

Cotton, Hannah M.

Subscriptions and signatures in the papyri from the Judaean desert : the χειροχρηστής

The Journal of Juristic Papyrology 25, 29-40

1995

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez **Muzeum Historii Polski** w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Hannah M. Cotton

SUBSCRIPTIONS AND SIGNATURES
IN THE PAPYRI FROM THE JUDAEAN DESERT:
THE ΧΕΙΡΟΧΡΗΤΗC*

One of the recently published documents from the Judaeian desert, *XHεv/Se Gr* 5,¹ contains the conclusion to a land-declaration submitted in Rabbath Moab during the census held in the province of Arabia in 127 CE by the governor of the province, Titus Aninius Sextius Florentinus.² The conclusion contains two subscriptions: 1) a sworn subscription of the declarant X son of Levi; 2) an official subscription of the Roman prefect who received the declaration, dated to the 25th of April 127:³ The text reads as follows:

* The substance of this paper was presented to a seminar in the Department of Classics at Tel Aviv University in May 1995. I am grateful to the participants for their comments. I am greatly indebted to Professors Roger BAGNALL, Werner ECK and David WASSERSTEIN for commenting on earlier drafts of this paper.

¹ H. M. COTTON, 'Another Fragment of the Declaration of Landed Property from the Province of Arabia', *ZPE* 99, 1993, 115-122; cf. EADEM, 'Fragments of a Declaration of Landed Property from the Province of Arabia', *ZPE* 85, 1991, 263-267.

² See *P. Yadin* 16, ll. 11-13: ἀποτιμῆσεως Ἀραβίας ἀγομένης ὑπὸ Τίτου Ἀνευίου Σεξτίου Φλωρευτείου πρεσβευτοῦ Σεβαστοῦ ἀντιστρατήγου in N. LEWIS, *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri*, 1989. Henceforth 'Lewis'. For the reasons for believing that it was submitted at the same date and place as *P. Yadin* 16 see *ZPE* 99, 1993, 267.

³ The alternative date, 25 April 128, suggested in *ZPE* 99, 1993, 121 (see n. 1) is no longer tenable after the publication of the entire archive to which this declaration belongs, see H. M. COTTON, 'The Archive of Salome Komaise Daughter of Levi: Another Archive from the »Cave of Letters«', *ZPE* 105, 1995, 176.

XH_{ev}/Se 5 (see *ZPE* 99, 1993, Plate XIIIId).

μο[]ρ.[] traces]
 Λειουου ὄμνυμι τύχην κυρίου Καίσαρος κ[α]λῆ πίστει ἀπο-
 γεγράφθαι ὡς προγέγραπται μηθὲν ὑποστειλόμενος· ἐ[γ]ράφη διὰ⁴
 4 χειροχρήστου Οναινου Σαδαλλου· Ἐρμηνε[ε]σία ὑπογραφῆς τοῦ
 ἐπάρχου· Πρεΐσκος ὑπαρχος ἔδεχάμην πρὸ ἑπτὰ κα[λ]αυδῶν
 Μαίων·

“I, X son of Levi, swear by the *tyche* of the Lord Caesar that I have in good faith registered as written above, concealing nothing. Written by the χειροχρήστης Onainos son of Sa‘adalos. Translation of the subscription of the prefect: I, Priscus prefect, received [this] on the seventh day before the Kalends of May.”

Whereas the prefect wrote the original Latin subscription himself, the declarant did not write his subscription himself; but had it written for him by Onainos son of Sa‘adalos. This last person is called χειροχρήστης.

This is the earliest occurrence of the term χειροχρήστης in the Greek language, as far as I know. It is attested once in the fourth century CE, in Iamblichus, *V.P.* 161, where we find χειροχρήτων τιῶν λόγων translated in the lexicons as ‘manuals’, ‘handbooks’.⁵ More telling is the entry in (spurious) Athanasius (*Quaest. ad Ant.* 88 = *M.* 28.652B) that the χειροχρήστης is ὁ τὰ ἀλλότρια πιστευόμενος ἐπὶ τῷ διαδοῦναι τοῖς πένησι,⁶ that is a kind of trustee. The idea of representing someone else brings us closer to the function fulfilled by the χειροχρήστης in *XH_{ev}/Se Gr 5*; the latter’s function, however, is far more circumscribed.

I shall try to show here that χειροχρήστης in *XH_{ev}/Se Gr 5* stands for a precise and specific legal function,⁷ one not attested elsewhere for the bearer of

⁴ In the first publication διὰ τοῦ.

⁵ The apparatus (see *Deubner-Klein* 1975, p. 91) mentions a proposal by REINESIUS that the text be emmended to read πυθοχρήτων; although the proposal has been rejected in modern editions, the fact that it could be made is a pointer to the rarity of the term.

⁶ The argument there runs: καὶ ἕτερος ὁ χειροχρήστης, ὁ τὰ ἀλλότρια πιστευόμενος *i. e.* ‘and it is different in the case of him who ...’. The spelling χειροχρήστης here should be used to correct DU CANGE’s χειροχρήστοι: see *Glossarium ad Scriptores Mediae et Infimae Graecitatis*, p. 1748, *s. v.* χειροχρήστοι; also TJÄDER (n. 8), 452 mistakenly writes ὁ χειρόχρηστος.

⁷ Obscured by the present writer’s imprecise translations of the term in *ZPE* 99, 1993, 117: ‘scribe’; 118: ‘scribe, an *amanuensis*’.

this title before the middle (perhaps the end) of the sixth century CE. Only at this late date does it occur in Latin letters in a group of papyri from Ravenna.⁸ From the mid-eighth century it occurs again in this specific legal sense in Byzantine legal rules. In the papyri from Egypt this specific legal function is fulfilled by the *ὑπογραφεύς*.⁹ It is not without interest that the first and so far the only occurrence of *χειροχρήστης* in this specific legal sense before the Byzantine age should be in a papyrus written by a Jew from the province of Arabia and found in the Cave of Letters in Naḥal Ḥever.¹⁰

XḤev/Se Gr 5 is a copy of the original declaration as shown by the fact that the original subscription of the prefect, which was in Latin, is here missing, as well as by the fact that it is written by the same hand throughout.¹¹ The original was written in several hands and also in more than one language.¹² Because only traces of letters have survived of the line preceding the subscription of the declarant, X son of Levi, it is impossible to tell if the words *ἐρμηνεία ὑπογραφῆς* preceded also the first subscription; thus Onainos son of Sa'adalo may or may not have originally written the subscription in Greek.¹³

⁸ J.-O. TJÄDER, *Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 445-700 I*, Lund 1955: nos. 16 ('um 600?'), l. 34; 20 ('um 600?'), l. 72; 27 ('Mitte des 6. Jh.?'), 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.

⁹ Cf. E. RABEL, on *P. Bas.* 2, pp. 19-20. For the role of the *ὑπογραφεύς* see H. C. YOUTIE, 'ΥΠΟΓΡΑΦΕΥΣ: the social impact of illiteracy in Graeco-Roman Egypt', *ZPE* 17, 1975, 201-221.

¹⁰ There can be little doubt that most of the so-called *P. Se'elim*, to which *XḤev/Se Gr 5* belongs, originated in the caves of Naḥal Ḥever; see J. C. GREENFIELD, 'The Texts from Naḥal 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. TREBOLLE BARRERA and L. VEGAS MONTANER, Leiden 1992, 662.

¹¹ As is *P. Yadin* 16, which was written by the same hand throughout, see plate 13: the scribe seems to have sharpened his 'pencil' towards the end, which may explain Lewis' 'second hand' on pp. 65 and 67. See M. HOMBERT and Cl. PRÉAUX, *Recherches sur le recensement dans l'Égypte Romaine*, 1952, 85 and n. 4.

¹² Cf. *P. Yadin* 11, ll. 29-30, where only the translation of Judah's Aramaic subscription into Greek is found: 'the original copy of this loan, with Judah's signature in Aramaic was retained by the lender', Lewis, p. 42; contrast *P. Yadin* 27, which preserves an original receipt: the Aramaic subscription as well as its Greek translation preceded by the word *ἐρμηνεία* {ε} are found here, ll. 11-18.

¹³ See the Greek signatures of Nabataeans in *P. Yadin* 16, l. 16; 19, l. 34; for the plausible suggestion that Soumaios, the writer (not the scribe) of a Greek letter to two of Bar Kokhba's commanders, was a Nabataean see D. OBBINK, 'Bilingual Literacy and

This is of no consequence for our purpose, however, since it is maintained here that it is not *qua* scribe and/or translator that Onainos son of Sa'adalos is mentioned here. This claim can be supported by the verified copy of a complete declaration preserved almost intact in *P. Yadin* 16. I quote those parts of the outer text of *P. Yadin* 16 which are important for the present discussion:¹⁴

- ἐγγεγραμμένον καὶ ἀντιβεβλημένον ἀντίγραφον πιττακίου ἀπο-
 4 γραφῆς προκειμένης ἐν τῇ ἐνθάδε βασιλικῇ, καὶ ἔστιν ὡς
 ὑποτέτακται· ἐπὶ Αὐτοκράτορος Καίσαρος θεοῦ Τραιανοῦ Παρθικοῦ
 υἱοῦ θεοῦ Νέρονα νίωνοῦ Τραιανοῦ Ἀδριανοῦ σεβαστοῦ ἀρχιερέως με-
 8 ὑπάτων Μάρκου Γα(ου)λίου Γαλλικανοῦ καὶ Τίτου Ἀτειλίου Ρούφου Τιτι-
 ἀνοῦ πρὸ τεσσάρων νωνῶν Δεκεμβρίων, κατὰ δὲ τὸν τῆς νέας
 ἐπαρχείας Ἀραβίας ἀριθμὸν ἔτους δευτέρου εἰκοστοῦ μηνὸς Ἀπελ-
 λαίου ἑκκαίδεκάτῃ ἐν Ῥαββαθμωβοικ πόλει. ἀποτιμήσεως
 12 Ἀραβίας ἀγομένης ὑπὸ Τίτου Ἀνεινίου Σεξτίου Φλωρεντείνου
 πρεσβευτοῦ Σεβαστοῦ ἀντιστρατήγου, Βαβθα Cίμωνος Μωσζηνῆ τῆς
 Ζοαρηνῆς περιμέτρον Πέτρας, οἰκοῦσα ἐν ἰδίῳ ἐν αὐτῇ Μωσζα,
 ἀπογράφομαι ἃ κέκτημαι, συνπαρόντος μοι ἐπιτρόπου Ἰουδάνου
 16 Ἐλαζάρου κόμητος Ἀινγαδῶν περὶ Ἱερειχοῦντα τῆς Ἰουδαίας οἰ-
 κούντος ἐν ἰδίῳ ἐν αὐτῇ Μωσζα.¹⁵

Syrian Greek', *BASP* 28, 1991, 57, and H. LAPIN, 'Palm Fronds and Citrons: Notes on Two Letters from Bar Kosiba's Administration', *HUCA* 64, 1993, 115-116. The letter was first published by B. LIFSHITZ, 'Papyrus grecs du désert de Juda', *Aegyptus* 42, 1962, 240, no. 1 (= *SB* VIII 9843).

¹⁴ The inner text is composed of two lines (ll. 1-2), identical to ll. 3-5 of the outer text.

¹⁵ "Verified exact copy of a document of registration which is displayed in the basili-
 ca here, and it is as appended below.

In the reign of Emperor Caesar divi Traiani Parthici filius divi Nervae nepos Traianus Hadrianus Augustus pontifex maximus tribuniciae potestatis XII consul III, in the consulship of Marcus Gavius Gallicanus and Titus Atilius Rufus Titianus four days before the nones of December, and according to the compute of the new province of Arabia year twenty-second month Apellaios the sixteenth, in the city of Rabbath-Moab. As a census of Arabia is being conducted by Titus Aninius Sextius Florentinus, legatus Augusti pro praetore, I, Babtha daughter of Simon, of Maoza in the Zoarene [district] of the Petra administrative region, domiciled in my own private property in the said Maoza, register what I possess (present with me as my guardian being Judanes son of Elazar, of the village of En-gedi in the district of Jerico in Judaea, domiciled in his own private property in the said Maoza) ...".

33 ἐρμηνεία ὑπογραφῆς Βαβ-
θα Σίμωνος ὁμνυμι τύχην κυρίου Καίσαρος καλῆ πίστει ἀπογε-
γράφθαι ὡς προέγραπ[τα]. Ἰουδάνης Ἐλεάζαρου ἐπιτρόπευ[σ]α καὶ ἔγρα-
ψα ὑπὲρ αὐτῆς. ἐρμηνεία ὑπογραφῆς τοῦ ἐπάρχου Πρέϊσκος ἔπαρχος
ἰππέων ἐδεξάμην τῇ πρὸ μιᾶς νωνῶν Δεκεμβρίων ὑπατίας Γάλλι-
38 κ[αυ]ρῶ [καὶ Τιτιανο]ῦ.¹⁶

The copyist, whose name is missing, must have composed (not copied) lines 1-5 since they were not in the original declaration; they serve to confirm that this is a ‘verified exact copy’. Lines 5-17 give the time and place of the declaration, the name of the declarant and her address and the name of her guardian and his address. Lines 17-33, not cited above, constitute the main body of the land-declaration: the name, size and abutters of each one of the date-groves owned by Babatha in Maḥoza, and the taxes in money and kind which each date-grove paid. It is likely that lines 5-33 were originally composed in Greek, but we do not know who wrote them in the original declaration. Whoever did so was acting merely as a scribe and fulfilled no legal function. This is not the case with the subscription, which had to be written by the person submitting the declaration or by his representative.¹⁷ Judah (here Judanes), son of Eleazar Khthousion, Babatha’s second husband, wrote the subscription for her as her guardian (ll. 33-36). The term ἐπιτρόπευ[σ]α suggests that he wrote it for her not merely because she was illiterate,¹⁸ but also because she was a woman.¹⁹ Judah’s original Aramaic subscription was not reproduced

¹⁶ Translation of subscription: “I, Babtha daughter of Simon, swear by the genius of our lord Caesar that I have in good faith registered as has been written above. I, Judanes son of Elazar, acted as guardian and wrote for her. [2nd hand] Translation of subscription of the prefect: I, Priscus, prefect of cavalry, received [this] on the day before the nones of December in the consulship of Gallicanus and Titianus”.

¹⁷ See YOUTIE (n. 9), 212 and n. 28.

¹⁸ Elsewhere we hear: Ἐλεάζαρος Ἐλεάζαρου ἔγραψα ὑπὲρ αὐτῆς ἐρωτηθεὶς διὰ τὸ αὐτῆς μὴ εἶδέναι(ι) γράμματα, *P. Yadin* 15, ll. 34-5; see below.

¹⁹ It should be pointed out that the term ἐπίτροπος in the Greek of the Judaean Desert papyri is used both for the guardian of a woman as well as for that of a minor. In the Aramaic subscription, though, the guardian of a woman is called *adon* = κύριος: e.g. *P. Yadin* 15, l. 37: *yhw dh br ktwšyn 'dwn bbth*: ‘Judah son of Khthousion “lord” of Babatha’ (cf. H. J. WOLFF, ‘Le droit provincial dans la province romaine d’Arabie’ *RDIA* 23, 279-283). Hence the ἐπίτροπος of a woman here is no different from the κυριος in the Egyptian papyri. Judah’s ἐπιτρόπευ[σ]α καὶ ἔγραψα is paralleled by μετὰ κυρίου or κύριος ἐπιγέγραμμαι in the Egyptian papyri, see HOMBERT – PRÉAUX (n.

in the copy, only its translation into Greek preceded by *ἐρμηνεία ὑπογραφῆς* (Il. 33-36); nor was the original subscription of the Prefect, in Latin (written with his own hand), reproduced here: the words *ἐρμηνεία ὑπογραφῆς τοῦ ἐπάρχου* are followed by its translation into Greek (Il. 36-38).²⁰ It is patent that we have in the conclusion to Babatha's land-declaration the same sequence as in *XHev/Se Gr 5*.

Were Judah merely a scribe for Babatha, and not a 'legal representative', his name would not be mentioned in this verified copy of the declaration, where the names of all the scribes — if they had ever been in the original — are omitted, even that of the copyist himself. The same is true of the *χειροχρήστης* Onainos son of Sa'adalos of *XHev/Se Gr 5* who wrote for X son of Levi: his name is mentioned only because he fulfilled a specific legal function.²¹ Were he merely the scribe of the Greek translation of a subscription written in Aramaic,²² his name would not have been mentioned: the name of the Greek translator of the Prefect's Latin subscription is not mentioned. Perhaps this should be stated positively: it was obligatory for the name of the *χειροχρήστης*, like that of the *hypographeus*, to be there, if one was used.²³

11), 128 and n. 5. Here too as in Egypt though 'Il est impossible de réduire à une règle unique la capacité des femmes comme auteurs de déclaration', HOMBERT – PRÉAUX (n. 11), 159; cf. pp. 59-62.

²⁰ Thus accepting Babatha's own assessment of the taxes she owes the Roman government; see now B. ISAAC, 'Tax collection in Roman Arabia: new evidence from the Babatha Archive', *Mediterranean Historical Review*, 9, 1994, 256-266. For official handling of census declarations in Egypt, see HOMBERT – PRÉAUX (n. 11), 129-135 and R. S. BAGNALL – B. W. FRIER, *The Demography of Roman Egypt*, 1994, 26.

²¹ YOUTIE (n. 9), 210 speaks of the *hypographeus*'s 'special kind of responsibility', which I regard as 'a specific legal function'. For although the principal, as Youtie points out there, 'is responsible for the content of the subscription', the handwriting is that of the *hypographeus*, and 'he holds himself ready to testify to this fact and to the circumstances in which he put his service as a writer at the disposal of his principal', 211. In that respect he is not unlike the witnesses, who also have a legal function to perform. Only the scribe lacks any legal attributes and can, therefore, remain anonymous.

²² Jews in Arabia used Aramaic in their subscriptions, see Y. YADIN – J. C. GREENFIELD, 'Aramaic and Nabataean Subscriptions', in LEWIS (n. 2), 135ff.

²³ See YOUTIE (n. 9), 209: 'It was common practice for professional scribes to remain anonymous, but the hypographeis ... are never anonymous'; and further on: 'since it was obligatory that he [the *hypographeus*] give his name, his function was different from that of the usual anonymous scribe, and more significant', 210; cf. L. C.

X (son) of Levi was a male as *μηθὲν ὑποστειλάμενος* in l. 3 of *XHēv/Se Gr* 5 proves; from the deed of renunciation of 127 CE in the archive of Salome Komaïse daughter of Levi, we learn that she had a brother who recently died — probably the declarant X son of Levi.²⁴ The presence of a *χειροχρήστης* may be explained either by minority or by illiteracy. In what follows I shall try to show that it is more likely to have been caused by the latter.

It is precisely in cases of illiteracy or some other cause which prevents a person from writing a subscription himself that the *χειροχρήστης* — as the etymology of the term suggests — is provided for in Byzantine legal writings. A *novella* of the Empress Irene from 797-802 reads: *εἰ δὲ ὁ τὸ ἔγγραφον ποιῆσαι ἀπαιτούμενος ... ἀγράμματος ὑπάρχει ἢ ἐκ πάθους ἀδυνάτος ἔχει τοῦ γράφειν, προτάσσει αὐτὸν τὸν τίμιον σταυρὸν*²⁵ *καὶ τὰ λοιπὰ γράφεσθαι διὰ ταβουλαρίου ἢ νομικῶν ἢ ἐτέρων χειροχρήτων*.²⁶ The same procedure is to be followed in the case of witnesses' subscriptions.²⁷ Further on in the same *novella* it is said explicitly about witnesses that if they happen to be illiterate, they too should affix the holy cross and let the rest of their subscription be written by the *χειρόχρηται*.²⁸ In the *Ecloga legum* (740 CE) 5.2 it is said of the testator that he must write the name of his heir in the subscription to the will, either with his own hand or use a *χειροχρήστης* for that purpose: *τοῦ διατιθεμένου ὀφείλοντος διὰ τῆς ἰδίας ὑπογραφῆς ἢ διὰ χειροχρήστου τὸ ὄνομα τοῦ κληρονόμου ἐν αὐτῇ (scil. τῇ διαθήκῃ) ὑποσημειώσασθαι*.²⁹

YOUTIE, 'Hypographeis and witnesses of 2nd century Tebtunis', *ZPE* 19, 1975, 191-199; EADEM, 'Note on subscriptions', *BASP* 13, 1976, 81-84.

²⁴ COTTON (n. 3), 177-183, no. III.

²⁵ See RABEL (n. 9), 20 and YOUTIE (n. 9), 211, n. 25 for the use of a series of crosses by illiterate persons in Christian papyri; cf. e.g. *P. Mich.* XI 607 (569 CE): *Αὐρήλιος Μαγίστωρ Ὀρωνωγχείου ἀπὸ Ἀντι(νόου) ἀξιωθ(εῖς) [ἐγ]ραφα ὑπ(ὲρ) αὐτοῦ γράμμα(ατα) μὴ εἰδόςτος σταυρία τρία προβαλόντος τῇ αὐτοῦ χειρὶ*.

²⁶ 'And if he who wishes to make a written document ... happens to be illiterate or cannot write because of some ailment, let him make the holy cross and the rest will be written by the *tabularius*, the legal clerks or the other *chirocristai*', *Nov.* 27. 1, K. E. ZACHARIÄ VON LINGENTHAL, *Ius Graecoromanum* I, 1931, p. 48. ἢ ἐτέρων *χειροχρήστων* could also mean 'or the other (kind of clerks), namely the *χειρόχρηται*'.

²⁷ *καὶ εἰ μὲν ἐστὶν ἀναγκαῖον τὸ ὑπογράψαι τοὺς μάρτυρας, γενέσθω οὕτως*.

²⁸ *εἰ δὲ ἀγράμματοί εἰσιν, ποιείτωσαν τοὺς τιμίους σταυροὺς, καὶ τὰ λοιπὰ γραφέτωσαν διὰ χειροχρήτων*, *Nov.* 27. 2, *Ius Graecoromanum* I, p. 48.

²⁹ K. E. ZACHARIÄ VON LINGENTHAL, *Ius Graecoromanum* II, 1931, p. 30; IDEM, *Geschichte des griechisch-römischen Rechts*³, Berlin 1892 [1955], 150ff.; note the mistaken plural *χειρόχρηστοι* in n. 441 on p. 151 (above, n. 6).

As observed before, the term appears in Latin letters — as *chirocrista* — in several Byzantine papyri from Ravenna.³⁰ The most complete one, 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 freedwoman. The woman declares herself illiterate: *Quam donationis meae paginam ... Bono tabellioni huius civitatis Rav(ennae) ... dictavi, in qua subter propria manu pro ignorantia litterarum signum venerabilem s(an)c(t)ae crucis feci, et testibus a me rogitis optuli suscribendam* (ll. 55-60). The deed concludes with her signature: *Signum Sisiverae h(onestae) f(eminae), s(upra) s(crip)tae donatricis, omnia s(upra) s(crip)ta agnoscentis et consentientis cui et relecta est* (ll. 65-66, written by the scribe — *tabellio* — Bonus).³¹ Subscriptions of six witnesses follow. The first of them describes himself as both *testes* and *chirocrista*: *Armatus v(ir) d(evotus), scolar(is), huic chartulae donationis ... fact(a)e ... a s(upra)s(crip)ta Sisivera h(onesta) f(emina), donatrice, quae me praesente signum s(an)c(t)e crucis fecit, et coram nobis ei relecta [relecta] est, rogatus ab eadem ad signum eius roborandum testes et chirocrista suscripsi* (ll. 67-72). The other five witnesses use the same phrasing in this part of their subscriptions: *quae me praesente signum s(an)c(t)e crucis fecit, et coram nobis ei relictum est, rogatus ab eade[m] testis suscripsi* (ll. 78-80; 93-95; 100-102; 109-111; in Greek letters in ll. 87-9) — with the significant omission of the words: *ad signum eius roborandum ... et chirocrista suscripsi*. After the subscriptions of the six witnesses comes the scribe's subscription: *Bonus, tabellio civitatis Rav(ennatis), scribtor huius chartulae donationis portionis in integro fundi ... post roboratam a testibus atque traditam complevi et absolvi* (ll. 115-119).

A similar formula to that in no. 20 is used by the *chirocrista* in Tjäder, no. 16 (c. 600), ll. 33-34: *rogatus ab eodem ad signum eius ro[boran]do chirocrista suscripsi*.³² A different formula is preserved in Tjäder, no. 27 (middle of the sixth century?), where only the *chirocrista*'s subscription is preserved: *[ad signum eius incl]udendum testis et chir[o]crista sus[cripsi]* (l. 1).³³

Thus the function fulfilled by the *chirocristae* in the papyri from Ravenna is discrete and neatly distinguished from that of the scribe as well as from that of the other witnesses. He has the additional and concrete function of

³⁰ Above, n. 8.

³¹ TJÄDER (n. 8), 344, but see p. 477 on no. 27, l. 1.

³² In this case the word 'testis' is absent; I suppose that nevertheless he counted as a witness here too; unfortunately only two more subscriptions are preserved.

³³ See TJÄDER (n. 8), 477, attempting to explain the variation here.

establishing the sign of the holy cross made by the illiterate party to an agreement as his/her authentic signature: *ad signum eius roborandum*. Since the Byzantine legal rules quoted above are later than the documents just mentioned, they are likely to be repetitions of earlier rules:³⁴ they seem to have been implemented to the letter. They also bear a striking resemblance to the legal procedure observable in the documents from the Judaean Desert.

The χειροχρήτης in *XHev/Se Gr 5* is also, as we have seen before, to be distinguished from the scribe in being endowed with a legal power enabling him to write the only part of a census declaration which had to be written by the declarant himself/herself, namely the subscription with the oath engaging his/her good faith. I believe that, as in the Ravenna papyri, here too we have a case of illiteracy, rather than of minority: unlike Judah in *P. Yadin 16*, ll. 35-36, Onainos son of Sa'adalos is not said to be guardian of X son of Levi. Further proof for the distinction between the guardian and the χειροχρήτης (although the latter term does not appear there) seems to be contained in *P. Yadin 15*. This is a case of deposition against the guardians of Babatha's sons. Babatha's guardian for this matter, Judah son of Eleazar Khthousion, did *not* write the subscription for her; Eleazar son of Eleazar wrote it for her, since her illiteracy prevented her from doing it herself. The relevant lines are (ll. 31-35):

[ἐμαρ]τυροποιήσατο ἡ Βαβαθα ὡς προγέγραπται διὰ ἐπιτρόπου αὐτῆς τοῦδε τοῦ πράγμα[το]ς Ἰούδου Χ[ι]θουσίωνος ὃς παρὼν ὑπέγραψεν. (2nd hand) Βαβαθας Cίμωνος ἐμαρτυροποιησάμην κατὰ Ἰωάνου Ἐγλα Ἀ(βδ)αοβδα Ἐλλουθα ἐπιτρόπων Ἡσοῦς υ(ί)οῦ μου ὄρφανοῦ δι' ἐπιτρόπου μου Ἰούδα Χαθουσίωνος ἀκρο[λο]ύθως τες προγεγραμμένεσ ἐρέσασιν Ἐλεάζαρος Ἐλεάζαρον ἔγραψα ὑπὲρ αὐτῆς ἐρωτηθεὶς διὰ τὸ αὐτῆς μὴ ε(ι)δένα(ι) γράμματα.³⁵

³⁴ For example, *Just. Nov. 73. 8*, where, however, the term used is *ταβουλάριος*; see H. C. YOUTIE, 'Βραδέως γράφων: between literacy and illiteracy', *GRBS 12*, 1974, 253f. But see already Paulus in *Dig. 48. 2. 3. 2* (about the accuser in the case of adultery): 'Item subscribere debet is qui dat litteras se professum esse vel alius pro eo, si litteras nescit'.

³⁵ 'Babatha deposed as aforesated through her guardian for this matter, Judah son of Khthusion, who was present and subscribed. [2nd hand] I, Babatha daughter of Simon, have deposed through my guardian Judah son of Khthusion against John son of Eglas and 'Abdoöbdas son of Ellouthas, guardians of my orphan son Jesus, according to the aforesated conditions. I, Eleazar son of Eleazar, wrote for her by request, because of her being illiterate'.

It seems that *διὰ τὸ αὐτῆς μὴ εἶδέναι(ι) γράμματα* in Babatha's case does not mean that she could not write Greek,³⁶ but that she was illiterate in any language. A Greek subscription was not required: Judah son of Eleazar, her guardian, wrote his own subscription in Aramaic.³⁷ If Judah son of Eleazar did not write a subscription for Babatha, although he was her guardian and could write Aramaic, but Eleazar son of Eleazar did, then we have to look for some legal ground: evidently she was legally competent to do so, but incapable of doing so because of her illiteracy. This is where a *chirocrista*, not a guardian, steps in.

The *χειροχρήστης* of *XHев/Se Gr 5* is the direct ancestor of the *chirocrista* of the Ravenna papyri of the early seventh century and the *χειροχρήστης* of the Byzantine legal rules of the following century. He fulfilled a distinct and specific function, which is to be distinguished from that of the scribe on the one hand and from that of the guardian on the other. Precisely like the *hypographeus*, the *χειροχρήστης* is the one who writes the subscription for those who are legally competent to do so, but who happen to be illiterate (or otherwise incapable of writing), when a subscription and/or a signature in their own hand is required to render a document valid. He lends his hand, or rather someone else borrows his hand.

In fact we can see how the term *χειροχρήστης* came into being in *P. Oxy.* L 3593 (238-44 CE, 'Instructions to a Rhodian bank about a slave sale'), ll. 17-21 (cf. ll. 45-50): *Αὐ(ρ)ήλι(ο)ς[] Κ(υ)εῖντο[]ς Εἰλάρου χίρα [χ]ρη(σ)τάμενο[]ς παρὰ Μά(ρ)κου Αὐ(ρ)ηλίου Εἰρη(ν)ίου τοῦ καὶ Διο(ν)υσίου Ῥοδίου διὰ τὸ ἐμὲ ἀγράμματον ὑπάρχειν.*³⁸ The formula *χείρα χρησάμενος παρὰ δεινός* 'to borrow someone's hand' graphically describes the *ὑπογραφεύς*.³⁹ The next step would be to coin the term *χειροχρήστης*.

³⁶ As ia claimed by YOUTIE to be the case in Egyptian papyri: see 'ΑΓΡΑΜΜΑΤΟΣ: an aspect of Greek society in Egypt', *HSCPh* 75, 1971, 162-3; IDEM, 'Because they do not know letters', *ZPE* 19, 1975, 101-108; cf. R. S. BAGNALL, *Egypt in late Antiquity*, 1993, 256-7, n. 142.

³⁷ *yhwdh br ktwšyn 'dwn bbth bqmy hšrt bbth kkl dy 'l ktb yhwdh ktbh*: 'Yehudah son of Khthousion lord of Babatha: in my presence Babatha confirmed all that is written above. Yehudah wrote this', *P. Yadin* 15, l. 37; cf. YADIN and GREENFIELD in LEWIS (n. 2), 139-40.

³⁸ 'I, Aurelius Quintus son of Hilarus, having borrowed the handwriting of M. Aurelius Eirenion also called Dionysius, Rhodian, because I am myself illiterate ... '.

³⁹ Pointed out by H. C. YOUTIE in 'A Rhodian auction sale of a slave', *ZPE* 15, 1974, 146-7.

Similar formulae expressing the idea of borrowing someone else's hand on account of illiteracy occur in two legal contracts from the Aramaic Near East.⁴⁰ Recently the late J. C. Greenfield, in discussing illiteracy and subscriptions in Semitic legal documents, has drawn attention to the occurrence of the formula in a fourteen-line funerary inscription from Palmyra which is a copy of a legal document conceding the ownership of part of a tomb.⁴¹ After the date, September 214, we read:

*ywlys 'wrllys ydy 'bl dy mtqr' mzbñ' br ywlyws 'wrllys 'ninws 'š'lt ktb ydy
lywlyws br 'wrllys 'gylw br 'prḥt br 'hry zbdbwl bdyldy l' yd' spr* (ll. 2-4).

'Iulius Aurelius Yedī'bel who is called Mezabannā, son of Iulius Aurelius Anīnōs, I have lent my hand to Iulius son of Aurelius 'Ogeilū, son of Afraḥat freedman of Zabdibōl, because he did not know writing.⁴²

These lines of the Palmyrene inscription help us in interpreting a difficult line in one of the so-called *P. Ṣelim* group (above, n. 10) from 134 or 135 CE: *XḤev/Se Gr* 13. This Aramaic document is interpreted by the editor as a quit-tance given by a woman, Shlamzion daughter of Yehosaph, on the occasion of her divorce.⁴³ The subscription in ll. 9-12 reads:

*wqym 'lh 'n' šlmzīn kwl dy 'l k[t]b šlmzīn brt yhwšf 'l nḥšh š'lh ktb mtt
b[r] šm'wn mmr'.*

I Shlamzion stand by everything that is written above. Shlamzion daughter of Yehosaf in person. She is borrowing the writing of Matat son of Shimeon (who wrote) what she said.⁴⁴

⁴⁰ See now H. COTTON, W. COCKLE and F. MILLAR, 'The Papyrology of the Roman Near East: A Survey', *JRS* 85, 1995, 214-235.

⁴¹ »Because he/she did not know letters«: remarks on a first millennium CE legal expression', *Journal of Near Eastern Studies* 22, 1993, 39-44.

⁴² H. INGOLT, 'Palmyrene inscription from the tomb of Malkū', *Mélanges de l'Université Saint Joseph* 38, 1962, 106-7.

⁴³ A. YARDENI, *Naḥal Se'elim Documents*, 1995, no. 13, pp. 55-60. (Hebrew).

⁴⁴ I have taken *ktb* to be in the construct-state, i. e. 'the writing of'; if *ktb* is taken to be in the absolute state, i. e. 'the writing', then a period should follow *ktb*, and the translation will be: 'She is borrowing the writing. Matat son of Shimeon (wrote) what she said'. In the absence of parallels it is hard to know which is better. I am very grateful to Dr. Stephen FASSBERG for his help.

The expression 'in person' — *l nḡšh* — implies that the principal 'was one of the parties to the deed',⁴⁵ even when he or she did not write the subscription himself or herself. It indicates his or her presence when the subscription was written.⁴⁶ The editor of the papyrus has now adopted the translation offered above for *š'lh ktb*.⁴⁷ As Dr. Ada Yardeni herself has pointed out to me, the same hand which wrote *š'lh ktb* also wrote *mtt b[r] šm'wn mmr'*. In other words Matat son of Shimeon must have written both *š'lh ktb* and *mtt b[r] šm'wn mmr'*. It is, therefore, better to take *š'lh* as a verb: 'is borrowing' and *ktb* as a noun: 'writing' rather than understanding *š'lh* to be a name and translating the entire phrase as '*š'lh* wrote it'. Shlamzion daughter of Yehosaf did precisely what Aurelius Quintus son of Hilaros did in *P. Oxy.* L 3593 quoted above: she borrowed a hand, that of Matat son of Shimeon to write for her.

Thus the same graphic notion of 'borrowing someone else's hand' appears both in Greek and in Aramaic. In Greek, though, at some point, the further step was taken of coining the descriptive term *χειροχρητήτης* for the person whose hand was borrowed, but this is attested for the first time in an Aramaic speaking environment, in *XHev/Se Gr* 5.⁴⁸

[Jerusalem]

Hannah M. Cotton

⁴⁵ See Y. YADIN, 'Expedition D — the Cave of the Letters', *IEJ* 12, 1962, 253 on the expression *l nḡšh* in the Judaean Desert documents; cf. M. R. LEHMANN, 'Studies in the Murabba'at and Naḥal Hever documents', *Revue de Qumran* 4, 1963, 65; P. J. SIEPSTEIN, 'A note on P. Murabba'at 29', *IEJ* 34, 1984, 49-50.

⁴⁶ As is implied by 'at the request' of the principal and 'in his presence' in Greek subscriptions, see YOUTIE (n. 9), 211 and n. 26, and above n. 18.

⁴⁷ See YARDENI (n. 43), p. 57, l. 11 and p. 60.

⁴⁸ Perhaps the *χειρ* in *P. Yadin* 18, l. 76: '... [...]τιτος χειρ (unfortunately not reproduced in Plate 19; I have looked at the photograph of the papyrus) is an abbreviation of *χειροχρητήτης*, and 'the raised horizontal line' is a 'sign of abbreviation'; *contra* Lewis, 82, who admits though that 'the end of the line clearly does not have *μάρ(τυς)*'.

For the Aramaic speaking environment of the papyri from Naḥal Hever see now, A. WASSERSTEIN, 'Non-hellenized Jews in the semi-hellenized East', *Scripta Classica Israelica* 14, 1995, 111-137, and 123, n. 36 (specifically on the papyri from the Judaean Desert).