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The Archive of Salome Komaise Daughter of Levi: Another Archive from the ‘Cave of Letters’


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THE ARCHIVE OF SALOME KOMAISE DAUGHTER OF LEVI: 
ANOTHER ARCHIVE FROM THE ‘CAVE OF LETTERS’

The archive consists of six documents. Four and a half are among the so-called P.Še’elim. (No. I, half of No. II, Nos. III, IV, V). Their plates are located in the Rockefeller Museum in Jerusalem. No. VI (= P.Yadin 37) was found in the ‘cave of letters’ in Nahal Ḥever;¹ its plate is located in the Shrine of the Book in the Israel Museum in Jerusalem. Half of No. II (Inv. no. 3001), which was found among the late Yigael Yadin’s papers, is now united with its other half and both are located in the Rockefeller Museum.

It is now commonly agreed that probably all of the so-called P.Še’elim originated in Nahal Ḥever.² The existence of the archive published here provides further proof. Two documents (Nos. IV and VI) are double documents;³ only the inner part of the latter has been preserved.⁴ The archive shares the bilingual or rather trilingual aspect of the Babatha archive, in that Greek, Aramaic and Nabataean are used in it. One document is written in Aramaic (No. V); both Aramaic and Nabataean are represented by signatures of witnesses on one of the Greek documents (No. IV). Three of these documents (No. I, II and VI) have already been published and will be reproduced here with some corrections. The Aramaic document (No. V) is being published by Dr. Ada Yardeni together with the other Aramaic documents said to come from Nahal Še’elim.⁵ It will be given here only in translation. Two documents (Nos. III and IV) are published here for the first time.

Like the Babatha archive, this archive too belonged to a Jewish woman from Maḥoza, a village in the Roman province of Arabia.⁶ The documents in it cover the period from the 29th of January 125 to the 7th of August 131. Like Babatha, Salome Komaïse daughter of Levi left her home in Arabia with her precious documents and probably perished in the Bar

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¹ See Y. Yadin, ‘Expedition D — The Cave of Letters’, IEJ 12, 1962, 231; N. Lewis, The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri, 1989 (= Lewis), 3; the papyri are designated P.Yadin.
³ See Lewis, 6ff.
⁴ Lewis, pp. 3: 130.
⁶ P.Yadin 12.
Kokhba revolt. The two women must have known each other since their families’ properties were abutted by the same neighbours, and the same witnesses signed their documents.

There is a certain inaccuracy in describing this archive as belonging to Salome Komaïse daughter of Levi: No. I belongs here only because of similarities to No. V as well as because of the identity of the people mentioned in it with people in No. IV (see commentary there); No. II belongs to Salome’s brother, who is described as dead in No. III; No. III was probably kept by the mother, Salome Grapte, in whose favour the renunciation of claims had been made. Thus only Nos. IV, V and VI can rightly be claimed to belong to Salome Komaïse daughter of Levi herself. Nevertheless five out of six documents belong to the same family. Furthermore, one must remember that, unlike the Babatha archive, these documents were not discovered in the course of a controlled archaeological excavation and therefore we do not know whether they were found bundled together or not.

The full significance of this archive for the portrayal of legal and social aspects of Jewish society in the Roman provinces of Judaea and Arabia in the first half of the second century CE should become apparent in a study of the entire corpus of documents from the Judaean Desert now that most of them are about to be published or at least have become accessible (see now The Dead Sea Scrolls on Microfiche: A Comprehensive Facsimile Edition of Texts from the Judaean Desert. 1993, ed. by Emanuel Tov with the collaboration of Stephen J. Pfann).

**Family tree of Salome Komaïse daughter of Levi:**

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-los
<p>| |</p>
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Menahem            Tou(  )            Simon
|   |
|   |
Salome Grapte (Gropte) m. (1) Levi (d. by 127) — (2) Yosef Simon Menahem
|   |
|   |
|   |
-los (d. by 127)   Salome Komaïse m. (1) -os (2) Yeshu’a
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**The Names:**

Levi — father of Salome Komaïse and husband of Salome Grapte. He was dead by 127 CE. His name is transliterated in the Greek documents variously, as Λείοου, No. II, l. 2; Λη-ούελου, No. IV, l. 5 = l. 24 and Ληουελ — also the genitive — No. III, ll. 1, 4, 8. No. V (in Aramaic), l. 1: ‘Salome daughter of Levi’ — šlm brt lwy; ll. 6-7: ‘Levi, your father’, lwy abwk (ll. 6-7).

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7 It would be intriguing to know why the Jews of Mahoza left the province of Arabia, where they seem to have been so well integrated, to hide in the caves of Nahal Hever.
8 See commentary on No IV, l. 11 = ll. 32-33.
9 See commentary on No IV, l. 44 and 47.
A list of names from Nahal Şe’elim has Ḥenuc Łęnu — Yeshu’a son of Levi.\textsuperscript{10} Josephus renders it in Greek Ληνου (e.g. BJ 2.575; 4.85); Λευκος (e.g. BJ 2.642).

The name Levi is attested in several Aramaic documents. Eleazar son of Levi (‘l’zr br lwy) appears in an Aramaic deed of sale, another of the so-called P Şe’elim (XHev/Şe 7), dated to the 14th of Iyyar (April/May), third year of the Bar Kokhba Revolt, i.e. 134 or 135.\textsuperscript{11} A deed of loan from Abi’or Cave, near Jericho, dated by the hand to the end of the first century CE or to the beginning of the second, mentions a Naḥonia son of the Levi (nḥw[n]l’y’ br lwy’).\textsuperscript{12} A Yehoḥnan son of Levi (Yhwḥn br lwy), in DJD II, no. 74 is dated by the editor to before the first revolt.\textsuperscript{13} Also from the first century — 66-73/4 CE — is ‘son of Levi’ (br lwy), on an ostrac from Masada carrying an instruction for supplying bread.\textsuperscript{14}

Salome Komaïse and Salome Gropte (in No. III; Gropte in No. IV) are Levi’s daughter and wife respectively. Calwmh renders Hebrew/Aramaic Šlwm/Šlm\textsuperscript{15} — the most common female name at the time.\textsuperscript{16} The second names, or rather nicknames — Komaïse\textsuperscript{17} (Koma≥içh) and Gropte/Gropte (Γραπτης/Γροπτης) respectively — are likely to have distinguished the homonymous mother and daughter from each other.\textsuperscript{18} Gropte is attested in Josephus BJ 4.567, a relative of Izates King of Adiabene. The names Komaïse and Gropte are not attested elsewhere.

\begin{itemize}
\item \textsuperscript{10} B. Lifshitz, ‘The Greek documents from Nahal Seelim and Nahal Mishmar’, IEJ 11, 1961, 55, l. 2.
\item \textsuperscript{11} Yardeni (n. 5).
\item \textsuperscript{12} E. and H. Eshel, ‘Fragments of two Aramaic documents which were brought to Abi’or Cave during the bar Kokhba revolt’, Eretz Israel 23, 1992, 278, l. 4 (Hebrew, English summary 155*). See J. Naveh, On Stone and Mosaic: The Aramaic and Hebrew Inscriptions from Ancient Synagogues, 1975, nos. 1; 3; 80; 82; 104 (Hebrew). The same date, according to the editor, as that of a list of names found on an ossuary lid at Bethphage, where the name Levi is written twice, see J.T. Milik, ‘Le couvercle de Bethphage’, Hommages à A. Dupont-Sommer, 1971, 78, ll. 23; 24.
\item \textsuperscript{14} No. V (the Aramaic receipt), l. 1: Šlm br lwy.
\item \textsuperscript{16} Not ‘Komais’; see on No. VI, below.
\item \textsuperscript{17} See R. Hachlili, ‘Names and Nicknames in Second Temple Times’, Eretz Israel 17, 1984, (Hebrew with an English summary on pp. 9*-10*), 195.
\end{itemize}
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I. Receipt for tax on dates.¹⁹
Published in *ZPE* 100, 1994, 550.

*XHom*/*Se Gr. 5
Inv. no. 866, Rockefeller Museum

Maḥoza, Arabia

29 January 125 CE

1. ὸη
2. ἕτη
3. ὥσκανον χαϊρειν. Ἀπεχχαμεν πιαρά σοῦ
4. τειμὴν φοινίκος οὔ ὥψείσεις Κλυρίῳ
5. Καίσαρι ἐν Μαωζᾷ ἐτοὺς ὀκτωκαι-
6. δεκάτου, έξ ὄν ἀπειλήφαμεν παρά
7. σοῦ ἐκ χερὸς Σαμμουῶν Σίμωνος μέ-
8. λεπτὰ πεντήκοντα ὀκτὼ
9. λανες τέσσαρες. Ἐγράφη ἐν Μαωζᾷ ἐπὶ
10. ὅπατων τῶν μετά ὑπατίαν Γλαβρίωνος
11. κλαί Θεβανιανοῦ, ἐτοίς ἐνεακαδεκάκτῳ
12. μηνὸς [Πέρετίου] τεκαραςκιαδείκτη
13. πεντῆ πυτη
4 χαϊρειν ἀπεχχαμεν 5 τιμὴν 8 χειρὸς 8-9 μέλανας
9 τέσσαρας 10 ὑπατείαν 12 Περετίου

[Names and patronyms] ... [ ] son of Judah and his friends to Menaḥem son of Iohannes greetings. We received from you the amount due for dates, which you owe to our Lord the Emperor in Maḥoza for the eighteenth year (of the province). On account of which we have now received from you through Sammouos son of Simon four blacks and fifty-eight lepta-units. Written in Maḥoza in the year of the consulate which comes after that of Glabrio and Thebanianus, the nineteenth year (of the province), the fourteenth day in the month of Peritios. Reisha underwrote this.

¹⁹ Note that in the first publication I wavered between tax and rent (*ZPE* 100, 1994, 547-8). For the reasons for deciding in favour of tax see No. IV, ‘discussion on ll. 28-29’ at the end of the commentary.
L. 3 in view of ‘Yh., son of Tasha and my colleague, Shm[ ]’ in the Aramaic receipt (no. V below),20 one may safely restore και εταύραμ, i.e. ‘X son of Judah and his friends’.21

There are two reasons for including this document in the archive of Salome daughter of Levi:
1) This receipt and the one in Aramaic (No. V), which certainly belongs to the archive, share some features: i) the presence of more than one tax or rent collectors described as ‘colleagues’ in both; ii) the dates: 29 and 30 January respectively; obviously the tax or rent was collected at that time of year; iii) the date in the Aramaic receipt comes at the end, unlike all other Aramaic deeds from the Judaean desert;22 it seems to follow the conventions of receipts in Greek; iv) the doubtful word ‘dmy’23 which follows ‘we received from you’ and comes before ‘dates’ in the Aramaic receipt is the exact equivalent of τειμην; thus ll. 3-4 of the Aramaic receipt (qbln mnk dmy tmryn) give a literal translation of Απεκαμεν παρα τειμην of the Greek receipt; in other words in the Aramaic receipt too the amount in dates is converted to money (adaeratio), even if the sum is not specified.24
2) The three people mentioned in the receipt all appear in the deed of gift (below, no. IV). The Reisha who underwrote the receipt may be identified with Reisha son of Judah who is the second witness in the deed of gift (verso, l. 42), especially if we restore Reiç before ‘son of Judah’ in l. 3 of the receipt. Menaḥem son of Iohannes, the addressee of the receipt, and Sammouos son of Simon, the middleman between him and the tax collectors — both appear as abutters of the half courtyard given in the deed of gift (No. IV, ll. 14-15 = ll. 35-36).

20 Ll. 2-3: yh., br tšh ḥwvr ṣm[...].
21 Note though that εταυραμ is not attested as a title of tax or rent collectors in Egypt. Alternatively εταραμ may stand for ετεραμ, see Gignac I, p. 193 for interchange of ε and αι.
22 Yardeni (n. 5), introduction to XHev/Sc 12.
23 This is the ‘construct-state’; the simple form is ‘dmy’ — ʼανμ. Τειμην is sometimes transliterated as ‘tym’ — ʿtym — in Aramaic, see M. Sokoloff, A Dictionary of Jewish Palestinian Aramaic, 1990, 223.
24 Yardeni (n. 5) suggests that the payment is in dry dates since this is not the right time of year for picking dates.
II. Conclusion to a Land Declaration

Published in *ZPE* 99, 1993, 117 (Inv. no. 3001 was published first in *ZPE* 85, 1991, 264, Frag. a).

*XHev/Se Gr. 5*

Inv. no. 866, Rockefeller Museum + Inv. no. 3001, Shrine of the Book

Inv. no. 866 is given here in bold

Arabia 25 April 127

1. \( \text{μο[} \text{φ[} \text{traces} \text{]} \)

2. \( \text{Λειουου δ} \text{μ}_\text{νυμ} \text{τ} \text{ύχ} \text{ην κυρίου Καίσαρος καλ} \text{λ} \text{η πί} \text{ς} \text{τι λ} \text{ίπο-} \)

3. \( \text{γεγράφθαι ώς προγέγραπται μηθέν υποστειλάμενος ε} \text{γράφη διὰ τοῦ} \)

4. \( \text{χειροχρήστον Οναινος Σαδαλλου ΄Ερμηνεία ύπογραφής τού} \)

5. \( \text{έπαρχου Πρείκκος ύπαρχος εδεξάμην πρὸ ἐπτὰ Καλλάνδων} \)

6. \( \text{Μαι} \text{ων-} \)

X son of Levi, I swear by the *tyche* of the Lord Caesar that I have in good faith registered as written above, concealing nothing. Written by the scribe Onainos son of Sa‘adalos. Translation of the subscription of the prefect. I, Priscus prefect, received [this] on the seventh day before the Kalends of May.

L. 2 \( \text{Λειουου} \) — may well be a transliteration of Levi in Greek. It seems better than rendering it —\( \text{λειουου} \) as in the first publication. See above on transliteration of this name in Greek. If the patronym here is Levi, then the declarant is the brother of Salome Komaïse, mentioned as dead in No. III: the \( \text{υποστειλάμενος} \) in l. 3 rules out reading ‘daughter of Levi’.

Ll. 5-6 The date: the year is not mentioned in this land declaration; it was inferred from the date of *P.Yadin* 16, Babatha’s land declaration. The latter was subscribed by the prefect Priscus on the 4th of December 127. The declaration submitted here was subscribed on 25 April. The presence of Priscus, the prefect who received the declarations, both in *P.Yadin* 16 as well as in this land declaration makes it clear that they belong to the same census. Hence it was suggested in the first publication that it could be either April of 127, *i.e.* over seven months earlier than Babatha’s declaration, or April 128, almost five months later than Babatha’s. But if X son of Levi is the dead brother of the deed of renunciation of 127 CE (No. III, l. 7), 128 CE can no longer be maintained as an alternative for the date of the declaration; the date must be 25 April 127.
III. A Deed of Renunciation of Claims
Unpublished.

XHev/Se Gr. 5
Inv. no. 866, Rockefeller Museum
Left fragment 5 x 2.2 cm
Right fragment 8.7 x 3 cm.
(TAFEL I)

Maḥoza, Arabia
127(?) CE


This papyrus is in two fragments between which there is a lacuna of between 3 and 8 letters; quite a bit is lost on the right margin and about 7 or 8 letters on the left margin. Towards the end, from line 11 onwards, only the right hand fragment is left. The extant parts are given in bold in the transcription and throughout the commentary.

The recent death of the brother — perhaps also of the father — is likely to be the occasion for writing this deed. The brother was still alive, if my interpretation of No. II is correct, on the 25th of April 127.

We cannot know for sure the nature of the controversy (l. 10: παρωχημεν(ης αμφοτερητεως) which preceded the deed, but it is likely to have been over the property left after the death of both father and son. The law of succession in force at that time (at least among the Jews) in the province of Arabia is partly revealed to us in the Babatha archive: it seems not to have automatically granted a wife the right to inherit from her husband nor a daughter the right to inherit from her parents, when in competition with sons of her father’s brother. On the other hand the legal system reflected in these documents recognized a legal instrument which mitigated the rigour of the rules of succession so prejudicial to women: the deed of gift. It could be that the controversy concerned property made over to mother and/or daughter in deed(s) of gift with provisions to become effective after the donor’s death.

The και Ἔ [Καλαμή] Ληποε ‘and also Salome daughter of Levi’ in l. 4 may imply that there was another deed of renunciation of claims by another person; perhaps the mother, Salome Grapte, for her part, had written a deed of renunciation in favour of the daughter.

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26 There are two deeds of gift in the Babatha archive (P.Yadin 7, Aramaic, 120 CE, unpublished; P.Yadin 19, 128 CE) and one in the archive of Salome Komaīse daughter of Levi, below, No. IV.
Salome daughter of Levi, the son of X (or: son of Tou)? — present with her as her guardian for this matter being her husband—os (or —as) son of Simon — acknowledged and agreed in writing, vis-a-vis Salome also (called) Grapte daughter of Menahem, son of -los (or —las), her own mother (all of them living in Mahoa): and also (she) Salome daughter of Levi has no claims ... in her name towards Salome who is also (called) Grapte regarding the properties left by Levi, her late husband, and (those left by) —los (or —las), her late son and brother of her who agrees ..... . Likewise Salome daughter of Levi agrees that she has no claims towards Salome also (called) Grapte ... her heirs regarding ... the controversy which has now been solved, an oath having been given ........... towards her ... In good faith the formal question was asked and it was agreed in reply that this was thus rightly done. [vacat] In the consulate of Marcus Gavius Gallicanus and Titus Attilius Rufus Titianus [day and month? place?].

Commentary:
1  [έξωμολογή̄σατο καὶ συνεγράφατο — the combination is not found in papyri from Egypt. It is attested, though, in two double documents on parchments from Kurdistan: P.Avroman I (88 BCE), A, ll. 7-8 = B, l. 8 and in P.Avroman II (22/1 BCE), a, ll. 4-5 = B, ll. 4-5, as well as in a marriage contract from Wadi Murabba’at from the Judaean Desert: DJD]
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II, no. 115 (= SB 10305), ll. 2 and 21. Could this expression be unique to the Aramaic speaking areas? See the commentary in DJD II, p. 251 ad no. 115, ll. 2-3.

Çαλωμη Αηουει — see above on the names.

τον — either the article, followed in the lacuna by the name of the grandfather or Τον- the beginning of a name without an article as in the inner text of P.Yadin 18, II 4-5: Ιουδα[τι υιω] Ανανιω Ζωμαλα. If Τον-, one may suggest Το(υ)bias.

1-2 συμπαρόντος αύτῆς ἐπιτρόπου | y Κιμωνος άνδρος αύτῆς — see No. IV, deed of gift, inner text, l. 4: συμπαρόντος [μοι] ἐπιτρόπου τοῦ τοῦ πράγματος χάριν Ιουεπου; P.Yadin 16, ll. 15-16: συμπαρόντος μοι ἐπιτρόπου Ἰουδάνου Ἑλαζάρου; P.Yadin 27, l. 4: συμπαρόντος αὐτῆς [ἐπιτρόπου]; 17, ll. 4-5 = 22-23: συμπαρόντος αὐτῆς ἐπιτρόπου τοῦ τοῦ πράγματος χάριν Ἰακώβου; 20, ll. 25-27: διὰ ἐπιτρόπου αὐτῆς Ἰουδα ... τοῦ τοῦ πράγματος χάριν; P.Yadin 14, ll. 22-23: διὰ ἐπιτρόπου αὐτῆς τοῦ τοῦ πράγματος Ιουδα; P.Yadin 15, ll. 31-32: διὰ ἐπιτρόπου αὐτῆς τοῦ τοῦ πράγματος Ιουδα; perhaps P.Yadin 31, l. 4: πράγματος χάριν.

These examples explain why ἐπιτρόπος rather than κόρος has to be restored in this document to describe the guardian of a woman. The usage was not unique to Arabia, since we find it also in XHev/Se Gr. 2 (130 CE, l. 4: διὰ Βορκ. Ἀγγλα ἐπιτρόπου αὐτῆς τοῦ τοῦ πράγματος), which was written in Judaea. H. J. Wolff (‘Le droit provincial dans la province romaine d’Arabie’, RDIA 23, 1967, 279-283; ‘Römisches Provinzialrecht in der Provinz Arabia’, ANRW II.13, 1980, 793ff.) rightly points out that this usage cannot be accounted for by the influence of the local language, since the Aramaic makes the distinction, see P.Yadin 15, l. 37: Yehudah son of Khthoussion ‘lœrd’ of Babatha’ — ywhdh br ktwshn adwn bbth (cf. P.Yadin 17, l. 40 ‘Jacob, her lord’ — y’qbr adwnh); whereas for the guardian of an orphan the Aramaic borrowed the Greek term ἐπιτρόπος: ’πτρ’, P.Yadin 20. l. 41; 27, l. 12.

It is very tempting to restore [ἐπιτρόπου] in the beginning of l. 2, but all the names come with patronyms and it would be strange not to have one here. Thus Simon is the patronym of the Salome Komaise’s husband whose name is lost in the lacuna. The ψ in l. 2 is, therefore, the genitive ending of that name and ἐπιτρόπου (or at least part of it) has already come in l. 1, which makes this line much longer than the rest. I did not restore χάριν to avoid extending it any further.

2-3 Σαλωμην τήν καὶ Γρατήν — see above on the name.

Μανασιοῦ — appears in the deed of gift (No. IV), inner text l. 3. as the father of Salome Grapte.

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27 But see outer text, ll. 34-5: Ιουδατι ἐπικαλουμένῳ Κέμβρικ υιω Ανανίου τοῦ Ζωμαλα.
29 Cotton (n. 16), commentary on l. 4.
3 ρον — the end of the grandfather’s name.

4 [πάντες] Μανζουνοι — unless the έν Μανζονα is lost in a lacuna, or comes in l. 16, this expression seems to serve also for the place of writing.

και η [Σαλωμή] — see introductory remarks.

4 μηδένα λόγον ἔχειν — ‘to have no claim’; ‘not to have ground for action’, see L.-S.-J. s.v. λόγος IIIb. The phrase occurs in two documents of the Babatha archive. Babatha summons Iulia Crispina, the episcopos30 of the orphans of her late husband’s brother, to the governor’s court if she has any claim against her: καὶ εἰ τι λόγον ἔχει πρὸς ἐμὲ παρεδρεύειν ἐπὶ τῶν αὐτῶν Νέπωτον (P.Yadin 25, ll. 26-27 = ll. 61-63). The phrase occurs again in the exchange between Babatha and her second husband’s other wife, Miriam. The latter replies to Babatha’s charges of having seized everything in their late husband’s house with a reminder that ‘you (Babatha) have no claim against the said Judah regarding his estate’ (μηδέναν λόγον ἔχειν εἰς πρὸς τὸν αὐτὸν Ἰουδαῖον περὶ τῶν ὑπαρχόντων αὐτοῦ, P.Yadin 26, ll. 15-17). The expression occurs only rarely before the fourth century CE in Egyptian papyri e.g. PSI 1228, ll. 24-5 (188 CE); SB 9201, ll. 23-24 (203 CE). It is used in a similar context of renunciation of claims over an inheritance in P.Col. 237, ll. 237, ll. (395 CE?), ll. 9-15.

4-6 It is possible to offer another reconstruction of ll. 4-6 than that suggested in the text: καὶ η [Σαλωμή Α]νουεί μηδένα λόγον ἔχειν πρὸς τὰ κατημνηκότα ἐξ ὀνόματος αὐτοῦ (or αὐτῶν) εἰς Σαλωμή τὴν καὶ Γραπτὴν ... ἀπὸ τῶν καταλειφθέντων κτλ.. The restoration of l. 5 is based on P.Harr. 1.74A (99 CE); P.Oxy. 75 (129 CE); 247 (90 CE); 248 (80 CE); 249 (80 CE); 250 (61 CE?); 481 (99 CE); 482 (109 CE), E.g. P.Oxy. 248 (80 CE), ll. 6-12: ἀπογράφομαι τοῦ υἱῶ μου Ἀρμύστι [Δημητρίου τοῦ] Καραπίωνος τοῦ Θεόνος τῶν ἀπὸ τῆς αὐτῆς πόλεως ... [τὰ κατημνηκότα [εἰς αὐτοῦ ἐξ] ὄνομα τοῦ μὲν πατρὸς ἔμοι [αὐτοῦ] δε πάππου]. There are several problems with this restoration: αὐτοῦ or αὐτῶν (l. 5), unlike αὐτῆς has no antecedent, but looks forward to Levi, or to Levi and the brother, who will be mentioned only in ll. 6-7; neither is the πρὸς before the τὰ κατημνηκότα as attractive as περὶ τῶν καταλειφθέντων (l. 6), which has now to be changed to ἀπὸ τῶν καταλειφθέντων; finally, the restoration of [πρὸς Σαλωμὴν τὴν καὶ Γραπτὴν in l. 9, which seems necessary, and the presence of πρὸς αὐτὴν in l. 11 makes it likely that the same construction appeared in l. 5, namely πρὸς Σαλωμὴν τὴν καὶ Γραπτὴν.

10 ], — possibly η?

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παρωχημένης ἀμφιεβητήσεως — the combination is not found elsewhere, but the reading is quite certain.

ὄρκου ἔπιθεοντος — the collocation ὄρκου ἔπιθεοντος is common in Egyptian papyri; I could not find it in the aorist passive, proposed here, or the perfect passive: ὄρκου ἔπιθεοντος. The oath must have preceded the deed. It seems reasonable to assume that it was demanded by the mother, Salome Grapte, and was taken by the daughter, Salome Komaïse, to ensure that there are no further claims on her part. Once the oath was taken, the controversy was resolved: παρωχημένης ἀμφιεβητήσεως. In other words the oath is not part of the deed, but merely recorded in it as having been taken.31

11 ἐπο[κοντος] αὐτήν — it is tempting to restore ἐπο[κοντος] αὐτήν. Admittedly it is not easy to read the ν of ἐκεῖνον. If this is the right restoration something like ἔτει δε ὤμολογεῖ Ἡ Καλωμή Αποκεῖσθη should have come before. It is somewhat disconcerting that this comes after the declaration that the oath has been taken and the controversy has been resolved. Nor does it fit in with the interpretation of the rest of the document.

12 κτασά — could this be the participle of ἱστημι applied to Salome Komaïse? cf. κτασάθοντες in P.Yadin 20, l. 14 = l. 37; Lewis (p. 93) refers to L.-S.-J. ἱστημι B.II.2: ‘stand firm’. This would fit in admirably if the context is identical to that of P.Yadin 20, ll. 14-18 = ll. 36-40, on which see below ad l. 13.

13 πίστει ἐπιρωτήθη καὶ ἀνθωμολογήθη ὅτως καλὸς γενέεθθαι — this restoration of the stipulation is based on P.Yadin 17, ll. 16, 38-9; 18, ll. 27-8, 66-7. A different restoration based on P.Yadin 20, ll. 16-17 = l. 40; 21, ll. 27-28; 22, ll. 29-30; 37, ll. 13-14 yields: ὅτως καλὸς γενέεθθαι πίστεως ἐπιρωτημένης καὶ ἀνθωμολογημένης]. The latter restoration is likely to have spilled over to the left margin of l. 14, but the right margin of that line, as we can see on the right fragment, remained blank.

The stipulation in the Babatha archive follows upon the πράξεως clause or its equivalent, e.g. P.Yadin 17 (128 CE), ll. 12-15 = ll. 33-38: γε[λοιομένης δὲ τῇ πράξεως τῇ αὐτῇ Βαβαθά ἡ τῷ ύπερ αὐτῆς προφηλύομεν τὴν συγγραφὴν ταύτην ἀπὸ τὸ Ιουδαίον καὶ τῶν ὑπαρχόντων αὐτοῦ πάντως πάντων, ὦν τε ἔχει καὶ ὃν ἄν ἐπικτῆτι [ἐπιτα] κυρίως τρόπῳ ὃ ἄν αἱρέται ὁ πράξων τὴν εἰσπράξεν ποιεῖται, πίστει ἐπι-

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31 For the oath in private transactions in Egyptian papyri see E. Seidl, Der Eid in römisch-ägyptischen Provinzialrecht, Münchener Beiträge zur Papyrforschung und antiken Rechtsgeschichte 16, 1933, 114ff.; for bibliography see now, H.-A. Rupprecht, Kleine Einführung in die Papyrkunde, 1994, 107. An oath was required under certain conditions in Jewish law — if we believe that the latter was known and used here: see Tractate Shebuot (‘oaths’) in the Mishnah. The taking of oaths was very common in daily life, see S. Lieberman, ‘Oaths and vows’, Greek and Hellenism in Jewish Palestine, 1984, 87ff. (Hebrew).
pemptēthi kai anathomologēthi taïta ou̇tw̄s kalw̄s geînēsēta; cf. P.Yadin 18, ll. 24-28 = ll. 62-67; 21, ll. 26-27; 37, ll. 11-14. In P.Yadin 20 (130 CE), itself a concession of rights, the stipulation is subsequent to an undertaking of an obligation to defray all the costs of conducting a legal defence and clearing the property against counterclaims: éan de tìc anpti-poîlhes tîs progegrammēnēs aûlēs, etabōntes ekdekiskōmen kai katharopoîhsmēn coi apó pantaç antripoîoumēnou taîc eîdias analōmaccin kataî mēdēn antrilēgōn, pîstēs ἐπερωτημένης kai anathomologēmēnēs (ll. 13-16 = ll. 36-40). It is thus possible that in this deed of renunciation the stipulation is subsequent to the undertaking of a similar obligation. The likelihood is increased if we read the etaca in l. 12 as the participle of ἐκτημ, i.e. etaca and take it to express the same idea as the etabōntes in P.Yadin 20, l. 14 = l. 37. However that may be, it is unlikely at any rate that the stipulation would not have followed upon an obligation.33

15 For dating by consular date only, with no provincial or regnal eras, and for the position of the date at the end of the document, see P.Yadin 25, ll. 28-30 = 64-67; 26, ll.17-19. καὶ Τῖτ — the ν is not certain. All that is left before the καὶ is an upper stroke; it may be either what remains of an upsilon or the stroke following a number, in the latter case the reiteration of the consulate. There are five possible dates:
1) the consuls of 112: Imp. Traianus VI and T. Sextius Africanus.
2) the consuls of 120: L. Catilius Severus Iulianus Claudius Reginus II and T. Aurelius Fulvus Boionius Arrius Antoninus.34
3) the consuls of 125: M. Lollius Paulinus D. Valerius Asiaticus II and L. Epidius Titius Aquilinus.35
4) the consuls of 127: M. Gavius Squilla Gallicanus and T. Atilius Rufus Titianus.36
5) the consuls of 134: L. Iulius Ursus Servianus III and Titus Vibius Varus. The year 112 seems too early for this archive, whereas 134 seems too late: it is hard to imagine that a Roman date will be used after the outbreak of the Bar Kokhba Revolt, which caused these women to leave their homes in the province of Arabia. The years 120, 125 and 127 are all possible: the other documents, which safely belong to this archive, date to 129 (No. IV) and 131 (Nos. V and VI). However, only the year 127 can fit the identification of

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32 For the stipulation in the papyri see D. Simon, Studien zur Praxis der Stipulationsklausel, Münchener Beiträge zur Papyrushsorschung und antiken Rechtgeschichte 48, 1964; for more on the subject see D. Hagedorn ad P.Turner 22 (142 CE, Pamphylia), ll. 6-7 and Lewis, pp. 17-18.
33 But see L. Mitteis, Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs, 1891, 486-7.
34 In P.Yadin 20, in Aramaic, the name is M. Aurelius Antoninus: ‘l ἰπτψ lyqys qtwlys swrs tynyt’ wmrs ‘wrlys ’ntwnyn.’
36 In this order, for which see P.Yadin 16, ll. 7-8: ἐτὶ υπάτων Μάρκου Γα-ουίου Γαλλικανου καὶ Τίτου ‘Ασιατικοῦ Ρούφου Τιτιανοῦ. This is not the order in which they are given in Degrassi, p. 37.
the dead brother with the declarant of No. II, the land declaration, subscribed on 25 of April 127.

IV. Deed of Gift
Unpublished.

XHev/Se Gr. 1
Inv. no. 869 Rockefeller Museum
Inner Text: 9.4 x 17 cm.
Outer Text: 14.5 x 16.5 cm.

Mahoza 9 (?) November 129 CE

This is a double document in which the inner text and the outer text survived in two separate fragments. There are differences between the inner and the outer texts (see table below recording these differences).

The document contains an ordinary gift, not a gift in contemplation of death. Neither condition for the latter exists here: ‘(a) a gift of property with the donor retaining usufruct for life, or (b) a gift of property which is finally irrevocable only on the donor’s death’. Here the gift becomes effective from the moment the deed was made, ἄπο τὴν κτήμερον (l. 6) and it does not depend on the donor’s death. As such it is different from P.Yadin 19 (128 CE), which for one half of the gift depends on the death of the donor. It is also different from the unpublished P.Yadin 7 (120 CE, Aramaic), where Babatha’s father, Simon son of Menahem, gives to her mother, Miriam daughter of Yosef, everything he owns in Mahoza to become hers after his death (ll. 15ff.; 21ff.; 52ff.; 63ff.). Ordinary gifts as well as gifts in contemplation of death are to be seen in the context of the law of succession in force in the societies reflected in these archives, and may well be conceived as remedies to the harshness or inflexibility of this law, such as the barring of daughters and wives from the inheritance.

37 For examples from Egypt see P.Oxy. 273 = MChr. 221 (95 CE) and P.Grenf. II, 68 = FIRA III no. 98 (247 CE, of which P.Grenf. II, 70 = MChr. no. 191 is a copy); and for examples from Dura-Europolis see P.Dura, 17B (ca. 180 CE) and 18 (87 CE) with C.B. Welles, ‘Dura Pergament 21. Hypothek und Exekution am Euphratufer im I. Jahrhundert n. Chr.’, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (Rom. Abt.), 56, 1936, 99-135.

38 See R. Yaron, Gifts in Contemplation of Death in Jewish and Roman Law, 1960, 1, 1


40 See Cotton and Greenfield (n. 25) for an attempt to unravel the law of succession in force in the Babatha archive. Cf. Yaron on gifts in the context of the Jewish law of succession: ‘Greater freedom in dispositions in contemplation of death tended to counteract, at least to a certain degree, the extreme preference accorded to the male by law’, (above, n. 38), 155; cf. 33; 153. One notes that the attempts to assert the claims of the daughter over her nieces (bBB 115b) and to give daughters equal share in
There seems to be a close relationship between marriage, dowry and the bestowal of gifts on daughters. Elsewhere it was suggested that the unpublished *P.Yadin* 7 (120 CE) — the deed of gift in favour of Babatha’s mother — was written on the occasion of Babatha’s marriage to her first husband, when Babatha herself received the orchards, which she declares in *P.Yadin* 16 (127 CE), in a deed of gift which has not survived. Having provided for his daughter, Babatha’s father took proper measures to protect his wife in the event of his death.41

*P.Yadin* 19 (16 April 128) is a deed of gift following upon a daughter’s marriage: eleven days after the marriage of his daughter Shelamzion to Judah son of Hananiah,42 Babatha’s second husband, Judah son of Eleazar Khthousion, gave Shelamzion a gift of half a courtyard including half of the rooms and the upper-storey rooms therein in En-Gedi; and she was to receive the second half after his death.43 The circumstances for the drawing up of the deed of gift in favour of Salome Komaïse are unknown to us. She was married to X son of Simon in 127 (see above No. III), and on the 7th of August 131 a marriage contract was drawn up between her and Yeshu’a son of Menahem with whom she had been living in an unwritten marriage for some time (see No. VI, ll. 4-6). It is possible that the deed of gift here is connected with the second marriage.

In marriage contracts from Egypt gifts of immovables or slaves bestowed on the bride on the occasion of marriage are not of the same order as that part of the dowry described as *ferneia*, *prosophora* or *proáferma*;44 they are described as *prosophora* or *prósodoicía*.45 For example, *PSI* 1117 is a marriage contract from the second century CE: after the groom acknowledges the receipt of *ferneia* and *paráferma* from the mother, the latter declares in ll. 18ff: [οἴμολογεῖ προςευμηχέαμα τῇ θυγατρί Θεναπύγχει <ἐν> προσφο[ρά ?] κατά τήν διὰ τὴν ὀμολογίαν ἀπὸ τοῦ νῦν ἐπ’ ἀεὶ τήν τε ὑπάρχουσαν αὐτῇ ... ὀικί[αν] etc. Sometimes a separate document was drawn up in which immovables and slaves were given to

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41 Cotton and Greenfield (n. 25).
42 The marriage contract is *P.Yadin* 18 of 5 April 128. See A. Wasserstein, ‘A Marriage Contract from the Province of Arabia Nova: Notes on Papyrus Yadin 18’, *Jewish Quarterly Review* 80, 1989, 110-113, for the eleven days delay between the execution of the marriage contract and the drawing up of the deed of gift.
43 [διερκέται Ιολόδας Ἑλαζάρου Χθονείων Ἄρχανδρινι] οἰκών ἐν Μαωνας [Σελαμφώνις θυγατρί πάγα ὑπάρχοντα αὐτῆ] [ἐν] Ἑγγάδας ἡμείς ἀξύλης ... ἡμείς οἰκοματῶν καὶ ὑπεράσιας ἐναντίον ... καὶ τῶν ἄλλων ἡμείς τῆς αὐλῆς καὶ οἰκοματῶν διέθετο ... Ἰολόδας τῇ ἀυτῇ [Σελαμφώνις] μετὰ τὸ αὐτόν [τελευτήσα] II. 11-16; cf. ll. 22-23.
45 E.g. *CPR* 24 = *Mchr.* 288 (136 CE), ll. 8ff., where in addition to jewelry, the mother gives ἐν* ferneia* κατά προσφόραν αἰναφαίρετον land and part of a house; *P.Mich.* 343 (54-5 CE) is an acknowledgement of the receipt of a dowry; in addition to *ferneia* and *paráferma*, a gift of a slave is given ἐμί προσφόρα (l. 6); *PSI* 450, (ii/iii CE), col. I, ll. 12-13; *P.Ryl.* 154 (66 CE), l. 10; l. 20.
the bride on the occasion of her marriage. In *P. Ryl.* 155 (138-161 CE) a mother gives her daughter property ἐν προσφορά; in *P. Oxy.* 273 (= *MChr.* 221, 95 CE) the word προσφορά is absent, but the cession of property (εὐνοεῖ ὡρικέναι, l. 10) by the mother is done in favour of her daughter (still a minor, l. 13) and a Theon who is likely to be the latter’s fiancé; in *P. Vind. Worp* 5 (169 CE) a woman registers property, which she received from her mother ἐν πρὸς κεφάλαιον ἀνάφερε (l. 9), on the occasion of marrying her brother (ll. 34-36). *P. Dura* 17B (ca. 180 CE) records a gift of slaves by a father to his daughter who is already married.47

It is worth noticing that immovables are never included in marriage contracts from Judaea and Arabia, of which we possess by now eight examples.48 Nevertheless, all the married women encountered in these archives own real property. Since the law of succession reflected in these archives seems not to have automatically granted a wife the right to inherit from her husband nor a daughter the right to inherit from her parents when in competition with sons of her father’s brother, we may safely assume that they acquired their property by way of deeds of gift, like the present one.49

Recto

Inner Text:

(TAFEL IIa)

1. ἐνπί ὑπάτων Ποσπλήκου Ἰουσολυεντίου Κέλου τὸ Β καὶ Λονήκίου Νηρατίου Μαρκέλλου τὸ Β πρὸς πέντε

2. εἰδών Ἕνουμβρίων κατὰ τῶν ἁριθμῶν τῆς νέας ἐπαρχεῖας Ἀραβίας ἐτοις τετάρτου καὶ εἰκος—

3. τού Δείου κ. ἐν Μαωζας τῆς περὶ Ζλοαρων· Σαλωμὴ ἡ καὶ Γραπτή Μαναήμου

4. εὐνπαρόντως αὐτῆς ἐπιτρόπον τίσε τοῦ πράγματος χάριν Ἰωσήπου Σιμωνος

---

46 The editors suggest that this document might have accompanied a marriage contract or have been a substitute for a marriage settlement.

47 For some reason in two marriage contracts in Greek from the Judaean desert προσφορά describes what is normally designated ϕερνή in Egyptian papyri, see *P. Yadin* 18, ll. 18, ll. 7-8 = ll. 39-40; *XHev/Se Gr.* 2, ll. 5-6, see Cotton (n. 16). But note that ϕερνή and προσφορά are used interchangeably for jewelry and clothes in *P. Mil. Vogl.* 71 (161-180).

48 For a list of those see appendix at the end.

49 See Cotton and Greenfield (n. 25).
5. ἀνήρ αὐτῆς Σαλωμή [...] καὶ Κομαίςη Λησυβείου θυγατρός αὐτῆς πάντες οἰκούντες

6. ἐν Μαουζας Χέρειν ὑμολογῶ ενε [...] αἰ χοι εἰς δόσιν ἀπὸ τής σήμερον

7. δόσιν αἰώνίου τὰ ὕπάρχοντα μοι ἐν Μαουζας ἀι ἐδῆ ὑποτεθεμένα

8. κῆπον φοινικών καλοῦμενον γαίναθ' Ἀκαδαια εἰν ὑδατος αὐτῆς ἐφ'

9. ήμερῶν ἐπτα εἰς ἑπτά ἡμέραν τετάρτη ἡμικωρίαν μέαν ἢ γειτώνες ἀνα-

10. [τοι]λῶν κῆπον κυριακῶν καλοῦμενον γαίναθ' 'Αββείδαια δυσμῶν κληρονύ-

11. μοι 'Ἀρετας νότου ὅδος βορρᾶ κληρονόμοι 'Ἰωσήπος Βαβᾶ εἰν εἰκόδοις καὶ

12. δος καὶ ε.....ου [... ca. 7 letters ὡ]βτε] ἔχειν τὴν πηρογεγραμμένην Σαλωμη Κοῦμα-


14. καὶ ἑτερων ἐνα.....α[. ἢς γεί]τωνες ἀνατολῶν Σαμμωνος Σιμωνος δυς-

15. μῶν Μαναθέως Ἡωλαννής νότου κληρονόμοι Ἡακώβου [...][.δ. [. [. βορρᾶ Ἡωκηπος

16. [. traces of ca.40 letters κυρίως καὶ βεβαίως

17. ca. 26 letters [.διουκεϊν πτιπο τὶ ὃ ἐν [αἰρη] πάντα κύρια

Outer Text
(TAFEL IIb)

Lines 18-23 of the outer text cannot be restored; they must have been more or less identical with ll. 1-4.

24. ἄνήρ αὐτῆς Σαλωμη ἀ καὶ Κομαίςη Λησυβείου θυγατρός αὐτῆς

25. πάντες οἰκούντες ἐν Μαουζας τὰ ὕπάρχοντα αὐτῆς ἀι ἐδῆ ἐν
26. Μαωζας ὑποτεταγμ[.]: κήπου φοινικώνων καλούμε-
27. νον γανναθ Ἀσαδαία εῦν οδατος τοῦ αὐτοῦ κήπου ἐφ’ [ἡ]μερῶν
28. ἐπτὰ εἰς ἑπτὰ ἡμέραν τετάρτη ἡμιωρ<ν>αν μίαν <ἡ> τελέει
29. καθ’ ἐτος εἰς λόγουν κυριακοῦ φίςκου [καθ’ ἐτος] φοίνικος πα-
30. τητοῦ σάτα δέκα καὶ συροῦ καὶ νααροῦ σάτα ἕξ, ἢς γείτωνες ἀ-
31. νατολῶν κήπου κυριακοῦ καλούμενου γανναθ Ἀββει-
32. δαία δυσμῶν κληρονόμοι Ἀρετας νότου ὀδὸς βορρᾶ [κληρονό-
33. μοι Ἰωσήπος Βαβα ὀμοίως καὶ ἡμίν αὐλῆς ἀνοιωγμένον εἰς
34. νότου εῦν [ἡμευ] οἰκοίματα δύο καὶ ύπερων ἐνοίκει] ἢς γείτω-
35. νες ανατολῶν Σαμμονος Σιμωνος δυσμῶν Μαναημος
36. Ἰωαννου νότου κληρονόμοι ...ἀγείρος... βορρᾶ [Ἰωσήποιε
37. καὶ traces of letters for the rest of the line
38. traces of ca. 21 letters ὁματα καὶ κατοχής traces of ca. 14 letters
39. .αιο.[ca. 5 letters] ἔχεων τὴν προβλεγμένην Κομαί[ς] τήν τήν
40. προβλεγμένην δοκῆλαν κυρίως καὶ βεβα[ίως]…ν αππαν
41. τα]
Verso
(TAFEL III)

Transcriptions in Hebrew letters are given for the Nabataean signatures: nos. 3 and 5.\textsuperscript{50}

(1) מְלֹאך בֵּית יְהוָה

(2) מֶלֶךְ בֵּית יְהוָה

Aramaic — ryš br yhwdh — hdwhy rb hvyr

Nabataean — mlyk br ū — ḫš

(3) אֲרֵמֶה בֵּית יְהוָה

Aramaic — yšw br ywḥnn —

Nabataean — tymdwšr br ‘bdh[rtt—

(4) נַפְטְסָה בֵּית יְהוָה

Aramaic — yhwsp br šwly šhd —

(5) יְהוָשָׁע בֵּית יְהוָה

Aramaic — ywhsp br ḫnnh šhd—

The following table records the differences between the inner and outer texts:

<table>
<thead>
<tr>
<th>INNER TEXT</th>
<th>OUTER TEXT</th>
</tr>
</thead>
<tbody>
<tr>
<td>6    χέρειν</td>
<td>no equivalent</td>
</tr>
<tr>
<td>6/7  ὀμολογὼ ενε...[,] οὶ χοὶ εἰς δόσιν αἵτων</td>
<td>no equivalent</td>
</tr>
<tr>
<td>7    τὰ ὑπάρχοντα μοι ἐν Μωάζας (α) εἰς ὑποτεγαμένα</td>
<td>τὰ ὑπάρχοντα αὐτῆς (α) ἐξ ἑν [Μωάζας ὑποτεγαμένα] 25-26</td>
</tr>
<tr>
<td>8    εὖν ὀδατος αὐτῆς</td>
<td>εὖν ὀδατος τοῦ αὐτοῦ κήπου 27</td>
</tr>
<tr>
<td>no equivalent</td>
<td>&lt;ἡ&gt; τελέσει καθ’ ἔτος εἰς λόγον κυριακοῦ φίσκου καθ’ ἔτος φοίνικος πατητοῦ κάτα δέκα καὶ εὐροῦ καὶ ναρου κάτα εξ 28-30</td>
</tr>
</tbody>
</table>

\textsuperscript{50} The signatures were read by Dr. Ada Yardeni.
The Archive of Salome Daughter of Levi

11-13 ἐφικόδοις καὶ ἐξόδοις καὶ ἐν...ουντ...[ca. 7 letters ὁ[πε] ἔχειν τὴν προγεγραμμένην Κόμαισην]

13-14 σὺν οἰκοίματα δύο καὶ ὑπερων ἔνα...[3 letters]

Translation:

Inner Text only in Roman; Outer Text only in italics; both texts in bold.

Front:

In the second consulship of Publius Iuventus Celsus and Lucius Neratius Marcellus, the ninth [of November, according to the computation of the new province of Arabia] year twenty four, on the twentieth of Dios in Maĥoza in the district of Zo'ar. Salome, who is also Gropte, daughter of Menaĥem, present with her as a guardian for the purpose of this matter, Yosef son of Simon, her husband, to Salome who is also Komaïse, daughter of Levi, her daughter, all of them living in Maĥoza, greetings. I acknowledge that I have ... you as a gift from this day and for ever my (her) property in Maĥoza, items written below: a date orchard called the Garden of Asa'adaia with (the) water [allowance] (of that orchard), once a week on the fourth day, for one half hour. Which will pay every year to the account of the fiscus of our Lord ten sata of 'splits', and six sata of the Syrian and the Na'aran dates. The abutters on the east the orchard of our Lord [the Emperor] called the Garden of 'Abbeidaia, on the west the heirs of Are-tas, on the south a road, on the north the heirs of Yosef son of Baba. Together with entrances and exits and all the existing appurtenances of every kind? so that the above mentioned Salome Komaïse will have also half a courtyard which opens to the south with (half) two rooms and the upper storey rooms therein. The abutters on the east Sammouos son of Simon, on the west Menaĥem son of Iohannes, on the south the heirs of Jacob ... on the north Yosef ... possession ...that the above mentioned Komaïse will hold the gift written above validly and securely ... to manage in whatever manner she chooses to. Everything valid and secure ....
Back:
1) Reisha son of Yehudah
2) Malik son of 'A[
3) Yeshu’ a son of Yoḥanan
4) Timadushra son of ‘Abdha[retat
5) Yehosaf son of Shullai, witness
6) Yohesaf son of Hananiah, witness

Commentary:
Recto (inner and outer texts):
1 P. Iuventius Celsus T. Aufidius Hoenius Severianus II, L. Neratius Marcellus II were the ordinary consuls in 129 CE. P.Yadin 17, 18, 19, 27 and 37 are also dated only by the consular and provincial year without the regnal year, see N. Lewis, The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri, 1989 (= Lewis), 28.

2 This line is heavily restored on the basis of the formula which makes its first appearance in the Babatha archive from 127, see Wasserstein (n. 42), 93 on νέα ἐπαρχεία.

3 The Macedonian month Dios in Arabia lasts from 18 October till 16 November: see A.E. Samuel, Greek and Roman Chronology, Handbuch der Altertumswissenschaft I.7, 1972, p. 177. If πέντε in l. 1 is right, i.e. the fifth day before the Ides of November, then κγ should be read after Δείου, i.e. ‘the 23 of Dios’; but it is not certain that there is room for a letter between the κ and ἐν. Perhaps we should read only κ and not κγ; in that case there is a discrepancy of three days between the Roman and the local calendars. A discrepancy of one day between the two calendars exists in P.Yadin 14 and 15 (see Lewis. p. 57); see also N. Lewis, ‘A Jewish Landowner from the Province of Arabia’, Scripta Classica Israelica 8-9, 1985/88, 135 for a discrepancy of 7 days.

4 ν Μαωζας της περι Ζοαρων — nothing quite like this is found in the Babatha archive, where we find the following variations: ἐν Μαωζας της περι Ζοαρων (P.Yadin 5, II. 4-5.); ἐν Μαωζας περι Ζοαρα (P.Yadin 14. I. 20; 15, I. 3 =16-17; 17, II. 2-3 = 19-20; 18, I. 3 = 32); ἐν Μαωζας περι Ζοορων (P.Yadin 25, I. 28 = 64.); ἐν Μαωζας της περι Ζοαρα (P.Yadin 19, II. 10-11); ἐν Μαωζας περιμετρω Ζοοραν (P.Yadin 20, II. 22-23; 21, II. 5-6; 22, II. 5-6; 26, I. 18; 27, II. 3-4); Βαβθα ... Μαωζηνη της Ζοαρηνης περιμετρον Πετρας (P.Yadin 16, 13-14); ἐν Μαωζας της Ζοαρηνης της περι Πετραν (P.Yadin 37, II. 2-3). In Lewis, SCI 134, I. 12 we find: ....ος Σίμωνος Μαωζηνος της Ζοαρηνης περιμετρον Πετρας.

Σαλαμη η και Γραπτη — cf. No. III, I. 9: Γραπτη, and see above on the names.
4. **cypetropτheν αυτήν τοῦ πράγματος χάριν** — the identical expression is found in *P. Yadin* 17 (128 CE), ll. 4-5 = 22-23: cypetropτheν αυτήν τοῦ πράγματος χάριν Ιακώβου; see on No. III, ll. 1-2.

4-5 and 24 Ιωσήπου Σιμωνος αὐτής — Salome Grapte’s first husband, Levi, as we know from No. III, l. 6 (περὶ τὴν καταλειφθέντον ὑπὸ Αἰσχου γενομένου συμβίου αὐτῆς); had been dead at least since 127 CE.

5 and 24 Σαλώμη [...] καὶ Κομαί[-chief] — see above on the names. In the outer text an α precedes καὶ Κομαί[chief].

5. **Ανοίκησι** — see introduction to the archive on the names; cf. the undecorated Ανοίκη in No. III, ll. 1; 6 and 8 and Αείονον in No. II, l. 1.

5-6 and 25: πάντες οἰκονύνες ἐν Μαωζα; cf. No. III, l. 4: [πάντες Μαωζήνοι] *P. Yadin* 17, ll. 5-6 = l. 24: πάντες εἴθαδε (i.e. ἐν Μαωζα) κατάλαμμενοι[tε]; cf. *P. Yadin* 16, ll. 5-6 = ll. 36-37; 21, ll. 6-7: ἀμφότεροι οἰκονύνες ἐν Μαωζα; cf. 22, ll. 6-7; *P. Yadin* 27, ll. 5-6: ἀμφότεροι τῇ[c] αὐτῆς Μαωζα.

6. **Χερέλι** — only in inner text; cf. *P. Yadin* 20 (concession of rights), l. 6 = l. 27; 21 (purchase of a date crop), l. 6; 22 (sale of date crop), l. 7; 27 (receipt), l. 6.

ὁμολογὸ — occurs in other deeds of gift: e.g. *P. Dura* 18 (87 CE, l. 5 = ll. 21-2: ἐξωμολογήσατο Νικάνω[π] ὁ αὐτός διδόνα ... ; *P. Grenf*. II, 68 = FIRA III no. 98 (247 CE), l. 4: ὁμολογὸ χαρίζονταi τoι χαρίζεται[P. Yadin] αὐτῆς Μαωζα. Ὁμολογεῖ must have stood in the outer text in view of μοι as against αὐτῆς in ll. 7 and 25 respectively, see ad loc.

ἐνε...[.]αι — ἐνενοχ[έ]ναι instead of ἐνενοχ[έ]ναι see Gingac I, 242f. interchange of η to ε before a liquid; cf. προσευηνοχέναι in *PSI* 1117 (ii CE), a marriage contract with προσφορά given by the mother of the bride, ll. 18f.: ἕλθαντες προσευηνοχέναι τῇ θυγατρί Θεοστύχειν [ἐν] προσφορά[?] κατὰ τὴν όμολογίαν ἀπὸ τοῦ νῦν ἐπ’ αἰεί τὴν τε ὑπὲρ οἰκονύνειν αὐτῆς ... οἰκ[α]ν.

ἀπὸ τῆς σήμερον — This confirms Lewis’ restoration in *P. Yadin* 19, ll. 21-3: ὡστε ἔχειν τὴν πρὸ γεγραμμένην Σελαμφίου[ς] τῇ ἱμίου τῆς προγεγραμμένης αὑλῆς καὶ οἰκημ[ά]των ἀπὸ τῆς σήμερον[; cf. *BGU* 316 (= M Chr. 271, 359 CE, Askalon, deed of sale), ll. 21-22: ἀπὸ τῆς σήμερον ἡμέρας καὶ εἰς αἰεὶ. 51

51 Cf. ἀπὸ τοῦ νῦν in *PSI* 1117 (ii CE, a marriage contract), l. 18; *P. Grenf*. II, 68 (= FIRA III no. 98, a deed of gift, 247 CE), l. 7.
7. δόσει αἰώνιον — this seems to be a literal translation of the Hebrew ‘construct-state’ in the phrase mntn ‘lm — ‘a gift forever’; cf. the Aramaic deed of gift, P.Yadin 7, ll. 2; 5; 14. The linguistic formation designated ‘a construct-state’ is characteristic of Semitic rather than of Indo-European languages.52 In Greek one would say εἰς τὸν ἡεὶ χρόνον (P.Oxy. 34, 2722, ll. 19-20) or ἐπ’ ἡεὶ (PSI 1117 (ii CE); μέχρι πάντως (P.Grenf. II, 68, l. 7); or εἰς τὸν ἀπαντα χρόνον. P.Oxy. 3638, ll. 4-5; P.Mich. 719, l. 6; P.Yadin 19, l. 23, P.Dura 26, ll. 14-15, P.Dura 18, l. 7 = l. 26 and P.Avroman, IA, l. 16 = IB, l. 16.

6-7 εἰς δόσιν ἀπὸ τῆς εἴημερον δόσυν αἰωνίου — the whole expression is probably an attempt to translate the Aramaic expression ‘from this day and forever’ — μν ὑώμη δνὴ δω — found in Aramaic deeds,53 cf. M. Broshi and E. Qimron, ‘A house sale deed from Kefar Baru from the time of Bar Kokhba’, IEJ 36, 1986, 206, l. 6; J.T. Milik, ‘Un contrat juif de l’an 134 après J.-C.’, RB 61, 1954, 183 (= Biblica 38, 1957, 264), ll. 11-12; idem, ‘Deux documents inédits du désert de Juda’, Biblica 38, 1957, 259, l. 10.

7 and 25-6 note the first person in the inner text: τὰ ὑπάρχοντα μοι and the third person in the outer text: τὰ ὑπάρχοντα αὐτῆς. See l. 6 on ὄνομαλογώ.

The outer text, ll. 25-6 τὰ ὑπάρχοντα αὐτῆς ἐξ ἡμᾶς Ἡλαζαν ὑποτεταγμά = written below.

υποτεταγμένα = written below.

8 and 26 κῆπον φοινικώνων — cf. κῆπον φοινικώνος in P.Yadin 16, ll. 17; 21; 24; 29; καρπίαν φοινικώνος κῆπον in P.Yadin 21, l. 8; 22, l. 7-8; κάρπου κῆπον φοινικώνος in P.Yadin 23, ll. 5-6; cf. P.Yadin 24, ll. 5-6: both expressions seem to be the equivalent of κηπος φοινικων; cf. gnt tmry’ ‘orchard of dates’ in P.Yadin 7, l. 5.54

κῆπον ... καλούμενον γαλαγά Ακαδαία — cf. P.Yadin 21, ll. 9-11: (date-groves) λεγόμεναι γαλαγά Φιλορα καὶ παλαβά Νικαιρίπα καὶ ἡ τρίτη λεγομένη τοῦ Μολχαίου (cf. P.Yadin 22, ll. 10-11), P.Yadin 16, ll. 17-18: κῆπον φοινικώνος ἐν ὀρίοις Μαωζων λεγόμενον Αλγαρίμαι; ll. 29-30: κηπον φοινικωνος ἐν ὀρίοις Μαωζων λεγομενον Βηθφααραϊα; ll. 29-30: κῆπον φοινικώνος ἐν ὀρίοις Μαωζων λεγόμενον Βαγγαγαλα. In a Nabatean deed of sale from the Babatha archive we find: ‘A date-grove which belongs to ‘Abi’adan called Gh..a in the Galgala’ (gnt tmry’ dy l’by’dn d’ dy mtqry’ gh..’) dy

52 Cf. οἶκος αἰωνίος ‘house of eternity’ i.e. ‘grave’ in CII 337 (Rome); byt ‘lm’ in Aramaic, cf. DJD II, no. 20, l. 7; see A. Hurvitz, ‘byt qbarwt and byt ‘lm: two funerary terms in Biblical literature and their linguistic background’, Maarav 8, 1992, 59-68.

53 Whereas in Greek we could expect: (ὄνομαλογώ πεπρακέναι κοι καὶ παρακαθάρμεναι) ἀπὸ τοῦ νῦν εἰς τὸν ἡεὶ χρόνον, P.Oxy. 1200 (266 CE), ll. 16-17.

bglgl’), P.Yadin 3, ll. 2-3 = ll. 23-24; and in a deed of gift in Aramaic from the same archive: ‘a place called Karaba, a date-grove’ (‘tr’ dy mtqr’ krb’ n syb tmryn), P.Yadin 7, l. 7 = l. 39.

γανναθ — is transliteration of Aramaic gnt meaning ‘orchard of’, a construct relationship of gnh ‘garden’ or as here ‘orchard’; cf. P.Yadin 21, ll. 9-10; 22, ll. 10-11: γανναθ Φερωρα και γανναθ Νικαρ[l]κος; see below ll. 10 and 31-2: γανναθ ’Αββειδαία.

’Αςαδαία — Asa’adaia: I could not find any name from which this can be derived.55

8 and 27 σύν ὑδατος — the water-rights — ‘the times of permitted irrigation’ formed part of the ownership of the garden’,56 as we learn from the unpublished P.Yadin 2, 3 and 7 as well as from a deed of lease from En-Gedi mentioned in Yadin (n. 56), 249, no. 42:57 ‘and its water periods as proper and fit for them’. Dates need a great amount of water, which in this rainless zone is supplied mainly, and often exclusively, by irrigation.58 In the Aramaic deed of gift, P.Yadin 7, l. 43, we hear of the right to use water from the Wadi (mn my wdy’).59

Two double documents on parchment from Avroman in Kurdistan from the first century BCE60 specify water rights among other rights in a sale of vineyards, P.Avroman IA (88 BCE), ll. 13-14: μετά ὑδατος και ἀκροδρύοις καπροφόροις τε καὶ εἰσόδῳ καὶ ἕξοδῳ καὶ τοῖς συκφύρουσιν εἰς αὐτῆς πάσιν;61 P.Avroman IIA (22/1 BCE), l. 7 (= IIB, l. 7-8): σύν εἰσόδῳ καὶ ἕξοδῳ καὶ ὑδατί ὑπάρχοισι μετά τῶν συκφύρων.

That water rights are conceived as part of the property is seen in the so-called Tablettes Albertini, where two adjacent pieces of land are sold together with the water rights: ‘particellas agrorum id est bumas (uumas) duas sivi coerentes cum aquaria de gemione superiore in qui-bus sunt amigdal(ae) arb(ores) tres, fici arb(ores) quatuor, pl(us) m(inus) sitecia arborem u-
Water rights and access to a water source are mentioned in the Jewish sources: in the Mishnah we read that the existence of a water source (a fountain) could influence the terms of a lease of an irrigated field, mBaba Mešia 9.2 and cf. t (=Toefah) Baba Mešia 9.3-4. The division of a field between heirs had to take account of the location of the water source, so that both fields will have access to it, cf.b (=Babylonian Talmud) Baba Bathra 12b. See in general R. Patai, The Water (‘Ha’maim’ 1936, in Hebrew), 72ff.; O. Irsai, ‘The discussion of water installations and aqueducts in rabbincal literature — characteristics and terminology’, The Aqueducts of Ancient Palestine, eds. D. Amit, Y. Hirschfeld and J. Patrich, 1989, 47ff.; D. Sperber, Material Culture in Eretz-Israel during the Talmudic Period, 1993, 29ff.

On water rights in Egypt see R. Taubenschlag, The Law of Greco-Roman Egypt in the Light of the Papyri (332 B.C. - 640 A.D.), 1955, 259-260. For irrigation of date-groves in Egypt see Hohlwein (n. 54), 11; 31ff.; A.Ch. Johnson, Roman Egypt, ESAR II, 1959, 20ff. Note also the fragmentary BGU 899 and 890 of the Antonine period which seem to be leases of olive-groves with rights of irrigation: see Johnson, ibid. 82.

8 αὐτῆς — is influenced by the gender of the Aramaic gnh ‘orchard’; cf. P.Yadin 21, ll. 9-10; 22, ll. 10-11: λεγομέναι and ἥ τρίτη λεγομένη and Lewis, p. 97. The outer text is explicit: τὸν αὖτον κῆπου.

8-9 and 27-28 ἐφ’ ἡμερῶν ἐπτὰ εἰς ἡμέραν — this circumlocution conveys the notion of a ‘a week’ — 8b — that we find in the Nabataean and Aramaic documents in the same context, P.Yadin 3, l. 25; 7, ll. 43; 46; 47. It could be expressed in Greek by the word ἕβδομάς.

tετάρτη — on the fourth day of the week; Cf. P.Avroman (Meyer, Jur. Pap., no. 36), IA, ll. 26-28: καὶ τὸ ὕδωρ παρὰ ὧν ἡμέρας τὸ ἠμέρων καὶ τῆς ἐπαγωγῆς ἐνεκτός τὸ ἠμέρων.64

ἡμιρων<ν> — cf. P.Yadin 3 (unpublished, Nabataean), l. 25: ‘one hour on the first day of the week’; 7 (unpublished, Aramaic), ll. 43-44: ‘half an hour on the first day of the week ...’; 11-46-7: ‘one hour on the fourth day of the week ... and one hour on the night of the fourth with the heirs of Yosef son of Baba’. Cf. CIL VIII 18587 (Numidia, Lamasba, time of Elagabalus): a huge inscription recording ‘a decree concerning a large-scale

63 See note on the Jewish sources in Cotton and Greenfield (n. 25), Appendix. I am grateful to Dr. Sh. Naeh, Professor M. Kahanah and Mr. Jonathan Garb for help with the Jewish sources.
64 The outer text reads, IB, ll. 27-28: ἔξει δὲ καὶ τὸ ὕδωρ τὸ ἐπιβάλλον αὐτῷ μέρος μετὰ τῶν κοιλήματος.
irrigation scheme’ in which the names of the possessors are followed by a timetable for using
the water of the Aqua Claudiana. The formula runs: ‘ex h(ora) I d(iei) VII Kal. Octobr. in
h(oram) VS (quintum dimidiam) d(iei) eiusdem p(ro) p(arte) s(ua) h(orae) IIIIS (quattuor et)
s(emis)’; or: ‘ex h(ora)II noc(tis) III kal. Dec. in h(oram) X d(iei) pr(idie) kal. Dec. p(ro)
p(arte) s(ua) h(orae) XX (viginti)’.65

Pliny the Elder tells us of palm growing in the oasis of Tacape in North Africa, where
water is allotted in units of time: ‘certis horarum spatios dispensatur inter incolas’ (Pliny, NH
18.188).66 For other references to irrigation in units of time see Frontinus, De Aquis
9 ‘(Aquam Crabram Agrippa) possessoribus relinquentam credebat; ea namque est quam omnes
villae tractus eius per vicem in dies modulosque certos dispensatum accipiant’; Dig. 43.20.2
(Pomponius): ‘Si diurnarum aut nocturnarum horarum aquae ductum habeam, non possum
alia hora ducere quam qua ius habeam’; cf. 39.3.17pr. (Paulus); 43.20.5pr. (Iulianus); CIL VI
1261 (Rome, the Aventine); XIV 3676 (Tibur).67

Water periods are mentioned several times in the Jewish sources: mShebiit (the
‘seventh year’) 2.9; tShebiit 2.9; tMo’ed Qatan (‘lesser holy days’), 1.2; bMQ 11b. For
several fields using one water channel see tBaba Meṣia 11.21; bBM 108a. Taking turns in
using a common source of water supply is implied in mgittin 5.8: ‘The cistern nearest to a
water-channel is filled first — in the interests of peace’ (and see bGittin 60b on this).

28 τελέει — instead of τελει; Both present and future tense in the parchments from
Kurdistan: P.Avroman IA, ll. 17-18 (cf. IB, ll. 17-18): τελώντες κατ’ έναυτόν κοινῇ τὰ
gεγραμμένα ἐν τῇ παλαιᾷ συναρφῇ πάντα; P.Avroman IIA, l. 9 (= IIb, l. 9):
tελέουσα δὲ αἱ κατ’ έναυτῶν εἰκόνας δραχμαῖν μίαν κτλ. The same verb is used
in the land declaration, P.Yadin 16, to describe the payment of annual taxes: e.g. ll. 21-23:
κῆπων φοινικῶν ἐν ὀρίων Μαωζῶν λεγόμενον Ἀλγυφίαμμα επόρου κρεβής
κάβου ἑνός τελοῦσα τῶν γεινομένων καθ’ ἔτος καρπῶν μέρος ἡμίου, see ll. 19;
22-23; 26; 30-31. Note that the duties incumbent on the date-grove (probably taxes, see
discussion of ll. 28-29 at the end of the commentary) are conceived to be as much a part of the
property as the water rights.

29 For false aspiration καθ’ ἔτους see Gignac, I, 135; cf. P.Yadin 16, l. 23 quoted
above ad l. 28.

εἰς λόγον κυριακοῦ φίκκοβ — I could not find this tautology elsewhere; κυριακὸς λόγος
is the φίκκος. See the Edict of Ti. Iulius Alexander, CIG 4957 (= OGIS 669 =FIRA 12, no.

65 For interpretation see Shaw (above, n. 62), 61-103.
177ff.
58: τὸν ὀφειλόντων εἰς τὸν κυριακὸν λόγον;

68 P.Amhm. 77 = WChr. 277 = Select papyri 282, l. 16; τὸν κυριακὸν λόγον; P.Heid. 221 = SB VI 9541 (197-222?): ἕχει παρὰ σοῦ ἂς δέδωκα σοι εἰς τιμὴν μηχανῶν δύο ἀργυρίῳ δραχμάς διακοσίας τοῦ κυριακοῦ λόγου. There are other variations: CIG II 2842, l. 9: τὸν κυριακὸν φέσκῳ (Aphrodisias); BGu 620 (iii century CE), l. 15: ἐν τοῖς κυριακῖς λόγοις. Cf. P.Dura 26 (= FIRA III², no. 138), a deed of sale from 227 CE: τοῦ Ἡγορακότος δειδούντος πάν [τὸ] ἕπιβάλλον τῇ αὐτῇ χώρᾳ εἰ λόγον κυριακοῦ (sic! not κυριακόν).

See Discussion of ll. 28-29 at the end of the commentary.

29 φοίνικικος — φοίνιξ is used here as a collective noun for ‘dates’, cf. τειμὴν φοινικίκος above, No. I, l. 5; cf. P.Yadin 16, ll. 17-20; κήπον φοινικίκων ἐν ὀρίοις Μαωξίων λεγόμενον Ἀλγῆμαμα ... τελοῦντα φοίνικος οὐραῖ καὶ μείγματος σάτα δεκαπέντε.

29-30 πατητοῦ — a particularly juicy variety of dates which bursts open on the tree itself, see Pliny, NH 13.45, thus explained by Hohlwein (n. 54), 18-22, and followed by others; the patetos is mentioned in P.Yadin 16, ll. 20; 27; 31 (see Lewis, pp. 69-70), as well as in Egyptian papyri: P. Mich. XII, 657, ll. 7-8; BGu XI, 2105, l. 4; P.Wien.Boswink. 8, l. 15; M. Manfredi, ‘Affitto di un uliveto’, YClS 28, 1985, p. 96, l. 11.69

cάτα — the cátōn is the Hebrew se’ah, a measure of volume estimated by some to be equal to 8.56 litres and by others to be 13 litres; see Broshi in great detail with bibliography (n. 69), 234-5. It is attested in P.Yadin 16, ll. 18-20, 26, 30; P.Yadin 21, l. 15; 22, l. 17 and in DJD II, nos. 97 (Greek); 24B, l. 17; 24K 2; 30, l. 14 (Hebrew).

30 οὐραί — for οὐραίο, cf. Lewis ad P.Yadin 16, ll. 19, 26 and 31, citing Gignac I, p. 302. It is considered to be an inferior variety of dates, see Pliny, NH 13.48.

νααροῦ — here as in P.Yadin 21, ll. 14, 23; 22, ll. 16; 20 whereas in P.Yadin 16, ll. 26, 31 it is spelled νοαροῦ. ‘Its name is derived from Na’aran, north of Jericho, and also has several variants: Naaratha (LXX), Noorath (Eusebius, Onomasticon, 136, 24) and Narea (Josephus, Ant. XVII 340), with similar variants in Talmudic literature’, Broshi (n. 69), 233.

9 and 30 ἦν — influenced by the gender of the Aramaic gnh ‘orchard’, see αὐτής in l. 8.

γείτωνες — Lewis (p. 45) points out that the Egyptian practice is to start with the neighbours on the south and then those on the north. In Palestine and Arabia as well as in Dura-Europus the neighbours are given in east-west-south-north order: cf. P.Yadin 11 (124 CE), ll. 4-6 (=

68 Similarly BGu 747, ll. 16-17: οἵ τῶν ὀφειλόντων τῷ κυριακῷ λόγῳ.
ll. 17-19); *P.Yadin* 19 (128 CE), ll. 17-18 and *P.Dura* 26 (= *FIRA* III2 no. 138), ll. 15-17. In *P.Avroman* II A l. 8 only the east (ἀπὸ τῶν ἀνατολῶν) is mentioned.\(^{70}\) Cf. the same order in Hebrew and Aramaic contracts: *DJD* II, no. 22, l. 3 = ll. 11-12; 30, ll. 3-4 = ll. 16-17; J.T. Milik, ‘Deux documents inédits du désert de Juda’, *Biblica* 38, 1957, 259, ll. 3-4; M. Broshi and E. Qimron, ‘A house sale deed from Kefar Baru from the time of Bar Kokhba’, *IEJ* 36, 1986, 206, ll. 4-5. The slight variation in J.T. Milik, ‘Un contrat juif de l’an 134 après J.-C.’, *RB* 61, 1954, 183 (= *Biblica* 38, 1957, 264), ll. 8-9: east-north-west-south is due to the fact that the estates to the west and south were owned by the same person.

9-10 and 30-31 ἀνατολῶν ... δυσμῶν — in Egyptian papyri we find ἀπηλώτης and λιβός respectively.

10 and 31 κῆπον κυριακῶν — the existence of imperial properties in Mahoza is known from Babatha’s land declaration in *P.Yadin* 16, which mentions a date-grove owned by Babatha bordered by the Emperor’s property and the sea, ll. 23-4: γείτονες μοιχαντικῆς κυρίου Καίσαρος καὶ θάλασσα. This date-grove is the subject of two Nabataean deeds of sale from the year 99 (*P.Yadin* 2 and 3); in the second of these the land is sold to Babatha’s father, which accounts for its presence in *P.Yadin* 16.\(^{72}\) We know from *P.Yadin* 2 and 3 that this date-grove was bordered in 99 on the east by the road; on the west by the houses of Ἡνὺνυ\(^{73}\) son of Taymilahi and the houses of Υνυνυ\(^{73}\) daughter of ‘Αβδάρητ; on the south by the garden of king Rab’el and on the north by the shoals.\(^{74}\) By juxtaposing *P.Yadin* 2 and 3 on the one hand and *P.Yadin* 16 on the other, we learn that the Nabataeans kings’ property became imperial property.\(^{75}\)

καλούμενον γανναθ Ἀββειδαία — for the phrasing see above ad ll. 8 and 26. The name implies that this grove belonged to a Nabataean.

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\(^{70}\) This must have been the order in the very fragmentary *XHev/Se Gr.* 3 (99 or 109 CE): see H.M. Cotton, ‘Loan with hypothec: another papyrus from the Cave of Letters?’, *ZPE* 101, 1994, 55, ll. 3-4 and commentary ad loc, p. 57.


\(^{72}\) See now Cotton and Greenfield (n. 25).

\(^{73}\) Probably Ὑοναινῦ. Ομαινὸς son of Sa’adalos is the name of the scribe No. II, l. 4: ἐφιγαθή διὰ τοῦ χειροχρῆστου Ὀμαινοῦ Σαβαλλοῦ.

\(^{74}\) w’l’h thwny’ lmnh’ ‘r’h wlm’rb’ bty ἱνυνw br tym’lhy wby th’ btr ‘bdhrt wlymyn’ gnt ‘mr’n’ rb’l mlk’ mlk nbw dy ‘lhy wṣyxb ‘mh wlm’rb’ rqq’ *P.Yadin* 3, ll. 4-5 = ll. 25-27. The word rqq’ translated here as ‘shoals’ is used elsewhere for the shallow water near the shore of a lake or sea, cf. *bShabbat* 100b; *b’Erubim* 43a; this could easily be rendered in Greek θάλασσα.

"Abbeidaia — Abbeidaia: from the Nabataean name 'Abed or 'Abda, or 'Abdu meaning 'slave', see Negev (n. 55), nos. 782; 783; 798. For 'Abdu see P.Yadin 16, 39: 'Abdu son of Muqimu, witness'.

10-11 and 32 κληρονόμοι 'Αρέτας — cf. P.Yadin 16, l. 28: γειτονεῖς κληρονόμοι Θησαιῶν Σαβακὰ; XHev/Se Gr. 3 (see above n. 70), l. 4: λῦ ἐνθοῦ κληρονόμοι τῶν Κ.[. The declarant of the papyrus published by Lewis in SCI 1985/88 (above, ad l. 3), X son of Simon, is one of two brothers holding properties in partnership (μετοχῆ) in Maḥoza (Lewis, ibid. p. 135, ll. 15 and 19). I suppose that as neighbours they could be described as κληρονόμοι Σιμώνος, although they do not make a joint declaration. The appearance of heirs holding property together is very common in the papyri see e.g. P.Oxy. 719 (193 CE), ll. 16-17: ὅν γειτονεῖς τῆς μὲν μιᾶς τοῦ αἰθρίου νότον ἔσχατος καὶ ἔξωθε βορρᾶ [κληρονόμων Διογάτου ἀπηλιότου κληρονόμων Ἄρων λιβὸς δημοκ[ί]α ῥώμη. For Latin documents see e.g. CIL XI 1147 (the alimentary table from Veleia), col. I, ll. 14-15: adv(inibus) Ulvis Stolicinim fratribus et Vettis fratribus; col. V, ll. 28-29: adv(inibus) Antonis Sabino et Prisco, etc.

'Aretas — the writer’s carelessness about cases makes him use this form for the genitive whereas usually it stands for the nominative; the genitive form would be 'Areta or 'Aretou. In the Babatha archive we find 'Ιουθας (nominative) and 'Ιουθα (genitive) in P.Yadin 19, ll. 11 and 23 respectively; P.Yadin 15, l. 32: δι' ἐπιτρόπου μού 'Ιουθα; and 'Ιουθου in P.Yadin 17, l. 35. See Gignac II, 12-14. 'Aretas ἡρτ is a dynastic Nabataean name, Negev (n. 55), no. 494.76 According to Negev (p. 107), it was used by others as well. For the names of the Nabataean kings see E. Schürer, G. Vermes and F. Millar, History of the Jewish People in the Age of Jesus Christ (175 B.C.-A.D. 135) I, 1973, pp. 574-586.

11 and 32-33 κληρονόμοι Ιωσήπος Βαβᾶ — it should have been κληρονόμοι Ἰωσήπου Βαβᾶ. The scribe happens to be right about Βαβᾶ being used as the genitive of this name in Greek probably because it corresponds to the Aramaic form. These heirs are found in P.Yadin 7 (120 CE) — yrτυ ywsf br bb’ — as neighbours to two pieces of land owned by Babatha’s father, ll. 6, 11 (= 38, 45), with whom he also shares some water rights, l. 12 (= l. 47). Nine years after P.Yadin 7 these heirs are still referred to as a single body of owners, i.e. the property remained undivided.77

Baba — bb’ — ‘father’ is probably borrowed from Persian, see Th. Nöldeke, Beiträge zur semitischen Sprachwissenschaft, 1904, 93; like other words describing kinship it could be

used as a proper name, see Nöldeke, ibid. 90-98: ‘Verwandtschaftsnamen als Personennamen’.

11-12 σῦν έιςόδος καὶ έξιόδος — identical phrasing in P.Yadin 19, l. 19; see also P.Dura 26 (= FIRA III no. 138, 227 CE), ll. 10-11: σῦν έιςόδος καὶ έξιόδος; cf. P.Avroman, IA and B, ll. 13-14 (above ad ll. 8 and 27) and IIa, l. 7 = IIb, ll. 7-8. The pair may stand for a concrete passageway or for the legal right: see R. Taubenschlag, ‘Das Recht auf έιςόδος καὶ έξιόδος in den Papyri’, Arch. f. Pap. 8, 1927, 25-33; The Law of Greco-Roman Egypt in the Light of the Papyri (332 B.C. - 640 A.D), 1955, 256-259; G. Husson, OIKIA: Le vocabulaire de la maison privée en Égypte d’après les papyrus grecs, 1983, 65-72. The same phrase occurs in Aramaic deeds (m’l wmpq or m’l’ wmpq’): J.T. Milik, ‘Un contrat juif de l’an 134 après J.-C.’, RB 61, 1954, 183 (= Biblica 38, 1957, 264), l. 10; idem, ‘Deux documents inédits du désert de Juda’, Biblica 38, 1957, 259, l. 6; P.Yadin 7 (unpublished) l. 14 = l. 50; DJD II, no. 25, I, l. 3; M. Broshi and E. Qimron, ‘A house sale deed from Kefar Baru from the time of Bar Kokhba’, IEJ 36, 1986, 206, l. 5; see the editors’ comment on p. 209 there.

12 καὶ ε.....ους καὶ παιντοίς — there is enough room for καὶ τοῖς ἑνόης παντοίς as in P.Yadin 19, l. 20, but the sigma where τοῖς should begin is quite clear; thus perhaps καὶ συγκύρους, see Husson (ad ll. 11-12), 292.

12-13 Κομαιςιν or Κομαιςιν; Probably Κομαιςιν, because of Σαλωμὴ in l. 12, but one can hardly expect consistency in this document.

13 and 33 ἄνιωθυμένον for ἄνιωθυμένων: see Gignac I, p. 275 ε > οι. It is possible to restore in l. 13 ἄνιωθυμένης with the αὐλής, but in l. 33 the last letter looks more like a nu than a sigma. In the outer text I seem to see a gemination of the μ: ἄνιωθυμένην, for which see Gignac I, pp. 157-8.

14 and 34 ὑπερων — for the contraction of two /o/ vowels see Gignac I, 300. No accent is given, since we do not know what number or case is meant i.e. ὑπερών (to agree with σῦν οἰκοῖματα δῦο) or ὑπερών (to agree with αὐλής).

The ἡμεν in l. 34 seems gratuitous. In both l. 14: ἑνα.....α̣, and l. 34 ἑνος..... — it seems that we should restore ἑνος.

γείτωνες — preceded in l. 34 by ἡς (= αὐλής); hence restored also in l. 14, but could be also οὖ (= ἡμένους).
14 and 35 Σαμμουος Σιμων — Sammouos (šmwʾ) son of Simon does not appear in the Babatha archive, but is mentioned in the tax or rent receipt, No. I, l. 8 as the middleman between the addressee and the tax (or rent) collectors.

15 and 35-36 Μαναημ Ιωρανου — Menahem son of Iohannes is the addressee of the receipt, No. I, ll. 2-3

15 κηληρονόμοι Ιακωβου — there is enough space for a patronym for Jacob, cf. l. 11 = ll. 32-33: κηληρονόμοι Ιωσηπος Βαβα. A Jacob son of Yeshu’a appears as Babatha’s guardian in P.Yadin 17 (21 February 128 CE), l. 5 = ll. 23-24 (Greek), ll. 40-41 (Aramaic).

[Ιωβησος — a patronym is likely to have followed.

39-40 ἔχειν τὴν προσγεγραμμένην Κομαίην τὴν προσγεγραμμένην δόξην — this seems the parallel to ll. 12-13 of the inner text.

16-17 and 40-41 These lines should be restored from P.Yadin 19, ll. 23-25:79 κυρίως καί βεβαίως εἰς τὸν ἀπαντά χρόνον, ἀνακαινίζεσθαι, ἁλιεῖν, σκάπτειν, βοήθειν, κτάσθαι, χράσθαι, πωλεῖν, διοικεῖν, τρόπως ὡς ἄν αἱρῆσαι, πάντα κύρια καί βέβαια: ‘validly and securely for all time, to build, raise up, raise higher, excavate, deepen, possess, use, sell and manage in whatever manner she may choose, all valid and secure’. Cf. P.Dura 26 (deed of sale, 227 CE), ll. 14-15: εἰς τὸ ἔχειν αὐτῶν κυρίως καί βεβαίως εἰς τὸν ἀπαντά χρόνον κτάσθαι χράσθαι πωλεῖν διοικεῖν τρόπῳ ὡς ἄν αἱρῆσαι.80

78 For a Sammouos son of Menahem see P.Yadin 14, l. 37 (Greek), l. 46 (Aramaic) — where he appears as a witness; 21, 17-18 (Greek), l. 35 and p. 146 (Aramaic) — where he is a guarantor to a legal transaction. He is also mentioned as a neighbour to two plots that belonged to Babatha’s father, described in P.Yadin 7, ll. 9, 11 = ll. 42, 45.

The overlapping words are given in bold.

79 The only other examples of the phrase κυρίως καί βεβαίως found in the Duke Data Base are: P.Bub. 13 (224 CE), ll. 6-7: μέειν ἐμοὶ ...τοῖς κράτειν καὶ κυριεῖν ἐπὶ τὸν ἀεὶ χρόνον κυρίως καί βεβαίως; P.Bub.4 (221 CE), 23, ll. 6-7: τῷ ἡμέραν µαθέως καὶ τῆν κόρων ἐμοὶ καὶ τὸς ἀπ’ ἐμοῦ µεταπαραλλοµήθηκες κυρίως καὶ βεβαίως ἀναφαίρεσθαι ἐπὶ τὸν ἀεὶ χρόνον. The phrase κυρία καί βεβαια appears many times but only from the fourth century CE onwards.
There are eight signatures on this deed; of the first two only traces of ink are left. See addendum at the end.

2) ryš br yhwdh — Reisha son of Yehudah. ‘Reisha’ has occurred in No. I, l. 13 (perhaps also in l. 3). Reisha is a title or a nickname: ‘the head’, ‘the chief’ rather than a proper name. In other words the name of our witness is ‘son of Judah’ (br Yhwdh): a patronymic used as a name.81 This is an almost unparalleled case — as far as I know — of a title or nickname followed by a name: ‘the chief, son of Judah’.82 The witness Reisha son of Judah is probably to be identified with the Reisha who underwrote the receipt (No. I) five years earlier. Only a few letters have survived, but the same hand may well have written the signature in the two documents.

3) מלך ב ר — Malik son of A[, A Nabataean. See Negev (n. 55), no. 632; Wuthnow (n. 76), 70; 148.83

4) ישו’a son of Yoḥanan. This name, written in the same illiterate hand, appears as a second witness in P.Yadin 20, l. 47 dated 19 June 130 (see Plate 24 there). The first three letters of the patronym, ywḥ — are missing in P.Yadin 20, l. 47, but we can now restore them safely, and correct the translation ‘Yeshu’a son of Yeshu’a?’ on p. 92.

5) תימדוערה son of ‘Abdha[retat. A Nabataean. For Timadushra, where the second element stands for the Nabataean God Dushra, see Negev (n. 55), no. 1217; Wuthnow (n. 76), 54; 175; Cantineau (n. 83), 156. For ‘Abdha[retat, literally ‘slave of Ḥaretat’, see Negev (n. 55), no. 802; Cantineau (n. 83), 126. For Ḥaretat = Aretas, see above, ad ll. 11 and 32. A woman, Th’ daughter of ‘Abdha[retat, is mentioned as one of the abutters to the orchard sold by a Nabataean woman, ‘Abi’adan to Archelas, and a month later to Shimeon, Babatha’s father, see P.Yadin 2, l. 4 = l. 23; 3, l. 26.

6) Yehosaf son of Shullai, witness. The name Shullai appears as a patronym in the Aramaic XHev/Se 10, l. 5: ‘X] son of Shullai wrote this’.84 In P.Yadin 3 (99 CE, unpublished), l. 53 we find the signature of whbdṣr’ br ṣly. It

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82 See the original publication for more details, ZPE 100, 1994, 555-6.
84 See Yardeni (n. 5).
has been suggested that this is a Nabataean name. One may recall the powerful minister of the Nabataean realm, Syllaeus Συλλαίος, Jos. Ant. 16.220-225; BJ 1.487; 574f. The name can be restored as one of the witnesses in a cancelled marriage contract from Aristoboulias in Judaea, from 130 CE X\He\n\Se\Gr. 2 (verso), Συλλαίος ἔλεως Ζηρεβου. See Cotton (n. 16).

7) ἵβεος βρ hydr ṣhd — Yohesaf son of Hananiah, witness. This is the name of a witness on six of the papyri from the Babatha archive: it appears once in Greek letters — Ἰωκητός Ανανία — written by a scribe, P.Yadin 14 (11 or 12 October 125), l. 39; and six times we have his own signature in Aramaic: P.Yadin 14, l. 48; 15 (11 or 12 October 125), l. 43; 17 (21 February 128), l. 49; 18 (5 April 128), l. 79; 21 (11 September 130), l. 33; 22 (11 September 130), l. 40.

Discussion of ll. 28-29 of the outer text: <η> τελέσει καθ’ ετος εἰς λόγων κυριακοῦ φίκου φοίνικος πατητοῦ σάτα δέκα καὶ εὐρὸ καὶ νααρου σάτα ἐξ. The orchard given in gift seems to be privately owned and not on lease from the Emperor. The payment in these lines, albeit in kind, refers to the annual tax rather than to rent. We seem, therefore, to have here a clear exception to the claim that in the first two centuries the annual taxes, even from imperial provinces, did not go into the imperial fiscus. There are several reasons for believing that we are dealing here with private property:

1) the use of the term τά ὑπάρχοντα (ll. 7 and 25) to describe it.
2) the fact that it is given as a gift forever, ll. 6-7: εἰς δόσει ἀπὸ τῆς εἰ μερον δόσει αἰωνίου. This argument can be met, however, by examples of ‘perpetual leaseholds’ from other parts of the Empire: in Egypt the lease of οὐκαθή γῆ could be transmitted to heirs. We also have the evidence of the North African inscriptions for ‘perpetual leaseholds’ held under the terms of the Lex Manciana. The Tablettes Albertini prove that this was still true

86 See Cotton (n. 16).
87 I owe many points in this discussion to comments made on an earlier draft by Professors Werner Eck and Dieter Hagedorn.
89 On Erbpacht see H.C. Kuhnke, Οὐκαθή γῆ, Domänennland in den Papyri der Prinzipatszeit (Köln 1971), p. 99: ‘es gibt es bei ... οὐκαθή γῆ keine Eigentumsübertragung. Sie sind res extra commercium. Möglich ist allein eine Vergabe in Erbpacht’ and see nn. 2 and 3 there; cf. O. Eger, Zum ägyptischen Grundbuchwesen in römischen Zeit, 1909, 32; Johnson (above, ad ll. 8 and 27), 74 on ‘crown land’, but this became imperial land in Roman times.
90 ‘[ ... Qui in f(undo) Vill<ae> Magn<ae> Varia<jn>ae> siv<ae> Mappali<ae> Sig<ae> ficetuum olivetum vineas se[verunt] severin[, eis eam superficiem heredibus], qui e legitimis matrimonii nati sunt erunt]e testamento relinquere permititur’, CIL VIII 25902 (the Henchir-Mettich inscription), IV, ll. 2-6. This paragraph defines the usus propius of Col. I, ll. 9-10 of the Lex Manciana (based on the
many years later, when private lords replaced the emperor as the owner. Thus the fact that the
grove is given as a gift forever does not force us to regard it as private property.
3) the presence of a κηπον κυριακων καλούμενον γανναθ 'Αββειδαία as one of the
abutters of the date-grove given in gift, ll. 10 and 26 seems to imply that the groove given in
gift is not a κηπος κυριακος.

4) The fact that the annual payment seems to be in kind rather than in cash does not prove that
we are dealing with rent.91 It is true of course that in Egypt taxes on vine- and garden- land
(which incudes date-groves) were all converted into money terms (adaeratio),92 whereas in
leases of date-groves one finds both kinds of payment.93 However, the land-declaration in
P.Yadin 16 proves to us that in the province of Arabia part of the annual taxes was paid, or at
least estimated, in kind; an adaeratio might have followed later. The verb τελειν used in l. 28
of the deed of gift to describe the yearly payment to the fiscus is used to describe the payment
of annual tax in the two land declarations from Maḥoza: κηπον φοινικων έν όρης
Μαωζων λεγόμενον Βαγαλγαλα επόρου κρειθής κάτω τριών τελούντα φοίνικος
κυρού και νομού κόρον ένα πατητού κόρον ένα στεφανικον μελανς τρεῖς λεπτά
tριάκοινα etc., P.Yadin 16, ll. 24-28; μέρος ήμιου χώρας ... τελοῦν φόρου μέλαν ἐν
t etc., Lewis, SCI 1985/88, p. 134, ll. 16-17. The Romans may have inherited the evaluation,
perhaps also the payment, of taxes in kind from the Nabataean kings just as they seem to have
inherited from them the tax designated stephanikos, whatever it represented.94 The receipt
from Maḥoza (No. I) represents payment in cash of tax on dates, and it may well be the same
in the Aramaic receipt on dates (No. V).95

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91 See Lex Portorii Asiae from 62 CE, Epigraphica Anatolica 14, 1985, p. 25, ll. 72-73 for the decuma
being paid in kind.
92 Sh. L. Wallace, Taxation in Egypt, 1938, 47ff.
93 Hohlwein, (n. 54), pp. 65-74.
94 See see P.Yadin 16, ll. 17-32 and Cotton, ZPE 100, 1994, 553.
95 See also commentary on No. I and n. 23 there.
V. Receipt for Dates in Aramaic
Published by Ada Yardeni, *The Naḥal Še’elim Documents* (Hebrew, forthcoming).

\[X\text{Hev/Še. 12}\]

Arabia 30 January 131 CE

[To] Shalom daughter of Levi from your brother, Yḥ.. son of Tšh and his colleague Šm[ ]: we received from you [the amount due for?] nineteen and a quarter se’ah of dates ... Levi your father ... in the twenty [fourth?] year. On the fifteenth of Shebat in the twenty fifth year of the province. Td... wrote this.

twenty [fourth?] — in view of the similarities between this receipt and the one in Greek (No. I), it is very tempting to read ‘twenty fourth year’ in l. 8. The parallel will then be complete: just as in the Greek receipt the tax due for ‘the eighteenth year of the province’ is paid in the ‘nineteenth year of the province’, here the receipt written in the ‘twenty fifth year of the province’ (ll. 11-12), will cover the twenty fourth year of the province.96 See the rest of the commentary on No. 1.

VI. Marriage contract

\[P.\text{Yadin 37}\]

Maḥoza 7 August 131 CE

1. ἐπὶ ὑπάτην Σεργίου Ὀκταυσίου Λαίνα Ποντίανοῦ καὶ Μάρκου Ἀντωνίου Ῥοουφείνου πρὸ ἑπτά εἴδων Ἀιγύπτων, κατὰ δὲ
2. τὸν τῆς Ἰνέας ἐπαρχείας Ἄραβίας ἀριθμὸν ἔτοις ἐκτὸς καὶ ἐκκοστῶν μηνὸς Ἀφοὺς ἐννεακαϊδεκάτη ἐν Μαωζά τῆς Ζο-
3. ἀρηνῆς τῆς πέρην Πέτραν μητρόπολιν τῆς Ἄραβίας, ἐκ. 5 ὑμολογήσατο Ἱησοῦς Μαναήμου τῶν ὑπόκυπτων ἐν κόλμη
4. Σοφθαθε [.] ... περὶ πόλιν Λιουιάδος τῆς Πιλεραίας ἐκ. 4 εἰληφέναι Σιλωίμνην καλομυένην Κομμαίην
5. γυναῖκα Μ[ακουζηνή ὠστε αὐτῶν ὡςτε αὐτοῦς] ἐκ. 12 ]...... εὐμβιώσας τίνιν Ἰησοῦς μετ’ ὁ

96 The ‘twenty’ (‘sryn) is followed by ‘and’ (w) and three vertical strokes with a horizontal stroke going through them. Yardeni observes that there is no other example for numbers being rendered in this way in documents from the Judaean Desert.
In the consulship of Sergius Octavius Laenas Pontianus and Marcus Antonius Rufinus, the seventh of August, and according to the computation of the new province of Arabia year twenty-six, on the nineteenth of month Loos, in Mahoza in the district of Zo’ar of the administrative region of Petra, metropolis of Arabia, Yeshu’a son of Menahem, domiciled in the village of Soffathe ... in the district of the city of Livias of the administrative region of P[eraia] acknowledged of his own free will(?) that he has taken Salome also called Komaïse ... a woman from Mahoza, for them to ... and for Yeshu’a to live with her as also before this time ... to the said Komaïse as her dowry ninety-six denarii of silver, and the bridegroom, the

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97 There is no difficulty in restoring the name Komaïse rather than Lewis’ Komaïs in ll. 4, 13 and 15, where Lewis reads Κομαίς: Κομαι[ς] and Κομαις respectively. The restoration of Κομαίς in l. 6, where Lewis reads Κομαίς, is based on an enhanced image using Applitec MSV-800, closed circuit video camera connected to Leica M-10 stereomicroscope. The enhanced image showed clearly that the remaining ink stains are incompatible with a delta. I am grateful to Dr. Yuval Goren for advice and help in the use of this advanced technology.
said Yeshu’a, acknowledged that he has received from her on the present day feminine adornment in silver and gold and clothing and other feminine articles equivalent in appraised value to the [stated sum of] money, with his undertaking to feed and clothe both her and her children to come in accordance with Greek custom and Greek manners upon the said Yeshu’a’s good faith and on peril of all his possessions, both those which he possesses in his home village of Soffathe ... and those which he may in addition acquire, she having the right of execution both from the said Yeshu’a and upon all(?) his validly held possessions everywhere, in whatever manner the said Komaïse or whoever acts through her or for her may choose to carry out the execution, regarding this being thus rightly done the formal question having in good faith been asked and acknowledged in reply. I, son of Menahem, guardian of the said Komaïse, have agreed(?)...
now lost, preceded the Greek marriage contract (p. 253). She is less convincing when she regards the συμβάλωσις τῆς ἱματισμοῦ μετ’ ἀυτῆς ὡς καὶ πρὸ τοῦτο τοῦ χρόνου as a case of ‘premarital cohabitation’ and claims on the basis of P.Yadin 37 that ‘premarital cohabitation was a local practice particular to and common to Judaea’ (p. 262).

Ilan’s radical approach assumes no less than the ‘apologetic approach’ that by this time there existed a coherent and operative Jewish system of law which had already become normative. In such a system ‘a man may not keep his wife even one hour without a ketubba’ (bBQ 89a, quoted by Ilan on p. 254), and life together without a ketubba must be branded ‘premarital cohabitation’ or ‘sex out of wedlock’. Contemporary marriage contracts in Aramaic reveal to us that the rabbinic marriage contract had by then developed its own special form, but the writing of a ketubba had yet to become ‘normative’, as five out of eight surviving documentary marriage contracts between Jews from Arabia and Judaea (mainly from the first half of the second century CE) demonstrate to us. The five are marriage contracts written in Greek and cannot by any stretch of the imagination be described as Jewish ketubbott. Elsewhere I have tried to show that a Greek marriage contract between Jews is not a translation of an Aramaic ketubba. It is not a Jewish document but an independent legal instrument with a spirit of its own: not only the Greek language but the entire ethos and diplomatics of the Greek marriage contract have been adopted by the contracting parties. If we go by halakha, Jewish law, P.Yadin 37 is not the ketubba which would turn ‘premarital cohabitation’ into a proper Jewish marriage.

Lewis’ original suggestion of ἀγραφὸς γάμος is surely the right solution. The Jews could have become familiar with this institution at the same time that they became familiar with the Greek marriage contract.

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100 Her claim (p. 263) to have a ‘conservative approach’ is inconsistent with her argument thus far.
101 See list in appendix.
102 Cotton (n. 16).
103 H.J. Wolff, Written and Unwritten Marriages in Hellenistic and Post Classical Roman Law, 1939.
Appendix: List of documentary marriage contracts between Jews from the Judaean Desert.

<table>
<thead>
<tr>
<th>Document</th>
<th>Date</th>
<th>Place</th>
<th>Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>DJD II, no. 20</td>
<td>117 CE?</td>
<td>unknown place</td>
<td>Aramaic</td>
</tr>
<tr>
<td>DJD II, no. 115</td>
<td>124 CE</td>
<td>Bethbassi, Judaea</td>
<td>Greek</td>
</tr>
<tr>
<td>P.Yadin 10</td>
<td>125 CE</td>
<td>Mahoza, Arabia</td>
<td>Aramaic</td>
</tr>
<tr>
<td>P.Yadin 18</td>
<td>128 CE</td>
<td>Mahoza, Arabia</td>
<td>Greek</td>
</tr>
<tr>
<td>XHev/Se Gr. 2</td>
<td>130 CE</td>
<td>Aristoboulas, Judaea</td>
<td>Greek</td>
</tr>
<tr>
<td>DJD II, no. 116</td>
<td>first half of ii CE</td>
<td>unknown place</td>
<td>Greek</td>
</tr>
<tr>
<td>DJD II, no. 21</td>
<td>no date</td>
<td>unknown place</td>
<td>Aramaic</td>
</tr>
</tbody>
</table>

Addendum to No. IV, verso:
(Unfortunately the following observations could not be integrated into the text in time). The first signature on the verso, of which only traces are left, is likely to be that of Salome Gropte, the donor, although she did not write it herself. The second signature is probably that of her husband and guardian, Yosef son of Simon, who signed for her (the traces of ink are compatible with his first name). Reisha son of Yehudah, whose signature follows in the third line, is not a witness (what remained of the two letters after his name is not compatible with the Aramaic word šhd); he might be the scribe. Thus we are left with five rather than seven witnesses. For examples of the procedure proposed here for the first two signatures — one person signing for another and then adding his own name — see Yardeni (above, n. 5), no. 13, l. 11; DJD II, no. 18, ll. 9-10 (with Yardeni’s new reading): ‘Zakhriah son of Yehoḥanan wrote for himself. Yehosaf son of [ ] wrote upon dictation’.

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105 Cotton (n. 16).
Inv. No. 866, Rockefeller Museum (scale 1 : 1). Left and right fragments
a) Inv. No. 869, Rockefeller Museum. Recto, inner text
b) Inv. No. 869, Rockefeller Museum. Recto, outer text
Inv. No. 869, Rockefeller Museum. Verso