

S.B. 14. 11717.

## A SIXTH "NARRATIO" DOCUMENT

Among the many papyrological achievements of Naphtali Lewis, the publication of a so-called "Narratio" document from the papyrus collection of Columbia University<sup>1</sup> is certainly not the least. We hope that he will be pleased when we publish in his honor a kindred document from the Vienna papyrus collection,<sup>2</sup> and we also hope that he will forward the understanding of this papyrus, which because of various circumstances still preserves some obscurities.

*P. Vindob. Gr. inv. no. 39757*, a medium-brown papyrus (35.2 x 25 cm.), bears along the fibers two columns of writing by different hands. The other side is blank. Several holes (especially along the eight vertical folds) and the fact that the ink has come off at several points make it difficult to transcribe the papyrus. In particular Column I, below which there is a margin of 10 cm., resists total transcription and understanding. As with the other "Narratio" documents,<sup>3</sup> this circumstance is a result of the numerous abbreviations and the quickly written hand. On top of this the left side of the papyrus is very badly damaged. Column II (below which there is a margin of 7 cm.) must have been written before Column I was added, as

1 N. Lewis-A. A. Schiller, "Another 'Narratio' Document," *Daube Noster: Essays in Legal History for David Daube* (Edinburgh-London 1974) 187-200. This text will be republished by R. S. Bagnall as *P. Col. VII 174*.

2 We wish to thank Dr. H. Loebenstein, Director of the *Papyrussammlung*, for permission to publish this papyrus and Dr. H. Harrauer, who provided us with excellent photographs and furnished a detailed description of the papyrus. He informed us that probably already in antiquity the sheet had been repaired 5-5.3 cm. from the lower border. A strip of papyrus (1-0.5 cm. high; 6.5 cm. long) on which the fibers run vertically has been glued upon the original sheet 16.5 cm. from the right-hand side.

3 Besides the Columbia papyrus, the other documents are: *P. Lips.* 41 (= *Mitt. Chrest.* 300); *P. Thead.* 16; *P. Panop.* 31 (*ZPE* 10 [1973] 150-155) and *P. Princ.* 119 (republished by A. E. Hanson, *ZPE* 8 [1971] 15-27 [*SB XII* 10989]; her excellent commentary spares us the necessity for a detailed treatment here of the form of these texts).

becomes clear from the fact that some lines of Column I intrude into the text of Column II. Horizontal lines over the proper names are to be found in both columns (partly omitted above *νίω* in line 23). In Column I horizontal lines seem to be used also to mark sections. At 17.2–17.6 cm. and at 0.4–1.0 cm. from the right-hand side of the papyrus *kollemata* occur.

## Column I

- Ἦν δὲ τῶν περι[βλέπ]τ(ων) ὁ β(οηθούμενος) παρ' Ἑρμοπόλ(εως)  
καὶ τῶν  
ἄλλων κτητόρων οὐ δεύτερος. ἀλλὰ τῆς τύχ(ης)  
ἐκαστον μ[ετ]αβαλλ(ούσης) συν[ε]β[η] σκαία τύχη  
π. ἐπ[η]τ(ών) αὐτοῦ τὸν πατ(έρα) καὶ τὴν ὑ[α]ρξ(ιν)] 'αὐτοῦ'  
ἀναληφ(θῆναι)
- 5 [δι(ὰ) τοῦ ἱερω(τάτου)] τ[α]μ[ι]είου.)] ἐπειδὴ [ ]·ει αὐτὸν  
[ ]·προνο[ ] ἀναγκ( )  
τότε παρεχωρήθη γῆν χέρσ(ον) ὑπό τινος  
Ἀσπασίας γαμέτης γενο(μένης) Πομπωνίου. κεχώρισται δὲ  
τὰ ἐξ[ε]ίρης ὑπάρχ(οντα) πρὸς τὸν γενό(μενον) ἀνδρα  
10 [τελουμένη]ς τὰ πρ[ό]σφ(ορα). ἀλλὰ ἐπιμεμήσεως  
[γε]νο(μένης) τῶν ἀπό[ρ]ω(ων) οὐκ Ἀσπασίας ἀλλὰ  
Πομπωνίου προσγράφ(εται) τῷ β(οηθουμένῳ) μέτρ[ο]ν ἀπόρου  
γῆς.  
ἐπεὶ βίαν ἐχ(ει) τὸ πρᾶγ(μα) οὐδὲν τι τῶν Πομπωνίου  
κα[τέ]χ(ων) δεῖ(ται) πένης ὧν καὶ μηδὲ ἐστίαν κεκτημ(ένος)  
15 κελ(εῦσαι) μὴ ὀχλ(ηθῆναι) ἐκ προσώπ(ου) Πομπωνίου.

## Column II

- Ν(ομικός)· {λε} λέγεις ὑπὲρ Ἀσκληπιάδου ἄρ(ξαντος) Ἑρμοῦ  
πόλεως.  
χέρσ[ο]ν γῆν ἐώνη[τ]αι ὑποτελῆ παρὰ τ[ι]μος Ἀσπασίας Πινου-  
τίωνος γαμ[έ]της γε[νο]-  
μένον Πομπωνίου τινὸς πολιτευσάμενον παρ' Ἑρμοῦ [πό]λ(εως).  
κεχώρισται δὲ ἡ γῆ  
τῆς ἀποδομένης [πρὸς] τὸν συνοικήσαντα αὐτῇ. τελ[ουμένη]ς  
αὐτῆς καθ' ἐκαστον  
20 ἐνιαυτὸν τῷ δ[η]μοσίῳ] λόγῳ τὰ πρόσφορα οὐκ ἦν ἀμφ[ε]ισ-  
β[ή]τ[η]σεις οὐδεμ[ε]ν[α] ἀλλ'  
ὡς ἀπόρου γενομένου Πομπωνίου τοῦ γενομένου ἀνδρὸς τῆς  
Ἀσπασίας βούλον[τ]α·  
κ.ε.τρεῖναι τινα τῶν ἀπόρων ἐπὶ τὸν β(οηθούμενον) οὐ διαφερόντων  
τῇ ἀποδομένη ἡμῖν ἀλλὰ Πομπω-  
νίω παρ' οὐ οὐδὲν ἐώνηται οὐδὲ αὐτοῦ κατέχει ὅποτε ἀπορώτερος  
καθέστηκεν ὁ παρὼν

- γένοι καὶ αὐτὸς τῶν περιβλέπτων τ[ὸ] πάλαι. τῆς δὲ τύχης ἕκαστον μεταβαλλούσης
- 25 σ[υν]έβη καὶ αὐτὸν εἰς ἀπορίαν ἐλληλυθῆναι τῷ τὸν πατέρα αὐτοῦ ἀπευκταίᾳ τύχῃ κεκρῆσθαι καὶ κατ[έ]χειν τὸ ἱερώτατον ταμείον τὰ πατρῶ[α.] τῶν δὲ ἀτοπωτάτων [έσ]τιν τὸν οὗτω διακείμενον καὶ τῶν ἀναγκαίων δεόμενον ἄπορα ὑποστήναι Πομπωνίου οὐ πράγματα οὐ διακατέχει ὁ β(οηθούμενος). δεόμεθα κελεύσαι τὴν γενομένην κατ' αὐτοῦ ἐπιγρα- φὴν μὴ ἰσχύειν μόνο' ἂν δυνάμενος τὰ οἰκία βάρη ὑποστήναι. καὶ ταῦτά περ προ-
- 30 ξένησεν αὐτῷ ἢ τύχῃ. οὔτε γὰρ οἰκία αὐτῷ ὑπάρχει οὔτε ἀνδράποδον οὔτ' ἕτερον τι πάντων τῶν προγενικῶν αὐτοῦ πραγμάτων παρὰ τῷ ταμείῳ τυ[γχα]γόντων.

11 pap. ουκ' 13 pap. επει' 17-18 γενομένης 20 ἀμφισβήτησις 29 οἰκεία

The situation seems to be the following: Asclepiades bought at a certain moment from Aspasia, daughter of Pinution and at that moment still wife of Pomponius, a certain parcel of land. Pomponius possessed also land but his property was kept separate from that of Aspasia. Aspasia, however, seems to have paid the dues for her own and her husband's property. As long as she did so there was no trouble whatsoever, but now, because Pomponius became *aporos* (due to the fact that Aspasia stopped paying his dues consequent on their divorce?) an attempt has been made to shift some pieces of dry land of Pomponius to Asclepiades although Asclepiades never bought anything from Pomponius, does not hold Pomponius' possessions, and has himself become *aporos* as well, dragged down by the unlucky fate of his father. Asclepiades asks that the assignment of Pomponius' lands be invalid, as all the possessions of Asclepiades are sequestered by the treasury.

A situation comparable to the one sketched in the above papyrus may be found in *P. Cair. Isid.* 69: an attempt to shift the burdens of somebody's land to Isidorus.

As Column I was added after Column II had been written, we will first deal with Column II.

#### Notes (Column II)

16 Ν(ομικός): As far back as 1913 Paul Collinet (*Nouv. rev. de droit fr. et étranger* 37 [1913] 264) suggested that Ν might be an abbreviation for Ν(arratio). This suggestion has been (more or less reluctantly) accepted by the editors of this kind of document. The fullest treatment of the problem is

given by A. A. Schiller, *loc. cit.* (cf. note 1). This explanation does not satisfy us. We point out only: (1) if Ν stands for Ν(arratio) one has to realize that the *narratio* does not start with the line which starts with Ν but 1 or more lines later; (2) the appearance of *one* Latin word in an otherwise entirely Greek text is difficult to accept; (3) Ν reminds us of abbreviations like χ (=χιρόγράφον) [or should we write χ(ειρόγράφον?)] and μ (=μί(σθωσις) [μ(ισθωσις)?]). Following a suggestion made by one of our students (Mr. Ph. A. Verdult) we venture the following explanation: Column II has been written by a *iurisprudens*, and in Column I we find the excerpts made by the person who is to present the case before the court, i.e. the rhetor. Ν is, according to us, an abbreviation for νομικός, who certainly was a *iurisprudens* as is clear from e.g. SB V 7696 (cf. E. Seidl, *Rechtsgeschichte Ägyptens als römischer Provinz* [Sankt Augustin 1973] 115; H. J. Mason, *Greek Terms for Roman Institutions* [=ASP XIII; Toronto 1974] s.v.). After the *casus positio* by the νομικός, the rhetor picked out the points which he thought important for his plea and on which—we can be certain—he will have elaborated in court. This circumstance explains why the sequence of the facts in Column I does not follow the sequence of the facts in Column II. λέγεις κτλ. means so much as: This is your case of X versus Y (λέγομεν in the Columbia papyrus is an example of identification of the νομικός with his associate, the rhetor). One might compare the relationship in modern English legal process of the barristers and lawyers.

{λε}λέγεις: after Ν 4 of the 5 other "Narratio" documents have λέγεις (This certainly also stood after Ν in *P.Lips.* 41.1 [cf. *P.Thead.* 16 introduction]. This supposition is supported by the number of letters missing at the beginning of this line [*P.Lips.* 41 shows that there are more letters missing at the beginning of line 1 than the reading of this line in L. Mitteis, *Chrestomathie* 300 suggests] and by the trace of a λ which U. Wilcken saw after Ν [cf. *Archiv* 3 (1906) 565]. In the Columbia papyrus we find λέγομεν.). It is not to be excluded that because of a flaw in the papyrus the scribe wrote nothing else than λέγεις, but before γεις there seem to be more traces than λε alone can account for. We may be dealing with an undeleted mistake of the scribe.

ἄρ(ξαντος): we also considered the reading ἀφ', but in lines 1 and 18 παρά is used instead of ἀπό, and the low tip of a letter still visible after the α (above the 2nd α of παρά in line 17) fits a ρ better than a φ. The part of a horizontal still visible before the ε of Ἐρμοῦ will be a part of the mark of abbreviation. If our reading is accepted it is quite possible that the Asclepiades of our text has to be identified with Aurelius Asclepiades who appears in several papyri (partly published, partly unpublished) which can be dated around A.D. 340:

- (1) *P. Cair. inv.* 10619: lease of land which will start in the month X of the current 10th new indiction (probably A.D. 336/7);
- (2) *CPR V* 10: letter of a strategus to Asclepiades (A.D. 337-347);
- (3) *P. Vindob. Gr. inv.* 35459: protest against nomination to be an *ἐπιμελητῆς σίτου* (A.D. 7.VIII.339);
- (4) *P. Cair. Preis.* 18-19: nomination to liturgic office (*σιτολογία*) of a 13th indiction. This text has to be dated before (6); cf. *ZPE* 22 [1976] 106);
- (5) *P. L. Bat.* XI 4: surety (A.D. 29.VI.340);
- (6) *BGU I* 21: certified list of taxes and other expenses (A.D. 13.VIII.340; the correction in *BL I* 9 is not right. The number of the pagus is wrongly taken over from *P. Cair. Preis.* 18; it should be 15 and not 13);
- (7) *P. Cair. Goodsp.* 12: certified list of taxpayers (A.D. 15.VIII.340);
- (8) *P. Vindob. Gr. inv.* 16711: letter of a strategus to Asclepiades (A.D. 340, Mesore[?]);
- (9) *P. L. Bat.* XI 5: surety (A.D. 24-29.VIII.340);
- (10) *P. L. Bat.* XI 2: nomination to liturgic office (*σιτολογία*). To be dated after A.D. 13.VIII.340 but probably before A.D. 26.IV.341; cf. *ZPE* 22 [1976] 106);
- (11) *P. Vindob. Gr. inv.* 39993: a mutilated text of uncertain content (several persons mentioned also in (10) are to be found in this text as well);
- (12) *P. Vindob. Gr. inv.* 13103: surety (A.D. 10.XII.340);
- (13) *P. Cair. Goodsp.* 13: Asclepiades buys a piece of ground in Hermupolis for one hundred silver talents (A.D. 4.IV.341);
- (14) *P. Cair. Preis.* 33: receipt for naulon (cf. *BASP* 13 [1976] 33-34. Probably to be dated A.D. 7.IV.341).

No function of Asclepiades is mentioned in (1) and (3). He is called *praepositus* of the 15th pagus of the Hermopolite nome in (2), (4), (5) [mostly supplemented], (6), (7), (8), (9), (10) [mostly supplemented], (11), (12) and (14). In (12) he is also styled *ἀρχαὺς βουλευτῆς*, which is the only title he has in (13).

The earliest text is (1) (it seems to be excluded that the indiction mentioned falls 15 years later than A.D. 336/7 as will be shown in a forthcoming book on the indictional system by R. S. Bagnall and K. A. Worp<sup>4</sup>); the latest (13) which mentions Asclepiades as the buyer of a plot of land for one hundred silver talents (A.D. 4.IV.341). This certainly does not point to *ἀπορία*. One could, therefore, conclude that the process with which our papyrus deals took place after A.D. 4.IV.341, as his bad financial position is stressed in this papyrus. If the Asclepiades of our papyrus is the same person as the one mentioned in the other 14 papyri cited above, his father

4 *The Chronological Systems of Byzantine Egypt* (Zutphen 1978).

was Aurelius Adelphius, son of Adelphius, for whom one may compare *P. Vindob. Worp* 8, 3n. This Aurelius Adelphius would then still be alive in or about A.D. 341. We do not know what fate Adelphius, who fulfilled several important functions in Hermupolis in his time (gymnasiarchia, pryntania and perhaps also the logisteia [cf. *P. Vindob. Gr. inv.* 13155 in *BASP* 13 (1976) 40]), suffered. One of the consequences of the abominable fate which struck Asclepiades' family might have been that Asclepiades had to give up his function as *βουλευτής*, which is not mentioned in line 16.

It is, however, not to be excluded that the Asclepiades mentioned in this text is identical with the *logistes* Flavius Asclepiades who is known from *SB VI* 9558 (11.XII.325), *P. Stras.* 138 (325) and perhaps 560 (325). Aurelius Asclepiades certainly cannot be identified with Flavius Asclepiades!

17 *χέρσ[ο]ν γῆν—ὑποτελή:* cf. M. Schnebel, *Die Landwirtschaft im hellenistischen Ägypten* (München 1925) 16; D. Bonneau, *Le Fisc et le Nil* (Paris 1971) 78ff. As taxes were due for this piece of land we can be certain that no wheat was grown on it, cf. Bonneau, *op. cit.* 202. Cf., however, N. Lewis, *P. Coll. Youtie II* (Bonn 1976) 76, 16n.

17-18 *γαμ[ε]της γε[νο]μένου Πομπωνίου:* the reading *γενομένου* is to be preferred to *γενομένης* although the latter reading is not totally to be excluded. This would imply that Pomponius is dead by now, but this seems contrary to the statement in lines 20-22: because Pomponius became *aporos* they want to do something. We suppose that the scribe wanted to express that Aspasia and Pomponius are no longer husband and wife: *lege γενομένης*. The sequence of words is, however, awkward and we should have preferred *γενομένης γαμέτης* (cf. F. Preisigke, *Wörterbuch*, s.v. *γίγνομαι*).

18 *πολιτευσάμενος:* it is generally accepted that *πολιτευόμενος* is identical in meaning with *βουλευτής*. In that case *πολιτευσάμενος* would be synonymous with *γενομένος βουλευτής* (cf. A. K. Bowman, *The Town Councils of Roman Egypt* [ASP XI, Toronto 1971] 31). As *βουλευταί* were nominated for life this again would imply that Pomponius is dead at this moment, a supposition we cannot accept (cf. note to lines 17-18). R. Rémondon, "Situation présente de la papyrologie byzantine," *Akten des XIII. Intern. Papyrologenkongr.* (München 1974) 369f. rejects the equation *πολιτευόμενος = βουλευτής*. He defends the view that *πολιτευόμενος* "est un citoyen des cités généralement de la classe curiale, qui accomplit des services publics civils."

*παρ:* the use of this preposition instead of the usual *ἀπό* is extraordinary, cf. A. N. Jannaris, *An Historical Greek Grammar* (London 1897) [reprint Hildesheim 1968] par. 1628; L. Radermacher, *Neutestamentliche Grammatik*<sup>2</sup> (Tübingen 1925) 141. Also in line 1.

19 [*πρός*]: cf. E. Maysner, *Grammatik II* 2, 505ff. Also in line 9.

21 βούλων[α]: who is the subject of this verb? In the foregoing part of the text only Aspasia and Pomponius have been mentioned. It would be reasonable to suppose that they are the subject of this verb. We think it, however, likely that Pomponius ran into trouble because he divorced Aspasia and she as a consequence of the divorce stopped paying for Pomponius' land. It is, therefore, highly improbable that Aspasia after their divorce lent Pomponius a hand in this (illegal) affair. It is also possible to take Pomponius *cum suis* as the subject. They have not been mentioned in the foregoing part but they could have been pointed out by the rhetor in court. The most likely solution, however, seems to us that the authorities are the subject. Pomponius became *aporos* and could not pay his taxes anymore, as a consequence of which his properties were confiscated by the government. The authorities now try to shift some of the dry lands which formerly belonged to Pomponius to Asclepiades. As an argument they probably used the circumstance that Asclepiades at a certain point bought land from Aspasia, the wife of Pomponius. Therefore in the brief for Asclepiades the fact that the lands of Aspasia and Pomponius were separated is stressed, and it is repeatedly stated that Asclepiades did not have any dealings with Pomponius at all. Our supposition that the authorities are the subject of βούλωνται is supported by the use of the term ἐπινέμησις in line 10.

22 κ.ε.τεῖναι: the meaning of lines 20-22 must be that the authorities want to burden Asclepiades with some of the dry lands of Pomponius. One immediately thinks of a compound of ἰέναι. We are unable to read the letters at the beginning of this line. It is, however, clear that in front of εἶναι there is no aspirate. Instead of κ the first letter of this line could be α μ.

τῶν ἀπόρων: cf. for the meaning D. H. Samuel, "P. Yale Inv. 1642: New Evidence for the Tax ΥΠΕΡ ΑΠΟΡΩΝ," *Le monde grec, Hommages à Claire Préaux*, (Bruxelles 1975) 611-621 (esp. 620-621).

23 οὐδὲν ἐώνηται οὐδὲ αὐτοῦ κατέχει: we probably have to take the foregoing οὐδὲν also with κατέχει. A less likely solution is to insert <πράγματα> before κατέχει (cf. line 26).

ὅποτε: cf. R. Kühner-B. Gerth, *Ausführliche Grammatik der griechischen Sprache* (Hannover-Leipzig 1904) II 2 460ff.; C. J. Ruijgh, *Autour de "te épique"* (Amsterdam 1971) par. 664.

24 τῆς δὲ τύχης ἕκαστον μεταβαλλούσης: also lines 2-3. It is not certain whether the participle has to be translated causally (as we have done in the translation) or temporally.

28-29 ἐπιγραφὴν: the word has here the technical-fiscal meaning (cf. F. Preisigke, *Fachwörter* [Göttingen 1915] s.v.). We would not exclude the possibility that a connotation "imposition of something added above the normal" is present as well (cf. *προσγράφεται* in line 12

and ἐπιμεμήσεως in line 10). Meant is the burdening of Asclepiades with τινὰ τῶν ἀπόρων (line 22) of Pomponius.

29 μόνον' δυνάμενος: here we have an example of the so-called *nominativus pendens* (cf. H. C. Youtie, *Scriptiunculae* I [Amsterdam 1973] 304).

30 ταῦτά περ: in the Koine-Greek περ tends to be added to other words (cf. L. Radermacher, *Neutestamentliche Grammatik*<sup>2</sup> [Tübingen 1925] 37; F. Blass-A. Debrunner, *Grammatik des neutestamentlichen Griechisch*<sup>11</sup> [Göttingen 1961] par. 107). No instance of the combination οὐτόςπερ is known to us. Although this combination is not impossible we prefer to separate the words and to suppose influence of the νομικός's knowledge of classical literature.

#### Notes (Column I):

4 π. πεπτωκ(έναι): the second letter seems to be an ε. Are we dealing with an undeleted error of the scribe (cf. line 16)? There is the possibility that there was 1 or more letters before the initial π. Possibly a compound of πίπτω is meant.

7 παρεχωρήθη γῆν χέρσον: cf. F. Preisigke-E. Kiessling, *Wörterbuch*, s.v. παραχωρέω.

9 ἄκε[ι]νης: read by R. S. Bagnall.

10 ἐπιμεμήσεως: cf. G. Poethke, *Epimerismos* (Bruxelles 1969) 26. In Column II there is no mention of ἐπιμέμησις (cf., however, ἐπιγραφήν in lines 28-29).

13 βίαν ἐχ(ει): cf. W. Dahlmann, 'H βία im Recht der Papyri (Diss. Köln 1968) 61ff.

15 Πομπων(ου): instead of an iota drawn through the ny it might simply be a vertical marking abbreviation as in Ν̄.

#### Translation (Column II):

Nomicus. You speak on behalf of Asclepiades, former magistrate of Hermupolis. He bought a piece of dry land subject to taxes from a certain Aspasia, daughter of Pinution, former wife of a certain Pomponius, former magistrate of Hermupolis. The land of the seller was separated from the lands of the man who lived with her. While she paid yearly the taxes to the treasury there was no dispute whatsoever, but now, on the grounds that Pomponius, the former husband of Aspasia, has become *aporos* they want to burden my client with some of the dry land which does not belong to the woman who sold to us, but to Pomponius, from whom he did not buy anything and from whom he does not have anything now that he has become still more *aporos*, though he too by birth belongs to the persons of high rank from long ago. Because fate changes everybody's position it

happened to him too to become *aporos*, because an abominable fate fell upon his father and the most sacred treasury impounded his paternal goods. It would be a most absurd thing if a person who is in such a situation and who lacks the essentials of life were burdened with the dry lands of Pomponius, from whom my client does not possess any property. We ask you to order that the registration in his name which has taken place be invalid because he can bear only his own burdens. And this is a "gift" to him from fate. For he has no house, no slave nor anything else, as the treasury has all his ancestral goods in its possession.

(Column I)

My client from Hermupolis belonged to the persons of high rank and was second to no one of the other landowners. But because fate changes everybody's position it happened that by a mischievous fate his father became ruined and his possessions were impounded by the most sacred treasury.—at that moment dry land was ceded to him by a certain Aspasia, former wife of Pomponius. Her possessions were separated from those of her former husband. But because an imposition of dry lands—not of Aspasia but of Pomponius—has taken place a certain amount of dry land has been registered in the name of my client. As the case contains violence because he does not have anything from Pomponius he asks you—as he is a poor man and does not have house or hearth—to order that he is not bothered in the name of Pomponius.

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