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A NOTE ON PYADIN 18

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One of the remarkable features of this Jewish marriage contract from the neighbourhood of the Dead Sea¹ is the commitment of the husband to feed and cloth his bride and their future children 'in accordance with Greek custom' 'Ἑλληνικῶ νόμῳ (l. 16, Inner Text; cf. l. 51, Outer Text). Katzoff, in his legal commentary on the papyrus, insisted that the custom - not law - in question was Jewish rather than Hellenic, and asserted that "there does not appear to have been any Hellenic law concerning the support of wife and children. Neither do we know clearly what the Hellenic custom concerning support was. We do, however, know that it was not the Hellenic custom to say in the marriage document that the husband will support the wife 'according to Hellenic custom'. The usual phrase was 'according to his means'".²

A.Wasserstein has argued, to my mind conclusively, against Katzoff's interpretation, and has shown that it is indeed Hellenic custom that is involved in the contract.³ The following comment may add force to his argument.

It has been observed that the phrase 'for the procreation of children' (parallel to *liberorum quaerendorum causa*, e.g. Plaut., *Capt.* 889) occurs in a number of marriage scenes in New Comedy and is attested in other literary genres as well.⁴ It seems to me pertinent, that once, at least, the phrases 'for the procreation of children' and 'according to Hellenic custom' are combined: in "Chaereas and Callirhoe" Demetrius reassures Callirhoe that he intends to make her his 'lawful wife "for the procreation of children, according to Greek law"'.⁵ Now it has been seen already by Cobet⁶ that the words

παίδων ἐπ' ἀρότῳ κατὰ νόμους Ἑλληνικούς

form a iambic trimeter, though having, as he did at the time, only one parallel from Menander, he could not be certain whether the metre was accidental or whether this was a

¹ N.Lewis, R.Katzoff, J.C.Greenfield, "Papyrus Yadin 18", *IEJ* (Israel Exploration Journal) 37,1987,229ff, republished in N.Lewis, Y.Yadin, J.C.Greenfield, *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri*, Jerusalem 1989,77ff.

² *IEJ* (Israel Exploration Journal) 37,1987,240.

³ A.Wasserstein, "A Marriage Contract from the Province of Arabia Nova: Notes on Papyrus Yadin 18", *JQR* (Jewish Quarterly Review) 80,1989,93ff.

⁴ Men., *Perikeiromene* 1013 γνησίων παίδων ἐπ' ἀρότῳ σοι δίδωμι with parallels adduced by Gomme and Sandbach ad loc., esp. frg. 682 and *Dysc.* 842; see also Lucian, *Timon* 17.

⁵ *Chariton* 3.2: ἔξω σε γαμετήν, παίδων ἐπ' ἀρότῳ κατὰ νόμους Ἑλληνικούς. The translation is that of B.P.Reardon in *Collected Ancient Greek Novels*, Berkeley and Los Angeles 1989, edited by him; he remarks (p.51 n.46): "A standard formula ... in its form here the phrase appears to be a quotation from a comedy". The date of *Chariton* is thought to be between the mid-first century B.C. and A.D.: see E.L.Bowie in *The Cambridge History of Classical Literature* i. 4: *The Hellenistic Period and the Empire*, Cambridge 1989,123f.

⁶ C.G.Cobet, "Annotationes criticae ad Charitonem", *Mnem.* 8,1859,229ff at 266.

line from a comedy.⁷ But surely the fact that the first half of the line is formulaic gives support to the thesis that so is the second. Thus we may, after all, have attestation for the fact, that 'according to the Greek laws/custom' was part of a customary marriage formula.⁸ Moreover, it does not seem to be chance that the phrase 'according to Greek custom' appears in the papyrus in conjunction with the provision for the care of the children to be born.

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⁷ The idea that the line comes from the end of a comedy was taken up by A.Wifstrand, EIKOTA. *Emendationen und Interpretationen zu den griechischen Prosaikern der Kaiserzeit. v. Zu den Romanschriftstellern.* Humanistiska Vetenskapssamfundet. Lund. Arsberaettelse 1944-5,2,1945,69-77 (= 1-9).

⁸ Katzoff 240 emphasises that 'the usual expression for "according to the law, or laws" was not νόμος in the dative but κατὰ τοὺς νόμους, which the writer of the document himself used in Line 39'; this lends force to the argument, that the passage in Chariton is formulaic. On the other hand the writer of the papyrus, a Jew in a rather remote region of Palestine, used once the accepted formula, and a few lines later a somewhat loose expression.