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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 consists of six documents. Four and a half are among the so-called *P.Şe'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 Naḥal Hever;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.Şe'elim* originated in Naḥal Hever.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 Naḥal Şe'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

* As more than once in the past I owe a great debt to Dr. John Rea. Dr. Klaus Maresch generously assisted me with Nos. III and IV.

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*.

2 See J.C. Greenfield, 'The Texts from Naḥal Şe'elim (Wadi Seiyal)', *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18-21 March, 1991*, eds. J. Treballe Barrera and L. Vegas Montaner, Leiden 1992, 662.

3 See Lewis, 6ff.

4 Lewis, pp. 3; 130.

5 Ada Yardeni, *The Naḥal Şe'elim Documents* (Hebrew, forthcoming).

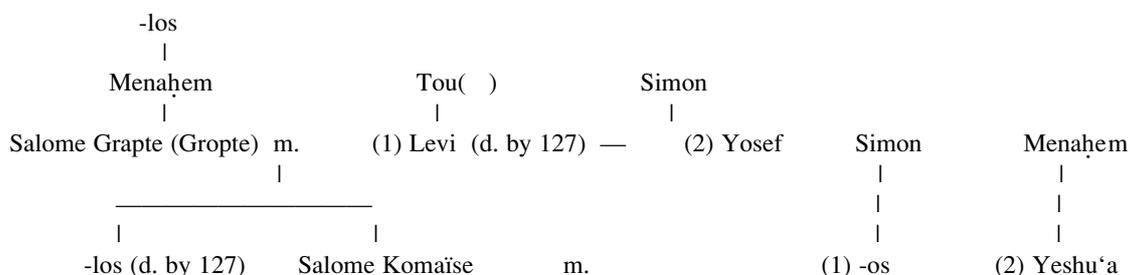
6 *P.Yadin* 12.

Kokhba revolt.⁷ The two women must have known each other since their families' properties were abutted by the same neighbours,⁸ and the same witnesses signed their documents.⁹

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:



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 ΛΕΙΟΥΟΥ, No. II, l. 2; Λη-ουετου, No. IV, l. 5 = l. 24 and Ληουει — 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).

⁷ It would be intriguing to know why the Jews of Maḥoza left the province of Arabia, where they seem to have been so well integrated, to hide in the caves of Naḥal Ḥever.

⁸ See commentary on No IV, l. 11 = ll. 32-33.

⁹ See commentary on No IV, ll. 44 and 47.

A list of names from Naḥal Še'elim has Ἰησοῦς Ληοῦι — Yeshu'a son of Levi.¹⁰ Josephus renders it in Greek Ληοῦι (e.g. *BJ* 2.575; 4.85); Λευι (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.Še'elim* (*XHev/Še* 7), dated to the 14th of Iyyar (April/May), third year of the Bar Kokhba Revolt, i.e. 134 or 135.¹¹ 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]y' br lwy').¹² A Yehoḥnan son of Levi (Yhwhnn br lwy), in *DJD* II, no. 74 is dated by the editor to before the first revolt.¹³ Also from the first century — 66-73/4 CE — is 'son of Levi' (br lwy), on an ostrakon from Masada carrying an instruction for supplying bread.¹⁴

Salome Komaïse and Salome Grapte (in No. III; Gropte in No. IV) are Levi's daughter and wife respectively. Καλωμη renders Hebrew/Aramaic Šlwm/Šlm¹⁵ — the most common female name at the time.¹⁶ The second names, or rather nicknames — Komaïse¹⁷ (Κομαϊση) and Grapte/Gropte (Γραπτη/Γροπτη) respectively — are likely to have distinguished the homonymous mother and daughter from each other.¹⁸ Grapte is attested in Josephus *BJ* 4.567, a relative of Izates King of Adiabene. The names Komaïse and Gropte are not attested elsewhere.

¹⁰ B. Lifshitz, 'The Greek documents from Nahal Seelim and Nahal Mishmar', *IEJ* 11, 1961, 55, l. 2.

¹¹ Yardeni (n. 5).

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).

¹³ 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 Bethphagé', *Hommages à A. Dupont-Sommer*, 1971, 78, ll. 23; 24.

¹⁴ Y. Yadin and J. Naveh, *Masada I: The Aramaic and Hebrew Ostraca and Jar Inscriptions*, 1989, no. 577. See E.S. Rosenthal, 'The Giv'at ha-Mivtar inscription', *Perakim* 2, 1969-74, 365-7, n. 128.

¹⁵ No. V (the Aramaic receipt), l. 1: šlm brt lwy.

¹⁶ See T. Ilan, 'Notes on the Distribution of Jewish Women's Names in Palestine in the Second Temple and Mishnaic Periods', *JJS* 50, 1989, 191-2; 198-9; cf. H.M. Cotton, 'A Cancelled Marriage Contract from the Judaean Desert (*XHev/Se Gr. 2*)', *JRS* 84, 1994 (forthcoming), commentary ad l. 3.

¹⁷ Not 'Komais'; see on No. VI, below.

¹⁸ See R. Hachlili, 'Names and Nicknames in Second Temple Times', *Eretz Israel* 17, 1984, (Hebrew with an English summary on pp. 9*-10*), 195.

I. Receipt for tax on dates.¹⁹Published in *ZPE* 100, 1994, 550.*XHev/Se Gr. 5*

Inv. no. 866, Rockefeller Museum

Maḥoza, Arabia

29 January 125 CE

1.].θ.[
 2.]ετ[
 3. .α[...]ς Ιουδα καὶ ἑτα[ίρ]οι Μ[α]να[η]μω
 4. Ι[ω]αννου χαίρι[ν]. Ἄπέ[χ]λαμεν π[α]ρὰ σοῦ
 5. τειμὴν φοί[ν]ικος οὗ ὀφείλεις Κ[υ]ρίω
 6. Καίσαρι ἐν Μαώζα ἔτους ὀκτωκαί-
 7. δεκάτου, ἕξ ὧν ἀπειλήσαμεν παρὰ
 8. σοῦ ἐκ χειρὸς Σαμμούου Σίμωνος μέ-
 - λεπτὰ πεντήκοντα ὀκτώ
 9. λανες τέσσαρες. Ἐγράφη ἐν Μαώζα ἐπὶ
 10. ὑπάτων τῶν μετὰ ὑπατίαν Γλαβρίωνος
 11. καὶ Θεβανιανού, ἕτ[ε]ρο[ς] ἐνεακαιδε[κά]του
 12. μηνὸς [Π]ερίτιου τεσσα[ρ]εσκα[ίδε]κάτη
 13. חבב פשי
- 4 χαίρειν ἀπέσχομεν 5 τιμὴν 8 χειρὸς 8-9 μέλανας
9 τέσσαρας 10 ὑπατείαν 12 Περίτιος

[Names and patronyms] ... [] son of Judah and his friends to Menahem 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 ‘Yḥ.. son of Tasha and my colleague, Shm[]’ in the Aramaic receipt (no. V below),²⁰ one may safely restore καὶ ἑταῖροι, 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 Judean 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 τειμή; thus ll. 3-4 of the Aramaic receipt (qbln mnk dmy tmryn) give a literal translation of Ἀπέχ[χ]αμεν π[αρὰ σοῦ] τειμήν φοίνικος 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 Ρεῖς 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: yḥ.. br tšh whvry šm[...].

²¹ Note though that ἑταῖροι is not attested as a title of tax or rent collectors in Egypt. Alternatively ἑταῖροι may stand for ἑτεροι, see Gignac I, p. 193 for interchange of ε and αι.

²² Yardeni (n. 5), introduction to *XḤev/Še* 12.

²³ This is the ‘construct-state’; the simple form is ‘dmyñ’ — דמין. Τιμή is sometimes transliterated as ‘tymy’ — טימי — 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.

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

References: E. Tov with the collaboration of S.J. Pfann, *The Dead Sea Scrolls on Microfiche. Companion Volume* (Leiden 1993), 66; *DJD* II no. 115, p. 251, commentary ad ll. 2-3.

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: **παρωχημέν[η]ς ἀμφιβ[η]τήσεως**) 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.²⁵ 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.²⁶

The **καὶ ἡ** [Cαλωμη Λ]ηουε '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.

²⁵ See H.M. Cotton and J.C. Greenfield, 'Babatha's Property and the Law of Succession in the Babatha Archive', *ZPE* 104, 1994 (forthcoming).

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 Komaïse daughter of Levi, below, No. IV.

1. [ἐξωμολο]γήσατο καὶ συνεγρ[άψατο Καλωμη Ληουει του]... συμπαρόντος αὐτῆ ἐπιτρόπου
2. [+8]υ Ciμωνος ἀνδρὸς α[ὐτῆ]ς τοῦδε τοῦ [...]πρ[ά]γματος πρὸς Καλωμη τὴν
3. [καὶ Γραπτ]ην Μαναημο[υ+6]λου θυγατέρα, ἰδίαν [δὲ μητέρα αὐτῆς
4. [πάντες Μα]ωζηνοι καὶ ἡ [Καλωμη Λ]ηουει μηδένα λόγον ἔχειν
5. [+8].α ἐξ ὀνόματος αὐ[τῆς πρὸς C]αλωμη τὴν καὶ [Γραπτ]ην
6. [+3 περι τ]ῶν καταλειφθέντων ὑπὸ Ληουει γενομένου ζυ[μβίου αὐτῆς καὶ
7. [ὑπὸ +4]λου γενομένου αὐ[τῆς υἱοῦ] ἀδελφοῦ δὲ τῆς ὁμ[ολογούσης
8. [+7 or 8]α ἔτι δὲ ὁμολογεῖ ἡ [Καλωμ]η Ληουει μηδένα λόγον ἔχειν
9. [πρὸς Καλωμη]υ τὴν καὶ [Γραπτ]ην[+4 or 5]η κληρονόμους αὐ[τῆς περι
10. [+7 or 8]. παρῳχημέν[ης ἀμφιερβ]ητήσεως ὄρκου ἐπ[ι]δοθέντος
11.]...[.]. ..[....].ε.. πρὸς αὐτῆ[υ]
12. [c. 26]υμενης στακα α[
13. [πίστει ἐπηρωτήθη καὶ ἀνθρωμολογήθη ο]ὔτως καλῶς γενέε[θαι
14. [vacat?] vacat
15. [ἐπὶ ὑπάτων Μάρκου Γαουίου Γαλλικανο]ῦ καὶ Τίτ[ου Ἀτιλίου Ρο]ύφου Τιτιανοῦ
16. [day and month? place?] vacat

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 Mahoza): 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 Atilius Rufus Titianus [day and month? place?].

Commentary:

1 [ἐξωμολογ]ήσατο καὶ συνεγρ[άψατο — 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 Judean Desert: *DJD*

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.

Ⲭⲁⲗⲱⲙⲉ ⲗⲏⲟⲩⲉ — see above on the names.

ⲧⲟⲩ — either the article, followed in the lacuna by the name of the grandfather or ⲧⲟⲩ- the beginning of a name without an article as in the inner text of *P.Yadin* 18, ll. 4-5: 'Ιούδα[ⲧⲏⲩ ⲱⲓⲱ] 'Αναγίου Ⲙωμαλα.²⁷ If ⲧⲟⲩ-, one may suggest To(u)bias.²⁸

1-2 ⲥⲱⲡⲁⲣόντος αὐτῆ ἐπιτρόπου ⲗⲩ Ⲙⲓⲡⲱⲛⲟⲥ ἄνδρⲟⲥ α[ὐτῆ]ⲥ — see No. IV, deed of gift, inner text, l. 4: ⲥⲱⲡⲁⲣόντος [μοι ἐ]πιτρόπου τούδε τοῦ πράγματος χάριν 'Ιωσηπου; *P.Yadin* 16, ll. 15-16: ⲥⲱⲡⲁⲣόντος μοι ἐπιτρόπου 'Ιουδάνου 'Ελαζάρου; *P.Yadin* 27, l. 4: ⲥⲱⲡⲁⲣόντος αὐτῆ [ἐ]πιτρόπου]; 17, ll. 4-5 = 22-23: ⲥⲱⲡⲁⲣόντος α[ὐτῆ] ἐπιτρόπου τούδε τοῦ πράγματος χάριν 'Ιακώβου; 20, ll. 25-27: διὰ ἐπιτρόπου αὐτῆς 'Ιούδας ... τούδε τοῦ πράγματος χάριν; *P.Yadin* 14, ll. 22-23: διὰ ἐπιτρόπου αὐτῆς τ[ού]δε τοῦ πράγματος 'Ιούδα; *P.Yadin* 15, ll. 31-32: διὰ ἐπιτρόπου αὐτῆς τούδε τοῦ πράγματος 'Ιούδου; perhaps *P.Yadin* 31, l. 4: πράγματος χάριν.

These examples explain why ἐπίτροπος rather than κύριος 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. 'Αγλα ἐπιτρόπου αὐτῆς τούδε τοῦ πράγματος), which was written in Judaea.²⁹ 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 Khthousion 'lord' of Babatha' — yhw dh br ktwš yn adwn bbth (cf. *P.Yadin* 17, l. 40 'Jacob, her lord' — y'qb adwnh); whereas for the guardian of an orphan the Aramaic borrowed the Greek term ἐπίτροπος: 'pṭrp', *P.Yadin* 20, l. 41; 27, l. 12.

It is very tempting to restore [ἐπιτρόπου]ⲩ 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 Komaïse's husband whose name is lost in the lacuna. The ⲩ 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 [Ⲭⲁⲗⲱⲙⲉⲛ ⲧῆⲛ ⲕⲁὶ Ⲓⲣⲁⲡⲧ]ⲏⲛ — see above on the name.

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

²⁷ But see outer text, ll. 34-5: 'Ιούδαⲧⲏ ἐπικαλουμένω Κίμβερι ⲱⲓⲱ 'Ανανίου τοῦ Ⲙωμαλα.

²⁸ P.B. Bagatti and J.T. Milik, *Gli scavi del Dominus Flevit* I, 1958, 96: 33.

²⁹ Cotton (n. 16), commentary on l. 4.

3]λου — the end of the grandfather's name.

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

καὶ ἡ [Καλωμη — 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 *episcopus*³⁰ of the orphans of her late husband's brother, to the governor's court if she has any claim against her: καὶ εἴ τι λόγον ἔχεις πρὸς ἐμὲ παρεδρεύειν ἐπὶ τὸν αὐτὸν Νέπωταν (*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 ἔχεις σε πρὸς τὸν αὐτὸν Ἰούδαυ περι 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. (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 ἡ [Καλωμη Λ]ηουει μηδένα λόγον ἔχειν πρὸς τὰ κατηνηκότ]α ἐξ ὀνόματος αὐ[τοῦ (or αὐτῶν) εἰς Καλωμή τήν καὶ [Γραπτην ... ἀπὸ τ]ῶν 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 τῶι υἱῶι μου Ἀμότι [Δημητρίου τοῦ] Σαραπίωνος τοῦ Θέ[λωνος τῶν ἀπὸ τῆς αὐτῆς πόλεως ... [τὰ κατηνηκότα [εἰς αὐτὸν ἐξ] ὀνόματος] τοῦ μὲν πατρὸς ἐμοῦ αὐτοῦ [δὲ 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 κατηνηκότ]α as attractive as περὶ τ]ῶν καταλειφθέντων (l. 6), which has now to be changed to ἀπὸ τ]ῶν καταλειφθέντων; finally, the restoration of [πρὸς Καλωμη]ν τήν καὶ Γραπτην in l. 9, which seems necessary, and the presence of πρὸς αὐτήν in l. 11 makes it likely that the same construction appeared in l. 5, namely πρὸς Καλωμη]ν τήν καὶ [Γραπτην.

10]. — possibly η?

³⁰ For the term see H.M. Cotton, ‘The Guardianship of Jesus son of Babatha: Roman and Local Law in the Province of Arabia, *Journal of Roman Studies* 83, 1993, 97.

παρωχημέν[ης ἀμφιβ]ητήσεως — the combination is not found elsewhere, but the reading is quite certain.

ὄρκου ἐπ[ιδοθέντος — the collocation ὄρκον ἐπιδεδωκέναι is common in Egyptian papyri; I could not find it in the aorist passive, proposed here, or the perfect passive: ὄρκου ἐπ[δεδομένου. 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: **παρωχημέν[ης ἀμφιβ]ητήσεως**. In other words the oath is not part of the deed, but merely recorded in it as having been taken.³¹

11]...[.]. ..[....].ε.. **πρὸς αὐτήν** — it is tempting to restore]...[.]. μη[δένα λόγον ἔ]χειν. Admittedly it is not easy to read the ν of ἔχειν. If this is the right restoration something like ἔτι δὲ ὁμολογεῖ ἡ Καλωμη Ληουει 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 **στασα[** — could this be the participle of ἵστημι applied to Salome Komaïse? cf. σταθόντες in *P.Yadin* 20, l. 14 = l. 37; Lewis (p. 93) refers to L.-S.-J. ἵστημι 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 ἐπρωτήθη καὶ ἀνωμολογήθη οὔτως καλῶς γενέσθαι — 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: οὔτως καλῶς γενείσθαι πίστεως ἐπρωτημένης καὶ ἀνωμολογημένης]. 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 πράξις clause or its equivalent, e.g. *P.Yadin* 17 (128 CE), ll. 12-15 = ll. 33-38: γε[ινο]μένης δὲ τῆς πράξεως τῆ αὐτῆ Βαβαθα ἢ τῷ ὑπὲρ αὐτῆς προφ[έ]ροντι τὴν συγγραφὴν ταύτην ἀπό τε Ἰούδου καὶ τῶν ὑπαρχόντων αὐτοῦ πάντα πάντων, ὧν τε ἔχει καὶ ὧν ἂν ἐπικτή]σεται κυρίως τρόπῳ ᾧ ἂν αἰρήται ὁ πράσων τὴν εἰσπραξιν ποιείσθαι. πίστει ἐπη

³¹ For the oath in private transactions in Egyptian papyri see E. Seidl, *Der Eid in römisch-ägyptischen Provinzialrecht, Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* 16, 1933, 114ff.; for bibliography see now, H.-A. Rupprecht, *Kleine Einführung in die Papyruskunde*, 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).

ρωτήθη καὶ ἀνωμολογήθη [ταῦ]τα οὕτως καλῶς γείνεσθαι; 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: ἐὰν δέ τις ἀντιπρόληρη τῆς προγεγραμμένης ἀλλῆς, σταθόντες ἐκδικήσωμεν καὶ καθαροποιήσωμεν σοὶ ἀπὸ παντὸς ἀντιπιοιουμένου ταῖς εἰδίαις ἀναλώμασιν κατὰ μηδὲν ἀντιλέγων, πίστεως ἐπερωτημέ[ν]ης καὶ ἀνωμολογημένης (ll. 13-16 = ll. 36-40).³² 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 **ϛααα** in l. 12 as the participle of ἵστημι, i.e. **ϛάαα** and take it to express the same idea as the σταθόντες 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.

ϛ καὶ Τίτ — the *υ* is not certain. All that is left before the **καί** 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 Titus 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

³² For the stipulation in the papyri see D. Simon, *Studien zur Praxis der Stipulationklausel, Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* 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 hpyt lyqys qtwlys swrs tnynt' wmrqs 'wrls 'ntwnynt.

³⁵ Cf. *P.Yadin* 14, ll. 16-17 and 15, ll. 1-2 = 14-15: ἐπὶ ὑπάτων Μάρκου Οὐαλερίου Ἀσιατικοῦ τὸ Β̄ καὶ Τιτίου Ἀκουλείνου.

³⁶ In this order, for which see *P.Yadin* 16, ll. 7-8: ἐπὶ ὑπάτων Μάρκου Γακουίου Γαλλικανοῦ καὶ Τίτου Ἀτειλίου Ρούφου Τιτιανοῦ. This is not the order in which they are given in Degrossi, 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.

Maḥoza

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,³⁷ 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'.³⁸ Here the gift becomes effective from the moment the deed was made, ἀπὸ τῆς ἡμέρας (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.³⁹ It is also different from the unpublished *P.Yadin* 7 (120 CE, Aramaic), where Babatha's father, Simon son of Menaḥem, gives to her mother, Miriam daughter of Yosef, everything he owns in Maḥoza 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.⁴⁰

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-Europus 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

³⁹ See below at n. 43; see now R. Katzoff, 'P. Yadin 19: A gift after death from the Judaean Desert', *Proceedings of the Tenth World Congress of Jewish Studies, Jerusalem 1989* Div. C, Vol. I, 1990, 1-8, Hebrew; idem, 'An interpretation of P. Yadin 19 etc.', *Proceedings of the 20th International Congress of Papyrologists Copenhagen, 23-29 August, 1992*, 1994, 562-565.

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 Ḥananiah,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 Yesu'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 φερνή, προίξ or παράφερνα:⁴⁴ they are described as προσφορά or πρόσδοσις.⁴⁵ For example, *PSI 1117* is a marriage contract from the second century CE: after the groom acknowledges the receipt of φερνή and παράφερνα from the mother, the latter declares in ll. 18ff: [ὁ]μολογεί προσενηνοχέμαι τῇ θυγατρὶ Θεναπύγχει <έν> προσφορᾷ ?] κατὰ τήνδε τὴν ὁμολογίαν ἀπὸ τοῦ νῦν ἐπ' αἰὲν τὴν τε ὑπάρχουσαν αὐτῇ ... οἰκίαν etc. Sometimes a separate document was drawn up in which immovables and slaves were given to

property inherited from the mother (*bbb 111a*) were defeated, see Yaron, *ibid.* 154-155; see *idem*, 'Acts of last will in Jewish law', *Recueils de la Société Jean Bodin pour l'Histoire Comparative des Institutions* 59, 1992, 29-45.

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 [δι]έθετο [το] Ἰούδας Ἐλαζάρου Χθουσίωνος Ἠνγαδηνός οἰκῶν ἐν Μαῶζακ [Cε]λαμφιοῦς θυγατρὶ πάντα τὰ ὑπάρχοντα αὐτῇ [ἐ]ν Ἐνγαδοῖς ἡμῶν αὐτῆς ... ἡμῶν οἰκομάτων καὶ ὑπερώαις ἐνοῦσι ... καὶ τὸ ἄλλο ἡμῶν τῆς αὐτῆς καὶ οἰκομάτων διέθετο .. Ἰούδας τῇ αὐτῇ [Cε]λαμφιοῦς μετὰ τὸ αὐτὸν τελευτήσαι ll. 11-16; cf. ll. 22-23.

⁴⁴ See E. Gernet, *Beiträge zum Recht der Parapherna, Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* 38, 1954, 19-32; G. Häge, *Ehegüterrechtliche Verhältnisse in den griechischen Papyri Ägyptens bis Diokletian*, 1968, 250-289.

⁴⁵ E.g. *CPR 24 = MChr.* 288 (136 CE), ll. 8ff., where in addition to jewelry, the mother gives ἐν φερνῇ κατὰ προσφορὰν ἀναφαίρετον land and part of a house; *P.Mich.* 343 (54-5 CE) is an acknowledgement of the receipt of a dowry: in addition to φερνή and παράφερνα, a gift of a slave is given ἐμ προσφορᾷ (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 προσφορᾷ;⁴⁶ in *P.Oxy.* 273 (= *MChr.* 221, 95 CE) the word προσφορά is absent, but the cession of property (συνκεχωρηκέναι, 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 προ[ο]σφορᾷ ἀν[α]φ[α]ιρέτω (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. ἐπὶ ὑπάτων Πο[πλ]ίου Ἰου[ο]μεντίου Κέλκου τὸ β̄ καὶ Λ[ο]υκίου Νηρατίου Μαρκέλλου τὸ β̄ πρὸ πέντε
2. εἰδῶν [Νοουεμβρίων κατὰ τὸν ἀριθμὸν τῆς νέας ἐπαρχείας Ἀραβία]ς ἔτους τετάρτου καὶ εἰκοσ-
3. τοῦ Δεῖου κ. ἐν Μαῶζας τῆς περὶ Ζ[ο]αρων· Κα[λ]ωμη ἢ καὶ Γροπτη Μαναημου
4. συνπαρόντος αὐτ[ῆ] ἐπιτρόπου τοῦδε τοῦ πράγματος χάριν Ἰωσηπου Τιμωνος

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 Judaeian desert προσφορά describes what is normally designated φερνή in Egyptian papyri, see *P.Yadin* 18, ll. 18, ll. 7-8 = ll. 39-40; *XHēv/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).

26. Μ]αωζαϑ ύποτεταγμα[.]: κήπον φοινεικώνων καλούμε-
27. γον γανναθ 'Ααδααα εν ύδατοϑ τοϑ αϑτοϑ κήπου έφ' [ή]μερῶν
28. έπτα είϑ έπτα ήμέραν τετάρτη ήμωρ<ί>αν μίαν <ή> τελέσει
29. καθ' έτοϑ είϑ λόγον κυριακοϑ φίϑκου [[καθ' έτοϑ]] φοίνεικοϑ πα-
30. τητοϑ κάτα δέκα καί κυροϑ καί νααροϑ κάτα έξ, ήϑ γείτωνεϑ ά-
31. γατολῶν κήπον κυριακῶν καλούμενον γανναθ 'Αββει-
32. δαα δυϑμῶν κληρονόμοι 'Αρεταϑ νότοϑ όδοϑ βορρά [κληρονό-
33. μοι 'Ιωϑηποϑ Βαβα όμ[ο]ίωϑ καί ήμυϑ αϑλήϑ άνωγμ[έ]νον] είϑ
34. νότον εν {ήμυϑ} οίκοίματα δύο καί ύπερων ένου[ϑ] ήϑ γείτω-
35. νεϑ άνατολῶν ϑαμμοϑοϑ ϑιμωνοϑ δυϑμῶν Μαναημοϑ
36. 'Ιωαννοϑ [νότοϑ κλη]ρονόμοι ...αγειροϑ.. βορρά [''Ιωϑηπο]ϑ
37. καί **traces of letters for the rest of the line**
38. **traces of ca. 21 letters** **οματα καί κατοχήϑ** **traces of ca. 14 letters**
39. .αιο.[ca. 5 letters] έχειν την προ[γ]εγραμμένην Κομαί[ϑ]ην την
40. προγεγραμμένην δό[ϑ]ν κυρίωϑ καί βεβ[αίωϑ]...ον άππαν
- 41 τα]

3 Μωωζα τη 5; 24 άνδρόϑ τη θυγατρί 6; 25 Μωωζα χείρειν 7; 26 Μωωζα 8 ύδατι αϑτοϑ 8-9; 27 άφ' ήμερῶν 9; 28 είϑ έπτα ήμέραϑ 9; 14; 30; 34-5 γείτονεϑ 10; 31 κήποϑ κυριακοϑ καλούμενοϑ 11; 32-3 'Αρετα 'Ιωϑηποϑ 12 Καλωμην 13; 33 άνεωγμένον 13; 34 οικήμαϑ 14 ύπερώοϑ ένουϑι 26 ύποτεταγμένα 29 κατ' έτοϑ 40-41 άπανίτα

Verso
(TAFEL III)

Transcriptions in Hebrew letters are given for the Nabataean signatures: nos. 3 and 5.⁵⁰

	(1)
	(2)
Aramaic — ryšh br yhw dh — רישה בר יהודה	(3)
Nabataean — mlyk br '[— מליך בר א	(4)
Aramaic — yšw' br ywḥnn — ישוע בר יוחנן	(5)
Nabataean — tymdwšr' br 'bdḥ[rtt — תימדושרא בר עבדה[רתת	(6)
Aramaic — yhwsp br šwly šhd — יהוסף בר שולי שהד	(7)
Aramaic — ywhsp br ḥnnyh šhd — יוהספ בר חנניה שהד	(8)

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

	INNER TEXT	OUTER TEXT	
6	χέρειν	no equivalent	
6-7	ὁμολογῶ ἐνε..[.]..αι ροι εἰς δόκιν ἀπὸ τῆς εἡμερον δόκιν αἰωνίου	no equivalent	
7	τὰ ὑπάρχοντά μοι ἐν Μαωζαc {ᾶ} εἶδη ὑποτεταγμένα	τὰ ὑπάρχοντα αὐτῆς {ᾶ} εἶδη ἐν [M]αωζαc ὑποτεταγμα[.]	25-26
8	ἐν ὕδατος αὐτῆς	ἐν ὕδατος τοῦ αὐτοῦ κήπου	27
	no equivalent	<ῆ> τελέσει καθ' ἔτος εἰς λόγον κυριακοῦ φίσκου [[καθ' ἔτος]] φοίνεικος πατητοῦ κάτα δέκα καὶ κυροῦ καὶ νααρου κάτα ἕξ	28-30

⁵⁰ The signatures were read by Dr. Ada Yardeni.

11-13	εὐν εἰκόδοις καὶ ἐξ[ό]δοις καὶ c.....ουσι..[ca. 7 letters ὠ]c[τε] ἔχειν τὴν π[ρ]ογεγραμμέ[νη]ν Καλωμη Κο[μαῖ]τη	no equivalent	
13-14	εὐν οἰκοίματα δύο καὶ ὑπερων ένα....α[.]	εὐν ἡμῖν οἰκοίματα δύο καὶ ὑπερων ἐνοῦ[ci]	34
	no equivalent	ἔχειν τὴν πρ[ο]γεγραμμένην Κομαίτην τὴν προγεγραμμένην δό[ci]ν	39-40

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 Maḥoza in the district of Zo'ar. Salome, who is also Gropte, daughter of Menahem, 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 Maḥoza**, greetings. I acknowledge that I have ... you as a gift from this day and for ever my (*her*) **property in Maḥoza, 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 Aretas, 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 Menahem 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)
- 2) Reisha son of Yehudah
- 3) Malik son of 'A[
- 4) Yeshu'a son of Yoḥanan
- 5) Timadushra son of 'Abdḥa[retat
- 6) Yehosaf son of Shullai, witness
- 7) Yoḥesaf son of Ḥananiah, 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 ἐπαρχία*.

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 *έν*. 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.

έν Μαωζακ τῆς περὶ Ζ[ο]αρων — nothing quite like this is found in the Babatha archive, where we find the following variations: *έν Μαωζοικ τῶν περὶ Ζ[ο]αρων* (*P.Yadin* 5, ll. 4-5.); *έν Μαωζα περὶ Ζοαραν* (*P.Yadin* 14, l. 20; 15, l. 3 = 16-17; 17, ll. 2-3 = 19-20; 18, l. 3 = 32); *έν Μαωζα περὶ Ζοορων* (*P.Yadin* 25, l. 28 = 64.); *έν Μαωζακ τῆς περὶ Ζοαρα* (*P.Yadin* 19, ll. 10-11); *έν Μαωζα περιμέτρῳ Ζοορων* (*P.Yadin* 20, ll. 22-23; 21, ll. 5-6; 22, ll. 5-6; 26, l. 18; 27, ll. 3-4); *Βαβθα ... Μαωζηνη τῆς Ζοαρηνης περιμέτρου Πέτρας* (*P.Yadin* 16, 13-14); *έν Μαοζα τῆς Ζοαρηνης τῆς [περὶ] Πέτραν* (*P.Yadin* 37, ll. 2-3). In Lewis, *SCI* 134, l. 12 we find: *...οκ Σίμων[ο]κ Μαωζηνοκ τῆς Ζοαρηνης περιμέτρου Πέτρας*.

Κα[λω]μη ἢ καὶ Γροπτη — cf. No. III, l. 9: *Γραπτη*, and see above on the names.

4. συνπαρόντος αὐτ[ῆ] ἐπιτρόπου τοῦδε τοῦ πράγματος χάριν — the identical expression is found in *P.Yadin* 17 (128 CE), ll. 4-5 = 22-23: συνπαρόν[το]ς αὐτ[ῆ] ἐπιτρόπου τοῦδε τοῦ πράγματος χάριν Ἰακώβου; see on No. III, ll. 1-2.

4-5 and 24 Ἰωσηπου Σιμωνος ἀλῆρ αὐτῆς — Salome Grapte's first husband, Levi, as we know from No. III, l. 6 (περὶ τῶν καταλειφθέντων ὑπὸ Ληουει γενομένου συμβίου αὐτῆς), had been dead at least since 127 CE.

5 and 24 Καλωμη [...] καὶ Κομαΐ[σ]η — see above on the names. In the outer text an α precedes καὶ Κο[μ]αΐ[σ]η.

5 Ληουειου — see introduction to the archive on the names; cf. the undeclined Ληουει in No. III, ll. 1; 6 and 8 and Λειουου in No. II, l. 2.

5-6 and 25: πάντες οἰκοῦντες ἐν Μαωζα; cf. No. III, l. 4: [πάντες Μα]ωζηνοι *P.Yadin* 17, ll. 5-6 = l. 24: πάντες ἐνθάδε (i.e. ἐν Μαωζα) κα[τ]αμένον[τε]ς; cf. *P.Yadin* 16, ll. 5-6 = ll. 36-37; 21, ll. 6-7: ἀμφοτέροι οἰκοῦντες ἐν Μαωζα; cf. 22, ll. 6-7; *P.Yadin* 27, ll. 5-6: ἀμφοτέροι τῆ[σ] αὐτῆς Μαωζα.

6. χέρειν — 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.

ὁμολογῶ — occurs in other deeds of gift: e.g. *P.Dura* 18 (87 CE, l. 5 = ll. 21-2: ἐξωμολογ[ή]σατο Νικάνω[π] ὁ αὐτὸς διδόναι ... ; *P.Grenf.* II, 68 = *FIRA* III no. 98 (247 CE), l. 4: ὁμολογῶ χαρίζεσθ[αι] τοῖ χάριτι ἀναφεραίτω. Ὁμολογεῖ must have stood in the outer text in view of μοι as against αὐτῆς in ll. 7 and 25 respectively, see ad loc.

ενε...[.].αι — ἐνενοχ[έ]ναι instead of ἐνηνοχ[έ]ναι see *Gingac* I, 242f. interchange of η to ε before a liquid; cf. προσενηνοχέναι in *PSI* 1117 (ii CE), a marriage contract with προσφορά given by the mother of the bride, ll. 18f.: [ὁ]μολογεῖ προσενηνοχέναι τῆ θυγατρὶ Θεναπύγχει <ἐν> προσφορᾷ?] κατὰ τήνδε τὴν ὁμολογίαν ἀπὸ τοῦ νῦν ἐπ' αἰ τὴν τε ὑπάρχουσαν αὐτῆ ... οἰκίαν.

ἀπὸ τῆς σήμερον — This confirms Lewis' restoration in *P.Yadin* 19, ll. 21-3: ὥστε ἔχειν τὴν προ γεγραμμ[έ]νην Σελαψιου[σ] τὸ ἥμιον τῆς προγεγραμμένης αὐτῆς καὶ οἰκη[μ]ιάτων ἀπὸ τῆς σήμερον; cf. *BGU* 316 (= *MChr.* 271, 359 CE, Askalon, deed of sale), ll. 21-22: ἀπὸ τῆς σήμερον ἡμέρας καὶ εἰς αἰ.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. δόειν αἰωνίου — this seems to be a literal translation of the Hebrew ‘construct-state’ in the phrase *mtnt ‘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 αἰὸν χρόνον (*P.Oxy.* 34, 2722, ll. 19-20) or ἐπ’ αἰὸν (*PSI* 1117 (ii CE); μέχρ[ι] πάντος (*P.Grenf.* II, 68, l. 7); or εἰς τὸν ἅπαντα 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 δόειν ἀπὸ τῆς σήμερον δόειν αἰωνίου — the whole expression is probably an attempt to translate the Aramaic expression ‘from this day and forever’ — *mn ywmh dnh wl’lm* — 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 ὑπάρχοντά μοι and the third person in the outer text: τὰ ὑπάρχοντά αὐτῆς. See l. 6 on ὁμολογῶ.

The outer text, ll. 25-6 τὰ ὑπάρχοντα αὐτῆς ἃ εἶδη ἐν Μλωζας ὑποτεταγμα[.] makes no sense at all.

ὑποτεταγμένα = written below.

8 and 26 κῆπον φοινικῶνων — cf. κῆπον φοινικῶνος in *P.Yadin* 16, ll. 17; 21; 24; 29; καρπίαν φοινικῶνος κήπων in *P.Yadin* 21, l. 8; 22, l. 7-8; χάριν κήπου φοινικῶνος in *P.Yadin* 23, ll. 5-6; cf. *P.Yadin* 24, ll. 5-6: both expressions seem to be the equivalent of κῆπος φοινίκων; cf. *gnt tmry* ‘orchard of dates’ in *P.Yadin* 7, l. 5.⁵⁴

κῆπον ... καλούμενον γανναθ Ἀσαδαία — cf. *P.Yadin* 21, ll. 9-11: (date-groves) λεγόμενοι γανναθ Φερωρα καὶ γανναθ Νικαρ[ι]κος καὶ ἡ τρίτη λεγομένη τοῦ Μολχαίου (cf. *P.Yadin* 22, ll. 10-11), *P.Yadin* 16, ll. 17-18: κῆπον φοινικῶνος ἐν ὀρίοις Μαωζων λεγόμενον Αλγιφιαμμα; ll. 29-30: κῆπον φοινικῶνος ἐν ὀρίοις Μαωζων λεγόμενον Βηθφααρια; ll. 29-30: κῆπον φοινικῶνος ἐν ὀρίοις Μαωζων λεγόμενον Βαγαλαγά. In a Nabataean deed of sale from the Babatha archive we find: ‘A date-grove which belongs to Ἀβι᾿αδαν called Gh..a in the Galgala’ (*gnt tmry* dy l’by’dn d’ dy mtqry’ gh..’ dy

⁵² Cf. οἶκος αἰώνιος ‘house of eternity’ i.e. ‘grave’ in *CIJ* 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: (ὁμολογῶ πεπρακέναι σοι καὶ παρακεχηρῶσαι) ἀπὸ τοῦ νῦν εἰς τὸν αἰὸν χρόνον, *P.Oxy.* 1200 (266 CE), ll. 16-17.

⁵⁴ See N. Hohlwein, ‘Palmiers et Palmeraies dans l’Égypte romaine’, *Études de Papyrologie* 5, 1939, 4ff.

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' nsyb 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 καὶ γανναθ Νικαρ[[ι]]κος; see below ll. 10 and 31-2: γανναθ Ἀββειδαία.

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

8 and 27 εὐν ὕδατος — 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: μετὰ ὕδατος καὶ ἀκροδρύοις καπροφόροις τε καὶ εἰσόδω καὶ ἐξόδω καὶ τοῖς συνκύρουσιν εἰς αὐτὴν πᾶσιν;⁶¹ *P.Avroman* IIA (22/1 BCE), l. 7 (= IIB, ll. 7-8): εὐν εἰσόδω καὶ ἐξόδω καὶ ὕδασι ὑπάρχουσι μετὰ τῶν συνκλήρων.

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 bumās (uumas) duas sivi coerentes cum aquaria de gemione superiore in quibus sunt amigdal(ae) arb(ores) tres, fici arb(ores) quatuor, pl(us) m(inus) sitecia arborem u-

⁵⁵ Nothing recorded in A. Negev, *Personal Names in the Nabatean Realm*, *Qedem* 32, 1991.

⁵⁶ Y. Yadin, 'Expedition D — the cave of letters', *IEJ* 12, 1962, 243.

⁵⁷ This is 5/6Hev 42 (= *P.Yadin* 42) in *The Dead Sea Scrolls on Microfiche: A Comprehensive Facsimile Edition of Texts from the Judaean Desert. Companion Volume*, 1993, ed. by Emanuel Tov with the collaboration of Stephen J. Pfann, p. 63; see now F. Millar, *The Roman Near East*, 1993, Appendix II: 'Documents from the Bar Kochba War', p. 548, no. 1.

⁵⁸ 'The irrigation arrangements at En-gedi — using the spring-waters which flowed down the slopes in specially made channels — were thus very carefully worked out, the water being allocated to every garden according to specific quotas', Yadin, *IEJ* 12, 1962, 249. See also Y. Yadin, 'The Nabataean Kingdom, Provincia Arabia, Petra and En-Geddi in the Documents from Nahal Hever', *Ex Oriente Lux* 17, 1963, 232ff.

⁵⁹ Yadin (n. 58), 233-4.

⁶⁰ Both were originally published by E.H. Minns, 'Parchments of the Parthian period from Avroman' *JHS* 35, 1915, 22ff. *P.Avroman* IA, with variant readings from IB, is published in P.M. Meyer, *Jur. Pap.*, 1920, no. 36.

⁶¹ The water rights are not mentioned in the parallel part of the outer text, IB, ll. 13-14; on the water rights see Minns (n. 60), 55-56.

nam [cum aquari]o de flumine ascendente' (Dec. 493 or Jan. 494 CE = *FIRA III*² 139, ll. 5-9).⁶²

Water rights and access to a water source are mentioned in the Jewish sources: ⁶³ 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 Meṣia* 9.2 and cf. *t (=Toeftah) Baba Meṣia* 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 rabbinical 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)*², 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: λεγόμεναι and ἡ τρίτη λεγομένη and Lewis, p. 97. The outer text is explicit: τοῦ αὐτοῦ κήπου.

8-9 and 27-28 ἐφ' ἡμερῶν ἑπτὰ εἰς ἑπτὰ ἡμέραν — this circumlocution conveys the notion of a 'a week' — *šbh* — 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 ἑβδομάς.

τετάρτη — on the fourth day of the week; Cf. *P.Avroman* (Meyer, *Jur. Pap.*, no. 36), IA, ll. 26-28: κα[ι] τὸ ὕδωρ παρὰ ὀγδόην ἡμέρας τὸ ἡμῖς [καὶ τ]ῆς ἐπαγωγῆς νυκτὸς τὸ ἡμῖς.⁶⁴

ἡ[μ]ῖρ<ί>αν or ἡ[μ]ῖ<ι>ρ<ί>αν — 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 ...'; ll. 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

⁶² For interpretation see B.D. Shaw, 'Lamasba: an ancient irrigation community', *Antiquités Africaines* 18, 1982, 81; *ibid.* for the reading *flumine ascendente*.

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 συν[κλι]ήρων[ι].

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 dimidam) d(iei) eiusdem p(ro) p(arte) s(ua) h(oras) 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(oras) 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 spatiis 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 relinquendam credebat; ea namque est quam omnes villae tractus eius per vicem in dies modulosque certos dispensatum accipiunt'; *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 Mešia* 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 τελέσει — instead of τελεῖ? Both present and future tense in the parchments from Kurdistan: *P.Avroman* IA, ll. 17-18 (cf. IB, ll. 17-18): τελώντες κατ' ἐνιαυτὸν κοινῇ τὰ γεγραμμένα ἐν τῇ παλαιᾷ συνγραφῇ πάντα; *P.Avroman* IIA, l. 9 (= IIB, l. 9): τελέσουσι δὲ αἰεὶ κατ' ἐνιαυτ[ὸ]ν κέλος 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: κῆπον φοινικῶνος ἐν ὀρίοις Μαωζων λεγόμενον Αλγιφιαμμα σπόρου κρειθῆς κάβου ἐνδ<σ> τελοῦντα τῶν γεινομένων καθ' ἔτος καρπῶν μέρος ἥμισυ, 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 φύσκου — I could not find this tautology elsewhere; κυριακὸς λόγος is the φύσκος. See the Edict of Ti. Iulius Alexander, *CIG* 4957 (= *OGIS* 669 = *FIRA* I², no.

⁶⁵ For interpretation see Shaw (above, n. 62), 61-103.

⁶⁶ Cf. H. Pavis d'Escurac, 'Irrigation et vie paysanne dans l'Afrique du Nord antique', *Ktema* 5, 1980, 177ff.

⁶⁷ See K.D.White, *Roman Farming*, 1970, 157-60.

58): τῶν ὀφειλόντων εἰς τὸν κυριακὸν λόγον;⁶⁸ *P.Amh.* 77 = *WChr.* 277 = *Select papyri* 282, l. 16: τῷ κυριακῷ λόγῳ; *P.Heid.* 221 = SB VI 9541 (197-222?): ἔσχον παρὰ σοῦ ἄς δέδωκά σοι εἰς τιμὴν μηχανῶν δύο ἀργυρίου) δραχμὰς διακοσίας τοῦ κυριακοῦ λόγου. There are other variations: *CIG* II 2842, l. 9: τῷ κυριακῷ φίσκῳ (Aphrodisias); *BGU* 620 (iii century CE), l. 15: ἐν τοῖς κυριακοῖς λόγο[ις]. Cf. *P.Dura* 26 (= *FIRA* III², no. 138), a deed of sale from 227 CE: τοῦ ἡγορακότος δειδούντος πᾶν [τὸ] ἐπιβάλλ[ο]ν τῇ αὐτῇ χώρᾳ εἰ λόγ[ο]ν κυριακ[ο]ῦ (sic! not κυριακ[ό]ν).

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

29 φοῖνεικος — φοῖνιξ is used here as a collective noun for ‘dates’, cf. τειμήν φοι-
νικος above, No. I, l. 5; cf. *P.Yadin* 16, ll. 17-20: κῆπον φοινικῶνος ἐν ὀρίοις Μαωζων
λεγόμενον Αλγισιαμμα ... τελούντα φοῖνικος κυροῦ καὶ μείγματος κάτα 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’, *YCIS* 28, 1985, p. 96, l. 11.⁶⁹

κάτα — the κάτον 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 κυροῦ — for κυρίου, 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.

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

9 and 30 ἦς — influenced by the gender of the Aramaic *gnh* ‘orchard’, see αὐτῆς 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: [αἱ ἀπαιτή]σε[ις] τῶν ὀφιλομέ[ν]ων τῷ κυριακῷ λόγῳ.

⁶⁹ See M. Broshi, ‘Agriculture and economy in Roman Palestine’, *IEJ* 42, 1992, 232-3.

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* IIA 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 ἀνα[το]λῶν ... δυσμῶν — in Egyptian papyri we find ἀπηλιώτης and λιβός respectively.

10 and 31 κῆπον κυριακόν — the existence of imperial properties in Maḥoza 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 μοσχαντική⁷¹ 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 Ḥnynw⁷³ son of Taymilahi and the houses of Th' daughter of 'Abdḥaritat; 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 Nabataean kings' property became imperial property.⁷⁵

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

⁷⁰ This must have been the order in the very fragmentary *XḤev/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.

⁷¹ G. W. Bowersock, 'The Babatha Papyri, Masada and Rome', *Journal of Roman Archaeology* 4, 1991, 341, has suggested that Μοσχαντική means an imperial estate in 'Aglatain, since the μοσχ-element translates the element 'Aglā (calf) in the place-name 'Aglatain. See Cotton and Greenfield (n. 25), nn. 32 and 41.

⁷² See now Cotton and Greenfield (n. 25).

⁷³ Probably Ḥonainu. Onainos son of Sa'adalos is the name of the scribe No. II, l. 4: ἐ[γ]ράφη διὰ τοῦ χειροχρήτου Οναινου Σααδαλλου

⁷⁴ w'lh thwmy' lmdnh' 'rh' wlm'rb' bty ḥnynw br tym'lhy wby th' brt 'bdḥrtt wlymyn' gnt mr'n' rb'l mlk' mlk nbṭw dy 'ḥyy wšyzb 'mh w'l'm'l' 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.

⁷⁵ B. Isaac, 'The Babatha Archive', *IEJ* 42, 1992, 70-71.

Ἀββειδαία — ‘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 Ἄρετας — cf. *P.Yadin* 16, l. 28: γείτονε[ς κληρονόμοι Θεαίου Καβακά; *XHēv/Se Gr.* 3 (see above n. 70), l. 4: ἢ <[ν]οτου> 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 (μετοχή) in Maḥoza (Lewis, *ibid.* p. 135, ll. 15 and 19). I suppose that as neighbours they could be described as κληρονόμοι Σιμωνος, 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: ὧν γείτονεσ τῆσ μὲν μιᾶσ τοῦ αἰθρίου νότου εἴσοδοσ καὶ ἔξοδοσ βορρᾶ [κληρονόμων Διογᾶτοσ ἀπηλιώτου κληρονόμων Ὀρου λιβὸσ δημοσ[ί]α ῥύμη. For Latin documents see e.g. *CIL* XI 1147 (the alimentary table from Veleia), col. I, ll. 14-15: adf(inibus) Ulvis Stolicinis fratribus et Vettis fratribus; col. V, ll. 28-29: adf(inibus) Antonis Sabino et Prisco, etc.

Ἄρετας — 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 Ἄρετα or Ἄρετου. In the Babatha archive we find Ἰουδασ (nominative) and Ἰουδα (genitive) in *P.Yadin* 19, ll. 11 and 23 respectively; *P.Yadin* 15, l. 32: δι’ ἐπιτρόπου μου Ἰουδα; and Ἰουδοσ in *P.Yadin* 17, l. 35. See Gignac II, 12-14. Ἄρετας ἥρττ 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 Ἰωσηπος Βαβα — it should have been κληρονόμοι Ἰωσηπου Βαβα. The scribe happens to be right about Βαβα 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) — yrty 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

⁷⁶ Cf. H. Wuthnow, *Die semitischen Menschennamen in griechischen Inschriften und Papyri des vorderen Orients. Studien zur Epigraphie und Papyruskunde* I.4 (Leipzig 1930), 25; 120; 143.

⁷⁷ Cf. H. Kreller, *Erbrechtliche Untersuchungen auf Grund Gräko-Ägyptischen Papyrusurkunden*, 1919, 63-75 on ‘Die Erbgemeinschaft’ in Egyptian papyri.

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

11-12 $\epsilon\upsilon\nu$ $\epsilon\iota\kappa\omicron\delta\omicron\iota\varsigma$ $\kappa\alpha\iota$ $\acute{\epsilon}\xi\{\acute{\omicron}\}\delta\omicron\iota\varsigma$ — identical phrasing in *P.Yadin* 19, l. 19; see also *P.Dura* 26 (= *FIRA* III² no. 138, 227 CE), ll. 10-11: $\epsilon\upsilon\nu$ $\epsilon\iota\kappa\omicron\delta\delta[\omega]$ $\kappa\alpha\iota$ $\acute{\epsilon}\xi\omicron\delta\delta\omega$; 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 $\epsilon\iota\kappa\omicron\delta\omicron\varsigma$ $\kappa\alpha\iota$ $\acute{\epsilon}\xi\omicron\delta\omicron\varsigma$ 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.)*², 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 $\kappa\alpha\iota$ ϵ $\omicron\upsilon\varsigma$...[ca. 7 letters — there is enough room for $\kappa\alpha\iota$ $\tau\omicron\iota\varsigma$ $\acute{\epsilon}\nu\omicron\upsilon\delta\iota$ $\pi\alpha\nu\tau\omicron\iota\omicron\iota\varsigma$ as in *P.Yadin* 19, l. 20, but the sigma where $\tau\omicron\iota\varsigma$ should begin is quite clear; thus perhaps $\kappa\alpha\iota$ $\epsilon\upsilon\gamma\kappa\acute{\upsilon}\rho\omicron\upsilon\varsigma$, see Husson (ad ll. 11-12), 292.

$\acute{\omega}\{\iota\}\tau\epsilon$] $\acute{\epsilon}\chi\epsilon\iota\nu$ $\tau\eta\nu$ $\pi\{\rho\}\omicron\gamma\epsilon\gamma\omicron\mu\acute{\epsilon}\{\nu\eta\}\nu$ $\text{C}\alpha\lambda\omega\mu\eta$ etc. — identical with *P.Yadin* 19, ll. 20-21: $\acute{\omega}\sigma\tau\epsilon$ $\acute{\epsilon}\chi\epsilon\iota\nu$ $\tau\eta\nu$ $\pi\omicron\gamma\epsilon\gamma\omicron\mu\acute{\epsilon}\{\iota\}\nu$ $\text{C}\epsilon\lambda\alpha\mu\psi\iota\omicron\upsilon\{\iota\}\tau\epsilon$ etc. This phrase does not occur in this place in the outer text; a somewhat different phrasing appears in ll. 39-40.

12-13 $\text{K}\omicron\{\mu\alpha\iota\epsilon\eta\}$ or $\text{K}\omicron\{\mu\alpha\iota\epsilon\eta\}$? Probably $\text{K}\omicron\{\mu\alpha\iota\epsilon\eta\}$, because of $\text{C}\alpha\lambda\omega\mu\eta$ in l. 12, but one can hardly expect consistency in this document.

13 and 33 $\acute{\alpha}\{\nu\}\omicron\{\iota\}\omega\gamma\acute{\mu}\acute{\epsilon}\nu\omicron\nu$ for $\acute{\alpha}\nu\epsilon\omega\gamma\acute{\mu}\acute{\epsilon}\nu\omicron\nu$: see Gignac I, p. 275 $\epsilon > \omicron$. It is possible to restore in l. 13 $\acute{\alpha}\nu\omicron\iota\omega\gamma\acute{\mu}\acute{\epsilon}\nu\eta\varsigma$ with the $\acute{\alpha}\nu\lambda\eta\varsigma$, 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 : $\acute{\alpha}\nu\omicron\iota\omega\gamma\mu\mu\{\acute{\epsilon}\nu\omicron\}\nu$, for which see Gignac I, pp. 157-8.

14 and 34 $\acute{\upsilon}\pi\epsilon\omicron\omega\nu$ — 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. $\acute{\upsilon}\pi\epsilon\omicron\acute{\omega}\nu$ (to agree with $\epsilon\upsilon\nu$ $\omicron\iota\kappa\omicron\iota\mu\alpha\tau\alpha$ $\delta\acute{\upsilon}\omicron$) or $\acute{\upsilon}\pi\epsilon\omicron\acute{\omega}\langle\omega\rangle\nu$ (to agree with $\acute{\alpha}\nu\lambda\eta\varsigma$).

The $\eta\mu\iota\epsilon\upsilon$ in l. 34 seems gratuitous.

In both l. 14: $\acute{\epsilon}\nu\alpha$ α [.. and l. 34 $\acute{\epsilon}\nu\omicron\upsilon$ — it seems that we should restore $\acute{\epsilon}\nu\omicron\upsilon\delta\iota$.

$\gamma\epsilon\iota\{\iota\}\tau\omega\nu\epsilon\varsigma$ — preceded in l. 34 by $\eta\grave{\iota}\varsigma$ (= $\acute{\alpha}\nu\lambda\eta\varsigma$); hence restored also in l. 14, but could be also $\omicron\acute{\upsilon}$ (= $\eta\mu\acute{\iota}\epsilon\upsilon\varsigma$).

14 and 35 Ζαμμουος Σιμωνος — Sammouos (šmw‘) son of Simon does not appear in the Babatha archive,⁷⁸ 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 Μαναημος Ἰω[ανν]ου — Menaḥem son of Iohannes is the addressee of the receipt, No. I, ll. 2-3

15 κ[ληρο]νόμοι Ἰακώβου — there is enough space for a patronym for Jacob, cf. l. 11 = ll. 32-33: κληρονόμοι Ἰωσηπος 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).

[Ἰω]σηπος — a patronym is likely to have followed.

39-40 ἔχειν τὴν προ[γ]εγραμμένην Κομαΐειν τὴν προγεγραμμένην δό[κ]ιν — 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** [**καὶ βεβαίως** εἰς τὸν **ἅπαντα** χρόνον, [οἰκ]οδομεῖν, ὑπερκαίρειν, ὑψεῖν, σκάπτειν, βοθάνειν, κτᾶσθαι, χρᾶσθαι, πωλεῖν, **διοικεῖν, τρόπῳ ᾧ ἂν αἰρήται, πάντα κύρια** καὶ 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 αὐτὸν κυρίως καὶ βεβαίως εἰς τὸν ἅπαντα χρόνον κτᾶσθαι χρᾶσθαι πωλεῖν δι[οικεῖν] τρόπῳ ᾧ ἂν αἰρήται.⁸⁰

⁷⁸ For a Sammouos son of Menaḥem 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.

⁷⁹ The overlapping words are given in bold.

⁸⁰ The only other examples of the phrase **κυρίως καὶ βεβαίως** found in the Duke Data Base are: *P.Bub.* 13 (224 CE), ll. 6-7: μένειν ἐμοί ... [τούτων κράτησιν καὶ κυριείαν ἐπὶ τὸν αἰὶ χρόνον κυρίως καὶ βεβαίως]; *P.Bub.* 4 (221 CE), 23, ll. 6-7: τῷ [μένειν μοι τὴν κύρωσιν ἐμοὶ καὶ τοῖς ἀπ’ ἐμοῦ μεταπαρηψομένοις κυρίως καὶ βεβαίως ἀναφαίρετον ἐπὶ τὸν αἰὶ χρόνον] The phrase **κυρία καὶ βέβαια** appears many times but only from the fourth century CE onwards.

Verso:

There are eight signatures on this deed; of the first two only traces of ink are left. See addendum at the end.

2) רישה בר יהודה — ryšh 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) מליך בר א[— mlyk br '[— Malik son of A[. A Nabataean. See Negev (n. 55), no. 632; Wuthnow (n. 76), 70; 148.⁸³

4) ישוע בר יוחנן — yšw' br ywḥnn — Yeshu‘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) תימדושרא בר עבדח[רתת — tymdwšr' br 'bdḥ[rtt — Timadushra son of ‘Abdḥa[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 ‘Abdḥa[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 ‘Abdḥa[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) יהוסף בר שוליי שחד — yhwsp br šwly šhd — Yehosaf son of Shullai, witness. The name Shullai appears as a patronym in the Aramaic *XḤev/Še* 10, l. 5: ‘X] son of Shullai wrote this’.⁸⁴ In *P.Yadin* 3 (99 CE, unpublished), l. 53 we find the signature of whbdšr' br šly. It

⁸¹ See J. Naveh, ‘Nameless People’, *IEJ* 40, 1990, 108-123 for patronyms used as names.

⁸² See the original publication for more details, *ZPE* 100, 1994, 555-6.

⁸³ Cf. J. Cantineau, *Le Nabatéen* II, 1932, 114.

⁸⁴ See Yardeni (n. 5).

has been suggested that this is a Nabataean name.⁸⁵ One may recall the powerful minister of the Nabataean realm, Syllaeus Συλλαῖος, *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 *XHev/Se Gr.* 2 (verso), *Κου[λαῖ]ος Ἐ[λεαζ]άρου*.⁸⁶

7) יהספ בר חנניה שדה — *ywhsp br ḥnnyh šhd* — Yohešaf son of Ḥananiah, witness. This is the name of a witness on six of the papyri from the Babatha archive: it appears once in Greek letters — Ἰωσηπος Ανανια — 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: <ῆ> τελέσει καθ' ἔτος εἰς λόγον κυριακοῦ φίσκου φοίνεικος πατητοῦ κάτα δέκα καὶ κυροῦ καὶ νααρου κάτα ἔξ.⁸⁷

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*.⁸⁸

There are several reasons for believing that we are dealing here with private property:

- 1) the use of the term τὰ ὑπάρχοντα (ll. 7 and 25) to describe it.
- 2) the fact that it is given as a gift forever, ll. 6-7: εἰς δόσιν ἀπὸ τῆς σήμερον δόσιν αἰωνίου. This argument can be met, however, by examples of ‘perpetual leaseholds’ from other parts of the Empire: in Egypt the lease of οὐσιακὴ γῆ could be transmitted to heirs.⁸⁹ We also have the evidence of the North African inscriptions for ‘perpetual leaseholds’ held under the terms of the *Lex Manciana*.⁹⁰ The *Tablettes Albertini* prove that this was still true

⁸⁵ G. Mussies, ‘Jewish personal names in some non-literary sources’, *Studies in Early Jewish Epigraphy*, eds. J.W. van Henten and P.W. van der Horst, 1993, 252.

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.

⁸⁸ F. Millar, ‘The *fiscus* in the first two centuries’, *JRS* 53, 1963, 29ff. Millar mentions possible exceptions to his claim on pp. 40-41 and in *The Emperor in the Roman World*, 1977, 623ff.

⁸⁹ On *Erbpacht* see H.C. Kuhnke, *Οὐσιακὴ γῆ. Domänenland in den Papyri der Prinzipatszeit* (Köln 1971), p. 99: ‘es gibt es bei ... οὐσιακὴ 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 römischer 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<a>e Magn<a>e Varia]n<a>ve siv<e> Mappali<a>e Sig[<a>e ficetuom olivetum vineas se]verin[t, eis eam superficiem heredibus], qui e legitimis matrimoniiis nati sunt eruntve] testamento relinquere permittitur’, *CIL* VIII 25902 (the Henchir-Mettich inscription), IV, ll. 2-6. This paragraph defines the *usus proprius* 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 κήπον κυριακὸν καλούμενον γανναθ Ἀββειδαία as one of the abutters of the date-grove given in gift, ll. 10 and 26 seems to imply that the grove given in gift is not a κήπος κυριακός.

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 includes 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 τελεῖν 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: κήπον φοινικωνος ἐν ὀρίοις Μαωζων λεγόμενον Βαγαλαγὰ σπόρου κρειθῆς κάτων τριῶν **τελοῦντα** φοίνικος κυροῦ καὶ νοαρου κόρον ἓνα πατητοῦ κόρον ἓνα στεφανικοῦ μελαίνας τρεῖς λεπτά τριάκοντα etc., *P.Yadin* 16, ll. 24-28; μέρος ἡμῶν χώρας ... **τελοῦν** φόρου μέλαν ἔν 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

text of D. Flach, 'Inschriftenuntersuchungen zum römischen Kolonat in Nordafrika', *Chiron* 8, 1978, 445-6); cf. '<i>isque qui occupaverint possidendi ac fru<en>di{i} eredique suo relinquendi id ius datur quod e<s>t lege Ha<drian>a comprehensum de rudibus agris et iis, qui per X an<n>os continuos inculti sunt', *CIL* VIII 25943 (Ain Wassel inscription), II, 7-13 (Flach, *ibid.* 487). See D.P. Kehoe, 'Lease regulations for imperial estates in North Africa. Part II', *ZPE* 59, 1985, 156-9; *idem*, *The Economics of Agriculture on Roman Imperial Estates in North Africa*, 1988, p. 39; *idem*, *Management and Investment on Estates in Roman Egypt during the Early Empire*, 1992, 50.

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 *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.Ṣe'elim Documents* (Hebrew, forthcoming).

XḤev/Ṣe. 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

Published by N. Lewis, *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri*, 1989, pp. 131-2.

P.Yadin 37

Maḥoza

7 August 131 CE

1. ἐπὶ ὑπάτ[ων] Σεργίου Ὀκταοῦλου Λαίνα Ποντι[ανοῦ καὶ Μάρκου Ἀντωνίου] Ρουφείνου πρὸ ἑπτὰ εἰδῶν Ἀγούστου, κατὰ δὲ
2. τὸν τῆς [νέ]ας ἐπαρχείας Ἀραβίας ἀριθμὸν ἔτους ἕκτου καὶ εἰκοστοῦ μηνὸς Λύου ἐνεκακαιδεκάτη ἐν Μαῶζα τῆς Ζο-
3. αρηνῆς τῆς περὶ Πέτραν μητρόπολιν τῆς Ἀραβίας, c. 5 ὁμολογήσατο Ἰησοῦς Μαναήμου τῶν οἰκούντων ἐν κώμῃ
4. Κοφθαθε [...] περὶ πόλιν Λιουιάδος τῆς Π[ε]ραίας c. 4 εἰληφέναι Κλαῶμην καλουμένην Κομαίσην
5. γυναῖκα Μ[α]ωζηνήν ὥστε αὐτοῦς {ὥστε αὐτοῦς} c. 12 [...] συμβίωσαι τὸν Ἰησοῦν μετ' ?]

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 Judean Desert.

6. αὐτῆς ὥ[ε] καὶ πρὸ τούτου τοῦ χρόνου τ[α] c. 20]... τῇ αὐτῇ Κομαί[ε]ν τῆ]ν προίκ[ο]κα
7. αὐτῆς ἀ[ρ]γυρίου δηνάρια ἐνενηήκοντα ἕξ, [καὶ ὠμολογήσατο ὁ γήμας ὁ αὐ]τὸς Ἰησοῦς ἄπ[ε]ρχεκέ[ε]ναι παρ' αὐτῆς τῇ [οὔ]νῃ ἡμέρᾳ
8. τειμογ[ρ]αφίαν κοσμίας γυναικίας ἐν ἀργύ[ρ]ῳ καὶ χρυσῷ καὶ ἰμα[τ]ισμῷ καὶ ἐταίροις γυν[αι]κίοις ἀξι-
9. [ο]χρέα[ν] .[. .] τοῦ ἀργυρίου, σὺν αἰρέσει τροφῆς [καὶ ἀμφιασμοῦ αὐτῆς] τε καὶ τῶν καὶ τῶν μελλόντων τέκνων νόμ[ω]
10. ἐλληνηκῶ καὶ ἐλληνηκῶ τρόπῳ ἐπὶ τῆς τ[οῦ] αὐτοῦ Ἰησοῦς πίστεως καὶ κινδύνου πάντων ὑπαρχόντων
11. αὐτοῦ ὧν τε ἔχει ἐν τῇ αὐτῇ πατρίδι αὐτοῦ Ζοφθαθε. . καὶ ἐνθάδε καὶ ὧν ἄν] ἐπικτήσῃται, πράξεως αὐτῆ
12. οὔσης [καὶ] ἀπὸ τοῦ αὐτοῦ Ἰησοῦς καὶ ἐκ τῶν ὑπαρχόντων αὐτοῦ πάντη [....]...ως κ[υ]ρίως τρόπῳ ὧ
13. ἂν αἰρήτῃ ἢ αὐτῇ Κομαί[ε]ν ἢ ὅς δι' αὐτῆς ἢ [ὑπὲρ αὐτῆς πράσων τὴν εἰσπραξιν ποιείσθαι, περὶ τοῦ
14. οὕτως [καλῶς γείνεσθαι πίστεως ἐπηρω[τ]ημένης καὶ ἀθωμολογημένης c. 20
15. Μα[να]λήμου ἐπιτρόπου τῆς αὐτῆς Κομαί[ε]ν. .[c. ?]

I have introduced the following changes to Lewis' text:

L. 3 ὠμολογήσατο

Ll. 4; 6; 13; 15 Κο[μ]αί[ε]ν; Κομαί[ε]ν; Κομαί[ε]ν; Κομαί[ε]ν[c] respectively.⁹⁷

L. 4 Π[ε]ραίας, see Isaac, 'The Babatha Archive', *IEJ* 42, 1992, 1992, 69.

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 Maḥoza 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 Komaise ... a woman from Maḥoza, for them to ... and for Yeshu'a to live with her as also before this time ... to the said Komaise as her dowry ninety-six denarii of silver, and the bridegroom, the

⁹⁷ There is no difficulty in restoring the name Komaise rather than Lewis' Komais in ll. 4, 13 and 15, where Lewis reads Κο[μ]αί[ε]ν; Κομαί[ε]ν and Κομαί[ε]ν respectively. The restoration of Κομαί[ε]ν in l. 6, where Lewis reads Κομαί[ε]ν, 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 Menaḥem, guardian of the said Komaïse, have agreed(?)...

Discussion of II. 5-6-: συμβιώσαι τ[ὸν] Ἰησοῦν μετ’ [?] αὐτῆς ὥ[ς] καὶ πρὸ τούτου τοῦ χρόνου.

In his introduction to the papyrus Lewis quite rightly cites the parallel to the ἄγραφος γάμος recorded in Egyptian papyri, a union which was ‘sometimes later converted by a written contract into ἐγγραφός γάμος’ (p. 130). He rejects this interpretation in favour of an *interpretatio Hebraica*: ‘Close as the parallel may be, however, ... the expression “as also before this time” more likely implies that the bride and groom had been living together since the day of their betrothal, in keeping with a Jewish practice of the time when the bride was an orphan and a minor’.

We now know a great deal more about Salome Komaïse: she was indeed an orphan in 131, but not a minor. Already in 127 (if not before) she had been married to X son of Simon who represented her in the deed of renunciation (No. III). Yeshu‘a son of Menaḥem of *P.Yadin* 37 is her second husband. In 129 she received a gift from her mother (No. IV) unaccompanied, as far as we can tell, by either a husband or guardian. Thus putative minority cannot explain their having lived together before the contract was drawn up, even if we assume that they followed Jewish customs — an assumption unwarranted by the marriage contract concluded between them, which cannot be described as a Jewish *ketubba*, and in which the groom undertakes to follow Greek law and custom in providing for the children to come: *σὺν αἰρέσει τροφῆς [καὶ ἀμφιασμοῦ αὐτῆς] τε καὶ τῶν καὶ τῶν μελλόντων [τῶν τέκνων νόμῳ ἑλληνικῷ καὶ ἑλληνικῷ τρόπῳ (II. 9-10)].*⁹⁸

Recently Dr. Tal Ilan has discussed *P.Yadin* 37, ll. 28-29.⁹⁹ She rightly rejects the possibility (which she designates ‘the apologetic approach’) that a proper Jewish *ketubba*,

⁹⁸ See Wasserstein (n. 42), 117ff. against R. Katzoff in N. Lewis, R. Katzoff and J. Greenfield, ‘Papyrus Yadin 18’, *IEJ* 37, 1987, 241f. who modified his views in ‘Papyrus Yadin 18 again: a rejoinder’, *JQR* 82, 1991, 173-174.

⁹⁹ ‘Premarital cohabitation in ancient Judaea: the evidence of the Babatha Archive and the *Mishnah* (*Ketubbot* 1:4)’, *HThR* 86, 1993, 247-264.

now lost, preceded the Greek marriage contract (p. 253). She is less convincing when she regards the $\sigma\upsilon\mu\beta\iota\omega\sigma\alpha\iota$ τ[ὸν Ἰησοῦν μετ' ?] αὐτῆς ὥ[ς] καὶ πρὸ τούτου 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 approach¹⁰⁰ 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*¹⁰¹ 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.¹⁰² 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 ἄγραφος γάμος is surely the right solution. The Jews could have become familiar with this institution¹⁰³ at the same time that they became familiar with the Greek marriage contract.

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 Judaeian Desert.

<i>DJD</i> II, no. 20	117 CE?	unknown place	Aramaic
<i>DJD</i> II, no. 115	124 CE	Bethbassi, Judaea	Greek
<i>P.Yadin</i> 10 ¹⁰⁴	125 CE	Maḥoza, Arabia	Aramaic
<i>P.Yadin</i> 18	128 CE	Maḥoza, Arabia	Greek
<i>XHev/Se Gr.</i> 2 ¹⁰⁵	130 CE	Aristoboulias, Judaea	Greek
<i>P.Yadin</i> 37	131 CE	Maḥoza, Arabia	Greek
<i>DJD</i> II, no. 116	first half of ii CE	unknown place	Greek
<i>DJD</i> II, no. 21	no date	unknown place	Aramaic

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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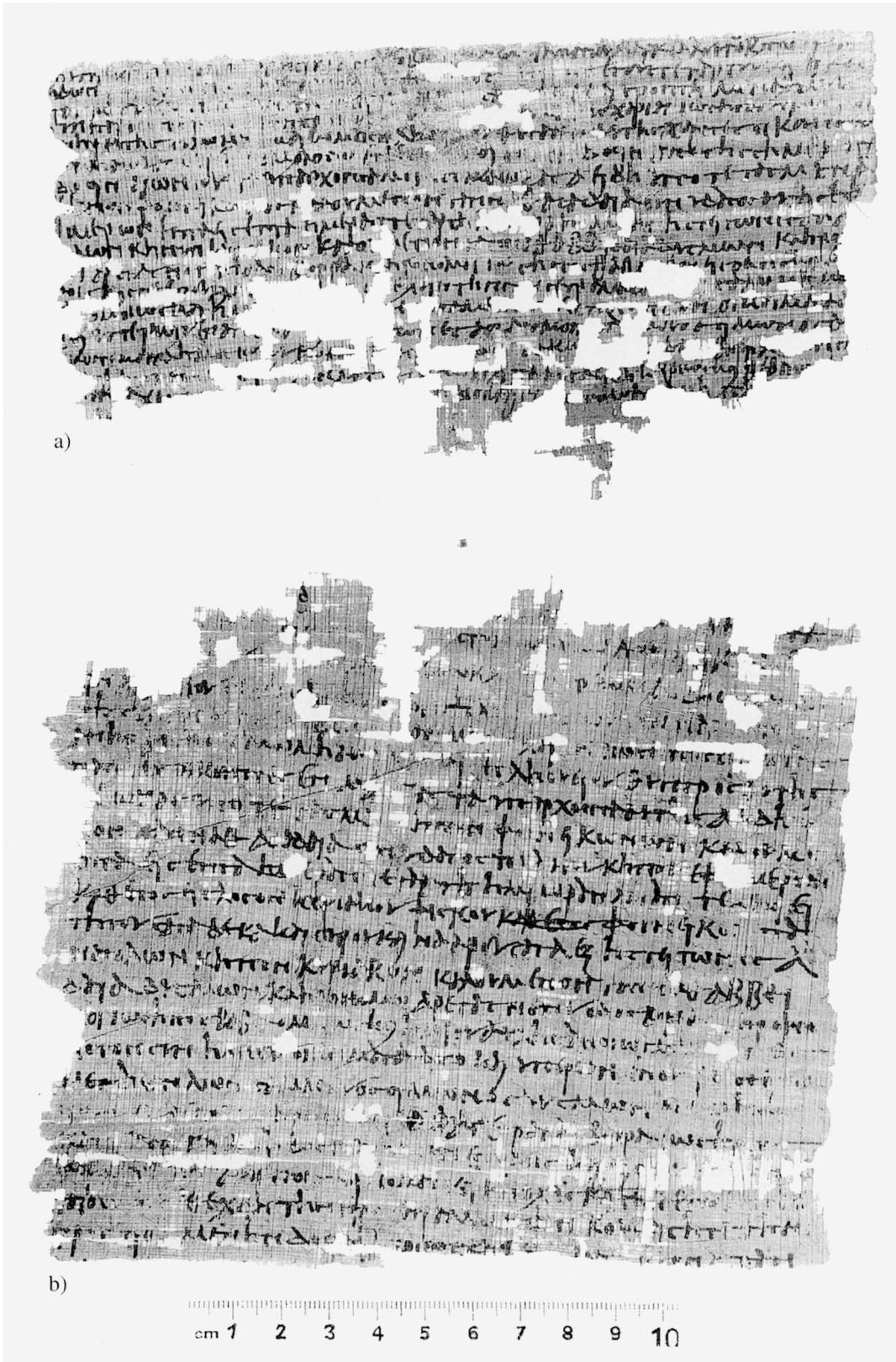
Hannah M. Cotton

¹⁰⁴ Y. Yadin, J.C. Greenfield and Ada Yardeni, 'Babatha's Ketubba', *IEJ* 44.1-2, 1994, 75-101.

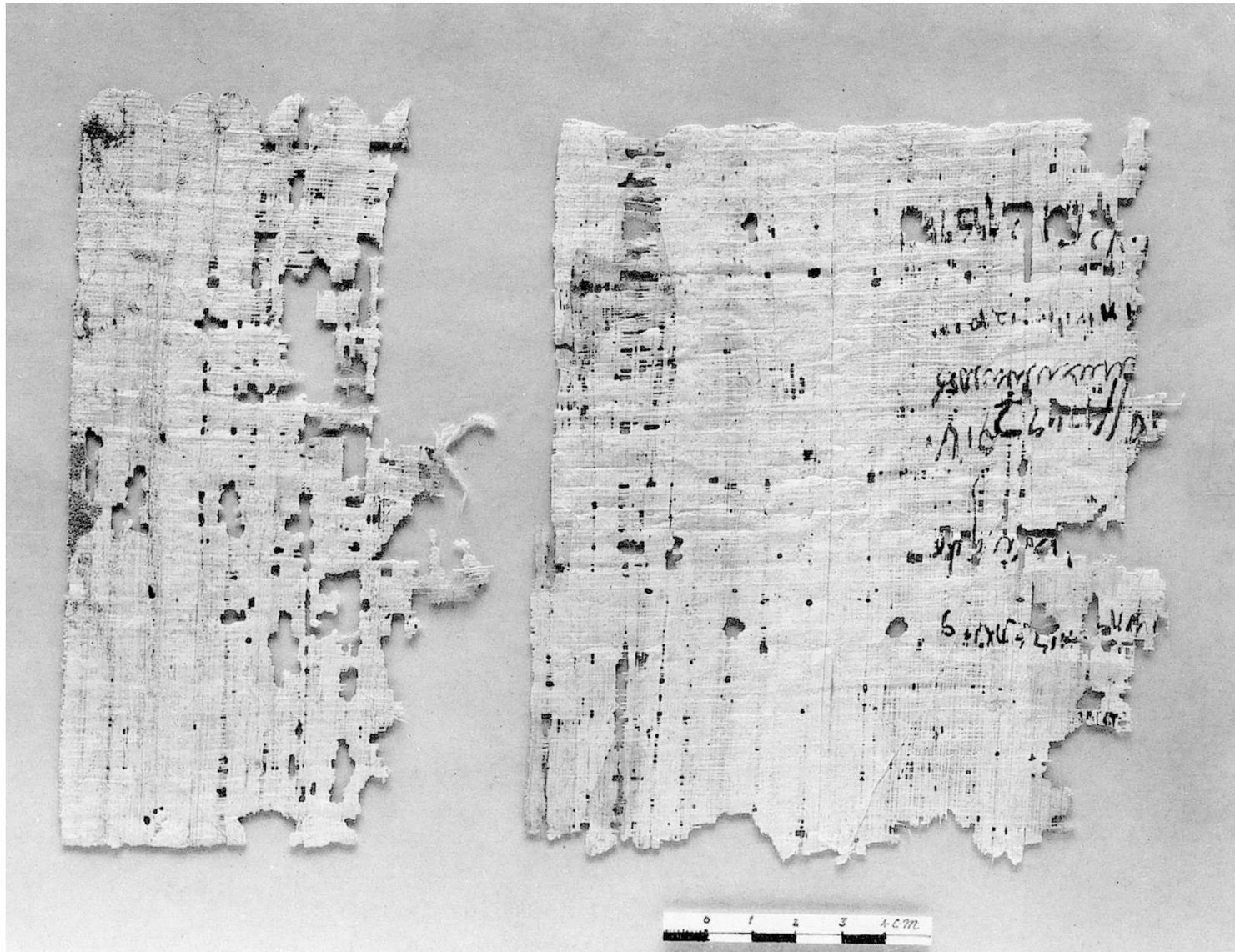
¹⁰⁵ Cotton (n. 16).



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