



TYCHE

Beiträge zur Alten Geschichte
Papyrologie und Epigraphik

Herausgegeben von

Gerhard Dobesch, Hermann Harrauer
Peter Siewert und Ekkehard Weber

Band 18, 2003

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H O L Z H A U S E N

Herausgegeben von:

Gerhard Dobesch, Hermann Harrauer, Peter Siewert und Ekkehard Weber

Gemeinsam mit:

Wolfgang Hameter, Bernhard Palme und Hans Taeuber

Unter Beteiligung von:

Reinhold Bichler, Herbert Graßl, Sigrid Jalkotzy und Ingomar Weiler

Redaktion:

Franziska Beutler, Sandra Hodeček, Bettina Leiminger, Georg Rehrenböck
und Patrick Sängler

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e-mail: hans.taeuber@univie.ac.at oder Bernhard.Palme@onb.ac.at
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J. DAVID THOMAS

The *subscriptions* in PSI IX 1026 and P.Oxy. XLVII 3364

In one of his last articles the late John Mann wrote about *Honesta Missio from the Legions*¹. In the course of his article he had occasion to consider PSI IX 1026. This is a Latin papyrus containing a sworn attestation of a petition to the governor of Syria Palaestina with his *scriptio*. The attestation, as is normal, includes two copies of the petition, which was sent by veterans originally from the Misene Fleet but subsequently transferred into the legion X Fretensis. Since they wished to return to live in Egypt after their discharge (which explains why the papyrus was found in Egypt), they ask the governor to attest that they had been discharged not from the fleet but from the legion, so that they might enjoy suitable privileges. This the governor agrees to do in his *scriptio*, dated 22 January 150, which is included in PSI IX 1026 at the end of both copies of the petition.

Mann quotes the final sentence of this (on p. 156) as *sportulam et instrumentum dabo proxime*. His comment on this sentence in the next paragraph indicates that he realised that it posed something of a problem: „The words *dabo p[roxim]e* probably refer rather to the *sportula* ... than to the *instrumentum*, for the *instrumentum* is not some further, separate document: the *instrumentum* is the *libellus* together with the legate's *scriptio*“². This is correct and, as Mann implies, it would have been nonsense for the governor to say that he would issue an *instrumentum* in the near future (which I take to be the force of *proxime* here) in a sentence which itself formed part of the *instrumentum* in question. In fact this is not a problem, since the governor did not use the word *proxime*, as we shall see.

As noted above, the text exists in two copies, labelled A and B by Girolamo Vitelli in the *editio princeps*. One, the outer copy, was written in the lower half of the sheet of papyrus; this is Vitelli's A. The other, the inner copy, was written above it, then rolled up and sealed; this is Vitelli's B. The correct explanation of the diplomatic of the text was given by Ulrich Wilcken in APF 9 (1930) 80–81 and was accepted by Vitelli in an addendum to the papyrus in PSI IX, p. 49³. Vitelli also published a version C, which he made up from the two copies preserved on the papyrus. For the word following *dabo* Vitelli read *pr...e* in A 24 and *pr[...].e* in B 16. In a critical note (p. 45) he suggested that the letter before *e* was either *i* or *n*, and that the word intended

¹ See J. C. Mann in: G. Alföldy, B. Dobson, W. Eck (edd.), *Kaiser, Heer und Gesellschaft in der Römischen Kaiserzeit = Gedenkschrift für Eric Birley*, Stuttgart 2000, 153–161.

² It will be noted that on the first occasion Mann gives *proxime* in full but on the next occasion he implies that almost the whole word is a restoration. Why this has happened will become clear from the following discussion.

³ See also Mann (p. 156): „The papyrus which we have is a copy of the *libellus* and *scriptio*, together with the names of seven men, ... who attest the accuracy of the copy“.

may have been *proprie*⁴. Wilcken, in the note just cited, suggested *propone*. This is undoubtedly correct. What is very odd is that Wilcken's suggestion should have failed to be incorporated into any subsequent publication of the text, of which there have been at least six, and does not always appear in the *app. crit.* as a possibility⁵.

PSI IX 1026 was first republished by Herbert Nesselhauf in 1936 as CIL XVI p. 146 no. 13. This republication gives a single copy of the text only, in essence following Vitelli's version C, i.e. reading *p.....e*⁶. The next republication was by Robert Cavenaile in 1958 as CPL 117 (with a useful bibliography). He records *pr....e* in A 24 and *pr[...].e* in B 16, i.e. he follows exactly the reading in the *ed. pr.* (and he also repeats Vitelli's version C). In his apparatus Cavenaile records three suggestions: *p[ropon]e* Wilcken, *p[ropri]e* Vitelli, and *p[roxim]e* William Seston and Attilio Degrassi⁷. A further republication was by Sergio Daris in 1964 in his *Documenti per la storia dell'esercito romano in Egitto*. As his no. 98 he gives the full text of both A and B, while as his no. 83 he gives the texts of both versions of the *subscriptio* only. In all four places he reads *pr[oxim]e*. However, in the *app. crit.* to no. 83 he records *pr[oxim]e* Seston and Degrassi, *pr[o]pon]e* Wilcken, and *pr[opri]e* Vitelli. The text was again republished in 1966 by E. Mary Smallwood, as no. 330 in her *Documents illustrating the Principates of Nerva, Trajan and Hadrian*; she explicitly describes her text as Vitelli's version A „with some supplements and corrections from B“. She reads *pr....e* and does not give an *app. crit.*

The text is also included in Vol. I of Richard Seider's *Lateinische Papyri* as no. 33, with Plate XVI. His transcription follows that of Vitelli's version C, i.e. he reads *p.....e*, and has no relevant *app. crit.*⁸. The most astonishing republication is the latest, that by Robert Marichal in 1986 as ChLA XXV 784. At A 24 he reads *pr[oxim]e* and at B 16 *proxim]e*, mentioning in his apparatus that Vitelli suggested *p[ropri]e* and Degrassi, Seston and Daris *p[roxim]e*. There is no mention of *propone*, even though Wilcken's article is cited in the bibliography.

None of these republications offers any discussion. For this we must turn to the article on the papyrus which William Seston wrote soon after the appearance of PSI IX⁹. He knew and accepted Wilcken's explanation of the diplomatic of the papyrus, but strangely wished to argue that the petition with its *subscriptio* was displayed in

⁴ In his version C Vitelli printed only *p.....e*.

⁵ This important text has been frequently studied. The most thorough and up-to-date bibliography is to be found in ChLA XXV 784. I do not claim to have looked at all the works there cited, but I have tried to look at all those which republish the text or which comment on the reading of the *subscriptio*.

⁶ Nesselhauf remarks „*varias lectiones scripturae interioris et exterioris non exhibuimus*“.

⁷ For the articles by Seston and Degrassi see below. It is strange that editors generally should vacillate between *pf* at the start of the word and *prf*. They have presumably been misled by Vitelli's version C, although his readings in both A and B make it quite clear that he read *pr* at the start of the word without any doubts.

⁸ His plate, which gives only a small section of the papyrus, does not include the last word of the *subscriptio*.

⁹ In *Rev.Phil.* 59 (1933) 375–395.

Alexandria not Caesarea¹⁰. In the course of arguing this point of view he accepted that, if *propone* were correct, it would be a strong argument in favour of the text's having been displayed in Caesarea. But he continued „cette restitution ne s'impose pas, car d'autres sont possibles: les éditeurs avaient proposé *pr[oprie]* en donnant à ce mot le sens de *ad personam*, ... mais on pourrait songer à un mot moins riche de sens: *pr[oxime]*“ (pp. 379–380). This would appear to be the sole origin of the reading *proxime*, which Seston clearly only puts forward as one possible solution. Degrassi was more definite: „vorrei dire sicura l'integrazione *pr[oxim]e* di fronte a *pr[opon]e* o *pr[opri]e* propositi degli editori“¹¹. However, he offers no argument for this view, and it is remarkable that *proxime* should have been accepted so readily.

The entries in the *Berichtigungsliste* for PSI IX 1026 do not record any suggested readings for individual words. This is no doubt because of a too literal interpretation of the full title of the work, *Berichtigungsliste der griechischen Papyrusurkunden aus Ägypten*, and hence the exclusion of emendations to texts in Latin. Happily, this exclusion no longer applies, but the change has not been made retroactive.

Of the three suggested readings it is quite certain that *propone* is the one we must choose. We have already seen the difficulty with the sense produced by *proxime*. Vitelli's suggestion *proprie* would make somewhat better sense: his note suggests as the meaning „darò a voi *ad personam*“¹². But *propone*, meaning „display publicly“, is exactly what we require¹³. The real reason, however, why we must follow Wilcken is that this is what the papyrus reads, as Vitelli acknowledged: in n. 2 to p. 81 of his article Wilcken states, with regard to *propone*, „von Vitelli bestätigt, der mir schrieb, daß auch Hunt ihm dies vorgeschlagen hat“¹⁴. Lest any doubt should remain, I asked Rosario Pintaudi to check the original, which is now in the Laurentian Library. This he was kind enough to do and reports „Wilcken aveva ragione. In A 24 *propone* è chiaro. Soltanto la [first] *o* è ridotta a un punto, la seconda *p* è piccola ma sicura. Anche in B 16 *pr[opo]ne*“ (letter of 1 March 2004).

Given all this it is not in the least surprising that non-papyrologists using this important text should have been unaware that the correct reading is *propone*. This, as we have seen, even escaped Mann, although he was generally very much alive to the papyrological evidence and to correction to readings¹⁵. Wilcken's suggestion *propone* is certain and the purpose of this note is merely to draw this to the attention of papyrologists and non-papyrologists alike.

¹⁰ Despite Degrassi's support (see the next note), this is certainly wrong. Vitelli correctly assumed in the *ed. pr.* that the text was to be displayed in Caesarea; so Marichal in ChLA.

¹¹ Riv.Fil. (RFIC) 12 (1934) 194–200; the quotation is from p. 195. Degrassi also accepts Seston's view that the papyrus was displayed at Alexandria.

¹² See also the passage from Seston quoted in the text.

¹³ Cf. the description of the text as *proposito* (lines A 1, B 1).

¹⁴ In Hunt's copy of PSI IX 1026, in the Sackler Library, Oxford, he has added in pencil „*propone*? A.D.H. Yes V.“.

¹⁵ Thus he correctly gives the name of the procurator in PSI IX 1026 as Velius Fidus (p. 156), referring to John Rea's correction of the reading of the papyrus in ZPE 26 (1977) 217. The incorrect reading of the name as Vilius Kadus is repeated in all the other versions of the papyrus quoted in this article.

It is also worth drawing attention to the preceding words of the *scriptio*, although I cannot solve the problem which they pose. A 24 has *sportulam dabo*, whereas B 16 has *et instrumentum dab[.]*. Vitelli has put the two versions together in his version C to produce *sportulam et instrumentum dabo*, and this seems nowhere to have been queried. There is no doubt that the readings are correct. What is remarkable is the double error: version A omitting *et instrumentum* and version B omitting *sportulam*. A misreading in one or other version would seem to be out of the question¹⁶. *Non liquet*.

The other *scriptio* I wish to consider is preserved in an Oxyrhynchos papyrus which I first edited in JEA 61 (1975) 201–221, with Plate XXVII. The text was subsequently republished as P.Oxy. XLVII 3364¹⁷. It contains a petition submitted to the prefect of Egypt with at the foot, in a different hand, the prefect's *scriptio*; the *scriptio* is dated 25 February 209. In my edition I read/restored the *scriptio* (lines 44–45), after the date and κόλλημα number, as follows: ὁ στρα[τηγὸς τὰ προσήκοντα ποι]ήσει τοῖς μέρεσιν αὐτ[οῦ], basing my suggestion on BGU II 648.26 = W.Chr. 360. Recently the similarity of what remains in P.Oxy. XLVII 3364 with the *scriptio* in P.Lips. II 145 recto 69–70, ὁ στρατηγὸς ἐντευχθεὶς τοῖς ἰδίοις μέρεσιν οὐκ ἐνδεήσει, has led the editor, Ruth Duttonhöfer, to suggest (p. 180) that P.Oxy. XLVII 3364 is more likely to have read ὁ στρα[τηγὸς ἐντευχθεὶς οὐκ ἐνδε]ήσει τοῖς μέρεσιν αὐτ[οῦ]. This has a good chance of being right¹⁸.

After the above words, on a separate line, is some writing which I read βελλη. This is indeed what the writing most resembles if it is Greek. But of course it makes no sense at all. What we need at this point is an instruction from the prefect to his office as to the action to be taken, either to return the petition to the petitioner (ἀπόδοξ) or to display it publicly (πρόθεξ)¹⁹. If the petition was returned, what survives in P.Oxy. XLVII 3364 ought to be the actual petition submitted with the prefect's *scriptio* added, which is what I originally suggested²⁰. This was challenged by Rudolf Haensch and I am now sure that his view is correct: what we have is a copy kept by the petitioner of the petition he had submitted, on which he (or someone acting for him) copied at the foot the *scriptio*, once this had been issued by the prefect²¹. The

¹⁶ It is not clear what is meant by *sportula* in this context. Seston's suggestion that the word is ironic (*op. cit.* n. 9, 382f.) is farfetched. The best discussion is by Degraffi, *op. cit.* (n. 11) 200. See also Mann, *op. cit.* (n. 1) 156.

¹⁷ A digital image is now available at <http://www.csad.ox.ac.uk/POxy/>.

¹⁸ Unlike her suggestion on p. 184, note to P.Lips. II 145 verso 73–74, to read ἔτι δὲ καὶ ἐν λ[ο]γίας ποιεῖσθαι in P.Oxy. XLVII 3364.36. Although λογίας is attractive for the reasons she gives, the proposed reconstruction would seem to leave ἐν without any construction.

¹⁹ See my article *Subscriptiones to petitions to officials in Roman Egypt* in: E. Van 't Dack et alii (edd.), *Egypt and the Hellenistic World*, Leuven 1983, 377–381. P.Lips. II 145 recto 70 has, after the words quoted above, ἀπόδοξ.

²⁰ See JEA 61, 201f.; but cf. my comments in the note to line 23 (p. 208).

²¹ Haensch's important article on petitions from Egypt was published in ZPE 100 (1994) 487–546. For the point made here see p. 528 n. 13: „Gegenüber der These, es handele sich um das Original der Petition, ist die zweite von Thomas ... erwogene Alternative — eine Kopie des Originals, bei der man die subscriptio später ergänzte — zu bevorzugen. Daß die subscriptio

papyrus has the look of a copy; in particular the hand in which the *subscriptio* is written is rather inelegant and not like the hand we should expect if it had been written in the prefect's office²². But we need not rely simply on the look of the papyrus. Although either ἀπόδος or πρόθεσ could be used in prefectorial *subscriptio*es in the second century, Haensch has demonstrated that from 207 onwards there is no example in which the prefect wrote ἀπόδος at the foot of petitions, giving instructions to his office to return the petition (with *subscriptio*) to the petitioner, but wrote instead πρόθεσ, instructing the office to display the petition publicly²³. By 209, therefore, the date of P.Oxy. XLVII 3364, it is very unlikely that the original petition was being returned to the petitioner. It follows that P.Oxy. XLVII 3364 must be a copy kept by the petitioner to which the *subscriptio* was added subsequently, copied down from the petition and *subscriptio* which had been publicly displayed.

Therefore, what we should have at this point is πρόθεσ. Now, we certainly do not have πρόθεσ; but I suggest, though with some hesitation, that what we may have is the Latin equivalent *propone*. There is, as we have just seen, one papyrus in which *propone* is used by a provincial governor at the end of his *subscriptio* to a petition. Since, however, PSI IX 1026 is not from Egypt and is written wholly in Latin, it is not a conclusive parallel for my suggestion in P.Oxy. XLVII 3364. There are two examples of petitions sent to provincial governors where the petition and the *subscriptio* are written in Greek, but with a single word added in Latin at the foot by the issuing authority: one is a papyrus from Syria, dated to 245, = SB XXII 15496²⁴; the other is ChLA III 201²⁵. Neither, however, uses the word *propone*. SB 15496 is a petition to the provincial governor, which has *legi*, plus what is presumably a registration number, added at the foot. ChLA III 201 is a petition to the prefect of Egypt, together with his *subscriptio* and the registration mark, all in Greek; at the side of the *subscriptio*, has been added *recognoui*²⁶. Thus in both texts the words are used to authenticate the

von einer zweiten Hand geschrieben wurde, erklärt sich leicht damit, daß der Petent jemanden damit beauftragte, die *subscriptio* für ihn zu kopieren“.

²² The fact that the verso was used subsequently for a list of inhabitants of Oxyrhynchos (JEA 61, 201 n. 1) may support this.

²³ See especially p. 503: „Als Folge der neuen Publikationsweise ersetzte der Befehl πρόθεσ ... die Aufforderung ἀπόδος“. This is true even though Haensch's view now needs some modification. A papyrus recently published by Amphilochios Papatomas in Akten des 21. Internationalen Papyrologenkongresses = APF Beiheft 3. II, Stuttgart, Leipzig 1997, 765–779 (now = SB XXIV 15915) unexpectedly shows that πρόθεσ, plus a κόλλημα reference, was being used as early as 164; see Papatomas' comment on p. 767.

²⁴ First published by Denis Feissel and Jean Gascou in CRAI for 1989 as papyrus no. 4 on pp. 545–552. Feissel and Gascou re-edited the text in Journal des Savants 1995, 67–84, and it is this text which is republished as SB XXII 15496; see also Tor Hauken, *Petition and Response*, Bergen 1998, pp. 336–338.

²⁵ Haensch (p. 503 n. 55) refers to the petition from Syria, but ChLA III 201 has escaped him. His statement therefore that there is no example of a petition [from Egypt] in Greek and with a Greek *subscriptio* which has „ein lateinischer Kontrollvermerk“ is incorrect.

²⁶ In the edition the papyrus is dated to 179, but this has been challenged: see BL VIII 82, with reference to E. G. Turner in JRS 56 (1966) 255. The question is complicated, as is the question whether ChLA III 201 is an original or a copy. Both need a fuller discussion than is possible here. The text is included in S. Daris, *Documenti per la storia dell'esercito romano in Egitto*, Milan 1964, as no. 106.

scriptio, not to give instructions to make it public. There are several other papyri which have *recognoui* or *legi* at the foot, but they are written wholly or partly in Latin and are thus of less value as parallels for P.Oxy. XLVII 3364²⁷. Haensch (pp. 503f.) refers to them as „standardisierten“ petitions and makes the interesting observation that in them „übernahm ein Kontrollvermerk *legi* oder *recognovi* die Funktion des Publikationsbefehls“. There is one other text which may provide a better parallel for *propone*: ChLA XLI 1196.17 = P.Cair.Masp. I 67031. At the foot of a Greek text we have *proponatur*, before a date in Latin²⁸. The relationship between *propone* and *proponatur* is very similar to that between $\pi\rho\acute{o}\theta\epsilon\varsigma$ and $\pi\rho\tau\epsilon\theta\acute{\eta}\tau\omega$. The latter is found in a few documents, one of which is a petition to the *catholicus* with his *scriptio*: P.Lond. III 1157 verso 26 (p. 109) = W.Chr. 375 (246)²⁹. However, ChLA XLI 1196 is from a much later period than P.Oxy. XLVII 3364³⁰, and the word is not used at the foot of a petition but of instructions from the *dux et augustalis* of the Thebaid³¹.

It has to be admitted that *propone* is a far from easy reading. The final *e* is indeed not difficult to read as the cursive Latin *e* used at this date, and the initial *p* is reasonably satisfactory if we assume that it is written in the capital form with a loop, as is common; *r* after this looks feasible to me, as does *n* before the final *e*. The letters in between, however, *opo*, can only be justified by some special pleading. The *scriptio*, as remarked above, is written in a rather inelegant hand. I suggest that the petitioner, or someone acting for him, took the papyrus with a copy of the petition on it to the place where the prefect had ordered petitions and his *subscriptions* to be displayed publicly (somewhere in Alexandria?). He then copied onto the petition the *scriptio*. This was all right where the prefect was using Greek, but where there was a word in Latin, the petitioner, who knew no Latin, tried to draw the characters as they appeared to him³². If this is accepted, we can, I suggest, offer a palaeographical explanation which will allow us to read *propone*. The reading is by no means certain (unlike *propone* in PSI IX 1026), but it is, I believe, sufficiently plausible to be worth serious consideration.

39 Wearside Drive
GB-Durham DH1 1LE

J. David Thomas

²⁷ As Haensch remarks (p. 503 n. 55), it is hard to see what difference (if any) there is between the use of the two words. Feissel and Gascou, *Journal des Savants* 1995, 79f., discuss the use of these words and state that they know of seven examples (in addition to SB XXII 15496) of the use of one or other of them (add now P.Thomas 20.11 (269/70), where *legi* is restored).

²⁸ In fact the papyrus reads *proronatur*, which must be just a slip by the scribe, as suggested by Hunt, P.Oxy. VIII 1106.9n.

²⁹ Other documents in which $\pi\rho\tau\epsilon\theta\acute{\eta}\tau\omega$ is used include P.Oxy. I 34 verso ii 16 and iii 14 = M.Chr. 188 (127), and XXXVI 2754.13 (111), prefectorial edicts.

³⁰ See T. Dorandi, in the introd. to ChLA XLI 1196, who follows Rémondon in dating it (probably) to 543–545.

³¹ As such it is comparable to the use of $\pi\rho\tau\epsilon\theta\acute{\eta}\tau\omega$ at the foot of prefectorial edicts (see n. 29).

³² Cf. Haensch's comment on the text published by Feissl and Gascou (p. 503 n. 55), which he regards, with the editors, as a copy not an original: „das '*legi*' muß keineswegs vom Statthalter selbst stammen, möglicherweise hat der Schreiber dieser Kopie ... nur den Ductus des Kontrollvermerks nachgeahmt“.