chez des groupuscules d'intellectuels, vivant en société close dans Alexandrie et dans quelques villes comme Panopolis.

Il y a le caractère très *dynamique* et très *ouvert* de cette première Eglise. Loin d'être une Eglise figée, c'est une Eglise qui rayonne, qui se déplace tant à l'intérieur qu'à l'extérieur de l'Egypte. Réalité ouverte sur le monde extérieur: il y a le témoignage du *P. Amh.* 3a, qui atteste une Eglise en rapport avec Rome; il y a le témoignage du nom par lequel on désigne les catéchumènes préparés au baptême: *ἐκλεκτοί* (*P. Oxy.* 2603), c'est-à-dire *electi* comme dans l'Eglise latine, et nom *φωτιζόμενοι* comme dans l'Eglise de langue grecque. Une autre preuve nous est fournie par le *PSI* 311 qui mentionne un voyage auprès de l'évêque de Laodicée, près d'Antioche, Théodote. Elle est surtout une réalité agissante et dynamique à l'interieur de l'Egypte. Ces déplacements de fidèles d'une église à une autre, et dont la formation d'un type de lettre d'introduction prouve qu'ils ne sont pas exceptionnels, sont peut-être la meilleure preuve de sa vitalité à une époque où la société tend à se scléroser en entités closes sur elles-mêmes.

Son *essor économique et commercial.* Les premiers documents attestent une Eglise économiquement faible. Dans une lettre absolument contemporaine des lettres de recommandation, un certain Sotas, qui est à la tête d'un *κοινόν*, demande à un propriétaire de lui céder une aroure que le *τόπος* cultive (*P. Oxy.* 1492). Dans les *P. Jews,* les moines sont envoyés dans leur village d'origine pour faire la collecte des aumônes. Cependant, déjà en 304, nous avons une donnée qu'on pourrait interpréter comme un indice de prospérité: l'église de Chusis, dans l'Oxyrhynchite, possède une porte de bronze (*P. Oxy.* 2673.22: *χαλκὴν πύλην*). Après 330, la situation change. Il suffit de rappeler que dans le cadastre de Florence un prêtre chrétien possède 42 aroures et l'évêque plus de 470. Cela se passe en 336, à une époque de crise agraire.

Quant à sa puissance commerciale, le *P. Ross. Georg.* III 6, du IVe siècle, nous en donne un témoignage précieux en signalant que l'Eglise possède ses propres bateliers (*ναύτων ἐκκλησίας*).

Son caractère *aristocratique.* Sur ce point il nous semble que les données papyrologiques démentent quelque peu ce que les sources non-papyrologiques nous apportent. Selon certaines sources littéraires, par exemple l'*Histoire Lausiaque,* l'origine des clercs serait souvent humble et

même douteuse: fils d'esclave, charpentiers, fellah, chefs de brigands, voleurs, etc. En revanche, selon les papyrus, il paraît incontestable qu'à l'origine les prêtres, les lecteurs, les diacres, etc. appartiennent à l'élite sociale, c'est-à-dire à la classe urbaine, fortunée et de culture grecque, ou alors à une solide bourgeoisie rurale. Deux exemples: un certain Agathos, qui vit en ermite dans le village de Kerkéséphis, dans le sud du Fayoum, est fils d'un ancien curial d'Arsinoé (*P. Würzb.* 16). Il y a la perfection stylistique des lettres des *P. Gron.* L'auteur d'un grec aussi excellent a dû appartenir à la classe aisée et cultivée de la société. Bien sûr, il y a le cas du πάπας Koar dans le *P. Abinn.* 32, mais c'est là une exception dans notre documentation papyrologique. Il n'y a aucun doute que c'est en grande partie à cause de son encadrement qui est d'élite, que l'Eglise a connu cette grande vitalité au début du IVe siècle.

Il y a enfin le rôle *officiel* que l'Eglise commence à jouer dans la société constantinienne. La première attestation d'une reconnaissance des capacités administratives de l'Eglise est le *Stud. Pal.* XX 86, de 330, un arbitrage rendu par un prêtre de l'Eglise d'Hermoupolis. Dans de nombreux cas, l'Eglise est l'adjoint de l'Etat, et son intervention dans le temporel se présente sous les formes les plus variées. Elle se met au service de l'Etat sans cependant abdiquer son indépendance comme ce sera le cas plus tard, à la fin du IVe siècle.

Dès le IVe siècle, l'Eglise est dans la χώρα l'intermédiaire naturel entre gouvernants et gouvernés. Cette fonction est clairement révélée par plusieurs documents dans lesquels des diacres ou des prêtres s'adressent au *praepositus pagi* pour assurer qu'ils garantissent la présence et la parution (μονὴ καὶ ἐμφανεία) de tel ou tel individu, prêtre ou paysan, qui reste ou doit rester sur la terre qu'il cultive (par exemple, le *P. Würzb.* 16). Bien sûr, c'est l'individu garanti qui choisit son garant, mais il faut encore que l'autorité accepte: l'Eglise se trouve donc à la fois au service des sujets et de l'Etat.

L'Eglise va tendre, et de plus en plus nettement, dans les villages, à se substituer à l'administration régulière défaillante. Tout au long du IVe siècle, nous voyons les diacres ou les prêtres accomplir bon gré, mal gré les *munera personalia* dont ils sont chargés (*SB* 9622).

Peu à peu le clergé remplace les notables laïcs dans l'administration du moins des villages. Nous voyons par exemple la mesure du prêtre, le boisseau du prêtre servir à mesurer le blé de l'impôt (*P. Princ.* 100).

Il y a enfin l'activité judiciaire de l'évêque. Nous avons deux exemples d'*audientia episcopalis: P. Oxy.* 903 et *P. Lips.* 43. Le *P. Oxy.* 903 est une longue énumération des griefs d'une femme contre son mari. Après une première querelle le mari a prêté serment "et il a fait ce serment, dit le papyrus, en présence des évêques et de ses frères: à l'avenir, je ne cacherai plus à ma femme toutes mes clés et je cesserai de l'injurier."

On peut s'interroger sur les motifs qui ont poussé Constantin à faire pencher la balance politique en faveur des chrétiens: il ressort des papyrus qu'en Egypte, il n'a fait que légaliser une situation de fait. Le même mécanisme jouera plus tard, à la fin du IVe siècle, chez l'empereur Théodose, mais, cette fois, à l'encontre des païens: il ordonnera de fermer les temples à une époque où, pratiquement, comme nous l'avons vu, le paganisme aura disparu de la χώρα égyptienne.

Cette documentation pose un certain nombres de problèmes à l'historien. Il aura à comparer les papyrus avec les sources littéraires grecques et latines, par exemple Eusèbe ou Denys d'Alexandrie, avec les sources coptes, avec les papyrus littéraires chrétiens, ainsi qu'avec l'épigraphie et l'archéologie, si pauvres que soient encore les résultats des fouilles. Il constatera, pensons-nous, un accord fondamental entre les données des papyrus et celles des sources

littéraires, telles que nous les trouvons par exemple dans l'ouvrage de von Harnack, *Mission und Ausbreitung des Christentums*. Les papyrus permettront plus d'une fois de nuancer celles-ci, par exemple, sur l'attitude des chrétiens durant la grande persécution de Dioclétien et sur les moyens d'y échapper (la lettre de Coprès du *P. Oxy.* 2601), sur les rapports entre l'armée et l'Eglise, entre le christianisme et le paganisme, qui n'ont pas toujours connu ce caractère d'hostilité tel qu'il apparaît chez les écrivains ecclésiastiques. Ils nous permettront également de prendre position sur l'un ou l'autre point discuté entre historiens. Selon H. Grégoire,[4] le païen Porphyre (vers 280) nous révèlerait les immenses progrès accomplis par le christianisme dans la seconde moitié du IIIe siècle. Notre enquête semble indiquer que c'est le cas pour l'Egypte.

Il y a le problème particulier posé par la découverte des papyrus littéraires chrétiens. Les paléographes datent d'avant 250 une vingtaine de ces textes. Or, pour cette époque, le silence des documents papyrologiques est complet. C'est avec circonspection que l'historien utilisera ces textes dans ses recherches sur la diffusion du christianisme au IIe et IIIe siècles. N'a-t-on pas trop souvent oublié que la date à laquelle les papyrus ont été utilisés et le lieu où ils ont été trouvés (le lieu de trouvaille ou lieu de provenance) ne coïncident pas nécessairement avec la date et le lieu de leur rédaction (le lieu d'origine). L'édition récente du *P. Yale* 1, quelques versets de la Genèse, pose, à nouveau, avec acuité ce problème. C. B. Welles, l'éditeur, date ce texte de ± 90 (après 100, C. H. Roberts, *Essays in Honor of C. Bradford Welles,* 1966, pp. 25-28), et il estime qu'il est chrétien en raison du seul fait qu'il s'agit d'un fragment de codex. Il est peu probable qu'à la fin du Ier siècle ou au début du IIe siècle le christianisme soit déjà passé d'Alexandrie dans la province égyptienne. Il faudrait plutôt supposer, si du moins la date proposée est exacte et si le critère matériel n'admet aucune exception, que ce codex a été écrit à Alexandrie et que c'est seulement à une époque postérieure qu'il a été introduit dans la χώρα. Pour notre part, nous espérons, après avoir achevé le catalogue des papyrus littéraires chrétiens, pouvoir aborder quelques uns des problèmes posés par la confrontation entre les papyrus littéraires chrétiens et les papyrus documentaires chrétiens.

4. H. Grégoire, *Les persécutions dans l'Empire Romain*, 1964, p. 187.

THE ROLE OF THE EGYPTIANS UNDER THE FIRST PTOLEMIES

C. Bradford Welles

Mr. President, Members of the International and the American Societies of Papyrology, Guests: It is with a certain emotion that I begin, at least from the American side, the deliberations of this Congress. It is appropriate that it should take place here at the University of Michigan, and it may well evoke a certain nostalgia. The present eminence of papyrological studies here is only a distinguished inheritance, and it is impossible not to think of the great names of an earlier generation, of Kelsey and Winter, of Sanders and Bonner and Boak. The present school, with our friend and colleague Youtie at its head, is brilliantly carrying forward a great tradition.

The occasion is nostalgic for me in other ways too. For reasons which were certainly inadequate, I have not attended any recent congress, and my thoughts go back to Munich and to Oxford, and to the giants who walked the earth in those days. The Munich proceedings were dedicated to Vitelli, Kenyon, Jouguet, and Wilcken, all of whom were in attendance, together with Martin, Eitrem, Bell, Schubart, and Rostovtzeff. Most came also to Oxford four years later, together with Edgar and Glanville, Last and Milne, Westermann, Nock, and Johnson. Walter Otto was there, and the juridical side was represented by Koschaker and San Nicolò, Rabel and Pringsheim, Taubenschlag and Arangio Ruiz; and I do not name all, but these are worth naming. I do not wish to pose as a Nestor, or to remind this company of names which it can never forget. I wish rather to congratulate ourselves and the Society on the quality of our work and the quantity of our workers, as evidenced by the rich store of offerings which the program offers.

Combining, then, the qualities of maturity and youthful vigor, it is not surprising that our Society has maintained its pertinacity in the pursuit of unattainable goals. With all our evidence and efforts, we hardly have a clear picture of the administration of Egypt in the early Ptolemaic period, and yet it is not long since a congress took as its theme to explore how far this was basically an inheritance from earlier times and to what extent it represented imported Greek ideas and practices.[1] Something was accomplished then, and subsequently our knowledge has been widened by various researches and notably by the brilliant series of papers entitled "From Classical Greece to Hellenistic Egypt" by our honored and beloved colleague Professor Préaux.[2] Another aspect of the same problem, that is the part played in this administration by natives and by Hellenic or Hellenized immigrants, was long ago charted by Bickerman and by the lamented Heichelheim and Launey but principally by Professor Peremans in his exhaustive *Vremdeelingen* and then with Dr. Van 't Dack in the *Prosopographia Ptolemaica*, a monumental work which is

1. Geneva, 1952. ("L'originalité de l'Egypte dans le monde Greco-Romain," *Museum Helveticum* 10, 1953, pp. 129-280).
2. Appearing in the *Chronique d'Egypte*.

now happily nearing its conclusion.[3] When the chairman of the Program Committee suggested that this opening session be devoted to the same topic, he can hardly have expected that much new would emerge. For the world of the first Ptolemy, in particular, Hans Volkmann has given us an excellent review of the discussion starting with Jouguet's article in 1923 and a summary of the evidence and conclusions.[4] There is certainly little to add, but something may perhaps be gained from a review of the general situation.

In the settlement at Babylon in the early summer of 323, Ptolemy had had the first choice of satrapies, and chose Egypt. The son of Lagus and Arsinoe, of whom he subsequently did not boast, he may have been a connection distant or unacknowledged of the Argead family. Ten years older than Alexander, he had accompanied the expedition in an unexplained capacity and had risen to prominence only in the Indus campaign after Alexander had eliminated or downgraded most of his associates of Philip's generation.[5] Alexander was suspicious of successful generals, and Ptolemy's appointment to the staff of Body Guards was not due to his military capacity. He must have shown himself to be a good counselor, tactful, adroit, subtle, and with a capacity for keeping on good terms with everybody. It is legitimate to see his hand in the peaceful settlement of the dispute following Alexander's death, wherein all the important people got what they wanted and only the intractable Meleager had to be removed. The most were grateful that the war was over and that they might settle down to enjoy the fruits of victory. The most of the new satraps must have felt as Ptolemy did that they had been awarded gift-estates, *doreai*, at the hand of the Macedonians or whoever stood for the monarchy, although like Ptolemy they kept the title of satrap which tactfully disguised the real situation and was intelligible to their subjects. They wanted only to be let alone. Perdiccas did not understand this, and paid the penalty. Antipater acquiesced. Antigonus again took up the cause of unity and this might have been best, but the separatists were too strong for him. The concept of Ptolemy prevailed.

Being thus supported by events, Ptolemy may be credited with equal acumen in his choice of Egypt, and not merely on the general grounds of its wealth and inaccessibility which made his kingdom the longest lasting of all the Hellenistic states. So far as we know, he had been in Egypt for only those few months with Alexander, and as a minor member of the expedition his chances for personal observation would have been limited; and that was eight years before. What did he know about Egypt, and what was the situation in Egypt at Alexander's death that commended it to an unwarlike Macedonian bourgeois in search of security? I suggest that it was, in considerable part, the attitude of the Egyptians.

When Alexander entered Egypt, he met no opposition. Arrian, who may have been drawing on Ptolemy's memoirs, reports merely that the Persian satrap Mazaces surrendered the country.[6] He had no Persian troops. He was cut off from support by Alexander's conquest of Syria and

3. E. Bickermann, "Beiträge zur antiken Urkundengeschichte, 1: Der Heimatsvermerk und die staatsrechtliche Stellung der Hellenen im ptolemäischen Aegypten," *Archiv für Papyrusforschung* 8, 1927, pp. 216-239; Fr. Heichelheim, *Die auswärtige Bevölkerung im Ptolemäerreich*, *Klio*, Beiheft V (xviii), 1925; Marcel Launey, *Recherches sur les armées hellénistiques*, Thèse Paris, 1949/1950; W. Peremans, *Vreemdelingen en Egyptenaren in Vroeg-Ptolemaeisch Egypte*, 1937; Peremans and E. Van 't Dack, *Prosopographia Ptolemaica*, Parts 1-5, in *Studia Hellenistica*, Louvain, Parts 6, 8, 11-13 (1950-1963) (see further M. I. Rostovtzeff, *Social and Economic History of the Hellenistic World*, 1941, p. 1394, note 121).

4. *RE* 46, XXIII, 1959, 1630-1635 (cf. Rostovtzeff, *op. cit.*, p. 1378, note 81).

5. On Ptolemy's claims as a general see my article in the *Miscellanea di Studi Allesandrini . . . Augusto Rostagni*, 1963, pp. 101-116. In his subsequent career Ptolemy commanded at only one battle, Gaza.

6. iii. 1.1-2.

Arabia. And he was disgusted with Dareius for his flight at Issus. This may be true, but the subsequent disappearance of Mazaces does not suggest that Alexander felt any obligation toward him. His contrasting treatment of Mazaeus who surrendered Babylon is marked.[7] And Diodorus, followed by Curtius, gives the real explanation. The Egyptians welcomed the Macedonians, he reports, because they hated the Persians who had committed impieties against the temples and otherwise governed harshly.[8] We know little enough of Persian rule in Egypt, and Cambyses' offense against an Apis bull has been denied by Egyptologists,[9] but the story, if invented, must have seemed plausible, and Egyptian polytheism must have seemed as offensive to a Persian as it was acceptable to a Greek. The succession of longer or shorter Egyptian revolts against Persian rule is indicative enough of the Egyptian attitude, and the sixty years of Egyptian independence in the fourth century shows the readiness of the Egyptians to accept Greek support as needed. Mazaces' situation is clear. He could not trust his Egyptian troops, and without Persians he was helpless. The remarkable thing is that he had survived assassination.

This, I submit, was Ptolemy's information. He thought that the Egyptians regarded the Macedonians as liberators, and that they did not wish Egypt to be an apanage of an Asiatic monarchy, Iranian or Syrian. It is significant that in the world of the papryi "Persian" is a term for a second-class citizen, and that no such "Persian," to my observation, has an Iranian name. There were no real Persians left, and the term was applied to persons under some sort of disability.[10]

He knew more than this, of course; more than we do or can. He knew that Alexander had paid his respects to the Egyptian gods and had founded a name city on the coast. It is hardly likely that he had been crowned Pharaoh by the priests at Memphis or there would have been indignant references to it in the historians. The Macedonians would have liked this even less than they liked the assumption of the Median dress and court ceremonial later on; and his representation on the walls of Egyptian temples would not have been widely known. Alexander's administrative arrangements are described in detail by Arrian and corroborated in some part by Curtius.[11] Trusting no one very much, he divided the command in a manner which must have been, and in sequel evidently was, unworkable. There were numerous garrison, troop, and fleet commanders all on an equal footing, governors of the eastern and western deserts, and three administrative agencies, two Egyptian and one Greek, under Cleomenes of Naucratis. One of the Egyptians declined to serve, we are told, and the other disappears without trace in the following years, along with all (so far as is known) of the military commanders. Our next information comes only after the death of Hephaestion in 324 when Cleomenes was ordered to superintend the building of his tomb in Alexandria, with the promise of forgiveness for his unspecified offenses if this was done well.[12] A few months later, in the spring of 323, Cleomenes appears in Babylon

7. See the articles on Mazaces and Mazaeus in H. Berve, *Das Alexanderreich*, 1926, pp. 243-245, nos. 484 and 485; and most recently A.R. Bellinger, *Essays in the Coinage of Alexander the Great, Numismatic Studies* XI, 1963, pp. 60-64.

8. Diodorus, xvii. 49.2; Curtius, iv. 7.1-4.

9. H. T. Olmstead, *A History of Persia*, 1948, pp. 89 f.; Jacques Schwartz, *Bulletin de l'Institut Français d'Archéologie Orientale au Caire* 48, 1948, pp. 68-70.

10. Fr. Zucker, *RE* 37, XIX, 1937, 910-926, especially 916: "keinen einzigen iranischen Namen." Peremans (*Vreemdelingen*, p. 174) cites an isolated example in the late third century of a "Persian" becoming a gymnasiarch and being honored by the members of a gymnasium (H. Henne, *Bulletin de l'Institut Français d'Archéologie Orientale au Caire* 20, 1923, pp. 191-202). The inscription is undated, but probably belongs about 200 B.C.

11. Arrian, iii.5; Curtius, iv.7.4-5.

12. Berve, *op. cit.*, pp. 210 f., no. 431; Arrian, vii. 23. 6-8. Arrian regards this as a disreputable deal, and calls Cleomenes a κακὸς ἀνήρ. It is not difficult to see that his source was Ptolemy here; Ptolemy had every reason to present his predecessor in an unfavorable light.

with the other satraps, called in to render their accounts. He must have had a favored position, or perhaps he qualified as an expert, for his name appears among those who incubated in Sarapis' temple during Alexander's illness. It is unlikely that Ptolemy allowed him to return to Egypt.[13]

It would be interesting to know what had happened. There are a number of stories told of Cleomenes, notably of his speculation in grain. They are not necessarily true, but it is clear that he had upset all of Alexander's arrangements, had got rid of all his rivals, and established himself as satrap. His administration may well have been harsh, and there is no evidence that he had courted Egyptian favor. But we really cannot say whether Ptolemy used him as an informant, as a model, or as a horrible example.

Ptolemy's first years in Egypt were busy ones. Pre-occupied with both Cyrene and Palestine, having to fend off an invasion in 321, struggling to keep the economy going, he was in no position to make extensive innovations. Harmatta has shown, for example, from an Aramaic papyrus that there was no oil monopoly in 310.[14] His main problem was personnel, military and administrative. He recruited where and how he could, preferably Greeks, but he was in no position to reject Egyptian support. That he was successful in securing it, the substantial Egyptian military support furnished him at Gaza indicates.[15] Some of this may have been due to the priests. As Professor Préaux once pointed out, the local Egyptian nobility had long since disappeared.[16] But there may be some evidence to show what happened.

If there was no longer a feudal nobility in Egypt, there was certainly a bureaucracy of high as well as low degree, reaching from the village to the nome and including the permanent undersecretaries in the fiscal and juridical branches of the government. The higher ranks of this bureaucracy were gradually replaced or at least balanced by Greeks, but this cannot have been done in a day, or in the eight years of Macedonian rule before Ptolemy arrived in his satrapy. If we had full documentation, we should be able to follow this process, but papyri from the period of the first Ptolemy are not common. The Elephantine texts do show, at least, that Greek institutions and Greek officials were uncommon.[17] The early Demotic texts, of which we owe our systematic listing to Dr. Pestman, reflect the life of the temples, where no Greeks appear. It is only at the end of the reign and the first years of Philadelphus that Greeks occur as collectors of the *enkyklion* with a Demotic designation which has not, so far as I know, been identified in

13. Berve, *op. cit.*, pp. 211 f., no. 432, cautiously treats this Cleomenes as a separate person, and the identification is certainly hypothetical, but 1) all the other known satraps had been recalled to Babylon by Alexander (and only Antigonus is known to have failed to comply; that is why he was called to account by Perdiccas in the following year), and his familiarity with the Sarapis cult in Alexandria gave him a competence in the procedure. On the establishment of this cult and the historicity of the Sarapeium in Babylon see my paper in *Historia* 11, 1962, pp. 271-298 and 512. I am not convinced by the re-arguments of P.M. Fraser, *Opuscula Atheniensia* VII, 1967, pp. 23-45. The generally repeated idea that Cleomenes was executed in Egypt depends on the statement of Pausanias, i. 3, and it is not impossible, if unlikely, that Ptolemy took Cleomenes back with him and then killed him. But Pausanias is not very reliable, particularly in relatively unimportant details. He states in the same connection that Cleomenes had been appointed satrap by Alexander, which seems not to have been true, according to Arrian (very probably from Ptolemy).

14. J. Harmatta, *Acta Antiqua Hungarica*, 7/4, 1959, pp. 337-409; *Sozialökonomische Verhältnisse im Alten Orient und im Klassischen Altertum*, 1961, pp. 118-139.

15. Diodorus, xix. 80. 4, gives no figures, but mentions a "multitude of Egyptians" (πλῆθος Αἰγυπτίων), some of whom served in the trains but others were armed and served as hoplites.

16. Cl. Préaux, *L'économie royale des Lagides*, 1939, pp. 461 f.

17. There is no reference in *P. Eleph.* 1-4 to any governmental officials, juridical or otherwise.

Greek.[18]

We are left with a few persons of higher estate known from hieroglyphic inscriptions beset with problems of chronology and interpretation. They are enough, however, to show that the historian Manetho was by no means alone in the ruling circles.[19]

A certain Nektanebo, perhaps a nephew of the last and like-named king of the Thirtieth Dynasty, describes himself on his sarcophagus as a "chief general" of a Ptolemy, presumably Soter. He can have commanded the Egyptian troops at Gaza, but we have no good way of knowing.[20]

Petosiris, known from his tomb with the slightly Hellenized reliefs, may have belonged to this period or to an earlier one. He was certainly a notable.[21]

More suggestive is the Naples Stele which gives something of the career of a certain Somtu-tefnachte. I quote the relevant passage as translated by Heinrich Schäfer. (Somtu-tefnachte addresses his protective deity, Harsaphes.) "Du hast mich vor Unzähligen erhoben, als du Aegypten den Rücken wandtest. Du hast Liebe zu mir in das Herz des Beherrschers von Asien gesetzt, die 'Freunde (des Königs)' erwiesen mir Ehrfurcht. Er verlieh mir die Würde eines Oberpriesters der Sechmet an Stelle des Bruders meiner Mutter, des Vorstehers der Sechmetpriester in beiden Ländern Hj-hnb. Du hast mich im Griechenkampfe beschützt als du Asien zurückschlugst. Sie töteten Unzählige an meiner Seite, doch Niemand erhob seinen Arm gegen mich. Danach habe ich dich im Traume gesehen, indem deine Majestät zu mir sagte, 'Eile nach Ehnas, ich bin mit dir.' Ich durchzog die Fremdländer ganz allein. Ich fuhr übers Meer ohne Furcht, indem ich an dich dachte und deine Gebote nicht übertrat. Ich bin nach Ehnas gekommen, ohne dass ein Haar von meinem Haupte genommen wurde." This has commonly been taken to mean that the "ruler of Asia" was Dareius, and that Somtu-tefnachte fought on the Persian side as Issus,[22] but I see no reason why it should not as well be Alexander, and the battle be that fought near Pelusium[23] during the attempted invasion of Perdiccas. Reference to the "Friends" seems to indicate a Macedonian context.[24]

18. P. W. Pestman, *Chronologie Egyptienne d'après les textes démotiques, Papyrologia Lugduno-Batava* XV, 1967. In the papyri from the Theban necropolis published by S. R. K. Glanville (*Catalogue of the Demotic Papyri in the British Museum*, I, 1939, pp. 39-43) the earliest instance is in the 21st year of Soter (4 May 284 B.C.), when the collector is named GSNNYMS ("Xenantos"; possibly Xenophantus) and given the designation p shne rt p sm, translated as "commissioner and agent (?) of the harvest." Three years later, on 6 March 281, year 2 of Philadelphus, a similar payment is made to unnamed "scribes (of the) Agents of (the district of ?) Thebes": sh'w rt'm n(?) Ne. The same expression had already occurred in an earlier text dated Pachons of the third year of Alexander IV, summer of 314 B.C., suggesting that the institution, if not the Greek incumbents, was pre-Ptolemaic (N.J. Reich, *Mizraim* 3, 1936, pp. 9-13). Three years later again, on 22 January 278, year 5 of Philadelphus, the payment is made to a recognizable Greek, Zenodorus (Snwtrs), described simply as shn, "commissioner," but in the following year, 18 April 277, year 6 of Philadelphus, there is a return to the "scribes of the agents" formula (sh'w rt). Further identification is a matter for the demoticists, of course, but it may be noted that Erwin Seidl, *Ptolemäische Rechtsgeschichte* (*Aegyptologische Forschungen* XXII, 1926), identifies shn as either such an official as the nomarch (pp. 71f.) or as lessee (pp. 129-131), and specifically as one who leases the collection of a tax: a telones. Dr. Pestman promises a thorough study of the demotic titles, and will doubtless resolve this uncertainty.

19. Cf. Peremans, *Vreemdelingen*, pp. 97-102, and Volkmann, *loc. cit.*

20. For Nectanebo cf. K. Sethe, *Urkunden des aegyptischen Altertums* II: *Hieroglyphische Urkunden der griechisch-römischen Zeit*, 1904, pp. 24-26, no. 11; and the comments of P. Jouguet, *Bulletin de l'Institut Français d'Archéologie Orientale* 30, 1, 1931, p. 520, note 1.

21. G. Lefebvre, *Le tombeau de Petosiris*, 1923/1924, and for the dating, Ch. Picard, *BIFAO* 30, 1, 1931, pp. 201-227.

22. *Aegyptiaca: Gestschrift für Georg Ebers*, 1897, pp. 92-98; Sethe, *Urkunden* II, pp. 1-6, no. 1.

23. So E. Drioton, J. Vandier, "L'Egypte," *Clio* 1, 1938, p. 585, and the reference to waters and strange lands would support this, but it may be merely exaggeration or the point of view of an Egyptian from Esneh.

24. So far as I know, this court title was not in use in Persia. It is familiar in the Macedonian and successor monarchies. For a general review of the problem see now L. Mooren, *Antidorum W. Peremans*, 1968, pp. 161-180. The Egyptian background and parallels are reviewed in his long note 1 starting on p. 166.

And then there is Khabbash, the Pharaoh whose benefactions in the delta were restored by Ptolemy. So long as the Satrap Stele, which we know from the translations of Brugsch, Bouché-Leclercq, and Bevan,[25] stood along, it was possible to date him anywhere, and guesses varied widely. The month Hathyr of his first year is mentioned in the Libby Papyrus, published in 1907 by Spiegelberg, and an Apis sarcophagus cites the same month of his second year.[26] The prevailing opinion, that he belonged in the fourth century, was confirmed by Spiegelberg and then by Mustafa al-Amir who found that the scribe of the Libby Papyrus occurs also in documents of the reign of Alexander, so that he belongs in the period 340-323.[27] I suggest that he can be placed more exactly.

The Battle of Issus took place in the late autumn of 333. The Egyptian satrap, Sabaces or Tasiaces, was killed there, and a Macedonian renegade named Amyntas came to Egypt with a small force, announced that he was the new satrap, and advanced as far as Memphis. Curtius states that there was an Egyptian uprising against the Persians, and that Amyntas defeated the Persians, but while his troops were foraging, Mazaces attacked and destroyed them.[28] This makes little sense, but Diodorus does better. He states that Amyntas defeated the Egyptians, and that they were the ones who killed him when he was plundering.[29] Diodorus does not mention Mazaces, then or subsequently, and it is possible to wonder if he ever really existed.

I suggest that, with the death of Sabaces and the loss of his Persian troops at Issus, an Egyptian (probably of Meroitic descent)[30] dated from Thoth (November) 333, but his actual succession took place when the news of the battle arrived, probably in December. Hathyr of his first year was January/February of 332. Alexander was busy at Tyre and Gaza until late in that year, and on the 13th of November Khabbash began his second year. About the end of the year or the beginning of 331 Alexander arrived, Khabbash submitted, and his reign was over. Of his future career we know nothing. Alexander had no reason to kill him, but might well not have dared entrust him with a position of influence. Cleomenes, however, might well have wished him out of the way.

His memory lingered, however, and the priests did not forget his benefactions. Ptolemy, reasonably secure by 310 and anxious to show himself grateful for his Egyptian support, restored his grants to the temples of Pe and Tep which, very probably, Cleomenes had revoked. At all events, it seems to me, this shows us something of the role of the Egyptians under the first Ptolemy. They were essential to him. My point is not revolutionary. Much of this, except for Khabbash who has been largely ignored by Greek historians, has been said before. But I think it makes good sense.[31]

25. H. Brugsch, *Zeitschrift für ägyptische Sprache* 9, 1871, p. 13; A. Bouché-Leclercq, *Histoires des Lagides*, I, 1903, pp. 105-108; E. Bevan, *The Ptolemaic Dynasty*, 1927, pp. 28-32 (Sethe, *Urkunden* II, no. 9, pp. 11-22); Jouguet, *op. cit.*, p. 518, note 1; G. Michailidis, *Annales du Service des Antiquités de l'Egypte*, 43, 1943, pp. 97-99).

26. W. Spiegelberg, *Der Papyrus Libby, Ein ägyptischer Heiratsvertrag, Schriften der Wissenschaftlichen Gessellschaft in Strassburg*, I, 1907 (cf. E. Seidl, *Aegyptische Rechtsgeschichte der Saiten und Perserzeit* (*Aegypt. Forsch.* XX, 1956), p. 78.

27. Spiegelberg, *op. cit.*, p. 4; Mustafa El-Amir, *A Family Archive from Thebes*, 1959, p. 95.

28. This would place Amyntas on the side of the Egyptians against Mazaces and the remains of the Persian garrison, but if Mazaces had been left by the satrap as *locum tenens*, he must perforce have accepted Amyntas either as the new satrap or at least as a Persian supporter. Mazaces and Amyntas would both have needed the other against both the Egyptians and Alexander. Curtius, iv. 1. 27-33.

29. Diodorus, xvii. 48. 2-5.

30. So Spiegelberg. Professor J. M. Plumley points out that a Libyan rather than a Meroitic pretender would be expected, but the name "Khabbash" (or "Khababasha") has not yet been linguistically explained.

31. Dr. Bernard V. Bothmer has written me that he, with Dr. Herman de Meulenaere, has collected a "great number of biographical inscriptions" of the last seven centuries B.C., and that "among them many will be found which reflect high administrative positions" held by Egyptians in the time of Alexander and the first Ptolemies. "We even have a commanding general of the army, purely Egyptian," under Ptolemy I.

LES CONFRERIES DANS LA VIE RELIGIEUSE DE L'EGYPTE CHRETIENNE

Ewa Wipszycka

Au IVe siècle, l'aspiration à remplir de façon rigoureuse les préceptes de l'évangile fit naître non seulement l'anachorétisme et le cénobitisme, mais aussi d'autres formes de vie religieuse. Parmi celles-ci il y a les confréries religieuses. Beaucoup moins connues que l'anachorétisme ou le mouvement cénobitique, elles ont pourtant joué un rôle important.

Par "confrérie religieuse,"[1] lorsqu'il s'agit d'histoire du christianisme, j'entends un groupe de gens qui s'unissent et acceptent une certaine forme d'organisation afin de mener une vie religieuse commune, mais qui ne brisent pas leurs liens avec le "monde," soit parce que leur situation familiale ou autre les en empêche, soit parce que leur désir de remplir leurs devoirs envers Dieu de façon rigoureuse n'a pas assez d'intensité pour les décider à des renonciations extrêmes. Le "monde," c'est surtout la famille, l'activité économique, la propriété, le milieu social auquel on appartient. L'adhésion à une confrérie entraîne l'obligation de consacrer plus de temps que ne le fait le chrétien moyen aux pratiques religieuses – le plus souvent exercées en commun –, d'exercer dans une mesure plus large l'activité de bienfaisance, enfin de participer à certaines formes de vie de société à l'intérieur de la confrérie.

De telles confréries apparaissent, avec plus ou moins de force, à différentes époques de l'histoire du christianisme, jusqu'à nos jours. Leur essor le plus grand eut lieu au moyen âge et au début de l'époque moderne. Elles existaient cependant déjà vers la fin de l'antiquité et elles occupaient déjà à cette époque une place importante dans la vie religieuse de la chrétienté.

Les synthèses d'histoire de l'Eglise parlent très peu ou ne parlent pas du tout de ces confréries de la fin de l'antiquité. Ce silence est dû à l'état de notre documentation: les sources concernant ce sujet sont peu nombreuses et peu éloquentes. Nous ne possédons pas de statuts de confréries de cette époque, bien que de tels documents aient probablement existé: si l'on songe aux statuts des collegia païens qui nous ont été conservés par des inscriptions ou des papyrus, on sera amené à supposer que les confréries chrétiennes de la basse époque avaient, elles aussi, l'habitude de fixer par écrit les normes de leur organisation. Les actes des conciles et des synodes ne parlent pas des confréries. Ces assemblées s'intéressaient, d'un côté, à définir l'orthodoxie et à la défendre contre les hérésies, de l'autre côté à régler les questions d'organisation et de discipline ecclésiastiques. Les confréries n'ont pas dû procurer aux évêques assez de soucis pour faire l'objet de leurs débats. Remarquons d'ailleurs que les questions concernant les anachorètes et les couvents – deux éléments qui étaient sans aucun doute d'une importance extrême pour l'Eglise – n'occupent qu'une place très mince dans les actes des conciles et des synodes. Restent les sources

1. Cf. G. Le Bras, "Les confréries chrétiennes. Problèmes et propositions," *Revue Historique du Droit Français et Etranger* 19-20, 1940/1941, pp. 310-363.

non documentaires: chroniques, vies de saints, recueils de sermons etc. C'est ici que les confréries apparaissent, et précisément dans des contextes qui – comme je le montrerai plus loin – semblent indiquer que les confréries étaient un phénomène assez bien connu de tout le monde pour ne pas exiger d'explications.

La pauvreté des données concernant les confréries et la richesse des matériaux concernant d'autres formes de la vie religieuse de l'antiquité tardive expliquent l'absence de recherches systématiques sur les confréries. L'étude la plus importante et la plus pénétrante sur ce sujet, c'est encore l'article de H. Leclercq dans le *Dictionnaire d'archéologie chrétienne et de liturgie*, t. III, s.v. *confréries.*[2] Cet article, qui occupe sept colonnes, a été conçu par l'auteur comme une esquisse tout à fait provisoire, destinée à encourager d'autres chercheurs à étudier le sujet. Mais personne jusqu'à présent n'a entrepris un examen systématique des sources en vue de l'étude des confréries; on s'est borné à chercher, au moyen des *indices* des éditions, les passages où apparaissent des termes caractéristiques désignant les confréries. Certes, ce n'est pas une petite tâche que d'examiner toutes les sources de la basse époque. Elles sont tellement nombreuses que, rien que pour les lire, il faut de longues années.

Le présent article[3] ne prétend pas traiter des confréries dans tout le territoire appartenant ou qui avait jadis appartenu à l'empire romain. Je me propose seulement de présenter les résultats de mes recherches pour ce qui concerne l'Egypte aux IVe - IXe siècles, en utilisant aussi des sources provenant d'autres provinces orientales et qui peuvent, dans certaines questions, fournir des explications précieuses.[4]

Les membres des confréries dans la partie grecque de l'empire romain étaient appelés *οἱ φιλόπονοι* ("ceux qui aiment l'effort, la peine"), ou *οἱ σπουδαῖοι* ("les zélés").[5] Il n'est pas exclu que d'autres dénominations aient existé, qui n'ont pas encore été identifiées par les chercheurs; en outre, on pouvait sans doute désigner les membres des confréries par des termes très généraux (tels que "les frères," "les confrères," "les soeurs"), que nous n'avons pas le droit de rapporter aux confréries si le contexte dans lequel ils apparaissent ne nous fournit pas d'indications précises. Le terme *philoponos* aussi bien que le terme *spoudaios* sont attestés pour l'Egypte.[6]

A ces confréries avaient accès non seulement les hommes, mais aussi les femmes. Cela nous est attesté pour Constantinople vers la fin du IVe siècle.[7] Nous savons d'autre part que les confréries médiévales accueillaient hommes et femmes. Il en était sans doute de même dans l'Egypte byzantine, quoique les preuves manquent.

Il sera opportun de citer, au début de notre exposé, un texte de Zacharie le Scholastique, qui connaissait très bien le milieu des *philoponoi* d'Alexandrie. Parlant d'un étudiant qui faisait partie des *philoponoi*, il dit qu'il était universellement connu pour "l'orthodoxie, l'humilité de

2. Outre l'article de Leclercq, voir P. Pétridès, "Le monastère des Spoudaei à Jérusalem et les Spoudaei à Constantinople," *Echos d'Orient* 4, 1901, pp. 225-231; *Idem*, "Spoudaei et Philopones," *ibid.* 7, 1904, pp. 341-343; S. Vailhé, "Les Philopones d'Oxyrhynque au IVe siècle," *ibid.* 14, 1911, pp. 277-278.

3. C'est à la suite d'une suggestion de Monsieur Louis Robert concernant le P. Berl. Inv. 16172 (publié ci-dessous) que j'ai entrepris le présent travail. Je tiens à lui exprimer ici ma vive reconnaissance.

4. A la fin de l'article le lecteur trouvera une liste des sources exploitées dans le présent travail. Pour simplifier les références, je citerai ces sources au cours de l'article par les numéros de la liste.

5. Zacharie le Scholastique (texte no. 3, p. 24) donne encore un autre nom: "les compagnons"; malheureusement, son ouvrage ne nous est conservé que par une traduction syriaque; nous ne savons pas à quel mot grec correspond le mot "compagnons".

6. Les *spoudaioi* apparaissent dans les textes nos. 1, 4 et 10.

7. Sozomenos, *Kirchengeschichte*, ed. J. Bidez, Berlin, 1960 (*Die Griechischen Christlichen Schriftsteller der ersten Jahrhunderte*, t. L), livre VIII, chap. 23; pp. 380-381.

vie, la grande chasteté, l'amour de son semblable et la commisération envers les pauvres"; et il ajoute: "Il était en effet de ceux qui fréquentent avec assiduité la sainte église, ceux que les Alexandrins suivant la coutume du pays ont l'habitude d'appeler *philoponoi.*"[8] Examinons cette liste de qualités qui, selon Zacharie, étaient propres aux *philoponoi.*

La première, l'orthodoxie, qui du point de vue de Zacharie est le monophysitisme, prête à discussion. Les confréries des *philoponoi* ou *spoudaioi* existaient aussi bien dans l'Egypte monophysite que dans le Constantinople catholique; et la Vie de saint Jean l'Aumônier (texte no. 6) nous apprend qu'à Alexandrie même, au VIIe siècle, il y avait des confréries de *philoponoi* dépendant du patriarche catholique. D'ailleurs, entre le catholicisme et le monophysitisme les différences idéologiques n'étaient pas de telle sorte que dans un camp il y eût des conditions plus propices que dans l'autre pour la naissance et le développement de cette forme de vie religieuse qu'étaient les confréries.

L'expression "humilité de vie" qu'emploie Zacharie a un sens assez précis et assez évident pour les lecteurs de son époque. De nombreux courants qui proposaient une intensification de la vie religieuse, une application fidèle des principes de l'évangile, exigeaient de leurs adhérents "l'humilité de vie." Cela signifiait: habillement et habitation modestes, usage modéré des bains ou abstention totale de ceux-ci, modération dans le manger et le boire, c'est-à-dire non seulement des jeûnes plus longs et plus rigoureux que ceux qu'observaient la plupart des fidèles, mais aussi des repas parcimonieux.

La mention de la chasteté demande un commentaire. Nous savons que parmi les *philoponoi* il y avait des gens mariés. En outre, il n'était pas anormal qu'un *philoponos* célibataire se marie. Cela nous est prouvé par un récit que nous lisons dans un recueil d'historiettes sur les moines pieux. Les camarades d'un pieux *philoponos* de Thébaïde lui font cette proposition (texte no. 13): "Maître Paul, pourquoi ne te fais-tu pas moine? Tu n'as pas de parents et tu n'as pas l'intention de te marier." La tendance à la chasteté a dû être très forte parmi les membres des confréries; elle a dû encourager non seulement le maintien du célibat, mais aussi, et peut-être plus souvent, la continence parmi les époux ayant déjà des enfants. Mais cette tendance n'est jamais devenue une règle.

L'amour du prochain et l'activité philanthropique avaient la place d'honneur dans le programme de ce milieu. Nous pouvons nous demander si l'activité philanthropique s'exerçait surtout à l'intérieur des confréries, ou si elle était dirigée vers les pauvres et les malheureux en général. Les sources nous fournissent des renseignements concernant ce deuxième genre d'activité philanthropique. Dans un grand sanctuaire des saints Jean et Cyrus, *σοφοὶ ἀνάργυροι*, près d'Alexandrie, les *philoponoi* faisaient régulièrement service auprès des malades, qui parfois passaient là des mois entiers en attendant des saints la guérison (texte no. 7).[9]

8. Texte no. 3, p. 12.

9. Le soin des malades apparaît aussi dans l'histoire, racontée par Sozomenos (passage cité ci-dessus, note 7), d'une riche et pieuse dame de Constantinople, Nikarete (fin du IVe siècle, début du Ve), qui préparait personnellement les médicaments. Parmi les femmes appartenant aux confréries en Egypte, il y en avait sans doute beaucoup qui, poussées par le sentiment religieux, soignaient les malades.

Enfin, selon Zacharie, les *philoponoi* sont "ceux qui fréquentent avec assiduité la sainte église." La plupart des informations que les sources nous fournissent au sujet des confréries des *philoponoi* ou *spoudaioi* concernent justement leur fréquentation des églises et leur participation aux cérémonies religieuses. C'est apparemment là l'aspect de la vie de ces organisations qui frappait le plus les gens qui n'en faisaient pas partie. Pour présenter quelqu'un comme un *philoponos*, nos textes peuvent dire par exemple: "il fréquentait la sainte église jour et nuit et il était tout le temps zélé à la servir dans tout le reste."[10] Qu'est-ce que les *philoponoi* faisaient "jour et nuit" à l'église? Ils récitaient en commun les oraisons quotidiennes, le plus souvent le soir, jusqu'à la nuit avancée; ils récitaient des morceaux de l'Ancien et du Nouveau Testament, ils chantaient des psaumes; ils participaient aux veillées précédant les grandes fêtes. Chacun des membres d'une confrérie prenait part à ces pratiques dans la mesure de ses possibilités et de son engagement personnel. Il y avait en outre des manifestations du culte auxquelles tous les membres des confréries devaient prendre part: dans les grandes fêtes réunissant tout le clergé et tous les fidèles, les confréries participaient aux cérémonies en tant que groupes organisés, distincts aussi bien des laïcs que des ecclésiastiques. Ainsi, par exemple, les *philoponoi* sortent de la ville avec le clergé et les autres fidèles pour saluer solennellement le patriarche d'Alexandrie (texte no. 2): l'arrivée du patriarche était un moment très solennel pour les communautés, étant donnés l'autorité et le respect immense dont il jouissait. A Assiout (la Lykopolis grecque) les *philoponoi* participent à la fête en l'honneur de saint Claude, qui a réuni la population de trois villes voisines avec les notables et les hauts fonctionnaires (texte no. 5). Les *philoponoi* d'Alexandrie prennent part aux funérailles du patriarche, peut-être les organisent-ils;[11] nous les voyons en outre apparaître dans la cérémonie de la translation du corps de saint Macaire le Grand dans la basilique construite en son honneur à Ouadi Natroun (texte no. 9). Dans le sanctuaire de saint Georges, dont parle le texte no. 11, les *philoponoi* prennent part à la procession dans laquelle, sous la direction de l'évêque, on promène le sarcophage avec le corps du saint. Il pouvait arriver qu'on réserve dans une église une place stable pour la confrérie (texte no. 12).

La participation des confréries au culte a dû avoir une importance considérable pour le clergé. Au cours des premiers siècles du christianisme triomphant, les cérémonies ont rapidement augmenté en nombre et en complexité, mettant en oeuvre un appareil liturgique de plus en plus riche et utilisant de plus en plus largement la musique. Elles demandaient donc la participation de groupes organisés. Les confréries étaient justement de tels groupes, et le clergé s'en servait.

10. Texte no. 13. Voir aussi la description analogue de la façon de vivre des *philoponoi* appartenant au milieu des étudiants de Beyrouth, chez Zacharie le Scholastique, texte no. 3, pp. 54-56.

11. Je m'appuie ici sur un passage de la Vie de saint Jean l'Aumônier par Leontios de Neapolis, texte no. 6. Ce passage n'est pas clair. Dès qu'il a assumé ses fonctions, le patriarche (suivant évidemment l'exemple des empereurs) s'est fait faire un tombeau, mais il a ordonné que le tombeau reste inachevé; il a ordonné en outre que chaque année, pendant une certaine cérémonie (nous ne savons pas laquelle), viennent chez lui les *philoponoi* et lui disent: "Maître, ton tombeau reste inachevé. Ordonne donc de l'achever, car tu ne sais pas à quelle heure viendra le Brigand." H. Usener (*Kleine Schriften*, t. III, Leipzig-Berlin, 1914, p. 210) identifiait les *philoponoi* mentionnés ici et les tailleurs de pierre spécialisés dans la construction de tombeaux, qui apparaissent au début de ce chapitre de Leontios. Cette interprétation ne me paraît pas justifiée. Leontios ne nous explique pas pourquoi c'était justement les *philoponoi* qui devaient rappeler au patriarche que le tombeau était inachevé. Peut-être jouaient-ils traditionnellement un rôle important dans les cérémonies funéraires. Cette hypothèse est renforcée par un passage de la description du martyre de saint Pierre, partriarche d'Alexandrie, martyrisé en 312 (texte no. 4). Selon ce texte, les *spoudaioi* et les notables d'Alexandrie se rendent sur le lieu où se trouve le corps de Pierre et, après l'avoir enveloppé dans des peaux, ils le transportent dans la ville. Ce texte tardif, du VIe siècle au plus tôt, n'a aucune valeur en tant que source pour les faits qu'il raconte; mais il peut parfaitement bien refléter les usages du temps de l'auteur: à cette époque, les confréries religieuses étaient probablement chargées de tâches importantes au cours des cérémonies funéraires.

Il est légitime de supposer que les confréries étaient utiles pour le clergé non seulement dans les grandes fêtes, mais aussi pour assurer les soins quotidiens que demandaient les églises. Ces soins absorbaient beaucoup de temps et de moyens. Parfois les évêques ne disposaient pas d'un nombre suffisant d'ecclésiastiques pour ce genre de tâches: en témoigne la correspondance d'Abraham, évêque d'Hermonthis à la fin du VIe et au début du VIIe siècle.[12]

Les confréries pouvaient servir à l'Eglise pour d'autres buts aussi.[13] A Alexandrie la hiérarchie ecclésiastique les employait dans les manifestations qu'elle organisait contre ses adversaires ou pour faire pression sur les fonctionnaires impériaux, voire même dans les luttes de rue, si fréquentes dans l'histoire agitée de cette Eglise. Zacharie le Scholastique nous raconte comment les *philoponoi* ont détruit, à Menouthis près d'Alexandrie, le temple païen et les statues qui y étaient cachées (texte no. 3). Ces groupes organisés étaient plus facilement utilisables pour ces buts que les moines, qui pourtant étaient connus pour leur esprit combatif: en effet, les *philoponoi* étaient présents dans les villes, tandis que les moines devaient être appelés du dehors.

Il faut enfin tenir compte du fait qu'autour des Eglises, spécialement des Eglises épiscopales, se formaient des groupes de laïcs jouant un rôle particulièrement actif dans la vie de leurs communautés. Ces laïcs fournissaient à leur Eglise une aide économique et contribuaient à administrer ses biens. Ils donnaient des conseils au clergé, il représentaient, de façon non formelle mais pourtant essentielle, l'opinion des fidèles (par exemple lorsqu'il s'agissait d'élire l'évêque). De ce groupe faisaient partie notamment des représentants pieux des familles riches de la région et des fonctionnaires locaux. Ces derniers pouvaient même devenir officiellement des curateurs de l'Eglise à laquelle ils appartenaient.[14] Cette institution – cette curatelle laïque – nous est attestée pour l'Egypte et pour d'autres parties du monde méditerranéen (par exemple l'Afrique romaine). Or, certains membres des confréries, avant tout leurs présidents, faisaient sans doute partie, eux aussi, de ces groupes. Nous voyons les *philoponoi* jouer le rôle d'intermédiaires entre le patriarche et les fidèles dans un récit très fantaisiste, mais exact en ce qui concerne la description des cadres institutionnels, contenu dans "l'enkomion" de Demetrios, patriarche d'Alexandrie (texte no. 16). Demetrios scandalisait une partie de ses ouailles parce que, contrairement à la tradition, il ne s'était pas séparé de sa femme après avoir été élu patriarche. Un ange, apparu en songe, lui ordonne de s'expliquer devant "le clergé et les *philoponoi*."[15] Un autre indice de l'existence d'un lien étroit entre les *philoponoi* et le clergé nous est fourni par deux documents papyrologiques. Le premier de ces documents, le *P. Iand.* 154, est une liste de distributions de vin, datant de la fin du VIe ou du début du VIIe siècle et provenant probablement d'Oxyrhynchos. Citons-le en entier:

\+ γνῶσ(ις) οἴν(ου) | τῷ ἀρχιπρ(εσβυτέρῳ) | τῷ ἀρχιδιακ(όνῳ) | τῷ δευτεροδιακ(όνῳ) | τῷ ἀπετιτῇ | τῷ μεσίτ(ῃ) | τῷ τρίτῳ | τῷ μαρτυρολόγ(ῳ) | τοῖς λεκτικ(αρίοις) | τοῖς παραβαλ(ανεῦσι) | τοῖς ἀναγνώσ(ταις) | τοῖς ψάλτ(αις) | τοῖς φιλοπ(όνοις) | τῷ πρεσβ(υτέρῳ) τοῦ τόπο[υ | τῷ θυρουρ(ῷ) τοῦ τόπο[υ | τῷ βουρτον(αρίῳ) | τοῖς ὑποδιακ(όνοις).

"Liste des distributions de vin: à l'archipresbytre, à l'archidiacre, au second diacre, au percepteur, au mesites, au 'troisième,' au martyrologue, aux fossoyeurs, aux *parabalani*, aux lecteurs, aux

12. Cette correspondance a été publiée principalement, mais non exclusivement, par W.E. Crum dans le recueil *Coptic ostraca from the collections of the Egypt Exploration Fund, the Cairo Museum and others,* London, 1902.

13. Un fait intéressant, c'est la participation des *philoponoi* aux actions pour la conversion des paiens, qui nous est attestée par un sermon de Sévère d'Antioche, dans E.A. Wallis Budge, *Coptic texts in the dialect of Upper Egypt*, London, 1915, p. 174. Ce renseignement ne concerne pas directement les confréries égyptiennes, mais nous pouvons l'appliquer à celles-ci par analogie.

14. Cf. A. Steinwenter, "Aus dem kirchlichen Vermögensrechte der Papyri," *Sav. Zeitschr., Kanon. Abt.* 75, 1958, p. 29.

15. Le texte copte donne: *phyloponos*. L'éditeur, E.A. Wallis Budge, ne semble pas y avoir reconnu le mot *philoponos*, légèrement déformé par une faute d'orthographe tout à fait banale. En tout cas, il a traduit par "business folk", ce qui est absurde.

philoponoi,[16] au presbytre de l'église [lacune], au concierge de l'église [lacune], au portefaix, aux sous-diacres."

Le texte est complet; les quantités de vin n'ont pas été notées par le scribe. Une des personnes mentionnées dans cette liste porte le titre de percepteur (apaitetes), une autre porte le titre de mesites, qui est le plus souvent lié à l'administration de magasins de blé. Cet apaitetes aussi bien que ce mesites ont pu être au service de l'Eglise. Celle-ci, en effet, prenant pour modèle l'Etat, a formé son propre appareil bureaucratique pour gérer ses biens. Dans l'ensemble, nous avons l'impression que ce document mentionne une série de personnes liées à une Eglise épiscopale. Certes, il ne mentionne pas toutes les personnes collaborant avec l'évêque: il omet par exemple l'économe, qui devait obligatoirement être employé par l'évêque pour l'administration des biens. L'ordre dans lequel les diverses personnes sont mentionnées est casuel. Ce qui importe pour notre recherche, c'est de constater qu'à côté des ecclésiastiques et de gens qui sont probablement au service de l'Eglise, ce document mentionne trois groupes de gens qui ne faisaient certainement pas partie du clergé: les *philoponoi*, les fossoyeurs et les *parabalani.*[17]

Les *philoponoi* apparaissent en outre dans un texte assez semblable au *P. Iand.* 154, à savoir dans un papyrus appartenant aux Staatliche Museen de Berlin (no. d'inventaire 16172), que je publie dans un appendice du présent article. Ce document est une liste de distributions de vin dont profitent entre autres les *philoponoi*, les *clerici,* les courriers et les rameurs de l'économe (fonctionnaire au service de l'évêque), les courriers de l'évêque, les moines d'un monastère, les femmes chargées par le clergé de prendre soin des veuves. Nous ne pouvons pas établir si ces distributions de vin ont été faites par une Eglise épiscopale ou par l'administration d'un grand domaine; mais cela n'a pas d'importance pour nos considérations présentes. Ce qui nous importe, c'est que ce document semble confirmer que les *philoponoi* faisaient partie d'un petit monde tournant autour de l'Eglise épiscopale et lui rendant des services.

Sur l'appartenance sociale des membres des confréries nous ne savons pas grand-chose. Zacharie le Scholastique nous montre que beaucoup d'étudiants d'Alexandrie faisaient partie des confréries. Sozomenos et la Vie de saint Auxence parlent de représentants de familles aristocratiques parmi les *spoudaioi* à Constantinople. Au moyen âge et à l'époque moderne, en Occident, les confréries réunissaient fréquemment des membres de différentes classes sociales; il en était peut-être de même pour les confréries de la fin de l'antiquité.

Les sources que j'ai réunies dans le présent travail concernent les confréries dans plusieurs localités. Contrairement aux impressions des premiers chercheurs qui se sont occupés des confréries des *philoponoi* ou *spoudaioi,* celles-ci n'étaient pas une particularité de l'Eglise d'Alexandrie. Il faut cependant remarquer que, sauf une exception que nous discuterons plus tard, toutes les localités où l'existence de ces confréries est attestée sont des villes. Je ne crois pas que cet état de choses soit dû au hasard de la conservation des textes. Je pense plutôt que les confréries étaient un phénomène urbain. Elles ne pouvaient naître que là où il y avait une concentration de popu-

16. L'éditeur, J. Hummel, a résolu l'abréviation ainsi: φιλοπ(τώχοις) ("Armenpfleger"). Le mot φιλόπτωχος en tant que substantif n'est pas attesté. Il n'y a pas de doute qu'il faut résoudre: φιλοπ(όνοις).

17. On pourrait traduire ce dernier terme par "infirmiers". Le patriarche d'Alexandrie disposait d'un corps de 600 *parabalani*, qui étaient employés non seulement pour soigner les malades, mais aussi dans des bagarres de caractère politico-religieux. Cf. W. Schubart, "Parabalani," *Journal of Egyptian Archaeology* 40, 1954, pp. 97-101; voir aussi H. Grégoire, "Sur le personnel hospitalier des églises. Parabalans et Privataires," *Byzantion* 13, 1938, pp. 283-285. Le *P. Iand.* 154 est le premier document qui atteste l'existence de groupes de *parabalani* auprès des Eglises épiscopales en Egypte (hors d'Alexandrie). Nous ne savons pas d'après quels principes on recrutait ces gens, quel était le caractère de leur travail (métier? service volontaire payé ou gratuit?). Il n'est pas exclu que les groupes des *parabalani* n'aient pas été, par leur esprit et leur organisation, très éloignés des *philoponoi*.

lation assez grande pour qu'il s'y trouve plusieurs personnes mécontentes de la vie "normale" de la communauté chrétienne et susceptibles de former un groupe organisé à l'intérieur de cette communauté. L'appui de l'évêque, qui, comme nous l'avons vu, était intéressé à ce que des confréries se constituent, comptait aussi pour quelque chose.

Les confréries des *philoponoi* avaient leurs présidents. Cela ressort des textes no. 3 et no. 7. Dans ce dernier texte – les Miracles des saints Cyrus et Jean – il est en outre question d'un local appelé *philoponion*, qui se trouvait à Perone, à côté de l'église de saint André. Ce *philoponion* servait probablement de lieu de réunion pour la confrérie. On peut penser qu'il devait être normal, pour une confrérie tant soit peu établie, de posséder un local à elle, acheté au moyen des contributions des membres ou reçu d'un donateur.

Nos sources ne nous fournissent pas de renseignements sur la vie de société à l'intérieur des confréries des *philoponoi* ou *spoudaioi*. Ce silence me semble être dû au caractère des sources. Il est très probable que ces confréries ne se bornaient pas à des activités religieuses ou directement inspirées par la religion, mais exerçaient aussi des activités n'ayant qu'un lien indirect avec la religion et constituant ce qu'on peut appeler la vie de société: banquets à l'occasion des fêtes religieuses ou des noces des membres de la confrérie ou de la naissance de leurs enfants, participation aux funérailles, etc. Cette hypothèse nous est suggérée par les résultats des recherches sur les confréries médiévales: on sait qu'au moyen âge la vie de société jouait un rôle très important dans l'ensemble des activités des confréries; elle pouvait même jouer parfois le rôle principal. Certes, dans les confréries de l'époque dont nous nous occupons, c'était sans doute l'élément religieux qui dominait. On peut affirmer cela non pas tant sur la base du fait que nos sources ne parlent pas de la vie de société à l'intérieur des confréries des *philoponoi*, qu'en tenant compte de la grande tension de la vie religieuse de cette époque, qui s'exprimait par le mouvement anachorétique et cénobitique, par les controverses théologiques, par une très riche littérature religieuse.

Jusqu'ici, j'ai laissé de côté les problèmes chronologiques. Il est temps maintenant de les affronter. D'après la plupart des chercheurs, la source la plus ancienne concernant les *philoponoi* serait un texte conservé dans un état fragmentaire par une traduction copte et qui se présente comme une lettre de Pierre, patriarche d'Alexandrie, martyrisé en 312 (texte no. 2). L'éditeur de ce texte, C. Schmidt, l'a pris pour ce qu'il prétend être: pour une lettre authentique de Pierre, le dernier martyr. Cette opinion est absolument inacceptable. Si elle a été acceptée par la plupart des chercheurs, c'est qu'ils ne l'ont pas soumise à examen. H. Delehaye, pourtant, avait déjà réfuté cette opinion dans un compte rendu de l'édition de C. Schmidt, publié dans les *Analecta Bollandiana* 20, 1901, pp. 101-103. Il vaut la peine de rappeler ici son argumentation. Résumons d'abord le contenu du fragment copte. Celui-ci concerne l'interdiction de travailler le dimanche et les autres jours fériés. Le patriarche Pierre, emprisonné et attendant son martyre, écrit une lettre pour condamner violemment ceux qui ne respectent pas cette interdiction. A l'occasion il raconte un fait qui lui est arrivé pendant le vagabondage auquel il était contraint au temps des persécutions de Dioclétien. Son vagabondage l'avait amené à Oxyrhynchos, où il avait été salué solennellement pas le clergé, les *philoponoi* et les fidèles, et prié de consacrer un nouvel évêque qui prît la place de l'évêque mort. Pendant la nuit, Pierre avait eu une vision: une voix lui avait ordonné d'arrêter sa fuite et de revenir à Alexandrie, lui avait prédit qu'ici il trouverait la mort, et l'avait appelé "le dernier martyr." Le reste de la vision concernait un péché commis par le candidat à la fonction d'évêque. Delehaye remarque d'abord que le patriarche Pierre ne pouvait pas prévoir qu'il serait "le dernier martyr." C'est la littérature postérieure qui a vu en lui le dernier des martyrs; dans cela, d'ailleurs, une association d'idées frappante a pu jouer un certain rôle: Πέτρος

ἀρχὴ ἀποστόλων, Πέτρος τέλος μαρτύρων. Ensuite, Delehaye remarque que les imprécations contre ceux qui travaillent le dimanche ne peuvent pas dater du début du IVe siècle. Il suffit de regarder la littérature sur les anachorètes et les cénobites: elle est postérieure au début du IVe siècle, et pourtant elle nous montre encore les pieux vieillards qui tissent des nattes ou des corbeilles le dimanche, sans soupçonner que cela puisse être un péché. Ce n'est qu'au VIe siècle que le sujet de l'interdiction du travail dominical commence à apparaître dans la littérature.[18] Il existe encore d'autres arguments contre l'opinion de C. Schmidt; mais ceux que je viens de rapporter suffisent.

La datation de C. Schmidt une fois rejetée, il faut considérer comme le plus ancien témoignage sur les confréries une lettre de l'evêque Ammon qui fait partie du dossier pachomien et qui parle des persécutions d'Athanase et de ses partisans à Alexandrie et en Egypte (texte no. 1): parmi les partisans d'Athanase nous trouvons, outre les moines et les vierges, les *σπουδαῖοι λαϊκοί*.

Un groupe de documents provenant des environs d'Hermoupolis et datant des VIIe - VIIIe siècles demande un commentaire à part. Il s'agit des textes suivants: *P. Oxford* 16; *P. Lond.* III 1080; *P. Jernstedt* 1; *PKF* 268; Crum *BM* 1013, 1023, 1046. Les trois premiers textes concernent un même *philoponion*. Dans le *P. Oxford* 16 une parcelle de terre appartenant à un *philoponion* est prise à bail par un paysan. Le *P. Lond.* III 1080, encore inédit, est connu par le résumé suivant publié dans le catalogue: "Portion of a sale of a house in the village of Thynis. Reference is made to (the monastery of ?) saint Philoponius and the abbot Theodorus." Ce résumé contient sans doute une erreur: je ne connais pas un saint Philoponios; dans l'original il doit être question d'un *philoponion*. Cette hypothèse est suggérée par le texte copte *P. Jernstedt* 1, que nous verrons tout à l'heure. Sans connaître l'original, il est impossible de dire quel était le rapport entre la maison vendue et le *philoponion*; peut-être le *philoponion* possédait-il cette maison. Voyons enfin le *P. Jernstedt* 1: c'est une quittance du payement du loyer pour un terrain appartenant au *philoponion* du saint Apa Théodore, qui se trouve dans le village Paouore du nome d'Hermoupolis. Ces trois textes sont probablement assez proches chronologiquement les uns des autres, plus proches en tout cas qu'il ne ressort des datations que les trois éditeurs respectifs proposent sur la base de critères paléographiques et qui vont du VIe au VIIIe siècle.

Le *P. Jernstedt* 1 nous fait connaître le patron de ce *philoponion*: saint Apa Théodore. L'"abbé Théodore" du résumé du *P. Lond.* III 1080 n'est sans doute autre que Apa Théodore, patron du *philoponion*. Le village Paouore nous est connu par d'autres documents coptes que leur éditeur date paléographiquement de la fin du VIIe ou du début du VIIIe, et où il est question du "*topos*" de saint Théodore.[19] Du rapprochement entre ces documents et le *P. Jernstedt* 1 il ressort que le *philoponion* de Paouore est un *topos*. Ce mot, dans la langue copte de cette époque, signifie "église" ou "monastère." Le *topos-philoponion* de Paouore a parmi ses membres un diacre (Krall 127) et un presbytre (128).

Dans *PKF* 268 un philoponion sous le vocable de l'archange Michel apparaît comme propriétaire d'une maison qui lui rapporte un revenu sous forme de loyer.

Examinons maintenant les documents Crum *BM* 1046 et 1023. Ces textes proviennent d'une institution appelée une fois *philoponion* (Crum *BM* 1046), une autre fois *topos* (Crum *BM* 1023)

18. Delehaye a observé que la lettre de Pierre est étroitement apparentée à, probablement même dérivée de, la très populaire "Lettre du Christ tombée du ciel." Cf., du même auteur, "Note sur la légende de la lettre du Christ tombée du ciel," *Bulletin de l'Académie Royale de Belgique, Classe de Lettres*, t. 37, 1899, pp. 171-213.

19. *Corpus Papyrorum Raineri*, t. II: *Koptische Texte*, ed. J. Krall, Wien, 1895 (cité ci-dessous de façon abrégée: Krall), numéros 103, 127, 128, 219.

de saint Jean à Peripatos. Le premier de ces deux documents est signé par l'économe du *philoponion*; le second est un contrat passé entre le *topos*, qui est représenté par un *diadochos*[20] et par des *philoponoi*, et un certain Jean, courrier.

Enfin, le dernier document, Crum *BM* 1013. C'est un contrat concernant un bail emphytéotique, passé entre un certain Sion et un *philoponion*, dont nous ne savons pas où il se trouve, et qui est représenté par *πατηριων*,[21] par les "frères" et par les *philoponoi*.

Dans tout cet ensemble de documents que nous venons d'examiner à part, le *philoponion* est un monastère. De même que les autres monastères de l'époque, ces *philoponia* possèdent de la terre et des immeubles, ils les louent ou ils en confient l'administration à leurs fonctionnaires. Certes, il reste des questions auxquelles il est difficile de répondre. Quel est le rôle des *philoponoi* dans Crum *BM* 1023 et 1013? En quoi se différencient-ils des "frères" de Crum *BM* 1013? Est-ce qu'ils constituent une catégorie de moines à part? Ces textes sont trop fragmentaires ou trop laconiques.

Cependant, malgré ces obscurités, les données qu'on peut tirer de cet ensemble de textes sont très intéressantes pour l'histoire plus ancienne des confréries dans la région d'Hermoupolis. Comment et pourquoi le terme de *philoponion*, né avec le sens de "local servant de lieu de réunion pour une confrérie," en est-il venu à s'appliquer à des monastères? On pourrait à première vue imaginer qu'une maison appartenant à une confrérie et appelée *philoponion* est passée, au cours du temps, dans la possession d'un monastère, sans changer le nom traditionnel. Mais il est difficile d'admettre que cela se soit passé dans plusieurs cas, dans plusieurs localités. En outre, l'existence des *philoponoi* à l'intérieur d'un *philoponion*-monastère rend cette hypothèse encore plus inacceptable. Je crois qu'il convient de chercher l'explication dans une autre direction, à savoir dans la situation du mouvement cénobitique en Egypte avant et immédiatement après la conquête arabe. Depuis un certain temps, grâce aux sources coptes et, dans une moindre mesure, aux papyrus grecs, nous nous rendons compte que ce mouvement a revêtu des formes très variées. Les grands législateurs de la vie monastique, Pachôme et Shenoutê, n'ont été suivis que par une partie des moines.[22] A côté des congrégations de Pachôme et de Shenouté, qui, après les premiers succès, sont allées s'éteignant lentement, il a existé un grand nombre de monastères, dont chacun vivait d'après ses propres principes, qui remontaient le plus souvent à l'abbé fondateur et à la première génération de moines. Ces monastères étaient d'habitude petits, dotés de moyens matériels modestes, et ils n'avaient pas une organisation rigide. Les moines y entraient et en sortaient facilement. Le temps a donné raison à ces monastères, et non aux grandes congrégations. Celles-ci souffraient de la minutie et de la rigidité de leurs règles, qui ne pouvaient pas tenir compte de toutes les éventualités de l'avenir. Elles étaient étouffées surtout par les difficultés économiques: elles avaient de revenus considérables, mais des dépenses encore plus grandes. Après l'installation des Arabes en Egypte, les petits groupes monastiques réussissaient mieux que les grandes congré-

20. W.E. Crum, commentaire *ad loc.*: "a definite title . . . ecclesiastical official . . . presumably the abbot's successor designate."

21. Ce mot n'est pas clair et n'est pas attesté ailleurs. W.E. Crum, commentaire *ad loc.*: "it is clearly a personal, perhaps a civil ἐνδοξότατος title, presumably derived from *πατήρ*." Par contre, A. Steinwenter (*Das Recht der koptischen Urkunden*, München, 1955, p. 19) traduit *πατηριων* par "Brüder, Vorsteher."

22. Cf. J. Doresse, "Saints coptes de Haute Egypte. Les monastères de Djemeh à Bendhadab aux alentours du VIe siècle," *Journal Asiatique* 236, 1948, pp. 247-270.

gations à faire face aux exigences du fisc.[23] Dès le début, les confréries fournissaient sans doute des moines aux monastères de divers types. Plusieurs *philoponoi* ou *spoudaioi* âgés, une fois libérés de leurs devoirs à l'égard de leurs familles, pouvaient passer leurs dernières années dans tel ou tel groupe monastique. Il est possible que des confréries entières aient changé de caractère, se soient transformées en des monastères. D'autant plus que les conditions qui avaient favorisé la naissance et l'essor des confréries des *philoponoi* ou *spoudaioi*, semblent avoir lentement disparu en Egypte, vers la fin de la période byzantine et au début de la période arabe. Certes, la vie religieuse des communautés chrétiennes en Egypte à cette époque a été très peu étudiée. S'il est permis, cependant, de formuler une opinion fondée sur des impressions, je dirai que la grande tension religieuse, qui avait fait naître et vivre les confréries à côté du mouvement anachorétique et cénobitique, semble avoir diminué nettement, en Egypte, vers la fin de la période byzantine. En outre, dans les conditions créées par la domination arabe, les communautés chrétiennes devaient probablement dépenser toutes leurs forces pour faire face aux exigences des dominateurs, pour survivre.

Le dernier texte où apparaît le mot *philoponos*, à savoir Crum *BM* 514, date de la fin du Xe siècle. Ce texte liturgique, écrit dans un grec très barbare, invoque ou mentionne Dieu, la Vierge Marie, les douze apôtres et ensuite le clergé: le patriarche Chael, Victor évêque d'Arsinoe, le presbytre, le diacre, le sous-diacre, le lecteur, le *philoponos*, le *hypopsaltes*. Le texte dit *φιλοπονου*; mais étant donné que les terminaisons dans ce grec sont assez fantaisistes, nous ne pouvons pas être sûrs qu'il s'agit d'un singulier et non pas d'un pluriel. Le contexte ne nous permet pas d'établir ce que signifie ici le mot *philoponos*. Peut-être désignait-il des gens exerçant dans l'église des fonctions déterminées et faisant partie du bas clergé – des gens qui, dans une liste faite selon l'ordre hiérarchique, pouvaient occuper la place entre le lecteur et le *hypopsaltes*.

Liste des sources ayant trait à l'histoire des confréries en Egypte

1. "De sanctis Pachomio et Theodoro epistula Ammonis Episcopi," dans: *Sancti Pachomii Vitae Graecae*, ed. F. Halkin, Bruxelles, 1932 (*Subsidia Hagiographica* XIX), chap. 31-32. L'auteur de ce texte écrit vers la fin du IVe siècle, mais il raconte des événements liés à la persécution contre les athanasiens en 356.

2. "Fragmente einer Schrift des Märtyrerbischofs Petrus von Alexandrien'" ed. C. Schmidt, dans: *Texte und Untersuchungen zur Geschichte der altchristlichen Literatur,* Neue Serie A, t. V, fasc. 4, p. 7. Ce texte est daté par l'éditeur de l'année 312, mais en réalité n'a pu être écrit avant le VIe siècle. (Voir la discussion dans le présent article).

3. "Vie de Sévère, par Zacharie le Scholastique." Textes syriaques publiés, traduits et annotés par A. Kugener, dans: *Patrologia Orientalis* t. II, Paris, 1907, pp. 12, 23-24, 32-33. Sévère est devenu patriarche d'Antioche en 512 (il est mort en 538, en exil); Zacharie le Scholastique, auteur de cette Vie, a été son compagnon d'études à Beyrouth.

23. Ce fait a été remarqué par W. Hengstenberg. Malheureusement, Hengstenberg n'a traité de cette question que dans deux articles très brefs et dans quelques comptes rendus qui sont passés inaperçus, bien qu'ils soient parmi les choses les plus intelligentes qui aient été écrites sur les monastères coptes. Les papyrus grecs et les sources coptes publiés plus tard ont pleinement confirmé son opinion. Parmi les travaux de Hengstenberg concernant cette question, voir surtout: "Bemerkungen zur Entwicklungsgeschichte des ägyptischen Mönchtums," *Izvestija na Bulgarskija Arkheologiceski Institut* 9, 1935, pp. 355-362;"Pachomiana," dans: *Beiträge zur Geschichte des christlichen Altertums und der byzantinischen Literatur, Festgabe Albert Erhard,* Leipzig, 1922, pp. 228-252; compte rendu de H.I. Bell, "Jews and Christians in Egypt," dans *Byzantinische Zeitschrift* 27, 1927, pp. 138-145; compte rendu de A. Schiller, "Ten Coptic Legal Texts," *ibid.*, 34, pp. 78-95.

4. "Martyre de Saint Pierre d'Alexandrie," dans: H. Hyvernat, *Les actes des Martyrs de l'Egypte tirés des manuscrits coptes de la Bibliothèque Vaticane,* Paris, 1886-1887, p. 279. Ces "actes" furent composés probablement au VIe siècle.

5. "Eloge de saint Claude," publié par G. Garitte, "Constantin évêque d'Assiout," dans: *Coptic studies in honour of W.E. Crum*, Washington, 1950, pp. 289, 291-292. Le texte est attribué par les manuscrits à Constantin, évêque d'Assiout-Lykopolis entre la fin du VIe et le début du VIIe siècle; selon l'éditeur, l'auteur a été quelqu'un d'autre, qui a vécu à cette même époque ou un peu plus tôt.

6. Leontios von Neapolis, *Leben des heiligen Johannes des Barmherzigen Erzbischofs von Alexandrien*, ed. H. Gelzer, Freiburg, 1893, chap. 19. Saint Jean l'Aumônier fut patriarche catholique d'Alexandrie dans les années 612-617; sa biographie fut écrite peu de temps après sa mort.

7. "Sophronii monachi sophistae Narratio miraculorum SS. Cyri et Johannis sapientium anargyrorum," dans: *Patrologia Graeca,* t. LXXXVII, pars tertia, 1865, Cols. 3432, 3544, 3628. L'auteur de ce recueil de miracles, le compagnon du célèbre auteur du Pré Spirituel, Jean Moschos, fut patriarche de Jérusalem de 634 ou 635 à 644. Les événements qu'il raconte ne sont par lui datés d'aucune façon; les "realia" qui figurent dans son récit correspondent sans doute à la situation de son époque.

8. Apophthegmata, dans: P.E. Kahle, *Coptic texts from Deir el Bala'izah in Upper Egypt*, t. I, London 1954, no. 32, l. 35 (VIIe siècle).

9. "The translation of Saint Macarius," dans: *Monasteries of the Wadi Natrun, Part I: New Coptic texts from the monastery of Saint Macarius,* ed. H.G. Evelyn White, New York, 1926, p. 134. Ce récit a été écrit vers 830 et se rapporte à la translation qui eut lieu sous le patriarcat de Benjamin I (623-662).

A côté de ces textes que nous pouvons dater au moins approximativement, nous en avons d'autres dont l'âge ne se laisse pas déterminer. La plupart des oeuvres hagiographiques coptes, et notamment les nombreux actes des martyrs, ne contiennent aucun élément rendant possible une datation. Très souvent il nous faut nous contenter des dates des manuscrits. Certes, on a l'impression que les spécialistes de littérature copte n'ont pas toujours fait tout le possible pour dater au moins hypothétiquement leurs textes. Beaucoup d'éditeurs, surtout parmi ceux des générations passées, n'ont donné aucune indication au sujet de la datation. Malgré tout cela, on reconnaît généralement que la plus grande partie de la littérature copte est née avant la conquête arabe ou peu de temps après. Plus tard – selon cette opinion très répandue – l'activité littéraire consistait surtout en des traductions. Partant de ce point de vue, j'ai tenu compte aussi des textes non datés. Leur valeur pour ma recherche est évidemment moins grande que celle des textes énumérés ci-dessus.

10. W. Till, "Koptische Heiligen- und Märtyrerlegenden"; dans: *Orientalia Christiana Analecta,* t. I, Roma, 1935, no. 102, Vie de Zénobe, pp. 134, 136.

11. *Idem*, dans le même recueil, t. II, dans une description des miracles qui ont eu lieu sur la tombe de saint Georges, p. 102.

12. "Homélies coptes de la Vaticane." Texte copte publié et traduit par H. de Vis, t. II, Hauniae, 1929, p. 155, dans un sermon en l'honneur des Trois Jouvenceaux, faussement attribué à Théophile, patriarche d'Alexandrie. Manuscrit du IXe ou siècle.

13. "Vies et récits d'anachorètes, II: Textes grecs inédits extraits du Ms. Grec de Paris 1596," publiés par L. Clugnet, dans: *Revue de l'orient Chrétien* 1, 1905, pp. 47-48.

14. F. Nau, "La version syriaque de l'histoire de Jean le Petit," *Revue de l'Orient Chrétien* 19, 1914, p. 49.

15. "Acta Martyrum," dans: *Corpus Scriptorum Christianorum Orientalium,* t. CXXV, *Scriptores Coptici*, ser. III, t. II, Versio, Lovanii, 1950, p. 262: éloge de saint Georges.

16. *Coptic martyrdoms etc. in the dialect of Upper Egypt*, ed. E.A. Wallis Budge, London, 1914, p. 143: "The encomium of Flavianus, bishop of Ephesus, on Demetrius bishop of Alexandria." Le manuscrit est de la fin du Xe siècle. L'attribution à Flavien, donnée par le manuscrit, est sans doute fausse: nous avons affaire avec un produit assez banal de la littérature copte.

En outre, les *philoponoi* apparaissent dans des sources documentaires grecques et coptes, à savoir dans:

"Griechische Wirtschaftsrechnungen und Verwandtes," ed. J. Hummel, dans: *Papyri Iandanae*, Leipzig, 1938, pp. 383-387, no. 154 (de la fin du VIe ou du début du VIIe siècle), cité dans le présent article comme *P. Iand.* 154.

Some Oxford Papyri, ed. E.P. Wegener, *Papyrologica Lugduno-Batava,* t. III A, Lugduni Batavorum, 1942, no. 16 (VIe/VIIe siècle), cité comme *P. Oxford* 16.

Studien zur Palaeographie und Papyruskunde, ed. C. Wessely, t. III, Leipzig 1904, no. 268 (VIIe siècle), cité comme *PKF* 268.

Greek Papyri in the British Museum. Catalogue with the texts, edd. F.G. Kenyon and H.I. Bell, t. III, London, 1907, p. LVI, no. 1080 (VIIe siècle), cité comme *P. Lond.* III 1080.

Catalogue of Coptic manuscripts in the British Museum by E.W. Crum, London 1905, cité comme Crum *BM*, numéros 1013, 1046, 1023 (fin du VIIe, début du VIIIe siècle?).

Koptskie teksty Gosudarstvennogo Muzeja Izobrazitel'nykh Iskusstv imeni A.S. Puskina, ed. P.V. Jernstedt, Moskva-Leningrad, 1959, no. 1 (VIIIe siècle), cité comme *P. Jernstedt* 1.

Crum *BM*, no. 514 (X^{e}/XIe siècle).

J'exclus de cette liste deux papyrus mentionnant la ἁγία Φιλοπονία, à savoir *P. Iand.* III 38 (V^{e}-VIe siècle) et *Studien zur Palaeographie und Papyruskunde*, t. III, no. 288 (V^{e}-VIe siècle). Dans le premier, la ἁγία Φιλοπονία paye des impôts; dans le deuxième elle reçoit le loyer d'une maison. Il s'agit certainement d'une église ou d'un monastère (probablement de la même église ou du même monastère dans les deux documents) sous l'invocation de la "sainte Philoponia." Nous ne connaissons pas – que je sache – une sainte de ce nom; il est probable qu'on se soit servi du substantif abstrait φιλοπονία pour donner une invocation a une église ou à un monastère. L'analogie la plus célèbre, en Egypte, c'est le monastère de la Metanoia, près d'Alexandrie.

Appendice

Un nouveau papyrus mentionnant les *philoponoi*

P. Berl. Inv. 16172 — 7 x 30.5 cm. — Provenance inconnue — VIe siècle

Couleur: jaune clair. Le texte est écrit parallèlement aux fibres. Le verso est vierge.

Ce papyrus fait partie de la collection papyrologique des Staatliche Museen de Berlin. La possibilité de l'étudier et de le publier m'a été offerte par le directeur de la Aegyptische Abteilung de ces Musées, Monsieur Wolfgang Müller, à qui j'exprime ici ma vive reconnaissance.

Le texte est un compte de distributions de vin. Dans quel genre de bureau a-t-il été écrit? Il y a deux possibilités. Ce compte peut émaner ou bien de l'administration d'un grand domaine, ou bien d'une Eglise épiscopale. Entre ces deux possibilités, rien ne nous permet de faire un choix. Le fait que le document mentionne des distributions de vin faites aux *clerici*, aux moines et aux

petits employés au service de l'évêque, n'infirme nullement la première de ces deux hypothèses: il suffit de songer aux Apions, qui soutenaient matériellement le clergé et les monastères locaux. La suite de l'économe (courriers et rameurs), les courriers de l'évêque arrivés avec une lettre ou un message oral, seraient tout à fait à leur place dans un grand domaine. De l'autre côté, on peut parfaitement bien soutenir que le document est issu d'une Eglise épiscopale possédant des exploitations agricoles (d'où la mention des bergers et des gardiens des champs) et employant des tailleurs de pierre, des menuisiers, des maçons (l'Eglise construit beaucoup à cette époque). Des indications concernant les circonstances ou les raisons des distributions de vin étaient probablement données au début du document – début qui nous manque. Puisque le papyrus est assez long, la partie qui manque était sans doute très petite: une ligne, au maximum deux lignes. Le fait que dans une même liste soient mises ensemble des catégories de gens très différentes (par exemple les *clerici*, les femmes qui s'occupent des veuves, quelques artisans, etc.) sans que pour chaque catégorie soit indiquée la raison particulière de la distribution de vin, semble exclure la possibilité qu'il s'agisse d'une pièce rendant compte de l'activité quotidienne d'un employé préposé aux celliers. Il s'agit plutôt d'une liste de distributions faites à l'occasion d'une fête. De nombreuses listes de ce genre nous ont été fournies par les papyrus.

Il est impossible d'établir la localité d'où provient ce document. Une donnée qui aurait pu nous aider, c'est-à-dire le nom du monastère à la l. 16, est malheureusement abîmée. Autant que je sache, parmi les noms de monastère connus, il n'y en a aucun qui ressemble à notre [.]amop[. Comme la plupart des papyrus byzantins de Berlin proviennent du nome d'Hermoupolis, il est probable que le nôtre aussi provient d'une localité de ce nome.

L'intérêt principal du texte consiste en ce qu'il mentionne les *philoponoi*. Sur ceux-ci, voir l'ensemble du présent article; à p. 516 j'ai indiqué ce que notre document apporte pour l'histoire des confréries.

]χ.[
](οὕτως)[
τοῖ[ς] κληρικ(οῖς) [
τοῖ[ς] φιλοπ(όνοις) [δ]ιπλ( )[
τοῖς πολ(υκωπίταις) τοῦ οἰκ(ονόμου) διπλ(ᾶ) β
τοῖ[ς συμ]μάχ(οις) τοῦ οἰκ(ονόμου) διπλ(ᾶ) β
τοῖς ἀγροφύλ[α]ξ(ι) [διπ]λ(ᾶ) β
τοῖς ποιμ(έσι) διπλ(οῦν) α
τοῖς συμμάχ(οις)
τοῦ ἐπισκ(όπου) διπλ(οῦν) α
τοῖς πορθμ(ε)ῦ(σι) διπλ(ᾶ) β
εἰς χρείαν τοῖς μειζ[ ]( )
διπλ( ) [
τοῖς δημώτ(αις) [διπλ(οῦν)] α
τοῖς μοναχ(οῖς) ὄρους
[.]αμοπ[.].[
ταῖς πρὸς χήραις διπλ(οῦν) α
τοῖς οἰκοδ(όμοις) διπλ(οῦν) α
τοῖς λαοξ(όοις) διπλ(οῦν) α
τῶ τέκτ(ονι) διπλ(οῦν) α

] ainsi: [ ] Aux *clerici* [x] dipla. Aux *philoponoi* [x] dipla. Aux rameurs de la barque à plusieurs rames de l'économe 2 dipla. Aux courriers de l'économe 2 dipla. Aux gardiens des champs 2 dipla. Aux bergers 1 diploun. Aux courriers de l'évêque 1 diploun. Aux passeurs 2 dipla. Pour l'usage des meizones (ou meizoteroi?) [x] dipla. Aux *demotai* 1 diploun. Aux moines du monastère de [.]amop[ ]. x dipla. Aux femmes qui s'occupent des veuves 1 diploun. Aux maçons 1 diploun. Aux tailleurs de pierre 1 diploun. Au menuisier 1 diploun.

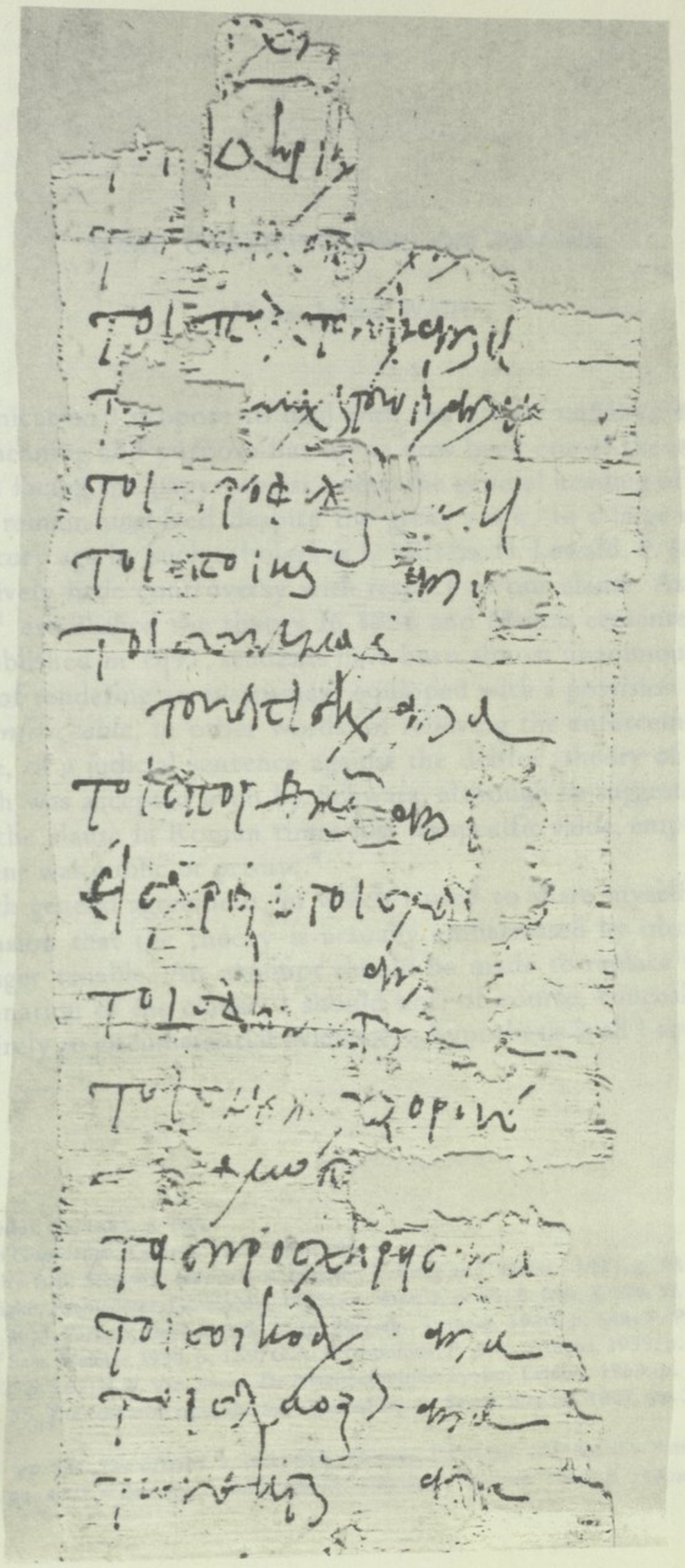
l. 5. Qu'un économe, c'est-à-dire le chef de l'administration de tous les biens d'une Eglise épiscopale, ait à son service un bateau, n'a rien d'étrange. Les papyrus aussi bien que les textes littéraires nous attestent abondamment le fait que l'Eglise possédait des bateaux. Quant aux polykopa, voir mes remarques dans *Chr. d'Eg.* 35, 1960, p. 219.

l. 12. Il est impossible de décider s'il faut restituer μειζ̣[οσ](ι) ou μειζ̣[οτ](έροις). Mais ces deux formes ont la même signification. Les *meizones* ou *meizoteroi* étaient ou bien des notables villageois, ou bien des fonctionnaires de grands domaines. Ceux-ci comme ceux-là pouvaient fort bien recevoir du vin à l'occasion d'une fête. Sur les *meizones* ou *meizoteroi*, voir A. Steinwenter, *Studien zu den koptischen Rechtsurkunden aus Oberägypten,* Leipzig, 1920 (*Studien zur Palaeographie und Papyruskunde* XIX), pp. 41-45; G. Rouillard, *L'administration civile de l'Egypte byzantine*, Paris, 1928, pp. 69-71; E.R. Hardy, *The Large Estates of Byzantine Egypt,* New York, 1931, p. 104.

l. 14. Les δημόται sont les membres des δῆμοι, c'est-à-dire des factions du cirque. L'existence du cirque, de ses courses et de ses factions en Egypte est reconnue depuis un certain temps. Les recherches récentes apportent des preuves de l'importance de cette institution dans la vie égyptienne. J'ai l'intention de traiter bientôt plus largement cette question, lorsque je publierai dans *Byzantion* le P. Berl. Inv. 11814, où apparaît de nouveau un demotes. Pour le moment, notons les textes provenant de l'Egypte qui attestent le mot δημότης: *Frisk Bankakten* 4; *P. Lond.* I, 113, 1; V 1708; *CPR* II (J. Krall, *Koptische Texte*) 162; et le mot πρωτοδημότης: *P. Merton* 95; *P. Oxy.* 1730; 2480; *Stud. Pal.* XX 227.

l. 15. Sur la signification du terme ὄρος, voir H. Cadell et R. Rémondon, "Sens et emplois de τὸ ὄρος dans les documents papyrologiques," *Revue des Etudes Grecques* 80, 1967, pp. 343-349.

l. 17. L'expression ταῖς πρὸς χήραις apparaît, outre dans notre papyrus, aussi dans *P. Baden* IV 97.21 abrégée de la façon suivante: ταῖς πρὸς χήρ(αις). L'editeur de ce dernier texte, F. Bilabel, a résolu l'abréviation en ταῖς προσχηρ(αρίοις), en voyant là une faute d'orthographe pour ταῖς προσχειρ(αρίοις) et en interprétant le mot προσχειράριοι d'après Du Cange, *Glossarium mediae et infimae graecitatis*, s.v., à savoir comme "*manuarii opifices*." Mais dans les listes de payements que nous fournissent les papyrus, les femmes n'apparaissent jamais comme des ouvrières qu'on payerait sans préciser le type de service rendu: elles reçoivent toujours une rémunération pour tel ou tel service particulier. Probablement, les grands domaines égyptiens, d'où proviennent les listes de payements, n'employaient que rarement des femmes en groupe pour des travaux physiques non qualifiés. La solution proposée par Bilabel paraît donc suspecte. Il vaudra mieux voir dans ταισπροσχηρ( ) de *P. Baden* IV 97 ce qu'on lit en toutes lettres dans notre papyrus de Berlin: ταῖς πρὸς χήραις, qui signifie: "aux femmes qui s'occupent des veuves." On connaît bien l'intérêt que la philanthropie chrétienne portait aux veuves, qui étaient souvent dépourvues de protection et de moyens de subsistance. Il est aisé d'imaginer que le clergé chargeait un groupe de femmes d'aider et de soigner quotidiennement les veuves vieilles ou infirmes. La construction ὁ πρός τινι au sens de "celui qui est chargé de s'occuper de quelque chose ou de quelqu'un" est tout à fait normale en grec: cf. E. Schwyzer, *Griechische Grammatik* II München, 1950, p. 513; E. Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit*, II, 1, Berlin-Leipzig, 1926, p. 19, et II, 2, Berlin-Leipzig, 1934, p. 496. Le fait que l'expression αἱ πρὸς χήραις ne soit attestée que par deux documents de même type, que ces deux documents aient à peu près les mêmes dimensions (*P. Baden* IV 97: 7.3 x 30.4 cm.; P. Berl. Inv. 16172: 7 x 30.5 cm.) et que ces dimensions soient assez insolites, suggère le soupçon que ces deux documents proviennent des mêmes archives. Certes, ce n'est qu'un soupçon, d'autant plus qu'en dehors de la position ταῖς πρὸς χήραις les deux listes n'ont pas de positions en commun. Notons cependant, à tout hasard, que *P. Baden* IV 97 provient certainement d'un grand domaine privé.



P. Berl. Inv. 16172

SOME OBSERVATIONS ON *PRAXIS*

Hans Julius Wolff

In this communication I propose to deal with the phrase καθάπερ ἐκ δίκης. It is true that the question of its meaning and purpose has up to now been one of the less troublesome among the various problems facing the papyrologist under the general heading of πρᾶξις. While some of these problems still remain unsolved despite the great work, to a large extent still valid, done more than half a century ago by such scholars as L. Mitteis, H. Lewald, P. Jörs, and A. B. Schwarz, there has been relatively little controversy with respect to our clause. As a matter of fact, ever since C. Wachsmuth[1] established the theory in 1885 and Mitteis cemented it in his *Reichsrecht und Volksrecht*,[2] published in 1891, students have been almost unanimous[3] in attributing to the clause the function of rendering an instrument equipped with a provision for πρᾶξις καθάπερ ἐκ δίκης *immediately enforceable*, in other words, of relieving the enforcement of the prerequisite, otherwise imperative, of a judicial sentence against the debtor (theory of the *Exekutivurkunde*). The principle as such was accepted even by Schwarz, although he suggested some changes which had the effect that the clause in Roman times lost its specific value, emphasis now being laid on whether the document was public or private.[4]

In spite of such general agreement, in which I used to share myself,[5] I have, to my regret, come to the conclusion that the theory is actually embarrassed by obstacles so serious that it seems to be no longer tenable. An attempt should be made to replace it. Undertaking now to suggest a new explanation of the clause, I should not, of course, conceal its tentative character. Being restricted entirely to circumstantial evidence, a hypothesis is all I am able to offer.

1. *Rhein. Mus. f. Philol.* 40, 1885, p. 195.
2. Pp. 401ff. See also *Grundzüge*, Leipzig, 1912, pp. 119f.
3. Earlier lit. listed by A.B. Schwarz, *Hypoth. u. Hypall.*, Leipzig and Berlin, 1911, p. 71 n.2,3 (opponents in n.3). More recent adherents: F. Preisigke, *Fachwörter*, Göttingen, 1915, s.v. δίκη 3, p. 60; P. Jörs, *Z. Sav. St.* 40, 1919, pp. 12f.; P.M. Meyer, *Jur. Pap.*, Berlin, 1920, p. 46; J. Partsch, *Demot. Urk. z. äg. Bürgsch.*, Leipzig, 1920, p. 546; F. Pringsheim, *Z. Sav. St.* 44, 1924, p. 516, *The Greek Law of Sale*, Weimar, 1950, p. 159; G.A. Petropoulos, *P. Ath.*, Athens, 1939, p. 95; E. Seidl, *Ptol. Rechtsgesch.*, 2nd. ed., Glückstadt, 1962, p. 102; H.W. van Soest, *De civielrechtelijke* ἐγγύη, Leiden, 1963, p. 8; E. Cantarella, *La fideiussione reciproca*, Milan, 1965, p. 35. The common opinion was rejected by A. Segrè, *Aeg.* 8, 1927, pp. 319f., but for unconvincing reasons.
4. Schwarz, *op. cit.*, pp. 94f., *Die öffentl. u. priv. Urk.*, Leipzig, 1920, pp. 30f. See also Petropoulos, *op. cit.*, p. 161.
5. *TAPA* 72, 1941, pp. 427f. = *Beiträge z. Rechtsgesch. Altgriech.*, Weimar, 1961, p. 114; see also *ibid.*, pp. 43, 117 n. 35.

I

To begin with: is there any evidence unequivocally supporting the current interpretation of the phrase *καθάπερ ἐκ δίκης*?

1. Apart from the supposed linguistic meaning of the Greek phrase, a point to be discussed soon, such evidence has been found in those none-too-numerous, but sufficiently precise texts of the *imperial* period which show the steps required to obtain compensation for unfulfilled claims embodied in duly executed instruments through laying hands on all or part of the debtor's property. The procedure has been thoroughly analyzed by Jörs[6] and Schwarz[7] and need not be described here. What calls for our attention is only the fact that at every one of its stages – whether it be the official serving on the debtor of a *διαστολικόν* (i.e., what German authors call the *Mahnverfahren*) or the various acts of attachment and foreclosure (*ἐνεχυρασία* and others) – progress depended merely on a petition presented unilaterally by the creditor and approved forthwith by the competent authority, a judicial hearing and judgment ensuing only upon an objection (*ἀντίρρησις*) raised by the debtor in due time against a step conditionally authorized for the time being.

It follows that there can be no quarrel with accepted opinion as to its premise that there existed in the legal system of Roman Egypt ways of extrajudicial enforcement of claims embodied in documents. Under the aspect, however, of the assumed significance of the *καθάπερ ἐκ δίκης*-clause, the evidence remains inconclusive, just the same. For it is a remarkable fact, already noted by Schwarz,[8] that creditors presenting petitions in enforcement proceedings never so much as mention the *praxis*-provision of their contracts. The natural conclusion is, of course, that the way in which the provision was drafted – and that includes the question of whether or not it featured a *καθάπερ ἐκ δίκης*-clause – cannot have played a decisive part. The same inference imposes itself even more strongly when we observe that no more interest in the presence of the clause is apparent in the corresponding rulings of the *chrematistai*. Among the sources pertinent in this connection, *BGU* 1038 (=*MChr.* 240), a *χρηματισμὸς ἐνεχυρασίας* of the period of Antoninus Pius, seems to be significant: here the *chrematistai* certainly have *not seen* the deeds allegedly justifying the creditor's claim, and from his *enteuxis* they have, as usual, learned no more than what type of documents the deeds were, the amount owed, and possibly what property had been earmarked as *hypallagma*. Nevertheless, they do allow the *praxis* on the sole condition that the creditor prove to the *strategos* and the *ξενικῶν πράκτωρ* the *mere existence* of the deeds (line 15: *ἐὰν ὦσ⟨ι⟩ γεγονῦαι αἱ μ[εμην]υμέναι διαγραφαί*).[9]

Another papyrus pointing in the same direction less directly, but, as it seems to me, no less positively, is *P. Fam. Teb.* 43. It is a petition addressed in 182 A.D. to the *epistrategos* by one Lysimachus, an Antinoite citizen. The petitioner asks the *epistrategos* to summon a certain resident of the Arsinoite nome to appear before the nomarch of Antinoopolis, so that he may sue him for having defaulted on a *daneion* granted by the petitioner to the father of the defendant's wards and confirmed by the original debtor in a *δισσὸν ἰδιόγραφον χειρόγραφον*. To this document the petitioner refers, but without mentioning its *praxis*-provision, which may or may not

6. In his famous article on "Erzrichter und Chrematisten", *Z. Sav. St.* 36, 1915; 39, 1918; 40, 1919.
7. *Hypoth. u. Hypall.*, pp. 67ff. See also *Aeg.* 17, 1937, pp. 272ff.
8. *Hypoth. u. Hypall.*, p. 94, *Urk.*, pp. 31, 43.
9. Cf. Schwarz, *Urk.*, p. 44 n. 1.

have been dressed up with a *καθάπερ*-clause. This omission is obviously due to the fact that there is no need for Lysimachus to dwell on this point. For, as he himself says, he is seeking a judicial decision, rather than putting his trust in a *διαστολικόν* to be followed by *ἐνεχυρασία*, because he wants a decision handed down in accordance with certain regulations specifically applicable to citizens of Antinoe (line 46: *κατὰ τὰ ἐπ' Ἀντινοέων διατεταγμένα κριθησόμενόν μοι*). This shows clearly that it is in no way on account of any defect, from his point of view, of the *praxis*-clause of his contract, that he is taking his claim to court. His motive must be found in the advantage which he evidently expects to gain from being in a position to argue his case in the city of which he is a citizen. In addition, there may of course have been the further hope that actually such court action might promise speedier relief than the extrajudicial procedure with all its extremely cumbersome formalities.[10]

To sum up: in the sources of the imperial period there is nothing to give aid and comfort to those in whose opinion the insertion in a document of a *καθάπερ ἐκ δίκης*-clause served the purpose of obviating a judicial action otherwise necessary.

2. This result, it is true, was already arrived at by Schwarz[11] who, with respect to the enforcement procedure of imperial Egypt, likewise refused to attach any importance to the presence or absence in a creditor's title of a *καθάπερ*-clause. However, in his view the manner in which a *praxis*-provision was drafted was indifferent only in so far as public instruments, including *chirographa* assimilated to public instruments by way of *demosiosis*, were concerned, and only in Roman times or, at the most, since the closing decades of the Ptolemaic period. As for ancient Greece and the earlier Ptolemaic era, he adhered to the common opinion.[12] The new situation he assumed to have come about, because the insertion of the clause by the notaries had become so much a matter of course that the intention of the parties to include it was eventually taken for granted even in the rare cases when it actually had been omitted.

This is where I disagree. Going beyond Schwarz, I think that the clause *never* had the meaning commonly attributed to it. What do *Ptolemaic* texts tell us about the relationship between the *praxis*-clause and the enforcement procedure?

Let me call to your attention two well-known papyri of the first half of the third century B.C. One of them is *P. Col. Zen.* 54[13] of 250 B.C.; it had not yet been published when Schwarz wrote. Its third column contains brief notes, perhaps by Zenon himself, outlining the main points of a communication to be sent to the *ὑπηρέτης* of the *πράκτωρ τῶν ἰδιωτικῶν*, giving the *praktor* some information relevant in connection with intended proceedings against one of three joint lessees who apparently had defaulted on their obligations. In this draft-letter we read in line 55:

10. Cf. Schwarz, *Urk.*, pp. 52f. —One might object to the above statement on the ground that the title had been drawn up by a person now dead, so that it had to be confirmed by the sentence of a court in order to be enforceable against his heirs. But there is little doubt that it had provided the usual *πρᾶξις ἔκ τε αὐτοῦ καὶ ἐκ τῶν ὑπαρχόντων αὐτοῦ*. As far as the *praxis* against the *hyparchonta* was concerned, it could make no difference that they were now owned by his children and administered by their guardian. As a matter of fact, the very circumstance that — in line with a general principle of Greek law, which put liability for the debts of a deceased person on his estate (see J. Partsch, *Griech. Bürgschaftsrecht* I, 1909, pp. 232ff.) — the *praxis* was directed against the property rather than against any person also seems to explain why the creditor sued the guardian, who was in actual control of the estate, and not the heirs.

11. *Urk.*, pp. 30f., 41ff.

12. *Urk.*, p. 45.

13. Manifestly misinterpreted by Seidl, *op. cit.*, p. 101; justly against him M. Talamanca, *Bull. Ist. Dir. Rom.* 65, 1962, p. 249 n. 44.

ἔσται δὲ καὶ ἡ κρίσις [ὀ]λιγ[ο]ν [ὑ]στέρα and, added above the line: ἐὰν ἀντιλέγ[ηι]. This cannot mean anything but that the bailiff is supposed to take coercive measures immediately, while the need of a judicial decision will arise only if the debtor raises objections. I think the similarity of the steps envisaged by Zenon to the enforcement procedure of imperial times is unmistakable. The *praxis* in this case, however, is not καθάπερ ἐκ δίκης, but πρὸς βασιλικά (line 55; in the contract, Column I, line 23: ὡς πρὸς βασιλικά).

To be sure, a word of caution is called for at this point. We are, in the case just considered, in the orbit of fiscal enforcement. The right to resort to coercion without being authorized by a court judgment may have been precisely one of the privileges of royal officials acting on behalf of the king (and likewise of creditors who, like Zenon, were entitled to πρᾶξις ὡς πρὸς βασιλικά).[14] The simple inference that any private creditor had at his disposal similar possibilities of quick relief, no matter what kind of *praxis*-provision he might rely on, would certainly be rash.

More helpful, therefore, is *P. Hib.* 30d (=*MChr.* 20) where it is a *private* creditor, namely, a Macedonian soldier, who is bringing a δίκη arising from a συγγραφή. The plaintiff states carefully that the defendant not only disregarded many private approaches, but finally refused to acknowledge his debt to the *praktor* as well. It is true that in this case the frustrated creditor did not – and probably could not – ask the *praktor* to proceed to immediate seizure of the debtor or his property, leaving it to the debtor to seek a judicial decision. Still, his attempt, before suing, to obtain payment or an acknowledgment through the intervention of an *official* does remind us of the διαστολικόν of Roman times. And in this instance again the πρᾶξις on which the parties must have agreed in their συγγραφή undoubtedly was not καθάπερ ἐκ δίκης, for the simple reason that at the time of this papyrus – i.e., before 270 B.C. – this type of *praxis*-provision was not yet in use in the *chora*.

I cannot endeavor here to trace the lines that may have linked the procedures known from the papyri of the imperial period to methods in use during the preceding epoch. I do think, however, that extrajudicial action for the purpose of initiating the exaction of any kind of contractual claim had been considered lawful for Greek residents of Egypt from the very outset of Macedonian rule. The ultimate roots of the idea lay of course in the ancient concept of δίκη, originally denoting an act of seizure subject to judicial examination only upon the protest of the φεύγων.[15] The hypothesis that in Egypt the principle had been institutionalized in one way or another by diagrammatic legislation is suggested by the two texts just discussed. With respect to private claims, the Hibeh text in fact makes us wonder if a previous futile attempt at getting satisfaction through the *praktor* was not under the *diagramma* a legally prescribed prerequisite of a δίκη to be entertained by the *dikasterion*.

But be that as it may. At any rate the Hibeh papyrus allows us to state that in Ptolemaic Egypt a creditor *might* apply for the employment of official pressure aimed at exacting payment forthwith on the strength of his συγγραφή alone. Moreover, it also shows that such was the situation already at a very early time which antedated by as much as a century the epoch – between

14. Cf. Talamanca and van Soest, *loc. cit.*, Cantarella, *op. cit.*, p. 34. New light was thrown on the procedure by *P. Sorb.* I, 10 (cf. my review of *P. Sorb.* in *Z. Sav. St.* 85, 1968, p. 440).

15. Witness the trial scene on the shield of Achilles (*Il.* 18.497-508); cf. my *Beiträge*, pp. 6ff. It is true that under the classical law of Athens direct seizure of the defendant, by which originally proceedings had to be opened, had given way to the requirement of summoning him before the magistrate. But it is likely that elsewhere more archaic notions had survived and were still reflected by the procedural law of the Ptolemaic *diagramma*. For a general statement see *Lex. der Alt. Welt*, Zürich and Stuttgart, 1965, p. 2518.

180 and 170 B.C. at the earliest – when the *καθάπερ*-clause became a regular feature of *praxis*-provisions. All this would be very strange, had the clause possessed the importance claimed for it by the scholars who accept the prevalent opinion. I think we are entitled to conclude that throughout the Ptolemaic period it exercised no more influence on the modes of realizing a right to *praxis* than in the Roman era of Egypt.

3. We have seen that the evidence of the sources, both Ptolemaic and Roman, does not speak in favor of the theory under examination, that it in fact rather tends to disprove that theory. I should like now tc make some observations of a more general nature, which are apt further to corroborate the result.

Two of these observations are by no means new but have so far failed to receive the attention they deserve, because, as it seems to me, they do not fit very well with current views concerning our clause. There is, on the one hand, the well known scarcity of contracts where the *καθάπερ*-clause was omitted in the *praxis*-provision. Yet their number is too great, and some of the deeds were drawn up too carefully, to allow us to brush the omission aside as a mere accident caused by the negligence of the writer of the document. There is, on the other hand, the even more striking fact that it is absolutely impossible to detect any principle that may have caused parties to omit the clause in some cases. There are notarial instruments and *chirographa* with and without *καθάπερ ἐκ δίκης*, and some of the contracts not featuring the words are of considerable economic importance and the conditions imposed by them on the debtors among the most onerous.[16] Again the impression is strong that no specific effectiveness attached to the *καθάπερ*-clause.

My final and, at least to my own mind, strongest argument is a linguistic one. Those who adhere to the common interpretation of our phrase take it to express a fiction: 'enforcement shall take place, *as though* following from a *judicial sentence*.'[17] But *καθάπερ* does not mean 'as though' (which should be *ὡσεί* or *ὡσανεί*); its sense is 'in accordance with' or 'in the same way as.'[18] It implies an analogy rather than a fiction. Likewise was it a mistake to translate *δίκη* with 'judgment, sentence.' It has been established that in classical and Hellenistic Greek *δίκη*, as a technical expression of legal terminology, denotes 'action,' including, to be sure, the claim rightfully pursued by the action and even the sum owed by a defeated defendant (*δίκην ὀφείλειν, διδόναι, λαμβάνειν*).[19] Consequently, *καθάπερ ἐκ δίκης* should be rendered: 'as one does when bringing a *δίκη*' (it will presently become clear why I left *δίκη* untranslated).

As a matter of fact, there was no such thing as a *πρᾶξις καθάπερ ἐκ δίκης*, meaning a par-

16. Just a few examples. From the Ptolemaic period: *SB* 7532 (Soknop. Nes., 74 B.C.), six-witn. deed, presented for *anagraphe*, attesting a loan of one talent and 490 drachm. copper, *τόκοι δίδραχμοι, ἡμιόλιον*. From the Roman period: *P. Cornell* 6 (Fay., 17 A.D.), notarial *δάνειον* of 480 dr. silver at 18 per cent, *ἡμιόλιον; P. Hamb.* 2 (Heliopolites, 59 A.D.), unusual chirograph attesting a *paratheke*, given by a Roman to three Jews *Πέρσαι τῆς ἐπιγονῆς*, of 600 dr. silver *ἄτοκοι*, after default interest (amount not indicated) and *ἐπίτιμον* of 100 dr., *τῆς πράξεώς σοι οὔσης – π[ρ]άσσοντι κυρίως; P. Flor.* 28 (= *MChr.* 238) (Hermup., 179 A.D.), *diagraphe* attesting loan of 683 dr. silver, *τόκοι δραχμιαῖοι, hypallagma* of real property and, in addition, general *praxis*.

17. Wachsmuth, *loc. cit.*: "gleich als ob der Betreffende . . . rechtskräftig in letzter Instanz verurtheilt wäre."

18. Cf. Liddell-Scott, s.v. *καθά*. Examples from Egypt: Ditt. *Or. Gr.* I, 56 (decree of Canopus), line 42: *καθάπερ πρότερόν τε συμβέβηκεν*; *ibid.* I 168, line 38: *γ[ωέσθω οὖν καθάπερ ἀξιοῦσι*; *P. Eleph.* 3 and 4 (see below in note 25); *P. Yale* 32 (ca. 257 B.C.), lines 6 f.: *ε[ἶπ]ον δὲ αὐτῶι καθάπερ ἔγραψα [α]ὐτῶι*; *SB* 8993 (174-5 B.C.), Col. II, line 21: *[–λογισμὸν ποιεῖν] καθάπερ χρείη κατὰ τὰ νόμι]α*; *SB* 8265 (also printed in M. Amelotti, *Il test. rom. attrav. la prassi docum.* I, Florence, 1966, pp. 280 f.), a Roman will of A.D. 335-345, line 17: *καθάπερ καὶ πρὸ τούτου*.

19. Cf. my *Beiträge*, p. 248, *Lex der Alt. Welt, loc. cit., Tijdschr. voor Rechtsgeschied.* 34, 1966, p. 3, *Zur griechischen Rechtsgesch.* (ed. E. Berneker, Darmstadt, 1968), p. 106.

ticular *type* of *praxis*. Καθάπερ ἐκ δίκης refers merely to the *method* to be employed in carrying out the *praxis*. This interpretation is confirmed beyond doubt by our oldest specimens, in most of which[20] we read: ἡ πρᾶξις ἔστω τῷ δεῖνι – πράσσοντι καθάπερ ἐκ δίκης. Even in later times, when πράσσοντι did no longer belong to the regular style of the clause,[21] the words καθάπερ ἐκ δίκης are never found immediately attached to πρᾶξις, implying a qualification of this term. Retaining its old sense down to the latest examples, the phrase invariably appears after the indication of the objects subject to a possible *praxis* (for instance: ἡ πρᾶξις ἔστω ἔκ τε αὐτοῦ καὶ ἐκ τῶν ὑπαρχόντων αὐτῷ πάντων καθάπερ ἐκ δίκης). It might be worth considering whether this does not explain the occasional omission of the clause, since the method by which the *praxis* was carried out was always the same anyway.

II

If the καθάπερ-clause was never a means to facilitate the implementation of a liability, what then do the words mean? Do we have to resign ourselves to taking them for a superfluous and empty phrase right from the beginning? This is hardly conceivable.

The clue to a more convincing answer I find in a phenomenon which has not passed unnoticed but has never yet aroused the curiosity of scholars. It is the peculiar fact that draftsmen of Greek contracts drawn up in Egypt did not make *regular* use of the καθάπερ-clause before the second century B.C., the earliest specimens dating from the seventies of that century.[22] It is true that we do possess two earlier contracts showing the clause, namely, the marriage agreement *P. Eleph.* 1 (=*MChr.* 283) of 311 B.C. and a συγγραφὴ δανείου dating from 252 B.C. and possibly written in Alexandria (P. Lond. Inv. 2243, ed. H. I. Bell, *APF* 7, 1924, pp. 19f.). But the two sources have remained isolated and do not alter the overall picture. For about one hundred years preceding the adoption of the καθάπερ-formula, the *praxis*-provision of private agreements almost exclusively followed the well-known pattern of: ἡ πρᾶξις ἔστω τῷ δεῖνι (πράσσοντι) κατὰ τὸ διάγραμμα, which we read in numerous texts coming from several nomes and extending from 263 B.C. (*P. Hib.* 88 and 92 (=*MChr.* 23) to 173 B.C. (*P. Amh.* 43).[23] Prior to the enactment, not long before 270 B.C.,[24] of the *diagramma*, no standard style had come into use yet; we find a variety of individually fashioned *praxis*-provisions in the few private documents surviving from that early period.[25] I leave aside the πρᾶξις (ὡς) πρὸς βασιλικά, as it seems to have been restricted

20. An exception is P. Lond. Inv. 2243 of 252 B.C. (*Arch. f. Pap.* 7, 1924, pp. 19f.).

21. There are exceptions, such as *P. Bon.* 25 (Heracleop., 185 A.D.).

22. *P. Mich.* 190, *P. Freib.* 12a (= *CPJ* 26), both from about 172 B.C. Next in age are *PSI* 1311 of 137-6 B.C. and *P. Grenf.* I 18 of 132 B.C.

23. Considering the fact that the *diagramma* must have been the basis of the procedural steps recorded in *P. Hib.* 30d, it seems quite possible that already the συγγραφή mentioned there provided for πρᾶξις κατὰ τὸ διάγραμμα. We are in no position to decide whether the σύγγραμμα which is supposed to be the basis of the *praxis* in *SB* 7569 of about 200 B.C. is identical with the *diagramma*. The πρᾶξις κατὰ τοὺς νόμους καὶ τὸ διάγραμμα (e.g., in *PSI* 389 of 242 B.C.) was probably no more than a variant of the ordinary form.

24. Cf. my *Justizwes. der Ptol.*, Munich, 1962, pp. 56ff.

25. For *P. Eleph.* 1 (=*MChr.* 283) of 311 B.C., see presently in the above text. *P. Eleph.* 2 (= *MChr.* 311) of 285-3 B.C. has simply: καὶ ἡ πρᾶξις ἔστω ἐκ τοῦ κτλ. *P. Eleph.* 3 and 4, both of 284-3 B.C., provide: ἡ δὲ συγγραφὴ ἥδε κυρία ἔστω πανταχῆι οὗ ἂν ἐπιφέρηι Ἐλάφιον κατὰ Ἀντιπάτρου (in *P. Eleph.* 4: Παντάρκους) ἢ ἄλλος ὑπὲρ Ἐλαφίου πράσσων καθάπερ Ἐλαφίωι γέγραπται. *P. Hib.* 84a (=*MChr.* 131) of 285 B.C. says: καὶ ἡ πρᾶξις ἔστω Τιμοκλεῖ – πράσσοντι τρόπωι ὧι ἂν βούληται (practically the same formula in the Nicareta-inscription of Orchomenos, dating from between 223 and 197 B.C., *Rec. des Inscr. Jur.* I, pp. 276ff., VI, line 105).

to arrangements directly or indirectly[26] concerning fiscal interests and was probably governed by special rules of its own.

The relatively late appearance in Egypt of the *καθάπερ*-clause as a regular feature of contracts is striking, the more so, since, as we saw, the clause had not been unknown before. It had in fact been invented in pre-Hellenistic times and had been imported into Ptolemaic Egypt by the first Greek immigrants; witness its presence, in a fuller form also known from inscriptions (*καθάπερ ἐγ δίκης κατὰ νόμον τέλος ἐχούσης*),[27] precisely in our oldest Greek contract from Egypt (*P. Eleph.* 1); the inference to be drawn form this source is corroborated by a very similar clause (*παρὰ Ἀρτέμωνος καὶ Ἀπολλοδώρου ἔστω ἡ πρᾶξις – καθάπερ δίκην ὠφληκότων καὶ ὑπερημέρων ὄντων*) in the *συγγραφή* quoted in the pseudo-Demosthenic speech against Lacritus (*Or.* 35.12).[28] No less striking are the *mutual exclusion* of the *κατὰ τὸ διάγραμμα*-pattern and the *καθάπερ ἐκ δίκης*-pattern and the apparently *sudden change* from the one to the other. No other conclusion seems possible than that the transition was made deliberately.

If this conclusion is correct, and the change of expression was deliberate, I believe it allows me to suggest a solution to our problem. I wish to repeat that I am fully aware of the hypothetical character of my proposal.

My starting point is the nature of the *diagramma* here in question,[29] such as I defined it in earlier contributions.[30] In these I described it as a basic statute regulating the prerequisites and forms of legal actions available to those who belonged to the communities grouped around the Greek *dikasteria*, to which it provided the legal foundation of their existence and judicial power. In view of the central part which the *dikasterion* played in the system of the *diagramma*, the procedure which this placed at the disposal of a creditor to pursue his claim by way of *praxis* cannot have been any other than that of the *δίκη*, which, in the contingency of a *contract*,[31] began with an extrajudicial attempt to obtain satisfaction, as we observed in *P. Hib.* 30d, but was designed to lead, if necessary, to a judicial decision on the plaintiff's right to the *praxis*. Naturally, therefore, the diagrammatic precepts could no longer be applied literally when procedure by way of *δίκη* became unfeasible, because the *dikasteria* had ceased functioning. This they did about the end of the third or the beginning of the second century B.C., as I have shown elsewhere.[32] With all the reserve imposed on us by the scantiness of our sources, I should like to

26. Cf. Seidl, *op. cit.*, p. 101, whose opposition to Pringsheim, *Gr. Law of Sale*, p. 522, is probably justified.

27. Cf. *Rec.* I xv A (early 2nd. cent. B.C., Praxicles' loan to the city of Arcesine), line 11: *ἐὰν δὲ μὴ ἀποδῶσιμ, πρακτοὶ ἔοτωμ Πραξικλεῖ – πράξει πάσηι καθάπερ ἐγ δίκης τέλος ἐχούσης κατὰ τὸ σύμβολον τὸ Ναξί[ων κ]αὶ Ἀρκεσιέων*; line 24: *καὶ ἐξέστω πράξασθαι Πραξικλεῖ ταῦτα τὰ χρήματα[α] πράξει πάσηι ἐ[κ] – Ἀρκεσιέων – τρόπωι ὧι ἂν ἐπίστηται καθάπερ δίκην ὠφληκότων ἐν τῆι ἐκκλήτωι κατὰ τὸ σύμβολον τὸ Ναξ[ίω]ν καὶ Ἀρκεσιέων τέλος ἐχούσηι ἀζημίωι ὄντι πάσης ζημίας* (again similar in lines 36ff.). Attention should also be called to *SB* 9254 of as late a date as the 2nd cent. A.D., a *praxis*-provision showing again in line 5 the words: *καὶ τέλος ἐχούσης κυ[ρί]ως κατὰ πάντας τ[οὺ]ς ν[ό]μους*. Unfortunately the connection does not become clear; the first editor, K. Kalbfleisch, notes rightly that the passage is hanging in the air (*Arch. f. Pap.* 15, 1953, p. 106). Does the unusual piece represent a non-Egyptian pattern?

28. On the authenticity of this document see L. Gernet, *Démosthène, plaidoyers civils*, Paris, 1954, I, p. 170.

29. Other *diagrammata*, such as those pertaining to fiscal matters or to criminal law (see *Justizwesen*, pp. 63, 92f.), are not under consideration here. As for the *diagramma* on courts and procedure, I am, for the sake of convenience, referring to it in the singular, although, as I pointed out already in *RIDA* 7, 1960, pp. 205f., actually there may have been a series of enactments forming together a coherent body of legislation. The question is of rather small importance.

30. Mainly in *RIDA*, *op. cit.*, pp. 205ff. See also *Justizwesen*, pp. 39, 46, 99, *Tijdschr. v. Rechtsgesch.* 34, 1966, pp. 10f.

31. Any mention of extrajudicial steps to obtain satisfaction before filing the action is significantly absent in the summons for a *δίκη ὕβρεως* reported in *P. Gur.* 2. Apparently nothing of the sort was required in tort cases.

32. *Justizwesen*, p. 48, *Tijdschr. cit.*, pp. 31 f. For a different view on the causes of the disappearance of the *dikasteria* cf. J. Herrmann, *IVRA* 14, 1963, p. 325.

direct attention to the fact that the evidence seems to suggest a coincidence in time between the disappearance of the *dikasteria* and the adoption of the new type of contractual *praxis*-clause.

Unless this impression is deceptive, the coincidence is hardly accidental. A careful draftsman could not fail to realize that the lack of the very institution to which the authors of the *diagramma* had tied the *praxis*-procedure might grievously hamper a creditor who relied on a title referring him in the customary way to the *diagramma*. All that was needed, however, to avert this danger was to reshape the *praxis*-provision by substituting the *καθάπερ*-clause, well-known and long in use in other parts of the Hellenistic world, for the *diagramma*-clause now losing its usefulness. Merely directing the creditor to enforce his claim in accordance with the applicable rules governing the *δίκη*-procedure, insisting, in other words, only on the observance of certain technicalities prescribed for this procedure but not on particulars essentially connected with the lawsuit before the *dikasterion*, the new type of *praxis*-provision was an easy means to spare the creditor the embarrassment just mentioned. The *καθάπερ*-clause never purported to provide creditors with a new and sharper weapon. On the contrary, it was to secure for them the habitual way of enforcing claims in spite of the fact that, taken literally, this was no longer available.[33]

If it is possible to view the adoption of the *καθάπερ*-clause as an adaptation to mutations undergone by the Hellenistic procedural law of Ptolemaic Egypt, the fact that it came as a sudden innovation and at a relatively late date becomes understandable. It is further worth stating that the notaries, in adopting the clause, did not give it a new meaning, but were in fact in line with the current acceptance of the phrase *καθάπερ ἐκ δίκης* in their time, both outside and inside Egypt.

Its non-Egyptian use, exemplified by the *συγγραφή* inserted in the oration against Lacritus and by the epigraphic evidence,[34] shows the purpose of the clause as clearly consisting in simply declaring the *δίκη*-procedure – sometimes a specific type of *δίκη*[35] – applicable in case the creditor found himself forced to resort to measures of constraint against the debtor. If some texts, such as the Lacritus-*συγγραφή* with its *καθάπερ δίκην ὠφληκότων* or others speaking of *δίκη τέλος ἔχουσα*, seem to contradict this statement, the reason should be sought in the older interpretation, no longer defendable, of *δίκη* as 'judgment.'[36]

33. A reference to the concept of *Rechtsfolgenverweisung* used in present-day German jurisprudence may help to clarify further what is said in the text. From the standpoint of the theory combated here, the *καθάπερ*-clause, introducing a new and *distinct* type of instrument, would give the contract an effectiveness not possessed by it without the clause. The interpretation proposed in this paper reduces the importance of the clause to that of a mere *Rechtsfolgenverweisung*.

I should, furthermore, like to emphasize that what is suggested here is in no way incompatible with my earlier hypothesis (*TAPA* 72, 1941, pp. 427ff.=*Beiträge*, pp. 114ff.) that the insertion in a contract of a *praxis*-provision might serve the purpose of making enforceable claims not sanctioned by any statute or otherwise recognized as directly following from the legal order. This effect has nothing to do with either a fiction or an analogy, the insertion of the *praxis*-provision creating a new *Rechtsgrund* for enforcement in the form of an obligation based solely on the private autonomy of the parties. Our former inquiry was dealing with the function of the *praxis*-provision in general under the aspect of substantive law. In the present context we are concerned with the relationship that existed between the various formulations of the provision and the ways of putting it into effect.

34. For the sources see above, notes 25, 27, and the following footnote. See also the sources mentioned by Jörs, *Z. Sav. St.* 40, 1919, pp. 14f.

35. See the inscription quoted in note 27. In the other loan inscription of Arcesine, *Rec.* I xv B, the creditor, Alexandros, is directed to proceed in accordance with the rules governing the *δίκη ἐξουλῆς*; see lines 13ff., 31, 40.

36. It is true that the draftsmen of the instruments visualized the time after the termination of the lawsuit. Nevertheless, even in these cases no more than an analogy was intended: the creditor should proceed in such a way as one does against a debtor in a *δίκη* which is *proceeding* (*τέλος ἔχουσα*) lawfully (*κατὰ τὸν νόμον*), *τέλος* expressing the goal or tendency of something going on rather than its conclusion. The wording of the clauses does by no means necessarily imply that the instruments should replace judgments. If in the Arcesine cases the city, being itself the debtor, could not be sued, this was a coincidence. It should be noted that in the Lacritus case the claim had to be brought before the court in spite of the *καθάπερ*-clause – probably because the law of Athens did not permit an immediate *praxis*. Cf. also Demosth. *Or.* 43.16 (statute): *ἐὰν δ' ἐπιδεδικασμένου ἀμφισβητῇ τοῦ κλήρου ἢ τῆς ἐπικλήρου, προσκαλείσθω τὸν ἐπιδεδικασμένον πρὸς τὸν ἄρχοντα, καθάπερ ἐπὶ τῶν ἄλλων δικῶν.*

Even more convincing than those just mentioned is a source from Egypt itself. It is a statute preserved in *P. Hal.* 1 Column V, lines 115 ff., in my opinion a section of the *diagramma* rather than an Alexandrian city law, as is commonly assumed.[37] It concerns δίκαι arising from physical injury and slander. Here we read, with reference to certain penalties to be paid by a defeated plaintiff to the victorious defendant: πραξάτω δὲ ὁ πράκτωρ ἢ ὁ ὑπηρέτης ἐκ τῶν ὑπαρχόντων καθάπερ ἐκ δίκης (lines 117, 119). It is important that this *praxis* follows upon a *judgment* which – whether expressly or by implication, we do not know – is the foundation of the obligation to be enforced; hence the fiction theory is certainly not in place. But the person subject to the *praxis* is he who *brought* the δίκη, and it is clear that the *praxis* does not implement *his* δίκη. Neither, however, was there a δίκη brought by the defendant against the plaintiff, the *praxis* being conducted ex officio. To my mind, there is only one way to solve the dilemma: the passage must mean that the officials are directed to carry out the *praxis* in analogy to the procedure applicable in the case of a *praxis* implementing a δίκη. We see that the authors of the *diagramma* and the enchoric notaries of a century later understood the phrase καθάπερ ἐκ δίκης in an identical manner.

III

If the theory set forth in this paper is acceptable, it entitles us to draw certain conclusions concerning the history of the *praxis*-provision in Greco-Roman Egypt.

As regards the earliest contracts, the fact that these were still drawn up in the period preceding the enactment of the *diagramma* accounts of course for the absence of the *diagramma*-clause. But I think that now we also understand why draftsmen did not yet resort to the καθάπερ-clause either, the one exception in *P. Eleph.* 1 apparently representing, like other features of the document, a pattern brought with them by the immigrants from elsewhere. The simple reason seems to be that prior to the introduction, by the *diagramma*, of the *dikasteria* there also was no δίκη-procedure for the Greeks and their equals, whatever other means of enforcing contractual claims may have been available to them.[38] To these people it may have appeared rather pointless to refer by way of an analogy to a procedure as yet foreign to the country.

With respect to the times following the adoption of the καθάπερ-clause, the fact should not be overlooked that from the start this clause did not really change the effect of the *praxis*-provision. No wonder therefore that it was sometimes omitted. As a matter of fact, what is more remarkable is the rareness of such omissions; it bears witness to the stability of the documentary style throughout the centuries.

37. Cf. *Justizwesen*, p. 26 n.22.
38. Cf. *RIDA cit.*, pp. 197f., *Essays in Hon. of C. B. Welles*, New Haven, 1966, p. 69.

ARAMAICA RECENTIA[1]

Reuven Yaron

Papyrology is in the main a discipline concerned with texts written in Greek. This statement is not based on any desire – certainly not on my part – to exclude material written in other languages, but the sheer quantitative preponderance of Greek papyri makes papyrology to a decisive extent the province of the Hellenist. In saying this we have in mind not only the papyri discovered in Egypt, the source of the bulk of our texts; to a very considerable part papyri found elsewhere in the Near East are also in Greek.[2]

Under these circumstances, it is a welcome sign of scholarly broadmindedness that the sphere of interest of our association is loosely enough defined to allow it to embrace also the activities of those, relatively few, who have chosen for themselves more narrowly defined, non-Greek fields of research. This inclusive approach has its justification not in a mechanical test – the use of identical or similar materials of writing –, but rather in the fact that basic aspects of method and technique are common to all papyrological enquiry. It is then good that one finds here assembled specialists expert on hieratic documents and on demotic ones, going back to times very much earlier than the Greek papyri, and also scholars devoting their efforts to the investigation of Coptic, that is post-Greek, sources.

I myself have now for some time been working on papyri written in various Semitic languages, chiefly in Aramaic. It would have been simplest, and perhaps more impressive, to devote my discourse to investigating some specific point, suitably obscure. But it seemed to me that this would serve little purpose, that all too likely I would be saying too much about too little. It is for

1. Abbreviations:
   C Papyrus in A. Cowley, *Aramaic Papyri of the Fifth Century B.C.*, 1923
   DJD II P. Benoit, J.T. Milik and R. de Vaux, *Discoveries in the Judaean Desert* II: *Les grottes de Murabba*^{c}ât, 1961.
   P. Mur. Papyrus in DJD II
   IEJ *Israel Exploration Journal*
   JJS *Journal of Jewish Studies*
   Kraeling E.G. Kraeling, *The Brooklyn Museum Aramaic Papyri*, 1953
   K Papyrus in Kraeling
   Naveh J. Naveh, *The Development of the Aramaic Script* 1966 (Hebrew)
   [Unpublished Ph.D. Thesis; the publication of an English version is forthcoming.]

2. For details on papyri written or found outside of Egypt, see R. Taubenschlag, "Papyri and Parchments from the Eastern Provinces of the Roman Empire outside Egypt", *Journal of Juristic Papyrology* 3, 1948, pp. 49-61 (=*Opera Minora* II, pp. 29-43).

Texts from Dura-Europos and from Nessana are now conveniently available in the respective Final Reports: see C. B. Welles and others, *The Excavations at Dura-Europos*, Final Report V, part I: *The Parchments and Papyri*, 1959; C. J. Kramer, *Excavations at Nessana*, Vol. III: *Non-literary Papyri*, 1958. To these add the considerable number of Greek papyri found in the Judaean desert; see below.

this reason that I prefer to offer a general survey about what has been going on in Semitic papyrology (not including in this term papyri written in Arabic). Such a survey will alas be less learned, but at the same time more useful to the non-specialist. My friends here, I am confident, will not be offended by being described in this fashion.

In a general survey it is the overall picture that counts, not the painstaking and meticulous reference to every single item, to every specific detail. The footnotes added to the printed version of this paper will give opportunity to be rather more exact. Also, being a jurist I shall tend to stress the legal documents, which anyhow constitute the greater part of the material available to us.

Let me then start with some few comments on the question of language. The bulk of the documents which we shall discuss are written in Aramaic; but some of the texts discovered outside of Egypt are written in Hebrew and Nabataean.[3] This variety of languages need not be regarded as a major obstacle in the work of the papyrologist. They are so closely related to each other that anyone familiar with one of them ought not to find it too difficult to understand the others.

From the point of view of time and of place, our material falls into two clearly distinct parts. An earlier one comprises the documents discovered in Egypt; a later one consists in the main of documents found in Palestine.[4] Even though there is some overlapping of late Egyptian and early Palestinian texts, the bulk of the two groups are separated by roughly half a millenium.

We shall commence with the Aramaic papyri from Egypt. The great majority of these were written in the course of the fifth century B.C.[5] Concerning the modern history of the texts, that is, speaking of their discovery and especially of their publication, one can distinguish two main periods, an early and a recent one. Finds of great significance occurred at the beginning of the present century.[6] In 1906 a family archive containing ten papyri was published.[7] These documents had been acquired from local dealers in Assuan. Organised excavations at near-by Elephantine followed, yielding substantial results; these texts were made available in a definitive edition

3. There are two papyri in Phoenician. These are now conveniently available as nos. 50 and 51, in H. Donner and W. Röllig, *Kanaanäische und Aramäische Inschriften,* 1962-1964. The one is a letter, assigned to the 6th century B.C.; the other is a fragmentary list, of the 4th or 3rd century, apparently concerning a distribution of food. The verso contains the remnants of a letter.

More important by far is the sole legal document in Syriac, a deed of sale of a slave woman. This is Dura Parchment no. 28, of A.D. 243, written at Edessa. See the detailed discussion of this document by J.A. Goldstein, *Journal of Near Eastern Studies* 25, 1966, pp. 1-16.

4. Add, further to the text mentioned in the preceding footnote, some other minor finds at Dura-Europos: nos. 11, 151, 152.

5. Earlier documents are the following: (a) A letter written early in the 6th century. Addressed to Pharao, it is a Canaanite potentate's request for help: see A. Dupont-Sommer, *Semitica* 1, 1948, pp. 43-68; H.L. Ginsberg, *Bulletin of the American Schools of Oriental Research* 111, 1948, pp. 24-27; J. A. Fitzmyer, *Biblica* 46, 1965, pp. 41-55. (b) A deed concerning a crop-sharing tenancy, Pap. Meissner, written in 515 B.C.: see H. Bauer and B. Meissner, *Sitzungsberichte der preussischen Akademie der Wissenschaften, Phil. -hist. Klasse,* 1936, pp. 414-424; A. Dupont-Sommer, *Mémoires présentées à l'Académie des Inscriptions et Belles Lettres* 14/2, 1944, pp. 62-105. (c) Naveh, p. 18, assigns to the 6th century also C 52.

Of relatively little importance are the finds which are later than the 5th century. The following are to be noted: (a) K 13, a fragmentary letter of 399 B.C. (b) C 81, 82, 83. (c) N. Aimé-Giron, *Textes araméens d'Egypte,* 1931, nos. 97-89 (fragmentary lists of names). (d) A papyrus from El-Hibeh: Edda Bresciani, *Aegyptus* 39, 1959, pp. 3-8; Naveh, p. 107, note 9, assigns this text to the middle of the 4th century. (e) A papyrus of the 3rd century, containing a list of Greek names: Edda Bresciani, *Atti dell' Accademia Nazionale dei Lincei, Rendiconti. Scienze Morali, Storiche e Filologiche* 17, 1962, pp. 258-264.

It was only at the Congress that Professor E.G. Turner gave the news of the recent discovery of a significant number of Aramaic papyri, during excavations at Saqqara. They are said to be of the early fourth century. No further details are known as yet.

6. The first document was published by J. Euting in 1903, in *Mémoires présentées à l'Académie des Inscriptions et Belles Lettres,* 11, pp. 297ff. The papyrus, a petition addressed about 410 B.C. to the persian Satrap, is now conveniently available as C 27. For a full discussion of materials published earlier see Kraeling, pp. 7ff. There is little of interest.

7. A. H. Sayce and A. E. Cowley, *Aramaic Papyri Discovered at Assuan,* London, 1906.

in 1911.[8] There followed a comparative lull in the publication of new material, a lull which was to continue for some four decades.[9] In 1923, Arthur Cowley published his *Aramaic Papyri of the Fifth Century B.C.*, a collection of all the documents then known. Cowley's work took full account of the literature which had grown up in the meantime, and closed an epoch in the study of the Aramaic papyri. It has ever since been in constant use as a convenient handbook.

Publication of texts on a considerable scale recommenced in 1953, a date which we would call "recent," in the sense of the heading of this paper. In that year two major sets of texts became available. E.G. Kraeling published his volume of *Brooklyn Museum Aramaic Papyri*, in the main another family archive from Elephantine. *Habent sua fata papyri*: these documents had been purchased by the American Egyptologist C.E. Wilbour already in 1893, that is ten years before the first publication of a papyrus from Elephantine. Unfortunately, Wilbour did not tell anyone of his acquisition; when he died, in 1896, these papyri were stored away with other chattels of his. It was only in 1947 that they were bequeathed by Wilbour's daughter to the Brooklyn Museum, which entrusted Kraeling with the task of publication.[10]

The other group of texts, purchased in Egypt in 1932, was published in 1953 by G. R. Driver.[11] It consists of thirteen letters, written on leather, some of which are not too well preserved. In their contents they differ very much from the other material which we are discussing. These letters were sent to Egypt from abroad, and in the main they concern the administration of the property of Arsam, the Persian Satrap of Egypt in the late fifth century.

There followed some minor publications, of fragments of letters.[12] The last major item on our list is a group of eight letters from Hermopolis. Discovered in 1945, they were published in 1966 by Edda Bresciani.[13] They are not dated, but on the strength of their writing they too are to be assigned to the fifth century.

The publication of new source-material carried in its wake also renewed secondary activity. Reviews, some of them of considerable value, were followed by articles devoted to specific questions, especially to questions of law. Next came the turn of monographs. In the course of the last decade four books have been written, dealing in the main with the documents from Elephantine. Two of these books have been published,[14] and the others are in press.[15]

In our description of recent activities we may have neglected the actual contents of the texts, as well as the spheres of research to which they contribute. The major components are, on the one hand, private legal documents, and, on the other hand, letters; but this classification is by no means exhaustive.[16] The legal documents comprise two family archives and a number of

8. E. Sachau, *Aramäische Papyrus und Ostraka aus einer jüdischen Militärkolonie zu Elephantine*, Leipzig, 1911.

9. In addition to some of the papyri listed in footnote 5, some other fragments in Aimé-Giron's *Textes* should be noted. All are very poorly preserved. The most significant is the "day journal" mentioned in note 16, below.

10. For more details, see Kraeling, pp. 9ff. Kraeling deplores Wilbour's secretiveness, and speculates on the consequences immediate publication might have had: organized excavations might have taken place much earlier and more papyri might have been preserved.

11. *Aramaic Documents of the Fifth Century B.C.*, Oxford.

12. See the end of note 5 for two papyri published by Edda Bresciani. Prof. Bresciani published also some papyri at present in the Padua Museum: *Rivista degli Studi Orientali* 35, 1960, pp. 11-24; J. A. Fitzmyer, *Journal of Near Eastern Studies* 21, 1962, pp. 15-24. For a further papyrus, believed to be forged, see end of note 18, below.

13. E. Bresciani e M. Kamil, "Le lettere aramaiche di Hermopoli", *Atti della Accademia Nazionale dei Lincei, Memorie. Scienze morali, storiche e filologiche* 12, 1966, pp. 357-428.

14. R. Yaron, *Introduction to the Law of the Aramaic Papyri*, 1961; A. Verger; *Ricerche giuridiche sui papiri aramaici di Elefantina*, 1965. (See my review of Verger's book, *Journal of Semitic Studies* 12, 1967, pp. 306-311).

15. J. Y. Muffs, *Studies in the Aramaic Legal Papyri from Elephantine;* B. Porten, *Archives from Elephantine.*

16. Lists of persons are frequent; these may concern the distribution of food (grain, oil). Especially to be noted in C 22 a list of contributors to the temple at Elephantine. Of interest is also the day journal from Memphis, fragments of which have been published by Aimé-Giron, *Textes*; for further references on this text, see Kraeling, p. 16.

single, unrelated texts, in the usual variety: deeds of sale, gift, marriage, manumission, etc. The letters are – one will note without surprise – of greatly different kinds. Some are entirely private, others concern community affairs; the Arsam letters are of a different type again. The greater part of the documents, that is most of those collected by Cowley as well as those published by Kraeling, come from the Nile island of Elephantine, opposite Assuan, in southern Egypt. It is from these documents that one learned of the existence there of a Jewish military colony, serving throughout the fifth century B.C. as a Persian outpost. The community correspondence told of a temple they had built there, which was later on (in 410 B.C.) destroyed by Egyptian priests, acting in collusion with some Persian officials. In the Elephantine papyri there is then a pronounced and predominant Jewish element, but the other texts are by and large non-Jewish.

Summing up, one might say that the Aramaic papyri are of importance especially to historians, both of religion and of law. Information is furnished also on the Persian rule in Egypt, for a period concerning which other primary sources are not available. Finally the knowledge of the Aramaic language, its vocabulary, grammar and usage, has been greatly enhanced. The data provided by the texts published by Kraeling and by Driver have also been fully incorporated in a new and valuable dictionary, Jean-Hoftijzer's *Dictionnaire des inscriptions sémitiques de l'ouest*.

Before leaving Egypt altogether I should like to venture from the general to the specific, concerning two items which may be of interest. In a note, which is to appear shortly,[17] I return once more to the marriage contract K 2. This text has been subject to an unusual number of erasures and emendations. An infrared photocopy obtained from the Brooklyn Museum enabled me to elucidate some of these changes, that is to say in some instances I was able to arrive at the original, uncorrected version of the text. The standard use of the most up-to-date techniques of photography is a postulate which should not be in need of urging.

The second item concerns some minor recentia, which in the ordinary course one would be content to relegate to the footnotes. This is an odd series of seven small texts, including one (fragmentary?) papyrus.[18] What makes them noteworthy is a strong suspicion of forgery. They first attracted the attention of Dr. Naveh, of the Israel Department of Antiquities, because of some common abnormalities in the writing. Naveh, who has made Aramaic epigraphy his speciality, came to the conclusion that they were all written by the same hand. His misgivings were aroused by the fact that according to the internal evidence of the texts, or else according to the data given to and by the scholars publishing them, they came from different localities; Saqqara, Memphis, Abydos. On the other hand, there was the potentially significant fact that at present

17. "Minutiae Aramaicae", *Journal of Semitic Studies* 13, 1968, pp. 202-211.

18. The detailed list is the following:

(a) A small stele painted with figures of an Egyptian god and a praying priest. Above the figures there are two brief inscriptions in Egyptian (in hieroglyphs and in hieratic script). Above the hieratic and to the left of the hieroglyphs there is a short inscription in Aramaic: "Ḥrmn and his fellow Petesi *br s* went to Memphis before Ptaḥ." Published by Y. Leibovitz, *Eretz Israel* 4, 1956, p. 66.

(b) A short inscription on a stone vessel, said to have been found at Memphis: "The third of Pehons year 13 of Artaxerxes the king". Published by E. Bresciani, *Annales du Service des Antiquités de l'Egypte* 58, 1958, pp. 268f.

(c) - (e) Three wooden dockets of mummies, said to come from Saqqara. Published by Bresciani, *ibid.*, pp. 274ff.

(f) A wooden tablet, an account of a distribution of beans. From the vicinity of Memphis. *Ibid.*, pp. 276ff.

(g) A papyrus dated year 7 of Darius (II), i.e. 418/17 B.C.; written at Abydos: "On the third of Kislew year 7 that is day 11 of Thoth year 7 of Darius the king. 'Abdba'al, the Ṣidonian, son of 'Abdṣedeq, came with his brother 'Azarba'al to Abydos of Egypt before Osiris, the great god . . ." Published by J. Teixidor, *Sefarad* 24, 1964, pp. 325f.; *Syria* 41, 1964, pp. 285-290. Teixidor interprets the papyrus as simply recording a pilgrimage. In my view it would have been the beginning of a legal text, a declaration on oath.

all of the texts, except the Madrid papyrus, are united in the same private collection, owned by a Mr. Michaelides of Cairo. The idea then is that these oddities were fed to an unwary collector. As far as we are concerned, the most interesting single object is the papyrus, telling of two brothers appearing before the god Osiris, in Abydos. Once one entertains doubts about the text, one will find plenty of other reasons for suspicion, especially a badly botched date formula. I shall not go into details, since Naveh's submissions are due to be published in a forthcoming issue of the *Journal of Near Eastern Studies*, and I do not wish to anticipate him.

Let us now turn to Palestine. While Aramaic-Egyptian papyrology can look back upon a history of about two-thirds of a century, the discovery of Semitic papyri in Palestine is altogether recent, and publication of the various finds is only in an early stage. In fact, the papyri constitute but a relatively minor part of the material found in a number of desert caves, material known popularly as the Dead Sea Scrolls. The first, accidental discoveries, were made at Qumran, in 1947, a short time before the outbreak of the Israeli-Arab war. The cessation of the hostilities was gradually followed by the intensive exploration of the vicinity of the Dead Sea, first on the Jordanian, later on the Israel side of the armistice line. The study of the Scrolls gave occasion for an unprecedented effort of scholars – though an outsider may get the impression that sometimes heat rather than light was generated. The number of secondary publications, articles and monographs, runs into thousands! By some tacit convention the Scrolls are regarded as outside the sphere of papyrology. A separate field of study grew up rapidly, a branch of biblical and theological research. To supplement the numerous periodicals devoted to these spheres, a further, specialist journal was fonded, the *Revue du Qumran*.

Overshadowed by the Scrolls was the discovery of a considerable number of private legal documents and of a series of letters. The legal documents, of various periods, are of a special human interest, in view of a unique feature which is common to all of them: they were brought to the various desert caves by fugitives escaping from their townships and villages, seeking safety in the wilderness. The legal documents which they took with them testify to their hope of survival; the fact that these documents were found in the caves shows that their efforts were in vain: they perished by the hand of their pursuers or by their own, or else they died the slow death of starvation. Such was the fate of the inhabitants of Samaria, who in 331 B.C. fled the wrath of Alexander, just as it was the fate of those who took to the desert four hundred years later, following the collapse of the first Jewish revolt against the Romans (A.D. 66-73), and the second (Bar Kokhba) revolt (A.D. 131-135). Others may have been more lucky, but of those we do not know.

Since relatively little has been published, it will be convenient to discuss the Palestinian texts in the chronological order of their composition, not of their discovery (in itself of little use). The earliest group of texts, in Aramaic, were written in Samaria; they are dated between 375 and 335 B.C., that is, until shortly before the Macedonian conquest.[19] The papyri were found in 1962, in a cave in the Wadi Daliyeh, north of Jericho; the cave contained also a great number of human skeletons (some 200 or more). A preliminary report, published in 1963,[20] is still our only source of information. It appears that all the papyri have suffered considerable deterioration, so one must not expect too much. As far as we know, all the texts are of a legal nature, covering a wide range of transactions. They may have constituted one or more family

19. On the circumstances occasioning the flight and death of the inhabitants of Samaria, see the suggestions of F. M. Cross, in his paper mentioned in the next footnote.

20. F. M. Cross, "The Discovery of the Samaria Papyri", *Biblical Archaeologist* 26, 1963, pp. 110-121.

archives. Publication of the documents has been entrusted to Prof. F. M. Cross, of Harvard University, but in recent years no news has been forthcoming. The importance of the Samaria papyri is enhanced by their date: they are more or less the only Palestinian texts of the fourth century, and – in spite of their deplorable state of preservation – they should eventually contribute significantly to our knowledge of the development of the Aramaic (= Hebrew) script. Some historical information may also be forthcoming, and our stock of legal formulae is bound to increase. It will be interesting to juxtapose these formulae with those of the Elephantine papyri, of a different country but close in time. There will probably be some common features, but one should also expect pronounced differences.

The Samaria papyri must be regarded as an isolated accident. Other finds of that early period – while not impossible – are unlikely. There follows a gap of some 400 years, till about the middle of the first century A.D., close to the first revolt. These finds take us farther south, to some caves in the Wadi Murabba'ât, in the vicinity of the Dead Sea, on the Jordanian side of the former armistice line. For the Murabba'ât caves and the papyri, one can rely on the sumptuous volume published in 1961 by P. Benoit, J. T. Milik and R. de Vaux.[21] Human occupation of the caves is evidenced for various periods, starting with chalcolithic times. Papyrological finds of the first revolt are so far of a limited quantity. One definite piece is *P. Mur.* 18, a deed of loan of A.D. 55.[22] The date of another document, the bill of divorce *P. Mur.* 19, is in dispute; contrary to the editor I tend to hold that it was written in A.D. 71.[23]

The material of the time of the second revolt is much more abundant. Here we have to refer to three groups of texts. First of all, there are the papyri published in the Murabba'ât volume, which has just been mentioned. Numerous papyri were found in a cave farther south, the so-called "Cave of Letters," in the Naḥal Ḥever. This was excavated by Yadin, in two seasons, 1960 and 1961;[24] our knowledge concerning these texts is largely based on his and Polotsky's preliminary reports, but three texts (in Greek!) have now been published in full.[25] A third batch of papyri has been described as coming from an "unknown source"; it is very probable that at least some of these were found during clandestine diggings in the "Cave of Letters." A few of these texts have already been published at random;[26] of others we have only very fragmentary information. As far as one can make out they are awaiting publication by the same group of scholars who have edited *DJD* II. No finds have so far been made of Jewish material later than the second revolt.

The study of the papyri from Wadi Murabba'ât and Naḥal Ḥever has encountered considerable difficulty, even apart from and beyond the delays in publication about which we have been complaining. Most of the material is only poorly preserved. The great variety of scripts is a further major obstacle. In the Aramaic texts from Egypt uncertainties of reading are relatively rare; letters are distinct, words as a rule well separated.[27] The Palestinian documents show great

21. DJD II. The volume has been much reviewed. Concerning matters of law, see especially E. Volterra, *Iura* 14, 1963, pp. 29-70; R. Yaron, *JJS* 11 (appeared 1962), pp. 157-171.

22. On the strength of the writing, Milik would date *P. Mur.* 21 (part of a marriage contract) and 62 as earlier than the first revolt.

23. So also Y. Yadin, *IEJ* 15, 1965, p. 119, note 112; E. Koffmahn, *Wiener Zeitschrift für die Kunde des Morgenlandes* 59/60, 1963/64, pp. 127ff.

24. See *IEJ* 11, 1961, pp. 40-52; 12, 1962, pp. 228-262.

25. *Eretz Israel* 8, 1967, pp. 46-57, and plates.

26. See J. Starcky, *Revue Biblique* 61, 1954, pp. 161ff.; J. T. Milik, *Revue Biblique* 61, 1954, pp. 182ff. (republished in *Biblica* 38, 1957, pp. 264ff.); *idem, Biblica* 38, 1957, pp. 255ff. The first is in Nabataean, the two others are in Aramaic. All three are legal documents recording transactions concerning land.

27. See my *Introduction to the Law of the Aramaic Papyri*, pp. 2ff.

divergences from text to text. Some employ a beautiful formal chancellary script, read quite easily,[28] others are written in a bewildering variety of cursive scripts; letters flow into each other, and are sometimes present to the mind of the writer rather than to the eye of the reader. It follows that quite a few readings are mere guesses of the editors, and – need one stress it? – not every guess is correct. One will do well to treat eccentric and surprising "readings" with reserve. These remarks are not meant to belittle the efforts, nor disregard the very real achievements, of the scholars who have edited the texts, Milik first and foremost among them. Publication of all the material should ensure a broader base for comparison, leading to more certainty in reading. Under the circumstances which we have described, it will not surprise that secondary activity has been rather limited. In the main it centred on suggestions of improved readings.[29]

Let us now look briefly at the contents of the texts written prior to and in the course of the second revolt. They fall into .wo parts, on the one hand, legal documents, on the other hand, letters. The legal texts published in the Murabba'ât volume are unrelated with each other, and do not connect up to form an archive. By contrast, the documents found at Naḥal Ḥever appear to be more coherent. First, there is a family archive, revolving around a woman called Babatha; it comprises some 35 papyri, written in three languages: a majority of the papyri are in Greek, the rest in Nabataean and Aramaic.[30] They extend over a period of about 40 years, from A.D. 93/94 to 132. Another bundle of documents, containing six papyri in Hebrew and Aramaic, were written during the period of the revolt itself. They concern agricultural activities. Land is said to have been leased on behalf of the commander of the revolt. One may assume that these lands had been held by the Roman administration, and were taken over by the new regime. It shows the revolutionary authorities as holding matters well in hand.[31]

For all the importance of the legal material, especially for the study of Jewish law and in comparison with Talmudic sources, the historian may find more interest in the letters, discovered at both Murabba'ât and Naḥal Ḥever. Written in Aramaic and Hebrew (but there are also two in Greek), they are all of the same genre. These are orders, issued on behalf of the revolutionary commander, to some of his subordinates. They touch upon various topics, with matters of supplies not unexpectedly especially in the foreground. It is probable that when fleeing to the caves the addressees brought the letters with them.

I should like to end with some general remarks on matters of law, remarks which may be hazarded in spite of the limitations to which we have pointed. Until the emergence of the Judaean papyri our knowledge of Jewish law was based almost exclusively upon the various Talmudic writings; but for all its wealth of detail, the Talmud is far from presenting a full, or even only adequate picture of the contemporary legal practice.[32] We have now the means for comparing and contrasting book and document. An investigation of some legal formulae shows syncretistic tendencies at work within Jewish legal practice.[33] This practice did not (as some might believe)

28. E.g., *P. Mur.* 24, a scroll of extracts of leases. The texts of a theological nature, outside the scope of this paper, are all well written. With these, the state of preservation is the decisive difficulty.

29. One monograph only concerning legal documents has so far been published. This is Mrs. E. Koffmahn's *Die Doppelurkunden aus der Wüste Juda,* 1968. See my review in *Israel Law Review* 3, 1968, pp. 477-482.

30. To be more exact: According to Yadin, *IEJ* 12, 1962, p. 235, there are six texts in Nabataean, 3 in Aramaic, 17 in Greek; 9 more Greek documents have subscriptions and signatures in Aramaic and/or Nabataean.

31. Note also *P. Mur.* 24. Concerning this document see – in addition to the remarks of Milik, the editor–the comments of E. Volterra, *Iura* 14, 1963, pp. 53-60.

32. See Yaron, *op. cit.* (note 21, above), p. 170.

33. *Ibid.*, pp. 165ff.

develop in seclusion and isolation. Quite the contrary is true: it borrowed freely from the foreign practices which were accessible to the scribes and lawyers. It follows that in studying the Jewish sources attention must constantly be paid to those foreign systems which could have exercised influence. It follows further that conversely Jewish law may be relevant for elucidating obscurities within the extraneous systems upon which Jewish law has drawn.

Perhaps the most significant single fact emerging from the discoveries in the Judaean desert is the breaking of the language barrier by Jewish legal practice. Due probably also to the political circumstances one finds it operating simultaneously not only in various Semitic languages, but also in Greek. True, Talmudic sources discuss the validity of documents written in Greek,[34] but one was not inclined to attribute much significance to this fact: it could be taken to refer, in the main, to documents drawn up in the Diaspora and not specifically Jewish. The use of Greek – even in administrative correspondence – is further evidence for the advance of Hellenistic influence in Jewish Palestine, a process accelerated by the collapse of Jewish political autonomy. But there is also another side to the matter: the use of Greek might have made Jewish legal notions and practices – or, more generally speaking, Oriental legal notions and practices – accessible and intelligible, without the need for further mediation, to all those strata of population in Palestine and in the surrounding countries which were not familiar with Semitic languages. As a consequence, the possibility that some of the many innovations in legal style which can be observed in Byzantine Egypt may reflect the impact of Jewish or Oriental legal practices becomes now more tangible.[35] To end these reflections, a word of warning: there is no justification for wholesale assertions of influence. Each point must be subject to separate and stringent scrutiny. We have been dealing with possibilities only, not with anything specific.

34. E.g., Mishnah Giṭṭin 9.9; Tosefta Baba Bathra 11.8.
35. Yaron, *op. cit.*, p. 171.

CALLIMACHUS IN THE TAX ROLLS

Herbert C. Youtie

The Tax Rolls from Karanis, two of which are in the University of Michigan Collection, a third in the Egyptian Museum at Cairo, have been published in the fourth volume of *Michigan Papyri*. They are day books of tax collection compiled in the reign of Marcus Aurelius, with dates running from October 171 to at least March 175. The taxes were all paid in money, and they represent the two principal classes of taxation—obligations resting on the person, others on property. Most of the entries are devoted to poll tax and guard taxes on the one hand and orchard and vineyard taxes on the other. The form of the entries differs as the class of taxation changes. This is most striking in the description of the persons. One example will serve for all. When a certain Petheus, son of Kephalas, is credited with an instalment of poll tax in *P. Mich.* 223.1458, his name is given in full:

Πεθεὺς Κεφαλᾶ το(ῦ) Σαμβαθίων[ος μ]η(τρὸς) Σαμβαθίο(υ)

His personal name is here supplemented in the familiar way with the names of his father, grandfather, and mother. But in *P. Mich.* 224.1985, where he is listed for a payment of orchard taxes, we have

Πεθεὺς Κεφαλᾶ (Πεκμοῦλ)

The curved brackets are on the papyrus, and the undeclined Egyptian name which they enclose is that of a lessee who has paid the taxes on behalf of his landlord Petheus.[1]

In such entries as this, certain variations arise in the form of the statement as the account runs on through the months and the years.

P. Mich. 223.2594	Ἰούλιος Γερμανός	(Δημητρο(ῦς) Ψενσῖν)
.2596	Ὀρσενοῦφις Νεστοσίριος δι(ὰ) τοῦ α(ὐτοῦ)	
.2598	Τεβέρις Ὥρου δι(ὰ) τοῦ α(ὐτοῦ)	
P. Mich. 224.2642	Λούκιος Ἰούλιος Γερμανός	(Ψε[ν]σῶν)
.3985	Λούκιος Ἰούλιος Γερμανός	(Ψενσῖν)
.4780	Λούκιος Ἰούλιος Γερμανός	(Ψενσῶν)
P. Mich. 225.2100	Λούκιος Ἰούλιος Γερμανός	(Δημ(ητροῦς) γυν(ὴ) Ψενσῶν)

The four entries in *P. Mich.* 224 and *P. Mich.* 225 credit the payments to the account of Lucius Julius Germanus, the landowner. In three of them the payments were made by the lessee Psensin, in the fourth by his wife Demetrous. That the lessee is in all cases Psensin follows from the

1. Cf. S. Waszyński, *Bodenpacht*, Leipzig-Berlin, 1905, pp. 115 ff.; J. Herrmann, *Bodenpacht, Münch. Beitr.* 41, 1958, pp. 122-4.

tripartite entry in *P. Mich.* 223. The first of the three payments is again credited to the account of Julius Germanus and was on this occasion also made by Demetrous, the wife of Psensin, although she might here be taken for his daughter since the word "wife" is not used. Nevertheless, the business being transacted is only indirectly her concern. The lessee is Psensin, as shown by the phrase *διὰ τοῦ αὐτοῦ* in lines 2596 and 2598.

A similar looseness in the treatment of the material consigned to the brackets can be observed throughout the rolls. It sometimes goes further than one might suppose to be permissible. The statements within brackets tend to be informal to an astonishing degree, as a few illustrations will show.

P. Mich. 223.1628	Γέμελλα Ἀνθεστία	(γυνὴ Σαραπ(ίωνος)[2] Θεαγ(ένους))
P. Mich. 224.2087	Γέμελλα Ἀνθεστία	(θυγ(άτηρ) Παμμυρίκου)
P. Mich. 225.1839	Γέμελλα Ἀνθεστία	(θυγάτ(ηρ) Παμμυρίκου) (γυν(ὴ) Σαραπ(ίωνος) Θεαγέν(ους))

Here again the name of the landowner, Gemella Anthestia, is invariable, but the woman who makes the payment is first described as "wife of Sarapion, son of Theagenes," then as "daughter of Pammyrikos," and finally as both but in two sets of brackets. The lessee is probably her husband Sarapion, although possibly her husband and her father are joint lessees of the property.

There are also other passages in which the lessee, or perhaps his agent, is described without being named. In a few of them the brackets are omitted. Comparison of the following parallel entries is illuminating.

P. Mich. 224.3325	Ταπεθέως Πασοκνοπαίου	(δι(ὰ) Πολυδεύκης υἱοῦ Σατορνιλ(ου) οἰνο(πώλου))[3]
.3571	Ταπεθεὺς Πασοκνοπαίου	υἱὸς Σατορνιλ(ου) οἰνοπ(ώλου)

Is Polydeukes the lessee? Or does he pay on behalf of his father? The omission of his name in line 3571 strongly suggests that Satornilos is the lessee, his son Polydeukes his agent who pays the taxes on his behalf. In this connection, another entry merits attention.

P. Mich. 223.2444	Τασουχάριω(ν) Ἀπολλωνίου	θυγ(άτηρ) Μάρκο(υ)

The landowner is Tasoucharion, daughter of Apollonios. The daughter of Marcus, whose name is not given, is likely to have made the payment in her father's name.

Sometimes the lessee is differently described from one passage to another. Sometimes his name is linked with *διά* to the name of the owner while the brackets are reserved for his description. Both practices are seen in the following group of entries.

P. Mich. 223.1805	Χαρίτιον Χαιρήμον[ος]	(Χαιρήμ(ων) τυφλό(ς))
P. Mich. 224.1288	Χαρείδιον Χαιρήμ(ονος)	(Χαιρήμ(ων) σακκοπλόκ(ος))
P. Mich. 359D.4	[Χαρίτιον Χαιρήμονος δι(ὰ)] Χαιρήμ(ονος)	(σακοπλόκ(ου))

The amounts of the payments in *P. Mich.* 223 and *P. Mich.* 224 are the same, and this is a good indication that the blind Chairemon is in fact identical with Chairemon the sack-weaver.

2. This is the most likely resolution of the abbreviation, which was left unresolved in the edition. Of names beginning Σαραπ( ), it is by far the most commonly used at Karanis. See *P. Mich.* IV, Pt. 2, pp. 224-6.

3. An alternative resolution is οἰνο(πράτου). The abbreviation was not resolved in the edition.

When the names of owner and lessee, or perhaps agent, are joined with *διά*, the brackets may be used to record the latter's address.

P. Mich. 223.1131 Ἡρακλείδης Μάρωνο(ς) δι(ὰ) Ἰσιδώρας (ἐν ῥύμ(ῃ) Χ(αιρήμονος)[4] Οὐᾶσι)
.1148 Ἡρακλοῦς Ἀτρείους δι(ὰ) Πτολεμαίο(υ) ἱερέως (ἐ(πι) ῥύμ(ης) μακρᾶς)[5]

Isidora lives in a street named for Chairemon, son of Ouasis, and Ptolemaios the priest on Long Street. We are tempted to think of Isidora and Ptolemaios as persons only recently settled in Karanis and not yet well known in the town.

In one instance, where no agent or lessee is mentioned, it is the former owner who is named within the brackets. As a rule, this information is provided without using brackets. The following examples exhibit both the usual and the exceptional procedure.

P. Mich. 223.1593 Ταμάρων Ὀννώφρεως (πρότερον) Ζωιδο(ῦτος) Μύσθου
P. Mich. 224.5802 Πτο[λεμαῖ]ος Φᾶσι ((πρότερον) Ἀτρίους Κουλᾶ)

How adaptable the brackets are, is perhaps shown best in other passages which similarly have nothing to say about a lessee, but add to the owner's official nomenclature a further informal identification.

P. Mich. 225.2760 Μάρκος Οὐέτις Λόγγος (Οὐέτις Πετήου)[6]
P. Mich. 224.4070 Ἰούλιος Νεφωτιανός (Νεφωτιανὸς Πικιῶβι)

Marcus Vettius Longus and Julius Nepotianus are presumably veterans of the Roman army who, like so many others, settled after retirement in the country, possibly even in the village of their birth. The names of their Egyptian fathers are given in the second half of the statements. It is likely that Marcus Vettius Longus was better known to the townspeople as Petes' son, and Julius Nepotianus as Pikiobi's son.

The passages that have been cited are sufficient for our purpose. In all of them the left half of the entry, which presents the landowner, exhibits a stability conspicuously absent from the right half, which is noticeably free from any insistence on formal regularity. Various kinds of information, generally about the lessee, occasionally about the owner or his predecessor, are introduced—names, occupations, relationships, even addresses, but with seemingly random selectivity. All or some of this material is put within brackets, but we have seen that the brackets are not indispensable.

The reason for this difference of approach to the two halves of the line is not hard to fix. Official responsibility for the payment of the taxes lay with the owner of the land. The interest of the fiscus is therefore centered in him. If it is the lessee who pays the taxes, this is only by virtue of a private contract with the owner. The responsibility that he assumes has a strictly local interest. It does not seriously concern the central tax authorities. And even the forms in which the names of the parties are recorded, respond in some measure to this distinction of public and private purposes. The names of proprietors, even when they are of Egyptian origin, always have proper Greek endings, while the names of lessees are repeatedly left in their Egyptian form. The

4. The name is written more fully in *P. Mich.* 225.1772 marg.
5. Both passages are reproduced on Pl. IV of *P. Mich.* IV, Pt. 1.
6. So also *P. Mich.* 223.2128; 224.1851.

failure to Grecize their names may at the same time reflect the cultural and economic distance of the Egyptian lessees from the Roman, Greek or Hellenized class of landowners.

Another and unexpected consequence of the informal treatment given to lessees' names and descriptions is the occurrence of a few Greek translations of Egyptian names which have no relation to standard Greek nomenclature.[7] Nor do they in any way resemble the Greek constituents of double names, of which *P. Mich.* IV has a normal proportion. In such cases the names are usually joined by ὁ καί; a fair number have ἀνθ' οὗ; ἐπικαλούμενος is used once, ἐπικεκλημένος twice.[8] In one instance the two parts of the name are simply juxtaposed with no word or phrase to serve as a link.[9] But in the four examples of translation which I shall now present, the Egyptian name and its Greek version never occur in the same passage.

(A)

P. Mich. 223.1821	Σαμβοῦς Φανομγέως	(Τουαμκιαμοῦλ)
P. Mich. 224.2187	Σαμβοῦς Φανομγέως	(Τουαμκιαμοῦλ)
P. Mich. 225.2549	Σαμβοῦς Φανομγέως	(Καμηλοφάκος)[10]

The name Τουαμκιαμοῦλ is composed of the feminine definite article ⲧ[11] + the verb ⲟⲩⲁⲙ "eat" + ϭⲁⲙⲟⲩⲗ "camel," i.e. "the eater of camel flesh."[12] This formation is found again in four other names in the Karanis tax rolls: Τουαμάβι (*P. Mich.* 224.1874,2429); Τουαμβελᾶ, -βλλᾶ (*P. Mich.* 223.1715, 1744);[13] Τουαμλάμι (*P. Mich.* 224.3912); Τουαμσέτι (*P. Mich.* 224.4096).[14] Constructed without an article are Οὐαμσαλῆ (*P. Mich.* 224.1925, 4773) and Οὐαμαῆ (*P. Mich.* 223.1584; *P. Mich.* 224.2551).[15]

Τουαμκιαμοῦλ is clearly a good Egyptian name, and Καμηλοφάγος is its obvious Greek equivalent. The latter, however, has no place among Greek names. Fond as the Greeks were of compounds ending in -φάγος, they found no role for them as personal names. Most such words are purely descriptive, and a few serve as ethnic designations, particularly for peoples living along the Red Sea and in Ethiopia.[16] A seeming exception is Χορτοφάγος, which occurs as the name of a father of three sons in the great list of dike workers from Tebtunis.[17] I suggest that Χορτοφάγος, like Καμηλοφάγος, is not properly a Greek name, or even the Greek half of a double name, but rather a translation of an Egyptian name.

(B)

P. Mich. 224.2081	Σαταβοῦς Ὀννώφρεως	(Κωκιῶλ)
P. Mich. 225.2434	Σαταβοῦς Ὀννώφρεως	(Κύλλος Τάλαντον)

7. Such names are not hard to recognize. See *O. Theb.* 145, where Θεὰ Μεγίστη appears as a mother's name.

8. For references see *P. Mich.* IV, Pt. 2, Index IX. On double names in general see R. Calderini, "Ricerche sul doppio nome personale nell' Egitto greco-romano," *Aegyptus* 21, 1941, pp. 221-260; 22, 1942, pp. 3-45.

9. *P. Mich.* 224.6259.

10. Read Καμηλοφάγος.

11. See footnote 13.

12. I throughout present Egyptian words in their Coptic forms because I myself depend for information on Crum's *Coptic Dictionary*. Furthermore, my notes are intended for Greek scholars, to whom Coptic has a familiar look.

13. Cf. *BGU* 630, Col. IV.27: Τουαμβελλακ( ), probably to be read Τουαμβελλᾶ κ(αί). Preisigke, *Namenbuch* s.v., describes the text correctly as "Liste mit Mannsnamen im Nominativ . . ." It may therefore not be true that T is in every case the feminine article. Although *P. Mich.* IV has no examples with the masculine article, *Namenbuch* lists four names beginning Πουαμ-, all from Byzantine texts.

14. Doubtless of the same type are the mutilated names in *P. Mich.* 224.5140 Τουαμ.[..].ξι; 6244 Του[. Cf. G. Heuser, *Personennamen d. Kopten*, Leipzig, 1929, p. 54.

15. Cf. *P. Brem.* 51.12 Οὐαμβᾶθι; *P. Apoll. Ano* 74B.10 Οὐαμσᾶ.

16. E.g. Ἀγριο-, Ἀκριδο-, Ἰχθυο-, Στρουθοφάγος. See A. Calderini, *Dizionario dei nomi geografici e topografici*, Cairo, 1935, s.vv.; Pape-Benseler, *Griech. Eigennamen*, Braunschweig, 1911, s.vv.

17. *Sammelbuch* 5124.96, 97, 102.

Κινκιῶλ is the Coptic ⲕⲓⲛⲕⲱⲣ in a specifically Fayumic spelling, which is not recorded by Crum, *Coptic Dictionary*.[18] As a common noun, it is used in the Coptic Old and New Testaments to translate τάλαντον both as a weight and as money. In *P. Mich.* 224 Kinkiol is the lessee who pays the taxes, in *P. Mich.* 225 his son Kyllos makes the payment.[19] *Talanton* is thus a literal translation of *Kinkiol.* It would be superfluous to give the warning that *Talanton* is not a Greek name.[20]

(C)

P. Mich. 223.2472	Δαμᾶς Π[εθέως]	(γυνὴ Μαξίμο(υ) Πετσέσι)
P. Mich. 224.1846	Δαμᾶς Πεθέως	(Μαξείμου[21] Πικροῦ)
.2652	Τανομγέως[22] Πακύσεως	(Μαξε̣[ί]μου Πικροῦ)
.3175	Τανομγέως Πακύσεως	(γυνὴ Μαξίμου Πικροῦ)

These entries comprise four payments, of which two are made by Maximus, two others by the wife of Maximus. The father of Maximus is once called Πετσέσι, three times Πικρός. His Egyptian name Πετσέσι is composed of the masculine definite article ⲡ+ the relative prefix ⲉⲧ + Fayumic ϣⲉϣⲓ (Sahidic ⲥⲓϣⲉ, ⲥⲁϣⲉ), i.e. "the one who is bitter."[23] Πικρός is the exact Greek equivalent, but it has no history as a personal name.

(D)

P. Mich. 223.2665	Πεθεὺς Ἀτρείους	(Δείου [.]νδικτο( ))
P. Mich. 224.2437	Πεθεὺς Ἀτρίους	(Δῖος Πανπῖν)
.3381	Διοδώρα Πεθέως	(Δίου Πανπῖν)
.3616	Ταπονδῶς[24] Πεθέως	(Πτολεμ(αίου) Πανπεῖν)
.3620	καὶ εἰς Πεθεὺς[25] Ἀτρείους	
.5115	Περεὺς Ἀτρίους	(Πτο[λε]μαίου Πανπῖν)
.5870	[Πεθεὺς Ἀτρι]ους	(Δῖ(ος) Πανπῖν)

We learn from the bracketed statements that Dios and Ptolemaios are both sons of Panpin, and the unbracketed statements on the left inform us that they are both lessees of Petheus, son of Hatres, and of his daughters Diodora and Tapontos. Ptolemaios, son of Panpin, is also known from a private letter written in a singularly vulgar Greek. His father's name is there found on the verso with the spelling Φαμπεῦν.[26]

Πανπῖν is an Egyptian name composed of the possessive article ⲡⲁ + the plural definite article ⲛ + the noun ⲡⲓⲛ . The name may be understood quite literally as "the one of the mice." If "the one" is thought of as a man, he is the mousecatcher, and the name is then an

18. The name is found also in *P. Lond.* 369 (p. 265): Πακῦσις Κινκιῶλ, but since it was omitted from the indexes in that volume, it was also omitted from the *Namenbuch*.

19. For Κύλλος as a personal name see *P. Bour.* 38.9; *BGU* 1896.125.

20. Τάλαντα (or Ταλαντᾶ?) is the name given to a house in *Stud. Pal.* II, p. 31, Col. V, line 14. Ταλαντοῦς is used as a woman's name in *P. Petaus* 59.44.

21. Read Μαξίμου.

22. Read Τανομγεύς.

23. Comparable is P. Mich. Inv. 1545 (Copt. ined.) recto, 6 ϩⲱⲣ ⲡⲁⲡⲉⲧⲥⲁϣⲉ, cited by Crum, *Coptic Dict.* s.v. ⲥⲓϣⲉ.

24. Read Ταποντῶς.

25. Nom. for acc.

26. *BGU* 246 (=Ghedini, *Lettere cristiane* 2); cf. O.M. Pearl, *TAPA* 83, 1952, p. 78 = *Berichtigungsl.* III, p. 10. Pearl also provides another example of the name, with the spelling Φαμπῦν, in an account of shipping charges of the late 4th cent. A.D. (=*Sammelbuch* 9149). The name recurs in an estate account of the 6th cent., *P. Oxy.* 1917.74: Ἀνοῦπ Φανπῦ̀ἀξ( ), where the editor has Φανπιναξ( ).

example of the frequent conversion of trade names into personal names.[27] In contemporary Greek, "mousecatcher" is *μυοθηρευτής* or *μυοθηρατής*.[28] But the possessive article may also be used impersonally, and if that were true here, we should have in *Παντῶν* a name derived from some object connected with mice, presumably then a "mousetrap," in Greek *μυάγρα*.[29]

None of these words seems to have any pertinence to the problem of the mutilated word or name in *P. Mich.* 223.2665: [.]*νδικτο*( ). Nevertheless, it is *μυάγρα* which puts us right on target. Pollux (10.155-6) says of *μυάγρα* that it is used by Aristophanes in his *Phoenician Women*, but in the *Plutus* *ἴπον τὴν μυάγραν καλεῖ. καὶ Καλλίμαχος δὲ ἔφη ἴπον τ' ἀνδίκτην τε μαλ' εἰδότα μακρὸν ἀλέσθαι, ὡς καὶ τὸν ἀνδίκτην ὄντα εἶδος μυάγρας. τὸ μέντοι ἐνιστάμενον ταῖς μυάγραις παττάλιον σκανδάληθρον καλεῖται ..*,[30] For Pollux, accordingly, *μυάγρα*, *ἴπος* and *ἀνδίκτης* are all words for "mousetrap," whereas the tongue of the trap is called *σκανδάληθρον*.[31]

Hesychius, on the other hand, commenting on *ἀνδίκτης*, gives a definition which would suit equally well *σκανδάληθρον*: *τὸ ἀναριπτόμενον τῆς μυάγρας ξύλον*, "the piece of wood in the trap that springs up" when touched by the mouse. The *Etymologicum Magnum (102.10) might be* thought to allow for both definitions, and it again cites most of the verse from Callimachus: *εἶδος παγίδος. ἀνδίκτην τε μαλ' εἰδότα μακρὸν ἀλέσθαι:—παρὰ τὸ δικεῖν τὸ βάλλειν, καὶ ἄνδικε ἀνάρριψον.* For *LSJ* *μυάγρα* is the mousetrap, and the others—*ἀνδίκτης*, *ἴπος* and *σκανδάληθρον* — are synonymous terms for the tongue of the trap.[32]

The Callimachan verse as cited by Pollux was listed by O. Schneider as fragment 233.[33] It has subsequently been found in a very fragmentary text on papyrus (*PSI* 1218), where P. Maas identified verse 33 as fragment 233. The editors attribute the text to the *Aitia*, and in this they are followed by R. Pfeiffer, who has provided a new edition with many improvements. It is his fragment 177, to which he has given the telling title *Muscipula*.[34]

The word *ἀνδίκτης* is poetic in form, but has been seen in poetry nowhere except in this single verse of Callimachus.[35] The unsyncopated *ἀναδίκτης* and the corresponding verb *ἀνα-δικεῖν*, with which *LSJ* explains *ἀνδίκτης* and *ἄνδικε*, have no history at all. It is at the same time obvious that Callimachus' use of *ἀνδίκτης* for a mousetrap, or as seems more probable, for the tongue of the trap, which is its most significant part, falls in well with the meaning established for *Παντῶν*, "mouse catcher" or "mousetrap." We may with confidence reconstruct ['A]*νδίκτο(υ)* in *P. Mich.* 223.2665.

This is the most interesting of the examples that I have submitted. Like the others—*Καμηλοφάγος*, *Τάλαντον* and *Πικρός*, it is a possible translation for the Egyptian name to which it corresponds, but it is not itself in the tradition of Greek names. And none of these words would be helpful in identifying the person whom it designates. The poetic and rare *ἀνδίκτης*

27. For other such names in Coptic, similarly formed, see Heuser, *Personennamen d. Kopten*, p. 70. One other may be cited from the Tax Rolls (*P. Mich.* 224.5389): *Πανκιαῦνι*, for which Greek *Σακκᾶς* is a good equivalent. Cf. Crum, *Copt. Dict.* s.v. ϭOONE (Fay. ϭAYNI).

28. Each of these is attested only once. See *LSJ* or *Wörterbuch*.

29. For this word also the references are very few; see *LSJ* s.v. It has so far not appeared in papyri.

30. Cf. Pollux 7.114.

31. Cf. *LSJ* s.v. *σκανδάληθρον*: "stick in a trap on which the bait is placed, and which, when touched by the animal, springs up and shuts the trap."

32. *ἀνδίκτης*: "catch of a mousetrap." *ἴπος*: "the piece of wood that falls and catches the mouse."

33. *Callimachea* II, Leipzig, 1873, p. 475.

34. *Callimachus* I, Oxford, 1949, p. 146.

35. Lobeck's conjectural *ἀνδικτῆρας* for *ἀντυκτῆρας* in *Anth. Pal.* 6.296 was rightly characterized by K. Zacher (*Hermes* 19, 1884, 435, n. 1) as "ein geistreicher Einfall," but was rejected by him with equal justice. *LSJ*, Suppl. s.v. *ἀνδίκτης*, again calls attention to Lobeck's *ἀνδικτήρ*, but without real conviction.

would have no existence for most Greeks of average education. They certainly never heard the word spoken, and almost certainly never saw it written. Not many Greeks or Graeco-Egyptians at Karanis were in the habit of entertaining themselves with Callimachus. They would understand the literal signification of Καμηλοφάγος, Τάλαντον and Πικρός, but what chance had they of relating these extraordinary "names" to the persons whom they might know as Τουαμκιαμοῦλ, Κωκιῶλ and Πετσέσι? With Ἀνδίκτης they would be completely in the dark.

For us, however, these "names" resurrect an anonymous but well delineated personality. Among the clerks in the tax bureau was one whose role as *érudit manqué* comes through to us even after so long a time. The linguistic facility, the literary culture once so promising and now so pointless, the trivial display for no eyes but his own, the light and barely sarcastic touch—they are all there. And what could be more satisfying to a tax clerk with pretensions to learning than a borrowing from Callimachus furtively inserted into a gigantic money register, where no one would ever notice it?

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