

# THE JOURNAL OF JURISTIC PAPYROLOGY

FOUNDED BY  
RAPHAEL TAUBENSCHLAG

EDITED BY  
TOMASZ DERDA  
ADAM ŁAJTAR  
JAKUB URBANIK

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DEPARTMENT OF PAPYROLOGY



UNIVERSITY OF WARSAW  
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CHAIR OF ROMAN LAW AND THE LAW OF ANTIQUITY



THE RAPHAEL TAUBENSCHLAG  
FOUNDATION

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Constantinos Balamoshev

**P. IAND. INV. 398:  
A FRAGMENTARY PTOLEMAIC PROSANGELMA\***

ACCORDING TO THE INFORMATION available in the ample documentation of the Giessen collection the papyrus belongs to the so-called ‘Zenon-Gruppe’, which was purchased by Carl Schmidt (Berlin) in 1927 somewhere in Egypt (probably in the Fayum).<sup>1</sup> However, this group did not contain only Zenon papyri but, as we are informed, it also included eight papyri from the second century BC (dated so on palaeographical grounds), a few Roman, and one Byzantine, all probably originating from the village of Philadelphieia. Number 398 is said to have belonged to this second-century sub-group.<sup>2</sup> Subsequently, Karl Kalbfleisch acquired the papyri for his private collection. In 1946, the collection was bequeathed to the University of Giessen, where it has remained to the day.

\* I would like to thank Olaf Schneider from the Department of Manuscripts & Special Collections of the University of Giessen who permitted me to publish this papyrus. The photo of the document can be accessed at <[http://papyri-giessen.dl.uni-leipzig.de/receive/GiePapyri\\_schrift\\_00018660](http://papyri-giessen.dl.uni-leipzig.de/receive/GiePapyri_schrift_00018660)>.

<sup>1</sup> H. G. GUNDEL, ‘Papyri Iandanae: Eine Einführung’, *Kurzberichte aus den Papyrussammlungen* 29 (1971), p. 6.

<sup>2</sup> F. UEBEL, ‘Die Giessener Zenonpapyri (P. Iand.): Zwischenbericht über ihre Bearbeitung’, *Kurzberichte aus den Papyrussammlungen* 18 (1964), p. 15, n. 5.

Thirteen lines of text, out of which lines 6–11 are completely preserved together with their margins. In lines 1–2 only traces of letters can be discerned, perhaps even a number (long horizontal stroke). Line 3 contains traces of *ca.* 4–5 letters that are illegible. Lines 5 and 13 are incompletely preserved and the readings are mostly conjectural. The handwriting is rather untidy and the form of letters is uneven. Important factors for dating the document are the following elements: the first is the regular use of the *iota adscriptum*, although the author seems to have omitted one in the word  $\upsilon\pi\epsilon\rho\acute{\omega}\omega\iota$  (correct form  $\upsilon\pi\epsilon\rho\acute{\omega}\iota\omega\iota$ ); the second is the use of classical expression  $\acute{\omega}\lambda\chi\omicron\nu\tau\omicron\ \acute{\epsilon}\chi\omicron\nu\tau\epsilon\varsigma$ , which is rarely attested after the second century BC, whereas very often in the Zenon papyri (see comm. for attestations), and is commonly used in reports of thefts; the third is the use of the technical expression  $\delta\iota\delta\ \acute{\epsilon}\pi\iota\delta\acute{\iota}\delta\omega\mu\iota$ , which is first attested in *SB XVIII 13735*, ll. 10–11 (175–126 BC) and then appearing in  $\upsilon\pi\omicron\mu\nu\eta\mu\alpha\tau\alpha$  of the last quarter of the second century BC; the fourth is the appearance of the so-called ‘remedy’ clause, as can be seen in the fundamental study of Claire Préaux and Marcel Hombert and later in Anna Di Bitonto Kasser.<sup>3</sup> Palaeographically, the script of the papyrus resembles rather that of *P. Bingen 39* (III BC), *P. Lips. II 126* (2nd–1st cent. BC), and perhaps *P. Coll. Youtie I 16* (109 BC). An interesting feature is the prolongation of final letters in the end of the line (*sigma*, *upsilon*, and *alpha*), something that I have not been able to locate with certainty in papyri before the middle of the second century BC. Therefore, on palaeographical grounds, the papyrus could be dated to the second half of the second century BC, however conjectural this might be. There appear no orthographical or other mistakes, which could suggest that the writer or the scribe has a good command of the Greek language.

<sup>3</sup> M. HOMBERT & Claire PRÉAUX, ‘Recherches sur le *prosagelma* à l’époque ptolémaïque’, *Chronique d’Égypte* 17 (1942), pp. 259–286; Anna Di BITONTO KASSER, ‘Le petizioni ai funzionari nel periodo tolemaico. Studio sul formulario’, *Aegyptus* 48 (1968), pp. 53–107. Other briefer studies include Maryline PARCA, ‘*Prosangelmata* ptolémaïques: une mise à jour’, *Chronique d’Égypte* 60 (1985), pp. 240–247, and N. GONIS, ‘A new 2nd century B.C. *prosangelma*’, *PapCongr.* XX, pp. 231–235.





The petitioner's name is not preserved. The only information we have is that burglars entered the house digging through the walls of the southern part of the yard, while the people of the house were in the upper chamber and stole some valuable items stored in the *ταμίειον* (store room).

The standard form of a third century BC *prosangelma* begins with the date (year x + month y), followed by the competent official's name, capacity, and place of jurisdiction. After this comes a concise description of the circumstances of the crime, usually starting with a participle in *genitivus absolutus* and, if the perpetrators are unknown, followed by a participle in nominative + the indefinite pronoun *τινές*, the facts, and the estimated damage suffered. This can be clearly seen in documents like P. Mich. inv. 6949 = SB XVI 12823 (215 BC):

(ἔτους) ζ' Ἐφεῖπ ε. προσ-  
 άγγελμα Νικάνορι  
 φυλακίτηι Ἀθρήβειωσ  
 4 καὶ τοῖς μετ' αὐτοῦ  
 φυλακίταις. ὄντος  
 μου ἐν Ἀλεξανδρεί-  
 αι ἔλθοντινές (Ι. ἐλθόντες τινές) εἰς  
 8 τὸν κληῆρόν μου ἕξε-  
 κοψα(ν) ξύλα μυρίκινα  
 λ, τούτων κ  
 ἀνά (δραχμάς) γ (γίνονται) (δραχμαί) ξ  
 etc.

This structure would ideally fit our text, unless there was the final technical expression διὸ ἐπιδίδωμι τὸ προσάγγελμα, ὅπως etc. As numerous scholars have shown, the *prosangelma* evolved and enriched its form and vocabulary from the second century BC onward, to the point that it resembled the *ὑπόμνημα*, leading to a sort of confusion in our data. Now, it is not a brief report of the crime, but a more detailed document with added

examples, see J. BAUSCHATZ, *Policing the Chôra: Law Enforcement in Ptolemaic Egypt*, Durham 2005, pp. 160–217 (Agents of appeal: Petitions and responses).



Fig. 1. P. Iand. inv. 398 (courtesy of Department of Manuscripts & Special Collections of the University of Giessen)

technical vocabulary, where the plaintiff describes the events and asks for the prosecution of the culprits, as well as for the redress of his losses.

To establish the kind of the house robbed we must look at some details provided in our text. From Maria Nowicka<sup>6</sup> we learn that mud-brick houses in the Egyptian province often included arched constructions that, aside from being almost exclusively used as storerooms (and

<sup>6</sup> Maria NOWICKA, *La maison privée dans l'Égypte ptolémaïque*, Wrocław – Warsaw – Cracow 1969, p. 63.

therefore as *ταμιεῖα*), by making the edifice more solid they provided support for the upper floors of the house. This is indeed a possible case for our text, since there is a mention of a *ὑπερῶον* (upper floor). Such two-floor houses (*οἰκία δίστεγος*) most often appear in urban areas, implying that the said house is situated in an organised settlement.

1-4. As I have mentioned, the beginning and the end of the document are lost, where beside the ordinary address and dating elements some typical technical expressions would appear. These technical expressions are crucial for the dating of the document, as we already know that it is a *prosangelma*. Starting from the upper part, there are some vague traces of letters, but it is difficult to establish what they could represent. The only letter I would try to restore is *phi* in line 3 (with some hesitation of course), as it is one of the few that could have a high vertical stroke with a crooked top. It is possible that it refers to the addressees, since *prosangelmata* are commonly addressed to *κωμογραμματεῖς*,<sup>7</sup> *φυλακίται*, *ἀρχιφυλακίται*, and *ἐπιστάται φυλακιστῶν*,<sup>8</sup> although it is too precarious to attempt a restoration.

5-6. The burglary took place probably at night, as the people of the house were on the upper floor (*ὑπερῶον*), perhaps sleeping, and, therefore, it is likely that they did not hear anything. Having said that, line 5, although allowing for more interpretations, could be reconstructed as follows: in the visible part, the traces of a genitive suffix *-ων* followed by *ημω* are rather clear, followed by a lacuna, which would perfectly fit the letters [*ν εν τω*]ι, with a small trace of what seems to be the *iota adscriptum* completing the line to render the dative in the beginning of the next line *ὑπερώωι* (restored *ἐν τῶι ὑπερώωι*); *-ων* could be of [*καθευδόντ*]ων as for instance in *P. Tebt.* III 1.796, ll. 5-6 (another *prosangelma*): *καθευδόντ[ω]ν τῶν παρ' ἡμῶν ἐν τοῖς οἴκοις τῶν θυρῶν κεκλειμένων*, or a simple *όντων*, prevalent in my opinion, as seen in examples like *SB XVIII* 13160, ll. 5-7 (3rd cent. BC): *τῆι κε τοῦ προγεγ[ρ]αμμένου μηνὸς ὀφίας τῆς ὥρας ὄντων ἡμ[ων] ἐ]ν τῶι (...).*

6. *διορύξαντες*: This means that the perpetrators dug through and not under the wall (cf. *P. Oxy.* XLIX 3467, ll. 3-6: *λησ[τρικῶ]ν τρόπῳ διορύ]ξαντές τινε[ς] τὸ ἐν τῇ δημο]σίᾳ ῥύμη τεῖχος τῆς ἀψ[ι]λῆς] καὶ εἰσελθόντες ...), whereas in other instances *ὑπορύξαντες* was used (cf. *P. Tebt.* III 1.804, ll. 12-15: *καὶ ὑπορύξαντες τὸ σταθμὸν εἰσῆλθον εἰς τὴν προστάδα*).*

<sup>7</sup> See Lucia CRISCUOLO, 'Ricerche sul *komogrammateus* nell'Egitto tolemaico', *Aegyptus* 58 (1978), pp. 3-101, especially 81-89 for his judiciary functions.

<sup>8</sup> For their role, see P. KOOL, *De Phylakieten in Grieks-Romeins Egypte*, Amsterdam 1954, and particularly for the chief of the police (*ἐπιστάτης τῶν φυλακιστῶν*) and his functions, see pp. 67-85.

7. ἐκ τῆς ἀλλῆς ἐκ τοῦ ἀπὸ νότου: I suppose that there could be the so-called common walls (κοινοὶ τοίχοι) from the northern, eastern, and western sides, separating the house from its neighbours. This would conform to the rule that the houses should be as much concealed as possible from their exterior having a unique access from the side of the street or from another door giving access to the yard (αὐλεία θύρα). Unable to open the door or wanting to enter the yard unnoticed the burglars chose to dig through the wall.

8–9. ταμιεῖον: According to Geneviève Husson<sup>9</sup> at least in the Ptolemaic period ταμιεῖον is clearly a separate unit of the private household (cf. οἴκημα καὶ τοῦτου ταμιεῖον of *P. Strasb.* II 92, l. 5), a storeroom where various products could be stored, for example wine. Aside from separate edifices, ταμιεῖα could also be situated on the ground floor of the household or inside the πυλών. It is likely that in our text it is a part of the house (τὸ ἐν τῇ οἰκίᾳ), though it is possible that οἰκία signifies the whole household premises including the yard. In later times, ταμιεῖον is replaced to a large extent by the Latin word κέλλα (though ταμιεῖον-ταμίον occasionally appears up to the 3rd cent. AD). The term could also designate the public treasury (however, this is irrelevant to our context). These storerooms were built with mud-brick (ὠμῆ πλίνθος), as the very same house walls were.<sup>10</sup>

9–10. ὄχιοντο ἔχοντες: As I have already noted in the description, this almost formulaic expression used normally in petitions reporting a theft disappears from the papyri documentation after the second century BC.<sup>11</sup> Perhaps it fell out of use, as this was a very old expression popular with the Attic authors (e.g. Isaeus, *De Apollodoro*, 15: ὥστ' εὐθέως με λαβὼν ὄχετο ἔχων πρὸς αὐτὸν).

10–11: τὸ καθ' ἐν τῶν ὑπογεγραμμένων: Beneath the main body of the text there was an appended list of the items stolen by the burglars, as this expression suggests.

11–12. διὸ ἐπιδίδωμι: It is separated by empty space from the rest of the line and thus standing out as a special clause. It first appears in the second century BC, and

<sup>9</sup> Geneviève HUSSON, *Oikia. Le vocabulaire de la maison privée en Égypte d'après les papyrus grecs*, Paris 1983, pp. 275–276.

<sup>10</sup> On which, see NOWICKA, *La maison privée* (cit. n. 6), pp. 28–31.

<sup>11</sup> The complete list of attestations as gathered from the papyri search engine: *BGU VI* 1253, ll. 9–10 (2nd cent. BC), *P. Enteux.* 30, l. 4 (218 BC), *P. Cair. Zen.* III 59376, l. 11 (275–226 BC), *P. Cair. Zen.* IV 59659, ll. 8–9 (241 BC), *P. Col.* III 44, ll. 9–10 (ca. 253 BC), *P. Coll. Youtie I* 7, ll. 6–7 (224 BC), *P. Dion.* 10, l. 8 (109 BC), *P. Frankf.* 3, l. 20 (212 BC), *P. Heid.* IX 423, l. 20 (158 BC), *P. Koeln VIII* 346, l. 36 (250–201 BC), *P. Lips.* II 126, ll. 10–11 (2nd–1st cent. BC), *P. Petr.* II 32, l. 18 (197/173 BC), *PSI IV* 393, l. 19 (241 BC), *PSI IV* 396, l. 11 (241 BC), *P. Tebt.* I 52, ll. 7–8 (114 BC), *P. Tebt.* III 1.733, l. 13 (143–142 BC), *P. Tebt.* 3.1.796, ll. 6–7 (185 BC), *P. Tebt.* III 1.797, l. 19 (2nd cent. BC), *SB VIII* 9792, l. 9 (162 BC), *SB XVIII* 13160, l. 10 (244/219 BC), *SB XVIII* 13254, l. 5 (3rd cent. BC).

I would dare to say in the second half of the century, as can be inferred from a search in the Papyrological Navigator. Another interesting feature is that this particular expression is used exclusively in *ὑπομνήματα*. This is important, since *ὑπομνήματα* seem to prevail over *προσαγγέλματα* after the second century BC. In addition, more than half of the attestations of the expression come from Kerkeosiris (Arsinoites) from the archive of Menches (rather a matter of chance), *κωμογραμματεὺς* between 120–110 BC. One needs, nonetheless, to show some caution in drawing any generalising conclusions, as in fact the expression *ἐπιδ[ιδωμι] προσάγγελά σοι* appears already in a third century BC papyrus (SB XVIII 13160, l. 17, from Moeris), though not preceded by *διὸ* (and this might be significant too).

13. *ὅπως*: If I am right with the restoration of this word, this would be another indicator of a second century BC date. *Prosangelmata* in the third century BC were simple reports of a crime to the police authorities, without a remedy clause or demand of further actions to be taken to investigate the crime or to summon the accused individuals before a competent judicial authority. This changed in the second century BC, when the description of the events became more extensive, and the clause for remedy and further actions appears, as well as the valediction element (*εὐτύχει*).

In *P. Tebt.* I 39, ll. 34–36 (a *prosangelma* from 114 BC) we find the clause *ἐπιδίδωμί σοι | τὸ προσάγγελμα ὅπ[ω]ς συντάξις | 'οἶς' [[traces]] καθήκει ἵν' εἰσπ[ρ]αχθέντες* etc., and it is addressed to Menches, the *κωμογραμματεὺς* of Kerkeosiris. Anna Di Bitonto Kasser<sup>12</sup> regards as special category deviating from the normal structure those *prosangelmata* that contain the clause *ἐπιδίδωμι ὅπως* or *προσαγγέλλω ὅπως* like those of *P. Tebt.* (e.g. 45, 46, 47, also containing a list of the stolen or damaged goods, although these particular are called *ὑπομνήματα*), most of them coming from the archive of Menches. It is, therefore, tempting to assume some connection, although any identifications are rather risky.

In our case, since the crime is committed by unknown perpetrators, it is logical to assume that the ending clause was referring to further investigation of the burglary and, as mentioned, a list of the items stolen must have been appended (perhaps together with a monetary valuation).

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<sup>12</sup> DI BITONTO KASSER, 'Le petizioni ai funzionari' (cit. n. 2), pp. 55 and 71–72.