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FRAGMENTS OF A DECLARATION OF LANDED PROPERTY FROM THE PROVINCE
OF ARABIA

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FRAGMENTS OF A DECLARATION OF LANDED PROPERTY FROM THE PROVINCE OF ARABIA

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These fragments can be found in the Shrine of the Book in Jerusalem labelled Inv. no. 3001. Their provenance is unknown, but the phrasing of the largest fragment (frag. a), which is almost identical with that of the closing paragraph of P.Yadin 16,² suggests that it is the concluding part of a declaration of landed property for a census (see also the reconstruction of ἀπο]γραφή[ς in frag. b). The names in l.3 of frag. a suggest the same milieu as that of P.Yadin 16.³

Another declaration for the same census, and from the same place, namely Maoza in the Zoarene district of the Petra administrative region, submitted to the authorities by -os son of Simon, was published recently by N. Lewis in *Scripta Classica Israelica* 8-9, 1985/88, 132-7. This papyrus is not part of the Babatha archive.

Lewis suggests there that the document "was discovered in clandestine activity preceding the Israel Exploration Society's archaeological work in the caves of the Judaeian desert. Indeed, it may have come from the very "Cave of the Letters" in Naḥal Ḥever where Expedition D, led by Yadin, made such rich finds". The same conjectures can well be made for the fragments presented here (as well as for other illegible and much damaged fragments which can be found in the Shrine of the Book under Inv. nos. 3002-7). Thus we may be in possession of three declarations of landed property for the census conducted in Arabia in December 127 by the governor of the province of Arabia.⁴ Unless of course frag. a is the concluding part of the papyrus published by Lewis in SCI.⁵

¹ I was greatly helped in this publication by Professor Roger Bagnall, Dr. John Rea and Professor Abraham Wasserstein. It is a pleasure to acknowledge my debt to them. I would also like to thank Mr. Magen Broshi and Mrs. Sarai Tsafir of the Shrine of the Book for their assistance.

² P.Yadin is the abbreviation for the papyri found in the Cave of Letters by the late Yigael Yadin. The largest group of these papyri is constituted by the Babatha Archive. The greater part of this archive has now been published by Naphtali Lewis, Yigael Yadin and Jonas Greenfield in *The Documents from the Bar Kokhba Period in the Cave of Letters*, Jerusalem 1989.

³ Or rather of the entire Babatha archive, on which see the previous note.

⁴ See P.Yadin 16.7-13: ἐπὶ ὑπάτων Μάρκου Γα(ου)ίου Γαλλικανοῦ καὶ Τίτου Ἀτειλίου Ῥούφου Τιτιανοῦ πρὸ τεσσάρων νωνῶν Δεκεμβρίων...ἀποτιμήσεως Ἀραβίας ἀγομένης ὑπὸ Τίτου Ἀνεινίου Σεξτίου Φλωρεντείνου πρεσβευτοῦ etc; cf. SCI 8-9 (1985/88), 133-4, lines 7-12.

⁵ The shade of our papyrus fragment is not incompatible with this conjecture; the hands are different, though. One may suggest that the closing formula may have been written in a different hand. However, if frag. b with the word ἀπογραφή[ς is part of the same papyrus as frag. a, then frag. a cannot be the concluding part of the papyrus published by Lewis in SCI. The present declaration is mentioned in the commentary to ll.34-36 of P.Yadin 16 (op.cit. above note 2, p. 70).

The similar circumstances in which the fragments published here and the other two declarations were discovered, taken in conjunction with the common milieu implied by the names found here and in the Babatha archive, suggest that as in P.Yadin 16 and in SCI 8-9, 1985/88,133-4 the unmentioned swearer of the oath in frag. a is a Jew who lived in the Province of Arabia until the Bar Kokhba Revolt drove him to escape with his documents to the caves in the Judaeian Desert.⁶

All three fragments are written against the fibres on white papyrus with black ink and with the verso blank.

Frag. a (Tafel IX a)

15.5 x 4 cm.

This fragment contains three lines and traces of two more, one above and one below the legible text. Since the phrasing is almost identical to P.Yadin 16.34-36, it is clearly the closing formula, the attestation of a declaration of landed property.

1. [traces]
2.]υμιτυχηνκυριουκαισαροσκ[.]ληπιστειαπο[
3.]προγεγραπταιμηθενυποστειλαμενος.[
4.]νοναινουσααδαλλουερμηνηειυπογραφη[
5. [traces]

Frag. b (Tafel IX b)

2.3 x 2.3 cm.

1.]ημισυ[
2.]γραφη[

Frag. c (Tafel IX c)

3.5 x 2.8 cm.

1. [traces]
2. πορου ε.[
3. ου γει[

Reconstruction:

Frag. a.

1. [traces]
2. ὄμν]υμι τύχην κυρίου Καίσαρος κ[α]λῆ πίστει ἀπο[γεγράφθαι
3. ὡς] προέγραπται μὴθὲν ὑποστειλάμενος ἐ[γράφῃ δι’
4. ἐμο]ῦ Οναινου Σααδαλλου. Ἐρμη[ν]εία ὑπογραφῆ[
5. [traces]

⁶ See Y.Yadin, Bar Kokhba, Jerusalem 1971,252-3; G.W.Bowersock, Roman Arabia, Harvard 1983,88-9.

Frag. b

1.]ήμιϵυ[
2. ἀπο]γραφή[ϵ

Frag. c

1. [traces]
2. ϵ]πόρου ε.[
3. ήμι]ϵυ γεί[τονεϵ

Translation:

(a) "I swear by the tyche of our Lord Caesar that I have in good faith registered as written above, concealing nothing. Written by me Onainos son of Sa'adallos. Translation of the subscription....".

Commentary:

Frag. a.

2. Presumably the oath was preceded by the name of the person who swears; cf. P.Yadin 16.33-4: "I Babatha, daughter of Simon". And the whole phrase could have been preceded by "translation of the subscription" if the original subscription was written in a language other than Greek (cf. P.Yadin 16.33). On the oath in census declaration, see below.

3. The swearer is a man, ὑποτειλάμενος. Like Babatha he may have been illiterate and have had Onainos son of Sa'adallos write it for him.⁷

For the ἐγράφη δι' see P.Yadin 11.30; 25.68; 26.21.

For the middle of the verb ὑποτέλλω in census return attestations, see P.Oxy. II 246.25-26 (66 C.E.): καὶ ὄμν[ύω] Νέρωνα Κλαύδιον Καίσαρ[α] Σεβαστὸν Γερμανικὸν Αὐτοκράτορα μὴ ὑπεστά[λθαι]; P.Oslo III 98.31-32 (132/33 C.E.): ἐπιδεδοκ(έναι) τὴν προκ(ειμένην) ἀπογρ(αφήν) καὶ μηδὲν διεψεῦσθαι μηδὲ ὑπεστάλθαι τι τῷ καθόλου. In both cases its perfect infinitive follows the ὄμνυμι, whereas here it is the aorist participle. The Duke Data Bank does not give any parallel for this construction.

4. Although the formula with ἔμο[ϕ] is not attested in Egypt before the fourth century, it could be a regional variation. Moreover, it fits the space perfectly, accounts for the υ before the two names in the genitive, and explains them. The occurrence of a name and patronym can be attested many times in the Babatha archive.

Onainos and Sa'adallos are Nabatean names. The name Ḥaninu - 𐤇𐤍𐤏𐤍 (Arabic Ḥunayn) is transliterated Οναίνος and Ονενος.

⁷ See P.Yadin 15.34-5; Ἐλεάζαρος Ἐλεάζαρου ἔργαυα ὑπὲρ αὐτῆς ἐρωτηθεὶς διὰ τὸ αὐτῆς μὴ ε(ὶ)δένα(ι) γράμματα.

Sa'adallos is attested many times (הַלְלָאֲלוֹס ; יְהַלְלָאֲלוֹס and other spellings) in different Greek transliterations: *Σααδιλαος* and *Σααδαλος* etc.

The ἐρμην[ν]εία ὑπογραφή would be that of the Latin subscription by the Roman authorities, cf. P.Yadin 16.37ff.

Frag. b and c:

All the terms in these two fragments appear in the other two declarations and strengthen the case for regarding them as part of a landed property declaration. However, if the ἀπογραφή in frag. b. 2 belongs to the introduction (cf. P.Yadin 16.1; 3-4; SCI 8-9, 1985/88, 133, lines 1; 3), it is hard to see what the ἡμῶν is doing in the line above it. As for Frag. c, it is hard to guess what comes after the σπόρου in the second line; the ε which follows makes it impossible to restore κρεῖθη, which would have been attractive in view of P.Yadin 16.18; 22; 25; 30, and in SCI 8-9, 1985/88, 134, lines 16; 20. However, in line 3 - ἡμῶν followed by γείτονες - we should assume perhaps a sharp break between the two words: the ἡμῶν concludes the description of the yield of the lot and the tax it pays whereas the γείτονες commences the description of its abutters, as, for example, in P.Yadin 16.21-24: κῆπον... τελοῦντα τῶν γεινομένων καθ' ἔτος καρπῶν μέρος ἡμῶν γείτονες μοσχαντική κυρίου Καίσαρος καὶ θάλασσα.⁸

For the oath in census returns of the fourteen-year census cycle in Egypt see M.Hombert and Cl.Préaux, *Recherches sur le recensement dans l'Égypte Romaine*, Bruxelles 1952, 125, where the writers suggest that the presence or absence of the oath depends entirely on local custom. For the oath formulas see the examples cited above ad. 1.3; to which one can add the very elaborate oath in P.Bad. 75b. 22-34 (147 C.E.). See also P.Flor. 32 = Wilcken, *Chres.* 228. 12ff. (298 C.E.); P.Oxy. 258 = *Chres.* 216.23ff (86/7 C.E.); *Chres.* 217.21ff (172/3 C.E.); P.Oxy 478 = *Chres.* 218.35ff (132 C.E.); 229.15ff; 19ff (303 C.E.).

Bowersock (*Roman Arabia*, Harvard 1983, 88) citing the example of P.Yadin 16 observes that the Jews in the new province of Arabia "now had to swear by the fortune of the emperor".

Already twenty six years earlier we have an example of a Jew from the Fayûm, Soteles son of Josepos, affixing an oath by the Emperor to the notification of his son's (Josepos) death, which he is submitting to the authorities: *Κωτέλης Ἰωσήπου ὁ πρωγεγραμμένος ὠμνύω Αὐτοκράτορα Καίσα[ρα Νέρουαν] Τραιαν[ὸν] Σεβα[στόν]*. BGU 1068 [= CPJ 427]. 18-24, 101 C.E.). It is true that tyche is not mentioned here. However, the editors of CPJ argue that this omission is not "on account of the Judaism of Soteles", but explain it as due to the fact that "the Roman oath 'by the genius of the emperor' was not yet

⁸ Note that the field pays "as tax a half share of the crops produced each year". This figure seems very high. I am grateful to Mr. Magen Broshi, the Director of the Shrine of the Book, for pointing it out to me.

familiar in Egypt". And in any case "an oath by the Emperor presupposes his superhuman origin, which contradicts the principles of Judaism" (CPJ II, p. 214, on ll. 18ff).⁹

It would seem that the Jews of the period in question were less conscious - even oblivious - of the religious implication from the standpoint of a monotheistic Jewish theology of an oath by the Emperor or by his tyche. It is not necessary to assume that they felt coerced into using the formula. One's expectations of what Jews would or would not do at certain periods of their history are often belied by the evidence. One has but to be reminded of the mosaic representations of Helios and the signs of Zodiac decorating fourth century Galilean synagogues: these synagogues were certainly used by worshippers who belonged to the main stream of Rabbinic Judaism.¹⁰

Babatha and the swearer in frag. a swore by the tyche of the emperor as a matter of course. They simply followed local custom in this as well as in their other contacts with the authorities.¹¹

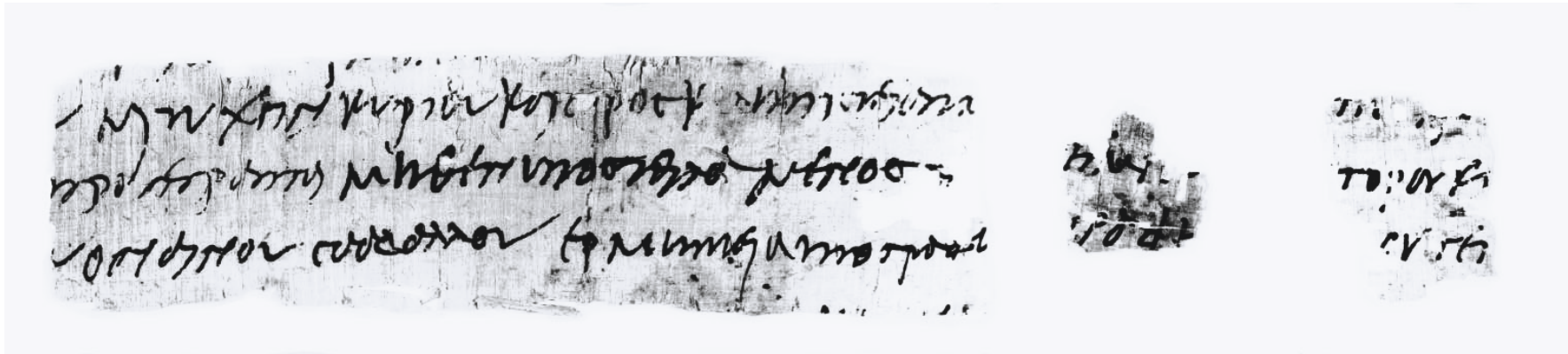
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⁹ Unfortunately we do not possess an example from Egypt of a Jew affixing an oath by the tyche of the Emperor to a census declaration, but that may be a coincidence: altogether there are two census declarations in the CPJ. In P.Hamb. 60 = CPJ 485 (90 C.E.). 20-23, a certain Pascheis son of Kapais and grandson of Sambatheios, swears by the tyche of the emperor: [καὶ ὁμ]νύωι τὴν Αὐτοκράτορος Καίσαρος Δομυτι[ανοῦ Σεβαστο]ῦ Γερμανικοῦ τύχην (μὴ) ὑπάρχειν μοι [ο]ικ[ίαν ἢ ἄλλα] ἔνγαια καὶ μὴ ἔχειν με ἐτέρους υἱο[ὺς ἢ ἄλλους ἀ]ναπογράφ[ου]ς ἔξω τῶν προγεγραμμένων. The other names in the document, all but one Egyptian, make it unlikely that this is a Jewish document, despite the grandfather's name. Whereas in the census return submitted by a Jewish woman in P.Lond. III, p. 25, no. 1119a = CPJ 430 (105 C.E.), the bottom, where the oath might have stood, is missing.

¹⁰ Or one may think of the biblical frescoes from the third century synagogue of Dura Europus on the Euphrates.

¹¹ That they did so in drawing their marriage contracts is made eminently clear in P.Yadin 18, see the discussion of A.Wasserstein, "A Marriage Contract from the Province of Arabia: Notes on Papyrus Yadin 18", JQR, forthcoming.



a)

b)

c)

a), b), c) Zensusdeklaration aus der Provinz Arabia (Jerusalem, Shrine of the Book Inv.no. 3001)