

ADNOTATIUNCULAE, II*

13. BGU IV 1204

P. Berol. inv. 9873 is a papyrus codex written late in the fourth century of our era and discovered in Hermoupolis Magna. It is a composite codex, containing a collection of decisions on a number of capital cases (pp. 3-8), receipts, a magical text, accounts, etc. The extracts from the minutes of a hegemon (most likely the *augustalis*) have received a literary, or rather a rhetorical, treatment, and have attracted the attention of the jurists since their publication in 1912 by W. Schubart as BGU IV 1204¹. It is the sixth and more detailed case that will interest us here (pp. 6-8).

There once lived in Alexandria a president of the senate of that city by the name of Diodemos, who fell in love with a *πόρνη δημοσία*. For reasons which the person responsible for this account did not consider material enough to mention, Diodemos killed his paramour, whereupon an official of unspecified legal position, named Zephyrios, had him arrested and incarcerated. Yet Diodemos was a powerful man: by the very next morning the senators of Alexandria had been mobilized and were pressuring Zephyrios *Διόδημον ἀπολυθῆναι* [[καὶ] *μηδὲ ὄλωσ ἀκουσθῆναι αὐτόν* (6.13-14). A counter-mobilization, however, was taking place at the same time, and the lower classes, the *ἔνδημοι*, the *λοιποὶ ξένοι*, and the *ἐπαρχιώται*, brided, it would seem, by some who are vaguely termed *οἱ βοῶντες* (6.26), were exerting their own pressure on Zephyrios, who took this welcome opportunity to bring Diodemos to trial. Apparently confident in his social status and power, and believing that he would weather this storm too, the accused confessed to the

* Continued from vol. 30 (1977-78) 72.

1. For the date of the codex see U. Wilcken, *Archiv für Papyrusforschung* 3 (1906) 302; and for the legal aspects involved in the collection of decisions, L. Wenger, *Die Quellen des römischen Rechts*, Wien 1953, 238 n. 29, 422, 830, 833, with bibliography.

crime. Before sentence could be passed, however, a claim for *alimenta* had to be heard (7.8-18):

ἡ δὲ μήτηρ τῆς
 πόρνης, Θεοδώρα τις γραῦς καὶ πένης,
 ἡξίου κατὰνα[γκ]ασθῆναι Διόδημον
 παρασχεῖν αὐτῇ εἰς λόγον διατροφῶν
 ὀλί[γ]ην τινὰ τοῦ βίου παραμυθίαν. ἔλεγε
 γὰρ ὅτι «διὰ τοῦτο δέδωκά μ[ο]ν τὴν θυγα-
 τέρα πορνοβοσκῶ, ἵνα δυνηθῶ δια-
 τραφῆναι. ἐπεὶ οὖν τῆς θυγατρὸς μου
 [τ]ελευτησάσης ἀπεστερήθην τῶν τροφῶν,
 διὰ τοῦτο ἀξιῶ δοθῆναί μοι ὡς μέτρια
 γυναικίᾳ ὀλίγα πρὸς διατροφήν».

What is it precisely that the lady is demanding? Surely what she is entitled to receive by law, and what she does receive at the end: one tenth of Diodemos's property¹. That she calls this ὀλίγην τοῦ βίου παραμυθίαν and ὀλίγα is understandable: either she has wisely decided not to appear greedy and grasping, or this is what the law stipulated². What is difficult to explain is the characterization γυναικίᾳ. She is indubitably asking for a little money for her subsistence; and though it is quite likely that she did not know that money has no odor, she must have surely discovered in her long and full life that it has no sex.

Now Theodora is described by the writer as γραῦς καὶ πένης (7.9), while the hegemon himself takes pity not only on the murdered prostitute, who was so hard pressed by πενία that ζῶσα [π]ροσεφέρετο τοῖς βου[λομένοις] ὡς νεκρά (7.25-26), but also on her bereaved mother, whom he calls πενιγρά (8.12) and who, as he says, διὰ τὴν συνέχουσαν αὐτὴν πενίαν τὴν ἑαυτῆς [θυγ]ατέρα[ν] τῆς σωφροσύνης ἀπεστέρη[σεν] (8.13-16). We should be justified, therefore, if we see in Theodora and her daughter two members of the class of «ces *petites gens* dont les pa-

1. See 8.16-21, κληρονομήσι δέκατον μέρος τῶν ὑπαρχόντων Διοδήμω, τοῦτό μοι τῶν νόμων ὑποβαλλόντων, τῆς φιλανθρωπίας συνπνευσάσης τῇ τῶ[ν] νόμων ἐξουσίᾳ. For a similar sentiment on the part of the hegemon cf. 5.14-22.

2. Perhaps it is not accidental that a novella of Konstantinos Porphyrogenetos contains the phrase τοῦ λοιποῦ τρίτου μέρους τῇ γυναικί καὶ τοῖς τέκνοις φυλαττομένου τοῦ τελευτήσαντος εἰς μικρὰν παραμυθίαν τῆς ἑαυτῶν δυσκληρίας (11.2, cited by Wenger, op. cit., 830 n. 1091).

pyrus déplorent volontiers la situation précaire en face des *gros bonnets* qui se croient tout permis»¹, in other words the μέτριοι, as they style themselves in the papyri of the late Roman and the Byzantine periods.

As it has already been observed², this term is occasionally used as the equivalent of Latin *pauper*. So, in A.D. 255 a farmer whose cows had been stolen submits a petition requesting that the culprits be apprehended and the beasts returned to him μετρίῳ ὄντι καὶ ἐξ αὐτῶν τὸ ζῆν ποριζομένῳ (P. Oxy. XII 1557.11-12). In the late third or early fourth century, a man asks his «brother» to send him some clothes and a few blankets: οἰδές μου γὰρ τὸ μέτριον, he says, ὅτι χρήζω αὐτῶν (P. Oxy. XXXIII 1682.13-14). In A.D. 392 another person ends a petition of his by making reference to πᾶσαν πλίστην πενίαν μου and begs: οἴκτειράι με τὸν μέτριον (P. Herm. Rees 19.12, 13). The well known Aurelius Isidoros closes one of his many petitions, this one to the praeses and dated A.D. 315, by describing himself as being an ἄνθρωπος μέτριος κατὰ τὸ π[αντε]λές, σχεδὸν τροφ[ῶν . . . ιων ἀναγ[κα]ίων ἐπενδρό- [με]νος (P. Merton II 91.17 = P. Cair. Isidor. 74.16-17).

It is not, of course, only the lower classes that describe themselves as μέτριοι. During the period under review quite a few members of the bouleutic class were destitute. In A.D. 264/5 an ex-gymnasiarch of Oxyrhynchus, who had been appointed guardian of the five children of a dead man, appeals to the prefect against this appointment on the grounds of insufficient means: μέτριόν με παντελῶς, he calls himself (P. Oxy. XLIII 3113.15). The document is badly damaged, but it would appear that later on he claims that he is unable to supply the wants of his own children, let alone those of the five orphans. A contemporary papyrus takes us right into the midst of a stormy session of the senate of the same city: an archiereus, whom his fellow senators wish to saddle with a second liturgy, protests (in vain, naturally) with the following plea: δέομαι ὑμῶν, οὐ δύναμαι. μέτριός εἰμι, παρὰ πατρὶ τρέφομα[ι] (P. Oxy. XII 1415.22).

So, too, Theodora's claim must be understood to have been:

ἄξιῳ δοθῆναί μοι ὡς μετρία
γυναικί[α] ὀλίγα πρὸς διατροφήν.

1. O. Guéraud, *Chronique d'Égypte* 28 (1953) 150 n. 1. See further T. C. Skeat's notes on P. Panop. Beatty 1.69 and 173.

2. F. Preisigke, *Wörterbuch*, II, 96.39-40.

14. *SB X 10269*

In line 4 for ἐφ' ἔτους (=ἐπ' ἔτους, ed.) read ἐφέτως (=ἐφέτος). In the same line the papyrus does not read ἕως το ἴμερον (=τῶν ἡμερῶν, ed.), but ἕως σοίμερον (=σήμερον); for the use of which in private letters see P. Mich. VIII, p. 240.

15. *P. Wisc. II 62*

The opening lines of this third/fourth century A.D. «order for commodities» have been published as follows:

πρὸς ὑπόμνησιν ἐντολικόν (= -κῶν)
παρ' Ἄνρου
πρὸς ὑπόμνησιν Ἀλεξάνδρου.

A list of five objects follows.

The editor has very valiantly offered to translate the untranslatable: «To remind of the orders given by Anras as a reminder for Alexander», which he explains as meaning that «Anras had placed an order with Alexander who is here reminded of the things he has to supply».

In his critical apparatus he remarks that πρὸς υπομ in line 1 is «written over something now unreadable». This is not so. The entire phrase πρὸς ὑπόμνησιν is a false start, which the writer has crossed out with short, slanting strokes. The true beginning of the text is ἐντολικόν, which should be accepted for what it is, nominative singular. In the second line, παρ' Ἄνρου makes good sense and the editor has located an ostrakon from Elephantine (BGU VI 1459) which contains, according to its editors, the name Ἄνρας (sic)¹. Neither of these observations, however, should be allowed to becloud the issue, which is that the papyrus does not read παρανρου but παιανίου.

The text, therefore, should be printed thus:

[[πρὸς ὑπόμνησιν]] ἐντολικόν
Παιανίου
πρὸς ὑπόμνησιν Ἀλεξάνδρου.

1. Is this hapax a true or a ghost name? One strongly suspects that the common Ἄντᾶς was either meant or actually written on the ostrakon.

16. *P. Coll. Youtie II 79*

For *διά τοι ταύτας μαρτ[υρίας?]* ἐγγράφως in line 11 read *διά τοι ταῦτα ἐμαρτ[υράμη]* ἐγγράφως. Cf. P. Sakaon 48.21, *διά τοι τοῦτο*, and 38.15, ἐνγράφως [ἐμα]ρτυράμη.

17. *P. Coll. Youtie II 90*

Lines 10-11 of this offer to lease some parcels of land have been printed thus: τὸ ὑπάρχον σοι ἥμισυ μέρος, χέρσ[ων] ἀρο[υ]ρῶν [δ]σων ἐστιν, and translated: «la moitié appartenant à toi, d'autant d'aroures sèches qu'elle mesure». Delete the punctuation after μέρος, read χέρσ[ου] (cf. lines 15-16, τὴν αὐτὴν χέρσον), and translate: «la moitié de la terre sèche appartenant à toi, d'autant d'aroures qu'elle mesure».

18. *P. Coll. Youtie II 91*

Line 4 reads: $\overline{\text{I[C]}}$ $\overline{\text{XE}}$ εἶασε τὸν φοροῦνταν ἢ τὴν [φοροῦσαν].

19. *P. Heid. 217 = SB VI 9537*

The time: the second century before Christ. The place: somewhere in the Arsinoite nome. Having finished his day's work in the fields, an Egyptian named Nekhthosiris was returning home late one night—something he would not have been doing if he had read his Aristophanes:

τηνικαῦτα δ' οὐκέτ' ἦν
ἀσφαλὲς ξυντυγχάνειν·
εἰ γὰρ ἐντύχοι τις ἦρω
τῶν βροτῶν νύκτωρ Ὀρέστη,
γυμνὸς ἦν πληγείς ὑπ' αὐτοῦ
πάντα τὰπιδέξια.

Not surprisingly, Nekhthosiris had a similar traumatic experience. As he later described the event in a complaint he addressed to the local police, three ruffians fell upon him (lines 12-24):

κ]αὶ κατήνεγ-
[κάν μου] πλείστας πλη-
[γὰς εἰς δ] τύχοι μέρος

[τοῦ σώμ]ατος καὶ διέ-
 [κοψάν μ]ου τὴν κε-
 [φαλήν ῥ]άβδοις κρانا-
 [ίνας κα]ὶ ἐξέδυσσαμ
 [μηλωτὴν] ἦν περιβε-
 [βλημέ]νος ἱμάτιον
 [ἔσχον ἄξ(ίαν) (δραχμῶν)] ρε, etc.

In the first section, where the thrashing is described, the supplements are more or less formulaic and quite certain. Although the editor does not say so, διέ[κοψαν] is of course offered *exempli gratia*, and is rather felicitous. One can think of other, stronger verbs, e.g., διέ[θλασαν] or διέ[σπασαν]; there is one verb, however, that I would personally eschew, and that is διέ[ρηξαν]: indeed, not so much because of the loss of a letter (in fact the verb is regularly spelled with one rho in the papyri), but because of what Herodotos (3.12) has to say about the ancient Egyptians, namely that ἰσχυράς φορέουσι τὰς κεφαλὰς. This piece of information should not be dismissed as unworthy of belief, for the historian went to great pains to check its verity by endeavoring to split open some of these heads, only to discover that οὕτω δὴ τι ἰσχυραί, μόγις ἂν λίθῳ παίσας διαρρήξειας. A stick, even one made of cherrywood, would probably not have done the job.

Where we run into more serious trouble is the phrase ἐξέδυσσαμ [μηλωτὴν] ἦν περιβε[βλημέ]νος ἱμάτιον [ἔσχον, which the editor understands to mean «und zogen mir einen Schafspelz [. . .] den ich als Mantel umgelegt hatte». She has very ingeniously filled the space at the beginning of line 19 with a feminine noun which accounts both for ἦν and for the assimilation in ἐξέδυσσαμ. But even if we are willing to admit that our Egyptian went about clad in a sheepskin like another Elijah, there are still problems facing us: (a) as the reader may observe on the published plate of the papyrus, μηλωτὴν is too long a supplement to fit into the lacuna; (b) those who have been raised with the image of a God who is, in the words of the Psalmist, ἀναβαλλόμενος φῶς ὡς ἱμάτιον, may be troubled by the absence of ὡς in our text (though they may easily supply it by taking recourse to haplography); (c) the periphrasis περιβεβλημένος ἔσχον is unknown in the world of Ptolemaic papyri¹.

1. As B. G. Mandilaras, *The Verb in the Greek Non-Literary Papyri*, Athens

Now the petitions and complaints which were written by professional scribes (and the handwriting of the text under discussion leaves no doubt that it was not Nekhthosiris who penned this document) follow set patterns and are cast in formulae¹, and since garment-snatching appears to have been a favorite past-time of the Egyptian highwaymen, it should not be difficult to discover the more or less formulaic manner in which the victims described their disrobing. Here are some examples, culled from the rather extensive corpus of complaints that have survived: ἔ[ως] τοῦ ἐγδῦσαί με ὁ περιεβεβλήμην ἱμάτιον (P. Lille II 42.7, 224 B.C.); ἐξέδυσαν ὁ περ[ιε]βεβλήμην ἱμάτιον (P. Fay. 12.18-19, ca. 103 B.C.); ἀφήρπασεν ὃν ἤμην ἐνδεδυμένο(ς) χιτῶνα λεινοῦν (P. Oxy. II 285. 10-11, ca. A.D. 50); ἐκ]δύσας με ἦν ἔχον ἐνδεδυμέν[την] ἐσθῆτα (P. Flor. I 59.5-6, A.D. 225 or 241).

In view of the above one is entitled, I believe, to cast off the sheepskin, avoid the grammatical peculiarities, and follow the trodden path reading:

ἐξέδυσάμ
[με ὁ ἦμ]την περιβε-
[βλημέ]νος ἱμάτιον
[ἔχον (δραχμῶν)] ρε.

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1972, § 895, observes, the use of ἔχω as auxiliary verb to form a periphrastic past tense is «a phenomenon which occurs entirely in post-Ptolemaic times»; cf. P. Flor. I 59, cited below. If the editor had understood the phrase to mean ἦν περιβεβλημένος (= περιβληθείς) ἔσχον ἱμάτιον, «which I had put on and was using as himation», this is not borne out by her translation.

1. See A. di Bitonto, *Aegyptus* 47 (1967) 5-57, and 48 (1968) 53-107. M. Hombert and C. Préaux, *Chronique d'Égypte* 17 (1942) 259-286, provide a good analysis and a useful list of prosangelmata similar to the one we are discussing.