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Lothar Thüngen
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Neuedition von P. 16977 aus einer griechischen Index-Vorlesung zu den diokletiani- schen Kodizes
schen Routzes
Abstract: In 1945 Wilhelm Schubart published two papyri in the Festschrift for Leopold Wenger. In the the present paper (in two subsequen parts) I wish to offer their re-edition and a new commentary to both of them. Among other things, their new dating has been established to AD 450–500. Because they deal with completely different subjects, it is assumed here that they belonged to two different codices, contrary to Schubart's opinion, who believed that they are part of one and the same manuscript. P. 16977, edited in the first part of the paper, originates from Eastern Roman leagal teaching practice. It is a fragment of a Greek index lecture about two Diocletianic codes. Greek indices were concise summaries of Latin legal texts, intended especially for law students who did not know Latin. The present fragment deals with nine constitutions about non <i>numerata pecunia</i> , 'the lack of payment for a credit'. One constitution is taken from the Hermogenian Code, the remaining ones from the Gregorian Code. Four of them are completely or partly preserved in the Justinianic Code (CI. 4, 30, 4–7). Keywords: juristic papyrology, legal literature, teaching Roman law in Greek, index lesson, Codex Gregorianus, Codex Hermogenianus, <i>exceptio non numeratae pecuniae</i> , Hermopolis Magna.
Joanna Wegner The Bawit monastery of Apa Apollo in the Hermopolite nome and its relations with the 'world outside'
Abstract: The present article gathers papyrological testimonies of contacts of the monastic community at Bawit and its members with 'the world outside':

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officials, tenants, and various partners in economic activities. Its objective is to investigate the role played by these external connections in the life of the monastery in the sixth–eighth centuries and the extent to which economic and fiscal circumstances could influence the administration of the community. **Keywords:** Bawit, monastic economy, monastic organisation and administration.

Marzena Wojtczak

Legal aspects of dispute resolution in Late Antiquity. The case of P. Mich. XIII 659 ... 275

Abstract: The arbitration and settlement of claims in the Roman law have been the subject of multiple analyses. Recent years have witnessed a particular interest in the practical application of these institutions in Late Antiquity. At first sight, legal papyri may seem confusing and give the impression that they present solutions distant from the standard ones known from the compilations of the law. When one ventures to take a closer look, however, at the complex web of legal concepts and terms, one can notice the context in which the agreement is situated as well as the relations connecting both sides of the dispute. The present article offers a legal analysis of P. Mich. XIII 659, published in 1977, which concerns a dispute settled by means of mesiteia (i.e. mediation/arbitration). A plausible reconstruction of events is provided, which allows insight into the numerous correlations between the institutions as well as regulations known from the law on the one hand, and the legal practice as demonstrated by the papyri on the other. Finally, a short, polemical commentary is offered concerning the popularity of arbitration/mediation in Late Antiquity, a phenomenon frequently noted in literature.

Keywords: papyri, legal practice, Roman law, dispute resolution, arbitration/mediation, Late Antiquity, *P. Mich.* XIII 659, guarantee sales, Egypt.

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Katarzyna Danys Marcin Kotyl

A NAME TAG ON A PIECE OF LATE ROMAN AMPHORA (LR7)

THE ARTEFACT DISCUSSED HERE is kept at the Giessen University Library and catalogued as ostracon under the siglum O. Giss. inv. 537. According to the scarce information available to us the piece was acquired together with *Ostraca Gissensia* in Thebes by Ernst Kornemann between 1903 and 1912. Since there is no additional information that would help us to identify the provenance of the piece, we assume that it may have been found near the place where it was offered for sale.

The object is a sherd of an Egyptian Late Roman amphora 7 (LR7) with the dimensions: h. 7.5–8.5 cm, w. 5.0–5.3 cm, th. 1.1–1.4 cm. It was made of fine Nile mud with a small amount of inclusions of white particles (lime-

^{*}Katarzyna Danys is responsible for the ceramological part and Marcin Kotyl for the edition and commenting of the text. His contribution was written as a part of a research project funded by the National Science Centre under grant number 2016/20/T/HS3/00476.

¹ The image is accessed at http://bibd.uni-giessen.de/ostr/images/ostrgiss-inv537.jpg. It is also reprinted in fig. 1.

² The exact year of the purchase is difficult to determine. We only know that Ernst Kornemann bought 463 ostraca in Thebes in 1903; further purchases, including our piece, were made between 1903 and 1912 but are not precisely dated. See H. G. Gundel, Vorbemerkung zum Inventar der Ostraca Gissensia mit einem Beitrag über die Ostraca Iandana (= Kurzberichte Gießen 7), 2nd ed., Gießen 1971, pp. 5–12.

stone?), sand and carbonated straw. The external surface is brown and smooth, while the internal surface has traces of a thin layer of black, resinous impregnation covered with a yellow, powdery substance. Moreover, the outer part bears a ribbing in the form of a slight 'clapboard'. Both the pattern of ribbing and the thickness indicate that, most probably, the specimen is a fragment of the middle part of an amphora, below the shoulders and above the bottom (see fig. 2). Unfortunately, this body shred has no diagnostic feature, pointing to the specific form of LR 7. Containers of this type were manufactured in Egypt, along the Nile Valley.³

Four forms of LR 7 containers can be taken under consideration, starting with the earliest examples from Kellia known as E177 (fig. 2:1), recently named by D. Dixneuf AE 7–1.1,⁴ with gently rounded shoulders and a straight body with a bent bottom, also called 'carrots'. These were dated by M. Egloff to AD 390–550;⁵ analogous finds from a cistern in Serapeion in Alexandria were connected with the mid- and mature 4th century.⁶

The next type, E174 from Kellia or Dixneuf AE7-2.4 variant A⁷ had gently rounded shoulders with sharp ribs (fig. 2:2) and was connected with 7th-century contexts.⁸ At Elephantine it was distinguished as types K736-738, dated to the 5th-6th/7th century,⁹ and in the hermitages of Esna as P3 with a similar chronology.¹⁰ Among amphorae of Egyptian origin discovered in Nubia, this form was described as Z3A, the 'Theban'

³ Kiln sites are located at Oxyrhynchos, Zawyet el-Maietin, Hermopolis Magna, Antinoopolis and Akoris; on both riversides, P. Ballet, M. Picon, 'Recherches préliminaires sur les origines de la céramique des Kellia (Égypte). Importations et productions égyptiennes', *Cabiers de la céramique égyptienne* 1 (1987), fig. 8.

⁴ D. DIXNEUF, Amphores égyptiennes. Production, typologie, contenu et diffusion (III^e siècle avant J.-C. – IX^e siècle après J.-C.), Cairo 2011, fig. 152.

⁵ M. EGLOFF, Kellia. La poterie copte. Quatre siecles d'artistant et d'echanges en Basse-Egypte, Paris 1977, pl. 59:7.

⁶ M. Bonifay, R. Leffy, 'Les céramiques de remplissage de la citerne du Sarapéion à Alexandrie', [in:] J.-Y. Empereur (ed.) *Alexandrina* 2, Cairo 2002, fig. 10:90.

DIXNEUF, Amphores égyptiennes (cit. supra, n. 4), fig. 168.

⁸ EGLOFF, Kellia (cit. supra, n. 5), pl. 58:5.

⁹ R. D. Gempeler, *Elephantine X. Die Keramik römischer bis früharabischer Zeit*, Mainz am Rhein 1992, Abb. 125.

¹⁰ H. Jacquet-Gordon, Les ermitages chrétiens du Désert d'Esna, III. Céramiques et objets, Cairo 1972, pl. ccxxvII:3.



Fig. 1. O. Giss. inv. 537 (courtesy of Department of Manuscripts & Special Collections of the University of Giessen)

product.¹¹ Type E173 in Kellia (fig. 2:3) or Dixneuf AE7-2.5¹² had pronounced shoulders with 'clapboard' ribbing and was dated to AD 630-700.¹³ The same containers are known from Elephantine as K743-744 from the 6th/7th century¹⁴ and from Esna as P4.¹⁵ The last one, E175 or AE 7-2.6,¹⁶ with sharply bent shoulders accentuated with a rectangular ledge (fig. 2:4), was dated in Kellia to the 7th-8th century.¹⁷ At Elephantine it was distinguished as K742¹⁸ with the same chronology as the latter example and P5 in Esna.¹⁹ Additionally, in D. P. S. Peacock and D. F. Williams's typology,²⁰

¹¹ W. Y. Adams, Ceramic Industries of Medieval Nubia, Part I, Lexington 1986, fig. 93:3A.

¹² DIXNEUF, Amphores égyptiennes (cit. supra, n. 4), fig. 171.

¹³ EGLOFF, *Kellia* (cit. *supra*, n. 5), pl. 58:6.

¹⁴ GEMPELER, *Elephantine* X (cit. *supra*, n. 9), Abb. 126:6–7.

¹⁵ Jacquet-Gordon, Les ermitages chrétiens (cit. supra, n. 10), pl. ccxxvII:4.

¹⁶ DIXNEUF, Amphores égyptiennes (cit. supra, n. 4), fig. 172.

¹⁷ EGLOFF, Kellia (cit. supra, n. 5), pl. 58:8.

¹⁸ Gempeler, *Elephantine* X (cit. *supra*, n. 9), Abb. 126:5.

¹⁹ JACQUET-GORDON, Les ermitages chrétiens (cit. supra, n. 10), pl. CCXXVII:5.

²⁰ D. P. S. PEACOCK & D. F. WILLIAMS, Amphorae and the Roman Economy. An Introductory Guide, London – New York 1986, fig. 122A.

all of those types were described as form 52A and dated to the late 4th century until the 7th century, but examples known from Marea, Fustat and Deir el-Naqlun in northern Egypt were attested until the 9th century and even later.²¹

The resinous impregnating substance observed on the internal walls of the piece suggests that it was most likely a container for wine.²² Resination of the LR 7 amphorae, together with the holes²³ pierced after firing on the shoulders or necks that accidentally appeared on these containers, serves as confirmation that the content was wine, but other commodities should also be taken into account, especially when the amphorae were reused. Abundant LR 7 containers were discovered at different monastic sites²⁴ where wine was used for liturgical purpose as well in quotidian life.²⁵ During reuse, fish and fish sauce could be considered as the content. This hypothesis was testified by material from the Kellia hermitages and pointing to the secondary commodity.²⁶ The earlier type of Egyptian amphorae, E172 as known from Kellia, 27 characterised by an elongated neck and body and ending with a swelled bottom, were dated to the 4th-5th century. The inner walls were devoid of resination and, what is more, an examination of their content revealed various species of fish, both from the Nile river and coastal waters.²⁸

The piece carries on its convex side a one-line complete inscription written with blank ink. The text measures 5.1 cm in length and 0.9-1.8 cm

²¹ G. Мајснегек, 'The pottery assemblage from the baths and sāqiyah', [in:] H. Szymańska & K. Вавкај (eds.), *Marea*, I. *Byzantine Marea. Excavations in 2000–2003 and 2006*, Cracow 2008, p. 117; M. O. Rousset, S. Marchand, D. Foy, 'Secteur nord de Tebtynis (Fayyoum). Mission de 2000', *Annales Islamologiques* 35 (2001), fig. 22.

²² Реасоск & Williams, *Amphorae* (cit. *supra*, n. 20), p. 204.

²³ Scholars identify the mentioned holes as a vent for gases produced during the fermentation process, while resin could have served as a means of preservation.

²⁴ Numerous specimens of LR7 were discovered at the St. Epiphanius monastery in Thebes, where a wine press was also located: cf. H. E. Winlock & W. E. Crum, *The Monastery of Epiphanius at Thebes*, New York 1926, pp. 78–79.

²⁵ K. Danys-Lasek, 'Pottery from the refuse dump under unit B.26 in Naqlun', *Polish Archaeology in the Mediterranean* 21 (2012), pp. 222–232.

²⁶ Egloff, Kellia (cit. supra, n. 5), p. 115.

²⁷ EGLOFF, *Kellia* (cit. *supra*, n. 5), pl. 59:1–2.

²⁸ Egloff, Kellia (cit. supra, n. 5), p. 42.

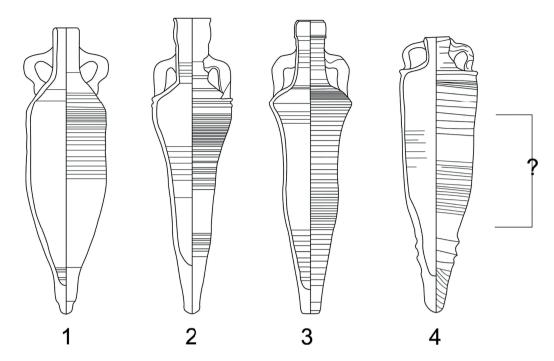


Fig. 2. Examples of Late Roman Amphora 7 shapes and possible place of amphora's body from which analysed sherd might have come (1, 2, 3 after Egloff, *Kellia* [cit. n. 5], 4 after Rousset, Marchand, Foy, 'Secteur nord de Tebtynis' [cit. n. 21])

in height (the height of the letters varies from 0.9 cm (eta, alpha) to 1.8 cm (kappa)). The hand appears to be careful and well trained. The left upright of kappa is extremely elongated above the upper line, apparently to be equal in height to the article $\tau o \hat{v}$ recorded as $\tau \delta$ (a flourished loop forming a monogram δ of two letters (ov) is not uncommon and was used from the 5th cent. onwards, (cf. e.g. P. Pintaudi 48, l. 2 and 5 (7th cent.). The letters eta, mu, nu have majuscule form; the verticals of rho, tau, kappa, mu are protruding and go beyond the lower line. Based both on palaeographical and ceramological criteria, the ostracon may be imprecisely dated to the range of approximately 5th to 7th cent. or perhaps even later.

The scribe used a horizontal stroke above the sequence $\kappa v \rho$ as well as the diagonal one crossed with the vertical of *rho* to signal abbreviation (cf.

P. Naqlun I 9, Il. 12 and 24). It is worth noting that in a later stage of development of Greek the word $\kappa \hat{\nu} \rho \iota o c$ is also found in the short unofficial form of $\kappa \hat{\nu} \rho$, considered an independent and indeclinable noun²⁹ used beyond $\kappa \hat{\nu} \rho o c$ and $\kappa \hat{\nu} \rho \iota c$ instead of the full $\kappa \hat{\nu} \rho \iota o c$ (see PGL, s.v.). The term $\kappa \hat{\nu} \rho \iota o c$ was applied merely as a title of respect and politeness prefixed to the name of Menas, and no particular attribution of the word (e.g. to a god, ruler, emperor, etc.)³⁰ is to be expected here.

The text can be transcribed as follows:

$$T\delta KYPMHNA \rightarrow \tau o\hat{v}$$
 κυρ(ίου) $M\eta \nu \hat{a} \rightarrow$ '[Of] the lord Menas'

Before we pass on to a more detailed discussion, let us first point out that we are inclined to consider the text as written secondarily on the ostracon, not a *titulus pictus* that was originally painted on the amphora. This statement is warranted both by the location of the notation (the *tituli picti* appear on the shoulders and rarely on their necks, so in this case the writing is too low) and that the writing is quite aligned, which raises some doubts that it survived accidentally by being broken off from the amphora.

²⁹ Usually a word with no sign of abbreviation is regarded as complete and it should not be expanded into the full form κύριος, see T. Derda, *Deir el-Naqlun: The Greek Papyri* (P. Naqlun I), Warsaw 1995, pp. 134–135.

³⁰ See e.g. E. DICKEY, 'KYPIE, $\Delta E\Sigma\Pi OTA$, DOMINE. Greek Politeness in the Roman Empire', Journal of Hellenic Studies 121 (2001), p. 7; A. C. BANDY, The Greek Christian Inscriptions of Crete, Athens, 1971, pp. 141–142.

Normally, similar notations found on amphorae may be considered as the name of the owner (of the vessel, press wine, workshop) or the seller of goods. A given amphora might have been labelled at the local winery and then filled with goods and transported. Some of the above-described amphorae bore similar inscriptions with names, identified by Winlock as the names of wine salesmen (WINLOCK & CRUM, The Monastery [cit. supra, n. 24], pp. 81–82). The parallels of such Greek or Coptic dipinti, painted mainly in black ink on LR 7, are found in Kellia (Egloff, Kellia [cit. supra, n. 5], p. 114), Antinoopolis (J.-L. FOURNET & D. PIERI, 'Les dipinti amphoriques d'Antinoopolis' [in:] R. PINTAUDI, Antinoupolis, I. Scavi e materiali, Firenze 2008, p 176) or in Tell el-Amarna (G. PYKE, 'Late Roman Egyptian amphorae from squares U and V at Kom el-Nana', [in:] J. FAIERS (ed.), Late Roman Pottery at Amarna and Related Studies London 2005, fig. 4.8: KNII). The inscriptions that survived on fragments of vessels are also well paralleled by the series of the Elephantine ostraca, e.g. O. Eleph. DAIK 244, O. Eleph. DAIK 251, O. Eleph. DAIK 331–334, or Douch ostraca such as O. Douch II 106, 109, 157, O. Douch III 196, 199, 202, 204, 328.

Similar complete short texts with personal names only, sometimes also accompanied by a patronymic and/or occupation (*CPR* X, p. 119), recorded on a small piece of pottery, papyrus or parchment, are occasionally found in the published material. The editors, however, are not always certain of the function such tag names had and propose various interpretations. These include mainly mummy labels (e.g. *CPR* X 104), addenda or notes concerning liturgical workers (e.g. *O. Mich.* I 636–654), address tags (e.g. *O. Trim.* I 216, P. CtYBR. inv. 159), tickets, reservation cards, receipts (e.g. *O. Petr. Mus.* 562, *O. Petr. Mus.* 561, *O. Petr. Mus.* 566), ownership names or writing exercises (e.g. O. Col. inv. 302, O. Col. inv. 803). Brigitte Rom also adds amulets and raffle tickets (*CPR* X, p. 117).

The sequence $\tau o \hat{v} \kappa v \rho(iov) M \eta v \hat{a}$ may suggest the possessive genitive which would then indicate that Menas was as the owner of something, e.g. a property, an object or any article to which the ostracon might have been attached to as a kind of indicator of ownership. Some analogues of the period are provided by $CPR \times 66$, $CPR \times 70$, $CPR \times 71$, $CPR \times 72$, $CPR \times 90$, $CPR \times 97$, $CPR \times 99$, PEleph. Wagner I 159 (= O. Eleph. DAIK 159). Interestingly, the physical features of the sample exactly correspond to the format of similar name labels which are usually rectangular with a centred inscription and vary in dimension from 1.5 x 3.5. cm by 4.3 x 12.5 cm; 5.2 x 9.5 cm is the most common. Some of them also have holes – the remains of being attached to any object ($CPR \times 7$, pp. 117–118).

Each artefact should be evaluated according to the archaeological contexts, which unfortunately is lacking in this case. One should therefore conclude that the exact function of the ostracon remains uncertain and that the parallels as proposed above are probable but by no means definitive.

Katarzyna Danys

e-mail: katarzyna_danys@o2.pl

University of Warsaw Polish Centre of Mediterranean Archaeology University of Warsaw Krakowskie Przedmieście 26/28 00-927 Warsaw POLAND

Marcin Kotyl

University of Wrocław
Institute of Classical,
Mediterranean, and Oriental Studies
Komuny Paryskiej 21
50-451 Wrocław
POLAND
e-mail: mkotyl@gmail.com