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"Ein frühbyzantisches Szenario für die Amtswechslung in der Sitonie. Die griechischen Papyri aus Pommersfelden (PPG) mit einem Anhang über : die Pommersfeldener Digestenfragmente und die Überlieferungsgeschichte der Digesten", ed. A. J. B. Sirks, P. J. Sijpesteijn, K. A. Worp, München (...)

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no opportunity to become familiar with jurisprudence and read *de officio iudicis* after the appointment. Before reaching the decision, he consulted jurists and a philosopher. Nevertheless, Aulus Gellius found himself unable to solve the case and swore *rem sibi non liquet*. The appointments of aristocrats to judge *vice Caesaris* did not differ from the general practice of judges appointments. Therefore, it appears that deputy emperors were prepared to adjudicate because of their social background, not so because of their knowledge, culture or education (see p. 153).

The author's conclusions based on epigraphical sources does not require any reservation. However, the representative qualities of the sources might be problematic. Nonetheless, it is beyond any doubt that broad and interesting researches on the administration of justice in the Principate has just begun with Michael Peachin's book.

[J. Zablocki]

A. J. B. SIRKS, P. J. SIJPESTEIJN, K. A. WORP (Eds.), *Ein frühbyzantisches Szenario für die Amtswechslung in der Sitione. Die griechischen Papyri aus Pommersfelden (PPG) mit einem Anhang über: die Pommersfeldener Digestenfragmente und die Überlieferungsgeschichte der Digesten (= Münchener Beiträge zur Papyrusforschung und Antike Rechtsgeschichte, Bd. LXXXVI)*, Beck, München 1996, ISBN 3-406-41343-9, pp. viii + 166 with 23 photographs.

The book, published as the 86th volume of the *Münchener Beiträge zur Papyrusforschung und Antike Rechtsgeschichte*, presents the readers with four extremely interesting, however rather different, topics. Firstly, it brings us a history of the papyri collection from Pommersfelden and of its transmission to the present day. This task is dealt with in Chapter One (pp. 1-36) which contains an exclusive introduction to the questions concerning the aforesaid papyri collection. The problem of the transmission of papyri of Pommersfelden and the history of their deciphering, however only introductory, shows the importance of this collection. It should be emphasized that we deal here with an interesting case of papyri which come from and were used in the western part of the Empire which makes them a relatively rare and important type of a relict (a comparison to pieces collected by J. O. Tjäder, *Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 445-700* suggests itself). They were also transmitted to the Western Europe relatively early. They survived as book-cover filling material. The time in which the papyri were used as a consolidation material of book bindings, as well as the moment of their discovery and extracting from the books is unknown. The former is most unclear and could happen after the eighth but before the eleventh century (the authors think it seems probable that the papyri had been already included in the bindings of the books donated to the Bamberg Chapter by emperor Henry II in 1007). The latter seems to have happened at the beginning of the seventeenth century

when the Chapter of the Bamberg Cathedral ordered new binding of their books. It looks as if in 1725 the papyri were presented among other manuscripts by the Chapter to Lotar Franz Count of Schönbrun, at the time Bishop of Bamberg, but the date we can be certain about is the year 1812 when F. Savigny mentioned them in his review. The Greek the collection gathers non-literary Greek papyri written outside Egypt. Their provenience cannot be positively defined. However the editors dating the Greek part of the collection for the second half of the sixth century (because of the style, handwriting and size of the papyri) state that it should come from some part of the Byzantine Empire, most probably from Byzantine Italy (especially Southern Italy or Sicily or perhaps Exarchate of Ravenna). Three of the papyri (nos 1, 3 and 7), better preserved, make parts of a screenplay for dismissal or, less likely, appointment of *sitonai*. The other ones (nos 2, 4, 5, 6, 8, 9 and 10) due to their present state cannot be positively identified. Chapter One is concluded with the previous and the present numeration of the papyri as well as with the hypothesis in which way they were bound together.

Secondly, we find the first edition of the Greek Papyri of Pommersfelden with a partial translation of some of them in Chapter Two (pp. 37-59). The first three ones (*PPG* 1, 3, 7) which open the edition used to constitute one text and therefore are published together. The publication is followed by a thorough commentary to the text in Chapter Three (pp. 60-91).

Thirdly, there is an interesting study concerning *sitonía* in Chapter Four (pp. 92-127). The study basing on the text of the *PPG* 1, 3 and 7 as well as on the numerous legal texts describes the office, its prerogatives, conditions and its social background especially in the later period. The analysis was preceded by publications of J. H. M. Strubbe in *EA* 10 (1987) and 13 (1989) respecting *sitonía* mostly in the light of epigraphic findings. It completes the Strubbe's work with examination of the legal sources (chiefly Codex Iustinianus, Codex Theodosianus and Digesta). The authors set forth a number of theories with regard to the role of *sitonai*, the procedure of their nomination and the way they were to fulfill their offices. In paragraph 9 they describe *sitonía* in Italy in the sixth century A.D. The authors trying to re-create the aim of *sitonía* point out its relation to euergetism. They also consider possible relation between *sitonía* and *cura annonae*. Unfortunately the lack of sources does not allow to perform a full reconstruction of this institution.

One of the problems which was to be faced by the authors is the character of *sitonía* — whether the *sitonai* were chosen (or nominated) regularly or only when there was need of food (grain) supply. The authors seem, after a long deliberation, to consider *sitonía* as a permanent office — see pp. 119, 123-124. There is an unfortunate lack of sources concerning this issue. In fact the only ones we can deal with are two pieces of constitutions of Anastasius (CJ 10.27.3 and CJ 10.27.2.12 — it seems that although this paragraph does not literally name *sitonai* (and neither does the entire fragment CJ 10.27.2 obviously taken from a constitution different from CJ 10.27.3 and CJ 10.27.4, and, possibly, originally not concerning *sitonía*), it should also be seen as dealing with this institution since it was included in the same title — *ut nemini liceat in*

*coemptione specierum se excusare et de munere sitoniae*). In CJ 10.27.3pr we can clearly read "Ὅταν ἐν τινι πόλει σιτώνου γένηται χρεία (...); this fragment is followed by the procedure of nomination of *sitonai*. Obviously if the office had been permanent the legislator would not have written "when emerges a necessity" but rather would have explicitly described *sitonia* as a permanent office. Also CJ 10.27.2.12 (Ἐὰν δέ ποτε διὰ τινος πόλεις μὴ ἐχούσας σιτωνικὰ χρήματα μήτε ἐτέπωθεν εὐπορούσας ἀνάγκη γέγονε συνωνῆν ποιήσασθαι, ἐξέστω μὲν τοῖς ἄρχουσι ταύτην ποιεῖν) seems to have had the same legal meaning — the (emergency) buying was to be ordered only in a case of urgent necessity (nb.: it does not seem that *patres poleos* or the others concerned from the text helped *sitones* in fulfilling his office as it is stated on p. 63, note to v. 15, might it be that *sitones* are meant under these others concerned (καὶ πᾶς ἕτερος). One cannot draw a conclusion that *sitonia* was a permanent office also from D. 50.4.18.5 (Arcadius Charisius, *lib. sing. de muneribus civilibus*) — *nam harum speciarum curatores, quos σιτώνας et ἐλαιώνας appellant, creari moris est* (nb.: it seems that the English translation of the said fragment by Alan Watson, *The Digest of Justinian*, vol. 4: "are regularly appointed" is an overinterpretation). Obviously the authors' argument deriving permanency of the *sitonia* from existence of *Getreidekasse* cannot be easily neglected (p. 124, "Doch die Existenz einer Getreidekasse bildet ein Argument für die Kontinuität der Sitonie"). Was really prudence (*Vorsorge*, p. 123) a sufficient reason to nominate a *sitones*? The sources are silent also in this case. *In concluso*: in this situation within lack of the substantial sources it cannot be positively stated whether *sitonia* was or was not a temporary office.

Another thing which seems extremely interesting is exemption of *sitones* from liability for ζῆμία. What did actually mean unpunishing them for loss, especially in contrast to CJ 10.27.2.6,10 (a warning that whoever shall cause a damage or a loss while executing ordered purchase shall be submitted to a punishment). Also here we cannot have a precise answer mostly because of the non-existence of the subsequent sources.

It is a pity that the legal texts being construed by the authors were not included in the book. It diminishes the clarity of the study.

Chapter Five deals with the attempts of identification of the remaining pieces from the collection. Unfortunately their fragmentary preservation does not allow to present nothing more than speculations and hypothesis on their content.

Fourthly, the book is concluded by an Appendix (pp. 138-142) which beginning from the issues of the Digest fragments among the Pommersfelden Papyri concerns some ideas on the Digest tradition in general and the possible relation of the Digest fragments from Pommersfelden to the only known premediaeval version of the Digest, so called *Florentina*. The authors point out that Mommsen's argument that *Florentina* is to be the archetype of all mediaeval versions of the Digest should be reconsidered also in the light of Latin Papyri of Pommersfelden.

The book contains photographs of the all Greek papyri from Pommersfelden which provide for better understanding of the publication.