

**THE JOURNAL
OF JURISTIC
PAPYROLOGY**



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UNIVERSITY OF WARSAW
INSTITUTE OF ARCHAEOLOGY
DEPARTMENT OF PAPYROLOGY



UNIVERSITY OF WARSAW
FACULTY OF LAW AND ADMINISTRATION
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PAPYROLOGY AD 2013
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FROM THE EDITORS

THE 27TH INTERNATIONAL CONGRESS OF PAPYROLOGY, under the High Patronage of the President of the Republic of Poland, gathered more than 300 scholars from our field in Warsaw. Its organisation was possible thanks to the generous funding of the Ministry of Science and Higher Education of the Republic of Poland, the Foundation of the University of Warsaw, the Faculty of Law and Administration of the University of Warsaw, the Raphael Taubenschlag Foundation, and the Polish Centre of Mediterranean Archaeology of the University of Warsaw.

The five decades since the first Polish congress, held in Warsaw and Cracow in 1961, have seen the fall of the political barriers dividing the world; they had fortunately never managed to completely separate papyrologists on either side of the Iron Curtain despite obstructing research and contacts between them. Even so, throughout this period, more and more fences were built between the various branches of our discipline. Legal historians parted ways with general historians; archaeologists leapt stadia away from philologists. The once-existing general concept of Classics seems to have almost completely gone. Ours has not been a wholly different fate. Papyrology, already a rather hermetic skill in itself, has been subject to increasing fragmentation. As if the division between documentary and literary papyrologists were not enough, additional frontiers were drawn between these who study carbonised texts preserved by the Volcano and the experts on scientific treatises from Egypt; between the editors of the documents and the interpreters of their legal content (of whom only few have remained).

It has become almost impossible to embrace our trade in its entirety and wholeness, to produce a comprehensive treatment thereof from which non-experts may draw. Naturally, attempts have been made, no longer written single-handedly by one of the sacred monsters of the discipline but by a team of scholars from all over the world (the most recent example of which is Bagnall's *Oxford Handbook of Papyrology*).

The consideration of these circumstances led us to return to the tradition of keynote speeches at the Congress. In these papers the experts in singular fields of papyrology were called upon to present the rest of our community with the novelties and curiosities rather than with a comprehensive and tedious list of the most recent literature. And so each morning of our five-day Congress was dedicated to one of the more general branches of papyrology; a common topic that would bring together a number of papers in which the speakers aimed to bring back the integrity to the shattered picture of papyrological science. We have decided to publish these snapshots of the discipline AD 2013 before the general *Proceedings*, creating thus a special issue of the Journal. We hope that in such a way these images would become more accessible to the scientific world of Classics. As it is a special issue, we have departed from the usual alphabetic grouping of the texts, opting rather for a thematic one (and keeping the original sessions distribution). The participants will notice a few gaps in the text. Ewa Wipszycka's treatment of the ecclesiastical papyrology made it to her newest book, *The Alexandrian Church. People and Institutions*, just published as the *JfurP Supplement 25*. Obbink's essay on the news in literary papyrology has been published elsewhere. We have also decided to add a study exclusively devoted to the Herculaneum papyrology.

Presenting you with this volume, we daresay we may have succeeded in bringing back various views on papyrology, and we proudly say that Warsaw became for that hot first week of August 2013 the capital not only of our, still rather hermetic, science, but also, more generally, the point of reference for the studies on Antiquity, of which this Journal may be a lasting souvenir.

*Tomasz Derda
Adam Łajtar
Jakub Urbanik*



Opening ceremony on 29 July 2013
(photo by Marcin Kluczek)





#Iranian_November_2013

27th International Congress

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Concert *The Attic Nights*, 1 August 2013.
Anna Lubańska, mezzo-soprano and Josu Okiñena, piano (below)
José Luis Alonso and Jakub Urbanik, hosts (above)
(photo by Marcin Kluczek)



Closing ceremony on 3 August 2013.
Andrea Jördens, President of the International Committee of Papyrology
announces Barcelona as the venue of the next Congress
(photo by Jakub Urbanik)

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T H E J O U R N A L O F J U R I S T I C P A P Y R O L O G Y

PTOLEMAIC EGYPT



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Dorothy J. Thompson

A HISTORIAN AMONG THE PAPYRI

I SHOULD LIKE AT THE VERY START TODAY to dedicate the reflections that follow to the memory of Jean Bingen, who was the first to initiate me in the ways of papyrology and whose historical writings continue to challenge and stimulate.¹ We miss him.

My brief for this contribution was, as a historian, to speak about recent developments in the field of Ptolemaic Egypt, but it is easier to say what I am not going to do than it has been to choose which subjects to treat. What I shall *not* be doing here is a literature review. In papyrology we are fortunate in the regular coverage of articles and other studies that we enjoy. The invaluable *Bibliographie Papyrologique* is now available also on-line and there are surveys of new Greek texts in our various journals, the 'Urkundenreferat' of *Archiv für Papyrusforschung*, the 'Testi recentemente publicati' of *Aegyptus*, or the 'Demotische Literaturübersicht' of *Enchoria* for demotic studies, together with reviews in various journals that allow us an overview of recent work (admittedly at some short delay). The incorporation of texts scattered in periodicals and elsewhere in the *SB* provides an invaluable resource (though again we have to wait a little). Our papy.list regularly records the publication of new studies. We are fortunate then that we belong to such a well-organised and well-served field of study. And now too, in this age of composite

¹ See most recently, Jean BINGEN, *Hellenistic Egypt*, Edinburgh 2007.

Histories, Companions and Handbooks, we have the new *Oxford Handbook of Papyrology*.²

So, if not a survey of work recently published or underway, then what was I to cover? And how recent, I wondered, is ‘recent’? In the end, I decided that since ‘recent’ is a relative term it might cover not just work since the last congress or work of the twenty first century, but recent also in relation to papyrology as a discipline, starting that is in the late eighteenth century with the publication of the *Charta Borgiana*.³ Here, therefore, I shall be concerned – at least in part – with developments in the study of Ptolemaic Egypt since I myself entered the field as a graduate student something over fifty years ago. Of course this gives me a ‘longue durée’ to consider, but for a historian that is desirable, and at the same time I shall try to illustrate my findings with more recent examples. And when one looks back over this period, this *pentakontaetia*, it is interesting to note how, while some subjects of interest remain constant – the ruling house, for instance, the administration, relations between different sectors of the population, the Ptolemaic royal economy, irrigation and agriculture – and some are more recent, at least in their terminology – literacy, ethnicity, self-presentation, for example – there are also areas of historical interest that go in and out of fashion over the generations – slavery, for instance, or military history. I shall try to present a few examples from some of these categories both over the longer term and more recently, most of which I suspect are already familiar. This is inevitably a selective coverage, which often reflects my personal concerns, and I am aware that gaps remain.

First, however, leaving aside the wealth of material added to our collections of published texts, I must highlight the most important change of the last thirty or so years. That of course is the digital revolution with all the exciting possibilities this has brought. In papyrology, I think, three elements were important to how early on and how successfully new possibilities were developed: first was the suitability of our material for this form of exploitation, secondly the vision and initiative of those involved,

² R. S. BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford 2009.

³ N. I. SCHOW, *Charta papyracea Graece scripta musei Borgiani Velitris*, Rome 1788.

and thirdly the continuation of a tradition of collaboration set up in the early years of the discipline.⁴ Compared with other disciplines, we were early in seizing the possibilities of this revolution. Yet earlier still, the founding fathers of papyrology had the foresight to realize the importance of providing multiple indices to their editions of texts, so facilitating searches of various kinds. But what in the past took days of work in a well-stocked library can now be accessed on-line in no time at all. Of course the added human input is still needed. The reconstitution of archives, which lie at the base of much of our work, still needs the experienced eye of the papyrologist, who reads the script, and the historian too, who recognizes a name, a hand, or even a date of acquisition by the museum where now a papyrus is housed.⁵ But once this initial work is done the text itself is far more widely available than ever before. It can be accessed in various forms through the Papyrological Navigator at papyri.info, which currently allows us to search through the Duke Databank (DDbDP), HGV, APIS or Trismegistos.⁶ Through the Links portal of the AIP website we have easy access to a range of further information. Of course there remain *desiderata* – the absence from ‘Duke’ of what are termed sub-literary papyri is a constant frustration – but overall we papyrologists are well-served, a model even for other branches of scholarship. This situation is, of course, well known to all papyrologists. These are now our tools in daily use. It is, however, sometimes salutary to remember that these developments, which have revolutionized the way we work, only go back some thirty years.⁷

A second more recent development is the result of changes in research funding, at least in most of Europe, where (on the scientific model) larger

⁴ See J. G. KEENAN, ‘The history of the discipline’, [in:] R. S. BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford 2009, pp. 59–78; cf. P. VAN MINNEN, ‘The future of papyrology’, *ibidem*, pp. 644–659.

⁵ On ‘museum archaeology’ see, for instance, K. VANDORPE, ‘Archives and dossiers’, [in:] *Handbook of Papyrology* (cit. n. 2), pp. 228–229.

⁶ An on-line version of the *Prosopographia Ptolemaica* remains a desideratum.

⁷ See R. S. BAGNALL (ed.), *Research Tools for the Classics* (= *APA Pamphlet* 6), Chico, CA 1980; the call for databases made here was picked up in DDbDP under the guidance of John F. OATES. The Ibycus system, developed by David W. PACKARD, was initially used for processing Greek texts.

projects involving teams of researchers tend now to dominate the university scene. Under such an umbrella, individual projects still remain possible but much of the work that is currently produced, whether in print or web-based format, has its origin in collaborative projects.⁸ And the combination of digitization with such project work is resulting in many new types of study – too numerous to detail – often involving quantification, modeling or the application of new forms of analysis. Graphs are no longer so strange to find in a papyrological article as once they were.

The third development I would identify is the growing number of meetings, which often result in the publication of a group of papers on (more or less) related topics. And at these gatherings it is clear that papyrologists are working closely with those in related disciplines, with archaeologists, numismatists and others. Such cross-fertilisation is essential to our work. The stimulating series of Fayyum congresses⁹ or the lively Ptolemies' meetings¹⁰ may be named in this context, but there are many other examples. In addition, we have our triennial professional meetings, like that in Warsaw this year; demoticists too now have their

⁸ Besides the major projects of digitisation already mentioned, see (for example) the results of projects via the Trismegistos website (Archives; Places, etc.; LDAB is a single author project); CEDOPAL Mertens-Pack³, etc.

⁹ (1) Würzburg 2003: S. LIPPERT & M. SCHENTULEIT (eds), *Tebtynis und Soknopaiu Nesos. Leben im römerzeitlichen Fayum*. Wiesbaden 2005. (2) Lecce 2005: M. CAPASSO & P. DAVOLI (eds), *New Archaeological and Papyrological Researches on the Fayyum* (= *Papyrologica Lupiensia* 14), Lecce 2007. (3) Freudenstadt 2007: S. LIPPERT & M. SCHENTULEIT (eds), *Graeco-Roman Fayum – Texts and Archaeology*, Wiesbaden 2008. (4) Kloster Bronnbach 2011: C. ARLT & M. STADLER (eds), *Das Fayyûm in Hellenismus und Kaiserzeit. Fallstudien zu multi-kulturellem Leben in der Antike*, Wiesbaden 2013. (5) Leipzig 2013: 'Von der Pharaonenzeit bis zur Spätantike – Kulturelle Vielfalt im Fayum'. 5. Internationale Fayum-Konferenz, 29. Mai – 01. Juni 2013, Leipzig. Volume forthcoming.

¹⁰ (1) Ptolemy II (Auckland, NZ, 2005): P. MCKECHNIE & P. GUILLAUME (eds), *Ptolemy II Philadelphus and His World*, Leiden and Boston 2008. (2) Ptolemies VI and VIII (Heidelberg, 2007): A. JÖRDENS & J. F. QUACK (eds), *Ägypten zwischen inneren Zwist und äusserem Druck. Die Zeit Ptolemaios' VI. bis VIII.*, Wiesbaden 2011. (3) Ptolemaic Waterways and Power (Peiraeus/Athens, 2009): K. BURASELIS, M. STEFANOÛ, & D. J. THOMPSON (eds), *The Ptolemies, the Sea and the Nile*, Cambridge 2013. (4) Ptolemy I Soter and the Transformation of Egypt 404–282 BC (Macquarie, NSW, 2011): volume forthcoming.

own congresses, as do the Arabic papyrologists.¹¹ Little time then remains for those more substantial works of individual scholarship, which require time and intellectual space. And yet, these do continue to be written, importantly so.

So much for the changing framework within which our work goes on. What of actual developments in the field of Ptolemaic *history*? To start at the centre with the rulers themselves, important recent additions to our understanding come not just from papyri but more particularly from the field of epigraphy, both Greek and Egyptian. And in this epigraphical focus, I introduce one of my main themes, which is to stress the benefit that comes from the broader view, from taking account of other specialists' work – the work of Egyptologists, demotic papyrologists, archaeologists and numismatists,¹² as well of course as epigraphists.

First, Egyptian inscriptions. Some recent publications of Egyptian inscriptions – texts that are often bilingual or trilingual – allow us easier access to this material with the challenges of interpretation it presents. Relations of the rulers with the temples and their priests come under the spotlight here. Some of these were already known from much earlier editions but some are excitingly new. Starting with Alexander of Macedon, a dedication from the Bahariya oasis records this new pharaoh's full titulary with his five Egyptian names. Then, carved in Greek on the side of the same stone, king Alexander (*basileus Alexandros*) makes a dedication to Ammon his father.¹³ A date from the time of Alexander's actual visit on his journey back to Memphis from Siwah is not impossible.

Next, from 311 BC when Ptolemy son of Lagos was acting as regent, comes a new edition of the so-called Satrap stele recording a royal dona-

¹¹ The addition of the database of Arabic papyri (APD) to PN is to be welcomed.

¹² See, especially, C. LORBER, 'The coinage of the Ptolemies', [in:] W. E. METCALF (ed.), *The Oxford Handbook of Greek and Roman Coinage*, Oxford 2012, pp. 211–234, with further references; O. PICARD, C. BRESCH, T. FAUCHER *et al.*, *Les monnaies des fouilles du Centre d'Études Alexandrines: les monnayages de bronze à Alexandrie de la conquête d'Alexandre à l'Égypte moderne* (= *Études Alexandrines* 25), Alexandrie 2012.

¹³ F. BOSCH-PUCHE, 'L'"autel" du temple d'Alexandre le Grand à Bahariya retrouvé', *BIFAO* 108 (2008), pp. 29–44; 'The Egyptian royal titulary of Alexander the Great, I: Horus, Two Ladies, Golden Horus, and Throne names', *JEA* 99 (2013), pp. 131–154.

tion to the gods of Pe and Dep at the city of Buto in the Delta; from under Ptolemy II are new studies too of the Pithom and the Mendes stelae.¹⁴ For Ptolemy III, besides a fresh study of the Canopus decree¹⁵ we have the recent publication of a new priestly decree from just a few years earlier, from 243 BC.¹⁶ The hieroglyphic and demotic versions record details of the festivals set up for the birthdays of the king and the queen and the day of celebration for the king's accession. It further illustrates the *euergesia* of Euergetes from early in his reign. This is an exciting addition to the record of priestly decrees and the study of Ptolemaic relations with the temples.¹⁷

From the reign of Ptolemy IV, a recent study of the hieroglyphic versions of the Raphia decree suggests that not just Arsinoe III but also Antiochus' queen, Laodike III, was present with her husband at that battle.¹⁸ And a later queen, Kleopatra VII, is now recorded as absent 'in the land of Syria', when meeting with Antony at Tarsus, on a late demotic stele from the Mother of Apis catacombs at North Saqqara dated 15 August 41 BC.¹⁹

From the reign of Ptolemy V, the Cairo copy of the priestly decree that goes under the name of Philensis II has now received a proper edition,²⁰ and there is a new priestly stele from the reign of Ptolemy VIII

¹⁴ D. SCHÄFER, *Makedonische Pharaonen und hieroglyphischen Stelen* (= *Studia Hellenistica* 50), Leuven 2011.

¹⁵ S. PFEIFFER, *Das Dekret von Kanopos (238 v. Chr.). Kommentar und historische Auswertung eines dreisprachigen Synodaldekretes der ägyptischen Priester zu Ehren Ptolemaios' III. und seiner Familie* (= *APF Beiheft* 18), Leipzig 2004.

¹⁶ YAHIA EL-MASRY, H. ALTENMÜLLER & H.-J. THISSEN (eds), *Das Synodaldekret von Alexandria aus dem Jahre 243 v. Chr.* (= *SAK Beiheft* 11), Hamburg 2012.

¹⁷ For a recent listing, see W. CLARYSSE, 'Ptolémées et temples', [in:] D. VALBELLE & J. LECLANT (eds), *Le décret de Memphis. Colloque de la Fondation Singer-Polignac à l'occasion de la célébration du bicentenaire de la découverte de la Pierre de Rosette*, Paris 2000, pp. 42–43.

¹⁸ D. KLOTZ, 'Who was with Antiochus III at Raphia? Revisiting the hieroglyphic versions of the Raphia decree (CG 31008 and 50048)', *CE* 88 (2013), pp. 45–59.

¹⁹ *MoA* 46.1–2 (41 BC), ed. H. S. SMITH, C. A. R. ANDREWES & S. DAVIES, *The Sacred Animal Necropolis at North Saqqara. The Mother of Apis Inscriptions*, 2 vols, London 2011.

²⁰ MAMDOUH ELDMATY, *Ein ptolemäisches Priesterdekret aus dem Jahr 186 v. Chr. Ein neue Version von Philensis II in Kairo* (= *APF Beiheft* 20), München und Leipzig 2005.

retrieved from under the water at Heracleion.²¹ Would that this were more legible. A collection of private priestly stelae facilitates further study of royal relations with the priests.²² The Egyptian side of Ptolemaic history is filling out; the role of the priests grows clearer. And finally, on the subject of rulers, dated to year 26 = 29 of the ‘pharaoh outside Egypt’ (Ptolemy IX Soter II on Cyprus) a text long known from Saqqara has at last been published.²³

The importance of publishing together Greek and Egyptian texts from the same archive was long ago recognised and practised by Professor P. W. Pestman.²⁴ The increasing frequency with which this is now the case is striking,²⁵ and more of the new generation of scholars have facility in both languages. We need to take account of all relevant material. Without wanting here to intrude on Sandra Lippert’s territory I should like to end this section of my survey with a trailer. An important demotic text she has identified adds to the growing evidence for Antiochus IV as ruler in Egypt after his successful invasion.²⁶ Some

²¹ C. THIERS, *La stèle de Ptolémée VIII Évergète II à Héracléion* (= *Oxford Centre for Maritime Archaeology Monograph* 4), Oxford 2009.

²² G. GORRE, *Les relations du clergé égyptien et des Lagides après les sources privées* (= *Studia Hellenistica* 45), Leuven 2009.

²³ J. D. RAY, *Texts from the Baboon and Falcon Galleries*, London 2011, G1.6–7 (24 Nov. 89 BC).

²⁴ E.g. *P. Recueil* (1977); *P. Batav.* (1978); *P. Zen. Pestm.* (1980); *P. Tor. Amen.* (1981); *P. Dion.* (1982); *P. Tor. Choach.* (1992); *P. Choach. Survey* (1993).

²⁵ E.g. *P. Dryton* (2002); *P. Count* (2006); *P. Sorb.* III 75–102 (2011); *P. Erbstreit* (forthcoming), all with Greek and demotic; R. MAIRS & C. J. MARTIN, ‘A bilingual “sale” of liturgies from the archive of the Theban choachytes: P. Berlin 5507, P. Berlin 3098 and P. Leiden 413’, *Enchoria* 31 (2008/9 [2010]), pp. 22–67. For mummy labels, cf. S. P. VLEEMING, *Demotic and Greek-Demotic Mummy Labels and other Short Texts (Short Texts II 278–1200)* (= *Studia Demotica* 9), 2 vols, Leuven 2011; C. ARLT, ‘Deine Seele möge leben für immer und ewig’ *Die Mumienbilder im British Museum* (= *Studia Demotica* 10), Leuven 2011. See further W. CLARYSSE, ‘Bilingual papyrological archives’, [in:] A. PAPACONSTANTINO (ed.), *The Multi-lingual Experience in Egypt, from the Ptolemies to the Abbasids*, Farnham and Burlington, VT, pp. 47–72.

²⁶ S. LIPPERT, ‘Like phoenix from the mummies’, [in:] LIPPERT & SCHENTULEIT (eds), *Graeco-Roman Fayum* (cit. n. 9), p. 168.

Egyptians had much to fear at this time, while others supported the Seleucid king.²⁷

The second area I want to mention where epigraphic work is changing, or at least modifying, the historical scene is the Ptolemaic overseas empire of the third and early second centuries BC. In this context new inscriptions together with the republication of some older ones serve to modify the picture. A dedication from Methana to Arsinoe II Philadelphos now shows her as a goddess during her lifetime playing a key imperial role.²⁸ The League of Islanders has recently been presented as the work of Ptolemy II rather than of the Antigonids; the post of Pamphylarch has been delivered a deathblow, and there is more to follow.²⁹

There is development too in our understanding of the administration and how that functioned both in theory and on the ground. New texts and studies are forever adding to our knowledge. *P. Sorbonne* III, for instance, now provides a fuller picture of the administrative units in the early exploitation of the Fayum.³⁰ Nomarchies, staffed by nomarchs and *myriarouroi*, were the units employed for the initial reclamation and irrigation of this province, an area of importance to the early Ptolemies for settling soldiers and increasing their revenues. In another recent study, the post of the royal scribe has at last received the attention it deserved.³¹ These are just a few examples; there are many, many more.

A subject that has returned into focus in Ptolemaic studies, as indeed in studies elsewhere, is the army. Why military history should again be high on the agenda is an interesting question which I do not have time to

²⁷ See D. J. THOMPSON, 'The sons of Ptolemy V in a post-secession world', [in:] JÖRDENS & QUACK (eds), *Ägypten* (cit. n. 10), p. 11 n. 6.

²⁸ J. WALLENSTEN & J. PAKKANEN, 'A new inscribed statue base from the sanctuary of Poseidon at Kalareia', *Opuscula* 2 (2009), pp. 155–165; cf. A. MEADOWS, 'The Ptolemaic League of Islanders', [in:] BURASELIS *et al.* (eds), *The Ptolemies* (cit. n. 10), pp. 29–31.

²⁹ MEADOWS, 'The Ptolemaic League' (cit. n. 27), pp. 19–38; A. MEADOWS & P. THONEMANN, 'The Ptolemaic administration of Pamphylia', *ZPE* 186 (2013), pp. 223–226.

³⁰ W. CLARYSSE in *P. Sorb.* III, pp. 51–55.

³¹ Ch. ARMONI, *Studien zur Verwaltung des ptolemäischen Ägypten: Das Amt des Basilikos Grammateus* (= *Pap. Colon.* 36), Paderborn 2012.

explore. For many years Lesquier's 1911 study of *Les institutions militaires* remained the standard point of reference, while for cleruchs we relied, as in some respects we still do, on the careful work of Uebel.³² In recent years, however, a series of important publications has begun to modify and fill out the picture; and there are more on the way. In 1995 in a short study of the Ptolemaic army, the author pointed to the reign of Ptolemy VI as important for military change, as indeed it was in so many other respects.³³ Since then, we have seen the publication of some interesting texts³⁴ and discussions.³⁵ The *katoikoi hippeis*, for instance, form the subject of an important recent study.³⁶ And now at last we can recognise for what they were those problematic Persians and Persians of the *epigone* known from the second century BC on in Upper Egypt. Persians there, we learn, were military men attached to camps, while Persians of the *epigone* were military reservists not *yet* under arms or not under arms *at the time*. Furthermore, an individual's designation might change from year to year.³⁷ It is good to be able to report on at least one part of a mystery solved.

³² J. LESQUIER, *Les institutions militaires de l'Égypte sous les Lagides*. Paris 1911. F. UEBEL, *Die Kleruchen Ägyptens unter den ersten sechs Ptolemäern*. Abhandlungen der Deutschen Akademie der Wissenschaft zu Berlin (= *Klasse für Sprachen, Literatur und Kunst* 3), Berlin 1968.

³³ N. SEKUNDA, *Seleucid and Ptolemaic Reformed Armies 168–145 BC*, vol. 2, *The Ptolemaic Army*, Stockport 1995; cf. C. FISCHER-BOVET & W. CLARYSSE, 'A military reform before the battle of Raphia?', *APF* 58 (2012), pp. 26–35. For related changes, see D. J. THOMPSON, 'Ethnic minorities in Hellenistic Egypt', [in:] O. M. VAN NIJF & R. ALSTON (eds), *Political Culture in the Greek City after the Classical Age*, Leuven 2011, pp. 101–117 at 109–111.

³⁴ *P. Polit. Jud.* and *P. Pbrur. Diosk.* are particularly relevant editions; cf. also, *P. Lips.* II 124 (137 BC); *P. Paramone* 10 (2nd cent. BC); S. SCHEUBLE-REITER, 'Drei Trierer Papyri zum ptolemäischen Militär', *APF* 58 (2012), pp. 246–268.

³⁵ Ch. ARMONI, 'Zum amtlichen Procedure bei der Auszahlung von Soldatenlöhnen im hellenistischer Ägypten', *P. Kramer*, pp. 12–21; S. SCHEUBLE, 'Bemerkungen zu den *μισθοφόροι* und *τακτόμισθοι* im ptolemäischen Ägypten', *P. Kramer*, pp. 213–222; K.-Th. ZAUZICH, 'Gegen die Soldaten *ἐξω τάξεων*', *Enchoria* 32 (2010/1), pp. 139–141; C. FISCHER-BOVET, *Army and Society in Ptolemaic Egypt*, Cambridge 2014.

³⁶ S. SCHEUBLE-REITER, *Die Katökenreiter im ptolemäischen Ägypten* (= *Vestigia* 64), München 2012.

³⁷ K. VANDORPE, 'Persian soldiers and Persians of the *epigone*. Social mobility of soldiers-herdsmen in Upper Egypt', *APF* 54 (2008), pp. 87–108; 'A successful, but fragile biculturalism. The Hellenization process in the Upper Egyptian town of Pathyris under Ptolemy VI and VIII', [in:] JÖRDENS & QUACK (eds), *Ägypten* (cit. n. 10), pp. 292–308 at 305–306.

I turn now to the economic history of Hellenistic Egypt.³⁸ There are two areas here where I would identify developments – in our knowledge of taxation, together – closely related – with money³⁹ and banking, and in what I term ‘the numbers game’. Let us start with the latter, and with a question. Are we, I wonder, any closer to knowing how many people there were in Ptolemaic Egypt? Well if we are not – and I fear this may be the case – that is not for want of trying. Based on some reasonable figures for the Fayum in the later third century BC, in vol. 2 of *Counting the People* Clarysse and I came up with a plausible figure of 85–95,000 for the total population of the Arsinoite nome. We then tried to go further, ending up with the lowish figure of just 1,500,000 for the total population of Egypt in the mid third century BC.⁴⁰ As was to be expected, this figure has not gone unchallenged. The debate of course continues, with its implications for the strength and success of the Ptolemaic state.⁴¹

In taxation and banking matters are more secure. Préaux (1939) remains the basic study, which we still all use.⁴² At the same time, however, new texts combined with the study of those long known is bringing greater clarity to the nature of individual taxes and to how – and when

³⁸ See J. G. MANNING, ‘The Ptolemaic economy’, [in:] W. SCHEIDEL *et al.* (eds), *The Cambridge Economic History of the Graeco-Roman World*, Cambridge 2007, pp. 434–459; *The Last Pharaohs. Egypt under the Ptolemies, 305–30 BC*, Princeton 2010, pp. 117–164.

³⁹ See S. VON REDEN, *Money in Ptolemaic Egypt. From the Macedonian Conquest to the End of the Third Century BC*. Cambridge 2007.

⁴⁰ W. CLARYSSE & D. J. THOMPSON, *Counting the People in Ptolemaic Egypt*, Cambridge 2006, vol. 2, pp. 100–103.

⁴¹ See now C. FISCHER-BOVET, ‘Counting the Greeks in Egypt. Immigration in the first century of Ptolemaic rule’, [in:] C. HOLLERAN & A. PUDSEY (eds), *Demography and the Graeco-Roman World. New Insights and Approaches*, Cambridge 2011, pp. 135–154. For further discussion and bibliography, see K. MUELLER, ‘Past and present population trends in the Fayyum region’, [in:] E. SUBÍAS, P. AZARA *et al.* (eds), *The Space of the City in Graeco-Roman Egypt. Image and Reality* (= *Documenta* 22), Tarragona 2011, pp. 129–143. A. MONSON, *From the Ptolemies to the Romans. Political and Economic Change in Egypt*, Cambridge 2012, pp. 33–69, relying in part on more recent census material (on which see Mueller above) stresses the abnormally low population of the Arsinoite. W. SCHEIDEL, *Death on the Nile. Disease and the Demography of Roman Egypt*, Leiden – Boston – Köln 2001, pp. 181–250, remains a stimulating discussion.

⁴² Cl. PRÉAUX, *L'économie royale des Lagides*, Bruxelles 1939.

– these were charged. Particularly interesting here have been studies of ostraka recording receipts for the harvest tax and other taxes from different collection points in the south. These allow us to chart in detail both changes in control of the area, especially interesting during the troubles of the second century BC, and at the same time the success (or otherwise) of the state in collecting in its dues.⁴³ There is more work still to do here but this is another area where the combination of Greek and demotic texts is crucial to the emerging picture.

An important figure for the study of banking was Professor Raymond Bogaert from Ghent.⁴⁴ In many aspects of the subject his was the groundwork, which lay at the base of most later work.⁴⁵ He would, I suspect, have been delighted at the number of relevant texts published recently. Bank texts from the Herakleopolite nome with fragments of daily registers illustrate well the complexity and bureaucratic thoroughness of a royal bank in the second century BC.⁴⁶ It is to be regretted that part of a composite Arsinoite register from the mid third century BC Fayum published in 2009 needed revision a couple of years later.⁴⁷ In that text the most interesting figure is preserved on the verso: 79 talents, 3838 drachmas, 2 obols and 1 chalkous (almost 80 talents, that is) registered as ἐκ

⁴³ K. VANDORPE, 'Paying taxes to the *thesouroi* of the Pathyrites in a century of rebellion (186–88 BC)', [in:] L. MOOREN (ed.), *Politics, Administration and Society in the Hellenistic and Roman World* (= *Studia Hellenistica* 36), Leuven 2000, pp. 405–436; 'The Ptolemaic epigraphé or harvest tax (*shemu*)', *APF* 46 (2000), pp. 169–232; 'The epigraphé or harvest tax in the Apollonopolite nome', [in:] K. VANDORPE & W. CLARYSSE (eds), *Edfu, an Egyptian Provincial Capital in the Ptolemaic Period*, Brussels 2003, pp. 107–122; B. MUHS, *Receipts, Scribes, and Collectors in Early Ptolemaic Thebes (O. Taxes 2)* (= *Studia Demotica* 8), Leuven 2011.

⁴⁴ K. VERBOVEN, K. VANDORPE & V. CHANKOWSKI (eds), *Pistoi dia tèn technèn. Bankers, Loans and Archives in the Ancient World. Studies in Honour of Raymond Bogaert* (= *Studia Hellenistica* 44), Leuven 2008.

⁴⁵ See, above all, R. BOGAERT, *Trapezitica Aegyptiaca. Recueil de recherches sur la banque en Égypte gréco-romaine* (= *Papyrologica Florentina* 25), Firenze 1994.

⁴⁶ *P. Köln XII* 480–484 (131 BC), also interesting for the dating of the civil war under Ptolemy VIII; *P. Herakl. Bank*.

⁴⁷ *P. Poethke* 8 verso 1 (235/4 BC); cf. W. CLARYSSE, D. J. THOMPSON & L. CAPRON, 'An early Ptolemaic bank register from the Arsinoite nome revised', *APF* 57 (2011), pp. 35–54.

πάντων, ‘from all sources’. Could this be the annual tax income for the Arsinoite nome? And so the questions continue ...

Finally, I reach what, in my view, has been the most significant of recent developments in historical work – a change in geographical focus. The Ptolemaic empire has already been mentioned; the posthumous publication (in English) of the broad-ranging study of our learned colleague Jan Krzysztof Winnicki on Egypt and her neighbours treats immigrants from a far wider area.⁴⁸ Within Egypt itself, based on the documentary record, earlier (‘earlier’, that is, in the longer term) we tended to generalise from the area providing most of our texts to the whole of the country – from the Fayum, that is, to Egypt as a whole. Increasingly, however, the unusual situation of the Arsinoite is being recognized,⁴⁹ as more texts are published from elsewhere. Recent studies have done much to promote the south in particular as an important and sometimes different area of interest and importance for the Ptolemies. Local differences are coming more to the fore and the picture is fragmenting into regional histories. Not just the south but other areas too were subject to different experiences.

I should like to illustrate this claim. From the Arsinoite nome, of course, the Zenon archive with its wealth of detailed information on so many areas of daily life has been responsible for much of what we know of early Ptolemaic Egypt. That wonderful resource is not yet *quite* exhausted.⁵⁰ A few more texts have been published and the numbers of documents has at the same time *decreased* as existing texts have been joined.⁵¹ The publication in 2007 of eighty two Zenon texts in the Giessen collection is important for anyone sharing my interest in garlic

⁴⁸ J. K. WINNICKI, *Late Egypt and her Neighbours. Foreign Population in Egypt in the First Millennium BC* (= *JJurP Supplements* 12), Warsaw 2009.

⁴⁹ D. J. THOMPSON, ‘The exceptionality of the early Ptolemaic Fayum’, [in:] M. CAPASSO & P. DAVOLI (eds), *New Archaeological and Papyrological Researches on the Fayyum*, Lecce 2007, pp. 303–310.

⁵⁰ P. IAND. ZEN. M. CAPASSO & N. PELLÉ, ‘Un nuovo papiro dell’archivio di Zenone’, *SEP* 6 (2009), pp. 25–27.

⁵¹ See, for example, *SB* xxvi 16503–16505 (third cent BC), where texts from two or three different collections are joined.

or poppies; among other scraps of information we learn that wool could be classified as either white or self-coloured, *autochroos*.⁵² Such subjects of course are not suited to all tastes – different items will always appeal to different readers. The Zenon archive, however, retains its fascination and, given its scale, is suitable for many different forms of analysis, as recently for instance in the study of language usage.⁵³

Let us move out from the Fayum. The Nile valley of Middle Egypt is now opening up, especially the Herakleopolite nome. Of course this nome was already well documented, particularly through the *BGU* texts,⁵⁴ but the recent editions of *P.Polit.Jud.*, *P.Phrur.Diosk.* and *P.Herakl.Bank.* shed further light on the city itself, with its harbour and forts, the mixed communities of the area and its importance as a military base from the mid second century BC. The role of the Nile fleet too is becoming clearer,⁵⁵ and the military reinforcement of Upper Egypt. There were similar developments in the Pathyrite nome, from where important archives survive, including that of Dryton and his family now illuminatingly reunited in a recent bilingual edition (*P.Dryton*). Pathyris (or Gebelein), one day's sail south of Thebes, was also strengthened with a military settlement sometime in the period 170–165 BC.⁵⁶ The picture of life there and of relations between the various elements of the population that emerges from the texts differs to some degree from the situation closer to the capital.

Other nomes too have been receiving attention – texts from the Lykopolite have important things to tell us,⁵⁷ a bank record comes from the Antaiopolite illustrating *syntaxis* payments to the temple there,⁵⁸ and there are others too. The Ptolemaic Delta on the whole remains a blank,

⁵² *P. Iand. Zen.* 70.

⁵³ T. V. EVANS & D. D. OBBINK (eds), *The Language of the Papyri*, Oxford 2010.

⁵⁴ See M. R. FALIVENE, *The Herakleopolite Nome. A Catalogue of the Toponyms, with Introduction and Commentary* (= *ASP* 37), Atlanta, Georgia, 1998.

⁵⁵ *P. Phrur. Diosk.* 4 (153 BC), *dioikêtês* in charge of the Nile fleet; cf. Th. KRUSE, 'The Nile police in the Ptolemaic period', [in:] BURASELIS *et al.*, *Ptolemies* (cit. n. 10), pp. 172–184.

⁵⁶ K. VANDORPE & S. WAEBENS, *Reconstructing Pathyris' Archives. A Multicultural Community in Hellenistic Egypt* (= *Collectanea Hellenistica* 3), Brussels 2009, p. 20.

⁵⁷ E.g. *SB* XXIV 15972 (190 BC); *P. Count* 53 and 54 (second cent. BC).

⁵⁸ *P. Paramone* 7 (second cent. BC?).

though the tax concession on the export of grain together with the protection of his farmers allowed by Kleopatra VII to a Roman estate-holder may refer to land in the neighbourhood of Alexandria.⁵⁹ Large estates are recorded elsewhere in this general area.⁶⁰

There are many ways in which historically the south differed from further north. The strength of the temples, continually under central pressure in this period, remained a significant feature,⁶¹ and the system of land tenure and taxation was not the same as further north. Settlers were somewhat fewer. Differences have been emphasized in recent work.⁶² I continue to be impressed, however, by how successfully the central power continued a comparable levy of taxes in all areas of the country from what would appear administratively to have been very different categories of land. (Periods of revolt of course were different.) Harvest tax (*epigraphê*), for instance, was charged on 'private land' (*gê idioktêtos*) in the Apollonopolite nome at much the same rate as was 'rent' (*ekphorion*) coming from 'crown land' (*gê basilikê*) in the Arsinoite.⁶³ Other differences in the south include materials used for writing, with ostraka⁶⁴

⁵⁹ *P. Bingen* 45.1–7 (33 BC). Beyond the phrase *κατὰ τὴν χώραν* (ll. 6–7), the location of the estate is unstated; an Alexandrian origin for the text remains uncertain. The name of the main recipient of privileges was read as *Π...ιωι Κασσιώ[τη]ι* in the *ed. princ.*; cf. P. VAN MINNEN, 'An official act of Cleopatra (with a subscription in her own hand)', *AncSoc* 30 (2000), pp. 29–34, suggesting Publius Canidius; K. ZIMMERMANN, '*P. Bingen* 45: Eine Steuerbefreiung für Q. Cascellius, adressiert an Kaisarion', *ZPE* 138 (2002), pp. 133–139, prefers Quintus Cascellius.

⁶⁰ For 'farmers' (clearly influential landholders) of the Prosopite and Boubastite nomes, see the re-edition by J. BINGEN (*CE* 70 [1995], pp. 206–214) of *C. Ord. Ptol.* 76 (41 BC).

⁶¹ Memphite temples, however, were equally important, cf. D. J. THOMPSON, *Memphis under the Ptolemies*, 2nd ed., Princeton 2012, pp. 99–143.

⁶² J. G. MANNING, *Land and Power in Ptolemaic Egypt. The Structure of Land Tenure*, Cambridge 2003, pp. 65–125; MONSON, *Ptolemies to the Romans* (cit. n. 40), pp. 73–93; ARMONI, *Studien zur Verwaltung* (cit. n. 30), p. 243, notes that in the second cent. BC more than one nome in the south might come under the same royal scribe.

⁶³ See Th. CHRISTENSEN, 'The Edfu nome surveyed: P. Haun. inv. 407 (119–118 BC)', PhD thesis, University of Cambridge 2002. An edition of this text is almost ready for publication by Christensen together with Thompson and Vandorpe.

⁶⁴ See R. S. BAGNALL, *Everyday Writing in the Graeco-Roman East*, Berkeley, Los Angeles, London 2011, pp. 117–137.

or (at least in Pathyris)⁶⁵ wood employed when further north papyrus was the norm.

So Ptolemaic Egypt, it seems to me, is in the process of fragmenting. It may take some time before it all comes together again but when it does I think that our picture will to some degree be modified. At the same time, I believe, Ptolemaic history will be better incorporated into that of the wider Hellenistic world or even, I would dare to predict, into a more global historical framework.⁶⁶

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⁶⁵ E.g. *SB* xxvi 16712 (103 BC); 16713–16714 (98–88 BC); *P. Worp* 12 (99 BC); K. VANDORPE and K. A. WÖRPF, ‘Paying *prostimon* for new vineyard land (T. BM inv. no. EA 56920). A bilingual set of wooden tablets from the archive of Horus son of Nechouthes’, *CE* 88 (2013), 105–115.

⁶⁶ As so often this contribution has benefitted from the helpful critique and input of Willy CLARYSSE, for which I offer my thanks.



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Sandra L. Lippert

**WHAT'S NEW IN DEMOTIC STUDIES?
AN OVERVIEW OF THE PUBLICATIONS 2010–2013**

WHEN I WAS ASKED TO GIVE an overview of the recent publications in demotic studies, specifically new editions of demotic texts of the Graeco-Roman period, I realised that demoticists have been quite industrious in the three years since the last International Congress of Papyrology at Geneva in 2010. According to my bibliographical researches, 110 articles and monographs dealing exclusively or to a considerable extent with demotic texts have been published since (see the list at the end of this article), and I am quite sure that some slipped through – I apologize to the authors. By presenting some of these publications, I would like to show the wide range of subjects on which Demotic texts can contribute to the study of Graeco-Roman Egypt and thus complement the information contained in Greek papyri.

Demotic literature had long been practically absent from the consciousness of egyptologists and papyrologists alike. Two quite recent anthologies, one in French, by Damien Agut-Labordère and Michel Chauveau (no. 1), the other in German, by Friedhelm Hoffmann and Joachim Quack (no. 35), now present the available sources, giving not only consecutive translations, but also all the necessary background information on the manuscripts. For those who prefer English, there is not an

anthology yet, but at least the quite extensive overview article by Kim Ryholt (no. 81) as well as a chapter by Friedhelm Hoffmann in the *Oxford Handbook of Roman Egypt* (no. 33). The last few years also saw a number of studies on the interference between Greek and Demotic literature (nos. 3, 75 and 93), and, thanks again to Kim Ryholt and the inexhaustible Copenhagen collection, the edition of fragments of two Demotic narratives that deal with more or less historical episodes of the Egyptian past that are also referred to by Herodotos and other Greek authors, namely the exploits of king Sesostris (no. 80) and events of the time of the Assyrian invasion (no. 82). The beginning chapter of one of the most important demotic literary texts, the philosophical teachings of Papyrus Insinger, have recently been (re-)discovered and edited by Jennifer Houser Wegner (no. 103), while additional remarks and proposals on the reconstruction of the text have been offered by Karl-Theodor Zauzich (no. 106).

Demotic sub-literary texts cover subjects that even today we would classify as 'scientific', such as medicine, law, mathematics and astronomy, as well as more arcane disciplines such as divination, dream and omen interpretation and magic. Together with mythological and cult-topographical lore, these were taught and practiced in the temples and thus formed part of the so-called 'priestly knowledge'. Friedhelm Hoffmann and Joachim Quack made a number of demotic medical texts available in German translation in the appropriate volume of *Texte aus dem Umfeld des Alten Testaments* (no. 35), and Hoffmann also gave a preview on his re-edition of an important medical manuscript of the Roman period that mixes hieratic and demotic writings (nos. 32 and 34). A very long demotic text of priestly knowledge was partly published in the memorial volume to Jean Yoyotte by Françoise de Cenival who had once planned to edit this text together with Yoyotte: The edited portion corresponds to a list of localities in the Nile Delta with an enumeration of the corresponding divinities (no. 8). Joachim Quack treated us to another chapter of the still unpublished *Book of the Temple*, a lengthy manual on the prototypical Egyptian temple and its personnel: this time he unveiled the prescriptions concerning the cult of Osiris (no. 70). Astronomical and astrological texts furnish us with important chronological data, besides their interest for the history of science, especially the exchange of knowledge between Mesopotamia, Egypt and

Greece. Friedhelm Hoffmann is one of the few who regularly edit new texts of this type (no. 31). Joachim Quack published an article on divination as Egyptian 'hard science' (no. 69) and another on rituals for sending dreams (no. 73). Luigi Prada works on the edition of a demotic *oneirocriticon* and within this context also looked into the mechanisms of Egyptian dream interpretation (nos. 63–65). A funny little tract of omen literature has been edited by Karl-Theodor Zauzich: *The Book of the Gecko*, as reads its original title, explains what events are predicted by the extremely rare incident of a gecko dropping off the ceiling and onto different parts of a person's body (no. 110). Two unfortunately very fragmentary texts published by Joachim Quack show the enormous and entirely unexpected scope of demotic sub-literary texts: One of them is an ethnographic description of various populations in Mesopotamia whose dress, customs, funerary rites and maladies were described (no. 72). The other text mixes biological information on how to rear cattle with religious aspects – perhaps it dealt with the care and breeding of sacred animals (no. 74).

Administrative and legal texts furnish undoubtedly the bulk of the demotic material. The last years saw not only editions of single new texts, but also a number of publications that treat larger corpora in context and thus achieve to extract important historical and sociological information. A good example of this is Brian Muhs' monograph on taxes and tax collectors in Early Ptolemaic Thebes: He published over 150 demotic receipts, mainly in first edition, and included many more in his analysis focussing on the personnel involved, that is, the tax scribes responsible for the different types of taxes in Thebes in the 3rd century BCE (no. 60). A book worth having or at least worth reading for anyone working on Ptolemaic period administration is Andrew Monson's edition of demotic land surveys, reports of crops and rents, census and tax registers and related material (no. 55). These at first view very unappealing pieces of papyrus yield, under his painstaking examination, many details about agriculture and administration of land in the Fayum and adjacent areas in the late 3rd century BCE. Demotic legal texts also contribute largely to the overview articles on 'Law', 'Law courts' and 'Inheritance' I submitted to the University of Los Angeles *Online Encyclopedia of Egyptology* (nos. 44–46). Together with my colleague Maren Schentuleit I edited over 40 legal documents from

Roman period Soknopaiou Nesos (no. 42); I will come back to them later. Ursula Kaplony-Heckel gave a summary of the different types of agricultural records preserved mainly on ostraca from Pathyris in her contribution to the *Festschrift* volume for the New Egyptian Museum at Berlin (no. 40). She is also the editor of a very unusual and, in fact, hitherto unique text: a kind of journal on an ostrakon giving the daily increase of the water-level of the Nile in July 221 BCE (no. 38). Two new papyri containing the rules and regulations of religious associations edited by Andrew Monson and his wife Carolin Arlt (nos. 6 and 56) add to the corpus assembled by de Cenival.¹ A completely new type of demotic legal document has been discovered by Willy Clarysse: his sculptors' contracts use the legal formula of acknowledgments of debt for the purpose of work contracts, obligating the subscriber to fulfil the assignment in a given time, possibly because these sculptors had been paid in advance (no. 15). Günter Vittmann's contribution to the *Festschrift Thissen* was the edition of a demotic double document about the lease of the brewery business in a Fayyumic village (no. 98). Since double documents are a Greek type of legal document that was adapted into demotic legal practice mainly for transactions that involve the administration in one way or the other, the brewery business in question probably fell under the monopolies controlled by the state.

A very important historical document came to light in 2000: The first complete copy of the hieroglyphic and demotic version of the synodal decree of 243 BCE, that is, the decree before the Rosettana, was found on a stela near Akhmim in middle Egypt; it was recently published by Yahya El-Masry, Hartwig Altenmüller and Heinz-Josef Thissen (no. 51). With the help of the Egyptian text, the much fragmented copies from other places that have been known for a while, were identified and put into the correct order; the most substantial remains of the Greek version, found more than 100 years ago at Elephantine and now housed in the Louvre, were thus published by François Kayser,² the corresponding Demotic

¹ Françoise DE CENIVAL, *Les associations religieuses en Égypte d'après les documents démotiques* [= *Bibliothèque d'études* 46], Cairo 1972.

² F. KAYSER, 'Le décret sacerdotal de 243. Étude épigraphique et historique des fragments grecs conservés au Louvre (doc. 329)', [in:] Élisabeth DELANGE (ed.), *Les fouilles*

fragments by Thissen (no. 95). That even small corrections in reading demotic texts can change our view of Egyptian history is proved by two short articles: Through a re-examination of a passage on a demotic stela, Wendy Cheshire demolished the myth of a princess Berenice, younger sister of Ptolemy x Alexander, who was supposed to have married into a high-ranking family of Egyptian priests at Memphis (no. 11). The woman in question is in fact called Berenice, but there is no indication at all that she was in any way related to the Ptolemies. Karl-Theodor Zauzich's new reading of the demotic transcription of a Greek term that occurs in a number of demotic papyri (no. 108), turned the soldiers (*οἱ ἔξω τάξεων*) 'outside of the ranks' postulated by Van't Dack, *APF* 19 (1969), pp. 155–165, into (*οἱ ἐπὶ στάσεων*) 'base-commanders'; as befits 'extra-ordinary' soldiers, the *ἔξω τάξεων* are now down to merely four attestations, all in Greek texts.

The realisation that not only hieroglyphic and hieratic, but also demotic texts can contribute to our knowledge of Egyptian religion in the Graeco-Roman period is fortunately spreading among egyptologists. In his introductory monograph, Martin Stadler gives an overview and classification of the published texts (no. 91). Among the new religious sources is an ostracon with a 'divine decree', that is a sort of command to Osiris that the deceased may pass into the netherworld and live and regenerate there forever, published by Mark Smith (no. 85). This kind of text is usually to be found in hieroglyphs on wooden stela, the ostracon being the only example hitherto known in demotic script. Another text recently edited by Richard Jasnow and Mark Smith contributes to the hitherto scanty evidence for religious orgies in honor of Hathor, Bastet, Mut and similar goddesses, where the immoderate consumption of alcoholic beverages resulted in general promiscuity, and at the same time shows that these festivals might have been seen with mixed feelings by some Egyptians (no. 37).

I would like to round off this overview with what might be labelled as recent 'trends' in Demotic studies. Despite their notorious difficulty,

publications of demotic letters (from the very beginning of the Ptolemaic period to the Roman period) turned out to be Demotists' preferred choice for Festschrift contributions and memorial volumes in the last three years (nos. 15, 27, 43, 49, 50, 57, 99). As usual, these letters remain somewhat enigmatic even when we can read them quite clearly – too much is not expressed because it was common knowledge between writer and addressee. The two 4th century BCE letters published by Cary Martin and Harry Smith (no. 49) are good examples of this problem: The writer of the first one demands quite insistently that the addressee hand over a copper lamp to a third person and exhorts him not to commit an error, but unfortunately neglects to tell us why this is such an important matter. The second relates a rather obscure story about a girl and her amulets that have been fashioned on the *dromos* of the temple of Imhotep. Business letters are usually a bit easier to understand: Willy Clarysse and Mark Depauw present two communications by the village scribe of Alexandrou Nesos in the Fayyum, one relating the fact that his village farmers have run off just before harvest, obviously to avoid paying taxes, the other about grain deliveries (no. 16). One of the latest known Demotic letters, datable to the late 2nd century CE, edited by Maren Schentuleit and myself, was written by a priest preparing a secret journey to Alexandria during which he was planning to take excerpts of the Prefect's court diary, most likely to be used for a plea in a lawsuit that his family was conducting. This long letter sports several Greek loan words in demotic writing, partly using a system known as 'un-etymological', that is a kind of rebus writing, employing Egyptian words that sounded like parts of the Greek word (no. 43).

Another subject matter that has recently come to the fore are mummy labels, with over 800 new or re-published specimens. Six stone mummy labels were published by François Gaudard and Janet Johnson (no. 30), while Sven Vleeming re-published about 650 mummy labels in his *Short Texts II*, a *Sammelbuch*-like re-edition of demotic inscriptions (no. 101). However, a whole new interest in these rather inconspicuous and on the first glance boring objects was sparked by Carolin Arlt's PhD thesis in which she not only edited over 150 new demotic and bilingual labels from the British Museum, but used this dry material for an amazing study on

mortality rates, naming practices and funerary customs in Roman period rural Upper Egypt (no. 4).

A noteworthy development of the last few years is the much increased interest in bilingual texts and find contexts. Willy Clarysse gave an overview of bilingual archives (no. 12), and Rachel Mairs achieved a very good introduction into the diversity of what is covered by the term in her article on bilingual tagging (no. 47): Although occasionally 'bilingual' might denote texts in which exactly the same information is given in two different languages, for example in the sacerdotal decrees of the Ptolemaic period, in most cases the different language sections of bilingual texts present partly different or even complementary information. As examples, Mairs presented two bilingual documents in which insertions (or 'tagging', as she calls it) in another script and language are used to facilitate access – interestingly, one of these examples is mainly in Demotic, with insertions in Greek, while the other is mainly in Greek, with insertions in demotic. The origin of these bilingual accounts are obviously mixed administrations that worked partly in Greek, partly in demotic. The strangest specimens of bilingual texts hitherto known are the Narmouthis ostraca, of which a new batch was published by Edda Bresciani and her collaborators (no. 7): In this obviously fully bilingual environment scribes switch effortlessly from demotic to Greek and back in order to write personal names, but also other Greek words, including verbs that are prefixed with a demotic auxiliary, and that in the middle of the sentence! I already mentioned the legal documents from Roman period Soknopaiou Nesos (no. 42): Most of these sales, mortgages, divisions and marriage documents are bilingual, that is, they containing demotic and Greek text parts. The reason is that the Roman administration at the end of the 1st century BCE introduced a new system of authentication that required the addition of Greek statements of both parties over and above the Greek résumé and the note of registration. The bilingual documents from Sokopaiou Nesos are practically the latest demotic notary documents: In the last quarter of the 1st century CE, they were entirely superseded by Greek legal documents. Our analysis of the demotic and Greek legal formula has contributed to the understanding of the development of the bilingual documents and showed at the same time that the Egyptian

and Greek parts are not simply translations of each other but follow their own special phraseology.

Last not least, demotists have also been working ‘in the field’, presenting and publishing graffiti and dipinti (nos. 18, 21, 25, 28, 52, 53, 77, 97) as well as ostraca and papyri from ongoing excavations (nos. 2, 5, 7, 88).

LIST OF PUBLICATIONS OF DEMOTIC TEXTS
AND DEMOTIST STUDIES SINCE 2010
(without guaranty of completeness)

1. D. AGUT-LABORDÈRE & M. CHAUVEAU, *Héros, magiciens et sages oubliés de l'Égypte ancienne: une anthologie de la littérature en égyptien démotique*, Paris 2011.
2. Sara NABIL HAFIZ AHMED, ‘Four first century AD. Demotic ostraca from Medinet Habu’, *BSAC* 49 (2010), pp. 73–84.
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4. Carolin ARLT, *Deine Seele möge leben für immer und ewig: die demotischen Mumienbilder im British Museum* [= *Studia Demotica* 10], Leuven 2011.
5. EADEM, ‘The name ostraca from Soknopaiou Nesos. Office lottery or ostracism in the Fayyum?’, [in:] EADEM & M. STADLER (eds.), *Das Fayyûm in Hellenismus und Kaiserzeit. Fallstudien zu multikulturellem Leben in der Antike*, Wiesbaden 2013, pp. 7–17.
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10. M. MICHEL, 'Au fil des sagesses démotiques', [in:] ZIVIE-COCHE & GUERMEUR (eds.), *Parcourir l'éternité* (cit. no. 8), pp. 305–311.
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 13. IDEM, 'Egyptian Temples and Priests: Graeco-Roman', [in:] A. B. LLOYD (ed.), *A Companion to Ancient Egypt* 1, Malden, Mass. 2010, pp. 274–290.
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Andrea Jördens

ROMS HERRSCHAFT ÜBER ÄGYPTEN*

STEHT MAN VOR DER AUFGABE, aus eigener Sicht die Wege darzustellen, die die Forschung auf einem bestimmten Gebiet in den letzten zehn bis fünfzehn Jahren genommen hat, erscheinen hierfür grundsätzlich zwei Formate vorstellbar. Für beide ist im Fall des römischen Ägypten bereits auf große Vorbilder zurückzugreifen. So ist natürlich als erstes an den reich kommentierten Überblick zu denken, den Alan Bowman im Jahr 1976 zu den seit 1960 auf diesem Feld publizierten Arbeiten vorgelegt hat.¹ Nicht wenige werden sich aber auch an J. David Thomas' *Survey of Recent Research and Some Outstanding Problems* erinnern, der genau

* Den Organisatoren, die den xxvii. Internationalen Papyrologenkongress in Warschau zu einem so wunderbaren und wohl für alle Teilnehmer unvergeßlichen Erlebnis machten, und namentlich Tomasz Derda und Jakub Urbanik möchte ich für die freundliche Einladung und hohe Ehre, eines der neu eingeführten sog. Hauptreferate zu übernehmen, nochmals herzlich danken. Danken darf ich auch Dominic Rathbone für regen Austausch während der Verfertigung des Vortrags sowie Giovanni Geraci, Rudolf Haensch und Hans-Albert Rupprecht für eine kritische Durchsicht des Manuskripts. Gegenüber der am 30. August 2013 in der Plenary Session vorgetragenen Fassung wurden lediglich kleinere Modifikationen vorgenommen und die Anmerkungen ergänzt, der Vortragstil blieb weitgehend beibehalten.

¹ A. K. BOWMAN, „Papyri and Roman imperial history, 1960–75“, *JRS* 66 (1976), S. 153–173.

ein Vierteljahrhundert später in den Akten des Florentiner Kongresses erschien.²

Nun wird ein systematischer Katalog der einschlägigen Veröffentlichungen, so wünschenswert er vielleicht auch wäre, sich im Rahmen des hier erbetenen Vortrags von selbst verbieten; überdies könnte innerhalb der zur Verfügung stehenden Zeit ohnehin kein umfassendes oder gar erschöpfendes Bild sämtlicher hier in Rede stehender Aspekte geboten werden. Entsprechend hatte denn auch schon Thomas von allen derartigen Versuchen abgesehen und sich stattdessen auf ein einziges, wiewohl zentrales Thema konzentriert, nämlich die Verwaltung des römischen Ägypten. In anderer Hinsicht ging er dagegen wiederum über Bowman hinaus, indem er ebenso ältere wie auch noch laufende Arbeiten einbezog und nicht zuletzt auch Desiderata benannte.

Lag das Intervall zwischen diesen beiden Forschungsberichten noch bei mehr als 20 Jahren, ist seit dem letzten erst die Hälfte davon absolviert; überdies ist in diesen Jahren eine Reihe von *Handbooks*, *Companions* und *Encyclopedias* erschienen, die teilweise auch online zur Verfügung stehen und den aktuellen Stand der Forschung zu einer Fülle von Einzelthemen spiegeln.³ Vor allem aber war ausdrücklich um eine „personal view“ gebeten worden. So sei hier vielmehr ein dritter Weg eingeschlagen und nach den unterschiedlichen Interpretationsansätzen gefragt, die unser Bild des kaiserzeitlichen Ägypten bestimmen. Näherhin wird es mir dabei um den Charakter von Roms Herrschaft im allgemeinen und über das Nilland im besonderen gehen, ein Thema, das in den letzten Jahren neue Aktualität gewonnen hat. Vor allem scheinen mitunter sogar gegen-

² J. D. THOMAS, „The administration of Roman Egypt: A survey of recent research and some outstanding problems“, *PapCongr.* XXII II, S. 1245–1254.

³ Vgl. nur *The Oxford Handbook of Papyrology (OHP)*, hrsg. v. R. S. BAGNALL, Oxford 2009; *A Companion to Ancient Egypt*, hrsg. v. A. B. LLOYD (2 Bde.), Chichester 2010; *The Encyclopedia of Ancient History*, hrsg. v. R. S. BAGNALL u.a. (13 Bde.), Chichester 2013; bes. *The Oxford Handbook of Roman Egypt (OHRE)*, hrsg. v. Ch. RIGGS, Oxford 2012; vgl. auch den ausgezeichneten Überblicksartikel von C. SALVATERRA, „L'Egitto romano“, [in:] G. TRAINA (Hrsg.), *Storia d'Europa e del mediterraneo*. VI. *Da Augusto a Diocleziano*, Roma 2009, S. 355–416 sowie demnächst *A Companion to Greco-Roman and Late Antique Egypt*, hrsg. v. Katelijjn VANDORPE (in Vorb.).

läufige Entwicklungen zu beobachten, was auch aus allgemeinhistorischer Sicht Interesse verdient.

Ein Problem besonderer Art stellte dabei seit jeher die ganz eigene Aura Ägyptens dar, die auch und gerade den Klassischen Altertumswissenschaftler nicht unberührt ließ.⁴ Hierzu trugen zahlreiche Faktoren bei, so die schon von den Zeitgenossen wahrgenommene Fremdartigkeit in Sprache, Kunst und Kultur. Hinzu kam die Herablassung, mit der römische Literaten das angeblich so wankelmütige und abergläubische Volk der Ägypter bedachten;⁵ die zumindest im Jahr 30 v. Chr. völlig neuartige Konstruktion, ausgerechnet diese große und reiche Provinz als einzige dem Kommando eines ritterlichen Statthalters zu unterstellen; endlich auch ein Geschichtsbild, das Staaten und Kulturen als gleichsam lebende Organismen begreift und sie werden, blühen und vergehen sieht, wonach das Land seine besten Zeiten längst hinter sich hatte und sich schon seit Jahrhunderten in einem kontinuierlichen Niedergang befand.

All dies bereitete der lange Zeit herrschenden Auffassung Bahn, daß *Aegyptus* gar keine Provinz im engeren Sinne, sondern vielmehr Sondereigentum des Kaisers gewesen sei, eine Art Kronkolonie, in der der Präfekt einem Vizekönig gleich unumschränkte Gewalt besaß. Selbst wenn die Idee einer vermeintlichen „Sonderstellung Ägyptens“ inzwischen weitgehend aufgegeben ist, sind hartnäckige Relikte dessen doch auch heute noch zu finden. Dies gilt namentlich für den ebenso plakativen wie irreführenden, aber nach wie vor beliebten Begriff des Vizekönigs, dessen Herkunft aus dem British Empire allein schon vor einer allzu unkritischen Verwendung warnen sollte.⁶ Abgesehen davon, daß die dadurch

⁴ Vgl. nur erneut A. BOWMAN, „Recolonising Egypt“, [in:] T. P. WISEMAN (Hrsg.), *Classics in Progress. Essays on Ancient Greece and Rome*, Oxford – New York 2002, S. 193–223, unter Berücksichtigung verschiedenster Aspekte; bes. auch die von W. SEIPEL konzipierte und in verschiedenen Ländern gezeigte Ausstellung *Ägyptomanie*, mit zugehörigem Katalog (*Ägyptomanie. Ägypten in der europäischen Kunst 1730–1930*, Wien 1994) und Symposiumsband (*Ägyptomanie. Europäische Ägyptenimagination von der Antike bis heute*, Wien 2000).

⁵ Eine besonders lebendige, allerdings nicht sehr tieferschöpfende Nachzeichnung wurde vor einem halben Jahrhundert von B. BALDWIN, „Crime and criminals in Graeco-Roman Egypt“, *Aegyptus* 43 (1963), S. 256–263 geboten.

⁶ Hierzu zuletzt bes. G. GERACI, „L'Egitto provincia romana: Prototipo di nuovi modelli d'organizzazione provinciale d'età imperiale?“, *Simblös* 5 (2008), S. 161–183, bes. 168–173;

nahegelegte Parallele zum kolonialen Indien durch nichts begründet ist, droht dies doch auch, ob bewußt oder unbewußt, die Perspektive zu prägen.⁷ Hier ordnet sich nicht zuletzt auch die verbreitete Überzeugung ein, daß das Nilland als Privatbesitz des Kaisers bloßes Ausbeutungsojekt gewesen sei – eine Schafherde, die man besser nicht kahlrasierte oder gar umbrachte, solange man sie nur nach Belieben scheren konnte.⁸

Seit den 1970er Jahren und insbesondere den Arbeiten Giovanni Geracis hat sich jedoch zunehmend die Erkenntnis durchgesetzt, daß Ägypten eine reguläre Provinz,⁹ entsprechend auch die Verwaltungsprinzipien

A. JÖRDENS, *Statthalterliche Verwaltung in der römischen Kaiserzeit. Studien zum praefectus Aegypti* [= *Historia Einzelschr.* 175], Stuttgart 2009, S. 52–53, bes. Anm. 143; vgl. etwa auch den von der *Encyclopædia Britannica Online* s.v. „viceroy“ <<<http://www.britannica.com/EBchecked/topic/627413/viceroy>>> unter „Assorted References“ angebotenen Link auf „Egypt (in ancient Egypt: Egypt as a province of Rome)“ <<<http://www.britannica.com/EBchecked/topic/180468/ancient-Egypt/22349/Roman-and-Byzantine-Egypt-30-bc-ad-642?anchor=ref936499>>> (27. 08. 2013). Für die im späten XIX. Jhd. offenbar naheliegende Parallelisierung vgl. etwa auch J. THORNE, „The ‚Indian Mutiny‘ and the ‚Gallic Revolt““, [in:] E. HALL & P. VASUNIA (Hrsgg.), *India, Greece, and Rome, 1757 to 2007* [= *BICS Suppl.* 108], London 2010, S. 99–116, bes. 107 mit dem Verweis auf die bei T. RICE HOLMES notierten Unterschiede zwischen einem „modern viceroy“ und der Rolle Caesars in Gallien.

⁷ Auf das zunehmende Interesse an vergleichenden Studien zur griechisch-römischen Antike und dem kolonialen Indien sei lediglich hingewiesen, wofür vor allem der Name von P. VASUNIA steht; vgl. aber etwa auch M. BRADLEY (Hrsg.), *Classics and Imperialism in the British Empire*, Oxford 2010. Die Rückwirkungen des indischen Modells auf die Deutung des Imperium Romanum sind dabei freilich eher selten im Blick; vgl. immerhin im Bereich der schöngestigen Literatur D. ROBERTS, „Water-jug and plover’s feather: Rudyard Kipling’s India in Rosemary Sutcliff’s Roman Britain“, *India, Greece, and Rome* (o. Anm. 6), S. 117–129, während dies für die althistorische Forschung noch kaum ausgewertet erscheint. Sicher nicht zu unterschätzen ist die ganz spezifische Wirkung, die das beiden Kulturen gemeinsame Faszinosum des Exotischen auf psychologischer Ebene zu entfalten verstand.

⁸ So nach dem immer wieder gern zitierten und geradezu sprichwörtlichen *Κείρεσθαι μου τὰ πρόβατα, ἀλλ’ οὐκ ἀποξύρεσθαι βούλομαι*, womit Tiberius nach Cass. Dio LVII 10, 5 den Präфекten zurechtgewiesen haben soll. Falls tatsächlich, wie dort dargestellt, Aemilius Rectus der Adressat war, dürfte der Ausspruch allerdings eher Claudius zuzuschreiben sein, vgl. nur JÖRDENS, *Statthalterliche Verwaltung* (o. Anm. 6), bes. S. 96, Anm. 8. Daß ein entsprechendes Gedankengut in der Epoche des Kolonialismus allgemein gängig war und letztlich weit über das British Empire hinaus das Selbstverständnis der europäischen Staatenwelt als Kulturnationen prägte, sei lediglich angemerkt.

⁹ So bes. G. GERACI, *Genesi della provincia romana d’Egitto*, Bologna 1983; zur Diskussion allgem. auch H. J. WOLFF, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemaeer*

nicht grundsätzlich anders als andernorts waren. Rom hätte demnach auch hier auf eine Kooperation mit den einheimischen Eliten gesetzt und zur Befriedigung seiner Bedürfnisse, statt unmittelbaren Zwang anzuwenden, lieber das bekannte System abgestufter Privilegierungen zum Einsatz gebracht. Eingriffe in die inneren Strukturen konnten so auf das unbedingt Notwendige beschränkt, im allgemeinen jedoch weitestgehend vermieden werden. In diesem Zusammenhang wurde gern auch die geringe Personaldecke hervorgehoben, mit der Rom in den Provinzen zu agieren genötigt war; alle Herrschaft sei insoweit wesentlich ein Produkt von Aushandlungsprozessen gewesen, was sich auch in dem vor allem von Fergus Millar verfochtenen Modell des rein reaktiven Kaisers wiederfand.¹⁰ Man wird wohl kaum fehlgehen in der Annahme, daß vieles davon auch den zeitgenössischen Debatten in den Jahren nach 1968 zu verdanken war, die die Möglichkeiten eines Einwirkens auf „die Herrschenden“ mit gewissem Optimismus sahen und nicht zuletzt die Bedeutung des Militärs zu relativieren suchten, dem außer in solch notorischen Unruhegebieten wie Palästina in erster Linie die Friedenssicherung oblag.

In jüngster Zeit sind allerdings wieder vermehrt Stimmen laut geworden, die sich erneut für einen sehr viel entschiedeneren Zugriff Roms auf die Ressourcen Ägyptens aussprechen, ja auf bestimmten Handlungsfeldern sogar einen bewußten Gestaltungswillen der fremden Herrscher am Werke sehen. Hierher wird man vielleicht bereits den großen Aufsatz von Alan Bowman und Dominic Rathbone aus dem Jahr 1992 stellen dürfen, wonach der Munizipalisierungsprozeß, der im Jahr 200 n. Chr. mit der Einrichtung der Ratsverfassung in den ägyptischen Gauhauptstädten zum Abschluß kam, schon in augusteischer Zeit von Rom aus auf den Weg gebracht wurde.¹¹ Ein geradezu neokolonialistisches – latent marxistisches? – Konzept ist bei Colin Adams' Untersuchungen zum Land-

und des Prinzipats. I. *Bedingungen und Triebkräfte der Rechtsentwicklung* [= HAW x 5.1], München 2002; II. *Organisation und Kontrolle des privaten Rechtsverkehrs* [= HAW x 5.2], München 1978, bes. I 101–103; nachdrücklich nochmals GERACI, „LEgitto“ (o. Anm. 6).

¹⁰ F. MILLAR, *The Emperor in the Roman World (31 BC–AD 337)*, London 1977 (Ndr. 1992).

¹¹ A. K. BOWMAN & D. RATHBONE, „Cities and administration in Roman Egypt“, *JRS* 82 (1992), S. 107–127.

transport anzutreffen, demzufolge sich die Römer jederzeit ohne weiteres auch privater Kapazitäten zu bedienen pflegten, wo immer ein entsprechender Bedarf entstand.¹² Für ein aktives Handeln Roms, wenn auch auf ganz anderem Gebiet, hat sich zuletzt auch Stefan Pfeiffer ausgesprochen; auf Anweisung der Zentrale hin sei seiner Meinung nach von Anfang an ein metropolitaner Kaiserkult nach römischem Vorbild in sämtlichen Gauhauptstädten Ägyptens eingeführt worden.¹³

So verschieden diese drei zuletzt genannten Arbeiten von Gegenstand wie Interpretation auch sind, ist ihnen doch gemeinsam, daß sie für ihre Deutung von Herrschaft wieder auf das zeitweilig überholt geglaubte *top-down*-Modell zurückkommen. Dies ist im letzten Fall besonders bemerkenswert, da es sich bei Fragen der Religion stets um den sensibelsten Bereich im Verhältnis zwischen Herrschenden und Beherrschten handelt, wo man üblicherweise die stärkste Zurückhaltung vermuten wird. Ich habe mich an anderer Stelle intensiver mit dieser Frage auseinandergesetzt und glaube zeigen zu können, daß Pfeiffers Rekonstruktion ägyptenweit eingerichteter Kaiserkultstätten schwerlich haltbar ist.¹⁴ Gleichwohl dürfte nicht minder außer Frage stehen, daß ein reines *bottom-up*-Modell ebenso wenig zutreffend ist. Im Fall der Gauhauptstädte läßt sich vielleicht am deutlichsten sehen, daß es ein durchaus langwieriger Prozeß der gegenseitigen Annäherung war, in dem sich beide Seiten in kleinen Schritten aufeinander zu bewegten. Vor allem erstreckte er sich eher über Jahrzehnte als nur Jahre hinweg, weswegen der Begriff der Aushandlung hierfür kaum angebracht erscheint. Auch

¹² C. ADAMS, *Land Transport in Roman Egypt. A Study of Economics and Administration in a Roman Province*, Oxford 2007; vgl. auch schon die Bespr. von A. JÖRDENS in *BASP* 44 (2007), S. 261–265. So wenig die Praxis von Zwangsankäufen und Requisitionen in Abrede zu stellen ist, verdient dennoch das damit verbundene Prinzip einer angemessenen Entlohnung Beachtung; vgl. nur EADEM, *Statthalterliche Verwaltung* (o. Anm. 6), S. 164–262 Kap. V, bes. 260–262, sowie in der Zusammenfassung, S. 521.

¹³ S. PFEIFFER, *Der römische Kaiser und das Land am Nil. Kaiserverehrung und Kaiserkult in Alexandria und Ägypten von Augustus bis Caracalla (30 v. Chr.–217 n. Chr.)*, Stuttgart 2010 sowie IDEM, „The Imperial cult in Egypt“, *OHRE* (o. Anm. 3), S. 83–100 (Kap. 6).

¹⁴ A. JÖRDENS, „Priester, Prokuratoren und Präefekten: Die Tempelverwaltung im römischen Ägypten“, *Chiron* 44 (2014), S. 119–164..

verlief diese Entwicklung sicher nicht so geradlinig, wie manche der enchorischen Honoratioren es sich erhofft haben mögen, und gewiß vermochten sie nur in Ausnahmefällen, wenn überhaupt je auf Augenhöhe mit den Römern zu gelangen.¹⁵ Unbestreitbar aber wuchsen sie im Laufe der Zeit innerhalb der Provinz zu einem respektierten Gegenüber heran, ohne daß freilich die Initiative dazu zwingend bei Rom zu suchen ist.¹⁶

Andererseits wird man Rom keineswegs jedwede Initiative in dieser oder anderen Provinzen absprechen wollen, und gerade direkt nach der Herrschaftsübernahme waren Anlässe zu einem entschiedenen Durchgreifen, aber auch manch anderen Neuerungen gewiß reichlich vorhanden. Der Charakter von Herrschaft sollte sich allerdings eher aus dem Verhalten in Standardsituationen, gegebenenfalls auch aus über lange Zeit hinweg verfolgten Prinzipien erschließen. Zentrale Handlungsfelder stellen hier zweifelsohne Verwaltung, Wirtschaft und Gesellschaft dar, wovon in dem Beitrag von Dominic Rathbone noch eingehender die Rede sein wird.

Im folgenden seien demgegenüber zwei andere Bereiche in den Blick genommen, nämlich zum einen das Recht und zum anderen die Sprache und Kultur des Landes. Dabei wird man sich kaum größere Gegensätze als gerade diese beiden Handlungsfelder vorstellen können. Denn nichts liegt näher, als beim Recht einen besonders rigorosen Zugriff zu erwarten; Sprache und Kultur sollten dagegen eher durch ein *laissez-faire* gekennzeichnet sein. Für die Frage der Herrschaftsformen verspricht ein solcher Vergleich daher besonders aufschlußreich zu sein.

Dem Recht kommt im Falle Roms schon deswegen hohe Bedeutung zu, weil die Römer selbst ihm stets eine zentrale Rolle zumaßen.¹⁷ Hier

¹⁵ Zu der bekannt geringen Zahl der etwa in den Senat aufgenommenen Persönlichkeiten aus dieser Provinz schon J. REYNOLDS, „Senators originating in the provinces of Egypt and of Crete and Cyrene“, *Epigrafia e ordine senatorio (Atti Coll. Intern. AIEGL Roma, 14–20 maggio 1981)* II, Roma 1982, S. 671–683.

¹⁶ Dazu eingehend bereits A. JÖRDENS, „Der *praefectus Aegypti* und die Städte“, [in:] A. KOLB (Hrsg.), *Herrschaftsstrukturen und Herrschaftspraxis: Konzepte, Prinzipien und Strategien der Administration im römischen Kaiserreich*, Berlin 2006, S. 191–200.

¹⁷ In der älteren, zumal deutschsprachigen Literatur war dies auch ohne jeden Vorbehalt anerkannt, wie denn auch wichtige Beiträge zur Erschließung des dokumentarischen

sind denn auch die einschneidendsten Reformen zu vermerken, so namentlich die unmittelbar vollzogene Neuregelung des Personenstandsrechts.¹⁸ Die Überzeugung, daß es unter Freien nur römische Bürger und peregrine Nichtbürger geben könne, wurde mit Rücksicht auf gewisse Empfindlichkeiten zwar insoweit modifiziert, als man auch den Bürgern der griechischen Poleis eine Vorzugsbehandlung zugestand. Alle anderen Bewohner des Nillandes wurden jedoch umstandslos als Ägypter kategorisiert, hatten also vor allem die von den griechischsprachigen Eliten stets als diskriminierend empfundene Kopfsteuer zu erlegen. Dies barg zugleich Gefahren für das gesellschaftliche Gleichgewicht, denen die Römer bekanntlich mit einem System abgestufter Kopfsteuerzahlungen entgegenzuwirken suchten. Ausbildung und Zusammensetzung der insoweit privilegierten Gruppen gerieten zuletzt wieder stärker in den Blick,¹⁹

Materials nicht selten eben von Rechtshistorikern stammen. Die schwindende Bedeutung des römischen Rechts in der juristischen Ausbildung, das seit der Einführung des BGB im Jahr 1900 keine Relevanz für die praktische Anwendung mehr besaß, die Reduzierung der Anforderungen auf einen Einführungskurs im Eingangsemester, die fast folgerichtige Ausdünnung oder gar Schließung selbst renommiertester rechtshistorischer Institute und nicht zuletzt der allgemeine Rückgang der Sprachkenntnisse haben dazu geführt, daß die einst so bedeutende juristische Papyrologie in Deutschland zunehmend in Verfall geriet und heute nurmehr ein Schattendasein fristet. Um so mehr Anerkennung muß es verdienen, welch hohe Wertschätzung diese Studien gerade in Polen und namentlich in Warschau genießen, wie nicht zuletzt auch dieser Kongreß erneut eindrucksvoll vor Augen stellt. Für die bisherige Forschungsgeschichte vgl. nur den knappen Abriss aus der Feder von H.-A. RUPPRECHT [in:] WOLFF, *Recht I* (o. Anm. 9), S. 8–14.

¹⁸ Für diese seit langem bekannten Entwicklungen vgl. nur H.-A. RUPPRECHT, *Kleine Einführung in die Papyruskunde*, Darmstadt 1994, S. 155. Zu ähnlich tiefgreifenden Änderungen im Bodenrecht jetzt bes. A. MONSON, *From the Ptolemies to the Romans. Political and Economic Change in Egypt*, Cambridge 2012.

¹⁹ Vgl. nur P. VAN MINNEN, „αἱ ἀπὸ γυμνασίου: ‚Greek’ Women and the Greek ‚Elite’ in the Metropoleis of Roman Egypt“, [in:] H. MELAERTS & L. MOOREN (Hrsgg.), *Le rôle et le statut des femmes en Égypte hellénistique, romaine et byzantine (Actes coll. intern. Bruxelles – Leuven 27–29 novembre 1997)* [= *Studia Hellenistica* 37], Paris – Leuven – Sterling, VA 2002, S. 337–353; G. RUFFINI, „Genealogy and the Gymnasium“, *BASP* 43 (2006), S. 71–99; hierzu auch A. JÖRDENS, „Status and citizenship“, *OHRE* (o. Anm. 3), S. 247–259 (Kap. 15), bes. 254–257, sowie zuletzt D. RATHBONE, in diesem Band; zum Epikrisisverfahren jetzt eingehend Th. KRUSE, „Bevölkerungskontrolle, Statuszugang und Archivpraxis im römischen Ägypten“, *Archives* (u. Anm. 35), S. 307–332.

wobei nach wie vor offen ist, ob diese Entwicklung bei der Herrschaftsübernahme der Römer bereits im Gange war oder erst als Reaktion hierauf zu verstehen ist. In jedem Fall ist für die ersten 100 Jahre römischer Herrschaft ein tiefgreifender Umbau der ägyptischen Gesellschaft zu konstatieren,²⁰ der allerdings durch die relativ schlechte Überlieferungslage bisher nur in Ansätzen greifbar ist²¹ und noch genauerer Erforschung bedarf.

Ein besonderes Wort hat die Situation in Alexandria verdient, das hier – fast möchte man sagen: wie üblich – eine Sonderrolle spielt. Denn während sich die Lage in der Chora erstaunlich rasch beruhigt zu haben scheint, stellte sich dies in der Hauptstadt völlig anders dar, wo sich die neu aufgekommenen Spannungen zwischen jüdischen und griechischen Alexandrinern Ende der 30er Jahre in regelrechten Straßenschlachten entluden. Dieser Komplex dürfte zu den am intensivsten behandelten Fragen des römischen Ägypten zählen, wofür nur auf den rezenten Überblick von Andrew Harker im *Oxford Handbook of Roman Egypt* verwiesen sei.²² Über Anlaß und Verlauf dieser Ereignisse sind wir inzwischen recht gut orientiert,²³ weniger allerdings über die Hintergründe. Denn nach so vielen Jahrhunderten weitgehend friedvollen Zusammenlebens reichen all diese rechtlichen Fragen alleine nicht aus, das erschreckende Ausmaß der Gewalt zu erklären. Sehr ansprechend hat jetzt Katherine Blouin den Gedanken einer tödlichen Rivalität ins Spiel gebracht, wonach nicht Gegnerschaft zu den neuen Herrschern, sondern das Buhlen um ihre Gunst – genauer

²⁰ Vgl. immerhin D. HAGEDORN, „The emergence of municipal offices in the nome-capitals of Egypt“, [in:] A. K. BOWMAN u.a. (Hrsgg.), *Oxyrhynchus. A City and Its Texts*, London 2007, S. 194–204; knapp auch SALVATERRA, „L'Egitto romano“ (o. Anm. 3), bes. S. 383–384.

²¹ Vgl. nur W. HABERMANN, „Zur chronologischen Verteilung der papyrologischen Zeugnisse“, *ZPE* 122 (1998), S. 144–160, bes. 147 Abb. 1, wonach die Dokumentation des 1. Jhdts. v. Chr. und des 1. Jhdts. n. Chr. zusammengenommen im Vergleich zu derjenigen des 11. Jhdts. n. Chr. weit weniger als halb so viele Texte umfaßt.

²² A. HARKER, „The Jews in Roman Egypt. Trials and rebellions“, *OHRE* (o. Anm. 3), S. 277–287 (Kap. 17); eingehend bereits IDEM, *Loyalty and Dissidence in Roman Egypt*, Cambridge 2008.

²³ Vgl. bes. A. KERKESLAGER, „Agrippa and the mourning rites for Drusilla in Alexandria“, *JStJ* 37 (2006), S. 367–400; allgem. auch A. MAGNANI, *Il processo di Isidoro. Roma e Alessandria nel primo secolo*, Napoli 2009, sowie zuletzt S. GAMBETTI, *The Alexandrian Riots of 38 CE and the Persecution of of the Jews. A Historical Reconstrution* [= *Journal for the Study of Judaism*, Supp. 135], Leiden – Boston 2009.

darum, die eigene Seite als den besseren, ja einzig geeigneten Bündnispartner zu erweisen – die Konkurrenz mit bislang ungekannter Schärfe versah.²⁴

Besaßen diese Rechtsfragen unübersehbar auch oder sogar primär eine politische Dimension, stand daneben in Ägypten nicht weniger als andernorts immer auch die Rechtsprechung im Fokus der römischen Aufmerksamkeit. Deutlich wird dies bereits in der umgehend eingerichteten und daher schon von Strabon erwähnten Funktion des *iuridicus*, wengleich die genaue Abgrenzung seiner Kompetenzen von denjenigen des Präfekten im Detail noch ungeklärt ist.²⁵ Sicherer glaubte sich die Forschung spätestens seit Ludwig Mitteis im Fall der nachgeordneten Organe. Denn aus der „Tatsache, daß dieser (sc. der Präfekt) der eigentliche und alleinige Richter des Landes ist“, wie Mitteis es formulierte,²⁶

²⁴ K. BLOUIN, *Le conflit judéo-alexandrin de 38–41: l'identité juive à l'épreuve*, Paris 2005.

²⁵ Vgl. Strab. XVII 1, 12 (p. 797) ὑπ' αὐτῶ (sc. dem Präfekten) δ' ἐστὶν ὁ δικαιοδότης ὁ τῶν πολλῶν κρίσεων κύριος; allgem. jetzt B. ANAGNOSTOU-CAÑAS, *Juge et sentence dans l'Égypte romaine*, Paris 1991, S. 178–183; eine Liste der Amtsinhaber zuletzt bei N. KRUIT & K. A. WORP, „P. Vindob. G 31701 verso: A prefectural (?) hypographe“, *Tyche* 16 (2001), S. 91–102 (Ed. pr. von SB XXVI 16728), bes. 92–96 (# 19 allerdings δικαιοδότης διέπων → διοικητῆς διέπων). Wie weit ihr Aufgabenbereich sich mit dem der andernorts tätigen *iuridici* deckte, ist unklar; Zweifel etwa bei B. GALLOTTA, „Lo ‚iuridicus‘ e la sua ‚iurisdic-tio‘“, [in:] *Studi in onore di A. Biscardi* IV, Milano 1983, S. 441–444, bes. 442 mit Verweis auf D. 1, 20, 2 (Ulp. 39 *ad Sab.*) „iuridico qui Alexandriae agit“: „quello della città egizia è tuttavia un caso particolare“, während K. HACKL, „Der Zivilprozeß des frühen Prinzipats in den Provinzen“, *ZRG RA* 114 (1997), S. 141–159 = „Il processo civile nelle province“, [in:] F. MILAZZO (Hrsg.), *Gli ordinamenti giudiziari di Roma imperiale (Atti conv. intern. dir. rom. Copanello, 5.–8. 6. 1996)*, Napoli 1999, S. 299–318 zwar den prokuratorischen Provinzen grundsätzlich besonderen Status zuschreiben will, die zumal in den spanischen Provinzen tätigen *iuridici* jedoch gleichwohl ohne weiteres unter den „Unterbeamten“ bzw. „magistrati inferiori“ des *praefectus Aegypti* anführt (S. 145 bzw. 303 Anm. 27); mißverständlich auch ebda. S. 158 bzw. 317 „Daneben (sc. dem Konvent) besteht in Alexandria ein permanentes Gericht des Präfekten, in dem ihn regelmäßig der *iuridicus Alexandriae* vertritt“. Vgl. hierzu demnächst auch R. HAENSCH, „Im Schatten Alexandrias: Der *iuridicus Aegypti et Alexandriae*“, [in:] IDEM (Hrsg.), *Recht haben* (u. Anm. 34).

²⁶ So erstmals L. MITTEIS, „Zur Lehre von den Libellen und der Prozeßeinleitung nach den Papyri der früheren Kaiserzeit“, *Ber. Verb. Kgl. Sächs. Ges. Wiss.* 62/4 (1910), S. 61–126, bes. 86 mit Verweis auf 80; so auch, mit teilweise wörtlichem Zitat, etwa F. ZUCKER, *Beiträge zur Kenntnis der Gerichtsorganisation im ptolemaeischen und roemischen Aegypten* [= *Philologus Suppl.* 12/1], Berlin 1911, S. 116; E. BIEDERMANN, *Studien zur ägyptischen Verwaltungsgeschichte in ptolemäisch-römischer Zeit. Der Βασιλικὸς γραμματεὺς*, Berlin 1913, S. 91; H. BRAUNERT,

folgte geradezu zwingend: „Alle anderen Beamten, insbesondere die Epistrategen und Strategen entbehren der jurisdiktionellen Befugnisse“.²⁷ Für Irritationen mußten insofern all jene Verfahren sorgen, die nachweislich vor diesen Instanzen stattfanden und mit einem Richterspruch endeten. Als Beispiel sei nur der berühmte Prozeß gegen den Weber Tryphon und seine als Amme tätige Frau genannt, bei dem die zu ihren Gunsten gefällte Entscheidung allein als „Endurteil des vom Statthalter mittels formelähnlicher Instruktion delegierten Strategen“ erklärlich schien.²⁸ Auch die weitverbreitete, aber kaum je näher begründete Annahme, daß der Strategie allenfalls als bloßer *arbitrator* gewirkt habe,²⁹ dürfte letztlich hier ihre Wurzeln haben.

Die Binnenwanderung. Studien zur Sozialgeschichte Ägyptens in der Ptolemäer- und Kaiserzeit, Bonn 1964, S. 206.

²⁷ So L. MITTEIS, *Grundzüge und Chrestomathie der Papyruskunde*. II I. *Juristischer Teil, Grundzüge*, Leipzig – Berlin 1912, S. 25; ihm folgend etwa auch R. TAUBENSCHLAG, *Das Strafrecht im Rechte der Papyri*, Leipzig 1916 (Ndr. Aalen 1972), S. 97: „Die beiden ersten (d.h. Epistratege und Strategie) haben somit in dieser Epoche ihre richterliche Kompetenz eingebüßt“.

²⁸ So P. M. MEYER in der Einl. zu *Jur. Pap.* 90 (= *P. Oxy.* I 37 = *C. P. Gr.* I 19 = *MCbr.* 79 = *Sel. Pap.* II 257 = *FIRA* III 170 = *P. Lond.* III 746 *descr.* = M. V. BISCOTTINI, „L'archivio di Tryphon tessitore di Oxyrhynchos“, *Aegyptus* 46 [1966], S. 60–90, 186–292, bes. 233–236. Nr. 23, 29. 3. 49); ähnlich hierzu auch noch M. HUMBERT, „La juridiction du préfet d'Égypte d'Auguste à Dioclétien“, [in:] F. BOURDEAU, N. CHARBONNEL & M. HUMBERT (Hrsgg.), *Aspects de l'Empire Romain*, Paris 1964, bes. S. III; V. ARANGIO-RUIZ, Einl. zu *FIRA* III 170; ANAGNOSTOU-CANAS, *Juge* (o. Anm. 25), S. 27–29.

²⁹ So vielfach gerade in neuerer Literatur, vgl. etwa D. W. HOBSON, „The impact of law on village life in Roman Egypt“, [in:] B. HALPERN & D. W. HOBSON (Hrsgg.), *Law, Politics and Society in the Ancient Mediterranean World*, Sheffield 1993, S. 193–219, bes. 211; R. SCHIAVONE, „*Agens ad latrunculum* – Strafverfolgung im Römischen Reich“, [in:] M. REUTER & R. SCHIAVONE (Hrsgg.), *Gefährliches Pflaster. Kriminalität im Römischen Reich* [= *Xantener Berichte* 21], Mainz am Rhein 2011, S. 225–239, bes. 230; zuletzt auch B. KELLY, *Petitions, Litigation, and Social Control in Roman Egypt*, Oxford 2011, bes. S. 83–86, 110–111. Eingehender erörtert allein von W. RIESS, *Apuleius und die Räuber. Ein Beitrag zur historischen Kriminalitätsforschung* [= *HABES* 35], Stuttgart 2001, bes. S. 196–198, der zugleich die Gerichtsbarkeit von Epistrategen und Strategen grundsätzlich getrennt sehen will; danach seien Rechtsprechungskompetenzen allein ersteren zuzuschreiben, während letzterer „vielmehr ... ein staatlich bestellter *arbitrator*“ und überdies „fast noch ... eine Einrichtung des lokalen Ordnungssystems“ sei (197). Dies ist so jedoch kaum zu halten, zumal Genese und damit eigentliche Begründung der Konstruktion dabei außer acht gelassen

Dies erscheint freilich allzu formalistisch gedacht, ganz abgesehen davon, daß schon der schiere Umfang der entsprechenden Aufgaben eine Delegation des Einzelfalls ausschließen sollte.³⁰ Vielmehr werden die jurisdiktionellen Kompetenzen von Strategen und Epistrategen am ehesten Teil der in den *mandata* enthaltenen Befugnisse gewesen sein, die ihnen bei Amtsantritt vom Präfekten bzw. Kaiser übertragen wurden. Ihre umfassende Zuständigkeit wirkte sich auch auf das Prozeßwesen aus, sind für eine saubere Scheidung in Verwaltungs-, Zivil- und Strafverfahren bislang doch kaum Anhaltspunkte zu finden.³¹ Allfällige Differenzen erscheinen eher durch Gewicht und Komplexität der Sache bestimmt, wie außer vielfachen Verweisungen an höhere Instanzen vor allem die Materien anzeigen, deren Behandlung einer wohl hadrianischen Konstitution zufolge allein dem Statthalter vorbehalten war.³² Auf zeitweilige Erwägungen, ob die Strategen nicht möglicherweise doch traditionell und aus eigenem Recht die gesamte niedere Gerichtsbarkeit besaßen, sei lediglich hingewiesen.³³ Das letzte Wort steht hier wohl

sind; wie weit die gleichzeitige Aussage „Praktisch wird der Strategie eine gewisse Gerichtsbarkeit sicher gehabt haben, ob regulär oder durch Erlaubnis des Präfekten“ (ebda.), möglicherweise bereits eigene Zweifel hieran zu erkennen gibt, bleibt letztlich offen.

³⁰ Vgl. auch ANAGNOSTOU-CAÑAS, *Juge* (o. Anm. 25), 186–199, bes. 194; N. LEWIS, *Life in Egypt under Roman Rule*, Oxford 1983, S. 187–195. sowie IDEM, „Judiciary routines in Roman Egypt“, *BASP* 37 (2000), S. 83–93. Hierauf läßt im übrigen bereits der Wortlaut der statthalterlichen *subscriptions* schließen, der in der Regel jeder inhaltlichen Weisung entbehrt; grundlegend dazu weiterhin R. HAENSCH, „Die Bearbeitungsweisen von Petitionen in der Provinz Aegyptus“, *ZPE* 100 (1994), S. 487–546.

³¹ Vgl. etwa die kritische Sichtung des Materials zum Epistrategen bei J. D. THOMAS, *The epistrategos in Ptolemaic and Roman Egypt. II. The Roman Epistrategos* [= *Pap. Colon.* VI.2], Opladen 1982, S. III–159 (Kap. 10).

³² Dazu jetzt A. JÖRDENS, „Eine kaiserliche Konstitution zu den Rechtsprechungskompetenzen der Statthalter“, *Chiron* 41 (2011), S. 327–356; zu den Tatbeständen demnächst EADEM, „Die Strafgerichtsbarkeit des *praefectus Aegypti*“, [in:] *Recht haben* (u. Anm. 34).

³³ Vgl. etwa die knappe Skizze bei M. KASER & K. HACKL, *Das römische Zivilprozessrecht* [= *HAW* x 3. 4], 2., neubearb. Aufl., München 1996, S. 469–470, allerdings nicht mehr bei HACKL, „Zivilprozeß“ (o. Anm. 25), S. 158–159; bes. zu Ägypten, wengleich zunächst lediglich für die Übergangszeit, E. SEIDL, „Zur Gerichtsverfassung in der Provinz Ägypten bis ca. 250 n. Chr.“, *Labeo* II (1965), S. 316–328; IDEM, *Rechtsgeschichte Ägyptens als römi-*

noch aus. Neues Licht suchte zuletzt die von Rudolf Haensch initiierte trilaterale Konferenzreihe *Recht haben und Recht bekommen im Imperium Romanum* auf diese nur scheinbar längst gelösten Fragen zu werfen, auf deren Ergebnisse man gespannt sein darf.³⁴

Weitreichende Aktivitäten sind von römischer Seite zudem in der Verwaltung der Akten sowie der Archivierung von Verträgen zu vermerken, wie überhaupt der Aufbau öffentlicher Archive bei den Römern sichtlich Priorität genöß. Gerade in letzter Zeit wurde diesem Aspekt, gern auch im Verbund mit entsprechenden Einrichtungen der Nachbarkulturen, wieder vermehrt Interesse zuteil.³⁵ Zunächst in Alexandria konzentriert, dienten die Archive der Aufnahme des in der Verwaltung anfallenden Aktenmaterials, recht bald wohl auch der demotischen sowie der staatsnotariellen Verträge. Ausgebaut wurden zudem die auf Gauebene situierten δημοσίου βιβλιοθήκαι, denen kurz nach der Jahrhundertmitte die sog. „Besitzarchive“ zur Seite traten, die als dezentrale Einrichtung in

scher Provinz (Die Behauptung des ägyptischen Rechts neben dem römischen), Sankt Augustin 1973, S. 103–109 (kaum hinreichend fundiert allerdings 107–108 die von ihm vermuteten grundlegenden Veränderungen im 11. Jhd.); auch R. HAENSCH, „Zur Konventsordnung in Aegyptus und den übrigen Provinzen des römischen Reiches“, *PapCongr.* XXI, S. 320–391, bes. 337–342; zurückhaltend jedoch WOLFF, *Recht I* (o. Anm. 9), S. 105, Anm. 32. Für eine separate Behandlung der Alltagskriminalität vgl. im übrigen auch die bei RIESS, *Apuleius* (o. Anm. 29), 121 Anm. 19 angeführten Regelungen in den spätantiken Kodifikationen.

³⁴ Vgl. einstweilen <http://www.dainst.org/sites/default/files/media/press/e-forschungen/e-Forschungen2014_1.pdf>, bes. 3 ff. sowie demnächst R. HAENSCH (Hrsg.), *Recht haben und Recht bekommen im Imperium Romanum (Villa Vigoni, 2010–2012)* [= *JfarP Suppl.* 23] (im Druck).

³⁵ Zum antiken Archivwesen allgem. M. BROSIUS, *Ancient Archives and Archival Traditions. Concepts of Record-Keeping in the Ancient World*, Oxford 2003 sowie zuletzt bes. M. FARAGUNA, *Archives and Archival Documents in Ancient Societies (Legal Documents in Ancient Societies IV, Trieste 30 Sept.–1 Oct. 2011)*, Trieste 2013 (auch online unter <<http://hdl.handle.net/10077/8650>>); zu den Verhältnissen in Ägypten grundlegend weiterhin W. E. H. COCKLE, „State archives in Graeco-Roman Egypt from 30 BC to the reign of Septimius Severus“, *JEA* 70 (1984), S. 106–122; F. BURKHALTER, „Archives locales et archives centrales en Égypte romaine“, *Chiron* 20 (1990), S. 191–216; vgl. auch K. MARESCH, „Die Bibliothek der Enkteseon im römischen Ägypten. Überlegungen zur Funktion zentraler Besitzarchive“, *APF* 48 (2002), S. 233–246; A. JÖRDENS, „Öffentliche Archive und römische Rechtspolitik“, [in:] K. LEMBKE, M. MINAS-NERPPEL & S. PFEIFFER (Hrsgg.), *Tradition and Transformation. Egypt under Roman Rule (Hildesheim, 3.–6. 7. 2008)*, Leiden – Boston 2010, S. 159–179.

sämtlichen ägyptischen Gauhauptstädten Aufschluß über die Vermögensverhältnisse an privatem Grundbesitz und wohl auch Sklavengaben. Erklärtes Ziel dieser bemerkenswerten Neuerung war die Erhöhung der Rechtssicherheit, ging es doch darum, potentielle Vertragspartner vor dem Risiko betrügerischer Geschäfte zu bewahren.³⁶ Dabei handelt es sich um einen der seltenen Fälle, in denen der Eintritt der gewünschten Effekte nach François Lerouxel tatsächlich im Material nachweisbar ist, wie die positiven Auswirkungen auf den Kreditmarkt und die Aktivitäten von Frauen zeigen.³⁷

Wo sich die Römer jedoch mit wenigen Ausnahmen sämtlicher Eingriffe enthielten, war das gesamte Gebiet des materiellen Rechts. Dabei kann nicht oft genug betont werden, daß das römische Recht seinen Siegeszug in die europäischen Rechtsordnungen erst mit den großen Rechtsschulen von Bologna und Paris antrat, es jedoch in der Antike das Sonderrecht der *cives Romani* blieb – wobei auch sie es keineswegs immer und konsequent anwandten.³⁸ Entgegen verbreiteter Meinung sollte nicht einmal die *Constitutio Antoniniana*, mit der Caracalla im Jahr 212

³⁶ Hierzu zuletzt A. JÖRDENS, „Nochmals zur Bibliothek der Enktesis“, *Symposium 2009*, S. 277–290; zum Ziel bes. *P. Oxy.* II 237, col. VIII, Z. 36 ἵνα οἱ συναλλάσσοντες μὴ κατ’ ἄγνοιαν ἐνεδρεύονται (l. ἐνεδρεύονται; Edikt des Präfekten M. Mettius Rufus, I. oder 31. IO. 89).

³⁷ So bes. F. LEROUXEL, „Les femmes sur le marché du crédit en Égypte romaine (30 avant J.-C. – 284 après J.-C.). Une approche néo-institutionnaliste“, *CCRH* 37 (2006), S. 47–63, sowie zuletzt IDEM, „The βιβλιοθήκη ἐγκτήσεων and the transaction costs in the credit market of Roman Egypt (30 BCE – ca. 170 CE“, [in:] D. KEHOE, D. RATZAN & U. YIFTACH (Hrsgg.), *Law and Transaction Costs in Ancient Economy*, Ann Arbor 2015, S. 162–184. Wie weit hierbei die unterschiedliche Quellenlage eine Rolle spielt – da, wie U. YIFTACH-FIRANKO *per litteras* zu bedenken gibt, die frühkaiserzeitliche Evidenz vornehmlich aus arsinoitischen Dörfern stammt, während wir es im II. Jhd. vor allem mit einem städtischen Umfeld zu tun haben –, bleibe dahingestellt.

³⁸ So bekanntlich schon L. MITTEIS, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs. Mit Beiträgen zur Kenntniss des griechischen Rechts und der spätrömischen Rechtsentwicklung*, Leipzig 1891 (Ndr. Hildesheim 1963, 1984), wiewohl gerade unter Historikern nicht selten bis heute die gegenteilige Auffassung anzutreffen ist. Tatsächlich wurde der politische Wille an einer Durchsetzung der römischen Rechtsordnung lange Zeit nicht infrage gestellt und allenfalls über Zeitpunkt, Form und Umstände dieses vermeintlich zwingenden Prozesses diskutiert; zu den teilweise erbittert geführten Auseinandersetzungen, die sich noch bis weit in die zweite Hälfte des letzten Jahrhunderts hingen und für die exemplarisch nur E. SCHÖNBAUER, *Das Römische Recht nach 212 in*

sämtlichen Einwohnern des Römischen Reichs das römische Bürgerrecht verlieh, Wesentliches daran ändern, daß das materielle Recht der unterworfenen Völkerschaften weitgehend unangetastet blieb.³⁹ Hatte Hans Julius Wolff noch vermutet, daß allmählich doch das römische Konzept des Konsensualkontraktes an Boden gewann und sich in der Spätantike womöglich endgültig durchzusetzen vermochte, sehen wir jetzt mehr denn je, daß alle Angleichungen bestenfalls auf formalem Gebiet erfolgten wie bei der Aufnahme der Stipulationsklausel oder auch einer Stärkung der Homologie.⁴⁰ Die herkömmlichen Rechtsfiguren wie auch Grundüberzeugungen vom Charakter des Vertrages lebten dagegen offenkundig ungestört weiter, dies teilweise sogar, gerade auch im stets konservativen Erb- und Familienrecht, bis in neueste Zeit.⁴¹

ausschließlicher Geltung? [= AÖAW 17/1949], Wien 1950 genannt sei, auch J. MODRZEJEWSKI, „La règle de droit dans l'Égypte romaine (État des questions et perspectives de recherches)“, *PapCongr.* XII, S. 317–377, bes. 347–352 sowie die ausgewogene Darstellung bei WOLFF, *Recht* I (o. Anm. 9), S. 113–148, § 7, bes. 126–130. Daß das römische Recht in der Antike nie flächendeckend zum Einsatz kam, konnte nach dieser älteren Auffassung, wie immer sich die Differenzen im Detail gestalteten, nur als Scheitern gedeutet werden, was auch diese Debatten als Teil eines zeitgenössischen Diskurses über Macht und Staatlichkeit erweist.

³⁹ Auch sonst scheinen die unmittelbaren Wirkungen der allgemeinen Bürgerrechtsverleihung in engen Grenzen geblieben zu sein; eingehend jetzt bes. K. BURASELIS, *Θεία δωρεά. Das göttlich-kaiserliche Geschenk. Studien zur Politik der Severer und zur Constitutio Antoniniana*, Wien 2007; allgem. auch schon WOLFF, *Recht* I (o. Anm. 9), S. 122–136. Intensivere Diskussionen hat zuletzt noch einmal die berühmte Ausnahmeklausel in der um 215 angefertigten Abschrift in *P. Giss.* I 40, Kol. 1 (= *MChr.* 377 = *Jur. Pap.* 1) erlebt, vgl. bes. P. A. KUHLMANN in Einl. und Komm. zu der Neu-ed. in *P. Giss. Lit.* 6.1 mit dem Vorschlag, in Z. 9 mit J. H. OLIVER, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri*, Philadelphia 1989, bes. S. 495–505, Nr. 260 $\chi\omega\rho[\iota\varsigma] \tau\acute{\omega}\nu [\acute{\alpha}\delta]\delta\epsilon\iota\tau\iota\kappa\acute{\iota}\omega\nu$ zu ergänzen; dagegen erneut für das üblichere $\delta\epsilon[\iota]\delta\epsilon\iota\tau\iota\kappa\acute{\iota}\omega\nu$ E. WEBER, „Eine Reminiszenz an die *lex Plautia Papiria* im *P. Giss.* I 40?“, *Tyche* 24 (2009), S. 153–162; vgl. zuletzt auch V. MAROTTA, *La cittadinanza romana in età imperiale (secoli I–III d.C.). Una sintesi*, Torino 2009, bes. S. 120–126, sowie IDEM, „Il *P. Giss.* 40 I“, *IAH* 5 (2013), S. 77–85.

⁴⁰ Vgl. nur WOLFF, *Recht* I (o. Anm. 9), S. 130–145; U. YIFTACH-FIRANKO, „Law in Graeco-Roman Egypt: Hellenization, fusion, romanization“, *OHP* (o. Anm. 3), S. 541–560 (Kap. 23); zur mangelnden Durchsetzung des Konsensualkontraktes bereits A. JÖRDENS, *Vertragliche Regelungen von Arbeiten im späten griechischsprachigen Ägypten* (*P. Heid.* v) [= *VHP NF* 6], Heidelberg 1990, bes. S. 373–375.

⁴¹ Vgl. jetzt den allgem. Überblick bei H.-A. RUPPRECHT, *Recht und Rechtsleben im ptolemäischen und römischen Ägypten an der Schnittstelle griechischen und ägyptischen Rechts 332 a.C.–*

Neuerungen erlebte das Vertragswesen allenfalls im formalen und sprachlichen Bereich. Hier bestanden die Römer von Anfang an auf einer Registrierung demotischer Verträge im hauptstädtischen Nanaion, gaben sich sonst jedoch mit der Ergänzung durch eine ausführlichere griechische Hypographe zufrieden.⁴² Obwohl von weiteren Restriktionen nichts zu erkennen ist, setzten sich im Laufe des I. Jhdts. n. Chr. griechischsprachige Verträge auf ganzer Linie durch, während Demotisch allenfalls noch in raren Ausnahmen anzutreffen ist.⁴³ Wie Mark Depauw jetzt zu zeigen vermochte, galt dies ebenso für den privaten Schriftverkehr, wo sich das Demotische seit der Zeitenwende ebenfalls auf dem Rückzug befand.⁴⁴

Dies leitet über zu dem zweiten großen Thema dieses Beitrags, der einheimischen Lebenswelt in römischer Zeit. Wie kaum anders zu erwarten, kann von einer grundsätzlichen Unterdrückung der Sprache und Kultur des Landes seitens der Römer nicht die Rede sein. Die neuen For-

212 p.C. [= *AMAW* 8/2011], Stuttgart 2012, bes. S. 20–26, vgl. auch 27–39. Zum Eherecht bes. auch U. YIFTACH, „Kontinuität und Zäsuren im ägyptischen Eherecht – Die Ekdisis als Eheschließungsmodalität in der Ptolemäer- und Kaiserzeit (4. Jhd. v.–2. Jhd. n. Chr.)“, [in:] A. THIER – G. PFEIFER & PH. GRZIMEK (Hrsgg.), *Kontinuität und Zäsuren in der Europäischen Rechtsgeschichte*, Frankfurt am Main 1999, S. 49–62; zum Weiterleben des alten griechischen Erbvertrags unter der griechischen Bevölkerung, die in osmanischer Zeit nicht der am justinianischen Recht orientierten bischöflichen Rechtsprechung unterstand, P. DASKALOPOULOS, *Historische Wurzeln des Verbots der Erbverträge im griechischen Recht*, unpubl. jur. Magisterarbeit Heidelberg 2008. Zu ähnlichen Beobachtungen im spätantiken Palästina vgl. jetzt auch den soeben neueditierten Vertrag über eine Erbschaftsteilung *P. Petra* 11 17 (15. 6. 573) mit J. KAIMIO, auf diesem Kongreß.

⁴² M. DEPAUW, „Autograph confirmation in demotic private contracts“, *CdÉ* 78 (2003), S. 66–111, bes. 89–102; B. P. MUHS, „The grapheion and the disappearance of demotic contracts in Early Roman Tebtynis and Soknopaiou Nesos“, S. L. LIPPERT & M. SCHENTULEIT (Hrsgg.), *Tebtynis und Soknopaiou Nesos – Leben im römerzeitlichen Fajum (Sommerhausen, II–13. 12. 2003)*, Wiesbaden 2005, S. 93–104, der eben diesem Erfordernis das Aussterben der demotischen Beurkundungspraxis zuschreibt.

⁴³ So schon N. LEWIS, „The demise of the demotic document: when and why“, *JEA* 79 (1993), S. 276–281 = IDEM, *On Government and Law in Roman Egypt. Collected Papers of Naphtali Lewis* [= *ASP* 33], Atlanta 1995, S. 351–356; RUPPRECHT, *Recht und Rechtsleben* (o. Anm. 41), S. 17–18, 24–25.

⁴⁴ M. DEPAUW, *The Demotic Letter: A Study of Epistolographic Scribal Traditions against their Intra- and Intercultural Background*, Sommerhausen 2006, bes. S. 91–92: ‘Chronological survey’.

schungen von Kim Ryholt und seinem Kopenhagener Team führen vielmehr immer wieder eindrucksvoll vor Augen, in welcher hohen Blüte die demotische Sprache und Literatur nach Ausweis der sog. Tebtynis Temple Library noch unter den Adoptivkaisern stand.⁴⁵ Beachtung verdienen indes auch die zunehmenden Phänomene der Vermischung, wofür zuletzt vor allem das alte Heiligtum von Narmuthis bekannt geworden ist und die im übrigen nicht nur das Griechische und Demotische, sondern auch die verschiedenen Sprachstufen des Ägyptischen betreffen.⁴⁶

Eine Annäherung der Sphären legen aber auch die in Tebtynis ergrabenen literarischen Texte nahe, wo sich hieratische und griechische Werke – vornehmlich solche astronomischen oder medizinischen Inhalts – einträchtig nebeneinander fanden.⁴⁷ In dieselbe Richtung mag auch die ganz anders gelagerte Beobachtung von Todd Hickey weisen, daß führende Familien des Tempels wie die von Kronion und Isidora zu den privilegierten Gruppen der Metropolen gehörten und vielfältige Beziehungen mit Angehörigen der dortigen Elite unterhielten.⁴⁸ Dies war nicht

⁴⁵ Nach H. MAEHLER, „Alexandria, the Mouseion, and Cultural Identity“, [in:] A. HIRST & M. SILK (Hrsgg.), *Alexandria, Real and Imagined*, London 2004, S. 1–14, bes. 10–11. sei dies freilich bereits selbst als Niedergangssphänomen zu deuten, da man, das nahe Ende der demotischen Schrifttradition vor Augen, mit einer solchen verzweifelten Rettungsaktion das kulturelle Erbe vor dem endgültigen Erlöschen habe bewahren wollen.

⁴⁶ Hierzu zuletzt M. DEPAUW, „Language use, literacy, and bilingualism“, *OHRE* (o. Anm. 3), S. 493–506 (Kap. 29); zum ägyptischen Kontext der Hymnen des Isidoros jetzt I. S. MOYER, „The Hymns of Isidorus at Medinet Madi: Global Currents in a Local Context“, [in:] D. FRACKOWIAK, S. NAGEL, J. F. QUACK & C. WITSCHERL (Hrsgg.), *Religious Flows in the Roman Empire – the Expansion of Oriental Cults (Isis, Mithras, Iuppiter Dolichenus) from East to West and Back Again* (im Druck).

⁴⁷ Hierzu jetzt K. RYHOLT, „The Illustrated Herbal from Tebtunis: New fragments and archaeological context“, *ZPE* 187 (2013), S. 233–238.

⁴⁸ Vgl. nur den weiterhin unpublizierten Vortrag von T. M. HICKEY zum sog. Archiv von Kronion und Isidora von 2003 mit den knappen Bemerkungen von W. CLARYSSE, „Summary of the Symposion“, [in:] *Tebtynis und Soknopaiou Nesos* (o. Anm. 42), S. 185–189, bes. 187; vorläufig immerhin T. M. HICKEY, „Writing Histories from the Papyri“, *OHP* (o. Anm. 3), S. 495–520 (Kap. 21), bes. S. 503–507. *Excursus: The Priests of Soknebtynis*, sowie B. FEUCHT, *ArchID 279. Version 1*, Leuven 2012 <<http://www.trismegistos.org/arch/archives/pdf/279.pdf>>; zum bemerkenswert weiten Aktionsradius der lokalen priesterlichen Familien jetzt auch W. WEGNER, „Ein bislang unerkannter Beleg für eine Personalunion

etwa ein Einzelfall, wie der Vergleich mit Soknopaiu Nesos erweist. Selbst an diesem so sehr vom Tempel beherrschten Ort treffen wir in der hohen Kaiserzeit auf demotische und griechische Literatur mit Schwerpunkt auf wissenschaftlichen Texten, hier namentlich aus dem Schulbereich,⁴⁹ und auf einheimische Priester mit Außenkontakten bis gar nach Alexandria.⁵⁰ In Karanis pflegte man zwar andere literarische Interessen, doch begegnen hier ebenso ägyptische Priester, die außer hieratischen Schriften auch Herodot und Platon lasen.⁵¹

Während also auf der einen Seite eine allmähliche Annäherung der hellenisierten Eliten nicht nur Alexandrias, sondern auch der Chora an das kaiserzeitliche Gesellschaftsmodell auszumachen ist,⁵² hat auf der

der Prophetenstellen der Tempel von Tebtynis und Akoris“, *SEP* 8 (2011), S. 113–118, wonach Marsisuchos, Sohn des Pakebkis und Besitzer einer hieratischen Version des Buches vom Fayum, neben der Prophetenstelle in Tebtynis noch eine weitere im Niltal bekleidete.

⁴⁹ Hierzu jetzt grundlegend M. CAPASSO, „Libri, autori e pubblico a Soknopaiou Nesos. Secondo contributo alla storia della cultura letteraria del Fayyum in epoca greca e romana I“, [in:] *Tebtynis und Soknopaiu Nesos* (o. Anm. 42), S. 1–17; die Einzeldiskussion fortgeführt in IDEM, „Libri, autori e pubblico a Soknopaiou Nesos. Secondo contributo alla storia della cultura letteraria del Fayyum in epoca greca e romana II“, [in:] S. LIPPERT & M. SCHENTULEIT (Hrsgg.), *Graeco-Roman Fayum – Texts and Archaeology (Proc. III Intern. Fayum Symposium Freudenstadt, 29. 5.–1. 6. 2007)*, Wiesbaden 2008, S. 45–54.

⁵⁰ Vgl. zu Verbindungen zu alexandrinischen Magnaten in der Kamelzucht A. JÖRDENS, „Sozialstrukturen im Arbeitstierhandel des kaiserzeitlichen Ägypten“, *Tyche* 10 (1995), S. 37–100, bes. 72 mit Anm. 171–172; zur Tätigkeit als Gutsverwalter für den „ewigen Gymnasiarchen“ Claudius Syrion EADEM, Korrekturnachsatz im Komm. zu *P. Louvre* I 54, Z. 2 ff. sowie die Einl. zu *P. Louvre* I 3.

⁵¹ Vgl. nur G. SCHWENDNER, „Literature and literacy at Roman Karanis: Maps of reading“, *PapCongr.* XXIV, S. 991–1006, bes. 998 zu Haus B224.

⁵² Außerhalb der Welt der Tempel sind diese Entwicklungen, wie zuletzt von BOWMAN, „Recolonising Egypt“ (o. Anm. 4) an einer Reihe von Beispielen dargelegt, sehr viel geläufiger; vgl. bes. S. 200–201 zur Stele des Ptolemaios I. *Metr.* 114/15 (II./III. Jhd. n. Chr.) mit Fig. 8.2 oder auch S. 219–220 den wichtigen Hinweis auf die sog. Faijum-Portraits. Zu fragen ist allerdings, ob die Erörterung des *Corpus Hermeticum* und anderer religiöser Entwicklungen unter der Überschrift *Perceptions of Egypt* (S. 202–210, bes. 203–205) glücklich ist, da dies trotz des Bemühens, dem Miteinander der verschiedenen von außen einströmenden Vorstellungen besser gerecht zu werden als durch die bisher vorherrschende gräkozentrische Sicht, die spätezeitlichen Entwicklungen innerhalb des ägyptischen Kosmos selbst weiterhin zu verkennen tendiert.

anderen offenbar auch die einst so geschlossene Welt der ägyptischen Priesterschaften eine zunehmende Öffnung erfahren. Ein Fall wie derjenige von Kronion und Isidora ist dabei auch deswegen interessant, weil dies darauf weisen könnte, daß die rigiden Vorgaben der Römer zum Rechtsstatus, wie sie uns vor allem im *Gnomon des Idios logos* entgegentreten, in der Praxis eher selten und vielleicht nur auf entsprechende Klage hin in ihrer ganzen Schärfe zur Anwendung kamen. Daß die Bevölkerung wiederum hiermit durchaus kreativ umzugehen wußte, ist namentlich aus dem familiären Umfeld römischer Militärangehöriger bekannt.⁵³ Zu ersehen ist aber auch, daß die ethnischen Grenzen wohl weniger denn je eine Rolle spielten, dies vielleicht sogar als Folge des Umstands, daß seit Beginn der römischen Herrschaft alle Statusunterschiede beseitigt waren, da alle gleichermaßen nur als Peregrine galten. In den Vordergrund rückten stattdessen Fragen des Lebensstils und der gemeinsamen Interessen, was etwa auch die Beliebtheit solcher Orte wie Philadelphiea und Karanis als Alterssitz von Veteranen erklärt.⁵⁴ Wie weit dies zugleich auch den neuen religiösen Entwicklungen in hoher Kaiserzeit und Spätantike den Boden bereitete, bleibe hier dahingestellt.

Um abschließend aber auf unsere eingangs gestellte Frage nach dem Charakter der römischen Herrschaft zurückzukommen, sind rigorose Eingriffe nach dem *top-down*-Modell also nicht zu bestreiten – so allein auf rechtlichem Gebiet die Reform des Personenstandsrechts, die Neuorganisation der Rechtsprechung, ein starkes Engagement im Archivwesen und verschiedene Maßnahmen im Bereich des privaten Rechtsverkehrs. Sieht man einmal von dem Spezialproblem der Statusfragen ab, handelt es sich dabei sämtlich um Aktionen, die auf eine Verschlinkung der staatlichen Verwaltung abzielten, insbesondere auch auf eine Entla-

⁵³ Grundlegend hierzu nach wie vor H. C. YOUTIE, „*Ἀπάτορες*: law vs. custom in Roman Egypt“, [in:] J. BINGEN, G. CAMBIER & G. NACHTERGAEL (Hrsgg.), *Le monde grec: pensée – littérature – histoire – documents (Festschrift C. Préaux)*, Bruxelles 1975, S. 723–740 [= *Scriptiunculae Posteriores* I, Bonn 1981, S. 17–34].

⁵⁴ Hierzu etwa auch S. STRASSI, „*Οἱ ἐκ τοῦ Καισαρείου*. Diffusione e valore simbolico dei Kaisareia nell’Egitto romano“, *APF* 52 (2006), S. 218–243 [= R. HAENSCH & J. HEINRICH (Hrsgg.), *Herrschen und Verwalten. Der Alltag der römischen Administration in der Hohen Kaiserzeit*, Köln u.a. 2007, S. 400–426].

stung der Gerichtsbarkeit. Im selben Maße wurden zahlreiche Aufgaben auf die Bevölkerung verlagert, wie vor allem das im Laufe des 1. Jhdts. ausgebaut Liturgiewesen, aber eben auch der Betrieb der Archive zeigt. Die immer aufwendiger gestalteten Verfahrenswege ließen das System jedoch immer schwerfälliger und letztlich unpraktikabel werden. So trat in den 170er Jahren, wenn man so will, gar das Gegenteil ein, da im Arsinoites die dörflichen Staatsnotariate aufgelöst wurden,⁵⁵ im Oxyrhynchites das Cheirographon neuen Auftrieb erhielt. Die ohnehin bestehende Tendenz zurück zu privaten Instrumenten verstärkte sich damit weiter, worin man mit Uri Yiftach-Firanko nicht nur die Keimzelle der Tabellionenurkunde, sondern auch einen ersten wichtigen Schritt zum spätantiken Privatnotariat in Ägypten erkennen mag.⁵⁶

In dieses selbe letzte Drittel des 11. Jhdts. n. Chr. fiel bekanntlich auch die endgültige Ausbildung der Strukturen kommunaler Selbstverwaltung, an deren Ende die Verleihung der Ratsverfassung an alle ägyptischen Gauhauptstädte stand. Bei genauerer Betrachtung weisen beide Prozesse sogar noch mehr Parallelen auf, die letztlich die Entwicklung Ägyptens unter römischer Herrschaft als ganze zu charakterisieren vermögen.⁵⁷

⁵⁵ Grundlegend hierzu weiterhin WOLFF, *Recht* II (o. Anm. 9), S. 19–27, bes. 21; vgl. hierzu jetzt auch P. Hamb. IV 278 (= P. Tebt. II 465 descr., nach 30. 9. 190), Z. 1–3, mit der δὲ ἄ... [....]. οὗ δὲ [α]δὲχομένου τὰ γραφεῖα τῆς τε μητροπόλεως καὶ τῶν τριῶν μερίδων [το]ῦ Ἀρ[σ]ι[νοίτου νομοῦ] gefertigten Abschrift eines Testaments.

⁵⁶ So jetzt bes. U. YIFTACH-FIRANKO, „The cheirographon and the privatization of scribal activity in early Roman Oxyrhynchos“, *Symposion 2007*, S. 325–340; vgl. auch schon IDEM, „The rise of hypomnēma as a lease contract“, *PapCongr.* XXIV II, S. 1051–1061.

⁵⁷ Verweisen ließe sich etwa auch auf analoge Entwicklungen in der staatlichen Verwaltung, so namentlich bei der Besetzung des Strategenamtes, wo ebenfalls zu Beginn eine stärkere Zentralisierung zu beobachten ist, die erst allmählich einer Verlagerung der Verantwortung auf die lokalen Organe weicht. Denn wohl nur, weil die Römer die oberägyptischen Magnaten schwerlich anders unter Kontrolle zu bringen vermochten, wurde der höchste staatliche Repräsentant auf Gauebene hier anfangs noch aus der lokalen Elite rekrutiert, die man zudem mit der Verleihung des römischen Bürgerrechts für sich zu gewinnen suchte. Wo jedoch möglich, kamen zunächst vorzugsweise Alexandriner zum Zuge, zu denen man am Statthaltersitz schon durch die räumliche Nähe ein Verhältnis gegenseitiger Verpflichtungen aufzubauen verstand. Der relativ feste Griff sollte sich unter Trajan lockern, da man nicht nur die öffentlichen Aufgaben auf unterster Ebene endgültig der Selbstorganisation der Bevölkerung überließ – nichts anderes ist schließlich

Denn hier wie dort gingen die Römer nach dem *top-down*-Modell vor, indem sie – notfalls auch mit Gewalt – die vorgefundene Infrastruktur nach ihren Vorstellungen umgestalteten. Leiten ließen sie sich dabei vor allem von zwei Prinzipien, nämlich daß einerseits das System funktionsstüchtig, andererseits der ihnen daraus entstehende Aufwand so gering wie möglich gehalten war. Blieben die gewünschten Erfolge aus, zeigten sich die Römer aber durchaus bereit, sich auch auf anderweitige Konzepte einzulassen, sofern sie eine praktikable Alternative boten. Obwohl die Macht allein bei ihnen lag, kam auf diese Weise ein *bottom-up*-Prinzip zum Tragen, das auf lange Sicht tatsächlich zu Veränderungen im Sinne der Betroffenen führte. Damit bewiesen die Römer eine Flexibilität, die man in der heutigen Politik oft vergeblich sucht, in der zwar viel von der Berücksichtigung des Wählerwillens die Rede ist, dem jedoch nur allzu selten auch Taten folgen.

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das Liturgiesystem –, sondern erstmals, wiewohl unter Beibehaltung des Prinzips der Trennung von Dienst- und Wohnort, auch Honoratioren aus der Chora wie den berühmten Apollonios zu Strategen ernannte. Mit der Einführung der Ratsverfassung durch Septimius Severus sollte der Dezentralisierungsprozeß deutlich an Fahrt gewinnen, da der Stratege erst Teile seiner Aufgaben an die neugeschaffenen Bulai verlor, bis sein Status in tetrarchischer Zeit kaum mehr als der eines *primus inter pares* in seiner Heimatstadt war.



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**THE ROMANITY OF ROMAN EGYPT:
A FALTERING CONSENSUS?**

IN 1968, WHILE STUDENTS TRIED TO CHANGE THE WORLD, Naphthali Lewis changed the way we study Roman Egypt in his paper to the 12th International Congress of Papyrology at Ann Arbor.¹ Drawing in strands from other scholars such as Tomsin and Braunert, he wove a new tapestry of an Egypt where Romanisation was more significant than Ptolemaic continuities. The term ‘Graeco-Roman Egypt’, Lewis concluded, was misleading, and implicitly Egypt could not be dismissed as a *Sonderstellung* (exception) in the Roman empire. In 1983, at the 17th Congress in Naples, Lewis reviewed research relevant to this issue over the intervening fifteen years, and judged that the Romanity of Roman Egypt was ‘a growing consensus’, if still a work in progress.² Indeed the thirty years since have seen important contributions, many extending the argument for fundamental change, and insisting that Egypt, despite some peculiarities, was essentially part of the Roman provincial system. However, some contributions

¹ N. LEWIS, “‘Graeco-Roman’ Egypt: fact or fiction?’, [in:] *Proceedings of the Twelfth International Congress of Papyrology*, Toronto 1970, pp. 3-14; [repr. in:] *On Government and Law in Roman Egypt*, Atlanta 1995, pp. 138-149.

² N. LEWIS, ‘The Romanity of Roman Egypt: a growing consensus’, [in:] *Atti del XVII Congresso Internazionale di Papirologia*, Naples 1984, pp. 1077-1084; [repr. in:] *On Government and Law* (cit. n. 1), pp. 298-305. Lewis thought that agriculture and village life did not change, but this view of the ‘timelessness’ of rural Egypt is less accepted nowadays.

in recent years – in particular the books of Livia Capponi and Andrew Monson, and papers by Dieter Hagedorn, Rudolf Haensch and Andrea Jördens – have challenged the consensus and argued again for significant Ptolemaic continuities into the first and, to some extent, the second century AD.³ My aim here is to assess where the debate now stands, and to suggest some areas where new approaches and research might move it forward.⁴ This short paper has inevitable limitations. I cannot cover every topic nor acknowledge every contribution. I will say little about the equestrian administration, the status of Alexandria or the system of law and order.⁵ My focus will be on socio-economic and administrative developments at the level of the nomes and their capitals through to the mid-first century AD.

Unaccustomed as I am to methodological ruminations, we need to recognise the range of different perspectives which our scholarly community brings to the study of Ptolemaic and Roman Egypt. In varying combinations we are specialists in Egypt, with particular skills such as reading demotic, through to students of the wider Hellenistic and Roman worlds. I consider myself to be primarily a historian of Rome and its empire, obviously in the small group which believes that the documents of Egypt can and must be used to expand our understanding of

³ L. CAPPONI, *Augustan Egypt. The Creation of a Roman Province*, New York – London 2005; A. MONSON, *From the Ptolemies to the Romans: Political and Economic Change in Egypt*, Cambridge 2012; D. HAGEDORN, ‘The emergence of municipal offices in the nome-capitals of Egypt’, [in:] A.K. BOWMAN et al. (eds), *Oxyrhynchus. A City and its Texts*, London 2007, pp. 194–204; R. HAENSCH, ‘Die Provinz Aegyptus: Kontinuitäten und Brüche zum ptolemäischen Ägypten. Das Beispiel des administrativen Personals’, [in:] I. PISO (ed.), *Die römischen Provinzen: Begriff und Gründung*, Cluj-Napoca 2008, pp. 81–105; A. JÖRDENS, ‘Das Verhältnis der römischen Amsträger in Ägypten zu den “Städten” in der Provinz’, [in:] W. ECK (ed.), *Lokale Autonomie und römische Ordnungsmacht*, Oldenbourg 1999, pp. 141–180. The old-style ‘exceptionality’ of Egypt still dies hard: e.g. P. EICH, ‘Die Administratoren des römischen Ägyptens’, [in:] R. HAENSCH & J. HEINRICHS (eds), *Herrschen und Verwalten. Der Alltag der römischen Administration in der Hoben Kaiserzeit*, Cologne 2007, pp. 378–399 (and my name is not David!).

⁴ I thank Jane ROWLANDSON and Andrew MONSON for discussions which have sharpened some of my arguments, even if they would still disagree.

⁵ On which see Andrea JÖRDENS in this volume.

Roman imperial rule in general.⁶ In studying the transition from Ptolemaic to Roman Egypt, I therefore instinctively locate it in a general Roman context. First, I note that the annexation of Egypt coincided with the period, centred on the decade of 28 to 19 BC, of political revolution from Republic to Principate; that means we have to be wary about saying what is or is not typical of Roman rule because the very nature of that rule was changing dramatically. Second, I note that the concept of Romanisation, which Lewis could use in 1968 as self-explanatory, has been deconstructed. Scholars of the western provinces, not least Roman Britain, have rejected the old imperialist top-down model in favour of a more bottom-up explanation of local willingness to adapt to Roman norms, or rather to cherry-pick the features they liked, and to blend them with new local developments to create a distinct provincial culture in a process one scholar has called ‘creolisation’.⁷ Of course this is itself a debate in progress, but I think the changing historiography of, for instance, the Romanisation of Britain can enrich our studies of the transition from Ptolemaic to Roman Egypt. One last note: old-style Romanisation was a concept first deployed to explain the development of civic government and material culture in the western provinces; hence scholars assumed a Roman policy of minimal intervention in the Greek east because most of it was already urbanised and civilised.⁸ However, granted that from 167 BC, if not from 211 BC, Rome had become used to intervening in the socio-political and fiscal structures of Hellenistic kingdoms

⁶ Cf. my use of Egyptian evidence for Roman army logistics in D. W. RATHBONE, ‘Military finance and supply’, [in:] P. SABIN, H. VAN WEES & M. WHITBY (eds), *The Cambridge History of Greek and Roman Warfare*, Cambridge 2007, II pp. 158–176, and of the use of copper and silver coins in first-century AD Tebtunis to question monetary behaviour in the rest of the empire in D. W. RATHBONE, ‘Village markets in Roman Egypt. The case of first-century AD Tebtunis’, [in:] M. FRASS (ed.), *Kauf, Konsum und Märkte. Wirtschaftswelten im Fokus – Von der römischen Antike bis zur Gegenwart*, Wiesbaden 2013, pp. 123–143.

⁷ J. WEBSTER, ‘Creolizing the Roman provinces’, *American Journal of Archaeology* 105 (2001), pp. 209–255. Background: e.g. J. WEBSTER & N. J. COOPER (eds), *Roman Imperialism: Post-Colonial Perspectives*, Leicester 1996. Debate: e.g. S. PALMIÉ, ‘Creolization and its discontents’, *Annual Review of Anthropology* 35 (2006), pp. 433–456.

⁸ An attitude followed, for example, by HAENSCH, ‘Die Provinz’ (cit. n. 3), cited as an authority for this view by MONSON, *From the Ptolemies* (cit. n. 3), pp. 282–283.

over which they had gained control, and that bottom-up aspirations are likely to have been an important part of the equation, we should be looking equally in the east for signs of new-style ‘Romanisation’ or ‘creolisation’.⁹

The essential normality of the Roman government of Egypt by the mid-first century AD has, in my view, been established beyond reasonable doubt in works from Giovanni Geraci’s ground-breaking study of the formation of the province through to Andrea Jördens’ thorough demonstration that the Prefect acted like any provincial governor and Rudolf Haensch’s review of the typicality of its military units.¹⁰ But Tacitus’ *domi retinere* (*Hist.* I.II.I), ‘to keep it in-house’, may reflect that Octavian had planned differently before his half-hearted climb-down from monarchic aspirations in 28/27 BC. Signs include the personal confiscation of the estates of Cleopatra and her supporters and retention of the Idioslogos, the dating by regnal years, the appointment by 27 BC, after a two-year gap, of a new High Priest at Memphis with the title ‘prophet of Caesar’, and the deployment of imperial slaves and freedmen as administrators, which is one of Capponi’s key points.¹¹ I suspect that Augustus may not have formally made Egypt a province through a *lex provinciae* until 27 or 26 BC

⁹ For instance, the interventions involved in the annexation of the Attalid kingdom as the province of Asia in the decade from 133 BC are increasingly well attested by inscriptions; see C. P. JONES, ‘Events surrounding the bequest of Pergamon to Rome and the revolt of Aristonicos: new inscriptions from Metropolis’, *Journal of Roman Archaeology* 17 (2004), pp. 470–485. Pompey’s reorganisation of Bithynia and Pontus into civic units is summarised by C. MAREK, *Pontus et Bithynia. Die römischen Provinzen im Norden Kleinasien*, Mainz 2003, pp. 36–43. For a provocative general assessment of Roman political aims, see G. E. M. DE STE. CROIX, *The Class Struggle in the Ancient Greek World*, London 1981, pp. 300–326, 518–537.

¹⁰ G. GERACI, *Genesi della provincia romana d’Egitto*, Bologna 1983; A. JÖRDENS, *Statthalterliche Verwaltung der römischen Kaiserzeit. Studien zum praefectus Aegypti*, Stuttgart 2009; R. HAENSCH, ‘Der *exercitus Aegyptiacus* – ein provinzieller Heeresverband wie andere auch?’, [in:] K. LEMBKE, M. MINAS-NERPEL, & S. PFEIFFER (eds), *Tradition and Transformation: Egypt under Roman Rule*, Leiden 2010, pp. III–132.

¹¹ Estates and Idioslogos: D. W. RATHBONE, ‘Egypt, Augustus and Roman taxation’, *Cahiers du Centre Glotz* 4 (1993), pp. 81–112, at 99–110. High Priest: D. J. THOMPSON, *Memphis under the Ptolemies*, Cambridge 2012 (2nd ed.), p. 125. Imperial *familia*: CAPPONI, *Augustan Egypt* (cit. n. 3), pp. 129–132.

when his ‘settlement’ with the senate and the dramatic fall of Gallus made its status a pressing issue.¹² One peculiar legacy was the equestrian rank of the governor and hence of other Roman officials.¹³ More significant for the development of the Principate was the invention of the patrimonial rights of the princeps and the office of imperial procurator, which I have argued were modelled on the Ptolemaic *Idioslogos*, the growing employment of the imperial *familia* as staff in the capitals of all provinces, and also the Julio-Claudian use of gift-estates which started with the *ousiai* in Egypt but soon spread to other provinces, including Africa and Illyricum where evidence for grants by Augustus has recently emerged.¹⁴ Thus Ptolemaic Egypt contributed to a new definition of Roman provincial normality.

The Roman government of Egypt functioned in a very different style to the Ptolemaic government. There was no king or Pharaoh and no court; unless the emperor was in the province, you could not petition him without the governor’s permission, which was the empire-wide rule, or a

¹² Dio 51.17.1–3 does not indicate 30 BC, which would be implausible; he says ‘following that’, looking ahead. JÖRDENS, *Statthalterliche Verwaltung* (cit. n. 10), p.48 n. 122, lists the references to an Augustan *lex*, presumably the *lex provinciae*, which regularised the position of the equestrian governor as equivalent to a proconsul. It is not clear either when the provinces of Gallia Comata were formalised, probably in a process beginning in late 27 BC (cf. Dio 53.22.5).

¹³ To my mind one of the most striking proofs of the normality of the equestrian governors of Egypt is the two known prosecutions of them for *res repetundae* (leaving aside Cornelius Gallus) – of Avillius Flaccus (AD 38) and Vibius Maximus (c. AD 107): see P. A. BRUNT, ‘Charges of provincial maladministration under the early Principate’, *Historia* 10 (1961), pp. 189–227; [repr. in:] *Roman Imperial Themes*, Oxford 1990, pp. 53–95, with 487–506.

¹⁴ See references in n. 11. Provincial staff: Strabo 17.1.12 (Egypt), despite R. HAENSCH, *Capita Provinciarum. Statthaltersitze und Provinzialverwaltung in der römischen Kaiserzeit*, Mainz 1997, p. 215 n. 48; for other provinces see his pp. 710–726. Gift-estates: in Africa to T. Statilius Taurus and perhaps L. Passienus Rufus: M. DE VOS, ‘The rural landscape of Thugga: farms, presses, mills, and transport’, [in:] A. BOWMAN & A. WILSON (eds), *The Roman Agricultural Economy. Organization, Investment, and Production*, Oxford 2013, pp. 143–218, at 193–200; in Illyricum to C. Calpurnius Piso: *SC de Pisone patre*, ll. 84–90; cf. D. J. CRAWFORD [THOMPSON], ‘Imperial estates’, [in:] M. I. FINLEY (ed.), *Studies in Roman Property*, Cambridge 1976, pp. 35–70.

powerful patron.¹⁵ Every Roman official, from Prefect to junior military officers, served for a short term, almost never more than three years, and few held more than one appointment in the province; again, this was the empire-wide norm.¹⁶ After the imperial *familia* was pulled back to the government headquarters in Alexandria, seconded Roman soldiers, almost all – despite Capponi – recruited from other provinces, became the rural incarnation of the new order, supplementing the silent imperial portraits on statues and coins.¹⁷ I cannot help recalling Anwar al-Sadat's reference to the fear (and contempt) felt for 'the typical British constable on his motorcycle (...) looking like an idiot, with his huge head covered in a long crimson fez'.¹⁸ These honorary centurions or *regionarii* were an empire-wide phenomenon, but a novelty of the Principate; Republican Rome had no standing army and did not garrison provinces at peace. The nome-level local officials of the Roman administration, principally the *strategoï* and royal scribes, were in the first century AD mostly Alexandrians, whose tenure never exceeded three years and could not serve where they owned property.¹⁹ Instead of building relationships with powerful local families, the strategy needed for operating in this deliberately

¹⁵ Cf. B. KELLY, *Petitions, Litigation and Social Control in Roman Egypt*, Oxford 2011, p. 79.

¹⁶ P. A. BRUNT, 'The administrators of Roman Egypt', *Journal of Roman Studies* 65 (1975), pp. 124–147; [repr. in:] *Roman Imperial Themes*, Oxford 1990, pp. 215–254, with 514–515. The exceptions cluster under Claudius and Nero, who both had a special interest in Egypt (see further below).

¹⁷ Recruitment: CAPPONI, *Augustan Egypt* (cit. n. 3), pp. 17–22; contra HAENSCH, 'Der exercitus' (cit. n. 10). *Regionarii*: R. ALSTON, *Soldier and Society in Roman Egypt. A Social History*, London – New York 1995, pp. 86–96: the earliest attested case is in 20 BC (*P. Oslo* 11 30); cf. C. J. FUHRMANN, *Policing the Roman Empire. Soldiers, Administration, and Public Order*, Oxford 2012, pp. 201–223 (but with some errors and misunderstandings).

¹⁸ ANWAR AL-SADAT, *In Search of Identity. An Autobiography*, London 1978, p. 20. Sadat claims this was a sight of Cairo, but there were rural police posts too.

¹⁹ N. HOHLWEIN, *Le Stratège du nome* [= *Papyrologica Bruxellensia* 9], Brussels 1969, pp. 15–24, 41–43; T. KRUSE, *Der königliche Schreiber und die Gauverwaltung. Untersuchungen zur Verwaltungsgeschichte Ägyptens in der Zeit von Augustus bis Philippus Arabs (30 v.Chr. – 245 n.Chr.)*, Munich – Leipzig 2002, pp. 44–59, 899–923. One exception was the long terms of the powerful but ill-attested *eklogistai*, discussed by HAENSCH, 'Die Provinz' (cit. n. 3), pp. 96–98, and by C. J. GRUBER at this Congress.

impersonal system was to learn and adapt the Roman ideology of government – concern for the *georgia* and *euthenia*, the agricultural prosperity and food supply of the province and empire, support of the property rights of hardworking taxpayers, protection of women who had no other helper, and so on.²⁰ The political morality of Roman provincial government, in Egypt just as in other provinces, did not originate from centrifugal monarchic benevolence, but was mostly the collective self-definition and regulation of generations of peripatetic Roman officials interacting with provincial complainants.

One aspect of Roman rule which was certainly top-down was taxation. Here the Principate brought fundamental changes. In modern sociological literature, drawn on by Monson in his recent book, these are optimistically presented as the ‘Augustan threshold’, a reduction in overall taxation and reduced corruption from the crushing levies and profiteering of the Republic.²¹ While superficially attractive, this picture is misleading if not wrong. There is no good evidence for a ‘policy’ of reducing pre-Roman taxes. The *tributum* imposed on the four federal states into which Macedon was split by the senate in 167 BC, described by Livy as half what they had paid to the Antigonids, was a war indemnity, not tax, for Macedon did not become a province until 146 BC; in effect Rome was confiscating half their fiscal revenues.²² The most oppressive feature of Republican

²⁰ KELLY, *Petitions* (cit. n. 15), pp. 195–243.

²¹ MONSON, *From the Ptolemies* (cit. n. 3), pp. 249–274. Whether or not provincial taxation in the Principate was relatively light in a broad pre-modern perspective is debatable and a separate issue.

²² Livy 45.18.7, 29.4, 30.1; cf. the indemnity imposed on Carthage in 202/1 BC, which Livy 30.37.5, 33.46.8–47.2 describes in the same terms (and see below on the Republican meaning of *tributum*). Cicero, *In Verrem* 2.3.14 asserts that Rome had introduced no new levy (*vectigal*) in Sicily (i.e. no reductions), but he ignores various changes and supplements. Appian, *BC* 5.4 has Mark Antony claim that the Romans had in 133 BC released the cities of Asia from the Attalid taxes (*phoroi*), but demagogues (sc. Tiberius Gracchus in 133 BC) had instituted the tithe, which at least was fairer than the previous set levies. However several details in this speech, which belongs to the widespread literature of Greek criticism and Roman defences of Roman provincial taxation, are dubious, other subsequent levies are omitted, and the context is a special cash levy by Antony and Octavian to fund the discharge of their veterans!

taxation, the collection of direct taxes by Roman contractors (*publicani*), had mostly, perhaps completely, been abolished before Augustus.²³ While peace and the Principate did bring an end to the emergency levies of the civil wars, and ushered in a more uniform and regularised system of taxation, extortion was still common and the system of requisitions and ad hoc compulsory purchases for civil and military needs remained. Indeed these, along with the now empire-wide web of internal customs dues (*portoria*) collected by *publicani*, became the new bugbear of provincials, because the imperial state, with its standing army, greatly expanded number of salaried senatorial and equestrian officials and extravagant court, was much more expensive than the Republican state.²⁴ To fund the army on which his power ultimately rested, Augustus was obliged to introduce, apparently to all provinces if with variations reflecting local fiscal traditions, a heavy annual poll-tax in cash. Its importance is illustrated by the redefinition of *tributum* to denote a regular tax, not – as in the Republic – an occasional levy (and of *vectigalia* to denote imperial indirect taxes), and the empire-wide conceptualisation of provincial taxation as *tributum capitis*, the poll-tax, and *tributum soli*, the land-tax. Egypt was apparently the first experiment in imposing a poll-tax; the revolt this set off in Upper Egypt would be a result replicated in other provinces. The attempts of Capponi and Monson to downplay the novelty of the Roman poll-tax do not convince for three principal reasons: the Ptolemaic capitation taxes were still levied, there is no precedent for the reduced rate for metropolites, and it was an Augustan innovation throughout the empire.²⁵ Alexandrians, and of course Romans, were exempt; this was a regressive tax on the rural population of the empire.

²³ P. A. BRUNT, 'Publicans in the Principate', [in:] *Roman Imperial Themes*, Oxford 1990, pp. 354–432.

²⁴ For an overview see D. W. RATHBONE, 'The imperial finances', [in:] *The Cambridge Ancient History*, X, Cambridge 1996 (2nd ed.), pp. 309–323.

²⁵ CAPPONI, *Augustan Egypt* (cit. n. 3), pp. 138–141; MONSON, *From the Ptolemies* (cit. n. 3), pp. 254, 262–266. Andrew Monson kindly alerted me that new evidence is emerging for late Ptolemaic precursors of the poll-tax, such as the per capita levies in *P.Tebt.* 1 103 and 189 (61 BC), as described by F. A. J. HOOGENDIJK, 'The practice of taxation in three late Ptolemaic papyri', [in:] *Proceedings of the Twenty-Fifth International Congress of Papyrology*,

On the currently standard view of the Romanisation of Egypt, the major reform was full privatisation of the kleruchic holdings of catoecic status, the only substantive category of arable land more or less privately held, supplemented by gradual privatisation of state land, when it fell out of cultivation for whatever reason, by auction into private ownership. This privatisation was designed to create a class of landowners on whom liturgic posts could be imposed so as to replace the Ptolemaic system of salaried officials, as a step towards municipalisation of the nomes. In his critique of this view Monson accepts that the Romans applied to Egypt their traditional simple and sharp distinction between *ager privatus*, liable (outside Italy) to taxation, and *ager publicus*, which paid rent, and that catoecic land was ‘fully’ privatised.²⁶ However, he argues that there was already extensive privately held land (*idioktetos ge*) in most of Ptolemaic Egypt, and that the real Roman reform was fiscal: they replaced the high, theoretically crop-related, levies (*ekphoria*, *epigraphe*; Egyptian *sbemu*) on this *idioktetos ge* with the low fixed-rate tax hitherto typical of kleruchic land, and reduced the tax on private vineyards and garden-land; probably they also discontinued occasional extra levies on all forms of privately held land. Low taxation stimulated investment, leading to the formation of large private estates. It also meant less profit for tax-collectors, who stopped volunteering for the paid posts, so the Romans had to appoint officials by liturgic compulsion; this was therefore a fiscal rather than an ideological development.²⁷

The large amount of private land (*idioktetos ge*) in Ptolemaic Upper Egypt – in contrast to its absence in the Arsinoite nome (Fayyum), the

Ann Arbor 2010, pp. 313–322; these, however, seem to be front-loaded instalments, probably totalling much less than the poll-tax, for the known *phylakitikon* tax, which continued to be levied separately by the Romans.

²⁶ I note that the list of Roman land categories which Tomsin claimed at the Warsaw/Cracow Congress of 1961 were applied to Egypt is too extensive (and some are fictions of the *agrimensores*): A. TOMSIN, ‘Les continuités historiques dans le cadre des mesures prises par les Romains en Egypte concernant la propriété de la terre’, [in:] *Actes du x^e Congrès International de Papyrologie*, Warsaw 1964, pp. 81–95.

²⁷ For a concise preview of this argument, see A. MONSON, ‘Land tenure and taxation from Ptolemaic to Roman Egypt’, *Tyche* 25 (2010), pp. 55–71.

provenance of the data on which the standard view is based – is a discovery of enormous importance which we owe mainly to the growing band of demotists, but how it will affect our story of the transition from Ptolemaic to Roman Egypt is yet to emerge from the scholarly debate which Monson's bold thesis is bound to provoke. First, there are many factual issues to be clarified about the categorisation and taxation of land in both the late Ptolemaic and the early Roman periods. One, for example, is the relationship between the *idioktetos ge* in the Apollonopolite survey of 118 BC, which seems distinct from royal and sacred land, and the privately held (*idioktetos*) royal and sacred land in other texts. Another is the uncertainty about which variable and which fixed-rate levies were raised regularly or occasionally on different categories of land. A third difficult issue is whether land tenure in Middle Egypt and the Delta was closer to the Upper Egyptian or Arsinoite pattern, or somewhere in between. A further general problem for evaluation of the transition, granted the regional variation in administrative and fiscal practice, is the lack of documents from the same region, apart from the Arsinoite, which attest the 'before' and 'after' situations.

While Monson's case for a Roman reduction in the basic taxation of private land is attractive and may be right, my instinct is to be cautious about accepting a significant gross diminution in the annual tax target of the state; extra levies, too, if initially avoided, were to re-appear before long as requisitions (in theory compensated) and the crown tax. I now suspect that at the micro-level, beneath the overarching rubrics of 'public' and 'private', the Romans made no major changes to the Ptolemaic classification and administration of land. I remain sceptical about the supposed confiscation of sacred lands (if indeed Greek *hiera ge* was really the same as demotic 'temple' land). The one documented case is from Tebtunis, in the Arsinoite nome where temple estates did not exist as in Upper Egypt.²⁸ Octavian, at least, according to the Kalabsha gate of 30/29 BC, confirmed that the Dodekaschoenus belonged to Isis, not her

²⁸ *P. Tebt.* II 302, AD 71/2. There are Ptolemaic precedents for payment of *syntaxeis* to temples.

rival Khnum.²⁹ This was standard Roman religiosity, attested by inscriptions in other eastern provinces, such as that of AD 14(?) from Ephesus which records the building of a road out of the revenues of the estates granted by Augustus to Artemis-Diana.³⁰ Privately held land may have been the type most affected, if we accept that a low fixed-rate tax was applied across the board, and that any latent restrictions to its free alienation were removed, including ‘cessions’ of catoecic land.³¹

Monson nowhere discusses the motivation of the Romans for reducing taxes, if they did, on private land in Egypt; he simply subsumes them in a sociological model that stable governments tax less, and implies that they shared the neoliberal conviction that low taxation fosters economic growth. If so, one may wonder why they did not privatise and reduce the taxes on public lands too. There is also the question of why private land was not accumulated in the Ptolemaic period, despite high taxes, by families in order to store and transmit wealth; there must have been some block, probably politically motivated confiscation by the state. Conversely, any initial stimulus to investment in the Roman period because of low taxes will soon have been offset by a rise in the price of land, which Monson believes did occur; the Roman provincial administration, however, only confiscated property as a legal or administrative sanction, and promptly auctioned what it acquired back into private ownership. To me, therefore, the most plausible explanation for the Roman changes, which can

²⁹ E. WINTER, ‘Octavian/Augustus als Soter, Euergetes und Epiphanes: die Datierung des Kalabscha-Tores’, *Zeitschrift für ägyptische Sprache und Altertumskunde* 130 (2003), pp. 197–212.

³⁰ *SEG* xli 971. Cf. Republican protection of sacred lands from land-tax demands by *publicani*: e.g. *I. Ilion* 71 = *OGIS* 440 (89 BC), lands of Athena at Ilium; *SIG*³ 747 = *FIRA* 1 36 (73 BC), lands of Amphiaros at Oropos, Boiotia.

³¹ The status of catoecic land remains enigmatic. On the one hand, first-century texts attest purchases and ownership by villagers. On the other hand, it was still alienated by cessions registered and taxed by a special ‘military allotments’ office (contracted out), and texts like *P. Köln* v 227 (AD 12/3), a register which (l. B5) refers to *katoikoi* who underwent *gnosteia* in AD 5/6, imply that ownership was still in theory restricted. Even in AD 220/1, for instance, almost all the holders of catoecic land in *P. Prag*, II 137 (Tanis, Arsinoite) bear Greek or Roman names, but maybe because the (wealthier?) urban elite had been able to dominate acquisition.

easily accommodate a reduction of taxation, remains ideological and political. The Romans treated private land in Egypt like *ager privatus* in Italy: necessary, and entitled to state protection, as the economic base of a stable and conservative landowning elite, like themselves, whose interests would align with Roman rule and who would run the province for them. This had been consistent Roman policy since the fourth century BC when they began their conquest of Italy.

I am now dubious about the development of a liturgic system in early Roman Egypt.³² Haensch has rightly stressed the continued use of indigent salaried officials, including the *strategoi* and royal scribes, in the upper echelons of the administration.³³ I now also suspect that many of the metropolite and village officials, such as amphodarchs, *sitologoi* (granary supervisors) and village-scribes, whom we conventionally term ‘liturgists’ were, in the first and second centuries, in fact paid; only their appointment was ‘liturgic’ in that it was by nomination and compulsion from defined socio-economic groups, which for some posts involved a property qualification (*poros*). This was certainly the case for the various and newly-named *phylakes* (public guards).³⁴ It was Roman practice from the Republic to pay those undertaking civic duties, such as soldiers, governors, members of senatorial commissions, a daily allowance for expenses, which by the Principate came to be seen as salary; indeed the Latin word *salarion* (*salarium*, which originally meant ‘allowance’) now appears in the papyri to denote the pay of *strategoi* and royal scribes.³⁵ For administrative functions which produced revenue, such as tax-collecting and

³² Cf. the caution of J. D. THOMAS, ‘Compulsory public service in Roman Egypt’, [in:] G. GRIMM *et al.* (eds), *Das römisch-byzantinische Ägypten (Aegyptiaca Treverensia 2)*, Trier 1981, pp. 35–39; ‘The administration of Roman Egypt: a survey of recent research and some outstanding problems’, [in:] *Atti del XXII Congresso Internazionale di Papirologia*, Florence 2001, II pp. 1245–1254, at 1249.

³³ HAENSCH, ‘Die Provinz’ (cit. n. 3).

³⁴ C. HOMOTH-KUHS, *Phylakes und Phylakon-Steuer im griechisch-römischen Ägypten*, Munich – Leipzig 2005, pp. 60–71, 123–135.

³⁵ Roman military pay: RATHBONE, ‘Military finance’ (cit. n. 6), p. 159. *Salarion*: KRUSE, *Der königliche Schreiber* (cit. n. 19), p. 52–55; also occasionally used of payments to deputies or scribes.

registration of documents (for a fee), the Romans instead seem to have favoured contractors, combining their own and Ptolemaic precedents. In the Roman as in the Hellenistic world, contractors were required to have sufficient property as surety, so references to checking the *poros* of candidates do not prove they were liturgists rather than contractors. As noted above, the Principate had no general antipathy towards *publicani*, who still collected the imperial indirect taxes (*vectigalia*), and contractors were commonly used by cities to provide services (buildings, banks) and to collect imperial and local taxes – the ‘publicans and sinners’ of the Gospels. Contractors in early Roman Egypt came from the imperial elite down to wealthy villagers. The position of *arabarches*, a *publicanus* who collected the 25% customs levy on eastern imports into Egypt, was held by Roman equestrians, in the first century often Alexandrian notables.³⁶ The known contractors for the Arsinoite *nomarchia*, another huge operation, seem to have been Alexandrians.³⁷ In AD 139 a *strategos* of the Kopite complained to the prefect about the insolence of the Alexandrians, Roman citizens and veterans acting as *praktores* (collectors) and in other *demosiai chreiai* (public functions) whom he could not control, and who must therefore have been contractors rather than liturgists.³⁸ Our two best attested village officials of the mid-first century, Nemesion the *praktor argurikon* (cash-tax collector) at Philadelphia and Kronion the co-keeper of the *grapheion* (registry) at Tebtunis, both held office for years on end, which implies they were volunteers, and Kronion paid a variable but substantial monthly *diagraphē*, perhaps instalments towards his

³⁶ F. BURCKHALTER, ‘Les fermiers de l’arabarchie: notables et hommes d’affaires à Alexandrie’, [in:] *Alexandrie: une mégapole cosmopolite*, Paris 1999, pp. 41–54.

³⁷ F. REITER, *Die Nomarchen des Arsinoites. Ein Beitrag zum Steuerwesen im römischen Ägypten*, Paderborn 2004. Note that the *nomarchia* used both sub-contractors and salaried staff (cf. *P. Oxy.* LXXVIII 5179). By the mid-second century *epiteretai* (supervisors) also appear, whom Reiter (pp. 192–198, 277–284) thinks were ‘liturgists’, although in my review I express some doubts: D. W. RATHBONE, ‘Taxation in Roman Egypt’, *Classical Review* 57 (2007), pp. 490–492.

³⁸ *BGU* III 747 = *WChr* 35; ‘Roman citizens’ probably overlaps with Alexandrians and veterans, but might cover imperial and other freedmen, such as appear in the ostraka from Berenike and Myos Hormos.

annual bid.³⁹ Truly liturgic service may have been a development of the later second century, perhaps because, in a postponed version of Monson's thesis, the profitability of tax-farming was in decline.

The picture of an Augustan initiative towards municipalisation, which I and Alan Bowman sketched over twenty years ago, certainly needs some modification; I think we were right on the main point if wrong on some details.⁴⁰ Hagedorn, Haensch and Jördens have all argued that the metropoleis were run by central rather than civic officials, at least until the second century. This is true, at least in part, and indeed central officials in the nomes were not eclipsed by councils until Diocletian's reforms. Nonetheless, some moves towards municipalisation are indisputable. Nome capitals were called *metropoleis* and their inhabitants were termed metropolitites and favoured with a low rate of poll-tax, usually half that paid by villagers. Documents from Nero's reign show that the metropolis of Arsinoe, properly Ptolemais Euergetis, had acquired an unprecedented official identity as 'the *polis* of the Ptolemaeans', although political decisions on its behalf, such as to vote honours and send embassies to Claudius and Nero, were carried out by the 6,475 (or 6,470), in full 'the *katoikoi* (military settlers) from the total of the 6,475 Hellenic men in the Arsinoite', a status group equivalent to the *katoikoi* of the Heracleopolite and 'those from the gymnasium' in some other nomes.⁴¹ It is now clear that the definition, relation and functions of these groups,

³⁹ Nemesion: A. E. HANSON, 'Village officials at Philadelphia: a model of romanization in the Julio-Claudian period', [in:] L. CRISCUOLO & G. GERACI (eds), *Egitto e storia antica dall'ellenismo all'età araba*, Bologna 1989, pp. 429-440. Kronion: A. E. R. BOAK, *P. Mich.* II (1933), pp. 4-5, 93-102. For a tax-collector at Theogonis in 61 BC paying a similar monthly *diagraphē*, see HOOGENDIJK, 'The practice' (cit. n. 25), pp. 318, 320.

⁴⁰ A. K. BOWMAN & D. W. RATHBONE, 'Cities and administration in Roman Egypt', *Journal of Roman Studies* 82 (1992), pp. 107-127. See n. 3 above for critiques.

⁴¹ SB XII 11012. This formal civic organisation of the *katoikoi* seems to be new. Although petitions to (and responses from) later Ptolemaic rulers are known from (and to) the *katoikoi* in the Arsinoite nome (e.g. *P. Tebt.* I 124; cf. *BGU* IV 1185.ii) and those in the Heracleopolite nome (e.g. *BGU* VIII 1756, 1757, 1768, XIV 2374), these seem to have been initiated and organised through military units, and the *katoikoi* do not seem to have any other formal collective body. Royal rulings with nome-wide applicability use vague terms such as 'the whole mass (*plethos*) of the military settlement (*katoikia*)' (*BGU* VIII 1768).

and how they were administered, need careful re-investigation. Leaving aside here the disputed issue of whether officers of the gymnasial group were originally local or central, I note that we have all ignored the metropolites. Under Claudius or Nero the term for street was changed from *laura* to *amphodon*, and an official called the *amphodarches* appears: could this be a Roman-inspired step towards municipal self-administration modelled on the *vicomagister*?⁴² Although the gymnasial group seemed to have constituted the political voice of the metropoleis, the metropolites too contributed to formation of proto-municipal government of the nomes; for instance, metropolites were now nominated for ‘liturgic’ offices, including the *sitologia*, by *amphodon* officials.⁴³

We took the gymnasial group to be an ‘elite’ within the metropolites, whereas they were a group of similar size, as Ruffini has shown for the Oxyrhynchite and the ideal number of the 6,475 itself shows for the Arsinoite.⁴⁴ However, while the Leuven tendency to present the two as ‘overlapping’ groups seems largely true for their membership, I still think their ideology and functions were quite different, as their distinct *epikrasis* procedures imply.⁴⁵ Their very title and their dedications in villages show that the Arsinoite *katoikoi* were an elite of the nome, if focussed in the metropolis (note the name ‘mother-city’ itself), which soon came to host the sole gymnasium in each nome and where most or all of the group claimed residence, perhaps notional in some cases. I now incline to see the gymnasial groups as affiliated socio-cultural branches of Alexandria in the Roman overarching model for Egypt of one city (*polis*) and its terri-

⁴² R. ALSTON, *The City in Roman and Byzantine Egypt*, London 2002, pp. 138–142; add now on the Roman background J. B. LOTT, *The Neighbourhoods of Augustan Rome*, Cambridge 2004.

⁴³ E.g. *SB* VI 9050.i, early II AD.

⁴⁴ G. RUFFINI, ‘Genealogy and the gymnasium’, *Bulletin of the American Society of Papyrologists* 43 (2006), pp. 71–99.

⁴⁵ P. VAN MINNEN, ‘*Hai apo gymnasiou*: “Greek” women and the “Greek” elite in the metropoleis of Roman Egypt’, [in:] H. MELAERTS & L. MOOREN (eds), *Le rôle et le statut de la femme en Egypte hellénistique, romaine et byzantine*, Leuven 2002, pp. 337–353; Y. BROUX, ‘Creating a new local elite: the establishment of the metropolitan orders of Roman Egypt’, *Archiv für Papyrusforschung* 59 (2013), pp. 143–153.

tory (*chora*). Many of the numerous ‘Alexandrian’ victors at the Olympic games in the first two centuries AD probably came from the metropoleis and nomes, which were not recognised as Hellenic city-states until AD 200/1, and so had needed an Alexandrian ‘passport’ to compete.⁴⁶ The gymnasial groups also seem to have been the prime movers in the development, on its way by the mid-first century, of a distinctive provincial elite culture, with regional variations. This is best attested in the Arsinoite where the elite had themselves mummified in a couple of specially prestigious cemeteries, using Roman-style veristic portraits in which they sport Roman status markers like coloured stripes (*clavi*) on their tunics and Roman hairstyles and jewellery, and developed a distinctive socio-religious attachment to Isis, Serapis and Harpokrates after whom they increasingly named themselves and whose brother-sister marriage they sometimes imitated.⁴⁷

As we all know, a fundamental problem in studying the transition from Ptolemaic to Roman Egypt is the relative dearth of papyrus documents from the period. That is why the approach and presuppositions of scholars matter particularly here. The emerging picture of early initiatives being given firmer shape under Claudius and Nero suspiciously mirrors the growth in evidence, but has another possible explanation: the accession of Claudius, grandson of Mark Antony (and only grand-nephew of Augustus), offered Alexandria and Egypt an unexpected chance to seek favours.⁴⁸ Alexandria promptly sent an embassy offering extravagant honours and asking for a *boule*, as they had once or twice asked Augustus, and some other reforms; a similar petition to Nero, who had an unconsum-

⁴⁶ As is argued by S. REMIJSEN in *P.Oxy.* LXXIX (2014), pp. 193–194; note Pausanias 5.21.15 on the expulsion from Olympia of two competitors from the Arsinoite nome.

⁴⁷ See, for instance: S. WALKER & M. BIERBRIER, *Ancient Faces: Mummy Portraits from Roman Egypt* (London 1997), e.g. nos. 93–94; W. CLARYSSE & M. C. D. PAGANINI, ‘Theophoric personal names in Graeco-Roman Egypt. The case of Sarapis’, *Archiv für Papyrusforschung* 55 (2009), pp. 68–89; J. ROWLANDSON & R. TAKAHASHI, ‘Brother-sister marriage and inheritance strategies in Greco-Roman Egypt’, *Journal of Roman Studies* 99 (2009), pp. 104–139.

⁴⁸ Previewed in the reception of Germanicus, Claudius’ older brother, at Alexandria in AD 19.

mated fixation on Egypt, may have led to the reform of tribes and demes attested in the self-description of Alexandrians in official documents.⁴⁹ Ptolemais Euergetis sent embassies to Claudius and Nero which secured definition and confirmation of the communal and individual rights of the 6,475, sadly but typically lost in a lacuna.⁵⁰ The old model of Romanisation in the west saw urbanisation as a top-down process, and this is how we have imagined municipalisation in Egypt. The melange of documents and fiction about relations between Alexandria and the Julio-Claudians shows that leading Alexandrians at that time wanted a *boule* (council) to be restored to them and apparently believed that some of the early emperors might grant it; but when even Claudius, after consulting, decided not to, the issue seems to have died down, perhaps because they had in other ways gained a satisfactory level of civic privileges and autonomy. Similarly, the 6,475 presumably had a clear idea of what they wanted and, by the time of Claudius and Nero, of what they might get.

We assume that Septimius Severus granted *boulai* to Alexandria and the metropoleis in AD 200/1 because that is what they had long wanted, but there is no evidence that it had been a live issue at Alexandria since the mid-first century, or ever in the metropoleis.⁵¹ I suspect that from the start the Romans were in principle keen to municipalise Egypt – hence they considered restoring Alexandria's *boule*, they invented metropoleis and metropolites and the privileged gymnasial group. However, the local elites who benefited from these demarches picked out, protected and tried to extend the privileges they liked, and showed little enthusiasm for assuming the liturgic burdens which they knew full well from their contacts with the wider Hellenic world were the inescapable downside of

⁴⁹ On the various embassies to Gaius and Claudius, and the different versions of Claudius' response to Alexandria, see A. HARKER, *Loyalty and Dissidence in Roman Egypt. The Case of the Acta Alexandrinorum*, Cambridge 2008, pp. 9–47.

⁵⁰ SB XII 11012.i.10–14: 'whatever you have had ...', followed by a missing section of the text.

⁵¹ The only possible indication of a wish for metropolite councils is circulation in the *chora* of the so-called *Acta Alexandrinorum* and related texts, but they refer to Alexandria alone, and were more a literature of entertainment than protest; see HARKER, *Loyalty and Dissidence* (cit. n. 49).

civic self-government through a *boule*. Instead they prospered, and developed by the second century an impressive array of civic monuments, facilities and culture without, it seems, the endemic financial and political crises attested by the orations of Dio of Prusa and Pliny's letters in other Greek cities in the late first to early second centuries.

Does this then make Roman Egypt a peculiar province in a different way? I return to Roman Britain. The Romans were apparently keen to urbanise Britain, but evidence for flourishing municipal life is thin: outside the *coloniae* there are almost no civic inscriptions, in marked contrast to Gaul and Spain (though there are blanks there too), and we have to talk of '*civitas*-capitals' because the administrative status and structure of these regional urban centres is so elusive.⁵² It seems that the British elite, while happily accepting Rome's confirmation of their local dominance under (presumably) the new titles of Roman municipal office, preferred to stick to their rural bases (huntin', shootin' and fishin'), where they built themselves Roman-influenced villas and ate Roman-style dinners from Roman-style dishes. Whether or not we think it helpful to call it 'creolisation', I suggest that the 'Romanisation' of Egypt, like that of Roman Britain and all other provinces, was a complex and kaleidoscopic process of negotiation between Roman and local aspirations, both changing across time.

One last methodological point: we tend to decry historians of the Roman empire who ignore Egypt and the papyri on the grounds of supposed exceptionality, but we too have tended to study Roman Egypt without adequate reference to the broader history of Rome and its empire, or to the new approaches developed by our colleagues to similar issues in other provinces.⁵³ This is beginning to change; for example,

⁵² E.g. M. MILLET, *The Romanization of Britain. An Essay in Archaeological Interpretation*, Cambridge 1990, pp. 65–101, tacitly side-stepping the lack of epigraphic evidence for municipal offices and activities.

⁵³ There is also room for more comparative study of Ptolemaic Egypt in the wider Hellenistic context (especially Seleucid Babylonia), as noted for land categories in her review of Monson by L. CAPPONI, *Sehepunkte* 13 (2013), Nr. 4 [15.04.2013], [at:] <http://www.sehepunkte.de/2013/04/21478.html>.

many of the German papers I have cited are contributions to volumes discussing general aspects of Roman imperial administration. What I hope to have shown here is that Egypt's transition from Ptolemaic to Roman rule can be better understood if studied in the context of Roman history, especially Rome's previous experiences in annexing Hellenistic kingdoms and the changes to Rome's own system of government which were contemporary with the development of Roman rule of Egypt.

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T H E J O U R N A L O F J U R I S T I C P A P Y R O L O G Y

**LATE ROMAN
AND EARLY ARAB EGYPT**



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Bernhard Palme

**STAAT UND GESELLSCHAFT
DES SPÄTANTIKEN ÄGYPTEN
IM SPIEGEL DER POPYRI**

Die Studien zum Spätantiken Ägypten haben durch das gesteigerte Interesse, das dem spätromischen Reich und der Wandlung der antiken zur mittelalterlichen Welt seit den einflussreichen Arbeiten von Arnold H. M. Jones und Peter Brown allgemein entgegen gebracht wird, einen beträchtlichen Impuls erhalten¹. Neben kulturellen Phänomenen (wie des Erstarkens der enchorischen Elemente, Multilingualität, einer Blüte hellenischer Literatur) und den religiösen Veränderungen (Verbreitung des Christentums, monastische Bewegung) haben auch die Entwicklung der staatlichen Einrichtungen, der Gesellschaft und Wirtschaft verstärkt Aufmerksamkeit gefunden. Im folgenden Beitrag sollen einerseits wichtige Ansätze und Ergebnisse der papyrologisch-historischen Forschungen zum spätantiken Ägypten und deren Relevanz für die Geschichte des oströmischen-frühbyzantinischen Reiches aufgezeigt

¹ Die „Klassiker“ sind: A. H. M. JONES, *The Later Roman Empire 284–602: A Social, Economic, and Administrative Survey*, I–III, Oxford 1964; P. BROWN, *The World of Late Antiquity. From Marcus Aurelius to Muhammad*, London 1971. Für die Ereignis- und Verwaltungsgeschichte ist auch die ältere Darstellung von E. STEIN, *Geschichte des spätromischen Reiches*, I: *Vom römischen zum byzantinischen Staate (284–476 n. Chr.)*, Wien 1928; *Histoire du Bas-Empire*, II: *De la disparition de l'Empire d'Occident a la mort de Justinien (476–565)*, (Hg. J.-R. PALANQUE), Paris – Bruges 1949 (2. Aufl., Amsterdam 1968) immer noch maßgeblich.

werden; andererseits gilt es, Aussagekraft und Möglichkeiten der Papyri für künftige Studien auszuloten.

Als konventionelle Epochengrenze zwischen dem römischen und dem spätantiken Ägypten gilt seit der Pionierzeit der Papyrologie der Herrschaftsantritt Diokletians 284. Jedenfalls aus der Perspektive der Verwaltungsgeschichte erscheint diese Periodisierung berechtigt, da im Zuge der tetrarchischen Reformen Ägypten in administrativer Hinsicht den anderen Teilen des Reiches angeglichen wurde. Spätestens seit Ulrich Wilcken spricht man der Einfachheit halber ab 284 (also noch vor der Gründung Konstantinopels) vom 'byzantinischen Ägypten'². Eine weitere Differenzierung der folgenden Zeit in ein 'spätantikes Ägypten' im 4. und 5. Jh. gegenüber einem 'byzantinischen Ägypten' im 6. und 7. Jh., wie sie Andrea Giardina zur Diskussion stellte³, hat unter Hinweis auf die ungebrochenen Entwicklungslinien keine Akzeptanz gefunden⁴; vielmehr werden die Begriffe 'spätantikes' und 'byzantinisches' Ägypten weitgehend synonym verwendet. Das Ende des byzantinischen Ägypten ist in Hinblick auf die politisch-administrative Geschichte mit der Eroberung des Landes durch die Araber 641 anzusetzen, wengleich das Fortbestehen und die schrittweise Modifizierung der byzantinischen Infrastruktur des Landes sich noch über ein Jahrhundert verfolgen lassen.

Die Editionstätigkeit an byzantinischen Papyrusurkunden hat in den letzten Jahrzehnten eine kontinuierliche Steigerung erfahren. Neben Corpus-Bänden aus Sammlungen mit bekanntem Schwerpunkt (auch) auf

² Diese Epocheneinteilung wird etwa bei U. WILCKEN, *Grundzüge und Chrestomathie der Papyrskunde*, Erster Band: *Historischer Teil*, Erste Hälfte: *Grundzüge*, Leipzig – Berlin 1912, 2 und 66 angesprochen.

³ A. GIARDINA, „Egitto bizantino o tardoantico? Problemi della terminologia e della periodizzazione“, [in:] L. CRISCUOLO & G. GERACI (Hg.), *Egitto e storia antica dall'ellenismo all'età araba. Bilancio di un confronto*, Bologna 1989, S. 89–103.

⁴ Vgl. etwa R. S. BAGNALL, „Periodizing when you don't have to: the concept of Late Antiquity in Egypt“, [in:] B. SIRKS (Hg.), *Gab es eine Spätantike? Vier Vorträge, gehalten auf der Tagung des Graduiertenkollegs für Antike und Europäische Rechtsgeschichte am 21. Juni 2002*, Frankfurt am Main 2003, S. 39–47.

byzantinischem Material und Revisionen wichtiger Textkonvolute⁵ sind vor allem umfangreiche Steuerregister und Rechnungsbücher zur Edition gelangt⁶. Zudem stellen die Funde karbonisierter Papyri des 6. Jh. in Petra einen willkommenen Zuwachs zur geringen Zahl außerägyptischer Papyri dar, die als wichtiges Vergleichsmaterial der ägyptischen Evidenz gegenübergestellt werden können⁷. Nach wie vor stehen griechische Texte im Mittelpunkt der Aktivitäten, wenngleich die für den byzantinischen Zeitabschnitt gleichermaßen wichtigen Dokumente in koptischer Sprache verstärkte Aufmerksamkeit erhalten haben⁸.

Insgesamt haben die Editionen der vergangenen zwei, drei Jahrzehnte den Bestand an publizierten byzantinischen Papyrustexten zwar beträchtlich vermehrt, an den Eigenheiten der Dokumentation aus byzantinischer Zeit aber wenig verändert⁹. Die räumliche und zeitliche

⁵ Hervorzuheben sind *P. Aphrod. Lit.*; *SPP* III² 1–118; 119–238 und 449–582; *P. Flor.* III 297 + *P. Strasb.* VII 699 (Neuedition in: C. ZUCKERMAN, *Du village à l'Empire: autour du registre fiscal d'Aphrodito* (525/526) [= *Centre de Recherche d'Histoire et Civilisation de Byzance, Monographies* 16], Paris 2004, S. 248–271). Verstreut publizierte koptische Texte werden im *SB Kopt.* I–III bequem zugänglich gemacht.

⁶ *P. Herm. Landl.*; *P. Kellis* IV; das 'registre fiscal' von Aphrodite (ed. ZUCKERMAN, *Du village à l'Empire* [wie Anm. 5]; der 'cadastre' von Aphrodito (*SB* XX 14669); die 'table budgétaire' von Antaiopolis (*SB* XX 14494); *P. Lond. Herm.*; *P. Sorb.* II 69. Vgl. unten, Anm. 90–96.

⁷ *P. Petra* I–IV (Tertia Palaestina Salutaris, 6. Jh.) treten zu *P. Ness.* III (Palaestina, 6. Jh.) und *P. Euphrates* I–III (Syria Coele, Mitte 3. Jh.) hinzu. H. M. COTTON, W. E. H. COCKLE & F. G. B. MILLAR, „The papyrology of the Roman Near East: A survey“, *JRS* 85 (1995), S. 214–235 haben über 600 Papyri von außerhalb Ägyptens zusammengestellt; vgl. die Ausführungen von J. GASCOU, „The papyrology of the Near East“, [in:] R. S. BAGNALL (Hg.), *The Oxford Handbook of Papyrology*, Oxford 2009, S. 473–494.

⁸ Für die koptischen Papyri s. den Überblick von S. RICHTER in diesem Band (S. 405–431); zum ungleichen Bearbeitungsstand der griechischen, koptischen und arabischen Papyri s. B. PALME, „Papyrusfragmente als historische Evidenz“, [in:] Ch. GASTGEBER *et al.* (Hg.), *Fragmente: Der Umgang mit lückenhafter Quellenüberlieferung in der Mittelalterforschung*, Wien 2010, S. 19–28, bes. 22–23 mit Anm. 13–14.

⁹ Vgl. die Analysen von R. S. BAGNALL – K. A. WÖRP, „Papyrus Documentation in the Period of Diocletian and Constantine“, *BES* 4 (1982), S. 25–33; DIES., „Papyrus Documentation in Egypt from Constantine to Justinian“, [in:] R. PINTAUDI (Hg.), *Miscellanea Papyrologica* (= *Pap. Flor.* VII), Firenze 1980, S. 13–23; DIES., „Papyrus Documentation in Egypt from Justinian to Heraclius“, *BES* I (1979), S. 5–10.

Streuung zeigt nach wie vor das bekannte, unausgewogene Bild, wobei zu berücksichtigen ist, dass die ediert vorliegende Evidenz nicht nur durch die Zufälle der Überlieferung, sondern auch die Interessenslage der Editoren geprägt ist¹⁰. Noch stärker als bei den älteren Epochen ist für die byzantinische Zeit unser Befund durch eine Handvoll Fundplätze geprägt, woher die große Masse der Texte stammt: Arsinoiton Polis, Herakleopolis und Oxyrhynchos in Mittelägypten, Hermupolis und Aphrodite in Oberägypten. Andere Fundplätze wie Kynopolis, Lykopolis oder Syene sind nur mit vergleichsweise geringen Stückzahlen vertreten. Bemerkenswert ist die Konzentration der byzantinischen Funde auf die Städte, während in der ptolemäischen und römischen Zeit das meiste Material aus Dörfern stammt. Der bereits von Roger Rémondon beobachtete zahlenmäßige Einbruch der Dokumentation im 5. Jh. ist auch durch die seither erschienenen Editionen nicht ausgeglichen worden¹¹. Vermutlich liegt die geringere Anzahl von Texten aus dem 5. Jh. daran, dass aus dieser Zeit – anders als im 4. und 6. Jh. – keine großen Fundkomplexe erhalten sind, denn die byzantinische Evidenz ist noch stärker als jene der ptolemäischen und römischen Zeit von sogenannten Archiven geprägt, also Textkonvoluten mit inhaltlichem Zusammenhang, die in der Regel um eine Person oder Familie kreisen¹². Hervorzuheben wären das Dossier der Liturgen und Grundbesitzer Aurelius Isidoros und Aurelius Sakaon vom frühen 4. Jh. sowie die Archive der wohlhabenden Buleutenfamilie von Aurelia Charite, Aurelius Adelfios und Aurelius Asklepiades, des Kavallerieoffiziers Abinnaeus oder des Nephros aus

¹⁰ W. HABERMANN, „Zur chronologischen Verteilung der papyrologischen Zeugnisse“, *ZPE* 122 (1998), S. 144–160, erstellt auf Basis des *Heidelberger Gesamtverzeichnisses der griechischen Papyrusurkunden Ägyptens* (HGV): <http://www.rzuser.uni-heidelberg.de/~gvo/gvz.html>; die Zahl der noch unpublizierten byzantinischen Papyri ist jedoch überproportional größer als die Anzahl der ediert vorliegenden Texte.

¹¹ R. RÉMONDON, „L'Égypte au v^e siècle de notre ère: les sources papyrologiques et leur problèmes“, [in:] *PapCongr.* XI, 135–148; ferner BAGNALL & WORP, „Papyrus Documentation from Constantine to Justinian“ (wie Anm. 9), S. 13–15.

¹² Einen Überblick vermittelt K. VANDORPE, „Archives and dossiers“, [in:] BAGNALL (Hg.), *Handbook* (wie Anm. 7), S. 216–255. Ein wichtiges elektronisches Hilfsmittel ist die von W. CLARYSSE und K. VANDORPE betreute Datenbank *Papyrus Archives in Graeco-Roman Egypt*: <http://www.trismegistos.org/arch/index.php>.

monastischem Kontext (alle erste Hälfte des 4. Jh.), das Familienarchiv des Soldaten Flavius Taurinos, seines Sohnes und Enkelsohnes aus dem 5. Jh., das Paternuthis-Archiv aus Syene und einige kleinere Dossiers wie etwa das Archiv der Amtsdieners Papnuthis und Dorotheos (4. Jh.) oder des Ölmüllers Sambas (6. Jh.). Eine dominierende Stellung in der uns vorliegenden Evidenz nehmen das umfangreiche, fast zwei Jahrhunderte (Mitte 5. bis Anfang 7. Jh.) umfassende, aus hunderten Texten bestehende Archiv der sogenannten Apionen – einer Dynastie von Großgrundbesitzern, die bis in die höchsten Ränge der Reichsaristokratie aufstiegen – und das gleichfalls hunderte Texte umfassende Archiv des Notars und Dichters Dioskoros von Aphrodite aus dem 6. Jh. ein. So willkommen die vielfältigen Informationen aus dem Apionen- und Dioskoros-Archiv sind (dazu im Folgenden), so problematisch ist die methodische Einschätzung, wie repräsentativ diese beiden Konvolute für die wirtschaftlichen und sozialen Verhältnisse und Entwicklungen insgesamt sein mögen.

Eine weitere methodische Herausforderung liegt in der Gegenüberstellung von papyrologischer Evidenz einerseits und literarischer sowie normativer Überlieferung andererseits. Vor allem die kaiserlichen Konstitutionen mit unmittelbarer Relevanz für Ägypten haben eingehende Analysen erfahren¹³, doch ein wirklicher Brückenschlag ist hier noch ausständig. Nicht immer lassen sich die generellen Regelungen und Vorgaben der juristischen Texte oder die – meist nur kursorischen – Bemerkungen und Beobachtungen der narrativen Quellen mühelos in den Papyrusdokumenten wiederfinden. Auch eine systematische Berücksichtigung der archäologisch-realienkundlichen Hinterlassenschaft, die insbesondere für die Wirtschaftsgeschichte, aber indirekt (Siedlungs-, Landschafts- und Nekropolenarchäologie) auch für die Sozial- und Militärgeschichte des

¹³ V. DAUTZENBERG, *Die Gesetze des Codex Theodosianus und des Codex Justinianus für Ägypten im Spiegel der Papyri*, Jur. Diss. Köln 1971; A. M. DEMICHELI, „L'amministrazione dell'Egitto bizantino secondo l'Editto XIII“, [in:] S. PULIATTI & A. SANGUINETTI (Hg.), *Legislazione, cultura giuridica, prassi dell'impero d'Oriente in età giustiniana tra passato e futuro* (Atti del convegno, Modena, 21–22 maggio 1998), Milano 2000, S. 417–456 und DIES., *L'Editto XIII di Giustiniano: In tema di amministrazione e fiscalità dell'Egitto bizantino*, Torino 2000. Weiterführende Literatur zitiert J. BEAUCAMP, „Byzantine Egypt and imperial law“, [in:] R. S. BAGNALL (Hg.), *Egypt in the Byzantine World 300–700*, Cambridge 2007, S. 271–287.

spätantiken Ägypten aussagekräftig ist, wurde wegen der Fülle und dem schwer zu überblickenden Publikationsstand des archäologischen Materials bislang noch nie gewagt¹⁴.

Trotz der beschriebenen methodischen Schwierigkeiten und den Beschränkungen der kleinteiligen und zufälligen papyrologischen Evidenz haben in den vergangenen Jahren weiter greifende historische Studien Ägypten gerade in Hinblick auf Staatlichkeit und Verwaltung sowie gesellschaftliche und wirtschaftliche Entwicklungen in wesentlich größerem Umfang als Modellfall herangezogen, als dies früher der Fall war¹⁵. Herausragende Darstellungen des byzantinischen Ägypten in zentralen Überblickswerken haben bewirkt, dass die Ergebnisse der papyrologischen Forschung über den Kreis der Spezialisten hinaus wahrgenommen werden und Ägypten im historischen Diskurs heute eine adäquate Berücksichtigung findet, auch wenn es um Verhältnisse im (Ost-) Römischen Reich generell geht¹⁶.

Angesichts wahrnehmbarer regionaler Besonderheiten geht es freilich nicht um eine plumpe Verallgemeinerung jener Erkenntnisse, die aus der reichhaltigen Evidenz Ägyptens gewonnen wurden, sondern um die in jedem Einzelfall zu prüfende Frage, ob Verhältnisse, wie sie in Ägypten

¹⁴ Welch wichtige Aufschlüsse eine Gegenüberstellung von schriftlichen und archäologischen Quellen bringen kann, hat R. S. BAGNALL, *Eine Wüstenstadt: Leben und Kultur in einer ägyptischen Oase im 4. Jahrhundert n. Chr.*, Stuttgart 2013, exemplarisch für Trimithis in der Dakhla Oase gezeigt.

¹⁵ Bemerkenswerte Ausnahmen waren: R. RÉMONDON, „Papyrologie et histoire byzantine“, *Annales Universitatis Saraviensis* 8 (1959), S. 87–103; J. G. KEENAN, „Papyrology and Byzantine Historiography“, *BASP* 30 (1993), S. 137–144; J.-M. CARRIÉ, „L'État à la recherche de nouveaux modes de financement des armées (Rome et Byzance, IV^e–VIII^e siècles)“, [in:] Averil CAMERON (Hg.), *The Byzantine and Early Islamic Near East*, III, Princeton 1995, S. 27–60.

¹⁶ J. G. KEENAN, „Egypt“, [in:] *The Cambridge Ancient History*, XIV: *Late Antiquity: Empire and Successors*, AD 425–600 (hg. Averil CAMERON, B. WARD-PERKINS & Michael WHITBY), Cambridge 2000, S. 612–637; J. GASCOU, „L'Égypte byzantine (284–641)“, [in:] *Le monde byzantin*, I: *L'empire romain d'Orient (330–641)* (hg. C. MORRISON), Paris 2006, S. 403–436; Ch. WICKHAM, *Framing the Early Middle Ages: Europe and the Mediterranean, 400–800*, Oxford 2005, S. 133–144, 242–255 und 759–769. Speziell auf das spätantike Ägypten fokussierte Darstellungen sind R. S. BAGNALL, *Egypt in Late Antiquity*, Princeton 1993 und die Artikel in BAGNALL (Hg.), *Egypt in the Byzantine World* (wie Anm. 13).

greifbar sind, *mutatis mutandis* auch in anderen, weniger gut dokumentierten Teilen des Reiches identifiziert werden können. Die Chancen, allgemein gültige Muster zu finden, sind bei den Organen der zivilen Verwaltung, bei der Organisation des Militärs und bei den jurisdiktionellen Einrichtungen besonders gut, denn bei staatlichen Institutionen ist davon auszugehen, dass ihnen überall dieselben Strukturen zugrunde lagen. Ägypten, das von kriegerischen Auseinandersetzungen und Immigrationen verschont blieb, zeigt die ungestörte Entwicklung und das operative Geschäft des staatlichen Apparates: der Steuererhebung, des Gerichtswesens, des Militärs. Soziale Phänomene und langfristig wirkende ökonomische Entwicklungen lassen sich dank der Materialfülle der Papyri in Ägypten wesentlich konkreter greifen als in irgendeinem anderen Teil des Spätromischen Reiches.

Unter dem Gesichtspunkt der Verwaltungsgeschichte stellen die Reformen des Diokletian, seiner Mitkaiser und Nachfolger in der Tat eine Zäsur dar. Ägypten, das seit seiner Eingliederung in das Imperium Romanum 30 v. Chr. unter der Statthalterschaft eines *praefectus Aegypti et Alexandriae* gestanden war, wurde in mehrere Provinzen geteilt¹⁷. Die folgenden, kurzlebigen Phasen einer mehrfach wechselnden Teilung in zwei, drei oder vier Provinzen, welche die papyrologische Forschung aus Titeln und Kompetenzbereichen der Amtsträger rekonstruierte, stellen sich mit dichter werdenden Belegen als Experimentierphase dar, die bis ins späte 4. Jh. andauerte¹⁸. Umstritten sind nach wie vor die Chronologie und der exakte Ablauf der nächsten tiefgreifenden Maßnahme: Die Zusammenfassung der ägyptischen und libyschen Teilprovinzen als eigenständige Diözese unter einem *praefectus Augustalis*. Während kaiserliche Konstitutionen die Etablierung der *dioecesis Aegyptus* zwischen März 380 (C.Th. XII 1, 80) und Mai 382 (C.Th. VIII 5, 37) platzieren, wird in

¹⁷ Über die Provinzialeinteilungen des 4. Jh. und die wichtigsten Amtsträger informiert J. LALLEMAND, *L'administration civile de l'Égypte de l'avènement de Dioclétien à la création du diocèse*, Bruxelles 1964. Eine aktualisierte, überblicksartige Skizze findet sich bei B. PALME, „The imperial presence: government and army“, [in:] BAGNALL (Hg.), *Egypt in the Byzantine World* (wie Anm. 13), S. 244–270, bes. 245–249.

¹⁸ B. PALME, „Praesides und correctores der Augustamnica“, *AnTard* 6 (1998), S. 123–135 mit Verweisen auf die ältere Literatur.

der Chronik des Barbarus Scaligeri ein *Augustalis* erstmals schon 367 erwähnt, weshalb manche Forscher auch die Diözesanreform um diese Zeit ansetzen¹⁹. Die dokumentarische Evidenz, die in den 360er und 370er Jahren keinen *Augustalis* kennt, spricht jedoch gegen die Frühdatierung²⁰. Ungewiss sind auch das exakte Datum und die Umstände der Einrichtung der Provinz Arcadia, die ab 386 belegt ist²¹. Damit war die in der *Notitia Dignitatum Or. XXIII 1–14* festgehaltene Einteilung der *diocesis Aegyptus* in die Provinzen Aegyptus ipsa, Arcadia, Augustamnica, Thebais sowie Libya Superior und Libya Inferior getroffen, die in der Folgezeit maßgeblich blieb und nur noch durch weitere Unterteilungen aller Provinzen außer Arcadia modifiziert wurde.

Seit den tetrarchischen Reformen zeigte Ägypten auch die seit ca. 308 überall im Reich greifbare Trennung von ziviler und militärischer Gewalt sowie die gleichen administrativen Strukturen wie die anderen Provinzen des Reiches. Die Münze in Alexandria prägte seit Diokletian keine lokalen Sondermünzen mehr, sondern Reichsmünzen. Stärker noch als zuvor stellte Ägypten einen integralen Teil des Reiches dar. Wie flexibel die neue, bis Justinian gültige Ordnung gehandhabt wurde, hat eine wichtige Studie von Jean-Michel Carrié über fallweise, auf bestimmte Anlässe und Personen bezogene Kumulierungen von ziviler und militärischer Gewalt vor Augen geführt²².

Viel Aufmerksamkeit hat die papyrologische Forschung der sogenannten Munizipalisierung geschenkt, die weitreichende Folgen für die interne Verwaltung des Landes hatte²³. Der lang währende Transforma-

¹⁹ Chron. Min. I, 295; die darauf basierende Frühdatierung vertritt R. M. ERRINGTON, „A note on the Augustal prefect of Egypt“, *Tyche* 17 (2002), S. 69–77.

²⁰ Auch C.Th. XII 18, 1 (Mai 367) adressiert noch einen *praefectus Aegypti*. Die Anwendung des Augustalis-Titel auf 367 ist wahrscheinlich eine anachronistische Übertragung spätere Verhältnisse auf das frühere Datum.

²¹ C.Th. I 14, 1 vom 17. Feb. 386; die frühesten Papyrusbelege sind *P. Sipp.* 23 (396) und *P. Flor.* I 66 (398); zur Einrichtung der Provinz s. J. G. KEENAN, „The provincial administration of Egyptian Arcadia“, *MPH* 2 (1977), S. 193–201.

²² J.-M. CARRIÉ, „Separation ou cumul? Pouvoir civil et autorité militaire dans les provinces d'Égypte de Gallien à la conquête arabe“, *AnTard* 6 (1998), S. 105–121.

²³ Die Entwicklung beschreiben A. K. BOWMAN, *The Town Councils of Roman Egypt*

tionsprozess – durch den die Gaumetropolen Schritt für Schritt dem Munizipalsystem, wie es sonst im Reich anzutreffen war, angeglichen wurde und in dem die Einführung der *Bulai* unter Septimius Severus sowie die Reformen des Steuer- und Liturgiewesens unter Philippus Arabs wichtige Etappen waren – gelangte mit den Reformen der Tetrarchenzeit zum Abschluss²⁴. Die althergebrachten, auf pharaonische Zeit zurückgehenden etwa 45 Gaue (*nomoi*) mit ihren *metropoleis* wurden in *civitas* mit angegliedertem Territorium umgeformt. Schon im Laufe des 3. Jh. hatte man immer mehr Aufgaben der staatlichen Gaubeamten auf die Stadträte (*bulai*) übertragen. Ab dem frühen 4. Jh. wurde den *Bulai* die gesamte Verantwortung für Verwaltung und Steueraufkommen der *civitas* und aller Dörfer ihres Territoriums übertragen. In einer peniblen Analyse der papyrologischen Evidenz konnte Klaus Maresch zeigen, wie die Gauverwaltung und ihre Organe durch die ‘städtische’ Verwaltung abgelöst wurden und ab 307 die Pagusordnung als Binnengliederung der Gaue/*civitates* auftrat²⁵.

Einen Wendepunkt brachte das Edikt XIII, mit dem Justinian im Jahre 539 die ägyptische Diözese neu strukturierte. Die bisherigen Stu-

(= ASP XI), Toronto 1971, 7–19, R. ALSTON, *The City in Roman and Byzantine Egypt*, London - New York 2002, S. 249–259 und A. JÖRDENS, „Der *praefectus Aegypti* und die Städte“, [in:] A. KOLB (Hg.), *Herrschaftsstrukturen und Herrschaftspraxis: Konzepte, Prinzipien und Strategien der Administration im römischen Kaiserreich*, Berlin 2006, S. 191–200.

²⁴ Über die Interpretation des Prozesses, der lange vor 200 begann, gehen die Meinungen auseinander: vgl. die Standpunkte von A. K. BOWMAN & D. W. RATHBONE, „Cities and Administration in Roman Egypt“, *JRS* 82 (1992), S. 107–127 und A. JÖRDENS, „Das Verhältnis der römischen Amtsträger in Ägypten zu den ‘Städten’ in der Provinz“, [in:] W. ECK (Hg.), *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1. bis 3. Jahrhundert*, München 1999, S. 142–180. Eine differenzierte Darstellung der Vorgänge bietet D. HAGEDORN, „Zu den Anfängen munizipaler Ämter in den Gaumetropolen Ägyptens“, [in:] A. K. BOWMAN, R. COLES et al. (Hg.), *Oxyrhynchus: A City and Its Texts*, London 2007, S. 194–204: die meisten munizipalen Amtsträger, die im 1. und 2. Jh. in den Gaumetropolen genannt werden, versahen ihre Ämter in Alexandria, aber vereinzelt sind Amtsträger der Gaumetropolen selbst seit dem frühen 2. Jh. zu fassen.

²⁵ K. MARESCH, „Vom Gau zur Civitas: Verwaltungsreformen in Ägypten zur Zeit der Ersten Tetrarchie im Spiegel der Papyri“, [in:] R. HAENSCH & J. HEINRICHS (Hg.), *Herrschen und Verwalten: Der Alltag der römischen Administration in der Hoben Kaiserzeit*, Köln – Weimar – Wien 2007, S. 427–437.

dien zu dem fragmentarisch überlieferten Edikt konzentrierten sich auf die im Text selbst angesprochenen Aspekte²⁶. Eine wesentliche Neuerung war die Zusammenlegung von ziviler und militärischer Gewalt in den Händen eines Amtsträgers, der nun den Titel *dux et Augustalis* führte²⁷. Damit brach Justinian mit dem Prinzip der Gewaltenteilung und kehrte zu den Verhältnissen vor den Tetrarchen zurück, als militärische Befehlsgewalt, Rechtsprechung und Finanzverwaltung gleichermaßen in der Kompetenz des Statthalters lag. Dieser Schritt verstetigte die schon im 5. Jh. gelegentlich geübte Praxis, zivile und militärische Autorität *ad hoc* zu vereinen²⁸. Das Edikt XIII schrieb auch die Gliederung des Gebietes in sieben Teilprovinzen fest, wobei die Stellung der nach wie vor ungeteilten Provinz Arcadia – die bis zur sassanidischen Eroberung 619 unter einem *praeses Arcadiae* stand – wegen der fragmentarischen Überlieferung des Edikts unklar bleibt. Indizien sprechen dafür, dass der *praeses Arcadiae* zumindest zeitweilig dem *dux et Augustalis Thebaidis* unterstellt war²⁹.

Die im Edikt angeordnete Zusammenlegung der Büros des *dux* und des zivilen *Augustalis* lässt Tendenzen zur Einsparung von Verwaltungspersonal erkennen, aber die Vermehrung (und Verkleinerung) der Teilprovinzen dürfte die Verwaltungsdichte gesteigert und für die Provinzialen den Weg zum Statthalter verkürzt haben. Möglicher Weise sollte die Vereinigung von ziviler und militärischer Autorität auch die Position der Statthalter (als Vertreter der Zentralregierung) gegenüber den Netzwerken lokaler Eliten stärken. Da ein übergeordnetes Kommando fehlte, hatte die im Edikt XIII umgesetzte Ordnung den organisatorischen

²⁶ Zum Edikt XIII s. zuletzt DEMICHELII, „L'amministrazione dell'Egitto bizantino“ (wie Anm. 13), S. 417–456 und DIES., „L'Editto XIII“ (wie Anm. 13); W. BRANDES, „Die trapeza/arca der praefectura praetorio per Orientem und die Datierung von Justinians 13. Edikt“, [in:] *Fontes Minores* XI, Frankfurt 2005, S. 229–234.

²⁷ PALME, „Imperial presence“ (wie Anm. 17), S. 248.

²⁸ CARRIÉ, „Separation ou cumul?“ (wie Anm. 22), S. 105–121.

²⁹ Die Unterordnung des *praeses Arcadiae* unter dem *dux et Augustalis Thebaidis* scheint in Gedichten des Dioskoros von Aphrodite anklagen: F. MORELLI, „Zwischen Poesie und Geschichte: Die 'flagornier' des Dioskoros und der dreifache Dux Athanasios“, [in:] J.-L. FOURNET (Hg.), avec la collaboration de C. MAGDELAINE, *Les archives de Dioscore d'Aphrodité cent ans après leur découverte: Histoire et culture dans l'Égypte byzantine* (Actes du colloque de Strasbourg, 8–10 déc. 2005), Paris 2008, S. 223–245.

Nachteil, dass die militärische Befehlsgewalt auf mehrere Personen aufgeteilt war.

Während Edikt XIII auf eine neue Binnenstruktur der Diözese *Aegyptus* abzielte, hatte die nächste einschneidende Regelung vor allem Konsequenzen für die Personalpolitik: mit der Novelle 149 vom Jahre 569 räumte Justinians Nachfolger Justin II den Vornehmen (*proteuontes*) und Bischöfen der Provinzen das Recht ein, Besetzungsvorschläge für den Statthalterposten einzubringen; zugleich lehnte er die Anhörung von Beschwerden der Provinzialbevölkerung gegen Statthalter ab. Damit war dem Einfluss der provinziellen Aristokratie auf die Besetzungspolitik Tür und Tor geöffnet. Die Auswirkungen dieser Regelung hat Ashvalom Laniado einer detaillierten Analyse unterzogen³⁰. Der Umschwung der kaiserlichen Politik zeigt sich insbesondere im Vergleich zu Justinian, der in Novelle 8 (535) die Provinzialen noch ausdrücklich ermutigt hatte, sich bei Amtsmissbrauch lokaler Beamter direkt an den Kaiser zu wenden.

Die Eroberung Ägyptens 619 durch Chosrau II und die bis 629 wählende sassanidische Herrschaft über das Land sowie die kurze Restitution der byzantinischen Herrschaft bis 641 bilden sich in den papyrologischen Quellen nur schemenhaft ab – wohl auch deshalb, weil griechische und koptische Texte nur selten verlässlich in die Jahre der Sassanidenherrschaft datiert werden können und andererseits die in Pehlewi geschriebenen Papyri bis auf wenige Ausnahmen unediert sind³¹. Möglicherweise kann man das Verschwinden der Apionen und des einen oder anderen Pagarchen als Indiz dafür werten, dass die Sassaniden gegen die Repräsentanten der kaisertreuen Oberschicht vorgingen, doch in den wenigen Papyrustexten spiegeln sich gewaltsame Ereignisse nicht unmittelbar wider³². Eine Reaktion der byzantinischen Regierung auf defen-

³⁰ A. LANIADO, *Recherches sur les notables municipaux dans l'Empire protobyzantine* (= *Travaux et Mémoires, Monographies* 13). Paris 2002, bes. S. 225–252; vgl. ferner P. E. PIELER, „Erwägungen zur Novelle Justin II. über die ‘Wahl’ der Provinzstatthalter: Nov. Just. 149“, *Subseciva Groningana* 4 (1990), S. 177–193.

³¹ Das Problem der Datierung von Papyri in die sassanidische Besatzungszeit resultiert daraus, dass wegen der Ausgliederung Ägyptens aus dem Reichsverband keine Kaiserdatierungen verwendet wurden, sondern lediglich die Indiktionen angegeben wurden.

³² L. S. B. MACCOULL, „Coptic Egypt during the Persian occupation: The papyrological

rische Schwächen von 619 dürfte die nach 629 erfolgte Erhebung der Arcadia zu einem selbständigen Dukat und die Einsetzung eines *dux et Augustalis Arcadiae* gewesen sein³³.

Die mehrfache Untergliederung in Teilprovinzen hatte zur Folge, dass bis zu sieben Statthalter unterschiedlichen Ranges in Ägypten amtierten³⁴. Ihre Tätigkeit als Repräsentanten der kaiserlichen Macht äußerte sich vor allem in zwei Hauptaufgaben: Rechtsprechung und Steuereintreibung. Wie in der Hohen Kaiserzeit manifestierte sich das statthalterliche Wirken unmittelbar in Edikten und Reskripten, die in der Spätantike jedoch in geringerer Zahl erhalten sind³⁵. Für die Bewältigung ihrer Aufgaben stand jedem Statthalter ein *officium* zur Verfügung. Die Papyri überliefern eine große Zahl der dort tätigen *officiales*. Obwohl die meisten Zeugnisse nicht aus der offiziellen Amtstätigkeit der *officiales* stammen, sondern Urkunden von deren privaten Geschäften sind, bieten die Papyri – natürlich im Verbund mit den anderen relevanten Quellen – geradezu den Schlüssel zum Verständnis des internen Organisationsschemas der Büros sowie der Kompetenzen und Karrierewege der *officiales*, welche den durch die tetrarchischen Reformen neu geschaffenen zivilen Staatsdienst repräsentieren³⁶. Die *officia* aller Statthalter waren in eine Justiz- und eine

evidence“, *Studi classici e orientali* 36 (1986), S. 307–313; P. SÄNGER, „Saralaneozan und die Verwaltung Ägyptens unter den Sassaniden“, *ZPE* 164 (2008), S. 191–201; DERS., „The administration of Sasanian Egypt: new masters and Byzantine continuity“, *GRBS* 51 (2011), S. 653–665.

³³ *P. Prag.* I 64 (Arsinoe, 636); PALME, „Imperial presence“ (wie Anm. 17), S. 248 mit Anm. 14.

³⁴ PALME, „Imperial presence“ (wie Anm. 17), S. 245–255. Eine Liste der Präefekten und Präsidens bietet LALLEMAND, *L'administration* (wie Anm. 17), S. 237–257; Ergänzungen bei P. J. SIJPESTEIJN & K. A. WÖRPER, „Bittschrift an einen praepositus pagi (?)“, *Tyche* 1 (1986), S. 192–194; zu den *praefecti Augustales*: J. DIJKSTRA & R. W. BURGESS, „The ‘Alexandrian World Chronicle’, its *Consularia* and the Date of the Destruction of the Serapeum (with an Appendix on the *Praefecti Augustales*)“, *Millennium* 10 (2013), S. 39–113.

³⁵ Eine Sammlung der statthalterlichen Schreiben aus dem spätantiken Ägypten ist ein Desiderat der Forschung.

³⁶ Vgl. dazu B. PALME, „Die *officia* der Statthalter in der Spätantike: Forschungsstand und Perspektiven“, *AnTard* 7 (1999), S. 85–133 und DERS., „Die Organisation der Statthalterbüros im spätantiken Ägypten“, [in:] R. ROLLINGER et al. (Hg.), *Altertum und Gegenwart: 125 Jahre Alte Geschichte in Innsbruck*, Innsbruck 2012, S. 207–236 mit weiterführender Literatur.

Finanz-Sektion gegliedert, und dies gibt zu erkennen, dass nicht völlig neue Strukturen geschaffen wurden, sondern eine Weiterentwicklung jener Gliederung vorliegt, die man aus den Statthalterbüros der Prinzipatszeit kennt. Der glückliche Umstand, dass die *Notitia Dignitatum* gerade das Büro des *praeses Thebaidos* als Muster für alle Präsidialbüros des Ost-römischen Reiches gewählt hat, verleiht den Erkenntnissen, die mit Hilfe der papyrologischen Quellen gewonnen werden, über Ägypten hinaus exemplarische Gültigkeit³⁷. Wenn Zusammensetzung und Arbeitsweise der Statthalterbüros – als dem Rückgrat der kaiserlichen Provinzialverwaltung – klar sind, dann erhellt dies auch die bislang kaum bekannten Verwaltungsläufe in der Finanz-Sektion und die überregionale Kassen- und Steuerverwaltung, während die Erforschung der Justiz-Sektion für die Prozesspraxis der Spätantike von Bedeutung ist.

Es liegt an der Beschaffenheit und den Fundumständen der Papyri, dass die mittleren und unteren Ränge der Verwaltung wesentlich besser dokumentiert sind als die Agenda der Statthalter oder der in Alexandria ansässigen hochrangigen Amtsträger wie des *praefectus Augustalis*. Auf der Ebene der Gaue bzw. *civitates* erscheinen im 6. und 7. Jh. die Pagarchen als die zentralen Amtsträger, in deren Verantwortung die Steuererhebung liegt. Dieses Amt hatte sich im Verlauf des 5. Jh. herausgebildet, wobei seine Genese noch im Dunklen liegt³⁸. Vermutlich hängt die Einführung des Amtes damit zusammen, dass mit der Ausweitung von Großgrundbesitz immer weitere Gebiete als exempte Steuereinheiten der Grundherrn aus der normalen Pagusordnung herausfielen, so dass es um die Mitte des 5. Jh. zielführend schien, die unter der direkten Verantwortung der *civitas* verbliebenen Territorien unter der Verwaltung eines Pagarchos (anstelle der *praepositi pagi*) zusammenzufassen³⁹. Bis zur Mitte des

³⁷ N.D., Or. XLIV 15: *ceteri omnes praesides ad similitudinem praesidis Thebaidos officium habent*, s. dazu PALME, „Organisation der Statthalterbüros“ (wie Anm. 36), S. 234–236.

³⁸ Genese und Kompetenzen des Amtes untersuchte zuletzt R. MAZZA, „Ricerche sul pagarca nell’Egitto tardoantico e bizantino“, *Aegyptus* 75 (1995), S. 169–242, bes. 177–180.

³⁹ Dies war schon die Auffassung von M. GELZER, *Studien zur byzantinischen Verwaltung Ägyptens*, Leipzig 1909, 90–99; dagegen sah J. H. G. W. LIEBESCHUETZ, „The origin of the office of the pagarch“, *BZ* 66 (1973), S. 38–46 den Pagarchen als Nachfolger des *exactor civitatis*.

6. Jh. hatten sich die Kompetenzen der Pagarchen auch auf das öffentliche Sicherheitswesen und (zumindest) Unterstützung der Rechtsprechung ausgeweitet. Da das Amt nunmehr regelmäßig von einem örtlichen Grundherrschaftsausübenden ausgeübt wurde, sind staatliche und private Angelegenheiten kaum noch auseinander zu halten⁴⁰. Eine systematische Studie zu den Amtsgeschäften der Pagarchen ist ebenso ein Desiderat der Forschung wie eine prosopographische Untersuchung zu ihrer sozialen Vernetzung.

Wie die *officiales* gehörten auch die Soldaten als Bezieher eines regelmäßigen Soldes zu den besser gestellten Kreisen der Gesellschaft, die durch zahlreiche Rechts- und Verwaltungsgeschäfte überdurchschnittlich gut in der papyrologischen Dokumentation repräsentiert sind. Da Angehörige der Armee auch in ihren privaten Urkunden ihre Rangtitel und Einheiten anführen, lässt sich die Geschichte der etwa 90 bekannten Truppenkörper und Garnisonsorte nachzeichnen, die von 284 bis 641 in Ägypten nachweisbar sind. Viele aus den Papyri gewonnene Erkenntnisse haben Eingang in die Studien zur römischen Militärgeschichte gefunden⁴¹. Bisweilen tragen Details – in den richtigen Kontext gestellt – zum korrekten Verständnis der restlichen Überlieferung bei, wie beispielsweise Constantin Zuckerman die Umstellung des Rekrutierungssystems im Jahre 376 anhand der Papyri erhellen konnte⁴². Und anhand der ägyptischen Evidenz ist es Fritz Mitthof gelungen, die Modalitäten der Heeresversorgung durch die *annona militaris*, die ab den Reformen der Tetrarchenzeit einen wesentlichen Teil der regulären Steuerleistung ausmachte,

⁴⁰ Zum Verschwimmen der Grenzen zwischen offiziellen und privaten Agenda, wie es sich u.a. in der Terminologie der Steuerleistung abzeichnet, die als *φόρος* („Pacht“), bezeichnet wird, s. J. GASCOU, „Les grands domaines, la cité et l'État en Égypte byzantine. Recherches d'histoire agraire, fiscale et administrative“, *T&M* 9 (1985), S. 1–90, bes. 7–16 und 28–37.

⁴¹ Für die Spätantike s. die Überblicke bei C. ZUCKERMAN, „L'armée“, [in:] *Le monde byzantin*, I (wie Anm. 16), S. 143–177; B. PALME, „Die römische Armee von Diokletian bis Valentinian I.: Die papyrologische Evidenz“, [in:] Y. LE BOHEC & C. WOLFF (Hg.), *L'armée romaine de Dioclétien à Valentinien I^{er}* (Actes du Congrès de Lyon 12–14 Septembre 2002), Lyon 2004, S. 101–115, und DERS., „Imperial presence“ (wie Anm. 17), S. 255–261; J. G. KEENAN, „Evidence for the Byzantine army in the Syene papyrus“, *BASP* 27 (1990), S. 139–150.

⁴² C. ZUCKERMAN, „Two reforms of the 370s: recruiting soldiers and senators in the divided empire“, *REB* 56 (1998), S. 79–139.

zu rekonstruieren⁴³. Umstritten bleiben Einzelheiten der Oberkommanden des *dux Thebaidis* und des *dux Aegypti* bzw. (ab ca. 384–391) des *comes limitis Aegypti* und ihrer rangmäßigen Einstufungen⁴⁴.

Bezüglich der Gesamtzahl der im Lande stationierten Truppen gehen die Schätzungen weit auseinander: Constantin Zuckerman schätzt die Gesamtzahl der Soldaten in justinianischer Zeit auf lediglich 5.000–6.000 Mann, was in Hinblick auf die Dispositionen der *Notitia Dignitatum* wohl zu niedrig angesetzt ist⁴⁵. Dagegen veranschlagt Fritz Mitthof nach den Angaben der *Notitia* um 400 die Stärke (ähnlich wie schon im frühen Prinzipat) auf ca. 22.000 Mann, eine beachtliche Zahl für eine Provinz, die seit der kurzen Besetzung durch die Palmyrener 269–273 für Jahrhunderte keine ernsthafte Bedrohung mehr gesehen hatte. Nur die Thebais scheint insbesondere im Verlaufe des 5. und 6. Jh. gelegentlich Ziel von Plünderzügen der Blemmyer oder Nobaden in das Niltal und die Oasen gewesen zu sein. Die Regierung beantwortete solche Plünderzüge bisweilen mit Strafexpeditionen, doch über die Ausmaße dieser Aktionen gehen die Meinungen auseinander⁴⁶. Ein von Justinians General Narses

⁴³ F. MITTHOF, *Annona militaris: Die Heeresversorgung im spätantiken Ägypten. Ein Beitrag zur Verwaltungs- und Heeresgeschichte des Römischen Reiches im 3. bis 6. Jh. n. Chr.*, I–II (= Pap. Flor. XXXII), Firenze 2001.

⁴⁴ R. RÉMONDON, „Le P. Vindob. inv. 25838 et les commandants militaires en Égypte au IV^e siècle et au V^e“, *CdÉ* 40 (1965), S. 180–197; CARRIÉ, „Separation ou cumul?“ (wie Anm. 22), S. 106–115; C. ZUCKERMAN, „Comtes et ducs en Égypte autour de l’an 400 et la date de la *Notitia Dignitatum Orientis*“, *AnTard* 6 (1998), S. 137–147, bes. 138; G. SIEBIGS, *Kaiser Leo I. Das oströmische Reich in den ersten drei Jahren seiner Regierung (457–460 n. Chr.)*, Berlin 2010, Exkurs XV.

⁴⁵ MITTHOF, *Annona militaris* (wie Anm. 43), I, S. 217–231. ZUCKERMAN, *Du village à l’Empire* (wie Anm. 5), S. 175–176 stützt seine Kalkulationen auf die geringe Zahl der in den Papyri des 6. Jh. genannten Truppenkörper; doch auch um 400 finden sich von den Dutzenden in der *Notitia* genannten Truppen nur wenige in den Papyri.

⁴⁶ Eine hervorragende Beschreibung der militärischen Situation der Thebais in justinianischer Zeit gibt ZUCKERMAN, *Du village à l’Empire* (wie Anm. 5), S. 150–187. Unbestritten ist, dass blemmyische und nubische Verbände nach dem Niedergang des Königreiches von Meroe im späten 3. Jh. eine latente Gefährdung der Grenzregion darstellten; schwer einzuschätzen ist, wie ernst die Bedrohung der Thebais war oder wie stark sie von der kaiserlichen Propaganda übertrieben wurde: V. CHRISTIDES, „Ethnic movements in Southern Egypt and Northern Sudan: Blemmyes-Beja in late antique and early Arab Egypt until

geführter Gegenschlag 535–537 scheint die Lage an der Südgrenze stabilisiert zu haben. Nach einem neuerlichen Feldzug um 567 gelang es Flavius Athanasius, dem *dux et Augustalis Thebaidis*, um 570 einen dauerhaften Friedensvertrag abzuschließen⁴⁷.

Ägypten bietet die Chance, die Angaben der *Notitia Dignitatum* zu Truppen und Stationierungsorten mit der dokumentarischen Evidenz der Papyri und Inschriften sowie den archäologischen Befunden zu konfrontieren⁴⁸. So lassen sich, wie kürzlich von Anna Maria Kaiser gezeigt wurde, Truppenverschiebungen und defensorische Maßnahmen feststellen, die wiederum Rückschlüsse auf strategische Konzepte erlauben⁴⁹. Ferner haben Constantin Zuckerman und Fritz Mitthof anhand papyrologischer Indizien eruiert, dass sich unter Justinian – vielleicht als Folge der Blemmyerkriege – eine tiefgreifende Neuordnung der militärischen Dispositionen abzeichnete. Anscheinend kehrte man in der 2. Hälfte des 6. Jh. auch von der als Steuerleistung erhobenen *annona militaris* zum System der *coemptio* (Requisition von Nauralien) zurück, wie es in der Hohen Kaiserzeit praktiziert worden war⁵⁰. Private Truppen spielten in Ägypten auch nach der Etablierung grundherrschaftlicher Oikoi im 6. Jh. keine maßgebliche Rolle⁵¹.

707 A.D.“, *Listy filologické* 103 (1980), S. 129–143; J. H. F. DIJKSTRA, *Philae and the End of Ancient Egyptian Religion: A Regional Study of Religious Transformation* (298–642) (= *Orientalia Lovaniensia Analecta* 173), Leuven – Paris – Dudley, Mass. 2008, S. 131–175.

⁴⁷ Zu den militärischen Operationen s. R. RÉMONDON, „Militaires et civils dans une campagne égyptienne au temps de Constance II“, *JJS* (1965), S. 132–143 und DERS., „Soldats de Byzance d’après un papyrus trouvé à Edfou“, *Recherches de Papyrologie* 1 (1961), S. 41–94; PALME, „Imperial presence“ (wie Anm. 13), S. 257 mit den Quellen.

⁴⁸ Dazu zuletzt N. POLLARD, „Imperatores castra dedicaverunt: security, army bases and military dispositions in Later Roman Egypt (late third – fourth century)“, *Journal of Late Antiquity* 6 (2013), S. 3–36.

⁴⁹ A. M. KAISER, *Die Militärorganisation im spätantiken Ägypten* (284–641 n. Chr.), Diss. Wien 2012 ersetzt die alte Studie von J. MASPERO, *Organisation militaire de l’Égypte byzantine*, Paris 1912.

⁵⁰ ZUCKERMAN, *Du village à l’Empire* (wie Anm. 5), S. 170–176 und F. MITTHOF, „Das Dioskoros-Archiv und die militärischen Reformen Justinians in der Thebais“, [in:] FOURNET (Hg.), *Les archives de Dioscore* (wie Anm. 29), S. 247–259.

⁵¹ Selbst Großgrundbesitzer wie die Apionen verfügen nur über eine kleine Zahl von *buccellarii*, privat angeworbenen Waffenträgern (oft gotischer, iranischer oder hunnischer

Von Bedeutung für die Verwaltungs- und Militärgeschichte der Spätantike generell ist die nur von den Papyri gebotene Möglichkeit, die Angaben der *Notitia Dignitatum* anhand dokumentarischer Evidenz zu überprüfen. Gegen eine jüngst vorgetragene These, die *Notitia* sei ein Werk der kaiserlichen Propaganda und entbehre jeglicher realistischer Grundlage, erweisen die Papyri, dass ihre Angaben jedenfalls für Ägypten verlässlich und vollständig sind⁵². Damit ist nachgewiesen, dass die *Notitia* – bei aller bekannten Problematik hinsichtlich ihrer Komposition und verschiedenen Redaktionsphasen⁵³ – in ihrem Kern ein authentischer Amtsschematismus und eine seriöse Quelle für die Verwaltungs- und Militärgeschichte der Spätantike ist.

Nach Jahrhunderten ohne ernster militärischer Bedrohung, war Ägypten während der ersten Hälfte des 7. Jh. gleich dreimal Schauplatz kriegerischer Auseinandersetzungen. Für unsere Kenntnis der Abläufe spielen die Papyri jedes Mal eine maßgebliche Rolle. 608–610 sah Ägypten die entscheidenden Kämpfe zwischen den Truppen des Kaisers Phocas und den beiden revoltierenden Heraclii, die schließlich zum Sturz des Herrschers und zur Thronbesteigung Heraclius' des Jüngeren am 5. Oktober 610 führte⁵⁴. Während die historiographischen Quellen und die Münzprä-

Herkunft): O. SCHMITT, „Die Buccellarii: Eine Studie zum militärischen Gefolgschaftswesen“, *Tyche* 9 (1994), S. 147–174.

⁵² Die *Notitia Dignitatum* als Propagandamittel ohne Realitätsbezug: M. KULIKOWSKI, „The *Notitia Dignitatum* as a historical source“, *Historia* 49 (2000), S. 358–377; dagegen sprechen die Argumente aus der papyrologischen Evidenz: A. M. KAISER, „Egyptian units and the reliability of the *Notitia Dignitatum*, pars Oriens“, *Historia* 64 (2015), S. 243–261.

⁵³ Aus der Fülle von Literatur seien hervorgehoben: G. CLEMENTE, *La Notitia Dignitatum*, Cagliari 1968 und die Artikel in R. GOODBURN & P. BARTHOLOMEW (Hg.), *Aspects of the Notitia Dignitatum*, Oxford 1976. Zum Datum s. zuletzt ZUCKERMAN, „Comtes et ducs“ (wie Anm. 44), S. 137–147, bes. 144–147: die *pars Oriens* wurde um 401 zum letzten Mal redigiert.

⁵⁴ Die militärischen und politischen Ereignisse analysieren A. J. BUTLER, *The Arab Conquest of Egypt and the Last Thirty Years of Roman Dominion*, 2. aktualisierte Aufl. (ed. P. M. FRASER), Oxford 1978 (1. Aufl. 1902), S. 1–41, bes. 14–27 und W. E. KAEGI, „New evidence on the early reign of Heraclius“, *BZ* 66 (1973), S. 308–330. Einen Überblick über die Gesamtsituation gibt W. E. KAEGI, *Heraclius, Emperor of Byzantium*, Cambridge 2003,

gung suggerieren, dass sich die Heraclii nach der Eroberung Alexandrias 608 bald durchgesetzt hätten, zeigen die Datierungsformulare von Papyrusurkunden, dass Phocas in Mittelägypten bis mindestens Anfang 610 anerkannt war, der Bürgerkrieg also wesentlich länger unentschieden hin und herwogte, als bislang angenommen⁵⁵. Die Papyri bestätigen somit die Darstellung der Chronik des Johannes von Nikiu (2. Hälfte 7. Jh.), der zufolge die unter- und mittelägyptische Chora noch an Phocas festhielten, als Heraclius schon Alexandria unter seine Kontrolle gebracht hatte⁵⁶.

Ein empfindlicher Einschnitt in der Geschichte der Diözese *Aegyptus* und im Leben ihrer Bewohner scheint die 619 im Handstreich gelungene Eroberung durch ein Reiterheer der Sassaniden unter General Shahrbaraz gewesen zu sein⁵⁷. Der Ablauf der Eroberung ist nach den Datierungsformeln der Papyrusurkunden zu rekonstruieren, aber die zweifelsfrei der Besatzungszeit zuzuweisende dokumentarische Evidenz (meist Steuer- und Verwaltungstexte) ist noch zu gering, um die propagandistisch gefärbten Berichte der Historiographie und Hagiographie zu korrigieren oder zu verifizieren. Das Ende des sassanidischen Intermezzo 629 und die Wiederherstellung der byzantinischen Herrschaft wurden nicht durch Widerstand oder Kampfhandlungen in Ägypten herbeigeführt, sondern waren eine Folge der in Kleinasien, Armenien und Syrien vorgebrachten Gegenoffensive des Kaisers Heraclius.

S. 40–57. Die papyrologischen und epigraphischen Quellen hat speziell im Hinblick auf die Chronologie Z. BORKOWSKI, *Alexandrie, II: Inscriptions des factions à Alexandrie*, Varsovie 1981, S. 137–143 ausgewertet, vgl. dazu jedoch die Bemerkungen in der Rezension von R. S. BAGNALL & Alan CAMERON, *BASP* 20 (1983), S. 75–84.

⁵⁵ *CPR* XXIV 27, 1–7 (Arsinoe, 8. Jan. 610), dazu B. PALME, „Der Beitrag der Papyri zur Geschichte des frühbyzantinischen Reiches“, [in:] Ch. GASTGEBER F. DAIM (Hg.), *Byzantium as Bridge between West and East*, Wien 2015, S. 217–240, mit Literatur in den Anm. 48–50.

⁵⁶ Johannes von Nikiu, *Chron.* CVII 1 – CIX 14. Die in einer äthiopischen Version erhaltene, ursprünglich koptische Chronik ist zugänglich in der englischen Übersetzung von R. H. CHARLES, *The Chronicle of John, Coptic Bishop of Nikiu (c. 690 A.D.)*, London 1916.

⁵⁷ Die ausführlichste Darstellung der sassanidischen Eroberung findet sich bei BUTLER, *Arab Conquest* (wie Anm. 54), S. 69–92; neuere Evidenz bei: R. ALTHEIM-STIEHL, „Wurde Alexandria im Juni 619 n. Chr. durch die Perser erobert? Bemerkungen zur zeitlichen Bestimmung der sāsānidischen Besetzung Ägyptens unter Chosrau II. Parwēz“, *Tyche* 6 (1991), S. 3–16 und DIES., „The Sasanians in Egypt“, *BSAC* 31 (1992), S. 87–96.

Dagegen hat die arabische Eroberung ab Dezember 639 unter dem Feldherrn Amr ibn Al-Ash deutlichere Spuren in den Papyri hinterlassen. Nach einer Schlacht bei Heliopolis (Ain Shams, Juli 640) fällt den siegreichen Arabern im April 641 die Festung Babylon, eine römische Schlüsselposition im heutigen Alt-Kairo, in die Hände, schließlich nach weiteren Kampfhandlungen auch Alexandria (September 641)⁵⁸. Bis Herbst 642 verließen die oströmischen Truppen und Amtsträger das Land⁵⁹.

Da die historiographischen Quellen (arabische Geschichtsschreiber des 9. und 10. Jh.) fast durchweg zwei bis drei Jahrhunderte nach den Ereignissen entstanden sind, kommt den zeitgleichen Papyrusdokumenten erneut große Wichtigkeit für die Kenntnis und Bewertung der tatsächlichen Abläufe zu. Vor allem die Darstellung, dass die monophysitische Bevölkerung des Landes die Araber geradezu als Befreier vom drückenden Steuerjoch des (orthodoxen) Kaisers begrüßt hätte, findet keine Bestätigung in der dokumentarischen Evidenz aus der Zeit der Eroberung⁶⁰. Der 'Dolchstoß' der Bevölkerung Ägyptens gegen die kaiserliche Herrschaft scheint daher ein historiographischer Mythos zu sein, der erst Jahrhunderte nach den Ereignissen entstanden ist. Den Papyri nach zu urteilen haben sich die Einwohner Ägyptens weder für die byzan-

⁵⁸ Zu den Abläufen bei der arabischen Eroberung Ägyptens s. BUTLER, *Arab Conquest* (wie Anm. 54) bes. S. 194–367; W. E. KAEGI, „Egypt on the eve of the Muslim conquest“, [in:] C. F. PETRY (Hg.), *Cambridge History of Egypt, I: Islamic Egypt, 640–1571*, Cambridge 1998, S. 34–61; H. KENNEDY, *The Great Arab Conquest: How the Spread of Islam Changed the World We Live in*, London 2007, S. 139–168; P. M. SIJPESTEIJN, „The Arab conquest of Egypt and the beginning of Muslim rule“, [in:] BAGNALL (Hg.), *Egypt in the Byzantine World* (wie Anm. 13), S. 437–459. Die in einigen Papyri dieser Jahre dokumentierten Requisitionen sind vielleicht als Rüstungs-Maßnahmen der byzantinischen Verwaltung zu sehen.

⁵⁹ Die Chronologie folgt KAEGI, „Egypt on the eve“ (wie Anm. 58), S. 60–61. Die literarischen Quellen bespricht A. D. BEIHAMMER, *Quellenkritische Untersuchungen zu den ägyptischen Kapitulationsverträgen der Jahre 640–646* (= *Sitzungsberichte phil.-hist. Kl.* 671 ÖAW), Wien 2000.

⁶⁰ Die Rolle der monophysitischen Kirche bei der arabischen Eroberung Ägyptens untersucht A. PAPAConstantinou, „Historiography, hagiography, and the making of the Coptic 'Church of the Martyrs' in Early Islamic Egypt“, *DOP* 60 (2005), S. 65–86.

tinische Herrschaft exponiert, noch haben sie den arabischen Invasoren in die Hände gearbeitet⁶¹.

Die Lage in den Jahren unmittelbar nach der Etablierung der arabischen Herrschaft wird höchst anschaulich in einem von Federico Morelli identifizierten Papyrusarchiv, das amtliche Korrespondenz und Akten aus der Buchhaltung des Verwaltungsbeamten Senuthios enthält und um 643 zu datieren ist⁶². Das Archiv besteht aus mehreren hundert Papyri in griechischer und koptischer Sprache und enthält aufschlussreiche Informationen über Requisitionen für die arabische Armee und die Verwaltung unmittelbar nach der Eroberung. Zugleich dokumentieren diese Texte, dass die bestehenden administrativen Strukturen ohne erkennbaren Bruch weiter funktionierten und die täglichen Agenda zunächst mit nur geringen Adaptierungen weiterliefen⁶³.

Die staatliche Gewalt manifestierte sich einerseits in kaiserlichen Direktiven⁶⁴, andererseits in der richterliche Tätigkeit der Statthalter,

⁶¹ B. PALME, „Political identity versus religious distinction? The case of Egypt in the Later Roman Empire“, [in:] W. POHL, C. GANTNER & R. PAYNE (Hg.), *Visions of Community in the Post-Roman World: The West, Byzantium and the Islamic World, 300–1100*, Surrey – Burlington 2012, S. 81–98: Die Erzählung von der pro-arabischen Haltung der Ägypter dürfte entstanden sein, als die restriktive Religionspolitik der Abbasiden in Bagdad es geraten erscheinen ließ, die kollaborative Haltung der ägyptischen Christen hervorzuheben.

⁶² F. MORELLI, *L'archivio di Senouthios anystes e testi connessi: Lettere e documenti per la costruzione di una capitale (CPR XXX)*, Berlin – New York 2010, introduzione S. 2–47.

⁶³ Ägypten und Byzanz in früharabischer Zeit: SIJPESTEIJN, *Arab Conquest of Egypt* (wie Anm. 58), S. 437–459 und H. KENNEDY, „Egypt as a province in the Islamic caliphate“, [in:] PETRY (Hg.), *Cambridge History of Egypt*, I (wie Anm. 58), S. 62–85. Das Fortleben der byzantinischen Verwaltungseinrichtungen betonen A. GROHMANN, „Der Beamtenstab der arabischen Finanzverwaltung in Ägypten in früharabischer Zeit“, [in:] F. OERTEL (Hg.), *Studien zur Papyrologie und antiken Wirtschaftsgeschichte*, Bonn 1964, S. 120–134 und A. PAPAConstantinou, „Administering the Early Islamic Empire: insights from the papyri“, [in:] J. HALDON (Hg.), *Money, Power and Politics in Early Islamic Syria: A Review of Current Debates*, Surrey – Burlington 2010, S. 57–74.

⁶⁴ Die Sammlung der kaiserlichen Reskripte von D. FEISSEL, „Pétitions aux empereurs et formes du rescrit dans les sources documentaires du IV^e au VI^e siècle“, [in:] D. FEISSEL

Militärkommandanten, *defensores civitatis* und anderer hochgestellter Amtsträger. Eine große Zahl von Papyri führt uns die Rechtspraxis des spätantiken Ägypten in vielen Facetten vor Augen. Entgegen der am Beginn der papyrologischen Forschung verfolgten Konzeption von 'Reichsrecht' und 'Volksrecht' als widerstreitende Rechtsordnungen, haben die mittlerweile vervielfachten Papyrusbelege gezeigt, dass kaiserliches Recht in Ägypten weithin rezipiert und angewendet wurde und dass Abschriften von Rechtsbüchern und Kodifikationen zirkulierten, während enchorische Rechtsvorstellungen in der Gestaltung von Vertragsbestimmungen ihren Niederschlag fanden⁶⁵.

Die Gerichtsbarkeit ist in über 50 Prozessprotokollen greifbar, die seit dem Beginn des 4. Jh. in bilingualer Form mit lateinischem Formular-Rahmen und griechischen Plädoyers erscheinen⁶⁶. Eine umfassende Untersuchung der Prozessprotokolle wäre lohnend, da sich in diesen Originalurkunden auch die Entwicklungsschritte der Prozessformen von der klassischen *litis denuntiatio* zum Libellprozess manifestieren, der sich hier schon seit der Mitte des 4. Jh. (und nicht erst seit Justinian) greifen lässt⁶⁷.

♣ J. GASCOU (Hg.), *La pétition à Byzance*, Paris 2004, S. 33–52 (wiederabgedruckt [in:] D. FEISSEL, *Documents, droit, diplomatique de l'Empire romain tardif* [= *Bilans de recherche* 7], Paris 2010, 363–384) enthält auch die papyrologischen Testimonien. Die kaiserlichen Konstitutionen sind zusammengestellt bei M. AMELOTTI & L. MIGLIARDI ZINGALE, *Le costituzioni giustiniane nei papiri e nelle epigrafi. Seconda edizione*, Milano 1985 und D. FEISSEL, „Les constitutions des Tétrarques connues par l'épigraphie: Inventaire et notes critiques“, *AnTard* 3 (1995), S. 33–53 (wiederabgedruckt in DERS., *Documents* [wie oben], S. 117–154), und in DERS., „Les actes de l'état impérial dans l'épigraphie tardive (324–610): Prolégomènes à un inventaire“, [in:] R. HAENSCH (Hg.), *Selbstdarstellung und Kommunikation: Die Veröffentlichung staatlicher Urkunden auf Stein und Bronze in der Römischen Welt* (= *Vestigia* 61), München 2009, S. 97–128 (wiederabgedruckt in DERS., *Documents*, S. 43–70).

⁶⁵ Weiterführende Literatur findet sich bei J. BEAUCAMP, „Byzantine Egypt and imperial law“, [in:] BAGNALL (Hg.), *Egypt in the Byzantine World* (wie Anm. 13), S. 271–287; zur Zirkulation normativer Texte in Ägypten: F. MITTHOF, „Neue Evidenz zur Verbreitung juristischer Fachliteratur“, [in:] *Symposion 2003: Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Rauischholzhausen, 30. Sept.–3. Okt. 2003), (hg. H.-A. RUPPRECHT), Wien 2006, S. 415–422.

⁶⁶ J. D. THOMAS, „P. Ryl. IV 654: the Latin heading“, *CdÉ* 73 (1998), S. 125–134, bes. die Liste auf S. 132–133; Ergänzungen dazu bei B. PALME, „Law and courts in Late Antique Egypt“, [in:] B. SIRKS (Hg.), *Aspects of Law in Late Antiquity: Dedicated to A. M. Honoré on the Occasion of the Sixtieth Year of His Teaching in Oxford*, Oxford 2008, S. 65, Anm. 35 und 36.

⁶⁷ Dazu PALME, „Law and courts“ (wie Anm. 66), S. 55–76.

Deutlich wird zudem, dass sich auch die Rechtsprechung der Militärkommandanten (*duces, comites rei militaris*) derselben Formen bediente wie die zivile Gerichtsbarkeit⁶⁸.

Neben den regulären Gerichtsverfahren suchte die Bevölkerung auch durch Petitionen an Amtsträger ihr Recht zu erlangen⁶⁹. Die im 5. und 6. Jh. stetig steigende Zahl von Petitionen wurde von den Amtsträgern im Schnellverfahren mittels Subskription entschieden, so dass sich ein Subskriptionsverfahren als Variante der amtlichen Jurisprudenz etablierte. Die vermehrte Inanspruchnahme privater Schiedsgerichtsbarkeit seit dem 6. Jh., die sich in *compromissa* und Dialysis-Urkunden manifestiert, zeigt die wachsende Bedeutung der außergerichtlichen Streitbeendigung als Alternative zu den kostspieligen Prozessen vor den Gerichten⁷⁰. Nach der Justinianischen Zeit verschwinden die Prozessprotokolle, was früher als Zeichen des Niedergangs staatlicher Gerichtsbarkeit interpretiert wurde⁷¹, heute aber als Folge einer im Wandel begriffenen Dokumentationsform verstanden wird – denn indirekt bezeugen Papyri nach wie vor Verfahren vor den Statthaltergerichten⁷². Dagegen ist eine schlüssige Erklärung, warum die *episcopalis audientia* in der papyrologischen Evidenz so gut wie keinen Niederschlag gefunden hat, bislang noch ausständig; es

⁶⁸ B. PALME, „Spättrömische Militärgerichtsbarkeit in den Papyri“, [in:] *Symposion 2003* (wie Anm. 65), S. 375–408.

⁶⁹ Einen Überblick über Entwicklung und Erscheinungsformen des Petitionswesens im spätantiken Ägypten vermitteln die Beiträge in FEISSEL & GASCOU (Hg.), *Pétition à Byzance* (wie Anm. 64). Eine Zusammenstellung der über hundert Petitionen auf Papyrus geben J.-L. FOURNET & J. GASCOU, „Liste des pétitions sur papyrus des v^e–vii^e siècles“, [in:] FEISSEL & GASCOU (Hg.), *Pétition*, S. 141–196.

⁷⁰ J. MODRZEJEWSKI, „Private arbitration in the law of Greco-Roman Egypt“, *JJurP* 6 (1952), S. 239–256; A. STEINWENTER, *Das Recht der koptischen Urkunden* (= *HdAW* X.4.2), München 1955, S. 53–56; T. GAGOS & P. VAN MINNEN, *Settling a Dispute: Toward a Legal Anthropology of Late Antique Egypt*, Michigan 1994, S. 121–127 und 36, Anm. 74–76.

⁷¹ In diesem Sinne argumentierte A. SCHILLER, „The Courts Are No More“, [in:] *Studi in onore di Eduardo Volterra*, I, Milano 1971, S. 469–502.

⁷² D. SIMON, „Zur Zivilgerichtsbarkeit im spätbyzantinischen Ägypten“, *RIDA* 3^e ser. 18 (1971), S. 623–657; PALME, „Law and courts“ (wie Anm. 66), S. 75–76; BEAUCAMP, „Imperial law“ (wie Anm. 65), S. 271–287.

scheint schwer vorstellbar, dass die Verfahren vor dem Bischof keinerlei schriftliche Protokollierung erfahren haben sollen⁷³.

Die alltägliche Praxis der privaten Rechtsgeschäfte wird vor allem in den Verträgen selbst vorgeführt. Maßgebliche Beweiskraft hatte in den spätrömischen Gerichten – wie in den früheren Jahrhunderten – die Urkunde, welche seit dem 5. Jh. in der Form der Tabellionenurkunde erscheint. Dies spiegelt eine wichtige Entwicklung im Urkundenwesen sowie die Etablierung staatlich konzessionierter Notariate wieder, zugleich zeigt die Formelhaftigkeit der Texte eine weit vorangeschrittene Vereinheitlichung der Urkundensprache. Varianten im Formular, die früher als 'gauspezifische' Eigenheiten gesehen wurden, konnte Sophie Kovarik auf breiter Materialbasis als Usancen der jeweiligen Kanzleien erweisen; überdies lässt sich in einigen Fällen nachweisen, dass Notariate vom Vater auf den Sohn übertragen wurden, womit sich wichtige Einblicke in das spätantike Notariatswesen eröffnen⁷⁴.

Das spätantike Ägypten sah massive sozio-ökonomische Umwälzungen, die in den Papyri zwar kaum explizit angesprochen werden, aber indirekt in vielen Dokumenten zum Tragen kommen⁷⁵. Seit dem 3. Jh. waren schrittweise immer mehr Aufgaben und Verantwortungen von der Gauverwaltung auf die Städte und damit die Buleuten als den Trägern der städtischen Selbstverwaltung und des Wohlstandes übertragen worden (s.

⁷³ Ein Beleg liegt möglicherweise in *P. Lips.* 1 43 (Lykopolis, 4. Jh.) vor, falls der Text nicht in den Zusammenhang eines Schiedsgerichtes gehört.

⁷⁴ S. KOVARIK, *Das Notariat im spätantiken Ägypten*, Diss. Wien 2014; ebenda werden die arsinoitischen und herakleopolitanischen Listen der Notare von J. M. DIETHART & K. A. WÖRPER, *Notarsunterschriften im byzantinischen Ägypten* (= *MPER NS XVI*), Wien 1986, aktualisiert.

⁷⁵ Profunde Überblicke über die komplexen Entwicklungen vermitteln A. Ch. JOHNSON & L. C. WEST, *Byzantine Egypt: Economic Studies*, Princeton 1949; J.-M. CARRIÉ, „L'Égypte au IV^e siècle: fiscalité, économie, société“, [in:] *PapCongr.* XVI, S. 431–446; BAGNALL, *Egypt in Late Antiquity* (wie Anm. 16), bes. S. 208–229 sowie die Artikel von I. F. FIKHMAN, *Wirtschaft und Gesellschaft im spätantiken Ägypten* (hg. A. JÖRDENS & W. SPERLING) (= *Historia Einzelschriften* 192), Stuttgart 2006.

oben Anm. 24). Im 4. Jh. lag die lokale Verwaltung ganz in den Händen der städtischen Honoratiorenschicht, deren Repräsentanten in der Bule die Geschicke einer Stadt und des ihr unterstellten Territorium lenkten⁷⁶. Im Verlauf des 4. Jh. mehrten sich auch in Ägypten (wie überall im Reich) die Klagen der Buleuten über drückende finanzielle Belastung durch die Verantwortung für das Steueraufkommen der Stadt und ihres Umlandes⁷⁷. In den Papyri fassen wir einerseits die Beschwerden gegen Nominierungen zu ‘munizipalen Liturgien’, andererseits geben einige Protokolle von Sitzungen der Bule die heftigen Diskussionen um die Verteilung der Lasten wörtlich wieder⁷⁸. Desgleichen illustrieren Papyrustexte, welche Strategien Buleuten entwickelten, um sich den munizipalen Ämtern, die zuvor als Ehre (*honor*) galten, nun aber als Zwangsdienst (*munus*) empfunden wurden, zu entziehen⁷⁹.

Diokletians Trennung von ziviler und militärischer Gewalt hatte neue Ämter im zivilen Zweig des Staatsdienstes geschaffen, die eine attraktive Alternative zu anderen Möglichkeiten, sich den munizipalen Verpflichtungen zu entziehen (Eintritt in den Klerus oder Dienst im Militär), eröffnete. In den dokumentarischen Quellen des 5. Jh. lässt sich nachvollziehen, wie Buleuten der ägyptischen *chora* es schafften, in der Ämterlaufbahn der *officiales* unterzukommen⁸⁰. Bislang lässt sich nur an eini-

⁷⁶ Zur Entwicklung der Städte im spätantiken Ägypten s. ALSTON, *City in Roman and Byzantine Egypt* (wie Anm. 23), S. 292–316; BAGNALL, *Egypt in Late Antiquity* (wie Anm. 16), S. 45–109; P. VAN MINNEN, „The Other Cities in Later Roman Egypt“, [in:] BAGNALL (Hg.), *Egypt in the Byzantine World* (wie Anm. 13), S. 207–225.

⁷⁷ Die Schwierigkeiten des Buleutenstandes beschreiben generell J. DURLIAT, *De la ville antique à la ville byzantine* (= *CEFR* 136), Roma 1990 und J. H. W. G. LIEBESCHUETZ, „The End of the Ancient City“, [in:] J. RICH (Hg.), *The City in Late Antiquity*, London – New York 1992, S. 1–49.

⁷⁸ Beispiele aus Oxyrhynchos: *P. Oxy.* XII 1413–1419 (Ende 3. Jh.); XXVII 2475–2477 (298); aus Hermupolis liegen umfangreiche Bruchstücke der Ratsprotokolle in *SPP* v vor. Zur Auswertung der Ratsprotokolle: BOWMAN, *Town Councils* (wie Anm. 23), S. 69–82; eine Liste der Belege (z.T. aus römischer Zeit): S. 32–34.

⁷⁹ Speziell für die Städte Ägyptens: VAN MINNEN, „Other Cities“ (wie Anm. 76), S. 207–225; und ausführlich LANIADO, *Notables municipaux* (wie Anm. 30), bes. S. 4–26 und 71–75.

⁸⁰ Konkrete Beispiele sind Fl. Olympius (Herakleopolis, Mitte 5. Jh.; vgl. B. PALME, „Flavius Olympius, der ‘Kaiserliche Hofrat’“, [in:] F. BEUTLER & W. HAMETER [Hg.], „Eine

gen konkreten Beispielen nachweisen, dass Männer aus dem Buleutenstand in den *officia* Karriere machten, doch vermutlich rekrutierten sich die *ministeria litterata* generell vorwiegend aus den städtischen Honoratioren. In wenigen Fällen war ein weiterer Aufstieg möglich, der – wie Giuseppina Azzarello gezeigt hat – häufig über ein Amt in der kaiserliche Domänenverwaltung lief⁸¹. Ein regelmäßiges Salär sowie Zugang zu sozialen und politischen Netzwerken bot solchen Aufsteigern die Chance, den eigenen Grundbesitz ausdehnen. Familien, denen es nicht gelang, zumindest einen Sohn im Staatsdienst unterzubringen – und damit wenigstens einen Teil des Vermögens den kurialen Belastungen zu entziehen, drohte unter Umständen der wirtschaftliche Abstieg oder sogar Ruin. Die ökonomische Differenzierung des Buleutenstandes, der seit dem Hellenismus das Rückgrat der lokalen Verwaltung und Prosperität gewesen war, in Aufsteiger zu hohen Amtsträgern und Großgrundbesitzern einerseits und verarmte Buleuten andererseits lässt sich in den Papyri des 5. Jh. anhand einzelner Schicksale nachzeichnen⁸². Nicht zu übersehen ist der Endpunkt dieser Entwicklung im 6. Jh.: die insbesondere im 4. Jh. so häufig bezeugten *buleutai* werden im 6. Jh. kaum noch erwähnt und ver-

ganz normale Inschrift“ ... und ähnliches zum Geburtstag von Ekkehard Weber, Wien 2005, S. 461–476); die Brüder Fl. Flavianus und Fl. Ptolemaeus (5. Jh.; vgl. B. PALME, „Flavius Flavianus: von Herakleopolis nach Konstantinopel?“, *BASP* 45 [2008], S. 143–169); Fl. Strategius I, Ahnherr der Apionen-Dynastie (Mitte 5. Jh., vgl. G. AZZARELLO, „Vecchi e nuovi personaggi della famiglia degli Apioni nei documenti papiracei“, [in:] *PapCongr.* XXV, S. 33–46).

⁸¹ Als Beispiele für solche Aufstiege dürfen die Karrieren von Fl. Eutolmius Tatianus (Ende 4. Jh.; vgl. ERRINGTON, „Augustal prefect“ [wie Anm. 19], S. 69–77), Fl. Strategius I (Mitte 5. Jh.; vgl. AZZARELLO, „Vecchi e nuovi personaggi“ [wie Anm. 80]) und im 6. Jh. Fl. Athanasius gelten. Vgl. dazu die Beobachtungen von G. AZZARELLO, *Il dossier della 'domus divina' in Egitto* (= *APF Beibef* 32), Berlin – Boston 2012, S. 62–65 (Testimonien 16–20 zu Fl. Strategius I, 457–460) und S. 97, 101–103, 113–114 (Testimonien 45, 49 und 64 zu Fl. Athanasius, 552–567).

⁸² LANIADO, *Notables municipaux* (wie Anm. 30), S. 71–75; J. BANAJI, *Agrarian Change in Late Antiquity: Gold, Labour, and Aristocratic Dominance*, Oxford 2002, S. 130 mit weiterer Literatur. Die Aufsteiger sind gut fassbar: G. R. RUFFINI, *Social Networks in Byzantine Egypt*, Cambridge 2008, S. 45–93; der Abstieg einer Familie ist dagegen schwer zu greifen, weil die Personen aus den Quellen verschwinden, s. BAGNALL, *Egypt in Late Antiquity* (wie Anm. 16), S. 68–92 und 214–229.

schwinden um 600 vollständig aus der papyrologischen Dokumentation. Die Bule löste sich als institutioneller Körper auf und wich einem weniger formellen Gremium von Notablen (*proteuontes*).

Eine zweite, mit dem Schicksal des Buleutenstandes eng verbundene Entwicklung, welche aus kaiserlichen Konstitutionen vom letzten Drittel des 4. und Beginn des 5. Jh. bekannt ist, lässt sich gleichfalls in den Papyri erkennen, wenngleich auch hier eher eine allgemeine Tendenz als konkrete Fakten in einzelnen Texten auszumachen ist⁸³. Die Konstitutionen sprechen von Bauern, die ihr Land und ihren Hof an einen der expandierenden Grundbesitzer verkauften, um es danach als Pächter (und geschützt vor Drangsalien der Steuererheber) weiter zu bewirtschaften. Die Papyri zeigen die Entwicklung vor allem in den Adressaten zweier verbreiteter Unkundentypen: der Petitionen und Gestellungsbürgschaften. Seit dem 5. Jh. sind Petition zwar wie bisher auch an Amtsträger, in wachsender Zahl aber an grundbesitzende Patrone adressiert⁸⁴; zumeist jedoch sind die Adressaten sowohl Grundherrn als auch Amtsträger, und dann ist in charakteristischer Weise unklar, ob sich die Petition an sie in ihrer Eigenschaft als Amtsträger oder als Grundherr richtet. Ebenso unsicher ist die Trennung zwischen privaten und öffentlichen Agenda auch bei den Gestellungsbürgschaften, die häufig an Pagarchen gerichtet sind, die in aller Regel zugleich Grundherren waren. Ob die Gestellungsbürgschaften als Zeugnisse wachsender Patronageverhältnisse zu interpretieren sind, ist freilich zweifelhaft, denn in der Regel geht es um Enthaltung von Steuerschuldnern, und das Interesse derjenigen Personen, die für sie die Haftung übernehmen, wird aus den Urkunden nicht klar⁸⁵.

⁸³ Zur Patroziniumgesetzgebung s. GELZER, *Byzantinische Verwaltung* (wie Anm. 39), S. 72–74 und JOHNSON & WEST, *Byzantine Egypt* (wie Anm. 75), S. 44–48 mit Diskussion der Konstitution; P. SARRIS, *Economy and Society in the Age of Justinian*, Cambridge 2006, S. 185–199.

⁸⁴ Einen raschen Überblick gewinnt man aus der Zusammenstellung der Petitionen in FOURNET & GASCOU, „Liste des pétitions“ (wie Anm. 69), S. 141–196.

⁸⁵ I. F. FIKHMAN, „Une caution byzantine pour des coloni adscripticii“, [in:] *Miscellanea Papyrologica* (Pap. Flor. VII), Firenze 1980, S. 67–72; B. PALME, „Pflichten und Risiken des Bürgen in byzantinischen Gestellungsbürgschaften“, [in:] *Symposion 1999: Vorträge zur grie-*

Diese für die Sozialgeschichte der Spätantike so folgenreiche Polarisierung der Gesellschaft führte zu einer Umverteilung des Landbesitzes und trug erheblich zum Entstehen umfangreicher Großgrundbesitzungen bei⁸⁶. Die kaiserlichen Konstitutionen bezeugen die Versuche der Regierung, dieser Entwicklung gegenzusteuern, da die Grundherren nicht selten steuerliche Sonderkonditionen erwirkten und dadurch sowohl die Steuereinnahmen als auch die Macht der Zentralgewalt in den Provinzen sanken. Man sah diese Entwicklung im Zusammenhang einer reichsweiten Patroziniumsbeziehung, bei der die freien Kleinbauern in die Abhängigkeit der Großgrundbesitzer gerieten und bald als *coloni adscripticii* mit fast unfreiem Status ihren Grundherren ausgeliefert waren. Doch es bleibt zweifelhaft, ob die *coloni adscripticii* (*enapographoi georgoi*) der Papyri – die ausschließlich im Oxyrhynchites nachweisbar sind – ohne weiteres mit den *coloni* in Gallien oder den Balkanprovinzen zu vergleichen sind⁸⁷, und ob die Gestellungsbürgschaften des 5. und 6. Jh. tatsächlich mit der Patrociniumsbeziehung des späten 4. und frühen 5. Jh. in Verbindung zu bringen sind⁸⁸. Deutlicher als die Entwicklung selbst ist in den Papyri wiederum deren Ergebnis zu greifen, wenn etwa in den Konditionen und Formulierungen der Pacht- oder Darlehensverträge des späteren 6. und des 7. Jh. das soziale

chischen und hellenistischen Rechtsgeschichte (*La Coruña*, 6.–9. Sept. 2009), (Hg. G. THÜR & F. J. FERNÁNDEZ NIETO), Köln – Weimar – Wien 2003, S. 531–555.

⁸⁶ Diese Entwicklungen beschreiben BANAJI, *Agrarian Change* (wie Anm. 82) 134–170; DERS., „State and Aristocracy from the Late Empire to Byzantium“, [in:] E. LO CASCIO & D. RATHBONE (Hg.), *Production and Public Powers in Classical Antiquity*, Cambridge 2000, S. 92–99; SARRIS, *Economy and Society* (wie Anm. 83) 177–199; T. M. HICKEY, „Aristocratic Landholding and the Economy of Byzantine Egypt“, [in:] BAGNALL (Hg.), *Egypt in the Byzantine World* (wie Anm. 13), S. 288–308.

⁸⁷ Zu den *coloni adscripticii*: I. F. FIKHMAN, „Esclaves et colons en Égypte byzantine“, *AnPap* 3 (1991), S. 7–17. Eine abweichende Ansicht vertritt J.-M. CARRIÉ, „Colonato del Basso Impero: la resistenza del mito“, [in:] E. LO CASCIO (Hg.), *Terre, proprietari e contadini dell'impero romano: Dall'affitto agrario al colonato tardoantico*, Roma 1997, S. 75–150 (mit Verweisen auf seine früheren Arbeiten zum Thema).

⁸⁸ Vermutet von FIKHMAN, „Caution byzantine“ (wie Anm. 85), S. 67–72 und DERS., „De nouveau sur le colonat du Bas Empire“, [in:] *Miscellanea Papyrologica* (*Pap. Flor.* XIX.1), Firenze 1990, S. 159–179.

Gefälle zwischen den *geouchoi* und *georgoi* oder anderen ‘kleinen Leuten’ deutlich wird⁸⁹.

Ein besonders gut dokumentiertes Feld sind auch in der byzantinischen Zeit die Steuererhebung und Fiskalverwaltung. Neben einer großen Anzahl von Steuerquittungen haben einige umfangreiche Abrechnungen die Methoden der fiskalischen Verrechnung und Buchhaltung zu erkennen gegeben. Der Umstand, dass diese umfangreichen Dokumente aus zwei oberägyptischen Gauen kommen – dem Hermopolites und dem Antaiopolites – warnt zwar neuerlich vor Verallgemeinerungen, stellt aber auch eine gewisse Vergleichbarkeit her. So kann eine ausführliche Steuerliste aus Hermupolis, wo ein Register die Grundsteuern (und Grundbesitzverhältnisse) der städtischen Bevölkerung um etwa 340 verzeichnet⁹⁰, mit den Aufzeichnungen über Grundbesitz in demselben Gau aus dem Jahre 618/9 oder 633/4 verglichen werden⁹¹, und ein weiterer kürzlich edierter Steuerkodex von der Mitte des 6. Jh. informiert über die Steuerleistung der hermopolitanischen Dörfern Temseu Skordon und Topos Demeou⁹².

Einem engeren Zeitfenster entstammen die antaiopolitanischen Dokumente: Der sogenannte Kataster von Aphrodite⁹³ gibt Aufschluss

⁸⁹ So wird etwa in arsinoitischen Verträgen die Pachtzeit ins Belieben des Verpächters gestellt: H. COMFORT, „Late Byzantine Land-Leases ἐφ’ ὅσον χρόνον βούλει“, *Aegyptus* 14 (1934), S. 80–88; J. HERRMANN, *Studien zur Bodenpacht im Recht der graeco-ägyptischen Papyri* (= *Münchener Beiträge* 41), München 1958, S. 92–93. Die Rückzahlung von Schulden wird bisweilen nicht in Geld, sondern „in Arbeitskraft und Arbeitsleistung“ (ἐργω καὶ δυνάμει) eingefordert, wie z.B. in *P. Oxy.* 1 135, 29 (579).

⁹⁰ *P. Herm. Landl.* mit den Studien von R. S. BAGNALL, „The date of the Hermopolite nome land-registers“, *BASP* 16 (1979), S. 159–168 und DERS., „Military officers as land-owners in fourth century Egypt“, *Chiron* 22 (1992), S. 47–54 sowie A. K. BOWMAN, „Landholdings in the Hermopolite nome in the fourth century AD“, *JRS* 75 (1985), S. 137–155 und DERS., „Landholding in Late Roman Egypt: the distribution of wealth“, *JRS* 82 (1992), S. 128–149.

⁹¹ *P. Sorb.* II 69 (Herm., 618/9 oder 633/4).

⁹² *P. Lond. Herm.* (Herm., 546/7?).

⁹³ *SB xx* 14669 (Aphrod., 523/4) mit dem ausführlichen Kommentar der Erstedition: J. GASCOU & L. MACCOULL, „Le cadastre d’Aphroditô“, *Travaux et Mémoires* 10 (1987), S. 103–158 mit Pl. I–X; dazu die Bemerkungen von ZUCKERMAN, *Du village à l’Empire* (wie Anm. 5), S. 32–56.

über die Verteilung von Grundbesitz in der Zeit um 523/4 und ergänzt in hervorragender Weise die Informationen, die aus dem Steuerregister von Aphrodite aus dem Jahre 525/6 zu gewinnen sind, zumal zahlreiche Grundherren, landbesitzende Einrichtungen (beispielsweise Klöster) und Erbgemeinschaften sowohl im Kataster als auch im Register begegnen⁹⁴. Der besondere Wert des Registers aus Aphrodite liegt darin, dass es die Steuerabrechnungen dieses Dorfes im Jahre 525/6 *vollständig* auflistet und so einen verlässlichen Einblick in die geforderten Abgaben sowie in die Verrechnungstechniken bietet. Vermutlich hatte jedes Dorf ähnliche Abrechnungen Jahr für Jahr zu erstellen und abzuliefern. Diesen Dokumenten zur dörflichen Steuerverwaltung in Aphrodite steht die 'table budgétaire' von Antaiopolis aus den 530er oder 540er Jahren gegenüber, welche die städtischen Abgaben verzeichnet⁹⁵. Die genannte Evidenz sowie etwa dreißig weitere Einzeldokumente (Steuerquittungen, Zahlungsanweisungen und Abrechnungen) hat Constantin Zuckerman herangezogen, um die fiskalische Situation des Dorfes Aphrodite zwischen 337 und 551 quantifizierend zu untersuchen. Seine Ergebnisse legen nahe, dass sich der Steuersatz am Ende der justinianischen Regierung gegenüber dem Stand von 530 um etwa ein Drittel erhöht hat, während andere Berechnungen von wesentlich höheren Steigerungen ausgegangen waren⁹⁶. Im 20-prozentigen Rückgang der Steuerquoten von Aphrodite im Jahre 544 dürfte die verheerende Pestepidemie des Jahres 542 ihren Niederschlag finden.

Ein wesentliches Bewertungskriterium für die Wirtschaftskraft und Steuerbelastung wäre freilich ein exaktes Verständnis der Währungsverhältnisse und der Wertrelation zwischen Gold- (*solidi*) und Kupferwährung (*keratia*), über die bislang jedoch keine Einigkeit erzielt wurde. Eine

⁹⁴ ZUCKERMAN, *Du village à l'Empire* (wie Anm. 5) mit der Textedition auf S. 248–271 und profunder Auswertung S. 32–56.

⁹⁵ SB XX 14494 (Antaiopolis, 533–539 oder 546–548); die ausführlich kommentierte Edition stammt von J. GASCOU, „La table budgétaire d'Antaeopolis“, [in:] *Hommes et richesses dans l'Empire byzantin*, I: IV^e–VII^e siècle (= *Réalités byzantines* 1), Paris 1989, S. 279–313.

⁹⁶ ZUCKERMAN, *Du village à l'Empire* (wie Anm. 5), S. 115–219, bes. die Zusammenfassung S. 213–219; dagegen war BANAJI, *Agrarian Change* (wie Anm. 82), S. 27 aufgrund anderer Ansätze sogar von einer Verdreifachung ausgegangen.

zentrale Rolle spielen dabei die in vielen Papyri anzutreffenden Keratia-Abzüge bei Solidus-Angaben (z.B. νομισμάτια α παρὰ κεράτια δ), die jedoch sehr unterschiedliche Interpretationen erfahren haben. Während man die Abzüge früher als Kompensation einer kontinuierlich voranschreitenden Münzverschlechterung verstand⁹⁷, ging Klaus Maresch davon aus, dass sich die Abzüge gar nicht auf konkrete Goldmünzen beziehen, sondern abstrakte Recheneinheiten darstellen, durch welche die lokalen Goldstandards (wie sie in den ζυγῶ-Angaben zum Ausdruck kommen) ausgeglichen werden sollten⁹⁸. Dagegen sieht Jairus Banaji den Abzug als Reaktion auf einen häufig durch Beschädigung oder Abnutzung hervorgerufenen Gewichtsverlust der Goldmünzen⁹⁹, und Constantin Zuckerman (57–114) versteht die Angabe als Zuschlag, der vorbeugend gegen Untergewichtigkeit verrechnet und dessen Höhe durch den ideellen Abzug der Keratien definiert wurde. Zusätzlich habe eine steigende Anzahl von umlaufenden Goldmünzen zu deren relativen Abwertung gegenüber Kupfermünzen geführt. Von der eindeutigen Klärung dieser Frage hängen die verlässliche Einschätzung der Preisangaben und damit alle weiterführenden wirtschaftshistorischen Schlussfolgerungen ab; diese Klärung, die freilich auch das erhaltene Münzmaterial berücksichtigen müsste, wird nur durch neues Quellenmaterial möglich sein.

Das erwähnte ‘dossier budgétaire d’Aphroditô’ enthält auch essentielle – und von Zuckerman in *Zusammenschau mit P. Cair. Masp.* I 67060 und *P. Ross. Georg.* III 62 penibel ausgewertete¹⁰⁰ – Informationen für eine Kernfrage der sozialen und wirtschaftlichen Entwicklung im spätantiken Ägypten: die Ausbreitung des Großgrundbesitzes. Bemerkenswert erscheint einerseits, dass Erbgemeinschaften (*kleronomoi*) etwa 40 Prozent der privaten Steuerzahler ausmachen, andererseits Institutionen

⁹⁷ J. FRÖSEN, *CPR VII*, Exkurs 3, S. 155–160.

⁹⁸ K. MARESC, *Nomisma und Nomismatia: Beiträge zur Geldgeschichte Ägyptens im 6. Jh. n. Chr.* (= *Pap. Col.* 21), Opladen 1994, S. 8–13.

⁹⁹ J. BANAJI, „Discounts, weight standards, and the exchange-rate between gold and copper: insights into the monetary process of the sixth century“, [in:] *Atti dell’Accademia romana-constantiniana*, 12 *Convegno internazionale in onore die Manlio Sargenti*, Napoli 1998, S. 183–202; im selben Sinne auch BANAJI, *Agrarian Change* (wie Anm. 82), S. 66–75.

¹⁰⁰ ZUCKERMAN, *Du village à l’Empire* (wie Anm. 5), S. 221–240.

(vor allem Kirchen und Klöster) vergleichsweise bescheiden abschneiden. Der *ex-eparchos* Iulianos, der bald nach 550 den *comes* Ammonios als *patronus* von Aphrodite abgelöst hat, besitzt nicht weniger als drei Fünftel des zum Dorfe gehörenden Fruchtlandes. Die Frage nach den Grundbesitzverhältnissen und der Rolle der Großgrundbesitzer im Verhältnis zum Staat und seinen Repräsentanten hängt eben – entsprechend der Quellenlage – entscheidend an den beiden großen Archiven des byzantinischen Ägypten: dem der sogenannten Apionen, und dem des Dioskoros von Aphrodite.

Die Geschicke der Apionen-Dynastie sind durch mehrere hundert Papyri über sieben Generationen hinweg von der Mitte des 5. Jh. bis an den Beginn des 7. Jh. zu verfolgen¹⁰¹. Mittlerweile lässt sich Schritt für Schritt nachvollziehen, wie die Söhne dieser Familie die Erfolgsleiter vom Kurialenstand zur Verwalterschaft der *domus divina* in ihrer Provinz, dann zum Statthalter, von dort in palatine Ämter in Konstantinopel und in die Reichsaristokratie aufgestiegen sind¹⁰². Ein wesentlicher Fortschritt für unsere Kenntnis der Dynastie – und sozialer Aufstiegsmechanismen im spätantiken Ägypten generell – wurde erzielt, indem einerseits die Herkunft der Apionen aus der Buleutenschicht sehr wahrscheinlich gemacht und andererseits gezeigt wurde, dass die Einsetzung des ‘Ahnherrn’ Strategios um die Mitte des 5. Jh. zum Verwalter der Güter der Prinzessin Arcadia und dann der Kaiserin Eudocia den entscheidenden Schritt für den Aufstieg der Familie bedeutete¹⁰³. Über dieses Amt in der

¹⁰¹ Die Dokumentation zu den Apionen analysieren GASCOU, „Grands domaines“ (wie Anm. 40), S. 46–48; R. MAZZA, *L'archivio degli Apioni: Terra, lavoro e proprietà senatoria nell'Egitto tardoantico* (= *Munera: Studi storici sulla Tarda Antichità* 17), Bari 2001. Den aktuellen Forschungsstand repräsentiert G. AZZARELLO (Hg.), *Potere e ricchezza nell'Egitto bizantino: gli Apioni e le altre casate aristocratiche ossirinbite* (im Druck).

¹⁰² N. GONIS, „P. Bingen 135 and Flavius Apion I“, *ZPE* 146 (2004), S. 175–178; G. AZZARELLO, „P. Oxy. XVI 2039 e la nascita della *domus gloriosa* degli Apioni“, *ZPE* 155 (2006), S. 207–228; DIES., „Neue Papyruszeugnisse zur Apionenfamilie“, [in:] K. STROBEL & R. LAFER (Hg.), *Von Noricum nach Ägypten: Eine Reise durch die Welt der Antike. Aktuelle Forschungen zu Kultur, Alltag und Recht in der römischen Welt*, Klagenfurt 2007, S. 251–261; DIES., „Vecchi e nuovi personaggi“ (wie Anm. 80), S. 33–46.

¹⁰³ Strategios als Verwalter (*dioiketés*) der Arcadia im Oxyrhynchites: *P. Köln* XI 459 (436?); *P. Med.* I 64 (440); *P. Oxy.* L 3582 (442); als *phrontistés* der Eudocia in Oxyrhynchos:

kaiserlichen Domänenverwaltung gelang der Sprung in die Provinzialverwaltung und von dort schließlich auf zentrale Positionen der Finanzverwaltung und in den Senat von Konstantinopel¹⁰⁴. Die Apionen gelten als Paradebeispiel für den sozialen und wirtschaftlichen Aufstieg einer Buleutenfamilie, die umfangreiche Besitztümer – die dann als *domus gloriosa* bezeichnet werden – kumulierte. Einzelheiten in der Genealogie und damit etwaigen Erbteilungen in der späteren Familiengeschichte sind zwar noch unklar, aber als sicher darf gelten, dass die Apionen – oder zumindest ihr Grundbesitz – im Zuge der sassanidischen Herrschaft über Ägypten verschwunden ist¹⁰⁵.

Die Apionen sind unser einziges Beispiel, das den realen, grundherrlich-wirtschaftlichen Hintergrund einer Familie der Reichsaristokratie im 6. Jh. anhand hunderter Quittungen, Abrechnungen, Verträge etc. sichtbar werden lässt¹⁰⁶. Entsprechend haben sich die Forschungen zum Dossier der Apionen auf die Organisation und Wirtschaftskraft ihres Grundbesitzes, den die Papyri *domus gloriosa* (*endoxos oikos*) nennen, konzentriert¹⁰⁷. In der Interpretation der kleinteiligen Papyrusquellen und

P. Oxy. L 3584 (Mitte 5. Jh.); LXX 4780 (457?); L 3585 und 3586 (vor 20. Okt. 460); *SB* xx 14091 (vor 20. Okt. 460) s. AZZARELLO, *Domus divina* (wie Anm. 81), S. 58–61 und 62–65.

¹⁰⁴ Zu den Karrieren der Protagonisten: GASCOU, „Grands domaines“ (wie Anm. 40), S. 61–75; MAZZA, *Archivio degli Apioni* (wie Anm. 101) und DIES., „Φλ. Ἀπίων γενόμενος πρωτοπατρικίος“, *Simbls* 2 (1997), S. 211–219.

¹⁰⁵ Prosopographie und Stammbaum der Apionen: B. PALME, „Flavius Strategius Paneuphemos und die Apionen“, *ZRG RA* 115 (1998), S. 289–322; J. BEAUCAMP, „Apion and Praejecta: hypotheses anciennes et nouvelles données“, *REB* 59 (2001), S. 165–178; R. MAZZA, „Noterelle prosopografiche in margine ad alcune pubblicazioni recenti riguardanti gli Apioni“, *Simbls* 4 (2004), S. 263–280. Alle in diesen Beiträgen rekonstruierten Genealogien sind jedoch durch neue Papyrusfunde in Teillaspekten überholt.

¹⁰⁶ Zur wirtschaftshistorischen Auswertung s. BANAJI, *Agrarian Change* (wie Anm. 82), S. 89–100 und 134–189; SARRIS, *Economy and Society* (wie Anm. 83), S. 29–49 und 81–114; HICKEY, *Aristocratic Landholdings* (wie Anm. 86), S. 288–308.

¹⁰⁷ Zur Verwaltung der Apionen-Besitzungen: R. MAZZA, „P. Oxy. xvi 1911 e i conti annuali dei pronoetai“, *ZPE* 122 (1997), S. 161–172; BANAJI, *Agrarian Change* (wie Anm. 82), S. 171–189; SARRIS, *Economy and Society* (wie Anm. 83), S. 29–80; besonders detailliert: T. M. HICKEY, *Wine, Wealth, and the State in Late Antique Egypt: The House of Apion at Oxyrhynchus*, Ann Arbor 2012. Vergleichbare Strukturen sind auch bei anderen Großgrundbesitzungen festzustellen: B. PALME, „Die *domus gloriosa* des Flavius Strategius

ihrer Verwaltungs-Terminologie gibt es zwar divergierende Ansichten, doch Einigkeit herrscht darüber, dass die *domus gloriosa* keine großflächigen Latifundien bildete, sondern aus einer Vielzahl verstreut liegender größerer und kleinerer Nutzflächen bestand, die zum Teil direkt durch Lohnarbeiter, zum Teil durch Verpachtung bewirtschaftet wurden. Wie stark die Wirtschaftskraft und die Orientierung auf Profit und Effizienz waren, ist ebenso schwer zu beurteilen wie die exakte Ausdehnung ihrer Besitzungen. Im Oxyrhynchites und Kynopolites hatten die Apionen so viel Land erworben, dass in der zweiten Hälfte des 6. Jh. ihre Steuerleistung vielleicht ein Drittel des Steueraufkommens der jeweiligen *civitas* ausmachte¹⁰⁸. Jüngste Berechnungen setzen die reale Nutzungsfläche jedoch deutlich niedriger an als ältere Schätzungen; danach wären die Apionen zwar unter den Grundherren Ägyptens eine Ausnahmeerscheinung, aber ihre Besitzungen und Erträge würden dennoch nicht mit jenen der superreichen senatorischen Familien im Westen des Reiches konkurrieren können¹⁰⁹.

Aus der Regierungszeit Justinians stammt das zweite umfangreiche Papyrusarchiv, das – neben dem Apionenarchiv – unser Bild vom spätantiken Ägypten maßgeblich prägt: das Dossier des schon genannten Notars und Dichters Dioskoros aus Aphrodite in Oberägypten¹¹⁰. Das

Paneuphemos“, *Chiron* 27 (1997), S. 95–125; G. AZZARELLO, „Potere e ricchezza nell'Egitto bizantino: gli Apioni e le altre casate aristocratiche ossirinchite“, [in:] DIES. (Hg.), *Potere e ricchezza* (wie Anm. 101) im Druck.

¹⁰⁸ SARRIS, *Economy and Society* (wie Anm. 83), S. 83–85 mit den Belegen: Gegen Mitte des 6. Jh. machte die Steuerleistung der Apionen 28 Prozent aus, gegen Ende des 6. Jh. etwa 37 Prozent: diese Zahlen spiegeln das Wachstum der Apionen-Besitzungen wider; vgl. aber Anm. 109.

¹⁰⁹ Problematisch bleibt die Berechnung der absoluten Zahlen: Während JONES, *Later Roman Empire* (wie Anm. 1), II, S. 784 den oxyrhynchitischen Besitz der Apionen auf 112.000 Aruren und damit etwa 40 Prozent der gesamten Nutzfläche berechnet hatte, kommen die detaillierten Analysen von T. M. HICKEY, „An Inconvenient Truth? P.Oxy. 18.2196 verso, the Apion Estate, and fiscalité in the Late Antique Oxyrhynchite“, *BASP* 45 (2008), S. 87–100 und HICKEY, *Wine, Wealth, and the State* (wie Anm. 107), S. 22–23, 154–155 auf deutlich geringere Zahlen.

¹¹⁰ Zu Leben und Werk des Dioskoros s. L. S. B. MACCOULL, *Dioscorus of Aphrodite: His Work and His World* (= *The Transformation of the Classical Heritage* 16), Berkeley – Los Ange-

Verständnis seiner in Autographen vorliegenden Gedichte, der Urkunden seiner Notarstätigkeit sowie der griechischen und koptischen Schriftstücke seiner privaten Geschäfte ist durch Neueditionen und inhaltliche Analysen maßgeblich gefördert worden¹¹¹. Unter den Dokumenten befinden sich auch etliche Abschriften oder Konzepte von Petitionen und amtlichen Schreiben, aus denen hervorgeht, dass Dioskoros als Vorsteher seines Dorfes im Konflikt mit dem Pagarchen und anderen lokalen Größen stand, weil diese das Recht des Dorfes auf selbständige Steuererhebung (*autopragia*) missachteten. Die bitteren Klagen gegen Übergriffe und Gewaltakte zeichnen ein düsteres Bild von der bedrängten Lage der Bauern im Dorfe Aphrodite. Zeitweilig musste Dioskoros das Dorf verlassen und als Anwalt in der Residenz des Statthalters, Antinoopolis, arbeiten, um vor Feindseligkeiten des Pagarchen sicher zu sein¹¹². Auf den ersten Blick scheinen die Texte des Dioskoros-Archivs also das Bild von den übermächtigen, rücksichtslosen Großgrundbesitzern und den bedrängten Kleinbauern zu bestätigen, doch gilt es zu bedenken, dass wir die einseitige Darstellung einer Partei vor uns haben. So haben detaillierte Untersuchungen einzelner Episoden – wie etwa eines spektakulären Mordfalles¹¹³ – wahrscheinlich gemacht, dass Dioskoros und seine Familie tief in die turbulenten Ereignisse verstrickt waren.

Die Texte des Dioskoros-Archivs überliefern hunderte Orts- und Flurnamen, die eine Fülle von topographischen und toponomastischen

les – London 1988, bes. S. 5–15; zu den wirtschaftsgeschichtlichen Aspekten: SARRIS, *Economy and Society* (wie Anm. 83), S. 96–114.

¹¹¹ J.-L. FOURNET, *Hellénisme dans l'Égypte du VI^e siècle: La bibliothèque et l'œuvre de Dioscore d'Aphrodité*, I–II (= MIFAO 115), Le Caire 1999. Eine Neuedition der Petitionen hat J.-L. Fournet in Vorbereitung. Den aktuellen Stand der Forschungsdiskussionen repräsentieren die Artikel in FOURNET (Hg.), *Archives de Dioscore* (wie Anm. 29). Bislang liegen etwa 600 Texte ediert vor, vor allem in: *P. Cair. Masp.* I–III, *P. Flor.* III 279–298, *P. Lond.* V 1660–1718, *P. Michael* 40–60; die literarischen Texte: *P. Aphrod. Lit.*

¹¹² Zu der schwierigen und gefährlichen Situation vgl. B. PALME, „Dioskoros und die staatlichen Autoritäten“, [in:] FOURNET (Hg.), *Archives de Dioscore* (wie Anm. 29), S. 203–222.

¹¹³ Der Kriminalfall wird analysiert von L. S. B. MACCOULL, „The Aphrodito murder mystery“, *JfurP* 20 (1990), S. 103–107 und J. G. KEENAN, „The Aphrodito murder mystery: a return to the scene of the crimes“, *BASP* 32 (1995), S. 57–63.

Details erschließen, wie sie für keinen Ort der Antike sonst überliefert sind¹¹⁴. Zudem begegnen über 2500 namentlich bekannte Personen, die Giovanni Ruffini kürzlich erstmals durch eine Prosopographie erschlossen hat¹¹⁵. Diese hinreichend große Ausgangsbasis hat Ruffini genutzt, um mittels einer systematischen Netzwerkanalyse die soziale Dynamik und persönlichen Bindungen im Dorf Aphrodite um die Mitte des 6. Jh. anschaulich zu machen. Dies eröffnet neue Blickwinkel auf die lokale Gesellschaft und zeigt, dass die bisweilen konstatierten sozialen und wirtschaftlichen Unterschiede zwischen Aphrodite und Oxyrhynchos eher auf die unterschiedliche Art der papyrologischen Dokumentation und die verschiedene Größe des geographischen Rahmens zurückzuführen sind, aber die gleiche soziale Situation abbilden¹¹⁶. Weitreichende Folgen hat Constantin Zuckermans neue Schätzung der Einwohnerzahl von Aphrodite auf nur ca. 7000 Personen – nicht einmal halb so viele wie früher angenommen¹¹⁷. Dies bedeutet, dass auch in Aphrodite die Mehrheit der männlichen Bevölkerung um 550 als Pächter oder Lohnarbeiter auf den Besitzungen des *ex-eparchos* Iulianos arbeitete¹¹⁸.

Obwohl die Art der papyrologischen Dokumentation mikrohistorische Ansätze begünstigt, stützen sich alle maßgeblichen Studien zur frühbyzantinischen Sozial- und Wirtschaftsgeschichte entscheidend auf Papyri als dem einzigen verfügbaren dokumentarischen Quellenmaterial. Die Einschätzung der sozio-ökonomischen Entwicklungen in Ägypten ist

¹¹⁴ I. MARTHOT, *Un village égyptien et sa campagne: étude de la microtoponymie du territoire d'Aphroditê* (VI^e–VIII^e s.), Diss. Paris 2013.

¹¹⁵ G. R. RUFFINI, *Prosopography of Byzantine Aphrodito* (= ASP 50), Durham N.C. 2011.

¹¹⁶ RUFFINI, *Social Networks* (wie Anm. 82) vgl. dazu die Rezension von R. MAZZA, „Six degrees of separation: social sciences, human hubs and papyri in Byzantine Egypt“, *JRA* 22 (2009), S. 793–99.

¹¹⁷ ZUCKERMAN, *Du village à l'Empire* (wie Anm. 5) 223 gegen die Schätzung von 15.000 Menschen bei MACCOULL, *Dioscorus* (wie Anm. 110), S. 7.

¹¹⁸ Die Bedeutung der Lohnarbeit betont auch J. BANAJI, „Agrarian history and the labour organisation of Byzantine large estates“, [in:] A. K. BOWMAN & E. ROGAN (Hg.), *Agriculture in Egypt from Pharaonic to Modern Times* (= *Proceedings of the British Academy* 96), Oxford 1999, S. 193–216.

demnach maßgeblich für die Bewertung der Vorgänge im Oströmischen Reich überhaupt – und umso größere Auswirkungen haben die zum Teil erheblich von einander abweichenden Ansichten über die Verhältnisse im Land am Nil.

Die ältere Forschung war der Ansicht, dass mit der Ausweitung des Großgrundbesitzes eine zunehmende Anmaßung staatlicher Gewalt seitens privater Grundherren einherging, was ein dramatisches Schwinden der kaiserlichen Autorität zugunsten der lokalen Eliten bewirkt haben soll und auf eine schrittweise Feudalisierung hinauslief¹¹⁹. Dem gegenüber ist vor allem von Jean Gascou in den 80er Jahren die Institutionalisierung der Großgrundbesitzungen als Bestandteil der regulären staatlichen Verwaltung betont worden: Die Grundherren hätten öffentliche Aufgaben in der Steuereintreibung und im Sicherheitswesen nicht an sich gerissen, sondern nach dem Verschwinden des Buleutenstandes vom Staat als *munus patrimonii* übertragen bekommen. Die Grundherren übernahmen jene öffentlichen Aufgaben, welche die Bulai nicht mehr leisten konnten. So wurden die *oikoi* der Großgrundbesitzer zu quasi-öffentlichen ('semi-public') Einrichtungen, wobei private und öffentliche Agenda in einander verschwammen¹²⁰. Gascous Ansicht verließ auch der anhaltenden Debatte um das Kolonat neuen Diskussionsstoff¹²¹. In seiner Abkehr von Feudalismus-Modell wurde Gascous Interpretation weithin akzeptiert und vor allem von Jairus Banaji auf wirtschaftsgeschichtliche Aspekte hin aus-

¹¹⁹ Diese Feudalisierung wurde zudem als Zeichen eines allgemeinen Niederganges von Staat und Gesellschaft verstanden: H. I. BELL, „The Byzantine servile state in Egypt“, *JEA* 4 (1917), S. 86–106; E. R. HARDY, *The Large Estates of Byzantine Egypt*, New York 1931; I. FIKHMAN, *Oxirinč – gorod papirusov: Social'no-ekonomičeskie otnosbeniya v Egiptskom gorode iv – serediny vii v.*, Moskau 1976.

¹²⁰ GASCOU, „Grands domaines“ (wie Anm. 40), S. 1–90; ähnliche Überlegungen finden sich schon bei B. BACHRACH, „Was there feudalism in Byzantine Egypt?“, *JARCE* 6 (1967), S. 163–167. Zur forschungsgeschichtlichen Einordnung vgl. KEENAN, „Papyrology and Byzantine Historiography“ (wie Anm. 15), S. 137–144; BANAJI, *Agrarian Change* (wie Anm. 82), S. 88–93 und SARRIS, *Economy and Society* (wie Anm. 83), S. 131–148.

¹²¹ Vgl. etwa CARRIÉ, „Colonato del Basso Impero“ (wie Anm. 87); J. H. W. G. LIEBESCHUETZ, „Civic finance in the Byzantine period: The laws and Egypt“, *BZ* 89 (1996), S. 389–408. Die gesamte Entwicklung untersuchte zuletzt A. J. B. SIRKS, „The colonate in Justinian's Reign“, *JRS* 98 (2008), S. 120–143.

gebaut¹²². Erst Peter Sarris hat die Einbindung der Grundherren in die staatlichen Aufgaben in Frage gestellt: Das alte Feudalismus-Modell in modifizierter Form aufgreifend, sieht er im 6. Jh. einen erbitterten Machtkampf und sozialen Konflikt zwischen dem Kaiser und seinen Repräsentanten (Statthaltern, Militärs) einerseits und den lokalen Eliten andererseits. In dem Antagonismus zwischen Kaiser und Aristokratie (und zugleich zwischen Zentrum und Peripherie) um den Zugang und die Kontrolle von Besitz und Produktion hätten sich schließlich die aristokratischen Grundherren in den Provinzen durchgesetzt. Nach Sarris seien nicht die *oikoi* 'semi-public' geworden, sondern umgekehrt: die staatlichen Einrichtungen seien unter Justinian und seinen Nachfolgern 'semi-private' geworden¹²³. Auch diese Ansicht hat keine allgemeine Akzeptanz erfahren: Todd Hickey hat nach detaillierter Analyse der Apionen-Papyri wieder für Gascous Modell argumentiert¹²⁴.

So unterschiedlich die Auffassungen von Gascou, Banaji, Sarris und Hickey über das Verhältnis von Staat und grundbesitzender Aristokratie in den Provinzen auch sind, über die wirtschaftliche Potenz des Großgrundbesitzes und seinen konstruktiven Beitrag zur Prosperität des Reiches bis an den Beginn des 7. Jh. herrscht weithin Einigkeit¹²⁵. Dagegen hat Zuckerman zuletzt ein eher düsteres Bild von der wirtschaftlichen und gesellschaftlichen Situation Ägyptens um 600 gezeichnet: die geschwächte Provinzialverwaltung habe sich nicht gegen die übermächtigen Grundherren durchsetzen können; die im Niedergang begriffenen Städte hätten sogar ihre Rolle als administrative Zentren ihrer Territorien (Gae) abgegeben; weiten Teilen der Bevölkerung drohte die Verar-

¹²² BANAJI, *Agrarian Change* (wie Anm. 82), bes. S. 93–100.

¹²³ SARRIS, *Economy and Society* (wie Anm. 83) bes. 149–176. Die Studie zieht umfassend papyrologische Quellen heran; zu einigen diskutablen Interpretationen s. die Rezension von R. MAZZA, *Journal of Agrarian Change* 8.1 (2008), S. 150–156.

¹²⁴ HICKEY, *Wine, Wealth, and the State* (wie Anm. 107) *passim*, vgl. die „Conclusion“, S. 156–159.

¹²⁵ Pointiert auch in P. SARRIS, „Rehabilitating the great estate: aristocratic property and economic growth in the Late Antique East“, [in:] L. BOWDEN – L. LAVAN – C. MACHADO (Hg.), *Recent Research on the Late Antique Countryside*, Leiden – Boston 2004, 55–57.

mung. Falls seine niedrige Einschätzung der Einwohnerzahl von Aphrodite zutrifft, würde das bedeuten, dass in der zweiten Hälfte des 6. Jh. die Zahl an freien Kleinbauern sogar in Aphrodite – das immer als Beispiel für die Selbstbehauptung des Bauernstandes gegen die expandierenden Grundherrschaften gesehen wurde – im Schwinden begriffen war¹²⁶. Entsprechend zieht Zuckerman auch in Zweifel, dass der ökonomische Druck auf die Kleinbauern in den verschiedenen Landesteilen Ägyptens sehr ungleich ausgeprägt war¹²⁷. Seine Studie bricht mit der bis dahin verbreiteten Dichotomie zwischen Oxyrhynchos (mit seinen feudalen Strukturen) und Aphrodite (als Hort eines freien Bauerntums), indem er auf die unterschiedlichen Zeitebenen dieser Bilder verweist. Vielmehr sei nach 550 auch für Aphrodite die *autopragia* verloren gegangen und der Großgrundbesitz unaufhaltsam im Vormarsch gewesen. Nicht eine lokale Differenzierung sei zu betonen, sondern eine chronologische Entwicklung festzustellen, indem bald nach der Mitte des 6. Jh. die lokalen Magnaten die Oberhand über die staatlichen Einrichtungen gewonnen hätten. Während Zuckerman in erster Linie wirtschaftshistorisch argumentiert, kommt Ruffini aufgrund prosopographisch-sozialgeschichtlicher Studien gleichfalls zu dem Ergebnis, dass von einer Dichotomie zwischen Oxyrhynchos und Aphrodite nicht die Rede sein kann, sondern überall sehr ähnliche Strukturen herrschten¹²⁸. Dem gegenüber betont Hickey zu Recht die Diversität und Inhomogenität der Papyrusquellen, die jeden weit reichenden Schluss notwendiger Weise ein großes Maß an Abstraktion und daher Spekulation abverlangen¹²⁹.

¹²⁶ ZUCKERMAN, *Du village à l'Empire* (wie Anm. 5), S. 213–219 und bes. 223 zur Einwohnerzahl, s. oben Anm. 117. Zur Bedeutung der Einwohnerzahl für die Einschätzung der Besitzverhältnisse vgl. B. PALME, „Bauernsterben und Fiskalverwaltung im byzantinischen Aphrodite“, *CdÉ* 82 (2007), S. 330–336.

¹²⁷ Für eine differenzierte Sichtweise trat A. JÖRDENS, „Die Agrarverhältnisse im spätantiken Ägypten“, *Laverna* 10 (1999), S. 114–152 ein, die vor allem im Fayum und im Oxyrhynchites eine Expansion des Großgrundbesitzes zu Lasten der Bauern feststellte, während die Bauern in Aphrodite sich behaupten konnten.

¹²⁸ RUFFINI, *Social Networks* (wie Anm. 82), zusammenfassend S. 242–251.

¹²⁹ HICKEY, *Wine, Wealth, and the State* (wie Anm. 107), zusammenfassend S. 159–160.

Die Diskussion um einige der grundlegenden Ansichten über das Verhältnis von Staat und Gesellschaft im spätantiken Ägypten sowie über die wirtschaftliche Entwicklung des Landes ist demnach weiterhin in Fluss. Klärung der offenen Fragen ist allenfalls vom kritischen Studium der bekannten oder der Edition neuer Papyri zu erhoffen. Trotz der skizzierten Unsicherheiten ist der Beitrag der Papyri zur Geschichte des Spätromischen Reiches keineswegs unbedeutend, und umgekehrt gewinnen die ägyptischen Verhältnisse, in den großen Kontext des spätantiken Mediterraneums gestellt, noch schärfer an Profil¹³⁰.

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¹³⁰ WICKHAM, *Framing the Early Middle Ages* (wie Anm. 16), S. 133-144; 242-255; 759-769 *et passim*.



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Jean-Luc Fournet

CULTURE GRECQUE ET DOCUMENT DANS L'ÉGYPTE DE L'ANTIQUITÉ TARDIVE

JE PROFITE DE L'AIMABLE INVITATION des organisateurs à parler en séance plénière des aspects culturels de l'Égypte byzantine pour traiter d'un sujet qui me tient à cœur depuis une vingtaine d'années : les rapports entre documents et *paideia* grecque¹ (que je limiterai ici à la culture littéraire), particulièrement dans l'Antiquité tardive où ce phénomène s'intensifie. Je souhaiterais ici synthétiser un certain nombre de travaux et de réflexions et en tirer des conclusions qui soient de nature méthodologique et qui, en même temps, ouvrent des pistes à suivre pour l'avenir de notre discipline.

Pourquoi « culture (littéraire) et document », titre qui résonne comme un oxymore ? Outre les sources littéraires non papyrologiques, souvent sujettes à caution du fait des intentions qui les sous-tendent, voire archéologiques (avec par exemple les *auditoria* de Kôm el-Dikka),² la culture est usuellement appréhendée à travers les papyrus littéraires ou paralittéraires, deux types de sources qui ont leurs avantages mais aussi leurs limites :

¹ Je ne traiterai pas ici de la *paideia* copte, qui pose d'autres problèmes.

² Cf. T. DERDA, T. MARKIEWICZ & Ewa WIPSZYCKA (éds.), *Alexandria. Auditoria of Kom el-Dikka and Late Antique Education* [= *The Journal of Juristic Papyrology. Suppl.* 8], Varsovie 2007. G. MAJCHEREK, « The auditoria on Kom el-Dikka: A glimpse of late antique education in Alexandria », *Pap. Congr.* xxv, p. 471-484.

1. Les papyrus littéraires, une fois mis en série ou soumis à des statistiques, témoignent essentiellement des goûts des lecteurs et des modes bibliologiques, mais l'impossibilité presque totale de mettre les livres en connexion avec leur propriétaire empêche une bonne contextualisation des pratiques culturelles. Il y a heureusement quelques contre-exemples comme les archives de Dioscore d'Aphrodité (VI^e s.) ou, plus récemment éditées, celles du *scholasticus* Ammôn (IV^e s.).³ Notons cependant que les annotations marginales des papyrus littéraires peuvent pallier partiellement ce déficit de contextualisation (comme l'a montré récemment Fausto Montana avec le Théocrite d'Antinoopolis).⁴ Mais nous touchons là un domaine qui est de l'ordre du paralittéraire.

2. Les papyrus paralittéraires apportent à leur tour des informations tout à fait indispensables : ainsi, les exercices scolaires permettent de reconstituer l'enseignement littéraire⁵ tandis que les entraînements de copistes professionnels (comme ceux que j'ai récemment édités dans les *Mélanges Pintaudi*)⁶ nous instruisent sur certaines pratiques en vogue dans les *scriptoria* antiques. Mais ce sont des milieux somme toute assez restreints que documentent ces textes.

Les papyrus documentaires sont aussi une mine de renseignements sur la culture de la société égyptienne, encore que très sous-exploitée malgré leur nombre et leur variété sans commune mesure avec les deux autres

³ Sur les quelques exemples de relations entre textes littéraires et archives documentaires, voir l'étude classique de W. CLARYSSE, « Literary papyri in documentary "archives" », [dans :] *Egypt and the Hellenistic World* [= *Studia Hellenistica* 27], Louvain 1983, p. 43–61. Voir depuis G. MESSERI, « Relazioni fra papiri documentari e papiri letterari », [dans :] *Ἀμπελοκήπιον. Studi di amici e colleghi in onore di Vera van Falkenhausen* 11 [= *Νέα Πώμη* 2], Rome 2005, p. 5–23. La conclusion de cette auteure – qui me semble sous-estimer les interrelations entre papyrus littéraires et documentaires, entre écritures et supports littéraires et documentaires à l'époque byzantine (p. 22–23) – doit être nuancée à la lumière des pages qui vont suivre.

⁴ F. MONTANA, « Sondaggi sui *marginalia* esegetici del "Teocrito di Antinoe" (*P. Ant.* s.n.; *MP*³ 1487) », *Eikasmos* 22 (2011), p. 277–310.

⁵ Pour l'essentiel, Raffaella CRIBIORE, *Writing, Teachers, and Students in Graeco-Roman Egypt* [= *American Studies in Papyrology* 36], Atlanta 1996 et EADEM, *Gymnastics of the Mind. Greek Education in Hellenistic and Roman Egypt*, Princeton 2001.

⁶ *P. Pintaudi* 59–64 (ve/déb. VI^e s.).

sources. Même s'il va de soi qu'une analyse culturelle solide doit prendre en compte l'ensemble des sources que je viens de mentionner, je voudrais insister aujourd'hui sur l'apport des papyrus documentaires à la connaissance fine des diverses formes d'expressions culturelles qu'a connues l'Égypte gréco-romano-byzantine, essentiellement durant l'Antiquité tardive pour des raisons que nous verrons.

Cette approche « documentariste » de la culture littéraire peut se faire de trois manières différentes :

1. La première consiste à exploiter le **contenu** même des documents. C'est la démarche la plus évidente (je ne m'y attarderai guère), suivie depuis toujours quoique de façon sporadique et peu systématique – ainsi a-t-il fallu attendre 2012 pour que l'auteur le plus lu, Homère, ait fait l'objet de ce type d'approche!⁷ Les papyrus livrent en effet maintes informations sur la scolarisation,⁸ les diverses pratiques lettrées (circulation⁹ ou copie de livres,¹⁰ conférences, récitations, concours,¹¹ etc.), et plus généralement sur l'alphabétisation (*literacy*) des populations.¹² Ils apportent en outre des données

⁷ J.-L. FOURNET, « Homère dans les papyrus non littéraires : le Poète dans le contexte de ses lecteurs », [dans :] G. BASTIANINI & A. CASANOVA (éds.), *I papiri omerici*, Florence 2012, p. 125-157.

⁸ Claire PRÉAUX, « Les lettres privées grecques d'Égypte relatives à l'éducation », *RBPH* 3 (1929), p. 757-800, et les travaux de R. CRIBIORE cités plus haut (n. 5).

⁹ Cf., par exemple, H. MAEHLER, « Menander Rhetor and Alexander Claudius in a papyrus letter », *GRBS* 15, (1974), p. 305-311.

¹⁰ Cf. L. KOENEN, « Ein Mönch als Berufsschreiber. Zur Buchproduktion im 5./6. Jahrhundert », [dans :] *Festschrift zum 150jährigen Bestehen der Berliner Ägyptischen Museums*, Berlin 1974, p. 347-354. Plus récemment, Chr. KOTSIFOU, « Books and book production in the monastic communities of Byzantine Egypt », [dans :] W. E. KLINGSHIRN & L. SAFRAN, *The Early Christian Book*, Washington 2007, p. 48-66 ; Anne BOUD'HORS, « Copie et circulation de livres dans la région thébaine (VII^e-VIII^e siècles) », [dans :] P. HEILPORN & A. DELATTRE, « Et maintenant ce ne sont plus que des villages... » *Thèbes et sa région aux époques hellénistique, romaine et byzantine* [= *Papyrologica Bruxellensia* 34], Bruxelles 2008, p. 149-161.

¹¹ Pour Homère, cf. mon « Homère dans les papyrus non littéraires » (ci-dessus, n. 7), p. 134-136 (avec bibliographie).

¹² Cf. l'étude classique d'Ewa WIPSYZKA, « Le degré d'alphabétisation en Égypte byzantine », *REAug* 30 (1984), p. 279-296. J'ai traité du sujet concernant la population féminine

qui sont susceptibles d'éclairer indirectement les pratiques culturelles de tel ou tel milieu. Je pense notamment à l'onomastique littéraire en vogue, surtout à partir du III^e/IV^e s., dans les milieux de notables et fonctionnaires municipaux, pas simplement celle qui renvoie aux vieilles divinités du panthéon grec, sans cesse réactivée par la lecture des anciens auteurs,¹³ mais surtout celle qui découle directement de ceux-ci. J'ai eu récemment l'occasion de relever l'impact d'Homère sur l'onomastique des élites municipales, avec notamment le cas du gymnasiarque Achille qui se marie à une certaine Hermione ;¹⁴ l'apparition du nom Ulysse (*Ὀδυσσεύς*) au v^e s. ou Ménélas (*Μενέλαος*) au vii^e s. mériterait que la question de l'onomastique homérique, et plus largement littéraire, soit traitée systématiquement.¹⁵

2. Le deuxième objet que se donne l'approche « documentariste » de la culture littéraire est la **forme** du texte (diplomatique et langue). Obnubilé par le contenu du document, l'éditeur ne porte pas toujours l'attention nécessaire à celle-ci : ainsi, sur le plan de la langue, se contente-t-il trop souvent de signaler les *hapax* papyrologiques et les déviations par rapport à la langue classique de référence (ce qui est quelque peu artificiel). Et pourtant, la langue d'un document (morphologie, vocabulaire, phraséologie), outre le message qu'elle véhicule, apporte aussi des informations sur la culture et sa mise en pratique dans l'expression écrite. Ces informations sont susceptibles d'une double interprétation :

(a) certaines sont de nature idiosyncrasique : elles dessinent le profil intellectuel du scripteur, sa plus ou moins bonne hellénisation et connaissance de la littérature. On a ainsi depuis longtemps distingué la culture

dans « Femmes et culture dans l'Égypte byzantine (v^e-vii^e s.) », [dans :] B. CASEAU (éd.), *Les réseaux familiaux. Antiquité tardive et Moyen-Âge. In memoriam A. Laiou et É. Patlagean* [= *Centre de Recherche d'Histoire et Civilisation de Byzance, Monographies* 37], Paris 2012, p. 141-144.

¹³ Cf. *P. Sorb.* II 69, p. 53 et 64 sur les noms en *-δωρος*. Plus récemment, A. BENAÏSSA, « Greek Polytheophoric Names: An Onomastic Fashion of Roman Egypt », *Anc. Soc.* 39 (2009), p. 71-97 sur les noms composés de deux théonymes caractéristiques des élites municipales.

¹⁴ *P. Lips.* I 84, col. III, l. 9-10 (début iv^e s.).

¹⁵ Cf. FOURNET, « Homère dans les papyrus non littéraires » (ci-dessus, n. 7), p. 153.

littéraire des membres du cercle du *scholasticus* Theophanès, du *scholasticus* Ammôn, du notaire Dioscore, etc.¹⁶

(b) les informations livrées par les documents concernent aussi des tendances générales qui dépassent les individus ou leurs micro-milieus (sociolecte). Il se trouve que l'impact de la culture littéraire se manifeste diversement selon les époques : le style du grec de l'époque lagide tend à la sobriété formelle et lexicale, il est *ξηρός* « sec » et *ἀκόσμητος* « sans ornement » selon la terminologie des rhéteurs anciens, ce qui ne permet pas aux rédacteurs de pouvoir manifester visiblement leur culture littéraire, avec, par exemple, des citations ou des clin d'œil même s'il y a des contre-exemples.¹⁷ Cet idéal de simplicité est battu en brèche au cours du III^e s. apr. pour laisser place à un style qui fait de la « grâce » (*χάρις*) et de l'ornement des vertus cardinales. Cette tendance devient très visible au IV^e s. et se maintient encore jusqu'à la fin de l'hellénisme égyptien encore que selon des modalités qui ont évolué dans les documents qui laissent le plus de place à l'expression personnelle et à la rhétorique (les deux vont d'ailleurs ensemble) : il s'agit évidemment avant tout des lettres, mais aussi des pétitions et de documents marqués par une certaine rhétorique du pathos (testaments, contrats de divorce, actes d'exhérédation, etc.). La relative liberté formulaire qu'autorisent ces genres va rencontrer à partir du III^e s. et surtout du IV^e s. un goût croissant pour une expression écrite de plus en plus fortement marquée par la littérature. Se produit alors une « littérisation » de certains genres documentaires qui se manifeste à trois niveaux :

(a) Le premier est la **structure** des documents : les types documentaires cités à l'instant se dotent désormais d'un préambule (*προοίμιον*) de nature très rhétorique. Je me contenterai ici de trois exemples empruntés à des genres documentaires différents :

¹⁶ De même que H. C. YOUTIE avait réussi à appréhender à travers des documents fiscaux la personnalité hors norme d'un employé de bureau lecteur de Callimaque : « Callimachus in the Tax Rolls », [dans :] *PapCongr.* XII, p. 545-551, repris dans IDEM, *Scripturae* II, Amsterdam 1973, n° 79, p. 1035-1041.

¹⁷ Ainsi dans le *P. Mich. Zen.* I 77, 12 (*πολιὰς σχῆδι*) où je propose de voir un écho d'Isocrate ou Eschine : cf. J.-L. FOURNET, « Rapport des conférences en papyrologie grecque », [dans :] *l'Annuaire de l'ÉPHÉ*, Section des sciences historiques et philologiques, 143^e année, 2010-2011, Paris 2012, p. 86.

Lettre: *P. Oxy.* xxxi 2603 (iv^e s.)¹⁸ est une lettre de recommandation dont les deux tiers sont occupés par un *prooimion*, qui développe une longue *synkrisis* comparant la réalité de l'affection que le rédacteur a pour le destinataire avec la réalité des objets dont le miroir renvoie l'image :

- Τῶι κυρίῳ μου [ἀ]δελφῶι Σ[αραπίῳ]νι (?)
 Παῦλος εὖ [πράτ]τειν.
 Τῶι ἔσοπτρον κτησαμένῳ ἢ ἄλλο τι τοιοῦτο ἐν
 4 χειρὶ ἔχοντι ἐν οἷς τὰ πρόσωπα ἐνοπρίζεται
 οὐ χρεῖα ἐστὶν τοῦ λέγοντος ἢ μαρτυροῦντος
 περὶ τοῦ αὐτῶι ἐπικειμένου χαρακτήρος
 καὶ τῆς χροίας καὶ τοῦ εἴδους ὅπως ὑπάρχει.
 8 Αὐτὸς γὰρ δι' ἑαυτοῦ μάρτυς γέγονεν καὶ λέ-
 γειν δύναται περὶ τῆς ἰδία[s ὁ]μοιώσεως.
 καὶ οὐχ ὅτε τις αὐτῷ λέγει ἢ σαφηνίζει πε-
 ρὶ τοῦ κάλλους καὶ τῆς εὐπρεπείας τῆς πε-
 12 ρὶ αὐτὸν τότε πιστεύει. Οὐ γὰρ κατὰ τοὺς ἄλ-
 λους ὑπάρχει τοὺς ἐν ἀγνοίαι ὄντας
 καὶ τοῦ ἐσόπτρου πόρρω καθεστῶ-
 τας τοῦ τὰς πάντων ὁμοιώσεις ἐπιδεί-
 16 ξαντος. Τὸ αὐτὸ δέ ἐστιν καὶ πρὸς σέ,
 ὦ φίλτατε. Καὶ γὰρ ὡς δι' ἐσ[ό]πτρου κα-
 τ(ε)ἶδες τὴν πρὸς σέ μου ἔ[μ]φυτον
 στοργὴν καὶ ἀγάπην τὴν ἀεὶ νέαν.
 20 Περὶ δὲ τῶν ἡμετέρων γνωρίμων
 τῶν σοι τὰ γράμματα καταφερόντων
 [οὐ δέ]ον μοί ἐστιν γράψαι[[σοὶ]] . . ἐπ[ιστα]-
 μ[ένῳ] τὴν πρὸς [πά]ντας σοῦ φιλίαν
 24 κα[ὶ στο]ργήν, μάλιστα πρὸς τοὺς ἡμετέρους

¹⁸ Éd. J. H. HARROP, « A Christian Letter of Commendation », *JEA* 48 (1962), p. 132-140 = M. NALDINI, *Il cristianesimo in Egitto: lettere private nei papiri dei secoli II-IV*, 2^e éd. [= *Biblioteca patristica* 32], Fiesole 1998, n° 47, p. 212.

ἀδελφούς. Προσδέξαι οὖν ἐν ἀγάπῃ
 ὡς φίλους, οὐ γὰρ κατηχούμενοί εἰσιν
 ἀ[λ]λὰ τῶν περὶ Ἰσίωνος καὶ Νικολάου
 28 ἰδ[ί]οι τυγχάνουσι, καὶ εἴ τι αὐτοῖς ποιεῖς ἐμο[ί] ἐποί-
 ησας. Πάντες οἱ ἐνθάδε ἀδελφοὶ πρ[οσ]-
 αγορεύουσι ὑμᾶς. Ἀσπάσαι κα[ί] τοὺς σὺν
 σοὶ πάντας ἀδελφοὺς ἐκλεκτού[ς] τε καὶ [κα]-
 τηχομένους.
 Ἐρρωσο ὑμᾶς εὐχομαι.

[suit un post-scriptum dans la marge de gauche]

13. αγνοιαῖ

« À Monsieur mon frère Sarapiôn (?), Paulos (te souhaite) bon succès. »

« Quiconque possède un miroir ou tient dans sa main un objet semblable, dans lequel les visages se réfléchissent, n'a pas besoin de quelqu'un qui lui dise ni qui lui atteste ce qui apparaît à sa surface\$: quels sont les traits de son visage, la couleur de sa peau, son apparence. Car il en est devenu témoin par lui-même et il est à même de parler de ce à quoi il ressemble. Et il n'attend pas qu'on lui parle de sa beauté et de sa splendide apparence ou qu'on les lui montre pour y croire. Car il n'est pas comme les autres qui sont dans l'ignorance et qui se tiennent loin du miroir qui montre à quoi chacun ressemble. Il en va de même avec toi, très cher ami. Car comme dans un miroir tu as vu l'affection innée que j'ai pour toi et mon amour toujours renouvelé. Quant à nos connaissances qui t'apportent cette lettre, il n'est pas nécessaire que je t'en parle, moi qui connais ton amitié et ton affection pour tous et surtout pour mes frères. Reçois-les donc charitablement comme des amis, car ce ne sont pas des catéchumènes, mais ils appartiennent aux groupes d'Isiôn et de Nikolaos, et ce que tu feras pour eux, tu l'auras fait pour moi. Tous les frères d'ici te font leurs salutations. Salue aussi tous les frères, élus ou catéchumènes, qui sont avec toi. »

« Je te souhaite de bien te porter. »

Pétition:¹⁹ *P. Cair. Masp.* 1 67003 (567), où le *prooimion* (l. 7–16) occupe près de la moitié du document (un record !). Celui-ci est un *enkômion* de la justice, de la bonne administration et de la piété du récipiendaire, un duc de Thébaïde, développé en deux périodes scandées par des homéotéleutes et des paromoïoses:²⁰

Πᾶσα δικαιοσύνη καὶ δικαιοπραγ{ε}ία τὰς προόδους προλάμπουσιν
 τῆς ὑμῶν ἐνδόξου ὑπ(ερ)φυΐας
 8 καὶ πάντα τὰ εὐαγῆ μοναστήρια κ(αὶ) τοῦ Θ(εο)ῦ πάνσεπτα εὐκτήρια
 ἐπὶ τῆς ὑμετέρας αἰσίας
 ἀγάλλωνται εὐαρχ{ε}ίας, ἐφότι πᾶν ἄδικον φευκτέον καὶ ἀποτρεπτέον
 ἀπὸ τούτων ἐλαύνεται
 τῶν εἰωθότων φιλοπραγμονῆσαι καὶ πλεονεκτῆσαι τὰ ἑαυτῶν
 πράγματα τυραν{ν}ικῶς.
 Καὶ εὐχῆ τούτων ἔστιν' καὶ τῶν ἐνοικούντων τῇ τούτων συνουλέσει
 ἱκετηρία, καὶ πρεσβεία ὑπὲρ
 12 ὑμῶν τῶν εὐκλε{ε}στάτων μετὰ καὶ τῶν ἐνδοξοτ(άτων) ὑμῶν τέκνων
 τῶν τῆς ἐπαρχείας πάσης κυρίων
 οὐ πεπαύσεται πρὸς τὸν παμβασιλέα Θ(εο)ν ἀδιαλείπτως
 ἀναφερομένη, διὰ τὸν οἶκτον ὑμῶν
 καὶ οἶστ[ρ]ον εἰς πᾶν ὅτι οὐν' τούτοις συμβαλλόμενον καὶ
 περισπούδαστον Θ(ε)ῶ ἀγαθὸν ἔργον. Καὶ τοῦτο
 ἀκριβῶς ἐπιστάμενοι, προσπίπτωμεν τοῖς εὐκλέεσι καὶ ἀνεπάφοις
 ὑμῶν ἴχνησι, διδάσκοντες
 16 τὸ καθ' ἡμᾶς πρᾶγμα ἐν τούτοις ἔχον.

« Le sens et la pratique de la justice illuminent tout entiers les audiences de votre glorieuse Autorité et tous les saints monastères et les très vénérables oratoires de Dieu se réjouissent de l'équité de votre bonne admi-

¹⁹ Sur les *prooimia* de pétition, cf. *P. Berl. Frisk*, p. 81–91 et J.-L. FOURNET, « Entre document et littérature : la pétition dans l'Antiquité tardive », [dans :] D. FEISSEL & J. GASCOU (éds.), *La pétition à Byzance* [= *Centre de recherche d'Histoire et Civilisation de Byzance, Monographies* 14], Paris 2004, p. 62–63.

²⁰ L. 8: πάντα τὰ εὐαγῆ μοναστήρια κ(αὶ) τοῦ Θ(εο)ῦ πάνσεπτα εὐκτήρια; l. 14: διὰ τὸν οἶκτον ὑμῶν καὶ οἶστ[ρ]ον.

nistration pour autant qu'est bannie toute l'injustice qui doit être évitée et doit être détournée loin de ces derniers, causée par ceux qui ont pour habitude d'être avides et de chercher à augmenter leurs propres biens par la violence. Ceux-là et ceux qui vivent dans leur communauté font des prières de supplication, et des demandes d'intercession pour votre salut, vous le très célèbre seigneur de l'éparchie tout entière ainsi que vos très glorieux enfants, ne cessent d'être adressées continûment à Dieu le souverain de l'univers, du fait de votre compassion pour eux et de votre zèle pour tout ce qui contribue à leur accroissement et pour les bonnes œuvres que tant aime Dieu. Et sachant cela parfaitement, nous tombons à vos pieds glorieux et immaculés, en vous informant de l'objet de notre affaire.»

Testament : *P. Cair. Masp.* II 67151, l. 17–20 (570), où les dispositions sont introduites par une méditation sur la mort, pour laquelle W. Crönert suspectait un modèle poétique (sans doute tragique):²¹

† Πέρασ μὲν πάντων καὶ
βροτησίου γένους ὁ θάνατος, καὶ τοῦτον ἀδύνατόν ἐστιν
ἐκφυγεῖν παντελῶς, τοῖς δὲ καλῶς φρονοῦσι τοῦτο προμαθεῖν
20 καὶ εὐλαβεῖσθαι πάντων εὐτυχέστερον. ἐγὼ τοιγαροῦν ὁ προ-
νομασθεὶς Φοιβάμμων Εὐπρεπείου ἀρχ(ι)ιάτρος κτλ.

«Pour toute chose comme pour la race des mortels, la mort est un terme, et il est absolument impossible d'y échapper. Mais, pour les gens avisés, savoir cela à l'avance et prendre des dispositions est plus heureux que tout. C'est pourquoi, moi, le sus-mentionné Phoibammôn, fils d'Euprépios, médecin chef, etc.»

Ces *prooimia* ne sont pas nécessairement l'indice d'une culture littéraire personnelle de la part des rédacteurs de documents. Ceux-ci devaient puiser dans des recueils qui circulaient entre particuliers ou notaires.

²¹ W. CRÖNERT, c. r. de l'édition du glossaire de Dioscore par H. I. BELL & W. E. CRUM dans *Gnomon* 2 (1926), p. 657 : « Das ist die Verarbeitung eines in Sprache und Gedanken an Euripides anklingenden und wohl aus einem Kapitel *Περὶ θανάτου* genommenen Spruches, der etwa diese Gestalt hatte :

πέρας δὲ παντὸς τοῦ βροτησίου γένους
ὁ θάνατος οὐδὲ δύνατόν ἐστιν ἐκφυγεῖν·
τοῖς δ' ἐφρονοῦσι κτῆμα τό τε προμανθάνειν
τό τ' εὐλαβεῖσθαι παντὸς εὐτυχέστερον.

Si nous n'en avons pour l'heure aucun exemple livré par les papyrus, leur existence se déduit de la répétition et de la permanence des thèmes et de leur formulation d'un papyrus à l'autre, comme j'ai pu le montrer avec ces deux *prooimia* de pétitions écrites à presque deux siècles d'intervalle:²²

P. Kell. I 21, l. 4–6 (Kellis, 321): εἰ] ἑκάστω προχωρήσει τὰ τῆς ἀθθαδίας καὶ εἰ μὴ ἡ τῶν | [νόμων ἐπιστ]ρέφεια ἐπακολουθεῖν εἴωθεν, ἀβίωτος ἂν ἡμῖν τοῖς | [μετρίους π]ᾶς χρόνος ἐγείνατο – « Si les actes d'arrogance réussissaient à chacun et si la sévérité des lois n'avait pas coutume de les poursuivre, toute époque serait invivable pour nous, les petits »;

P. David 17, l. 5–7 (Hermoupolis, 504): [εἰ μὴ] προεχώρει ἡ τῶν νόμων ἐπιστρέφ' ἔια κατὰ τῶν | [ἀνδρά]σιν ἐπιχειρούντων, πάντες ἂν εἰς μανείαν | [καὶ εἰ]ς ἕτερα ἀτοπήματα κατέτυχον – « Si la sévérité des lois ne réussissait pas contre ceux qui s'en prennent à des hommes, tous sombreraient dans la folie ou d'autres désordres ».

(β) La « littérisation » des documents se traduit aussi par le recours à des **citations**, qui va de pair avec la tendance précédente (les citations sont souvent dans les *prooimia*). Encouragés par les manuels de discours encomiastiques et d'épistolographie,²³ les rédacteurs n'hésitent pas à introduire dans les documents des références littéraires. Ce phénomène, qui s'esquisse à partir du III^e s.²⁴ et qui n'a pas encore fait l'objet d'une étude systématique, est fort bien illustré par Dioscore: non seulement celui-ci s'est constitué une petite anthologie de documents-modèles comprenant, outre une pétition du philosophe Horapollon, au moins deux lettres contenant des citations homériques (*P. Cair. Masp.* III 67295),²⁵ mais par ailleurs il n'a cessé de pratiquer la citation littéraire dans les

²² Cf. FOURNET, « Entre document et littérature » (ci-dessus, n. 19), p. 63.

²³ Cf. FOURNET, « Homère dans les papyrus non littéraires » (ci-dessus, n. 7), p. 138–139.

²⁴ Ainsi les premières citations homériques qui se rencontrent dans des documents datent de la seconde moitié du III^e s. (*P. Flor.* II 259 [249–268]; *BGU* IV 1080 [III^e éd. : d'après l'écriture, fin III^e/début IV^e s.) : cf. FOURNET, « Homère dans les papyrus non littéraires » (ci-dessus, n. 7), p. 140–146.

²⁵ Cf. en dernier lieu, FOURNET, « Homère dans les papyrus non littéraires » (ci-dessus, n. 7), p. 142–143 et 146.

nombreuses pétitions qu'il a rédigées pour lui-même ou des clients.²⁶ La liste des auteurs qu'il cite ou paraphrase (Homère, Isocrate, Aristophane, Ménandre, Nonnos) correspond à la fois aux canons littéraires de son époque et aux livres de sa bibliothèque.²⁷

(γ) La « littérisation » des documents se manifeste enfin au niveau de la **langue** des documents. On assiste plus généralement à une mutation des paradigmes linguistiques qui se traduit par des tendances *a priori* contradictoires :

∞ le retour à l'atticisme. Une étude récente a par exemple montré que, dans les papyrus, l'usage de l'attique $\acute{\epsilon}\theta\acute{\epsilon}\lambda\omega$, éclipsé par $\theta\acute{\epsilon}\lambda\omega$ dans la *koimê* hellénistique, réapparaît au I^{er} s., augmente nettement au IV^e s. et culmine au VI^e s. (cf. Fig. 1).²⁸ C'est une évolution générale.²⁹

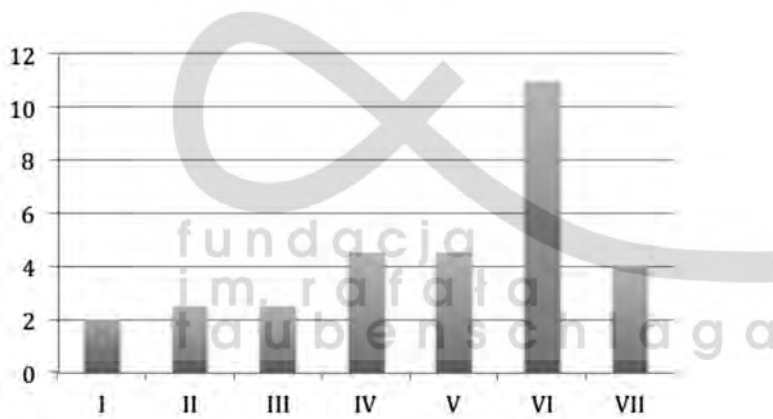


Fig. 1. Nombre d'attestations d' $\acute{\epsilon}\theta\acute{\epsilon}\lambda\omega$ dans les papyrus

²⁶ Cf. FOURNET, « Entre document et littérature » (ci-dessus, n. 19), p. 68–69. On trouvera une liste plus complète dans mes *P. Aphrod. Pét.* (en cours de publication).

²⁷ *P. Aphrod. Lit.*, p. 669–673.

²⁸ W. CLARYSSE, « The democratisation of atticism. $\theta\acute{\epsilon}\lambda\omega$ and $\acute{\epsilon}\theta\acute{\epsilon}\lambda\omega$ in papyri and inscriptions », *ZPE* 167 (2008), p. 144–148. Le graphique que je donne se fonde sur cet article.

²⁹ Cf. A. L. CONNOLLY, *Atticism in Non-Literary Papyri of the First Seven Centuries AD: A Study in Several Features of Orthography and Syntax*, thèse de l'Université de Sydney 1983,

∞ l'invasion des poétismes. Ce phénomène mériterait une étude plus systématique que celle d'H. Zilliacus (qui n'est pas sans erreurs).³⁰ Certains de ces poétismes se sont répandus dans la langue courante ou administrative de l'Empire : ainsi *αἴσιος* « de bon augure » qui ne se trouvait que chez Homère, les Tragiques et les Lyriques, est réactivé par la propagande impériale dans l'expression *αἰσία ἐμβολή* « heureuse annonce » qui se rencontre dans les papyrus du VI^e s.³¹ Ces mots, qui participent d'une tendance générale, ne nous disent rien de la culture de ceux qui les emploient. D'autres si, et ils manifestent une intention de la part du rédacteur. Je ne prendrai qu'un seul exemple emprunté aux archives de Théophanès qui comptent de nombreuses lettres à coloration très littéraire :³² le *P. Herm.* 6 (IV^e s.), lettre de Bêsodôros à Theopphanès, qui frappe par le nombre de mots appartenant au lexique tragique et surtout platonicien :³³

non publiée, citée par G. H. R. HORSLEY, *New Documents Illustrating Early Christianity* v, Sydney 1989, p. 46-48. Voir autrement, au sujet de la recrudescence de l'optatif et de certaines de ses formes attiques, les remarques de B. MANDILARAS, *The Verb in the Greek Non-Literary Papyri*, Athens 1973, §§ 604-605, 621, 625, 652, 657-658.

³⁰ H. ZILLIACUS, *Zur Abundanz der spätgriechischen Gebrauchssprache* [= *Societas Scientiarum Fennica, Commentationes Humanarum Litterarum* 41/2], Helsinki - Helsingfors 1967, p. 71-83. Cet auteur introduit dans sa liste de mots poétiques des termes attestés dans des papyrus (para)littéraires (ainsi *αἰθαλοεῖς*, *ἀμαλλοδέτηρ*, *ἄναξ*, les deux premiers provenant de *Scholia minora*, malencontreusement indexés dans l'index général des *P. Cair. Masp.* III, et le troisième d'un poème de Dioscore, *P. Cair. Masp.* III 67336, que l'éditeur n'a pas reconnu comme tel).

³¹ L'adjectif est plus rarement employé dans d'autres contextes, toujours dans des papyrus du VI^e-VII^e s. : *αἰσίας ἀρχῆς* (*P. Ant.* II 97, l. 7) ; *τὴν αἰσίαν ὑμῶν κατάστασιν* (*P. Apoll.* 64, ll. 1-2) ; *τὴν αἰσία[ν] ὑμῶν ... ὑ[περ]φύταγ* (*P. Cair. Masp.* I 67007, l. 4) ; *τῶν αὐτῆς αἰσίῳ γάμω[ν]* (*P. Cair. Masp.* II 67151, l. 171) ; *αἰσίας α[ὐ]τῆς ἀκοῆ[ς]* (*P. Cair. Masp.* III 67295, III, l. 34) ; etc.

³² Sur Theopphanès, cf. A. MOSCADI, « Le lettere dell'archivio di Teofane », *Aegyptus* 50 (1970), p. 88-154 ; Hélène CADELL, « Les archives de Théophanès d'Hermoupolis : documents pour l'Histoire », [dans :] *Egitto e storia antica. Atti del Colloquio internazionale. Bologna, 31.8-2.9.1987*, Bologna 1989, p. 315-323 ; J. MATTHEWS, *The Journey of Theophanes. Travel, Business and Daily Life in the Roman East*, New Haven 2006 ; M. CHOAT, « The public and private worlds of Theophanes of Hermopolis Magna », *Bulletin of the John Rylands Library* 88 (2006), p. 41-75.

³³ Je donne le texte de *P. Herm.* 6 en prenant en compte la réédition d'A. MOSCADI, *Aegyptus* 50 (1970), p. 138-146 (= *BL* VI, 51-52 ; cf. aussi IDEM, « Ancora su PHerm. Rees 6 »,

τῶι δεσπότῃ μου καὶ ἀδελφῶι Θεοφάνει Βησόδωρος
πλε[ῖστα] χαίρειν.

- ἦν ὡς ἀληθῶς [σου] **πόθος** τις κα[ὶ πο]λὺς ἐνκε[ι]μ[εν]ο[ς] τῇ[ι] διανοίαι
4 μου, ἀδελφε κύριε, ὃς τῇ σῆι κατὰ τὴν πόλιν ἐκάστῃ ἐπιφανείαι
τε καὶ λαμπρότῃ τὸ ἀναπίμπλασθαι ἡδονῆς καὶ τ[ῶ]ν βουλομέ-
νων τυχεῖν διὰ μόνῃς τῆς ὄψεως παρεσκεύαζ[ε]ν· νῦν δ' ὁ βρα-
χὺς οὗτος χρόνος τῆς ἀποδημίας ποθεινοτέραν τὴν θεάν ὄρᾶν
8 εὐχομένοις ἡμῖν ἐμπεποίηκεν, ἐπεὶ καὶ ὁ ἐν τῷ **καμμύειν**
χρόνος ἐλάχιστος ὢν πολὺς τις καὶ **ἀμέτρητος** τοί[ς] ἐ[ρ]ῶσι καὶ ποθοῦσι
διαφαίνεται. [οὔ]τω τοίνυν τὸν ταῦτὸν πάσχων, εὐχο[μαι] τῆς τοιαύτης
ἀπαλλαγῆναι ἐπιθυμίας, ἀφ' ἧς καὶ τὸ θεωρεῖν σ[ε] τά[χι]στά μοι συμ-
12 [βή]σεται· ὡς γὰρ ἐπὶ τούτῳ διάκειμαι τοὺς πανταχόθεν ἐκάστοτε
[π]αρεπιδημ[οῦν]τας τῶν ξένων ἐρω[τ]ῶν· ἔργ[ο]ν καὶ μακρὸν εἰπεῖν·
οὐδὲν γὰρ ἐ[στι]ν οὔτ' ἐντιμότερον οὔτ' ἰσχυρ[ό]τερον ἀδελφοῦ
γνησίου ὡς [...]τον αὐτὸ πολλακίς [...] [...]ξεν. ἔστι δέ
16 μοι νῦν ἐπιμελ[έ]ς καὶ σφόδρα **εὐκταῖον** τῶν [μέ]ν σοι κατορθωθέν-
των πραγμάτων τὴν τύχην ἀκριβῶς καταμαθεῖν, ὅπως ἂν
καὶ αὐτὸς ἐφ' οἷς ἐνδόξως **διεκράζων** μέγιστα ἡσθῶ· πιστεύω
γὰρ ἀκριβῶς κ[αὶ] θαρρῶ ὡς οὐδὲν τι **ἄη[θ]ε[ς] οὐδ' ἄτοπον** συμβήσε-
20 ται [τ]οῦ θεοῦ σο[ι] πρ[ὸ]ς πάσαν πρ[ᾶ]ξιν συ[ν]θεμένου, ἐφ' οἷς δικαίως
τ. . προσι [...]ς εὐεργετεῖν κατ' ἐμα[υτὸν] τοί[ς] γὰρ ἀγαθοῖς τῶν
ἀνθρώπων παρὰ θεοῦ ἀπόκεινται [πάμπολλα] τιμαί. εἷη δέ σε,
κύριε ἀδελφε, **κατορθώσαν[τ]α** ὑγιῶς κατελθ[εῖν] ἐπὶ τὴν πατρίδα·
24 **με[θ'] ἡδο[ν]ῆς καὶ χαρᾶς** γὰρ [ἡ]μῶν ἐπὶ τ[ὴν] πατρίδ[α] ἡμῖν κατα-
[βή]σει· .υ. [κ]αὶ μείζ . . [α] . . λλ. [...]· ὅτιοῦν μοι ὑπ[ὲρ]
[...]αν κατὰ τ[ὸ]ν βίον θεωρεῖται. ἔπειτα [τῶι] γε ὑψίστῳ θεῶι
χάριν τινὰ καὶ πολλὴν εἶχον ἂν, εἰ ὄψει θεωρεῖν τὰ κατὰ σέ
28 πράγματα **οἷός τ'** ἦν ἐγώ, τὴν αὐτὴν ὁδὸ[ν] ἐξ ἀρχῆς σοι στείλα-
μ[εν]ος· νῦν δ[έ] ὁ **πρωσδήποτε** τοῦτο σαφειστ[έ]ρος ἀκοῆι δέ-
ξα[σ]θαι καὶ μα[θ]εῖν τὰ περὶ σέ πράγματα [βού]λομαι ὡς τάχιστά
τε καὶ εὐχομαι. ἀσπάζομαί σε πολλ[άκις], ἀδελφε ψυχῆ[ς]
32 ὡς ἀληθῶς, καὶ πάντας τοὺς σὺν σοὶ κατ' ὄνομα.
(2^e m.) ἔρρωμένον σε ἀπολάβοιμι, δέσποτα ἀδελφε,
τῶν ἡμῖν βουλομένων ἐνδόξως τυχόντα.

Étant donné les connexions du milieu de Theophanès avec le culte d'Hermès Trismégiste³⁴, ce platonisme lexical est parfaitement de circonstance et, tout en témoignant de la culture lettrée de Bêsodôros, affirme des valeurs intellectuelles (et religieuses) qui l'unissent à son correspondant.³⁵

3. L'approche « documentariste » de la culture littéraire doit enfin scruter **l'écriture et la mise en page des documents**. Si la paléographie et la bibliologie sont deux domaines très étudiés de la papyrologie littéraire, elles ne font pas l'objet de la même attention de la part du papyrologue documentaire : la paléographie ne l'intéresse le plus souvent que comme moyen de datation ; quant à la mise en page (format du feuillet, orientation fibrale, présentation du texte), elle ne donne lieu généralement à aucun commentaire. Les informations qu'elles nous renvoient sur la culture du scripteur et plus généralement de la société sont pourtant de premier ordre et mériteraient d'être rassemblées et synthétisées systématiquement. C'est le domaine où il y a le plus à faire, notamment pour la période qui nous intéresse aujourd'hui : la physionomie des documents (surtout de la lettre) a subi en effet entre la fin du III^e et le V^e s. une profonde mutation qui se fait sentir à trois niveaux :

(a) L'écriture. Contrairement aux époques précédentes, les documents adoptent de plus en plus fréquemment des écritures de librairie ou influencées par celles-ci. Quelques exemples :

∞ un des plus anciens est le *P. Flor.* II 259 (249–268), lettre de Timaios, qui contient d'ailleurs un post-scriptum constitué de deux vers d'Homère (*Iliade* II 1–2) ; il se trouve que Timaios pourrait avoir été aussi copiste de textes littéraires ;³⁶

Aegyptus 53 [1973], p. 159) et les corrections enregistrées dans *BL* v, 44. J'ai mis en gras les mots à forte coloration littéraire et en gras souligné ceux qui témoignent d'une influence platonicienne. Pour plus de détails, on se reportera au commentaire de Moscardi.

³⁴ Cf. G. FOWDEN, *Hermès l'Égyptien. Une approche historique de l'esprit du paganisme tardif*, Paris 2000, p. 257–258.

³⁵ Je n'entrerai pas ici dans le débat sur le christianisme des archives de Theophanès : CADELL, « Les archives de Théophanès » (ci-dessus, n. 32), p. 321–322, a bien montré qu'il manquait de bases solides.

³⁶ FOURNET, « Homère dans les papyrus non littéraires » (ci-dessus, n. 7), p. 142.

∞ le premier ensemble significatif est livré par les archives de Theophanès : les cas de *P. Herm.* 4 (lettre de Iôannès et Leôn) et 5 (lettre d'Hermodôros),³⁷ dont l'écriture est proche du *P. Oxy.* VII 1015 (*enkômion* de Theôn, fin III^e s.)³⁸ ou du *P. Bodmer* XX (*Apologie de Phileas*, IV^e s.),³⁹ sont particulièrement intéressants car ils montrent que l'écriture majuscule, dans laquelle ils sont écrits et qui s'oppose résolument à la cursive documentaire, n'est pas l'idiotisme d'un épistolier qui cherche à faire du genre, mais était pratiquée par des secrétaires pour plusieurs individus : cela « dépersonnalise » le phénomène.

Cette fluidité entre écritures littéraires et documentaires me semble être la traduction graphique du phénomène de « littérisation » de la langue des documents dont j'ai parlé plus haut.

(b) Les signes diacritiques (« lectional signs »). L'écriture, en même temps qu'elle adopte des standards littéraires, se dote de plus en plus fréquemment de signes diacritiques jadis inventés pour l'étude philologique des auteurs et leur copie (accents, esprits, points, surlignes, apostrophes). J'ai attiré l'attention sur ce phénomène et ses implications culturelles au Congrès de Copenhague ;⁴⁰ je n'y insisterai pas si ce n'est pour donner ici quelques exemples et signaler la variété des enseignements qu'on peut en tirer.

L'usage des accents, esprits et points se rencontre avant tout dans les lettres et les pétitions, plus rarement dans d'autres types de documents (comme des testaments, contrats de divorce, arbitrages). Il est généralement l'indice d'un scribe qui a reçu une bonne formation littéraire comme j'ai pu le montrer avec le cas de Dioscore. Aussi cet usage permet-il au papyrologue de mieux cerner le profil du scribe quand celui-ci n'est pas autrement connu. Par exemple, il est tentant de mettre en rap-

³⁷ Cf. pl. IV et V de l'édition.

³⁸ *MP*³ 1847 ; E. G. TURNER, *Greek Manuscripts of the Ancient World*, Londres 1987 (2^e éd.), n° 50.

³⁹ Cf. les pl. de l'édition.

⁴⁰ J.-L. FOURNET, « L'influence des usages littéraires sur l'écriture des documents : perspectives », *PapCongr.* XX, p. 418-422.

port la présence d'un esprit rude dans la souscription d'une pétition soumise par une certaine Aurelia Sôteira (*P. Oxy.* LXIII 4364, III^e/IV^e s., l. 1 : $\omega = \varphi$) avec la lettre écrite au verso par une épistolière anonyme au sujet d'un échange de livres, en l'occurrence chrétiens (*P. Oxy.* LXIII 4365, IV^e s.) : parce que le contenu de la lettre semble confirmer l'indice graphique livré par la pétition, on est tenté de faire le lien entre les deux et de les attribuer à la même Sôteira, qui apparaît comme une femme cultivée possédant des livres et capable d'écrire avec un certain raffinement.⁴¹

Le recours aux diacritiques dépasse les individus et dessine des milieux ou des réseaux lettrés. L'exemple le plus flagrant est celui des membres du cercle de Theophanês dont les lettres regorgent d'accents, d'esprits et de points.⁴² Ces signes jouent dans ce groupe le rôle de marqueurs culturels et participent ainsi d'une espèce de sociabilité littéraire. D'autres cas sont moins patents : dans un exemplaire de *Scholia minora* à l'*Odyssée*,⁴³ la sur-ligne pour signaler un iota *mutum* (l. 11 : $\alpha\pi\alpha\tau\bar{\alpha}\iota = \acute{\alpha}\pi\alpha\tau\grave{\alpha}$) – procédé par ailleurs rarissime dans les papyrus littéraires⁴⁴ – fait irrésistiblement penser aux archives du *scholasticus* Ammôn, qui y a constamment recours dans ses documents, en plus des points, accents et esprits. Comme ces scholies ont été écrites au dos d'un document par une main assez maladroite, on pourrait avoir affaire à un texte témoignant d'un enseignement dispensé à un proche par Ammôn, qui possédait par ailleurs un exemplaire de l'*Odyssée* (*P. Ammon* 11 26).⁴⁵

⁴¹ L'éditeur penche prudemment pour l'identité de la rédactrice de la pétition et de celle de la lettre.

⁴² Cf. *P. Herm.* 2 (lettre d'Anatolios : esprits), 3 (lettre d'Anatolios : esprits), 5 (lettre d'Hermodôros : esprits, accents, points), 6 (lettre de Besodôros : esprits, accents, points) ; *P. Ryl.* IV 624 (lettre d'Hephaistiôn et Horigenês : esprits, accents, points).

⁴³ *P. Köln* IX 362 (*MP*³ 1207.2).

⁴⁴ Cf. le papyrus de Philon, *van Haelst* 695 (IV^e s.), éd. V. SCHEIL, *Deux traités de Philon* [= *Mémoires publiés par les membres de la mission archéologique française au Caire* 9/2], Paris 1893, p. IV : $\omicron\rho\alpha\acute{\iota}\varsigma$ pour $\acute{\omicron}\rho\grave{\alpha}\varsigma$, $\pi\epsilon\rho\iota\sigma\tau\epsilon\rho\alpha\bar{\iota}$ pour $\pi\epsilon\rho\iota\sigma\tau\epsilon\rho\grave{\alpha}$. Je connais un exemple documentaire, dans *P. Oxy.* xxxi 2603, l. 13 dont le texte est cité plus haut.

⁴⁵ L'éditeur du *P. Köln* IX 362 a proposé de rattacher ces scholies aux archives d'Ammôn (p. 59, n. 10) et je l'ai suivi dans « Homère dans les papyrus non littéraires » (ci-dessus, n. 7), p. 152.

L'emploi de diacritiques peut offrir des renseignements plus précis sur la formation de la personne qui les utilise. Par exemple dans une lettre administrative du VI^e s. récemment éditée,⁴⁶ on rencontre la forme *κορρηκτωρι* : l'usage de l'accent latin dessine le profil d'un fonctionnaire appartenant à la haute fonction publique, bien latinisée.

Les diacritiques sont aussi des indices de l'importance accordée par les scribes aux documents qu'ils rédigent : s'ils les emploient dans des pétitions ou des lettres – documents qui s'adressent à l'autorité ou qui témoignent des égards que l'on a envers son correspondant –, ils s'en abstiennent dans des types documentaires plus « prosaïques ». Les exceptions sont souvent significatives comme cet acte d'exhérédation (*P. Cair. Masp.* I 67097, v^o D, VI^e s.), qui, plutôt qu'un acte juridique authentique, pourrait être un exercice de rhétorique comme le supposait son éditeur,⁴⁷ ou comme ce testament (*P. Cair. Masp.* II 67151, l. 570) qui, en tant qu'expression des dernières volontés du défunt, acquiert ainsi un statut à part.⁴⁸ Le lustré que les diacritiques confèrent aux documents, le scribe peut en jouer dans le contenu même du texte comme une marque de respect : pour prendre un exemple qui précède quelque peu notre période et qui concerne l'emploi de l'iota adscrit (qui, comme les esprits, accent et points, joue le

⁴⁶ P. Vindob. G 21595, éd. A. BENAÏSSA, « An anonymous *Corrector Augustammicae* of the sixth century », *ZPE* 177 (2011), p. 240–242.

⁴⁷ Cf. cependant E. CUQ, « Un nouveau document sur l'*apokéryxis* », [dans :] *Mémoires de l'Académie des Inscriptions et Belles-Lettres* 39, Paris 1913, p. 218–229, qui pense qu'on a affaire à un acte réel, tout en envisageant la possibilité qu'il puisse s'agir d'une sorte d'exercice par lequel Dioscore aurait montré « son savoir-faire (...) à ses futurs confrères de la *schola* des tabellions d'Antinoë ». Quelle que soit la nature exacte de cet acte, sa dimension très rhétorique suffit à expliquer l'usage des esprits qui y est fait (l. 52 et 72) et qui est le pendant des mots et expressions littéraires dont il est truffé comme l'aristophanesque *ἀποβολμαίος* (l. 77) (cf. Alia HANAFI, « *Ἀποβολμαίος* : A poetical word in Dioscorus's non-literary papyrus », [dans :] *Acta of the First International Colloquium of the ESGRS. Alexandria, 22–24 November 1986*, Le Caire 1990, p. 12–26) et divers échos néotestamentaires (cf. A. PAPATHOMAS, « Zwischen juristischen Formeln und künstlerischer Schöpfung. Neutestamentliche Elemente in den Urkunden des spätantiken Dichters und Notars Flavius Dioskoros von Aphrodito », *Hermes* 128 [2000], p. 481–499).

⁴⁸ Cela est confirmé par le *prooimion* très littéraire qui introduit ce texte comme nous l'avons vu plus haut.

rôle d'un « lectional sign »), Jules Nicole avait très finement remarqué au sujet de l'*inscriptio* d'une pétition adressée au centurion Julius Julianus et à son subordonné, le décurion Julius Konôn (*P. Gen.* 1² 17 [207], l. 1-2 : Ἰ[ουλ]ίωι Ἰουλιανῶι (ἐκατοντάρχη) | Ἰουλίῳ Κόνωνι (δεκαδάρχη)) que « cette marque d'honneur [sc. l'iotas adscrit] est accordée au centurion, refusée au décurion que l'on trouve évidemment un trop mince personnage ». ⁴⁹

Et pourtant, les éditeurs n'accordent pas toujours toute l'importance nécessaire à ces petits signes : cela aurait parfois permis d'éviter des erreurs de lecture ou d'interprétation. Ainsi dans *P. Kell.* 1 12 (IV^e s.), l. 31 (θατμε[édité Θατμε]), l'apostrophe aurait dû empêcher l'éditeur de vouloir y voir un nom commençant par Θατμε- : on a affaire à une apostrophe diastolique marquant la fin d'un nom non grec se terminant sur une consonne autre que σ ou ν, en l'occurrence le nom égyptien Θατ.⁵⁰ Dans *P. Herm.* 6, qui est un des meilleurs exemples de documents truffés de diacritiques, l'éditeur lit πὰςχων (l. 10) et édite πάσχων. Mais un accent grave à cet emplacement serait difficile à justifier. Il serait en revanche plus satisfaisant de l'interpréter comme un grave qui aurait été déporté sur la syllabe précédente selon un usage bien attesté.⁵¹ En conséquence, je propose de lire πὰθων pour παθών.⁵² Un autre exemple de l'éclairage que peut apporter un diacritique dans la compréhension d'un texte : dans *P. Kell.* 1 20 (ca. 300-320),

⁴⁹ Pour l'emploi de l'iotas adscrit, cf. W. CLARYSSE, « Notes on the use of the iota adscript in the third century BC », *CdÉ* 51 (1976), p. 150-166.

⁵⁰ Cf. *BL* XI 31.

⁵¹ Cf. *P. Aphrod. Lit.*, p. 24.

⁵² La planche v de l'édition semble confirmer qu'il n'y a de la place que pour trois lettres et non quatre après πα-, mais ne permet pas d'aller plus loin. J'ai demandé à Roberta MAZZA, que je remercie de son aide, de contrôler l'original, et elle m'écrit : « Lunico elemento che mi farebbe escludere χ è che la chi è di solito tracciata con la aste molto allungate specialmente in basso e nessuna traccia è visibile sul papiro » (e-mail du 11/02/2014). Aussi serait-elle d'accord pour lire πὰ[θων]ν. Il y a d'autres diacritiques que l'éditeur n'a pas relevés : ainsi une diastole basse (équivalant à une sorte de virgule) à la l. 9 (ων ,πολυς), pour éviter au lecteur de faire aller πολύς avec ὦν, et peut-être à la l. 10, avant εὔχο[μαι], pour séparer la participiale de la principale. On retrouve probablement ce signe, à la l. 13, après ἐρω[τ]ῶν quoique l'éditeur le signale dans l'apparat sous la forme d'un point en haut (ερω[τ]ῶν). La ponctuation de ce texte mériterait d'être étudiée.

on rencontre un seul accent, à la l. 13, *ταῖς ἐξ ἀνθρώπων*. [...] que l'éditeur lit *ταῖς ἐξ ἀνθρώπων*. [...] et traduit «with the --- from men». En fait, on a une citation littéraire d'Eschine, I 59 (*τὰς ἐξ ἀνθρώπων πληγὰς*), qui oblige à lire *ταῖς ἐξ ἀνθρώπων π[ληγαῖ]ς* «avec des coups inhumains». ⁵³ L'accent, par son aura littéraire, la met graphiquement en relief.

(c) La mise en page. Les rédacteurs accordent de plus en plus de soin à la présentation et à la lisibilité d'ensemble, par le recours à divers procédés :

(a) Le premier consiste à séparer plus visiblement les parties constitutives du document soit par des signes de découpage empruntés aux livres,⁵⁴ soit par des *vacat* structurants. L'usage de ces derniers dans le *P.Oxy.* xxxi 2603 (IV^e s.), déjà cité, témoigne d'un sens aigu de la mise en forme (Fig. 2) : le prescrit (l. 1-2) est séparé du *sôma* de la lettre (l. 3-32) par un espace anormalement dilaté, tandis que le *sôma* est séparé de la formule de salutation finale par un espace moindre, cette dernière se distinguant de toute façon à elle seule par sa taille. Les parties, à leur tour, sont subdivisées par des blancs : ainsi dans le prescrit entre le nom de l'épistolier et la formule de salutation *εὖ πράττειν* ; et dans le *sôma*, un blanc sépare le long *proimion* de la demande (l. 25). Enfin, un *vacat* (l. 16) signale les deux parties du *proimion*, la partie consacrée au comparant (le miroir) et celle du comparé. Dommage qu'à l'exception de celui de la l. 2, l'éditeur n'ait pas signalé ces blancs, pourtant porteurs de sens ! C'est d'ailleurs une tendance générale des éditeurs de documents de ne pas signaler systématiquement les *vacat* dans l'apparat critique ...

⁵³ Cf. F. REITER, « *Αἱ ἐξ ἀνθρώπων πληγαί* », *APF* 45 (1999), p. 183-189.

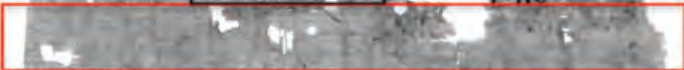
⁵⁴ Comme la *paragraphos* ornée ou *coronis* qui sépare, dans *P. Münch.* I 6, l. 54 (583) (Pl. IX), les débats de la sentence de l'arbitre, que l'on peut comparer, par exemple, à celle qui conclut chacune des colonnes du poème de Dioscore *P. Aphrod. Lit.* IV 4 (Pl. XLII), presque contemporain (551).

ΤΟΥ ΧΡΙΣΤΟΥ ΔΕ ΦΩΣ

ΙΩΑΝΝ

ΚΑΙ

ΤΗΝ



4

ΤΩ ΕΒΑΤΤΟΝ ΚΤΗ ΔΑΜΕΝΩΙ Ε. ΔΕ ΑΥΤΟΙΣ ΤΙΣ

ΧΑΡΙΣ ΥΝΗΤΗ ΝΟΙΣ ΤΑ ΠΡΟΣΩΠ. ΣΝΟΙΣ ΠΙΣΤΕΩ

ΟΥΧΙ ΜΑΤΤΗ ΤΟΥ ΛΟΓΟΤΟΣ Η ΕΒΑΤΤΟΥ ΡΟΥΝΤΟΣ

ΔΙΟ ΤΟΥ ΑΥΤΩ ΕΠΙ ΚΕΙΜΕΝΟΥ ΧΑΡΑΚΤΗΡΕΣ

8

ΚΑΙ ΤΗ ΧΡΗΣΙΝ ΚΑΙ ΤΟΥ ΕΙΔΟΥΣ ΕΠΙ ΤΗΝ ΕΒΑΤΤΟΥ

ΕΒΑΤΤΟΥ ΔΕ ΑΥΤΟΥ ΑΝΤΙΤΥΣ ΕΠΙ ΟΝΕΝ ΚΑΙ ΜΑ

ΤΤΩ ΔΑΥΝ ΚΑΤΗ ΠΕΡΙ ΤΗΝ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗΝ ΕΒΑΤΤΟΥ

ΚΑΙ ΟΥΧ ΟΤΕ ΠΡΟΣ ΑΥΤΩ ΧΙ ΤΗ Η ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ

12

ΡΙ ΤΟΥ ΚΑΛΛΟΥΣ ΚΑΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΡΙΑΥΤΟΝ ΠΕΡΙ ΤΟΥ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΛΟΥΣ ΤΗ ΧΙ ΤΟΥ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

16

ΚΑΙ ΤΟΥ ΕΒΑΤΤΟΥ ΠΡΟΣ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

20

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

24

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

28

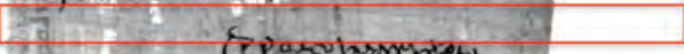
ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

32

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ



ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ ΕΠΙ ΤΗ ΕΒΑΤΤΟΥ

Τῶι κυρίῳ μου [ἀ]δελφῶι Σ[αραπίῳ]νι (?)
 Παῦλος ■ εὖ [πράτ]τειν.

PRESCRIT

- Τῶι ἔσοπτρον κτησαμένῳ ἢ ἄλλο τι τοιοῦτο ἐν
 4 χειρὶ ἔχοντι ἐν οἷς τὰ πρόσωπα ἐνοπτρίζεται
 οὐ χρεία ἐστὶν τοῦ λέγοντος ἢ μαρτυροῦντος
 περὶ τοῦ αὐτῶι ἐπικειμένου χαρακτῆρος
 καὶ τῆς χροίας καὶ τοῦ εἴδους ὅπως ὑπάρχει.
 8 Αὐτὸς γὰρ δι' ἑαυτοῦ μάρτυς γέγονεν καὶ λέ-
 γειν δύναται περὶ τῆς ἰδία[s ὁ]μοιώσεως.
 καὶ οὐχ ὅτε τις αὐτῶ λέγει ἢ σαφηνίζει πε-
 12 ρὶ τοῦ κάλλους καὶ τῆς εὐπρεπείας τῆς πε-
 λους ὑπάρχει τοὺς ἐν ἀγνοίαι ὄντας
 καὶ τοῦ ἐσόπτρου πόρρω καθεστῶ-
 16 ξαντος. ■ Τὸ αὐτὸ δέ ἐστὶν καὶ πρὸς σέ, —
 ὦ φίλτατε. Καὶ γὰρ ὡς δι' ἐσό[ό]πτρου κα-
 τ(ε)ίδες τὴν πρὸς σέ μου εἶ[μ]φυτον
 στοργὴν καὶ ἀγάπην τὴν αἰεὶ νέαν. comparant
 20 Περὶ δὲ τῶν ἡμετέρων γνωρίμων
 τῶν σοι τὰ γράμματα καταφερόντων
 [οὐ δέ]ον μοί ἐστιν γράψαι [[σοὶ]] .. ἐπ[ιστα]-
 μ[ένω] τὴν πρὸς [πά]ντας σοῦ φιλίαν comparé
 24 κα[ὶ στο]ργήν, μάλιστα πρὸς τοὺς ἡμετέρους
 ἀδελφούς. ■ Προσδέξαι οὖν ἐν ἀγάπῃ —
 ὡς φίλους, οὐ γὰρ κατηχούμενοί εἰσιν
 ἀ[λ]λὰ τῶν περὶ Ἰσίωνος καὶ Νικολάου DEMANDE
 28 ἰδ[ί]οι τυγχάνουσι, καὶ εἴ τι αὐτοῖς ποιεῖς ἐμο[ὶ] ἐποί-
 ησας. Πάντες οἱ ἐνθάδε ἀδελφοὶ προ[οσ]-
 αγορεύουσιν ὑμᾶς. Ἀσπάσαι κα[ὶ] τοὺς σὺν
 σοὶ πάντας ἀδελφούς ἐκλεκτού[s] τε καὶ [κα]-
 32 τηχομένους.

Ἔρρωσο ὑμᾶς εὐχομαι.

FORMULA
 VALEDICENDI

Fig. 2. Les *vacat* structurants du P. Oxy. xxxi 2603

(β) Le deuxième procédé, qui semble apparaître vers le ^v^e s., consiste à varier les styles d'écriture pour démarquer les parties. Se développent en effet, dans l'écriture proto-byzantine des papyrus, des systèmes d'opposition à valeur fonctionnelle assez complexes qui jouent sur l'inclinaison de l'écriture (cursive droite – cursive inclinée) et sa dilatation (écriture de type protocolaire – cursive normale) : selon les besoins et les écoles notariales locales, on peut ainsi être amené à opposer les éléments suivants : protocole/*sôma*, acte/complétion, prescrit/corps de lettres ou de pétition, lettre/endorsement, texte suivi/*gnôsis*, etc. J'ai traité de ces systèmes d'opposition (encore que très sommairement) dans *P. Worp* 35, p. 245–249.

Je me contenterai de l'illustrer ici avec le *P. Rain. Cent. 125* (VI^e s.) qui oppose trois types d'écriture (Fig. 3) : cursive droite influencée par le type protocolaire pour le prescrit (A) ; cursive penchée pour le reste de la lettre (B) ; cursive droite pour la *gnôsis* de la col. II (C).

(γ) Le troisième procédé consiste à varier le positionnement du texte sur le coupon de papyrus en jouant sur l'orientation fibrale et la largeur de la colonne d'écriture. J'ai montré au Congrès d'Helsinki⁵⁵ que, malgré d'inévitables variations régionales, les rédacteurs de documents byzantins ont développé un système d'opposition fonctionnelle entre écriture transfibrale et perfibrale. Ce système fonctionne pleinement pour les lettres (transfibrales) et les pétitions (perfibrales). J'ai proposé, de façon hypothétique, de voir dans la disposition perfibrale l'influence de la bibliologie littéraire (modèle archaïsant du rouleau littéraire ou modèle plus contemporain de la lettre festale).⁵⁶ En tout cas, on assiste à l'époque proto-byzantine à une diversification des mises en page et à leur codification, qui restent à étudier en détail mais que, pour ma part, je suis tenté

⁵⁵ J.-L. FOURNET, « Disposition et réalisation graphique des lettres et des pétitions proto-byzantines : pour une paléographie "signifiante" des papyrus documentaires », [dans :] *PapCongr* xxiv, p. 353–367.

⁵⁶ Pour la dernière hypothèse, cf. J.-L. FOURNET, « The impact of Christianity on papyri: the case of Dioscorus of Aphrodite », [dans :] E. IERICINSCHI & Chrysi KOTSIFOU (éds.), *Coping with Change: Adapting Religions and Adopting Transformations in the Late Antique Eastern Mediterranean* (sous presse).

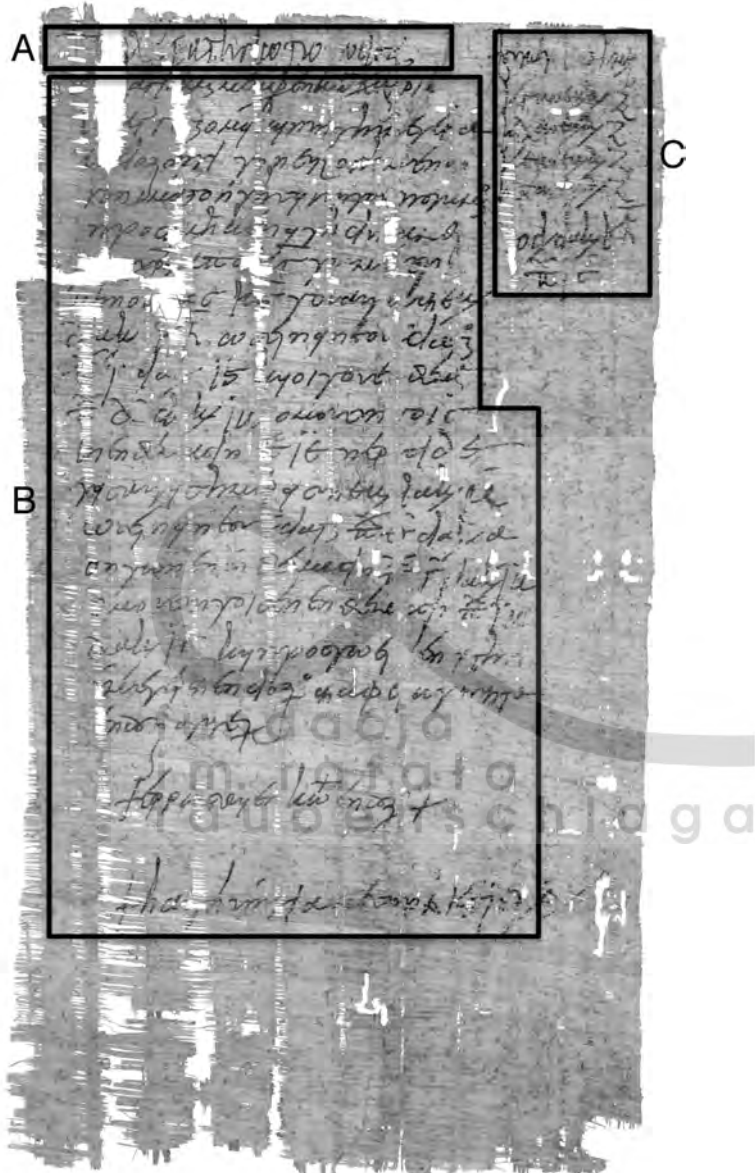


Fig. 3. Les trois styles d'écriture de *P. Rain. Cent. 125*

d'expliquer par l'abandon, au milieu du iv^e s., de l'archivage en *tomoi synkollésimoi* qui uniformisait un certain nombre de types documentaires.⁵⁷

Certains m'objecteront que ces considérations de paléographie et de mise en forme sont éloignées de mon sujet et sans signification réellement culturelle. Il n'en est rien : les indices que j'ai recensés et qui se multiplient très spectaculairement dans les documents de l'Antiquité tardive reflètent non seulement la formation de l'individu et son profil intellectuel (sa familiarité avec les livres), mais, à un niveau plus collectif, les modes d'écriture que privilégie l'époque et qui sont le reflet de ses choix culturels. Ils témoignent du développement d'une véritable culture de l'écrit où les rapports entre contenu et forme font l'objet d'une attention de plus en plus aiguë.

Mais il faut faire attention au fait que ces indices peuvent être ambivalents :

- ☞ le choix d'un lexique relevé peut être aussi le signe d'une difficulté à maîtriser les niveaux de styles. C'est ce qu'il faut probablement suspecter avec Dioscore, coptophone d'origine, qui, ne ressentant pas naturellement la différence entre langue poétique et langue prosaïque, n'a pas toujours senti la limite entre l'usage licite de poétismes, encouragé par l'époque, et l'abus. Aussi dans un partage de succession de sa main emploie-t-il la forme ionienne (donc empruntée à un poète) du mot *ὄνομα*, tout à fait hors de propos et sans valeur ajoutée dans un genre documentaire aussi banal.⁵⁸
- ☞ une écriture littéraire peut être aussi l'indice d'un manque de personnalité graphique et d'une incapacité à maîtriser la cursive. Ainsi bien des écritures que l'on pourrait *a priori* juger comme reflet d'une fréquentation assidue des livres sont en fait des écritures appliquées de personnes dont l'alphabétisation n'a pas dépassé le niveau de l'école.

⁵⁷ Cf. W. CLARYSSE, « Tomoi synkollesimoi », [dans :] M. BROSIUS (éd.), *Ancient Archives and Archival Traditions. Concepts of Record-Keeping in the Ancient World*, Oxford 2003, p. 344-359.

⁵⁸ ἀνθρομολογοῦμεν καὶ ἡμεῖς οἱ προγ[εγρα]μμέν[οι]. κατ' οὐνομα ὁμογενήσιοι ἀδελφοὶ καὶ υἱ[οί] σου π[έν]τε τὸν ἀριθμόν] (*P. Cair. Masp.* III 67314, Fr. 3, 7-8). Cf. FOURNET, « Homère dans les papyrus non littéraires » (ci-dessus, n. 7), p. 150.

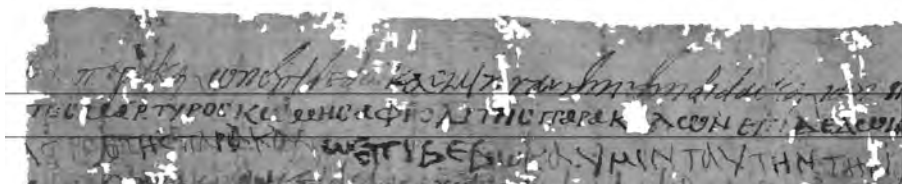


Fig. 4. Souscription du prêtre Prômaôs (*P. Cair. Masp.* III 67283, col. II, l. 2) : une écriture littéraire maladroite

Tel est le cas, selon moi, du prêtre Prômaôs qui souscrit une pétition destinée à l'impératrice Théodora (*P. Cair. Masp.* III 67283, col. II, l. 2 [540-544/545]) : il essaie de reproduire une majuscule inclinée (« sloping majuscule ») extrêmement littéraire, mais son caractère laborieux atteste un manque d'aisance dans le maniement de l'écriture (Fig. 4).⁵⁹ enfin, l'emploi de diacritiques peut être le reliquat d'une culture scolaire acquise à partir d'exemplaires accentués et ponctués.⁶⁰ C'est peut-être le cas du *P. Naqlun* II 27 (lettre d'affaire du VI^e s.) où l'usage de l'esprit rude (trois fois, l. 2 : ῆ ; et 6 : ἡμερα, ῆ) et de l'iota adscrit (l. 5 : αυτωι) jure avec les nombreuses fautes d'orthographe. Je serais tenté de voir dans le rédacteur un de ces Coptes hellénisés qui a conservé certains automatismes de sa formation scolaire.

C'est évidemment en croisant plusieurs indices et en les confrontant éventuellement au contexte offert par des archives qu'ils deviennent univoques et se renforcent. Tel est le cas de la lettre qui nous sert de fil conducteur, le *P. Oxy.* xxxi 2603 (IV^e s.), qui combine tous les marqueurs culturels dont j'ai parlé : ainsi à une langue soutenue (par exemple, l'em-

⁵⁹ Cf. aussi *CPR* xxv 28 (fin VI^e/VII^e s.) dont l'écriture influencée par l'ogivale contraste avec les fautes d'orthographe (l. 3 παρακαλὸν pour παρακαλῶν ; l. 5 ἔχωμεν pour ἔχομεν). Je renvoie le lecteur à la discussion de ce document (que je daterais plutôt du VII^e s.) dans mon c. r. de *CPR* xxv, *BASP* 47 (2010), p. 294.

⁶⁰ Sur l'usage des diacritiques dans des exemplaires utilisés en milieu scolaire, cf. CRIBIORE, *Writing, Teachers, and Students* (ci-dessus, n. 5), p. 83-86, et EADEM, *Gymnastics of the Mind* (ci-dessus, n. 5), p. 140-141.

ploi du très littéraire *εὖ πράττειν* au lieu de *χαίρειν*) et à une composition très rhétorique (*synkrisis* du miroir) correspondent, au niveau paléographique, une écriture assez littéraire,⁶¹ l'usage de ponctuation systématique,⁶² de l'iotacisme avec surligne (l. 13: *αγνοιαῖ*) et, au niveau de la mise en page, des *vacat* structurants.

CONCLUSION

L'approche « documentariste » de la culture littéraire que je viens de présenter a permis de dégager un certain nombre de marqueurs. La plupart d'entre eux témoignent d'une profonde mutation qui s'amorce au cours du III^e s. et se généralise au IV^e s. et qui aboutit à une réduction de l'écart entre livre et document, entre écriture pérenne et écriture quotidienne. L'élaboration des documents est désormais conditionnée par l'idéal de la *χάρις* et les préceptes de la rhétorique ; elle est marquée par une conception plus démonstrative de la culture littéraire personnelle, considérée comme moyen de se revendiquer de l'élite hellénisée. La rhétorique des *prooimia*, le recours aux citations et à des vocables littérairement marqués, l'emploi d'une écriture qui se veut proche de celle des livres sont les épiphénomènes d'un changement historique beaucoup plus profond qui se produit chez les élites urbaines à la suite de la municipalisation de l'Empire en œuvre à partir de la fin du II^e et du début du III^e s. Ces élites, désormais organisées autour des *boulai* locales, cultivent un hellénisme identitaire de plus en plus ostentatoire, notamment face à la montée du christianisme et d'une nouvelle élite chrétienne. Elles érigent en modèle le vieux patrimoine littéraire grec, prônent un retour à l'atticisme et développent une *koimê* rhétorique qui leur permette de communier en un idéal culturel et politique transrégional. L'exemple qui me paraît le plus symptomatique de ce lien entre municipalisation et développement d'une

⁶¹ Elle a été rapprochée par l'éditeur de celle du *BKT* v/I, p. 82 (éloge hexamétrique d'un professeur = *MP*³ 1851).

⁶² Signalée par l'éditeur, elle ne l'est plus dans le texte des *P. Oxy.* – autre indice de l'indifférence que suscitent ces « détails » paléographiques ...

culture littéraire démonstrative est la citation d'Euripide, *Ion* 732, que l'on rencontre dans la lettre adressée par la *boulê* d'Hermoupolis à Aurelius Ploutiôn.⁶³

L'évolution des pratiques administratives post-dioclétiennes, comme l'abandon de l'archivage en *tomoi synkollésimoi*, a induit d'autres changements qui ont affecté la mise en page des documents et l'ont dégagée de contraintes standardisatrices pour lui permettre de se diversifier selon les types documentaires. Parallèlement aux tendances « littérisantes » qui affectent son style, le document suit donc une évolution qui l'amène vers plus de lisibilité formelle et vers une plus grande corrélation fonctionnelle entre forme et fond.

Une conclusion méthodologique s'impose au terme de cet exposé : nous devons œuvrer à une meilleure intégration des papyrologies littéraire et documentaire, de plus en plus pratiquées par des spécialistes différents, ce qui atténue la sensibilité des papyrologues documentaristes à des phénomènes résultant de l'influence de la pratique littéraire sur la pratique documentaire.⁶⁴ Les éditeurs de documents doivent faire preuve d'une plus grande attention à l'égard de certains phénomènes paléographiques ou bibliologiques que j'ai tenté de décrire, alors même que je crois percevoir dans les éditions récentes une certaine érosion de nos beaux principes éditoriaux : on oublie de signaler l'orientation fibrale des documents (le système des flèches a même été abandonné dans certaines séries aussi prestigieuses que les *P. Oxy.*), on ne signale pas dans les apparats critiques les abréviations, etc. Le cas du *P. Oxy.* xxxi 2603 est assez emblématique sous ce rapport : alors même que l'éditeur avait signalé dans son édition du *JEA* les points marqués dans le papyrus, ceux-ci ont disparu dans l'édition reprise dans les *P. Oxy.* !

Cette meilleure intégration des papyrologies littéraire et documentaire implique, entre autres, de faire évoluer nos *instrumenta* : ainsi les

⁶³ *SPP* xx 61, col. 11 (= *WChr.* 40, 253-268), l. 7.

⁶⁴ Cette tendance à la spécialisation a été dénoncée par ailleurs comme préjudiciable à l'avancée de la papyrologie par H. MAEHLER, « Die Zukunft der griechischen Papyrologie », *PapCongr.* xxvi, p. 452 (= *idem*, « L'avenir de la papyrologie grecque », *AnPap* 21/22 [2009/2010], p. 7-8).

répertoires de papyrus littéraires n'enregistrent pas toutes les citations (mêmes littérales) incluses dans les documents alors même que ce sont des témoignages littéraires au même titre qu'un exemplaire de livre ; inversement la *DDB* élimine dans les textes composites les parties qui relèvent de la papyrologie littéraire.⁶⁵ Après l'*amicitia papyrologorum*, il reste à (re)construire l'*amicitia papyrologiarum* !

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⁶⁵ Cf. le cas de *BGU* v1 1470 : les vers d'Homère (*Od.* 1 1-7 = *MP*³ 1020) qui se trouvent entre un brouillon de pétition (l. 1-6) et une liste de noms (l. 14-25) ne sont pas reproduits et sont remplacés par la mention « Traces 7 lines » ...

Federico Morelli

**EGITTO ARABO
PAPIRI E PAPIROLOGIA GRECI***

NEL PRESENTARE QUESTE RIFLESSIONI sui papiri greci posteriori alla conquista araba, mi si pone subito il problema di quali argomenti prendere in considerazione, e di quali invece siano piuttosto di competenza dei colleghi arabisti e coptologi, come quelli invitati a trattare dello stesso periodo in questa stessa sede.¹ Questa considerazione preliminare porta già nel merito di una delle questioni fondamentali con le quali la papirologia di questo periodo è confrontata: il problema dell'uso delle diverse lingue (e per quel che riguarda greco e copto, anche scritture) in relazione ai tipi di documento e ai loro contenuti. Il che porta direttamente ad un'altra questione fondamentale, quella dei modi e dei tempi del procedere dell'arabizzazione del paese e, per quello che ci riguarda come grecisti, della scomparsa della lingua greca.

La questione è insomma, chi – grecista, coptologo, o arabista – abbia gli strumenti più adeguati per parlare, ad esempio, dell'amministrazione pubblica e fiscale nel VII secolo, e poi nell'VIII. O chi di contratti di

* Non è mia intenzione dare qui una bibliografia esaustiva e aggiornata degli studi sui papiri greci del periodo arabo, né questa sarebbe la sede appropriata per un lavoro di questo tipo. Mi scuso allora già adesso con tutti quei colleghi i cui lavori non riuscirò a citare.

affitto, della gestione della terra nell'VIII secolo, dell'evoluzione della proprietà terriera dopo la conquista, o dell'amministrazione dei monasteri. O anche, in cosa differisca il quadro che ognuno – come grecista, coptologo o arabista – può formarsi delle stesse cose: intendo sulla base non della *Sekundärliteratur*, ma dei documenti con i quali egli ha direttamente a che fare e che più determinano il suo modo di vedere le cose. Per i secoli successivi, il IX, X etc., almeno per il grecista il problema non si pone più: la documentazione greca scompare.

Poiché la divisione delle competenze per aree linguistiche è un fatto fisiologico in una disciplina filologico-storica come la papirologia, e una conoscenza e sensibilità ugualmente profonde per più lingue sono difficili da raggiungere, il problema posto adesso è un problema reale, un problema metodologico di base con il quale ci si deve confrontare preliminarmente e che anche poi deve essere tenuto in considerazione.

Emblematico è il caso degli archivi bi- o anche trilingui – come lo sono i principali del nostro periodo –, per le cui parti in lingue diverse dal greco il grecista, abbia egli o meno conoscenze di copto o arabo, si deve affidare alle edizioni dei colleghi coptologi e arabisti. Anche quando i risultati non lo convincano fino in fondo, o quando essi vadano in direzione del tutto diversa da quello che egli crede di aver ragione di ricavare dai testi greci. O per le cui parti in greco il coptologo, che di regola ha anche una formazione da grecista, deve avventurarsi su un terreno a lui meno familiare anche se non estraneo – e proprio per questo tanto più insidioso.

Lo specialista di una determinata lingua è portato a concentrare la sua attenzione su aspetti, periodi e ambienti che sono meglio documentati nei testi che egli meglio conosce e meglio può utilizzare. La documentazione che abbiamo a disposizione è un filtro, molto più selettivo di quello che ci piacerebbe credere, attraverso il quale vediamo un determinato periodo, e che determina pesantemente gli indirizzi della ricerca. Difficilmente ci troveremo a porre questioni su cose che non emergono affatto nei documenti che ci sono familiari.

Il punto di partenza qui dovrà essere allora riflettere su che cosa c'è in greco per il periodo arabo, e perché.² Ora, se pensiamo alla documenta-

¹ Jacques VAN DER VLIET e Lucian REINFANDT, pp. 187–208 e 209–240.

zione greca del VII secolo, dopo il 640, e poi dell'VIII secolo, ci figuriamo subito un quadro popolato da una quantità di conti, in gran parte di amministrazione pubblica, e documenti di piccolo formato, ossia ricevute e ordini di pagamento.³ Accanto a una serie di piccoli archivi di secondaria importanza, costituiti da piccoli gruppi di documenti di questo tipo, e ad una quantità di documenti sparsi o almeno apparentemente sparsi – pensiamo ad esempio soltanto alle ricevute o ai conti fiscali editi da Karl Wessely in *SPP* III, VIII e X –, attirano l'attenzione alcuni archivi più o meno grossi che, anche per il fatto di essere costituiti da testi di tipo diverso da quelli menzionati adesso, si distinguono dalla massa.

Il primo è l'archivio dei pagarchi dell'Eracleopolite: Apakyros, già noto, pare, da Joannes di Nikiou,⁴ e i suoi figli Christophoros e Theodorakios. Un archivio che ancora non figura nella sezione di *Trimegistos* relativa agli archivi,⁵ ma che certo è da considerare tale. I documenti, poco meno di una ventina e quasi tutti viennesi, sono ordini, ricevute, o comunque brevi testi, diretti normalmente da emiri arabi – solo in un paio di casi invece da personaggi cristiani – ai nostri amministratori di lingua greca negli anni immediatamente successivi alla conquista: per lo più

² Della questione ho già discusso più volte altrove, in particolare nelle introduzioni a *CPR* XXII e *CPR* XXX.

³ Una documentazione che nella realtà è ancora più numerosa di quello che risulta dalle statistiche finora fatte, come W. HABERMANN, «Zur chronologischen Verteilung der papyrologischen Zeugnisse», *ZPE* 122 (1998), pp. 144–160. Molti documenti hanno avuto dagli editori datazioni troppo alte e da rivedere: vedi ad esempio le riedizioni, con ridatazioni al periodo arabo, date per le *SPP* III da Claudia KREUZSALER, F. MITTHOF e S. TOST, che confermano – se mai ce ne fosse stato bisogno – le osservazioni anticipate già nel 1972 da Ewa WIPSZYCKA, *Les ressources et les activités économiques des églises en Égypte du IV^e au VIII^e siècle*, Bruxelles 1972, p. 10.

⁴ Sarebbe lo Abâkîrî di Delâs menzionato al capitolo 113: H. ZOTENBERG, *Chronique de Jean, Évêque de Nikiou*, Paris 1883, p. 439; cfr. A. J. BUTLER, *The Arab Conquest of Egypt and the Last Thirty Years of the Roman Dominion*, Oxford 1902 (rev. ed. P. M. FRASER, Oxford 1978), p. 235. È da rilevare comunque che il personaggio di Joannes non è di Ehnas, ma di Delâs, Neiloupolis, una dozzina di km a NE di Eracleopoli. Per la località, S. TIMM, *Das christlich-koptische Ägypten in arabischer Zeit*, Wiesbaden 1984–1992, II, pp. 498–502.

⁵ <<http://www.trimegistos.org/arch/index.php>>.

nel 642–643, con alcuni testi di poco posteriori. Essi riguardano essenzialmente requisizioni e forniture per le truppe arabe, e mostrano il funzionamento delle prime relazioni tra arabi e amministrazione bizantina.

I testi viennesi hanno avuto la singolare ventura di essere pubblicati non da un grecista, ma da un arabista, Adolf Grohmann.⁶ Ciò ha avuto conseguenze a lungo termine: da un lato essi hanno goduto di una certa notorietà anche tra i non specialisti di papiri greci. Dall'altro Grohmann, come arabista, non aveva grande confidenza con le scritture greche. Per la pubblicazione di questi testi, che per lui erano estremamente interessanti, egli partiva da trascrizioni di Wessely, spesso non definitive: in alcuni casi egli aveva addirittura trascrizioni diverse di uno stesso papiro, e non sapeva per quale decidersi.⁷ Almeno i testi editi nelle *Études de Papyrologie* I, discussi nell'ambito di un'introduzione alla papirologia araba tenuta con un ciclo di 4 conferenze alla *Société de Géographie du Caire* nel

⁶ A. GROHMANN, «Aperçu de papyrologie arabe», *Ét. Pap.* I (1932), pp. 40–46: SB VI 9576 (PERF 558), 9577 (PERF 557), 9578 (PERF 555); IDEM, «Greek papyri of the Early Islamic Period in the collection of Archduke Rainer», *Ét. Pap.* 8 (1957), pp. 9–20: SB VIII 9749 (PERF 553), 9750 (PERF 554), 9751 (PERF 559); pp. 22–30: SB VIII 9753 (PERF 561), 9754 (PERF 563), 9755 (PERF 564); Grohmann, *From the World of Arabic Papyri*, Cairo 1952, pp. 113–116: SB XX 14443 (PERF 556); P. Vindob. G 39719 (PERF 551), edito da IDEM in «The value of Arabic papyri for the study of the history of mediaeval Egypt», *Royal Society of Historical Studies. Proceedings* I (1951), pp. 52–53, non ripreso in *Sammelbuch* e quindi nemmeno nel *DDBDP*. Questi testi vengono citati nella letteratura o come PERF, o con i numeri di SB, o a volte anche con i numeri di inventario attuali – in forme anche ibride, come ad esempio P. Vindob. PERF ... –, a seconda della disciplina di provenienza di chi li cita. Ciò dà luogo ad una certa confusione. Altri documenti dello stesso archivio sono BGU I 304, CPR XXII 4, 5, forse 6, cfr. CPR XXII 5 introd., e infine alcuni inediti piccoli e frammentari.

⁷ Ad esempio in *Ét. Pap.* 8, p. 22, per PERF 561 (= SB VIII 9753), Grohmann dà la trascrizione diplomatica della seconda parte di l. 3 come $\epsilon\kappa\tau^{\omega}$ κατα μηννα ψωμιο[υ αρ^τ μ^ι] χ^κ β w^δ β, secondo il testo preparato da Wessely per l'edizione. Nella nota però aggiunge la lettura data dallo stesso Wessely in una trascrizione posteriore: «The later copy shows: $\epsilon\kappa$ κατα μηννα αρ^τ ψωμι[ων] μίαν[υ] χ¹⁸ι ... γ^ο w^δ †. According to D^r H. Klos β γ w^δ β † would be possible.» Nella trascrizione normalizzata Grohmann riporta: $\epsilon\kappa(\acute{\alpha}\sigma\tau\omega)$ κατά μηννα ψωμίο[υ ἀρτάβης ... μ(ηνός)] χ(οιά)κ β ἰνδ(κτίονος) β (or (...) $\acute{\epsilon}\kappa(\acute{\alpha}\sigma\tau\omega)$ κατά μηννα ἀρτ(άβην) ψωμί[ων] μίαν χ¹²ι . γ ἰνδ(κτίονος)». Quello che io vedo sul papiro è $\acute{\epsilon}\kappa(\acute{\alpha}\sigma\tau\omega)$ κατά μηννα ἀρτ(άβην) ψωμιού μίαν μ(ηνός) χ(οιά)κ κγ ἰνδ(κτίονος) α †, con qualche dubbio sull'abbreviazione del mese – $\chi\omicron\iota(\acute{\alpha}\kappa)$? – e sul numero dell'indizione – β ? –.

1930, sono presentati con l'intenzione di metterne in evidenza l'importanza storica. Grohmann tende a sovrinterpretare le informazioni da essi ricavabili, in alcuni casi traendo considerazioni storiche di ampia portata da letture o interpretazioni errate.⁸ Queste interpretazioni sono passate poi in molti lavori di sintesi storica. Ancora oggi questi documenti costituiscono, a dispetto della loro apparente semplicità, un terreno molto spi-

⁸ Ad esempio nella discussione di *SB* VI 9576, in *Ét. Pap.* I pp. 42–43: le considerazioni a proposito della detrazione dalle tasse di quello che era stato requisito in natura, con le conseguenze per la valutazione dell'atteggiamento degli arabi, si basano su un'erronea interpretazione dell'indicazione del contenuto sul *verso* del papiro. Analoghe considerazioni a p. 46–47. con la n. 3, a proposito di *PERF* 556 (= *SB* xx 14443), anche qui influenzate da false letture e interpretazioni. Letture di Wessely/Grohmann sono state anche recentemente alla base di discussioni di questo documento. Ne do qui un testo rivisto sull'originale, rimandando una discussione più dettagliata ad un'altra occasione:

† ἐν ὀνόματι τοῦ θεοῦ Ἀμβρος κύμβρο(υ)λλ(ο)ς τῷ παγ(άρ)χ(ω) τῆς Ἡρακλέους
παρ(ά)χ(ου) Ἀμερ νί(ῶ) Ἀσλα (ὑπέρ) νο(μίσματα) β χόρτ(ου) ἄρου(ρα)ς τέσσαρα
μό(νον) λαμβάνω(ν) παρ' αὐτ(οῦ)
τὸ λογάρι(ον), (καὶ) (ὑπέρ) δαπά(ν)ης ἀνθ(ρώπων) αὐτοῦ ἐκ(ά)τ(ω) τῷ μ(ηνί) ψωμίω(ν)
ἄρτ(άβην) μίαν μό(νον). κατάγρα(ψον)

4 αὐτά, τοῦτον δὲ ἐπίστειλον εἰ(ς) χω(ρίον) πεποιημέ(νον) (καὶ) μὴ βαρέε(ς) χω(ρίον)
(ὑπέρ) ἄλλου

ἐγρά(φη) μ(ηνί) τῷβι υγ ἰνδ(ικτίονος) πρώτη(ς) †

verso

Ἀμηρ νι(ὸ)ς Ἀσλα νο(μίσματα) β δ(ιὰ) τ(ῶν) ἀπὸ Κεφαλῶν

«In nome di Dio, Ambros *ymboulos* al pagarco di Eracleopoli. Consegna ad Amer figlio di Asla, per 2 *nomismata*, quattro *arourai* di fieno e nient'altro, prendendo da lui la somma di denaro (?) – STEPHANUS *ThGL* VI 348, E. TRAPP, *Lex.Byz.Gr.*, p. 944; cfr. anche l'ὀλίγον λογάριον di P. Ness. III 53, l. 9? –; e per il mantenimento dei suoi uomini, per ciascuno, al mese, una *artabe* di pani e nient'altro. Registra questi (i pani), questo (il fieno) invece mandalo (o ordinalo?) preparato al villaggio, e non gravare sul villaggio per qualcos'altro. È stato scritto nel mese di tybi 13 della indizione prima.» *verso*: «Amer figlio di Asla *nomismata* 2 tramite quelli di Kephalon». Il participio *πεποιημένον* si riferisce all'accusativo singolare maschile *τοῦτον*, che a sua volta non può riferirsi ad altro che al *χόρτος*. Esso indica insomma il modo in cui il fieno, a l. 2 indicato in *arourai* e cioè secondo la superficie di terra che lo produce, deve essere inviato o ordinato al villaggio – uno solo: la abbreviazione è il semplice χ^w , mentre per il plurale il nostro scriba usa sempre abbreviazioni plurali: anche in casi in cui normalmente non lo si farebbe, come $v^o v^o$ per *νο(μίσματα)* di l. 2 – di Kephalon: già preparato, lavorato, e cioè tagliato e legato in fasci. Tra i diversi paralleli cito qui *SB* III 7241.12–13 (Afrodito 710): τὰς δὲ δαπάνας τὰς ταγίρας (sic) διὰ τῆς διοικήσεώς σου | ἀπόστειλον εἰς πλῆρε[ς π]ε[π]οιημένας. La provenienza ermpopolita riportata in *Sammelbuch* è ovviamente errata.

noso sul quale è facile impiantare e coltivare idee e costruzioni problematiche.⁹

La cosa particolare in questi testi è che essi testimoniano il livello della comunicazione che intercorre tra arabi e amministrazione bizantina, e mostrano già quello che è uno dei tratti fondamentali che caratterizzano la presenza degli arabi in Egitto in questo primo periodo: essi tendono ad evitare contatti diretti con la popolazione indigena, e considerano invece il pagarco, uno dei livelli superiori dell'amministrazione bizantina, come rappresentante e responsabile per tutto quello che c'è sotto di lui. Con il pagarco essi trattano ed a lui si rivolgono per le loro necessità. Questi documenti sono tutti in greco, con un solo testo bilingue greco-arabo, sul quale ritorneremo più avanti.

Ad un livello diverso si colloca l'ultimo arrivato tra gli archivi di quest'epoca: l'archivio ermopolita di Senouthios *anystes*, anch'esso dei primi anni dopo la conquista, verso il 643/644.¹⁰ Questi documenti – meno di un centinaio i testi greci e copti editi, almeno il doppio quelli inediti – sono conservati essenzialmente a Vienna, ma anche a Londra e in gruppi più piccoli in altre collezioni. Essi testimoniano il livello della comunicazione immediatamente inferiore a quello dell'archivio dei pagarchi dell'Eracleopolite. Ordini e lettere qui sono diretti dall'ufficio del pagarco Athanasios al suo sottoposto Senouthios, amministratore della parte Nord dell'Ermopolite. O anche da privati o amministratori locali, a Senouthios. All'archivio sono riconducibili anche gruppi minori di lettere scambiate tra altri personaggi dello stesso ambiente. Come già nell'archivio dei pagarchi dell'Eracleopolite, anche nei papiri di Senouthios – e qui ciò è ancora più evidente – gli arabi trattano in primo luogo con il pagarco. Di conseguenza essi, come corrispondenti, mancano pressoché completamente. Nelle lettere dell'archivio gli arabi sono nominati solo in terza persona.

⁹ Di questi testi ho in preparazione una riedizione, con nuove trascrizioni basate sulla revisione degli originali e una riconsiderazione dei loro aspetti storici. Non ho avuto ancora modo di vedere il recente articolo di F. TROMBLEY, «Fiscal documents from the Muslim conquest of Egypt: Military supplies and administrative documents, ca. 639–644», *Revue des Études Byzantines* 71 (2013), pp. 5–38.

¹⁰ Per questo archivio vedi il mio *CPR* xxx, in particolare l'introduzione generale al volume.

Comunicazioni di emiri vengono in alcuni casi menzionate, ma esse sono dirette al pagarco, non ai funzionari di livello più basso, e comunque non sono, forse con un'eccezione, conservate con il nostro archivio, messo insieme ad un livello inferiore a quello della pagarchia.

Anche questi testi trattano prevalentemente di requisizioni e in generale di questioni fiscali. Il punto di vista però è un altro: non quello degli arabi che chiedono o ricevono determinate cose, ma quello delle amministrazioni che si preoccupano di organizzare la raccolta, il trasporto e la consegna di quanto viene richiesto, e – cosa che rende l'archivio particolarmente interessante – quello della popolazione che cerca di sottrarsi alle richieste dell'amministrazione. In alcuni casi fuggendo; per lo più però per vie, per così dire, istituzionali: ricorrendo cioè alla protezione di qualche potente con buone relazioni, che possa mettere una buona parola con il pagarco o con Senouthios stesso.

La parte copta dell'archivio era nelle sue grandi linee già nota a Till.¹¹ Egli però – forse per una maggiore distanza di parte della coptologia dei tempi passati dai temi dell'amministrazione pubblica, centrali invece per i grecisti – la riconduceva ad ambiente di proprietari terrieri e riteneva che Senouthios fosse un *Anwalt* attivo in affari privati. Non conoscendo poi la parte greca, di carattere più evidentemente pubblico amministrativo e inequivocabilmente del periodo arabo, Till dava una generica datazione al VII secolo. Ciò lasciava in sospeso se i testi appartenessero ancora al periodo bizantino o già a quello arabo, e precludeva un loro inserimento nel corretto contesto storico.

Per questi stessi anni – tra il 642 e i primi anni '50 del VII secolo – abbiamo ancora una dozzina di documenti riferibili ai pagarchi dell'Arsinoite Theodorakios e Ioannes. I documenti sono conservati a Berlino, Vienna, Londra, ma anche in altre collezioni.¹² Questi testi, poco consi-

¹¹ Che a sua volta riportava informazioni di WESSELY e KRALL, cfr. *CPR* IV, p. x. Queste indicazioni sono comunque estremamente vaghe e imprecise: all'archivio appartenerebbero ad esempio anche i *CPR* IV 3-5, *entagia* di Atias e di Râshid b. Khâled.

¹² *BGU* I 320, II 366 e 403 – cfr. F. MORELLI, «Gonachia e kaunakai nei papiri (con due documenti inediti e uno riedito)», *JfjP* 32 (2002), pp. 68-71, con alcune prime osservazioni su questo gruppo di testi –, III 737, *CPR* X 32, XIV I, XXIV 32, *P. Lond.* I 113, IO (p. 222

derati se non per le questioni relative alla prosopografia dei pagarchi,¹³ sono interessanti: si tratta in buona parte di dichiarazioni con le quali amministratori locali o artigiani si impegnano ad adempiere determinati obblighi. In questo modo i pagarchi, responsabili per gli obblighi della popolazione indigena di fronte agli arabi, cercano di cautelarsi e di mettersi in condizione di poter soddisfare le richieste che venivano fatte loro.

Come l'archivio di Senouthios, anche questi testi arsinoiti testimoniano il piano dei rapporti tra il pagarco o il suo ufficio da un lato, e livelli amministrativi inferiori, artigiani e popolazione dall'altro. Qui però è al pagarco che sono diretti i documenti.

Una menzione meritano anche i documenti di Flavius Atias, pagarco dell'Arsinoite e poi duca verso la fine del VII e l'inizio dell'VIII secolo. Si tratta di una ventina di testi delle collezioni di Berlino, New York, Leningrado e soprattutto Vienna, per lo più raccolti e discussi da Pieter Sijpesteijn e Klaas Worp in *CPR* VIII.¹⁴ Questo gruppo, in buona parte costituito da testi che sono accomunati non dalla persona del destinatario ma da quella che li ha emessi, pone il problema del modo in cui questi documenti siano stati ritrovati insieme, e cioè del perché e di come essi abbiano

= *WCbr.* 8), *P. Ross. Georg.* III 50, *SB* I 4856. Ad essi sono da collegare anche altri testi nei quali i due pagarchi non figurano direttamente, come *BGU* I 323, II 367, 396, etc.

¹³ Ma vedi, al di fuori della letteratura papirologica, C. Foss, «Egypt under Mu'awiya, part II: Middle Egypt, Fustât and Alexandria», *Bulletin of the School of Oriental and African Studies* 72 (2009), pp. 259–261. Per le faccende prosopografiche vedi da ultimo la comunicazione di Sophie KOVARIK in *PapCongr.* xxvii (in corso di stampa).

¹⁴ I testi, che almeno in parte costituiscono un *dossier* piuttosto che un archivio, sono *CPR* VII 72–84, probabilmente *CPR* XIX 17 (riedizione F. MITTHOF, «Ein neues Formular für die Diokletianische Ära», *Tyche* 21 [2006], p. 171), *P. Ross. Georg.* III 23, *SB* III 7240, xxiv 16219 (riedizione in F. MORELLI, «SB xxiv 16219: una lettera di Atias in difesa di una donna», *Tyche* 29 [2014], pp. 95–98). Ci sono ancora alcuni *entagion* copti: tre sono editi da TILL in *CPR* IV e riediti da Jennifer CROMWELL, «Coptic texts in the Archive of Flavius Atias», *ZPE* 184 (2013), pp. 280–288; ancora, *SB Kopt.* IV 1783 – ritrovato negli scavi di Akoris, e quindi certo conservatosi separatamente da un archivio di Atias – 1785 (= *BKU* III 501). A questi si dovrà aggiungere l'*entagion* copto menzionato in A. DELATTRE, R. PINTAUDI & N. VANTHIEGHEM, «Un *entagion* bilingue du gouverneur 'Abd al-'Aziz ibn Marwân trouvé à Antinoë», *CdÉ* 88 (2013), p. 365, n. II.

potuto essere riuniti e conservati in un archivio.¹⁵ Un problema che si porrà anche per alcuni piccoli gruppi di documenti più tardi relativi ai pagarchi arabi dell'VIII secolo, ma anche per altri gruppi di testi di piccolo formato.¹⁶

Assai più ampio e più noto è senz'altro l'archivio del pagarco Papas, per la maggior parte edito da Roger Rémondon nei *P. Apoll. Anô*.¹⁷ Rémondon riteneva questi testi contemporanei dell'archivio di Afrodito, degli ultimi anni del VII e soprattutto dei primi decenni dell'VIII secolo. Essi sono però da collocare piuttosto nella seconda metà del VII, come hanno mostrato Jean Gascoü e Klaas Worp. I testi sono per lo più lettere inviate al pagarco Papas da Emiri, duchi, e altri personaggi dell'amministrazione della Tebaide ad Antinoe. I temi sono quelli soliti: requisizioni e forniture di prodotti, materiali e mano d'opera – con il problema connesso dei fuggitivi –; ma anche problemi più o meno privati tra persone, non direttamente legati all'amministrazione araba: come ad esempio la lite familiare di *P. Apoll. Anô* 61.

Dell'archivio esiste anche una parte copta ancora inedita. Questi documenti, che erano conservati nello stesso contenitore ma al di sopra di quelli greci, sono in parte lettere amministrative dello stesso genere di quelle greche. In altri casi i mittenti sembrano essere personaggi di livello inferiore e di ambiente monastico.¹⁸

¹⁵ Cosa che almeno per una parte dei testi viennesi mi sembra difficile da mettere in discussione.

¹⁶ Ho cercato di proporre delle spiegazioni a questo fatto in *CPR* xxii alle pp. 14–15.

¹⁷ 105 numeri di edizione, conservati all'IFAO. Alcune lettere sono a Firenze: *PSI* xii 1266 (poi ripreso e completato come *P. Apoll. Anô* 9), *PSI* xv 1570, e forse *PSI* xiii 1345. Altri testi editi posteriormente sono i *SB* xiv 11917–11918, pubblicati da J. GASCOÜ, «Papyrus grecs inédits d'Apollônôs Anô», [in:] *Hommages à la mémoire de Serge Sauneron* II, Le Caire 1979, pp. 25–34; *SB* xvi 12428–12431, editi ancora da IDEM, «Documents grecs des époques byzantine et arabe», [in:] *Livre du Centenaire de l'I.F.A.O. 1880–1980* [= *MIFAO* 104], Le Caire 1980, pp. 323–328. Sull'archivio, soprattutto per la sua datazione, vedi J. GASCOÜ & K. A. WÖRP, «Problèmes de documentation apollinopolite», *ZPE* 49 (1982), pp. 83–95; da ultimo e più estesamente C. FOSS, «Egypt under Mu'awiya, part 1: Flavius Papas and Upper Egypt», *Bulletin of the School of Oriental and African Studies* 72 (2009), pp. 1–24.

¹⁸ Leslie S. B. MACCOULL, «The Coptic papyri from Apollonos Anô», *PapCongr.* xviii II, pp. 141–160.

L'archivio più recente è anche quello più grosso e certo il più importante: l'archivio di Afrodito o di Basilios, talvolta indicato impropriamente come archivio o *dossier* di Qurra b. Sharîk, il governatore d'Egitto negli anni 709–715. Basilios è il *dioiketes* destinatario delle lettere del *symbolos*, nei cui uffici è stata redatta anche tutta la documentazione fiscale che fa parte di questo grosso gruppo di documenti.¹⁹ Si tratta di oltre 400 testi di carattere amministrativo e fiscale: sulle 130 lettere e ordini del governatore in greco, e una settantina in arabo; lunghi registri fiscali greci spesso molto ben conservati e ricchissimi di informazioni sulla fiscalità e le attività dell'amministrazione araba, ma anche su aspetti di storia economica come prezzi, salari, organizzazione del lavoro; documenti copti stesi a livello di villaggio come dichiarazioni con le quali si garantisce per l'invio di mano d'opera o prodotti. A questo archivio dobbiamo la maggior parte, e la parte più organica, delle nostre conoscenze sull'Egitto del primo periodo arabo.

Senza stare ulteriormente a descrivere questi archivi, si impongono alcune riflessioni. Una prima constatazione è che, curiosamente, si tratta di archivi di pagarchi²⁰ o, come nel caso di Senouthios, del rappresentante del pagarco per una metà del suo distretto amministrativo, dunque una sorta di vicepagarco. Il fenomeno è tanto più appariscente, se si considera che per il periodo bizantino archivi di pagarchi non sono conservati.²¹

¹⁹ I testi sono prevalentemente nella collezione di Londra, ma anche Berlino, Cairo (Egyptian Library), Chicago, Firenze (Biblioteca Laurenziana), Heidelberg, Istanbul (Topkapi Museum), Parigi (Sorbonne, Institut de Papyrologie), Leningrado (Hermitage Museum), Strasburgo, Vienna. La bibliografia sull'archivio è ampia. Per un primo orientamento, vedi <<http://www.trismegistos.org/arch/detail.php?tm=124&i=7>>.

²⁰ Anche nel caso di Basilios: uguale quali fossero il suo titolo e la definizione del suo distretto, le sue funzioni sono quelle di un pagarco. E pagarchi sono chiamati i funzionari che lo avevano preceduto o seguito: H. I. Bell, «The Aphrodito papyri», *JHS* 28 (1908), pp. 100–107, e l'introduzione generale a *P. Lond.* IV, pp. XI–XIII, XXI–XXIV, con *P. Lond.* IV 1412, l. 18 etc., 1413, l. 18 etc., e le osservazioni in *P. Lond.* IV 1456, l. 2 n.

²¹ Cfr. la prosopografia dei pagarchi in Roberta MAZZA, «Ricerche sul pagarca nell'Egitto tardoantico e bizantino», *Aegyptus* 75 (1995), pp. 226–242. Ho già richiamato l'attenzione su questo fenomeno in F. MORELLI, «Amr e Martina: la reggenza di un'imperatrice o l'amministrazione araba d'Egitto», *ZPE* 173 (2010), pp. 147–148, n. 25, dove propongo alcune idee sulla direzione in cui credo sia da cercare una spiegazione.

Eppure i pagarchi c'erano anche prima dell'arrivo degli arabi,²² e anche prima essi avranno prodotto e soprattutto ricevuto documenti che devono avere in qualche modo formato degli archivi. Al di là di quale sia la spiegazione da dare a questo fenomeno – che credo comunque sia qualcosa di più della solita casualità dei ritrovamenti papirologici –, è un fatto che esso sia da un lato emblematico del tipo di documentazione che abbiamo per il periodo arabo. Dall'altro, che esso dà un indirizzo abbastanza preciso alla ricerca papirologica greca su questo periodo: in direzione cioè delle cose amministrative pubbliche piuttosto che private, come invece avviene ad esempio per il VI secolo. C'è ancora un'altra conseguenza di questa constatazione, che – per quanto ovvia – non mi sembra sia stata sempre adeguatamente realizzata: questo diverso tipo di documentazione informa naturalmente su cose che per i decenni precedenti rimangono più oscure e sconosciute. Un esempio è l'esistenza o reintroduzione del duca dell'Arcadia, che si sarebbe potuta ritenere un'innovazione degli arabi – e lo si è fatto –, per quanto ciò andasse contro ogni logica: fino alla pubblicazione del *P. Prag.* 1 64 che attestava l'esistenza di questo ufficiale già nel 636.²³

Un altro fatto è che in questi archivi, o meglio nella corrispondenza che in buona parte li costituisce, i temi più frequenti sono le requisizioni, i fuggitivi, o anche la capitazione. La contabilità però – conservata in grande quantità solo per l'archivio di Afrodito: ma ci sono comunque molti altri conti attualmente non riconducibili ad archivi determinati – ristabilisce il giusto equilibrio e mostra che anche le imposte fondiari avevano, ovviamente, parte essenziale nell'attività amministrativa. Sarebbe però che esse dessero meno problemi e preoccupazioni, e dun-

²² Anche se il momento dell'introduzione della carica, che comunque sembra da collocare tra il V e il VI secolo, rimane poco chiaro: MAZZA, «Ricerche» (cit. n. 21), pp. 171–180 e 225.

²³ Per tutta la questione, J. G. KEENAN, «The provincial administration of Egyptian Arcadia», *Mus. Phil. Lond.* 2 (1977), pp. 193–202; B. PALME in *CPR* XXIV 33, pp. 203–205; F. MORELLI, «Zwischen Literatur und Geschichte: Die "flagornerie" des Dioskoros und der dreifache Dux Athanasios», [in:] J.-L. FOURNET (éd.), *Les archives de Dioscore d'Aphrodité cent ans après leur découverte. Histoire et culture dans l'Égypte byzantine. Actes du colloque de Strasbourg (8–10 décembre 2005)*, Paris 2008, p. 231, n. 28.

que fossero meno frequentemente oggetto di comunicazioni tra i funzionari: la loro imposizione e riscossione dovevano seguire una *routine* più consolidata e funzionare secondo una certa regolarità.²⁴ Normalmente sono le cose nuove a creare difficoltà.

Appariscente è ancora il fatto che di questi archivi, tre risalgono ai primissimi anni dopo la conquista. Essi sono in gran parte a Vienna, e vengono dalle tre provenienze più rappresentate per i papiri viennesi e in generale per i grossi ritrovamenti papirologici di fine '800: Arsinoite, Eracleopolite, Ermopolite. In altre parole, tutti i distretti ben documentati per i primi anni del periodo arabo ci hanno lasciato resti dell'archivio della pagarchia. Di nuovo dobbiamo riflettere su questa improvvisa fioritura di archivi di pagarchi che coincide con l'arrivo degli arabi.

Questi archivi – come anche altri grossi archivi papirologici delle epoche precedenti – sono costituiti in gran parte da lettere. Ciò è in contrasto stridente con la situazione delle lettere private, che proprio in questo periodo sembrano scomparire quasi del tutto: lettere davvero private datate alla seconda metà del VII e all'VIII secolo su base paleografica – e non perché facciano parte di uno degli archivi noti – sono poche.²⁵ Eppure i nostri archivi amministrativi mostrano che in quest'epoca persone che sapessero scrivere e capire lettere – non solo conti e ricevute – in greco c'erano.

Ancora: le lingue usate in questi archivi sono il greco e il copto. L'arabo lo troviamo solo nell'archivio di Afrodito: perché esso è il più tardo, e soprattutto perché esso ci conserva anche le lettere del governatore arabo

²⁴ Se mai ci sono ritardi nella riscossione e ancora di più nella trasmissione all'amministrazione centrale, come mostrano le lettere di Qurra b. Sharik a Basilios.

²⁵ Cercando nello *HGV* «Brief» nel campo «Inhalt», e dopo il 640 in «Chronologie Global», si ottengono 348 schede. Aggiungendo «privat» nel campo «Inhalt» le schede si riducono a 81. Tra queste però ci sono almeno una decina di lettere dell'archivio di Senouthios, che private non sono affatto: documenti diretti da un privato ad un funzionario o viceversa sono documenti pubblici, non privati. Altre 7 lettere sono dell'archivio di Papas, e per queste vale quanto appena detto per le lettere dell'archivio di Senouthios. Del resto, anche se si fosse trattato davvero di lettere private, una loro datazione al periodo arabo era inevitabile per il fatto di appartenere a questi archivi. Evito di proseguire con un elenco di testi che non sono privati o comunque erano da datare al periodo arabo per il contesto al quale appartengono.

Qurra b. Sharík. Il quale scrive in arabo, ma fa tradurre le sue comunicazioni anche in greco. Negli archivi più antichi invece l'arabo è praticamente assente. Certamente questo dipende dal fatto che si tratta di archivi di funzionari greci. Ma anche in un archivio costituito da documenti emessi da autorità arabe come quello dei pagarchi dell'Eracleopolite, troviamo un solo testo bilingue: per l'appunto una ricevuta. Da come la versione araba è formulata, è evidente che l'arabo qui è usato soltanto perché questa parte era destinata ad essere letta da arabi.²⁶ Il fenomeno è banale, ma è ancora emblematico dell'atteggiamento degli arabi in questi primi anni: essi usano la loro lingua solo quando devono comunicare tra di loro. La scelta di una lingua dunque non risponde ad altra logica che quella del farsi capire dal destinatario del testo. E se ci si rivolge ad un'amministrazione di lingua greca, la lingua è il greco.

Certamente ci sarebbe anche il copto, usato spesso dai livelli locali dell'amministrazione, non però per la contabilità. Esempi sono nell'archivio di Senouthios – i cui documenti copti dovrebbero essere parzialmente pubblicati in un prossimo futuro –, e nell'archivio di Afrodito; o anche nella parte copta, ancora inedita, dell'archivio di Papas. Ma la scelta del greco da parte degli arabi dipende non da motivazioni ideologiche, quasi che essi si curassero di confrontarsi con la popolazione egiziana su di un terreno neutrale, utilizzando una lingua franca ed evitando di scendere a usare direttamente la lingua dei conquistati, il copto. Più semplicemente il greco – pur sempre la lingua del rivale impero bizantino – è la lingua utilizzabile in tutto il Mediterraneo orientale; esso è tradizionalmente la lingua dell'amministrazione egiziana; ed ancora di più esso lo è per i livelli amministrativi con i quali gli arabi interagiscono. Gli arabi comunicano normalmente con i pagarchi, non con amministratori di villaggio, monaci, o contadini.

Finora ho parlato di documentazione amministrativa pubblica, e amministrativa è anche gran parte della documentazione greca di questo periodo non riconducibile ad archivi. Per la documentazione privata, già

²⁶ Più diffusamente in F. MORELLI, «Consiglieri e comandanti: i titoli del governatore arabo d'Egitto *symbolos* e *amir*», *ZPE* 173 (2010), pp. 161–162.

nell'introduzione al *CPR* xxii ne rilevavo la scarsità a partire dalla metà del vii secolo.²⁷ In particolare facevo presente la curiosa situazione per cui i pochissimi contratti collocati dagli editori nell'viii secolo avevano – tutti – date inequivocabili. O in altre parole, che nessun editore aveva mai datato paleograficamente un contratto all'viii secolo. Delle lettere private ho già detto sopra.

Ancora, se penso a documentazione privata del vii secolo avanzato e dell'viii, mi viene in mente una serie di liste di oggetti o prodotti, indumenti o generi alimentari. È significativo che questi testi siano scritti nella stessa minuscola della contabilità fiscale: una scrittura la cui collocazione tarda è ormai fuori discussione, e che non poteva – o non avrebbe dovuto – porre seri problemi di datazione agli editori. I problemi di datazione ci sono invece per scritture diverse, come quelle delle lettere o dei contratti: per l'appunto i tipi di documenti meno rappresentati nelle statistiche per il periodo arabo. Ci si deve chiedere allora in che misura la diminuzione almeno di certa documentazione privata sia reale. In discussione non è il fenomeno in sé: evidentemente innegabile, se ad un certo punto il numero di contratti e lettere copti cresce e davvero la papirologia greca finisce.²⁸ Ma le sue reali dimensioni e i tempi del suo procedere. In margine si deve rilevare che anche i documenti copti sono datati di regola paleograficamente, e i coptologi non hanno i problemi dei grecisti a datare i loro testi nel periodo arabo. Anzi, per documenti come i contratti è se mai vero il contrario, ed è il periodo precedente alla conquista a fare difficoltà al coptologo. In più la paleografia copta è un terreno ancora più incerto di quella greca, poiché i documenti copti che abbiano datazioni esatte e sicure, e possano quindi rappresentare dei punti fermi per la datazione di altri testi, sono molto rari.²⁹

E poi, non si deve dimenticare che nel periodo arabo non ci sono più i due grandi blocchi di documenti che caratterizzano il vi secolo: archivio di Dioscoro e archivi dei grandi proprietari terrieri ossirinchi, primi gli

²⁷ *CPR* xxii, pp. 12–13.

²⁸ Tra gli inediti della Papyrussammlung viennese conosco comunque due testi religiosi greci su carta, quindi non precedenti alla metà del ix secolo ma probabilmente anche più tardi.

Apioni. Questi vuoti influenzano drasticamente la nostra percezione della nuova fase storica.

Una corretta valutazione del diminuire della documentazione privata sarebbe tanto più necessaria per capire quale è davvero il contesto linguistico e culturale nel quale collocare la sopravvivenza – o anche la vitalità, se si pensa all’arricchimento del vocabolario che possiamo constatare nei papiri greci di VII e VIII secolo – del greco come lingua dell’amministrazione statale araba. Un fenomeno singolare se collocato nel quadro di una radicale regressione del greco in ambiente privato, che porterebbe a formulare una sorta di paradosso: proprio gli arabi avrebbero contribuito a tenere in vita, artificialmente, una lingua che per loro era più utile e più universalmente utilizzabile che il copto per la comunicazione con i popoli sottomessi. Posto che comunque l’arabo non avrebbe potuto affermarsi in una società e in un’amministrazione ancora così poco permeate dai nuovi arrivati. La diffusione e l’affermazione dell’arabo andranno di pari passo con la penetrazione degli arabi, o di egiziani islamizzati, nei livelli inferiori dell’amministrazione³⁰ per quel che riguarda la lingua amministrativa; e nella società per la documentazione privata più in generale.

Devo ripetere comunque, per evitare di essere frainteso, che in realtà la regressione del greco al di fuori dell’amministrazione statale è un fenomeno ancora da chiarire nella sua effettiva consistenza, e certamente da ridimensionare.

²⁹ Basta una ricerca per documenti datati ad anni precisi – prima e dopo la conquista – nella *Banque de données des textes coptes documentaires* di A. DELATTRE, <<<http://dev.ulb.ac.be/philo/bad/copte/base.php?page=accueil.php>>> per rendersi conto di come la valutazione del procedere del copto come lingua per documenti, anche giuridici, si appoggi su un terreno estremamente incerto. Anche questo tema è stato comunque oggetto di studi numerosi: vedi da ultimo Leslie S. B. MACCOULL, «Niches in an ecosystem: The choice of Coptic for legal instruments in Late Antique Egypt», *Anal. Pap.* 25 (2013), pp. 257–276, con ricca bibliografia in particolare nelle prime pagine, alle nn. 1–10.

³⁰ Solo relativamente: le funzioni più basse che gli arabi arrivano ad occupare nei nostri papiri greci – a parte quelle di militari e di messaggeri, estranee al sistema amministrativo ereditato dai bizantini – sono quelle di pagarco, che essi assumono stabilmente dopo i primi decenni dell’VIII secolo. La penetrazione nei livelli più bassi, ormai nemmeno più di arabi ma di egiziani islamizzati, è posteriore ai nostri documenti greci.

Questo quadro della documentazione – che, ne sono consapevole, lascia fuori una quantità di aspetti anche importanti: penso ad esempio all’archivio di Kyrikos, che mostra come l’amministrazione della chiesa episcopale di Arsinoe usasse tranquillamente il greco anche a livello di magazzinieri verso la fine del VII o l’VIII secolo,³¹ o ai papiri del monastero di Apa Apollo di Bawît,³² che illustrano l’uso di greco e copto in ambiente monastico – dà già di per sé un’idea di quali possano essere le linee di ricerca seguite nell’ultimo quarto del XX secolo e sviluppatasi poi negli anni più recenti.

Così, lasciando da parte gli studi dei primi decenni della papirologia,³³ e poi quelli ancora fondamentali di Casson, Rémondon, Cadell, incentrati essenzialmente sull’amministrazione e la fiscalità,³⁴ gli ultimi decenni del secolo scorso – tra gli anni ’70 e gli anni ’90 – sono stati caratterizzati da un intenso e rapido lavoro di edizione da parte di una serie di studiosi³⁵ che sono stati estremamente attivi nei campi più diversi della papirologia. Meno spesso ci si è dedicati al lavoro di organizzazione delle informazioni

³¹ Su questo archivio vedi da ultimo F. MORELLI, *Olio e retribuzioni nell’Egitto tardo (v–VIII d. C.)*, Firenze 1996, pp. 28–41.

³² Essenzialmente vedi Sarah J. CLACKSON, *Coptic and Greek Texts Relating to the Hermopolite Monastery of Apa Apollo*, Oxford 2000, e *It Is Our Father Who Writes: Orders from the Monastery of Apollo at Bawit*, Cincinnati 2008; Anne BOUD’HORS, *Ostraca grecs et coptes des fouilles de Jean Maspero à Baouit*, Le Caire 2004; A. DELATRE, *Papyrus coptes et grecs du monastère d’Apa Apollô de Baouit conservés aux Musées Royaux d’Art et d’Histoire de Bruxelles*, Bruxelles 2004.

³³ In particolare ad opera di H. I. BELL, del quale cito soltanto il volume dei *P. Lond.* IV, e gli articoli «The Aphrodito papyri», *JHS* 28 (1908), pp. 97–120; «Two official letters of the Arab period», *JEA* 12 (1926), pp. 265–281; «The administration of Egypt under the ‘Umayyad khalifs», *BZ* 28 (1928), pp. 278–286. Importanti e non sempre utilizzate dai grecisti sono le traduzioni di buona parte dei *P. Lond.* IV date da BELL in «Translations of the Greek Aphrodito papyri in the British Museum», *Der Islam* 2 (1911), pp. 269–83, 372–84; 3 (1912), pp. 132–40, 369–73; 4 (1913), pp. 87–96; 17 (1928), pp. 4–8.

³⁴ L. CASSON, «Tax-collection problems in Early Arab Egypt», *TAPhA* 69 (1938), pp. 274–291; R. RÉMONDON, «P. Apoll. Anô, e P. Hamb. 56 et P. Lond. 1419 (notes sur les finances d’Aphrodito du VI^e siècle au VIII^e)», *CdÉ* 40 (1965), pp. 401–430; H. CADELL, «Nouveaux fragments de la correspondance de Kurrah ben Sharik», *Rech. Pap.* 4 (1967), pp. 107–160.

³⁵ I nomi sono quelli noti: J. DIETHART, J. GASCOU, R. PINTAUDI, G. POETHKE, P. J. SIJPESTEIJN, K. A. WORP e altri.

ricavabili dai testi: con liste, repertori, lavori prosopografici, ma anche studi di sintesi importanti.³⁶

Negli ultimi due decenni, diciamo dalla metà degli anni '90, le cose sono un po' cambiate. Da un lato una nuova generazione – molto ristretta, è vero – ha iniziato a pubblicare testi di questo periodo, in alcuni casi dedicando loro volumi interi. Molti testi già editi sono stati rivisti, ridattati e inseriti in un contesto più preciso ed organico. Una serie di articoli e note si è occupata di problemi particolari come questioni prosopografiche, lessicali, metrologiche, topografiche, etc.³⁷ In particolare vorrei richiamare l'attenzione anche su alcuni studi che, affrontando determinati temi, coprono insieme i periodi romano, bizantino e arabo: senza fermarsi dunque alla conquista araba, quasi che essa segnasse di per sé la fine della papirologia greca.³⁸

Dall'altro, i pochi – e per tanto tempo isolati – grecisti che si occupavano di queste cose si sono quasi improvvisamente trovati in compagnia di un numero crescente di colleghi provenienti da altre discipline. Le iniziative di alcuni arabisti, che insieme a coptologi si sono impegnati in un rilancio per certi aspetti spettacolare della papirologia araba – intesa non solo come studio dei papiri arabi, ma in generale dei testi di questo

³⁶ Alcuni esempi: J. M. DIETHART, *Prosopographia Arsinoïtica* I. S. VI–VIII [= *MPER* ns 12], Wien 1980; J. GASCOU, «De Byzance à l'Islam. Les impôts en Égypte après la conquête arabe», *JESHO* 26 (1983), pp. 97–109; J. GASCOU & K. A. WÖRZ, «Problèmes de documentation apollinopolite», *ZPE* 49 (1982), pp. 83–95; K. A. WÖRZ, «Studien zu spätgriechischen, koptischen und arabischen Papyri», *BSAC* 26 (1984), pp. 99–107; *IDEM*, «A checklist of bishops in Byzantine Egypt (AD 325–c. 750)», *ZPE* 100 (1994), pp. 283–318; «Coptic tax receipts: An inventory», *Tyche* 14 (1999), pp. 309–324; I. POLL, «Die διάγραφον-Steuer im spätbyzantinischen und früh-arabischen Ägypten», *Tyche* 14 (1999), pp. 237–274.

³⁷ È impossibile qui non pensare ai numerosi articoli e note di Nikolaos GONIS.

³⁸ Ad esempio R. BOGAERT, «La banque en Égypte Byzantine», *ZPE* 116 (1997), pp. 85–140; S. BUCKING, «On the training of documentary scribes in Roman, Byzantine, and Early Islamic Egypt: A contextualized assessment of the Greek evidence», *ZPE* 159 (2007), pp. 229–247; E. DICKEY, «Latin influence on the Greek of documentary papyri: An analysis of its chronological distribution», *ZPE* 145 (2003), pp. 250–257; e ovviamente WÖRZ, per il quale il periodo arabo è sempre stato parte integrante del millennio – ma a dire il vero sono undici secoli, e anche qualche anno in più – papirologico: vedi ad esempio, oltre al già citato «A checklist of bishops», l'articolo «Ἀρχεπίσκοποι und πολιτευόμενοι in papyri from Graeco-Roman Egypt», *ZPE* 115 (1997), pp. 201–220.

periodo –, hanno creato un nuovo contesto nel quale vedere il lavoro sui testi greci posteriori alla conquista come qualcosa di meno esotico e marginale. Anzi, in questa nuova comunità scientifica i papiri greci si sono trovati, per la loro antichità relativa e per i temi che essi trattano, ad avere riconosciuta quell'importanza centrale che essi meritano nello studio di questa fase di cambiamento epocale.

Il che non è privo di insidie, poiché può portare alla deriva del papirologo – grecista – verso un contesto scientifico che molti suoi colleghi sentono ancora come estraneo; e nel quale d'altra parte egli può difficilmente – da un punto di vista accademico – inserirsi a pieno diritto. È difficile mantenere un equilibrio tra la specializzazione, che è necessaria per tenere il passo con un settore di studi così particolare, e le competenze più generali – intendo nei diversi settori della papirologia – delle quali comunque un papirologo deve disporre. Ma questo vale in generale, anche per chi si occupa di papiri tolemaici o letterari. È significativo che nell'intensa attività sviluppatasi nell'ultima dozzina di anni intorno alla documentazione araba, greca e copta posteriore alla conquista – penso ai convegni dell'*International Society for Arabic Papyrology* ed altre analoghe iniziative, piuttosto che alla pubblicazione di testi – proprio i grecisti, anche quelli che avevano un interesse particolare per queste cose, si siano tenuti piuttosto a margine.³⁹

Una delle manifestazioni più evidenti, e anche più naturali, di questo incontro di studiosi di formazioni e competenze linguistiche diverse è stata l'attenzione dedicata alla questione delle diverse lingue o culture nell'Egitto greco-arabo-copto. Questo interesse si è concretizzato in una quantità di studi presentati soprattutto in volumi collettivi o in convegni – in parte ancora in attesa di pubblicazione –, nei quali è interessante mettere a confronto i diversi punti di vista di grecisti, coptologi e arabisti, e tra i quali ormai non è sempre facile orientarsi:⁴⁰ studi sullo stesso tema

³⁹ Come d'altra parte per tanto tempo gli arabisti sono rimasti lontani – ed ancora adesso ne rimangono a margine – dai congressi di papirologia: vedi la comunicazione di Lucian REINFANDT in questo stesso volume.

⁴⁰ Senza pretese di completezza: Sofia TORALLAS TOVAR, «Egyptian lexical interference in the Greek of Byzantine and Early Islamic Egypt», [in:] Petra M. SIJPESTEIJN & L. SUNDELIN (eds), *Papyrology and the Early Islamic Egypt*, Leiden – Boston 2004, pp. 163–198;

sono prodotti contemporaneamente o comunque prima che studi precedenti siano pubblicati. In più le diverse competenze linguistiche – non solo relativamente alle lingue antiche⁴¹ – e la diversità delle discipline di provenienza continuano, nonostante tutto, a costituire delle barriere: e capita di ritrovare analisi e considerazioni tra loro molto simili in lavori usciti a diversi anni di distanza, ma prodotti da specialisti di lingue diverse.

È evidente come i temi del plurilinguismo e multiculturalismo, con la convivenza di gruppi di popolazione e religione diversi nell'Egitto arabo metta insieme aspetti che oggi sono quanto mai attuali, e capaci di attirare finanziamenti. Come lo è del resto la questione delle origini dell'Islam e della sua espansione nel Mediterraneo sudorientale. Gli eventi

T. S. RICHTER, «Greek, Coptic and the 'language of the Hijra': The rise and decline of the Coptic language in Late Antique and Medieval Egypt», [in:] Hannah COTTON *et al.* (eds), *From Hellenism to Islam. Cultural and Linguistic Change in the Roman Near East*, Cambridge 2009, pp. 401–446; nello stesso volume, Arietta PAPAConstantinou, «'What remains behind': Hellenism and romanitas in Christian Egypt after the Arab conquest», pp. 447–466. Petra M. Sijpesteijn, «Multilingual archives and documents in post-Conquest Egypt», [in:] Arietta PAPAConstantinou (ed.), *The Multilingual Experience in Egypt, from the Ptolemies to the Abbasids*, Farnham – Burlington 2010, pp. 105–124; nello stesso volume, T. S. RICHTER, «Language choice in the Qurra Dossier», pp. 189–220; ancora nello stesso volume, Jennifer CROMWELL, «Aristophanes son of Johannes: An eighth-century bilingual scribe? A study of graphic bilingualism», pp. 220–232. J. DE JONG & A. DELATTRE, «Greek as a minority language», [in:] R. HOYLAND, *Minorities: Legal, Cultural and Economic Perspectives, Late Antiquity and Early Islam. Continuity and Change in the Mediterranean 6th–10th Century CE* (September 2011 Oxford); A. DELATTRE & N. VANThieghem, «Provinces et empires: l'Égypte islamique dans le monde antique: Mutations administratives, sociétés plurielles et mémoires concurrentes», comunicazione al convegno *Fuṣṭāṭ et le contrôle des territoires* (Premier colloque international: 9–11 avril 2013, Le Caire, *Institut Français d'Archéologie Orientale*), etc.

⁴¹ L'evoluzione apparentemente inesorabile verso una lingua scientifica unica è ormai sotto gli occhi di tutti: basta scorrere in ordine cronologico gli indici degli atti degli ultimi congressi, ad esempio quelli di Vienna, Helsinki, Ann Arbor, Ginevra, e infine Varsavia. Rimane comunque tutta la letteratura più vecchia che non può essere ignorata. Lasciando da parte la papirologia – sulla quale in questa sede non è necessario insistere –, proprio per la storia islamica mi piace citare R. S. HUMPHREYS, *Islamic History. A Framework for Inquiry*, Princeton 1991 (Cairo 1992), p. 72, che a proposito dei primi 40 anni dell'Islam discute dei 10 volumi degli *Annali dell'Islam* di Leone CAETANI (Milano 1905–1926) – in un italiano anche abbastanza difficile –, e conclude: «The *Annali* remain the starting point for serious research in this period.»

nei paesi del Medio Oriente e Nord Africa da un lato, e l'evoluzione delle società europee nel senso di società multiculturali dall'altro, rendono il modello del primo Egitto arabo come un caso da approfondire e comprendere sulla base di documentazione diretta, più vicina agli eventi e meno ideologizzata di quanto possano esserlo la storiografia araba o cristiana. Problemi che vanno al di là della papirologia in senso stretto, anche se è difficile fare una distinzione in un campo in cui la ricostruzione e l'analisi storica si fondano in gran parte sulla documentazione papirologica.

Un'altra questione che evidentemente occupa molto la ricerca è in che misura gli arabi abbiano innovato in Egitto. Il che equivale a parlare del carattere della conquista prima e della amministrazione araba poi.⁴² Ora, gli arabi in sé sono stati in Egitto, ovviamente, una grossa novità. E certamente nuovo è tutto ciò che possiamo osservare nei campi nei quali essi sono attivi direttamente.⁴³ Ma dare un giudizio sul grado di innovazione da loro portato nella preesistente amministrazione bizantina è una questione relativa e soggettiva, e cioè di quanta innovazione sia «poca innovazione» e quanta sia «molta innovazione». Piuttosto che cercare di dare una definizione per l'Egitto di questo periodo (innovativo/non innovativo), è necessario innanzi tutto stabilire cosa è davvero nuovo – e da quando –, e cosa non lo è. E questo presuppone una riconsiderazione attenta dei testi: lettura, comprensione, interpretazione e naturalmente datazione.⁴⁴

⁴² Ho espresso alcune mie idee in proposito in «Amr e Martina» (cit. n. 21), pp. 136–157; «Consiglieri e comandanti» (cit. n. 24), pp. 158–166; e nell'introduzione generale a *CPR* xxx. Più in generale è fondamentale F. M. DONNER, «The formation of the Islamic State», *Journal of the American Oriental Society* 106 (1986), pp. 283–296.

⁴³ Nei primi tempi questa sfera rimane distinta da quella dell'amministrazione indigena, con la quale pure, essa – ovviamente – interagisce. Più che di un'integrazione delle due strutture parlerei però di strutture parallele. Cfr. *CPR* xxx, pp. 12–21.

⁴⁴ Oltre al problema delle datazioni incerte di molti testi, si deve rilevare una non sempre adeguata attenzione alla collocazione cronologica dei documenti, anche quando questa sia in qualche modo stabilita. C'è insomma una tendenza a considerare i papiri greci del primo periodo arabo come un'unità, per quanto essi si distribuiscano su di un periodo di 100 o 150 anni ricchi di cambiamenti. Questa impostazione è riscontrabile ad esempio nel pur ancora valido A. GROHMANN, «Der Beamtenstab der arabischen Finanzverwaltung in Ägypten in früharabischer Zeit», [in:] *Studien zur Papyrologie und antiken Wirtschafts-*

Proprio questo lavoro più tecnico e filologico rischia di passare in secondo piano.

Non è questa la sede per discutere se certe innovazioni lo siano davvero o no. Ma da quanto ho osservato sopra sui tipi di documenti conservati per il periodo arabo, già a partire dai primissimi anni diversi da quelli del periodo bizantino, è evidente che innanzi tutto siamo di fronte ad un problema di testimonianze. È vero che noi molte cose le vediamo solo – e immediatamente – con l'occupazione araba. Ma anche è vero che un certo tipo di documentazione, nella quale possiamo osservare queste novità, noi lo abbiamo solo a partire dal 639/640. Ci possiamo chiedere se gli archivi dei pagarchi siano un'innovazione degli arabi – una risposta negativa sembra ovvia –, o almeno una conseguenza di qualche loro inno-

geschichte Friedrich Oertel zum achtzigsten Geburtstag gewidmet, Bonn 1964, pp. 120–134 – parzialmente giustificabile per la documentazione al tempo disponibile –, ma anche in lavori più recenti. Analogamente nella ricostruzione dei meccanismi di assegnazione delle quote di imposta si può essere tentati di considerare tutti gli *entagia* – quelli di Qurra b. Sharik alle unità fiscali, quelli dei pagarchi arabi dell'VIII secolo inoltrato ai singoli contribuenti – come se fossero contemporanei, per ricavarne un sistema organico, omogeneo ed immutabile: vedi per primo CASSON, «Tax-collection» (cit. n. 34), pp. 275–276. Eppure tutti gli *entagia* ai singoli contribuenti citati da Casson a p. 275, n. 4 sono posteriori a quelli di Qurra b. Sharik ai villaggi. Per un'interpretazione in senso diacronico – passaggio da responsabilità fiscale collettiva a responsabilità individuale – vedi invece l'introduzione di Petra M. Sijpesteijn a P. Clackson 45–46, pp. 106–107. Una cosa ancora diversa sono gli *entagia* copti inviati da Atias negli ultimi anni del VII secolo a singoli contribuenti di Ermupoli o di Akoris (in Antinoite): poiché qui Atias si rivolge a contribuenti di due diverse pagarchie, egli deve agire non come pagarco ma come duca. La difficoltà di riportare i diversi tipi di *entagia* ad un sistema unitario e costante nel tempo era chiara anche a N. GONIS, «Reconsidering some fiscal documents from Early Islamic Egypt III», *ZPE* 169 (2009), p. 199. La perdita della dimensione diacronica influenza ovviamente anche la discussione sui cambiamenti portati dagli arabi in Egitto. I primi decenni dopo la conquista sono diversi – per terminologia, ruolo degli arabi, ed anche organizzazione amministrativa – dalla fine del VII secolo, dai primi due decenni dell'VIII, e poi ancora dal periodo successivo. Un esempio terminologico: il pagarco Râshid b. Khâled nell'VIII secolo è – come altri suoi contemporanei – un *amîr*. Ma ciò non significa che il termine potesse essere usato nel senso di pagarco già nel VII secolo, o addirittura negli anni immediatamente dopo la conquista. In definitiva il titolo *amîr* spetta a Râshid più in quanto arabo con funzioni di comando che in quanto pagarco. I pagarchi dei primi decenni dopo la conquista, come ad esempio Christophoros e Theodorakios o Athanasios, non possono essere *amîr* per il semplice fatto che essi sono ancora dei cristiani.

vazione. E di seguito, se lo siano cose che noi conosciamo da questi archivi, posto che per i periodi precedenti documentazione che ci potrebbe testimoniare queste stesse cose manca.⁴⁵ Inversamente ci possiamo chiedere perché non ci sono grossi archivi di proprietari terrieri, e se questo debba significare, come si è pensato, la loro scomparsa, o anche il passaggio ad un'altra lingua. Almeno per il secondo punto, non che è al posto dei grossi archivi greci dei proprietari terrieri del VI secolo se ne trovino adesso di copti.⁴⁶

Lasciando questi problemi ancora in attesa di una soluzione per tornare al campo più strettamente tecnico dell'edizione e revisione dei testi, non so come valutare le prospettive per il futuro. Proprio il lavoro diretto sui testi, base per ogni analisi storica, mi sembra registrare negli anni più recenti un certa stagnazione. Neppure nel campo della papirologia araba mi sembra di poter constatare un aumento significativo del materiale edito. Eppure tante edizioni sono da rivedere, e tanti testi devono ancora essere compresi. Troppe datazioni imprecise distorcono la nostra percezione di questo periodo, spesso privandolo di una buona parte della documentazione, o trasferendo testi da un cinquantennio, o anche da un secolo, all'altro. Per datare più correttamente i testi sarebbe importante una maggiore consapevolezza dello sviluppo e della collocazione cronologica di certe scritture.⁴⁷ Ma ancora di più lo sono cose come la prosopo-

⁴⁵ Per rimanere su un terreno neutrale mi limito ancora ad un esempio lessicale, come la comparsa del termine *sigellion*, per il quale vedi le mie osservazioni in *CPR* xxii 1, l. 4 n. Con il periodo arabo compare, curiosamente anch'esso già nei primissimi anni, pure l'altro prestito latino parzialmente sinonimo, *βούλλα*: I.-M. EHRENSTRASSER, *Lexikon der lateinischen Lehnwörter in den griechischsprachigen dokumentarischen Texten Ägyptens mit Berücksichtigung koptischer Quellen* 11, Purkersdorf 2000, pp. 190–192.

⁴⁶ Per tutte queste questioni si può cercare una spiegazione nel fatto che per il periodo bizantino l'ufficio del pagarco era tenuto dalle grandi proprietà, per cui l'archivio del pagarco potrebbe coincidere con quello della grande proprietà. Ma rimane aperto il problema del perché i grandi proprietari/pagarchi bizantini non avrebbero tenuti distinti i due ambiti, come invece i loro colleghi del primo periodo arabo, anch'essi certo proprietari terrieri. Ed anche del perché, dei pagarchi/proprietari del periodo arabo siano rimasti archivi incentrati essenzialmente sulla loro attività pubblica, e assai poco invece su quella privata.

⁴⁷ A questo proposito è da rilevare la scarsa attenzione – con pochissime eccezioni – dedicata dai papirologi alla storia della scrittura in questo periodo, pure paleograficamente

grafia e lo studio delle pratiche notarili per quel che riguarda documenti privati come i contratti. L'evoluzione di lingua, formule e stile nelle lettere: pubblicando lettere come quelle dell'archivio di Senouthios è interessante constatare che i paralleli per certe formulazioni portano molto spesso a gruppi di documenti più o meno coevi, come i papiri di Apollonos Anô. L'individuazione e la ricostituzione di archivi o *dossiers* smembrati e misconosciuti: credo che i testi isolati siano pochi, e una gran parte si raccolga invece intorno a persone o ambienti determinati, anche se in molti casi non più determinabili.

E c'è poi la massa costituita dalle migliaia di documenti inediti, che dovrebbero essere pubblicati, o almeno catalogati e messi in rete a disposizione di chi li voglia utilizzare.⁴⁸ Questo materiale pone problemi particolari – come del resto anche i papiri del periodo tolemaico o romano, o quelli letterari. Il materiale del periodo arabo però è anche poco familiare a molti papirologi, e normalmente chi arriva ad occuparsi di questa documentazione ci arriva da autodidatta – il che non è necessariamente un male. Di fatto un problema fondamentale per l'edizione di questi testi è la formazione in ambito universitario di papirologi che sappiano trattarli. È difficile proporre corsi su documenti amministrativi dell'VIII secolo a studenti di storia antica o di filologia classica: che poi per lo più finiranno a interessarsi di tutt'altre cose, e hanno bisogno piuttosto di acquisire competenze su campi più classici, o almeno più universalmente riconosciuti, della papirologia.

D'altra parte un problema sostanziale per la messa a frutto dei testi catalogati in rete, al di là delle questioni relative a diritti di edizione o di altro genere posti dalle istituzioni sul materiale, è il livello di competenza

interessantissimo. Più frequentemente esso è stato preso in considerazione da paleografi, con risultati talvolta condivisibili, talaltra meno. Il vuoto lasciato dal papirologo in questo settore è tanto più avvertibile poiché egli, meglio conoscendo i documenti, i loro contenuti, gli ambienti nei quali e gli scopi per i quali essi sono stati prodotti, potrebbe avere gli strumenti più appropriati per collocare le pratiche della scrittura in un più ampio contesto sociale e culturale.

⁴⁸ Penso in particolare alla messa in rete di immagini con descrizioni dei documenti, come quella iniziata con l'autunno del 2013 alla Papyrussammlung viennese proprio per i testi del periodo arabo con il finanziamento della *Andrew W. Mellon Foundation*.

paleografica, linguistica, diplomatica, presupposto per gli storici ad esso interessati. Che uno storico – nel caso specifico del periodo arabo, ma il discorso è più generale – possa essere in grado di cercare e utilizzare informazioni in papiri (greci) inediti, senza una trascrizione, un commento o una traduzione, e guidato solo da indicazioni di contenuto e se mai trascrizioni parziali, può al papirologo sembrare molto. Ma è proprio questo il modo di lavorare normale per molti storici del medioevo, abituati a usare direttamente i documenti di archivio, normalmente inediti. E mi chiedo – domanda alla quale non mi sentirei di dare una risposta – se questo approccio agli inediti come documenti da usare direttamente per lo storico, anche senza l'aiuto/filtro dell'edizione, non possa essere una via per ristabilire la papirologia come una disciplina imprescindibile per la ricerca storica: anche per chi non abbia particolare interesse per le cose tecniche e il lavoro di edizione, e affronti invece problematiche più ampie.

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Jacques van der Vliet

**COPTIC DOCUMENTARY PAPYRI
AFTER THE ARAB CONQUEST**

ANY STUDENT OF COPTIC PAPYRI from the centuries following the Arab conquest is fated – sooner or later – to confront the great historical processes that changed the face of Egypt in this period. Beyond the minutiae of the papyrological evidence, he or she will be obliged to join the debate about the major issues raised by the epochal developments that tore the country away from the late-antique Hellenistic world. This historical awareness is duly reflected in a growing number of excellent publications by mostly young scholars about the Egyptian – Greek, Arabic and, of course, Coptic – documentary material from the post-conquest period.

Within the framework of the present report, it is impossible and perhaps even undesirable to review individual contributions in any detail.¹ Instead, I intend to focus, first, on the main scholarly trends and

¹ The bibliographical references offered in the footnotes are selective and by no means meant to be exhaustive. For fuller bibliographies, the reader is referred to the reports on Coptic documentary papyrology appearing in the proceedings of the four-yearly congresses organized by the International Association for Coptic Studies. The publication of the reports prepared for the congresses in Cairo (2008, by T. S. RICHTER) and Rome (2012, by A. DELATTRE) is forthcoming in the proceedings of the Rome congress, edited by A. CAMPLANI and Paola BUZI.

developments in the last decade. Then, I will critically address some of the traditional assumptions that still today weigh on the study of post-conquest Coptic. Thirdly and fourthly, I will try to characterize in a few words the two main periods that can be distinguished in the use of post-conquest documentary Coptic, spanning roughly the seventh to mid-ninth centuries and the mid-ninth to eleventh centuries, and reflect a bit on the historical problems posed by each of these two periods. In the end, I will briefly illustrate the situation of final Coptic by referring to the textual finds from the important monastic site of Naqlun (Nekloni) in the Fayyum.

MAJOR TRENDS AND DEVELOPMENTS

Perhaps the most influential single incentive for the study of Coptic papyri from early Islamic Egypt in the last decade did not come from within Coptology, but from the domain of Arabic papyrology. During a conference in Cairo in March 2002, the International Society of Arabic Papyrology (ISAP) was launched, an initiative of Petra Sijpesteijn and Lennart Sundelin. Right from the outset, the newly founded Society actively sought to engage Greek and Coptic papyrology in a multidisciplinary approach. As a multidisciplinary setup is indeed the only sensitive approach to the world of early-medieval Egypt, it was immediately highly successful. The biannual ISAP conferences are characterized by an important Coptological input.² When Petra Sijpesteijn subsequently became ordinary professor of Arabic in Leiden, her inaugural address, pronounced in April 2009, which naturally dealt primarily with Arabic, surprisingly ended in a passionate plea for the study of Coptic!³ The various

² Proceedings have so far been published of the meetings in Cairo (2002) and Granada (2004): Petra M. Sijpesteijn & L. Sundelin (eds.), *Papyrology and the History of Early Islamic Egypt*, Leiden – Boston 2004; Petra M. Sijpesteijn et al. (eds.), *From al-Andalus to Kbu-rasan: Documents from the Medieval Muslim World* [= *Islamic History and Civilization* 66], Leiden – Boston 2007.

³ Regrettably missing from the printed version, Petra M. Sijpesteijn, *Why Arabic?/ Hoezo Arabisch?* [= *LUCIS Series 'Debates on Islam and Society'*], Leiden 2012.

research projects initiated by her, and which are now coming to fruition, bear the same multidisciplinary stamp.⁴

Simultaneously, the study of the Coptic language as a cultural value and its role within late-antique and early-medieval Egyptian society received important new impulses. Chris Reintges' challenging view of Coptic as a 'bilingual language variety', a literary idiom basically shaped after a Greek model, proved a far cry from the traditional image of Coptic as a simple survival of the spoken vernacular adapted to the need of native peasants, unable to read the Bible in Greek.⁵ The challenge was taken up, in particular, by Tonio Sebastian Richter and Ewa Zakrzewska, from different points of view and with different results, though both combining sociological and linguistic approaches.⁶ The debate on the cultural and sociolinguistic status of Coptic naturally also touched upon its final stages, which interest us here. As a result, the later phases of Coptic literacy received attention in a series of edited volumes, some of them bearing telling titles such as *From Hellenism to Islam* (2009) or *The Multilingual Experience in Egypt* (2010).⁷

⁴ Thus e.g. Marie LEGENDRE, *Pouvoir et territoire: l'administration islamique en Moyenne-Égypte pré-tulūnide (642–868)*, PhD diss. Leiden University 2013.

⁵ See Chr. REINTGES, 'Code-mixing strategies in Coptic Egyptian', *Lingua Aegyptia* 9 (2001), pp. 193–237; IDEM, 'Coptic Egyptian as a bilingual language variety', [in:] P. BÁDENAS DE LA PEÑA *et al.* (eds.), *Lenguas en contacto: el testimonio escrito* [= *Manuales y Anejos de 'Emerita'* 46], Madrid 2004, pp. 69–86.

⁶ T. S. RICHTER, 'Greek, Coptic and the 'language of the Hijra': the rise and decline of the Coptic language in late antique and medieval Egypt', [in:] Hannah M. COTTON *et al.* (eds.), *From Hellenism to Islam: Cultural and Linguistic Change in the Roman Near East*, Cambridge 2009, pp. 401–446; Ewa D. ZAKRZEWSKA, 'Why did Egyptians write Coptic? The rise of Coptic as a literary language', [in:] Ahmed MANSOUR (ed.), *Copts and Society: Documentary-Historical Studies* [= *Studies in Calligraphy and Writings* 15], Alexandria 2013, pp. 227–236; EADEM, "'A bilingual language variety" or the "language of the pharaohs"? Coptic from the perspective of contact linguistics', [in:] E. GROSSMAN & T. S. RICHTER (eds.), *Linguistic Borrowing into Coptic. Proceedings of the Conference Leipzig 2010*, Leipzig (forthcoming).

⁷ COTTON *et al.* (eds.), *From Hellenism to Islam* (cit. n. 6); Arietta PAPACONSTANTINOU (ed.), *The Multilingual Experience in Egypt, from the Ptolemies to the Abbasids*, Farnham – Burlington 2010; see in addition: A. MULLEN & P. JAMES (eds.), *Multilingualism in the Graeco-Roman Worlds*, Cambridge 2012; GROSSMAN & RICHTER (eds.), *Linguistic Borrowing into Coptic* (cit. n. 6).

Finally, but perhaps most importantly, Coptic papyrology itself had its due share in the general revival of Coptic studies following the 1970s. For the period that concerns us here, the name of the late Sarah Clackson must be mentioned with honor. Apart from editing a whole range of seventh- and eighth-century documents from the monastery of Apa Apollo at Bawit, she did a lot to advance Coptic documentary papyrology as a discipline in its own right.⁸ After Sarah's death the interest for Bawit found an echo in the work of, among others, Alain Delattre, who also created the indispensable Brussels Database of Coptic documentary papyri.⁹ Although Anne Boud'hors is certainly not a *mere* papyrologist, her role in later Coptic papyrology, as a tutor and a guide, was and still is highly influential. To her and her students we now owe an ever richer picture of monastic life in Western Thebes, with in the centre the prolific eighth-century monk and scribe Frange.¹⁰

Long neglected, for reasons that will become obvious towards the end of this paper, the very last phase of the Coptic documentary tradition, in the tenth-eleventh centuries, also began to attract renewed attention. From the turn of the century onwards, Sebastian Richter started to work simultaneously on Late Coptic legal documents and on Copto-Arabic language contact, and he has undoubtedly become the leading expert in this domain.¹¹

⁸ See, in particular, Sarah J. CLACKSON, *Coptic and Greek Texts relating to the Hermopolite Monastery of Apa Apollo*, Oxford 2000, and EADEM, *It is our Father who Writes: Orders from the Monastery of Apollo at Bawit* [= *American Studies in Papyrology* 43], Cincinatti 2008. For a bibliography of Sarah Clackson, see Anne BOUD'HORS *et al.* (eds.), *Monastic Estates in Late Antique and Early Islamic Egypt: Ostraca, Papyri, and Essays in Memory of Sarah Clackson (P. Clackson)* [= *American Studies in Papyrology* 46], Cincinatti 2009, pp. xv–xvii.

⁹ A. DELATTRE, *Papyrus grecs et coptes du monastère d'apa Apollô de Baouît conservés aux Musées royaux d'Art et d'Histoire de Bruxelles*, Brussels 2007; the Brussels database: <http://dev.ulb.ac.be/bad/copte>.

¹⁰ Major publication: Anne BOUD'HORS & Chantal HEURTEL, *Les ostraca coptes de la TT 29. Autour du moine Frangé* [= *Études d'archéologie thébaine* 3], 2 vols., Brussels 2010.

¹¹ See, by way of example, T. S. RICHTER, *Rechtssemantik und forensische Rhetorik. Untersuchungen zu Wortschatz, Stil und Grammatik der Sprache koptischer Rechtsurkunden* [= *Kanobos* 3], Leipzig 2002 (2nd ed., Wiesbaden 2008), pp. 155–165; IDEM, 'Coptic', [in:] K. VERSTEEGH (ed.), *Encyclopedia of Arabic Language and Linguistics*, vol. 1, Leiden – Boston 2006, pp. 495–501.

All these fairly recent and extremely hopeful developments, still leave room – in my opinion – for some critical reflections on a more conceptual level. Some of these have been proposed much earlier, for instance by Sarah Clackson in her seminal paper for the 2002 ISAP-conference in Cairo, over ten years ago.¹² I will return to some of the points raised by her in the next part of my paper.

HISTORICAL ISSUES AND HISTORICAL PITFALLS

The processes that are set in motion by the Islamic conquest of Egypt in the years between 639 and 652 are diverse, complex and very often difficult to grasp. Still today, however, much of our understanding of these developments – and in particular of the societal role of Coptic and its users – derives from handbook knowledge that rests upon a standard set of uncritical, partly anachronistic assumptions. Many of these handbook assumptions haunt even today the discussion of Coptic within late-antique and early-medieval Egypt. In order to clarify my argument, I take the liberty to adopt a somewhat polemical stance. In doing so, I fully realize that some of the views that I find fault with here will seem obsolete to most readers, but as they are part of a very cogent and long-lived set of conceptions (or rather misconceptions), I feel free to exaggerate a bit. Obviously, no persons are targeted, only ideas.

Twentieth-century authors, such as Jean Maspero, popularized a binary model of late-antique Egyptian society that consistently pitched ‘Copts’ against ‘Greeks’ according to dividing lines of ethnicity (native–alien), language (vernacular–foreign), social class (exploited–exploiters) and religious appurtenance (monophysite–melkite).¹³ Apart from having a

¹² Sarah J. CLACKSON, ‘Papyrology and the utilization of Coptic sources’, [in:] STJPE-STEIJN & SUNDELIN (eds.), *Papyrology* (cit. n. 2), pp. 21–44.

¹³ This is not to discredit Jean Maspero, who was a child of his time, but also a singularly gifted scholar. His posthumously published *Histoire des patriarches d’Alexandrie depuis la mort de l’empereur Anastase jusqu’à la réconciliation des églises jacobites (518–616)* [= *Bibliothèque*

certain consistency that strongly appealed to the nineteenth–twentieth century European mind, steeped in the great -isms of the period (nationalism, socialism, colonialism), this model found sympathetic echoes among the modern Copts.¹⁴ It seemed, moreover, to be confirmed by indigenous sources, in Coptic, such as the works of Shenoute, or in Arabic, such as the *History of the Patriarchs*. In particular the latter source was instrumental in creating a picture of the seventh century in which the Arab conquest meant liberty for the oppressed masses of the Copts, delivering them from the much resented occupation by a foreign power, the Greek Empire, an occupation that stood for economical exploitation and religious persecution.

Summarized in this way, most readers will readily acknowledge how much this model has grown obsolete during the last twenty or so years, thanks to the critical efforts of a whole series of scholars.¹⁵ Yet, at the same time, this model with all its hidden implications proves to be very influential till the present day. Rather than a mere scholarly model it has proven to be an extremely cogent mind-set that tends to shape our way of thinking unnoticingly. For my present purpose, it suffices to indicate briefly some of the ways in which this model is still operative in the study of post-conquest Egypt.

Already in 2002, Sarah Clackson convincingly argued against the anachronistic use of the terms Copts and Coptic. In particular, she proposed to retain the word Coptic for the language only.¹⁶ Still today, however, scholars writing about late-antique, early-medieval Egypt loosely

de l'École des hautes-études 237], Paris 1923, remains a standard reference in the field, in spite of the methodological flaws signalled here.

¹⁴ For its reception in modern Coptic identity discourse, see J. VAN DER VLIET, 'The Copts: "modern sons of the Pharaohs"?', *Church History and Religious Culture* 89 (2009), pp. 279–290.

¹⁵ Here, by way of example, the seminal contributions by Ewa WIPSYCKA, 'Le nationalisme a-t-il existé dans l'Égypte byzantine?', *The Journal of Juristic Papyrology* 22 (1992), pp. 83–128 (reprinted in EADEM, *Études sur le christianisme dans l'Égypte de l'antiquité tardive* [= *Studia Epemeridis 'Augustinianum'* 52], Rome 1996, pp. 9–61), and R. S. BAGNALL, *Egypt in Late Antiquity*, Princeton 1993, deserve to be mentioned.

¹⁶ CLACKSON, 'Papyrology' (cit. n. 12), pp. 21–23, 39–41.

talk about ‘the Copts’, ‘the Coptic Church’, ‘Coptic Egypt’, and even ‘the Coptic period’. To put it strongly, in the seventh century there were *no* Copts. There were Egyptians, long Christianized, who used two distinct written codes, Greek and Coptic. These same Egyptians were deeply divided ecclesiastically. The official ‘Chalcedonian’ church had to compete with a strong ‘anti-Chalcedonian’ opposition, that was itself much divided, however. In addition to the Severan miaphysites, who had become organized in a separate church under the energetic patriarch Damian (578–607), in the last quarter of the sixth century, also the Gaianites and the Barsanuphians, for instance, had a hierarchy of their own.¹⁷

This brings me to a next point. Still today there is a notable tendency to link these confessional oppositions, which seem so overall important now, to language preferences. In other words, the allegedly majoritarian anti-Chalcedonians would have a preference for Coptic, the Chalcedonians for Greek. Yet there is to date no proof whatever from contemporaneous sources to support such an assumption. I seriously doubt that the emblematic patriarch Benjamin (626–665), the head of the Severan church at the time of the Arab conquest, ever in his life wrote a single word of Coptic. On the contrary, there is clear evidence that the official language of that same church remained Greek till well in the eighth century and probably even far later.¹⁸ And this holds *a fortiori* for its liturgical language.¹⁹ Our conception of the religious situation in and around the

¹⁷ Briefly on the church-historical background: Ewa WIPSZYCKA, ‘The institutional church’, [in:] R. S. BAGNALL (ed.), *Egypt in the Byzantine World, 300–700*, Cambridge 2007, pp. 331–349; J. VAN DER VLIET, ‘Pesynthios of Coptos/Qift (ca. 568–632) and the rise of the Egyptian miaphysite Church’, *Journal of the Canadian Society for Coptic Studies* 3–4 (2012), pp. 27–42.

¹⁸ Of which the surviving Festal Letters of the post-conquest period are the prime papyrological evidence; see for a fascinating recent contribution in the field, Ursula HAGEDORN & D. HAGEDORN, ‘Monotheletisch interpretierte Väterzitate und eine Anleihe bei Johannes Chrysostomus in dem Kölner Osterfestbrief (P. Köln V 215)’, *Zeitschrift für Papyrologie und Epigraphik* 178 (2011), pp. 143–157.

¹⁹ For the late – and never wholly completed – ‘Coptization’ of the Egyptian liturgy, see Anne BOUD’HORS, ‘Toujours honneur au grec? À propos d’un papyrus gréco-copte de la région thébaine’, [in:] PAPACONSTANTINOU (ed.), *The Multilingual Experience* (cit. n. 7), pp.

seventh century is strongly shaped by one single source, the Arabic *History of the Patriarchs*. Yet this source dates in its present form from the eleventh century and offers, for the episode of the Arab conquest, a classic case of ‘rewritten history’.²⁰

A tacit assumption underlying all this, is that the difference between the two written codes of Egypt in late antiquity, Greek and Coptic, can be conceived in terms of social, cultural or religious oppositions. As we still are inclined to think in terms of nation states whose very existence is linked to language as a primary identity marker, we find it difficult *not* to see variation in language use as the expression of conflicting identities. It is essential to realize, however, that the wealth of sociolinguistic studies devoted to the subject during the last twenty years or so has resulted in an entirely different understanding of multilingualism, underlining the importance of functional domains and societal roles. Yet, still today, Coptic is frequently pitched against Greek even by well-informed authors.²¹

Taking a somewhat different point of view, I am inclined to see Greek and Coptic within the cultural constellation of late-antique Egypt as Siamese twins rather than as markers of conflicting religious or national

179–188, and my remarks below. Greek remained the first liturgical language of (miasphysite) Nubia until the end of the Middle Ages.

²⁰ For the complicated redactional history of the Arabic *History of the Patriarchs*, see J. DEN HEIJER, *Mawhūb ibn Mansūr ibn Mufarrīg et l’historiographie copto-arabe. Étude sur la composition de l’Histoire des Patriarches d’Alexandrie* [= *Corpus Scriptorum Christianorum Orientalium* 513, *Subsidia* 83], Leuven 1989; for critical revisions of the traditional historiographic representation of the Arab conquest, see Arietta PAPAConstantinou, ‘Historiography, hagiography, and the making of the Coptic “Church of the Martyrs” in early Islamic Egypt’, *Dumbarton Oaks Papers* 60 (2006), pp. 65–86, in part. 67–73; Petra M. Sijpesteijn, ‘The Arab conquest of Egypt and the beginning of Muslim rule’, [in:] Bagnall (ed.), *Egypt in the Byzantine World* (cit. n. 17), pp. 437–459; J. van der Vliet, ‘*Christus imperat*: an ignored Coptic dating formula’, [in:] Youhanna Nessim Youssef & Samuel Moawad (eds.), *From Old Cairo to the New World: Coptic Studies Presented to Gawdat Gabra on the Occasion of his Sixty-Fifth Birthday* [= *Colloquia Antiqua* 9], Leuven – Paris – Walpole, MA 2013, pp. 173–184.

²¹ Thus, e.g., in an otherwise important article, PAPAConstantinou, ‘Historiography, hagiography, and the making of the Coptic “Church of the Martyrs”’ (cit. n. 20), pp. 81–84.

identities. As soon as the shared culture of late-antique Egypt started to lose its hold, under the Abbasids, from the year 750 onwards, both halves of the twin couple started to wither and decline. A fine paper by Jennifer Cromwell, published in the 2010 volume on *The Multilingual Experience in Egypt*, nicely illustrates my point.²² One and the same eighth-century Theban scribe, Aristophanes, used two different scribal hands for writing Coptic and for writing Greek, often in a single document. So he was apparently aware of the distinction between both languages and carefully marked this in his written output. Yet it would be as ridiculous to split up Aristophanes into two conflicting personalities as it is dangerous to split up a Siamese twin.

Another corollary of the set of assumptions that underlies the traditional mind-set inherited from our handbooks is the obsessive fixation on *spoken* language that mars a whole series of recent publications. This obsession is somehow linked to the strongly prejudiced view of Coptic as a peasant's vernacular or a lower class jargon, and to a tendency to describe the distribution of Coptic *versus* Greek in terms of linguistic skills or – rather – the lack thereof. To put it clearly, any discussion of Greek and Coptic in the context of late-antique, early-medieval Egypt is a discussion about *written* codes. Written codes can serve a broad variety of purposes (such as social inclusion or social exclusion, showing status, learning or wealth, etc.), but they do not as a rule render spoken language.²³ As has been often observed, literary Coptic is to a large degree a constructed language.²⁴ The kind of Sahidic Coptic that is taught in our universities has quite likely never been spoken by anybody. Furthermore, written codes,

²² Jennifer CROMWELL, 'Aristophanes son of Johannes: an eighth century bilingual scribe? A study of graphic bilingualism', [in:] PAPAConstantinou (ed.), *The Multilingual Experience* (cit. n. 7), pp. 220–232.

²³ Cf. S. T. Richter, "'Spoken" Sahidic. Gleanings from non-literary texts', *Lingua Aegyptia* 14 (2006), pp. 311–323, at 311–312.

²⁴ Thus already, for instance, A. Gardiner, *Egypt of the Pharaohs: An Introduction*, Oxford 1961, p. 22; Bagnall, *Egypt in Late Antiquity* (cit. n. 15), pp. 238–240. In conformity with contemporaneous practice, it is better to use the term 'Egyptian', in distinction from written 'Coptic', to designate the spoken vernaculars, about which we know very little, however.

acquired through toilsome training, logically represent social capital, not a social handicap: Coptic is no less an elite language than Greek.²⁵

COPTIC IN ITS HEYDAY

There is actually no period in the history of the Coptic language that illustrates my last point better than the two centuries that immediately follow the Arab conquest. It is the period in which Coptic, that is Sahidic Coptic, came to be broadly used as a language for a full range of legal and documentary purposes, at least in some regions of Egypt. Coptic assumed roles reserved until then for Greek. Coptic documents became more numerous than ever and regionally often more numerous than Greek ones. Regions from which Coptic documents are particularly abundant are above all the Theban area as well as various sites in Middle Egypt, with the large monastery of Apa Apollo at Bawit as a conspicuous centre.²⁶

The wealth of surviving Coptic documents from this period is not merely a matter of quantity, however, but also of quality. This is shown for instance by the sometimes quite impressive legal documents from eighth-century Jeme in Western Thebes, many of them assembled in *P. KRU*.²⁷ Among these, the child donations with their sophisticated narrative

²⁵ See, in particular, ZAKRZEWSKA, ‘Why did Egyptians write Coptic?’ (cit. n. 6), and EADEM, ‘A bilingual language variety’ or the ‘language of the pharaohs?’ (cit. n. 6).

²⁶ For a review, focussing on legal documents, see T. S. RICHTER, ‘Koptische Rechtsurkunden als Quelle der Rechtspraxis im byzantinischen und frühislamischen Ägypten’, Chr. GASTGEBER (ed.), *Quellen zur byzantinischen Rechtspraxis: Aspekte der Textüberlieferung, Paläographie und Diplomatik. Akten des internationalen Symposiums, Wien, 5.-7.11.2007* [= *Österreichische Akademie der Wissenschaften, Phil.-hist. Klasse, Denkschriften* 413; *Veröffentlichungen zur Byzanzforschung* 25], Vienna 2010, pp. 39–59, at 43–45. Compare also the statistics in G. SCHMELZ, *Kirchliche Amtsträger im spätantiken Ägypten nach den Aussagen der griechischen und koptischen Papyri und Ostraka* [= *Archiv für Papyrusforschung, Beiheft* 13], Munich – Leipzig 2002, pp. 15–17, concerning ecclesiastical documents.

²⁷ A selection of which is now available in English translation in Leslie S. B. MACCOULL (transl.), *Coptic Legal Documents: Law as Vernacular Text and Experience in Late Antique Egypt* [= *Medieval and Renaissance Texts and Studies* 377; *Arizona Studies in the Middle Ages and the Renaissance* 32], Tempe, Arizona – Turnhout 2009.

strategies are perhaps the most intriguing products of a new Coptic *Urkundenwesen*.²⁸ More closely linked to the new Islamic administration of Egypt is the archive named after the early-eighth-century governor Qurra ibn Sharik (709–714).²⁹ It stems from the same minor administrative centre in Middle-Egypt, Aphrodito, that produced the famous archive of Dioscorus, with its early legal documents in Coptic. Whereas the Dioscorus archive was bilingual, Greek and Coptic, the one named after Qurra ibn Sharik was trilingual, Arabic joining Greek and Sahidic Coptic. In this respect it was not unique. In her contribution to the 2010 volume *The Multilingual Experience in Egypt*, Petra Sijpesteijn lists quite a number of multilingual dossiers and documents from several parts of Upper Egypt, including Nubia and the Fayyum, in which the amount of Coptic present varies, however.³⁰

Before we turn to the question, what this rise to prominence of documentary Coptic could mean or not mean historically, a few preliminary remarks are due. The first concerns the nature of the process; the second, the nature of the documents themselves.

First it should be observed that the ever broader diffusion of Coptic obeys a trend that originated already in the middle of the sixth century. As in particular the Dioscorus archive tends to show, Coptic had by this time come to be an acceptable medium, not only for private correspondence and monastic literature, but also for legal documents and notarial acts.³¹ The earliest Coptic notarial act, in fact, a lease contract from the

²⁸ See, in particular, T. S. RICHTER, 'What's in a story? Cultural narratology and Coptic child donation documents', *The Journal of Juristic Papyrology* 35 (2005), pp. 237–264; IDEM, "... auch wenn wir nicht an das Mass der seligen Anna heranreichten ...". Kinderschenkungen an ein oberägyptisches Kloster im 8. Jh. n. Chr. und ihr narrativer Horizont', [in:] H.-W. FISCHER-ELFERT & T. S. RICHTER (eds.), *Literatur und Religion im alten Ägypten. Ein Symposium zu Ehren von Elke Blumenthal* [= *Sächsische Akademie der Wissenschaften, Phil.-hist. Klasse, Abhandlungen* 81/5], Leipzig – Stuttgart 2011, pp. 164–198.

²⁹ See T. S. RICHTER, 'Language choice in the Qurra dossier', [in:] PAPAConstantinou (ed.), *The Multilingual Experience* (cit. n. 7), pp. 189–220, who provides lists of the documents and full references to the earlier literature.

³⁰ Petra M. Sijpesteijn, 'Multilingual archives and documents in post-conquest Egypt', [in:] PAPAConstantinou (ed.), *The Multilingual Experience* (cit. n. 7), pp. 105–124, at 108–121.

³¹ See J.-L. Fournet, 'Sur les premiers documents juridiques coptes', [in:] Anne Bou-

Aphrodito archive of Dioscorus, is now believed to date from around 580–590.³² Episcopal correspondence, such as preserved in the so-called archive of Pesynthios of Coptos, from the early seventh century, shows local leaders of the Severan church at work in Sahidic Coptic.³³

This trend only became more general in the post-conquest period, by the end of the seventh and the beginning of the eighth centuries, when yet more functional domains appear to have become available for documentary Coptic. It was apparently a forceful trend, since the decision of the Muslim governor of Egypt, Abd Allah ibn Abd al-Malik, decreeing in the year 706 that only Arabic should be used in the country's central chancery, seems to have had no immediate effect.³⁴ All well considered, therefore, the booming of documentary Coptic after the Arab conquest should rather not be considered a result of the change of political regime brought about by the Arabs, but as the reflection of a strong, long-term tendency within Egyptian society itself, a tendency that had originated already far earlier.³⁵

My second observation concerns the form and the language of the post-conquest Coptic documents. As several scholars, in particular Sebastian Richter, have pointed out before me, administrative and legal documents remain for their formularies and their technical vocabulary dependent on models from late antiquity.³⁶ That is, even though Sahidic Coptic

D'HORS & C. LOUIS (eds.), *Études coptes XI. Treizième journée d'études (Marseille, 7–9 juin 2007)* [= *Cahiers de la Bibliothèque copte* 17], Paris 2010, pp. 125–137, with full references to the earlier discussions.

³² H. FÖRSTER, J.-L. FOURNET, T. S. RICHTER, 'Une misthōsis copte d'Aphrodité (P. London inv. 2849): le plus ancien acte notarié en copte?', *Archiv für Papyrusforschung* 58 (2012), pp. 344–359.

³³ See Florence CALAMENT, Renate E. L. DEKKER, J. VAN DER VLIET (eds.), *Les archives de Pesynthios, évêque de Coptos (mort 632)*, vol. I: *Les papyrus du Louvre* [= *Orientalia Lovaniensia Analecta*], Leuven – Paris (forthcoming).

³⁴ SIJPESTEIJN, 'Multilingual archives' (cit. n. 30), p. 106.

³⁵ For a sociolinguistic underpinning, see in particular ZAKRZEWSKA, "A bilingual language variety" or the "language of the pharaohs"?' (cit. n. 6).

³⁶ See in particular RICHTER, *Rechtssemantik* (cit. n. 11), and IDEM, 'Koptische Rechtsurkunden' (cit. n. 26).

has now become their first language, they adhere to the late-antique documentary tradition of Egypt that basically took shape in Greek.

Furthermore, a huge majority of these Coptic administrative and legal documents are strictly spoken bilingual. It is not merely that they show an extremely high number of Greek loanwords and calques. In many of them, standard clauses of a formulaic nature, but nevertheless essential for the validity of the document, such as dating and accounting formulae, are in Greek. This is the case not only in elaborate legal documents recording major transactions on papyrus, but also in mass produced texts on ostrakon, such as the Bawit way bills,³⁷ the orders of the type ‘it is our father who writes’, also from Bawit,³⁸ or the Theban tax receipts.³⁹ The model editions of these texts that we owe to Sarah Clackson and Anne Boud’hors, among others, duly – and correctly, in my view – bring out this fact by printing the Greek and the Coptic parts of the texts in different, Greek and Coptic, typeface.

The implication of my remarks is – I think – clear. Simplistic explanations will not work. In particular, explanations of the booming of post-conquest documentary Coptic in terms of a surge of nationalism or an opposition between Greeks and Copts, whether conceived ethnically, religiously or linguistically, do not hold. There is no rupture with the Greek tradition. Coptic and Greek documents equally perpetuate the world and the culture of late antiquity well into the Abbasid period.⁴⁰

Meanwhile, the role of Coptic *vis-à-vis* Greek and Arabic in all the smaller or bigger multilingual dossiers from the post-conquest period remains to be assessed in all detail. In any case, such an assessment should not be undertaken in terms of linguistic skills – or the lack thereof – but rather in terms of access to social capital. Jennifer Cromwell’s 2010 paper,

³⁷ ANNE BOUD’HORS, *Ostraca grecs et coptes des fouilles de Jean Maspero à Baouit: O. Bawit IFAO 1-67 et O. Nancy* [= *Bibliothèque d’études coptes* 17], Cairo 2004.

³⁸ CLACKSON, *It is Our Father who Writes* (cit. n. 8).

³⁹ CROMWELL, ‘Aristophanes son of Johannes’ (cit. n. 22).

⁴⁰ Cf. ARIETTA PAPACONSTANTINO, ‘“What remains behind”: Hellenism and Romanitas in Christian Egypt after the Arab conquest’, [in:] COTTON *et al.* (eds.), *From Hellenism to Islam* (cit. n. 6), pp. 447–466.

which was cited already, strongly suggests that a study of the rising Coptic *Urkundenwesen* in this period should be geared towards the identification of scribal centres, scribal traditions and even individual scribes.⁴¹ Predictably, such a study will guide us towards local elites and local centres of literacy, among which monasteries are due to occupy a prominent but by no means exclusive place.

Whether Coptic ever gave access to the centres of political power in Alexandria or Fustat remains to be seen. As far as we know now, the only place where Sahidic Coptic seems to have obtained the status of a chancery language, close to the centre of political power, is the eparchal court of Qasr Ibrim, the former capital of Nobadia, the northernmost province of the Christian kingdom of Makuria, well south of Egypt's frontier.⁴²

THE ERA OF PAPER: DEATH AND TRANSFIGURATION

The latest precisely dated Greek papyrus documents appear to belong to the very end of the eighth century.⁴³ After the year 800, the great tradition of documentary Greek seems to peter out quite quickly, at least in Egypt.⁴⁴ But did Coptic fare much better? Actually, also for Coptic, the

⁴¹ CROMWELL, 'Aristophanes son of Johannes' (cit. n. 22); see also EADEM, 'Coptic texts in the archive of Flavius Atias', *Zeitschrift für Papyrologie und Epigraphik* 184 (2013), pp. 280–288, in part. 287–288.

⁴² See SIJPESTEIJN, 'Multilingual archives' (cit. n. 30), pp. 115–116; for the office of eparch in Nobadia, see G. RUFFINI, *Medieval Nubia: A Social and Economic History*, Oxford 2012, in part. pp. 34–37; W. GODLEWSKI, 'A short essay on the history of Nobadia from Roman to Mamluk times', [in:] J. VAN DER VLIET, J. L. HAGEN (eds.), *Qasr Ibrim, between Egypt and Africa: Studies in Cultural Exchange (NINO Symposium, Leiden, 11–12 December 2009)*, Leiden 2013 [= *Egyptologische Uitgaven* 26], pp. 123–133.

⁴³ For the latest dated Greek document presently known, see F. MORELLI, *CPR* XXII 21, at pp. 5–6; and, for the broader picture, the same author in the present volume.

⁴⁴ This does not apply, of course, to literary and liturgical Greek, for which we may cite such important witnesses as the 10th–11th cent. *Miracles of Cosmas and Damian*, from the Esna–Edfu find, now in the British Library (J. VAN HÆLST, *Catalogue des papyrus littéraires juifs et chrétiens*, Paris 1976, no. 704), or the 13th cent. Scaliger Lectionary, from the Wadi

ninth century is a transitional period at best. Coptic legal documents become scarce: perhaps the latest substantial group of dated documents in the late-antique style are the sale documents from Bawit, from the middle of the ninth century, discussed most recently (in 2009) by the *Altmeister* Martin Krause in the memorial volume dedicated to Sarah Clackson.⁴⁵

As it appears, the ninth century announces a wholesale language shift, also beyond the documentary domain. Within the domain of liturgy, for instance, the never entirely completed ‘Coptization’ of the till then predominantly Greek liturgy of the Egyptian Church gained momentum.⁴⁶ As Ewa Zakrzewska aptly argued, Coptic was finally getting access to the highest available register in terms of status, that of the sacred.⁴⁷ A role that Bohairic would take over from Sahidic soon after the year 1000.⁴⁸ Still in the domain of liturgy, the monastic libraries that are the main sources of literary manuscripts in Coptic began to take their final shape. Within a few centuries, the cycle of copying these basically liturgical texts came to a halt. Which left us with the mass of ninth- to eleventh-century Sahidic and Bohairic codices from monasteries in – from north to south – the Wadi an-Natrun, Hamuli, Sohag, and Edfu that together constitute our principal source for so-called Coptic literature.⁴⁹ The literary her-

an-Natrun (VAN HAELST, *Catalogue*, no. 326; H. J. DE JONGE, ‘Joseph Scaliger’s Greek-Arabic lectionary [Leiden, U.L., MS. Or. 243 = Lectionary 6 of the Greek New Testament]’, *Quaerendo* 5 [1975], pp. 143–172).

⁴⁵ M. KRAUSE, ‘Die koptischen Kaufurkunden von Klosterzellen des Apollo-Klosters von Bawit aus abbasidischer Zeit’, [in:] BOUD’HORS *et al.* (eds.), *Monastic Estates* (cit. n. 8), pp. 159–169.

⁴⁶ For the late development of Coptic (Sahidic) hymnography, see BOUD’HORS, ‘Toujours honneur au grec?’ (cit. n. 19), pp. 180–181; Sahidic witnesses of the nowadays dominant Egyptian Anaphora of Saint Basilios start to occur sporadically from the 7th century onwards, but most manuscripts are much later, as are the Greek and Bohairic ones, see A. BUDDE, *Die ägyptische Basilios-Anaphora: Text – Kommentar – Geschichte* [= Jerusalem theologisches Forum 7], Münster 2004, pp. 45–47, 94–106, and 585–587.

⁴⁷ ZAKRZEWSKA, “A bilingual language variety” or the “language of the pharaohs?” (cit. n. 6).

⁴⁸ Cf. BUDDE, *Die ägyptische Basilios-Anaphora* (cit. n. 46), pp. 105–106.

⁴⁹ They make up Tito Orlandi’s ‘bibliological units’, for which see T. ORLANDI, *Coptic*

itage of Christian Egypt began to be translated massively into Arabic in or around the eleventh century.⁵⁰

Yet we do have documentary texts in Coptic after the ninth century. They comprise predominantly letters and administrative documents, but also a small number of usually quite modest legal documents (sales, contracts, receipts).⁵¹ But what is most striking in these tenth- and eleventh-century documents is their overwhelming *differentness*. In various ways they are much different from anything that was produced in the late-antique or early-Islamic periods. They look different, to begin with. They are usually written on paper, rarely on parchment, not on papyrus or ostrakon anymore. And they are written in a much different script, usually some variant of what is called the ‘late sloping uncial’: clear detached letters, without ligatures – a script that remained in use in Southern Egypt and Nubia until the end of the medieval period.⁵²

The language of these documents is usually Sahidic Coptic, but with lots of Middle-Egyptian interference in the vowel system (in particular swapping /o/ and /a/). Grammar is simplified, with case marking frequently lacking, the orthography is extremely unstable and the phraseology stereotypical. Besides, there is considerable lexical and phraseological innovation. In addition to many loanwords from Arabic, rare Egyptian or Graeco-Egyptian words occur, making in particular letters often hard to interpret. In order to decipher these documents, class-room knowledge

Texts Relating to the Virgin Mary: An Overview [= *Letteratura copta. Serie studi*], Rome 2008, in part. pp. 13–46.

⁵⁰ See the seminal essay by S. RUBENSON, ‘Translating the tradition: some remarks on the Arabization of the Patristic heritage in Egypt’, *Medieval Encounters* 2 (1996), pp. 4–14.

⁵¹ For a recent discussion, see A. DELATTRE *et al.*, ‘Écrire en arabe et en copte. Le cas de deux lettres bilingues’, *Chronique d’Égypte* 87 (2012), pp. 170–188, at 186–187 (letters), 184, n. 31 (administrative documents), 184–187 (legal documents). For Late Coptic letters, see also T. S. RICHTER, ‘Coptic letters’, *Asiatische Studien / Études asiatiques* 62 (2008), pp. 736–770, at 752–753.

⁵² For the late sloping uncial, widely employed for liturgical manuscripts, both Greek and Coptic, see Anne BOUD’HORS, ‘L’unciale penchée en copte et sa survie jusqu’au xv^e siècle en Haute-Égypte’, [in:] F. DÉROCHE & F. RICHARD (eds.), *Scribes et manuscrits du Moyen-Orient*, Paris 1997, pp. 117–133.

of standard Sahidic does in many cases not suffice, even though the script is usually very clear.

What is more, as Sebastian Richter has pointed out for the legal documents, the poverty of the vocabulary is striking and the contact with the late-antique tradition is largely lost. Instead, a considerable input from the part of Arabic scribal practices can now be observed.⁵³ Besides, the functionality of documentary Coptic had become fairly limited. For anything that really mattered in important domains such as family law and landed property, Christians had recourse to Arabic.⁵⁴

This poverty in quality is matched by a poverty in quantity. Compared to the richness of the two-hundred years immediately following the Arab conquest, the number of known Coptic documents from the tenth–eleventh centuries is much more limited. Only letters make up a sizeable corpus.⁵⁵ Even the geographical distribution of the sources apparently changed, since the Theban area as a source of Coptic documents rapidly faded out after the eighth century. Instead the Fayyum rose to prominence,⁵⁶ while smaller clusters of documents punctuate the Nile Valley up to as far south as Qasr Ibrim. In the end of this paper, I will return to an increasingly important source of late Coptic documents in the Fayyum, the monastery of Dayr an-Naqlun, Coptic Nekloni.

In spite of all the preceding qualifications, this final phase of documentary Coptic has its particular interest and poses a number of problems of its own. I will limit myself to a couple of remarks only.

⁵³ For Arabic loanwords and formulae in legal documents, see in addition to RICHTER, 'Coptic' (cit. n. 11), IDEM, *Arabische Lehnworte und Formeln in koptischen Rechtsurkunden*, *The Journal of Juristic Papyrology* 31 (2001), pp. 75–89.

⁵⁴ See RICHTER, *Rechtssemantik* (cit. n. 11), pp. 156–164; IDEM, 'Koptische Rechtsurkunden' (cit. n. 26), p. 59; cf. DELATTRE *et al.*, 'Écrire en arabe et en copte' (cit. n. 51), pp. 184–186.

⁵⁵ DELATTRE *et al.*, 'Écrire en arabe et en copte' (cit. n. 51), pp. 186–187 (referring to a doctoral dissertation in the course of preparation by Vincent WALTER, Leipzig).

⁵⁶ The 9th–10th cent. documents from Dayr al-Hammam may mark a transitional stage; see now G. SCHMELZ, 'Das Archiv des Archimandriten Apa Georgios: Texte aus *P. Fay. Copt.* und *P. Lond. Copt.*', [in:] BOUD'HORS *et al.* (eds.), *Monastic Estates* (cit. n. 8), pp. 216–223. Earlier papyri from Naqlun, such as those published in *P. Naqlun* I and II, are predominantly in Greek.

First, it is inevitable to conclude that we are facing here a Coptic on the wane, with a much reduced functionality. Its decline after the middle of the ninth century confirms the diagnosis of written Coptic as a product of the late-antique world, a world dominated by Greek. Detached from its late-antique roots, documentary Sahidic drastically altered and failed to offer a viable option for the new urban elites of Fatimid Cairo, for whom Arabic represented access to wealth, status and learning.⁵⁷ If these new Christian elites favored a form of Coptic, it was Bohairic, a primarily liturgical language.⁵⁸

Secondly, one may wonder why Coptic was still used at all? The answer may be provided by contemporaneous literary sources that have recently been discussed by, in particular, Arietta Papaconstantinou and Jason Zaborowski. In about the tenth–eleventh century stylized complaints – ironically, preserved in Arabic only – start to appear that regret the loss of Coptic and oppose the adoption of Arabic in its stead.⁵⁹ These are not merely literary witnesses to a major language shift, but – much more importantly – the expression of a novel cultural phenomenon. Here, for the first time in the history of Coptic Egyptian, metalinguistic reflection is found, that is, reflection on one’s own choice of language. As Ewa Zakrzewska was the first to point out, metalinguistic reflection about the use of Coptic is conspicuously absent from earlier sources. Bilingual (Greek–Coptic) intellectuals like Shenoute (in the fifth century)

⁵⁷ These positive incentives for the Egyptian Christians’ choice for Arabic are correctly emphasized by RICHTER, ‘Greek, Coptic and the ‘language of the Hijra’’ (cit. n. 6), p. 434, and Arietta PAPACONSTANTINO, ‘Why did Coptic fail where Aramaic succeeded? Linguistic development in Egypt and the Near East after the Arab conquest’, [in:] MULLEN & JAMES (eds.), *Multilingualism in the Graeco-Roman Worlds* (cit. n. 7), pp. 58–76, at 76.

⁵⁸ This is confirmed by the medieval Coptic documents from the Cairo Genizah (my knowledge of which I owe to the generosity and expertise of Gideon BOHAK, Tel Aviv). Apart from a single late Sahidic letter (Cambridge University Library, T-S. K 24.10-10, presumably sent from the Fayyum), these are predominantly liturgical and magical texts in Bohairic.

⁵⁹ Arietta PAPACONSTANTINO, ‘“They shall speak the Arabic language and take pride in it”: reconsidering the fate of Coptic after the Arab conquest’, *Le Muséon* 120 (2007), pp. 273–299; J. R. ZABOROWSKI, ‘From Coptic to Arabic in medieval Egypt’, *Medieval Encounters* 14 (2008), pp. 14–40.

or Dioscorus of Aphrodito (in the sixth century) are silent about their choice of language.⁶⁰ The appearance of metalinguistic reflection from about the year 1000 signals an important new development: in opposition to Arabic, Coptic had become the marker of a distinctive religious identity, symbolizing adherence to Egypt's glorious Christian tradition.⁶¹ It had irreversibly become the sacred language that it still is today.

QUADRILINGUALISM IN THE MEDIEVAL FAYYUM?

In the last part of this paper, I would like to return to the documents in order to briefly illustrate the question of language use and linguistic domains in the final stages of documentary Coptic. In fact, the tenth- to eleventh-century papyrus and parchment documents from the monastery of Naqlun (Nekluni, Dayr al-Malak), in the Fayyum, afford us a fascinating glimpse of the various registers of language use in this particular region and period. Many such documents were discovered during the Polish excavations that take place on site since the late 1980s.⁶² A growing number of pieces kept in museum collections all over the world can now be added to these on the basis of internal criteria, making Naqlun a major source of Late Coptic documents.⁶³

⁶⁰ ZAKRZEWSKA, 'Why did Egyptians write Coptic?' (cit. n. 6), p. 95.

⁶¹ But note the important observation by ZAKRZEWSKA, "A bilingual language variety" or the "language of the pharaohs?" (cit. n. 6), who considers this metalinguistic reflection on the use of Coptic not an ineluctable corollary of language death, but rather part of a broader medieval trend.

⁶² Excavations of the Polish Centre of Mediterranean Archaeology, University of Warsaw, directed by Włodzimierz Godlewski. For an overview of finds and sources as well as earlier literature, see the various contributions in T. DERDA (ed.), *Deir el-Naqlun in the Monastic Landscape of Egypt. Proceedings of the Conference, Warsaw, 17-18 June 2010*, Warsaw (forthcoming).

⁶³ The latest such addition was published by T. S. RICHTER & G. SCHMELZ, 'Der spätkoptische Arbeitsvertrag P. Heid. inv. kopt. 54r', *The Journal of Juristic Papyrology* 40 (2010), pp. 185-203. Hagiographical sources (published in a forthcoming Leiden dissertation by Clara

Not all documents from Naqlun are in Sahidic Coptic, however. Extremely important for understanding the position of Arabic in this then still predominantly Christian region are the large and impressive documents from the archive of the Banu Bifam, dated between AD 992 and 1029.⁶⁴ They record the sales transactions of a land-owning Christian family from a village in the near neighborhood of the monastery. As these are formal legal documents that must be valid in a court room, they are all entirely drawn up in Arabic. Yet, the onomastics of the Christian villagers appearing in these documents reveals something else as well. Certain peculiarities suggest that the language spoken on the village level may still have been some form of local Egyptian. That is, not Sahidic Coptic, but Fayyumi Egyptian, with its characteristic lambdacism (using /l/ instead of /r/).⁶⁵

Documentary Sahidic Coptic, on the other hand, was used until at the least the middle of the eleventh century in the administration of the monastery. An impressive witness of this is the account book, now partly kept in the British Library, the edition of which was planned by the late Sarah Clackson.⁶⁶ The account book, which can be dated to AD 1039–1040, contains numerous Arabic loanwords and Arabic names, but its script and first language are nonetheless Coptic. Sahidic Coptic is also

TEN HACKEN) show that the medieval monastery of Naqlun had churches dedicated both to Saint Gabriel and Saint Michael (cf. *ibidem*, p. 187, n. 10).

⁶⁴ Publication forthcoming by Chr. GAUBERT and J.-M. MOUTON. See, preliminarily, J.-M. MOUTON, 'Un village copte du Fayoum au XI^e siècle d'après la découverte d'un lot d'archives', *Académie des inscriptions & belles-lettres. Compte rendu des séances de l'année 2002, janvier-mars*, Paris 2002, pp. 447–458; Chr. GAUBERT & J.-M. MOUTON, 'Présentation des archives d'une famille copte du Fayoum à l'époque fatimide', [in:] M. IMMERZEEL & J. VAN DER VLIET (eds.), *Coptic Studies on the Threshold of a New Millennium. Proceedings of the Seventh International Congress of Coptic Studies, Leiden 27 August – 2 September 2000* [= *Orientalia Lovaniensia Analecta* 133], Leuven – Paris 2004, vol. 1, pp. 505–517.

⁶⁵ See GAUBERT & MOUTON, 'Présentation' (cit. n. 64), pp. 515–516; cf. MOUTON, 'Un village copte' (cit. n. 64), pp. 455–456.

⁶⁶ See J. VAN DER VLIET, 'Neklōni (al-Naqlūn) and the Coptic account book British Library Or. 13885', [in:] A. KAPLONY, Cornelia RÖMER, Petra SIJPESTEIJN (eds.), *Proceedings of the Fourth Conference of the International Society for Arabic Papyrology, Vienna, March 26–29, 2009*, forthcoming.

used in the various other lists, letters, receipts and contracts from the same general period that have been found during the excavation of the monastery.⁶⁷ Likewise, Sahidic Coptic is the language of the extensive legends that accompany the wall-paintings in the monastery church, which was entirely refurbished in the twenties and thirties of the eleventh century.⁶⁸ At the same time, however, Arabic is widely used not only for epistolary contacts with the outside world but also up to a degree for internal accounting purposes. Yet, the general impression one gets is that the monastic community deliberately stuck to Sahidic Coptic both for practical (bookkeeping) and representative purposes (inscriptions) in surroundings where otherwise Arabic had undoubtedly become the predominant written code.

In addition to these three languages, there is also an intruder: liturgical Bohairic, a language basically foreign to the Fayyum in this period. Nonetheless, unequivocal traces of Bohairic, which was rapidly becoming the main ecclesiastical language of the Egyptian miaphysite Church, have come to light during the excavations of the monastery. The best known example is a single leaf from a tenth or eleventh century handbook that contained, among other things, the Bohairic translation of the most important Greek biddings and responses from the Holy Mass.⁶⁹ But also scraps of Bohairic hymnography (unpublished) have been found in the central monastic complex, making liturgical Bohairic the fourth language attested on site, after Arabic, spoken Fayyumi Egyptian and written

⁶⁷ Part of the Late Coptic documentary texts have been published by the late Katarzyna URBANIAK-WALCZAK, 'Deir el-Naqlun: die koptischen Texte aus der Ermitage Nr. 25', *The Journal of Juristic Papyrology* 29 (1999), pp. 93-136; cf. EADEM, 'Naqlun, koptische Texte (Grabungskampagne 1989)', *The Journal of Juristic Papyrology* 23 (1993), pp. 157-162. Others are illustrated in various issues of the journal *Polish Archaeology in the Mediterranean*.

⁶⁸ Publication by the present author is forthcoming. Preliminarily, see Katarzyna URBANIAK-WALCZAK, 'Drei Inschriften aus der Kirche des Erzengels Gabriel in Deir an-Naqlun im Faijum', *Bulletin de la Société d'archéologie copte* 32 (1993), pp. 160-169; W. GODLEWSKI, 'Les peintures de l'église de l'archange Gabriel à Naqlun', *Bulletin de la Société d'archéologie copte* 39 (2000), pp. 89-101; J. VAN DER VLIET, 'Reconstructing the landscape: epigraphic sources for the Christian Fayoum', [in:] GAWDAT GABRA (ed.), *Christianity and Monasticism in the Fayoum Oasis*, Cairo - New York 2005, pp. 79-89, at 83-85.

⁶⁹ Reedited as *P. Naqlun* II 20, where also the earlier literature is quoted.

Sahidic. Considering the slightly later sources that show how liturgical Bohairic was officially enforced at the expense of Sahidic,⁷⁰ it is entirely conceivable that the introduction of liturgical Bohairic – rather than Arabic – was the death knell of written Sahidic, precisely in those circles where one was most deeply attached to Coptic, the rural monasteries.

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⁷⁰ Quoted in BUDDÉ, *Die ägyptische Basilios-Anaphora* (cit. n. 46), p. 105, n. 60; see also H. BRAKMANN, 'Neue Funde und Forschungen zur Liturgie der Kopten (2000–2004)', [in:] Anne BOUD'HORS & Denyse VAILLANCOURT (eds.), *Huitième congrès international d'études coptes (Paris 2004)*, I: *Bilans et perspectives 2000–2004* [= *Cahiers de la Bibliothèque copte* 15], Paris 2006, pp. 127–149, at 141.

Lucian Reinfandt

**ARABIC PAPYROLOGY
AND EARLY ISLAMIC EGYPT***

THE ORGANISERS of the 27th International Congress of Papyrology are to be praised for their initiative in inviting a contribution devoted to Arabic papyrology. It is much more than mere recognition of the fact that Arabic papyrologists are, and have always been, a member of the family: it is proof of the growing awareness that an additional language group, with significant documentary material, can contribute to a better understanding of the cultural and social processes of the early Islamic period, a crucial era of pre-modern history. Moreover it is an area of interdisciplinary research, because from the early Islamic period in Egypt comes documentary material in Greek, Coptic, and Arabic. These three sub-disciplines of papyrology need to cooperate if each is to fully understand its own material and be of the most benefit for the other two. Indeed, a field such as the study of early Islam can induce a whole discipline to reconsider general standards of research because it involves such questions as research methodology and the positioning of the discipline within the broader

* This is a slightly enlarged version of my paper read at the 27th International Congress of Papyrology in Warsaw. I am grateful to Andreas KAPLONY, Lea MÜLLER-FUNK, and Petra SIJPESTEIJN who have all read a draft and gave important comments and suggestions. Any mistakes, however, are my sole responsibility.

framework of the humanities. In other words: What do we want to find out? How do we propose to find it out? And what is our purpose for doing what we are doing? The following focuses upon the history of Arabic papyrology, including the self-conception of this sub-discipline, its main achievements in the past, and its major aims for the near future.

1. A BRIEF LOOK BACK ON THE DISCIPLINE

Arabic Studies have only recently reclaimed papyrology after a long neglect during the 20th century. This requires some explanation, since Arabists played a prominent role in the genesis of academic papyrology in the 19th century. Greek papyrology came to life earlier than Arabic papyrology by a series of spectacular events beginning in 1752 with the first discovery of papyri in Herculaneum by Paderni and others, and continuing in 1788 with the first edition of a papyrus from Egypt by Schow and in 1826–27 with the first integrated series of editions of Greek papyri by Peyron.¹ However, not until 1824 were the first two Arabic papyri found in the vicinity of Saqqara. They were published the following year by the French Orientalist Silvestre de Sacy (1758–1838).² Half a century later, in the late 1870s and the 1880s, the Austrian Arabist Josef Karabacek (1845–1918) continued the history of Arabic papyri with his engagement in the major finds from the Fayyum.³ Both de Sacy and Karabacek instinctively understood the value of these enigmat-

¹ J. G. KEENAN, 'The history of the discipline', [in:] R. S. BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford et al. 2009, pp. 59–78, at pp. 59–60; D. SIDER, 'The special case of Herculaneum', *ibidem*, pp. 303–319, at pp. 305–306; P. VAN MINNEN, 'A Dutch opinion of Amedeo Peyron', *Aegyptus* 76 (1996), pp. 157–165 at p. 157.

² S. DE SACY, 'Mémoire sur quelques papyrus écrits en arabe et récemment découverts en Égypte', *Journal des Savants* (août 1825), pp. 462–473; reprinted in: *Mémoires de l'Institut Royal de France. Académie des Inscriptions et Belles-lettres* 9 (1831), pp. 66–85. Cf. A. GROHMANN, 'Aperçu de papyrologie arabe,' *Études de papyrologie* 1 (1932), pp. 23–95, at p. 24; R. G. KHOURY, 'Papyruskunde', [in:] W. FISCHER (ed.), *Grundriß der arabischen Philologie. I. Sprachwissenschaft*, Wiesbaden 1982, pp. 251–270, at p. 252; A. D'OTTONE, 'Papirologia araba', *Atene e Roma* 3–4 (2008), pp. 144–156, at pp. 148–149; P. M. SJPSTEIJN, 'Arabic papyrology and Islamic Egypt', [in:] BAGNALL (ed.), *Oxford Handbook* (cit. n. 1), pp. 452–472.

³ Helene LOEBENSTEIN, 'Vom "Papyrus Erzherzog Rainer" zur Papyrussammlung der

ic documents, and both had the vision to make them fruitful for disciplinary discourse, though not without some resistance from colleagues in their own field.⁴ In the early 20th century, a second generation of Arabic papyrologists continued the work, including Adolf Grohmann (1887–1977), Carl Heinrich Becker (1876–1933), and the untimely deceased Karl Hofmeier (1892–1915).⁵ Both Grohmann and Becker were trained in Classics and Semitics but showed considerable interest in Ancient History and Egyptology. Both were gifted philologists (Becker possibly even more than Grohmann), and both were deeply committed to editorial work and, perhaps most important, had a strong awareness of the need for an interdisciplinary approach and a global view of papyrology. Their work enabled an historian like Leone Caetani (1869–1935) to productively integrate the results of papyrological research into his monumental proto-synthesis of the emergence of Islam.⁶

Österreichischen Nationalbibliothek. 100 Jahre Sammeln, Bewahren, Edieren', [in:] Österreichische Nationalbibliothek (ed.), *Papyrus Erzherzog Rainer (P. Rainer Cent.). Festschrift zum 100-jährigen Bestehen der Papyrussammlung der Österreichischen Nationalbibliothek*, 2 vols., Wien 1983, pp. 3–39, at pp. 3–8.

⁴ L. REINFANDT, 'La collection des tissus arabes de la bibliothèque nationale d'Autriche. Fond, arrière-plan, situation actuelle', [in:] F. HANDLEY, A. REGOURD & L. REINFANDT, *Catalogue raisonné des textiles de la Bibliothèque nationale d'Autriche portant la cote A.L. (Arabisch Leinwand)* [= *Mitteilungen aus der Sammlung der Papyrus Erzherzog Rainer*], Berlin – New York, forthcoming.

⁵ For Grohmann, cf. L. REINFANDT, 'The political papyrologist: Adolf Grohmann (1887–1977)', [in:] V. KLEMM & N. AL-SHĀ'AR (eds), *Sources and Approaches across Disciplines in Near Eastern Studies. Proceedings of the 24th Congress Union Européenne des Arabisants et Islamisants, Leipzig 2008* [= *OLA* 215], Leuven 2013, pp. 251–269; for Becker, cf. H. RITTER, 'Carl Heinrich Becker als Orientalist,' *Der Islam* 24 (1937), pp. 175–185 and Cornelia ESSNER & G. WINKELHANE, 'Carl Heinrich Becker (1876–1933). Orientalist und Kulturpolitiker,' *Die Welt des Islams* 28 (1988), pp. 154–177; for Hofmeier, cf. A. GROHMANN, *Einführung und Chrestomathie zur arabischen Papyruskunde* [= *Monografie Archivu Orientalního* 13], Prague 1955 at pp. 57–58 and LOEBENSTEIN, 'Vom "Papyrus Erzherzog Rainer"' (cit. n. 3), p. 29. K. HOFMEIER, under the auspices of his father-in-law J. Karabacek, started a long-term edition project of Viennese Arabic papyri related to taxes and leases of state land. This project was never completed due to Hofmeier's early death in the First World War. It produced only one publication, 'Beiträge zur arabischen Papyrusforschung,' *Der Islam* 4 (1913), at pp. 97–120. Cf. also C. H. BECKER, 'Zu Hofmeier's Papyrusstudien,' *ibidem*, pp. 313–314.

⁶ L. CAETANI, *Annali dell'Islam*, 10 vols., Milan and Rome 1906–26 (reprint New York: Olms 1972).

In 1930, in a series of public lectures held before the Société de Géographie du Caire, Adolf Grohmann expressed the optimistic outlook that papyri would become indispensable for research on Islamic history.⁷ But these promising beginnings had no long-term impact; the new discipline of Arabic papyrology could not hold its ground. The plant that had sprouted in the late 19th and early 20th centuries quickly withered away.

How could this happen? One answer is surely to be found in Arabic and Islamic Studies themselves. During the second half of the 20th century papyri lost their appeal in these disciplines and became relegated to individual researchers. An unparalleled rich heritage of literary codices eclipsed the time consuming work with the terse documentary papyri. Also perhaps the texts did not live up to the expectations that had been placed on them during the euphoric beginnings of papyrology in the late 19th century? Moreover, a series of linguistic, cultural, and narrative turns during the 20th century challenged the general value of documentary sources, while social sciences, area studies, and the critique of Orientalism also played their part in making pre-modern, let alone early Islamic, subjects fields within the discipline. No systematic curriculum taught students Arabic papyrology, while Arab, and especially Egyptian, papyrologists preferred Greek over the Arabic documents as more prestigious and perhaps less precarious concerning religion. Arabic papyrologists in the real sense of the word were therefore rare phenomena, and both their isolation and their sense of responsibility made them reluctant to look for disciples, the few successful cases being the exception rather than the rule.⁸

⁷ GROHMANN, 'Aperçu de papyrologie arabe' (cit. n. 2), p. 24.

⁸ The following teacher-student relationships had happy consequences for papyrology but were all based on unconventional circumstances and developed rather accidentally: J. Karabacek and K. Hofmeier; A. Grohmann and K. Jahn; N. Abbott and G. Frantz-Murphy; A. Dietrich and M. Gronke; J. David-Weill and Y. Rāḡib; W. Diem and M. Thung. See also the rather unusual 'papyrological' relationship between Cl. Cahen and Y. Rāḡib (Y. RĀḠĪB, 'Papyrologue malgré moi,' *Arabica* 43 [1996], pp. 206–210, at p. 207). K. JAHN produced an edition of 19 Arabic letters on papyrus as a dissertation under the auspices of A. Grohmann in Prague and published it in *Archiv Orientální* 9 (1937), pp. 153–200 ('Vom frühislamischen Briefwesen. Studien zur islamischen Epistolographie der ersten drei Jahrhunderte der Hiġra auf Grund der arabischen Papyri'), but did not continue with papyrology, instead becoming a specialist in Central Asian Studies instead. Cf. G. LEVI DELLA VIDA's many corrections of

Accordingly, Arabic papyrology had not an easy stand within Arabic and Islamic Studies, and even less so within the general papyrological community. But this cannot be the only explanation, because Demotists and Coptologists had similar problems inside Egyptology but eventually managed to achieve recognition in papyrology. There must have been something else. Some hint might be found in the roster of Arabists who attended the 26 papyrological congresses since 1930. The total is no small number, but it is largely comprised of a select few regular attendees.⁹ Some were among those rare bridge builders trained in both Arabic and Greek; others were involved in diplomatics and juridical papyrology and were, or had been, in close contact with the legal historians of their time, still others combined papyrological research with broad historical interdisciplinary approaches. However, several eminent figures of Arabic papyrology and related fields, such as Geniza studies, never attended, while others, most worrying perhaps, came only once and never again.¹⁰

What was going on? Arabic papyrologists were of course welcome and certainly enjoyed their participation. The Naples congress in 1983 and the Cairo congress in 1989 even provided panels on Arabic and Semitic papy-

Jahn's readings and his severe but compassionate criticism of the dissertation ('Perhaps other young students, too, will gladly accept a warning from an older fellow-student against the temptation to embark upon a difficult enterprise without the equipment of a serious preliminary training.') in G. LEVI DELLA VIDA, 'Remarks on a recent edition of Arabic papyrus letters', *Journal of the American Oriental Society* 64 (1944), pp. 127-137, at pp. 127-129.

⁹ Leiden 1931 (A. Grohmann); Munich 1933 (Grohmann); Oxford 1937 (Grohmann; L.A. Mayer); Vienna 1955 (Grohmann); Milan 1965 (Grohmann); New York 1980 (G. Frantz-Murphy); Naples 1983 (Frantz-Murphy; A. Hanafi; A.M. Magued); Athens 1986 (Hanafi); Cairo 1989 (Hanafi; S. Moghaweri; A.A. ash-Shami; A.F. Sayyid); Berlin 1995 (Hanafi); Florence 1998 (Hanafi); Vienna 2001 (Frantz-Murphy; Hanafi; Moghaweri; P. M. Sijpesteijn); Helsinki 2004 (Hanafi; Sijpesteijn); Ann Arbor 2007 (Frantz-Murphy; Sijpesteijn; E. Grob; Hanafi; M. Morony; L. Reinfandt; M. Shatzmiller); Geneva 2010 (Reinfandt; Sijpesteijn; S. Bouderalba; J. Bruning; A. Kaplony; M. Legendre; J. Thomann; Kh. Younes; A. Zomeño). Cf. *PapCongr.* II; *PapCongr.* III; *PapCongr.* v; *PapCongr.* VIII; *PapCongr.* XI; *PapCongr.* XVI; *PapCongr.* XVII; *PapCongr.* XVIII; *PapCongr.* XIX; *PapCongr.* XXI; *PapCongr.* XXII; *PapCongr.* XXIV; *PapCongr.* XXV; *PapCongr.* XXVI.

¹⁰ H. Loebenstein (Oxford 1974); R.G. Khoury (Naples 1983); A.M. Magued (Naples 1983); A.A. ash-Shami (Cairo 1989); A.F. Sayyid (Cairo 1989). Cf. *PapCongr.* XVI; *PapCongr.* XVII; *PapCongr.* XIX.

rology, and this was repeated at Ann Arbor in 2007, at Geneva in 2010, and at Warsaw in 2013.¹¹ But Arabists never overcame the sense of being marginal within the papyrological community: the congresses were beneficial but not essential for them. Such disturbing evidence seems to be indicative of a deeper problem within the other papyrological disciplines. Is there some kind of estrangement between Classical Philology and Ancient History on the one hand, and Near and Middle Eastern Studies on the other? Until at least the recent past a Cold War between these fields was fostered by underlying identity constructs in which the former tended to reaffirm the 'own' in their studies (Classical Antiquity), while the latter aimed at explicating the 'other' (the Orient). Such underlying constructs had separated studies of Classical Antiquity from those of the Ancient Near East and may still play some role in studies of Late Antiquity and even of Byzantium, which are conceived as occidental, Eurocentric cultures brought to an end by the Arab conquests of the 7th century AD.

Academic studies that, unconsciously perhaps, tend to mingle their research of long-past cultures with modern identities also tend to see Greek, Latin, and Coptic papyri as parts of their own cultural hemisphere (into which even Demotic papyri can find their place as something eventually absorbed by Hellenism) in contrast to Arabic and other Near Eastern material. A historian should not ask the question of 'what might have been if' but sometimes is tempted to think about how welcome Arabic papyri would be for modern papyrology had the Arabs remained Christian (as they partly were in the 6th century AD) and politically a part of the Byzantine Empire. Papyrologists have always considered the Arabic material as a part of the discipline,¹² but the integration of Arabic (and

¹¹ *PapCongr.* xvii, pp. 1395–1414; *PapCongr.* xix, pp. 493–533; 21–200 (Arabic part). At the congresses of Ann Arbor 2007 and Geneva 2010, the papers on Arabic Papyrology were read in separate panels but published in the proceedings among the other contributions in alphabetical order; cf. *PapCongr.* xxv and *PapCongr.* xxvi.

¹² Orsolina MONTEVECCHI, *La papirologia*, Torino 1972, p. 7; R. S. BAGNALL, *Reading Papyri, Writing Ancient History*, London 1995, p. 22. *The Oxford Handbook of Papyrology* (cit. n. 1) contains an own chapter devoted to Arabic Papyrology. See also the programmatic remarks at IDEM, 'Introduction', pp. xvii–xxi. In 2010 the papyrus collection and the papyrus museum of the Austrian National Library in Vienna offered a special exhibition on epistolography ('Briefe aus dem Wüstensand') that included Arabic papyri and became

other Semitic languages) into papyrology may often have been more lip service due to such underlying cultural reservations. But papyrology, technical and matter-of-fact as it is, should be better able than many other disciplines to cast off such blinkers, the reward of which would be the release of an unprecedented transdisciplinary potential.

2. ACHIEVEMENTS

The change could not come at a better time. Arabic papyrologists have very recently begun to institutionalise themselves into a discipline. The key stone was the founding of an *International Society for (not of) Arabic Papyrology* (ISAP) in 2001 which has since held conferences in Cairo in 2002, in Granada in 2004, in Alexandria in 2006, in Vienna in 2009, and in Tunis in 2012, while another one will take place in Munich in 2014.¹³ It regards its mission as the encouragement of cooperation between papyrologists and historians, and between Arabists and all those working with documents from the Islamic period in languages other than Arabic,

a part in the official catalogue; cf. L. REINFANDT, 'Arabisches Briefwesen', [in:] Claudia KREUZSALER, B. PALME & A. ZDIARSKY (eds), *Stimmen aus dem Wüstensand. Briefkultur im griechisch-römischen Ägypten* [= *Nilus* 17], Wien 2010, pp. 116–178. There was, on the other hand, the controversy between scholars of Coptic and Greek papyrology in 1936 as to whether even Coptic was part of Papyrology; cf. M. CHOAT, 'Was Coptic a part of papyrology? Crum, Bell, and "Worrel's complaint" in 1936', *CdE* 88 (2013), pp. 161–181. Mario Capasso devotes an own chapter on 'Le altre papirologie' (chapter 3) in his *Introduzione alla papirologia* but opens the first chapter ('La papirologia: definizione e ambiti geografici e cronologici') with Medea NORSÀ's classical definition in paraphrasing: 'La papirologia è la scienza che sostanzialmente decifra e studia i testi greci e latini pervenuti su papiro, su legno, su frammenti di ceramica e, in senso più lato, su pergamena' (emphasis in original); cf. M. CAPASSO, *Introduzione alla papirologia: dalla pianta di papiro all'informativa papirologica*, Bologna, p. 13.

¹³ The proceedings of the first two conferences have been published as Petra M. SIJPESTEIJN & L. SUNDELIN (eds), *Papyrology and the History of Early Islamic Egypt* [= *Islamic History and Civilization* 55], Leiden – Boston 2004, and P. M. SIJPESTEIJN, L. SUNDELIN, Sofia, TORALLAS TOVAR & Amalia ZOMEÑO (eds), *From al-Andalus to Khurasan: Documents from the Medieval Muslim World* [= *Islamic History and Civilization* 66], Leiden – Boston 2007. The proceedings of the conferences in Alexandria in 2006 and Vienna in 2009 are in press, while the proceedings of the conference in Tunis in 2012 are in preparation.

such as Greek, Coptic, Syriac, Middle Persian, and Hebrew.¹⁴ Moreover, Arabic papyrology has been given a face and a voice (as well as active hands) by the recent appointments of two leading promoters of Arabic Papyrology, Petra M. Sijpesteijn and Andreas Kaplony, to prestigious chairs of Arabic Studies in Leiden (2008) and Munich (2011). Finally, an infrastructure of electronic resource tools has been created that enables Arabists to achieve the standards common in other papyrological disciplines. These tools include an *Arabic Papyrology Database* (APD) that makes accessible fully lemmatised texts of all published Arabic documents from the 7th up to the early 16th centuries AD and covering the whole region from Spain on the west to Central Asia on the east. It serves not merely as an online text collection, but allows for specific search operations, thereby enhancing, though not supplanting, work with conventional printed editions. Systematic collection of variant readings and corrections makes the APD the long-desired authoritative *Berichtigungsliste*.¹⁵

Cooperation with other papyrological online tools and the exchange of data are spreading Arabist knowledge to other disciplines. It is now possible to search in the *Arabic Papyrology Database* for Greek and Coptic terms in the Arabic papyri, and to systematically compare formulaic patterns among the different languages of the region. Cooperation has been established between the APD and the *Trismegistos* portal (for metadata) and the *Papyrological Navigator* (for full texts).¹⁶ Similar interfaces are also in the making with the *Analytical Database of Early and Classical Arabic Poetry*,¹⁷ the *Princeton Geniza Project Database* (with texts in Judaeo-

¹⁴ <<<http://www.naher-osten.uni-muenchen.de/isap/index.html>>> [accessed 15 March 2014].

¹⁵ <<<http://www.ori.uzh.ch/apd>>> [accessed 15 March 2014]. As of this writing, 1,611 of an estimated 2,500 texts have been entered into the database, two-thirds of the published total. The completion of the database is projected for 2016, the work being funded by the Andrew W. Mellon foundation since 2010; cf. <<http://www.mellon.org/news_publications/annual-reports-essays/presidents-reports/2010/?searchterm=Arabic%20Papyrology%20Database>> [accessed 18 March 2014].

¹⁶ <<<http://www.trismegistos.org>>>; <<<http://papyri.info>>> [both accessed 15 March 2014].

¹⁷ <<http://www.academia.edu/1714468/Analytical_Database_of_Early_and_Classical_Arabic_Poetry>> [accessed 24 July 2013].

Arabic),¹⁸ the online *Arabic Etymological Dictionary* from Oslo,¹⁹ and the *Corpus Coranicum Database* from Berlin.²⁰ Cooperation of this kind is urgent and helps to improve communication between the disciplines to fully exploit the benefice of the texts, because, as Peter van Minnen has pinpointed very rightly, ‘most papyrologists ... have become aware of the fact that they can ignore the parallel documentation in languages other than their own only at their peril’.²¹

The training of students is offered by the online introductory tool *Arabic Papyrology School* (APS) and the online advanced seminar, the *Arabic Papyrology Webclass* (APW), provided jointly by the universities of Zurich and Munich.²² Moreover the German Archaeological Institute sponsors Egyptian students interested in Arabic papyrology, and in 2010, under the initiative of Cornelia Römer, organised international winter schools in Alexandria and Cairo in 2010.²³ Also an international summer school of Arabic papyrology was organised by her in 2007 in Vienna.²⁴ New editions are collected and referenced in the *Checklist of Arabic Documents*, while new titles related to Arabic papyrological research are compiled in the *Full Arabic Papyrology Bibliography of Editions and Research* and institutions catalogued in the *List of Major Collections Holding Arabic Documents*.²⁵

¹⁸ <<<http://gravitas.princeton.edu/tg/tt/index.php>>> [accessed 15 March 2014].

¹⁹ <<<http://www.esf.org/coordinating-research/exploratory-workshops/workshops-list/workshops-detail.html?ew=12442>>> [accessed 24 July 2013].

²⁰ <<<http://corpuscoranicum.de/>>> [accessed 15 March 2014].

²¹ P. VAN MINNEN, ‘The future of papyrology,’ [in:] BAGNALL (ed.), *Handbook of Papyrology* (cit. n. 1), pp. 644–660, at pp. 657; 659.

²² <<<http://www.ori.uzh.ch/apw>>>; <<www.naher-osten.lmu.de/apw>> [both accessed 24 March 2014].

²³ <<<http://www.dainst.org/de/profile/cornelia-r%C3%B6mer?ft=all>>> [accessed 8 March 2014].

²⁴ <<<http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=vx&list=H-Mideast-Medieval&month=0612&week=a&msg=A9B8L9WtD0Hk6BdeBebRQQ&user=&p>>> [accessed 20 March 2014].

²⁵ <<http://www.naher-osten.lmu.de/isap/isap_checklist>>; <<http://www.naher-osten.lmu.de/forschung/forsch_papyri/apb>>; <<<http://www.naher-osten.lmu.de/isap/collections>>> [all accessed 15 March 2014].

3. SELF-CONCEPTIONS

The question of what Arabic papyrology should see as its main tasks is a controversial one. Basically it is easier to determine where Arabic papyrology begins than where it ends. When defined with regard to material, it deals with everything written with ink on non-durable material (although there may be some overlap with epigraphy).²⁶ Less clear are its boundaries with related disciplines like codicology and diplomatics, and these boundaries become more ambiguous with the younger material, also in regards of geography. Chronologically, Arabic papyrology begins with the year 643 AD/22 AH and the two oldest Arabic papyri so far known, written during the final phase of the Muslim conquest of Egypt.²⁷ The other end of the timeline is conventionally set at the year 1517 AD, when Egypt became a province of the Ottoman Empire and a new culture of documentary production and preservation, partly in languages other than Arabic, became prevalent.²⁸ But these are largely artificial chronological limits, and there are sometimes reasons not to take them as fixed. This is especially true regarding the younger material, which quite often displays continuities with Arabic documentary culture and serves as important reference material for older Arabic documents on papyrus and paper. Moreover, the exclusion of languages other than Arabic is not as obvious as it may seem at first glance, and it is with good reason that most Arabic papyrologists are trained Islamicists with knowledge of the other major languages of Islamic civilisation. The *Lebenswelt* of pre-modern chancery scribes was more multilingual than modern academic curricula take into

²⁶ BAGNALL, 'Introduction', [in:] IDEM, *Oxford Handbook* (cit. n. 12), p. xvii.

²⁷ SIJPESTEIJN, 'Arabic papyrology' (cit. n. 2), p. 453; Y. RĀĠĪB, 'Les plus anciens papyrus arabes', *Annales Islamologiques* 30 (1996), pp. 1-19; IDEM, 'Un papyrus arabe de l'an 22 de l'hégire', [in:] G. ALLEAUME, S. DENOIX & M. TUCHSCHERER (eds), *Histoire, archéologies, littératures du monde musulman. Mélanges en l'honneur d'André Raymond* [= *Bibliothèque d'étude* 148], Le Caire 2009, pp. 363-372; IDEM, 'Les premiers documents arabes de l'ère musulmane', [in:] C. ZUCKERMAN (ed.), *Constructing the Seventh Century* [= *Travaux et mémoires* 17], Paris 2013, pp. 679-729.

²⁸ *Checklist of Arabic Documents* (as in n. 25 above), section 'Boundaries and Expected Expansion'.

account, and especially younger documents often contain combinations of Arabic and Persian, or Arabic and Ottoman, on one and the same sheet.²⁹ Academic specialisation and compartmentalisation is disadvantageous for the study of Arabic documents, and the neglect of parallel languages may inhibit a proper understanding of the Islamic documentary tradition, as it has in other fields of papyrology.³⁰

Inclusion of younger Arabic material into the papyrological canon broadens papyrological studies in time and space. Not only is the papyrological ‘millennium and a half’³¹ thereby expanded by another millennium, but the regional focus shifts from Egypt to the Levant, to Spain, Sahel Africa, and Central Asia. Large finds of Arabic material outside Egypt with a non-Egyptian background suggest a proliferation of documents that must have been similar to those of Antiquity but not within the purview of those papyrological disciplines strictly concerned with Antiquity.³² The question is not whether, but under what circumstances,

²⁹ See for example Arabic petitions from 19th century Palestine that have phrases in Ottoman embedded throughout the text; cf. Y. BEN-BASSAT, *Petitioning the Sultan: Protests and Justice in Late Ottoman Palestine, 1865–1908*, London – New York 2013, p. 57.

³⁰ Cf. the implacable attitude expressed by H. MAEHLER, ‘Die Zukunft der griechischen Papyrologie’, *PapCongr.* xxvi, pp. 451–455, at p. 452 regarding studies on documents from the Ptolemaic period that do not sufficiently take into account the multilingual social situation. About the detrimental consequences of compartmentalisation for the understanding of early Islamic Egypt cf. Sarah J. CLACKSON, ‘Papyrology and the utilization of Coptic sources’, [in:] Petra M. SIJPESTEIJN & L. SUNDELIN (eds), *Papyrology and the History of Early Islamic Egypt* [= *Islamic History and Civilization* 55], Leiden – Boston 2004, pp. 21–43, at pp. 29–30.

³¹ Cf. VAN MINNEN, ‘The future of papyrology’ (cit. n. 21), p. 645.

³² Examples are M. GRONKE, *Arabische und persische Privaturkunden des 12. und 13. Jahrhunderts aus Ardabil (Aserbeidschan)* [= *Islamkundliche Untersuchungen* 72], Berlin 1982 (12th–13th century AD Azerbaijan); EADEM, ‘The Arabic Yārkand Documents’, *Bulletin of the School of Oriental and African Studies* 49 (1986), pp. 454–507 (western China, 1080–1135 AD); W. HOENERBACH, *Spanisch-islamische Urkunden aus der Zeit der Nasriden und Moriscos* [= *Bonner Orientalistische Studien 15* | *University of California Publications. Near Eastern Studies* 3], Bonn 1965 (13th–15th century AD Andalusia); M. ‘A JĀZIM, ‘Un nouveau corpus documentaire d’époque rasūlide: les actes des waqf de Ta‘izz,’ *Chroniques du manuscrit au Yémen* 10 (2010), pp. 1–5 (13th–15th century AD Yemen); J. JOHNS, *Arabic Administration in Norman Sicily. The royal diwān* [= *Cambridge Studies in Islamic Civilization*], Cambridge 2002 (Sicily, 12th cen-

papyrology is willing to accept a broadening of its horizons. This broadening would be a reminder that papyrology is above all a method and not necessarily bound to a region or an era. It is the approach to the material, and not the material itself, which distinguishes papyrology from other disciplines, particularly codicology and diplomatics.

This is evident when it comes to paper documents from the 10th century AD onwards, which tend to be more elaborately written and better preserved than older papyrus texts. They accordingly invite textual examination more readily than earlier papyri material, which is considerably dependent on physical appearance and find context. For many of the papers (and parchments) contemporary with European archives and in historical archives and libraries around the Mediterranean, archaeological contexts are irrelevant.³³ But integral concepts of an Islamic (instead of an Arabic) papyrology, when based on an anthropological rather than a textual definition of what is a ‘document’, can still make sense from a papyrological point of view. Understood in this way, the difference between papyrology and diplomatics lies not so much in the texts studied

tury AD); D. LITTLE, *A Catalogue of the Islamic Documents from al-Haram aš-Šarīf in Jerusalem* [= *Beiruter Texte und Studien* 29], Beirut 1984 (Jerusalem, 1390–1394 AD); J.-M. MOUTON, D. SOURDEL & J. SOURDEL-THOMINE, *Mariage et séparation à Damas au Moyen Âge. Un corpus de 62 documents juridiques inédits entre 337/948 et 698/1299* [= *Documents relatifs à l'histoire des croisades* 21], Paris 2013 (Damascus, 948–1299 AD); and the 40,000 sheets from Quranic codices plus other documents found in the Grand Mosque of Sanaa; cf. Y. RĀĠIB, ‘Les plus anciens papyrus arabes’, *Annales Islamologiques* 30 (1996), pp. 1–19, at p. 2. The proceedings of the 2nd Congress of the *International Society for Arabic Papyrology* (in Granada, 2004) are significantly entitled *From al-Andalus to Khurasan* (cit. n. 13).

³³ F. BAUDEN, ‘Mamluk era documentary studies: the state of the art’, *Mamlūk Studies Review* 9 (2005), pp. 15–60, at pp. 27–56 gives a detailed overview of the respective institutions and their holdings. A revision of this article currently in progress will be published as a chapter of Bauden’s forthcoming book under the title *Mamlūk Historical Sources and how to Exploit them (Manuscripts and Documents)*. The archival, non-archaeological context is also what papyrologist Yūsuf RĀĠIB has in mind when he recommends Arabic documents on paper from the Saint Catherine’s Monastery on Mount Sinai for Arabic diplomatics instead of Arabic papyrology; cf. RĀĠIB, ‘Quelques trésors méconnus de l’Égyptisches Museum’, [in:] V. M. LEPPER (ed.), *Forschung der Papyrussammlung. Eine Festgabe für das Neue Museum* [= *Ägyptische und Orientalische Papyri und Handschriften des Ägyptischen Museums und Papyrussammlung Berlin* 1], Berlin 2002, pp. 455–480, at p. 460.

as in the method by which they are read.³⁴ The distinction between codicology and papyrology is clear when a literary text has a documentary value – that is, when its context of preservation is informative beyond the actual written text. If in addition the text is fragmentary or otherwise incomplete, it especially forms part of the papyrological canon, whether it is on papyrus, paper, or parchment, and whether or not it is a single leaf (or even a group of consecutive pages) from a former codex. Papyrology brings its structural strengths into play when dealing with documents that are deprived of their archival context (which perhaps can be reconstructed by the papyrologist), or documents that are of a fragmentary condition or of an *Alltagscharakter*. In short, everything that is informative not on the basis of the written text alone but also on the physical appearance of the document and the conditions of its preservation are within the domain of papyrology. Not unlike forensic pathologists who can understand much out of little, papyrologists can reconstruct the human past from texts that defy general understanding.

Broad definitions of Arabic papyrology are conceptualised on a vertical, or diachronic, timeline. Their advantage is an enhanced interconnectedness with thematic discourses within Arabic and Islamic Studies (and as such recommendable especially for young scholars in the field). Their disadvantage is arbitrariness, however, and a possible indifference on the part of other papyrological disciplines. Arabic papyrology should be aware of its responsibility towards papyrology as such and place special attention on more synchronous, or horizontal, approaches that appeal to a common interest in Late Antiquity and the genesis of Islam through the disciplines. This is most likely achieved by a focus on Egypt

³⁴ L. REINFANDT, 'Mamlūk Documentary Studies', [in:] S. CONERMANN (ed.) *Ubi sumus? Quo vademus? Mamluk Studies – State of the Art*, Göttingen 2013, pp. 285–309, at p. 288. The term 'Islamic papyrology' was coined by Gladys FRANTZ-MURPHY in 1985 ('Arabic papyrology and Middle Eastern Studies', *Middle East Studies Association Bulletin* 19 [1985], pp. 34–48, at p. 34). Donald LITTLE even proposed, though with some intentional irony, a 'Mamluk' papyrology ('The use of documents for the study of Mamluk History,' *Mamlūk Studies Review* 1 [1997], pp. 1–13, at p. 5). An argument for more orthodox definitions of what distinguishes papyrology from diplomatics, based on the material studied, is BAUDEN, 'Mamluk era documentary studies' (cit. n. 33), pp. 15–16.

(and her immediate neighbours) during the first centuries of Muslim rule, while an archaeological provenance should be a decisive criterion for the choice of texts. This is not an objection to the vertical paradigm but a sense of proportion from a papyrological perspective. It is an argument not of substance but of expediency. Arabists may feel like outsiders when the discussion is about Pharaonic affairs, but the same may be true of papyrologists attending debates about documents from 16th century AD Andalusia or Central Asia.

4. RESEARCH OBJECTIVES

In papyrology the publication of editions of new texts is of course a priority, and the choice of material for publication is an important indicator of the discipline's current topics of interest. The aforementioned considerations of what should be the primary focus of Arabic papyrology in terms of region and period seem to be followed by present scholarly output. The interval between the congress in Warsaw in 2013 and the earlier congress in Geneva in 2010 may serve as an example: out of a total of 55 Arabic text editions (as monographs or articles) that appeared during those three years, 36 were devoted to the papyrological core area and another nine related to Egypt and Syria during the 12th to 16th centuries AD.³⁵ Thus almost three-quarters of current publication of text editions have been devoted to the core area.

The following compilation of publications that have appeared since 2010 is not primarily a comprehensive overview of what has been achieved during the past few years, but intended to demonstrate the degree of activity in the discipline, which is reflected in an uninterrupted interest in text editions as well as in the philological expertise available for such an undertaking. Some editions of texts from the first three centuries of Muslim rule – the 'papyrus era' – are in monographic form and are devoted to such matters as the chancery of a local pagarch and private

³⁵ The publications are all listed in the *Checklist* and in the *Full Bibliography*; cf. n. 25 above.

letters dealing with private and family matters.³⁶ Others are collected editions of Arabic papers from Egypt datable to the 10th century and later. Some of these documents have been found during recent archaeological excavations,³⁷ while others are in papyrus collections.³⁸

There also have been a considerable number of articles published during the past four years discussing documentary texts on papyrus that deal with such diverse subjects as judicial and fiscal affairs, legal transactions, personal communication, charitable acts, and writing exercises.³⁹ A large

³⁶ P. *Muslim State* = Petra M. SIJPESTEIJN, *Shaping a Muslim state. The World of a mid-eighth-century Egyptian official* [= *Oxford Studies in Byzantium*], Oxford 2013 (39 documents on papyrus, 8th century); Kh. M. YOUNES, *Joy and Sorrow in Early Muslim Egypt. Arabic Papyrus Letters, Text and Content*, Diss. Leiden 2013 (43 documents on papyrus, 7th–9th century).

³⁷ J.-M. MOUTON, 'La documentation papyrologique', [in:] IDEM (ed.), *Sadr, une forteresse de Saladin au Sinaï. Histoire et archéologie* [= *Mémoires de l'Académie des inscriptions et belles-lettres* 43], 2 vols., Paris 2010, at I, pp. 135–150; II, pl. 234–241 (8 documents, 12th century). On the opportunities and limits of an interplay of archaeology and papyrology, cf. R. S. BAGNALL, 'Archaeology and Papyrology', *Journal of Roman Archaeology* 1 (1988), pp. 197–202.

³⁸ CPR xxxii = W. DIEM, *Arabische Briefe aus dem 10.–16. Jahrhundert* (18 documents); P. *Heid. Arab.* III = W. DIEM, *Arabische Briefe auf Papier aus der Heidelberger Papyrus-Sammlung*, Heidelberg 2013 (52 documents, 9th–15th century).

³⁹ W. DIEM, 'Philologisches zu arabischen Dokumenten der Österreichischen Nationalbibliothek in Wien', *Wiener Zeitschrift für die Kunde des Morgenlandes* 101 (2011), pp. 75–140 (3 documents, 9th century); IDEM, 'Ein arabischer Kontoauszug in Briefform aus dem 9. Jahrhundert n. Chr. (Pap. Berlin P. 15128)', [in:] Verena M. LEPPER (ed.), *Forschung in der Papyrussammlung. Eine Festgabe für das Neue Museum*, Berlin 2012, pp. 411–423 (1 document, 9th century); Alia HANAFI, 'An Arabic will written on a ship', *PapCongr.* xxv, pp. 299–306 (1 document, 8th century); B. LIEBRENTZ, 'Eine frühe arabische Quittung aus Oberägypten', *APF* 56 (2010), pp. 294–314 (1 document, 7th–8th century); U. MARZOLPH, 'From Mecca to Mashhad: the narrative of an illustrated Shi'i pilgrimage scroll from the Qajar period', *Muqarnas* 31 (2014), pp. 207–242 (papyrus, 9th century, Egypt); Y. RAĞIB, 'Une lettre familiale rédigée en 102/721', *Annales Islamologiques* 45 (2011), pp. 273–284 (1 document); L. REINFANDT, 'Die Sorgen des Weingutbesitzers: der Wiener Papyrus P. Vind. inv. A. P. 11378', [in:] U. MARZOLPH (ed.), *Orientalistische Studien zu Sprache und Literatur: Festgabe zum 65. Geburtstag von Werner Diem*, Wiesbaden 2011, pp. 203–216 (1 document, 9th–10th century); A. A. SHAHIN, 'Höfliche Bitte an einen Bekannten um Bezahlung eines Geldbetrags', *APF* 59 (2013), pp. 176–183 (1 document, 9th century); Petra M. SIJPESTEIJN, 'Army economics: an early papyrus letter related to 'Atā' payments', [in:] R. E. MARGARITI, A. SABRA & EADEM (eds), *Histories of the Middle East: Studies in Middle Eastern Society, Economy and Law in Honor of A. L. Udovitch*, Leiden – Boston 2011, pp. 245–267 (1 document, 7th–8th century); EADEM, 'An early Umayyad papyrus invitation for the ḥajj', *Journal of*

number of documentary texts on paper have been published that are from Egypt and have an archaeological context.⁴⁰ A very promising trend is emerging in the form of joint editions of bilingual Greek-Arabic and Coptic-Arabic texts on papyrus or paper from Egypt.⁴¹ Other articles contain editions of Arabic papers that have been found in Syria, or are of

Near Eastern Studies 73 (2014), pp. 179–190; EADEM, ‘Une nouvelle lettre de Qurra b. Šarīk: P. Sorb. inv. 2345’, *Annales Islamologiques* 45 (2011), 257–268 (1 document, 8th century); EADEM, ‘Taking care of the weak: an Arabic papyrus from the Tropenmuseum, Amsterdam’, *P. Pintaudi* 70 (1 document, 9th century); EADEM, ‘An Arabic land lease from Ṭuṭūn’, *P. Bagnall* 53 (1 document, 9th century); EADEM, ‘Making the private public: a delivery of palestinian oil in third/ninth century Egypt’, *Studia Orientalia Electronica* 2 (2014), pp. 74–91 (1 document); M. TILLIER, ‘Deux papyrus judiciaires de Fuṣṭāṭ (11^e/VIII^e siècle)’, *CdÉ* 89 (2014), pp. 412–445 (2 documents, second half of 8th century); N. VANTHIEGHEM, ‘Un reçu pour l’impôt foncier ou pour la capitation. Édition de P. Stras. inv. G 2554’, *Aegyptus* 90 (2010), pp. 143–146 (1 document, 8th century); IDEM, ‘Le plus ancien sauf-conduit arabe’, *Der Islam* 91 (2014), pp. 266–271 (1 document, 717 CE); IDEM, ‘Un exercice épistolaire arabe adressé au gouverneur Ġābir ibn al-Aš‘at’, *APF* 60 (2014), pp. 402–405 (1 document, 811/812 CE); IDEM, ‘Contrats de location arabes. 11’, *CdÉ* 89 (2014), pp. 210–215 (2 documents, 860s CE, Hermopolite and 9th century, Egypt); IDEM, ‘Les archives des marchands d’étoffes du Fayoum revisités 1. Un nouveau *dīkr ḥaqq* du marchand Abū Hurayra’, *APF* 60 (2014), pp. 406–412 (1 document, 864–878 CE); IDEM, ‘Les archives d’un maquignon d’Égypte médiévale’, *Anal. Pap.* 26 (2014), pp. 291–315 (9 documents, 2nd half of 9th century).

⁴⁰ W. DIEM, ‘Zwischen hohem Stil und Vulgarismus. Ein Brief aus dem Ägypten des 10.–11. Jahrhunderts n. Chr.’, [in:] J. DEN HEIJER, P. LA SPISA & L. TUERLINCKX (eds), *Études présentées à Jacques GrandHenry à l’occasion de son 70^e anniversaire*, Louvain-la-Neuve 2012, pp. 155–188. (1 document); G. KHAN, ‘The Medieval Arabic documents from Qasr Ibrīm’, [in:] J. VAN DER VLIET & J. L. HAGEN (eds), *Qasr Ibrim between Egypt and Africa: Studies in Cultural Exchange*, Leuven 2013, pp. 145–156 (1 document, 12th century, Nubia); N. VANTHIEGHEM, ‘Un contrat de location d’une maison en arabe (P. Brux. inv. E. 8449)’, *CdÉ* 88 (2013), pp. 188–197 (1 document, 10th century).

⁴¹ L. BERKES & Kh. M. YOUNES, ‘A trilingual scribe from Abbasid Egypt? A note on CPR xxii 17’, *APF* 58 (2012), pp. 97–100 (1 document, 8th century); A. DELATTRE, B. LIEBREZ, T. S. RICHTER & N. VANTHIEGHEM, ‘Écrire en arabe et en copte. Le cas de deux lettres bilingues’, *CdÉ* 87 (2012), pp. 170–188 (1 document on papyrus, 9th century; 1 document on paper, 11th century); A. DELATTRE, R. PINTAUDI & N. VANTHIEGHEM, ‘Un entagion bilingue du gouverneur ‘Abd al-‘Aziz ibn Marwān trouvé à Antinoé’, *CdÉ* 88 (2013), pp. 363–371 (1 document, 7th century); A. DELATTRE & N. VANTHIEGHEM, ‘Un symbole de Nicée-Constantinople en copte au verso d’un protocole arabe: édition de P. Stras. inv. Kopt. 221+224’, *Journal of Coptic Studies* 15 (2013), pp. 239–252 (1 document, 8th/9th century).

Syrian provenience, and have an archaeological context.⁴² There has been a renewed interest in literary and para-literary texts on papyrus and papers, and texts have been published that deal with religious knowledge as well as magic or the sciences.⁴³ Increased attention has been given during recent years to the Arabic and Judaeo-Arabic papers from the Cairo Geniza.⁴⁴ More thematically oriented monographs have appeared with

⁴² J.-M. MOUTON, D. SOURDEL & Janine SOURDEL-THOMINE, 'Une attaque de Damas par les Qarmates au x^e siècle d'après la lettre d'un marchand', *APF* 56 (2010), pp. 64–76 (1 document, 10th century).

⁴³ W. M. MALCZYCKI, 'Instructions for Islamic prayer from the second century AH/eighth century CE', *BSAC* 49 (2012), pp. 41–54 (1 document, papyrus, Egypt); IDEM, 'A page from an aspiring Muhaddit's (P. Utah, Ar. inv. 443v)', [in:] A. REGOURD (ed.), *Documents et histoire. Islam, VII^e–XVI^e s. Actes des journées d'études Musée du Louvre, ÉPHÉ, mai 2008*, Genève 2013, pp. 247–267 (1 document, papyrus, Egypt); Arianna D'OTTONE, 'A far eastern type of print technique for Islamic amulets from the Mediterranean: An unpublished example', *Scripta* 6 (2013), pp. 67–74 (1 document, 10th–12th century); J. THOMANN, 'P. Stras. ar. inv. 266: le dernier horoscope sur papyrus – le premier horoscope en arabe', *PapCongr.* xxvi, pp. 747–750 (1 document, papyrus, 9th century, Egypt); IDEM, 'An Arabic ephemeris for the year 954/955 CE and the geographical latitude of al-Bahnasā/Oxyrhynchus (P. Stras. inv. ar. 446)', *Aegyptus* 33 (2013), pp. 385–396 (1 document, paper, 10th century, Egypt); IDEM, 'An Arabic ephemeris for the year 1026/1027 CE in the Vienna Papyrus Collection', [in:] G. KATSIAMPOURA (ed.), *Scientific Cosmopolitanism and Local Cultures: Religions, Ideologies, Societies. Proceedings of the 5th International Conference of the European Society for the History of Science*, Athens 2014, pp. 54–60 (1 document, paper, 11th century, Egypt).

⁴⁴ W. DIEM & L. EDZARD, 'Ein unhöflicher Brief und liebliche Verse. Ein Genizadokument des 11.–12. Jahrhunderts n. Chr. aus der Heidelberger Papyrussammlung', *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 161 (2011), pp. 276–304 (1 document); G. KHAN, 'A petition to the Fatimid caliph al-Āmir from the Cairo Genizah concerning an inheritance', [in:] MARZOLPH (ed.) *Festgabe Diem* (cit. n. 39), pp. 175–186 (1 document, 12th century); F. NIESSEN, 'Two Samaritan Bible translations from the Cairo Genizah', *ibidem*, pp. 187–202. (2 documents, 10th–14th century); A. REGOURD, 'Arabic documents from the Cairo Geniza in the David Kaufmann Collection in the Library of the Hungarian Academy of Sciences, Budapest', *Journal of Islamic Manuscripts* 3 (2012), pp. 1–19 (1 document, 11th–12th century); IDEM, 'Ġāhiziana. Addition à l'essai d'inventaire de l'œuvre ġāhizienne: *le Kitāb al-fityān* retrouvé?', *Arabica* 60 (2013), pp. 106–130 (1 document, 11th–12th century); M. RUSTOW, 'A petition to a woman at the Fatimid court (413–414 AH/1022–23 CE)', *Bulletin of the School of Oriental and African Studies* 73 (2010), pp. 1–27 (1 document). See also now C. PERRY, *The Daily Life of Slavery and the Global Reach of Slavery in Medieval Egypt, 969–1250 CE*, Diss. Emory University 2014; O. ZINGER, *Women, Gender and Law: Marital Disputes According to Documents from the Cairo Geniza*, Diss. Princeton 2014.

editions of texts from various dossiers from Egypt.⁴⁵ Publication of the remaining two volumes of texts from the famous archives of textile merchants from the Fayyum has recently been announced again.⁴⁶ In addition to that, the publication of seven texts from Samarra, from the vicinity of the caliphal court of the Abbasids, is underway (see n. 64 below).

Other recent monographs and articles contain editions of documentary texts on paper from Egypt or Syria (10th century and later) that do not have archaeological contexts but are kept in archives on Mount Sinai or in Istanbul,⁴⁷ or at least have an archival background.⁴⁸ Some newly-

⁴⁵ CH. GAUBERT & J.-M. MOUTON, *Hommes et villages du Fayyom au Moyen Âge dans la documentation papyrologique (x^e-XI^e siècles)* I, Genève 2014 [= *Hautes études orientales* 52. *Collection antiquité* 8] (documents on paper, 10th century, Egypt); P. *Quseir Arab.* II = A. KAPLONY, *Fünfundzwanzig arabische Geschäftsdokumente aus dem Rotmeer-Hafen al-Quseyr al-Qadim (7./13. Jh.)* [= *Islamic History and Civilization: Studies and Texts* 78], Leiden 2014 (documents on paper); P. *Quseir Arab.* III = A. REGOURD, *Documents administratives et commerciales de Quseyr al-Qadim* (in press) (documents on paper, 13th century). Moreover, Petra SIJPESTEIJN is currently preparing a monograph on patronage that will contain editions of relevant papyri from the first four centuries of Muslim rule.

⁴⁶ Y. RĀĠĪB, *Marchands d'étoffes du Fayyom au III^e/IX^e siècle d'après leurs archives (actes et lettres)*, vols. IV and V/2 [= *Annales Islamologiques Supplément*], Le Caire (in preparation, several dozens of documents on papyrus, 9th century); cf. IDEM, 'Quelques trésors méconnus' (cit. n. 33), p. 458.

⁴⁷ P. St. Catherine II = D. S. RICHARDS, *Mamluk Administrative Documents from St Catherine's Monastery*, Leuven 2011 (18 documents on paper, 13th–16th century AD); P. *Marriage-Separation* (cit. n. 32) (62 documents on paper).

⁴⁸ F. BAUDEN, "Lam baqā yu' āriḍkum." Analyse linguistique de trois lettres rédigées par un marchand au Caire en 819/1416–820/1417', [in:] DEN HEIJER, LA SPISA & TUERLINCKX (eds), *Études GrandHenry* (cit. n. 40), pp. 1–37 (3 documents on paper); L. DAAÏF, 'Un document juridique mamelouk. Se porter garant de la comparution d'un tiers', *Annales islamologiques* 47 (2013), pp. 425–444 (1 document on paper, 1339 CE, Faiyum); J. LOISEAU, 'Les attestations de *waqf* de l'émir Qarāqugā al-Hasanī: documents et histoire urbaine dans l'Égypte mamelouke', [in:] REGOURD (ed.), *Documents et histoire* (cit. n. 43), pp. 219–246; J.-M. MOUTON, D. SOURDEL & Janine SOURDEL-THOMINE, 'A propos de la "pauvreté" à Damas à l'époque ayyoubide: deux documents inédits', *APF* 57 (2011), pp. 99–108 (2 documents on paper, 12th–13th century, Syria); C. MÜLLER, 'Osmanische Gerichtsurkunden des 16. Jahrhunderts aus der ägyptischen Provinz', [in:] LEPPER (ed.), *Fg. Neue Museum* (cit. n. 33), pp. 435–453 (1 document on paper); D. S. RICHARDS, 'Three (twelfth-century?) iuarantees issued for the monks of St Catherine's Monastery in Sinai', [in:] C. MÜLLER & M. ROILAND-ROUABAH (eds), *Les non-dits du nom: Onomastique et documents en terres d'islam*, Beirut 2013, pp. 15–27 (3 documents on paper).

published documents found in Egypt have archaeological contexts and serve as important reference material but clearly do not belong to the papyrological core period.⁴⁹ Some other recent editions of documents do not belong to the papyrological core because they are either too young in age⁵⁰ or originated from peripheral areas such as Spain (the ‘Herculaneum’ of Arabic papyrology),⁵¹ Sicily,⁵² or Persia⁵³ but nevertheless are

⁴⁹ R. PETERS, *Wathā’iq madīnat al-Qaṣr fī al-Wāḥāt ad-Dākhila maṣḍaran li-tā rīkh Miṣr fī al-‘aṣr al-‘Uṭbmānī / The Documents of the Town of al-Qaṣr in the Dakbla Oasis as a Source for the History of Egypt in the Ottoman period*, Cairo: Dar al-Wathā’iq al-Qawmiyya 2011 (163 documents on paper, 16th–19th century).

⁵⁰ M. TAMCKE, A. MANUKYAN & Ch. MAUDER (eds), *Die arabischen Briefe aus der Zeit der Herrnhuter Präsenz in Ägypten 1770–1783*, Würzburg 2012 (documents on paper); A. D’OTTONE, ‘Le “Lettere arabiche” di Simone Assemani alla Bibliotheca del Museo Correr di Venezia: regesto’, *Quaderni per la storia dell’Università di Padova* 46 (2013), pp. 105–122 (1 document on paper, 19th century, Egypt); J. A. ‘UMRĀN, ‘Wathā’iq al-ḥazīna al-‘āmira al-‘irsāliyya fī an-niṣf at-tānī min al-qarn at-tānī ‘aṣar al-ḥiḡrī / at-tāmin ‘aṣar al-milādī’ [Documents of the treasury sent to the Ottoman sultan in the second half of the twelfth century H./ eighteenth century AD], *Annales islamologiques* 47 (2013), pp. 519–564 (1 document on paper, 1741–1767 CE, Egypt).

⁵¹ H. BRESCH & Y. RĀĠIB, *Le sultan mérinide Abū l-Ḥasan ‘Alī et Jacques III de Majorque : du traité de paix au pacte secret*, Le Caire 2011 (1 document on paper, 14th century); P. BURESI & H. EL AALLAOUI, *Governing the Empire: Provincial Administration in the Almohad Caliphate (1224–1269). Critical Edition, Translation, and Study of Manuscript 4752 of the Ḥasaniya Library in Rabat*, Leiden – Boston 2013; P. MARQUÉS = A. Ch. DAMAJ, & J. A. GARCÍA LUJÁN, *Documentos árabes granadinos del archivo del Marqués de Corvera (1399–1495)*, Huéscar 2012 (27 documents on paper and parchment from Spain); F. BAUDEN, ‘Due trattati di pace conclusi nel dodicesimo secolo tra i Banū Ġāniya, signori delle isole Baleari, e il comune di Genova’, [in:] N. MARTÍNEZ DE CASTILLA (ed.), *Documentos y manuscritos árabes del Occidente musulmán medieval*, Madrid 2010, 33–86 (2 documents on parchment, 12th century); P. BURESI, ‘Les plaintes de l’archevêque: chronique des premiers échanges épistolaires entre Pise et le gouverneur almohade de Tunis 1182’, *ibidem*, pp. 87–120 (2 documents on paper); IDEM, ‘Les documents arabes et latins échangés entre Pise et l’Empire almohade en 596–598/1200–1202: la chancellerie au coeur des relations diplomatiques’, [in:] A. REGOURD (ed.), *Documents et histoire. Islam, VII^e–XVI^e s.*, Genève 2013, pp. 21–52 (documents on paper).

⁵² J. GRAND’HENRY, ‘Un contrat arabe d’échange de la propriété de tours d’irrigation dans la région de Palerme (Sicile) en 526 h/1131’, *Folia Orientalia* 49 (2012 = *Studia Andreae Zaborski dedicata*), pp. 203–217 (1 document on paper from Sicily).

⁵³ M. GRONKE, *Arabische und persische Urkunden der Mongolenzeit*, 4 vols. [= *Documenta iranica et islamica* 3], Wiesbaden (in preparation).

also important reference material and open up new paths of scholarship within papyrology.

Corrections and updates of older editions are urgently needed in Arabic papyrology, and it would be desirable to see this work more evenly distributed among papyrologists than has hitherto been the case.⁵⁴ Especially pressing because of the increase in knowledge during the past half-century is an updated edition of Adolf Grohmann's enormous oeuvre. This task has been taken over by Werner Diem who, in a series of articles of stunning philological precision, has brought Grohmann's editions of material from Prague, Giessen, Jerusalem, Cairo, and Vienna up to a new standard.⁵⁵ Another desideratum is the re-edition of the similarly important yet unsatisfactorily presented material of David Samuel Margoliouth's *P. Ryl. Arab.* 1 from the 1930s.⁵⁶

In addition to the publication of new texts and the revision of old editions, an important task of Arabic papyrology is the description of collections holding Arabic papyri and papers and the announcement and description of new corpora found in the course of archaeological excavations. This has been done for the abundant Spanish archives,⁵⁷ for the

⁵⁴ W. DIEM, review of *P. St. Catherine* II (cit. n. 47), *Orientalistische Literaturzeitung* 108 (2013), pp. 194–197; IDEM, *CPR* xxxii (cit. n. 38), *passim*; Petra M. SIJPESTEIJN, 'Locating Arabic papyrology: fiscal politics in medieval Egypt as a test-case for setting disciplinary boundaries and standards', *BASP* 51 (2014), pp. 217–228 being a review article of *P. Steuerquittungen*.

⁵⁵ W. DIEM, 'Zwischen hohem Stil und Vulgarismus. Ein Brief aus dem Ägypten des 10.–11. Jahrhunderts n. Chr.', [in:] DEN HEIJER, LA SPISA & TUERLINCKX (eds), *Études GrandHenry* (cit. n. 40), pp. 155–188; IDEM, 'Philologisches zu arabischen Dokumenten. I: Dokumente aus Sammlungen in Prag, Giessen und Jerusalem', *Zeitschrift für Arabische Linguistik* 55 (2012), p. 543; IDEM, 'Philologisches zu arabischen Dokumenten. II: Dokumente aus der Sammlung der Egyptian Library in Kairo', *Zeitschrift für Arabische Linguistik* 56 (2012), pp. 27–78; IDEM, 'Philologisches zu arabischen Dokumenten der Österreichischen Nationalbibliothek in Wien', *Wiener Zeitschrift für die Kunde des Morgenlandes* 101 (2011), pp. 75–140; IDEM, 'Philologisches zu arabischen Steuerquittungen aus Ägypten (8.–11. Jahrhundert)', *ibidem* 96 (2006), pp. 55–111.

⁵⁶ D. S. MARGOLIOUTH, *Catalogue of Arabic Papyri in the John Rylands Library Manchester*, Manchester 1933.

⁵⁷ J. I. PÉREZ ALCALDE, 'Notas sobre documentos árabes de la Biblioteca Nacional de Madrid', [in:] MARTÍNEZ DE CASTILLA (ed.), *Documentos y manuscritos árabes* (cit. n. 51),

Yemeni archives,⁵⁸ and for North-American⁵⁹ and European⁶⁰ collections. Moreover, text corpora found in the course of archaeological campaigns in Egypt⁶¹ and Central Asia⁶² as well as on the Egyptian Red Sea coast⁶³ and in Iraq⁶⁴ have been made public or were re-publicised.

The cataloguing and digitisation of papyrus collections have increased rapidly in recent years, the latest developments of which can be followed in the *List of Major Collections Holding Arabic Documents*.⁶⁵ It would be helpful to broaden the list with Middle Eastern papyrus collections, especially from the Gulf. Papyrus collections should think about ways of increasing access to unpublished papyri, especially for those scholars who are not within easy reach of the material. There are gifted scholars in

pp. 315–334; C. ÁLVAREZ DE MORALES, ‘La geografía documental arábigo granadina’, *ibidem*, pp. 205–223.

⁵⁸ JĀZIM, ‘Un nouveau corpus’ (cit. n. 32), *passim*.

⁵⁹ Petra M. SIJPESTEIJN, ‘North American papyrus collections revisited’, *Al-Bardiyyat* 1 (2010), pp. 5–18.

⁶⁰ Cf. the paper ‘Les papyrus arabes de Strasbourg’ read by Naïm VANTHIEGHEM at the 27th International Congress of Papyrology in Warsaw 2013.

⁶¹ Cf. the paper ‘Un aperçu des papiers arabes fatimides du monastère de Naqlun au Fayyoun’ read *ibid.* by Christian GAUBERT.

⁶² G. KHAN, *Arabic Documents from Early Islamic Khurasan* [= *Einstein Lectures in Islamic Studies* 3], Berlin 2014; IDEM, ‘The development of early Arabic documentary script’, [in:] N. DE LANGE & J. OLSZOWY-SCHLANGER (eds), *Manuscrits hébreux et arabes: mélanges en l’honneur de Colette Sirat* [= *Bibliologia* 38], Turnhout 2014, pp. 279–293; IDEM, ‘Documents arabes du début de l’Islam, récemment découverts dans le Khorassan’, [in:] REGOURD (ed.), *Documents et histoire* (cit. n. 43), pp. 183–204; IDEM, ‘The Khurasan corpus of Arabic documents’, [in:] T. BERNHEIMER & A. SILVERSTEIN (eds), *Late Antiquity: Eastern Perspectives*, Exeter 2012, pp. 71–86.

⁶³ A. KAPLONY, ‘The interplay of different kinds of commercial documents at the Red Sea Port al-Quşayr al-Qadīm (13th c. CE)’, [in:] L. EDZARD & S. GUTH (eds), *Verbal Festivity in Arabic and Other Semitic Languages*, Wiesbaden 2010, pp. 94–115; A. REGOURD, ‘Arabic language documents on paper’, [in:] D. PEACOCK & L. BLUE (eds), *Myos Hormos – Quşayr al-Qadīm. Roman and Islamic Ports on the Red Sea 11: Finds from the Excavations 1999–2003*, Oxford 2011, pp. 339–344.

⁶⁴ L. REINFANDT, ‘Administrative papyri from the Abbasid court in Samarra (AD 836–892): A first report’, *PapCongr.* xxvi, pp. 639–646.

⁶⁵ Cf. n. 25 above.

Arabic countries who lack access to collections (and books), and electronic resources have the potential to solve this problem. The Vienna collection is undertaking a long-term project of digitising large numbers of documents in Arabic, Coptic, and Greek from the time after the Muslim conquest and thus making them accessible through the internet.⁶⁶

A number of research topics have been given special emphasis in the papyrological community and no doubt will continue to be of special interest during the next few years. The social history of the core area, Egypt and Syria, during the core period of Arabic papyrology, the first centuries of Islam, is stated as a major research objective in the statutes of the *International Society for Arabic Papyrology*.⁶⁷ A number of recent studies have dealt with textile trade, papyrus industries, fiscal administration, applied law, topography, medicine and public health, and aspects of ethnic and religious identity.⁶⁸ Research on early Muslim societies

⁶⁶ <<http://www.onb.ac.at/ev/collections/papyrus/papyrus_researchhold.htm>> [accessed 18 March 2014].

⁶⁷ <<http://www.naher-osten.uni-muenchen.de/isap/isap_statutes/index.html>> [accessed 15 March 2014].

⁶⁸ M. A. 'ABD AL-LAṬĪF, 'al-Iskandariyya fī daw' watā'iq al-bardī al-'arabī ḥilāl al-qarn 1–3 h./7–9 m.' [Alexandria in the light of Arabic documents on papyrus from the 1st–3rd/7th–9th centuries], *Bulletin of Ain-Shams University Center of Papyrological Studies and Inscriptions* 28 (2011), pp. 237–258; IDEM, *al-Mudun wa-l-qurā al-miṣriyya fī al-bardiyyāt al-'arabiyya. Dirāsa 'atariyya wa-ḥaḍāriyya* [Les villes et les villages égyptiens dans les papyrus arabes : recherches sur le patrimoine et la civilisation] [= *Textes arabes et études islamiques* 48], Le Caire 2012 together with N. VANTHIEGHEM, 'La toponymie arabe: à propos d'un ouvrage récent', *Chronique d'Égypte* 89 (2014), pp. 216–223; G. FRANTZ-MURPHY, 'Identity and security in the Mediterranean world ca. AD 640 – ca. 1517', *PapCongr.* xxv, pp. 253–264; S. HĀNĪ, *al-A'šāb wa-n-nabātāt at-ṭayyiba wa-l-ḥiṭriyya min ḥilāl awrāq warāq al-bardī wa-l-kāgīd fī l-'aṣr al-islāmī*, Diss. Ḥelwān (Egypt) 2010; M. 'A JĀZIM, 'Un manuscrit administratif et fiscal du Yémen rassoulide: l'Irtifā' al-dawla al-mu'ayyadiyya', [in:] REGOURD (ed.), *Documents et histoire* (cit. n. 43), pp. 163–182; KAPLONY, 'Interplay' (cit. n. 62); W. M. MALCZYCKI, 'The papyrus industry in the early Islamic era', *Journal of the Economic and Social History of the Orient* 54 (2011), pp. 185–202; C. MÜLLER, *Der Kadi und seine Zeugen. Studie der mamlukischen Ḥaram-Dokumente aus Jerusalem*, Wiesbaden 2013; L. REINFANDT, 'Crime and punishment in early Islamic Egypt (AD 642–969): The Arabic papyrological evidence', *PapCongr.* xxv, pp. 633–640; IDEM, 'Law and order in einer frühen islamischen Gesellschaft? Strafverfolgung in Ägypten und Palästina nach der arabischen Eroberung (7.–9. Jahrhundert)', [in:] R. ROLLINGER, B. GUFLER, M. LANG & I. MADREITER (eds), *Interkulturelle Begegnungen in*

involves questions concerning the formation of Islam and the continuities from the pre-Islamic era. The prophet and the Quran can be understood from a late antique perspective, with Islam itself a later development. Papyrus texts in different languages mirror this historical interface, which is therefore best understood by a common effort of Arabic, Coptic, and Greek papyrology.⁶⁹ The Leiden Study Group project titled *The Formation of Islam: The View from Below* (2009–2014) approaches the subject in an interdisciplinary manner and from a trilingual Greek-Coptic-Arabic perspective, using documents in all three languages equally.⁷⁰ Another research project in progress, *Imperium and Officium: Comparative Studies in Ancient Bureaucracy and Officialdom* (2009–2015), is examining modes of imperial administration in Antiquity on the basis of documentary sources. One part of the project is specifically devoted to Arabic official letters on papyrus (642–969 AD).⁷¹

der Alten Welt. Vorderasien, Hellas, Ägypten und die vielfältigen Ebenen des Kontakts, Wiesbaden 2010, pp. 655–683; IDEM, 'Bewaffneter Raub und Kreuzigung im frühen Islam', [in:] R. ROLLINGER, M. LANG & H. BARTA (eds), *Strafe und Strafrecht in den antiken Welten, unter Berücksichtigung von Todesstrafe, Hinrichtung und peinlicher Befragung*, Wiesbaden 2012, pp. 249–259; Petra M. SIJPESTEIJN, s.v. 'Baqt'; 'Akhmim'; 'Barabra', [in:] G. KRÄMER, D. MATRINGE, J. NAWAS & E. ROWSON (eds), *Encyclopaedia of Islam THREE*, Brill Online, Leiden 2000–2014, F. R. TROMBLEY, 'Fiscal documents from the Muslim conquest of Egypt: Military supplies and administrative documents, ca. 639–644', *Revue des études byzantines* 71 (2013), pp. 5–38; IDEM, 'From Kastron to Qasr: Nessana between Byzantium and the Umayyad Caliphate ca. 602–689. Demographic and microeconomic aspects of Palaestina III in interregional perspective', [in:] E. B. AITKEN & J. M. FOSSEY (eds), *The Levant: Crossroads of Late Antiquity. History, Religion and Archaeology*, Leiden 2014, pp. 182–224; Kh. M. YOUNES, 'Textile trade between the Fayyūm and Fustāt in the 111rd/1xth century according to the Banū 'Abd al-Mu'min Archive', [in:] REGOURD (ed.), *Documents et histoire* (cit. n. 43), pp. 319–342. Soon to appear are two PhD Theses, by Marie LEGENDRE and Jelle BRUNING, about the formation an Islamic society in Egypt.

⁶⁹ Petra M. SIJPESTEIJN, 'Multilingual archives and documents in post-conquest Egypt', [in:] Arietta PAPAConstantinou (ed.), *The Multilingual Experience in Egypt, from the Ptolemies to the Abbasids*, Burlington 2010, pp. 105–124; DELATTRE, LIEBRENTZ, RICHTER & VANTHIEGHEM, 'Écrire en arabe' (cit. n. 41), pp. 170–188.

⁷⁰ <<<http://hum.leiden.edu/lias/formation-of-islam>>>, funded by the *European Research Council* [accessed 15 March 2014].

⁷¹ <<<http://imperiumofficium.univie.ac.at>>>, funded by the *Austrian Science Fund* [accessed 15 March 2014].

The many multilingual papyri from the early Muslim period should help us understand how Egyptian society became Arabic and Islamic. A large number of the Coptic papyri from the Apa Apollo Monasterion (Dayr al-Balā'iza) have Arabic texts on their reverse sides, which indicates that the Coptic texts were products of secondary use. Though the Coptic texts were published by Paul Kahle many years ago (*P. Bal.*), an edition of the Arabic texts has not yet been undertaken but would be a valuable enterprise because these texts put the sources of the Coptic texts – the monks and their monastery – into the context of their Arabic environment.⁷² The publication of other bilingual Arabic-Coptic papyri has begun clarifying the relationship of the Copts to Islam.⁷³ The pragmatics of language use and multilingualism in official contexts have been studied on the basis of the trilingual archive of the pagarch Basilius of Aphrodito⁷⁴ and of texts written by Coptic scribes in 8th century Thebes.⁷⁵ The Sydney-based research project *Knowledge Transfer and Administrative Professionalism in a Pre-Typographic Society: Observing the Scribe at Work in Roman and Early Islamic Egypt* is investigating the idiosyncrasies of Greek, Coptic, and Arabic scribal practice as displayed in the documents. The aim of the project is to collect evidence of what the ethnic and social

⁷² Petra M. SIJPESTEIJN, 'Coptic and Arabic papyri from Deir al-Balā'izah', *PapCongr.* xxvi, pp. 707–714.

⁷³ BERKES & YOUNES, 'A trilingual scribe' (cit. n. 41), pp. 97–100; L. BERKES, 'Schreibübungen mit einem Psalm-Zitat: Neues aus der Verwaltung des Fayums im 8. Jh.', *ZPE* 188 (2014), pp. 241–244; DELATTRE, LIEBRENZ, RICHTER & VANTHIEGHEM, 'Écrire en arabe' (cit. n. 41), pp. 170–188; P. M. SIJPESTEIJN, 'A mid-eighth-century trilingual tax demand related to the Monastery of Apa Apollo at Bawit', *P. Clackson* 45–46 (pp. 102–119).

⁷⁴ T. S. RICHTER, 'Language choice in the Qurra papyri', [in:] PAPAConstantinou (ed.), *Multilingual Experience in Egypt* (cit. n. 69), pp. 189–219.

⁷⁵ Jennifer CROMWELL, 'Palaeography, scribal practice, and chronological issues in Coptic Documentary texts', *Journal of the American Research Center in Egypt* 46 (2010), pp. 1–16; EADEM, 'Variation and specificity in Christian invocation formulae from Thebes', *ZPE* 174 (2010), pp. 151–155; EADEM, 'The family of Germanos', [in:] M. AYAD (ed.) *Coptic Culture: Past, Present, and Future*, Stevanage 2012, pp. 131–142; EADEM, 'Following in father's footsteps: The question of father-son training in eighth century Thebes', *PapCongr.* xxvi, pp. 149–157; EADEM, 'Managing a year's taxes: tax demands and tax payments in 724 CE', *APF* 60 (2014), pp. 229–239.

backgrounds of scribes were in hopes of understanding the larger social processes in the Roman and early Islamic periods.⁷⁶ The regular conferences of the *International Society for Arabic Papyrology* bring together scholars from all Greek, Coptic and Arabic papyrology.⁷⁷

Also, both genre related aspects of epistolography and diplomatics, such as the formulary and the specific language of documents, and the practical aspects of documentary cultures have recently attracted particular scholarly attention.⁷⁸ The Paris-based *Islamic Law Materialized*

⁷⁶ Funded by the Australian Research Council (ARC); cf. <<http://scribalpractice.com>> [accessed 17 March 2014].

⁷⁷ The proceedings of the 4th conference held in 2009 in Vienna have eight contributions, four of which are about Coptic texts (Hans FÖRSTER; Florence CALAMENT & Anne BOUD'HORS; Alain DELATTRE; Jacques VAN DER VLIET) and four of which concern Arabic texts (Werner DIEM; Ayman SHAHIN; Wadad AL-QADI; Johannes THOMANN). All of them deal mainly with Egypt up to the 9th century AD. Cf. A. KAPLONY & D. POTTHAST (eds), *From Naqlun to Marw: Documents from the Medieval Muslim World. Proceedings of the 4th Conference of the International Society for Arabic Papyrology, Vienna, March 26–29, 2009* [= *Islamic History and Civilization*], Leiden 2014.

⁷⁸ F. BAUDEN, 'Lam baqa yu 'arīdkum.' Analyse linguistique de trois lettres rédigées par un marchand au Caire en 819/1416–820/1417, DEN HEIJER, LA SPISA & TUERLINCKX (eds), *Études Grand'Henry* (cit. n. 40), pp. 1–37; P. BURESI, 'Les plaintes de l'archevêque: chronique des premiers échanges épistolaires entre Pise et le gouverneur almohade de Tunis 1182', [in:] MARTÍNEZ DE CASTILLA (ed.), *Documentos y manuscritos árabes* (cit. n. 51), pp. 87–120; E. M. GROB, 'Information packaging in Arabic private and business letters (8th to 13th c. CE): Templates, slots and a cascade of reduction and rearrangement', *PapCongr.* xxv, pp. 277–290; IDEM, *Documentary Arabic Private and Business Letters on Papyrus: Form and Function, Content and Context*, Berlin – New York 2010; IDEM, 'A catalogue of dating criteria for undated arabic papyri with "cursive" features', [in:] REGOURD (ed.), *Documents et histoire* (cit. n. 43), pp. 123–143; C. MÜLLER, 'Écrire pour établir la preuve orale en Islam: la pratique d'un tribunal à Jérusalem au XIV^e siècle', [in:] A. SAITO & Y. NAKAMURA (eds), *Les outils de la pensée: étude historique et comparative des 'textes'*, Paris 2010, pp. 63–97; A. REGOURD, 'Qu'est-ce q'un document?', [in:] IDEM (ed.), *Documents et histoire* (cit. n. 43), pp. 9–20; REINFANDT, 'Arabisches Briefwesen' (cit. n. 12), pp. 116–178; K. SCHAEFER, 'Medieval Arabic block printing: state of the field', [in:] G. ROPER (ed.), *Historical Aspects of Printing and Publishing in Languages of the Middle East*, Leiden 2013, pp. 1–16; IDEM, 'Medieval Arabic block printing and Arabic historiography', [in:] REGOURD (ed.), *Documents et histoire* (cit. n. 43), pp. 269–285; P. M. SIJPESTEIJN, 'Seals and papyri from early Islamic Egypt', [in:] I. REGULSKI, K. DUISTERMAAT & P. VERKINDEREN (eds), *Seals and Sealing Practices in the Near East: Developments in Administration and Magic from Prehistory to the Islamic Period*, Leuven et al. 2012, pp. 163–174; R. VESELÝ, 'Die richterlichen Beglaubigungsmittel. Ein Bei-

project (2009–2013) studied the structure and phraseology of a broad corpus of published and unpublished Arabic legal documents on papyrus and paper from all parts of the pre-modern Islamic World, while in the IFAO a database has been created of the fiscal terminology in Greek, Coptic and Arabic documents. General features and regional variations of documents as well as mutual borrowings and influences were analysed, through which for the first time a glimpse was gained into how Islamic law was applied in practice.⁷⁹ The dynamics of archiving processes came into the focus through questions of how and why documents were stored in pre-modern Islamic societies (and thus were preserved for posterity); while, in comparison to Medieval Europe, there are less documents preserved from the Middle East from before 1500 AD, there is reliable evidence that archives existed at least from Umayyad times and probably earlier.⁸⁰ But

trag zur Diplomatie arabischer Gerichtsurkunden: 3. “Imdā’”, [in:] MARZOLPH (ed.) *Festgabe Diem* (cit. n. 39), pp. 251–261.

⁷⁹ Funded by the European Research Council (ERC); cf. <<<http://www.ilm-project.net>>> [accessed 17 March 2014]. For the situation until 2009, cf. SIJPESTEIJN, ‘Arabic papyrology’ (cit. n. 2), pp. 460–461.

⁸⁰ S. BUCKING, ‘Recovery and loss: Archaeological perspectives on papyri from Hellenistic, Roman, and Byzantine Egypt’, *Public Archaeology* 5 (2006), pp. 151–166; M. L. M. VAN BERKEL, s.v. ‘Archives and chanceries: Pre-1500, in Arabic’, [in:] *Encyclopaedia of Islam, THREE* (cit. n. 68), <<http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-3/archives-and-chanceries-pre-1500-in-arabic-COM_24390>> [accessed 27 March 2014]; IDEM, ‘Reconstructing archival practices in Abbasid Baghdad’, *Journal of Abbasid Studies* 1 (2014), pp. 7–22; A. MEIER, s.v. ‘Archives and chanceries: Arab World’, *ibidem*, <<http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-3/archives-and-chanceries-arab-world-COM_23848>> [accessed 27 March 2014]; F. BAUDEN, ‘Du destin des archives en Islam. Analyse des données et éléments de réponse’, [in:] D. AIGLE & S. PÉQUIGNOT, *La Correspondance entre souverains, princes et cités-états. Approches croisées entre l’Orient musulman, l’Occident et Byzance (XIII^e–début XVI^e siècle)*, Turnhout 2013, pp. 27–49; T. EL-LEITHY, ‘Living documents, dying archives: Towards a historical anthropology of medieval Arabic archives’, *Al-Qanṭara* 32 (2011), pp. 389–434; C. MÜLLER, ‘The Ḥaram al-Sharīf collection of Arabic legal documents in Jerusalem: A Mamlūk court archive?’, *ibidem*, pp. 435–459; REGOURD, ‘Qu’est-ce qu’un document?’ (cit. n. 78), pp. 9–20; E. SHEIKH AL-HOKAMAE, ‘La vision religieuse des Safavides, la conservation des archives pré-safavides et l’altération des documents’, [in:] REGOURD (ed.), *Documents et histoire* (cit. n. 43), pp. 145–162; T. VORDERSTRASSE, ‘Reconstructing houses and archives in Islamic Egypt’, *ibidem*, pp. 287–318; Amalia ZOMEÑO, ‘From private collections to archives: How Christians kept Arabic legal documents in Granada’, *Al-Qanṭara* 32 (2011), pp. 461–479.

what is still needed is a reliable handbook on diplomatics based on documents on both papyri and papers.⁸¹

A field that has been neglected in recent years by Arabic papyrologists, despite the extraordinary potential the papyri have in this area, is linguistics. Perhaps the authoritative 1984 grammar of Arabic by Simon Hopkins based on the texts of the papyri has intimidated the community, or at least created the illusion that no further work in this area can be done. But that is a misconception, because important texts relevant to the study of grammar have been published since 1984. Moreover, notwithstanding the many modifications to the texts proposed by the grammar itself, during the past few years corrections and updated readings of many of the texts that formed the basis of the grammar have been published.⁸² The preparation of a dictionary of Arabic based on the documentary texts is now underway as a by-product of the *Arabic Papyrology Database*. It is generally expected that the electronic infrastructures of the several papyrological disciplines, especially when linked, will help encourage more linguistic analyses of the texts of the Arabic papyri.

In the meantime, the first steps have been made in the reconstruction of the history and development of pre-Islamic Arabic on the basis of documentary sources in Greek and Semitic languages other than Arabic. Arabic textual evidence of the pre-Islamic era is very scarce: nothing has survived even of the once abundant writings in Arabic in Nabataean script on papyri and parchment.⁸³ The Greek papyri found in Petra, fortunately written in a vocalised script, attest to a living spoken Arabic in the 6th

⁸¹ GROHMANN, *Einführung und Chrestomathie* (cit. n. 5), p. 107. The idea of a joint project was announced, however, by Frédéric BAUDEN at the international conference *Mamluk Cairo. A Crossroad for Embassies* held in Liège, 6–8 September 2012. Cf. <<http://www.islam.uog.ac.be/f3.htm>> [accessed 5 March 2014].

⁸² S. HOPKINS, *Studies in the Grammar of Early Arabic, Based Upon Papyri Datable to Before 300 AH/912 AD*, Oxford 1984. For the state of research until 2009, cf. STJPESTEIJN, 'Arabic papyrology' (cit. n. 2), pp. 459–460.

⁸³ R. HOYLAND, 'Mount Nebo, Jabal Ramm, and the status of Christian Palestinian Aramaic and Old Arabic in Late Roman Palestine and Arabia', [in:] M. C. A. MACDONALD, *The Development of Arabic as a Written Language: Papers from the Special Session of the Seminar for Arabian Studies Held on July 24, 2009* [= *Supplement to the Proceedings of the Seminar for Arabian Studies* 40], Oxford 2010, pp. 29–46, at p. 35.

century AD; and parallel Semitic languages give additional information about this otherwise badly documented (with the exception of inscriptions) stage of the Arabic language.⁸⁴ Even more relevant for Arabic papyrology perhaps, and in a wider sense for papyrology as a whole, is research on historical Arabic and its social implications just before the emergence of Islam in the 6th and 7th centuries AD. The names of persons and places in the Greek dossiers from pre-Islamic Nessana and from the early Islamic archives of Senouthios in Hermopolis, Atias in Edfu, and Basileios in Aphrodito illustrate historical pronunciation and orthography.⁸⁵ The so-called Middle Arabic is abundantly represented by the Judaeo-Arabic documents of the Cairo Geniza, which offer a key to the living use of Arabic in a historical context because the documents are written in Hebrew characters which tend to preserve peculiarities of the pronunciation of Arabic that are not recorded by the proper Arabic script.⁸⁶

The Quran is quoted in Arabic papyri, papers and parchments. Not only have entire chapters been preserved on single leaves and codices of presumably early date, but also single verses are found in large numbers in Arabic documentary texts from the earliest times on.⁸⁷ The latter are

⁸⁴ A. M. AL-JALLAD, O. AL-GHUL & R. W. DANIEL, 'The Arabic toponyms and oikonyms in *P. Petra* 17', *P. Petra* 11, pp. 23–49; A. M. AL-JALLAD, *Ancient Levantine Arabic: A Reconstruction based on the Earliest Sources and the Modern Dialects* (forthcoming).

⁸⁵ A. Kaplony is currently preparing a study on the Greek orthography and the pronunciation of sixth and seventh century Arabic on the basis of Greek documentary evidence such as *P. Ness.*, *CPR* xxx, *P. Apoll.*, and *P. Lond.* iv as well as Middle Arabic texts; cf. <<http://www.naher-osten.uni-muenchen.de/personen/professoren/andreas_kaplony/kaplony_forschung/index.html>> [accessed 17 March 2014].

⁸⁶ J. BLAU, *A Handbook of Early Middle Arabic*, Jerusalem 2002; Esther-Miriam WAGNER, *Linguistic Variety of Judaeo-Arabic in Letters from the Cairo Geniza*, Leiden 2010.

⁸⁷ N. ABBOTT, *The Rise of the North Arabic Script and its Qur'anic Development, with a Full Description of the Qur'an Manuscripts in the Oriental Institute* [= *The University of Chicago Oriental Institute Publications* 1]. Chicago 1939; F. DÉROCHE, *Manuel de codicologie des manuscrits en écriture arabe*, Paris 2000; G. LEVI DELLA VIDA, *Frammenti coranici in carattere cufico nella Biblioteca Vaticana (Codici Vaticani Arabi 1605 e 1606)* [= *Studi e Testi* 132], Città del Vaticano 1947; Helene LOEBENSTEIN, *Koranfragmente auf Pergament aus der Papyrussammlung der Oesterreichischen Nationalbibliothek* [= *Mitteilungen aus der Papyrussammlung der Oesterreichischen Nationalbibliothek* N.S. 14], Wien 1982; Petra M. SIJPESTEIJN, 'Ein Buch und sein Wiederhall. Zum Gebrauch des Korans im 7.–10. Jahrhundert in Ägypten', [in:] A. LANGE

valuable because they illustrate how the Quranic text was used in everyday matters and in documentary formulary and scribal practice during the first centuries of Islam. They also inform us about historical variations (and conformities) in the wording and orthography of the verses, which may have been either variants or personal preferences. The presently-recognised canonical text of the Quran is devoid of a transparent philological basis due to the lack of a critical edition based on the earliest textual witnesses. Arabic papyrus texts thus are an important source for the reconstruction, or confirmation, of the Quranic Urtext. The *Corpus Coranicum* project at the Berlin-Brandenburgische Akademie der Wissenschaften, which is exploring the history of the Quranic text, is currently working with Arabic papyrologists to study Quranic citations in papyrus legal deeds and letters as well as on amulets, and doing radiocarbon-dating of Arabic papyri and parchments on a rational basis of samples.⁸⁸ But also literature is gaining more attention, after having been neglected during the past decades despite the large numbers of Arabic papyri that contain texts of a non-documentary, literary nature.⁸⁹ In the Muslim world itself the literary more than the documentary texts are of most interest. Increased attention for literary Arabic papyri would open papyrology to scholars from Arab countries who have a much better command of literary motifs and intertextual quotations than do their Western colleagues.

♣ B. PALME (eds), *Kinder Abrahams. Die Bibel in Judentum, Christentum und Islam* [= Nilus 21], Wien 2014, pp. 47–59; 119–123.

⁸⁸ The participating scholars are Ursula Bsees, Eva Mira Youssef-Grob, Andreas Kaplony, Daniel Potthast, and Leonora Sonogo. For the *Corpus Coranicum* project, cf. O. LEAMAN, 'The Corpus Coranicum project and the issue of novelty,' *Journal of Qur'anic Studies* 15 (2013), pp. 142–148 and <<http://koran.bbaw.de>> [accessed 17 March 2014].

⁸⁹ An earlier interest in Arabic literary papyri was largely limited to Nabia ABBOTT, *Studies in Arabic Literary Papyri*, 3 vols. [= *The University of Chicago Oriental Institute Publications* 75–77], Chicago 1957–1972; G. LEVI DELLA VIDA, *Arabic Papyri in the University Museum in Philadelphia (Pennsylvania)*, Rome 1981 [= *Atti della Accademia Nazionale dei Lincei* 378. *Memorie Cl. di Scienze Morali, Storiche e Filologiche Serie VIII* 25, 1]; R. G. KHOURY, *Wabb b. Munabbih Antiqui* 1], Wiesbaden 1972; IDEM, *Abd Allāh Ibn Labī'a (97–174/ 715–790): juge et grand maître de l'école égyptienne. Avec édition critique de l'unique rouleau de papyrus arabe conservé à Heidelberg* [= *Codices Arabici Antiqui* 4], Wiesbaden 1986. Among Arabic papyrologists, Ursula BSEES and Matt MALCZYCKI in particular are concentrating upon literary papyri. For the situation until 2009, cf. SIJPESTEIJN, 'Arabic papyrology' (cit. n. 2), pp. 456–457.

5. CONCLUDING REMARKS

Arabic papyrology has ambiguous boundaries regarding the kinds of documents and their material, provenance, and time of production with which it deals. This is part of the discipline's internal dynamics in a diachronic, or vertical timeline. On the other hand, the discipline should be careful not to become lost in an arbitrariness that may appear productive *prima facie* but ultimately leads to isolation from neighbouring papyrologies. Not every text should be a 'document', and not every writ should be a 'papyrus'. Quite the contrary, the common denominator of all papyrologies is the archaeological provenance of texts. Arabic papyrology must be alert to the interdisciplinary potential of a horizontal, or synchronic, approach that encourages thematic overlap with other papyrological disciplines. Scholarly output in Arabic papyrology in recent years has indeed followed this trend and has mainly concentrated upon the papyrological core-area of Egypt and Syria during the first centuries of Islam. Arabic papyrology should keep in mind that the more remote a documentary group or thematic subject is from papyrological core-areas, the higher is the risk of the field's isolation (this applies to all papyrologies). This should not preclude work along the thematic fringes but heighten the sense of responsibility towards the discipline.

During the 26th International Congress at Geneva in 2010, criticism was raised against the type of papyrology that militantly maintains disciplinary independence and that regards its *raison d'être* as the production of new editions.⁹⁰ The situation in Arabic papyrology is different, though, because an exceptionally large number of documents are waiting to be discovered in the collections, and the number of published editions is far below that of other papyrological disciplines. Also, self-identity is something that has to be achieved, and it should be a long-term goal of Arabic papyrology to emancipate itself from specialised safe areas on papyro-

⁹⁰ MAEHLER, 'Die Zukunft der griechischen Papyrologie', (cit. n. 30), p. 451; against VAN MINNEN, 'The future of papyrology' (cit. n. 21).

logical congresses and ally itself with the theme-oriented papyrologists of other languages. But the general caveat against a the-more-the-better approach holds true for Arabic papyrology as well, and it is a debatable point whether the effort of text editions is justified in face of the little role they may currently play in Arabic and Islamic Studies. On the other hand, text editions are central for any research on early Islam, social history, and book culture, and it is to be hoped that this will be appropriately recognised in the future.

So what is to be done? I see two medium-term solutions. The first is to bolster interdisciplinary research in the papyrological core-area, early Islam, on the synchronic time line. The second is an increased readiness to participate in methodological discourses about what is a document and what is a text, in order to make Arabic papyrology attractive to Arabic and Islamic Studies as well as to neighbouring disciplines from cultural and literary studies along the diachronic timeline. However, the edition of new texts should remain the discipline's main priority. This is necessary due to the small number of Arabic papyri thus far published and is the best way for Arabic papyrology to firmly establish itself as a member in good standing of the papyrological family. New editions have even enjoyed a certain renaissance of recognition in Western Arabic and Islamic Studies during the past years, once more becoming fashionable. And for contemporary Middle Easterners Arabic papyri have the additional value of being part of the home culture. In this respect, text editions have the potential of reducing political distance.

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T H E J O U R N A L O F J U R I S T I C P A P Y R O L O G Y

LITERARY PAPHYROLOGY AND HERCULANUM



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Peter van Minnen

FROM POSIDIPPUS TO PALLADAS: WHAT HAVE LITERARY POPYRI DONE FOR US?

THE TITLE OF MY REPORT on recent progress in literary papyrology suggests two things. First, that my report will cover progress made between 2001, the date of publication of the Posidippus papyrus,¹ and 2013, the date of publication of the Palladas papyrus.² Second, that I will focus on Greek literary texts written from the early Ptolemaic period (Posidippus) to the late Roman period (Palladas), more particularly epigrams. While I will indeed try to cover progress made between 2001 and 2013, I will by no means limit myself to early Ptolemaic and late Roman epigrams. What about papyri with Greek literary texts written before the Hellenistic period? What about Greek poetry other than epigrams? What about Greek prose? What indeed about literary texts in languages other than Greek? There has been much progress since Friedrich Hoffmann³ and Heike Behlmer⁴ reported on Hieratic, Demotic, and Coptic literary papyri at the papyrological congress in Vienna in 2001.

¹ G. BASTIANINI & C. GALLAZZI, *Posidippo di Pella, Epigrammi* (P. Mil. Vogl. VIII 309), Milano 2001.

² K. W. WILKINSON, *New Epigrams of Palladas: A Fragmentary Papyrus Codex (P.CtYBR inv. 4000)* [= *American Studies in Papyrology* 52], Durham, NC 2012 [sic].

³ F. HOFFMANN, 'Die ägyptischen literarischen Texte. Ein Forschungsüberblick', [in:] B. PALME (ed.), *Akten des 23. Internationalen Papyrologenkongresses, Wien, 22.–28. Juli 2001* [= *Papyrologica Vindobonensia* 1], Wien 2007, pp. 279–294. See now also F. HOFFMANN,

But why bother with anything other than Greek? That is where the last word in my title comes in: what have literary papyri done for *us* – who are we? Well, most of us are Greek documentary papyrologists who believe that our research on Greek documentary papyri is enriched by literary papyri. To understand the society that produced the Greek documentary papyri, we need the Greek literary papyri and the papyri in other languages that it also produced. My task is therefore more comprehensive than that of others who are reporting on progress in literary papyrology⁵ but also (a lot) more superficial. I will focus on what literary papyri (and ostraca, etc.) can tell us about the people and society that produced them. That society is Graeco-Roman Egypt with an occasional step backward or forward in time. I will not include literary papyri from Derveni,⁶ Herculaneum,⁷ and Qumran,⁸ let alone Daphni near Athens⁹ and Rhodes.¹⁰

The only comprehensive resource for literary papyri in any language is the Leuven Database of Ancient Books (www.trismegistos.org/ldab). It currently (2013) records over 16,500 ancient books, and of these over 11,600 are from Egypt. Of these again almost 1,900 are parchments, 900

‘Hieratic and Demotic literature’, [in:] Christina RIGGS (ed.), *Oxford Handbook of Roman Egypt*, Oxford 2012, pp. 543–562.

⁴ Heike BEHLMER, ‘Recent work on Coptic literary (and semi-literary) texts (1997–2000)’, [in:] PALME (ed.), *Akten des 23. Internationalen Papyrologenkongresses* (cit. n. 3), pp. 25–37.

⁵ G. CAVALLO on Greek and Latin palaeography and ‘bibliology’ (pp. 277–312) and J. DANIELEWICZ on Archaic Greek lyric and Hellenistic epigrams (pp. 263–275).

⁶ T. KOUREMENOS, G. M. PARÁSSOGLOU, & K. TSANTSANOGLOU, *The Derveni Papyrus* [= *Studi e testi per il Corpus dei papiri filosofici greci e latini* 13], Firenze 2006.

⁷ Most noteworthy new editions: W. B. HENRY, *Philodemus, On Death* [= *Writings from the Greco-Roman World* 29], Atlanta, GA 2009; R. JANKO, *Philodemus, On Poems, Books 3–4*, Oxford 2010; D. ARMSTRONG & J. A. PONCZOCH, ‘[Philodemus], On wealth (PHerc. 1570 cols. VI–XX, pcc. 4–6a): new fragments of Empedocles, Menander, and Epicurus,’ *Cronache Ercolanesi* 41 (2011), pp. 97–138; and G. LEONE, *Epicuro, Sulla natura libro II* [= *La scuola di Epicuro* 18], Napoli 2012.

⁸ See especially E. TOV, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert* [= *Studies on the Texts from the Desert of Judah* 54], Leiden 2004.

⁹ M. L. WEST, ‘The writing tablets and papyrus from Tomb II in Daphni’, *Greek and Roman Musical Studies* 1 (2013), pp. 73–92.

¹⁰ ΑΝΑΣΤΑΣΙΑ ΔΡΕΛΙΩΣΗ-ΗΡΑΚΛΕΙΔΟΥ & Ν. ΛΙΤΙΝΑΣ, ‘Ροδιακό όστρακο με ερωτικό επίγραμμα’, *Ευλιμένη* 10–12 (2009–2011), pp. 135–155.

ostraca, and 200 wooden tablets, leaving over 8,600 papyri. They date from 400 BC to AD 900 with a few outliers. The first issue I want to address, however briefly, is the *what* of these books.

Not all these 11,600 ‘books’ are in fact books. Many are single ‘sheets’ with a school exercise or a liturgical text. Many are so fragmentary that it is hard to tell. When the text continues on the other side, a fragment must come from a book in codex form. If the text on the back is not a continuation of the text on the front, we have a problem. Is *P. Oxy.* VIII 1075 (the end of Exodus) and *P. Oxy.* VIII 1079 (the beginning of Revelation) a fragment of a reused roll (so the editor) or of a codex (so Brent Nongbri¹¹)? If the former, the text on the back of the roll would not have been written immediately following but long after the text on the front, and one should be able to tell this from the writing on the back: the back of reused rolls is damaged from use, and writing on it is a struggle. If the latter, the writing on the back should not show signs of struggle. What Nongbri raises as an alternative possibility can be definitely settled with the papyrus in hand, and I have no doubt that the editor was right. So, not one codex, but one opisthograph roll.

For codices we can rely on the foundational work of Eric Turner,¹² which includes early Coptic codices. William Johnson has now added a ‘volume’ on *Bookrolls and Scribes in Oxyrhynchus*.¹³ His dataset is much less comprehensive than Turner’s, but he pushes the study of the scribes who produced a number of related Oxyrhynchus literary papyri even further than the same Turner in another pioneer study.¹⁴ This takes us to the next issue I want to address, the *where*.

Here I can also be brief. Oxyrhynchus – what else, for Greek literary papyri? Tebtunis and Soknopaiou Nesos – what else, for Demotic literary

¹¹ B. NONGBRI, ‘Losing a curious Christian scroll but gaining a curious Christian codex’, *Novum Testamentum* 55 (2013), pp. 77–88.

¹² E. G. TURNER, *The Typology of the Early Codex* [= *Haney Foundation Series* 18], Philadelphia, PA 1977.

¹³ W. A. JOHNSON, *Bookrolls and Scribes in Oxyrhynchus*, Toronto 2004.

¹⁴ E. G. TURNER, ‘Scribes and scholars in Oxyrhynchus’, [in:] H. GERSTINGER (ed.), *Akten des VIII. Internationalen Kongresses für Papyrologie, Wien 1955* [= *Mitteilungen aus der Papyrussammlung der Österreichischen Nationalbibliothek* NS 5], Wien 1956, pp. 141–146,

papyri? In my article on the literary papyri from these two villages from 1998,¹⁵ I identified the Egyptian priests of Tebtunis and Soknopaiou Nesos as the owners of the Hieratic, Demotic, *and* (most) Greek literary papyri found there. This takes us to the next issue I want to address, however briefly, the *who*.

Do the Hieratic and Demotic papyri from Tebtunis perhaps derive, not from private owners, the priests, but from an institution, the Egyptian temple? Some, maybe, but the majority no doubt derive from the private libraries of the Egyptian priests of Tebtunis, who *deposited* the books they no longer needed within the temple enclosure rather than ‘throwing them away’.¹⁶ The presence of many copies of the same texts, often entertaining narratives rather than religious texts, sometimes written on the back of Greek documents, shows that we are dealing with mostly *private* books. So, we cannot peek into the ‘Tebtunis Temple Library’,¹⁷ or even the library of a single priest, but (even better) we can use the thousand plus texts as a window into ‘the’ reading culture of the bi-literate population of Tebtunis, that is, its Egyptian priests. But there is a caveat: these Egyptian priests owned a variety of Greek literary papyri as well. In Tebtunis some of these have been found in the debris of their houses, along with some Hieratic and Demotic literary papyri.

Most papyrologists assume that ‘Greeks’ owned the far more numerous Greek literary papyri found in cities. If these also mainly derive from private libraries, the difference rather than the overlap with what we find

reprinted in A. K. BOWMAN et al. (eds.), *Oxyrhynchus: A City and Its Texts* [= *Graeco-Roman Memoirs* 93], London 2007, pp. 256–261.

¹⁵ P. VAN MINNEN, ‘Boorish or bookish? Literature in Egyptian villages in the Fayum in the Graeco-Roman period’, *Journal of Juristic Papyrology* 28 (1998), pp. 99–184.

¹⁶ In my article I drew a parallel with what Eastern Christians, Jews, and Arabs do with the (sacred) books they no longer need – they take them to a ‘holy place’ to deposit them rather than ‘throwing them away’.

¹⁷ K. RYHOLT, ‘On the contents and nature of the Tebtunis Temple Library: a status report’, [in:] Sandra LIPPERT & Maren SCHENTULEIT (eds.), *Tebtynis und Soknopaiou Nesos. Leben im römerzeitlichen Fajum*, Wiesbaden 2005, pp. 141–170. See also the methodological considerations of G. BURKHARD, ‘Bibliotheken im Alten Ägypten. Überlegungen zur Methode ihres Nachweises und Übersicht zum Stand der Forschung’, *Bibliothek, Forschung und Praxis* 4 (1980), pp. 79–115.

in villages is striking: almost no literary papyri in Egyptian, and a much greater ‘bandwidth’ of authors and genres, especially poetry.

The most productive way of reviewing the progress made in literary papyrology since 2001 is chronological, and this takes us to the next issue I want to address, the *when*. It is most convenient to divide the material by language and script, because that gives us a rough chronological order, even if it tends to obscure (sometimes significant) overlaps.

I start with **Hieratic**. Joachim Quack has been working on a *Buch des Tempels*, which exists in multiple copies, mostly in Hieratic with a parallel (but less common) tradition in Demotic.¹⁸ It shows how Egyptian priests conceptualized their ‘work environment’, the Egyptian temple. The same Quack also provides a handy overview of the Hieratic material from Tebtunis in *P. Carlsberg VII*,¹⁹ to which I add Alexandra von Lieven’s survey of religious texts²⁰ and Kim Ryholt’s survey of all texts from Tebtunis.²¹ In *P. Carlsberg VII* the same von Lieven publishes an Osiris liturgy with points added for beats and crosses added for some other reason, and she interprets these added signs as (rudimentary) ‘musical’ notation.²²

For **Demotic** literary papyri there are regular reports on new publications in *Enchoria* and, more spotty, in *Archiv für Papyrusforschung*. Friedhelm Hoffmann and Joachim Quack put out an anthology of Demotic

¹⁸ See most recently J. F. QUACK, ‘Die Theologisierung der bürokratischen Norm. Zur Baubeschreibung in Edfu im Vergleich zum Buch vom Tempel’, [in:] R. PREYS (ed.), 7. *Ägyptologische Tempeltagung: Structuring Religion [= Königstum, Staat und Gesellschaft früher Hochkulturen 3.2]*, Wiesbaden 2009, pp. 221–229.

¹⁹ J. F. QUACK, ‘Die hieratischen und hieroglyphischen Papyri aus Tebtunis – Ein Überblick’, [in:] K. RYHOLT (ed.), *Hieratic Texts from the Collection [= The Carlsberg Papyri 7]*, Copenhagen 2006, pp. 1–7.

²⁰ Alexandra VON LIEVEN, ‘Religiöse Texte aus der Tempelbibliothek von Tebtunis – Gattungen und Funktionen’, [in:] LIPPERT & SCHENTULEIT, *Tebtunis und Soknopaiu Nesos* (cit. n. 17), pp. 57–70.

²¹ RYHOLT, ‘On the contents and nature of the Tebtunis Temple Library’ (cit. n. 17).

²² Alexandra VON LIEVEN, ‘Eine punktierte Osiris-Liturgie’, [in:] RYHOLT (ed.), *Hieratic Texts* (cit. n. 19), pp. 9–38.

literature,²³ and there is now a similar production in French by Damien Agut-Labordère and Michel Chauveau.²⁴ Earlier the same Quack put out a survey of Demotic literature, an overview of what was written in the Demotic language (and eventually in the Demotic script) from the Late Period through the early Roman period.²⁵ He helpfully includes Graeco-Egyptian literature, and there is a growing number of texts in Greek for which we now have, if not the Demotic source, at any rate a Demotic parallel.²⁶ The same Agut-Labordère is also the author of a recent analysis of the composition and transmission of the Demotic wisdom texts,²⁷ which survive in three ‘batches’: one from Panopolis (‘The Instructions of ‘Onchsheshonqy’ in the British Museum and ‘Papyrus Insinger’ in Leiden), one from Tebtunis (now mainly in Copenhagen), and one from the Serapeum at Memphis (three papyri in the Louvre). He sees the development of the *form* of these Demotic wisdom texts (monostichs, distichs) as internal to Egyptian literature, not imported from Greek or Near Eastern models.

Richard Jasnow and Karl-Theodor Zauzich take the cake with their edition of the *Book of Thoth*.²⁸ This survives in over 50 copies, some from

²³ F. HOFFMANN & J. F. QUACK, *Anthologie der demotischen Literatur* [= *Einführungen und Quellentexte zur Ägyptologie* 4], Berlin 2007.

²⁴ D. AGUT-LABORDÈRE & M. CHAUVEAU, *Héros, magiciens et sages oubliés de l'Égypte ancienne. Une anthologie de la littérature en égyptien démotique*, Paris 2011.

²⁵ J. F. QUACK, *Einführung in die altägyptische Literaturgeschichte III. Die demotische und gräko-ägyptische Literatur* [= *Einführungen und Quellentexte zur Ägyptologie* 3], Berlin 2009 (2nd ed.). See also, from a different perspective, M. A. STADLER, *Einführung in die ägyptische Religion ptolemäisch-römischer Zeit nach den demotischen religiösen Texten* [= *Einführungen und Quellentexte zur Ägyptologie* 7], Berlin 2012.

²⁶ See, e.g., J. F. QUACK, ‘Quelques apports récents des études démotiques à la compréhension du livre II d'Hérodote’, [in:] L. COULON, Pascale GIOVANNELLI-JOANNA & Flore KIMMEL-CLAUZET (eds.), *Hérodote et l'Égypte. Regards croisés sur le livre II de l'Enquête d'Hérodote* [= *Collection de la Maison de l'Orient et de la Méditerranée* 51], Paris 2013, pp. 63–88.

²⁷ D. AGUT-LABORDÈRE, *Le sage et l'insensé. La composition et la transmission des sagesse démotiques* [= *Bibliothèque de l'École des hautes études, Sciences historiques et philologiques* 347], Paris 2011.

²⁸ R. L. JASNOW & K.-T. ZAUZICH, *The Ancient Egyptian Book of Thoth: A Demotic Discourse on Knowledge and Pendant to the Classical Hermetica*, Wiesbaden 2005.

Tebtunis, some from Soknopaiou Nesos or elsewhere. 25–33% of these are written on the back of Greek documents. The *Book of Thoth* is a discourse on knowledge that the editors tentatively compare with the Greek Hermetica. As there, the knowledge in the *Book of Thoth* is imparted by a god to a student, but the student here is an Egyptian scribe or priest in need of encyclopedic knowledge. A big deal is made of the ‘netherworld’, and prophecy also plays an important role, unlike in the Greek Hermetica.

More Demotic literary papyri have come out in the *P. Carlsberg* series. In *P. Carlsberg* v, Mark Smith edits a Demotic cosmology.²⁹ The text also contains the traditional account of the *acht Urgötter* and Amoun. The best (but still scanty) parallels for the original material are in PGM. In *P. Carlsberg* VIII, Alexandra von Lieven publishes a religious astronomy of the Roman period.³⁰ Outside the series, Holger Kockelmann re-edits six Demotic hymns to Isis, which can now be more conveniently compared (or contrasted) with Greek and Latin aretalogies.³¹

More narrative texts³² have been published recently by Kim Ryholt in *P. Carlsberg* x. Two texts relate to Necho I and II, who is called Nechepso, the name for an Egyptian sage in the Graeco-Roman tradition, now known to have been a pharaoh.³³ Yet another is a sequel to the Dream of Nectanebo in the Serapeum Archive; here the whole text is

²⁹ M. SMITH, *On the Primaeval Ocean* [= *The Carlsberg Papyri* 5], Copenhagen 2002.

³⁰ Alexandra von LIEVEN, *Grundriss des Laufes der Sterne* [= *The Carlsberg Papyri* 8], Copenhagen 2007.

³¹ H. KOCKELMANN, *Praising the Goddess: A Comparative and Annotated Re-edition of Six Demotic Hymns and Praises Addressed to Isis* [= *Archiv für Papyrusforschung Beiheft* 15], Berlin 2008. For another text involving Isis in a dialogue with her son and consisting of various other religious texts, see M. A. STADLER, *Isis, das göttliche Kind und die Weltordnung. Neue religiöse Texte aus dem Fayum nach dem Papyrus Wien D, 12006 recto* [= *Mitteilungen aus der Papyrussammlung der Österreichischen Nationalbibliothek* NS 28], Wien 2004.

³² On the function of such narrative texts in Demotic see J. TAIT, ‘The reception of Demotic narrative’, [in:] R. ENMARCH & Verena M. LEPPER (eds.), *Ancient Egyptian Literature: Theory and Practice* [= *Proceedings of the British Academy* 188], London 2013, pp. 251–260. They are definitely not ‘school texts’.

³³ K. RYHOLT, ‘A story featuring King Necho Merneith’ and ‘A story featuring King Nechepsos’, [in:] IDEM, *Narrative Literature from the Tebtunis Temple Library* [= *The Carlsberg Papyri* 10], Copenhagen 2012, pp. 103–130 and 131–142.

called the Prophecy of Petesis, an apocalyptic legitimization of Alexander as the son of Nectanebo II.³⁴ Ludwig Koenen's interpretation of the Dream of Nectanebo is confirmed by the new material.³⁵ A new edition of Setne I has also appeared.³⁶

Kim Ryholt is also responsible for more entertainment in additional Petese stories in *P. Carlsberg VI*.³⁷ The Petese stories originally consisted of 35 stories about the virtues and 35 stories about the vices of women told by two baboons. One of the stories about a Pharaoh (generic 'Pheros' in Greek) also appears in Herodotus (2.III) and Diodorus (1.59). Presumably such edifying stories circulated independently before they were included in the Petese stories. Compare the story about Sesostris on a Leipzig ostrakon, which also appears in Greek in Diodorus.³⁸

On to Greek literary papyri! As we have seen, the period I am reporting on is framed by the Posidippus papyrus of 2001 and the Palladas papyrus of 2013. In between the 'Artemidorus' papyrus 'happened'.³⁹ The first is a sensational find, and the light it throws on Hellenistic epigram and books of poetry is enormous. The last gives us sixty Late Antique epigrams about, i.a., individuals from Hermopolis, in itself a welcome diversion, but unfortunately the new Palladas is rather fragmentary. In this context I may mention *PSI I 17*, also from Hermopolis, which with its

³⁴ K. RYHOLT, 'A sequel to the Prophecy of Petesis', [in:] IDEM, *Narrative Literature* (cit. n. 33), pp. 157–170.

³⁵ L. KOENEN, 'The Dream of Nektanebos', *Bulletin of the American Society of Papyrologists* 22 (1985), pp. 171–194.

³⁶ Sara GOLDBRUNNER, *Der verblendete Gelehrte. Der erste Setna-Roman (P. Kairo 30646) [= Demotische Studien 13]*, Sommerhausen 2006.

³⁷ K. RYHOLT, *The Petese Stories II (P. Petese II) [= The Carlsberg Papyri 6]*, Copenhagen 2006.

³⁸ K. RYHOLT, 'A Sesostris story in Demotic Egyptian and Demotic literary exercises (O. Leipzig UB 2217)', [in:] H. KNUF, C. LEITZ, & D. RECKLINGHAUSEN (eds.), *Honi soit qui mal y pense. Studien zum pharaonischen, griechisch-römischen und spätantiken Ägypten zu Ehren von Heinz-Josef Thissen* [= *Orientalia Lovaniensia Analecta* 194], Leuven 2010, pp. 429–437.

³⁹ G. BASTIANINI, C. GALLAZZI, & S. SETTIS, *Il papiro di Artemidoro (P. Artemid.)*, Milano 2008.

corrections to the Late Antique epigrams it contains allows us to understand how such texts (or rather collections) were compiled (or rather: ‘re-composed’ – and the individual texts altered in the process).⁴⁰

‘Artemidorus’ too is a sensational papyrus, even if its texts can hardly be expected to revolutionize anything. There is a bit of Artemidorus and a (bad) ‘composition’ about geography. The ‘visuals’ on the papyrus are far more appealing: the front features an unfinished map of something and sketches of human/divine faces and the back a magnificent bestiary, for which the art historical editor and his collaborators provide a truly impressive ‘edition’. What makes the ‘Artemidorus’ papyrus even more of a sensation is the insistence of some that the papyrus is a nineteenth-century forgery. A confrontation with the papyrus itself puts the authenticity of its texts, map, and drawings beyond doubt.

On to poetry! A third century BC papyrus with Sappho, now *P. Köln* XI 429, and additional fragments of Archilochus in *P. Oxy.* LXIX 4708 made the biggest splash here. Recently more lyric incipits (including from tragedy) on a papyrus of the second century BC have come to light, and these have been edited by Cassandra Borges from additional fragments found after Reinhold Merkelbach published the first thirty years ago.⁴¹

‘Our’ (documentary Greek) man Dryton penned the *paraklausithyron* (the famous ‘Alexandrian erotic fragment’ that spearheaded Bernard Grenfell’s papyrological career) on the back of a loan of 174 BC. The new editor of what is now *P. Dryton* 50, Peter Bing, suggests that such lyric (monody) may have been performed (and witnessed by Dryton when he still lived there) in Ptolemais. More ‘sound’ appears on a second century BC papyrus from the Louvre published by Annie Bélis, a fragment of Carcinus’ *Medea* with musical notation.⁴² Paul Schubert has ingeniously suggested that another, late papyrus from the Louvre, *P. Louvre* II 94, is a musical score.

⁴⁰ I owe this observation to an unpublished paper by Sean GURD.

⁴¹ Cassandra BORGES, ‘A list of lyric and tragic incipits: P.Mich. inv. 3498+325ob recto, 3250a and c recto’, [in:] EADEM & C. M. SAMPSON, *New Literary Papyri from the Michigan Collection: Mythographic Lyric and a Catalogue of Poetic First Lines*, Ann Arbor, MI 2012, pp. 9–35.

⁴² Annie BÉLIS, ‘Un papyrus musical inédit au Louvre’, *Comptes-rendus des séances de l’Académie des inscriptions et belles-lettres* 2004, pp. 1305–1329.

‘Oracula’ (not quite *Sibyllina*, but something like book 3) from the second century BC appear in *P. Köln* XII 467, overlapping with *P. Oslo* II 14, a text from the second century AD. The editor, Michael Gronewald, thinks this kind of Jewish material (here on Ptolemy Philopator) floated around independently but also ‘floated’ into the *Oracula Sibyllina*.

Paul Schubert is also the editor of a curious hexameter apotheosis of, apparently, Poppaea Sabina (Nero’s wife), *P. Oxy.* LXXVIII 5105 from the third century, the kind of thing Seneca ridiculed in his *Apocolocyntosis* (this is hardly a third century exercise; it must be the real first-century thing).

On to prose! Among philosophical papyri from Egypt, the greatest impact continues to be made by the *Corpus dei papiri filosofici greci e latini* (from 1989 onwards)⁴³ together with the accompanying *Studi e testi per il Corpus dei papiri filosofici greci e latini* (from 1985 onwards).⁴⁴

Other corpora have been launched more recently, such as the *Corpus dei papiri storici greci e latini* in 2008.⁴⁵ Interesting new historical texts are *P. Oxy.* LXXIII 4940, a first-century AD papyrus about events in the early 50s BC (about Roman creditors of Ptolemy Auletes), tentatively ascribed by the editor, A. K. Bowman, to Timagenes, and *P. Oxy.* LXXI 4809 on Hellenistic rulers as authors, including Cleopatra, whose *Kosmetikon* was supposedly written by someone else.

Another relatively new corpus is the *Commentaria et lexica graeca in papyris reperta* (from 2004 onwards).⁴⁶ One such lexicon was studied by Francesca Schironi for its Hellenistic ‘lore’.⁴⁷ Kathleen McNamee’s *Anno-*

⁴³ F. ADORNO et al., *Corpus dei papiri filosofici greci e latini*, I.1*-*, Firenze 1989-. Not all philosophical texts are in prose. For the Strasbourg Empedocles, see now O. PRIMAVESI, *Empedokles Physika I. Eine Rekonstruktion des zentralen Gedankenganges* [= *Archiv für Papyrusforschung Beiheft* 22], Berlin 2008.

⁴⁴ *Studi e testi per il Corpus dei papiri filosofici greci e latini*, I-, Firenze 1985-.

⁴⁵ *Corpus dei papiri storici greci e latini*, I-, Pisa 2008-.

⁴⁶ G. BASTIANINI et al., *Commentaria et lexica graeca in papyris reperta*, I-, München, then Berlin 2004-. See also Elena ESPOSITO, ‘Fragments of Greek lexicography in the papyri’, *Trends in Classics* 1 (2009), pp. 255–297.

⁴⁷ FRANCESCA SCHIRONI, *From Alexandria to Babylon: Near Eastern Languages and Hellenistic Erudition in the Oxyrhynchus Glossary* (*P.Oxy.* 1802 + 4812) [= *Sozomena* 4], Berlin 2009.

tations in Greek and Latin Texts from Egypt ‘unter Ausschluss der christlichen’ shows us one way people used their books.⁴⁸

A corpus of Greek medical papyri is also underway (from 2001 onwards).⁴⁹

The reports about Christian literary papyri in Greek in *Archiv für Papyrusforschung* are spotty. I start with Biblical papyri. *P. Gen.* IV 148–149 (one leaf of a codex) contains marginalia to Psalm 36 which link the Psalm text up with Luke 1 and also quote from the (otherwise unknown) *Paradeigmata* and the Gospel *τινὸς προσώπου*, clearly an apocryphal gospel. *P. Oxy.* LXIV 4968 is a papyrus codex of the fifth century with a ‘free’ Acts text, longer than in Codex Vaticanus but not the same as in Codex Bezae. The recent re-edition of the Greek (apocryphal) Gospel of Peter and Apocalypse of Peter may also be mentioned in this context.⁵⁰ More Manichaean Greek and Coptic texts from Kellis have appeared in the second installment of *Kellis Literary Texts* (*P. Kellis* VI), from the same house that yielded Manichaean literary and documentary texts earlier.

The most important new Latin literary papyrus is *Hadrianus*, published by Juan Gil and Sofía Torallas Tovar,⁵¹ a text included in a miscellaneous codex in Greek and Latin. This contains in order: Cicero, *Catalinarians* and a hymn to Mary, both in Latin; a picture; a liturgical text in Greek; hexameters on Alcestis and the new *Hadrianus* in Latin; and wordlists in Greek, published by the same Torallas Tovar and Klaas Worp.⁵² The Latin ‘colophon’ identifies the person for whom *Hadrianus* was written as one Dorotheus, also mentioned in another Latin colophon in the codex. The new narrative text focuses on Hadrian’s relationship with another Roman,

⁴⁸ Kathleen McNamee, *Annotations in Greek and Latin Texts from Egypt* [= *American Studies in Papyrology* 45], n. p. 2007.

⁴⁹ Isabella ANDORLINI (ed.), *Greek Medical Papyri*, I–, Firenze 2001–.

⁵⁰ T. J. KRAUS & T. NICKLAS, *Das Petrus-evangelium und die Petrusapokalypse. Die griechischen Fragmente mit deutscher und englischer Übersetzung* [= *Die griechischen christlichen Schriftsteller der ersten Jahrhunderte* NF II], Berlin 2004.

⁵¹ J. GIL & Sofía TORALLAS TOVAR, *Hadrianus. P. Monts. Roca III* [= *Orientalia Montserratensia* 5], Barcelona & Madrid 2010.

⁵² Sofía TORALLAS TOVAR & K. A. WORP, *To the Origins of Greek Stenography. P. Monts. Roca I* [= *Orientalia Montserratensia* 1], Barcelona & Madrid 2006.

Raecius Varus, first as a young man under Nerva, when Raecius Varus unsuccessfully accused him of being a poisoner, which led to Raecius Varus' exile, then as emperor on the road, where a chance meeting with the exile leads to the latter's restoration, and finally as emperor in Cologne, where Hadrian remits taxes, which Raecius Varus later on insists on collecting. Hadrian is presented as a 'Saturnian' emperor (as in *redeunt Saturnia regna*).

Reports on **Coptic** literary papyri in *Archiv für Papyrusforschung* are also rather spotty. The 'Gospel of Jesus' Wife' made a big splash recently. Anyone who has ever handled papyri knows that this is a forgery: the ink has penetrated the papyrus, because it was applied when the papyrus was over 1,500 years old (i.e., recently); the text was written with a match or some other inappropriately blunt instrument; the shape of the letters (their *ductus*) is consistently off; the Coptic is full of elementary errors; and the text is a pastiche from the Coptic *Gospel of Thomas*. The *Gospel of Judas*, however, is real enough.⁵³ It and other new apocryphal gospel material are included in German in the first volume of the new edition of 'Hennecke-Schneemelcher' by Christoph Marksches and Jens Schröter.⁵⁴ It is almost 1,500 pages long, three times as long as the previous edition, in part thanks to the papyrus finds of the last 25 years.

Hans-Martin Schenke has published a version of Matthew in Coptic, which he thinks was translated from a rewritten Greek Matthew.⁵⁵ Not everyone agrees, and in the new Nestle-Aland⁵⁶ the reconstructed readings do not appear in the apparatus. Frank Feder's edition of various books of the Old Testament⁵⁷ and Karlheinz Schüssler's ongoing inven-

⁵³ R. KASSER, M. MEYER, & G. WURST, *The Gospel of Judas from Codex Tchacos*, Washington, DC 2006.

⁵⁴ C. MARKSCHIES & J. SCHRÖTER (eds.), *Antike christliche Apokryphen in deutscher Übersetzung I. Band: Evangelien und Verwandtes*, I-II, Tübingen 2012.

⁵⁵ H.-M. SCHENKE, *Das Matthäus-Evangelium im mittelägyptischen Dialekt des Koptischen (Codex Schoyen)* [= *Manuscripts in the Schoyen Collection* 2], Oslo 2001.

⁵⁶ Institut für Neutestamentliche Textforschung, *Novum Testamentum Graece*, Stuttgart 2012 (28th ed.).

⁵⁷ F. FEDER, *Biblia Sabidica. Ieremias, Lamentationes (Threni), Epistula Ieremiae et Baruch* [= *Texte und Untersuchungen* 147], Berlin 2002.

tory of Coptic Biblical manuscripts (from 1995 onwards)⁵⁸ may also be mentioned here.

The fourth-century Crosby-Schøyen Codex has recently been completed with additional leaves published by Albert Pietersma and Susan Comstock.⁵⁹ The codex contains Melito's *On the Passover*, *Jewish Martyrs*, the first Epistle of Peter, and Jonah, and concludes with the new summons to prayer, possibly composed by Pachomius himself. The codex is in any case the script for an Easter liturgy, perhaps compiled by Pachomius. An even more important figure in Coptic literature, Shenoute, is now well served by Stephen Emmel's *magnum opus* reconstructing the numerous manuscripts containing his works.⁶⁰

Just out is *Das koptisch hagiographische Dossier [in Sahidic] des Heiligen Kolluthos*, by Gesa Schenke.⁶¹ For this Middle Egyptian saint martyr, encomium, and miracula alike exist, and there is an interesting link with documents in the form of oracle questions from Antinoopolis in Greek and Coptic. Earlier Gesine Schenke Robinson published *Das Berliner 'koptische Buch' (P 20915)*, a translation of an early Christian theological treatise preserved in a fourth-century codex.⁶²

From the world of **Arabic** papyri: nothing to report.

From this 'chronological' survey by language I distill 'directions for the future' – or rather a wish list.

One could wish for the integration of the Leuven Database of Ancient Books and the Mertens-Pack³ database for Greek and Latin literature 'unter

⁵⁸ K. SCHÜSSLER, *Biblia Coptica. Die koptischen Bibeltex-te*, I–, Wiesbaden 1995–.

⁵⁹ A. PIETERSMA & SUSAN COMSTOCK, 'Two more pages of Crosby-Schøyen Codex MS 193: A Pachomian Easter Lectionary?', *Bulletin of the American Society of Papyrologists* 48 (2011), pp. 27–46.

⁶⁰ S. EMMEL, *Shenoute's Literary Corpus*, I–II [= *Corpus Scriptorum Christianorum Orientalium* 599–600], Leuven 2004.

⁶¹ Gesa SCHENKE, *Das koptisch hagiographische Dossier des Heiligen Kolluthos, Arzt, Märtyrer und Wunderheiler* [= *Corpus Scriptorum Christianorum Orientalium* 650], Leuven 2013.

⁶² Gesine SCHENKE ROBINSON, *Das Berliner 'koptische Buch' (P 20915). Eine wiederhergestellte frühchristlich-theologische Abhandlung*, I–II [= *Corpus Scriptorum Christianorum Orientalium* 610–611], Leuven 2004.

Ausschluss der christlichen' (www2.ulg.ac.be/facphl/services/cedopal). The Leuven Database of Ancient Books is itself supported by separate databases for Hieroglyphic and Hieratic papyri (www.trismegistos.org/hhp), Demotic and Abnormal Hieratic texts (www.trismegistos.org/daht), Aramaic texts from Egypt (www.trismegistos.org/ate), and Religious, ritual, magical and divinatory texts (www.trismegistos.org/magic). The first of these can itself draw on the 'Totenbuch-Datenbank' (totenbuch.awk.nrw.de). None of these databases provides the texts in searchable form. Only the Catalogue of Paraliterary Papyri (cpp.arts.kuleuven.be) does, but it has not been continued after the death of Marc Huys. The Thesaurus Linguae Graecae (www.tlg.uci.edu) will capture new literary texts in Greek such as the new Palladas. The rest will have to wait for a Digital Corpus of Literary Papyri (not just for Greek and Latin).

To assist work on literary papyri we also need literary histories, which we have for Greek,⁶³ Latin,⁶⁴ Arabic,⁶⁵ and even to some extent for Hier-

⁶³ E.g., B. ZIMMERMANN (ed.), *Die Literatur der archaischen und klassischen Zeit* [= *Handbuch der Altertumswissenschaft* = HAW 7.1], München 2011; W. SCHMID, *Wilhelms von Christs Geschichte der griechischen Literatur, Zweiter Teil: Die nachklassische Periode der griechischen Literatur*, I [= HAW 7.2.1], München 1920 (6th ed.); W. SCHMID & O. STÄHLIN, *Wilhelm von Christs Geschichte der griechischen Literatur, Zweiter Teil: Die nachklassische Periode der griechischen Literatur*, II [= HAW 7.2.2], München 1924 (6th ed.).

⁶⁴ E.g., M. SCHANZ & C. HOSIUS, *Geschichte der römischen Literatur bis zum Gesetzgebungswerk des Kaisers Justinian, Erster Teil: Die römische Literatur in der Zeit der Republik* [= *Handbuch der Altertumswissenschaft* = HAW 8.1], München 1927 (4th ed.), replaced in part by W. SUERBAUM (ed.), *Die archaische Literatur von den Anfängen bis Sullas Tod* [= HAW 8.1], München 2002; M. SCHANZ & C. HOSIUS, *Geschichte der römischen Literatur bis zum Gesetzgebungswerk des Kaisers Justinian, Zweiter Teil: Die römische Literatur in der Zeit der Monarchie bis auf Hadrian* [= HAW 8.2], München 1935 (4th ed.); K. SALLMANN (ed.), *Die Literatur des Umbruchs von der römischen zur christlichen Literatur, 117 bis 284 n. Chr.* [= HAW 8.4], München 1997; R. HERZOG (ed.), *Restauration und Erneuerung. Die lateinische Literatur von 284 bis 374 n. Chr.* [= HAW 8.5], München 1989; M. SCHANZ, *Geschichte der römischen Literatur bis zum Gesetzgebungswerk des Kaisers Justinian, Viertes Teil: Die römische Literatur von Constantin bis zum Gesetzgebungswerk Justinians*, I [= HAW 8.4.1], München 1914 (2nd ed.); M. SCHANZ, C. HOSIUS, & G. KRÜGER, *Geschichte der römischen Literatur bis zum Gesetzgebungswerk des Kaisers Justinian, Viertes Teil: Die römische Literatur von Constantin bis zum Gesetzgebungswerk Justinians*, II [= HAW 8.4.2], München 1920; M. VON ALBRECHT, *Geschichte der römischen Literatur*, I-II, München 1994 (2nd ed.).

⁶⁵ E.g., F. SEZGIN, *Geschichte des arabischen Schrifttums*, I-IX, Leiden 1967-1984, and

atic,⁶⁶ and Joachim Quack's survey goes a long way for Demotic,⁶⁷ but what about Coptic? Palaeography and 'bibliology' are also important tools for literary papyrologists. We have these for Hieratic,⁶⁸ Greek, Latin,⁶⁹ and even to some extent for Arabic,⁷⁰ but what about Demotic and, again, Coptic?

Many students of literature will be interested in literary papyri for textual history. Here the most important progress has been made for the text of the New Testament. The full text of many manuscripts is now available in digital form, and this has led to a more reliable and comprehensive apparatus in the second edition of the *editio critica maior* of the Catholic Epistles.⁷¹ A new way to trace the relations between manuscripts is the so-called Coherence-Based Genealogical Method. 'Our' (literary papyrological) Homer & the Papyri (www.stoa.org/homer/homer.pl) is at best a very poor cousin of the New Testament projects.

Still welcome are more retrospectives on authors and genres, such as in the annual *convegni* in Florence.⁷² Also welcome are more batches of papyri of known texts as in every recent volume of *P. Oxy.*⁷³

X–XV, Frankfurt am Main 2000–2010; A. F. L. BEESTON et al., *Arabic Literature to the End of the Umayyad Period*, Cambridge 1983.

⁶⁶ E.g., G. BURKHARD & H. J. THISSEN, *Einführung in die altägyptische Literaturgeschichte I: Altes und Mittleres Reich* [= *Einführungen und Quellentexte zur Ägyptologie* 1], Berlin 2012 (4th ed.); G. BURKHARD & H. J. THISSEN, *Einführung in die altägyptische Literaturgeschichte II: Neues Reich* [= *Einführungen und Quellentexte zur Ägyptologie* 6], Berlin 2009 (2nd ed.); A. LOPRIENO (ed.), *Ancient Egyptian Literature: History and Forms* [= *Probleme der Ägyptologie* 10], Leiden 1996.

⁶⁷ QUACK, *Einführung* (cit. n. 25).

⁶⁸ E.g., G. MÖLLER, *Hieratische Paläographie. Die ägyptische Buchschrift in ihrer Entwicklung von der fünften Dynastie bis zur römischen Kaiserzeit*, I–III, Leipzig 1927–1936 (2nd ed.).

⁶⁹ E.g., G. CAVALLO, *La scrittura greca e latina dei papiri. Una introduzione*, Pisa 2008.

⁷⁰ Nabia ABBOTT, *Studies in Arabic Literary Papyri*, I–III, Chicago 1957–1972.

⁷¹ Barbara ALAND et al., *Novum Testamentum Graecum. Editio critica maior*, vol. IV: *Catholic Letters*, I–II, Stuttgart 2013 (2nd ed.).

⁷² G. BASTIANINI & A. CASANOVA (eds.), *Il papiro di Posidippo un anno dopo* [= *Studi e testi di papirologia* = STP NS 4], Firenze 2002; IIDEM (eds.), *Menandro, cent'anni di papiri* [= STP NS 5], Firenze 2004; IIDEM (eds.), *Euripide e i papiri* [= STP NS 7], Firenze 2005; IIDEM (eds.), *Callimaco, cent'anni di papiri* [= STP NS 8], Firenze 2006; IIDEM (eds.), *I papiri di Saffo e di Alceo* [= STP NS 9], Firenze 2007; IIDEM (eds.), *Esiodo, cent'anni di papiri* [= STP NS 10],

‘Redoing’ authors (either separately or as part of a corpus) by re-editing the texts can also be useful. So is ‘redoing’ genres (as in the ‘corpus of palmomantic texts’ by Salvatore Costanza⁷⁴ and the ‘corpus of Ptolemaic anthologies’ by Francisca Pordomingo⁷⁵). Craig Gibson has collected Demosthenes’ ancient commentators on papyrus⁷⁶ and Maria Chiara Scappaticcio the ‘papyrological texts’ of Vergil.⁷⁷ Her *Papyri Vergilianae* is a database of 35 papyrological texts (some not on papyrus, and some not from Egypt, and not including all ancient manuscripts of Vergil) followed by a verse-by-verse ‘text edition’, including the Greek translation. It will be a starting point for anyone interested in the *Nachleben* of Vergil in the first six centuries AD.

Hard to trace are the links between literatures, such as between Greek and Demotic and vice versa. As we have seen, stories found in Herodotus, Diodorus, or Greek papyri are now also documented in Demotic, but direct translations are rare. Demotic narrative texts were themselves sometimes influenced by Greek literature. Earlier, Demotic literature had developed *pari passu* with Aramaic literature, and the list of parallels

Firenze 2008; IIDEM (eds.), *I papiri del romanzo antico* [= STP NS 12], Firenze 2010; IIDEM (eds.), *I papiri letterari cristiani* [= STP NS 13], Firenze 2011; IIDEM (eds.), *I papiri omerici* [= STP NS 14], Firenze 2012; IIDEM (eds.), *I papiri di Eschilo e di Sofocle* [= Edizioni dell'Istituto Papirologico 'G. Vitelli' 2], Firenze 2013.

⁷³ E.g., two substantial *Technai rhetorikai* in *P Oxy.* LXXII 4854–4855 along with rhetorical *epideixeis* in *P. Oxy.* LXXVI 5093. For Homeric papyri see also J. SPOONER, *Nine Homeric Papyri from Oxyrhynchus* [= *Studi e testi di papirologia* NS 1], Firenze 2002.

⁷⁴ S. COSTANZA, *Corpus palmomanticum Graecum* [= *Papyrologica Florentina* 39], Firenze 2009.

⁷⁵ FRANCISCA PORDOMINGO, *Antologías de época helenística en papiro* [= *Papyrologica Florentina* 43], Firenze 2013.

⁷⁶ C. A. GIBSON, *Interpreting a Classic: Demosthenes and His Ancient Commentators*, Berkeley, CA 2002: Demosthenes. I find his ‘Hermoupolite historian’ (pp. 68–69), who selectively copied (mostly historical) comments from Didymus’ larger commentary on Demosthenes in *BKT* I, problematic. Note that the ‘Hermoupolite historian’ in *BKT* I (had) put in the same kind of (rare) ‘headers’ as on the back of the papyrus (*BKT* II), a treatise by an almost contemporary Stoic philosopher. *BKT* I and II is one opisthograph roll made by/for someone interested in both Demosthenes and near-contemporary Stoic philosophy.

⁷⁷ MARIA CHIARA SCAPPATICCIO, *Papyri Vergilianae. L'apporto della papirologia alla storia della tradizione Virgiliana (I–VI d.C.)* [= *Papyrologica Leodiensia* 1], Liège 2013.

between Demotic and Greek religious and religious-philosophical texts is growing fast. For Egyptian wisdom texts and Greek proverbs Nikolaos Lazaridis provides such parallels,⁷⁸ and Jacco Dieleman has studied the magical texts from Thebes in Egyptian and Greek in tandem.⁷⁹

It may also be worthwhile to trace certain themes through time. Roman or Late Antique papyri can show us how Ptolemaic literature was ‘received’ in Egypt. The emperor Hadrian now appears in Demotic (an ostrakon from Narmouthis, published by Angelo Menchetti⁸⁰), Greek (poetry and prose, including an unpublished Michigan papyrus), and Latin, as we have seen above. Late Period pharaohs appear in Ptolemaic or Roman period Demotic literature or in the Greek parallel tradition from Egypt.⁸¹

Literary papyri that have never studied as a group have also come under closer scrutiny lately. Thus, Laura Miguélez Caveró has studied Late Antique hexameter poetry ‘in context’,⁸² and Francesca Schironi has traced the formal features of hexameter poetry manuscripts.⁸³ James Royle has studied the *Scribal Habits in Early Greek New Testament Papyri*⁸⁴ – in an exemplary fashion.

⁷⁸ N. LAZARIDIS, *Wisdom in Loose Form: The Language of Egyptian and Greek Proverbs in Collections of the Hellenistic and Roman Periods* [= *Mnemosyne Supplementum* 287], Leiden 2007.

⁷⁹ J. J. DIELEMAN, *Priests, Tongues, and Rites: The London-Leiden Magical Manuscripts and Translation in Egyptian Ritual (100–300 CE)* [= *Religions in the Graeco-Roman World* 153], Leiden 2005.

⁸⁰ A. MENCHETTI, ‘Quando Adriano venne in Egitto. Un nuovo testo demotico sul viaggio dell’imperatore’, *Egitto e Vicino Oriente* 27 (2004), pp. 27–31.

⁸¹ In addition to the examples mentioned earlier, see also the text discussed in A. BLASIUS und B. U. SCHIPPER (eds.), *Apokalyptik und Ägypten. Eine kritische Analyse der relevanten Texte aus dem griechisch-römischen Ägypten* [= *Orientalia Lovaniensia Analecta* 107], Leuven 2002.

⁸² LAURA MIGUÉLEZ CAVERO, *Poems in Context: Greek Poetry in the Egyptian Thebaid 200–600 AD* [= *Sozomena* 2], Berlin 2008. Add the hexameter ‘exhortation’ from the third century in *P. Oxy.* LXXVIII 5106 (hardly Christian).

⁸³ FRANCESCA SCHIRONI, *Τὸ μέγα βιβλίον: Book-ends, End-titles, and Coronides in Papyri with Hexametric Poetry* [= *American Studies in Papyrology* 48], Durham, NC 2010.

⁸⁴ J. R. ROYLE, *Scribal Habits in Early Greek New Testament Papyri* [= *New Testament Tools, Studies and Documents* 36], Leiden 2008.

I have already flagged cases where the compilation of texts in a miscellaneous codex may tell us something about what the compiler was thinking. This has also been done for early Ptolemaic ‘books’ of poetry (usually epigrams) as compared to first-century BC Latin poetry, most recently by Geoffrey Hutchinson in his *Talking Books*.⁸⁵ Given that the compilation of the ‘normal’ miscellaneous codex is not authorial, because the compiler merely selects texts written (much earlier) by others, this does raise the interesting question whether the Ptolemaic compilations we have are authorial.

We need to know more about the scribes, the owners, the readers, and the users of literary papyri. I have already mentioned Dryton and the Egyptian priests of Tebtunis and Soknopaiou Nesos. The increase of documentary material about Egyptian priests since Walter Otto’s *Priester und Tempel*⁸⁶ allows a sociological profile into which we can now also fit their books – in Egyptian and Greek. We need something along the lines of Fredrik Hagen’s *An Ancient Egyptian Literary Text in Context*.⁸⁷ He takes the archaeological context (where known), the ‘material culture’ of the papyri, intertextuality, and redaction history all into account to trace the life of a poetical wisdom text ‘from the hands of its copyists to the minds of its readers’ – admittedly in the Middle and New Kingdoms, but it is an interesting model. Annotations can tell us a lot about how some users approached their books. Thanks to Kathleen McNamee we now have the tool to pursue this for Classical Greek literature.⁸⁸ Texts with some form of musical notation can tell us more about how some texts were performed.

We need to know more about the archaeological context. Tebtunis and Soknopaiou Nesos, Kellis, and Karanis⁸⁹ spring to mind. Literary

⁸⁵ G. O. HUTCHINSON, *Talking Books: Readings in Hellenistic and Roman Books of Poetry*, Oxford 2008.

⁸⁶ W. OTTO, *Priester und Tempel im hellenistischen Ägypten. Ein Beitrag zur Kulturgeschichte des Hellenismus*, Leipzig 1905–1908.

⁸⁷ F. HAGEN, *An Ancient Egyptian Literary Text in Context: The Instruction of Ptahhotep* [= *Orientalia Lovaniensia Analecta* 218], Leuven 2012.

⁸⁸ MCNAMEE, *Annotations* (cit. n. 48).

⁸⁹ G. SCHWENDNER, ‘Literature and literacy at Roman Karanis: maps of reading’, [in:] J. FRÖSÉN, Tiina PUROLA, & Erja SALMENKIVI (eds.), *Proceedings of the 24th International Con-*

papyri from cartonnage also have a kind of archaeological context. The same goes for literary papyri from book covers.⁹⁰

So far, all contextualizing has proceeded serendipitously, on a case-by-case basis. I think it is high time for all contextual observations currently scattered in editions and all contextual observations hidden in archaeological reports to be systematically collected. This holds great promise for future reports on progress in literary papyrology.

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gress of Papyrology, Helsinki, 1-7 August, 2004, I [= *Commentationes Humanarum Litterarum* 122:1], Helsinki 2007, pp. 991-1006.

⁹⁰ R. LUISELLI, 'Papiri greci riutilizzati per la manifattura di un cartonnage di legatura', *Zeitschrift für Papyrologie und Epigraphik* 142 (2003), pp. 147-162.



fundacja
im. Rafała
Taubenschlaga

Jerzy Danielewicz

**EARLY GREEK LYRIC
AND HELLENISTIC EPIGRAM: NEW EVIDENCE
FROM RECENTLY PUBLISHED PAPYRI**

THE OBJECTIVE OF MY PAPER is not so much to present the most important texts of Greek lyric and Hellenistic epigram which have been edited recently (although it seems reasonable to recall some crucial pieces, at least in translation), as to demonstrate how they have influenced the scholarly debate and to what extent they enriched, or even changed, our understanding of these and kindred forms of poetry. As is clear from this preliminary statement, I fully subscribe to the opinion expressed by Michael Haslam¹ twenty-one years ago during the twentieth International Congress of Papyrologists in Copenhagen that accessions to the already known corpus not only are valuable in and of themselves, but also make a difference to what was there before, and the process is not a purely cumulative one, but much more dynamic.

It is a truism that not all the finds are of equal impact. In the cases I am going to discuss here, we are indeed fortunate to deal with pieces by the leading authors in each poetic form, and, moreover, the ones which both raise fascinating questions and add new data to our knowlegde

¹M. W. HASLAM, 'The contribution of papyrology to the study of Greek literature: archaic and Hellenistic poetry', [in:] A. BÜLOW-JACOBSEN (ed.). *Proceedings of the 20th International Congress of Papyrologists, Copenhagen, 23-29 August, 1992*, Copenhagen 1994, pp. 98-105, at 98.

about the history and poetics of the genres in question. In this respect, the beginning of this century is undoubtedly a lucky continuation of the previous decades which gave us such gems as the Cologne Archilochus, Stesichorus' *Geryoneid* and 'Thebaid' or Simonides' elegiac fragments.

The recent lyric texts of greatest importance are: the Cologne Sappho (first published in 2004 by Michael Gronewald and Robert W. Daniel in *Zeitschrift für Papyrologie und Epigraphik*) and the Oxford Archilochus, published by Dirk Obbink in 2005 in *The Oxyrhynchus Papyri* LXIX). As for the famous 'new Posidippus', the Milan collection of his epigrams (112 in total, including some scanty fragments at the end of the manuscript) was in fact known to its future editors, Guido Bastianini and Claudio Gallazzi, as well as to their collaborator Colin Austin, already in the early 1990s, but the preparation of the excellent commented *editio princeps* took them almost a decade, so the book did not reach the readers until the beginning of this century.

Let us start with the Cologne **Sappho**. The recently published papyrus (inv. no. 21351+21376), by far the oldest text of Sappho we possess so far, gave us parts of two poems by that poet, one quite new and one overlapping with lines 11–22 of a much later and more severely damaged manuscript of Sappho (*P. Oxy.* 1787, now in Oxford). After these, in the Cologne Sappho there follow several verses in non-Lesbian metre by another poet. Since the configuration of fragments provided by the above-mentioned manuscripts is somewhat complicated, I present a diagram clarifying their relative position. For the sake of clarity, I add the catchy terms with which they are sometimes referred to by scholars (Dirk Obbink and others).

SAPPHO

P. Köln inv. 21351+21376
(early 3rd c. BC)

P. Oxy. 1787 fr. 1 and 2
(2nd/3rd c. AD)

New Fragment (lines 1–8)

'Success' Poem = Sappho fr. 58.1–10 Voigt

The 'Tithonus poem', lines 9–20 = Sappho fr. 58.11–22 Voigt

Continuation 1 (non-Lesbian)
Another poem begins

Continuation 2 = Sappho fr. 58.23–26 Voigt
Final lines of one and the same poem?

As stated above, what is absolutely new, are the eight initial lines of the Cologne papyrus. Nevertheless, given the fact that the ‘New Fragment’ is very lacunose whereas two-thirds of the ‘Tithonus poem’ with the new papyri readings preserving earlier portions of lines can be restored almost entirely, the value of the part containing the latter piece seems to be at least equally great. Actually, it is undoubtedly ‘das alt-neue Sappho-Gedicht’ (to use the witty label coined by Péter Mayer in his most recent article²) that raised essential discussions not only about Sappho, but also, more generally, about Greek lyric in antiquity.

Before I expatiate upon some specific issues let me quote – for convenience – the ‘Tithonus poem’ in Martin L. West’s translation (published in his 2005 article in the *Times Literary Supplement*)³ which is based on his own restorations of the text and as a whole seems to be very close to the sense of the original. I should like to apologise myself for such quotations of well-known poems to those colleagues, present in this hall, who are experts in the subject and even contributed to the reading and interpretation of the manuscripts in question. West’s translation reads:

Pursue the violet-laden Muses’ handsome gifts,
 my children, and the loud-voiced lyre so dear to song:
 But me – my skin which once was soft is withered now
 by age, my hair has turned to white which once was black,
 my heart has been weighed down, my knees give no support
 which once were nimble in the dance like little fawns.
 How often I lament these things. But what to do?
 No being that is human can escape old age.
 For people used to think that Dawn with rosy arms
 and loving murmurs took Tithonus fine and young
 to reach the edges of the earth; yet still grey age
 in time did seize him, though his consort cannot die.

The Cologne papyrus alerted the scholars to the problem of the poem’s length and division. The appearance of a different text in place of lines 1–10

² P. MAYER, ‘Tithonos und seine “unsterbliche Gattin” in dem alt-neuem Sappho-Gedicht (58,11–22V; P.Köln 21351+21376 vv. 9–20)’, *Hermes* 141/2 (2013), pp. 218–223.

³ M. L. WEST, ‘A new Sappho poem’, *Times Literary Supplement*, June 24, 2005, p. 8.

of the Oxyrhynchus papyrus is a strong argument for the view that with line 9 (11 in the Oxyrhynchus papyrus) another poem begins – the one called ‘Tithonus’. In fact, this is now a generally accepted opinion. Thus, Gallavotti’s intuition (1947)⁴ has been finally proven correct by the new find.

The question of the ‘Tithonus poem’s’ termination turned out to be more problematic. In the Cologne papyrus it ends with line 20, whereas in the *P. Oxy.* the poem is extended and probably ends four lines later. Before the recent find, these four lines had been considered as the out-right conclusion of Sappho’s composition on old age, in which she, as the feminine speaker, expressed her personal creed (‘una personale professione di fede’ – to use Salvatore Nicosia’s characteristic formulation).⁵ After the Cologne papyrus had been published, some scholars (West, Luppe, Di Benedetto, Bernsdorff), providing various arguments, suggested that lines 23–26 of fr. 58 Voigt belong to another poem of Sappho, whether longer than four lines (West’s *abrosyna* poem)⁶ or possibly of this modest length (Di Benedetto’s ‘tetrastico’).

The debate was not confined to the specific case of one of Sappho’s poems, but touched upon more general issues, such as the structure of archaic lyric poems and the place of mythical examples in their composition. One of the questions provoked by the ‘Tithonus poem’ was whether a mythological example at the very end of a piece makes it unusually abrupt and thus contradicts the rules of refined circular composition with the mythical part in the middle. The concerns were raised – in spite of the evidence provided by the manuscript itself⁷ – already by its *editores prin-*

⁴ See C. GALLAVOTTI, *Saffo e Alceo. Testimonianze e frammenti*, Naples 1957 (2nd ed.; 1st ed. 1947), p. III.

⁵ S. NICOSIA, *Tradizione testuale diretta e indiretta dei poeti di Lesbo*, Rome 1976, p. 116. In what follows I partly use the convenient recapitulation of the state of the art by K. VANDONI, ‘Considerazioni sul «tetrastico»’, [in:] A. ALONI (ed.), *Nuove acquisizioni di Saffo e della lirica greca. Per il testo di P. Köln inv. 21351 + 21376 e P. Oxy. 1787*, Alessandria 2008, pp. 121–122.

⁶ See M. L. WEST, ‘The New Sappho’, *ZPE* 101 (2005), pp. 1–9. According to this scholar, the composition was longer and incorporated also fr. 59 Voigt.

⁷ Cf. G. LIBERMAN, ‘L’édition alexandrine de Sappho’, [in:] G. BASTIANINI & A. CASANOVA (eds.), *I papiri di Saffo e di Alceo. Atti del Convegno Internazionale di studi, Firenze, 8–9, 2006*, Studi e Testi di Papirologia, n. s. 9, Florence 2007, pp. 41–65, at 50 n. 43.

cipes, Gronewald and Daniel.⁸ The objection that the mythical example as *illustrans* is not followed by any *illustrandum* has been partly refuted by Hans Bernsdorff⁹ who demonstrated that such ‘offene Gedichtsschlüsse’ are not exceptional in Greek lyric poetry although in the corpus of the preserved texts this technique is attested here for the first time. Still, Lowel Edmunds¹⁰ emphasises the need of taking into account the prevalent conventions of Greek lyric and argues for the A–B–A structure with the return from the myth to the present situation at the poem’s end.

Some proponents of the view that the ‘Tithonus poem’ continued until line 26, as preserved in the later Oxyrhynchus papyrus, give another explanation of its ‘truncation’ in the Cologne papyrus. Scholars like Magnani,¹¹ Burzacchini,¹² and Lundon,¹³ basing on Gronewald’s and Daniel’s suggestion,¹⁴ hold that the lack of the final four verses in the Cologne papyrus may be due to the character of the early Hellenistic anthology of Sappho’s poetry from which this papyrus is derived. In their opinion, that anthology may have contained shorter versions of her songs than those included in the 500 years later Oxyrhynchus collection which followed the standard Alexandrian edition of Sappho.

⁸ M. GRONEWALD & R. W. DANIEL, ‘Ein neuer Sappho-Papyrus’, *ZPE* 147 (2004), pp. 1–8, at 2. These scholars already argue that P. Köln belonged to a thematically ordered selection which ‘nach Art einer Anthologie eine eher assoziative Verknüpfung von Tod und Alter zu zeigen scheint und alles in den Rahmen eines ununterbrochenen Singens und Musizierens gestellt hat’, whereas P. Oxy., about 500 years later, provides a representative sample of Sappho’s text coming from an edition divided into books, in which (according to LOBEL’s *ΣΑΠΦΟΥΣ ΜΕΛΗ: The Fragments of the Lyrical Poems of Sappho*, Oxford 1925, p. xv) the poems were arranged in alphabetical order.

⁹ H. BERNSDORFF, ‘Offene Gedichtsschlüsse’, *ZPE* 153 (2005), pp. 1–6.

¹⁰ Also A. LARDINOIS, ‘The new Sappho poem (P.Köln 21351 and 21376). Key to the old fragments’, [in:] E. GREEN & M. SKINNER (eds.), *The new Sappho on Old Age: Textual and Philosophical Issues*, Cambridge, MA – London 2009, pp. 41–57, seems to favour the longer version.

¹¹ M. MAGNANI, ‘Note alla nuova Saffo’, *Eikasmos* 16 (2005), pp. 41–49, at 43.

¹² G. BURZACCHINI, ‘Saffo ffr. 1, 2, 58 V. tra documentazione papiracea e tradizione indiretta’, [in:] G. BASTIANINI & A. CASANOVA (eds.), *I papiri di Saffo e di Alceo. Atti del convegno internazionale di studi, Firenze 8–9 giugno 2006*, Florence 2007, pp. 83–114, at 102–104.

¹³ J. LUNDON, ‘Il nuovo testo lirico nel nuovo papiro di Saffo’, [in:] BASTIANINI & CASANOVA (eds.), *I papiri di Saffo e di Alceo* (cit. n. 12), pp. 149–166, at 160 with note 2.

¹⁴ GRONEWALD & DANIEL ‘Sappho-Papyrus’ (cit. n. 8), at 2.

In short, the ‘Tithonus poem’ within its immediate context in the manuscripts prompted an interesting discussion on the arrangement of Sappho’s poems in the earlier and later collections of her poetry. The selection of poems in the Cologne papyrus indicates that the norm of one-author anthology was there replaced by the criterion of thematic congruity,¹⁵ and indeed, as far as the non-Lesbian poem following the ‘Tithonus poem’ is concerned, such motifs as music, old age, immortality or life after death clearly fit the Sapphic context. Discussing more generally the character of selections of that kind, Dee Clayman¹⁶ speaks of the Cologne papyrus as forming ‘clearly a part of an anthology containing poems of a well-known poet from the distant past set together with a new poem apparently composed for the context’.

The discussion on the existence of less stable phases in the transmission of Sappho’s poetry throughout the classical and early Hellenistic periods gave rise to the debate about the possible re-arrangements of Sappho’s compositions for later re-performances (Lidov)¹⁷ or even about the specific contexts of their performing. As far as the Athenian reception of Sappho is concerned, Gregory Nagy¹⁸ and Anton Bierl¹⁹ take into consideration the context of the public events, like Panathenaea, and private occasions, like sympotic competitions of symposiasts at symposia. As yet there is no consensus,²⁰ but that profile of investigations seems to be promising.

¹⁵ S. FERRARINI & R. T. TREVISAN, ‘Per una lettura musicale del «carne ignoto»’, [in:] ALONI (ed.), *Nuove acquisizioni di Saffo e della lirica greca* (cit. n. 5), p. 153.

¹⁶ D. CLAYMAN, ‘The new Sappho in a Hellenistic poetry book’, [in:] GREEN & SKINNER (eds.), *The new Sappho on Old Age* (cit. n. 10), p. 140.

¹⁷ J. LIDOV, ‘Acceptance or assertion? Sappho’s new poem in its books’, [in:] GREEN & SKINNER (eds.), *The new Sappho on Old Age* (cit. n. 10), pp. 84–102, at 100.

¹⁸ G. NAGY, ‘The “new Sappho” reconsidered in the light of the Athenian reception of Sappho’, [in:] GREEN & SKINNER (eds.), *The new Sappho on Old Age* (cit. n. 10), pp. 176–199.

¹⁹ A. BIERL, ‘Der neue Sappho-Papyrus aus Köln und Sapphos Erneuerung: Virtuelle Choralität, Eros, Tod, Orpheus und Musik’, The Center for Hellenic Studies Harvard University Online Publications 2009.

²⁰ M. SKINNER, ‘Introduction’, [in:] GREEN & SKINNER (eds.), *The new Sappho on Old Age* (cit. n. 10), p. 3.

Another recent find of great importance – which paved the way for renewed interest not only in a particular poet, but also in the nature of one of the oldest and most popular poetic genres and its relation to other contemporary poetry – is a fragment from the second-century book of **Archilochus'** elegies, published by Dirk Obbink in 2005 in volume LXIX of *The Oxyrhynchus Papyri*.²¹ From this papyrus, only fragment 1 is of substantial length, the remaining seven are small tattered scraps. The attribution of the new poem to Archilochus has been proven already by the first editor and confirmed by other scholars, including West.²²

The newly discovered fragment, with its 28 consecutive, mostly restorable lines, constitutes a major addition to the Archilochean corpus, and specifically to his elegies. Archilochus can now be defined more fully as a poet cultivating different forms of poetry. This fact seems to have prompted Anika Nicolosi²³ to publish separately the preserved elegiac fragments of Archilochus.

As everybody knows, the new Archilochus poem concerns an episode from a pre-Trojan War battle between the Mysians and Achaeans, who – having mistakenly taken Mysia for the Troad – landed in that country and attacked the city of the king Telephus.

The text in Dirk Obbink's translation (as printed in *ZPE* 156 [2005]) reads:²⁴

If there is no need to call it weakness and cowardice, (to suffer) under the compulsion of a god, then we did well to hasten to flee our dire pains: there exists a proper time for flight. Even once Telephus, descendant of Arkasos, by himself put to flight the great army of Argives, and they fled – indeed, so greatly was the fate of the gods routing them – powerful spear-men though they were. The fair-flowing river Kaïkos and the plain of Mysia were stuffed with the falling corpses, while the well-greaved Achaeans, being slain at the hands of the relentless man (Telephus), turned-off with

²¹ D. OBBINK, 'New literary texts. 4708. Archilochus, *Elegies* (more of VI 854 and XXX 2507)', [in:] N. GONIS, D. OBBINK *et alii* (eds.) *The Oxyrhynchus Papyri*, vol. LXIX, London 2005, pp. 18–42.

²² M. L. WEST, 'Archilochus and Telephos', *ZPE* 156 (2006), pp. 1–17, at 6.

²³ A. NICOLOSI, *Archiloco. Elegie*, Bologna 2013.

²⁴ D. OBBINK, 'A new Archilochus poem', *ZPE* 156 (2006), pp. 1–9, at 5.

headlong speed to the shore of the much-resounding sea. Gladly did they embark on their swift ships, the sons of the immortals and brothers, whom Agamemnon was leading to holy Ilios to wage war. But on that occasion, because they had lost their way, they had arrived at that shore. They had set upon the lovely city of Teuthras, and there, snorting fury with their horses, alike in their delusion, came in distress of spirit. For they thought they were quickly mounting the high-gated city of Troy, but in vain were they treading on wheat-bearing Mysia. And Heracles came to face (them), as he shouted to his brave-hearted son Telephus, fierce and pitiless in cruel battle, who, inciting unfortunate flight in the Danaans, strove in the front ranks on that occasion to gratify his father.

The preserved fragment starts with a quasi-gnomic statement on acceptability of flight from the battle-field in emergency, especially under divine compulsion. The narrator includes such a remark while speaking of a shameful, apparently contemporary incident, experienced personally by himself. To defend himself and his comrades for having taken to flight in a battle, he introduces as an *exemplum* a mythical parallel which fills the rest of the fragment. However, as Martin West²⁵ rightly noticed, if Archilochus' hearers were as familiar with the story as he was, just three subsequent lines (5–7) might have sufficed to make his point, so the fact that he goes on about it at such length must mean that he enjoys telling the myth for its own sake. One cannot help the impression that although the fragment combines the martial subject matter and a mythological story, the extent to which the latter is treated is certainly significant.

Thus, we are dealing here, for the first time, with a mythical narrative in elegiac verses. Such a kind of composition as a specific sub-genre has no parallels not only in Archilochus, but even generally in the archaic Greek elegy.²⁶ Structurally, the poem may have been more traditional, that is tripartite, with the *exemplum* preceded and followed by references to the present situation of the speaker. This is now the majority view, but Ewen Bowie²⁷ believes that the poem features a self-standing mythological narrative unrelated to any account of his own actions by the poet.

²⁵ WEST, 'Archilochus and Telephos' (cit. n. 22), p. 15.

²⁶ C. NOBILI, 'Tra epos ed elegia: il nuovo Archiloco', *Maia* 61 (2009), pp. 229–249.

²⁷ E. BOWIE, 'Historical narrative in archaic and early classical Greek elegy', [in:]

It is worthy of note that the ‘new Archilochus’ allows us to observe more similarities between his iambic and elegiac production as it was possible before its publication. As far as the topics are concerned, the elements common to both genres are war, maxims, personal matters.²⁸ In respect of events described, the new poem, basically, comes close to iambus in presenting a situation which Obbink defined as a ‘comedy of errors and worst-case-scenario of warfare’.²⁹ Archilochus the elegist retains some of his typical scoptic or at least seriocomic tone.

Laura Swift in her recent article³⁰ showed convincingly that the new poem is of critical importance also to the question of Archilochus’ relationship to Homer. The scholar emphasises that it contributes to a broader picture of the poet’s *œuvre* and argues that the traditional reading of Archilochus either as a straightforward subverter or affirmer of epic values is an oversimplification both of Archilochus’ poetry and of Homer’s. Archilochus’ attitude to flight is similar to the epic paradigm according to which flight, although never unproblematic, is not regarded automatically as unappropriate, especially when the gods are against somebody. On the other side, Archilochus also points out the discontinuity between the glorious world of Homer and the world he describes, and the choice of the story of a mistaken conflict has an ironic overtone when referred to the degraded present, where aspirations to behave like true epic heroes are inevitably bound to fail.

The importance of the third of the recent finds, the Milan **Posidippus** papyrus (*P. Mil. Vogl.* VIII 309), an extensive anthology of epigrams published in 2001 by Guido Bastianini and Claudio Gallazzi in collaboration with Colin Austin,³¹ is difficult to overestimate. It brings to a new

D. KONSTAN & K. A. RAAFLAUB (eds.), *Epic and History*, Malden, MA – Oxford – Chichester 2010, pp. 145–166, at 151; the scholar supplements in line 4 a first person plural verb such as ‘we know’ (ἐπιστάμεθ’) or ‘we have received a tradition’ (ἐδέξαμεθ’).

²⁸ NICOLOSI, *Archiloco. Elegie* (cit. n. 23), p. 14.

²⁹ OBBINK, ‘A new Archilochus poem’ (cit. n. 24), pp. 8–9.

³⁰ L. SWIFT, ‘Archilochus the ‘anti-hero’? Heroism, flight and values in Homer and the new Archilochus fragment (*P. Oxy.* LXIX 4708)’, *JHS* 132 (2012), pp. 139–155.

³¹ G. BASTIANINI & C. GALLAZZI with C. AUSTIN (eds.), *Posidippo di Pella: Epigrammi* (*P. Mil. Vogl.* VIII 309), Milan 2001.

stage our knowledge of Posidippus' poetic *œuvre* and, more generally, extends the panorama of the known sub-categories of the epigrammatic genre, as well as our understanding of the process of compiling single-authored collections and their relation to the other, Hellenistic and later, anthologies. Given the worldwide interest in Posidippus, a new edition of his entire literary production, which would include also the twenty-odd poems previously known, was more than needed. To meet such expectations, two of the *editores principes*, Colin Austin and Guido Bastianini, prepared an *editio minor* entitled *Posidippi Pellaei quae supersunt omnia* (Milan, 2002). The numbers of epigrams mentioned in my paper will refer to this very edition.

As usual in the case of new finds, the initial discussion concerned, among other things, the epigrams' authenticity. Since John Tzetzes attributes one of the epigrams (15) to Posidippus, and another one (65) is included under Posidippus' name in the *Planudean Anthology*, it was tempting to infer that Posidippus of Pella in Macedonia, a famous poet of the third century BC, is the author of the whole collection. The papyrus itself gives no direct indications of authorship, but studies in language, meter and structure of the collection point to its considerable consistency, so now most scholars, following the verdict of the first editors, are inclined to attribute all poems to the the Macedonian epigrammatist – in spite of the opposite views of Hugh Lloyd-Jones,³² Luigi Bravi³³ or, above all, Stefan Schröder.³⁴

A specific feature of the Milan papyrus lies in grouping epigrams into nine categories or sections, each with its own subject heading: *lithika*

³² H. LLOYD-JONES, 'All by Posidippus?', [in:] D. ACCORINTI & P. CHUVIN (eds.), *Des géants à Dionysos. Mélanges de mythologie et de poésie grecque offerts à Francis Vian*, Alessandria 2003, pp. 277–280.

³³ L. BRAVI, 'Gli epigrammi di Simonide e il P. Mil. Vogl. VIII 309', [in:] M. DI MARCO, B. M. PALUMBO & E. LELLI (eds.), *Posidippo e gli altri. Il poeta, il genere, il contesto culturale e letterario*, Pisa – Rome 2005, pp. 1–7.

³⁴ S. SCHRÖDER, 'Skeptische Überlegungen zum Mailänder Epigrammpapyrus (P. Mil. Vogl. VIII 309)', *ZPE* 148 (2004), pp. 29–73. The objections of this scholar have been refuted by E. LIVREA, 'Il fantasma del non-Posidippo', [in:] G. LOZZA & S. MARTINELLI TEMPESTA (eds.), *L'epigramma greco. Problemi e prospettive*, Milan 2009, pp. 69–95.

(about stones, 1–20), *oionoskopika* (about omens, 21–35), *anathematika* (dedications, 36–41), *epitymbia* (on tombs, 42–61), *andriantopoiika* (on statues, literally: statue-making, 62–70), *hippika* (on equestrian victories, 71–88), *nauagika* (on men who died at sea, 89–94), *iamatika* (on cures, 95–101), *tropoi* (literally: ‘turnings’, words spoken by deceased persons to those who pass by their tombs, 102–109). A tenth section may lurk in the tattered remains of the end of the roll.

Some of these categories are familiar, such as poems on tombs (*epitymbia*) or dedications (*anathematika*); other sections are more exotic, e.g. poems about stones (*lithika*), omens (*oionoskopika*), statue-making (*andriantopoiika*), even a group of funerary epigrams with the enigmatic title ‘turnings’ or ‘characters’ (*tropoi*). And these last dominate the preserved part of the collection. Addressing this problem, Kathryn Gutzwiller states:³⁵ ‘Nothing in the literary or papyrological record had prepared scholars for the topics of the other sections on the papyrus’. The scholar notes that connections between these categories and various aspects of Hellenistic poetry gradually are revealed, but is forced to conclude that ‘the papyrus [...] brings awareness of how little is actually known about the scope of epigrammatic production and collection in the early Hellenistic age’. Trying to explain the more unusual headings in Posidippus papyrus, Nita Krevans³⁶ draws attention to their utilitarian character and compares the content of such sections to those of prose treatises.

What is striking, is the absence of erotic or sympotic epigrams, very characteristic of the previously known part of Posidippus’ production, written in the vein of the poet’s contemporary Asclepiades. Of course, poems of that nature could form one of the further sections of the papyrus. Nevertheless, in the light of the new papyrus, the extent of his allegiance to Asclepiades has been considerably challenged. More gener-

³⁵ K. GUTZWILLER, ‘Introduction’, [in:] K. GUTZWILLER (ed.), *The New Posidippus: A Hellenistic Poetry Book*, Oxford 2005, p. 5.

³⁶ N. KREVANS, ‘The editor’s toolbox: strategies for selection and presentation in the Milan epigram papyrus’, [in:] GUTZWILLER (ed.), *New Posidippus* (cit. n. 35), pp. 81–96, at 88.

ally, as Dirk Obbink rightly observes,³⁷ the Milan roll makes us reconsider the processes of selection and canonisation to which classical and Hellenistic poetry was subject in later antiquity. In the case of *erotica*, their prominence in the *Palatine Anthology* can be, at least partly, explained by the particular interests of Meleager when he came to make his selection.³⁸ But what about the other types of epigrams collected in the Milan papyrus and the principles of their organisation?

This leads us to the much discussed question of the concept of the Milan papyrus as a book. Is this really *A Hellenistic Poetry Book*, as suggested by the second part of the title of the most important publication edited and co-authored by Kathryn Gutzwiller,³⁹ or rather, as argued by Dirk Obbink,⁴⁰ a collection of ‘subliterary compositions’, a poetry book *in statu nascendi*, allowing us to see that poetry at an intermediate stage between the composition of individual poems and their gathering into collections by readers and editors? The latter hypothesis is attractive given the fact that Posidippus and his contemporaries were still writing in that transitional phase when epigrams were detaching themselves from the objects (statues, gravestones, dedications, etc. – the whole area covered by Posidippus) and becoming an autonomous genre,⁴¹ which allowed for the possible occasionality of some epigrams.

On the other side, already the first editors recognise that the arrangement of the poems was not just formal or convenient, but refined, aesthetically designed to appeal to a reading public. Their opinion has been supported by numerous contributions of other scholars who point out a purposeful organisation not only on the level of whole collection, but also within the sections, indicating intentionally paired and ordered successive epigrams, subtle transitions to the next subsections, etc.

³⁷ D. OBBINK, ‘New old Posidippus and old new Posidippus: from occasion to edition in the epigrams’, [in:] GUTZWILLER (ed.), *New Posidippus* (cit. n. 35), pp. 97–115, at 98.

³⁸ See A. H. GRIFFITH, ‘Posidippus, poet on a roll’, *JHS* 126 (2006), pp. 141–144, at 142.

³⁹ GUTZWILLER (ed.), *The New Posidippus* (cit. n. 35).

⁴⁰ OBBINK, ‘New old Posidippus’ (cit. n. 37), p. 115.

⁴¹ As GRIFFITH (cit. n. 38), p. 142, reminds us.

Yet, this majority opinion cannot be accepted as absolutely decisive for one important reason: it is originally based on the subjective conviction of the interpreters that in each case there must be a thematic connection⁴² and the arrangement cannot be but an artistic one. The same uncertainty holds true for the question of the authorial versus non-authorial design of the the book.

The considerations presented above may be concluded in different ways. Let my conclusion be the following: Although the 'New Texts' from early Greek lyric poetry and Hellenistic epigram – to generalise a specific remark by Dirk Obbink⁴³ – may be said to have raised more problems than they have solved, their importance, as I tried to show in my paper, lies also in the former sphere. With every new find we are faced with new aspects of what had been seemingly established, and forced to ask new questions. This stimulating function of the new discoveries is almost as rewarding as the accretion of texts they provide.

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⁴² The point raised by Jacqueline J. H. KLOOSTER in her review of GUTZWILLER *The New Posidippus* (*Mnemosyne* 60 [2007], pp. 297–301, at 300).

⁴³ OBBINK, 'New old Posidippus' (cit. n. 37), p. 98.



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im. Rafała
Taubenschlaga

Guglielmo Cavallo

**LA PAPIROLOGIA LETTERARIA
TRA BIBLIOLOGIA E PALEOGRAFIA***

**UN CONSUNTIVO DEL PASSATO
E UNO SGUARDO VERSO IL FUTURO**

UNA BIBLIOLOGIA E UNA PALEOGRAFIA dei papiri letterari greci risalgono già alla fine del secolo XIX. (Si ricordi per inciso, pur se si tratta di ovvietà, che la bibliologia è lo studio della manifattura del libro in senso lato e può suddividersi a sua volta – soprattutto per l'epoca greco-romana – in «voluminology», termine creato assai di recente da William A. Johnson, e codicologia, e che la paleografia è lo studio dei segni grafici nella loro morfologia e nella loro evoluzione, e quindi delle mani che li hanno materialmente realizzati di epoca in epoca). Per quanto concerne i primi rapporti tra la papirologia letteraria e queste discipline basti pensare sotto l'aspetto della bibliologia all'opera di Theodor Birt del 1882,¹ mentre sotto l'aspetto grafico si deve ricordare il pionieristico lavoro sulla paleografia dei papiri di Frederic G. Kenyon del 1899² (cui si deve pure

* Ringrazio per aiuto in vario modo prestatomi e suggerimenti Serena AMMIRATI, Lucio DEL CORSO, Gianluca DEL MASTRO, Paolo FIORETTI.

¹ TH. BIRT, *Das antike Buchwesen in seinem Verhältniss zur Litteratur*, Berlin 1882.

² F. G. KENYON, *The Palaeography of Greek Papyri*, Oxford 1899.

qualche anno più tardi, nel 1902, uno specifico ma non incisivo studio sulla paleografia dei papiri ercolanesi).³ Birt tuttavia era fortemente condizionato dalla scarsa conoscenza di papiri che si aveva ai tempi suoi, prima della scoperta e della pubblicazione dei grandi ritrovamenti tra lo scorcio dell'Ottocento e l'inizio del Novecento; e quanto a Kenyon, questi fondava l'esame paleografico soprattutto sul criterio delle cosiddette «test letters», le quali, prese singolarmente e avulse dal contesto scrittorio in cui si collocano, non sono affidabili per ricavarne datazioni. Anche nel corso della prima metà del secolo scorso non sono mancati interventi al riguardo, sia di carattere generale sia di carattere particolare nel commento all'edizione di singoli papiri. *Volumina* e codici come manufatti librari hanno ricevuto trattazioni quali quelle di Wilhelm Schubart del 1921⁴ e dello stesso Kenyon del 1951,⁵ e lo studio paleografico dei papiri ha visto in prima linea ancora una volta lo Schubart con il suo trattato del 1925.⁶ E tuttavia vi sono stati dei limiti. Per quanto concerne la conoscenza delle tipologie librarie Schubart e Kenyon tendevano a ricavare risultati di carattere generale sul fondamento di un numero di papiri piuttosto scarso; in particolare nel caso del libro nella specie di codice essi non disponevano peraltro delle collezioni di codici greci e copti acquisiti in tempi successivi. D'altra parte l'approccio della papirologia alla paleografia è stato condizionato da una visione troppo particolaristica, rivolta all'analisi o al confronto di singoli testimoni, senza tener conto dello svolgimento delle diverse scritture: Schubart e altri separavano nettamente la scrittura libraria («Schönschrift») da quella documentaria («Geschäftsschrift»), con la conseguenza di spezzare l'unitarietà del fenomeno grafico.

³ F. G. KENYON, «The palaeography of the Herculaneum papyri», [in:] *Festschrift Theodor Gomperz, dargebracht zum siebenzigsten Geburtstage am 29. März 1902 von Schülern Freunden Kollegen*, Wien 1902, pp. 373-380. Una serie di lezioni di paleografia tenute dallo stesso Kenyon all'Università di Cambridge nell'anno accademico 1900-1901 (*Sandars Lectures in Bibliography*), rimaste inedite, si conserva alla British Library di Londra (Add. MS 36637) e alla University Library di Cambridge (Add. MS 4187): M. CAPASSO & Natascia PELLÉ, «Frederic George Kenyon e la paleografia dei papiri ercolanesi», *Scripta* 1 (2008), pp. 13-25.

⁴ W. SCHUBART, *Das Buch bei den Griechen und Römern*, Berlin - Leipzig 1921 (2 ed.).

⁵ F. G. KENYON, *Books and Readers in Ancient Rome and Greece*, Oxford 1951 (2 ed.).

⁶ W. SCHUBART, *Griechische Palaeographie*, München 1925.

È negli ultimi cinquant'anni che vi è stato uno slancio notevolissimo nello studio dei papiri letterari sia come prodotti librari con le loro varietà materiali sia come veicoli della scrittura greca (e latina) nelle sue diverse manifestazioni e nel suo processo evolutivo. La rassegna critica che qui si propone, limitata peraltro al solo versante greco della papirologia, non vuole ovviamente toccare tutti gli aspetti che hanno connotato quello slancio né rendere conto di tutti gli strumenti e i contributi a essi relativi, ma intende soffermarsi soltanto su ricerche o interventi di più spiccato rilievo per segnalarne, enuclearne e talora discuterne i risultati.

Prendendo le mosse dalla tipologia del *volumem* letterario è d'obbligo il riferimento, innanzi tutto, all'importante lavoro di Alain Blanchard del 1993 sulla «bibliologia» (o «voluminology», se si vuole) dei papiri letterari estratti dai *cartonnages*. Si tratta di una ricerca limitata a un gruppo di rotoli del III secolo circa a.C., ma nella quale è applicato un metodo di studio della tipologia del *volumen* mirato a rilevarne analiticamente le caratteristiche (formato, «mise en colonne», rapporto tra altezza del rotolo e altezza della colonna scritta, numero delle linee per colonna, rapporto tra altezza e larghezza della colonna, lunghezza del rotolo).⁷ Ed è proprio questo metodo analitico, ancor più approfondito sotto certi aspetti, che segue William A. Johnson nel suo lavoro, altrimenti esteso e articolato, del 2004 sui rotoli di Ossirinco, sito scelto non a caso giacché ricco di testimonianze.⁸ Il lavoro è meritoriamente minuzioso, fondato su una selezione di *volumina* molto ampia, nel quale si identificano e si raggruppano rotoli di più autori o di un solo autore scritti da una medesima mano, si cercano di enucleare gli «scribal habits», vale a dire le consuetudini scrittore degli scribi e le modalità grafiche di trascrizione degli esemplari, si discutono casi particolari di rotoli attestanti cambi di mano. Ma resta da chiedersi, nel caso degli «scribal habits», quale ricezione dello scritto questi abbiano potuto determinare, in che misura abbiano potuto

⁷ A. BLANCHARD, «Les papyrus littéraires grecques extraits de cartonnages: études de bibliologie», [in:] Marilena MANIACI & Paola MUNAFÒ (ed.), *Ancient and Medieval Book Materials and Techniques* (Erice, 18–25 september 1992) I [= *Studi e Testi* 357], Città del Vaticano 1993, pp. 15–40.

⁸ W. A. JOHNSON, *Bookrolls and Scribes in Oxyrhynchus*, Toronto – Buffalo – London 2004.

condizionare il lettore nelle maniere di appropriazione del senso del testo. Tratto notevole della ricerca di Johnson è il concetto di «estetica» del *volumen* letterario: un concetto già in qualche modo implicito nello studio di Blanchard, ma che Johnson esplicita, potenzia e articola in tutti gli aspetti materiali e testuali.

Molti risultati di Johnson, in linea di massima, si possono ritenere validi anche per *volumina* prodotti fuori di Ossirinco e dell'Egitto. Ma con una precisazione. In piena età romana – periodo su cui soprattutto insistono le testimonianze papirologiche prese in esame da Johnson – vi è un interscambio tra regioni anche lontane che rende abbastanza omogenei i caratteri della produzione libraria; e invece in età ellenistico-tolemaica le differenze tra area e area possono essere state più marcate rispetto a quanto l'Egitto testimonia.

Osserviamo alcuni risultati di Johnson soprattutto per quanto concerne il capitolo-cardine del suo lavoro, dal titolo «formal characteristics of the bookroll», dedicato all'«estetica» del rotolo letterario:⁹ un'estetica assai diversa da quella del codice. Il capitolo prende le mosse, innanzi tutto, dalla costruzione del rotolo e della sua «impaginazione». Nell'affrontare la problematica inerente alla cosiddetta «legge di Maas», relativa all'inclinazione in avanti (o «scivolamento» all'indietro) della colonna di scrittura, Johnson ritiene – citando come esempio, tra altri, il *volumen* delle orazioni di Iperide *P. Lond. Lit.* 132¹⁰ (Fig. 1) – che la caratteristica non si debba attribuire a un fatto meccanico ma a una programmata scelta dello scriba.¹¹ Tuttavia all'interno di certi rotoli non mancano sia commistioni tra colonne «diritte» e colonne «inclinate» sia variazioni dell'asse di inclinazione, sicché forse si deve distinguere in alcuni casi quanto sia dovuto a un ricercato fattore estetico e quanto invece all'atto meccanico dello scrivere (disattenzione? scarsa capacità di controllo della mano?).

Nel seguito della ricerca Johnson – distinguendo i *volumina* secondo il contenuto, prosa o versi – li classifica sia per larghezza e altezza della colonna sia per tipologia dell'intercolumnio, considerando quindi l'area

⁹ JOHNSON, *Bookrolls* (cit. n. 8), pp. 85–230.

¹⁰ *LDAB* 2423.

¹¹ JOHNSON, *Bookrolls* (cit. n. 8), pp. 91–93.



Fig. 1. P. Lond. Lit. 132

scritta come un blocco unitario e indagandone il rapporto larghezza per altezza. Osservazioni ulteriori sono dedicate ai margini esterni, considerati sia in relazione all'altezza della colonna e al grado di formalità della scrittura, sia secondo la *ratio* che regola il rapporto da una parte tra altezza del rotolo e altezza della colonna e da un'altra tra margine superiore e margine inferiore. Una novità che emerge dal lavoro di Johnson riguarda la lunghezza del rotolo, che – come egli cerca di desumere da alcuni esempi ricostruiti – non era legata a convenzioni ideali o «standard» ma al con-

tenuto, sicché poteva oscillare da m 1 circa (*P. Oxy.* III 460, Demostene, *de pace*)¹² a m 29 circa (*P. Oxy.* XVII 2098, Erodoto VII).¹³ Si tratta tuttavia di ricostruzioni che più volte restano incerte, giacché fondate su rotoli piuttosto frammentari e/o privi di indizi certi per calcolarne l'estensione. Ignoriamo se il *de pace* di Demostene nel *P. Oxy.* 460 sia stato il solo testo trascritto o sia stato accompagnato da altre orazioni dell'autore; e d'altro canto dalle dieci colonne superstite del libro VII di Erodoto *P. Oxy.* 2098 non si riesce a desumere se questo libro in origine fosse contenuto in un unico *volumen*. È saldamente attestato, infatti, che opere troppo estese, o libri all'interno di queste, potevano essere spartite talora in due tomi-*volumina*, e quindi non risulta perspicuo il perché in certi casi – come vale proprio per il libro VII dell'Erodoto qui considerato – si debba escludere una tale suddivisione. Di certo comunque a Ossirinco, pur restando dubbi alcuni casi, si incontrano rotoli più lunghi di quanto si sia finora creduto.¹⁴

I risultati di Johnson sono interessanti e consentono una conoscenza, assai migliore che per il passato, delle caratteristiche formali del rotolo per contenuti e distribuzione cronologica. Tuttavia queste caratteristiche formali sono associate soltanto – secondo la loro tipologia – alla qualità, alta o mediocre, dei prodotti librari; e invece non sono mai collegate a fattori di ordine culturale o sociale: resta perciò da chiedersi la ragione del loro mutare o persistere o rinascere. Quali fenomeni culturali hanno a monte? Da quali esigenze sono indotte? A quali pratiche di lettura sono funzionali? Si può fare un esempio: se si considera l'altezza della colonna – in rapporto alla quale, con l'aggiunta dei margini, sembra regolata l'altezza del rotolo stesso –, essa nel II secolo d.C. si presenta di solito piuttosto contenuta, al di sotto di 16 centimetri, sia in esemplari in prosa, in particolare in quelli in buona scrittura, sia e soprattutto in esemplari in versi.¹⁵ Questa stessa caratteristica è propria di *volumina* all'incirca del III e dell'inizio del II secolo a.C., a quanto risulta anche dallo studio di Blanchard. È da credere perciò che in età romana si tratti di un fenomeno

¹² LDAB 690.

¹³ LDAB 1145.

¹⁴ JOHNSON, *Bookrolls* (cit. n. 8), tab. 3.7, pp. 223-225.

¹⁵ JOHNSON, *Bookrolls* (cit. n. 8), pp. 119-125, 130-143.

arcaizzante, al pari di altri fenomeni letterari, linguistici e grafici del II secolo d.C. In ultima analisi dalle diverse tipologie in cui un *volumen* o una serie di *volumina* si presentano bisogna cercare di individuarne l'eventuale aggancio con la temperie socioculturale dell'epoca e di ricostruirne altresì modo di produzione (individuale, collettiva, professionale) e funzione primaria (lettura privata, *performance*, lavoro scolastico, *depositio* in biblioteca) mediante un'analisi coordinata di struttura «bibliologica» del manufatto, testo veicolato e scrittura. Recenti lavori di Lucio Del Corso si muovono lungo questa linea.¹⁶

I progressi fatti da Johnson nello studio della «voluminology» possono essere utilmente accompagnati e integrati da quelli ottenuti grazie a un esame sempre più dettagliato dei papiri di Ercolano, i quali dal 1983 in poi sono stati oggetto non solo, come in precedenza, di cure editoriali ma anche di un sempre più approfondito studio bibliologico e paleografico.¹⁷ A quanto è stato osservato, infatti, «i pur frammentari rotoli filosofici di Ercolano [...] in molti casi si mostrano molto più integri rispetto ai frustoli che provengono dalle sabbie d'Egitto e restituiscono, sia nella forma non aperta sia nella forma «svolta», manufatti che offrono una testimonianza molto vicina alla forma del libro, così come si presentava duemila anni fa».¹⁸ E tuttavia, ove si voglia instaurare un confronto tra *volumina*

¹⁶ G. CAVALLO & L. DEL CORSO, «1960-2011: mezzo secolo dopo gli *Aperçus de paléographie homérique* di William Lameere», [in:] G. BASTIANINI & A. CASANOVA (ed.), *I papiri omerici. Atti del Convegno internazionale di studi (Firenze, 9-10 giugno 2011)* [= *Studi e Testi di Papirologia* N. S. 14], Firenze 2012, pp. 29-63: 32-51.

¹⁷ Al 1983 risale la pubblicazione del volume di G. CAVALLO, *Libri scritte scrobi a Ercolano*, Napoli 1983 (*Primo supplemento a CronErcol.* 13/1983). Sono seguiti - limitando il riferimento ai soli studi di carattere generale e rimandando a suo luogo le citazioni di contributi particolari - M. GIGANTE, *La bibliothèque de Philodème et l'épicurisme romain* [= *Collection d'études anciennes* 56], Paris 1987; M. CAPASSO, *Manuale di papirologia ercolanese*, Galatina 1991 (*Testi e studi* 3); IDEM, *Volumen. Aspetti della tipologia del rotolo librario antico*, Napoli 1995 (*Cultura* 3); D. DELATTRE, *La Villa des Papyrus et les rouleaux d'Herculaneum. La Bibliothèque de Philodème* [= *Cahiers du CEDOPAL* 4], Liège 2006.

¹⁸ G. DEL MASTRO, «Μέγα βιβλίον. Galeno e la lunghezza dei libri (Περὶ ἀλυσίας 28)», [in:] Daniela MANETTI (ed.), *Studi sul De indolentia di Galeno* [= *Biblioteca di Galenos* 4], Pisa - Roma 2012, pp. 33-61: 39.

ercolanesi e *volumina* greco-egizi, mi sembra necessaria una duplice premessa. Innanzi tutto la biblioteca della Villa dei papiri costituisce una realtà complessa dal punto di vista dell'origine dei diversi rotoli, imponendo una distinzione preliminare tra produzione libraria insistita su Ercolano, in sostanza quella entro la cerchia di Filodemo dal pieno secolo I a.C., e *volumina* riferibili ai secoli III, II o II-I a.C. di certo scritti altrove e introdotti poi nella biblioteca di Ercolano.¹⁹ Questi ultimi rientrano, più in generale, nella produzione libraria greca di area mediterranea senza che se ne conosca l'origine (la Grecia?, la Palestina?, lo stesso Egitto?), sicché valutazioni e confronti con altri materiali richiedono sempre una certa cautela. In ultima analisi, l'autentica produzione libraria ercolanese da prendere in esame ai fini di un corretto confronto con la greco-egizia è quella dal I secolo a.C. in poi. La seconda premessa concerne quella che vorrei chiamare «differenza di funzione». I rotoli autenticamente ercolanesi, prodotti peraltro in un unico ambito di copia e scritti soltanto da mani di mestiere, erano funzionali a un'unica e ristretta cerchia – Filodemo, i suoi sodali, i suoi epigoni –, all'unico genere di contenuto epicureo o comunque filosofico, all'unica fruizione da parte di quella cerchia tutta d'*élite* e mossa dai medesimi interessi. I rotoli greco-egizi invece – prodotti in una pluralità sia di insediamenti geograficamente dislocati nella *chora* sia di ambiti privati pubblici commerciali – erano funzionali a committenze di fasce sociali diverse o a trascrizioni individuali di propria mano, ai generi letterari o subletterari più disparati, alla fruizione pubblica o privata di lettori che se li potevano passare di mano in mano, dunque a pratiche di lettura e di studio fortemente diversificate, infine anche alla conservazione bibliotecaria. Insomma, la funzione dei *volumina* di Filodemo o comunque conservati nella Villa era una «funzione chiusa» giacché a uso tutto interno di una *élite*, si configurasse questa come scuola o, piuttosto, conventicola filosofica: manca, infatti,

¹⁹ Sui rotoli contenenti testi filosofici di autori più antichi di Filodemo si veda G. W. HOUSTON, «The non-Philodemus book collection in the Villa of the Papyri», [in:] J. KÖNIG, Katerina ΟΙΚΟΝΟΜΟΠΟΥΛΟΥ & G. WOOLF (ed.), *Ancient Libraries*, Cambridge 2013, pp. 183–208.



Fig 2: P. Herc. 1425

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qualsiasi testimonianza che i trattati di Filodemo siano stati pubblicati e diffusi,²⁰ né miglior sorte, quanto a circolazione, sembra aver avuto la più parte delle opere filosofiche di altri e più antichi autori testimoniate a Ercolano. E invece la funzione dei *volumina* greco-egizi (o anche di altri rotoli scritti in altre aree greco-orientali) era una «funzione aperta» a esigenze e scopi socialmente, economicamente, culturalmente differenziati. Sotto l'aspetto materiale perciò dal I secolo a.C. nei rotoli ercolanesi una varietà tipologica quale attestata in Egitto necessariamente manca.

²⁰ Sull'assenza di una circolazione dei trattati di Filodemo al di fuori della Villa, a parte la *Historia Philosophorum* per il suo carattere divulgativo, si vedano D. SEDLEY, «Philosophical allegiance in the Graeco-Roman world», [in:] Miriam GRIFFIN & J. BARNES (ed.), *Philosophia Togata*, 1. *Essays in Philosophy and Roman Society*, Oxford 1989, pp. 97-119: 104-105, e D. OBBINK, «Craft, cult and canon in the books from Herculaneum», [in:] J. T. FITZGERALD, D. OBBINK & G. S. HOLLAND (ed.), *Philodemus and the New Testament World* [= *Supplements to Novum Testamentum* III], Leiden – Boston 2004, pp. 73-84: 79-80.

Fatte queste premesse, si può procedere a qualche confronto tra rotoli greco-egizi e rotoli ercolanesi: un confronto su cui ultimamente si devono a Del Corso alcune notevoli considerazioni,²¹ alle quali si possono aggiungere riflessioni ulteriori. La cosiddetta «legge di Maas» è certamente attestata nei rotoli ercolanesi, come mostra, a esempio, *P. Herc.* 1570,²² ma in altri casi, quali *P. Herc.* 1424,²³ *P. Herc.* 1425 (Fig. 2),²⁴ *P. Herc.* 1497,²⁵ essa non è marcata,²⁶ sicché è difficile stabilire se si tratti di una mirata costruzione delle colonne o di una certa irregolarità di esecuzione da parte delle mani scriventi. Del tutto assente essa si dimostra in rotoli di particolare pregio, quali *P. Herc.* 1065,²⁷ *P. Herc.* 1471,²⁸ *P. Herc.* 1676,²⁹ come del resto pure in non pochi rotoli greco-egizi di qualità libraria alta; ma ugualmente assente essa risulta più volte in *volumina* sia d'Egitto sia di Ercolano di più modesta manifattura. La colonna, quale si ritiene «estetivamente» costruita secondo la «legge di Maas», sembra si trovi in rotoli per lo più di buon livello tecnico ma comunque allestiti per la corrente pratica di lettura, mentre non era prevista in molti altri casi, tra cui in esemplari, per lo più di particolare pregio, forse destinati alla conservazione bibliotecaria piuttosto che a essere letti e utilizzati.

Un altro confronto che si impone è quello concernente il formato, in sostanza l'altezza, e la lunghezza del *volumen*. Ma si deve tener conto pro-

²¹ L. DEL CORSO, «Ercolano e l'Egitto: pratiche librerie a confronto», *CronErcol.* 43 (2013), pp. 139-160.

²² *LDAB* 119281. J. A. PONCZOCH, «*P. Herc.* 1570: A treatise on poverty and wealth», *CronErcol.* 39 (2009), pp. 141-159: 156.

²³ *LDAB* 3647.

²⁴ *LDAB* 3562.

²⁵ *LDAB* 3653.

²⁶ DELATTRE, *La Villa des Papyrus* (cit. n. 17), p. 53.

²⁷ *LDAB* 3618.

²⁸ *LDAB* 3652.

²⁹ *LDAB* 3606. *P. Herc.* 1676 è parte di un unico rotolo insieme a *P. Herc.* 1419B, 1074B, 1081B, 1677, 94, come ricostruito da G. DEL MASTRO, «Filosofi, scribi e *glutinatores*. I rotoli della Villa dei Papiri di Ercolano», [in:] L. DEL CORSO & P. PECERE (ed.), *Il libro filosofico. Dall'antichità al XXI secolo* [= *Quaestio* 11 (2011)], Turnhout - Bari 2011, pp. 35-64: 43 e 45.

prio della «differenza di funzione» tra rotoli ercolanesi («funzione chiusa») e rotoli greco-egizi («funzione aperta»). Questi ultimi mostrano una forte varietà secondo rango sociale della committenza, pratiche individuali, usi che ne regolavano – peraltro in modi diacronicamente diversi – la tipologia: nessuna meraviglia, dunque, se si incontrano rotoli di vario formato e di lunghezza da poco più di un metro a circa trenta metri (misure da considerare tuttavia con cautela se ricostruite). Peraltro, rotoli troppo lunghi, con un consistente diametro, erano certamente disagiati da svolgere per una normale pratica di lettura. E invece, anche se per Ercolano manca una ricerca sulla «estetica» del rotolo pari a quella fatta da Johnson per Ossirinco, quel che comunque emerge – ed era da aspettarsi – è che i *volumina* ercolanesi si mantengono in un certo «standard», a parte alcune eccezioni che si possono forse spiegare. L'altezza, si sa, oscilla tra cm 19–20 e cm 23–24, con la riserva, avanzata da Mario Capasso, che il processo di disidratazione dei papiri, in quanto carbonizzati, può averne alterato un po' le misure verso il basso.³⁰ Per quel che riguarda peraltro i margini esterni, si dispone per ora di dati piuttosto empirici, e quindi da riconsiderare e approfondire mediante un'indagine completa e dettagliata. A sufficienza si sa sulla lunghezza: la più corrente nei rotoli ercolanesi corrisponde a quella anche più comoda sia per la «lettura in corso» sia per la «lettura interrotta», m 10–12 circa, con oscillazioni non molto marcate verso cifre un po' più alte e un po' più basse, e con diametro del rotolo avvolto tra i cm 5 e 7 circa.³¹ Di regola libri troppo lunghi erano, infatti, suddivisi in due tomi: è quanto risulta esplicitamente attestato dalle *sub-*

³⁰ M. CAPASSO, «I rotoli ercolanesi: da libri a carboni e da carboni a libri», [in:] B. PALME (ed.), *Akten des 23. Internationalen Papyrologen-Kongresses (Wien, 22.–28. Juli 2001)* [= *Papyrologica Vindobonensis* 1], Wien 2007, pp. 73–77: 77.

³¹ Una lunghezza «standard» dei *volumina* ercolanesi intorno ai m. 10–12 risulta confermata anche dalle recenti ricostruzioni di *P. Herc.* 1497 in m 10,80 circa (*Philodème de Gadara, Sur la musique, livre IV*, éd. par D. DELATTRE, I, Paris 2007, pp. CXLVIII–CXLIX) e *P. Herc.* 1471 in m 9,80 circa (D. DELATTRE, «Le Franc-parler de Philodème [*P. Herc.* 1471]: reconstruction bibliologique d'ensemble du rouleau», [in:] Agathe ANTONI, G. ARRIGHETTI, Maria Isabella BERTAGNA & D. DELATTRE [ed.], *Miscellanea Papyrologica Herculanensis* 1 [= *Biblioteca di studi antichi* 93], Pisa – Roma 2010, pp. 271–291)



Fig. 3. *P. Herc.* 1538

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scriptiones di rotoli quali *P. Herc.* 1538 (Fig. 3)³² o *P. Herc.* 1423,³³ di cui si dirà, ed è stato ricostruito – ma il caso va discusso – per il *de pietate* di Filodemo, *P. Herc.* 1428 (Fig. 4),³⁴ da Dirk Obbink ed Enzo Puglia, i quali hanno ritenuto inconcepibile una lunghezza di m 23 circa di un eventuale unico rotolo e ne hanno proposto una originaria suddivisione in due tomi di m 11,5 circa ciascuno.³⁵ Si deve osservare, tuttavia, che il rotolo, nonostante la scrittura dal disegno non marcatamente calligrafico, è molto corretto sotto il profilo testuale e presenta numerazione dei *kollemata* e note sticometriche: si tratta dunque di un'edizione definitiva del *de*

pietate, ma non si può dire se in un unico *volumen* di eccezionale lunghezza o in due tomi. Vi sono comunque altri casi, se non identici, almeno analoghi, come quelli, relativi a *volumina* filodemei, del libro I del *de poematis*, costituito da *P. Herc.* 466, 444, 460, 1073, 1074A (Fig. 5), 1081A, il quale misurava – secondo la ricostruzione di Richard Janko – m 16 circa,³⁶

³² LDAB 3657.

³³ LDAB 3558. Appartengono allo stesso rotolo *P. Herc.* 221, 245, 463; DEL MASTRO, «Filosofi» (cit. n. 29), pp. 45 e 52.

³⁴ LDAB 3563.

³⁵ *Philodemus On Piety*, Part 1. *Critical Text with Commentary*, ed. by D. OBBINK, Oxford 1996, pp. 62–73; E. PUGLIA, «Note bibliologiche e sticometriche», *ZPE* 119 (1997), pp. 123–127: 123–125. Sui papiri vergati dallo stesso scriba assegnati al *de pietate* rinvio a DEL MASTRO, «Filosofi» (cit. n. 29), pp. 44 e 47–48.

³⁶ LDAB 3592. *Philodemus On Poems Book One*, ed. with Introduction, Translation and Commentary by R. JANKO, Oxford 2000, pp. 104–114.



Fig. 4. *P. Herc.* 1428

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Fig. 5. *P. Herc.* 1074A

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e del libro I del *de rhetorica*, *P. Herc.* 1427,³⁷ ricostruito da Puglia in m 15,70 circa.³⁸

Esaminiamo più da vicino questi casi. Riprendendo il discorso della suddivisione in due tomi di alcuni libri filodemei «lunghi», Gianluca Del Mastro ha attirato l'attenzione su un fenomeno che merita di essere commentato.³⁹ Del v libro del *de poematis* la collezione ercolanese conserva due copie, l'una contenuta verosimilmente in un unico *volumen*, *P. Herc.* 1425, e l'altra, testimoniata in *P. Herc.* 1538, in cui la *subscriptio* fa esplicito riferimento alla partizione in due tomi. Del Mastro ha osservato che *P. Herc.* 1425 – a giudicare da errori, correzioni, schizzi di inchiostro e note sticometriche incostanti in esso testimoniati – deve essere ritenuto probabilmente un esemplare provvisorio, mentre *P. Herc.* 1538, vergato in una scrittura tra le più accurate e formali, si dimostra una copia definitiva. Lo stesso fenomeno Del Mastro ha ricostruito per quanto concerne il rapporto tra *P. Herc.* 1673/1007,⁴⁰ che doveva contenere tutto il libro IV del *de rhetorica* in un unico rotolo, anche questo scritto in modo scorretto e frettoloso, e *P. Herc.* 1423 che, testimone sempre la *subscriptio*, costituiva il primo tomo di due *volumina* del medesimo libro filodemeo. Di questo tomo si può ricostruire la misura, molto regolare, di m 10 circa. In sostanza *P. Herc.* 1425 e *P. Herc.* 1673/1007 si presentano come stesure provvisorie del *de poematis* v e del *de rhetorica* IV, e si devono credere l'uno e l'altro di lunghezza eccezionale rispetto agli «standard» ercolanesi, tanto che quegli stessi libri nelle copie-edizioni definitive furono spartiti in due tomi. Si può aggiungere, oltre a quanto osservato da Del Mastro, che *P. Herc.* 1425, *P. Herc.* 1673/1007 e *P. Herc.* 1427, anche questo una prima stesura secondo Daniel Delattre,⁴¹ mostrano scritture eseguite senza cura

³⁷ LDAB 3650. Dello stesso rotolo fanno parte *P. Herc.* 232, 234, 250, 398, 410, 426, 453, 1601, 1612, 1619, secondo la ricostruzione di DEL MASTRO, «Filosofi» (cit. n. 29), pp. 44 e 49.

³⁸ PUGLIA, «Note» (cit. n. 35), pp. 123–125.

³⁹ DEL MASTRO, «Μέγα βιβλίον» (cit. n. 18), pp. 49–52.

⁴⁰ LDAB 3635. Fanno parte dello stesso rotolo *P. Herc.* 224, 241, 244, 254, 418, 1077, 1104, 1118, 1491, 1677: DEL MASTRO, «Filosofi» (cit. n. 29), pp. 44 e 46–47.

⁴¹ D. DELATTRE, «En relisant les *subscriptions* des *P. Herc.* 1065 et 1427», *ZPE* 109 (1995), pp. 39–41.

formale, ineleganti e non prive di tracciati corsivi, evidentemente proprio perché si trattava di stesure provvisorie. Ma di contro, il libro I del *de poematis*, ricostruito da Janko in m 16 circa, è un rotolo che ha tutte le caratteristiche di un esemplare, oltre che di notevole lunghezza, anche di qualità molto alta. Ne costituisce conferma, tra l'altro, la scrittura, sobria, elegante, connotata da un perfetto equilibrio estetico tra le forme. Non si tratta, insomma, di una stesura provvisoria.⁴²

Sul fondamento di queste osservazioni vorrei formulare un'ipotesi. Non si può escludere che la produzione libraria ercolanese si svolgesse su tre livelli:

1. *volumina* con stesure provvisorie che esulavano dalla lunghezza «standard» e nei quali erano riversati e raccolti materiali in via di composizione senza controllare l'estensione dei rotoli stessi poiché scritti a fini autoriali ma non propriamente per essere consultati o letti intensivamente;
2. *volumina* maneggevoli e di buona qualità per la lettura e lo studio dei testi all'interno della cerchia filodemea, prodotti in misure all'incirca «standard»;
3. *volumina* di speciale lunghezza, talora anche di qualità più elevata, destinati non a pratiche abituali e immediate di lettura, perché ingombranti e disagiati da maneggiare, ma piuttosto alla conservazione bibliotecaria. Questa pratica, del resto, era già propria delle più antiche scuole filosofiche, aduse a conservare gli scritti degli scolarchi e delle quali Filodemo cercava di ripetere il modello su scala ridotta e in un contesto diverso e privato. Non si può escludere, tuttavia, che alcuni esemplari «da conservazione» nel corso del tempo potessero essere consultati o letti o ricopiati. A questo proposito va richiamata l'attenzione sul *volumen* del libro I del *de poematis* ricostruito e indagato da

⁴² Più specificamente sul problematico rapporto testuale che può intercorrere tra rotoli diversi contenenti uno stesso scritto di Filodemo si rinvia a D. BLANK, «Versionen oder Zwillinge? Zu den Handschriften der ersten Bücher von Philodemus *Rhetorik*», [in:] G. W. MOST (ed.), *Editing texts – Texte edieren*, Göttingen 1998 (*Aporemata* 2), pp. 123–140: lavoro tuttavia discutibile su cui si vedano le riserve di T. DORANDI, *Nell'officina dei classici. Come lavoravano gli autori antichi* [= *Frecce* 45], Roma 2007, pp. 72–77, con discussione di casi relativi a stesure provvisorie/stesure definitive nei *volumina* ercolanesi.

Janko, il quale ha osservato in un passo in cui si parla dell'accentuazione la presenza di accenti segnati da un «neophyte practising accentuation on an old and neglected tome»,⁴³ e quindi a distanza di tempo dal momento di produzione del rotolo. Questa circostanza – oltre alla constatazione che un certo numero di rotoli ercolanesi sono da assegnare al I secolo d.C. – costituisce un'ulteriore prova che l'attività filosofica nella Villa ebbe una sua continuità ben oltre la scomparsa di Filodemo e fino, o quasi, alla vigilia dell'eruzione del Vesuvio del 79 d.C.⁴⁴

Dalla classificazione dei rotoli scritti a Ercolano qui proposta, se giusta, risulta che i *volumina* di estesa lunghezza potevano essere, paradossalmente, quelli sia del più basso livello, i brogliacci, sia del più alto livello, destinati alla *depositio* nella biblioteca della Villa. Ma non so se questa classificazione possa valere in qualche modo anche per l'Egitto o per altre aree o per gli stessi papiri ercolanesi dei secoli III–II a.C. da ritenere importati, né è possibile verificarla adeguatamente. Gli scavi – con poche eccezioni tra cui, di più spiccato interesse, *P. Lond. Lit.* 165⁴⁵ del I–II secolo d.C. contenente un anonimo trattato sui principi filosofici dell'*ars medica*⁴⁶ – non hanno restituito brogliacci su rotolo dei quali sia possibile ricostruire estensione e caratteristiche, e inoltre i rotoli greco-egizi o d'altra origine dovevano soddisfare esigenze ben più vaste, varie e articolate di quelli propriamente prodotti a Ercolano. E tuttavia è da chiedersi, indagandone meglio la fisionomia, se esemplari greco-egizi o scritti altrove di particolare ed estesa lunghezza – date per giuste le ricostruzioni di Johnson – non fossero anch'essi *volumina* da conservazione bibliotecaria,

⁴³ *Philodemus On Poems* (cit. n. 36), p. 84.

⁴⁴ Sulla continuità dell'attività filosofica e della biblioteca ercolanese anche nel I secolo d. C. si veda ultimamente G. DEL MASTRO, «Papiri ercolanesi vergati da più mani», *Segno & Testo* 8 (2010), pp. 3–65: 64.

⁴⁵ *LDAB* 3964.

⁴⁶ Daniela MANETTI, «Autografi e incompiuti: il caso dell'Anonimo Londinese P. Lit. Lond. 165», *ZPE* 100 (1994), pp. 47–58; EADEM, «Proposte di collocazione di due frammenti in PBritLibr inv. 137 (Anonimo Londinese) e nuove letture», [in:] Isabella ANDORLINI (ed.), *Specimina per il corpus dei Papiri Greci di Medicina. Atti dell'Incontro di studio* (Firenze, 28–29 marzo 1996), Firenze 1997, pp. 141–152.

destinati magari a una saltuaria e parziale consultazione piuttosto che a una lettura continua.⁴⁷ In ogni caso si deve riflettere quale funzione possano aver avuto rotoli talmente estesi in lunghezza da risultare poco maneggevoli e inadatti per una normale lettura.

Non mi soffermo sulla questione dei titoli limitandomi a riprendere quanto è già stato osservato in particolare da Del Corso: «nei pur numerosi esempi rinvenuti in Egitto è raro trovarne qualcuno realizzato con un gusto calligrafico paragonabile a quello dei migliori esempi ercolanesi».⁴⁸ Basti segnalare in questi ultimi la presenza di scritture distintive, forse eseguite da mani miratamente educate, quali non sono attestate in Egitto. E su tipologia, esecuzione e posizione dei titoli nei rotoli di Ercolano basti il rinvio ad alcuni interventi imprescindibili almeno di Capasso, Delattre e Del Mastro.⁴⁹ Per i rotoli greco-egizi un gran numero di titoli, iniziali e finali, è stato indi-

⁴⁷ Può venire in considerazione come *volumen* da conservazione bibliotecaria, ad esempio, *P. Herc.* 1783/1691/1010 (*LDAB* 855) – contenente il 11 libro dell'opera di Epicuro sulla natura e riferibile non oltre il 11 secolo a.C. e quindi importato a Ercolano, ma prodotto altrove (Atene?) – ricostruito in m 20 circa di lunghezza (si veda *Epicuro, Sulla natura, libro 11* [= *La scuola di Epicuro* 18], ed. Giuliana LEONE, Napoli 2012, pp. 352–354).

⁴⁸ DEL CORSO, «Ercolano» (cit. n. 21), p. 158.

⁴⁹ CAPASSO, *Manuale* (cit. n. 17), pp. 212–215; IDEM, «I titoli nei Papiri Ercolanesi, I. Un nuovo esempio di doppia sottoscrizione nel *P. Herc.* 1675», [in:] *Volumen* (cit. n. 17), pp. 119–137; IDEM, «I titoli nei Papiri Ercolanesi, II. Il primo esempio di titolo iniziale in un papiro ercolanese (*P. Herc.* 1457)», *Rudiae* 7 (1995), pp. 103–111; IDEM, «I titoli nei Papiri Ercolanesi, III. I titoli esterni (*P. Herc.* 339, 1491 e «scorza» non identificata)», [in:] *Atti del 11 Convegno Nazionale di Egittologia e Papirologia*, Siracusa 1996, pp. 137–155; IDEM, «I titoli nei Papiri Ercolanesi, IV. Altri tre titoli iniziali», *Papyrologica Lupiensia* 7 (1998), pp. 42–73; D. DELATTRE, «Les titres des œuvres de l'épicurien Philodème de Gadara et des ouvrages qu'il cite», [in:] J.-C. FREDOUILLE, Marie-Odile GOULET-CAZÉ, Ph. HOFFMANN, P. PETITMENGIN & Simone DÉLEANI (ed.), *Titres et articulations du texte dans les œuvres antiques. Actes du Colloque International de Chantilly, 13–15 décembre 1994* [= *Collection des Études Augustiniennes. Série Antiquité* 152], Paris 1997, pp. 105–126; IDEM, *En relisant* (cit. n. 41), pp. 39–41; G. DEL MASTRO, «La *subscriptio* del *P. Herc.* 1005 e altri titoli in caratteri distintivi nei papiri ercolanesi», *CronErcol.* 32 (2002), pp. 245–256; IDEM, «Osservazioni sulle *subscriptio*nes dei *P. Herc.* 163 e 209», *CronErcol.* 33 (2003), pp. 323–329; IDEM, «Il *P. Herc.* 1380: Crisippo, Opera logica», *CronErcol.* 35 (2005), pp. 61–70; IDEM, «La *subscriptio* del *P. Herc.* 168 (Filodemo, *Opus incertum, hypomnemmatikon*)», [in:] ANTONI – ARRIGHETTI – BERTAGNA – DELATTRE, *Miscellanea* (cit. n. 31), pp. 137–145; IDEM, «Frustula Herculanensia», *CronErcol.* 43 (2013), pp. 129–134.

viduato, censito ed esaminato rispettivamente da Menico Caroli e da Francesca Schironi, la quale tuttavia ha limitato l'indagine a opere in versi.⁵⁰

Quanto alla sticometria – pur non entrando nel merito di calcoli e di questioni intorno a essi gravitanti –, mi pare comunque utile osservare che il computo delle righe scritte, scandito da note numeriche marginali e/o finali, aveva di sicuro ben più di una funzione: certificare la quantità di lavoro da retribuire allo scriba o alla bottega libraria; rendere nota, all'interno di una biblioteca, la consistenza originale di un libro, in particolare ove questa fosse riportata in un catalogo o inventario; facilitare il reperimento di un verso, di una frase, di un passo che un lettore volesse riconsiderare o che un autore volesse riprendere per trarne ispirazione o citare; attestare l'integrità del testo tra antigrafo e apografo al termine della trascrizione. In particolare nell'ultimo caso la prova definitiva viene dall'uso della sticometria nei testi cristiani, la cui produzione libraria è solo in certi casi di origine venale o commerciale, ma di regola si dimostra a cura di individui e comunità ecclesastiche o monastiche che se ne facevano carico. Nei libri cristiani – ma si tratta in tal caso di codici – il computo sticometrico serviva in sostanza ad assicurare la fedeltà assoluta al Verbo del Signore tra modello e copia, soprattutto per evitare fraudolente ed eretiche sottrazioni o interpolazioni testuali.⁵¹

È tempo, ormai di trattare del codice. Non mi soffermerò sul passaggio dal libro-rotolo al libro-codice né sull'origine di quest'ultimo – individuata in insiemi di *tabulae*, *tabellae*, *membranae* talora anche molto antichi – né sulla sua diffusione con tutte le implicazioni di carattere cronologico, geografico, economico, socioculturale, ideologico, storico-testuale. Si tratta, infatti, di temi e problemi su cui sono stati versati fiumi di inchiostro da quando nel 1954 fu pubblicato il saggio di Colin H. Roberts e Theodor C.

⁵⁰ M. CAROLI, *Il titolo iniziale nel rotolo librario greco-egizio*, Bari 2007 (*Pinakes* 6); Francesca SCHIRONI, *Τὸ μέγα βιβλίον. Book-Ends, End-Titles, and Coronides in Papyri with Hexametric Poetry* [= *American Studies in Papyrology* 48], Durham 2010.

⁵¹ Sulla funzione della sticometria, in particolare per il controllo dell'integrità dei testi biblici e patristici, si vedano F. G. LANG, «Schreiben nach Mass. Zur stichometrie in der antiken Literatur», *Novum Testamentum* 41 (1999), pp. 40-57: 46-51, e A. GRAFTON & Megan WILLIAMS, *Christianity and the Transformation of the Book. Origen, Eusebius, and the Library of Caesarea*, Cambridge – London 2006, pp. 228-229.



Fig. 6. P. Kellis III gr. 95
(tab. 9 recto)

Skeat, *The Codex* (rielaborato più tardi nella monografia *The Birth of the Codex*).⁵² E tuttavia va almeno osservato che la recente scoperta di un codice di tavolette come P. Kellis III gr. 95 (Fig. 6)⁵³ – contenente testi di Isocrate

⁵² C. H. ROBERTS & T. C. SKEAT, «The codex», *Proceedings of the British Academy* 40 (1954), pp. 169–204, e *The Birth of the Codex*, London – Oxford 1983.

⁵³ LDAB 2524.

e riferibile alla prima metà del secolo iv d.C.⁵⁴ – ha gettato nuova luce su quella che doveva essere nel mondo antico la strutturazione di un codice ligneo di contenuto letterario, largamente presupposto all'origine del codice di papiro o di pergamena, ma mai direttamente testimoniato con tanta dovizia di particolari di manifattura. Il codice Kellis, anche se del secolo iv, non può che discendere dal codice ligneo diffuso fin dai tempi più antichi nel bacino del Mediterraneo, soprattutto a Roma, dove inizialmente mancava una cultura libraria del *volumen*, e in quei territori privi di una «industria» del papiro. Ma non procederò oltre sull'origine del libro-codice, limitandomi a segnalare solo alcuni lavori che hanno più di recente animato il dibattito e che portano i nomi di Joseph van Haelst, Larry W. Hurtado e Roger S. Bagnall.⁵⁵ E invece, data l'indole di questo intervento, prenderò in considerazione il codice sotto il profilo bibliologico o, meglio, codicologico.

Insuperato sull'argomento rimane finora il saggio di Eric G. Turner del 1977, anche perché fondato su una documentazione vastissima.⁵⁶ Al centro dell'indagine vi è il formato del codice, vale a dire le dimensioni della pagina in larghezza, data per prima, e altezza, con una inversione dell'ordine tradizionale delle misure. Ed è proprio sulla base della larghezza che Turner distribuisce in II gruppi, disponendoli in ordine decrescente e in due serie distinte, codici di papiro e codici di pergamena. Dal confronto risulta l'assenza di corrispondenza nel formato tra le due serie: fenomeno che viene ampiamente commentato da Turner. L'indagine prosegue rimar-

⁵⁴ K. A. Worp & A. Rijksbaron (ed.), *The Kellis Isocrates Codex (P. Kell. III Gr. 95)* [= *Dakhleh Oasis Project: Monograph 5*], with an introductory chapter by J. L. Sharpe III, Oxford – Oakville 1997.

⁵⁵ J. van Haelst, «Les origines du codex», [in:] A. Blanchard (éd.), *Les débuts du codex. Actes de la journée d'études (Paris, 3-4 juillet 1985)*, Turnhout 1989 (*Bibliologia* 9), pp. 13-35; L. W. Hurtado, *The Earliest Christian Artifacts: Manuscripts and Christian Origins*, Grand Rapids 2006; R. S. Bagnall, *Livres chrétiens antiques d'Égypte*, Genève 2009 (*Hautes études du monde gréco-romain* 44). Una messa a punto sulla questione in G. Cavallo, «Libri, letture e biblioteche nella tarda antichità. Un panorama e qualche riflessione», *Antiquité Tardive* 18 (2010), pp. 9-19: 9-12.

⁵⁶ E. G. Turner, *The Typology of the Early Codex* [= *Haney Foundation Series 18*], Philadelphia 1977.

cando le caratteristiche nella «mise en page» (a una o più colonne), nei livelli qualitativi, nelle dimensioni, nella scrittura e nei modi in cui questa viene eseguita dallo scriba, sempre tenendo conto della distinzione tra papiro e pergamena. Il contributo di Turner alla conoscenza della tipologia del codice di epoca più antica resta fondamentale: una conoscenza utile anche a riconsiderare o precisare alcune datazioni sulla base dell'accordo o disaccordo tra datazioni tradizionali, fondate solo su caratteristiche grafiche, e datazioni che si ricavano dai raggruppamenti di formati omogenei.

Intento di Turner – certamente riuscito – era di indagare solo la struttura fisica del codice, senza implicazioni d'altro ordine. E tuttavia si può forse inquadrare meglio il presentarsi o l'evolversi di alcuni fenomeni di carattere materiale. Qualche esempio: con la sola eccezione dei *Cretesi* di Euripide, *BKT* v 2, 73 (Fig. 7),⁵⁷ riferibile al più tardi all'inizio del III secolo, che può essere considerato il primo codice «calligrafico» di pergamena – ma che forse è da ritenere scritto fuori d'Egitto –, è solo dal secolo IV che troviamo testimoniati codici membranacei di alta qualità, soprattutto per contenerci *corpora* testuali, pur se già alla fine del I d.C. Marziale attesta la produzione a Roma di codici di pergamena dell'*Iliade* e dell'*Odisea* che, a giudicare dal contesto in cui il poeta ne parla,⁵⁸ sono da ritenere di manifattura elevata.⁵⁹ La documentazione greco-egizia per la stessa epoca non restituisce un fenomeno analogo; e anzi i codici più antichi si dimostrano normalmente di qualità bassa o, al più, media. Senza voler entrare nella questione dell'opzione cristiana in favore del libro-codice, di certo l'evoluzione di quest'ultimo, anche in aree eccentriche come

⁵⁷ *LDAB* 912.

⁵⁸ Marziale, *I*, 184. Sulla precoce 'promozione' del codice a libro letterario a Roma si veda O. PECERE, *Roma antica e il testo. Scritture d'autore e composizione letteraria* [= *Biblioteca Universale Laterza* 644], Roma – Bari 2010, pp. 92 e 283 n. 266.

⁵⁹ Proprio per questo, poiché il frammento euripideo non solo è di pergamena – materiale molto scarsamente adoperato in Egitto soprattutto nei primi secoli dell'impero –, ma è anche scritto in forme grafiche assai fini ed eleganti che non trovano riscontro, anche per la loro peculiarità, in coevi papiri greco-egizi, è forse da ritenere che esso derivi da un codice prodotto in Italia dove, testimone Marziale, non mancavano botteghe che allestivano libri di qualità alta.

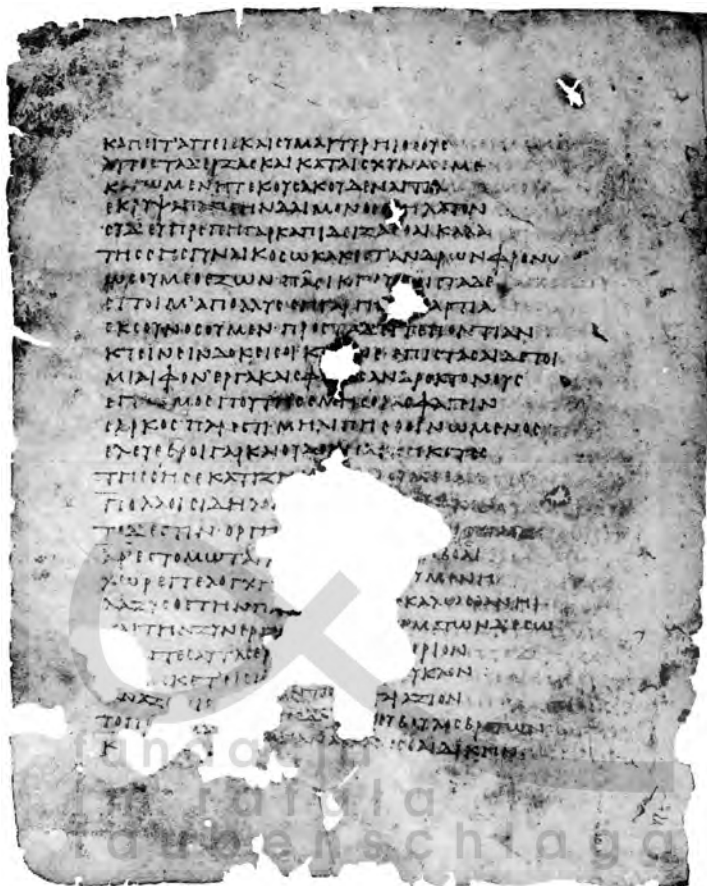


Fig. 7. BKT v 2, 73 (PGB tab. 30A)

l'Egitto, da libro piuttosto rozzo per manifattura e forme grafiche, quale si presenta fino a tutto il secolo III, a libro sempre più spesso connotato da fascicolazione più stabile e regolare, contenuto più consistente, e talora molto consistente, scritture più formali e sovente normative, è certamente da mettere in relazione con l'affermarsi, nel IV secolo, del cristianesimo come *religio licita* e quindi di una Chiesa ormai istituzionalizzata; uguale rilevanza inoltre, al più tardi dal secolo V, ebbero pure le raccolte

autoritative di leggi e la sistemazione del diritto. Il cristianesimo con le sue istituzioni (e persino con le sue devianze) comportava, per la diffusione della nuova religione, la produzione di libri e di testi a essa connessi che avessero una struttura materiale solida, atta a contenere talora fino a un'intera Bibbia, e scritture agevolmente leggibili; le raccolte di leggi e la sistemazione del diritto imponevano la formazione di *Codices* di riferimento, pur se in questo caso si trattava in sostanza di codici latini. Nell'un caso e nell'altro si richiedevano – soprattutto quando si voleva ottenere una qualità libraria alta – un'attività di copia ben organizzata, una manifattura tecnicamente perfezionata del codice e l'uso di scritture con un elevato quoziente di leggibilità e quindi formali.

Su codici di papiro e codici di pergamena, considerati in relazione con i testi contenuti e con le scritture adoperate, importanti osservazioni si devono a Edoardo Crisci. Questi – pur tenendo conto di differenze diacroniche e avvertendo che certi confini possono essere labili o sfumati – ha potuto osservare che nella produzione libraria profana la linea di tendenza è quella di una scelta prevalente in favore del papiro, associata sovente a scritture quasi o del tutto informali, a dimensioni medie o medio-grandi e a formati, almeno tendenzialmente, oblungi; invece l'uso della pergamena, meno frequente di quello del papiro, pare riservato a prodotti librari di qualità medio-alta, spesso vergati in scritture normative o comunque formali. Nel caso della letteratura sacra la tendenza che sembra prevalere è quella dell'impiego della pergamena per la manifattura di codici del Vecchio e del Nuovo Testamento vergati in scritture normative.⁶⁰

Dall'indagine di Turner emerge una forte varietà tipologica del codice, ove si consideri pure che – a parte le differenze tra gli 11 gruppi individuati e classificati in base a formato, dimensioni e materia scrittoria – si deve tener conto anche dei casi aberranti. Il tentativo di Crisci è stato quello di individuare, all'interno di questa varietà, alcune costanti tipologiche che si dimostrano più volte correlate con il contenuto e le forme grafiche. Come nel caso dei *volumina*, la tipologia di ciascun codice o di una serie di codici

⁶⁰ E. CRISCI, «Papiro e pergamena nella produzione libraria in Oriente fra IV e VIII secolo d.C. Materiali e riflessioni», *Segno & Testo* 1 (2003), pp. 79-127.

deve essere sottoposta a un'indagine coordinata di tutte le caratteristiche fisiche e testuali perché ne emergano ambito di produzione e funzione.⁶¹

Per indole, esecuzione e posizione dei titoli nel codice si rinvia, ancora una volta, al volume di Francesca Schironi limitato, come già per i *volumina*, a codici di opere in versi e profane. Ma non mancano lavori dedicati ai titoli nei codici cristiani, in particolare a quelli dei Vangeli.⁶² Quanto alla sticometria, i testi profani, in continuità con la pratica del *volumen*, recano talora il computo sticometrico, ma in qualche caso alla fine di ogni pagina ne aggiungono un altro limitato agli *stichoi* in essa contenuti;⁶³ i testi sacri, invece, mancano tuttora di indagini adeguate.⁶⁴

Un'altra questione, che in studi recenti ha assunto interesse rilevante, concerne il rapporto che si è voluto istituire tra ampiezza dei margini del codice e materiali accessori di interpretazione e commento del testo in essi contenuti. Codici di grandi dimensioni e forniti di margini molto generosi – quali compaiono dal v–vi secolo circa – il più delle volte sono da ritenere funzionali a pratiche scrittorie per accogliervi una massa esegetica virtuale che, in misura variabile, poteva divenire reale. In tal caso si trattava di annotazioni o commenti di mani di eruditi, letterati, maestri e scolari. Aperto invece rimane il dibattito – nel quale non si intende qui entrare – sull'indole e sulla formazione di altri materiali cui margini ampi

⁶¹ Procedono in questo senso alcune recenti indagini sui più antichi codici del Nuovo Testamento e sul libro latino di contenuto legale: si vedano, rispettivamente, E. CRISCI, *Riflessioni paleografiche (e non solo) sui più antichi manoscritti greci del Nuovo Testamento*, [in:] D. BIANCONI & L. DEL CORSO (ed.), *Oltre la scrittura. Variazioni sul tema per Guglielmo Cavallo [= Dossiers bizantins 8]*, Paris 2008, pp. 53–93, e Serena AMMIRATI, «Per una storia del libro latino antico. Osservazioni paleografiche, bibliologiche e codicologiche sui manoscritti latini di argomento legale dalle origini alla tarda antichità», *JfJP* 40 (2010), pp. 55–110.

⁶² S. J. GATHERCOLE, «The titles of the Gospels in the earliest New Testament manuscripts», *Zeitschrift für die Neutestamentliche Wissenschaft* 104 (2013), pp. 33–47 per quanto concerne i materiali greci; ma si veda anche T. C. SKEAT, «The oldest manuscript of the four Gospels?», *New Testament Studies* 43 (1997), pp. 1–34: 18.

⁶³ E' il caso dell'«Omero di Harris» *P. Lond. Lit.* 5 (LDAB 2419): si veda ultimamente SCHIRONI, *Tò μέγα βιβλίον* (cit. n. 50), pp. 168–171.

⁶⁴ LANG, «Schreiben» (cit. n. 51), pp. 46–51, si limita a citare diversi materiali ma senza farne uno studio dettagliato caso per caso.

potevano essere destinati: catene per le Sacre Scritture, note esegetiche per i testi di diritto, raccolte scoliastiche per gli autori profani.⁶⁵

Resta da dire, infine, su mani e scritture – argomento sul quale l'apporto di studi recenti è stato assai ampio e articolato – al fine di rispondere alla domanda su quanto i papiri letterari (ma anche documentari) possono rivelare su modalità, consuetudini, caratteristiche inerenti alle pratiche di scrittura antiche. Molto più di prima si conosce sull'educazione grafica: penso in particolare al volume di Raffaella Cribiore, in parte dedicato agli esercizi di scrittura,⁶⁶ e a un contributo assai utile di Jean-Luc Fournet,⁶⁷ i quali documentano due gradi di apprendimento, l'uno per quanti imparavano a scrivere a un qualche livello, per lo più a fini individuali, l'altro mirato a padroneggiare una specifica scrittura a fini professionali.⁶⁸ Sotto quest'ultimo aspetto illuminante è l'esempio offerto da alcuni frammenti membranacei pubblicati da Fournet i quali (Fig. 8a–b), più di altri esercizi calligrafici, presuppongono e dimostrano il lungo tirocinio di una o più mani – sulla questione si resta incerti – per impadronirsi di una scrittura altamente formale come la maiuscola biblica sia greca sia copta, adoperata per trascrivere libri nelle due lingue all'interno di un atelier di copia del v–vi secolo, uno «*scriptorium* prima dello *scriptorium*» di età medievale.⁶⁹

⁶⁵ Sui termini di questo dibattito, con rassegna e discussione della bibliografia, si vedano ultimamente F. MONTANA, «The making of Greek scholiastic corpora», [in:] F. MONTANARI & L. PAGANI (ed.), *From Scholars to Scholia. Chapter in the History of Ancient Greek Scholarship*, Berlin – New York 2011, pp. 105–189, e CAVALLO & DEL CORSO, «1960–2011» (cit. n. 15), pp. 56–62.

⁶⁶ Raffaella CRIBIORE, *Writing, Teachers, and Students in Graeco-Roman Egypt* [= *American Studies in Papyrology* 36], Atlanta 1996, pp. 114–116, 139–152.

⁶⁷ J.-L. FOURNET, «P. Pintaudi 59–64. Entraînements calligraphiques», [in:] Diletta MINUTOLI (ed.), *Inediti offerti a Rosario Pintaudi per il suo 65° compleanno (P. Pintaudi)*, Firenze 2012, pp. 257–271 (*LDAB* 144556–144561).

⁶⁸ È il caso di segnalare anche, quale esercizio di scrittura a fini professionali, *P. Oxy.* LXVIII 4669v del I–II secolo d.C. concernente il tirocinio in una scrittura calligrafica di qualità piuttosto elevata (*LDAB* 10245).

⁶⁹ L'espressione è di P. FIORETTI, «Composizione, edizione e diffusione delle opere di Gregorio Magno. In margine al *Codex Trecentis*», *Scripta* 1 (2008), pp. 61–75: 73–75.



Fig. 8a. *P. Pintaudi* 63 (da *ed. princ.*)



Fig. 8b. *P. Pintaudi* 64 (da *ed. princ.*)

Un forte passo in avanti è stato fatto anche per quel che concerne la distinzione tra mani diverse e l'attribuzione di più papiri letterari a una medesima mano: ne sono prova gli studi in tal senso condotti soprattutto sulle mani ercolanesi e ossirinchite.⁷⁰ I risultati ottenuti si sono rivelati incoraggianti in una prospettiva più ampia. Qualche esempio: questi risultati – identificazione dello scriba Anonimo XIII Cavallo, oltre alla coerenza bibliologica e testuale – hanno consentito, tra i reperti ercolanesi, di ricompattare come appartenenti a uno stesso manufatto frammenti disaggregati o dislocati, qual è il caso del primo libro del *de poematis* di Filodemo ricostruito da Janko;⁷¹ e ancora è stato possibile individuare veri e propri «programmi editoriali» come quello – realizzato dalla mano professionale A3 Johnson di Ossirinco⁷² e forse destinato a una biblioteca – costituito da un cospicuo numero di rotoli di drammi di Eschilo, tutti con le stesse caratteristiche bibliologiche e grafiche.

Questione più complessa è quella inerente alla presenza di più mani all'interno di un medesimo rotolo o codice. Non pare, infatti, che nel mondo antico si trattasse di una pratica abituale o ricorrente. Gli scandagli che sono stati fatti in tal senso hanno certamente rilevato un buon numero di casi, ma questi, soprattutto quando si tratta di rotoli, documentano circostanze irregolari, particolari o ambigue di produzione libraria.⁷³ Si può addurre un esempio per tutti: *P. Lond. Lit.* 108 della *Costituzione degli Ateniesi* di Aristotele,⁷⁴ scritto – non a caso sul *verso* di quattro rotoli già utilizzati per conti agricoli – da quattro mani differenti senza, tuttavia, «una coordinazione organica dell'atto materiale di trascrizione», sicché

⁷⁰ CAVALLO, *Libri* (cit. n. 17), pp. 44-46; DEL MASTRO, «Filosofi» (cit. n. 29), pp. 44-58; JOHNSON, *Bookrolls* (cit. n. 8), pp. 15-37; Daniela COLOMO, «Osservazioni sullo scriba ossirinchita dell'*omega* quadrangolare (Johnson A2)», *Segno & Testo* 6 (2008), pp. 3-34.

⁷¹ *Philodemus On Poems* (cit. n. 36), pp. 48-56.

⁷² JOHNSON, *Bookrolls* (cit. n. 8), pp. 18-20.

⁷³ Su rotoli scritti da più di una mano si vedano almeno JOHNSON, *Bookrolls* (cit. n. 8), pp. 37-39; L. DEL CORSO, «L'*Atthenaion politeia* (*P. Lond. Lit.* 108) e la sua 'biblioteca': libri e mani nella chora egizia», [in:] BIANCONI & DEL CORSO, *Oltre la scrittura* (cit. n. 61), pp. 13-52; DEL MASTRO, «Papiri ercolanesi» (cit. n. 44), pp. 3-65; IDEM, «Filosofi» (cit. n. 29), pp. 52-55.

⁷⁴ *LDAB* 391.

«l'alternarsi dei quattro scribi non sembra rispecchiare [...] alcun criterio prestabilito».⁷⁵ Altri casi richiedono una riflessione ulteriore. E comunque di fronte a un rotolo scritto da più di una mano bisogna sempre chiedersi il «perché». Quando si tratta di codici, invece, il fenomeno di solito sembra legato alle trasformazioni della cultura in età tardoantica. In quest'epoca, infatti, si assiste a un mutamento della funzione del libro e dei meccanismi stessi della produzione libraria, affidata sempre meno a botteghe e a mani professionali, pur se diversamente abili, e sempre più ad ambienti comunitari e agli individui che ne facevano parte: scuole cristiane (e no), sedi vescovili, monasteri, in cui molte volte più mani collaboravano alla trascrizione di un medesimo codice. Si pensi già solo alle commedie di Menandro P. Bodmer 25+4+26⁷⁶ del secolo IV, scritto da tre, e forse da quattro, mani o al cosiddetto «Codice delle visioni» del secolo IV-V, P. Bodmer 29+30-37+38,⁷⁷ nel quale intervengono sei mani.⁷⁸

Classificazioni delle scritture nei papiri letterari si devono a Turner (che tiene d'occhio anche le mani documentarie) e a Johnson.⁷⁹ Turner, prendendo in considerazione una complessa serie di parametri, opera una distinzione, peraltro limitata alle scritture dei secoli I-IV d.C., tra «informal round hands», «formal round hands», «formal mixed hands»; quanto a Johnson, questi tende a ricondurre il fatto grafico alle intenzioni che lo scriba aveva nello scrivere il suo esemplare, senza tener conto del risultato concreto. Si tratta di classificazioni l'una cronologicamente troppo

⁷⁵ DEL CORSO, *Athenaion politeia* (cit. n. 73), p. 29.

⁷⁶ LDAB 2743. C. A. NELSON & J. L. RAYMOND, «P. Bodmer IV. The distinction of hands and the date», *BASP* 4 (1967), pp. 43-48, ritengono il codice scritto da quattro mani, ma questa distinzione deve essere sottoposta a una ulteriore verifica.

⁷⁷ LDAB 1106.

⁷⁸ Una buona messa a punto su P. Bodmer 29+30-37+38, con discussione della bibliografia precedente, si deve a E. CRISCI, «I più antichi codici miscelanei greci. Materiali per una riflessione», *Segno & Testo* 2 (2004) (= E. CRISCI & O. PECERE [ed.], *Il codice miscelaneo. Tipologie e funzioni. Atti del Convegno internazionale [Cassino, 14-17 maggio 2003]*, Cassino 2004), pp. 109-144: 115-122.

⁷⁹ E. G. TURNER & P. J. PARSONS (ed.), *Greek Manuscripts of the Ancient World* [= *Institute of Classical Studies. Bulletin Supplement* 46], London 1987 (2 ed.), pp. 20-22; JOHNSON, *Book-rolls* (cit. n. 8), p. 102.

Fig. 9. *P. Haw.* 24–28

ristretta, l'altra troppo vaga perché non fondata sulla valutazione dei dati grafici così come questi si presentano. Qui vorrei proporre una classificazione in quattro categorie, fondandola semplicemente sulla forma delle lettere e sul ductus, vale a dire sul grado di rapidità o meno con cui le lettere stesse sono eseguite e che ne determina la morfologia singolarmente e nel complesso della catena grafica. Questa la classificazione:

- I. scritture normative⁸⁰ o comunque formali, connotate da tracciati accurati e talora calligrafici, eseguite pertanto con ductus posato e dotate di un alto quoziente di leggibilità: queste scritture sono il più delle volte individuate mediante una precisa nomenclatura (Fig. 9);

⁸⁰ Sul concetto di scrittura normativa si veda G. CAVALLO, *La scrittura greca e latina dei papiri. Una introduzione*, Roma – Pisa 2008 (*Studia erudita* 8), p. 15.



Fig. 10. P. Oxy. x 1235

2. scritture semi-formali, in cui le lettere, pur conservando forme perspicue, sono eseguite con ductus meno controllato che genera semplificazioni di tratteggio e una certa ineleganza del disegno (Fig. 10);
3. scritture informali semicorsive o corsive, tracciate con ductus veloce che, modificando il tratteggio all'interno di una stessa lettera e generando legature deformanti, incide sugli stessi elementi di base della scrittura abbassandone il quoziente di leggibilità (Figg. 6 e 11);



Fig. II. P. Lond. Lit 108



Fig. 12. PSI vi 727
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 Progetto PSI-online

4. scritture informali posate, tracciate con ductus controllato ma le cui forme si presentano già modificate in senso semi-corsivo o corsivo (Fig. 12).

Sono del parere, tuttavia, di agganciare solo tendenzialmente queste categorie a una precisa modalità di produzione libraria, professionale o comunitaria o individuale e privata, giacché molti meccanismi o circostanze della produzione libraria antica restano in ombra. Per la trascrizione dei testi letterari si devono ritenere certamente professionali le scritture normative o comunque formali, e invece individuali o private quelle informali semi-corsive o corsive. Ma per quanto concerne le scritture semi-formali o informali posate, queste potevano essere adoperate sia al livello professionale, come scritture di seconda qualità, sia al livello comunitario, sia al livello privato, a uso proprio. Tutto questo vale in generale, con l'av-

vertenza che scritture anche molto diverse per ductus e tratteggio potevano essere opera di uno stesso scriba dalla *manus duplex* secondo committenze, circostanze, condizioni, funzioni varie dello scrivere.

Quanto alla conoscenza delle diverse scritture attestate nei papiri letterari, molte e dettagliate nell'ultimo cinquantennio sono state le indagini di carattere paleografico, consentendo rispetto al passato un più preciso

inquadramento cronologico dei reperti. Hanno visto la luce studi di carattere generale, con taglio «manualistico», di paleografia dei papiri sia letterari sia documentari;⁸¹ raccolte di facsimili a fini paleografici con introduzioni e commenti – prima su tutte quella di Turner –, in cui larga parte è riservata ai papiri letterari;⁸² ricerche monografiche su singole scritture normative;⁸³ indagini sulle scritture sia ercolanesi⁸⁴ sia anche sulle altre attestate fuori d’Egitto, come quelle condotte da Crisci;⁸⁵ studi dedicati alle scritture o di un particolare sito, Al Hibah, come quello di Del

⁸¹ CAVALLO, *La scrittura* (cit. n. 80); IDEM, «Greek and Latin writing in the papyri», [in:] R. S. BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford 2009, pp. 101–148; H. HARRAUER, *Handbuch der griechischen Paläographie*, I. Textband, II. Tafelband [= *Bibliothek des Buchwesens* 20], Stuttgart 2010; E. CRISCI & Paola DEGNI (ed.), *La scrittura greca dall’antichità all’epoca della stampa. Una introduzione* [= *Beni culturali* 35], Roma 2011, pp. 39–126 (contributi di E. CRISCI e L. DEL CORSO).

⁸² Oltre alla seconda edizione del volume di facsimili di TURNER curata da PARSONS (cit. n. 73), vanno segnalati almeno C. H. ROBERTS (ed.), *Greek Literary Hands. 350 BC – 400 AD* [= *Oxford Palaeographical Handbooks*], Oxford 1956; R. SEIDER, *Paläographie der griechischen Papyri*, II. Tafeln, 2. Literarische Papyri, Stuttgart 1970 (mentre i volumi I e III I sono dedicati ai papiri documentari, a eccezione di una breve parte in quest’ultimo volume); G. CAVALLO & H. MAEHLER (ed.), *Greek Bookhands of the Early Byzantine Period. AD 300–800* [= *Institute of Classical Studies. Bulletin Supplement* 47], London 1987, e *Hellenistic Bookhands*, Berlin – New York 2008. Un volume di facsimili con studi introduttivi e commento ai singoli papiri deve essere considerato anche il catalogo di G. CAVALLO, E. CRISCI, Gabriella MESSERI & R. PINTAUDI (ed.), *Scrivere libri e documenti nel mondo antico. Mostra di papiri della Biblioteca Medicea Laurenziana* (Firenze, 25 agosto–25 settembre 1998 [= *Papyrologica Florentina* 30], Firenze 1998).

⁸³ G. CAVALLO, *Ricerche sulla maiuscola biblica*, Firenze 1967 (*Studi e testi di papirologia* 2), e P. ORSINI, *Manoscritti in maiuscola biblica. Materiali per un aggiornamento*, Cassino 2005; G. CAVALLO, *Il calamo e il papiro. La scrittura greca dall’età ellenistica ai primi secoli di Bisanzio* [= *Papyrologica Florentina* 36], Firenze 2005, pp. 151–161 («onciale romana» o «maiuscola rotonda»), 175–202 («maiuscola alessandrina», sulla quale si veda pure G. BASTIANINI & G. CAVALLO, «Un nuovo frammento di lettera festale [PSI inv. 3779]», [in:] G. BASTIANINI & A. CASANOVA [ed.], *I papiri letterari cristiani. Atti del Convegno Internazionale di studi in memoria di Mario Naldini* [Firenze, 10–11 giugno 2010] [= *Studi e Testi di Papirologia* N. S. 13], Firenze 2011, pp. 31–45; 33–39); E. CRISCI, «La maiuscola ogivale dritta. Origini, tipologie, dislocazioni», *Scrittura & Civiltà* 9 (1985), pp. 103–145; DEL CORSO, «Ercolano» (cit. n. 21), pp. 140–144 (cosiddetto «stile epsilon-theta»).

⁸⁴ CAVALLO, *Libri* (cit. n. 17), pp. 28–46.

⁸⁵ E. CRISCI, *Scrivere greco fuori d’Egitto. Ricerche sui manoscritti greco-orientali di origine non egiziana dal IV secolo a.C. all’VIII d.C.* [= *Papyrologica Florentina* 27], Firenze 1996.

Corso⁸⁶, o a un determinato autore, Omero, come quello di William Lameere,⁸⁷ ripreso di recente su nuove basi metodologiche,⁸⁸ o su una singola mano, come quello sugli autografi di Dioscoro d'Afrodite di Fournet e dello stesso Del Corso.⁸⁹ Particolare attenzione si è rivolta al confronto tra scritture ercolanesi e scritture greco-egizie, o meglio alle «analogie» e «dissimmetrie» tra le due realtà grafiche.⁹⁰ Innanzi tutto si deve distinguere – va ribadito – tra papiri ercolanesi dei secoli III–II a. C. (o al più tardi del II–I), di cui non si conosce l'origine, e veri e propri papiri prodotti a Ercolano all'epoca di Filodemo o subito dopo. Tra le due realtà grafiche, tuttavia, non emergono differenze sostanziali, limitandosi queste nel primo caso, nei secoli III–II a.C., alla presenza di certe tipologie scrittorie che, pur comuni, emergono in tempi diversi nelle due realtà, a quanto risulta dalla documentazione conservatasi, e nel secondo caso a distinzioni di carattere soprattutto qualitativo (i rotoli greco-egizi della migliore qualità, almeno nel secolo I a.C. o poco oltre, non raggiungono mai un livello grafico tanto alto quanto quello dei *volumina* ercolanesi di lusso).

Infine vorrei soffermarmi su un problema che aleggia qua e là in questo discorso sulla scrittura dei papiri senza che mai sia venuto pienamente alla luce, quello della datazione: problema di comune (e purtroppo talora esclusivo) interesse di papirologi e paleografi. Come datare sul fondamento della sola scrittura quando manchi ogni altro riferimento possibile (contesto archeologico, contenuto testuale, criterio del *recto/verso* nel caso di rotolo)? Contributi e strumenti di studio qui ricordati hanno ciascuno una sua utilità, con l'avvertenza, tuttavia, che non sempre si rivela corretto il metodo

⁸⁶ L. DEL CORSO, «Scritture 'formali' e scritture 'informali' nei *volumina* letterari di Al Hibah», *Aegyptus* 84 (2004), pp. 33–100.

⁸⁷ W. LAMEERE, *Aperçus de paléographie homérique. A propos des papyrus de l'Iliade et de l'Odyssée des collections de Gand, de Bruxelles et de Louvain* [= *Les publications de Scriptorium* 4], Paris – Bruxelles – Anvers – Amsterdam 1960.

⁸⁸ CAVALLO & DEL CORSO, «1960–2011» (cit. n. 16).

⁸⁹ J.-L. FOURNET, *Hellénisme dans l'Égypte du VI^e siècle. La bibliothèque de Dioscore d'Aphrodité*, [= *MIFAO* 115], Le Caire 1999; L. DEL CORSO, «Le scrittura di Dioscoro», [in:] J.-L. FOURNET (éd.), *Les archives de Dioscore d'Aphrodité cent ans après leur découverte. Histoire et culture dans l'Égypte byzantine* [= *Études d'archéologie et d'histoire ancienne*], Paris 2008, pp. 89–115.

⁹⁰ CAVALLO, *Libri* (cit. n. 17), pp. 47–57; DEL CORSO, «Ercolano» (cit. n. 21), cit. da p. 157.

paleografico in essi seguito, il quale richiede che la valutazione di una scrittura sia a largo raggio, estendendosi dai suoi caratteri d'insieme alle singole lettere, di cui sono da esaminare accuratamente non solo la forma, ma anche il numero, la direzione e la successione dei singoli tratti, il ductus, le legature. La paleografia è scienza del confronto, sicché essa può dare i migliori risultati – proprio nel caso si voglia stabilire la datazione di un manufatto – se le scritture dei papiri letterari vengano confrontate con materiali datati o almeno che, per un qualche motivo, diano una certa garanzia di cronologia attendibile. In questa prospettiva si impone il confronto da una parte con le scritture epigrafiche, come auspicava già Ulrich Wilcken nei suoi *Grundzüge* della scienza papirologica,⁹¹ e dall'altra con le mani documentarie, come dimostra, tra l'altro, un recente lavoro di Hermann Harrauer a esse quasi interamente dedicato:⁹² confronto utile, necessario anzi, non solo a fini di datazione ma anche per comprendere pienamente lo stesso svolgimento della scrittura greca nella fase maiuscola e nel trapasso di questa alla minuscola attraverso i secoli. Tutto questo è ovvio, si dirà, ma tante volte si dimostra disatteso. Non mancano casi, infatti, in cui si assegnano datazioni mediante un qualche confronto improprio o un esame superficiale o parziale delle caratteristiche grafiche di un manufatto, e quindi con risultati inattendibili e distorti.⁹³

⁹¹ U. WILCKEN, *Fondamenti della papirologia* [= *Paradosis* 15], edizione italiana a cura di R. PINTAUDI, Bari 2010, pp. 39-40.

⁹² HARRAUER, *Handbuch* (cit. n. 81).

⁹³ P. ORSINI & W. CLARYSSE, «Early New Testament manuscripts and their dates. A critique of theological palaeography», *Ephemerides Theologicae Lovanienses* 88 (2012), pp. 443-474, hanno ultimamente corretto, con saldi argomenti paleografici dovuti in particolare a Orsini, un buon numero di datazioni improprie assegnate a papiri del Nuovo Testamento da P. W. COMFORT & D. P. BARRETT, *The Complete Text of the Earliest New Testament Manuscripts*, Grand Rapids 1999, e *The Text of Earliest New Testament Manuscripts: A Corrected, Enlarged Edition of «The Complete Text of the Earliest New Testament Manuscripts»*, Wheaton 2001; P. W. COMFORT, *Encounter with the manuscripts. An introduction to New Testament paleography & textual criticism*, Nashville 2005; K. JAROŠ (ed.), unter Mitarbeit von J. HINTERMAIER, Brigitte JAROŠ, Karin PICHLWAGNER, U. STINGELIN & U. VIKTOR, mit drei Studien von U. VIKTOR, *Das Neue Testament nach den ältesten griechischen Handschriften. Die handschriftliche Überlieferung des Neuen Testaments vor Codex Sinaiticus und Codex Vaticanus*, Rühpolding – Mainz – Wien – Würzburg 2006.

Volendo trarre le conclusioni ultime da tutto il precedente discorso, va detto che fondamentale è il contributo che alla papirologia letteraria hanno dato e possono continuare a dare bibliologia e paleografia; ma d'altro canto altrettanto e forse ancor più notevole è il contributo che la stessa papirologia letteraria – ben oltre il suo scopo primario della corretta edizione dei testi – ha dato e può dare allo sviluppo di quelle discipline. Essa, nel suo rapporto con la bibliologia permette di giungere sempre più a una approfondita conoscenza della struttura materiale e delle tipologie del libro antico; e nel suo rapporto con la paleografia, inquadrando i reperti, ove possibile, nel contesto archeologico di reperimento, si pone come insostituibile testimonianza di modi e tempi di conservazione che a loro volta sono di ausilio alla valutazione delle scritture sotto l'aspetto cronologico, ambientale e talora socioculturale.

A conclusione di questo discorso vorrei leggere e commentare un passo non da un dotto saggio di papirologia o di bibliologia o di paleografia ma da un romanzo di una grande scrittrice contemporanea di lingua francese, Marguerite Duras: «Un jour, j'étais âgée déjà, dans le hall d'un lieu public, un homme est venu vers moi. Il s'est fait connaître et il m'a dit: 'Je vous connais depuis toujours. Tout le monde dit que vous étiez belle lorsque vous étiez jeune, je suis venu pour dire que pour moi je vous trouve plus belle maintenant que lorsque vous étiez jeune, j'aimais moins votre visage de jeune femme que celui que vous avez maintenant, dévasté.'».⁹⁴ Mediante la bibliologia e la paleografia si possono ricostruire idealmente rotoli e codici letterari da giovani, quando erano, secondo la qualità, più o meno belli e comunque integri; ma il papirologo, per poter dare un senso e un ruolo al suo lavoro di ricostruzione e di edizione, a quelli giovani e più o meno belli di una volta preferisce i papiri così come emergono ora dagli scavi: devastati.

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⁹⁴ Marguerite DURAS, *L'amant*, Paris 1984, p. 9.

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SUGLI SVILUPPI RECENTI DELLA PAPIROLOGIA ERCOLANESE

NELLA RELAZIONE SVOLTA DA Peter van Minnen al Ventitreesimo Congresso Internazionale di Papirologia tenuto a Vienna nel 2001, si riconosceva a Marcello Gigante il merito di aver aperto a tutti gli studiosi interessati il settore dei Papiri Ercolanesi.¹ Quasi un secolo dopo il disappunto espresso in una lettera all'amico Jean-François Boissonade da Paul-Louis Courier per il ristagno degli studi sui testi ercolanesi, van Minnen constatava che la situazione era ormai completamente diversa. Infatti, a partire dalla creazione, per volontà di Gigante, a Napoli, del Centro Internazionale per lo Studio dei Papiri Ercolanesi, nel 1969, le opere custodite nella biblioteca della Villa dei Papiri a Ercolano sono state oggetto di studio intenso, apparendo in edizioni modernamente concepite e in lavori dedicati a temi e problemi in esse trattati,² né sono stati trascurati gli aspetti bibliologici e paleografici. La trattazione degli sviluppi più recenti della nostra disciplina non può non riferirsi, sia pure sinteti-

¹ P. VAN MINNEN, «The millennium of papyrology (2001-?)», *PapCong.* xxiii, p. 703.

² Basta sfogliare le quarantaquattro annate della Rivista *CronErcol.*, con i cinque Supplementi e i diciotto volumi della Collezione La Scuola di Epicuro, con i cinque Supplementi, entrambe fondate, rispettivamente, nel 1971 e nel 1978, da Marcello Gigante.

camente, alle prime fasi che di questi sviluppi sono all'origine, quasi in una naturale evoluzione di cui cercherò di illustrare le tappe principali in ordine cronologico.

Dopo la pubblicazione delle prime edizioni³ e la creazione del primo completo *Catalogo dei Papiri Ercolanesi*, che ha consentito agli studiosi di orientarsi nella collezione di più di 1800 pezzi custoditi presso la Officina dei Papiri nella Biblioteca Nazionale di Napoli, ora finalmente identificabili singolarmente,⁴ un momento fondamentale degli studi è stata la ricerca paleografica compiuta da Guglielmo Cavallo nel 1983, e la portata dei risultati conseguiti è stata, se possibile, confermata e consolidata dalla bellissima relazione dallo studioso presentata in questo Congresso. Cavallo ha offerto una classificazione e datazione, per la prima volta complete, delle scritture attestate nei nostri rotoli.⁵ Il lavoro ha, in primo luogo, permesso di delineare la storia della Biblioteca ercolanese, nel senso che un nucleo originario dei *volumina* risale ai secoli III, II o II-I a.C. ed è costituito dai rotoli che hanno trasmesso libri dell'opera di Epicuro *Sulla natura* (libri II, XXV, XXVIII, XXXIV, libro incerto sul tempo, risalenti al III secolo;⁶ libri XI, XIV, XV al II e II-I a.C.), di Polistrato, dell'incerto autore del *P. Herc.* 176, di Demetrio Lacone (II e II-I a.C.). Questo primo gruppo fu realizzato, forse, in Grecia o in Palestina o anche in Egitto e portato in Italia, a Ercolano, probabilmente dallo stesso Filodemo, mentre gli altri, vergati nel I sec. a.C., furono prodotti in Italia e destinati allo studio da parte di Filodemo e dei suoi, amici e scolari. La datazione dei rotoli ha

³ Nel 1973 è apparsa a Torino la seconda edizione delle opere di Epicuro, curata da Graziano Arrighetti, e alcuni libri del trattato *Sulla natura* sono stati pubblicati sulle *CronErcol.*, tra il 1972 e il 2002.

⁴ *Catalogo dei Papiri Ercolanesi*, M. GIGANTE [ed.], Napoli 1979, con i Supplementi in *CronErcol.* 19 (1989, M. CAPASSO) e 30 (2000, G. DEL MASTRO), ora nella versione digitale *Χάρτης*, a cura di G. DEL MASTRO, Napoli 2005. *Χάρτης* è oggi on-line: «<http://chartes.it>». Cf. ora anche Agnese TRAVAGLIONE, *Catalogo descrittivo dei Papiri Ercolanesi*, Napoli 2008, che ha realizzato un catalogo topografico e descrittivo delle condizioni attuali dei *volumina*, oltre a indicarne autori e titoli di opere, integrando opportunamente il *Catalogo* del 1979.

⁵ *Libri, scritture scribi a Ercolano*, I Suppl. a *CronErcol.* 13 (1983).

⁶ CAVALLO, *Libri* (cit. n. 5), pp. 28-29; E. CRISCI, «I più antichi libri greci. Note bibliologiche e paleografiche su rotoli papiracei del IV-III sec. a.C.», *Scrittura e Civiltà* 23 (1999), pp. 54-56.

consentito anche, nei limiti che una tale informazione comporta, di stabilire una cronologia nell'ambito delle opere di Filodemo, che in molti casi, nonostante la sua relatività, coincide con i dati interni, contenuto e stile.

Le opere biografiche sono, anche per la loro stessa natura, stese in uno stile essenziale, e sono le prime, dal punto di vista paleografico, giacché la loro scrittura risale al secondo venticinquennio del secolo, dal 75 al 50, e a questo periodo si possono accostare le prime opere di contenuto etico, il grande trattato *Sui modi di vita*, di cui ci è giunto il libro dedicato alla libertà di parola, l'opera *Sulla musica* e i primi libri della *Retorica*, cui seguono i libri *Sulla poesia*. Al terzo venticinquennio, dal 50 al 25, sono assegnate le opere *Sui vizi e le virtù contrapposte*, *Sugli dèi*, *Sui segni*, di ampio respiro e spessore, mentre il pieno della maturità del filosofo è rappresentato dai libri sulle scelte e sui rifiuti, e *Sulla morte*, che sono espresse in uno stile più alto e solenne.⁷

L'opera di Cavallo ha inoltre fortemente stimolato l'approfondimento dell'indagine bibliologica, su formato e dimensioni, per la quale i papiri ercolanesi offrono elementi non trascurabili. La ricerca ha inoltre consentito di stabilire la natura dei rapporti tra i vari esemplari: nella biblioteca ercolanese si trovano libri in doppia e, in un caso, tripla copia. È così per l'opera *Sulla natura* (II, XI, XXV libro: questo è in tre copie) e per alcune opere di Filodemo (*Historia Academicorum*; *Memorie Epicuree*; II, III, IV libro della *Retorica*;⁸ v libro della *Poetica*; *De Stoicis*). I libri di Epicuro in più copie sembra indichino «la compresenza di edizioni diverse e non integrali ... riunite insieme in aggregazione bibliotecaria per completarsi a vicenda ... per particolari esigenze di lettura o perché costituenti "edizioni" non solo librarie ma anche testuali diverse»,⁹ mentre le doppie

⁷ Si veda CAVALLO, *Libri* (cit. n. 5), pp. 58-65; M. GIGANTE, *Filodemo in Italia*, Firenze 1990, pp. 19-62.

⁸ G. DEL MASTRO, «*META BIBLION*: Galeno e la lunghezza dei libri (*ΠΕΡΙ ΑΛΥΙΑΣ* 28)», [in:] Daniela MANETTI [ed.] *Studi sul De indolentia di Galeno*, Pisa - Roma 2012, p. 50; IDEM, «Filosofi, scribi e *glutinatores*. I rotoli della Villa dei Papiri di Ercolano», [in]: L. DEL CORSO & P. PECERE [edd.], *Quaestio II: Il libro filosofico. Dall'antichità al XXI secolo* (2011), pp. 44-45, 46-47, 52.

⁹ CAVALLO, *Libri* (cit. n. 5), pp. 58-59.

copie dei libri di Filodemo, secondo lo studioso, sembrano essere in rapporto di «brogliaccio»/stesura definitiva (*Historia Academicorum*), o di stesura provvisoria/stesura definitiva (*Retorica, Poetica, Sugli Stoici*).¹⁰ La ricerca di Cavallo ha portato poi come conseguenza di grande rilievo per gli editori di libri ercolanesi la consapevolezza che bisognava procedere alla ricostruzione dei *volumina* smembrati tra il XVIII e il XIX secolo dalle operazioni di svolgimento. La coscienza di questo procedimento, adombrata già in parte dai primi editori moderni dei testi ercolanesi, non era tuttavia, sino ad anni relativamente recenti, avvertita come un'imprescindibile esigenza, mentre oggi si comprende che non ha senso accingersi all'edizione di un testo se non nella sua interezza, o almeno nelle parti attualmente recuperabili e sistemate nella successione corretta.

Per essere posti nella macchina di Piaggio per essere svolti, i papiri dovevano subire una preparazione preliminare, dovevano cioè essere liberati dalle parti esterne, dette «scorze», più compatte e deteriorate dalle conseguenze dell'eruzione. Si operarono perciò sui *volumina* dei tagli verticali – due o più, a seconda delle esigenze – che consentirono di staccare queste scorze che potevano essere, perciò, due o più, a seconda del numero dei pezzi ottenuti da ciascun taglio; dopo di che, la parte centrale, il cosiddetto «midollo», si metteva in macchina e si svolgeva col noto procedimento del Piaggio. Le parti staccate vennero numerate individualmente e non si conservò alcuna informazione sull'appartenenza al rotolo originario. Esse furono poi «sfogliate» successivamente, in genere nei primi decenni del XIX secolo, raschiando via in successione gli strati che le componevano e che recavano la scrittura, trascrivendo man mano i testi che emergevano dallo sfogliamento, con gli inconvenienti che tale procedimento comporta, primo tra tutti la perdita dell'originale del quale

¹⁰ Diversamente da CAVALLO intendono il termine *ὑπομνηματικόν* – che per lo studioso vale «stesura provvisoria» – presente nelle *subscriptions* dei *P. Herc.* 1674 e 1506 che contengono una delle due copie del II e III libro della *Retorica*, D. BLANK, «Versionen oder Zwillinge? Zu den Handschriften der ersten Bücher von Philodems "Rhetorik"» [in]: G. MOST (ed.), *Editing Texts/Texte editieren*, Göttingen 1998, pp. 123–140; T. DORANDI, *Nell'officina dei classici. Come lavoravano gli autori antichi*, Roma 2007, pp. 70–76. L'esistenza di un dibattito che ha prodotto proposte diverse e di notevole rilevanza, è un'ulteriore prova dell'interesse che la ricerca paleografica di Cavallo ha suscitato sui testi filodemei.

sussiste solo l'ultimo strato, la scorza, appunto. Sino agli anni Ottanta dello scorso secolo si pubblicavano i midolli separatamente dalle scorze, perché non ci si rendeva conto che, in molti casi, queste scorze superstiti solo nell'apografo appartenevano a uno stesso *volumen*. Nei casi in cui le assonanze di contenuto inducevano a pensare che si trattasse di un testo affine riconducibile al midollo, ci si limitava a pubblicare il midollo e, a parte, questi frammenti. Non ci si preoccupava di collegarli né di ripristinare l'ordine corretto delle singole colonne disegnate. L'acquisizione di tale consapevolezza è una conseguenza dell'indagine paleografica.

Questo ha consentito a Tiziano Dorandi di sviluppare e portare a compimento un preliminare raggruppamento intuito dal Crönert per la *Rhetorica* e la *Poetica* di Filodemo.¹¹ Dorandi ha ricomposto l'intero quadro delle due opere collegando midolli e scorze sul fondamento dell'identità delle scritture e sull'affinità del contenuto.¹²

Nello stesso periodo, indipendentemente, Dirk Obbink e Daniel Delattre hanno elaborato un metodo di ricostruzione dei *volumina* smembrati – il cosiddetto metodo Delattre-Obbink – che è alla base delle reciproche edizioni, della I parte dell'opera teologica di Filodemo *De pietate* e del IV libro *Sulla musica*.¹³ Il sistema adottato dai due studiosi consente la ricostruzione delle parti per cui sussiste solamente il disegno il cui ordine di successione va invertito rispetto alla numerazione data all'epoca in cui le scorze furono sfogliate.

Per quanto riguarda i midolli, cioè le parti superstiti nell'originale, ai fini della ricomposizione del *volumen* è importante tener conto della dimensione delle sezioni. La sezione è la porzione di papiro compresa tra

¹¹ W. CRÖNERT, *Memoria Graeca Herculensis*, Lipsiae 1903 (reed. Hildesheim 1963), pp. 5–6.

¹² T. DORANDI, «Per una ricomposizione dello scritto di Filodemo Sulla Rhetorica», *ZPE* 82 (1990), pp. 59–87; IDEM, «Per una ricomposizione dello scritto di Filodemo Sulla poetica», *ZPE* 91 (1992), pp. 29–51; IDEM, «Precisazioni su papiri della Poetica di Filodemo», *ZPE* 97 (1993), pp. 81–86. DEL MASTRO, «Filosofi, scribi e *glutinatores*» (cit. n. 8), pp. 42–52, presenta un aggiornamento degli scribi a cui si devono trascrizioni di più rotoli nella biblioteca ercolanese, partendo dalla classificazione di Cavallo.

¹³ Su queste problematiche è fondamentale il lavoro di R. JANKO, «*Philodemus Resartus*: Progress in reconstructing the philosophical papyri from Herculaneum», *Proceedings of the Boston Area Colloquium in Ancient Philosophy* 7 (1991), pp. 271–308.

due piegature verticali contigue che si sono verificate nel rotolo a causa dello schiacciamento prodottosi durante l'eruzione o per altra causa.¹⁴ La misura delle sezioni ha un ruolo decisivo anche nella definizione delle dimensioni del rotolo e nella determinazione della posizione dei vari pezzi che lo compongono. È stato teorizzato il procedimento matematico che è alla base della ricomposizione del *volumen* partendo dalla misurazione delle sezioni, ai fini della quale è stato anche sottolineato il ruolo dei disegni.¹⁵

L'edizione della prima parte dell'opera *De pietate*, la prima dopo l'*editio princeps* del Gomperz e i contributi successivi di Philippson,¹⁶ è apparsa nel 1996 e presenta la ricomposizione del rotolo dalle scorze in cui era stato suddiviso.¹⁷ La ricostruzione è notevole, considerando che è fondata sulle scorze, appunto, e non ha che pochi riscontri sull'originale, quindi si deve basare essenzialmente sull'ordine dei disegni, sulle indicazioni sticometriche e, naturalmente, sul contenuto, ed è resa ancor più difficile dal fatto che spesso le parti iniziali e finali delle colonne sono danneggiate. È un mirabile progresso; in diversi casi il contesto si può leggere in continuità. Ad esempio, si è potuta determinare una maggiore estensione per un frammento di Ermarco, la cui testimonianza, per le dottrine teologiche dei Maestri fondatori del Giardino, Filodemo evoca più di una volta in questo libro.¹⁸

All'opera *Sulla musica*, come a quelle *Sulla retorica* e *Sulla poesia*, erano riferiti un numero notevole di pezzi; le tre opere sulle cosiddette arti libe-

¹⁴ M. CAPASSO, *Manuale di Papirologia Ercolanese*, Lecce 1991, pp. 230-231.

¹⁵ H. ESSLER, «Rekonstruktion von Papyrusrollen auf mathematischer Grundlage», *CronErcol.* 38 (2008), pp. 273-307; IDEM, «Die Arbeiten an Philodem, *De dis III* (P. Herc. 152/157). Der Beitrag der *disegni* zur Rekonstruktion der Fragmentenreihenfolge», *CronErcol.* 34 (2004), pp. 153-204.

¹⁶ T. GOMPERZ, *Philodem über Frömmigkeit* [= *Herkulanische Studien* II], Leipzig 1866; R. PHILIPPSON, «Zu Philodems Schrift über die Frömmigkeit», *Hermes* 55 (1920), pp. 225-278; 364-372; IDEM, «Zu Philodems Schrift über die Frömmigkeit», *Hermes* 56 (1921), pp. 364-410.

¹⁷ *Philodemus, On Piety*, Part I. *Critical Text with Commentary*, ed. by D. OBBINK, Oxford 1996.

¹⁸ Coll. XIX-XX, pp. 142-145 OBBINK, cf. anche Francesca LONGO AURICCHIO, «Osservazioni e precisazioni su Ermarco», *CronErcol.* 43 (2013), pp. 11-14.

rali sono tra i trattati filodemei più ampi nella Biblioteca ercolanese. Fino all'indagine compiuta da Delattre si era convinti che nei rotoli svolti fossero presenti anche i primi tre libri dell'opera – che doveva essere almeno in quattro libri –, dato che il papiro più importante e meglio conservato, *P. Herc.* 1497 – il primo che fu svolto dal Piaggio –, contiene, come si vede dalla *subscriptio*, appunto, il quarto. Kemke, l'autore dell'edizione teubneriana del *De musica*, aveva individuato frammenti del primo e del terzo libro che precedono il quarto nella sua edizione.¹⁹ Kemke aveva avuto la consapevolezza che l'ordine dei frammenti disegnati non fosse quello originario e che ci fossero dei rapporti tra i testi scorzati: aveva infatti proposto successioni e accostamenti, fondandosi su criteri contenutistici. E alle sue conclusioni si sono attenuti gli editori successivi.²⁰ L'ultima edizione, di Annemarie Jeanette Neubecker, è certo pregevolissima; tuttavia è limitata al *P. Herc.* 1497, giacché, prima della ricerca di Delattre, si riteneva che fosse l'unico papiro a trasmettere il IV libro.²¹ Delattre ha capito che l'insieme delle scorze che trattano della musica provengono da questo rotolo e in una lunga, capillare, ricerca, ha ricomposto l'intero *volumen*, realizzandone una *maquette* che documenta visivamente il percorso compiuto. Il frutto del lungo lavoro è apparso nel 2007, nella collezione Les Belles Lettres: è la prima volta che un'opera di Filodemo è presente nella prestigiosa raccolta.²²

A Richard Janko si deve la ricostruzione e l'edizione dei libri primo,²³ terzo e quarto²⁴ della *Poetica*. Il primo è costituito da scorze; del terzo esi-

¹⁹ *Philodemi De musica librorum quae exstant* ed. I. KEMKE, Lipsiae 1884.

²⁰ D. A. VAN KREVELEN, *Philodemos: De Muziek. Met Vertaling en Commentaar*, Hilversum 1939; Gioia Maria RISPOLI, «Il primo libro del *Περὶ μουσικῆς* di Filodemo», [in:] F. SBORDONE [ed.], *Ricerche sui Papiri Ercolanesi* 1, Napoli 1969, pp. 25–287.

²¹ *Philodemos. Über die Musik IV. Buch [= La Scuola di Epicuro. Collezione di testi ercolanesi diretta da M. GIGANTE IV]*, Napoli 1986.

²² *Philodème de Gadara, Sur la musique, livre IV*, Paris 2007.

²³ *Philodemos, On Poems, Book One*, ed. with introd., transl., and comm. by R. JANKO, Oxford 2000.

²⁴ *Philodemos, On Poems, Books 3–4, with the fragments of Aristotle On Poets*, ed. with introd., transl., and comm. by R. JANKO, with an unpublished edition by Cecilia MANGONI, Oxford 2011.

ste l'originale e una scorza; il quarto è conservato nell'originale. La ricostruzione è pertanto ardua e i risultati sono molto apprezzabili; anche se, soprattutto nel terzo libro, il testo purtroppo è molto deteriorato in diversi punti, si riesce a seguire il discorso di Filodemo nell'alternarsi che gli è proprio di esposizione e confutazione delle concezioni degli avversari. Anche gli editori precedenti avevano intuito che l'ordine e la sistemazione delle parti dovevano essere riconsiderati, rispetto alla condizione degli apografi, ma i tentativi di «razionalizzazione» delle fonti sono molto parziali rispetto ai risultati conseguiti oggi.²⁵

Oggi nessun editore si accinge più a tale compito senza affrontare il problema della ricostruzione del rotolo; se non è possibile individuare scorze distaccate dal *volumen* in questione, ci si preoccupa di determinarne la dimensione originaria, di definirne, per quanto è possibile, la tipologia, di stabilire la corretta successione delle parti, talora alterata nel corso del tempo e delle varie sistemazioni che il *volumen* ha subito. Per questo aspetto, è apparso molto importante negli ultimi anni lo studio dei documenti di archivio conservati nella Officina dei Papiri «Marcello Gigante», soprattutto dei Cataloghi. Il più antico, risalente probabilmente al 1782, conservato presso l'Archivio della Soprintendenza Archeologica di Napoli, si è rivelato di particolare rilievo per determinare le dimensioni originarie dei rotoli e la loro condizione; ha consentito di comprendere che la scorzatura preliminare fu praticata su larga scala, anche molto tempo prima della messa in macchina del *volumen*. Nel 1782, infatti, erano stati svolti solo una piccola parte dei papiri.²⁶ Ma anche dai Cataloghi successivi si sono avute informazioni utili sui tempi dello svolgimento e sulle date dell'operazione, sulla sistemazione dei rotoli nelle varie fasi della vita della Officina, dal Museo di Portici, al Palazzo degli

²⁵ Cf. A. HAUSRATH, «Philodemi *περὶ ποιημάτων* libri secundi quae videntur fragmenta», *Jahrbücher für classische Philologie*, Suppl. 17 (1889), pp. 213-276; F. SBORDONE, *Φιλοδήμου περὶ ποιημάτων Tractatus tres* [= *Ricerche sui Papiri Ercolanesi* 2], Napoli 1976; IDEM, *Sui papiri della Poetica di Filodemo*, Napoli 1983; Maria Luisa NARDELLI, *Due trattati filodemei «Sulla poetica»* [= *Ricerche sui Papiri Ercolanesi* 4], Napoli 1983.

²⁶ D. L. BLANK & Francesca LONGO AURICCHIO, «Inventari antichi dei Papiri Ercolanesi», *CronEcol.* 34 (2004), pp. 39-152.

Studi di Napoli, l'attuale Museo Archeologico, alla sistemazione nella Biblioteca Nazionale.²⁷

Ad esempio, l'analisi della scrittura e lo studio degli Inventari ha consentito a G. Del Mastro e a R. Macfarlane di distinguere, nelle quattro cornici che contengono dodici pezzi sotto il numero *P. Herc.* 1491, un lungo frammento greco (cornice 1), otto frammenti latini (cornici 2, 3, 4) e tre frammenti greci (cornice 4), due dei quali non provengono dallo stesso *volumen* greco da cui proviene il pezzo conservato nella prima cornice. Quindi, sotto il numero 1491, sono conservati frammenti da tre rotoli diversi.²⁸ Anche dall'esame del *P. Herc.* 1589, la cui lettura ha rivelato una testimonianza nuova sugli epicurei Temista e Leonteo, coppia di seguaci lamsaceni di Epicuro, è risultato che nella cornice 4 un pezzo è estraneo per forma e scrittura.²⁹ Nella cornice 1 del *P. Herc.* 1043 è contenuto il pezzo 4 del *P. Herc.* 1045 che va quindi collocato nella cornice 1 di quest'ultimo.³⁰ Per il *P. Herc.* 1010, che contiene un esemplare del secondo libro *Sulla natura* di Epicuro, si sono verificate una ridondanza e un'acquisizione: da un lato, i tre pezzi conservati nella cornice 6 riferita ad esso non gli appartengono e vanno, quindi, esclusi; dall'altro, nelle cornici 1 e 2 del *P. Herc.* 1783, i pezzi 1 e 2, e, nella cornice 1 del *P. Herc.* 1691, i pezzi 3 e 4 sono da riferire al *P. Herc.* 1010 per affinità grafiche, morfologiche e per i dati risultanti dai documenti d'archivio.³¹

²⁷ H. ESSLER, «Bilder von Papyri und Papyri als Bilder», *CronErcol.* 36 (2006), pp. 103-143; IDEM, «Χωρίζειν ἀχώριστα. Über die Anfänge getrennter Aufbewahrung der herkulanischen Papyri», *CronErcol.* 40 (2010), pp. 173-189.

²⁸ R. T. MACFARLANE & G. DEL MASTRO, «Il *P. Herc.* 1491», *CronErcol.* 37 (2007), pp. 111-123.

²⁹ G. DEL MASTRO, «Il *PHerc.* 1589 e una nuova testimonianza su Temista e Leonteo», *CronErcol.* 38 (2008), pp. 221-228.

³⁰ G. DEL MASTRO, «Osservazioni bibliologiche e paleografiche su alcuni papiri ercolanesi», *CronErcol.* 39 (2009), pp. 283-299, sp. pp. 291-292. Cf. ESSLER, «Bilder von Papyri» (cit. n. 27), pp. 127-128.

³¹ G. DEL MASTRO & Giuliana LEONE, «Addenda e subtrahenda al *P. Herc.* 1010», [in:] Agathe ANTONI, G. ARRIGHETTI, Maria Isabella BERTAGNA & D. DELATTRE [edd.], *Miscellanea papyrologica Herculanensia* 1, Pisa 2010, pp. 315-335; cf. anche G. DEL MASTRO, «*PHerc.* 1416, cr. 5: tre pezzi del papiro *Sul tempo* (*P. Herc.* 1413)», *CronErcol.* 41 (2011), pp. 27-32.

Diversi studi sono stati dedicati alla scrittura dei rotoli: ai segni,³² alle *subscriptions*,³³ ai dati bibliologici: anche questi sono sussidi per i futuri editori.

L'ultima edizione di un testo ercolanese apparsa sino ad oggi riguarda il secondo libro dell'opera di Epicuro *Sulla natura* ed è la dimostrazione di come, se si tiene conto di tutti gli aspetti sin qui accennati, si possa progredire nella conoscenza di un testo. Il libro di Epicuro è conservato in due esemplari smembrati in più parti: il *P. Herc.* 1149/993 e il *P. Herc.* 1783/1691/1010. L'esistenza di due copie è, insieme, un aiuto e una difficoltà. Un aiuto perché, data la frammentarietà dei nostri rotoli, la presenza di un altro esemplare può facilitare l'integrazione di lacune nel testimone considerato come testo-base; una difficoltà perché la condizione di incompletezza di cui si diceva può complicare il raffronto e la ricerca delle coincidenze. Inoltre, buona parte del *P. Herc.* 1149 fu donata da Ferdinando IV al Principe di Galles e, pertanto, è conservata presso la British Library, alla quale non è semplice accedere e dove la lettura dell'originale non avviene nelle stesse condizioni di luminosità che si verificano nella sala di lettura della Officina dei Papiri Ercolanesi presso la Biblioteca Nazionale di Napoli. Come molti rotoli ercolanesi, questi che tramandano il secondo libro di Epicuro presentano in larga misura il problema dei cosiddetti sovrapposti e sottoposti, di quelle porzioni di papiro cioè che, in seguito alle operazioni di svolgimento, non si trovano più

³² Allo studio sui segni si attende da molti anni, nell'intento di fornirne un quadro quanto più ampio possibile; segnalo, per tutti, la tesi di laurea (1997-1998) e la dissertazione di dottorato (2002-2003) di G. DEL MASTRO sui segni nei papiri del V e del II libro *Sulla poesia* di Filodemo; IDEM, «La paragraphos nei *P. Herc.* 1425 e 1538», *CronErcol.* 31 (2001), pp. 107-131; i contributi di Tiziana DI MATTEO, G. INDELLI, Laura GIULIANO, Elvira SCOGNAMIGLIO in *CronErcol.* 35 (2005), rispettivamente pp. 119-124; 125-134; 135-159; 161-181; i lavori di Arianna ROMANO, *I segni nel IV libro Della musica di Filodemo (P. Herc. 1497)* [= *Suppl.* 4 a *CronErcol.* 37 (2007)], Napoli 2007, di Mariacristina FIMIANI, «I papiri del IV libro della *Retorica* di Filodemo: segni, correzioni e caratteristiche bibliologiche (*P. Herc.* 1423, 1673/1007 e relative scorze)», *CronErcol.* 42 (2012), pp. 121-188 e di Matilde FIORILLO, «I segni nel *P. Herc.* 1004 (Filodemo, *Retorica* VII)», *CronErcol.* 44 (2014), pp. 81-107.

³³ G. DEL MASTRO, «La *scriptio* del *P. Herc.* 1005 e altri titoli in caratteri distintivi nei Papiri Ercolanesi», *CronErcol.* 32 (2002), pp. 245-256; IDEM, «Osservazioni sulle *subscriptions* dei *P. Herc.* 163 e 209», *CronErcol.* 33 (2003), pp. 323-329. Sulle *subscriptions* ercolanesi ora è apparso il volume di G. DEL MASTRO, *Titoli e annotazioni bibliologiche nei papiri greci di Ercolano* [= *Suppl.* 5 a *CronErcol.* 44 (2014)], Napoli 2014.

nella posizione originaria: possono essere rimaste attaccate alle volute precedenti (sovrapposti) o a quelle successive (sottoposti) e possono avere lo spessore di uno o più strati.³⁴

L'edizione del secondo libro di Epicuro, compiuta da Giuliana Leone,³⁵ partita molti anni fa dalla rigorosa autopsia di tutti i testimoni papiracei superstiti, affiancata in tempi recenti dal confronto con le immagini multispettrali, è fondata sulla ricostruzione, per la prima volta sulla base di tutto il materiale a disposizione, dei rotoli che lo tramandano – di questo testo non sono state sinora individuate scorze – attraverso il procedimento matematico della misurazione delle volute e delle sezioni che le costituiscono, attraverso la considerazione dei dati relativi alla *mise en page* e la ricollocazione delle parti sovrapposte e sottoposte. Il testo, così ricostituito sulla base di entrambi i testimoni tra loro integrati, risulta più solido e ampio rispetto alle pur pregevoli edizioni precedenti e offre un contributo alla soluzione del problema della struttura del trattato: il secondo libro, dopo una parte iniziale dedicata a problemi di cosmogonia, trattava per circa quattro quinti la dottrina delle immagini, discussa nei suoi caratteri generali e in alcuni aspetti particolari che dovettero costituire oggetto di una inveterata polemica con avversari identificati dalla Leone come appartenenti alla scuola peripatetica; inoltre, grazie alle nuove letture e alla continuità del testo ricostruito, si riesce a dare una più fondata interpretazione di alcuni termini tecnici del lessico di Epicuro, come, ad esempio, è il caso del sostantivo *συλλήψεις*, la cui esegesi è stata lungamente discussa dalla critica e che la Leone propone di intendere come la «contrazione» a cui l'immagine, secondo Epicuro e diversamente da quanto i suoi avversari imputavano alla dottrina atomistica della visione, non va soggetta per natura, ma solo nel caso in cui si incontri con un ostacolo solido; o il caso del gruppo semantico *ἔξωθεν/ἔξωτικόν/ἔξωσις*,

³⁴ Cf. CAPASSO, *Manuale* (cit. n. 9), pp. 230–231. La risistemazione di queste parti segue una regola precisa, individuata molti anni fa da Maria Luisa NARDELLI, «Ripristino topografico di sovrapposti e sottoposti in alcuni papiri ercolanesi», *CronErcol.* 3 (1973), pp. 104–115. Il sovrapposto va ricollocato due sezioni dopo, il sottoposto due sezioni prima.

³⁵ *Epicuro, Sulla natura, libro II* [= *La Scuola di Epicuro. Collezione di testi ercolanesi* fondata da M. GIGANTE e diretta da G. ARRIGHETTI e Francesca LONGO AURICCHIO, 18], Napoli 2012.

che si riferisce, secondo quanto la Leone ha potuto dedurre dalle nuove letture, all'azione di «spinta» che le immagini imprimono all'aria o ai corpi che incontrano, non a una spinta che esse subirebbero o che eserciterebbero reciprocamente. Come nel caso del libro *Sulla musica*, l'edizione è accompagnata da un CD con le immagini multispettrali degli originali, le fotografie degli apografi e le *maquettes* dei due rotoli, che permettono di seguire le fasi della ricostruzione e di verificare i risultati raggiunti, riuniti in una versione virtuale unificata del testo, presente anch'essa nel CD.

Ho accennato, a proposito dell'edizione epicurea, alle immagini multispettrali. L'impiego delle immagini multispettrali nello studio dei papiri ercolanesi è un'altra tappa fondamentale degli ultimi anni.

La riproduzione di tutti i papiri svolti che si deve alla capacità e alla generosità della Brigham Young University di Provo, Utah, e alla tenacia di Marcello Gigante, che ha sostenuto la Direzione della Biblioteca Nazionale di Napoli nella realizzazione di questa impresa, ha cambiato il nostro approccio alla lettura dei papiri. Fermo restando che sinora nessuna riproduzione elimina la necessità del controllo autoptico degli originali, le foto rappresentano un progresso enorme nella possibilità di leggere i rotoli carbonizzati, non solo perché consentono agli studiosi la visione del testo su un normale computer con un normale programma di lettura, non solo perché contribuiscono ad una migliore conservazione degli originali giacché ne limitano la consultazione, ma anche e, soprattutto, perché, in molti casi, consentono di decifrare testi che, a occhio nudo o anche con i microscopi elettronici ad illuminazione che generalmente usiamo, non rivelano tracce di scrittura.³⁶

È il caso, ad esempio, dei *P. Herc.* 1570 e 1384.

Se si consulta il *Catalogo dei Papiri Ercolanesi* del 1979, si legge che, delle cinque cornici in cui sono distribuiti i sei pezzi in cui è suddiviso il *P. Herc.* 1570, le prime due sono «poco leggibili», le ultime tre sono «illeggibili» e che lo stato di conservazione è «cattivo». Il papiro risultava allora del tutto inedito e ne erano stati realizzati solo cinque disegni all'inizio del Novecento. Bassi, in un articolo sui papiri inediti, lo menziona appena e

³⁶ S. W. BOORAS & D. R. SEELY, «Multispectral imaging of the Herculaneum papyri», *CronErcol.* 29 (1999), pp. 95-100.

mostra di seguire l'ipotesi del Crönert, che proponeva di ritenerlo un libro di contenuto teologico.³⁷ Dalle immagini multispettrali sono emerse una ventina di colonne, di cui una buona parte sono ben leggibili. Il *volumen* è stato analizzato dal punto di vista bibliologico e paleografico da Joseph Ponczoch,³⁸ che ha poi pubblicato, in felice collaborazione con David Armstrong, le coll. VI–XX del testo.³⁹ Si tratta probabilmente di un libro di Filodemo *Sulla ricchezza* che, nella col. VI, offre una parafrasi del fr. B III di Empedocle. Il testo lascia intendere che, all'epoca di Filodemo e anche precedentemente, il testo di Empedocle era discusso e che la soluzione proposta dal filosofo di Agrigento, forse in forma allegorica, che la scienza della natura è dotata di poteri miracolosi sulle tempeste e la bonaccia, sulla vita e sulla morte, suscitano la perplessità perfino di Filodemo. Nelle coll. XI e XII, in un'altra parafrasi, Gorgia e Cleeneto, i due personaggi del *Γεωργός* di Menandro, discutono della povertà e sembra che Epicuro critichi il biasimo che Menandro rivolge alla povertà, argomentando a favore del fatto che essa è facilmente sopportabile (coll. XII–XIII); inoltre, sembra apparire una distinzione tra ciò che è facile da ottenere, *εὐπόριστον*, e ciò che è *οὐ δύσποριστον*, non difficile da ottenere (coll. XVI–XIX). Gli autori rilevano che si tratta di una distinzione che non è attestata in altri testi epicurei e suppongono che essa risalga a Epicuro stesso o a qualche altro autore epicureo, più antico di Filodemo. È un libro molto interessante, che dovrebbe suscitare un certo dibattito, come ha affermato anche Dirk Obbink nella relazione tenuta in questo Congresso.

³⁷ W. CRÖNERT, *Kolotes und Mendemos*, Leipzig 1906, Amsterdam 1965, p. 113, n. 512: «beser erhalten [rispetto a *P. Herc.* 1049] ist 1570, aber hier kann man die verlaßte Schrift kaum lesen»; D. BASSI, «Frammenti inediti di opere di Filodemo (περὶ μουσικῆς – περὶ θεῶν? – περὶ ῥητορικῆς) in papiri ercolanesi», *Rivista di filologia e di istruzione classica* 38 (1910), p. 328. Nel lavoro di BASSI, «Papiri ercolanesi disegnati», *Rivista di filologia e di istruzione classica* 41 (1913), p. 460, il papiro è solo nominato.

³⁸ «*P. Herc.* 1570: a *Treatise on Poverty and Wealth*», *CronErcol.* 39 (2009), pp. 141–159.

³⁹ «[Philodemus] *On Wealth* (*PHerc.* 1570 Cols. VI–XX, Pcc. 4–6A): New fragments of Empedocles, Menander, and Epicurus», *CronErcol.* 41 (2011), pp. 97–138. Gli editori hanno successivamente accolto, per la col. VI, proposte di supplementi da parte di D. SEDLEY, ottenendo un testo più completo e plausibile, cf. D. ARMSTRONG & J. A. PONCZOCH, «Empedocles and Philodemus in *P. Herc.* 1570, col. VI 9–19», *CronErcol.* 43 (2013), pp. 113–115.

Analogamente, il *P. Herc.* 1384, che consta di tredici pezzi, conservati in cinque cornici, è definito, nel *Catalogo* del 1979, «poco leggibile», e lo stato di conservazione «non intero, cattivo». Del testo esistono quindici disegni che sono pubblicati nel vol. XI della cosiddetta *Herculanensium Voluminum quae supersunt Collectio Altera*, pp. 52–66. Un solo frammento, il fr. 5, è stato pubblicato da F. Sbordone nel 1965.⁴⁰ Crönert aveva suggerito che il tema trattato nel libro fosse l'amore,⁴¹ e presuppone che si tratti di un libro filodemeo intitolato *Περὶ ἔρωτος*, titolo che, insieme a un libro *Περὶ κάλλους*, viene ricordato nel *P. Herc.* 1457, che contiene un libro di Filodemo dedicato ai vizi affini all'adulazione.⁴² Lo studioso tedesco auspicava di poter approfondire lo studio di questo libro, ma il suo intento non si concretizzò e, fino all'inizio di questo secolo, l'intervento di Sbordone rimase isolato. L'impiego delle immagini multispettrali ha consentito a Agathe Antoni di ricavare la parte superiore di 51 colonne di un testo che presenta interessanti citazioni di Euripide,⁴³ Solone,⁴⁴ Esiodo⁴⁵ e nel quale sono nominati anche Ibico e, forse, Sofrone (in contesti frammentari).⁴⁶ Secondo la chiave di lettura dell'editrice, i temi trattati sembrano essere comportamenti e passioni umani: dall'ubriachezza, alla follia, all'amore, alla politica. È lodata la figura del sapiente esente da ogni eccesso: la follia, il delirio, l'ubriachezza, l'amore incontrollato; egli è dotato, sembra, di lucidità e temperanza e di equilibrio nel comportamento in politica, è connotato dal rifiuto dell'inganno (al contrario di Ulisse), da austerità, abnegazione, dedizione; il saggio parteciperà alla vita

⁴⁰ F. SBORDONE, «Nuovi frammenti di papiri ercolanesi», *Par. Pass.* 103 (1965), pp. 308–312, sp. pp. 311–312.

⁴¹ CRÖNERT, *Kolotes und Menedemos* (cit. n. 37), p. 35, n. 183.

⁴² Col. XI (fr. 23), 35 BASSI (*Papiri Ercolanesi* I, Milano 1914, p. 17); R. PHILIPPSON, s.v. «Philodemos (5)», *RE* XIX (1938), col. 2473. Philippson e Sbordone accolgono la proposta del Crönert che il *P. Herc.* 1384 contenga un libro filodemeo che tratta dell'amore. Cf. anche TH. GOMPERZ, «Kritische Bemerkungen», *Wiener Studien* 2 (1880), pp. 7–9, che per primo ha individuato nel testo una citazione di Solone.

⁴³ Coll. V–VI, Fab. inc. fr. 1052, 5, 6–8 KANNICHT; col. XXXII, *Philoctetes* fr. 788–789 KANNICHT.

⁴⁴ Col. A, fr. 26, 1–2 West (= 24 Gentili–Prato).

⁴⁵ Col. I, Hes., *op. et dies* 293, 295.

⁴⁶ Agathe ANTONI, «Le *PHerc.* 1384: édition critique», *CronErcol.* 42 (2012), pp. 17–94.

politica, ma non sarà questa la sua sola ragione di vita. Alla fine del testo sembra emergere l'intento paideutico, che forse è alla base dello scritto: il sapiente deve essere l'educatore dei giovani e solo a tal fine val la pena scrivere opere etiche e politiche. I giovani devono essere istruiti dai maestri, non possono, come sostiene Esiodo, raggiungere l'eccellenza senza una guida.

Per una serie di motivi spiegati nell'Introduzione: procedimenti argomentativi diversi da quelli filodemei, assenza di vigore polemico, assenza di riferimenti al Giardino e al suo fondatore, abbondanza di citazioni, lessico più vicino a contesti stoici che epicurei, la Antoni propende per l'attribuzione a un autore stoico, possibilmente a Crisippo una cui citazione è stata ravvisata nel testo da Dorival e dalla Antoni.⁴⁷ Anche questo è un libro interessante e sugli spunti che offre si potrà lavorare ancora, oltre che sul testo che potrà ulteriormente progredire.

A considerazioni analoghe portano le immagini del *P. Herc.* 1004, uno dei testimoni principali dell'opera *Sulla retorica* di cui tramanda il libro VII. La decifrazione di questo *volumen* era resa difficile dalla scrittura molto sbiadita; grazie alle foto, la leggibilità è sensibilmente migliorata e ora il contrasto tra scrittura e supporto è ben netto e evidente. I risultati sono stati in buona parte messi a frutto da Margherita Erbì che ha rivisto diverse colonne,⁴⁸ di cui ha potuto migliorare il testo e fornire una più compiuta e convincente esegesi.

⁴⁷ SVF III 694, 26-29; Agathe ANTONI & G. DORIVAL, «Il *PHerc.* 1384: una nuova ipotesi di attribuzione», *CronErcol.* 37 (2007), pp. 103-110. Un frammento proveniente dal *De divinatione* di Crisippo, citato da Filodemo nel III libro *De dis* è presentato in una nuova edizione da H. ESSLER, «Zum Fragment aus Chrysipps *De divinatione* (*P. Herc.* 152/157, Kol. 7, 26 - Kol. 8, 5)», *CronErcol.* 44 (2014), pp. 117-128.

⁴⁸ All'incirca da col. L a col. LXX; si vedano gli articoli apparsi su *CronErcol.* dal 2008 al 2012: «Demostene nella *Retorica* di Filodemo: l'immagine del ῥήτωρ ἔμπρακτος», 38 (2008), pp. 193-219; «Il retore e la città nella polemica di Filodemo verso Diogene di Babilonia (*P. Herc.* 1004, coll. 64-70)», 39 (2009), pp. 119-140; «Eraclito e l'inganno della retorica in Filodemo (*P. Herc.* 1004, coll. 57-63)», 40 (2010), pp. 65-74; «Il sapiente e il retore in Filodemo, *Retorica* VII (*P. Herc.* 1004, col. 50)», 42 (2012), pp. 189-192. Cf. anche «Una citazione della *Medea* di Euripide in Filodemo», [in:] *Miscellanea papyrologica* (cit. n. 31), pp. 147-161; «Nuove letture in *P. Herc.* 1004 col. 58», *PapCongr.* xxvi, pp. 205-211. Che nella *subscriptio* si legga il numero sette è stato visto per la prima volta da G. DEL MASTRO, «Il *PHerc.* 1004: Filodemo, *De rhetorica* VII», *ZPE* 182 (2012), pp. 131-133.

La ricostruzione del rotolo, l'analisi bibliologica e paleografica, l'impiego delle immagini multispettrali e della documentazione d'archivio sono, quindi, le tappe ineludibili per gli editori di testi ercolanesi e molto lavoro rimane ancora da fare in questa direzione.

Per rendere più chiare e fruibili le nuove edizioni è necessario anche concordare le norme ecdotiche, uniformare i segni impiegati. Manca attualmente un sistema impiegato da tutti e si ha l'impressione che ciascun editore segua criteri personali, il che rende la fruizione del lavoro ardua e, talora, soggetta a ambiguità. In alcuni casi, i testi ercolanesi presentano problemi diversi dai papiri greco-egizi e bisogna cercare di risolverli in una direzione univoca. Un primo passo è stato compiuto nella riunione del gruppo TELEPHE che si è tenuta a Varsavia ed è auspicabile che si arrivi quanto prima a una conclusione concordata, per garantire chiarezza e esattezza ai testi e agli apparati.

Un sussidio importante, la creazione di un *THV* (*Thesaurus Herculaneus Voluminum*), che sostituisca il prezioso, ma ormai datato *Lexicon Philodemeum* di Vooijs – van Krevelen,⁴⁹ è stato ideato e avviato a Napoli, con la collaborazione della Università di Würzburg; attualmente è in corso di realizzazione un portale che conterrà i testi letterari su papiro e includerà anche i papiri ercolanesi. Ci si augura che uno strumento del genere, sulla cui portata e importanza è inutile spendere parole, veda la luce al più presto.

Nell'attesa che nuovi scavi nella Villa dei Papiri a Ercolano rivelino altri testi sfuggiti all'esplorazione settecentesca, la sfida più importante che ci si presenta oggi è l'approccio ai *volumina* ancora non svolti. Le sedute di svolgimento con il metodo creato e applicato dall'*équipe* norvegese guidata da Knut Kleve e dal compianto Brynjulf Fosse che hanno aperto innumerevoli papiri – ricordo in particolare l'ormai noto *P. Herc. Paris. 2* nel quale si ha la conferma dei rapporti tra Filodemo e i poeti della cerchia augustea⁵⁰ sono sospese nella convinzione che si è venuta affer-

⁴⁹ *Lexicon Philodemeum* I, Purmerend 1934, II, Amsterdam 1941.

⁵⁰ M. GIGANTE & M. CAPASSO, «Il ritorno di Virgilio a Ercolano», *Studi Italiani di Filologia Classica*, ser. III, 7 (1989), pp. 3–6; D. DELATTRE, «Le retour du Papyrus d'Herculanum de Paris 2 à l'Institut de France: un rouleau épicurien inédit en 279 fragments», *CRAI* 148 (2004), pp. 1351–1391. Un resoconto sulla storia dei papiri ercolanesi conservati a Parigi è

mando negli ultimi anni che sia più opportuno esperire la via di una lettura senza aprire i rotoli. I primi esperimenti si devono alla lungimiranza e alla disponibilità dell'Institut de France e della sua Biblioteca, che ha permesso gli esperimenti compiuti tra il 2007 e il 2009, e alla collaborazione tra Brent Seales e Daniel Delattre.⁵¹ I risultati sono incoraggianti, ma ancora non decisivi. L'Institut de France ha concesso una nuova autorizzazione nel novembre 2013 per esperire nuove vie di lettura mediante l'impiego dei raggi-x. L'esperimento ha avuto luogo nel dicembre 2013 a Grenoble presso l'ESRF-The European Synchrotron sul *P. Herc. Paris. 4* e ha consentito di leggere alcune sequenze di lettere greche.⁵² Attraverso nuove sinergie sembra possibile compiere ulteriori e più significativi progressi.

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offerto da D. DELATTRE, «Cronistoria dei papiri ercolanesi conservati a Parigi (1802–2012)», *CronErcol.* 44 (2014), pp. 129–144.

⁵¹ W. B. SEALES & D. DELATTRE, «Virtual unrolling of carbonized Herculaneum scrolls: research status (2007–2012)», *CronErcol.* 43 (2013), pp. 191–208.

⁵² Cf. V. MOCELLA, E. BRUN, C. FERRERO & D. DELATTRE, «Revealing letters in rolled Herculaneum papyri by x-ray phase-contrast imaging», *Nature Communications* 20 Jan. 2015, pp. 1–6.



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Józef Méléze Modrzejewski

MODÈLES CLASSIQUES DES LOIS PTOLÉMAÏQUES

L'ÉGYPTE PTOLÉMAÏQUE OFFRE à l'historien du droit un passionnant exemple de pluralisme juridique. La survie du droit national des Égyptiens, soutenue par la monarchie, coïncide avec l'extension en Égypte de règles et pratiques juridiques d'origine grecque, importées par les immigrants gréco-macédoniens. Cette concomitance produira-t-elle un amalgame, un droit « mixte » gréco-égyptien, ou bien pourrons-nous observer, selon l'opinion aujourd'hui dominante, la juxtaposition de deux expériences évoluant chacune selon sa logique propre avec un minimum de contacts et d'échanges? Voici un vieux débat qui stimule toujours la sagacité des papyrologues. Il ne saurait être question de le reprendre ici sous tous ses aspects.¹ Je vais concentrer mon attention sur une première question qui se pose à ce propos : quels sont les modèles des textes normatifs grecs d'époque ptolémaïque qui nous sont parvenus grâce à la documentation papyrologique?

¹ Voir, p. ex., ma contribution au M. GAGARIN & D. COHEN (ed.), *Cambridge Companion to Ancient Greek Law*, Cambridge – New York 2005, p. 343–354 : « Greek law in the Hellenistic period: Family and Marriage ». Je reviens plus amplement sur ce sujet dans mon livre *Loi et coutume dans l'Égypte grecque et romaine* [= *Journal of Juristic Papyrology, Supplement* XXII], Varsovie 2014.

Lorsqu'ils abordent le thème du pluralisme, les papyrologues fixent généralement leur attention sur les documents de la pratique. Ceux-ci permettent en effet de mesurer autant la vitalité du droit égyptien après la conquête macédonienne que l'ampleur de la *koïnè* juridique grecque qui pénètre en Égypte à la suite de cette conquête. Ils sont nombreux et éloquents. Il n'en va pas de même pour les textes normatifs. Quand ils viennent en Égypte sur les traces d'Alexandre le Grand, les immigrants grecs n'apportent pas avec eux les textes de lois de leurs patries d'origine : la seule loi qui a été importée en Égypte après la conquête macédonienne n'est pas une loi grecque mais la Loi juive – la Tora de Moïse qui, dans sa version grecque, la Septante, deviendra la « loi civique » des Juifs d'Égypte.² L'étude des clauses documentaires suggère en revanche l'importation de formulaires pour la rédaction d'actes nécessaires pour le commerce et pour l'organisation de la vie familiale.³

² Voir mon article « La Septante comme *nomos*. Comment la Tora est devenue une « loi civique » pour les Juifs d'Égypte », *Annali di scienze religiose* 2 (1997), p. 143–158 (= « Un peuple de philosophes », Paris 2011, p. 193–215) ; version anglaise : « The Septuagint as *Nomos*: how the *Torah* became a “civic law” for the Jews of Egypt », [dans :] J. W. CAIRNS & Olivia F. ROBINSON (éd.), *Critical Studies in Ancient Law, Comparative Law and Legal History. Essays in Honour of Alan Watson*, Oxford 2001, p. 183–199.

³ Le rôle des formulaires notariaux dans la diffusion du droit grec en Égypte paraît essentiel, malgré les doutes qu'on a pu annoncer à ce propos : voir F. PRINGSHEIM, *Ausbreitung und Einfluss des griechischen Rechts* [= *Sitz.-Ber. d. Heidelb. Akad. d. Wiss.*, phil.-hist. Kl., Jhg. 1952, 1. Abh.], Heidelberg 1952 (= E. BERNEKER [éd.], *Zur griechischen Rechtsgeschichte*, Darmstadt 1968, p. 58–76), p. 11 et suiv. En revanche, pour M. FINLEY, « The problem of unity of Greek law », [dans :] *La storia del diritto nel quadro delle scienze storiche*, Florence 1966, p. 129–142, partic. p. 142 : les notaires grecs auraient été « inventés » (le mot est de Finley) par les savants modernes ; le notaire hellénistique serait le « descendant direct » du scribe oriental. Il y a une grande part d'exagération dans cette critique. Le notaire hellénistique, rédacteur d'actes juridiques, est le continuateur de traditions grecques, véhiculées, dès les premiers documents ptolémaïques, par l'emploi de formulaires importés des cités anciennes ; l'activité du scribe local s'inscrit dans une tradition différente, ce qui n'empêche pas les Égyptiens d'exercer leurs talents de scribe dans l'agoranomie grecque, comme l'a montré P. W. PESTMAN, « A proposito dei documenti di Pathyris, 1 », *Aegyptus* 43 (1963), p. 10–14, partic. p. 11, et « Lagoranomie : un avant-poste de l'administration grecque enlevé par les Égyptiens ? », [dans :] H. MAEHLER & V. M. STROCKA (éd.), *Das ptolemäische Ägypten. Akten des internationalen Symposions*, Mayence 1978, p. 203–210.

Les pionniers de la papyrologie apercevaient dans la diffusion du droit grec en Égypte un cas de « réception ». ⁴ La tendance actuelle est de parler d'« emprunts » ou de « transferts ». ⁵ Quelle que soit la terminologie adoptée, on peut considérer comme acquis quelques points essentiels. Ainsi, il paraît aujourd'hui certain que les changements qui s'opèrent dans la pratique des immigrants hellénophones suivent leur propre mouvement, dans lequel l'influence de l'environnement égyptien peut tout au plus jouer un rôle d'accélérateur, mais non pas de source d'inspiration. Plutôt que de créer un droit nouveau, ces changements consistent à puiser dans un héritage disponible et, souvent, à promouvoir au rang d'institutions généralisées des pratiques autrefois secondaires et marginales; le droit familial et le régime dotal fournissent à cet égard d'excellentes illustrations. ⁶

Pour les textes normatifs, des incertitudes prévalent. À défaut de témoignages directs, des modèles tirés de l'expérience de la Grèce classique sont cependant perceptibles dans les textes normatifs émanés de la chancellerie royale et élaborés au sein des organes qui régissent la vie civique des cités grecques d'Égypte, Alexandrie et Ptolémaïs. ⁷ L'enquête peut se déployer dans trois directions: axe Athènes-Alexandrie; organisation judiciaire des Lagides; protection légale de l'identité personnelle.

⁴ Ainsi L. MITTEIS, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs*, Leipzig 1891, p. 54 sq. : « Reception des griechischen Rechts » ; R. TAUBENSCHLAG, « Die Geschichte der Rezeption des griechischen Privatrechts in Ägypten », *PapCongr.* IV, p. 259-281 (= *Opera minora* I, p. 573-600).

⁵ J'indique des détails à ce sujet dans ma thèse *Loi et coutume* (ci-dessus, n. 1).

⁶ Cf. *Loi et coutume* (ci-dessus, n. 1), § 8 : « Les continuités grecques ».

⁷ Naukratis, établissement grec dans le Delta antérieur à la conquête d'Alexandre, n'entre pas en ligne de compte pour l'Égypte ptolémaïque : il faut attendre l'époque des Antonins pour apprendre que ses lois ont servi de modèle à la législation d'Antinooupolis, fondation d'Hadrien. C'est ce qu'on lit dans un compte rendu de séance du conseil d'Antinooupolis (2^e moitié du 1^{er} siècle av. n. è.), *WChbr.* 27 v^o (publié pour la première fois par SEYMOUR DE RICCI, *CRAI* 1905, Paris 1905, p. 160 et suiv.), lignes 21-23 : ... *Ναυκρα[[τι]]τεῖται, ὧν τοῖς νόμοις χρώμεθα.*

1. D'ATHÈNES À ALEXANDRIE

Peut-on dire que «le droit grec en Égypte provient du droit athénien, comme la langue commune, la *koinè*, provient du dialecte attique»? C'est la conclusion que le traité de notre regretté maître Raphaël Taubenschlag inspira à son collègue grec Georgios Petropoulos.⁸ Conclusion discutable, car si l'origine ionienne-attique de la langue commune paraît aujourd'hui certaine, il n'en va pas de même pour la «*koiné* juridique» dont nous ne pouvons pas indiquer les sources avec la même certitude que nous le faisons pour la langue.⁹

Pour justifier le parallèle qui suppose pour le droit alexandrin une origine attique, comme c'est le cas de la langue commune qu'il utilise, on invoque un fragment des *Acta Alexandrinorum* (*Acta Athenodori*) où nous lisons une discussion entre un empereur romain, très probablement Hadrien, et les membres d'une ambassade composée de Grecs d'Alexandrie et d'Athéniens. À la question de l'empereur : «est-il vrai que les Athéniens et les Alexandrins utilisent les mêmes lois?» l'Alexandrin Athénodôros, à qui s'adresse cette question, répond par l'affirmative;¹⁰ il vante la vertu des lois en question qui, «tout en étant plus fermes que toutes les lois», auraient «la modération de la philanthropie».¹¹ Mais il est difficile de tirer de cette discussion une conclusion générale; il pourrait s'agir d'une hyperbole ou d'une coïncidence partielle, sur un point précis.¹²

En faveur de la parenté des lois athéniennes et alexandrines pourraient plaider aussi les *Dikaiômata* du *P. Hal.* I confrontés avec un fragment de

⁸ G. PETROPOULOS, compte rendu de R. TAUBENSCHLAG, *The Law of Greco-Roman Egypt in the Light of the Papyri, 332 BC-640 AD*, New York 1944 (1^{ère} éd.), *Bibl. Orient.* 5 (1948), p. 90-93.

⁹ L. GERNET, «Introduction à l'étude du droit grec ancien», *AHDO* 2 (1938), p. 261-292, particulièrement p. 278.

¹⁰ *P. Oxy.* XVII 2177, l. 12-15: τοὺς γὰρ αὐτοῖς νόμοις χρῶνται Ἀθηναῖοι καὶ Ἀλεξανδρεῖς; Commentaires de H. A. MUSURILLO, *The Acts of the Pagan Martyrs*, Oxford 1954, n° x, p. 196-201, et de Chris RODRIGUEZ, *Acta Alexandrinorum*, Diplôme de l'École pratique des Hautes Études, Paris 2010, p. 378 sq. (à paraître).

¹¹ *P. Oxy.* XVII 2177, l. 15-18. J'utilise la traduction de Chris Rodriguez dans son édition des *Acta Alexandrinorum* citée à la note précédente, p. 365 sq., 371.

¹² En matière d'*hybris*, d'après F. PRINGSHEIM, *The Greek Law of Sale*, Weimar 1950, p. 8, n. 1.

Gaius au *Digeste* de Justinien. Un νόμος πολιτικός d'Alexandrie reproduit dans le P. Halensis contient des dispositions qu'on retrouve, à quelques détails près, dans une loi «sur les distances» rapportée par le juriste romain comme étant une loi de Solon.¹³ Ce témoignage n'est cependant

¹³ P. Hal. I, l. 79-99: ἐκ τοῦ πολιτικοῦ νόμο[υ] | φυτ[εύσ]εως καὶ οἰκοδομ[ί]ας καὶ β[αθ]υρορ[υ]γῆς - ca.?- | | [ἐάν τις] δ' ὀρύνην |[παρὰ] ἀλλότριον χω|[ρίον οἰ]κοδομή, τὸν | [ὄρον μὴ [π]αραφαινέτω. |ἐ[ὰν δ]ὲ τειχίον ἢ οἰκ[ημα] ἔξω τοῦ ἄστ[ε]ω[s],| ἐ[ὰ]μ μὲν τει- χ[ί]ον, πόδα (...) |⁹⁵[ἀπολείπεται, ἐὰν δὲ οἰκημα],| δύο πόδας· [ἐ]ὰν δὲ ἐντὸς τοῦ ἄστεως οἰκοδομ[ή]]θω[] - ca. 23 -] τῶν ἀναλισκ[ο]μένων ἢ ἀπολείπεται τὸ ἤμισυ ὧν γέγραπ[τ]αι | [ἀπολείπει τοὺς ἔξω τοῦ] ἄστεως οἰκοδομοῦντας. ἐὰν δὲ τάφρον ὀρύσσει ἢ [βόθρον ὀρύσσει, | [ὄσον ἂν τὸ βάθος ἦ, τοσοῦτον ἀπολείπει, ἐὰν δὲ φρέαρ, ὀργάν, ἐλαίαν δὲ καὶ [συκὴν φυτεύοντ]α| ἐ[ν]νέα πόδας φυτεύει ἀπὸ τοῦ ἀλλ[ο]τρίου, τ[ὰ] δ' ἄλλα δένδρα πέντε [πό]δας κτλ. - « Extrait de la loi concernant les citoyens. Sur les plantations, les constructions et les fouilles. Si quelqu'un construit une clôture auprès du terrain d'autrui, qu'il ne dépasse pas la limite ; s'il bâtit un mur d'enclos ou une maison en dehors de la ville, qu'il observe la distance d'un pied si c'est un mur, et de deux pieds si c'est une maison ; s'il bâtit à l'intérieur de la ville, il doit, soit (...) le coût de la construction, soit observer la moitié des distances qui sont prescrites pour ceux qui construisent en dehors de la ville. S'il y creuse une fosse ou une fosse, autant d'espace qu'il y aura de profondeur ; s'il y creuse un puits, il laissera la distance d'un pas ; s'il plante un olivier ou un figuier, il laissera neuf pieds de distance du terrain d'autrui, et pour les autres arbres cinq pieds. » - Gaius 4 *adl.* XII *tab.* (D. IO.I.13) : « Sciendum est in actione finium regundorum illud observandum esse, quod ad exemplum quodammodo eius legis scriptum est, quam Athenis Solonem dicitur tulisse : nam illuc ita est : ἐάν τις αἰμασιάν παρ' ἀλλοτρίω χωρίω ὄρύνην, τὸν ὄρον μὴ παραβαίνειν· ἐὰν τειχίον πόδα ἀπολείπειν, ἐὰν δὲ οἰκημα, δύο πόδας. ἐὰν δὲ τάφρον ἢ βόθρον ὀρύττη, ὅσον ἂν τὸ βάθος ἦ, τοσοῦτον ἀπολείπειν· ἐὰν δὲ φρέαρ, ὀργυιάν· ἐλαίαν δὲ καὶ συκὴν ἐννέα πόδας ἀπὸ τοῦ ἀλλοτρίου φυτεύειν, τὰ δὲ ἄλλα δένδρα πέντε πόδας » - « Il faut savoir que dans l'action en bornage on doit observer cette règle, qui est prescrite en quelque sorte selon l'exemple d'une loi que Solon porta à Athènes ; il y est dit ceci : Si quelqu'un plante une haie auprès du terrain de son voisin, qu'il ne passe pas les limites qui séparent les deux terres ; s'il y élève un mur d'enclos, qu'il laisse un pied de distance, s'il y bâtit une maison, deux pieds ; s'il y creuse une tombe ou une fosse, autant d'espace qu'il y aura de profondeur ; s'il y creuse un puits, il laissera la distance d'un pas ; s'il plante un olivier ou un figuier, il laissera neuf pieds de distance, et pour les autres arbres cinq pieds ».

Voir GRAECA HALENSIS, *Dikaionata*, p. 65 sq. ; U. E. PAOLI, « La loi de Solon sur les distances », *RHD* 27 (1949), p. 505-517 ; IDEM, « Digesto IO, I, 13 », [dans :] *Atti del Congresso internazionale di diritto romano e di storia di diritto (Verone 1948)* I, Milano 1953, p. 121-131 ; cf. « Le fonti del diritto attico », [dans :] *Altri studi di diritto greco e romano*, Milan 1976, p. 166-167. Voir aussi R. TAUBENSCHLAG, *Law*² p. 252-253 et n. 14, et E. SEIDL, *Ptolemäische Rechtsgeschichte*, Glückstadt - Hamburg - New York 1962 (2^e éd.), p. 1 et n. 3

pas plus sûr que celui des *Acta Athenodori* qu'il est censé corroborer. À l'époque de Gaius, au 11^e siècle de n. è., les *kyrbeis*, colonnes tournantes qui portaient le texte des lois de Solon, n'étaient plus visibles à Athènes. Sans doute la loi athénienne sur les distances n'était-elle pas pour autant oubliée : contemporain crédible de Gaius, Plutarque la mentionne dans sa « Vie de Solon ». ¹⁴ Si Plutarque la connaît, pourquoi pas Gaius ? Mais Athènes n'a pas le monopole dans ce domaine. Déjà Platon signalait que les lois sur les distances étaient nombreuses en Grèce et conseillait d'utiliser la législation existante de manière à épargner au législateur la peine de régler une fois de plus cette matière à la portée du premier décideur venu. ¹⁵

Le témoignage de Platon nous est précieux, car à l'idée d'un emprunt possible il associe le caractère panhellénique de la législation en question. Gaius pouvait donc citer une quelconque loi grecque et l'attribuer à Solon, législateur grec par excellence. Il n'est pas impossible qu'il ait eu devant lui la loi alexandrine. Des textes normatifs grecs d'époque ptolémaïque

¹⁴ Plutarque, *Solon* 23, 5-6 : ὤρισε δὲ καὶ φυτειῶν μέτρα μάλ' ἐμπείρως, τοὺς μὲν ἄλλο τι φυτεύοντας ἐν ἀγρῷ πέντε πόδας ἀπέχειν τοῦ γείτονος κελύσσας, τοὺς δὲ συκὴν ἢ ἐλαίαν ἐννέα. πορρωτέρω γὰρ ἐξικνεῖται ταῦτα ταῖς ῥίζαις, καὶ οὐ πᾶσι γεινιῶ τοῖς φυτοῖς ἀσινῶς, ἀλλὰ καὶ τροφήν παραιρεῖται καὶ βλάπτουσιν ἐνίοις ἀπορροήν ἀφίησι. βόθρους δὲ καὶ τάφρους τὸν βουλόμενον ἐκέλευσεν ὀρύσσειν, ὅσον ἐμβάλλει βάθος, ἀφιστάμενον μῆκος τάλλοτριον· καὶ μελισσῶν σμήνη καθιστάμενον ἀπέχειν τῶν ὑφ' ἐτέρου πρότερον ἰδρυμένων πόδας τριακοσίου. — « Il régla aussi avec intelligence les distances qu'il faudrait observer dans les plantations. Les arbres ordinaires devaient être à cinq pieds du champ voisin, et à neuf si c'était un figuier ou un olivier, arbres qui poussent très loin leurs racines et dont le voisinage ne convient pas à toutes les plantes ; il y en a dont ils absorbent la nourriture, et d'autres à qui leurs émanations sont nuisibles. Il ordonna de creuser les fossés à autant de distance des fonds voisins que ces fossés auraient de profondeur, et que les nouvelles ruches qu'on établirait fussent à trois cents pieds de celles qu'un autre aurait déjà placées. », cf. E. RUSCHENBUSCH, *Solonos Nomoi*, Wiesbaden 1966, p. 90-91, fr. 60a-c.

¹⁵ Platon, *Lois* VIII 843e-844a : καὶ ἐὰν φυτεύων μὴ ἀπολείπη τὸ μέτρον τῶν τοῦ γείτονος χωρίων, καθάπερ εἴρηται καὶ πολλοῖς νομοθέταις ἰκανῶς, ἂν τοῖς νόμοις χρῆ προσχρησθῆαι καὶ μὴ πάντα ἀξιοῦν, πολλὰ καὶ μικρὰ καὶ τοῦ ἐπιτυχόντος νομοθέτου γιγνώμενα, τὸν μεῖζω [844a] πόλεως κοσμητὴν νομοθετεῖν — « Si quelqu'un, en plantant, ne laisse pas la distance prescrite entre son champ et celui du voisin, il en subira les conséquences (les magistrats lui infligeront la peine qu'ils jugeront à propos). Cela a été suffisamment réglé par beaucoup de législateurs, dont nous devons suivre les lois, plutôt que de demander au législateur suprême de l'État de faire des lois sur une multitude de petits objets qui sont à la portée du premier décideur venu ».

sont copiés en Égypte sous les Antonins : que l'on songe aux lois de Naukratis mentionnées plus haut (ci-dessus, n. 6) et à la traduction grecque du coutumier démotique égyptien, rédigée au III^e siècle avant n. è. et conservée dans une copie qui date de l'époque des Antonins.¹⁶ Cela pourrait bien être aussi le cas de la loi sur les distances que nous lisons dans le *P. Hal.* 1.

Tout cela ne permet pas d'écarter l'hypothèse d'une influence athénienne sur la législation poliade d'Alexandrie. Pour les Grecs d'Égypte, Athènes incarne l'idéal de vie politique, comme l'atteste, au I^{er} siècle de n. è. l'*Athenaiôn politeia* de l'école aristotélicienne qu'un gentleman-farmer du nome Hermopolite a fait copier au dos de ses comptes agricoles périmés.¹⁷ À plus forte raison, les hommes qui dans l'Alexandrie ptolemaïque rédigeaient les lois poliades ne pouvaient pas rester insensibles aux exemples athéniens.¹⁸ Il est assez vraisemblable qu'ils les ont largement suivis, tout en s'inspirant d'autres modèles encore, celui de Rhodes notamment.¹⁹

Ainsi, plutôt que de préciser son origine, l'enquête sur la « réception » des lois d'Athènes à Alexandrie fixe notre attention sur un autre aspect

¹⁶ *P. Oxy.* XLVI 3285.

¹⁷ Voir notre contribution au volume *Aristote et Athènes. Aristoteles and Athens*, Fribourg (Suisse), 23–25 mai 1991, études rassemblées par M. PIÉRART (actes de la Table ronde du centenaire de l'*Athenaiôn politeia*), Fribourg-Suisse 1993, p. 1–24 : « Aristote et les Grecs d'Égypte » (= *Droit et justice dans le monde grec et hellénistique*, Varsovie 2011 [JJP Supplement x], p. 409–444).

¹⁸ Sur les lois alexandrines, l'étude de base est Julie VÉLISSAROPOULOS, *Αλεξανδρινοί νόμοι. Πολιτική αυτονομία και νομική αυτοτέλεια της πτολεμαϊκής Αλεξάνδρειας*, Athènes – Komotini 1981. Pour Alexandrie, on trouvera toutes les données historiques chez G. M. COHEN, *The Hellenistic Settlements in Syria, the Red Sea Basin, and North Africa*, Berkeley – Los Angeles – Londres 2006, p. 353–381 : « VIII. Alexandria near Egypt ».

¹⁹ Voir surtout L. AMUNDSEN, « The classical Greek background of Ptolemaic law and administration of justice », [dans :] *Acta Congressus Madvigiani. Proceedings of the Second International Congress of Classical Studies* 1, Copenhague 1958, p. 251–266, partic. p. 261 et suiv., à propos du terme ἀμφούριον dans *P. Hal.* 1 (col. XI, l. 253) et dans une inscription rhodienne du II^e siècle av. n. è. (*SEG* III 674) ; cf. PRINGSHEIM, *Sale* (ci-dessus, n. 12). Voir aussi Claire PRÉAUX, « Pourquoi n'y eut-il pas de grandes codifications hellénistiques ? », *RIDA* 5 (1958) p. 365–387 », partic. p. 376, n. 36 ; H. J. WOLFF, *Das Justizwesen der Ptolemäer* [= *Münch. Beitr.* XLIV], Munich 1962 (2^e éd. 1970), p. 34, n. 12.

de la législation alexandrine, à savoir son caractère panhellénique. La loi sur les distances en est une excellente illustration. Nous allons retrouver une situation similaire en nous tournant vers l'organisation de la justice, chef d'œuvre de la législation royale en Égypte au III^e siècle avant n. è.

2. UNE JUSTICE GRECQUE EN ÉGYPTE

Dans la monarchie lagide, deux formes d'actes normatifs, le *diagramma* et le *prostagma*, sont en vogue dans la chancellerie royale. Héritier de l'organisation financière d'Athènes et de la chancellerie macédonienne, le *diagramma* est le principal instrument de la politique législative des premiers Lagides.²⁰ C'est un *diagramma* royal qui, selon H.J. Wolff, a posé les fondements de l'organisation judiciaire du royaume au début du III^e siècle avant n. è. Il prévoyait une gradation hiérarchique des règles applicables dans l'administration de la justice : la législation royale, représentée par les *diagrammata* ; le droit des plaideurs désigné par le terme de πολιτικοὶ νόμοι ; l'« opinion la plus équitable », δικαιοτάτη γνώμη, qui entrait en jeu en cas de silence de la loi royale et des πολιτικοὶ νόμοι.²¹ Nous savons par Démosthène que le recours à la δικαιοτάτη γνώμη pour combler les lacunes de la loi était inscrit dans le serment des héliastes athéniens.²²

²⁰ Pour le détail voir mon livre *Droit et justice* (ci-dessus, n. 17), p. 43–62.

²¹ *P. Gur.* 2 (= *CPJud.* I 19, 236 av. n. è.), l. 40–45 : ... ἐπειδὴ κ[α]ὶ τὸ διάγραμμα ὁ κ[α]ὶ παρέδοτο] [ἐν] τοῖς δικαίωμ[α]σι ἢ Ἡράκλεια συντάσσει καὶ δικάζει[ν – ca. 9 –]κως ὅσα μὲν ἐν [τοῖς β]ασιλέως Πτολεμ[α]ίου διαγράμμασι[ν εἰδῆ] [γ]εγραμμένα ἢ ἐ[μ]φ[αν]ίζηταις ἡμῖν κατὰ τὰ διαγράμ[μ]ατα ὅσα τε] [μ]ὴ ἔστιν ἐν [τοῖς διαγ]ράμμασι ἀλλ' ἐν τοῖς πολιτικ[οῖς νομοῖς κα-]⁴⁵[τὰ] τοὺς νομο[ύ]ς, τὰ δ' ἄλλα γνώμη τῆ δικαιοτάτη[ι] – « ... attendu que le *diagramma* qui fut produit par Hérakléia parmi les pièces à conviction ordonne de juger, d'une part, sur tous les points dont on sait ou dont on nous démontre qu'ils ont été réglés par les décrets (*diagrammata*) du roi Ptolémée, selon ces décrets ; d'autre part, sur les points qui ne sont pas réglés par les décrets, mais qui le sont par les lois civiles (*politikoi nomoi*), selon ces lois ; pour tout le reste, selon l'opinion la plus équitable (*gnômè dikaiotatè*) ... ». Cf. WOLFF, *Justizwesen* (ci-dessus, n. 19), p. 25 et mon livre *Droit et justice* (ci-dessus, n. 17), chap. 6 : « La justice des Lagides ».

²² Démosthène 20 (c. *Leptinès*), 118 ; 39 (c. *Boétos I*), 40 ; 57 (c. *Euboulidès*), 63 ; cf. 24 (c. *Timocratès*), 149–151 ; voir aussi Pollux 8, 122. Sur le serment héliastique, D. ASHERI, « Gli impe-

Serions-nous cette fois-ci dans l'axe Athènes-Alexandrie, les rédacteurs du *diagramma* adoptant l'exemple athénien? Pas vraiment, car la *δικαιοσύνη γνώμη* n'est pas, pas plus que la loi sur les distances, une exclusivité athénienne: c'est un principe panhellénique, amplement attesté par les témoignages épigraphiques dès le IV^e siècle avant n. è.²³

Unique dans les sources papyrologiques, la référence à la *δικαιοσύνη γνώμη* atteste l'arrière-plan classique du système judiciaire ptolémaïque au-delà du modèle athénien. Ce n'est pas non plus selon l'exemple des dicastères athéniens, avec leurs 201 ou 401 membres dont parle Aristote,²⁴ que s'ordonne la composition des dicastères ptolémaïques de huit, au maximum douze dicastes.²⁵ On songerait plutôt aux traités interpoliades, prévoyant des jurys de 9, 11 ou 15 membres, selon le montant du litige, tirés au sort à partir de listes restreintes.²⁶ Il en va de même pour le droit de récuser les juges, reconnu aux plaideurs,²⁷ pour l'estimation de l'objet du litige, *τίμημα τῆς δίκης*,²⁸ et plus généralement pour le déroulement du procès: c'est une *dikê* qui commence par un *ἔγκλημα*, citation privée écrite, avec participation des témoins, *κλήτορες*, qui ne sont pas sans rappe-

gni politici nel giuramento degli elasti ateniesi», *Rendic. Accad. Naz. dei Lincei, cl. di Sc. mor. stor. e filol.*, ser. VIII, 19 (7-12) (1965), p. 281-293.

²³ *IG II-III² 1126* (380/379 av. n. è.) 3 et suiv.; *TOD, GHI 191* (324 av. n. è.) 87 et suiv.; *Tituli Calymnii* 79 A, 26 et suiv., [dans:] *Annuario Scuola Archeol. di Atene* 22-23 = n. s. 6-7 (1944-1945), p. 98. Cf. J. TRIANTAPHYLLOPOULOS, « *Τὰ κενὰ τοῦ νόμου ἐν τῷ ἀρχαίῳ Ἑλληνικῷ δικαίῳ* », *Ἐφήμερις Ἑλλήνων Νομικῶν* 30 (1963), p. 753-758, partic. p. 754-755, et en italien: « Le lacune delle legge nei diritti greci », [dans:] *Antologia giuridica romanistica ed antiquaria*, Milan 1968, p. 49-62; partic. p. 53-55.

²⁴ <Aristote>, *Athen. Polit.* 53, 3.

²⁵ *P. Petrie* III 21 b et d; *P. Gur.* 2. Dans *SB XVI 12858* (243 av. n. è.) nous trouvons une liste de vingt-deux noms qui pourraient représenter deux jurys de dicastes, l'un de dix, l'autre de douze membres.

²⁶ Exemple notable (et contemporain): la convention entre Delphes et Pellana, qui date de la 1^{re} moitié du III^e siècle avant n. è., éd. B. HAUSSOULLIER, Paris 1917; texte repris par E. BOURGUET, *Fouilles de Delphes* III 1, Athènes 1929, n^o 486, et, plus récemment, par H. H. SCHMITT, *Staatsverträge* III, Munich 1963, v^o 558, d'après Haussoullier et Bourguet. Cf. mon *Droit et justice* (ci-dessus, n. 1), p. 126.

²⁷ *P. Gur.* 2. (= *CPJud.* I 19, l. 10).

²⁸ A. R. W. HARRISON, *The Law of Athens*, II. *Procédure*, Oxford 1971, p. 79 et suiv.

ler leurs quasi-homonymes (κλητήρες) classiques, et se termine par une sentence exprimée par le verbe δικάζειν, « reconnaître ou écarter la prétention du demandeur », et non pas κρίνειν, « trancher, prendre une décision d'autorité ». ²⁹ Ici encore, nous sommes en présence d'éléments dont le caractère panhellénique est patent. D'autres éléments traduisent le contrôle imposé par la monarchie à ce montage basé sur des pièces classiques. Il est visible dans la présence d'un *eisagôgeus*, introducteur de l'instance, qui est un agent du roi, et non pas, comme à Athènes, un magistrat de la cité ; celle du stratège, un autre agent du roi, et le fait que l'exécution de la sentence soit confiée aux *praktōres*, eux aussi agents du roi.

Le passage de la cité à la monarchie se manifeste également dans le rapport entre l'écrit et l'oral caractérisant la loi applicable et la justice qui l'applique. Dans la Grèce classique, la loi écrite contraste, comme l'a montré Michael Gagarin, avec la procédure judiciaire essentiellement orale. ³⁰ Dans les dicastères ptolémaïques cette proportion est inversée : ils appliquent les règles d'un droit ordinairement non écrit dans une procédure qui d'un bout à l'autre multiplie les pièces écrites. À joindre au dossier des « continuités inversées » qui accompagnent l'extension du droit grec en Égypte. ³¹

3. LE CONTRÔLE DE L'IDENTITÉ PERSONNELLE

Le système des réseaux de groupes familiaux et sociaux, qui dans la Grèce classique charpentaient la communauté civique – phratrie, dème, tribu, – subsiste dans les cités hellénistiques. Les citoyens d'Alexandrie et de Ptolémaïs se définissent par leur appartenance à un dème et une tribu. ³² Pour la société d'immigrants hellénophones dans la *chôra*, issue de soldats

²⁹ H. J. WOLFF, *Justizwesen*² (ci-dessus, n. 17), p. 92–112. Pour une vue plus large, M. TALAMANCA, « Δικάζειν et κρίνειν nelle testimonianze greche più antiche », *Symposion* 1974, p. 103–135.

³⁰ M. GAGARIN, *Writing Greek Law*, Cambridge – New York 2008.

³¹ Voir mon livre *Loi et coutume* (ci-dessus, n. 2), § 8.

³² Détails dans B. LEGRAS, *L'Égypte grecque et romaine*, Paris 2004, p. 105 sq., et D. DELIA, *Alexandrian Citizenship During the Roman Principate*, Atlanta, Georgia 1991.

d'Alexandre et de Ptolémée fils de Lagos, à côté du nom du père et de l'ethnique (*ethnikon*) indiquant la patrie d'origine, l'appartenance à une unité militaire, identifiable d'après son officier éponyme, fournissait un critère sûr de l'identité personnelle.³³ Ces données pouvaient être complétées par un signalement physique plus ou moins détaillé.³⁴

Le contrôle et la protection de l'identité des habitants sont au premier rang des préoccupations du pouvoir. La loi royale – sans doute une ordonnance ou un décret de Ptolémée II – a fixé la manière dont devaient être indiqués les éléments constitutifs de l'identité personnelle.³⁵ Au moment de la conclusion d'un contrat, les citoyens doivent indiquer leur patronyme et le dème auquel ils appartiennent,³⁶ les autres – le patronyme, la patrie d'origine et la catégorie socioprofessionnelle (*genos*) ; s'ils sont soldats, ils indiqueront aussi l'unité militaire et la catégorie dont ils relèvent

³³ Liste des ethniques remise à jour d'après les sources papyrologiques, épigraphiques et littéraires publiées jusqu'en 2000 : C. A. LA'DA, *Foreign Ethnics in Hellenistic Egypt* [= *Prosopographia Ptolemaica* 10], Louvain 2002.

³⁴ J. HASEBROEK, *Das Signalement in den Papyrusurkunden*, Berlin – Leipzig 1921 ; A. CALDARA, *L'indicazione dei connotati nei documenti papiracei dell'Egitto greco-romano*, Milan 1924 ; plus récemment, G. HÜBSCH, *Die Personalangaben als Identifizierungsvermerke im Recht der gräko-ägyptischen Papyri*, Berlin 1968.

³⁵ BGU XIV 2367 (milieu du III^e s. av. n. è.), l. 4–11 : οἱ δὲ δανείζοντες καὶ οἱ δανειζόμενοι ἔστωσαν γρα[[φόμενοι εἰς τὴν συγγραφὴν οἱ μὲν ἐ[ν τῷ στρατι]ωτικῷ τεταγμένοι ἀπογραφέσθω[σαν τὰς τε] πατρίδας ἐαυτῶν καὶ ἐξ ὧν ἂν ταγ[μάτων ὄσι] καὶ ἂν ἔχωσιν ἐπιφοράς· [οἱ δὲ πολιτ[α]ι τοὺς τε] | πατέρας καὶ τοὺς δῆμους· ἐὰν δὲ καὶ ἐν τ[ῷ στρα]τιωτικῷ ὄσι καὶ τὰ τάγματα καὶ τὰς [ἐπιφοράς·] | οἱ δὲ ἄλλ[οι] τοὺς τε πατέρας καὶ τὰς πατ[ρίδας καὶ] | ἐν ᾧ ἂν γένει ὄσιν· – « Aussi bien les créanciers que les débiteurs doivent être inscrits dans le contrat. Ceux qui sont en poste dans l'armée indiqueront leur patrie d'origine, leur unité militaire et les *epiphorai* (le grade selon la solde) qu'ils possèdent ; les citoyens indiqueront leur patronyme et leur dème, et s'ils sont dans l'armée, ils indiqueront aussi leur unité militaire et les *epiphorai* qu'ils possèdent. Les autres devront indiquer le patronyme, la patrie et le *genos* (classe socioprofessionnelle) auquel ils appartiennent. » : cf. RHD 60 (1982), p. 123 et 492 ; repris dans R. S. BAGNALL & P. DEROW, *The Hellenistic Period. Historical Sources in Translation*, Oxford 2004, Nr 125. Pour la date, voir le commentaire de l'éd., p. 1. Sur l'efficacité de cette loi : U. YIFTACH-FIRANKO, « Did BGU XIV 2367 work? », [dans :], M. DEPAUW & Sandra COUSSEMENT, (éd.), *Identifiers and Identification Methods in the Ancient World. Legal Documents in Ancient Societies* III, Leuven – Paris – Walpole, MA, 2014, p. 103–118.

³⁶ Et non pas une « Volkszugehörigkeit » (traduction de l'éditeur, p. 3).

d'après leur solde (*epiphora*). Le document de Berlin dont il est question ici ne parle que de prêteurs et d'emprunteurs (*οἱ δὲ δανειζόντες καὶ οἱ δανειζόμενοι*), mais les dispositions qu'il nous fait connaître ne devaient pas se limiter aux seuls contrats de prêt. Les contrats passés avec l'administration royale pour la ferme des impôts obéissaient aux mêmes exigences en ce qui concerne le patronyme et la patrie des tributaires.³⁷ De plus, cette réglementation ne se limite pas au domaine contractuel; elle s'impose également aux pièces de procédure, comme le montre un deuxième texte, un papyrus de Hambourg relatif à l'introduction de l'instance, qui comporte les mêmes instructions.³⁸ Il faut y associer les dispositions concernant «le changement de nom et de patrie» dont fait état une liste de textes normatifs conservée par un papyrus ptolémaïque de Berlin.³⁹ Un autre papyrus de Berlin nous révèle le caractère répressif de ces dispositions: le changement arbitraire de nom et de patrie est passible de la peine capitale. Elle menace explicitement le fonctionnaire coupable d'avoir opéré un tel changement sans l'autorisation de l'autorité supérieure, mais l'intéressé qui cherchait à en tirer profit n'échappait certainement pas à la sanction.⁴⁰

³⁷ *P. Rev. Laws*, col. II = *WChr.* 258, dans l'édition de J. BINGEN *SB/Bh* I, l. 9: [ἀντιγραφῆι πατρόθεν] καὶ πατρίδος. Cf. Claire PRÉAUX, *L'économie royale des Lagides*, Bruxelles 1939, p. 451-452.

³⁸ *P. Hamb.* II 168 fr. a (III^e s. av. n. è. ?), l. 5-10: [οἱ μὲν] στρατιῶται ἀπογραφέσθωσαν τὰ τε ὀνόματα | [αὐτῶν καὶ τὰς πατρίδας καὶ ἐξ ὧν ἂν ταγματῶν ὄσιν | [καὶ ἂ]ς ἂν ἔχωσιν ἐπιφορὰς οἱ δὲ πολῖται τοὺς τε πατέρᾱ[s] | [καὶ το]ὺς δήμους, ἂν δὲ καὶ ἐν τῷ στρατιωτικῷ ὄσιν | [καὶ τὰ τ]άγματα καὶ τὰς ἐπιφορὰς· οἱ δ' ἄλλοι τοὺς | [πατέρας] καὶ τὰς πατρίδας καὶ ἐν ᾧ ἂν γένοι ὄσιν· — «Les soldats indiqueront leurs noms, leurs patries d'origine, l'unité dont ils relèvent et le grade qu'ils possèdent; les citoyens indiqueront leur patronyme et leur dème et s'ils sont dans l'armée ils indiqueront aussi leur unité militaire et le grade qu'ils possèdent; les autres devront indiquer le patronyme, la patrie et le *genos* (classe socioprofessionnelle) auquel ils appartiennent». Le parallélisme qui rapproche ce document de *BGU* XIV 2367 a permis de combler les lacunes de celui-ci à l'aide des formules que l'on lit dans l'autre. Bon commentaire récent, avec analyse des textes et bibliographie antérieure: Christelle FISCHER-BOVET, «Ethnic identity and status: Comparing Ptolemaic and early Roman Egypt», à paraître dans H. ZICHE (éd.), *Identity and Identification in Antiquity*, Cambridge Scholars Press, consultable sur «Academia.edu».

³⁹ *BGU* VI 1213 (III^e s. av. n. è.), l. 4: περὶ μετα[βολῆ]ς πατρίδος καὶ ὀνομάτων.

⁴⁰ *BGU* VI 1250 (II^e s. av. n. è.) l. 11-14: προσεταγαμένου γὰρ (corr. ex δε) | [πᾶσι τοῖς ἐπὶ τῶν πρ]αγμάτων μηθένα μετενομάζειν (l. μετο|[νομάζειν] μηδ' αὐτὸν) μηδὲ τὴν πατρίδα,

Cet encadrement légal de l'identité personnelle ne concerne que les Hellènes : au III^e siècle avant n. è. les Égyptiens ont certes un patronyme, mais n'ont pas de patrie civique et ne servent pas dans l'armée. Les antécédents classiques de cet encadrement sont aisément détectables. Les orateurs attiques sont nos principaux informateurs à ce sujet. Ainsi, le procès intenté par Mantithéos, fils de Mantias de Thorikos, contre son demi-frère Boétos, qui prétend s'appeler lui aussi Mantithéos comme le grand-père paternel des deux plaideurs, nous dévoile, pour Athènes, un dispositif concernant la possession du nom et sa protection légale.⁴¹ L'encadrement légal du nom en tant qu'élément de l'identité civique soutient les formalités de présentation et d'inscription du fils de citoyen à la phratrie et au dème, sans lesquelles la citoyenneté n'est pas formellement acquise.⁴² Les sanctions qu'entraîne le changement arbitraire du nom et de la patrie prolongent celles que la cité classique édictait à l'encontre d'individus coupables d'usurpation de statut civique (*ξενίας γραφή*).⁴³

Ici encore il ne s'agit pas d'une exclusivité athénienne. Les cités grecques contrôlaient minutieusement l'accès au statut de citoyens et punissaient sévèrement l'usurpation de ce statut par un étranger ou un esclave. Une cité trop peuplée offre un terrain propice à ce genre d'abus ; Aristote, qui sait que la grandeur d'une cité ne tient pas au nombre de ses habitants mais à la qualité de ses citoyens, en est conscient.⁴⁴ Pour faire

εἰ δὲ | [μή, τὸν ποιήσαντα θ]ανάτῳ ζημιοῦσθαι. – « Alors qu'il est ordonné à tous les agents de l'administration publique qu'aucun d'entre eux ne doit modifier le nom d'un individu et l'indication de sa patrie d'origine, et que celui qui le ferait sera puni de mort ... ».

Commentaire dans mon article « Le statut des Hellènes dans l'Égypte lagide. Bilan et perspectives de recherches », *Rev. ét. grecques* 96 (1983) p. 241–268 (= *Statut personnel et liens de famille*, Aldershot 1993, n° III, particulièrement p. 244–245).

⁴¹ Démosthène 39 (c. *Boétos* 1). Nombreux commentaires, dont je retiens seulement D. M. MACDOWELL, *Demosthenes the Orator*, Oxford 2009, p. 66–79.

⁴² Voir p. ex. Démosthène XLIV (c. *Léocharès*), 35.

⁴³ G. THÜR, s.v. « Xenias graphe », [dans :] *Der Neue Pauly*, Bd. 12/2, Stuttgart 2002, col. 613.

⁴⁴ Aristote, *Polit.* 1326a : Οἶονται μὲν οὖν οἱ πλείστοι προσήκειν μεγάλην εἶναι τὴν εὐδαίμονα πόλιν· εἰ δὲ τοῦτ' ἀληθές, ἀγνοοῦσι ποία μεγάλη καὶ ποία μικρὰ πόλις. Κατ' ἀριθμοῦ γὰρ πλῆθος τῶν ἐνοικοῦντων κρίνουσι τὴν μεγάλην, δεῖ δὲ μάλλον μὴ εἰς τὸ πλῆθος εἰς δὲ δύναμιν ἀποβλέπειν ... – « On croit vulgairement qu'un État, pour être heureux, doit

une cité, dix hommes, ce n'est pas assez, mais cent mille hommes, c'est trop.⁴⁵ Que dire alors d'un royaume de quelque huit millions d'habitants, dont un million et demi d'Hellènes ?

4. UN PROJET POLITIQUE ?

Notre enquête peut s'arrêter ici. Elle montre assez la variété et la vigueur des liens rattachant les lois alexandrines et la législation royale des Lagides à l'expérience législative de la Grèce classique. Le prétendu monopole athénien étant étouffé par l'incertitude qui pèse sur les documents invoqués en sa faveur, le rôle éminent de l'exemple athénien dans l'élaboration des lois ptolémaïques n'en est pas moins vraisemblable. Mais nous avons vu que les législateurs alexandrins et les rédacteurs de lois royales ne se cantonnent pas à ce modèle ; ils puisent largement dans une expérience qui va bien au-delà de la cité d'Athènes et de sa législation.

Dans l'implantation de modèles classiques en Égypte, des hommes politiques réfugiés à la cour des Lagides et des savants accueillis au Musée ont pu jouer un rôle important d'informateurs et de conseillers. À la vérité, un seul nom est clairement attesté : celui de l'Athénien Démétrios de Phalère, exilé à Alexandrie au moment où Ptolémée fils de Lagos allait ceindre le diadème.⁴⁶ Il passe pour avoir non seulement inspiré la fondation du Musée et de la Bibliothèque,⁴⁷ mais aussi pour avoir joué auprès du souverain un

être vaste. Si ce principe est vrai, ceux qui le proclament ignorent bien certainement en quoi consiste l'étendue ou la petitesse d'un État ; car ils en jugent uniquement par le nombre de ses habitants. Pourtant il faut bien moins regarder au nombre qu'à la puissance ... ». ... ἀλλὰ μὴν καὶ τοῦτό γε ἐκ τῶν ἔργων φανερόν, ὅτι χαλεπόν, ἴσως δ' ἀδύνατον, εὐνομεῖσθαι τὴν λίαν πολυάνθρωπον: τῶν γοῦν δοκουσῶν πολιτεῦεσθαι καλῶς οὐδεμίαν ὀρώμεν οὕσαν ἀνειμένην πρὸς τὸ πλῆθος ... - « Les faits sont là pour prouver qu'il est bien difficile, et peut-être impossible, de bien organiser une cité trop peuplée ; aucune de celles dont on vante les lois n'a renfermé, comme on peut le voir, une population excessive ».

⁴⁵ Aristote, *Eth. Nic.* 1170b : οὐτε γὰρ ἐκ δέκα ἀνθρώπων γένοιτ' ἂν πόλις, οὔτ' ἐκ δέκα μυριάδων ἔτι πόλις ἔστί. - « Si dix homes ne sauraient constituer une cité, cent mille hommes ne sauraient non plus en former encore ».

⁴⁶ E. BAYER, *Demetrios Phalereus der Athener*, Stuttgart – Berlin 1942 (réimpr. Darmstadt 1969).

⁴⁷ *Lettre d'Aristée à Philocrate*, 8.

rôle de premier rang, le soutenant dans son activité législative.⁴⁸ Il ne faut pas trop reprocher à Élien le Sophiste, qui à l'époque de Septime Sévère nous livre cette information, l'anachronisme qui la dépare. S'il est vrai que le grand législateur ptolémaïque n'est pas Ptolémée 1^{er} Sôter, mais son fils Ptolémée II Philadelphe, à l'avènement duquel Démétrios était tombé en disgrâce,⁴⁹ des projets conçus par Démétrios pour le père pouvaient bien être mises en œuvre par le fils, malgré son hostilité envers l'Athénien.⁵⁰

Le cas de Démétrios de Phalère ne saurait être isolé. Il n'est pas interdit de penser que des grammairiens du Musée, dont les liens avec la Cour sont notoires, ont apporté leur concours dans l'élaboration de décrets et ordonnances émanant de la chancellerie royale. Le Musée accueille des lettrés venant d'un vaste espace tracé par l'horizon culturel du monde grec, qui s'étend de Cyrène (Callimaque) à Éphèse (Zénodote), de Rhodes (Apollonios) et de Samothrace (Aristarque) à Byzance (Aristophane).⁵¹ L'ambition des Lagides est de faire d'Alexandrie la capitale culturelle du monde hellénistique. La législation royale participe à la réalisation de ce projet. Si les hommes qui, à la cour d'Alexandrie, rédigent les décrets et ordonnances du roi, restent tributaires, comme le disait Claire Préaux, d'un langage qui guide leur calame dans le sens tracé par les législateurs poliades, ce n'est pas seulement parce qu'ils sont incapables « de libérer leur imagination des cadres de la cité »;⁵² c'est aussi sinon surtout parce qu'ils sont

⁴⁸ Élien, *Histoires diverses* 3, 17: Δημήτριος δὲ ὁ Φαληρεὺς καὶ Ἀθήνησιν ἐπιφανέστατα ἐπολιτεύσατο, ἔστ' αὐτὸν ὁ συνήθης Ἀθηναίους φθόνος ἐξέωσε: καὶ ἐν Αἰγύπτῳ δὲ συνὼν τῷ Πτολεμαίῳ νομοθεσίας ἤρξε. – « Démétrios de Phalère gouverna glorieusement Athènes, jusqu'au moment où, chassé de la ville par cet esprit d'envie qui était familier aux Athéniens, il se retira en Égypte auprès de Ptolémée, et y fut à la tête de la législation ».

⁴⁹ D'où les réserves de H. J. WOLFF, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipsats*, I. *Bedingungen und Triebkräfte der Rechtsentwicklung*, éd. H.-A. RUPPRECHT, Munich 2002, p. 53.

⁵⁰ C'est le cas de la traduction en grec de la *Tora* de Moïse (la Septante) pour laquelle une légende, d'abord juive puis chrétienne, hésite entre Ptolémée 1^{er} et Ptolémée II : sources et commentaire dans mon livre *Les Juifs d'Égypte*, Paris 1997 (2^e éd.), p. 143 sq.

⁵¹ L'origine des directeurs du Musée est connue grâce à un catalogue raisonné d'époque romaine, le *P. Oxy.* x 1241, col. II.

⁵² Claire PRÉAUX, « Sur les fonctions du πράκτωρ ξενικῶν », *CdÉ* 30 (1955), p. 107–111 ; citation textuelle p. III.

au service d'un régime qui tient à ce que la volonté du roi législateur soit exprimée dans des formes perpétuant la tradition de la nomothésie grecque.

C'est dans le cadre d'un tel projet panhellénique que trouve aisément sa place l'hypothèse de H. J. Wolff concernant les *πολιτικοὶ νόμοι* en tant que droit applicable devant les dicastères créés pour la population hellénophone. Dans l'intention du législateur, les immigrants capables de revendiquer leur qualité d'Hellènes devaient être jugés selon leur droit national, du moins lorsque les deux plaideurs étaient de la même origine.⁵³ Le fait qu'on en soit resté au stade des intentions et que les *πολιτικοὶ νόμοι* se soient identifiés au droit grec véhiculé par la pratique ne change pas grand-chose à la nature du projet : pour les Grecs qui viennent en Égypte, les Ptolémées veulent bâtir un univers juridique grec.⁵⁴ Cela ne les empêche pas de protéger d'une manière étonnement égalitariste le droit égyptien qui a survécu à la conquête macédonienne.⁵⁵

Ainsi notre enquête conduit-elle à souligner le rôle des éléments grecs dans la formation du droit sinon dans la structure de la monarchie ptolémaïque elle-même. Le fantôme du « mode de production asiatique », qui dans les années 1960 voulait enchaîner l'Égypte grecque et romaine à son passé pharaonique, n'étant plus aujourd'hui qu'une curiosité de l'historiographie contemporaine,⁵⁶ notre vigilance devrait se porter sur les courants idéologiques qui au travers d'une « société multiculturelle » cherchent à réhabiliter les schémas périmés d'un droit et d'une société mixtes « gréco-égyptiens ». En fait, au-delà d'un étroit espace d'échanges et d'influences réciproques, le dualisme reste le trait dominant de la vie juridique dans le royaume des Lagides. L'enquête portant sur les sources normatives confirme et complète ce que révèle l'analyse des actes de la pratique. Même lorsqu'elle vise des objectifs aussi profondément incrustés dans la réalité égyptienne que le bail forcé, la loi ptolémaïque a recours

⁵³ En dernier lieu WOLFF, *Das Recht* I (ci-dessus, n. 49), p. 55-58.

⁵⁴ Cf. mon *Droit et justice* (ci-dessus, n. 17), p. 131.

⁵⁵ *Ibid.*, chap. VII, p. 141 sq.

⁵⁶ Voir surtout P. VIDAL-NAQUET, « Histoire et idéologie : Karl Wittfogel et le concept de "mode de production asiatique" », *Annales. Économies, Sociétés, Civilisations* XIX, n. 3 (1964), p. 531-549.

aux techniques traditionnelles du droit grec ; l'interprétation authentique qu'en propose un haut fonctionnaire multiplie les appels au civisme auxquels le paysan égyptien ne pouvait pas être très sensible.⁵⁷ Les ambitions de Ptolémée II, auteur de la quasi-totalité des mesures que l'on vient de passer en revue, étaient plus larges que celles d'un Solon : son œuvre de législateur s'inscrit dans une universalité qui prépare l'œcuménisme du droit romain et, au-delà, la difficile mais nécessaire intégration européenne. C'est là que réside l'incontestable actualité de l'étude du droit ptolémaïque.⁵⁸

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⁵⁷ Je fais allusion à l'« Ordonnance sur les cultures » que j'ai analysée dans *RHD* 72 (1994) p. 1-20, et dans ma contribution à S. ALLAM (éd.), *Grund und Boden in Altägypten. (Rechtliche und sozio-ökonomische Verhältnisse). Akten des internationalen Symposiums, Tübingen 18.-20. Juni 1990* [= *Untersuchungen zum Rechtsleben im Alten Ägypten* 2], Tübingen 1994, p. 199-225: « *Prostagma peri tês geôrgias*. Droit grec et réalités égyptiennes en matière de bail forcé » (= *Droit et justice* [ci-dessus, n. 17], p. 63-90).

⁵⁸ Ce thème a été abondamment abordé par les auteurs du recueil *Grecs, Juifs, Polonais : à la recherche des racines de la civilisation européenne* (Actes du colloque organisé à Paris par l'Académie Polonaise des Sciences le 14 novembre 2003), D. DŁUGOSZ (éd.), *Annales du Centre scientifique de l'Académie Polonaise des Sciences à Paris*, numéro spécial 2, Varsovie – Paris 2006. Voir en particulier Barbara ANAGNOSTOU CANAS, « L'actualité européenne de la papyrologie juridique », p. 101-116.



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**THE STATUS OF PEREGRINE LAW IN EGYPT:
'CUSTOMARY LAW' AND LEGAL PLURALISM
IN THE ROMAN EMPIRE***

1. PEREGRINE LAW IN ROMAN EGYPT

IN THE LAST DECADES of the nineteenth century, the sudden irruption of an enormous mass of new sources on papyrus renewed all branches of the classical studies. For legal scholars, in the eve of the promulgation of the German Civil Code that would close the 'Pandektenzeit', the papyri helped steer Roman law studies into the realm of the historical disciplines. Yet, since Mitteis' foundational *Reichsrecht und Volksrecht*,¹ it became clear that the legal practice of the papyri was mostly not an illustration of the great classical Roman Law, but a continuation of the Greek and Egyptian traditions:² from the Roman point of view *iura peregrinorum*, 'peregrine law'. Later evidence has only confirmed this result.

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¹ L. MITTEIS, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs*, Leipzig 1891.

² Cf. MITTEIS, *Reichsrecht* (cit. n. 1), pp. 1-10; IDEM, *Aus den griechischen Papyrusurkunden*,

In Egypt, this survival of the local legal traditions did not result from the preservation of autonomous peregrine courts. As far as our sources let us see, in fact, there was in the province no alternative to the Roman jurisdiction. The organs kept from the Ptolemaic order are not expression of an autonomous jurisdiction, but appear fully integrated in the Roman jurisdictional system: this is true for the central officials in Alexandria, like the *idios logos*, the *exegetes*, the *archidikastes*, and also for the officials acting as judges in the *chora*, like *strategoï* and *epistrategoï*.³ Unlike the rest of the *poleis* in the Eastern Empire, neither Alexandria nor the other cities in Egypt had autonomous jurisdictional institutions.

In the absence of autonomous courts, peregrine private law would not have kept its hold in Egypt without the consistent endorsement of the Roman jurisdiction. The surviving court documentation confirms this assumption.⁴ The usual term ‘tolerance’⁵ is insufficient here. Peregrine law was not merely tolerated but unflinchingly applied by the Roman courts, even when it challenged the most basic Roman principles. And thus: (a) sibling marriage; practices close to (b) *materna potestas* and (c) maternal

Leipzig 1900, pp. 19–22; L. WENGER, ‘Nationales, griechisches und römisches Recht in Ägypten’, *PapCongr.* IV, pp. 159–181. Thus, the founders of legal papyrology became the first generation of legal historians to break a ‘Romanocentric’ perspective that had prevailed for centuries. For Wenger’s project of a general ‘Antike’ Rechtsgeschichte, cf. his programmatic *Römische und Antike Rechtsgeschichte*, Graz 1905, pp. 16–30.

³ For an overview of the jurisdictional organisation in Roman Egypt, L. MITTEIS, *Grundzüge und Chrestomathie der Papyruskunde*, II.1, Leipzig – Berlin 1912, pp. 24–32; H. J. WOLFF, ‘Organisation der Rechtspflege und Rechtskontrolle der Verwaltung im ptolemäisch-römischen Ägypten bis Diokletian’, *TR* 34 (1966), pp. 32–40. Update of the discussion in this same volume: Andrea JÖRDENS, ‘Roms Herrschaft über Ägypten’. Despite E. SEIDL, ‘Zur Gerichtverfassung in der Provinz Aegypten bis ca. 250 n. Chr.’, *Labeo* II (1965), pp. 316–328, there is no evidence that Rome allowed for decades a wide network of Ptolemaic autonomous jurisdictional organs: J. MÉLÈZE MODRZEJEWSKI, ‘Chronique papyrologique’, *RHD* 44 (1966), p. 534.

⁴ R. TAUBENSCHLAG, ‘Die Römischen Behörden und das Volksrecht vor und nach der CA’, *ZRG RA* 49 (1929), pp. 115–128 = *Opera Minora*, I, Warszawa 1959, pp. 477–493; Barbara ANAGNOSTOU-CANAS, *Juge et sentence dans l’Égypte romaine*, Paris 1991, pp. 253–268.

⁵ The expression is particularly deliberate in H. J. WOLFF & H.-A. RUPPRECHT, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipats*, I, München 2002, p. 120, *passim*.

guardianship; (d) succession *in stirpes* in the female line; (e) contractual *mortis causa* arrangements; (f) *divisio parentis inter liberos* covering the whole inheritance: all this persisted under Roman rule among peregrines,⁶ and was, as long as Romans were not involved, accepted as fully valid by the Roman administration.⁷

In these fields of status, family, and inheritance, in fact, an application of Roman law to the peregrines was in general out of the question:⁸ programmatic, in this sense, the prefect's *dictum* in *P. Oxy.* XLII 3015 – '... it is

⁶ Cf.: (a) J. MÉLÈZE MODRZEJEWSKI, 'Die Geschwisterehe in der hellenistische Praxis und nach romischen Recht', *ZRG RA* 81 (1964), pp. 69–82; (b) R. TAUBENSCHLAG, 'Die materna potestas im gräko-ägyptischen Recht', *ZRG RA* 49 (1939), pp. 115–128 = *Opera Minora*, II, Warszawa 1959, pp. 323–337; (c) L. GAGLIARDI, 'La madre tutrice e la madre επακολουθήτρια: osservazioni sul rapporto tra diritto romano e diritti delle province orientali', *Index* 40 (2012), pp. 423–446, with lit.; (d) H. KRELLER, *Erbrechtliche Untersuchungen auf Grund der graeco-aegyptischen Papyrusurkunden*, Leipzig – Berlin 1919, pp. 158–164; adde *BGU* xx 2863; (e) *ibidem*, pp. 223–236; U. YIFTACH-FIRANKO, *Marriage and Marital Arrangements: A History of the Greek Marriage Document in Egypt: 4th Century BCE – 4th Century CE*, München 2002, pp. 221–229; (f) KRELLER, *Erbrechtliche Untersuchungen* (cit. sub d), pp. 237–245; U. YIFTACH-FIRANKO, 'Deeds of last will in Graeco-Roman Egypt: a case study in regionalism', *BASP* 39 (2002), pp. 149–164.

⁷ Lit. in note 6. Cf. the Imperial intervention allowing *peregrines a ius representationis* in the female line, in *BGU* I 19, and now also *BGU* xx 2863: cf., together with KRELLER, *Erbrechtliche Untersuchungen* (cit. n. 6), pp. 158–164, also V. ARANGIO-RUIZ, 'Osservazioni sul sistema della successione legittima nel diritto dei papiri' [*Studi Cagliari* 5 (1913), pp. 69 ss.] = *Scritti di diritto romano*, I, Camerino 1974, pp. 477–480, both with lit.

⁸ Even in these areas, peregrines could of course fall under Roman law as the indirect result of its application to a Roman citizen: the Roman interdiction of soldiers' marriage, for instance, obviously affected their peregrine 'wives' and children, in that the latter were illegitimate, and the former unable to claim back their dowries, no matter if disguised as deposits: *P. Cattaoui* I recto. A suppletory application of Roman civil law to peregrine freedmen has been conjectured in *P. Oxy.* IV 706: cf. the discussion in J. MÉLÈZE MODRZEJEWSKI, *Loi et coutume dans l'Égypte grecque et romaine*, Warszawa 2014, pp. 264–267, with lit. The extensions of Roman law to *peregrines* conjectured in R. TAUBENSCHLAG, *The Law of Greco-Roman Egypt in the Light of the Papyri*, 2nd ed., Warszawa 1955, pp. 42, nn. 148–151 and 177, are unconvincing: WOLFF & RUPPRECHT, *Recht*, I (cit. n. 5), p. 135 n. 110 (*ius liberorum*), p. 155 n. 30 (*Jex Laetoria*), p. 159 n. 45 (*bonorum possessio*); *SB* xx 14710 col. III, l. 6 is insufficient to hold that *manumissio vindicta* was generally available to peregrines – it is not even certain that the manumittor lacked Roman citizenship; *SB* v 7558 is not evidence of *excusatio tutelae* for peregrines: Gaius Apolinarius Niger was undoubtedly, as his son (*SB* IV 7360), *Ῥωμαῖος καὶ Ἄντιποεύς*.

best that they should judge in accordance with the laws of the Egyptians' – further illustrated by two prefectural decisions adhering to these 'laws of the Egyptians' for the conditions of the peregrines' testamentary freedom. How scrupulous the Roman jurisdiction was in this respect is shown by the frequent recourse to local legal experts (*nomikoi*) in order to ensure a proper interpretation of the peregrine rules.⁹ In all our sources, in fact, we find only one unequivocal instance of peregrine law being rejected by the Roman jurisdiction (*P. Oxy.* II 237, the famous 'petition of Dionysia'):¹⁰ a case where, significantly, its application had been protested by one of the parties.¹¹

More remarkably: regarding property and contracts, Roman principles were not imposed on any transaction concluded in accordance with peregrine law, even by Romans, no matter how unthinkable under Roman law. Among these: (a) partial manumission of slaves; (b) contractual partition of the inheritance; (c) *communio pro diviso*; (d) contracts of sale with immediate real effect, dependent not on *traditio* but on the payment of the price; (e) fictitious loans as enforceable source of obligations; (f) *contractus in favorem tertii* granting execution rights to the third party; (g) straightforward assignment of credits, in the form of a cession (*parachoresis*) of execution rights (*praxis*); (h) credit instruments enforceable directly through execution; (i) direct agency. All these practices¹² were as common

⁹ R. TAUBENSCHLAG, 'The legal profession in Greco-Roman Egypt', [in:] H. NIEDERMEYER & W. FLUME (eds), *Festschrift F. Schulz*, II, Weimar 1951, pp. 188–192 = *Opera Minora*, II (cit. n. 6), pp. 159–165; W. KUNKEL, *Herkunft und soziale Stellung der römischen Juristen*, 2nd ed., Graz – Wien – Köln 1967, pp. 267–270, 354–365; an updated prosopography, in C. JONES, 'Juristes romains dans l'Orient grec', *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres* 151 (2007), pp. 1331–1359.

¹⁰ It is less certain the verdict in *P. Oxy.* VIII 1102 (AD 146) implies a Roman rejection of peregrine liability *cum viribus hereditatis*: KRELLER, *Erbrechtliche Untersuchungen* (cit. n. 6), pp. 43–44.

¹¹ Claudia KREUZSALER & J. URBANIK, 'Humanity and inhumanity of law: the case of Dionysia', *JJurP* 38 (2008), pp. 119–155.

¹² Cf.: (a) MITTEIS, *Grundzüge* (cit. n. 3), pp. 272–273; (b) KRELLER, *Erbrechtliche Untersuchungen* (cit. n. 6), pp. 75–97; (c) E. WEISS, 'Communio pro diviso und pro indiviso in den Papyri', *APF* 4 (1908), pp. 330–365; (d) F. PRINGSHEIM, *The Greek Law of Sale*, Weimar 1950,

under Roman rule as they had been under the Ptolemies, attested for Romans¹³ as well as for peregrines, and certainly recognized by the Roman administration.

Peregrine law was not merely applied, but also adopted by the Roman jurisdiction in relevant aspects of its own organisation and procedure.¹⁴ The most striking instance is probably the Roman adoption of the Ptolemaic system of civil execution: well into the third century still referred to as performed according to the Ptolemaic decrees (*κατὰ τὰ προστεταγμένα, ἀκολουθῶς τοῖς προστεταγμένοις*).¹⁵ Although quite complex, it presented the advantage of being formally presided over by the prefect but carried out mostly by officials inherited from the Ptolemaic administration.¹⁶

pp. 179–232; (e) lit. in J. L. ALONSO, ‘Πίστις in loan transactions: a new interpretation of *P. Dion.* 11–12’, *JfurP* 42 (2012), p. 27 n. 49; (f) TAUBENSCHLAG, *Law* (cit. n. 8), pp. 401–402; (g) H. J. WOLFF, ‘The praxis-provision in papyrus contracts’, *TAPA* 72 (1941), pp. 418–438 = *Beiträge zur Rechtsgeschichte Altgriechenlands und des hellenistisch-römischen Ägypten*, Weimar 1961, pp. 102–128; (h) cf. the sources in P. JÖRS, ‘Erzrichten und Chrematisten. Untersuchungen zum Mahn- und Vollstreckungsverfahren im griechisch-römischen Ägypten’, *ZRG RA* 36 (1915), pp. 230–339, and *ZRG RA* 39 (1918), pp. 52–118; (i) L. WENGER, *Die Stellvertretung im Rechte der Papyri*, Leipzig 1906.

¹³ Evidence for Roman citizens in R. TAUBENSCHLAG, ‘Geschichte der Rezeption des römischen Privatrechts in Ägypten’, [in:] *Studi in onore di P. Bonfante*, I, Milano 1930, pp. 367–440 = *Opera Minora*, I (cit. n. 4), pp. 224–225, and *Law* (cit. n. 8), p. 100 (a), p. 221 n. 8 (b), pp. 240–241 (c), p. 327 n. 25, p. 333 n. 11, p. 335 n. 9 (d), p. 339 n. 5 (e), p. 402 n. 4 (f), pp. 418–419 (g), pp. 310–312 (i). Direct execution involving Roman citizens (h): *P. Berl. Leib.* 10, *BGU* III 888, and, after CA, *P. Flor.* I 56, and *P. Land.* VII 145.

¹⁴ The phenomenon is not limited to the jurisdiction. The peregrine category of the *katoche*, for instance, is used to discipline the conditions under which *protopraxia* could be enforced against third parties by the *fiscus* in Egypt: §3 of the Edict of Tiberius Julius Alexander (*OGIS* II 669, ll. 21–24).

¹⁵ *Infra* n. 120 *sub j*.

¹⁶ The most comprehensive study on this complex execution procedure, capital also to understand how real securities worked in Egypt, is still P. JÖRS, ‘Erzrichten und Chrematisten’, *ZRG RA* 36 (1915), pp. 230–339, and *ZRG RA* 39 (1918), pp. 52–118. Cf. also H.-A. RUPPRECHT, ‘Zwangsvollstreckung und dingliche Sicherheiten in den Papyri des ptolemäischen und römischen Zeit’, [in:] *Symposion 1995*. Köln 1997, pp. 291–302; *idem*, ‘Real security’, [in:] J. KEENAN, J. MANNING, & U. YIFTACH-FIRANKO (eds), *Law and Legal Practice in Egypt from Alexander to the Arab Conquest*, Cambridge 2014, pp. 259–265.

As the example of the executive procedure shows, the survival of the local law was not confined to private legal practice: part of the Ptolemaic legislation maintained its relevance under Roman rule, and part also of the special statute of the citizens of the *poleis* in Roman times can be assumed to go back to their own pre-Roman legislative activity, as well as to the privileges received from the Ptolemies. It is likely that much within these special civic statutes was confirmed by prefects and emperors,¹⁷ and had therefore become, even in the aspects that were not Roman innovations, part of the Roman provincial law. Problematic, instead, remains the formal justification for the survival of the rest of the laws, rules, institutions, conceptions and practices that the Roman administration, as we have seen, left largely untouched.

The political rationale behind this Roman attitude is clear enough: for the administration of the province, it was expedient to observe such policy of minimum intervention and preservation of the local legal order, as long as it did not collide with the Roman interests. But this does not solve the problem of the legal status of these foreign laws and institutions from the point of view of the Roman jurisdiction and administration, in the moment of their application. The problem is only made more pressing by the occasional instances of rejection, as exemplified in the petition of Dionysia. What sort of legal frame can account at the same time for the application and disapplication of a foreign legal system? What was for Rome the status of this peregrine law that made both possible? It is only to a discussion of this problem that the following pages are devoted.

To address this question, many things will have to be left aside. I will limit myself mostly to private law, and to the period before AD 212. I will of course not attempt to describe the evolution of private law in this period. My aim is merely to understand in legal terms the status of an alien legal tradition before the Roman courts, a status that made it possible for the jurisdictional power to apply or reject it. Since the phenomenon itself is out of question, I will deal less with the papyrological evidence than with the theories proposed to account for it.

¹⁷ Cf. the letter of Claudius to the Alexandrians in *P. Lond.* VI 1912, ll. 57–59.

2. LEGAL VACUUM?

The lack in Egypt of autonomous, non-Roman courts is a manifestation of the lack of proper *politeiai* in the province. The *metropoleis* of the *chora* are not *poleis* at all, their inhabitants are not citizens, but *peregrini nullius civitatis*. Alexandria and the other three *poleis* do have citizens, but can hardly be considered *civitates* in the proper sense of the term: only Ptolemais seems to have preserved its *boule* under Roman rule;¹⁸ Alexandria did not recover its own until the visit of Severus in AD 200. Before that, the city seems to have lacked any legislative or jurisdictional autonomy.

This turns the survival of peregrine law in Egypt into a theoretical puzzle. Rome inherited from Greece the conception that links the existence of a *ius civile* to that of a *civitas*. Without *civitas*, there is no civil law, indeed no law proper, but merely the submission to a sovereign. This idea resonates in Tacitus' famous characterization of Egypt in the first book of the *Histories*:

Aegyptum copiasque, quibus coereretur, 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.¹⁹

If we are true to this paradigm, in the absence of proper *civitates*, in the absence of a proper civil law, the law that had been sustained by the Ptolemies ceased to be such with the fall of their kingdom. When Tacitus presents the equestrian prefects as *loco regum*, this is mere scorn, not evidence of a continuation of the Ptolemaic kingdom under Roman rule: from the Roman point of view, the prefect is not a successor of the kings; neither is the emperor, despite Mommsen. Egypt is a mere province,

¹⁸ SB VI 9016, cf. *infra* §8 ad nn. 121–124.

¹⁹ Tacitus, *Hist.* I.II: 'Ever since the time of the Divine Augustus Roman knights have ruled Egypt as kings, with the troops to keep it in subjection. It had seemed wise to retain under the direct control of the imperial house a province so difficult of access, so productive of corn, ever volatile and restless because of the fanaticism and licentiousness of its inhabitants, ignorant of the laws and unused to civic rule.'

under the *imperium populi romani*, as we read in *Res Gestae* §27, and the prefect is just a governor, with *imperium ad similitudinem proconsulis* (Ulp. 15 *ed. D.* 1.17.1).²⁰

From the Roman perspective, there was no political continuity. The continuity in the private legal practice was explained by Ernst Schönbauer as the result of a *forma provinciae* promulgated under Augustus, that would have secured the application of the peregrine law.²¹ For Taubenschlag, the various measures that our sources attribute to Augustus regarding Egypt were not isolated enactments, but ‘part of a great basic law regulating the legal relations of both the Romans and the peregrines’.²²

A *lex provinciae* could indeed grant autonomy to provincial *civitates*, and the right of their citizens to live under their own laws. This happened in Sicily, when the provincial system was first created.²³ Similar concessions are attested for numerous Greek *poleis*.²⁴ But the sources are silent about a *forma* or *lex provinciae* for Egypt – they rather assign different aspects of the Egyptian order to different normative acts under Augustus – and equally silent about any concession of autonomy and *ius proprium* in Egypt. This silence does not seem a coincidence. Such concessions were conceivable only regarding *civitates* and *cives*. They were out of the question for the preservation of the legal order among *peregrini nullius civitatis*, like the inhabitants of the *chora*, and, in Egypt, implausible also for Alexandria, deprived of its autonomy by Augustus, and for the other Egyptian *poleis*, none of which seem to have been exempt from the *imperium* of the prefect.

In the Roman political practice, preservation of *ius proprium* was linked to jurisdictional autonomy. A formal subjection of the Roman jurisdiction

²⁰ For a discussion of the legal status of Roman Egypt, cf. WOLFF & RUPPRECHT, *Recht* (cit. n. 5), pp. 99–103; MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), pp. 241–259. Cf. the update by A. Jördens, in this same volume.

²¹ E. SCHÖNBAUER, ‘Untersuchungen über die Rechtsentwicklung in der Kaiserzeit’, *JfzP* 9–10 (1956), pp. 21–22.

²² TAUBENSCHLAG, *Law* (cit. n. 8), p. 29.

²³ Cic. II *in Verr.* 2.13.32: ‘Siculi hoc iure sunt, ut quod civis cum cive agat, domi certet suis legibus’. L. D. MELLANO, *Sui rapporti tra governatore provinciale e giudici locali alla luce delle Verrine*, Genova 1977.

²⁴ Cf., together with the abundant epigraphical evidence, Cic. *Att.* 6.1.15 and 6.2.4.

to a duty to apply peregrine law is never attested in our sources, inside or outside of Egypt, and for a reason: it would have been incompatible with the Roman understanding of the *ius dicere* of the governor as the discretionary power to decide about the law applicable to each specific case.²⁵ The case-by-case approach to the application of peregrine law in Egypt that is evident in our sources²⁶ confirms that the prefect had retained its full discretionary power in its respect, and therefore belies the existence of a *forma* or *lex provinciae* securing its application, in the sense imagined by Schönbauer and Taubenschlag. For the same reason, whatever position one takes regarding the existence of a general provincial edict in Egypt, it is clear that the subsistence of the peregrine legal rules and institutions cannot be linked to any conceivable edictal provision regulating their application by the Roman jurisdiction.²⁷

Also unlikely is the existence of official Roman codifications of peregrine law, through which its application could be explained. We know that in the second century ‘the laws of the Egyptians’ (νόμοι τῶν Αἰγυπτίων) could be read in court and quoted in petitions,²⁸ but this merely proves that they existed in written sources, not that these had been subject to a codification.²⁹ Most unlikely is that such codification would have

²⁵ *Infra* §9.

²⁶ Enough here to recall again the petition of Dionysia, with its dossier of court precedents where the peregrine *exousia* of the father over the married daughter is rejected (*supra*, n. 11); the freedom of the judge (almost certainly the prefect, either the same Sulpicius Similis of the other decisions in the papyrus or one of his predecessors) is obvious also in *P. Oxy.* XLII 3015, with its cautious ‘... it is *best* that they should judge in accordance with the laws of the Egyptians.’

²⁷ Despite the edictal references in the surviving *agnitiones bonorum possessionis* (all of them 3rd century, in any case), the existence of a provincial edict like the one commented in Gaius’ books *ad edictum provinciale* is unlikely: most of such edict was tied to the formula procedure, of which there is no trace in Egypt. An edict disciplining the provincial *cognitio* is equally unlikely, in the light of the discretion retained by the prefect regarding the organisation of the *conventus* and the application of the law; furthermore, we would expect such edict to be constantly invoked in the numerous surviving petitions and trial records, where there is no trace of it. A fuller discussion with lit. in WOLFF & RUPPRECHT, *Recht* (cit. n. 5), pp. 108–111; MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), pp. 286–292.

²⁸ *P. Oxy.* II 237 col. 6, ll. 17–18, and col. 7, ll. 36–37.

²⁹ Codifications of the native Egyptian law had been made under the Ptolemies (G.

been promoted by the Roman authority and raised to the value of official legal source. Throughout most of its history, Rome displayed a visible reluctance towards the idea of rigidifying the law in a written code.³⁰ This reluctance is related to the primacy of the free interpretation of the law by the juriconsults, and of its discretionary application by the jurisdictional magistrates. Caesar's alleged project to reduce the immensity of the civil law to a few books³¹ is the only mention of something more or less akin to a codification in our sources between the Twelve Tables and the compilations of Late Antiquity.³² It does not seem a coincidence that such project was attributed to someone who perished under the suspicion that he intended to become a monarch of the Hellenistic type. In this context, it is unlikely that a provincial governor, endowed with full *impe-*

MATHA & G. H. HUGHES, *The Demotic Legal Code of Hermopolis West*, Cairo 1975; MÉLÈZE MODRZEJEWSKI, *Loi et coutume* [cit. n. 8], pp. 77–84), but the 'law of the Egyptians' of the Roman period is not to be identified with the native Egyptian law: *Aigyptioi* are in Roman administrative parlance (cf. the *Gnomon* of the *Idios Logos*) all the *peregrini nullius civitatis* within the province, irrespective of their origin and culture. TAUBENSCHLAG's hypothesis of a codification of the specific statute of the citizens of the *poleis* – *Law* (cit. n. 8), pp. 17–19 – finds even less support in the sources: the only mention of *astikoi nomoi* in Roman times, in *P. Oxy.* IV 706, may not even refer to such civic statute, but to the Roman *ius civile*, as suggested by H. J. WOLFF, 'Plurality of laws in Ptolemaic Egypt', *RIDA* 1 (1960), p. 223 n. 80.

³⁰ F. SCHULZ, *Principles of Roman Law*, Oxford 1936, pp. 6–7: 'When ... in the course of the 500 years or so of the highly developed culture (particularly in the sphere of law) in the epoch from the end of the second Punic war to Diocletian, State legislation is found very much in the background and is confined to certain functions, then we may assume that a Roman principle existed which read: Romans are basically opposed to codification and maintain a strict reserve in regard to statutes. The "law-inspired nation" is not statute-inspired'.

³¹ Suet., *Div. Iul.* 44.2: 'ius civile ad certum modum redigi atque ex immensa diffusione eius copia optima quaeque et necessaria in paucissimos conferri libros. ... Talia agentem atque meditantem mors praevenit'.

³² Cicero's lost 'de iure civili in artem redigendo' (Quint. 12.3.10, Gell. 1.22.7) was certainly not an attempt at a codification, but at a proper dialectic treatment of the legal matter into a unified systematic whole: cf. Cicero's ideas in this respect in *de orat.* 1.41–42, 2.19.83, 2.32–33, *Brutus* 41–42. Despite the affinity between Cicero's 'in artem redigere' and Suetonius' 'ad certum modum redigi' for Caesar's plan, the latter, if true, must have been intended by the dictator as an official text, while the former was an academic exercise.

rium ad similitudinem proconsulis, would have been subjected to a compilation of peregrine law.

At this point in the discussion, Hans Julius Wolff took the most extraordinary step. If there is no convincing way of reconciling the survival of peregrine law with the most elementary Greek and Roman political theory, then we may have to accept that peregrine law didn't quite survive after all. By this, Wolff means: with the fall of the Ptolemies all existing law lost its whole binding force; the cases where the Roman jurisdiction rejected a local rule or institution, as exemplified in the petition of Dionysia, are a further proof of it; from the point of view of the Roman jurisdiction, there was in Egypt a legal vacuum, to be filled at discretion.³³

Certainly, there was an overabundance of legal materials available for the Romans to re-raise the whole local legal system with an appearance of continuity, as in fact they did, for obvious reasons of political opportunity. But from the Roman point of view – so Wolff – these materials were not law, because they lacked all binding force. This is the core of Wolff's theory. The case of Dionysia,³⁴ where in fact a local institution was rejected by the Roman jurisdiction, is for Wolff the ultimate proof that this so-called 'law of the Egyptians' was no law at all as far as the Roman jurisdiction was concerned – the ultimate proof that it lacked 'binding force'. To this equation between law and binding rules we will return at the end of this paper (§§ 9–10).

For the moment, it is enough to say that Wolff's theory is in many ways perplexing. In Wolff's opinion, still at the time of the Dionysia petition, at the end of the second century, there was no law in Egypt – no law, that is, other than Roman law. Yet this true law hardly ever appears in our doc-

³³ WOLFF & RUPPRECHT, *Recht* (cit. n. 5), pp. 115–116, under the title 'Nichtexistenz einer bindenden Rechtsordnung': 'Nach dem Untergang der lagidischen Monarchie war alledem der staatsrechtliche Boden entzogen. Mit der königliche Autorität war auch die Bindungswirkung ihrer Befehle erloschen. Rechtsetzung wie Rechtsprechung lagen nunmehr ausschließlich in den Händen der Römer ... Von ihrem eigenen Rechtsquellenverständnis her gesehen, fanden die Römer ein juristischen Vakuum vor, das zu füllen ihrem Gutdünken anheimgestellt war.'

³⁴ *Supra ad n. 11.*

uments and the law that does appear was – so Wolff – no law at all. It is also perplexing that for Wolff the Greek and Egyptian institutions were law while they were upheld by the Ptolemaic monarchy, but for some unexplained reason their being upheld by the Roman jurisdiction (for two centuries!) does not have quite the same effect.

3. MOS REGIONIS

The most successful way out of these paradoxes was formulated at the 12th Congress of Papyrology in Ann Arbor by Joseph Méléze Modrzejewski,³⁵ and has been ever since at the core of his approach to the law in Roman Egypt.³⁶ In a nutshell, his thesis is the following: ‘the local laws are kept in Roman Egypt as customs recognized *de facto*, and it is their quality of customs that explains the mechanism of their relations to Roman law’.³⁷ The relation between peregrine and Roman law would be the same that modern legal theory establishes between customary law and legislation. Namely: the normative rank of local law was inferior to that of Roman law³⁸ – hence the liberties that the Roman jurisdiction could take in its regard. This conceptual frame would also explain the survival itself of the local law and particularly of the Ptolemaic legislation, why and how they survived – precisely as custom, as *mos regionis*.

This brings us to the doctrine of customary law, both modern and Roman. It is a notoriously problematic field, as Dieter Nörr has

³⁵ J. MÉLÈZE MODRZEJEWSKI, ‘La règle de droit dans l’Égypte Romaine’, *Pap. Congr. XII*, pp. 317–376.

³⁶ Cf. now J. MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), pp. 7–16, 235–240, *passim*.

³⁷ MÉLÈZE MODRZEJEWSKI, ‘Règle’ (cit. n. 35), p. 318: ‘Les droits locaux se maintiennent dans l’Égypte 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’. Cf. now, building in part on the same conceptions, the nuanced reflections of Caroline HUMFRESS, ‘Law & Custom under Rome’, [in:] A. RIO (ed.), *Law, Custom and Justice in Late Antiquity and the Early Middle Ages*, London 2011, pp. 23–47, especially pp. 40–47.

³⁸ MÉLÈZE MODRZEJEWSKI, ‘Règle’ (cit. n. 35), p. 367: ‘... 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’

warned.³⁹ The notion of custom itself carries an ambiguity that can very easily vitiate any discussion, including ours. One example: Hans Julius Wolff adopted Modrzejewski's theory as a corollary of his own, that in Egypt there was no binding legal system; the Egyptian *mos regionis* was for the Romans – so Wolff – merely a non-binding mass of traditional forms and behaviour patterns.⁴⁰ And yet, if we understand custom not in a sociological but in a normative sense, not as practice but as rule,⁴¹ as Modrzejewski himself has warned we should,⁴² both theories seem difficult to conciliate. If there is custom, and custom is law, then there is no legal vacuum. The ambiguity here is related to one that plagues also the modern doctrine of customary law: does custom become law because applied in court, or is it applied because it is law?

Fortunately, we do not need to address this question here. Whether the peregrine traditions became law in Roman Egypt only through their

³⁹ D. NÖRR, 'Zur Entstehung der gewohnheitsrechtlichen Theorie', [in:] *Festschrift für W. Felgentraeger*, Göttingen 1969, pp. 353–366 [‘On the genesis of the theory of customary law’, *Law and State* 7 (1973), pp. 126–140], especially pp. 353–354. Cf. also D. NÖRR, review of B. SCHMIEDEL, *Consuetudo im klassischen und nachklassischen römischen Recht*, Graz – Köln 1966, and G. STÜHFF, *Vulgarrecht im Kaiserrecht*, Weimar 1966, in *ZRG RA* 84 (1967), pp. 454–466; and, especially, D. NÖRR, *Divisio und Partitio. Bemerkungen zur römischen Rechtsquellenlehre und zur antiken Wissenschaftstheorie*, Berlin 1972.

⁴⁰ WOLFF & RUPPRECHT, *Recht*, I (cit. n. 5), p. 117: ‘Aus ihrem Blickwinkel konnten die Rechtsüberzeugungen und – sitten der Einwohner nicht mehr sein als ein *mos regionis*, d.h. eine Masse hergebrachter Formen und Verhaltensweisen, die für die Besatzungsmacht im Prinzip selbst dann unverbindlich waren, wenn sie auf positive Anordnung früherer Herrscher zurückgingen, zu denen die neuen Machthaber jedoch in keinem Sukzessionsverhältnis standen’.

⁴¹ For the distinction and dynamic between ‘Brauch’ (‘usage’), ‘Sitte’ (‘custom’), ‘Konvention’ (‘convention’), and ‘Gewohnheitsrecht’ (‘customary law’), still illuminating M. WEBER, *Economy and Society*, Berkeley 1968, pp. 29–31, pp. 33–36, pp. 319–333.

⁴² MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), p. 10: ‘Il faut préciser encore que ce qui nous intéresse ici, c’est le seul domaine du droit ... Nous laissons délibérément de côté les règles de conduite qui échappent à ce domaine. Le trait fondamental du droit est son caractère obligatoire, qui vient de la contrainte assurée par la sanction judiciaire’. *Ibidem*, p. 11: ‘Le point commun de la loi et de la coutume en tant que règles de droit réside donc dans la garantie de la sanction officielle qui leur confère la qualité de règles juridiques’. *Ibidem*, p. 12: ‘la coutume doit avoir une fonction ‘juridiquement normative’: sinon, elle ne sera, du point de vue où nous nous plaçons, qu’une règle de conduite normative de facto ou par convention sociale, sans implication judiciaire’.

application by the Roman jurisdiction, or, inversely, they were applied because recognized as law in themselves, it does not matter now. It is sufficient to stress that within Modrzejewski's theory their application makes it unquestionable that they are law. From the Roman point of view only customary law, though: that is – so Modrzejewski – law of inferior normative rank, subordinated to Roman law.

The uncertainties surrounding the Roman doctrine of customary law have brought Modrzejewski to warn insistently that he uses the notion in its modern sense.⁴³ This poses a delicate methodological problem, one that was intensely discussed among legal historians in the second quarter of the twentieth century:⁴⁴ to what extent may legal history make use of modern legal categories as tools of analysis? A wise line, borrowed from the late Mario Talamanca,⁴⁵ is the following: modern categories *stricto sensu*, those that do not exactly correspond to the ones explicit or implicit in the Roman legal discourse, may only be employed with the awareness that they were not known to the historical agents and therefore cannot have had any influence on them. In other words: we may use them to describe a historical phenomenon, but not to explain it.

⁴³ MÉLÈZE MODRZEJEWSKI, 'Règle' (cit. n. 35), p. 319: '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. 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. ... 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 le point de vue des Anciens avec les conclusions que l'examen des sources suggère au juriste moderne. On verra qu'au terme de l'analyse les deux approches se rejoignent'. In the same sense, now, MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), pp. 9–10.

⁴⁴ Central to the debate were the contributions of Emilio Betti: cf. the studies collected in E. BETTI, *Diritto, metodo, ermeneutica. Scritti scelti*, Milano 1991; the discussion with Pietro de Francisci, [in:] G. LURASCHI & G. NEGRI (eds), *Questioni di metodo. Diritto Romano e dogmatica odierna*, Como 1997; and the author's own *summae*, in E. BETTI, *Interpretazione della legge e degli atti giuridici: teoria generale e dogmatica*, Milano 1949; IDEM, *Teoria generale dell'interpretazione*, Milano 1955; IDEM, *Die Hermeneutik als allgemeine Methodik der Geisteswissenschaften*, Tübingen 1962. On Betti's ideas, V. FROSINI & F. RICCOBONO (eds), *L'Ermeneutica giuridica di Emilio Betti*, Milano 1994.

⁴⁵ M. TALAMANCA, *Istituzioni di diritto romano*, Milano 1990, pp. 12–13.

This restriction would deprive Modrzejewski's theory of much of its potential. It would reduce it to a mere description, no longer an explanation of why and how the local law survived, and why its position was the one it was. It may be worthwhile to review the Roman late Republican and early Imperial sources, searching for a doctrine of customary law, however problematic, that may have provided the legal frame for our phenomenon. I will limit myself to some key moments (§§ 4–7), and then return to Modrzejewski's theory (§ 8).⁴⁶

4. CUSTOM AND CUSTOMARY LAW IN THE LATE REPUBLICAN SOURCES

Traceable to the Platonic and Aristotelic discourse on law and cus-

⁴⁶ Among the vast literature, together with the contributions of Dieter NÖRR (*supra* n. 39): A. PERNICE, 'Parerga X. Zum römischen Gewohnheitsrechte', *ZRG RA* 20 (1899), pp. 127–171; IDEM, 'Parerga X. Nachtrag über Gewohnheitsrecht und ungeschriebenes Recht', *ZRG RA* 22 (1901), pp. 59–61; A. STEINWENTER, 'Zur Lehre vom Gewohnheitsrechte', [in:] *Studi in onore di P. Bonfante*, II, Pavia 1929, pp. 419–440; S. SOLAZZI, 'La desuetudine della legge', *AG* 102 (1929), pp. 3–27 = *Scritti di diritto romano*, III, Napoli 1960, pp. 275 ss.; A. SCHILLER, 'Custom in classical Roman law', *Virginia Law Review* 24 (1938), pp. 268–282; M. KASER, 'Mores maiorum und Gewohnheitsrecht', *ZRG RA* 59 (1939), pp. 52–101; G. LOMBARDI, 'Sul titolo 'quae sit longa consuetudo' (8, 52 [53]) nel codice giustiniano', *SDHI* 18 (1952), pp. 21–87; J. GAUDEMET, 'La coutume au bas-empire. Rôle pratique et notion théorique', *Labeo* 2 (1956), pp. 147–159; G. SCHERILLO, v. consuetudine, in *NNDI* 4, Torino 1959, pp. 301–310; J. A. C. THOMAS, 'Custom and Roman law', *TR* 31 (1963), pp. 39–53; SCHMIEDEL, *Consuetudo* (cit. n. 39); STÜHFF, *Vulgarrecht* (cit. n. 39), pp. 37–81; L. BOVE, *La consuetudine in diritto romano*, I. *Dalla repubblica all'età dei Severi*, Napoli 1971; W. FLUME, *Gewohnheitsrecht und römisches Recht*, Opladen 1975; W. WALDSTEIN, 'Gewohnheitsrecht und Juristenrecht in Rom', [in:] *De iustitia et iure. Festgabe für Ulrich von Lübtow*, Berlin 1980, pp. 105–126; H. T. KLAMI, 'Gewohnheitsrecht als Methodenproblem', [in:] N. ACHTERBERG (ed.), *Rechtssprechungslehre*, Münster 1984, pp. 343–379; F. GALLO, *Interpretazione e formazione consuetudinaria del diritto: Lezioni di diritto romano*, Torino 1993; O. BEHREND, 'Die Gewohnheit des Rechts und das Gewohnheitsrecht: die geistigen Grundlagen des klassischen römischen Rechts mit einem vergleichenden Blick auf die Gewohnheitsrechtslehre der historischen Rechtsschule und der Gegenwart', [in:] D. WILLOWEIT & E. MÜLLER-LUCKNER (eds), *Die Begründung des Rechts als historisches Problem*, Oldenbourg 2000, pp. 19–135.

tom,⁴⁷ the merism *ἔθνη καὶ νόμοι* became in Hellenistic and Roman times a commonplace to refer to the law in its entirety, or, more often, to the whole social order.⁴⁸ The locution, and its Latin equivalent, *mores et leges*,⁴⁹ was perfect to describe the legal order regained by the cities that obtained from Rome the condition of *civitates liberae*. Thus, in the 80 BC decree of the Senate in favour of Chios, reported in *CIG* 2222 (*SIG*³ 785; Sherk 70), ll. 14–18, we read:

¹⁴ ... ἡ σύνκ[λη]τῶν¹⁵ τοῖς εἰδικῶς ἐβεβαίωσεν, ὅπως νόμοις τε καὶ ἔθεσιν καὶ δικαίοις χ[ρῶν]¹⁶ ται ἂ ἔσχον ὅτε τῇ Ῥωμαίων φιλίᾳ προσῆλθον, ἵνα τε ὑπὸ μηθ' ὤτῳ¹⁷ τῶν ἀρχόντων ἢ ἀνταρχόντων, οἳ τε παρ' αὐτοῖς ὄντες Ῥωμ[αῖ]¹⁸ οἱ τοῖς Χείων ὑπακούωσιν νόμοις.

The same triad, *νόμοι καὶ ἔθνη καὶ δικαίοι*, can be reconstructed in the 81 BC decree of the Senate in favour of Stratonicea in Caria (*OGIS* 441; Sherk 18; *SEG* xxix 1076):

¹⁴⁹ [δικαίοις τε κ]αὶ νόμοις καὶ ἔθουσιν⁵⁰ τοῖς ἰδίους, οἳς ἐχρῶν⁵⁰ το ἐπάν]ω, ὅπως χρῶνται, ...

The triad shows the Roman awareness that a legal order is not reduced to mere legislation, but nothing else: it is just a convenient, stereotype way of dealing with this trivial fact. It certainly does not imply a Roman endorsement of custom as an independent legal source, i.e. as sufficient

⁴⁷ In Plato, *Leges* 793a–d, customs appear as the moral environment without which the legal system, left to itself, collapses. The locution *νόμοι καὶ ἔθνη vel sim.* is used already both by Plato (cf. for instance *Cratylus* 384d, *Politicus* 301b, *Leges* 793d) and Aristotle (*Eth. Nicom.* 1181b., *Politica* 1287b, 1319b).

⁴⁸ Paradigmatic, Dion. Hal. 1.8.2: *ἔθνη τε τὰ κράτιστα καὶ νόμους τοὺς ἐπιφανεστάτους διηγούμεναι καὶ συλλήβδην ὅλον ἀποδείκνυμι τὸν ἀρχαῖον βίον τῆς πόλεως* – ‘I describe the best customs and the most remarkable laws; and, in short, I show the whole life of the ancient Romans’. It is unnecessary to list examples: the expression, particularly frequent in Philo and Josephus (BOVE, *Consuetudine* [cit. n. 46], pp. 67–72), is ubiquitous in Hellenistic and Roman times, and not only in the realm of philosophical, political, historical or legal discussion: cf., for instance, *Acta Johannis* 3.4 (M. BONNET, *Acta apostolorum apocrypha*, II 1, Leipzig 1898).

⁴⁹ Cf., for instance, Cicero, *Part. Orat.* 37.130: ‘Atque etiam hoc in primis, ut nostros mores legesque tueamur, quodam modo naturali iure praescriptum est’. A *locus classicus* would of course be Gai. 1.1: ‘Omnes populi, qui legibus et moribus reguntur’.

in itself to produce enforceable law: for a *civitas* that shall keep its autonomy, such endorsement would have been out of place; the whole purpose of the clause is that the conditions under which the law is produced and applied shall not depend on Roman conceptions in the future, as they did not in the past.

The Latin original of this Greek clause reappears in the 71 BC *lex Antonia de Termessibus* (CIL I 204 = CIL I² 589; Sherk 72; Crawford 19), col. II, ll. 18–22:

¹⁸ Quae leges quodque ious quaeque consuetudo L. Marcio ¹⁹ Sex. Iulio co(n)s(ulibus) inter ciueis Romanos et Termenses ²⁰ maiores Pisidas fuit, eadem leges eidemque ius ²¹ eademque consuetudo inter ceiuos Romanos et ²² Termenses Maiores Pisidas esto.

It is worth noticing that this is not the clause that restored the Termenses' right to live under their own laws. Such clause is also preserved (col. I, l. 8–11), and, in it, no term other than *leges* was deemed necessary to describe the entirety of the preexistent legal order:

⁸ eique legibus sueis ita utunto, itaque ieis ⁹ omnibus sueis legibus Thermensis Maioribus ¹⁰ Pisideis utei liceto, quod aduorsus hanc legem ¹¹ non fiat.

The triad *leges ius consuetudo* in l. 18, instead, does not refer to the legal order of the Termenses, but to the relation between these and the Roman citizens: an area where much must have depended on custom, and particularly on jurisdictional custom. Since the Termenses were to keep their jurisdictional autonomy, this clause ensured that they would not use it to worsen the situation of future Roman litigants.⁵⁰ The triad, therefore, does not imply a Roman acknowledgment of *consuetudo* as an independent source of law, but merely as relevant legal and jurisdictional practice that

⁵⁰ This interpretation seems preferable to the usual one, based on the unwarranted assumption that everything in these concessions is intended for the benefit of the local citizens. Thus, for instance, BOVE, *Consuetudine* (cit. n. 46), p. 55, who imagines that the clause imposes on the Roman citizens the duty to 'know and respect' the local laws, but also the local customs, these also part of a 'non-derogable territorial law'. On the *lex*, J.-L. FERRARY, 'La Lex Antonia de Thermessibus', *Athenaeum* 63 (1985), pp. 419–457.

is not to be changed in the future in Termessos to the detriment of the Romans.

Leaving these three epigraphs aside, the earliest traceable evidence of a Roman discourse on custom in a legal context are the late Republican rhetorical treatises. In *Auct. ad Herenn.* 2.13.19–20, we read:

Absoluta iuridicali constitutione utemur cum ipsam rem quam nos fecisse confitemur iure factam dicemus, sine ulla adsumptione extrariae defensionis. In ea convenit quaeri iurene sit factum. De eo causa posita dicere poterimus si ex quibus partibus ius constet cognoverimus. Constat igitur ex his partibus: natura, lege, consuetudine, iudicato, aequo et bono, pacto. ... His igitur partibus iniuriam demonstrari, ius confirmari convenit, id quod in absoluta iuridicali faciendum videtur.⁵¹

The *auctor ad Herennium* mentions custom among the *partes iuris*, together with nature, legislation, judicial decisions, equity and private agreements. To a legal mind, this list appears peculiar: legislation, which is law, figures side by side with notions like equity, which are not law in themselves, even if they may be the justification and origin of many legal rules. In contemporary legal parlance, ‘material legal sources’ – values and forces that shape the law – such as equity, are mixed with ‘formal legal sources’ – those acknowledged within a legal system as sufficient in themselves to produce enforceable law – such as legislation.

This is not surprising. The *Rhetorica* is not interested in isolating the immediate sources of the law. Its purpose is to present every conceivable way to argue the law in trial. So much can be deduced from the nature of the work itself, but it is also confirmed by its author in the words that

⁵¹ ‘We shall be dealing with an Absolute Juridical Issue when, without any recourse to a defence extraneous to the cause, we contend that the act itself which we confess having committed was lawful. Herein it is proper to examine whether the act was in accord with the Law. We can discuss this question, once a cause is given, when we know the departments of which the Law is constituted. The constituent departments, then, are the following: Nature, Statute, Custom, Previous Judgements, Equity, and Agreement. ... These, then, are the divisions of Law by means of which one should demonstrate the injustice or establish the justice of an act – which we see to be the end sought in an Absolute Juridical cause.’ [tr. H. Caplan].

close this section: 'these, then, are the parts of the Law by means of which one should demonstrate the injustice or establish the justice of an act'. It is safe to assume, therefore, that custom is included here for its potential to prove the law, leaving completely aside whether or not it has a potential to create it by itself.⁵²

In *de Inventione*, 2.22.65–68, Cicero presents a similar catalogue with the same practical aim, but also as a speculation on how the law develops historically and what are its ultimate roots. One of these roots is custom, which Cicero presents as the origin of much law confirmed by legislation and especially, by the praetors in their Edict:

[65] ... utrisque aut etiam omnibus, si plures ambigent, ius ex quibus rebus constet, considerandum est. initium ergo eius ab natura ductum videtur; quaedam autem ex utilitatis ratione aut perspicua nobis aut obscura in consuetudinem venisse; post autem adprobata quaedam a consuetudine aut vero utilia visa legibus esse firmata. ... [67] ... consuetudine autem ius esse putatur id, quod voluntate omnium sine lege vetustas comprobarit. In ea autem quaedam sunt iura ipsa iam certa propter vetustatem. quo in genere et alia sunt multa et eorum multo maxima pars, quae praetores edicere consuerunt. quaedam autem genera iuris iam certa consuetudine facta sunt; [68] quod genus pactum, par, iudicatum. ...⁵³

Custom is here first presented (65) as an intermediate stage, born *utilitatis ratione*, between the pure law of nature and legislation.⁵⁴ Then (67) it

⁵² Cf. PERNICE, 'Nachtrag' (cit. n. 46), pp. 62–64.

⁵³ [65] ... For both (positions) or for all (if more are at issue), one must consider the elements which make the law. Its origin seems to be in nature. Certain principles, though, have passed into custom by reason of advantage, either obvious or obscure to us; afterward certain principles approved by custom or deemed to be really advantageous have been confirmed by statute. ... [67] ... Law from custom is thought to be that which lapse of time has approved by the common consent of all without the sanction of statute. In it there are certain principles of law which through lapse of time have become absolutely fixed. Among the many others in this class are by far the largest part of those which the praetors have been accustomed to embody in their edicts. Moreover, certain ideas of law have now become fixed by custom; [68] among these are covenants, equity and judicial decisions. ...' [tr. C. D. Yonge, with substantial emendations] Cf. also 2.53.160–162.

⁵⁴ The genetic approach is emphasized by the ablative construction, 'consuetudine ... ius'

would seem to emerge more clearly as an autonomous source, ‘approved by the common consent of all through lapse of time, without legislative sanction.’⁵⁵ And yet, when it comes to applying this general notion to the specific Roman legal reality, custom is again reduced to a mere genetic explanation of the content of the praetorian Edict,⁵⁶ and (68) to an argument in favour of the legal relevance of informal covenants (*pacta*), equity (*par*), and judicial decisions (*iudicatum*).

5. THE OMISSION OF CUSTOM IN THE JURISPRUDENTIAL SOURCE CATALOGUES

The reference to custom as genetic explanation of certain institutions became frequent later, in the writings of the classical jurisprudence, to account for unlegislated aspects of the older *ius civile*,⁵⁷ as *ius moribus*

(parallel to the previous ‘*natura ius*’, ‘*lege ius*’), rightly underlined by LOMBARDI, ‘Sul titolo’ (cit. n. 46), pp. 31–32.

⁵⁵ For Cicero’s topos of *consensus*, or *voluntas*, as the basis of all *ius*, whether *lege*, *consuetudine* (cf. *Part. Orat.* 37.130) or *natura* (cf. *Tusc.* 1.13.30), and indeed of human political society (*Re publica* 1.25.39), cf. C. CASCIONE, *Consensus. Problemi di origine, tutela processuale, prospettive sistematiche*, Napoli 2003, pp. 47–160, *passim*, with lit.; *ibidem*, pp. 129–138, for *mos* as expression of ‘*communis consensus omnium simul habitantium*’ in Varro (*Serv. in Aen.* 7.601). For custom, the *topos* was destined to have a long life, as justification of its equivalence to legislation: cf. among the literary sources, Gell. 11.18.4, 12.13.5, 20.10.9; in the Roman jurisprudential tradition, most notably, Iul. 84 *dig. D.* 1.3.32.1 (infra §6); also Herm. 1 *iur. epit. D.* 1.3.35 (*velut tacita civium conventio*); Tulp. 1.4 (*tacitus consensus populi*).

⁵⁶ In Cicero, the connection between custom and the edict seems to depend not merely on the content of the latter, i.e. on those aspects in which the edict departs from the old *ius civile* in order to accommodate new social mores and negotial practices, but also on the edictal form, i.e. on its annual renovation, that makes the settled part of the edict (*edictum tralaticium*) appear as confirmed jurisdictional custom: n.b. ‘*quae praetores edicere consue-runt*’. For the connection between custom and the *ius honorarium* introduced through the edict, cf. already PERNICE, ‘*Gewohnheitsrecht*’ (cit. n. 46), pp. 128–138, with numerous examples, and ‘*Nachtrag*’ (cit. n. 46), pp. 59–61; more recently, F. GALLO, ‘Un nuovo approccio per lo studio del *ius honorarium*’, *SDHI* 62 (1996), pp. 1–68.

⁵⁷ Cf., among many examples: Gai. 3.82 (*adrogatio* and *conventio in manum* as instances of *successio* not dependent on the Twelve Tables or the edict), Gai. 4.26 (*pignoris capio propter aes militare, equestre, bordiarium*), Pomp. 5 *Sab. D.* 23.2.8 (lack of *conubium* among freedmen

receptum.⁵⁸ In this way, the late Republican and early Imperial political ideal of the *mores maiorum* was reframed as an explanation for institutions which were specific to the Roman legal tradition and could not be accounted for as products of legislation.⁵⁹ It is important to underline that none of these texts is concerned with the validity of these institutions – they are all undisputed, offer cardinal elements of *ius civile*, confirmed by jurisprudence and jurisdiction, sometimes also by legislation – but merely with their origin. In other words: here we have ‘law from custom’ but not ‘customary law’ proper: custom seems to appear rather as a force that shapes the law (a ‘material’ source) than as the reason that makes such law enforceable (a ‘formal’ source).

In fact, considering the role of custom in shaping the older *ius civile*, and of later changes in legal practice and social mores in shaping the late Republican and early Imperial *ius honorarium*,⁶⁰ it is remarkable how reluctant the Roman jurisprudence was towards the idea of customary law as such: that is, towards admitting custom as an independent, self-sufficient legal source.

This reluctance is evident in the catalogues of sources built by the classical Roman jurists. These catalogues are of a very different sort than the ones we found in the *auctor ad Herennium* and in Cicero. They are not speculations about the law in general, but merely refer to the Roman *ius civile* and *ius honorarium*. They do not theorise about the origin of legal rules and institutions, or instruct how to prove them in court. They simply state

due to *cognatio servilis*, cf. also Paul. 6 *Plaut.* D. 23.2.39.1), Ulp. 1 *Sab.* D. 27.10.1 *pr.* (pre-decennial *interdictio bonorum* of the *prodigus*, cf. also *PS* 3.4a.7), Ulp. 7 *Sab.* D. 29.2.8 *pr.* (*auctoritas tutoris*).

⁵⁸ The expression appears in Ulp. 26 *Sab.* D. 1.6.8 *pr.* (*patria potestas*), and 32 *Sab.* D. 24.1.1 (interdiction of donations between spouses). Cf. also *Paul.* 17 *ed.* D. 5.1.12.2 (exclusion of women and slaves from the *officium iudicis*).

⁵⁹ A reassessment of the role of pre-civic *mores* in archaic Roman law in: L. CAPOGROSSI COLOGNESI, ‘Les *mores gentium* et la formation consuetudinaire du droit romain archaïque (7e–4e s. avant J.-C.)’, [in:] *Recueils Société Jean Bodin pour l’Histoire Comparative des Institutions* 51 (1990): *La coutume – Custom*, I, pp. 79–90.

⁶⁰ The minor role played by legislation in shaping the Roman legal tradition has often led to characterizations of Roman law as fundamentally a product of custom (even if guided by the jurisprudence and controlled by the jurisdictional magistrates). Thus, for ins-

where the law can be found, and comprise only those sources that in the Roman legal tradition were undisputedly self-sufficient to produce it:

Gai. 1.2: Constant autem iura populi Romani ex legibus, plebiscitis, senatus consultis, constitutionibus principum, edictis eorum, qui ius edicendi habent, responsis prudentium.⁶¹

Pap. 2 def. D. 1.1.7: Ius autem civile est, quod ex legibus, plebis scitis, senatus consultis, decretis principum, auctoritate prudentium venit.⁶²

Pomp. ench. D. 1.2.2.12: Ita in civitate nostra aut iure, id est lege, constituitur, aut est proprium ius civile, quod sine scripto in sola prudentium interpretatione consistit, aut sunt legis actiones, quae formam agendi continent, aut plebi scitum, quod sine auctoritate patrum est constitutum, aut est magistratum edictum, unde ius honorarium nascitur, aut senatus consultum, quod solum senatu constituyente inducitur sine lege, aut est principalis constitutio, id est ut quod ipse princeps constituit pro lege servetur.⁶³

The three lists show remarkable consistency:⁶⁴ for Gaius, Pomponius, and Papinian, writing from the mid-second to the early third century, the

tance, V. ARANGIO-RUIZ, 'La règle de droit et la loi dans l'antiquité classique', [in:] *L'Égypte contemporaine* 29 (1938), p. 23, comparing Greece, as 'pays de droit écrit', to Rome, as 'pays de droit coutumier'.

⁶¹ 'The Civil Law of the Roman people consists of statutes, plebiscites, decrees of the Senate, constitutions of the Emperors, the edicts of those who have the right to promulgate them, and the opinions of the legal experts' [tr. S.P. Scott, with minor emendations].

⁶² 'Civil Law is that which derives from statutes, plebiscites, decrees of the Senate, decrees of the Emperors, and the authority of the legal experts'.

⁶³ 'Thus, in our commonwealth either law, that is, a statute, is enacted; or there is the civil law proper, which is not written, but depends on the sole interpretation of the legal experts; or there are the statutory actions, which shape the procedure; or a plebiscite, enacted without the authority of the patres; or the edict of the magistrates, from which honorary law is born; or a decree of the Senate, which the Senate alone enacts without statute; or the imperial constitutions, that is, whatever the Emperor himself establishes to be observed as a law'.

⁶⁴ Most idiosyncratic is Pomponius' text. The puzzling inclusion of *legis actiones* (the ancient rituals for litigation, no longer in use in Pomponius' time) immediately after *lex* and *interpretatio prudentium* has been long recognized as echoing the structure (*lex – interpretatio – actiones*) of the foundational (ca. 200 BC) *Tripertita* of Sextus Aelius Petus Catus.

sources of *ius civile* are statutes (i.e. comitial laws), plebiscites, decrees of the senate, constitutions of the emperors, and the opinions of the legal experts; to these, only the Edicts of the magistrates are added, as sources of *ius honorarium*.

Many of the *partes iuris* mentioned in the rhetorical treatises are conspicuously absent from all three lists. Equity and nature, that may have informed many institutions, and provide arguments in favour or against certain rules, but are not enforceable law by themselves, are not included. Absent are also private agreements, whose force is limited to the specific case. Judicial decisions are equally omitted: they may serve to prove the law, but in the eyes of the Roman jurisprudence, as it seems, they do not create it by themselves.⁶⁵ Crucially for us: custom is absent from all these lists. Despite the ubiquity of commonplace locutions like *ἔθνη καὶ νόμοι*, and *mores et leges*, despite how often these same jurists conjecture instances of *ius moribus receptum*, they do not seem ready to acknowledge custom as law in itself.

Dieter Nörr has argued at length that, due to the nature of these ‘catalogues’, an argument *e silentio* is in this case particularly inconclusive:⁶⁶ one must, in fact, take into account the distinction between *divisio* (*διαίρεσις*) and *partitio* (*μερισμός*), as developed in the Hellenistic and Roman philosophical and rhetorical tradition. *Divisio sensu stricto* must perforce comprise all the forms (i.e. *species*) of a given *genus*: ‘divisionum autem definitio formas omnis complectitur, quae sub eo genere sunt quod definitur’, in Cicero’s words (*Top.* 5.28). *Partitio*, instead, is a mere account of the parts of a whole: ‘in partitione quasi membra sunt, ut corporis:

⁶⁵ This is no doubt related to the ascendancy of the formulary procedure in the jurisprudential approach to the law: within the formulary procedure, it was the jurisdictional magistrate who indicated the law to the judge, precisely through the formula. Relevant therefore as legal sources were not the decisions of the judges but the edicts of the magistrates. Within the formulary procedure, verdicts were in principle not binding for future judges even regarding the specific adjudicated case: ‘res inter alios iudicatae nullum alii praeiudicium faciunt’ (Ulp. 2 *ed.* D. 44.2.1; discussion of the rich casuistic, with lit., in M. KASER & K. HACKL, *Das römische Zivilprozessrecht*, München 1996, pp. 378–382).

⁶⁶ NÖRR, *Divisio und Partitio* (cit. n. 39), *passim*.

caput, umeri, manus, latera, crura, pedes et cetera' (*Top.* 6.30). This means that, unlike *divisio*, *partitio* is not by necessity exhaustive: it cannot be but incomplete, in particular, when it refers to a *res infinita*. In such case, an incomplete *partitio* is admissible – indeed, inevitable (*Top.* 8.33):

Partitione tum sic utendum est, nullam ut partem relinquant; ut, si partiri velis tutelam, inscienter facias, si ullam praetermittas. At si stipulationum aut iudiciorum formulas partiare, non est vitiosum in re infinita praetermittere aliquid. Quod idem in divisione vitiosum est. Formarum enim certus est numerus quae cuique generi subiciantur; partium distributio saepe est infinitior, tamquam rivorum a fonte diductio.⁶⁷

Among Cicero's illustrations of the difference between proper *divisio* and mere *partitio*, he offers an example of the former for the *genus* 'ius', and of the latter for the specific 'ius civile'. 'Species', he writes, describing *divisio* proper (*Top.* 7.31), 'are those forms into which a *genus* is divided, without any single one being omitted; as if anyone were to divide the law (*ius*) into legislation (*lex*), custom (*mos*), and equity (*aequitas*)'.⁶⁸ There would be mere *partitio*, instead (*Top.* 5.28), 'if anyone were to say that civil law was that which consists of statutes, decrees of the senate, judicial precedents, the authority of the legal experts, the edicts of the magistrates, custom, and equity'⁶⁹ – to which he immediately adds 'divisions instead comprehend all the forms that fall under the *genus* which is being

⁶⁷ 'We must employ partition in such a manner as to omit no part whatever. If you wish to partition guardianship, you would act ignorantly if you were to omit any kind. But if you were partitioning off the different formulas of stipulations or of judicial claims, then it is not a fault to omit something, in a matter which is of boundless extent. In division, it is a fault: for there is a settled number of forms which are subordinated to each genus. The distribution of the parts is often more interminable, like the separation of streams from a fountain' [tr. C. D. Jonge, with minor emendations].

⁶⁸ *Top.* 7.31: 'Formae sunt igitur eae in quas genus sine ullius praetermissione dividitur; ut si quis ius in legem, morem, aequitatem dividat'. Cf. Quint. *Inst.* 12.3.6 (*infra*, n. 79)

⁶⁹ *Top.* 5.28: 'Atque etiam definitiones aliae sunt partitionum aliae divisionum; partitionum, cum res ea quae proposita est quasi in membra discerpitur, ut si quis ius civile dicat id esse quod in legibus, senatus consultis, rebus iudicatis, iuris peritorum auctoritate, edictis magistratum, more, aequitate consistat. Divisionum autem definitio formas omnis complectitur quae sub eo genere sunt quod definitur'.

defined', which may be understood as implying that this was an example of incomplete *partitio*. The same is true, Nörr argues, of the very similar source catalogues in Gaius, Pomponius and Papinian: they are mere *partitiones*, not *divisiones*, and therefore the omission of custom does not allow any conclusion about its status as a legal source.

That Gaius, Pomponius and Papinian may not have aimed at completeness cannot be excluded. That all three of them were ready to present an incomplete catalogue precisely because the distinction between *partitio* and *divisio*, as presented in the *Topica* by Cicero, allowed them to do so, is more difficult to accept: on one hand, Cicero's distinctions are extremely problematic;⁷⁰ on the other, such rigorous adherence to a philosophical model is in general uncharacteristic of the Roman jurists, and seems belied in this particular case by the freedom with which they apply the *genus-species* scheme of the *divisio* in cases where the 'species' are by their own admission infinite.⁷¹ Nörr's thesis also postulates that the Roman jurisprudence – or at least Gaius, Pomponius and Papinian unanimously – treated the law as a *res infinita* (despite Nerva's famous, and maybe not wholly irrelevant here, 'ius finitum et possit esse et debeat'⁷²). It actually

⁷⁰ For a critical analysis of Cicero's treatment of *divisio* and *partitio*, and of Nörr's assumptions on its relevance for the work of the Roman jurisprudence, M. TALAMANCA, *Lo schema genus-species nelle sistematiche dei giuristi romani*, Roma 1977.

⁷¹ Paul. 54 *ed. D.* 41.2.3.21: 'Genera possessionum tot sunt, quot et causae acquirendi eius quod nostrum non sit, velut pro emptore: pro donato: pro legato: pro dote: pro herede: pro noxae dedito: pro suo, sicut in his, quae terra marique vel ex hostibus capimus vel quae ipsi, ut in rerum natura essent, fecimus. et in summa magis unum genus est possidendi, species infinitae'. – 'There are as many kinds of possession as there are ways of acquiring property which does not belong to us; as, for example, by purchase, by donation, by legacy, by dowry, as an heir, by surrender as reparation for damage committed, by occupancy, as in the case where we obtain property from the land or the sea, or from the enemy, or which we ourselves create. And, in conclusion, there is but one genus of possession, but the species are infinite in number' [tr. S. P. Scott]. Whatever speculations may suggest the use here of the term '*infinitae*', and its possible connection with the distinctions presented by Cicero, such hypothetical connection would only highlight the freedom with which such distinctions are being subverted.

⁷² Nerva 5 *membr. D.* 22.6.2: 'In omni parte error in iure non eodem loco quo facti ignorantia haberi debet, cum ius finitum et possit esse et debeat, facti interpretatio plerumque etiam prudentissimos fallat'. – 'In no respect should error in law be equated to igno-

postulates, as Franz Horak has observed, that the law was deemed *infinitum* not only in itself, but also in its sources⁷³ – which seems much more difficult to accept. It is also unclear whether Cicero’s (apparently incomplete) *partitio* of *ius civile* in *Top.* 5.28 implies that he considers it a *res infinita*⁷⁴ – since this is not the only possible justification for incompleteness, only the most obvious: a consideration that can be extended to the jurisprudential *partitiones*, making ultimately irrelevant much of Nörr’s discussion about the finiteness of the law.

In any case, whether or not the notion of *partitio* played a role in the completeness of these catalogues, the crucial question remains: why do all of them consistently choose to omit precisely custom, which is never absent from the rhetorical *partitiones iuris*? Nörr believes that the answer lies merely in its scarce practical relevance. In Antiquity, as today, custom rarely manifests itself directly. More often, it enters the legal sphere through another source: in Rome, Nörr argues, through the jurisprudence and the edicts. In his own words:

rance of fact, since the law can and must be finite, while the interpretation of facts frequently deceives even the wisest of men’. *Ius* may refer here merely to the law applicable to the specific case, though, so that *finitum* would refer to its ‘definite’, rather than ‘finite’, character. It must also be observed that the characterization of the law as ‘*finitum*’ appears under a certain tension (‘et possit esse et debeat’) rather than as a self evident fact. On the text, among others, A. SCHIAVONE, *Studi e logiche dei giuristi romani. ‘Nova negotia’ e ‘transactio’ da Labeone a Ulpiano*, Napoli 1971, p. 148; R. GREINER, *Opera Neratii. Drei Textgeschichten*, Karlsruhe 1973, pp. 47–48; V. SCARANO USSANI, ‘Ermeneutica, diritto e “valori” in L. Nerazio Prisco’, *Labeo* 23 (1977), pp. 146–198; IDEM, *Valori e Storia nella cultura giuridica fra Nerava e Adriano*, Napoli 1979, pp. 5–28; L. WINKEL, *Error iuris nocet*, Zutphen 1985, pp. 43–51; A. CARCATERRA, “‘Ius finitum’ e “facti interpretatio” nella epistemologia di Nerazio Prisco (D. 22.6.2)”, [in:] *Studi in onore di A. Biscardi*, V, Milano 1982, pp. 405–436; S. NAPPI, ‘Ius finitum’, *Labeo* 43 (1997), pp. 30–69; IDEM, *Ius finitum*, Bari 2005.

⁷³ F. HORAK, review of D. NÖRR (*Divisio und Partitio*), *TR* 43 (1975), p. 101: ‘Mochte das Recht für Cicero eine res infinita sein, so bedeutet das noch nicht, daß alles im ius unabzählbar und uferlos war. Die Rechtsquellen waren es wohl nicht’.

⁷⁴ The fact that Cicero himself presents the *genus ‘ius’* as susceptible of *divisio* proper (*Top.* 7.31) does not exclude that he may have treated the specific notion of *ius civile* as *res infinita* in 5.28: a genus, divisible in a finite number of species, may comprise individuals whose parts are in some respect infinite. For Nörr’s argument ex Cic. *Leg.* 2.7.18 (‘leges autem a me edentur non perfectae – nam esset infinitum – sed ipsae summae rerum atque sententiae’), cf. FLUME, *Gewohnheitsrecht* (cit. n. 46), pp. 13–14.

The Roman jurists were no theoreticians, but practicing lawyers. In practice, customary law, then as today, rarely appeared as such – it manifested itself transformed into something else. Here, above all, mention must be made of the edicts of the praetors and the opinions of the jurists, or – to use a modern, not entirely adequate, terminology – the jurisdictional practice and the legal science. Demanding further legitimation from the edict and the responsa would have been unconceivable for the Roman jurists. That both had legal relevance resulted from the tradition, from a *mos maiorum* accepted without reflection. This made any further question futile.⁷⁵

The emphasis on the role of jurisprudence and jurisdiction is fully convincing. From the 2nd century BC to the 2nd century AD, Roman law depended mainly on the cautelary and consultative practice of the legal experts and on the discretionary jurisdiction of the magistrates. This primacy of jurisprudence and jurisdiction left little room for other legal sources beyond legislation *lato sensu* – *leges* proper and plebiscites in the Republic, *senatusconsulta* and imperial constitutions under the Emperors – whose intervention was rather sporadic. Undisputedly recognized as legal sources in their own right, the opinions of the jurisconsults and the edicts of the magistrates, while expected to accommodate to the scarce legislation, did not need to seek further legitimation in any other source.

Less convincing is the idea that all this merely led to a diminished practical relevance of custom. The implications seem much more profound: the reception of new customs into the legal system was fully in the hands of jurisdiction and jurisprudence, which were not bound by them, and did not need them as justification.⁷⁶ How strongly this complete autonomy was perceived by the Roman jurisprudence is shown by Pomponius' characterization of *ius civile proprium* (as opposed to legislation), as that which

⁷⁵ NÖRR, 'Entstehung' (cit. n. 39), p. 355. Cf. already his review of Schmiedel and Stühff (cit. n. 39), p. 458 and n. 8.

⁷⁶ The expression 'hoc iure utimur', so frequent in the jurisprudential discourse, is not a case of justification by custom: in fact, it has nothing to do with custom; it merely underlines that a solution – within a system of *ius controversum* (*infra* §9 i.f.), one among all conceivable – has imposed itself (even regarding solutions that had not been actually controverted). Cf. FLUME, *Gewohnheitsrecht* (cit. n. 46), pp. 21–22.

‘sine scripto in sola interpretatione prudentium consistit’.⁷⁷ Custom was thus wholly unnecessary as a source of law,⁷⁸ its imprint reduced to conjectured instances of *ius moribus receptum*.

Its omission in the jurisprudential source catalogues is the result of such state of affairs. From the *Rhetorica ad Herennium* and Cicero to Quintilian,⁷⁹ custom had been universally included among the *partes iuris* in the rhetorical treatises. It also figures (as *mos*) in Cicero’s examples of *partitio* of *ius civile* and *divisio* of *ius*. This philosophical and rhetorical tradition is so consistent, that it is unconceivable that Gaius, Pomponius and especially Papinian were not aware of it. In such context, their attitude can only be interpreted as conscious reluctance.⁸⁰ For them, custom belonged together with the equally omitted equity and nature: it could account for

⁷⁷ *Supra* n. 63. ‘Sine scripto’ borrows from the Greek notion of *agraphos nomos*, but only in order to highlight the fact that the *interpretatio prudentium* is, in the innumerable questions that had not been legislated, not bound by any written law. This implies, in particular: not bound by previous jurisprudential writings, since these are mere formulations of the law – always provisional and revisable – but not the law itself. The fact that the jurisprudential works were written, therefore, does not detract anything from Pomponius’ characterization of *ius civile proprium* as ‘sine scripto’, despite Th. MAYER-MALY, review of B. SCHMIEDEL (*Consuetudo*, [cit. n. 39]), *Gnomon* 41 (1969), pp. 383–389.

⁷⁸ In this sense, FLUME, *Gewohnheitsrecht* (cit. n. 46), p. 14: ‘Lassen wir zunächst einmal dahingestellt, was es mit der angeblichen Transformation des Gewohnheitsrechts in die anderen Rechtsquellen auf sich hat, so ist zu fragen, was nach der Transformation in Edikts- und Responnenrecht dann für das eigentliche Gewohnheitsrecht an Rechtsstoff noch übrig bleibt’.

⁷⁹ Quint. *Inst.* 5.10.13: ‘quae legibus cauta sunt, quae persuasione, etiamsi non omnium hominum, eius tamen civitatis aut gentis, in qua res agitur, in mores recepta sunt, ut plerumque in iure non legibus, sed moribus constant’ – ‘those things which are established by law or have passed into current usage, if not throughout the whole world, at any rate in the nation or state where the case is being pleaded: there are many rights which rest not on law, but on custom.’ *Inst.* 12.3.6: ‘omne ius, quod est certum, aut scripto aut moribus constat, dubium aequitatis regula examinandum est’. – ‘For every point of law, which is certain, is based either on written law or accepted custom: if, on the other hand, the point is doubtful, it must be examined in the light of equity’ [tr. H. E. Butler]. For the normative role of *consuetudo* on the language (cf. Varro, *LL* 9.8), Quint. *Inst.* 1.6.3.

⁸⁰ Cf. A. GUARINO, ‘La consuetudine e Polonio’, *Labeo* 21 (1975), pp. 68–71. Guarino cannot be followed, though, when he claims that the jurisprudential catalogues aim merely at presenting the ‘sources of knowledge’ (‘fonti di cognizione’): the construction ‘legis vicem optinet’ regarding *senatusconsulta*, imperial constitutions and *responsa prudentium*

the existence and shape of many institutions, principles and rules, but that did not imply that it needed to be recognized as the formal source of their validity.

6. IUL. D. 1.3.32,
AND THE ROMAN DOCTRINE OF CUSTOM

The situation would change soon. In Late Antiquity, custom acquired a new visibility.⁸¹ The first title, on legal sources, of the *Epitome Ulpiani* includes a definition of custom.⁸² In the *Digest*, custom shares a title (D.1.3) with laws and *senatusconsulta*. Both in the Theodosian and in Justinian's Code, an independent title (*CTh.*: 'de longa consuetudine'; C. 8.52: 'quae sit longa consuetudo') is devoted to custom.⁸³

This growing recognition was not the mere work of time. The extinction, in the mid-third century, of the jurisprudential tradition and of the jurisdiction of the praetor left a space for custom that had not existed while the law was in the hands of jurisprudence and jurisdiction.⁸⁴ Now that imperial legislation remained as the only living source of law, custom could seem useful to make up for the deficiencies of the legislator⁸⁵ (whether this included, as often suggested, the accommodation of local customs that were unorthodox from the point of view of the *Reichsrecht*,

(Gai. 1.4-5 and 7) evidences that Gaius' intent is not merely to refer where the law can be found, but also who is legitimated to produce it effectively.

⁸¹ G. SCHERILLO, 'Sul valore della consuetudine nella Lex Romana Wisigothorum', *Rivista di Storia del Diritto Italiano* 5 (1932), pp. 459-491; LOMBARDI, 'Sul titolo' (cit. n. 46); GAUDEMET, 'Coutume' (cit. n. 46).

⁸² *TUlp.* 1.4: 'Mores sunt tacitus consensus populi longa consuetudine inveteratus'. - 'Customs are the tacit consent of the people, confirmed by a long practice.'

⁸³ Neither of them, though, are placed together with the legal sources, as we would expect: in *CTh.*, the title on custom does not follow those on sources that open the first book (*CTh.* 1.1-1.4), but appears (in the *breviarium*) after the titles on *coloni* and *inquilini*. In the Justinian Code, it comes after the titles on *patria potestas* and before those on donations.

⁸⁴ *Supra* §5, ad n. 75.

⁸⁵ GAUDEMET, 'Coutume' (cit. n. 46), p. 147, *passim*.

shall be discussed in §7). Crucially, the interruption of the jurisprudential tradition blurred in many aspects the previous boundaries between the legal and the rhetorical discourse, and therefore between the legal and the rhetorical *partitiones iuris*.

A first step in this direction, and, as far as our sources go, the first time custom appears in the jurisprudential discourse as law in itself,⁸⁶ is a famous passage from the 84th book of Julian's *digesta*, preserved in D. 1.3.32 *pr.*:⁸⁷

De quibus causis scriptis legibus non utimur, id custodiri oportet, quod moribus et consuetudine inductum est: et si qua in re hoc deficeret, tunc quod proximum et consequens ei est: si nec id quidem appareat, tunc ius, quo urbs Roma utitur, servari oportet.⁸⁸

⁸⁶ On Cels. 23 *dig.* D. 1.3.39, cf., LOMBARDI, 'Celso: D.1.3.39', [in:] *Studi in onore di V. Arangio-Ruiz*, Napoli 1952, pp. 181-187; BOVE, *Consuetudine* (cit. n. 46), pp. 101-106, with lit. Outside the jurisprudential realm, a central source is the correspondence between Pliny and Trajan (Plin. *Ep.* 10, 114-115) on the long practice among the Bithynians of admitting to a *boule* citizens of another *polis* against the provisions of the 63 BC *lex Pompeia*. An exchange as fascinating as it is frustrating: a summary of the absolutely disparate conclusions that have been drawn from it, in FLUME, *Gewohnheitsrecht* (cit. n. 46), pp. 25-28. The discussion between Pliny and the emperor does not lend itself easily to a juristic autopsy, in part because it is, quite naturally, not framed in strict legal terms, but mediated by considerations of political opportunity. This is particularly evident in Trajan's solution, safeguarding the authority of the law for the future, but accepting what has already been done against it. A similar decision is attested for Domitian in Suet. *Domit.* 9.3: cf. BOVE, *Consuetudine* (cit. n. 46), p. 73. Less relevant, despite N. LEWIS, 'Domitian's order on requisitioned transport and lodgings', *RIDA* 15 (1968), pp. 135-142, and now MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), p. 317, seems Domitian's *epistula* in *SEG XVII 755* (= *IGLSyr.* v 1998): the reference to illegal requisitions as 'an old and tenacious custom that little by little may end in law' (ll. 14-17: μένει γὰρ μέχρι νῦν παλαιὰ καὶ εὐτονος συνήθεια, κατ' ὀλίγον χωροῦσα εἰς νόμον, εἰ μὴ ἰσχύει[ω] κωλυθείη δυνάμει) is a figure of speech that does not presuppose the Emperor's familiarity with any theory of customary law, and even less his acknowledgement that, left alone, such behaviours would need to be respected as a legal rule. Cf. NÖRR, *Divisio* (cit. n. 39), p. 15, and FLUME, *Gewohnheitsrecht* (cit. n. 46), pp. 24-25. In the diptych devoted by Dio Chrysostom (speeches 75 and 76) to law (*nomos*) and custom (*ethos*), the latter is not presented as enforceable rule, but as followed spontaneously, bringing no punishment but mere disgrace to those who ignore it.

⁸⁷ SCHMIEDEL, *Consuetudo* (cit. n. 39), pp. 43-45; STÜHFF, *Vulgarrecht* (cit. n. 39), pp. 43-49; FLUME, *Gewohnheitsrecht* (cit. n. 46), pp. 32-33; HUMFRESS, 'Law & Custom' (cit. n. 37), pp. 26-29.

⁸⁸ In cases where there are no written laws, we should hold what has been established

Here we don't have a mere list but a hierarchy. Organizing the legal sources in a hierarchical system seems natural to us, but was completely alien to the Roman tradition: also in this respect, Julian's text is a milestone. The hierarchy is built in such a way that each element becomes relevant only in the absence of the former. The order is the following: 1. written law (*scriptae leges*); 2. custom (*mores et consuetudo*); 3. *Quod proximum et consequens ei est*: usually understood as a reference to analogy, although it could merely mean 'whatever is closest and most consistent with it', i.e. with custom, in the aspects for which it provides no direct answer, or even 'whatever is most expedient and adequate'; 4. The law of the city of Rome (*ius quo urbs Roma utitur*).

Since the law of Rome is the last resort, the text must refer to a municipal – or provincial – setting. The postponed position of this 'ius quo urbs Roma utitur' would be quite remarkable if Roman law as such were meant; but, as the expression itself suggests, 'the law used in the city of Rome' is most likely the specific law of the city. The text comes from Julian's commentary (books 68–85 of his *digesta*) on *leges Iulia et Papia*. It must have concerned the application outside of Rome of the penalties and benefits introduced in these *leges*: possibly, as Otto Lenel suggested, concerning the liberation from *munera*,⁸⁹ an area disciplined by innumerable local laws⁹⁰. In the absence of such written local laws, Julian deems

by use and custom, and if anything is lacking, then whatever is nearest to and resulting from it should be observed; and if even this is not possible, then the law which is used in the city of Rome must be followed' (tr. S. P. Scott, with emendations).

⁸⁹ O. LENEL, *Palingenesia Iuris Civilis*, I, fr. 819 Iul. (col. 480). In n. 2, Lenel suggests as parallels Callist. 1 *cognit.* D. 50.2.11, on the inability of minors and men older than fifty-five for the decurionate, and Ulp. 3 *op.* D. 50.5.2 *pr.*, on the inability of minors of sixteen for the *munus sitioniae*, i.e. grain purchase. Both texts allow for exceptions, if the local custom establishes otherwise. As in Julian, local custom is given preference, but in respect to the general law (in these cases regarding minimum age for *munera et honores*), not merely to the specific law of the city of Rome.

⁹⁰ If LENEL'S conjecture is correct, the term 'scriptae leges' must be referred to these local (written) laws (in opposition to the unwritten local administrative practice), and not to *leges Iulia et Papia*, as commonly assumed (with immediate cancellation of 'scriptis' as a postclassical gloss: Julian, in fact, would not have underlined that *leges Iulia et Papia* are

appropriate to follow the local use and custom. If this does not provide, directly or indirectly, a solution, then the law that applies in Rome should be followed.

If Lenel is right, and the text concerns liberation from *munera*, Julian's 'mores et consuetudo' would refer, as so often these terms in the Roman sources, to the administrative practice,⁹¹ rather than to the practices, traditions and conceptions of the population, as would suit Modrzejewski's theory.

In any case, it is certain that custom here is not the mere genetic source of a jurisprudential or edictal *ius moribus receptum*. It is recognized as having legal force on its own (n.b.: 'custodiri oportet'), even if only in a supplementary role: only in the absence of legislation – or in the absence, within a given statute, of specific provisions necessary for its application to a particular case.⁹²

The same supplementary role is assigned to *consuetudo* in Ulp. 1 *off. proc.* D. 1.3.33:

Diuturna consuetudo pro iure et lege in his quae non ex scripto descendunt observari solet.⁹³

Consuetudo is here, again, the local – this time, provincial – custom: the fragment comes from Ulpian's *de officio proconsulis*. The text reveals the

scriptae). Cf. STÜHFF, *Vulgarrecht* (cit. n. 39), p. 49 and n. 216. The problem would have been the integration of a benefit *ex lege Iulia et Papia* with the local regulations and practices on liturgies.

⁹¹ *Infra* nn. 102 and 111–112.

⁹² This supplementary and integrative function of custom in the application and interpretation of the public laws (cf. also Paul. 1 *quaest.* D. 1.3.37, and the rescript of Severus in Call. 1 *quaest.* D. 1.3.38), recalls their integrative role in the interpretation of clauses in private legal transactions (*leges privatae*): thus, for bequests (*legata*) of money in a non-specified currency, Ulp. D. 30.50.3, D. 32, 75, and D. 28.1.21.1 i.f.; for the same problem in case of *stipulatio*, Ulp. D. 50.17.34; regarding interest rates, Pap. D. 22.1.1pr, Scaev. D. 33.1.21pr., Ulp. D. 17.1.10.3, D. 26.7.7.10, D. 30.39.1. Cf. also Marcian. D. 32.65.7: 'ex usu cuiusque loci sumendum est'.

⁹³ 'It is usual for long established custom to be observed as law in those matters which have not come down in writing'. Cf. SCHMIEDEL, *Consuetudo* (cit. n. 39), pp. 27–31, with lit.

ambiguous status of custom still at the end of the classical period. 'Observari solet' is more descriptive than prescriptive; it endorses a practice while not imposing it: the implication being that it lies within the free jurisdiction of the governor to appreciate in each case the opportunity of following or not the specific custom under discussion. In 'pro iure et lege' there is an acknowledgment that custom can take the place of legislation, yet at the same time an implication that it is not law proper even when observed as such.

Also Julian's language in D. 1.3.32 *pr.* betrays a certain reluctance to place *mores* and *consuetudo* squarely at the level of a formal legal source: instead of writing 'mores et consuetudo custodiri oportet' ('use and custom must be observed', as in Ulpian's 'consuetudo observari solet'), Julian chooses a much more elaborate construction: 'id custodiri oportet, quod moribus et consuetudine inductum est' ('it is necessary to observe what has been introduced by use and custom'), where *mores* and *consuetudo* are not the law that must be observed, but the practice from which such law arises. This adherence to the original meaning of *consuetudo* as 'practice', and the tendency to refer the term rather to the practice (often jurisdictional or administrative) that results into law, than to the (customary) law itself, is not restricted to Julian: it is constant in the Roman legal language, and present still in the third century texts that acknowledge the legal force of custom⁹⁴.

⁹⁴ Hermog. 1 *iur. epit.* D. 1.3.35: 'sed et ea, quae longa consuetudine comprobata sunt ac per annos plurimos observata, velut tacita civium conventio non minus quam ea quae scripta sunt iura servantur' – 'what has been approved by long established custom and has been observed for many years, by, as it were, a tacit agreement of citizens, is no less to be obeyed than the laws that have been committed to writing' (tr. S. P. Scott). *TUlp.* 1.4: 'mores sunt tacitus consensus populi longa consuetudine inveteratus' – 'customs are the tacit consent of the people, confirmed by a long practice'. The triad *consensus – necessitas – consuetudo* in Mod. 1 *reg.* D. 1.3.40 ('ergo omne ius aut consensus fecit aut necessitas constituit aut firmavit consuetudo' – 'thus, all law has been either made by consent, or established by necessity, or confirmed by custom'), places custom in the context of the genetic forces that shape the law ('innere Rechtsfaktoren'), not in that of its formal sources: Th. MAYER-MALY, review of SCHMIEDEL (*Consuetudo*), *Gnomon* 41 (1969), p. 385; IDEM, 'Necessitas constituit ius', [in:] *Studi in onore di G. Grosso*, I, Torino 1968, pp. 177–199; FLUME, *Gewohnheitsrecht* (cit. n. 46), p. 15.

The continuation of Julian's text in §1 contrasts strikingly with *principium*:⁹⁵

Inveterata consuetudo pro lege non immerito custoditur, et hoc est ius quod dicitur moribus constitutum. Nam cum ipsae leges nulla alia ex causa nos teneant, quam quod iudicio populi receptae sunt, merito et ea, quae sine ullo scripto populus probavit, tenebunt omnes: nam quid interest suffragio populus voluntatem suam declaret an rebus ipsis et factis? Quare recitissime etiam illud receptum est, ut leges non solum suffragio legis latoris, sed etiam tacito consensu omnium per desuetudinem abrogentur.⁹⁶

The cold, technical restraint of *pr* gives way here to a heightened declamatory pathos. The specific problem discussed in *pr* is left behind, in the pursue of a theoretical-political justification for the full equation between laws and custom, including the possibility for the latter to abrogate the former through disuse – despite the mere supplementary role that custom had in *pr*. All this has led many to deny Julian's authorship of §1: the text would be a post-classical rhetorical flourish.⁹⁷ These doubts,

⁹⁵ Cf. PERNICE, 'Gewohnheitsrecht' (cit. n. 46), pp. 156–162; SOLAZZI, 'Desuetudine' (cit. n. 46), pp. 3–27; STEINWENTER, 'Gewohnheitsrecht' (cit. n. 46), pp. 419–440; STÜHFF, *Vulgarrecht* (cit. n. 46), pp. 49–52; F. GALLO, 'Produzione del diritto e sovranità popolare nel pensiero di Giuliano (a proposito di D. 1.3.32)', *Iura* 36 (1985), pp. 70–96; IDEM, 'La sovranità popolare quale fondamento della produzione del diritto in D. 1.3.32: teoria giuliana o manipolazione postclassica?', *BIDR* 94–95 (1991–1992), pp. 1–40.

⁹⁶ Iul. 84 *dig.* D. 1.3.32.1: 'Age-confirmed custom is not improperly kept as if it were a statute – and this is what is called law established by usage. Since the laws themselves bind us for no other reason than that they have been accepted by the judgement of the people, it is certainly fitting that what the people has approved without any writing shall bind everyone. For what difference does it make whether the people declares its will by voting or by their acts and deeds? Therefore, it is absolutely right to accept that laws may be abrogated not only by the vote of the legislator, but also by the silent consent of all through disuse.'

⁹⁷ A summary of the case against the text in KASER, 'Gewohnheitsrecht' (cit. n. 46), p. 54 n. 3. As far as the formal reproaches are concerned, cf. the reservations of SOLAZZI, 'Desuetudine' (cit. n. 46), pp. 286–287. Contemporary or earlier parallels to the text's *topoi* in BOVE, *Consuetudine* (cit. n. 46), pp. 106–113; a reconstruction of the possible roots of the doctrine of customary law as formulated in the text, in NÖRR, 'Entstehung' (cit. n. 39), pp. 357–359. In favour of its authenticity, also F. WIEACKER, *Römische Rechtsgeschichte*, II, München 2006, p. 81.

in any case, do not affect *pr.*, against whose authenticity no significant arguments can be raised.⁹⁸

Given Julian's enormous authority, the perfect indifference of Gaius, Pomponius, and Papinian in their source catalogues is remarkable.⁹⁹ It would be vain to seek there an argument against the authenticity of Julian's text, out of discussion at least for *principium*. Rather, I would say, this indifference carries a warning for us about the relevance of time and perspective. From our perspective, Julian's text is a milestone in the history of customary law. It was one already in Justinian's time, as shown by the extraordinary fact of its being specifically quoted by the Emperor in 'Deo Auctore' (§10), the AD 530 constitution that ordered the compilation of the Digest. From a late 2nd century perspective, it was a small fragment on a rather specific question posed by the application of *leges Iulia et Papia*, lost in the immensity of the ninety books of Julian's *digesta*. The fact that it did not have immediate impact is hardly surprising.

A different question is whether we may assume, as is commonly done,¹⁰⁰ that Julian was truly the first Roman jurist to place custom together with legislation as an independent legal source. There are two arguments that may actually support such assumption:

a) Once custom was granted its own space in the compilations of Late Antiquity, there was a need for sources to give substance to those titles. That the available materials were not very abundant is painfully evident: the title 'de longa consuetudine' in *CTh.* (from the *breviarum*) consists in one short fragment; the title in Justinian's code, 'quae sit longa consuetudo', in three; all four texts seem excerpted from passing mentions in longer constitutions. From the forty one texts that compose D. 1.3 ('de

⁹⁸ The problems noted by Flume – the generic *scriptae leges*, when the text should be a commentary on *lex Papia*, and the lack of explicit connection with this statute – are no proof of manipulation: the simple fact that the text has arrived to us detached from its original context is sufficient to account for them. On *scriptae leges*, *supra*, n. 90.

⁹⁹ This is particularly noteworthy in the case of Gaius, the faithful Sabinian. All three know Julian's work and quote it frequently. In fact, in Gaius' commentaries *ad edictum provinciale*, Julian is practically the only contemporary authority to be quoted, cf. D. 2.14.28.2, D. 4.8.35, D. 5.3.35, D. 7.2.5, D. 15.1.27.4, D. 29.1.17.1, D. 46.7.7.

¹⁰⁰ Cf. praecipue NÖRR, 'Entstehung' (cit. n. 39), p. 356–359, passim; cf. also WIEACKER, *Rechtsgeschichte*, II (cit. n. 97), p. 81.

legibus senatusque consultis et longa consuetudine'), only nine (32–40) are on custom: here again, the material was brought from the most disparate contexts, as the example of Julian illustrates. Taking all this into account – the visible scarcity of available materials, and the painstaking care with which those included were collected-, it seems safe to assume that, had any of Julian's predecessors written anything in his same direction, the compilers would have kept it.

b) If there had been in the Roman jurisprudence a previous consistent doctrine of custom culminating in Julian's text, the unanimous reluctance of Gaius, Pomponius and Papinian, manifest in their source catalogues, would not have been possible. Some reference to custom would have been included in some, if not all, of these, as it was included in the compilations of Late Antiquity. Its omission, therefore, suggests that Julian's text may indeed have been the point of departure towards a doctrine of customary law within the Roman legal tradition.

7. THE ROMAN DOCTRINE OF CUSTOM AND THE LEGAL PLURALISM IN THE PROVINCES

Julian's text was written in the mid-second century, and it does not seem to have had an impact on the jurisprudential discourse until the early third century. That is more than two hundred years after the beginning of the Roman rule in Egypt; more than four hundred years after the creation of the provincial system in Sicily: too late to have helped the Roman jurisdiction deal with peregrine law and legislation, even if we wished to accept that theoretical constructions of this nature could have influenced the activity of the Roman officials in the provinces.

A reverse influence, the possibility that the growing relevance of custom in the Roman legal doctrine is related to the persistence of peregrine law in the provinces, seems instead at least possible, and has in fact been often taken almost for granted.¹⁰¹ Some of the crucial texts on *mos* and

¹⁰¹ Cf., among others, A. STEINWENTER, v. 'Mores', *RE* XVI.1, Stuttgart 1933, col. 293; SCHILLER, 'Custom' (cit. n. 46), pp. 277–279; MÉLÈZE MODRZEJEWSKI, 'Règle' (cit. n. 35),

consuetudo, like those of Julian and Ulpian above, refer, in fact, to local custom, and would thus seem to suggest that this new openness towards the idea of customary law may have been stimulated by the legal diversity in the provinces. But this hypothesis is not free from difficulties:

a) In most cases (Julian's text is a probable example), the local customs considered by these jurists are not the legal traditions of the population, but the administrative practices of the local officials¹⁰² (leaving aside the texts that refer to simple factual practices¹⁰³). Most crucially, the available texts do not show any relevant connection between the local customs mentioned by the jurists and private law, be it peregrine law of family and inheritance, or provincial contractual practice.¹⁰⁴

b) When it comes to how private peregrine law is dealt with, there is a striking contrast between the 'peripheral' approach of the provincial jurisdiction and administration – at least in Egypt, where the papyri show a consistent endorsement of peregrine law: *supra* §1 – and the 'central' approach of the Imperial chancellery and the Roman jurists, including those of provincial origin – as is the case of many of them already in the 2nd century. In this 'central' approach there is no perceivable change between Scaevola's *digesta* and *quaestiones*, where so often peregrine prac-

pp. 354–356; BOVE, 'Consuetudine' (cit. n. 46), pp. 113–115, *passim*; NÖRR, 'Entstehung' (cit. n. 39), pp. 359–360; J.-P. CORIAT, *Le prince législateur*, Rome 1997, pp. 414–415; WIEACKER, *Rechtsgeschichte*, II (cit. n. 97), p. 81.

¹⁰² Ulp. 1 *off. proc.* D. 1.16.4.5 (*ingressus in provinciam* of the governor); Paul. 6 *ed.* D. 3.4.6 *pr.* (local *honores*); Paul. 52 *ed.* D. 39.4.4.2 (*vectigalia*); Callist. 1 *cognit.* D. 50.2.11 (decurionate); Callist. 4 *cognit.* D. 22.5.3.6 (witness summons). Also Plin. *Epist.* 10.114–115 (*supra* n. 87) concerns a question of public law.

¹⁰³ Ulp. 2 *off. proc.*, D. 1.16.7 *pr. (feriae)*; Ulp. 8 *omn. trib.* D. 50.13.1.10 (*consuetudo fori* regarding advocates' fees); Paul. 1 *ed.* D. 2.12.4 (grape harvest season).

¹⁰⁴ The very few exceptions are too marginal to change the general impression: in Gai. 10 *ed. prov.* D. 21.2.6, the seller must observe the *consuetudo regionis* when giving guarantee for eviction; Papir. Ius. 1 *const.* D. 18.1.71, refers to *consuetudo regionis* on weights and measures; in Ulp. 24 *ed.* D. 25.4.1.15, local customs are to be respected when it comes to the effective enforcement of *inspectio ventris*. Local currency and interest rates also appear in the jurisprudential writings as *mos regionis*: not as customary law, though, but merely to integrate the interpretation of private transactions (*supra* n. 92). Only general, programmatic texts like Ulp. 1 *off. proc.* D. 1.3.33 (*supra* §6 *ad* n. 94), may be read as containing an implicit endorsement of peregrine traditions of private law as customs to be observed 'pro iure et lege'.

tices and conceptions are addressed,¹⁰⁵ and the imperial rescripts of the third century, from Severus to Diocletian:¹⁰⁶ peregrine practices are either translated into Roman categories, or dismissed in the name of the Roman orthodoxy; compromises are infrequent, and always articulated through the categories of Roman law.¹⁰⁷

Open remains the question whether the growing legal recognition of custom played a role in accommodating the peregrine traditions after the *Constitutio Antoniniana*. The extent to which these traditions survived after AD 212 is well known. It is also unnecessary to recall here the scholarly disputes as to the nature, official or not, of this survival, and the attempts that have been made to account for it.¹⁰⁸ There seems to be a certain consensus that the doctrine of customary law may have helped the Roman tolerance, making it possible to treat peregrine institutions and practices as *mos regionis*, when their unorthodoxy from the point of view of the *Reichsrecht* did not make them completely unacceptable.¹⁰⁹

The hypothesis is seductive, but not free from difficulties. Two circumstances, in particular, may recommend a certain skepticism:¹¹⁰

a) As Jean Gaudemet¹¹¹ has shown, in the imperial constitutions of late

¹⁰⁵ R. TAUBENSCHLAG, 'Le droit local dans les Digesta et Responsa de Cervidius Scaevola', *Bulletin de l'Académie Polonaise des Sciences et des Lettres*, 1919-1920, pp. 45-55 = *Opera Minora*, I (cit. n. 4), pp. 505-517.

¹⁰⁶ R. TAUBENSCHLAG, 'Le droit local dans les constitutions prédioclétiennes', [in:] P. COLLINET & F. DE VISSCHER (eds), *Mélanges de droit romain dédiés à Georges Cornil*, II, Paris 1926, pp. 497-512 = *Opera Minora* I (cit. n. 4), pp. 519-533; IDEM, 'Das römische Privatrecht zur Zeit Diokletians', *Bulletin de l'Académie Polonaise des Sciences et des Lettres*, 1919-1920, pp. 141-281 = *Opera Minora*, I (cit. n. 4), pp. 104-159 ('Das Volksrecht'); R. YARON, 'Reichsrecht, Volksrecht und Talmud', *RIDA* 11 (1964), pp. 282-298..

¹⁰⁷ One such case in J. L. ALONSO, 'Algunas consideraciones en torno a la "condictio scripturae"', *RIDA* 46 (1999), pp. 99-122. More possible instances, with different degrees of plausibility, in TAUBENSCHLAG, 'Privatrecht' (cit. n. 106) = *Opera Minora*, I (cit. n. 4), pp. 165-170.

¹⁰⁸ A critical summary, in MÉLÈZE MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), pp. 299-323.

¹⁰⁹ MÉLÈZE MODRZEJEWSKI, 'Règle' (cit. n. 35), pp. 353-357; *Loi et coutume* (cit. n. 8), pp. 313-318; M. KASER, *Das römische Privatrecht*, I, München 1971, p. 220; CORIAT, *Prince* (cit. n. 101), pp. 413-414.

¹¹⁰ Cf. already MITTEIS, *Reichsrecht* (cit. n. 1), pp. 161-165, whose reservations remain relevant to a great extent.

¹¹¹ J. GAUDEMET, 'Coutume' (cit. n. 46), pp. 149-150.

Antiquity *consuetudo* is usually the administrative practice, very rarely the private legal practice of the population.¹¹² The evidence is so overwhelming that Gaudemet concludes: 'if custom has an important role in the Later Roman Empire, it is essentially outside the realm of private law'.

b) The rescripts preserved in Justinian's code show that the third-century imperial chancellery implacably applied Roman law when confronted with non-Roman institutions and practices, often thwarting the goals that the parties had believed to secure, at the cost of compromising the predictability of the law and the trust in it of the population. If these peregrine traditions were to be respected as *mos regionis*, that is a doctrine that the jurists of the chancellery, and the emperor himself, seem to ignore. The practice of the provincial jurisdiction and administration was more accommodating, at least in Egypt, even after CA, but certainly not because from the prefect down to the lowest official they all adhered to a doctrine that emperor and chancellery ignored. Much more likely is that they were more flexible simply because, unlike the jurists of the chancellery, they were on the ground, and because such had been the policy in the province for two centuries: after all, both emperors (Alex. C. 8.53.1. Sev. in Call. D. 1.3.38) and lawyers (Ulpian and Paul in D. 1.3.33, 34, and 37) warned not to depart from well established jurisdictional usage.

8. THE MODERN DOCTRINE OF CUSTOMARY LAW AND THE SURVIVAL OF THE PEREGRINE LAW IN EGYPT

The survival of the Greek and Egyptian legal traditions, and of much of the Ptolemaic legislation in Egypt after the Roman conquest cannot be

¹¹² This prevalence of the administrative practice in the use of the term *consuetudo* is constant since the late Republic: cf. Cic. 11 *Verr.* 3.6.15, 3.15.38, 3.57.131, 3.62.142, 3.98.227, where *consuetudo* (*superiorum, a maioribus tradita*) refers to the constant practice of Verres' predecessors in the government of Sicily in keeping the collection of the *decuma* in line with the regulations of the *lex Hieronica*. Cf. also 11 *Verr.* 5.22.57 (number of *laudationes pro reo*), *pro Quinct.* 6.28 (*missio in possessionem*), *pro Balb.* 7.17 (concession of citizenship), *pro Caec.* 8.23 (interdict). Most jurisprudential texts on local customs refer also to administrative practice: *supra* n. 102. Further examples and discussion in Kaser, 'Mores' (cit. n. 46), pp. 76-81.

explained with the aid of a recognition of custom as law in Roman legal thought. As we have seen, such recognition affirmed itself only in the third century. There is, therefore, no alternative but to accept Modrzejewski's own caveat, that in his thesis, according to which peregrine law survived in Egypt as custom, the term 'custom' refers to our own modern doctrine of customary law.

This brings us back to the methodological problem discussed *supra* in §3. In a nutshell: if before the third century AD there was no Roman doctrine of customary law that the Roman jurisdiction could follow, and we replace it by our own modern theory, we are claiming that the Roman jurisdiction followed *avant la lettre* a nineteenth century legal doctrine. This sounds preposterous, but it is actually possible; on one condition, though: the doctrine in question must be so consistent with Roman legal thinking and practice that it could be followed even without ever having been formulated.

This is most emphatically not the case. The modern doctrine of customary law was a creation ('Schoßkind' – 'spoilt child', in Rudolf von Jhering's words,¹¹³ 'Zwittergeburt' – 'hybrid breed' in those of Dieter Nörr¹¹⁴) of the so-called historical school of law in nineteenth century Germany. In 1828, Georg Friedrich Puchta, one of the champions of the school, who would become Savigny's successor in Berlin, published a treatise on customary law formulating the conditions under which custom may achieve a normative force like that of legislation.¹¹⁵ As Dieter Nörr has warned, this doctrine is rooted in legal conceptions that are completely alien to the Roman world, even if argued using the Roman sources.¹¹⁶

Puchta's work was the reaction of the historical school to the rise of legal positivism that identified law with legislation. It was a cunning reac-

¹¹³ R. VON JHERING, *Geist des römischen Rechts auf den verschiedenen Stufen seiner Entwicklung*, II, I, Leipzig 1854, p. 23: 'Das Gewohnheitsrecht läßt sich recht eigentlich als das Schoßkind der neuern Jurisprudenz bezeichnen, und es scheint, als ob man sich verpflichtet gefühlt hätte, es für die Vernachlässigung, die es früher erfahren, durch eine blinde Liebe zu entschädigen'.

¹¹⁴ NÖRR, 'Entstehung' (cit. n. 39), p. 353.

¹¹⁵ G. F. PUCHTA, *Das Gewohnheitsrecht* I, Erlangen 1828; II, Erlangen 1837.

¹¹⁶ NÖRR, 'Entstehung' (cit. n. 39), pp. 363–366.

tion, because, in fact, it embraced legal positivism in order to legitimise the role of custom, which had been, as expression of the ‘Volksgeist’, a totem of the school since Savigny.¹¹⁷ But this embrace of legal positivism makes the doctrine irredeemably alien to the understanding of the law in the Roman late Republic and early Empire. Legal positivism not only means identifying law with legislation tout court – something that the Roman world came to only in Late Antiquity. It means also the thorough normativisation (‘Durchnormierung’) of the law,¹¹⁸ the construction of the entire legal system as a system of imperative, binding norms.

Nothing can be more remote from the Roman legal experience in the late Republic and early Empire. For reasons that we will come back to, law in Rome was not conceived as a system of binding rules: still at the beginning of the Empire it consisted mostly of institutions and principles developed and supported mainly by authority, that is, by expertise: ‘*proprius ius civile, quod sine scripto in sola prudentium interpretatione consistit*’ (‘the civil law proper, which is not written, and depends on the sole interpretation of the legal experts’: Pomp. *ench. D. 1.2.2.12*). This authority-based law was formally binding only as long as the magistrates, whose jurisdiction was discretionary (*infra*, § 9), applied it.

Legal Positivism, instead, stems from the normative monopoly of the sovereign and the subjection of the jurisdiction to the law, as theorized in modern political thinking, from Hobbes onwards. Such normative monopoly and jurisdictional subjection are alien to the Roman political theory and practice of the late Republic and early Empire. The doctrine of custom that all this generated is, in sum, not only not Roman, but deeply incompatible with the Roman legal tradition.

These considerations do not affect the descriptive use of Modrzejewski’s theory, but they do compromise its potential to explain the behaviour of the Roman jurisdiction – and they force us to be extremely aware

¹¹⁷ Cf. in particular, in Savigny’s celebrated writing against the codification of the German civil law, *Vom Beruf unsrer Zeit für Gesetzgebung und Jurisprudenz*, Heidelberg 1814, pp. 8–15: ‘Entstehung des positiven Rechts’.

¹¹⁸ NÖRR, ‘Entstehung’ (cit. n. 39), pp. 364–365; cf. also review Schmiedel – Stühff (cit. n. 39), p. 456 sub 1.

of the thin line between description and explanation. One important example will be enough to show how easily the line can be overstepped, and with what consequences.

This test-problem will be the survival of the Ptolemaic legislation, despite the fall of the political regime that sustained it. Here, a description is not enough: we need an explanation for this sort of post-mortem life of the Ptolemaic laws. Modrzejewski's theory clearly wants to be that explanation: both the survival of these laws and the freedom of the Roman jurisdiction to occasionally ignore them would result from their new status as customary law. In his own words:

Rome did not recognize to these provisions the quality of legal rules: as long as they were not integrated in the provincial Roman law, the provisions of the old Ptolemaic laws were kept in the practice of Roman Egypt merely as local customs.¹¹⁹

And yet, the papyri show no trace of this conception, not the slightest hint that the Ptolemaic legislation operated *sub specie consuetudinis*. Ptolemaic *prostigmata* and *diagrammata* are invoked and followed, without this ever being justified in their supposed new status as customs.¹²⁰

¹¹⁹ MÉLÈZE MODRZEJEWSKI, 'Règle' (cit. n. 35), p. 324: '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'Égypte romaine qu'à titre de coutumes locales.'

¹²⁰ A list of the most relevant cases (all dates AD unless indicated otherwise), from Marie-Thérèse LÉNGER, *C. Ord. Ptol.*, all. 114–123 (avoiding more uncertain possible instances, as the enigmatic νόμοι τῶν παραθηκῶν, τῶν ὑποθηκῶν, τῶν ἀρραβῶνων): (a) *BGU* IV 1118 (22 BC): lease of a garden; the payment of the charges is to be made [κατὰ τὰ] προστάγματα καὶ διαγράμματα καὶ τοὺς ἐξ ἀρχῆς ἐθ[ισμοὺς]. (b) *BGU* IV 1156 (15 BC), IV 1053 ii (13 BC), IV 1119 (6–5 BC): the debtors renounce any possible exemption that they may be entitled to as cultivators μηδ' ἐπὶ πρόσταγμα φιλ[α]νθρώπων ἢ ξηρασίας μηδ' ἐπ' ἄλλην μηδεμίαν ἀπλῶς σκέπην. (c) *PSI* X 1118 (25–37), *P. Ryl.* II 159 (31/2), *PSI* VIII 897 (93): a cession of catoecic land is to be valid forever ἀκολούθως τοῖς περὶ τούτων προστεταγμένοις καὶ ἐπεσταλμένοις. (d) *P. Giss.* I 4 (118), *P. Lips.* II 136 (118), Hadrian's Edict is mentioned, whereby the less productive public land shall be taxed in proportion to its value and not any more ἐκ τοῦ παλαιοῦ π[ρο]στάγματος. (e) *P. Mil. Vogl.* 81 = *P. Kron.* I (123) a tax reduction is justified [κατὰ τὰ προστεταγ]μέ(να) βασι(λέως) Πτ[ο]λ(εμαίου). (f) *PSI* VI 690 (1st–2nd cent.), *SB* III 6995 (124), *SB* III 6996 (124–129): declarations of *oikogeneia* and the correlative tax payment made

More significantly: unlike what we would expect for customary law, there is never a discussion on how consistently a provision has been followed in the past. There is not a word in this sense from those who want it applied, nor from those who would claim otherwise in order to avoid its application. The closest we get to something like that is *SB VI 9016*,¹²¹ the famous document that revealed the survival of the *boule* of Ptolemais in Roman times. The papyrus records a trial before the *antarchiereus* Ulpus Serenianus, in April AD 160, concerning the rights of the city of Ptolemais to appoint the *neokoroi* of the temple of the divinized Ptolemy I Soter in Koptos.¹²² In the trial, three previous decisions are invoked as precedents: one by the prefect Cn. Vergilius Capito, in AD 48, and two, dated AD 69 and 70, by a Iulius Lysimachus, who was in charge of the *Idios Logos*.¹²³ The fist of Lysimachus' decisions is explicitly given in accordance with the *prostagmata* of the kings, and the verdicts of the prefects.¹²⁴

ἀκολούθως τ[ῶ] τε ψηφίσματι καὶ προστάγματ[ι]. (g) *P. Ryl.* II 155 (138–161): a donation is done κατὰ τὰ ἐπὶ φιλανθρωπῶν προστάγματα (h) *SB VI 9016* (160) col. I l. 14 (69): a decision of the *idios logos* is mentioned, which had followed royal *prostagmata*, and verdicts of the praefects (vid. *infra* in text): καὶ ἐκ τῶν προστα[γμ]άτων τῶν βασιλικῶν ἃ πολλάκις μου εἰς τὰς χρείας ἤλθεν καὶ ἐκ τῶν κρίσεων τῶν ἡγεμονικῶν. (i) *Gnom.* § 37: confiscation measures against those who violate the *prostagmata* of the kings or the praefects, ex *BGU V 1210* (150–180) ll. 106–108: οἱ παρὰ προστάγματα βασιλέων ἢ ἐπάρχων τι πράξαντες ἀκα[τα]λλήλως ἐζημιώθησαν ὁ μὲν τετάρτῳ μέρει τῆς οὐσίας οἱ δὲ ἡμ[ισεί]α, οἱ δὲ ἐξ ὄλων. (j) Most impressively (*supra* §1 ad n. 16): *P. Flor.* I 55 (88–96), *P. Berl. Leib.* 10 (120), *P. Fam. Tebt.* 29 (133), *BGU VII 1573* (141/2), *SB III 6951* recto, col. II (138–161), *BGU IV 1038* (138–161), *PSI XII 1237* (162), *PSI IV 282* (183), *P. Oxy.* IV 712 (end 2nd cent.), *P. Aberdeen* 19 (2nd–3rd cent.), *PSI XIII 1328* (201), *P. Flor.* I 56 (233/4): the execution of private debts, following the Ptolemaic procedure, is referred to as performed ἀκολούθως τοῖς προστεταγμένοις/κατὰ τὰ προστεταγμένα. Cf. also Marie-Thérèse LÉNGER, 'Les vestiges de la législation des Ptolémées en Égypte à l'époque romaine', *RIDA* 3 (1949), pp. 69–81.

¹²¹ J. SCHERER, 'Le papyrus Fouad Ier Inv. 211', *BIFAO* 41 (1942), pp. 43–73.

¹²² Cf. Th. KRUSE, *Der königliche Schreiber und die Gauverwaltung*, II, München – Leipzig 2002, pp. 751–754. Together with the trial record, the papyrus includes, in the second column, the subscription of the *antarchiereus* and his notification to the *strategos* and the *basilikos grammateus* of the Koptites.

¹²³ For the date of the second decision, believed by Scherer to be AD 88, cf. J. D. THOMAS, 'SB VI 9016 and the career of Iulius Lysimachus', *ZPE* 56 (1984), pp. 107–112.

¹²⁴ ¹⁴ ... καὶ ἐκ τῶν προστα[γμ]άτων τῶν βασιλικῶν ἃ πολλάκις μου εἰς τὰς χρεῖ¹⁵α^ς ἤλθεν καὶ ἐκ τῶν κρίσεων τῶν ἡγεμονικῶν, ὁρῶ τὴν βουλήν τὰς τοιαύτας τάξεις κατὰ

This is the only case where a royal provision is explicitly presented as confirmed by the Roman administration. In the rest of the available sources (n. 120), the Roman jurisdiction, the notarial authorities, the parties involved in transactions, all of them mention directly the Ptolemaic laws as the fundament of their acts and rights, without apparently feeling the slightest need of supporting their claim with any kind of further argument or construction – and this in documents that otherwise show frequent signs of ‘completomaniac’ anxiety. This ease contrasts strongly with the way in which, when unlegislated institutions are involved, evidence of their previous endorsement (or rejection) by the Roman authorities is anxiously presented by the litigants: as, most notoriously, regarding paternal *exousia*, in the petition of Dionysia.

One could of course still argue that only the content of these legislation is being followed, not the legislation itself: that these laws are relevant not by virtue of any normative value of their own but just by force of custom. But this caveat is so totally absent from the documents, so at odds with their language, that it comes close to a *petitio principii*.

In general, the idea of a ‘reduction to custom’, that Modrzejewski proposes for the Ptolemaic legislation in Roman Egypt, cannot be further away from a legal tradition, like that of the Romans, which in the second century had barely started its way towards the recognition of customary law as such.¹²⁵ Much less artificial seems to speak here simply of a reception of the Ptolemaic legislation into Roman provincial law.¹²⁶

Leaving, therefore, aside the custom-theory as an explanation: how does it work as a description of the legal status of the peregrine law? From this point of view, the theory mainly aims at expressing in legal terms the

¹¹⁶ ψηφίσματα οἷς ἂν κρεῖνῃ παρέχουσιν τὸν [...] ἀμφισβητήσαντα Ἰσίδωρον οὐχ ὑπὲρ υἱοῦ τετελει¹⁷ λευ[τ]ηκότος λελογοποιημένον ἵνα φιλανθρω[...] ὡς αὐτὸν ἢ πρὸς τὴν βουλήν ἔντευξις γένηται ¹⁸ δι [...] ..εἰψηφίσαντο οἱ ἀπὸ τῆς βουλῆς περὶ [...] ἀξέως οὕτως μενέτω.

¹²⁵ Expressions like ‘secundum leges moresque peregrinorum’, in Gai. 1.92 (even though arguably referred as well, if not primarily, to those peregrines that belong to a *civitas*), show how far the conception that reduces peregrine legislation to custom is from Roman legal thought.

¹²⁶ In this sense, with some reluctance, MÉLÈZE-MODRZEJEWSKI, *Loi et coutume* (cit. n. 8), pp. 256–257.

lower normative rank of the local law with respect to Roman law.¹²⁷ The consequence of this lower normative rank would be, in Modrzejewski's construction, the freedom that the Roman jurisdiction shows to reject it, a freedom that the same jurisdiction would probably not exhibit when Roman law is to be applied.

The problem here is that in both the modern and the Roman doctrine of customary law, its subordinate position does not mean a lower binding force, but something quite different: that, as in Iul. D. 1.3.32 *pr.*,¹²⁸ customary law has a supplementary role: that it applies only in absence of relevant legislation. But when applied, its binding force is equal to that of legislation. This was the doctrine of Puchta in the nineteenth century, as it had been the doctrine of Julian in the second: unsurprisingly, since Julian's text, and the interpretative tradition around it, provided Puchta with some of the main pieces of his construction.¹²⁹

The Egyptian case does not follow this scheme. Peregrine law obviously did not function as a supplement of Roman law. It was not confined to the cases for which Roman law had no answer. It was applied consistently, even though in most cases there was of course an alternative Roman rule, often widely discrepant.

9. ROMAN CONCEPTIONS OF JURISDICTION AND THE LAW

The difficulties I have tried to bring to light leave Modrzejewski's analysis of the legal situation in Roman Egypt untouched. They concern only the pertinence of the notion of customary law. I am convinced that a reformulation is possible, one that keeps Modrzejewski's vision in the essential, while avoiding the complications that arise from the notion of customary law. My point of departure will be a short reflection on the

¹²⁷ *Supra* n. 38.

¹²⁸ *Supra* n. 88.

¹²⁹ PUCHTA, *Gewohnheitsrecht*, I (cit. n. 115), pp. 73-74, 84-89, *passim*; IDEM, *Gewohnheitsrecht*, II (cit. n. 115), pp. 203-215.

nature of Roman jurisdiction and on the Roman conceptions about the law itself.

In the Roman practice, jurisdiction is not the power to apply the law but to determine it – literally a *ius dicere*.¹³⁰ The modern notion of a separation between normative and jurisdictional power does not apply here: the *iurisdictio cum imperio* of the magistrates and the provincial governors, enhanced by their *ius edicendi*, is in itself a source of law (cf. Gai. 1.2 and D. 1.2.2.12, *supra* §5). Strictly speaking, such jurisdiction is not bound by the pre-existing law.¹³¹ And in fact, in the late Republic and early Empire, the praetor, for reasons of equity or utility, departed in countless instances from the rules and principles of the older civil law, including many established by legislation.¹³² These instances, announced year after

¹³⁰ The literature on the matter is inexhaustible. Cf. among many E. BETTI, ‘La creazione del diritto nella “iurisdictio” del pretore romano’, [in:] *Studi di diritto processuale in onore di G. Chiovenda*, Padova 1927, pp. 67–129; M. LAURIA, ‘Iurisdictio’, [in:] *Studi in onore di P. Bonfante*, II, Milano 1930, pp. 479–538; F. DE MARTINO, *La giurisdizione nel diritto romano*, Padova 1937; F. WIEACKER, ‘Der Prätor: Gerichtsherrschaft und Rechtsgang’, [in:] *Vom römischen Recht*, 2nd ed., Stuttgart 1962, pp. 83–127; E. BETTI, ‘Iurisdictio praetoris e potere normativo’, *Labeo* 14 (1968), pp. 7–23; G. NICOSIA, ‘Giurisdizione nel diritto romano’, [in:] *Silloge: Scritti 1956–1996*, Catania 1998, pp. 611–636; F. GALLO, *L’officium del pretore nella produzione e applicazione del diritto*, Torino 1997; G. NICOSIA, *Il processo privato romano*, III. *Nascita ed evoluzione della ‘iurisdictio’*, I, Catania 2012

¹³¹ Cf. MOMMSEN’s brief characterization of the Roman jurisdiction, in *Staatsrecht*, I, 3rd ed., Leipzig 1887, pp. 187–188: ‘Die magistratische Thätigkeit der Jurisdiction und der daran sich anschliessenden Amtshandlungen ist keine Rechtsprechung in unserem Sinn; die Aburtheilung der Prozesse fällt vielmehr dem oder den Geschwornen zu, und der Beamte hat, nachdem diese bestellt sind, von besonderen Fällen abgesehen, selbst die Leitung des Prozesses nicht mehr in der Hand. Dagegen übt er eine der legislativen verwandte oberleitende Thätigkeit, welche darauf hinausläuft das Landrecht auf den einzelnen concreten Rechtsfall anzuwenden oder auszudehnen, theils durch Instruction der Geschwornen (formula) oder auch an die Parteien gerichtete Verfügungen (interdictum, decretum) in dem einzelnen Rechtsfall, theils durch allgemeine an das Publicum gerichtete Festsetzungen (edictum). Das Civiljurisdiction ist, wie das Commando, ein nothwendiger Bestandtheil nicht bloss der königlichen und der ältesten consularischen Gewalt, sondern des Oberamts überhaupt’ [emphasis mine].

¹³² In the areas that had been legislated, the magistrate was expected to follow the laws, but he was not subjected to them in the way in which the jurisdiction is today subjected to the rule of law. When changes in social mores or legal practice made older legislation inadequate, the praetor could simply depart from it, introducing his own remedies to prevent its effective application. Conversely, in many cases he would expand the range of the

year in the edict,¹³³ became so numerous that they gave rise to a whole new branch of the law, the so-called *ius praetorium* or *ius honorarium*.¹³⁴

By the end of the Republic, this *ius honorarium* included a fully developed system of inheritance, that aided, supplemented and often corrected that of the law of the twelve tables; remedies that protected as if they were owners those who had acquired without the solemnities required by civil law; the primary real securities (pledge and hypothec); and multiple sources of obligations, including major contracts nonexistent in civil law, such as deposit and loan for use, as well as remedies to make informal agreements and bad faith relevant against any civil claim. All in all, there was practically no sector of the law, no institution that was left untouched by the praetor.

To illustrate the singular position of the Roman magistrates, it is instructive to see how Cicero reshapes for the Roman world the Greek

laws, granting remedies in cases not foreseen by the legislator: so, notably, regarding *leges Aquilia, Laetoria, Aebutia*. Programmatic, in this sense, Iul. 15. *dig.* D. 1.3.12: ‘Non possunt omnes singillatim aut legibus aut senatus consultis comprehendere: sed cum in aliqua causa sententia eorum manifesta est, is qui iurisdictioni praestit ad similia procedere atque ita ius dicere debet.’ – ‘All matters cannot be specifically included in the laws or decrees of the Senate; but when their sense is clear in a given case, he who has jurisdiction can apply it to others that are similar, and in this way administer justice’. Cf. also Ulp. 1 *aed. cur.* D. 1.3.13: Nam, ut ait Pedius, quotiens lege aliquid unum vel alterum introductum est, bona occasio est cetera, quae tendunt ad eandem utilitatem, vel interpretatione vel certe iurisdictione suppleri. – ‘For, as Pedius says, whenever anything has been introduced by law there is a good opportunity for extending it by interpretation or jurisdiction to other matters, where the same principle is involved’.

¹³³ A. GUARINO, ‘La formazione dell’editto perpetuo, *ANRW* II 13, Berlin – New York, pp. 62–102.

¹³⁴ Pap. 2 *def.* D. 1.1.7.1: ‘Ius praetorium est, quod praetores introduxerunt adiuvandi vel supplendi vel corrigendi iuris civilis gratia propter utilitatem publicam.’ – ‘Praetorian Law is that which the Praetors introduced for the purpose of aiding, supplementing, or amending the Civil Law, for reasons of public welfare’ [tr. Scott, amended]. Cf., among many, M. LAURIA, ‘Ius civile – ius honorarium’, [in:] *Scritti C. Ferrini Pavia*, Milano 1946, pp. 595–657; G. GROSSO – ‘Riflessioni su “ius civile”, “ius Gentium”, “ius honorarium” nella dialettica fra tecnicismo – tradizionalismo giuridico e adeguazione allo sviluppo economico e sociale in Roma’, [in:] *Studi in memoria di G. Donatuti*, I, Milano 1973, pp. 439–453; M. KASER, ‘Ius honorarium und ius civile’, *ZRG RA* 101 (1984), pp. 1–114; B. ALBANESE, ‘Riflessioni sul *ius honorarium*’, [in:] *Estudios en homenaje al prof. F. Hernández Tejero*, II, Madrid 1992, pp. 1–18.

ideal of the supremacy of the laws. Where Plato had written that office should be assigned not to the wealthiest, strongest, or highest born, but to whoever is most obedient to the laws,¹³⁵ in Cicero (*Leg.* 3.2), instead, we find the following: ‘Videtur igitur magistratus hanc esse vim, ut praesit praescribatque recta et utilia et coniuncta cum legibus’ – ‘This is the power of the magistrates: to preside and prescribe what is right and useful and *consistent with* the laws’. Connection, rather than subjection, is the key in a system where the magistrate is himself a source of law, and the articulation between sources is not based on hierarchical subordination, but on coordination. And then: ‘vereque dici potest, magistratum legem esse loquentem, legem autem mutum magistratum’. Laws and magistrates appear with equal standing, the law a silent magistrate, the magistrate a speaking law, *lex loquens*.¹³⁶ Three centuries these words still resonate in Marcian’s characterization of *ius honorarium* as ‘viva vox iuris civilis’.¹³⁷

Still in the early third century, Paul could write that the praetor renders law even when he issues an unfair decree, not out of consideration for what he has done, but for what he is called to do.¹³⁸ The text is notable not so much because the praetor’s wrong decision is upheld as valid (this could also be admitted, for the sake of legal certainty, in systems where the jurisdiction is strictly subjected to the law), but because even then it

¹³⁵ Plato, *Leges* 715: ... λέγεται δὲ τοῦδ’ ἕνεκα ταῦθ’ ἡμῖν, ὡς ἡμεῖς τῇ σῆ πόλει ἀρχὰς οὐθ’ ὅτι πλούσιός ἐστίν τις δώσομεν, οὐθ’ ὅτι τῶν [715C] τοιούτων ἄλλο οὐδὲν κεκτημένος, ἰσχύνη ἢ μέγεθος ἢ τι γένος: ὃς δ’ ἂν τοῖς θετέροις νόμοις εὐπειθέστατός τε ἦ καὶ νικῶ ταύτην τὴν νίκην ἐν τῇ πόλει, τούτῳ φαιμέν καὶ τὴν τῶν θεῶν ὑπηρεσίαν δοτέον εἶναι τὴν μεγίστην τῷ πρώτῳ, καὶ δευτέραν τῷ τὰ δεύτερα κρατοῦντι, καὶ κατὰ λόγον οὕτω τοῖς ἐφεξῆς τὰ μετὰ ταῦθ’ ἕκαστα ἀποδοτέον εἶναι. τοὺς δ’ ἄρχοντας λεγομένους νῦν ὑπηρέτας τοῖς νόμοις ἐκάλεσα ...

¹³⁶ It is perhaps no coincidence that it is the same Cicero who uses the expression *lex annua* for the edict: Cic. *ii Verr.* 1.109. Illustrative of the relevance that the edict had acquired in Cicero’s time is *Leg.* 1.5.17: ‘non ergo a praetoris edicto, ut plerique nunc, neque a XII tabulis, ut superiores, sed penitus ex intima philosophia hauriendam iuris disciplinam putas’. The edict was the legal source par excellence, comparable only to what the Twelve Tables had been centuries before.

¹³⁷ Marcian. 1 *inst.* D. 1.1.8: ‘Nam et ipsum ius honorarium viva vox est iuris civilis’. – ‘For honorary law itself is the living voice of the Civil Law’ (tr. S. P. Scott).

¹³⁸ Paul. 14 *Sab.* D. 1.1.11: ‘... nec minus ius recte appellatur in civitate nostra ius honorarium. praetor quoque ius reddere dicitur etiam cum inique decernit, relatione scilicet facta non ad id quod ita praetor fecit, sed ad illud quod praetorem facere convenit’.

is deemed ‘law rendering’ (*ius reddere*): law (*ius*), in sum, is what the praetor declares, even when wrongly – and deliberately so.

To a discretionary jurisdiction, the law does not appear – cannot appear – as a system of binding rules. No rule is strictly binding, and yet it is law, and applied as such: applied, that is, until some pressing reason of *aequitas* or *utilitas* advises otherwise. This has an implication that is frequently overlooked. For the Roman jurisdiction, the fact that something is not binding does not mean that it can be ignored. In other words, the law is not merely considered from the point of view of its normative force (*potestas*) but also from the point of view of its *auctoritas*.¹³⁹ *Auctoritas* in this Roman sense is the opposite of *potestas*, of coercion. One may define it, paraphrasing Hannah Arendt, as the respect that makes someone or something be followed without the need of coercion or persuasion.¹⁴⁰

In fact, throughout the Republic and the early Empire, Roman law had developed largely on the basis of authority. It evolved practically without legislation, through the interpretation of the legal experts and the jurisdictional programme of the magistrate, so it had very little by way of imperative rules. Still in the second century, Pomponius could oppose legislation and civil law proper, defining the latter as consisting solely in the interpretation of the legal experts: ‘*proprium ius civile, quod sine scripto in sola prudentium interpretatione consistit*’.¹⁴¹

¹³⁹ This Roman tendency to consider the law *sub specie auctoritatis* is so strong that it occasionally emerges even regarding legislation: in Trajan’s answer (Pliny *Ep.* 10, 115, cf. *supra*, n. 86) to Pliny’s letter on the long practice among the Bithynians of admitting to the *boule* citizens of another *polis*, against the provisions of the 63 BC *lex Pompeia*, the emperor opposes, to the ‘*consuetudo usurpata contra legem*’, the ‘*legis auctoritas*’: the word choice is highly significant and suggests right away what the imperial decision will be: so, rightly, PERNICE, *Gewohnheitsrecht* (cit. n. 46), p. 151 n. 1.

¹⁴⁰ Hannah ARENDT, ‘What is authority?’, [in:] *Between Past and Future: Six Exercises in Political Thought*, New York 1961, pp. 91–141.

¹⁴¹ *Supra* § 5 ad n. 64. The balance between legislation and jurisprudence appears so inclined towards the latter in the middle Roman Republic, that the phenomenon of the *leges imperfectae* – statutes that lack in themselves the force to modify civil law, thus requiring the introduction of praetorian remedies to be enforceable – has been regarded as evidence that, Twelve Tables aside, ordinary legislation was initially not admitted as a source of *ius civile*: F. WIEACKER, *Römische Rechtsgeschichte*, I, München 1989, pp. 282–287.

Legal experts, on the other hand, tended to confine their opinions to specific cases, and were reluctant to formulate as general rules the law behind their solutions: ‘omnis definitio in iure civili periculosa est’¹⁴². In any case, their opinions were merely such, and therefore open always to criticism and revision by their peers. A very relevant part of the law they produced was therefore disputed (*ius controversum*): and yet, despite the way in which this situation exasperated the non binding character of each concurring solution, they were all undisputedly acknowledged as law. This state of affairs would become problematic only with the advance of the imperial control over the law, and the related tendencies towards normalisation and harmonisation, that led from Hadrian to the legal absolutism of late Antiquity.¹⁴³ The Augustan *ius respondendi* can be considered

¹⁴² Iav. 11 *epist.* D. 50.17.202: ‘Every definition is dangerous in civil law’. For this very reason, Paul. 16 *Plaut.* D. 50.17.1 underlines that the law does not result from the rule: conversely, it is from the established law that the rule is created: ‘non ex regula ius sumatur, sed ex iure quod est regula fiat.’ Rules can therefore be rejected, as any other jurisprudential formulation of the law, as soon as they prove to be inaccurate. The so-called *regula Catoniana* was a notorious example of the problems that a rule could create when its formulation was (or had become) misleading: it is perhaps not a coincidence that alternative formulations had been proposed by both Javolen (10 *epist.* D. 50.17.201) and Paul (8 *Sab.* D. 50.17.29). In the last century of the Republic and the first decades of the Principate, instead, the formulation of *regulae* and *definitiones* seems to have been a central concern of the jurisprudence, to the point that the somewhat forced expression ‘regular jurisprudence’ has been common since Paul Jörs to refer to this period. Among the rich literature on *regulae* and *definitiones*, cf. A. CARCATERRA, *Le definizioni dei giuristi romani*, Napoli 1966; R. MARTINI, *Le definizioni dei giuristi romani*, Milano 1966; P. STEIN, *Regulae iuris*, Edinburgh 1966; B. SCHMIDLIN, *Die römischen Rechtsregeln*, Köln – Wien 1970; D. NÖRR, ‘Spruchregel und Generalisierung’, *ZRG RA* 89 (1972), pp. 18–93; B. SCHMIDLIN, ‘Horoi, pithana und regulae. Zum Einfluß der Rhetorik und Dialektik auf die juristische Regelbildung’, *ANRW II* 15, Berlin – New York 1975, pp. 101–130.

¹⁴³ The shift towards the paradigm of legislation is already visible in Gaius’ treatment of the sources (Gai. 1.3–7): their quality as such is formulated through equation to legal enactments – ‘legis vicem optinet’. This formulation is used not only for *senatusconsulta* and imperial constitutions, but also for the opinions of the jurists (*responsa prudentium*): ‘Responsa prudentium sunt sententiae et opiniones eorum, quibus permissum est iura condere. Quorum omnium si unum sententiae concurrunt, id, quod ita sentiunt, legis vicem optinet; si vero dissentiunt, iudici licet quam velit sententiam sequi; idque rescripto divi Hadriani significatur’. – ‘The answers of jurists are the decisions and opinions of those who are authorized to define the law. If the opinions of all of them concur, what they

a first step in this direction, and yet it is still attached to the old paradigm of *auctoritas*.¹⁴⁴

10. JURISDICTIONAL DISCRETION, AUCTORITAS, AND THE STATUS OF PEREGRINE LAW IN EGYPT

These Roman conceptions, of the jurisdiction as a discretionary power, and of the law in terms of authority rather than absolute binding force, may help place the discussion about the status of peregrine law in Egypt under a new light.

Obviously, the shift from Rome to the province imposes some caveats. The prefect of Egypt is not the Roman praetor. Yet, the provincial jurisdiction was inevitably modelled on that of the magistrates of the *Urbs*, and from a constitutional point of view the nature of their power was identical: in Ulpian's words, a *plenissima iurisdictio*,¹⁴⁵ that the prefect had *ad similitudinem proconsulis*,¹⁴⁶ together with all the attributions of the

agree upon obtains the force of law; if, however, they disagree, the judge has a right to follow whichever opinion he may wish, and this is set forth in a rescript of the Divine Hadrian' [tr. S. P. Scott]. Gaius' treatment is a good illustration of the synergies between Imperial control, normativisation, harmonisation, and the tendency to discipline the phenomenon of the *ius controversum*.

¹⁴⁴ Pomp. *ench.* D. 1.2.2.49: 'Primus divus Augustus, ut maior iuris auctoritas haberetur, constituit, ut ex auctoritate eius responderent: et ex illo tempore peti hoc pro beneficio coepit'. – 'The Divine Augustus, in order to raise the authority of the law, was the first to decree that the jurists might give their opinions as if by virtue of his own authority; and from that time, this began to be requested as a privilege.'

¹⁴⁵ Ulp. 2 *off. proc.* D. 1.16.7.2: 'Cum plenissimam autem iurisdictionem proconsul habeat, omnium partes, qui Romae vel quasi magistratus vel extra ordinem ius dicunt, ad ipsum pertinent'. – 'As the Proconsul has complete jurisdiction, all the authority of those who dispense justice at Rome either in the capacity of magistrates or through the grant of extraordinary power, is vested in him' [tr. S. P. Scott].

¹⁴⁶ Ulp. 15 *ed.* 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'. – 'The Prefect of Egypt does not lay aside his prefectship and the command granted to him by law under Augustus, as the Proconsuls do, before his successor enters the City of Ale-

imperium, including the normative power associated with the *ius edicendi*. Such jurisdictional power was, in the Roman tradition, by nature discretionary (*supra*, § 9).

Most importantly: despite all continuities, the Empire is no longer the Republic. The realities of the imperial power redefined authority, its role and sources, as well as the jurisdictional practice. For the praetor, the turning point was Hadrian, if the so-called codification of the Edict is not entirely a legend.¹⁴⁷ With this ‘codification’, the praetor lost his main instrument of innovation. Moreover: praetorian discretion, even if theoretically possible, was in practice out of the question regarding imperial constitutions and *senatusconsulta*. The same is true, *a fortiori*, for the provincial governors. Their peripheral position makes it also unlikely that they would use their discretion regarding established principles of civil and praetorian law. For the provincial jurisdiction, the only sphere where one would expect it to keep in practice its original freedom is that of the peregrine law. This is precisely what we seem to find in Egypt.¹⁴⁸

The Egyptian evidence and sheer common sense make it safe to assume that the prefect felt *de facto* less bound by peregrine law than by Roman – especially imperial – law. But *de iure*, I would not describe the difference between them in terms of binding force. Certainly not in terms of peregrine law being less binding, as the custom theory wanted, because there is not such a thing as a ‘less binding’ norm. More reasonable could seem to assume that Roman law was absolutely binding, and peregrine law absolutely not: this is H. J. Wolff’s thesis of the legal vacuum, and the reason why he reduces Modrzejewski’s customary law to a non binding mass of behaviour patterns. But also this is unsatisfactory: if all

xandria; even though he may have already reached the province; and it is so stated in his commission’ [tr. S. P. Scott].

¹⁴⁷ F. CANCELLI, *La codificazione dell’edictum praetoris: dogma romanistico*, Milano 2010, with lit.

¹⁴⁸ *Supra* n. 26. I leave here aside how much of the original discretion connatural to the *iurisdictio cum imperio* of the prefect subsisted for the subordinate officials who acted as judges but by virtue of their own jurisdiction, like the *iuridicus* or the *idios logos*. If the decision of the *epistrategos* Bassus in *P. Oxy.* II 237, col. vii, ll. 22–24 is any indication, they seem to have acted with full discretion regarding peregrine law.

we can say from a legal point of view is that peregrine law was absolutely not binding – indeed, that it was not law-, then we leave its actual application unexplained, and we create an additional problem – that Wolff does not address-: when this non-law, if ever, was transformed into law.

My opinion is that from the Roman point of view it was law from the beginning, because the Romans had not read Hobbes, or Montesquieu, or Kelsen, and were not victims of the virus of legal positivism that even we legal historians seem so vulnerable to. It was law, because law in Rome was not merely normative force, but also authority; and tradition, for the Roman mind, carries authority, even when it is an alien tradition. This is what the application – not occasional, but consistent – of the peregrine law demonstrates. Its occasional rejection in the name of certain basic Roman values (notably in the precedents invoked in the petition of Dionysia) shows that, unsurprisingly, it did not carry the same authority as Roman law: Unlike normative force, authority comes in grades, because it is not an absolute, dogmatic category, but a crossroad between the social, the political and the legal.

This authority of the peregrine law, although it comes from tradition, is not the result of its contemplation *sub specie consuetudinis*. A Roman notion of customary law was not available before Julian, and not widespread before the third century; both this later Roman construction and the modern theory of customary law assign custom a supplementary role that is not consistent with what we see in Egypt. Especially relevant here are the documents where the Ptolemaic *diagrammata* and *protagmata* are directly invoked and applied. What these documents seem to show is that the Roman jurisdiction was ready to ignore the theoretical fall of the Ptolemaic laws with the Roman conquest, and to keep them as part of the Roman provincial law.

The Roman conceptions of jurisdiction (as a discretionary power) and law (as not reduced to legislation) come from the earliest Roman history. Their origin has nothing to do with the necessities of the provincial administration. But when these necessities arose, those conceptions were ready – one is almost tempted to say providentially. And they served well, allowing for a dynamic of inclusiveness and minimum intervention that would have been much more difficult with a normative understanding of

the law. To our time, this example speaks eloquently for the advantages of a flexible conception of the law – today’s fashionable term would be soft-law – also from a purely practical, political point of view; and, in general, for the far-reaching practical consequences of *prima facie* abstruse legal constructions.

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Tonio Sebastian Richter

**COPTIC PAPYRI
AND JURISTIC PAPYROLOGY**

1. REICHSRECHT AND VOLKSRECHT
IN THE COPTIC LEGAL DOCUMENTS

AT THE WARSAW 2013 MEETING, Coptic juristic papyrology was made a topic of a plenary session at an international congress of papyrology for the first time after Artur Steinwenter's talk on the importance of papyrology for Coptic diplomatics in Munich eighty years ago.¹ Although the reporting period of this paper cannot be extended to the last 80 years, it might still be useful for wider papyrological audience to take a 'run-up' and to remember how Coptic juristic papyrology developed and on what evidence it is based, before moving on to what it has become today.

A few years ago – wrote Charles Wycliffe Goodwin in 1859 – somebody discovered an old wooden chest in the ruins of an ancient monastery near Thebes in Egypt. The chest contained a number of papyrus rolls, and a few skins of leather inscribed with mysterious letters. ... Having been submitted to competent decipherers, they proved to contain, not as the reader perhaps is inclined to anticipate, Confessions of a Convent, Memoirs

¹ A. STEINWENTER. 'Die Bedeutung der Papyrologie für die koptische Urkundenlehre', *PapCongr.* III, pp. 302-313.

of a Monk, or any such romantic matters, but a number of deeds of gift, wills, and contracts, dating apparently from the eighth or ninth centuries of our era, one only of them written in Greek, and the rest in Coptic. As legal documents of such an age, and derived from such a quarter, are rarities in their way, we propose to give some account of them.²

Deeds rather than more romantic matters – this is the reason why the earliest publication on Coptic documentary papyri is owed to a juridical journal, and the first modern readers of any Coptic non-literary text were English lawyers.³ It was thirty years later, shortly after the rise of Greek papyrology, when Coptic documents entered the ‘big stage’ of the developing discipline later called juristic papyrology. In his seminal work on *Reichsrecht* and *Volkrecht* in the Eastern provinces of the Roman empire,⁴ Ludwig Mitteis occasionally referred to Coptic legal documents from Western Thebes whose discovery, as we saw, preceded the large papyrus finds in the Fayyum by decades. Since Mitteis 1891, Coptic documents would be discussed by historians of law in terms of *Reichsrecht* and *Volksrecht* over the next century.⁵ In 1953, Mitteis’ pupil Leopold Wenger wrote in his opus magnum on the sources of Roman law:

The importance of the Coptic legal documents lies especially in their relation to the Greek-Byzantine texts as is reflected in their formulas and

² C. W. GOODWIN, ‘Curiosities of Law. Conveyancing among the Copts of the eighth century’, *The Law Magazine and Law Review, or Quarterly Journal of Jurisprudence* 6 (1858/59), pp. 237–248, esp. 237–238.

³ GOODWIN, a pioneering scholar of hieroglyphic, hieratic and Coptic Egyptian, was a lawyer by profession himself (cf. W. R. DAWSON, E. P. UPHILL, & M. L. BIERBRIER, *Who Was Who in Egyptology*, London 1995 [3rd ed.], p. 171). In his article he introduced the formulary of the Coptic *tabellio* documents and gave translations of two Coptic child donation documents (the now so-called *P. KRU* 81 and 91), a Coptic gift of land (*P. KRU* 108), and of the Greek will of bishop Abraham of Hermonthis (*P. Lond.* 1 77); on which cf. now Esther GAREL’s ground-breaking PhD thesis, *Les testaments des supérieurs du monastère de Saint-Phoibammôn à Thèbes (VII^e siècle)*.

⁴ L. MITTEIS, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreiches*, Leipzig 1891.

⁵ It could be illuminating to look at how far the idea of 19th- and 20th-century historians of law was shaped by the notion of Germanic tribal laws and their resistance and assimilation to Roman law in medieval and Early modern European history.

clauses even at a time when the contact to the Byzantines was interrupted due to the Arab conquest. The legal history of Egypt confronts us with the difficult question whether the national renaissance triggered a renaissance also of national law, and how far this can be deduced from the texts.⁶

And still 40 years later, in 1993, Walter Selb posed the same question in his synthesizing work on antique laws in the Mediterranean: 'Is there a direct linkage between the Coptic and the Demotic law?'⁷

The complexity of this question rests to some extent in the two involved layers of meaning, the linguistic and the juridical one. Already Louis Boulard's in-depth study of 1913 on the law of sale according to Coptic contracts (mostly from Jême)⁸ left no doubts about the overall dependence of the Coptic legal templates, formulas and terminology on Byzantine Greek models. Doubts did however remain about whether, and to what extent legal norms and legal practice belonging to an Egyptian *Volksrecht* could have survived and been transferred via their original translation from demotic Egyptian into Greek, and afterwards back from Greek into the Egyptian, by then Coptic, vernacular.

Two jurists and historians of law, Wenger's pupil Artur Steinwenter and his younger American colleague A. Arthur Schiller, took even the burden of learning Coptic, in order to trace the issue *ad fontes*. The slightly different words in which they put their field of research is indicative of their different approach to the material law of the Coptic texts: Arthur Schiller called it *Coptic law*,⁹ thereby conceptualizing the contents of Coptic deeds

⁶ L. WENGER, *Die Quellen des römischen Rechts*, Wien 1953, p. 318: 'Die Bedeutung der koptischen Rechtsurkunden liegt vor allem in ihrem Verhältnis zu den griechisch-byzantinischen Texten, wie es sich in den Formeln und Klauseln auch dann noch zeigt, als die arabische Eroberung den Kontakt mit Byzanz abgebrochen hatte. Die Rechtsgeschichte Ägyptens stellt dabei die schwierige Frage, ob und wieweit durch die nationale Renaissance auch eine solche des nationalen Rechts sich ergeben habe und aus diesen Texten zu erschließen sei.'

⁷ W. SELB *Antike Rechte im Mittelmeerraum*, Köln – Weimar – Wien 1993, p. 127: 'Gibt es einen unmittelbaren Anschluß des koptischen an das demotische Recht?'

⁸ L. BOULARD, 'La vente dans les actes coptes,' [in:] *Études d'histoire juridique offertes à Paul Frédéric Girard II*, Paris 1913, pp. 1–94.

⁹ A. A. SCHILLER, 'Coptic law', *The Juridical Review* 43 (1934), pp. 211–240.

as being shaped by distinct legal convictions based on inherited Egyptian legal practice:¹⁰

A period of three hundred years separates the last demotic document from the first Coptic legal text, but there is no reason to believe that Egyptian legal principles perished in this period. Customary law or documents in Greek carried on the rules.

Artur Steinwenter, on the other hand, called the same kind of thing *The law of Coptic documents*,¹¹ thus indicating a set of legal convictions less continuously transmitted and less homogenous in their origins, but rather accumulated over time and significantly affected by cultural contact. Although eagerly looking for distinguishable traces of *inherited* law himself, he did not expect to find some, unless as an exception to the rule:¹²

Posing the question for the value of Coptic sources for our knowledge of material law, ... we face the problem of separating inherited and adopted (Hellenistic up to Byzantine) law. Is the law indirectly deducible from them nothing but provincial or imperial *Roman* law, applicable in the jurisdiction of the time after Justinian's legislation in the Eastern empire, or do we find traits of an autonomous legal culture?

In more recent times, continuity was pursued at the linguistic level. German Demotist Erich Lüddeckens 1972 and Gonnje van den Berg Onstwedder 1996 compiled clauses and phrases of *Demotic* legal documents which they supposed to pop up again in *Coptic* formularies and phraseology more than five hundred years later.¹³ Having examined the

¹⁰ SCHILLER, 'Coptic law,' (cit. n. 9), p. 212.

¹¹ A. STEINWENTER, *Das Recht der koptischen Urkunden* [= *HdA* x 4.2], München 1955.

¹² STEINWENTER, *Das Recht* (cit. n. 11), p. 57: 'Wenn wir ... die Frage nach dem Wert der koptischen Quellen für die Erkenntnis des materiellen Rechtes stellen, so tritt damit das Problem der Sonderung enchorischen und rezipierten (hellenistischen-byzantinischen) Rechtsgutes in den Vordergrund. Ist das aus den Urkunden mittelbar zu erschließende Recht nichts anderes als Provinzial- oder Reichsrecht, das zur Zeit der justinianischen Gesetzgebung in Ost-Rom gegolten hat, oder finden wir auch hier Kennzeichen einer selbständigen Rechtskultur?'

¹³ E. LÜDDECKENS, 'Demotische und koptische Urkundenformeln', *Enchoria* 2 (1972),

validity of their proposals systematically,¹⁴ I came to the result that any conclusive evidence for surviving phrases (or even entire clauses) is simply lacking, even though some occasional terms at the lexical level – nouns, verbs or very short syntagmata – of the earlier Egyptian legal idiom were still used in the Coptic deeds.¹⁵

The ‘Byzantine turn’ in papyrology over the last decades brought Coptic documents and their closeness to Byzantine formularies to the awareness of a wider academic audience. In 2001, historian of law Bernhard Stolte described the relation between Byzantine Greek and Coptic legal documents like two (linguistically) different carriers of one (legal) load.¹⁶ ‘As far as I can see, it is quite possible to see these documents as witnesses of one and the same legal system and to treat the question of their language as a purely accidental feature’. Scholars such as Herwig Maehler, Jakub Urbanik and Joëlle Beaucamp investigated legal practice in the light of imperial law and developed a nuanced view about the success of imperial law in Byzantine Egypt.¹⁷ Beaucamp concluded: ‘Ultimately, the impact of imperial legislation on Egypt during the sixth and seventh century appears to have been more or less significant, depending on the legal field concerned, and to have varied according to social status.’¹⁸

pp. 21–31; G. VAN DEN BERG-ONSTWEDDER, ‘The use of Demotic phrases from legal texts of the Ptolemaic Period in Coptic legal texts’, *BSAC* 35 (1996), pp. 101–116.

¹⁴ T. S. RICHTER, *Rechtssemantik und forensische Rhetorik* [= *Kanobos* 3], Leipzig 2002, [= *Philippika. Marburger altertumskundliche Abhandlungen* 20, 2nd ed.], Wiesbaden 2008, pp. 37–57.

¹⁵ RICHTER, *Rechtssemantik* (cit. n. 14), pp. 58–61.

¹⁶ B. STOLTE, ‘Fiducia cum creditore contracta in early Byzantine law?’, *Subseciva Groningana* 7 (2001), p. 38, quoted from R. BAGNALL, ‘Greek and Coptic in Late Antique Egypt’, [in:] IDEM, *Everyday Writing in the Graeco-Roman East* [= *Sather Classical Lectures* 69], Berkeley – Los Angeles – London, p. 155.

¹⁷ H. MAEHLER, ‘Greek, Egyptian and Roman Law’, *JJurP* 35 (2005), pp. 121–140; J. URBANIK, ‘Tapias banquet hall and Eulogios’s cell: Transfer of ownership as a security in some Late Byzantine papyri’, [in:] P. DU PLESSIS (ed.), *New Frontiers: Law and Society in the Roman World*, Edinburgh 2013, pp. 151–174; Joëlle BEAUCAMP, ‘Byzantine Egypt and imperial law’, [in:] R. S. BAGNALL (ed.), *Egypt in the Byzantine World, 300–700*, Cambridge 2007, pp. 270–287.

¹⁸ BEAUCAMP, ‘Byzantine Egypt’ (cit. n. 17), p. 287.

In the last decades of the 20th century, history of law witnessed a shift of conventional methods and issues in the wake of the *Historische Rechtsschule* towards larger issues in social history; from positive law, its receptions and application, towards legal practice, or ‘legal anthropology’ in terms of Gagos and van Minnen.¹⁹ This shift affected and changed also the interest in Coptic legal documents. It is not longer the question alone, on what sources of law Coptic documents were drawing, that interests us, but also issues such as: How did these documents work for the people who produced and used them, within their social networks? What significance and function had the use of the vernacular language in the domain of legal records? How relates the emergence of Coptic legal documents to the usage of Greek, and how its decline to the usage of Arabic, sociolinguistically? And how relates all of this to contemporary changes in society, economy and law?

2. AN OVERVIEW OF THE CORPUS

Edited Coptic legal documents sum up to a total of about 1.700 items. Many of them were available in editions and/or translation as early as in 1912, mostly due to the efforts of the admirable Walter Crum.²⁰ By the end of the sixties of the twentieth century, the great bulk of the texts still known to us had already been edited. Legal documents from the Theban area, the largest subcorpus, were completely translated into German by Walter Till.²¹ This swift success was partly owed to a priority selection

¹⁹ T. GAGOS & P. VAN MINNEN, *Settling a Dispute. Toward a Legal Anthropology of Late Antique Egypt*, Ann Arbor 1994.

²⁰ W. E. CRUM, *Coptic Ostraca from the Collections of the Egypt Exploration Fund, the Cairo Museum and others*, London 1902; IDEM, *Catalogue of the Coptic Manuscripts in the British Museum*, London 1905; IDEM, *Catalogue of the Coptic Manuscripts in the Collection of the John Rylands Library Manchester*, Manchester 1909; H. I. BELL & W. E. CRUM, *Greek Papyri in the British Museum IV. The Aphrodito Papyri*. London 1910; W. E. CRUM & G. STEINDORFF, *Koptische Rechtsurkunden des achten Jahrhunderts aus Djême (Theben)*, Leipzig 1912.

²¹ W. C. TILL, *Erbrechtliche Untersuchungen auf Grund der koptischen Urkunden* [= SÖAW, *Phil.-hist. Kl.*, 229/2], Wien 1954; IDEM, *Datierung und Prosopographie der koptischen Urkunden aus Theben* [= SÖAW, *phil.-hist. Kl.*, 240/1], Wien 1962; IDEM, *Die koptischen Rechtsurkunden aus Theben* [= SÖAW, *phil.-hist. Kl.*, 244/3], Wien 1964.

made by the early editors. Walter Till who had a strong preference for legal documents over all other kinds of Coptic documentary text, provided a systematic translation of several types of legal texts²² with the explicit aim to make them available to historians of law.

Legal documents, as all Coptic (and of course all other) documentary papyri, are unevenly scattered in space and time, and it is difficult to know to what extent their local and chronological distribution is random, or how far it reflects historical sociolinguistic realities. In terms of provenance, we have four finding spots of some significance throughout Middle and Upper Egypt: the Fayyum region,²³ the area of Hermupolis,²⁴ Aphrodite,²⁵ and the Theban²⁶ area. Places in the North of the Fayyum²⁷ as well as in the South of Thebes²⁸ are scarcely attested, if at all. Three of these main finding spots yielded much more Greek than Coptic documents. Only in the Theban area, documentary texts written in Coptic significantly outnumber those written in Greek.

Legal writing was a late achievement in the functional evolution of the Coptic written language. As will be dealt with in more detail below, the earliest known Coptic documents of legal force date to the second third of the 6th century, almost three centuries after the implementation and spread of the Coptic writing system in Egypt. Only a small number

²² W. C. TILL, 'Koptische Schutzbriefe', *MDAIK* 8 (1938), pp. 71-146; IDEM, 'Die koptischen Eheverträge', [in:] *FS Josef Bick*, Wien 1948, pp. 627-638; IDEM, 'Die koptischen Arbeitsverträge', *EOS* 48/1 (1948 = *Symbolae Raphaeli Taubenschlag dedicatae*), pp. 273-329; IDEM, *Die koptischen Rechtsurkunden der Papyrussammlung der österreichischen Nationalbibliothek*. CPR IV. Wien 1958; IDEM, 'Die koptischen Bürgschaftsurkunden'. *BSAC* 14 (1958), pp. 165-226.

²³ *Ca.* 110 items especially from Arsinoë/Medinet el-Fayyûm and Herakleopolis Magna/Ehnas.

²⁴ *Ca.* 350 items especially from Hermopolis/Ashmunein, Antinou and the monastery of Bawît.

²⁵ *Ca.* 250 items especially from Kômê Aphrodito/ Kôm Ishqâw and Dêr el-Bala'iza.

²⁶ *Ca.* 980 items especially from Djême/Medinet Habu and the monastery of Phoibamôn/Dêr el-Bahrî.

²⁷ The Delta southwards up to Memphis yields *ca.* 15 items (especially from Saqqara)

²⁸ Southern Upper Egypt and the cataract region yields *ca.* 20 items especially from Syênê/*Assuan* and Elephantine; Lower Nubia yields some further 20 legal documents.

of documents can confidently be dated to the first half of the 7th century, this is to say, to the last pre-conquest decades. Our corpus strongly gravitates towards the later 7th and the 8th centuries. From the later 9th century up to the ultimate disappearance of Coptic from the documentary record in the course of the 11th century, we have only a few specimens of Coptic legal writing, about 20 items, which look conspicuously different from earlier Coptic deeds (*cf.* below, pp. 418–419).

The most significant increase of the corpus as Crum, Till, Steinwenter and Schiller knew it, happened at its chronological margins. The historical evolvement of coptophone deeds in the later 6th century as well as their gradual abandonment after the 8th century is much better tangible to us than it was to them and still twenty years ago.

A few words shall be said on the contents of Coptic legal texts. A part of Coptic legal documents relates to *public law*, such as tax assessments from different places, tax guarantees (*eggyêtiké homologia*) mainly from Aphrodito, and tax receipts as well as letters of safe conduct especially on Theban ostraca. They all date from the early Islamic period. Being addressed to, or framed by, individuals or communities right at the bottom level of society – the population of villages, provincial towns and monasteries of Egypt – they served to manage communication of these people with the local instances of tax administration. We have no other official Coptic documents related to another level, or kind of administration from post-conquest times, and not any official Coptic document related to any kind of administration from pre-conquest times. Thus it seems that in administrative clerical work, the Coptic option was delimited chronologically to some decades from the late 7th to the first third of the 8th century, and functionally restricted to the lowest level of tax administration.

The major part of Coptic legal documents relates to private law. Almost exclusively representing types of text known to us already from the Byzantine Greek record, they mostly are even named by Greek designations.²⁹ As types, formularies, and names of documents were bor-

²⁹ We find *e.g.*, sales (*prásis, oné*), donations (*doreastikón*), wills (*diathéke*), settlements of dispute (*diálysis*), sales on delivery (*aspháleia*), loans (called *aspháleia, asphalés, asphalésteron*), leases of buildings, parts of buildings, and devices for simple use (*místhosis*, Coptic *sakhne*), leases of arable land for usufructus (*místhosis, epitropé*), long term (hereditary) leases (*emphy-*

rowed from Greek, also the professional titles borne by the Coptic notaries are almost invariably those already borne by their Greek-writing colleagues at the same time or a few generations earlier.³⁰

3. RECENT ACHIEVEMENTS AND CURRENT ISSUES IN COPTIC JURISTIC POPYROLOGY

A focus of recent research was put on issues such as chronology, palaeography, scribal work and attitudes, and the historical setting of Coptic deeds, so that our idea of the original admittance of the Egyptian vernacular to, and its development in the production of legal documents refined considerably over the last two decades. A starting point were Leslie MacCoull's and Jean-Luc Fournet's works on Dioskoros of Aphrodito which inspired a re-discovery of the poet and notary as a *bilingual* scribe. The Coptic share of Dioskoros' still partly unedited archives sheds much light on the milieu where, and the way how, Coptic originally became a option for Byzantine *tabelliones*.

In 2000, Anthony Alcock's and Pieter Sijpestein's edition of P. Michigan 6898, a Coptic cession of land,³¹ triggered a debate on its connection to Dioskoros' archives, its dating, and the dating of a number of documents prosopographically related to it,³² notably the Papiri Vaticani Copti Doresse which had previously been dated to the mid-6th century.

teutiké homología), contracts of employment (e.g. *sympônon*, Coptic *lebeke*), receipts (*entá-gion, apódeixis*).

³⁰ *Grammateus*: Fayyûm (7th/8th c.), Djême (7th c.); *Grapheus*: Ashmunein (7th/8th c.), Bâwît (9th c.), Dêr el-Balâ'izah (8th c.); *Logographos*: Djême (8th c.); *Nomikos*: Aphrodito (7th/8th c.), Antinou (7th c.), Ashmunein (6th/7th c.), Apollônos katô/Edfû (8th c.); *Notarios*: Ashmunein (7th c.), Dêr el-Balâ'izah (8th c.), Fayyûm (8th c.); *Symboulaiographos*: Aphrodito (8th c.); *Tabellio*: Aphrodito (6th c.), an exception in this regard being the title $\epsilon\alpha\zeta$ NTIME 'village scribe': Ashmunein (7th c.); Djême (8th c.); In many cases scribes identified themselves just by name without any title.

³¹ A. ALCOCK & P. J. SIJPESTEIJN (†), 'Early 7th century Coptic contract from Aphrodito (P. Mich. inv. 6898)', *Enchoria* 26 (2000), pp. 1-19.

³² Leslie S. B. MACCOULL, 'P. Mich. inv. 6898 revisited: a sixth-century Coptic contract from Aphrodito', *ZPE* 141 (2002), pp. 199-203.

In 2004, the year of the second edition of Roger Bagnall's und Klaas Worp's *Chronological systems of Byzantine Egypt*, the same authors revisited these documents and suggested new dates to shortly before and even after the Arab conquest for P. Mich. inv. 6898 and the Papiri Vaticani Copti Doresse, thus almost a century later.³³ The new dates were adopted by Hans Förster and Fritz Mitthof, the editors of *P. Vaticano Copto Doresse I*, a sale of a threshing waggon,³⁴ and by Leslie MacCoull, a former proponent of the early chronology.³⁵ Another groundbreaking paper was delivered by Jean-Luc Fournet in 2007,³⁶ who compiled, and significantly furthered the available information about the earliest known legal documents drawn up in Coptic: three edited Coptic legal texts of the Dioskoros archive – *P. Lond.* v 1709 (dated to 566 or 567), *P. Cair. Masp.* III 67176 r^o + joining fragments and its double, *P. Cair. Masp.* III 67353 r^o (both dated to 569) – and the unedited P. Berlin 11349 for which he proposed a date to 549/550. These four texts are formal documents relating to arbitration, but they are not notarial documents, as already Bagnall and Worp had noticed: '(they) should perhaps not be equated to formal Greek notarial documents, as none of them contains the notarial subscription that a *tabellio* document would present'.³⁷ Before Bagnall and Worp, the *Papiri Vaticani Copti Doresse*, fully-fledged notarial deeds drawn up to testify the transfer of property and meant to be produced at court, seemed to stand at the beginning of legal writing in Coptic: a scenario of birth in full beauty like Aphrodite. On the basis of the revised chronology, Jean-Luc Fournet and Roger Bagnall in his Sather lecture³⁸ outlined a less

³³ R. S. BAGNALL & K. A. WORP, 'Dating the Coptic legal documents from Aphrodite', *ZPE* 148 (2004), pp. 247–252.

³⁴ H. FÖRSTER & F. MITTHOF, 'Ein koptischer Kaufvertrag über Anteile an einem Wagen. Edition von *P. Vat. Copt. Doresse I*', *Aegyptus* 84 (2004), pp. 217–242.

³⁵ LESLIE S. B. MACCOULL, 'More on documentary Coptic at Aphrodito'. *CdÉ* 82 (2007), 381–389; EADEM, *Coptic Legal Documents. Law as Vernacular Text and Experience in late Antique Egypt* [= *Medieval and Renaissance Texts and Studies* 377], Turnhout 2009, pp. 18–28.

³⁶ Published only in 2010: J. L. FOURNET, 'Sur les premiers documents juridiques coptes', *Études coptes XI. 13^{ième} journée d'études (Marseille, 7–9 juin 2007)*, Paris 2010, pp. 125–137.

³⁷ BAGNALL & WORP, 'Dating the Coptic legal documents' (cit. n. 32), p. 248.

³⁸ BAGNALL, 'Greek and Coptic in Late Antique Egypt' (cit. n. 15), pp. 75–94, 152–155.

mythological, but more plausible scenario of the emergence of Coptic as a language of legal texts. They argued for the gradual transition of legal functions from Greek to Coptic starting at less delicate, and less official cases such as arbitration, and moving from there on to more serious, and more official cases, such as the transfer of property.

Having said that, the issue arises when the next step forward, the use of Coptic for *notarial* documents, was taken? In 2012, Hans Förster, Jean-Luc Fournet and I edited a Coptic *misthosis* document from Aphrodito, probably from the archives of Dioskoros, which was drawn up by a man who left his name, Georgios, and his professional title, *tabellio*, in a formal completion note.³⁹ Should its suggested dating to the 580ies stand, this lease would be the earliest known Coptic *notarial* document, as we proposed in the article.

As mentioned above, the main bulk of the Coptic legal documents dates to the post-conquest 7th century and to the 8th century. Stolte suggested to take ‘the question of [the Greek or Coptic] language [of the documents] as a purely accidental feature’. This is certainly a valid approach in a comparative perspective on the content of the documents alone. In a historical and socio-linguistic perspective however, language choice is hardly an accidental feature, although Greek and Coptic did never coexist *on a par*. In *pre-conquest Egypt*, Greek was an unmarked, ‘natural’ choice in the field of deed production, and it maintained this role also when Coptic, pushed by factors which we don’t fully understand as yet,⁴⁰ had entered this field as an innovative choice. *After the Arab conquest* however, apparently a shift towards Coptic happened in this field. While Greek was retained in administrative paperwork up to the end of the 8th

³⁹ H. FÖRSTER, J. L. FOURNET & T. S. RICHTER, ‘Une *misthosis* copte d’Aphrodité (P. Lond. inv. 2849): le plus ancien acte notarié en copte?’, *APF* 58 (2012), pp. 344–359.

⁴⁰ Cf. Leslie S.B. MACCOLL, ‘Why do we have Coptic documentary papyri before AD 641?’, [in:] Nathalie BOSSON & Anne BOUD’HORS (eds.), *Actes du 8^{ème} congrès international d’études coptes, Paris, 28 juin – 3 juillet 2004* [= *OLA* 163], Leuven – Paris – Dudley, Ma. 2007, vol. 11, 751–758, EADEM, *Coptic Legal Documents* (cit. n. 35), pp. XXIII–XXIX, and EADEM, ‘Niches in an ecosystem: The choice of Coptic for legal instruments in Late Antique Egypt’, *AnalPap.* 25 (2013), pp. 257–276; BAGNALL, ‘Greek and Coptic in Late Antique Egypt’ (cf. cit. n. 38).

century besides Arabic (and unrivalled by Coptic), it dropped out from the production of private legal documents as early as in the second half on the 7th century and broke off in the early 8th century.⁴¹

There are two general questions (among others) about the post-conquest Coptic legal corpus. First, how did Coptic legal documents work, linguistically and juridically, within an increasingly Arabised legal administration, where Byzantine private law was not longer favored? – There are no doubts that they did work, as can be seen from the private documents themselves, notably 7th- and 8th-century *dialysis* documents with their narratives on previous quarrels, trials, and settlements, as well as from administrative documents, such as the early 8th-century Greek and Arabic letters of the governor Qurra ibn Sharik in Al-Fustat to Basil the pagarch of Aphrodito. The only issue dealt with by the Arab governor besides the exhaustively treated tax and levying matters is the legal protection of individual subjects who had appealed to the governor. As already Artur Steinwenter had noticed, ‘if Copts appealed directly to the governor, then he would hand back their complain to the pagarch who was commissioned, like by an imperial rescript, to help the complainants to enforce their rights, *si preces veritate nituntur*.’⁴²

A second interesting issue, not unrelated to the first one, is the question what the continuation of Byzantine legal deeds, even though clothed ‘in Coptic dress’ as somebody put it, tells us about the early Islamic society and economy. In a recently published article,⁴³ Arietta Papaconstantin-

⁴¹ As to the best of my knowledge, the last dated specimens are the two leases *P. Ross. Georg.* III 56 (from year 707) and *P. Apoll. Anô 57* from the following year. But one has to be careful, given the lack of reliable datings for many Coptic and Greek documents of this time.

⁴² STEINWENTER, *Das Recht* (cit. n. 11), p. 53: ‘Wenn sich ein Kopte unmittelbar an den Statthalter wandte, so verwies ihn dieser an den Pagarchen, der, wie in einem kaiserlichen Reskript, beauftragt wurde, dem Beschwerdeführer Recht zu verschaffen, *si preces veritate nituntur*.’ The relevant phrase rendered into legal Latin by Steinwenter runs in the Arabic documents like this: ‘if the account rests on truth and he produces evidence for it’ (*PAF* 1), cf. also *PAF* 2; *P. Cair. Arab.* III 154; *P. Cair. Arab.* III 155; *P. Heid. Arab.* I 10; *P. Heid. Arab.* I 11; *P. Qurra* 3; *P. Lond.* IV 1356.

⁴³ Arietta PAPACONSTANTINO, ‘“What Remains behind”: Hellenism and *romanitas* in Christian Egypt after the Arab conquest’, [in:] *From Hellenism to Islam. Cultural and Linguistic Change in the Roman Near East*. Cambridge 2009, pp. 447–466.

tinou concluded about the scribes of the 8th-century Coptic documents from Jême: ‘they lived in a cut-off Christian world where the lost Christian empire seems to have retained its allure. They still inhabited its cities, referred to its laws, bore the names of its emperors, used its language as a sign of distinction and bestowed upon their new lords the honorific titles of their predecessors. Without overstating things, one might say that in mind and heart, Aristophanes⁴⁴ and his friends still lived in Byzantium – in the Byzantium their great-grandfathers had known.’⁴⁵ While Papaconstantinou talks about cultural values, I think her statement should hold true in social and economic terms as well. Unlike theological speculation that could be done, to some degree, in isolation, the formularies and contents of legal deeds are so tightly connected to social and economic premisses that they must be in accordance with them, or otherwise would not persist. What happens to such texts when a society is changing, this is what *late* Coptic legal documents can show us. This kind of documents belongs to the most neglected and accordingly still badly understood parts of the Coptic documentary corpus. A first big step was taken by Michael Green’s edition of the so-called Teshlot-archive from the Rijksmuseum van Oudheden at Leiden,⁴⁶ a family archive from Dahlut in the south of Ashmunein running from the 20s to the 60s of the 11th century. Over the last fifteen years, those and some further 10th-century legal documents have been edited and re-edited, so that about 20 items of this remarkable kind of text are known by now.⁴⁷

⁴⁴ Aristophanes son of John is one of most frequently attested, and most skilled scribes known from the 8th-century Theban legal documents. On this man and his work, cf. Jennifer CROMWELL ‘Aristophanes son of Johannes: An eighth-century bilingual scribe? A study of graphic bilingualism’, [in:] Arietta PAPACONSTANTINOÛ (ed.), *The Multilingual Experience in Egypt, from the Ptolemies to the ‘Abbāsids*, Farnham 2010, pp. 221–232.

⁴⁵ PAPACONSTANTINOÛ, “What Remains behind” (cit. n. 42), p. 463.

⁴⁶ M. GREEN, ‘A private archive of Coptic letters and documents from Teshlot’, *Oudheidkundige Mededelingen uit het Rijksmuseum van Oudheden te Leiden* 64 (1983), pp. 61–122.

⁴⁷ T. S. RICHTER, ‘Spätkoptische Rechtsurkunden neu bearbeitet: BM Or. 4917(15) und P. Med. copto inv. 69.69,’ *JfurP* 29 (1999), pp. 85–92; IDEM, ‘Spätkoptische Rechtsurkunden neu bearbeitet (II): Die Rechtsurkunden des Teshlot-Archivs,’ *JfurP* 30 (2000), pp. 95–148; IDEM, ‘Spätkoptische Rechtsurkunden neu bearbeitet (III): P. Lond. Copt. I 487, Arabische Pacht in koptischem Gewand’, *JfurP* 33 (2003), pp. 213–230; Gesa SCHENKE, *P. Köln*

It seems that the 9th century was a turning point in the field of private legal practice and the production of private legal documents. The so-called Bâwît contracts, Coptic sales of cells between monks from the mid-9th century edited by Leslie MacCougll, and partly re-edited by Martin Krause,⁴⁸ are the last extant testimonies of a Byzantine *traditum* in legal formulary, phraseology and terminology. Dealing with internal transactions of property within the walls of this monastery, their validity might have been limited to the monastic community. Unlike what we guessed about the 8th-century Coptic Jême documents, the Byzantine splendor of the Bâwît contracts might not have been meant to have any legal force in a public court, but rather, to impress by the solemnity of their archaistic attitude.

Coptic legal documents from the later 9th century onwards look entirely different. Amazingly brief, frighteningly short of clauses, displaying templates and terminology partly patterned on Arabic deeds, these texts might be utterly disappointing for historians of law accustomed to the wordiness and niceties of Byzantine deeds.⁴⁹ Again we are confronted with the question how these texts could work in their social framework. Written at a time when the Arabic legal administration was based on a fully-fledged learned Islamic law and when sharply defined formal requirements about enforceable deeds were established, Coptic documents must have been entirely worthless from the point of view of the courts. In fact, contemporary fellow-Christians, who did not even speak Arabic themselves, could occasionally decide to frame their contracts

xI 466: 'Übereignung eines Bäckerei-Anteils. Ein neuer Text aus dem Teschlot Archiv'; G. SCHMELZ, & T. S. RICHTER, 'Der spätkoptische Arbeitsvertrag P. Heid. kopt. inv. 451', *JfurP* 40 (2010), pp. 185–203.

⁴⁸ Leslie S. B. MACCOULL, 'The Bawit contracts: text and translations,' *BASP* 31 (1994), pp. 141–158; M. KRAUSE, 'Die koptischen Kaufurkunden von Klosterzellen des Apollo-Klosters von Bawit aus abbasidischer Zeit', [in:] *P. Clackson*, pp. 159–169.

⁴⁹ Cf. as an example the late Coptic lease document *P. Lond. Copt.* I 487, dated to AH 287 = AD 900 (ed. RICHTER, 'Spätkoptische Rechtsurkunden [111]' [cit. n. 47]): '† In the name of God! I {I}, Anup, am writing to Phakew: After you asked me, I gave you a plot of land on lease (*al-qabâla*) without surveying (*al-misâba*) underneath the canal which brings water from the «Dike of the (*al-amîr*)» northwards. I, Anup, I assent, in this year 287. Papostolos; a lease (*al-qabâla*)'.

in Arabic and in accordance with the requirements of Islamic law (including the requirement of two muslims being among the witnesses), as is evidenced by 9th-century Arabic deeds of sale and 10th-century Arabic marriage contracts.⁵⁰ The answer to the question for function might thus be different from the answers to that question asked about the 7th- and 8th-century Coptic legal documents from Thebes and about the 9th-century Bâwît contracts.

4. OUTLOOK

Eventually, I want to address a desideratum. There is one spot on the map of Coptic juristic papyrology that has been neglected for decades: the Ashmunein region (except the Bâwît monastery, i.e., the town itself and its environs). If proof were needed, one could point to the most recent big achievement of Coptic juristic papyrology, Leslie MacCoull's textbook of Coptic legal documents⁵¹ which contains translations of seven Aphrodito papyri and forty-four Theban documents. Ashmunein yields the highest amount of Coptic legal documents next to the Theban area, many of them edited long ago, many of them unedited by now, and it provides a particularly wide range of different types of text. While the Coptic corpora from Aphrodito and Thebes span over roughly 200 years, the Coptic material from Ashmunein extends over more than 400 years from the 7th to the 11th century. And, another difference to the Theban dossier, the Ashmunein material is complemented by large corpora of 6th and 7th century Greek papyri, and by post-conquest Arabic papyri and papers.⁵² Thus for Hermopolis more than for any site elsewhere in Egypt, a diachronic

⁵⁰ P. Mich. inv. 5634, l. 14–15 & inv. 5635, ll. 13–14 (9th c.): Framer assented to the document, 'after it was read to him in Arabic and explained to him in the foreign language [*thus in Coptic*]' (examples by courtesy of Andreas Kaplony); Nabia ABBOTT, 'Arabic marriage contracts among Copts'. *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 95 (1941), pp. 59–81.

⁵¹ MACCOULL, *Coptic Legal Documents* (cit. n. 40).

⁵² A study of the Ashmunein region according to Arabic material from Umayyad to Tulunid times has recently been delivered by Marie LEGENDRE, *Pouvoir et territoire: L'administration islamique en Moyenne-Égypte (642–868)*, PhD thesis, Leiden 2012

and, so to speak, ‘holistic’ approach to legal practice across historical, linguistic, and religious boundaries would seem to be feasible.

The study of Coptic legal documents produced rich yields over the last years, and has appreciably furthered our knowledge of the society and legal administration of Byzantine and early Islamic Egypt. But there is still a lot of work left to be done. To develop a nuanced picture of the history of law and legal practice in Egypt from the later 6th to the 11th-century Egypt is a future task, which to tackle, Greek, Coptic, and Arabic papyrologists have to join their forces: *Amicitia papyrologorum*, as Jean-Luc Fournet put it, is our watchword and order of the day.

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ABSTRACTS AND KEYWORDS

José Luis Alonso

THE STATUS OF PEREGRINE LAW IN ROMAN EGYPT: 'CUSTOMARY LAW' AND LEGAL PLURALISM IN THE ROMAN EMPIRE

As we know since Ludwig Mitteis, Egypt's incorporation to the Roman Empire brought little change to the legal practice of the local population. Since the province lacked autonomous courts, this would not have been possible without the consistent endorsement of this 'peregrine' law by the Roman jurisdiction - an endorsement fully confirmed by the abundant available evidence. The political rationale behind this Roman attitude is clear enough, and entirely consistent with the general imperial policy of minimum intervention. And yet, within the Greco-Roman political tradition, that required a *civitas* for the existence of a *ius civile*, the legal status of this peregrine law - in a province that lacked *civitates* proper until 200 CE, and whose inhabitants were mostly *peregrini nullius civitatis* - is a theoretical puzzle. Hans Julius Wolff has maintained that it was, strictly speaking, no law at all: the fall of the Ptolemies deprived it of all its binding force, as the occasional instances of Roman rejection (notably in *P. Oxy.* II 237, the famous petition of Dionysia) would corroborate; from the point of view of the Roman jurisdiction, there was in Egypt, Wolff argued, a legal vacuum to be filled at discretion. Joseph Méléze Modrzejewski, instead, has insisted on the pertinence here of the notion of customary law: the local legal traditions, as well as the Ptolemaic legislation, were reduced to customary law, persisted as a merely tolerated *mos regionis*. These ideas are here reassessed, taking into account the discretionary nature of the Roman jurisdiction, the roots of the doctrine of customary law, and of the idea itself of the law as a binding system of rules.

Keywords: Roman Egypt, legal pluralism, customary law, *mos regionis*, Volksrecht, Roman provincial jurisdiction, jurisdictional discretion, normativisation.

Guglielmo Cavallo

LA PAPIROLOGIA LETTERARIA TRA BIBLIOLOGIA E PALEOGRAFIA:
UN CONSUNTIVO DEL PASSATO E UNO SGUARDO VERSO IL FUTURO

Since its beginnings, literary papyrology has been strictly linked with bibliography – intended as history of the material structure of ancient books – and palaeography – intended as history of scripts and signs in their morphological evolution. But during last fifty years our knowledge in these fields considerably grew, opening new perspectives, thanks also to the new findings of papyri, tablets, ostraka and parchments, in Egypt and outside Egypt. This paper outlines and critically surveys the latest developments and research trends, starting from the analysis of well known materials – as the Herculaneum rolls or the Kellis Isocrates – to raise anew, open questions.

Keywords: bibliography, palaeography, ancient books, Herculaneum papyri, papyrus rolls, codex.

Jerzy Danielewicz

EARLY GREEK LYRIC AND HELLENISTIC EPIGRAM:
NEW EVIDENCE FROM RECENTLY PUBLISHED PAPYRI

New papyrological finds of lyric and epigrammatic texts – although the former are represented by short fragments only – have proved to be of great value for literary studies. The paper concentrates on two lyric pieces by Sappho, from which one can be restored almost fully, and the preserved part of a longer narrative elegy by Archilochus. In spite of their fragmentary state, these poems shed new light on some specific features of early Greek lyric – among other things, on composition, especially the role of mythical and historical examples, intertextuality, and the problem of the individual vs. conventional.

The importance of the other find, the Milan Posidippus papyrus, an extensive anthology of epigrams published in 2001, is difficult to overestimate. It brings our knowledge of Posidippus' poetic oeuvre to a new stage and, more generally, extends the panorama of the known sub-categories of the epigrammatic genre, as well as our understanding of the process of compiling single-author collections and their relationship to other, Hellenistic and later, anthologies.

Keywords: Greek lyric, Hellenistic epigram, lyric, Sappho, elegy, Archilochus, Posidippus, anthologies.

Jean-Luc Fournet

CULTURE GRECQUE ET DOCUMENT
DANS L'ÉGYPTE DE L'ANTIQUITÉ TARDIVE

Literary culture of the Greco-Roman Egypt does not apprehend itself only through literary papyri, but also through documentary papyri. This is especially true of the Late antique period which accentuated the taste for a pervasive and demonstrative culture, as shown by the use of sophisticated vocabulary, of quotations from authors, but also – more formally – by the presentation adopted by documents and their writing. This is also a tendency of recent papyrology to try to understand the phenomenon of literary culture in a comprehensive manner, not limited to the field of literary papyrology. This paper will be an opportunity of taking stock of the work done in this perspective and draw some paths to follow in the future.

Keywords: literary culture, *paideia*, documents, layout, lectional signs, rhetoric, quotations, palaeography, atticism, poetisms.

Andrea Jördens

ROMS HERRSCHAFT ÜBER ÄGYPTEN

Der Beitrag geht dem Bild des kaiserzeitlichen Ägypten in den Forschungen der letzten 20 Jahre nach, um darüber dem Charakter von Roms Herrschaft im allgemeinen und über das Nilland im besonderen näherzukommen. Anders als üblich gilt der Blick allerdings weniger Verwaltung, Wirtschaft und Gesellschaft als vielmehr dem Bereich von Recht sowie Sprache und Kultur. Im Gegensatz zu den einschneidenden Neuerungen im öffentlichrechtlichen Sektor – so namentlich in Statusfragen, Rechtsprechung und Archivwesen – blieben Reformen im Privatrecht weitgehend aus, vor allem ließen die Römer das materielle Recht unangetastet. Unklar bleibt, wie weit das Verschwinden des Demotischen hier einzuordnen ist. Denn gerade seitens der einheimischen Priesterschaften ist auch sonst eine zunehmende Öffnung gegenüber der griechischen Kultur zu vermerken, wie es überhaupt zu einer gegenseitigen Annäherung der provinziellen Eliten gekommen zu sein scheint. Auch im Nilland bildeten sich damit die für die Kaiserzeit typischen Gesellschaftsstrukturen heraus, was die beiden Grundprinzipien römischer Herrschaft weiter befördern sollten – nämlich die Verwaltung einerseits funktionstüchtig, den Aufwand dafür andererseits so gering wie möglich zu halten. Auf diese Weise eröffneten sich Möglichkeiten politischer Beteili-

gung, die das anfangs noch strikte *top-down*-Prinzip auf lange Sicht durch ein variables *bottom-up*-Modell ersetzen sollten. Die im Rahmen der diokletianischen Reformen vollzogene Zerschlagung Ägyptens in mehrere Provinzen ist insoweit als – vorläufiger – Schlußpunkt dieser Entwicklung anzusehen.

Keywords: kaiserzeitliches Ägypten, Recht, Kultur, gesellschaftliche Eliten, *top-down*-Prinzip, *bottom-up*-Modell.

Sandra L. Lippert

WHAT'S NEW IN DEMOTIC STUDIES?
AN OVERVIEW OF THE PUBLICATIONS 2010–2013

The article revisits the publications of Demotists in the years since the last International Congress of Papyrology. It presents short overviews over the most important articles and monographs, and a list of 110 publications that have appeared between 2010 and 2013.

Keywords: Demotic, text publications, papyri, inscriptions, ostraca, letters, mummy labels, literary texts, sub-literary texts, legal documents, bilingual texts, archives, receipts.

Francesca Longo Auricchio

SUGLI SVILUPPI RECENTI
DELLA PAPIROLOGIA ERCOLANESE

This paper discusses the most recent progress made in Herculaneum papyrology in the following fields: the history of the library, bibliography, book-roll reconstruction, understanding the lost parts of the volumina, new editions of the texts, progress in reading the papyri using multi-spectral images, and the possibility of reading papyrus rolls without opening them.

Keywords: Herculaneum papyri, Herculaneum Library, book-roll reconstruction, editions, reading carbonized papyri.

Józef Méléze Modrzejewski

MODÈLES CLASSIQUES DES LOIS PTOLÉMAÏQUES

L'article présente quelques résultats d'une enquête sur les racines des sources normatives du droit ptolémaïque. On s'attache successivement aux rapports entre le droit athénien et le droit alexandrin, à la réglementation de l'organisation judiciaire et du déroulement des procès, à l'encadrement légal du contrôle de l'identité personnelle. Les hommes qui conseillent le roi dans son activité de législateur, ni ceux qui assistent à l'élaboration des *nomoi* à Alexandrie ne sont pas prisonniers du modèle athénien, mais représentent un vaste horizon du monde grec élargi par les conquêtes d'Alexandre le Grand. Comme les savants du Musée, ils sont les agents d'un vaste projet panhellénique qui tient à ce que la volonté du roi législateur, même lorsqu'elle vise des objectifs incrustés dans la réalité égyptienne, soit exprimée dans des formes prolongeant les méthodes de la *nomothesia* grecque.

Keywords: législation, modèle athénien, justice ptolémaïque, identité personnelle (contrôle), panhellénique (projet).

Federico Morelli

EGITTO ARABO, PAPIRI E PAPIROLOGIA GRECI

Dopo l'arrivo degli arabi in Egitto nel 639, il greco continua a essere usato come lingua amministrativa almeno fin verso la fine dell'VIII secolo. In particolare per il periodo fino all'inizio dell'VIII secolo, i papiri greci rimangono la nostra principale fonte di informazione, almeno per quanto riguarda la amministrazione statale. La mia comunicazione intende presentare i seguenti punti: quadro generale sulla documentazione greca del periodo arabo, con alcune considerazioni sulle sue caratteristiche e tipologie, anche in relazione al progressivo affermarsi e prevalere delle altre lingue, copto ed arabo. Le edizioni e gli studi papirologici in questo campo, con particolare attenzione agli sviluppi degli ultimi 30 anni. Linee di ricerca perseguite, tendenze attuali, problemi aperti, prospettive per il futuro.

Keywords: Egitto arabo, papiri greci, multilinguismo, Adolf Grohmann, archivi dei pagarchi, documenti privati greci (loro scarsità), papirologia greca, araba e copta, problemi di datazione, papiri inediti.

Bernhard Palme

STAAT UND GESELLSCHAFT DES SPÄTANTIKEN ÄGYPTEN
IM SPIEGEL DER PAPYRI

Dieses Überblicks-Referat wird die Forschungsergebnisse der vergangenen zehn Jahre zur Verwaltungs- und Militärgeschichte, Wirtschafts- und Sozialgeschichte Ägyptens vom 4. bis zum 7. Jh. n. Chr. vorstellen. Dabei sollen einerseits die speziell für Ägypten gewonnenen Erkenntnisse, andererseits die Rolle der papyrologischen Evidenz im Diskurs über die Verhältnisse im oströmischen Reich generell besprochen werden sowie bedeutende neue Quellen und methodische Ansätze im Blickpunkt stehen.

Keywords: byzantinisches Ägypten, spätantikes Ägypten, pagarchos, dux, Apionen, Aphrodite, Dioskoros von Aphrodite, Kaiser, Justinian.

Dominic Rathbone

THE ROMANITY OF ROMAN EGYPT:
A FALTERING CONSENSUS?

Recent work, notably the books of Livia Capponi (2005) and Andrew Monson (2012) have re-opened the debate started long ago by Naphtali Lewis (1970, 1984) about the nature and extent of the differences between Ptolemaic and Roman Egypt. Was Roman Egypt essentially Ptolemaic Egypt under new, maybe indifferent, management, or did Roman rule substantively, maybe proactively, alter the administration, economy and society of Egypt? In this paper I review what this ongoing debate has produced in the way of more-or-less agreed results, what important areas of dispute or ignorance remain, and how the debate might be advanced in the future. I focus on the development of a civic society, and stress the need to consider changes in Egypt in the context of wider developments in the Roman empire, including the historiography of 'Romanisation'.

Keywords: transition from Ptolemaic to Roman Egypt, Romanity, Roman government of Egypt, taxation, liturgic system, municipalisation, metropolites, *katoikoi*, military settlers.

Lucian Reinfandt

ARABIC PAPYROLOGY
AND EARLY ISLAMIC EGYPT ARABIC PAPYROLOGY

The article provides a review of the development of Arabic papyrology as an academic discipline and its interacting with other sub-disciplines of papyrology. There is a wealth of material that thematically overlaps with other language groups, especially when it comes to the early Islamic period proper but also other periods of Egyptian (and Near Eastern) history. The formation of the *International Society for Arabic Papyrology* as well as the development of specific electronic resource tools and the training of students during the past 15 years have put Arabic papyrology on a new basis and made capable for an effective influx into the papyrological mainstream. The article undertakes advocacy efforts for research on, and especially the edition of new texts from, papyrological 'core areas' in terms of place (Egypt) and time (pre-12th CE) to assure a maximum potential for participation within the papyrological discourse.

Keywords: Arabic papyrology, Islamic history, electronic resource tools, thematic overlap, papyrological core areas.

Tonio Sebastian Richter

COPTIC PAPYRI AND JURISTIC PAPYROLOGY

The following chapter gives a short account on Coptic juristic papyrology from its dawn in the 19th century up to its most recent developments and achievements and provides some figures for the corpus of Coptic legal documents. Certain issues discussed over the last decade, such as the rise of Coptic legal documents, the bilingual setting of notarial practice in Byzantine and early Islamic Egypt, the interaction between legal practice and institutions of legal administration, and the latest development of Coptic legal documents in the Fatimide period, are given closer attention.

Keywords: Coptic legal documents, Dioskoros of Aphrodito, Reichrecht, Volksrecht, notarial practise, Coptic law.

Dorothy J. Thompson

A HISTORIAN AMONG THE PAPYRI

In my paper I aim to draw attention to a range of recent (mainly Greek) texts and work of importance for the history of the Ptolemaic period. I am interested especially in the role that papyri can play when set against other forms of historical evidence.

Keywords: Ptolemaic Egypt, digital revolution, collaborative research, new epigraphic sources, Ptolemaic administration, military history, population count, taxation, banking, Zenon archive, local differences and local history.

Jacques van der Vliet

COPTIC DOCUMENTARY PAPYRI AFTER THE ARAB CONQUEST

Although Coptic papyri appear from the fourth century onwards, the bulk of Coptic documentary texts is to be dated to the seventh-eighth centuries, and more in particular to the period following the Arab conquest of Egypt in the middle of the seventh century. After the year 800 the stream of Coptic documents seems to grow thinner quite quickly. The prolonged demise of Coptic as a language of written communication begins, leading to the disappearance of documentary Coptic in the eleventh century.

The picture briefly sketched here raises a number of questions that only recent research has started to address. These questions concern, for instance, the material basis of the assumption that the year 800 marks a stark decline in the use of Coptic. To which extent is this picture biased by the focus on a few regional centres or by a lack of scholarly interest in late paper documents? More interestingly, broader historical questions concern the sociological and sociolinguistic backgrounds of the development sketched above. The traditional paradigm offers insufficient explanation for the major changes in scribal habits, language selection and linguistic behaviour, including language death, that mark the period between the seventh and eleventh centuries.

The present paper looks both backward, by reviewing a number of recent publications that address these and similar questions, and forward, by pointing out some of the open issues in the study of post-conquest Coptic.

Keywords: Coptic documents, Arab conquest, Copts, language preferences, multilingualism, role of Coptic *vis-à-vis* Greek and Arabic.

Peter van Minnen

FROM POSIDIPPUS TO PALLADAS AND BEYOND:
WHAT HAVE LITERARY POPYRI DONE FOR US?

This paper will survey recent developments in literary papyrology broadly defined. How have they affected us, papyrologists? How has the editing of literary papyri informed the editing of other kinds of papyrological texts? How have new literary papyri enriched the study of Greco-Roman Egypt? What difference have new literary papyri in languages other than Greek made? And what can literary papyri still do for us?

Keywords: Artemidorus, Posidippus, Greek Literature, Literary papyrology, Hieratic literature. Demotic literature, Bible, Medical papyri, Gospel, Coptic literature.

