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ANOTHER FRAGMENT OF THE DECLARATION OF LANDED PROPERTY
FROM THE PROVINCE OF ARABIA

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ANOTHER FRAGMENT OF THE DECLARATION OF LANDED PROPERTY FROM THE PROVINCE OF ARABIA*

Box 866 (Rockefeller Museum)

Date: 25 April 127 or 128 CE

This fragment is among the so-called *P.Se'elim*. (i.e. papyri from Wadi Seiyal).¹ These papyri are now in the Rockefeller Museum in Jerusalem. They are likely to have been brought there in the 1950s by Bedouin who had paid clandestine visits into Israeli territory.² At some point they were entrusted to the French papyrologist J. Schwartz of Strasbourg, who died recently. So far no trace of his having deciphered any of them has been found.³

The fragment contains part of the conclusion to a declaration of landed property. It constitutes the left, which another fragment (Inv. no. 3001, the Shrine of the Book), was recently published in this journal (*ZPE* 85, 1991, 264, Frag. a).⁴ Although its provenance was unknown, it was claimed that in all likelihood it came from the "Cave of Letters" in Naḥal Ḥever,⁵ where the Babatha Archive was found by Expedition D led by Y. Yadin in 1961.⁶ The new fragment all but confirms this claim. Even a short acquaintance with the Greek part of the so-called *P.Se'elim*, is enough to establish that these documents belonged to the same Jewish

* I would like to thank the Advisory Committee for the Dead Sea Scrolls of the Israel Antiquities Authority for entrusting me with the publication of the Greek documents of the (so called) *P. Se'elim*, and my friends from the Papyrology Room of the Ashmolean Museum Library, Mr. Nicholas Gonis of St. John's College and Rev. Juan Chapa of the University of Navarra, for their kind help. I owe a special debt to Dr. John Rea.

¹ See J. C. Greenfield, "The Texts from Nahal Se'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: "There can ... be little doubt that Naḥal Ḥever is the source for the so-called Se'elim texts. However, for convenience and because the plates are so labeled in the Rockefeller Museum, the designation Se'elim will be maintained".

² See, Y. Yadin, *Bar Kokhba*, Tel Aviv 1971, ch. 2, for the background.

³ Oral communication from his successor, Professor Jean Gascou.

⁴ It looks as if the cut was done with a knife, or even with scissors. The top margin of the reassembled fragments suggests that the conclusion to the declaration of landed property was cut off from the rest of the document in modern times; further fragments may yet be discovered. I am told by Dr. Ada Yardeni that *Se'elim* no. 7 (Plate 889, Rockefeller Museum, a parchment) also seems to have been cut with a knife.

⁵ The same had previously been claimed by Naphtali Lewis for another land declaration published in *Scripta Classica Israelica* 8-9, 1985/88, 132-7: "A Jewish Landowner from the Province of Arabia". Unfortunately there is no plate.

⁶ Y. Yadin, "The Expedition to the Judaean Desert, 1960-1961: Expedition D", *IEJ* 11, 1961, 36ff; *IEJ* 12, 1962, 227-257.

milieu with which we have become familiar through the Babatha Archive, if they are not actually part of that archive. They were removed from the cave in Naḥal Ḥever in circumstances similar to those which produced the Nabataean contract published by Starcky sometime ago⁷ — a document, which, no doubt, belongs to that archive.⁸

Thus, although we cannot be sure, it seems very likely that the declarant, son of -leiouos, came from the same Jewish milieu as Babatha did; like her, he left the province of Arabia on the eve of the Bar Kokhba revolt, and crossed into Judaea and the caves of Naḥal Ḥever; like her he left his precious documents there.

Needless to say that but for the publication of *P.Yadin 16* by Naphtali Lewis,⁹ both these fragments would have remained inaccessible — or at least without a context. I shall therefore start with the concluding part of *P.Yadin 16*. I shall then reproduce my previous reading of Frag. a. of the papyrus from the Shrine of the Book; the new fragment from the Rockefeller Museum will follow, and finally I shall join the the two fragments together.

P.Yadin 16 (ll. 33-38):

.... Ἑρμηνεία ὑπογραφῆς· Βαβθα Σίμωνος ὄμνυμι τύχην κυρίου Καίσαρος καλῆ πίστει ἀπογεγράφθαι ὡς προέγραπ[τα]· Ἰουδάνης ἐπιτρόπευ[σ]α καὶ ἔγραψα ὑπὲρ αὐτῆς· [2nd hand] Ἑρμηνεία ὑπογραφῆς τοῦ ἐπάρχου· Πρεῖσκος ἔπαρχος ἰππέων ἐδεξάμην τῇ πρὸ μιᾶς νωνῶν Δεκεμβρίων ὑπατίας Γαλλικ[αν]οῦ [καὶ Τιτιανοῦ].

⁷ J. Starcky, “Un contrat Nabatéen sur papyrus”, *Revue Biblique* 61, 1954, 161-181.

⁸ Y. Yadin, ‘Expedition D — The Cave of the Letters’, *IEJ* 12, 1962, 228-9; 242, n. 21, and G. Bowersock, ‘The Babatha Papyri, Masada and Rome’, *JRA* 4, 1991, 340.

⁹ N. Lewis, *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri*, Jerusalem 1989, 65-70.

Frag. a. (10.5 x 4 cm.):

1. [traces]
2. ὄμν|υμι τύχην κυρίου Καίσαρος κ[α]λή πίστει ἀπο|γεγράφθαι
3. ὡς| προγέγραπται μηθὲν ὑποστειλάμενος· ἐ[γράφη δι’
4. ἐμοῦ| Ὀναινου Σααδαλλου· Ἑρμην(ν)εία ὑπογραφή|ς
5. [traces]

The Rockefeller frag. (16.5 x 6 cm.):

1. μα[]ρ.[
2. λειουου ομνυ|
3. γεγραφθαι ως .|
4. χειροχρηστο|
5. επαρχου πρεισκος υπαρχος εδεξαμην προ επτα κα|λανδων
6. μαιων.

Reconstruction (the new fragment is in bold)

(16.5 x 6 cm.)

(TAFEL XIII d)

1. μο[]ρ.[traces]
2. λειουου ὄμνυμι τύχην κυρίου Καίσαρος κ[α]λή πίστει ἀπο-
3. **γεγράφθαι ὡς** προγέγραπται μηθὲν ὑποστειλάμενος· ἐ[γράφη διὰ τοῦ
4. **χειροχρήστου** Ὀναινου Σααδαλλου· Ἑρμην(ν)εία ὑπογραφή|ς τοῦ
5. **ἐπάρχου· Πρέϊσκος ὕπαρχος ἐδεξάμην πρὸ ἐπτὰ κα|λανδῶν**
6. **Μαίων·**

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

Commentary:

- 1) If X son of -leiouos’ subscription was written in Aramaic and translated into Greek, the second part of the line was occupied by ἐρμηνεία ὑπογραφῆς (17 letters), and the name of

the declarant as well as a bit of the patronym. This could have been preceded by the end of the itemized declaration.

2) -λειουου — is the patronym of the declarant. If the ουου reflects a Semitic waw (ו), a name ending in -leivos or rather -leiv should be expected. However, the ουου can suggest a name ending in waw and ‘ain — עי-, like Jesus — ישׁו, rendered Ἰακκασουος in *P.Yadin* 12, ll. 6 and 7,¹⁰ or Sammouos — שמוע in *P.Yadin* 21, ll. 17-18.¹¹ I could find no such combinations with -leios. See, though, *DJD* II, no. 115, Ἐλεαῖος or Ελαῖος (the hypocoristic form of Eleazar Ἐλεάζαρος); no. 94. l. 12: Φέλειος. I would like to suggest tentatively Eliyahu (Elijah) — יהיזש¹² or Ilai (אליע).

Whatever name stands behind -λειουου, its presence here disposes once and for all of the conjecture entertained in *ZPE* 85, 1991, 263, n. 5, that Inv. no. 3001, Frag. a, from the Shrine of the Book could be the concluding part of the papyrus published by Lewis in *SCI*:¹³ Lewis's declarant was X son of Simon, not of -leiuos.

Now that we have the left margin of the papyrus, we know that nothing is missing to the right of ἀπο in l. 2.

3) ἐ[γράφη διὰ τοῦ — the papyrus is torn here; the line may have extended to include the suggested restoration, which is based on *P.Yadin* 11, l. 30; 25, l. 68; 26, l. 21.

4) χειροχρήτου — the word does not occur in Greek before the fourth century CE. In Iamblichus, *V.P.* 161 we find λόγων χειροχρήτων translated in the lexicons as “manuals”, “handbooks”.¹⁴ More telling is the entry in Athanasius (*Quaest. ad Ant.* 88 = M. 28.652B) that χειροχρήτης is ὁ τὰ ἀλλότρια πιστευόμενος ἐπὶ τῷ διαδοῦναι τοῖς πένητιν,¹⁵ that is a kind of trustee. This meaning too, I submit, does not really fit here. The *TLG* has no other entries.

However, Byzantine legal rules and diplomatics from the seventh century onwards use this term in the sense of a scribe, an *amanuensis*.¹⁶ — a term which admirably fits the present context. In a *novella* of the Empress Irene (797-802 CE) we read: εἰ δὲ ὁ τὸ ἔγγραφον

¹⁰ See Lewis *ibid.* p. 19 on the form in an official record.

¹¹ Shammu‘a son of Menahem; cf. *P.Yadin* 14, l. 46; 21, l. 36 (in Aramaic). A Sammouos son of Simon (Σαμμοῦος Σίμωνος) appears in two unpublished documents said to come from Nahal Se‘elim.

¹² For a possible Elijah see A. Yardeni, “New Jewish Aramaic Ostraca from Eretz Israel”, *Tarbiz* 58, 1989, 119, no. 1, l. 4, who suggests that Eliah — יהיזש is an abbreviation of Eliyahu — יהיזש.

¹³ See above n. 5.

¹⁴ The apparatus (see Deubner-Klein 1975, p. 91) mentions a suggestion by Reinensius to emend the text to πυθοχρήτων; although rejected in modern editions, it demonstrates the rarity of the term.

¹⁵ The argument there runs: καὶ ἕτερος ὁ τὰ ἀλλότρια πιστευόμενος *i.e.* “and it is different in the case of he who ...”.

¹⁶ Du Cange, *Glossarium ad Scriptores Mediae et Infimae Graecitatis*, p. 1748, *s.v.* χειροχρήτου: “Qui scribere faciunt”.

ποιῆσαι ἀπαιτούμενος ἐν τοῖς προνομασθεῖσι κεφαλαίοις, ἀγράμματος ὑπάρχει ἢ ἐκ πάθους ἀδυνάτως ἔχει τοῦ γράφειν, προτάσσειν αὐτὸν τὸν τίμιον σταυρὸν καὶ τὰ λοιπὰ γράφεσθαι διὰ ταβουλαρίου ἢ νομικῶν ἢ ἐτέρων χειροχρήστων;¹⁷ and again in a *novella* of the Emperor Basilius Macedo (867 CE): εἰ δὲ ἀγράμματοί εἰσι, ποιείτωσαν τοὺς τιμίους σταυροὺς, καὶ τὰ λοιπὰ γραφέτωσαν διὰ τῶν χειροχρήστων.¹⁸

The term appears in Latin letters — *chirocrista* — on several Byzantine papyri from the seventh century.¹⁹ One of them, a document from 590-602(?) (Tjäder, no. 20) records a donation of part of an estate to the church of Ravenna, made by Sisivera, a Gothic freed-woman. It is signed by six male witnesses and a *tabellius* of the city. The woman declares herself incapable of writing: “pro ignorantia litterarum signum venerabilem s(an)c(t)ae crucis feci” (ll. 58-59); nor could she read: “Signum † Sisiverae h(onestae) f(eminiae), s(upra) s(crip)tae donatricis, omnia s(upra) s(crip)ta agnoscentis et consentientis cui et relecta est”. But whereas the first witness presents himself as both “witness” and “scribe” (*testes et chirocrista*, l. 72),²⁰ the other five witnesses declare themselves merely as *testes* (ll. 80, 87 [τηκτης], 95, 102, 111). Obviously he signed for her as well as witnessed the document.²¹ Since the *novellae* quoted above are later than the documents just mentioned, we must conclude that they are repetitions of earlier rules: they seem to have been implemented to the letter.²² *Habent sua fata verba*: having made its first appearance in 127 or 128 CE to express the idea of a scribe, the word χειροχρήστης disappears from our ken only to surface again in this sense some four hundred years later!

For Οβαινος see now A. Negev, *Personal Names in the Nabatean Realm* (*Qedem* 32, 1991), no. 474; for Κααδαλλου, *ibid.* nos. 1169-1170.²³

¹⁷ K.E. Zachariä von Lingenthal ed., *Ius Graecoromanum* I, Athens 1931, 48 (*Coll. I, Nov. 27.2*).

¹⁸ See Du Cange, *ibid.*, citing from Johannis Leunclavius’ *Juris Graeco-Romani tam canonici quam civilis tomus duo* 1596, vol. II, 138; but see the reservations of K.E. Zachariä von Lingenthal, *l.c.* p. 55, n. 1; cf. *ibid.* II, 30 (*Ecloga legum* 5.2): τοῦ διατιθεμένου ὀφείλοντος διὰ τῆς ἰδίας ὑπογραφῆς ἢ διὰ χειροχρήστου τὸ ὄνομα τοῦ κληρονόμου ἐν αὐτῇ (*scil.* τῇ διαθήκῃ) ὑποσημειώσασθαι.

¹⁹ J.-O. Tjäder, *Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 445-700* I, Lund 1955, has three examples: nos. 16, l. 34; 20, l. 72; 27, l. 1. Nos. 16 and 20 are new editions of *I papyri diplomatici raccolti ed illustrati dall’Abate Gaetano Marini*, Rome 1805, nos. 90 and 93 respectively; no. 27 is not in Marini.

²⁰ Ll. 70-72: “quae me praesente signum s(an)c(t)e crucis fecit, et coram nobis ei relicta [relecta] est rogatus ab eadem ad signum eius roborandum testes et chirocrista suscribsi”.

²¹ The editor singles out his handwriting as “sehr deutlich”, p. 344.

²² See K.E. Zachariä von Lingenthal, *Geschichte des griechisch-römischen Rechts*⁷, Berlin 1892, 150-151, n. 441. I did not see I. Carini, *Il Signum Christi ne’monumenti del medio evo. Appunti per la nuova scuola Vaticana ...*, Rome 1890, 35ff.

²³ On the name see now also the bibliography cited in note 3 of P. Figueras and Yulia Ustinova, “A New Greek Funerary Inscription from Beer-Sheva” (English *Atiquot*, forthcoming).

5) Priscus is known to us from *P.Yadin* 16, ll. 37-8, where his name is also written Πρεῖσκος. But there he is ἑπαρχος ἰππέων. Note though that the epsilon in ἑπαρχος is a restoration. Still he is called ἐπάρχου in our document too. And one expects Ἑρμηνεία ὑπογραφή[ς τοῦ] ἐπάρχου to be followed by ἑπαρχος and not by ὑπαρχος. Ἑπαρχος was the usual Greek term for the cavalry commander, the *praefectus equitum* or *praefectus alae*. But ὑπαρχος too meant *praefectus*; see H.I. Mason, *Greek Terms for Roman Institutions* (Toronto 1974), 13; 138-140 and 155. It is very puzzling to have both spellings in the very same line.²⁴

A cavalry commander is found here assisting the governor who conducted the census in Arabia: ἀποτιμήσεως Ἀραβίας ἀγομένης ὑπὸ Τίτου Ἀνεινίου Σεξιτίου Φλωρεντείνου πρεβευτοῦ Σεβαστοῦ ἀντιτρατήγου (*P.Yadin* 16, ll. 11-13; cf. Lewis, *SCI* 1985/88, 134, ll. 10-12). He is involved in accepting the declarations of the villagers in local centres, such as the polis of Rabbath-Moab (ἐν Ῥαββαθμοβοῖς πόλει) in *P.Yadin* 16, l. 11 and in *SCI* 1985/88, p. 134, l. 10).²⁵ Another example of a cavalry officer accepting declarations is *P.Lond.* 904 = *W.Chr.* 202 (104 CE), ll. 30-34 (edict of the Prefect of Egypt): βούλομαι πάντας (who have a reason to stay in the city rather than return to the *chora*) ἀπογράφεσθαι παρὰ Βουλ ...[...]²⁶ Φήστω ἐπάρχω[ι] εἴλης.²⁷

For Jews swearing by the *tyche* of the Roman emperor see *ZPE* 85, 1991, 266-7.

²⁴ Unless the scribe simply made a mistake or was not aware of the difference between ἑπαρχος and ὑπαρχος, a possible explanation for the different spellings could be that the *he* (η) in semitic languages could be used both to represent the epsilon of ἑπαρχος (סרסרסרסר) as well as the aspiration of the *u* in ὑπαρχος, see A. Wasserstein, “Aramaic Transcriptions of Greek Loanwords”, *SCI* 12 = *Ra’anana Meridor’s Volume*, 1993, 205ff. I suggest that the ὑπαρχία *P.Yadin* 26, ll. 2-11: ὅπου ἂν ἦ ὑπ’ αὐτοῦ ὑπαρχ[ί]α may well be a mistake for ἐπαρχία and can hardly be used as evidence that “Arabia was divided into districts called *hyparcheia*”, as suggested by B. Isaac in “The Babatha Archive”, *IEJ* 42, 1992, 69. Admittedly the passage still remains difficult to interpret.

My friend Addi Wasserstein draws my attention to Epiphanius’ *Περὶ μέτρων καὶ σταθμῶν* (late fourth century), where we have in the Greek text ἐπαρχία and in the Syriac translation סרסרסרסר (see J.E. Dean, ed., *Epiphanius’ Treatise on Weights and Measures*, Chicago 1935, 117, plate 77b).

²⁵ Rabbath-Moab is north east of Maoza, Babtha’s village, and closer to it than Petra; the latter, however, is said in the land declaration itself to be the provincial subdivision to which Maoza belonged, see *P.Yadin* 16, 13-14: Βαβθα ... Μαωζηνή της Ζοαρηνής περιμέτρου Πέτρας; cf. *P.Yadin* 37, ll. 2-3: ἐν Μαωζα της Ζοαρηνής της περι[ε] Πέτραν.

²⁶ H. Devijver, *De Aegypto et Exercitu Romano sive Prosopographia Militiarum Equestrum quae ab Augusto ad Gallienum seu statione seu origine ad Aegyptum pertinebant*, 1975, no. 27 restores Βουλ[λατίω] in the lacuna.

²⁷ For more examples of soldiers taking the census see H. Zwicky, *Zur Verwendung des Militärs in der Verwaltung der römischen Kaiserzeit*, Köln 1944, 75-6 and P.A. Brunt, “The Revenues of Rome”, *JRS* 71, 1981, 165 = *Roman Imperial Themes*, Oxford 1990, 334. For army officers involved in civil duties in general see Zwicky, *op.cit.* and R. MacMullen, *Soldier and Civilian in the Later Roman Empire*, Cambridge, Mass. 1963, ch. 3. I did not see W.L. Wannemacher, “The Development of the Imperial Civil Officia during the Principate”, Univ. of Michigan 1940, 177ff. mentioned in MacMullen, *l.c.* 62, n. 38.

Finally the discrepancy in dates: both *P.Yadin* 16, l. 9 gives 2 December 127 as the date on which the declaration was made — ἐπὶ ὑπάτων Μάρκου Γαζουρίου Γαλλικανοῦ καὶ Τίτου Ἀτειλίου Ρούφου Τιτιανοῦ πρὸ τεσσάρων νωνῶν Δεκεμβρίων. Two days later, on 4 December, Babatha's declaration was subscribed by the Prefect, Priscus (*P.Yadin* 16, l. 37 — τῇ πρὸ μιᾶς νωνῶν Δεκεμβρίων).²⁸ The declaration submitted here was subscribed on 25 April; whether it is April of 127, *i.e.* over seven months earlier, or April 128, almost five months later — it is impossible to know. However, the span of time separating the declarations may give us some idea of the length of the census conducted in Arabia.²⁹

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CORRIGENDA

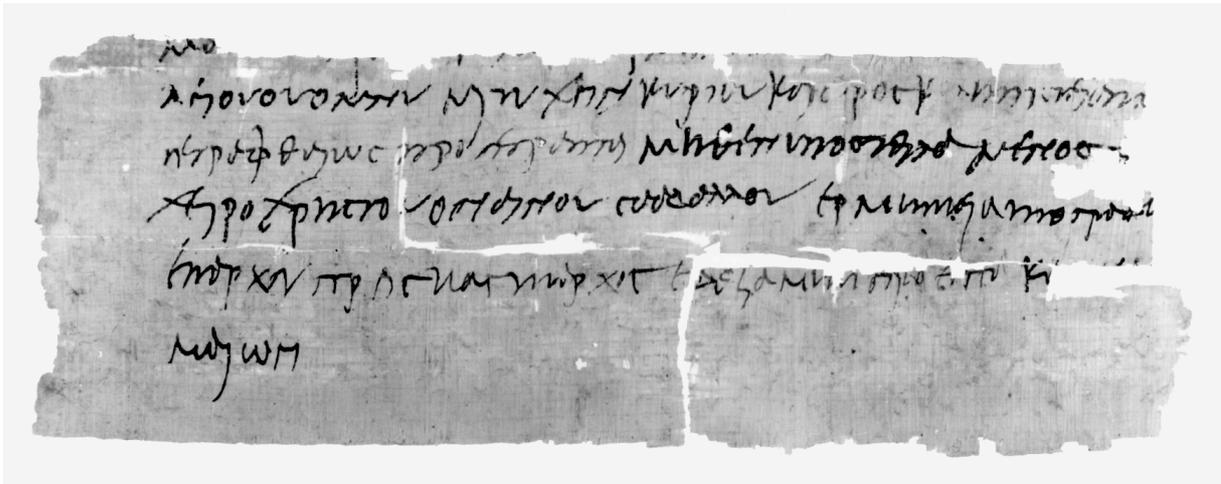
p. 115, second para, second line; it should read: "It constitutes the left and bottom part of a papyrus of which another fragment (Inv. no. 3001, the Shrine of the Book) was recently published in this journal (*ZPE* 85, 1991, 264, Frag. a)."

p. 118, last para, two lines from the bottom: "scribe" and not "scibe".

p. 119, second para, fourth line: "tabellio" and not "tabellius".

²⁸ In the papyrus published in *SCI* 1985/88, 133-4, ll. 8-9 there is a discrepancy between the Roman date, 11 December, and the provincial date, Apellaios 18th, *i.e.* 4 December — both given as the date on which the declaration was submitted; it breaks off before the conclusion and thus we do not know when it was subscribed by the prefect.

²⁹ See now Anna Aichiniger, "Zwei Arten des Provinzialcensus? Überlegungen zu neupublizierten israelischen Papyrusfunden", *Chiron* 22 (1992), 35-45.



Deklaration von Grundbesitz (P.Yadin 16+P.Rockefeller, Box 866)