

ON THE OCCASION
OF THE FIFTIETH VOLUME OF OUR *JOURNAL*
THE *JOURNAL* AND ITS FOUNDER,
RAFAŁ TAUBENSCHLAG

HERE WE PRESENT OUR READERS with the jubilee 50th volume of *The Journal of Juristic Papyrology*. The first volume was published and printed in New York in 1946, that is over seventy years ago. The idea for the creation of the *Journal* and the first ten years of its existence are closely interwoven with the figure of Rafał (Raphael) Taubenschlag, a revered papyrologist and historian of law.

Taubenschlag was born in 1881 in Przemyśl (in that era a part of Austria-Hungary) as the son of the administrator of the Sanguszkos' brewery Bernard Baruch and Cecylia Cyrla née Goldhard. He graduated from The Imperial and Royal (*kaiserliches und königliches*) Gymnasium in Przemyśl in 1899, following which he studied at the Faculty of Law of the Jagiellonian University in Cracow. On graduation, he became an apprentice judge at the District Court in Cracow, and at the same time he pursued an interest in Roman law. Having completed his doctoral defence in 1904, he went to Leipzig to study Roman law under the tutelage of Ludwig Mitteis, a Romanist and a papyrologist, and the founder of his own scientific school. After returning to Cracow, Taubenschlag obtained his habilitation in 1913 on the basis of a dissertation on Roman guardianship law (*Vormundschaftsrechtliche Studien: Beiträge zur Geschichte des römischen und griechischen Vormundschaftsrechts*, Leipzig: Teubner) and received a teaching position at the Jagiellonian University. At the same time, he presided as a judge at a civil court in Cracow in the years 1905–1914, and then, during World War I, he served in the Austro-Hungarian Army as a military judge.

He obtained the title of associate professor at the Jagiellonian University in 1919; and two years later he was made a full professor. Until the outbreak of World War II, he taught Roman law without interruption, simultaneously publishing dozens of works on Roman law, the history of Polish law, modern civil and criminal law, and legal papyrology. He was three times elected dean of the Faculty of Law of the Jagiellonian University. During this time, he achieved a considerable international reputation: in 1933 he was made chairman of the Papyrological Congress in Rome, whereas in 1935 he became a member of the Academy of Sciences of the Institute of Bologna (Accademia delle Scienze dell'Istituto di Bologna); and after two years he was elected to the Turin Academy of Sciences (Accademia delle Scienze di Torino). He was also a member of many editorial boards of international scholarly journals, such as *Iura*, *Archives d'histoire du droit oriental*, *Revue internationale des droits de l'antiquité*, *Rivista internazionale di diritto romano e antico*.

The outbreak of World War II brought to an end this equanimous and fruitful life. Taubenschlag recorded his war-time experiences in his Introduction to *The Law of Graeco-Roman Egypt* published in New York in 1944:

After the beginning of hostilities I left Poland and came to Aix-en-Provence in France. Professor B. Raynaud was the Dean of the Faculty of Law there, and at the suggestion of my esteemed colleagues, Professor M. S. Bry and A. Dumas, I was appointed on the very day of my arrival. In this way an opportunity to continue my work had been handed to me. Professor Bry went so far as to transfer to me his professorship in Roman law for 1940-41. The hospitality of the French Faculty of Law is something I shall never forget.

The tragic collapse of France effectively terminated my stay in Aix-en-Provence and I came over to the United States. Because of the unique and generous help of Professor Alvin Johnson, who was the first to conceive the magnanimous idea of supporting exiled scholars, and of Mr. David H. Stevens and Mr. John Marshall of the Rockefeller Foundation, I was again able to continue my work. (...)

I completed my book [i.e., *The Law*] in the papyrological seminar of Professor William Linn Westermann (of Columbia University), who was the one to suggest to Professor Alvin Johnson and the Rockefeller Foundation that I be brought over to the United States. The three years which

THE LAW
OF GRECO-ROMAN EGYPT
IN THE LIGHT OF
THE PAPYRI

332 B.C. — 640 A.D.

By

RAPHAEL TAUBENSCHLAG

Research Professor in Ancient Civilization, Columbia University

Professor of Roman Law, University of Cracow



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I spent in the company of this brilliant scholar, a man of rare personal qualities, will remain unforgettable ones for me. Working on his problems day after day with admirable energy and buoyant spirit, he was stimulating and inspiring. In December, 1942, Mr. Marshall wrote to me: "You are certainly fortunate in having so generous a friend as Professor Westermann." (*The Law*, pp. viii–ix)

It was in these favourable conditions that Taubenschlag wrote his definitive work *The Law of Graeco-Roman Egypt in the Light of the Papyri, 332 B.C. – A.D. 640*. This originally one-volume edition appeared in print in New York (Harald Square Press) in 1944; and it was later supplemented and republished in two volumes in Warsaw in 1955, with the publishing house Państwowe Wydawnictwo Naukowe (National Scientific Publishers). Also swept up by the same spirit of scholarly endeavour, he conceived the idea of establishing a new papyrological journal. He set out its lofty goals in the introduction to the first issue:

Juristic papyrology came into being at the very same time that papyri arose on the horizon. It is now considered, without exaggeration, the most important branch of the science of papyrology.

In the first phase of its development scholars on juristic papyrology published their contributions either in magazines devoted to papyrology such as "Archiv fuer Papyrusforschung" and "Aegyptus" or those devoted to ancient law like "Zeitschrift der Savigny-Stiftung."

A new epoch in juristic papyrology began with the foundation of the "Archives du Droit Oriental", where a section for Hellenistic Law was also created. Since our knowledge of Hellenistic Law is based principally on papyri, this meant in essence the importance of establishing a section for juristic papyrology. The late Prof. Collinet of Paris and I were directors of this section. The "Archives" were published on a yearly basis until 1940. In all, three volumes appeared.

Therefore, this new journal is only a further step in the development of the science of juristic papyrology. We have been in need of a dedicated journal as the "Archives du Droit Oriental" could in no way fulfil all our requirements. The space allotted allowed only the publication of special articles. Reviews of literature and papyri editions had to be ignored and it is in this respect principally that the Journal will address this neglect.

Although this is a journal of juristic papyrology, it must not be considered as an exclusive journal for jurists. I emphasize this point because most

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edited by

RAPHAEL TAUBENSCHLAG

*Research Professor in Ancient Civilization, Columbia University
Professor of Roman Law, University of Cracow*

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of the papyri published so far have been of a legal nature; and their editors, philologues and historians, have sprinkled their editions with commentaries, which by no means are surpassed by those written by professional historians of law. I will be so bold as to mention the brilliant commentaries of Westermann on the Columbia-Papyri, Bell on the London-Papyri, and Welles on the Dura-Papyri. Contributions of this kind will be highly valued in our journal. (*JfurP* I, Introduction, pp. 5-6)

The content of the first issue represented a good illustration of these principles. It included the publication of a papyrus document – a fourth-century petition for relief from extortion from the collection of

the Egyptian Museum in Cairo (by Artur Boak), comments to already published documents (by Adolf Berger), studies in the legal history of Graeco-Roman Egypt (by Hans Julius Wolff and Taubenschlag himself), and two extensive surveys – of the literature and the papyri editions – for the years 1939–1945 (by Taubenschlag). The volume of this first issue was rather modest – only 155 pages – hardly unexpected given that it was a time of war: only American scholars and European exiles to America had been able to contribute.

After the war, in 1947, Taubenschlag returned to Poland and took over the chair of Ancient Law and the newly created Department of Papyrology at the University of Warsaw. On his initiative, the Institute of Ancient Law and Papyrology was established in 1950, which he co-directed with Jerzy Manteuffel; both of them also co-edited our *Journal* from volume II onwards.

With the involvement of Manteuffel as a co-editor, the initial principles of the *Journal* were modified, although the announced change of the title (to the *Journal of Papyrology*) never happened, perhaps due to the fact that illness had preventing Manteuffel from carrying on with his duties as before. Taubenschlag announced and explained the changes in the introduction to the second volume published in Warsaw in 1948:

The second issue of the *Journal of Juristic Papyrology* differs from the first one published 1946 in New York because it also contains – besides the merely juristic – a philological section overseen by Professor George Manteuffel. This extension is due to the fact that the *Journal* is now the organ of the Institute of Papyrology which is also divided into two sections: a juristic under my direction and a philological one under the direction of Professor George Manteuffel. I think that this extension will be welcomed by all papyrologists. Please note that the third issue will appear under its new title *The Journal of Papyrology*. (*JfurP* 2, Preface, p. 7)

In Poland's communist reality, our *Journal* was an extraordinary achievement. At the height of Stalinism, Taubenschlag (and Manteuffel) maintained lively scientific contacts with the world beyond Poland's borders and featured articles by leading representatives of our discipline, who, in turn, did not hesitate to send their works to Warsaw, behind the Iron

Curtain. Over the subsequent decades, our *Journal* remained the only papyrological journal to be published east of the Oder, just as Warsaw was the only centre for papyrological studies in communist countries.

Nowadays, we endeavour to continue the principles set out in the above-cited introductions to volumes I and II. In the *Journal*, we combine legal papyrology with 'philological' (as Taubenschlag said) and historical papyrology, which our founder also promoted and advocated on behalf of.

Tomasz Derda

Adam Łajtar

Jakub Urbanik

THE JOURNAL OF JURISTIC PAPYROLOGY

FOUNDED BY
RAPHAEL TAUBENSCHLAG

EDITED BY
TOMASZ DERDA
ADAM ŁAJTAR
JAKUB URBANIK

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ΕΥΓΡΑΦΙΟΣΤ
ΗΕΗΩΘΗΚ
ΠΑΡΔΔΟ



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FACULTY OF ARCHAEOLOGY
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CHAIR OF ROMAN LAW AND THE LAW OF ANTIQUITY



THE RAPHAEL TAUBENSCHLAG
FOUNDATION

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JAKUB URBANIK

ASSISTANT TO THE EDITORS
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Abstract: This study investigates linguistic and scriptal variation in notary signatures found in late antique contracts from Egypt, seeking to identify and interpret the potential relationship between choices in language and script. To answer this, theoretical concepts and methods from sociolinguistics, social semiotics, and multilingual studies are used, with the objective of adding a new, more linguistically-oriented perspective to existing research on notarial signatures. On the one hand, this research demonstrates how the Latin script seems to restrict notaries, resulting in transliterated Greek signatures with very homogeneous content. The familiarity of notaries with the Greek language and writing is, on the other hand, reflected in signatures written in the Greek alphabet, which are much more diverse and at times adjusted to the circumstances under which specific documents were composed. Even if notaries seem to lack confidence in freely producing text in the Latin script, they choose to do so due to its functional values, which are conveyed and perceived visually. Latin letters create an association between signatories and Roman law, adding to the trustworthiness and prestige of the signatures. Differentiating between script and language allows us to understand how the Latin script maintained the connotations that formerly accompanied the Latin language, gradually replacing it in the form of transliterated passages, at a time when the language was disappearing from papyrological

documentation. In this sense, sociolinguistics, and especially social semiotics, prove useful when dealing with visual aspects of language in papyri, as they prevent their functions and meanings from being overlooked.

Keywords: notary, social semiotics, digraphia, diglossia, *di emou* signatures

Amin BENAÏSSA

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between the Apion estate and its coloni adscripticii 49

Abstract: Starting from a detailed interpretation of *P. Oxy. LXXVII 5123* (AD 555), I argue that the Apion estate favoured a tenancy arrangement with its *enapographoi georgoi*, the farmers registered on its tax-rolls. Such leases left them with a marketable surplus of the produce in remuneration, which they could sell either to their own estate or to outside parties. Contrary to the now current view of Apionic *enapographoi georgoi* as directly managed permanent employees or wage labourers, the evidence reviewed suggests that they were not an economically distinct and homogenous labour group.

Keywords: *coloni adscripticii*, *enapographoi georgoi*, Apion estate (Oxyrhynchus), tenancy, viticulture in late-antique Egypt

Willy CLARYSSE & Christelle FISCHER-BOVET

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Keywords: Ptolemaic papyri, petitions, letters, oil contraband, tax farming, Arsinoite nome, prisoners of war

Jean-Luc FOURNET

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Keywords: Monastery of the Metanoia, *anmona civilis*, shipping receipts, Dioscorus archive

Edward M. HARRIS

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Abstract: This essay refutes the view that the Athenians of the Classical period were hostile to legal expertise. The Athenians had much respect for the Areopagus and the Exegetai, who were experts in law and religion. The legal expert Phanodemus was often praised and entrusted with important responsibilities. Litigants in public cases often show their legal knowledge by copious citation of statutes. They sometimes accuse their opponents of deceitful use of rhetoric never attack them for legal expertise. In the speech of Lysias *Against Nicomachus*, the accuser charges the defendant with illegally modifying the rules about sacrifices but never arouses suspicions about his legal expertise.

Keywords: expertise, Areopagus, Exegetai, Phanodemus, Apollodorus, son of Pasion, *anagrapheis* (inscribers), Lysias *Against Nicomachus*

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Keywords: Latin papyri, Roman citizens, Egypt, business, trade, land

Andrea JÖRDENS

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Abstract: *SPP XXII 95* (early 3rd century AD) is concerned with the leading priests of the sanctuary of Soknopaios, who were arrested on account of the

suspicious death of a clothes vendor. Their interrogations, however, brought no result, and now efforts are being made to have them released. In the present papyrus, the head of the office summarises the state of affairs in order to append it as a 'cover-letter' to the petition submitted to the *strategos*.

Keywords: murder, pre-trial detention, priests, Soknopaiou Nesos

Adam ŁAJTAR

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Abstract: The article presents a fragment of the cornice from the Ptolemaic Portico of the Hatshepsut temple at Deir el-Bahari discovered in 2021 in the fill of the Middle Kingdom tomb MMA 28. The fragment carries remnants of two dipinti in red ochre, of which one is illegible and the other preserves vestiges of the three first lines of the Greek inscription *I. Deir el-Bahari 196*. They show that the inscription was a *proskynema* (act of adoration) addressed to Amenotnes (Greek for Amenhotep son of Hapu). The name of the author cannot be read with certainty (perhaps Pe[---]); the text also mentions a certain Menodoros, who may be the father of the protagonist of the inscription or another man. In an appendix, a fragment of another text in Greek, probably originating from the south wall of the Bark Room of the main sanctuary of Amun is presented.

Keywords: Deir el-Bahari, Amenhotep son of Hapu, Greek inscriptions

Adam ŁUKASZEWICZ

Mark Antony and the date of the Inimitables. A remark on an edited text 223

Abstract: A Greek inscription on stone found in Alexandria in the nineteenth century and exhibited in the Alexandrian Greco-Roman Museum contains an unusual dedicatory text in honour of Mark Antony. The text was edited several times. It contains useful information which agrees with the passage of Plutarch on the lifestyle of Antony and Cleopatra, and their entourage. In this paper the author suggests the date 34–30 BC for the activity of the 'Inimitables' and adds a further commentary on the history of Antony and Cleopatra.

Keywords: Alexandria, Mark Antony, Cleopatra VII, Antyllus, 'Inimitables'

Grzegorz OCHAŁA

Nubica onomastica miscellanea V:

Reedition of two Old Nubian lists of names from Qasr Ibrim 233

Abstract: Unlike previous instalments of the 'Nubica onomastica miscellanea'-series which focused on correcting single names or phrases in Nubian texts, its fifth part brings the complete reedition of two more substantial

texts originally published by Giovanni Ruffini. The former is a list of witnesses to a deed of land sale (*P. Qasr Ibrim* IV 65) and the latter an account (*P. Qasr Ibrim* IV 80). While the main subject of the paper are personal names that can be found in the two documents, other elements, such as grammar, lexicon, and – especially for *P. Qasr Ibrim* IV 80 – the matter of the document are also duly treated. By identifying ghost-names in Ruffini's edition and proposing the identification of new Old Nubian substantives, the paper enhances our knowledge about the vocabulary of the language. Last but not least, the new interpretation of *P. Qasr Ibrim* IV 80, which – for the first time in medieval Nubia – appears to explicitly state the value of certain commodities in dirhams, is an important contribution to the studies on the monetisation of Nubian economy.

Keywords: medieval Nubia, Qasr Ibrim, Old Nubian documents, onomastics, ghost-names, account, Nubian economy

Joanna WILIMOWSKA

Sacred animal cult workers in the Ptolemaic Fayum 263

Abstract: In ancient Egypt sacred animals were served by specific categories of priests who fulfilled various functions and tasks. The aim of this article is to examine the evidence that concerns the activities of these priests within sacred animal cults in the Ptolemaic Fayum. This study identifies, analyses, and classifies the occupational titles of the priests and attempts to discover the full range of their duties, concentrating on their non-religious activities. This in turn will enable the role that they played in both local society and the economy to be explored.

Keywords: animal cult, priests, temple personnel, Egyptian temples, Ptolemaic period, Fayum area

Ewa WIPSZYCKA

Monks at work in Eastern Mediterranean: Ideals and reality 299

Abstract: The main question that the present paper tries to answer is as follows: since two discordant precepts concerning work were to be found in the New Testament, how did monks behave? One precept treated work as a duty, the other recommended not to care about one's maintenance. The monks followed in their behaviour either the first or the second precept. As a result of disputes that took place in the fourth century the opinion prevailed that work was the better choice. It is important for us to find out when and under what circumstances that choice was done by the majority of the monastic movement in the East. It is also important to see what arguments were used by the monks of Late Antiquity in order to settle the conflict between the two discordant precepts. This conflict worried many and caused a renewal of

a dispute that seemed to have been closed. Two ways of reasoning in favour of monastic work were generally used: monks might and should pray and work at the same time, satisfying both precepts; monks ought to work in order to be able to give alms, and this conferred to work a meaning that went beyond immediate usefulness. Praying and working at the same time was not always feasible in actual practice, but this did not bother authors of ascetic treatises.

Keywords: voluntary poverty, St. Anthony, Pachomius, Horsiese, Basil of Caesarea, Evagrius of Pontus, John Cassian, *melete*, Messalians, ‘wandering and begging’ monks, Rabbula, Syriac monastic rules, almsgiving